

**ACTS
OF THE
GENERAL ASSEMBLY**



2014 REGULAR SESSION

VOLUME I

VOLUME II

ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF VIRGINIA

2014 REGULAR SESSION

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ACTS OF THE GENERAL ASSEMBLY

2014 REGULAR SESSION

CHAPTER 1

An Act to amend and reenact § 58.1-301 of the Code of Virginia, relating to income tax; enhanced earned income tax credit.

[H 1085]

Approved February 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-301 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-301. Conformity to Internal Revenue Code.

A. Any term used in this chapter shall have the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes, unless a different meaning is clearly required.

B. Any reference in this chapter to the laws of the United States relating to federal income taxes shall mean the provisions of the Internal Revenue Code of 1954, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes, as they existed on January 2, 2013, except for:

1. The special depreciation allowance for certain property provided for under §§ 168(k), 168(l), 168(m), 1400L, and 1400N of the Internal Revenue Code;

2. The carry-back of certain net operating losses for five years under § 172(b)(1)(H) of the Internal Revenue Code;

3. The original issue discount on applicable high yield discount obligations under § 163(e)(5)(F) of the Internal Revenue Code;

4. The deferral of certain income under § 108(i) of the Internal Revenue Code. For Virginia income tax purposes, income from the discharge of indebtedness in connection with the reacquisition of an "applicable debt instrument" (as defined under § 108(i) of the Internal Revenue Code) reacquired in the taxable year shall be fully included in the taxpayer's Virginia taxable income for the taxable year, unless the taxpayer elects to include such income in the taxpayer's Virginia taxable income ratably over a three-taxable-year period beginning with taxable year 2009 for transactions completed in taxable year 2009, or over a three-taxable-year period beginning with taxable year 2010 for transactions completed in taxable year 2010 on or before April 21, 2010. For purposes of such election, all other provisions of § 108(i) of the Internal Revenue Code shall apply mutatis mutandis. No other deferral shall be allowed for income from the discharge of indebtedness in connection with the reacquisition of an "applicable debt instrument";

5. The amount of the deduction allowed for domestic production activities pursuant to § 199 of the Internal Revenue Code for taxable years beginning on or after January 1, 2010. For Virginia income tax purposes, two-thirds of the amount deducted pursuant to § 199 of the Internal Revenue Code for federal income tax purposes during the taxable year may be deducted for Virginia income tax purposes for taxable years beginning on and after January 1, 2010. For taxable years beginning on and after January 1, 2013, the entire amount of the deduction allowed for domestic production activities pursuant to § 199 of the Internal Revenue Code may be deducted for Virginia income tax purposes; and

6. For taxable years beginning on or after January 1, ~~2013~~ 2018, the provisions of § 32(b)(3) of the Internal Revenue Code relating to the earned income tax credit.

The Department of Taxation is hereby authorized to develop procedures or guidelines for implementation of the provisions of this section, which procedures or guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

2. That an emergency exists and this act is in force from its passage.

CHAPTER 2

An Act to amend and reenact § 58.1-301 of the Code of Virginia, relating to income tax; enhanced earned income tax credit.

[S 288]

Approved February 20, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-301 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-301. Conformity to Internal Revenue Code.

A. Any term used in this chapter shall have the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes, unless a different meaning is clearly required.

B. Any reference in this chapter to the laws of the United States relating to federal income taxes shall mean the provisions of the Internal Revenue Code of 1954, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes, as they existed on January 2, 2013, except for:

1. The special depreciation allowance for certain property provided for under §§ 168(k), 168(l), 168(m), 1400L, and 1400N of the Internal Revenue Code;

2. The carry-back of certain net operating losses for five years under § 172(b)(1)(H) of the Internal Revenue Code;

3. The original issue discount on applicable high yield discount obligations under § 163(e)(5)(F) of the Internal Revenue Code;

4. The deferral of certain income under § 108(i) of the Internal Revenue Code. For Virginia income tax purposes, income from the discharge of indebtedness in connection with the reacquisition of an "applicable debt instrument" (as defined under § 108(i) of the Internal Revenue Code) reacquired in the taxable year shall be fully included in the taxpayer's Virginia taxable income for the taxable year, unless the taxpayer elects to include such income in the taxpayer's Virginia taxable income ratably over a three-taxable-year period beginning with taxable year 2009 for transactions completed in taxable year 2009, or over a three-taxable-year period beginning with taxable year 2010 for transactions completed in taxable year 2010 on or before April 21, 2010. For purposes of such election, all other provisions of § 108(i) of the Internal Revenue Code shall apply mutatis mutandis. No other deferral shall be allowed for income from the discharge of indebtedness in connection with the reacquisition of an "applicable debt instrument";

5. The amount of the deduction allowed for domestic production activities pursuant to § 199 of the Internal Revenue Code for taxable years beginning on or after January 1, 2010. For Virginia income tax purposes, two-thirds of the amount deducted pursuant to § 199 of the Internal Revenue Code for federal income tax purposes during the taxable year may be deducted for Virginia income tax purposes for taxable years beginning on and after January 1, 2010. For taxable years beginning on and after January 1, 2013, the entire amount of the deduction allowed for domestic production activities pursuant to § 199 of the Internal Revenue Code may be deducted for Virginia income tax purposes; and

6. For taxable years beginning on or after January 1, ~~2013~~ 2018, the provisions of § 32(b)(3) of the Internal Revenue Code relating to the earned income tax credit.

The Department of Taxation is hereby authorized to develop procedures or guidelines for implementation of the provisions of this section, which procedures or guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

2. That an emergency exists and this act is in force from its passage.

CHAPTER 3

An Act to amend and reenact §§ 23-50.16:5 and 23-50.16:7 of the Code of Virginia, relating to the Virginia Commonwealth University Health System Authority; chairman of the Board of Directors and Chief Executive Officer.

[H 355]

Approved February 20, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 23-50.16:5 and 23-50.16:7 of the Code of Virginia are amended and reenacted as follows:

§ 23-50.16:5. Board of Directors; appointment; officers; employees.

A. The Authority shall be governed by a Board of Directors consisting of 21 members as follows: six nonlegislative citizen members, including two physician-faculty members, to be appointed by the Governor; five members, including two physician-faculty members, to be appointed by the Speaker of the House of Delegates; three members, including one physician-faculty member, to be appointed by the Senate Committee on Rules; five nonlegislative citizen members of the Board of Visitors of Virginia Commonwealth University, to be appointed by the Rector, all of whom shall also be members of the Board of Visitors of the University at all times while serving on the Board; the President of the University and the Vice-President for Health Sciences of the University, or the person who holds such other title as subsequently may be established by the Board of Visitors of the University for the chief academic and administrative officer for the Health Sciences Campus of the University, both of whom shall serve as ex officio voting members during their respective terms of office.

The five physician-faculty members shall be faculty members of Virginia Commonwealth University with hospital privileges at Medical College of Virginia Hospitals at all times while serving on the Board.

After the initial staggering of terms, all appointments shall be for terms of three years each, except appointments to fill unexpired vacancies which shall be made for the remainder of the unexpired terms.

The Governor, the Speaker of the House of Delegates, and the Senate Committee on Rules shall appoint faculty physicians after consideration of the names from lists submitted by the faculty physicians of the School of Medicine of Virginia Commonwealth University through the Vice-President for Health Sciences of the University. The list shall contain not less than two names for each expired or unexpired vacancy that occurs.

No person shall be eligible to serve more than two consecutive full three-year terms as an appointed member, but after the expiration of a term of two years or less, or after the expiration of the remainder of a term to which appointed to fill a vacancy, or after one year following the expiration of a second full three-year term, two additional three-year terms may be

served by a member if so appointed. The terms of members serving by virtue of their office shall expire upon termination of their holding such office. All members shall continue to hold office until their successors have been appointed and have qualified.

All appointed members, other than those who are members of the Board of Visitors, shall have demonstrated experience or expertise in business, health-care management or legal affairs. Immediately after their appointments, members shall enter upon the performance of their duties. The Board members appointed from the Board of Visitors and the ex officio members shall not vote on matters that shall require them to breach their fiduciary duties to the University or to the Authority.

B. All appointments, including the initial appointments to the Board and appointments to fill vacancies, are subject to confirmation by the affirmative vote of a majority of those voting in each house of the General Assembly if in session when such appointments are made and, if not in session, at its first regular session subsequent to such appointment. Any member whose nomination is subject to confirmation during a regular session of the General Assembly shall be deemed terminated when the General Assembly rejects the nomination or when it adjourns without confirming the nomination, whichever is earlier. No such termination shall affect the validity of any action taken by such member prior to such termination.

C. A Board member may be removed for malfeasance, misfeasance, incompetence or gross neglect of duty by the individual or entity that appointed him or, if such appointing individual no longer holds the office creating the right of appointment, by the current holder of that office.

D. *The President of the University shall serve as the chairman of the Board of Directors.* The Board of Directors of the Authority shall elect annually a ~~chairman~~ and a vice-chairman from among its membership. The Board shall also elect a secretary and treasurer and such assistant secretaries and assistant treasurers as the Board may authorize for terms determined by the Board, each of whom may or may not be a member of the Board. The same person may serve as both secretary and treasurer. The Board may also appoint an executive committee and other standing or special committees and prescribe their duties and powers, and any executive committee may exercise all such powers and duties of the Board under this chapter as the Board may delegate.

E. The Board may provide for the appointment, employment, term, compensation, and removal of a director, officers, employees and agents of the Authority, including engineers, consultants, lawyers and accountants as the Board deems appropriate.

F. The Board shall meet at least four times each year and may hold such special meetings as it deems appropriate. The Board may adopt, amend and repeal such rules, regulations, procedures and bylaws, not contrary to law or inconsistent with this chapter, as it deems expedient for its own governance and for the governance and management of the Authority. A majority of the Board shall constitute a quorum for meetings, and the Board may act by a majority of those present at any meeting.

G. Legislative board members shall be entitled to such compensation as provided § 30-19.12 and nonlegislative citizen board members shall be entitled to such compensation as provided in § 2.2-2813 for their services. All members shall be entitled to reimbursement for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Authority.

H. The provisions of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) shall apply to the members of the Board and the employees of the Authority.

§ 23-50.16:7. Appointment, salary and powers of the Chief Executive Officer.

A. The Authority shall be under the immediate supervision and direction of a Chief Executive Officer, subject to the policies and direction established by the Board. The Chief Executive Officer shall be the person who holds the title of Vice-President for Health Sciences of Virginia Commonwealth University, or such other title as subsequently may be established by the Board of Visitors of the University for the chief academic and administrative officer for the Health Sciences Campus of the University, subject to the following: notwithstanding any other provision of law to the contrary, the selection and removal of the Chief Executive Officer, as well as the conditions of appointment, including salary, shall be made jointly by the Board and the Board of Visitors of the University at a joint meeting of the Board and the Board of Visitors of the University upon a vote of a majority of the members of each board, present and voting at the aforementioned joint meeting, acting separately in accordance with applicable provisions of law.

B. *In the event that a majority of the members of each board do not agree upon the selection, removal, or conditions of appointment, including salary, of the Chief Executive Officer as provided in subsection A, then each board shall appoint a committee of three members of its respective board to consider the matter or matters upon which the boards disagree. The selection, removal, or conditions of appointment shall be made jointly by the two committees at a joint meeting of the committees upon a vote by a majority of the members of each committee present and voting at the joint meeting. In the event that a majority of the members of each committee agree upon the selection, removal, or conditions of appointment of the Chief Executive Officer, then the decision shall be reported to the Board and the Board of Visitors of the University, each of which shall be bound by the decision of the committees. In the event that a majority of the members of each committee do not agree on the selection, removal, or conditions of appointment of the Chief Executive Officer within 30 days of the appointment of the committees by each board, then the President of the University shall decide upon the matter or matters upon which the committees disagree. The President of the University shall report his decision to both boards, each of which shall be bound by the decision of the President.*

C. The Chief Executive Officer shall devote his full time to the performance of his official duties and shall not be engaged in any other profession or occupation.

~~C. D.~~ The Chief Executive Officer shall supervise and administer the operation of the Authority in accordance with the provisions of this chapter.

CHAPTER 4

An Act to amend and reenact § 32.1-67 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 32.1-65.1, relating to critical congenital heart defect screening requirement.

[H 387]

Approved February 20, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-67 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 32.1-65.1 as follows:

§ 32.1-65.1. Critical congenital heart defect screening required.

In order to prevent disability or death, the Board shall require every hospital in the Commonwealth having a newborn nursery to perform a critical congenital heart defect screening test using pulse oximetry or other Board-approved screening test that is based on standards set forth by the American Academy of Pediatrics on every newborn in its care when such infant is at least 24 hours old but no more than 48 hours old or, in cases in which the infant is discharged from the hospital prior to reaching 24 hours of age, prior to discharging the infant.

Any infant whose parent or guardian objects thereto on the grounds that such tests conflict with his religious practices or tenets shall not be required to receive such screening tests.

The physician or health care provider in charge of the infant's care after delivery shall cause such tests to be performed.

§ 32.1-67. Duty of Board for follow-up and referral protocols; regulations.

Infants identified with any condition for which newborn screening is conducted pursuant to § 32.1-65 or 32.1-65.1 shall be eligible for the services of the Children with Special Health Care Needs Program administered by the Department of Health. The Board of Health shall promulgate such regulations as may be necessary to implement Newborn Screening Services and the Children with Special Health Care Needs Program. The Board's regulations shall include, but not be limited to, a list of newborn screening tests conducted pursuant to §§ 32.1-65 and 32.1-65.1, notification processes conducted pursuant to § 32.1-66, follow-up procedures, appropriate referral processes, and services available for infants and children who have a heritable disorder or genetic disease identified through Newborn Screening Services.

2. That the Board of Health shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

3. That the Board of Health shall convene a work group of health care providers and other stakeholders, which shall include representatives of the Department of Health, Department of Health Professions, Virginia Commonwealth University Health System, University of Virginia Health System, Eastern Virginia Medical School, American Heart Association, Children's National Medical Center, March of Dimes Virginia Chapter, Virginia Chapter of the American Academy of Pediatrics, Virginia Hospital and Health Care Association, Medical Society of Virginia, Inova Fairfax Hospital, Carilion Clinic, and Virginia Chapter of the American College of Cardiology, to provide information and recommendations for the development of regulations to implement the provisions of this act.

CHAPTER 5

An Act to amend and reenact § 22.1-51 of the Code of Virginia, relating to the school board of the City of Norfolk; term length.

[H 401]

Approved February 20, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-51 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-51. Appointment and terms in City of Norfolk.

Notwithstanding the provisions of the charter of the City of Norfolk, the school board of the City of Norfolk shall consist of seven members to be appointed by the city council from the city at large. Members shall be appointed to serve for terms of ~~two~~ three years beginning on July 1 except that initial appointments shall be staggered so that the terms of four members expire in odd-numbered years and the terms of three members expire in even-numbered years. Any vacancy occurring on the school board other than by expiration of term shall be filled by the council for the unexpired term.

2. That the provisions of this act shall not affect the length of any term that began prior to July 1, 2014.

CHAPTER 6

An Act to repeal § 23-8 of the Code of Virginia, relating to certain public institutions of higher education; year-round instruction.

[H 436]

Approved February 20, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 23-8 of the Code of Virginia is repealed.

CHAPTER 7

An Act to amend and reenact §§ 9.1-102, 9.1-184, 22.1-79.4, and 22.1-279.8 of the Code of Virginia, relating to the Virginia Center for School Safety; name change.

[H 563]

Approved February 20, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-102, 9.1-184, 22.1-79.4, and 22.1-279.8 of the Code of Virginia are amended and reenacted as follows: § 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. Establish compulsory training courses for law-enforcement officers in laws and procedures relating to entrapment, search and seizure, evidence, and techniques of report writing, which training shall be completed by law-enforcement officers who have not completed the compulsory training standards set out in subdivision 2, prior to assignment of any such officers to undercover investigation work. Failure to complete the training shall not, for that reason, constitute grounds to exclude otherwise properly admissible testimony or other evidence from such officer resulting from any undercover investigation;

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies, correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile correctional facility as the term is defined in § 66-25.3;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;
12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and with universities, colleges, community colleges, and other institutions, whether located in or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;
13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;
14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;
15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;
16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;
17. Make recommendations concerning any matter within its purview pursuant to this chapter;
18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;
19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;
20. Conduct audits as required by § 9.1-131;
21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;
22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;
23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;
24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;
25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;
26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;
27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;
28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;
29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;
30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;
31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish a model policy for law-enforcement personnel in the handling of family abuse, domestic violence, sexual assault and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in § 9.1-1301 and shall by December 1, 2009, submit a report on the status of implementation of these requirements to the chairmen of the House and Senate Courts of Justice Committees;

38. Establish training standards and publish a model policy for law-enforcement personnel in communicating with and facilitating the safe return of individuals diagnosed with Alzheimer's disease;

39. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;

40. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;

41. Publish and disseminate a model policy or guideline that may be used by state and local agencies to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and the potential for biased policing;

42. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

43. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

44. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, which training and certification shall be administered by the Virginia Center for School *and* Campus Safety pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of these standards and certification requirements;

45. Establish training standards and publish a model policy and protocols for local and regional sexual assault response teams;

46. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

47. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

48. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

49. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

50. Establish compulsory training standards and publish a model policy for law-enforcement personnel regarding death notification;

51. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

52. Establish, publish, and disseminate a model policy or guideline for law-enforcement personnel for questioning individuals suspected of driving while intoxicated concerning the physical location of that individual's last consumption of an alcoholic beverage and for communicating that information to the Alcoholic Beverage Control Board;

53. Establish training standards and publish a model policy for law-enforcement personnel assigned to vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

54. Establish training standards and publish a model policy for law-enforcement personnel involved in criminal investigations that embody current best practices for conducting photographic and live lineups;

55. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

56. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117; and

57. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

§ 9.1-184. Virginia Center for School and Campus Safety created; duties.

A. From such funds as may be appropriated, the Virginia Center for School *and* Campus Safety (the Center) is hereby established within the Department. The Center shall:

1. Provide training for Virginia public school personnel in school safety, on evidence-based antibullying tactics, and in the effective identification of students who may be at risk for violent behavior and in need of special services or assistance;

2. Serve as a resource and referral center for Virginia school divisions by conducting research, sponsoring workshops, and providing information regarding current school safety concerns, such as conflict management and peer mediation, bullying, school facility design and technology, current state and federal statutory and regulatory school safety requirements, and legal and constitutional issues regarding school safety and individual rights;

3. Maintain and disseminate information to local school divisions on effective school safety initiatives in Virginia and across the nation;

4. Collect, analyze, and disseminate various Virginia school safety data, including school safety audit information submitted to it pursuant to § 22.1-279.8, collected by the Department;

5. Encourage the development of partnerships between the public and private sectors to promote school safety in Virginia;

6. Provide technical assistance to Virginia school divisions in the development and implementation of initiatives promoting school safety, including threat assessment-based protocols with such funds as may be available for such purpose;

7. Develop a memorandum of understanding between the Director of the Department of Criminal Justice Services and the Superintendent of Public Instruction to ensure collaboration and coordination of roles and responsibilities in areas of mutual concern, such as school safety audits and crime prevention;

8. Provide training for and certification of school security officers, as defined in § 9.1-101 and consistent with § 9.1-110;

9. Develop, in conjunction with the Department of State Police, the Department of Behavioral Health and Developmental Services, and the Department of Education, a model critical incident response training program for public school personnel and others providing services to schools that shall also be made available to private schools in the Commonwealth; and

10. In consultation with the Department of Education, provide schools with a model policy for the establishment of threat assessment teams, including procedures for the assessment of and intervention with students whose behavior poses a threat to the safety of school staff or students.

B. All agencies of the Commonwealth shall cooperate with the Center and, upon request, assist the Center in the performance of its duties and responsibilities.

§ 22.1-79.4. Threat assessment teams and oversight committees.

A. Each local school board shall adopt policies for the establishment of threat assessment teams, including the assessment of and intervention with students whose behavior may pose a threat to the safety of school staff or students consistent with the model policies developed by the Virginia Center for School *and Campus* Safety in accordance with § 9.1-184. Such policies shall include procedures for referrals to community services boards or health care providers for evaluation or treatment, when appropriate.

B. The superintendent of each school division may establish a committee charged with oversight of the threat assessment teams operating within the division, which may be an existing committee established by the division. The committee shall include individuals with expertise in human resources, education, school administration, mental health, and law enforcement.

C. Each division superintendent shall establish, for each school, a threat assessment team that shall include persons with expertise in counseling, instruction, school administration, and law enforcement. Threat assessment teams may be established to serve one or more schools as determined by the division superintendent. Each team shall (i) provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self; (ii) identify members of the school community to whom threatening behavior should be reported; and (iii) implement policies adopted by the local school board pursuant to subsection A.

D. Upon a preliminary determination that a student poses a threat of violence or physical harm to self or others, a threat assessment team shall immediately report its determination to the division superintendent or his designee. The division superintendent or his designee shall immediately attempt to notify the student's parent or legal guardian. Nothing in this subsection shall preclude school division personnel from acting immediately to address an imminent threat.

E. Each threat assessment team established pursuant to this section shall report quantitative data on its activities according to guidance developed by the Department of Criminal Justice Services.

§ 22.1-279.8. School safety audits and school crisis, emergency management, and medical emergency response plans required.

A. For the purposes of this section, unless the context requires otherwise:

"School crisis, emergency management, and medical emergency response plan" means the essential procedures, operations, and assignments required to prevent, manage, and respond to a critical event or emergency, including natural disasters involving fire, flood, tornadoes, or other severe weather; loss or disruption of power, water, communications or shelter; bus or other accidents; medical emergencies, including cardiac arrest and other life-threatening medical emergencies; student or staff member deaths; explosions; bomb threats; gun, knife or other weapons threats; spills or exposures to hazardous substances; the presence of unauthorized persons or trespassers; the loss, disappearance or kidnapping of a student; hostage situations; violence on school property or at school activities; incidents involving acts of terrorism; and other incidents posing a serious threat of harm to students, personnel, or facilities. The plan shall include a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01. The Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those individuals determined to be victims, and the plan shall also contain current contact information for both agencies.

"School safety audit" means a written assessment of the safety conditions in each public school to (i) identify and, if necessary, develop solutions for physical safety concerns, including building security issues and (ii) identify and evaluate any patterns of student safety concerns occurring on school property or at school-sponsored events. Solutions and responses shall include recommendations for structural adjustments, changes in school safety procedures, and revisions to the school board's standards for student conduct.

B. The Virginia Center for School *and Campus* Safety, in consultation with the Department of Education, shall develop a list of items to be reviewed and evaluated in the school safety audits required by this section. Such items shall include those incidents reported to school authorities pursuant to § 22.1-279.3:1 and shall include a school inspection walk-through using a standardized checklist provided by the Virginia Center for School *and Campus* Safety, which shall incorporate crime prevention through environmental design principles.

The Virginia Center for School *and Campus* Safety shall prescribe a standardized report format for school safety audits, additional reporting criteria, and procedures for report submission, which may include instructions for electronic submission.

Each local school board shall require all schools under its supervisory control to annually conduct school safety audits as defined in this section and consistent with such list.

The results of such school safety audits shall be made public within 90 days of completion. The local school board shall retain authority to withhold or limit the release of any security plans, walk-through checklists, and specific vulnerability assessment components as provided in subdivision 7 of § 2.2-3705.2. The completed walk-through checklist shall be made available upon request to the chief law-enforcement officer of the locality or his designee. Each school shall maintain a copy of the school safety audit, which may exclude such security plans, walk-through checklists, and vulnerability assessment components, within the office of the school principal and shall make a copy of such report available for review upon written request.

Each school shall submit a copy of its school safety audit to the relevant school division superintendent. The division superintendent shall collate and submit all such school safety audits, in the prescribed format and manner of submission, to the Virginia Center for School *and Campus* Safety and shall make available upon request to the chief law-enforcement officer of the locality the results of such audits.

C. The division superintendent shall establish a school safety audit committee to include, if available, representatives of parents, teachers, local law-enforcement, emergency services agencies, local community services boards, and judicial and public safety personnel. The school safety audit committee shall review the completed school safety audits and submit any plans, as needed, for improving school safety to the division superintendent for submission to the local school board.

D. Each school board shall ensure that every school that it supervises shall develop a written school crisis, emergency management, and medical emergency response plan, consistent with the definition provided in this section, and shall provide copies of such plans to the chief law-enforcement officer, the fire chief, the chief emergency medical services official, and the emergency management official of the locality. Each school division shall designate an emergency manager. The Department of Education and the Virginia Center for School *and Campus* Safety shall provide technical assistance to the school divisions of the Commonwealth in the development of the school crisis, emergency management, and medical emergency response plans that describe the components of a medical emergency response plan developed in coordination with local emergency medical services providers, the training of school personnel and students to respond to a life-threatening emergency, and the equipment required for this emergency response. The local school board shall annually review the written school crisis, emergency management, and medical emergency response plans. The local school board shall have the authority to withhold or limit the review of any security plans and specific vulnerability assessment components as provided in subdivision 7 of § 2.2-3705.2. The local school division superintendent shall certify this review in writing to the Virginia Center ~~on~~ for School *and Campus* Safety no later than August 31 of each year.

Upon consultation with local school boards, division superintendents, the Virginia Center for School *and Campus* Safety, and the Coordinator of Emergency Management, the Board of Education shall develop, and may revise as it deems necessary, a model school crisis, emergency management, and medical emergency response plan for the purpose of assisting the public schools in Virginia in developing viable, effective crisis, emergency management, and medical emergency response plans. Such model shall set forth recommended effective procedures and means by which parents can contact the relevant school or school division regarding the location and safety of their school children and by which school officials may contact parents, with parental approval, during a critical event or emergency.

CHAPTER 8

An Act to amend and reenact § 54.1-2901 of the Code of Virginia, relating to active duty military health care providers; practice at public or private health care facilities.

[H 580]

Approved February 20, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2901 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2901. Exceptions and exemptions generally.

- A. The provisions of this chapter shall not prevent or prohibit:
1. Any person entitled to practice his profession under any prior law on June 24, 1944, from continuing such practice within the scope of the definition of his particular school of practice;
 2. Any person licensed to practice naturopathy prior to June 30, 1980, from continuing such practice in accordance with regulations promulgated by the Board;
 3. Any licensed nurse practitioner from rendering care in collaboration and consultation with a patient care team physician as part of a patient care team pursuant to § 54.1-2957 when such services are authorized by regulations promulgated jointly by the Board of Medicine and the Board of Nursing;
 4. Any registered professional nurse, licensed nurse practitioner, graduate laboratory technician or other technical personnel who have been properly trained from rendering care or services within the scope of their usual professional activities which shall include the taking of blood, the giving of intravenous infusions and intravenous injections, and the insertion of tubes when performed under the orders of a person licensed to practice medicine or osteopathy, a nurse practitioner, or a physician assistant;
 5. Any dentist, pharmacist or optometrist from rendering care or services within the scope of his usual professional activities;
 6. Any practitioner licensed or certified by the Board from delegating to personnel supervised by him, such activities or functions as are nondiscretionary and do not require the exercise of professional judgment for their performance and which are usually or customarily delegated to such persons by practitioners of the healing arts, if such activities or functions are authorized by and performed for such practitioners of the healing arts and responsibility for such activities or functions is assumed by such practitioners of the healing arts;

7. The rendering of medical advice or information through telecommunications from a physician licensed to practice medicine in Virginia or an adjoining state, or from a licensed nurse practitioner, to emergency medical personnel acting in an emergency situation;
8. The domestic administration of family remedies;
9. The giving or use of massages, steam baths, dry heat rooms, infrared heat or ultraviolet lamps in public or private health clubs and spas;
10. The manufacture or sale of proprietary medicines in this Commonwealth by licensed pharmacists or druggists;
11. The advertising or sale of commercial appliances or remedies;
12. The fitting by nonitinerant persons or manufacturers of artificial eyes, limbs or other apparatus or appliances or the fitting of plaster cast counterparts of deformed portions of the body by a nonitinerant bracemaker or prosthetist for the purpose of having a three-dimensional record of the deformity, when such bracemaker or prosthetist has received a prescription from a licensed physician, licensed nurse practitioner, or licensed physician assistant directing the fitting of such casts and such activities are conducted in conformity with the laws of Virginia;
13. Any person from the rendering of first aid or medical assistance in an emergency in the absence of a person licensed to practice medicine or osteopathy under the provisions of this chapter;
14. The practice of the religious tenets of any church in the ministration to the sick and suffering by mental or spiritual means without the use of any drug or material remedy, whether gratuitously or for compensation;
15. Any legally qualified out-of-state or foreign practitioner from meeting in consultation with legally licensed practitioners in this Commonwealth;
16. Any practitioner of the healing arts licensed or certified and in good standing with the applicable regulatory agency in another state or Canada when that practitioner of the healing arts is in Virginia temporarily and such practitioner has been issued a temporary license or certification by the Board from practicing medicine or the duties of the profession for which he is licensed or certified (i) in a summer camp or in conjunction with patients who are participating in recreational activities, (ii) while participating in continuing educational programs prescribed by the Board, or (iii) by rendering at any site any health care services within the limits of his license, voluntarily and without compensation, to any patient of any clinic which is organized in whole or in part for the delivery of health care services without charge as provided in § 54.1-106;
17. The performance of the duties of any ~~commissioned or contract medical officer, or podiatrist~~ *active duty health care provider* in active service in the army, navy, coast guard, marine corps, air force, or public health service of the United States *at any public or private health care facility* while such individual is so commissioned or serving *and in accordance with his official military orders*;
18. Any masseur, who publicly represents himself as such, from performing services within the scope of his usual professional activities and in conformance with state law;
19. Any person from performing services in the lawful conduct of his particular profession or business under state law;
20. Any person from rendering emergency care pursuant to the provisions of § 8.01-225;
21. Qualified emergency medical services personnel, when acting within the scope of their certification, and licensed health care practitioners, when acting within their scope of practice, from following Durable Do Not Resuscitate Orders issued in accordance with § 54.1-2987.1 and Board of Health regulations, or licensed health care practitioners from following any other written order of a physician not to resuscitate a patient in the event of cardiac or respiratory arrest;
22. Any commissioned or contract medical officer of the army, navy, coast guard or air force rendering services voluntarily and without compensation while deemed to be licensed pursuant to § 54.1-106;
23. Any provider of a chemical dependency treatment program who is certified as an "acupuncture detoxification specialist" by the National Acupuncture Detoxification Association or an equivalent certifying body, from administering auricular acupuncture treatment under the appropriate supervision of a National Acupuncture Detoxification Association certified licensed physician or licensed acupuncturist;
24. Any employee of any assisted living facility who is certified in cardiopulmonary resuscitation (CPR) acting in compliance with the patient's individualized service plan and with the written order of the attending physician not to resuscitate a patient in the event of cardiac or respiratory arrest;
25. Any person working as a health assistant under the direction of a licensed medical or osteopathic doctor within the Department of Corrections, the Department of Juvenile Justice or local correctional facilities;
26. Any employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, when, upon the authorization of a prescriber and the written request of the parents as defined in § 22.1-1, assisting with the administration of insulin or administering glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia;
27. Any practitioner of the healing arts or other profession regulated by the Board from rendering free health care to an underserved population of Virginia who (i) does not regularly practice his profession in Virginia, (ii) holds a current valid license or certificate to practice his profession in another state, territory, district or possession of the United States, (iii) volunteers to provide free health care to an underserved area of the Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) files a copy of the license or certification issued in such other jurisdiction with the Board, (v) notifies the Board

at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any practitioner of the healing arts whose license or certificate has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a practitioner of the healing arts who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state;

28. Any registered nurse, acting as an agent of the Department of Health, from obtaining specimens of sputum or other bodily fluid from persons in whom the diagnosis of active tuberculosis disease, as defined in § 32.1-49.1, is suspected and submitting orders for testing of such specimens to the Division of Consolidated Laboratories or other public health laboratories, designated by the State Health Commissioner, for the purpose of determining the presence or absence of tubercle bacilli as defined in § 32.1-49.1;

29. Any physician of medicine or osteopathy or nurse practitioner from delegating to a registered nurse under his supervision the screening and testing of children for elevated blood-lead levels when such testing is conducted (i) in accordance with a written protocol between the physician or nurse practitioner and the registered nurse and (ii) in compliance with the Board of Health's regulations promulgated pursuant to §§ 32.1-46.1 and 32.1-46.2. Any follow-up testing or treatment shall be conducted at the direction of a physician or nurse practitioner;

30. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state or Canada from engaging in the practice of that profession when the practitioner is in Virginia temporarily with an out-of-state athletic team or athlete for the duration of the athletic tournament, game, or event in which the team or athlete is competing;

31. Any person from performing state or federally funded health care tasks directed by the consumer, which are typically self-performed, for an individual who lives in a private residence and who, by reason of disability, is unable to perform such tasks but who is capable of directing the appropriate performance of such tasks; or

32. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state from engaging in the practice of that profession in Virginia with a patient who is being transported to or from a Virginia hospital for care.

B. Notwithstanding any provision of law or regulation to the contrary, a nurse practitioner licensed by the Boards of Nursing and Medicine in the category of certified nurse midwife may practice without the requirement for physician supervision while participating in a pilot program approved by the Board of Health pursuant to § 32.1-11.5.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 9

An Act to amend and reenact § 32.1-351 of the Code of Virginia, relating to Family Access to Medical Insurance Security Plan; eligibility.

[H 586]

Approved February 20, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-351 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-351. Family Access to Medical Insurance Security Plan established.

A. The Department of Medical Assistance Services shall amend the Virginia Children's Medical Security Insurance Plan to be renamed the Family Access to Medical Insurance Security (FAMIS) Plan. The Department of Medical Assistance Services shall provide coverage under the Family Access to Medical Insurance Security Plan for individuals under the age of 19 when such individuals (i) have family incomes at or below 200 percent of the federal poverty level or were enrolled on the date of federal approval of Virginia's FAMIS Plan in the Children's Medical Security Insurance Plan (CMSIP); such individuals shall continue to be enrolled in FAMIS for so long as they continue to meet the eligibility requirements of CMSIP; (ii) are not eligible for medical assistance services pursuant to Title XIX of the Social Security Act, as amended; (iii) are not covered under a group health plan or under health insurance coverage, as defined in § 2791 of the Public Health Service Act (42 U.S.C. § 300gg-91(a) and (b)(1)); ~~(iv) have been without health insurance for at least four months or meet the exceptions as set forth in the Virginia Plan for Title XXI of the Social Security Act, as amended;~~ and ~~(v)~~ (iv) meet both the requirements of Title XXI of the Social Security Act, as amended, and the Family Access to Medical Insurance Security Plan. Eligible children, residing in Virginia, whose family income does not exceed 200 percent of the federal poverty level during the enrollment period shall receive 12 continuous months of coverage as permitted by Title XXI of the Social Security Act.

B. The Department of Medical Assistance Services shall also provide coverage for children and pregnant women who meet the criteria set forth in clauses (i) through ~~(v)~~ (iv) of subsection A during the first five years of lawful residence in the United States, pursuant to § 214 of the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111-3).

C. Family Access to Medical Insurance Security Plan participants shall participate in cost-sharing to the extent allowed under Title XXI of the Social Security Act, as amended, and as set forth in the Virginia Plan for Title XXI of the Social Security Act. The annual aggregate cost-sharing for all eligible children in a family above 150 percent of the federal poverty level shall not exceed five percent of the family's gross income or as allowed by federal law and regulations. The annual aggregate cost-sharing for all eligible children in a family at or below 150 percent of the federal poverty level shall not exceed 2.5 percent of the family's gross income. The nominal copayments for all eligible children in a family shall not be less than those in effect on January 1, 2003. Cost-sharing shall not be required for well-child and preventive services including age-appropriate child immunizations.

D. The Family Access to Medical Insurance Security Plan shall provide comprehensive health care benefits to program participants, including well-child and preventive services, to the extent required to comply with federal requirements of Title XXI of the Social Security Act. These benefits shall include comprehensive medical, dental, vision, mental health, and substance abuse services, and physical therapy, occupational therapy, speech-language pathology, and skilled nursing services for special education students. The mental health services required herein shall include intensive in-home services, case management services, day treatment, and 24-hour emergency response. The services shall be provided in the same manner and with the same coverage and service limitations as they are provided to children under the State Plan for Medical Assistance Services.

E. The Virginia Plan for Title XXI of the Social Security Act shall include a provision that participants in the Family Access to Medical Insurance Security Plan who have access to employer-sponsored health insurance coverage, as defined in § 32.1-351.1, may, but shall not be required to, enroll in an employer's health plan, and the Department of Medical Assistance Services or its designee shall make premium payments to such employer's plan on behalf of eligible participants if the Department of Medical Assistance Services or its designee determines that such enrollment is cost-effective, as defined in § 32.1-351.1.

F. The Family Access to Medical Insurance Security Plan shall ensure that coverage under this program does not substitute for private health insurance coverage.

G. The health care benefits provided under the Family Access to Medical Insurance Security Plan shall be through existing Department of Medical Assistance Services' contracts with health maintenance organizations and other providers, or through new contracts with health maintenance organizations, health insurance plans, other similarly licensed entities, or other entities as deemed appropriate by the Department of Medical Assistance Services, or through employer-sponsored health insurance. All eligible individuals, insofar as feasible, shall be enrolled in health maintenance organizations.

H. The Department of Medical Assistance Services may establish a centralized processing site for the administration of the program to include responding to inquiries, distributing applications and program information, and receiving and processing applications. The Family Access to Medical Insurance Security Plan shall include a provision allowing a child's application to be filed by a parent, legal guardian, authorized representative or any other adult caretaker relative with whom the child lives. The Department of Medical Assistance Services may contract with third-party administrators to provide any additional administrative services. Duties of the third-party administrators may include, but shall not be limited to, enrollment, outreach, eligibility determination, data collection, premium payment and collection, financial oversight and reporting, and such other services necessary for the administration of the Family Access to Medical Insurance Security Plan. Any centralized processing site shall determine a child's eligibility for either Title XIX or Title XXI and shall enroll eligible children in Title XIX or Title XXI. A single application form shall be used to determine eligibility for Title XIX or Title XXI of the Social Security Act, as amended, and outreach, enrollment, re-enrollment and services delivery shall be coordinated with the FAMIS Plus program pursuant to § 32.1-325. In the event that an application is denied, the applicant shall be notified of any services available in his locality that can be accessed by contacting the local department of social services.

I. The Virginia Plan for Title XXI of the Social Security Act, as amended, shall include a provision that, in addition to any centralized processing site, local social services agencies shall provide and accept applications for the Family Access to Medical Insurance Security Plan and shall assist families in the completion of applications. Contracting health plans, providers, and others may also provide applications for the Family Access to Medical Insurance Security Plan and may assist families in completion of the applications.

J. The Department of Medical Assistance Services shall develop and submit to the federal Secretary of Health and Human Services an amended Title XXI plan for the Family Access to Medical Insurance Security Plan and may revise such plan as may be necessary. Such plan and any subsequent revisions shall comply with the requirements of federal law, this chapter, and any conditions set forth in the appropriation act. In addition, the plan shall provide for coordinated implementation of publicity, enrollment, and service delivery with existing local programs throughout the Commonwealth that provide health care services, educational services, and case management services to children. In developing and revising the plan, the Department of Medical Assistance Services shall advise and consult with the Joint Commission on Health Care.

K. Funding for the Family Access to Medical Insurance Security Plan shall be provided through state and federal appropriations and shall include appropriations of any funds that may be generated through the Virginia Family Access to Medical Insurance Security Plan Trust Fund.

L. The Board of Medical Assistance Services, or the Director, as the case may be, shall adopt, promulgate, and enforce such regulations pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) as may be necessary for the implementation and administration of the Family Access to Medical Insurance Security Plan.

M. Children enrolled in the Virginia Plan for Title XXI of the Social Security Act prior to implementation of these amendments shall continue their eligibility under the Family Access to Medical Insurance Security Plan and shall be given reasonable notice of any changes in their benefit packages. Continuing eligibility in the Family Access to Medical Insurance Security Plan for children enrolled in the Virginia Plan for Title XXI of the Social Security Act prior to implementation of these amendments shall be determined in accordance with their regularly scheduled review dates or pursuant to changes in income status. Families may select among the options available pursuant to subsections D and F of this section.

N. The provisions of Chapter 9 (§ 32.1-310 et seq.) of this title relating to the regulation of medical assistance shall apply, mutatis mutandis, to the Family Access to Medical Insurance Security Plan.

O. In addition, in any case in which any provision set forth in Title 38.2 excludes, exempts or does not apply to the Virginia plan for medical assistance services established pursuant to Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid), such exclusion, exemption or carve out of application to Title XIX of the Social Security Act (Medicaid) shall be deemed to subsume and thus to include the Family Access to Medical Insurance Security (FAMIS) Plan, established pursuant to Title XXI of the Social Security Act, upon approval of FAMIS by the federal Centers for Medicare & Medicaid Services as Virginia's State Children's Health Insurance Program.

2. That the Board of Medical Assistance Services shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

CHAPTER 10

An Act to amend and reenact § 54.1-2900 of the Code of Virginia and to amend the Code of Virginia by adding in Article 4 of Chapter 29 of Title 54.1 sections numbered 54.1-2957.18 through 54.1-2957.21, relating to genetic counseling; licensure.

[H 612]

Approved February 20, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2900 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 4 of Chapter 29 of Title 54.1 sections numbered 54.1-2957.18 through 54.1-2957.21 as follows:

§ 54.1-2900. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Acupuncturist" means individuals approved by the Board to practice acupuncture. This is limited to "licensed acupuncturist" which means an individual other than a doctor of medicine, osteopathy, chiropractic or podiatry who has successfully completed the requirements for licensure established by the Board (approved titles are limited to: Licensed Acupuncturist, Lic.Ac., and L.Ac.).

"Auricular acupuncture" means the subcutaneous insertion of sterile, disposable acupuncture needles in predetermined, bilateral locations in the outer ear when used exclusively and specifically in the context of a chemical dependency treatment program.

"Board" means the Board of Medicine.

"Genetic counselor" means a person licensed by the Board to engage in the practice of genetic counseling.

"Healing arts" means the arts and sciences dealing with the prevention, diagnosis, treatment and cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities.

"Medical malpractice judgment" means any final order of any court entering judgment against a licensee of the Board that arises out of any tort action or breach of contract action for personal injuries or wrongful death, based on health care or professional services rendered, or that should have been rendered, by a health care provider, to a patient.

"Medical malpractice settlement" means any written agreement and release entered into by or on behalf of a licensee of the Board in response to a written claim for money damages that arises out of any personal injuries or wrongful death, based on health care or professional services rendered, or that should have been rendered, by a health care provider, to a patient.

"Nurse practitioner" means an advanced practice registered nurse who is jointly licensed by the Boards of Medicine and Nursing pursuant to § 54.1-2957.

"Occupational therapy assistant" means an individual who has met the requirements of the Board for licensure and who works under the supervision of a licensed occupational therapist to assist in the practice of occupational therapy.

"Patient care team" means a multidisciplinary team of health care providers actively functioning as a unit with the management and leadership of one or more patient care team physicians for the purpose of providing and delivering health care to a patient or group of patients.

"Patient care team physician" means a physician who is actively licensed to practice medicine in the Commonwealth, who regularly practices medicine in the Commonwealth, and who provides management and leadership in the care of patients as part of a patient care team.

"Physician assistant" means an individual who has met the requirements of the Board for licensure and who works under the supervision of a licensed doctor of medicine, osteopathy, or podiatry.

"Practice of acupuncture" means the stimulation of certain points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain ailments or conditions of the body and includes the techniques of electroacupuncture, cupping and moxibustion. The practice of acupuncture does not include the use of physical therapy, chiropractic, or osteopathic manipulative techniques; the use or prescribing of any drugs, medications, serums or vaccines; or the procedure of auricular acupuncture as exempted in § 54.1-2901 when used in the context of a chemical dependency treatment program for patients eligible for federal, state or local public funds by an employee of the program who is trained and approved by the National Acupuncture Detoxification Association or an equivalent certifying body.

"Practice of athletic training" means the prevention, recognition, evaluation, and treatment of injuries or conditions related to athletic or recreational activity that requires physical skill and utilizes strength, power, endurance, speed, flexibility, range of motion or agility or a substantially similar injury or condition resulting from occupational activity immediately upon the onset of such injury or condition; and subsequent treatment and rehabilitation of such injuries or conditions under the direction of the patient's physician or under the direction of any doctor of medicine, osteopathy, chiropractic, podiatry, or dentistry, while using heat, light, sound, cold, electricity, exercise or mechanical or other devices.

"Practice of behavior analysis" means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

"Practice of chiropractic" means the adjustment of the 24 movable vertebrae of the spinal column, and assisting nature for the purpose of normalizing the transmission of nerve energy, but does not include the use of surgery, obstetrics, osteopathy or the administration or prescribing of any drugs, medicines, serums or vaccines.

"Practice of genetic counseling" means (i) obtaining and evaluating individual and family medical histories to assess the risk of genetic medical conditions and diseases in a patient, his offspring, and other family members; (ii) discussing the features, history, diagnosis, environmental factors, and risk management of genetic medical conditions and diseases; (iii) ordering genetic laboratory tests and other diagnostic studies necessary for genetic assessment; (iv) integrating the results with personal and family medical history to assess and communicate risk factors for genetic medical conditions and diseases; (v) evaluating the patient's and family's responses to the medical condition or risk of recurrence and providing client-centered counseling and anticipatory guidance; (vi) identifying and utilizing community resources that provide medical, educational, financial, and psychosocial support and advocacy; and (vii) providing written documentation of medical, genetic, and counseling information for families and health care professionals.

"Practice of medicine or osteopathic medicine" means the prevention, diagnosis and treatment of human physical or mental ailments, conditions, diseases, pain or infirmities by any means or method.

"Practice of occupational therapy" means the therapeutic use of occupations for habilitation and rehabilitation to enhance physical health, mental health, and cognitive functioning and includes the evaluation, analysis, assessment, and delivery of education and training in basic and instrumental activities of daily living; the design, fabrication, and application of orthoses (splints); the design, selection, and use of adaptive equipment and assistive technologies; therapeutic activities to enhance functional performance; vocational evaluation and training; and consultation concerning the adaptation of physical, sensory, and social environments.

"Practice of podiatry" means the prevention, diagnosis, treatment, and cure or alleviation of physical conditions, diseases, pain, or infirmities of the human foot and ankle, including the medical, mechanical and surgical treatment of the ailments of the human foot and ankle, but does not include amputation of the foot proximal to the transmetatarsal level through the metatarsal shafts. Amputations proximal to the metatarsal-phalangeal joints may only be performed in a hospital or ambulatory surgery facility accredited by an organization listed in § 54.1-2939. The practice includes the diagnosis and treatment of lower extremity ulcers; however, the treatment of severe lower extremity ulcers proximal to the foot and ankle may only be performed by appropriately trained, credentialed podiatrists in an approved hospital or ambulatory surgery center at which the podiatrist has privileges, as described in § 54.1-2939. The Board of Medicine shall determine whether a specific type of treatment of the foot and ankle is within the scope of practice of podiatry.

"Practice of radiologic technology" means the application of x-rays to human beings for diagnostic or therapeutic purposes.

"Practice of respiratory care" means the (i) administration of pharmacological, diagnostic, and therapeutic agents related to respiratory care procedures necessary to implement a treatment, disease prevention, pulmonary rehabilitative, or diagnostic regimen prescribed by a practitioner of medicine or osteopathic medicine; (ii) transcription and implementation of the written or verbal orders of a practitioner of medicine or osteopathic medicine pertaining to the practice of respiratory care; (iii) observation and monitoring of signs and symptoms, general behavior, general physical response to respiratory care treatment and diagnostic testing, including determination of whether such signs, symptoms, reactions, behavior or general physical response exhibit abnormal characteristics; and (iv) implementation of respiratory care procedures, based on observed abnormalities, or appropriate reporting, referral, respiratory care protocols or changes in treatment pursuant to the written or verbal orders by a licensed practitioner of medicine or osteopathic medicine or the initiation of emergency procedures, pursuant to the Board's regulations or as otherwise authorized by law. The practice of respiratory care may be performed in any clinic, hospital, skilled nursing facility, private dwelling or other place deemed appropriate by the Board in

accordance with the written or verbal order of a practitioner of medicine or osteopathic medicine, and shall be performed under qualified medical direction.

"Qualified medical direction" means, in the context of the practice of respiratory care, having readily accessible to the respiratory care practitioner a licensed practitioner of medicine or osteopathic medicine who has specialty training or experience in the management of acute and chronic respiratory disorders and who is responsible for the quality, safety, and appropriateness of the respiratory services provided by the respiratory care practitioner.

"Radiologic technologist" means an individual, other than a licensed doctor of medicine, osteopathy, podiatry, or chiropractic, or a dentist licensed pursuant to Chapter 27 (§ 54.1-2700 et seq.), who (i) performs, may be called upon to perform, or who is licensed to perform a comprehensive scope of diagnostic radiologic procedures employing equipment which emits ionizing radiation and (ii) is delegated or exercises responsibility for the operation of radiation-generating equipment, the shielding of patient and staff from unnecessary radiation, the appropriate exposure of radiographs or other procedures which contribute to any significant extent to the site or dosage of ionizing radiation to which a patient is exposed.

"Radiologic technologist, limited" means an individual, other than a licensed radiologic technologist, dental hygienist or person who is otherwise authorized by the Board of Dentistry under Chapter 27 (§ 54.1-2700 et seq.) and the regulations pursuant thereto, who performs diagnostic radiographic procedures employing equipment which emits ionizing radiation which is limited to specific areas of the human body.

"Radiologist assistant" means an individual who has met the requirements of the Board for licensure as an advanced-level radiologic technologist and who, under the direct supervision of a licensed doctor of medicine or osteopathy specializing in the field of radiology, is authorized to (i) assess and evaluate the physiological and psychological responsiveness of patients undergoing radiologic procedures; (ii) evaluate image quality, make initial observations, and communicate observations to the supervising radiologist; (iii) administer contrast media or other medications prescribed by the supervising radiologist; and (iv) perform, or assist the supervising radiologist to perform, any other procedure consistent with the guidelines adopted by the American College of Radiology, the American Society of Radiologic Technologists, and the American Registry of Radiologic Technologists.

"Respiratory care" means the practice of the allied health profession responsible for the direct and indirect services, including inhalation therapy and respiratory therapy, in the treatment, management, diagnostic testing, control and care of patients with deficiencies and abnormalities associated with the cardiopulmonary system under qualified medical direction.

§ 54.1-2957.18. Genetic counseling; regulation of the practice; license required; licensure; temporary license.

A. *The Board shall adopt regulations governing the practice of genetic counseling, upon consultation with the Advisory Board on Genetic Counseling. The regulations shall (i) set forth the requirements for licensure to practice genetic counseling, (ii) provide for appropriate application and renewal fees, (iii) include requirements for licensure renewal and continuing education, (iv) be consistent with the American Board of Genetic Counseling's current job description for the profession and the standards of practice of the National Society of Genetic Counselors, and (v) allow for independent practice.*

B. *It shall be unlawful for a person to practice or hold himself out as practicing genetic counseling in the Commonwealth without a valid, unrevoked license issued by the Board. No unlicensed person may use in connection with his name or place of business the title "genetic counselor," "licensed genetic counselor," "gene counselor," "genetic consultant," or "genetic associate" or any words, letters, abbreviations, or insignia indicating or implying a person holds a genetic counseling license.*

C. *An applicant for licensure as a genetic counselor shall submit evidence satisfactory to the Board that the applicant (i) has earned a master's degree from a genetic counseling training program that is accredited by the Accreditation Council of Genetic Counseling and (ii) holds a current, valid certificate issued by the American Board of Genetic Counseling or American Board of Medical Genetics to practice genetic counseling.*

D. *The Board shall waive the requirements of a master's degree and American Board of Genetic Counseling or American Board of Medical Genetics certification for license applicants who (i) apply for licensure before July 1, 2016; (ii) comply with the Board's regulations relating to the National Society of Genetic Counselors Code of Ethics; (iii) have at least 20 years of documented work experience practicing genetic counseling; (iv) submit two letters of recommendation, one from a genetic counselor and another from a physician; and (v) have completed, within the last five years, 25 hours of continuing education approved by the National Society of Genetic Counselors or the American Board of Genetic Counseling.*

E. *The Board may grant a temporary license to an applicant who has been granted Active Candidate Status by the American Board of Genetic Counseling and has paid the temporary license fee. Temporary licenses shall be valid for a period of up to one year. An applicant shall not be eligible for temporary license renewal upon expiration of Active Candidate Status as defined by the American Board of Genetic Counseling. A person practicing genetic counseling under a temporary license shall be supervised by a licensed genetic counselor or physician.*

§ 54.1-2957.19. Exemptions.

The provisions of this chapter shall not prohibit:

1. *A licensed and qualified health care provider from practicing within his scope of practice, provided he does not use the title "genetic counselor" or any other title tending to indicate he is a genetic counselor unless licensed in the Commonwealth;*

2. A student from performing genetic counseling as part of an approved academic program in genetic counseling, provided he is supervised by a licensed genetic counselor and designated by a title clearly indicating his status as a student or trainee; or

3. A person who holds a current, valid certificate issued by the American Board of Genetic Counseling or American Board of Medical Genetics to practice genetic counseling, who is employed by a rare disease organization located in another jurisdiction, and who complies with the licensure requirements of that jurisdiction from providing genetic counseling in the Commonwealth fewer than 10 days per year.

§ 54.1-2957.20. Conscience Clause.

Nothing in this chapter shall be construed to require any genetic counselor to participate in counseling that conflicts with their deeply-held moral or religious beliefs, nor shall licensing of any genetic counselor be contingent upon participation in such counseling. Refusal to participate in counseling that conflicts with the counselor's deeply-held moral or religious beliefs shall not form the basis for any claim of damages or for any disciplinary or recriminatory action against the genetic counselor, provided the genetic counselor informs the patient that he will not participate in such counseling and offers to direct the patient to the online directory of licensed genetic counselors maintained by the Board.

§ 54.1-2957.21. Advisory Board on Genetic Counseling established; membership; terms.

A. The Advisory Board on Genetic Counseling (Advisory Board) is established as an advisory board in the executive branch of state government. The Advisory Board shall assist the Board of Medicine in formulating regulations related to the practice of genetic counseling. The Advisory Board shall also assist in such other matters relating to the practice of genetic counseling as the Board may require.

B. The Advisory Board shall consist of five nonlegislative citizen members to be appointed by the Governor, subject to confirmation by the General Assembly, and shall include three licensed genetic counselors, one doctor of medicine or osteopathy who has experience with genetic counseling services, and one nonlegislative citizen member who has used genetic counseling services. Members of the Advisory Board shall be citizens of the Commonwealth.

After the initial staggering of terms, members shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

2. That the initial appointments of nonlegislative citizen members of the Advisory Board of Genetic Counseling shall be staggered as follows: three licensed genetic counselor members appointed for a term of two years; one doctor of medicine or osteopathy member appointed for a term of three years; and one nonlegislative citizen member who has used genetic counseling services appointed for a term of four years. Until the licensure system for genetic counselors is established, a person who holds a current, valid certificate issued by the American Board of Genetic Counseling or American Board of Medical Genetics to practice genetic counseling shall qualify for appointment as the licensed genetic counselor members.

CHAPTER 11

An Act to amend and reenact § 54.1-2408.2 of the Code of Virginia, relating to health regulatory boards; burden of proof for reinstatement.

[H 855]

Approved February 20, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2408.2 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2408.2. Minimum period for reinstatement after revocation.

When the certificate, registration or license of any person certified, registered or licensed by one of the health regulatory boards has been revoked, the board may, after three years and upon the payment of a fee prescribed by the ~~Board~~ board, consider an application for reinstatement of a certificate, registration or license in the same manner as the original certificates, registrations or licenses are granted; however, if a license has been revoked pursuant to subdivision A 19 of § 54.1-2915, the ~~Board~~ board shall not consider an application for reinstatement until five years have passed since revocation. A ~~Board~~ board shall conduct an investigation and review an application for reinstatement after revocation to determine whether there are causes for denial of the application. *The burden of proof shall be on the applicant to show by clear and convincing evidence that he is safe and competent to practice.* The reinstatement of a certificate, registration or license shall require the affirmative vote of three-fourths of the members at a ~~meeting~~ *hearing*. In the discretion of the board, such reinstatement may be granted without further examination.

CHAPTER 12

An Act to amend and reenact § 54.1-2523 of the Code of Virginia, relating to the Prescription Monitoring Program; method of disclosure of information to recipient.

[H 923]

Approved February 20, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 54.1-2523 of the Code of Virginia is amended and reenacted as follows:****§ 54.1-2523. Confidentiality of data; disclosure of information; discretionary authority of Director.**

A. All data, records, and reports relating to the prescribing and dispensing of covered substances to recipients and any abstracts from such data, records, and reports that are in the possession of the Prescription Monitoring Program pursuant to this chapter and any material relating to the operation or security of the program shall be confidential and shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 15 of § 2.2-3705.5. Further, the Director shall only have discretion to disclose any such information as provided in subsections B and C.

B. Upon receiving a request for information in accordance with the Department's regulations and in compliance with applicable federal law and regulations, the Director shall disclose the following:

1. Information relevant to a specific investigation of a specific recipient or of a specific dispenser or prescriber to an agent who has completed the Virginia State Police Drug Diversion School designated by the superintendent of the Department of State Police or designated by the chief law-enforcement officer of any county, city, or town or campus police department to conduct drug diversion investigations pursuant to § 54.1-3405.

2. Information relevant to an investigation or inspection of or allegation of misconduct by a specific person licensed, certified, or registered by or an applicant for licensure, certification, or registration by a health regulatory board; information relevant to a disciplinary proceeding before a health regulatory board or in any subsequent trial or appeal of an action or board order to designated employees of the Department of Health Professions; or to designated persons operating the Health Practitioners' Monitoring Program pursuant to Chapter 25.1 (§ 54.1-2515 et seq.).

3. Information relevant to the proceedings of any investigatory grand jury or special grand jury that has been properly impealed in accordance with the provisions of Chapter 13 (§ 19.2-191 et seq.) of Title 19.2.

4. Information relevant to a specific investigation of a specific recipient, dispenser, or prescriber to an agent of a federal law-enforcement agency with authority to conduct drug diversion investigations.

C. In accordance with the Department's regulations and applicable federal law and regulations, the Director may, in his discretion, disclose:

1. Information in the possession of the program concerning a recipient who is over the age of 18 to that recipient. *The information shall be mailed to the street or mailing address indicated on the recipient request form.*

2. Information on a specific recipient to a prescriber, as defined in this chapter, for the purpose of establishing the treatment history of the specific recipient when such recipient is either under care and treatment by the prescriber or the prescriber is initiating treatment of such recipient. In a manner specified by the Director in regulation, notice shall be given to patients that information may be requested by the prescriber from the Prescription Monitoring Program.

3. Information on a specific recipient to a dispenser for the purpose of establishing a prescription history to assist the dispenser in determining the validity of a prescription in accordance with § 54.1-3303 when the recipient is seeking a covered substance from the dispenser or the facility in which the dispenser practices. In a manner specified by the Director in regulation, notice shall be given to patients that information may be requested by the dispenser from the Prescription Monitoring Program.

4. Information relevant to an investigation or regulatory proceeding of a specific dispenser or prescriber to other regulatory authorities concerned with granting, limiting or denying licenses, certificates or registrations to practice a health profession when such regulatory authority licenses such dispenser or prescriber or such dispenser or prescriber is seeking licensure by such other regulatory authority.

5. Information relevant to an investigation relating to a specific dispenser or prescriber who is a participating provider in the Virginia Medicaid program or information relevant to an investigation relating to a specific recipient who is currently eligible for and receiving or who has been eligible for and has received medical assistance services to the Medicaid Fraud Control Unit of the Office of the Attorney General or to designated employees of the Department of Medical Assistance Services, as appropriate.

6. Information relevant to determination of the cause of death of a specific recipient to the designated employees of the Office of the Chief Medical Examiner.

7. Information for the purpose of bona fide research or education to qualified personnel; however, data elements that would reasonably identify a specific recipient, prescriber, or dispenser shall be deleted or redacted from such information prior to disclosure. Further, release of the information shall only be made pursuant to a written agreement between such qualified personnel and the Director in order to ensure compliance with this subdivision.

8. Information relating to prescriptions for covered substances issued by a specific prescriber, which have been dispensed and reported to the Program, to that prescriber.

D. The Director may enter into agreements for mutual exchange of information among prescription monitoring programs in other jurisdictions, which shall only use the information for purposes allowed by this chapter.

E. This section shall not be construed to supersede the provisions of § 54.1-3406 concerning the divulging of confidential records relating to investigative information.

F. Confidential information that has been received, maintained or developed by any board or disclosed by the board pursuant to subsection A shall not, under any circumstances, be available for discovery or court subpoena or introduced into evidence in any medical malpractice suit or other action for damages arising out of the provision of or failure to provide services. However, this subsection shall not be construed to inhibit any investigation or prosecution conducted pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2.

CHAPTER 13

An Act to amend and reenact § 22.1-309 of the Code of Virginia, relating to teachers; dismissal.

[H 977]

Approved February 20, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-309 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-309. Notice to teacher of recommendation of dismissal; school board not to consider merits during notice; superintendent required to provide reasons for recommendation upon request.

In the event a division superintendent determines to recommend dismissal of any teacher, written notice shall be sent to the teacher notifying him of the proposed dismissal and informing him that within ~~five~~ 10 business days after receiving the notice the teacher may request a hearing before the school board or, at the option of the local school board, a hearing officer appointed by the school board as provided in § 22.1-311. During such ~~five business day~~ 10-business-day period and thereafter until a hearing is held in accordance with the provisions of this section, if one is requested by the teacher, the merits of the recommendation of the division superintendent shall not be considered, discussed or acted upon by the school board except as provided for in this section. At the request of the teacher, the division superintendent shall provide the reasons for the recommendation in writing or, if the teacher prefers, in a personal interview. In the event a teacher requests a hearing pursuant to § 22.1-311, the division superintendent shall provide, within 10 days of the request, the teacher or his representative with the opportunity to inspect and copy his personnel file and all other documents relied upon in reaching the decision to recommend dismissal. Within 10 days of the request of the division superintendent, the teacher or his representative shall provide the division superintendent with the opportunity to inspect and copy the documents to be offered in rebuttal to the decision to recommend dismissal. The division superintendent and the teacher or his representative shall be under a continuing duty to disclose and produce any additional documents identified later which may be used in the respective parties' cases-in-chief. The cost of copying such documents shall be paid by the requesting party.

For the purposes of this section, "personnel file" means any and all memoranda, entries, or other documents included in the teacher's file as maintained in the central school administration office or in any file on the teacher maintained within a school in which the teacher serves.

CHAPTER 14

An Act to amend and reenact § 58.1-2249 of the Code of Virginia, relating to eliminating the annual license tax on hybrid electric motor vehicles.

[S 127]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-2249 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-2249. Tax on alternative fuel.

A. There is hereby levied a tax at the rate levied on gasoline and gasohol on liquid alternative fuel used to operate a highway vehicle by means of a vehicle supply tank that stores fuel only for the purpose of supplying fuel to operate the vehicle. There is hereby levied a tax at a rate equivalent to that levied on gasoline and gasohol on all other alternative fuel used to operate a highway vehicle. The Commissioner shall determine the equivalent rate applicable to such other alternative fuels.

B. (Contingent expiration date) In addition to any tax imposed by this article, there is hereby levied an annual license tax of \$64 per vehicle on each highway vehicle registered in Virginia that is an electric motor vehicle; ~~a hybrid electric motor vehicle~~, or an alternative fuel vehicle. However, no license tax shall be levied on any vehicle that (i) is subject to the tax on fuels levied pursuant to subsection A, (ii) is subject to the federal excise tax levied under § 4041 of the Internal Revenue Code, (iii) is a moped as defined in § 46.2-100, or (iv) is registered under the International Registration Plan. If such a highway vehicle is registered for a period other than one year as provided under § 46.2-646, the license tax shall be

multiplied by the number of years or fraction thereof that the vehicle will be registered. The revenues generated by this subsection shall be deposited in the Highway Maintenance and Operating Fund.

B. (Contingent effective date) In addition to any tax imposed by this article, there is hereby levied an annual license tax of \$50 per vehicle on each highway vehicle registered in Virginia that is an electric motor vehicle. If such a highway vehicle is registered for a period other than one year as provided under § 46.2-646, the license tax shall be multiplied by the number of years or fraction thereof that the vehicle will be registered.

2. That the Commissioner of the Department of Motor Vehicles shall establish a process to refund, without interest, any portion of the annual license tax collected pursuant to subsection B of § 58.1-2249 of the Code of Virginia on hybrid electric motor vehicles, as defined under § 58.1-2201 of the Code of Virginia, that is attributable to registration years beginning on or after July 1, 2014.

CHAPTER 15

An Act to amend and reenact § 10.1-2211 of the Code of Virginia, relating to Confederate cemeteries and graves.

[S 108]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-2211 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-2211. Disbursement of funds appropriated for caring for Confederate cemeteries and graves.

A. At the direction of the Director, the Comptroller of the Commonwealth is instructed and empowered to draw annual warrants upon the State Treasurer from any sums that may be provided in the general appropriation act, in favor of the treasurers of the Confederate memorial associations and chapters of the United Daughters of the Confederacy set forth in subsection B of this section. Such sums shall be expended by the associations and organizations for the routine maintenance of their respective Confederate cemeteries and graves and for the graves of Confederate soldiers and sailors not otherwise cared for in other cemeteries, and in erecting and caring for markers, memorials, and monuments to the memory of such soldiers and sailors. All such associations and organizations, through their proper officers, are required after July 1 of each year to submit to the Director a certified statement that the funds appropriated to the association or organization in the preceding fiscal year were or will be expended for the routine maintenance of cemeteries specified in this section and the graves of Confederate soldiers and sailors and in erecting and caring for markers, memorials and monuments to the memory of such soldiers and sailors. An association or organization failing to comply with any of the requirements of this section shall be prohibited from receiving moneys allocated under this section for all subsequent fiscal years until the association or organization fully complies with the requirements.

B. Allocation of appropriations made pursuant to this section shall be based on the number of graves, monuments and markers as set forth opposite the association's or organization's name, or as documented by each association or organization multiplied by the rate of \$5 or the average actual cost of routine maintenance, whichever is greater, for each grave, monument or marker in the care of a Confederate memorial association or chapter of the United Daughters of the Confederacy. For the purposes of this section the "average actual cost of care" shall be determined by the Department in a biennial survey of at least four properly maintained cemeteries, each located in a different geographical region of the Commonwealth.

IN THE COUNTIES OF:	NUMBER:
Accomack	
Robert E. Lee Chapter, U.D.C., Belle Haven	10
Albemarle	
Albemarle Chapter, U.D.C.	50
Mountain Plain Cemetery, Crozet	15
Mt. Zion United Methodist Church, Esmont	10
Scottsville Chapter, U.D.C.	40
Westerly Chapel Cemetery, Free Union	15
Amelia	
Grub Hill Church	10
Appomattox	
Appomattox Chapter, U.D.C.	50
Augusta	
Augusta Stone Presbyterian Church Cemetery	40
Salem Lutheran Church Cemetery	37
Trinity Lutheran Church Cemetery	13
Botetourt	
Fairview Cemetery Association, Inc.	20
Glade Creek Cemetery Corporation	10

Buchanan	
Ratliff	30
Carroll	
Floyd Webb Cemetery	16
Robinson Cemetery	10
Worrell Cemetery	10
Charles City County	
Salem Church Cemetery	35
Chesterfield	
Ettrick Cemetery	47
Skinquarter Baptist Church Cemetery	12
Craig	
Archibald A. Caldwell Cemetery	4
Culpeper	
Culpeper Chapter, U.D.C.	10
Dinwiddie	
Dinwiddie Confederate Memorial Association	15
Fairfax	
Fairfax Chapter, U.D.C.	15
Robert E. Lee Chapter No. 56	36
Fauquier	
Black Horse Chapter, U.D.C.	10
Marshall Cemetery	10
Piedmont Chapter, U.D.C.	10
Upperville Methodist Church Cemetery	10
Floyd	
Floyd County Confederate Memorial Association	20
Southward Cemetery	10
Giles	
McComas Chapter, U.D.C.	15
Goochland	
Goochland Chapter, U.D.C.	15
Grayson	
A. B. Cox Cemetery	10
Atkins Memorial Cemetery	10
Bethel Church Cemetery	10
Bridlecreek Cemetery	10
Camet B. Cox Cemetery	10
Comer's Rock Cemetery	10
Cox's Chapel	10
Fellowship Baptist Cemetery	10
Fries Ridge Cemetery	10
Forest Cemetery	10
Fox Creek Cemetery	10
Funk Cemetery	10
Gold Hill Cemetery	10
Grubbs Chapel Cemetery	10
Hale Cemetery	15
Hines Branch Cemetery	10
Independence Cemetery	10
Jerusalem Methodist Episcopal Church Cemetery	10
Lebanon Cemetery	10
Liberty Hill Cemetery	15
Long Branch Cemetery	10
McKenzie Cemetery	10
New Hope Cemetery	10
Oak Grove Cemetery	10
Potato Creek Cemetery	10
Pugh Cemetery	10
Rhudy Cemetery	10
Round Meadows Cemetery	10

Rugby Cemetery	10
Saddle Creek Cemetery	10
Sawyers Family Cemetery	10
Spring Valley Cemetery	10
Whitetop Cemetery	10
Greene	
Gentry Methodist Church Cemetery	10
Halifax	
Grace Churchyard, Inc., Seaton	3
Halifax Chapter, U.D.C.	20
St. John's Episcopal Church	31
Hanover	
Hanover Chapter, U.D.C.	20
Henrico	
Emmanuel Episcopal Church at Brook Hill	86
Isle of Wight	
Isle of Wight Chapter, U.D.C.	20
Lee	
Light Horse Harry Lee Chapter, U.D.C.	100
Ely Cemetery	30
Loudoun	
Ebenezer Cemetery	15
Lakeview Cemetery, Hamilton	15
Lee Chapter No. 179	10
Leesburg Union Cemetery	15
Sharon Cemetery, Middleburg	20
Louisa	
Oakland Cemetery	70
Lunenburg	
Sons of the Confederate Veterans Old Free State Camp #1746	141
Madison	
Madison Chapter, U.D.C.	10
Mecklenburg	
Boydton Chapter, U.D.C.	10
Armistead-Goode Chapter, U.D.C.	10
Montgomery	
Doctor Harvey Black Chapter, U.D.C.	10
White Cemetery, Inc.	10
Nelson	
Nelson County Confederate Memorial Association	10
Nottoway	
Confederate Memorial Board	15
Orange	
Maplewood Cemetery, Gordonsville	696
Preddys Creek Cemetery	10
13th Virginia Regiment Chapter, U.D.C.	30
Patrick	
Confederate Memorial Association	40
Pittsylvania	
Rawley Martin Chapter, U.D.C. <i>Pittsylvania County Historical</i> <i>Society</i>	30
Powhatan	
Huguenot Springs Cemetery	130
Prince Edward	
Farmville Chapter, U.D.C.	50
Prince George	
City Point Chapter, U.D.C., for use at Old Town Cemetery	20
Pulaski	
Pulaski Chapter, U.D.C.	10
Roanoke	
Southern Cross Chapter, U.D.C.	10

Old Tombstone Cemetery	20
Rockbridge	
New Monmouth Presbyterian Church	80
New Providence Presbyterian Church	98
Rockingham	
Cedar Grove Cemetery	68
Cooks Creek Presbyterian Church Cemetery	39
Singers Glen Cemetery	19
St. Johns Lutheran Cemetery	10
Scott	
Prospect Community Cemetery	20
McKenney-Carter Cemetery Association	20
Confederate Memorial Branch, Wolfe Cemetery Association, Yuma ..	15
Estill Memorial Cemetery Association	35
Lawson Confederate Memorial Cemetery	10
Mount Pleasant Cemetery	20
Salling Memorial, Slant	20
Rollins Cemetery	10
Daugherty Cemetery	20
Nickelsville Baptist Church Cemetery	20
Shenandoah	
New Market Confederate Memorial Association	40
Stover Camp Chapter, U.D.C.	10
Mt. Jackson-Old Soldier Cemetery	100
Smyth	
Aspenvale Cemetery	10
Blue Springs Cemetery, Sugar Grove	10
Centenary Cemetery	10
Chatham Hill Cemetery	10
Greenwood Cemetery	10
Holston Chapter, U.D.C.	20
Keesling Cemetery, Rural Retreat	10
Middle Fork Cemetery	10
Morgan Cemetery, Sugar Grove	10
Mt. Carmel Cemetery	20
Mountain View Cemetery, Chilhowie	10
Mt. Zion Cemetery	10
Pleasant Hill Cemetery, Groseclose	12
Ridgedale Cemetery, Rich Valley	10
Riverside Cemetery in Rich Valley	10
Round Hill Cemetery	20
Slemp Cemetery, Sugar Grove	10
St. James Cemetery, Chilhowie	10
South Fork Baptist Cemetery	10
Steffey Cemetery, Groseclose	10
Wassum Cemetery, Atkins	10
Zion Methodist Cemetery, Rich Valley	14
Riverside Cemetery on South Fork	10
Royal Oak Cemetery	10
St. Clair's Bottom Cemetery, Chilhowie	10
Sulphur Springs Cemetery	10
Southampton	
Southampton Chapter, U.D.C.	40
Spotsylvania	
Ladies Confederate Memorial Association	749
Surry	
General William Mahone Chapter, U.D.C.	40
Tazewell	
Maplewood Cemetery	20
Hankins Cemetery	20

Warren	
Warren Rifles Chapter, U.D.C.	25
Washington	
Anna Stonewall Jackson Chapter, U.D.C.	20
Emory and Henry Cemetery	203
Greendale Cemetery	20
Warren Cemetery	20
Wise	
Big Stone Gap Chapter, U.D.C.	20
Wythe	
Asbury Cemetery, Rural Retreat	10
Fairview Cemetery, Rural Retreat	10
Galilee Christian Church Cemetery	10
Grubbs Cemetery	10
Kemberling Cemetery	10
Marvin Cemetery	30
Mt. Ephraim Cemetery	10
Mount Mitchell Cemetery	10
Mountain View Cemetery	46
Murphysville Cemetery	10
St. John's Cemetery	10
St. Mary's Cemetery	10
St. Paul's Cemetery	14
St. Peter's Lutheran Church Cemetery	12
Speedwell Methodist Cemetery	10
Wythe-Gray Chapter, U.D.C.	20
Zion Cemetery	10
York	
Bethel Memorial Association	20
IN THE CITIES OF:	
Alexandria	
Old Dominion Rifles Confederate Memorial Association	98
Old Presbyterian Meeting House	62
Bristol	
Bristol Confederate Memorial Association	60
Charlottesville	
Effort Baptist Church	10
Clifton Forge	
Julia Jackson Chapter, U.D.C.	15
Chesapeake	
Norfolk County Grays Chapter 2535, U.D.C.	8
Covington	
Alleghany Chapter, U.D.C.	30
Danville	
Eliza Johns Chapter, U.D.C.	201
Fredericksburg	
Fredericksburg Cemetery	310
Fredericksburg Confederate Memorial Association	200
Hampton	
Hampton Chapter, U.D.C.	60
Harrisonburg	
Turner Ashby Chapter, U.D.C.	60
Woodbine Cemetery	140
Lexington	
Rockbridge Chapter, U.D.C.	126
Lynchburg	
Lynchburg Confederate Memorial Association	30
Manassas	
Ladies Confederate Memorial Association of Manassas	15
Martinsville	
Mildred Lee Chapter, U.D.C.	10

Newport News
 Bethel Chapter, U.D.C. 50
 Norfolk
 Hope Maury Chapter, U.D.C. 10
 Pickett-Buchanan Chapter, U.D.C. 20
 Petersburg
 Petersburg Chapter, U.D.C., for Prince George County 15
 Ladies Memorial Association of Petersburg 140
 Portsmouth
 Ladies Confederate Memorial Association 15
 Portsmouth Cedar Grove Cemetery 407
 Radford
 New River Gray's Chapter, U.D.C. 15
 Radford Chapter, U.D.C. 15
 Richmond
 Centennial Chapter, U.D.C. 20
 Elliott Grays Chapter, U.D.C. 15
 Janet Randolph Chapter, U.D.C. 15
 Lee Chapter, U.D.C. 20
 Sons of Confederate Veterans - Virginia Division 2294
 Richmond-Stonewall Jackson Chapter, U.D.C. 110
 Roanoke
 Roanoke Chapter, U.D.C. 40
 William Watts Chapter, U.D.C. 40
 Salem
 Southern Cross Chapter, U.D.C. 271
 Staunton
 Confederate Section, Thornrose Cemetery 600
 Vinton
 Major Wm. F. Graves Chapter, U.D.C. 40
 Williamsburg
 Williamsburg Chapter, U.D.C. 125
 Winchester
 Stonewall Confederate Memorial Association 2112

C. In addition to funds that may be provided pursuant to subsection B, any of the Confederate memorial associations and chapters of the United Daughters of the Confederacy set forth in subsection B may apply to the Director for grants to perform extraordinary maintenance, renovation, repair or reconstruction of any of their respective Confederate cemeteries and graves and for the graves of Confederate soldiers and sailors. These grants shall be made from any appropriation made available by the General Assembly for such purpose. In making such grants, the Director shall give full consideration to the assistance available from the United States Department of Veterans Affairs, or other agencies, except in those instances where such assistance is deemed by the Director to be detrimental to the historical, artistic or architectural significance of the site.

D. Local matching funds shall not be required for grants made pursuant to this section.

CHAPTER 16

An Act to amend and reenact §§ 18.2-308.02 and 18.2-308.011 of the Code of Virginia, relating to concealed handgun permits; records.

[H 100]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

- 1. That §§ 18.2-308.02 and 18.2-308.011 of the Code of Virginia are amended and reenacted as follows:**
§ 18.2-308.02. Application for a concealed handgun permit; Virginia resident or domiciliary.

A. Any person 21 years of age or older may apply in writing to the clerk of the circuit court of the county or city in which he resides, or if he is a member of the United States armed forces, the county or city in which he is domiciled, for a five-year permit to carry a concealed handgun. There shall be no requirement regarding the length of time an applicant has been a resident or domiciliary of the county or city. The application shall be made under oath before a notary or other person qualified to take oaths and shall be made only on a form prescribed by the Department of State Police, in consultation with the Supreme Court, requiring only that information necessary to determine eligibility for the permit. No information or

documentation other than that which is allowed on the application in accordance with this section may be requested or required by the clerk or the court.

B. The court shall require proof that the applicant has demonstrated competence with a handgun and the applicant may demonstrate such competence by one of the following, but no applicant shall be required to submit to any additional demonstration of competence, nor shall any proof of demonstrated competence expire:

1. Completing any hunter education or hunter safety course approved by the Department of Game and Inland Fisheries or a similar agency of another state;

2. Completing any National Rifle Association firearms safety or training course;

3. Completing any firearms safety or training course or class available to the general public offered by a law-enforcement agency, junior college, college, or private or public institution or organization or firearms training school utilizing instructors certified by the National Rifle Association or the Department of Criminal Justice Services;

4. Completing any law-enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;

5. Presenting evidence of equivalent experience with a firearm through participation in organized shooting competition or current military service or proof of an honorable discharge from any branch of the armed services;

6. Obtaining or previously having held a license to carry a firearm in the Commonwealth or a locality thereof, unless such license has been revoked for cause;

7. Completing any firearms training or safety course or class, including an electronic, video, or online course, conducted by a state-certified or National Rifle Association-certified firearms instructor;

8. Completing any governmental police agency firearms training course and qualifying to carry a firearm in the course of normal police duties; or

9. Completing any other firearms training which the court deems adequate.

A photocopy of a certificate of completion of any of the courses or classes; an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document that shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this subsection.

C. The making of a materially false statement in an application under this article shall constitute perjury, punishable as provided in § 18.2-434.

D. The clerk of court shall withhold from public disclosure the applicant's name and any other information contained in a permit application or any order issuing a concealed handgun permit, except that such information shall not be withheld from any law-enforcement officer acting in the performance of his official duties. *The prohibition on public disclosure of information under this subsection shall not apply to any reference to the issuance of a concealed handgun permit in any order book before July 1, 2008, however any other concealed handgun records maintained by the clerk shall be withheld from public disclosure.*

E. An application is deemed complete when all information required to be furnished by the applicant, including the fee for a concealed handgun permit as set forth in § 18.2-308.03, is delivered to and received by the clerk of court before or concomitant with the conduct of a state or national criminal history records check.

§ 18.2-308.011. Replacement permits.

A. The clerk of a circuit court that issued a valid concealed handgun permit shall, upon presentation of the valid permit and proof of a new address of residence by the permit holder, issue a replacement permit specifying the permit holder's new address. The clerk of court shall forward the permit holder's new address of residence to the State Police. The State Police may charge a fee not to exceed \$5, and the clerk of court issuing the replacement permit may charge a fee not to exceed \$5. The total amount assessed for processing a replacement permit pursuant to this subsection shall not exceed \$10, with such fees to be paid in one sum to the person who receives the information for the replacement permit.

B. The clerk of a circuit court that issued a valid concealed handgun permit shall, upon submission of a notarized statement by the permit holder that the permit was lost or destroyed *or that the permit holder has undergone a legal name change*, issue a replacement permit. The replacement permit shall have the same expiration date as the permit that was lost ~~or~~ destroyed, *or issued to the permit holder under a previous name*. The clerk shall issue the replacement permit within 10 business days of receiving the notarized statement; and may charge a fee not to exceed \$5.

CHAPTER 17

An Act to amend and reenact § 8.01-581.16 of the Code of Virginia, relating to civil immunity for members of or consultants to certain boards or committees.

[H 130]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-581.16 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-581.16. Civil immunity for members of or consultants to certain boards or committees.

Every member of, or health care professional consultant to, any committee, board, group, commission or other entity shall be immune from civil liability for any act, decision, omission, or utterance done or made in performance of his duties while serving as a member of or consultant to such committee, board, group, commission or other entity, which functions primarily to review, evaluate, or make recommendations on (i) the duration of patient stays in health care facilities, (ii) the professional services furnished with respect to the medical, dental, psychological, podiatric, chiropractic, veterinary or optometric necessity for such services, (iii) the purpose of promoting the most efficient use or monitoring the quality of care of available health care facilities and services, or of emergency medical services agencies and services, (iv) the adequacy or quality of professional services, (v) the competency and qualifications for professional staff privileges, (vi) the reasonableness or appropriateness of charges made by or on behalf of health care facilities or (vii) patient safety, including entering into contracts with patient safety organizations; provided that such committee, board, group, commission or other entity has been established pursuant to federal or state law or regulation, ~~or pursuant to Joint Commission on Accreditation of Healthcare Organizations requirements; the requirements of a national accrediting organization granted authority by the Centers for Medicare and Medicaid Services to assure compliance with Medicare conditions of participation pursuant to § 1865 of Title XVIII of the Social Security Act (42 U.S.C. § 1395bb), or guidelines approved or adopted by a statewide or local association representing health care providers licensed in the Commonwealth pursuant to clause (iii) (f) of subsection B of § 8.01-581.17,~~ or established and duly constituted by one or more public or licensed private hospitals, health systems, community services boards, or behavioral health authorities, or with a governmental agency and provided further that such act, decision, omission, or utterance is not done or made in bad faith or with malicious intent.

CHAPTER 18

An Act to amend and reenact § 58.1-344.3 of the Code of Virginia, relating to the voluntary Chesapeake Bay restoration contribution.

[H 131]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-344.3 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-344.3. Voluntary contributions of refunds requirements.

A. 1. For taxable years beginning on and after January 1, 2005, all entities entitled to voluntary contributions of tax refunds listed in subsections B and C must have received at least \$10,000 in contributions in each of the three previous taxable years for which there is complete data and in which such entity was listed on the individual income tax return.

2. In the event that an entity listed in subsections B and C does not satisfy the requirement in subdivision 1, such entity shall no longer be listed on the individual income tax return.

3. a. The entities listed in subdivisions B 21 and B 22 as well as any other entities in subsections B and C added subsequent to the 2004 Session of the General Assembly shall not appear on the individual income tax return until their addition to the individual income tax return results in a maximum of 25 contributions listed on the return. Such contributions shall be added in the order that they are listed in subsections B and C.

b. Each entity added to the income tax return shall appear on the return for at least three consecutive taxable years before the requirement in subdivision 1 is applied to such entity.

4. The Department of Taxation shall report annually by the first day of each General Assembly Regular Session to the chairmen of the House and Senate Finance Committees the amounts collected for each entity listed under subsections B and C for the three most recent taxable years for which there is complete data. Such report shall also identify the entities, if any, that will be removed from the individual income tax return because they have failed the requirements in subdivision 1, the entities that will remain on the individual income tax return, and the entities, if any, that will be added to the individual income tax return.

B. Subject to the provisions of subsection A, the following entities entitled to voluntary contributions shall appear on the individual income tax return and are eligible to receive tax refund contributions of not less than \$1:

1. Nongame wildlife voluntary contribution.

a. All moneys contributed shall be used for the conservation and management of endangered species and other nongame wildlife. "Nongame wildlife" includes protected wildlife, endangered and threatened wildlife, aquatic wildlife, specialized habitat wildlife both terrestrial and aquatic, and mollusks, crustaceans, and other invertebrates under the jurisdiction of the Board of Game and Inland Fisheries.

b. All moneys shall be deposited into a special fund known as the Game Protection Fund and which shall be accounted for as a separate part thereof to be designated as the Nongame Cash Fund. All moneys so deposited in the Nongame Cash Fund shall be used by the Commission of Game and Inland Fisheries for the purposes set forth herein.

2. Open space recreation and conservation voluntary contribution.

a. All moneys contributed shall be used by the Department of Conservation and Recreation to acquire land for recreational purposes and preserve natural areas; to develop, maintain, and improve state park sites and facilities; and to provide funds to local public bodies pursuant to the Virginia Outdoor Fund Grants Program.

b. All moneys shall be deposited into a special fund known as the Open Space Recreation and Conservation Fund. The moneys in the fund shall be allocated one-half to the Department of Conservation and Recreation for the purposes stated in subdivision 2 a and one-half to local public bodies pursuant to the Virginia Outdoor Fund Grants Program.

3. Voluntary contribution to political party.

All moneys contributed shall be paid to the State Central Committee of any party that meets the definition of a political party under § 24.2-101 as of July 1 of the previous taxable year. The maximum contribution allowable under this subdivision shall be \$25. In the case of a joint return of husband and wife, each spouse may designate that the maximum contribution allowable be paid.

4. United States Olympic Committee voluntary contribution.

All moneys contributed shall be paid to the United States Olympic Committee.

5. Housing program voluntary contribution.

a. All moneys contributed shall be used by the Department of Housing and Community Development to provide assistance for emergency, transitional, and permanent housing for the homeless; and to provide assistance to housing for the low-income elderly for the physically or mentally disabled.

b. All moneys shall be deposited into a special fund known as the Virginia Tax Check-off for Housing Fund. All moneys deposited in the fund shall be used by the Department of Housing and Community Development for the purposes set forth in this subdivision. Funds made available to the Virginia Tax Check-off for Housing Fund may supplement but shall not supplant activities of the Virginia Housing Trust Fund established pursuant to Chapter 9 (§ 36-141 et seq.) of Title 36 or those of the Virginia Housing Development Authority.

6. Voluntary contributions to the Department for Aging and Rehabilitative Services.

a. All moneys contributed shall be used by the Department for Aging and Rehabilitative Services for the enhancement of transportation services for the elderly and disabled.

b. All moneys shall be deposited into a special fund known as the Transportation Services for the Elderly and Disabled Fund. All moneys so deposited in the fund shall be used by the Department for Aging and Rehabilitative Services for the enhancement of transportation services for the elderly and disabled. The Department for Aging and Rehabilitative Services shall conduct an annual audit of the moneys received pursuant to this subdivision and shall provide an evaluation of all programs funded pursuant to this subdivision annually to the Secretary of Health and Human Resources.

7. Voluntary contribution to the Community Policing Fund.

a. All moneys contributed shall be used to provide grants to local law-enforcement agencies for the purchase of equipment or the support of services, as approved by the Criminal Justice Services Board, relating to community policing.

b. All moneys shall be deposited into a special fund known as the Community Policing Fund. All moneys deposited in such fund shall be used by the Department of Criminal Justice Services for the purposes set forth herein.

8. Voluntary contribution to promote the arts.

All moneys contributed shall be used by the Virginia Arts Foundation to assist the Virginia Commission for the Arts in its statutory responsibility of promoting the arts in the Commonwealth. All moneys shall be deposited into a special fund known as the Virginia Arts Foundation Fund.

9. Voluntary contribution to the Historic Resources Fund.

All moneys contributed shall be deposited in the Historic Resources Fund established pursuant to § 10.1-2202.1.

10. Voluntary contribution to the Virginia Foundation for the Humanities and Public Policy.

All moneys contributed shall be paid to the Virginia Foundation for the Humanities and Public Policy. All moneys shall be deposited into a special fund known as the Virginia Humanities Fund.

11. Voluntary contribution to the Center for Governmental Studies.

All moneys contributed shall be paid to the Center for Governmental Studies, a public service and research center of the University of Virginia. All moneys shall be deposited into a special fund known as the Governmental Studies Fund.

12. Voluntary contribution to the Law and Economics Center.

All moneys contributed shall be paid to the Law and Economics Center, a public service and research center of George Mason University. All moneys shall be deposited into a special fund known as the Law and Economics Fund.

13. Voluntary contribution to Children of America Finding Hope.

All moneys contributed shall be used by Children of America Finding Hope (CAFH) in its programs which are designed to reach children with emotional and physical needs.

14. Voluntary contribution to 4-H Educational Centers.

All moneys contributed shall be used by the 4-H Educational Centers throughout the Commonwealth for their (i) educational, leadership, and camping programs and (ii) operational and capital costs. The State Treasurer shall pay the moneys to the Virginia 4-H Foundation in Blacksburg, Virginia.

15. Voluntary contribution to promote organ and tissue donation.

a. All moneys contributed shall be used by the Virginia Transplant Council to assist in its statutory responsibility of promoting and coordinating educational and informational activities as related to the organ, tissue, and eye donation process and transplantation in the Commonwealth of Virginia.

b. All moneys shall be deposited into a special fund known as the Virginia Donor Registry and Public Awareness Fund. All moneys deposited in such fund shall be used by the Virginia Transplant Council for the purposes set forth herein.

16. Voluntary contributions to the Virginia War Memorial division of the Department of Veterans Services and the National D-Day Memorial Foundation.

All moneys contributed shall be used by the Virginia War Memorial division of the Department of Veterans Services and the National D-Day Memorial Foundation in their work through each of their respective memorials. The State Treasurer shall divide the moneys into two equal portions and pay one portion to the Virginia War Memorial division of the Department of Veterans Services and the other portion to the National D-Day Memorial Foundation.

17. Voluntary contribution to the Virginia Federation of Humane Societies.

All moneys contributed shall be paid to the Virginia Federation of Humane Societies to assist in its mission of saving, caring for, and finding homes for homeless animals.

18. Voluntary contribution to the Tuition Assistance Grant Fund.

a. All moneys contributed shall be paid to the Tuition Assistance Grant Fund for use in providing monetary assistance to residents of the Commonwealth who are enrolled in undergraduate or graduate programs in private Virginia colleges.

b. All moneys shall be deposited into a special fund known as the Tuition Assistance Grant Fund. All moneys so deposited in the Fund shall be administered by the State Council of Higher Education for Virginia in accordance with and for the purposes provided under the Tuition Assistance Grant Act (§ 23-38.11 et seq.).

19. Voluntary contribution to the Spay and Neuter Fund.

All moneys contributed shall be paid to the Spay and Neuter Fund for use by localities in the Commonwealth for providing low-cost spay and neuter surgeries through direct provision or contract or each locality may make the funds available to any private, nonprofit sterilization program for dogs and cats in such locality. The Tax Commissioner shall determine annually the total amounts designated on all returns from each locality in the Commonwealth, based upon the locality that each filer who makes a voluntary contribution to the Fund lists as his permanent address. The State Treasurer shall pay the appropriate amount to each respective locality.

20. Voluntary contribution to the Virginia Commission for the Arts.

All moneys contributed shall be paid to the Virginia Commission for the Arts.

21. Voluntary contribution to the Office of Commonwealth Preparedness.

All moneys contributed shall be paid to the Department of Emergency Management for the Office of Commonwealth Preparedness.

22. Voluntary contribution for the cancer centers in the Commonwealth.

All moneys contributed shall be paid equally to all entities in the Commonwealth that officially have been designated as cancer centers by the National Cancer Institute.

23. Voluntary contribution to the Brown v. Board of Education Scholarship Program Fund.

a. All moneys contributed shall be paid to the Brown v. Board of Education Scholarship Program Fund to support the work of and generate nonstate funds to maintain the Brown v. Board of Education Scholarship Program.

b. All moneys shall be deposited into the Brown v. Board of Education Scholarship Program Fund as established in § 30-231.4.

c. All moneys so deposited in the Fund shall be administered by the State Council of Higher Education in accordance with and for the purposes provided in Chapter 34.1 (§ 30-231.01 et seq.) of Title 30.

24. Voluntary contribution to the Martin Luther King, Jr. Living History and Public Policy Center.

All moneys contributed shall be paid to the Board of Trustees of the Martin Luther King, Jr. Living History and Public Policy Center.

25. Voluntary contribution to the Virginia Caregivers Grant Fund.

All moneys contributed shall be paid to the Virginia Caregivers Grant Fund established pursuant to § 63.2-2202.

26. Voluntary contribution to public library foundations.

All moneys contributed pursuant to this subdivision shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for each public library foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the appropriate amount to the respective public library foundation.

27. Voluntary contribution to Celebrating Special Children, Inc.

All moneys contributed shall be paid to Celebrating Special Children, Inc. and shall be deposited into a special fund known as the Celebrating Special Children, Inc. Fund.

28. Voluntary contributions to the Department for Aging and Rehabilitative Services.

a. All moneys contributed shall be used by the Department for Aging and Rehabilitative Services for providing Medicare Part D counseling to the elderly and disabled.

b. All moneys shall be deposited into a special fund known as the Medicare Part D Counseling Fund. All moneys so deposited shall be used by the Department for Aging and Rehabilitative Services to provide counseling for the elderly and disabled concerning Medicare Part D. The Department for Aging and Rehabilitative Services shall conduct an annual audit of the moneys received pursuant to this subdivision and shall provide an evaluation of all programs funded pursuant to the subdivision to the Secretary of Health and Human Resources.

29. Voluntary contribution to community foundations.

All moneys contributed pursuant to this subdivision shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for each community foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the appropriate amount to the respective community foundation.

A "community foundation" shall be defined as any institution that meets the membership requirements for a community foundation established by the Council on Foundations.

30. Voluntary contribution to the Virginia Foundation for Community College Education.

a. All moneys contributed shall be paid to the Virginia Foundation for Community College Education for use in providing monetary assistance to Virginia residents who are enrolled in comprehensive community colleges in Virginia.

b. All moneys shall be deposited into a special fund known as the Virginia Foundation for Community College Education Fund. All moneys so deposited in the Fund shall be administered by the Virginia Foundation for Community College Education in accordance with and for the purposes provided under the Community College Incentive Scholarship Program (§ 23-220.2 et seq.).

31. Voluntary contribution to the Middle Peninsula Chesapeake Bay Public Access Authority.

All moneys contributed shall be paid to the Middle Peninsula Chesapeake Bay Public Access Authority to be used for the purposes described in § 15.2-6601.

32. Voluntary contribution to the Breast and Cervical Cancer Prevention and Treatment Fund.

All moneys contributed shall be paid to the Breast and Cervical Cancer Prevention and Treatment Fund established pursuant to § 32.1-368.

33. Voluntary contribution to the Virginia Aquarium and Marine Science Center.

All moneys contributed shall be paid to the Virginia Aquarium and Marine Science Center for use in its mission to increase the public's knowledge and appreciation of Virginia's marine environment and inspire commitment to preserve its existence.

34. Voluntary contribution to the Virginia Capitol Preservation Foundation.

All moneys contributed shall be paid to the Virginia Capitol Preservation Foundation for use in its mission in supporting the ongoing restoration, preservation, and interpretation of the Virginia Capitol and Capitol Square.

35. Voluntary contribution for the Secretary of Veterans Affairs and Homeland Security.

All moneys contributed shall be paid to the Office of the Secretary of Veterans Affairs and Homeland Security for related programs and services.

C. Subject to the provisions of subsection A, the following voluntary contributions shall appear on the individual income tax return and are eligible to receive tax refund contributions or by making payment to the Department if the individual is not eligible to receive a tax refund pursuant to § 58.1-309 or if the amount of such tax refund is less than the amount of the voluntary contribution:

1. Voluntary contribution to the Family and Children's Trust Fund of Virginia.

All moneys contributed shall be paid to the Family and Children's Trust Fund of Virginia.

2. Voluntary Chesapeake Bay ~~Restoration Contribution~~ *restoration contribution*.

a. All moneys contributed shall be used to help fund Chesapeake Bay and its tributaries restoration activities in accordance with tributary plans developed pursuant to Article 7 (§ 2.2-215 et seq.) of Chapter 2 of Title 2.2 or the Chesapeake Bay Watershed Implementation Plan submitted by the Commonwealth of Virginia to the U.S. Environmental Protection Agency on November 29, 2010, and any subsequent revisions thereof.

b. The Tax Commissioner shall annually determine the total amount of voluntary contributions and shall report the same to the State Treasurer, who shall credit that amount to a special nonreverting fund to be administered by the Office of the Secretary of Natural Resources. All moneys so deposited shall be used for the purposes of providing grants for the implementation of tributary plans developed pursuant to Article 7 (§ 2.2-215 et seq.) of Chapter 2 of Title 2.2 or the Chesapeake Bay Watershed Implementation Plan submitted by the Commonwealth of Virginia to the U.S. Environmental Protection Agency on November 29, 2010, and any subsequent revisions thereof.

c. No later than November 1 of each year, the Secretary of Natural Resources shall submit a report to the House Committee on Agriculture, Chesapeake and Natural Resources; the Senate Committee on Agriculture, Conservation and Natural Resources; the House Committee on Appropriations; the Senate Committee on Finance; and the Virginia delegation to the Chesapeake Bay Commission, describing the grants awarded from moneys deposited in the fund. The report shall include a list of grant recipients, a description of the purpose of each grant, the amount received by each grant recipient, and an assessment of activities or initiatives supported by each grant. The report shall be posted on a website maintained by the Secretary of Natural Resources, along with a cumulative listing of previous grant awards beginning with awards granted on or after July 1, 2014.

3. Voluntary Jamestown-Yorktown Foundation Contribution.

All moneys contributed shall be used by the Jamestown-Yorktown Foundation for the Jamestown 2007 quadricentennial celebration. All moneys shall be deposited into a special fund known as the Jamestown Quadricentennial Fund. This subdivision shall be effective for taxable years beginning before January 1, 2008.

4. State forests voluntary contribution.

a. All moneys contributed shall be used for the development and implementation of conservation and education initiatives in the state forests system.

b. All moneys shall be deposited into a special fund known as the State Forests System Fund, established pursuant to § 10.1-1119.1. All moneys so deposited in such fund shall be used by the State Forester for the purposes set forth herein.

5. Voluntary contributions to Uninsured Medical Catastrophe Fund.

All moneys contributed shall be paid to the Uninsured Medical Catastrophe Fund established pursuant to § 32.1-324.2, such funds to be used for the treatment of Virginians sustaining uninsured medical catastrophes.

6. Voluntary contribution to local school divisions.

a. All moneys contributed shall be used by a specified local public school foundation as created by and for the purposes stated in § 22.1-212.2:2.

b. All moneys collected pursuant to subdivision 6 a or through voluntary payments by taxpayers designated for a local public school foundation over refundable amounts shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for each public school foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the appropriate amount to the respective public school foundation.

c. In order for a public school foundation to be eligible to receive contributions under this section, school boards must notify the Department during the taxable year in which they want to participate prior to the deadlines and according to procedures established by the Tax Commissioner.

7. Voluntary contribution to Home Energy Assistance Fund.

All moneys contributed shall be paid to the Home Energy Assistance Fund established pursuant to § 63.2-805, such funds to be used to assist low-income Virginians in meeting seasonal residential energy needs.

8. Voluntary contribution to the Virginia Military Family Relief Fund.

a. All moneys contributed shall be paid to the Virginia Military Family Relief Fund for use in providing assistance to military service personnel on active duty and their families for living expenses including, but not limited to, food, housing, utilities, and medical services.

b. All moneys shall be deposited into a special fund known as the Virginia Military Family Relief Fund, established and administered pursuant to § 44-102.2.

D. Unless otherwise specified and subject to the requirements in § 58.1-344.2, all moneys collected for each entity in subsections B and C shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amount designated for each entity in subsections B and C on all individual income tax returns and shall report the same to the State Treasurer, who shall credit that amount to each entity's respective special fund.

CHAPTER 19

An Act to amend and reenact §§ 58.1-3370, 58.1-3371, and 58.1-3373 of the Code of Virginia, relating to boards of equalization; alternate members.

[H 149]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-3370, 58.1-3371, and 58.1-3373 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-3370. Appointment.

A. The circuit court having jurisdiction within each city and each county other than those counties operating under § 58.1-3371 shall, in each tax year immediately following the year a general reassessment or annual or biennial assessment is conducted in such city or county, appoint for such city or county a board of equalization of real estate assessments, unless such county or city has a permanent board of equalization appointed according to law. *In addition, at the request of the local governing body, the circuit court may appoint alternate members as provided in subsection B of § 58.1-3373, and the provisions of that subsection shall apply mutatis mutandis.*

B. The term of any board of equalization appointed under the authority of this section shall expire one year after the effective date of the assessment for which they were appointed.

§ 58.1-3371. Appointment in counties with county executive or county manager form of government.

Unless the county has a permanent board of equalization appointed according to law, the board of supervisors or other governing body of any county operating under the county executive form of government, or the county manager form of organization and government provided for in Chapter 5 (§ 15.2-500 et seq.) or Chapter 6 (§ 15.2-600 et seq.) of Title 15.2, shall for the year following any year a general reassessment or annual or biennial assessment is conducted create and appoint for the county a board of equalization of real estate assessments. For any county operating under the county executive form of government, the board shall be composed of not less than three nor more than the number of districts for the election of members of the board of supervisors in the county. In addition to such members, at the request of the local governing body, the circuit court for the locality may appoint not more than two alternate members. The qualifications, terms, and compensation of alternate members shall be the same as those of regular members. A regular member when he knows he will be absent from or will have to abstain from any proceeding at a meeting shall notify the chairman of the board of equalization at least 24 hours prior to the meeting of such fact. The chairman may select an alternate to serve in the absent or abstaining member's place and the records of the board shall so note. Such alternate member may vote on any proceeding in which a regular member is absent or abstains. *A regular member shall have the right to apply to the board of equalization for relief the same as any other taxpayer. If a regular member applies for relief, and one or more alternate members has been appointed pursuant to this section, then the chairman shall appoint an alternate member to hear and vote on such*

regular member's application for relief. If the chairman applies for relief, then the vice chairman shall appoint an alternate member to hear and vote on the chairman's application for relief.

The terms of the regular and alternate members of any board so appointed shall expire on December 31 of the year in which they are appointed. Members of any board shall have the qualifications prescribed by § 58.1-3374 and shall conduct their business as required by § 58.1-3378.

§ 58.1-3373. Permanent board of equalization.

A. Any county or city which uses the annual assessment method or the biennial assessment method authorized under § 58.1-3253 in lieu of periodic general assessments, may elect to create a permanent board of equalization in lieu of the board of equalization required under §§ 58.1-3370 and 58.1-3371. Such board shall consist of three or five members to be appointed by the circuit court of such county or city, or the circuit court having jurisdiction within such city, as follows: In the case of a three-member board, one member shall be appointed for a term of one year, one member shall be appointed for a term of two years, and one member shall be appointed for a term of three years. In the case of a five-member board, one member shall be appointed for a one-year term, one member shall be appointed for a two-year term, and three members shall be appointed for a three-year term. However, for any county operating under the county executive form of government, the number of members of the permanent board of equalization shall be no less than three nor more than the number of districts for the election of members of the board of supervisors in the county, and the members of the permanent board of equalization shall be appointed by the circuit court of such county for three-year terms. As the terms of the initial appointees expire, their successors shall be appointed for terms of three years. Members of such boards shall have the qualifications prescribed by § 58.1-3374, and shall conduct their business as required by § 58.1-3378. The compensation of the members of any such boards shall be fixed by the governing body.

B. In addition to regular members appointed under subsection A, at the request of the local governing body, the circuit court for any locality may appoint one alternate member in the case of a three-member board and two alternate members in the case of a five-member board. The qualifications and compensation of alternate members shall be the same as those of regular members. In the case of a three-member board, the alternate shall be appointed for a two-year term. In the case of a five-member board, one alternate shall be appointed for a term of one year and one alternate shall be appointed for a term of two years. Thereafter, the terms for alternate members of five-member boards shall be for three-year terms.

A regular member when he knows he will be absent from or will have to abstain from any proceeding at a meeting shall notify the chairman of the board of equalization at least 24 hours prior to the meeting of such fact. The chairman may select an alternate to serve in the absent or abstaining member's place and the records of the board shall so note. Such alternate member may vote on any proceeding in which a regular member is absent or abstains. *A regular member shall have the right to apply to the board of equalization for relief the same as any other taxpayer. If a regular member applies for relief, and one or more alternate members has been appointed pursuant to this section, then the chairman shall appoint an alternate member to hear and vote on such regular member's application for relief. If the chairman applies for relief, then the vice chairman shall appoint an alternate member to hear and vote on the chairman's application for relief.*

C. Notwithstanding the provisions of subsections A and B concerning appointment of members and alternate members by the circuit court, the board of supervisors of Loudoun County may elect to appoint the members and alternate members of its board of equalization of real estate assessments.

CHAPTER 20

An Act to amend and reenact §§ 16.1-272, 16.1-273, 16.1-278.7, and 16.1-278.8 of the Code of Virginia, relating to commitment of juvenile to the Department of Juvenile Justice; consideration of social history.

[H 183]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-272, 16.1-273, 16.1-278.7, and 16.1-278.8 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-272. Power of circuit court over juvenile offender.

A. In any case in which a juvenile is indicted, the offense for which he is indicted and all ancillary charges shall be tried in the same manner as provided for in the trial of adults, except as otherwise provided with regard to sentencing. Upon a finding of guilty of any charge, the court shall fix the sentence without the intervention of a jury. *Nothing in this subsection shall be construed to require a court to review the results of an investigation completed pursuant to § 16.1-273.*

1. If a juvenile is convicted of a violent juvenile felony, for that offense and for all ancillary crimes the court may order that (i) the juvenile serve a portion of the sentence as a serious juvenile offender under § 16.1-285.1 and the remainder of such sentence in the same manner as provided for adults; (ii) the juvenile serve the entire sentence in the same manner as provided for adults; or (iii) the portion of the sentence to be served in the same manner as provided for adults be suspended conditioned upon successful completion of such terms and conditions as may be imposed in a juvenile court upon disposition of a delinquency case including, but not limited to, commitment under subdivision A 14 of § 16.1-278.8 or § 16.1-285.1.

2. If the juvenile is convicted of any other felony, the court may sentence or commit the juvenile offender in accordance with the criminal laws of this Commonwealth or may in its discretion deal with the juvenile in the manner prescribed in this chapter for the hearing and disposition of cases in the juvenile court, including, but not limited to, commitment under § 16.1-285.1 or may in its discretion impose an adult sentence and suspend the sentence conditioned upon successful completion of such terms and conditions as may be imposed in a juvenile court upon disposition of a delinquency case.

3. If the juvenile is not convicted of a felony but is convicted of a misdemeanor, the court shall deal with the juvenile in the manner prescribed by law for the disposition of a delinquency case in the juvenile court.

B. If the circuit court decides to deal with the juvenile in the same manner as a case in the juvenile court and places the juvenile on probation, the juvenile may be supervised by a juvenile probation officer.

C. Whether the court sentences and commits the juvenile as a juvenile under this chapter or under the criminal law, in cases where the juvenile is convicted of a felony in violation of § 18.2-61, 18.2-63, 18.2-64.1, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.5, 18.2-370 or 18.2-370.1 or, where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection B of § 18.2-361 or subsection B of § 18.2-366, the clerk shall make the report required by § 19.2-390 to the Sex Offender and Crimes Against Minors Registry established pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

D. A juvenile sentenced pursuant to clause (i) of subdivision A 1 shall be eligible to earn sentence credits in the manner prescribed by § 53.1-202.2 for the portion of the sentence served as a serious juvenile offender under § 16.1-285.1.

E. If the court sentences the juvenile as a juvenile under this chapter, the clerk shall provide a copy of the court's final order or judgment to the court service unit in the same locality as the juvenile court to which the case had been transferred.

§ 16.1-273. Court may require investigation of social history and preparation of victim impact statement.

A. When a juvenile and domestic relations district court or circuit court has adjudicated any case involving a child subject to the jurisdiction of the court hereunder, except for a traffic violation, a violation of the game and fish law, or a violation of any city ordinance regulating surfing or establishing curfew violations, the court before final disposition thereof may require an investigation, which (i) shall include a drug screening and (ii) may, and for the purposes of ~~§ 16.1-278.7~~ *subdivision A 14 or A 17 of § 16.1-278.8* shall, include a *social history* of the physical, mental, and social conditions, including an assessment of any affiliation with a criminal street gang as defined in § 18.2-46.1, and personality of the child and the facts and circumstances surrounding the violation of law. However, in the case of a juvenile adjudicated delinquent on the basis of an act committed on or after January 1, 2000, which would be a felony if committed by an adult, or a violation under Article 1 (§ 18.2-247 et seq.) or Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2 and such offense would be punishable as a Class 1 or Class 2 misdemeanor if committed by an adult, the court shall order the juvenile to undergo a drug screening. If the drug screening indicates that the juvenile has a substance abuse or dependence problem, an assessment shall be completed by a certified substance abuse counselor as defined in § 54.1-3500 employed by the Department of Juvenile Justice or by a locally operated court services unit or by an individual employed by or currently under contract to such agencies and who is specifically trained to conduct such assessments under the supervision of such counselor.

B. The court also shall, on motion of the attorney for the Commonwealth with the consent of the victim, or may in its discretion, require the preparation of a victim impact statement in accordance with the provisions of § 19.2-299.1 if the court determines that the victim may have suffered significant physical, psychological, or economic injury as a result of the violation of law.

§ 16.1-278.7. Commitment to Department of Juvenile Justice.

Only a juvenile who is adjudicated as a delinquent and is 11 years of age or older may be committed to the Department of Juvenile Justice. ~~Unless previously completed~~ *In cases where a waiver of an investigation has been granted pursuant to subdivision A 14 or A 17 of § 16.1-278.8*, at the time a court commits a child to the Department of Juvenile Justice the court shall order an investigation pursuant to § 16.1-273 to be completed within 15 days. No juvenile court or circuit court shall order the commitment of any child jointly to the Department of Juvenile Justice and to a local board of social services or transfer the custody of a child jointly to a court service unit of a juvenile court and to a local board of social services. Any person sentenced and committed to an active term of incarceration in the Department of Corrections who is, at the time of such sentencing, in the custody of the Department of Juvenile Justice, upon pronouncement of sentence, shall be immediately transferred to the Department of Corrections.

§ 16.1-278.8. Delinquent juveniles.

A. If a juvenile is found to be delinquent, except where such finding involves a refusal to take a blood or breath test in violation of § 18.2-268.2 or a similar ordinance, the juvenile court or the circuit court may make any of the following orders of disposition for his supervision, care and rehabilitation:

1. Enter an order pursuant to the provisions of § 16.1-278;
2. Permit the juvenile to remain with his parent, subject to such conditions and limitations as the court may order with respect to the juvenile and his parent;
3. Order the parent of a juvenile living with him to participate in such programs, cooperate in such treatment or be subject to such conditions and limitations as the court may order and as are designed for the rehabilitation of the juvenile and his parent;

4. Defer disposition for a specific period of time established by the court with due regard for the gravity of the offense and the juvenile's history, after which time the charge may be dismissed by the judge if the juvenile exhibits good behavior during the period for which disposition is deferred;

4a. Defer disposition and place the juvenile in the temporary custody of the Department to attend a boot camp established pursuant to § 66-13 provided bed space is available for confinement and the juvenile (i) has been found delinquent for an offense that would be a Class 1 misdemeanor or felony if committed by an adult, (ii) has not previously been and is not currently being adjudicated delinquent or found guilty of a violent juvenile felony, (iii) has not previously attended a boot camp, (iv) has not previously been committed to and received by the Department, and (v) has had an assessment completed by the Department or its contractor concerning the appropriateness of the candidate for a boot camp. Upon the juvenile's withdrawal, removal or refusal to comply with the terms and conditions of participation in the program, he shall be brought before the court for a hearing at which the court may impose any other disposition as authorized by this section which could have been imposed at the time the juvenile was placed in the custody of the Department;

5. Without entering a judgment of guilty and with the consent of the juvenile and his attorney, defer disposition of the delinquency charge for a specific period of time established by the court with due regard for the gravity of the offense and the juvenile's history, and place the juvenile on probation under such conditions and limitations as the court may prescribe. Upon fulfillment of the terms and conditions, the court shall discharge the juvenile and dismiss the proceedings against him. Discharge and dismissal under these provisions shall be without adjudication of guilt;

6. Order the parent of a juvenile with whom the juvenile does not reside to participate in such programs, cooperate in such treatment or be subject to such conditions and limitations as the court may order and as are designed for the rehabilitation of the juvenile where the court determines this participation to be in the best interest of the juvenile and other parties concerned and where the court determines it reasonable to expect the parent to be able to comply with such order;

7. Place the juvenile on probation under such conditions and limitations as the court may prescribe;

7a. Place the juvenile on probation and order treatment for the abuse or dependence on alcohol or drugs in a program licensed by the Department of Behavioral Health and Developmental Services for the treatment of juveniles for substance abuse provided that (i) the juvenile has received a substance abuse screening and assessment pursuant to § 16.1-273 and that such assessment reasonably indicates that the commission of the offense was motivated by, or closely related to, the habitual use of alcohol or drugs and indicates that the juvenile is in need of treatment for this condition; (ii) the juvenile has not previously been and is not currently being adjudicated for a violent juvenile felony; and (iii) such facility is available. Upon the juvenile's withdrawal, removal, or refusal to comply with the conditions of participation in the program, he shall be brought before the court for a hearing at which the court may impose any other disposition authorized by this section. The court shall review such placements at 30-day intervals;

8. Impose a fine not to exceed \$500 upon such juvenile;

9. Suspend the motor vehicle and driver's license of such juvenile or impose a curfew on the juvenile as to the hours during which he may operate a motor vehicle. Any juvenile whose driver's license is suspended may be referred for an assessment and subsequent referral to appropriate services, upon such terms and conditions as the court may order. The court, in its discretion and upon a demonstration of hardship, may authorize the use of a restricted permit to operate a motor vehicle by any juvenile who enters such program for any of the purposes set forth in subsection E of § 18.2-271.1 or for travel to and from school. The restricted permit shall be issued in accordance with the provisions of such subsection. However, only an abstract of the court order that identifies the juvenile and the conditions under which the restricted license is to be issued shall be sent to the Department of Motor Vehicles.

If a curfew is imposed, the juvenile shall surrender his driver's license, which shall be held in the physical custody of the court during any period of curfew restriction. The court shall send an abstract of any order issued under the provisions of this section to the Department of Motor Vehicles, which shall preserve a record thereof. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of this chapter or the provisions of Title 46.2, this record shall be available only to all law-enforcement officers, attorneys for the Commonwealth and courts. A copy of the court order, upon which shall be noted all curfew restrictions, shall be provided to the juvenile and shall contain such information regarding the juvenile as is reasonably necessary to identify him. The juvenile may operate a motor vehicle under the court order in accordance with its terms.

Any juvenile who operates a motor vehicle in violation of any restrictions imposed pursuant to this section shall be guilty of a violation of § 46.2-301.

The Department of Motor Vehicles shall refuse to issue a driver's license to any juvenile denied a driver's license until such time as is stipulated in the court order or until notification by the court of withdrawal of the order imposing the curfew;

10. Require the juvenile to make restitution or reparation to the aggrieved party or parties for actual damages or loss caused by the offense for which the juvenile was found to be delinquent;

11. Require the juvenile to participate in a public service project under such conditions as the court prescribes;

12. In case of traffic violations, impose only those penalties that are authorized to be imposed on adults for such violations. However, for those violations punishable by confinement if committed by an adult, confinement shall be imposed only as authorized by this title;

13. Transfer legal custody to any of the following:

a. A relative or other individual who, after study, is found by the court to be qualified to receive and care for the juvenile;

b. A child welfare agency, private organization or facility that is licensed or otherwise authorized by law to receive and provide care for such juvenile. The court shall not transfer legal custody of a delinquent juvenile to an agency, organization or facility outside of the Commonwealth without the approval of the Director; or

c. The local board of social services of the county or city in which the court has jurisdiction or, at the discretion of the court, to the local board of the county or city in which the juvenile has residence if other than the county or city in which the court has jurisdiction. The board shall accept the juvenile for care and custody, provided that it has been given reasonable notice of the pendency of the case and an opportunity to be heard. However, in an emergency in the county or city in which the court has jurisdiction, such local board may be required to temporarily accept a juvenile for a period not to exceed 14 days without prior notice or an opportunity to be heard if the judge entering the placement order describes the emergency and the need for such temporary placement in the order. Nothing in this subdivision shall prohibit the commitment of a juvenile to any local board of social services in the Commonwealth when such local board consents to the commitment. The board to which the juvenile is committed shall have the final authority to determine the appropriate placement for the juvenile. Any order authorizing removal from the home and transferring legal custody of a juvenile to a local board of social services as provided in this subdivision shall be entered only upon a finding by the court that reasonable efforts have been made to prevent removal and that continued placement in the home would be contrary to the welfare of the juvenile, and the order shall so state;

14. ~~Commit~~ *Unless waived by an agreement between the attorney for the Commonwealth and the juvenile and his attorney or other legal representative, upon consideration of the results of an investigation completed pursuant to § 16.1-273, commit the juvenile to the Department of Juvenile Justice, but only if he is 11 years of age or older and the current offense is (i) an offense that would be a felony if committed by an adult, (ii) an offense that would be a Class 1 misdemeanor if committed by an adult and the juvenile has previously been found to be delinquent based on an offense that would be a felony if committed by an adult, or (iii) an offense that would be a Class 1 misdemeanor if committed by an adult and the juvenile has previously been adjudicated delinquent of three or more offenses that would be a Class 1 misdemeanor if committed by an adult, and each such offense was not a part of a common act, transaction or scheme;*

15. Impose the penalty authorized by § 16.1-284;

16. Impose the penalty authorized by § 16.1-284.1;

17. ~~Impose~~ *Unless waived by an agreement between the attorney for the Commonwealth and the juvenile and his attorney or other legal representative, upon consideration of the results of an investigation completed pursuant to § 16.1-273, impose the penalty authorized by § 16.1-285.1;*

18. Impose the penalty authorized by § 16.1-278.9; or

19. Require the juvenile to participate in a gang-activity prevention program including, but not limited to, programs funded under the Virginia Juvenile Community Crime Control Act pursuant to § 16.1-309.7, if available, when a juvenile has been found delinquent of any of the following violations: § 18.2-51, 18.2-51.1, 18.2-52, 18.2-53, 18.2-55, 18.2-56, 18.2-57, 18.2-57.2, 18.2-121, 18.2-127, 18.2-128, 18.2-137, 18.2-138, 18.2-146, or 18.2-147, or any violation of a local ordinance adopted pursuant to § 15.2-1812.2.

B. If the court finds a juvenile delinquent of any of the following offenses, the court shall require the juvenile to make at least partial restitution or reparation for any property damage, for loss caused by the offense, or for actual medical expenses incurred by the victim as a result of the offense: § 18.2-51, 18.2-51.1, 18.2-52, 18.2-53, 18.2-55, 18.2-56, 18.2-57, 18.2-57.2, 18.2-121, 18.2-127, 18.2-128, 18.2-137, 18.2-138, 18.2-146, or 18.2-147; or for any violation of a local ordinance adopted pursuant to § 15.2-1812.2. The court shall further require the juvenile to participate in a community service project under such conditions as the court prescribes.

2. That the provisions of the first enactment of this act shall become effective on October 1, 2014.

3. That the Department of Juvenile Justice shall develop a model social history and guidelines for the use of such model to be used by court services units to assist a court to make an informed decision on the disposition of a juvenile under its jurisdiction. Such model and guidelines may include instructions on obtaining individualized educational program assessments and incorporating information about exposure of the juvenile to trauma. The Department shall report its progress to the Virginia Commission on Youth prior to the 2015 Regular Session of the General Assembly.

CHAPTER 21

An Act to amend and reenact § 54.1-601 of the Code of Virginia, relating to auctioneers; exemption from licensure.

[H 184]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-601 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-601. Exemptions.

The provisions of this chapter and the terms "Virginia licensed auctioneer," "auctioneer" or "auction firm," as defined in § 54.1-600, shall not apply to:

1. Any person who auctions his own property, whether owned or leased, provided his regular business is not as an auctioneer;
2. Any person who is acting as a receiver, trustee in bankruptcy, guardian, conservator, administrator, or executor, or any person acting under order of a court;
3. A trustee acting under a trust agreement, deed of trust, or will;
4. An attorney-at-law licensed to practice in the Commonwealth of Virginia acting pursuant to a power of attorney;
5. Sales at auction conducted by or under the direction of any public authority, or pursuant to any judicial order or decree;
6. Sale of livestock at a public livestock market authorized by the Commissioner of Agriculture and Consumer Services;
7. Leaf tobacco sales conducted in accordance with the provisions of § 3.1-336;
8. Sale at auction of automobiles conducted under the provisions of § 46.2-644.03 or by a motor vehicle dealer licensed under the provisions of Chapter 15 (§ 46.2-1500 et seq.) of Title 46.2;
9. Sale at auction of a particular brand of livestock conducted by an auctioneer of a livestock trade association;
10. Sales conducted by and on behalf of any charitable, religious, civic club, fraternal, or political organization if the person conducting the sale receives no compensation, either directly or indirectly, therefor and has no ownership interest in the merchandise being sold or financial interest in the entity providing such merchandise;
11. Sales, not exceeding one sale per year, conducted by or on behalf of (i) a civic club or (ii) a charitable organization granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code; or
12. Sales of collateral, sales conducted to enforce carriers' or warehousemen's liens, bulk sales, sales of goods by a presenting bank following dishonor of a documentary draft, resales of rightfully rejected goods, resales of goods by an aggrieved seller, or other resales conducted pursuant to Titles 8.1A through 8.10 and Chapter 23 (§ 55-416 et seq.) of Title 55.

CHAPTER 22

An Act to amend and reenact § 54.1-4108 of the Code of Virginia, relating to precious metals dealers; retail merchants; waiver of permit fee.

[H 192]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-4108 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-4108. Permit required; method of obtaining permit; no convictions of certain crimes; approval of weighing devices; renewal; permanent location required.

A. No person shall engage in the activities of a dealer as defined in § 54.1-4100 without first obtaining a permit from the chief law-enforcement officer of each county, city, or town in which he proposes to engage in business.

B. To obtain a permit, the dealer shall file with the proper chief law-enforcement officer an application form which includes the dealer's full name, any aliases, address, age, date of birth, sex, and fingerprints; the name, address, and telephone number of the applicant's employer, if any; and the location of the dealer's place of business. Upon filing this application and the payment of a \$200 application fee, the dealer shall be issued a permit by the chief law-enforcement officer or his designee, provided that the applicant has not been convicted of a felony or crime of moral turpitude within seven years prior to the date of application. The permit shall be denied if the applicant has been denied a permit or has had a permit revoked under any ordinance similar in substance to the provisions of this chapter.

C. Before a permit may be issued, the dealer must have all weighing devices used in his business inspected and approved by local or state weights and measures officials and present written evidence of such approval to the proper chief law-enforcement officer.

D. This permit shall be valid for one year from the date issued and may be renewed in the same manner as such permit was initially obtained with an annual permit fee of \$200. No permit shall be transferable.

E. If the business of the dealer is not operated without interruption, with Saturdays, Sundays, and recognized holidays excepted, the dealer shall notify the proper chief law-enforcement officer of all closings and reopenings of such business. The business of a dealer shall be conducted only from the fixed and permanent location specified in his application for a permit.

F. The chief law-enforcement officer may waive the permit fee for retail merchants that are not required to be licensed as pawnbrokers under Chapter 40 (§ 54.1-4000 et seq.), provided the retail merchant has a permanent place of business and purchases of precious metals and gems do not exceed five percent of the retail merchant's annual business.

CHAPTER 23

An Act to amend and reenact § 23-38.76 of the Code of Virginia, relating to the Virginia College Savings Plan; incorporated government agency.

[H 203]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 23-38.76 of the Code of Virginia is amended and reenacted as follows:****§ 23-38.76. Virginia College Savings Plan established; governing board; terms.**

A. To enhance the accessibility and affordability of higher education for all citizens of the Commonwealth, there is hereby established as *a body politic and corporate* and an independent agency of the Commonwealth, the Virginia College Savings Plan (the Plan). Moneys of the Plan shall be held in the state treasury in a special nonreverting fund (the Fund), which shall consist of payments received pursuant to prepaid tuition contracts or contributions to savings trust accounts made pursuant to this chapter, bequests, endowments or grants from the United States government, its agencies and instrumentalities, and any other available sources of funds, public or private. Any moneys remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest and income earned from the investment of such funds shall remain in the Fund and be credited to it.

B. The Plan shall be administered by an 11-member Board, as follows: the Director of the State Council of Higher Education for Virginia or his designee; the Chancellor of the Virginia Community College System or his designee; the State Treasurer or his designee; the State Comptroller or his designee; and seven nonlegislative citizen members, four to be appointed by the Governor, one to be appointed by the Senate Committee on Rules and two to be appointed by the Speaker of the House of Delegates, with significant experience in finance, accounting, law, or investment management.

Appointments shall be for terms of four years, except that appointments to fill vacancies shall be for the unexpired terms. No person shall be appointed to serve for or during more than two successive four-year terms, but after the expiration of a term of three years or less, or after the expiration of the remainder of a term to which appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto. Ex officio members of the Board shall serve terms coincident with their terms of office.

C. Members of the Board shall receive no compensation but shall be reimbursed for actual expenses incurred in the performance of their duties. The Board shall elect from its membership a chairman and a vice-chairman annually. A majority of the members of the Board shall constitute a quorum.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 24

An Act to amend and reenact §§ 54.1-2105.1 and 54.1-2109 of the Code of Virginia, relating to the Real Estate Board; death or disability of a broker.

[H 251]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:**1. That §§ 54.1-2105.1 and 54.1-2109 of the Code of Virginia are amended and reenacted as follows:****§ 54.1-2105.1. Other powers and duties of the Real Estate Board.**

In addition to the provisions of §§ 54.1-2105.01 through 54.1-2105.04, the Board shall ~~develop~~:

1. *Develop* a residential property disclosure statement form for use in accordance with the provisions of Chapter 27 (§ 55-517 et seq.) of Title 55. The Board shall also include on its website the notice required by subsection B of § 55-519; and

2. *Inform licensed brokers, in a manner deemed appropriate by the Board, of the broker's ability to designate an agent pursuant to § 54.1-2109 in the event of the broker's death or disability.*

§ 54.1-2109. Death or disability of a broker.

Upon the death or disability of a licensed real estate broker who was engaged in a proprietorship or who was the only licensed broker in a corporation or partnership, ~~the estate, an adult family member, or an employee of the licensee may be granted approval by~~ the Real Estate Board *shall grant approval* to carry on the business of the deceased or disabled broker for 180 days following the death or disability of the broker solely for the purpose of concluding the business of the deceased or disabled broker *in the following order*:

1. *A personal representative qualified by the court to administer the deceased broker's estate.*

2. *If there is no personal representative qualified pursuant to subdivision 1, then an agent designated under a power of attorney of the disabled or deceased broker, which designation expressly references this section.*

3. *If there is no agent designated pursuant to subdivision 2, the executor nominated in the deceased broker's will.*

4. *If there is no executor nominated pursuant to subdivision 3, then an adult family member of the disabled or deceased broker.*

5. If there is no adult family member nominated pursuant to subdivision 4, then an employee of the disabled or deceased broker.

In the event ~~no such person~~ is none of the foregoing is available or suitable, the Board may appoint any other suitable person to terminate the business within 180 days.

CHAPTER 25

An Act to amend and reenact § 16.1-88.2 of the Code of Virginia, relating to suit for personal injury; report from health care provider licensed outside of the Commonwealth.

[H 394]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-88.2 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-88.2. Evidence of medical reports or records; testimony of health care provider or custodian of records.

In a civil suit tried in a general district court or appealed to the circuit court to recover damages for personal injuries or to resolve any dispute with an insurance company or health care provider, either party may present evidence as to the extent, nature, and treatment of the injury, the examination of the person so injured, and the costs of such treatment and examination by the following:

1. A report from the treating or examining health care provider as defined in § 8.01-581.1 *or a health care provider licensed outside of the Commonwealth for his treatment of the plaintiff outside of the Commonwealth*. Such medical report shall be admitted if the party intending to present evidence by the use of a report gives the opposing party or parties a copy of the report and written notice of such intention 10 days in advance of trial and if attached to such report is a sworn statement of the treating or examining health care provider that (i) the person named therein was treated or examined by such health care provider; (ii) the information contained in the report is true and accurate and fully descriptive as to the nature and extent of the injury; and (iii) any statement of costs contained in the report is true and accurate; or

2. The records or bills of a hospital or similar medical facility at which the treatment or examination was performed. Such hospital or other medical facility records or bills shall be admitted if (i) the party intending to present evidence by the use of records or bills gives the opposing party or parties a copy of the records or bills and written notice of such intention 10 days in advance of trial and (ii) attached to the records or bills is a sworn statement of the custodian thereof that the same is a true and accurate copy of the records or bills of such hospital or other medical facility.

If, thereafter, the plaintiff or defendant summons the health care provider or custodian making such statement to testify in proper person or by deposition, the court shall determine which party shall pay the fee and costs for such appearance or depositions, or may apportion the same among the parties in such proportions as the ends of justice may require. If such health care provider or custodian is not subject to subpoena for cross-examination in court or by a deposition, then the court shall allow a reasonable opportunity for the party seeking the subpoena for such health care provider or custodian to obtain his testimony as the ends of justice may require. The plaintiff may only present evidence pursuant to this section in circuit court if he has not requested an amount in excess of the ad damnum in the motion for judgment filed in the general district court.

CHAPTER 26

An Act to amend and reenact § 58.1-401 of the Code of Virginia, relating to the income taxation of domestic international sales corporations and any income attributable to such corporations.

[H 480]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-401 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-401. Exemptions and exclusions.

No tax levied pursuant to §§ 58.1-400, 58.1-400.1 or § 58.1-400.2 is imposed on:

1. A public service corporation to the extent such corporation is subject to the license tax on gross receipts contained in Chapter 26 (§ 58.1-2600 et seq.) of this title;

2. Insurance companies to the extent such company is subject to the license tax on gross premiums under Chapter 25 (§ 58.1-2500 et seq.) of this title and reciprocal or interinsurance exchanges which pay a premium tax to the Commonwealth as provided by law;

3. State and national banks, banking associations and trust companies to the extent such companies are subject to the bank franchise tax on net capital;

3a. Credit unions organized and conducted as such under the laws of the Commonwealth or under the laws of the United States;

4. Electing small business corporations (S corporations);

5. Religious, educational, benevolent and other corporations not organized or conducted for pecuniary profit which by reason of their purposes or activities are exempt from income tax under the laws of the United States, except those organizations which have unrelated business income or other taxable income under such laws, except as provided in § 58.1-400.2;

6. Telephone companies chartered in the Commonwealth which are exclusively a local mutual association and are not designated to accumulate profits for the benefit of, or to pay dividends to, the stockholders or members thereof;

7. A corporation that has contracted with a commercial printer for printing and that is not otherwise taxable shall not become taxable by reason of: (i) the ownership or leasing by that corporation of tangible personal property located at the Virginia premises of the commercial printer and used solely in connection with the printing contract with such person; (ii) the sale by that corporation at another location of property of any kind printed at and shipped or distributed from the Virginia premises of the commercial printer; (iii) the activities in connection with the printing contract with such person of any kind performed by or on behalf of that corporation at the Virginia premises of the commercial printer; and (iv) the activities in connection with the printing contract with such person performed by the commercial printer for or on behalf of that corporation; ~~and~~

8. Foreign sales corporations (FSC) and any income attributable to an FSC under the rules relating to the taxation of an FSC in Part III, Subpart C of the Internal Revenue Code (§ 921 et seq.) and the regulations thereunder; *and*

9. *For taxable years beginning on or after January 1, 2014, domestic international sales corporations (DISC) under the rules relating to the taxation of a DISC in Part IV, Subpart A of the Internal Revenue Code (§ 991 et seq.) and the regulations thereunder.*

CHAPTER 27

An Act to amend and reenact § 58.1-3703.1 of the Code of Virginia, relating to appealing the local license tax classification or subclassification of a business.

[H 497]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3703.1 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3703.1. Uniform ordinance provisions.

A. Every ordinance levying a license tax pursuant to this chapter shall include provisions substantially similar to this subsection. As they apply to license taxes, the provisions required by this section shall override any limitations or requirements in Chapter 39 (§ 58.1-3900 et seq.) of this title to the extent that they are in conflict.

1. License requirement. Every person shall apply for a license for each business or profession when engaging in a business in this jurisdiction if (i) the person has a definite place of business in this jurisdiction; (ii) there is no definite place of business anywhere and the person resides in this jurisdiction; or (iii) there is no definite place of business in this jurisdiction but the person operates amusement machines or is classified as an itinerant merchant, peddler, carnival, circus, contractor subject to § 58.1-3715, or public service corporation. A separate license shall be required for each definite place of business and for each business. A person engaged in two or more businesses or professions carried on at the same place of business may elect to obtain one license for all such businesses and professions if all of the following criteria are satisfied: (a) each business or profession is subject to licensure at the location and has satisfied any requirements imposed by state law or other provisions of the ordinances of this jurisdiction; (b) all of the businesses or professions are subject to the same tax rate, or, if subject to different tax rates, the licensee agrees to be taxed on all businesses and professions at the highest rate; and (c) the taxpayer agrees to supply such information as the assessor may require concerning the nature of the several businesses and their gross receipts.

Notwithstanding the foregoing, the governing body of any county, city or town with a population greater than 50,000 may waive the license requirements provided herein for businesses with gross receipts of less than \$100,000.

2. Due dates and penalties.

a. Each person subject to a license tax shall apply for a license prior to beginning business if he was not subject to licensure in this jurisdiction on or before January 1 of the license year, or no later than March 1 of the license year if he had been issued a license for the preceding year. Any locality is authorized to adopt a later application date that is on or before May 1 of the license year. The application shall be on forms prescribed by the assessing official.

b. The tax shall be paid with the application in the case of any license not based on gross receipts. If the tax is measured by the gross receipts of the business, the tax shall be paid on or before the locality's fixed due date for filing license applications or a later date, including installment payment dates, or 30 or more days after beginning business, at the locality's option.

c. The assessing official may grant an extension of time in which to file an application for a license, for reasonable cause. The extension may be conditioned upon the timely payment of a reasonable estimate of the appropriate tax; the tax is then subject to adjustment to the correct tax at the end of the extension, together with interest from the due date until the date paid and, if the estimate submitted with the extension is found to be unreasonable under the circumstances, with a penalty of 10 percent of the portion paid after the due date.

d. A penalty of 10 percent of the tax may be imposed upon the failure to file an application or the failure to pay the tax by the appropriate due date. Only the late filing penalty shall be imposed by the assessing official if both the application and payment are late; however, both penalties may be assessed if the assessing official determines that the taxpayer has a history of noncompliance. In the case of an assessment of additional tax made by the assessing official, if the application and, if applicable, the return were made in good faith and the understatement of the tax was not due to any fraud, reckless or intentional disregard of the law by the taxpayer, there shall be no late payment penalty assessed with the additional tax. If any assessment of tax by the assessing official is not paid within 30 days, the treasurer or other collecting official may impose a 10 percent late payment penalty. If the failure to file or pay was not the fault of the taxpayer, the penalties shall not be imposed, or if imposed, shall be abated by the official who assessed them. In order to demonstrate lack of fault, the taxpayer must show that he acted responsibly and that the failure was due to events beyond his control.

"Acted responsibly" means that: (i) the taxpayer exercised the level of reasonable care that a prudent person would exercise under the circumstances in determining the filing obligations for the business and (ii) the taxpayer undertook significant steps to avoid or mitigate the failure, such as requesting appropriate extensions (where applicable), attempting to prevent a foreseeable impediment, acting to remove an impediment once it occurred, and promptly rectifying a failure once the impediment was removed or the failure discovered.

"Events beyond the taxpayer's control" include, but are not limited to, the unavailability of records due to fire or other casualty; the unavoidable absence (e.g., due to death or serious illness) of the person with the sole responsibility for tax compliance; or the taxpayer's reasonable reliance in good faith upon erroneous written information from the assessing official who was aware of the relevant facts relating to the taxpayer's business when he provided the erroneous information.

e. Interest shall be charged on the late payment of the tax from the due date until the date paid without regard to fault or other reason for the late payment. Whenever an assessment of additional or omitted tax by the assessing official is found to be erroneous, all interest and any penalties charged and collected on the amount of the assessment found to be erroneous shall be refunded together with interest on the refund from the date of payment or the due date, whichever is later. Interest shall be paid on the refund of any BPOL tax from the date of payment or due date, whichever is later, whether attributable to an amended return or other reason. Interest on any refund shall be paid at the same rate charged under § 58.1-3916.

No interest shall accrue on an adjustment of estimated tax liability to actual liability at the conclusion of a base year. No interest shall be paid on a refund or charged on a late payment, provided the refund or the late payment is made not more than 30 days from the date of the payment that created the refund or the due date of the tax, whichever is later.

3. Situs of gross receipts.

a. General rule. Whenever the tax imposed by this ordinance is measured by gross receipts, the gross receipts included in the taxable measure shall be only those gross receipts attributed to the exercise of a privilege subject to licensure at a definite place of business within this jurisdiction. In the case of activities conducted outside of a definite place of business, such as during a visit to a customer location, the gross receipts shall be attributed to the definite place of business from which such activities are initiated, directed, or controlled. The situs of gross receipts for different classifications of business shall be attributed to one or more definite places of business or offices as follows:

(1) The gross receipts of a contractor shall be attributed to the definite place of business at which his services are performed, or if his services are not performed at any definite place of business, then the definite place of business from which his services are directed or controlled, unless the contractor is subject to the provisions of § 58.1-3715;

(2) The gross receipts of a retailer or wholesaler shall be attributed to the definite place of business at which sales solicitation activities occur, or if sales solicitation activities do not occur at any definite place of business, then the definite place of business from which sales solicitation activities are directed or controlled; however, a wholesaler or distribution house subject to a license tax measured by purchases shall determine the situs of its purchases by the definite place of business at which or from which deliveries of the purchased goods, wares and merchandise are made to customers. Any wholesaler who is subject to license tax in two or more localities and who is subject to multiple taxation because the localities use different measures, may apply to the Department of Taxation for a determination as to the proper measure of purchases and gross receipts subject to license tax in each locality;

(3) The gross receipts of a business renting tangible personal property shall be attributed to the definite place of business from which the tangible personal property is rented or, if the property is not rented from any definite place of business, then to the definite place of business at which the rental of such property is managed; and

(4) The gross receipts from the performance of services shall be attributed to the definite place of business at which the services are performed or, if not performed at any definite place of business, then to the definite place of business from which the services are directed or controlled.

b. Apportionment. If the licensee has more than one definite place of business and it is impractical or impossible to determine to which definite place of business gross receipts should be attributed under the general rule, the gross receipts of the business shall be apportioned between the definite places of businesses on the basis of payroll. Gross receipts shall not be apportioned to a definite place of business unless some activities under the applicable general rule occurred at, or were controlled from, such definite place of business. Gross receipts attributable to a definite place of business in another jurisdiction shall not be attributed to this jurisdiction solely because the other jurisdiction does not impose a tax on the gross receipts attributable to the definite place of business in such other jurisdiction.

c. Agreements. The assessor may enter into agreements with any other political subdivision of Virginia concerning the manner in which gross receipts shall be apportioned among definite places of business. However, the sum of the gross

receipts apportioned by the agreement shall not exceed the total gross receipts attributable to all of the definite places of business affected by the agreement. Upon being notified by a taxpayer that its method of attributing gross receipts is fundamentally inconsistent with the method of one or more political subdivisions in which the taxpayer is licensed to engage in business and that the difference has, or is likely to, result in taxes on more than 100 percent of its gross receipts from all locations in the affected jurisdictions, the assessor shall make a good faith effort to reach an apportionment agreement with the other political subdivisions involved. If an agreement cannot be reached, either the assessor or taxpayer may seek an advisory opinion from the Department of Taxation pursuant to § 58.1-3701; notice of the request shall be given to the other party. Notwithstanding the provisions of § 58.1-3993, when a taxpayer has demonstrated to a court that two or more political subdivisions of Virginia have assessed taxes on gross receipts that may create a double assessment within the meaning of § 58.1-3986, the court shall enter such orders pending resolution of the litigation as may be necessary to ensure that the taxpayer is not required to pay multiple assessments even though it is not then known which assessment is correct and which is erroneous.

4. Limitations and extensions.

a. Where, before the expiration of the time prescribed for the assessment of any license tax imposed pursuant to this ordinance, both the assessing official and the taxpayer have consented in writing to its assessment after such time, the tax may be assessed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

b. Notwithstanding § 58.1-3903, the assessing official shall assess the local license tax omitted because of fraud or failure to apply for a license for the current license year and the six preceding license years.

c. The period for collecting any local license tax shall not expire prior to the period specified in § 58.1-3940, two years after the date of assessment if the period for assessment has been extended pursuant to this subdivision of the ordinance, two years after the final determination of an appeal for which collection has been stayed pursuant to subdivision 5 b or 5 d of this ordinance, or two years after the final decision in a court application pursuant to § 58.1-3984 or a similar law for which collection has been stayed, whichever is later.

5. Administrative appeals to commissioner of the revenue or other assessing official.

a. Definitions. For purposes of this section:

"Amount in dispute," when used with respect to taxes due or assessed, means the amount specifically identified in the administrative appeal or application for judicial review as disputed by the party filing such appeal or application.

"Appealable event" means an increase in the assessment of a local license tax payable by a taxpayer, the denial of a refund, or the assessment of a local license tax where none previously was assessed, arising out of the local assessing official's (i) examination of records, financial statements, books of account, or other information for the purpose of determining the correctness of an assessment; (ii) determination regarding the rate or classification applicable to the licensable business; (iii) assessment of a local license tax when no return has been filed by the taxpayer; or (iv) denial of an application for correction of erroneous assessment attendant to the filing of an amended application for license.

An appealable event shall include a taxpayer's appeal of the classification applicable to a business, including whether the business properly falls within a business license subclassification established by the locality, regardless of whether the taxpayer's appeal is in conjunction with an assessment, examination, audit, or any other action taken by the locality.

"Frivolous" means a finding, based on specific facts, that the party asserting the appeal is unlikely to prevail upon the merits because the appeal is (i) not well grounded in fact; (ii) not warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; (iii) interposed for an improper purpose, such as to harass, to cause unnecessary delay in the payment of tax or a refund, or to create needless cost from the litigation; or (iv) otherwise frivolous.

"Jeopardized by delay" means a finding, based upon specific facts, that a taxpayer designs to (i) depart quickly from the locality; (ii) remove his property therefrom; (iii) conceal himself or his property therein; or (iv) do any other act tending to prejudice, or to render wholly or partially ineffectual, proceedings to collect the tax for the period in question.

b. Filing and contents of administrative appeal. Any person assessed with a local license tax as a result of an appealable event as defined in this section may file an administrative appeal of the assessment within one year from the last day of the tax year for which such assessment is made, or within one year from the date of the appealable event, whichever is later, with the commissioner of the revenue or other local assessing official. The appeal must be filed in good faith and sufficiently identify the taxpayer, the tax periods covered by the challenged assessments, the amount in dispute, the remedy sought, each alleged error in the assessment, the grounds upon which the taxpayer relies, and any other facts relevant to the taxpayer's contention. The assessor may hold a conference with the taxpayer if requested by the taxpayer, or require submission of additional information and documents, an audit or further audit, or other evidence deemed necessary for a proper and equitable determination of the appeal. The assessment placed at issue in the appeal shall be deemed prima facie correct. The assessor shall undertake a full review of the taxpayer's claims and issue a written determination to the taxpayer setting forth the facts and arguments in support of his decision.

The taxpayer may at any time also file an administrative appeal of the classification applicable to the taxpayer's business, including whether the business properly falls within a business license subclassification established by the locality. However, the appeal of the classification of the business shall not apply to any license year for which the Tax Commissioner has previously issued a final determination relating to any license fee or license tax imposed upon the

taxpayer's business for the year. In addition, any appeal of the classification of a business shall in no way affect or change any limitations period prescribed by law for appealing an assessment.

c. Notice of right of appeal and procedures. Every assessment made by a commissioner of the revenue or other assessing official pursuant to an appealable event shall include or be accompanied by a written explanation of the taxpayer's right to file an administrative appeal and the specific procedures to be followed in the jurisdiction, the name and address to which the appeal should be directed, an explanation of the required content of the appeal, and the deadline for filing the appeal.

For purposes of facilitating an administrative appeal of the classification applicable to a taxpayer's business, each locality imposing a tax or fee under this chapter shall maintain on its website the specific procedures to be followed in the jurisdiction with regard to such appeal and the name and address to which the appeal should be directed.

d. Suspension of collection activity during appeal. Provided a timely and complete administrative appeal is filed, collection activity with respect to the amount in dispute *relating to any assessment by the commissioner of the revenue or other assessing official* shall be suspended until a final determination is issued by the commissioner of the revenue or other assessing official, unless the treasurer or other official responsible for the collection of such tax (i) determines that collection would be jeopardized by delay as defined in this section; (ii) is advised by the commissioner of the revenue or other assessing official that the taxpayer has not responded to a request for relevant information after a reasonable time; or (iii) is advised by the commissioner of the revenue or other assessing official that the appeal is frivolous as defined in this section. Interest shall accrue in accordance with the provisions of subdivision 2 e of this subsection, but no further penalty shall be imposed while collection action is suspended.

e. Procedure in event of nondecision. Any taxpayer whose administrative appeal to the commissioner of the revenue or other assessing official pursuant to the provisions of subdivision 5 of this subsection has been pending for more than one year without the issuance of a final determination may, upon not less than 30 days' written notice to the commissioner of the revenue or other assessing official, elect to treat the appeal as denied and appeal the assessment *or classification of the taxpayer's business* to the Tax Commissioner in accordance with the provisions of subdivision 6 of this subsection. The Tax Commissioner shall not consider an appeal filed pursuant to the provisions of this subsection if he finds that the absence of a final determination on the part of the commissioner of the revenue or other assessing official was caused by the willful failure or refusal of the taxpayer to provide information requested and reasonably needed by the commissioner or other assessing official to make his determination.

6. Administrative appeal to the Tax Commissioner.

a. Any person assessed with a local license tax as a result of a determination *or that has received a determination with regard to the person's appeal of the license classification or subclassification applicable to the person's business*, upon an administrative appeal to the commissioner of the revenue or other assessing official pursuant to subdivision 5 of this subsection, that is adverse to the position asserted by the taxpayer in such appeal may appeal such assessment *or determination* to the Tax Commissioner within 90 days of the date of the determination by the commissioner of the revenue or other assessing official. The appeal shall be in such form as the Tax Commissioner may prescribe and the taxpayer shall serve a copy of the appeal upon the commissioner of the revenue or other assessing official. The Tax Commissioner shall permit the commissioner of the revenue or other assessing official to participate in the proceedings, and shall issue a determination to the taxpayer within 90 days of receipt of the taxpayer's application, unless the taxpayer and the assessing official are notified that a longer period will be required. The appeal shall proceed in the same manner as an application pursuant to § 58.1-1821, and the Tax Commissioner *pursuant to § 58.1-1822* may issue an order correcting such assessment ~~pursuant to § 58.1-1822~~ *or correcting the license classification or subclassification of the business and the related license tax or fee liability.*

b. Suspension of collection activity during appeal. On receipt of a notice of intent to file an appeal to the Tax Commissioner under subdivision 6 a of this subsection, collection activity with respect to the amount in dispute *relating to any assessment by the commissioner of the revenue or other assessing official* shall be suspended until a final determination is issued by the Tax Commissioner, unless the treasurer or other official responsible for the collection of such tax (i) determines that collection would be jeopardized by delay as defined in this section; (ii) is advised by the commissioner of the revenue or other assessing official, or the Tax Commissioner, that the taxpayer has not responded to a request for relevant information after a reasonable time; or (iii) is advised by the commissioner of the revenue or other assessing official that the appeal is frivolous as defined in this section. Interest shall accrue in accordance with the provisions of subdivision 2 e of this subsection, but no further penalty shall be imposed while collection action is suspended. The requirement that collection activity be suspended shall cease unless an appeal pursuant to subdivision 6 a of this subsection is filed and served on the necessary parties within 30 days of the service of notice of intent to file such appeal.

c. Implementation of determination of Tax Commissioner. Promptly upon receipt of the final determination of the Tax Commissioner with respect to an appeal pursuant to subdivision 6 a of this subsection, the commissioner of the revenue or other assessing official shall take those steps necessary to calculate the amount of tax owed by or refund due to the taxpayer consistent with the Tax Commissioner's determination and shall provide that information to the taxpayer and to the treasurer or other official responsible for collection in accordance with the provisions of this subdivision.

(1) If the determination of the Tax Commissioner sets forth a specific amount of tax due, the commissioner of the revenue or other assessing official shall certify the amount to the treasurer or other official responsible for collection, and the treasurer or other official responsible for collection shall issue a bill to the taxpayer for such amount due, together with

interest accrued and penalty, if any is authorized by this section, within 30 days of the date of the determination of the Tax Commissioner.

(2) If the determination of the Tax Commissioner sets forth a specific amount of refund due, the commissioner of the revenue or other assessing official shall certify the amount to the treasurer or other official responsible for collection, and the treasurer or other official responsible for collection shall issue a payment to the taxpayer for such amount due, together with interest accrued pursuant to this section, within 30 days of the date of the determination of the Tax Commissioner.

(3) If the determination of the Tax Commissioner does not set forth a specific amount of tax due, or otherwise requires the commissioner of the revenue or other assessing official to undertake a new or revised assessment that will result in an obligation to pay a tax that has not previously been paid in full, the commissioner of the revenue or other assessing official shall promptly commence the steps necessary to undertake such new or revised assessment, and provide the same to the taxpayer within 60 days of the date of the determination of the Tax Commissioner, or within 60 days after receipt from the taxpayer of any additional information requested or reasonably required under the determination of the Tax Commissioner, whichever is later. The commissioner of the revenue or other assessing official shall certify the new assessment to the treasurer or other official responsible for collection, and the treasurer or other official responsible for collection shall issue a bill to the taxpayer for the amount due, together with interest accrued and penalty, if any is authorized by this section, within 30 days of the date of the new assessment.

(4) If the determination of the Tax Commissioner does not set forth a specific amount of refund due, or otherwise requires the commissioner of the revenue or other assessing official to undertake a new or revised assessment that will result in an obligation on the part of the locality to make a refund of taxes previously paid, the commissioner of the revenue or other assessing official shall promptly commence the steps necessary to undertake such new or revised assessment *or to determine the amount of refund due in the case of a correction to the license classification or subclassification of the business*, and provide the same to the taxpayer within 60 days of the date of the determination of the Tax Commissioner, or within 60 days after receipt from the taxpayer of any additional information requested or reasonably required under the determination of the Tax Commissioner, whichever is later. The commissioner of the revenue or other assessing official shall certify the new assessment *or refund amount* to the treasurer or other official responsible for collection, and the treasurer or other official responsible for collection shall issue a refund to the taxpayer for the amount of tax due, together with interest accrued, within 30 days of the date of the new assessment *or determination of the amount of the refund*.

7. Judicial review of determination of Tax Commissioner.

a. Judicial review. Following the issuance of a final determination of the Tax Commissioner pursuant to subdivision 6 a of this subsection, the taxpayer or commissioner of the revenue or other assessing official may apply to the appropriate circuit court for judicial review of the determination, or any part thereof, pursuant to § 58.1-3984. In any such proceeding for judicial review of a determination of the Tax Commissioner, the burden shall be on the party challenging the determination of the Tax Commissioner, or any part thereof, to show that the ruling of the Tax Commissioner is erroneous with respect to the part challenged. Neither the Tax Commissioner nor the Department of Taxation shall be made a party to an application to correct an assessment merely because the Tax Commissioner has ruled on it.

b. Suspension of payment of disputed amount of tax due upon taxpayer's notice of intent to initiate judicial review.

(1) On receipt of a notice of intent to file an application for judicial review, pursuant to § 58.1-3984, of a determination of the Tax Commissioner pursuant to subdivision 6 a of this subsection, and upon payment of the amount of the tax *relating to any assessment by the commissioner of the revenue or other assessing official* that is not in dispute together with any penalty and interest then due with respect to such undisputed portion of the tax, the treasurer or other collection official shall further suspend collection activity while the court retains jurisdiction unless the court, upon appropriate motion after notice and an opportunity to be heard, determines that (i) the taxpayer's application for judicial review is frivolous, as defined in this section; (ii) collection would be jeopardized by delay, as defined in this section; or (iii) suspension of collection would cause substantial economic hardship to the locality. For purposes of determining whether substantial economic hardship to the locality would arise from a suspension of collection activity, the court shall consider the cumulative effect of then-pending appeals filed within the locality by different taxpayers that allege common claims or theories of relief.

(2) Upon a determination that the appeal is frivolous, that collection may be jeopardized by delay, or that suspension of collection would result in substantial economic hardship to the locality, the court may require the taxpayer to pay the amount in dispute or a portion thereof, or to provide surety for payment of the amount in dispute in a form acceptable to the court.

(3) No suspension of collection activity shall be required if the application for judicial review fails to identify with particularity the amount in dispute *or the application does not relate to any assessment by the commissioner of the revenue or other assessing official*.

(4) The requirement that collection activity be suspended shall cease unless an application for judicial review pursuant to § 58.1-3984 is filed and served on the necessary parties within 30 days of the service of the notice of intent to file such application.

(5) The suspension of collection activity authorized by this subdivision shall not be applicable to any appeal of a local license tax that is initiated by the direct filing of an action pursuant to § 58.1-3984 without prior exhaustion of the appeals provided by subdivisions 5 and 6 of this subsection.

c. Suspension of payment of disputed amount of refund due upon locality's notice of intent to initiate judicial review.

(1) Payment of any refund determined to be due pursuant to the determination of the Tax Commissioner of an appeal pursuant to subdivision 6 a of this subsection shall be suspended if the locality assessing the tax serves upon the taxpayer, within 60 days of the date of the determination of the Tax Commissioner, a notice of intent to file an application for judicial review of the Tax Commissioner's determination pursuant to § 58.1-3984 and pays the amount of the refund not in dispute, including tax and accrued interest. Payment of such refund shall remain suspended while the court retains jurisdiction unless the court, upon appropriate motion after notice and an opportunity to be heard, determines that the locality's application for judicial review is frivolous, as defined in this section.

(2) No suspension of refund activity shall be permitted if the locality's application for judicial review fails to identify with particularity the amount in dispute.

(3) The suspension of the obligation to make a refund shall cease unless an application for judicial review pursuant to § 58.1-3984 is filed and served on the necessary parties within 30 days of the service of the notice of intent to file such application.

d. Accrual of interest on unpaid amount of tax. Interest shall accrue in accordance with the provisions of subdivision 2 e of this subsection, but no further penalty shall be imposed while collection action is suspended.

8. Rulings.

Any taxpayer or authorized representative of a taxpayer may request a written ruling regarding the application of a local license tax to a specific situation from the commissioner of the revenue or other assessing official. Any person requesting such a ruling must provide all facts relevant to the situation placed at issue and may present a rationale for the basis of an interpretation of the law most favorable to the taxpayer. *In addition, the taxpayer or authorized representative may request a written ruling with regard to the classification applicable to the taxpayer's business, including whether the business properly falls within a business license subclassification established by the locality.*

Any misrepresentation or change in the applicable law or the factual situation as presented in the ruling request shall invalidate any such ruling issued. A written ruling may be revoked or amended prospectively if (i) there is a change in the law, a court decision, or the guidelines issued by the Department of Taxation upon which the ruling was based or (ii) the assessor notifies the taxpayer of a change in the policy or interpretation upon which the ruling was based. However, any person who acts on a written ruling which later becomes invalid shall be deemed to have acted in good faith during the period in which such ruling was in effect.

9. Record-keeping and audits. Every person who is assessable with a local license tax shall keep sufficient records to enable the assessor to verify the correctness of the tax paid for the license years assessable and to enable the assessor to ascertain what is the correct amount of tax that was assessable for each of those years. All such records, books of accounts and other information shall be open to inspection and examination by the assessor in order to allow the assessor to establish whether a particular receipt is directly attributable to the taxable privilege exercised within this jurisdiction. The assessor shall provide the taxpayer with the option to conduct the audit in the taxpayer's local business office, if the records are maintained there. In the event the records are maintained outside this jurisdiction, copies of the appropriate books and records shall be sent to the assessor's office upon demand.

B. Transitional provisions.

1. A locality which changes its license year from a fiscal year to a calendar year and adopts a due date for license applications between March 1 and May 1, inclusive, shall not be required to prorate any license tax to reflect a license year of less than 12 months, whether the tax is a flat amount or measured by gross receipts, provided that no change is made in the taxable year for measuring gross receipts.

2. The provisions of this section relating to penalties, interest, and administrative and judicial review of an assessment shall be applicable to assessments made on and after January 1, 1997, even if for an earlier license year. The provisions relating to agreements extending the period for assessing tax shall be effective for agreements entered into on and after July 1, 1996. The provisions permitting an assessment of a license tax for up to six preceding years in certain circumstances shall not be construed to permit the assessment of tax for a license year beginning before January 1, 1997.

3. Every locality shall adopt a fixed due date for license applications between March 1 and May 1, inclusive, no later than the 2007 license year.

CHAPTER 28

An Act to amend and reenact § 58.1-3975 of the Code of Virginia, relating to real property tax; nonjudicial sale of certain delinquent properties.

[H 499]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3975 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3975. Nonjudicial sale of tax delinquent real properties of minimal size and value.

Notwithstanding any other provision of this title, the treasurer or other officer responsible for collecting taxes may sell, at public auction, any unimproved parcel of real property that is assessed at less than \$10,000, provided that the taxes on such parcel are delinquent on December 31 following the ~~four~~ *third* anniversary of the date on which such taxes have

become due, and either such parcel (i) measures less than 4,000 square feet (.0918 acres), or (ii) is determined to be unsuitable for building due to the size, shape, zoning or soils of the parcel by the locality's zoning administrator. For purposes of determining the area of any parcel, the area or acreage found in the locality's land book shall be determinative.

Prior to conducting such sale the treasurer or other officer responsible for collecting taxes shall send notice by certified or registered mail to the record owner or owners of such property and anyone appearing to have an interest in the property at their last known address as contained in the records of the treasurer or other officer responsible for collecting taxes and shall post notice of such sale at the property location, if such property has frontage on any public or private street, and at the circuit courthouse of the locality at least 30 days prior to such sale. The treasurer or other officer responsible for collecting taxes shall also cause a notice of sale to be published in the legal classified section of a newspaper of general circulation at least seven days but no more than 21 days prior to the sale. The pro rata costs of publication and mailing shall become a part of the tax and shall be collected if payment is made by the owner in redemption of such real property. The treasurer or other officer responsible for collecting taxes may advertise and sell multiple parcels at the same time and place pursuant to one notice of sale. The treasurer or other officer responsible for collecting taxes may enter into an agreement with the owner of such parcel for payment over time, not to exceed 12 months. The owner of any property listed may redeem it at any time prior to the date of the sale by paying all accumulated taxes, penalties, interest and costs thereon, including the pro rata costs of publication and mailing. Partial payment of delinquent taxes, penalties, interest or costs shall be insufficient to redeem the property, and shall not operate to suspend, invalidate or nullify any sale brought pursuant to this section.

At the time of sale, the treasurer or other officer responsible for collecting taxes shall sell to the highest bidder at public auction each parcel that has not been redeemed by the owner. Such sale shall be free and clear of the tax lien, but shall not affect easements recorded prior to the date of sale. The treasurer or other officer responsible for collecting taxes shall tender a treasurer's deed to effectuate the conveyance of the parcel to the highest bidder. If the sale proceeds are insufficient to pay the taxes in full, the remaining delinquent tax amount shall remain the personal liability of the former owner. The sale proceeds shall be applied first to the costs of sale, then to the taxes, penalty, and interest due on the parcel, and thereafter to any other taxes or other charges owed by the former owner to the jurisdiction. Any excess proceeds shall remain the property of the former owner and shall be kept by the treasurer in an interest-bearing escrow account. If no claim for payment of excess proceeds is made by the former owner within two years after the date of sale, the treasurer shall deposit the excess proceeds in the jurisdiction's general fund. If the sale does not produce a successful bidder, the treasurer shall add the costs of sale incurred by the jurisdiction to the delinquent real estate account.

CHAPTER 29

An Act to create a special school tax district in King William County and to govern allocation of tax revenue for schools in King William County and the Town of West Point.

[H 534]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

1. § 1. *There is hereby established a special tax district to pay all or any portion of the County of King William (the County) expenditures for operating the County school division beginning July 1, 2014. The boundary of the tax district shall be the same as the geographical area of the county school division and shall exclude the area of the Town of West Point (the Town). The appropriation of funds for the County's share of expenditures for the County school division shall be governed by this act, and the provisions of §§ 22.1-113 and 22.1-114 of the Code of Virginia shall not be applicable. The special tax district shall remain in effect unless the Town shall cease to operate a separate school division.*

§ 2. *The King William Board of Supervisors (the Board) may levy and collect taxes upon any taxable property in such special tax district, including, but not limited to, real estate, mineral lands, tangible personal property, merchants' capital, and machinery and tools, and may appropriate to the County school division such property taxes, including any penalties and interest thereon and any fund balance from the preceding fiscal year consisting of such taxes, penalties, and interest. The Town shall pay for its share of expenditures to operate the Town school division from Town property taxes and other local, state, and federal revenues received by the Town. All taxes levied and collected by the County, other than those levied and collected for the support of the County school division in the special tax district, shall be uniform in all districts in the County, except as otherwise provided for by law.*

§ 3. *The Board may also appropriate to the County school division all or any portion of the revenue derived from (i) those local or state taxes that are collected in part within the Town but are allocated between the County and the Town by state law or (ii) those nonproperty taxes that the County collects exclusively from sources outside the Town.*

Such taxes include, but shall not be limited to, (i) the local sales and use tax authorized by §§ 58.1-605 and 58.1-606 of the Code of Virginia, (ii) the motor vehicle license tax authorized by § 46.2-752 of the Code of Virginia, (iii) wine taxes authorized by § 4.1-235 of the Code of Virginia, (iv) the net profits from the Alcoholic Beverage Control system authorized by § 4.1-117 of the Code of Virginia, (v) communication services sales taxes authorized by § 58.1-648 of the Code of Virginia, (vi) manufactured home titling taxes authorized by § 58.1-2402 of the Code of Virginia, (vii) automobile rental taxes authorized by § 58.1-2402 of the Code of Virginia, (viii) rolling stock taxes authorized by § 58.1-2652 of the Code of Virginia, (ix) bank net capital taxes authorized by § 58.1-1210 of the Code of Virginia, (x) business license taxes authorized

by § 58.1-3703 of the Code of Virginia, (xi) food and beverage taxes authorized by § 58.1-3833 of the Code of Virginia, and (xii) interest or other investment earnings derived from the revenues specified in § 2 and this section, which investment earnings shall be separately accounted for by the County.

§ 4. The Board may also appropriate to the County school division all or any portion of the state or local recordation taxes received by the County, as authorized by §§ 58.1-801 and 58.1-3800 of the Code of Virginia, provided that the County pays to the Town a pro rata share of such recordation taxes derived from real estate transactions that occur within the Town.

The pro rata share shall be determined by multiplying the recordation taxes collected within the Town by a fraction that equals the total recordation taxes appropriated to the County school division divided by the total recordation taxes derived by the County from real estate transactions that occur outside the Town. The Clerk of the Circuit Court for the County shall compile and furnish the necessary information to the governing body of the County to enable it to comply with this provision, and the County shall promptly provide a copy to the Town. The Board shall pay such sum to the Town no later than 45 days after receipt of such taxes by the County Treasurer from the clerk of the circuit court.

§ 5. The Board may also appropriate to the County school division all or any portion of the state payments to reimburse the County for personal property taxes pursuant to the Personal Property Tax Relief Act (§ 58.1-3523 et seq. of the Code of Virginia) if the County pays to the Town a pro rata share of these state payments received by the County that are attributable to qualifying vehicles assessed for taxation within the Town. The pro rata share shall be determined by multiplying the state reimbursement payments received by the County based on qualifying vehicles within the Town by a fraction that equals the total state reimbursement payments appropriated to the County school division divided by the total state reimbursement payments received by the County from qualifying vehicles assessed for taxation outside the Town. The Board shall pay such sum to the Town Treasurer no later than 45 days after receipt of such payments by the County Treasurer from the Commonwealth. If the Town issues tangible personal property tax bills for qualifying vehicles within the Town, in addition to any tangible personal property tax bills issued by the County for such vehicles, the amounts to be paid to the Town Treasurer shall be shown as a deduction on the face of the Town's tangible personal property tax bills for qualifying vehicles in the Town, which amounts are to be paid by the Commonwealth in accordance with state law. Nothing in this section shall be construed to alter the method or amount of the Commonwealth's obligations to King William County or the Town of West Point pursuant to the Personal Property Tax Relief Act.

§ 6. If the Board appropriates to the County school division any other taxes, fees, or other sources of revenues that are collected within both the County and the Town or are attributable to persons, property, transactions, or activities within both the County and the Town, the County shall pay to the Town a sum calculated as follows: the total amount of such other revenues appropriated to the County school division shall be multiplied by a fraction equal to the total taxable property assessments in the Town divided by the total taxable property assessments in the County as a whole, including the Town. The revenues subject to this requirement would include, for example, a tax or fee collected by the County in both the County and the Town, but would exclude, for example, a gift to the County or a state grant for school construction distributed to the County on the basis of school-age population in the County excluding the Town. The Board shall pay such sum to the Town no later than 45 days after such revenues have been transferred to the County school division.

§ 7. In the event of a dispute regarding the interpretation or application of this act, the County and the Town shall attempt to amicably resolve the dispute. The County and the Town may jointly submit to voluntary mediation. If the dispute is not resolved by agreement or mediation, the County and the Town shall submit to binding arbitration conducted in accordance with state law. The arbitration panel shall consist of three members; the Board and the Council shall each, within five business days, select an arbiter, who shall not be a member of the Board or the Council, but who shall be knowledgeable in local government matters and qualified or trained as an arbiter in accordance with state law and commonly accepted ethical standards for arbiters. The two arbiters so selected shall jointly select a third arbiter within five business days of being selected; if they are unable to agree on a third arbiter, one shall be appointed by the King William Circuit Court. The County and the Town shall share equally in the costs of any mediation or arbitration. Each party shall be responsible for its own legal fees. The decision of a majority of the arbitration panel shall be binding on the County and the Town.

Legal action may be initiated by either party only to enforce a decision of the arbiters or to challenge a decision of the arbiters as unlawful or contrary to the law and plainly wrong. The timelines for action stated in this section may be extended by agreement of the Board and the Council.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 30

An Act to amend and reenact §§ 44-113 and 44-137 of the Code of Virginia, relating to the Virginia Defense Force.

[H 559]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 44-113 and 44-137 of the Code of Virginia are amended and reenacted as follows:

§ 44-113. County, city and town appropriations.

Counties, cities, and towns may appropriate such sums of money and real and personal property as they may deem proper to the various organizations of the National Guard, *the Virginia Defense Force*, or naval militia, when such organizations are maintained within the limits of the counties, cities, and towns respectively; and counties may appropriate such sums of money and real and personal property as they may deem proper to the various organizations of the National Guard if such organizations are maintained in any incorporated town or city of the second class located within the geographical limits of such counties respectively.

§ 44-137. City and county aid.

Every city and county in the Commonwealth having an active National Guard, *Virginia Defense Force*, or naval militia organization or organizations is authorized to render such financial assistance as it may deem wise and patriotic to such organization or organizations, either by donating land or buildings, or donating the use of land or buildings, or by contributing to their equipment and maintenance.

CHAPTER 31

An Act to amend and reenact § 9.1-202 of the Code of Virginia, relating to the Fire Services Board; meetings.

[H 561]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 9.1-202 of the Code of Virginia is amended and reenacted as follows:****§ 9.1-202. Virginia Fire Services Board; membership; terms; compensation.**

A. The Virginia Fire Services Board (the Board) is established as a policy board within the meaning of § 2.2-2100 in the executive branch of state government. The Board shall consist of 15 members to be appointed by the Governor as follows: a representative of the insurance industry; two members of the general public with no connection to the fire services, one of whom shall be a representative of those industries affected by SARA Title III and OSHA training requirements; and one member each from the Virginia Fire Chiefs Association, the Virginia State Firefighters Association, the Virginia Professional Fire Fighters, the Virginia Fire Service Council, the Virginia Fire Prevention Association, the Virginia Chapter of the International Association of Arson Investigators, the Virginia Municipal League, and the Virginia Association of Counties, and a member of the Virginia Society of Fire Service Instructors who is a faculty member who teaches fire science at a public institution of higher education. Of these appointees, at least one shall be a volunteer firefighter. The State Fire Marshal, the State Forester, and a member of the Board of Housing and Community Development appointed by the chairman of that Board shall also serve as members of the Board.

Each of the organizations represented shall submit at least three names for each position for the Governor's consideration in making these appointments.

B. Members of the Board appointed by the Governor shall serve for terms of four years. An appointment to fill a vacancy shall be for the unexpired term. No appointee shall serve more than two successive four-year terms but neither shall any person serve beyond the time he holds the office or organizational membership by reason of which he was initially eligible for appointment.

C. The Board annually shall elect its chairman and vice-chairman from among its membership and shall adopt rules of procedure.

D. All members shall be reimbursed for expenses incurred in the performance of their duties as provided in § 2.2-2825. Funding for the expenses shall be provided from the Fire Programs Fund established pursuant to § 38.2-401.

E. The Board shall meet no more than ~~four~~ six times each calendar year. The Secretary of Public Safety may call a special meeting of the Board should circumstances dictate. A majority of the current membership of the Board shall constitute a quorum for all purposes.

CHAPTER 32

An Act to amend and reenact § 9.1-141 of the Code of Virginia, relating to the Department of Criminal Justice Services; private security services businesses; exemption from training.

[H 609]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 9.1-141 of the Code of Virginia is amended and reenacted as follows:****§ 9.1-141. Powers of Board relating to private security services business.**

A. The Board may adopt regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), establishing compulsory minimum, entry-level, in-service, and advanced training standards for persons employed by private security services businesses in classifications defined in § 9.1-138. The regulations may include provisions delegating to the Board's staff the right to inspect the facilities and programs of persons conducting training to ensure compliance with the

law and Board regulations. In establishing compulsory training standards for each of the classifications defined in § 9.1-138, the Board shall be guided by the policy of this section to secure the public safety and welfare against incompetent or unqualified persons engaging in the activities regulated by this section and Article 4 (§ 9.1-138 et seq.) of this chapter. The regulations may provide for partial exemption from such compulsory, entry-level training for persons having previous employment as law-enforcement officers for a local, state or the federal government, to include units of the United States armed forces, or for persons employed in classifications defined in § 9.1-138. However, no such exemption shall be granted to persons having less than five continuous years of such employment, nor shall an exemption be provided for any person whose employment as a law-enforcement officer or whose employment as a private security services business employee was terminated because of his misconduct or incompetence. The regulations may include separate provisions for *partial full* exemption from compulsory training for persons having previous training that meets or exceeds the minimum training standards and has been approved by the Department. *However, no such exemption shall be granted to persons whose employment as a private security services business employee was terminated because of his misconduct or incompetence.* No regulation adopted by the Board shall prevent any person employed by an electronic security business, other than an alarm respondent, or as a locksmith from carrying a firearm in the course of his duties when such person carries with him a valid concealed handgun permit issued in accordance with § 18.2-308.

B. The Board may enter into an agreement with other states for reciprocity or recognition of private security services businesses and their employees, duly licensed by such states. The agreements shall allow those businesses and their employees to provide and perform private security services within the Commonwealth to secure the public safety and welfare against incompetent, unqualified, unscrupulous, or unfit persons engaging in the activities of private security services businesses.

C. The Board may adopt regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) to secure the public safety and welfare against incompetent, unqualified, unscrupulous, or unfit persons engaging in the activities of private security services businesses that:

1. Establish the qualifications of applicants for registration, certification, or licensure under Article 4 (§ 9.1-138) of this chapter;

2. Examine, or cause to be examined, the qualifications of each applicant for registration, certification, or licensure, including when necessary the preparation, administration, and grading of examinations;

3. Certify qualified applicants for private security training schools and instructors or license qualified applicants as practitioners of private security services businesses;

4. Levy and collect fees for registration, certification, or licensure and renewal that are sufficient to cover all expenses for administration and operation of a program of registration, certification, and licensure for private security services businesses and training schools;

5. Are necessary to ensure continued competency, and to prevent deceptive or misleading practices by practitioners and effectively administer the regulatory system adopted by the Board;

6. Receive complaints concerning the conduct of any person whose activities are regulated by the Board, to conduct investigations, and to take appropriate disciplinary action if warranted; and

7. Revoke, suspend or fail to renew a registration, certification, or license for just cause as enumerated in Board regulations.

D. In adopting its regulations under subsections A and C, the Board shall seek the advice of the Private Security Services Advisory Board established pursuant to § 9.1-143.

CHAPTER 33

An Act to amend and reenact §§ 19.2-402 and 19.2-405 of the Code of Virginia, relating to pretrial appeals; transcript or written statement of facts.

[H 656]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-402 and 19.2-405 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-402. Petition for appeal; brief in opposition; time for filing.

A. When a notice of appeal has been filed pursuant to § 19.2-400, the Commonwealth may petition the Court of Appeals for an appeal pursuant to § 19.2-398. The Commonwealth shall be represented by the attorney for the Commonwealth prosecuting the case.

B. The provisions of this subsection apply only to pretrial appeals. The petition for a pretrial appeal shall be filed with the clerk of the Court of Appeals not more than 14 days after the ~~date that~~ *notice of transcript or written statement of facts required by § 19.2-405* is filed; or, if there are objections thereto, within 14 days after the judge signs the transcript or written statement of facts. The accused may file a brief in opposition with the clerk of the Court of Appeals within 14 days after the filing of the petition for pretrial appeal. If the accused has filed a notice of cross appeal, he shall file a petition for cross appeal to be consolidated with, and filed within the same time period as, his brief in opposition. The Commonwealth may file a brief in opposition to any petition for cross appeal within 10 days after the petition for cross appeal is filed.

Except as specifically provided in this section, all other requirements for the petition for pretrial appeal and brief in opposition shall conform as nearly as practicable to Part Five A of the Rules of the Supreme Court of Virginia.

§ 19.2-405. Pretrial appeals; record on appeal; transcript; written statement of facts; time for filing.

This section applies only to pretrial appeals. The record on appeal shall conform, as nearly as practicable, to the requirements of Part Five A of the Rules of the Supreme Court for the record on appeal, except as hereinafter provided. The transcript or written statement of facts shall be filed by the Commonwealth with the clerk of the circuit court from which the appeal is being taken, ~~within no later than 25 days following entry of the order of the circuit court.~~ Upon motion of the Commonwealth, the Court of Appeals may grant an extension of up to 45 days for filing the transcript or written statement of facts for good cause shown. ~~If the Commonwealth files a transcript or written statement, it shall also of facts is filed, the Commonwealth shall file with the clerk of the circuit court a notice, signed by the attorney for the Commonwealth, who is counsel for the appellant, identifying the transcript or written statement of facts and reciting its delivery to filing with the clerk. There shall be appended to the notice a certificate by the attorney for the Commonwealth that a copy of the notice has been mailed or delivered to opposing counsel. The notice of filing of the transcript or written statement of facts shall be filed within three days of the filing of the transcript or written statement of facts or within 14 days of the order of the circuit court, whichever is later.~~

Any party may object to the transcript or written statement of facts on the ground that it is erroneous or incomplete. Notice of the objection specifying the errors alleged or deficiencies asserted shall be tendered to the trial judge within 10 days after the notice of filing of the transcript or written statement of facts is filed in the office of the clerk. The trial judge shall, within three days after the filing of such objection, either overrule the objection, or take steps deemed necessary to make the record complete or certify the respect in which the record is incomplete, and sign the transcript or written statement of facts to verify its accuracy. The clerk of the trial court shall forthwith transmit the record to the clerk of the Court of Appeals.

CHAPTER 34

An Act to amend and reenact § 58.1-3969 of the Code of Virginia, relating to the judicial sale of real estate for delinquent taxes.

[H 663]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3969 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3969. Order of reference; appointment of special commissioner to make sale; costs; attorney fees.

The court shall have the option, for good cause shown after proper objection made by any party respondent, to refer the case to a commissioner in chancery for hearing and report, in which case, the order of reference shall be to a commissioner in chancery or special master other than the attorney (or any attorney practicing in the same firm as the attorney) employed to subject the real estate to the lien of any taxes. Upon (i) receipt of proper service of process on all parties defendant, a written real estate title certificate and the written report of a licensed real estate appraiser where there is no dispute as to title or value, (ii) the receipt of the report of the commissioner in chancery, or (iii) where the assessor for the locality files an affidavit with the court of value and the value is averred to not exceed \$100,000, the court may appoint a special commissioner to sell the properties and execute the necessary deeds when a sale is found necessary or advisable. The court may designate the attorney employed by the governing body of the locality to bring the suit. ~~However, if the property is deemed abandoned in accordance with § 58.1-3965, the court shall not be required to refer the case to the commissioner in chancery.~~

The sale price achieved at a public auction shall be prima facie, but rebuttable, evidence of the value of the property for purposes of the approval of the sale. If the attorney employed by the governing body of the locality be appointed a special commissioner to sell the land and execute the deed and he has already given the bond hereinabove mentioned, no additional bond shall be required of him as special commissioner unless the court regards the bond already given as insufficient in amount. No fee or commission shall be allowed or paid to any attorney for acting under the order of reference or as special commissioner, except as hereinafter provided, and the compensation contracted to be paid any such attorney by the governing body, whether the employment was on a salary, commission or other basis, shall be in full for all services rendered by him. The court shall allow as part of the costs, to be paid into the treasury of the locality, a reasonable sum to defray the cost of its attorneys and the expenses of publication and appraisal necessary for the purpose of instituting such suit and such fees and commissions, including fees for preparing and executing deeds, as would be allowed if the suit were an ordinary lien creditor's suit. When the special commissioner is other than the attorney employed by the locality the court may allow him reasonable fees for selling the land and executing the deed, payable out of the proceeds of sale.

In any case in which the attorney representing the locality and the governing body thereof have failed to reach an agreement as to a salary or commission or other basis as compensation for the services of such attorney, the court in which any proceedings are brought under this article may allow from the proceeds of the sale of any such real estate such fee as the court shall deem reasonable and proper to the attorney representing any such locality in such proceeding.

CHAPTER 35

An Act to amend and reenact § 2.2-1839 of the Code of Virginia, relating to coverage for pro bono attorneys under risk management plan.

[H 712]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-1839 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-1839. Risk management plans administered by the Department of the Treasury's Risk Management Division for political subdivisions, constitutional officers, etc.**

A. The Division shall establish one or more risk management plans specifying the terms and conditions for coverage, subject to the approval of the Governor, and which plans may be purchased insurance, self-insurance or a combination of self-insurance and purchased insurance to provide protection against liability imposed by law for damages and against incidental medical payments resulting from any claim made against any county, city or town; authority, board, or commission; sanitation, soil and water, planning or other district; public service corporation owned, operated or controlled by a locality or local government authority; constitutional officer; state court-appointed attorney; any attorney for any claim arising out of the provision of pro bono legal services for custody and visitation to an eligible indigent person under a program approved by the Supreme Court of Virginia or the Virginia State Bar; any receiver for an attorney's practice appointed under § 54.1-3900.01 or 54.1-3936; *any attorney authorized by the Virginia State Bar for any claim arising out of the provision of pro bono legal services in a Virginia State Bar approved program*; affiliate or foundation of a state department, agency or institution; any clinic that is organized in whole or primarily for the delivery of health care services without charge; volunteer drivers for any nonprofit organization providing transportation for persons who are elderly, disabled, or indigent to medical treatment and services, provided the volunteer driver has successfully completed training approved by the Division; any local chapter or program of the Meals on Wheels Association of America or any area agency on aging, providing meal and nutritional services to persons who are elderly, homebound, or disabled, and volunteer drivers for such entities who have successfully completed training approved by the Division; any individual serving as a guardian or limited guardian as defined in § 64.2-2000 for any individual receiving services from a community services board or behavioral health authority or from a state facility operated by the Department of Behavioral Health and Developmental Services; for nontransportation-related state construction contracts less than \$500,000, where the bid bond requirements are waived, prospective contractors shall be prequalified for each individual project in accordance with § 2.2-4317; or the officers, agents or employees of any of the foregoing for acts or omissions of any nature while in an authorized governmental or proprietary capacity and in the course and scope of employment or authorization.

For the purposes of this section, "delivery of health care services without charge" shall be deemed to include the delivery of dental, medical or other health services when a reasonable minimum fee is charged to cover administrative costs.

For purposes of this section, a sheriff or deputy sheriff shall be considered to be acting in the scope of employment or authorization when performing any law-enforcement-related services authorized by the sheriff, and coverage for such service by the Division shall not be subject to any prior notification to or authorization by the Division.

B. In any case in which the coverage provided by one or more risk management plans established pursuant to this section applies, no sheriff or deputy shall be liable for any verdict or civil judgment in his individual capacity in excess of the approved maximum coverage amount as established by the Division and set forth in the respective coverage plans, which shall be at least \$1.5 million for sheriffs and deputies. If a jury returns an award in excess of \$1.5 million, the judge shall reduce the award and enter judgment against the sheriff or deputy for such damages in the amount of \$1.5 million, provided that this shall not affect the ability of a court to order a remittitur. Nothing in this subsection shall be construed to limit the ability of a plaintiff to pursue the full amount of any judgment against a sheriff or deputy from any available insurance coverage. To the extent that any such award exceeds the coverage available under such risk management plans, the sheriff and any deputy shall be considered immune defendants under subsection F of § 38.2-2206. Automobile insurance carried by a sheriff or deputy in his personal capacity shall not be available to satisfy any verdict or civil judgment under the circumstances in which coverage is provided by one or more risk management plans.

C. Participation in the risk management plan shall be voluntary and shall be approved by the participant's respective governing body or by the State Compensation Board in the case of constitutional officers; by the office of the Executive Secretary of the Virginia Supreme Court in the case of state court-appointed attorneys, including attorneys appointed to serve as receivers under § 54.1-3900.01 or 54.1-3936, or attorneys under Virginia Supreme Court ~~or approved programs~~; *by the Virginia State Bar in the case of attorneys providing pro bono services under Virginia State Bar approved programs*; by the Commissioner of the Department of Behavioral Health and Developmental Services for any individual serving as a guardian or limited guardian for any individual receiving services from a state facility operated by the Department or by the executive director of a community services board or behavioral health authority for any individual serving as a guardian or limited guardian for any individual receiving services from the board or authority; and by the Division. Upon such approval, the Division shall assume sole responsibility for plan management, compliance, or removal. The Virginia Supreme Court shall pay the cost for coverage of eligible persons performing services in approved programs of the Virginia Supreme Court ~~or the~~. *The Virginia State Bar shall pay the cost for coverage of eligible attorneys providing pro bono*

services in Virginia State Bar approved programs. The Department of Behavioral Health and Developmental Services shall be responsible for paying the cost of coverage for eligible persons performing services as a guardian or limited guardian for any individual receiving services from a state facility operated by the Department. The applicable community services board or behavioral health authority shall be responsible for paying the cost of coverage for eligible persons performing services as a guardian or limited guardian for individuals receiving services from the board or authority.

D. The Division shall provide for the legal defense of participating entities and shall reserve the right to settle or defend claims presented under the plan. All prejudgment settlements shall be approved in advance by the Division.

E. The risk management plan established pursuant to this section shall provide for the establishment of a trust fund for the payment of claims covered under such plan. The funds shall be invested in the manner provided in § 2.2-1806 and interest shall be added to the fund as earned.

The trust fund shall also provide for payment of legal defense costs, actuarial costs, administrative costs, contractual costs and all other expenses related to the administration of such plan.

F. The Division shall, in its sole discretion, set the premium and administrative cost to be paid to it for providing a risk management plan established pursuant to this section. The premiums and administrative costs set by the Division shall be payable in the amounts at the time and in the manner that the Division in its sole discretion shall require. The premiums and administrative costs need not be uniform among participants, but shall be set so as to best ensure the financial stability of the plan.

G. Notwithstanding any provision to the contrary, a sheriff's department of any city or county, or a regional jail shall not be precluded from securing excess liability insurance coverage beyond the coverage provided by the Division pursuant to this section.

CHAPTER 36

An Act to amend and reenact § 2.2-2012 of the Code of Virginia, relating to the Virginia Information Technologies Agency; private institutions of higher education.

[H 749]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2012 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2012. Procurement of information technology and telecommunications goods and services; computer equipment to be based on performance-based specifications.

A. Information technology and telecommunications goods and services of every description shall be procured by (i) VITA for its own benefit or on behalf of other state agencies and institutions or (ii) such other agencies or institutions to the extent authorized by VITA. Such procurements shall be made in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.), regulations that implement the electronic and information technology accessibility standards of the Rehabilitation Act of 1973 (29 U.S.C. § 794d), as amended, and any regulations as may be prescribed by VITA. In no case shall such procurements exceed the requirements of the regulations that implement the electronic and information technology accessibility standards of the Rehabilitation Act of 1973, as amended.

The CIO shall disapprove any procurement that does not conform to the Commonwealth strategic plan for information technology developed and approved pursuant to § 2.2-2007 or to the individual strategic plans of state agencies or public institutions of higher education.

B. (Effective until July 1, 2014) All statewide contracts and agreements made and entered into by VITA for the purchase of communications services, telecommunications facilities, and information technology goods and services shall provide for the inclusion of counties, cities, and towns in such contracts and agreements. Notwithstanding the provisions of § 2.2-4301, VITA may enter into multiple vendor contracts for the referenced services, facilities, and goods and services.

B. (Effective July 1, 2014) All statewide contracts and agreements made and entered into by VITA for the purchase of communications services, telecommunications facilities, and information technology goods and services shall provide for the inclusion of counties, cities, and towns in such contracts and agreements. Notwithstanding the provisions of § 2.2-4301, 2.2-4302.1, or 2.2-4302.2, VITA may enter into multiple vendor contracts for the referenced services, facilities, and goods and services.

C. VITA may establish contracts for the purchase of personal computers and related devices by licensed teachers employed in a full-time teaching capacity in Virginia public schools or in state educational facilities for use outside the classroom. The computers and related devices shall not be purchased with public funds, but shall be paid for and owned by teachers individually provided that no more than one such computer and related device per year shall be so purchased.

D. If VITA, or any agency or institution authorized by VITA, elects to procure personal computers and related peripheral equipment pursuant to any type of blanket purchasing arrangement under which public bodies, as defined in § 2.2-4301, may purchase such goods from any vendor following competitive procurement but without the conduct of an individual procurement by or for the using agency or institution, it shall establish performance-based specifications for the selection of equipment. Establishment of such contracts shall emphasize performance criteria including price, quality, and

delivery without regard to "brand name." All vendors meeting the Commonwealth's performance requirements shall be afforded the opportunity to compete for such contracts.

E. *VITA shall allow private institutions of higher education chartered in Virginia and granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code to purchase directly from contracts established for state agencies and public bodies by VITA.*

F. This section shall not be construed or applied so as to infringe upon, in any manner, the responsibilities for accounting systems assigned to the Comptroller under § 2.2-803.

2. That the Virginia Information Technologies Agency shall seek the assistance of the Council of Independent Colleges in Virginia and the Division of Purchases and Supply of the Department of General Services in establishing and maintaining a list of private educational institutions authorized to make purchases pursuant to the provisions of this act.

CHAPTER 37

An Act to amend and reenact § 2.2-2006 of the Code of Virginia, relating to the Virginia Information Technologies Agency.
[H 750]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2006 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2006. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Commonwealth information technology project" means any state agency information technology project that is under Commonwealth governance and oversight.

"Commonwealth Project Management Standard" means a document developed and recommended by the Chief Information Officer (CIO) pursuant to § 2.2-2008, and approved by the Secretary pursuant to § 2.2-225, that describes the methodology for conducting information technology projects, and the governance and oversight used to ensure project success.

"Communications services" includes telecommunications services; automated data processing services; *local, wide area, metropolitan, and all other data networks*; and management information systems that serve the needs of state agencies and institutions.

"Confidential data" means information made confidential by federal or state law that is maintained by a state agency in an electronic format.

"Enterprise" means an organization with common or unifying business interests. An enterprise may be defined at the Commonwealth level or secretariat level for program and project integration within the Commonwealth, secretariats, or multiple agencies.

"Information technology" means telecommunications, automated data processing, applications, databases, the Internet, management information systems, and related information, equipment, goods, and services. The provisions of this chapter shall not be construed to hamper the pursuit of the missions of the institutions in instruction and research.

"ITAC" means the Information Technology Advisory Council created in § 2.2-2699.5.

"Major information technology project" means any Commonwealth information technology project that has a total estimated cost of more than \$1 million or that has been designated a major information technology project by the Secretary pursuant to § 2.2-225.

"Noncommercial telecommunications entity" means any public broadcasting station as defined in § 22.1-20.1.

"Public broadcasting services" means the acquisition, production, and distribution by public broadcasting stations of noncommercial educational, instructional, informational, or cultural television and radio programs and information that may be transmitted by means of electronic communications, and related materials and services provided by such stations.

"Public telecommunications entity" means any public broadcasting station as defined in § 22.1-20.1.

"Public telecommunications facilities" means all apparatus, equipment and material necessary for or associated in any way with public broadcasting stations as defined in § 22.1-20.1 or public broadcasting services, including the buildings and structures necessary to house such apparatus, equipment and material, and the necessary land for the purpose of providing public broadcasting services, but not telecommunications services.

"Public telecommunications services" means public broadcasting services.

"Secretary" means the Secretary of Technology.

"State agency" or "agency" means any agency, institution, board, bureau, commission, council, or instrumentality of state government in the executive branch listed in the appropriation act. However, the terms "state agency," "agency," "institution," "public body," and "public institution of higher education," shall not include the University of Virginia Medical Center.

"Technology asset" means hardware and communications equipment not classified as traditional mainframe-based items, including personal computers, mobile computers, and other devices capable of storing and manipulating electronic data.

"Telecommunications" means any origination, transmission, emission, or reception of *data*, signs, signals, writings, images, and sounds or intelligence of any nature, by wire, radio, television, optical, or other electromagnetic systems.

"Telecommunications facilities" means apparatus necessary or useful in the production, distribution, or interconnection of electronic communications for state agencies or institutions including the buildings and structures necessary to house such apparatus and the necessary land.

CHAPTER 38

An Act to amend and reenact § 58.1-1021.04:3 of the Code of Virginia, relating to civil penalty for untaxed tobacco products.

[H 898]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-1021.04:3 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-1021.04:3. Unlawful importation, transportation, or possession of tobacco products; civil penalty.

A. It shall be unlawful for any person who is not a licensed distributor in the Commonwealth pursuant to this article to import, transport, or possess, for resale, any tobacco products in the Commonwealth, or under circumstances and conditions that indicate that tobacco products are being imported, transported, or possessed in a manner as to knowingly and intentionally evade or attempt to evade the tax imposed by this article. Such tobacco products shall be subject to seizure, forfeiture, and destruction by the Department or any law-enforcement officer of the Commonwealth. All fixtures, equipment, materials, and personal property used in substantial connection with the sale or possession of tobacco products involved in a knowing and intentional violation of this article shall be subject to seizure and forfeiture according to the procedures contained in Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2, applied *mutatis mutandis*.

B. Any person, except as otherwise provided by law, who imports, transports, or possesses for resale tobacco products upon which the tax imposed by this article has not been paid shall be required to pay any tax owed pursuant to this article. In addition, if such person imports, transports, or possesses such tobacco products in such a manner as to knowingly and intentionally evade or attempt to evade the tax imposed by this article, he shall be required to pay a civil penalty of (i) \$2.50 per tobacco product, up to \$500, for the first violation by the person within a 36-month period; (ii) \$5 per tobacco product, up to \$1,000, for the second violation by the person within a 36-month period; and (iii) \$10 per tobacco product, up to \$50,000, for the third or subsequent violation by the person within a 36-month period, to be assessed and collected by the Department as other taxes are collected. In addition, where willful intent exists to defraud the Commonwealth of the tax levied under this article, such person shall be required to pay a civil penalty of \$25 per tobacco product, up to \$250,000.

CHAPTER 39

An Act to amend and reenact § 55-374 of the Code of Virginia, relating to the Virginia Real Estate Time-Share Act; public offering statement; multisite registration.

[H 901]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 55-374 of the Code of Virginia is amended and reenacted as follows:

§ 55-374. Public offering statement.

A. The developer shall prepare and distribute to each prospective purchaser prior to the execution of a contract for the purchase of a time-share, a copy of the current public offering statement about which the time-share relates. The public offering statement shall fully and accurately disclose the material characteristics of the time-share project registered under this chapter and such time-share offered, and shall make known to each prospective purchaser all material circumstances affecting such time-share project. A developer need not make joint disclosures concerning two or more time-share projects owned by the developer or any related entity unless such projects are included in the same time-share program and marketed jointly at any of the time-share projects. The proposed public offering statement shall be filed with the Board, and shall be in a form prescribed by its regulations. The public offering statement may limit the information provided for the specific time-share project to which the developer's registration relates. The public offering statement shall include the following only to the extent a given disclosure is applicable; otherwise no reference shall be required of the developer or contained in the public offering statement:

1. The name and principal address of the developer and the time-share project registered with the Board about which the public offering statement relates, including:

a. The name, principal occupation and address of every director, partner, limited liability company manager, or trustee of the developer;

b. The name and address of each person owning or controlling an interest of 20 percent or more in each time-share project registered with the Board;

c. The particulars of any indictment, conviction, judgment, decree or order of any court or administrative agency against the developer or managing entity for violation of a federal, state, local or foreign country law or regulation in connection with activities relating to time-share sales, land sales, land investments, security sales, construction or sale of homes or improvements or any similar or related activity;

d. The nature of each unsatisfied judgment, if any, against the developer or the managing entity, the status of each pending suit involving the sale or management of real estate to which the developer, the managing entity, or any general partner, executive officer, director, limited liability company manager, or majority stockholder thereof, is a defending party, and the status of each pending suit, if any, of significance to any time-share project registered with the Board; and

e. The name and address of the developer's agent for service of any notice permitted by this chapter.

2. A general description of the time-share project registered with the Board and the units and common elements promised available to purchasers, including without limitation, the developer's estimated schedule of commencement and completion of all promised and incomplete units and common elements.

3. As to all time-shares offered by the developer:

a. The form of time-share ownership offered in the project registered with the Board;

b. The types, duration, and number of units and time-shares in the project registered with the Board;

c. Identification of units that are subject to the time-share program;

d. The estimated number of units that may become subject to the time-share program;

e. Provisions, if any, that have been made for public utilities in the time-share project including water, electricity, telephone, and sewerage facilities;

f. A statement to the effect of whether or not the developer has reserved the right to add to or delete from the time-share program a time-share project or any incidental benefit or alternative purchase; and

g. If the developer utilizes the possibility of reverter, a statement to that effect referring the purchaser to the reverter deed for an explanation thereof.

4. In a time-share estate program, a copy of the annual report or budget required by § 55-370.1, which copy may take the form of an exhibit to the public offering statement. In the case where multiple time-share projects are registered with the Board, the copy or exhibit may be in summary form.

5. In a time-share use program where the developer's net worth is less than \$250,000, a current audited balance sheet and where the developer's net worth exceeds such amount, a statement by such developer that its equity in the time-share program exceeds that amount.

6. Any initial or special fee due from the purchaser at settlement together with a description of the purpose and method of calculating the fee.

7. A description of any liens, defects, or encumbrances affecting the time-share project and in particular the time-share offered to the purchaser.

8. A general description of any financing offered by or available through the developer.

9. A statement that the purchaser has a nonwaivable right of cancellation, referring such purchaser to that portion of the contract in which such right may be found.

10. If the time-share interest in a condominium unit may be conveyed before that unit is certified as substantially complete in accordance with § 55-79.58, a statement of the developer's obligation to complete the unit. Such statement shall include the approximate date by which the condominium unit shall be completed, together with the form and amount of the bond filed in accordance with subsection B of § 55-79.58:1.

11. Any restraints on alienation of any number or portion of any time-shares.

12. A description of the insurance coverage provided for the benefit of time-share owners.

13. The extent to which financial arrangements, if any, have been provided for completion of any incomplete but promised time-share unit or common element being then offered for sale, including a statement of the developer's obligation to complete the promised units and common elements comprising the time-share project that have not begun, or begun but not yet completed.

14. The extent to which a time-share unit may become subject to a tax or other lien arising out of claims against other owners of the same unit.

15. The name and address of the managing entity for the project.

16. Copies of the project instrument and the association's articles of incorporation and bylaws, each of which may be a supplement to the public offering statement.

17. Any services that the developer provides or expense it pays and that it expects may become at any subsequent time a time-share expense of the owners, and the projected time-share expense liability attributable to each of those services or expenses for each time-share.

18. A description of the terms of the deposit escrow requirements, including a statement that deposits may be removed from escrow at the termination of the cancellation period.

19. A description of the facilities, if any, provided by the developer to the association in a time-share estate project for the management of the project.

20. Any other information required by the Board to assure full and fair meaningful disclosure to prospective purchasers.

B. If any prospective purchaser is offered the opportunity to subscribe to or participate in any exchange program, the public offering statement shall include as an exhibit or supplement, the disclosure document prepared by the exchange company in accordance with § 55-374.2 and a brief narrative description of the exchange program which shall include the following:

1. A statement of whether membership or participation in the program is voluntary or mandatory;
2. The name and address of the exchange company together with the names of its top three officers and directors;
3. A statement of whether the exchange company or any of its top three officers, directors, or holders of a 10 percent or greater interest in the exchange company has any interest in the developer, managing entity or the time-share project;
4. A statement that the purchaser's contract with the exchange company is a contract separate and distinct from the purchaser's contract with the developer; and
5. A brief narrative description of the procedure whereby exchanges are conducted.

C. The public offering statement of a conversion time-share project shall also include the following, which may take the form of an exhibit to the public offering statement:

1. A specific statement of the amount of any initial or special fee, if any, due from the purchaser of a time-share on or before settlement of the purchase contract and the basis of such fee occasioned by the fact that the project is a conversion time-share project;
2. Information on the actual expenditures, if available, made on all repairs, maintenance, operation, or upkeep of the building or buildings within the last three years. This information shall be set forth in a tabular manner within the proposed budget of the project. If such building or buildings have not been occupied for a period of three years then the information shall be set forth for the period during which such building or buildings were occupied;
3. A description of any provisions made in the budget for reserves for capital expenditures and an explanation of the basis for such reserves occasioned by the fact that the project is a conversion time-share project, or, if no provision is made for such reserves, a statement to that effect; and
4. A statement of the present condition of all structural components and major utility installations in the building, which statement shall include the approximate dates of construction, installations, and major repairs as well as the expected useful life of each such item, together with the estimated cost, in current dollars, of replacing each such component.

D. In the case of a conversion project, the developer shall give at least 90 days' notice to each of the tenants of the building or buildings which the developer intends to submit to the provisions of this chapter. During the first 60 days of such 90-day period, each of these tenants shall have the exclusive right to contract for the purchase of a time-share from the unit he occupies, but only if such unit is to be retained in the conversion project without substantial alteration in its physical layout. Such notice shall be hand delivered or sent by first-class mail, return receipt requested, and shall inform the tenants of the developer's intent to create a conversion project. Such notice may also constitute the notice to terminate the tenancy as provided for in § 55-222, except that, despite the provisions of § 55-222, a tenancy from month to month may only be terminated upon 120 days' notice as set forth herein when such termination is in regard to the creation of a conversion project. If, however, a tenant so notified remains in possession of the unit he occupies after the expiration of the 120-day period with the permission of the developer, in order to then terminate the tenancy, such developer shall give the tenant a further notice as provided in § 55-222.

The developer of a conversion project, shall, in addition to the requirements of § 55-391.1, include with the application for registration a copy of the notice required by this subsection and a certified statement that such notice which fully complies with the provisions of this subsection shall be, at the time of the registration of the conversion project, mailed or delivered to each of the tenants in the building or buildings for which registration is sought.

E. The developer shall amend the public offering statement to reflect any material change in the time-share program or time-share project. If the developer has reserved in the time-share instrument the right to add to or delete incidental benefits or alternative purchases, the addition or deletion thereof shall not constitute a material change. Prior to distribution, the developer shall file with the Board the public offering statement amended to reflect any material change.

F. The Board may at any time require a developer to alter or supplement the form or substance of the public offering statement to assure full and fair disclosure to prospective purchasers. A developer may, in its discretion, prepare and distribute a public offering statement for each product offered or one public offering statement for all products offered.

G. In the case of a time-share project located outside the Commonwealth, (i) *the developer may amend the public offering statement to reflect any additions or deletions of a time-share project to the existing time-share program registered in the Commonwealth, and (ii) similar disclosure statements required by other situs laws governing time-sharing may be acceptable alternative disclosure statements.*

H. The developer shall prepare and distribute to each prospective purchaser prior to the execution of a purchase contract for a registered alternative purchase, a copy of the public offering statement about which such alternative purchase relates. The public offering statement shall fully and accurately disclose the material characteristics of such alternative purchase. The public offering statement for an alternative purchase shall be filed with the Board and shall be in a form prescribed by its regulations, if any.

The public offering statement for an alternative purchase need not contain any information about the time-share project, time-share program or the time-shares offered by the developer which was initially offered to such purchaser by the developer. If the developer so elects, the public offering statement for an alternative purchase is not required to have any exhibits.

I. The public offering statement may be in any format, including a compact disc, provided the prospective buyer has available for review, along with ample time for any questions and answers, a copy of the public offering statement prior to his execution of a contract.

CHAPTER 40

An Act to amend and reenact §§ 54.1-4400 and 54.1-4412.1 of the Code of Virginia, relating to the Board of Accountancy; licensing requirements.

[H 907]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-4400 and 54.1-4412.1 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-4400. Definitions.

As used in this chapter, unless the context clearly indicates otherwise:

"Accredited institution" means a degree-granting college or university accredited either by (i) one of the six major regional accrediting organizations—Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, North Central Association of Colleges and Schools, Northwest Commission on Colleges and Universities, Southern Association of Colleges and Schools, and Western Association of Schools and Colleges—or their successors; or (ii) an accrediting organization demonstrating to the Board periodically, as prescribed by the Board, that its accreditation process and standards are substantially equivalent to the accreditation process and standards of the six major regional accrediting organizations.

"Assurance" means any form of expressed or implied opinion or conclusion about the conformity of a financial statement with any recognition, measurement, presentation, or disclosure principles for financial statements.

"Attest services" means audit, review, or other attest services for which standards have been established by the Public Company Accounting Oversight Board, by the Auditing Standards Board or the Accounting and Review Services Committee of the American Institute of Certified Public Accountants, or by any successor standard-setting authorities.

"Board" means the Virginia Board of Accountancy.

"Compilation services" means compiling financial statements in accordance with standards established by the American Institute of Certified Public Accountants or by any successor standard-setting authorities.

"Continuing professional education" means the education that a person obtains after passing the CPA examination and that relates to services provided to an employer in academia, government, or industry using the CPA title or to services provided to the public using the CPA title.

"CPA" means certified public accountant.

"CPA examination" means the national uniform CPA examination approved and administered by the board of accountancy of a state or by the board's designee.

"CPA wall certificate" means the symbolic document suitable for wall display that is issued by the board of accountancy of a state to a person meeting the requirements to use the CPA title in that state.

"Executive Director" means the Executive Director of the Board.

"Experience" means employment in academia, a firm, government, or industry in any capacity involving the substantial use of accounting, financial, tax, or other skills that are relevant, as determined by the Board, to provide services to an employer using the CPA title or to the public using the CPA title.

"Facilitated State Board Access" or "FSBA" means the sponsoring organization's process whereby it provides the Board access to peer review results via a secure website.

"Financial statement" means a presentation of historical or prospective financial information about one or more persons or entities.

"Firm" means an entity formed by one or more licensees as a sole proprietorship, a partnership, a corporation, a limited liability company, or any other type of entity permitted by law.

"License of another state" means the license that is issued by the board of accountancy of a state other than Virginia that gives a person the privilege of using the CPA title in that state or that gives a firm the privilege of providing attest services and compilation services to persons and entities located in that state.

"Licensed" means holding a Virginia license or the license of another state.

"Licensee" means a person or firm holding a Virginia license or the license of another state.

"Peer review" means a review of a firm's attest services and compilation services that is conducted in accordance with the applicable monitoring program of the American Institute of Certified Public Accountants or its successor, or with another monitoring program approved by the Board.

"Practice of public accounting" means the giving of an assurance other than (i) by the person or persons about whom the financial information is presented or (ii) by one or more owners, officers, employees, or members of the governing body of the entity or entities about whom the financial information is presented.

"Providing services to an employer using the CPA title" means providing to an entity services that require the substantial use of accounting, financial, tax, or other skills that are relevant, as determined by the Board.

"Providing services to the public using the CPA title" means providing services that are subject to the guidance of the standard-setting authorities listed in the standards of conduct and practice in subdivisions 5 and 6 of § 54.1-4413.3.

"Sponsoring organization" means a Board-approved professional society or other organization responsible for the facilitation and administration of peer reviews through use of its peer review program and applicable peer review standards.

"State" means any state of the United States, the Commonwealth of the Northern Mariana Islands, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.

"Using the CPA title in Virginia" means using "CPA," "Certified Public Accountant," or "public accountant" (i) in any form or manner of verbal communication to persons or entities located in Virginia or (ii) in any form or manner of written communication to persons or entities located in Virginia, including but not limited to the use in any abbreviation, acronym, phrase, or title that appears in business cards, the CPA wall certificate, Internet postings, letterhead, reports, signs, tax returns, or any other document or device.

"Virginia license" means a license that is issued by the Board giving a person the privilege of using the CPA title in Virginia or a firm the privilege of providing attest services and compilation services to persons and entities located in Virginia.

§ 54.1-4412.1. Licensing requirements for firms.

A. Only a firm can provide attest services or compilation services to persons or entities located in Virginia. However, this shall not affect the privilege of a person who is not licensed to say that financial statements have been compiled or to use the compilation language, as prescribed by subsections B and C of § 54.1-4401.

B. A firm that provides attest services or compilation services to persons or entities located in Virginia shall obtain a Virginia license if the principal place of business in which it provides those services is in Virginia.

C. A firm that is not required to obtain a Virginia license may provide attest services or compilation services to persons or entities located in Virginia if:

1. The firm's personnel working on the engagement either (i) hold a Virginia license or (ii) hold the license of another state and comply with the substantial equivalency provisions of § 54.1-4411, or

2. The firm's personnel working on the engagement are under the supervision of a person who either (i) holds a Virginia license or (ii) holds the license of another state and complies with the substantial equivalency provisions of § 54.1-4411.

D. For a firm to obtain a Virginia license:

1. As determined on a firm-wide basis:

a. At least 51 percent of the owners of the firm shall be licensees, trustees of an eligible employee stock ownership plan as defined in § 13.1-543, or a firm that meets this requirement, and

b. At least 51 percent of the voting equity interest in the firm shall be owned by persons who are licensees, by trustees of an eligible employee stock ownership plan as defined in § 13.1-543, or by a firm that meets this requirement.

If the death, retirement, or departure of an owner causes either of these requirements not to be met, the requirement shall be met within one year after the death, retirement, or departure of the owner.

2. The Board shall prescribe requirements concerning the hours that owners who are not licensees work in the firm and may prescribe other requirements for those persons.

3. All attest services and compilation services provided for persons and entities located in Virginia shall be under the supervision of a person who either (i) holds a Virginia license or (ii) holds the license of another state and complies with the substantial equivalency provisions of § 54.1-4411.

4. Any person who releases or authorizes the release of reports on attest services or compilation services provided for persons or entities located in Virginia shall:

a. Either (i) hold a Virginia license or (ii) hold the license of another state and comply with the substantial equivalency provisions of § 54.1-4411, and

b. Meet any additional requirements the Board prescribes.

5. The firm shall conduct its attest services and compilation services in conformity with the standards of conduct and practice in § 54.1-4413.3 and regulations promulgated by the Board.

6. The firm shall be enrolled in the applicable monitoring program of the American Institute of Certified Public Accountants or its successor, or in another monitoring program for attest services and compilation services that is approved by the Board. In addition, the firm shall comply with any requirements prescribed by the Board in response to the results of peer reviews.

7. *The firm shall participate in the American Institute of Certified Public Accountants, or sponsoring organizations, Facilitated State Board Access process, or its successor process, for peer reviews.*

8. The name of the firm shall not be false, misleading, or deceptive.

E. The Board shall prescribe the methods and fees for a firm to apply for the issuance, renewal, or reinstatement of a Virginia license.

F. An entity may not use the CPA title in Virginia unless it meets the requirements of subdivision D 1.

CHAPTER 41

An Act to amend and reenact §§ 2.2-435.8, 2.2-1605, 2.2-1611, 2.2-1615, 2.2-2237, and 59.1-284.22 of the Code of Virginia, to amend the Code of Virginia by adding sections numbered 2.2-2240.3 through 2.2-2240.6, and to repeal §§ 2.2-1612, 2.2-1613, and 2.2-1614 of the Code of Virginia, relating to the administration of the Virginia Jobs Investment Program.

[H 932]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-435.8, 2.2-1605, 2.2-1611, 2.2-1615, 2.2-2237, and 59.1-284.22 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 2.2-2240.3 through 2.2-2240.6 as follows:

§ 2.2-435.8. Workforce program evaluations; sharing of certain data.

A. Notwithstanding any provision of law to the contrary, the agencies specified in subsection D may share data from within their respective databases solely to (i) provide the workforce program evaluation and policy analysis required by subdivision A 8 of § 2.2-435.7 and clause (i) of subdivision A 10 of § 2.2-435.7 and (ii) conduct education program evaluations that require employment outcomes data to meet state and federal reporting requirements.

B. Data shared pursuant to subsection A shall not include any personal identifying information, shall be encrypted, and shall be transmitted to the Governor or his designee. Upon receipt of such data, the Governor or his designee shall re-encrypt the data to prevent any participating agency from connecting shared data sets with existing agency files. For the purposes of this section:

1. "Identifying information" means the same as that term is defined in § 18.2-186.3, and
2. "Encrypted" means the same as that term is defined in § 18.2-186.6.

C. The Governor or his designee and all agencies authorized under this section shall destroy or erase all shared data upon completion of all required evaluations and analyses. The Governor or his designee may retain a third-party entity to assist with the evaluation and analysis.

D. The databases from the following agencies relating to the specific programs identified in this subsection may be shared solely to achieve the purposes specified in subsection A:

1. Virginia Employment Commission: Unemployment Insurance, Job Service, Trade Act, and Veterans Employment Training Programs;
2. Virginia Community College System: Postsecondary Career and Technical Education, Workforce Investment Act Adult, Youth and Dislocated Worker Programs;
3. Department for Aging and Rehabilitative Services: Vocational Rehabilitation and Senior Community Services Employment Program;
4. Department for the Blind and Vision Impaired: Vocational Rehabilitation;
5. Department of Education: Adult Education and Family Literacy, Special Education, and Career and Technical Education;
6. Department of Labor and Industry: Apprenticeship;
7. Department of Social Services: Supplemental Nutrition Assistance Program and Virginia Initiative for Employment Not Welfare;
8. ~~Department of Small Business and Supplier Diversity~~ *Virginia Economic Development Partnership*: Virginia Jobs Investment Program;
9. Department of Juvenile Justice: Youth Industries and Institutional Work Programs and Career and Technical Education Programs;
10. Department of Corrections: Career and Technical Education Programs; and
11. The State Council of Higher Education for Virginia.

§ 2.2-1605. Powers and duties of Department.

A. The Department shall have the following powers and duties:

1. Coordinate as consistent with prevailing law the plans, programs, and operations of the state government that affect or may contribute to the establishment, preservation, and strengthening of small, women-owned, and minority-owned businesses;

2. Promote the mobilization of activities and resources of state and local governments, businesses and trade associations, universities, foundations, professional organizations, and volunteer and other groups towards the growth of small businesses and businesses owned by women and minorities, and facilitate the coordination of the efforts of these groups with those of state departments and agencies;

3. Establish a center for the development, collection, summarization, and dissemination of information that will be helpful to persons and organizations throughout the nation in undertaking or promoting procurement from small, women-owned, and minority-owned businesses;

4. Consistent with prevailing law and availability of funds, and according to the Director's discretion, provide technical and management assistance to small, women-owned, and minority-owned businesses and defray all or part of the costs of

pilot or demonstration projects that are designed to overcome the special problems of small, women-owned, and minority-owned businesses;

5. Manage the Capital Access Fund for Disadvantaged Businesses created pursuant to § 2.2-2311 and, in cooperation with the Small Business Financing Authority, determine the qualifications, terms, and conditions for the use of such Fund; and

6. Implement any remediation or enhancement measure for small, women-owned, or minority-owned businesses as may be authorized by the Governor pursuant to subsection C of § 2.2-4310 and develop regulations, consistent with prevailing law, for program implementation. Such regulations shall be developed in consultation with the state agencies with procurement responsibility and promulgated by those agencies in accordance with applicable law.

B. In addition, the Department shall serve as the liaison between the Commonwealth's existing businesses and state government in order to promote the development of Virginia's economy. To that end, the Department shall:

1. ~~Provide for~~ *Encourage* the training or retraining of individuals for specific employment opportunities at new or expanding business facilities in the Commonwealth;

2. Develop and implement programs to assist small businesses in the Commonwealth in order to promote their growth and the creation and retention of jobs for Virginians;

3. Establish an industry program that is the principal point of communication between basic employers in the Commonwealth and the state government that will address issues of significance to business;

4. Make available to existing businesses, in conjunction and cooperation with localities, chambers of commerce, and other public and private groups, basic information and pertinent factors of interest and concern to such businesses;

5. Develop statistical reports on job creation and the general economic conditions in the Commonwealth; and

6. Administer ~~any programs established under the Virginia Jobs Investment Program~~ *the Small Business Jobs Grant Fund Program and the Small Business Investment Grant Fund* described in Article 2 (§ 2.2-1611 et seq.) ~~of this chapter.~~

C. All agencies of the Commonwealth shall assist the Department upon request and furnish such information and assistance as the Department may require in the discharge of its duties.

Article 2.

~~Virginia Small Business Jobs Investment Program~~ *Grant Fund Program and Small Business Investment Grant Fund.*

§ 2.2-1611. Small Business Jobs Grant Fund Program; composition; general qualifications.

A. ~~As used in this article, unless the context requires a different meaning:~~

"Capital investment" means an investment in real property, personal property, or both, at a manufacturing or basic nonmanufacturing facility within the Commonwealth that is or may be capitalized by the company and that establishes or increases the productivity of the manufacturing facility, results in the utilization of a more advanced technology than is in use immediately prior to such investment, or both.

"Full-time employee" means a natural person employed for indefinite duration in a position requiring a minimum of either (i) 35 hours of the employee's time per week for the entire normal year, which "normal year" shall consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary employees shall not qualify as new full-time employees under this article.

~~B.~~ There is hereby created the ~~Virginia Jobs Investment~~ *Small Business Jobs Grant Fund* Program (the Program) to support private sector job creation by encouraging the expansion of existing Virginia businesses and the start-up of new business operations in Virginia. ~~The Program shall support existing businesses and economic development prospects by offering funding to offset recruiting and training and retraining costs incurred by companies that are either creating new jobs or implementing technological upgrades and by providing assistance with workforce-related challenges and organizational development workshops.~~

~~C.~~ The Program shall consist of the following component programs:

~~1. The Virginia New Jobs Program;~~

~~2. The Workforce Retraining Program;~~

~~3. The Small Business New Jobs and Retraining Programs; and~~

~~4. The Small Business Jobs Grant Fund Program.~~

~~D.~~ *B.* To be eligible for assistance under ~~any of the component programs~~ of the Program, a company shall:

1. Create or sustain employment for the Commonwealth in a basic sector industry or function, which would include businesses or functions that directly or indirectly derive more than 50 percent of their revenues from out-of-state sources, as determined by the Department;

2. Pay a minimum entry-level wage rate per hour of at least 1.35 times the federal minimum wage. In areas that have an unemployment rate of one and one-half times the statewide average unemployment rate, the wage rate minimum may be waived by the Department. Only full-time positions that qualify for benefits shall be eligible for assistance;

3. Submit copies of employer quarterly payroll reports provided by the company to the Virginia Employment Commission to verify the employment status of each position that has been included in a grant awarded under a component program; and

4. Meet such additional criteria as may be set forth by the Department.

~~E.~~ There is hereby established in the state treasury a special nonreverting fund to be known as the ~~Virginia Jobs Investment Program Fund~~. ~~The Fund shall consist of any moneys appropriated thereto by the General Assembly from time to time and designated for the Fund. Any moneys deposited to or remaining in the Fund during or at the end of each fiscal year or biennium, including interest thereon, shall not revert to the general fund but shall remain in the Fund and be~~

available for allocation under this article in ensuing fiscal years. Moneys in the Fund shall be used solely for grants to eligible businesses as provided in this article, except for assistance under the Small Business Jobs Grant Fund Program. The total amount of funds provided to eligible businesses under this article for any year, except for assistance under the Small Business Jobs Grant Fund Program, shall not exceed the amount appropriated by the General Assembly to the Fund for such year plus any carryover from previous years. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director or his designee. The Fund shall be administered by the Director.

§ 2.2-1615. Small Business Jobs Grant Fund Program.

A. As used in this section:

"Base year" means the calendar year immediately preceding the 24-month period in which a small business creates new full-time positions making it eligible for grants under this section.

"Capital investment" means an investment in real property, personal property, or both, at a manufacturing or basic nonmanufacturing facility within the Commonwealth that is or may be capitalized by the company and that establishes or increases the productivity of the manufacturing facility, results in the utilization of a more advanced technology than is in use immediately prior to such investment, or both.

"New full-time position" means employment of a resident of the Commonwealth for an indefinite duration in the Commonwealth at a small business requiring (i) a minimum of 35 hours of an employee's time per week for the entire normal year of the small business's operation, which "normal year" shall consist of at least 48 weeks, or (ii) a minimum of 1,680 hours per year. Seasonal, temporary, or contract positions or positions created when a job function is shifted from an existing location in the Commonwealth shall not qualify as a new full-time position.

"Small business" means an independently owned and operated business that has been organized pursuant to Virginia law or maintains a principal place of business in Virginia and has 250 or fewer employees in its base year.

B. The Department shall develop as a component of the ~~Virginia Jobs Investment Program~~ the Small Business Jobs Grant Fund Program to assist Virginia small businesses job creation.

C. In addition to the requirements of subsection ~~B~~ of § 2.2-1611 regarding company eligibility, to be eligible for assistance under the Program a company shall (i) create a minimum of five net new full-time positions and (ii) make a new capital investment of at least \$100,000.

The Secretary of Commerce and Trade may waive these requirements, but shall promptly provide written notice of any such waiver to the Chairmen of the Senate Finance and House Appropriations Committees, which notice shall include a justification for any waiver of these requirements.

D. There is hereby created in the state treasury a permanent nonreverting fund to be known as the Small Business Jobs Grant Fund (the Fund). The Fund shall consist of (i) transfers from the Virginia Jobs Investment Program funded in the general appropriation act currently in effect and (ii) any other moneys designated for deposit to the Fund from any source, public or private. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. The Fund shall be managed and administered as a part of the ~~Virginia Jobs Investment Program~~ established within the Department.

E. Moneys in the Fund shall be used solely for the purpose of providing grants to small businesses that create at least five new full-time positions within any 24-month period. A small business meeting the conditions of this section shall be eligible to receive a grant from the Fund ranging from \$500 to \$2,000 per each new full-time position that has been created based on criteria established by the Department pursuant to subsection G.

In awarding grants, priority shall be given to small businesses creating new full-time positions in areas with an annual average unemployment rate of more than 125 percent of the statewide average unemployment rate.

F. Grant payments under this section shall be conditional upon the small business substantially retaining (i) the number of full-time positions in its base year plus (ii) the number of new full-time positions for which grants are to be paid. In no case shall the retention period, as determined by the Department, for any new full-time position for which a grant is to be paid be less than 12 months.

No grant shall be awarded or paid for any new full-time position created prior to July 1, 2010. No grant shall be awarded or paid for any new full-time position created solely as a result of a merger, acquisition, or similar business combination or a change in business form unless such new full-time position is moved into the Commonwealth from outside of the Commonwealth.

G. The Department shall establish criteria for determining the amount of the grant to be awarded for each eligible new full-time position created by a small business that will be based on the level of education, training, and experience required for the job. Such criteria shall also (i) prohibit a small business from receiving more than one grant under this section for the same position and (ii) require the employee to be employed in the new full-time position for at least 90 days prior to the award of the grant.

H. The Department shall determine the qualifications, terms, and conditions for the use of the Fund and the accounts thereof. In connection with applications for claims made against the Fund, the Department may require the production of any document, instrument, certificate, or legal opinion or any other information it deems necessary or convenient. All claims made against the Fund shall be approved by the Department.

§ 2.2-2237. Powers of Authority.

The Authority is granted all powers necessary or convenient for the carrying out of its statutory purposes, including, but not limited to, the power to:

1. Sue and be sued, implead and be impleaded, complain and defend in all courts;
2. Adopt, use, and alter at will a common seal;
3. Acquire, purchase, hold, use, lease or otherwise dispose of any property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Authority, and to lease as lessee, any property, real, personal or mixed, tangible or intangible, or any interest therein, at such annual rental and on such terms and conditions as may be determined by the Board and to lease as lessor to any person, any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority, whether wholly or partially completed, at such annual rental and on such terms and conditions as may be determined by the Board and to sell, transfer or convey any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired or held by the Authority on such terms and conditions as may be determined by the Board, provided that the terms of any conveyance or lease of real property shall be subject to the prior written approval of the Governor;
4. Fix, alter, charge and collect rates, rentals, fees, and other charges for the use of property of, the sale of products of, or services rendered by the Authority at rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority;
5. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties, the furtherance of its purposes, and the execution of its powers under this article, including agreements with any person or federal agency;
6. Employ, at its discretion, consultants, researchers, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers and such other employees and agents as may be necessary, and to fix their compensation to be payable from funds made available to the Authority. The Authority may hire employees within and without the Commonwealth and the United States without regard to whether such employees are citizens of the Commonwealth. Legal services for the Authority shall be provided by the Attorney General in accordance with Chapter 5 (§ 2.2-500 et seq.) of this title;
7. Receive and accept from any federal or private agency, foundation, corporation, association or person, grants or other aid to be expended in accomplishing the objectives of the Authority, and receive and accept from the Commonwealth or any state, and any municipality, county or other political subdivision thereof or from any other source, aid or contributions of either money, property, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made. All federal moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the United States and as are consistent with state law; and all state moneys accepted under this section shall be expended by the Authority upon such terms and conditions as are prescribed by the Commonwealth;
8. Render advice and assistance and to provide services to state agencies, local and regional economic development entities, private firms, and other persons providing services or facilities for economic development in Virginia;
9. Develop, undertake, and provide programs, alone or in conjunction with any person, for economic research, industrial development research, and all other research that might lead to improvements in economic development in Virginia;
10. Adopt, alter, and repeal bylaws, rules, and regulations governing the manner in which its business shall be transacted and the manner in which the powers of the Authority shall be exercised and its duties performed; ~~and~~
11. Do all acts and things necessary or convenient to carry out the powers granted to it by law, and perform any act or carry out any function not inconsistent with state law that may be useful in carrying out the provisions of this article; *and*
12. Administer any program established under the Virginia Jobs Investment Program described in § 2.2-2240.3.

§ 2.2-2240.3. Definitions; Virginia Jobs Investment Program and Fund; composition; general qualifications.

A. As used in this section and §§ 2.2-2240.4, 2.2-2240.5, and 2.2-2240.6, unless the context requires a different meaning:

"Capital investment" means an investment in real property, personal property, or both, at a manufacturing or basic nonmanufacturing facility within the Commonwealth that is or may be capitalized by the company and that establishes or increases the productivity of the manufacturing facility, results in the utilization of a more advanced technology than is in use immediately prior to such investment, or both.

"Full-time employee" means a natural person employed for indefinite duration in a position requiring a minimum of either (i) 35 hours of the employee's time per week for the entire normal year, which "normal year" shall consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary employees shall not qualify as new full-time employees under the Program.

"Fund" means the Virginia Jobs Investment Program Fund created in this section.

"Program" means the Virginia Jobs Investment Program created in this section.

B. There is hereby created the Virginia Jobs Investment Program to support private sector job creation by encouraging the expansion of existing Virginia businesses and the start-up of new business operations in Virginia. The Program shall support existing businesses and economic development prospects by offering funding to offset recruiting and training and

retraining costs incurred by companies that are either creating new jobs or implementing technological upgrades and by providing assistance with workforce-related challenges and organizational development workshops.

C. The Program shall consist of the following component programs:

1. The Virginia New Jobs Program;
2. The Workforce Retraining Program; and
3. The Small Business New Jobs and Retraining Programs.

D. To be eligible for assistance under any of the component programs of the Program, a company shall:

1. Create or sustain employment for the Commonwealth in a basic sector industry or function, which would include businesses or functions that directly or indirectly derive more than 50 percent of their revenues from out-of-state sources, as determined by the Authority;

2. Pay a minimum entry-level wage rate per hour of at least 1.35 times the federal minimum wage. In areas that have an unemployment rate of one and one-half times the statewide average unemployment rate, the wage rate minimum may be waived by the Authority. Only full-time positions that qualify for benefits shall be eligible for assistance;

3. Meet such additional criteria as may be set forth by the Authority.

E. There is hereby established in the state treasury a special nonreverting fund to be known as the Virginia Jobs Investment Program Fund (the Fund). The Fund shall consist of any moneys appropriated thereto by the General Assembly from time to time and designated for the Fund. Any moneys deposited to or remaining in the Fund during or at the end of each fiscal year or biennium, including interest thereon, shall not revert to the general fund but shall remain in the Fund and be available for allocation under this article in ensuing fiscal years. Moneys in the Fund shall be used solely for grants to eligible businesses as permitted by the Program. The total amount of funds provided to eligible businesses under the Program for any year, shall not exceed the amount appropriated by the General Assembly to the Fund for such year, plus any carryover from previous years. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the President and Chief Executive Officer or his designee. The Fund shall be administered by the President and Chief Executive Officer.

§ 2.2-2240.4. Virginia New Jobs Program.

A. The Authority shall develop as a component of the Virginia Jobs Investment Program the Virginia New Jobs Program to support the expansion of existing Virginia companies and new facility locations involving competition with other states or countries.

B. In addition to the requirements of subsection D of § 2.2-2240.3 regarding company eligibility, to be eligible for assistance, an expansion of an existing company or a new company location shall (i) create a minimum of 25 net new jobs for full-time employees, (ii) make a capital investment of at least \$1 million, and (iii) include Virginia in a current competition for the location of the project with at least one other state or country.

The Secretary of Commerce and Trade may waive these requirements but shall promptly provide written notice of any such waiver to the Chairmen of the Senate Finance and House Appropriations Committees, which notice shall include a justification for any waiver of these requirements.

§ 2.2-2240.5. Workforce Retraining Program.

A. The Authority shall develop as a component of the Virginia Jobs Investment Program the Workforce Retraining Program to provide consulting services and funding to assist companies and businesses with retraining their existing workforces to increase productivity.

B. In addition to the requirements of subsection D of § 2.2-2240.3 regarding company eligibility, to be eligible for assistance a company shall demonstrate that (i) it is undergoing integration of new technology into its production process, a change of product line in keeping with marketplace demands, or substantial change to its service delivery process that would require assimilation of new skills and technological capabilities by the firm's existing labor force and (ii) for each such integration of new technology, change of product, or substantial change to its service delivery process, (a) no less than 10 full-time employees are involved and (b) a minimum capital investment of \$500,000 will be made within a 12-month period.

The Secretary of Commerce and Trade may waive these requirements but shall promptly provide written notice of any such waiver to the Chairmen of the Senate Finance and House Appropriations Committees, which notice shall include a justification for any waiver of these requirements.

§ 2.2-2240.6. Small Business New Jobs and Retraining Programs.

A. The Authority shall develop as a component of the Virginia Jobs Investment Program the Small Business New Jobs and Retraining Programs to support the establishment or expansion of Virginia's small businesses or to improve their efficiency through retraining.

B. In addition to the requirements of subsection D of § 2.2-2240.3 regarding company eligibility, to be eligible for assistance for new job creation a company shall create a minimum of five net new jobs for full-time employees and make a capital investment of at least \$100,000. In addition to the requirements of subsection D of § 2.2-2240.3 regarding company eligibility, to be eligible for assistance for retraining a company shall demonstrate that (i) it is undergoing integration of new technology into its production process, a change of product line in keeping with marketplace demands, or substantial change to its service delivery process that would require assimilation of new skills and technological capabilities by the firm's existing labor force and (ii) for each such integration of new technology, change of product, or substantial change to

its service delivery process, (a) no less than five full-time employees are involved and (b) a minimum capital investment of \$50,000 will be made within a 12-month period.

The Secretary of Commerce and Trade may waive these requirements but shall promptly provide written notice of any such waiver to the Chairmen of the Senate Finance and House Appropriations Committees, which notice shall include a justification for any waiver of these requirements.

§ 59.1-284.22. Aerospace Engine Manufacturer Workforce Training Grant Fund; eligible county.

A. As used in this section:

"Affiliate" means the same as that term is defined in § 59.1-284.20.

"Capital investment" means the same as that term is defined in § 59.1-284.20.

"Eligible county" means Prince George County.

"Full-time" means employment of an indefinite duration for which the standard fringe benefits are paid, requiring a minimum of either (i) 35 hours of an employee's time per week for the entire normal year of the employer's operations, which "normal year" shall consist of at least 48 weeks, or (ii) 1,680 hours per year. The term "full-time" shall not include seasonal or temporary positions or positions created when a job function is shifted from an existing location in the Commonwealth.

"Grant" means the special training grant or supplemental training grant as described in this section.

"Qualified employee" means an individual hired in the Commonwealth on or after November 20, 2007, by an entity that is a qualified manufacturer or by an affiliate thereof, who (i) is employed by the qualified manufacturer or by an affiliate for at least 90 days, and (ii) works on a full-time basis for the qualified manufacturer or for an affiliate for at least such 90-day period.

"Qualified manufacturer" means the same as such term is defined in § 59.1-284.20.

"Secretary" means the Secretary of Commerce and Trade or his designee.

"Special training grant" means a \$9,000 allocation from the Aerospace Engine Manufacturer Workforce Training Grant Fund per new qualified employee, as described in this section. The aggregate amount of special training grants under this section shall not exceed \$5,778,000.

"Supplemental training grant" means a one-time \$3 million allocation from the Aerospace Engine Manufacturer Workforce Training Grant Fund, as described in this section.

B. Grants paid to the qualified manufacturer pursuant to this section are intended to be used for workforce development, instructional, or training purposes so as to enhance the skill sets of qualified employees.

C. Any qualified manufacturer that is eligible to receive a special training grant shall (i) report to the Secretary quarterly the number of new qualified employees hired and trained who have been employed for at least 90 days and for whom a special training grant has not been previously paid pursuant to this section, and (ii) provide evidence of the hiring and training of the new qualified employees described in clause (i). The application and evidence shall be filed with the Secretary in person or by mail. For filings by mail, the postmark cancellation shall govern the date of the filing determination. Within 30 days after such evidence has been provided by the qualified manufacturer, the Secretary shall certify to (a) the Comptroller and (b) each qualified manufacturer the amount of the special training grant to which such qualified manufacturer is entitled under this section for payment within 60 days after such certification. Payment of such grant shall be made by check issued by the Treasurer of Virginia on warrant of the Comptroller.

The special training grants under this section (1) shall be paid, subject to appropriation by the General Assembly, from a fund entitled the Aerospace Engine Manufacturer Workforce Training Grant Fund, which Fund is hereby established on the books of the Comptroller, (2) shall not exceed \$5,778,000 in the aggregate, and (3) shall be paid to or for the benefit of the qualified manufacturer on a quarterly basis.

D. A supplemental training grant shall be paid to any qualified manufacturer that has made an aggregate capital investment of at least \$153.9 million in the eligible county and has hired at least 176 new qualified employees, excluding any qualified employee who has been rehired by the qualified manufacturer or an affiliate thereof or who is employed in a different position with the qualified manufacturer or an affiliate thereof. On or before June 30, 2010, and on or before each June 30 thereafter until the supplemental training grant has been paid, the qualified manufacturer shall provide written notification to the Secretary whether it has met or expects to meet the aggregate capital investment and employee requirements by the end of the current calendar year. If it has met or expects to meet such requirements by the end of the calendar year, the qualified manufacturer shall provide evidence of the same, satisfactory to the Secretary, with the written notification. The written notification and evidence shall be filed with the Secretary in person or by mail. For filings by mail, the postmark cancellation shall govern the date of the filing determination. Within 10 days after such notification and evidence have been provided by the qualified manufacturer, the Secretary shall certify to (i) the Comptroller and (ii) each qualified manufacturer the amount of the supplemental training grant to which such qualified manufacturer is entitled under this section for payment in the current fiscal year. Payment of such grant shall be made by check issued by the Treasurer of Virginia on warrant of the Comptroller.

The supplemental training grant shall not be paid prior to July 1, 2010. The supplemental training grant (a) shall be paid, subject to appropriation by the General Assembly, from the Aerospace Engine Manufacturer Workforce Training Grant Fund, (b) shall be equal to \$3 million, and (c) shall, subject to appropriation by the General Assembly, be paid to the qualified manufacturer by the end of the applicable fiscal year, as described herein. No more than \$3 million in supplemental training grants shall be paid pursuant to this section.

E. If grants to be paid to qualified manufacturers under this section in a fiscal year exceed the aggregate amount available in the Aerospace Engine Manufacturer Workforce Training Grant Fund for that year, each qualified manufacturer's grants for the year shall equal the amount of grants to which the qualified manufacturer would otherwise be eligible multiplied by a fraction. The numerator of the fraction shall equal the aggregate amount available for payment from the Aerospace Engine Manufacturer Workforce Training Grant Fund for that fiscal year, and the denominator shall equal the aggregate dollar amount of grants to which all qualified manufacturers otherwise would be eligible for such fiscal year.

F. Notwithstanding any other provision of this section, in lieu of payment of special training grants by check to qualified manufacturers, the Secretary may determine that such special training grants shall be administered in a manner similar to existing training grant programs such as those permitted by § ~~2.2-1605~~ 2.2-2240.3.

G. As a condition of receipt of a grant, a qualified manufacturer shall make available to the Secretary or his designee for inspection upon his request all relevant and applicable documents to determine the aggregate number of new qualified employees hired and the aggregate amount of capital investment. The Comptroller shall not draw any warrants to issue checks for a special training grant or a supplemental training grant under this section without a specific appropriation for the same. All such documents appropriately identified by the qualified manufacturer shall be considered confidential and proprietary.

2. That §§ 2.2-1612, 2.2-1613, and 2.2-1614 of the Code of Virginia are repealed.

3. That the guidelines of the Department of Business Assistance or the Department of Small Business and Supplier Diversity that pertain to the Virginia Jobs Investment Program shall be administered by the Virginia Economic Development Partnership Authority and shall remain in full force and effect until the Virginia Economic Development Partnership Authority establishes guidelines pursuant to this act. The preparation of the guidelines shall be exempt from the requirements of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act (§ 2.2-4000 et seq.) of the Code of Virginia.

4. That the Governor may transfer any employee within a state entity affected by the provisions of this act, or from one such entity to another, to support the changes in organization or responsibility resulting from or required by the provisions of this act.

CHAPTER 42

An Act to amend the Code of Virginia by adding in Article 3 of Chapter 1 of Title 44 a section numbered 44-41.2, relating to sharing of information on a member of the Virginia National Guard with the Virginia Employment Commission.

[H 971]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 3 of Chapter 1 of Title 44 a section numbered 44-41.2 as follows:

§ 44-41.2. Sharing of information with Virginia Employment Commission upon separation.

The Adjutant General shall, in consultation with the Commissioner of the Virginia Employment Commission, establish a program under which the Department of Military Affairs shall, upon request of a member of the Virginia National Guard, provide information on the member to the Virginia Employment Commission, including (i) the individual's name; (ii) the date, or anticipated date, of the individual's discharge, separation, or release from the Virginia National Guard; (iii) the characterization, or anticipated characterization, of the individual's discharge from the Virginia National Guard; (iv) the individual's level of education; (v) contact information for the individual; (vi) the individual's military job classification and list of military training and certifications; (vii) the individual's civilian skills, training, and certification, as self-selected by the individual; and (viii) the industry, employment sector, profession, or other career classification, as self-identified by the individual, in which the individual will seek employment.

Nothing in this section shall be construed to limit the collection and maintenance of information for records required to be kept by the Virginia Employment Commission pursuant to 16 VAC 5-32-10 or pursuant to any other regulation adopted in accordance with § 60.2-111.

CHAPTER 43

An Act to amend and reenact § 58.1-2249 of the Code of Virginia, relating to repealing the annual license tax on hybrid electric motor vehicles.

[H 975]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-2249 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-2249. Tax on alternative fuel.

A. There is hereby levied a tax at the rate levied on gasoline and gasohol on liquid alternative fuel used to operate a highway vehicle by means of a vehicle supply tank that stores fuel only for the purpose of supplying fuel to operate the vehicle. There is hereby levied a tax at a rate equivalent to that levied on gasoline and gasohol on all other alternative fuel used to operate a highway vehicle. The Commissioner shall determine the equivalent rate applicable to such other alternative fuels.

B. (Contingent expiration date) In addition to any tax imposed by this article, there is hereby levied an annual license tax of \$64 per vehicle on each highway vehicle registered in Virginia that is an electric motor vehicle, ~~a hybrid electric motor vehicle~~, or an alternative fuel vehicle. However, no license tax shall be levied on any vehicle that (i) is subject to the tax on fuels levied pursuant to subsection A, (ii) is subject to the federal excise tax levied under § 4041 of the Internal Revenue Code, (iii) is a moped as defined in § 46.2-100, or (iv) is registered under the International Registration Plan. If such a highway vehicle is registered for a period other than one year as provided under § 46.2-646, the license tax shall be multiplied by the number of years or fraction thereof that the vehicle will be registered. The revenues generated by this subsection shall be deposited in the Highway Maintenance and Operating Fund.

B. (Contingent effective date) In addition to any tax imposed by this article, there is hereby levied an annual license tax of \$50 per vehicle on each highway vehicle registered in Virginia that is an electric motor vehicle. If such a highway vehicle is registered for a period other than one year as provided under § 46.2-646, the license tax shall be multiplied by the number of years or fraction thereof that the vehicle will be registered.

2. That the Commissioner of the Department of Motor Vehicles shall establish a process to refund, without interest, any portion of the annual license tax collected pursuant to subsection B of § 58.1-2249 of the Code of Virginia on hybrid electric motor vehicles, as defined under § 58.1-2201 of the Code of Virginia, that is attributable to registration years beginning on or after July 1, 2014.

CHAPTER 44

An Act to amend and reenact § 58.1-3713 of the Code of Virginia, relating to gas severance tax.

[H 1028]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3713 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3713. (Expires December 31, 2014) Local gas road improvement and Virginia Coalfield Economic Development Authority tax.

A. In addition to the taxes authorized under § 58.1-3712, any county or city may adopt a license tax on every person engaging in the business of severing gases from the earth. The rate of such tax shall not exceed one percent. The provisions of § 58.1-3712 as they relate to measurement of gross receipts, filing of reports and record keeping shall be applicable to the tax imposed under this section.

The moneys collected for each county or city from the taxes imposed under authority of this section and subsection B of § 58.1-3741 shall be paid into a special fund of such county or city to be called the Gas Road Improvement Fund of such county or city, and shall be spent for such improvements to public roads as the coal and gas road improvement advisory committee and the governing body of such county or city may determine as provided in subsection B of this section. The county may also, in its discretion, elect to improve city or town roads with its funds if consent of the city or town council is obtained. Such funds shall be in addition to those allocated to such counties from state highway funds which allocations shall not be reduced as a result of any revenues received from the tax imposed hereunder. In those localities that comprise the Virginia Coalfield Economic Development Authority, the tax imposed under this section or subsection B of § 58.1-3741 shall be paid as follows: (i) three-fourths of the revenue shall be paid to the Gas Road Improvement Fund and used for the purposes set forth herein; however, one-fourth of such revenue may be used to fund the construction of new water or sewer systems and lines in areas with natural water supplies that are insufficient from the standpoint of quality or quantity, or the construction of natural gas service lines as authorized by § 15.2-2109.3, and (ii) one-fourth of the revenue shall be paid to the Virginia Coalfield Economic Development Fund. Furthermore, with regard to the portion paid to the Gas Road Improvement Fund, a county or city may provide for an additional one-fourth allocation for the construction of new systems or lines for water, sewer, or natural gas as authorized by § 15.2-2109.3, or the repair or enhancement of existing water, sewer, or natural gas systems or lines in areas with natural water supplies or existing natural gas services that are insufficient from the standpoint of quality or quantity; however, if this option is initiated by a county or city, it must satisfy the requirements set forth in § 58.1-3713.01. Notwithstanding the foregoing limitations regarding revenues used for water systems, sewer systems, or natural gas systems, such revenues designated for water and water systems, sewer systems, or natural gas systems shall be distributed directly to the local public service authority for such purposes instead of the local governing body. Funds in the Gas Road Improvement Fund used to construct, repair, or enhance natural gas service lines or systems shall not exceed one-fourth of the revenue paid to the Gas Road Improvement Fund collected from the severance tax imposed upon the severance of natural gas pursuant to this section and may be so used only upon passage of a local ordinance or resolution of the governing body of the applicable county or city providing for the same.

B. Any county or city imposing the tax authorized in this section or in subsection B of § 58.1-3741 shall establish a Gas Road Improvement Advisory Committee, to be composed of four members: (i) a member of the governing body of such county or city, appointed by the governing body, (ii) a representative of the Department of Transportation, and (iii) two citizens of such county or city connected with the coal and gas industry, appointed for a term of four years, initially commencing July 1, 1989, by the chief judge of the circuit court.

Such committee shall develop on or before July 1 of each year a plan for improvement of roads during the following fiscal year. Such plan shall have the approval of three members of the committee and shall be submitted to the governing body of the county or city for approval. The governing body may approve or disapprove such plan, but may make no changes without the approval of three members of the committee.

C. The provisions of this section shall expire on December 31, ~~2014~~ 2015.

CHAPTER 45

An Act to amend and reenact § 18.2-308 of the Code of Virginia, relating to concealed handgun permit; retired member of Department of Motor Vehicles enforcement division; exception.

[H 1169]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-308. Carrying concealed weapons; exceptions; penalty.

A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this subsection, he is guilty of a Class 1 misdemeanor. A second violation of this section or a conviction under this section subsequent to any conviction under any substantially similar ordinance of any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature. It shall be an affirmative defense to a violation of clause (i) regarding a handgun, that a person had been issued, at the time of the offense, a valid concealed handgun permit.

B. This section shall not apply to any person while in his own place of abode or the curtilage thereof.

C. Except as provided in subsection A of § 18.2-308.012, this section shall not apply to:

1. Any person while in his own place of business;
2. Any law-enforcement officer, wherever such law-enforcement officer may travel in the Commonwealth;
3. Any person who is at, or going to or from, an established shooting range, provided that the weapons are unloaded and securely wrapped while being transported;
4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped while being transported;
5. Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported;
6. Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from those conditions, provided that possession of a handgun while engaged in lawful hunting shall not be construed as hunting with a handgun if the person hunting is carrying a valid concealed handgun permit;
7. Any State Police officer retired from the Department of State Police, any officer retired from the Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control officer retired from a police department or sheriff's office within the Commonwealth, any special agent retired from the State Corporation Commission or the Alcoholic Beverage Control Board, any conservation police officer retired from the Department of Game and Inland Fisheries, any Virginia Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources Commission, any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 retired from a campus police department, *any retired member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217*, and any retired investigator of the security division of the State Lottery Department, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii) following at least 15 years of service with any such law-enforcement agency, board or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such law-enforcement agency or board due to a service-related injury, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from which the officer retired or the agency that employs the officer

or, in the case of special agents, issued by the State Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall be forwarded by the chief or the Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An officer set forth in clause (iv) who receives written proof of consultation to carry a concealed handgun shall surrender such proof of consultation upon return to work or upon termination of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the Department of State Police for entry into the Virginia Criminal Information Network. However, if such officer retires on disability because of the service-related injury, and would be eligible under clause (i) for written proof of consultation to carry a concealed handgun, he may retain the previously issued written proof of consultation. A retired law-enforcement officer who receives proof of consultation and favorable review pursuant to this subdivision is authorized to carry a concealed handgun in the same manner as a law-enforcement officer authorized to carry a concealed handgun pursuant to subdivision 2-;

7a. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement agency or board mentioned in subdivision 7 who has resigned in good standing from such law-enforcement agency or board to accept a position covered by a retirement system that is authorized under Title 51.1, provided such person carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the agency from which he resigned or, in the case of special agents, issued by the State Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Board or Commission to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the law-enforcement officer otherwise meets the requirements of this section.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to subdivision 7 or this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit.

For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired or resigned law-enforcement officer who receives proof of consultation and review pursuant to subdivision 7 or this subdivision shall have the opportunity to annually participate, at the retired or resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that the retired or resigned officer has met the standards of the agency to carry a firearm;

8. Any State Police officer who is a member of the organized reserve forces of any of the armed services of the United States, national guard, or naval militia, while such officer is called to active military duty, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the Superintendent of State Police. The proof of consultation and favorable review shall be valid as long as the officer is on active military duty and shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of consultation and favorable review shall be entered into the Virginia Criminal Information Network. The Superintendent of State Police shall not without cause withhold such written proof if the officer is in good standing and is qualified to carry a weapon while on active law-enforcement duty.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit;

9. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such attorney may travel in the Commonwealth;

10. Any person who may lawfully possess a firearm and is carrying a handgun while in a personal, private motor vehicle or vessel and such handgun is secured in a container or compartment in the vehicle or vessel; and

11. Any enrolled participant of a firearms training course who is at, or going to or from, a training location, provided that the weapons are unloaded and securely wrapped while being transported.

D. This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

1. Carriers of the United States mail;

2. Officers or guards of any state correctional institution;

3. Conservators of the peace, except that an attorney for the Commonwealth or assistant attorney for the Commonwealth may carry a concealed handgun pursuant to subdivision C 9. However, the following conservators of the peace shall not be permitted to carry a concealed handgun without obtaining a permit as provided in this article: (i) notaries public; (ii) registrars; (iii) drivers, operators or other persons in charge of any motor vehicle carrier of passengers for hire; or (iv) commissioners in chancery;

4. Noncustodial employees of the Department of Corrections designated to carry weapons by the Director of the Department of Corrections pursuant to § 53.1-29; and

5. Harbormaster of the City of Hopewell.

CHAPTER 46

An Act to amend and reenact § 10.1-2211 of the Code of Virginia, relating to Confederate cemeteries and graves.

[H 1171]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-2211 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-2211. Disbursement of funds appropriated for caring for Confederate cemeteries and graves.

A. At the direction of the Director, the Comptroller of the Commonwealth is instructed and empowered to draw annual warrants upon the State Treasurer from any sums that may be provided in the general appropriation act, in favor of the treasurers of the Confederate memorial associations and chapters of the United Daughters of the Confederacy set forth in subsection B of this section. Such sums shall be expended by the associations and organizations for the routine maintenance of their respective Confederate cemeteries and graves and for the graves of Confederate soldiers and sailors not otherwise cared for in other cemeteries, and in erecting and caring for markers, memorials, and monuments to the memory of such soldiers and sailors. All such associations and organizations, through their proper officers, are required after July 1 of each year to submit to the Director a certified statement that the funds appropriated to the association or organization in the preceding fiscal year were or will be expended for the routine maintenance of cemeteries specified in this section and the graves of Confederate soldiers and sailors and in erecting and caring for markers, memorials and monuments to the memory of such soldiers and sailors. An association or organization failing to comply with any of the requirements of this section shall be prohibited from receiving moneys allocated under this section for all subsequent fiscal years until the association or organization fully complies with the requirements.

B. Allocation of appropriations made pursuant to this section shall be based on the number of graves, monuments and markers as set forth opposite the association's or organization's name, or as documented by each association or organization multiplied by the rate of \$5 or the average actual cost of routine maintenance, whichever is greater, for each grave, monument or marker in the care of a Confederate memorial association or chapter of the United Daughters of the Confederacy. For the purposes of this section the "average actual cost of care" shall be determined by the Department in a biennial survey of at least four properly maintained cemeteries, each located in a different geographical region of the Commonwealth.

IN THE COUNTIES OF:	NUMBER:
Accomack	
Robert E. Lee Chapter, U.D.C., Belle Haven	10
Albemarle	
Albemarle Chapter, U.D.C.	50
Mountain Plain Cemetery, Crozet	15
Mt. Zion United Methodist Church, Esmont	10
Scottsville Chapter, U.D.C.	40
Westerly Chapel Cemetery, Free Union	15
Amelia	
Grub Hill Church	10
Appomattox	
Appomattox Chapter, U.D.C.	50
Augusta	
Augusta Stone Presbyterian Church Cemetery	40
Salem Lutheran Church Cemetery	37
Trinity Lutheran Church Cemetery	13
Botetourt	
Fairview Cemetery Association, Inc.	20
Glade Creek Cemetery Corporation	10
Buchanan	
Ratliff	30
Carroll	
Floyd Webb Cemetery	16
Robinson Cemetery	10
Worrell Cemetery	10
Charles City County	
Salem Church Cemetery	35
Chesterfield	
Ettrick Cemetery	47
Skinquarter Baptist Church Cemetery	12

Craig
 Archibald A. Caldwell Cemetery 4

Culpeper
 Culpeper Chapter, U.D.C. 10

Dinwiddie
 Dinwiddie Confederate Memorial Association 15

Fairfax
 Fairfax Chapter, U.D.C. 15
 Robert E. Lee Chapter No. 56 36

Fauquier
 Black Horse Chapter, U.D.C. 10
 Marshall Cemetery 10
 Piedmont Chapter, U.D.C. 10
 Upperville Methodist Church Cemetery 10

Floyd
 Floyd County Confederate Memorial Association 20
 Southward Cemetery 10

Giles
 McComas Chapter, U.D.C. 15

Goochland
 Goochland Chapter, U.D.C. 15

Grayson
 A. B. Cox Cemetery 10
 Atkins Memorial Cemetery 10
 Bethel Church Cemetery 10
 Bridlecreek Cemetery 10
 Camet B. Cox Cemetery 10
 Comer's Rock Cemetery 10
 Cox's Chapel 10
 Fellowship Baptist Cemetery 10
 Fries Ridge Cemetery 10
 Forest Cemetery 10
 Fox Creek Cemetery 10
 Funk Cemetery 10
 Gold Hill Cemetery 10
 Grubbs Chapel Cemetery 10
 Hale Cemetery 15
 Hines Branch Cemetery 10
 Independence Cemetery 10
 Jerusalem Methodist Episcopal Church Cemetery 10
 Lebanon Cemetery 10
 Liberty Hill Cemetery 15
 Long Branch Cemetery 10
 McKenzie Cemetery 10
 New Hope Cemetery 10
 Oak Grove Cemetery 10
 Potato Creek Cemetery 10
 Pugh Cemetery 10
 Rhudy Cemetery 10
 Round Meadows Cemetery 10
 Rugby Cemetery 10
 Saddle Creek Cemetery 10
 Sawyers Family Cemetery 10
 Spring Valley Cemetery 10
 Whitetop Cemetery 10

Greene
 Gentry Methodist Church Cemetery 10

Halifax
 Grace Churchyard, Inc., Seaton 3
 Halifax Chapter, U.D.C. 20
 St. John's Episcopal Church 31

Hanover	
Hanover Chapter, U.D.C.	20
Henrico	
Emmanuel Episcopal Church at Brook Hill	86
Isle of Wight	
Isle of Wight Chapter, U.D.C.	20
Lee	
Light Horse Harry Lee Chapter, U.D.C.	100
Ely Cemetery	30
Loudoun	
Ebenezer Cemetery	15
Lakeview Cemetery, Hamilton	15
Lee Chapter No. 179	10
Leesburg Union Cemetery	15
Sharon Cemetery, Middleburg	20
Louisa	
Oakland Cemetery	70
Lunenburg	
Sons of the Confederate Veterans Old Free State Camp #1746	141
Madison	
Madison Chapter, U.D.C.	10
Mecklenburg	
Boydton Chapter, U.D.C.	10
Armistead-Goode Chapter, U.D.C.	10
Montgomery	
Doctor Harvey Black Chapter, U.D.C.	10
White Cemetery, Inc.	10
Nelson	
Nelson County Confederate Memorial Association	10
Nottoway	
Confederate Memorial Board	15
Orange	
Maplewood Cemetery, Gordonsville	696
Preddys Creek Cemetery	10
13th Virginia Regiment Chapter, U.D.C.	30
Patrick	
Confederate Memorial Association	40
Pittsylvania	
Rawley Martin Chapter, U.D.C. <i>Pittsylvania County Historical</i> <i>Society</i>	30
Powhatan	
Huguenot Springs Cemetery	130
Prince Edward	
Farmville Chapter, U.D.C.	50
Prince George	
City Point Chapter, U.D.C., for use at Old Town Cemetery	20
Pulaski	
Pulaski Chapter, U.D.C.	10
Roanoke	
Southern Cross Chapter, U.D.C.	10
Old Tombstone Cemetery	20
Rockbridge	
New Monmouth Presbyterian Church	80
New Providence Presbyterian Church	98
Rockingham	
Cedar Grove Cemetery	68
Cooks Creek Presbyterian Church Cemetery	39
Singers Glen Cemetery	19
St. Johns Lutheran Cemetery	10
Scott	
Prospect Community Cemetery	20

McKenney-Carter Cemetery Association	20
Confederate Memorial Branch, Wolfe Cemetery Association, Yuma ..	15
Estill Memorial Cemetery Association	35
Lawson Confederate Memorial Cemetery	10
Mount Pleasant Cemetery	20
Salling Memorial, Slant	20
Rollins Cemetery	10
Daugherty Cemetery	20
Nickelsville Baptist Church Cemetery	20
Shenandoah	
New Market Confederate Memorial Association	40
Stover Camp Chapter, U.D.C.	10
Mt. Jackson-Old Soldier Cemetery	100
Smyth	
Aspenvale Cemetery	10
Blue Springs Cemetery, Sugar Grove	10
Centenary Cemetery	10
Chatham Hill Cemetery	10
Greenwood Cemetery	10
Holston Chapter, U.D.C.	20
Keesling Cemetery, Rural Retreat	10
Middle Fork Cemetery	10
Morgan Cemetery, Sugar Grove	10
Mt. Carmel Cemetery	20
Mountain View Cemetery, Chilhowie	10
Mt. Zion Cemetery	10
Pleasant Hill Cemetery, Groseclose	12
Ridgedale Cemetery, Rich Valley	10
Riverside Cemetery in Rich Valley	10
Round Hill Cemetery	20
Slemp Cemetery, Sugar Grove	10
St. James Cemetery, Chilhowie	10
South Fork Baptist Cemetery	10
Steffey Cemetery, Groseclose	10
Wassum Cemetery, Atkins	10
Zion Methodist Cemetery, Rich Valley	14
Riverside Cemetery on South Fork	10
Royal Oak Cemetery	10
St. Clair's Bottom Cemetery, Chilhowie	10
Sulphur Springs Cemetery	10
Southampton	
Southampton Chapter, U.D.C.	40
Spotsylvania	
Ladies Confederate Memorial Association	749
Surry	
General William Mahone Chapter, U.D.C.	40
Tazewell	
Maplewood Cemetery	20
Hankins Cemetery	20
Warren	
Warren Rifles Chapter, U.D.C.	25
Washington	
Anna Stonewall Jackson Chapter, U.D.C.	20
Emory and Henry Cemetery	203
Greendale Cemetery	20
Warren Cemetery	20
Wise	
Big Stone Gap Chapter, U.D.C.	20
Wythe	
Asbury Cemetery, Rural Retreat	10
Fairview Cemetery, Rural Retreat	10

Galilee Christian Church Cemetery	10
Grubbs Cemetery	10
Kemberling Cemetery	10
Marvin Cemetery	30
Mt. Ephraim Cemetery	10
Mount Mitchell Cemetery	10
Mountain View Cemetery	46
Murphysville Cemetery	10
St. John's Cemetery	10
St. Mary's Cemetery	10
St. Paul's Cemetery	14
St. Peter's Lutheran Church Cemetery	12
Speedwell Methodist Cemetery	10
Wythe-Gray Chapter, U.D.C.	20
Zion Cemetery	10
York	
Bethel Memorial Association	20
IN THE CITIES OF:	
Alexandria	
Old Dominion Rifles Confederate Memorial Association	98
Old Presbyterian Meeting House	62
Bristol	
Bristol Confederate Memorial Association	60
Charlottesville	
Effort Baptist Church	10
Clifton Forge	
Julia Jackson Chapter, U.D.C.	15
Chesapeake	
Norfolk County Grays Chapter 2535, U.D.C.	8
Covington	
Alleghany Chapter, U.D.C.	30
Danville	
Eliza Johns Chapter, U.D.C.	201
Fredericksburg	
Fredericksburg Cemetery	310
Fredericksburg Confederate Memorial Association	200
Hampton	
Hampton Chapter, U.D.C.	60
Harrisonburg	
Turner Ashby Chapter, U.D.C.	60
Woodbine Cemetery	140
Lexington	
Rockbridge Chapter, U.D.C.	126
Lynchburg	
Lynchburg Confederate Memorial Association	30
Manassas	
Ladies Confederate Memorial Association of Manassas	15
Martinsville	
Mildred Lee Chapter, U.D.C.	10
Newport News	
Bethel Chapter, U.D.C.	50
Norfolk	
Hope Maury Chapter, U.D.C.	10
Pickett-Buchanan Chapter, U.D.C.	20
Petersburg	
Petersburg Chapter, U.D.C., for Prince George County	15
Ladies Memorial Association of Petersburg	140
Portsmouth	
Ladies Confederate Memorial Association	15
Portsmouth Cedar Grove Cemetery	407

Radford
 New River Gray's Chapter, U.D.C. 15
 Radford Chapter, U.D.C. 15

Richmond
 Centennial Chapter, U.D.C. 20
 Elliott Grays Chapter, U.D.C. 15
 Janet Randolph Chapter, U.D.C. 15
 Lee Chapter, U.D.C. 20
 Sons of Confederate Veterans - Virginia Division 2294
 Richmond-Stonewall Jackson Chapter, U.D.C. 110

Roanoke
 Roanoke Chapter, U.D.C. 40
 William Watts Chapter, U.D.C. 40

Salem
 Southern Cross Chapter, U.D.C. 271

Staunton
 Confederate Section, Thornrose Cemetery 600

Vinton
 Major Wm. F. Graves Chapter, U.D.C. 40

Williamsburg
 Williamsburg Chapter, U.D.C. 125

Winchester
 Stonewall Confederate Memorial Association 2112

C. In addition to funds that may be provided pursuant to subsection B, any of the Confederate memorial associations and chapters of the United Daughters of the Confederacy set forth in subsection B may apply to the Director for grants to perform extraordinary maintenance, renovation, repair or reconstruction of any of their respective Confederate cemeteries and graves and for the graves of Confederate soldiers and sailors. These grants shall be made from any appropriation made available by the General Assembly for such purpose. In making such grants, the Director shall give full consideration to the assistance available from the United States Department of Veterans Affairs, or other agencies, except in those instances where such assistance is deemed by the Director to be detrimental to the historical, artistic or architectural significance of the site.

D. Local matching funds shall not be required for grants made pursuant to this section.

CHAPTER 47

An Act to amend and reenact § 58.1-439.20 of the Code of Virginia, relating to proposals for tax credits under the Neighborhood Assistance Act Tax Credit program.

[H 1179]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-439.20 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-439.20. Proposals; regulations; tax credits authorized; amount for programs.

A. Any neighborhood organization may submit a proposal, other than education proposals, to the Commissioner of the State Department of Social Services requesting an allocation of tax credits for use by business firms making donations to the neighborhood organization. Neighborhood organizations may submit education proposals to the Superintendent of Public Instruction requesting an allocation of tax credits for use by business firms making donations to the neighborhood organization.

The proposal shall set forth the program to be conducted by the neighborhood organization, the low-income persons or eligible students with disabilities to be assisted, the estimated amount to be donated to the program, and the plans for implementing the program.

B. The State Board of Social Services and the Department of Education are hereby authorized to adopt regulations (or, alternatively, guidelines in the case of the Department of Education) for the approval or disapproval of such proposals by neighborhood organizations and for determining the value of the donations. Such regulations or guidelines shall contain a requirement that a neighborhood organization shall have been in existence for at least one year. Also, such regulations or guidelines shall contain a requirement that as a prerequisite for approval, neighborhood organizations with total revenues (including the value of all donations) (i) in excess of \$100,000 for the organization's most recent year ended provide to the State Board of Social Services or the Department of Education, as applicable, an audit or review for such year performed by an independent certified public accountant or (ii) of \$100,000 or less for the organization's most recent year ended, provide to the State Board of Social Services or the Department of Education, as applicable, a compilation for such year performed by an independent certified public accountant. *No proposal for an allocation of tax credits shall be untimely filed solely*

because such audit, review, or compilation was not submitted by the neighborhood organization by the proposal filing deadline, provided that the audit, review, or compilation is submitted to the State Board of Social Services or the Department of Education, as applicable, within the 30-day period immediately following such deadline.

Such regulations or guidelines by the Department of Education shall provide that at least 50 percent of the persons served by the neighborhood organization are low-income persons or eligible students with disabilities, and that at least 50 percent of the neighborhood organization's revenues are used to provide services to low-income persons or to eligible students with disabilities. Such regulations by the State Board of Social Services shall provide that at least 40 percent of the persons served by the neighborhood organization are low-income persons as defined in § 58.1-439.18. In order for a proposal to be approved, the applicant neighborhood organization and any of its affiliates shall meet the requirements of the application regulations or guidelines. Such regulations or guidelines shall provide for the equitable allocation of the available amount of tax credits among the approved proposals submitted by neighborhood organizations. The regulations or guidelines shall also provide that at least 10 percent of the available amount of tax credits each year shall be allocated to qualified programs proposed by neighborhood organizations not receiving allocations in the preceding year; however, if the amount of tax credits for qualified programs requested by such neighborhood organizations is less than 10 percent of the available amount of tax credits, the unallocated portion of such 10 percent of the available amount of tax credits shall be allocated to qualified programs proposed by other neighborhood organizations.

C. If the Commissioner of the State Department of Social Services or the Superintendent of Public Instruction approves a proposal submitted by a neighborhood organization, the organization shall make the allocated tax credit amounts available to business firms making donations to the approved program. A neighborhood organization shall not assign or transfer an allocation of tax credits to another neighborhood organization without the approval of the Commissioner of the State Department of Social Services or the Superintendent of Public Instruction, as applicable.

Notwithstanding any other provision of law, (i) no more than an aggregate of \$0.825 million in tax credits shall be approved in a fiscal year to a neighborhood organization or to a grouping of neighborhood organization affiliates for all education proposals, and (ii) no more than an aggregate of \$0.5 million in tax credits shall be approved in a fiscal year to a neighborhood organization or to a grouping of neighborhood organization affiliates for all other proposals combined. However, if the State Department of Social Services or the Department of Education after the initial allocation of tax credits to approved proposals has a balance of tax credits remaining for the fiscal year that can be used or allocated by a neighborhood organization for a proposal that had been approved for tax credits during the initial allocation by the State Department of Social Services or the Department of Education, then (a) the Commissioner of the State Department of Social Services or the Superintendent of Public Instruction, as applicable, shall reallocate the remaining balance of tax credits to such previously approved proposals to the extent that a neighborhood organization can use or allocate additional tax credits for the previously approved proposal and (b) the \$0.825 and \$0.5 million annual limitations for tax credits approved to a grouping of neighborhood organization affiliates shall be inapplicable to the extent of any balance of tax credits reallocated under clause (a). The balance of tax credits remaining for reallocation shall include the amount of any tax credits that have been granted for a proposal approved during the initial allocation but for which the Commissioner of the State Department of Social Services or the Superintendent of Public Instruction has been provided notice by the neighborhood organization that it will not be able to use or allocate such amount for the approved proposal.

D. The total amount of tax credits granted for programs approved under this article for each fiscal year shall not exceed \$15 million allocated as follows: \$8 million for education proposals for approval by the Superintendent of Public Instruction and \$7 million for all other proposals for approval by the Commissioner of the State Department of Social Services.

The Superintendent and the Commissioner of the State Department of Social Services shall work cooperatively for purposes of ensuring that neighborhood organization proposals are submitted to the proper state agency. The Superintendent and the Commissioner of the State Department of Social Services may request the assistance of the Department of Taxation for purposes of determining whether or not anticipated donations for which tax credits are requested by a neighborhood organization likely qualify as a charitable donation under federal tax laws and regulations.

E. Actions of (i) the State Department of Social Services, or the Commissioner of the same, or (ii) the Superintendent or the Department of Education relating to the review of neighborhood organization proposals and the allocation of tax credits to proposals shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). Decisions of (a) the State Department of Social Services, or the Commissioner of the same, or (b) the Superintendent or the Department of Education shall be final and not subject to review or appeal.

F. Notwithstanding the provisions of § 30-19.1:11, the issuance of tax credits under this article shall expire on July 1, 2028.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 48

An Act to amend and reenact §§ 58.1-3286 and 58.1-3712 of the Code of Virginia, relating to local property and license taxes on mineral lands.

[H 1202]

Approved February 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-3286 and 58.1-3712 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-3286. Mineral lands to be specially and separately assessed; severance tax.

The several commissioners of the revenue shall, as soon as practicable after January 1 of each year, specially and separately assess at the fair market value all mineral lands and the improvements thereon and shall enter the same on the land books of their respective counties separately from other lands charged thereon.

The commissioner, in assessing mineral lands, shall set forth upon the land book:

1. The area and the fair market value of such portion of each tract as is improved and under development;
2. The fair market value of the improvements upon each tract; and
3. The area and fair market value of such portion of each tract not under development.

Notwithstanding any other provision of law and subject to the approval of the Board of Supervisors of Buchanan County, the commissioner of the revenue of the county may reassess gas wells and related improvements on an annual basis, provided that such gas wells and related improvements shall be reassessed in the general reassessment for the locality, as required by § 58.1-3287, and provided further a settlement agreement between the County and a taxpayer may provide a methodology for determining fair market value.

In the alternative to the procedure outlined in subdivision 1 above, any county or city may impose by ordinance a severance tax on all coal and gases extracted from the land lying within its jurisdiction. The rate of such tax shall not exceed one percent of the gross receipts from such coal or gases. Any such county or city may further require any producer of such coal or gases and any common carrier to maintain records showing the quantities of coal and gases which they have produced or transported, respectively.

If the surface of the land is held by one person, and the coal, iron and other minerals, mineral waters, gas or oil under the surface are held by another person, the estate therein of each and the relative fair market value of their respective interests shall be ascertained by the commissioner. If the surface of the land and the coal, iron and other minerals, mineral waters, gas or oil under the surface are owned by the same person, the commissioner shall ascertain the fair market value of the land, exclusive of the coal, iron, other minerals, mineral waters, gas or oils. He shall also ascertain the fair market value of the coal, iron, other minerals, mineral waters, gas, and oils and shall assess each at such ascertained values, stating separately in every case the value of the surface of the land and the value of the coal, iron, other minerals, mineral waters, gas and oils under the surface.

The commissioner of the revenue of any county or city is authorized to enter into agreements with taxpayers pertaining to the fair market value of the property taxed under this section. All such agreements entered into on or after January 1, 2013, but prior to July 1, 2014, between the commissioner of the revenue of any county or city and any taxpayer are deemed to be bona fide and are valid and enforceable.

§ 58.1-3712. Counties and cities authorized to levy severance tax on gases.

A. The governing body of any county or city may levy a license tax on every person engaging in the business of severing gases from the earth. Such tax shall be at a rate not to exceed one percent of the gross receipts from the sale of gases severed within such county. Such gross receipts shall be the fair market value measured at the time such gases are utilized or sold for utilization in such county or city or at the time they are placed in transit for shipment therefrom, provided that if the tax provided herein is levied, such county or city cannot enact the provisions of § 58.1-3286 relating to a tax on gross receipts. In calculating the fair market value, no person engaging in the production and operation of severing gases from the earth in connection with coal mining shall be allowed to take deductions, including but not limited to, depreciation, compression, marketing fees, overhead, maintenance, transportation fees, and personal property taxes.

B. Notwithstanding any other provision of this section or law, for purposes of calculating the fair market value of gases severed in Buchanan County, except as otherwise provided in a settlement agreement regarding the calculation of fair market value, including deductions for transportation and compression costs, between the County and the taxpayer, no person engaging in the production and operation of severing gases from the earth in connection with coal mining shall be allowed to take deductions, including but not limited to, depreciation, compression, marketing fees, overhead, maintenance, transportation fees, and personal property taxes.

C. Any county or city enacting a license tax under this section may require producers of gas and common carriers to maintain records and file reports showing the quantities of and receipts from gases which they have produced or transported.

D. The commissioner of the revenue of any county or city is authorized to enter into agreements with any taxpayer pertaining to the calculation of the fair market value of gases under this section. All such agreements entered into on or after January 1 2013, but prior to July 1, 2014, between the commissioner of the revenue of any county or city and any taxpayer are deemed bona fide and are valid and enforceable.

2. That the provisions of this act are declaratory of existing law.

CHAPTER 49

An Act to amend and reenact § 46.2-1222.1 of the Code of Virginia, relating to regulation or prohibition of parking of certain vehicles in certain counties and towns.

Approved March 3, 2014

[H 9]

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1222.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1222.1. Regulation or prohibition of parking of certain vehicles in certain counties and towns.

A. The Counties of Arlington, Fairfax, Hanover, Stafford, and Prince William and the Towns of *Blackstone*, Clifton, Herndon, and Vienna may by ordinance regulate or prohibit the parking on any public highway in such county or town of any or all of the following: (i) watercraft; (ii) boat trailers; (iii) motor homes, as defined in § 46.2-100; and (iv) camping trailers, as defined in § 46.2-100.

B. In addition to commercial vehicles defined in § 46.2-1224, any such county or town may also, by ordinance, regulate or prohibit the parking on any public highway in any residence district as defined in § 46.2-100 any or all of the following: (i) any trailer or semitrailer, regardless of whether such trailer or semitrailer is attached to another vehicle; (ii) any vehicle with three or more axles; (iii) any vehicle that has a gross vehicle weight rating of 12,000 or more pounds; (iv) any vehicle designed to transport 16 or more passengers including the driver; and (v) any vehicle of any size that is being used in the transportation of hazardous materials as defined in § 46.2-341.4. The provisions of any such ordinance shall not apply to (i) any commercial vehicle when taking on or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power.

CHAPTER 50

An Act to amend and reenact § 58.1-3506 of the Code of Virginia, relating to tangible personal property tax classification.

[H 44]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3506 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3506. Other classifications of tangible personal property for taxation.

A. The items of property set forth below are each declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of tangible personal property provided in this chapter:

1. a. Boats or watercraft weighing five tons or more, not used solely for business purposes;
- b. Boats or watercraft weighing less than five tons, not used solely for business purposes;
2. Aircraft having a maximum passenger seating capacity of no more than 50 that are owned and operated by scheduled air carriers operating under certificates of public convenience and necessity issued by the State Corporation Commission or the Civil Aeronautics Board;
3. Aircraft having a registered empty gross weight equal to or greater than 20,000 pounds that are not owned or operated by scheduled air carriers recognized under federal law, but not including any aircraft described in subdivision 4;
4. Aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and otherwise used for educational purposes (including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations (including such flights necessary for testing, maintaining, or preparing such aircraft for safe operation), shall constitute a new class of property. Such class of property shall not include any aircraft used for commercial purposes, including transportation and other services for a fee;
5. All other aircraft not included in subdivisions A 2, A 3, or A 4 and flight simulators;
6. Antique motor vehicles as defined in § 46.2-100 which may be used for general transportation purposes as provided in subsection C of § 46.2-730;
7. Tangible personal property used in a research and development business;
8. Heavy construction machinery not used for business purposes, including but not limited to land movers, bulldozers, front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting and silvicultural activity equipment and ditch and other types of diggers;
9. Generating equipment purchased after December 31, 1974, for the purpose of changing the energy source of a manufacturing plant from oil or natural gas to coal, wood, wood bark, wood residue, or any other alternative energy source for use in manufacturing and any cogeneration equipment purchased to achieve more efficient use of any energy source. Such generating equipment and cogeneration equipment shall include, without limitation, such equipment purchased by firms engaged in the business of generating electricity or steam, or both;
10. Vehicles without motive power, used or designed to be used as manufactured homes as defined in § 36-85.3;
11. Computer hardware used by businesses primarily engaged in providing data processing services to other nonrelated or nonaffiliated businesses;
12. Privately owned pleasure boats and watercraft, 18 feet and over, used for recreational purposes only;
13. Privately owned vans with a seating capacity of not less than seven nor more than 15 persons, including the driver, used exclusively pursuant to a ridesharing arrangement as defined in § 46.2-1400;
14. Motor vehicles specially equipped to provide transportation for physically handicapped individuals;

15. Motor vehicles (i) owned by members of a volunteer rescue squad or volunteer fire department or (ii) leased by members of a volunteer rescue squad or volunteer fire department if the member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is owned by each volunteer rescue squad member or volunteer fire department member, or leased by each volunteer rescue squad member or volunteer fire department member if the member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle, may be specially classified under this section, provided the volunteer rescue squad member or volunteer fire department member regularly responds to emergency calls. The volunteer shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief or head of the volunteer organization, that the volunteer is a member of the volunteer rescue squad or fire department who regularly responds to calls or regularly performs other duties for the rescue squad or fire department, and the motor vehicle owned or leased by the volunteer rescue squad member or volunteer fire department member is identified. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline. In any county that prorates the assessment of tangible personal property pursuant to § 58.1-3516, a replacement vehicle may be certified and classified pursuant to this subsection when the vehicle certified as of the immediately prior January date is transferred during the tax year;

16. Motor vehicles (i) owned by auxiliary members of a volunteer rescue squad or volunteer fire department or (ii) leased by auxiliary members of a volunteer rescue squad or volunteer fire department if the member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary volunteer fire department or rescue squad member may be specially classified under this section. The auxiliary member shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief or head of the volunteer organization, that the volunteer is an auxiliary member of the volunteer rescue squad or fire department who regularly performs duties for the rescue squad or fire department, and the motor vehicle is identified as regularly used for such purpose; however, if a volunteer rescue squad or fire department member and an auxiliary member are members of the same household, that household shall be allowed no more than two special classifications under this subdivision or subdivision 15. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

17. Motor vehicles owned by a nonprofit organization and used to deliver meals to homebound persons or provide transportation to senior or handicapped citizens in the community to carry out the purposes of the nonprofit organization;

18. Privately owned camping trailers as defined in § 46.2-100, and privately owned travel trailers as defined in § 46.2-100 which are designed and used for the transportation of horses except those trailers described in subdivision A 11 of § 58.1-3505;

19. One motor vehicle owned and regularly used by a veteran who has either lost, or lost the use of, one or both legs, or an arm or a hand, or who is blind or who is permanently and totally disabled as certified by the Department of Veterans Services. In order to qualify, the veteran shall provide a written statement to the commissioner of revenue or other assessing officer from the Department of Veterans Services that the veteran has been so designated or classified by the Department of Veterans Services as to meet the requirements of this section, and that his disability is service-connected. For purposes of this section, a person is blind if he meets the provisions of § 46.2-100;

20. Motor vehicles (i) owned by persons who have been appointed to serve as auxiliary police officers pursuant to Article 3 (§ 15.2-1731 et seq.) of Chapter 17 of Title 15.2 or (ii) leased by persons who have been so appointed to serve as auxiliary police officers if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary police officer to respond to auxiliary police duties may be specially classified under this section. In order to qualify for such classification, any auxiliary police officer who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary police officer or from the official who has appointed such auxiliary officers. That certification shall state that the applicant is an auxiliary police officer who regularly uses a motor vehicle to respond to auxiliary police duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

21. Until the first to occur of June 30, 2019, or the date that a special improvements tax is no longer levied under § 15.2-4607 on property within a Multicounty Transportation Improvement District created pursuant to Chapter 46 (§ 15.2-4600 et seq.) of Title 15.2, tangible personal property that is used in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District, provided that such business personal property is put into service within the District on or after July 1, 1999;

22. Motor vehicles which use clean special fuels as defined in § 46.2-749.3, which shall not include any vehicle described in subdivision 38 or 40;

23. Wild or exotic animals kept for public exhibition in an indoor or outdoor facility that is properly licensed by the federal government, the Commonwealth, or both, and that is properly zoned for such use. "Wild animals" means any animals that are found in the wild, or in a wild state, within the boundaries of the United States, its territories or possessions. "Exotic animals" means any animals that are found in the wild, or in a wild state, and are native to a foreign country;

24. Furniture, office, and maintenance equipment, exclusive of motor vehicles, that are owned and used by an organization whose real property is assessed in accordance with § 58.1-3284.1 and that is used by that organization for the purpose of maintaining or using the open or common space within a residential development;

25. Motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used to transport property for hire by a motor carrier engaged in interstate commerce;

26. All tangible personal property employed in a trade or business other than that described in subdivisions A 1 through A 19, except for subdivision A 17, of § 58.1-3503;

27. Programmable computer equipment and peripherals employed in a trade or business;

28. Privately owned pleasure boats and watercraft, motorized and under 18 feet, used for recreational purposes only;

29. Privately owned pleasure boats and watercraft, nonmotorized and under 18 feet, used for recreational purposes only;

30. Privately owned motor homes as defined in § 46.2-100 that are used for recreational purposes only;

31. Tangible personal property used in the provision of Internet services. For purposes of this subdivision, "Internet service" means a service, including an Internet Web-hosting service, that enables users to access content, information, electronic mail, and the Internet as part of a package of services sold to customers;

32. Motor vehicles (i) owned by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs or (ii) leased by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. For purposes of this subdivision, the term "auxiliary deputy sheriff" means auxiliary, reserve, volunteer, or special deputy sheriff. One motor vehicle that is regularly used by each auxiliary deputy sheriff to respond to auxiliary deputy sheriff duties may be specially classified under this section. In order to qualify for such classification, any auxiliary deputy sheriff who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary deputy sheriff or from the official who has appointed such auxiliary deputy sheriff. That certification shall state that the applicant is an auxiliary deputy sheriff who regularly uses a motor vehicle to respond to such auxiliary duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

33. Forest harvesting and silvicultural activity equipment;

34. Equipment used primarily for research, development, production, or provision of biotechnology for the purpose of developing or providing products or processes for specific commercial or public purposes, including, but not limited to, medical, pharmaceutical, nutritional, and other health-related purposes; agricultural purposes; or environmental purposes but not for human cloning purposes as defined in § 32.1-162.21 or for products or purposes related to human embryo stem cells. For purposes of this section, biotechnology equipment means equipment directly used in activities associated with the science of living things;

35. Boats or watercraft weighing less than five tons, used for business purposes only;

36. Boats or watercraft weighing five tons or more, used for business purposes only;

37. Tangible personal property which is owned and operated by a service provider who is not a CMRS provider and is not licensed by the FCC used to provide, for a fee, wireless broadband Internet service. For purposes of this subdivision, "wireless broadband Internet service" means a service that enables customers to access, through a wireless connection at an upload or download bit rate of more than one megabyte per second, Internet service, as defined in § 58.1-602, as part of a package of services sold to customers;

38. Low-speed vehicles as defined in § 46.2-100;

39. Motor vehicles with a seating capacity of not less than 30 persons, including the driver;

40. Motor vehicles powered solely by electricity;

41. Tangible personal property designed and used primarily for the purpose of manufacturing a product from renewable energy as defined in § 56-576;

42. Motor vehicles leased by a county, city, town, or constitutional officer if the locality or constitutional officer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle; ~~and~~

43. Computer equipment and peripherals used in a data center. For purposes of this subdivision, "data center" means a facility whose primary services are the storage, management, and processing of digital data and is used to house (i) computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, and data storage systems; (ii) systems for monitoring and managing infrastructure performance; (iii) equipment used for the transformation, transmission, distribution, or management of at least one megawatt of capacity of electrical power and cooling, including substations, uninterruptible power supply systems, all electrical plant equipment,

and associated air handlers; (iv) Internet-related equipment and services; (v) data communications connections; (vi) environmental controls; (vii) fire protection systems; and (viii) security systems and services; and

44. *Motor vehicles (i) owned by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 or (ii) leased by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by a uniformed member of the Virginia Defense Force to respond to his official duties may be specially classified under this section. In order to qualify for such classification, any person who applies for such classification shall identify the vehicle for which the classification is sought and shall furnish to the commissioner of the revenue or other assessing officer a certification from the Adjutant General of the Department of Military Affairs under § 44-11. That certification shall state that (a) the applicant is a uniformed member of the Virginia Defense Force who regularly uses a motor vehicle to respond to his official duties, and (b) the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of the revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline.*

B. The governing body of any county, city or town may levy a tax on the property enumerated in subsection A at different rates from the tax levied on other tangible personal property. The rates of tax and the rates of assessment shall (i) for purposes of subdivisions 1, 2, 3, 4, 5, 6, 8, 11 through 20, 22 through 24, and 26 through 43 of subsection A, not exceed that applicable to the general class of tangible personal property, (ii) for purposes of subdivisions A 7, A 9, A 21, and A 25, not exceed that applicable to machinery and tools, and (iii) for purposes of subdivision A 10, equal that applicable to real property. If a motor vehicle is included in multiple classifications under subsection A, then the rate of tax shall be the lowest rate assigned to such classifications. If computer equipment and peripherals used in a data center could be included in classifications set forth in subdivision A 11, 26, 27, or 43, then the computer equipment and peripherals used in a data center shall be taxed at the lowest rate available under subdivision A 11, 26, 27, or 43.

C. Notwithstanding any other provision of this section, for any qualifying vehicle, as such term is defined in § 58.1-3523, (i) included in any separate class of property in subsection A and (ii) assessed for tangible personal property taxes by a county, city, or town receiving a payment from the Commonwealth under Chapter 35.1 (§ 58.1-3523 et seq.) for providing tangible personal property tax relief, the county, city, or town may levy the tangible personal property tax on such qualifying vehicle at a rate not to exceed the rates of tax and rates of assessment required under such chapter.

CHAPTER 51

An Act to designate a portion of Virginia Route 24 the "Stephen L. Thompson Memorial Highway."

[H 64]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. § 1. *That portion of Virginia Route 24 in the Town of Rustburg between U.S. Route 501 and Calohan Road is hereby designated the "Stephen L. Thompson Memorial Highway." The Department of Transportation shall place and maintain appropriate markers indicating the designation of this highway. This designation shall not affect any other designation heretofore or hereafter applied to this highway or any portions thereof.*

CHAPTER 52

An Act to amend and reenact § 19.2-254 of the Code of Virginia, relating to arraignment; conditional guilty pleas.

[H 80]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. **That § 19.2-254 of the Code of Virginia is amended and reenacted as follows:**

§ 19.2-254. Arraignment; pleas; when court may refuse to accept plea.

Arraignment shall be conducted in open court. It shall consist of reading to the accused the charge on which he will be tried and calling on him to plead thereto. In a felony case, arraignment is not necessary when waived by the accused. In a misdemeanor case, arraignment is not necessary when waived by the accused or his counsel, or when the accused fails to appear.

An accused may plead not guilty, guilty or nolo contendere. The court may refuse to accept a plea of guilty to any lesser offense included in the charge upon which the accused is arraigned; but, in misdemeanor and felony cases the court shall not refuse to accept a plea of nolo contendere.

With the approval of the court and the consent of the Commonwealth, a defendant may enter a conditional plea of guilty in a *misdemeanor* or *felony* case in *circuit court*, reserving the right, on appeal from the judgment, to a review of the adverse determination of any specified pretrial motion. If the defendant prevails on appeal, he shall be allowed to withdraw his plea.

CHAPTER 53

An Act to amend and reenact §§ 46.2-100, 46.2-325, 46.2-626.1, 46.2-662, 46.2-694, as it is currently effective and as it may become effective, 46.2-711, 46.2-715, 46.2-730, 46.2-910, 46.2-1011, 46.2-1012, 46.2-1014, 46.2-1057, 46.2-1067, 46.2-1068, 46.2-1092, 46.2-1157, 46.2-1167, 46.2-1500, and 46.2-1993 of the Code of Virginia, relating to a new class of vehicle known as an autocycle; licensure, fees, license plates, and safety, inspection, and other requirements.

[H 122]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-100, 46.2-325, 46.2-626.1, 46.2-662, 46.2-694, as it is currently effective and as it may become effective, 46.2-711, 46.2-715, 46.2-730, 46.2-910, 46.2-1011, 46.2-1012, 46.2-1014, 46.2-1057, 46.2-1067, 46.2-1068, 46.2-1092, 46.2-1157, 46.2-1167, 46.2-1500, and 46.2-1993 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-100. Definitions.

~~The following words and phrases when used in this title shall, for the purpose of As used in this title, have the meanings respectively ascribed to them in this section except in those instances where unless the context clearly indicates requires a different meaning:~~

"All-terrain vehicle" means a motor vehicle having three or more wheels that is powered by a motor and is manufactured for off-highway use. "All-terrain vehicle" does not include four-wheeled vehicles commonly known as "go-carts" that have low centers of gravity and are typically used in racing on relatively level surfaces, nor does the term include any riding lawn mower.

"Antique motor vehicle" means every motor vehicle, as defined in this section, which was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Antique trailer" means every trailer or semitrailer, as defined in this section, that was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Autocycle" means a three-wheeled motor vehicle that has a steering wheel and seating that does not require the operator to straddle or sit astride and is manufactured to comply with federal safety requirements for motorcycles. Except as otherwise provided, an autocycle shall not be deemed to be a motorcycle.

"Automobile or watercraft transporters" means any tractor truck, lowboy, vehicle, or combination, including vehicles or combinations that transport motor vehicles or watercraft on their power unit, designed and used exclusively for the transportation of motor vehicles or watercraft.

"Bicycle" means a device propelled solely by human power, upon which a person may ride either on or astride a regular seat attached thereto, having two or more wheels in tandem, including children's bicycles, except a toy vehicle intended for use by young children. For purposes of Chapter 8 (§ 46.2-800 et seq.), a bicycle shall be a vehicle while operated on the highway.

"Bicycle lane" means that portion of a roadway designated by signs and/or pavement markings for the preferential use of bicycles, electric power-assisted bicycles, and mopeds.

"Business district" means the territory contiguous to a highway where 75 percent or more of the property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more along the highway, is occupied by land and buildings actually in use for business purposes.

"Camping trailer" means every vehicle that has collapsible sides and contains sleeping quarters but may or may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle.

"Cancel" or "cancellation" means that the document or privilege cancelled has been annulled or terminated because of some error, defect, or ineligibility, but the cancellation is without prejudice and reapplication may be made at any time after cancellation.

"Chauffeur" means every person employed for the principal purpose of driving a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

"Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection, where all vehicles pass to the right of the island. Circular intersections include roundabouts, rotaries, and traffic circles.

"Commission" means the State Corporation Commission.

"Commissioner" means the Commissioner of the Department of Motor Vehicles of the Commonwealth.

"Converted electric vehicle" means any motor vehicle, other than a motorcycle *or autocycle*, that has been modified subsequent to its manufacture to replace an internal combustion engine with an electric propulsion system. Such vehicles shall retain their original vehicle identification number, line-make, and model year. A converted electric vehicle shall not be deemed a "reconstructed vehicle" as defined in this section unless it has been materially altered from its original

construction by the removal, addition, or substitution of new or used essential parts other than those required for the conversion to electric propulsion.

"Crosswalk" means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

"Decal" means a device to be attached to a license plate that validates the license plate for a predetermined registration period.

"Department" means the Department of Motor Vehicles of the Commonwealth.

"Disabled parking license plate" means a license plate that displays the international symbol of access in the same size as the numbers and letters on the plate and in a color that contrasts with the background.

"Disabled veteran" means a veteran who (i) has either lost, or lost the use of, a leg, arm, or hand; (ii) is blind; or (iii) is permanently and totally disabled as certified by the U.S. Department of Veterans Affairs. A veteran shall be considered blind if he has a permanent impairment of both eyes to the following extent: central visual acuity of 20/200 or less in the better eye, with corrective lenses, or central visual acuity of more than 20/200, if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees in the better eye.

"Driver's license" means any license, including a commercial driver's license as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), issued under the laws of the Commonwealth authorizing the operation of a motor vehicle.

"Electric personal assistive mobility device" means a self-balancing two-nontandem-wheeled device that is designed to transport only one person and powered by an electric propulsion system that limits the device's maximum speed to 15 miles per hour or less. For purposes of Chapter 8 (§ 46.2-800 et seq.), an electric personal assistive mobility device shall be a vehicle when operated on a highway.

"Electric power-assisted bicycle" means a vehicle that travels on not more than three wheels in contact with the ground and is equipped with (i) pedals that allow propulsion by human power and (ii) an electric motor with an input of no more than 1,000 watts that reduces the pedal effort required of the rider. For the purposes of Chapter 8 (§ 46.2-800 et seq.), an electric power-assisted bicycle shall be a vehicle when operated on a highway.

"Essential parts" means all integral parts and body parts, the removal, alteration, or substitution of which will tend to conceal the identity of a vehicle.

"Farm tractor" means every motor vehicle designed and used as a farm, agricultural, or horticultural implement for drawing plows, mowing machines, and other farm, agricultural, or horticultural machinery and implements, including self-propelled mowers designed and used for mowing lawns.

"Farm utility vehicle" means a vehicle that is powered by a motor and is designed for off-road use and is used as a farm, agricultural, or horticultural service vehicle, generally having four or more wheels, bench seating for the operator and a passenger, a steering wheel for control, and a cargo bed. "Farm utility vehicle" does not include pickup or panel trucks, golf carts, low-speed vehicles, or riding lawn mowers.

"Federal safety requirements" means applicable provisions of 49 U.S.C. § 30101 et seq. and all administrative regulations and policies adopted pursuant thereto.

"Financial responsibility" means the ability to respond in damages for liability thereafter incurred arising out of the ownership, maintenance, use, or operation of a motor vehicle, in the amounts provided for in § 46.2-472.

"Foreign market vehicle" means any motor vehicle originally manufactured outside the United States, which was not manufactured in accordance with 49 U.S.C. § 30101 et seq. and the policies and regulations adopted pursuant to that Act, and for which a Virginia title or registration is sought.

"Foreign vehicle" means every motor vehicle, trailer, or semitrailer that is brought into the Commonwealth otherwise than in the ordinary course of business by or through a manufacturer or dealer and that has not been registered in the Commonwealth.

"Golf cart" means a self-propelled vehicle that is designed to transport persons playing golf and their equipment on a golf course.

"Governing body" means the board of supervisors of a county, council of a city, or council of a town, as context may require.

"Gross weight" means the aggregate weight of a vehicle or combination of vehicles and the load thereon.

"Highway" means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys, and, for law-enforcement purposes, (i) the entire width between the boundary lines of all private roads or private streets that have been specifically designated "highways" by an ordinance adopted by the governing body of the county, city, or town in which such private roads or streets are located and (ii) the entire width between the boundary lines of every way or place used for purposes of vehicular travel on any property owned, leased, or controlled by the United States government and located in the Commonwealth.

"Intersection" means (i) the area embraced within the prolongation or connection of the lateral curblines or, if none, then the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling on different highways joining at any other angle may come in conflict; (ii) where

a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection, in the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection; or (iii) for purposes only of authorizing installation of traffic-control devices, every crossing of a highway or street at grade by a pedestrian crosswalk.

"Lane-use control signal" means a signal face displaying indications to permit or prohibit the use of specific lanes of a roadway or to indicate the impending prohibition of such use.

"Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make arrests for violations of this title or local ordinances authorized by law. For the purposes of access to law-enforcement databases regarding motor vehicle registration and ownership only, ~~this term shall~~ "law-enforcement officer" also ~~include~~ includes city and county commissioners of the revenue and treasurers, together with their duly designated deputies and employees, when such officials are actually engaged in the enforcement of §§ 46.2-752, 46.2-753, and 46.2-754 and local ordinances enacted thereunder.

"License plate" means a device containing letters, numerals, or a combination of both, attached to a motor vehicle, trailer, or semitrailer to indicate that the vehicle is properly registered with the Department.

"Light" means a device for producing illumination or the illumination produced by the device.

"Low-speed vehicle" means any four-wheeled electrically-powered vehicle, except a motor vehicle or low-speed vehicle that is used exclusively for agricultural or horticultural purposes or a golf cart, whose maximum speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations, § 571.500.

"Manufactured home" means a structure subject to federal regulation, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

"Moped" means every vehicle that travels on not more than three wheels in contact with the ground that (i) has a seat that is no less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; (ii) has a gasoline, electric, or hybrid motor that (a) displaces 50 cubic centimeters or less or (b) has an input of 1500 watts or less; (iii) is power-driven, with or without pedals that allow propulsion by human power; and (iv) is not operated at speeds in excess of 35 miles per hour. For purposes of this title, a moped shall be a motorcycle when operated at speeds in excess of 35 miles per hour. For purposes of Chapter 8 (§ 46.2-800 et seq.), a moped shall be a vehicle while operated on a highway.

"Motor-driven cycle" means every motorcycle that has a gasoline engine that (i) displaces less than 150 cubic centimeters; (ii) has a seat less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; and (iii) has no manufacturer-issued vehicle identification number.

"Motor home" means every private motor vehicle with a normal seating capacity of not more than 10 persons, including the driver, designed primarily for use as living quarters for human beings.

"Motor vehicle" means every vehicle as defined in this section that is self-propelled or designed for self-propulsion except as otherwise provided in this title. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a motor vehicle. Except as otherwise provided, for the purposes of this title, any device herein defined as a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped shall be deemed not to be a motor vehicle.

"Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground and is capable of traveling at speeds in excess of 35 miles per hour. ~~The term "motorcycle"~~ "Motorcycle" does not include any "autocycle," "electric personal assistive mobility device," "electric power-assisted bicycle," "farm tractor," "golf cart," "moped," "motorized skateboard or foot-scooter," "utility vehicle," or "wheelchair or wheelchair conveyance" as defined in this section.

"Motorized skateboard or foot-scooter" means every vehicle, regardless of the number of its wheels in contact with the ground, that (i) has no seat, but is designed to be stood upon by the operator, (ii) has no manufacturer-issued vehicle identification number, and (iii) is powered by an electric motor having an input of no more than 1,000 watts or a gasoline engine that displaces less than 36 cubic centimeters. ~~The term "motorized"~~ "Motorized skateboard or foot-scooter" includes vehicles with or without handlebars; but does not include "electric personal assistive mobility devices."

"Nonresident" means every person who is not domiciled in the Commonwealth, except: (i) any foreign corporation that is authorized to do business in the Commonwealth by the State Corporation Commission shall be a resident of the Commonwealth for the purpose of this title; in the case of corporations incorporated in the Commonwealth but doing business outside the Commonwealth, only such principal place of business or branches located within the Commonwealth shall be dealt with as residents of the Commonwealth; (ii) a person who becomes engaged in a gainful occupation in the Commonwealth for a period exceeding 60 days shall be a resident for the purposes of this title except for the purposes of Chapter 3 (§ 46.2-300 et seq.); (iii) a person, other than a nonresident student as defined in this section, who has actually resided in the Commonwealth for a period of six months, whether employed or not, or who has registered a motor vehicle, listing an address in the Commonwealth in the application for registration shall be deemed a resident for the purposes of this title, except for the purposes of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

"Nonresident student" means every nonresident person who is enrolled as a full-time student in an accredited institution of learning in the Commonwealth and who is not gainfully employed.

"Off-road motorcycle" means every motorcycle designed exclusively for off-road use by an individual rider with not more than two wheels in contact with the ground. Except as otherwise provided in this chapter, for the purposes of this chapter off-road motorcycles shall be deemed to be "motorcycles."

"Operation or use for rent or for hire, for the transportation of passengers, or as a property carrier for compensation," and "business of transporting persons or property" mean any owner or operator of any motor vehicle, trailer, or semitrailer operating over the highways in the Commonwealth who accepts or receives compensation for the service, directly or indirectly; but these terms do not mean a "truck lessor" as defined in this section and do not include persons or businesses that receive compensation for delivering a product that they themselves sell or produce, where a separate charge is made for delivery of the product or the cost of delivery is included in the sale price of the product, but where the person or business does not derive all or a substantial portion of its income from the transportation of persons or property except as part of a sales transaction.

"Operator" or "driver" means every person who either (i) drives or is in actual physical control of a motor vehicle on a highway or (ii) is exercising control over or steering a vehicle being towed by a motor vehicle.

"Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of an agreement for its conditional sale or lease with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be the owner for the purpose of this title. In all such instances when the rent paid by the lessee includes charges for services of any nature or when the lease does not provide that title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner of the vehicle, and the vehicle shall be subject to such requirements of this title as are applicable to vehicles operated for compensation. A "truck lessor" as defined in this section shall be regarded as the owner, and his vehicles shall be subject to such requirements of this title as are applicable to vehicles of private carriers.

"Passenger car" means every motor vehicle other than a motorcycle or *autocycle* designed and used primarily for the transportation of no more than 10 persons, including the driver.

"Payment device" means any credit card as defined in 15 U.S.C. § 1602(k) or any "accepted card or other means of access" set forth in 15 U.S.C. § 1693a(1). For the purposes of this title, this definition shall also include a card that enables a person to pay for transactions through the use of value stored on the card itself.

"Pickup or panel truck" means every motor vehicle designed for the transportation of property and having a registered gross weight of 7,500 pounds or less.

"Private road or driveway" means every way in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

"Reconstructed vehicle" means every vehicle of a type required to be registered under this title materially altered from its original construction by the removal, addition, or substitution of new or used essential parts. Such vehicles, at the discretion of the Department, shall retain their original vehicle identification number, line-make, and model year. Except as otherwise provided in this title, this definition shall not include a "converted electric vehicle" as defined in this section.

"Replica vehicle" means every vehicle of a type required to be registered under this title not fully constructed by a licensed manufacturer but either constructed or assembled from components. Such components may be from a single vehicle, multiple vehicles, a kit, parts, or fabricated components. The kit may be made up of "major components" as defined in § 46.2-1600, a full body, or a full chassis, or a combination of these parts. The vehicle shall resemble a vehicle of distinctive name, line-make, model, or type as produced by a licensed manufacturer or manufacturer no longer in business and is not a reconstructed or specially constructed vehicle as herein defined.

"Residence district" means the territory contiguous to a highway, not comprising a business district, where 75 percent or more of the property abutting such highway, on either side of the highway, for a distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is occupied by dwellings, or consists of land or buildings in use for business purposes, or consists of territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

"Revoke" or "revocation" means that the document or privilege revoked is not subject to renewal or restoration except through reapplication after the expiration of the period of revocation.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical barrier or barriers or an unpaved area.

"Safety zone" means the area officially set apart within a roadway for the exclusive use of pedestrians and that is protected or is so marked or indicated by plainly visible signs.

"School bus" means any motor vehicle, other than a station wagon, automobile, truck, or commercial bus, which is: (i) designed and used primarily for the transportation of pupils to and from public, private or religious schools, or used for the transportation of the mentally or physically handicapped to and from a sheltered workshop; (ii) painted yellow and bears the words "School Bus" in black letters of a specified size on front and rear; and (iii) is equipped with warning devices prescribed in § 46.2-1090. A yellow school bus may have a white roof provided such vehicle is painted in accordance with regulations promulgated by the Department of Education.

"Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests on or is carried by another vehicle.

"Shared-use path" means a bikeway that is physically separated from motorized vehicular traffic by an open space or barrier and is located either within the highway right-of-way or within a separate right-of-way. Shared-use paths may also be used by pedestrians, skaters, users of wheel chairs or wheel chair conveyances, joggers, and other nonmotorized users.

"Shoulder" means that part of a highway between the portion regularly traveled by vehicular traffic and the lateral curbline or ditch.

"Sidewalk" means the portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

"Snowmobile" means a self-propelled vehicle designed to travel on snow or ice, steered by skis or runners, and supported in whole or in part by one or more skis, belts, or cleats.

"Special construction and forestry equipment" means any vehicle which is designed primarily for highway construction, highway maintenance, earth moving, timber harvesting or other construction or forestry work and which is not designed for the transportation of persons or property on a public highway.

"Specially constructed vehicle" means any vehicle that was not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not a reconstructed vehicle as herein defined.

"Stinger-steered automobile or watercraft transporter" means an automobile or watercraft transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame behind and below the rearmost axle of the power unit.

"Superintendent" means the Superintendent of the Department of State Police of the Commonwealth.

"Suspend" or "suspension" means that the document or privilege suspended has been temporarily withdrawn, but may be reinstated following the period of suspension unless it has expired prior to the end of the period of suspension.

"Tow truck" means a motor vehicle for hire (i) designed to lift, pull, or carry another vehicle by means of a hoist or other mechanical apparatus and (ii) having a manufacturer's gross vehicle weight rating of at least 10,000 pounds. "Tow truck" also includes vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollback." "Tow truck" does not include any "automobile or watercraft transporter," "stinger-steered automobile or watercraft transporter," or "tractor truck" as those terms are defined in this section.

"Towing and recovery operator" means a person engaged in the business of (i) removing disabled vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping and (ii) restoring to the highway or other location where they either can be operated or removed to other locations for repair or safekeeping vehicles that have come to rest in places where they cannot be operated.

"Toy vehicle" means any motorized or propellant-driven device that has no manufacturer-issued vehicle identification number; that is designed or used to carry any person or persons, on any number of wheels, bearings, glides, blades, runners, or a cushion of air. ~~The term~~ "Toy vehicle" does not include electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, or motorcycles, nor does it include any nonmotorized or nonpropellant-driven devices such as bicycles, roller skates, or skateboards.

"Tractor truck" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

"Traffic control device" means a sign, signal, marking, or other device used to regulate, warn, or guide traffic placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction.

"Traffic infraction" means a violation of law punishable as provided in § 46.2-113, which is neither a felony nor a misdemeanor.

"Traffic lane" or "lane" means that portion of a roadway designed or designated to accommodate the forward movement of a single line of vehicles.

"Trailer" means every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, including manufactured homes.

"Truck" means every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of 7,500 pounds.

"Truck lessor" means a person who holds the legal title to any motor vehicle, trailer, or semitrailer that is the subject of a bona fide written lease for a term of one year or more to another person, provided that: (i) neither the lessor nor the lessee is a common carrier by motor vehicle or restricted common carrier by motor vehicle or contract carrier by motor vehicle as defined in § 46.2-2000; (ii) the leased motor vehicle, trailer, or semitrailer is used exclusively for the transportation of property of the lessee; (iii) the lessor is not employed in any capacity by the lessee; (iv) the operator of the leased motor vehicle is a bona fide employee of the lessee and is not employed in any capacity by the lessor; and (v) a true copy of the lease, verified by affidavit of the lessor, is filed with the Commissioner.

"Utility vehicle" means a motor vehicle that is (i) designed for off-road use, (ii) powered by a motor, and (iii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include riding lawn mowers.

"Vehicle" means every device in, on or by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks. For the purposes of

Chapter 8 (§ 46.2-800 et seq.), bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds shall be vehicles while operated on a highway.

"Wheel chair or wheel chair conveyance" means a chair or seat equipped with wheels, typically used to provide mobility for persons who, by reason of physical disability, are otherwise unable to move about as pedestrians. ~~The term~~ "Wheel chair or wheel chair conveyance" includes both three-wheeled and four-wheeled devices. So long as it is operated only as provided in § 46.2-677, a self-propelled wheel chair or self-propelled wheel chair conveyance shall not be considered a motor vehicle.

§ 46.2-325. Examination of applicants; waiver of Department's examination under certain circumstances; behind-the-wheel and knowledge examinations.

A. The Department shall examine every applicant for a driver's license before issuing any license to determine (i) his physical and mental qualifications and his ability to drive a motor vehicle without jeopardizing the safety of persons or property and (ii) if any facts exist which would bar the issuance of a license under §§ 46.2-311 through 46.2-316, 46.2-334, or 46.2-335. The examination, however, shall not include investigation of any facts other than those directly pertaining to the ability of the applicant to drive a motor vehicle with safety, or other than those facts declared to be prerequisite to the issuance of a license under this chapter. No applicant otherwise competent shall be required to demonstrate ability to park any motor vehicle except in an adequate parking space between horizontal markers, and not between flags or sticks simulating parked vehicles. Except as provided for in § 46.2-337, applicants for licensure to drive motor vehicles of the classifications referred to in § 46.2-328 shall submit to examinations which relate to the operation of those vehicles. The motor vehicle to be used by the applicant for the behind-the-wheel examination shall meet the safety and equipment requirements specified in Chapter 10 (§ 46.2-1000 et seq.) and possess a valid inspection sticker as required pursuant to § 46.2-1157. *An autocycle shall not be used by the applicant for a behind-the-wheel examination.*

Prior to taking the examination, the applicant shall either (a) present evidence that the applicant has completed a state-approved driver education class pursuant to the provisions of § 46.2-324.1 or 46.2-334 or (b) submit to the examiner a behind-the-wheel maneuvers checklist, on a form provided by the Department, that describes the vehicle maneuvers the applicant may be expected to perform while taking the behind-the-wheel examination, that has been signed by a licensed driver, certifying that the applicant has practiced the driving maneuvers contained and described therein, and that has been signed by the applicant certifying that, at all times while holding a learner's permit, the applicant has complied with the provisions of § 46.2-335 while operating a motor vehicle.

Except for applicants subject to § 46.2-312, if the Commissioner is satisfied that an applicant has demonstrated the same proficiency as required by the Department's examination through successful completion of either (1) the driver education course approved by the Department of Education or (2) a driver training course offered by a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.), he may waive those parts of the Department's examination provided for in this section that require the applicant to drive and park a motor vehicle.

B. Any person who fails the behind-the-wheel examination for a driver's license administered by the Department shall wait two days before being permitted to take another such examination. No person who fails the behind-the-wheel examination for a driver's license administered by the Department three times shall be permitted to take such examination a fourth time until he successfully completes, subsequent to the third examination failure, the in-vehicle component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or the Department of Education. In addition, no person who fails the driver knowledge examination for a driver's license administered by the Department three times shall be permitted to take such examination a fourth time until he successfully completes, subsequent to the third examination failure, the classroom component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or, for persons at least 19 years old, a course of instruction based on the Virginia Driver's Manual offered by a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) and approved by the Department or the Department of Education.

The provisions of this subsection shall not apply to persons placed under medical control by the Department pursuant to § 46.2-322.

§ 46.2-626.1. Motorcycle purchased by manufacturer for parts; documentation required for sale of parts.

For the purposes of this section, ~~the terms~~ "certificate of origin," "line-make," ~~and~~ "manufacturer," ~~shall and~~ "new motorcycle" have the meanings ascribed to them in § 46.2-1993.

A licensed motorcycle manufacturer shall not be required to obtain a certificate of title for a new motorcycle of a different line-make purchased by the manufacturer for the purpose of obtaining parts used in the production of another *new motorcycle or an autocycle*, provided such manufacturer obtains a salvage dealer license in accordance with § 46.2-1601. The manufacturer shall not be required to obtain a nonrepairable certificate for the purchased motorcycle, as required by § 46.2-1603.1, but shall stamp the words "Va. Code § 46.2-626.1: DISASSEMBLED FOR PARTS" in a minimum font size of 14 point across the face of the original manufacturer's certificate of origin. The certificate of origin shall be forwarded to the Department, which shall make a record of the disassembly of the motorcycle. The manufacturer shall retain a photocopy of the stamped certificate of origin for its records.

Any parts remaining from the purchased motorcycle and sold as parts by the manufacturer shall be accompanied by documentation of how such parts were obtained. Documentation accompanying the frame of the purchased motorcycle shall include a photocopy of the stamped manufacturer's certificate of origin and certification from the manufacturer that the original certificate of origin has been forwarded to the Department.

§ 46.2-662. Temporary exemption for new resident operating vehicle registered in another state or country.

A. A resident owner of any passenger car, pickup or panel truck, moped, *autocycle*, or motorcycle, other than those provided for in § 46.2-652, that has been duly registered for the current calendar year in another state or country and that at all times when operated in the Commonwealth displays the license plate or plates issued for the vehicle in the other state or country, may operate or permit the operation of the passenger car, pickup or panel truck, moped, *autocycle*, or motorcycle within or partly within the Commonwealth for the first 30 days of his residency in the Commonwealth without registering the passenger car, pickup or panel truck, moped, *autocycle*, or motorcycle or paying any fees to the Commonwealth.

B. In addition to any penalty authorized under this title, any locality may adopt an ordinance imposing a penalty of up to \$250 upon the resident owner of any motor vehicle that, following the end of the 30-day period provided in subsection A, is required to be registered in Virginia but has not been so registered. The ordinance shall set forth a reasonable method for assessing and collecting the penalty, whether by civil, criminal, or administrative process, and shall identify the employees or agents of the locality who are to execute such assessment and collection.

§ 46.2-694. (Contingent expiration date) Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.

A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the transportation of passengers on the highways in the Commonwealth are:

1. Thirty-three dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

2. Thirty-eight dollars for each passenger car or motor home which weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than 10 adults, including the driver, if the private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human beings.

6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed in subdivision 7 of this subsection on submission to the Commissioner of a declaration of operations and equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating two or more vehicles both within and outside the Commonwealth and registered for insurance purposes with the Surface Transportation Board of the ~~United States~~ *U.S.* Department of Transportation, Federal Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the registration fees provided in this subsection so that the total registration fees to be paid for such vehicles of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in each instance is the estimated total mileage to be traveled by such vehicles during the license year for which such fees are paid, subject to the adjustment in accordance with an audit to be made by representatives of the Commissioner at the end of such license year, the expense of such audit to be borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles, trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion in determining the apportionment provided for herein.

8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a chauffeur for the transportation of passengers, and which operates or should operate under permits issued by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

10b. Eighteen dollars for an autocyte.

11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of the vehicle exceeds 4,000 pounds, the fee shall be \$28.

12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-carrying vehicles.

13. An additional fee of \$4.25 per year shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle under subdivisions 1 through 12 of this subsection. All funds collected from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside as a special fund to be used only for emergency medical service purposes. The moneys in the special emergency medical services fund shall be distributed as follows:

a. Two percent shall be distributed to the State Department of Health to provide funding to the Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting volunteer recruitment, retention, and training activities;

b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency medical services training programs (excluding advanced life support classes); (ii) advanced life support training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and retain volunteer emergency medical services personnel only, including public awareness campaigns, technical assistance programs, and similar activities); (iv) emergency medical services system development, initiatives, and priorities based on needs identified by the State Emergency Medical Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to the Rescue Squad Assistance Fund;

c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical Services for use in emergency medical services; and

e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is registered, to provide funding for training of volunteer or salaried emergency medical service personnel of licensed, nonprofit emergency medical services agencies and for the purchase of necessary equipment and supplies for use in such locality for licensed, nonprofit emergency medical and rescue services.

All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to supplant local funds. Each local governing body shall report annually to the Board of Health on the use of the funds returned to it pursuant to this section. In any case in which the local governing body grants the funds to a regional emergency medical services council to be distributed to the licensed, nonprofit emergency medical and rescue services, the local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board.

B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.

§ 46.2-694. (Contingent effective date) Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.

A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the transportation of passengers on the highways in the Commonwealth are:

1. Twenty-three dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

2. Twenty-eight dollars for each passenger car or motor home which weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than 10 adults, including the driver, if the private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human beings.

6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed in subdivision 7 of this subsection on submission to the Commissioner of a declaration of operations and equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating two or more vehicles both within and outside the Commonwealth and registered for insurance purposes with the Surface Transportation Board of the United States U.S. Department of Transportation, Federal Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the registration fees provided in this subsection so that the total registration fees to be paid for such vehicles of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in each instance is the estimated total mileage to be traveled by such vehicles during the license year for which such fees are paid, subject to the adjustment in accordance with an audit to be made by representatives of the Commissioner at the end of such license year, the expense of such audit to be borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles, trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion in determining the apportionment provided for herein.

8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a chauffeur for the transportation of passengers, and which operates or should operate under permits issued by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

10b. Eighteen dollars for an autocycle.

11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of the vehicle exceeds 4,000 pounds, the fee shall be \$28.

12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-carrying vehicles.

13. An additional fee of \$4.25 per year shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle under subdivisions 1 through 12 of this subsection. All funds collected from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside as a special fund to be used only for emergency medical service purposes. The moneys in the special emergency medical services fund shall be distributed as follows:

a. Two percent shall be distributed to the State Department of Health to provide funding to the Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting volunteer recruitment, retention and training activities;

b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency medical services training programs (excluding advanced life support classes); (ii) advanced life support training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and retain volunteer emergency medical services personnel only, including public awareness campaigns, technical assistance programs, and similar activities);

(iv) emergency medical services system development, initiatives, and priorities based on needs identified by the State Emergency Medical Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to the Rescue Squad Assistance Fund;

c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical Services for use in emergency medical services; and

e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is registered, to provide funding for training of volunteer or salaried emergency medical service personnel of licensed, nonprofit emergency medical services agencies and for the purchase of necessary equipment and supplies for use in such locality for licensed, nonprofit emergency medical and rescue services.

All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to supplant local funds. Each local governing body shall report annually to the Board of Health on the use of the funds returned to it pursuant to this section. In any case in which the local governing body grants the funds to a regional emergency medical services council to be distributed to the licensed, nonprofit emergency medical and rescue services, the local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board.

B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.

§ 46.2-711. Furnishing number and design of plates; displaying on vehicles required.

A. The Department shall furnish one license plate for every registered moped, motorcycle, *autocycle*, tractor truck, semitrailer, or trailer, and two license plates for every other registered motor vehicle, except to licensed motor vehicle dealers and persons delivering unladen vehicles who shall be furnished one license plate. The license plates for trailers, semitrailers, commercial vehicles, and trucks, other than license plates for dealers, may be of such design as to prevent removal without mutilating some part of the indicia forming a part of the license plate, when secured to the bracket.

B. The Department shall issue appropriately designated license plates for:

1. Passenger-carrying vehicles for rent or hire for the transportation of passengers for private trips;
2. Taxicabs;
3. Passenger-carrying vehicles operated by common carriers or restricted common carriers;
4. Property-carrying motor vehicles to applicants who operate as private carriers only;
5. Applicants who operate motor vehicles as carriers for rent or hire;
6. Vehicles operated by nonemergency medical transportation carriers as defined in § 46.2-2000; and
7. Trailers and semitrailers.

C. The Department shall issue appropriately designated license plates for motor vehicles held for rental as defined in § 58.1-1735.

D. The Department shall issue appropriately designated license plates for low-speed vehicles.

E. No vehicles shall be operated on the highways in the Commonwealth without displaying the license plates required by this chapter. The provisions of this subsection shall not apply to vehicles used to collect and deliver the United States mail to the extent that their rear license plates may be covered by the "CAUTION, FREQUENT STOPS, U.S. MAIL" sign when the vehicle is engaged in the collection and delivery of the United States mail.

F. Pickup or panel trucks are exempt from the provisions of subsection B with reference to displaying for-hire license plates when operated as a carrier for rent or hire. However, this exemption shall not apply to pickup or panel trucks subject to regulation under Chapter 21 (§ 46.2-2100 et seq.) ~~of this title~~.

§ 46.2-715. Display of license plates.

License plates assigned to a motor vehicle, other than a moped, motorcycle, *autocycle*, tractor truck, trailer, or semitrailer, or to persons licensed as motor vehicle dealers or transporters of unladen vehicles, shall be attached to the front and the rear of the vehicle. The license plate assigned to a moped, motorcycle, *autocycle*, trailer, or semitrailer shall be attached to the rear of the vehicle. The license plate assigned to a tractor truck shall be attached to the front of the vehicle.

The license plates issued to licensed motor vehicle dealers and to persons licensed as transporters of unladen vehicles shall consist of one plate for each set issued and shall be attached to the rear of the vehicle to which it is assigned.

§ 46.2-730. License plates for antique motor vehicles and antique trailers; fee.

A. On receipt of an application and evidence that the applicant owns or has regular use of another passenger car, *autocycle*, or motorcycle, the Commissioner shall issue appropriately designed license plates to owners of antique motor vehicles and antique trailers. These license plates shall be valid so long as title to the vehicle is vested in the applicant. The fee for the registration card and license plates of any of these vehicles shall be a one-time fee of \$50.

B. On receipt of an application and evidence that the applicant owns or has regular use of another passenger car, *autocycle*, or motorcycle, the Commissioner may authorize for use on antique motor vehicles and antique trailers Virginia license plates manufactured prior to 1976 and designed for use without decals, if such license plates are embossed with or are of the same year of issue as the model year of the antique motor vehicle or antique trailer on which they are to be displayed. Original metal year tabs issued in place of license plates for years 1943 and 1952 and used with license plates issued in 1942 and 1951, respectively, also may be authorized by the Commissioner for use on antique motor vehicles and antique trailers that are of the same model year as the year the metal tab was originally issued. These license plates and metal tabs shall remain valid so long as title to the vehicle is vested in the applicant. The fee for the registration card and permission to use the license plates and metal tabs on any of these vehicles shall be a one-time fee of \$50. If more than one request is made for use, as provided in this section, of license plates having the same number, the Department shall accept only the first such application.

C. Notwithstanding the provisions of §§ 46.2-711 and 46.2-715, antique motor vehicles may display single license plates if the original manufacturer's design of the antique motor vehicles allows for the use of only single license plates or if the license plate was originally issued in one of the following years and is displayed in accordance with the provisions of subsection B ~~of this section~~: 1906, 1907, 1908, 1909, 1945, or 1946.

D. Antique motor vehicles and antique trailers registered with license plates issued or authorized for use under this section shall not be used for general transportation purposes, including, but not limited to, daily travel to and from the owner's place of employment, but shall only be used:

1. For participation in club activities, exhibits, tours, parades, and similar events;
2. On the highways of the Commonwealth for the purpose of testing their operation or selling the vehicle or trailer, obtaining repairs or maintenance, transportation to and from events as described in subdivision 1 ~~of this subsection~~, and for occasional pleasure driving not exceeding 250 miles from the residence of the owner; and
3. To carry or transport (i) passengers in the antique motor vehicles, (ii) personal effects in the antique motor vehicles and antique trailers, or (iii) other antique motor vehicles being transported for show purposes.

The registration card issued to an antique motor vehicle or an antique trailer registered pursuant to subsections A, B, and C shall indicate such vehicle or trailer is for limited use.

E. Owners of motor vehicles and trailers applying for registration pursuant to subsections A, B and C shall submit to the Department, in the manner prescribed by the Department, certifications that such vehicles or trailers are capable of being safely operated on the highways of the Commonwealth.

Pursuant to § 46.2-1000, the Department shall suspend the registration of any vehicle or trailer registered with license plates issued under this section that the Department or the Department of State Police determines is not properly equipped or otherwise unsafe to operate. Any law-enforcement officer shall take possession of the license plates, registration card and decals, if any, of any vehicle or trailer registered with license plates issued under this section when he observes any defect in such vehicle or trailer as set forth in § 46.2-1000.

F. Antique motor vehicles and antique trailers displaying license plates issued or authorized for use pursuant to subsections B and C ~~of this section~~ may be used for general transportation purposes if the following conditions are met:

1. The physical condition of the vehicle's license plate or plates has been inspected and approved by the Department;
2. The license plate or plates are registered to the specific vehicle by the Department;
3. The owner of the vehicle periodically registers the vehicle with the Department and pays a registration fee for the vehicle equal to that which would be charged to obtain regular state license plates for that vehicle;
4. The vehicle passes a periodic safety inspection as provided in Article 21 (§ 46.2-1157 et seq.) of Chapter 10 ~~of this title~~;
5. The vehicle displays current decals attached to the license plate, issued by the Department, indicating the valid registration period for the vehicle; and
6. When applicable, the vehicle meets the requirement of Article 22 (§ 46.2-1176 et seq.) of Chapter 10 ~~of this title~~.

If more than one request is made for use, as provided in this subsection, of license plates having the same number, the Department shall accept only the first such application. Only vehicles titled to the person seeking to use license plates as provided in this subsection shall be eligible to use license plates as provided in this subsection.

G. Nothing in this section shall be construed as prohibiting the use of an antique motor vehicle to tow a trailer or semitrailer.

H. Any owner of an antique motor vehicle or antique trailer registered with license plates pursuant to this section who is convicted of a violation of this section ~~shall be~~ is guilty of a Class 4 misdemeanor. Upon receiving a record of conviction of a violation of this section, the Department shall revoke and not reinstate the owner's privilege to register the vehicle

operated in violation of this section with license plates issued or authorized for use pursuant to this section for a period of five years from the date of conviction.

I. Except for the one-time \$50 registration fee prescribed in subsections A and B, the provisions of this section shall apply to all owners of vehicles and trailers registered with license plates issued under this section prior to July 1, 2007. Such owners shall, based on a schedule and a manner prescribed by the Department, (i) provide evidence that they own or have regular use of another passenger car or motorcycle, as required under subsections A and B, and (ii) comply with the certification provisions of subsection E. The Department shall cancel the registrations of vehicles owned by persons that, prior to January 1, 2008, do not provide the Department (i) evidence of owning or having regular use of another *autocycle*, passenger car, or motorcycle as required under subsections A and B, and (ii) the certification required pursuant to subsection E.

§ 46.2-910. Motorcycle and autocycle operators to wear helmets, etc.; certain sales prohibited; penalty.

A. Every person operating a motorcycle *or autocycle* shall wear a face shield, safety glasses or goggles, or have his motorcycle *or autocycle* equipped with safety glass or a windshield at all times while operating the vehicle, and operators and any passengers thereon shall wear protective helmets. Operators and passengers riding on motorcycles with wheels of eight inches or less in diameter or in three-wheeled motorcycles ~~which~~ *or autocycles* that have nonremovable roofs, windshields, and enclosed bodies shall not be required to wear protective helmets. The windshields, face shields, glasses or goggles, and protective helmets required by this section shall meet or exceed the standards and specifications of the Snell Memorial Foundation, the American National Standards Institute, Inc., or the federal Department of Transportation. Failure to wear a face shield, safety glasses or goggles, or protective helmets shall not constitute negligence per se in any civil proceeding. The provisions of this section requiring the wearing of protective helmets shall not apply to operators of or passengers on motorcycles *or autocycles* being operated (i) as part of an organized parade authorized by the Department of Transportation or the locality in which the parade is being conducted and escorted, accompanied, or participated in by law-enforcement officers of the jurisdiction wherein the parade is held and (ii) at speeds of no more than ~~fifteen~~ 15 miles per hour.

No motorcycle *or autocycle* operator shall use any face shield, safety glasses, or goggles, or have his motorcycle *or autocycle* equipped with safety glass or a windshield, unless of a type either (i) approved by the Superintendent prior to July 1, 1996, or (ii) that meets or exceeds the standards and specifications of the Snell Memorial Foundation, the American National Standards Institute, Inc., or the federal Department of Transportation and is marked in accordance with such standards.

B. It shall be unlawful to sell or offer for sale, for highway use in Virginia, any protective helmet that fails to meet or exceed any standard as provided in the foregoing provisions of this section. Any violation of this subsection ~~shall constitute~~ is a Class 4 misdemeanor.

§ 46.2-1011. Headlights on motor vehicles.

Every motor vehicle other than a motorcycle, *autocycle*, road roller, road machinery, or tractor used on a highway shall be equipped with at least two headlights as approved by the Superintendent, at the front of and on opposite sides of the motor vehicle.

§ 46.2-1012. Headlights, auxiliary headlights, tail lights, brake lights, and illumination of license plates on motorcycles or autocycles.

Every motorcycle *or autocycle* shall be equipped with at least one headlight which shall be of a type that has been approved by the Superintendent and shall be capable of projecting sufficient light to the front of such motorcycle *or autocycle* to render discernible a person or object at a distance of 200 feet. However, the lights shall not project a glaring or dazzling light to persons approaching such motorcycles *or autocycles*. In addition, each motorcycle *or autocycle* may be equipped with not more than two auxiliary headlights of a type approved by the Superintendent.

Motorcycles *or autocycles* may be equipped with means of modulating the high beam of their headlights between high and low beam at a rate of 200 to 280 flashes per minute. Such headlights shall not be so modulated during periods when headlights would ordinarily be required to be lighted under § 46.2-1030.

Every motorcycle *or autocycle* registered in the Commonwealth and operated on the highways of the Commonwealth shall be equipped with at least one brake light of a type approved by the Superintendent. Motorcycles *or autocycles* may be equipped with one or more auxiliary brake lights of a type approved by the Superintendent. The Superintendent may by regulation prescribe or limit the size, number, location, and configuration of such auxiliary brake lights.

Every motorcycle *or autocycle* shall carry at the rear at least one or more red lights plainly visible in clear weather from a distance of 500 feet to the rear of such vehicle. Such tail lights shall be constructed and so mounted in their relation to the rear license plate as to illuminate the license plate with a white light so that the same may be read from a distance of 50 feet to the rear of such vehicle. Alternatively, a separate white light shall be so mounted as to illuminate the rear license plate from a distance of 50 feet to the rear of such vehicle. Any such tail lights or special white light shall be of a type approved by the Superintendent.

Motorcycles *or autocycles* may be equipped with a means of varying the brightness of the vehicle's brake light for a duration of not more than five seconds upon application of the vehicle's brakes.

§ 46.2-1014. Brake lights.

Every motor vehicle, trailer, or semitrailer, except an antique vehicle not originally equipped with a brake light, registered in the Commonwealth and operated on the highways in the Commonwealth shall be equipped with at least two

brake lights of a type approved by the Superintendent. Such brake lights shall automatically exhibit a red or amber light plainly visible in clear weather from a distance of 500 feet to the rear of such vehicle when the brake is applied.

The provisions of this section shall not apply to motorcycles *or autocycles* equipped with brake lights as required by § 46.2-1012.

§ 46.2-1057. Windshields.

It shall be unlawful for any person to drive on a highway in the Commonwealth any motor vehicle or reconstructed motor vehicle, other than a motorcycle *or autocycle*, registered in the Commonwealth, ~~which that~~ was manufactured, assembled, or reconstructed after July 1, 1970, unless the motor vehicle is equipped with a windshield.

§ 46.2-1067. Within what distances brakes should stop vehicle.

On a dry, hard, approximately level stretch of highway free from loose material, the service braking system shall be capable of stopping a motor vehicle or combination of vehicles at all times and under all conditions of loading at a speed of ~~twenty~~ 20 miles per hour within the following distances:

1. Passenger motor vehicles, except buses and antique vehicles, ~~twenty-five~~ 25 feet.
2. Buses, trucks, and tractor trucks, ~~forty~~ 40 feet.
3. Motor vehicles registered or qualified to be registered as antique vehicles, when equipped with two-wheel brakes, ~~forty-five~~ 45 feet; four-wheel brakes, ~~twenty-five~~ 25 feet.
4. All combinations of vehicles, ~~forty~~ 40 feet.
5. Motorcycles *or autocycles*, ~~thirty~~ 30 feet.

§ 46.2-1068. Emergency or parking brakes.

Every motor vehicle and combination of vehicles, except motorcycles *or autocycles*, shall be equipped with emergency or parking brakes adequate to hold the vehicle or vehicles on any grade on which it is operated, under all conditions of loading on a surface free from snow, ice, or loose material.

§ 46.2-1092. Safety lap belts or a combination of lap belts and shoulder harnesses to be installed in certain motor vehicles.

No passenger car *or autocycle* registered in the Commonwealth and manufactured for the year 1963 or for subsequent years shall be operated on the highways in the Commonwealth unless the front seats thereof are equipped with adult safety lap belts or a combination of lap belts and shoulder harnesses of types approved by the Superintendent.

Failure to use the safety lap belts or a combination of lap belts and shoulder harnesses after installation shall not be deemed to be negligence. Nor shall evidence of such nonuse of such devices be considered in mitigation of damages of whatever nature.

No motor vehicle registered in the Commonwealth and manufactured after January 1, 1968, shall be issued a safety inspection approval sticker if any lap belt, combination of lap belt and shoulder harness, or passive belt systems required to be installed at the time of manufacture by the federal Department of Transportation have been either removed from the motor vehicle or rendered inoperable.

No autocycle registered in the Commonwealth shall be issued a safety inspection sticker if any lap belt, combination of lap belt and shoulder harness, or passive belt systems required to be installed under this section have been either removed from the autocycle or rendered inoperable.

No passenger car, except convertibles, registered in the Commonwealth and manufactured on or after September 1, 1990, shall be operated on the highways in the Commonwealth unless the forward-facing rear outboard seats thereof are equipped with rear seat lap/shoulder belts of types required to be installed at the time of manufacture by the federal Department of Transportation.

No passenger car, including convertibles, registered in the Commonwealth and manufactured on or after September 1, 1991, shall be operated on the highways in the Commonwealth unless the forward-facing rear outboard seats thereof are equipped with rear seat lap/shoulder belts of types required to be installed at the time of manufacture by the federal Department of Transportation.

No truck, multi-purpose vehicle, or bus, except school buses and motor homes, with a gross vehicle weight rating of 10,000 pounds or less, registered in the Commonwealth and manufactured on or after September 1, 1991, shall be operated on the highways in the Commonwealth unless the forward-facing rear outboard seats thereof are equipped with rear seat lap/shoulder belts of types required to be installed at the time of manufacture by the federal Department of Transportation.

Passenger cars, trucks, multipurpose vehicles, and buses, except school buses and motor homes, registered in the Commonwealth and manufactured on or after September 1, 1992, shall not be operated on the highways of the Commonwealth unless equipped with rear seat lap/shoulder belts of types required to be installed at the time of manufacture by the federal Department of Transportation for each forward-facing rear outboard seating position on a readily removable seat.

For the purposes of this section, forward-facing rear outboard seats are defined as those designated seating positions for passengers in outside front facing seats behind the driver and front passenger seats, except any designated seating position adjacent to a walkway that is located between the seat and the rear side of the vehicle and is designed to allow access to a more rearward seating position.

The Superintendent of State Police shall include in the Official Motor Vehicle Inspection Regulations a section which identifies each classification of motor vehicle required to be equipped with any of the devices described in the foregoing provisions of this section.

Such regulations shall also include a listing of the exact devices which are required to be installed in each motor vehicle classification and the model year of each motor vehicle classification on which the standards of the federal Department of Transportation first became applicable.

§ 46.2-1157. Inspection of motor vehicles required.

A. The owner or operator of any motor vehicle, trailer, or semitrailer registered in Virginia and operated or parked on a highway within the Commonwealth shall submit his vehicle to an inspection of its mechanism and equipment by an official inspection station, designated for that purpose, in accordance with § 46.2-1158. No owner or operator shall fail to submit a motor vehicle, trailer, or semitrailer operated or parked on the highways in the Commonwealth to such inspection or fail or refuse to correct or have corrected in accordance with the requirements of this title any mechanical defects found by such inspection to exist.

B. The provisions of this section requiring safety inspections of motor vehicles shall also apply to vehicles used for ~~fire fighting~~ firefighting; inspections of ~~fire-fighting~~ firefighting vehicles shall be conducted pursuant to regulations promulgated by the Superintendent of State Police, taking into consideration the special purpose of such vehicles and the conditions under which they operate.

C. Each day during which such motor vehicle, trailer, or semitrailer is operated or parked on any highway in the Commonwealth after failure to comply with this law shall constitute a separate offense.

D. Except as otherwise provided, motorcycles shall be inspected as motorcycles under this article.

§ 46.2-1167. Charges for inspection and reinspection; exemption.

A. Each official safety inspection station may charge no more than:

1. Fifty-one dollars for each inspection of any (i) tractor truck, (ii) truck that has a gross vehicle weight rating of 26,000 pounds or more, or (iii) motor vehicle that is used to transport passengers and has a seating capacity of more than 15 passengers, including the driver, \$0.50 of which shall be transmitted to the Department of State Police to support the Department's costs in administering the motor vehicle safety inspection program;

2. Twelve dollars for each inspection of any motorcycle, \$10 of which shall be retained by the inspection station and \$2 of which shall be transmitted to the Department of State Police who shall retain \$0.50 to support the Department's costs in administering the motor vehicle safety inspection program and deposit the remaining \$1.50 into the Motorcycle Rider Safety Training Program Fund created pursuant to § 46.2-1191; ~~and~~

3. *Twelve dollars for each inspection of any autocycle, \$10 of which shall be retained by the inspection station and \$2 of which shall be transmitted to the Department of State Police to be used to support the Department's costs in administering the motor vehicle safety inspection program; and*

4. Sixteen dollars for each inspection of any other vehicle, \$0.50 of which shall be transmitted to the Department of State Police to support the Department's costs in administering the motor vehicle safety inspection program.

No such charge shall be mandatory, however, and no such charge shall be made unless the station has previously contracted therefor.

B. Each official safety inspection station may charge \$1 for each reinspection of a vehicle rejected by the station, as provided in § 46.2-1158, if the vehicle is submitted for reinspection within the validity period of the rejection sticker. If a rejected vehicle is not submitted to the same station within the validity period of the rejection sticker or is submitted to another official safety inspection station, an amount no greater than that permitted under subsection A may be charged for the inspection.

§ 46.2-1500. Definitions.

~~Unless the context otherwise requires, the following words and terms for the purpose of As used in this chapter shall have the following meanings, unless the context requires a different meaning:~~

"Board" means the Motor Vehicle Dealer Board.

"Certificate of origin" means the document provided by the manufacturer of a new motor vehicle, or its distributor, which is the only valid indication of ownership between the manufacturer, its distributor, its franchised motor vehicle dealers, and the original purchaser not for resale.

"Dealer-operator" means the individual who works at the established place of business of a dealer and who is responsible for and in charge of day-to-day operations of that place of business.

"Demonstrator" means a new motor vehicle having a gross vehicle weight rating of less than 16,000 pounds that (i) has more than 750 miles accumulated on its odometer that has been driven by dealer personnel or by prospective purchasers during the course of selling, displaying, demonstrating, showing, or exhibiting it and (ii) may be sold as a new motor vehicle, provided the dealer complies with the provisions of subsection D of § 46.2-1530.

"Distributor" means a person who is licensed by the Department of Motor Vehicles under Chapter 19 (§ 46.2-1900 et seq.) ~~of this title~~ and who sells or distributes new motor vehicles pursuant to a written agreement with the manufacturer, to franchised motor vehicle dealers in the Commonwealth.

"Distributor branch" means a branch office licensed by the Department of Motor Vehicles under Chapter 19 (§ 46.2-1900 et seq.) ~~of this title~~ and maintained by a distributor for the sale of motor vehicles to motor vehicle dealers or for directing or supervising, in whole or in part, its representatives in the Commonwealth.

"Distributor representative" means a person who is licensed by the Department of Motor Vehicles under Chapter 19 (§ 46.2-1900 et seq.) ~~of this title~~ and employed by a distributor or by a distributor branch, for the purpose of making or

promoting the sale of motor vehicles or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

"Factory branch" means a branch office maintained by a person for the sale of motor vehicles to distributors or for the sale of motor vehicles to motor vehicle dealers, or for directing or supervising, in whole or in part, its representatives in the Commonwealth.

"Factory representative" means a person who is licensed by the Department of Motor Vehicles under Chapter 19 (§ 46.2-1900 et seq.) ~~of this title~~ and employed by a person who manufactures or assembles motor vehicles or by a factory branch for the purpose of making or promoting the sale of its motor vehicles or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

"Factory repurchase motor vehicle" means a motor vehicle sold, leased, rented, consigned, or otherwise transferred to a person under an agreement that the motor vehicle will be resold or otherwise retransferred only to the manufacturer or distributor of the motor vehicle, and which is reacquired by the manufacturer or distributor, or its agents.

"Family member" means a person who either (i) is the spouse, child, grandchild, spouse of a child, spouse of a grandchild, brother, sister, or parent of the dealer or owner or (ii) has been employed continuously by the dealer for at least five years.

"Franchise" means a written contract or agreement between two or more persons whereby one person, the franchisee, is granted the right to engage in the business of offering and selling, servicing, or offering, selling, and servicing new motor vehicles of a particular line-make or late model or used motor vehicles of a particular line-make manufactured or distributed by the grantor of the right, the franchisor, and where the operation of the franchisee's business is substantially associated with the franchisor's trademark, trade name, advertising, or other commercial symbol designating the franchisor, the motor vehicle or its manufacturer or distributor. ~~The term shall include~~ "Franchise" includes any severable part or parts of a franchise agreement which separately provides for selling and servicing different line-makes of the franchisor.

"Franchised late model or franchised used motor vehicle dealer" means a dealer selling used motor vehicles, including vehicles purchased from the franchisor, under the trademark of a manufacturer or distributor that has a franchise agreement with a manufacturer or distributor.

"Franchised motor vehicle dealer" means a dealer in new motor vehicles that has a franchise agreement with a manufacturer or distributor of new motor vehicles, trailers, or semitrailers to sell new motor vehicles or to sell used motor vehicles under the trademark of a manufacturer or distributor regardless of the age of the motor vehicles, trailers, or semitrailers.

"Fund" means the Motor Vehicle Dealer Board Fund.

"Independent motor vehicle dealer" means a dealer in used motor vehicles.

"Late model motor vehicle" means a motor vehicle of the current model year and the immediately preceding model year.

"Line-make" means the name of the motor vehicle manufacturer or distributor and a brand or name plate marketed by the manufacturer or distributor.

"Manufacturer" means a person who is licensed by the Department of Motor Vehicles under Chapter 19 (§ 46.2-1900 et seq.) ~~of this title~~ and engaged in the business of constructing or assembling new motor vehicles and, in the case of trucks, also means a person engaged in the business of manufacturing engines, power trains, or rear axles, when such engines, power trains, or rear axles are not warranted by the final manufacturer or assembler of the truck.

"Motor vehicle" means the same as provided in § 46.2-100, except, for the purposes of this chapter, ~~it shall~~ "motor vehicle" does not include (i) trailers and semitrailers; (ii) manufactured homes, sales of which are regulated under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36; (iii) motor homes; (iv) motorcycles; (v) *autocycles*; (vi) nonrepairable vehicles, as defined in § 46.2-1600; ~~(vii)~~ (vii) salvage vehicles, as defined in § 46.2-1600; or ~~(viii)~~ (viii) mobile cranes that exceed the size or weight limitations as set forth in § 46.2-1105, 46.2-1110, or 46.2-1113; or Article 17 (§ 46.2-1122 et seq.) of Chapter 10 ~~of this title~~.

"Motor vehicle dealer" or "dealer" means any person who:

1. For commission, money, or other thing of value, buys, sells, exchanges, either outright or on conditional sale, bailment lease, chattel mortgage, or otherwise or arranges or offers or attempts to solicit or negotiate on behalf of others a sale, purchase, or exchange of an interest in new motor vehicles, new and used motor vehicles, or used motor vehicles alone, whether or not the motor vehicles are owned by him; or

2. Is wholly or partly engaged in the business of selling new motor vehicles, new and used motor vehicles, or used motor vehicles only, whether or not the motor vehicles are owned by him; or

3. Offers to sell, sells, displays, or permits the display for sale, of five or more motor vehicles within any 12 consecutive months.

~~The term "motor~~ "Motor vehicle dealer" or "dealer" does not include:

1. Receivers, trustees, administrators, executors, guardians, conservators or other persons appointed by or acting under judgment or order of any court or their employees when engaged in the specific performance of their duties as employees.

2. Public officers, their deputies, assistants, or employees, while performing their official duties.

3. Persons other than business entities primarily engaged in the leasing or renting of motor vehicles to others when selling or offering such vehicles for sale at retail, disposing of motor vehicles acquired for their own use and actually so

used, when the vehicles have been so acquired and used in good faith and not for the purpose of avoiding the provisions of this chapter.

4. Persons dealing solely in the sale and distribution of funeral vehicles, including motor vehicles adapted therefor; however, this exemption shall not exempt any person from the provisions of §§ 46.2-1519, 46.2-1520 and 46.2-1548.

5. Any financial institution chartered or authorized to do business under the laws of the Commonwealth or the United States which may have received title to a motor vehicle in the normal course of its business by reason of a foreclosure, other taking, repossession, or voluntary reconveyance to that institution occurring as a result of any loan secured by a lien on the vehicle.

6. An employee of an organization arranging for the purchase or lease by the organization of vehicles for use in the organization's business.

7. Any person licensed to sell real estate who sells a manufactured home or similar vehicle in conjunction with the sale of the parcel of land on which the manufactured home or similar vehicle is located.

8. Any person who permits the operation of a motor vehicle show or permits the display of motor vehicles for sale by any motor vehicle dealer licensed under this chapter.

9. An insurance company authorized to do business in the Commonwealth that sells or disposes of vehicles under a contract with its insured in the regular course of business.

10. Any publication, broadcast, or other communications media when engaged in the business of advertising, but not otherwise arranging for the sale of vehicles owned by others.

11. Any person dealing solely in the sale or lease of vehicles designed exclusively for off-road use.

12. Any credit union authorized to do business in Virginia, provided the credit union does not receive a commission, money, or other thing of value directly from a motor vehicle dealer.

13. Any person licensed as a manufactured home dealer, broker, manufacturer, or salesperson under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36.

14. The State Department of Social Services or local departments of social services.

"Motor vehicle salesperson" or "salesperson" means (i) any person who is hired as an employee by a motor vehicle dealer to sell or exchange motor vehicles and who receives or expects to receive a commission, fee, or any other consideration from the dealer; (ii) any person who supervises salespersons employed by a motor vehicle dealer, whether compensated by salary or by commission; (iii) any person, compensated by salary or commission by a motor vehicle dealer, who negotiates with or induces a customer to enter into a security agreement on behalf of a dealer; or (iv) any person who is licensed as a motor vehicle dealer and who sells or exchanges motor vehicles. For purposes of this section, any person who is an independent contractor as defined by the United States Internal Revenue Code shall be deemed not to be a motor vehicle salesperson.

"Motor vehicle show" means a display of motor vehicles to the general public at a location other than a dealer's location licensed under this chapter where the vehicles are not being offered for sale or exchange during or as part of the display.

"New motor vehicle" means any vehicle that is in the possession of the manufacturer, factory branch, distributor, distributor branch, or motor vehicle dealer and for which an original title has not been issued by the Department of Motor Vehicles of the Commonwealth or by the issuing agency of any other state and has less than 7,500 miles accumulated on its odometer.

"Original license" means a motor vehicle dealer license issued to an applicant who has never been licensed as a motor vehicle dealer in Virginia or whose Virginia motor vehicle dealer license has been expired for more than 30 days.

"Relevant market area" means as follows:

1. In metropolitan localities, the relevant market area shall be a circular area around an existing franchised dealer with a population of 250,000, not to exceed a radius of 10 miles, but in no case less than seven miles.

2. If the population in an area within a radius of 10 miles around an existing franchised dealer is less than 250,000, but the population in an area within a radius of 15 miles around an existing franchised dealer is 150,000 or more, the relevant market area shall be that area within the 15-mile radius.

3. In all other cases the relevant market area shall be an area within a radius of 20 miles around an existing franchised dealer or the area of responsibility defined in the franchise, whichever is greater. In any case where the franchise agreement is silent as to area of responsibility, the relevant market area shall be the greater of an area within a radius of 20 miles around an existing franchised dealer or that area in which the franchisor otherwise requires the franchisee to make significant retail sales or sales efforts.

Notwithstanding the foregoing provision of this section, in the case of dealers in motor vehicles with gross vehicle weight ratings of 26,000 pounds or greater, the relevant market area with respect to the dealer's franchise for all such vehicles shall be a circular area around an existing franchised dealer with a radius of 25 miles, except where the population in such circular area is less than 250,000, in which case the relevant market area shall be a circular area around an existing franchised dealer with a radius of 50 miles.

In determining population for this definition, the most recent census by the U.S. Bureau of the Census or the most recent population update, either from the National Planning Data Corporation or other similar recognized source, shall be accumulated for all census tracts either wholly or partially within the relevant market area.

"Retail installment sale" means every sale of one or more motor vehicles to a buyer for his use and not for resale, in which the price of the vehicle is payable in one or more installments and in which the seller has either retained title to the goods or has taken or retained a security interest in the goods under form of contract designated either as a security agreement, conditional sale, bailment lease, chattel mortgage, or otherwise.

"Sale at retail" or "retail sale" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a motor vehicle to a buyer for his personal use and not for resale.

"Sale at wholesale" or "wholesale" means a sale to motor vehicle dealers or wholesalers other than to consumers; a sale to one who intends to resell.

"Used motor vehicle" means any vehicle other than a new motor vehicle as defined in this section.

"Wholesale auction" means an auction of motor vehicles restricted to sales at wholesale.

§ 46.2-1993. Definitions.

~~Unless the context otherwise requires, the following words and terms for the purpose of As used in this chapter shall have the following meanings, unless the context requires a different meaning:~~

"All-terrain vehicle" ~~shall have~~ has the meaning ascribed to it in § 46.2-100.

"Autocycle" has the meaning ascribed to it in § 46.2-100.

"Certificate of origin" means the document provided by the manufacturer of a new motorcycle, or its distributor, which is the only valid indication of ownership between the manufacturer, its distributor, its franchised motorcycle dealers, and the original purchaser not for resale.

"Dealer-operator" means the individual who works at the established place of business of a dealer and who is responsible for and in charge of day-to-day operations of that place of business.

"Distributor" means a person who sells or distributes new motorcycles pursuant to a written agreement with the manufacturer, to franchised motorcycle dealers in the Commonwealth.

"Distributor branch" means a branch office maintained by a distributor for the sale of motorcycles to motorcycle dealers or for directing or supervising, in whole or in part, its representatives in the Commonwealth.

"Distributor representative" means a person employed by a distributor or by a distributor branch, for the purpose of making or promoting the sale of motorcycles or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

"Factory branch" means a branch office maintained by a person for the sale of motorcycles to distributors or for the sale of motorcycles to motorcycle dealers, or for directing or supervising, in whole or in part, its representatives in the Commonwealth.

"Factory representative" means a person employed by a person who manufactures or assembles motorcycles, or by a factory branch for the purpose of making or promoting the sale of its motorcycles, or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

"Factory repurchase motorcycle" means a motorcycle sold, leased, rented, consigned, or otherwise transferred to a person under an agreement that the motorcycle will be resold or otherwise retransferred only to the manufacturer or distributor of the motorcycle, and which is reacquired by the manufacturer or distributor, or its agents.

"Family member" means a person who either (i) is the spouse, child, grandchild, spouse of a child, spouse of a grandchild, brother, sister, or parent of the dealer or owner, or (ii) has been employed continuously by the dealer for at least five years.

"Farm utility vehicle" ~~shall have~~ has the meaning ascribed to it in § 46.2-100.

"Franchise" means a written contract or agreement between two or more persons whereby one person, the franchisee, is granted the right to engage in the business of offering and selling, servicing, or offering, selling, and servicing new motorcycles of a particular line-make or late model or factory repurchase motorcycles of a particular line-make manufactured or distributed by the grantor of the right, the franchisor, and where the operation of the franchisee's business is substantially associated with the franchisor's trademark, trade name, advertising, or other commercial symbol designating the franchisor, the motorcycle or its manufacturer or distributor. ~~The term shall include~~ "Franchise" includes any severable part or parts of a franchise agreement which separately provides for selling and servicing different line-makes of the franchisor.

"Franchised late model or factory repurchase motorcycle dealer" means a dealer in late model or factory repurchase motorcycles, including a franchised new motorcycle dealer, that has a franchise agreement with a manufacturer or distributor of the line-make of the late model or factory repurchase motorcycles.

"Franchised motorcycle dealer" or "franchised dealer" means a dealer in new motorcycles that has a franchise agreement with a manufacturer or distributor of new motorcycles.

"Independent motorcycle dealer" means a dealer in used motorcycles.

"Late model motorcycle" means a motorcycle of the current model year and the immediately preceding model year.

"Line-make" means the name of the motorcycle manufacturer or distributor and a brand or name plate marketed by the manufacturer or distributor. For the purposes of this chapter, the "line-make" of a motorcycle manufacturer, factory branch, distributor, or distributor branch ~~shall include~~ includes every brand of all-terrain vehicle, autocycle, and off-road motorcycle manufactured or distributed bearing the name of the motorcycle manufacturer or distributor.

"Manufacturer" means a person engaged in the business of constructing or assembling new motorcycles.

"Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any vehicle included within the term "farm vehicle" or "moped" as defined in § 46.2-100. Except as otherwise provided in this chapter, for the purposes of this chapter, "all-terrain vehicles," "autocycles," and "off-road motorcycles" ~~shall be~~ *are* deemed to be "motorcycles."

"Motorcycle dealer" or "dealer" means any person who:

1. For commission, money, or other thing of value, buys, sells, exchanges, either outright or on conditional sale, bailment lease, chattel mortgage, or otherwise or arranges or offers or attempts to solicit or negotiate on behalf of others a sale, purchase, or exchange of an interest in new motorcycles, new and used motorcycles, or used motorcycles alone, whether or not the motorcycles are owned by him;
2. Is wholly or partly engaged in the business of selling new motorcycles, new and used motorcycles, or used motorcycles only, whether or not the motorcycles are owned by him; or
3. Offers to sell, sells, displays, or permits the display for sale, of five or more motorcycles within any 12 consecutive months.

~~The term "motorcycle"~~ "Motorcycle dealer" or "dealer" does not include:

1. Receivers, trustees, administrators, executors, guardians, conservators or other persons appointed by or acting under judgment or order of any court or their employees when engaged in the specific performance of their duties as employees.
2. Public officers, their deputies, assistants, or employees, while performing their official duties.
3. Persons other than business entities primarily engaged in the leasing or renting of motorcycles to others when selling or offering such motorcycles for sale at retail, disposing of motorcycles acquired for their own use and actually so used, when the motorcycles have been so acquired and used in good faith and not for the purpose of avoiding the provisions of this chapter.
4. Any financial institution chartered or authorized to do business under the laws of the Commonwealth or the United States which may have received title to a motorcycle in the normal course of its business by reason of a foreclosure, other taking, repossession, or voluntary reconveyance to that institution occurring as a result of any loan secured by a lien on the motorcycle.

5. An employee of an organization arranging for the purchase or lease by the organization of motorcycles for use in the organization's business.

6. Any person who permits the operation of a motorcycle show or permits the display of motorcycles for sale by any motorcycle dealer licensed under this chapter.

7. An insurance company authorized to do business in the Commonwealth that sells or disposes of motorcycles under a contract with its insured in the regular course of business.

8. Any publication, broadcast, or other communications media when engaged in the business of advertising, but not otherwise arranging for the sale of motorcycles owned by others.

9. Any credit union authorized to do business in Virginia, provided the credit union does not receive a commission, money, or other thing of value directly from a motorcycle dealer.

"Motorcycle salesperson" or "salesperson" means any person who is licensed as and employed as a salesperson by a motorcycle dealer to sell or exchange motorcycles.

"Motorcycle show" means a display of motorcycles to the general public at a location other than a dealer's location licensed under this chapter where the motorcycles are not being offered for sale or exchange during or as part of the display.

"New motorcycle" means any motorcycle which (i) has not been previously sold except in good faith for the purpose of resale, (ii) has not been used as a rental, driver education, or demonstration motorcycle, or for the personal and business transportation of the manufacturer, distributor, dealer, or any of his employees, (iii) has not been used except for limited use necessary in moving or road testing the motorcycle prior to delivery to a customer, (iv) is transferred by a certificate of origin, and (v) has the manufacturer's certification that it conforms to all applicable federal motorcycle safety and emission standards. Notwithstanding provisions (i) and (iii), a motorcycle that has been previously sold but not titled shall be deemed a new motorcycle if it meets the requirements of provisions (ii), (iv), and (v).

"Off-road motorcycle" ~~shall have~~ *has* the meaning ascribed to it in § 46.2-100.

"Original license" means a motorcycle dealer license issued to an applicant who has never been licensed as a motorcycle dealer in Virginia or whose Virginia motorcycle dealer license has been expired for more than 30 days.

"Relevant market area" means:

1. That area within a circle having a radius of 20 miles around an existing franchised dealer location, except as provided in subdivisions 2 and 3.

2. That area within a circle having a radius of 30 miles around an existing franchised dealer location if the population within that circle is less than one million but more than 750,000.

3. If the population within a circle having a radius of 30 miles around an existing franchised dealer location is less than 750,000, "relevant market area" means that area within a circle around such dealer having a radius of 40 miles.

In any case in which the franchise agreement or the manufacturer requires the franchisee to make significant retail sales or marketing efforts in geographic areas beyond the franchisee's relevant market area, then such geographic areas shall be added to the relevant market area of the dealer.

In determining population for this definition, the most recent census by the U.S. Bureau of the Census or the most recent population update, either from the National Planning Data Corporation or other similar recognized source, shall be accumulated for all census tracts either wholly or partially within the relevant market area.

"Retail installment sale" means every sale of one or more motorcycles to a buyer for his use and not for resale, in which the price of the motorcycle is payable in one or more installments and in which the seller has either retained title to the goods or has taken or retained a security interest in the goods under form of contract designated either as a security agreement, conditional sale, bailment lease, chattel mortgage, or otherwise.

"Sale at retail" or "retail sale" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a motorcycle to a buyer for his personal use and not for resale.

"Sale at wholesale" or "wholesale" means a sale to motorcycle dealers or wholesalers other than to consumers, or a sale to one who intends to resell.

"Used motorcycle" means any motorcycle other than a new motorcycle as defined in this section.

"Wholesale auction" means an auction of motorcycles restricted to sales at wholesale.

CHAPTER 54

An Act to amend and reenact § 46.2-1025 of the Code of Virginia, relating to amber warning lights on vehicle used to transport petroleum or propane products.

[H 123]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1025 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1025. Flashing amber, purple, or green warning lights.

A. The following vehicles may be equipped with flashing, blinking, or alternating amber warning lights of types approved by the Superintendent:

1. Vehicles used for the principal purpose of towing or servicing disabled vehicles;
2. Vehicles used in constructing, maintaining, and repairing highways or utilities on or along public highways;
3. Vehicles used for the principal purpose of removing hazardous or polluting substances from state waters and drainage areas on or along public highways, or state vehicles used to perform other state-required environmental activities, provided that the amber lights are not lit while the vehicle is in motion;
4. Vehicles used for servicing automatic teller machines, provided the amber lights are not lit while the vehicle is in motion;
5. Vehicles used in refuse collection, provided the amber lights are lit only when the vehicles are engaged in refuse collection operations;
6. Vehicles used by individuals for emergency snow-removal purposes;
7. Hi-rail vehicles, provided the amber lights are lit only when the vehicles are operated on railroad rails;
8. Fire apparatus, ambulances, and rescue and life-saving vehicles, provided the amber lights are used in addition to lights permitted under § 46.2-1023 and are so mounted or installed as to be visible from behind the vehicle;
9. Vehicles owned and used by businesses providing security services, provided the amber lights are not lit while the vehicle is being operated on a public highway;
10. Vehicles used to collect and deliver the United States mail, provided the amber lights are lit only when the vehicle is actually engaged in such collection or delivery;
11. Vehicles used to transport petroleum *or propane* products, provided the amber light is mounted on the rear of the vehicle and is lit ~~only~~ *when parked while making a delivery of petroleum or propane products, or* when the vehicle's back-up lights are lit and its device producing an audible signal when the vehicle is operated in reverse gear, as provided for in § 46.2-1175.1, is in operation;
12. Vehicles used by law-enforcement agency personnel in the enforcement of laws governing motor vehicle parking;
13. Government-owned law-enforcement vehicles, provided the lights are used for the purpose of giving directional warning to vehicular traffic to move one direction or another and are not lit while the vehicle is in motion;
14. Chase vehicles when used to unload a hot air balloon or used to load a hot air balloon after landing, provided the amber lights are not lit while the vehicle is in motion;
15. Vehicles used for farm, agricultural, or horticultural purposes, or any farm tractor;
16. Vehicles owned and used by construction companies operating under Virginia contractors licenses;
17. Vehicles used to lead or provide escorts for bicycle races authorized by the Department of Transportation or the locality in which the race is being conducted;
18. Vehicles used by radio or television stations for remote broadcasts, provided that the amber lights are not lit while the vehicle is in motion;
19. Vehicles used by municipal safety officers in the performance of their official duties. For the purpose of this subdivision, "municipal safety officers" means municipal employees responsible for managing municipal safety programs and ensuring municipal compliance with safety and environmental regulatory mandates;

20. Vehicles used as pace cars, security vehicles, or fire-fighting vehicles by any speedway or motor vehicle race track, provided that the amber lights are not lit while the vehicle is being operated on a public highway;

21. Vehicles used in patrol work by members of neighborhood watch groups approved by the chief law-enforcement officer of the locality in their assigned neighborhood watch program area, provided that the vehicles are clearly identified as neighborhood watch vehicles, and the amber lights are not lit while the vehicle is in motion; and

22. Vehicles that are not tow trucks as defined in § 46.2-100, but are owned or controlled by a towing and recovery business, provided that the amber lights are lit only when the vehicle is being used at a towing and recovery site.

B. Except as otherwise provided in this section, such amber lights shall be lit only when performing the functions which qualify them to be equipped with such lights.

C. Vehicles used to lead or provide escorts for funeral processions may use either amber warning lights or purple warning lights, but amber warning lights and purple warning lights shall not simultaneously be used on the same vehicle. The Superintendent of State Police shall develop standards and specifications for purple lights authorized in this subsection.

D. Vehicles used by police, fire-fighting, or rescue personnel as command centers at the scene of incidents may be equipped with and use green warning lights of a type approved by the Superintendent. Such lights shall not be activated while the vehicle is operating upon the highway.

CHAPTER 55

An Act to amend and reenact § 20-103 of the Code of Virginia, relating to court orders in pending suit for divorce, custody or visitation; maintenance of life insurance policy.

[H 141]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 20-103 of the Code of Virginia is amended and reenacted as follows:

§ 20-103. Court may make orders pending suit for divorce, custody or visitation, etc.

A. In suits for divorce, annulment and separate maintenance, and in proceedings arising under subdivision A 3 or subsection L of § 16.1-241, the court having jurisdiction of the matter may, at any time pending a suit pursuant to this chapter, in the discretion of such court, make any order that may be proper (i) to compel a spouse to pay any sums necessary for the maintenance and support of the petitioning spouse, including (a) an order that the other spouse provide health care coverage for the petitioning spouse, unless it is shown that such coverage cannot be obtained, or (b) an order that a party pay secured or unsecured debts incurred jointly or by either party, (ii) to enable such spouse to carry on the suit, (iii) to prevent either spouse from imposing any restraint on the personal liberty of the other spouse, (iv) to provide for the custody and maintenance of the minor children of the parties, including an order that either party or both parties provide health care coverage or cash medical support, or both, for the children, (v) to provide support, calculated in accordance with § 20-108.2, for any child of the parties to whom a duty of support is owed and to continue to support any child over the age of 18 who meets the requirements set forth in subsection C of § 20-124.2, (vi) for the exclusive use and possession of the family residence during the pendency of the suit, (vii) to preserve the estate of either spouse, so that it be forthcoming to meet any decree which may be made in the suit, ~~or~~ (viii) to compel either spouse to give security to abide such decree, or (ix) (a) to compel a party to maintain any existing policy owned by that party insuring the life of either party or to require a party to name as a beneficiary of the policy the other party or an appropriate person for the exclusive use and benefit of the minor children of the parties and (b) to allocate the premium cost of such life insurance between the parties, provided that all premiums are billed to the policyholder. Nothing in clause (ix) shall be construed to create an independent cause of action on the part of any beneficiary against the insurer or to require an insurer to provide information relating to such policy to any person other than the policyholder without the written consent of the policyholder. The parties to any petition where a child whose custody, visitation, or support is contested shall show proof that they have attended within the 12 months prior to their court appearance or that they shall attend within 45 days thereafter an educational seminar or other like program conducted by a qualified person or organization approved by the court except that the court may require the parties to attend such seminar or program in uncontested cases only if the court finds good cause. The seminar or other program shall be a minimum of four hours in length and shall address the effects of separation or divorce on children, parenting responsibilities, options for conflict resolution and financial responsibilities. Once a party has completed one educational seminar or other like program, the required completion of additional programs shall be at the court's discretion. Parties under this section shall include natural or adoptive parents of the child, or any person with a legitimate interest as defined in § 20-124.1. The fee charged a party for participation in such program shall be based on the party's ability to pay; however, no fee in excess of \$50 may be charged. Whenever possible, before participating in mediation or alternative dispute resolution to address custody, visitation or support, each party shall have attended the educational seminar or other like program. The court may grant an exemption from attendance of such program for good cause shown or if there is no program reasonably available. Other than statements or admissions by a party admitting criminal activity or child abuse, no statement or admission by a party in such seminar or program shall be admissible into evidence in any subsequent proceeding.

B. In addition to the terms provided in subsection A, upon a showing by a party of reasonable apprehension of physical harm to that party by such party's family or household member as that term is defined in § 16.1-228, and consistent with rules of the Supreme Court of Virginia, the court may enter an order excluding that party's family or household member from the jointly owned or jointly rented family dwelling. In any case where an order is entered under this paragraph, pursuant to an ex parte hearing, the order shall not exclude a family or household member from the family dwelling for a period in excess of 15 days from the date the order is served, in person, upon the person so excluded. The order may provide for an extension of time beyond the 15 days, to become effective automatically. The person served may at any time file a written motion in the clerk's office requesting a hearing to dissolve or modify the order. Nothing in this section shall be construed to prohibit the court from extending an order entered under this subsection for such longer period of time as is deemed appropriate, after a hearing on notice to the parties. If the party subject to the order fails to appear at this hearing, the court may extend the order for a period not to exceed six months.

C. In cases other than those for divorce in which a custody or visitation arrangement for a minor child is sought, the court may enter an order providing for custody, visitation or maintenance pending the suit as provided in subsection A. The order shall be directed to either parent or any person with a legitimate interest who is a party to the suit.

D. Orders entered pursuant to this section which provide for custody or visitation arrangements pending the suit shall be made in accordance with the standards set out in Chapter 6.1 (§ 20-124.1 et seq.). Orders entered pursuant to subsection B shall be certified by the clerk and forwarded as soon as possible to the local police department or sheriff's office which shall, on the date of receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia crime information network system established and maintained by the Department of State Police pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. If the order is later dissolved or modified, a copy of the dissolution or modification shall also be certified, forwarded and entered in the system as described above.

E. An order entered pursuant to this section shall have no presumptive effect and shall not be determinative when adjudicating the underlying cause.

CHAPTER 56

An Act to amend and reenact § 18.2-118 of the Code of Virginia, relating to fraudulent conversion or removal of leased personal property; restitution.

[H 159]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-118 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-118. Fraudulent conversion or removal of leased personal property.

A. Whenever any person is in possession or control of any personal property, by virtue of or subject to a written lease of such property, except property described in § 18.2-117 or in the *Virginia Lease-Purchase Agreement Act* (§ 59.1-207.17 et seq.), and such person so in possession or control shall, with intent to defraud, sell, secrete, or destroy the property, or dispose of the property for his own use, or fraudulently remove the same from the Commonwealth without the written consent of the lessor thereof, or fail to return such property to the lessor thereof within 30 days after expiration of the lease or rental period for such property stated in such written lease, he shall be deemed guilty of the larceny thereof.

B. The fact that such person signs the lease or rental agreement with a name other than his own, or fails to return such property to the lessor thereof within 30 days after the giving of written notice to such person that the lease or rental period for such property has expired, shall be prima facie evidence of intent to defraud. For purposes of this section, notice mailed by certified mail and addressed to such person at the address of the lessee stated in the lease, shall be sufficient giving of written notice under this section.

C. The venue of prosecution under this section shall be the county or city in which such property was leased or in which such accused person last had a legal residence.

D. *The court shall order a person found guilty of an offense under this section to make restitution as the court deems appropriate to the lessor. Such restitution may include (i) the cost of repairing such property; (ii) if the property is not returned or cannot reasonably be repaired, the actual value of such property; and (iii) any reasonable loss of revenue by the lessor resulting from the fraudulent conversion or removal of such property.*

CHAPTER 57

An Act to amend the Code of Virginia by adding a section numbered 19.2-389.2, relating to background checks of applicants of the Metropolitan Washington Airports Authority.

[H 164]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-389.2 as follows:

§ 19.2-389.2. Background checks of applicants of the Metropolitan Washington Airports Authority.

The police department of the Metropolitan Washington Airports Authority as established in Chapter 10 (§ 5.1-152 et seq.) of Title 5.1 may require an applicant, upon conditional offer of employment with the Authority, to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall make a report to the chief of the police department of the Authority or his designee, provided the designee is an employee of the police department of the Authority. In determining whether a criminal conviction directly relates to a position, the Authority shall consider the following criteria: (i) the nature and seriousness of the crime; (ii) the relationship of the crime to the work to be performed in the position applied for; (iii) the extent to which the position applied for might offer an opportunity to engage in further criminal activity of the same type as that in which the applicant had been involved; (iv) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the position being sought; (v) the extent and nature of the applicant's past criminal activity; (vi) the age of the applicant at the time of the commission of the crime; (vii) the amount of time that has elapsed since the applicant's last involvement in the commission of a crime; (viii) the conduct and work activity of the applicant prior to and following the criminal activity; and (ix) evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release.

If an applicant is denied employment because of information appearing in his criminal history record, the Authority shall notify the applicant that information obtained from the Central Criminal Records Exchange contributed to such denial. The criminal history record information obtained pursuant to this section shall be used solely to determine an applicant's eligibility for employment by the Authority and access to restricted areas of Ronald Reagan Washington National Airport and Washington Dulles International Airport in compliance with 49 U.S.C. § 44936 and shall otherwise be confidential.

CHAPTER 58

An Act to amend and reenact §§ 46.2-1205, 46.2-1601, 46.2-1603.1, 46.2-1608, and 46.2-1609 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 46.2-1601.1, 46.2-1601.2, and 46.2-1601.3, relating to inoperable, abandoned, and salvage vehicles; salvage vehicle dealers.

[H 166]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1205, 46.2-1601, 46.2-1603.1, 46.2-1608, and 46.2-1609 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 46.2-1601.1, 46.2-1601.2, and 46.2-1601.3 as follows:

§ 46.2-1205. Disposition of inoperable abandoned vehicles.

A. For the purposes of this section, "demolisher" has the meaning ascribed to it in § 46.2-1600.

B. Notwithstanding any other provisions of this article, any inoperable motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer which has been taken into custody pursuant to other provisions of this article may be disposed of to a demolisher, without the title and without the notification procedures, by the person or locality on whose property or in whose possession the motor vehicle, trailer, or semitrailer is found. Such demolisher shall be properly licensed under the provisions of Chapter 16 (§ 46.2-1600 et seq.). The demolisher, on taking custody of the inoperable abandoned motor vehicle, shall notify the Department on forms and in the manner prescribed by the Commissioner. Notwithstanding any other provision of law, no other report or notice shall be required in this instance.

§ 46.2-1601. Licensing of dealers of salvage vehicles; fees.

A. It shall be unlawful for any person to engage in business in the Commonwealth as a demolisher, rebuilder, salvage dealer, salvage pool, or vehicle removal operator without first acquiring a license issued by the Commissioner for each such business at each location. The fee for the first such license issued or renewed under this chapter shall be \$100 per license year or part thereof. The fee for each additional license issued or renewed under this chapter for the same location shall be \$25 per license year or part thereof. However, no fee shall be charged for supplemental locations of a business located within 500 yards of the licensed location.

B. No license shall be issued or renewed for any person unless (i) the licensed business contains at least 600 square feet of enclosed space, (ii) the licensed business is shown to be in compliance with all applicable zoning ordinances, and (iii) ~~effective October 1, 2009, any new applicant, and, effective with the next renewal of a license after October 1, 2009, any other~~ the applicant ~~must~~ may (a) certify to the Commissioner that the licensed business is permitted under a Virginia Pollutant Discharge Elimination System individual or general permit issued by the State Water Control Board for discharges of storm water associated with industrial activity and provides the permit number(s) from such permit(s) or (b) certify to the Commissioner that the licensed business is otherwise exempt from such permitting requirements. Nothing in this section

shall authorize any person to act as a motor vehicle dealer or salesperson without being licensed under Chapter 15 of this title (§ 46.2-1500 *et seq.*) and meeting all requirements imposed by such chapter.

C. Licenses issued under this section shall be deemed not to have expired if the renewal application and required fees as set forth in subsection A are received by the Commissioner or postmarked not more than 30 days after the expiration date of such license. Whenever the renewal application is received by the Commissioner or postmarked not more than 30 days after the expiration date of such license, the license fees shall be 150 percent of the fees provided for in subsection A.

D. The Commissioner may offer an optional multiyear license for any license set forth in this section. When such option is offered and chosen by the licensee, all fees due at the time of licensing shall be multiplied by the number of years for which the license will be issued.

~~On due notice and hearing, the Commissioner may suspend or revoke any license issued under this chapter for any violation of any provision of this chapter or a violation of § 46.2-1074 or § 46.2-1075. Suspension or revocation shall only be imposed on the specific business found to be in violation.~~

§ 46.2-1601.1. Display of license; business hours.

Any license issued under this chapter shall be conspicuously displayed at the licensed place of business.

The licensee shall display his usual business hours at the licensed place of business. The hours shall be posted and maintained conspicuously on or near the main entrance of each place of business. Each licensee shall include his usual business hours on the original and every renewal application for a license issued under this chapter. Changes to these hours shall be immediately filed with the Commissioner.

§ 46.2-1601.2. Acts of officers, directors, and partners.

If a licensee is a partnership or corporation, it shall be sufficient cause for the denial, suspension, or revocation of a license that any officer, director, or trustee of the partnership or corporation, or any member in the case of a partnership, has committed any act or omitted any duty which would be cause for refusing, suspending, or revoking a license issued to him as an individual under this chapter.

§ 46.2-1601.3. Grounds for denying, suspending, or revoking licenses.

The Commissioner may deny, suspend, or revoke a license under this chapter on any one or more of the following grounds:

1. Material misstatement or omission in application for license, certificate of title, salvage certificate, or nonrepairable certificate;
2. Failure to comply subsequent to receipt of a written warning from the Commissioner;
3. Failure to comply with the requirements of subsection B of § 46.2-1601;
4. Defrauding any retail buyer, to the buyer's damage, or any other person in the conduct of the licensee's business;
5. Having used deceptive acts or practices;
6. Knowingly advertising by any means any assertion, representation, or statement of fact which is untrue, misleading, or deceptive in any particular relating to the conduct of the business licensed for which a license is sought;
7. Having been convicted of any fraudulent act in connection with the business of selling vehicles, vehicle parts, or major components;
8. Having been convicted of any criminal act involving the business of selling vehicles, vehicle parts, or major components;
9. Willfully retaining in his possession title to a motor vehicle or a salvage certificate that has not been completely and legally assigned to him;
10. Having been convicted of a felony;
11. Having been convicted of larceny of a vehicle or receipt or sale of a stolen vehicle;
12. Having been convicted of odometer tampering or any related violation;
13. Having been convicted of a violation of § 46.2-1074 or 46.2-1075;
14. Failure to comply with federal reporting requirements pursuant to subsection G of § 46.2-1603.1;
15. Failure or refusal to pay civil penalties imposed by the Commissioner pursuant to § 46.2-1609;
16. Failure to comply with the requirements of § 46.2-1205;
17. Failure to comply with the requirements of § 46.2-1608.2; or
18. Failure to comply with any other provision of this chapter.

Suspension or revocation under this section shall only be imposed on the specific business found to be in violation.

§ 46.2-1603.1. Duties of licensees.

A. If a salvage vehicle is purchased by a salvage dealer and the vehicle is sold as a unit to anyone other than a demolisher, rebuilder, vehicle removal operator, or scrap metal processor, the purchaser shall obtain from the Department a salvage certificate. If the sale is to a demolisher or vehicle removal operator, the salvage vehicle shall be assigned in the space provided for such assignments on the existing salvage certificate. If a vehicle is purchased by a salvage dealer and disassembled for parts only or demolished by a demolisher, the salvage dealer shall immediately and conspicuously indicate on the salvage certificate or title that the vehicle was disassembled for parts only or demolished and immediately forward the salvage certificate or title to the Department for cancellation. The Department shall cancel the title or salvage certificate and issue a nonrepairable certificate for the vehicle to the salvage dealer.

1. If a vehicle for which a title or salvage certificate or other ownership document has been issued by a foreign jurisdiction and is purchased by a salvage dealer or demolisher and disassembled for parts only or demolished by a

demolisher, the salvage dealer or demolisher shall immediately and conspicuously indicate on the salvage certificate, title, or other ownership document that the vehicle was disassembled for parts only or demolished and immediately forward the salvage certificate, title or other ownership document to the Department for cancellation. The Department shall cancel the title, salvage certificate, or other ownership document and issue a nonrepairable certificate for the vehicle to the salvage dealer.

2. There shall be no fee for the issuance of a nonrepairable certificate.

B. If a licensee acquires any late model vehicle, he shall immediately compare the vehicle identification number assigned by the manufacturer or the Department or the identification number issued or assigned by another state with the title or salvage certificate of the vehicle and shall notify the Department as provided in subsection C. Such comparison and notification shall not be required of a demolisher if the vehicle was acquired from a licensed salvage dealer, rebuilder, salvage pool, or vehicle removal operator and such licensee delivers to the demolisher a title or salvage certificate for the vehicle.

C. If the vehicle identification number has been altered, is missing, or appears to have been otherwise tampered with, the licensee shall take no further action with regard to the vehicle except to safeguard it in its then-existing condition and shall promptly notify the Department. The Department shall, after an investigation has been made, notify the licensee whether the vehicle can be freed from this limitation. In no event shall the vehicle be disassembled, demolished, processed, or otherwise modified or removed prior to authorization by the Department. If the vehicle is a motorcycle, the licensee shall cause to be noted on the title or salvage certificate, certifying on the face of the document, in addition to the above requirements, the frame number of the motorcycle and motor number, if available.

D. Except as provided in § 46.2-1203, after a vehicle has been demolished, the demolisher shall, within five working days, deliver to the Department the salvage certificate or title, certifying on the face of the document that the vehicle has been destroyed.

E. Except as provided in § 46.2-1203, it shall be unlawful for any licensee to purchase, receive, take into inventory, or otherwise accept from any person any late model vehicle unless, as a part of any such transaction, the licensee also receives a title, salvage certificate, nonrepairable certificate, or other ownership documents, issued by an appropriate regulatory agency within or without the Commonwealth, relating to such vehicle. Every licensee shall maintain as a part of his business records a title, salvage certificate, nonrepairable certificate, or other ownership documents, issued by an appropriate regulatory agency within or without the Commonwealth, pertaining to every late model vehicle in his inventory or possession.

F. If a licensee intends to utilize machinery to crush, flatten, or otherwise reduce one or more vehicles to a state where it can no longer be considered a vehicle at a location other than the location specified on the license filed with the Department, the licensee shall apply to the Department for a permit of operation in a manner prescribed by the Commissioner. Each permit shall be valid for a period not to exceed 15 days and shall specify the location of intended operation. The cost of each permit shall be \$15.

G. *The licensee shall comply with all applicable federal title reporting requirements, including the reporting requirements of the National Motor Vehicle Title Information System pursuant to 28 C.F.R. § 25.56.*

§ 46.2-1608. Maintenance and contents of records.

A. Each licensee shall maintain a record of the receipt of any vehicle. *Such record shall be maintained at the licensee's place of business.* The record, at a minimum, shall contain:

1. A description of each vehicle purchased, exchanged, or acquired by the licensee, including, but not limited to, the model, make, year of the vehicle as well as the vehicle's title number with state of issuance and vehicle identification number;

2. The price paid for each vehicle;

3. The name and address of the seller from whom each vehicle is purchased, exchanged, or acquired;

4. The date and hour the purchase, exchange, or acquisition was made;

5. A photocopy of the seller's driver's license, state identification card, official United States military identification card, or any other form of personal identification with photograph;

6. A digital photograph of the seller, along with the vehicle that he is selling or exchanging with the licensee; and

7. The signature of the licensee and the seller as executed at the time of the purchase, exchange, or acquisition of the vehicle by the licensee.

B. If any major component, as defined in § 46.2-1600, is sold, the salvage dealer shall provide, upon request of any law-enforcement official, the information required by this section as to the vehicle from which the part was taken.

C. The provisions of subdivisions A 5 and A 6 shall not apply to vehicles when the licensee maintains a photocopy or electronic copy of one of the documents set out in § 46.2-1206 or this chapter.

D. The provisions of this section shall not apply to salvage pools as defined in § 46.2-1600, except that salvage pools shall maintain a record of the receipt of any vehicle that contains the date of receipt of the vehicle, its make, year, model, identification number, name, and address of the person from whom it was acquired, the vehicle's title number, and state of issuance.

§ 46.2-1609. Penalties.

A. First violations of any provision of this chapter shall constitute a Class 1 misdemeanor, and second and subsequent violations of any provision of this chapter shall constitute a Class 5 felony. Upon receipt of any such conviction, the

Commissioner may suspend, revoke, cancel, or refuse to renew the license of any licensee under this chapter, and the Commissioner may also assess a civil penalty against such licensee not to exceed \$2,500 for any conviction.

B. Except as otherwise provided in this chapter, any licensee violating any of the provisions of this chapter may be assessed a civil penalty by the Commissioner not to exceed \$1,000 for any single violation.

C. Notice of an order suspending, revoking, canceling, or denying renewal of a license, imposing a limitation on operation, or imposing a ~~monetary~~ civil penalty and advising the licensee of the opportunity for a hearing shall be mailed to the licensee by first-class mail to the address as shown on the licensee's most recent application for a license and shall be considered served when mailed. No order of ~~suspension~~ required by this section shall become effective until the Commissioner has offered the licensee an opportunity for an administrative hearing to show cause why the order ~~of suspension~~ should not be enforced. Notice of the opportunity for an administrative hearing may be included in the order ~~of suspension~~. Any request for an administrative hearing made by such person must be received by the Department within 30 days of the issuance date of the order unless the person presents to the Department evidence of military service as defined by the federal Servicemembers Civil Relief Act (50 U.S.C. App. § 501 et seq.), incarceration, commitment, hospitalization, or physical presence outside the United States at the time the order was issued.

D. Upon receipt of a request for a hearing appealing the suspension or imposition of civil penalties, the licensee shall be afforded the opportunity for a hearing as soon as practicable, but in no case later than 30 days from receipt of the hearing request. ~~The~~ Any suspension shall remain in effect pending the outcome of the hearing.

CHAPTER 59

An Act to amend and reenact § 46.2-116 of the Code of Virginia, relating to towing and recovery operators; requirements for registration.

[H 176]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-116 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-116. Registration with Department of Criminal Justice Services required for tow truck drivers; penalty.

A. As used in this section and §§ 46.2-117, 46.2-118, and 46.2-119:

"Consumer" means a person who (i) has vested ownership, dominion, or title to the vehicle; (ii) is the authorized agent of the owner as defined in clause (i); or (iii) is an employee, agent, or representative of an insurance company representing any party involved in a collision that resulted in a police-requested tow who represents in writing that the insurance company had obtained the oral or written consent of the title owner or his agent or the lessee of the vehicle to obtain possession of the vehicle.

"Department" means the Department of Criminal Justice Services.

"Tow truck driver" means an individual who drives a tow truck as defined in § 46.2-100.

"Towing and recovery operator" means any person engaging in the business of providing or offering to provide services involving the use of a tow truck and services incidental to use of a tow truck. "Towing and recovery operator" shall not include a franchised motor vehicle dealer as defined in § 46.2-1500 using a tow truck owned by a dealer when transporting a vehicle to or from a repair facility owned by the dealer when the dealer does not receive compensation from the vehicle owner for towing of the vehicle or when transporting a vehicle in which the dealer has an ownership or security interest.

B. On and after January 1, 2013, no tow truck driver shall drive any tow truck without being registered with the Department, except that this requirement shall not apply to any holder of a tow truck driver authorization document issued pursuant to former § 46.2-2814 until the expiration date of such document. Every applicant for an initial registration or renewal of registration pursuant to this section shall submit his registration application, fingerprints, and personal descriptive information to the Department and a nonrefundable application fee of \$100. The Department shall forward the personal descriptive information along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining a national criminal history record check regarding such applicant. The cost of the fingerprinting and criminal history record check shall be paid by the applicant.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall make a report to the Department. If an applicant is denied registration as a tow truck driver because of the information appearing in his criminal history record, the Department shall notify the applicant that information obtained from the Central Criminal Records Exchange contributed to such denial. The information shall not be disseminated except as provided in this section.

C. No registration shall be issued to any person who (i) is required to register as a sex offender as provided in § 9.1-901 or in a substantially similar law of any other state, the United States, or any foreign jurisdiction; (ii) has been convicted of a violent crime as defined in subsection C of § 17.1-805 *unless such person held a valid tow truck driver authorization document on January 1, 2013, issued by the Board of Towing and Recovery Operators pursuant to former Chapter 28 (§ 46.2-2800 et seq.), and has not been convicted of a violent crime as defined in subsection C of § 17.1-805 subsequent to the abolition of the Board;* or (iii) has been convicted of any crime involving the driving of a tow truck, including drug or

alcohol offenses, but not traffic infraction convictions. Any person registered pursuant to this section shall report to the Department within 10 days of conviction any convictions for felonies or misdemeanors that occur while he is registered with the Department.

D. Any tow truck driver failing to register with the Department as required by this section is guilty of a Class 3 misdemeanor. A tow truck driver registered with the Department shall have such registration in his possession whenever driving a tow truck on the highways.

E. Registrations issued by the Department pursuant to this section shall be valid for a period not to exceed 24 months, unless revoked or suspended by the Department in accordance with § 46.2-117.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 60

An Act to amend the Code of Virginia by adding in Article 4.1 of Chapter 36 of Title 58.1 a section numbered 58.1-3652, relating to real and personal property tax exemption.

[H 187]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 4.1 of Chapter 36 of Title 58.1 a section numbered 58.1-3652 as follows:

§ 58.1-3652. Exempt organization's use of property owned by another.

Any county, city, or town may exempt any real or personal property, the legal title to which is held by any person, firm, or corporation, subject to the sole use or occupancy by a nonprofit entity exempt from federal income taxation under § 501(c)(3) of the Internal Revenue Code, provided such nonprofit entity (i) has not agreed to surrender its interest in the property and (ii) uses such property solely to (a) exhibit or display Warbirds to the general public or otherwise use Warbirds for educational purposes, including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation, or (b) demonstrate the performance of Warbirds at airshows and flight demonstrations of Warbirds, including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation.

For purposes of this section, "Warbirds" means airplanes that were manufactured prior to 1955 and intended for military use.

CHAPTER 61

An Act to amend the Code of Virginia by adding a section numbered 58.1-3373.1, relating to reassessment of real estate and equalization of assessment; City of Richmond board of equalization.

[H 225]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 58.1-3373.1 as follows:

§ 58.1-3373.1. City may elect to provide for board of equalization.

Notwithstanding any other provision of law, the City of Richmond may by ordinance elect to provide for a board of equalization or permanent board of equalization as provided in this article instead of a board of review.

CHAPTER 62

An Act to amend and reenact § 17.1-107 of the Code of Virginia, relating to holding cases under advisement.

[H 269]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-107 of the Code of Virginia is amended and reenacted as follows:

§ 17.1-107. Designation of judge to assist regular judge holding case under advisement for unreasonable length of time.

A. ~~In any civil action, a judge of a circuit court in a civil case who fails to act on any matter, claim, motion, or issue that has been submitted to the court for a decision or render a final decision in the action shall report, in writing, to the parties or their counsel on any ~~cause~~ such matter, claim, motion, issue, or action held under advisement for more than 90 60 days after ~~final~~ such submission stating an expected time of a decision. In any civil ~~case~~ action in which a judge ~~holds any cause under advisement for more than 90 days after final submission~~, fails to report as required by this section; or fails to render a decision within the expected time stated in the report, any party or their counsel may notify the Chief Justice of the Supreme Court. Whenever the Chief Justice of the Supreme Court, or any justice designated by him, has reasonable~~

cause to believe that any judge of a court of record may be holding ~~one or more civil cases~~ any matter, claim, motion, issue, or case under advisement for an unreasonable length of time, he shall inquire into the cause of such delay, and if he finds it necessary in order to expedite the administration of justice, he shall designate a judge or retired judge of a court of record to assist the regular judge in the performance of his duties.

B. Complaints made hereunder shall be absolutely privileged and the name of the complainant shall not be disclosed without his consent.

CHAPTER 63

An Act to amend the Code of Virginia by adding a section numbered 2.2-206.1, relating to the establishment of the Entrepreneur-in-Residence Program.

[H 321]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.2-206.1 as follows:

§ 2.2-206.1. Entrepreneur-in-Residence Program.

A. There is hereby created the Entrepreneur-in-Residence Program, hereafter referred to as "the Program," as a pilot program to improve outreach by state government to the private sector. The Program shall be administered by the Secretary or his designee. The objectives of the Program are (i) to strengthen coordination and interaction between state government and the private sector on issues relevant to entrepreneurs and small business concerns and (ii) to make state government programs and operations simpler, easier to access, more efficient, and more responsive to the needs of and issues related to small business concerns and entrepreneurs.

B. The Secretary may appoint up to 10 individuals per year to serve as entrepreneurs-in-residence with state agencies. Appointees shall have demonstrated success in working with small business concerns and entrepreneurs or have successfully developed, invented, or created a product and brought the product to the marketplace. Appointments shall be for a period of two years. Any costs incurred in the operation of the program shall be provided from nonstate sources of funding.

C. Entrepreneurs-in-residence shall serve without compensation but, at the discretion of the head of the agency they were appointed to serve, may receive reasonable and necessary expenses incurred in the discharge of their duties as provided in § 2.2-2825.

D. The entrepreneur-in-residence for each agency shall:

1. Assist the agency in improving outreach to small business concerns and entrepreneurs;
2. Provide recommendations on inefficient or duplicative programs, if any;
3. Provide recommendations to the Secretary and the head of the agency on methods to improve program efficiency at the agency or new initiatives, if any, that may be instituted at the agency;
4. Facilitate meetings and forums to educate small business concerns and entrepreneurs on programs or initiatives of the department and the agency to which the entrepreneur-in-residence is appointed;
5. Facilitate in-service sessions with employees of the department on needs and issues to entrepreneurs and small business concerns; and
6. Provide technical assistance or mentorship to small business concerns and entrepreneurs in accessing programs at the department and the agency employing the entrepreneur-in-residence.

E. The Secretary may establish an informal working group of entrepreneurs-in-residence to discuss best practices, experiences, obstacles, opportunities, and recommendations.

F. The Secretary is authorized to enter into an agreement with the Virginia Commonwealth University or other public institution of higher education for the management and oversight of the Program.

2. That the provisions of this act shall expire on July 1, 2017.

3. That the provisions of this act shall satisfy the reenactment requirement of Chapter 788 of the Acts of Assembly of 2013.

CHAPTER 64

An Act to amend the Code of Virginia by adding a section numbered 46.2-1129.2, relating to natural gas vehicles; weight limit exception.

[H 341]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-1129.2 as follows:

§ 46.2-1129.2. Further extension of weight limits for vehicles fueled by natural gas.

Any motor vehicle that is fueled, wholly or partially, by natural gas shall be allowed up to an additional 2,000 pounds total in gross, single axle, tandem axle, or bridge formula weight limits.

To be eligible for this exception, the operator of the vehicle must be able to demonstrate that the vehicle is a natural gas vehicle, a bi-fuel vehicle using natural gas, or a vehicle that has been converted to a natural gas vehicle. No such allowance shall authorize any extension of the limitations provided in § 46.2-1127 for Interstate highways.

CHAPTER 65

An Act to amend and reenact § 8.01-589 of the Code of Virginia, relating to reimbursement of expenses incurred by general receivers for direct out-of-pocket costs when carrying out order of the court.

[H 360]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 8.01-589 of the Code of Virginia is amended and reenacted as follows:****§ 8.01-589. Compensation and fees; when none allowed.**

A. A general receiver may ~~receive~~ *as retain from moneys received and held pursuant to § 8.01-582*, compensation for his services *in* such amount as the court deems reasonable, but not exceeding:

1. Ten dollars at receipt of the originating court order to receive funds, deposit funds, and establish files and accounting records with respect to those funds;
2. Ten dollars when all funds held for a beneficiary or beneficiaries are disbursed;
3. Ten dollars per draft or check for periodic and final disbursements;
4. Five percent of the interest income earned; ~~and~~
5. Ten dollars for remitting funds to the State Treasurer and up to ten dollars per draft for remitting those funds; *and*
6. *Fifty dollars for conducting a hearing to ascertain the identity or location of trust fund beneficiaries pursuant to § 8.01-586 as the court directs and \$50 per hour for an appearance in court.*

B. *When direct out-of-pocket expenses are necessary to carry out an order of the court, a general receiver may receive reimbursement for such expenses as the court deems reasonable.*

C. Notwithstanding the foregoing subsections, general receivers shall not deduct fees or otherwise be compensated for services with respect to those funds which should have been reported and then remitted to the State Treasurer in accordance with § 8.01-602 or § 55-210.9:1.

A general receiver shall promptly report to the court the execution of the bond or bonds required in § 8.01-588 and make the reports and perform the duties required of him. No compensation shall be allowed him until he has performed the duties aforesaid.

If such receiver is the clerk of court and if compensation is allowed, it shall be fee and commission income to the office of such clerk in accordance with § 17.1-287.

CHAPTER 66

An Act to amend the Code of Virginia by adding a section numbered 33.1-12.02, relating to funds for administration of Department of Rail and Public Transportation.

[H 396]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 33.1-12.02 as follows:****§ 33.1-12.02. Funds for administration of Department of Rail and Public Transportation.**

The Commonwealth Transportation Board may annually allocate up to 3.5 percent of the revenues available each year in the funds established pursuant to §§ 33.1-221.1:1.1, 33.1-221.1:1.2, and 33.1-221.1:1.3 and subdivision A 4 of § 58.1-638 to support the costs of project development, project administration, and project compliance incurred by the Department of Rail and Public Transportation in implementing rail, public transportation, and congestion management programs and grants.

CHAPTER 67

An Act to amend and reenact § 46.2-1158.1 of the Code of Virginia, relating to vehicle safety inspection approval; armed services grace period.

[H 411]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1158.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1158.1. Extension of validity of vehicle safety inspection approval stickers issued for vehicles whose registered owners are persons in the armed services of the United States.

Notwithstanding any contrary provision of law, any vehicle safety inspection approval sticker issued for any vehicle that is principally garaged outside the Commonwealth while its registered owner is a person in the armed services of the United States shall be held not to have expired during the period of the owner's official absence from the Commonwealth in the armed services of the United States, regardless of whether such vehicle is operated in or through the Commonwealth during the owner's official absence from the Commonwealth in the armed services of the United States. Should the armed services member be domiciled in another state of the United States, nothing in this section shall be construed to absolve such person from obtaining a current inspection sticker from his state of domicile, if required by such state. In cases where a vehicle's owner has been officially absent from the Commonwealth because of service in the armed services of the United States but returns to Virginia following such official absence and the vehicle becomes operational in the Commonwealth, the vehicle's owner will have ~~five business~~ *14 calendar* days following such return, Sundays and holidays excepted, to have the vehicle inspected. Furthermore, no penalty shall be imposed on any such owner or operator for operation of a motor vehicle, trailer, or semitrailer after the expiration of a period fixed for the inspection thereof, over the most direct route between the place where such vehicle is kept or garaged and an official inspection station for the purpose of having it inspected pursuant to an appointment with such station.

Motor vehicles owned and operated by persons on active duty with the United States armed forces who are Virginia residents stationed outside the Commonwealth at the time the inspection expires may be operated on the highways of the Commonwealth while persons on active duty are on leave, provided such vehicle displays a valid inspection sticker issued by another state.

For the purposes of this section, "service in the armed services of the United States" includes active duty service with the regular armed forces of the United States or the National Guard or other reserve component.

CHAPTER 68

An Act to amend the Code of Virginia by adding in Article 18 of Chapter 10 of Title 46.2 a section numbered 46.2-1149.6, relating to weight limits for truck cranes.

[H 415]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 18 of Chapter 10 of Title 46.2 a section numbered 46.2-1149.6 as follows:

§ 46.2-1149.6. Permits for truck cranes.

The Commissioner and local authorities of cities and towns, in their respective jurisdictions, may, upon written application made by an owner or operator and subject to the requirements of § 46.2-1139, issue permits authorizing the operation over the highways of truck cranes that exceed the maximum weight specified in this title. Truck cranes that have been mounted with counterweights and other manufactured equipment that enable a single person to assemble and operate the truck crane shall be considered irreducible, and no application for a permit under this section shall be denied because of the applicant's refusal to remove such counterweights or other manufactured equipment.

CHAPTER 69

An Act to amend and reenact § 46.2-916.2 of the Code of Virginia, relating to operation of golf carts and utility vehicles on highways.

[H 488]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-916.2 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-916.2. Designation of public highways for golf cart and utility vehicle operations.

A. No portion of the public highways may be designated for use by golf carts and utility vehicles unless the governing body of the county, city, or town in which that portion of the highway is located has reviewed and approved such highway usage.

B. The governing body of any county, city or town may by ordinance authorize the operation of golf carts and utility vehicles on designated public highways within its boundaries after (i) considering the speed, volume, and character of motor vehicle traffic using such highways and (ii) determining that golf cart and utility vehicle operation on particular highways is compatible with state and local transportation plans and consistent with the Commonwealth's Statewide Pedestrian Policy provided for in § 33.1-23.03:001.

C. Notwithstanding the other provisions of this section, no town that has not established its own police department, as defined in § 9.1-165, may authorize the operation of golf carts or utility vehicles. The provision of this subsection shall not apply to the Towns of Claremont, *Clifton*, Irvington, Saxis, Urbanna, or Wachapreague.

D. No public highway shall be designated for use by golf carts and utility vehicles if such golf cart and utility vehicle operations will impede the safe and efficient flow of motor vehicle traffic.

E. The county, city or town that has authorized the operation of golf carts or utility vehicles shall be responsible for the installation and continuing maintenance of any signs pertaining to the operation of golf carts or utility vehicles. Such county, city or town may include in its ordinance for designating highways the ability to recover its costs of the signs and maintenance pertaining thereto from organizations, individuals or entities requesting the designations. The cost of installation and continuing maintenance of any signs pertaining to the operation of golf carts or utility vehicles shall not be paid by the Virginia Department of Transportation.

F. Notwithstanding the other provisions of this section, employees of the Department of Conservation and Recreation may operate golf carts and utility vehicles on those portions of public highways located within Department of Conservation and Recreation property and on Virginia Department of Transportation-maintained highways that are adjacent to Department of Conservation and Recreation property, provided the golf cart or utility vehicle is being operated on highways with speed limits of no more than 35 miles per hour.

CHAPTER 70

An Act to amend the Code of Virginia by adding in Article 18 of Chapter 10 of Title 46.2 a section numbered 46.2-1149.6, relating to issuance of permits for operation of specialized construction equipment.

[H 509]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 18 of Chapter 10 of Title 46.2 a section numbered 46.2-1149.6 as follows:

§ 46.2-1149.6. Specialized construction equipment; permits; engineering analysis; costs.

A. For the purpose of this section, "specialized construction equipment" means (i) rubber-tracked, or tracked when protective matting is used, self-propelled equipment being used in highway maintenance and construction projects and (ii) tracked, self-propelled equipment being used in emergency operations, including snow removal.

B. The Commissioner of Highways, upon written application made by the owner or operator of specialized construction equipment, may issue a single trip or multi-trip permit allowing such equipment to be driven across structures maintained by the Department of Transportation within, or to gain access to, a highway construction or maintenance work zone of the Department of Transportation, as defined in the most recent version of the Department of Transportation's Virginia Work Area Protection Manual, or to access any road or structure maintained by the Department of Transportation when needed by the Department for snow removal or other emergency operations. The permits shall be issued only after an engineering analysis of a proposed routing has been conducted by the Department of Transportation to assess the ability of the roads and structures to be traversed to sustain the equipment's size and weight. Such permit shall designate the route to be traversed and contain restrictions or conditions regarding the specialized construction equipment's operation across structures. The fee for a permit issued under this section shall be based on the costs assessed against the applicant to cover engineering analysis, not to exceed three hours.

CHAPTER 71

An Act to amend and reenact § 58.1-3330 of the Code of Virginia, relating to real property tax; notice of assessment.

[H 525]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3330 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3330. Notice of change in assessment.

A. Whenever in any county, city or town there is a reassessment of real estate, or any change in the assessed value of any real estate, notice shall be given by mail directly to each property owner, as shown by the land books of the county, city or town whose assessment has been changed. Such notice shall be sent by postpaid mail at least fifteen days prior to the date of a hearing to protest such change to the address of the property owner as shown on such land books. The governing body of the county, city or town shall require the officer of such county, city or town charged with the assessment of real estate to send such notices or it shall provide funds or services to the persons making such reassessment so that such persons can send such notices.

B. Every notice shall, among other matters, show the magisterial or other district, if any, in which the real estate is located, the amount and the new and immediately prior ~~two~~ appraised ~~value~~ values of land, the new and immediately prior

two appraised ~~value~~ values of improvements, and the new and immediately prior two assessed ~~value~~ values of each if different from the appraised ~~value~~ values. It shall further set out the time and place at which persons may appear before the officers making such reassessment or change and present objections thereto. *The notice shall also inform each property owner of the right to view and make copies of records maintained by the local assessment office pursuant to §§ 58.1-3331 and 58.1-3332 and inform each property owner that the records available and the procedure for accessing them are set out in §§ 58.1-3331 and 58.1-3332.* In counties that have elected by ordinance to prepare land and personal property books in alphabetical order as authorized by § 58.1-3301 B, such notice may omit reference to districts, as provided herein.

The following requirements shall apply to any notice of change in assessment other than one in which the change arises solely from the construction or addition of new improvements to the real estate. If the tax rate that will apply to the new assessed value has been established, then the notice shall set out such rate. *In addition, whether or not the tax rate applicable to the new assessed value has been established, the notice shall set out the tax rates for the immediately prior two tax years, the total amount of the new tax levy and the amounts of the total tax levies for the immediately prior two tax years, and the percentage change changes in the new tax levy from the tax levies in the immediately prior one two tax years.*

If the tax rate that will apply to the new assessed value has not been established, then the notice shall set out the time and place of the next meeting of the local governing body at which public testimony will be accepted on any real estate tax rate changes. If this meeting will be more than 60 days from the date of the reassessment notice, then instead of the date of the meeting, the notice shall include information on when the date of the meeting will be set and where it will be publicized.

C. Any person other than the owner who receives such reassessment notice, shall transmit the notice to such owner, at his last known address, immediately on receipt thereof, and shall be liable to such owner in an action at law for liquidated damages in the amount of twenty-five dollars, in the event of a failure to so transmit the notice. Mailing such notice to the last known address of the property owner shall be deemed to satisfy the requirements of this section.

D. Notwithstanding the provisions of this section, if the address of the taxpayer as shown on the tax record is in care of a lender, the lender shall upon request furnish the county, city or town a list of such property owners, together with their current addresses as they appear on the books of the lender, or the parties may by agreement permit the lender to forward such notices to the property owner, with the cost of postage to be paid by the county, city or town.

CHAPTER 72

An Act to amend and reenact § 54.1-2523.2 of the Code of Virginia, relating to the Prescription Monitoring Program; delegation of authority.

[H 539]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2523.2 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2523.2. Authority to access database.

Any prescriber *or dispenser* authorized to access the information in the possession of the Prescription Monitoring Program pursuant to this chapter may, pursuant to regulations promulgated by the Director to implement the provisions of this section, delegate such authority to health care professionals who are (i) licensed, registered, or certified by a health regulatory board under the Department of Health Professions *or in another jurisdiction* and (ii) employed at the same facility and under the direct supervision of the prescriber *or dispenser*.

CHAPTER 73

An Act to amend and reenact § 54.1-2972 of the Code of Virginia, relating to determination of death.

[H 541]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2972 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2972. When person deemed medically and legally dead; determination of death; nurses' or physician assistants' authority to pronounce death under certain circumstances.

A. A person shall be medically and legally dead if:

1. In the opinion of a physician duly authorized to practice medicine in this Commonwealth, based on the ordinary standards of medical practice, there is the absence of spontaneous respiratory and spontaneous cardiac functions and, because of the disease or condition which directly or indirectly caused these functions to cease, or because of the passage of time since these functions ceased, attempts at resuscitation would not, in the opinion of such physician, be successful in restoring spontaneous life-sustaining functions, and, in such event, death shall be deemed to have occurred at the time these functions ceased; or

2. In the opinion of a physician, who shall be duly licensed and a specialist in the field of neurology, neurosurgery, electroencephalography, or critical care medicine, when based on the ordinary standards of medical practice, there is the

absence of brain stem reflexes, spontaneous brain functions and spontaneous respiratory functions and, in the opinion of another physician and such specialist, based on the ordinary standards of medical practice and considering the absence of brain stem reflexes, spontaneous brain functions and spontaneous respiratory functions and the patient's medical record, further attempts at resuscitation or continued supportive maintenance would not be successful in restoring such reflexes or spontaneous functions, and, in such event, death shall be deemed to have occurred at the time when these conditions first coincide.

B. A registered nurse or a physician assistant who practices under the supervision of a physician may pronounce death if the following criteria are satisfied: (i) the nurse is employed by or the physician assistant works at (a) a home health organization as defined in § 32.1-162.7, (b) a hospice as defined in § 32.1-162.1, (c) a hospital or nursing home as defined in § 32.1-123, including state-operated hospitals for the purposes of this section, (d) the Department of Corrections, or (e) a continuing care retirement community registered with the State Corporation Commission pursuant to Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2; (ii) the nurse or physician assistant is directly involved in the care of the patient; (iii) the patient's death has occurred; (iv) the patient is under the care of a physician when his death occurs; (v) the patient's death has been anticipated; (vi) the physician is unable to be present within a reasonable period of time to determine death; and (vii) there is a valid Do Not Resuscitate Order pursuant to § 54.1-2987.1 for the patient who has died. The nurse or physician assistant shall inform the patient's attending and consulting physicians of his death as soon as practicable.

The nurse or physician assistant shall have the authority to pronounce death in accordance with such procedural regulations, if any, as may be promulgated by the Board of Medicine; however, if the circumstances of the death are not anticipated or the death requires an investigation by a medical examiner, the nurse or physician assistant shall notify the chief medical examiner of the death and the body shall not be released to the funeral director.

This subsection shall not authorize a nurse or physician assistant to determine the cause of death. Determination of cause of death shall continue to be the responsibility of the attending physician, except as provided in § 32.1-263. Further, this subsection shall not be construed to impose any obligation to carry out the functions of this subsection.

This subsection shall not relieve any registered nurse or physician assistant from any civil or criminal liability that might otherwise be incurred for failure to follow statutes or Board of Nursing or Board of Medicine regulations.

C. Death, as defined in subdivision A 2, shall be determined by ~~one of the two physicians~~ *a specialist in the field of neurology, neurosurgery, electroencephalography, or critical care medicine* and recorded in the patient's medical record ~~and attested by the other physician. One of the two physicians determining or attesting to brain death may be the attending physician regardless of his specialty so long as at least one of the physicians is a specialist, as set out in subdivision A 2.~~

D. The alternative definitions of death provided in subdivisions A 1 and A 2 may be utilized for all purposes in the Commonwealth, including the trial of civil and criminal cases.

CHAPTER 74

An Act to amend and reenact §§ 54.1-3450 and 54.1-3452 of the Code of Virginia, relating to Schedule III and Schedule IV drugs.

[H 575]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3450 and 54.1-3452 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3450. Schedule III.

The controlled substances listed in this section are included in Schedule III:

1. Unless specifically exempted or listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules;

Any compound, mixture or preparation containing amobarbital, secobarbital, or pentobarbital or any salt of amobarbital, secobarbital, or pentobarbital and one or more other active medicinal ingredients which are not listed in Schedules II through V;

Any suppository dosage form containing amobarbital, secobarbital, or pentobarbital or any salt of amobarbital, secobarbital, or pentobarbital and approved by the Food and Drug Administration for marketing only as a suppository;

Chlorhexadol;

Any drug product containing gamma hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355);

Embutramide;

Ketamine, its salts, isomers, and salts of isomers (some other names:

[+]-2-[2-chlorophenyl]-2-[methylamino]-cyclohexanone);

Lysergic acid;

Lysergic acid amide;

Methyprylon;

Perampanel [2-(2-oxo-1-phenyl-5-pyridin-2-yl-1,2-dihydropyridin-3-yl) benxonitrile], including its salts, isomers, and salts of isomers;

Sulfondiethylmethane;

Sulfonethylmethane;

Sulfonmethane; and

Tiletamine - zolazepam combination product or any salt thereof.

2. Nalorphine.

3. Unless specifically excepted or unless listed in another schedule:

a. Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts thereof:

Buprenorphine.

b. Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

Not more than 300 milligrams of dihydrocodeinone (hydrocodone), or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

Not more than 300 milligrams of dihydrocodeinone (hydrocodone), or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

Not more than 1.8 grams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

Not more than 300 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more ingredients in recognized therapeutic amounts;

Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

Not more than 50 milligrams of morphine, or any of its salts, per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Benzphetamine;

Chlorphentermine;

Clortermine;

Phendimetrazine.

5. The Board may except by regulation any compound, mixture, or preparation containing any stimulation or depressant substance listed in subsection A from the application of all or any part of this chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

6. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts of isomers is possible within the specific chemical designation:

Anabolic steroids, including, but not limited to:

3beta,17-dihydroxy-5a-androstane;

3alpha,17beta-dihydroxy-5a-androstane;

5alpha-androstan-3,17-dione;

1-androstenediol (3beta,17beta-dihydroxy-5alpha-androst-1-ene);

1-androstenediol (3alpha,17beta-dihydroxy-5alpha-androst-1-ene);

4-androstenediol (3beta,17beta-dihydroxy-androst-4-ene);

5-androstenediol (3beta,17beta-dihydroxy-androst-5-ene);

1-androstenedione ([5alpha]-androst-1-en-3,17-dione);

4-androstenedione (androst-4-en-3,17-dione);

5-androstenedione (androst-5-en-3,17-dione);

Bolasterone (7alpha,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);

Boldenone (Dehydrotestosterone)(17beta-hydroxyandrost-1,4,-diene-3-one);

Boldione (androsta-1, 4-diene-3, 17-dione);

Calusterone (7beta,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);

Clostebol (4-Chlorotestosterone)(Chlorotestosterone)(4-chloro-17beta-hydroxyandrost-4-en -3-one);

Dehydrochloromethyltestosterone (4-chloro-17beta-hydroxy-17alpha-methyl-androst-1,4-dien-3-one);
 Delta1-dihydrotestosterone (1-testosterone)(17beta-hydroxy-5alpha-androst-1-en-3-one);
 Desoxymethyltestosterone (madol)(17alpha-methyl-5alpha-androst-2-en-17beta-ol);
 Dromostanolone (Drostanolone)(17beta-hydroxy-2alpha-methyl-5alpha-androstan-3-one);
 Ethylestrenol (17alpha-ethyl-17beta-hydroxyestr-4-ene);
 Fluoxymesterone (9-fluoro-17alpha-methyl-11beta,17beta-dihydroxyandrost-4-en-3-one);
 Formylidienolone (Formebolone)(2-formyl-17alpha-methyl-11alpha,17beta-dihydroxyandrost-1,4-dien-3-one);
 Furazabol (17alpha-methyl-17beta-hydroxyandrostano[2,3-c]-furazan);
 13-beta-ethyl-17alpha-hydroxygon-4-en-3-one;
 4-hydroxytestosterone (4,17beta-dihydroxy-androst-4-en-3-one);
 4-hydroxy-19-nortestosterone (4,17beta-dihydroxy-estr-4-en-3-one);
 Mestanolone (17alpha-methyl-17beta-hydroxy-5-androstan-3-one);
 Mesterolone (1alpha-methyl-17beta-hydroxy-[5alpha]-androstan-3-one);
 Methandriol (methylandrostenediol)(17alpha-methyl-3beta,17beta-dihydroxyandrost-5-ene);
 Methandrostenolone (Methandienone) (Dehydromethyltestosterone) (17alpha-methyl-17beta-hydroxyandrost-1,4-dien-3-one);
 Methasterone (2alpha,17alpha-dimethyl-5alpha-androstan-17beta-ol-3-one);
 Methenolone (1-methyl-17beta-hydroxy-5alpha-androst-1-en-3-one);
 17alpha-methyl-3beta,17beta-dihydroxy-5a-androstane;
 17alpha-methyl-3alpha,17beta-dihydroxy-5a-androstane;
 17alpha-methyl-3beta,17beta-dihydroxyandrost-4-ene);
 17alpha-methyl-4-hydroxynandrolone (17alpha-methyl-4-hydroxy-17beta-hydroxyestr-4-en-3-one);
 Methylidienolone (17alpha-methyl-17beta-hydroxyestra-4,9(10)-dien-3-one);
 Methyltrienolone (17alpha-methyl-17beta-hydroxyestra-4,9-11-trien-3-one);
 17-Methyltestosterone (Methyltestosterone)(17alpha-methyl-17beta-hydroxyandrost-4-en-3-one);
 Mibolerone (7alpha,17alpha-dimethyl-17beta-hydroxyestr-4-en-3-one);
 17alpha-methyl-delta1-dihydrotestosterone (17beta-hydroxy-17alpha-methyl-5alpha-androst-1-en-3-one)
 (17-alpha-methyl-1-testosterone);
 Nandrolone (19-Nortestosterone)(17beta-hydroxyestr-4-en-3-one);
 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione);
 19-nor-4-androstenediol (3beta,17beta-dihydroxyestr-4-ene);
 19-nor-4-androstenediol (3alpha,17beta-dihydroxyestr-4-ene);
 19-nor-5-androstenediol (3beta,17beta-dihydroxyestr-5-ene);
 19-nor-5-androstenediol (3alpha,17beta-dihydroxyestr-5-ene);
 19-nor-4-androstenedione (estr-4-en-3,17-dione);
 19-nor-5-androstenedione (estr-5-en-3,17-dione);
 Norbolethone (13beta,17alpha-diethyl-17beta-hydroxygon-4-en-3-one);
 Norclostebol (4-chloro-17beta-hydroxyestr-4-en-3-one);
 Norethandrolone (17alpha-ethyl-17beta-hydroxyestr-4-en-3-one);
 Normethandrolone (17alpha-methyl-17beta-hydroxyestr-4-en-3-one);
 Oxandrolone (17alpha-methyl-17beta-hydroxy-2-oxa-[5alpha]-androstan-3-one);
 Oxymesterone (Oxymestron)(17alpha-methyl-4,17beta-dihydroxyandrost-4-en-3-one);
 Oxymetholone (Anasterone)(17alpha-methyl-2-hydroxymethylene-17beta-hydroxy-[5alpha]-androstan-3-one);
 Prostanazol (17beta-hydroxy-5alpha-androstanol[3,2-c]pyrazole);
 Stanolone (4-Dihydrotestosterone)(Dihydrotestosterone)(17beta-hydroxy-androstan-3-one);
 Stanozolol (Androstanazole)(17alpha-methyl-17beta-hydroxy-[5alpha]-androst-2-eno[3,2-c]-pyrazole);
 Stenbolone (17beta-hydroxy-2-methyl-[5alpha]-androst-1-en-3-one);
 Testolactone (1-Dehydrotestolactone)(13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);
 Testosterone (17beta-hydroxyandrost-4-en-3-one);
 Tetrahydrogestrinone (13beta,17alpha-diethyl-17beta-hydroxygon-4,9,11-trien-3-one);
 Trenbolone (Trienbolone)(Trienolone)(17beta-hydroxyestr-4,9,11-trien-3-one); and
 Any salt, ester, or ether of a drug or substance described or listed in this paragraph. However, such term does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the United States Secretary of Health and Human Services for such administration. If any person prescribes, dispenses, or distributes any such steroid for human use, such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this subsection.

7. Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration.

§ 54.1-3452. Schedule IV.

The controlled substances listed in this section are included in Schedule IV unless specifically excepted or listed in another schedule:

1. Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

Alprazolam;
Barbital;
Bromazepam;
Camazepam;
Carisoprodol;
Chloral betaine;
Chloral hydrate;
Chlordiazepoxide;
Clobazam;
Clonazepam;
Clorazepate;
Clotiazepam;
Cloxazolam;
Delorazepam;
Diazepam;
Dichloralphenazone;
Estazolam;
Ethchlorvynol;
Ethinamate;
Ethyl loflazepate;
Fludiazepam;
Flunitrazepam;
Flurazepam;
Fospropofol;
Halazepam;
Haloxazolam;
Ketazolam;
Loprazolam;
Lorazepam;
Lormetazepam;
Mebutamate;
Medazepam;
Methohexital;
Meprobamate;
Methylphenobarbital;
Midazolam;
Nimetazepam;
Nitrazepam;
Nordiazepam;
Oxazepam;
Oxazolam;
Paraldehyde;
Petrichloral;
Phenobarbital;
Pinazepam;
Prazepam;
Quazepam;
Temazepam;
Tetrazepam;
Triazolam;
Zaleplon;
Zolpidem;
Zopiclone.

2. Any compound, mixture or preparation which contains any quantity of the following substances including any salts or isomers thereof:

Fenfluramine;
Lorcaserin.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including

its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Cathine (+)-norpseudoephedrine;
 Diethylpropion;
 Fencamfamin;
 Fenproporex;
 Mazindol;
 Mefenorex;
 Modafinil;
 Phentermine;
 Pemoline (including organometallic complexes and chelates thereof);
 Pipradrol;
 Sibutramine;
 SPA (-)-1-dimethylamino-1, 2-diphenylethane.

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxy butane);
 Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including their salts:

Butorphanol (including its optical isomers);
 Pentazocine.

6. The Board may except by regulation any compound, mixture, or preparation containing any depressant substance listed in subdivision 1 from the application of all or any part of this chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

2. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 806 of the 2013 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 75

An Act to amend and reenact § 46.2-1500 of the Code of Virginia, relating to motor vehicle dealers; definitions.

[H 582]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1500 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1500. Definitions.

Unless the context otherwise requires, the following words and terms for the purpose of this chapter shall have the following meanings:

"Board" means the Motor Vehicle Dealer Board.

"Certificate of origin" means the document provided by the manufacturer of a new motor vehicle, or its distributor, which is the only valid indication of ownership between the manufacturer, its distributor, its franchised motor vehicle dealers, and the original purchaser not for resale.

"Dealer-operator" means the individual who works at the established place of business of a dealer and who is responsible for and in charge of day-to-day operations of that place of business.

"Demonstrator" means a new motor vehicle having a gross vehicle weight rating of less than 16,000 pounds that (i) has more than 750 miles accumulated on its odometer that has been driven by dealer personnel or by prospective purchasers during the course of selling, displaying, demonstrating, showing, or exhibiting it and (ii) may be sold as a new motor vehicle, provided the dealer complies with the provisions of subsection D of § 46.2-1530.

"Distributor" means a person who is licensed by the Department of Motor Vehicles under Chapter 19 (§ 46.2-1900 et seq.) of this title and who sells or distributes new motor vehicles pursuant to a written agreement with the manufacturer, to franchised motor vehicle dealers in the Commonwealth.

"Distributor branch" means a branch office licensed by the Department of Motor Vehicles under Chapter 19 (§ 46.2-1900 et seq.) of this title and maintained by a distributor for the sale of motor vehicles to motor vehicle dealers or for directing or supervising, in whole or in part, its representatives in the Commonwealth.

"Distributor representative" means a person who is licensed by the Department of Motor Vehicles under Chapter 19 (§ 46.2-1900 et seq.) of this title and employed by a distributor or by a distributor branch, for the purpose of making or promoting the sale of motor vehicles or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

"Factory branch" means a branch office maintained by a person for the sale of motor vehicles to distributors or for the sale of motor vehicles to motor vehicle dealers, or for directing or supervising, in whole or in part, its representatives in the Commonwealth.

"Factory representative" means a person who is licensed by the Department of Motor Vehicles under Chapter 19 (§ 46.2-1900 et seq.) of this title and employed by a person who manufactures or assembles motor vehicles or by a factory branch for the purpose of making or promoting the sale of its motor vehicles or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

"Factory repurchase motor vehicle" means a motor vehicle sold, leased, rented, consigned, or otherwise transferred to a person under an agreement that the motor vehicle will be resold or otherwise retransferred only to the manufacturer or distributor of the motor vehicle, and which is reacquired by the manufacturer or distributor, or its agents.

"Family member" means a person who either (i) is the spouse, child, grandchild, spouse of a child, spouse of a grandchild, brother, sister, or parent of the dealer or owner or (ii) has been employed continuously by the dealer for at least five years.

"Franchise" means a written contract or agreement between two or more persons whereby one person, the franchisee, is granted the right to engage in the business of offering and selling, *offering and delivering pursuant to a lease*, servicing, or offering, selling, and servicing new motor vehicles of a particular line-make or late model or used motor vehicles of a particular line-make manufactured or distributed by the grantor of the right, the franchisor, and where the operation of the franchisee's business is substantially associated with the franchisor's trademark, trade name, advertising, or other commercial symbol designating the franchisor, the motor vehicle or its manufacturer or distributor. The term shall include any severable part or parts of a franchise agreement which separately provides for selling and servicing different line-makes of the franchisor.

"Franchised late model or franchised used motor vehicle dealer" means a dealer selling used motor vehicles, including vehicles purchased from the franchisor, under the trademark of a manufacturer or distributor that has a franchise agreement with a manufacturer or distributor.

"Franchised motor vehicle dealer" means a dealer in new motor vehicles that has a franchise agreement with a manufacturer or distributor of new motor vehicles, trailers, or semitrailers to sell new motor vehicles or to sell used motor vehicles under the trademark of a manufacturer or distributor regardless of the age of the motor vehicles, trailers, or semitrailers.

"Fund" means the Motor Vehicle Dealer Board Fund.

"Independent motor vehicle dealer" means a dealer in used motor vehicles.

"Late model motor vehicle" means a motor vehicle of the current model year and the immediately preceding model year.

"Line-make" means the name of the motor vehicle manufacturer or distributor and a brand or name plate marketed by the manufacturer or distributor.

"Manufacturer" means a person who is licensed by the Department of Motor Vehicles under Chapter 19 (§ 46.2-1900 et seq.) of this title and engaged in the business of constructing or assembling new motor vehicles and, in the case of trucks, also means a person engaged in the business of manufacturing engines, *transmissions*, power trains, or rear axles, when such engines, *transmissions*, power trains, or rear axles are not warranted by the final manufacturer or assembler of the truck.

"Motor vehicle" means the same as provided in § 46.2-100, except, for the purposes of this chapter, it shall not include (i) trailers and semitrailers; (ii) manufactured homes, sales of which are regulated under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36; (iii) motor homes; (iv) motorcycles; (v) nonrepairable vehicles, as defined in § 46.2-1600; (vi) salvage vehicles, as defined in § 46.2-1600; or (vii) mobile cranes that exceed the size or weight limitations as set forth in § 46.2-1105, 46.2-1110, 46.2-1113, or Article 17 (§ 46.2-1122 et seq.) of Chapter 10 of this title.

"Motor vehicle dealer" or "dealer" means any person who:

1. For commission, money, or other thing of value, buys, sells, exchanges, either outright or on conditional sale, bailment lease, chattel mortgage, or otherwise or arranges or offers or attempts to solicit or negotiate on behalf of others a sale, purchase, or exchange of an interest in new motor vehicles, new and used motor vehicles, or used motor vehicles alone, whether or not the motor vehicles are owned by him; or

2. Is wholly or partly engaged in the business of selling new motor vehicles, new and used motor vehicles, or used motor vehicles only, whether or not the motor vehicles are owned by him; or

3. Offers to sell, sells, displays, or permits the display for sale, of five or more motor vehicles within any 12 consecutive months.

The term "motor vehicle dealer" does not include:

1. Receivers, trustees, administrators, executors, guardians, conservators or other persons appointed by or acting under judgment or order of any court or their employees when engaged in the specific performance of their duties as employees.

2. Public officers, their deputies, assistants, or employees, while performing their official duties.

3. Persons other than business entities primarily engaged in the leasing or renting of motor vehicles to others when selling or offering such vehicles for sale at retail, disposing of motor vehicles acquired for their own use and actually so used, when the vehicles have been so acquired and used in good faith and not for the purpose of avoiding the provisions of this chapter.

4. Persons dealing solely in the sale and distribution of funeral vehicles, including motor vehicles adapted therefor; however, this exemption shall not exempt any person from the provisions of §§ 46.2-1519, 46.2-1520 and 46.2-1548.

5. Any financial institution chartered or authorized to do business under the laws of the Commonwealth or the United States which may have received title to a motor vehicle in the normal course of its business by reason of a foreclosure, other taking, repossession, or voluntary reconveyance to that institution occurring as a result of any loan secured by a lien on the vehicle.

6. An employee of an organization arranging for the purchase or lease by the organization of vehicles for use in the organization's business.

7. Any person licensed to sell real estate who sells a manufactured home or similar vehicle in conjunction with the sale of the parcel of land on which the manufactured home or similar vehicle is located.

8. Any person who permits the operation of a motor vehicle show or permits the display of motor vehicles for sale by any motor vehicle dealer licensed under this chapter.

9. An insurance company authorized to do business in the Commonwealth that sells or disposes of vehicles under a contract with its insured in the regular course of business.

10. Any publication, broadcast, or other communications media when engaged in the business of advertising, but not otherwise arranging for the sale of vehicles owned by others.

11. Any person dealing solely in the sale or lease of vehicles designed exclusively for off-road use.

12. Any credit union authorized to do business in Virginia, provided the credit union does not receive a commission, money, or other thing of value directly from a motor vehicle dealer.

13. Any person licensed as a manufactured home dealer, broker, manufacturer, or salesperson under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36.

14. The State Department of Social Services or local departments of social services.

"Motor vehicle salesperson" or "salesperson" means (i) any person who is hired as an employee by a motor vehicle dealer to sell or exchange motor vehicles and who receives or expects to receive a commission, fee, or any other consideration from the dealer; (ii) any person who supervises salespersons employed by a motor vehicle dealer, whether compensated by salary or by commission; (iii) any person, compensated by salary or commission by a motor vehicle dealer, who negotiates with or induces a customer to enter into a security agreement on behalf of a dealer; or (iv) any person who is licensed as a motor vehicle dealer and who sells or exchanges motor vehicles. For purposes of this section, any person who is an independent contractor as defined by the United States Internal Revenue Code shall be deemed not to be a motor vehicle salesperson.

"Motor vehicle show" means a display of motor vehicles to the general public at a location other than a dealer's location licensed under this chapter where the vehicles are not being offered for sale or exchange during or as part of the display.

"New motor vehicle" means any vehicle that is in the possession of the manufacturer, factory branch, distributor, distributor branch, or motor vehicle dealer and for which an original title has not been issued by the Department of Motor Vehicles of the Commonwealth or by the issuing agency of any other state and has less than 7,500 miles accumulated on its odometer.

"Original license" means a motor vehicle dealer license issued to an applicant who has never been licensed as a motor vehicle dealer in Virginia or whose Virginia motor vehicle dealer license has been expired for more than 30 days.

"Relevant market area" means as follows:

1. In metropolitan localities, the relevant market area shall be a circular area around an existing franchised dealer with a population of 250,000, not to exceed a radius of 10 miles, but in no case less than seven miles.

2. If the population in an area within a radius of 10 miles around an existing franchised dealer is less than 250,000, but the population in an area within a radius of 15 miles around an existing franchised dealer is 150,000 or more, the relevant market area shall be that area within the 15-mile radius.

3. In all other cases the relevant market area shall be an area within a radius of 20 miles around an existing franchised dealer or the area of responsibility defined in the franchise, whichever is greater. In any case where the franchise agreement is silent as to area of responsibility, the relevant market area shall be the greater of an area within a radius of 20 miles around an existing franchised dealer or that area in which the franchisor otherwise requires the franchisee to make significant retail sales or sales efforts.

Notwithstanding the foregoing provision of this section, in the case of dealers in motor vehicles with gross vehicle weight ratings of 26,000 pounds or greater, the relevant market area with respect to the dealer's franchise for all such vehicles shall be a circular area around an existing franchised dealer with a radius of 25 miles, except where the population in such circular area is less than 250,000, in which case the relevant market area shall be a circular area around an existing franchised dealer with a radius of 50 miles, *or the area of responsibility defined in the franchise, whichever is greater.*

In determining population for this definition, the most recent census by the U.S. Bureau of the Census or the most recent population update, either from the National Planning Data Corporation or other similar recognized source, shall be accumulated for all census tracts either wholly or partially within the relevant market area.

"Retail installment sale" means every sale of one or more motor vehicles to a buyer for his use and not for resale, in which the price of the vehicle is payable in one or more installments and in which the seller has either retained title to the goods or has taken or retained a security interest in the goods under form of contract designated either as a security agreement, conditional sale, bailment lease, chattel mortgage, or otherwise.

"Sale at retail" or "retail sale" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a motor vehicle to a buyer for his personal use and not for resale.

"Sale at wholesale" or "wholesale" means a sale to motor vehicle dealers or wholesalers other than to consumers; a sale to one who intends to resell.

"Used motor vehicle" means any vehicle other than a new motor vehicle as defined in this section.

"Wholesale auction" means an auction of motor vehicles restricted to sales at wholesale.

CHAPTER 76

An Act to amend and reenact §§ 54.1-2408 and 54.1-2409 of the Code of Virginia, relating to health regulatory boards; denial or suspension of license, certification, or registration; exception.

[H 611]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2408 and 54.1-2409 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2408. Disqualification for license, certificate or registration.

A board within the Department of Health Professions shall refuse to admit a candidate to any examination and shall refuse to issue a license, certificate or registration to any applicant if the candidate or applicant has had his license, certificate or registration to practice the profession or occupation revoked or suspended *for any reason other than nonrenewal by another jurisdiction*, and has not had his license, certificate or registration to so practice reinstated by the jurisdiction which revoked or suspended his license, certificate or registration, except as may be necessary to license a nurse eligible for reinstatement in another party state as consistent with the Nurse Licensure Compact.

§ 54.1-2409. Mandatory suspension or revocation; reinstatement; hearing for reinstatement.

A. Upon receipt of documentation by any court or government agency that a person licensed, certified, or registered by a board within the Department of Health Professions has had his license, certificate, or registration to practice the same profession or occupation revoked; *or suspended for reasons other than nonrenewal*; or accepted for surrender in lieu of disciplinary action in another jurisdiction and has not had his license, certificate, or registration to so practice reinstated within that jurisdiction, or has been convicted of a felony or has been adjudged incapacitated, the Director of the Department shall immediately suspend, without a hearing, the license, certificate, or registration of any person so disciplined, convicted or adjudged. The Director shall notify such person or his legal guardian, conservator, trustee, committee, or other representative of the suspension in writing to his address on record with the Department. Such notice shall include a copy of the documentation from such court or agency, certified by the Director as the documentation received from such court or agency. Such person shall not have the right to practice within this Commonwealth until his license, certificate, or registration has been reinstated by the Board.

B. The clerk of any court in which a conviction of a felony or an adjudication of incapacity is made, who has knowledge that a person licensed, certified, or registered by a board within the Department has been convicted or found incapacitated, shall have a duty to report these findings promptly to the Director.

C. When a conviction has not become final, the Director may decline to suspend the license, certificate, or registration until the conviction becomes final if there is a likelihood of injury or damage to the public if the person's services are not available.

D. Any person whose license, certificate, or registration has been suspended as provided in this section may apply to the board for reinstatement of his license, certificate, or registration. Such person shall be entitled to a hearing not later than the next regular meeting of the board after the expiration of 60 days from the receipt of such application, and shall have the right to be represented by counsel and to summon witnesses to testify in his behalf. The Board may consider other information concerning possible violations of Virginia law at such hearing, if reasonable notice is given to such person of the information.

The reinstatement of the applicant's license, certificate, or registration shall require the affirmative vote of three-fourths of the members of the board at the hearing. The board may order such reinstatement without further examination of the applicant, or reinstate the license, certificate, or registration upon such terms and conditions as it deems appropriate.

E. Pursuant to the authority of the Board of Nursing provided in Chapter 30 (§ 54.1-3000 et seq.) of this title, the provisions of this section shall apply, mutatis mutandis, to persons holding a multistate licensure privilege to practice nursing.

CHAPTER 77

An Act to amend and reenact §§ 46.2-341.4, 46.2-341.8, 46.2-341.10, 46.2-341.12, 46.2-341.14, 46.2-341.14:1, 46.2-341.14:2, 46.2-341.14:5, 46.2-341.14:6, 46.2-341.16, 46.2-341.20, 46.2-341.20:2, 46.2-341.20:4, 46.2-341.20:5, 46.2-348, 46.2-379, and 46.2-1078.1 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 46.2-341.14:01 and 46.2-341.20:6, relating to commercial driver's licenses, driver's license examinations, and disclosure of crash reports by Department of Motor Vehicles.

[H 662]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-341.4, 46.2-341.8, 46.2-341.10, 46.2-341.12, 46.2-341.14, 46.2-341.14:1, 46.2-341.14:2, 46.2-341.14:5, 46.2-341.14:6, 46.2-341.16, 46.2-341.20, 46.2-341.20:2, 46.2-341.20:4, 46.2-341.20:5, 46.2-348, 46.2-379, and 46.2-1078.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 46.2-341.14:01 and 46.2-341.20:6 as follows:

§ 46.2-341.4. Definitions.

The following definitions shall apply to this article, unless a different meaning is clearly required by the context:

"Air brake" means; ~~for the purposes of the skills test and the restriction,~~ any braking system operating fully or partially on the air brake principle.

"Applicant" means an individual who applies to obtain, transfer, upgrade, or renew a commercial driver's license or to obtain or renew a commercial driver's instruction permit.

"Automatic transmission" means, for the purposes of the skills test and the restriction, any transmission other than a manual transmission.

"CDLIS driver record" means the electronic record of the individual commercial driver's status and history stored by the State of Record as part of the Commercial Driver's License Information System (CDLIS).

"Commercial driver's instruction permit" means a permit issued to an individual in accordance with the provisions of this article, or if issued by another state, a permit issued in accordance with the standards contained in the Federal Motor Carrier Safety Regulations, which, when carried with a valid driver's license issued by the same state or jurisdiction, authorizes the individual to operate a class of commercial motor vehicle when accompanied by a holder of a valid commercial driver's license for purposes of behind-the-wheel training. When issued to a commercial driver's license holder, a commercial driver's instruction permit serves as authorization for accompanied behind-the-wheel training in a commercial motor vehicle for which the holder's current commercial driver's license is not valid. For purposes of this article "Commercial driver's instruction permit" shall have the same meaning as "Commercial learner's permit (CLP)" in 49 C.F.R. § 383.5 of the Federal Motor Carrier Safety regulations.

"Commercial driver's license" means any driver's license issued to a person in accordance with the provisions of this article, or if the license is issued by another state, any license issued to a person in accordance with the federal Commercial Motor Vehicle Safety Act, which authorizes such person to drive a commercial motor vehicle of the class and type and with the restrictions indicated on the license.

"Commercial driver's license information system" (CDLIS) means the CDLIS established by the Federal Motor Carrier Safety Administration pursuant to § 12007 of the Commercial Motor Vehicle Safety Act of 1986.

"Commercial motor vehicle" means, except for those vehicles specifically excluded in this definition, every motor vehicle, vehicle or combination of vehicles used to transport passengers or property which either: (i) has a gross vehicle weight rating of 26,001 or more pounds; or (ii) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed vehicle with a gross vehicle weight rating of more than 10,000 pounds; or (iii) is designed to transport 16 or more passengers including the driver; or (iv) is of any size and is used in the transportation of hazardous materials as defined in this section. Every such motor vehicle or combination of vehicles shall be considered a commercial motor vehicle whether or not it is used in a commercial or profit-making activity.

The following shall be excluded from the definition of commercial motor vehicle: any vehicle when used by an individual solely for his own personal purposes, such as personal recreational activities; or any vehicle which (i) is controlled and operated by a farmer, whether or not it is owned by the farmer, and which is used exclusively for farm use, as defined in § 46.2-698, (ii) is used to transport either agricultural products, farm machinery or farm supplies to or from a farm, (iii) is not used in the operation of a common or contract motor carrier, and (iv) is used within 150 miles of the farmer's farm; or any vehicle operated for military purposes by (a) active duty military personnel, (b) members of the military reserves, (c) members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians (civilians who are required to wear military uniforms), but not U.S. Reserve technicians, and (d) active duty U.S. Coast Guard personnel; or emergency equipment operated by a member of a firefighting, rescue, or emergency entity in the performance of his official duties.

"Commercial Motor Vehicle Safety Act" means the federal Commercial Motor Vehicle Safety Act of 1986, Title XII of Public Law 99-570, as amended.

"Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction, an unvacated forfeiture of bond, bail or collateral deposited to secure

the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court costs in lieu of trial, a violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or probated, or, for the purposes of alcohol or drug-related offenses involving the operation of a motor vehicle, a civil or an administrative determination of a violation. For the purposes of this definition, an administrative determination shall include an unvacated certification or finding by an administrative or authorized law-enforcement official that a person has violated a provision of law.

"Disqualification" means a prohibition against driving, operating or being in physical control of a commercial motor vehicle for a specified period of time, imposed by a court or a magistrate, or by an authorized administrative or law-enforcement official or body.

"Domicile" means a person's true, fixed and permanent home and principal residence, to which he intends to return whenever he is absent.

"Employee" means a payroll employee or person employed under lease or contract, or a person who has applied for employment and whose employment is contingent upon obtaining a commercial driver's license.

"Employer" means a person who owns or leases commercial motor vehicles and assigns employees to drive such vehicles.

"Endorsement" means an authorization to an individual's commercial driver's license or commercial driver's instruction permit required to permit the individual to operate certain types of commercial motor vehicles.

"FMCSA" means the Federal Motor Carrier Safety Administration.

"Full air brake restriction" means, ~~for the purposes of the skills test and restriction, air over hydraulic brakes, including any braking system operating partially fully on the air brake and partially on the hydraulic brake principle.~~

"Gross combination weight rating" means the value specified by the manufacturers of an articulated vehicle or combination of vehicles as the maximum loaded weight of such vehicles. In the absence of such a value specified by the manufacturer, for law-enforcement purposes, the gross combination weight rating shall be the greater of (i) the gross vehicle weight rating of the power units of the combination vehicle plus the total weight of the towed units, including any loads thereon, or (ii) the gross weight at which the articulated vehicle or combination of vehicles is registered in its state of registration; however, the registered gross weight shall not be applicable for determining the classification of an articulated vehicle or combination of vehicles for purposes of skills testing pursuant to § 46.2-341.14 or 46.2-341.16.

"Gross vehicle weight rating" means the value specified by the manufacturer of the vehicle as the maximum loaded weight of a single vehicle. In the absence of such a value specified by the manufacturer, for law-enforcement purposes, the gross vehicle weight rating shall be the greater of (i) the actual gross weight of the vehicle, including any load thereon; or (ii) the gross weight at which the vehicle is registered in its state of registration; however, the registered gross weight of the vehicle shall not be applicable for determining the classification of a vehicle for purposes of skills testing pursuant to § 46.2-341.14 or 46.2-341.16.

"Hazardous materials" means materials designated to be hazardous in accordance with § 103 of the federal Hazardous Materials Transportation Act, as amended, (49 U.S.C. § 5101 et seq.) and which require placarding when transported by motor vehicle as provided in the federal Hazardous Materials Regulations (49 C.F.R. Part 172, Subpart F); it also includes any quantity of any material listed as a select agent or toxin in federal Public Health Service Regulations at 42 C.F.R. Part 73.

"Manual transmission" (also known as a stick shift, stick, straight drive, or standard transmission) means a transmission utilizing a driver-operated clutch that is activated by a pedal or lever and a gear-shift mechanism operated by either hand or foot.

"Non-commercial driver's license" means any other type of motor vehicle license, such as an automobile driver's license, a chauffeur's license, or a motorcycle license.

"Out-of-service order" or "out-of-service declaration" means an order by a judicial officer pursuant to § 46.2-341.26:2 or 46.2-341.26:3 or an order or declaration by an authorized law-enforcement officer under § 46.2-1001 or regulations promulgated pursuant to § 52-8.4 relating to Motor Carrier Safety, and including similar actions by authorized judicial officers or enforcement officers acting pursuant to similar laws of other states, the United States, the Canadian Provinces, Canada, Mexico, and localities within them, and also including actions by federal or other jurisdictions' officers pursuant to federal Motor Carrier Safety Regulations, that a driver, a commercial motor vehicle, or a motor carrier is out of service. Such order or declaration as to a driver means that the driver is prohibited from operating a commercial motor vehicle for the duration of the out-of-service period. Such order or declaration as to a vehicle means that such vehicle cannot be operated until the hazardous condition that resulted in the order or declaration has been removed and the vehicle has been cleared for further operation. Such order or declaration as to a motor carrier means that no vehicle may be operated for or on behalf of such carrier until the out-of-service order or declaration has been lifted. For purposes of this article, the provisions of the federal Motor Carrier Safety Regulations (49 C.F.R. Parts 390 through 397), including such regulations or any substantially similar regulations as may have been adopted by any state of the United States, the Provinces of Canada, Canada, Mexico, or any locality shall be considered laws similar to the Virginia laws referenced herein.

"Person" means a natural person, firm, partnership, association, corporation, or a governmental entity including a school board.

"Restriction" means a prohibition on a commercial driver's license or commercial driver's instruction permit that prohibits the holder from operating certain commercial motor vehicles.

"Seasonal restricted commercial driver's license" means a commercial driver's license issued, under the authority of the waiver promulgated by the federal Department of Transportation (49 C.F.R. § 383.3) by Virginia or any other jurisdiction, to an individual who has not passed the knowledge or skills tests required of other commercial driver's license holders. This license authorizes operation of a commercial motor vehicle only on a seasonal basis, stated on the license, by a seasonal employee of a farm service business, within 150 miles of the place of business or the farm currently being served.

"State" means one of the 50 states of the United States or the District of Columbia.

"Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in 49 C.F.R. Part 171. However, this definition does not include portable tanks having a rated capacity under 1,000 gallons as provided in 49 C.F.R. Part 383. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

"Third party examiner" means an individual who is an employee of a third party tester and who is certified by the Department to administer the skills test tests required for a commercial driver's license.

"Third party tester" means a person (including, but not limited to, another state, a motor carrier, a private institution, the military, or a department, agency, or instrumentality of a local government) certified by the Department to employ third party examiners to administer a skills test program for testing commercial driver's license applicants in accordance with this article.

"VAMCSR" means the Virginia Motor Carrier Safety Regulations (~~19 VAC 30-20-10 et seq.~~) (19 VAC 30-20) adopted by the Department of State Police pursuant to § 52-8.4.

§ 46.2-341.8. Nonresidents and new residents.

Any person who is not domiciled in the Commonwealth, who has been duly issued a commercial driver's license or commercial driver's instruction permit by his state of domicile, who has such license or permit in his immediate possession, whose privilege or license to drive any motor vehicle is not suspended, revoked, or cancelled, and who has not been disqualified from driving a commercial motor vehicle, shall be permitted without further examination or licensure by the Commonwealth, to drive a commercial motor vehicle in the Commonwealth.

Within 30 days after becoming domiciled in this Commonwealth, any person who has been issued a commercial driver's license or commercial driver's instruction permit by another state and who intends to drive a commercial motor vehicle shall apply to the Department for a Virginia commercial driver's license or commercial driver's instruction permit. If the Commissioner determines that such applicant is otherwise eligible for a commercial driver's license or commercial driver's instruction permit, the Department will issue him a Virginia commercial driver's license or commercial driver's instruction permit with the same classification and endorsements as his commercial driver's license or commercial driver's instruction permit from another state, without requiring him to take the knowledge or skills test required for such commercial driver's license or commercial driver's instruction permit in accordance with § 46.2-330. ~~The Commissioner may establish, by regulation, the criteria by which the test requirements for a commercial driver's license may be waived for any such applicant. However, any such applicant seeking to transfer his commercial driver's license and to retain a hazardous materials endorsement shall have, within the two-year period preceding his application for a Virginia commercial driver's license, either (i) passed the required test for such endorsement specified in 49 C.F.R. § 383.121 or (ii) successfully completed a hazardous materials test or training that is given by a third party and that is deemed to substantially cover the same knowledge base as described in 49 C.F.R. § 383.121.~~

§ 46.2-341.10. Special provisions relating to commercial driver's instruction permit.

A. The Department, upon receiving an application on forms prescribed by the Commissioner and upon the applicant's satisfactory completion of the vision and knowledge tests required for the class and type of commercial motor vehicle to be driven by the applicant may, in its discretion, issue to such applicant a commercial driver's instruction permit. Such permit shall ~~expire one year after issuance and be valid for no more than 180 days from the date of issuance. The Department may renew the commercial driver's instruction permit for an additional 180 days without requiring the commercial driver's instruction permit holder to retake the general and endorsement knowledge tests. No additional renewals are permitted.~~ A commercial driver's instruction permit shall entitle the applicant to drive a commercial motor vehicle of the class and type designated on the permit, but only when accompanied by a person licensed to drive the class and type of commercial motor vehicle driven by the applicant. The person accompanying the permit holder shall occupy the seat closest to the driver's seat for the purpose of giving instruction to the permit holder in driving the commercial motor vehicle.

B. No person shall be issued a commercial driver's instruction permit unless he possesses a valid Virginia driver's license or has satisfied all the requirements necessary to obtain such a license.

C. A commercial driver's instruction permit holder with a passenger (P) endorsement (i) must have taken and passed the P endorsement knowledge test and (ii) is prohibited from operating a commercial motor vehicle carrying passengers, other than federal or state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the commercial driver's instruction permit holder. The P endorsement must be class specific.

D. A commercial driver's instruction permit holder with a school bus (S) endorsement (i) must have taken and passed the S endorsement knowledge test and (ii) is prohibited from operating a school bus with passengers other than federal or state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the

commercial driver's instruction permit holder. No person shall be issued a commercial driver's instruction permit to drive school buses or to drive any commercial vehicle to transport children to or from activities sponsored by a school or by a child day care facility licensed, regulated, or approved by the Virginia Department of Social Services during any period in which he is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

E. A commercial driver's instruction permit holder with a tank vehicle (N) endorsement (i) must have taken and passed the N endorsement knowledge test and (ii) may only operate an empty tank vehicle and is prohibited from operating any tank vehicle that previously contained hazardous materials that has not been purged of any residue.

F. The issuance of a commercial driver's instruction permit is a precondition to the initial issuance of a commercial driver's license and to the upgrade of a commercial driver's license if the upgrade requires a skills test. The commercial driver's instruction permit holder is not eligible to take the commercial driver's license skills test until he has held the permit for the required period of time specified in § 46.2-324.1.

G. Any instruction permit holder who operates a commercial motor vehicle without being accompanied by a licensed driver as provided in this section is guilty of a Class 2 misdemeanor.

H. The Department shall charge a fee of ~~three dollars~~ \$3 for each instruction permit issued under the provisions of this section.

§ 46.2-341.12. Application for commercial driver's license or commercial driver's instruction permit.

A. Every application to the Department for a commercial driver's license or commercial driver's instruction permit shall be made upon a form approved and furnished by the Department, and the applicant shall write his usual signature in ink in the space provided. The applicant shall provide the following information:

1. Full legal name;
2. Current mailing and residential addresses;
3. Physical description including sex, height, weight and eye and hair color;
4. Year, month and date of birth;
5. Social Security number; and
6. Any other information required on the application form.

The applicant's Social Security number shall be provided to the Commercial Driver's License Information System as required by 49 C.F.R. § 383.153.

B. Every applicant for a commercial driver's license or commercial driver's instruction permit shall also submit to the Department the following:

1. A consent to release driving record information;
2. Certifications that:
 - a. He either meets the federal qualification requirements of 49 C.F.R. ~~Part~~ *Parts 383 and 391*, or he is exempt from or is not subject to such federal requirements;
 - b. He either meets the state qualification requirements established pursuant to § 52-8.4, or he is exempt from or is not subject to such requirements;
 - c. The motor vehicle in which the applicant takes the skills test is representative of the class and, if applicable, the type of motor vehicle for which the applicant seeks to be licensed;
 - d. He is not subject to any disqualification, suspension, revocation or cancellation of his driving privileges;
 - e. He does not have more than one driver's license;
3. Other certifications required by the Department;
4. Any evidence required by the Department to establish proof of identity, legal presence, residency, and social security number; and
5. A statement indicating whether (i) the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years and, if so, all states that licensed the applicant and the dates he was licensed, and (ii) whether or not he has ever been disqualified, or his license suspended, revoked or cancelled and, if so, the date of and reason therefor.

C. Every application for a commercial driver's license shall include a photograph of the applicant supplied under arrangements made therefor by the Department in accordance with § 46.2-323.

D. The Department shall disqualify any commercial driver for a period of one year when the records of the Department clearly show to the satisfaction of the Commissioner that such person has made a material false statement on any application or certification made for a commercial driver's license or commercial driver's instruction permit. The Department shall take such action within 30 days after discovering such falsification.

E. The Department shall review the driving record of any person who applies for a Virginia commercial driver's license or commercial driver's instruction permit, for the renewal or reinstatement of such license or permit or for an additional commercial classification or endorsement, including the driving record from all jurisdictions where, during the previous 10 years, the applicant was licensed to drive any type of motor vehicle. Such review shall include checking the photograph on record whenever the applicant or holder appears in person to renew, upgrade, transfer, reinstate, or obtain a duplicate commercial driver's license or *to renew, upgrade, reinstate, or obtain a duplicate* commercial driver's instruction permit. If appropriate, the Department shall incorporate information from such other jurisdictions' records into the applicant's Virginia driving record, and shall make a notation on the applicant's driving record confirming that such review has been completed and the date it was completed. The Department's review shall include research through the Commercial Driver License

Information System established pursuant to the Commercial Motor Vehicle Safety Act and the National Driver Register Problem Driver Pointer System in addition to the driver record maintained by the applicant's previous jurisdictions of licensure. This research shall be completed prior to the issuance, renewal, *transfer*, or reinstatement of a commercial driver's license or additional commercial classification or endorsement.

The Department shall verify the name, date of birth, and Social Security number provided by the applicant with the information on file with the Social Security Administration for initial issuance of a commercial driver's instruction permit, transfer of a commercial driver's license from another state or for drivers renewing a commercial driver's license for the first time after July 8, 2011, who have not previously had their Social Security number information verified. The Department shall make a notation in the driver's record confirming that the necessary verification has been completed and noting the date it was done.

F. On and after January 30, 2012, every new applicant for a commercial driver's license or commercial driver's instruction permit, including any person applying for a commercial driver's license or permit after revocation of his driving privileges, who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall provide the Department with an original or certified copy of a medical examiner's certificate prepared by a medical examiner as defined in 49 C.F.R. ~~Part~~ § 390.5. *Upon receipt of an appropriate medical examiner's certificate, the Department shall post a certification status of "certified" on the record of the driver on the Commercial Driver's License Information System.* Any new applicant for a commercial driver's license or commercial driver's instruction permit who fails to comply with the requirements of this subsection shall be denied the issuance of a commercial driver's license or commercial driver's instruction permit by the Department.

G. On and after January 30, 2012, but no later than January 30, 2014, every existing holder of a commercial driver's license or commercial driver's instruction permit who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall provide the Department with an original or certified copy of a medical examiner's certificate prepared by a medical examiner as defined in 49 C.F.R. ~~Part~~ § 390.5. *Upon receipt of an appropriate medical examiner's certificate, the Department shall post a certification status of "certified" and any other necessary information on the record of the driver on the Commercial Driver's License Information System.* If an existing holder of a commercial driver's license fails to provide the Department with a medical certificate as required by this subsection, the Department shall post a certification status of "noncertified" on the record of the driver on the Commercial Driver's License Information System and initiate a downgrade of his commercial driver's license as defined in 49 C.F.R. ~~Part~~ § 383.5.

H. Any person who provides a medical certificate to the Department pursuant to the requirements of subsections F and G shall keep the medical certificate information current and shall notify the Department of any change in the status of the medical certificate. If the Department determines that the medical certificate is no longer valid, the Department shall initiate a downgrade of the driver's commercial driver's license as defined in 49 C.F.R. ~~Part~~ § 383.5.

I. If the Department receives notice that the holder of a commercial driver's license has been issued a medical variance as defined in 49 C.F.R. ~~Part~~ § 390.5, the Department shall indicate the existence of such medical variance on the commercial driver's license document of the driver and on the record of the driver on the Commercial Driver's License Information System using the restriction code "V."

J. Any holder of a commercial driver's license who has been issued a medical variance shall keep the medical variance information current and shall notify the Department of any change in the status of the medical variance. If the Department determines that the medical variance is no longer valid, the Department shall initiate a downgrade of the driver's commercial driver's license as defined in 49 C.F.R. ~~Part~~ § 383.5.

K. Any applicant applying for a hazardous materials endorsement must comply with Transportation Security Administration requirements in 49 C.F.R. Part 1572. A lawful permanent resident of the United States requesting a hazardous materials endorsement must additionally provide his U.S. Citizenship and Immigration Services (USCIS) alien registration number.

§ 46.2-341.14. Testing requirements for commercial driver's license; behind-the-wheel and knowledge examinations.

A. The Department shall conduct an examination of every applicant for a commercial driver's license, which examination shall comply with the minimum federal standards established pursuant to the federal Commercial Motor Vehicle Safety Act. The examination shall be designed to test the vision, knowledge, and skills required for the safe operation of the class and type of commercial motor vehicle for which the applicant seeks a license.

B. An applicant's skills test shall be conducted in a vehicle that is representative of or meets the description of the class of vehicle for which the applicant seeks to be licensed. In addition, applicants who seek to be licensed to drive vehicles with air brakes, passenger-carrying vehicles, or school buses must take the skills test in a vehicle that is representative of such vehicle type. Such vehicle shall be furnished by the applicant and shall be properly licensed, inspected and insured.

C. Prior to April 1, 1992, the Commissioner may waive the skills test for applicants licensed at the time they apply for a commercial driver's license if:

1. The applicant has not, and certifies that he has not, at any time during the two years immediately preceding the date of application:

a. Had more than one driver's license, except during the ten-day period beginning on the date such person is issued a driver's license, or unless, prior to December 31, 1989, such applicant was required to have more than one license by a state law enacted before June 1, 1986;

b. Had any driver's license or driving privilege suspended, revoked or canceled;
 c. Had any convictions involving any kind of motor vehicle for the offenses listed in § 46.2-341.18, 46.2-341.19, or 46.2-341.20; and

d. Been convicted of a violation of state or local laws relating to motor vehicle traffic control, other than a parking violation, which violation arose in connection with any reportable traffic accident; and

2. The applicant certifies and provides evidence satisfactory to the Commissioner that he is regularly employed in a job requiring the operation of a commercial motor vehicle, and either:

a. Has previously taken and successfully completed a skills test which was administered by a state with a classified licensing and testing system and that test was behind the wheel in a vehicle representative of the class and, if applicable, the type of commercial motor vehicle for which the applicant seeks to be licensed; or

b. Has operated, for at least two years immediately preceding the application date, a vehicle representative of the class and, if applicable, the type of commercial motor vehicle for which the applicant seeks to be licensed.

D. The Commissioner may, in his discretion, designate such persons as he deems fit, including private or governmental entities, to administer the *knowledge and skills* tests required of applicants for a commercial driver's license. Any person so designated shall comply with all statutes and regulations with respect to the administration of such ~~skills~~ tests.

The Commissioner shall require all state ~~knowledge and skills~~ *third party* test examiners to successfully complete a formal commercial driver's license test examiner training course and examination before certifying them to administer commercial driver's license knowledge and skills tests. ~~State~~ *All state and third party* test examiners shall complete a refresher training course and examination every four years to maintain their commercial driver's license test examiner certification. The refresher training course shall comply with 49 C.F.R. § 384.228. At least once every two years, the Department shall conduct covert and overt monitoring of examinations performed by state *and third party* commercial driver's license ~~skills~~ test examiners.

The Commissioner shall require a nationwide criminal background check of all test examiners at the time of hiring or prior to certifying them to administer commercial driver's license testing. The Commissioner shall complete a nationwide criminal background check for any state or third party test examiners who are current examiners and who have not had a nationwide criminal background check.

The Commissioner shall revoke the certification to administer commercial driver's license tests for any test examiner who (i) does not successfully complete the required refresher training every four years or (ii) does not pass the required nationwide criminal background check. Criteria for not passing the criminal background check include but are not limited to having a felony conviction within the past 10 years or any conviction involving fraudulent activities.

E. Every applicant for a commercial driver's license who is required by the Commissioner to take a vision test shall either (i) appear before a license examiner of the Department of Motor Vehicles to demonstrate his visual acuity and horizontal field of vision; or (ii) submit with his application a copy of the vision examination report which was used as the basis for such examination made within 90 days of the application date by an ophthalmologist or optometrist. The Commissioner may, by regulation, determine whether any other visual tests will satisfy the requirements of this title for commercial drivers.

F. No person who fails the behind-the-wheel examination for a commercial driver's license administered by the Department three times shall be permitted to take such examination a fourth time until he successfully completes, subsequent to the third examination failure, the in-vehicle component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or the Department of Education. In addition, no person who fails the general knowledge examination for a commercial driver's license administered by the Department three times shall be permitted to take such examination a fourth time until he successfully completes, subsequent to the third examination failure, the knowledge component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or the Department of Education.

The provisions of this subsection shall not apply to persons placed under medical control pursuant to § 46.2-322.

G. Knowledge tests may be administered in written form, verbally, or in automated format and can be administered in a foreign language, provided no interpreter is used in administering the test.

H. Interpreters are prohibited during the administration of the skills tests. Applicants must be able to understand and respond to verbal commands and instructions in English by a skills test examiner. Neither the applicant nor the examiner may communicate in a language other than English during the skills test.

§ 46.2-341.14:01. Military third party testers and military third party examiners; substitute for driving skills tests for drivers with military commercial motor vehicle experience.

A. Pursuant to § 46.2-341.14, the Commissioner shall permit military bases that have entered into an agreement with the Department to serve as third party testers in administering state knowledge and skills tests for issuing commercial driver's licenses. Military third party testers and military third party examiners shall comply with the requirements set forth in §§ 46.2-341.14:1 through 46.2-341.14:9 with respect to knowledge and skills tests.

B. Pursuant to 49 C.F.R. § 383.77, the Commissioner may waive the driving skills test as specified in 49 C.F.R. § 383.113 for a commercial motor vehicle driver with military commercial motor vehicle experience who is currently licensed at the time of his application for a commercial driver's license and substitute an applicant's driving record in combination with certain driving experience for the skills test.

C. To obtain a skills test waiver, the following conditions and limitations must be met:

1. An applicant must certify that, during the two-year period immediately prior to applying for a commercial driver's license, he:

- a. Has not had more than one license except for a military license;
- b. Has not had any license suspended, revoked, canceled, or disqualified;
- c. Has not had any convictions for any type of motor vehicle for the disqualifying offenses contained in this article;
- d. Has not had more than one conviction for any type of motor vehicle for serious traffic violations contained in this article; and
- e. Has not had any conviction for a violation of military, state, or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic crash and has no record of a crash in which he was at fault; and

2. An applicant must provide evidence and certify that he:

- a. Is regularly employed or was regularly employed within the last 90 days in a military position requiring operation of a commercial motor vehicle;
- b. Was exempted from the commercial driver's license requirements in 49 C.F.R. § 383.3(c); and
- c. Was operating a vehicle representative of the commercial motor vehicle the driver applicant operates, or expects to operate, for at least the two years immediately preceding discharge from the military.

§ 46.2-341.14:1. Requirements for third party testers.

A. Pursuant to § 46.2-341.14, third party testers will be authorized to issue skills test certificates, which will be accepted by the Department as evidence of satisfaction of the skills test component of the commercial driver's license examination. Authority to issue skills test certificates will be granted only to third party testers certified by the Department.

B. To qualify for certification, a third party tester shall:

1. Make application to and enter into an agreement with the Department as provided in § 46.2-341.14:3;
2. Maintain a place of business in Virginia;
3. Have at least one certified third party examiner in his employ;
4. Ensure that all third party examiners in his employ are certified and comply with the requirements of §§ 46.2-341.14:2 and 46.2-341.14:7;

5. Permit the Department and the FMCSA of the U.S. Department of Transportation to ~~examine~~ *conduct random examinations, inspections, and audits of its records, facilities, and operations* that relate to the third party testing program ~~and to audit his testing program without prior notice~~;

6. Maintain at the principal place of business a copy of the state certificate authorizing the third party tester to administer a commercial driver's license ~~skills~~ testing program and current third party agreement;

7. Maintain at a Virginia location, for a minimum of two years after a skills test is conducted, a record of each driver for whom the third party tester conducts a skills test, whether the driver passes or fails the test. Each such record shall include:

- a. The complete name of the driver;
- b. The driver's Social Security number or other driver's license number and the name of the state or jurisdiction that issued the license held by the driver at the time of the test;
- c. The date the driver took the skills test;
- d. The test score sheet or sheets showing the results of the skills test and a copy of the skills test certificate, if issued;
- e. The name and certification number of the third party examiner conducting the skills test; and
- f. Evidence of the driver's employment with the third party tester at the time the test was taken. If the third party tester is a school board that tests drivers who are trained but not employed by the school board, evidence that (i) the driver was employed by a school board at the time of the test and (ii) the third party tester trained the driver in accordance with the Virginia School Bus Driver Training Curriculum Guide;

8. Maintain at a Virginia location a record of each third party examiner in the employ of the third party tester. Each record shall include:

- a. Name and Social Security number;
- b. Evidence of the third party examiner's certification by the Department;
- c. A copy of the third party examiner's current *training and* driving record, which must be updated annually;
- d. Evidence that the third party examiner is an employee of the third party tester; and
- e. If the third party tester is a school board, a copy of the third party examiner's certification of instruction issued by the Virginia Department of Education;

9. Retain the records required in subdivision 8 for at least two years after the third party examiner leaves the employ of the third party tester;

10. Ensure that skills tests are conducted, and that skills test certificates are issued in accordance with the requirements of §§ 46.2-341.14:8 and 46.2-341.14:9 and the instructions provided by the Department; ~~and~~

11. Maintain compliance with all applicable provisions of this article and the third party tester agreement executed pursuant to § 46.2-341.14:3; and

12. *Maintain a copy of the third party tester's road test route or routes approved by the Department.*

C. In addition to the requirements listed in subsection B, all third party testers who are not governmental entities shall:

1. Be engaged in a business involving the use of commercial motor vehicles, which business has been in operation in Virginia for a minimum of one year;

2. Employ at least 75 Virginia-licensed drivers of commercial motor vehicles, during the 12-month period preceding the application, including part-time and seasonal drivers. This requirement may be waived by the Department pursuant to § 46.2-341.14:10;

3. If subject to the FMCSA regulations and rated by the U.S. Department of Transportation, maintain a rating of "satisfactory"; and

4. Comply with the Virginia Motor Carrier Safety Regulations.

§ 46.2-341.14:2. Requirements for third party examiners.

A. Third party examiners may be certified to conduct skills tests on behalf of only one third party tester at any given time. If a third party examiner leaves the employ of a third party tester, he must be recertified in order to conduct skills tests on behalf of a new third party tester.

B. To qualify for certification as a third party examiner, an individual must:

1. Make application to the Department as provided in § 46.2-341.14:3 and *pass the required nationwide criminal background check*;

2. Be an employee of the third party tester;

3. Possess a valid Virginia commercial driver's license with the classification and endorsements required for operation of the class and type of commercial motor vehicle used in skills tests conducted by the examiner;

4. Satisfactorily complete any third party examiner training course required by the Department;

5. Within three years prior to application, have had no driver's license suspensions, revocations, or disqualifications;

6. At the time of application, have no more than six demerit points on his driving record and not be on probation under the Virginia Driver Improvement Program;

7. Within three years prior to application, have had no conviction for any offense listed in § 46.2-341.18 or 46.2-341.19, whether or not such offense was committed in a commercial motor vehicle;

8. If the examiner is employed by a school board, be certified by the Virginia Department of Education as a school bus training instructor;

9. Conduct skills tests on behalf of the third party tester in accordance with this article and in accordance with current instructions provided by the Department; and

10. Successfully complete a training course and examination every four years to maintain the commercial driver's license test examiner certification.

§ 46.2-341.14:5. Terminating certification of third party tester or examiner.

A. Any third party tester or examiner may relinquish certification upon 30 days' notice to the Department. Relinquishment of certification by a third party tester or examiner shall not release such tester or examiner from any responsibility or liability that arises from his activities as a third party tester or examiner.

B. The Department reserves the right to cancel the third party testing program established by this article, in its entirety.

C. The Department shall revoke the skills testing certification of any examiner:

1. Who does not conduct skills test examinations of at least 10 different applicants per calendar year. However, examiners who do not meet the 10-test minimum must either take a refresher commercial driver's license training that complies with 49 C.F.R. § 384.228 or have a Department examiner ride along to observe the third party examiner successfully administer at least one skills test; or

2. Who does not successfully complete the required refresher training every four years pursuant to 49 C.F.R. § 384.228.

D. The Department may cancel the certification of an individual third party tester or examiner upon the following grounds:

1. Failure to comply with or satisfy any of the provisions of this article, federal standards for the commercial driver's license testing program, the Department's instructions, or the third party tester agreement;

2. Falsification of any record or information relating to the third party testing program; ~~or~~

3. Commission of any act that compromises the integrity of the third party testing program; or

4. *Failure to pass the required nationwide criminal background check. Criteria for not passing the criminal background check include but are not limited to having a felony conviction within the past 10 years or any conviction involving fraudulent activities.*

E. If the Department determines that grounds for cancellation exist for failure to comply with or satisfy any of the requirements of this chapter or the third party tester agreement, the Department may postpone cancellation and allow the third party tester or examiner 30 days to correct the deficiency.

§ 46.2-341.14:6. Onsite inspections and audits.

A. Each applicant for certification as a third party tester shall permit the Department *or FMCSA* to conduct random examinations ~~and to inspect, inspections, and audit audits~~ of its operations, facilities, and records as they relate to its third party testing program, for the purpose of determining whether the applicant is qualified for certification. Each person who has been certified as a third party tester shall permit the Department to periodically inspect and audit his third party testing program to determine whether it remains in compliance with certification requirements.

B. The Department *or FMCSA* will perform its random examinations, inspections, and audits of third party testers during regular business hours with or without prior notice to the third party tester.

C. Inspections and audits of third party testers will occur at a minimum once every two years and include, at a minimum, an examination of:

1. Records relating to the third party testing program;
2. Evidence of compliance with the FMCSA regulations and Virginia Motor Carrier Safety Regulations;
3. Skills testing procedures, practices, and operations;
4. Vehicles used for testing;
5. Qualifications of third party examiners;
6. Effectiveness of the skills test program by either (i) testing a sample of drivers who have been issued skills test certificates by the third party tester to compare pass/fail results, (ii) having Department employees covertly take the skills tests from a third party examiner, or (iii) having Department employees co-score along with the third party examiner during commercial driver's license applicant's skills tests to compare pass/fail results;
7. A comparison of the commercial driver's license skills test results of applicants who are issued commercial driver's licenses with the commercial driver's license scoring sheets that are maintained in the third party testers' files; and
8. Any other aspect of the third party tester's operation that the Department determines is necessary to verify that the third party tester meets or continues to meet the requirements for certification.

D. The Department will prepare a written report of the results of each inspection and audit of third party testers. A copy of the report will be provided to the third party tester.

§ 46.2-341.16. Vehicle classifications, restrictions, and endorsements.

A. A commercial driver's license or commercial driver's instruction permit shall authorize the licensee or permit holder to operate only the classes and types of commercial motor vehicles designated thereon. The classes of commercial motor vehicles for which such license may be issued are:

1. Class A-Combination heavy vehicle. - Any combination of vehicles with a gross combination weight rating of 26,001 or more pounds, provided the gross vehicle weight rating of the vehicles being towed is in excess of 10,000 pounds;
2. Class B-Heavy straight vehicle or other combination. - Any single motor vehicle with a gross vehicle weight rating of 26,001 or more pounds, or any such vehicle towing a vehicle with a gross vehicle weight rating that is not in excess of 10,000 pounds; and
3. Class C-Small vehicle. - Any vehicle that does not fit the definition of a Class A or Class B vehicle and is either (i) designed to transport 16 or more passengers including the driver or (ii) is used in the transportation of hazardous materials.

B. Commercial driver's licenses shall be issued with endorsements authorizing the driver to operate the types of vehicles identified as follows:

1. Type T-Vehicles with double or triple trailers;
2. Type P-Vehicles carrying passengers;
3. Type N-Vehicles with cargo tanks;
4. Type H-Vehicles required to be placarded for hazardous materials;
5. Type S-School buses carrying 16 or more passengers, including the driver;
6. Type X-combination of tank vehicle and hazardous materials endorsements for commercial driver's licenses issued on or after July 1, 2014; and
7. At the discretion of the Department, any additional codes for groupings of endorsements with an explanation of such code appearing on the front or back of the license.

C. Commercial driver's licenses shall be issued with restrictions limiting the driver to the types of vehicles identified as follows:

1. L for no air brake equipped commercial motor vehicles for licenses issued on or after July 1, 2014. *An applicant is restricted from operating a commercial motor vehicle with any type of air brake if he does not take or fails the air brake component of the knowledge test or performs the skills test in a vehicle not equipped with air brakes;*
2. Z for no full air brake equipped commercial motor vehicles. *If an applicant performs the skills test in a vehicle equipped with air over hydraulic brakes, the applicant is restricted from operating a commercial motor vehicle equipped with any braking system operating fully on the air brake principle;*
3. E for no manual transmission equipped commercial motor vehicles for commercial driver's licenses issued on or after July 1, 2014;
4. O for no tractor-trailer commercial motor vehicles;
5. M for no class A passenger vehicles;
6. N for no class A and B passenger vehicles;
7. K for vehicles not equipped with air brakes for commercial driver's licenses issued before July 1, 2014. *An applicant is restricted from operating a commercial motor vehicle with any type of air brake if he does not take or fails the air brake component of the knowledge test or performs the skills test in a vehicle not equipped with air brakes;*
8. K for intrastate only for commercial driver's licenses issued on or after July 1, 2014;
9. V for medical variance; and

10. At the discretion of the Department, any additional codes for groupings of restrictions with an explanation of such code appearing on the front or back of the license.

D. Commercial driver's instruction permits shall be issued with endorsements authorizing the driver to operate the types of vehicles identified as follows:

1. Type P-Vehicles carrying passengers as provided in § 46.2-341.10;
2. Type N-Vehicles with cargo tanks as provided in § 46.2-341.10; and
3. Type S-School buses carrying 16 or more passengers, including the driver as provided in § 46.2-341.10.

E. Commercial driver's instruction permits shall be issued with restrictions limiting the driver to the types of vehicles identified as follows:

1. P for no passengers in commercial motor vehicles bus;
2. X for no cargo in commercial motor vehicles tank vehicle;
3. L for no air brake equipped commercial motor vehicles for commercial driver's instruction permits issued on or after July 1, 2014. *An applicant is restricted from operating a commercial motor vehicle with any type of air brake if he does not take or fails the air brake component of the knowledge test;*
4. M for no class A passenger vehicles;
5. N for no class A and B passenger vehicles;
6. K for vehicles not equipped with air brakes for commercial driver's instruction permits issued before July 1, 2014. *An applicant is restricted from operating a commercial motor vehicle with any type of air brake if he does not take or fails the air brake component of the knowledge test;*

7. K for intrastate only for commercial driver's instruction permits issued on or after July 1, 2014;

8. V for medical variance; and

9. Any additional jurisdictional restrictions that apply to the commercial driver's instruction permit.

F. Persons authorized to drive Class A vehicles are also authorized to drive Classes B and C vehicles, provided such persons possess the requisite endorsements for the type of vehicle driven.

G. Persons authorized to drive Class B vehicles are also authorized to drive Class C vehicles, provided such persons possess the requisite endorsements for the type of vehicle driven.

H. Any licensee who seeks to add a classification or endorsement to his commercial driver's license must submit the application forms, certifications and other updated information required by the Department and shall take and successfully complete the tests required for such classification or endorsement.

I. If any endorsement to a commercial driver's license is canceled by the Department and the licensee does not appear in person at the Department to have such endorsement removed from the license, then the Department may cancel the commercial driver's license of the licensee.

§ 46.2-341.20. Disqualification for multiple serious traffic violations.

A. For the purposes of this section, the following offenses, if committed in a commercial motor vehicle, are serious traffic violations:

1. Driving at a speed 15 or more miles per hour in excess of the posted speed limits;
2. Reckless driving;
3. A violation of a state law or local ordinance relating to motor vehicle traffic control arising in connection with a fatal traffic accident;
4. Improper or erratic traffic lane change;
5. Following the vehicle ahead too closely;
6. Driving a commercial motor vehicle without obtaining a commercial driver's license *or commercial driver's instruction permit*;
7. Driving a commercial motor vehicle without a commercial driver's license *or commercial driver's instruction permit* in the driver's immediate possession;
8. Driving a commercial motor vehicle without the proper class of commercial driver's license and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported; ~~and~~
9. A violation of a state law, including §§ 46.2-341.20:5 and 46.2-919.1 or a local ordinance relating to motor vehicle traffic control prohibiting texting while driving; *and*

10. *A violation of a state law, including §§ 46.2-341.20:5 and 46.2-919.1, or a local ordinance relating to motor vehicle traffic control restricting or prohibiting the use of a handheld mobile telephone while driving a commercial motor vehicle.*

For the purposes of this section, parking, vehicle weight, and vehicle defect violations shall not be considered traffic violations.

B. Beginning September 30, 2005, the following offenses shall be treated as serious traffic violations if committed while operating a noncommercial motor vehicle, but only if (i) the person convicted of the offense was, at the time of the offense, the holder of a commercial driver's license *or commercial driver's instruction permit*; (ii) the offense was committed on or after September 30, 2005; and (iii) the conviction, by itself or in conjunction with other convictions that satisfy the requirements of this section, resulted in the revocation, cancellation, or suspension of such person's driver's license or privilege to drive.

1. Driving at a speed 15 or more miles per hour in excess of the posted speed limits;

2. Reckless driving;
3. A violation of a state law or local ordinance relating to motor vehicle traffic control arising in connection with a fatal traffic accident;
4. Improper or erratic traffic lane change; or
5. Following the vehicle ahead too closely.

C. The Department shall disqualify for the following periods of time, any person whose record as maintained by the Department shows that he has committed, within any three-year period, the requisite number of serious traffic violations:

1. A 60-day disqualification period for any person convicted of two serious traffic violations; or
2. A 120-day disqualification period for any person convicted of three serious traffic violations.

D. Any disqualification period imposed pursuant to this section shall run consecutively, and not concurrently, with any other disqualification period imposed hereunder.

§ 46.2-341.20:2. Employer penalty; railroad/highway grade crossing violations; out-of-service order violation.

Any employer who knowingly allows, permits, authorizes, or requires an employee to operate a commercial motor vehicle in violation of any law or regulation pertaining to railroad/highway grade crossings, or in violation of an out-of-service order, shall be subject to a civil penalty of ~~not less than \$3,000 nor more than \$15,000~~ for each violation pursuant to 49 C.F.R. Part 383, which shall be imposed by the Commissioner upon receipt of notification from federal or state motor carrier officials that an employer may have violated this provision, and upon notice to the employer of the charge and a hearing conducted as provided under the Administrative Process Act (§ 2.2-4000 et seq.), to determine whether such employer has violated this provision. Civil penalties collected under this section shall be deposited into the Transportation Trust Fund.

§ 46.2-341.20:4. Disqualification of driver convicted of fraud related to the testing and issuance of a commercial driver's instruction permit or commercial driver's license.

A person who has been convicted of fraud pursuant to § 46.2-348 related to the issuance of a commercial driver's instruction permit or commercial driver's license shall be disqualified for a period of one year. The application of a person so convicted who seeks to renew, transfer, or upgrade the fraudulently obtained ~~commercial driver's instruction permit or commercial driver's license or seeks to renew or upgrade the fraudulently obtained commercial driver's instruction permit~~ must also, at a minimum, be disqualified. Any disqualification must be recorded in the person's driving record. The person may not reapply for a new commercial driver's license for at least one year.

If ~~a~~ the Department receives credible information that a commercial driver's instruction permit holder or commercial driver's license holder is suspected, but has not been convicted, of fraud related to the issuance of his commercial driver's instruction permit or commercial driver's license, the Department shall require the driver to retake the skills test or knowledge test, or both. Within 30 days of receiving notification from the Department that re-testing is necessary, the affected commercial driver's instruction permit holder or commercial driver's license holder must make an appointment or otherwise schedule to take the next available test. If the commercial driver's instruction permit holder or commercial driver's license holder fails to make an appointment within 30 days, the Department shall disqualify his commercial driver's instruction permit or commercial driver's license. If the driver fails either the knowledge or skills test or does not take the test, the Department shall disqualify his commercial driver's instruction permit or commercial driver's license. Once a commercial driver's instruction permit holder's or commercial driver's license holder's commercial driver's instruction permit or commercial driver's license has been disqualified, he must reapply for a commercial driver's instruction permit or commercial driver's license under Department procedures applicable to all commercial driver's instruction permit and commercial driver's license applicants.

§ 46.2-341.20:5. Prohibition on texting and use of handheld mobile telephone; penalties.

A. No person driving a commercial motor vehicle shall text *or use a handheld mobile telephone* while driving such vehicle. A driver who violates this section is subject to a civil penalty not to exceed \$2,750. Civil penalties collected under this section shall be deposited into the Transportation Trust Fund. *Pursuant to 49 C.F.R. § 386.81, the determination of the actual civil penalties assessed is based on consideration of information available at the time the claim is made concerning the nature and gravity of the violation and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require.*

B. Notwithstanding the definition of commercial motor vehicle in § 46.2-341.4, this section shall apply to any driver who drives a vehicle designed or used to transport between nine and 15 passengers, including the driver, not for direct compensation.

C. The provisions of this section shall not apply to drivers who are texting *or using a handheld mobile telephone* when necessary to communicate with law-enforcement officials or other emergency services.

D. The following words and phrases when used in this section only shall have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning:

"Driving" means operating a commercial motor vehicle on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a commercial motor vehicle when the driver has moved the vehicle to the side of or off a highway and has halted in a location where the vehicle can safely remain stationary.

"Mobile telephone" means a mobile communication device that falls under or uses any commercial mobile radio service, as defined in regulations of the Federal Communications Commission, 47 C.F.R. § 20.3. "Mobile telephone" does not include two-way or citizens band radio services.

"Texting" means manually entering alphanumeric text into, or reading text from, an electronic device. This action includes, but is not limited to, short message service, emailing, instant messaging, a command or request to access a website, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone, or engaging in any other form of electronic text retrieval or entry for present or future communication. "Texting" does not include inputting, selecting, or reading information on a global positioning system or navigation system; pressing a single button to initiate or terminate a voice communication using a telephone; or using a device capable of performing multiple functions (*e.g., fleet management systems, dispatching devices, smartphones, citizens band radios, music players, etc.*) for a purpose that is not otherwise prohibited in this section.

"Use a handheld mobile telephone" means using at least one hand to hold a mobile telephone to conduct a voice communication; dialing or answering a mobile telephone by pressing more than a single button; or reaching for a mobile telephone in a manner that requires a driver to maneuver so that he is no longer in a seated driving position, restrained by a seat belt that is installed in accordance with 49 C.F.R. § 393.93 and adjusted in accordance with the vehicle manufacturer's instructions.

§ 46.2-341.20:6. Prohibition on requiring use of handheld mobile telephone or texting; motor carrier penalty.

No motor carrier shall allow or require its drivers to use a handheld mobile telephone or to text while driving a commercial motor vehicle. Motor carriers violating this section are subject to a civil penalty not to exceed \$11,000. Civil penalties collected under this section shall be deposited into the Transportation Trust Fund. Pursuant to 49 C.F.R. § 386.81, the determination of the actual civil penalties assessed is based on consideration of information available at the time the claim is made concerning the nature and gravity of the violation and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. "Driving," "mobile telephone," "texting," and "use a handheld mobile telephone" have the same meanings as assigned to them in § 46.2-341.20:5.

§ 46.2-348. Fraud or false statements in applications for license; penalties.

Any person who uses a false or fictitious name or gives a false or fictitious address in any application for a driver's license or escort vehicle driver certificate, or any renewal or duplicate thereof, or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud during the driver's license examination, *including for a commercial driver's license or commercial driver's instruction permit*, or in his application is guilty of a Class 2 misdemeanor. However, where the license is used, or the fact concealed, or fraud is done, with the intent to purchase a firearm or use as proof of residency under § 9.1-903, a violation of this section shall be punishable as a Class 4 felony.

§ 46.2-379. Use of crash reports made by investigating officers.

All ~~accident~~ crash reports made by investigating officers shall be for the confidential use of the Department and of other state agencies for accident prevention purposes and shall not be used as evidence in any trial, civil or criminal, arising out of any accident. ~~The~~ *If otherwise authorized by law, the Department shall may* disclose from the reports, on request of any person, the date, time, and location of the accident; and the names and addresses of the drivers, the owners of the vehicles involved, the injured persons, the witnesses, and one investigating officer.

§ 46.2-1078.1. Use of handheld personal communications devices in certain motor vehicles; exceptions; penalty.

A. It is unlawful for any person to operate a moving motor vehicle on the highways in the Commonwealth while using any handheld personal communications device to:

1. Manually enter multiple letters or text in the device as a means of communicating with another person; or
2. Read any email or text message transmitted to the device or stored within the device, provided that this prohibition shall not apply to any name or number stored within the device nor to any caller identification information.

B. The provisions of this section shall not apply to:

1. The operator of any emergency vehicle while he is engaged in the performance of his official duties;
2. An operator who is lawfully parked or stopped;
3. The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system; or
4. Any person using a handheld personal communications device to report an emergency.

C. A violation of this section is a traffic infraction punishable, for a first offense, by a fine of \$125 and, for a second or subsequent offense, by a fine of \$250.

For the purposes of this section, "emergency vehicle" means:

1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer;
2. Any regional detention center vehicle operated by or under the direction of a correctional officer responding to an emergency call or operating in an emergency situation;
3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when traveling in response to a fire alarm or emergency call;
4. Any ambulance, rescue, or life-saving vehicle designed or used for the principal purpose of supplying resuscitation or emergency relief where human life is endangered;

5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services vehicle, when responding to an emergency call or operating in an emergency situation;

6. Any Department of Corrections vehicle designated by the Director of the Department of Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a request for assistance from a law-enforcement officer; and

7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and white secondary warning lights pursuant to § 46.2-1029.2.

D. Distracted driving shall be included as a part of the driver's license knowledge examination.

CHAPTER 78

An Act to amend the Code of Virginia by adding a section numbered 17.1-128.1, relating to recording evidence and incidents of trial in misdemeanor cases.

[H 704]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 17.1-128.1 as follows:

§ 17.1-128.1. Recording evidence and incidents of trial in certain misdemeanor cases.

In any misdemeanor case in circuit court for which no recording verbatim of the evidence and incidents of trial either by a court reporter or by mechanical or electronic devices approved by the court will be used, the court shall allow the defendant, the Commonwealth, or both to record the evidence and incidents of trial by mechanical or electronic device to aid counsel in producing a thorough, complete, and accurate written statement of facts in lieu of transcript for purposes of any appeal. The recording shall not be made a part of the record unless otherwise permitted.

CHAPTER 79

An Act to amend and reenact § 22.1-298.1 of the Code of Virginia, relating to teacher licensure; career and technical education endorsement.

[H 758]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-298.1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-298.1. Regulations governing licensure.

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the regulations issued by the Board of Education.

"Industry certification credential" means a career and technical education credential that is earned by successfully completing a Board of Education-approved industry certification examination, being issued a state professional license, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into Virginia from another state when that individual meets certain conditions specified in the Board of Education's regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board of Education.

"Provisional license" means a nonrenewable license issued by the Board of Education for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in Virginia and who generally meets the requirements specified in the Board of Education's regulations for licensure, but who may need to take additional coursework or pass additional assessments to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board of Education for five years to an individual who meets the requirements specified in the Board of Education's regulations.

B. The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license. Such regulations shall include requirements for the denial, suspension, cancellation, revocation, and reinstatement of licensure. The Board of Education shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any appeal provided by § 63.2-1526 have been exhausted. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education.

The Board of Education shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching online courses. Teachers who hold a

five-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

C. The Board of Education's regulations shall include requirements that a person seeking initial licensure:

1. Complete professional assessments as prescribed by the Board of Education;
2. Complete study in attention deficit disorder;
3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and
4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

1. Every person seeking initial licensure or renewal of a license demonstrate proficiency in the use of educational technology for instruction;

2. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;

3. Every person seeking initial licensure or renewal of a license shall receive professional development in instructional methods tailored to promote student academic progress and effective preparation for the Standards of Learning end-of-course and end-of-grade assessments;

4. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training; and

5. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille.

6. *Every teacher seeking initial licensure with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement.*

E. The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.

F. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations.

G. Notwithstanding any provision of law to the contrary, the Board may provide for the issuance of a provisional license, valid for a period not to exceed three years, to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law.

H. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts;

2. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. The individual must establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. An assessment of basic skills as provided in § 22.1-298.2 and service requirements shall not be imposed for these licensed individuals; however, other licensing assessments, as prescribed by the Board of Education, shall be required; and

3. The Board may include other provisions for reciprocity in its regulations.

CHAPTER 80

An Act to amend and reenact § 46.2-873.1 of the Code of Virginia, relating to maximum speed limits on nonsurface-treated highways.

[H 854]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-873.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-873.1. Maximum speed limit on nonsurface-treated highways.

The maximum speed limit on nonsurface-treated highways, which are roads that are comprised of an earth-aggregate or aggregate surface (i.e., dirt and gravel) that have not been stabilized with a bituminous or cementitious material, shall be

35 miles per hour. The maximum speed limit upon such highways may be increased or decreased by the Commissioner of Highways or other authority having jurisdiction over highways. However, such increased or decreased maximum speed limit shall be effective only when indicated by sign on the highway. For such highways upon which maximum speed limit is not indicated by sign, the maximum speed limit shall be 35 miles per hour.

~~The provisions of this section shall apply in the Counties of Albemarle, Clarke, Fauquier, Frederick, Loudoun, Montgomery, Nelson, Page, Rappahannock, Warren, and Wythe and in any other county wherein the governing body adopts an ordinance pursuant to the provisions of this section.~~

CHAPTER 81

An Act to amend the Code of Virginia by adding a section numbered 54.1-2962.01, relating to anatomic pathology services; fees.

[H 893]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 54.1-2962.01 as follows:

§ 54.1-2962.01. Anatomic pathology services; fees.

A. No practitioner licensed in accordance with the provisions of this chapter shall charge a fee for anatomic pathology services that is greater than the amount billed to the practitioner for the actual performance of such anatomic pathology services when such services are (i) performed by a person other than the practitioner or (ii) performed by a person not under the supervision of the practitioner.

B. A practitioner may charge a fee for specimen collection and transportation, provided the fee conforms to the current procedural terminology codes for procedures and services of the American Medical Association and the patient is made aware of the fee in writing prior to collection. For the purposes of this section, "anatomic pathology services" include the gross or microscopic examination and histological processing of human organ tissue; the examination of human cells from fluids, aspirates, washings, brushings, or smears; or other subcellular or molecular pathology services.

CHAPTER 82

An Act to designate the Interstate Route 81 bridge over the Maury River in Rockbridge County the "Master Trooper Jerry L. Hines Memorial Bridge."

[H 986]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. § 1. The Interstate Route 81 bridge over the Maury River in Rockbridge County is hereby designated the "Master Trooper Jerry L. Hines Memorial Bridge." The Department of Transportation shall place and maintain appropriate markers indicating the designation of this bridge. This designation shall not affect any other designation heretofore or hereafter applied to this bridge.

CHAPTER 83

An Act to amend and reenact § 9.1-112 of the Code of Virginia, relating to the Committee on Training within the Department of Criminal Justice Services; membership.

[H 1002]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-112 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-112. Committee on Training; membership.

There is created a permanent Committee on Training under the Board that shall be the policy-making body responsible to the Board for effecting the provisions of subdivisions 2 through 17 of § 9.1-102. The Committee on Training shall be composed of ~~44~~ 15 members of the Board as follows: the Superintendent of the Department of State Police; the Director of the Department of Corrections; *the Director of the Department of Juvenile Justice*; a member of the Private Security Services Advisory Board; the Executive Secretary of the Supreme Court of Virginia; two sheriffs representing the Virginia State Sheriffs Association; two representatives of the Chiefs of Police Association; the active-duty law-enforcement officer representing police and fraternal associations; the attorney for the Commonwealth representing the Association of Commonwealth's Attorneys; a representative of the Virginia Municipal League; a representative of the Virginia Association of Counties; a regional jail superintendent representing the Virginia Association of Regional Jails; and one member designated by the chairman of the Board from among the other appointments made by the Governor.

The Committee on Training shall annually elect its chairman from among its members.

CHAPTER 84

An Act to amend and reenact §§ 9.1-185.4, 9.1-186.4, 15.2-1705, 22.1-5, 22.1-223, 22.1-224, 22.1-225, 22.1-253.13:3, 22.1-253.13:4, 22.1-254, 22.1-254.2, 22.1-302, 23-7.4:5, 30-231.01 through 30-231.3, 30-231.8, 53.1-10, 63.2-608, and 66-3 of the Code of Virginia, relating to high school equivalency programs and examinations.

[H 1007]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-185.4, 9.1-186.4, 15.2-1705, 22.1-5, 22.1-223, 22.1-224, 22.1-225, 22.1-253.13:3, 22.1-253.13:4, 22.1-254, 22.1-254.2, 22.1-302, 23-7.4:5, 30-231.01 through 30-231.3, 30-231.8, 53.1-10, 63.2-608, and 66-3 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-185.4. Limitations on licensure.

A. In order to be licensed as a bail bondsman a person shall (i) be 18 years of age or older, (ii) have received a high school diploma or ~~GED~~ *passed a high school equivalency examination approved by the Board of Education*, and (iii) have successfully completed the bail bondsman exam required by the Board or successfully completed prior to July 1, 2005, a surety bail bondsman exam required by the State Corporation Commission under former § 38.2-1865.7.

B. The following persons are not eligible for licensure as bail bondsmen and may not be employed nor serve as the agent of a bail bondsman:

1. Persons who have been convicted of a felony within the Commonwealth, any other state, or the United States, who have not been pardoned, or whose civil rights have not been restored;
2. Employees of a local or regional jail;
3. Employees of a sheriff's office;
4. Employees of a state or local police department;
5. Persons appointed as conservators of the peace pursuant to Article 4.1 (§ 9.1-150.1 et seq.) of this chapter;
6. Employees of an office of an attorney for the Commonwealth;
7. Employees of the Department of Corrections, Department of Criminal Justice Services, or a local pretrial or community-based probation services agency; and
8. Spouses of or any persons residing in the same household as persons referred to in subdivisions 2 through 7 who are sworn officers or whose responsibilities involve direct access to records of inmates.

C. The exclusions in subsection B shall not be construed to limit the ability of a licensed bail bondsman to employ or contract with a licensed bail enforcement agent authorized to do business in the Commonwealth.

§ 9.1-186.4. Limitations on licensure.

A. In order to be licensed as a bail enforcement agent a person shall (i) be 21 years of age or older, (ii) have received a high school diploma or ~~GED~~ *passed a high school equivalency examination approved by the Board of Education*, and (iii) have satisfactorily completed a basic certification course in training for bail enforcement agents offered by the Department. Partial exemptions to the training requirements may be approved by the Department if the individual has received prior training.

B. The following persons are not eligible for licensure as a bail enforcement agent and may not be employed nor serve as agents for a bail enforcement agent:

1. Persons who have been convicted of a felony within the Commonwealth, any other state, or the United States, who have not been pardoned, or whose civil rights have not been restored.
2. Persons who have been convicted of any misdemeanor within the Commonwealth, any other state, or the United States within the preceding five years. This prohibition may be waived by the Department, for good cause shown, so long as the conviction was not for one of the following or a substantially similar misdemeanor: carrying a concealed weapon, assault and battery, sexual battery, a drug offense, driving under the influence, discharging a firearm, a sex offense, or larceny.
3. Persons who have been convicted of any misdemeanor within the Commonwealth, any other state, or the United States, that is substantially similar to the following: brandishing a firearm or stalking. The Department may not waive the prohibitions under this subdivision 3.
4. Persons currently the subject of a protective order within the Commonwealth or another state.
5. Employees of a local or regional jail.
6. Employees of a sheriff's office, or a state or local police department.
7. Commonwealth's Attorneys, and any employees of their offices.
8. Employees of the Department of Corrections, Department of Criminal Justice Services, or a local pretrial or community-based probation services agency.

C. The exclusions in subsection B shall not be construed to prohibit law enforcement from accompanying a bail enforcement agent when he engages in bail recovery.

§ 15.2-1705. Minimum qualifications; waiver.

A. The chief of police and all police officers of any locality, all deputy sheriffs and jail officers in this Commonwealth, and all law-enforcement officers as defined in § 9.1-101 who enter upon the duties of such office after July 1, 1994, are

required to meet the following minimum qualifications for office. Such person shall (i) be a citizen of the United States, (ii) be required to undergo a background investigation including fingerprint-based criminal history records inquiries to both the Central Criminal Records Exchange and the Federal Bureau of Investigation, (iii) have a high school education or have passed ~~the General Educational Development exam~~ *a high school equivalency examination approved by the Board of Education*, (iv) possess a valid driver's license if required by the duties of office to operate a motor vehicle, (v) undergo a physical examination, subsequent to a conditional offer of employment, conducted under the supervision of a licensed physician, (vi) be at least eighteen years of age, (vii) not have been convicted of or pled guilty or no contest to a felony or any offense that would be a felony if committed in the Commonwealth, and (viii) not have produced a positive result on a pre-employment drug screening, if such screening is required by the hiring law-enforcement agency or jail, where the positive result cannot be explained to the law-enforcement agency or jail administrator's satisfaction. In addition, all such officers who enter upon the duties of such office on or after July 1, 2013, shall not have been convicted of or pled guilty or no contest to (a) any misdemeanor involving moral turpitude, including but not limited to petit larceny under § 18.2-96, or any offense involving moral turpitude that would be a misdemeanor if committed in the Commonwealth, (b) any misdemeanor sex offense in the Commonwealth, another state, or the United States, including but not limited to sexual battery under § 18.2-67.4 or consensual sexual intercourse with a minor 15 or older under clause (ii) of § 18.2-371, or (c) domestic assault under § 18.2-57.2 or any offense that would be domestic assault under the laws of another state or the United States.

B. Upon request of a sheriff or chief of police, or the director or chief executive of any agency or department employing law-enforcement officers as defined in § 9.1-101, or jail officers as defined in § 53.1-1, the Department of Criminal Justice Services is hereby authorized to waive the requirements for qualification as set out in subsection A of this section for good cause shown.

§ 22.1-5. Regulations concerning admission of certain persons to schools; tuition charges.

A. Consistent with Article VIII, Section 1 of the Constitution of Virginia, no person may be charged tuition for admission or enrollment in the public schools of the Commonwealth, whether on a full-time or part-time basis, who meets the residency criteria set forth in § 22.1-3. No person of school age shall be charged tuition for enrollment in a ~~general education development program preparing students to pass a high school equivalency examination approved by the Board of Education~~ or alternative program offered as a regional or divisionwide initiative by the local school division in which such person is deemed to reside pursuant to § 22.1-3. Further, no person of school age shall be denied admission or charged tuition when (i) such person's custodial parent has been deployed outside the United States as a member of the Virginia National Guard or as a member of the United States armed forces; and (ii) such person's custodial parent has executed a Special Power of Attorney under Title 10, United States Code, § 1044b providing for the care of the person of school age by an individual who is defined as a parent in § 22.1-1 during the time of his deployment outside the United States. The person of school age shall be allowed to attend a school in the school division in which the individual providing for his care, pursuant to the Special Power of Attorney under Title 10, United States Code, § 1044b, resides. Furthermore, when practicable, such persons of school age may continue to attend school in the Virginia school division they attended immediately prior to the deployment and shall not be charged tuition for attending such division.

The following persons may, however, in the discretion of the school board of a school division and pursuant to regulations adopted by the school board, be admitted into the public schools of the division and may, in the discretion of the school board, be charged tuition:

1. Persons who reside within the school division but who are not of school age.
2. Persons of school age who are residents of the Commonwealth but who do not reside within the school division, except as provided in this section.
3. Persons of school age who are attending school in the school division pursuant to a foreign student exchange program approved by the school board.
4. Persons of school age who reside beyond the boundaries of the Commonwealth but near thereto in a state or the District of Columbia which grants the same privileges to residents of the Commonwealth.
5. Persons of school age who reside on a military or naval reservation located wholly or partly within the geographical boundaries of the school division and who are not domiciled residents of the Commonwealth of Virginia; however, no person of school age residing on a military or naval reservation located wholly or partly within the geographical boundaries of the school division may be charged tuition if federal funds provided under P.L. 874 of 1950, commonly known as Impact Aid, shall fund such students at not less than 50 percent of the total per capita cost of education, exclusive of capital outlay and debt service, for elementary or secondary pupils, as the case may be, of such school division. Notwithstanding any other provision of law to the contrary, such persons of school age who reside on a military or naval reservation with military-owned housing located wholly or partly within the geographical boundaries of multiple school divisions shall be deemed eligible for interscholastic programs immediately upon enrollment in a public elementary or secondary school in any of the aforementioned school divisions, provided that such persons (i) satisfy all other requirements for eligibility and (ii) are dependents of a military service member required by the military to live on the military installation as evidenced by a statement on command letterhead signed by, or by direction of, the service member's commanding officer.
6. Persons of school age who, as domiciled residents of the Commonwealth who were enrolled in a public school within the school division, are required as a result of military or federal orders issued to their parents to relocate and reside

on federal property in another state or the District of Columbia, if the school division subsequently enrolling such persons is contiguous to such state or District of Columbia.

7. Persons of school age who reside in the school division and who are enrolled in summer programs, exclusive of required remediation as provided in § 22.1-253.13:1, or in local initiatives or programs not required by the Standards of Quality or the Standards of Accreditation.

For the purposes of determining the residency of persons described in subdivisions 1 and 2, local school boards shall adopt regulations consistent with the residency requirements regarding persons residing in housing or temporary shelter, or on property located in multiple jurisdictions, as articulated in § 22.1-3.

B. Persons of school age who are not residents of the Commonwealth but are living temporarily with persons residing within a school division may, in the discretion of the school board and pursuant to regulations adopted by it, be admitted to the public schools of the school division. Tuition shall be charged such persons.

C. No tuition charge authorized or required in this section shall exceed the total per capita cost of education, exclusive of capital outlay and debt service, for elementary or secondary pupils, as the case may be, of such school division and the actual, additional costs of any special education or gifted and talented program provided the pupil, except that if the tuition charge is payable by the school board of the school division of the pupil's residence pursuant to a contract entered into between the two school boards, the tuition charge shall be that fixed by such contract.

D. School boards may accept and provide programs for students for whom English is a second language who entered school in Virginia for the first time after reaching their twelfth birthday, and who have not reached 22 years of age on or before August 1 of the school year. No tuition shall be charged such students, if state funding is provided for such programs.

§ 22.1-223. Definitions.

As used in this article:

"Adult basic education" means education for adults that enables them to express themselves orally and in writing, read, access information and resources, make decisions, act independently and interact with others, and continue lifelong learning to cope with and compete successfully in a global economy.

"Adult education program" means an instructional program below the college credit level provided by public schools for persons over the age of compulsory school attendance specified in § 22.1-254 who are not enrolled in the regular public school program, including adult basic education, credit programs, cultural adult education, external diploma programs, general adult education, and ~~general educational development~~ programs *preparing students to pass a high school equivalency examination approved by the Board of Education.*

"Credit program" means a program of academic courses that are available to adults to enable them to complete the regular requirements for a high school diploma.

"Cultural adult education" means English for speakers of other languages (ESOL), the preparation of foreign-born adults for participation in American life or for becoming American citizens, and other educational services for foreign-born adults.

"External diploma program" means a program in which adults who did not complete high school may earn a high school diploma by demonstrating with 100 percent mastery the 65 competencies established and validated by the American Council on Education.

"General adult education" means academic, cultural, and avocational instruction that may be obtained through programs other than high school credit programs, a ~~general educational development (GED) program~~ *programs preparing students to pass a high school equivalency examination approved by the Board of Education*, or an external diploma program (EDP) *approved by the Board of Education.*

~~"General educational development High school equivalency program"~~ means a program of preparation and instruction for adults who did not complete high school, for students who have been granted permission by the superintendent of the school division in which they are or were last enrolled to take ~~the test for the general educational development certificate~~ *a high school equivalency examination approved by the Board of Education*, and for those who have been ordered by a court to participate in the program.

§ 22.1-224. Duties of State Board.

The Board of Education shall:

1. Require the development of adult education programs in every school division;
2. Encourage coordination in the development and provision of adult education programs between school boards and other state, federal, and local public and private agencies;
3. Promulgate appropriate standards and guidelines for adult education programs;
4. Accept and administer grants, gifts, services, and funds from available sources for use in adult education programs; and
5. Assist school divisions with all diligence in meeting the educational needs of adults participating in adult education programs to master the requirements for and earn a ~~general educational development (GED) certificate~~ *or a high school diploma or to pass a high school equivalency examination approved by the Board of Education.*

§ 22.1-225. Authority of school boards.

A. Local school boards shall provide adult education programs, in compliance with subdivision D 8 of § 22.1-253.13:1, for residents of the school division and, in their discretion, may charge appropriate fees to persons admitted to such programs.

B. With such funds as may be appropriated for the purposes of this article, school boards shall seek to ensure that every adult participating in such program has an opportunity to earn a ~~general educational development (GED) certificate~~ or a high school diploma *or pass a high school equivalency examination approved by the Board of Education.*

§ 22.1-253.13:3. Standard 3. Accreditation, other standards, assessments, and releases from state regulations.

A. The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, student services, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.

The Board of Education shall promulgate regulations establishing standards for accreditation of public virtual schools under the authority of the local school board that enroll students full time.

The Board shall review annually the accreditation status of all schools in the Commonwealth.

Each local school board shall maintain schools that are fully accredited pursuant to the standards for accreditation as prescribed by the Board of Education. Each local school board shall review the accreditation status of all schools in the local school division annually in public session. Within the time specified by the Board of Education, each school board shall submit corrective action plans for any schools within its school division that have been designated as not meeting the standards as approved by the Board.

When the Board of Education has obtained evidence through the school academic review process that the failure of schools within a division to achieve full accreditation status is related to division level failure to implement the Standards of Quality, the Board may require a division level academic review. After the conduct of such review and within the time specified by the Board of Education, each school board shall submit for approval by the Board a corrective action plan, consistent with criteria established by the Board and setting forth specific actions and a schedule designed to ensure that schools within its school division achieve full accreditation status. Such corrective action plans shall be part of the relevant school division's comprehensive plan pursuant to § 22.1-253.13:6.

With such funds as are appropriated or otherwise received for this purpose, the Board shall adopt and implement an academic review process, to be conducted by the Department of Education, to assist schools that are accredited with warning. The Department shall forward a report of each academic review to the relevant local school board, and such school board shall report the results of such academic review and the required annual progress reports in public session. The local school board shall implement any actions identified through the academic review and utilize them for improvement planning.

B. The Superintendent of Public Instruction shall develop and the Board of Education shall approve criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools. Such criteria, when approved, shall become an integral part of the accreditation process and shall include student outcome measurements. The Superintendent of Public Instruction shall annually identify to the Board those school divisions and schools that exceed or do not meet the approved criteria. Such identification shall include an analysis of the strengths and weaknesses of public education programs in the various school divisions in Virginia and recommendations to the General Assembly for further enhancing student learning uniformly across the Commonwealth. In recognizing educational performance in the school divisions, the Board shall include consideration of special school division accomplishments, such as numbers of dual enrollments and students in Advanced Placement and International Baccalaureate courses, and participation in academic year Governor's Schools.

The Superintendent of Public Instruction shall assist local school boards in the implementation of action plans for increasing educational performance in those school divisions and schools that are identified as not meeting the approved criteria. The Superintendent of Public Instruction shall monitor the implementation of and report to the Board of Education on the effectiveness of the corrective actions taken to improve the educational performance in such school divisions and schools.

C. With such funds as are available for this purpose, the Board of Education shall prescribe assessment methods to determine the level of achievement of the Standards of Learning objectives by all students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed. The Board shall (i) in consultation with the chairpersons of the eight regional superintendents' study groups, establish a timetable for administering the Standards of Learning assessments to ensure genuine end-of-course and end-of-grade testing and (ii) with the assistance of independent testing experts, conduct a regular analysis and validation process for these assessments.

In prescribing such Standards of Learning assessments, the Board shall provide local school boards the option of administering tests for United States History to 1877, United States History: 1877 to the Present, and Civics and Economics. The last administration of the cumulative grade eight history test will be during the 2007-2008 academic school year. Beginning with the 2008-2009 academic year, all school divisions shall administer the United States History to 1877, United States History: 1877 to the Present, and Civics and Economics tests. The Board shall also provide the option of industry certification and state licensure examinations as a student-selected verified credit.

The Board of Education shall make publicly available such assessments in a timely manner and as soon as practicable following the administration of such tests, so long as the release of such assessments does not compromise test security or deplete the bank of assessment questions necessary to construct subsequent tests, or limit the ability to test students on demand and provide immediate results in the web-based assessment system.

The Board shall include in the student outcome measures that are required by the Standards for Accreditation end-of-course or end-of-grade tests for various grade levels and classes, as determined by the Board, in accordance with the Standards of Learning. These Standards of Learning assessments shall include, but need not be limited to, end-of-course or end-of-grade tests for English, mathematics, science, and history and social science. Local school divisions shall provide targeted mathematics remediation and intervention to students in grades six through eight who show computational deficiencies as demonstrated by their individual performance on any diagnostic test or grade-level Standards of Learning mathematics test that measures non-calculator computational skills.

In addition, to assess the educational progress of students, the Board of Education shall (a) develop appropriate assessments, which may include criterion-referenced tests and alternative assessment instruments that may be used by classroom teachers; (b) select appropriate industry certification and state licensure examinations; and (c) prescribe and provide measures, which may include nationally normed tests to be used to identify students who score in the bottom quartile at selected grade levels. An annual justification that includes evidence that the student meets the participation criteria defined by the Virginia Department of Education shall be provided for each student considered for the Virginia Grade Level Alternative. Each Individual Education Program team shall review such justification and make the final determination as to whether or not the Virginia Grade Level Alternative is appropriate for the student. The superintendent and the school board chairman shall certify to the Board of Education, as a part of certifying compliance with the Standards of Quality, that there is a justification in the Individual Education Program for every student who takes the Virginia Grade Level Alternative. Compliance with this requirement shall be monitored as a part of the special education monitoring process conducted by the Department of Education. The Board shall report to the Governor and General Assembly in its annual reports pursuant to § 22.1-18 any school division that is not in compliance with this requirement.

The Standards of Learning requirements, including all related assessments, shall be waived for any student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to § 30-231.2, who is enrolled in a preparation program for ~~the General Education Development (GED) certificate~~ *a high school equivalency examination approved by the Board of Education* or in an adult basic education program *or an adult secondary education program* to obtain the high school diploma *or a high school equivalency certificate*.

The Board of Education may adopt special provisions related to the administration and use of any Standards of Learning test or tests in a content area as applied to accreditation ratings for any period during which the Standards of Learning content or assessments in that area are being revised and phased in. Prior to statewide administration of such tests, the Board of Education shall provide notice to local school boards regarding such special provisions.

D. The Board of Education may pursue all available civil remedies pursuant to § 22.1-19.1 or administrative action pursuant to § 22.1-292.1 for breaches in test security and unauthorized alteration of test materials or test results.

The Board may initiate or cause to be initiated a review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests, including the exclusion of students from testing who are required to be assessed, by local school board employees responsible for the distribution or administration of the tests.

Records and other information furnished to or prepared by the Board during the conduct of a review or investigation may be withheld pursuant to subdivision 11 of § 2.2-3705.3. However, this section shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board. Any local school board or division superintendent receiving such records or other information shall, upon taking personnel action against a relevant employee, place copies of such records or information relating to the specific employee in such person's personnel file.

Notwithstanding any other provision of state law, no test or examination authorized by this section, including the Standards of Learning assessments, shall be released or required to be released as minimum competency tests, if, in the judgment of the Board, such release would breach the security of such test or examination or deplete the bank of questions necessary to construct future secure tests.

E. With such funds as may be appropriated, the Board of Education may provide, through an agreement with vendors having the technical capacity and expertise to provide computerized tests and assessments, and test construction, analysis, and security, for (i) web-based computerized tests and assessments for the evaluation of student progress during and after remediation and (ii) the development of a remediation item bank directly related to the Standards of Learning.

F. To assess the educational progress of students as individuals and as groups, each local school board shall require the use of Standards of Learning assessments and other relevant data, such as industry certification and state licensure examinations, to evaluate student progress and to determine educational performance. Each local school shall require the administration of appropriate assessments to all students for grade levels and courses identified by the Board of Education, which may include criterion-referenced tests, teacher-made tests and alternative assessment instruments and shall include the Standards of Learning Assessments and the National Assessment of Educational Progress state-by-state assessment.

Each school board shall analyze and report annually, in compliance with any criteria that may be established by the Board of Education, the results from the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, if administered, industry certification examinations, and the Standards of Learning Assessments to the public.

The Board of Education shall not require administration of the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, except as may be selected to facilitate compliance with the requirements for home instruction pursuant to § 22.1-254.1.

The Board shall include requirements for the reporting of the Standards of Learning assessment scores and averages for each year as part of the Board's requirements relating to the School Performance Report Card. Such scores shall be disaggregated for each school by student subgroups on the Virginia assessment program as appropriate and shall be reported to the public within three months of their receipt. These reports (i) shall be posted on the portion of the Department of Education's website relating to the School Performance Report Card, in a format and in a manner that allows year-to-year comparisons, and (ii) may include the National Assessment of Educational Progress state-by-state assessment.

G. Each local school division superintendent shall regularly review the division's submission of data and reports required by state and federal law and regulations to ensure that all information is accurate and submitted in a timely fashion. The Superintendent of Public Instruction shall provide a list of the required reports and data to division superintendents annually. The status of compliance with this requirement shall be included in the Board of Education's annual report to the Governor and the General Assembly as required by § 22.1-18.

H. Any school board may request the Board of Education for release from state regulations or, on behalf of one or more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the performance of one or more of its schools as authorized for certain other schools by the Standards of Accreditation pursuant to 8 VAC 20-131-280 C of the Virginia Administrative Code. Waivers of regulatory requirements may be granted by the Board of Education based on submission of a request from the division superintendent and chairman of the local school board. The Board of Education may grant, for a period up to five years, a waiver of regulatory requirements that are not (i) mandated by state or federal law or (ii) designed to promote health or safety. The school board shall provide in its waiver request a description of how the releases from state regulations are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The Department of Education shall provide (a) guidance to any local school division that requests releases from state regulations and (b) information about opportunities to form partnerships with other agencies or entities to any local school division in which the school or schools granted releases from state regulations have demonstrated improvement in the quality of instruction and the achievement of students.

The Board of Education may also grant local school boards waivers of specific requirements in § 22.1-253.13:2, based on submission of a request from the division superintendent and chairman of the local school board, permitting the local school board to assign instructional personnel to the schools with the greatest needs, so long as the school division employs a sufficient number of personnel divisionwide to meet the total number required by § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in subsection C of § 22.1-253.13:2 are met. The school board shall provide in its request a description of how the waivers from specific Standards of Quality staffing standards are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The waivers may be renewed in up to five-year increments, or revoked, based on student achievement results in the affected school or schools.

§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who earn the units of credit prescribed by the Board of Education, pass the prescribed tests, and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation. Course credits earned for online courses taken in the Department of Education's Virtual Virginia program shall transfer to Virginia public schools in accordance with provisions of the standards for accreditation. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the number and subject area requirements of standard and verified units of credit required for graduation pursuant to the standards for accreditation and (ii) the remaining number and subject area requirements of such units of credit the individual student requires for graduation.

B. Students identified as disabled who complete the requirements of their individualized education programs shall be awarded special diplomas by local school boards.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the requirements for a standard or advanced studies diploma of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board of Education-approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve the number of verified units of credit required for graduation as provided in the standards for accreditation. If such student who does not graduate or achieve such verified units of credit is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. In establishing course and credit requirements for a high school diploma, the Board shall:

1. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation credit requirements, which shall include Standards of Learning testing, as necessary.

2. Establish the requirements for a standard and an advanced studies high school diploma, which shall each include at least one credit in fine or performing arts or career and technical education and one credit in United States and Virginia history. The requirements for a standard high school diploma shall, however, include at least two sequential electives chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses. Such focused sequence of elective courses shall provide a foundation for further education or training or preparation for employment. The advanced studies diploma shall be the recommended diploma for students pursuing baccalaureate study. Both the standard and the advanced studies diploma shall prepare students for post-secondary education and the career readiness required by the Commonwealth's economy.

Beginning with first-time ninth grade students in the 2013-2014 school year, requirements for the standard diploma shall include a requirement to earn a career and technical education credential that has been approved by the Board, that could include, but not be limited to, the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment.

Beginning with first-time ninth grade students in the 2016-2017 school year, requirements for the standard and advanced diplomas shall include a requirement to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.

The Board shall make provision in its regulations for students with disabilities to earn a standard diploma.

3. Provide, in the requirements to earn a standard or advanced studies diploma, the successful completion of one virtual course. The virtual course may be a noncredit-bearing course.

4. Provide, in the requirements for the verified units of credit stipulated for obtaining the standard or advanced studies diploma, that students completing elective classes into which the Standards of Learning for any required course have been integrated may take the relevant Standards of Learning test for the relevant required course and receive, upon achieving a satisfactory score on the specific Standards of Learning assessment, a verified unit of credit for such elective class that shall be deemed to satisfy the Board's requirement for verified credit for the required course.

5. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstration of mastery of the course content and objectives. Having received credit for the course, the student shall be permitted to sit for the relevant Standards of Learning assessment and, upon receiving a passing score, shall earn a verified credit. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.

6. Provide for the award of verified units of credit for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board of Education.

School boards shall report annually to the Board of Education the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Virginia workplace readiness skills assessments passed, and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card.

For the purposes of this subdivision, "career and technical education completer" means a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program.

In addition, the Board may:

a. For the purpose of awarding verified units of credit, approve the use of additional or substitute tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry certifications or state licensure examinations; and

b. Permit students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, the appropriate verified units of credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant Standards of Learning for

various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.

7. Provide for the waiver of certain graduation requirements (i) upon the Board's initiative or (ii) at the request of a local school board. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

E. In the exercise of its authority to recognize exemplary academic performance by providing for diploma seals, the Board of Education shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

In addition, the Board shall establish criteria for awarding a diploma seal for advanced mathematics and technology for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) technology courses; (ii) technical writing, reading, and oral communication skills; (iii) technology-related training; and (iv) industry, professional, and trade association national certifications.

The Board shall also establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii) related requirements as it deems appropriate.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § 22.1-254 and have (i) achieved a passing score on ~~the GED examination~~ *a high school equivalency examination approved by the Board of Education*; (ii) successfully completed an education and training program designated by the Board of Education; (iii) earned a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, and report high school graduation and dropout data using a formula prescribed by the Board.

The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data.

§ 22.1-254. Compulsory attendance required; excuses and waivers; alternative education program attendance; exemptions from article.

A. Except as otherwise provided in this article, every parent, guardian, or other person in the Commonwealth having control or charge of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday shall, during the period of each year the public schools are in session and for the same number of days and hours per day as the public schools, send such child to a public school or to a private, denominational, or parochial school or have such child taught by a tutor or teacher of qualifications prescribed by the Board of Education and approved by the division superintendent, or provide for home instruction of such child as described in § 22.1-254.1.

As prescribed in the regulations of the Board of Education, the requirements of this section may also be satisfied by sending a child to an alternative program of study or work/study offered by a public, private, denominational, or parochial school or by a public or private degree-granting institution of higher education. Further, in the case of any five-year-old child who is subject to the provisions of this subsection, the requirements of this section may be alternatively satisfied by sending the child to any public educational pre-kindergarten program, including a Head Start program, or in a private, denominational, or parochial educational pre-kindergarten program.

Instruction in the home of a child or children by the parent, guardian, or other person having control or charge of such child or children shall not be classified or defined as a private, denominational or parochial school.

The requirements of this section shall apply to (i) any child in the custody of the Department of Juvenile Justice or the Department of Corrections who has not passed his eighteenth birthday and (ii) any child whom the division superintendent has required to take a special program of prevention, intervention, or remediation as provided in subsection C of § 22.1-253.13:1 and in § 22.1-254.01. The requirements of this section shall not apply to (a) any person 16 through 18 years of age who is housed in an adult correctional facility when such person is actively pursuing ~~a general educational development (GED) certificate~~ *the achievement of a passing score on a high school equivalency examination approved by the Board of Education* but is not enrolled in an individual student alternative education plan pursuant to subsection E, and (b) any child who has obtained a high school diploma or its equivalent, a certificate of completion, or ~~a GED certificate~~ *has achieved a passing score on a high school equivalency examination approved by the Board of Education*, or who has otherwise complied with compulsory school attendance requirements as set forth in this article.

B. A school board shall excuse from attendance at school:

1. Any pupil who, together with his parents, by reason of bona fide religious training or belief is conscientiously opposed to attendance at school. For purposes of this subdivision, "bona fide religious training or belief" does not include essentially political, sociological or philosophical views or a merely personal moral code; and

2. On the recommendation of the juvenile and domestic relations district court of the county or city in which the pupil resides and for such period of time as the court deems appropriate, any pupil who, together with his parents, is opposed to attendance at a school by reason of concern for such pupil's health, as verified by competent medical evidence, or by reason of such pupil's reasonable apprehension for personal safety when such concern or apprehension in that pupil's specific case is determined by the court, upon consideration of the recommendation of the principal and division superintendent, to be justified.

C. Each local school board shall develop policies for excusing students who are absent by reason of observance of a religious holiday. Such policies shall ensure that a student shall not be deprived of any award or of eligibility or opportunity to compete for any award, or of the right to take an alternate test or examination, for any which he missed by reason of such absence, if the absence is verified in a manner acceptable to the school board.

D. A school board may excuse from attendance at school:

1. On recommendation of the principal and the division superintendent and with the written consent of the parent or guardian, any pupil who the school board determines, in accordance with regulations of the Board of Education, cannot benefit from education at such school; or

2. On recommendation of the juvenile and domestic relations district court of the county or city in which the pupil resides, any pupil who, in the judgment of such court, cannot benefit from education at such school.

E. Local school boards may allow the requirements of subsection A to be met under the following conditions:

For a student who is at least 16 years of age, there shall be a meeting of the student, the student's parents, and the principal or his designee of the school in which the student is enrolled in which an individual student alternative education plan shall be developed in conformity with guidelines prescribed by the Board, which plan must include:

a. Career guidance counseling;

b. Mandatory enrollment and attendance in a ~~general educational development~~ preparatory program *for passing a high school equivalency examination approved by the Board of Education* or other alternative education program approved by the local school board with attendance requirements that provide for reporting of student attendance by the chief administrator of such ~~GED~~ preparatory program or approved alternative education program to such principal or his designee;

c. Mandatory enrollment in a program to earn a Board of Education-approved career and technical education credential, such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment;

d. Successful completion of the course in economics and personal finance required to earn a Board of Education-approved high school diploma;

e. Counseling on the economic impact of failing to complete high school; and

f. Procedures for reenrollment to comply with the requirements of subsection A.

A student for whom an individual student alternative education plan has been granted pursuant to this subsection and who fails to comply with the conditions of such plan shall be in violation of the compulsory school attendance law, and the division superintendent or attendance officer of the school division in which such student was last enrolled shall seek immediate compliance with the compulsory school attendance law as set forth in this article.

Students enrolled with an individual student alternative education plan shall be counted in the average daily membership of the school division.

F. A school board may, in accordance with the procedures set forth in Article 3 (§ 22.1-276.01 et seq.) of Chapter 14 and upon a finding that a school-age child has been (i) charged with an offense relating to the Commonwealth's laws, or with a violation of school board policies, on weapons, alcohol or drugs, or intentional injury to another person; (ii) found guilty or not innocent of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent of the school division pursuant to subsection G of § 16.1-260; (iii) suspended pursuant to § 22.1-277.05; or (iv) expelled from school attendance pursuant to § 22.1-277.06 or 22.1-277.07 or subsection B of § 22.1-277, require the child to attend an alternative education program as provided in § 22.1-209.1:2 or 22.1-277.2:1.

G. Whenever a court orders any pupil into an alternative education program, including a program of ~~general educational development~~ *preparing students for a high school equivalency examination approved by the Board of Education*, offered in the public schools, the local school board of the school division in which the program is offered shall determine the appropriate alternative education placement of the pupil, regardless of whether the pupil attends the public schools it supervises or resides within its school division.

The juvenile and domestic relations district court of the county or city in which a pupil resides or in which charges are pending against a pupil, or any court in which charges are pending against a pupil, may require the pupil who has been charged with (i) a crime that resulted in or could have resulted in injury to others, (ii) a violation of Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2, or (iii) any offense related to possession or distribution of any Schedule I, II, or III controlled substances to attend an alternative education program, including, but not limited to, night school, adult education, or any other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

This subsection shall not be construed to limit the authority of school boards to expel, suspend, or exclude students, as provided in §§ 22.1-277.04, 22.1-277.05, 22.1-277.06, 22.1-277.07, and 22.1-277.2. As used in this subsection, the term "charged" means that a petition or warrant has been filed or is pending against a pupil.

H. Within one calendar month of the opening of school, each school board shall send to the parents or guardian of each student enrolled in the division a copy of the compulsory school attendance law and the enforcement procedures and policies established by the school board.

1. The provisions of this article shall not apply to:

1. Children suffering from contagious or infectious diseases while suffering from such diseases;
2. Children whose immunizations against communicable diseases have not been completed as provided in § 22.1-271.2;
3. Children under 10 years of age who live more than two miles from a public school unless public transportation is provided within one mile of the place where such children live;
4. Children between the ages of 10 and 17, inclusive, who live more than 2.5 miles from a public school unless public transportation is provided within 1.5 miles of the place where such children live; and
5. Children excused pursuant to subsections B and D.

Further, any child who will not have reached his sixth birthday on or before September 30 of each school year whose parent or guardian notifies the appropriate school board that he does not wish the child to attend school until the following year because the child, in the opinion of the parent or guardian, is not mentally, physically, or emotionally prepared to attend school, may delay the child's attendance for one year.

The distances specified in subdivisions 3 and 4 of this subsection shall be measured or determined from the child's residence to the entrance to the school grounds or to the school bus stop nearest the entrance to the residence of such children by the nearest practical routes which are usable for walking or riding. Disease shall be established by the certificate of a reputable practicing physician in accordance with regulations adopted by the Board of Education.

§ 22.1-254.2. Testing for high school equivalency; eligibility; guidelines.

A. The Board of Education shall establish a program of testing for ~~general educational development (GED)~~ *high school equivalency through which a person may pass a high school equivalency examination approved by the Board of Education* through which persons may earn a high school equivalency certificate or *may earn a diploma as provided in subsection F of § 22.1-253.13:4*. The following persons may participate in the testing program:

1. Persons who are at least 18 years of age and not enrolled in public school or not otherwise meeting the school attendance requirements set forth in § 22.1-254;
2. Persons 16 years of age or older who have been instructed by their parents in their home pursuant to § 22.1-254.1 and who have completed such home school instruction;
3. Persons who have been excused from school attendance pursuant to subsections B and D of § 22.1-254;
4. Persons for whom an individual student alternative education plan has been granted pursuant to subsection E of § 22.1-254;
5. Persons 16 through 18 years of age who are housed in adult correctional facilities and who are actively pursuing a ~~GED certificate~~ *a passing score on a high school equivalency examination approved by the Board of Education* but who are not enrolled in an individual student alternative education plan pursuant to subsection E of § 22.1-254;
6. Persons 16 years of age or older who have been expelled from school pursuant to §§ 22.1-277.06 through 22.1-277.08; and
7. Persons required by court order to participate in the testing program.

Under no circumstances shall persons under the age of 16 be eligible for the testing program.

B. From such funds as may be appropriated for this purpose, local school boards shall implement programs of preparation and testing for ~~general educational development~~ *high school equivalency* consistent with guidelines to be developed by the Board of Education. Such guidelines shall include a provision that allows preparatory and testing programs to be offered jointly by two or more school boards.

§ 22.1-302. Written contracts required; execution of contracts; qualifications of temporarily employed teachers; rules and requirements.

A. A written contract, in a form permitted by the Board of Education's regulations, shall be made by the school board with each teacher employed by it, except those who are temporarily employed, before such teacher enters upon his duties. Such contract shall be signed in duplicate, with a copy thereof furnished to both parties.

The standard 10-month contract shall include 200 days, including (i) a minimum of 180 teaching days or 990 instructional hours and (ii) up to 20 days for activities such as teaching, participating in professional development, planning, evaluating, completing records and reports, participating on committees or in conferences, or such other activities as may be assigned or approved by the local school board.

A temporarily employed teacher, as used in this section, means (i) one who is employed to substitute for a contracted teacher for a temporary period of time during the contracted teacher's absence or (ii) one who is employed to fill a teacher vacancy for a period of time, but for no longer than 90 teaching days in such vacancy, unless otherwise approved by the Superintendent of Public Instruction on a case-by-case basis, during one school year.

B. Temporarily employed teachers, as defined in this section, shall be at least 18 years of age and shall hold a high school diploma or a ~~general educational development (GED) certificate~~ *have passed a high school equivalency examination approved by the Board of Education*.

A temporarily employed teacher is not required to be licensed by the Board of Education, nor is the local school board required to enter into a written contract with a temporarily employed teacher. However, local school boards shall establish

employment qualifications for temporarily employed teachers that may exceed these requirements for the employment of such teachers. School boards shall also seek to ensure that temporarily employed teachers who are engaged as long-term substitutes exceed baseline employment qualifications.

C. A separate contract in a form permitted by the Board of Education shall be executed by the school board with a teacher who is receiving a monetary supplement for any athletic coaching or extracurricular activity sponsorship assignment. This contract shall be separate and apart from the contract for teaching.

Termination of a separate contract for any athletic coaching or extracurricular activity sponsorship assignment by either party thereto shall not constitute cause for termination of the separate teaching contract of the coach or teacher.

All such contracts shall require the party intending to terminate the coaching or extracurricular activity sponsorship contract to give reasonable notice to the other party before termination thereof shall become effective.

For the purposes of this section, "extracurricular activity sponsorship" means an assignment for which a monetary supplement is received, requiring responsibility for any student organizations, clubs, or groups, such as service clubs, academic clubs and teams, cheerleading squads, student publication and literary groups, and visual and performing arts organizations except those that are conducted in conjunction with regular classroom, curriculum, or instructional programs.

§ 23-7.4:5. Grant for tuition and fees for certain individuals.

A. The payment of tuition or fees, except fees established for the purpose of paying for course materials, such as laboratory fees, shall be provided for a person who is a bona fide domiciliary of Virginia, as defined in § 23-7.4, and who:

1. Has received a high school diploma or ~~a general educational development (GED) certificate~~ *has passed a high school equivalency examination approved by the Board of Education* and was in foster care or in the custody of the Department of Social Services or is considered a special needs adoption at the time such diploma or certificate was awarded, or was in foster care when he turned 18 and subsequently received a high school diploma or ~~GED certificate~~ *passed a high school equivalency examination approved by the Board of Education;*

2. Is enrolled or has been accepted for enrollment as a full-time or part-time student, taking a minimum of six credit hours per semester, in a degree or certificate program of at least one academic year in length in a public two-year institution of higher education in the Commonwealth;

3. Has not been enrolled in postsecondary education as a full-time student for more than five years and/or does not have a prior bachelor's degree;

4. Maintains the required grade point average established by the State Board for Community Colleges;

5. Has submitted applications for federal student financial aid programs for which he may be eligible; and

6. Demonstrates financial need and meets any additional financial need requirements established by the State Board for Community Colleges for the purposes of such grant.

B. The State Board for Community Colleges, in consultation with the State Council of Higher Education and the Department of Social Services, shall establish regulations governing such grants. The regulations shall include, but shall not be limited to, provisions addressing renewals of grants; financial need; the calculation of grant amounts, after consideration of any additional financial resources or aid the student may hold; the grade point average required to retain such grant; and procedures for the repayment of tuition and fees for failure to meet the requirements imposed by this section.

§ 30-231.01. Definitions.

As used in this chapter, unless the context indicates otherwise:

"Accredited career and technical education postsecondary school" means (i) a privately owned and managed, academic-vocational school, noncollege degree school, postsecondary school, or a vocational school, as defined in § 23-276.1; (ii) formed, incorporated, or chartered within the Commonwealth and whose administrative office and principal campus is located in Virginia; (iii) accredited by a national or regional organization or agency recognized by the United States Secretary of Education for accrediting purposes; and (iv) certified by the State Council of Higher Education to award certificates and diplomas or to confer degrees, pursuant to § 23-276.4.

"Approved education program" means an educational agency or transition program or services accepted for participation in the Program by the Brown v. Board of Education Scholarship Committee.

"College-Level Examination Program (CLEP)" means a program consisting of a series of general and subject examinations in undergraduate college courses that measures an individual's college level knowledge gained through course work, independent study, cultural pursuits, travel, special interests, military service, and professional development, for the purpose of earning college credit.

"Committee" means the Brown v. Board of Education Scholarship Committee.

"Dual enrollment" means the concurrent enrollment of a scholarship recipient in an adult education program for the high school diploma and a public or private accredited two-year or four-year Virginia institution of higher education.

"Educational agency" means any (i) public school in the Commonwealth, (ii) public or private accredited two-year or four-year Virginia institution of higher education that is in compliance with the Southern Association of Colleges and Schools accreditation standards for institutions and academic programs or other national or regional organization or agency recognized by the United States Secretary of Education for accrediting purposes, (iii) ~~General Education Development (GED) high school equivalency preparation program in compliance with the requirements of the American Council on Education governing GED programs~~ *Board of Education guidelines*, (iv) College-Level Examination Program (CLEP) in compliance with the requirements of the College Board governing college level examination programs, or (v) accredited

career and technical education postsecondary school in the Commonwealth, that accepts for admission recipients of the Brown v. Board of Education Scholarship Program.

"General Education Development (GED) program" means a program of preparation and instruction for adults who did not complete high school and for youth who have been granted permission by the division superintendent of the school in which they are enrolled to take the test for the general educational development certificate.

"Graduate degree program" means an accredited academic program of study offered by a Virginia institution of higher education that has been accepted for participation in the Program by the Brown v. Board of Education Scholarship Committee to which scholarship recipients are accepted for admission and successful completion of the academic program culminates in the awarding of the masters or doctoral degree.

"High school equivalency preparation program" means a program of preparation and instruction for adults who did not complete high school, and for youth who have been granted permission by the division superintendent of the school in which they are enrolled, to take a high school equivalency examination approved by the Board of Education.

"Professional degree program" means an accredited graduate level program of study offered by a Virginia institution of higher education that has been accepted for participation in the Program by the Brown v. Board of Education Scholarship Committee to which scholarship recipients are accepted for admission and successful completion of the academic program culminates in the award of a degree in medicine, dentistry, nursing, law, pharmacy, optometry, engineering, architecture, veterinary medicine, or other discipline approved by the Committee.

"Program" means the Brown v. Board of Education Scholarship Program and Fund.

"Transition program and services" means individualized instruction or a compensatory education program designed to provide remediation, acceleration, or fundamental basic life skills to assist scholarship recipients in overcoming learning problems or to prepare such persons for academic success in an approved education program.

§ 30-231.1. Brown v. Board of Education Scholarship Program created; purpose.

There is hereby created, from such funds made available for this purpose, the Brown v. Board of Education Scholarship Program, hereinafter referred to as the "Program." The Program shall be established for the purpose of assisting students who were enrolled in the public schools of Virginia between 1954 and 1964, in jurisdictions in which the public schools were closed to avoid desegregation, in obtaining: the adult high school diploma; ~~the General Education Development certificate~~ a passing score on a high school equivalency examination approved by the Board of Education; College-Level Examination Program (CLEP) credit; career or technical education or training in an approved program at a Virginia community college or at an accredited career and technical education postsecondary school in the Commonwealth; an undergraduate degree from an accredited public or private two-year or four-year institution of higher education; a graduate degree at the masters or doctoral level; or a professional degree from an accredited public or private four-year institution of higher education in Virginia.

§ 30-231.2. Criteria for awarding and renewal of scholarships; awards made by the Brown v. Board of Education Scholarship Committee; eligible students; Standards of Learning requirements and assessments waived for eligible students.

A. With the funds made available from gifts, grants, donations, bequests, and other funds as may be received for such purpose, scholarships shall be awarded annually. Awards may be granted for part-time or full-time attendance for no more than one year of study for students enrolled in adult education programs for the high school diploma and preparation programs for ~~the General Education Development certificate~~ a high school equivalency examination approved by the Board of Education or the College-Level Examination Program (CLEP) credit, and for no more than the minimum number of credit hours required to complete program requirements, except as approved by the Committee for students enrolled in the following approved education programs: (i) an approved career or technical education or training program at a Virginia community college, or at an accredited career and technical education postsecondary school in the Commonwealth; (ii) a two-year undergraduate comprehensive community college program; (iii) a four-year undergraduate degree program; (iv) a recognized five-year undergraduate degree program; (v) a masters or doctoral level degree program; and (vi) a professional degree program. Awards granted may also be used for the College-Level Examination Program (CLEP) examinations and costs related to preparation for the tests, transition programs and services, and dual enrollment programs as may be approved by the Committee, in accordance with § 30-231.8. Awards granted to applicants accepted for enrollment at accredited career and technical education postsecondary schools shall be made in accordance with Article VIII, section 11 of the Constitution of Virginia. In addition, no scholarship under this Program shall be used to obtain multiple baccalaureate, masters, doctoral, or professional degrees.

B. The Standards of Learning requirements and all related assessments shall be waived for any student awarded a scholarship under this Program and enrolled in an adult basic education program to obtain the high school diploma.

C. No student pursuing a course of religious training or theological education or a student enrolled in any institution whose primary purpose is to provide religious training or theological education shall be eligible to receive scholarship awards. However, nothing in this section shall be construed to prohibit a student from taking courses of a religious or theological nature to satisfy undergraduate and graduate elective requirements for a liberal arts nonreligious degree.

D. Only students who are domiciled residents of Virginia as defined by § 23-7.4 shall be eligible to receive such awards. However, to facilitate the purposes of this Program only, the Committee may establish a list of acceptable documents to verify United States citizenship and legal presence in the Commonwealth from among those included in regulations promulgated by the Department of Motor Vehicles governing legal presence in the Commonwealth to obtain a

driver's license or identification card, and regulations promulgated by the State Health Department governing requests for and access to vital records.

E. Scholarships shall be awarded to eligible students by the Committee.

F. Scholarships may be renewed, upon request, annually if the recipient:

1. Maintains Virginia domicile and residency;

2. Evidences satisfactory academic achievement and progress toward program completion; and

3. Maintains continuous enrollment in an approved education program until graduation or program completion, in accordance with the provisions of this section and § 30-231.1.

For scholarship renewal purposes, the Committee may extend the period in which satisfactory academic achievement shall be demonstrated for no more than two semesters or the equivalent thereof.

G. For the purpose of this chapter, "eligible student" means a person currently domiciled and residing in the Commonwealth, who resided in a jurisdiction in Virginia between 1954 and 1964 in which the public schools were closed to avoid desegregation, and who (i) was unable during such years to (a) begin, continue, or complete his education in the public schools of the Commonwealth, (b) ineligible to attend a private academy or foundation, whether in state or out of state, established to circumvent desegregation, or (c) pursue postsecondary education opportunities or training because of the inability to obtain a high school diploma; or (ii) was required to relocate within or outside of the Commonwealth to begin, continue, or complete his public education during such years because public schools were closed to avoid desegregation.

§ 30-231.3. Amount of scholarships; use of scholarships; disbursement and recovery of scholarship funds; terms and conditions; penalty.

A. Scholarships shall be awarded from gifts, grants, donations, bequests, or other funds made available to the Program. No scholarship awarded under this Program shall exceed the total annual costs of tuition, a book allowance, and fees assessed by the educational agency for the specific program in which the student is enrolled, as determined by the Committee.

B. The full amount of each scholarship awarded to a recipient shall be used solely for the payment of tuition, a book allowance, and fees, or for a one-time only payment of the costs of a preparation program, instructional materials, and ~~examination for the General Education Development certificate~~ *high school equivalency examinations approved by the Board of Education* or the College-Level Examination Program (CLEP) examinations.

C. Awards granted to applicants accepted for enrollment at accredited career and technical education postsecondary schools shall be made in accordance with Article VIII, section 11 of the Constitution of Virginia.

D. No scholarship under this Program shall be used to obtain multiple baccalaureate, masters, doctoral, or professional degrees.

E. Before any scholarship is awarded, the applicant shall sign an acceptance form under the terms of which the applicant affirms the accuracy of the information he has provided and agrees to pursue the approved education program for which the scholarship is awarded until his graduation or the completion of the program, as appropriate. Following verification of enrollment by the relevant educational agency to the State Council of Higher Education, educational agencies acting as agents for students receiving awards under this chapter shall promptly credit disbursed funds to student accounts. A scholarship award made in accordance with the provisions of this chapter shall not be reduced by the educational agency upon receipt of any other financial assistance on behalf of the student. However, the scholarship award may be reduced by the Committee to ensure that, when such award is added to other financial assistance, the award does not produce a total of financial assistance that exceeds the annual total costs of tuition, a book allowance, and fees, pursuant to this section. Beginning on July 1, 2008, every educational agency acting as an agent for students receiving awards under this chapter shall notify the Committee and the State Council of Higher Education upon request concerning the type and total of other financial assistance received by such students. In addition, every educational agency accepting for admission persons awarded a *Brown v. Board of Education* scholarship shall, upon request, provide the Committee information concerning the accreditation status of the school and academic programs offered, and other relevant information as the Committee may require to evaluate the person's eligibility for the scholarship and to determine the eligibility of the educational agency for participation in the Program. Whenever a student withdraws from an educational agency or otherwise fails, regardless of reason, to complete the program in which he is enrolled, the educational agency shall surrender promptly to the Commonwealth the balance of the scholarship award, in accordance with the tuition refund policy in effect at the time of the student's admission to the educational agency.

F. Any person who uses a false or fictitious name or gives a false or fictitious address in any application for a scholarship or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in any such application shall be guilty of a Class 3 misdemeanor.

G. This chapter shall not be construed as creating any legally enforceable right or entitlement on the part of any person or any right or entitlement to participation in the Program. Scholarships shall be awarded to the extent funds are made available to the Program through gifts, grants, donations, bequests, or other funds.

§ 30-231.8. Powers and duties of the Committee.

The Committee shall have the following powers and duties:

1. Establish criteria for the awarding of scholarships, including, but not limited to, eligibility for and the renewal of scholarships, evidence of satisfactory academic achievement in accordance with § 30-231.2, terms and conditions of

scholarships awarded pursuant to § 30-231.3, the cancellation, rescindment, and recovery of scholarship awards, and conditions for which repayment of scholarships, or any part thereof, may be required;

2. Evaluate applications for and select recipients of the Brown v. Board of Education scholarships, in accordance with the provisions of this chapter;

3. Establish standards and determine approved education programs to ensure that the Program is implemented and administered in a manner that preserves the purpose for which it was created;

4. Establish, revise as necessary, and implement policies and standards to govern all aspects of the Program;

5. Confer with the Board of Education, Virginia Community College System, State Council of Higher Education, and Private College Advisory Board to the State Council of Higher Education to establish a protocol to facilitate the dual enrollment of eligible students in two-year and four-year degree programs, and the conventional enrollment of such students in public and private two-year and four-year accredited institutions of higher education;

6. Develop and implement a system to provide individualized transition programs and services, including, but not limited to, remediation, acceleration, and fundamental basic life skills, designed to prepare eligible students for academic success in the preparation program for the ~~General Education Development certificate~~ *a high school equivalency examination approved by the Board of Education*, earning college credit through the College-Level Examination Program (CLEP) examinations, adult basic education programs, two-year, four-year, graduate, and professional degree programs;

7. Determine annually the sum of any gifts, grants, donations, bequests, or other funds in the Brown v. Board of Education Scholarship Program Fund, and set the annual maximum scholarship award, and the maximum number of scholarships that may be awarded each year;

8. Seek, receive, and expend gifts, grants, donations, bequests, or other funds from any source on behalf of the Program for its support and to facilitate its purpose;

9. Make the first awards of the Brown v. Board of Education Scholarship Program to eligible students between July 1, 2004, and July 1, 2006, but no later than July 1, 2006; and

10. Perform such other duties, functions, and activities as may be necessary to facilitate and implement the objectives of this chapter.

§ 53.1-10. Powers and duties of Director.

The Director shall be the chief executive officer of the Department and shall have the following duties and powers:

1. To supervise and manage the Department and its system of state correctional facilities;

2. To implement the standards and goals of the Board as formulated for local and community correctional programs and facilities and lock-ups;

3. To employ such personnel and develop and implement such programs as may be necessary to carry out the provisions of this title, subject to Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2, and within the limits of appropriations made therefor by the General Assembly;

4. To establish and maintain a general system of schools for persons committed to the institutions and community-based programs for adults as set forth in §§ 53.1-67.7 and 53.1-67.8. Such system shall include, as applicable, elementary, secondary, post-secondary, career and technical education, adult, and special education schools.

a. The Director shall employ a ~~Superintendent~~ *Superintendent* who will oversee the operation of educational and vocational programs in all institutions and community-based programs for adults as set forth in §§ 53.1-67.7 and 53.1-67.8 operated by the Department. The Department shall be designated as a local education agency (LEA) but shall not be eligible to receive state funds appropriated for direct aid to public education.

b. When the Department employs a teacher licensed by the Board of Education to provide instruction in the schools of the correctional centers, the Department of Human Resource Management shall establish salary schedules for the teachers which endeavor to be competitive with those in effect for the school division in which the correctional center is located.

c. The Superintendent shall develop a functional literacy program for inmates testing below a selected grade level, which shall be at least at the twelfth grade or GED level. The program shall include guidelines for implementation and test administration, participation requirements, criteria for satisfactory completion, and a strategic plan for encouraging enrollment in college or an accredited vocational training program or other accredited continuing education program.

d. For the purposes of this section, the term "functional literacy" shall mean those educational skills necessary to function independently in society, including, but not limited to, reading, writing, comprehension, and arithmetic computation.

e. In evaluating a prisoner's educational needs and abilities pursuant to § 53.1-32.1, the Superintendent shall create a system for identifying prisoners with learning disabilities.

5. a. To make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, including, but not limited to, contracts with the United States, other states, and agencies and governmental subdivisions of this Commonwealth, and contracts with corporations, partnerships, or individuals which include, but are not limited to, the purchase of water or wastewater treatment services or both as necessary for the expansion or construction of correctional facilities, consistent with applicable standards and goals of the Board;

b. Notwithstanding the Director's discretion to make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, upon determining that it shall be desirable to contract with a public or private entity for the provision of community-based residential services pursuant to

Chapter 5 (§ 53.1-177 et seq.), the Director shall notify the local governing body of the jurisdiction in which the facility is to be located of the proposal and of the facility's proposed location and provide notice, where requested, to the chief law-enforcement officer for such locality when an offender is placed in the facility at issue;

6. To accept, hold and enjoy gifts, donations and bequests on behalf of the Department from the United States government and agencies and instrumentalities thereof, and any other source, subject to the approval of the Governor. To these ends, the Director shall have the power to comply with such conditions and execute such agreements as may be necessary, convenient or desirable, consistent with applicable standards and goals of the Board;

7. To collect data pertaining to the demographic characteristics of adults, and juveniles who are adjudicated as adults, incarcerated in state correctional institutions, including, but not limited to, the race or ethnicity, age, and gender of such persons, whether they are a member of a criminal gang, and the types of and extent to which health-related problems are prevalent among such persons. Beginning July 1, 1997, such data shall be collected, tabulated quarterly, and reported by the Director to the Governor and the General Assembly at each regular session of the General Assembly thereafter. The report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports;

8. To make application to the appropriate state and federal entities so as to provide any prisoner who is committed to the custody of the state a Department of Motor Vehicles approved identification card that would expire 90 days from issuance, a copy of his birth certificate if such person was born in the Commonwealth, and a social security card from the Social Security Administration;

9. To forward to the Commonwealth's Attorneys' Services Council, updated on a monthly basis, a list of all identified criminal gang members incarcerated in state correctional institutions. The list shall contain identifying information for each criminal gang member, as well as his criminal record;

10. To give notice, to the attorney for the Commonwealth prosecuting a defendant for an offense that occurred in a state correctional facility, of that defendant's known gang membership. The notice shall contain identifying information for each criminal gang member as well as his criminal record; and

11. To designate employees of the Department with internal investigations authority to have the same power as a sheriff or a law-enforcement officer in the investigation of allegations of criminal behavior affecting the operations of the Department. Such employees shall be subject to any minimum training standards established by the Department of Criminal Justice Services under § 9.1-102 for law-enforcement officers prior to exercising any law-enforcement power granted under this subdivision. Nothing in this section shall be construed to grant the Department any authority over the operation and security of local jails not specified in any other provision of law. The Department shall investigate allegations of criminal behavior in accordance with a written agreement entered into with the Department of State Police. The Department shall not investigate any action falling within the authority vested in the Office of the State Inspector General pursuant to Chapter 3.2 (§ 2.2-307 et seq.) of Title 2.2 unless specifically authorized by the Office of the State Inspector General.

§ 63.2-608. Virginia Initiative for Employment Not Welfare (VIEW).

A. The Department shall establish and administer the Virginia Initiative for Employment Not Welfare (VIEW) to reduce long-term dependence on welfare, to emphasize personal responsibility and to enhance opportunities for personal initiative and self-sufficiency by promoting the value of work. The Department shall endeavor to develop placements for VIEW participants that will enable participants to develop job skills that are likely to result in independent employment and that take into consideration the proficiency, experience, skills and prior training of a participant.

VIEW shall recognize clearly defined responsibilities and obligations on the part of public assistance recipients and shall include a written agreement of personal responsibility requiring parents to participate in work activities while receiving TANF, earned-income disregards to reduce disincentives to work, and a limit on TANF financial assistance.

VIEW shall require all able-bodied recipients of TANF who do not meet an exemption to participate in a work activity. VIEW shall require eligible TANF recipients to participate in unsubsidized, partially subsidized or fully subsidized employment or other allowable TANF work activity as defined by federal law and enter into an agreement of personal responsibility.

B. To the maximum extent permitted by federal law, and notwithstanding other provisions of Virginia law, the Department and local departments may, through applicable procurement laws and regulations, engage the services of public and private organizations to operate VIEW and to provide services incident to such operation.

C. All VIEW participants shall be under the direction and supervision of a case manager.

D. The Department shall ensure that participants are assigned to one of the following work activities within 90 days after the approval of TANF assistance:

1. Unsubsidized private-sector employment;
2. Subsidized employment, as follows:

a. The Department shall conduct a program in accordance with this section that shall be known as the Full Employment Program (FEP). FEP replaces TANF with subsidized employment. Persons not able to find unsubsidized employment who are otherwise eligible for TANF may participate in FEP unless exempted by this chapter. FEP shall assign participants to subsidized wage-paying private-sector jobs designed to increase the participants' self-sufficiency and improve their competitive position in the workforce.

b. Participants in FEP shall be placed in full-time employment when appropriate and shall be paid by the employer at an hourly rate not less than the federal or state minimum wage, whichever is higher. At no point shall a participant's spendable income received from wages and tax credits be less than the value of TANF received prior to the work placement.

c. Every employer subject to the Virginia unemployment insurance tax shall be eligible for assignment of FEP participants, but no employer shall be required to utilize such participants. Employers shall ensure that jobs made available to FEP participants are in conformity with § 3304(a)(5) of the Federal Unemployment Tax Act. FEP participants cannot be used to displace regular workers.

d. FEP employers shall:

(i) Endeavor to make FEP placements positive learning and training experiences;

(ii) Provide on-the-job training to the degree necessary for the participants to perform their duties;

(iii) Pay wages to participants at the same rate that they are paid to other employees performing the same type of work and having similar experience and employment tenure;

(iv) Provide sick leave, holiday and vacation benefits to participants to the same extent and on the same basis that they are provided to other employees performing the same type of work and having similar employment experience and tenure;

(v) Maintain health, safety and working conditions at or above levels generally acceptable in the industry and no less than those in which other employees perform the same type of work;

(vi) Provide workers' compensation coverage for participants;

(vii) Encourage volunteer mentors from among their other employees to assist participants in becoming oriented to work and the workplace; and

(viii) Sign an agreement with the local department outlining the employer requirements to participate in FEP. All agreements shall include notice of the employer's obligation to repay FEP reimbursements in the event the employer violates FEP rules.

e. As a condition of FEP participation, employers shall be prohibited from discriminating against any person, including program participants, on the basis of race, color, sex, national origin, religion, age, or disability;

3. Part-time or temporary employment;

4. Community work experience, as follows:

a. The Department and local departments shall work with other state, regional and local agencies and governments in developing job placements that serve a useful public purpose as provided in § 482(f) of the Social Security Act, as amended. Placements shall be selected to provide skills and serve a public function. VIEW participants shall not displace regular workers.

b. The number of hours per week for participants shall be determined by combining the total dollar amount of TANF and food stamps and dividing by the minimum wage with a maximum of a work week of 32 hours, of which up to 12 hours of employment-related education and training may substitute for work experience employment; or

5. Any other allowable TANF work activity as defined by federal law.

E. Notwithstanding the provisions of subsections A and D, if a local department determines that a VIEW participant is in need of job skills and would benefit from immediate job skills training, it may place the participant in a ~~general educational development (GED)~~ program *preparing individuals for a high school equivalency examination approved by the Board of Education* or a career and technical education program targeted at skills required for particular employment opportunities. Eligible participants include those with problems related to obtaining and retaining employment, such as participants (i) with less than a high school education, (ii) whose reading or math skills are at or below the eighth grade level, (iii) who have not retained a job for a period of at least six months during the prior two years, or (iv) who are in a treatment program for a substance abuse problem or are receiving services through a family violence treatment program. The VIEW participant may continue in a ~~GED~~ *high school equivalency examination preparation* program or career and technical education program for as long as the local department determines he is progressing satisfactorily and to the extent permitted by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193), as amended.

F. Participants may be reevaluated after a period determined by the local department and reassigned to another work component. In addition, the number of hours worked may be reduced by the local department so that a participant may complete additional training or education to further his employability.

G. Local departments shall be authorized to sanction parents up to the full amount of the TANF grant for noncompliance, unless good cause exists.

H. VIEW participants shall not be assigned to projects that require that they travel unreasonable distances from their homes or remain away from their homes overnight without their consent.

Any injury to a VIEW participant arising out of and in the course of community work experience shall be covered by the participant's existing Medicaid coverage. If a community work experience participant is unable to work due to such an accident, his status shall be reviewed to determine whether he is eligible for an exemption from the limitation on TANF financial assistance.

A community work experience participant who becomes incapacitated for 30 days or more shall be eligible for TANF financial assistance for the duration of the incapacity, if otherwise eligible.

The Board shall adopt regulations providing for the accrual of paid sick leave or other equivalent mechanism for community work experience participants.

§ 66-3. Powers of the Director.

A. The Director of the Department shall have the following general powers:

1. To employ such personnel as may be required to carry out the purposes of this title.
 2. To make and enter into all contracts and agreements necessary or incidental to the performance of his duties and the execution of his powers under this title, including, but not limited to, contracts and agreements with the United States, other states, and agencies and governmental subdivisions of the Commonwealth.
 3. With the prior approval of the Governor, to enter into agreements with a public or private entity to operate a work program for children committed to the Department.
 4. With the prior approval of the Governor, to acquire real property, by purchase or gift, needed for new or existing state juvenile correctional facilities and for administrative and other facilities necessary to the operations of the Department, pursuant to regulations promulgated by the Board to ensure adequate public notice and local hearing.
 5. To establish and maintain schools of the appropriate grades, levels, and types in the institutions for persons committed to juvenile correctional centers.
 6. To enter into such agreements with private entities, nonprofit civic organizations, school divisions, and public and private two-year and four-year institutions of higher education as it may deem necessary to provide age-appropriate educational programs and training, including career and technical education; career development opportunities; public service projects; restricted Internet access to online courses of institutions of higher education and approved or accredited online secondary education or adult education and literacy programs leading to a diploma or ~~the General Education Development (GED) program and testing~~ *achieving a passing score on a high school equivalency examination approved by the Board of Education*; access to postsecondary education that includes college credit, certification through an accredited vocational training program, or other accredited continuing education program using videoconferencing technology; and other learning experiences in the furtherance of its duties and responsibilities under this chapter for persons committed to the institutions comprising the Department.
 7. To designate employees of the Department with internal investigations authority to have the same power as a sheriff or a law-enforcement officer in the investigation of allegations of criminal behavior affecting the operations of the Department. Such employees shall be subject to any minimum training standards established by the Department of Criminal Justice Services under § 9.1-102 for law-enforcement officers prior to exercising any law-enforcement power granted under this subdivision. Nothing in this section shall be construed to grant the Department any authority over the operation and security of detention homes not specified in any other provision of law. The Department shall investigate allegations of criminal behavior in accordance with a written agreement entered into with the Department of State Police. The Department shall not investigate any action falling within the authority vested in the Office of the State Inspector General pursuant to Chapter 3.2 (§ 2.2-307 et seq.) of Title 2.2 unless specifically authorized by the Office of the State Inspector General.
 8. To do all acts necessary or convenient to carry out the purposes of this title.
- B. The Director shall comply with and require all school facilities within the Department to comply with applicable regulations and statutes, both state and federal.

CHAPTER 85

An Act to amend and reenact § 16.1-88.2 of the Code of Virginia, relating to medical reports as evidence; general district court.

[H 1037]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 16.1-88.2 of the Code of Virginia is amended and reenacted as follows:****§ 16.1-88.2. Evidence of medical reports or records; testimony of health care provider or custodian of records.**

In a civil suit tried in a general district court or appealed to the circuit court to recover damages for personal injuries or to resolve any dispute with an insurance company or health care provider, either party may present evidence as to the extent, nature, and treatment of the injury, the examination of the person so injured, and the costs of such treatment and examination by the following:

1. A report from the treating or examining health care provider as defined in § 8.01-581.1. Such medical report shall be admitted if the party intending to present evidence by the use of a report gives the opposing party or parties a copy of the report and written notice of such intention 10 days in advance of trial and if attached to such report is a sworn statement of ~~(i) the treating or examining health care provider that~~ ~~(i)~~ *(a) the person named therein was treated or examined by such health care provider;* ~~(ii)~~ *(b) the information contained in the report is true and accurate and fully descriptive as to the nature and extent of the injury;* and ~~(iii)~~ *(c) any statement of costs contained in the report is true and accurate or (ii) the custodian of such report that the same is a true and accurate copy of the report;* or
2. The records or bills of a hospital or similar medical facility at which the treatment or examination was performed. Such hospital or other medical facility records or bills shall be admitted if (i) the party intending to present evidence by the use of records or bills gives the opposing party or parties a copy of the records or bills and written notice of such intention

10 days in advance of trial and (ii) attached to the records or bills is a sworn statement of the custodian thereof that the same is a true and accurate copy of the records or bills of such hospital or other medical facility.

If, thereafter, the plaintiff or defendant summons the health care provider or custodian making such statement to testify in proper person or by deposition, the court shall determine which party shall pay the fee and costs for such appearance or depositions, or may apportion the same among the parties in such proportions as the ends of justice may require. If such health care provider or custodian is not subject to subpoena for cross-examination in court or by a deposition, then the court shall allow a reasonable opportunity for the party seeking the subpoena for such health care provider or custodian to obtain his testimony as the ends of justice may require. The plaintiff may only present evidence pursuant to this section in circuit court if he has not requested an amount in excess of the ad damnum in the motion for judgment filed in the general district court.

CHAPTER 86

An Act to amend and reenact § 8.01-380 of the Code of Virginia, relating to nonsuits; tolling.

[H 1041]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-380 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-380. Dismissal of action by nonsuit; fees and costs.

A. A party shall not be allowed to suffer a nonsuit as to any cause of action or claim, or any other party to the proceeding, unless he does so before a motion to strike the evidence has been sustained or before the jury retires from the bar or before the action has been submitted to the court for decision. After a nonsuit no new proceeding on the same cause of action or against the same party shall be had in any court other than that in which the nonsuit was taken, unless that court is without jurisdiction, or not a proper venue, or other good cause is shown for proceeding in another court, or when such new proceeding is instituted in a federal court. If after a nonsuit an improper venue is chosen, the court shall not dismiss the matter but shall transfer it to the proper venue upon motion of any party.

B. Only one nonsuit may be taken to a cause of action or against the same party to the proceeding, as a matter of right, although the court may allow additional nonsuits upon reasonable notice to counsel of record for all defendants and upon a reasonable attempt to notify any party not represented by counsel, or counsel may stipulate to additional nonsuits. The court, in the event additional nonsuits are allowed, may assess costs and reasonable attorney fees against the nonsuiting party. When suffering a nonsuit, a party shall inform the court if the cause of action has been previously nonsuited. Any order effecting a subsequent nonsuit shall reflect all prior nonsuits and shall include language that reflects the date of any previous nonsuit together with the court in which any previous nonsuit was taken.

C. If notice to take a nonsuit of right is given to the opposing party within seven days of trial or during trial, the court in its discretion may assess against the nonsuiting party reasonable witness fees and travel costs of expert witnesses scheduled to appear at trial, which are actually incurred by the opposing party, solely by reason of the failure to give notice at least seven days prior to trial. The court shall have the authority to determine the reasonableness of expert witness fees and travel costs. Invoices, receipts, or confirmation of payment shall be admissible to prove reasonableness without the need to offer testimony to support the authenticity or reasonableness of such documents, and may, in the court's discretion, satisfy the reasonableness requirement under this subsection. Nothing herein shall preclude any party from offering additional evidence or testimony to support or rebut the reasonableness requirement.

D. A party shall not be allowed to nonsuit a cause of action, without the consent of the adverse party who has filed a counterclaim, cross claim or third-party claim which arises out of the same transaction or occurrence as the claim of the party desiring to nonsuit unless the counterclaim, cross claim or third-party claim can remain pending for independent adjudication by the court.

E. *A voluntary nonsuit taken pursuant to this section is subject to the tolling provisions of subdivision E 3 of § 8.01-229.*

CHAPTER 87

An Act to amend and reenact § 33.1-23.1 of the Code of Virginia, relating to funding among highway systems.

[H 1048]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 33.1-23.1 of the Code of Virginia is amended and reenacted as follows:

§ 33.1-23.1. Allocation of funds among highway systems.

A. The Commonwealth Transportation Board shall allocate each year from all funds made available for highway purposes such amount as it deems reasonable and necessary for the maintenance of roads within the interstate system of highways, the primary system of state highways, the secondary system of state highways and for city and town street

maintenance payments made pursuant to § 33.1-41.1 and payments made to counties which have withdrawn or elect to withdraw from the secondary system of state highways pursuant to § 33.1-23.5:1.

B. After funds are set aside for administrative and general expenses and pursuant to other provisions in this title that provide for the disposition of funds prior to allocation for highway purposes, and after allocation is made pursuant to subsection A, the Commonwealth Transportation Board shall allocate an amount determined by the Board, not to exceed \$500 million in any given year, as follows: 25 percent to bridge reconstruction and rehabilitation; 25 percent to advancing high priority projects statewide; 25 percent to reconstructing deteriorated interstate ~~and~~ primary system, *and municipality maintained primary extension* pavements determined to have a Combined Condition Index of less than 60; 15 percent to projects undertaken pursuant to the Public-Private Transportation Act of 1995 (§ 56-556 et seq.); five percent to paving unpaved roads carrying more than ~~200~~ 50 vehicles per day; and five percent to smart roadway technology, provided that, at the discretion of the Commonwealth Transportation Board, such percentages of funds may be adjusted in any given year to meet project cash flow needs or when funds cannot be expended due to legal, environmental, or other project management considerations and provided that such allocations shall cease beginning July 1, 2020. After such allocations are made, the Board may allocate each year up to 10 percent of the funds remaining for highway purposes for the undertaking and financing of rail projects that, in the Board's determination, will result in mitigation of highway congestion. After the foregoing allocations have been made, the Board shall allocate the remaining funds available for highway purposes, exclusive of federal funds for the interstate system, among the several highway systems for construction first pursuant to §§ 33.1-23.1:1 and 33.1-23.1:2 and then as follows:

1. Forty percent of the remaining funds exclusive of federal-aid matching funds for the interstate system shall be allocated to the primary system of state highways, including the arterial network, and in addition, an amount shall be allocated to the primary system as interstate matching funds as provided in subsection B of § 33.1-23.2.

2. Thirty percent of the remaining funds exclusive of federal-aid matching funds for the interstate system shall be allocated to urban highways for state aid pursuant to § 33.1-44.

3. Thirty percent of the remaining funds exclusive of federal-aid matching funds for the interstate system shall be allocated to the secondary system of state highways.

C. In addition, the Commonwealth Transportation Board, from funds appropriated for such purpose in the general appropriation act, shall allocate additional funds to the Cities of Newport News, Norfolk, and Portsmouth and the County of Warren in such manner and apportion such funds among such localities as the Board may determine, unless otherwise provided in the general appropriation act. The localities shall use such funds to address highway maintenance and repair needs created by or associated with port operations in those localities.

D. Notwithstanding the foregoing provisions of this section, the General Assembly may, through the general appropriations act, permit the Governor to increase the amounts to be allocated to highway maintenance, highway construction, either or both.

E. As used in this section:

"Bridge reconstruction and rehabilitation" means reconstruction and rehabilitation of those bridges identified by the Department of Transportation as being functionally obsolete or structurally deficient.

"High priority projects" means those projects of regional or statewide significance identified by the Board that reduce congestion, increase safety, create jobs, or increase economic development.

"Smart roadway technology" means those projects or programs identified by the Board that reduce congestion, improve mobility, improve safety, provide up-to-date travel data, or improve emergency response.

CHAPTER 88

An Act to amend and reenact § 54.1-3408 of the Code of Virginia, relating to physician assistants; possession and administration of topical fluoride varnish.

[H 1129]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3408 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;

2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;

3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol; or

4. A licensed respiratory care practitioner as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs, or to possess and administer epinephrine for use in emergency cases of anaphylactic shock.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the immediate and direct supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of a school board who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the immediate and direct supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, certified emergency medical technician-intermediate, or emergency medical technician-paramedic under the direction of an operational medical director when the prescriber is not physically present. Emergency medical services personnel shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, as well as any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or a local government pursuant to § 15.2-914, or (ii) a student at a private school that complies with the accreditation requirements set forth in § 22.1-19 and is accredited by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a

pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A *physician assistant*, nurse or a dental hygienist may possess and administer topical fluoride varnish to the teeth of children aged six months to three years pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry that conforms to standards adopted by the ~~Virginia~~ Department of Health.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, certified emergency medical technician-intermediate, or emergency medical technician-paramedic when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303 and only for the purpose of participation in pilot programs conducted by the Department of Behavioral Health and Developmental Services, a person may obtain a prescription for a family member or a friend and may possess and administer naloxone for the purpose of counteracting the effects of opiate overdose.

CHAPTER 89

An Act to amend and reenact §§ 8.01-581.1 and 54.1-2952 of the Code of Virginia, relating to practice of physician assistants.

[H 1134]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-581.1 and 54.1-2952 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-581.1. Definitions.

As used in this chapter:

"Health care" means any act, professional services in nursing homes, or treatment performed or furnished, or which should have been performed or furnished, by any health care provider for, to, or on behalf of a patient during the patient's medical diagnosis, care, treatment or confinement.

"Health care provider" means (i) a person, corporation, facility or institution licensed by this Commonwealth to provide health care or professional services as a physician or hospital, dentist, pharmacist, registered nurse or licensed practical nurse or a person who holds a multistate privilege to practice such nursing under the Nurse Licensure Compact, optometrist, podiatrist, *physician assistant*, chiropractor, physical therapist, physical therapy assistant, clinical psychologist, clinical social worker, professional counselor, licensed marriage and family therapist, licensed dental hygienist, health maintenance organization, or emergency medical care attendant or technician who provides services on a fee basis; (ii) a professional corporation, all of whose shareholders or members are so licensed; (iii) a partnership, all of whose partners are so licensed; (iv) a nursing home as defined in § 54.1-3100 except those nursing institutions conducted by and for those who rely upon treatment by spiritual means alone through prayer in accordance with a recognized church or religious denomination; (v) a professional limited liability company comprised of members as described in subdivision A 2 of § 13.1-1102; (vi) a corporation, partnership, limited liability company or any other entity, except a state-operated facility, which employs or engages a licensed health care provider and which primarily renders health care services; or (vii) a director, officer, employee, independent contractor, or agent of the persons or entities referenced herein, acting within the course and scope of his employment or engagement as related to health care or professional services.

"Health maintenance organization" means any person licensed pursuant to Chapter 43 (§ 38.2-4300 et seq.) of Title 38.2 who undertakes to provide or arrange for one or more health care plans.

"Hospital" means a public or private institution licensed pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 or Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2.

"Impartial attorney" means an attorney who has not represented (i) the claimant, his family, his partners, co-proprietors or his other business interests; or (ii) the health care provider, his family, his partners, co-proprietors or his other business interests.

"Impartial health care provider" means a health care provider who (i) has not examined, treated or been consulted regarding the claimant or his family; (ii) does not anticipate examining, treating, or being consulted regarding the claimant or his family; or (iii) has not been an employee, partner or co-proprietor of the health care provider against whom the claim is asserted.

"Malpractice" means any tort action or breach of contract action for personal injuries or wrongful death, based on health care or professional services rendered, or which should have been rendered, by a health care provider, to a patient.

"Patient" means any natural person who receives or should have received health care from a licensed health care provider except those persons who are given health care in an emergency situation which exempts the health care provider from liability for his emergency services in accordance with § 8.01-225 or 44-146.23.

"Physician" means a person licensed to practice medicine or osteopathy in this Commonwealth pursuant to Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1.

"Professional services in nursing homes" means services provided in a nursing home, as that term is defined in clause (iv) of the definition of health care provider in this section, by a health care provider related to health care, staffing to provide patient care, psycho-social services, personal hygiene, hydration, nutrition, fall assessments or interventions, patient monitoring, prevention and treatment of medical conditions, diagnosis or therapy.

§ 54.1-2952. Supervision of assistants by licensed physician, or podiatrist; services that may be performed by assistants; responsibility of licensee; employment of assistants.

A. A physician or a podiatrist licensed under this chapter may apply to the Board to supervise assistants and delegate certain acts which constitute the practice of medicine to the extent and in the manner authorized by the Board. The physician shall provide continuous supervision as required by this section; however, the requirement for physician supervision of assistants shall not be construed as requiring the physical presence of the supervising physician during all times and places of service delivery by assistants. Each team of supervising physician and physician assistant shall identify the relevant physician assistant's scope of practice, including, but not limited to, the delegation of medical tasks as appropriate to the physician assistant's level of competence, the physician assistant's relationship with and access to the supervising physician, and an evaluation process for the physician assistant's performance.

No licensee shall be allowed to supervise more than six assistants at any one time.

Any professional corporation or partnership of any licensee, any hospital and any commercial enterprise having medical facilities for its employees which are supervised by one or more physicians or podiatrists may employ one or more assistants in accordance with the provisions of this section.

Activities shall be delegated in a manner consistent with sound medical practice and the protection of the health and safety of the patient. Such activities shall be set forth in a written practice supervision agreement between the assistant and the supervising health care provider and may include health care services which are educational, diagnostic, therapeutic, preventive, or include treatment, but shall not include the establishment of a final diagnosis or treatment plan for the patient unless set forth in the written practice supervision agreement. Prescribing or dispensing of drugs may be permitted as provided in § 54.1-2952.1. In addition, a licensee is authorized to delegate and supervise initial and ongoing evaluation and treatment of any patient in a hospital, including its emergency department, when performed under the direction, supervision and control of the supervising licensee. When practicing in a hospital, the assistant shall report any acute or significant finding or change in a patient's clinical status to the supervising physician as soon as circumstances require, and shall record such finding in appropriate institutional records. The assistant shall transfer to a supervising physician the direction of care of a patient in an emergency department who has a life-threatening injury or illness. The supervising physician shall review,

prior to the patient's discharge, the services rendered to each patient by a physician assistant in a hospital's emergency department. An assistant who is employed to practice in an emergency department shall be under the supervision of a physician present within the facility.

Further, unless otherwise prohibited by federal law or by hospital bylaws, rules, or policies, nothing in this section shall prohibit any physician assistant who is not employed by the emergency physician or his professional entity from practicing in a hospital emergency department, within the scope of his practice, while under continuous physician supervision as required by this section, whether or not the supervising physician is physically present in the facility. The supervising physician who authorizes such practice by his assistant shall (i) retain exclusive supervisory control of and responsibility for the assistant and (ii) be available at all times for consultation with both the assistant and the emergency department physician. Prior to the patient's discharge from the emergency department, the assistant shall communicate the proposed disposition plan for any patient under his care to both his supervising physician and the emergency department physician. No person shall have control of or supervisory responsibility for any physician assistant who is not employed by the person or the person's business entity.

B. No assistant shall perform any delegated acts except at the direction of the licensee and under his supervision and control. No physician assistant practicing in a hospital shall render care to a patient unless the physician responsible for that patient has signed the ~~protocol~~ *practice agreement*, pursuant to regulations of the Board, to act as supervising physician for that assistant. Every licensee, professional corporation or partnership of licensees, hospital or commercial enterprise that employs an assistant shall be fully responsible for the acts of the assistant in the care and treatment of human beings.

C. Notwithstanding the provisions of § 54.1-2956.8:1, a licensed physician assistant who (i) is working under the supervision of a licensed doctor of medicine or osteopathy specializing in the field of radiology, (ii) has been trained in the proper use of equipment for the purpose of performing radiologic technology procedures consistent with Board regulations, and (iii) has successfully completed the exam administered by the American Registry of Radiologic Technologists for physician assistants for the purpose of performing radiologic technology procedures may use fluoroscopy for guidance of diagnostic and therapeutic procedures.

CHAPTER 90

An Act to amend and reenact § 46.2-1307.1 of the Code of Virginia, relating to designation of private roads as highways for law-enforcement purposes in certain counties.

[H 1144]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1307.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1307.1. Designation of private roads as highways for law-enforcement purposes in certain counties.

Notwithstanding the provisions of § 46.2-1307, the governing body of Warren County may adopt ordinances designating the private roads, within any residential development containing 50 or more lots, as highways for law-enforcement purposes, *and the governing body of Greene County, upon receipt of a petition therefore by a majority of property owners within a residential development containing 25 or more lots, may adopt ordinances designating the private roads within any such development as highways for law-enforcement purposes.* Such ordinance may also provide for certification of road signs and speed limits by private licensed professional engineers using criteria developed by the Commissioner of Highways, and, for law-enforcement purposes, such certification shall have the same effect as if certified by the Commissioner of Highways.

CHAPTER 91

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

[H 1164]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-870 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-870. Maximum speed limits generally.

Except as otherwise provided in this article, the maximum speed limit shall be 55 miles per hour on interstate highways or other limited access highways with divided roadways, nonlimited access highways having four or more lanes, and all state primary highways.

The maximum speed limit on all other highways shall be 55 miles per hour if the vehicle is a passenger motor vehicle, bus, pickup or panel truck, or a motorcycle, but 45 miles per hour on such highways if the vehicle is a truck, tractor truck, or combination of vehicles designed to transport property, or is a motor vehicle being used to tow a vehicle designed for self-propulsion, or a house trailer.

Notwithstanding the foregoing provisions of this section, the maximum speed limit shall be 70 miles per hour where indicated by lawfully placed signs, erected subsequent to a traffic engineering study and analysis of available and appropriate accident and law-enforcement data, on: (i) interstate highways, (ii) multilane, divided, limited access highways, and (iii) high-occupancy vehicle lanes if such lanes are physically separated from regular travel lanes. The maximum speed limit shall be 60 miles per hour where indicated by lawfully placed signs, erected subsequent to a traffic engineering study and analysis of available and appropriate accident and law-enforcement data, on *U.S. Route 23*, U.S. Route 29, U.S. Route 58, *U.S. Alternate Route 58*, U.S. Route 360, U.S. Route 460, and on U.S. Route 17 between the Town of Port Royal and Saluda where they are nonlimited access, multilane, divided highways.

CHAPTER 92

An Act to amend and reenact § 9.1-184 of the Code of Virginia, relating to Virginia Center for School Safety; bullying.

[H 1187]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-184 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-184. Virginia Center for School Safety created; duties.

A. From such funds as may be appropriated, the Virginia Center for School Safety (the Center) is hereby established within the Department. The Center shall:

1. Provide training for Virginia public school personnel in school safety, on evidence-based antibullying tactics *based on the definition of bullying in § 22.1-276.01*, and in the effective identification of students who may be at risk for violent behavior and in need of special services or assistance;

2. Serve as a resource and referral center for Virginia school divisions by conducting research, sponsoring workshops, and providing information regarding current school safety concerns, such as conflict management and peer mediation, *bullying as defined in § 22.1-276.01*, school facility design and technology, current state and federal statutory and regulatory school safety requirements, and legal and constitutional issues regarding school safety and individual rights;

3. Maintain and disseminate information to local school divisions on effective school safety initiatives in Virginia and across the nation;

4. Collect, analyze, and disseminate various Virginia school safety data, including school safety audit information submitted to it pursuant to § 22.1-279.8, collected by the Department;

5. Encourage the development of partnerships between the public and private sectors to promote school safety in Virginia;

6. Provide technical assistance to Virginia school divisions in the development and implementation of initiatives promoting school safety, including threat assessment-based protocols with such funds as may be available for such purpose;

7. Develop a memorandum of understanding between the Director of the Department of Criminal Justice Services and the Superintendent of Public Instruction to ensure collaboration and coordination of roles and responsibilities in areas of mutual concern, such as school safety audits and crime prevention;

8. Provide training for and certification of school security officers, as defined in § 9.1-101 and consistent with § 9.1-110;

9. Develop, in conjunction with the Department of State Police, the Department of Behavioral Health and Developmental Services, and the Department of Education, a model critical incident response training program for public school personnel and others providing services to schools that shall also be made available to private schools in the Commonwealth; and

10. In consultation with the Department of Education, provide schools with a model policy for the establishment of threat assessment teams, including procedures for the assessment of and intervention with students whose behavior poses a threat to the safety of school staff or students.

B. All agencies of the Commonwealth shall cooperate with the Center and, upon request, assist the Center in the performance of its duties and responsibilities.

CHAPTER 93

An Act to amend the Code of Virginia by adding a section numbered 54.1-2522.1, relating to Prescription Monitoring Program; requirements of prescribers.

[H 1249]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 54.1-2522.1 as follows:

§ 54.1-2522.1. Requirements of prescribers.

A. Any prescriber who is licensed in the Commonwealth to treat human patients and is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription for a covered substance shall be registered with the Prescription Monitoring Program by the Department of Health Professions upon filing an application for licensure or renewal of licensure, if the prescriber is not already registered.

B. Prescribers registered with the Prescription Monitoring Program shall, at the time of initiating a new course of treatment to a human patient that includes the prescribing of benzodiazepine or an opiate anticipated to last more than 90 consecutive days and for which a treatment agreement is entered into, request information from the Director for the purpose of determining what, if any, other covered substances are currently prescribed to the patient. In addition, any prescriber who holds a special identification number from the Drug Enforcement Administration authorizing the prescribing of controlled substances approved for use in opioid addiction therapy shall, prior to or as a part of execution of a treatment agreement with the patient, request information from the Director for the purpose of determining what, if any, other covered substances the patient is currently being prescribed. Nothing in this section shall prohibit prescribers from making additional periodic requests for information from the Director as may be required by routine prescribing practices.

C. The Secretary of Health and Human Resources may identify and publish a list of benzodiazepines or opiates that have a low potential for abuse by human patients. Prescribers who prescribe such identified benzodiazepines or opiates shall not be required to meet the provisions of subsection B. In addition, a prescriber shall not be required to meet the provisions of subsection B if the course of treatment arises from pain management relating to dialysis or cancer treatments.

2. That the provisions of this act shall become effective on July 1, 2015.

CHAPTER 94

An Act to amend and reenact § 63.2-905.1 of the Code of Virginia, relating to independent living services; individuals between 18 and 21 years of age.

[S 134]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-905.1 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-905.1. Independent living services.

Local departments and licensed child-placing agencies shall provide independent living services to any person between 18 and 21 years of age who is in the process of transitioning from foster care to self-sufficiency. Any person who was committed or entrusted to a local board or licensed child-placing agency may choose to discontinue receiving independent living services any time before his twenty-first birthday in accordance with regulations adopted by the Board. The local board or licensed child-placing agency shall restore independent living services at the request of that person provided that (i) the person has not yet reached 21 years of age and (ii) the person has entered into a written agreement, less than 60 days after independent living services have been discontinued, with the local board or licensed child-placing agency regarding the terms and conditions of his receipt of independent living services.

Local departments and licensed child-placing agencies ~~may~~ shall provide independent living services to any person between 18 and 21 years of age who (a) was in the custody of the local department of social services immediately prior to his commitment to the Department of Juvenile Justice, (b) is in the process of transitioning from a commitment to the Department of Juvenile Justice to self-sufficiency, and (c) provides written notice of his intent to receive independent living services and enters into a written agreement for the provision of independent living services, which sets forth the terms and conditions of the provision of independent living services, with the local board or licensed child-placing agency within 60 days of his release from commitment to the Department of Juvenile Justice.

Local departments shall provide any person who chooses to leave foster care or terminate independent living services before his twenty-first birthday written notice of his right to request restoration of independent living services in accordance with this section by including such written notice in the person's transition plan. Such transition plan shall be created within 90 days prior to the person's discharge from foster care. Local departments and licensed child-placing agencies may provide independent living services as part of the foster care services provided to any child 14 years of age or older. All independent living services shall be provided in accordance with regulations adopted by the Board.

CHAPTER 95

An Act to amend and reenact § 63.2-301 of the Code of Virginia, relating to local boards; appointment of members of boards of supervisors.

[S 316]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-301 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-301. Local board appointments and terms of office.

The members of each local board first appointed shall be appointed initially for terms of from one to four years so as to provide for the balanced overlapping of the terms of the membership thereon and the members of a local board representing more than one county or city shall be appointed initially for such terms, of not less than one nor more than four years, as may be determined by the governing bodies of their respective counties or cities. Subsequent appointments shall be for a term of four years each, except that appointments to fill vacancies that occur during terms shall be for the remainder of those unexpired terms. Appointments to fill unexpired terms shall not be considered full terms, and such persons shall be eligible to be appointed to two consecutive full terms. No person may serve more than two consecutive full terms; however, this section shall not apply ~~where~~ *to a member of a local board who is also a member of the board of supervisors for a county represented by the board, who shall serve at the pleasure of the board of supervisors of which he is a member or until such time as he ceases to be a member of the board of supervisors, or in cases in which a local government official is constituted to be the local board.* A member of a local board who serves two consecutive full terms shall be ineligible for reappointment to such local board until the end of an intervening two-year period dating from the expiration of the last of the two consecutive terms.

CHAPTER 96

An Act to amend and reenact § 54.1-2408.2 of the Code of Virginia, relating to health regulatory boards; burden of proof for reinstatement.

[S 463]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2408.2 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2408.2. Minimum period for reinstatement after revocation.

When the certificate, registration or license of any person certified, registered or licensed by one of the health regulatory boards has been revoked, the board may, after three years and upon the payment of a fee prescribed by the ~~Board~~ *board*, consider an application for reinstatement of a certificate, registration or license in the same manner as the original certificates, registrations or licenses are granted; however, if a license has been revoked pursuant to subdivision A 19 of § 54.1-2915, the ~~Board~~ *board* shall not consider an application for reinstatement until five years have passed since revocation. A ~~Board~~ *board* shall conduct an investigation and review an application for reinstatement after revocation to determine whether there are causes for denial of the application. *The burden of proof shall be on the applicant to show by clear and convincing evidence that he is safe and competent to practice.* The reinstatement of a certificate, registration or license shall require the affirmative vote of three-fourths of the members at a ~~meeting~~ *hearing*. In the discretion of the board, such reinstatement may be granted without further examination.

CHAPTER 97

An Act to amend and reenact § 54.1-2523 of the Code of Virginia, relating to the Prescription Monitoring Program; method of disclosure of information to recipient.

[S 526]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2523 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2523. Confidentiality of data; disclosure of information; discretionary authority of Director.

A. All data, records, and reports relating to the prescribing and dispensing of covered substances to recipients and any abstracts from such data, records, and reports that are in the possession of the Prescription Monitoring Program pursuant to this chapter and any material relating to the operation or security of the program shall be confidential and shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 15 of § 2.2-3705.5. Further, the Director shall only have discretion to disclose any such information as provided in subsections B and C.

B. Upon receiving a request for information in accordance with the Department's regulations and in compliance with applicable federal law and regulations, the Director shall disclose the following:

1. Information relevant to a specific investigation of a specific recipient or of a specific dispenser or prescriber to an agent who has completed the Virginia State Police Drug Diversion School designated by the superintendent of the Department of State Police or designated by the chief law-enforcement officer of any county, city, or town or campus police department to conduct drug diversion investigations pursuant to § 54.1-3405.

2. Information relevant to an investigation or inspection of or allegation of misconduct by a specific person licensed, certified, or registered by or an applicant for licensure, certification, or registration by a health regulatory board; information relevant to a disciplinary proceeding before a health regulatory board or in any subsequent trial or appeal of an action or

board order to designated employees of the Department of Health Professions; or to designated persons operating the Health Practitioners' Monitoring Program pursuant to Chapter 25.1 (§ 54.1-2515 et seq.).

3. Information relevant to the proceedings of any investigatory grand jury or special grand jury that has been properly impaneled in accordance with the provisions of Chapter 13 (§ 19.2-191 et seq.) of Title 19.2.

4. Information relevant to a specific investigation of a specific recipient, dispenser, or prescriber to an agent of a federal law-enforcement agency with authority to conduct drug diversion investigations.

C. In accordance with the Department's regulations and applicable federal law and regulations, the Director may, in his discretion, disclose:

1. Information in the possession of the program concerning a recipient who is over the age of 18 to that recipient. *The information shall be mailed to the street or mailing address indicated on the recipient request form.*

2. Information on a specific recipient to a prescriber, as defined in this chapter, for the purpose of establishing the treatment history of the specific recipient when such recipient is either under care and treatment by the prescriber or the prescriber is initiating treatment of such recipient. In a manner specified by the Director in regulation, notice shall be given to patients that information may be requested by the prescriber from the Prescription Monitoring Program.

3. Information on a specific recipient to a dispenser for the purpose of establishing a prescription history to assist the dispenser in determining the validity of a prescription in accordance with § 54.1-3303 when the recipient is seeking a covered substance from the dispenser or the facility in which the dispenser practices. In a manner specified by the Director in regulation, notice shall be given to patients that information may be requested by the dispenser from the Prescription Monitoring Program.

4. Information relevant to an investigation or regulatory proceeding of a specific dispenser or prescriber to other regulatory authorities concerned with granting, limiting or denying licenses, certificates or registrations to practice a health profession when such regulatory authority licenses such dispenser or prescriber or such dispenser or prescriber is seeking licensure by such other regulatory authority.

5. Information relevant to an investigation relating to a specific dispenser or prescriber who is a participating provider in the Virginia Medicaid program or information relevant to an investigation relating to a specific recipient who is currently eligible for and receiving or who has been eligible for and has received medical assistance services to the Medicaid Fraud Control Unit of the Office of the Attorney General or to designated employees of the Department of Medical Assistance Services, as appropriate.

6. Information relevant to determination of the cause of death of a specific recipient to the designated employees of the Office of the Chief Medical Examiner.

7. Information for the purpose of bona fide research or education to qualified personnel; however, data elements that would reasonably identify a specific recipient, prescriber, or dispenser shall be deleted or redacted from such information prior to disclosure. Further, release of the information shall only be made pursuant to a written agreement between such qualified personnel and the Director in order to ensure compliance with this subdivision.

8. Information relating to prescriptions for covered substances issued by a specific prescriber, which have been dispensed and reported to the Program, to that prescriber.

D. The Director may enter into agreements for mutual exchange of information among prescription monitoring programs in other jurisdictions, which shall only use the information for purposes allowed by this chapter.

E. This section shall not be construed to supersede the provisions of § 54.1-3406 concerning the divulging of confidential records relating to investigative information.

F. Confidential information that has been received, maintained or developed by any board or disclosed by the board pursuant to subsection A shall not, under any circumstances, be available for discovery or court subpoena or introduced into evidence in any medical malpractice suit or other action for damages arising out of the provision of or failure to provide services. However, this subsection shall not be construed to inhibit any investigation or prosecution conducted pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2.

CHAPTER 98

An Act to amend and reenact § 51.5-140 of the Code of Virginia, relating to Office of State Long-Term Care Ombudsman; access to clients, patients, individuals, facilities, and records.

[S 572]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 51.5-140 of the Code of Virginia is amended and reenacted as follows:

§ 51.5-140. Access to clients, patients, and individuals, facilities, and records by Office of State Long-Term Care Ombudsman.

The entity designated by the Department to operate the programs of the Office of the State Long-Term Care Ombudsman pursuant to the Older Americans Act (42 U.S.C. § 3001 et seq.); shall, in the investigation of complaints referred to the program, have the same access to (i) residents, the facilities, providing services; the clients, patients, and individuals receiving services; and patients' the records of such clients, patients, and individuals in (i) licensed adult care

residences in accordance with § 63.2-1706 and assisted living facilities and adult day care centers as those terms are defined in § 63.2-100; (ii) ~~patients, facilities, and patients' records of home care organizations as defined in § 32.1-162.7;~~ (iii) hospice facilities as defined in § 32.1-162.1; (iv) certified nursing facilities ~~or~~ and nursing homes in accordance with § 32.1-25; and shall have access to the individuals receiving services and their records in as those terms are defined in § 32.1-123; (v) providers as defined in § 37.2-403; (vi) state hospitals operated by the Department of Behavioral Health and Developmental Services; and (vii) providers of services by an area agency on aging or any private nonprofit or proprietary agency whenever the entity has the consent of the client, patient, or individual receiving services or his legal representative. However, if a client, patient, or individual receiving services is unable to consent to the review of his medical and social records and has no legal guardian, such representatives shall have appropriate access to such records in accordance with this section representative and access to the records is necessary to investigate a complaint, access shall be granted to the extent necessary to conduct the investigation. Further, access shall be granted to the entity if a legal representative of the client, patient, or individual receiving services refuses to give consent and the entity has reasonable cause to believe that the legal representative is not acting in the best interests of the client, patient, or individual receiving services. Notwithstanding the provisions of § 32.1-125.1, the entity designated by the Department to operate the programs of the Office of the State Long-Term Care Ombudsman shall have access to nursing facilities and nursing homes and state hospitals in accordance with this section. Access to patients, residents, and individuals receiving services, and their records, and to facilities, and state hospitals shall be available during normal working hours except in emergency situations. Records that are confidential under federal or state law shall be maintained as confidential by the entity and shall not be further disclosed, except as permitted by law. However, notwithstanding the provisions of this section, there shall be no right of access to privileged communications pursuant to § 8.01-581.17.

CHAPTER 99

An Act to amend and reenact § 19.2-386.23 of the Code of Virginia, relating to forfeiture of seized drugs and paraphernalia for training purposes.

[H 186]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-386.23 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-386.23. Disposal of seized controlled substances, marijuana, synthetic cannabinoids, and paraphernalia.

A. All controlled substances, imitation controlled substances, marijuana, synthetic cannabinoids as defined in § 18.2-248.1:1, or paraphernalia, the lawful possession of which is not established or the title to which cannot be ascertained, which have come into the custody of a peace officer or have been seized in connection with violations of Chapter 7 (§ 18.2-247 et seq.) of Title 18.2, shall be forfeited and disposed of as follows:

1. Upon written application by (i) the Department of Forensic Science, (ii) the Department of State Police, or (iii) any police department or sheriff's office in a locality, the court may order the forfeiture of any such substance or paraphernalia to the Department of Forensic Science, the Department of State Police, or to such police department or sheriff's office for research and training purposes and for destruction pursuant to regulations of the United States Department of Justice Drug Enforcement Administration and of the Board of Pharmacy once these purposes have been fulfilled.

2. In the event no application is made under subdivision 1 of this subsection, the court shall order the destruction of all such substances or paraphernalia, which order shall state the existence and nature of the substance or paraphernalia, the quantity thereof, the location where seized, the person or persons from whom the substance or paraphernalia was seized, if known, and the manner whereby such item shall be destroyed. However, the court may order that paraphernalia identified in subdivision 5 of § 18.2-265.1 not be destroyed and that it be given to a person or entity that makes a showing to the court of sufficient need for the property and an ability to put the property to a lawful and publicly beneficial use. A return under oath, reporting the time, place and manner of destruction shall be made to the court and to the Board of Pharmacy by the officer to whom the order is directed. A copy of the order and affidavit shall be made a part of the record of any criminal prosecution in which the substance or paraphernalia was used as evidence and shall, thereafter, be prima facie evidence of its contents. In the event a law-enforcement agency recovers, seizes, finds, is given or otherwise comes into possession of any such substances or paraphernalia that are not evidence in a trial in the Commonwealth, the chief law-enforcement officer of the agency or his designee may, with the written consent of the appropriate attorney for the Commonwealth, order destruction of same; provided that, a statement under oath, reporting a description of the substances and paraphernalia destroyed, and the time, place and manner of destruction, is made to the chief law-enforcement officer and to the Board of Pharmacy by the officer to whom the order is directed.

B. No such substance or paraphernalia used or to be used in a criminal prosecution under Chapter 7 (§ 18.2-247 et seq.) of Title 18.2 shall be disposed of as provided by this section until all rights of appeal have been exhausted, except as provided in § 19.2-386.24.

C. The amount of any specific controlled substance, or imitation controlled substance, retained by any law-enforcement agency pursuant to a court order issued under this section shall not exceed five pounds, or 25 pounds in the case of marijuana or synthetic cannabinoids as defined in § 18.2-248.1:1. Any written application to the court for

controlled substances, imitation controlled substances, marijuana, or synthetic cannabinoids, as defined in § 18.2-248.1:1, shall certify that the amount requested shall not result in the requesting agency's exceeding the limits allowed by this subsection.

D. A law-enforcement agency that retains any controlled substance, imitation controlled substance, marijuana, or synthetic cannabinoids, as defined in § 18.2-248.1:1, pursuant to a court order issued under this section shall (i) be required to conduct an inventory of such substance on a monthly basis, which shall include a description and weight of the substance, and (ii) destroy such substance within 12 months of obtaining it through a court order for use in training. A written report outlining the details of the inventory shall be made to the chief law-enforcement officer of the agency within 10 days of the completion of the inventory, and the agency shall detail the substances that were used for training pursuant to a court order in the immediately preceding fiscal year. Destruction of such substance shall be certified to the court along with a statement prepared under oath, reporting a description of the substance destroyed, and the time, place, and manner of destruction.

CHAPTER 100

An Act to delay proposed modifications to the discretionary sentencing guidelines; possession of child pornography.

[H 504]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. § 1. *The proposed modifications to the discretionary sentencing guidelines for convictions related to the possession of child pornography in violation of subsections A and B of § 18.2-374.1:1 of the Code of Virginia adopted by the Virginia Criminal Sentencing Commission pursuant to subdivision 1 of § 17.1-803 of the Code of Virginia and contained in the Commission's 2013 Annual Report pursuant to subdivision 10 of § 17.1-803 shall not become effective until July 1, 2016. The Virginia Criminal Sentencing Commission shall review the discretionary sentencing guidelines recommendations for convictions related to the possession of child pornography in violation of subsections A and B of § 18.2-374.1:1 and complete its review by December 1, 2015. Any proposed modification to the discretionary sentencing guidelines for such convictions contained in the Commission's 2015 Annual Report shall supersede the proposed modifications contained in the Commission's 2013 Annual Report unless otherwise provided by law.*

CHAPTER 101

An Act to amend the Code of Virginia by adding in Chapter 7 of Title 18.2 an article numbered 1.3, consisting of sections numbered 18.2-265.19, 18.2-265.20, and 18.2-265.21, relating to the Dextromethorphan Distribution Act; penalty.

[H 505]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. **That the Code of Virginia is amended by adding in Chapter 7 of Title 18.2 an article numbered 1.3, consisting of sections numbered 18.2-265.19, 18.2-265.20, and 18.2-265.21, as follows:**

Article 1.3.

Dextromethorphan Distribution Act.

§ 18.2-265.19. Definitions.

As used in this article, unless the context requires a different meaning:

"Dextromethorphan" means the dextrorotatory isomer of 3-methoxy-N-methylmorphinan and its salts.

"Pharmacy" means any establishment or institution from which drugs, medicines, or medicinal chemicals are dispensed or offered for sale or on which a sign is displayed bearing the words "apothecary," "druggist," "drugs," "drug store," "drug sundries," "medicine store," "pharmacist," "pharmacy," "prescriptions filled," or any similar words intended to indicate that the practice of pharmacy is being conducted pursuant to a license issued under Chapter 33 (§ 54.1-3300 et seq.) of Title 54.1.

"Retail distributor" means an entity licensed to conduct business in the Commonwealth that offers for sale to the public at a retail outlet any nonprescription compound, mixture, or preparation containing dextromethorphan.

"Unfinished dextromethorphan" means dextromethorphan in the form of a "bulk drug substance" as defined in § 54.1-3401.

§ 18.2-265.20. Sale or distribution of dextromethorphan to minors; purchase by minors; civil penalty.

A. It is unlawful for any pharmacy or retail distributor knowingly or intentionally to sell or distribute any product containing dextromethorphan to a minor.

B. A pharmacy or retail distributor, or its employee or agent, shall not sell or distribute a product containing dextromethorphan unless the purchaser presents a federal, state, or local government-issued document that contains a photograph and the birth date of the purchaser that shows that the purchaser is at least 18 years of age or unless from the

purchaser's outward appearance the pharmacy or retail distributor would reasonably presume the purchaser to be 25 years of age or older.

C. It is unlawful for any minor knowingly or intentionally to purchase any product containing dextromethorphan.

D. Any pharmacy or retail distributor, or its employee or agent, that violates subsection A or any minor who violates subsection C is subject to a civil penalty of \$25. Any pharmacy or retail distributor, or its employee or agent, that violates subsection B shall receive a notice of noncompliance and, upon any subsequent violation of subsection B, shall be subject to a civil penalty of \$25. Such penalty shall be collected by the attorney for the Commonwealth for the locality where the violation occurred, and the proceeds shall be deposited into the Literary Fund.

E. The provisions of this section shall not apply if the product was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.).

§ 18.2-265.21. Possession or distribution of unfinished dextromethorphan; penalty.

Any person who distributes or possesses with the intent to distribute unfinished dextromethorphan who is not registered under § 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 321 et seq.) or otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.) to distribute or possess unfinished dextromethorphan is guilty of a Class 1 misdemeanor. This section does not apply to a common carrier that receives or possesses unfinished dextromethorphan for the purpose of distributing such unfinished dextromethorphan between persons registered under § 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 321 et seq.) or otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.) to distribute or possess unfinished dextromethorphan.

2. That the provisions of this act shall become effective on January 1, 2015.

CHAPTER 102

An Act to amend and reenact § 9.1-1111 of the Code of Virginia, relating to the Forensic Science Board; Scientific Advisory Committee; membership.

[H 517]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-1111 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-1111. Scientific Advisory Committee; membership.

The Scientific Advisory Committee is hereby established as an advisory board within the meaning of § 2.2-2100, in the executive branch of state government. The Scientific Advisory Committee (the Committee) shall consist of 13 members, consisting of the Director of the Department, and 12 members appointed by the Governor as follows: a director of a private or federal forensic laboratory located in the Commonwealth; a forensic scientist or any other person, with an advanced degree, who has received substantial education, training, or experience in the subject of laboratory standards or quality assurance regulation and monitoring; a forensic scientist with an advanced degree who has received substantial education, training, or experience in the discipline of molecular biology; a forensic scientist with an advanced degree and having experience in the discipline of population genetics; a scientist with an advanced degree and having experience in the discipline of forensic chemistry; a scientist with an advanced degree and having experience in the discipline of forensic biology; a forensic scientist or any other person, with an advanced degree who has received substantial education, training, or experience in the discipline of trace evidence; a scientist with a doctoral degree and having experience in the discipline of forensic toxicology, who is certified by the American Board of Forensic Toxicologists; a member of the Board of the International Association for Identification *when initially appointed*; a member of the Board of the Association of Firearms and Toolmark Examiners *when initially appointed*; a member of the International Association of ~~for~~ Chemical Testing; and a member of the American Society of Crime Laboratory Directors.

Members of the Committee initially appointed shall serve the following terms: four members shall serve a term of one year, four members shall serve a term of two years, and four members shall serve a term of four years. Thereafter, all appointments shall be for a term of four years. A vacancy other than by expiration of term shall be filled by the Governor for the unexpired term.

Members of the Committee shall be paid reasonable and necessary expenses incurred in the performance of their duties, and shall receive compensation for their services as provided in §§ 2.2-2813 and 2.2-2825.

CHAPTER 103

An Act to amend and reenact § 22.1-309 of the Code of Virginia, relating to teachers; dismissal.

[S 43]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-309 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-309. Notice to teacher of recommendation of dismissal; school board not to consider merits during notice; superintendent required to provide reasons for recommendation upon request.

In the event a division superintendent determines to recommend dismissal of any teacher, written notice shall be sent to the teacher notifying him of the proposed dismissal and informing him that within ~~five~~ 10 business days after receiving the notice the teacher may request a hearing before the school board or, at the option of the local school board, a hearing officer appointed by the school board as provided in § 22.1-311. During such ~~five business day~~ 10-business-day period and thereafter until a hearing is held in accordance with the provisions of this section, if one is requested by the teacher, the merits of the recommendation of the division superintendent shall not be considered, discussed or acted upon by the school board except as provided for in this section. At the request of the teacher, the division superintendent shall provide the reasons for the recommendation in writing or, if the teacher prefers, in a personal interview. In the event a teacher requests a hearing pursuant to § 22.1-311, the division superintendent shall provide, within 10 days of the request, the teacher or his representative with the opportunity to inspect and copy his personnel file and all other documents relied upon in reaching the decision to recommend dismissal. Within 10 days of the request of the division superintendent, the teacher or his representative shall provide the division superintendent with the opportunity to inspect and copy the documents to be offered in rebuttal to the decision to recommend dismissal. The division superintendent and the teacher or his representative shall be under a continuing duty to disclose and produce any additional documents identified later which may be used in the respective parties' cases-in-chief. The cost of copying such documents shall be paid by the requesting party.

For the purposes of this section, "personnel file" means any and all memoranda, entries, or other documents included in the teacher's file as maintained in the central school administration office or in any file on the teacher maintained within a school in which the teacher serves.

CHAPTER 104

An Act to amend and reenact § 28.2-402, as it is currently effective, of the Code of Virginia, to amend and reenact the second enactment of Chapter 41 of the Acts of Assembly of 2007, as amended by Chapters 178 and 728 of the Acts of Assembly of 2010 and Chapters 59 and 760 of the Acts of Assembly of 2013, and to amend and reenact the third and fourth enactments of Chapters 59 and 760 of the Acts of Assembly of 2013, and to repeal § 28.2-402, as it shall become effective January 1, 2015, relating to the management of the menhaden fishery.

[S 49]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-402, as it is currently effective, of the Code of Virginia is amended and reenacted as follows:

§ 28.2-402. (Effective until January 1, 2015) License fee to take menhaden with purse nets.

Any person desiring to take or catch menhaden with purse nets shall pay to the officer or agent a license fee as follows or as subsequently revised by the Commission pursuant to § 28.2-201:

1. On each boat or vessel under 70 gross tons fishing for the purse seine menhaden reduction sector, \$249.
2. On each vessel 70 gross tons or over fishing for the purse seine menhaden reduction sector, \$996.
3. On each boat or vessel under 70 gross tons fishing for the purse seine menhaden bait sector, \$249.
4. On each vessel 70 gross tons or over fishing for the purse seine menhaden bait sector, \$996.

Any person purchasing more than one of these licenses for the same vessel shall pay a fee equal to that for a single license.

2. That the second enactment of Chapter 41 of the Acts of Assembly of 2007, as amended by Chapters 178 and 728 of the Acts of Assembly of 2010 and Chapters 59 and 760 of the Acts of Assembly of 2013, is amended and reenacted as follows:

2. That the provisions of this act shall expire on ~~January 1, 2015~~ July 1, 2016.

3. That the third and fourth enactments of Chapters 59 and 760 of the Acts of Assembly of 2013 are amended and reenacted as follows:

3. That § 28.2-1000.2 of the Code of Virginia is repealed effective ~~January 1, 2015~~ July 1, 2016.

4. That the provisions of this act shall expire on ~~January 1, 2015~~ July 1, 2016.

4. That § 28.2-402 as it shall become effective January 1, 2015, is repealed.

CHAPTER 105

An Act to amend and reenact § 22.1-51 of the Code of Virginia, relating to the length of terms of City of Norfolk school board members.

[S 90]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-51 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-51. Appointment and terms in City of Norfolk.

Notwithstanding the provisions of the charter of the City of Norfolk, the school board of the City of Norfolk shall consist of seven members to be appointed by the city council from the city at large. Members shall be appointed to serve for terms of ~~two~~ *three* years beginning on July 1 except that initial appointments shall be staggered so that the terms of four members expire in odd-numbered years and the terms of three members expire in even-numbered years. Any vacancy occurring on the school board other than by expiration of term shall be filled by the council for the unexpired term.

2. That the provisions of this act shall not affect the length of any term that began prior to July 1, 2014.

CHAPTER 106

An Act to amend and reenact § 28.2-1202 of the Code of Virginia, relating to sand replenishment, riparian rights, and public access.

[S 209]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-1202 of the Code of Virginia is amended and reenacted as follows:

§ 28.2-1202. Rights of owners to extend to mean low-water mark.

A. Subject to the provisions of § 28.2-1200, the limits or bounds of the tracts of land lying on the bays, rivers, creeks, and shores within the jurisdiction of the Commonwealth, and the rights and privileges of the owners of such lands, shall extend to the mean low-water mark but no farther, except where a creek or river, or some part thereof, is comprised within the limits of a lawful survey.

B. For purposes of this section, "lawful survey" means the boundaries of any land, including submerged lands, held under a special grant or compact as required by § 28.2-1200, such boundaries having been determined by generally accepted surveying methods and evidenced by a plat or map thereof recorded in the circuit court clerk's office of the county or city in which the land lies.

C. *Notwithstanding any provision of law to the contrary, where sand or other material is placed upon state-owned beds of the bays, rivers, creeks, or shores of the sea channelward of the mean low-water mark as part of the performance of a properly permitted beach nourishment, storm protection, or dredging project undertaken by a public body, and the public has an established right of use and maintenance upon the adjacent land above the mean low-water mark, whether such public right is established before or after the sand or other material is placed, such placement shall not be deemed a severance or taking of, or otherwise to have impaired, an adjacent landowner's riparian or littoral rights, and the newly created land channelward of the former mean low-water mark shall be deemed natural accretion for purposes of ownership, but such ownership shall be subject to the public's same right of use and maintenance upon the newly created land as previously existed on the adjacent land above the mean low-water mark. This subsection is retroactively effective beginning January 1, 2009.*

CHAPTER 107

An Act to amend the Code of Virginia by adding in Chapter 4 of Title 10.1 a section numbered 10.1-418.9, relating to the scenic rivers.

[S 257]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 4 of Title 10.1 a section numbered 10.1-418.9 as follows:

§ 10.1-418.9. Tye State Scenic River.

The Tye River in Nelson County from Route 738 (Tye Depot Road) to its confluence with the James River, a distance of approximately 12.7 miles, is hereby designated a component of the Virginia Scenic Rivers System. Nothing in this section shall preclude the Commonwealth or a local governing body from constructing, reconstructing, or performing necessary maintenance on any road or bridge.

CHAPTER 108

An Act to repeal § 28.2-304 of the Code of Virginia, relating to channel bass (red drum).

[S 434]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-304 of the Code of Virginia is repealed.

CHAPTER 109

An Act to amend and reenact §§ 22.1-277.07 and 22.1-277.08 of the Code of Virginia, relating to student discipline; gun and drug offenses.

[S 441]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:**1. That §§ 22.1-277.07 and 22.1-277.08 of the Code of Virginia are amended and reenacted as follows:****§ 22.1-277.07. Expulsion of students under certain circumstances; exceptions.**

A. In compliance with the federal Improving America's Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), a school board shall expel from school attendance for a period of not less than one year any student whom such school board has determined, in accordance with the procedures set forth in this article, to have possessed a firearm on school property or at a school-sponsored activity as prohibited by § 18.2-308.1; to have possessed a firearm or destructive device as defined in subsection E, a firearm muffler or firearm silencer, or a pneumatic gun as defined in subsection E of § 15.2-915.4 on school property or at a school-sponsored activity. A school administrator, pursuant to school board policy, or a school board may, however, determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. A school board may promulgate guidelines for determining what constitutes special circumstances. In addition, a school board may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article. *Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation.*

B. The Board of Education is designated as the state education agency to carry out the provisions of the federal Improving America's Schools Act of 1994 and shall administer the funds to be appropriated to the Commonwealth under this act.

C. Each school board shall revise its standards of student conduct no later than three months after the date on which this act becomes effective. Local school boards requesting moneys apportioned to the Commonwealth through the federal Improving America's Schools Act of 1994 shall submit to the Department of Education an application requesting such assistance. Applications for assistance shall include:

1. Documentation that the local school board has adopted and implemented student conduct policies in compliance with this section; and

2. A description of the circumstances pertaining to expulsions imposed under this section, including (i) the schools from which students were expelled under this section, (ii) the number of students expelled from each such school in the school division during the school year, and (iii) the types of firearms involved in the expulsions.

D. No school operating a Junior Reserve Officers Training Corps (JROTC) program shall prohibit the JROTC program from conducting marksmanship training when such training is a normal element of such programs. Such programs may include training in the use of pneumatic guns. The administration of a school operating a JROTC program shall cooperate with the JROTC staff in implementing such marksmanship training.

E. As used in this section:

"Destructive device" means (i) any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device; (ii) any weapon, except a shotgun or a shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name known that will, or may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter that is homemade or was not made by a duly licensed weapon manufacturer, any fully automatic firearm, any sawed-off shotgun or sawed-off rifle as defined in § 18.2-299 or any firearm prohibited from civilian ownership by federal law; and (iii) any combination of parts either designed or intended for use in converting any device into any destructive device described in this subsection and from which a destructive device may be readily assembled. "Destructive device" does not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device, nor shall it include any antique firearm as defined in subsection G of § 18.2-308.2:2.

"Firearm" means any weapon, including a starter gun, that will, or is designed or may readily be converted to, expel single or multiple projectiles by the action of an explosion of a combustible material or the frame or receiver of any such weapon. "Firearm" does not include any pneumatic gun, as defined in subsection E of § 15.2-915.4.

"One year" means 365 calendar days as required in federal regulations.

"School property" means any real property owned or leased by the school board or any vehicle owned or leased by the school board or operated by or on behalf of the school board.

F. The exemptions set out in § 18.2-308 regarding concealed weapons shall apply, *mutatis mutandis*, to the provisions of this section. The provisions of this section shall not apply to persons who possess such firearm or firearms or pneumatic

guns as a part of the curriculum or other programs sponsored by the schools in the school division or any organization permitted by the school to use its premises or to any law-enforcement officer while engaged in his duties as such.

G. This section shall not be construed to diminish the authority of the Board of Education or the Governor concerning decisions on whether, or the extent to which, Virginia shall participate in the federal Improving America's Schools Act of 1994, or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

§ 22.1-277.08. Expulsion of students for certain drug offenses.

A. School boards shall expel from school attendance any student whom such school board has determined, in accordance with the procedures set forth in this article, to have brought a controlled substance, imitation controlled substance, marijuana as defined in § 18.2-247, or synthetic cannabinoids as defined in § 18.2-248.1:1 onto school property or to a school-sponsored activity. A school board may, however, determine, based on the facts of the particular case, that special circumstances exist and another disciplinary action is appropriate. In addition, a school board may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article. *Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation.*

B. Each school board shall revise its standards of student conduct to incorporate the requirements of this section no later than three months after the date on which this act becomes effective.

CHAPTER 110

An Act to amend and reenact § 10.1-2211 of the Code of Virginia, relating to Confederate grave sites.

[S 540]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-2211 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-2211. Disbursement of funds appropriated for caring for Confederate cemeteries and graves.

A. At the direction of the Director, the Comptroller of the Commonwealth is instructed and empowered to draw annual warrants upon the State Treasurer from any sums that may be provided in the general appropriation act, in favor of the treasurers of the Confederate memorial associations and chapters of the United Daughters of the Confederacy set forth in subsection B of this section. Such sums shall be expended by the associations and organizations for the routine maintenance of their respective Confederate cemeteries and graves and for the graves of Confederate soldiers and sailors not otherwise cared for in other cemeteries, and in erecting and caring for markers, memorials, and monuments to the memory of such soldiers and sailors. All such associations and organizations, through their proper officers, are required after July 1 of each year to submit to the Director a certified statement that the funds appropriated to the association or organization in the preceding fiscal year were or will be expended for the routine maintenance of cemeteries specified in this section and the graves of Confederate soldiers and sailors and in erecting and caring for markers, memorials and monuments to the memory of such soldiers and sailors. An association or organization failing to comply with any of the requirements of this section shall be prohibited from receiving moneys allocated under this section for all subsequent fiscal years until the association or organization fully complies with the requirements.

B. Allocation of appropriations made pursuant to this section shall be based on the number of graves, monuments and markers as set forth opposite the association's or organization's name, or as documented by each association or organization multiplied by the rate of \$5 or the average actual cost of routine maintenance, whichever is greater, for each grave, monument or marker in the care of a Confederate memorial association or chapter of the United Daughters of the Confederacy. For the purposes of this section the "average actual cost of care" shall be determined by the Department in a biennial survey of at least four properly maintained cemeteries, each located in a different geographical region of the Commonwealth.

IN THE COUNTIES OF:	NUMBER:
Accomack	
Robert E. Lee Chapter, U.D.C., Belle Haven	10
Albemarle	
Albemarle Chapter, U.D.C.	50
Mountain Plain Cemetery, Crozet	15
Mt. Zion United Methodist Church, Esmont	10
Scottsville Chapter, U.D.C.	40
Westerly Chapel Cemetery, Free Union	15
Amelia	
Grub Hill Church	10

Appomattox	
Appomattox Chapter, U.D.C.	50
Augusta	
Augusta Stone Presbyterian Church Cemetery	40
Salem Lutheran Church Cemetery	37
Trinity Lutheran Church Cemetery	13
Botetourt	
Fairview Cemetery Association, Inc.	20
Glade Creek Cemetery Corporation	10
Buchanan	
Ratliff	30
Carroll	
Floyd Webb Cemetery	16
Robinson Cemetery	10
Worrell Cemetery	10
Charles City County	
Salem Church Cemetery	35
Chesterfield	
Ettrick Cemetery	47
Skinquarter Baptist Church Cemetery	42 15
Craig	
Archibald A. Caldwell Cemetery	4
Culpeper	
Culpeper Chapter, U.D.C.	10
Dinwiddie	
Dinwiddie Confederate Memorial Association	15
Fairfax	
Fairfax Chapter, U.D.C.	15
Robert E. Lee Chapter No. 56	36
Fauquier	
Black Horse Chapter, U.D.C.	10
Marshall Cemetery	10
Piedmont Chapter, U.D.C.	10
Upperville Methodist Church Cemetery	10
Floyd	
Floyd County Confederate Memorial Association	20
Southward Cemetery	10
Giles	
McComas Chapter, U.D.C.	15
Goochland	
Goochland Chapter, U.D.C.	15
Grayson	
A. B. Cox Cemetery	10
Atkins Memorial Cemetery	10
Bethel Church Cemetery	10
Bridlecreek Cemetery	10
Camet B. Cox Cemetery	10
Comer's Rock Cemetery	10
Cox's Chapel	10
Fellowship Baptist Cemetery	10
Fries Ridge Cemetery	10
Forest Cemetery	10
Fox Creek Cemetery	10
Funk Cemetery	10
Gold Hill Cemetery	10
Grubbs Chapel Cemetery	10
Hale Cemetery	15
Hines Branch Cemetery	10
Independence Cemetery	10
Jerusalem Methodist Episcopal Church Cemetery	10
Lebanon Cemetery	10

Liberty Hill Cemetery	15
Long Branch Cemetery	10
McKenzie Cemetery	10
New Hope Cemetery	10
Oak Grove Cemetery	10
Potato Creek Cemetery	10
Pugh Cemetery	10
Rhudy Cemetery	10
Round Meadows Cemetery	10
Rugby Cemetery	10
Saddle Creek Cemetery	10
Sawyers Family Cemetery	10
Spring Valley Cemetery	10
Whitetop Cemetery	10
Greene	
Gentry Methodist Church Cemetery	10
Halifax	
Grace Churchyard, Inc., Seaton	3
Halifax Chapter, U.D.C.	20
St. John's Episcopal Church	31
Hanover	
Hanover Chapter, U.D.C.	20
Henrico	
Emmanuel Episcopal Church at Brook Hill	86
Isle of Wight	
Isle of Wight Chapter, U.D.C.	20
Lee	
Light Horse Harry Lee Chapter, U.D.C.	100
Ely Cemetery	30
Loudoun	
Ebenezer Cemetery	15
Lakeview Cemetery, Hamilton	15
Lee Chapter No. 179	10
Leesburg Union Cemetery	15
Sharon Cemetery, Middleburg	20
Louisa	
Oakland Cemetery	70
Lunenburg	
Sons of the Confederate Veterans Old Free State Camp #1746	141
Madison	
Madison Chapter, U.D.C.	10
Mecklenburg	
Boydton Chapter, U.D.C.	10
Armistead-Goode Chapter, U.D.C.	10
Montgomery	
Doctor Harvey Black Chapter, U.D.C.	10
White Cemetery, Inc.	10
Nelson	
Nelson County Confederate Memorial Association	10
Nottoway	
Confederate Memorial Board	15
Orange	
Maplewood Cemetery, Gordonsville	696
Preddys Creek Cemetery	10
13th Virginia Regiment Chapter, U.D.C.	30
Patrick	
Confederate Memorial Association	40
Pittsylvania	
Rawley Martin Chapter, U.D.C.	30
Powhatan	
Huguenot Springs Cemetery	130

Prince Edward	
Farmville Chapter, U.D.C.	50
Prince George	
City Point Chapter, U.D.C., for use at Old Town Cemetery	20
Pulaski	
Pulaski Chapter, U.D.C.	10
Roanoke	
Southern Cross Chapter, U.D.C.	10
Old Tombstone Cemetery	20
Rockbridge	
New Monmouth Presbyterian Church	80
New Providence Presbyterian Church	98
Rockingham	
Cedar Grove Cemetery	68
Cooks Creek Presbyterian Church Cemetery	39
Singers Glen Cemetery	19
St. Johns Lutheran Cemetery	10
Scott	
Prospect Community Cemetery	20
McKenney-Carter Cemetery Association	20
Confederate Memorial Branch, Wolfe Cemetery Association, Yuma ..	15
Estill Memorial Cemetery Association	35
Lawson Confederate Memorial Cemetery	10
Mount Pleasant Cemetery	20
Salling Memorial, Slant	20
Rollins Cemetery	10
Daugherty Cemetery	20
Nickelsville Baptist Church Cemetery	20
Shenandoah	
New Market Confederate Memorial Association	40
Stover Camp Chapter, U.D.C.	10
Mt. Jackson-Old Soldier Cemetery	100
Smyth	
Aspenvale Cemetery	10
Blue Springs Cemetery, Sugar Grove	10
Centenary Cemetery	10
Chatham Hill Cemetery	10
Greenwood Cemetery	10
Holston Chapter, U.D.C.	20
Keesling Cemetery, Rural Retreat	10
Middle Fork Cemetery	10
Morgan Cemetery, Sugar Grove	10
Mt. Carmel Cemetery	20
Mountain View Cemetery, Chilhowie	10
Mt. Zion Cemetery	10
Pleasant Hill Cemetery, Groseclose	12
Ridgedale Cemetery, Rich Valley	10
Riverside Cemetery in Rich Valley	10
Round Hill Cemetery	20
Slemp Cemetery, Sugar Grove	10
St. James Cemetery, Chilhowie	10
South Fork Baptist Cemetery	10
Steffey Cemetery, Groseclose	10
Wassum Cemetery, Atkins	10
Zion Methodist Cemetery, Rich Valley	14
Riverside Cemetery on South Fork	10
Royal Oak Cemetery	10
St. Clair's Bottom Cemetery, Chilhowie	10
Sulphur Springs Cemetery	10
Southampton	
Southampton Chapter, U.D.C.	40

Spotsylvania	
Ladies Confederate Memorial Association	749
Surry	
General William Mahone Chapter, U.D.C.	40
Tazewell	
Maplewood Cemetery	20
Hankins Cemetery	20
Warren	
Warren Rifles Chapter, U.D.C.	25
Washington	
Anna Stonewall Jackson Chapter, U.D.C.	20
Emory and Henry Cemetery	203
Greendale Cemetery	20
Warren Cemetery	20
Wise	
Big Stone Gap Chapter, U.D.C.	20
Wythe	
Asbury Cemetery, Rural Retreat	10
Fairview Cemetery, Rural Retreat	10
Galilee Christian Church Cemetery	10
Grubbs Cemetery	10
Kemberling Cemetery	10
Marvin Cemetery	30
Mt. Ephraim Cemetery	10
Mount Mitchell Cemetery	10
Mountain View Cemetery	46
Murphysville Cemetery	10
St. John's Cemetery	10
St. Mary's Cemetery	10
St. Paul's Cemetery	14
St. Peter's Lutheran Church Cemetery	12
Speedwell Methodist Cemetery	10
Wythe-Gray Chapter, U.D.C.	20
Zion Cemetery	10
York	
Bethel Memorial Association	20
IN THE CITIES OF:	
Alexandria	
Old Dominion Rifles Confederate Memorial Association	98
Old Presbyterian Meeting House	62
Bristol	
Bristol Confederate Memorial Association	60
Charlottesville	
Effort Baptist Church	10
Clifton Forge	
Julia Jackson Chapter, U.D.C.	15
Chesapeake	
Norfolk County Grays Chapter 2535, U.D.C.	8
Covington	
Alleghany Chapter, U.D.C.	30
Danville	
Eliza Johns Chapter, U.D.C.	201
Fredericksburg	
Fredericksburg Cemetery	310
Fredericksburg Confederate Memorial Association	200
Hampton	
Hampton Chapter, U.D.C.	60
Harrisonburg	
Turner Ashby Chapter, U.D.C.	60
Woodbine Cemetery	140

Lexington
 Rockbridge Chapter, U.D.C. 126
 Lynchburg
 Lynchburg Confederate Memorial Association 30
 Manassas
 Ladies Confederate Memorial Association of Manassas 15
 Martinsville
 Mildred Lee Chapter, U.D.C. 10
 Newport News
 Bethel Chapter, U.D.C. 50
 Norfolk
 Hope Maury Chapter, U.D.C. 10
 Pickett-Buchanan Chapter, U.D.C. 20
 Petersburg
 Petersburg Chapter, U.D.C., for Prince George County 15
 Ladies Memorial Association of Petersburg 140
 Portsmouth
 Ladies Confederate Memorial Association 15
 Portsmouth Cedar Grove Cemetery 407
 Radford
 New River Gray's Chapter, U.D.C. 15
 Radford Chapter, U.D.C. 15
 Richmond
 Centennial Chapter, U.D.C. 20
 Elliott Grays Chapter, U.D.C. 15
 Janet Randolph Chapter, U.D.C. 15
 Lee Chapter, U.D.C. 20
 Sons of Confederate Veterans - Virginia Division 2294
 Richmond-Stonewall Jackson Chapter, U.D.C. 110
 Roanoke
 Roanoke Chapter, U.D.C. 40
 William Watts Chapter, U.D.C. 40
 Salem
 Southern Cross Chapter, U.D.C. 271
 Staunton
 Confederate Section, Thornrose Cemetery 600
 Vinton
 Major Wm. F. Graves Chapter, U.D.C. 40
 Williamsburg
 Williamsburg Chapter, U.D.C. 125
 Winchester
 Stonewall Confederate Memorial Association 2112

C. In addition to funds that may be provided pursuant to subsection B, any of the Confederate memorial associations and chapters of the United Daughters of the Confederacy set forth in subsection B may apply to the Director for grants to perform extraordinary maintenance, renovation, repair or reconstruction of any of their respective Confederate cemeteries and graves and for the graves of Confederate soldiers and sailors. These grants shall be made from any appropriation made available by the General Assembly for such purpose. In making such grants, the Director shall give full consideration to the assistance available from the United States Department of Veterans Affairs, or other agencies, except in those instances where such assistance is deemed by the Director to be detrimental to the historical, artistic or architectural significance of the site.

D. Local matching funds shall not be required for grants made pursuant to this section.

CHAPTER 111

An Act to amend and reenact §§ 45.1-241, 45.1-270.3, and 45.1-270.4 of the Code of Virginia, relating to the Virginia Coal Surface Mining Control and Reclamation Act of 1979.

[S 560]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 45.1-241, 45.1-270.3, and 45.1-270.4 of the Code of Virginia are amended and reenacted as follows:

§ 45.1-241. Performance bonds.

A. After a coal surface mining permit application has been approved, but before such permit is issued, the applicant shall file with the Director on a form prescribed and furnished by the Director, a bond for performance payable to the Commonwealth and conditioned upon faithful performance of all the requirements of this chapter and the permit. The bond shall cover that area of land within the permit area upon which the operator will initiate and conduct surface coal mining and reclamation operations within the initial term of the permit. As succeeding increments of coal surface mining and reclamation operations are initiated and conducted within the permit area, the permittee shall file with the Director an additional bond or bonds to cover such increments in accordance with this section. The amount of the bond required for each bonded area shall depend upon the reclamation requirements of the approved permit, shall reflect the probable difficulty of reclamation giving consideration to such factors as topography, geology of the site, hydrology, and revegetation potential, and shall be determined by the Director. The amount of the bond shall be sufficient to assure the completion of the reclamation plan if the work has to be performed by the Director in the event of forfeiture, but in no case shall the bond for the entire area under one permit be less than \$10,000.

B. Liability under the bond shall be for the duration of the coal surface mining and reclamation operation and for a period coincident with the operator's responsibility for revegetation as required under regulations promulgated pursuant to § 45.1-242. The bond shall be executed by the operator and a corporate surety licensed to do business in the Commonwealth, except that the operator may elect to deposit cash, negotiable bonds of the United States Government or of the Commonwealth, or negotiable certificates of deposit of any bank organized for transacting business in the United States. The cash deposit or market value of such securities shall be equal to or greater than the amount of the bond required for the bonded area.

C. ~~The Director may accept the bond of the applicant itself without separate surety when the applicant demonstrates to the satisfaction of the Director, pursuant to regulations, the existence of a suitable agent to receive service of process and a history of financial solvency and continuous operation sufficient for authorization to self-insure or bond such amount.~~ The Director may also accept a letter of credit on certain designated funds issued by a financial institution authorized to do business in the United States. The letters of credit shall be irrevocable, unconditional, shall be payable to the Department upon demand, and shall afford to the Department protection equivalent to a corporate surety's bond. The issuer of the letter of credit shall give prompt notice to the permittee and the Department of any notice received or action filed alleging the insolvency or bankruptcy of the issuer, or alleging any violations of regulatory requirements which could result in suspension or revocation of the issuer's charter or license to do business. In the event the issuer becomes unable to fulfill its obligations under the letter of credit for any reason, the issuer shall immediately notify the permittee and the Department. Upon the incapacity of an issuer by a reason of bankruptcy, insolvency or suspension or revocation of its charter or license, the permittee shall be deemed to be without proper performance bond coverage and shall promptly notify the Department, and the Department shall then issue a notice to the permittee specifying a reasonable period, which shall not exceed ninety days, to replace bond coverage. If an adequate bond is not posted by the end of the period allowed, the permittee shall cease coal extraction and coal processing operations and shall immediately begin to conduct reclamation operations in accordance with the reclamation plan. Coal extraction and coal processing operations shall not resume until the Department has determined that an acceptable bond has been posted. If an acceptable bond has not been posted by the end of the period allowed, the Department may suspend the permit until acceptable bond is posted. The letter of credit shall be provided on the form and format established by the Director. Nothing herein shall relieve the permittee of responsibility under the permit or the issuer of liability on the letter of credit. The Director is further authorized to develop and promulgate an alternative system that will achieve the objectives and purposes of the bonding program established under this section.

D. Cash or securities so deposited shall be deposited upon the same terms as the terms upon which surety bonds may be deposited. Such securities shall be security for the repayment of such negotiable certificate of deposit.

E. The amount of the bond or deposit required and the terms of each acceptance of the applicant's bond shall be adjusted by the Director from time to time as affected land acreages are increased or decreased or where the cost of future reclamation changes.

§ 45.1-270.3. Initial payments into Fund; renewal payments; bonds.

A. Operators filing permit applications for coal surface mining operations participating in the pool fund shall be required to pay into the Fund, as an entrance fee, a sum equal to \$1,000 for each applicable permit application. An entrance fee of \$5,000 shall be required of all operators who elect to participate in the Fund when the Director has determined the total balance of the Fund is less than \$1,750,000 ~~pursuant to subsection B of § 45.1-270.4.~~ The entrance fee shall be reduced to \$1,000 when the total Fund balance is greater than ~~\$2,000,000 \$2 million pursuant to subsection C of § 45.1-270.4.~~ A renewal fee of \$1,000 shall be required of all permittees in the Fund at permit renewal.

1. *For the purposes of this section, all planned expenditures shall be deducted from the balance of the Fund during each calendar quarter, including forfeitures on which engineering cost estimates have been prepared, but no money has actually been expended from the Fund.*

2. *Should the actual expenditures from the Fund be less than the engineering cost estimate, then the difference shall be credited to the balance of the Fund during the calendar quarter in which the final expenditure is made from the Fund to accomplish the reclamation.*

B. In addition to the initial payments into the Fund described in subsection A of this section, all operators that participate in the Fund shall furnish to the Fund a bond which meets the criteria of § 45.1-241 and regulations issued pursuant thereto as follows:

1. For those underground mining operations participating in the Fund prior to July 1, 1991, the amount of \$1,000 per acre covered by each permit. In no event shall such total bond be less than \$40,000, except that on permits which have completed all mining and for which completion reports have been approved prior to July 1, 1991, the total bond shall not be less than \$10,000.

2. For underground mining operations entering the Fund on or after July 1, 1991, and for additional acreage bonded on or after July 1, 1991, the amount of \$3,000 per acre. In no event shall the total bond for such underground operations entering the Fund on or after July 1, 1991, be less than \$40,000.

3. For other coal mining operations participating in the Fund prior to July 1, 1991, the amount of \$1,500 per acre covered by each permit. In no event shall such total bond be less than \$100,000, except that on permits which have completed all mining and for which completion reports have been approved prior to July 1, 1991, the total bond shall not be less than \$25,000.

4. For other coal mining operations entering the Fund on or after July 1, 1991, and for additional acreage bonded on or after July 1, 1991, the amount of \$3,000 per acre. In no event shall the total bond for such operations entering the Fund on or after July 1, 1991, be less than \$100,000.

~~C. 1. Notwithstanding the above, the Director may accept the bond of an operator of an underground mining operation without separate surety as provided in subsection C of § 45.1-241 and in any case upon a showing by such operator of a net worth, total assets minus total liabilities, certified by an independent certified public accountant equivalent to \$1,000,000. Such net worth figure shall thereafter during the existence of the permit be certified annually on the anniversary date of such permit by an independent certified public accountant.~~

~~2. The Director may accept the bond of an operator of a surface mining operation or associated facility without separate surety as provided in subsection C of § 45.1-241 upon a showing by the operator of a suitable agent for service of process, satisfactory continuous operation, financial solvency, and submission of information and an indemnity agreement in accordance with regulations implementing this section and the applicable federal regulations.~~

~~D.~~ All fees and payments provided in this article shall be in addition to initial permit application and anniversary payments provided pursuant to § 45.1-235 or any other payments required in compliance with this chapter.

~~E.~~ D. Fund participants shall be allowed to post incremental bonds as set forth in § 45.1-241. Such bonds will be posted in annual increments according to a schedule contained in the permit application and approved annually by the Director on the anniversary date.

~~F.~~ E. Any mining operation participating in the Fund that has been in temporary cessation for more than six months as of July 1, 1991, shall within ~~ninety~~ 90 days of that date post bond equal to the total estimated cost of reclamation for all portions of the permitted site which are in temporary cessation. Any mining operation participating in the Fund that has been in temporary cessation six months or less as of July 1, 1991, shall within ~~ninety~~ 90 days after the date on which the operation has been in temporary cessation for more than six months post bond equal to the total estimated cost of reclamation for all portions of the permitted site which are in temporary cessation. Any mining operation participating in the Fund that enters temporary cessation on or after July 1, 1991, shall, prior to the date on which the operation has been in temporary cessation for more than six months, post bond equal to the total estimated cost of reclamation for all portions of the permitted site which are in temporary cessation. Such bond shall remain in effect throughout the remainder of the period during which the site is in temporary cessation. At such time as the site returns to active status, the bond posted under this subsection may be released, provided the permittee has posted bond pursuant to subsection B of this section.

§ 45.1-270.4. Assessment of reclamation tax revenues for Fund.

A. There is hereby levied a reclamation tax upon the production of coal by operators participating in the Fund under permits issued under this chapter as set forth herein.

B. Thirty days after the end of ~~any~~ each calendar quarter during which the total balance of the Fund, including interest thereon, ~~shall be~~ is less than \$~~1,750,000~~ \$20 million, all operators shall pay into the Fund an amount equal to:

1. Four cents per clean ton of coal produced by a surface mining operation permitted under this chapter.

2. Three cents per clean ton of coal produced by a deep mining operation permitted under this chapter.

3. One and one-half cents per clean ton of coal processed or loaded by preparation or loading facilities permitted under this chapter.

C. At the end of ~~any~~ each calendar quarter during which the total balance in the Fund, including interest thereon, ~~shall exceed two million dollars~~ exceeds \$20 million, payments under this section shall cease until again required pursuant to subsection B of this section.

~~1. For the purposes of subsection B of this section, all potential obligations shall be deducted from the balance of the Fund during each calendar quarter, including forfeitures on which engineering cost estimates have been prepared, but no money has actually been expended from the Fund.~~

~~2. Should the actual expenditures from the Fund be less than the engineering cost estimate, then the difference shall be credited to the balance of the Fund during the calendar quarter in which the final expenditure is made from the Fund to accomplish the reclamation.~~

~~D. Upon the issuance of a permit for which bond is provided pursuant to this article, each operator shall pay a reclamation tax into the Fund pursuant to the schedule set forth in subsection B of this section on coal mined and removed under authority of that permit during the one-year period commencing with and running from the date of the commencement of coal production, processing or loading from those operations covered under that permit.~~

~~E. D.~~ In no event shall any operator pay reclamation tax under this section on total coal production in excess of five million tons per calendar year, regardless of the number of permits held by that operator, ~~except as set forth in subsection D hereof.~~ In no event shall any operator holding more than one type of permit pay tax at a rate in excess of five and one-half cents per ton on coal originally surface mined by that operator or in excess of four and one-half cents per ton on coal originally deep mined by that operator. Any operator holding one permit upon which coal is mined and processed or loaded shall pay only the tax applicable under this section to the surface mining operation or deep mining operation.

2. That the provisions of this act amending and reenacting § 45.1-270.4 shall expire on July 1, 2017.

CHAPTER 112

An Act to amend and reenact §§ 28.2-104.1, 28.2-1302, and 28.2-1403 of the Code of Virginia, relating to living shoreline general permits.

[S 569]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 28.2-104.1, 28.2-1302, and 28.2-1403 of the Code of Virginia are amended and reenacted as follows:

§ 28.2-104.1. Living shorelines; development of general permit; guidance.

A. As used in this section, unless the context requires a different meaning:

"Living shoreline" means a shoreline management practice that provides erosion control and water quality benefits; protects, restores or enhances natural shoreline habitat; and maintains coastal processes through the strategic placement of plants, stone, sand fill, and other structural and organic materials.

B. The Commission, in cooperation with the Department of Conservation and Recreation, *the Department of Environmental Quality*, and *local wetlands boards*, and with technical assistance from the Virginia Institute of Marine Science, shall establish and implement a general permit regulation that authorizes and encourages the use of living shorelines as the preferred alternative for stabilizing tidal shorelines in the Commonwealth. *The regulation shall provide for an expedited permit review process for qualifying living shoreline projects requiring authorization under Chapters 12 (§ 28.2-1200 et seq.), 13 (§ 28.2-1300 et seq.), and 14 (§ 28.2-1400 et seq.).* In developing the general permit, the Commission shall consult with the U.S. Army Corps of Engineers to ensure the minimization of conflicts with federal law and regulation.

C. The Commission, in cooperation with the Department of Conservation and Recreation and with technical assistance from the Virginia Institute of Marine Science, shall develop integrated guidance for the management of tidal shoreline systems to provide a technical basis for the coordination of permit decisions required by any regulatory entity exercising authority over a shoreline management project. The guidance shall:

1. Communicate to stakeholders and regulatory authorities that it is the policy of the Commonwealth to support living shorelines as the preferred alternative for stabilizing tidal shorelines;
2. Identify preferred shoreline management approaches for the shoreline types found in the Commonwealth;
3. Explain the risks and benefits of protection provided by various shoreline system elements associated with each management option; and
4. Recommend procedures to achieve efficiency and effectiveness by the various regulatory entities exercising authority over a shoreline management project.

§ 28.2-1302. Adoption of wetlands zoning ordinance; terms of ordinance.

Any county, city or town may adopt the following ordinance, which, after October 1, 1992, shall serve as the only wetlands zoning ordinance under which any wetlands board is authorized to operate. Any county, city, or town which has adopted the ordinance prior to October 1, 1992, shall amend the ordinance to conform it to the ordinance contained herein by October 1, 1992.

Wetlands Zoning Ordinance

§ 1. The governing body of, acting pursuant to Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 of the Code of Virginia, adopts this ordinance regulating the use and development of wetlands.

§ 2. As used in this ordinance, unless the context requires a different meaning:

"Back Bay and its tributaries" means the following, as shown on the United States Geological Survey Quadrangle Sheets for Virginia Beach, North Bay, and Knotts Island: Back Bay north of the Virginia-North Carolina state line; Capsies Creek north of the Virginia-North Carolina state line; Deal Creek; Devil Creek; Nawney Creek; Redhead Bay, Sand Bay, Shipps Bay, North Bay, and the waters connecting them; Beggars Bridge Creek; Muddy Creek; Ashville Bridge Creek; Hells Point Creek; Black Gut; and all coves, ponds and natural waterways adjacent to or connecting with the above-named bodies of water.

"Commission" means the Virginia Marine Resources Commission.

"Commissioner" means the Commissioner of Marine Resources.

"Governmental activity" means any of the services provided by this (county, city, or town) to its citizens for the purpose of maintaining this (county, city, or town), including but not limited to such services as constructing, repairing and maintaining roads; providing sewage facilities and street lights; supplying and treating water; and constructing public buildings.

"Nonvegetated wetlands" means unvegetated lands lying contiguous to mean low water and between mean low water and mean high water, including those unvegetated areas of Back Bay and its tributaries and the North Landing River and its tributaries subject to flooding by normal and wind tides but not hurricane or tropical storm tides.

"North Landing River and its tributaries" means the following, as shown on the United States Geological Survey Quadrangle Sheets for Pleasant Ridge, Creeds, and Fentress: the North Landing River from the Virginia-North Carolina line to Virginia Highway 165 at North Landing Bridge; the Chesapeake and Albemarle Canal from Virginia Highway 165 at North Landing Bridge to the locks at Great Bridge; and all named and unnamed streams, creeks and rivers flowing into the North Landing River and the Chesapeake and Albemarle Canal except West Neck Creek north of Indian River Road, Pocatoy River west of Blackwater Road, Blackwater River west of its forks located at a point approximately 6400 feet due west of the point where Blackwater Road crosses the Blackwater River at the village of Blackwater, and Millbank Creek west of Blackwater Road.

"Person" means any individual, corporation, partnership, association, company, business, trust, joint venture, or other legal entity.

"Vegetated wetlands" means lands lying between and contiguous to mean low water and an elevation above mean low water equal to the factor one and one-half times the mean tide range at the site of the proposed project in the county, city, or town in question, and upon which is growing any of the following species: saltmarsh cordgrass (*Spartina alterniflora*), saltmeadow hay (*Spartina patens*), saltgrass (*Distichlis spicata*), black needlerush (*Juncus roemerianus*), saltwort (*Salicornia* spp.), sea lavender (*Limonium* spp.), marsh elder (*Iva frutescens*), groundsel bush (*Baccharis halimifolia*), wax myrtle (*Myrica* sp.), sea oxeve (*Borrichia frutescens*), arrow arum (*Peltandra virginica*), pickerelweed (*Pontederia cordata*), big cordgrass (*Spartina cynosuroides*), rice cutgrass (*Leersia oryzoides*), wildrice (*Zizania aquatica*), bulrush (*Scirpus validus*), spikerush (*Eleocharis* sp.), sea rocket (*Cakile edentula*), southern wildrice (*Zizaniopsis miliacea*), cattail (*Typha* spp.), three-square (*Scirpus* spp.), buttonbush (*Cephalanthus occidentalis*), bald cypress (*Taxodium distichum*), black gum (*Nyssa sylvatica*), tupelo (*Nyssa aquatica*), dock (*Rumex* spp.), yellow pond lily (*Nuphar* sp.), marsh fleabane (*Pluchea purpurascens*), royal fern (*Osmunda regalis*), marsh hibiscus (*Hibiscus moscheutos*), beggar's tick (*Bidens* sp.), smartweed (*Polygonum* sp.), arrowhead (*Sagittaria* spp.), sweet flag (*Acorus calamus*), water hemp (*Amaranthus cannabinus*), reed grass (*Phragmites communis*), or switch grass (*Panicum virgatum*).

"Vegetated wetlands of Back Bay and its tributaries" or "vegetated wetlands of the North Landing River and its tributaries" means all marshes subject to flooding by normal and wind tides but not hurricane or tropical storm tides, and upon which is growing any of the following species: saltmarsh cordgrass (*Spartina alterniflora*), saltmeadow hay (*Spartina patens*), black needlerush (*Juncus roemerianus*), marsh elder (*Iva frutescens*), groundsel bush (*Baccharis halimifolia*), wax myrtle (*Myrica* sp.), arrow arum (*Peltandra virginica*), pickerelweed (*Pontederia cordata*), big cordgrass (*Spartina cynosuroides*), rice cutgrass (*Leersia oryzoides*), wildrice (*Zizania aquatica*), bulrush (*Scirpus validus*), spikerush (*Eleocharis* sp.), cattail (*Typha* spp.), three-square (*Scirpus* spp.), dock (*Rumex* sp.), smartweed (*Polygonum* sp.), yellow pond lily (*Nuphar* sp.), royal fern (*Osmunda regalis*), marsh hibiscus (*Hibiscus moscheutos*), beggar's tick (*Bidens* sp.), arrowhead (*Sagittaria* sp.), water hemp (*Amaranthus cannabinus*), reed grass (*Phragmites communis*), or switch grass (*Panicum virgatum*).

"Wetlands" means both vegetated and nonvegetated wetlands.

"Wetlands board" or "board" means a board created pursuant to § 28.2-1303 of the Code of Virginia.

§ 3. The following uses of and activities in wetlands are authorized if otherwise permitted by law:

1. The construction and maintenance of noncommercial catwalks, piers, boathouses, boat shelters, fences, duckblinds, wildlife management shelters, footbridges, observation decks and shelters and other similar structures, provided that such structures are so constructed on pilings as to permit the reasonably unobstructed flow of the tide and preserve the natural contour of the wetlands;
2. The cultivation and harvesting of shellfish, and worms for bait;
3. Noncommercial outdoor recreational activities, including hiking, boating, trapping, hunting, fishing, shellfishing, horseback riding, swimming, skeet and trap shooting, and shooting on shooting preserves, provided that no structure shall be constructed except as permitted in subdivision 1 of this section;
4. Other outdoor recreational activities, provided they do not impair the natural functions or alter the natural contour of the wetlands;
5. Grazing, haying, and cultivating and harvesting agricultural, forestry or horticultural products;
6. Conservation, repletion and research activities of the Commission, the Virginia Institute of Marine Science, the Department of Game and Inland Fisheries and other conservation-related agencies;
7. The construction or maintenance of aids to navigation which are authorized by governmental authority;
8. Emergency measures decreed by any duly appointed health officer of a governmental subdivision acting to protect the public health;

9. The normal maintenance and repair of, or addition to, presently existing roads, highways, railroad beds, or facilities abutting on or crossing wetlands, provided that no waterway is altered and no additional wetlands are covered;

10. Governmental activity in wetlands owned or leased by the Commonwealth or a political subdivision thereof; ~~and~~

11. The normal maintenance of man-made drainage ditches, provided that no additional wetlands are covered. This subdivision does not authorize the construction of any drainage ditch; *and*

12. *The construction of living shoreline projects authorized pursuant to a general permit developed under subsection B of § 28.2-104.1.*

§ 4. A. Any person who desires to use or develop any wetland within this (county, city, or town), other than for the purpose of conducting the activities specified in § 3 of this ordinance, shall first file an application for a permit directly with the wetlands board or with the Commission.

B. The permit application shall include the following: the name and address of the applicant; a detailed description of the proposed activities; a map, drawn to an appropriate and uniform scale, showing the area of wetlands directly affected, the location of the proposed work thereon, the area of existing and proposed fill and excavation, the location, width, depth and length of any proposed channel and disposal area, and the location of all existing and proposed structures, sewage collection and treatment facilities, utility installations, roadways, and other related appurtenances or facilities, including those on adjacent uplands; a description of the type of equipment to be used and the means of equipment access to the activity site; the names and addresses of owners of record of adjacent land and known claimants of water rights in or adjacent to the wetland of whom the applicant has notice; an estimate of cost; the primary purpose of the project; any secondary purposes of the project, including further projects; the public benefit to be derived from the proposed project; a complete description of measures to be taken during and after the alteration to reduce detrimental offsite effects; the completion date of the proposed work, project, or structure; and such additional materials and documentation as the wetlands board may require.

C. A nonrefundable processing fee shall accompany each permit application. The fee shall be set by the applicable governing body with due regard for the services to be rendered, including the time, skill, and administrator's expense involved.

§ 5. All applications, maps, and documents submitted shall be open for public inspection at the office designated by the applicable governing body and specified in the advertisement for public hearing required under § 6 of this ordinance.

§ 6. Not later than ~~sixty~~ 60 days after receipt of a complete application, the wetlands board shall hold a public hearing on the application. The applicant, local governing body, Commissioner, owner of record of any land adjacent to the wetlands in question, known claimants of water rights in or adjacent to the wetlands in question, the Virginia Institute of Marine Science, the Department of Game and Inland Fisheries, the Water Control Board, the Department of Transportation, and any governmental agency expressing an interest in the application shall be notified of the hearing. The board shall mail these notices not less than ~~twenty~~ 20 days prior to the date set for the hearing. The wetlands board shall also cause notice of the hearing to be published at least once a week for two weeks prior to such hearing in a newspaper of general circulation in this (county, city, or town). The published notice shall specify the place or places within this (county, city, or town) where copies of the application may be examined. The costs of publication shall be paid by the applicant.

§ 7. A. Approval of a permit application shall require the affirmative vote of three members of a five-member board or four members of a seven-member board.

B. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. Any person may testify at the public hearing. Each witness at the hearing may submit a concise written statement of his testimony. The board shall make a record of the proceeding, which shall include the application, any written statements of witnesses, a summary of statements of all witnesses, the findings and decision of the board, and the rationale for the decision.

C. The board shall make its determination within ~~thirty~~ 30 days of the hearing. If the board fails to act within that time, the application shall be deemed approved. Within ~~forty-eight~~ 48 hours of its determination, the board shall notify the applicant and the Commissioner of its determination. If the board fails to make a determination within the ~~thirty-day~~ 30-day period, it shall promptly notify the applicant and the Commission that the application is deemed approved. For purposes of this section, "act" means taking a vote on the application. If the application receives less than four affirmative votes from a seven-member board or less than three affirmative votes from a five-member board, the permit shall be denied.

D. If the board's decision is reviewed or appealed, the board shall transmit the record of its hearing to the Commissioner. Upon a final determination by the Commission, the record shall be returned to the board. The record shall be open for public inspection at the same office as was designated under § 5 of this ordinance.

§ 8. The board may require a reasonable bond or letter of credit in an amount and with surety and conditions satisfactory to it, securing to the Commonwealth compliance with the conditions and limitations set forth in the permit. The board may, after a hearing held pursuant to this ordinance, suspend or revoke a permit if the applicant has failed to comply with any of the conditions or limitations set forth in the permit or has exceeded the scope of the work described in the application. The board may, after a hearing, suspend a permit if the applicant fails to comply with the terms and conditions set forth in the application.

§ 9. In fulfilling its responsibilities under this ordinance, the board shall preserve and prevent the despoliation and destruction of wetlands within its jurisdiction while accommodating necessary economic development in a manner consistent with wetlands preservation.

§ 10. A. In deciding whether to grant, grant in modified form or deny a permit, the board shall consider the following:

- 1. The testimony of any person in support of or in opposition to the permit application;
- 2. The impact of the proposed development on the public health, safety, and welfare; and
- 3. The proposed development's conformance with standards prescribed in § 28.2-1308 of the Code of Virginia and guidelines promulgated pursuant to § 28.2-1301 of the Code of Virginia.

B. The board shall grant the permit if all of the following criteria are met:

- 1. The anticipated public and private benefit of the proposed activity exceeds its anticipated public and private detriment.
- 2. The proposed development conforms with the standards prescribed in § 28.2-1308 of the Code of Virginia and guidelines promulgated pursuant to § 28.2-1301 of the Code of Virginia.
- 3. The proposed activity does not violate the purposes and intent of this ordinance or Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 of the Code of Virginia.

C. If the board finds that any of the criteria listed in subsection B of this section are not met, the board shall deny the permit application but allow the applicant to resubmit the application in modified form.

§ 11. The permit shall be in writing, signed by the chairman of the board or his authorized representative, and notarized. A copy of the permit shall be transmitted to the Commissioner.

§ 12. No permit shall be granted without an expiration date established by the board. Upon proper application, the board may extend the permit expiration date.

§ 13. No permit granted by a wetlands board shall in any way affect the applicable zoning and land use ordinances of this (county, city, or town) or the right of any person to seek compensation for any injury in fact incurred by him because of the proposed activity.

§ 28.2-1403. Certain counties, cities and towns authorized to adopt coastal primary sand dune ordinance.

Any of the following counties, cities and towns which adopt a wetlands zoning ordinance pursuant to § 28.2-1302 may adopt the coastal primary sand dune zoning ordinance which is set out in this section: the Counties of Accomack, Arlington, Caroline, Charles City, Chesterfield, Essex, Fairfax, Gloucester, Hanover, Henrico, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Mathews, Middlesex, New Kent, Northampton, Northumberland, Prince George, Prince William, Richmond, Spotsylvania, Stafford, Surry, Westmoreland, and York; and the Cities of Alexandria, Chesapeake, Colonial Heights, Fairfax, Falls Church, Fredericksburg, Hampton, Hopewell, Newport News, Norfolk, Petersburg, Poquoson, Portsmouth, Richmond, Suffolk, Virginia Beach and Williamsburg; and the Town of Cape Charles. In the event that a locality has not adopted a wetlands zoning ordinance pursuant to Chapter 13 (§ 28.2-1300 et seq.) or repeals it if already adopted, such locality may adopt or continue to administer the ordinance contained herein provided the locality appoints a wetlands board following the procedure specified in § 28.2-1303. Any county or city which has adopted the Coastal Primary Sand Dune Zoning Ordinance prior to October 1, 1992, shall amend the ordinance to conform it to the ordinance contained herein by October 1, 1992. The following ordinance is the only coastal primary sand dune zoning ordinance under which any board shall operate after October 1, 1992.

Coastal Primary Sand Dune Zoning Ordinance

§ 1. The governing body of, acting pursuant to Chapter 14 (§ 28.2-1400 et seq.) of Title 28.2 of the Code of Virginia, adopts this ordinance regulating the use and development of coastal primary sand dunes. Whenever coastal primary sand dunes are referred to in this ordinance, such references shall also include beaches.

§ 2. As used in this ordinance, unless the context requires a different meaning:

"Beach" means the shoreline zone comprised of unconsolidated sandy material upon which there is a mutual interaction of the forces of erosion, sediment transport and deposition that extends from the low water line landward to where there is a marked change in either material composition or physiographic form such as a dune, bluff, or marsh, or where no such change can be identified, to the line of woody vegetation (usually the effective limit of stormwaves), or the nearest impermeable man-made structure, such as a bulkhead, revetment, or paved road.

"Coastal primary sand dune" or "dune" means a mound of unconsolidated sandy soil which is contiguous to mean high water, whose landward and lateral limits are marked by a change in grade from ten percent or greater to less than ten percent, and upon which is growing any of the following species: American beach grass (*Ammophila breviligulata*); beach heather (*Hudsonia tomentosa*); dune bean (*Strophostyles* spp.); dusty miller (*Artemisia stelleriana*); saltmeadow hay (*Spartina patens*); seabeach sandwort (*Honckenya peploides*); sea oats (*Uniola paniculata*); sea rocket (*Cakile edentula*); seaside goldenrod (*Solidago sempervirens*); Japanese sedge or Asiatic sand sedge (*Carex kobomugi*); Virginia pine (*Pinus virginiana*); broom sedge (*Andropogon virginicus*); and short dune grass (*Panicum amarum*). For purposes of this ordinance, "coastal primary sand dune" shall not include any mound of sand, sandy soil, or dredge spoil deposited by any person for the purpose of temporary storage, beach replenishment or beach nourishment, nor shall the slopes of any such mound be used to determine the landward or lateral limits of a coastal primary sand dune.

"Commission" means the Virginia Marine Resources Commission.

"Commissioner" means the Commissioner of Marine Resources.

"County, city and town" means the governing body of the county, city and town.

"Governmental activity" means any of the services provided by the Commonwealth or a county, city or town to its citizens for the purpose of maintaining public facilities, including but not limited to, such services as constructing, repairing,

and maintaining roads; providing street lights and sewage facilities; supplying and treating water; and constructing public buildings.

"Wetlands board" or "board" means the board created pursuant to § 28.2-1303 of the Code of Virginia.

§ 3. The following uses of and activities in dunes are authorized if otherwise permitted by law:

1. The construction and maintenance of noncommercial walkways which do not alter the contour of the coastal primary sand dune;
2. The construction and maintenance of observation platforms which are not an integral part of any dwelling and which do not alter the contour of the coastal primary sand dune;
3. The planting of beach grasses or other vegetation for the purpose of stabilizing coastal primary sand dunes;
4. The placement of sand fences or other material on or adjacent to coastal primary sand dunes for the purpose of stabilizing such features, except that this provision shall not be interpreted to authorize the placement of any material which presents a public health or safety hazard;
5. Sand replenishment activities of any private or public concern, provided no sand shall be removed from any coastal primary sand dune unless authorized by lawful permit;
6. The normal maintenance of any groin, jetty, riprap, bulkhead, or other structure designed to control beach erosion which may abut a coastal primary sand dune;
7. The normal maintenance or repair of existing roads, highways, railroad beds, and facilities of the United States, this Commonwealth or any of its counties or cities, or of any person, provided no coastal primary sand dunes are altered;
8. Outdoor recreational activities, provided the activities do not alter the natural contour of the coastal primary sand dune or destroy the vegetation growing thereon;
9. The conservation and research activities of the Commission, Virginia Institute of Marine Science, Department of Game and Inland Fisheries, and other conservation-related agencies;
10. The construction and maintenance of aids to navigation which are authorized by governmental authority;
11. Activities pursuant to any emergency declaration by the governing body of any local government or the Governor of the Commonwealth or any public health officer for the purposes of protecting the public health and safety; ~~and~~
12. Governmental activity in coastal primary sand dunes owned or leased by the Commonwealth or a political subdivision thereof; *and*
13. *The construction of living shoreline projects authorized pursuant to a general permit developed under subsection B of § 28.2-104.1.*

§ 4. A. Any person who desires to use or alter any coastal primary sand dune within this (county, city or town), other than for the purpose of conducting the activities specified in § 3 of this ordinance, shall first file an application directly with the wetlands board or with the Commission.

B. The permit application shall include the following: the name and address of the applicant; a detailed description of the proposed activities and a map, drawn to an appropriate and uniform scale, showing the area of dunes directly affected, the location of the proposed work thereon, the area of any proposed fill and excavation, the location, width, depth and length of any disposal area, and the location of all existing and proposed structures, sewage collection and treatment facilities, utility installations, roadways, and other related appurtenances or facilities, including those on adjacent uplands; a description of the type of equipment to be used and the means of equipment access to the activity site; the names and addresses of owners of record of adjacent land; an estimate of cost; the primary purpose of the project; any secondary purposes of the project, including further projects; the public benefit to be derived from the proposed project; a complete description of measures to be taken during and after the alteration to reduce detrimental offsite effects; the completion date of the proposed work, project, or structure; and such additional materials and documentation as the wetlands board may require.

C. A nonrefundable processing fee shall accompany each permit application. The fee shall be set by the applicable governing body with due regard for the services to be rendered, including the time, skill, and administrator's expense. No person shall be required to file two separate applications for permits if the proposed project will require permits under this ordinance and Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 of the Code of Virginia. Under those circumstances, the fee shall be established pursuant to this ordinance.

§ 5. All applications, maps, and documents submitted shall be open for public inspection at the office of the recording officer of this (county, city or town).

§ 6. Not later than ~~sixty~~ 60 days after receipt of a complete application, the wetlands board shall hold a public hearing on the application. The applicant, local governing body, Commissioner, owner of record of any land adjacent to the coastal primary sand dunes in question, the Virginia Institute of Marine Science, the Department of Game and Inland Fisheries, the State Water Control Board, the Department of Transportation, and any governmental agency expressing an interest in the application shall be notified of the hearing. The board shall mail these notices not less than ~~twenty~~ 20 days prior to the date set for the hearing. The wetlands board shall also cause notice of the hearing to be published at least once a week for two weeks prior to such hearing in a newspaper of general circulation in this (county, city or town). The costs of publication shall be paid by the applicant.

§ 7. A. Approval of a permit application shall require the affirmative vote of three members of a five-member board or four members of a seven-member board.

B. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. Any person may appear and be heard at the public hearing. Each witness at the hearing may submit a concise written statement of his testimony. The board shall make a record of the proceeding, which shall include the application, any written statements of witnesses, a summary of statements of all witnesses, the findings and decision of the board, and the rationale for the decision.

C. The board shall make its determination within ~~thirty~~ 30 days of the hearing. If the board fails to act within that time, the application shall be deemed approved. Within ~~forty-eight~~ 48 hours of its determination, the board shall notify the applicant and the Commissioner of its determination. If the board fails to make a determination within the ~~thirty-day~~ 30-day period, it shall promptly notify the applicant and the Commission that the application is deemed approved.

D. If the board's decision is reviewed or appealed, the board shall transmit the record of its hearing to the Commissioner. Upon a final determination by the Commission, the record shall be returned to the board. The record shall be open for public inspection at the office of the recording officer of this (county, city or town).

§ 8. The board may require a reasonable bond or letter of credit in an amount and with surety and conditions satisfactory to it, securing to the Commonwealth compliance with the conditions and limitations set forth in the permit. The board may, after a hearing held pursuant to this ordinance, suspend or revoke a permit if the applicant has failed to comply with any of the conditions or limitations set forth in the permit or has exceeded the scope of the work described in the application. The board may, after a hearing, suspend a permit if the applicant fails to comply with the terms and conditions set forth in the application.

§ 9. In fulfilling its responsibilities under this ordinance, the board shall preserve and protect coastal primary sand dunes and beaches and prevent their despoliation and destruction. However, whenever practical, the board shall accommodate necessary economic development in a manner consistent with the protection of these features.

§ 10. A. In deciding whether to grant, grant in modified form, or deny a permit, the board shall consider the following:

- 1. The testimony of any person in support of or in opposition to the permit application;
- 2. The impact of the proposed development on the public health, safety, and welfare; and
- 3. The proposed development's conformance with standards prescribed in § 28.2-1408 of the Code of Virginia and guidelines promulgated pursuant to § 28.2-1401 of the Code of Virginia.

B. The board shall grant the permit if all of the following criteria are met:

- 1. The anticipated public and private benefit of the proposed activity exceeds its anticipated public and private detriment.
- 2. The proposed development conforms with the standards prescribed in § 28.2-1408 of the Code of Virginia and guidelines promulgated pursuant to § 28.2-1401 of the Code of Virginia.
- 3. The proposed activity does not violate the purposes and intent of this ordinance or Chapter 14 (§ 28.2-1400 et seq.) of Title 28.2 of the Code of Virginia.

C. If the board finds that any of the criteria listed in subsection B of this section are not met, the board shall deny the permit application but allow the applicant to resubmit the application in modified form.

§ 11. The permit shall be in writing, signed by the chairman of the board, and notarized. A copy of the permit shall be transmitted to the Commissioner.

§ 12. No permit shall be granted without an expiration date established by the board. Upon proper application, the board may extend the permit expiration date.

§ 13. No permit granted by a wetlands board shall in any way affect the right of any person to seek compensation for any injury in fact incurred by him because of the permitted activity.

CHAPTER 113

An Act to amend the Code of Virginia by adding a section numbered 23-186.1, relating to Longwood University Board of Visitors; removal of visitors.

[S 581]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 23-186.1 as follows:

§ 23-186.1. Removal of visitors.

If any visitor fails to perform the duties of his office for one year without sufficient cause shown to the board, the board of visitors shall, at its next meeting after the end of such year, cause the fact of such failure to be recorded in the minutes of its proceedings and certify the same to the Governor. The office of such visitor shall be vacated. If so many of such visitors fail to perform their duties that a quorum thereof do not attend for a year, upon a certificate thereof being made to the Governor by the rector or any member of the board or by the president of the University, the offices of all visitors so failing to attend shall be vacated.

CHAPTER 114

An Act to amend and reenact § 3.2-5512 of the Code of Virginia, relating to the transportation of waste kitchen grease; decal.

[S 614]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 3.2-5512 of the Code of Virginia is amended and reenacted as follows:****§ 3.2-5512. Possession of certificate; display of registration information on motor vehicle.**

No person required to register under this chapter shall transport waste kitchen grease without (i) having in his possession a registration certificate and (ii) conspicuously displaying ~~the registrant's name and the registration number in~~ **letters not less than three inches high on a decal issued by the Commissioner on the exterior of any vehicle used for the transportation of waste kitchen grease.**

CHAPTER 115

An Act to amend and reenact §§ 2.2-200, 2.2-212, 2.2-213.2, 2.2-221, 2.2-221.1, 2.2-230, 2.2-231, 2.2-2004, 2.2-2101, as it is currently effective and as it shall become effective, 2.2-2338, 2.2-2666.1, 2.2-2666.2, 2.2-2666.3, 2.2-2699.5, 2.2-2715, 9.1-202, 9.1-203, 9.1-407, 44-146.18:2, 53.1-155.1, 58.1-344.3, 62.1-44.34:25, and 66-2 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 2.2-222.1, 2.2-222.2, and 2.2-222.3; and to repeal §§ 2.2-232 and 2.2-233 of the Code of Virginia, relating to the Secretary of Public Safety and Homeland Security; Secretary of Veterans and Defense Affairs; transfer of certain powers and duties.

[H 730]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:**1. That §§ 2.2-200, 2.2-212, 2.2-213.2, 2.2-221, 2.2-221.1, 2.2-230, 2.2-231, 2.2-2004, 2.2-2101, as it is currently effective and as it shall become effective, 2.2-2338, 2.2-2666.1, 2.2-2666.2, 2.2-2666.3, 2.2-2699.5, 2.2-2715, 9.1-202, 9.1-203, 9.1-407, 44-146.18:2, 53.1-155.1, 58.1-344.3, 62.1-44.34:25, and 66-2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 2.2-222.1, 2.2-222.2, and 2.2-222.3 as follows:****§ 2.2-200. Appointment of Governor's Secretaries; general powers; severance.**

A. The Governor's Secretaries shall be appointed by the Governor, subject to confirmation by the General Assembly in session when the appointment is made, and if not in session, then at its next succeeding session. Each Secretary shall hold office at the pleasure of the Governor for a term coincident with that of the Governor making the appointment or until a successor is appointed and qualified. Before entering upon the discharge of duties, each Secretary shall take an oath to faithfully execute the duties of the office.

B. Each Secretary shall be subject to direction and supervision by the Governor. Except as provided in Article 5 4 (§ 2.2-208 et seq.) ~~of this chapter~~, the agencies assigned to each Secretary shall:

1. Exercise their respective powers and duties in accordance with the general policy established by the Governor or by the Secretary acting on behalf of the Governor;

2. Provide such assistance to the Governor or the Secretary as may be required; and

3. Forward all reports to the Governor through the Secretary.

C. Unless the Governor expressly reserves such power to himself and except as provided in Article 5 4 (§ 2.2-208 et seq.) ~~of this chapter~~, each Secretary may:

1. Resolve administrative, jurisdictional, operational, program, or policy conflicts between agencies or officials assigned;

2. Direct the formulation of a comprehensive program budget for the functional area identified in § 2.2-1508 encompassing the services of agencies assigned for consideration by the Governor;

3. Hold agency heads accountable for their administrative, fiscal and program actions in the conduct of the respective powers and duties of the agencies;

4. Direct the development of goals, objectives, policies and plans that are necessary to the effective and efficient operation of government;

5. Sign documents on behalf of the Governor that originate with agencies assigned to the Secretary; and

6. Employ such personnel and to contract for such consulting services as may be required to perform the powers and duties conferred upon the Secretary by law or executive order.

D. Severance benefits provided to any departing Secretary shall be publicly announced by the Governor prior to such departure.

E. As used in this chapter, "Governor's Secretaries" means the Secretary of Administration, the Secretary of Agriculture and Forestry, the Secretary of Commerce and Trade, the Secretary of Education, the Secretary of Finance, the

Secretary of Health and Human Resources, the Secretary of Natural Resources, the Secretary of Public Safety *and Homeland Security*, the Secretary of Technology, the Secretary of Transportation, and the Secretary of Veterans *and Defense Affairs and Homeland Security*.

§ 2.2-212. Position established; agencies for which responsible; additional powers.

The position of Secretary of Health and Human Resources (the Secretary) is created. The Secretary of Health and Human Resources shall be responsible to the Governor for the following agencies: Department of Health, Department for the Blind and Vision Impaired, Department of Health Professions, Department of Behavioral Health and Developmental Services, Department for Aging and Rehabilitative Services, Department of Social Services, Department of Medical Assistance Services, Virginia Department for the Deaf and Hard-of-Hearing, the Office of Comprehensive Services for Youth and At-Risk Youth and Families, and the Assistive Technology Loan Fund Authority. The Governor may, by executive order, assign any other state executive agency to the Secretary of Health and Human Resources, or reassign any agency listed above to another Secretary.

Unless the Governor expressly reserves such power to himself, the Secretary shall (i) serve as the lead Secretary for the coordination and implementation of the long-term care policies of the Commonwealth and for the blueprint for livable communities 2025 throughout the Commonwealth, working with the Secretaries of Transportation, Commerce and Trade, and Education, and the Commissioner of Insurance, to facilitate interagency service development and implementation, communication and cooperation, (ii) serve as the lead Secretary for the Comprehensive Services Act for At-Risk Youth and Families, working with the Secretary of Education and the Secretary of Public Safety *and Homeland Security* to facilitate interagency service development and implementation, communication and cooperation, and (iii) coordinate the disease prevention activities of agencies in the Secretariat to ensure efficient, effective delivery of health related services and financing.

§ 2.2-213.2. Secretary to coordinate system for children with incarcerated parents.

The Secretary of Health and Human Resources, in consultation with the Secretary of Public Safety *and Homeland Security*, shall establish an integrated system for coordinating the planning and provision of services for children with incarcerated parents among state, local, nonprofit agencies, and faith-based organizations in order to provide such children with services needed to continue parental relationships with the incarcerated parent, where appropriate, and encourage healthy relationships in the family and community.

Article 8.

Secretary of Public Safety *and Homeland Security*.

§ 2.2-221. Position established; agencies for which responsible; additional powers and duties.

A. The position of Secretary of Public Safety *and Homeland Security* (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: Department of Alcoholic Beverage Control, Department of Corrections, Department of Juvenile Justice, Department of Criminal Justice Services, Department of Forensic Science, Virginia Parole Board, Department of Emergency Management, Department of Military Affairs, Department of State Police, Department of Fire Programs, and the Commonwealth's Attorneys' Services Council. The Governor may, by executive order, assign any other state executive agency to the Secretary, or reassign any agency listed above to another Secretary.

B. *The Secretary shall by reason of professional background have knowledge of military affairs, law enforcement, public safety, or emergency management and preparedness issues, in addition to familiarity with the structure and operations of the federal government and of the Commonwealth.*

Unless the Governor expressly reserves such power to himself, the Secretary shall:

1. *Work with and through others, including federal, state, and local officials as well as the private sector, to develop a seamless, coordinated security and preparedness strategy and implementation plan.*

2. *Serve as the point of contact with the federal Department of Homeland Security.*

3. *Provide oversight, coordination, and review of all disaster, emergency management, and terrorism management plans for the state and its agencies in coordination with the Virginia Department of Emergency Management and other applicable state agencies.*

4. *Work with federal officials to obtain additional federal resources and coordinate policy development and information exchange.*

5. *Work with and through appropriate members of the Governor's Cabinet to coordinate working relationships between state agencies and take all actions necessary to ensure that available federal and state resources are directed toward safeguarding Virginia and its citizens.*

6. *Designate a Commonwealth Interoperability Coordinator to ensure that all communications-related preparedness federal grant requests from state agencies and localities are used to enhance interoperability. The Secretary shall ensure that the annual review and update of the statewide interoperability strategic plan is conducted as required in § 2.2-222.2. The Commonwealth Interoperability Coordinator shall establish an advisory group consisting of representatives of state and local government and constitutional offices, broadly distributed across the Commonwealth, who are actively engaged in activities and functions related to communications interoperability.*

7. *Serve as one of the Governor's representatives on regional efforts to develop a coordinated security and preparedness strategy, including the National Capital Region Senior Policy Group organized as part of the federal Urban Areas Security Initiative.*

8. *Serve as a direct liaison between the Governor and local governments and first responders on issues of emergency prevention, preparedness, response, and recovery.*

9. *Educate the public on homeland security and overall preparedness issues in coordination with applicable state agencies.*

10. *Serve as chairman of the Secure Commonwealth Panel.*

11. *Encourage homeland security volunteer efforts throughout the state.*

12. *Coordinate the development of an allocation formula for State Homeland Security Grant Program funds to localities and state agencies in compliance with federal grant guidance and constraints. The formula shall be, to the extent permissible under federal constraints, based on actual risk, threat, and need.*

13. *Work with the appropriate state agencies to ensure that regional working groups are meeting regularly and focusing on regional initiatives in training, equipment, and strategy to ensure ready access to response teams in times of emergency and facilitate testing and training exercises for emergencies and mass casualty preparedness.*

14. *Provide oversight and review of the Virginia Department of Emergency Management's annual statewide assessment of local and regional capabilities, including equipment, training, personnel, response times, and other factors.*

15. *Employ, as needed, consultants, attorneys, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and agents as may be necessary, and fix their compensation to be payable from funds made available for that purpose.*

16. *Receive and accept from any federal or private agency, foundation, corporation, association, or person grants, donations of money, real property, or personal property for the benefit of the Commonwealth, and receive and accept from the Commonwealth or any state, any municipality, county, or other political subdivision thereof, or any other source, aid or contributions of money, property, or other things of value, to be held, used, and applied for the purposes for which such grants and contributions may be made.*

17. *Receive and accept from any source aid, grants, and contributions of money, property, labor, or other things of value to be held, used, and applied to carry out these requirements subject to the conditions upon which the aid, grants, or contributions are made.*

18. *Make grants to local governments, state and federal agencies, and private entities with any funds of the Secretary available for such purpose.*

19. *Take any actions necessary or convenient to the exercise of the powers granted or reasonably implied to this Secretary and not otherwise inconsistent with the law of the Commonwealth.*

§ 2.2-221.1. Secretary to coordinate system for offender transition and reentry services.

The Secretary of Public Safety and Homeland Security shall establish an integrated system for coordinating the planning and provision of offender transitional and reentry services among and between state, local, and nonprofit agencies in order to prepare inmates for successful transition into their communities upon release from incarceration and for improving opportunities for treatment, employment, and housing while on subsequent probation, parole, or post-release supervision.

It is the intent of the General Assembly that funds used for the purposes of this section be leveraged to the fullest extent possible and that direct transitional and reentry employment and housing assistance for offenders be provided in the most cost effective means possible, including through agreements with local nonprofit pre- and post-release service organizations.

§ 2.2-222.1. Secretary to oversee and monitor the development, maintenance, and implementation of a comprehensive and measureable homeland security strategy for the Commonwealth.

A. *The Secretary shall ensure that, consistent with the National Incident Management System (NIMS), the Commonwealth implements a continuous cycle of planning, organizing, training, equipping, exercising, evaluating, and taking corrective action pursuant to securing the Commonwealth at both the state and local level against man-made and natural disasters. To that end, the Secretary shall take action to assign responsibility among agencies, jurisdictions, and subdivisions of the Commonwealth to effect the highest state of readiness posed by both man-made and natural disasters. In doing so, the Secretary shall ensure that preparedness initiatives will be effectively and efficiently coordinated, implemented, and monitored.*

B. *The Secretary shall also oversee and monitor the development, maintenance, and implementation of a comprehensive and measureable homeland security strategy for the Commonwealth. To ensure a comprehensive strategy, the Secretary shall coordinate the homeland security strategy with all state and local, public and private, councils that have a homeland security focus within the Commonwealth. The strategy shall ensure that the Commonwealth's homeland security programs are resourced, executed, and assessed according to well-defined and relevant Commonwealth homeland security requirements. In support of the strategy, the Secretary shall provide oversight of the designated State Administrative Agency (SAA) for homeland security to ensure that applications for grant funds by state agencies or local governments describe well-defined requirements for planning, organizing, training, equipping, exercising, evaluating, and taking corrective action measures essential to Commonwealth security.*

C. *The Secretary shall ensure that the homeland security strategy is fully incorporated into the Secure Commonwealth Plan. In the development of the Secure Commonwealth Plan, the Secretary shall (i) designate a state proponent for each goal in the Secure Commonwealth Plan required within the Commonwealth homeland security strategy; (ii) identify which state agencies shall have responsibility for prevention, protection, mitigation, response, and recovery requirements*

associated with each goal in the Secure Commonwealth Plan; (iii) prescribe metrics to those state agencies to quantify readiness for man-made and natural disasters; (iv) ensure that state agencies follow rigorous planning practices; and (v) conduct annual reviews and updates to ensure planning, organizing, training, equipping, exercising, evaluating, and taking corrective action is fully implemented at state and local levels of government.

D. The Secretary shall develop annually the Commonwealth Threat Hazard Identification and Risk Assessment (C-THIRA) Report to identify threats and hazards and determine capability targets and resource requirements necessary to address anticipated and unanticipated risks to state and local preparedness. The C-THIRA Report shall (i) identify a list of the threats and hazards of primary concern to the Commonwealth; (ii) describe the threats and hazards of concern, showing how they may affect the Commonwealth; (iii) assess each threat and hazard in context to develop a specific capability target for each core capability consistent with federal National Preparedness Goals; and (iv) estimate the resources required to achieve the capability targets through the use of community assets and mutual aid, while also considering preparedness activities, including mitigation opportunities. Additionally, the C-THIRA Report shall assess the Commonwealth's state of planning, organizing, training, equipping, exercising, evaluating, and ability to take corrective action as well as any shortfalls in these areas. The C-THIRA Report shall also serve as the Commonwealth's strategic approach to improving future preparedness and shall be delivered to the Chairmen of the Senate Committees on Finance and for Courts of Justice and the Chairmen of the House Committees on Appropriations and Militia, Police and Public Safety no later than November 1 of each year.

E. The Secretary shall ensure that state agencies develop and maintain rigorously developed response plans in support of the Commonwealth of Virginia Emergency Operations Plan (COVEOP). The Secretary shall designate the Virginia Department of Emergency Management (VDEM) as the primary agent to ensure that state agencies are compliant with the COVEOP. The Secretary shall further require that VDEM ensure the development of state agency and local disaster response plans and procedures, and monitor the status and quality of those plans on a cyclical basis to establish that they are feasible and suitable and can be implemented with available resources.

F. The Secretary shall be responsible for the coordination and development of state and local shelter, evacuation, traffic, and refuge of last resort planning. The Secretary shall ensure that jurisdictions and subdivisions of the Commonwealth have adequate shelter, evacuation, traffic, and refuge of last resort plans to support emergency evacuation in the event of a man-made or natural disaster. To that end, the Secretary shall direct VDEM to monitor, review, and evaluate on a cyclical basis all shelter, evacuation, traffic, and refuge of last resort plans to ensure they are feasible and suitable and can be implemented with available resources.

G. The Secretary shall also ensure that plans for protecting public critical infrastructure are both developed and fully implemented by those state agencies, jurisdictions, and subdivisions of the Commonwealth with responsibility for critical infrastructure protection. The Secretary shall report deficiencies in securing critical infrastructure annually as part of the Commonwealth's C-THIRA Report.

H. The Secretary is authorized, consistent with federal and state law and procurement regulations thereof, to contract for private and public sector services in homeland security and emergency management to enable, enhance, augment, or supplement state and local planning, organizing, training, equipping, exercising, evaluating, and corrective action capability as he deems necessary to meet Commonwealth security goals with such funds as may be made available to the Secretary or the Department of Emergency Management annually for such services.

§ 2.2-222.2. Additional duties related to review of statewide interoperability strategic plan; state and local compliance.

The Secretary through the Commonwealth Interoperability Coordinator shall ensure that the annual review and update of the statewide interoperability strategic plan is accomplished and implemented to achieve effective and efficient communication between state, local, and federal communications systems.

All state agencies and localities shall achieve consistency with and support the goals of the statewide interoperability strategic plan by July 1, 2015, in order to remain eligible to receive state or federal funds for communications programs and systems.

§ 2.2-222.3. Secure Commonwealth Panel; membership; duties; compensation; staff.

A. The Secure Commonwealth Panel (the Panel) is established as an advisory board, within the meaning of § 2.2-2100, in the executive branch of state government. The Panel shall consist of 33 members as follows: three members of the House of Delegates and two nonlegislative citizens to be appointed by the Speaker of the House of Delegates; three members of the Senate of Virginia and two nonlegislative citizens to be appointed by the Senate Committee on Rules; the Lieutenant Governor; the Attorney General; the Executive Secretary of the Supreme Court of Virginia; the Secretaries of Commerce and Trade, Health and Human Resources, Technology, Transportation, and Public Safety and Homeland Security, or their designees; two local first responders; three local government representatives; two physicians with knowledge of public health; four members from the business or industry sector; and four citizens from the Commonwealth at large. Except for appointments made by the Speaker of the House of Delegates and the Senate Committee on Rules, all appointments shall be made by the Governor. Additional ex officio members may be appointed to the Panel by the Governor. Legislative members shall serve terms coincident with their terms of office or until their successors shall qualify. Nonlegislative citizen members shall serve for terms of four years. The Secretary of Public Safety and Homeland Security shall be the chairman of the Panel.

B. The Panel shall monitor and assess the implementation of statewide prevention, preparedness, response, and recovery initiatives and where necessary review, evaluate, and make recommendations relating to the emergency

preparedness of government at all levels in the Commonwealth. The Panel shall make quarterly reports to the Governor concerning the state's emergency preparedness, response, recovery, and prevention efforts.

C. Members of the Panel shall serve without compensation but shall be reimbursed for all reasonable and necessary expenses incurred in the discharge of their duties as provided in § 2.2-2825.

D. Staff support for the Panel and funding for the costs of expenses of the members shall be provided by the Secretary of Public Safety and Homeland Security.

E. The Secretary shall facilitate cabinet-level coordination among the various agencies of state government related to emergency preparedness and shall facilitate private sector preparedness and communication.

Article 11.

Secretary of Veterans and Defense Affairs and Homeland Security.

§ 2.2-230. Position established; agencies for which responsible; additional duties.

The position of Secretary of Veterans and Defense Affairs and Homeland Security (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: Department of Veterans Services, ~~Secure Commonwealth Panel~~, Veterans Services Foundation, and Virginia Military Advisory Council. The Governor may, by executive order, assign any other state executive agency to the Secretary, or reassign any agency listed above to another Secretary.

The Secretary shall by reason of professional background have knowledge of veterans affairs, and military affairs, law enforcement, public safety, or emergency management and preparedness issues, in addition to familiarity with the structure and operations of the federal government and of the Commonwealth.

§ 2.2-231. Powers and duties of the Secretary.

Unless the Governor expressly reserves such power to himself, the Secretary shall:

1. ~~Work with and through others, including federal, state, and local officials as well as the private sector, to develop a seamless, coordinated security and preparedness strategy and implementation plan.~~

2. ~~Serve as the point of contact with the federal Department of Homeland Security.~~

3. ~~Provide oversight, coordination, and review of all disaster, emergency management, and terrorism management plans for the state and its agencies in coordination with the Virginia Department of Emergency Management and other applicable state agencies.~~

4. ~~Serve as the Governor's liaison for veterans affairs and provide active outreach to the U.S. Department of Veterans Affairs, the veterans service organizations, and the veterans community in Virginia to support and assist Virginia's veterans in identifying and obtaining the services, assistance, and support to which they are entitled.~~

2. Work with federal officials to obtain additional federal resources and coordinate veterans policy development and information exchange.

5. 3. Work with and through appropriate members of the Governor's Cabinet to coordinate working relationships between state agencies and take all actions necessary to ensure that available federal and state resources are directed toward safeguarding Virginia and its citizens assisting veterans and addressing all issues of mutual concern to the Commonwealth and the armed forces of the United States, including quality of life issues unique to Virginia's active duty military personnel and their families, the quality of educational opportunities for military children, the future of federal impact aid, preparedness, public safety and security concerns, transportation needs, alcoholic beverage law enforcement, substance abuse, social service needs, possible expansion and growth of military facilities in the Commonwealth, and intergovernmental support agreements with state and local governments under the provisions of 10 U.S.C. § 2336.

6. Designate a Commonwealth Interoperability Coordinator to review all communications related grant requests from state agencies and localities to ensure federal grants are used to enhance interoperability and conduct the annual review and update of the statewide interoperability strategic plan as required in § 2.2-232. The Commonwealth Interoperability Coordinator shall establish an advisory group consisting of representatives of state and local government and constitutional offices, broadly distributed across the Commonwealth, who are actively engaged in activities and functions related to communications interoperability.

7. Serve as the Governor's representative on regional efforts to develop a coordinated security and preparedness strategy, including the National Capital Region security group organized as part of the federal Urban Areas Security Initiative.

8. Serve as a direct liaison between the Governor and local governments and first responders on issues of emergency prevention, preparedness, response, and recovery.

9. 4. Educate the public on homeland security and overall preparedness veterans and defense issues in coordination with applicable state agencies.

10. Serve as chairman of the Secure Commonwealth Panel.

11. Encourage homeland security volunteer efforts throughout the state.

12. 5. Serve as ~~vice chairman~~ chairman of the Virginia Military Advisory Council to establish a working relationship with Virginia's active duty military bases.

13. Coordinate the development of an allocation formula for State Homeland Security Grant Program funds to localities and state agencies in compliance with federal grant guidance and constraints. The formula shall be, to the extent permissible under federal constraints, based on actual risk and threat.

~~14.~~ Work with the appropriate state agencies to ensure that regional working groups are meeting regularly and focusing on regional initiatives in training, equipment, and strategy to ensure ready access to response teams in times of emergency and facilitate testing and training exercises for emergencies and mass casualty preparedness.

~~15.~~ Provide oversight and review of the Virginia Department of Emergency Management's annual statewide assessment of local and regional capabilities, including equipment, training, personnel, response times, and other factors.

~~16.~~ 6. Monitor and enhance efforts to provide assistance and support for veterans living in Virginia and members of the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in active federal service in the areas of (i) medical care, (ii) mental health and rehabilitative services, (iii) housing, (iv) homelessness prevention, (v) job creation, and (vi) education.

~~17.~~ 7. Seek additional federal resources to support veterans services.

~~18.~~ 8. Monitor efforts to provide services to veterans, those members of the Virginia National Guard, and Virginia residents in the Armed Forces Reserves who qualify for veteran status, and their immediate family members, including the dissemination of relevant materials and the rendering of technical or other advice.

~~19.~~ 9. Serve as the Governor's liaison and provide active outreach to localities of the Commonwealth and veterans support organizations in the development, implementation, and review of local veterans services programs as part of the state program.

~~20.~~ ~~Foster~~ 10. *Serve as the Governor's defense liaison and provide active outreach to the U.S. Department of Defense and the defense establishment in Virginia to support the military installations and activities in the Commonwealth to continue to enhance Virginia's current military-friendly environment, and foster and promote business, technology, transportation, education, economic development, and other efforts in support of the mission, execution, and transformation of the United States government military and national defense activities located in the Commonwealth.*

~~21.~~ 11. Promote the industrial and economic development of localities included in or adjacent to United States government military and other national defense activities and those of the Commonwealth because the success of such activities depends on cooperation between the localities, the Commonwealth, and the United States military and national defense activities.

~~22.~~ 12. Provide technical assistance and coordination between the Commonwealth, its political subdivisions, and the United States government military and national defense activities located within the Commonwealth.

~~23.~~ 13. Employ, as needed, consultants, attorneys, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and agents as may be necessary, and to fix their compensation to be payable from funds made available for that purpose.

~~24.~~ 14. Receive and accept from any federal or private agency, foundation, corporation, association, or person grants, donations of money, real property, or personal property for the benefit of the Commonwealth and receive and accept from the Commonwealth or any state, any municipality, county, or other political subdivision thereof, and from any other source, aid or contributions of money, property, or other things of value, to be held, used, and applied for the purposes for which such grants and contributions may be made.

~~25.~~ 15. Receive and accept from any source aid, grants, and contributions of money, property, labor, or other things of value to be held, used, and applied to carry out these requirements subject to the conditions upon which the aid, grants, or contributions are made.

~~26.~~ 16. Make grants to local governments, state and federal agencies, and private entities with any funds of the Secretary available for such purpose.

~~27.~~ 17. Take any actions necessary or convenient to the exercise of the powers granted or reasonably implied to this Secretary and not otherwise inconsistent with the law of ~~this~~ the Commonwealth.

~~28.~~ 18. Work with veterans services organizations and counterparts in other states to monitor and encourage the timely and accurate processing of veterans benefit requests by the U.S. Department of Veterans Affairs, including requests for services connected to health care, mental health care, and disability payments.

§ 2.2-2004. Additional powers and duties of Commissioner.

The Commissioner shall have the following powers and duties related to veterans services:

1. Perform cost-benefit and value analysis of (i) existing programs and services and (ii) new programs and services before establishing and implementing them;

2. Seek alternative funding sources for the Department's veterans service programs;

3. Cooperate with all relevant entities of the federal government, including, but not limited to, the United States Department of Veterans Affairs, the United States Department of Housing and Urban Development, and the United States Department of Labor in matters concerning veterans benefits and services;

4. Appoint a full-time coordinator to collaborate with the Joint Leadership Council of Veterans Service Organizations created in § 2.2-2681 on ways to provide both direct and indirect support of ongoing veterans programs, and to determine and address future veterans needs and concerns;

5. Initiate, conduct, and issue special studies on matters pertaining to veterans needs and priorities, as determined necessary by the Commissioner;

6. Evaluate veterans service efforts, practices, and programs of the agencies, political subdivisions or other entities and organizations of the government of the Commonwealth and make recommendations to the Secretary of Veterans *and*

Defense Affairs and Homeland Security, the Governor, and the General Assembly on ways to increase awareness of the services available to veterans or improve veterans services;

7. Assist entities of state government and political subdivisions of the Commonwealth in enhancing their efforts to provide services to veterans, those members of the Virginia National Guard, Virginia residents in the Armed Forces Reserves who qualify for veteran status, and their immediate family members, including the dissemination of relevant materials and the rendering of technical or other advice;

8. Assist counties, cities, and towns of the Commonwealth in the development, implementation, and review of local veterans services programs as part of the state program and establish as necessary, in consultation with the Board of Veterans Services and the Joint Leadership Council of Veterans Service Organizations, volunteer local and regional advisory committees to assist and support veterans service efforts;

9. Review the activities, roles, and contributions of various entities and organizations to the Commonwealth's veterans services programs and report on or before December 1 of each year in writing to the Governor and General Assembly on the status, progress, and prospects of veterans services in the Commonwealth, including performance measures and outcomes of veterans services programs;

10. Recommend to the Secretary of Veterans *and Defense Affairs and Homeland Security*, the Governor, and the General Assembly any corrective measures, policies, procedures, plans, and programs to make service to Virginia-domiciled veterans and their eligible spouses, orphans, and dependents as efficient and effective as practicable;

11. Design, implement, administer, and review special programs or projects needed to promote veterans services in the Commonwealth;

12. Integrate veterans services activities into the framework of economic development activities in general;

13. Manage operational funds using accepted accounting principles and practices in order to provide for a sum sufficient to ensure continued, uninterrupted operations;

14. Engage Department personnel in training and educational activities aimed at enhancing veterans services;

15. Develop a strategic plan to ensure efficient and effective utilization of resources, programs, and services;

16. Certify eligibility for the Virginia Military Survivors and Dependents Education Program and perform other duties related to such Program as outlined in § 23-7.4:1; and

17. Establish and implement a compact with Virginia's veterans, which shall have a goal of making Virginia America's most veteran-friendly state. The compact shall be established in conjunction with the Board of Veterans Services and supported by the Joint Leadership Council of Veterans Service Organizations and shall (i) include specific provisions for technology advances, workforce development, outreach, quality of life enhancement, and other services for veterans and (ii) provide service standards and goals to be attained for each specific provision in clause (i). The provisions of the compact shall be reviewed and updated annually. The Commissioner shall include in the annual report required by this section the progress of veterans services established in the compact.

§ 2.2-2101. (Effective until July 1, 2017) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Opportunity Educational Institution Board, who shall be appointed as provided for in § 22.1-27.1; to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the Council on Virginia's Future, who shall be appointed as provided for in § 2.2-2685; to members of the State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Workforce Council, who shall be appointed as provided for in § 2.2-2669; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § ~~2.2-233~~ 2.2-222.3; to members of the Forensic Science Board, who shall

be appointed as provided for in § 9.1-1109; or to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735.

§ 2.2-2101. (Effective July 1, 2017) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Opportunity Educational Institution Board, who shall be appointed as provided for in § 22.1-27.1; to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Workforce Council, who shall be appointed as provided for in § 2.2-2669; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure Commonwealth Panel, who shall be appointed as provided for in ~~§ 2.2-233~~ 2.2-222.3; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; or to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735.

§ 2.2-2338. Board of Trustees; membership.

There is hereby created a political subdivision and public body corporate and politic of the Commonwealth of Virginia to be known as the Fort Monroe Authority, to be governed by a Board of Trustees (Board) consisting of 12 voting members appointed as follows: the Secretary of Natural Resources, the Secretary of Commerce and Trade, and the Secretary of Veterans and Defense Affairs and Homeland Security, or their successor positions if those positions no longer exist, from the Governor's cabinet; the member of the Senate of Virginia and the member of the House of Delegates representing the district in which Fort Monroe lies; two members appointed by the Hampton City Council; and five nonlegislative citizen members appointed by the Governor, four of whom shall have expertise relevant to the implementation of the Fort Monroe Reuse Plan, including but not limited to the fields of historic preservation, tourism, environment, real estate, finance, and education, and one of whom shall be a citizen representative from the Hampton Roads region. Cabinet members and elected representatives shall serve terms commensurate with their terms of office. Citizen appointees shall initially be appointed for staggered terms of either one, two, or three years, and thereafter shall serve for four-year terms. Cabinet members shall be entitled to send their deputies or another cabinet member, and legislative members another legislator, to meetings as full voting members in the event that official duties require their presence elsewhere.

The Board so appointed shall enter upon the performance of its duties and shall initially and annually thereafter elect one of its members as chairman and another as vice-chairman. The Board shall also elect annually a secretary, who shall be a member of the Board, and a treasurer, who need not be a member of the Board, or a secretary-treasurer, who need not be a member of the Board. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Board, and in the absence of both the chairman and vice-chairman, the Board shall elect a chairman pro tempore who shall preside at such meetings. Seven Trustees shall constitute a quorum, and all action by the Board shall require the affirmative vote of a majority of the Trustees present and voting, except that any action to amend or terminate the existing Reuse Plan, or to adopt a new Reuse Plan, shall require the affirmative vote of 75 percent or more of the Trustees present and voting. The members of the Board shall be entitled to reimbursement for expenses incurred in attendance upon meetings of the Board or while otherwise engaged in the discharge of their duties. Such expenses shall be paid out of the treasury of the Authority in such manner as shall be prescribed by the Authority.

§ 2.2-2666.1. Council created; composition; compensation and expenses; meetings; chairman's executive summary.

A. The Virginia Military Advisory Council (the Council) is hereby created as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government, to maintain a cooperative and constructive relationship between the Commonwealth and the leadership of the several Armed Forces of the United States and the military commanders of

such Armed Forces stationed in the Commonwealth, and to encourage regular communication on continued military facility viability, the exploration of privatization opportunities and issues affecting preparedness, public safety and security.

B. The Council shall be composed of ~~28~~ 27 members as follows: the Lieutenant Governor, the Attorney General, ~~the Secretary of Public Safety~~, the Adjutant General, the Secretary of Veterans *and Defense* Affairs ~~and Homeland Security~~, the Chairman of the House Committee on Militia, Police and Public Safety and the Chairman of the Senate Committee on General Laws, or their designees; four members, one of whom shall be a representative of the Virginia Defense Force, to be appointed by and serve at the pleasure of the Governor; and 17 members, including representatives of major military commands and installations located in the Commonwealth or in jurisdictions adjacent thereto, who shall be requested to serve by the Governor after consideration of the persons nominated by the Secretaries of the Armed Forces of the United States. However, any legislative member who is appointed by the Governor shall serve a term coincident with his term of office. The provisions of § 49-1 shall not apply to federal civilian officials and military personnel appointed to the Council.

C. Legislative members of the Council shall receive such compensation as provided in § 30-19.12, and nonlegislative members shall receive such compensation as provided in § 2.2-2813 for the performance of their duties. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department of Military Affairs.

D. ~~The Council shall elect a chairman from among its membership~~ *Secretary of Veterans and Defense Affairs shall be the chairman of the Council. The vice-chairman of the Council shall be the Secretary of Veterans Affairs and Homeland Security* ~~chairman shall designate a military advisor to the Council from among the representatives of the major military commands and installations located in the Commonwealth or in jurisdictions adjacent thereto pursuant to subsection B, who shall be an active duty general or flag officer serving in Virginia.~~ The meetings of the Council shall be held at the call of the chairman or whenever the majority of members so request. A majority of the members shall constitute a quorum.

E. The chairman of the Council shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Council no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

§ 2.2-2666.2. Duties of Council; staff support.

The Council shall identify and study and provide advice and comments to the Governor on issues of mutual concern to the Commonwealth and the Armed Forces of the United States, including exclusive and concurrent jurisdiction over military installations, educational quality and the future of federal impact aid, preparedness, public safety and security concerns, transportation needs, alcoholic beverage law enforcement, substance abuse, social service needs, possible expansion and growth of military facilities in the Commonwealth and such other issues as the Governor or the Council may determine to be appropriate subjects of joint consideration.

Such staff support as is necessary for the conduct of the Council's business shall be furnished by the Office of the Governor, the Office of the Secretary of Veterans *and Defense* Affairs ~~and Homeland Security~~, the ~~Department of Military Affairs~~, and such other executive agencies as the Governor may designate. ~~The Governor shall designate the chairman from among the members.~~

§ 2.2-2666.3. (Contingent expiration) Oceana/Fentress Military Advisory Council created; composition; duties; staff support.

A. The Oceana/Fentress Military Advisory Council (the Oceana/Fentress Council) is hereby created as a subunit of the Virginia Military Advisory Council. The Oceana/Fentress Council shall be composed of two members of the Chesapeake City Council, two members of the Virginia Beach City Council, those members of the Virginia General Assembly whose districts encompass Naval Air Station Oceana and Naval Auxiliary Landing Field Fentress, the Commander, Navy Mid-Atlantic Region or his representative, and the Commanding Officer of Naval Air Station Oceana or his representative.

B. The Oceana/Fentress Council shall identify and study and provide advice and comments to the Virginia Military Advisory Council on issues of mutual concern to the Commonwealth and the Navy concerning Naval Air Station Oceana and Naval Auxiliary Landing Field Fentress and address such other issues as the Governor or the Virginia Military Advisory Council may determine to be appropriate subjects of consideration.

C. Such staff support as is necessary for the conduct of the Oceana/Fentress Council's business shall be furnished by the Office of the Secretary of Veterans *and Defense* Affairs ~~and Homeland Security~~.

§ 2.2-2699.5. Information Technology Advisory Council; membership; terms; quorum; compensation; staff.

A. The Information Technology Advisory Council (ITAC) is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government. The ITAC shall be responsible for advising the Chief Information Officer (CIO) and the Secretary of Technology on the planning, budgeting, acquiring, using, disposing, managing, and administering of information technology in the Commonwealth.

B. The ITAC shall consist of not more than 16 members as follows: (i) one representative from an agency under each of the Governor's Secretaries, as set out in Chapter 2 (§ 2.2-200 et seq.), to be appointed by the Governor and serve with voting privileges; (ii) the Secretary of Technology and the CIO, who shall serve ex officio with voting privileges; (iii) the Secretary of the Commonwealth or his designee; ~~and (iv) the Secretary of Veterans Affairs and Homeland Security or his~~

designee; and (v) at the Governor's discretion, not more than two nonlegislative citizen members to be appointed by the Governor and serve with voting privileges.

Nonlegislative citizen members shall be appointed for terms of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

C. The ITAC shall elect a chairman and vice-chairman annually from among the members, except that neither the Secretary of Technology nor the CIO may serve as chairman. A majority of the members shall constitute a quorum. The meetings of the ITAC shall be held at the call of the chairman, the Secretary of Technology, or the CIO, or whenever the majority of the members so request.

D. Nonlegislative citizen members shall receive compensation and shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties, as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Virginia Information Technologies Agency.

E. The disclosure requirements of subsection B of § 2.2-3114 of the State and Local Government Conflict of Interests Act shall apply to citizen members of the ITAC.

F. The Virginia Information Technologies Agency shall serve as staff to the ITAC.

§ 2.2-2715. Veterans Services Foundation; purpose; membership; terms; compensation; staff.

A. The Veterans Services Foundation (the Foundation) is established as an independent body politic and corporate agency supporting the Department of Veterans Services in the executive branch of state government. The Foundation shall be governed and administered by a board of trustees. The Foundation shall (i) administer the Veterans Services Fund (the Fund), (ii) provide funding for veterans services and programs in the Commonwealth through the Fund, and (iii) raise revenue from all sources including private source fundraising to support the Fund. The Foundation shall submit a quarterly report to the Commissioner of Veterans Services on the Foundation's funding levels and services and an annual report to the Secretary of Veterans and Defense Affairs and Homeland Security on or before November 30 of each year. The quarterly report and the annual report shall be submitted electronically.

B. The board of trustees of the Foundation shall consist of the Commissioner of Veterans Services and the Chairmen of the Board of Veterans Services and the Joint Leadership Council of Veterans Service Organizations or their designees, who shall serve as ex officio voting members, and 16 members to be appointed as follows: ~~(+) eight~~ eight nonlegislative citizens appointed by the Governor; five nonlegislative citizens appointed by the Speaker of the House of Delegates; and three nonlegislative citizens appointed by the Senate Committee on Rules. A majority of the trustees shall be active or retired chairmen, chief executive officers, or chief financial officers for large private corporations or nonprofit organizations or individuals who have extensive fundraising experience in the private sector. Trustees appointed shall, insofar as possible, be veterans. Each appointing authority shall endeavor to ensure a balanced geographical representation on the Board to facilitate fundraising efforts across the state.

After initial appointments, members shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments. Any member of the Board of Trustees may be removed at the pleasure of the appointing authority.

C. Trustees shall be reimbursed for their actual expenses incurred while attending meetings of the trustees or performing other duties. However, such reimbursement shall not exceed the per diem rate established for members of the General Assembly pursuant to § 30-19.12.

D. The Secretary of Veterans and Defense Affairs and Homeland Security shall designate a state agency to provide the Foundation with administrative and other services.

E. The trustees shall adopt bylaws governing their organization and procedures and may amend the same. The trustees shall elect from their number a chairman and such other officers as their bylaws may provide. Ex officio members shall not be eligible to serve as chairman. The trustees shall meet four times a year at such times as they deem appropriate or on call of the chairman. A majority of the voting members of the board of trustees shall constitute a quorum.

F. Any person designated by the board of trustees to handle the funds of the Foundation or the Fund shall give bond, with corporate surety, in a penalty fixed by the Governor, conditioned upon the faithful discharge of his duties. Any premium on the bond shall be paid from funds available to the Foundation.

§ 9.1-202. Virginia Fire Services Board; membership; terms; compensation.

A. The Virginia Fire Services Board (the Board) is established as a policy board within the meaning of § 2.2-2100 in the executive branch of state government. The Board shall consist of 15 members to be appointed by the Governor as follows: a representative of the insurance industry; two members of the general public with no connection to the fire services, one of whom shall be a representative of those industries affected by SARA Title III and OSHA training requirements; and one member each from the Virginia Fire Chiefs Association, the Virginia State Firefighters Association, the Virginia Professional Fire Fighters, the Virginia Fire Service Council, the Virginia Fire Prevention Association, the Virginia Chapter of the International Association of Arson Investigators, the Virginia Municipal League, and the Virginia

Association of Counties, and a member of the Virginia Society of Fire Service Instructors who is a faculty member who teaches fire science at a public institution of higher education. Of these appointees, at least one shall be a volunteer firefighter. The State Fire Marshal, the State Forester, and a member of the Board of Housing and Community Development appointed by the chairman of that Board shall also serve as members of the Board.

Each of the organizations represented shall submit at least three names for each position for the Governor's consideration in making these appointments.

B. Members of the Board appointed by the Governor shall serve for terms of four years. An appointment to fill a vacancy shall be for the unexpired term. No appointee shall serve more than two successive four-year terms but neither shall any person serve beyond the time he holds the office or organizational membership by reason of which he was initially eligible for appointment.

C. The Board annually shall elect its chairman and vice-chairman from among its membership and shall adopt rules of procedure.

D. All members shall be reimbursed for expenses incurred in the performance of their duties as provided in § 2.2-2825. Funding for the expenses shall be provided from the Fire Programs Fund established pursuant to § 38.2-401.

E. The Board shall meet no more than four times each calendar year. The Secretary of Public Safety *and Homeland Security* may call a special meeting of the Board should circumstances dictate. A majority of the current membership of the Board shall constitute a quorum for all purposes.

§ 9.1-203. Powers and duties of Virginia Fire Services Board; limitation.

A. The Board shall have the responsibility for promoting the coordination of the efforts of fire service organizations at the state and local levels. To these ends, it shall have the following powers and duties to:

1. Ensure the development and implementation of the Virginia Fire Prevention and Control Plan;
2. Review and approve a five-year statewide plan for fire education and training;
3. Approve the criteria for and disbursement of any grant funds received from the federal government and any agencies thereof and any other source and to disburse such funds in accordance therewith;
4. Provide technical assistance and advice to local fire departments, other fire services organizations, and local governments through Fire and Emergency Medical Services studies done in conjunction with the Department of Fire Programs;
5. Advise the Department of Fire Programs on and adopt personnel standards for fire services personnel;
6. Advise the Department of Fire Programs on the Commonwealth's statewide plan for the collection, analysis, and reporting of data relating to fires in the Commonwealth;
7. Make recommendations to the Secretary of Public Safety *and Homeland Security* concerning legislation affecting fire prevention and protection and fire services organizations in Virginia;
8. Evaluate all fire prevention and protection programs and make any recommendations deemed necessary to improve the level of fire prevention and protection in the Commonwealth;
9. Advise the Department of Fire Programs on the Statewide Fire Prevention Code; and
10. Investigate alternative means of financial support for volunteer fire departments and advise jurisdictions regarding the implementation of such alternatives.

B. Except for those policies established in § 38.2-401, compliance with the provisions of § 9.1-201 and this section and any policies or guidelines enacted pursuant thereto shall be optional with, and at the full discretion of, any local governing body and any volunteer fire department or volunteer fire departments operating under the same corporate charters.

§ 9.1-407. Training.

Any law-enforcement or public safety officer entitled to benefits under this Chapter shall receive training concerning the benefits available to himself or his beneficiary in case of disability or death in the line of duty. The Secretary of Public Safety *and Homeland Security* shall develop training information to be distributed to agencies and localities with employees subject to this ~~Chapter~~ *chapter*. The agency or locality shall be responsible for providing the training. Such training shall not count towards in-service training requirements for law-enforcement officers pursuant to § 9.1-102.

§ 44-146.18:2. Authority of Coordinator of Emergency Management in undeclared emergency.

In an emergency which does not warrant a gubernatorial declaration of a state of emergency, the Coordinator of Emergency Management, after consultation with and approval of the Secretary of Public Safety *and Homeland Security*, may enter into contracts and incur obligations necessary to prevent or alleviate damage, loss, hardship, or suffering caused by such emergency and to protect the health and safety of persons and property. In exercising the powers vested by this section, the Coordinator may proceed without regard to normal procedures pertaining to entering into contracts, incurring of obligations, rental of equipment, purchase of supplies and materials, and expenditure of public funds; however, mandatory constitutional requirements shall not be disregarded.

§ 53.1-155.1. Participation in residential community program prior to final release.

The Department may give nonviolent prisoners who have not been convicted of a violent crime and who have been sentenced to serve a term of imprisonment of at least three years the opportunity to participate in a residential community program, work release, or a community-based program approved by the Secretary of Public Safety *and Homeland Security* within six months of such prisoner's projected or mandatory release date. The Secretary shall prescribe guidelines to govern the residential community programs, work release, or community-based programs.

Any wages earned pursuant to this section by a prisoner may be paid to the director or administrator of the program after standard payroll deductions required by law. Distribution of such wages shall be made for the following purposes:

1. To pay an amount to defray the cost of his keep;
2. To pay travel and other such expenses made necessary by his work release, employment, or participation in a residential community program or a community-based program;
3. To provide support and maintenance for his dependents or to make payments to the local department of social services or the Commissioner of Social Services, as appropriate, on behalf of dependents who are receiving public assistance as defined in § 63.2-100; or
4. To pay any fines, restitution, or costs as ordered by the court.

Any balance at the end of his sentence shall be paid to the prisoner upon his release.

§ 58.1-344.3. Voluntary contributions of refunds requirements.

A. 1. For taxable years beginning on and after January 1, 2005, all entities entitled to voluntary contributions of tax refunds listed in subsections B and C must have received at least \$10,000 in contributions in each of the three previous taxable years for which there is complete data and in which such entity was listed on the individual income tax return.

2. In the event that an entity listed in subsections B and C does not satisfy the requirement in subdivision 1, such entity shall no longer be listed on the individual income tax return.

3. a. The entities listed in subdivisions B 21 and B 22 as well as any other entities in subsections B and C added subsequent to the 2004 Session of the General Assembly shall not appear on the individual income tax return until their addition to the individual income tax return results in a maximum of 25 contributions listed on the return. Such contributions shall be added in the order that they are listed in subsections B and C.

b. Each entity added to the income tax return shall appear on the return for at least three consecutive taxable years before the requirement in subdivision 1 is applied to such entity.

4. The Department of Taxation shall report annually by the first day of each General Assembly Regular Session to the chairmen of the House and Senate Finance Committees the amounts collected for each entity listed under subsections B and C for the three most recent taxable years for which there is complete data. Such report shall also identify the entities, if any, that will be removed from the individual income tax return because they have failed the requirements in subdivision 1, the entities that will remain on the individual income tax return, and the entities, if any, that will be added to the individual income tax return.

B. Subject to the provisions of subsection A, the following entities entitled to voluntary contributions shall appear on the individual income tax return and are eligible to receive tax refund contributions of not less than \$1:

1. Nongame wildlife voluntary contribution.

a. All moneys contributed shall be used for the conservation and management of endangered species and other nongame wildlife. "Nongame wildlife" includes protected wildlife, endangered and threatened wildlife, aquatic wildlife, specialized habitat wildlife both terrestrial and aquatic, and mollusks, crustaceans, and other invertebrates under the jurisdiction of the Board of Game and Inland Fisheries.

b. All moneys shall be deposited into a special fund known as the Game Protection Fund and which shall be accounted for as a separate part thereof to be designated as the Nongame Cash Fund. All moneys so deposited in the Nongame Cash Fund shall be used by the Commission of Game and Inland Fisheries for the purposes set forth herein.

2. Open space recreation and conservation voluntary contribution.

a. All moneys contributed shall be used by the Department of Conservation and Recreation to acquire land for recreational purposes and preserve natural areas; to develop, maintain, and improve state park sites and facilities; and to provide funds to local public bodies pursuant to the Virginia Outdoor Fund Grants Program.

b. All moneys shall be deposited into a special fund known as the Open Space Recreation and Conservation Fund. The moneys in the fund shall be allocated one-half to the Department of Conservation and Recreation for the purposes stated in subdivision 2 a and one-half to local public bodies pursuant to the Virginia Outdoor Fund Grants Program.

3. Voluntary contribution to political party.

All moneys contributed shall be paid to the State Central Committee of any party that meets the definition of a political party under § 24.2-101 as of July 1 of the previous taxable year. The maximum contribution allowable under this subdivision shall be \$25. In the case of a joint return of husband and wife, each spouse may designate that the maximum contribution allowable be paid.

4. United States Olympic Committee voluntary contribution.

All moneys contributed shall be paid to the United States Olympic Committee.

5. Housing program voluntary contribution.

a. All moneys contributed shall be used by the Department of Housing and Community Development to provide assistance for emergency, transitional, and permanent housing for the homeless; and to provide assistance to housing for the low-income elderly for the physically or mentally disabled.

b. All moneys shall be deposited into a special fund known as the Virginia Tax Check-off for Housing Fund. All moneys deposited in the fund shall be used by the Department of Housing and Community Development for the purposes set forth in this subdivision. Funds made available to the Virginia Tax Check-off for Housing Fund may supplement but shall not supplant activities of the Virginia Housing Trust Fund established pursuant to Chapter 9 (§ 36-141 et seq.) of Title 36 or those of the Virginia Housing Development Authority.

6. Voluntary contributions to the Department for Aging and Rehabilitative Services.

a. All moneys contributed shall be used by the Department for Aging and Rehabilitative Services for the enhancement of transportation services for the elderly and disabled.

b. All moneys shall be deposited into a special fund known as the Transportation Services for the Elderly and Disabled Fund. All moneys so deposited in the fund shall be used by the Department for Aging and Rehabilitative Services for the enhancement of transportation services for the elderly and disabled. The Department for Aging and Rehabilitative Services shall conduct an annual audit of the moneys received pursuant to this subdivision and shall provide an evaluation of all programs funded pursuant to this subdivision annually to the Secretary of Health and Human Resources.

7. Voluntary contribution to the Community Policing Fund.

a. All moneys contributed shall be used to provide grants to local law-enforcement agencies for the purchase of equipment or the support of services, as approved by the Criminal Justice Services Board, relating to community policing.

b. All moneys shall be deposited into a special fund known as the Community Policing Fund. All moneys deposited in such fund shall be used by the Department of Criminal Justice Services for the purposes set forth herein.

8. Voluntary contribution to promote the arts.

All moneys contributed shall be used by the Virginia Arts Foundation to assist the Virginia Commission for the Arts in its statutory responsibility of promoting the arts in the Commonwealth. All moneys shall be deposited into a special fund known as the Virginia Arts Foundation Fund.

9. Voluntary contribution to the Historic Resources Fund.

All moneys contributed shall be deposited in the Historic Resources Fund established pursuant to § 10.1-2202.1.

10. Voluntary contribution to the Virginia Foundation for the Humanities and Public Policy.

All moneys contributed shall be paid to the Virginia Foundation for the Humanities and Public Policy. All moneys shall be deposited into a special fund known as the Virginia Humanities Fund.

11. Voluntary contribution to the Center for Governmental Studies.

All moneys contributed shall be paid to the Center for Governmental Studies, a public service and research center of the University of Virginia. All moneys shall be deposited into a special fund known as the Governmental Studies Fund.

12. Voluntary contribution to the Law and Economics Center.

All moneys contributed shall be paid to the Law and Economics Center, a public service and research center of George Mason University. All moneys shall be deposited into a special fund known as the Law and Economics Fund.

13. Voluntary contribution to Children of America Finding Hope.

All moneys contributed shall be used by Children of America Finding Hope (CAFH) in its programs which are designed to reach children with emotional and physical needs.

14. Voluntary contribution to 4-H Educational Centers.

All moneys contributed shall be used by the 4-H Educational Centers throughout the Commonwealth for their (i) educational, leadership, and camping programs and (ii) operational and capital costs. The State Treasurer shall pay the moneys to the Virginia 4-H Foundation in Blacksburg, Virginia.

15. Voluntary contribution to promote organ and tissue donation.

a. All moneys contributed shall be used by the Virginia Transplant Council to assist in its statutory responsibility of promoting and coordinating educational and informational activities as related to the organ, tissue, and eye donation process and transplantation in the Commonwealth of Virginia.

b. All moneys shall be deposited into a special fund known as the Virginia Donor Registry and Public Awareness Fund. All moneys deposited in such fund shall be used by the Virginia Transplant Council for the purposes set forth herein.

16. Voluntary contributions to the Virginia War Memorial division of the Department of Veterans Services and the National D-Day Memorial Foundation.

All moneys contributed shall be used by the Virginia War Memorial division of the Department of Veterans Services and the National D-Day Memorial Foundation in their work through each of their respective memorials. The State Treasurer shall divide the moneys into two equal portions and pay one portion to the Virginia War Memorial division of the Department of Veterans Services and the other portion to the National D-Day Memorial Foundation.

17. Voluntary contribution to the Virginia Federation of Humane Societies.

All moneys contributed shall be paid to the Virginia Federation of Humane Societies to assist in its mission of saving, caring for, and finding homes for homeless animals.

18. Voluntary contribution to the Tuition Assistance Grant Fund.

a. All moneys contributed shall be paid to the Tuition Assistance Grant Fund for use in providing monetary assistance to residents of the Commonwealth who are enrolled in undergraduate or graduate programs in private Virginia colleges.

b. All moneys shall be deposited into a special fund known as the Tuition Assistance Grant Fund. All moneys so deposited in the Fund shall be administered by the State Council of Higher Education for Virginia in accordance with and for the purposes provided under the Tuition Assistance Grant Act (§ 23-38.11 et seq.).

19. Voluntary contribution to the Spay and Neuter Fund.

All moneys contributed shall be paid to the Spay and Neuter Fund for use by localities in the Commonwealth for providing low-cost spay and neuter surgeries through direct provision or contract or each locality may make the funds available to any private, nonprofit sterilization program for dogs and cats in such locality. The Tax Commissioner shall determine annually the total amounts designated on all returns from each locality in the Commonwealth, based upon the

locality that each filer who makes a voluntary contribution to the Fund lists as his permanent address. The State Treasurer shall pay the appropriate amount to each respective locality.

20. Voluntary contribution to the Virginia Commission for the Arts.

All moneys contributed shall be paid to the Virginia Commission for the Arts.

21. Voluntary contribution for the ~~Office of Commonwealth Preparedness~~ *Department of Emergency Management*.

All moneys contributed shall be paid to the Department of Emergency Management ~~for the Office of Commonwealth Preparedness~~.

22. Voluntary contribution for the cancer centers in the Commonwealth.

All moneys contributed shall be paid equally to all entities in the Commonwealth that officially have been designated as cancer centers by the National Cancer Institute.

23. Voluntary contribution to the Brown v. Board of Education Scholarship Program Fund.

a. All moneys contributed shall be paid to the Brown v. Board of Education Scholarship Program Fund to support the work of and generate nonstate funds to maintain the Brown v. Board of Education Scholarship Program.

b. All moneys shall be deposited into the Brown v. Board of Education Scholarship Program Fund as established in § 30-231.4.

c. All moneys so deposited in the Fund shall be administered by the State Council of Higher Education in accordance with and for the purposes provided in Chapter 34.1 (§ 30-231.01 et seq.) of Title 30.

24. Voluntary contribution to the Martin Luther King, Jr. Living History and Public Policy Center.

All moneys contributed shall be paid to the Board of Trustees of the Martin Luther King, Jr. Living History and Public Policy Center.

25. Voluntary contribution to the Virginia Caregivers Grant Fund.

All moneys contributed shall be paid to the Virginia Caregivers Grant Fund established pursuant to § 63.2-2202.

26. Voluntary contribution to public library foundations.

All moneys contributed pursuant to this subdivision shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for each public library foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the appropriate amount to the respective public library foundation.

27. Voluntary contribution to Celebrating Special Children, Inc.

All moneys contributed shall be paid to Celebrating Special Children, Inc. and shall be deposited into a special fund known as the Celebrating Special Children, Inc. Fund.

28. Voluntary contributions to the Department for Aging and Rehabilitative Services.

a. All moneys contributed shall be used by the Department for Aging and Rehabilitative Services for providing Medicare Part D counseling to the elderly and disabled.

b. All moneys shall be deposited into a special fund known as the Medicare Part D Counseling Fund. All moneys so deposited shall be used by the Department for Aging and Rehabilitative Services to provide counseling for the elderly and disabled concerning Medicare Part D. The Department for Aging and Rehabilitative Services shall conduct an annual audit of the moneys received pursuant to this subdivision and shall provide an evaluation of all programs funded pursuant to the subdivision to the Secretary of Health and Human Resources.

29. Voluntary contribution to community foundations.

All moneys contributed pursuant to this subdivision shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for each community foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the appropriate amount to the respective community foundation. A "community foundation" shall be defined as any institution that meets the membership requirements for a community foundation established by the Council on Foundations.

30. Voluntary contribution to the Virginia Foundation for Community College Education.

a. All moneys contributed shall be paid to the Virginia Foundation for Community College Education for use in providing monetary assistance to Virginia residents who are enrolled in comprehensive community colleges in Virginia.

b. All moneys shall be deposited into a special fund known as the Virginia Foundation for Community College Education Fund. All moneys so deposited in the Fund shall be administered by the Virginia Foundation for Community College Education in accordance with and for the purposes provided under the Community College Incentive Scholarship Program (§ 23-220.2 et seq.).

31. Voluntary contribution to the Middle Peninsula Chesapeake Bay Public Access Authority.

All moneys contributed shall be paid to the Middle Peninsula Chesapeake Bay Public Access Authority to be used for the purposes described in § 15.2-6601.

32. Voluntary contribution to the Breast and Cervical Cancer Prevention and Treatment Fund.

All moneys contributed shall be paid to the Breast and Cervical Cancer Prevention and Treatment Fund established pursuant to § 32.1-368.

33. Voluntary contribution to the Virginia Aquarium and Marine Science Center.

All moneys contributed shall be paid to the Virginia Aquarium and Marine Science Center for use in its mission to increase the public's knowledge and appreciation of Virginia's marine environment and inspire commitment to preserve its existence.

34. Voluntary contribution to the Virginia Capitol Preservation Foundation.

All moneys contributed shall be paid to the Virginia Capitol Preservation Foundation for use in its mission in supporting the ongoing restoration, preservation, and interpretation of the Virginia Capitol and Capitol Square.

35. Voluntary contribution for the Secretary of Veterans *and Defense Affairs* ~~and Homeland Security~~.

All moneys contributed shall be paid to the Office of the Secretary of Veterans *and Defense Affairs* ~~and Homeland Security~~ for related programs and services.

C. Subject to the provisions of subsection A, the following voluntary contributions shall appear on the individual income tax return and are eligible to receive tax refund contributions or by making payment to the Department if the individual is not eligible to receive a tax refund pursuant to § 58.1-309 or if the amount of such tax refund is less than the amount of the voluntary contribution:

1. Voluntary contribution to the Family and Children's Trust Fund of Virginia.

All moneys contributed shall be paid to the Family and Children's Trust Fund of Virginia.

2. Voluntary Chesapeake Bay Restoration Contribution.

a. All moneys contributed shall be used to help fund Chesapeake Bay and its tributaries restoration activities in accordance with tributary plans developed pursuant to Article 7 (§ 2.2-215 et seq.) of Chapter 2 of Title 2.2 or the Chesapeake Bay Watershed Implementation Plan submitted by the Commonwealth of Virginia to the U.S. Environmental Protection Agency on November 29, 2010, and any subsequent revisions thereof.

b. The Tax Commissioner shall annually determine the total amount of voluntary contributions and shall report the same to the State Treasurer, who shall credit that amount to a special nonreverting fund to be administered by the Office of the Secretary of Natural Resources. All moneys so deposited shall be used for the purposes of providing grants for the implementation of tributary plans developed pursuant to Article 7 (§ 2.2-215 et seq.) of Chapter 2 of Title 2.2 or the Chesapeake Bay Watershed Implementation Plan submitted by the Commonwealth of Virginia to the U.S. Environmental Protection Agency on November 29, 2010, and any subsequent revisions thereof.

3. Voluntary Jamestown-Yorktown Foundation Contribution.

All moneys contributed shall be used by the Jamestown-Yorktown Foundation for the Jamestown 2007 quadricentennial celebration. All moneys shall be deposited into a special fund known as the Jamestown Quadricentennial Fund. This subdivision shall be effective for taxable years beginning before January 1, 2008.

4. State forests voluntary contribution.

a. All moneys contributed shall be used for the development and implementation of conservation and education initiatives in the state forests system.

b. All moneys shall be deposited into a special fund known as the State Forests System Fund, established pursuant to § 10.1-1119.1. All moneys so deposited in such fund shall be used by the State Forester for the purposes set forth herein.

5. Voluntary contributions to Uninsured Medical Catastrophe Fund.

All moneys contributed shall be paid to the Uninsured Medical Catastrophe Fund established pursuant to § 32.1-324.2, such funds to be used for the treatment of Virginians sustaining uninsured medical catastrophes.

6. Voluntary contribution to local school divisions.

a. All moneys contributed shall be used by a specified local public school foundation as created by and for the purposes stated in § 22.1-212.2:2.

b. All moneys collected pursuant to subdivision 6 a or through voluntary payments by taxpayers designated for a local public school foundation over refundable amounts shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for each public school foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the appropriate amount to the respective public school foundation.

c. In order for a public school foundation to be eligible to receive contributions under this section, school boards must notify the Department during the taxable year in which they want to participate prior to the deadlines and according to procedures established by the Tax Commissioner.

7. Voluntary contribution to Home Energy Assistance Fund.

All moneys contributed shall be paid to the Home Energy Assistance Fund established pursuant to § 63.2-805, such funds to be used to assist low-income Virginians in meeting seasonal residential energy needs.

8. Voluntary contribution to the Virginia Military Family Relief Fund.

a. All moneys contributed shall be paid to the Virginia Military Family Relief Fund for use in providing assistance to military service personnel on active duty and their families for living expenses including, but not limited to, food, housing, utilities, and medical services.

b. All moneys shall be deposited into a special fund known as the Virginia Military Family Relief Fund, established and administered pursuant to § 44-102.2.

D. Unless otherwise specified and subject to the requirements in § 58.1-344.2, all moneys collected for each entity in subsections B and C shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amount designated for each entity in subsections B and C on all individual income tax returns and shall report the same to the State Treasurer, who shall credit that amount to each entity's respective special fund.

§ 62.1-44.34:25. Virginia Spill Response Council created; purpose; membership.

A. There is hereby created the Virginia Spill Response Council. The purpose of the Council is to (i) improve the Commonwealth's capability to respond in a timely and coordinated fashion to incidents involving the discharge of oil or hazardous materials which pose a threat to the environment, its living resources, and the health, safety, and welfare of the

people of the Commonwealth and (ii) provide an ongoing forum for discussions between agencies which are charged with the prevention of, and response to, oil spills and hazardous materials incidents, and those agencies responsible for the remediation of such incidents.

B. The Secretary of Natural Resources and the Secretary of Public Safety *and Homeland Security*, upon the advice of the director of the agency, shall select one representative from each of the following agencies to serve as a member of the Council: Department of Emergency Management, State Water Control Board, Department of Environmental Quality, Virginia Marine Resources Commission, Department of Game and Inland Fisheries, Department of Health, Department of Fire Programs, and the Council on the Environment.

C. The Secretary of Natural Resources or his designee shall serve as chairman of the Council.

§ 66-2. Supervision of the Department.

The Director of the Department of Juvenile Justice shall, under the direction of the Governor, be responsible for the supervision of the Department and shall exercise such other powers and perform such other duties as may be conferred or imposed by law upon him. He shall perform such other duties as may be required of him by the Governor and the Secretary of Public Safety *and Homeland Security*.

2. That §§ 2.2-232 and 2.2-233 of the Code of Virginia are repealed.

3. That as of the effective date of this act, the Secretary of Public Safety and Homeland Security shall be deemed the successor in interest to the former Secretary of Veterans Affairs and Homeland Security to the extent this act transfers powers and duties. All right, title, and interest in and to any real or tangible personal property vested in the former Secretary of Veterans Affairs and Homeland Security to the extent that this act transfers powers and duties related to homeland security as of the effective date of this act shall be transferred to and taken as standing in the name of the Secretary of Public Safety and Homeland Security.

4. That the Governor may transfer an appropriation or any portion thereof within a state agency established, abolished, or otherwise affected by the provisions of this act, and from one such agency to another, to support the changes in organization or responsibility resulting from or required by the provisions of this act.

5. That the Governor may transfer any employee within a state agency established, abolished, or otherwise affected by the provisions of this act, or from one such agency to another, to support the changes in organization or responsibility resulting from or required by the provisions of this act.

6. That in reviewing local disaster response plans or local shelter, evacuation, and traffic plans to support emergency evacuation in the event of man-made or natural disaster priority shall be given by the Virginia Department of Emergency Management to Hampton Roads localities.

7. That an emergency exists and this act is in force from its passage.

CHAPTER 116

An Act to amend and reenact §§ 3.2-6553 and 3.2-6584 of the Code of Virginia, relating to compensation for livestock and poultry killed by dogs and hybrid canines.

[H 54]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6553 and 3.2-6584 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-6553. Compensation for livestock and poultry killed by dogs.

Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry not to exceed ~~\$400~~ \$750 per animal or \$10 per fowl if: (i) the claimant has furnished evidence within 60 days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog; (ii) the animal control officer or other officer shall have been notified of the incident within 72 hours of its discovery; and (iii) the claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied.

Local jurisdictions may by ordinance waive the requirements of *clause* (ii) or (iii) or both provided that the ordinance adopted requires that the animal control officer has conducted an investigation and that his investigation supports the claim. Upon payment under this section, the local governing body shall be subrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the dog and may enforce the same in an appropriate action at law.

§ 3.2-6584. Compensation for livestock and poultry killed by hybrid canines.

Any person who has any livestock or poultry killed or injured by any hybrid canine not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry not to exceed ~~\$400~~ \$750 per animal or \$10 per fowl if: (i) the claimant has furnished evidence within 60 days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a hybrid canine; (ii) the animal control officer or other officer shall have been notified of the incident within 72 hours of its discovery; and (iii) the claimant first has exhausted his legal remedies against the owner, if known, of the hybrid canine doing the damage for which

compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the hybrid canine upon which an execution has been returned unsatisfied.

Local jurisdictions may by ordinance waive the requirements of *clause* (ii) or (iii) or both provided that the ordinance adopted requires that the animal control officer has conducted an investigation and that his investigation supports the claim. Upon payment under this section the local governing body shall be subrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the hybrid canine and may enforce the same in an appropriate action at law.

CHAPTER 117

An Act to amend and reenact § 29.1-519 of the Code of Virginia, relating to the use of muzzleloading pistols for hunting big game.

[H 127]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-519 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-519. Guns, pistols, revolvers, etc., which may be used; penalty.

A. All wild birds and wild animals may be hunted with the following weapons unless shooting is expressly prohibited:

1. A shotgun or muzzleloading shotgun not larger than 10 gauge;
2. An automatic-loading or hand-operated repeating shotgun capable of holding not more than three shells the magazine of which has been cut off or plugged with a one-piece filler incapable of removal through the loading end, so as to reduce the capacity of the gun to not more than three shells at one time in the magazine and chamber combined, unless otherwise allowed by Board regulations;
3. A rifle, a muzzleloading rifle, or an air rifle;
4. A bow and arrow;
5. [Expired.]
6. A crossbow, which is a type of bow and arrow, in accordance with the provisions of § 29.1-306.1.

B. A pistol, ~~muzzle loading~~ muzzleloading pistol, or revolver may be used to hunt nuisance species of birds and animals.

C. In the counties west of the Blue Ridge Mountains, and counties east of the Blue Ridge where rifles of a caliber larger than .22 caliber may be used for hunting wild birds and animals, game birds and animals may be hunted with pistols or revolvers firing cartridges rated in manufacturers' tables at 350 foot pounds of energy or greater and under the same restrictions and conditions as apply to rifles, provided that no cartridge shall be used with a bullet of less than .23 caliber. In no event shall pistols or revolvers firing cartridges rated in manufacturers' tables at 350 foot pounds of energy or greater be used if rifles of a caliber larger than .22 caliber are not authorized for hunting purposes.

D. The use of ~~muzzle loading~~ muzzleloading pistols and .22 caliber rimfire handguns is permitted for hunting small game where .22 caliber rifles are permitted.

E. *The use of muzzleloading pistols of .45 caliber or larger is permitted for hunting big game where and in those seasons when the use of muzzleloading rifles is permitted. The Board may adopt regulations that specify the types of muzzleloading pistols and the projectiles and propellants that shall be permitted.*

F. The hunting of wild birds and wild animals with fully automatic firearms, defined as a machine gun in § 18.2-288, is prohibited.

F. G. The hunting of wild birds or wild animals with (i) weapons other than those authorized by this section or (ii) weapons that have been prohibited by this section shall be punishable as a Class 3 misdemeanor.

CHAPTER 118

An Act to amend and reenact § 63.2-1707 of the Code of Virginia, relating to licensure of assisted living facilities; credit references.

[H 202]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1707 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-1707. Issuance or refusal of license; notification; provisional and conditional licenses.

Upon completion of his investigation, the Commissioner shall issue an appropriate license to the applicant if (i) the applicant has made adequate provision for such activities, services, and facilities as are reasonably conducive to the welfare of the residents, participants, or children over whom he may have custody or control; (ii) at the time of initial application, the applicant has submitted an operating budget and at least one ~~letter of~~ credit reference; (iii) he is, or the officers and agents of the applicant if it is an association, partnership, limited liability company, or corporation are, of good character

and reputation; and (iv) the applicant and agents comply with the provisions of this subtitle. Otherwise, the license shall be denied. Immediately upon taking final action, the Commissioner shall notify the applicant of such action.

Upon completion of the investigation for the renewal of a license, the Commissioner may issue a provisional license to any applicant if the applicant is temporarily unable to comply with all of the licensure requirements. The provisional license may be renewed, but the issuance of a provisional license and any renewals thereof shall be for no longer a period than six successive months. A copy of the provisional license shall be prominently displayed by the provider at each public entrance of the subject facility and shall be printed in a clear and legible size and style. In addition, the facility shall be required to prominently display next to the posted provisional license a notice that a description of specific violations of licensing standards to be corrected and the deadline for completion of such corrections is available for inspection at the facility and on the facility's website, if applicable.

At the discretion of the Commissioner, a conditional license may be issued to an applicant to operate a new facility in order to permit the applicant to demonstrate compliance with licensure requirements. Such conditional license may be renewed, but the issuance of a conditional license and any renewals thereof shall be for no longer a period than six successive months.

CHAPTER 119

An Act to amend the Code of Virginia by adding a section numbered 63.2-306.1, relating to district boards of social services.

[H 215]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 63.2-306.1 as follows:

§ 63.2-306.1. *Withdrawal from district boards of social services.*

A. The governing body of any county or city that has combined with one or more other counties or cities to establish a district board pursuant to § 63.2-306 may withdraw from such district board and establish a local board in accordance with a transition plan approved by the Board.

B. The governing body of a county or city that wishes to withdraw from a district board shall adopt a resolution stating the local governing body's intent to withdraw from the district board and setting forth the terms and conditions of a transition plan for the withdrawal from the district board and establishment of a local board by the local governing body. Such resolution shall be communicated to the Board and all other counties and cities participating in the district board.

C. The transition plan required pursuant to subsection B shall include provisions related to:

- 1. Establishment of a local board, including appointment of members to such local board;*
- 2. Withdrawal from the district board, including payment of any outstanding obligations by the local governing body to the district board and transfer of any property or funds from the district board to the local board;*
- 3. Transfer of financial and administrative powers and duties from the district board to the local board;*
- 4. Continued provision of social services in accordance with laws of the Commonwealth and regulations of the Board; and*
- 5. Any other matters necessary to accomplish the withdrawal of the local governing body from the district board.*

The transition plan shall also include a timeline for establishment of the local board and withdrawal of the local governing body from the district board and shall state whether the local governing body intends to withdraw from any single department of social services established by the local governing bodies of the counties or cities participating in the district board.

D. Whenever the Board fails or refuses to approve the terms and conditions of a transition plan submitted pursuant to subsection B, the county or city seeking to withdraw from a district board may petition the circuit court of the county or city for approval of the transition plan. The Board, the district board, and the counties and cities participating in the district board shall be named as parties in such action. The circuit court may approve a transition plan for the withdrawal of a county or city from a district board and establishment of a local board subject to such transition plan with such terms and conditions that the court may deem appropriate.

CHAPTER 120

An Act to amend and reenact § 51.5-140 of the Code of Virginia, relating to Office of State Long-Term Care Ombudsman; access to clients, patients, individuals, facilities, and records.

[H 240]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 51.5-140 of the Code of Virginia is amended and reenacted as follows:

§ 51.5-140. Access to clients, patients, and individuals, facilities, and records by Office of State Long-Term Care Ombudsman.

The entity designated by the Department to operate the programs of the Office of the State Long-Term Care Ombudsman pursuant to the Older Americans Act (42 U.S.C. § 3001 et seq.); shall, in the investigation of complaints referred to the program, have the same access to ~~(i) residents; the facilities; providing services; the clients, patients, and individuals receiving services; and patients' the records of such clients, patients, and individuals in (i) licensed adult care residences in accordance with § 63.2-1706 and assisted living facilities and adult day care centers as those terms are defined in § 63.2-100; (ii) patients, facilities, and patients' records of home care organizations as defined in § 32.1-162.7; (iii) hospice facilities as defined in § 32.1-162.1; (iv) certified nursing facilities or and nursing homes in accordance with § 32.1-25, and shall have access to the individuals receiving services and their records in as those terms are defined in § 32.1-123; (v) providers as defined in § 37.2-403; (vi) state hospitals operated by the Department of Behavioral Health and Developmental Services; and (vii) providers of services by an area agency on aging or any private nonprofit or proprietary agency whenever the entity has the consent of the client, patient, or individual receiving services or his legal representative.~~ However, if a *client*, patient, or individual receiving services is unable to consent to the review of his medical and social records and has no legal guardian, ~~such representatives shall have appropriate access to such records in accordance with this section~~ representative and access to the records is necessary to investigate a complaint, access shall be granted to the extent necessary to conduct the investigation. Further, access shall be granted to the entity if a legal representative of the client, patient, or individual receiving services refuses to give consent and the entity has reasonable cause to believe that the legal representative is not acting in the best interests of the client, patient, or individual receiving services. Notwithstanding the provisions of § 32.1-125.1, the entity designated by the Department to operate the programs of the Office of the State Long-Term Care Ombudsman shall have access to ~~nursing facilities and nursing homes~~ and state hospitals in accordance with this section. Access to patients, residents, ~~and individuals receiving services; and their records; and to facilities; and state hospitals shall be available during normal working hours except in emergency situations. Records that are confidential under federal or state law shall be maintained as confidential by the entity and shall not be further disclosed, except as permitted by law. However, notwithstanding the provisions of this section, there shall be no right of access to privileged communications pursuant to § 8.01-581.17.~~

CHAPTER 121

An Act to amend and reenact § 63.2-301 of the Code of Virginia, relating to local boards; appointment of members of boards of supervisors.

[H 262]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-301 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-301. Local board appointments and terms of office.

The members of each local board first appointed shall be appointed initially for terms of from one to four years so as to provide for the balanced overlapping of the terms of the membership thereon and the members of a local board representing more than one county or city shall be appointed initially for such terms, of not less than one nor more than four years, as may be determined by the governing bodies of their respective counties or cities. Subsequent appointments shall be for a term of four years each, except that appointments to fill vacancies that occur during terms shall be for the remainder of those unexpired terms. Appointments to fill unexpired terms shall not be considered full terms, and such persons shall be eligible to be appointed to two consecutive full terms. No person may serve more than two consecutive full terms; however, this section shall not apply ~~where~~ to a member of a local board who is also a member of the board of supervisors for a county represented by the board, who shall serve at the pleasure of the board of supervisors of which he is a member or until such time as he ceases to be a member of the board of supervisors, or in cases in which a local government official is constituted to be the local board. A member of a local board who serves two consecutive full terms shall be ineligible for reappointment to such local board until the end of an intervening two-year period dating from the expiration of the last of the two consecutive terms.

CHAPTER 122

An Act to amend and reenact § 63.2-317 of the Code of Virginia, relating to the authority of local boards of social services to employ in-house counsel.

[H 264]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-317 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-317. Employment of counsel for local boards and employees; payment of expenses.

Except in those cases in which the attorney for the Commonwealth or county or city attorney represents the local board, a local board may employ legal counsel in civil matters to give advice to or represent the local board or any of its members or the employees of the local department and may pay court costs and other expenses involved in the conduct of such civil matters from funds appropriated by the local governing body for the administration of the local department. Such counsel may be employed on a part-time basis for any particular action or actions. *A local board may employ in-house counsel to provide general legal advice and representation and advice related to specific actions.* However, prior approval of the Department shall be obtained by the local board before counsel is employed except in instances where legal counsel is necessary for the provision of services or assistance to eligible recipients under this title.

The Department may reimburse the local board for all or any part of such expenditures at the same rate in effect for all other administrative costs at the time of the expenditure. However, the Department shall not reimburse the local board for any expenses for which payment was available through an insurance policy currently in force.

Where such counsel is employed by the local board, the attorney for the Commonwealth or city attorney or county attorney may be relieved of his responsibility to represent the local board or local department in that matter.

CHAPTER 123

An Act to amend and reenact § 4.1-201 of the Code of Virginia, relating to alcoholic beverage control; certain licensees to provide information to consumers while on the premises of licensed retailers.

[H 270]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-201 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-201. Conduct not prohibited by this title; limitation.

A. Nothing in this title or any Board regulation adopted pursuant thereto shall prohibit:

1. Any club licensed under this chapter from keeping for consumption by its members any alcoholic beverages lawfully acquired by such members, provided the alcoholic beverages are not sold, dispensed or given away in violation of this title.

2. Any person from having grain, fruit or fruit products and any other substance, when grown or lawfully produced by him, distilled by any distillery licensee, and selling the distilled alcoholic beverages to the Board or selling or shipping them to any person outside of the Commonwealth in accordance with Board regulations. However, no alcoholic beverages so distilled shall be withdrawn from the place where distilled except in accordance with Board regulations.

3. Any person licensed to manufacture and sell, or either, in the Commonwealth or elsewhere, alcoholic beverages other than wine or beer, from soliciting and taking orders from the Board for such alcoholic beverages.

4. The receipt by a person operating a licensed brewery of deliveries and shipments of beer in closed containers or the sale, delivery or shipment of such beer, in accordance with Board regulations to (i) persons licensed to sell beer at wholesale, (ii) persons licensed to sell beer at retail for the purpose of resale only as provided in subdivision B 4 of § 4.1-216, (iii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iv) persons outside the Commonwealth for resale outside the Commonwealth.

5. The granting of any retail license to a brewery, distillery, or winery licensee, or to an applicant for such license, or to a lessee of such person, a wholly owned subsidiary of such person, or its lessee, provided the places of business or establishments for which the retail licenses are desired are located upon the premises occupied or to be occupied by such distillery, winery, or brewery, or upon property of such person contiguous to such premises, or in a development contiguous to such premises owned and operated by such person or a wholly owned subsidiary.

6. The receipt by a distillery licensee of deliveries and shipments of alcoholic beverages, other than wine and beer, in closed containers from other distilleries, or the sale, delivery or shipment of such alcoholic beverages, in accordance with Board regulations, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth.

7. The receipt by a farm winery or winery licensee of deliveries and shipments of wine in closed containers from other wineries or farm wineries located inside or outside the Commonwealth, or the receipt by a winery licensee or farm winery licensee of deliveries and shipments of spirits distilled from fruit or fruit juices in closed containers from distilleries located inside or outside the Commonwealth to be used only for the fortification of wine produced by the licensee in accordance with Board regulations, or the sale, delivery or shipment of such wine, in accordance with Board regulations, to persons licensed to sell wine at wholesale for the purpose of resale, and to persons outside the Commonwealth for resale outside the Commonwealth.

8. The receipt by a fruit distillery licensee of deliveries and shipments of alcoholic beverages made from fruit or fruit juices in closed containers from other fruit distilleries owned by such licensee, or the sale, delivery or shipment of such alcoholic beverages, in accordance with Board regulations, to persons outside of the Commonwealth for resale outside of the Commonwealth.

9. Any farm winery or winery licensee from shipping or delivering its wine in closed containers to another farm winery or winery licensee for the purpose of additional bottling in accordance with Board regulations and the return of the wine so bottled to the manufacturing farm winery or winery licensee.

10. Any farm winery or winery licensee from selling and shipping or delivering its wine in closed containers to another farm winery or winery licensee, the wine so sold and shipped or delivered to be used by the receiving licensee in the manufacture of wine. Any wine received under this subsection shall be deemed an agricultural product produced in the Commonwealth for the purposes of § 4.1-219, to the extent it is produced from fresh fruits or agricultural products grown or produced in the Commonwealth. The selling licensee shall provide to the receiving licensee, and both shall maintain complete and accurate records of, the source of the fresh fruits or agricultural products used to produce the wine so transferred.

11. Any distiller licensed under this title from serving as an agent of the Board for the sale of alcoholic beverages, other than beer and wine, at a government store established by the Board on the licensed premises of the distiller in accordance with subsection D of § 4.1-119.

12. Any retail on-premises beer licensee, his agent or employee, from giving a sample of beer to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, or retail on-premises wine or beer licensee, his agent or employee, from giving a sample of wine or beer to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, or any mixed beverage licensee, his agent or employee, from giving a sample of wine, beer, or spirits to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption. Samples of wine shall not exceed two ounces, samples of beer shall not exceed four ounces, and samples of spirits shall not exceed one-half ounce. No more than two product samples shall be given to any person per visit.

13. Any manufacturer, including any vendor authorized by any such manufacturer, whether or not licensed in the Commonwealth, from selling service items bearing alcoholic brand references to on-premises retail licensees or prohibit any such retail licensee from displaying the service items on the premises of his licensed establishment. Each such retail licensee purchasing such service items shall retain a copy of the evidence of his payment to the manufacturer or authorized vendor for a period of not less than two years from the date of each sale of the service items. As used in this subdivision, "service items" mean articles of tangible personal property normally used by the employees of on-premises retail licensees to serve alcoholic beverages to customers including, but not limited to, glasses, napkins, buckets, and coasters.

14. Any employee of an alcoholic beverage wholesaler or manufacturer, whether or not licensed in the Commonwealth, from distributing to retail licensees and their employees novelties and specialties, including wearing apparel, having a wholesale value of \$10 or less and that bear alcoholic beverage advertising. Such items may be distributed to retail licensees in quantities equal to the number of employees of the retail establishment present at the time the items are delivered. Thereafter, such employees may wear or display the items on the licensed premises.

15. Any retail on-premises wine or beer licensee, his agent or employee from offering for sale or selling for one price to any person to whom alcoholic beverages may be lawfully sold a flight of wines or beers consisting of samples of not more than five different wines or beers.

16. Any restaurant licensed under this chapter from permitting the consumption of lawfully acquired wine by bona fide customers on the premises in all areas and locations covered by the license. The licensee may charge a corkage fee to such customer for the wine so consumed; however, the licensee shall not charge any other fee to such customer.

17. Any winery, farm winery, wine importer, or wine wholesaler licensee from providing to adult customers of licensed retail establishments information about wine being consumed on such premises.

B. No deliveries or shipments of alcoholic beverages to persons outside the Commonwealth for resale outside the Commonwealth shall be made into any state the laws of which prohibit the consignee from receiving or selling the same.

CHAPTER 124

An Act to amend and reenact § 4.1-100 of the Code of Virginia, relating to alcoholic beverage control; contract winemaking facility; nonpayment.

[H 282]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-100 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-100. Definitions.

As used in this title unless the context requires a different meaning:

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid,

patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which they are set forth in this definition; except that beer may be manufactured to include flavoring materials and other nonbeverage ingredients containing alcohol, as long as no more than 49 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other nonbeverage ingredients containing alcohol for products with an alcohol content of no more than six percent by volume; or, in the case of products with an alcohol content of more than six percent by volume, as long as no more than one and one-half percent of the volume of the finished product consists of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol.

"Barrel" means any container or vessel having a capacity of more than 43 ounces.

"Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided.

"Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more of alcohol by volume.

"Board" means the Virginia Alcoholic Beverage Control Board.

"Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43 ounces.

"Canal boat operator" means any nonprofit organization that operates tourism-oriented canal boats for recreational purposes on waterways declared nonnavigable by the United States Congress pursuant to 33 U.S.C. § 59ii.

"Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment so operated. A corporation or association shall not lose its status as a club because of the conduct of charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are served or consumed in the room where such charitable gaming is being conducted while such gaming is being conducted and that no alcoholic beverages are made available upon the premises to any person who is neither a member nor a bona fide guest of a member.

Any such corporation or association which has been declared exempt from federal and state income taxes as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit corporation or association.

"Container" means any barrel, bottle, carton, keg, vessel or other receptacle used for holding alcoholic beverages.

"Contract winemaking facility" means the premises of a licensed winery or farm winery that obtains grapes, fruits, and other agricultural products from a person holding a farm winery license and crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an agreement with the farm winery licensee. For all purposes of this title, wine produced by a contract winemaking facility for a farm winery shall be considered to be wine owned and produced by the farm winery that supplied the grapes, fruits, or other agricultural products used in the production of the wine. The contract winemaking facility shall have no right to sell the wine so produced ~~but~~, *unless the terms of payment have not been fulfilled in accordance with the contract. The contract winemaking facility may charge the farm winery for its services.*

"Convenience grocery store" means an establishment which (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.

"Day spa" means any commercial establishment that offers to the public both massage therapy, performed by persons certified in accordance with § 54.1-3029, and barbering or cosmetology services performed by persons licensed in accordance with Chapter 7 (§ 54.1-700 et seq.) of Title 54.1.

"Designated area" means a room or area approved by the Board for on-premises licensees.

"Dining area" means a public room or area in which meals are regularly served.

"Establishment" means any place where alcoholic beverages of one or more varieties are lawfully manufactured, sold, or used.

"Farm winery" means an establishment (i) located on a farm in the Commonwealth with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume or (ii) located in the Commonwealth with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume. As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth.

"Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer. Such shop may be located (i) on the premises or grounds of a

government registered national, state or local historic building or site or (ii) within the premises of a museum. The Board shall consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be considered a gift shop.

"Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer may lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such persons facilities for manufacturing, fermenting and bottling such wine or beer.

"Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and beers of various types and sizes and related products such as cheeses and gourmet foods are habitually furnished to persons.

"Government store" means a store established by the Board for the sale of alcoholic beverages.

"Hotel" means any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons, and which has four or more bedrooms. It shall also mean the person who operates such hotel.

"Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order pursuant to this title.

"Internet wine retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

"Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to observably affect his manner, disposition, speech, muscular movement, general appearance or behavior.

"Licensed" means the holding of a valid license issued by the Board.

"Licensee" means any person to whom a license has been granted by the Board.

"Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an alcohol content of 25 percent by volume.

"Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this title; except that low alcohol beverage coolers shall not be sold in localities that have not approved the sale of mixed beverages pursuant to § 4.1-124. In addition, low alcohol beverage coolers shall not be sold for on-premises consumption other than by mixed beverage licensees.

"Meal-assembly kitchen" means any commercial establishment that offers its customers, for off-premises consumption, ingredients for the preparation of meals and entrees in professional kitchen facilities located at the establishment.

"Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments specializing in full course meals with a single substantial entree.

"Member of a club" means (i) a person who maintains his membership in the club by the payment of monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal descendants of a bona fide member, whether alive or deceased, of a national or international organization to which an individual lodge holding a club license is an authorized member in the same locality. It shall also mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident members of the club, the full amount of such contribution being paid in advance in a lump sum.

"Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of spirits.

"Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives which are not commonly consumed unless combined with alcoholic beverages, whether or not such ingredients contain alcohol. Such specialty beverage product shall be manufactured or distributed by a Virginia corporation.

"Place or premises" means the real estate, together with any buildings or other improvements thereon, designated in the application for a license as the place at which the manufacture, bottling, distribution, use or sale of alcoholic beverages shall be performed, except that portion of any such building or other improvement actually and exclusively used as a private residence.

"Public place" means any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park, place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

The term shall not include (i) hotel or restaurant dining areas or ballrooms while in use for private meetings or private parties limited in attendance to members and guests of a particular group, association or organization; (ii) restaurants licensed by the Board in office buildings or industrial or similar facilities while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of

such building or facility; or (iv) private recreational or chartered boats which are not licensed by the Board and on which alcoholic beverages are not sold.

"Residence" means any building or part of a building or structure where a person resides, but does not include any part of a building which is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof.

"Resort complex" means a facility (i) with a hotel owning year-round sports and recreational facilities located contiguously on the same property or (ii) owned by a nonstock, nonprofit, taxable corporation with voluntary membership which, as its primary function, makes available golf, ski and other recreational facilities both to its members and the general public. The hotel or corporation shall have a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres. The Board may consider the purpose, characteristics, and operation of the applicant establishment in determining whether it shall be considered as a resort complex. All other pertinent qualifications established by the Board for a hotel operation shall be observed by such licensee.

"Restaurant" means, for a beer, or wine and beer license or a limited mixed beverage restaurant license, any establishment provided with special space and accommodation, where, in consideration of payment, meals or other foods prepared on the premises are regularly sold.

"Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license, an established place of business (i) where meals with substantial entrees are regularly sold and (ii) which has adequate facilities and sufficient employees for cooking, preparing, and serving such meals for consumption at tables in dining areas on the premises, and includes establishments specializing in full course meals with a single substantial entree.

"Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale; peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic beverages.

"Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.

"Special agent" means an employee of the Department of Alcoholic Beverage Control whom the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

"Special event" means an event sponsored by a duly organized nonprofit corporation or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

"Spirits" means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin, or any one or more of the last four named ingredients; but shall not include any such liquors completely denatured in accordance with formulas approved by the United States government.

"Wine" means any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. The term includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

"Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

"With or without meals" means the selling and serving of alcoholic beverages by retail licensees for on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio required by § 4.1-210, or the monthly food sale requirement established by Board regulation, is met by such retail licensee.

CHAPTER 125

An Act to amend and reenact §§ 4.1-209 and 4.1-210 of the Code of Virginia, relating to alcoholic beverage control; air carrier licenses; privileges.

[H 284]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-209 and 4.1-210 of the Code of Virginia are amended and reenacted as follows:

§ 4.1-209. Wine and beer licenses; advertising.

A. The Board may grant the following licenses relating to wine and beer:

1. Retail on-premises wine and beer licenses to:

a. Hotels, restaurants and clubs, which shall authorize the licensee to sell wine and beer, either with or without meals, only in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel

classified by the Board as (i) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (ii) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 of the Code of Virginia as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license;

b. Persons operating dining cars, buffet cars, and club cars of trains, which shall authorize the licensee to sell wine and beer, either with or without meals, in the dining cars, buffet cars, and club cars so operated by them, for on-premises consumption when carrying passengers;

c. Persons operating sight-seeing boats, or special or charter boats, which shall authorize the licensee to sell wine and beer, either with or without meals, on such boats operated by them for on-premises consumption when carrying passengers;

d. Persons operating as air carriers of passengers on regular schedules in foreign, interstate or intrastate commerce, which shall authorize the licensee to sell wine and beer for consumption by passengers in such airplanes anywhere in or over the Commonwealth while in transit and in designated rooms of establishments of such carriers at airports in the Commonwealth, § 4.1-129 notwithstanding. *For purposes of supplying its airplanes, as well as any airplane of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load wine and beer onto the same airplanes and to transport and store wine and beer at or in close proximity to the airport where the wine and beer will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (i) designate for purposes of its license all locations where the inventory of wine and beer may be stored and from which the wine and beer will be delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records of all wine and beer to be transported, stored, and delivered by its authorized representative;*

e. Hospitals, which shall authorize the licensee to sell wine and beer in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained;

f. Persons operating food concessions at coliseums, stadia, racetracks or similar facilities, which shall authorize the licensee to sell wine and beer in paper, plastic or similar disposable containers, during any event and immediately subsequent thereto, to patrons within all seating areas, concourses, walkways, concession areas and additional locations designated by the Board in such coliseums, stadia, racetracks or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license;

g. Persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility which (i) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach, (ii) has capacity for more than 3,500 persons and is located in the Counties of Albemarle, Augusta, Pittsylvania, or Rockingham, or the Cities of Charlottesville, Danville, or Roanoke, or (iii) has capacity for more than 9,500 persons and is located in Henrico County. Such license shall authorize the licensee to sell wine and beer during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license; and

h. Persons operating food concessions at exhibition or exposition halls, convention centers or similar facilities located in any county operating under the urban county executive form of government or any city which is completely surrounded by such county, which shall authorize the licensee to sell wine and beer during the event, in paper, plastic or similar disposable containers to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. For purposes of this subsection, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

2. Retail off-premises wine and beer licenses, which shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption.

3. Gourmet shop licenses, which shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, the provisions of § 4.1-308 notwithstanding, to give to any person to whom wine or beer may be lawfully sold, (i) a sample of wine, not to exceed two ounces by volume or (ii) a sample of beer not to exceed four ounces by volume, for on-premises consumption. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. Additionally, with the consent of the licensee, farm wineries, wineries, breweries, and wholesale licensees may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold. Notwithstanding Board regulations relating to food sales, the licensee shall maintain each year an average monthly inventory and sales volume of at least \$1,000 in products such as cheeses and gourmet food.

4. Convenience grocery store licenses, which shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption.

5. Retail on-and-off premises wine and beer licenses to persons enumerated in subdivision 1 a, which shall accord all the privileges conferred by retail on-premises wine and beer licenses and in addition, shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption.

6. Banquet licenses to persons in charge of banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

7. Gift shop licenses, which shall authorize the licensee to sell wine and beer unchilled, only within the interior premises of the gift shop in closed containers for off-premises consumption.

8. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

9. Annual banquet licenses, to duly organized private nonprofit fraternal, patriotic or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for its members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

10. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine or beer shipper's licenses, (ii) store such wine or beer on behalf of the owner, and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

11. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine or beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine or beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

12. Gourmet oyster house licenses, to establishments located on the premises of a commercial marina and permitted by the Department of Health to serve oysters and other fresh seafood for consumption on the premises, where the licensee also offers to the public events for the purpose of featuring and educating the consuming public about local oysters and other seafood products. Such license shall authorize the licensee to (i) give samples of or sell wine and beer in designated rooms and outdoor areas approved by the Board for consumption in such approved areas and (ii) sell wine and beer in closed containers for off-premises consumption. Samples of wine shall not exceed two ounces per person. Samples of beer shall not exceed four ounces per person. The Board shall establish a minimum monthly food sale requirement of oysters and other seafood for such license. Additionally, with the consent of the licensee, farm wineries, wineries, and breweries may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold.

B. Notwithstanding any provision of law to the contrary, persons granted a wine and beer license pursuant to this section may display within their licensed premises point-of-sale advertising materials that incorporate the use of any professional athlete or athletic team, provided that such advertising materials: (i) otherwise comply with the applicable regulations of the Federal Bureau of Alcohol, Tobacco and Firearms; and (ii) do not depict any athlete consuming or about to consume alcohol prior to or while engaged in an athletic activity; do not depict an athlete consuming alcohol while the athlete is operating or about to operate a motor vehicle or other machinery; and do not imply that the alcoholic beverage so advertised enhances athletic prowess.

C. Persons granted retail on-premises and on-and-off-premises wine and beer licenses pursuant to this section or subsection B of § 4.1-210 may conduct wine or beer tastings sponsored by the licensee for its customers for on-premises consumption. Such licensees may sell or give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. Additionally, with the consent of the licensee, farm wineries, wineries, and breweries may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold. Samples of wine shall not exceed two ounces per person. Samples of beer shall not exceed four ounces per person.

§ 4.1-210. Mixed beverages licenses.

A. Subject to the provisions of § 4.1-124, the Board may grant the following licenses relating to mixed beverages:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this paragraph, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board.

If the restaurant is located on the premises of a hotel or motel with not less than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms and other private rooms of such hotel or motel, such licensee may (i) sell and serve mixed beverages for consumption in such designated areas, bedrooms and other private rooms and (ii) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit or profit club exclusively for its members and their guests, or members of another private, nonprofit or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to sell and serve mixed beverages for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage special events licenses, to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

5. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating a performing arts facility, (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings and objects significant in American history and culture, or (iii) a duly organized nonprofit corporation that has been granted an exemption from federal taxation under § 501(c)(3) of the U.S. Internal Revenue Code of 1986 that owns any rural event and entertainment park or similar facility that has a minimum of 60,000 square feet of indoor exhibit space and equine and other livestock show areas. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease the original term of which was for more than one year's duration. Such license shall authorize the sale, on the dates of performances or events in furtherance of the purposes of the nonprofit corporation or association, of alcoholic beverages, for on-premises consumption in areas upon the licensed premises approved by the Board.

6. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train, boat or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth. *For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load distilled spirits onto the same airplanes and to transport and store distilled spirits at or in close proximity to the airport where the distilled spirits will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (i) designate*

for purposes of its license all locations where the inventory of distilled spirits may be stored and from which the distilled spirits will be delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records of all distilled spirits to be transported, stored, and delivered by its authorized representative.

7. Mixed beverage club events licenses, which shall authorize a club holding a beer or wine and beer club license to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year.

8. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

9. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

10. Annual mixed beverage motor sports facility license to persons operating food concessions at any outdoor motor sports road racing club facility, of which the track surface is 3.27 miles in length, on 1,200 acres of rural property bordering the Dan River, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

11. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for its members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year.

12. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks exceed 10 percent of the total annual gross sales.

13. Annual mixed beverage motor sports facility licenses to persons operating concessions at an outdoor motor sports facility that hosts a NASCAR national touring race, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for on-premises consumption.

14. Annual mixed beverage performing arts facility license to corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

B. The granting of any license under subdivision 1, 6, 7, 8, 9, 10, 11, 13, or 14 shall automatically include a license to sell and serve wine and beer for on-premises consumption. The licensee shall pay the state and local taxes required by §§ 4.1-231 and 4.1-233.

CHAPTER 126

An Act to amend and reenact § 29.1-525 of the Code of Virginia, relating to spotlighting of deer.

[H 376]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-525 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-525. Employment of lights under certain circumstances upon places used by deer.

A. Any person in any vehicle and then in possession of any firearm, crossbow, bow and arrow or speargun who employs a light attached to the vehicle or a spotlight or flashlight to cast a light beyond the water or surface of the roadway upon any place used by deer shall be guilty of a Class 2 misdemeanor. Every person in or on any such vehicle shall be deemed prima facie a principal in the second degree and subject to the same punishment as a principal in the first degree.

This subsection shall not apply to a landowner in possession of a weapon when he is on his own land and is making a bona fide effort to protect his property from damage by deer and not for the purpose of killing deer unless the landowner is in possession of a permit to do so pursuant to the provisions of § 29.1-529.

B. Any person in any motor vehicle who deliberately employs a light attached to such vehicle or a spotlight or flashlight to cast a light beyond the surface of the roadway upon any place used by deer, except upon his own land or upon land on which he has an easement or permission for such purpose, shall be guilty of a Class 4 misdemeanor. Every person in or on any such vehicle shall be deemed prima facie a principal in the second degree and subject to the same punishment as a principal in the first degree.

C. *The provisions of subsections A and B shall not apply to activities conducted by a locality pursuant to a permit or written authorization issued by the Department.*

D. In addition to the penalties prescribed in subsection A, the court shall revoke the current hunting license and privileges of the person convicted of a violation of subsection A and prohibit the person from hunting for a period of one to five years. In addition to the penalties prescribed in subsection B, the court may revoke the current hunting license and privileges of the person convicted of a violation of subsection B and prohibit that person from hunting for one to five years. If a person convicted of a violation of subsection A or B is found hunting during the prohibited period, the person shall be guilty of a Class 2 misdemeanor. Notification of such revocation or prohibition shall be forwarded to the Department pursuant to subsections C and D of § 18.2-56.1.

CHAPTER 127

An Act to amend and reenact § 63.2-1246 of the Code of Virginia, relating to adoption; disclosure of identifying information.

[H 407]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1246 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-1246. Disposition of reports; disclosure of information as to identity of birth family.

Upon the entry of a final order of adoption or other final disposition of the matter, the clerk of the circuit court in which it was entered shall forthwith transmit to the Commissioner all reports made in connection with the case, and the Commissioner shall preserve such reports and all other collateral reports, information and recommendations in a separate file. Except as provided in subsections C, D and E of § 63.2-1247, nonidentifying information from such adoption file shall not be open to inspection, or be copied, by anyone other than the adopted person, if eighteen years of age or over, or licensed or authorized child-placing agencies providing services to the child or the adoptive parents, except upon the order of a circuit court entered upon good cause shown. However, if the adoptive parents, or either of them, is living, the adopted person shall not be permitted to inspect the home study of the adoptive parents unless the Commissioner first obtains written permission to do so from such adoptive parent or parents.

No identifying information from such adoption file shall be disclosed, open to inspection or made available to be copied except as provided in subsections A, B and E of § 63.2-1247 or upon application of the adopted person, if eighteen years of age or over, to the Commissioner, who shall designate the person or agency that made the investigation to attempt to locate and advise the birth family of the application. The designated person or agency shall report the results of the attempt to locate and advise the birth family to the Commissioner, including the relative effects that disclosure of the identifying information may have on the adopted person, the adoptive parents, and the birth family. The adopted person and the birth family may submit to the Commissioner, and the Commissioner shall consider, written comments stating the anticipated effect that the disclosure of identifying information may have upon any party. Upon a showing of good cause, the Commissioner shall disclose the identifying information. If the Commissioner fails to designate a person or agency to attempt to locate the birth family within thirty days of receipt of the application, or if the Commissioner denies disclosure of the identifying information after receiving the designated person's or agency's report, the adopted person may apply to the circuit court for an order to disclose such information. Such order shall be entered only upon good cause shown after notice to and opportunity for hearing by the applicant for such order and the person or agency that made the investigation. "Good cause" when used in this section shall mean a showing of a compelling and necessitous need for the identifying information.

An eligible adoptee who is a resident of Virginia may apply for the court order provided for herein to (i) the circuit court of the county or city where the adoptee resides or (ii) the circuit court of the county or city where the central office of the Department is located. An eligible adoptee who is not a resident of Virginia shall apply for such a court order to the circuit court of the county or city where the central office of the Department is located.

If the identity and whereabouts of the adoptive parents and the birth parents are known to the person or agency, the circuit court may require the person or agency to advise the adoptive parents and the birth parents of the pendency of the application for such order. In determining good cause for the disclosure of such information, the circuit court shall consider the relative effects of such action upon the adopted person, the adoptive parents and the birth parents. The adopted person and the birth family may submit to the circuit court, and the circuit court shall consider, written comments stating the anticipated effect that the disclosure of identifying information may have upon any party.

When consent of the birth parents is not obtainable, due to the death of the birth parents or mental incapacity of the birth parents, *the Commissioner shall, upon application of the adult adopted person and a showing of good cause, disclose the identifying information to the adult adopted person. If the Commissioner denies disclosure of the identifying information, the adult adopted person may apply to the circuit court for an order to disclose such information and the circuit court may release identifying information to the adult adopted person.* In making this decision, the circuit court shall consider the needs and concerns of the adopted person and the birth family if such information is available, the actions the agency took to locate the birth family, the information in the agency's report and the recommendation of the agency.

The Commissioner, person or agency may charge a reasonable fee to cover the costs of processing requests for nonidentifying information.

Upon entry of a final order of adoption or other final disposition of a matter involving the placement of a child by a licensed child-placing agency or a local board or an investigation by the local director of a placement for adoption of a child, the agency or local board shall transmit to the Commissioner all reports and collateral information in connection with the case, which shall be preserved by the Commissioner in accordance with this section.

CHAPTER 128

An Act to require the Department of Social Services to convene a work group to develop a plan for implementation of national fingerprint-based background checks for child care providers.

[H 412]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department of Social Services shall convene a work group to review current state and federal laws and regulations governing criminal history background checks for all child care providers in the Commonwealth and to develop a plan for implementation of national fingerprint-based criminal history background checks for all child care providers in the Commonwealth, including recommendations for statutory and regulatory changes and budget actions necessary to implement the plan. Such work group shall include representatives of the Department of State Police, child day programs licensed by the Department of Social Services, unlicensed child day programs, and other stakeholders. The Department shall report its findings to the Governor and the General Assembly by November 1, 2014.*

CHAPTER 129

An Act to amend and reenact §§ 32.1-126.01, 32.1-162.9:1, 63.2-1720, 63.2-1721, and 63.2-1724 of the Code of Virginia, relating to background checks; employment prior to receipt of results.

[H 450]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. **That §§ 32.1-126.01, 32.1-162.9:1, 63.2-1720, 63.2-1721, and 63.2-1724 of the Code of Virginia are amended and reenacted as follows:**

§ 32.1-126.01. Employment for compensation of persons convicted of certain offenses prohibited; criminal records check required; suspension or revocation of license.

A. A licensed nursing home shall not hire for compensated employment, persons who have been convicted of a felony violation of a protective order as set out in § 16.1-253.2, murder or manslaughter as set out in Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2, malicious wounding by mob as set out in § 18.2-41, abduction as set out in subsection A or B of § 18.2-47, abduction for immoral purposes as set out in § 18.2-48, assaults and bodily woundings as set out in Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2, robbery as set out in § 18.2-58, carjacking as set out in § 18.2-58.1, extortion by threat as set out in § 18.2-59, threats of death or bodily injury as set out in § 18.2-60, felony stalking as set out in § 18.2-60.3, a felony violation of a protective order as set out in § 18.2-60.4, sexual assault as set out in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, arson as set out in Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2, drive by shooting as set out in § 18.2-286.1, use of a machine gun in a crime of violence as set out in § 18.2-289, aggressive use of a machine gun as set out in § 18.2-290, use of a sawed-off shotgun in a crime of violence as set out in subsection A of § 18.2-300, pandering as set out in § 18.2-355, crimes against nature involving children as set out in § 18.2-361, incest as set out in § 18.2-366, taking indecent liberties with children as set out in § 18.2-370 or § 18.2-370.1, abuse and neglect of children as set out in § 18.2-371.1, failure to secure medical attention for an injured child as set out in § 18.2-314, obscenity offenses as set out in § 18.2-374.1, possession of child pornography as set out in § 18.2-374.1:1, electronic facilitation of pornography as set out in § 18.2-374.3, abuse and neglect of incapacitated adults as set out in § 18.2-369, employing or permitting a minor to assist in an act constituting an offense under Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2 as set out in § 18.2-379, delivery of drugs to prisoners as set out in § 18.2-474.1, escape from jail as set out in § 18.2-477, felonies by prisoners as set out in § 53.1-203, or an equivalent offense in another state. However, a licensed nursing home

may hire an applicant who has been convicted of one misdemeanor specified in this section not involving abuse or neglect, if five years have elapsed following the conviction.

Any person desiring to work at a licensed nursing home shall provide the hiring facility with a sworn statement or affirmation disclosing any criminal convictions or any pending criminal charges, whether within or without the Commonwealth. Any person making a materially false statement when providing such sworn statement or affirmation regarding any such offense shall be guilty upon conviction of a Class 1 misdemeanor. Further dissemination of the information provided pursuant to this section is prohibited other than to a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

A nursing home shall, within 30 days of employment, obtain for any compensated employees an original criminal record clearance with respect to convictions for offenses specified in this section or an original criminal history record from the Central Criminal Records Exchange. *However, no employee shall be permitted to work in a position that involves direct contact with a patient until an original criminal record clearance or original criminal history record has been received, unless such person works under the direct supervision of another employee for whom a background check has been completed in accordance with the requirements of this section.* The provisions of this section shall be enforced by the Commissioner. If an applicant is denied employment because of convictions appearing on his criminal history record, the nursing home shall provide a copy of the information obtained from the Central Criminal Records Exchange to the applicant.

The provisions of this section shall not apply to volunteers who work with the permission or under the supervision of a person who has received a clearance pursuant to this section.

B. A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

C. A licensed nursing home shall notify and provide to all students a copy of the provisions of this section prior to or upon enrollment in a certified nurse aide program operated by such nursing home.

§ 32.1-162.9:1. Employment for compensation of persons convicted of certain offenses prohibited; criminal records check required; drug testing; suspension or revocation of license.

A. A licensed home care organization as defined in § 32.1-162.7 or any home care organization exempt from licensure under subdivision 3 a or b of § 32.1-162.8 or any licensed hospice as defined in § 32.1-162.1 shall not hire for compensated employment, persons who have been convicted of a felony violation of a protective order as set out in § 16.1-253.2, murder or manslaughter as set out in Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2, malicious wounding by a mob as set out in § 18.2-41, abduction as set out in subsection A or B of § 18.2-47, abduction for immoral purposes as set out in § 18.2-48, assaults and bodily woundings as set out in Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2, robbery as set out in § 18.2-58, carjacking as set out in § 18.2-58.1, extortion by threat as set out in § 18.2-59, threats of death or bodily injury as set out in § 18.2-60, felony stalking as set out in § 18.2-60.3, a felony violation of a protective order as set out in § 18.2-60.4, sexual assault as set out in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, arson as set out in Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2, drive by shooting as set out in § 18.2-286.1, use of a machine gun in a crime of violence as set out in § 18.2-289, aggressive use of a machine gun as set out in § 18.2-290, use of a sawed-off shotgun in a crime of violence as set out in subsection A of § 18.2-300, pandering as set out in § 18.2-355, crimes against nature involving children as set out in § 18.2-361, incest as set out in § 18.2-366, taking indecent liberties with children as set out in § 18.2-370 or § 18.2-370.1, abuse and neglect of children as set out in § 18.2-371.1, failure to secure medical attention for an injured child as set out in § 18.2-314, obscenity offenses as set out in § 18.2-374.1, possession of child pornography as set out in § 18.2-374.1:1, electronic facilitation of pornography as set out in § 18.2-374.3, abuse and neglect of incapacitated adults as set out in § 18.2-369, employing or permitting a minor to assist in an act constituting an offense under Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2 as set out in § 18.2-379, delivery of drugs to prisoners as set out in § 18.2-474.1, escape from jail as set out in § 18.2-477, felonies by prisoners as set out in § 53.1-203, or an equivalent offense in another state.

However, a home care organization or hospice may hire an applicant convicted of one misdemeanor specified in this section not involving abuse or neglect, if five years have elapsed since the conviction.

Any person desiring to work at a licensed home care organization as defined in § 32.1-162.7 or any home care organization exempt from licensure under subdivision 3 a or b of § 32.1-162.8 or any licensed hospice as defined in § 32.1-162.1 shall provide the hiring facility with a sworn statement or affirmation disclosing any criminal convictions or any pending criminal charges, whether within or without the Commonwealth. Any person making a materially false statement when providing such sworn statement or affirmation regarding any such offense shall be guilty upon conviction of a Class 1 misdemeanor. Further dissemination of the information provided pursuant to this section is prohibited other than to a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

Such home care organization or hospice shall, within 30 days of employment, obtain for any compensated employees an original criminal record clearance with respect to convictions for offenses specified in this section or an original criminal history record from the Central Criminal Records Exchange. *However, no employee shall be permitted to work in a position that involves direct contact with a patient until an original criminal record clearance or original criminal history record has been received, unless such person works under the direct supervision of another employee for whom a background check*

has been completed in accordance with the requirements of this section. The provisions of this section shall be enforced by the Commissioner. If an applicant is denied employment because of convictions appearing on his criminal history record, the home care organization or hospice shall provide a copy of the information obtained from the Central Criminal Records Exchange to the applicant.

The provisions of this section shall not apply to volunteers who work with the permission or under the supervision of a person who has received a clearance pursuant to this section.

B. A licensed home care organization as defined in § 32.1-162.7 or any home care organization exempt from licensure under subdivision 3 a or b of § 32.1-162.8 shall establish policies for maintaining a drug-free workplace, which may include drug testing when the employer has cause to believe that the person has engaged in the use of illegal drugs and periodically during the course of employment. All positive results from drug testing administered pursuant to this section shall be reported to the health regulatory boards responsible for licensing, certifying, or registering the person to practice, if any.

C. A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

D. A licensed home care organization or hospice shall notify and provide all students a copy of the provisions of this section prior to or upon enrollment in a certified nurse aide program operated by such home care organization or hospice.

§ 63.2-1720. Employment for compensation of persons or use of volunteers convicted of certain offenses prohibited; background check required; penalty.

A. An assisted living facility, adult day care center or child welfare agency licensed or registered in accordance with the provisions of this chapter, or family day homes approved by family day systems, shall not hire for compensated employment persons who have an offense as defined in § 63.2-1719. Such employees shall undergo background checks pursuant to subsection D. In the case of child welfare agencies, the provisions of this section shall apply to employees who are involved in the day-to-day operations of such agency or who are alone with, in control of, or supervising one or more children.

B. A licensed assisted living facility or adult day care center may hire an applicant convicted of one misdemeanor barrier crime not involving abuse or neglect, if five years have elapsed following the conviction.

C. Notwithstanding the provisions of subsection A, a child day center may hire for compensated employment persons who have been convicted of not more than one misdemeanor offense under § 18.2-57 if 10 years have elapsed following the conviction, unless the person committed such offense while employed in a child day center or the object of the offense was a minor.

D. Background checks pursuant to this section require:

1. A sworn statement or affirmation disclosing whether the person has a criminal conviction or is the subject of any pending criminal charges within or outside the Commonwealth and, in the case of child welfare agencies, whether or not the person has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. A criminal history record check through the Central Criminal Records Exchange pursuant to § 19.2-389; and

3. In the case of child welfare agencies, a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse and neglect.

E. Any person desiring to work as a compensated employee at a licensed assisted living facility, licensed adult day care center, a licensed or registered child welfare agency, or a family day home approved by a family day system shall provide the hiring or approving facility, center or agency with a sworn statement or affirmation pursuant to subdivision D 1. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision D 1 shall be guilty of a Class 1 misdemeanor.

F. A licensed assisted living facility, licensed adult day care center, a licensed or registered child welfare agency, or a family day home approved by a family day system shall obtain for any compensated employees within 30 days of employment (i) an original criminal record clearance with respect to convictions for offenses specified in § 63.2-1719 or an original criminal history record from the Central Criminal Records Exchange and (ii) in the case of licensed or registered child welfare agencies or family day homes approved by family day systems, a copy of the information from the central registry. *However, no employee shall be permitted to work in a position that involves direct contact with a person or child receiving services until an original criminal record clearance or original criminal history record has been received, unless such person works under the direct supervision of another employee for whom a background check has been completed in accordance with the requirements of this section.* If an applicant is denied employment because of information from the central registry or convictions appearing on his criminal history record, the assisted living facility, adult day care center or child welfare agency shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the applicant.

G. No volunteer who has an offense as defined in § 63.2-1719 shall be permitted to serve in a licensed or registered child welfare agency or a family day home approved by a family day system. Any person desiring to volunteer at such a child welfare agency shall provide the agency with a sworn statement or affirmation pursuant to subdivision D 1. Such child welfare agency shall obtain for any volunteers, within 30 days of commencement of volunteer service, a copy of (i) the information from the central registry and (ii) an original criminal record clearance with respect to offenses specified in § 63.2-1719 or an original criminal history record from the Central Criminal Records Exchange. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision D 1 shall be guilty

of a Class 1 misdemeanor. If a volunteer is denied service because of information from the central registry or convictions appearing on his criminal history record, such child welfare agency shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the volunteer. The provisions of this subsection shall apply only to volunteers who will be alone with any child in the performance of their duties and shall not apply to a parent-volunteer of a child attending a licensed or registered child welfare agency, or a family day home approved by a family day system, whether or not such parent-volunteer will be alone with any child in the performance of his duties. A parent-volunteer is someone supervising, without pay, a group of children that includes the parent-volunteer's own child in a program that operates no more than four hours per day, provided that the parent-volunteer works under the direct supervision of a person who has received a clearance pursuant to this section.

H. No volunteer shall be permitted to serve in a licensed assisted living facility or licensed adult day care center without the permission or under the supervision of a person who has received a clearance pursuant to this section.

I. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

J. A licensed assisted living facility shall notify and provide all students a copy of the provisions of this article prior to or upon enrollment in a certified nurse aide program operated by such assisted living facility.

K. The provisions of this section shall not apply to any children's residential facility licensed pursuant to § 63.2-1701, which instead shall comply with the background investigation requirements contained in § 63.2-1726.

L. A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

§ 63.2-1721. Background check upon application for licensure or registration as child welfare agency; background check of foster or adoptive parents approved by child-placing agencies and family day homes approved by family day systems; penalty.

A. Upon application for licensure or registration as a child welfare agency, (i) all applicants; (ii) agents at the time of application who are or will be involved in the day-to-day operations of the child welfare agency or who are or will be alone with, in control of, or supervising one or more of the children; and (iii) any other adult living in the home of an applicant for licensure or registration as a family day home shall undergo a background check. Upon application for licensure as an assisted living facility, all applicants shall undergo a background check. In addition, foster or adoptive parents requesting approval by child-placing agencies and operators of family day homes requesting approval by family day systems, and any other adult residing in the family day home or existing employee or volunteer of the family day home, shall undergo background checks pursuant to subsection B prior to their approval.

B. Background checks pursuant to this section require:

1. A sworn statement or affirmation disclosing whether the person has a criminal conviction or is the subject of any pending criminal charges within or outside the Commonwealth and whether or not the person has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. A criminal history record check through the Central Criminal Records Exchange pursuant to § 19.2-389; and

3. In the case of child welfare agencies or adoptive or foster parents, a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse and neglect.

C. The character and reputation investigation pursuant to § 63.2-1702 shall include background checks pursuant to subsection B of persons specified in subsection A. The applicant shall submit the background check information required in subsection B to the Commissioner's representative prior to issuance of a license, registration or approval. The applicant shall provide an original criminal record clearance with respect to offenses specified in § 63.2-1719 or an original criminal history record from the Central Criminal Records Exchange. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 shall be guilty of a Class 1 misdemeanor. If any person specified in subsection A required to have a background check has any offense as defined in § 63.2-1719, and such person has not been granted a waiver by the Commissioner pursuant to § 63.2-1723 or is not subject to an exception in subsections E, F, or G (i) the Commissioner shall not issue a license or registration to a child welfare agency; (ii) the Commissioner shall not issue a license to an assisted living facility; (iii) a child-placing agency shall not approve an adoptive or foster home; or (iv) a family day system shall not approve a family day home.

D. No person specified in subsection A shall be involved in the day-to-day operations of ~~the~~ a child welfare agency ~~or shall~~; be alone with, in control of, or supervising one or more of ~~the~~ children *receiving services from a child welfare agency; or be permitted to work in a position that involves direct contact with a person receiving services* without first having completed background checks pursuant to subsection B, *unless such person is directly supervised by another person for whom a background check has been completed in accordance with the requirements of this section.*

E. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant convicted of not more than one misdemeanor as set out in § 18.2-57 not involving abuse, neglect, moral turpitude, or a minor, provided 10 years have elapsed following the conviction.

F. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as a foster parent an applicant convicted of statutory burglary for breaking and entering a dwelling home or other structure with

intent to commit larceny, who has had his civil rights restored by the Governor, provided 25 years have elapsed following the conviction.

G. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant convicted of felony possession of drugs, who has had his civil rights restored by the Governor, provided 10 years have elapsed following the conviction.

H. If an applicant is denied licensure, registration or approval because of information from the central registry or convictions appearing on his criminal history record, the Commissioner shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the applicant.

I. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

J. The provisions of this section referring to a sworn statement or affirmation and to prohibitions on the issuance of a license for any offense shall not apply to any children's residential facility licensed pursuant to § 63.2-1701, which instead shall comply with the background investigation requirements contained in § 63.2-1726.

§ 63.2-1724. Records check by unlicensed child day center; penalty.

Any child day center that is exempt from licensure pursuant to § 63.2-1716 shall require a prospective employee or volunteer or any other person who is expected to be alone with one or more children enrolled in the child day center to obtain within 30 days of employment or commencement of volunteer service, a search of the central registry maintained pursuant to § 63.2-1515 on any founded complaint of child abuse or neglect and a criminal records check as provided in subdivision A 11 of § 19.2-389 ~~and~~. *However, no employee shall be permitted to work in a position that involves direct contact with a child until an original criminal record clearance or original criminal history record has been received, unless such person works under the direct supervision of another employee for whom a background check has been completed in accordance with the requirements of this section. A child day center that is exempt from licensure pursuant to § 63.2-1716 shall refuse employment or service to any person who has any offense defined in § 63.2-1719. Such center shall also require a prospective employee or volunteer or any other person who is expected to be alone with one or more children in the child day center to provide a sworn statement or affirmation disclosing whether or not the applicant has ever been (i) the subject of a founded complaint of child abuse or neglect, or (ii) convicted of a crime or is the subject of pending criminal charges for any offense within the Commonwealth or any equivalent offense outside the Commonwealth. The foregoing provisions shall not apply to a parent or guardian who may be left alone with his or her own child. For purposes of this section, convictions shall include prior adult convictions and juvenile convictions or adjudications of delinquency based on a crime that would have been a felony if committed by an adult within or outside the Commonwealth. Any person making a materially false statement regarding any such offense shall be guilty of a Class 1 misdemeanor. If an applicant is denied employment or service because of information from the central registry or convictions appearing on his criminal history record, the child day center shall provide a copy of the information obtained from the central registry or Central Criminal Records Exchange or both to the applicant. Further dissemination of the information provided to the facility is prohibited.*

The provisions of this section referring to volunteers shall apply only to volunteers who will be alone with any child in the performance of their duties and shall not apply to a parent-volunteer of a child attending the child day center whether or not such parent-volunteer will be alone with any child in the performance of his duties. A parent-volunteer is someone supervising, without pay, a group of children which includes the parent-volunteer's own child, in a program which operates no more than four hours per day, where the parent-volunteer works under the direct supervision of a person who has received a clearance pursuant to this section.

CHAPTER 130

An Act to amend and reenact § 63.2-1715 of the Code of Virginia, relating to child day program licensure exemptions.

[H 468]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1715 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-1715. Exemptions from licensure.

A. The following child day programs shall not be required to be licensed:

1. A child day center that has obtained an exemption pursuant to § 63.2-1716.

2. A program where, by written policy given to and signed by a parent or guardian, school-aged children are free to enter and leave the premises without permission or supervision, regardless of (i) such program's location or the number of days per week of its operation; (ii) the provision of transportation services, including drop-off and pick-up times; or (iii) the scheduling of breaks for snacks, homework, or other activities. A program that would qualify for this exemption except that it assumes responsibility for the supervision, protection and well-being of several children with disabilities who are mainstreamed shall not be subject to licensure.

3. A program of instructional experience in a single focus, such as, but not limited to, computer science, archaeology, sport clinics, or music, if children under the age of six do not attend at all and if no child is allowed to attend for more than 25 days in any three-month period commencing with enrollment. This exemption does not apply if children merely change their enrollment to a different focus area at a site offering a variety of activities and such children's attendance exceeds 25 days in a three-month period.

4. Programs of instructional or recreational activities wherein no child under age six attends for more than six hours weekly with no class or activity period to exceed one and one-half hours, and no child six years of age or above attends for more than six hours weekly when school is in session or 12 hours weekly when school is not in session. Competition, performances and exhibitions related to the instructional or recreational activity shall be excluded when determining the hours of program operation.

5. A program that operates no more than a total of 20 program days in the course of a calendar year provided that programs serving children under age six operate no more than two consecutive weeks without a break of at least a week.

6. Instructional programs offered by public and private schools that satisfy compulsory attendance laws or the Individuals with Disabilities Education Act, as amended, and programs of school-sponsored extracurricular activities that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language.

7. Education and care programs provided by public schools that are not exempt pursuant to subdivision A 6 shall be regulated by the State Board of Education using regulations that incorporate, but may exceed, the regulations for child day centers licensed by the Commissioner.

8. Early intervention programs for children eligible under Part C of the Individuals with Disabilities Education Act, as amended, wherein no child attends for more than a total of six hours per week.

9. Practice or competition in organized competitive sports leagues.

10. Programs of religious instruction, such as Sunday schools, vacation Bible schools, and Bar Mitzvah or Bat Mitzvah classes, and child-minding services provided to allow parents or guardians who are on site to attend religious worship or instructional services.

11. Child-minding services that are not available for more than three hours per day for any individual child offered on site in commercial or recreational establishments if the parent or guardian (i) is not an on-duty employee, except for part-time employees working less than two hours per day, (ii) can be contacted and can resume responsibility for the child's supervision within 30 minutes, and (iii) is receiving or providing services or participating in activities offered by the establishment.

12. A certified preschool or nursery school program operated by a private school that is accredited by a statewide accrediting organization recognized by the State Board of Education or accredited by the National Association for the Education of Young Children's National Academy of Early Childhood Programs; the Association of Christian Schools International; the American Association of Christian Schools; the National Early Childhood Program Accreditation; the National Accreditation Council for Early Childhood Professional Personnel and Programs; the International Academy for Private Education; the American Montessori Society; the International Accreditation and Certification of Childhood Educators, Programs, and Trainers; or the National Accreditation Commission that complies with the provisions of § 63.2-1717.

13. A program of recreational activities offered by local governments, staffed by local government employees, and attended by school-age children. Such programs shall be subject to safety and supervisory standards established by local governments.

14. *A program of instructional or athletic experience operated during the summer months by, and as an extension of, an accredited private elementary, middle, or high school program as set forth in § 22.1-19 and administered by the Virginia Council for Private Education.*

B. Family day homes that are members of a licensed family day system shall not be required to obtain a license from the Commissioner.

C. Officers, employees, or agents of the Commonwealth, or of any county, city, or town acting within the scope of their authority as such, who serve as or maintain a child-placing agency shall not be required to be licensed.

CHAPTER 131

An Act to amend and reenact § 28.2-1308 of the Code of Virginia, relating to wetlands losses; in-lieu fees.

[H 572]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-1308 of the Code of Virginia is amended and reenacted as follows:

§ 28.2-1308. Standards for use and development of wetlands; utilization of guidelines.

A. The following standards shall apply to the use and development of wetlands and shall be considered in the determination of whether any permit required by this chapter should be granted or denied:

1. Wetlands of primary ecological significance shall not be altered so that the ecological systems in the wetlands are unreasonably disturbed; and

2. Development in Tidewater Virginia, to the maximum extent practical, shall be concentrated in wetlands of lesser ecological significance, in vegetated wetlands which have been irreversibly disturbed before July 1, 1972, in nonvegetated wetlands which have been irreversibly disturbed prior to January 1, 1983, and in areas of Tidewater Virginia outside of wetlands.

B. The provisions of guidelines promulgated by the Commission pursuant to § 28.2-1301 shall be considered in applying the standards listed in subsection A of this section.

C. When any activity authorized by a permit issued pursuant to this chapter is conditioned upon compensatory mitigation for adverse impacts to wetlands, the applicant may be permitted to satisfy all or part of such mitigation requirements by the purchase or use of credits from any wetlands mitigation bank, including any banks owned by the permit applicant, that has been approved and is operating in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use and operation of mitigation banks as long as (1) the bank is in the same fourth order subbasin, as defined by the hydrologic unit boundaries of the National Watershed Boundary Dataset, as the impacted site, or in an adjacent subbasin within the same river watershed, as the impacted site, or it meets all the conditions found in clauses (i) through (iv) and either clause (v) or (vi) of this subsection; (2) the bank is ecologically preferable to practicable on-site and off-site individual mitigation options, as defined by federal wetland regulations; and (3) the banking instrument, if approved after July 1, 1996, has been approved by a process that included public review and comment. When the bank is not located in the same subbasin or adjacent subbasin within the same river watershed as the impacted site, the purchase or use of credits shall not be allowed unless the applicant demonstrates to the satisfaction of the Commission that (i) the impacts will occur as a result of a Virginia Department of Transportation linear project or as the result of a locality project for a locality whose jurisdiction encompasses multiple river watersheds; (ii) there is no practical same river watershed mitigation alternative; (iii) the impacts are less than one acre in a single and complete project within a subbasin; (iv) there is no significant harm to water quality or fish and wildlife resources within the river watershed of the impacted site; and either (v) impacts within the Chesapeake Bay watershed are mitigated within the Chesapeake Bay watershed as close as possible to the impacted site or (vi) impacts within subbasins 02080108, 02080208, and 03010205, as defined by the National Watershed Boundary Dataset, are mitigated in-kind within those subbasins as close as possible to the impacted site. After July 1, 2002, the provisions of clause (vi) shall apply only to impacts within subdivisions of the listed subbasins where overlapping watersheds exist, as determined by the Department of Environmental Quality, provided the Department has made such a determination by that date.

D. *Where an agreed-upon permit condition requires the contribution of in-lieu fees to offset permitted wetland losses, the wetlands board shall credit the applicant for any in-lieu fee payments made to the Virginia Aquatic Resources Trust Fund or another dedicated wetlands restoration fund with reference to the same activity.*

For the purposes of this section, "river watershed" means the Potomac River Basin, Shenandoah River Basin, James River Basin, Rappahannock River Basin, Roanoke and Yadkin Rivers Basin, Chowan River Basin (including the Dismal Swamp and Albemarle Sound), Tennessee River Basin, Big Sandy River Basin, Chesapeake Bay and its Small Coastal Basins, Atlantic Ocean, York River Basin, and the New River Basin.

CHAPTER 132

An Act to amend and reenact § 28.2-526 of the Code of Virginia, relating to oyster measures.

[H 648]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-526 of the Code of Virginia is amended and reenacted as follows:

§ 28.2-526. Oyster measures; standards; penalty.

A. Except as provided in subsection B, C, or D, it is unlawful for any person to buy or sell oysters in the shell by any measure other than:

1. One-half bushel or one bushel metallic measures. Such containers shall be metallic circular tubs with straight sides and straight bottoms and may have holes for draining one inch in diameter. A half-bushel tub shall have the following dimensions, all measured from inside to inside: 15 inches across the top, 13 inches across the bottom, and 17 inches diagonally from the inside chine to the top; and a bushel tub shall measure 18 1/2 inches across the top, 17 inches across the bottom, and 21 1/2 inches diagonally from the inside chine to the top. Oysters harvested from the public rocks in the Potomac River or its tributaries may be bought or sold in one bushel metallic measures which shall measure 18 inches across the top, 16 1/2 inches across the bottom, and 21 inches diagonally from the inside chine to the top. Such containers shall be level full across the entire top of the container to be considered a full measure; or

2. A container of not less than ~~2,800~~ 2,500 cubic inches and not more than 3,000 cubic inches, the make and model of which has been approved by the Commission.

Any seller of oysters or oyster shells who fails to furnish at the point of landing a full measure as defined in this section, or a buyer of any seed oysters or oyster shells who accepts less than a full measure as defined in this section, is guilty of a Class 1 misdemeanor.

B. Oysters may be sold in containers of a size greater than 18 1/2 inches across the top, 17 inches across the bottom, and 21 1/2 inches diagonally from the inside chine to the top if such container has been approved by the Commissioner and its use to measure oysters has been approved by both the buyer and seller.

C. On the eastern or ocean side of the Eastern Shore, oysters may be sold without being measured if both the buyer and the seller agree to the number of bushels of oysters in the transaction.

D. Cultured oysters in the shell may be sold in any measure or container agreeable to the buyer and seller.

CHAPTER 133

An Act to amend and reenact § 28.2-402, as it is currently effective, of the Code of Virginia, to amend and reenact the second enactment of Chapter 41 of the Acts of Assembly of 2007, as amended by Chapters 178 and 728 of the Acts of Assembly of 2010 and Chapters 59 and 760 of the Acts of Assembly of 2013, and to amend and reenact the third and fourth enactments of Chapters 59 and 760 of the Acts of Assembly of 2013, and to repeal § 28.2-402, as it shall become effective January 1, 2015, relating to the management of the menhaden fishery.

[H 655]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-402, as it is currently effective, of the Code of Virginia is amended and reenacted as follows:

§ 28.2-402. (Effective until January 1, 2015) License fee to take menhaden with purse nets.

Any person desiring to take or catch menhaden with purse nets shall pay to the officer or agent a license fee as follows or as subsequently revised by the Commission pursuant to § 28.2-201:

1. On each boat or vessel under 70 gross tons fishing for the purse seine menhaden reduction sector, \$249.
2. On each vessel 70 gross tons or over fishing for the purse seine menhaden reduction sector, \$996.
3. On each boat or vessel under 70 gross tons fishing for the purse seine menhaden bait sector, \$249.
4. On each vessel 70 gross tons or over fishing for the purse seine menhaden bait sector, \$996.

Any person purchasing more than one of these licenses for the same vessel shall pay a fee equal to that for a single license.

2. That the second enactment of Chapter 41 of the Acts of Assembly of 2007, as amended by Chapters 178 and 728 of the Acts of Assembly of 2010 and Chapters 59 and 760 of the Acts of Assembly of 2013, is amended and reenacted as follows:

2. That the provisions of this act shall expire on ~~January 1, 2015~~ July 1, 2016.

3. That the third and fourth enactments of Chapters 59 and 760 of the Acts of Assembly of 2013 are amended and reenacted as follows:

3. That § 28.2-1000.2 of the Code of Virginia is repealed effective ~~January 1, 2015~~ July 1, 2016.

4. That the provisions of this act shall expire on ~~January 1, 2015~~ July 1, 2016.

4. That § 28.2-402 as it shall become effective January 1, 2015, is repealed.

CHAPTER 134

An Act to amend and reenact § 63.2-905.1 of the Code of Virginia, relating to independent living services; individuals between 18 and 21 years of age.

[H 668]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-905.1 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-905.1. Independent living services.

Local departments and licensed child-placing agencies shall provide independent living services to any person between 18 and 21 years of age who is in the process of transitioning from foster care to self-sufficiency. Any person who was committed or entrusted to a local board or licensed child-placing agency may choose to discontinue receiving independent living services any time before his twenty-first birthday in accordance with regulations adopted by the Board. The local board or licensed child-placing agency shall restore independent living services at the request of that person provided that (i) the person has not yet reached 21 years of age and (ii) the person has entered into a written agreement, less than 60 days after independent living services have been discontinued, with the local board or licensed child-placing agency regarding the terms and conditions of his receipt of independent living services.

Local departments and licensed child-placing agencies ~~may~~ shall provide independent living services to any person between 18 and 21 years of age who (a) was in the custody of the local department of social services immediately prior to his commitment to the Department of Juvenile Justice, (b) is in the process of transitioning from a commitment to the Department of Juvenile Justice to self-sufficiency, and (c) provides written notice of his intent to receive independent living services and enters into a written agreement for the provision of independent living services, which sets forth the terms and

conditions of the provision of independent living services, with the local board or licensed child-placing agency within 60 days of his release from commitment to the Department of Juvenile Justice.

Local departments shall provide any person who chooses to leave foster care or terminate independent living services before his twenty-first birthday written notice of his right to request restoration of independent living services in accordance with this section by including such written notice in the person's transition plan. Such transition plan shall be created within 90 days prior to the person's discharge from foster care. Local departments and licensed child-placing agencies may provide independent living services as part of the foster care services provided to any child 14 years of age or older. All independent living services shall be provided in accordance with regulations adopted by the Board.

CHAPTER 135

An Act to amend and reenact §§ 45.1-241, 45.1-270.3, and 45.1-270.4 of the Code of Virginia, relating to the Virginia Coal Surface Mining Control and Reclamation Act of 1979.

[H 710]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 45.1-241, 45.1-270.3, and 45.1-270.4 of the Code of Virginia are amended and reenacted as follows:

§ 45.1-241. Performance bonds.

A. After a coal surface mining permit application has been approved, but before such permit is issued, the applicant shall file with the Director on a form prescribed and furnished by the Director, a bond for performance payable to the Commonwealth and conditioned upon faithful performance of all the requirements of this chapter and the permit. The bond shall cover that area of land within the permit area upon which the operator will initiate and conduct surface coal mining and reclamation operations within the initial term of the permit. As succeeding increments of coal surface mining and reclamation operations are initiated and conducted within the permit area, the permittee shall file with the Director an additional bond or bonds to cover such increments in accordance with this section. The amount of the bond required for each bonded area shall depend upon the reclamation requirements of the approved permit, shall reflect the probable difficulty of reclamation giving consideration to such factors as topography, geology of the site, hydrology, and revegetation potential, and shall be determined by the Director. The amount of the bond shall be sufficient to assure the completion of the reclamation plan if the work has to be performed by the Director in the event of forfeiture, but in no case shall the bond for the entire area under one permit be less than \$10,000.

B. Liability under the bond shall be for the duration of the coal surface mining and reclamation operation and for a period coincident with the operator's responsibility for revegetation as required under regulations promulgated pursuant to § 45.1-242. The bond shall be executed by the operator and a corporate surety licensed to do business in the Commonwealth, except that the operator may elect to deposit cash, negotiable bonds of the United States Government or of the Commonwealth, or negotiable certificates of deposit of any bank organized for transacting business in the United States. The cash deposit or market value of such securities shall be equal to or greater than the amount of the bond required for the bonded area.

C. ~~The Director may accept the bond of the applicant itself without separate surety when the applicant demonstrates to the satisfaction of the Director, pursuant to regulations, the existence of a suitable agent to receive service of process and a history of financial solvency and continuous operation sufficient for authorization to self-insure or bond such amount.~~ The Director may also accept a letter of credit on certain designated funds issued by a financial institution authorized to do business in the United States. The letters of credit shall be irrevocable, unconditional, shall be payable to the Department upon demand, and shall afford to the Department protection equivalent to a corporate surety's bond. The issuer of the letter of credit shall give prompt notice to the permittee and the Department of any notice received or action filed alleging the insolvency or bankruptcy of the issuer, or alleging any violations of regulatory requirements which could result in suspension or revocation of the issuer's charter or license to do business. In the event the issuer becomes unable to fulfill its obligations under the letter of credit for any reason, the issuer shall immediately notify the permittee and the Department. Upon the incapacity of an issuer by a reason of bankruptcy, insolvency or suspension or revocation of its charter or license, the permittee shall be deemed to be without proper performance bond coverage and shall promptly notify the Department, and the Department shall then issue a notice to the permittee specifying a reasonable period, which shall not exceed ninety days, to replace bond coverage. If an adequate bond is not posted by the end of the period allowed, the permittee shall cease coal extraction and coal processing operations and shall immediately begin to conduct reclamation operations in accordance with the reclamation plan. Coal extraction and coal processing operations shall not resume until the Department has determined that an acceptable bond has been posted. If an acceptable bond has not been posted by the end of the period allowed, the Department may suspend the permit until acceptable bond is posted. The letter of credit shall be provided on the form and format established by the Director. Nothing herein shall relieve the permittee of responsibility under the permit or the issuer of liability on the letter of credit. The Director is further authorized to develop and promulgate an alternative system that will achieve the objectives and purposes of the bonding program established under this section.

D. Cash or securities so deposited shall be deposited upon the same terms as the terms upon which surety bonds may be deposited. Such securities shall be security for the repayment of such negotiable certificate of deposit.

E. The amount of the bond or deposit required and the terms of each acceptance of the applicant's bond shall be adjusted by the Director from time to time as affected land acreages are increased or decreased or where the cost of future reclamation changes.

§ 45.1-270.3. Initial payments into Fund; renewal payments; bonds.

A. Operators filing permit applications for coal surface mining operations participating in the pool fund shall be required to pay into the Fund, as an entrance fee, a sum equal to \$1,000 for each applicable permit application. An entrance fee of \$5,000 shall be required of all operators who elect to participate in the Fund when the Director has determined the total balance of the Fund is less than \$1,750,000 pursuant to subsection B of § 45.1-270.4. The entrance fee shall be reduced to \$1,000 when the total Fund balance is greater than \$2,000,000 \$2 million pursuant to subsection C of § 45.1-270.4. A renewal fee of \$1,000 shall be required of all permittees in the Fund at permit renewal.

1. *For the purposes of this section, all planned expenditures shall be deducted from the balance of the Fund during each calendar quarter, including forfeitures on which engineering cost estimates have been prepared, but no money has actually been expended from the Fund.*

2. *Should the actual expenditures from the Fund be less than the engineering cost estimate, then the difference shall be credited to the balance of the Fund during the calendar quarter in which the final expenditure is made from the Fund to accomplish the reclamation.*

B. In addition to the initial payments into the Fund described in subsection A of this section, all operators that participate in the Fund shall furnish to the Fund a bond which meets the criteria of § 45.1-241 and regulations issued pursuant thereto as follows:

1. For those underground mining operations participating in the Fund prior to July 1, 1991, the amount of \$1,000 per acre covered by each permit. In no event shall such total bond be less than \$40,000, except that on permits which have completed all mining and for which completion reports have been approved prior to July 1, 1991, the total bond shall not be less than \$10,000.

2. For underground mining operations entering the Fund on or after July 1, 1991, and for additional acreage bonded on or after July 1, 1991, the amount of \$3,000 per acre. In no event shall the total bond for such underground operations entering the Fund on or after July 1, 1991, be less than \$40,000.

3. For other coal mining operations participating in the Fund prior to July 1, 1991, the amount of \$1,500 per acre covered by each permit. In no event shall such total bond be less than \$100,000, except that on permits which have completed all mining and for which completion reports have been approved prior to July 1, 1991, the total bond shall not be less than \$25,000.

4. For other coal mining operations entering the Fund on or after July 1, 1991, and for additional acreage bonded on or after July 1, 1991, the amount of \$3,000 per acre. In no event shall the total bond for such operations entering the Fund on or after July 1, 1991, be less than \$100,000.

~~C. 1. Notwithstanding the above, the Director may accept the bond of an operator of an underground mining operation without separate surety as provided in subsection C of § 45.1-241 and in any case upon a showing by such operator of a net worth, total assets minus total liabilities, certified by an independent certified public accountant equivalent to \$1,000,000. Such net worth figure shall thereafter during the existence of the permit be certified annually on the anniversary date of such permit by an independent certified public accountant.~~

~~2. The Director may accept the bond of an operator of a surface mining operation or associated facility without separate surety as provided in subsection C of § 45.1-241 upon a showing by the operator of a suitable agent for service of process, satisfactory continuous operation, financial solvency, and submission of information and an indemnity agreement in accordance with regulations implementing this section and the applicable federal regulations.~~

~~D.~~ All fees and payments provided in this article shall be in addition to initial permit application and anniversary payments provided pursuant to § 45.1-235 or any other payments required in compliance with this chapter.

~~E.~~ D. Fund participants shall be allowed to post incremental bonds as set forth in § 45.1-241. Such bonds will be posted in annual increments according to a schedule contained in the permit application and approved annually by the Director on the anniversary date.

~~F.~~ E. Any mining operation participating in the Fund that has been in temporary cessation for more than six months as of July 1, 1991, shall within ninety days of that date post bond equal to the total estimated cost of reclamation for all portions of the permitted site which are in temporary cessation. Any mining operation participating in the Fund that has been in temporary cessation six months or less as of July 1, 1991, shall within ninety days after the date on which the operation has been in temporary cessation for more than six months post bond equal to the total estimated cost of reclamation for all portions of the permitted site which are in temporary cessation. Any mining operation participating in the Fund that enters temporary cessation on or after July 1, 1991, shall, prior to the date on which the operation has been in temporary cessation for more than six months, post bond equal to the total estimated cost of reclamation for all portions of the permitted site which are in temporary cessation. Such bond shall remain in effect throughout the remainder of the period during which the site is in temporary cessation. At such time as the site returns to active status, the bond posted under this subsection may be released, provided the permittee has posted bond pursuant to subsection B of this section.

§ 45.1-270.4. Assessment of reclamation tax revenues for Fund.

A. There is hereby levied a reclamation tax upon the production of coal by operators participating in the Fund under permits issued under this chapter as set forth herein.

B. Thirty days after the end of ~~any~~ *each* calendar quarter during which the total balance of the Fund, including interest thereon, ~~shall be~~ *is* less than ~~\$1,750,000~~ *\$20 million*, all operators shall pay into the Fund an amount equal to:

1. Four cents per clean ton of coal produced by a surface mining operation permitted under this chapter.
2. Three cents per clean ton of coal produced by a deep mining operation permitted under this chapter.
3. One and one-half cents per clean ton of coal processed or loaded by preparation or loading facilities permitted under this chapter.

C. At the end of ~~any~~ *each* calendar quarter during which the total balance in the Fund, including interest thereon, ~~shall exceed two million dollars~~ *exceeds \$20 million*, payments under this section shall cease until again required pursuant to subsection B ~~of this section~~.

~~1. For the purposes of subsection B of this section, all potential obligations shall be deducted from the balance of the Fund during each calendar quarter, including forfeitures on which engineering costs estimates have been prepared, but no money has actually been expended from the Fund.~~

~~2. Should the actual expenditures from the Fund be less than the engineering cost estimate, then the difference shall be credited to the balance of the Fund during the calendar quarter in which the final expenditure is made from the Fund to accomplish the reclamation.~~

~~D. Upon the issuance of a permit for which bond is provided pursuant to this article, each operator shall pay a reclamation tax into the Fund pursuant to the schedule set forth in subsection B of this section on coal mined and removed under authority of that permit during the one-year period commencing with and running from the date of the commencement of coal production, processing or loading from those operations covered under that permit.~~

~~E. D. In no event shall any operator pay reclamation tax under this section on total coal production in excess of five million tons per calendar year, regardless of the number of permits held by that operator; except as set forth in subsection D hereof. In no event shall any operator holding more than one type of permit pay tax at a rate in excess of five and one-half cents per ton on coal originally surface mined by that operator or in excess of four and one-half cents per ton on coal originally deep mined by that operator. Any operator holding one permit upon which coal is mined and processed or loaded shall pay only the tax applicable under this section to the surface mining operation or deep mining operation.~~

2. That the provisions of this act amending and reenacting § 45.1-270.4 shall expire on July 1, 2017.

CHAPTER 136

An Act to amend and reenact §§ 29.1-306, 29.1-310.1, and 29.1-519 of the Code of Virginia and to repeal § 29.1-306.1 of the Code of Virginia, relating to establishing a combined special archery and crossbow license.

[H 715]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 29.1-306, 29.1-310.1, and 29.1-519 of the Code of Virginia are amended and reenacted as follows:

§ 29.1-306. Special archery license and crossbow license.

There shall be a license for hunting with a bow and arrow; ~~excluding crossbows or crossbow~~, during the special archery seasons, which shall be in addition to the ~~license~~ *licenses* required to hunt small *and big* game. The fee for the special license shall be ~~\$12~~ *\$17* for a resident and ~~\$25~~ *\$30* for a nonresident. The Board may subsequently revise the cost of licenses set forth in this section pursuant to § 29.1-103.

~~The special archery license may be obtained from the clerk or agent of any county or city whose duty it is to sell licenses.~~

§ 29.1-310.1. Sportsman's hunting and fishing license established.

A. Upon implementation of an automated point-of-sale licensing system, any resident individual may apply for and receive from the Department, after payment of the appropriate fee, a sportsman's hunting and fishing license. This license shall serve in lieu of any person having to obtain hunting or fishing licenses provided for under subdivision 2 of § 29.1-303 and §§ 29.1-305, 29.1-306; ~~29.1-306.1~~, and 29.1-307, and subdivisions A 2 and B 1 of § 29.1-310.

B. Applications for the license authorized by this section shall be made to the Department. The license shall be valid for the seasons as established by the Board. The form and issuance of the license shall conform to the provisions of this chapter for all licenses.

C. The Board shall establish the fee for this license, which shall not exceed the total cost of purchasing each license separately.

§ 29.1-519. Guns, pistols, revolvers, etc., which may be used; penalty.

A. All wild birds and wild animals may be hunted with the following weapons unless shooting is expressly prohibited:

1. A shotgun or muzzleloading shotgun not larger than 10 gauge;
2. An automatic-loading or hand-operated repeating shotgun capable of holding not more than three shells the magazine of which has been cut off or plugged with a one-piece filler incapable of removal through the loading end, so as to reduce the capacity of the gun to not more than three shells at one time in the magazine and chamber combined, unless otherwise allowed by Board regulations;

3. A rifle, a muzzleloading rifle, or an air rifle;

4. A bow and arrow;
 5. [Expired.]
 6. A crossbow, which is a type of bow and arrow, in accordance with the provisions of ~~§ 29.1-306.1~~ § 29.1-306.
- B. A pistol, muzzle-loading pistol or revolver may be used to hunt nuisance species of birds and animals.
- C. In the counties west of the Blue Ridge Mountains, and counties east of the Blue Ridge where rifles of a caliber larger than .22 caliber may be used for hunting wild birds and animals, game birds and animals may be hunted with pistols or revolvers firing cartridges rated in manufacturers' tables at 350 foot pounds of energy or greater and under the same restrictions and conditions as apply to rifles, provided that no cartridge shall be used with a bullet of less than .23 caliber. In no event shall pistols or revolvers firing cartridges rated in manufacturers' tables at 350 foot pounds of energy or greater be used if rifles of a caliber larger than .22 caliber are not authorized for hunting purposes.
- D. The use of muzzle-loading pistols and .22 caliber rimfire handguns is permitted for hunting small game where .22 caliber rifles are permitted.
- E. The hunting of wild birds and wild animals with fully automatic firearms, defined as a machine gun in § 18.2-288, is prohibited.
- F. The hunting of wild birds or wild animals with (i) weapons other than those authorized by this section or (ii) weapons that have been prohibited by this section shall be punishable as a Class 3 misdemeanor.

2. That § 29.1-306.1 of the Code of Virginia is repealed.

CHAPTER 137

An Act to amend and reenact § 3.2-6552 of the Code of Virginia, relating to the killing of a dog chasing or injuring livestock or poultry.

[H 740]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-6552 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-6552. Dogs killing, injuring or chasing livestock or poultry.

It shall be the duty of any animal control officer or other officer who may find a dog in the act of killing or injuring livestock or poultry to *seize or* kill such dog forthwith whether such dog bears a tag or not. Any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight as shall any owner of livestock or his agent finding a dog chasing livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock. Any court shall have the power to order the animal control officer or other officer to kill any dog known to be a confirmed livestock or poultry killer, and any dog killing poultry for the third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the dog to produce the dog.

Any animal control officer who has reason to believe that any dog is killing livestock or poultry shall be empowered to seize such dog solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned herein. Any animal control officer or other person who has reason to believe that any dog is killing livestock, or committing any of the depredations mentioned in this section, shall apply to a magistrate serving the locality wherein the dog may be, who shall issue a warrant requiring the owner or custodian, if known, to appear before a general district court at a time and place named therein, at which time evidence shall be heard. If it shall appear that the dog is a livestock killer, or has committed any of the depredations mentioned in this section, the district court shall order that the dog be: (i) killed immediately by the animal control officer or other officer designated by the court; or (ii) removed to another state that does not border on the Commonwealth and prohibited from returning to the Commonwealth. Any dog ordered removed from the Commonwealth that is later found in the Commonwealth shall be ordered by a court to be killed immediately.

CHAPTER 138

An Act to amend the Code of Virginia by adding a section numbered 28.2-551.1, relating to reestablishing Baylor Survey lines.

[H 845]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 28.2-551.1 as follows:

§ 28.2-551.1. Continuing or reestablishing historic Baylor Survey lines.

When private leaseholds granted by the Commission or its predecessors appear within the Baylor Survey continuing pursuant to § 28.2-551 or as reestablished pursuant to § 28.2-553, if it shall be established to the satisfaction of the Commission, by petition duly filed prior to January 1, 2015, that the present or former leaseholders or their predecessors in

title were granted the leaseholds within the area shown on "Atlantic Coast Chart No. 25" of the "Public Oyster Grounds, State of Virginia, 1895" in good faith more than five years previously and have made substantial improvements in such leasehold bottoms since that time, the Commission shall reestablish the lines of the Baylor Survey along the survey lines between the private leaseholds previously approved. Any notice to vacate such leaseholds shall be of no effect.

In reestablishing Baylor Survey lines pursuant to this section, the Commission may adjust the boundaries to facilitate ease of protection for the public grounds, provided that such adjustment shall neither reduce nor enlarge the area of public grounds, nor materially reduce or increase the value of the private grounds whose boundaries are being adjusted.

CHAPTER 139

An Act to amend and reenact § 10.1-1426 of the Code of Virginia, relating to permit for the transport of hazardous waste.

[H 856]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1426 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-1426. Permits required; waiver of requirements; reports; conditional permits.

A. No person shall ~~transport~~, store, provide treatment for, or dispose of a hazardous waste without a permit from the Director.

B. Any person generating, transporting, storing, providing treatment for, or disposing of a hazardous waste shall report to the Director, by such date as the Board specifies by regulation, the following: (i) his name and address, (ii) the name and nature of the hazardous waste, and (iii) the fact that he is generating, transporting, storing, providing treatment for or disposing of a hazardous waste. A person who is an exempt small quantity generator of hazardous wastes, as defined by the administrator of the Environmental Protection Agency, shall be exempt from the requirements of this subsection.

C. Any permit shall contain the conditions or requirements required by the Board's regulations and the federal acts.

D. Upon the issuance of an emergency permit for the storage of hazardous waste, the Director shall notify the chief administrative officer of the local government for the jurisdiction in which the permit has been issued.

E. The Director may deny an application under this article on any grounds for which a permit may be amended, suspended or revoked listed under subsection A of § 10.1-1427.

F. Any locality or state agency may collect hazardous waste from exempt small quantity generators for shipment to a permitted treatment or disposal facility if done in accordance with (i) a permit to store, treat, or dispose of hazardous waste issued pursuant to this chapter or (ii) a permit to transport hazardous waste, and the wastes collected are stored for no more than 10 days prior to shipment to a permitted treatment or disposal facility. If household hazardous waste is collected and managed with hazardous wastes collected from exempt small quantity generators, all waste shall be managed in accordance with the provisions of this subsection.

CHAPTER 140

An Act to amend and reenact § 29.1-530.1 of the Code of Virginia, relating to wearing blaze orange during muzzle-loading rifle season.

[H 857]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-530.1 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-530.1. Blaze orange clothing required at certain times.

During any firearms deer season, except during the special season for hunting deer with a muzzle-loading rifle only, in counties and cities designated by the Board, every hunter, ~~or any~~ and every person accompanying a hunter, shall wear a blaze orange hat, except that the bill or brim of the hat may be a color or design other than solid blaze orange, or blaze orange upper body clothing, that is visible from 360 degrees or display at least 100 square inches of solid blaze orange material at shoulder level within body reach visible from 360 degrees.

During the special season for hunting deer with a muzzle-loading rifle only, in counties and cities designated by the Board, every muzzleloader deer hunter and every person accompanying a muzzleloader deer hunter shall wear a blaze orange hat, except that the bill or brim of the hat may be a color or design other than solid blaze orange, or blaze orange upper body clothing, that is visible from 360 degrees, except when any such person is physically located in a tree stand or other stationary hunting location.

Any person violating the provisions of this section shall, upon conviction, pay a fine of \$25.

Violations of this section shall not be admissible in any civil action for personal injury or death as evidence of negligence, contributory negligence or assumption of the risk.

This section shall not apply when (i) hunting waterfowl from stationary or floating blinds, (ii) hunting waterfowl over decoys, (iii) hunting waterfowl in wetlands as defined in § 28.2-1300, (iv) hunting waterfowl from a boat or other floating

conveyance, (v) hunting doves, (vi) participating in hunting dog field trials permitted by the Board of Game and Inland Fisheries, (vii) on horseback while hunting foxes with hounds but without firearms, or (viii) hunting with a bow and arrow in areas where the discharge of firearms is prohibited by state law or local ordinance.

CHAPTER 141

An Act to amend and reenact § 10.1-1152 of the Code of Virginia, relating to establishing fee structure for forest-based activities.

[H 858]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1152 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-1152. State Forester may require permits and fees.

A. The State Forester is authorized to require any person who ~~hunts, fishes, traps, rides bikes, or rides horses~~ engages in certain activities authorized by regulations promulgated by the Department on any of the lands described in § 10.1-1151 to obtain a special use permit. A special use permit to engage in these activities on any such lands shall be issued for a fee established by regulations promulgated by the Department.

B. The State Forester is also authorized to enter into an agreement with the Department of Game and Inland Fisheries under which the Department of Game and Inland Fisheries will include permits required under subsection A in its program for the sale of permits and licenses by the means and to the extent authorized by § 29.1-327.

2. That the Department of Forestry shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment. Until the effective date of such regulations, a fee not to exceed \$15 shall be charged for the issuance of a special use permit for hunting, fishing, trapping, riding bikes, and riding horses.

CHAPTER 142

An Act to repeal § 28.2-304 of the Code of Virginia, relating to channel bass (red drum).

[H 909]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-304 of the Code of Virginia is repealed.

CHAPTER 143

An Act to amend and reenact §§ 28.2-104.1, 28.2-1302, and 28.2-1403 of the Code of Virginia, relating to living shoreline general permits.

[H 911]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 28.2-104.1, 28.2-1302, and 28.2-1403 of the Code of Virginia are amended and reenacted as follows:

§ 28.2-104.1. Living shorelines; development of general permit; guidance.

A. As used in this section, unless the context requires a different meaning:

"Living shoreline" means a shoreline management practice that provides erosion control and water quality benefits; protects, restores or enhances natural shoreline habitat; and maintains coastal processes through the strategic placement of plants, stone, sand fill, and other structural and organic materials.

B. The Commission, in cooperation with the Department of Conservation and Recreation, *the Department of Environmental Quality*, and *local wetlands boards*, and with technical assistance from the Virginia Institute of Marine Science, shall establish and implement a general permit regulation that authorizes and encourages the use of living shorelines as the preferred alternative for stabilizing tidal shorelines in the Commonwealth. *The regulation shall provide for an expedited permit review process for qualifying living shoreline projects requiring authorization under Chapters 12 (§ 28.2-1200 et seq.), 13 (§ 28.2-1300 et seq.), and 14 (§ 28.2-1400 et seq.).* In developing the general permit, the Commission shall consult with the U.S. Army Corps of Engineers to ensure the minimization of conflicts with federal law and regulation.

C. The Commission, in cooperation with the Department of Conservation and Recreation and with technical assistance from the Virginia Institute of Marine Science, shall develop integrated guidance for the management of tidal shoreline systems to provide a technical basis for the coordination of permit decisions required by any regulatory entity exercising authority over a shoreline management project. The guidance shall:

1. Communicate to stakeholders and regulatory authorities that it is the policy of the Commonwealth to support living shorelines as the preferred alternative for stabilizing tidal shorelines;
2. Identify preferred shoreline management approaches for the shoreline types found in the Commonwealth;
3. Explain the risks and benefits of protection provided by various shoreline system elements associated with each management option; and
4. Recommend procedures to achieve efficiency and effectiveness by the various regulatory entities exercising authority over a shoreline management project.

§ 28.2-1302. Adoption of wetlands zoning ordinance; terms of ordinance.

Any county, city or town may adopt the following ordinance, which, after October 1, 1992, shall serve as the only wetlands zoning ordinance under which any wetlands board is authorized to operate. Any county, city, or town which has adopted the ordinance prior to October 1, 1992, shall amend the ordinance to conform it to the ordinance contained herein by October 1, 1992.

Wetlands Zoning Ordinance

§ 1. The governing body of, acting pursuant to Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 of the Code of Virginia, adopts this ordinance regulating the use and development of wetlands.

§ 2. As used in this ordinance, unless the context requires a different meaning:

"Back Bay and its tributaries" means the following, as shown on the United States Geological Survey Quadrangle Sheets for Virginia Beach, North Bay, and Knotts Island: Back Bay north of the Virginia-North Carolina state line; Capsies Creek north of the Virginia-North Carolina state line; Deal Creek; Devil Creek; Nawney Creek; Redhead Bay, Sand Bay, Shipp's Bay, North Bay, and the waters connecting them; Beggars Bridge Creek; Muddy Creek; Ashville Bridge Creek; Hells Point Creek; Black Gut; and all coves, ponds and natural waterways adjacent to or connecting with the above-named bodies of water.

"Commission" means the Virginia Marine Resources Commission.

"Commissioner" means the Commissioner of Marine Resources.

"Governmental activity" means any of the services provided by this (county, city, or town) to its citizens for the purpose of maintaining this (county, city, or town), including but not limited to such services as constructing, repairing and maintaining roads; providing sewage facilities and street lights; supplying and treating water; and constructing public buildings.

"Nonvegetated wetlands" means unvegetated lands lying contiguous to mean low water and between mean low water and mean high water, including those unvegetated areas of Back Bay and its tributaries and the North Landing River and its tributaries subject to flooding by normal and wind tides but not hurricane or tropical storm tides.

"North Landing River and its tributaries" means the following, as shown on the United States Geological Survey Quadrangle Sheets for Pleasant Ridge, Creeds, and Fentress: the North Landing River from the Virginia-North Carolina line to Virginia Highway 165 at North Landing Bridge; the Chesapeake and Albemarle Canal from Virginia Highway 165 at North Landing Bridge to the locks at Great Bridge; and all named and unnamed streams, creeks and rivers flowing into the North Landing River and the Chesapeake and Albemarle Canal except West Neck Creek north of Indian River Road, Pocatoy River west of Blackwater Road, Blackwater River west of its forks located at a point approximately 6400 feet due west of the point where Blackwater Road crosses the Blackwater River at the village of Blackwater, and Millbank Creek west of Blackwater Road.

"Person" means any individual, corporation, partnership, association, company, business, trust, joint venture, or other legal entity.

"Vegetated wetlands" means lands lying between and contiguous to mean low water and an elevation above mean low water equal to the factor one and one-half times the mean tide range at the site of the proposed project in the county, city, or town in question, and upon which is growing any of the following species: saltmarsh cordgrass (*Spartina alterniflora*), saltmeadow hay (*Spartina patens*), saltgrass (*Distichlis spicata*), black needlerush (*Juncus roemerianus*), saltwort (*Salicornia* spp.), sea lavender (*Limonium* spp.), marsh elder (*Iva frutescens*), groundsel bush (*Baccharis halimifolia*), wax myrtle (*Myrica* sp.), sea oxeye (*Borrchia frutescens*), arrow arum (*Peltandra virginica*), pickerelweed (*Pontederia cordata*), big cordgrass (*Spartina cynosuroides*), rice cutgrass (*Leersia oryzoides*), wildrice (*Zizania aquatica*), bulrush (*Scirpus validus*), spikerush (*Eleocharis* sp.), sea rocket (*Cakile edentula*), southern wildrice (*Zizaniopsis miliacea*), cattail (*Typha* spp.), three-square (*Scirpus* spp.), buttonbush (*Cephalanthus occidentalis*), bald cypress (*Taxodium distichum*), black gum (*Nyssa sylvatica*), tupelo (*Nyssa aquatica*), dock (*Rumex* spp.), yellow pond lily (*Nuphar* sp.), marsh fleabane (*Pluchea purpurascens*), royal fern (*Osmunda regalis*), marsh hibiscus (*Hibiscus moscheutos*), beggar's tick (*Bidens* sp.), smartweed (*Polygonum* sp.), arrowhead (*Sagittaria* spp.), sweet flag (*Acorus calamus*), water hemp (*Amaranthus cannabinus*), reed grass (*Phragmites communis*), or switch grass (*Panicum virgatum*).

"Vegetated wetlands of Back Bay and its tributaries" or "vegetated wetlands of the North Landing River and its tributaries" means all marshes subject to flooding by normal and wind tides but not hurricane or tropical storm tides, and upon which is growing any of the following species: saltmarsh cordgrass (*Spartina alterniflora*), saltmeadow hay (*Spartina patens*), black needlerush (*Juncus roemerianus*), marsh elder (*Iva frutescens*), groundsel bush (*Baccharis halimifolia*), wax myrtle (*Myrica* sp.), arrow arum (*Peltandra virginica*), pickerelweed (*Pontederia cordata*), big cordgrass (*Spartina cynosuroides*), rice cutgrass (*Leersia oryzoides*), wildrice (*Zizania aquatica*), bulrush (*Scirpus validus*), spikerush (*Eleocharis* sp.), cattail (*Typha* spp.), three-square (*Scirpus* spp.), dock (*Rumex* sp.), smartweed (*Polygonum* sp.), yellow

pond lily (*Nuphar* sp.), royal fern (*Osmunda regalis*), marsh hibiscus (*Hibiscus moscheutos*), beggar's tick (*Bidens* sp.), arrowhead (*Sagittaria* sp.), water hemp (*Amaranthus cannabinus*), reed grass (*Phragmites communis*), or switch grass (*Panicum virgatum*).

"Wetlands" means both vegetated and nonvegetated wetlands.

"Wetlands board" or "board" means a board created pursuant to § 28.2-1303 of the Code of Virginia.

§ 3. The following uses of and activities in wetlands are authorized if otherwise permitted by law:

1. The construction and maintenance of noncommercial catwalks, piers, boathouses, boat shelters, fences, duckblinds, wildlife management shelters, footbridges, observation decks and shelters and other similar structures, provided that such structures are so constructed on pilings as to permit the reasonably unobstructed flow of the tide and preserve the natural contour of the wetlands;

2. The cultivation and harvesting of shellfish, and worms for bait;

3. Noncommercial outdoor recreational activities, including hiking, boating, trapping, hunting, fishing, shellfishing, horseback riding, swimming, skeet and trap shooting, and shooting on shooting preserves, provided that no structure shall be constructed except as permitted in subdivision 1 of this section;

4. Other outdoor recreational activities, provided they do not impair the natural functions or alter the natural contour of the wetlands;

5. Grazing, haying, and cultivating and harvesting agricultural, forestry or horticultural products;

6. Conservation, repletion and research activities of the Commission, the Virginia Institute of Marine Science, the Department of Game and Inland Fisheries and other conservation-related agencies;

7. The construction or maintenance of aids to navigation which are authorized by governmental authority;

8. Emergency measures decreed by any duly appointed health officer of a governmental subdivision acting to protect the public health;

9. The normal maintenance and repair of, or addition to, presently existing roads, highways, railroad beds, or facilities abutting on or crossing wetlands, provided that no waterway is altered and no additional wetlands are covered;

10. Governmental activity in wetlands owned or leased by the Commonwealth or a political subdivision thereof; ~~and~~

11. The normal maintenance of man-made drainage ditches, provided that no additional wetlands are covered. This subdivision does not authorize the construction of any drainage ditch; *and*

12. *The construction of living shoreline projects authorized pursuant to a general permit developed under subsection B of § 28.2-104.1.*

§ 4. A. Any person who desires to use or develop any wetland within this (county, city, or town), other than for the purpose of conducting the activities specified in § 3 of this ordinance, shall first file an application for a permit directly with the wetlands board or with the Commission.

B. The permit application shall include the following: the name and address of the applicant; a detailed description of the proposed activities; a map, drawn to an appropriate and uniform scale, showing the area of wetlands directly affected, the location of the proposed work thereon, the area of existing and proposed fill and excavation, the location, width, depth and length of any proposed channel and disposal area, and the location of all existing and proposed structures, sewage collection and treatment facilities, utility installations, roadways, and other related appurtenances or facilities, including those on adjacent uplands; a description of the type of equipment to be used and the means of equipment access to the activity site; the names and addresses of owners of record of adjacent land and known claimants of water rights in or adjacent to the wetland of whom the applicant has notice; an estimate of cost; the primary purpose of the project; any secondary purposes of the project, including further projects; the public benefit to be derived from the proposed project; a complete description of measures to be taken during and after the alteration to reduce detrimental offsite effects; the completion date of the proposed work, project, or structure; and such additional materials and documentation as the wetlands board may require.

C. A nonrefundable processing fee shall accompany each permit application. The fee shall be set by the applicable governing body with due regard for the services to be rendered, including the time, skill, and administrator's expense involved.

§ 5. All applications, maps, and documents submitted shall be open for public inspection at the office designated by the applicable governing body and specified in the advertisement for public hearing required under § 6 of this ordinance.

§ 6. Not later than sixty days after receipt of a complete application, the wetlands board shall hold a public hearing on the application. The applicant, local governing body, Commissioner, owner of record of any land adjacent to the wetlands in question, known claimants of water rights in or adjacent to the wetlands in question, the Virginia Institute of Marine Science, the Department of Game and Inland Fisheries, the Water Control Board, the Department of Transportation, and any governmental agency expressing an interest in the application shall be notified of the hearing. The board shall mail these notices not less than twenty days prior to the date set for the hearing. The wetlands board shall also cause notice of the hearing to be published at least once a week for two weeks prior to such hearing in a newspaper of general circulation in this (county, city, or town). The published notice shall specify the place or places within this (county, city, or town) where copies of the application may be examined. The costs of publication shall be paid by the applicant.

§ 7. A. Approval of a permit application shall require the affirmative vote of three members of a five-member board or four members of a seven-member board.

B. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. Any person may testify at the public hearing. Each witness at the hearing may submit a concise written statement of his testimony. The board shall make a record of the proceeding, which shall include the application, any written statements of witnesses, a summary of statements of all witnesses, the findings and decision of the board, and the rationale for the decision.

C. The board shall make its determination within thirty days of the hearing. If the board fails to act within that time, the application shall be deemed approved. Within forty-eight hours of its determination, the board shall notify the applicant and the Commissioner of its determination. If the board fails to make a determination within the thirty-day period, it shall promptly notify the applicant and the Commission that the application is deemed approved. For purposes of this section, "act" means taking a vote on the application. If the application receives less than four affirmative votes from a seven-member board or less than three affirmative votes from a five-member board, the permit shall be denied.

D. If the board's decision is reviewed or appealed, the board shall transmit the record of its hearing to the Commissioner. Upon a final determination by the Commission, the record shall be returned to the board. The record shall be open for public inspection at the same office as was designated under § 5 of this ordinance.

§ 8. The board may require a reasonable bond or letter of credit in an amount and with surety and conditions satisfactory to it, securing to the Commonwealth compliance with the conditions and limitations set forth in the permit. The board may, after a hearing held pursuant to this ordinance, suspend or revoke a permit if the applicant has failed to comply with any of the conditions or limitations set forth in the permit or has exceeded the scope of the work described in the application. The board may, after a hearing, suspend a permit if the applicant fails to comply with the terms and conditions set forth in the application.

§ 9. In fulfilling its responsibilities under this ordinance, the board shall preserve and prevent the despoliation and destruction of wetlands within its jurisdiction while accommodating necessary economic development in a manner consistent with wetlands preservation.

§ 10. A. In deciding whether to grant, grant in modified form or deny a permit, the board shall consider the following:

1. The testimony of any person in support of or in opposition to the permit application;
2. The impact of the proposed development on the public health, safety, and welfare; and

3. The proposed development's conformance with standards prescribed in § 28.2-1308 of the Code of Virginia and guidelines promulgated pursuant to § 28.2-1301 of the Code of Virginia.

B. The board shall grant the permit if all of the following criteria are met:

1. The anticipated public and private benefit of the proposed activity exceeds its anticipated public and private detriment.

2. The proposed development conforms with the standards prescribed in § 28.2-1308 of the Code of Virginia and guidelines promulgated pursuant to § 28.2-1301 of the Code of Virginia.

3. The proposed activity does not violate the purposes and intent of this ordinance or Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 of the Code of Virginia.

C. If the board finds that any of the criteria listed in subsection B of this section are not met, the board shall deny the permit application but allow the applicant to resubmit the application in modified form.

§ 11. The permit shall be in writing, signed by the chairman of the board or his authorized representative, and notarized. A copy of the permit shall be transmitted to the Commissioner.

§ 12. No permit shall be granted without an expiration date established by the board. Upon proper application, the board may extend the permit expiration date.

§ 13. No permit granted by a wetlands board shall in any way affect the applicable zoning and land use ordinances of this (county, city, or town) or the right of any person to seek compensation for any injury in fact incurred by him because of the proposed activity.

§ 28.2-1403. Certain counties, cities and towns authorized to adopt coastal primary sand dune ordinance.

Any of the following counties, cities and towns which adopt a wetlands zoning ordinance pursuant to § 28.2-1302 may adopt the coastal primary sand dune zoning ordinance which is set out in this section: the Counties of Accomack, Arlington, Caroline, Charles City, Chesterfield, Essex, Fairfax, Gloucester, Hanover, Henrico, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Mathews, Middlesex, New Kent, Northampton, Northumberland, Prince George, Prince William, Richmond, Spotsylvania, Stafford, Surry, Westmoreland, and York; and the Cities of Alexandria, Chesapeake, Colonial Heights, Fairfax, Falls Church, Fredericksburg, Hampton, Hopewell, Newport News, Norfolk, Petersburg, Poquoson, Portsmouth, Richmond, Suffolk, Virginia Beach and Williamsburg; and the Town of Cape Charles. In the event that a locality has not adopted a wetlands zoning ordinance pursuant to Chapter 13 (§ 28.2-1300 et seq.) or repeals it if already adopted, such locality may adopt or continue to administer the ordinance contained herein provided the locality appoints a wetlands board following the procedure specified in § 28.2-1303. Any county or city which has adopted the Coastal Primary Sand Dune Zoning Ordinance prior to October 1, 1992, shall amend the ordinance to conform it to the ordinance contained herein by October 1, 1992. The following ordinance is the only coastal primary sand dune zoning ordinance under which any board shall operate after October 1, 1992.

Coastal Primary Sand Dune Zoning Ordinance

§ 1. The governing body of, acting pursuant to Chapter 14 (§ 28.2-1400 et seq.) of Title 28.2 of the Code of Virginia, adopts this ordinance regulating the use and development of coastal primary sand dunes. Whenever coastal primary sand dunes are referred to in this ordinance, such references shall also include beaches.

§ 2. As used in this ordinance, unless the context requires a different meaning:

"Beach" means the shoreline zone comprised of unconsolidated sandy material upon which there is a mutual interaction of the forces of erosion, sediment transport and deposition that extends from the low water line landward to where there is a marked change in either material composition or physiographic form such as a dune, bluff, or marsh, or where no such change can be identified, to the line of woody vegetation (usually the effective limit of stormwaves), or the nearest impermeable man-made structure, such as a bulkhead, revetment, or paved road.

"Coastal primary sand dune" or "dune" means a mound of unconsolidated sandy soil which is contiguous to mean high water, whose landward and lateral limits are marked by a change in grade from ten percent or greater to less than ten percent, and upon which is growing any of the following species: American beach grass (*Ammophila breviligulata*); beach heather (*Hudsonia tomentosa*); dune bean (*Strophostyles* spp.); dusty miller (*Artemisia stelleriana*); saltmeadow hay (*Spartina patens*); seabeach sandwort (*Honckenya peploides*); sea oats (*Uniola paniculata*); sea rocket (*Cakile edentula*); seaside goldenrod (*Solidago sempervirens*); Japanese sedge or Asiatic sand sedge (*Carex kobomugi*); Virginia pine (*Pinus virginiana*); broom sedge (*Andropogon virginicus*); and short dune grass (*Panicum amarum*). For purposes of this ordinance, "coastal primary sand dune" shall not include any mound of sand, sandy soil, or dredge spoil deposited by any person for the purpose of temporary storage, beach replenishment or beach nourishment, nor shall the slopes of any such mound be used to determine the landward or lateral limits of a coastal primary sand dune.

"Commission" means the Virginia Marine Resources Commission.

"Commissioner" means the Commissioner of Marine Resources.

"County, city and town" means the governing body of the county, city and town.

"Governmental activity" means any of the services provided by the Commonwealth or a county, city or town to its citizens for the purpose of maintaining public facilities, including but not limited to, such services as constructing, repairing, and maintaining roads; providing street lights and sewage facilities; supplying and treating water; and constructing public buildings.

"Wetlands board" or "board" means the board created pursuant to § 28.2-1303 of the Code of Virginia.

§ 3. The following uses of and activities in dunes are authorized if otherwise permitted by law:

1. The construction and maintenance of noncommercial walkways which do not alter the contour of the coastal primary sand dune;
2. The construction and maintenance of observation platforms which are not an integral part of any dwelling and which do not alter the contour of the coastal primary sand dune;
3. The planting of beach grasses or other vegetation for the purpose of stabilizing coastal primary sand dunes;
4. The placement of sand fences or other material on or adjacent to coastal primary sand dunes for the purpose of stabilizing such features, except that this provision shall not be interpreted to authorize the placement of any material which presents a public health or safety hazard;
5. Sand replenishment activities of any private or public concern, provided no sand shall be removed from any coastal primary sand dune unless authorized by lawful permit;
6. The normal maintenance of any groin, jetty, riprap, bulkhead, or other structure designed to control beach erosion which may abut a coastal primary sand dune;
7. The normal maintenance or repair of existing roads, highways, railroad beds, and facilities of the United States, this Commonwealth or any of its counties or cities, or of any person, provided no coastal primary sand dunes are altered;
8. Outdoor recreational activities, provided the activities do not alter the natural contour of the coastal primary sand dune or destroy the vegetation growing thereon;
9. The conservation and research activities of the Commission, Virginia Institute of Marine Science, Department of Game and Inland Fisheries, and other conservation-related agencies;
10. The construction and maintenance of aids to navigation which are authorized by governmental authority;
11. Activities pursuant to any emergency declaration by the governing body of any local government or the Governor of the Commonwealth or any public health officer for the purposes of protecting the public health and safety; ~~and~~
12. Governmental activity in coastal primary sand dunes owned or leased by the Commonwealth or a political subdivision thereof; *and*
13. *The construction of living shoreline projects authorized pursuant to a general permit developed under subsection B of § 28.2-104.1.*

§ 4. A. Any person who desires to use or alter any coastal primary sand dune within this (county, city or town), other than for the purpose of conducting the activities specified in § 3 of this ordinance, shall first file an application directly with the wetlands board or with the Commission.

B. The permit application shall include the following: the name and address of the applicant; a detailed description of the proposed activities and a map, drawn to an appropriate and uniform scale, showing the area of dunes directly affected, the location of the proposed work thereon, the area of any proposed fill and excavation, the location, width, depth and length of any disposal area, and the location of all existing and proposed structures, sewage collection and treatment facilities, utility installations, roadways, and other related appurtenances or facilities, including those on adjacent uplands; a

description of the type of equipment to be used and the means of equipment access to the activity site; the names and addresses of owners of record of adjacent land; an estimate of cost; the primary purpose of the project; any secondary purposes of the project, including further projects; the public benefit to be derived from the proposed project; a complete description of measures to be taken during and after the alteration to reduce detrimental offsite effects; the completion date of the proposed work, project, or structure; and such additional materials and documentation as the wetlands board may require.

C. A nonrefundable processing fee shall accompany each permit application. The fee shall be set by the applicable governing body with due regard for the services to be rendered, including the time, skill, and administrator's expense. No person shall be required to file two separate applications for permits if the proposed project will require permits under this ordinance and Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 of the Code of Virginia. Under those circumstances, the fee shall be established pursuant to this ordinance.

§ 5. All applications, maps, and documents submitted shall be open for public inspection at the office of the recording officer of this (county, city or town).

§ 6. Not later than sixty days after receipt of a complete application, the wetlands board shall hold a public hearing on the application. The applicant, local governing body, Commissioner, owner of record of any land adjacent to the coastal primary sand dunes in question, the Virginia Institute of Marine Science, the Department of Game and Inland Fisheries, the State Water Control Board, the Department of Transportation, and any governmental agency expressing an interest in the application shall be notified of the hearing. The board shall mail these notices not less than twenty days prior to the date set for the hearing. The wetlands board shall also cause notice of the hearing to be published at least once a week for two weeks prior to such hearing in a newspaper of general circulation in this (county, city or town). The costs of publication shall be paid by the applicant.

§ 7. A. Approval of a permit application shall require the affirmative vote of three members of a five-member board or four members of a seven-member board.

B. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. Any person may appear and be heard at the public hearing. Each witness at the hearing may submit a concise written statement of his testimony. The board shall make a record of the proceeding, which shall include the application, any written statements of witnesses, a summary of statements of all witnesses, the findings and decision of the board, and the rationale for the decision.

C. The board shall make its determination within thirty days of the hearing. If the board fails to act within that time, the application shall be deemed approved. Within forty-eight hours of its determination, the board shall notify the applicant and the Commissioner of its determination. If the board fails to make a determination within the thirty-day period, it shall promptly notify the applicant and the Commission that the application is deemed approved.

D. If the board's decision is reviewed or appealed, the board shall transmit the record of its hearing to the Commissioner. Upon a final determination by the Commission, the record shall be returned to the board. The record shall be open for public inspection at the office of the recording officer of this (county, city or town).

§ 8. The board may require a reasonable bond or letter of credit in an amount and with surety and conditions satisfactory to it, securing to the Commonwealth compliance with the conditions and limitations set forth in the permit. The board may, after a hearing held pursuant to this ordinance, suspend or revoke a permit if the applicant has failed to comply with any of the conditions or limitations set forth in the permit or has exceeded the scope of the work described in the application. The board may, after a hearing, suspend a permit if the applicant fails to comply with the terms and conditions set forth in the application.

§ 9. In fulfilling its responsibilities under this ordinance, the board shall preserve and protect coastal primary sand dunes and beaches and prevent their despoliation and destruction. However, whenever practical, the board shall accommodate necessary economic development in a manner consistent with the protection of these features.

§ 10. A. In deciding whether to grant, grant in modified form, or deny a permit, the board shall consider the following:

1. The testimony of any person in support of or in opposition to the permit application;
2. The impact of the proposed development on the public health, safety, and welfare; and
3. The proposed development's conformance with standards prescribed in § 28.2-1408 of the Code of Virginia and guidelines promulgated pursuant to § 28.2-1401 of the Code of Virginia.

B. The board shall grant the permit if all of the following criteria are met:

1. The anticipated public and private benefit of the proposed activity exceeds its anticipated public and private detriment.
2. The proposed development conforms with the standards prescribed in § 28.2-1408 of the Code of Virginia and guidelines promulgated pursuant to § 28.2-1401 of the Code of Virginia.
3. The proposed activity does not violate the purposes and intent of this ordinance or Chapter 14 (§ 28.2-1400 et seq.) of Title 28.2 of the Code of Virginia.

C. If the board finds that any of the criteria listed in subsection B of this section are not met, the board shall deny the permit application but allow the applicant to resubmit the application in modified form.

§ 11. The permit shall be in writing, signed by the chairman of the board, and notarized. A copy of the permit shall be transmitted to the Commissioner.

§ 12. No permit shall be granted without an expiration date established by the board. Upon proper application, the board may extend the permit expiration date.

§ 13. No permit granted by a wetlands board shall in any way affect the right of any person to seek compensation for any injury in fact incurred by him because of the permitted activity.

CHAPTER 144

An Act to amend and reenact § 10.1-1230 of the Code of Virginia, relating to the definition of bona fide prospective purchaser of a brownfield site.

[H 968]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1230 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-1230. Definitions.

As used in this chapter:

"Authority" means the Virginia Resources Authority.

"Bona fide prospective purchaser" means a person *or a tenant of a person* who acquires ownership, or proposes to acquire ownership, of real property after the release of hazardous substances occurred.

"Brownfield" means real property; the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

"Cost" as applied to any project financed under the provisions of this chapter, means the reasonable and necessary costs incurred for carrying out all works and undertakings necessary or incident to the accomplishment of any project. It includes, without limitation, all necessary developmental, planning and feasibility studies, surveys, plans and specifications; architectural, engineering, financial, legal or other special services; site assessments, remediation, containment, and demolition or removal of existing structures; the costs of acquisition of land and any buildings and improvements thereon, including the discharge of any obligation of the seller of such land, buildings or improvements; labor; materials, machinery and equipment; the funding of accounts and reserves that the Authority may require; the reasonable costs of financing incurred by the local government in the course of the development of the project; carrying charges incurred prior to completion of the project, and the cost of other items that the Authority determines to be reasonable and necessary.

"Department" means the Department of Environmental Quality.

"Director" means the Director of the Department of Environmental Quality.

"Fund" means the Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund.

"Innocent land owner" means a person who holds any title, security interest or any other interest in a brownfield site and who acquired ownership of the real property after the release of hazardous substances occurred.

"Local government" means any county, city, town, municipal corporation, authority, district, commission, or political subdivision of the Commonwealth created by the General Assembly or otherwise created pursuant to the laws of the Commonwealth or any combination of the foregoing.

"Partnership" means the Virginia Economic Development Partnership.

"Person" means an individual, corporation, partnership, association, governmental body, municipal corporation, public service authority, or any other legal entity.

"Project" means all or any part of the following activities necessary or desirable for the restoration and redevelopment of a brownfield site: (i) environmental or cultural resource site assessments, (ii) monitoring, remediation, cleanup, or containment of property to remove hazardous substances, hazardous wastes, solid wastes or petroleum, (iii) the lawful and necessary removal of human remains, the appropriate treatment of grave sites, and the appropriate and necessary treatment of significant archaeological resources, or the stabilization or restoration of structures listed on or eligible for the Virginia Historic Landmarks Register, (iv) demolition and removal of existing structures, or other site work necessary to make a site or certain real property usable for economic development, and (v) development of a remediation and reuse plan.

CHAPTER 145

An Act to amend and reenact §§ 45.1-161.3 and 45.1-161.21 of the Code of Virginia, relating to mine safety, reciprocal agreements.

[H 1014]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 45.1-161.3 and 45.1-161.21 of the Code of Virginia are amended and reenacted as follows:

§ 45.1-161.3. Powers of Department.

The Department shall have the following powers, all of which, with the approval of the Director, may be exercised by any division of the Department with respect to matters assigned to that division:

1. To employ the personnel required to carry out the purposes of this title;
2. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this title, including, but not limited to, *reciprocal agreements with responsible officers of other states and* contracts with the private sector, the United States, other state agencies, and governmental subdivisions of the Commonwealth;
3. To accept grants from the United States government and agencies and instrumentalities thereof and any other source. To these ends, the Department shall have the power to comply with any conditions and execute any agreements that are necessary, convenient or desirable;
4. To promulgate regulations necessary or incidental to the performance of duties or execution of powers conferred under this title and other relevant chapters, which regulations shall be promulgated by the Department, the Chief, or the Director, as appropriate, in accordance with the provisions of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act; and
5. To do all acts necessary or convenient to carry out the purposes of this title.

§ 45.1-161.21. Duties of the Chief.

- A. The Chief shall supervise execution and enforcement of all laws pertaining to the health and safety of persons employed within or at coal mines within the Commonwealth, and the protection of property used in connection therewith, and to perform all other duties required pursuant to this Act.
- B. The Chief shall keep a record of all inspections of coal mines made by him and the mine inspectors. The Chief shall make a comprehensive report to the Director. The Chief shall also keep a permanent record thereof properly indexed, which record shall at all times be open to inspection by any citizen of the Commonwealth.
- C. The Chief is authorized to compel individuals to complete training that addresses the subject of a violation issued to the individual as a condition for abatement of the violation.
- D. The Chief is authorized to require operators to submit for approval action plans to address hazardous conditions or practices.
- E. For the purpose of investigating (i) an accident or (ii) a willful act resulting in a notice of violation or closure order, the Chief shall have the power to compel the attendance of witnesses and to administer oaths or affirmations. Any person who knowingly provides any false statement, representation or certification during investigations is guilty of a Class 1 misdemeanor.
- F. *The Chief shall supervise execution and enforcement of all reciprocal agreements made with responsible officers of other states that implicate any part of the Coal Mine Safety Act, Chapters 14.2 (§ 45.1-161.7 et seq.), 14.3 (§ 45.1-161.105 et seq.), and 14.4 (§ 45.1-161.253 et seq.) of Title 45.1.*

CHAPTER 146

An Act to amend and reenact § 10.1-613.4 of the Code of Virginia, relating to liability of owner or operator of a dam.

[H 1034]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-613.4 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-613.4. Liability of owner or operator.

~~Nothing~~ *A. Notwithstanding subsection B, nothing in this article, and no order, notice, approval, or advice of the Director or Board shall relieve any owner or operator of such a ~~an~~ impounding structure from any legal duties, obligations, and liabilities resulting from such ownership or operation. The owner shall be responsible for liability for damage to the property of others or injury to persons, including, but not limited to, loss of life resulting from the operation or failure of a ~~a dam~~ an impounding structure. Compliance with this article does not guarantee the safety of a ~~a dam~~ an impounding structure or relieve the owner of liability in case of a ~~a dam~~ an impounding structure failure.*

B. The owner of the land upon which an impounding structure owned, maintained, or operated by a soil and water conservation district is situated shall not be responsible for liability for damages to the property of others or injury to persons, including the loss of life, resulting from the operation or failure of the impounding structure. The provisions of this subsection shall not apply if the damages to the property of others or injury to persons is the result of an act or omission of the landowner unrelated to ownership, maintenance, or operation of the impounding structure.

CHAPTER 147

An Act to amend and reenact §§ 54.1-3301 and 54.1-3410.2 of the Code of Virginia, relating to veterinarians; dispensing compounded drug products.

[H 1035]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3301 and 54.1-3410.2 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3301. Exceptions.

This chapter shall not be construed to:

1. Interfere with any legally qualified practitioner of dentistry, or veterinary medicine or any physician acting on behalf of the Virginia Department of Health or local health departments, in the compounding of his prescriptions or the purchase and possession of drugs as he may require;

2. Prevent any legally qualified practitioner of dentistry, or veterinary medicine or any prescriber, as defined in § 54.1-3401, acting on behalf of the Virginia Department of Health or local health departments, from administering or supplying to his patients the medicines that he deems proper under the conditions of § 54.1-3303 or from causing drugs to be administered or dispensed pursuant to §§ 32.1-42.1 and 54.1-3408, *except that a veterinarian shall only be authorized to dispense a compounded drug, distributed from a pharmacy, when (i) the animal is his own patient, (ii) the animal is a companion animal as defined in regulations promulgated by the Board of Veterinary Medicine, (iii) the quantity dispensed is no more than a 72-hour supply, (iv) the compounded drug is for the treatment of an emergency condition, and (v) timely access to a compounding pharmacy is not available, as determined by the prescribing veterinarian;*

3. Prohibit the sale by merchants and retail dealers of proprietary medicines as defined in Chapter 34 (§ 54.1-3400 et seq.) of this title;

4. Prevent the operation of automated drug dispensing systems in hospitals pursuant to Chapter 34 (§ 54.1-3400 et seq.) of this title;

5. Prohibit the employment of ancillary personnel to assist a pharmacist as provided in the regulations of the Board;

6. Interfere with any legally qualified practitioner of medicine, osteopathy, or podiatry from purchasing, possessing or administering controlled substances to his own patients or providing controlled substances to his own patients in a bona fide medical emergency or providing manufacturers' professional samples to his own patients;

7. Interfere with any legally qualified practitioner of optometry, certified or licensed to use diagnostic pharmaceutical agents, from purchasing, possessing or administering those controlled substances as specified in § 54.1-3221 or interfere with any legally qualified practitioner of optometry certified to prescribe therapeutic pharmaceutical agents from purchasing, possessing, or administering to his own patients those controlled substances as specified in § 54.1-3222 and the TPA formulary, providing manufacturers' samples of these drugs to his own patients, or dispensing, administering, or selling ophthalmic devices as authorized in § 54.1-3204;

8. Interfere with any physician assistant with prescriptive authority receiving and dispensing to his own patients manufacturers' professional samples of controlled substances and devices that he is authorized, in compliance with the provisions of § 54.1-2952.1, to prescribe according to his practice setting and a written agreement with a physician or podiatrist;

9. Interfere with any licensed nurse practitioner with prescriptive authority receiving and dispensing to his own patients manufacturers' professional samples of controlled substances and devices that he is authorized, in compliance with the provisions of § 54.1-2957.01, to prescribe according to his practice setting and a written or electronic agreement with a physician;

10. Interfere with any legally qualified practitioner of medicine or osteopathy participating in an indigent patient program offered by a pharmaceutical manufacturer in which the practitioner sends a prescription for one of his own patients to the manufacturer, and the manufacturer donates a stock bottle of the prescription drug ordered at no cost to the practitioner or patient. The practitioner may dispense such medication at no cost to the patient without holding a license to dispense from the Board of Pharmacy. However, the container in which the drug is dispensed shall be labeled in accordance with the requirements of § 54.1-3410, and, unless directed otherwise by the practitioner or the patient, shall meet standards for special packaging as set forth in § 54.1-3426 and Board of Pharmacy regulations. In lieu of dispensing directly to the patient, a practitioner may transfer the donated drug with a valid prescription to a pharmacy for dispensing to the patient. The practitioner or pharmacy participating in the program shall not use the donated drug for any purpose other than dispensing to the patient for whom it was originally donated, except as authorized by the donating manufacturer for another patient meeting that manufacturer's requirements for the indigent patient program. Neither the practitioner nor the pharmacy shall charge the patient for any medication provided through a manufacturer's indigent patient program pursuant to this subdivision. A participating pharmacy, including a pharmacy participating in bulk donation programs, may charge a reasonable dispensing or administrative fee to offset the cost of dispensing, not to exceed the actual costs of such dispensing. However, if the patient is unable to pay such fee, the dispensing or administrative fee shall be waived;

11. Interfere with any legally qualified practitioner of medicine or osteopathy from providing controlled substances to his own patients in a free clinic without charge when such controlled substances are donated by an entity other than a pharmaceutical manufacturer as authorized by subdivision 10. The practitioner shall first obtain a controlled substances registration from the Board and shall comply with the labeling and packaging requirements of this chapter and the Board's regulations; or

12. Prevent any pharmacist from providing free health care to an underserved population in Virginia who (i) does not regularly practice pharmacy in Virginia, (ii) holds a current valid license or certificate to practice pharmacy in another state, territory, district or possession of the United States, (iii) volunteers to provide free health care to an underserved area of this Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) files a copy of the license or certificate issued in such other jurisdiction with the Board, (v) notifies the Board at least five business days prior to the voluntary provision of services of

the dates and location of such service, and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any pharmacist whose license has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a pharmacist who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state.

This section shall not be construed as exempting any person from the licensure, registration, permitting and record keeping requirements of this chapter or Chapter 34 of this title.

§ 54.1-3410.2. Compounding; pharmacists' authority to compound under certain conditions; labeling and record maintenance requirements.

A. A pharmacist may engage in compounding of drug products when the dispensing of such compounded products is (i) pursuant to valid prescriptions for specific patients and (ii) consistent with the provisions of § 54.1-3303 relating to the issuance of prescriptions and the dispensing of drugs.

Pharmacists shall label all compounded drug products that are dispensed pursuant to a prescription in accordance with this chapter and the Board's regulations, and shall include on the labeling an appropriate beyond-use date as determined by the pharmacist in compliance with USP-NF standards for pharmacy compounding.

B. A pharmacist may also engage in compounding of drug products in anticipation of receipt of prescriptions based on a routine, regularly observed prescribing pattern.

Pharmacists shall label all products compounded prior to dispensing with (i) the name and strength of the compounded medication or a list of the active ingredients and strengths; (ii) the pharmacy's assigned control number that corresponds with the compounding record; (iii) an appropriate beyond-use date as determined by the pharmacist in compliance with USP-NF standards for pharmacy compounding; and (iv) the quantity.

C. In accordance with the conditions set forth in subsections A and B, pharmacists shall not distribute compounded drug products for subsequent distribution or sale to other persons or to commercial entities, including distribution to pharmacies or other entities under common ownership or control with the facility in which such compounding takes place; *however, a pharmacist may distribute to a veterinarian in accordance with federal law.*

Compounded products for companion animals, as defined in regulations promulgated by the Board of Veterinary Medicine, and distributed by a pharmacy to a veterinarian for further distribution or sale to his own patients shall be limited to drugs necessary to treat an emergent condition when timely access to a compounding pharmacy is not available as determined by the prescribing veterinarian.

A pharmacist may, however, deliver compounded products dispensed pursuant to valid prescriptions to alternate delivery locations pursuant to § 54.1-3420.2.

A pharmacist may also provide compounded products to practitioners of medicine, osteopathy, podiatry, dentistry, or veterinary medicine to administer to their patients in the course of their professional practice, either personally or under their direct and immediate supervision.

Pharmacists shall label all compounded products distributed to practitioners *other than veterinarians* for administration to their patients with (i) the statement "For Administering in Prescriber Practice Location Only"; (ii) the name and strength of the compounded medication or list of the active ingredients and strengths; (iii) the facility's control number; (iv) an appropriate beyond-use date as determined by the pharmacist in compliance with USP-NF standards for pharmacy compounding; ~~and~~ (v) *the name and address of the pharmacy;* and (vi) *the quantity.*

Pharmacists shall label all compounded products for companion animals, as defined in regulations promulgated by the Board of Veterinary Medicine, and distributed to a veterinarian for either further distribution or sale to his own patient or administration to his own patient with (a) the name and strength of the compounded medication or list of the active ingredients and strengths; (b) the facility's control number; (c) an appropriate beyond-use date as determined by the pharmacist in compliance with USP-NF standards for pharmacy compounding; (d) the name and address of the pharmacy; and (e) the quantity.

D. Pharmacists shall personally perform or personally supervise the compounding process, which shall include a final check for accuracy and conformity to the formula of the product being prepared, correct ingredients and calculations, accurate and precise measurements, appropriate conditions and procedures, and appearance of the final product.

E. Pharmacists shall ensure compliance with USP-NF standards for both sterile and non-sterile compounding.

F. Pharmacists may use bulk drug substances in compounding when such bulk drug substances:

1. Comply with the standards of an applicable United States Pharmacopoeia or National Formulary monograph, if such monograph exists, and the United States Pharmacopoeia chapter on pharmacy compounding; or are drug substances that are components of drugs approved by the FDA for use in the United States; or are otherwise approved by the FDA;

2. Are manufactured by an establishment that is registered by the FDA; or

3. Are distributed by a licensed wholesale distributor or registered nonresident wholesale distributor, or are distributed by a supplier otherwise approved by the FDA to distribute bulk drug substances if the pharmacist can establish purity and safety by reasonable means, such as lot analysis, manufacturer reputation, or reliability of the source.

G. Pharmacists may compound using ingredients that are not considered drug products in accordance with the USP-NF standards and guidance on pharmacy compounding.

H. Pharmacists shall not engage in the following:

1. The compounding for human use of a drug product that has been withdrawn or removed from the market by the FDA because such drug product or a component of such drug product has been found to be unsafe. However, this prohibition shall be limited to the scope of the FDA withdrawal;

2. The regular compounding or the compounding of inordinate amounts of any drug products that are essentially copies of commercially available drug products. However, this prohibition shall not include (i) the compounding of any commercially available product when there is a change in the product ordered by the prescriber for an individual patient, (ii) the compounding of a commercially manufactured drug only during times when the product is not available from the manufacturer or supplier, (iii) the compounding of a commercially manufactured drug whose manufacturer has notified the FDA that the drug is unavailable due to a current drug shortage, (iv) the compounding of a commercially manufactured drug when the prescriber has indicated in the oral or written prescription for an individual patient that there is an emergent need for a drug that is not readily available within the time medically necessary, or (v) the mixing of two or more commercially available products regardless of whether the end product is a commercially available product; or

3. The compounding of inordinate amounts of any preparation in cases in which there is no observed historical pattern of prescriptions and dispensing to support an expectation of receiving a valid prescription for the preparation. The compounding of an inordinate amount of a preparation in such cases shall constitute manufacturing of drugs.

I. Pharmacists shall maintain records of all compounded drug products as part of the prescription, formula record, formula book, or other log or record. Records may be maintained electronically, manually, in a combination of both, or by any other readily retrievable method.

1. In addition to other requirements for prescription records, records for products compounded pursuant to a prescription order for a single patient where only manufacturers' finished products are used as components shall include the name and quantity of all components, the date of compounding and dispensing, the prescription number or other identifier of the prescription order, the total quantity of finished product, the signature or initials of the pharmacist or pharmacy technician performing the compounding, and the signature or initials of the pharmacist responsible for supervising the pharmacy technician and verifying the accuracy and integrity of compounded products.

2. In addition to the requirements of subdivision I 1, records for products compounded in bulk or batch in advance of dispensing or when bulk drug substances are used shall include: the generic name and the name of the manufacturer of each component or the brand name of each component; the manufacturer's lot number and expiration date for each component or when the original manufacturer's lot number and expiration date are unknown, the source of acquisition of the component; the assigned lot number if subdivided, the unit or package size and the number of units or packages prepared; and the beyond-use date. The criteria for establishing the beyond-use date shall be available for inspection by the Board.

3. A complete compounding formula listing all procedures, necessary equipment, necessary environmental considerations, and other factors in detail shall be maintained where such instructions are necessary to replicate a compounded product or where the compounding is difficult or complex and must be done by a certain process in order to ensure the integrity of the finished product.

4. A formal written quality assurance plan shall be maintained that describes specific monitoring and evaluation of compounding activities in accordance with USP-NF standards. Records shall be maintained showing compliance with monitoring and evaluation requirements of the plan to include training and initial and periodic competence assessment of personnel involved in compounding, monitoring of environmental controls and equipment calibration, and any end-product testing, if applicable.

J. Practitioners who may lawfully compound drugs for administering or dispensing to their own patients pursuant to §§ 54.1-3301, 54.1-3304, and 54.1-3304.1 shall comply with all provisions of this section and the relevant Board regulations.

K. Every pharmacist-in-charge or owner of a permitted pharmacy or a registered nonresident pharmacy engaging in sterile compounding shall notify the Board of its intention to dispense or otherwise deliver a sterile compounded drug product into the Commonwealth. Upon renewal of its permit or registration, a pharmacy or nonresident pharmacy shall notify the Board of its intention to continue dispensing or otherwise delivering sterile compounded drug products into the Commonwealth. Failure to provide notification to the Board shall constitute a violation of Chapter 33 (§ 54.1-3300 et seq.) or Chapter 34 (§ 54.1-3400 et seq.). The Board shall maintain this information in a manner that will allow the production of a list identifying all such sterile compounding pharmacies.

2. That the Board of Pharmacy shall convene a workgroup to include representatives of the Board of Veterinary Medicine, the Board of Medicine, and stakeholders to include the Virginia Pharmacists Association, Virginia Society of Health-System Pharmacists, Virginia Veterinary Medicine Association, and the Virginia Society of Eye Physicians and Surgeons. The workgroup shall explore and clarify issues related to the compounding of drugs for human and animal use. The work group shall provide a report to the Chairmen of the House of Delegates' Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2014.

CHAPTER 148

An Act to amend and reenact §§ 3.2-6500, 3.2-6502, 3.2-6503, 3.2-6504, 3.2-6510, 3.2-6522, 3.2-6523, 3.2-6534, 3.2-6535, 3.2-6545, 3.2-6546, 3.2-6548, 3.2-6549, 3.2-6550, 3.2-6551, 3.2-6557, 18.2-144.2, 54.1-3423, and 54.1-3801 of the Code of Virginia, relating to animal shelters.

[H 1067]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6500, 3.2-6502, 3.2-6503, 3.2-6504, 3.2-6510, 3.2-6522, 3.2-6523, 3.2-6534, 3.2-6535, 3.2-6545, 3.2-6546, 3.2-6548, 3.2-6549, 3.2-6550, 3.2-6551, 3.2-6557, 18.2-144.2, 54.1-3423, and 54.1-3801 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-6500. Definitions.

As used in this chapter unless the context requires a different meaning:

"Abandon" means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in § 3.2-6503 for a period of five consecutive days.

"Adequate care" or "care" means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

"Adequate exercise" or "exercise" means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

"Adequate feed" means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

"Adequate shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors: (i) permit the animals' feet to pass through the openings; (ii) sag under the animals' weight; or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

"Adequate space" means sufficient space to allow each animal to: (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal; and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

"Adequate water" means provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

"Adoption" means the transfer of ownership of a dog or a cat, or any other companion animal, from a releasing agency to an individual.

"Agricultural animals" means all livestock and poultry.

"Ambient temperature" means the temperature surrounding the animal.

"Animal" means any nonhuman vertebrate species except fish. For the purposes of § 3.2-6522, animal means any species susceptible to rabies. For the purposes of § 3.2-6570, animal means any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.

"Animal control officer" means a person appointed as an animal control officer or deputy animal control officer as provided in § 3.2-6555.

~~"Animal shelter" means a facility, other than a private residential dwelling and its surrounding grounds, that is used to house or contain animals and that is owned, operated, or maintained by a nongovernmental entity including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other organization operating for the purpose of finding permanent adoptive homes for animals.~~

"Boarding establishment" means a place or establishment other than a ~~pound~~ or public or private animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee.

"Collar" means a well-fitted device, appropriate to the age and size of the animal, attached to the animal's neck in such a way as to prevent trauma or injury to the animal.

"Commercial dog breeder" means any person who, during any 12-month period, maintains 30 or more adult female dogs for the primary purpose of the sale of their offspring as companion animals.

"Companion animal" means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

"Consumer" means any natural person purchasing an animal from a dealer or pet shop or hiring the services of a boarding establishment. The term "consumer" shall not include a business or corporation engaged in sales or services.

"Dealer" means any person who in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barter companion animals. The following shall not be considered dealers: (i) any person who transports companion animals in the regular course of business as a common carrier; or (ii) any person whose primary purpose is to find permanent adoptive homes for companion animals.

"Direct and immediate threat" means any clear and imminent danger to an animal's health, safety or life.

"Dump" means to knowingly desert, forsake, or absolutely give up without having secured another owner or custodian any dog, cat, or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another.

"Emergency veterinary treatment" means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

"Enclosure" means a structure used to house or restrict animals from running at large.

"Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during such loss of consciousness.

"Exhibitor" means any person who has animals for or on public display, excluding an exhibitor licensed by the U.S. Department of Agriculture.

"Facility" means a building or portion thereof as designated by the State Veterinarian, other than a private residential dwelling and its surrounding grounds, that is used to contain a primary enclosure or enclosures in which animals are housed or kept.

"Farming activity" means, consistent with standard animal husbandry practices, the raising, management, and use of agricultural animals to provide food, fiber, or transportation and the breeding, exhibition, lawful recreational use, marketing, transportation, and slaughter of agricultural animals pursuant to such purposes.

~~"Foster care provider" means an individual a person who provides care or rehabilitation for companion animals through an affiliation with a pound, public or private animal shelter, or other home-based rescue, releasing agency, or other animal welfare organization.~~

~~"Foster home" means a private residential dwelling and its surrounding grounds, or any facility other than a public or private animal shelter, at which site through an affiliation with a pound, public or private animal shelter, or other home-based rescue, releasing agency, or other animal welfare organization care or rehabilitation is provided for companion animals.~~

"Groomer" means any person who, for a fee, cleans, trims, brushes, makes neat, manicures, or treats for external parasites any animal.

~~"Home-based rescue" means any person that accepts: (i) more than 12 companion animals; or (ii) more than nine companion animals and more than three unweaned litters of companion animals in a calendar year an animal welfare organization that takes custody of companion animals for the purpose of finding permanent adoptive homes for the companion animals facilitating adoption and houses the such companion animals in a private residential dwelling or uses foster home or a system of housing companion animals in private residential foster homes.~~

"Humane" means any action taken in consideration of and with the intent to provide for the animal's health and well-being.

"Humane investigator" means a person who has been appointed by a circuit court as a humane investigator as provided in § 3.2-6558.

"Humane society" means any incorporated, nonprofit organization that is organized for the purposes of preventing cruelty to animals and promoting humane care and treatment or adoptions of animals.

"Incorporated" means organized and maintained as a legal entity in the Commonwealth.

"Kennel" means any establishment in which five or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

"Law-enforcement officer" means any person who is a full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

"Livestock" includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; caprae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in § 3.2-2600; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

"New owner" means an individual who is legally competent to enter into a binding agreement pursuant to subdivision B 2 of § 3.2-6574, and who adopts or receives a dog or cat from a releasing agency.

"Ordinance" means any law, rule, regulation, or ordinance adopted by the governing body of any locality.

"Other officer" includes all other persons employed or elected by the people of Virginia, or by any locality, whose duty it is to preserve the peace, to make arrests, or to enforce the law.

"Owner" means any person who: (i) has a right of property in an animal; (ii) keeps or harbors an animal; (iii) has an animal in his care; or (iv) acts as a custodian of an animal.

"Pet shop" means an establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.

"Poultry" includes all domestic fowl and game birds raised in captivity.

~~"Pound" means a facility operated by the Commonwealth, or any locality, for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals; or a facility operated for the same purpose under a contract with any locality or incorporated society for the prevention of cruelty to animals.~~

"Primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

"Private animal shelter" means a facility that is used to house or contain animals and that is owned or operated by an incorporated, nonprofit, and nongovernmental entity, including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other organization operating for the purpose of finding permanent adoptive homes for animals.

"Properly cleaned" means that carcasses, debris, food waste, and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

"Properly lighted" when referring to a facility means sufficient illumination to permit routine inspections, maintenance, cleaning, and housekeeping of the facility, and observation of the animals; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the facility; and to promote the well-being of the animals.

"Properly lighted" when referring to a private residential dwelling and its surrounding grounds means sufficient illumination to permit routine maintenance and cleaning thereof, and observation of the companion animals; and to provide regular diurnal lighting cycles of either natural or artificial light to promote the well-being of the animals.

"Public animal shelter" means a facility operated by the Commonwealth, or any locality, for the purpose of impounding or sheltering seized, stray, homeless, abandoned, unwanted, or surrendered animals or a facility operated for the same purpose under a contract with any locality.

"Releasing agency" means ~~a pound~~; (i) a public animal shelter or (ii) a private animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue; that releases companion animals for adoption.

"Research facility" means any place, laboratory, or institution licensed by the U.S. Department of Agriculture at which scientific tests, experiments, or investigations involving the use of living animals are carried out, conducted, or attempted.

"Sanitize" means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health.

"Sore" means, when referring to an equine, that an irritating or blistering agent has been applied, internally or externally, by a person to any limb or foot of an equine; any burn, cut, or laceration that has been inflicted by a person to any limb or foot of an equine; any tack, nail, screw, or chemical agent that has been injected by a person into or used by a person on any limb or foot of an equine; any other substance or device that has been used by a person on any limb or foot of an equine; or a person has engaged in a practice involving an equine, and as a result of such application, infliction, injection, use, or practice, such equine suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving, except that such term does not include such an application, infliction, injection, use, or practice in connection with the therapeutic treatment of an equine by or under the supervision of

a licensed veterinarian. Notwithstanding anything contained herein to the contrary, nothing shall preclude the shoeing, use of pads, and use of action devices as permitted by 9 C.F.R. Part 11.2.

"Sterilize" or "sterilization" means a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

"Treasurer" includes the treasurer and his assistants of each county or city or other officer designated by law to collect taxes in such county or city.

"Treatment" or "adequate treatment" means the responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal.

"Veterinary treatment" means treatment by or on the order of a duly licensed veterinarian.

"Weaned" means that an animal is capable of and physiologically accustomed to ingestion of solid food or food customary for the adult of the species; and has ingested such food, without nursing, for a period of at least five days.

§ 3.2-6502. State Veterinarian's power to inspect premises where animals are kept; investigations and search warrants.

A. The State Veterinarian and each State Veterinarian's representative shall have the power to conduct inspections of *public and private* animal shelters, and inspect any business premises where animals are housed or kept, including any boarding establishment, kennel, pet shop, ~~pound~~, or the business premises of any dealer, exhibitor or groomer, at any reasonable time, for the purposes of determining if a violation of: (i) this chapter; (ii) any other state law governing the care, control or protection of animals; or (iii) any other state law governing property rights in animals has occurred.

B. Provisions for investigation of suspected violations of this chapter and other laws pertaining to animals are provided in § 3.2-6564. Provisions for obtaining a warrant and the power of search for violations of animal cruelty laws are provided in § 3.2-6568.

§ 3.2-6503. Care of companion animals by owner; penalty.

A. Each owner shall provide for each of his companion animals:

1. Adequate feed;
2. Adequate water;
3. Adequate shelter that is properly cleaned;
4. Adequate space in the primary enclosure for the particular type of animal depending upon its age, size, species, and weight;
5. Adequate exercise;
6. Adequate care, treatment, and transportation; and
7. Veterinary care when needed to prevent suffering or disease transmission.

The provisions of this section shall also apply to every ~~pound~~, *public or private* animal shelter, or other releasing agency, and every foster care provider, dealer, pet shop, exhibitor, kennel, groomer, and boarding establishment. This section shall not require that animals used as food for other animals be euthanized.

B. Violation of this section is a Class 4 misdemeanor. A second or subsequent violation of subdivision A 1, ~~A~~ 2, ~~A~~ 3, or ~~A~~ 7 is a Class 2 misdemeanor and a second or subsequent violation of subdivision A 4, ~~A~~ 5, or ~~A~~ 6 is a Class 3 misdemeanor.

§ 3.2-6504. Abandonment of animal; penalty.

No person shall abandon or dump any animal. Violation of this section is a Class 3 misdemeanor. Nothing in this section shall be construed to prohibit the release of an animal by its owner to a ~~pound~~, *public or private* animal shelter, or other releasing agency.

§ 3.2-6510. Sale of unweaned or certain immature animals prohibited, vaccinations required for dogs and cats; penalty.

A. No person shall sell, raffle, give away, or offer for sale as pets or novelties, or offer or give as a prize, premium, or advertising device any living chicks, ducklings, or other fowl under two months old in quantities of less than six or any unweaned mammalian companion animal or any dog or cat under the age of seven weeks without its dam or queen. Dealers may offer immature fowl, unweaned mammalian companion animals, dogs or cats under the age of seven weeks for sale as pets or novelties with the requirement that prospective owners take possession of the animals only after fowl have reached two months of age, mammalian companion animals have been weaned, and dogs and cats are at least seven weeks of age. Nothing in this section shall prohibit the sale, gift, or transfer of an unweaned animal: (i) as food for other animals; (ii) with the lactating dam or queen or a lactating surrogate dam or queen that has accepted the animal; (iii) due to a concern for the health or safety of the unweaned animal; or (iv) to animal control, ~~at~~ a *public or private* animal shelter, or a veterinarian.

B. Dealers shall provide all dogs and cats with current vaccinations against contagious and infectious diseases, as recommended in writing and considered appropriate for the animal's age and breed by a licensed veterinarian, or pursuant to written recommendations provided by the manufacturer of such vaccines at least five days before any new owner takes possession of the animal. For dogs, the vaccinations required by this subsection shall include at a minimum canine distemper, adenovirus type II parainfluenza, and parvovirus. For cats, the vaccinations required by this subsection shall include at a minimum rhinotracheitis, calicivirus, and panleukopenia. Dealers shall provide the new owner with the dog's or cat's immunization history.

C. A violation of this section is a Class 3 misdemeanor.

§ 3.2-6522. Rabid animals.

A. When there is sufficient reason to believe that the risk of exposure to rabies is elevated, the governing body of any locality may enact, and the local health director may recommend, an emergency ordinance that shall become effective immediately upon passage, requiring owners of all dogs and cats therein to keep the same confined on their premises unless leashed under restraint of the owner in such a manner that persons or animals will not be subject to the danger of being bitten by a rabid animal. Any such emergency ordinance enacted pursuant to the provisions of this section shall be operative for a period not to exceed 30 days unless renewed by the governing body of such locality in consultation with the local health director. The governing body of any locality shall also have the power and authority to pass ordinances restricting the running at large in their respective jurisdiction of dogs and cats that have not been inoculated or vaccinated against rabies and to provide penalties for the violation thereof.

B. Any dog or cat showing active signs of rabies or suspected of having rabies that is not known to have exposed a person, companion animal, or livestock to rabies shall be confined under competent observation for such a time as may be necessary to determine a diagnosis. If, in the discretion of the local health director, confinement is impossible or impracticable, such dog or cat shall be euthanized by one of the methods approved by the State Veterinarian as provided in § 3.2-6546. The disposition of other animals showing active signs of rabies shall be determined by the local health director and may include euthanasia and testing.

C. Every person having knowledge of the existence of an animal that is suspected to be rabid and that may have exposed a person, companion animal, or livestock to rabies shall report immediately to the local health department the existence of such animal, the place where seen, the owner's name, if known, and the signs suggesting rabies.

D. Any dog or cat; for which no proof of current rabies vaccination is available; and that may have been exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal suspected to be rabid; shall be isolated in a ~~pound~~ *public animal shelter*, kennel, or enclosure approved by the local health department for a period not to exceed six months at the expense of the owner or custodian in a manner and by a date certain as determined by the local health director. A rabies vaccination shall be administered by a licensed veterinarian prior to release. Inactivated rabies vaccine may be administered at the beginning of isolation. Any dog or cat so bitten, or exposed to rabies through saliva or central nervous system tissue, in a fresh open wound or mucous membrane with proof of current vaccination, shall be revaccinated by a licensed veterinarian immediately following the exposure and shall be confined to the premises of the owner or custodian, or other site as may be approved by the local health department at the expense of the owner or custodian, for a period of 45 days. If the local health director determines that isolation is not feasible or maintained, such dog or cat shall be euthanized by one of the methods approved by the State Veterinarian as provided in § 3.2-6546. The disposition of such dogs or cats not so confined shall be at the discretion of the local health director.

E. At the discretion of the local health director, any animal that may have exposed a person shall be confined under competent observation for 10 days at the expense of the owner or custodian, unless the animal develops active signs of rabies, expires, or is euthanized before that time. A seriously injured or sick animal may be euthanized as provided in § 3.2-6546.

F. When any suspected rabid animal, other than a dog or cat, exposes or may have exposed a person to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, decisions regarding the disposition of that animal shall be at the discretion of a local health director and may include euthanasia as provided in § 3.2-6546, or as directed by the state agency with jurisdiction over that species. When any animal, other than a dog or cat, is exposed or may have been exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal suspected to be rabid, decisions regarding the disposition of that newly exposed animal shall be at the discretion of a local health director.

G. When any animal may have exposed a person to rabies and subsequently expires due to illness or euthanasia, either within an observation period, where applicable, or as part of a public health investigation, its head or brain shall be sent to the Division of Consolidated Laboratory Services of the Department of General Services or be tested as directed by the local health department.

§ 3.2-6523. Inoculation for rabies at public or private animal shelters.

Dogs and cats being adopted from ~~an~~ *a public or private animal shelter* during the period an emergency ordinance is in force, as provided for in § 3.2-6522, may be inoculated for rabies by a certified animal technician at such shelter if the certified animal technician is under the immediate and direct supervision of a licensed veterinarian.

§ 3.2-6534. Disposition of funds.

Unless otherwise provided by ordinance of the local governing body, the treasurer of each locality shall keep all moneys collected by him for dog and cat license taxes in a separate account from all other funds collected by him. The locality shall use the funds for the following purposes:

1. The salary and expenses of the animal control officer and necessary staff;
2. The care and maintenance of a ~~pound~~ *public animal shelter*;
3. The maintenance of a rabies control program;
4. Payments as a bounty to any person neutering or spaying a dog up to the amount of one year of the license tax as provided by ordinance;
5. Payments for compensation as provided in § 3.2-6553; and
6. Efforts to promote sterilization of dogs and cats.

Any part or all of any surplus remaining in such account on December 31 of any year may be transferred by the governing body of such locality into the general fund of such locality.

§ 3.2-6535. Supplemental funds.

Localities may supplement the dog and cat license tax fund with other funds as they consider appropriate. Localities shall supplement the dog and cat license tax fund to the extent necessary to provide for the salary and expenses of the animal control officer and staff and the care and maintenance of a ~~pound~~ *public animal shelter* as provided in subdivisions 1 and 2 of § 3.2-6534.

§ 3.2-6545. Regulation of sale of animals procured from animal shelters.

Any locality that maintains or supports, in whole or in part, a ~~pound~~ *or public or private* animal shelter may by ordinance provide that no person who acquires an animal from such ~~pound~~ *or* shelter shall be able to sell the animal within a period of six months from the time the animal is acquired from the shelter. Violation of the ordinance is a Class 1 misdemeanor.

§ 3.2-6546. County or city public animal shelters; confinement and disposition of animals; affiliation with foster care providers; penalties; injunctive relief.

A. For purposes of this section:

"Animal" shall not include agricultural animals.

"Rightful owner" means a person with a right of property in the animal.

B. The governing body of each county or city shall maintain or cause to be maintained a ~~pound~~ *public animal shelter* and shall require dogs running at large without the tag required by § 3.2-6531 or in violation of an ordinance passed pursuant to § 3.2-6538 to be confined therein. Nothing in this section shall be construed to prohibit confinement of other companion animals in such a ~~pound~~ *shelter*. The governing body of any county or city need not own the facility required by this section but may contract for its establishment with a private group or in conjunction with one or more other local governing bodies. The governing body shall require that:

1. The ~~pound~~ *public animal shelter* shall be accessible to the public at reasonable hours during the week;

2. The ~~pound~~ *public animal shelter* shall obtain a signed statement from each of its directors, operators, staff, or animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment, and each ~~pound~~ *shelter* shall update such statement as changes occur;

3. If a person contacts the ~~pound~~ *public animal shelter* inquiring about a lost companion animal, the ~~pound~~ *shelter* shall advise the person if the companion animal is confined at the ~~pound~~ *shelter* or if a companion animal of similar description is confined at the ~~pound~~ *shelter*;

4. The ~~pound~~ *public animal shelter* shall maintain a written record of the information on each companion animal submitted to the ~~pound~~ *shelter* by ~~an~~ *a private* animal shelter in accordance with subsection D of § 3.2-6548 for a period of 30 days from the date the information is received by the ~~pound~~ *shelter*. If a person contacts the ~~pound~~ *shelter* inquiring about a lost companion animal, the ~~pound~~ *shelter* shall check its records and make available to such person any information submitted by ~~an~~ *a private* animal shelter or allow such person inquiring about a lost animal to view the written records;

5. The ~~pound~~ *public animal shelter* shall maintain a written record of the information on each companion animal submitted to the ~~pound~~ *shelter* by a releasing agency other than a ~~pound~~ *or public or private* animal shelter in accordance with subdivision F 2 of § 3.2-6549 for a period of 30 days from the date the information is received by the ~~pound~~ *shelter*. If a person contacts the ~~pound~~ *shelter* inquiring about a lost companion animal, the ~~pound~~ *shelter* shall check its records and make available to such person any information submitted by such releasing agency or allow such person inquiring about a lost companion animal to view the written records; and

6. The ~~pound~~ *public animal shelter* shall maintain a written record of the information on each companion animal submitted to the ~~pound~~ *shelter* by an individual in accordance with subdivision A 2 of § 3.2-6551 for a period of 30 days from the date the information is received by the ~~pound~~ *shelter*. If a person contacts the ~~pound~~ *shelter* inquiring about a lost companion animal, the ~~pound~~ *shelter* shall check its records and make available to such person any information submitted by the individual or allow such person inquiring about a lost companion animal to view the written records.

C. An animal confined pursuant to this section shall be kept for a period of not less than five days, such period to commence on the day immediately following the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner thereof.

The operator or custodian of the ~~pound~~ *public animal shelter* shall make a reasonable effort to ascertain whether the animal has a collar, tag, license, tattoo, or other form of identification. If such identification is found on the animal, the animal shall be held for an additional five days, unless sooner claimed by the rightful owner. If the rightful owner of the animal can be readily identified, the operator or custodian of the ~~pound~~ *shelter* shall make a reasonable effort to notify the owner of the animal's confinement within the next 48 hours following its confinement.

If any animal confined pursuant to this section is claimed by its rightful owner, such owner may be charged with the actual expenses incurred in keeping the animal impounded. In addition to this and any other fees that might be levied, the locality may, after a public hearing, adopt an ordinance to charge the owner of an animal a fee for impoundment and increased fees for subsequent impoundments of the same animal.

D. If an animal confined pursuant to this section has not been claimed upon expiration of the appropriate holding period as provided by subsection C, it shall be deemed abandoned and become the property of the ~~pound~~ *public animal shelter*.

Such animal may be euthanized in accordance with the methods approved by the State Veterinarian or disposed of by the methods set forth in subdivisions 1 through 5. No ~~pound~~ *shelter* shall release more than two animals or a family of animals during any 30-day period to any one person under subdivisions 2, 3, or 4.

1. Release to any humane society, *public or private* animal shelter, or other releasing agency within the Commonwealth, provided that each humane society, animal shelter, or other releasing agency obtains a signed statement from each of its directors, operators, staff, or animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment and updates such statements as changes occur;

2. Adoption by a resident of the county or city where the ~~pound~~ *shelter* is operated and who will pay the required license fee, if any, on such animal, provided that such resident has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment;

3. Adoption by a resident of an adjacent political subdivision of the Commonwealth, if the resident has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment;

4. Adoption by any other person, provided that such person has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment; and provided that no dog or cat may be adopted by any person who is not a resident of the county or city where the ~~pound~~ *shelter* is operated, or of an adjacent political subdivision, unless the dog or cat is first sterilized, and the ~~pound~~ *shelter* may require that the sterilization be done at the expense of the person adopting the dog or cat; or

5. Release for the purposes of adoption or euthanasia only, to an animal shelter, or any other releasing agency located in and lawfully operating under the laws of another state, provided that such animal shelter, or other releasing agency: (i) maintains records that would comply with § 3.2-6557; (ii) requires that adopted dogs and cats be sterilized; (iii) obtains a signed statement from each of its directors, operators, staff, and animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment, and updates such statement as changes occur; and (iv) has provided to the ~~pound~~, *public or private* animal shelter, or other releasing agency within the Commonwealth a statement signed by an authorized representative specifying the entity's compliance with clauses (i) through (iii), and the provisions of adequate care and performance of humane euthanasia, as necessary in accordance with the provisions of this chapter.

For purposes of recordkeeping, release of an animal by a ~~pound to a pound~~, *public animal shelter to a public or private* animal shelter or other releasing agency shall be considered a transfer and not an adoption. If the animal is not first sterilized, the responsibility for sterilizing the animal transfers to the receiving entity.

Any proceeds deriving from the gift, sale, or delivery of such animals shall be paid directly to the treasurer of the locality. Any proceeds deriving from the gift, sale, or delivery of such animals by ~~an~~ *a public or private* animal shelter or other releasing agency shall be paid directly to the clerk or treasurer of the animal shelter or other releasing agency for the expenses of the society and expenses incident to any agreement concerning the disposing of such animal. No part of the proceeds shall accrue to any individual except for the aforementioned purposes.

E. Nothing in this section shall prohibit the immediate euthanasia of a critically injured, critically ill, or unweaned animal for humane purposes. Any animal euthanized pursuant to the provisions of this chapter shall be euthanized by one of the methods prescribed or approved by the State Veterinarian.

F. Nothing in this section shall prohibit the immediate euthanasia or disposal by the methods listed in subdivisions 1 through 5 of subsection D of an animal that has been released to a ~~pound~~, *public or private* animal shelter, other releasing agency, or animal control officer by the animal's rightful owner after the rightful owner has read and signed a statement: (i) surrendering all property rights in such animal; (ii) stating that no other person has a right of property in the animal; and (iii) acknowledging that the animal may be immediately euthanized or disposed of in accordance with subdivisions 1 through 5 of subsection D.

G. Nothing in this section shall prohibit any feral dog or feral cat not bearing a collar, tag, tattoo, or other form of identification that, based on the written statement of a disinterested person, exhibits behavior that poses a risk of physical injury to any person confining the animal, from being euthanized after being kept for a period of not less than three days, at least one of which shall be a full business day, such period to commence on the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner. The statement of the disinterested person shall be kept with the animal as required by § 3.2-6557. For purposes of this subsection, a disinterested person shall not include a person releasing or reporting the animal.

H. No ~~pound~~ *public animal shelter* shall place a companion animal in a foster home with a foster care provider unless the foster care provider has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment, and each ~~pound~~ *shelter* shall update such statement as changes occur. The ~~pound~~ *shelter* shall maintain the original statement and any updates to such statement in accordance with this chapter and for at least so long as the ~~pound~~ *shelter* has an affiliation with the foster care provider.

I. A ~~pound~~ *public animal shelter* that places a companion animal in a foster home with a foster care provider shall ensure that the foster care provider complies with § 3.2-6503.

J. If a ~~pound~~ *public animal shelter* finds a direct and immediate threat to a companion animal placed with a foster care provider, it shall report its findings to the animal control agency in the locality where the foster care provider is located.

K. The governing body shall require that the ~~pound~~ *public animal shelter* be operated in accordance with regulations issued by the Board. If this chapter or such regulations are violated, the locality may be assessed a civil penalty by the Board or its designee in an amount that does not exceed \$1,000 per violation. Each day of the violation is a separate offense. In

determining the amount of any civil penalty, the Board or its designee shall consider: (i) the history of previous violations at the ~~pound~~ shelter; (ii) whether the violation has caused injury to, death or suffering of, an animal; and (iii) the demonstrated good faith of the locality to achieve compliance after notification of the violation. All civil penalties assessed under this section shall be recovered in a civil action brought by the Attorney General in the name of the Commonwealth. Such civil penalties shall be paid into a special fund in the state treasury to the credit of the Department to be used in carrying out the purposes of this chapter.

L. If this chapter or any laws governing ~~pounds~~ *public animal shelters* are violated, the Commissioner may bring an action to enjoin the violation or threatened violation of this chapter or the regulations pursuant thereto regarding ~~pounds~~ *public animal shelters*, in the circuit court where the ~~pound~~ shelter is located. The Commissioner may request the Attorney General to bring such an action, when appropriate.

§ 3.2-6548. Private animal shelters; confinement and disposition of animals; affiliation with foster care providers; penalties; injunctive relief.

A. ~~An~~ *A private animal shelter* may confine and dispose of animals in accordance with the provisions of subsections B through G of § 3.2-6546.

B. Each *private animal shelter* shall obtain a signed statement from each of its directors, operators, staff, and animal caregivers specifying that the individual has never been convicted of animal cruelty, neglect, or abandonment, and each ~~animal~~ shelter shall update such statement as changes occur.

C. The State Veterinarian or his representative shall inspect ~~an~~ *a private animal shelter* prior to the ~~animal~~ shelter confining or disposing of animals pursuant to this section. The ~~animal~~ shelter shall meet the requirements of all laws with regard to confinement and disposition of animals before the ~~animal~~ shelter is approved to receive animals and provide a reasonable and comfortable climate appropriate for the age, species, condition, size, and type of animal.

D. ~~An~~ *A private animal shelter* that confines an animal that has not been received from its owner shall, pursuant to this section, transmit a description of the animal including at least species, color, breed, size, sex, and other identification or markings and where the animal was found, and its contact information, including its name, address, and telephone number, to the ~~pound~~ *public animal shelter* in the county or city where the animal was found within 48 hours of the ~~animal~~ shelter receiving the animal. ~~An~~ *animal A shelter* that confines and disposes of animals pursuant to this subsection shall be accessible to the public at reasonable hours, shall have its telephone number and address listed in a telephone directory, and shall post its contact information, including at least its name, address, and telephone number, in the ~~pound~~ *public animal shelter* in the locality where the ~~animal~~ shelter is located.

E. For purposes of recordkeeping, release of an animal by ~~an~~ *animal a private shelter* to a ~~pound~~, *public or private animal shelter* or other releasing agency shall be considered a transfer and not an adoption. If the animal is not first sterilized, the responsibility for sterilizing the animal transfers to the receiving entity.

F. No *private animal shelter* shall place a companion animal in a foster home with a foster care provider unless the foster care provider has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment, and the ~~animal~~ shelter shall update the statement as changes occur. The ~~animal~~ shelter shall maintain the original statement and any updates to such statement in accordance with this chapter and for at least so long as the ~~animal~~ shelter has an affiliation with the foster care provider.

G. ~~An~~ *A private animal shelter* that places a companion animal in a foster home with a foster care provider shall ensure that the foster care provider complies with § 3.2-6503.

H. If ~~an~~ *a private animal shelter* finds a direct and immediate threat to a companion animal placed with a foster care provider, it shall report its findings to the animal control agency in the locality where the foster care provider is located.

I. No *private animal shelter* shall be operated in violation of any local zoning ordinance.

J. ~~An~~ *A private animal shelter* that confines and disposes of animals pursuant to this section shall be operated in accordance with this chapter. If this chapter is violated, the ~~animal~~ shelter may be assessed a civil penalty by the Board or its designee in an amount that does not exceed \$1,000 per violation. Each day of the violation is a separate offense. In determining the amount of any civil penalty, the Board or its designee shall consider: (i) the history of previous violations at the ~~animal~~ shelter; (ii) whether the violation has caused injury to, death or suffering of, an animal; and (iii) the demonstrated good faith of the ~~animal~~ shelter to achieve compliance after notification of the violation. All civil penalties assessed under this section shall be recovered in a civil action brought by the Attorney General in the name of the Commonwealth. Such civil penalties shall be paid into a special fund in the state treasury to the credit of the Department to be used in carrying out the purposes of this chapter.

K. If this chapter or any laws governing *private animal shelters* are violated, the Commissioner may bring an action to enjoin the violation or threatened violation of this chapter or the regulations pursuant thereto regarding *private animal shelters*, in the circuit court where the ~~animal~~ shelter is located. The Commissioner may request the Attorney General to bring such an action, when appropriate.

§ 3.2-6549. Releasing agencies other than public or private animal shelters; confinement and disposition of companion animals; recordkeeping; affiliation with foster care providers; penalties.

A. A releasing agency other than a ~~pound~~ *or public or private animal shelter*:

1. May confine and dispose of companion animals in accordance with subsections B through G of § 3.2-6546 *if incorporated and not operated for profit*; and

2. Shall keep accurate records of each companion animal received for two years from the date of disposition of the companion animal. Records shall: (i) include a description of the companion animal including species, color, breed, sex, approximate weight, age, reason for release, owner's or finder's name, address and telephone number, license number or other identifying tags or markings, as well as disposition of the companion animal; and (ii) be made available upon request to the Department, animal control officers, and law-enforcement officers at mutually agreeable times. A releasing agency other than a ~~pound or~~ *public or private* animal shelter shall submit a summary of such records to the State Veterinarian annually in a format prescribed by him, wherein a post office box may be substituted for a home address.

3. For purposes of recordkeeping, release of a companion animal by a releasing agency to a ~~pound,~~ *public or private* animal shelter or other releasing agency shall be considered a transfer and not an adoption. If the animal is not first sterilized, the responsibility for sterilizing the animal transfers to the receiving entity.

B. Each releasing agency other than a ~~pound or~~ *public or private* animal shelter shall obtain a signed statement from each of its directors, operators, staff, or animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment, and each such releasing agency shall update such statement as changes occur.

C. No releasing agency other than a ~~pound or~~ *public or private* animal shelter shall place a companion animal in a foster home with a foster care provider unless the foster care provider has read and signed a statement specifying that the foster care provider has never been convicted of animal cruelty, neglect, or abandonment, and such releasing agency shall update the statement as changes occur. A releasing agency other than a ~~pound or~~ *public or private* animal shelter shall maintain the original statement and any updates to such statement for so long as the releasing agency has an affiliation with the foster care provider.

D. A releasing agency other than a ~~pound or~~ *public or private* animal shelter that places a companion animal in a foster home with a foster care provider shall ensure that the foster care provider complies with § 3.2-6503.

E. If a releasing agency other than a ~~pound or~~ *public or private* animal shelter finds a direct and immediate threat to a companion animal placed with a foster care provider, it shall report its findings to the animal control agency in the area where the foster care provider is located.

F. Any releasing agency other than a ~~pound or~~ *public or private* animal shelter that finds a companion animal or receives a companion animal that has not been released by its owner and: (i) provides care or safekeeping; or (ii) takes possession of such companion animal shall, within 48 hours:

1. Make a reasonable attempt to notify the owner of the companion animal, if the owner can be ascertained from any tag, license, collar, tattoo, or other identification or markings, or if the owner of the companion animal is otherwise known to the releasing agency; and

2. Notify the ~~pound~~ *public animal shelter* that serves the locality where the companion animal was found and provide to the ~~pound~~ *shelter* contact information including at least a name and a contact telephone number, a description of the companion animal including at least species, breed, sex, size, color, information from any tag, license, collar, tattoo, or other identification or markings, and the location where the companion animal was found.

G. A releasing agency other than a ~~pound or~~ *public or private* animal shelter shall comply with the provisions of § 3.2-6503.

H. No releasing agency other than a ~~pound or~~ *public or private* animal shelter shall be operated in violation of any local zoning ordinance.

I. A releasing agency other than a ~~pound or~~ *public or private* animal shelter that violates any provision of this section, other than subsection G, may be subject to a civil penalty not to exceed \$250.

§ 3.2-6550. Requirements for foster homes; penalty.

In addition to any other requirements of this chapter, foster homes shall be subject to the following:

1. No foster home shall be operated in violation of any local zoning ordinance; and

2. No *private residential dwelling and its surrounding grounds that serves as a* foster home shall keep more than 50 companion animals ~~on-site~~ *on site* at one time.

Any foster home found in violation of this section may be subject to a civil penalty not to exceed \$250.

§ 3.2-6551. Notification by individuals finding companion animals; penalty.

A. Any individual who finds a companion animal and: (i) provides care or safekeeping; or (ii) retains ~~a~~ *the* companion animal in such a manner as to control its activities shall, within 48 hours:

1. Make a reasonable attempt to notify the owner of the companion animal; if the owner can be ascertained from any tag, license, collar, tattoo, or other form of identification or markings; or if the owner of the animal is otherwise known to the individual; and

2. Notify the ~~pound~~ *public animal shelter* that serves the locality where the companion animal was found and provide to the ~~pound~~ *shelter* contact information, including at least a name and a contact telephone number, a description of the animal, including information from any tag, license, collar, tattoo, or other identification or markings, and the location where the companion animal was found.

B. If an individual finds a companion animal and: (i) provides care or safekeeping; or (ii) retains ~~a~~ *the* companion animal in such a manner as to control its activities, the individual shall comply with the provisions of § 3.2-6503.

C. Any individual who violates this section may be subject to a civil penalty not to exceed \$50 per companion animal.

§ 3.2-6557. Animal control officers and humane investigators; limitations; records; penalties.

A. No animal control officer, humane investigator, humane society or custodian of any ~~pound or~~ *public or private* animal shelter shall: (i) obtain the release or transfer of an animal by the animal's owner to such animal control officer, humane investigator, humane society or custodian for personal gain; or (ii) give or sell or negotiate for the gift or sale to any individual, pet shop, dealer, or research facility of any animal that may come into his custody in the course of carrying out his official assignments. No animal control officer, humane investigator or custodian of any ~~pound or~~ *public or private* animal shelter shall be granted a dealer's license. Violation of this subsection is a Class 1 misdemeanor. Nothing in this section shall preclude any animal control officer or humane investigator from lawfully impounding any animal pursuant to § 3.2-6569.

B. An animal control officer, law-enforcement officer, humane investigator or custodian of any ~~pound or~~ *public or private* animal shelter, upon taking custody of any animal in the course of his official duties, or any representative of a humane society, upon obtaining custody of any animal on behalf of the society, shall immediately make a record of the matter. Such record shall include:

1. The date on which the animal was taken into custody;
2. The date of the making of the record;
3. A description of the animal including the animal's species, color, breed, sex, approximate age and approximate weight;
4. The reason for taking custody of the animal and the location where custody was taken;
5. The name and address of the animal's owner, if known;
6. Any license or rabies tag, tattoo, collar or other identification number carried by or appearing on the animal; and
7. The disposition of the animal.

Records required by this subsection shall be maintained for at least five years; and shall be available for public inspection upon request. A summary of such records shall be submitted annually to the State Veterinarian in a format prescribed by him.

C. Any animal control officer or custodian of any ~~pound~~ *public animal shelter* who violates any provision of this chapter that relates to the seizure, impoundment and custody of animals by an animal control officer may be subject to suspension or dismissal from his position.

D. Custodians and animal control officers engaged in the operation of a ~~pound~~ *public animal shelter* shall be required to have knowledge of the laws of the Commonwealth governing animals, including this chapter, as well as basic animal care.

§ 18.2-144.2. Prohibition against making a false representation of ownership of an animal to a public or private animal shelter; penalty.

A. It shall be unlawful for any person to deliver or release any animal not owned by that person to a ~~pound,~~ *public or private* animal shelter or humane society, as these terms are defined in § 3.2-6500, or to any other similar facility for animals, or any agent thereof, and to falsely represent to such facility or agent that such person is the owner of the animal.

B. A violation of subsection A shall be punished as is a Class 1 misdemeanor.

C. No ~~pound,~~ *public or private* animal shelter, humane society or other similar facility for animals, or the directors or employees of any such business or facility, shall, in the absence of gross negligence, be civilly liable for accepting and disposing of any animal in good faith from a person who falsely claims to be the owner of the animal.

§ 54.1-3423. Board to issue registration unless inconsistent with public interest; authorization to conduct research; application and fees.

A. The Board shall register an applicant to manufacture or distribute controlled substances included in Schedules I through V unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the Board shall consider the following factors:

1. Maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;
2. Compliance with applicable state and local law;
3. Any convictions of the applicant under any federal and state laws relating to any controlled substance;
4. Past experience in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion;
5. Furnishing by the applicant of false or fraudulent material in any application filed under this chapter;
6. Suspension or revocation of the applicant's federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law; and
7. Any other factors relevant to and consistent with the public health and safety.

B. Registration under subsection A does not entitle a registrant to manufacture and distribute controlled substances in Schedule I or II other than those specified in the registration.

C. Practitioners must be registered to conduct research with controlled substances in Schedules II through VI. Practitioners registered under federal law to conduct research with Schedule I substances may conduct research with Schedule I substances within this Commonwealth upon furnishing the evidence of that federal registration.

D. The Board may register other persons or entities to possess controlled substances listed on Schedules II through VI upon a determination that (i) there is a documented need, (ii) the issuance of the registration is consistent with the public interest, (iii) the possession and subsequent use of the controlled substances complies with applicable state and federal laws

and regulations, and (iv) the subsequent storage, use, and recordkeeping of the controlled substances will be under the general supervision of a licensed pharmacist, practitioner of medicine, osteopathy, podiatry, dentistry or veterinary medicine as specified in the Board's regulations. The Board shall consider, at a minimum, the factors listed in subsection A of this section in determining whether the registration shall be issued. Notwithstanding the exceptions listed in § 54.1-3422 A, the Board may mandate a controlled substances registration for sites maintaining certain types and quantities of Schedules II through VI controlled substances as it may specify in its regulations. The Board shall promulgate regulations related to requirements or criteria for the issuance of such controlled substances registration, storage, security, supervision, and recordkeeping.

E. The Board may register ~~an~~ *a public or private animal shelter or pound* as defined in § 3.2-6500 to purchase, possess, and administer certain Schedule II-VI controlled substances approved by the State Veterinarian for the purpose of euthanizing injured, sick, homeless, and unwanted domestic pets and animals; and to purchase, possess, and administer certain Schedule VI controlled substances for the purpose of preventing, controlling, and treating certain communicable diseases that failure to control would result in transmission to the animal population in the shelter ~~or pound~~. The drugs used for euthanasia shall be administered only in accordance with protocols established by the State Veterinarian and only by persons trained in accordance with instructions by the State Veterinarian. The list of Schedule VI drugs used for treatment and prevention of communicable diseases within the ~~animal shelter or pound~~ shall be determined by the supervising veterinarian of the shelter ~~or pound~~ and the drugs shall be administered only pursuant to written protocols established or approved by the supervising veterinarian of the shelter ~~or pound~~ and only by persons who have been trained in accordance with instructions established or approved by the supervising veterinarian. The shelter ~~or pound~~ shall maintain a copy of the approved list of drugs, written protocols for administering, and training records of those persons administering drugs on the premises of the shelter ~~or pound~~.

F. The Board may register a crisis stabilization unit established pursuant to § 37.2-500 or 37.2-601 and licensed by the Department of Behavioral Health and Developmental Services to maintain a stock of Schedule VI controlled substances necessary for immediate treatment of patients admitted to the crisis stabilization unit, which may be accessed and administered by a nurse pursuant to a written or oral order of a prescriber in the absence of a prescriber. Schedule II through Schedule V controlled substances shall only be maintained if so authorized by federal law and Board regulations.

G. Applications for controlled substances registration certificates and renewals thereof shall be made on a form prescribed by the Board and such applications shall be accompanied by a fee in an amount to be determined by the Board.

H. Upon (i) any change in ownership or control of a business, (ii) any change of location of the controlled substances stock, (iii) the termination of authority by or of the person named as the responsible party on a controlled substances registration, or (iv) a change in the supervising practitioner, if applicable, the registrant or responsible party shall immediately surrender the registration. The registrant shall, within ~~fourteen~~ 14 days following surrender of a registration, file a new application and, if applicable, name the new responsible party or supervising practitioner.

§ 54.1-3801. Exceptions.

This chapter shall not apply to:

1. The owner of an animal and the owner's full-time, regular employee caring for and treating the animal belonging to such owner, except where the ownership of the animal was transferred for the purpose of circumventing the requirements of this chapter;
2. Veterinarians licensed in other states called in actual consultation or to attend a case in this Commonwealth who do not open an office or appoint a place to practice within this Commonwealth;
3. Veterinarians employed by the United States or by this Commonwealth while actually engaged in the performance of their official duties;
4. Veterinarians providing free care in underserved areas of Virginia who (i) do not regularly practice veterinary medicine in Virginia, (ii) hold a current valid license or certificate to practice veterinary medicine in another state, territory, district or possession of the United States, (iii) volunteer to provide free care in an underserved area of this Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) file copies of their licenses or certificates issued in such other jurisdiction with the Board, (v) notify the Board at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledge, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any veterinarian whose license has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a veterinarian who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state; or
5. Persons purchasing, possessing, and administering drugs in ~~an animal~~ *a public or private shelter or pound* as defined in § 3.2-6500, provided that such purchase, possession, and administration is in compliance with § 54.1-3423.

CHAPTER 149

An Act to amend and reenact § 10.1-411.3 of the Code of Virginia, relating to extension of the Scenic River designation of the Banister River.

[H 1116]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 10.1-411.3 of the Code of Virginia is amended and reenacted as follows:****§ 10.1-411.3. Banister State Scenic River.**

A. The Banister River from the Route ~~640~~ 29 bridge in Pittsylvania County to the confluence with the Dan River in Halifax County, a distance of approximately ~~38.4~~ 63.3 miles, is hereby designated a component of the Virginia Scenic Rivers System.

B. Nothing in this section shall preclude the Commonwealth or a local governing body from constructing, reconstructing, or performing necessary maintenance on any road or bridge.

CHAPTER 150

An Act to amend and reenact § 62.1-44.9 of the Code of Virginia, relating to appointments to the State Water Control Board.

[H 1193]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 62.1-44.9 of the Code of Virginia is amended and reenacted as follows:****§ 62.1-44.9. Qualifications of members.**

A. Members of the Board shall be citizens of the Commonwealth; shall be selected from the Commonwealth at large for merit without regard to political affiliation; and shall, by character and reputation, reasonably be expected to inspire the highest degree of cooperation and confidence in the work of the Board. Members shall, by their education, training, or experience, be knowledgeable of water quality control and regulation and shall be fairly representative of conservation, public health, business, land development, and agriculture. *In making appointments, the Governor shall endeavor to ensure balanced geographical representation.* No person shall become a member of the Board who receives, or during the previous two years has received, a significant portion of his income directly or indirectly from certificate or permit holders or applicants for a certificate or permit.

For the purposes of this section, "significant portion of income" means 10 percent or more of gross personal income for a calendar year, except that it means 50 percent or more of gross personal income for a calendar year if the recipient is over 60 years of age and is receiving that portion under retirement, pension, or similar arrangement. Income includes retirement benefits, consultant fees, and stock dividends. Income is not received directly or indirectly from certificate or permit holders or applicants for certificates or permits when it is derived from mutual fund payments, or from other diversified investments for which the recipient does not know the identity of the primary sources of income.

B. Notwithstanding any other provision of this section relating to Board membership, the qualifications for Board membership shall not be more strict than those that are required by federal statute or regulations of the United States Environmental Protection Agency.

CHAPTER 151

An Act to amend and reenact § 62.1-44.15:72 of the Code of Virginia, relating to septic tanks.

[H 1217]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 62.1-44.15:72 of the Code of Virginia is amended and reenacted as follows:****§ 62.1-44.15:72. Board to develop criteria.**

A. In order to implement the provisions of this article and to assist counties, cities, and towns in regulating the use and development of land and in protecting the quality of state waters, the Board shall promulgate regulations that establish criteria for use by local governments to determine the ecological and geographic extent of Chesapeake Bay Preservation Areas. The Board shall also promulgate regulations that establish criteria for use by local governments in granting, denying, or modifying requests to rezone, subdivide, or use and develop land in these areas.

B. In developing and amending the criteria, the Board shall consider all factors relevant to the protection of water quality from significant degradation as a result of the use and development of land. The criteria shall incorporate measures such as performance standards, best management practices, and various planning and zoning concepts to protect the quality of state waters while allowing use and development of land consistent with the provisions of this chapter. The criteria

adopted by the Board, operating in conjunction with other state water quality programs, shall encourage and promote (i) protection of existing high quality state waters and restoration of all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them; (ii) safeguarding the clean waters of the Commonwealth from pollution; (iii) prevention of any increase in pollution; (iv) reduction of existing pollution; and (v) promotion of water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of the Commonwealth.

C. Prior to the development or amendment of criteria, the Board shall give due consideration to, among other things, the economic and social costs and benefits which can reasonably be expected to obtain as a result of the adoption or amendment of the criteria.

D. In developing such criteria the Board may consult with and obtain the comments of any federal, state, regional, or local agency that has jurisdiction by law or special expertise with respect to the use and development of land or the protection of water. The Board shall give due consideration to the comments submitted by such federal, state, regional, or local agencies.

E. *In developing such criteria, the Board shall provide that any locality in a Chesapeake Bay Preservation Area that allows the owner of an on-site sewage treatment system not requiring a Virginia Pollutant Discharge Elimination System permit to submit documentation in lieu of proof of septic tank pump-out shall require such owner to have such documentation certified by an operator or on-site soil evaluator licensed or certified under Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 as being qualified to operate, maintain, or design on-site sewage systems.*

F. Effective July 1, 2014, requirements promulgated under this article directly related to compliance with the erosion and sediment control and stormwater management provisions of this chapter and regulated under the authority of those provisions shall cease to have effect.

CHAPTER 152

An Act to amend and reenact § 29.1-521 of the Code of Virginia, relating to hunting wild animals and wild birds on private property and state waters on Sundays.

[H 1237]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-521 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-521. Unlawful to hunt, trap, possess, sell or transport wild birds and wild animals except as permitted; exception; penalty.

A. The following shall be unlawful:

1. To hunt or kill any wild bird or wild animal, including any nuisance species, with a gun, firearm, or other weapon, ~~or to hunt or kill any deer or bear with a gun, firearm, or other weapon with the aid or assistance of dogs, on Sunday, which is hereby declared a rest day for all species of wild bird and wild animal life, except.~~ *The provision of this subdivision that prohibits the hunting or killing of any wild bird or wild animal, including nuisance species, on Sunday shall not apply to (i) raccoons, which may be hunted until 2:00 a.m. on Sunday mornings; (ii) any person who hunts or kills waterfowl, subject to geographical limitations established by the Director and except within 200 yards of a place of worship or any accessory structure thereof; or (iii) any landowner or member of his family or any person with written permission from the landowner who hunts or kills any wild bird or wild animal, including any nuisance species, on the landowner's property, except within 200 yards of a place of worship or any accessory structure thereof.* However, a person lawfully carrying a gun, firearm or other weapon on Sunday in an area that could be used for hunting shall not be presumed to be hunting on Sunday, absent evidence to the contrary.

2. To destroy or molest the nest, eggs, dens or young of any wild bird or wild animal, except nuisance species, at any time without a permit as required by law.

3. To hunt or attempt to kill or trap any species of wild bird or wild animal after having obtained the daily bag or season limit during such day or season. However, any properly licensed person, or a person exempt from having to obtain a license, who has obtained such daily bag or season limit while hunting may assist others who are hunting game by calling game, retrieving game, handling dogs, or conducting drives if the weapon in his possession is an unloaded firearm, a bow without a nocked arrow or an unloaded crossbow. Any properly licensed person, or person exempt from having to obtain a license, who has obtained such season limit prior to commencement of the hunt may assist others who are hunting game by calling game, retrieving game, handling dogs, or conducting drives, provided he does not have a firearm, bow or crossbow in his possession.

4. To knowingly occupy any baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal or to put out bait or salt for any wild bird or wild animal for the purpose of taking or killing them. There shall be a rebuttable presumption that a person charged with violating this subdivision knows that he is occupying a baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal. However, this shall not apply to baiting nuisance species of animals and birds, or to baiting traps for the purpose of taking fur-bearing animals that may be lawfully trapped.

5. To kill or capture any wild bird or wild animal adjacent to any area while a field or forest fire is in progress.
6. To shoot or attempt to take any wild bird or wild animal from an automobile or other vehicle, except as provided in § 29.1-521.3.
7. To set a trap of any kind on the lands or waters of another without attaching to the trap: (i) the name and address of the trapper; or (ii) an identification number issued by the Department.
8. To set a trap where it would be likely to injure persons, dogs, stock or fowl.
9. To fail to visit all traps once each day and remove all animals caught, and immediately report to the landowner as to stock, dogs or fowl that are caught and the date. However, the Director or his designee may authorize employees of federal, state, and local government agencies, and persons holding a valid Commercial Nuisance Animal Permit issued by the Department, to visit conibear-style body-gripping traps that are completely submerged at least once every 72 hours and the Board may adopt regulations permitting trappers to visit traps less frequently under specified conditions.
10. To hunt, trap, take, capture, kill, attempt to take, capture or kill, possess, deliver for transportation, transport, cause to be transported, by any means whatever, receive for transportation or export, or import, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law and only by the manner or means and within the numbers stated. However, the provisions of this section shall not be construed to prohibit the (i) use or transportation of legally taken turkey carcasses, or portions thereof, for the purposes of making or selling turkey callers, (ii) the manufacture or sale of implements, including, but not limited to, tools or utensils, made from legally harvested deer skeletal parts, including antlers, or (iii) the possession of shed antlers.
11. To offer for sale, sell, offer to purchase, or purchase, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law, including, but not limited to, subsection D of § 29.1-553. However, any nonprofit organization exempt from taxation under § 501(c) (3) of the Internal Revenue Code, which is (i) organized to provide wild game as food to the hungry and (ii) authorized by the Department to possess, transport and distribute donated or unclaimed meat to the hungry, may pay a processing fee in order to obtain such meat. Such fees shall not exceed the actual cost for processing the meat. In addition, any nonprofit organization exempt from taxation under § 501(c) (3) of the Internal Revenue Code, that is (a) organized to support wildlife habitat conservation and (b) approved by the Department, shall be allowed to offer wildlife mounts that have undergone the taxidermy process for sale in conjunction with fundraising activities. A violation of this subdivision shall be punishable as provided in § 29.1-553.
- B. Notwithstanding any other provision of this article, any American Indian, who produces verification that he is an enrolled member of a tribe recognized by the Commonwealth, another state or the U.S. government, may possess, offer for sale or sell to another American Indian, or offer to purchase or purchase from another American Indian, parts of legally obtained fur-bearing animals, nonmigratory game birds, and game animals, except bear. Such legally obtained parts shall include antlers, hooves, feathers, claws and bones.
- "Verification" as used in this section shall include, but is not limited to, (i) showing a valid tribal identification card, (ii) confirmation through a central tribal registry, (iii) a letter from a tribal chief or council, or (iv) certification from a tribal office that the person is an enrolled member of the tribe.
- C. A violation of subdivisions A 1 through 10 ~~of subsection A of this section~~ shall be punishable as a Class 3 misdemeanor.

CHAPTER 153

An Act to amend the Code of Virginia by adding a section numbered 15.2-2288.6, relating to local regulation of activities at agricultural operations.

[S 51]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2288.6 as follows:

§ 15.2-2288.6. Agricultural operations; local regulation of certain activities.

A. No locality shall regulate the carrying out of any of the following activities at an agricultural operation, as defined in § 3.2-300, unless there is a substantial impact on the health, safety, or general welfare of the public:

- 1. Agritourism activities as defined in § 3.2-6400;*
- 2. The sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation;*
- 3. The preparation, processing, or sale of food products in compliance with subdivisions A 3, 4, and 5 of § 3.2-5130 or related state laws and regulations; or*
- 4. Other activities or events that are usual and customary at Virginia agricultural operations.*

Any local restriction placed on an activity listed in this subsection shall be reasonable and shall take into account the economic impact of the restriction on the agricultural operation and the agricultural nature of the activity.

B. No locality shall require a special exception, administrative permit not required by state law, or special use permit for any activity listed in subsection A on property that is zoned as an agricultural district or classification unless there is a substantial impact on the health, safety, or general welfare of the public.

C. Except regarding the sound generated by outdoor amplified music, no local ordinance regulating the sound generated by any activity listed in subsection A shall be more restrictive than the general noise ordinance of the locality. In permitting outdoor amplified music at an agricultural operation, the locality shall consider the effect on adjoining property owners and nearby residents.

D. The provisions of this section shall not affect any entity licensed in accordance with Chapter 2 (§ 4.1-200 et seq.) of Title 4.1. Nothing in this section shall be construed to affect the provisions of Chapter 3 (§ 3.2-300 et seq.) of Title 3.2, to alter the provisions of § 15.2-2288.3, or to restrict the authority of any locality under Title 58.1.

2. That the Virginia Department of Agriculture and Consumer Services shall continue the On-Farm Activities Working Group.

CHAPTER 154

An Act to amend and reenact §§ 38.2-1611.1 and 38.2-1705 of the Code of Virginia, relating to insurance guaranty associations; refunds of surplus funds with respect to insolvency.

[S 70]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-1611.1 and 38.2-1705 of the Code of Virginia are amended and reenacted as follows:

§ 38.2-1611.1. Tax write-offs of certificates of contribution.

A. A member insurer shall have at its option the right to show a certificate of contribution as an asset in the form approved by the Commission pursuant to subdivision 3a of subsection A of § 38.2-1606 at the original face amount for the calendar year of issuance. Such amount may be amortized as follows:

1. Certificates of contribution issued prior to January 1, 1998, shall be amortized in each succeeding calendar year through December 31, 1997, at an amount not to exceed 0.05 of one percent of the member's direct gross premium income for the classes of insurance in the account for which the member insurer is assessed. As used herein, the definition of direct gross premium income shall be the same as that specified in § 58.1-2500. If the amount of the certificate has not been fully amortized by the contributing insurer by December 31, 1997, the unamortized balance of the certificate amount shall be amortized, at the option of the contributing insurer, either (i) in the same manner as the certificate was amortized prior to January 1, 1998; however, if not amortized in full prior to calendar year 2010, the unamortized balance of the certificate shall be amortized in full during calendar year 2010, or (ii) over the 10 successive calendar years commencing January 1, 1998, in amounts each equal to 10 percent of such unamortized balance. A contributing insurer whose certificate has not been fully amortized by December 31, 1997, shall notify the Commission in writing of the amortization schedule option it has selected on or before March 1, 1998; however, if a contributing insurer fails to notify the Commission by such date, the insurer shall be deemed to have selected the option described in clause (i) of the preceding sentence.

2. Certificates of contribution issued on or after January 1, 1998, shall be amortized over the 10 calendar years following the year the contribution was paid in amounts each equal to 10 percent of the amount of the contribution.

B. The insurer may offset the amount of the certificate amortized in a calendar year as provided in subsection A. This amount shall be deducted from the premium tax liability incurred on business transacted in this Commonwealth for that year. However, the Association shall diligently pursue all rights available to it to recover its expenditures made in the fulfillment of its responsibilities under this chapter. In the event the Commission determines after a hearing that the Association is not diligently pursuing available measures of recovery, the Commission shall notify the Department of Taxation and participating insurers will not be able to offset amounts amortized during the period that the Commission determines that the Association has not been diligently pursuing available measures of recovery.

C. Any sums that have been (i) amortized by contributing insurers and offset against premium taxes as provided in subsection B and (ii) subsequently refunded pursuant to subdivision A 3 of § 38.2-1606 or subdivision B 6 of § 38.2-1606 shall be paid to the Department of Taxation and deposited with the State Treasurer for credit to the general fund of this Commonwealth.

D. The amount of any credit against premium taxes provided for in this section for an insurer shall be reduced by the amount of reduction in federal income taxes for any deduction claimed by the insurer for an assessment paid pursuant to this chapter.

§ 38.2-1705. Assessments.

A. For the purpose of providing the funds necessary to carry out the powers and duties of the Association, the board of directors shall assess the member insurers, separately for each account, at such time and for any amounts as the board finds necessary. Assessments shall be due not less than 30 days after prior written notice has been given to the member insurers. Late payments shall accrue interest from the due date compounded quarterly, based upon the average 90 day treasury bill rate for the most recently completed calendar quarter as published in the Federal Reserve Bulletin and shall be subject to a minimum charge of \$50.

B. There shall be two classes of assessments, as follows:

1. Class A assessments shall be authorized and called for the purpose of meeting administrative and legal costs and other expenses. Class A assessments may be authorized and called whether or not related to a particular impaired or insolvent insurer.

2. Class B assessments shall be authorized and called to the extent necessary to carry out the powers and duties of the Association under § 38.2-1704 with regard to an impaired or an insolvent insurer.

C. 1. The amount of any Class A assessment shall be determined by the board and may be authorized and called for current member insurers on a pro-rata or nonpro-rata basis. If pro rata, the board may provide that it be credited against future Class B assessments. The total of all nonpro-rata assessments shall not exceed \$500 per member insurer in any one calendar year. The amount of a Class B assessment shall be allocated for assessment purposes among the accounts pursuant to an allocation formula which may be based on the premiums or reserves of the impaired or insolvent insurer or any other standard deemed by the board in its sole discretion as being fair and reasonable under the circumstances.

2. Class B assessments against member insurers for each account and subaccount shall be in the proportion that the premiums received on business in this Commonwealth by each assessed member insurer on policies or contracts covered by each account and subaccount for the three most recent calendar years for which information is available preceding the year in which the insurer became insolvent or, in the case of an assessment with respect to an impaired insurer, the three most recent calendar years for which information is available preceding the year in which the insurer became impaired, bear to such premiums received on business in this Commonwealth for those calendar years by all assessed member insurers.

3. Assessments for funds to meet the requirements of the Association with respect to an impaired or insolvent insurer shall not be authorized or called until necessary to implement the purposes of this chapter. Classification of assessments under subsection B and computation of assessments under this subsection shall be made with a reasonable degree of accuracy, recognizing that exact determinations may not always be possible. The Association shall notify each member insurer of its anticipated pro-rata share of an authorized assessment not yet called within 180 days after the assessment is authorized.

D. The Association may abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the member insurer to fulfill its contractual obligations. In the event an assessment against a member insurer is abated or deferred in whole or in part, the amount by which the assessment is abated or deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this section. Once the conditions that caused a deferral have been removed or rectified, the member insurer shall pay all assessments that were deferred pursuant to a repayment plan approved by the Association.

E. 1. a. Subject to the provisions of subdivision E 1 b, the total of all assessments authorized by the Association with respect to a member insurer for each subaccount of the life insurance and annuity account and for the accident and sickness insurance account shall not in any one calendar year exceed two percent of that member insurer's average annual premiums received in the Commonwealth on the policies and contracts covered by the subaccount or account during the three calendar years preceding the year in which the insurer became an impaired or insolvent insurer.

b. If two or more assessments are authorized in one calendar year with respect to insurers that become impaired or insolvent in different calendar years, the average annual premiums for purposes of the aggregate assessment percentage limitation referenced in subdivision E 1 a shall be equal and limited to the higher of the three-year average annual premiums for the applicable subaccount or account as calculated pursuant to this section.

c. If the maximum assessment, together with the other assets of the Association in an account, does not provide in one year in that account an amount sufficient to carry out the responsibilities of the Association, the necessary additional funds shall be assessed as soon thereafter as permitted by this chapter.

2. The board may provide in the plan of operation a method of allocating funds among claims, whether relating to one or more impaired or insolvent insurers, when the maximum assessment will be insufficient to cover anticipated claims.

3. If the maximum assessment for a subaccount of the life and annuity account in one year does not provide an amount sufficient to carry out the responsibilities of the Association, then pursuant to subdivision C 2, the board shall access the other subaccounts of the life and annuity account for the necessary additional amount, subject to the maximum stated in subdivision E 1.

F. If the Board of Directors of the Association determines that it has surplus funds on hand with respect to an insolvency, the Association shall, in accordance with the process set forth in the certificate of contribution for adjusting or cancelling the unamortized portion of the member insurer's certificate of contribution in the event of a reimbursement of assessment payments, use such surplus funds to reimburse member insurers for assessment costs not otherwise amortized and offset pursuant to § 38.2-1709 and pay the remaining surplus to the ~~Commission~~ *Department of Taxation*, for deposit with the State Treasurer for credit to the general fund of the Commonwealth. Within 90 days of making payment of surplus funds to the ~~Commission~~ *Department of Taxation* for deposit with the State Treasurer, the Association shall notify its member insurers of such payment. If any member insurer contends that it is entitled to any portion of the surplus refunded to the Commonwealth in order to recover assessment costs not otherwise amortized and offset pursuant to § 38.2-1709, then the member insurer may present evidence of such entitlement to the ~~Commission~~ *Department of Taxation*. If the ~~Commission~~ *Department of Taxation* determines that the member insurer is entitled to a portion of the surplus funds in order to recover assessment costs not otherwise amortized and offset pursuant to § 38.2-1709, then the State Treasurer shall pay to the member insurer the sum that the ~~Commission~~ *Department of Taxation* determines that the member insurer is entitled to receive. A reasonable amount may be retained in any account to provide funds for the continuing expenses of the

Association and for future losses and claims. For purposes of this subsection, "surplus funds" includes funds that the Association obtains by way of distributions or recoveries from receivers and third parties as reimbursement for its costs in connection with insolvencies and impairments in excess of reasonable amounts retained in an account to provide funds for the continuing expenses of the Association and for future losses and claims.

G. It shall be proper for any member insurer, in determining its premium rates and policy owner dividends as to any kind of insurance within the scope of this chapter, to consider the amount reasonably necessary to meet its assessment obligations under this chapter.

H. The Association shall issue to each insurer paying an assessment under this chapter, other than a Class A assessment, a certificate of contribution, in a form prescribed by the Commission, for the amount of the assessment so paid excluding interest penalties. All outstanding certificates shall be of equal dignity and priority without reference to amounts or dates of issue. A certificate of contribution may be shown by the insurer in its financial statement as an asset in such form and for such amount, if any, and period of time as the Commission may approve.

I. 1. A member insurer that wishes to protest all or part of an assessment shall pay when due the full amount of the assessment as set forth in the notice provided by the Association. The payment shall be available to meet Association obligations during the pendency of the protest or any subsequent appeal. Payment shall be accompanied by a statement in writing that the payment is made under protest and setting forth a brief statement of the grounds for the protest.

2. Within 60 days following the payment of an assessment under protest by a member insurer, the Association shall notify the member insurer in writing of its determination with respect to the protest unless the Association notifies the member insurer that additional time is required to resolve the issues raised by the protest.

3. Within 30 days after a final decision has been made, the Association shall notify the protesting member insurer in writing of that final decision. Within 60 days of receipt of notice of the final decision, the protesting member insurer may appeal that final action to the Commission.

4. In the alternative to rendering a final decision with respect to a protest based on a question regarding the assessment base, the Association may refer the protest to the Commission for a final decision, with or without a recommendation from the Association.

5. If the protest or appeal on the assessment is upheld, the amount paid in error or excess shall be returned to the member company. Interest on a refund due a protesting member shall be paid at the rate actually earned by the Association.

J. The Association may request information of member insurers in order to aid in the exercise of its power under this section and member insurers shall promptly comply with a request.

CHAPTER 155

An Act to amend and reenact § 38.2-3115 of the Code of Virginia, relating to interest on life insurance and annuity contract proceeds.

[S 86]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3115 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3115. Interest on life insurance and annuity contract proceeds.

A. If an action to recover the proceeds due under a life insurance policy or annuity contract results in a judgment against the insurer, interest on the judgment at the legal rate of interest shall be paid from (i) the date of presentation to the insurer of proof of death on a life insurance policy or annuity contract or (ii) the date of maturity of an endowment policy to the date judgment is entered.

B. If no action is brought, interest upon the principal sum paid to the beneficiary or policyowner shall be computed daily at an annual rate of ~~2 1/2~~ *two and one-half* percent or at the annual rate currently paid by the insurer on proceeds left under the interest settlement option, whichever is greater, commencing (i) from the date of death on a life insurance policy or annuity contract claim ~~and~~; (ii) *from the date of receipt of a completed claim form on a variable annuity contract claim;* or (iii) from the date of maturity of an endowment contract to the date of payment. The interest shall be added to and become a part of the total sum payable.

C. No insurer shall be required to pay interest computed under this section if the total interest is less than five dollars.

D. This section shall not apply to (i) credit life insurance for which the premium is paid wholly from funds of the creditor with no specific identifiable charge being made to insureds for the insurance and upon which post-death interest on the indebtedness is waived by the creditor in an amount at least equal to the amount of interest that would otherwise be payable under this section; (ii) credit life insurance payable in whole or in part to a creditor that is an affiliate, as defined in § 13.1-725, of the insurer and that does not charge interest on the indebtedness from the date of death of the insured; or (iii) policies or contracts issued prior to July 1, 1977, but shall apply to any renewals or reissues of group life insurance policies or contracts occurring after that date.

CHAPTER 156

An Act to amend and reenact §§ 6.2-862 and 6.2-863 of the Code of Virginia, relating to the requirement that a bank's directors own stock in the bank.

[S 359]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 6.2-862 and 6.2-863 of the Code of Virginia are amended and reenacted as follows:

§ 6.2-862. Directors to own stock in bank.

A. As used in this section, "bank holding company" means (i) a bank holding company as defined in § 6.2-800 or (ii) any corporation organized under the laws of the Commonwealth and doing business in the Commonwealth that owns all of the capital stock of one bank, except those shares issued as directors' qualifying shares, and at least 66 and two-thirds percent of the assets of the holding company, computed on a consolidated basis, consists of assets held by such bank and controlled subsidiaries of such bank.

B. Every director of a bank incorporated under the laws of the Commonwealth shall be the sole owner of, and have in his personal possession or control, shares of stock in such bank having a book value of not less than \$5,000, calculated as of the last business day of the calendar year immediately preceding the election of the director. So long as a director shall successively be reelected, there shall be no requirement to increase the shares of stock owned according to this section. Such stock shall be unpledged and unencumbered at the time such director becomes a director and during the whole of his term as such. *A director shall be deemed to be the sole owner of, and have in his personal possession or control:*

1. Shares held through a brokerage account or similar arrangement, provided that the director retains sole beneficial ownership and sole legal control over the shares;

2. Shares held jointly or as a tenant in common, but only to the extent of the book value of the shares divided by the number of joint or tenant in common holders;

3. Shares deposited by the director in a living trust, or inter vivos trust, as to which the director is the sole trustee and retains an absolute power of revocation; or

4. Shares held through a profit-sharing plan, individual retirement account, retirement plan, or similar arrangement, provided that the director retains sole beneficial ownership and sole legal control over the shares.

C. When a bank is controlled by a bank holding company, a director may comply with the requirements of subsection B for each bank of which he is a director by ownership, in similar manner, of shares of capital stock of the bank holding company having an aggregate book value equal to the book value of shares of bank stock that he would be obligated to own under subsection B.

D. A director of a bankers' bank shall not be required to own or control any shares of stock of such bankers' bank or any shares of stock of a bank holding company that controls such bankers' bank.

E. Any director violating the provisions of this section shall, immediately, vacate his office.

F. The requirements of this section shall not apply to any person duly elected a director of a bank prior to July 1, 1995, or so long as such person shall successively be reelected a director, and as to such person the requirements of the law prior to such date shall apply.

§ 6.2-863. Oaths of directors.

A. Every director of a bank incorporated under the laws of the Commonwealth shall, within 30 days after his election or reelection, take and subscribe to an oath that:

1. He will diligently and honestly perform his duties as director; and

2. He is the owner and has in his personal possession or control, standing in his sole name on the books of the bank or bank holding company as defined in subsection A of § 6.2-862, unpledged and unencumbered in any way, shares of stock of the bank of which he is a director or, if a bank is controlled by a bank holding company as defined in § 6.2-800, shares of stock of the bank holding company, having a ~~per~~ book value of not less than the amounts respectively prescribed by § 6.2-862, and, in case of reelection or reappointment, that during the whole of his immediate previous term as a director, the stock was not at any time pledged or in any other manner encumbered or hypothecated to secure a loan.

B. The oath subscribed to by such director, certified by the officer before whom it is taken, shall be transmitted by the cashier of such bank to the Commission. Any director who fails for a period of 30 days after his election or appointment to take the oath as required by this section shall automatically forfeit his office.

CHAPTER 157

An Act to amend and reenact §§ 8.01-27.5, 38.2-2201, 38.2-3407.12, and 38.2-3407.15 of the Code of Virginia, relating to health care policy, group health benefit plan, and health plan; definitions.

[S 360]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-27.5, 38.2-2201, 38.2-3407.12, and 38.2-3407.15 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-27.5. Duty of in-network providers to submit claims to health insurers; liability of covered patients for unbilled health care services.

A. As used in this section:

"Covered patient" means a patient whose health care services are covered under terms of a health care policy.

"Health care policy" means any health care plan, subscription contract, evidence of coverage, certificate, health services plan, medical or hospital services plan, accident and sickness insurance policy or certificate, or other similar certificate, policy, contract, or arrangement, and any endorsement or rider thereto, offered, arranged, issued, or administered by a health insurer to an individual or a group contract holder to cover all or a portion of the cost of individuals, or their eligible dependents, receiving covered health care services. "Health care policy" includes coverages issued pursuant to (i) Chapter 28 (§ 2.2-2800 et seq.) of Title 2.2 (state employees); (ii) § 2.2-1204 (local choice); (iii) 5 U.S.C. § 8901 et seq. (federal employees); and (iv) an employee welfare benefit plan as defined in 29 U.S.C. § 1002(1) of the Employee Retirement Income Security Act of 1974 (ERISA) that is self-insured or self-funded. "Health care policy" does not include (a) coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (*Medicaid*), or Title ~~XX~~ XXI of the Social Security Act, 42 U.S.C. § ~~1397~~ 1397aa et seq. (~~Medicaid~~) (*CHIP*), or Chapter 55 of Title 10 of the United States Code, 10 U.S.C. § 1071 et seq. (TRICARE); (b) subscription contracts for one or more dental or optometric services plans that are subject to Chapter 45 (§ 38.2-4500 et seq.) of Title 38.2; (c) insurance policies that provide coverage, singly or in combination, for death, dismemberment, disability, or hospital and medical care caused by or necessitated as a result of accident or specified kinds of accidents, including student accident, sports accident, blanket accident, specific accident, and accidental death and dismemberment policies; (d) credit life insurance and credit accident and sickness insurance issued pursuant to Chapter 37.1 (§ 38.2-3717 et seq.) of Title 38.2; (e) insurance policies that provide payments when an insured is disabled or unable to work because of illness, disease, or injury, including incidental benefits; (f) long-term care insurance as defined in § 38.2-5200; (g) plans providing only limited health care services under § 38.2-4300 unless offered by endorsement or rider to a group health benefit plan; (h) TRICARE supplement, Medicare supplement, or workers' compensation coverages; or (i) medical expense coverage issued pursuant to § 38.2-2201.

"Health care provider" has the same meaning ascribed to the term in § 8.01-581.1.

"Health care services" means items or services furnished to any individual for the purpose of preventing, alleviating, curing, or healing human illness, injury, or physical disability.

"Health insurer" means any entity that is the issuer or sponsor of a health care policy.

"In-network provider" means a health care provider that is employed by or has entered into a provider agreement with the health insurer that has issued the health care policy, under which agreement the health care provider has agreed to provide health care services to covered patients.

"Patient" means an individual who receives health care services from a health care provider, or any person authorized by law to consent on behalf of the individual incapable of making an informed decision, or, in the case of a minor child, the parent or parents having custody of the child or the child's legal guardian, or as otherwise provided by law.

"Provider agreement" means a contract, agreement, or arrangement between a health care provider and a health insurer, or a health insurer's network, provider panel, intermediary, or representative, under which the health care provider has agreed to provide health care services to patients with coverage under a health care policy issued by the health insurer and to accept payment from the health insurer for the health care services provided.

B. An in-network provider that provides health care services to a covered patient shall submit its claim to the health insurer for the health care services in accordance with the terms of the applicable provider agreement, provided that the covered patient provides the in-network provider with information required by the terms of the covered patient's health care policy's plan documents, including the information that is required to verify the individual's coverage under the health care policy, within not fewer than 21 business days before the deadline for the in-network provider to submit its claim to the health insurer as required by the terms of the provider agreement. If an in-network provider does not submit its claim to the health insurer in accordance with the requirements of this subsection, then (i) the covered patient shall have no obligation to pay for health care services for which the in-network provider was required to submit its claim, (ii) the in-network provider shall not have the benefit of the liens provided by §§ 8.01-66.2 and 8.01-66.9 with regard to health care services for which the in-network provider was required to submit its claim, and (iii) the in-network provider shall be prohibited from recovering payment for any of the health care services for which it was required to submit its claim from an insurer providing medical expense benefits to the covered patient under a policy of motor vehicle liability insurance pursuant to § 38.2-2201, by exercising an assignment of the covered patient's rights to the medical expense benefits or by other means. If the in-network provider submits its claim to the health insurer in accordance with the requirements of this subsection, the covered patient or the health insurer shall be obligated to pay for the health care services in accordance with the terms of the provider agreement or health care policy's plan documents. To the extent that self-insured or self-funded plans governed by ERISA provide otherwise, health care providers shall be permitted to submit claims and coordinate benefits as provided for in the provider agreements or plan documents.

§ 38.2-2201. Provisions for payment of medical expense and loss of income benefits; assignment of certain benefits.

A. Upon request of an insured, each insurer licensed in this Commonwealth issuing or delivering any policy or contract of bodily injury or property damage liability insurance covering liability arising from the ownership, maintenance or use of any motor vehicle shall provide on payment of the premium, as a minimum coverage (i) to persons occupying the insured motor vehicle; and (ii) to the named insured and, while resident of the named insured's household, the spouse and relatives of the named insured while in or upon, entering or alighting from or through being struck by a motor vehicle while not occupying a motor vehicle, the following health care and disability benefits for each accident:

1. All reasonable and necessary expenses for medical, chiropractic, hospital, dental, surgical, ambulance, prosthetic and rehabilitation services, and funeral expenses, resulting from the accident and incurred within three years after the date of the accident, up to \$2,000 per person; however, if the insured does not elect to purchase such limit the insurer and insured may agree to any other limit;

2. If the person is usually engaged in a remunerative occupation, an amount equal to the loss of income incurred after the date of the accident resulting from injuries received in the accident up to \$100 per week during the period from the first workday lost as a result of the accident up to the date the person is able to return to his usual occupation. However, the period shall not extend beyond one year from the date of the accident; and

3. An expense described in subdivision 1 shall be deemed to have been incurred:

a. If the insured is directly responsible for payment of the expense;

b. If the expense is paid by (i) a health care insurer pursuant to a negotiated contract with the health care provider or (ii) Medicaid or Medicare, where the actual payment with reference to the medical bill rendered by the provider is less than or equal to the provider's usual and customary fee, in the amount of the actual payment as evidenced by an explanation of benefits, remittance advice, or similar documentation from the health care provider; however, if the insured is required to make a payment in addition to the actual payment by the health care insurer or Medicaid or Medicare, the amount shall be increased by the payment made by the insured; or

c. If no medical bill is rendered or specific charge made by a health care provider to the insured, an insurer, or any other person, in the amount of the usual and customary fee charged in that community for the service rendered.

B. The insured has the option of purchasing either or both of the coverages set forth in subdivisions A 1 and A 2. Either or both of the coverages, as well as any other medical expense or loss of income coverage under any policy of automobile liability insurance, shall be payable to the covered injured person or pursuant to an assignment of benefits in accordance with subsection D, notwithstanding the failure or refusal of the named insured or other person entitled to the coverage to give notice to the insurer of an accident as soon as practicable under the terms of the policy, except where the failure or refusal prejudices the insurer in establishing the validity of the claim.

C. In any policy of personal automobile insurance in which the insured has purchased coverage under subsection A, every insurer providing such coverage arising from the ownership, maintenance or use of no more than four motor vehicles shall be liable to pay up to the maximum policy limit available on every motor vehicle insured under that coverage if the health care or disability expenses and costs mentioned in subsection A exceed the limits of coverage for any one motor vehicle so insured.

D. Any attempt to assign medical expense benefits shall be subject to the following:

1. An assignment of medical expense benefits shall be valid only if:

a. A copy of the AOB form, executed by the assignor and in compliance with the other requirements of subdivision D 1 and a copy of the notice complying with subdivision g if such notice is provided in a separate document pursuant to subdivision e, is provided to the motor vehicle insurer;

b. The AOB form is (i) in writing, which includes any printed or electronic format, (ii) dated, and (iii) executed by the assignor;

c. The AOB form includes a conspicuous statement that the assignor is not required to execute the AOB form;

d. If the AOB form includes a notice that complies with the provisions of subdivision g, the AOB form is signed, initialed, or otherwise marked by the assignor, at or near the notice provision, to acknowledge that the assignor has read, or had the opportunity to read, the notice;

e. If the AOB form does not include a notice that complies with the provisions of subdivision g, (i) the assignor is given a separate document, in any printed or electronic format, that is delivered to the assignor at the same time as the AOB form and that contains a notice that complies with the provisions of subdivision g; (ii) the AOB form includes a conspicuous statement that a notice regarding the assignment of medical expense benefits is provided in a separate document; and (iii) the AOB form is signed, initialed, or otherwise marked by the assignor at or near the statement described in clause (ii) to acknowledge that the assignor has read, or had the opportunity to read, the separate document containing the notice;

f. The statements required by subdivision D 1 to be included in the AOB form or a separate document, including the notice prescribed by subdivision g, are in not less than eight-point type; and

g. The assignor is provided, either in the AOB form or in a separate document, a notice that summarizes the effect of the assignment of medical expense benefits, which notice states the following:

"Notice: automobile accident patients

If you have been in an automobile accident, you may be entitled to payment from your automobile insurance if you have medical expense benefits coverage. By signing this assignment of benefits form you are giving to your health care provider the right to receive some or all of that payment directly from your automobile insurance company.

If you have health insurance and your healthcare provider is in-network: as long as you provide information necessary to verify your health insurance coverage the healthcare provider may only bill the amount you owe for any copayment, coinsurance, or deductibles to your automobile insurance and you may be entitled to any remainder of your automobile insurance benefit.

If you do not provide information necessary to verify your health insurance coverage, do not have health insurance, or your healthcare provider is not in your health insurer's provider network: your health care provider may bill their full charges to your automobile insurance.

You may want to consult your insurance agent or attorney before signing or initialing this form. You are not required to sign/initial this form to receive care.";

2. Upon receipt of a copy of an AOB form that satisfies the requirements of subdivision D 1 and (i) an explanation of benefits or remittance advice or (ii) a bill, claim form, or documentation from the assignee advising that it has been represented to the assignee that the covered injured person does not have health insurance or is covered by a self-insured or self-funded employee welfare benefit plan subject to the Employee Retirement Income Security Act of 1974 which requires medical expense coverage to be primary, a motor vehicle insurer shall pay directly to the health care provider, from any medical expense benefits available to such person under a motor vehicle insurance policy:

a. If the covered injured person is covered under a health care policy, the health care provider is an in-network provider, and the health care provider has submitted its claim to the health insurer for the health care services, the amount of any copayments, coinsurance, or deductibles owed by the injured covered person to the health care provider, as evidenced by an explanation of benefits, remittance advice, or similar documentation provided to the motor vehicle insurer; or

b. If (i) the covered injured person is not covered under a health care policy, (ii) the covered injured person is covered by a self-insured or self-funded employee welfare benefit plan subject to the Employee Retirement Income Security Act of 1974 which requires medical expense coverage to be primary, or (iii) the health care provider is not an in-network provider, amounts to cover the cost of the health care services provided, in the amount of the usual and customary fee charged in that community for the health care services rendered;

3. A motor vehicle insurer shall in all respects be held harmless for making payments pursuant to subdivision D 2 to a health care provider in accordance with an assignment of benefits that satisfies the requirements of subdivision D 1;

4. A covered injured person shall not be required to assign to any person any medical expense benefits he may have under this section, including any assignment of the proceeds of such coverages;

5. An assignment of medical expense benefits shall be void and unenforceable as against public policy if the assignment does not comply with the requirements of subdivision D 1;

6. Medical expense benefits may not be reduced because of any benefits paid, payable, or provided by any insurance contract providing hospital, medical, surgical, and similar or related benefits, or any subscription contract or health services plan delivered or issued for delivery or providing for the payment of benefits to or on behalf of persons residing in or employed in the Commonwealth, except as authorized by this section; and

7. Nothing in this section shall prohibit the payment of medical expense benefits due to the covered injured person directly to any state or federal assistance program that has provided medical benefits to such injured person when the injury arose out of the ownership, maintenance, or use of any motor vehicle.

E. As used in subsection D:

"AOB form" means the document or instrument that contains a provision by which the assignor assigns medical expense benefits, including any assignment of the proceeds of such coverages, to an assignee. The AOB form may be a separate instrument or included in another instrument, including a consent form or a form assigning other benefits.

"Assignee" means the health care provider to which the assignor is assigning medical expense benefits, including any assignment of the proceeds of such coverages.

"Assignor" means the covered injured person or a person authorized to consent on the covered injured person's behalf.

"Health care policy" means any health care plan, subscription contract, evidence of coverage, certificate, health services plan, medical or hospital services plan, accident and sickness insurance policy or certificate, or other similar certificate, policy, contract, or arrangement, and any endorsement or rider thereto, offered, arranged, issued, or administered by a health insurer to an individual or a group contract holder to cover all or a portion of the cost of individuals, or their eligible dependents, receiving covered health care services. Health care policy includes coverages issued pursuant to (i) Chapter 28 (§ 2.2-2800 et seq.) of Title 2.2 (state employees); (ii) § 2.2-1204 (local choice); (iii) 5 U.S.C. § 8901 et seq. (federal employees); and (iv) an employee welfare benefit plan as defined in 29 U.S.C. § 1002(1) of the Employee Retirement Income Security Act of 1974 that is self-insured or self-funded. Health care policy does not include (a) coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare); Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (*Medicaid*), or Title ~~XX~~ XXI of the Social Security Act, 42 U.S.C. § ~~1397~~ 1397aa et seq. (*Medicaid*) (*CHIP*); or Chapter 55 of Title 10 of the United States Code, 10 U.S.C. § 1071 et seq. (TRICARE); (b) subscription contracts for one or more dental or optometric services plans that are subject to Chapter 45 (§ 38.2-4500 et seq.); (c) insurance policies that provide coverage, singly or in combination, for death, dismemberment, disability, or hospital and medical care caused by or necessitated as a result of accident or specified kinds of accidents,

including student accident, sports accident, blanket accident, specific accident, and accidental death and dismemberment policies; (d) credit life insurance and credit accident and sickness insurance issued pursuant to Chapter 37.1 (§ 38.2-3717 et seq.) of Title 38.2; (e) insurance policies that provide payments when an insured is disabled or unable to work because of illness, disease, or injury, including incidental benefits; (f) long-term care insurance as defined in § 38.2-5200; (g) plans providing only limited health care services under § 38.2-4300 unless offered by endorsement or rider to a group health benefit plan; (h) TRICARE supplement, Medicare supplement, and workers' compensation coverages; or (i) medical expense coverage issued pursuant to this section.

"Health care provider" has the same meaning that is ascribed to that term in § 8.01-581.1.

"Health care services" means items or services furnished to any individual for the purpose of preventing, alleviating, curing, or healing human illness, injury, or physical disability.

"Health insurer" means any entity that is the issuer or sponsor of a health care policy.

"In-network provider" means a health care provider that is employed by or has entered into a provider agreement with the health insurer that has issued the health care policy, under which applicable agreement the health care provider has agreed to provide health care services to covered patients.

"Medical expense benefits" means the benefits of coverages described in subdivision A 1, including any assignment of the proceeds of such coverages.

"Motor vehicle insurer" means the insurer issuing or delivering a policy or contract covering liability arising from the ownership, maintenance, or use of any motor vehicle that provides coverage for medical expense benefits.

"Person authorized to consent on the covered injured person's behalf" means any person authorized by law to consent on behalf of the covered injured person incapable of making an informed decision or, in the case of a minor child, the parent or parents having custody of the child or the child's legal guardian or as otherwise provided by law.

"Provider agreement" means a contract, agreement, or arrangement between a health care provider and a health insurer, or a health insurer's network, provider panel, intermediary, or representative, under which the health care provider has agreed to provide health care services to patients with coverage under a health care policy issued by the health insurer and to accept payment from the health insurer for the health care services provided.

§ 38.2-3407.12. Patient optional point-of-service benefit.

A. As used in this section:

"Affiliate" shall have the meaning set forth in § 38.2-1322.

"Allowable charge" means the amount from which the carrier's payment to a provider for any covered item or service is determined before taking into account any cost-sharing arrangement.

"Carrier" means:

1. Any insurer licensed under this title proposing to offer or issue accident and sickness insurance policies which are subject to Chapter 34 (§ 38.2-3400 et seq.) or 39 (§ 38.2-3900 et seq.) of this title;

2. Any nonstock corporation licensed under this title proposing to issue or deliver subscription contracts for one or more health services plans, medical or surgical services plans or hospital services plans which are subject to Chapter 42 (§ 38.2-4200 et seq.) of this title;

3. Any health maintenance organization licensed under this title which provides or arranges for the provision of one or more health care plans which are subject to Chapter 43 (§ 38.2-4300 et seq.) of this title;

4. Any nonstock corporation licensed under this title proposing to issue or deliver subscription contracts for one or more dental or optometric services plans which are subject to Chapter 45 (§ 38.2-4500 et seq.) of this title; and

5. Any other person licensed under this title which provides or arranges for the provision of health care coverage or benefits or health care plans or provider panels which are subject to regulation as the business of insurance under this title.

"Co-insurance" means the portion of the carrier's allowable charge for the covered item or service which is not paid by the carrier and for which the enrollee is responsible.

"Co-payment" means the out-of-pocket charge other than co-insurance or a deductible for an item or service to be paid by the enrollee to the provider towards the allowable charge as a condition of the receipt of specific health care items and services.

"Cost sharing arrangement" means any co-insurance, co-payment, deductible or similar arrangement imposed by the carrier on the enrollee as a condition to or consequence of the receipt of covered items or services.

"Deductible" means the dollar amount of a covered item or service which the enrollee is obligated to pay before benefits are payable under the carrier's policy or contract with the group contract holder.

"Enrollee" or "member" means any individual who is enrolled in a group health benefit plan provided or arranged by a health maintenance organization or other carrier. If a health maintenance organization arranges or contracts for the point-of-service benefit required under this section through another carrier, any enrollee selecting the point-of-service benefit shall be treated as an enrollee of that other carrier when receiving covered items or services under the point-of-service benefit.

"Group contract holder" means any contract holder of a group health benefit plan offered or arranged by a health maintenance organization or other carrier. For purposes of this section, the group contract holder shall be the person to which the group agreement or contract for the group health benefit plan is issued.

"Group health benefit plan" shall mean any health care plan, subscription contract, evidence of coverage, certificate, health services plan, medical or hospital services plan, accident and sickness insurance policy or certificate, or other similar

certificate, policy, contract or arrangement, and any endorsement or rider thereto, offered, arranged or issued by a carrier to a group contract holder to cover all or a portion of the cost of enrollees (or their eligible dependents) receiving covered health care items or services. Group health benefit plan does not mean (i) health care plans, contracts or policies issued in the individual market; (ii) coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (*Medicaid*) or Title ~~XX~~ XXI of the Social Security Act, 42 U.S.C. § ~~1397~~ 1397aa et seq. (~~Medicaid~~) (*CHIP*), 5 U.S.C. § 8901 et seq. (federal employees), 10 U.S.C. § 1071 et seq. (~~CHAMPUS~~) (*TRICARE*) or Chapter 28 (§ 2.2-2800 et seq.) of Title 2.2 (state employees); (iii) accident only, credit or disability insurance, or long-term care insurance, plans providing only limited health care services under § 38.2-4300 (unless offered by endorsement or rider to a group health benefit plan), ~~CHAMPUS~~ *TRICARE* supplement, Medicare supplement, or workers' compensation coverages; or (iv) an employee welfare benefit plan (as defined in section 3 (1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002 (1)), which is self-insured or self-funded.

"Group specific administrative cost" means the direct administrative cost incurred by a carrier related to the offer of the point-of-service benefit to a particular group contract holder.

"Health care plan" shall have the meaning set forth in § 38.2-4300.

"Person" means any individual, corporation, trust, association, partnership, limited liability company, organization or other entity.

"Point-of-service benefit" means a health maintenance organization's delivery system or covered benefits, or the delivery system or covered benefits of another carrier under contract or arrangement with the health maintenance organization, which permit an enrollee (and eligible dependents) to receive covered items and services outside of the provider panel, including optometrists and clinical psychologists, of the health maintenance organization under the terms and conditions of the group contract holder's group health benefit plan with the health maintenance organization or with another carrier arranged by or under contract with the health maintenance organization and which otherwise complies with this section. Without limiting the foregoing, the benefits offered or arranged by a carrier's indemnity group accident and sickness policy under Chapter 34 (§ 38.2-3400 et seq.) of this title, health services plan under Chapter 42 (§ 38.2-4200 et seq.) of this title or preferred provider organization plan under Chapter 34 (§ 38.2-3400 et seq.) or 42 (§ 38.2-4200 et seq.) of this title which permit an enrollee (and eligible dependents) to receive the full range of covered items and services outside of a provider panel, including optometrists and clinical psychologists, and which are otherwise in compliance with applicable law and this section shall constitute a point-of-service benefit.

"Preferred provider organization plan" means a health benefit program offered pursuant to a preferred provider policy or contract under § 38.2-3407 or covered services offered under a preferred provider subscription contract under § 38.2-4209.

"Provider" means any physician, hospital or other person, including optometrists and clinical psychologists, that is licensed or otherwise authorized in the Commonwealth to deliver or furnish health care items or services.

"Provider panel" means the participating providers or referral providers who have a contract, agreement or arrangement with a health maintenance organization or other carrier, either directly or through an intermediary, and who have agreed to provide items or services to enrollees of the health maintenance organization or other carrier.

B. To the maximum extent permitted by applicable law, every health care plan offered or proposed to be offered in this Commonwealth by a health maintenance organization licensed under this title to a group contract holder shall provide or include, or the health maintenance organization shall arrange for or contract with another carrier to provide or include, a point-of-service benefit to be provided or offered in conjunction with the health maintenance organization's health care plan as an additional benefit for the enrollee, at the enrollee's option, individually to accept or reject. In connection with its group enrollment application, every health maintenance organization shall, at no additional cost to the group contract holder, make available or arrange with a carrier to make available to the prospective group contract holder and to all prospective enrollees, in advance of initial enrollment and in advance of each reenrollment, a notice in form and substance acceptable to the Commission which accurately and completely explains to the group contract holder and prospective enrollee the point-of-service benefit and permits each enrollee to make his or her election. The form of notice provided in connection with any reenrollment may be the same as the approved form of notice used in connection with initial enrollment and may be made available to the group contract holder and prospective enrollee by the carrier in any reasonable manner.

C. To the extent permitted under applicable law, a health maintenance organization providing or arranging, or contracting with another carrier to provide, the point-of-service benefit under this section and a carrier providing the point-of-service benefit required under this section under arrangement or contract with a health maintenance organization:

1. May not impose, or permit to be imposed, a minimum enrollee participation level on the point-of-service benefit alone;

2. May not refuse to reimburse a provider of the type listed or referred to in § 38.2-3408 or 38.2-4221 for items or services provided under the point-of-service benefit required under this section solely on the basis of the license or certification of the provider to provide such items or services if the carrier otherwise covers the items or services provided and the provision of the items or services is within the provider's lawful scope of practice or authority; and

3. Shall rate and underwrite all prospective enrollees of the group contract holder as a single group prior to any enrollee electing to accept or reject the point-of-service benefit.

D. The premium imposed by a carrier with respect to enrollees who select the point-of-service benefit may be different from that imposed by the health maintenance organization with respect to enrollees who do not select the point-of-service

benefit. Unless a group contract holder determines otherwise, any enrollee who accepts the point-of-service benefit shall be responsible for the payment of any premium over the amount of the premium applicable to an enrollee who selects the coverage offered by the health maintenance organization without the point-of-service benefit and for any identifiable group specific administrative cost incurred directly by the carrier or any administrative cost incurred by the group contract holder in offering the point-of-service benefit to the enrollee. If a carrier offers the point-of-service benefit to a group contract holder where no enrollees of the group contract holder elect to accept the point-of-service benefit and incurs an identifiable group specific administrative cost directly as a consequence of the offering to that group contract holder, the carrier may reflect that group specific administrative cost in the premium charged to other enrollees selecting the point-of-service benefit under this section. Unless the group contract holder otherwise directs or authorizes the carrier in writing, the carrier shall make reasonable efforts to ensure that no portion of the cost of offering or arranging the point-of-service benefit shall be reflected in the premium charged by the carrier to the group contract holder for a group health benefit plan without the point-of-service benefit. Any premium differential and any group specific administrative cost imposed by a carrier relating to the cost of offering or arranging the point-of-service benefit must be actuarially sound and supported by a sworn certification of an officer of each carrier offering or arranging the point-of-service benefit filed with the Commission certifying that the premiums are based on sound actuarial principles and otherwise comply with this section. The certifications shall be in a form, and shall be accompanied by such supporting information in a form acceptable to the Commission.

E. Any carrier may impose different co-insurance, co-payments, deductibles and other cost-sharing arrangements for the point-of-service benefit required under this section based on whether or not the item or service is provided through the provider panel of the health maintenance organization; provided that, except to the extent otherwise prohibited by applicable law, any such cost-sharing arrangement:

1. Shall not impose on the enrollee (or his or her eligible dependents, as appropriate) any co-insurance percentage obligation which is payable by the enrollee which exceeds the greater of: (i) thirty percent of the carrier's allowable charge for the items or services provided by the provider under the point-of-service benefit or (ii) the co-insurance amount which would have been required had the covered items or services been received through the provider panel;

2. Shall not impose on an enrollee (or his or her eligible dependents, as appropriate) a co-payment or deductible which exceeds the greatest co-payment or deductible, respectively, imposed by the carrier or its affiliate under one or more other group health benefit plans providing a point-of-service benefit which are currently offered and actively marketed by the carrier or its affiliate in the Commonwealth and are subject to regulation under this title; and

3. Shall not result in annual aggregate cost-sharing payments to the enrollee (or his or her eligible dependents, as appropriate) which exceed the greatest annual aggregate cost-sharing payments which would apply had the covered items or services been received under another group health benefit plan providing a point-of-service benefit which is currently offered and actively marketed by the carrier or its affiliate in the Commonwealth and which is subject to regulation under this title.

F. Except to the extent otherwise required under applicable law, any carrier providing the point-of-service benefit required under this section may not utilize an allowable charge or basis for determining the amount to be reimbursed or paid to any provider from which covered items or services are received under the point-of-service benefit which is not at least as favorable to the provider as that used:

1. By the carrier or its affiliate in calculating the reimbursement or payment to be made to similarly situated providers under another group health benefit plan providing a point-of-service benefit which is subject to regulation under this title and which is currently offered or arranged by the carrier or its affiliate and actively marketed in the Commonwealth, if the carrier or its affiliate offers or arranges another such group health benefit plan providing a point-of-service benefit in the Commonwealth; or

2. By the health maintenance organization in calculating the reimbursement or payment to be made to similarly situated providers on its provider panel.

G. Except as expressly permitted in this section or required under applicable law, no carrier shall impose on any person receiving or providing health care items or services under the point-of-service benefit any condition or penalty designed to discourage the enrollee's selection or use of the point-of-service benefit, which is not otherwise similarly imposed either: (i) on enrollees in another group health benefit plan, if any, currently offered or arranged and actively marketed by the carrier or its affiliate in the Commonwealth or (ii) on enrollees who receive the covered items or services from the health maintenance organization's provider panel. Nothing in this section shall preclude a carrier offering or arranging a point-of-service benefit from imposing on enrollees selecting the point-of-service benefit reasonable utilization review, preadmission certification or precertification requirements or other utilization or cost control measures which are similarly imposed on enrollees participating in one or more other group health benefit plans which are subject to regulation under this title and are currently offered and actively marketed by the carrier or its affiliates in the Commonwealth or which are otherwise required under applicable law.

H. Except as expressly otherwise permitted in this section or as otherwise required under applicable law, the scope of the health care items and services which are covered under the point-of-service benefit required under this section shall at least include the same health care items and services which would be covered if provided under the health maintenance organization's health care plan, including without limitation any items or services covered under a rider or endorsement to the applicable health care plan. Carriers shall be required to disclose prominently in all group health benefit plans and in all

marketing materials utilized with respect to such group health benefit plans that the scope of the benefits provided under the point-of-service option are at least as great as those provided through the HMO's health care plan for that group. Filings of point-of-service benefits submitted to the Commission shall be accompanied by a certification signed by an officer of the filing carrier certifying that the scope of the point-of-service benefits includes at a minimum the same health care items and services as are provided under the HMO's group health care plan for that group.

I. Nothing in this section shall prohibit a health maintenance organization from offering or arranging the point-of-service benefit (i) as a separate group health benefit plan or under a different name than the health maintenance organization's group health benefit plan which does not contain the point-of-service benefit or (ii) from managing a group health benefit plan under which the point-of-service benefit is offered in a manner which separates or otherwise differentiates it from the group health benefit plan which does not contain the point-of-service benefit.

J. Notwithstanding anything in this section to the contrary, to the extent permitted under applicable law, no health maintenance organization shall be required to offer or arrange a point-of-service benefit under this section with respect to any group health benefit plan offered to a group contract holder if the health maintenance organization determines in good faith that the group contract holder will be concurrently offering another group health benefit plan or a self-insured or self-funded health benefit plan which allows the enrollees to access care from their provider of choice whether or not the provider is a member of the health maintenance organization's panel.

K. This section shall apply only to group health benefit plans issued in the Commonwealth in the commercial group market by carriers regulated by this title and shall not apply to (i) health care plans, contracts or policies issued in the individual market; (ii) coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (*Medicaid*) or Title ~~XX~~ XXI of the Social Security Act, 42 U.S.C. § ~~1397~~ 1397aa et seq. (*Medicaid*) (*CHIP*), 5 U.S.C. § 8901 et seq. (federal employees), 10 U.S.C. § 1071 et seq. (~~CHAMPUS~~) (*TRICARE*) or Chapter 28 (§ 2.2-2800 et seq.) of Title 2.2 (state employees); (iii) accident only, credit or disability insurance, or long-term care insurance, plans providing only limited health care services under § 38.2-4300 (unless offered by endorsement or rider to a group health benefit plan), ~~CHAMPUS~~ *TRICARE* supplement, Medicare supplement, or workers' compensation coverages; or (iv) an employee welfare benefit plan (as defined in section 3 (1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002 (1)), which is self-insured or self-funded.

L. This section shall apply to group health benefit plans issued or renewed by carriers in this Commonwealth on or after July 1, 1998.

M. Nothing in this section shall operate to limit any rights or obligations arising under § 38.2-3407, 38.2-3407.7, 38.2-3407.10, 38.2-3407.11, 38.2-4209, 38.2-4209.1, 38.2-4312, or 38.2-4312.1.

N. If any provision of this section or its application to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity shall not affect the other provisions or any other application of this section which shall be given effect without the invalid provision or application, and for this purpose the provisions of this section are declared severable.

§ 38.2-3407.15. Ethics and fairness in carrier business practices.

A. As used in this section:

"Carrier," "enrollee" and "provider" shall have the meanings set forth in § 38.2-3407.10; however, a "carrier" shall also include any person required to be licensed under this title which offers or operates a managed care health insurance plan subject to Chapter 58 (§ 38.2-5800 et seq.) of this title or which provides or arranges for the provision of health care services, health plans, networks or provider panels which are subject to regulation as the business of insurance under this title.

"Claim" means any bill, claim, or proof of loss made by or on behalf of an enrollee or a provider to a carrier (or its intermediary, administrator or representative) with which the provider has a provider contract for payment for health care services under any health plan; however, a "claim" shall not include a request for payment of a capitation or a withhold.

"Clean claim" means a claim (i) that has no material defect or impropriety (including any lack of any reasonably required substantiation documentation) which substantially prevents timely payment from being made on the claim or (ii) with respect to which a carrier has failed timely to notify the person submitting the claim of any such defect or impropriety in accordance with this section.

"Health care services" means items or services furnished to any individual for the purpose of preventing, alleviating, curing, or healing human illness, injury or physical disability.

"Health plan" means any individual or group health care plan, subscription contract, evidence of coverage, certificate, health services plan, medical or hospital services plan, accident and sickness insurance policy or certificate, managed care health insurance plan, or other similar certificate, policy, contract or arrangement, and any endorsement or rider thereto, to cover all or a portion of the cost of persons receiving covered health care services, which is subject to state regulation and which is required to be offered, arranged or issued in the Commonwealth by a carrier licensed under this title. Health plan does not mean (i) coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (*Medicaid*) or Title ~~XX~~ XXI of the Social Security Act, 42 U.S.C. § ~~1397~~ 1397aa et seq. (*Medicaid*) (*CHIP*), 5 U.S.C. § 8901 et seq. (federal employees), or 10 U.S.C. § 1071 et seq. (~~CHAMPUS~~) (*TRICARE*); or (ii) accident only, credit or disability insurance, long-term care insurance, ~~CHAMPUS~~ *TRICARE* supplement, Medicare supplement, or workers' compensation coverages.

"Provider contract" means any contract between a provider and a carrier (or a carrier's network, provider panel, intermediary or representative) relating to the provision of health care services.

"Retroactive denial of a previously paid claim" or "retroactive denial of payment" means any attempt by a carrier retroactively to collect payments already made to a provider with respect to a claim by reducing other payments currently owed to the provider, by withholding or setting off against future payments, or in any other manner reducing or affecting the future claim payments to the provider.

B. Subject to subsection H, every provider contract entered into by a carrier shall contain specific provisions which shall require the carrier to adhere to and comply with the following minimum fair business standards in the processing and payment of claims for health care services:

1. A carrier shall pay any claim within 40 days of receipt of the claim except where the obligation of the carrier to pay a claim is not reasonably clear due to the existence of a reasonable basis supported by specific information available for review by the person submitting the claim that:

a. The claim is determined by the carrier not to be a clean claim due to a good faith determination or dispute regarding (i) the manner in which the claim form was completed or submitted, (ii) the eligibility of a person for coverage, (iii) the responsibility of another carrier for all or part of the claim, (iv) the amount of the claim or the amount currently due under the claim, (v) the benefits covered, or (vi) the manner in which services were accessed or provided; or

b. The claim was submitted fraudulently.

Each carrier shall maintain a written or electronic record of the date of receipt of a claim. The person submitting the claim shall be entitled to inspect such record on request and to rely on that record or on any other admissible evidence as proof of the fact of receipt of the claim, including without limitation electronic or facsimile confirmation of receipt of a claim.

2. A carrier shall, within 30 days after receipt of a claim, request electronically or in writing from the person submitting the claim the information and documentation that the carrier reasonably believes will be required to process and pay the claim or to determine if the claim is a clean claim. Upon receipt of the additional information requested under this subsection necessary to make the original claim a clean claim, a carrier shall make the payment of the claim in compliance with this section. No carrier may refuse to pay a claim for health care services rendered pursuant to a provider contract which are covered benefits if the carrier fails timely to notify or attempt to notify the person submitting the claim of the matters identified above unless such failure was caused in material part by the person submitting the claims; however, nothing herein shall preclude such a carrier from imposing a retroactive denial of payment of such a claim if permitted by the provider contract unless such retroactive denial of payment of the claim would violate subdivision 6 of this subsection. Nothing in this subsection shall require a carrier to pay a claim which is not a clean claim.

3. Any interest owing or accruing on a claim under § 38.2-3407.1 or 38.2-4306.1 of this title, under any provider contract or under any other applicable law, shall, if not sooner paid or required to be paid, be paid, without necessity of demand, at the time the claim is paid or within 60 days thereafter.

4. a. Every carrier shall establish and implement reasonable policies to permit any provider with which there is a provider contract (i) to confirm in advance during normal business hours by free telephone or electronic means if available whether the health care services to be provided are medically necessary and a covered benefit and (ii) to determine the carrier's requirements applicable to the provider (or to the type of health care services which the provider has contracted to deliver under the provider contract) for (a) pre-certification or authorization of coverage decisions, (b) retroactive reconsideration of a certification or authorization of coverage decision or retroactive denial of a previously paid claim, (c) provider-specific payment and reimbursement methodology, coding levels and methodology, downcoding, and bundling of claims, and (d) other provider-specific, applicable claims processing and payment matters necessary to meet the terms and conditions of the provider contract, including determining whether a claim is a clean claim. If a carrier routinely, as a matter of policy, bundles or downcodes claims submitted by a provider, the carrier shall clearly disclose that practice in each provider contract. Further, such carrier shall either (i) disclose in its provider contracts or on its website the specific bundling and downcoding policies that the carrier reasonably expects to be applied to the provider or provider's services on a routine basis as a matter of policy or (ii) disclose in each provider contract a telephone or facsimile number or e-mail address that a provider can use to request the specific bundling and downcoding policies that the carrier reasonably expects to be applied to that provider or provider's services on a routine basis as a matter of policy. If such request is made by or on behalf of a provider, a carrier shall provide the requesting provider with such policies within 10 business days following the date the request is received.

b. Every carrier shall make available to such providers within 10 business days of receipt of a request, copies of or reasonable electronic access to all such policies which are applicable to the particular provider or to particular health care services identified by the provider. In the event the provision of the entire policy would violate any applicable copyright law, the carrier may instead comply with this subsection by timely delivering to the provider a clear explanation of the policy as it applies to the provider and to any health care services identified by the provider.

5. Every carrier shall pay a claim if the carrier has previously authorized the health care service or has advised the provider or enrollee in advance of the provision of health care services that the health care services are medically necessary and a covered benefit, unless:

a. The documentation for the claim provided by the person submitting the claim clearly fails to support the claim as originally authorized; or

b. The carrier's refusal is because (i) another payor is responsible for the payment, (ii) the provider has already been paid for the health care services identified on the claim, (iii) the claim was submitted fraudulently or the authorization was based in whole or material part on erroneous information provided to the carrier by the provider, enrollee, or other person not related to the carrier, or (iv) the person receiving the health care services was not eligible to receive them on the date of service and the carrier did not know, and with the exercise of reasonable care could not have known, of the person's eligibility status.

6. No carrier may impose any retroactive denial of a previously paid claim unless the carrier has provided the reason for the retroactive denial and (i) the original claim was submitted fraudulently, (ii) the original claim payment was incorrect because the provider was already paid for the health care services identified on the claim or the health care services identified on the claim were not delivered by the provider, or (iii) the time which has elapsed since the date of the payment of the original challenged claim does not exceed the lesser of (a) 12 months or (b) the number of days within which the carrier requires under its provider contract that a claim be submitted by the provider following the date on which a health care service is provided. Effective July 1, 2000, a carrier shall notify a provider at least 30 days in advance of any retroactive denial of a claim.

7. Notwithstanding subdivision 6 of this subsection, with respect to provider contracts entered into, amended, extended, or renewed on or after July 1, 2004, no carrier shall impose any retroactive denial of payment or in any other way seek recovery or refund of a previously paid claim unless the carrier specifies in writing the specific claim or claims for which the retroactive denial is to be imposed or the recovery or refund is sought. The written communication shall also contain an explanation of why the claim is being retroactively adjusted.

8. No provider contract may fail to include or attach at the time it is presented to the provider for execution (i) the fee schedule, reimbursement policy or statement as to the manner in which claims will be calculated and paid which is applicable to the provider or to the range of health care services reasonably expected to be delivered by that type of provider on a routine basis and (ii) all material addenda, schedules and exhibits thereto and any policies (including those referred to in subdivision 4 of this subsection) applicable to the provider or to the range of health care services reasonably expected to be delivered by that type of provider under the provider contract.

9. No amendment to any provider contract or to any addenda, schedule, exhibit or policy thereto (or new addenda, schedule, exhibit, or policy) applicable to the provider (or to the range of health care services reasonably expected to be delivered by that type of provider) shall be effective as to the provider, unless the provider has been provided with the applicable portion of the proposed amendment (or of the proposed new addenda, schedule, exhibit, or policy) at least 60 calendar days before the effective date and the provider has failed to notify the carrier within 30 calendar days of receipt of the documentation of the provider's intention to terminate the provider contract at the earliest date thereafter permitted under the provider contract.

10. In the event that the carrier's provision of a policy required to be provided under subdivision 8 or 9 of this subsection would violate any applicable copyright law, the carrier may instead comply with this section by providing a clear, written explanation of the policy as it applies to the provider.

11. All carriers shall establish, in writing, their claims payment dispute mechanism and shall make this information available to providers.

C. Without limiting the foregoing, in the processing of any payment of claims for health care services rendered by providers under provider contracts and in performing under its provider contracts, every carrier subject to regulation by this title shall adhere to and comply with the minimum fair business standards required under subsection B, and the Commission shall have the jurisdiction to determine if a carrier has violated the standards set forth in subsection B by failing to include the requisite provisions in its provider contracts and shall have jurisdiction to determine if the carrier has failed to implement the minimum fair business standards set out in subdivisions B 1 and B 2 in the performance of its provider contracts.

D. No carrier shall be in violation of this section if its failure to comply with this section is caused in material part by the person submitting the claim or if the carrier's compliance is rendered impossible due to matters beyond the carrier's reasonable control (such as an act of God, insurrection, strike, fire, or power outages) which are not caused in material part by the carrier.

E. Any provider who suffers loss as the result of a carrier's violation of this section or a carrier's breach of any provider contract provision required by this section shall be entitled to initiate an action to recover actual damages. If the trier of fact finds that the violation or breach resulted from a carrier's gross negligence and willful conduct, it may increase damages to an amount not exceeding three times the actual damages sustained. Notwithstanding any other provision of law to the contrary, in addition to any damages awarded, such provider also may be awarded reasonable attorney's fees and court costs. Each claim for payment which is paid or processed in violation of this section or with respect to which a violation of this section exists shall constitute a separate violation. The Commission shall not be deemed to be a "trier of fact" for purposes of this subsection.

F. No carrier (or its network, provider panel or intermediary) shall terminate or fail to renew the employment or other contractual relationship with a provider, or any provider contract, or otherwise penalize any provider, for invoking any of the provider's rights under this section or under the provider contract.

G. This section shall apply only to carriers subject to regulation under this title.

H. This section shall apply with respect to provider contracts entered into, amended, extended or renewed on or after July 1, 1999.

I. Pursuant to the authority granted by § 38.2-223, the Commission may promulgate such rules and regulations as it may deem necessary to implement this section.

J. If any provision of this section, or the application thereof to any person or circumstance, is held invalid or unenforceable, such determination shall not affect the provisions or applications of this section which can be given effect without the invalid or unenforceable provision or application, and to that end the provisions of this section are severable.

K. The Commission shall have no jurisdiction to adjudicate individual controversies arising out of this section.

CHAPTER 158

An Act to amend and reenact §§ 9.1-102, 9.1-184, 22.1-79.4, and 22.1-279.8 of the Code of Virginia, relating to the Virginia Center for School Safety; name change.

[S 390]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-102, 9.1-184, 22.1-79.4, and 22.1-279.8 of the Code of Virginia are amended and reenacted as follows: § 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. Establish compulsory training courses for law-enforcement officers in laws and procedures relating to entrapment, search and seizure, evidence, and techniques of report writing, which training shall be completed by law-enforcement officers who have not completed the compulsory training standards set out in subdivision 2, prior to assignment of any such officers to undercover investigation work. Failure to complete the training shall not, for that reason, constitute grounds to exclude otherwise properly admissible testimony or other evidence from such officer resulting from any undercover investigation;

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies, correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile correctional facility as the term is defined in § 66-25.3;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and with universities, colleges, community colleges, and other institutions, whether located in or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;
13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;
14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;
15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;
16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;
17. Make recommendations concerning any matter within its purview pursuant to this chapter;
18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;
19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;
20. Conduct audits as required by § 9.1-131;
21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;
22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;
23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;
24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;
25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;
26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;
27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;
28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;
29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;
30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;
31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;
32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish a model policy for law-enforcement personnel in the handling of family abuse, domestic violence, sexual assault and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in § 9.1-1301 and shall by December 1, 2009, submit a report on the status of implementation of these requirements to the chairmen of the House and Senate Courts of Justice Committees;

38. Establish training standards and publish a model policy for law-enforcement personnel in communicating with and facilitating the safe return of individuals diagnosed with Alzheimer's disease;

39. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;

40. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;

41. Publish and disseminate a model policy or guideline that may be used by state and local agencies to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and the potential for biased policing;

42. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

43. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

44. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, which training and certification shall be administered by the Virginia Center for School *and Campus* Safety pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of these standards and certification requirements;

45. Establish training standards and publish a model policy and protocols for local and regional sexual assault response teams;

46. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

47. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

48. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

49. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

50. Establish compulsory training standards and publish a model policy for law-enforcement personnel regarding death notification;

51. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

52. Establish, publish, and disseminate a model policy or guideline for law-enforcement personnel for questioning individuals suspected of driving while intoxicated concerning the physical location of that individual's last consumption of an alcoholic beverage and for communicating that information to the Alcoholic Beverage Control Board;

53. Establish training standards and publish a model policy for law-enforcement personnel assigned to vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

54. Establish training standards and publish a model policy for law-enforcement personnel involved in criminal investigations that embody current best practices for conducting photographic and live lineups;

55. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

56. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117; and

57. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

§ 9.1-184. Virginia Center for School and Campus Safety created; duties.

A. From such funds as may be appropriated, the Virginia Center for School *and* Campus Safety (the Center) is hereby established within the Department. The Center shall:

1. Provide training for Virginia public school personnel in school safety, on evidence-based antibullying tactics, and in the effective identification of students who may be at risk for violent behavior and in need of special services or assistance;

2. Serve as a resource and referral center for Virginia school divisions by conducting research, sponsoring workshops, and providing information regarding current school safety concerns, such as conflict management and peer mediation, bullying, school facility design and technology, current state and federal statutory and regulatory school safety requirements, and legal and constitutional issues regarding school safety and individual rights;

3. Maintain and disseminate information to local school divisions on effective school safety initiatives in Virginia and across the nation;

4. Collect, analyze, and disseminate various Virginia school safety data, including school safety audit information submitted to it pursuant to § 22.1-279.8, collected by the Department;

5. Encourage the development of partnerships between the public and private sectors to promote school safety in Virginia;

6. Provide technical assistance to Virginia school divisions in the development and implementation of initiatives promoting school safety, including threat assessment-based protocols with such funds as may be available for such purpose;

7. Develop a memorandum of understanding between the Director of the Department of Criminal Justice Services and the Superintendent of Public Instruction to ensure collaboration and coordination of roles and responsibilities in areas of mutual concern, such as school safety audits and crime prevention;

8. Provide training for and certification of school security officers, as defined in § 9.1-101 and consistent with § 9.1-110;

9. Develop, in conjunction with the Department of State Police, the Department of Behavioral Health and Developmental Services, and the Department of Education, a model critical incident response training program for public school personnel and others providing services to schools that shall also be made available to private schools in the Commonwealth; and

10. In consultation with the Department of Education, provide schools with a model policy for the establishment of threat assessment teams, including procedures for the assessment of and intervention with students whose behavior poses a threat to the safety of school staff or students.

B. All agencies of the Commonwealth shall cooperate with the Center and, upon request, assist the Center in the performance of its duties and responsibilities.

§ 22.1-79.4. Threat assessment teams and oversight committees.

A. Each local school board shall adopt policies for the establishment of threat assessment teams, including the assessment of and intervention with students whose behavior may pose a threat to the safety of school staff or students

consistent with the model policies developed by the Virginia Center for School *and Campus* Safety in accordance with § 9.1-184. Such policies shall include procedures for referrals to community services boards or health care providers for evaluation or treatment, when appropriate.

B. The superintendent of each school division may establish a committee charged with oversight of the threat assessment teams operating within the division, which may be an existing committee established by the division. The committee shall include individuals with expertise in human resources, education, school administration, mental health, and law enforcement.

C. Each division superintendent shall establish, for each school, a threat assessment team that shall include persons with expertise in counseling, instruction, school administration, and law enforcement. Threat assessment teams may be established to serve one or more schools as determined by the division superintendent. Each team shall (i) provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self; (ii) identify members of the school community to whom threatening behavior should be reported; and (iii) implement policies adopted by the local school board pursuant to subsection A.

D. Upon a preliminary determination that a student poses a threat of violence or physical harm to self or others, a threat assessment team shall immediately report its determination to the division superintendent or his designee. The division superintendent or his designee shall immediately attempt to notify the student's parent or legal guardian. Nothing in this subsection shall preclude school division personnel from acting immediately to address an imminent threat.

E. Each threat assessment team established pursuant to this section shall report quantitative data on its activities according to guidance developed by the Department of Criminal Justice Services.

§ 22.1-279.8. School safety audits and school crisis, emergency management, and medical emergency response plans required.

A. For the purposes of this section, unless the context requires otherwise:

"School crisis, emergency management, and medical emergency response plan" means the essential procedures, operations, and assignments required to prevent, manage, and respond to a critical event or emergency, including natural disasters involving fire, flood, tornadoes, or other severe weather; loss or disruption of power, water, communications or shelter; bus or other accidents; medical emergencies, including cardiac arrest and other life-threatening medical emergencies; student or staff member deaths; explosions; bomb threats; gun, knife or other weapons threats; spills or exposures to hazardous substances; the presence of unauthorized persons or trespassers; the loss, disappearance or kidnapping of a student; hostage situations; violence on school property or at school activities; incidents involving acts of terrorism; and other incidents posing a serious threat of harm to students, personnel, or facilities. The plan shall include a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01. The Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those individuals determined to be victims, and the plan shall also contain current contact information for both agencies.

"School safety audit" means a written assessment of the safety conditions in each public school to (i) identify and, if necessary, develop solutions for physical safety concerns, including building security issues and (ii) identify and evaluate any patterns of student safety concerns occurring on school property or at school-sponsored events. Solutions and responses shall include recommendations for structural adjustments, changes in school safety procedures, and revisions to the school board's standards for student conduct.

B. The Virginia Center for School *and Campus* Safety, in consultation with the Department of Education, shall develop a list of items to be reviewed and evaluated in the school safety audits required by this section. Such items shall include those incidents reported to school authorities pursuant to § 22.1-279.3:1 and shall include a school inspection walk-through using a standardized checklist provided by the Virginia Center for School *and Campus* Safety, which shall incorporate crime prevention through environmental design principles.

The Virginia Center for School *and Campus* Safety shall prescribe a standardized report format for school safety audits, additional reporting criteria, and procedures for report submission, which may include instructions for electronic submission.

Each local school board shall require all schools under its supervisory control to annually conduct school safety audits as defined in this section and consistent with such list.

The results of such school safety audits shall be made public within 90 days of completion. The local school board shall retain authority to withhold or limit the release of any security plans, walk-through checklists, and specific vulnerability assessment components as provided in subdivision 7 of § 2.2-3705.2. The completed walk-through checklist shall be made available upon request to the chief law-enforcement officer of the locality or his designee. Each school shall maintain a copy of the school safety audit, which may exclude such security plans, walk-through checklists, and vulnerability assessment components, within the office of the school principal and shall make a copy of such report available for review upon written request.

Each school shall submit a copy of its school safety audit to the relevant school division superintendent. The division superintendent shall collate and submit all such school safety audits, in the prescribed format and manner of submission, to the Virginia Center for School *and Campus* Safety and shall make available upon request to the chief law-enforcement officer of the locality the results of such audits.

C. The division superintendent shall establish a school safety audit committee to include, if available, representatives of parents, teachers, local law-enforcement, emergency services agencies, local community services boards, and judicial and public safety personnel. The school safety audit committee shall review the completed school safety audits and submit any plans, as needed, for improving school safety to the division superintendent for submission to the local school board.

D. Each school board shall ensure that every school that it supervises shall develop a written school crisis, emergency management, and medical emergency response plan, consistent with the definition provided in this section, and shall provide copies of such plans to the chief law-enforcement officer, the fire chief, the chief emergency medical services official, and the emergency management official of the locality. Each school division shall designate an emergency manager. The Department of Education and the Virginia Center for School *and Campus* Safety shall provide technical assistance to the school divisions of the Commonwealth in the development of the school crisis, emergency management, and medical emergency response plans that describe the components of a medical emergency response plan developed in coordination with local emergency medical services providers, the training of school personnel and students to respond to a life-threatening emergency, and the equipment required for this emergency response. The local school board shall annually review the written school crisis, emergency management, and medical emergency response plans. The local school board shall have the authority to withhold or limit the review of any security plans and specific vulnerability assessment components as provided in subdivision 7 of § 2.2-3705.2. The local school division superintendent shall certify this review in writing to the Virginia Center ~~on~~ for School *and Campus* Safety no later than August 31 of each year.

Upon consultation with local school boards, division superintendents, the Virginia Center for School *and Campus* Safety, and the Coordinator of Emergency Management, the Board of Education shall develop, and may revise as it deems necessary, a model school crisis, emergency management, and medical emergency response plan for the purpose of assisting the public schools in Virginia in developing viable, effective crisis, emergency management, and medical emergency response plans. Such model shall set forth recommended effective procedures and means by which parents can contact the relevant school or school division regarding the location and safety of their school children and by which school officials may contact parents, with parental approval, during a critical event or emergency.

CHAPTER 159

An Act to amend and reenact §§ 38.2-1414 and 38.2-1433 of the Code of Virginia, relating to permitted investments in foreign securities by insurance companies.

[S 406]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-1414 and 38.2-1433 of the Code of Virginia are amended and reenacted as follows:

§ 38.2-1414. Limits by type of investment.

A. The portion of a domestic insurer's total admitted assets in the following types of investments shall not exceed:

1. Ten percent for the aggregate of investments made eligible by §§ 38.2-1416 and 38.2-1417;
2. Five percent for the investments in each agency made eligible by § 38.2-1418, and ~~ten~~ 10 percent for the aggregate of investments made eligible by § 38.2-1418;
3. Ten percent for the investments made eligible by § 38.2-1419;
4. Ten percent for the investments made eligible by § 38.2-1420;
5. For the aggregate of investments made eligible under §§ 38.2-1421 and 38.2-1422, (i) ~~ninety~~ 90 percent for any life insurer and (ii) ~~forty~~ 40 percent for all other insurers;
6. Ten percent for the investments made eligible by subsection B of § 38.2-1421; and two percent for the investments made eligible by subsection C of § 38.2-1421;
7. Twenty percent for the investments made eligible by § 38.2-1422;
8. Ten percent for the investments made eligible by § 38.2-1423;
9. Five percent for the investments made eligible by § 38.2-1424;
10. Five percent for the investments made eligible by § 38.2-1425;
11. The lesser of ~~fifteen~~ 15 percent or the amount by which an insurer's surplus to policyholders exceeds its minimum capital and surplus for the aggregate of investments made eligible by §§ 38.2-1427, 38.2-1427.1 and 38.2-1427.2, of which no more than five percent of the total admitted assets shall be in investments made eligible by § 38.2-1427.1;
12. For the aggregate of investments made eligible by § 38.2-1427.3, when combined with the insurer's total investment in affiliates, the lesser of ~~ten~~ 10 percent of the insurer's admitted assets or ~~fifty~~ 50 percent of the insurer's surplus to policyholders in excess of its minimum capital and surplus, provided that total investments in affiliates do not include investments made by the insurer in money market mutual funds made eligible by § 38.2-1432;
13. ~~Ten~~ Fifteen percent for investments made eligible by subsection B of § 38.2-1433, and an amount equal to its deposit and reserve obligations incurred in a foreign country for the investments made eligible by subsection A of § 38.2-1433;
14. Two percent for the investments made eligible (including those that the insurer is obligated to make as well as those made) by subdivision 3 of § 38.2-1434;

15. Two percent for the investments made eligible by § 38.2-1435;
 16. Ten percent for the investments made eligible by § 38.2-1436;
 17. For the aggregate of investments made eligible by § 38.2-1437.1, when combined with the insurer's investments in mortgages under §§ 38.2-1434 through 38.2-1436 and § 38.2-1439, (i) ~~sixty~~ 60 percent for any life insurer and (ii) ~~thirty~~ 30 percent for all other insurers;

18. Two percent for the investments made eligible by § 38.2-1440; and

19. Twenty-five percent for the total of investments made eligible by § 38.2-1441, of which no more than five percent of the total admitted assets shall be in investments in real property to be used primarily for hotel purposes.

B. The amount loaned under § 38.2-1430 shall be subject to the limitations of this section applicable to the kinds of securities or obligations pledged in connection with the loan.

§ 38.2-1433. Foreign securities.

A. A domestic insurer transacting the business of insurance in a foreign country may invest in securities of or issued in that country of substantially the same kinds, classes, and investment grades as the insurer may acquire in the United States.

B. A domestic insurer may invest in securities of or issued in a foreign country of substantially the same kinds, classes and investment grades as the insurer may acquire in the United States, provided (i) all such securities are rated medium grade or higher by the Securities Valuation Office of the National Association of Insurance Commissioners or by a national rating agency recognized by the Commission and no more than one percent of the insurer's admitted assets are invested in such securities which are rated medium grade, and (ii) the aggregate amount of foreign investment held by the insurer under this section for a single foreign jurisdiction does not exceed ~~three~~ (a) five percent of the insurer's admitted assets *as to a foreign jurisdiction that has a sovereign debt rating of SVO 1 by the Securities Valuation Office of the National Association of Insurance Commissioners* or (b) three percent of the insurer's admitted assets *as to any other foreign jurisdiction*.

C. ~~These investments~~ Investments made eligible by this section shall be payable in lawful currency of the United States, except (i) where payment in other lawful currencies is required to match obligations denominated in such other lawful currencies or (ii) *if the investment is denominated in other lawful currency, the investment is effectively hedged, substantially in its entirety, against the lawful currency of the United States in accordance with § 38.2-1428.*

CHAPTER 160

An Act to amend and reenact §§ 3.2-6553 and 3.2-6584 of the Code of Virginia, relating to compensation for livestock and poultry killed by dogs and hybrid canines.

[S 432]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6553 and 3.2-6584 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-6553. Compensation for livestock and poultry killed by dogs.

Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry not to exceed ~~\$400~~ \$750 per animal or \$10 per fowl if: (i) the claimant has furnished evidence within 60 days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog; (ii) the animal control officer or other officer shall have been notified of the incident within 72 hours of its discovery; and (iii) the claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied.

Local jurisdictions may by ordinance waive the requirements of *clause* (ii) or (iii) or both provided that the ordinance adopted requires that the animal control officer has conducted an investigation and that his investigation supports the claim. Upon payment under this section, the local governing body shall be subrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the dog and may enforce the same in an appropriate action at law.

§ 3.2-6584. Compensation for livestock and poultry killed by hybrid canines.

Any person who has any livestock or poultry killed or injured by any hybrid canine not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry not to exceed ~~\$400~~ \$750 per animal or \$10 per fowl if: (i) the claimant has furnished evidence within 60 days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a hybrid canine; (ii) the animal control officer or other officer shall have been notified of the incident within 72 hours of its discovery; and (iii) the claimant first has exhausted his legal remedies against the owner, if known, of the hybrid canine doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the hybrid canine upon which an execution has been returned unsatisfied.

Local jurisdictions may by ordinance waive the requirements of *clause* (ii) or (iii) or both provided that the ordinance adopted requires that the animal control officer has conducted an investigation and that his investigation supports the claim. Upon payment under this section the local governing body shall be subrogated to the extent of compensation paid to the

right of action to the owner of the livestock or poultry against the owner of the hybrid canine and may enforce the same in an appropriate action at law.

CHAPTER 161

An Act to amend and reenact § 67-202 of the Code of Virginia, relating to the schedule for updating the Virginia Energy Plan.

[S 514]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 67-202 of the Code of Virginia is amended and reenacted as follows:

§ 67-202. Schedule.

A. The Division shall complete the Plan by July 1, 2007.

B. Prior to completion of the Plan and updates thereof, the Division shall present drafts to, and consult with, the Coal and Energy Commission and the Commission on Electric Utility Regulation.

C. The Plan shall be updated by the Division and submitted as provided in § 67-203 by July 1, 2010, *October 1, 2014*, and every ~~four years~~ *fourth October 1* thereafter. Updated reports shall reassess goals for energy conservation based on progress to date in meeting the goals in the previous plan and lessons learned from attempts to meet such goals.

CHAPTER 162

An Act to amend and reenact § 28.2-628 of the Code of Virginia, relating to condemnation of privately leased oyster grounds.

[S 603]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-628 of the Code of Virginia is amended and reenacted as follows:

§ 28.2-628. Condemnation of oyster bottoms and grounds.

The Department of Transportation and any ~~county, city, or town~~ *locality* shall have the right by eminent domain, to acquire any right or interest, partial or complete, in and to any oyster bottoms, oyster-planting grounds, or interest therein necessary for the purpose of such Department or ~~county, city, or town~~ *locality*. The procedure in such cases shall conform to the provisions of Chapter 3 (§ 25.1-300 et seq.) of Title 25.1. *However, a locality shall not exercise the right by eminent domain to acquire any right or interest, partial or complete, in and to any oyster-planting grounds leased pursuant to Article 1 (§ 28.2-600 et seq.) or 2 (§ 28.2-603 et seq.) of Chapter 6, other than a water-dependent linear wastewater project where there is no practical alternative and the project is subject to permitting under the State Water Control Law (§ 62.1-44.2 et seq.).*

The Department of Conservation and Recreation shall have the same right of eminent domain against the same properties as previously described, where the purpose of the condemnation is to provide for a navigational improvement benefiting the Commonwealth and not limited to purposes of any particular ~~county, city, or town~~ *locality*.

CHAPTER 163

An Act to amend and reenact § 15.2-968.1 of the Code of Virginia, relating to use of photo-monitoring systems to enforce traffic light signals.

[H 255]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-968.1 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-968.1. Use of photo-monitoring systems to enforce traffic light signals.

A. The governing body of any county, city, or town may provide by ordinance for the establishment of a traffic signal enforcement program imposing monetary liability on the operator of a motor vehicle for failure to comply with traffic light signals in such locality in accordance with the provisions of this section. Each such locality may install and operate traffic light signal photo-monitoring systems at no more than one intersection for every 10,000 residents within each county, city, or town at any one time, provided, however, that within planning District 8, each such locality may install and operate traffic light signal photo-monitoring systems at no more than 10 intersections, or at no more than one intersection for every 10,000 residents within each county, city, or town, whichever is greater, at any one time.

B. The operator of a vehicle shall be liable for a monetary penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a traffic light signal violation monitoring system, to have failed to comply with a traffic light signal within such locality.

C. Proof of a violation of this section shall be evidenced by information obtained from a traffic light signal violation monitoring system authorized pursuant to this section. A certificate, sworn to or affirmed by a law-enforcement officer employed by a locality authorized to impose penalties pursuant to this section, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a traffic light signal violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to an ordinance adopted pursuant to this section.

D. In the prosecution for a violation of any local ordinance adopted as provided in this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of such ordinance, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation or (ii) testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section, is presented, prior to the return date established on the summons issued pursuant to this section, to the court adjudicating the alleged violation.

E. For purposes of this section, "owner" means the registered owner of such vehicle on record with the Department of Motor Vehicles. For purposes of this section, "traffic light signal violation monitoring system" means a vehicle sensor installed to work in conjunction with a traffic light that automatically produces two or more photographs, two or more microphotographs, video, or other recorded images of each vehicle at the time it is used or operated in violation of § 46.2-833, 46.2-835, or 46.2-836. For each such vehicle, at least one recorded image shall be of the vehicle before it has illegally entered the intersection, and at least one recorded image shall be of the same vehicle after it has illegally entered that intersection.

F. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. No monetary penalty imposed under this section shall exceed \$50, nor shall it include court costs.

G. A summons for a violation of this section may be executed pursuant to § 19.2-76.2. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of the Department of Motor Vehicles; in the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection D and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. Any summons executed for a violation of this section shall provide to the person summoned at least 30 business days from the mailing of the summons to inspect information collected by a traffic light signal violation monitoring system in connection with the violation.

H. Information collected by a traffic light signal violation monitoring system installed and operated pursuant to subsection A shall be limited exclusively to that information that is necessary for the enforcement of traffic light violations. On behalf of a locality, a private entity that operates a traffic light signal violation monitoring system may enter into an agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that fail to comply with a traffic light signal. Information provided to the operator of a traffic light signal violation monitoring system shall be protected in a database with security comparable to that of the Department of Motor Vehicles' system, and used only for enforcement against individuals who violate the provisions of this section. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other personal information collected by a traffic light signal violation monitoring system shall be used exclusively for enforcing traffic light violations and shall not (i) be open to the public; (ii) be sold or used for sales, solicitation, or marketing purposes; (iii) be disclosed to any other entity except as may be necessary for the enforcement of a traffic light violation or to a vehicle owner or operator as part of a challenge to the violation; or (iv) be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of § 46.2-833, 46.2-835, or 46.2-836 or requested upon order from a court of competent jurisdiction. Information collected under this section pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any civil penalties. If a locality does not execute a summons for a violation of this section within 10 business days, all information collected pertaining to that suspected violation shall be purged within two business days. Any locality operating a traffic

light signal violation monitoring system shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or his designee. Any person who discloses personal information in violation of the provisions of this subsection shall be subject to a civil penalty of \$1,000 per disclosure. Any unauthorized use or disclosure of such personal information shall be grounds for termination of the agreement between the Department of Motor Vehicles and the private entity.

I. A private entity may enter into an agreement with a locality to be compensated for providing the traffic light signal violation monitoring system or equipment, and all related support services, to include consulting, operations and administration. However, only a law-enforcement officer employed by a locality may swear to or affirm the certificate required by subsection C. No locality shall enter into an agreement for compensation based on the number of violations or monetary penalties imposed.

J. When selecting potential intersections for a traffic light signal violation monitoring system, a locality shall consider factors such as (i) the accident rate for the intersection, (ii) the rate of red light violations occurring at the intersection (number of violations per number of vehicles), (iii) the difficulty experienced by law-enforcement officers in patrol cars or on foot in apprehending violators, and (iv) the ability of law-enforcement officers to apprehend violators safely within a reasonable distance from the violation. Localities may consider the risk to pedestrians as a factor, if applicable.

K. Before the implementation of a traffic light signal violation monitoring system at an intersection, the locality shall complete an engineering safety analysis that addresses signal timing and other location-specific safety features. The length of the yellow phase shall be established based on the recommended methodology of the Institute of Transportation Engineers. *No traffic light signal violation monitoring system shall be implemented or utilized for a traffic signal having a yellow signal phase length of less than three seconds.* All traffic light signal violation monitoring systems shall provide a minimum 0.5-second grace period between the time the signal turns red and the time the first violation is recorded. If recommended by the engineering safety analysis, the locality shall make reasonable location-specific safety improvements, including signs and pavement markings.

L. Any locality that uses a traffic light signal violation monitoring system shall evaluate the system on a monthly basis to ensure all cameras and traffic signals are functioning properly. Evaluation results shall be made available to the public.

M. Any locality that uses a traffic light signal violation monitoring system to enforce traffic light signals shall place conspicuous signs within 500 feet of the intersection approach at which a traffic light signal violation monitoring system is used. There shall be a rebuttable presumption that such signs were in place at the time of the commission of the traffic light signal violation.

N. Prior to or coincident with the implementation or expansion of a traffic light signal violation monitoring system, a locality shall conduct a public awareness program, advising the public that the locality is implementing or expanding a traffic light signal violation monitoring system.

O. Notwithstanding any other provision of this section, if a vehicle depicted in images recorded by a traffic light signal photo-monitoring system is owned, leased, or rented by a county, city, or town, then the county, city, or town may access and use the recorded images and associated information for employee disciplinary purposes.

CHAPTER 164

An Act to amend the Code of Virginia by adding a section numbered 8.01-221.2, relating to civil action; rescission; undue influence; attorney fees.

[H 312]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-221.2 as follows:

§ 8.01-221.2. Rescission; undue influence; attorney fees.

In any civil action to rescind a deed, contract, or other instrument, the court may award to the plaintiff reasonable attorney fees and costs associated with bringing such action where the court finds, by clear and convincing evidence, that the deed, contract, or other instrument was obtained by fraud or undue influence on the part of the defendant.

CHAPTER 165

An Act to amend and reenact § 19.2-254 of the Code of Virginia and to amend the Code of Virginia by adding in Article 8 of Chapter 11 of Title 16.1 a section numbered 16.1-277.2, relating to plea agreements; recusal.

[H 452]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-254 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 8 of Chapter 11 of Title 16.1 a section numbered 16.1-277.2 as follows:

§ 16.1-277.2. Rejection of plea agreement; recusal.

Upon rejecting a plea agreement in any delinquency matter, a judge shall immediately recuse himself from any further proceedings on the same matter unless the parties agree otherwise.

§ 19.2-254. Arraignment; pleas; when court may refuse to accept plea; rejection of plea agreement; recusal.

Arraignment shall be conducted in open court. It shall consist of reading to the accused the charge on which he will be tried and calling on him to plead thereto. In a felony case, arraignment is not necessary when waived by the accused. In a misdemeanor case, arraignment is not necessary when waived by the accused or his counsel, or when the accused fails to appear.

An accused may plead not guilty, guilty or nolo contendere. The court may refuse to accept a plea of guilty to any lesser offense included in the charge upon which the accused is arraigned; but, in misdemeanor and felony cases the court shall not refuse to accept a plea of nolo contendere.

With the approval of the court and the consent of the Commonwealth, a defendant may enter a conditional plea of guilty in a felony case, reserving the right, on appeal from the judgment, to a review of the adverse determination of any specified pretrial motion. If the defendant prevails on appeal, he shall be allowed to withdraw his plea.

Upon rejecting a plea agreement in any criminal matter, a judge shall immediately recuse himself from any further proceedings on the same matter unless the parties agree otherwise.

CHAPTER 166

An Act to amend and reenact § 19.2-10.2 of the Code of Virginia, relating to administrative subpoena for electronic communication service or remote computing service records; abduction and prostitution offenses.

[H 485]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 19.2-10.2 of the Code of Virginia is amended and reenacted as follows:****§ 19.2-10.2. Administrative subpoena issued for record from provider of electronic communication service or remote computing service.**

A. A provider of electronic communication service or remote computing service that is transacting or has transacted any business in the Commonwealth shall disclose a record or other information pertaining to a subscriber to or customer of such service, excluding the contents of electronic communications as required by § 19.2-70.3, to an attorney for the Commonwealth pursuant to an administrative subpoena issued under this section.

1. In order to obtain such records or other information, the attorney for the Commonwealth shall certify on the face of the subpoena that there is reason to believe that the records or other information being sought are relevant to a legitimate law-enforcement investigation concerning violations of §§ 18.2-47, 18.2-48, 18.2-49, 18.2-346, 18.2-347, 18.2-348, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 18.2-374.1, and 18.2-374.1:1, former § 18.2-374.1:2, and § 18.2-374.3.

2. On a motion made promptly by the electronic communication service or remote computing service provider, a court of competent jurisdiction may quash or modify the administrative subpoena if the records or other information requested are unusually voluminous in nature or if compliance with the subpoena would otherwise cause an undue burden on the service provider.

B. All records or other information received by an attorney for the Commonwealth pursuant to an administrative subpoena issued under this section shall be used only for a reasonable length of time not to exceed 30 days and only for a legitimate law-enforcement purpose. Upon completion of the investigation the records or other information held by the attorney for the Commonwealth shall be destroyed if no prosecution is initiated.

C. No cause of action shall lie in any court against an electronic communication service or remote computing service provider, its officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of an administrative subpoena issued under this section.

D. Records or other information pertaining to a subscriber to or customer of such service means name, address, local and long distance telephone connection records, or records of session times and durations, length of service, including start date, and types of service utilized, telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address, and means and source of payment for such service.

E. Nothing in this section shall require the disclosure of information in violation of any federal law.

CHAPTER 167

An Act to amend and reenact § 18.2-422 of the Code of Virginia, relating to wearing masks; exceptions.

[H 542]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-422 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-422. Prohibition of wearing of masks in certain places; exceptions.

It shall be unlawful for any person over ~~sixteen~~ 16 years of age while wearing to, with the intent to conceal his identity, wear any mask, hood or other device whereby a substantial portion of the face is hidden or covered so as to conceal the identity of the wearer, to be or appear in any public place, or upon any private property in this Commonwealth without first having obtained from the owner or tenant thereof consent to do so in writing. However, the provisions of this section shall not apply to persons (i) wearing traditional holiday costumes; (ii) engaged in professions, trades, employment or other activities and wearing protective masks which are deemed necessary for the physical safety of the wearer or other persons; (iii) engaged in any bona fide theatrical production or masquerade ball; or (iv) wearing a mask, hood or other device for bona fide medical reasons upon (a) the advice of a licensed physician or osteopath and carrying on his person an affidavit from the physician or osteopath specifying the medical necessity for wearing the device and the date on which the wearing of the device will no longer be necessary and providing a brief description of the device, or (b) the declaration of a disaster or state of emergency by the Governor in response to a public health emergency where the emergency declaration expressly waives this section, defines the mask appropriate for the emergency, and provides for the duration of the waiver. The violation of any provisions of this section ~~shall constitute~~ is a Class 6 felony.

CHAPTER 168

An Act to amend and reenact § 8.01-126 of the Code of Virginia, relating to summons for unlawful detainer issued by magistrate or clerk or judge of a general district court.

[H 596]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 8.01-126 of the Code of Virginia is amended and reenacted as follows:****§ 8.01-126. Summons for unlawful detainer issued by magistrate or clerk or judge of a general district court.**

A. In any case when possession of any house, land or tenement is unlawfully detained by the person in possession thereof, the landlord, his agent, attorney, or other person, entitled to the possession may present to a magistrate or a clerk or judge of a general district court a statement under oath of the facts which authorize the removal of the tenant or other person in possession, describing such premises; and thereupon such magistrate, clerk or judge shall issue his summons against the person or persons named in such affidavit. The process issued upon any such summons issued by a magistrate, clerk or judge may be served as provided in § 8.01-293, 8.01-296, or 8.01-299. When issued by a magistrate it may be returned to and the case heard and determined by the judge of a general district court. If the summons for unlawful detainer is filed to terminate a tenancy pursuant to the Virginia Residential Landlord Tenant Act (§ 55-248.2 et seq.), the initial hearing on such summons shall occur as soon as practicable, but not more than 21 days from the date of filing. If the case cannot be heard within 21 days from the date of filing, the initial hearing shall be held as soon as practicable. If the plaintiff requests that the initial hearing be set on a date later than 21 days from the date of filing, the initial hearing shall be set on a date the plaintiff is available that is also available for the court. Such summons shall be served at least 10 days before the return day thereof.

B. Notwithstanding any other rule of court or provision of law to the contrary, the plaintiff in an unlawful detainer case may submit into evidence a photocopy of a properly executed paper document or paper printout of an electronically stored document including a copy of the original lease or other documents, provided that the plaintiff provides an affidavit or sworn testimony that the copy of such document is a true and accurate copy of the original lease. An attorney or agent of the landlord or managing agent may present such affidavit into evidence.

C. Notwithstanding any other rule of court or provision of law to the contrary, when the defendant does not make an appearance in court, the plaintiff or the plaintiff's attorney or agent may include in the affidavit entered into evidence pursuant to subsection B a statement of the amount of outstanding rent, late charges, attorney fees, and any other charges or damages due as of the date of the hearing. Upon request of the plaintiff or the plaintiff's attorney or agent, if the court determines that (i) the affidavit accurately sets forth the amount due the plaintiff and (ii) the unlawful detainer summons served upon the defendant requests judgment for all amounts due as of the date of the hearing, the court shall permit amendment of the amount requested on the summons for unlawful detainer filed in court in accordance with the affidavit and shall enter a judgment for such amount due as of the date of the hearing in addition to entering an order of possession for the premises.

CHAPTER 169

An Act to amend and reenact § 19.2-8 of the Code of Virginia, relating to limitation of prosecutions; falsifying patient records.

[H 661]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 19.2-8 of the Code of Virginia is amended and reenacted as follows:**

§ 19.2-8. Limitation of prosecutions.

A prosecution for a misdemeanor, or any pecuniary fine, forfeiture, penalty or amercement, shall be commenced within one year next after there was cause therefor, except that a prosecution for petit larceny may be commenced within five years, and for an attempt to produce abortion, within two years after commission of the offense.

A prosecution for any misdemeanor violation of § 54.1-3904 shall be commenced within two years of the discovery of the offense.

A prosecution for violation of laws governing the placement of children for adoption without a license pursuant to § 63.2-1701 shall be commenced within one year from the date of the filing of the petition for adoption.

A prosecution for making a false statement or representation of a material fact knowing it to be false or knowingly failing to disclose a material fact, to obtain or increase any benefit or other payment under the Virginia Unemployment Compensation Act (§ 60.2-100 et seq.) shall be commenced within three years next after the commission of the offense.

A prosecution for any violation of § 10.1-1320, 62.1-44.32 (b), 62.1-194.1, or Article 11 (§ 62.1-44.34:14 et seq.) of Chapter 3.1 of Title 62.1 that involves the discharge, dumping or emission of any toxic substance as defined in § 32.1-239 shall be commenced within three years next after the commission of the offense.

Prosecution of Building Code violations under § 36-106 shall commence within one year of discovery of the offense by the building official; provided that such discovery occurs within two years of the date of initial occupancy or use after construction of the building or structure, or the issuance of a certificate of use and occupancy for the building or structure, whichever is later. However, prosecutions under § 36-106 relating to the maintenance of existing buildings or structures as contained in the Uniform Statewide Building Code shall commence within one year of the discovery of the offense by the building official.

Prosecution of any misdemeanor violation of § 54.1-111 shall commence within one year of the discovery of the offense by the complainant, but in no case later than five years from occurrence of the offense.

Prosecution of any misdemeanor violation of any professional licensure requirement imposed by a locality shall commence within one year of the discovery of the offense by the complainant, but in no case later than five years from occurrence of the offense.

Prosecution of nonfelonious offenses which constitute malfeasance in office shall commence within two years next after the commission of the offense.

Prosecution of any violation of § 55-79.87, 55-79.88, 55-79.89, 55-79.90, 55-79.93, 55-79.94, 55-79.95, 55-79.103, or any rule adopted under or order issued pursuant to § 55-79.98, shall commence within three years next after the commission of the offense.

Prosecution of illegal sales or purchases of wild birds, wild animals and freshwater fish under § 29.1-553 shall commence within three years after commission of the offense.

Prosecution of violations under Title 58.1 for offenses involving false or fraudulent statements, documents or returns, or for the offense of willfully attempting in any manner to evade or defeat any tax or the payment thereof, or for the offense of willfully failing to pay any tax, or willfully failing to make any return at the time or times required by law or regulations shall commence within three years next after the commission of the offense, unless a longer period is otherwise prescribed.

Prosecution of violations of subsection A or B of § 3.2-6570 shall commence within five years of the commission of the offense, except violations regarding agricultural animals shall commence within one year of the commission of the offense.

A prosecution for a violation of § 18.2-386.1 shall be commenced within five years of the commission of the offense.

A prosecution for any violation of the Campaign Finance Disclosure Act, Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2, shall commence within one year of the discovery of the offense but in no case more than three years after the date of the commission of the offense.

A prosecution of a crime that is punishable as a misdemeanor pursuant to the Virginia Computer Crimes Act (§ 18.2-152.1 et seq.) or pursuant to § 18.2-186.3 for identity theft shall be commenced before the earlier of (i) five years after the commission of the last act in the course of conduct constituting a violation of the article or (ii) one year after the existence of the illegal act and the identity of the offender are discovered by the Commonwealth, by the owner, or by anyone else who is damaged by such violation.

A prosecution for a violation of § 18.2-260.1 shall be commenced within three years of the commission of the offense.

Nothing in this section shall be construed to apply to any person fleeing from justice or concealing himself within or without the Commonwealth to avoid arrest or be construed to limit the time within which any prosecution may be commenced for desertion of a spouse or child or for neglect or refusal or failure to provide for the support and maintenance of a spouse or child.

CHAPTER 170

An Act to amend and reenact § 18.2-186.4:1 of the Code of Virginia, relating to Internet publication of personal information; prohibition; attorneys for the Commonwealth.

[H 745]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-186.4:1 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-186.4:1. Internet publication of personal information of certain public officials.**

A. The Commonwealth shall not publish on the Internet the personal information of any public official if a court has, pursuant to subsection B, ordered that the official's personal information is prohibited from publication and the official has made a demand in writing to the Commonwealth, accompanied by the order of the court, that the Commonwealth not publish such information.

B. Any public official may petition a circuit court for an order prohibiting the publication on the Internet, by the Commonwealth, of the official's personal information. The petition shall set forth the specific reasons that the official seeks the order. The court shall issue such an order only if it finds that (i) there exists a threat to the official or a person who resides with him that would result from publication of the information or (ii) the official has demonstrated a reasonable fear of a risk to his safety or the safety of someone who resides with him that would result from publication of the information on the Internet.

C. If the Commonwealth publishes the public official's personal information on the Internet prior to receipt of a written demand by the official under subsection A, it shall remove the information from publication on the Internet within 48 hours of receipt of the written demand.

D. A written demand made by any public official pursuant to this section shall be effective for four years as follows:

1. For a law-enforcement officer, if the officer remains continuously employed as a law-enforcement officer throughout the four-year period; ~~and~~

2. For a federal or state judge or justice, if such public official continuously serves throughout the four-year period; *and*

3. *For an attorney for the Commonwealth, if such public official continuously serves throughout the four-year period.*

E. For purposes of this section:

"Commonwealth" means any agency or political subdivision of the Commonwealth of Virginia.

"Law-enforcement officer" means the same as that term is defined in § 9.1-101, 5 U.S.C. § 8331(20), excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20), and any other federal officer or agent who is credentialed with the authority to enforce federal law.

"Personal information" means home address, home telephone numbers, personal cell phone numbers, or personal email address.

"Publication" and "publishes" means intentionally communicating personal information to, or otherwise making personal information available to, and accessible by, the general public through the Internet or other online service.

"Public official" means any state or federal judge or justice ~~and any~~, law-enforcement officer, *or attorney for the Commonwealth.*

F. No provision of this section shall apply to lists of registered voters and persons who voted, voter registration records, or lists of absentee voters prepared or provided under Title 24.2.

CHAPTER 171

An Act to amend and reenact §§ 46.2-920 and 46.2-1023 of the Code of Virginia, relating to emergency vehicles of the Virginia National Guard.

[H 929]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:**1. That §§ 46.2-920 and 46.2-1023 of the Code of Virginia are amended and reenacted as follows:****§ 46.2-920. Certain vehicles exempt from regulations in certain situations; exceptions and additional requirements.**

A. The driver of any emergency vehicle, when such vehicle is being used in the performance of public services, and when such vehicle is operated under emergency conditions, may, without subjecting himself to criminal prosecution:

1. Disregard speed limits, while having due regard for safety of persons and property;

2. Proceed past any steady or flashing red signal, traffic light, stop sign, or device indicating moving traffic shall stop if the speed of the vehicle is sufficiently reduced to enable it to pass a signal, traffic light, or device with due regard to the safety of persons and property;

3. Park or stop notwithstanding the other provisions of this chapter;

4. Disregard regulations governing a direction of movement of vehicles turning in specified directions so long as the operator does not endanger life or property;

5. Pass or overtake, with due regard to the safety of persons and property, another vehicle at any intersection;

6. Pass or overtake with due regard to the safety of persons and property, while en route to an emergency, stopped or slow-moving vehicles, by going to the left of the stopped or slow-moving vehicle either in a no-passing zone or by crossing the highway centerline; or

7. Pass or overtake with due regard to the safety of persons and property, while en route to an emergency, stopped or slow-moving vehicles, by going off the paved or main traveled portion of the roadway on the right. Notwithstanding other

provisions of this section, vehicles exempted in this instance will not be required to sound a siren or any device to give automatically intermittent signals.

B. The exemptions granted to emergency vehicles by subsection A in subdivisions A1, A3, A4, A5, and A6 shall apply only when the operator of such vehicle displays a flashing, blinking, or alternating emergency light or lights as provided in §§ 46.2-1022 and 46.2-1023 and sounds a siren, exhaust whistle, or air horn designed to give automatically intermittent signals, as may be reasonably necessary. The exemption granted under subdivision A 2 shall apply only when the operator of such emergency vehicle displays a flashing, blinking, or alternating emergency light or lights as provided in §§ 46.2-1022 and 46.2-1023 and either (a) sounds a siren, exhaust whistle, or air horn designed to give automatically intermittent signals or (b) slows the vehicle down to a speed reasonable for the existing conditions, yields right-of-way to the driver of another vehicle approaching or entering the intersection from another direction or, if required for safety, brings the vehicle to a complete stop before proceeding with due regard for the safety of persons and property. In addition, the exemptions granted to emergency vehicles by subsection A shall apply only when there is in force and effect for such vehicle either (i) standard motor vehicle liability insurance covering injury or death to any person in the sum of at least \$100,000 because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of \$300,000 because of bodily injury to or death of two or more persons in any one accident, and to a limit of \$20,000 because of injury to or destruction of property of others in any one accident or (ii) a certificate of self-insurance issued pursuant to § 46.2-368. Such exemptions shall not, however, protect the operator of any such vehicle from criminal prosecution for conduct constituting reckless disregard of the safety of persons and property. Nothing in this section shall release the operator of any such vehicle from civil liability for failure to use reasonable care in such operation.

C. For the purposes of this section, the term "emergency vehicle" shall mean:

1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer (i) in the chase or apprehension of violators of the law or persons charged with or suspected of any such violation or (ii) in response to an emergency call;

2. Any regional detention center vehicle operated by or under the direction of a correctional officer responding to an emergency call or operating in an emergency situation;

3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when traveling in response to a fire alarm or emergency call;

4. Any ambulance, rescue, or life-saving vehicle designed or used for the principal purpose of supplying resuscitation or emergency relief where human life is endangered;

5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services vehicle, when responding to an emergency call or operating in an emergency situation;

6. Any Department of Corrections vehicle designated by the Director of the Department of Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a request for assistance from a law-enforcement officer; ~~and~~

7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and white secondary warning lights under the provisions of § 46.2-1029.2; *and*

8. *Any Virginia National Guard Civil Support Team vehicle when responding to an emergency.*

D. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer may disregard speed limits, while having due regard for safety of persons and property, (i) in testing the accuracy of speedometers of such vehicles, (ii) in testing the accuracy of speed measuring devices specified in § 46.2-882, or (iii) in following another vehicle for the purpose of determining its speed.

E. A Department of Environmental Quality vehicle, while en route to an emergency and with due regard to the safety of persons and property, may overtake and pass stopped or slow-moving vehicles by going off the paved or main traveled portion of the highway on the right or on the left. These Department of Environmental Quality vehicles shall not be required to sound a siren or any device to give automatically intermittent signals, but shall display red or red and white warning lights when performing such maneuvers.

F. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer while conducting a funeral escort, wide-load escort, dignitary escort, or any other escort necessary for the safe movement of vehicles and pedestrians may, without subjecting himself to criminal prosecution:

1. Disregard speed limits, while having due regard for safety of persons and property;

2. Proceed past any steady or flashing red signal, traffic light, stop sign, or device indicating moving traffic shall stop if the speed of the vehicle is sufficiently reduced to enable it to pass a signal, traffic light, or device with due regard for the safety of persons and property;

3. Park or stop notwithstanding the other provisions of this chapter;

4. Disregard regulations governing a direction of movement of vehicles turning in specified directions so long as the operator does not endanger life or property; or

5. Pass or overtake, with due regard for the safety of persons and property, another vehicle.

Notwithstanding other provisions of this section, vehicles exempted in this subsection may sound a siren or any device to give automatically intermittent signals.

§ 46.2-1023. Flashing red or red and white warning lights.

Fire apparatus, forest warden vehicles, ambulances, rescue and life-saving vehicles, vehicles of the Department of Emergency Management, vehicles of the Department of Environmental Quality, *vehicles of the Virginia National Guard Civil Support Team when responding to an emergency*, vehicles of county, city, or town Departments of Emergency Management, vehicles of the Office of Emergency Medical Services, animal warden vehicles, and vehicles used by security personnel of the ~~Northrop Grumman Shipbuilding, Inc.~~ *Huntington Ingalls Industries*, Bassett-Walker, Inc., the Winchester Medical Center, the National Aeronautics and Space Administration's Wallops Flight Facility, and, within those areas specified in their orders of appointment, by special conservators of the peace and policemen for certain places appointed pursuant to §§ 19.2-13 and 19.2-17 may be equipped with flashing, blinking, or alternating red or red and white combination warning lights of types approved by the Superintendent. Such warning lights may be of types constructed within turn signal housings or motorcycle headlight housings, subject to approval by the Superintendent.

CHAPTER 172

An Act to amend and reenact § 8.01-336 of the Code of Virginia, relating to right to trial by jury; demand; pleadings.

[H 1039]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-336 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-336. Jury trial of right; waiver of jury trial; court-ordered jury trial; trial by jury of plea in equity; equitable claim.

A. The right of trial by jury as declared in Article I, Section 11 of the Constitution of Virginia and by statutes thereof shall be preserved inviolate to the parties. *Unless waived, any demand for a trial by jury in a civil case made in compliance with the Rules of Supreme Court of Virginia shall be sufficient, with no further notice, hearing, or order, to proceed thereon.*

B. Waiver of jury trial. - In any action at law in which the recovery sought is greater than ~~\$100~~ \$20, exclusive of interest, unless one of the parties demands that the case or any issue thereof be tried by a jury, or in a criminal action in which trial by jury is dispensed with as provided by law, the whole matter of law and fact may be heard and judgment given by the court.

C. Court-ordered jury trial. - Notwithstanding any provision in this Code to the contrary, in any action asserting a claim at law in which there has been no demand for trial by jury by any party, a circuit court may on its own motion direct one or more issues, including an issue of damages, to be tried by a jury.

D. Trial by jury of plea in equity. - In any action in which a plea has been filed to an equitable claim, and the allegations of such plea are denied by the plaintiff, either party may have the issue tried by jury.

E. Suit on equitable claim. - In any suit on an equitable claim, the court may, of its own motion or upon motion of any party, supported by such party's affidavit that the case will be rendered doubtful by conflicting evidence of another party, direct an issue to be tried before an advisory jury.

CHAPTER 173

An Act to amend and reenact § 37.2-406 of the Code of Virginia, relating to the location of methadone clinics near schools and day care centers; exemptions for existing facilities and providers.

[S 117]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 37.2-406 of the Code of Virginia is amended and reenacted as follows:

§ 37.2-406. Conditions for initial licensure of certain providers.

A. Notwithstanding the Commissioner's discretion to grant licenses pursuant to this article or any Board regulation regarding licensing, no initial license shall be granted by the Commissioner to a provider of treatment for persons with opiate addiction through the use of methadone or other opioid replacements, if the provider is to be located within one-half mile of a public or private licensed day care center or a public or private K-12 school, except when such service is provided by a hospital licensed by the Board of Health or the Commissioner or is owned or operated by an agency of the Commonwealth.

B. No provider shall be required to conduct, maintain, or operate services for the treatment of persons with opiate addiction through the use of methadone or other opioid replacements on Sunday except when such service is provided by a hospital licensed by the Board of Health or the Commissioner or is owned or operated by an agency of the Commonwealth, subject to regulations or guidelines issued by the Department consistent with the health, safety and welfare of individuals receiving services and the security of take-home doses of methadone or other opiate replacements.

C. Upon receiving notice of a proposal for or an application to obtain an initial license from a provider of treatment for persons with opiate addiction through the use of methadone or other opioid replacements, the Commissioner shall, within

15 days of the receipt, notify the local governing body of and the community services board serving the jurisdiction in which the facility is to be located of the proposal or application and the facility's proposed location.

Within 30 days of the date of the notice, the local governing body and community services board shall submit to the Commissioner comments on the proposal or application. The local governing body shall notify the Commissioner within 30 days of the date of the notice concerning the compliance of the applicant with this section and any applicable local ordinances.

D. No license shall be issued by the Commissioner to the provider until the conditions of this section have been met, i.e., local governing body and community services board comments have been received and the local governing body has determined compliance with the provisions of this section and any relevant local ordinances.

E. No applicant for a license to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements that has obtained a certificate of occupancy in accordance with the law and regulations in effect on January 1, 2004, shall be required to comply with the provisions of this section *with respect to the existing facility for which the certificate of occupancy was obtained*. No existing licensed provider shall be required to comply with the provisions of this section ~~in any city or county~~ *with respect to an existing facility* in which it is currently providing such treatment. *License applicants and licensees who fall within this exception shall, however, be required to comply with the provisions of this section for purposes of relocating an existing facility or establishing a new facility.*

F. The provisions of subsection A and subsection E shall not apply to the jurisdictions in Planning District 8 or to an applicant for a license for the purpose of relocating within a city located in Planning District 23 a facility to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements that has been providing such treatment in the same city since 1984 and is operated by and located with a community services board.

CHAPTER 174

An Act to amend and reenact § 12.1-19 of the Code of Virginia, relating to disclosure of records related to administrative activities of the State Corporation Commission.

[S 119]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 12.1-19 of the Code of Virginia is amended and reenacted as follows:

§ 12.1-19. Duties of clerk; records; copies; personal identifiable information; records related to the administrative activities of the Commission.

A. The clerk of the Commission shall:

1. Keep a record of all the proceedings, orders, findings, and judgments of the public sessions of the Commission, and the minutes of the proceedings of each day's public session shall be read and approved by the Commission and signed by its chairman, or acting chairman;

2. Subject to the supervision and control of the Commission, have custody of and preserve all of the records, documents, papers, and files of the Commission, or which may be filed before it in any complaint, proceeding, contest, or controversy, and such records, documents, papers, and files shall be open to public examination in the office of the clerk to the same extent as the records and files of the courts of this Commonwealth;

3. When requested, make and certify copies from any record, document, paper, or file in his office, and if required, affix the seal of the Commission (or a facsimile thereof) thereto, and otherwise furnish and certify information from the Commission records by any means the Commission may deem suitable; and, except when made at the instance of the Commission or on behalf of the Commonwealth, a political subdivision of the Commonwealth, or the government of the United States, he shall charge and collect the fees fixed by §§ 12.1-21.1 and 12.1-21.2; and any such copy or information, so certified, shall have the same faith, credit, and legal effect as copies made and certified by the clerks of the courts of this Commonwealth from the records and files thereof;

4. Certify all allowances made by the Commission to be paid out of the public treasury for witness fees, service of process, or other expenses;

5. Issue all notices, writs, processes or orders awarded by the Commission, or authorized by law, or by the rules of the Commission;

6. Receive all fines and penalties imposed by the Commission, all moneys collected on judgments, all registration fees and franchise taxes required by law to be paid by corporations, including delinquencies thereof and all other fees collected by the Commission, and shall keep an accurate account of the same and the disposition of such receipts and shall, at least once in every thirty days during his term of office, render a statement of all such receipts and collections to the Comptroller, and pay the same into the treasury of the Commonwealth, and shall keep all such other accounts of such collections and disbursements, and shall make all such other reports thereof as may be required by law or by the regulations prescribed by the Comptroller; and

7. Generally have the powers, discharge the functions, and perform the duties of a clerk of a court of record in all matters within the jurisdiction of the Commission. The Commission may designate one or more deputies or assistants of the clerk who may discharge any of his official duties during his continuance in office.

B. A person who prepares or submits to the office of the clerk of the Commission a document or any information for filing with the Commission pursuant to Title 8.9A, Title 13.1, or Title 50 is responsible for ensuring that the document or information does not contain any personal identifiable information, unless such information is otherwise publicly available or is required or authorized by law to be included in the document or information provided. For purposes of this subsection, "personal identifiable information" means (i) a social security number or any other numbers appearing on driver's licenses, (ii) information on credit cards, debit cards, bank accounts, or other electronic billing and payment systems, (iii) a date of birth identified with a particular individual, (iv) the maiden name of an individual's parent, or (v) any financial account number. Any person who prepares or submits to the office of the clerk a document for filing that contains personal identifiable information shall be deemed to have authorized the clerk or any member of his staff to remove, delete, or obliterate, without prior notice, such information prior or subsequent to recording or filing the document in the office of the clerk. Nothing in this subsection shall be deemed to require the clerk to alter any document submitted for filing. The clerk may refuse to accept for filing any document that includes personal identifiable information and return it for modification or explanation. The Commission, its members, the clerk of the Commission, and any member of his staff are immune from liability in any proceeding arising from any acts or omissions in the implementation of this subsection. This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity that exists under statutory or common law.

C. 1. *The Commission shall make available for public inspection records related to the administrative activities of the Commission.*

2. *Disclosure of such records shall not be required, however, if (i) such records are otherwise covered by applicable legal privileges, (ii) disclosure of such records could threaten the safety or security of the Commission's employees, physical plant, or information technology assets or data, or (iii) such records are not publicly available from other public entities under the laws of the Commonwealth, including §§ 2.2-3705.1 and 2.2-4342.*

3. *Records held by the clerk of the Commission related to business entities shall be made public or held confidential in accordance with laws and regulations applicable specifically to such records.*

4. *The Commission shall respond within five business days of receiving requests for administrative records. If it is impracticable to provide the records requested within such time period, the Commission shall notify the requester that an additional seven business days will be required, unless due to the scope of the records requested or length of search necessary to locate them the Commission requires additional time, which shall not be unreasonable in length. When any such requested records are not provided, the Commission shall notify the requester of the basis of the denial.*

5. *As used in this subsection, "administrative activities" means matters related to the Commission's operational responsibilities and operational functions, including its revenues, expenditures, financial management and budgetary practices, personnel policies and practices, and procurement policies and practices. "Administrative activities" shall not include the Commission's formal or informal regulatory or legal proceedings or activities, records related to which shall be governed, inter alia, by laws and regulations applicable specifically to such regulatory and legal proceedings or activities, or in accordance with applicable legal privileges.*

CHAPTER 175

An Act to amend and reenact § 32.1-67 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 32.1-65.1, relating to critical congenital heart defect screening requirement.

[S 183]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-67 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 32.1-65.1 as follows:

§ 32.1-65.1. Critical congenital heart defect screening required.

In order to prevent disability or death, the Board shall require every hospital in the Commonwealth having a newborn nursery to perform a critical congenital heart defect screening test using pulse oximetry or other Board-approved screening test that is based on standards set forth by the American Academy of Pediatrics on every newborn in its care when such infant is at least 24 hours old but no more than 48 hours old or, in cases in which the infant is discharged from the hospital prior to reaching 24 hours of age, prior to discharging the infant.

Any infant whose parent or guardian objects thereto on the grounds that such tests conflict with his religious practices or tenets shall not be required to receive such screening tests.

The physician or health care provider in charge of the infant's care after delivery shall cause such tests to be performed.

§ 32.1-67. Duty of Board for follow-up and referral protocols; regulations.

Infants identified with any condition for which newborn screening is conducted pursuant to § 32.1-65 or 32.1-65.1 shall be eligible for the services of the Children with Special Health Care Needs Program administered by the Department of Health. The Board of Health shall promulgate such regulations as may be necessary to implement Newborn Screening Services and the Children with Special Health Care Needs Program. The Board's regulations shall include, but not be limited to, a list of newborn screening tests conducted pursuant to §§ 32.1-65 and 32.1-65.1, notification processes

conducted pursuant to § 32.1-66, follow-up procedures, appropriate referral processes, and services available for infants and children who have a heritable disorder or genetic disease identified through Newborn Screening Services.

2. That the Board of Health shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

3. That the Board of Health shall convene a work group of health care providers and other stakeholders, which shall include representatives of the Department of Health, Department of Health Professions, Virginia Commonwealth University Health System, University of Virginia Health System, Eastern Virginia Medical School, American Heart Association, Children's National Medical Center, March of Dimes Virginia Chapter, Virginia Chapter of the American Academy of Pediatrics, Virginia Hospital and Health Care Association, Medical Society of Virginia, Inova Fairfax Hospital, Carilion Clinic, and Virginia Chapter of the American College of Cardiology, to provide information and recommendations for the development of regulations to implement the provisions of this act.

CHAPTER 176

An Act to amend and reenact § 58.1-439.26 of the Code of Virginia, relating to claiming tax credits under the Education Improvement Scholarships Tax Credits Program.

[S 269]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-439.26 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-439.26. Tax credit for donations to certain scholarship foundations.

A. Notwithstanding the provisions of § 30-19.1:11, for taxable years beginning on or after January 1, 2013, but before January 1, 2028, a person shall be eligible to earn a credit against any tax due under Article 2 (§ 58.1-320 et seq.) or Article 10 (§ 58.1-400 et seq.), Chapter 12 (§ 58.1-1200 et seq.), Chapter 25 (§ 58.1-2500 et seq.), or Article 2 (§ 58.1-2620 et seq.) of Chapter 26 in an amount equal to 65 percent of the value of the monetary or marketable securities donation made by the person to a scholarship foundation included on the list published annually by the Department of Education in accordance with the provisions of § 58.1-439.28. ~~The credit shall be allowed to be claimed for the taxable year following the year of such donation. For individuals and corporations making estimated tax payments pursuant to this chapter, the credit shall be prorated equally against the individual's or corporation's estimated tax payments made in the third and fourth quarters of the taxable year in which the credit may be claimed and the final tax payment.~~

No tax credit shall be allowed under this article if the value of the monetary or marketable securities donation made by an individual is less than \$500. In addition, tax credits shall be issued only for the first \$125,000 in value of donations made by the individual during the taxable year. The maximum aggregate donations of \$125,000 for the taxable year for which tax credits may be issued and the minimum required donation of \$500 shall apply on an individual basis. Such limitation on the maximum amount of tax credits issued to an individual shall not apply to credits issued to any business entity, including a sole proprietorship.

B. Tax credits shall be issued to persons making monetary or marketable securities donations to scholarship foundations by the Department of Education on a first-come, first-served basis in accordance with procedures established by the Department of Education under the following conditions:

1. The total amount of tax credits that may be issued each fiscal year under this article shall not exceed \$25 million.

2. The amount of the credit shall not exceed the person's tax liability pursuant to Article 2 (§ 58.1-320 et seq.) or Article 10 (§ 58.1-400 et seq.), Chapter 12 (§ 58.1-1200 et seq.), Chapter 25 (§ 58.1-2500 et seq.), or Article 2 (§ 58.1-2620 et seq.) of Chapter 26, as applicable, for the taxable year ~~in~~ for which the credit is claimed. Any credit not usable for the taxable year ~~following the taxable year of the monetary or marketable securities donation for which first allowed~~ may be carried over for credit against the taxes imposed upon the person pursuant to Article 2 (§ 58.1-320 et seq.) or Article 10 (§ 58.1-400 et seq.), Chapter 12 (§ 58.1-1200 et seq.), Chapter 25 (§ 58.1-2500 et seq.), or Article 2 (§ 58.1-2620 et seq.) of Chapter 26, as applicable, in the next five succeeding taxable years or until the total amount of the tax credit has been taken, whichever is sooner.

The amount of any credit attributable to a partnership, electing small business corporation (S corporation), or limited liability company shall be allocated to the individual partners, shareholders, or members, respectively, in proportion to their ownership or interest in such business entities.

C. In a form approved by the Department of Education, the person seeking to make a monetary or marketable securities donation to a scholarship foundation or a scholarship foundation on behalf of such person shall request preauthorization for a specified tax credit amount from the Superintendent of Public Instruction. The Department of Education's preauthorization notice shall accompany the monetary or marketable securities donation from the person to the scholarship foundation, which shall, within 20 days, return the notice to the Department of Education certifying the value and type of donation and date received. Upon receipt and approval by the Department of Education of the preauthorization notice with required supporting documentation and certification of the value and type of the donation by the scholarship foundation, the Superintendent of Public Instruction shall as soon as practicable, and in no case longer than 30 days, issue a tax credit certificate to the person eligible for the tax credit. The person shall attach the tax credit certificate to the applicable tax

return filed with the Department of Taxation or the State Corporation Commission, as applicable. The Department of Education shall provide a copy of the tax credit certificate to the scholarship foundation.

Preauthorization notices not acted upon by a donor within 180 days of issuance shall be void. No tax credit shall be approved by the Department of Education for activities that are a part of a person's normal course of business.

2. That the provisions of this act shall be applicable to monetary or marketable securities donations made in taxable years beginning on or after January 1, 2014, pursuant to Article 13.3 (§ 58.1-439.25 et seq.) of Chapter 3 of Title 58.1 of the Code of Virginia.

CHAPTER 177

An Act to amend and reenact § 58.1-1021.04:3 of the Code of Virginia, relating to civil penalty for untaxed tobacco products.

[S 285]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-1021.04:3 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-1021.04:3. Unlawful importation, transportation, or possession of tobacco products; civil penalty.

A. It shall be unlawful for any person who is not a licensed distributor in the Commonwealth pursuant to this article to import, transport, or possess, for resale, any tobacco products in the Commonwealth, or under circumstances and conditions that indicate that tobacco products are being imported, transported, or possessed in a manner as to knowingly and intentionally evade or attempt to evade the tax imposed by this article. Such tobacco products shall be subject to seizure, forfeiture, and destruction by the Department or any law-enforcement officer of the Commonwealth. All fixtures, equipment, materials, and personal property used in substantial connection with the sale or possession of tobacco products involved in a knowing and intentional violation of this article shall be subject to seizure and forfeiture according to the procedures contained in Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2, applied mutatis mutandis.

B. Any person, except as otherwise provided by law, who imports, transports, or possesses for resale tobacco products upon which the tax imposed by this article has not been paid shall be required to pay any tax owed pursuant to this article. In addition, if such person imports, transports, or possesses such tobacco products in such a manner as to knowingly and intentionally evade or attempt to evade the tax imposed by this article, he shall be required to pay a civil penalty of (i) \$2.50 per tobacco product, up to \$500, for the first violation by the person within a 36-month period; (ii) \$5 per tobacco product, up to \$1,000, for the second violation by the person within a 36-month period; and (iii) \$10 per tobacco product, up to \$50,000, for the third or subsequent violation by the person within a 36-month period, to be assessed and collected by the Department as other taxes are collected. In addition, where willful intent exists to defraud the Commonwealth of the tax levied under this article, such person shall be required to pay a civil penalty of \$25 per tobacco product, up to \$250,000.

CHAPTER 178

An Act to amend the Code of Virginia by adding a section numbered 54.1-2522.1, relating to Prescription Monitoring Program; requirements of prescribers.

[S 294]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 54.1-2522.1 as follows:

§ 54.1-2522.1. Requirements of prescribers.

A. Any prescriber who is licensed in the Commonwealth and is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription for a covered substance shall be registered with the Prescription Monitoring Program by the Department of Health Professions upon filing an application for licensure or renewal of licensure, if the prescriber is not already registered.

B. Prescribers registered with the Prescription Monitoring Program shall, at the time of initiating a new course of treatment to a human patient that includes the prescribing of benzodiazepine or an opiate anticipated to last more than 90 consecutive days and for which a treatment agreement is entered into, request information from the Director for the purpose of determining what, if any, other covered substances are currently prescribed to the patient. In addition, any prescriber who holds a special identification number from the Drug Enforcement Administration authorizing the prescribing of controlled substances for opioid addiction therapy shall, prior to or as a part of execution of a treatment agreement with the patient, request information from the Director for the purpose of determining what, if any, other covered substances the patient is currently being prescribed. Nothing in this section shall prohibit prescribers from making additional periodic requests for information from the Director as may be required by routine prescribing practices.

C. The Secretary of Health and Human Resources may identify and publish a list of benzodiazepines or opiates that have a low potential for abuse by human patients. Prescribers who prescribe such identified benzodiazepines or opiates

shall not be required to meet the provisions of subsection B. In addition, a prescriber shall not be required to meet the provisions of subsection B if the course of treatment arises from pain management relating to dialysis or cancer treatments.

2. That the provisions of this act shall become effective on July 1, 2015.

CHAPTER 179

An Act to amend and reenact §§ 58.1-3286 and 58.1-3712 of the Code of Virginia, relating to local property and license taxes on mineral lands.

[S 338]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-3286 and 58.1-3712 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-3286. Mineral lands to be specially and separately assessed; severance tax.

The several commissioners of the revenue shall, as soon as practicable after January 1 of each year, specially and separately assess at the fair market value all mineral lands and the improvements thereon and shall enter the same on the land books of their respective counties separately from other lands charged thereon.

The commissioner, in assessing mineral lands, shall set forth upon the land book:

1. The area and the fair market value of such portion of each tract as is improved and under development;
2. The fair market value of the improvements upon each tract; and
3. The area and fair market value of such portion of each tract not under development.

Notwithstanding any other provision of law and subject to the approval of the Board of Supervisors of Buchanan County, the commissioner of the revenue of the county may reassess gas wells and related improvements on an annual basis, provided that such gas wells and related improvements shall be reassessed in the general reassessment for the locality, as required by § 58.1-3287, and provided further a settlement agreement between the County and a taxpayer may provide a methodology for determining fair market value.

In the alternative to the procedure outlined in subdivision 1 above, any county or city may impose by ordinance a severance tax on all coal and gases extracted from the land lying within its jurisdiction. The rate of such tax shall not exceed one percent of the gross receipts from such coal or gases. Any such county or city may further require any producer of such coal or gases and any common carrier to maintain records showing the quantities of coal and gases which they have produced or transported, respectively.

If the surface of the land is held by one person, and the coal, iron and other minerals, mineral waters, gas or oil under the surface are held by another person, the estate therein of each and the relative fair market value of their respective interests shall be ascertained by the commissioner. If the surface of the land and the coal, iron and other minerals, mineral waters, gas or oil under the surface are owned by the same person, the commissioner shall ascertain the fair market value of the land, exclusive of the coal, iron, other minerals, mineral waters, gas or oils. He shall also ascertain the fair market value of the coal, iron, other minerals, mineral waters, gas, and oils and shall assess each at such ascertained values, stating separately in every case the value of the surface of the land and the value of the coal, iron, other minerals, mineral waters, gas and oils under the surface.

The commissioner of the revenue of any county or city is authorized to enter into agreements with taxpayers pertaining to the fair market value of the property taxed under this section. All such agreements entered into on or after January 1, 2013, but prior to July 1, 2014, between the commissioner of the revenue of any county or city and any taxpayer are deemed to be bona fide and are valid and enforceable.

§ 58.1-3712. Counties and cities authorized to levy severance tax on gases.

A. The governing body of any county or city may levy a license tax on every person engaging in the business of severing gases from the earth. Such tax shall be at a rate not to exceed one percent of the gross receipts from the sale of gases severed within such county. Such gross receipts shall be the fair market value measured at the time such gases are utilized or sold for utilization in such county or city or at the time they are placed in transit for shipment therefrom, provided that if the tax provided herein is levied, such county or city cannot enact the provisions of § 58.1-3286 relating to a tax on gross receipts. In calculating the fair market value, no person engaging in the production and operation of severing gases from the earth in connection with coal mining shall be allowed to take deductions, including but not limited to, depreciation, compression, marketing fees, overhead, maintenance, transportation fees, and personal property taxes.

B. Notwithstanding any other provision of this section or law, for purposes of calculating the fair market value of gases severed in Buchanan County, except as otherwise provided in a settlement agreement regarding the calculation of fair market value, including deductions for transportation and compression costs, between the County and the taxpayer, no person engaging in the production and operation of severing gases from the earth in connection with coal mining shall be allowed to take deductions, including but not limited to, depreciation, compression, marketing fees, overhead, maintenance, transportation fees, and personal property taxes.

C. Any county or city enacting a license tax under this section may require producers of gas and common carriers to maintain records and file reports showing the quantities of and receipts from gases which they have produced or transported.

D. The commissioner of the revenue of any county or city is authorized to enter into agreements with any taxpayer pertaining to the calculation of the fair market value of gases under this section. All such agreements entered into on or after January 1, 2013, but prior to July 1, 2014, between the commissioner of the revenue of any county or city and any taxpayer are deemed bona fide and are valid and enforceable.

2. That the provisions of this act are declaratory of existing law.

CHAPTER 180

An Act to amend and reenact § 2.2-2012 of the Code of Virginia, relating to the Virginia Information Technologies Agency; private institutions of higher education.

[S 392]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2012 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2012. Procurement of information technology and telecommunications goods and services; computer equipment to be based on performance-based specifications.

A. Information technology and telecommunications goods and services of every description shall be procured by (i) VITA for its own benefit or on behalf of other state agencies and institutions or (ii) such other agencies or institutions to the extent authorized by VITA. Such procurements shall be made in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.), regulations that implement the electronic and information technology accessibility standards of the Rehabilitation Act of 1973 (29 U.S.C. § 794d), as amended, and any regulations as may be prescribed by VITA. In no case shall such procurements exceed the requirements of the regulations that implement the electronic and information technology accessibility standards of the Rehabilitation Act of 1973, as amended.

The CIO shall disapprove any procurement that does not conform to the Commonwealth strategic plan for information technology developed and approved pursuant to § 2.2-2007 or to the individual strategic plans of state agencies or public institutions of higher education.

B. (Effective until July 1, 2014) All statewide contracts and agreements made and entered into by VITA for the purchase of communications services, telecommunications facilities, and information technology goods and services shall provide for the inclusion of counties, cities, and towns in such contracts and agreements. Notwithstanding the provisions of § 2.2-4301, VITA may enter into multiple vendor contracts for the referenced services, facilities, and goods and services.

B. (Effective July 1, 2014) All statewide contracts and agreements made and entered into by VITA for the purchase of communications services, telecommunications facilities, and information technology goods and services shall provide for the inclusion of counties, cities, and towns in such contracts and agreements. Notwithstanding the provisions of § 2.2-4301, 2.2-4302.1, or 2.2-4302.2, VITA may enter into multiple vendor contracts for the referenced services, facilities, and goods and services.

C. VITA may establish contracts for the purchase of personal computers and related devices by licensed teachers employed in a full-time teaching capacity in Virginia public schools or in state educational facilities for use outside the classroom. The computers and related devices shall not be purchased with public funds, but shall be paid for and owned by teachers individually provided that no more than one such computer and related device per year shall be so purchased.

D. If VITA, or any agency or institution authorized by VITA, elects to procure personal computers and related peripheral equipment pursuant to any type of blanket purchasing arrangement under which public bodies, as defined in § 2.2-4301, may purchase such goods from any vendor following competitive procurement but without the conduct of an individual procurement by or for the using agency or institution, it shall establish performance-based specifications for the selection of equipment. Establishment of such contracts shall emphasize performance criteria including price, quality, and delivery without regard to "brand name." All vendors meeting the Commonwealth's performance requirements shall be afforded the opportunity to compete for such contracts.

E. *VITA shall allow private institutions of higher education chartered in Virginia and granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code to purchase directly from contracts established for state agencies and public bodies by VITA.*

F. This section shall not be construed or applied so as to infringe upon, in any manner, the responsibilities for accounting systems assigned to the Comptroller under § 2.2-803.

2. That the Virginia Information Technologies Agency shall seek the assistance of the Council of Independent Colleges in Virginia and the Division of Purchases and Supply of the Department of General Services in establishing and maintaining a list of private educational institutions authorized to make purchases pursuant to the provisions of this act.

CHAPTER 181

An Act to amend and reenact § 2.2-2006 of the Code of Virginia, relating to the Virginia Information Technologies Agency.

[S 393]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2006 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2006. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Commonwealth information technology project" means any state agency information technology project that is under Commonwealth governance and oversight.

"Commonwealth Project Management Standard" means a document developed and recommended by the Chief Information Officer (CIO) pursuant to § 2.2-2008, and approved by the Secretary pursuant to § 2.2-225, that describes the methodology for conducting information technology projects, and the governance and oversight used to ensure project success.

"Communications services" includes telecommunications services; automated data processing services; *local, wide area, metropolitan, and all other data networks*; and management information systems that serve the needs of state agencies and institutions.

"Confidential data" means information made confidential by federal or state law that is maintained by a state agency in an electronic format.

"Enterprise" means an organization with common or unifying business interests. An enterprise may be defined at the Commonwealth level or secretariat level for program and project integration within the Commonwealth, secretariats, or multiple agencies.

"Information technology" means telecommunications, automated data processing, applications, databases, the Internet, management information systems, and related information, equipment, goods, and services. The provisions of this chapter shall not be construed to hamper the pursuit of the missions of the institutions in instruction and research.

"ITAC" means the Information Technology Advisory Council created in § 2.2-2699.5.

"Major information technology project" means any Commonwealth information technology project that has a total estimated cost of more than \$1 million or that has been designated a major information technology project by the Secretary pursuant to § 2.2-225.

"Noncommercial telecommunications entity" means any public broadcasting station as defined in § 22.1-20.1.

"Public broadcasting services" means the acquisition, production, and distribution by public broadcasting stations of noncommercial educational, instructional, informational, or cultural television and radio programs and information that may be transmitted by means of electronic communications, and related materials and services provided by such stations.

"Public telecommunications entity" means any public broadcasting station as defined in § 22.1-20.1.

"Public telecommunications facilities" means all apparatus, equipment and material necessary for or associated in any way with public broadcasting stations as defined in § 22.1-20.1 or public broadcasting services, including the buildings and structures necessary to house such apparatus, equipment and material, and the necessary land for the purpose of providing public broadcasting services, but not telecommunications services.

"Public telecommunications services" means public broadcasting services.

"Secretary" means the Secretary of Technology.

"State agency" or "agency" means any agency, institution, board, bureau, commission, council, or instrumentality of state government in the executive branch listed in the appropriation act. However, the terms "state agency," "agency," "institution," "public body," and "public institution of higher education," shall not include the University of Virginia Medical Center.

"Technology asset" means hardware and communications equipment not classified as traditional mainframe-based items, including personal computers, mobile computers, and other devices capable of storing and manipulating electronic data.

"Telecommunications" means any origination, transmission, emission, or reception of *data*, signs, signals, writings, images, and sounds or intelligence of any nature, by wire, radio, television, optical, or other electromagnetic systems.

"Telecommunications facilities" means apparatus necessary or useful in the production, distribution, or interconnection of electronic communications for state agencies or institutions including the buildings and structures necessary to house such apparatus and the necessary land.

CHAPTER 182

An Act to amend and reenact § 58.1-344.3 of the Code of Virginia, relating to the voluntary Chesapeake Bay restoration contribution.

[S 414]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-344.3 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-344.3. Voluntary contributions of refunds requirements.

A. 1. For taxable years beginning on and after January 1, 2005, all entities entitled to voluntary contributions of tax refunds listed in subsections B and C must have received at least \$10,000 in contributions in each of the three previous taxable years for which there is complete data and in which such entity was listed on the individual income tax return.

2. In the event that an entity listed in subsections B and C does not satisfy the requirement in subdivision 1, such entity shall no longer be listed on the individual income tax return.

3. a. The entities listed in subdivisions B 21 and B 22 as well as any other entities in subsections B and C added subsequent to the 2004 Session of the General Assembly shall not appear on the individual income tax return until their addition to the individual income tax return results in a maximum of 25 contributions listed on the return. Such contributions shall be added in the order that they are listed in subsections B and C.

b. Each entity added to the income tax return shall appear on the return for at least three consecutive taxable years before the requirement in subdivision 1 is applied to such entity.

4. The Department of Taxation shall report annually by the first day of each General Assembly Regular Session to the chairmen of the House and Senate Finance Committees the amounts collected for each entity listed under subsections B and C for the three most recent taxable years for which there is complete data. Such report shall also identify the entities, if any, that will be removed from the individual income tax return because they have failed the requirements in subdivision 1, the entities that will remain on the individual income tax return, and the entities, if any, that will be added to the individual income tax return.

B. Subject to the provisions of subsection A, the following entities entitled to voluntary contributions shall appear on the individual income tax return and are eligible to receive tax refund contributions of not less than \$1:

1. Nongame wildlife voluntary contribution.

a. All moneys contributed shall be used for the conservation and management of endangered species and other nongame wildlife. "Nongame wildlife" includes protected wildlife, endangered and threatened wildlife, aquatic wildlife, specialized habitat wildlife both terrestrial and aquatic, and mollusks, crustaceans, and other invertebrates under the jurisdiction of the Board of Game and Inland Fisheries.

b. All moneys shall be deposited into a special fund known as the Game Protection Fund and which shall be accounted for as a separate part thereof to be designated as the Nongame Cash Fund. All moneys so deposited in the Nongame Cash Fund shall be used by the Commission of Game and Inland Fisheries for the purposes set forth herein.

2. Open space recreation and conservation voluntary contribution.

a. All moneys contributed shall be used by the Department of Conservation and Recreation to acquire land for recreational purposes and preserve natural areas; to develop, maintain, and improve state park sites and facilities; and to provide funds to local public bodies pursuant to the Virginia Outdoor Fund Grants Program.

b. All moneys shall be deposited into a special fund known as the Open Space Recreation and Conservation Fund. The moneys in the fund shall be allocated one-half to the Department of Conservation and Recreation for the purposes stated in subdivision 2 a and one-half to local public bodies pursuant to the Virginia Outdoor Fund Grants Program.

3. Voluntary contribution to political party.

All moneys contributed shall be paid to the State Central Committee of any party that meets the definition of a political party under § 24.2-101 as of July 1 of the previous taxable year. The maximum contribution allowable under this subdivision shall be \$25. In the case of a joint return of husband and wife, each spouse may designate that the maximum contribution allowable be paid.

4. United States Olympic Committee voluntary contribution.

All moneys contributed shall be paid to the United States Olympic Committee.

5. Housing program voluntary contribution.

a. All moneys contributed shall be used by the Department of Housing and Community Development to provide assistance for emergency, transitional, and permanent housing for the homeless; and to provide assistance to housing for the low-income elderly for the physically or mentally disabled.

b. All moneys shall be deposited into a special fund known as the Virginia Tax Check-off for Housing Fund. All moneys deposited in the fund shall be used by the Department of Housing and Community Development for the purposes set forth in this subdivision. Funds made available to the Virginia Tax Check-off for Housing Fund may supplement but shall not supplant activities of the Virginia Housing Trust Fund established pursuant to Chapter 9 (§ 36-141 et seq.) of Title 36 or those of the Virginia Housing Development Authority.

6. Voluntary contributions to the Department for Aging and Rehabilitative Services.

a. All moneys contributed shall be used by the Department for Aging and Rehabilitative Services for the enhancement of transportation services for the elderly and disabled.

b. All moneys shall be deposited into a special fund known as the Transportation Services for the Elderly and Disabled Fund. All moneys so deposited in the fund shall be used by the Department for Aging and Rehabilitative Services for the enhancement of transportation services for the elderly and disabled. The Department for Aging and Rehabilitative Services shall conduct an annual audit of the moneys received pursuant to this subdivision and shall provide an evaluation of all programs funded pursuant to this subdivision annually to the Secretary of Health and Human Resources.

7. Voluntary contribution to the Community Policing Fund.

a. All moneys contributed shall be used to provide grants to local law-enforcement agencies for the purchase of equipment or the support of services, as approved by the Criminal Justice Services Board, relating to community policing.

b. All moneys shall be deposited into a special fund known as the Community Policing Fund. All moneys deposited in such fund shall be used by the Department of Criminal Justice Services for the purposes set forth herein.

8. Voluntary contribution to promote the arts.

All moneys contributed shall be used by the Virginia Arts Foundation to assist the Virginia Commission for the Arts in its statutory responsibility of promoting the arts in the Commonwealth. All moneys shall be deposited into a special fund known as the Virginia Arts Foundation Fund.

9. Voluntary contribution to the Historic Resources Fund.

All moneys contributed shall be deposited in the Historic Resources Fund established pursuant to § 10.1-2202.1.

10. Voluntary contribution to the Virginia Foundation for the Humanities and Public Policy.

All moneys contributed shall be paid to the Virginia Foundation for the Humanities and Public Policy. All moneys shall be deposited into a special fund known as the Virginia Humanities Fund.

11. Voluntary contribution to the Center for Governmental Studies.

All moneys contributed shall be paid to the Center for Governmental Studies, a public service and research center of the University of Virginia. All moneys shall be deposited into a special fund known as the Governmental Studies Fund.

12. Voluntary contribution to the Law and Economics Center.

All moneys contributed shall be paid to the Law and Economics Center, a public service and research center of George Mason University. All moneys shall be deposited into a special fund known as the Law and Economics Fund.

13. Voluntary contribution to Children of America Finding Hope.

All moneys contributed shall be used by Children of America Finding Hope (CAFH) in its programs which are designed to reach children with emotional and physical needs.

14. Voluntary contribution to 4-H Educational Centers.

All moneys contributed shall be used by the 4-H Educational Centers throughout the Commonwealth for their (i) educational, leadership, and camping programs and (ii) operational and capital costs. The State Treasurer shall pay the moneys to the Virginia 4-H Foundation in Blacksburg, Virginia.

15. Voluntary contribution to promote organ and tissue donation.

a. All moneys contributed shall be used by the Virginia Transplant Council to assist in its statutory responsibility of promoting and coordinating educational and informational activities as related to the organ, tissue, and eye donation process and transplantation in the Commonwealth of Virginia.

b. All moneys shall be deposited into a special fund known as the Virginia Donor Registry and Public Awareness Fund. All moneys deposited in such fund shall be used by the Virginia Transplant Council for the purposes set forth herein.

16. Voluntary contributions to the Virginia War Memorial division of the Department of Veterans Services and the National D-Day Memorial Foundation.

All moneys contributed shall be used by the Virginia War Memorial division of the Department of Veterans Services and the National D-Day Memorial Foundation in their work through each of their respective memorials. The State Treasurer shall divide the moneys into two equal portions and pay one portion to the Virginia War Memorial division of the Department of Veterans Services and the other portion to the National D-Day Memorial Foundation.

17. Voluntary contribution to the Virginia Federation of Humane Societies.

All moneys contributed shall be paid to the Virginia Federation of Humane Societies to assist in its mission of saving, caring for, and finding homes for homeless animals.

18. Voluntary contribution to the Tuition Assistance Grant Fund.

a. All moneys contributed shall be paid to the Tuition Assistance Grant Fund for use in providing monetary assistance to residents of the Commonwealth who are enrolled in undergraduate or graduate programs in private Virginia colleges.

b. All moneys shall be deposited into a special fund known as the Tuition Assistance Grant Fund. All moneys so deposited in the Fund shall be administered by the State Council of Higher Education for Virginia in accordance with and for the purposes provided under the Tuition Assistance Grant Act (§ 23-38.11 et seq.).

19. Voluntary contribution to the Spay and Neuter Fund.

All moneys contributed shall be paid to the Spay and Neuter Fund for use by localities in the Commonwealth for providing low-cost spay and neuter surgeries through direct provision or contract or each locality may make the funds available to any private, nonprofit sterilization program for dogs and cats in such locality. The Tax Commissioner shall determine annually the total amounts designated on all returns from each locality in the Commonwealth, based upon the locality that each filer who makes a voluntary contribution to the Fund lists as his permanent address. The State Treasurer shall pay the appropriate amount to each respective locality.

20. Voluntary contribution to the Virginia Commission for the Arts.

All moneys contributed shall be paid to the Virginia Commission for the Arts.

21. Voluntary contribution for the Office of Commonwealth Preparedness.

All moneys contributed shall be paid to the Department of Emergency Management for the Office of Commonwealth Preparedness.

22. Voluntary contribution for the cancer centers in the Commonwealth.

All moneys contributed shall be paid equally to all entities in the Commonwealth that officially have been designated as cancer centers by the National Cancer Institute.

23. Voluntary contribution to the Brown v. Board of Education Scholarship Program Fund.

a. All moneys contributed shall be paid to the Brown v. Board of Education Scholarship Program Fund to support the work of and generate nonstate funds to maintain the Brown v. Board of Education Scholarship Program.

b. All moneys shall be deposited into the Brown v. Board of Education Scholarship Program Fund as established in § 30-231.4.

c. All moneys so deposited in the Fund shall be administered by the State Council of Higher Education in accordance with and for the purposes provided in Chapter 34.1 (§ 30-231.01 et seq.) of Title 30.

24. Voluntary contribution to the Martin Luther King, Jr. Living History and Public Policy Center.

All moneys contributed shall be paid to the Board of Trustees of the Martin Luther King, Jr. Living History and Public Policy Center.

25. Voluntary contribution to the Virginia Caregivers Grant Fund.

All moneys contributed shall be paid to the Virginia Caregivers Grant Fund established pursuant to § 63.2-2202.

26. Voluntary contribution to public library foundations.

All moneys contributed pursuant to this subdivision shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for each public library foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the appropriate amount to the respective public library foundation.

27. Voluntary contribution to Celebrating Special Children, Inc.

All moneys contributed shall be paid to Celebrating Special Children, Inc. and shall be deposited into a special fund known as the Celebrating Special Children, Inc. Fund.

28. Voluntary contributions to the Department for Aging and Rehabilitative Services.

a. All moneys contributed shall be used by the Department for Aging and Rehabilitative Services for providing Medicare Part D counseling to the elderly and disabled.

b. All moneys shall be deposited into a special fund known as the Medicare Part D Counseling Fund. All moneys so deposited shall be used by the Department for Aging and Rehabilitative Services to provide counseling for the elderly and disabled concerning Medicare Part D. The Department for Aging and Rehabilitative Services shall conduct an annual audit of the moneys received pursuant to this subdivision and shall provide an evaluation of all programs funded pursuant to the subdivision to the Secretary of Health and Human Resources.

29. Voluntary contribution to community foundations.

All moneys contributed pursuant to this subdivision shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for each community foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the appropriate amount to the respective community foundation. A "community foundation" shall be defined as any institution that meets the membership requirements for a community foundation established by the Council on Foundations.

30. Voluntary contribution to the Virginia Foundation for Community College Education.

a. All moneys contributed shall be paid to the Virginia Foundation for Community College Education for use in providing monetary assistance to Virginia residents who are enrolled in comprehensive community colleges in Virginia.

b. All moneys shall be deposited into a special fund known as the Virginia Foundation for Community College Education Fund. All moneys so deposited in the Fund shall be administered by the Virginia Foundation for Community College Education in accordance with and for the purposes provided under the Community College Incentive Scholarship Program (§ 23-220.2 et seq.).

31. Voluntary contribution to the Middle Peninsula Chesapeake Bay Public Access Authority.

All moneys contributed shall be paid to the Middle Peninsula Chesapeake Bay Public Access Authority to be used for the purposes described in § 15.2-6601.

32. Voluntary contribution to the Breast and Cervical Cancer Prevention and Treatment Fund.

All moneys contributed shall be paid to the Breast and Cervical Cancer Prevention and Treatment Fund established pursuant to § 32.1-368.

33. Voluntary contribution to the Virginia Aquarium and Marine Science Center.

All moneys contributed shall be paid to the Virginia Aquarium and Marine Science Center for use in its mission to increase the public's knowledge and appreciation of Virginia's marine environment and inspire commitment to preserve its existence.

34. Voluntary contribution to the Virginia Capitol Preservation Foundation.

All moneys contributed shall be paid to the Virginia Capitol Preservation Foundation for use in its mission in supporting the ongoing restoration, preservation, and interpretation of the Virginia Capitol and Capitol Square.

35. Voluntary contribution for the Secretary of Veterans Affairs and Homeland Security.

All moneys contributed shall be paid to the Office of the Secretary of Veterans Affairs and Homeland Security for related programs and services.

C. Subject to the provisions of subsection A, the following voluntary contributions shall appear on the individual income tax return and are eligible to receive tax refund contributions or by making payment to the Department if the

individual is not eligible to receive a tax refund pursuant to § 58.1-309 or if the amount of such tax refund is less than the amount of the voluntary contribution:

1. Voluntary contribution to the Family and Children's Trust Fund of Virginia.

All moneys contributed shall be paid to the Family and Children's Trust Fund of Virginia.

2. Voluntary Chesapeake Bay ~~Restoration Contribution~~ *restoration contribution*.

a. All moneys contributed shall be used to help fund Chesapeake Bay and its tributaries restoration activities in accordance with tributary plans developed pursuant to Article 7 (§ 2.2-215 et seq.) of Chapter 2 of Title 2.2 or the Chesapeake Bay Watershed Implementation Plan submitted by the Commonwealth of Virginia to the U.S. Environmental Protection Agency on November 29, 2010, and any subsequent revisions thereof.

b. The Tax Commissioner shall annually determine the total amount of voluntary contributions and shall report the same to the State Treasurer, who shall credit that amount to a special nonreverting fund to be administered by the Office of the Secretary of Natural Resources. All moneys so deposited shall be used for the purposes of providing grants for the implementation of tributary plans developed pursuant to Article 7 (§ 2.2-215 et seq.) of Chapter 2 of Title 2.2 or the Chesapeake Bay Watershed Implementation Plan submitted by the Commonwealth of Virginia to the U.S. Environmental Protection Agency on November 29, 2010, and any subsequent revisions thereof.

c. *No later than November 1 of each year, the Secretary of Natural Resources shall submit a report to the House Committee on Agriculture, Chesapeake and Natural Resources; the Senate Committee on Agriculture, Conservation and Natural Resources; the House Committee on Appropriations; the Senate Committee on Finance; and the Virginia delegation to the Chesapeake Bay Commission, describing the grants awarded from moneys deposited in the fund. The report shall include a list of grant recipients, a description of the purpose of each grant, the amount received by each grant recipient, and an assessment of activities or initiatives supported by each grant. The report shall be posted on a website maintained by Secretary of Natural Resources, along with a cumulative listing of previous grant awards beginning with awards granted on or after July 1, 2014.*

3. Voluntary Jamestown-Yorktown Foundation Contribution.

All moneys contributed shall be used by the Jamestown-Yorktown Foundation for the Jamestown 2007 quadricentennial celebration. All moneys shall be deposited into a special fund known as the Jamestown Quadricentennial Fund. This subdivision shall be effective for taxable years beginning before January 1, 2008.

4. State forests voluntary contribution.

a. All moneys contributed shall be used for the development and implementation of conservation and education initiatives in the state forests system.

b. All moneys shall be deposited into a special fund known as the State Forests System Fund, established pursuant to § 10.1-1119.1. All moneys so deposited in such fund shall be used by the State Forester for the purposes set forth herein.

5. Voluntary contributions to Uninsured Medical Catastrophe Fund.

All moneys contributed shall be paid to the Uninsured Medical Catastrophe Fund established pursuant to § 32.1-324.2, such funds to be used for the treatment of Virginians sustaining uninsured medical catastrophes.

6. Voluntary contribution to local school divisions.

a. All moneys contributed shall be used by a specified local public school foundation as created by and for the purposes stated in § 22.1-212.2:2.

b. All moneys collected pursuant to subdivision 6 a or through voluntary payments by taxpayers designated for a local public school foundation over refundable amounts shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for each public school foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the appropriate amount to the respective public school foundation.

c. In order for a public school foundation to be eligible to receive contributions under this section, school boards must notify the Department during the taxable year in which they want to participate prior to the deadlines and according to procedures established by the Tax Commissioner.

7. Voluntary contribution to Home Energy Assistance Fund.

All moneys contributed shall be paid to the Home Energy Assistance Fund established pursuant to § 63.2-805, such funds to be used to assist low-income Virginians in meeting seasonal residential energy needs.

8. Voluntary contribution to the Virginia Military Family Relief Fund.

a. All moneys contributed shall be paid to the Virginia Military Family Relief Fund for use in providing assistance to military service personnel on active duty and their families for living expenses including, but not limited to, food, housing, utilities, and medical services.

b. All moneys shall be deposited into a special fund known as the Virginia Military Family Relief Fund, established and administered pursuant to § 44-102.2.

D. Unless otherwise specified and subject to the requirements in § 58.1-344.2, all moneys collected for each entity in subsections B and C shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amount designated for each entity in subsections B and C on all individual income tax returns and shall report the same to the State Treasurer, who shall credit that amount to each entity's respective special fund.

CHAPTER 183

An Act to amend and reenact § 32.1-351 of the Code of Virginia, relating to Family Access to Medical Insurance Security Plan; eligibility.

[S 416]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 32.1-351 of the Code of Virginia is amended and reenacted as follows:****§ 32.1-351. Family Access to Medical Insurance Security Plan established.**

A. The Department of Medical Assistance Services shall amend the Virginia Children's Medical Security Insurance Plan to be renamed the Family Access to Medical Insurance Security (FAMIS) Plan. The Department of Medical Assistance Services shall provide coverage under the Family Access to Medical Insurance Security Plan for individuals under the age of 19 when such individuals (i) have family incomes at or below 200 percent of the federal poverty level or were enrolled on the date of federal approval of Virginia's FAMIS Plan in the Children's Medical Security Insurance Plan (CMSIP); such individuals shall continue to be enrolled in FAMIS for so long as they continue to meet the eligibility requirements of CMSIP; (ii) are not eligible for medical assistance services pursuant to Title XIX of the Social Security Act, as amended; (iii) are not covered under a group health plan or under health insurance coverage, as defined in § 2791 of the Public Health Service Act (42 U.S.C. § 300gg-91(a) and (b)(1)); ~~(iv) have been without health insurance for at least four months or meet the exceptions as set forth in the Virginia Plan for Title XXI of the Social Security Act, as amended;~~ and ~~(v)~~ (iv) meet both the requirements of Title XXI of the Social Security Act, as amended, and the Family Access to Medical Insurance Security Plan. Eligible children, residing in Virginia, whose family income does not exceed 200 percent of the federal poverty level during the enrollment period shall receive 12 continuous months of coverage as permitted by Title XXI of the Social Security Act.

B. The Department of Medical Assistance Services shall also provide coverage for children and pregnant women who meet the criteria set forth in clauses (i) through ~~(v)~~ (iv) of subsection A during the first five years of lawful residence in the United States, pursuant to § 214 of the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111-3).

C. Family Access to Medical Insurance Security Plan participants shall participate in cost-sharing to the extent allowed under Title XXI of the Social Security Act, as amended, and as set forth in the Virginia Plan for Title XXI of the Social Security Act. The annual aggregate cost-sharing for all eligible children in a family above 150 percent of the federal poverty level shall not exceed five percent of the family's gross income or as allowed by federal law and regulations. The annual aggregate cost-sharing for all eligible children in a family at or below 150 percent of the federal poverty level shall not exceed 2.5 percent of the family's gross income. The nominal copayments for all eligible children in a family shall not be less than those in effect on January 1, 2003. Cost-sharing shall not be required for well-child and preventive services including age-appropriate child immunizations.

D. The Family Access to Medical Insurance Security Plan shall provide comprehensive health care benefits to program participants, including well-child and preventive services, to the extent required to comply with federal requirements of Title XXI of the Social Security Act. These benefits shall include comprehensive medical, dental, vision, mental health, and substance abuse services, and physical therapy, occupational therapy, speech-language pathology, and skilled nursing services for special education students. The mental health services required herein shall include intensive in-home services, case management services, day treatment, and 24-hour emergency response. The services shall be provided in the same manner and with the same coverage and service limitations as they are provided to children under the State Plan for Medical Assistance Services.

E. The Virginia Plan for Title XXI of the Social Security Act shall include a provision that participants in the Family Access to Medical Insurance Security Plan who have access to employer-sponsored health insurance coverage, as defined in § 32.1-351.1, may, but shall not be required to, enroll in an employer's health plan, and the Department of Medical Assistance Services or its designee shall make premium payments to such employer's plan on behalf of eligible participants if the Department of Medical Assistance Services or its designee determines that such enrollment is cost-effective, as defined in § 32.1-351.1.

F. The Family Access to Medical Insurance Security Plan shall ensure that coverage under this program does not substitute for private health insurance coverage.

G. The health care benefits provided under the Family Access to Medical Insurance Security Plan shall be through existing Department of Medical Assistance Services' contracts with health maintenance organizations and other providers, or through new contracts with health maintenance organizations, health insurance plans, other similarly licensed entities, or other entities as deemed appropriate by the Department of Medical Assistance Services, or through employer-sponsored health insurance. All eligible individuals, insofar as feasible, shall be enrolled in health maintenance organizations.

H. The Department of Medical Assistance Services may establish a centralized processing site for the administration of the program to include responding to inquiries, distributing applications and program information, and receiving and processing applications. The Family Access to Medical Insurance Security Plan shall include a provision allowing a child's application to be filed by a parent, legal guardian, authorized representative or any other adult caretaker relative with whom the child lives. The Department of Medical Assistance Services may contract with third-party administrators to provide any

additional administrative services. Duties of the third-party administrators may include, but shall not be limited to, enrollment, outreach, eligibility determination, data collection, premium payment and collection, financial oversight and reporting, and such other services necessary for the administration of the Family Access to Medical Insurance Security Plan. Any centralized processing site shall determine a child's eligibility for either Title XIX or Title XXI and shall enroll eligible children in Title XIX or Title XXI. A single application form shall be used to determine eligibility for Title XIX or Title XXI of the Social Security Act, as amended, and outreach, enrollment, re-enrollment and services delivery shall be coordinated with the FAMIS Plus program pursuant to § 32.1-325. In the event that an application is denied, the applicant shall be notified of any services available in his locality that can be accessed by contacting the local department of social services.

I. The Virginia Plan for Title XXI of the Social Security Act, as amended, shall include a provision that, in addition to any centralized processing site, local social services agencies shall provide and accept applications for the Family Access to Medical Insurance Security Plan and shall assist families in the completion of applications. Contracting health plans, providers, and others may also provide applications for the Family Access to Medical Insurance Security Plan and may assist families in completion of the applications.

J. The Department of Medical Assistance Services shall develop and submit to the federal Secretary of Health and Human Services an amended Title XXI plan for the Family Access to Medical Insurance Security Plan and may revise such plan as may be necessary. Such plan and any subsequent revisions shall comply with the requirements of federal law, this chapter, and any conditions set forth in the appropriation act. In addition, the plan shall provide for coordinated implementation of publicity, enrollment, and service delivery with existing local programs throughout the Commonwealth that provide health care services, educational services, and case management services to children. In developing and revising the plan, the Department of Medical Assistance Services shall advise and consult with the Joint Commission on Health Care.

K. Funding for the Family Access to Medical Insurance Security Plan shall be provided through state and federal appropriations and shall include appropriations of any funds that may be generated through the Virginia Family Access to Medical Insurance Security Plan Trust Fund.

L. The Board of Medical Assistance Services, or the Director, as the case may be, shall adopt, promulgate, and enforce such regulations pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) as may be necessary for the implementation and administration of the Family Access to Medical Insurance Security Plan.

M. Children enrolled in the Virginia Plan for Title XXI of the Social Security Act prior to implementation of these amendments shall continue their eligibility under the Family Access to Medical Insurance Security Plan and shall be given reasonable notice of any changes in their benefit packages. Continuing eligibility in the Family Access to Medical Insurance Security Plan for children enrolled in the Virginia Plan for Title XXI of the Social Security Act prior to implementation of these amendments shall be determined in accordance with their regularly scheduled review dates or pursuant to changes in income status. Families may select among the options available pursuant to subsections D and F of this section.

N. The provisions of Chapter 9 (§ 32.1-310 et seq.) of this title relating to the regulation of medical assistance shall apply, mutatis mutandis, to the Family Access to Medical Insurance Security Plan.

O. In addition, in any case in which any provision set forth in Title 38.2 excludes, exempts or does not apply to the Virginia plan for medical assistance services established pursuant to Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid), such exclusion, exemption or carve out of application to Title XIX of the Social Security Act (Medicaid) shall be deemed to subsume and thus to include the Family Access to Medical Insurance Security (FAMIS) Plan, established pursuant to Title XXI of the Social Security Act, upon approval of FAMIS by the federal Centers for Medicare & Medicaid Services as Virginia's State Children's Health Insurance Program.

2. That the Board of Medical Assistance Services shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

CHAPTER 184

An Act to amend and reenact § 23-7.4:1 of the Code of Virginia, relating to the Virginia Military Survivors and Dependents Education Program; residency requirements.

[S 481]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 23-7.4:1 of the Code of Virginia is amended and reenacted as follows:

§ 23-7.4:1. Waiver of tuition and certain charges and fees for eligible children and spouses of certain military service members, eligible children and spouses of certain public safety personnel, and certain foreign students.

A. There is hereby established the Virginia Military Survivors and Dependents Education Program. Qualified survivors and dependents of military service members, who have been admitted to any public institution of higher education or other public accredited postsecondary institution granting a degree, diploma, or certificate in the Commonwealth of Virginia, upon certification to the Commissioner of the Department of Veterans Services of eligibility under this subsection, shall be admitted free of tuition and all required fees.

The Virginia Military Survivors and Dependents Education Program shall be implemented pursuant to the following:

1. For the purposes of this subsection, "qualified survivors and dependents" means the spouse or a child between the ages of 16 and 29 of a military service member who, while serving as an active duty member in the United States Armed Forces, United States Armed Forces Reserves, the Virginia National Guard, or Virginia National Guard Reserve, during military operations against terrorism, on a peacekeeping mission, as a result of a terrorist act, or in any armed conflict subsequent to December 6, 1941, was killed or is missing in action or is a prisoner of war, or of a veteran who, due to such service, has been rated by the United States Department of Veterans Affairs as totally and permanently disabled or at least 90% disabled, and has been discharged or released under conditions other than dishonorable. However, the Commissioner of the Department of Veterans Services may certify dependents above the age of 29 in those cases in which extenuating circumstances prevented the dependent child from using his benefits before the age of 30.

2. Such qualified survivors and dependents shall be eligible for the benefits conferred by this subsection if the military service member who was killed, is missing in action, is a prisoner of war, or is disabled (i) was a bona fide domiciliary of Virginia at the time of entering such active military service or called to active duty as a member of the Armed Forces Reserves or Virginia National Guard Reserve; (ii) is and has been a bona fide domiciliary of Virginia for at least five years immediately prior to, *or has had a physical presence in Virginia for at least five years immediately prior to*, the date on which the admission application was submitted by or on behalf of such qualified survivor or dependent for admission to such institution of higher education or other public accredited postsecondary institution; (iii) if deceased, was a bona fide domiciliary of Virginia on the date of his death and had been a bona fide domiciliary of Virginia for at least five years immediately prior to his death *or had a physical presence in Virginia on the date of his death and has had a physical presence in Virginia for at least five years immediately prior to his death*; (iv) in the case of a qualified child, is deceased and the surviving parent had been, at some time previous to marrying the deceased parent, a bona fide domiciliary of Virginia for at least five years or is and has been a bona fide domiciliary of Virginia for at least five years immediately prior to *or has had a physical presence in Virginia for at least five years immediately prior to* the date on which the admission application was submitted by or on behalf of such child; or (v) in the case of a qualified spouse, is deceased and the surviving spouse had been, at some time previous to marrying the deceased spouse, a bona fide domiciliary of Virginia for at least five years or is and has been a bona fide domiciliary of Virginia for at least five years *or has had a physical presence in Virginia for at least five years* prior to the date on which the admission application was submitted by such qualified spouse.

3. From such funds as may be appropriated and from such gifts, bequests, and any gifts, grants, or donations from public or private sources, there is hereby established the Virginia Military Survivors and Dependents Education Fund for the sole purpose of providing financial assistance, in an amount (i) up to \$2,000 or (ii) as provided in the appropriation act, for board and room charges, books and supplies, and other expenses at any public institution of higher education or other public accredited postsecondary institution granting a degree, diploma, or certificate in the Commonwealth of Virginia for the use and benefit of qualified survivors and dependents.

Each year, from the funds available in the Virginia Military Survivors and Dependents Education Fund, the State Council of Higher Education for Virginia and its member institutions shall determine the amount and the manner in which financial assistance shall be made available to beneficiaries and shall make that information available to the Commissioner of the Department of Veterans Services for distribution.

The State Council of Higher Education for Virginia shall be responsible for disbursing to the institutions the funds appropriated or otherwise made available by the Commonwealth of Virginia to support the Virginia Military Survivors and Dependents Education Fund and shall report to the Commissioner of the Department of Veterans Services the beneficiaries' completion rate.

The maximum amount to be expended for each such survivor or dependent pursuant to this subsection shall not exceed, when combined with any other form of scholarship, grant, or waiver, the actual costs related to the survivor's or dependent's educational expenses allowed under this subsection.

4. The Commissioner of the Department of Veterans Services shall designate a senior-level official who shall be responsible for developing and implementing the agency's strategy for disseminating information about the Military Survivors and Dependents Education Program to those spouses and dependents who may qualify. The Department of Veterans Services shall coordinate with the United States Department of Veterans Affairs to identify veterans and qualified survivors and dependents. The Commissioner of the Department of Veterans Services shall report annually to the Governor and the General Assembly as to the agency's policies and strategies relating to dissemination of information about the Program. The report shall also include the number of current beneficiaries, the educational institutions attended by beneficiaries, and the completion rate of the beneficiaries.

B. The surviving spouse and any child between the ages of 16 and 25 whose parent or whose spouse has been killed in the line of duty while employed or serving as a law-enforcement officer, including as a campus police officer appointed under Chapter 17 (§ 23-232 et seq.), sworn law-enforcement officer, firefighter, special forest warden pursuant to § 10.1-1135, member of a rescue squad, special agent of the Department of Alcoholic Beverage Control, state correctional, regional or local jail officer, regional jail or jail farm superintendent, sheriff, or deputy sheriff, member of the Virginia National Guard while serving on official state duty or federal duty under Title 32 of the United States Code, or member of the Virginia Defense Force while serving on official state duty, and any person whose spouse was killed in the line of duty while employed or serving in any of such occupations, shall be entitled to free undergraduate tuition and the payment of

required fees at any public institution of higher education or other public accredited postsecondary institution granting a degree, diploma, or certificate in Virginia under the following conditions:

1. The chief administrative officer of the Alcoholic Beverage Control Board, emergency medical services agency, law-enforcement agency, or other appropriate agency or the Superintendent of State Police certifies that the deceased parent or spouse was employed or serving as a law-enforcement officer, sworn law-enforcement officer, firefighter, special forest warden pursuant to § 10.1-1135, or member of a rescue squad or in any other capacity as specified in this section and was killed in the line of duty while serving or living in the Commonwealth; and

2. The child or spouse shall have been offered admission to such public institution of higher education or other public accredited postsecondary institution. Any child or spouse who believes he is eligible shall apply to the public institution of higher education or other accredited postsecondary institution to which he has been admitted for the benefits provided by this subsection. The institution shall determine the eligibility of the applicant for these benefits and shall also ascertain that the recipients are in attendance and are making satisfactory progress. The amounts payable for tuition, institutional charges and required fees, and books and supplies for the applicants shall be waived by the institution accepting the students.

C. For the purposes of subsection B, user fees, such as room and board charges, shall not be included in this authorization to waive tuition and fees. However, all required educational and auxiliary fees shall be waived along with tuition.

D. Tuition and required fees may be waived for a student from a foreign country enrolled in a public institution of higher education through a student exchange program approved by such institution, provided the number of foreign students does not exceed the number of students paying full tuition and required fees to the institution under the provisions of the exchange program for a given three-year period.

E. Each public institution of higher education and other public accredited postsecondary institution granting a degree, diploma, or certificate in Virginia shall include in its catalogue or equivalent publication a statement describing the benefits provided by subsections A and B.

CHAPTER 185

An Act to amend the Code of Virginia by adding in Article 4.1 of Chapter 36 of Title 58.1 a section numbered 58.1-3652, relating to real and personal property tax exemption.

[S 508]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 4.1 of Chapter 36 of Title 58.1 a section numbered 58.1-3652 as follows:

§ 58.1-3652. Exempt organization's use of property owned by another.

Any county, city, or town may exempt any real or personal property, the legal title to which is held by any person, firm, or corporation, subject to the sole use or occupancy by a nonprofit entity exempt from federal income taxation under § 501(c)(3) of the Internal Revenue Code, provided such nonprofit entity (i) has not agreed to surrender its interest in the property and (ii) uses such property solely to (a) exhibit or display Warbirds to the general public or otherwise use Warbirds for educational purposes, including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation, or (b) demonstrate the performance of Warbirds at airshows and flight demonstrations of Warbirds, including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation.

For purposes of this section, "Warbirds" means airplanes that were manufactured prior to 1955 and intended for military use.

CHAPTER 186

An Act to amend and reenact § 58.1-401 of the Code of Virginia, relating to the income taxation of domestic international sales corporations and any income attributable to such corporations.

[S 515]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-401 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-401. Exemptions and exclusions.

No tax levied pursuant to §§ 58.1-400, 58.1-400.1 or § 58.1-400.2 is imposed on:

1. A public service corporation to the extent such corporation is subject to the license tax on gross receipts contained in Chapter 26 (§ 58.1-2600 et seq.) of this title;

2. Insurance companies to the extent such company is subject to the license tax on gross premiums under Chapter 25 (§ 58.1-2500 et seq.) of this title and reciprocal or interinsurance exchanges which pay a premium tax to the Commonwealth as provided by law;

3. State and national banks, banking associations and trust companies to the extent such companies are subject to the bank franchise tax on net capital;

3a. Credit unions organized and conducted as such under the laws of the Commonwealth or under the laws of the United States;

4. Electing small business corporations (S corporations);

5. Religious, educational, benevolent and other corporations not organized or conducted for pecuniary profit which by reason of their purposes or activities are exempt from income tax under the laws of the United States, except those organizations which have unrelated business income or other taxable income under such laws, except as provided in § 58.1-400.2;

6. Telephone companies chartered in the Commonwealth which are exclusively a local mutual association and are not designated to accumulate profits for the benefit of, or to pay dividends to, the stockholders or members thereof;

7. A corporation that has contracted with a commercial printer for printing and that is not otherwise taxable shall not become taxable by reason of: (i) the ownership or leasing by that corporation of tangible personal property located at the Virginia premises of the commercial printer and used solely in connection with the printing contract with such person; (ii) the sale by that corporation at another location of property of any kind printed at and shipped or distributed from the Virginia premises of the commercial printer; (iii) the activities in connection with the printing contract with such person of any kind performed by or on behalf of that corporation at the Virginia premises of the commercial printer; and (iv) the activities in connection with the printing contract with such person performed by the commercial printer for or on behalf of that corporation; ~~and~~

8. Foreign sales corporations (FSC) and any income attributable to an FSC under the rules relating to the taxation of an FSC in Part III, Subpart C of the Internal Revenue Code (§ 921 et seq.) and the regulations thereunder; *and*

9. *For taxable years beginning on or after January 1, 2014, domestic international sales corporations (DISC) under the rules relating to the taxation of a DISC in Part IV, Subpart A of the Internal Revenue Code (§ 991 et seq.) and the regulations thereunder.*

CHAPTER 187

An Act to amend and reenact § 58.1-3713 of the Code of Virginia, relating to gas severance tax.

[S 552]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3713 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3713. (Expires December 31, 2014) Local gas road improvement and Virginia Coalfield Economic Development Authority tax.

A. In addition to the taxes authorized under § 58.1-3712, any county or city may adopt a license tax on every person engaging in the business of severing gases from the earth. The rate of such tax shall not exceed one percent. The provisions of § 58.1-3712 as they relate to measurement of gross receipts, filing of reports and record keeping shall be applicable to the tax imposed under this section.

The moneys collected for each county or city from the taxes imposed under authority of this section and subsection B of § 58.1-3741 shall be paid into a special fund of such county or city to be called the Gas Road Improvement Fund of such county or city, and shall be spent for such improvements to public roads as the coal and gas road improvement advisory committee and the governing body of such county or city may determine as provided in subsection B of this section. The county may also, in its discretion, elect to improve city or town roads with its funds if consent of the city or town council is obtained. Such funds shall be in addition to those allocated to such counties from state highway funds which allocations shall not be reduced as a result of any revenues received from the tax imposed hereunder. In those localities that comprise the Virginia Coalfield Economic Development Authority, the tax imposed under this section or subsection B of § 58.1-3741 shall be paid as follows: (i) three-fourths of the revenue shall be paid to the Gas Road Improvement Fund and used for the purposes set forth herein; however, one-fourth of such revenue may be used to fund the construction of new water or sewer systems and lines in areas with natural water supplies that are insufficient from the standpoint of quality or quantity, or the construction of natural gas service lines as authorized by § 15.2-2109.3, and (ii) one-fourth of the revenue shall be paid to the Virginia Coalfield Economic Development Fund. Furthermore, with regard to the portion paid to the Gas Road Improvement Fund, a county or city may provide for an additional one-fourth allocation for the construction of new systems or lines for water, sewer, or natural gas as authorized by § 15.2-2109.3, or the repair or enhancement of existing water, sewer, or natural gas systems or lines in areas with natural water supplies or existing natural gas services that are insufficient from the standpoint of quality or quantity; however, if this option is initiated by a county or city, it must satisfy the requirements set forth in § 58.1-3713.01. Notwithstanding the foregoing limitations regarding revenues used for water systems, sewer systems, or natural gas systems, such revenues designated for water and water systems, sewer systems, or natural gas systems shall be distributed directly to the local public service authority for such purposes instead of the local governing body. Funds in the Gas Road Improvement Fund used to construct, repair, or enhance natural gas service lines or systems shall not exceed one-fourth of the revenue paid to the Gas Road Improvement Fund collected from the severance

tax imposed upon the severance of natural gas pursuant to this section and may be so used only upon passage of a local ordinance or resolution of the governing body of the applicable county or city providing for the same.

B. Any county or city imposing the tax authorized in this section or in subsection B of § 58.1-3741 shall establish a Gas Road Improvement Advisory Committee, to be composed of four members: (i) a member of the governing body of such county or city, appointed by the governing body, (ii) a representative of the Department of Transportation, and (iii) two citizens of such county or city connected with the coal and gas industry, appointed for a term of four years, initially commencing July 1, 1989, by the chief judge of the circuit court.

Such committee shall develop on or before July 1 of each year a plan for improvement of roads during the following fiscal year. Such plan shall have the approval of three members of the committee and shall be submitted to the governing body of the county or city for approval. The governing body may approve or disapprove such plan, but may make no changes without the approval of three members of the committee.

C. The provisions of this section shall expire on December 31, ~~2014~~ 2015.

CHAPTER 188

An Act to amend and reenact § 58.1-3819 of the Code of Virginia, relating to the transient occupancy tax.

[S 573]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3819 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3819. Transient occupancy tax.

A. Any county, by duly adopted ordinance, may levy a transient occupancy tax on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days. Such tax shall be in such amount and on such terms as the governing body may, by ordinance, prescribe. Such tax shall not exceed two percent of the amount of charge for the occupancy of any room or space occupied; however, Accomack County, Albemarle County, Alleghany County, Amherst County, Augusta County, Bedford County, Botetourt County, Brunswick County, Campbell County, Caroline County, Carroll County, Craig County, Cumberland County, Dickenson County, Dinwiddie County, Floyd County, Franklin County, Giles County, Gloucester County, Grayson County, Greene County, Greensville County, Halifax County, *Highland County*, James City County, King George County, Loudoun County, Madison County, Mecklenburg County, Montgomery County, Nelson County, Northampton County, Page County, Patrick County, Prince Edward County, Prince George County, Prince William County, Pulaski County, Rockbridge County, Smyth County, Spotsylvania County, Stafford County, Tazewell County, Washington County, Wise County, Wythe County, and York County may levy a transient occupancy tax not to exceed five percent, and any excess over two percent shall be designated and spent solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with the local tourism industry organizations, including representatives of lodging properties located in the county, attract travelers to the locality, increase occupancy at lodging properties, and generate tourism revenues in the locality. If any locality has enacted an additional transient occupancy tax pursuant to subsection C of § 58.1-3823, then the governing body of the locality shall be deemed to have complied with the requirement that it consult with local tourism industry organizations, including lodging properties. If there are no local tourism industry organizations in the locality, the governing body shall hold a public hearing prior to making any determination relating to how to attract travelers to the locality and generate tourism revenues in the locality.

B. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days in hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms. In addition, that portion of any tax imposed hereunder in excess of two percent shall not apply to travel campgrounds in Stafford County.

C. Nothing herein contained shall affect any authority heretofore granted to any county, city or town to levy such a transient occupancy tax. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, *mutatis mutandis*.

D. Any county, city or town that requires local hotel and motel businesses, or any class thereof, to collect, account for and remit to such locality a local tax imposed on the consumer may allow such businesses a commission for such service in the form of a deduction from the tax remitted. Such commission shall be provided for by ordinance, which shall set the rate thereof at no less than three percent and not to exceed five percent of the amount of tax due and accounted for. No commission shall be allowed if the amount due was delinquent.

E. All transient occupancy tax collections shall be deemed to be held in trust for the county, city or town imposing the tax.

CHAPTER 189

An Act to amend and reenact § 58.1-439.20 of the Code of Virginia, relating to proposals for tax credits under the Neighborhood Assistance Act Tax Credit program.

[S 591]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 58.1-439.20 of the Code of Virginia is amended and reenacted as follows:****§ 58.1-439.20. Proposals; regulations; tax credits authorized; amount for programs.**

A. Any neighborhood organization may submit a proposal, other than education proposals, to the Commissioner of the State Department of Social Services requesting an allocation of tax credits for use by business firms making donations to the neighborhood organization. Neighborhood organizations may submit education proposals to the Superintendent of Public Instruction requesting an allocation of tax credits for use by business firms making donations to the neighborhood organization.

The proposal shall set forth the program to be conducted by the neighborhood organization, the low-income persons or eligible students with disabilities to be assisted, the estimated amount to be donated to the program, and the plans for implementing the program.

B. The State Board of Social Services and the Department of Education are hereby authorized to adopt regulations (or, alternatively, guidelines in the case of the Department of Education) for the approval or disapproval of such proposals by neighborhood organizations and for determining the value of the donations. Such regulations or guidelines shall contain a requirement that a neighborhood organization shall have been in existence for at least one year. Also, such regulations or guidelines shall contain a requirement that as a prerequisite for approval, neighborhood organizations with total revenues (including the value of all donations) (i) in excess of \$100,000 for the organization's most recent year ended provide to the State Board of Social Services or the Department of Education, as applicable, an audit or review for such year performed by an independent certified public accountant or (ii) of \$100,000 or less for the organization's most recent year ended, provide to the State Board of Social Services or the Department of Education, as applicable, a compilation for such year performed by an independent certified public accountant. *No proposal for an allocation of tax credits shall be untimely filed solely because such audit, review, or compilation was not submitted by the neighborhood organization by the proposal filing deadline, provided that the audit, review, or compilation is submitted to the State Board of Social Services or the Department of Education, as applicable, within the 30-day period immediately following such deadline.*

Such regulations or guidelines by the Department of Education shall provide that at least 50 percent of the persons served by the neighborhood organization are low-income persons or eligible students with disabilities, and that at least 50 percent of the neighborhood organization's revenues are used to provide services to low-income persons or to eligible students with disabilities. Such regulations by the State Board of Social Services shall provide that at least 40 percent of the persons served by the neighborhood organization are low-income persons as defined in § 58.1-439.18. In order for a proposal to be approved, the applicant neighborhood organization and any of its affiliates shall meet the requirements of the application regulations or guidelines. Such regulations or guidelines shall provide for the equitable allocation of the available amount of tax credits among the approved proposals submitted by neighborhood organizations. The regulations or guidelines shall also provide that at least 10 percent of the available amount of tax credits each year shall be allocated to qualified programs proposed by neighborhood organizations not receiving allocations in the preceding year; however, if the amount of tax credits for qualified programs requested by such neighborhood organizations is less than 10 percent of the available amount of tax credits, the unallocated portion of such 10 percent of the available amount of tax credits shall be allocated to qualified programs proposed by other neighborhood organizations.

C. If the Commissioner of the State Department of Social Services or the Superintendent of Public Instruction approves a proposal submitted by a neighborhood organization, the organization shall make the allocated tax credit amounts available to business firms making donations to the approved program. A neighborhood organization shall not assign or transfer an allocation of tax credits to another neighborhood organization without the approval of the Commissioner of the State Department of Social Services or the Superintendent of Public Instruction, as applicable.

Notwithstanding any other provision of law, (i) no more than an aggregate of \$0.825 million in tax credits shall be approved in a fiscal year to a neighborhood organization or to a grouping of neighborhood organization affiliates for all education proposals, and (ii) no more than an aggregate of \$0.5 million in tax credits shall be approved in a fiscal year to a neighborhood organization or to a grouping of neighborhood organization affiliates for all other proposals combined. However, if the State Department of Social Services or the Department of Education after the initial allocation of tax credits to approved proposals has a balance of tax credits remaining for the fiscal year that can be used or allocated by a neighborhood organization for a proposal that had been approved for tax credits during the initial allocation by the State Department of Social Services or the Department of Education, then (a) the Commissioner of the State Department of Social Services or the Superintendent of Public Instruction, as applicable, shall reallocate the remaining balance of tax credits to such previously approved proposals to the extent that a neighborhood organization can use or allocate additional tax credits for the previously approved proposal and (b) the \$0.825 and \$0.5 million annual limitations for tax credits approved to a grouping of neighborhood organization affiliates shall be inapplicable to the extent of any balance of tax credits reallocated

under clause (a). The balance of tax credits remaining for reallocation shall include the amount of any tax credits that have been granted for a proposal approved during the initial allocation but for which the Commissioner of the State Department of Social Services or the Superintendent of Public Instruction has been provided notice by the neighborhood organization that it will not be able to use or allocate such amount for the approved proposal.

D. The total amount of tax credits granted for programs approved under this article for each fiscal year shall not exceed \$15 million allocated as follows: \$8 million for education proposals for approval by the Superintendent of Public Instruction and \$7 million for all other proposals for approval by the Commissioner of the State Department of Social Services.

The Superintendent and the Commissioner of the State Department of Social Services shall work cooperatively for purposes of ensuring that neighborhood organization proposals are submitted to the proper state agency. The Superintendent and the Commissioner of the State Department of Social Services may request the assistance of the Department of Taxation for purposes of determining whether or not anticipated donations for which tax credits are requested by a neighborhood organization likely qualify as a charitable donation under federal tax laws and regulations.

E. Actions of (i) the State Department of Social Services, or the Commissioner of the same, or (ii) the Superintendent or the Department of Education relating to the review of neighborhood organization proposals and the allocation of tax credits to proposals shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). Decisions of (a) the State Department of Social Services, or the Commissioner of the same, or (b) the Superintendent or the Department of Education shall be final and not subject to review or appeal.

F. Notwithstanding the provisions of § 30-19.1:11, the issuance of tax credits under this article shall expire on July 1, 2028.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 190

An Act to amend and reenact § 23-49.25 of the Code of Virginia, relating to Christopher Newport University; Board of Visitors.

[S 626]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 23-49.25 of the Code of Virginia is amended and reenacted as follows:

§ 23-49.25. Appointments of visitors generally; terms.

A. The board shall consist of ~~fourteen~~ 14 members appointed by the Governor, *at least six of whom shall be alumni of Christopher Newport University.*

Appointments shall be for terms of four years; however, appointments to fill vacancies occurring otherwise than by expiration of terms shall be for the unexpired terms.

B. All appointments of the Governor shall be subject to confirmation by the General Assembly. Members shall continue to hold office until their successors have been appointed and have qualified.

2. That the provisions of this act shall not affect members of the Board of Visitors of Christopher Newport University whose terms have not expired as of July 1, 2014. However, at least one appointment each year beginning in 2014 shall be an alumnus of Christopher Newport University until the provisions of this act are met.

CHAPTER 191

An Act to amend and reenact § 60.2-530 of the Code of Virginia, relating to unemployment compensation; calculating an employer's benefit ratio.

[H 22]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 60.2-530 of the Code of Virginia is amended and reenacted as follows:

§ 60.2-530. Benefit ratio.

A. 1. The "benefit ratio" of each employer for a given calendar year shall be the percentage, rounded to the nearest one-tenth of a percent, equal to the employer's benefit charges for the ~~twelve~~ 12 consecutive calendar month period ending on June 30 immediately preceding that calendar year, divided by the total of his payroll for the same period except that:

a. For an employer whose account has been chargeable with benefit charges for ~~forty-eight~~ 48 or more consecutive completed calendar months, the "benefit ratio" shall be the percentage, rounded to the nearest one-tenth of a percent, equal to the employer's benefit charges for the most recent ~~forty-eight~~ 48 consecutive completed calendar month period ending on June 30 immediately preceding that calendar year, divided by the total of his payrolls for the same period;

b. For an employer whose account has been chargeable with benefit charges for ~~thirty-six~~ 36 but less than ~~forty-eight~~ 48 consecutive completed calendar months the "benefit ratio" shall be the percentage equal to the employer's benefit

charges for the most recent ~~thirty-six~~ 36 consecutive completed calendar month period ending on June 30 immediately preceding that calendar year divided by his payroll for the same period; and

c. For an employer whose account has been chargeable with benefit charges for ~~twenty-four~~ 24 but less than ~~thirty-six~~ 36 consecutive completed calendar months the "benefit ratio" shall be the percentage, rounded to the nearest one-tenth of a percent, equal to the employer's benefit charges for the most recent ~~twenty-four~~ 24 consecutive completed calendar month period ending on June 30 immediately preceding that calendar year divided by his payroll for the same period.

2. The term "payroll" as used ~~herein in this section~~ means *the greater of (i) the taxable payroll on which taxes have been paid on or before September 30 immediately following such June 30 or (ii) \$1.*

B. Where benefit charges are not available for any or all of the periods used to determine an employer's benefit ratio, benefit wages divided by three shall be used in lieu of benefit charges for those periods benefit charges are not available, in combination with benefit charges, where available to determine an employer's benefit ratio.

CHAPTER 192

An Act to amend and reenact §§ 56-46.3 and 56-122 of the Code of Virginia, relating to the regulation of public service companies; obsolete provisions.

[H 25]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-46.3 and 56-122 of the Code of Virginia are amended and reenacted as follows:

§ 56-46.3. Foreign utility companies; penalties.

A. The provisions of ~~§ 33(a)(2) of the Public Utility Holding Company Act of 1935 2005 (PUHCA), as amended, 15 U.S.C. § 79; et seq. which is set out at § 1261 et seq. of the Energy Policy Act of 2005,~~ stipulate that certain exemptions afforded a foreign utility company (FUCO) under ~~§ 33(a)(1) of~~ PUHCA are not applicable unless every state commission having jurisdiction over the retail electric or gas rates of a public utility company that is an associate company or an affiliate of a company ~~otherwise exempted under said § 33(a)(1)~~ (other than a public utility company that is an associate company or an affiliate of a registered holding company under PUHCA) has certified to the ~~United States~~ U.S. Securities and Exchange Commission (SEC) that it has the authority and resources to protect ratepayers subject to its jurisdiction and that it intends to exercise its authority.

B. Upon application to the Commission by any person ~~which~~ that (i) is an affiliated interest of a public service company, as such terms are defined in Chapter 4 (§ 56-76 et seq.) of this title, (ii) proposes to invest in or acquire a specific FUCO, and (iii) is not a registered holding company under PUHCA, and subject to the proviso contained herein, the Commission shall have the authority to impose upon, and require of, the applicant, the public service company, and any other "affiliated interests" of such public service company, such terms, conditions, limitations, restrictions, undertakings and commitments as the Commission deems necessary to protect the public interest from any adverse effects attributable to such proposed FUCO investment or acquisition, including such provisions for the enforcement thereof as the Commission shall deem necessary; and, upon doing so, may certify to the SEC that the Commission has the authority and resources to protect the ratepayers of such public service company subject to its jurisdiction and that it intends to exercise its authority; provided, however, that such applicant, the public service company, and such other affiliated interests of such public service company shall have furnished to the Commission, prior to delivery of said certification to the SEC, and in the manner prescribed by the Commission, a written statement accepting all such terms, conditions, limitations, restrictions, undertakings and commitments, as the Commission shall have so specified.

C. The Commission shall have the power to enforce the terms, conditions, limitations, restrictions, undertakings and commitments upon which said certification was based, including the power to penalize for and enjoin the violation or attempted violation thereof, and to issue mandatory injunctions requiring such actions as may be in the public interest to remedy any such violation or attempted violation. Any person committing any such violation or attempted violation, or failing or refusing to obey any order or injunction of the Commission issued under this section, may be fined by the Commission such sum, not exceeding \$100,000, as the Commission may deem proper, and each day's continuance of such condition shall be a separate offense.

§ 56-122. When railroad, steamship, etc., companies not liable as a common carrier.

Whenever any corporation, company, or association not incorporated by or formed in ~~this~~ the Commonwealth, or any person or partnership not a resident thereof, shall obtain from a railroad, steamship, or steamboat company the right or privilege of carrying articles upon the trains, steamships, or steamboats of such railroad, steamship, or steamboat company, ~~and shall comply with the provisions of §§ 56-266 to 56-269~~ such railroad, steamship, or steamboat company shall not in any manner be liable as a common carrier for any article thereafter delivered to such corporation, company, association, person, or partnership; for carriage as aforesaid.

CHAPTER 193

An Act to amend and reenact §§ 59.1-435 and 59.1-438 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 59.1-440.1, relating to the Extended Service Contract Act; scope of services provided.

[H 69]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-435 and 59.1-438 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 59.1-440.1 as follows:

§ 59.1-435. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Virginia Board of Agriculture and Consumer Services.

"Commissioner" means the Commissioner of the Department of Agriculture and Consumer Services or his designee.

"Consumer product" means tangible personal property primarily used for personal, family, or household purposes.

"Extended service contract" or "contract" means a written contract or agreement for a specific duration in return for the payment of a segregated charge by the purchaser to perform the repair or replacement of any consumer product, including a motor vehicle, or indemnification for repair or replacement, for the operational or structural failure of any consumer product, including a motor vehicle, due to a defect in materials, workmanship, inherent defect, or normal wear and tear, with or without additional provisions for incidental payment of indemnity under limited circumstances, including, but not limited to, towing, rental, and emergency road service and road hazard protection. Extended service contracts may provide for ~~the~~ any one or more of the following:

1. ~~The repair or replacement of any consumer product for damage resulting from power surges or interruption or accidental damage from handling- Extended service contracts are not insurance in the Commonwealth or otherwise regulated under Title 38.2;~~

2. *The repair or replacement of tires or wheels, or both, on a motor vehicle damaged as the result of coming into contact with a road hazard;*

3. *The removal of dents, dings, or creases on a motor vehicle that can be repaired using the process of paintless dent removal without affecting the existing paint finish and without replacing vehicle body panels, sanding, bonding, or painting;*

4. *The repair of chips or cracks in, or the replacement of, a motor vehicle windshield as a result of damage caused by a road hazard;*

5. *The replacement of a motor vehicle key or key fob in the event that the key or key fob becomes inoperable or is lost or stolen;*

6. *The installation on or application to a motor vehicle of a protective chemical, substance, device, or system that (i) is designed to prevent loss or damage to the motor vehicle from a specific cause and (ii) includes, within or as an accompaniment to the extended service contract, an agreement that provides for payment to or on behalf of the purchaser of incidental costs in the event that the protective chemical, substance, device, or system fails to prevent loss or damage as specified, provided that the reimbursement of incidental costs under such agreement is tied to the purchase of a protective chemical, substance, device, or system that is formulated or designed to make the specified loss or damage less likely to occur; or*

7. *Any other service that may be designated by the Board as provided in subsection B of § 59.1-438.*

"Extended service contract" ~~does not include a contract or agreement that provides (i) for the application of fuel additives, oil additives, or other chemical products to the engine, transmission, or fuel system of a motor vehicle or (ii) coverage for (a) the repair of damage to the interior surfaces of a motor vehicle or the replacement of the interior surfaces of a motor vehicle, or both, or (b) the repair of damage to the exterior paint finish of a motor vehicle or the replacement of the exterior paint finish of a motor vehicle, or both, unless the coverage is provided under a product warranty included in connection with the sale of a protective chemical, substance, device, or system described in subdivision 6.~~

"Extended service contract provider" or "provider" means any person or entity other than a public service corporation supervised by the State Corporation Commission, who is the original manufacturer or seller and who solicits, offers, advertises, or executes extended service contracts. Such definition includes the obligor of the contract sold, solicited, offered, advertised or executed by the original manufacturer, seller or obligor.

"Obligor" means the person who is contractually obligated to the purchaser to provide services under the extended service contract and who is (i) the original manufacturer or seller of the merchandise covered by the extended service contract, (ii) acting through or with the written consent of the original manufacturer, seller or purchaser of the merchandise covered by the extended service contract, or (iii) acting through or with the written consent of a manufacturer or seller of merchandise similar to the merchandise covered by the extended service contract.

"Purchaser" means a person who enters into an extended service contract with an extended service contract provider.

"Road hazard" means a hazard that is encountered while driving a motor vehicle, including potholes, rocks, wood debris, metal parts, glass, plastic, curbs, and composite scraps.

§ 59.1-438. Regulations.

A. The Board is authorized to ~~prescribe~~ *adopt* reasonable regulations in order to implement provisions in this chapter relating to extended service contracts. These regulations shall be adopted, amended, or repealed in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

B. *Without limiting the authority of the Board under subsection A, the Board is authorized to adopt reasonable regulations that designate services, in addition to those enumerated in the definition of extended service contract in § 59.1-435, that may be provided under an extended service contract, provided that the designation of the additional services is not inconsistent with the provisions of this chapter.*

§ 59.1-440.1. Extended service contracts not insurance.

Extended service contracts are (i) not contracts of insurance in the Commonwealth and (ii) not subject to regulation under Title 38.2.

CHAPTER 194

An Act to amend and reenact § 58.1-3 of the Code of Virginia, relating to penalties for the unlawful dissemination or publication of tax information.

[H 99]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3. Secrecy of information; penalties.

A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or revenue officer or employee, or any person to whom tax information is divulged pursuant to § 58.1-512 or 58.1-2712.2, or any former officer or employee of any of the aforementioned offices shall not divulge any information acquired by him in the performance of his duties with respect to the transactions, property, including personal property, income or business of any person, firm or corporation. Such prohibition specifically includes any copy of a federal return or federal return information required by Virginia law to be attached to or included in the Virginia return. This prohibition shall apply to any reports, returns, financial documents or other information filed with the Attorney General pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2. Any person violating the provisions of this section ~~shall be~~ *is* guilty of a Class ~~2~~ *1* misdemeanor. The provisions of this subsection shall not be applicable, however, to:

1. Matters required by law to be entered on any public assessment roll or book;
2. Acts performed or words spoken, published, or shared with another agency or subdivision of the Commonwealth in the line of duty under state law;
3. Inquiries and investigations to obtain information as to the process of real estate assessments by a duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study, provided that any such information obtained shall be privileged;
4. The sales price, date of construction, physical dimensions or characteristics of real property, or any information required for building permits;
5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent;
6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when requested by the General Assembly or any duly constituted committee of the General Assembly;
7. Reports or information filed with the Attorney General by a Stamping Agent pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.), when such reports or information are provided by the Attorney General to a tobacco products manufacturer who is required to establish a qualified escrow fund pursuant to § 3.2-4201 and are limited to the brand families of that manufacturer as listed in the Tobacco Directory established pursuant to § 3.2-4206 and are limited to the current or previous two calendar years or in any year in which the Attorney General receives Stamping Agent information that potentially alters the required escrow deposit of the manufacturer. The information shall only be provided in the following manner: the manufacturer may make a written request, on a quarterly or yearly basis or when the manufacturer is notified by the Attorney General of a potential change in the amount of a required escrow deposit, to the Attorney General for a list of the Stamping Agents who reported stamping or selling its products and the amount reported. The Attorney General shall provide the list within 15 days of receipt of the request. If the manufacturer wishes to obtain actual copies of the reports the Stamping Agents filed with the Attorney General, it must first request them from the Stamping Agents pursuant to subsection C of § 3.2-4209. If the manufacturer does not receive the reports pursuant to subsection C of § 3.2-4209, the manufacturer may make a written request to the Attorney General, including a copy of the prior written request to the Stamping Agent and any response received, for copies of any reports not received. The Attorney General shall provide copies of the reports within 45 days of receipt of the request.

B. Nothing contained in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof or the publication of delinquent lists showing the names of taxpayers who are currently delinquent, together with any relevant information which in the opinion of the

Department may assist in the collection of such delinquent taxes. This section shall not be construed to prohibit a local tax official from disclosing whether a person, firm or corporation is licensed to do business in that locality and divulging, upon written request, the name and address of any person, firm or corporation transacting business under a fictitious name. Additionally, notwithstanding any other provision of law, the commissioner of revenue is authorized to provide, upon written request stating the reason for such request, the Tax Commissioner with information obtained from local tax returns and other information pertaining to the income, sales and property of any person, firm or corporation licensed to do business in that locality.

C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax Commissioner is authorized to: (i) divulge tax information to any commissioner of the revenue, director of finance or other similar collector of county, city or town taxes who, for the performance of his official duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the Commissioner of the Department of Social Services, upon written request, information on the amount of income, filing status, number and type of dependents, and whether a federal earned income tax credit has been claimed as reported by persons on their state income tax returns who have applied for public assistance or social services benefits as defined in § 63.2-100; (iii) provide to the chief executive officer of the designated student loan guarantor for the Commonwealth of Virginia, upon written request, the names and home addresses of those persons identified by the designated guarantor as having delinquent loans guaranteed by the designated guarantor; (iv) provide current address information upon request to state agencies and institutions for their confidential use in facilitating the collection of accounts receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the collection of fines, penalties and costs imposed in a proceeding in that court; (v) provide to the Commissioner of the Virginia Employment Commission, after entering into a written agreement, such tax information as may be necessary to facilitate the collection of unemployment taxes and overpaid benefits; (vi) provide to the Alcoholic Beverage Control Board, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of state and local taxes and the administration of the alcoholic beverage control laws; (vii) provide to the Director of the State Lottery Department such tax information as may be necessary to identify those lottery ticket retailers who owe delinquent taxes; (viii) provide to the Department of the Treasury for its confidential use such tax information as may be necessary to facilitate the location of owners and holders of unclaimed property, as defined in § 55-210.2; (ix) provide to the State Corporation Commission, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of taxes and fees administered by the Commission; (x) provide to the Executive Director of the Potomac and Rappahannock Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi) provide to the Commissioner of the Department of Agriculture and Consumer Services such tax information as may be necessary to identify those applicants for registration as a supplier of charitable gaming supplies who have not filed required returns or who owe delinquent taxes; (xii) provide to the Department of Housing and Community Development for its confidential use such tax information as may be necessary to facilitate the administration of the remaining effective provisions of the Enterprise Zone Act (§ 59.1-270 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii) provide current name and address information to private collectors entering into a written agreement with the Tax Commissioner, for their confidential use when acting on behalf of the Commonwealth or any of its political subdivisions; however, the Tax Commissioner is not authorized to provide such information to a private collector who has used or disseminated in an unauthorized or prohibited manner any such information previously provided to such collector; (xiv) provide current name and address information as to the identity of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any person who manufactures or sells at retail or wholesale cigarettes and who may bring an action for injunction or other equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or Distribution of Cigarettes Act; (xv) provide to the Commissioner of Labor and Industry, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of unpaid wages under § 40.1-29; (xvi) provide to the Director of the Department of Human Resource Management, upon entering into a written agreement, such tax information as may be necessary to identify persons receiving workers' compensation indemnity benefits who have failed to report earnings as required by § 65.2-712; (xvii) provide to any commissioner of the revenue, director of finance, or any other officer of any county, city, or town performing any or all of the duties of a commissioner of the revenue and to any dealer registered for the collection of the Communications Sales and Use Tax, a list of the names, business addresses, and dates of registration of all dealers registered for such tax; (xviii) provide to the Executive Director of the Northern Virginia Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; and (xix) provide to the Commissioner of Agriculture and Consumer Services the name and address of the taxpayer businesses licensed by the Commonwealth that identify themselves as subject to regulation by the Board of Agriculture and Consumer Services pursuant to § 3.2-5130. The Tax Commissioner is further authorized to enter into written agreements with duly constituted tax officials of other states and of the United States for the inspection of tax returns, the making of audits, and the exchange of information relating to any tax administered by the Department of Taxation. Any person to whom tax information is divulged pursuant to this section shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the commissioner of revenue or other assessing official is authorized to (i) provide, upon written request stating the reason for such request, the chief executive officer of any county or city with information furnished to the commissioner of revenue by the Tax Commissioner relating to the name and address of any dealer located within the county or city who paid sales and use tax,

for the purpose of verifying the local sales and use tax revenues payable to the county or city; (ii) provide to the Department of Professional and Occupational Regulation for its confidential use the name, address, and amount of gross receipts of any person, firm or entity subject to a criminal investigation of an unlawful practice of a profession or occupation administered by the Department of Professional and Occupational Regulation, only after the Department of Professional and Occupational Regulation exhausts all other means of obtaining such information; and (iii) provide to any representative of a condominium unit owners' association, property owners' association or real estate cooperative association, or to the owner of property governed by any such association, the names and addresses of parties having a security interest in real property governed by any such association; however, such information shall be released only upon written request stating the reason for such request, which reason shall be limited to proposing or opposing changes to the governing documents of the association, and any information received by any person under this subsection shall be used only for the reason stated in the written request. The treasurer or other local assessing official may require any person requesting information pursuant to clause (iii) of this subsection to pay the reasonable cost of providing such information. Any person to whom tax information is divulged pursuant to this subsection shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

Notwithstanding the provisions of subsection A or B or any other provisions of this title, the treasurer or other collector of taxes for a county, city or town is authorized to provide information relating to any motor vehicle, trailer or semitrailer obtained by such treasurer or collector in the course of performing his duties to the commissioner of the revenue or other assessing official for such jurisdiction for use by such commissioner or other official in performing assessments.

This section shall not be construed to prohibit a local tax official from imprinting or displaying on a motor vehicle local license decal the year, make, and model and any other legal identification information about the particular motor vehicle for which that local license decal is assigned.

E. Notwithstanding any other provisions of law, state agencies and any other administrative or regulatory unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon written request, the name, address, and social security number of a taxpayer, necessary for the performance of the Commissioner's official duties regarding the administration and enforcement of laws within the jurisdiction of the Department of Taxation. The receipt of information by the Tax Commissioner or his agent which may be deemed taxpayer information shall not relieve the Commissioner of the obligations under this section.

F. Additionally, it shall be unlawful for any person to disseminate, publish, or cause to be published any confidential tax document which he knows or has reason to know is a confidential tax document. A confidential tax document is any correspondence, document, or tax return that is prohibited from being divulged by subsection A, B, C, or D and includes any document containing information on the transactions, property, income, or business of any person, firm, or corporation that is required to be filed with any state official by § 58.1-512. This prohibition shall not apply if such confidential tax document has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any person violating the provisions of this subsection shall be guilty of a Class 2 misdemeanor.

CHAPTER 195

An Act to amend and reenact § 58.1-3 of the Code of Virginia, relating to secrecy of tax information.

[H 121]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3. Secrecy of information; penalties.

A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or revenue officer or employee, or any person to whom tax information is divulged pursuant to § 58.1-512 or 58.1-2712.2, or any former officer or employee of any of the aforementioned offices shall not divulge any information acquired by him in the performance of his duties with respect to the transactions, property, including personal property, income or business of any person, firm or corporation. Such prohibition specifically includes any copy of a federal return or federal return information required by Virginia law to be attached to or included in the Virginia return. This prohibition shall apply to any reports, returns, financial documents or other information filed with the Attorney General pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2. Any person violating the provisions of this section shall be guilty of a Class 2 misdemeanor. The provisions of this subsection shall not be applicable, however, to:

1. Matters required by law to be entered on any public assessment roll or book;
2. Acts performed or words spoken, published, or shared with another agency or subdivision of the Commonwealth in the line of duty under state law;
3. Inquiries and investigations to obtain information as to the process of real estate assessments by a duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study, provided that any such information obtained shall be privileged;

4. The sales price, date of construction, physical dimensions or characteristics of real property, or any information required for building permits;

5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent;

6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when requested by the General Assembly or any duly constituted committee of the General Assembly;

7. Reports or information filed with the Attorney General by a Stamping Agent pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.), when such reports or information are provided by the Attorney General to a tobacco products manufacturer who is required to establish a qualified escrow fund pursuant to § 3.2-4201 and are limited to the brand families of that manufacturer as listed in the Tobacco Directory established pursuant to § 3.2-4206 and are limited to the current or previous two calendar years or in any year in which the Attorney General receives Stamping Agent information that potentially alters the required escrow deposit of the manufacturer. The information shall only be provided in the following manner: the manufacturer may make a written request, on a quarterly or yearly basis or when the manufacturer is notified by the Attorney General of a potential change in the amount of a required escrow deposit, to the Attorney General for a list of the Stamping Agents who reported stamping or selling its products and the amount reported. The Attorney General shall provide the list within 15 days of receipt of the request. If the manufacturer wishes to obtain actual copies of the reports the Stamping Agents filed with the Attorney General, it must first request them from the Stamping Agents pursuant to subsection C of § 3.2-4209. If the manufacturer does not receive the reports pursuant to subsection C of § 3.2-4209, the manufacturer may make a written request to the Attorney General, including a copy of the prior written request to the Stamping Agent and any response received, for copies of any reports not received. The Attorney General shall provide copies of the reports within 45 days of receipt of the request.

B. Nothing contained in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof or the publication of delinquent lists showing the names of taxpayers who are currently delinquent, together with any relevant information which in the opinion of the Department may assist in the collection of such delinquent taxes. *Notwithstanding any other provision of this section or other law, the Department, upon request by the General Assembly or any duly constituted committee of the General Assembly, shall disclose the total aggregate amount of an income tax deduction or credit taken by all taxpayers, regardless of (i) how few taxpayers took the deduction or credit or (ii) any other circumstances.* This section shall not be construed to prohibit a local tax official from disclosing whether a person, firm or corporation is licensed to do business in that locality and divulging, upon written request, the name and address of any person, firm or corporation transacting business under a fictitious name. Additionally, notwithstanding any other provision of law, the commissioner of revenue is authorized to provide, upon written request stating the reason for such request, the Tax Commissioner with information obtained from local tax returns and other information pertaining to the income, sales and property of any person, firm or corporation licensed to do business in that locality.

C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax Commissioner is authorized to: (i) divulge tax information to any commissioner of the revenue, director of finance or other similar collector of county, city or town taxes who, for the performance of his official duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the Commissioner of the Department of Social Services, upon written request, information on the amount of income, filing status, number and type of dependents, and whether a federal earned income tax credit has been claimed as reported by persons on their state income tax returns who have applied for public assistance or social services benefits as defined in § 63.2-100; (iii) provide to the chief executive officer of the designated student loan guarantor for the Commonwealth of Virginia, upon written request, the names and home addresses of those persons identified by the designated guarantor as having delinquent loans guaranteed by the designated guarantor; (iv) provide current address information upon request to state agencies and institutions for their confidential use in facilitating the collection of accounts receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the collection of fines, penalties and costs imposed in a proceeding in that court; (v) provide to the Commissioner of the Virginia Employment Commission, after entering into a written agreement, such tax information as may be necessary to facilitate the collection of unemployment taxes and overpaid benefits; (vi) provide to the Alcoholic Beverage Control Board, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of state and local taxes and the administration of the alcoholic beverage control laws; (vii) provide to the Director of the State Lottery Department such tax information as may be necessary to identify those lottery ticket retailers who owe delinquent taxes; (viii) provide to the Department of the Treasury for its confidential use such tax information as may be necessary to facilitate the location of owners and holders of unclaimed property, as defined in § 55-210.2; (ix) provide to the State Corporation Commission, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of taxes and fees administered by the Commission; (x) provide to the Executive Director of the Potomac and Rappahannock Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi) provide to the Commissioner of the Department of Agriculture and Consumer Services such tax information as may be necessary to identify those applicants for registration as a supplier of charitable gaming supplies who have not filed required returns or who owe delinquent taxes; (xii) provide to the Department of Housing and Community Development for its confidential use such tax information as may be necessary to facilitate the administration of the remaining effective provisions of the Enterprise Zone Act (§ 59.1-270 et seq.), and the Enterprise

Zone Grant Program (§ 59.1-538 et seq.); (xiii) provide current name and address information to private collectors entering into a written agreement with the Tax Commissioner, for their confidential use when acting on behalf of the Commonwealth or any of its political subdivisions; however, the Tax Commissioner is not authorized to provide such information to a private collector who has used or disseminated in an unauthorized or prohibited manner any such information previously provided to such collector; (xiv) provide current name and address information as to the identity of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any person who manufactures or sells at retail or wholesale cigarettes and who may bring an action for injunction or other equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or Distribution of Cigarettes Act; (xv) provide to the Commissioner of Labor and Industry, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of unpaid wages under § 40.1-29; (xvi) provide to the Director of the Department of Human Resource Management, upon entering into a written agreement, such tax information as may be necessary to identify persons receiving workers' compensation indemnity benefits who have failed to report earnings as required by § 65.2-712; (xvii) provide to any commissioner of the revenue, director of finance, or any other officer of any county, city, or town performing any or all of the duties of a commissioner of the revenue and to any dealer registered for the collection of the Communications Sales and Use Tax, a list of the names, business addresses, and dates of registration of all dealers registered for such tax; (xviii) provide to the Executive Director of the Northern Virginia Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; and (xix) provide to the Commissioner of Agriculture and Consumer Services the name and address of the taxpayer businesses licensed by the Commonwealth that identify themselves as subject to regulation by the Board of Agriculture and Consumer Services pursuant to § 3.2-5130. The Tax Commissioner is further authorized to enter into written agreements with duly constituted tax officials of other states and of the United States for the inspection of tax returns, the making of audits, and the exchange of information relating to any tax administered by the Department of Taxation. Any person to whom tax information is divulged pursuant to this section shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the commissioner of revenue or other assessing official is authorized to (i) provide, upon written request stating the reason for such request, the chief executive officer of any county or city with information furnished to the commissioner of revenue by the Tax Commissioner relating to the name and address of any dealer located within the county or city who paid sales and use tax, for the purpose of verifying the local sales and use tax revenues payable to the county or city; (ii) provide to the Department of Professional and Occupational Regulation for its confidential use the name, address, and amount of gross receipts of any person, firm or entity subject to a criminal investigation of an unlawful practice of a profession or occupation administered by the Department of Professional and Occupational Regulation, only after the Department of Professional and Occupational Regulation exhausts all other means of obtaining such information; and (iii) provide to any representative of a condominium unit owners' association, property owners' association or real estate cooperative association, or to the owner of property governed by any such association, the names and addresses of parties having a security interest in real property governed by any such association; however, such information shall be released only upon written request stating the reason for such request, which reason shall be limited to proposing or opposing changes to the governing documents of the association, and any information received by any person under this subsection shall be used only for the reason stated in the written request. The treasurer or other local assessing official may require any person requesting information pursuant to clause (iii) of this subsection to pay the reasonable cost of providing such information. Any person to whom tax information is divulged pursuant to this subsection shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

Notwithstanding the provisions of subsection A or B or any other provisions of this title, the treasurer or other collector of taxes for a county, city or town is authorized to provide information relating to any motor vehicle, trailer or semitrailer obtained by such treasurer or collector in the course of performing his duties to the commissioner of the revenue or other assessing official for such jurisdiction for use by such commissioner or other official in performing assessments.

This section shall not be construed to prohibit a local tax official from imprinting or displaying on a motor vehicle local license decal the year, make, and model and any other legal identification information about the particular motor vehicle for which that local license decal is assigned.

E. Notwithstanding any other provisions of law, state agencies and any other administrative or regulatory unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon written request, the name, address, and social security number of a taxpayer, necessary for the performance of the Commissioner's official duties regarding the administration and enforcement of laws within the jurisdiction of the Department of Taxation. The receipt of information by the Tax Commissioner or his agent which may be deemed taxpayer information shall not relieve the Commissioner of the obligations under this section.

F. Additionally, it shall be unlawful for any person to disseminate, publish, or cause to be published any confidential tax document which he knows or has reason to know is a confidential tax document. A confidential tax document is any correspondence, document, or tax return that is prohibited from being divulged by subsection A, B, C, or D and includes any document containing information on the transactions, property, income, or business of any person, firm, or corporation that is required to be filed with any state official by § 58.1-512. This prohibition shall not apply if such confidential tax document has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any person violating the provisions of this subsection shall be guilty of a Class 2 misdemeanor.

CHAPTER 196

An Act to amend and reenact § 32.1-325 of the Code of Virginia, relating to a deferred compensation plan for Medicaid program independent contractors.

[H 147]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 32.1-325 of the Code of Virginia is amended and reenacted as follows:****§ 32.1-325. Board to submit plan for medical assistance services to U.S. Secretary of Health and Human Services pursuant to federal law; administration of plan; contracts with health care providers.**

A. The Board, subject to the approval of the Governor, is authorized to prepare, amend from time to time, and submit to the U.S. Secretary of Health and Human Services a state plan for medical assistance services pursuant to Title XIX of the United States Social Security Act and any amendments thereto. The Board shall include in such plan:

1. A provision for payment of medical assistance on behalf of individuals, up to the age of 21, placed in foster homes or private institutions by private, nonprofit agencies licensed as child-placing agencies by the Department of Social Services or placed through state and local subsidized adoptions to the extent permitted under federal statute;

2. A provision for determining eligibility for benefits for medically needy individuals which disregards from countable resources an amount not in excess of \$3,500 for the individual and an amount not in excess of \$3,500 for his spouse when such resources have been set aside to meet the burial expenses of the individual or his spouse. The amount disregarded shall be reduced by (i) the face value of life insurance on the life of an individual owned by the individual or his spouse if the cash surrender value of such policies has been excluded from countable resources and (ii) the amount of any other revocable or irrevocable trust, contract, or other arrangement specifically designated for the purpose of meeting the individual's or his spouse's burial expenses;

3. A requirement that, in determining eligibility, a home shall be disregarded. For those medically needy persons whose eligibility for medical assistance is required by federal law to be dependent on the budget methodology for Aid to Families with Dependent Children, a home means the house and lot used as the principal residence and all contiguous property. For all other persons, a home shall mean the house and lot used as the principal residence, as well as all contiguous property, as long as the value of the land, exclusive of the lot occupied by the house, does not exceed \$5,000. In any case in which the definition of home as provided here is more restrictive than that provided in the state plan for medical assistance services in Virginia as it was in effect on January 1, 1972, then a home means the house and lot used as the principal residence and all contiguous property essential to the operation of the home regardless of value;

4. A provision for payment of medical assistance on behalf of individuals up to the age of 21, who are Medicaid eligible, for medically necessary stays in acute care facilities in excess of 21 days per admission;

5. A provision for deducting from an institutionalized recipient's income an amount for the maintenance of the individual's spouse at home;

6. A provision for payment of medical assistance on behalf of pregnant women which provides for payment for inpatient postpartum treatment in accordance with the medical criteria outlined in the most current version of or an official update to the "Guidelines for Perinatal Care" prepared by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists or the "Standards for Obstetric-Gynecologic Services" prepared by the American College of Obstetricians and Gynecologists. Payment shall be made for any postpartum home visit or visits for the mothers and the children which are within the time periods recommended by the attending physicians in accordance with and as indicated by such Guidelines or Standards. For the purposes of this subdivision, such Guidelines or Standards shall include any changes thereto within six months of the publication of such Guidelines or Standards or any official amendment thereto;

7. A provision for the payment for family planning services on behalf of women who were Medicaid-eligible for prenatal care and delivery as provided in this section at the time of delivery. Such family planning services shall begin with delivery and continue for a period of 24 months, if the woman continues to meet the financial eligibility requirements for a pregnant woman under Medicaid. For the purposes of this section, family planning services shall not cover payment for abortion services and no funds shall be used to perform, assist, encourage or make direct referrals for abortions;

8. A provision for payment of medical assistance for high-dose chemotherapy and bone marrow transplants on behalf of individuals over the age of 21 who have been diagnosed with lymphoma, breast cancer, myeloma, or leukemia and have been determined by the treating health care provider to have a performance status sufficient to proceed with such high-dose chemotherapy and bone marrow transplant. Appeals of these cases shall be handled in accordance with the Department's expedited appeals process;

9. A provision identifying entities approved by the Board to receive applications and to determine eligibility for medical assistance, which shall include a requirement that such entities obtain accurate contact information, including the best available address and telephone number, from each applicant for medical assistance, to the extent required by federal law and regulations;

10. A provision for breast reconstructive surgery following the medically necessary removal of a breast for any medical reason. Breast reductions shall be covered, if prior authorization has been obtained, for all medically necessary indications. Such procedures shall be considered noncosmetic;

11. A provision for payment of medical assistance for annual pap smears;
12. A provision for payment of medical assistance services for prostheses following the medically necessary complete or partial removal of a breast for any medical reason;
13. A provision for payment of medical assistance which provides for payment for 48 hours of inpatient treatment for a patient following a radical or modified radical mastectomy and 24 hours of inpatient care following a total mastectomy or a partial mastectomy with lymph node dissection for treatment of disease or trauma of the breast. Nothing in this subdivision shall be construed as requiring the provision of inpatient coverage where the attending physician in consultation with the patient determines that a shorter period of hospital stay is appropriate;
14. A requirement that certificates of medical necessity for durable medical equipment and any supporting verifiable documentation shall be signed, dated, and returned by the physician, physician assistant, or nurse practitioner and in the durable medical equipment provider's possession within 60 days from the time the ordered durable medical equipment and supplies are first furnished by the durable medical equipment provider;
15. A provision for payment of medical assistance to (i) persons age 50 and over and (ii) persons age 40 and over who are at high risk for prostate cancer, according to the most recent published guidelines of the American Cancer Society, for one PSA test in a 12-month period and digital rectal examinations, all in accordance with American Cancer Society guidelines. For the purpose of this subdivision, "PSA testing" means the analysis of a blood sample to determine the level of prostate specific antigen;
16. A provision for payment of medical assistance for low-dose screening mammograms for determining the presence of occult breast cancer. Such coverage shall make available one screening mammogram to persons age 35 through 39, one such mammogram biennially to persons age 40 through 49, and one such mammogram annually to persons age 50 and over. The term "mammogram" means an X-ray examination of the breast using equipment dedicated specifically for mammography, including but not limited to the X-ray tube, filter, compression device, screens, film and cassettes, with an average radiation exposure of less than one rad mid-breast, two views of each breast;
17. A provision, when in compliance with federal law and regulation and approved by the Centers for Medicare & Medicaid Services (CMS), for payment of medical assistance services delivered to Medicaid-eligible students when such services qualify for reimbursement by the Virginia Medicaid program and may be provided by school divisions;
18. A provision for payment of medical assistance services for liver, heart and lung transplantation procedures for individuals over the age of 21 years when (i) there is no effective alternative medical or surgical therapy available with outcomes that are at least comparable; (ii) the transplant procedure and application of the procedure in treatment of the specific condition have been clearly demonstrated to be medically effective and not experimental or investigational; (iii) prior authorization by the Department of Medical Assistance Services has been obtained; (iv) the patient selection criteria of the specific transplant center where the surgery is proposed to be performed have been used by the transplant team or program to determine the appropriateness of the patient for the procedure; (v) current medical therapy has failed and the patient has failed to respond to appropriate therapeutic management; (vi) the patient is not in an irreversible terminal state; and (vii) the transplant is likely to prolong the patient's life and restore a range of physical and social functioning in the activities of daily living;
19. A provision for payment of medical assistance for colorectal cancer screening, specifically screening with an annual fecal occult blood test, flexible sigmoidoscopy or colonoscopy, or in appropriate circumstances radiologic imaging, in accordance with the most recently published recommendations established by the American College of Gastroenterology, in consultation with the American Cancer Society, for the ages, family histories, and frequencies referenced in such recommendations;
20. A provision for payment of medical assistance for custom ocular prostheses;
21. A provision for payment for medical assistance for infant hearing screenings and all necessary audiological examinations provided pursuant to § 32.1-64.1 using any technology approved by the United States Food and Drug Administration, and as recommended by the national Joint Committee on Infant Hearing in its most current position statement addressing early hearing detection and intervention programs. Such provision shall include payment for medical assistance for follow-up audiological examinations as recommended by a physician, physician assistant, nurse practitioner, or audiologist and performed by a licensed audiologist to confirm the existence or absence of hearing loss;
22. A provision for payment of medical assistance, pursuant to the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (P.L. 106-354), for certain women with breast or cervical cancer when such women (i) have been screened for breast or cervical cancer under the Centers for Disease Control and Prevention (CDC) Breast and Cervical Cancer Early Detection Program established under Title XV of the Public Health Service Act; (ii) need treatment for breast or cervical cancer, including treatment for a precancerous condition of the breast or cervix; (iii) are not otherwise covered under creditable coverage, as defined in § 2701 (c) of the Public Health Service Act; (iv) are not otherwise eligible for medical assistance services under any mandatory categorically needy eligibility group; and (v) have not attained age 65. This provision shall include an expedited eligibility determination for such women;
23. A provision for the coordinated administration, including outreach, enrollment, re-enrollment and services delivery, of medical assistance services provided to medically indigent children pursuant to this chapter, which shall be called Family Access to Medical Insurance Security (FAMIS) Plus and the FAMIS Plan program in § 32.1-351. A single application form shall be used to determine eligibility for both programs;

24. A provision, when authorized by and in compliance with federal law, to establish a public-private long-term care partnership program between the Commonwealth of Virginia and private insurance companies that shall be established through the filing of an amendment to the state plan for medical assistance services by the Department of Medical Assistance Services. The purpose of the program shall be to reduce Medicaid costs for long-term care by delaying or eliminating dependence on Medicaid for such services through encouraging the purchase of private long-term care insurance policies that have been designated as qualified state long-term care insurance partnerships and may be used as the first source of benefits for the participant's long-term care. Components of the program, including the treatment of assets for Medicaid eligibility and estate recovery, shall be structured in accordance with federal law and applicable federal guidelines; and

25. A provision for the payment of medical assistance for otherwise eligible pregnant women during the first five years of lawful residence in the United States, pursuant to § 214 of the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111-3).

B. In preparing the plan, the Board shall:

1. Work cooperatively with the State Board of Health to ensure that quality patient care is provided and that the health, safety, security, rights and welfare of patients are ensured.

2. Initiate such cost containment or other measures as are set forth in the appropriation act.

3. Make, adopt, promulgate and enforce such regulations as may be necessary to carry out the provisions of this chapter.

4. Examine, before acting on a regulation to be published in the Virginia Register of Regulations pursuant to § 2.2-4007.05, the potential fiscal impact of such regulation on local boards of social services. For regulations with potential fiscal impact, the Board shall share copies of the fiscal impact analysis with local boards of social services prior to submission to the Registrar. The fiscal impact analysis shall include the projected costs/savings to the local boards of social services to implement or comply with such regulation and, where applicable, sources of potential funds to implement or comply with such regulation.

5. Incorporate sanctions and remedies for certified nursing facilities established by state law, in accordance with 42 C.F.R. § 488.400 et seq. "Enforcement of Compliance for Long-Term Care Facilities With Deficiencies."

6. On and after July 1, 2002, require that a prescription benefit card, health insurance benefit card, or other technology that complies with the requirements set forth in § 38.2-3407.4:2 be issued to each recipient of medical assistance services, and shall upon any changes in the required data elements set forth in subsection A of § 38.2-3407.4:2, either reissue the card or provide recipients such corrective information as may be required to electronically process a prescription claim.

C. In order to enable the Commonwealth to continue to receive federal grants or reimbursement for medical assistance or related services, the Board, subject to the approval of the Governor, may adopt, regardless of any other provision of this chapter, such amendments to the state plan for medical assistance services as may be necessary to conform such plan with amendments to the United States Social Security Act or other relevant federal law and their implementing regulations or constructions of these laws and regulations by courts of competent jurisdiction or the United States Secretary of Health and Human Services.

In the event conforming amendments to the state plan for medical assistance services are adopted, the Board shall not be required to comply with the requirements of Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2. However, the Board shall, pursuant to the requirements of § 2.2-4002, (i) notify the Registrar of Regulations that such amendment is necessary to meet the requirements of federal law or regulations or because of the order of any state or federal court, or (ii) certify to the Governor that the regulations are necessitated by an emergency situation. Any such amendments that are in conflict with the Code of Virginia shall only remain in effect until July 1 following adjournment of the next regular session of the General Assembly unless enacted into law.

D. The Director of Medical Assistance Services is authorized to:

1. Administer such state plan and receive and expend federal funds therefor in accordance with applicable federal and state laws and regulations; and enter into all contracts necessary or incidental to the performance of the Department's duties and the execution of its powers as provided by law.

2. Enter into agreements and contracts with medical care facilities, physicians, dentists and other health care providers where necessary to carry out the provisions of such state plan. Any such agreement or contract shall terminate upon conviction of the provider of a felony. In the event such conviction is reversed upon appeal, the provider may apply to the Director of Medical Assistance Services for a new agreement or contract. Such provider may also apply to the Director for reconsideration of the agreement or contract termination if the conviction is not appealed, or if it is not reversed upon appeal.

3. Refuse to enter into or renew an agreement or contract, or elect to terminate an existing agreement or contract, with any provider who has been convicted of or otherwise pled guilty to a felony, or pursuant to Subparts A, B, and C of 42 C.F.R. Part 1002, and upon notice of such action to the provider as required by 42 C.F.R. § 1002.212.

4. Refuse to enter into or renew an agreement or contract, or elect to terminate an existing agreement or contract, with a provider who is or has been a principal in a professional or other corporation when such corporation has been convicted of or otherwise pled guilty to any violation of § 32.1-314, 32.1-315, 32.1-316, or 32.1-317, or any other felony or has been excluded from participation in any federal program pursuant to 42 C.F.R. Part 1002.

5. Terminate or suspend a provider agreement with a home care organization pursuant to subsection E of § 32.1-162.13.

6. *Provide payments or transfers pursuant to § 457 of the Internal Revenue Code to the deferred compensation plan described in § 51.1-602 on behalf of an individual who is a dentist or an oral and maxillofacial surgeon providing services as an independent contractor pursuant to a Medicaid agreement or contract under this section. Notwithstanding the provisions of § 51.1-600, an "employee" for purposes of Chapter 6 (§ 51.1-600 et seq.) of Title 51.1 shall include an independent contractor as described in this subdivision.*

For the purposes of this subsection, "provider" may refer to an individual or an entity.

E. In any case in which a Medicaid agreement or contract is terminated or denied to a provider pursuant to subsection D, the provider shall be entitled to appeal the decision pursuant to 42 C.F.R. § 1002.213 and to a post-determination or post-denial hearing in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). All such requests shall be in writing and be received within 15 days of the date of receipt of the notice.

The Director may consider aggravating and mitigating factors including the nature and extent of any adverse impact the agreement or contract denial or termination may have on the medical care provided to Virginia Medicaid recipients. In cases in which an agreement or contract is terminated pursuant to subsection D, the Director may determine the period of exclusion and may consider aggravating and mitigating factors to lengthen or shorten the period of exclusion, and may reinstate the provider pursuant to 42 C.F.R. § 1002.215.

F. When the services provided for by such plan are services which a marriage and family therapist, clinical psychologist, clinical social worker, professional counselor, or clinical nurse specialist is licensed to render in Virginia, the Director shall contract with any duly licensed marriage and family therapist, duly licensed clinical psychologist, licensed clinical social worker, licensed professional counselor or licensed clinical nurse specialist who makes application to be a provider of such services, and thereafter shall pay for covered services as provided in the state plan. The Board shall promulgate regulations which reimburse licensed marriage and family therapists, licensed clinical psychologists, licensed clinical social workers, licensed professional counselors and licensed clinical nurse specialists at rates based upon reasonable criteria, including the professional credentials required for licensure.

G. The Board shall prepare and submit to the Secretary of the United States Department of Health and Human Services such amendments to the state plan for medical assistance services as may be permitted by federal law to establish a program of family assistance whereby children over the age of 18 years shall make reasonable contributions, as determined by regulations of the Board, toward the cost of providing medical assistance under the plan to their parents.

H. The Department of Medical Assistance Services shall:

1. Include in its provider networks and all of its health maintenance organization contracts a provision for the payment of medical assistance on behalf of individuals up to the age of 21 who have special needs and who are Medicaid eligible, including individuals who have been victims of child abuse and neglect, for medically necessary assessment and treatment services, when such services are delivered by a provider which specializes solely in the diagnosis and treatment of child abuse and neglect, or a provider with comparable expertise, as determined by the Director.

2. Amend the Medallion II waiver and its implementing regulations to develop and implement an exception, with procedural requirements, to mandatory enrollment for certain children between birth and age three certified by the Department of Behavioral Health and Developmental Services as eligible for services pursuant to Part C of the Individuals with Disabilities Education Act (20 U.S.C. § 1471 et seq.).

3. Utilize, to the extent practicable, electronic funds transfer technology for reimbursement to contractors and enrolled providers for the provision of health care services under Medicaid and the Family Access to Medical Insurance Security Plan established under § 32.1-351.

I. The Director is authorized to negotiate and enter into agreements for services rendered to eligible recipients with special needs. The Board shall promulgate regulations regarding these special needs patients, to include persons with AIDS, ventilator-dependent patients, and other recipients with special needs as defined by the Board.

J. Except as provided in subdivision A 1 of § 2.2-4345, the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the activities of the Director authorized by subsection I of this section. Agreements made pursuant to this subsection shall comply with federal law and regulation.

2. That the provisions of this act shall become effective on January 1, 2015, and shall expire on January 1, 2020.

CHAPTER 197

An Act to amend and reenact § 12.1-19 of the Code of Virginia, relating to the powers of the clerk of the State Corporation Commission with regard to unauthorized filings.

[H 313]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 12.1-19 of the Code of Virginia is amended and reenacted as follows:

§ 12.1-19. Duties of clerk; records; copies; personal identifiable information; unauthorized filings.

A. The clerk of the Commission shall:

1. Keep a record of all the proceedings, orders, findings, and judgments of the public sessions of the Commission, and the minutes of the proceedings of each day's public session shall be read and approved by the Commission and signed by its chairman, or acting chairman;

2. Subject to the supervision and control of the Commission, have custody of and preserve all of the records, documents, papers, and files of the Commission, or which may be filed before it in any complaint, proceeding, contest, or controversy, and such records, documents, papers, and files shall be open to public examination in the office of the clerk to the same extent as the records and files of the courts of this Commonwealth;

3. When requested, make and certify copies from any record, document, paper, or file in ~~his~~ the clerk's office, and if required, affix the seal of the Commission (or a facsimile thereof) thereto, and otherwise furnish and certify information from the Commission records by any means the Commission may deem suitable; and, except when made at the instance of the Commission or on behalf of the Commonwealth, a political subdivision of the Commonwealth, or the government of the United States, ~~he~~ the clerk shall charge and collect the fees fixed by §§ 12.1-21.1 and 12.1-21.2; and any such copy or information, so certified, shall have the same faith, credit, and legal effect as copies made and certified by the clerks of the courts of this Commonwealth from the records and files thereof;

4. Certify all allowances made by the Commission to be paid out of the public treasury for witness fees, service of process, or other expenses;

5. Issue all notices, writs, processes, or orders awarded by the Commission, or authorized by law, or by the rules of the Commission;

6. Receive all fines and penalties imposed by the Commission, all moneys collected on judgments, all registration fees ~~and franchise taxes~~ required by law to be paid by corporations, *limited liability companies*, and other types of business entities, including delinquencies thereof, and all other fees collected by the Commission, and shall keep an accurate account of the same and the disposition of such receipts and shall, at least once in every ~~thirty~~ 30 days during ~~his~~ the clerk's term of office, render a statement of all such receipts and collections to the Comptroller, and pay the same into the treasury of the Commonwealth, and shall keep all such other accounts of such collections and disbursements, and shall make all such other reports thereof as may be required by law or by the regulations prescribed by the Comptroller; and

7. Generally have the powers, discharge the functions, and perform the duties of a clerk of a court of record in all matters within the jurisdiction of the Commission. The Commission may designate one or more deputies or assistants of the clerk who may discharge any of ~~his~~ the clerk's official duties during ~~his~~ the clerk's continuance in office.

B. A person who prepares or submits to the office of the clerk of the Commission a document or any information for filing with the Commission pursuant to Title 8.9A, Title 13.1, or Title 50 is responsible for ensuring that the document or information does not contain any personal identifiable information, unless such information is otherwise publicly available or is required or authorized by law to be included in the document or information provided. For purposes of this subsection, "personal identifiable information" means (i) a social security number or any other numbers appearing on driver's licenses; (ii) information on credit cards, debit cards, bank accounts, or other electronic billing and payment systems; (iii) a date of birth identified with a particular individual; (iv) the maiden name of an individual's parent; or (v) any financial account number. Any person who prepares or submits to the office of the clerk a document for filing that contains personal identifiable information shall be deemed to have authorized the clerk or any member of ~~his~~ the clerk's staff to remove, delete, or obliterate, without prior notice, such information prior or subsequent to recording or filing the document in the office of the clerk. Nothing in this subsection shall be deemed to require the clerk to alter any document submitted for filing. The clerk may refuse to accept for filing any document that includes personal identifiable information and return it for modification or explanation. The Commission, its members, the clerk of the Commission, and any member of ~~his~~ the clerk's staff are immune from liability in any proceeding arising from any acts or omissions in the implementation of this subsection. This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity that exists under statutory or common law.

C. *Notwithstanding any other provision of law, the clerk may review the circumstances surrounding the execution or delivery of any document associated with any business entity of record in the office of the clerk that was submitted for filing under a business entity statute administered by the Commission pursuant to Title 13.1 or Title 50. If the clerk determines that the person who executed or delivered the document was without authority to act on behalf of the business entity, the clerk is authorized (i) to refuse to accept the document for filing or (ii) if the document has been filed, to summarily remove the document and any documents and data related to the filing from the records in the office of the clerk, correct such records, and provide notice to any business entity affected by the filing. The Commission, its members, the clerk of the Commission, and any member of the clerk's staff are immune from liability in any proceeding arising from any acts or omissions in the implementation of this subsection. This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity that exists under statutory or common law.*

CHAPTER 198

An Act to amend and reenact §§ 38.2-2803 and 38.2-2903 of the Code of Virginia, relating to the board of directors of insurance joint underwriting associations.

Approved March 7, 2014

[H 336]

Be it enacted by the General Assembly of Virginia:**1. That §§ 38.2-2803 and 38.2-2903 of the Code of Virginia are amended and reenacted as follows:****§ 38.2-2803. Directors.**

A. The association shall be governed by a board of ~~fourteen~~ 14 directors. Two directors shall be appointed by each of the following three insurance industry trade associations: (i) the American Insurance Association; (ii) the ~~Alliance of American Insurers~~ *Property Casualty Insurers Association of America*; and (iii) the National Association of ~~Independent Insurers~~ *Mutual Insurance Companies*. The Commission shall appoint two directors to represent insurers not affiliated with the insurance industry trade associations listed above. One director shall be appointed by each of the following two agent trade associations: (a) the Independent Insurance Agents of Virginia; and (b) the Professional Insurance Agents Association of Virginia and the District of Columbia. Two directors shall be appointed by the Medical Society of Virginia, and two directors shall be appointed by the Virginia Hospital and Healthcare Association.

B. If any of the foregoing associations fail to appoint a director or directors within a reasonable period of time, the Commission shall have the power to make the appointments.

§ 38.2-2903. Directors.

A. The Association shall be governed by a board of ~~eleven~~ 11 directors, including one who shall be elected chairman. Two directors shall be appointed by each of the following three insurance industry trade associations: (i) the American Insurance Association; (ii) the ~~Alliance of American Insurers~~ *Property Casualty Insurers Association of America*; and (iii) the National Association of ~~Independent Insurers~~ *Mutual Insurance Companies*. One director shall be appointed by each of the following two insurance agents' trade associations: ~~(i)~~ (a) the Independent Insurance Agents of Virginia and ~~(ii)~~ (b) the Professional Insurance Agents Association of Virginia and the District of Columbia. The Commission shall appoint three directors not affiliated with the aforementioned trade associations. If, for any reason, any of the trade associations fail to appoint a director or directors within a reasonable period of time, the Commission shall have the power to make the appointment.

B. All board members, including the chairman, shall be appointed to serve for two-year terms beginning on a date designated by the plan.

C. Six directors shall constitute a quorum for the transaction of any business or exercise of any power of the Association. The directors of the Association shall act by vote of a majority of those present. The directors shall serve without salary, but each director shall be reimbursed for actual and necessary expenses incurred in the performance of his or her official duties as a director of the Association.

CHAPTER 199

An Act to amend and reenact § 2.2-1176.1 of the Code of Virginia, relating to the Alternative Fuel Vehicle Conversion Fund.

[H 340]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-1176.1 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-1176.1. Alternative Fuel Vehicle Conversion Fund established.**

There is hereby created in the state treasury a special nonreverting fund to be known as the Alternative Fuel Vehicle Conversion Fund, hereinafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. The Fund shall consist of such moneys appropriated by the General Assembly and any other funds available from donations, grants, in-kind contributions, and other funds as may be received for the purposes stated herein. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of assisting agencies of the Commonwealth with the incremental cost of state-owned alternative fuel vehicles and local government and agencies thereof and local school divisions with the incremental cost of such local government-owned alternative fuel vehicles. Moneys in the Fund may be used in conjunction with or as matching funds for any eligible federal grants for the same purpose. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director.

As used in this section, "incremental cost" means the entire cost of a certified conversion of an existing vehicle to use at least one alternative fuel or the additional cost of purchasing a new vehicle equipped to operate on at least one alternative fuel over the normal cost of a similar vehicle equipped to operate on a conventional fuel such as gasoline or diesel fuel.

The Director, in consultation with the Director of the Department of Mines, Minerals and Energy, shall establish guidelines for contributions and reimbursements from the Fund for the purchase or conversion of state-owned or local government-owned vehicles.

CHAPTER 200

An Act to amend and reenact § 6.2-837 of the Code of Virginia and to repeal §§ 6.2-841 and 6.2-848 of the Code of Virginia, relating to branches of out-of-state banks.

[H 358]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 6.2-837 of the Code of Virginia is amended and reenacted as follows:****§ 6.2-837. Interstate branching by Virginia state banks.**

A. With the prior approval of the Commission, any Virginia state bank may establish and maintain a de novo branch or acquire a branch in a state other than the Commonwealth.

B. A Virginia state bank desiring to establish and maintain a branch in another state under this section shall file an application on a form prescribed by the Commission and pay the branch application fee set forth in § 6.2-908. If the Commission finds that the applicant has the financial resources sufficient to undertake the proposed expansion without adversely affecting its soundness and that the laws of the host state permit the establishment of the branch, it may approve the application. ~~In acting on the application, the Commission shall consider the views of the state bank supervisor of the host state where the branch is proposed to be located.~~ The bank may establish the branch when it has received the written approval of the Commission.

2. That §§ 6.2-841 and 6.2-848 of the Code of Virginia are repealed.

CHAPTER 201

An Act to amend and reenact § 60.2-618, as it is currently effective and as it may become effective, of the Code of Virginia, relating to unemployment compensation; voluntarily leaving work.

[H 389]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 60.2-618, as it is currently effective and as it may become effective, of the Code of Virginia is amended and reenacted as follows:****§ 60.2-618. (Contingent expiration date) Disqualification for benefits.**

An individual shall be disqualified for benefits upon separation from the last employing unit for whom he has worked 30 days or 240 hours or from any subsequent employing unit:

1. For any week benefits are claimed until he has performed services for an employer (i) during 30 days, whether or not such days are consecutive, or (ii) for 240 hours, and subsequently becomes totally or partially separated from such employment, if the Commission finds such individual is unemployed because he left work voluntarily without good cause.

If (a) at the time of commencing employment with such employing unit an individual is enrolled in an accredited academic program of study provided by an institution of higher education for students that have been awarded a baccalaureate degree, which academic program culminates in the awarding of a master's, doctoral, or professional degree; (b) the individual's employment with such employing unit commenced and ended during the period between spring and fall semesters of the academic program in which the individual is enrolled; and (c) the individual returned to such academic program following his separation from such employing unit, there shall be a rebuttable presumption that the individual left work voluntarily.

As used in this chapter, "good cause" shall not include ~~(i)~~ (1) voluntarily leaving work with an employer to become self-employed or ~~(ii)~~ (2) voluntarily leaving work with an employer to accompany or to join his or her spouse in a new locality. An individual shall not be deemed to have voluntarily left work solely because the separation was in accordance with a seniority-based policy.

2. a. For any week benefits are claimed until he has performed services for an employer (i) during 30 days, whether or not such days are consecutive, or (ii) for 240 hours, and subsequently becomes totally or partially separated from such employment, if the Commission finds such individual is unemployed because he has been discharged for misconduct connected with his work.

b. For the purpose of this subdivision, "misconduct" includes, but shall not be limited to:

(1) An employee's confirmed positive test for a nonprescribed controlled substance, identified as such in Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1, where such test was conducted at the direction of his employer in conjunction with the employer's administration and enforcement of a known workplace drug policy. Such test shall have been performed, and a sample collected, in accordance with scientifically recognized standards by a laboratory accredited by the United States Department of Health and Human Services, or the College of American Pathology, or the American Association for Clinical Chemistry, or the equivalent, or shall have been a United States Department of Transportation-qualified drug screen conducted in accordance with the employer's bona fide drug policy. The Commission may consider evidence of mitigating circumstances in determining whether misconduct occurred.

(2) An employee's intentionally false or misleading statement of a material nature concerning past criminal convictions made in a written job application furnished to the employer, where such statement was a basis for the termination and the employer terminated the employee promptly upon the discovery thereof. The Commission may consider evidence of mitigating circumstances in determining whether misconduct occurred.

(3) A willful and deliberate violation of a standard or regulation of the Commonwealth, by an employee of an employer licensed or certified by the Commonwealth, which violation would cause the employer to be sanctioned or have its license or certification suspended by the Commonwealth. The Commission may consider evidence of mitigating circumstances in determining whether misconduct occurred.

(4) Chronic absenteeism or tardiness in deliberate violation of a known policy of the employer or one or more unapproved absences following a written reprimand or warning relating to more than one unapproved absence. The Commission may consider evidence of mitigating circumstances in determining whether misconduct occurred.

(5) An employee's loss of or failure to renew a license or certification that is a requisite of the position held by the employee, provided the employer is not at fault for the employee's loss of or failure to renew the license or certification. The Commission may consider evidence of mitigating circumstances in determining whether misconduct occurred.

3. a. If it is determined by the Commission that such individual has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the Commission or to accept suitable work when offered him. The disqualification shall commence with the week in which such failure occurred, and shall continue for the period of unemployment next ensuing until he has performed services for an employer (i) during 30 days, whether or not such days are consecutive, or (ii) for 240 hours, and subsequently becomes totally or partially separated from such employment.

b. In determining whether or not any work is suitable for an individual, the Commission shall consider the degree of risk involved to his health, safety and morals, his physical fitness and prior training, his experience, his length of unemployment and the accessibility of the available work from his residence.

c. No work shall be deemed suitable and benefits shall not be denied under this title to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(2) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; or

(3) If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

d. No individual shall be qualified for benefits during any week that such individual, in connection with an offer of suitable work, has a confirmed positive test for a nonprescribed controlled substance, identified as such in Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1, if the test is required as a condition of employment and (i) performed, and a sample is collected, in accordance with scientifically recognized standards by a laboratory accredited by the United States Department of Health and Human Services, or the College of American Pathology, or the American Association for Clinical Chemistry, or the equivalent, or (ii) a United States Department of Transportation-qualified drug screen conducted in accordance with the employer's bona fide drug policy. The disqualification shall commence with the week in which such a test was conducted, and shall continue for the period of unemployment next ensuing until he has performed services for an employer (i) during 30 days, whether or not such days are consecutive, or (ii) for 240 hours, and subsequently becomes totally or partially separated from such employment.

4. For 52 weeks, beginning with the date of the determination or decision, if the Commission finds that such individual, within 36 calendar months immediately preceding such determination or decision, has made a false statement or representation knowing it to be false, or has knowingly failed to disclose a material fact, to obtain or increase any benefit or payment under this title, the unemployment compensation of any other state, or any other program of the federal government which is administered in any way under this title, either for himself or any other person. Overpayments that have been fraudulently obtained and any penalty assessed against the individual pursuant to § 60.2-636 shall be recoverable as provided in § 60.2-633.

5. If such separation arose as a result of an unlawful act which resulted in a conviction and after his release from prison or jail until he has performed services for an employer for (i) 30 days, whether or not such days are consecutive, or (ii) 240 hours, and subsequently becomes totally or partially separated from such employment.

6. If such separation arose as a condition of the individual's parole or release from a custodial or penal institution and such individual was participating in the Diversion Center Incarceration Program pursuant to § 19.2-316.3.

§ 60.2-618. (Contingent effective date) Disqualification for benefits.

An individual shall be disqualified for benefits upon separation from the last employing unit for whom he has worked 30 days or 240 hours or from any subsequent employing unit:

1. For any week benefits are claimed until he has performed services for an employer (i) during 30 days, whether or not such days are consecutive, or (ii) for 240 hours, and subsequently becomes totally or partially separated from such employment, if the Commission finds such individual is unemployed because he left work voluntarily without good cause.

If (a) at the time of commencing employment with such employing unit an individual is enrolled in an accredited academic program of study provided by an institution of higher education for students that have been awarded a baccalaureate degree, which academic program culminates in the awarding of a master's, doctoral, or professional degree;

(b) the individual's employment with such employing unit commenced and ended during the period between spring and fall semesters of the academic program in which the individual is enrolled; and (c) the individual returns to such academic program following his separation from such employing unit, there shall be a rebuttable presumption that the individual left work voluntarily.

As used in this chapter, "good cause" shall not include ~~(a)~~ (1) voluntarily leaving work with an employer to become self-employed or ~~(b)~~ (2) voluntarily leaving work with an employer to accompany or to join his or her spouse in a new locality, except where an individual leaves employment to accompany his or her spouse to the location of the spouse's new duty assignment if ~~(1)~~ (A) the spouse is on active duty in the military or naval services of the United States; ~~(2)~~ (B) the spouse's relocation to a new military-related assignment is pursuant to a permanent change of station order; ~~(3)~~ (C) the location of the spouse's new duty assignment is not readily accessible from the individual's place of employment; and ~~(4)~~ (D) except for members of the Virginia National Guard relocating to a new assignment within the Commonwealth, the spouse's new duty assignment is located in a state that, pursuant to statute, does not deem a person accompanying a military spouse as a person leaving work voluntarily without good cause. An individual shall not be deemed to have voluntarily left work solely because the separation was in accordance with a seniority-based policy.

2. a. For any week benefits are claimed until he has performed services for an employer (i) during 30 days, whether or not such days are consecutive, or (ii) for 240 hours, and subsequently becomes totally or partially separated from such employment, if the Commission finds such individual is unemployed because he has been discharged for misconduct connected with his work.

b. For the purpose of this subdivision, "misconduct" includes, but shall not be limited to:

(1) An employee's confirmed positive test for a nonprescribed controlled substance, identified as such in Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1, where such test was conducted at the direction of his employer in conjunction with the employer's administration and enforcement of a known workplace drug policy. Such test shall have been performed, and a sample collected, in accordance with scientifically recognized standards by a laboratory accredited by the United States Department of Health and Human Services, or the College of American Pathology, or the American Association for Clinical Chemistry, or the equivalent, or shall have been a United States Department of Transportation-qualified drug screen conducted in accordance with the employer's bona fide drug policy. The Commission may consider evidence of mitigating circumstances in determining whether misconduct occurred.

(2) An employee's intentionally false or misleading statement of a material nature concerning past criminal convictions made in a written job application furnished to the employer, where such statement was a basis for the termination and the employer terminated the employee promptly upon the discovery thereof. The Commission may consider evidence of mitigating circumstances in determining whether misconduct occurred.

(3) A willful and deliberate violation of a standard or regulation of the Commonwealth, by an employee of an employer licensed or certified by the Commonwealth, which violation would cause the employer to be sanctioned or have its license or certification suspended by the Commonwealth. The Commission may consider evidence of mitigating circumstances in determining whether misconduct occurred.

(4) Chronic absenteeism or tardiness in deliberate violation of a known policy of the employer or one or more unapproved absences following a written reprimand or warning relating to more than one unapproved absence. The Commission may consider evidence of mitigating circumstances in determining whether misconduct occurred.

(5) An employee's loss of or failure to renew a license or certification that is a requisite of the position held by the employee, provided the employer is not at fault for the employee's loss of or failure to renew the license or certification. The Commission may consider evidence of mitigating circumstances in determining whether misconduct occurred.

3. a. If it is determined by the Commission that such individual has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the Commission or to accept suitable work when offered him. The disqualification shall commence with the week in which such failure occurred, and shall continue for the period of unemployment next ensuing until he has performed services for an employer (i) during 30 days, whether or not such days are consecutive, or (ii) for 240 hours, and subsequently becomes totally or partially separated from such employment.

b. In determining whether or not any work is suitable for an individual, the Commission shall consider the degree of risk involved to his health, safety and morals, his physical fitness and prior training, his experience, his length of unemployment and the accessibility of the available work from his residence.

c. No work shall be deemed suitable and benefits shall not be denied under this title to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(2) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; or

(3) If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

d. No individual shall be qualified for benefits during any week that such individual, in connection with an offer of suitable work, has a confirmed positive test for a nonprescribed controlled substance, identified as such in Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1, if the test is required as a condition of employment and (i) performed, and a sample is collected, in accordance with scientifically recognized standards by a laboratory accredited by the United States Department

of Health and Human Services, or the College of American Pathology, or the American Association for Clinical Chemistry, or the equivalent, or (ii) a United States Department of Transportation-qualified drug screen conducted in accordance with the employer's bona fide drug policy. The disqualification shall commence with the week in which such a test was conducted, and shall continue for the period of unemployment next ensuing until he has performed services for an employer (a) during 30 days, whether or not such days are consecutive, or (b) for 240 hours, and subsequently becomes totally or partially separated from such employment.

4. For 52 weeks, beginning with the date of the determination or decision, if the Commission finds that such individual, within 36 calendar months immediately preceding such determination or decision, has made a false statement or representation knowing it to be false, or has knowingly failed to disclose a material fact, to obtain or increase any benefit or payment under this title, the unemployment compensation of any other state, or any other program of the federal government which is administered in any way under this title, either for himself or any other person. Overpayments of benefits that have been fraudulently obtained and any penalty assessed against the individual pursuant to § 60.2-636 shall be recoverable as provided in § 60.2-633.

5. If such separation arose as a result of an unlawful act which resulted in a conviction and after his release from prison or jail until he has performed services for an employer for (i) 30 days, whether or not such days are consecutive, or (ii) 240 hours, and subsequently becomes totally or partially separated from such employment.

6. If such separation arose as a condition of the individual's parole or release from a custodial or penal institution and such individual was participating in the Diversion Center Incarceration Program pursuant to § 19.2-316.3.

CHAPTER 202

An Act to amend and reenact § 2.2-4006 of the Code of Virginia, relating to the Administrative Process Act; exemption for regulations of the State Water Control Board for waste load allocations.

[H 445]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4006 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4006. Exemptions from requirements of this article.

A. The following agency actions otherwise subject to this chapter and § 2.2-4103 of the Virginia Register Act shall be exempted from the operation of this article:

1. Agency orders or regulations fixing rates or prices.

2. Regulations that establish or prescribe agency organization, internal practice or procedures, including delegations of authority.

3. Regulations that consist only of changes in style or form or corrections of technical errors. Each promulgating agency shall review all references to sections of the Code of Virginia within their regulations each time a new supplement or replacement volume to the Code of Virginia is published to ensure the accuracy of each section or section subdivision identification listed.

4. Regulations that are:

a. Necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. However, such regulations shall be filed with the Registrar within 90 days of the law's effective date;

b. Required by order of any state or federal court of competent jurisdiction where no agency discretion is involved; or

c. Necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation, and the Registrar has so determined in writing. Notice of the proposed adoption of these regulations and the Registrar's determination shall be published in the Virginia Register not less than 30 days prior to the effective date of the regulation.

5. Regulations of the Board of Agriculture and Consumer Services adopted pursuant to subsection B of § 3.2-3929 or clause (v) or (vi) of subsection C of § 3.2-3931 after having been considered at two or more Board meetings and one public hearing.

6. Regulations of the regulatory boards served by (i) the Department of Labor and Industry pursuant to Title 40.1 and (ii) the Department of Professional and Occupational Regulation or the Department of Health Professions pursuant to Title 54.1 that are limited to reducing fees charged to regulants and applicants.

7. The development and issuance of procedural policy relating to risk-based mine inspections by the Department of Mines, Minerals and Energy authorized pursuant to §§ 45.1-161.82 and 45.1-161.292:55.

8. General permits issued by the (a) State Air Pollution Control Board pursuant to Chapter 13 (§ 10.1-1300 et seq.) of Title 10.1 or (b) State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), Chapter 24 (§ 62.1-242 et seq.) of Title 62.1 and Chapter 25 (§ 62.1-254 et seq.) of Title 62.1, (c) Virginia Soil and Water Conservation Board pursuant to the Dam Safety Act (§ 10.1-604 et seq.), and (d) the development and issuance of general wetlands permits by the Marine Resources Commission pursuant to subsection B of § 28.2-1307, if the respective Board or Commission (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007.01, (ii) following the passage of 30 days from the publication of the Notice of Intended Regulatory Action forms a technical

advisory committee composed of relevant stakeholders, including potentially affected citizens groups, to assist in the development of the general permit, (iii) provides notice and receives oral and written comment as provided in § 2.2-4007.03, and (iv) conducts at least one public hearing on the proposed general permit.

9. The development and issuance by the Board of Education of guidelines on constitutional rights and restrictions relating to the recitation of the pledge of allegiance to the American flag in public schools pursuant to § 22.1-202.

10. Regulations of the Board of the Virginia College Savings Plan adopted pursuant to § 23-38.77.

11. Regulations of the Marine Resources Commission.

12. Regulations adopted by the Board of Housing and Community Development pursuant to (i) Statewide Fire Prevention Code (§ 27-94 et seq.), (ii) the Industrialized Building Safety Law (§ 36-70 et seq.), (iii) the Uniform Statewide Building Code (§ 36-97 et seq.), and (iv) § 36-98.3, provided the Board (a) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007.01, (b) publishes the proposed regulation and provides an opportunity for oral and written comments as provided in § 2.2-4007.03, and (c) conducts at least one public hearing as provided in §§ 2.2-4009 and 36-100 prior to the publishing of the proposed regulations. Notwithstanding the provisions of this subdivision, any regulations promulgated by the Board shall remain subject to the provisions of § 2.2-4007.06 concerning public petitions, and §§ 2.2-4013 and 2.2-4014 concerning review by the Governor and General Assembly.

13. Amendments to the list of drugs susceptible to counterfeiting adopted by the Board of Pharmacy pursuant to subsection B of § 54.1-3307.

14. *Waste load allocations adopted, amended, or repealed by the State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), including but not limited to Article 4.01 (§ 62.1-44.19:4 et seq.) of the State Water Control Law, if the Board (i) provides public notice in the Virginia Register; (ii) if requested by the public during the initial public notice 30-day comment period, forms an advisory group composed of relevant stakeholders; (iii) receives and provides summary response to written comments; and (iv) conducts at least one public meeting. Notwithstanding the provisions of this subdivision, any such waste load allocations adopted, amended, or repealed by the Board shall be subject to the provisions of §§ 2.2-4013 and 2.2-4014 concerning review by the Governor and General Assembly.*

B. Whenever regulations are adopted under this section, the agency shall state as part thereof that it will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision. The effective date of regulations adopted under this subsection shall be in accordance with the provisions of § 2.2-4015, except in the case of emergency regulations, which shall become effective as provided in subsection B of § 2.2-4012.

C. A regulation for which an exemption is claimed under this section or § 2.2-4002 or 2.2-4011 and that is placed before a board or commission for consideration shall be provided at least two days in advance of the board or commission meeting to members of the public that request a copy of that regulation. A copy of that regulation shall be made available to the public attending such meeting.

2. That all total maximum daily load waste load allocations adopted or approved by the State Water Control Board prior to July 1, 2014, shall be listed in the Water Quality Management Planning Regulation (9VAC25-720) by the State Water Control Board; such action to amend the Water Quality Management Planning Regulation shall be exempt from Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act and not subject to judicial review. This required listing shall not be construed to preclude the State Water Control Board from subsequently amending or repealing the listed waste load allocations or to affect their substantive validity. Total maximum daily load waste load allocations subject to the cooperative solution negotiated for mining operations that were not set forth in the Water Quality Management Planning Regulation (9VAC25-720) prior to July 1, 2014, are excluded from this listing process.

3. That any amendment prior to July 1, 2025, of Water Quality Management Planning Regulation waste load allocations for nitrogen or phosphorus related to chlorophyll-a water quality criteria for multiple James River basin facilities shall be undertaken in accordance with Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act without regard to the exemption established by this act.

CHAPTER 203

An Act to amend and reenact § 65.2-902 of the Code of Virginia, relating to failure to make reports; assessments of civil penalties by the Virginia Workers' Compensation Commission.

[H 456]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 65.2-902 of the Code of Virginia is amended and reenacted as follows:

§ 65.2-902. Failure to make required reports; civil penalty.

A. Any employer, insurance carrier, self-insurer, group self-insurance association, or third party administrator who fails to make any report required by the Commission pursuant to this title shall be assessed a civil penalty of not more than \$500 for each failure. If the Commission determines that any such failure is willful, it shall assess a civil penalty of not less than \$500 and not more than \$5,000. The civil penalty herein provided may be assessed by the Commission in an open hearing with the right of review and appeal as in other cases. ~~In the event the employer has transmitted the report to the~~

~~insurance carrier or third party administrator for transmission to the Commission; the insurance carrier or third party administrator failing to transmit the report shall be liable for the civil penalty.~~

B. Any civil penalty assessed pursuant to this section shall be *divided equally between and* paid into the *administrative fund established in Chapter 10 (§ 65.2-1000 et seq.) and the Uninsured Employer's Fund established in Chapter 12 (§ 65.2-1200 et seq.)* ~~of this title. The Commission may add the costs of collection of such civil penalty to the aggregate civil penalty owed, in which event such costs shall be paid into the administrative fund established in Chapter 10 (§ 65.2-1000 et seq.).~~

CHAPTER 204

An Act to amend and reenact § 65.2-805 of the Code of Virginia, relating to workers' compensation; civil penalty for employer's failure to provide coverage; costs of collection.

[H 458]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 65.2-805 of the Code of Virginia is amended and reenacted as follows:

§ 65.2-805. Civil penalty for violation of §§ 65.2-800, 65.2-803.1, and 65.2-804.

A. If such employer fails to comply with the provisions of § 65.2-800 or 65.2-804, he shall be assessed a civil penalty of not ~~less than \$500 nor more than \$5,000, and he~~ *\$250 per day for each day of noncompliance, subject to a maximum penalty of \$50,000. Such employer also shall be* liable during continuance of such failure to any employee either for compensation under this title or at law in a suit instituted by the employee against such employer to recover damages for personal injury or death by accident, and in any such suit such employer shall not be permitted to defend upon any of the following grounds:

1. That the employee was negligent;
2. That the injury was caused by the negligence of a fellow employee; or
3. That the employee had assumed the risk of the injury.

B. Any person who fails to comply with the provisions of § 65.2-803.1 shall be assessed a civil penalty of not less than \$500 nor more than \$5,000 for each instance of noncompliance, in addition to any other penalties applicable under this title.

C. The civil penalties herein provided may be assessed by the Commission in an open hearing with the right of review and appeal as in other cases. Upon a finding by the Commission of such failure to comply, and after 15 days' written notice thereof sent by certified mail to the employer, if such failure continues, the Commission may order the employer to cease and desist all business transactions and operations until found by the Commission to be in compliance with the provisions of this chapter.

D. Any civil penalty assessed pursuant to this section shall be *divided equally between and* paid into the *administrative fund established in Chapter 10 (§ 65.2-1000 et seq.) and the Uninsured Employer's Fund established in Chapter 12 (§ 65.2-1200 et seq.)* ~~of this title. The Commission may add the costs of collection of such civil penalty to the aggregate civil penalty owed, in which event such costs shall be paid into the administrative fund established in Chapter 10 (§ 65.2-1000 et seq.).~~

CHAPTER 205

An Act to amend and reenact § 65.2-705 of the Code of Virginia, relating to recalling retired members of the Virginia Workers' Compensation Commission.

[H 459]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 65.2-705 of the Code of Virginia is amended and reenacted as follows:

§ 65.2-705. Review of award; rehearing.

A. If an application for review is made to the Commission within 30 days after issuance of an award, the full Commission, except as provided in subsection B of § 65.2-704 and if the first hearing was not held before the full Commission, shall review the evidence or, if deemed advisable, as soon as practicable, hear the parties at issue, their representatives, and witnesses. The Commission shall make an award which, together with a statement of the findings of fact, rulings of law, and other matters pertinent to the questions at issue, shall be filed with the record of the proceedings.

B. A rehearing convened under this section shall be a public proceeding and, upon proper request, may, in the discretion of the Commission, be video recorded for public broadcast at the expense of the requesting party, subject only to the same limitations and conditions as apply to court proceedings in the Commonwealth.

C. Upon an application for review made pursuant to subsection A, the opposing party at issue shall have 14 days thereafter to make an independent application for review.

D. When a vacancy on the Commission exists, or when ~~a member~~ *one or more members* of the Commission ~~is~~ *are* absent or ~~is~~ *are* prohibited from sitting with the full Commission to hear a review, the Chairman may appoint ~~a~~ *one or more* deputy ~~commissioner~~ *commissioners* or ~~recall one or more retired members of the Commission~~ to participate in the review. *The retired member or members recalled shall be the member or members who occupied the seat for which such member or members are being recalled, unless the parties otherwise consent. If retired members of the Commission are recalled as provided in this subsection, they shall be compensated as provided in § 17.1-327.*

CHAPTER 206

An Act to amend and reenact §§ 38.2-1414 and 38.2-1433 of the Code of Virginia, relating to permitted investments in foreign securities by insurance companies.

[H 466]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-1414 and 38.2-1433 of the Code of Virginia are amended and reenacted as follows:

§ 38.2-1414. Limits by type of investment.

- A. The portion of a domestic insurer's total admitted assets in the following types of investments shall not exceed:
1. Ten percent for the aggregate of investments made eligible by §§ 38.2-1416 and 38.2-1417;
 2. Five percent for the investments in each agency made eligible by § 38.2-1418, and ~~ten~~ 10 percent for the aggregate of investments made eligible by § 38.2-1418;
 3. Ten percent for the investments made eligible by § 38.2-1419;
 4. Ten percent for the investments made eligible by § 38.2-1420;
 5. For the aggregate of investments made eligible under §§ 38.2-1421 and 38.2-1422, (i) ~~ninety~~ 90 percent for any life insurer and (ii) ~~forty~~ 40 percent for all other insurers;
 6. Ten percent for the investments made eligible by subsection B of § 38.2-1421; and two percent for the investments made eligible by subsection C of § 38.2-1421;
 7. Twenty percent for the investments made eligible by § 38.2-1422;
 8. Ten percent for the investments made eligible by § 38.2-1423;
 9. Five percent for the investments made eligible by § 38.2-1424;
 10. Five percent for the investments made eligible by § 38.2-1425;
 11. The lesser of ~~fifteen~~ 15 percent or the amount by which an insurer's surplus to policyholders exceeds its minimum capital and surplus for the aggregate of investments made eligible by §§ 38.2-1427, 38.2-1427.1 and 38.2-1427.2, of which no more than five percent of the total admitted assets shall be in investments made eligible by § 38.2-1427.1;
 12. For the aggregate of investments made eligible by § 38.2-1427.3, when combined with the insurer's total investment in affiliates, the lesser of ~~ten~~ 10 percent of the insurer's admitted assets or ~~fifty~~ 50 percent of the insurer's surplus to policyholders in excess of its minimum capital and surplus, provided that total investments in affiliates do not include investments made by the insurer in money market mutual funds made eligible by § 38.2-1432;
 13. ~~Ten~~ Fifteen percent for investments made eligible by subsection B of § 38.2-1433, and an amount equal to its deposit and reserve obligations incurred in a foreign country for the investments made eligible by subsection A of § 38.2-1433;
 14. Two percent for the investments made eligible (including those that the insurer is obligated to make as well as those made) by subdivision 3 of § 38.2-1434;
 15. Two percent for the investments made eligible by § 38.2-1435;
 16. Ten percent for the investments made eligible by § 38.2-1436;
 17. For the aggregate of investments made eligible by § 38.2-1437.1, when combined with the insurer's investments in mortgages under §§ 38.2-1434 through 38.2-1436 and § 38.2-1439, (i) ~~sixty~~ 60 percent for any life insurer and (ii) ~~thirty~~ 30 percent for all other insurers;
 18. Two percent for the investments made eligible by § 38.2-1440; and
 19. Twenty-five percent for the total of investments made eligible by § 38.2-1441, of which no more than five percent of the total admitted assets shall be in investments in real property to be used primarily for hotel purposes.
- B. The amount loaned under § 38.2-1430 shall be subject to the limitations of this section applicable to the kinds of securities or obligations pledged in connection with the loan.

§ 38.2-1433. Foreign securities.

- A. A domestic insurer transacting the business of insurance in a foreign country may invest in securities of or issued in that country of substantially the same kinds, classes, and investment grades as the insurer may acquire in the United States.
- B. A domestic insurer may invest in securities of or issued in a foreign country of substantially the same kinds, classes and investment grades as the insurer may acquire in the United States, provided (i) all such securities are rated medium grade or higher by the Securities Valuation Office of the National Association of Insurance Commissioners or by a national rating agency recognized by the Commission and no more than one percent of the insurer's admitted assets are invested in such securities which are rated medium grade, and (ii) the aggregate amount of foreign investment held by the insurer under

this section for a single foreign jurisdiction does not exceed ~~three~~ (a) five percent of the insurer's admitted assets as to a foreign jurisdiction that has a sovereign debt rating of SVO 1 by the Securities Valuation Office of the National Association of Insurance Commissioners or (b) three percent of the insurer's admitted assets as to any other foreign jurisdiction.

C. ~~These investments~~ Investments made eligible by this section shall be payable in lawful currency of the United States, except (i) where payment in other lawful currencies is required to match obligations denominated in such other lawful currencies or (ii) if the investment is denominated in other lawful currency, the investment is effectively hedged, substantially in its entirety, against the lawful currency of the United States in accordance with § 38.2-1428.

CHAPTER 207

An Act to amend and reenact §§ 55-79.74:1 and 55-510 of the Code of Virginia, relating to the Condominium and Property Owners' Association Acts; notice for requests to examine association records.

[H 550]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 55-79.74:1 and 55-510 of the Code of Virginia are amended and reenacted as follows:

§ 55-79.74:1. Books, minutes and records; inspection.

A. The declarant, the managing agent, the unit owners' association, or the person specified in the bylaws of the association shall keep detailed records of the receipts and expenditures affecting the operation and administration of the condominium and specifying the maintenance and repair expenses of the common elements and any other expenses incurred by or on behalf of the association. Subject to the provisions of subsections B, C and D, upon request, any unit owner shall be provided a copy of such records and minutes. All financial books and records shall be kept in accordance with generally accepted accounting practices.

B. Subject to the provisions of subsection C, all books and records kept by or on behalf of the unit owners' association, including, but not limited to, the unit owners' association membership list, addresses and aggregate salary information of unit owners' association employees, shall be available for examination and copying by a unit owner in good standing or his authorized agent so long as the request is for a proper purpose related to his membership in the unit owners' association, and not for pecuniary gain or commercial solicitation. ~~This~~ *Notwithstanding any provision of law to the contrary, this* right of examination shall exist without reference to the duration of membership and may be exercised (i) only during reasonable business hours or at a mutually convenient time and location and (ii) upon five *business days'* written notice *for a unit owner association managed by a common interest community manager and 10 business days' written notice for a self-managed unit owners' association, which notice shall reasonably* identifying identify the purpose for the request and the specific books and records of the unit owners' association requested.

C. Books and records kept by or on behalf of a unit owners' association may be withheld from examination or copying by unit owners and contract purchasers to the extent that they are drafts not yet incorporated into the unit owners' association's books and records or if such books and records concern:

1. Personnel matters relating to specific, identified persons or a person's medical records;
2. Contracts, leases, and other commercial transactions to purchase or provide goods or services, currently in or under negotiation;
3. Pending or probable litigation. Probable litigation means those instances where there has been a specific threat of litigation from a party or the legal counsel of a party;
4. Matters involving state or local administrative or other formal proceedings before a government tribunal for enforcement of the condominium instruments or rules and regulations promulgated by the executive organ;
5. Communications with legal counsel which relates to subdivisions 1 through 4 or which is protected by the attorney-client privilege or the attorney work product doctrine;
6. Disclosure of information in violation of law;
7. Meeting minutes or other confidential records of an executive session of the executive organ held pursuant to subsection C of § 55-79.75;
8. Documentation, correspondence or management or executive organ reports compiled for or on behalf of the unit owners' association or the executive organ by its agents or committees for consideration by the executive organ in executive session; or
9. Individual unit owner or member files, other than those of the requesting unit owner, including any individual unit owner's files kept by or on behalf of the unit owners' association.

D. Prior to providing copies of any books and records, the unit owners' association may impose and collect a charge, reflecting the reasonable costs of materials and labor, not to exceed the actual costs thereof. Charges may be imposed only in accordance with a cost schedule adopted by the executive organ in accordance with this subsection. The cost schedule shall (i) specify the charges for materials and labor, (ii) apply equally to all unit owners in good standing, and (iii) be provided to such requesting unit owner at the time the request is made.

§ 55-510. Access to association records; association meetings; notice.

A. The association shall keep detailed records of receipts and expenditures affecting the operation and administration of the association. All financial books and records shall be kept in accordance with generally accepted accounting practices.

B. Subject to the provisions of subsection C and so long as the request is for a proper purpose related to his membership in the association, all books and records kept by or on behalf of the association, shall be available for examination and copying by a member in good standing or his authorized agent including but not limited to:

1. The association's membership list and addresses, which shall not be used for purposes of pecuniary gain or commercial solicitation; and

2. The actual salary of the six highest compensated employees of the association earning over \$75,000 and aggregate salary information of all other employees of the association; however, individual salary information shall not be available for examination and copying during the declarant control period.

~~This~~ *Notwithstanding any provision of law to the contrary, this* right of examination shall exist without reference to the duration of membership and may be exercised (i) only during reasonable business hours or at a mutually convenient time and location and (ii) upon five *business days'* written notice *for an association managed by a common interest community manager and 10 business days' written notice for a self-managed association, which notice reasonably identifying identifies* the purpose for the request and the specific books and records of the association requested.

C. Books and records kept by or on behalf of an association may be withheld from inspection and copying to the extent that they concern:

1. Personnel matters relating to specific, identified persons or a person's medical records;

2. Contracts, leases, and other commercial transactions to purchase or provide goods or services, currently in or under negotiation;

3. Pending or probable litigation. Probable litigation means those instances where there has been a specific threat of litigation from a party or the legal counsel of a party;

4. Matters involving state or local administrative or other formal proceedings before a government tribunal for enforcement of the association documents or rules and regulations promulgated pursuant to § 55-513;

5. Communications with legal counsel that relate to subdivisions 1 through 4 or that are protected by the attorney-client privilege or the attorney work product doctrine;

6. Disclosure of information in violation of law;

7. Meeting minutes or other confidential records of an executive session of the board of directors held in accordance with subsection C of § 55-510.1;

8. Documentation, correspondence or management or board reports compiled for or on behalf of the association or the board by its agents or committees for consideration by the board in executive session; or

9. Individual unit owner or member files, other than those of the requesting lot owner, including any individual lot owner's or member's files kept by or on behalf of the association.

D. Prior to providing copies of any books and records to a member in good standing under this section, the association may impose and collect a charge, reflecting the reasonable costs of materials and labor, not to exceed the actual costs thereof. Charges may be imposed only in accordance with a cost schedule adopted by the board of directors in accordance with this subsection. The cost schedule shall (i) specify the charges for materials and labor, (ii) apply equally to all members in good standing, and (iii) be provided to such requesting member at the time the request is made.

E. Notwithstanding the provisions of subsections B and C, all books and records of the association, including individual salary information for all employees and payments to independent contractors, shall be available for examination and copying upon request by a member of the board of directors in the discharge of his duties as a director.

F. Meetings of the association shall be held in accordance with the provisions of the bylaws at least once each year after the formation of the association. The bylaws shall specify an officer or his agent who shall, at least 14 days in advance of any annual or regularly scheduled meeting, and at least seven days in advance of any other meeting, send to each member notice of the time, place, and purposes of such meeting. In the event of cancellation of any annual meeting of the association at which directors are elected, the seven-day notice of any subsequent meeting scheduled to elect such directors shall include a statement that the meeting is scheduled for the purpose of the election of directors.

Notice shall be sent by United States mail to all members at the address of their respective lots unless the member has provided to such officer or his agent an address other than the address of the member's lot; or notice may be hand delivered by the officer or his agent, provided the officer or his agent certifies in writing that notice was delivered to the member. Except as provided in subdivision C 7, draft minutes of the board of directors shall be open for inspection and copying (i) within 60 days from the conclusion of the meeting to which such minutes appertain or (ii) when such minutes are distributed to board members as part of an agenda package for the next meeting of the board of directors, whichever occurs first.

CHAPTER 208

An Act to amend and reenact §§ 18.2-340.18, 18.2-340.24, and 18.2-340.30 of the Code of Virginia, relating to charitable gaming; interim certification of tax-exempt status.

Approved March 7, 2014

[H 616]

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-340.18, 18.2-340.24, and 18.2-340.30 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-340.18. Powers and duties of the Department.

The Department shall have all powers and duties necessary to carry out the provisions of this article and to exercise the control of charitable gaming as set forth in § 18.2-340.15. Such powers and duties shall include but not be limited to the following:

1. The Department is vested with jurisdiction and supervision over all charitable gaming authorized under the provisions of this article and including all persons that conduct or provide goods, services or premises used in the conduct of charitable gaming. It may employ such persons as are necessary to ensure that charitable gaming is conducted in conformity with the provisions of this article and the regulations of the Board. The Department shall designate such agents and employees as it deems necessary and appropriate who shall be sworn to enforce the provisions of this article and the criminal laws of the Commonwealth and who shall be law-enforcement officers as defined in § 9.1-101.

2. The Department, its agents and employees and any law-enforcement officers charged with the enforcement of charitable gaming laws shall have free access to the offices, facilities or any other place of business of any organization, including any premises devoted in whole or in part to the conduct of charitable gaming. These individuals may enter such places or premises for the purpose of carrying out any duty imposed by this article, securing records required to be maintained by an organization, investigating complaints, or conducting audits.

3. The Department may compel the production of any books, documents, records, or memoranda of any organizations or supplier involved in the conduct of charitable gaming for the purpose of satisfying itself that this article and its regulations are strictly complied with. In addition, the Department may require the production of an annual balance sheet and operating statement of any person granted a permit pursuant to the provisions of this article and may require the production of any contract to which such person is or may be a party.

4. The Department may issue subpoenas for the attendance of witnesses before it, administer oaths, and compel production of records or other documents and testimony of such witnesses whenever, in the judgment of the Department, it is necessary to do so for the effectual discharge of its duties.

5. The Department may compel any person conducting charitable gaming to file with the Department such documents, information or data as shall appear to the Department to be necessary for the performance of its duties.

6. The Department may enter into arrangements with any governmental agency of this or any other state or any locality in the Commonwealth or any agency of the federal government for the purposes of exchanging information or performing any other act to better ensure the proper conduct of charitable gaming.

7. The Department may issue ~~interim certification of tax-exempt status and collect a fee therefor in accordance with subsection B of § 18.2-340.24~~ a charitable gaming permit while the permittee's tax-exempt status is pending approval by the Internal Revenue Service.

8. The Department shall report annually to the Governor and the General Assembly, which report shall include a financial statement of the operation of the Department and any recommendations for legislation applicable to charitable gaming in the Commonwealth.

9. The Department, its agents and employees may conduct such audits, in addition to those required by § 18.2-340.31, as they deem necessary and desirable.

10. The Department may limit the number of organizations for which a person may manage, operate or conduct charitable games.

11. The Department may report any alleged criminal violation of this article to the appropriate attorney for the Commonwealth for appropriate action.

§ 18.2-340.24. Eligibility for permit; exceptions; where valid.

A. To be eligible for a permit to conduct charitable gaming, an organization shall:

1. Have been in existence and met on a regular basis in the Commonwealth for a period of at least three years immediately prior to applying for a permit.

The three-year residency requirement shall not apply (i) to any lodge or chapter of a national or international fraternal order or of a national or international civic organization which is exempt under § 501(c) of the United States Internal Revenue Code and which has a lodge or chapter holding a charitable gaming permit issued under the provisions of this article anywhere within the Commonwealth; (ii) to booster clubs which have been operating for less than three years and which have been established solely to raise funds for school-sponsored activities in public schools or private schools accredited pursuant to § 22.1-19; (iii) to recently established volunteer fire and rescue companies or departments, after county, city or town approval; or (iv) to an organization which relocates its meeting place on a permanent basis from one jurisdiction to another, complies with the requirements of subdivision 2 of this section, and was the holder of a valid permit at the time of its relocation.

2. Be operating currently and have always been operated as a nonprofit organization.

3. Have at least ~~50%~~ 50 percent of its membership consist of residents of the Commonwealth; however, if an organization (i) does not consist of bona fide members and (ii) is exempt under § 501(c)(3) of the United States Internal Revenue Code, the Board shall exempt such organizations from the requirements of this subdivision.

B. Any organization whose gross receipts from all charitable gaming exceeds or can be expected to exceed \$40,000 in any calendar year shall have been granted tax-exempt status pursuant to § 501(c) of the United States Internal Revenue

Code. At the same time tax-exempt status is sought from the Internal Revenue Service, the same documentation may be filed with the Department ~~for an interim certification of tax-exempt status in conjunction with an application for a charitable gaming permit.~~ If such documentation is filed, the Department may, after reviewing such documentation it deems necessary, issue ~~its determination of tax-exempt status within 60 days of receipt of such documentation a charitable gaming permit.~~ ~~The Department shall charge a fee of \$500 for such determination. This interim certification of tax-exempt status shall be valid until the Internal Revenue Service issues its determination of tax-exempt status, or for 18 months, whichever is earlier.~~

C. A permit shall be valid only for the locations, dates, and times designated in the permit.

§ 18.2-340.30. Reports of gross receipts and disbursements required; form of reports; failure to file.

A. Each qualified organization shall keep a complete record of all inventory of charitable gaming supplies purchased, all receipts from its charitable gaming operation, and all disbursements related to such operation. Except as provided in § 18.2-340.23, each qualified organization shall file at least annually, on a form prescribed by the Department, a report of all such receipts and disbursements, the amount of money on hand attributable to charitable gaming as of the end of the period covered by the report and any other information related to its charitable gaming operation that the Department may require. In addition, the Board, by regulation, may require any qualified organization whose net receipts exceed a specified amount during any three-month period to file a report of its receipts and disbursements for such period. All reports filed pursuant to this section shall be a matter of public record.

B. All reports required by this section shall be filed on or before the date prescribed by the Department. The Board, by regulation, shall establish a schedule of late fees to be assessed for any organization that fails to submit required reports by the due date.

C. Except as provided in § 18.2-340.23, each qualified organization shall designate or compensate an outside individual or group who shall be responsible for filing an annual, and, if required, quarterly, financial report if the organization goes out of business or otherwise ceases to conduct charitable gaming activities. The Department shall require such reports as it deems necessary until all proceeds of any charitable gaming have been used for the purposes specified in § 18.2-340.19 or have been disbursed in a manner approved by the Department.

D. Each qualified organization shall maintain for three years a complete written record of (i) all charitable gaming sessions using Department prescribed forms or reasonable facsimiles thereof approved by the Department; (ii) the name and address of each individual to whom ~~any prize or jackpot in excess of \$599 from is awarded~~ any charitable gaming ~~is awarded~~ prize or jackpot that meets or exceeds the requirements of Internal Revenue Service Publication 3079, as well as the amount of the award; and (iii) an itemized record of all receipts and disbursements, including operating costs and use of proceeds incurred in operating bingo games.

E. The failure to file reports within 30 days of the time such reports are due shall cause the automatic revocation of the permit, and no organization shall conduct any bingo game or raffle thereafter until the report is properly filed and a new permit is obtained. However, the Department may grant an extension of time for filing such reports for a period not to exceed 45 days if requested by an organization, provided the organization requests an extension within 15 days of the time such reports are due and all projected fees are paid. For the term of any such extension, the organization's permit shall not be automatically revoked, such organization may continue to conduct charitable gaming, and no new permit shall be required.

CHAPTER 209

An Act to amend and reenact § 65.2-101 of the Code of Virginia, relating to the filing of documents or materials with the Virginia Workers' Compensation Commission.

[H 630]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 65.2-101 of the Code of Virginia is amended and reenacted as follows:

§ 65.2-101. Definitions.

As used in this title:

"Average weekly wage" means:

1. a. The earnings of the injured employee in the employment in which he was working at the time of the injury during the period of 52 weeks immediately preceding the date of the injury, divided by 52; but if the injured employee lost more than seven consecutive calendar days during such period, although not in the same week, then the earnings for the remainder of the 52 weeks shall be divided by the number of weeks remaining after the time so lost has been deducted. When the employment prior to the injury extended over a period of less than 52 weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed, provided that results fair and just to both parties will be thereby obtained. When, by reason of a shortness of time during which the employee has been in the employment of his employer or the casual nature or terms of his employment, it is impractical to compute the average weekly wages as above defined, regard shall be had to the average weekly amount which during the 52 weeks previous to the injury was being earned by a person of the same grade and character employed in the same class of employment in the same locality or community.

b. When for exceptional reasons the foregoing would be unfair either to the employer or employee, such other method of computing average weekly wages may be resorted to as will most nearly approximate the amount which the injured employee would be earning were it not for the injury.

2. Whenever allowances of any character made to an employee in lieu of wages are a specified part of the wage contract, they shall be deemed a part of his earnings. For the purpose of this title, the average weekly wage of the members of the Virginia National Guard, the Virginia Naval Militia and the Virginia Defense Force, registered members on duty or in training of the United States Civil Defense Corps of this Commonwealth, volunteer firefighters engaged in firefighting activities under the supervision and control of the Department of Forestry, and forest wardens shall be deemed to be such amount as will entitle them to the maximum compensation payable under this title; however, any award entered under the provisions of this title on behalf of members of the National Guard, the Virginia Naval Militia or their dependents, or registered members on duty or in training of the United States Civil Defense Corps of this Commonwealth or their dependents, shall be subject to credit for benefits paid them under existing or future federal law on account of injury or occupational disease covered by the provisions of this title.

3. Whenever volunteer firefighters, volunteer lifesaving or volunteer rescue squad members, volunteer law-enforcement chaplains, auxiliary or reserve police, auxiliary or reserve deputy sheriffs, volunteer emergency medical technicians, members of volunteer search and rescue organizations, volunteer members of community emergency response teams, and volunteer members of medical reserve corps are deemed employees under this title, their average weekly wage shall be deemed sufficient to produce the minimum compensation provided by this title for injured workers or their dependents. For the purposes of workers' compensation insurance premium calculations, the monthly payroll for each volunteer firefighter or volunteer lifesaving or volunteer rescue squad member shall be deemed to be \$300.

4. The average weekly wage of persons, other than those covered in subdivision 3 of this definition, who respond to a hazardous materials incident at the request of the Department of Emergency Management shall be based upon the earnings of such persons from their primary employers.

"Award" means the grant or denial of benefits or other relief under this title or any rule adopted pursuant thereto.

"Change in condition" means a change in physical condition of the employee as well as any change in the conditions under which compensation was awarded, suspended, or terminated which would affect the right to, amount of, or duration of compensation.

"Client company" means any person that enters into an agreement for professional employer services with a professional employer organization.

"Coemployee" means an employee performing services pursuant to an agreement for professional employer services between a client company and a professional employer organization.

"Commission" means the Virginia Workers' Compensation Commission as well as its former designation as the Virginia Industrial Commission.

"Employee" means:

1. a. Every person, including aliens and minors, in the service of another under any contract of hire or apprenticeship, written or implied, whether lawfully or unlawfully employed, except (i) one whose employment is not in the usual course of the trade, business, occupation or profession of the employer or (ii) as otherwise provided in subdivision 2 of this definition.

b. Any apprentice, trainee, or retrainee who is regularly employed while receiving training or instruction outside of regular working hours and off the job, so long as the training or instruction is related to his employment and is authorized by his employer.

c. Members of the Virginia National Guard and the Virginia Naval Militia, whether on duty in a paid or unpaid status or when performing voluntary service to their unit in a nonduty status at the request of their commander.

Income benefits for members of the National Guard or Naval Militia shall be terminated when they are able to return to their customary civilian employment or self-employment. If they are neither employed nor self-employed, those benefits shall terminate when they are able to return to their military duties. If a member of the National Guard or Naval Militia who is fit to return to his customary civilian employment or self-employment remains unable to perform his military duties and thereby suffers loss of military pay which he would otherwise have earned, he shall be entitled to one day of income benefits for each unit training assembly or day of paid training which he is unable to attend.

d. Members of the Virginia Defense Force.

e. Registered members of the United States Civil Defense Corps of this Commonwealth, whether on duty or in training.

f. Except as provided in subdivision 2 of this definition, all officers and employees of the Commonwealth, including (i) forest wardens; (ii) judges, clerks, deputy clerks and employees of juvenile and domestic relations district courts and general district courts; and (iii) secretaries and administrative assistants for officers and members of the General Assembly employed pursuant to § 30-19.4 and compensated as provided in the general appropriation act, who shall be deemed employees of the Commonwealth.

g. Except as provided in subdivision 2 of this definition, all officers and employees of a municipal corporation or political subdivision of the Commonwealth.

h. Except as provided in subdivision 2 of this definition, (i) every executive officer, including president, vice-president, secretary, treasurer or other officer, elected or appointed in accordance with the charter and bylaws of a corporation,

municipal or otherwise and (ii) every manager of a limited liability company elected or appointed in accordance with the articles of organization or operating agreement of the limited liability company.

i. Policemen and firefighters, sheriffs and their deputies, town sergeants and their deputies, county and city commissioners of the revenue, county and city treasurers, attorneys for the Commonwealth, clerks of circuit courts and their deputies, officers and employees, and electoral board members appointed in accordance with § 24.2-106, who shall be deemed employees of the respective cities, counties and towns in which their services are employed and by whom their salaries are paid or in which their compensation is earnable. However, notwithstanding the foregoing provision of this subdivision, such individuals who would otherwise be deemed to be employees of the city, county, or town in which their services are employed and by whom their salaries are paid or in which their compensation is earnable shall be deemed to be employees of the Commonwealth while rendering aid outside of the Commonwealth pursuant to a request, approved by the Commonwealth, under the Emergency Management Assistance Compact enacted pursuant to § 44-146.28:1.

j. Members of the governing body of any county, city or town in the Commonwealth, whenever coverage under this title is extended to such members by resolution or ordinance duly adopted.

k. Volunteers, officers and employees of any commission or board of any authority created or controlled by a local governing body, or any local agency or public service corporation owned, operated or controlled by such local governing body, whenever coverage under this title is authorized by resolution or ordinance duly adopted by the governing board of any county, city, town, or any political subdivision thereof.

l. Except as provided in subdivision 2 of this definition, volunteer firefighters, volunteer lifesaving or rescue squad members, volunteer law-enforcement chaplains, auxiliary or reserve police, auxiliary or reserve deputy sheriffs, volunteer emergency medical technicians, members of volunteer search and rescue organizations, volunteer members of regional hazardous materials emergency response teams, volunteer members of community emergency response teams, and volunteer members of medical reserve corps, who shall be deemed employees of (i) the political subdivision or state institution of higher education in which the principal office of such volunteer fire company, volunteer lifesaving or rescue squad, volunteer law-enforcement chaplains, auxiliary or reserve police force, auxiliary or reserve deputy sheriff force, volunteer emergency medical technicians, volunteer search and rescue organization, regional hazardous materials emergency response team, community emergency response team, or medical reserve corps is located if the governing body of such political subdivision or state institution of higher education has adopted a resolution acknowledging those persons as employees for the purposes of this title or (ii) in the case of volunteer firefighters or volunteer lifesaving or rescue squad members, the companies or squads for which volunteer services are provided whenever such companies or squads elect to be included as an employer under this title.

m. (1) Volunteer firefighters, volunteer lifesaving or rescue squad members, volunteer law-enforcement chaplains, auxiliary or reserve police, auxiliary or reserve deputy sheriffs, volunteer emergency medical technicians, members of volunteer search and rescue organizations and any other persons who respond to an incident upon request of the Department of Emergency Management, who shall be deemed employees of the Department of Emergency Management for the purposes of this title.

(2) Volunteer firefighters when engaged in firefighting activities under the supervision and control of the Department of Forestry, who shall be deemed employees of the Department of Forestry for the purposes of this title.

n. Any sole proprietor, shareholder of a stock corporation having only one shareholder, member of a limited liability company having only one member, or all partners of a business electing to be included as an employee under the workers' compensation coverage of such business if the insurer is notified of this election. Any sole proprietor, shareholder or member or the partners shall, upon such election, be entitled to employee benefits and be subject to employee responsibilities prescribed in this title.

When any partner or sole shareholder, member or proprietor is entitled to receive coverage under this title, such person shall be subject to all provisions of this title as if he were an employee; however, the notices required under §§ 65.2-405 and 65.2-600 of this title shall be given to the insurance carrier, and the panel of physicians required under § 65.2-603 shall be selected by the insurance carrier.

o. The independent contractor of any employer subject to this title at the election of such employer provided (i) the independent contractor agrees to such inclusion and (ii) unless the employer is self-insured, the employer's insurer agrees in writing to such inclusion. All or part of the cost of the insurance coverage of the independent contractor may be borne by the independent contractor.

When any independent contractor is entitled to receive coverage under this section, such person shall be subject to all provisions of this title as if he were an employee, provided that the notices required under §§ 65.2-405 and 65.2-600 are given either to the employer or its insurance carrier.

However, nothing in this title shall be construed to make the employees of any independent contractor the employees of the person or corporation employing or contracting with such independent contractor.

p. The legal representative, dependents and any other persons to whom compensation may be payable when any person covered as an employee under this title shall be deceased.

q. Jail officers and jail superintendents employed by regional jails or jail farm boards or authorities, whether created pursuant to Article 3.1 (§ 53.1-95.2 et seq.) or Article 5 (§ 53.1-105 et seq.) of Chapter 3 of Title 53.1, or an act of assembly.

r. AmeriCorps members who receive stipends in return for volunteering in local, state and nonprofit agencies in the Commonwealth, who shall be deemed employees of the Commonwealth for the purposes of this title.

s. Food Stamp recipients participating in the work experience component of the Food Stamp Employment and Training Program, who shall be deemed employees of the Commonwealth for the purposes of this title.

t. Temporary Assistance for Needy Families recipients not eligible for Medicaid participating in the work experience component of the Virginia Initiative for Employment Not Welfare Program, who shall be deemed employees of the Commonwealth for the purposes of this title.

2. "Employee" shall not mean:

a. Officers and employees of the Commonwealth who are elected by the General Assembly, or appointed by the Governor, either with or without the confirmation of the Senate. This exception shall not apply to any "state employee" as defined in § 51.1-124.3 nor to Supreme Court Justices, judges of the Court of Appeals, judges of the circuit or district courts, members of the Workers' Compensation Commission and the State Corporation Commission, or the Superintendent of State Police.

b. Officers and employees of municipal corporations and political subdivisions of the Commonwealth who are elected by the people or by the governing bodies, and who act in purely administrative capacities and are to serve for a definite term of office.

c. Any person who is a licensed real estate salesperson, or a licensed real estate broker associated with a real estate broker, if (i) substantially all of the salesperson's or associated broker's remuneration is derived from real estate commissions, (ii) the services of the salesperson or associated broker are performed under a written contract specifying that the salesperson is an independent contractor, and (iii) such contract includes a provision that the salesperson or associated broker will not be treated as an employee for federal income tax purposes.

d. Any taxicab or executive sedan driver, provided the Commission is furnished evidence that such individual is excluded from taxation by the Federal Unemployment Tax Act.

e. Casual employees.

f. Domestic servants.

g. Farm and horticultural laborers, unless the employer regularly has in service more than three full-time employees.

h. Employees of any person, firm or private corporation, including any public service corporation, that has regularly in service less than three employees in the same business within this Commonwealth, unless such employees and their employers voluntarily elect to be bound by this title. However, this exemption shall not apply to the operators of underground coal mines or their employees. An executive officer who is not paid salary or wages on a regular basis at an agreed upon amount and who rejects coverage under this title pursuant to § 65.2-300 shall not be included as an employee for purposes of this subdivision.

i. Employees of any common carrier by railroad engaging in commerce between any of the several states or territories or between the District of Columbia and any of the states or territories and any foreign nation or nations, and any person suffering injury or death while he is employed by such carrier in such commerce. This title shall not be construed to lessen the liability of any such common carrier or to diminish or take away in any respect any right that any person so employed, or the personal representative, kindred or relation, or dependent of such person, may have under the act of Congress relating to the liability of common carriers by railroad to their employees in certain cases, approved April 22, 1908, or under §§ 8.01-57 through 8.01-62 or § 56-441.

j. Employees of common carriers by railroad who are engaged in intrastate trade or commerce. However, this title shall not be construed to lessen the liability of such common carriers or take away or diminish any right that any employee or, in case of his death, the personal representative of such employee of such common carrier may have under §§ 8.01-57 through 8.01-61 or § 56-441.

k. Except as provided in subdivision 1 of this definition, a member of a volunteer fire-fighting, lifesaving or rescue squad when engaged in activities related principally to participation as a member of such squad whether or not the volunteer continues to receive compensation from his employer for time away from the job.

l. Except as otherwise provided in this title, noncompensated employees and noncompensated directors of corporations exempt from taxation pursuant to § 501(c)(3) of Title 26 of the United States Code (Internal Revenue Code of 1954).

m. Any person performing services as a sports official for an entity sponsoring an interscholastic or intercollegiate sports event or any person performing services as a sports official for a public entity or a private, nonprofit organization which sponsors an amateur sports event. For the purposes of this subdivision, "sports official" includes an umpire, referee, judge, scorekeeper, timekeeper or other person who is a neutral participant in a sports event. This shall not include any person, otherwise employed by an organization or entity sponsoring a sports event, who performs services as a sports official as part of his regular employment.

n. Any person who suffers an injury on or after July 1, 2012, for which there is jurisdiction under either the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. § 901 et seq., and its extensions, or the Merchant Marine Act of 1920, 46 U.S.C. § 30104 et seq. However, this title shall not be construed to eliminate or diminish any right that any person or, in the case of the person's death, his personal representative, may have under either the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. § 901 et seq., and its extensions, or the Merchant Marine Act of 1920, 46 U.S.C. § 30104 et seq.

"Employer" includes (i) any person, the Commonwealth or any political subdivision thereof and any individual, firm, association or corporation, or the receiver or trustee of the same, or the legal representative of a deceased employer, using the service of another for pay and (ii) any volunteer fire company or volunteer lifesaving or rescue squad electing to be

included and maintaining coverage as an employer under this title. If the employer is insured, it includes his insurer so far as applicable.

"Executive officer" means (i) the president, vice-president, secretary, treasurer or other officer, elected or appointed in accordance with the charter and bylaws of a corporation and (ii) the managers elected or appointed in accordance with the articles of organization or operating agreement of a limited liability company. However, such term does not include noncompensated officers of corporations exempt from taxation pursuant to § 501(c)(3) of Title 26 of the United States Code (Internal Revenue Code of 1954).

"Filed" means hand delivered to the Commission's office in Richmond or any regional office maintained by the Commission; sent by ~~telegraph, electronic mail or other means of electronic transmission approved by the Commission or~~; sent by facsimile transmission; or posted at any post office of the United States Postal Service by certified or registered mail. Filing by first-class mail, ~~telegraph, electronic mail or other means of electronic transmission, or facsimile transmission~~ shall be deemed completed only when the document or other material transmitted reaches the Commission or its designated agent.

"Injury" means only injury by accident arising out of and in the course of the employment or occupational disease as defined in Chapter 4 (§ 65.2-400 et seq.) of this title and does not include a disease in any form, except when it results naturally and unavoidably from either of the foregoing causes. Such term shall not include any injury, disease or condition resulting from an employee's voluntary:

1. Participation in employer-sponsored off-duty recreational activities which are not part of the employee's duties; or
2. Use of a motor vehicle that was provided to the employee by a motor vehicle dealer as defined by § 46.2-1500 and bears a dealer's license plate as defined by § 46.2-1550 for (i) commuting to or from work or (ii) any other nonwork activity.

Such term shall include any injury, disease or condition:

1. Arising out of and in the course of the employment of (a) an employee of a hospital as defined in § 32.1-123; (b) an employee of a health care provider as defined in § 8.01-581.1; (c) an employee of the Department of Health or a local department of health; (d) a member of a search and rescue organization; or (e) any person described in clauses (i) through (iv), (vi), and (ix) of subsection A of § 65.2-402.1 otherwise subject to the provisions of this title; and

2. Resulting from (a) the administration of vaccinia (smallpox) vaccine, Cidofivir and derivatives thereof, or Vaccinia Immune Globulin as part of federally initiated smallpox countermeasures, or (b) transmission of vaccinia in the course of employment from an employee participating in such countermeasures to a coemployee of the same employer.

"Professional employer organization" means any person that enters into a written agreement with a client company to provide professional employer services.

"Professional employer services" means services provided to a client company pursuant to a written agreement with a professional employer organization whereby the professional employer organization initially employs all or a majority of a client company's workforce and assumes responsibilities as an employer for all coemployees that are assigned, allocated, or shared by the agreement between the professional employer organization and the client company.

"Staffing service" means any person, other than a professional employer organization, that hires its own employees and assigns them to a client to support or supplement the client's workforce. It includes temporary staffing services that supply employees to clients in special work situations such as employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects.

CHAPTER 210

An Act to amend and reenact §§ 54.1-2013 and 54.1-2021.1 of the Code of Virginia, relating to license required for appraisal management company.

[H 762]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2013 and 54.1-2021.1 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2013. General powers of Real Estate Appraiser Board; regulations; educational requirements for licensure.

The Board shall have all of the powers of a regulatory board under Chapter 2 (§ 54.1-200 et seq.) ~~of this title~~. The Board may do all things necessary and convenient for carrying into effect the provisions of this chapter, *Chapter 20.2 (§ 54.1-2020 et seq.)*, and all things required or expected of a state appraiser certifying and licensing agency under Title 11 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3331 et seq.). The Board shall promulgate necessary regulations. ~~The Director shall have the authority to promulgate initial emergency regulations upon the enactment of this chapter as necessary to comply with applicable federal requirements; provided that within twelve months from the effective date of such emergency regulations, the Board promulgates the regulations in accordance with the Administrative Process Act (§ 2-2-4000 et seq.)~~

The Board shall include in its regulations educational and experience requirements as conditions for licensure, provisions for the supervision of appraiser practices, provisions for the enforcement of standards of professional appraiser

practice, and provisions for the disposition of referrals of improper appraiser conduct from any person or any federal agency or instrumentality. This paragraph shall not be construed to limit the powers and authority of the Board.

The Board may set different education and experience requirements for licensed residential real estate appraisers, certified residential real estate appraisers, and certified general real estate appraisers. All applicants for licensure under this chapter shall meet applicable educational and experience requirements prior to licensure.

Applicants for licensure as a certified residential real estate appraiser or a certified general real estate appraiser shall successfully complete an examination administered or approved by the Board prior to licensure. The Board may set different examination requirements for certified residential real estate appraisers and certified general real estate appraisers. The Board may require that licensed residential real estate appraisers successfully complete an examination administered or approved by the Board prior to licensure or prior to the renewal of an initial license.

All regulations established by the Board shall satisfy any minimum criteria that are necessary in order that the federal financial institution's regulatory agencies recognize and accept licenses for licensed residential real estate appraisers, certified residential real estate appraisers, ~~and~~ certified general real estate appraisers, *and appraisal management companies* issued by the Board.

§ 54.1-2021.1. (Effective July 1, 2014) Appraisal management companies; license required; posting of bond or letter of credit.

A. No person shall engage in business as an appraisal management company without a license issued by the Board.

~~Beginning July 1, 2014, the~~ *B. The Board may issue a license to do business as an appraisal management company in the Commonwealth to any applicant who has submitted a complete application and provides satisfactory evidence that he has successfully:*

1. Completed all requirements established by the Board that are consistent with this chapter and are reasonably necessary to implement, administer, and enforce the provisions of this chapter; and

2. Certified to the Board the following information, and such other information as may be reasonably required by the Board, regarding the person or entity seeking licensure:

a. The name of the person or entity;

b. The business address of the person or entity;

c. Phone contact information for the person or entity, and email address;

d. If the entity is not an entity domiciled in the Commonwealth, the name and contact information for the entity's agent for service of process in the Commonwealth;

e. If the entity is not an entity domiciled in the Commonwealth, proof that the entity is properly and currently registered with the Virginia State Corporation Commission;

f. The name, address, and contact information for any person or any entity that owns 10 percent or more of the appraisal management company;

g. The name, address, and contact information for a responsible person for the appraisal management company located in the Commonwealth, who shall be a person or entity licensed under Chapter 20.1 (§ 54.1-2009 et seq.);

h. That any person or entity that owns 10 percent or more of the appraisal management company has never had a license to act as an appraiser refused, denied, canceled, or revoked by the Commonwealth or any other state;

i. That the entity has a system in place to review the work of all appraisers that may perform appraisal services for the appraisal management company on a periodic basis to ensure that the appraisal services are being conducted in accordance with the Uniform Standards of Professional Appraisal Practice;

j. That the entity maintains a detailed record of the following: (i) each request for an appraisal service that the appraisal management company receives; (ii) the name of each independent appraiser that performs the appraisal; (iii) the physical address or legal identification of the subject property; (iv) the name of the appraisal management company's client for the appraisal; (v) the amount paid to the appraiser; and (vi) the amount paid to the appraisal management company; and

k. That the entity has a system in place to ensure compliance with § 129E of the Truth in Lending Act (15 U.S.C. § 1601 et seq.).

~~B- C.~~ *C. Any person that owns 10 percent or more of an appraisal management company and any controlling person of an appraisal management company seeking to be licensed pursuant to this chapter shall be of good moral character, as determined by the Board, and shall submit to a background investigation, as determined by the Board.*

~~C- D.~~ *D. In addition to the filing fee, each applicant for licensure shall post either a bond or a letter of credit as follows:*

1. If a bond is posted, the bond shall (i) be in the amount of ~~\$25,000~~ *\$100,000* or any other amount as set by regulation of the Board, (ii) be in a form prescribed by regulation of the Board, and (iii) accrue to the Commonwealth for the benefit of (a) a claimant against the licensee to secure the faithful performance of the licensee's obligations under this chapter or (b) an appraiser who has performed an appraisal for the licensee for which the appraiser has not been paid. The aggregate liability of the surety shall not exceed the principal sum of the bond. A party having a claim against the licensee may bring suit directly on the surety bond. When a claimant or an appraiser is awarded a final judgment in a court of competent jurisdiction against a licensee of this section for the licensee's failure to faithfully perform its obligations under this chapter or failure to pay an appraiser who performed an appraisal, the claimant or the appraiser may file a claim with the Board for a directive ordering payment from the bond issuer of the amount of the judgment, court costs and reasonable attorney fees as awarded by the court. Such claim shall be filed with the Board no later than 12 months after the judgment becomes final. Upon receipt of the claim against the licensee, the Board may cause its own investigation to be conducted. The amount of the bond

shall be restored by the licensee to the full amount required within 15 days after the payment of any claim on the bond. If the licensee fails to restore the full amount of the bond, the Board shall immediately revoke the license of the licensee whose conduct resulted in payment from the bond.

2. If a letter of credit is posted, the letter of credit shall (i) be in the amount of ~~\$25,000~~ \$100,000 or any other amount as set by regulation of the Board, (ii) be irrevocable and in a form approved by the Board, payable to the Department of Professional Occupational Regulation, and (iii) be for the use and the benefit of (a) a claimant against the licensee to secure the faithful performance of the licensee's obligations under this chapter or (b) an appraiser who has performed an appraisal for the licensee for which the appraiser has not been paid. The aggregate liability on the letter of credit shall not exceed the principal sum of the letter of credit. When a claimant or an appraiser is awarded a final judgment in a court of competent jurisdiction against a licensee of this section for the licensee's failure to faithfully perform its obligations under this chapter or failure to pay an appraiser who performed an appraisal, the claimant or the appraiser may file a claim with the Board for a directive ordering payment from the issuer of the letter of credit of the amount of the judgment, court costs and reasonable attorney fees as awarded by the court. Such claim shall be filed with the Board no later than 12 months after the judgment becomes final. Upon receipt of the claim against the licensee, the Board may cause its own investigation to be conducted. Upon a draw against a letter of credit, the licensee shall provide a new letter of credit in the amount required by this subdivision within 15 days after payment of any claim on the letter of credit. If the licensee fails to restore the full amount of the letter of credit, the Board shall immediately revoke the license of the licensee whose conduct resulted in payment from the bond.

CHAPTER 211

An Act to amend and reenact § 2.2-1136 of the Code of Virginia, relating to the Department of General Services; inventory of all real property owned by the Commonwealth.

[H 790]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1136 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-1136. Review of easements; maintenance of real property records.

A. The Department shall review all deeds, leases and contractual agreements with utilities to serve state institutions or agencies that require the approval of the Governor, as well as all easements and rights-of-way granted by institutions and agencies to public and private utilities.

B. The Department shall be responsible for the maintenance of real property records of all state departments, agencies and institutions, except records of real property acquired by the Department of Transportation for the construction of highways, and may have such boundary, topographic and other maps prepared as may be necessary. In addition, the Department shall develop the criteria for and conduct an inventory of all real property, as defined in § 2.2-1147, owned by state departments, agencies and institutions by January 1, 2012, and update the inventory at least annually thereafter. Such inventory shall be reviewed by the Department in developing recommendations pursuant to subsection A of § 2.2-1153. All state departments, agencies and institutions shall cooperate with the Department and provide such data and documents as may be required to develop and maintain the records and inventory required by this section.

C. *The Department shall make the inventory referred to in subsection B available on the Department's website. The description of the inventory shall include parcel identification consistent with national spatial data standards in addition to a street address as available and reported to the Department by agencies and institutions.*

CHAPTER 212

An Act to amend and reenact §§ 56-576 and 56-585.1 of the Code of Virginia, relating to electric utility regulation; recovery of costs of undergrounding distribution facilities.

[H 848]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-576 and 56-585.1 of the Code of Virginia are amended and reenacted as follows:

§ 56-576. Definitions.

As used in this chapter:

"Affiliate" means any person that controls, is controlled by, or is under common control with an electric utility.

"Aggregator" means a person that, as an agent or intermediary, (i) offers to purchase, or purchases, electric energy or (ii) offers to arrange for, or arranges for, the purchase of electric energy, for sale to, or on behalf of, two or more retail customers not controlled by or under common control with such person. The following activities shall not, in and of themselves, make a person an aggregator under this chapter: (i) furnishing legal services to two or more retail customers, suppliers or aggregators; (ii) furnishing educational, informational, or analytical services to two or more retail customers,

unless direct or indirect compensation for such services is paid by an aggregator or supplier of electric energy; (iii) furnishing educational, informational, or analytical services to two or more suppliers or aggregators; (iv) providing default service under § 56-585; (v) engaging in activities of a retail electric energy supplier, licensed pursuant to § 56-587, which are authorized by such supplier's license; and (vi) engaging in actions of a retail customer, in common with one or more other such retail customers, to issue a request for proposal or to negotiate a purchase of electric energy for consumption by such retail customers.

"Combined heat and power" means a method of using waste heat from electrical generation to offset traditional processes, space heating, air conditioning, or refrigeration.

"Commission" means the State Corporation Commission.

"Cooperative" means a utility formed under or subject to Chapter 9.1 (§ 56-231.15 et seq.).

"Covered entity" means a provider in the Commonwealth of an electric service not subject to competition but shall not include default service providers.

"Covered transaction" means an acquisition, merger, or consolidation of, or other transaction involving stock, securities, voting interests or assets by which one or more persons obtains control of a covered entity.

"Curtailment" means inducing retail customers to reduce load during times of peak demand so as to ease the burden on the electrical grid.

"Customer choice" means the opportunity for a retail customer in the Commonwealth to purchase electric energy from any supplier licensed and seeking to sell electric energy to that customer.

"Demand response" means measures aimed at shifting time of use of electricity from peak-use periods to times of lower demand by inducing retail customers to curtail electricity usage during periods of congestion and higher prices in the electrical grid.

"Distribute," "distributing," or "distribution of" electric energy means the transfer of electric energy through a retail distribution system to a retail customer.

"Distributor" means a person owning, controlling, or operating a retail distribution system to provide electric energy directly to retail customers.

"Electric utility" means any person that generates, transmits, or distributes electric energy for use by retail customers in the Commonwealth, including any investor-owned electric utility, cooperative electric utility, or electric utility owned or operated by a municipality.

"Energy efficiency program" means a program that reduces the total amount of electricity that is required for the same process or activity implemented after the expiration of capped rates. Energy efficiency programs include equipment, physical, or program change designed to produce measured and verified reductions in the amount of electricity required to perform the same function and produce the same or a similar outcome. Energy efficiency programs may include, but are not limited to, (i) programs that result in improvements in lighting design, heating, ventilation, and air conditioning systems, appliances, building envelopes, and industrial and commercial processes; (ii) measures, such as but not limited to the installation of advanced meters, implemented or installed by utilities, that reduce fuel use or losses of electricity and otherwise improve internal operating efficiency in generation, transmission, and distribution systems; and (iii) customer engagement programs that result in measurable and verifiable energy savings that lead to efficient use patterns and practices. Energy efficiency programs include demand response, combined heat and power and waste heat recovery, curtailment, or other programs that are designed to reduce electricity consumption so long as they reduce the total amount of electricity that is required for the same process or activity. Utilities shall be authorized to install and operate such advanced metering technology and equipment on a customer's premises; however, nothing in this chapter establishes a requirement that an energy efficiency program be implemented on a customer's premises and be connected to a customer's wiring on the customer's side of the inter-connection without the customer's expressed consent.

"Generate," "generating," or "generation of" electric energy means the production of electric energy.

"Generator" means a person owning, controlling, or operating a facility that produces electric energy for sale.

"Incumbent electric utility" means each electric utility in the Commonwealth that, prior to July 1, 1999, supplied electric energy to retail customers located in an exclusive service territory established by the Commission.

"Independent system operator" means a person that may receive or has received, by transfer pursuant to this chapter, any ownership or control of, or any responsibility to operate, all or part of the transmission systems in the Commonwealth.

"In the public interest," for purposes of assessing energy efficiency programs, describes an energy efficiency program if, among other factors, the net present value of the benefits exceeds the net present value of the costs as determined by the Commission upon consideration of the following four tests: (i) the Total Resource Cost Test; (ii) the Utility Cost Test (also referred to as the Program Administrator Test); (iii) the Participant Test; and (iv) the Ratepayer Impact Measure Test. Such determination shall include an analysis of all four tests, and a program or portfolio of programs shall not be rejected based solely on the results of a single test. In addition, an energy efficiency program may be deemed to be "in the public interest" if the program provides measurable and verifiable energy savings to low-income customers or elderly customers.

"Measured and verified" means a process determined pursuant to methods accepted for use by utilities and industries to measure, verify, and validate energy savings and peak demand savings. This may include the protocol established by the United States Department of Energy, Office of Federal Energy Management Programs, Measurement and Verification Guidance for Federal Energy Projects, measurement and verification standards developed by the American Society of

Heating, Refrigeration and Air Conditioning Engineers (ASHRAE), or engineering-based estimates of energy and demand savings associated with specific energy efficiency measures, as determined by the Commission.

"Municipality" means a city, county, town, authority, or other political subdivision of the Commonwealth.

"New underground facilities" means facilities to provide underground distribution service. "New underground facilities" includes underground cables with voltages of 69 kilovolts or less, pad-mounted devices, connections at customer meters, and transition terminations from existing overhead distribution sources.

"Peak-shaving" means measures aimed solely at shifting time of use of electricity from peak-use periods to times of lower demand by inducing retail customers to curtail electricity usage during periods of congestion and higher prices in the electrical grid.

"Person" means any individual, corporation, partnership, association, company, business, trust, joint venture, or other private legal entity, and the Commonwealth or any municipality.

"Renewable energy" means energy derived from sunlight, wind, falling water, biomass, sustainable or otherwise, (the definitions of which shall be liberally construed), energy from waste, landfill gas, municipal solid waste, wave motion, tides, and geothermal power, and does not include energy derived from coal, oil, natural gas, or nuclear power. Renewable energy shall also include the proportion of the thermal or electric energy from a facility that results from the co-firing of biomass.

"Renewable thermal energy" means the thermal energy output from (i) a renewable-fueled combined heat and power generation facility that is (a) constructed, or renovated and improved, after January 1, 2012, (b) located in the Commonwealth, and (c) utilized in industrial processes other than the combined heat and power generation facility or (ii) a solar energy system, certified to the OG-100 standard of the Solar Ratings and Certification Corporation or an equivalent certification body, that (a) is constructed, or renovated and improved, after January 1, 2013, (b) is located in the Commonwealth, and (c) heats water or air for residential, commercial, institutional, or industrial purposes.

"Renewable thermal energy equivalent" means the electrical equivalent in megawatt hours of renewable thermal energy calculated by dividing (i) the heat content, measured in British thermal units (BTUs), of the renewable thermal energy at the point of transfer to a residential, commercial, institutional, or industrial process by (ii) the standard conversion factor of 3.413 million BTUs per megawatt hour.

"Renovated and improved facility" means a facility the components of which have been upgraded to enhance its operating efficiency.

"Retail customer" means any person that purchases retail electric energy for its own consumption at one or more metering points or nonmetered points of delivery located in the Commonwealth.

"Retail electric energy" means electric energy sold for ultimate consumption to a retail customer.

"Revenue reductions related to energy efficiency programs" means reductions in the collection of total non-fuel revenues, previously authorized by the Commission to be recovered from customers by a utility, that occur due to measured and verified decreased consumption of electricity caused by energy efficiency programs approved by the Commission and implemented by the utility, less the amount by which such non-fuel reductions in total revenues have been mitigated through other program-related factors, including reductions in variable operating expenses.

"Solar energy system" means a system of components that produces heat or electricity, or both, from sunlight.

"Supplier" means any generator, distributor, aggregator, broker, marketer, or other person who offers to sell or sells electric energy to retail customers and is licensed by the Commission to do so, but it does not mean a generator that produces electric energy exclusively for its own consumption or the consumption of an affiliate.

"Supply" or "supplying" electric energy means the sale of or the offer to sell electric energy to a retail customer.

"Transmission of," "transmit," or "transmitting" electric energy means the transfer of electric energy through the Commonwealth's interconnected transmission grid from a generator to either a distributor or a retail customer.

"Transmission system" means those facilities and equipment that are required to provide for the transmission of electric energy.

§ 56-585.1. Generation, distribution, and transmission rates after capped rates terminate or expire.

A. During the first six months of 2009, the Commission shall, after notice and opportunity for hearing, initiate proceedings to review the rates, terms and conditions for the provision of generation, distribution and transmission services of each investor-owned incumbent electric utility. Such proceedings shall be governed by the provisions of Chapter 10 (§ 56-232 et seq.), except as modified herein. In such proceedings the Commission shall determine fair rates of return on common equity applicable to the generation and distribution services of the utility. In so doing, the Commission may use any methodology to determine such return it finds consistent with the public interest, but such return shall not be set lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data are available by not less than a majority, selected by the Commission as specified in subdivision 2 b, of other investor-owned electric utilities in the peer group of the utility, nor shall the Commission set such return more than 300 basis points higher than such average. The peer group of the utility shall be determined in the manner prescribed in subdivision 2 b. The Commission may increase or decrease such combined rate of return by up to 100 basis points based on the generating plant performance, customer service, and operating efficiency of a utility, as compared to nationally recognized standards determined by the Commission to be appropriate for such purposes. In such a proceeding, the Commission shall determine the rates that the utility may charge until such rates are adjusted. If the Commission finds that the utility's combined rate of return on common equity is more than 50 basis points below the

combined rate of return as so determined, it shall be authorized to order increases to the utility's rates necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn not less than such combined rate of return. If the Commission finds that the utility's combined rate of return on common equity is more than 50 basis points above the combined rate of return as so determined, it shall be authorized either (i) to order reductions to the utility's rates it finds appropriate, provided that the Commission may not order such rate reduction unless it finds that the resulting rates will provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than the fair rates of return on common equity applicable to the generation and distribution services; or (ii) to direct that 60 percent of the amount of the utility's earnings that were more than 50 basis points above the fair combined rate of return for calendar year 2008 be credited to customers' bills, in which event such credits shall be amortized over a period of six to 12 months, as determined at the discretion of the Commission, following the effective date of the Commission's order and be allocated among customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates. Commencing in 2011, the Commission, after notice and opportunity for hearing, shall conduct biennial reviews of the rates, terms and conditions for the provision of generation, distribution and transmission services by each investor-owned incumbent electric utility, subject to the following provisions:

1. Rates, terms and conditions for each service shall be reviewed separately on an unbundled basis, and such reviews shall be conducted in a single, combined proceeding. The first such review shall utilize the two successive 12-month test periods ending December 31, 2010. However, the Commission may, in its discretion, elect to stagger its biennial reviews of utilities by utilizing the two successive 12-month test periods ending December 31, 2010, for a Phase I Utility, and utilizing the two successive 12-month test periods ending December 31, 2011, for a Phase II Utility, with subsequent proceedings utilizing the two successive 12-month test periods ending December 31 immediately preceding the year in which such proceeding is conducted. For purposes of this section, a Phase I Utility is an investor-owned incumbent electric utility that was, as of July 1, 1999, not bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, and a Phase II Utility is an investor-owned incumbent electric utility that was bound by such a settlement.

2. Subject to the provisions of subdivision 6, fair rates of return on common equity applicable separately to the generation and distribution services of such utility, and for the two such services combined, shall be determined by the Commission during each such biennial review, as follows:

a. The Commission may use any methodology to determine such return it finds consistent with the public interest, but such return shall not be set lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data are available by not less than a majority, selected by the Commission as specified in subdivision 2 b, of other investor-owned electric utilities in the peer group of the utility subject to such biennial review, nor shall the Commission set such return more than 300 basis points higher than such average.

b. In selecting such majority of peer group investor-owned electric utilities, the Commission shall first remove from such group the two utilities within such group that have the lowest reported returns of the group, as well as the two utilities within such group that have the highest reported returns of the group, and the Commission shall then select a majority of the utilities remaining in such peer group. In its final order regarding such biennial review, the Commission shall identify the utilities in such peer group it selected for the calculation of such limitation. For purposes of this subdivision, an investor-owned electric utility shall be deemed part of such peer group if (i) its principal operations are conducted in the southeastern United States east of the Mississippi River in either the states of West Virginia or Kentucky or in those states south of Virginia, excluding the state of Tennessee, (ii) it is a vertically-integrated electric utility providing generation, transmission and distribution services whose facilities and operations are subject to state public utility regulation in the state where its principal operations are conducted, (iii) it had a long-term bond rating assigned by Moody's Investors Service of at least Baa at the end of the most recent test period subject to such biennial review, and (iv) it is not an affiliate of the utility subject to such biennial review.

c. The Commission may, consistent with its precedent for incumbent electric utilities prior to the enactment of Chapters 888 and 933 of the Acts of Assembly of 2007, increase or decrease the utility's combined rate of return based on the Commission's consideration of the utility's performance.

d. In any Current Proceeding, the Commission shall determine whether the Current Return has increased, on a percentage basis, above the Initial Return by more than the increase, expressed as a percentage, in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, since the date on which the Commission determined the Initial Return. If so, the Commission may conduct an additional analysis of whether it is in the public interest to utilize such Current Return for the Current Proceeding then pending. A finding of whether the Current Return justifies such additional analysis shall be made without regard to any enhanced rate of return on common equity awarded pursuant to the provisions of subdivision 6. Such additional analysis shall include, but not be limited to, a consideration of overall economic conditions, the level of interest rates and cost of capital with respect to business and industry, in general, as well as electric utilities, the current level of inflation and the utility's cost of goods and services, the effect on the utility's ability to provide adequate service and to attract capital if less than the Current Return were utilized for the Current Proceeding then pending, and such other factors as the Commission may deem relevant. If, as a result of such analysis, the Commission finds that use of the Current Return

for the Current Proceeding then pending would not be in the public interest, then the lower limit imposed by subdivision 2 a on the return to be determined by the Commission for such utility shall be calculated, for that Current Proceeding only, by increasing the Initial Return by a percentage at least equal to the increase, expressed as a percentage, in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, since the date on which the Commission determined the Initial Return. For purposes of this subdivision:

"Current Proceeding" means any proceeding conducted under any provisions of this subsection that require or authorize the Commission to determine a fair combined rate of return on common equity for a utility and that will be concluded after the date on which the Commission determined the Initial Return for such utility.

"Current Return" means the minimum fair combined rate of return on common equity required for any Current Proceeding by the limitation regarding a utility's peer group specified in subdivision 2 a.

"Initial Return" means the fair combined rate of return on common equity determined for such utility by the Commission on the first occasion after July 1, 2009, under any provision of this subsection pursuant to the provisions of subdivision 2 a.

e. In addition to other considerations, in setting the return on equity within the range allowed by this section, the Commission shall strive to maintain costs of retail electric energy that are cost competitive with costs of retail electric energy provided by the other peer group investor-owned electric utilities.

f. The determination of such returns shall be made by the Commission on a stand-alone basis, and specifically without regard to any return on common equity or other matters determined with regard to facilities described in subdivision 6.

g. If the combined rate of return on common equity earned by the generation and distribution services is no more than 50 basis points above or below the return as so determined or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, such return is no more than 70 basis points above or below the return as so determined, such combined return shall not be considered either excessive or insufficient, respectively. However, for any test period commencing after December 31, 2012, for a Phase II Utility, and after December 31, 2013, for a Phase I Utility, if the utility has, during the test period or periods under review, earned below the return as so determined, whether or not such combined return is within 70 basis points of the return as so determined, the utility may petition the Commission for approval of an increase in rates in accordance with the provisions of clause (i) of subdivision ~~A~~ 8 as if it had earned more than 70 basis points below a fair combined rate of return, and such proceeding shall otherwise be conducted in accordance with the provisions of this section.

h. Any amount of a utility's earnings directed by the Commission to be credited to customers' bills pursuant to this section shall not be considered for the purpose of determining the utility's earnings in any subsequent biennial review.

3. Each such utility shall make a biennial filing by March 31 of every other year, beginning in 2011, consisting of the schedules contained in the Commission's rules governing utility rate increase applications; however, if the Commission elects to stagger the dates of the biennial reviews of utilities as provided in subdivision 1, then Phase I utilities shall commence biennial filings in 2011 and Phase II utilities shall commence biennial filings in 2012. Such filing shall encompass the two successive 12-month test periods ending December 31 immediately preceding the year in which such proceeding is conducted, and in every such case the filing for each year shall be identified separately and shall be segregated from any other year encompassed by the filing. If the Commission determines that rates should be revised or credits be applied to customers' bills pursuant to subdivision 8 or 9, any rate adjustment clauses previously implemented pursuant to subdivision 5 or those related to facilities utilizing simple-cycle combustion turbines described in subdivision 6, shall be combined with the utility's costs, revenues and investments until the amounts that are the subject of such rate adjustment clauses are fully recovered. The Commission shall combine such clauses with the utility's costs, revenues and investments only after it makes its initial determination with regard to necessary rate revisions or credits to customers' bills, and the amounts thereof, but after such clauses are combined as herein specified, they shall thereafter be considered part of the utility's costs, revenues, and investments for the purposes of future biennial review proceedings. A Phase I utility shall delay for one year the filing of its biennial review from March 31, 2013, to March 31, 2014, and shall not defer on its books for future recovery any costs incurred during calendar year 2011, other than as provided in subdivision A 7 of this section or § 56-249.6, and its subsequent biennial filing shall be made by March 31, 2016, and every two years thereafter.

4. The following costs incurred by the utility shall be deemed reasonable and prudent: (i) costs for transmission services provided to the utility by the regional transmission entity of which the utility is a member, as determined under applicable rates, terms and conditions approved by the Federal Energy Regulatory Commission, and (ii) costs charged to the utility that are associated with demand response programs approved by the Federal Energy Regulatory Commission and administered by the regional transmission entity of which the utility is a member. Upon petition of a utility at any time after the expiration or termination of capped rates, but not more than once in any 12-month period, the Commission shall approve a rate adjustment clause under which such costs, including, without limitation, costs for transmission service, charges for new and existing transmission facilities, administrative charges, and ancillary service charges designed to recover transmission costs, shall be recovered on a timely and current basis from customers. Retail rates to recover these costs shall be designed using the appropriate billing determinants in the retail rate schedules.

5. A utility may at any time, after the expiration or termination of capped rates, but not more than once in any 12-month period, petition the Commission for approval of one or more rate adjustment clauses for the timely and current recovery from customers of the following costs:

a. Incremental costs described in clause (vi) of subsection B of § 56-582 incurred between July 1, 2004, and the expiration or termination of capped rates, if such utility is, as of July 1, 2007, deferring such costs consistent with an order of the Commission entered under clause (vi) of subsection B of § 56-582. The Commission shall approve such a petition allowing the recovery of such costs that comply with the requirements of clause (vi) of subsection B of § 56-582;

b. Projected and actual costs for the utility to design and operate fair and effective peak-shaving programs. The Commission shall approve such a petition if it finds that the program is in the public interest; provided that the Commission shall allow the recovery of such costs as it finds are reasonable;

c. Projected and actual costs for the utility to design, implement, and operate energy efficiency programs, including a margin to be recovered on operating expenses, which margin for the purposes of this section shall be equal to the general rate of return on common equity determined as described in subdivision ~~A 2 of this section~~. The Commission shall only approve such a petition if it finds that the program is in the public interest. As part of such cost recovery, the Commission, if requested by the utility, shall allow for the recovery of revenue reductions related to energy efficiency programs. The Commission shall only allow such recovery to the extent that the Commission determines such revenue has not been recovered through margins from incremental off-system sales as defined in § 56-249.6 that are directly attributable to energy efficiency programs.

None of the costs of new energy efficiency programs of an electric utility, including recovery of revenue reductions, shall be assigned to any customer that has a verifiable history of having used more than 10 megawatts of demand from a single meter of delivery. Nor shall any of the costs of new energy efficiency programs of an electric utility, including recovery of revenue reductions, be incurred by any large general service customer as defined herein that has notified the utility of non-participation in such energy efficiency program or programs. A large general service customer is a customer that has a verifiable history of having used more than 500 kilowatts of demand from a single meter of delivery. Non-participation in energy efficiency programs shall be allowed by the Commission if the large general service customer has, at the customer's own expense, implemented energy efficiency programs that have produced or will produce measured and verified results consistent with industry standards and other regulatory criteria stated in this section. The Commission shall, no later than November 15, 2009, promulgate rules and regulations to accommodate the process under which such large general service customers shall file notice for such an exemption and (i) establish the administrative procedures by which eligible customers will notify the utility and (ii) define the standard criteria that must be satisfied by an applicant in order to notify the utility. In promulgating such rules and regulations, the Commission may also specify the timing as to when a utility shall accept and act on such notice, taking into consideration the utility's integrated resource planning process as well as its administration of energy efficiency programs that are approved for cost recovery by the Commission. The notice of non-participation by a large general service customer, to be given by March 1 of a given year, shall be for the duration of the service life of the customer's energy efficiency program. The Commission on its own motion may initiate steps necessary to verify such non-participants' achievement of energy efficiency if the Commission has a body of evidence that the non-participant has knowingly misrepresented its energy efficiency achievement. A utility shall not charge such large general service customer, as defined by the Commission, for the costs of installing energy efficiency equipment beyond what is required to provide electric service and meter such service on the customer's premises if the customer provides, at the customer's expense, equivalent energy efficiency equipment. In all relevant proceedings pursuant to this section, the Commission shall take into consideration the goals of economic development, energy efficiency and environmental protection in the Commonwealth;

d. Projected and actual costs of participation in a renewable energy portfolio standard program pursuant to § 56-585.2 that are not recoverable under subdivision 6. The Commission shall approve such a petition allowing the recovery of such costs as are provided for in a program approved pursuant to § 56-585.2; and

e. Projected and actual costs of projects that the Commission finds to be necessary to comply with state or federal environmental laws or regulations applicable to generation facilities used to serve the utility's native load obligations. The Commission shall approve such a petition if it finds that such costs are necessary to comply with such environmental laws or regulations.

The Commission shall have the authority to determine the duration or amortization period for any adjustment clause approved under this subdivision.

6. To ensure the *generation and delivery* of a reliable and adequate supply of electricity, to meet the utility's projected native load obligations and to promote economic development, a utility may at any time, after the expiration or termination of capped rates, petition the Commission for approval of a rate adjustment clause for recovery on a timely and current basis from customers of the costs of (i) a coal-fueled generation facility that utilizes Virginia coal and is located in the coalfield region of the Commonwealth, as described in § 15.2-6002, regardless of whether such facility is located within or without the utility's service territory, (ii) one or more other generation facilities, ~~or~~ (iii) one or more major unit modifications of generation facilities; ~~however, such~~, or (iv) *one or more new underground facilities to replace one or more existing overhead distribution facilities of 69 kilovolts or less located within the Commonwealth; however, subject to the provisions of the following sentence, the utility shall not file a petition under clause (iv) more often than annually and, in such petition, shall not seek any annual incremental increase in the level of investments associated with such a petition that exceeds five percent of such utility's distribution rate base, as such rate base was determined for the most recently ended 12-month test period in the utility's latest biennial review proceeding conducted pursuant to subdivision 3 and concluded by final order of the Commission prior to the date of filing of such petition under clause (iv). In all proceedings regarding petitions filed*

under clause (iv), the level of investments approved for recovery in such proceedings shall be in addition to, and not in lieu of, levels of investments previously approved for recovery in prior proceedings under clause (iv). Such a petition concerning facilities described in clause (ii) that utilize nuclear power, facilities described in clause (ii) that are coal-fueled and will be built by a Phase I utility, or facilities described in clause (i) may also be filed before the expiration or termination of capped rates. A utility that constructs any such facility shall have the right to recover the costs of the facility, as accrued against income, through its rates, including projected construction work in progress, and any associated allowance for funds used during construction, planning, development and construction costs, life-cycle costs, costs related to assessing the feasibility of potential sites for new underground facilities, and costs of infrastructure associated therewith, plus, as an incentive to undertake such projects, an enhanced rate of return on common equity calculated as specified below; however, in determining the amounts recoverable under a rate adjustment clause for new underground facilities, the Commission shall not consider, or increase or reduce such amounts recoverable because of, (a) the operation and maintenance costs attributable to either the overhead distribution facilities being replaced or the new underground facilities or (b) any other costs attributable to the overhead distribution facilities being replaced. Notwithstanding the preceding sentence, the costs described in clauses (a) and (b) thereof shall remain eligible for recovery from customers through the utility's base rates for distribution service. A utility seeking approval to construct a generating facility shall demonstrate that it has considered and weighed alternative options, including third-party market alternatives, in its selection process. The costs of the facility, other than return on projected construction work in progress and allowance for funds used during construction, shall not be recovered prior to the date ~~the~~ a facility described in clause (i), (ii), or (iii) begins commercial operation or new underground facilities are classified by the utility as plant in service. Such enhanced rate of return on common equity shall be applied to allowance for funds used during construction and to construction work in progress during the construction phase of the facility and shall thereafter be applied to the entire facility during the first portion of the service life of the facility. The first portion of the service life shall be as specified in the table below; however, the Commission shall determine the duration of the first portion of the service life of any facility, within the range specified in the table below, which determination shall be consistent with the public interest and shall reflect the Commission's determinations regarding how critical the facility may be in meeting the energy needs of the citizens of the Commonwealth and the risks involved in the development of the facility. After the first portion of the service life of the facility is concluded, the utility's general rate of return shall be applied to such facility for the remainder of its service life. As used herein, the service life of the facility shall be deemed to begin on the date ~~the~~ a facility described in clause (i), (ii), or (iii) begins commercial operation or new underground facilities are classified by the utility as plant in service, and such service life shall be deemed equal in years to the life of that facility as used to calculate the utility's depreciation expense. Such enhanced rate of return on common equity shall be calculated by adding the basis points specified in the table below to the utility's general rate of return, and such enhanced rate of return shall apply only to the facility that is the subject of such rate adjustment clause. Allowance for funds used during construction shall be calculated for any such facility utilizing the utility's actual capital structure and overall cost of capital, including an enhanced rate of return on common equity as determined pursuant to this subdivision, until such construction work in progress is included in rates. The construction of any facility described in clause (i) is in the public interest, and in determining whether to approve such facility, the Commission shall liberally construe the provisions of this title. In determining whether to approve petitions for rate adjustment clauses for new underground facilities, and in determining the level of costs to be recovered thereunder, the Commission shall liberally construe the provisions of this title and shall give due consideration to the public policy goals of increased electric service reliability and reduced outage times associated with the replacement of existing overhead distribution facilities with new underground facilities. The basis points to be added to the utility's general rate of return to calculate the enhanced rate of return on common equity, and the first portion of that facility's service life to which such enhanced rate of return shall be applied, shall vary by type of facility, as specified in the following table:

Type of Generation Facility	Basis Points	First Portion of Service Life
Nuclear-powered	200	Between 12 and 25 years
Carbon capture compatible, clean-coal powered	200	Between 10 and 20 years
Renewable powered, other than landfill gas powered	200	Between 5 and 15 years
Coalbed methane gas powered	150	Between 5 and 15 years
Landfill gas powered	200	Between 5 and 15 years
Conventional coal or combined-cycle combustion turbine	100	Between 10 and 20 years

For generating facilities other than those utilizing nuclear power or those utilizing energy derived from offshore wind, as of July 1, 2013, only those facilities as to which a rate adjustment clause under this subdivision has been previously approved by the Commission, or as to which a petition for approval of such rate adjustment clause was filed with the Commission, on or before January 1, 2013, shall be entitled to the enhanced rate of return on common equity as specified in the above table during the construction phase of the facility and the approved first portion of its service life.

For generating facilities within the Commonwealth utilizing nuclear power or those utilizing energy derived from offshore wind projects located in waters off the Commonwealth's Atlantic shoreline, such facilities shall continue to be

eligible for an enhanced rate of return on common equity during the construction phase of the facility and the approved first portion of its service life of between 12 and 25 years in the case of a facility utilizing nuclear power and for a service life of between 5 and 15 years in the case of a facility utilizing energy derived from offshore wind, provided, however, that, as of July 1, 2013, the enhanced return for such facilities shall be 100 basis points, which shall be added to the utility's general rate of return as determined under subdivision 2.

~~Generation~~ *Neither generation facilities described in clause (ii) that utilize simple-cycle combustion turbines nor new underground facilities shall not receive an enhanced rate of return on common equity as described herein, but instead shall receive the utility's general rate of return during the construction phase of the facility and, thereafter, for the entire service life of the facility. No rate adjustment clause for new underground facilities shall allocate costs to, or provide for the recovery of costs from, customers that are served within the large power service rate class for a Phase I utility and the large general service rate classes for a Phase II utility. New underground facilities are hereby declared to be ordinary extensions or improvements in the usual course of business under the provisions of § 56-265.2.*

As used in this subdivision, a generation facility is ~~(a)~~ (1) "coalbed methane gas powered" if the facility is fired at least 50 percent by coalbed methane gas, as such term is defined in § 45.1-361.1, produced from wells located in the Commonwealth, and ~~(b)~~ (2) "landfill gas powered" if the facility is fired by methane or other combustible gas produced by the anaerobic digestion or decomposition of biodegradable materials in a solid waste management facility licensed by the Waste Management Board. A landfill gas powered facility includes, in addition to the generation facility itself, the equipment used in collecting, drying, treating, and compressing the landfill gas and in transmitting the landfill gas from the solid waste management facility where it is collected to the generation facility where it is combusted.

For purposes of this subdivision, "general rate of return" means the fair combined rate of return on common equity as it is determined by the Commission from time to time for such utility pursuant to subdivision 2. In any proceeding under this subdivision conducted prior to the conclusion of the first biennial review for such utility, the Commission shall determine a general rate of return for such utility in the same manner as it would in a biennial review proceeding.

Notwithstanding any other provision of this subdivision, if the Commission finds during the biennial review conducted for a Phase II utility in 2018 that such utility has not filed applications for all necessary federal and state regulatory approvals to construct one or more nuclear-powered or coal-fueled generation facilities that would add a total capacity of at least 1500 megawatts to the amount of the utility's generating resources as such resources existed on July 1, 2007, or that, if all such approvals have been received, that the utility has not made reasonable and good faith efforts to construct one or more such facilities that will provide such additional total capacity within a reasonable time after obtaining such approvals, then the Commission, if it finds it in the public interest, may reduce on a prospective basis any enhanced rate of return on common equity previously applied to any such facility to no less than the general rate of return for such utility and may apply no less than the utility's general rate of return to any such facility for which the utility seeks approval in the future under this subdivision.

7. Any petition filed pursuant to subdivision 4, 5, or 6 shall be considered by the Commission on a stand-alone basis without regard to the other costs, revenues, investments, or earnings of the utility. Any costs incurred by a utility prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition and that are related to ~~clause (a) of subdivision 5 a,~~ or that are related to facilities and projects described in clause (i) of subdivision 6, ~~or that are related to new underground facilities described in clause (iv) of subdivision 6,~~ shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. Any costs prudently incurred on or after July 1, 2007, by a utility prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition and that are related to facilities and projects described in clause (ii) of subdivision 6 that utilize nuclear power, or coal-fueled facilities and projects described in clause (ii) of subdivision 6 if such coal-fueled facilities will be built by a Phase I Utility, shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. Any costs prudently incurred after the expiration or termination of capped rates related to other matters described in ~~subdivisions~~ subdivision 4, 5, or 6 shall be deferred beginning only upon the expiration or termination of capped rates, provided, however, that no provision of this act shall affect the rights of any parties with respect to the rulings of the Federal Energy Regulatory Commission in PJM Interconnection LLC and Virginia Electric and Power Company, 109 F.E.R.C. P 61,012 (2004). The Commission's final order regarding any petition filed pursuant to subdivision 4, 5, or 6 shall be entered not more than three months, eight months, and nine months, respectively, after the date of filing of such petition. If such petition is approved, the order shall direct that the applicable rate adjustment clause be applied to customers' bills not more than 60 days after the date of the order, or upon the expiration or termination of capped rates, whichever is later.

8. In any biennial review proceeding, the following utility generation and distribution costs not proposed for recovery under any other subdivision of this subsection, as recorded per books by the utility for financial reporting purposes and accrued against income, shall be attributed to the test periods under review: costs associated with asset impairments related to early retirement determinations made by the utility prior to December 31, 2012, for utility generation plant; costs associated with severe weather events; and costs associated with natural disasters. Such costs shall be deemed to have been recovered from customers through rates for generation and distribution services in effect during the test periods under review unless such costs, individually or in the aggregate, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, result in the utility's earned return on its generation

and distribution services for the combined test periods under review to fall more than 50 basis points below the fair combined rate of return authorized under subdivision 2 for such periods or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to fall more than 70 basis points below the fair combined rate of return authorized under subdivision 2 for such periods. In such cases, the Commission shall, in such biennial review proceeding, authorize deferred recovery of such costs and allow the utility to amortize and recover such deferred costs over future periods as determined by the Commission. The aggregate amount of such deferred costs shall not exceed an amount that would, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, cause the utility's earned return on its generation and distribution services to exceed the fair rate of return authorized under subdivision 2, less 50 basis points, for the combined test periods under review or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to exceed the fair rate of return authorized under subdivision 2 less 70 basis points. Nothing in this section shall limit the Commission's authority, pursuant to the provisions of Chapter 10 (§ 56-232 et seq.), including specifically § 56-235.2, following the review of combined test period earnings of the utility in a biennial review, for normalization of nonrecurring test period costs and annualized adjustments for future costs, in determining any appropriate increase or decrease in the utility's rates for generation and distribution services pursuant to ~~clause (i)~~ ~~subdivision 8 a~~ or ~~(iii)~~ 8 c.

If the Commission determines as a result of such biennial review that:

~~(i)~~ a. The utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points below a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall order increases to the utility's rates necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn not less than such fair combined rate of return, using the most recently ended 12-month test period as the basis for determining the amount of the rate increase necessary. However, the Commission may not order such rate increase unless it finds that the resulting rates are necessary to provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on both its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate increase under the standards of this sentence, and the amount thereof;

~~(ii)~~ b. The utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall, subject to the provisions of subdivision 9, direct that 60 percent of the amount of such earnings that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, that 70 percent of the amount of such earnings that were more than 70 basis points, above such fair combined rate of return for the test period or periods under review, considered as a whole, shall be credited to customers' bills. Any such credits shall be amortized over a period of six to 12 months, as determined at the discretion of the Commission, following the effective date of the Commission's order, and shall be allocated among customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates; or

~~(iii)~~ c. Such biennial review is the second consecutive biennial review in which the utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matter determined with respect to facilities described in subdivision 6, the Commission shall, subject to the provisions of subdivision 9 and in addition to the actions authorized in ~~clause (ii) of this subdivision b~~, also order reductions to the utility's rates it finds appropriate. However, the Commission may not order such rate reduction unless it finds that the resulting rates will provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate reduction under the standards of this sentence, and the amount thereof.

The Commission's final order regarding such biennial review shall be entered not more than eight months after the date of filing, and any revisions in rates or credits so ordered shall take effect not more than 60 days after the date of the order. The fair combined rate of return on common equity determined pursuant to subdivision 2 in such biennial review shall apply, for purposes of reviewing the utility's earnings on its rates for generation and distribution services, to the entire two

successive 12-month test periods ending December 31 immediately preceding the year of the utility's subsequent biennial review filing under subdivision 3.

9. If, as a result of a biennial review required under this subsection and conducted with respect to any test period or periods under review ending later than December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, under review ending later than December 31, 2010, for a Phase I Utility, or December 31, 2011, for a Phase II Utility), the Commission finds, with respect to such test period or periods considered as a whole, that (i) any utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, and (ii) the total aggregate regulated rates of such utility at the end of the most recently-ended 12-month test period exceeded the annual increases in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, compounded annually, when compared to the total aggregate regulated rates of such utility as determined pursuant to the biennial review conducted for the base period, the Commission shall, unless it finds that such action is not in the public interest or that the provisions of ~~clauses (ii) and (iii) of subdivision~~ *subdivisions 8 b and c* are more consistent with the public interest, direct that any or all earnings for such test period or periods under review, considered as a whole that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points, above such fair combined rate of return shall be credited to customers' bills, in lieu of the provisions of ~~clauses (ii) and (iii) of subdivision~~ *subdivisions 8 b and c*. Any such credits shall be amortized and allocated among customer classes in the manner provided by ~~clause (ii) of~~ *subdivision 8 b*. For purposes of this subdivision:

"Base period" means (i) the test period ending December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, the test period ending December 31, 2010, for a Phase I Utility, or December 31, 2011, for a Phase II Utility), or (ii) the most recent test period with respect to which credits have been applied to customers' bills under the provisions of this subdivision, whichever is later.

"Total aggregate regulated rates" shall include: (i) fuel tariffs approved pursuant to § 56-249.6, except for any increases in fuel tariffs deferred by the Commission for recovery in periods after December 31, 2010, pursuant to the provisions of clause (ii) of subsection C of § 56-249.6; (ii) rate adjustment clauses implemented pursuant to subdivision 4 or 5; (iii) revisions to the utility's rates pursuant to ~~clause (i) of~~ *subdivision 8 a*; (iv) revisions to the utility's rates pursuant to the Commission's rules governing utility rate increase applications, as permitted by subsection B, occurring after July 1, 2009; and (v) base rates in effect as of July 1, 2009.

10. For purposes of this section, the Commission shall regulate the rates, terms and conditions of any utility subject to this section on a stand-alone basis utilizing the actual end-of-test period capital structure and cost of capital of such utility, unless the Commission finds that the debt to equity ratio of such capital structure is unreasonable for such utility, in which case the Commission may utilize a debt to equity ratio that it finds to be reasonable for such utility in determining any rate adjustment pursuant to ~~clauses (i) and (iii) of subdivision~~ *subdivisions 8 a and c*, and without regard to the cost of capital, capital structure, revenues, expenses or investments of any other entity with which such utility may be affiliated. In particular, and without limitation, the Commission shall determine the federal and state income tax costs for any such utility that is part of a publicly traded, consolidated group as follows: (i) such utility's apportioned state income tax costs shall be calculated according to the applicable statutory rate, as if the utility had not filed a consolidated return with its affiliates, and (ii) such utility's federal income tax costs shall be calculated according to the applicable federal income tax rate and shall exclude any consolidated tax liability or benefit adjustments originating from any taxable income or loss of its affiliates.

B. Nothing in this section shall preclude an investor-owned incumbent electric utility from applying for an increase in rates pursuant to § 56-245 or the Commission's rules governing utility rate increase applications; however, in any such filing, a fair rate of return on common equity shall be determined pursuant to subdivision A 2. Nothing in this section shall preclude such utility's recovery of fuel and purchased power costs as provided in § 56-249.6.

C. Except as otherwise provided in this section, the Commission shall exercise authority over the rates, terms and conditions of investor-owned incumbent electric utilities for the provision of generation, transmission and distribution services to retail customers in the Commonwealth pursuant to the provisions of Chapter 10 (§ 56-232 et seq.), including specifically § 56-235.2.

D. Nothing in this section shall preclude the Commission from determining, during any proceeding authorized or required by this section, the reasonableness or prudence of any cost incurred or projected to be incurred, by a utility in connection with the subject of the proceeding. A determination of the Commission regarding the reasonableness or prudence of any such cost shall be consistent with the Commission's authority to determine the reasonableness or prudence of costs in proceedings pursuant to the provisions of Chapter 10 (§ 56-232 et seq.). In determining the reasonableness or prudence of a utility providing energy and capacity to its customers from renewable energy resources, the Commission shall consider the extent to which such renewable energy resources, whether utility-owned or by contract, further the objectives of the Commonwealth Energy Policy set forth in §§ 67-101 and 67-102, and shall also consider whether the costs of such resources is likely to result in unreasonable increases in rates paid by consumers.

E. The Commission shall promulgate such rules and regulations as may be necessary to implement the provisions of this section.

CHAPTER 213

An Act to authorize the Treasury Board to issue bonds pursuant to Article X, Section 9 (c) of the Constitution of Virginia in an amount up to \$245,020,705 plus financing costs, to finance revenue-producing capital projects at institutions of higher learning of the Commonwealth.

[H 869]

Approved March 7, 2014

Whereas, Article X, Section 9 (c) of the Constitution of Virginia provides that the General Assembly may authorize the creation of debt secured by a pledge of net revenues derived from rates, fees, or other charges and the full faith and credit of the Commonwealth of Virginia, provided that such debt is created for specific revenue-producing capital projects, including their enlargement or improvement, at, among others, institutions of higher learning of the Commonwealth; and

Whereas, in accordance with Article X, Section 9 (c) of the Constitution of Virginia, the Governor has certified in writing, filed with the Auditor of Public Accounts, his opinion that the anticipated net revenues of each of the capital projects identified below to be pledged to the payment of the principal of and the interest on that portion of such debt issued for each such project will be sufficient to meet such payments as the same become due and to provide such reserves as may be required by law and that each of the capital projects complies with the requirements of Article X, Section 9 (c) of the Constitution of Virginia; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. Title.

This act shall be known and may be cited as the "Commonwealth of Virginia Higher Educational Institutions Bond Act of 2014."

§ 2. Authorization of bonds and BANs.

The Treasury Board is hereby authorized, by and with the consent of the Governor, to sell and issue, pursuant to Article X, Section 9 (c) of the Constitution of Virginia, at one time or from time to time, bonds of the Commonwealth, to be designated "Commonwealth of Virginia Higher Educational Institutions Bonds, Series" in an aggregate principal amount not exceeding \$245,020,705, plus amounts needed to fund issuance costs, reserve funds, construction period interest, and other financing expenses. The Treasury Board is further hereby authorized, by and with the consent of the Governor, to borrow money in anticipation of the issuance of bonds by the issuance of bond anticipation notes (BANs), including BANs issued as commercial paper. The proceeds of such bonds and BANs, excluding amounts needed to fund issuance costs, reserve funds, and other financing expenses, shall be used exclusively for the purpose of providing funds, with any other available funds, for paying all or a portion of the costs of acquiring, constructing, renovating, enlarging, improving, and equipping revenue-producing capital projects at institutions of higher learning of the Commonwealth as follows:

<i>Institution</i>	<i>Project Title</i>	<i>Amount</i>
<i>Christopher Newport University</i>	<i>Improvements-Residence Halls</i>	<i>\$5,000,000</i>
<i>Christopher Newport University</i>	<i>Construct Residential Housing</i>	<i>\$42,020,000</i>
<i>Christopher Newport University</i>	<i>Expand Dining Hall</i>	<i>\$9,500,000</i>
<i>James Madison University</i>	<i>Construct Dining Hall</i>	<i>\$80,736,705</i>
<i>Old Dominion University</i>	<i>Construct New Residence Halls, Phase I</i>	<i>\$76,464,000</i>
<i>The College of William and Mary in Virginia</i>	<i>Renovate Dormitories</i>	<i>\$16,000,000</i>
<i>Virginia Commonwealth University</i>	<i>Expand Ackell Residence Center</i>	<i>\$15,300,000</i>
<i>Total</i>		<i>\$245,020,705</i>

§ 3. Application of proceeds.

The proceeds, including any premium, of bonds and BANs (except the proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs) shall be deposited in a special capital outlay fund in the state treasury and, together with the investment income thereon, shall be disbursed by the State Treasurer for paying costs of the acquisition, construction, renovation, enlargement, improvement, and equipping of the authorized capital projects, including financing costs. The proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs shall be used to pay such BANs, refunded bonds, and refunded BANs.

§ 4. Details, sale of bonds and BANs.

Bonds and BANs shall be dated, and may be made redeemable before their maturity or maturities at such price or prices or within such price parameters, all as may be determined by the Treasury Board, by and with the consent of the Governor. Bonds and BANs shall be in such form, shall bear interest at such rate or rates, either at fixed rates or at rates established by formula or other method, and may contain such other provisions, all as determined by the Treasury Board or, when authorized by the Treasury Board, the State Treasurer. The principal of and premium, if any, and the interest on bonds and BANs shall be payable in lawful money of the United States of America. Bonds and BANs may be certificated or uncertificated as determined by the Treasury Board. The Treasury Board may contract for services of such registrars, transfer agents, or other authenticating agents as it deems appropriate to maintain a record of the persons entitled to the bonds and BANs. Bonds and BANs issued in certificated form may be issued under a system of book entry for recording the ownership and transfer of ownership of rights to receive payments on the bonds and BANs. The Treasury Board shall fix the authorized denomination or denominations of the bonds and the place or places of payment of certificated bonds and BANs, which may be at the Office of the State Treasurer or at any bank or trust company within or without the Commonwealth. Bonds shall mature at such time or times not exceeding thirty years from their date or dates, and BANs shall mature at such time or times not exceeding five years from their date or dates.

The Treasury Board may sell bonds and BANs in such manner, by competitive bidding, negotiated sale, or private placement and for such price or within such price parameters as it may determine, by and with the consent of the Governor, to be in the best interest of the Commonwealth.

In the discretion of the Treasury Board, bonds and BANs may be issued at one time or from time to time, and may be sold and issued at the same time with other general obligation bonds and BANs, respectively, of the Commonwealth authorized pursuant to Article X, Section 9 (a) (3), (b), and (c) of the Constitution of Virginia, as separate issues or as a combined issue, designated "Commonwealth of Virginia General Obligation Bonds Bond Anticipation Notes, Series".

§ 5. Execution of bonds and BANs.

Certificated bonds and BANs shall be signed on behalf of the Commonwealth by the Governor and by the State Treasurer, or shall bear their facsimile signatures, and shall bear the lesser seal of the Commonwealth or a facsimile thereof. If the bonds or BANs bear the facsimile signature of the State Treasurer, they shall be signed by such administrative assistant as the State Treasurer shall determine or by such registrar or paying agent as may be designated to sign them by the Treasury Board. If any officer whose signature or facsimile signature appears on any bonds or BANs ceases to be such officer before delivery, such signature or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery, and any bond or BAN may bear the facsimile signature of, or may be signed by, such persons as at the actual time of execution are the proper officers to sign such bond or BAN although, at the date of such bond or BAN, such persons may not have been such officers.

§ 6. Sources for payment of expenses.

All expenses incurred under this act shall be paid from the proceeds of bonds or BANs, from payments made by the institutions for which the capital projects were authorized in § 2 hereof or from any other available funds as the Treasury Board shall determine.

§ 7. Revenues.

The institution of higher learning named above is hereby authorized (i) to fix, revise, charge, and collect rates, fees, and charges for or in connection with the use, occupancy, and services of each capital project mentioned above or the system of which such capital project is a part and (ii) to pledge to the portion of the bonds or BANs issued for such capital project the net revenues resulting from such rates, fees, and charges and remaining after payment of the expenses of operating the project or system, as the case may be. The institution is further authorized to create debt service and sinking funds for the payments of the principal of, premium, if any, and interest on the bonds and other reserves required by any agency of the United States of America purchasing the bonds or any portion thereof.

§ 8. Investments and contracts.

A. Pending the application of the proceeds of the bonds or BANs (including refunding bonds and BANs) to the purpose for which they have been authorized and the application of funds set aside for the purpose to the payment of bonds or BANs, they may be invested by the State Treasurer in securities that are legal investments under the laws of the Commonwealth for public funds and sinking funds, as the case may be. Whenever the State Treasurer receives interest from the investment of the proceeds of bonds or any BANs, such interest shall become a part of the principal of the bonds or any BANs and shall be used in the same manner as required for principal of the bonds or BANs.

B. The Commonwealth may enter into any contract or other arrangement that is determined to be necessary or appropriate to place the obligation or investment of the Commonwealth, as represented by bonds, BANs, or investments, in whole or in part, on the interest rate, cash flow, or other basis desired by the Commonwealth. Such contract or other arrangement may include, without limitation, contracts commonly known as interest rate swap agreements, and futures or contracts providing for payments based on levels of, or changes in, interest rates. These contracts or arrangements may be entered into by the Commonwealth in connection with, or incidental to, entering into, or maintaining any (i) agreement which secures bonds or BANs or (ii) investment, or contract providing for investment, otherwise authorized by law. These contracts and arrangements may contain such payment, security, default, remedy, and other terms and conditions as determined by the Commonwealth, after giving due consideration to the creditworthiness of the counterparty or other obligated party, including any rating by any nationally recognized rating agency, and any other criteria as may be

appropriate. The determinations referred to in this paragraph may be made by the Treasury Board or any public funds manager with professional investment capabilities duly authorized by the Treasury Board to make such determinations.

C. Any money set aside and pledged to secure payments of bonds, BANs, or any of the contracts entered into pursuant to this section may be invested in accordance with paragraph A of this section and may be pledged to and used to service any of the contracts or other arrangements entered into pursuant to paragraph B of this section.

§ 9. Security for bonds and BANs.

The net revenues of the capital projects set forth above and the full faith and credit of the Commonwealth are hereby irrevocably pledged for the payment of the principal of and the interest on bonds and BANs (unless the Treasury Board, by and with the consent of the Governor, shall provide otherwise) issued under this act. The proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs are hereby irrevocably pledged for the payment of principal of and interest and any premium on the BANs or bonds to be paid or redeemed thereby. In the event the net revenues pledged to the payment of the bonds or BANs are insufficient in any fiscal year for the timely payment of the principal of, premium, if any, and interest on the bonds or BANs, where the full faith and credit of the Commonwealth have been pledged, the General Assembly shall appropriate a sum sufficient therefor or the Governor shall direct payment therefor from the general fund revenues of the Commonwealth.

§ 10. Exemption of interest from tax.

The bonds and BANs issued under the provisions of this act, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by any county, city, or town or other political subdivision thereof. The Treasury Board is authorized to take or refrain from taking any and all actions and to covenant to such effect, and to require the participating institutions to do and to covenant likewise, to the extent that, in the judgment of the Treasury Board, it is appropriate in order that interest on the bonds and BANs may be exempt from federal income tax. Alternatively, interest on bonds and BANs may be made subject to inclusion in gross income of the holders thereof for federal income tax purposes.

§ 11. Refunding bonds and BANs.

The Treasury Board is authorized, by and with the consent of the Governor, to sell and issue, at one time or from time to time, refunding bonds and BANs of the Commonwealth, to refund any or all of the bonds and BANs, respectively, issued under this act or otherwise authorized pursuant to Article X, Section 9 (c) of the Constitution of Virginia. Refunding bonds and BANs may be issued in a principal amount up to the amount necessary to pay at maturity or redeem the bonds and BANs to be refunded and pay all issuance costs and other financing expenses of the refunding. Such refunding bonds and BANs may be issued whether or not the obligations to be refunded are then subject to redemption.

§ 12. Defeasance.

Any bond or BAN for which cash or direct obligations of the United States of America shall have been set aside in escrow with the State Treasurer or a bank or trust company, within or without the Commonwealth, shall be deemed no longer outstanding under the applicable authorizing instrument, this act and Article X, Section 9 (b) or (c), as the case may be, of the Constitution of Virginia.

§ 13. Severability.

The provisions of this act or the application thereof to any person or circumstance which are held invalid shall not affect the validity of other provisions or applications of this act which can be given effect without the invalid provisions or applications.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 214

An Act to amend and reenact § 9.1-140 of the Code of Virginia, relating to private security services businesses; exception for certified public accountants.

[H 897]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-140 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-140. Exceptions from article; training requirements for out-of-state central station dispatchers.

The provisions of this article shall not apply to:

1. An officer or employee of the United States, the Commonwealth, or a political subdivision of either, while the officer or employee is performing his official duties;
2. A person, except a private investigator as defined in § 9.1-138, engaged exclusively in the business of obtaining and furnishing information regarding an individual's financial rating or a person engaged in the business of a consumer reporting agency as defined by the Federal Fair Credit Reporting Act;
3. An attorney ~~or certified public accountant~~ licensed to practice in Virginia or his employees;
4. The legal owner of personal property which has been sold under any security agreement while performing acts relating to the repossession of such property;

5. A person receiving compensation for private employment as a security officer, or receiving compensation under the terms of a contract, express or implied, as a security officer, who is also a law-enforcement officer as defined by § 9.1-101 and employed by the Commonwealth or any of its political subdivisions;

6. Any person appointed under § 46.2-2003 or 56-353 while engaged in the employment contemplated thereunder, unless they have successfully completed training mandated by the Department;

7. Persons who conduct investigations as a part of the services being provided as a claims adjuster, by a claims adjuster who maintains an ongoing claims adjusting business, and any natural person employed by the claims adjuster to conduct investigations for the claims adjuster as a part of the services being provided as a claims adjuster;

8. Any natural person otherwise required to be registered pursuant to § 9.1-139 who is employed by a business that is not a private security services business for the performance of his duties for his employer. Any such employee, however, who carries a firearm and is in direct contact with the general public in the performance of his duties shall possess a valid registration with the Department as required by this article;

9. Persons, sometimes known as "shoppers," employed to purchase goods or services solely for the purpose of determining or assessing the efficiency, loyalty, courtesy, or honesty of the employees of a business establishment;

10. Licensed or registered private investigators from other states entering Virginia during an investigation originating in their state of licensure or registration when the other state offers similar reciprocity to private investigators licensed and registered by the Commonwealth;

11. Unarmed regular employees of telephone public service companies where the regular duties of such employees consist of protecting the property of their employers and investigating the usage of telephone services and equipment furnished by their employers, their employers' affiliates, and other communications common carriers;

12. An end user;

13. A material supplier who renders advice concerning the use of products sold by an electronics security business and who does not provide installation, monitoring, repair or maintenance services for electronic security equipment;

14. Members of the security forces who are directly employed by electric public service companies;

15. Any professional engineer or architect licensed in accordance with Chapter 4 (§ 54.1-400 et seq.) of Title 54.1 to practice in the Commonwealth, or his employees;

16. Any person who only performs telemarketing or schedules appointments without access to information concerning the electronic security equipment purchased by an end user;

17. Any certified forensic scientist employed as an expert witness for the purpose of possibly testifying as an expert witness;

18. Members of the security forces who are directly employed by shipyards engaged in the construction, design, overhaul or repair of nuclear vessels for the United States Navy;

19. An out-of-state central station dispatcher employed by a private security services business licensed by the Department provided he (i) possesses and maintains a valid license, registration, or certification as a central station dispatcher issued by the regulatory authority of the state in which he performs the monitoring duties and (ii) has submitted his fingerprints to the regulatory authority for the conduct of a national criminal history records search;

20. Any person, or independent contractor or employee of any person, who (i) exclusively contracts directly with an agency of the federal government to conduct background investigations and (ii) possesses credentials issued by such agency authorizing such person, subcontractor or employee to conduct background investigations;

21. Any person whose occupation is limited to the technical reconstruction of the cause of accidents involving motor vehicles as defined in § 46.2-100, regardless of whether the information resulting from the investigation is to be used before a court, board, officer, or investigative committee, and who is not otherwise a private investigator as defined in § 9.1-138;

22. Retail merchants performing locksmith services, selling locks or engaged in key cutting activities conducted at the business location who do not represent themselves to the general public as locksmiths;

23. Law-enforcement, fire, rescue, emergency service personnel, or other persons performing locksmith services in an emergency situation without compensation and who do not represent themselves to the general public as locksmiths;

24. Motor vehicle dealers as defined in § 46.2-1500 performing locksmith services who do not represent themselves to the general public as locksmiths;

25. Taxicab and towing businesses performing locksmith services that do not represent themselves to the general public as locksmiths;

26. Contractors licensed under Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 performing locksmith services when acting within the scope of such license who do not represent themselves to the general public as locksmiths;

27. Any contractor as defined in § 54.1-1100 (i) who is exempt from the licensure requirements of Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1, (ii) where the total value referred to in a single contract or project is less than \$1,000, (iii) when the performance of locksmith services is ancillary to the work performed by such contractor, and (iv) who does not represent himself to the general public as a locksmith;

28. Any individual, employed by a retail merchant that also holds a private security services business license as a locksmith, where such individual's duties relating to such license are limited to key cutting and the key cutting is performed under the direct supervision of the licensee;

29. Any individual engaged in (i) computer or digital forensic services as defined in § 9.1-138 or in the acquisition, review, or analysis of digital or computer-based information, in order to obtain or furnish information for evidentiary

purposes or to provide expert testimony before a court, or (ii) network or system vulnerability testing, including network scans and risk assessment and analysis of computers connected to a network; ~~or~~

30. Employees and sales representatives of a retailer of electronic security equipment, provided such employees and sales representatives (i) sell electronic security equipment at a store location, online, or by telephone, but not at the end user's premises; (ii) are not electronic security technicians; and (iii) do not have access to end user confidential information regarding the end user's electronic security equipment; *or*

31. *A certified public accountant authorized to practice in the Commonwealth under Chapter 44 (§ 54.1-4400 et seq.) of Title 54.1 or his employees.*

CHAPTER 215

An Act to amend and reenact §§ 55-79.88 and 55-79.90 of the Code of Virginia, relating to the Condominium Act; purchaser's right of cancellation.

[H 899]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 55-79.88 and 55-79.90 of the Code of Virginia are amended and reenacted as follows:

§ 55-79.88. Limitations on dispositions of units.

Unless exempt by § 55-79.87:

1. No declarant may offer or dispose of any interest in a condominium unit located in this Commonwealth, nor offer or dispose in this Commonwealth of any interest in a condominium unit located without this Commonwealth prior to the time the condominium including such unit is registered in accordance with this chapter.

2. No declarant may dispose of any interest in a condominium unit unless he delivers to the purchaser a current public offering statement by the time of such disposition and such disposition is expressly and without qualification or condition subject to cancellation by the purchaser within ~~ten~~ five calendar days from the contract date of the disposition; or delivery of the current public offering statement, whichever is later. If the purchaser elects to cancel, he may do so by notice thereof hand-delivered or sent by United States mail, return receipt requested, to the declarant. Such cancellation shall be without penalty, and any deposit made by the purchaser shall be promptly refunded in its entirety.

3. *The purchaser's right to cancel the purchase contract pursuant to subdivision 2 shall be set forth on the first page of the purchase contract in boldface print of not less than 12 point type.*

§ 55-79.90. Public offering statement; condominium securities.

A. A public offering statement shall disclose fully and accurately the characteristics of the condominium and the units therein offered and shall make known to prospective purchasers all unusual and material circumstances or features affecting the condominium. The proposed public offering statement submitted to the agency shall be in a form prescribed by its rules and regulations and shall include the following:

1. The name and principal address of the declarant and the condominium;

2. A general narrative description of the condominium stating the total number of units in the offering; the total number of units planned to be sold and rented; the total number of units that may be included in the condominium by reason of future expansion or merger of the project by the declarant;

3. Copies of the declaration and bylaws, with a brief narrative statement describing each and including information on declarant control, a projected budget for at least the first year of the condominium's operation (including projected common expense assessments for each unit), and provisions for reserves for capital expenditures and restraints on alienation;

4. Copies of any management contract, lease of recreational areas, or similar contract or agreement affecting the use, maintenance or access of all or any part of the condominium with a brief narrative statement of the effect of each such agreement upon a purchaser, and a statement of the relationship, if any, between the declarant and the managing agent or firm;

5. A general description of the status of construction, zoning, site plan approval, issuance of building permits, or compliance with any other state or local statute or regulation affecting the condominium;

6. The significant terms of any encumbrances, easements, liens and matters of title affecting the condominium;

7. The significant terms of any financing offered by the declarant to the purchaser of units in the condominium;

8. Provisions of any warranties provided by the declarant on the units and the common elements, other than the warranty prescribed by subsection B of § 55-79.79;

9. A statement that, *pursuant to subdivision A 2 of § 55-79.88*, the purchaser may cancel the disposition within ~~ten~~ five calendar days of delivery of the current public offering statement; or within ~~ten~~ five calendar days of the contract date of the disposition, whichever is later;

10. A statement of the declarant's obligation to complete improvements of the condominium which are planned but not yet begun, or begun but not yet completed. Said statement shall include a description of the quality of the materials to be used, the size or capacity of the improvements when material, and the time by which the improvements shall be completed. Any limitations on the declarant's obligation to begin or complete any such improvements shall be expressly stated;

11. If the units in the condominium are being subjected to a time-share instrument pursuant to § 55-367, the information required to be disclosed by § 55-374;

12. A statement listing the facilities or amenities which are defined as common elements or limited common elements in the condominium instruments, which are available to a purchaser for use. Such statement shall also include whether there are any fees or other charges for the use of such facilities or amenities which are not included as part of any assessment, and the amount of such fees or charges, if any, a purchaser may be required to pay;

13. A statement of any limitation on the number of persons who may occupy a unit as a dwelling;

14. A statement setting forth any restrictions, limitation, or prohibition on the right of a unit owner to display the flag of the United States, including, but not limited to reasonable restrictions as to the size, place, and manner of placement or display of such flag; and

15. Additional information required by the agency to assure full and fair disclosure to prospective purchasers.

B. The public offering statement shall not be used for any promotional purposes before registration of the condominium project and afterwards only if it is used in its entirety. No person may advertise or represent that the agency approves or recommends the condominium or disposition thereof. No portion of the public offering statement may be underscored, italicized, or printed in larger or heavier or different color type than the remainder of the statement unless the agency requires it.

C. The agency may require the declarant to alter or amend the proposed public offering statement in order to assure full and fair disclosure to prospective purchasers, and no change in the substance of the promotional plan or plan of disposition or development of the condominium may be made after registration without notifying the agency and without making appropriate amendment of the public offering statement. A public offering statement is not current unless all amendments are incorporated.

D. If an interest in a condominium is currently registered with the Securities and Exchange Commission of the United States, a declarant satisfies all requirements relating to the preparation of a public offering statement in this chapter if he delivers to the purchaser and files with the agency a copy of the public offering statement filed with the Securities and Exchange Commission. An interest in a condominium is not a security under the provisions of the Securities Act (§ 13.1-501 et seq.).

CHAPTER 216

An Act to amend and reenact §§ 55-79.97, 55-79.97:1, 55-509.3, 55-509.4, and 55-509.6 of the Code of Virginia, relating to the Condominium Act and Property Owners' Association Act; allowable fees.

[H 900]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 55-79.97, 55-79.97:1, 55-509.3, 55-509.4, and 55-509.6 of the Code of Virginia are amended and reenacted as follows:

§ 55-79.97. Resale by purchaser.

A. In the event of any resale of a condominium unit by a unit owner other than the declarant, and subject to the provisions of subsection F and § 55-79.87 A, the unit owner shall disclose in the contract that (i) the unit is located within a development which is subject to the Condominium Act, (ii) the Act requires the seller to obtain from the unit owners' association a resale certificate and provide it to the purchaser, (iii) the purchaser may cancel the contract within three days after receiving the resale certificate or being notified that the resale certificate will not be available, (iv) if the purchaser has received the resale certificate, the purchaser has a right to request a resale certificate update or financial update in accordance with § 55-79.97:1, as appropriate, and (v) the right to receive the resale certificate and the right to cancel the contract are waived conclusively if not exercised before settlement.

For purposes of clause (iii), the resale certificate shall be deemed not to be available if (a) a current annual report has not been filed by the unit owners' association with either the State Corporation Commission pursuant to § 13.1-936 or the Common Interest Community Board pursuant to § 55-79.93:1, (b) the seller has made a written request to the unit owners' association that the resale certificate be provided and no such resale certificate has been received within 14 days in accordance with subsection C, or (c) written notice has been provided by the unit owners' association that a resale certificate is not available.

B. If the contract does not contain the disclosure required by subsection A, the purchaser's sole remedy is to cancel the contract prior to settlement.

C. The information contained in the resale certificate shall be current as of a date specified on the resale certificate. A resale certificate update or a financial update may be requested as provided in § 55-79.97:1, as appropriate. The purchaser may cancel the contract (i) within three days after the date of the contract, if the purchaser receives the resale certificate on or before the date that the purchaser signs the contract; (ii) within three days after receiving the resale certificate if the resale certificate is hand delivered or delivered by electronic means, or delivered by a commercial overnight delivery service or the United Parcel Service, and a receipt obtained; or (iii) within six days after the postmark date if the resale certificate is

sent to the purchaser by United States mail. Notice of cancellation shall be provided to the unit owner or his agent by one of the following methods:

- a. Hand delivery;
- b. United States mail, postage prepaid, provided the sender retains sufficient proof of mailing, which may be either a United States postal certificate of mailing or a certificate of service prepared by the sender confirming such mailing;
- c. Electronic means provided the sender retains sufficient proof of the electronic delivery, which may be an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery; or
- d. Overnight delivery using a commercial service or the United States Postal Service.

In the event of a dispute, the sender shall have the burden to demonstrate delivery of the notice of cancellation. Such cancellation shall be without penalty, and the unit owner shall cause any deposit to be returned promptly to the purchaser.

A resale certificate shall include the following:

1. An appropriate statement pursuant to subsection H of § 55-79.84 which need not be notarized and, if applicable, an appropriate statement pursuant to § 55-79.85;
2. A statement of any expenditure of funds approved by the unit owners' association or the executive organ which shall require an assessment in addition to the regular assessment during the current or the immediately succeeding fiscal year;
3. A statement, including the amount, of all assessments and any other fees or charges currently imposed by the unit owners' association, together with any known post-closing fee charged by the common interest community manager, if any, and associated with the purchase, disposition and maintenance of the condominium unit and the use of the common elements, and the status of the account;
4. A statement whether there is any other entity or facility to which the unit owner may be liable for fees or other charges;
5. The current reserve study report or a summary thereof, a statement of the status and amount of any reserve or replacement fund and any portion of the fund designated for any specified project by the executive organ;
6. A copy of the unit owners' association's current budget or a summary thereof prepared by the unit owners' association and a copy of the statement of its financial position (balance sheet) for the last fiscal year for which a statement is available, including a statement of the balance due of any outstanding loans of the unit owners' association;
7. A statement of the nature and status of any pending suits or unpaid judgments to which the unit owners' association is a party which either could or would have a material impact on the unit owners' association or the unit owners or which relates to the unit being purchased;
8. A statement setting forth what insurance coverage is provided for all unit owners by the unit owners' association, including the fidelity bond maintained by the unit owners' association, and what additional insurance coverage would normally be secured by each individual unit owner;
9. A statement that any improvements or alterations made to the unit, or the limited common elements assigned thereto, are or are not in violation of the condominium instruments;
10. A copy of the current bylaws, rules and regulations and architectural guidelines adopted by the unit owners' association and the amendments thereto;
11. A statement of whether the condominium or any portion thereof is located within a development subject to the Property Owners' Association Act (§ 55-508 et seq.) of Chapter 26 of this title;
12. A copy of the notice given to the unit owner by the unit owners' association of any current or pending rule or architectural violation;
13. A copy of any approved minutes of the executive organ and unit owners' association meetings for the six calendar months preceding the request for the resale certificate;
14. Certification that the unit owners' association has filed with the Common Interest Community Board the annual report required by § 55-79.93:1; which certification shall indicate the filing number assigned by the Common Interest Community Board and the expiration date of such filing;
15. A statement of any limitation on the number of persons who may occupy a unit as a dwelling;
16. A statement setting forth any restrictions, limitation or prohibition on the right of a unit owner to display the flag of the United States, including, but not limited to reasonable restrictions as to the size, time, place, and manner of placement or display of such flag;
17. A statement setting forth any restriction, limitation, or prohibition on the right of a unit owner to install or use solar energy collection devices on the unit owner's property; and
18. A statement indicating any known project approvals currently in effect issued by secondary mortgage market agencies.

Failure to receive a resale certificate shall not excuse any failure to comply with the provisions of the condominium instruments, articles of incorporation, or rules or regulations.

The resale certificate shall be delivered in accordance with the written request and instructions of the seller or his authorized agent, including whether the resale certificate shall be delivered electronically or in hard copy, *at the option of the seller or his authorized agent*, and shall specify the complete contact information for the parties to whom the resale certificate shall be delivered. The resale certificate shall be delivered within 14 days of receipt of such request. The resale certificate shall not, in and of itself, be deemed a security within the meaning of § 13.1-501.

D. The seller or his authorized agent may request that the resale certificate be provided in hard copy or in electronic form. A unit owners' association or common interest community manager may provide the resale certificate electronically; however, the seller or his authorized agent shall have the right to request that the resale certificate be provided in hard copy. The seller or his authorized agent shall continue to have the right to request a hard copy of the resale certificate in person at the principal place of business of the unit owners' association. If the seller or his authorized agent requests that the resale certificate be provided in electronic format, neither the unit owners' association nor its common interest community manager may require the seller or his authorized agent to pay any fees to use the provider's electronic network or system. If the seller or his authorized agent asks that the resale certificate be provided in electronic format, the seller or his authorized agent may designate no more than two additional recipients to receive the resale certificate in electronic format at no additional charge.

E. Subject to the provisions of § 55-79.87, but notwithstanding any other provisions of this chapter, the provisions and requirements of this section shall apply to any such resale of a condominium unit created under the provisions of the Horizontal Property Act (§ 55-79.1 et seq.).

F. The resale certificate required by this section need not be provided in the case of:

1. A disposition of a unit by gift;
2. A disposition of a unit pursuant to court order if the court so directs;
3. A disposition of a unit by foreclosure or deed in lieu of foreclosure; or
4. A disposition of a unit by a sale at auction, when the resale certificate was made available as part of the auction package for prospective purchasers prior to the auction.

G. In any transaction in which a resale certificate is required and a trustee acts as the seller in the sale or resale of a unit, the trustee shall obtain the resale certificate from the unit owners' association and provide the resale certificate to the purchaser.

§ 55-79.97:1. Fees for resale certificate.

A. The unit owners' association may charge fees as authorized by this section for the inspection of the property, the preparation and issuance of the resale certificate required by § 55-79.97, and for such other services as are set out in this section. *Nothing in this chapter shall be construed to authorize the unit owners' association or common interest community manager to charge an inspection fee for a unit except as provided in this section.*

B. A reasonable fee may be charged by the preparer of the resale certificate as follows for:

1. The inspection of the unit, as authorized in the declaration and as required to prepare the resale certificate, a fee not to exceed \$100;
2. The preparation and delivery of the resale certificate in (i) paper format, a fee not to exceed \$150 for no more than two hard copies, or (ii) electronic format, a fee not to exceed a total of \$125, for ~~no more than two~~ *an electronic copies copy to each of the following named in the request: the seller, the seller's authorized agent, the purchaser, the purchaser's authorized agent, and not more than one other person designated by the requestor.* Only one fee shall be charged for the preparation and delivery of the resale certificate;
3. At the option of the seller or his authorized agent, with the consent of the unit owners' association or the common interest community manager, expediting the inspection, preparation, and delivery of the resale certificate, an additional expedite fee not to exceed \$50;
4. At the option of the seller or his authorized agent, an additional hard copy of the resale certificate, a fee not to exceed \$25 per hard copy;
5. At the option of the seller or his authorized agent, a fee not to exceed an amount equal to the actual cost paid to a third-party commercial delivery service for hand delivery or overnight delivery of the resale certificate; and
6. A post-closing fee to the purchaser of the unit, collected at settlement, for the purpose of establishing the purchaser as the owner of the unit in the records of the unit owners' association, a fee not to exceed \$50.

Neither the unit owners' association nor its common interest community manager shall require cash, check, certified funds, or credit card payments at the time the request for the resale certificate is made. The resale certificate shall state that all fees and costs for the resale certificate shall be the personal obligation of the unit owner and shall be an assessment against the unit and collectible as any other assessment in accordance with the provisions of the condominium instruments and § 55-79.83, if not paid at settlement or within 45 days of the delivery of the resale certificate, whichever occurs first.

For purposes of this section, an expedite fee shall only be charged if the inspection and preparation of delivery of the resale certificate are completed within five business days of the request for a resale certificate.

C. No fees other than those specified in this section, and as limited by this section, shall be charged by the unit owners' association or its common interest community manager for compliance with the duties and responsibilities of the unit owners' association under this section. *No additional fee shall be charged for access to the unit owners' association's or common interest community manager's website.* The unit owners' association or its common interest community manager shall publish and make available in paper or electronic format, or both, a schedule of the applicable fees so that the seller or his authorized agent will know such fees at the time of requesting the resale certificate.

D. Any fees charged pursuant to this section shall be collected at the time settlement occurs on the sale of the unit and shall be due and payable out of the settlement proceeds in accordance with this section. The seller shall be responsible for all costs associated with the preparation and delivery of the resale certificate, except for the costs of any resale certificate update or financial update, which costs shall be the responsibility of the requestor, payable at settlement. Neither the unit

owners' association nor its common interest community manager shall require cash, check, certified funds, or credit card payments at the time the request is made for the resale certificate.

E. If settlement does not occur within 45 days of the delivery of the resale certificate, or funds are not collected at settlement and disbursed to the unit owners' association or the common interest community manager, all fees, including those costs that would have otherwise been the responsibility of the purchaser or settlement agent, shall be (i) assessed within one year after delivery of the resale certificate against the unit owner, (ii) the personal obligation of the unit owner, and (iii) an assessment against the unit and collectible as any other assessment in accordance with the provisions of the condominium instruments and § 55-79.83. The seller may pay the unit owners' association by cash, check, certified funds, or credit card, if credit card payment is an option offered by the unit owners' association. The unit owners' association shall pay the common interest community manager the amount due from the unit owner within 30 days after invoice.

F. The maximum allowable fees charged in accordance with this section shall adjust every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor.

G. If a resale certificate has been issued within the preceding 12-month period, a person specified in the written instructions of the seller or his authorized agent, including the seller or his authorized agent or the purchaser or his authorized agent, may request a resale certificate update. The requestor shall specify whether the resale certificate update shall be delivered electronically or in hard copy and shall specify the complete contact information of the parties to whom the update shall be delivered. The resale certificate update shall be delivered within 10 days of the written request.

H. The settlement agent may request a financial update. The requestor shall specify whether the financial update shall be delivered electronically or in hard copy and shall specify the complete contact information of the parties to whom the update shall be delivered. The financial update shall be delivered within three business days of the written request.

I. A reasonable fee for the resale certificate update or financial update may be charged by the preparer, not to exceed \$50. At the option of the purchaser or his authorized agent, the requestor may request that the unit owners' association or the common interest community manager perform an additional inspection of the unit, as authorized in the declaration, for a fee not to exceed \$100. Any fees charged for the specified update shall be collected at the time settlement occurs on the sale of the property. Neither the unit owners' association nor its common interest community manager, if any, shall require cash, check, certified funds, or credit card payments at the time the request is made for the resale certificate update. The requestor may request that the specified update be provided in hard copy or in electronic form.

J. No unit owners' association or common interest community manager may require the requestor to request the specified update electronically. The seller or his authorized agent shall continue to have the right to request a hard copy of the specified update in person at the principal place of business of the unit owners' association. If the requestor asks that the specified update be provided in electronic format, neither the unit owners' association nor its common interest community manager may require the requestor to pay any fees to use the provider's electronic network or system. A copy of the specified update shall be provided to the seller or his authorized agent.

K. When a resale certificate has been delivered as required by § 55-79.97, the unit owners' association shall, as to the purchaser, be bound by the statements set forth therein as to the status of the assessment account and the status of the unit with respect to any violation of the condominium instruments as of the date of the statement unless the purchaser had actual knowledge that the contents of the resale certificate were in error.

L. If the unit owners' association or its common interest community manager has been requested in writing to furnish the resale certificate required by § 55-79.97, failure to provide the resale certificate substantially in the form provided in this section shall be deemed a waiver of any claim for delinquent assessments or of any violation of the declaration, bylaws, rules and regulations, or architectural guidelines existing as of the date of the request with respect to the subject unit. The preparer of the resale certificate shall be liable to the seller in an amount equal to the actual damages sustained by the seller in an amount not to exceed \$1,000. The purchaser shall nevertheless be obligated to abide by the condominium instruments, rules and regulations, and architectural guidelines of the unit owners' association as to all matters arising after the date of the settlement of the sale.

§ 55-509.3. Association charges.

Except as expressly authorized in this chapter, in the declaration, or otherwise provided by law, no association may (i) make an assessment or impose a charge against a lot or a lot owner unless the charge is a fee for services provided or related to use of the common area or (ii) charge a fee related to the provisions set out in § 55-509.6 or 55-509.7 that is not expressly authorized in those sections. *Nothing in this chapter shall be construed to authorize an association or common interest community manager to charge an inspection fee for an unimproved or improved lot except as provided in § 55-509.6 or 55-509.7.*

§ 55-509.4. Contract disclosure statement; right of cancellation.

A. Subject to the provisions of subsection A of § 55-509.10, a person selling a lot shall disclose in the contract that (i) the lot is located within a development that is subject to the Virginia Property Owners' Association Act (§ 55-508 et seq.); (ii) the Act requires the seller to obtain from the property owners' association an association disclosure packet and provide it to the purchaser; (iii) the purchaser may cancel the contract within three days after receiving the association disclosure packet or being notified that the association disclosure packet will not be available; (iv) if the purchaser has received the association disclosure packet, the purchaser has a right to request an update of such disclosure packet in

accordance with subsection H of § 55-509.6 or subsection C of § 55-509.7, as appropriate; and (v) the right to receive the association disclosure packet and the right to cancel the contract are waived conclusively if not exercised before settlement.

For purposes of clause (iii), the association disclosure packet shall be deemed not to be available if (a) a current annual report has not been filed by the association with either the State Corporation Commission pursuant to § 13.1-936 or with the Common Interest Community Board pursuant to § 55-516.1, (b) the seller has made a written request to the association that the packet be provided and no such packet has been received within 14 days in accordance with subsection A of § 55-509.5, or (c) written notice has been provided by the association that a packet is not available.

B. If the contract does not contain the disclosure required by subsection A, the purchaser's sole remedy is to cancel the contract prior to settlement.

C. The information contained in the association disclosure packet shall be current as of a date specified on the association disclosure packet prepared in accordance with this section; however, a disclosure packet update or financial update may be requested in accordance with subsection H of § 55-509.6 or subsection C of § 55-509.7, as appropriate. The purchaser may cancel the contract: (i) within three days after the date of the contract, if on or before the date that the purchaser signs the contract, the purchaser receives the association disclosure packet or is notified that the association disclosure packet will not be available; (ii) within three days after receiving the association disclosure packet if the association disclosure packet or notice that the association disclosure packet will not be available is hand delivered ~~or~~ delivered by electronic means, *or delivered by a commercial overnight delivery service or the United Parcel Service*, and a receipt obtained; or (iii) within six days after the postmark date if the association disclosure packet or notice that the association disclosure packet will not be available is sent to the purchaser by United States mail. The purchaser may also cancel the contract at any time prior to settlement if the purchaser has not been notified that the association disclosure packet will not be available and the association disclosure packet is not delivered to the purchaser. Notice of cancellation shall be provided to the lot owner or his agent by one of the following methods:

1. Hand delivery;
2. United States mail, postage prepaid, provided the sender retains sufficient proof of mailing, which may be either a United States postal certificate of mailing or a certificate of service prepared by the sender confirming such mailing;
3. Electronic means provided the sender retains sufficient proof of the electronic delivery, which may be an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery; or
4. Overnight delivery using a commercial service or the United States Postal Service.

In the event of a dispute, the sender shall have the burden to demonstrate delivery of the notice of cancellation. Such cancellation shall be without penalty, and the seller shall cause any deposit to be returned promptly to the purchaser.

D. Whenever any contract is canceled based on a failure to comply with subsection A or C or pursuant to subsection B, any deposit or escrowed funds shall be returned within 30 days of the cancellation, unless the parties to the contract specify in writing a shorter period.

E. Any rights of the purchaser to cancel the contract provided by this chapter are waived conclusively if not exercised prior to settlement.

F. Except as expressly provided in this chapter, the provisions of this section and § 55-509.5 may not be varied by agreement, and the rights conferred by this section and § 55-509.5 may not be waived.

§ 55-509.6. Fees for disclosure packet; professionally managed associations.

A. A professionally managed association or its common interest community manager may charge certain fees as authorized by this section for the inspection of the property, the preparation and issuance of the disclosure packet required by § 55-509.5, and for such other services as set out in this section. The seller or his authorized agent shall specify *in writing* whether the disclosure packet shall be delivered electronically or in hard copy, *at the option of the seller or his authorized agent*, and shall specify the complete contact information for the parties to whom the disclosure packet shall be delivered. If the seller or his authorized agent specifies that delivery shall be made to the purchaser or his authorized agent or settlement agent, the preparer shall provide the disclosure packet directly to the designated persons, at the same time it is delivered to the seller or his authorized agent.

B. A reasonable fee may be charged by the preparer as follows for:

1. The inspection of the exterior of the dwelling unit and the lot, as authorized in the declaration and as required to prepare the association disclosure packet, a fee not to exceed \$100;
2. The preparation and delivery of the disclosure packet in (i) paper format, a fee not to exceed \$150 for no more than two hard copies or (ii) electronic format, a fee not to exceed *a total of \$125 for no more than two an electronic copies copy to each of the following named in the request: the seller, the seller's authorized agent, the purchaser, the purchaser's authorized agent, and not more than one other person designated by the requestor*. Only one fee shall be charged for the preparation and delivery of the disclosure packet;
3. At the option of the seller or his authorized agent, with the consent of the association or the common interest community manager, expediting the inspection, preparation and delivery of the disclosure packet, an additional expedite fee not to exceed \$50;
4. At the option of the seller or his authorized agent, an additional hard copy of the disclosure packet, a fee not to exceed \$25 per hard copy;

5. At the option of the seller or his authorized agent, a fee not to exceed an amount equal to the actual cost paid to a third-party commercial delivery service for hand delivery or overnight delivery of the association disclosure packet; and

6. A post-closing fee to the purchaser of the property, collected at settlement, for the purpose of establishing the purchaser as the owner of the property in the records of the association, a fee not to exceed \$50.

Except as otherwise provided in subsection E, neither the association nor its common interest community manager shall require cash, check, certified funds or credit card payments at the time the request for the disclosure packet is made. The disclosure packet shall state that all fees and costs for the disclosure packet shall be the personal obligation of the lot owner and shall be an assessment against the lot and collectible as any other assessment in accordance with the provisions of the declaration and § 55-516, if not paid at settlement or within 45 days of the delivery of the disclosure packet, whichever occurs first.

For purposes of this section, an expedite fee shall only be charged if the inspection and preparation of delivery of the disclosure packet are completed within five business days of the request for a disclosure packet.

C. No fees other than those specified in this section, and as limited by this section, shall be charged by the association or its common interest community manager for compliance with the duties and responsibilities of the association under this chapter. *No additional fee shall be charged for access to the association's or common interest community manager's website.* The association or its common interest community manager shall publish and make available in paper or electronic format, or both, a schedule of the applicable fees so the seller or his authorized agent will know such fees at the time of requesting the packet.

D. Any fees charged pursuant to this section shall be collected at the time of settlement on the sale of the lot and shall be due and payable out of the settlement proceeds in accordance with this section. The seller shall be responsible for all costs associated with the preparation and delivery of the association disclosure packet, except for the costs of any disclosure packet update or financial update, which costs shall be the responsibility of the requestor, payable at settlement. Neither the association nor its common interest community manager shall require cash, check, certified funds, or credit card payments at the time of the request is made for the association disclosure packet.

E. If settlement does not occur within 45 days of the delivery of the disclosure packet, or funds are not collected at settlement and disbursed to the association or the common interest community manager, all fees, including those costs that would have otherwise been the responsibility of the purchaser or settlement agent, shall be (i) assessed within one year after delivery of the disclosure packet against the lot owner, (ii) the personal obligation of the lot owner, and (iii) an assessment against the lot and collectible as any other assessment in accordance with the provisions of the declaration and § 55-516. The seller may pay the association by cash, check, certified funds, or credit card, if credit card payment is an option offered by the association. The association shall pay the common interest community manager the amount due from the lot owner within 30 days after invoice.

F. The maximum allowable fees charged in accordance with this section shall adjust every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor.

G. If an association disclosure packet has been issued for a lot within the preceding 12-month period, a person specified in the written instructions of the seller or his authorized agent, including the seller or his authorized agent, or the purchaser or his authorized agent may request a disclosure packet update. The requestor shall specify whether the disclosure packet update shall be delivered electronically or in hard copy, and shall specify the complete contact information of the parties to whom the update shall be delivered. The disclosure packet update shall be delivered within 10 days of the written request.

H. The settlement agent may request a financial update. The requestor shall specify whether the financial update shall be delivered electronically or in hard copy, and shall specify the complete contact information of the parties to whom the update shall be delivered. The financial update shall be delivered within three business days of the written request.

I. A reasonable fee for the disclosure packet update or financial update may be charged by the preparer not to exceed \$50. At the option of the purchaser or his authorized agent, the requestor may request that the association or the common interest community manager perform an additional inspection of the exterior of the dwelling unit and the lot, as authorized in the declaration, for a fee not to exceed \$100. Any fees charged for the specified update shall be collected at the time settlement occurs on the sale of the property. Neither the association nor its common interest community manager, if any, shall require cash, check, certified funds, or credit card payments at the time the request is made for the disclosure packet update. The requestor may request that the specified update be provided in hard copy or in electronic form.

J. No association or common interest community manager may require the requestor to request the specified update electronically. The seller or his authorized agent shall continue to have the right to request a hard copy of the specified update in person at the principal place of business of the association. If the requestor asks that the specified update be provided in electronic format, neither the association nor its common interest community manager may require the requestor to pay any fees to use the provider's electronic network or system. A copy of the specified update shall be provided to the seller or his authorized agent.

K. When an association disclosure packet has been delivered as required by § 55-509.5, the association shall, as to the purchaser, be bound by the statements set forth therein as to the status of the assessment account and the status of the lot with respect to any violation of the declaration, bylaws, rules and regulations, architectural guidelines and articles of

incorporation, if any, of the association as of the date of the statement unless the purchaser had actual knowledge that the contents of the disclosure packet were in error.

L. If the association or its common interest community manager has been requested in writing to furnish the association disclosure packet required by § 55-509.5, failure to provide the association disclosure packet substantially in the form provided in this section shall be deemed a waiver of any claim for delinquent assessments or of any violation of the declaration, bylaws, rules and regulations, or architectural guidelines existing as of the date of the request with respect to the subject lot. The preparer of the association disclosure packet shall be liable to the seller in an amount equal to the actual damages sustained by the seller in an amount not to exceed \$1,000. The purchaser shall nevertheless be obligated to abide by the declaration, bylaws, rules and regulations, and architectural guidelines of the association as to all matters arising after the date of the settlement of the sale.

CHAPTER 217

An Act to amend and reenact § 2.2-4302.2, as it shall become effective, of the Code of Virginia, relating to the Virginia Public Procurement Act; competitive negotiation; limitation of certain term contracts; exception.

[H 948]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4302.2, as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4302.2. (Effective July 1, 2014) Process for competitive negotiation.

A. The process for competitive negotiation shall include the following:

1. Issuance of a written Request for Proposal indicating in general terms that which is sought to be procured, specifying the factors that will be used in evaluating the proposal and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities, specifications or qualifications that will be required;

2. Public notice of the Request for Proposal at least 10 days prior to the date set for receipt of proposals by posting on the Department of General Services' central electronic procurement website or other appropriate websites. Additionally, public bodies shall publish in a newspaper of general circulation in the area in which the contract is to be performed so as to provide reasonable notice to the maximum number of offerors that can be reasonably anticipated to submit proposals in response to the particular request. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities. In addition, proposals may be solicited directly from potential contractors. Any additional solicitations shall include certified businesses selected from a list made available by the Department of Small Business and Supplier Diversity; and

3. For goods, nonprofessional services, and insurance, selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. Price shall be considered, but need not be the sole or primary determining factor. After negotiations have been conducted with each offeror so selected, the public body shall select the offeror which, in its opinion, has made the best proposal and provides the best value, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror. Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror; or

4. For professional services, the public body shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. The offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. In addition, offerors shall be informed of any ranking criteria that will be used by the public body in addition to the review of the professional competence of the offeror. The Request for Proposal shall not, however, request that offerors furnish estimates of man-hours or cost for services. At the discussion stage, the public body may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services. In accordance with § 2.2-4342, proprietary information from competing offerors shall not be disclosed to the public or to competitors. At the conclusion of discussion, outlined in this subdivision, on the basis of evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the public body shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious.

Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the public body can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price.

Notwithstanding the foregoing, if the terms and conditions for multiple awards are included in the Request for Proposal, a public body may award contracts to more than one offeror.

Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified or that one offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror.

B. For multiple projects, a contract for architectural or professional engineering services relating to construction projects, or a contract for job order contracting, may be negotiated by a public body, provided (i) the projects require similar experience and expertise, (ii) the nature of the projects is clearly identified in the Request for Proposal, and (iii) the contract is limited to a one-year term or when the cumulative total project fees reach the maximum cost authorized in this subsection, whichever occurs first.

Such contracts may be renewable for four additional one-year terms at the option of the public body. The fair and reasonable prices as negotiated shall be used in determining the cost of each project performed and the sum of all projects performed in a one-year contract term shall not exceed \$500,000, except that for:

1. A state agency, as defined in § 2.2-4347, the sum of all projects performed in a one-year contract term shall not exceed \$1 million as may be determined by the Director of the Department of General Services;

2. Any locality or any authority, sanitation district, metropolitan planning organization or planning district commission with a population in excess of 80,000, or any city within Planning District 8, the sum of all projects performed in a one-year contract term shall not exceed \$5 million and those awarded for any airport as defined in § 5.1-1 and aviation transportation projects, the sum of all such projects shall not exceed \$1.5 million;

3. Architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation, the sum of all projects in a one-year contract term shall not exceed \$2 million. Such contract may be renewable for two additional one-year terms at the option of the Director;

4. Environmental, location, design, and inspection work regarding highways and bridges by the Commissioner of Highways, the initial contract term shall be limited to two years or when the cumulative total project fees reach \$5 million, whichever occurs first. Such contract may be renewable for two additional one-year terms at the option of the Commissioner, and the sum of all projects in each one-year contract term shall not exceed \$5 million; and

5. Job order contracting, the sum of all projects performed in a one-year contract term shall not exceed \$2 million.

Competitive negotiations for such contracts may result in awards to more than one offeror provided (i) the Request for Proposal so states and (ii) the public body has established procedures for distributing multiple projects among the selected contractors during the contract term.

C. For any single project, for (i) architectural or professional engineering services relating to construction projects, or (ii) job order contracting, the project fee shall not exceed \$100,000, or for architectural or engineering services for airports as defined in § 5.1-1 and aviation transportation projects, the project fee of any single project shall not exceed \$500,000, except that for:

1. A state agency as defined in § 2.2-4347, the project fee shall not exceed \$200,000, as may be determined by the Director of the Department of General Services;

2. Any locality or any authority or sanitation district with a population in excess of 80,000, or any city within Planning District 8, the project fee shall not exceed \$2 million; and

3. Job order contracting, the project fee shall not exceed \$400,000.

The limitations imposed upon single project fees pursuant to this subsection shall not apply to environmental, location, design, and inspection work regarding highways and bridges by the Commissioner of Highways or architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation.

D. For the purposes of subsections B and C, any unused amounts from the first contract term shall not be carried forward to the additional term.

E. Multiphase professional services contracts satisfactory and advantageous to the completion of large, phased, or long term projects may be negotiated and awarded based on a fair and reasonable price for the first phase only, where the completion of the earlier phases is necessary to provide information critical to the negotiation of a fair and reasonable price for succeeding phases. Prior to the entering into any such contract, the public body shall (i) state the anticipated intended total scope of the project and (ii) determine in writing that the nature of the work is such that the best interests of the public body require awarding the contract.

CHAPTER 218

An Act to amend and reenact §§ 25.1-401, 25.1-409, and 25.1-410 of the Code of Virginia, relating to Relocation Assistance and Real Property Acquisition Policies; replacement housing for homeowners and tenants.

[H 990]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 25.1-401, 25.1-409, and 25.1-410 of the Code of Virginia are amended and reenacted as follows:

§ 25.1-401. Scope of chapter.

A. The provisions of this chapter shall be applicable to the acquisition of real property by any locality defined as a state agency for purposes of this chapter, notwithstanding the provisions of the locality's charter.

B. ~~Unless~~ *Subject to the provisions of subsection C, unless* compliance with the provisions of this chapter is a prerequisite to the receipt and expenditure of federal funds on the projects for which property is acquired, this chapter shall not apply to acquisitions by a state agency (i) that are voluntarily initiated or negotiated by the seller under no threat of condemnation, (ii) where property is dedicated pursuant to the provisions of Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2, or (iii) where property is voluntarily dedicated or donated for no consideration.

C. In the case of transportation projects funded in whole or in part with state or federal funds, unless compliance with the provisions of this chapter would jeopardize the receipt and expenditure of all or a portion of federal funds that would otherwise be available for transportation projects for which property is acquired or for reimbursement of the benefits provided for in this chapter, this chapter shall apply to acquisitions for such transportation projects by the Department of Transportation and any other state agency that are voluntarily initiated or negotiated by the seller under no threat of condemnation.

§ 25.1-409. Replacement housing for homeowners.

A. In addition to payments otherwise authorized by this chapter, the state agency shall make an additional payment not to exceed ~~\$22,500~~ \$31,000 to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for not less than ~~180~~ 90 days ~~prior to~~ before the initiation of negotiations for the acquisition of the property. Such additional payment shall include the following elements:

1. The amount, if any, that when added to the acquisition cost of the dwelling acquired by the state agency, equals the reasonable cost of a comparable replacement dwelling;

2. The amount, if any, that will compensate the displaced person for any increased interest costs and other debt service costs that such person is required to pay for financing the acquisition of any comparable replacement dwelling. The amount for any increased interest or debt service costs shall be (i) determined in accordance with the criteria established by the state agency and (ii) paid only if the dwelling acquired by the state agency was encumbered by a bona fide mortgage that was a valid lien on such dwelling for not less than 180 days immediately prior to the initiation of negotiations for the acquisition of such dwelling; and

3. Reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the comparable replacement dwelling, but not including prepaid expenses.

B. The additional payment authorized by this section shall be made only to such a displaced person who purchases and occupies a decent, safe, and sanitary replacement dwelling not later than the end of the one-year period beginning on the later of (i) the date on which he receives final payment of all costs for the acquired dwelling or (ii) the date on which the state agency obligation under § 25.1-414 is met. However, the state agency may extend such period for good cause. If such period is extended, the payment under this section shall be based on the cost of relocating the person to a comparable replacement dwelling within one year of such date.

§ 25.1-410. Replacement housing for tenants.

A. In addition to amounts otherwise authorized by this article, a state agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under § 25.1-409 which dwelling was actually and lawfully occupied by such displaced person for not less than 90 days immediately prior to (i) the initiation of negotiations for acquisition of the dwelling or (ii) if the displacement is not a direct result of acquisition, such other event as the state agency shall prescribe. Such payment shall consist of the amount necessary to enable such displaced person to lease or rent, for a period not to exceed 42 months, a comparable replacement dwelling, but not to exceed ~~\$5,250~~ \$7,200. At the discretion of the state agency, a payment under this subsection may be made in periodic installments. Computation of a payment under this subsection to a low-income displaced person for a comparable replacement dwelling shall take into account such person's income.

B. Any person eligible for a payment under subsection A may elect to apply such payment to a down payment on, and other incidental expenses pursuant to, the purchase of a decent, safe, and sanitary replacement dwelling. Any such person may, at the discretion of the state agency, be eligible under this subsection for the maximum payment allowed under subsection A; ~~except that if the displaced homeowner has owned and occupied the dwelling from which he is displaced for at least 90 days but not more than 180 days immediately prior to the initiation of negotiations for the acquisition of such dwelling, such payment shall not exceed the payment such person would otherwise have received under subsection A of § 25.1-409 had the person owned and occupied the displacement dwelling 180 days immediately prior to the initiation of such negotiations.~~

2. That the provisions of this act amending §§ 25.1-409 and 25.1-410 of the Code of Virginia shall become effective on October 1, 2014.

CHAPTER 219

An Act to amend and reenact §§ 6.2-862 and 6.2-863 of the Code of Virginia, relating to the requirement that a bank's directors own stock in the bank.

[H 1044]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:**1. That §§ 6.2-862 and 6.2-863 of the Code of Virginia are amended and reenacted as follows:****§ 6.2-862. Directors to own stock in bank.**

A. As used in this section, "bank holding company" means (i) a bank holding company as defined in § 6.2-800 or (ii) any corporation organized under the laws of the Commonwealth and doing business in the Commonwealth that owns all of the capital stock of one bank, except those shares issued as directors' qualifying shares, and at least 66 and two-thirds percent of the assets of the holding company, computed on a consolidated basis, consists of assets held by such bank and controlled subsidiaries of such bank.

B. Every director of a bank incorporated under the laws of the Commonwealth shall be the sole owner of, and have in his personal possession or control, shares of stock in such bank having a book value of not less than \$5,000, calculated as of the last business day of the calendar year immediately preceding the election of the director. So long as a director shall successively be reelected, there shall be no requirement to increase the shares of stock owned according to this section. Such stock shall be unpledged and unencumbered at the time such director becomes a director and during the whole of his term as such. *A director shall be deemed to be the sole owner of, and have in his personal possession or control:*

1. *Shares held through a brokerage account or similar arrangement, provided that the director retains sole beneficial ownership and sole legal control over the shares;*

2. *Shares held jointly or as a tenant in common, but only to the extent of the book value of the shares divided by the number of joint or tenant in common holders;*

3. *Shares deposited by the director in a living trust, or inter vivos trust, as to which the director is the sole trustee and retains an absolute power of revocation; or*

4. *Shares held through a profit-sharing plan, individual retirement account, retirement plan, or similar arrangement, provided that the director retains sole beneficial ownership and sole legal control over the shares.*

C. When a bank is controlled by a bank holding company, a director may comply with the requirements of subsection B for each bank of which he is a director by ownership, in similar manner, of shares of capital stock of the bank holding company having an aggregate book value equal to the book value of shares of bank stock that he would be obligated to own under subsection B.

D. A director of a bankers' bank shall not be required to own or control any shares of stock of such bankers' bank or any shares of stock of a bank holding company that controls such bankers' bank.

E. Any director violating the provisions of this section shall, immediately, vacate his office.

F. The requirements of this section shall not apply to any person duly elected a director of a bank prior to July 1, 1995, or so long as such person shall successively be reelected a director, and as to such person the requirements of the law prior to such date shall apply.

§ 6.2-863. Oaths of directors.

A. Every director of a bank incorporated under the laws of the Commonwealth shall, within 30 days after his election or reelection, take and subscribe to an oath that:

1. He will diligently and honestly perform his duties as director; and

2. He is the owner and has in his personal possession or control, standing in his sole name on the books of the bank or bank holding company as defined in subsection A of § 6.2-862, unpledged and unencumbered in any way, shares of stock of the bank of which he is a director or, if a bank is controlled by a bank holding company as defined in § 6.2-800, shares of stock of the bank holding company, having a ~~per~~ book value of not less than the amounts respectively prescribed by § 6.2-862, and, in case of reelection or reappointment, that during the whole of his immediate previous term as a director, the stock was not at any time pledged or in any other manner encumbered or hypothecated to secure a loan.

B. The oath subscribed to by such director, certified by the officer before whom it is taken, shall be transmitted by the cashier of such bank to the Commission. Any director who fails for a period of 30 days after his election or appointment to take the oath as required by this section shall automatically forfeit his office.

CHAPTER 220

An Act to amend the Code of Virginia by adding in Chapter 8 of Title 6.2 an article numbered 17, consisting of sections numbered 6.2-951, 6.2-952, and 6.2-953, relating to a nonprofit benefits consortium; exemption from regulation as an insurance company and from license tax.

[H 1057]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 8 of Title 6.2 an article numbered 17, consisting of sections numbered 6.2-951, 6.2-952, and 6.2-953, as follows:

Article 17.

Benefits Consortium.

§ 6.2-951. Definitions.

As used in this article:

"Benefits consortium" means a trust that complies with the conditions set forth in § 6.2-952.

"ERISA" means the federal Employee Retirement Income Security Act of 1974 (P.L. 93-406, 88 Stat. 829), as amended.

"Sponsoring association" means an association (i) the members of which are banks and employers that provide products and services to banks, (ii) that is incorporated under the Virginia Nonstock Corporation Act (§ 13.1-801 et seq.), (iii) that operates as a nonprofit entity under § 501(c)(6) of the Internal Revenue Code of 1986, (iv) that has been in existence for at least 20 years, and (v) that exists for purposes other than arranging for or providing health and welfare benefits to members. "Sponsoring association" includes any wholly owned subsidiary of a sponsoring association.

§ 6.2-952. Conditions for a benefits consortium.

A trust shall constitute a benefits consortium when all of the following conditions exist:

1. The trust is subject to (i) ERISA and U.S. Department of Labor regulations applicable to multiple employer welfare arrangements and (ii) the authority of the U.S. Department of Labor to enforce such law and regulations;

2. A Form M-1, Report for Multiple Employer Welfare Arrangements (MEWAs), for the applicable plan year shall be filed with the U.S. Department of Labor identifying the arrangement among the trust, sponsoring association, and benefit plans offered through the trust as a multiple employer welfare arrangement;

3. The trust operates as a nonprofit voluntary employee beneficiary association within the meaning of § 501(c)(9) of the Internal Revenue Code of 1986;

4. The trust's organizational documents:

a. Provide that the trust is sponsored by the sponsoring association;

b. State that its purpose is to provide medical, prescription drug, dental, and vision benefits to employees of the sponsoring association and its members and the dependents of those employees through benefits plans;

c. Provide that the funds of the trust are to be used for the benefit of the participating employees, and their dependents, through insurance, self-insurance, or a combination thereof as determined by the trustee and for defraying reasonable expenses of administering and operating the trust and the benefits plans offered through the trust;

d. Limit participation in the benefits plans offered through the trust to employers that are the sponsoring association, members of the sponsoring association, and their affiliates;

e. Limit the benefits plans offered through the trust to benefits plans sponsored by the sponsoring association;

f. Grant the sponsoring association the power to appoint the trustee of the trust;

g. Provide the trustee with powers for the control and management of the trust; and

h. Require the trustee to discharge its duties with respect to the trust in accordance with the fiduciary duties defined in ERISA;

5. Five or more employers participate in the benefits plans offered through the trust;

6. The trust establishes and maintains reserves determined in accordance with sound actuarial principles;

7. The trust has purchased and maintains policies of specific, aggregate, and terminal excess insurance with retention levels determined in accordance with sound actuarial principles from insurers licensed to transact the business of insurance in the Commonwealth;

8. The trust has secured one or more guarantees or standby letters of credit guaranteeing the payment of claims under the benefits plans offered through the trust in an aggregate amount not less than (i) the trust's annual aggregate excess insurance retention level, minus (ii) the annual premium assessments for the benefits plans offered through the trust, minus (iii) the trust's net assets, which net assets amount shall be net of the trust's reasonable estimate of incurred but not reported claims; and such guarantees or letters of credit have been issued by (a) banks participating in the benefits plans offered through the trust or (b) qualified United States financial institutions as such term is used in subdivision 2 c of § 38.2-1316.4;

9. The trust has purchased and maintains commercially reasonable fiduciary liability insurance;

10. The trust has purchased and maintains a bond that satisfies the requirements of ERISA;

11. The trust is audited annually by an independent certified public accountant;

12. The trust does not include in its name the words "insurance," "insurer," "underwriter," "mutual," or any other word or term or combination of words or terms that is uniquely descriptive of an insurance company or insurance business unless the context of the remaining words or terms clearly indicates that the entity is not an insurance company and is not carrying on the business of insurance; and

13. The trust does not pay commissions or other remuneration to any person that is conditioned upon the enrollment of persons in any benefits plan offered by the trust.

§ 6.2-953. Benefits consortium and sponsoring association not subject to regulation or taxation as an insurance company.

A. A benefits consortium shall not be subject to:

1. The provisions of Title 38.2 and regulations adopted thereunder, including those provisions and regulations otherwise applicable to multiple employer welfare arrangements; or

2. The tax levied on insurance companies pursuant to § 58.1-2501.

B. The sponsoring association of a benefits consortium or any of its subsidiaries shall not, by virtue of its sponsorship of the benefits consortium or the benefits plans offered through the benefits consortium, be subject to any provisions or regulations described in subdivision A 1 or any tax described in subdivision A 2.

2. That the provisions of this act shall become effective on January 1, 2015.

CHAPTER 221

An Act to amend and reenact § 6.2-816 of the Code of Virginia, relating to the organization of banks; minimum capital stock requirement.

[H 1062]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 6.2-816 of the Code of Virginia is amended and reenacted as follows:

§ 6.2-816. Banks to obtain certificate of authority.

A. Before any bank shall begin business it shall obtain from the Commission a certificate of authority authorizing it to do so. Prior to the issuance of such certificate, the Commission shall ascertain:

1. That all of the provisions of law have been complied with;

2. That financially responsible individuals have subscribed for capital stock and surplus in an amount deemed by the Commission to be sufficient to warrant successful operation. The amount of capital stock shall not be less than \$2 million, except that the capital stock shall not be less than \$500,000 for any trust company incorporated for the sole purpose of exercising fiduciary powers authorized by the provisions of Article 3 (§ 6.2-819 et seq.) of this chapter. The minimum capital stock requirement under this subdivision (†) shall apply when a bank is being organized to begin business ~~and (ii) shall not apply when this section is referred to or used in connection with the conversion of an operating savings institution or national bank to a state bank or the reorganization of an operating bank under a holding company;~~

3. That oaths of all the directors have been taken and filed in accordance with the provisions of § 6.2-863;

4. That, in its opinion, the public interest will be served by banking facilities or additional banking facilities, as the case may be, in the community where the bank is proposed. The addition of such facilities shall be deemed in the public interest if, based on all relevant evidence and information, advantages such as, but not limited to, increased competition, additional convenience, or gains in efficiency outweigh possible adverse effects such as, but not limited to, diminished or unfair competition, undue concentration of resources, conflicts of interests, or unsafe or unsound practices;

5. That the corporation is formed for no other reason than a legitimate banking business;

6. That the moral fitness, financial responsibility, and business qualifications of individuals named as officers and directors of the proposed bank are sufficient to command the confidence of the community where the bank is proposed;

7. That the bank's deposits are to be insured by a federal agency up to the limits of the insurance provided thereby; and

8. Anything else deemed pertinent.

B. *The minimum capital stock requirement specified in subdivision A 2 shall not apply when this section is referred to or used in connection with:*

1. *The conversion of an operating savings institution or national bank to a state bank;*

2. *The reorganization of an operating bank under a holding company;*

3. *The issuance of a certificate of authority to a holding company to facilitate its merger with and into its subsidiary bank;*

4. *The issuance of a certificate of authority to a holding company to facilitate the merger of its subsidiary bank with and into the holding company;*

5. *The issuance of a certificate of authority to a holding company to facilitate the merger of both the holding company and its subsidiary bank with and into a newly formed entity; or*

6. *The issuance of a certificate of authority to a resulting bank following a merger described in subdivision B 3, B 4, or B 5, provided that such merger does not result in or involve a change of control as defined in § 6.2-701.*

CHAPTER 222

An Act to amend and reenact § 59.1-21.9 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 59.1-21.15:2, relating to the Virginia Petroleum Products Franchise Act; right of first refusal on leased marketing premises.

[H 1065]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-21.9 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 59.1-21.15:2 as follows:

§ 59.1-21.9. Findings of General Assembly.

The General Assembly finds and declares that since the distribution and sales through franchise arrangements of petroleum products in the Commonwealth of Virginia vitally affect the economy of the Commonwealth, the public interest, welfare, and transportation, and since the preservation of the rights, responsibilities, and independence of the small businesses in the Commonwealth is essential to economic vitality, it is necessary to define the relationships and responsibilities of the parties to certain agreements pertaining thereto. *Consistent with these findings and declarations, the provisions of § 59.1-21.15:2, which do not relate to the termination or nonrenewal of petroleum franchises governed by federal law, advance the interests of the Commonwealth, and its citizens, by facilitating the purchase of retail service stations by their occupying lessee-franchisees, thereby insuring the motoring public greater access to service stations and petroleum products and furthering a more dynamic and full-service-oriented retail marketplace, while also considering the interests of the franchisor and, if applicable, the property owner, with regard to such service station premises.*

§ 59.1-21.15:2. Franchisor's obligation to offer leased marketing premises to occupying dealer.

A. As used in this section, unless the context requires otherwise:

"Bona fide offer" means an offer by the franchisor to the dealer that approximates the fair market value of the leased marketing premises under an objectively reasonable analysis, and:

1. In the case of the franchisor offering to the dealer a right of first refusal regarding an offer to purchase the marketing premises that has been made to the franchisor by a third party regarding the leased marketing premises, the offer made by such third party shall be a bona fide offer acceptable to the franchisor, and may not be an offer that has been unfairly or improperly established by either the franchisor or the third party offer; or

2. In the case of service station premises that the franchisor leases from a third party, and providing the lease allows the assignment of such lease by the franchisor, the franchisor's lease rights in the station premises shall be transferred or assigned to the dealer, with the franchisor making a bona fide offer with regard to the sale of structures located on the station's premises, including all pumps, dispensers, storage tanks, piping, and all other equipment located upon the premises necessary for the continued operation of a service station.

If the leased marketing premises occupied by a dealer are to be part of a sale of multiple properties owned or controlled by the franchisor, a bona fide offer shall reasonably allocate a portion of the total price for the multiple properties intended to be sold to the leased marketing premises occupied by the dealer in order to allow the dealer to exercise the dealer's right of first refusal regarding the leased marketing premises occupied by the dealer. In making such allocation, the purpose shall be to determine the fair market value of the leased marketing premises under an objectively reasonable analysis.

A bona fide offer shall (i) include the sale of all structures located on the leased marketing premises, including all pumps, dispensers, storage tanks, piping, and all other equipment located upon the premises necessary for the continued operation of a service station if the dealer exercises the dealer's right to buy; (ii) not include a requirement that the dealer enter into a supply agreement with the selling franchisor or with any other party and, to the extent that a bona fide offer acceptable to the franchisor from a third party contains such a supply agreement, it shall not be applicable to the dealer; and (iii) not, unless freely negotiated by the dealer, release the continuing obligations of the franchisor with regard to any environmental obligations regarding the service station premises nor require the dealer to assume such obligations of the franchisor with regard to the dealer's purchase of the premises or acquisition of the franchisor's rights in the premises. In conjunction with the dealer's acquisition of the rights of the franchisor in the leased marketing premises, such environmental tests, surveys, and other due diligence investigations shall be conducted as are customary in such transactions.

"Leased marketing premises" means marketing premises owned, leased, or controlled by a franchisor and that the dealer is authorized or permitted, under the petroleum franchise, to employ, to occupy, or both in connection with the sale, consignment, or distribution of petroleum products.

"Supply agreement" means an agreement, oral or written, under which a party is to supply, and a dealer is required to buy, petroleum products.

B. In the case of leased marketing premises owned by a franchisor, or in which a franchisor owns a leasehold interest, which premises are occupied by a dealer, the franchisor shall not sell, transfer, or assign to another person the franchisor's interest in the premises unless the franchisor has first either made a bona fide offer to sell, transfer, or assign to the dealer the franchisor's interest in the premises, other than signs displaying the refiner's insignia and any other trademarked, service marked, copyrighted, or patented items of the franchisor, or, if applicable, offered to the dealer a right of first refusal of any bona fide offer acceptable to the franchisor made by another person to acquire the franchisor's interest in the premises.

C. Nothing in this section shall be deemed to require a franchisor to continue an existing franchise relationship, or to renew a franchise relationship, if not otherwise required by federal law.

D. Nothing in this section shall be deemed to require a franchisor to continue to supply petroleum products to a dealer if the dealer exercises its right to acquire the interests of the franchisor in the premises.

E. The bona fide offer required to be made to the dealer by the franchisor shall:

1. *Be in writing;*
 2. *Set forth fully and completely all terms and conditions of the offer being made by the franchisor;*
 3. *In the case of a bona fide offer being made by a third party to acquire the interests of the franchisor in the property, which offer is acceptable to the franchisor, also contain a full copy of the proposal of the third party, or the contract or its equivalent between the franchisor and the third party if such a contract exists, to include all schedules, attachments, addenda, or their equivalent; and*
 4. *In the case of leased marketing premises that the franchisor leases from a third party or parties, also contain a full copy of the underlying lease, including all schedules, attachments, addenda, or their equivalent.*
- F. After receipt of the bona fide offer from the franchisor, the dealer shall have a period of not less than 60 days within which to exercise the dealer's rights as established under this section, which exercise shall be effective upon delivering written notice of such exercise to the franchisor. After exercise of the dealer's rights, the closing on, and transfer of, the leased marketing premises shall occur (i) within 60 days after the dealer's exercise of such rights or (ii) on or before the closing date established within the bona fide offer regarding which the dealer has exercised the dealer's right of first refusal under this section, whichever date occurs later.*
- G. The provisions of this section shall apply only to the sale, assignment, or transfer of a franchisor's interest in or to any leased marketing premises located only in Planning District 8, and shall not apply to leased marketing premises owned or controlled by a jobber/distributor.*

CHAPTER 223

An Act to amend and reenact § 2.2-3007 of the Code of Virginia, relating to the Department of Human Resource Management; grievance procedures for certain employees of the Departments of Corrections and Juvenile Justice.

[H 1069]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3007 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3007. Certain employees of the Departments of Corrections and Juvenile Justice.

A. Employees of the Departments of Corrections and Juvenile Justice who work in institutions or juvenile correctional centers or have client, inmate, or resident contact and who are terminated on the grounds of client, inmate, or resident abuse, criminal conviction, or as a result of being placed on probation under the provisions of § 18.2-251, may appeal their termination only through the *Department of Human Resource Management applicable grievance procedures, which shall not include successive grievance steps or the formal hearing provided in § 2.2-3005.*

B. If no resolution is reached by the ~~conclusion of the last grievance step~~, the employee may advance the grievance to the circuit court of the jurisdiction in which the grievance occurred for a de novo hearing on the merits *of the termination*. In its discretion, the court may refer the matter to a commissioner in chancery to take such evidence as may be proper and to make a report to the court. Both the grievant and the respondent may call upon witnesses and be represented by legal counsel or other representatives before the court or the commissioner in chancery. Such representatives may examine, cross-examine, question and present evidence on behalf of the grievant or respondent before the court or commissioner in chancery without being in violation of the provisions of § 54.1-3904.

C. A termination shall be upheld unless shown to have been unwarranted by the facts or contrary to law or policy.

CHAPTER 224

An Act to amend and reenact §§ 58.1-4006 and 58.1-4009 of the Code of Virginia, relating to the Virginia state lottery; lottery sales agent license suspension, etc.

[H 1078]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-4006 and 58.1-4009 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-4006. Powers of the Director.

A. The Director shall supervise and administer the operation of the lottery in accordance with the provisions of this chapter and with the rules and regulations promulgated hereunder.

B. The Director shall also:

1. Employ such deputy directors, professional, technical and clerical assistants, and other employees as may be required to carry out the functions and duties of the Department.

2. Act as secretary and executive officer of the Board.

3. Require bond or other surety satisfactory to the Director from licensed agents as provided in subsection ~~D~~ E of § 58.1-4009 and Department employees with access to Department funds or lottery funds, in such amount as provided in the rules and regulations of the Board. The Director may also require bond from other employees as he deems necessary.

4. Confer regularly, but not less than four times each year, with the Board on the operation and administration of the lottery; make available for inspection by the Board, upon request, all books, records, files, and other information and documents of the Department; and advise the Board and recommend such matters as he deems necessary and advisable to improve the operation and administration of the lottery.

5. Suspend, revoke or refuse to renew any license issued pursuant to this chapter or the rules and regulations adopted hereunder.

6. Enter into contracts for the operation of the lottery, or any part thereof, for the promotion of the lottery and into interstate lottery contracts with other states. A contract awarded or entered into by the Director shall not be assigned by the holder thereof except by specific approval of the Director.

7. Certify monthly to the State Comptroller and the Board a full and complete statement of lottery revenues, prize disbursements and other expenses for the preceding month.

8. Report monthly to the Governor, the Secretary of Finance and the Chairmen of the Senate Finance Committee, House Finance Committee and House Appropriations Committee the total lottery revenues, prize disbursements and other expenses for the preceding month, and make an annual report, which shall include a full and complete statement of lottery revenues, prize disbursements and other expenses, to the Governor and the General Assembly. Such annual report shall also include such recommendations for changes in this chapter as the Director and Board deem necessary or desirable.

9. Report immediately to the Governor and the General Assembly any matters which require immediate changes in the laws of this Commonwealth in order to prevent abuses and evasions of this chapter or the rules and regulations adopted hereunder or to rectify undesirable conditions in connection with the administration or operation of the lottery.

10. Notify prize winners and appropriate state and federal agencies of the payment of prizes in excess of \$600 in the manner required by the lottery rules and regulations.

11. Provide for the withholding of the applicable amount of state and federal income tax of persons claiming a prize for a winning ticket in excess of \$5,001.

C. The Director and the director of security or investigators appointed by the Director shall be vested with the powers of sheriff and sworn to enforce the statutes and regulations pertaining to the Department and to investigate violations of the statutes and regulations that the Director is required to enforce.

D. The Director may authorize temporary bonus or incentive programs for payments to licensed sales agents which he determines will be cost effective and support increased sales of lottery products.

§ 58.1-4009. Licensing of lottery sales agents; penalty.

A. No license as an agent to sell lottery tickets or shares shall be issued to any person to engage in business primarily as a lottery sales agent. Before issuing such license, the Director shall consider such factors as (i) the financial responsibility and security of the person and his business or activity; (ii) the accessibility of his place of business or activity to the public; (iii) the sufficiency of existing licensees to serve the public convenience; and (iv) the volume of expected sales.

B. For the purposes of this section, the term "person" means an individual, association, partnership, corporation, club, trust, estate, society, company, joint stock company, receiver, trustee, assignee, referee, or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals. "Person" also means all departments, commissions, agencies and instrumentalities of the Commonwealth, including counties, cities, municipalities, agencies and instrumentalities thereof.

C. The chief security officer of the State Lottery Department shall conduct a background investigation, to include a Virginia Criminal History Records search, and fingerprints that shall be submitted to the Federal Bureau of Investigation if the Director deems a National Criminal Records search necessary, on applicants for licensure as lottery sales agents. The Director may refuse to issue a license to operate as an agent to sell lottery tickets or shares to any person who has been (i) convicted of a crime involving moral turpitude, (ii) convicted of bookmaking or other forms of illegal gambling, (iii) found guilty of any fraud or misrepresentation in any connection, (iv) convicted of a felony, or (v) engaged in conduct prejudicial to public confidence in the Lottery. The Director may refuse to grant a license or may suspend, revoke or refuse to renew a license issued pursuant to this chapter to a partnership or corporation, if he determines that any general or limited partner, or officer or director of such partnership or corporation has been ~~(i)~~ (a) convicted of a crime involving moral turpitude, ~~(ii)~~ (b) convicted of bookmaking or other forms of illegal gambling, ~~(iii)~~ (c) found guilty of any fraud or misrepresentation in any connection, ~~(iv)~~ (d) convicted of a felony, or ~~(v)~~ (e) engaged in conduct prejudicial to public confidence in the Lottery. Whoever knowingly and willfully falsifies, conceals or misrepresents a material fact or knowingly and willfully makes a false, fictitious or fraudulent statement or representation in any application for licensure to the State Lottery Department for lottery sales agent, ~~shall be~~ is guilty of a Class 1 misdemeanor.

D. *In the event an applicant is a former lottery sales agent whose license was suspended, revoked, or refused renewal pursuant to this section or § 58.1-4012, no application for a new license to sell lottery tickets or shares shall be considered for a minimum period of 90 days following the suspension, revocation, or refusal to renew.*

E. Prior to issuance of a license, every lottery sales agent shall either (i) be bonded by a surety company entitled to do business in this Commonwealth in such amount and penalty as may be prescribed by the regulations of the Department or (ii) provide such other surety as may be satisfactory to the Director, payable to the State Lottery Department and conditioned upon the faithful performance of his duties.

~~E. F.~~ Every licensed agent shall prominently display his license, or a copy thereof, as provided in the regulations of the Department.

CHAPTER 225

An Act to amend and reenact §§ 2.2-419, 2.2-2905, 2.2-3114, 2.2-3202, 2.2-3705.3, 2.2-3705.7, 2.2-3711, 2.2-4002, 8.01-195.11, 9.1-101, 9.1-801, 18.2-308, 18.2-340.22, 19.2-389, 58.1-3, 58.1-322, 58.1-460, 58.1-4002 through 58.1-4005, 58.1-4008, 58.1-4009, 58.1-4011, 58.1-4020, 58.1-4021, 58.1-4022, 58.1-4025, and 59.1-148.3 of the Code of Virginia, relating to the Virginia Lottery.

[H 1079]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-419, 2.2-2905, 2.2-3114, 2.2-3202, 2.2-3705.3, 2.2-3705.7, 2.2-3711, 2.2-4002, 8.01-195.11, 9.1-101, 9.1-801, 18.2-308, 18.2-340.22, 19.2-389, 58.1-3, 58.1-322, 58.1-460, 58.1-4002 through 58.1-4005, 58.1-4008, 58.1-4009, 58.1-4011, 58.1-4020, 58.1-4021, 58.1-4022, 58.1-4025, and 59.1-148.3 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-419. Definitions.

As used in this article, unless the context requires a different meaning:

"Anything of value" means:

1. A pecuniary item, including money, or a bank bill or note;
2. A promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money;
3. A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;
4. A stock, bond, note, or other investment interest in an entity;
5. A receipt given for the payment of money or other property;
6. A right in action;
7. A gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel;
8. A loan or forgiveness of indebtedness;
9. A work of art, antique, or collectible;
10. An automobile or other means of personal transportation;
11. Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest, or other beneficial interest in realty;
12. An honorarium or compensation for services;
13. A rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as an executive or legislative official, or the sale or trade of something for reasonable compensation that would ordinarily not be available to a member of the public;
14. A promise or offer of employment; or
15. Any other thing of value that is pecuniary or compensatory in value to a person.

"Anything of value" does not mean a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2.

"Compensation" means:

1. An advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money or anything of value; or
2. A contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money or anything of value, for services rendered or to be rendered.

"Compensation" does not mean reimbursement of expenses if the reimbursement does not exceed the amount actually expended for the expenses and it is substantiated by an itemization of expenses.

"Executive action" means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection, or postponement by an executive agency or official of legislation or executive orders issued by the Governor.

"Executive agency" means an agency, board, commission, or other body in the executive branch of state government.

"Executive agency" includes the State Corporation Commission, the Virginia Workers' Compensation Commission, and the ~~State Lottery Department~~ *Virginia Lottery*.

"Executive official" means:

1. The Governor;
 2. The Lieutenant Governor;
 3. The Attorney General;
 4. Any officer or employee of the office of the Governor or Lieutenant Governor other than a clerical or secretarial employee;
 5. The Governor's Secretaries, the Deputy Secretaries, and the chief executive officer of each executive agency; or
 6. Members of supervisory and policy boards, commissions and councils, as defined in § 2.2-2100, however selected.
- "Expenditure" means:

1. A purchase, payment, distribution, loan, forgiveness of a loan or payment of a loan by a third party, advance, deposit, transfer of funds, a promise to make a payment, or a gift of money or anything of value for any purpose;
2. A payment to a lobbyist for salary, fee, reimbursement for expenses, or other purpose by a person employing, retaining, or contracting for the services of the lobbyist separately or jointly with other persons;
3. A payment in support of or assistance to a lobbyist or the lobbyist's activities, including the direct payment of expenses incurred at the request or suggestion of the lobbyist;
4. A payment that directly benefits an executive or legislative official or a member of the official's immediate family;
5. A payment, including compensation, payment, or reimbursement for the services, time, or expenses of an employee for or in connection with direct communication with an executive or legislative official;
6. A payment for or in connection with soliciting or urging other persons to enter into direct communication with an executive or legislative official; or
7. A payment or reimbursement for categories of expenditures required to be reported pursuant to this chapter.

"Expenditure" does not mean a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2.

"Fair market value" means the price that a good or service would bring between a willing seller and a willing buyer in the open market after negotiations. If the fair market value cannot be determined, the actual price paid for the good or service shall be given consideration.

"Gift" means anything of value to the extent that a consideration of equal or greater value is not received.

"Gift" does not mean:

1. Printed informational or promotional material;
2. A gift that is not used and, no later than ~~sixty~~ 60 days after receipt, is returned to the donor or delivered to a charitable organization and is not claimed as a charitable contribution for federal income tax purposes;
3. A gift, devise, or inheritance from an individual's spouse, child, parent, grandparent, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse of that individual, if the donor is not acting as the agent or intermediary for someone other than a person covered by this subdivision; or
4. A gift of a value of \$25 or less.

"Immediate family" means (i) the spouse and (ii) any other person who resides in the same household as the executive or legislative official and is the dependent of the official.

"Legislative action" means:

1. Preparation, research, drafting, introduction, consideration, modification, amendment, approval, passage, enactment, tabling, postponement, defeat, or rejection of a bill, resolution, amendment, motion, report, nomination, appointment, or other matter by the General Assembly or a legislative official;
2. Action by the Governor in approving, vetoing, or recommending amendments for a bill passed by the General Assembly; or
3. Action by the General Assembly in overriding or sustaining a veto by the Governor, considering amendments recommended by the Governor, or considering, confirming, or rejecting an appointment of the Governor.

"Legislative official" means:

1. A member or member-elect of the General Assembly;
2. A member of a committee, subcommittee, commission, or other entity established by and responsible to the General Assembly or either house of the General Assembly; or
3. Persons employed by the General Assembly or an entity established by and responsible to the General Assembly.

"Lobbying" means:

1. Influencing or attempting to influence executive or legislative action through oral or written communication with an executive or legislative official; or
2. Solicitation of others to influence an executive or legislative official.

"Lobbying" does not mean:

1. Requests for appointments, information on the status of pending executive and legislative actions, or other ministerial contacts if there is no attempt to influence executive or legislative actions;
2. Responses to published notices soliciting public comment submitted to the public official designated in the notice to receive the responses;
3. The solicitation of an association by its members to influence legislative or executive action; or
4. Communications between an association and its members and communications between a principal and its lobbyists.

"Lobbyist" means:

1. An individual who is employed and receives payments, or who contracts for economic consideration, including reimbursement for reasonable travel and living expenses, for the purpose of lobbying;
2. An individual who represents an organization, association, or other group for the purpose of lobbying; or
3. A local government employee who lobbies.

"Lobbyist's principal" or "principal" means the entity on whose behalf the lobbyist influences or attempts to influence executive or legislative action. An organization whose employees conduct lobbying activities on its behalf is both a principal and an employer of the lobbyists. In the case of a coalition or association that employs or retains others to conduct lobbying activities on behalf of its membership, the principal is the coalition or association and not its individual members.

"Local government" means:

1. Any county, city, town, or other local or regional political subdivision;
2. Any school division;
3. Any organization or entity that exercises governmental powers that is established pursuant to an interstate compact; or
4. Any organization composed of members representing entities listed in subdivisions 1, 2, or 3 of this definition.

"Local government employee" means a public employee of a local government.

"Person" means an individual, proprietorship, firm, partnership, joint venture, joint stock company, syndicate, business trust, estate, company, corporation, association, club, committee, organization, or group of persons acting in concert.

"Value" means the actual cost or fair market value of an item or items, whichever is greater. If the fair market value cannot be determined, the actual amount paid for the item or items shall be given consideration.

§ 2.2-2905. Certain officers and employees exempt from chapter.

The provisions of this chapter shall not apply to:

1. Officers and employees for whom the Constitution specifically directs the manner of selection;
2. Officers and employees of the Supreme Court and the Court of Appeals;
3. Officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not;
4. Officers elected by popular vote or by the General Assembly or either house thereof;
5. Members of boards and commissions however selected;
6. Judges, referees, receivers, arbiters, masters and commissioners in chancery, commissioners of accounts, and any other persons appointed by any court to exercise judicial functions, and jurors and notaries public;
7. Officers and employees of the General Assembly and persons employed to conduct temporary or special inquiries, investigations, or examinations on its behalf;
8. The presidents and teaching and research staffs of state educational institutions;
9. Commissioned officers and enlisted personnel of the National Guard and the naval militia;
10. Student employees in institutions of learning and patient or inmate help in other state institutions;
11. Upon general or special authorization of the Governor, laborers, temporary employees, and employees compensated on an hourly or daily basis;
12. County, city, town, and district officers, deputies, assistants, and employees;
13. The employees of the Virginia Workers' Compensation Commission;
14. The officers and employees of the Virginia Retirement System;
15. Employees whose positions are identified by the State Council of Higher Education and the boards of the Virginia Museum of Fine Arts, The Science Museum of Virginia, the Jamestown-Yorktown Foundation, the Frontier Culture Museum of Virginia, the Virginia Museum of Natural History, the New College Institute, the Southern Virginia Higher Education Center, and The Library of Virginia, and approved by the Director of the Department of Human Resource Management as requiring specialized and professional training;
16. Employees of the ~~State Lottery Department~~ *Virginia Lottery*;
17. Production workers for the Virginia Industries for the Blind Sheltered Workshop programs;
18. Employees of the Virginia Commonwealth University Health System Authority;
19. Employees of the University of Virginia Medical Center. Any changes in compensation plans for such employees shall be subject to the review and approval of the Board of Visitors of the University of Virginia. The University of Virginia shall ensure that its procedures for hiring University of Virginia Medical Center personnel are based on merit and fitness. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);
20. In executive branch agencies the employee who has accepted serving in the capacity of chief deputy, or equivalent, and the employee who has accepted serving in the capacity of a confidential assistant for policy or administration. An employee serving in either one of these two positions shall be deemed to serve on an employment-at-will basis. An agency may not exceed two employees who serve in this exempt capacity;
21. Employees of Virginia Correctional Enterprises. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);
22. Officers and employees of the Virginia Port Authority;
23. Employees of the Virginia College Savings Plan;
24. Directors of state facilities operated by the Department of Behavioral Health and Developmental Services employed or reemployed by the Commissioner after July 1, 1999, under a contract pursuant to § 37.2-707. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);
25. Employees of the Virginia Foundation for Healthy Youth. Such employees shall be treated as state employees for purposes of participation in the Virginia Retirement System, health insurance, and all other employee benefits offered by the Commonwealth to its classified employees;
26. Employees of the Virginia Indigent Defense Commission; and
27. Any chief of a campus police department that has been designated by the governing body of a public institution of higher education as exempt, pursuant to § 23-232.

§ 2.2-3114. Disclosure by state officers and employees.

A. The Governor, Lieutenant Governor, Attorney General, Justices of the Supreme Court, judges of the Court of Appeals, judges of any circuit court, judges and substitute judges of any district court, members of the State Corporation Commission, members of the Virginia Workers' Compensation Commission, members of the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, and members of the ~~State~~ *Virginia* Lottery Board and other persons occupying such offices or positions of trust or employment in state government, including members of the governing bodies of authorities, as may be designated by the Governor or, in the case of officers or employees of the legislative branch, by the Joint Rules Committee of the General Assembly, shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and such other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement annually on or before January 15. When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday.

B. Nonsalaried citizen members of all policy and supervisory boards, commissions and councils in the executive branch of state government, other than the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, and the ~~State~~ *Virginia* Lottery Board, shall file, as a condition to assuming office, a disclosure form of their personal interests and such other information as is specified on the form set forth in § 2.2-3118 and thereafter shall file such form annually on or before January 15. When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday. Nonsalaried citizen members of other boards, commissions and councils, including advisory boards and authorities, may be required to file a disclosure form if so designated by the Governor, in which case the form shall be that set forth in § 2.2-3118.

C. The disclosure forms required by subsections A and B shall be provided by the Secretary of the Commonwealth to each officer and employee so designated, including officers appointed by legislative authorities, not later than November 30 of each year. Disclosure forms shall be filed and maintained as public records for five years in the Office of the Secretary of the Commonwealth.

D. Candidates for the offices of Governor, Lieutenant Governor or Attorney General shall file a disclosure statement of their personal interests as required by § 24.2-502.

E. Any officer or employee of state government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subdivision A 1 of § 2.2-3112, or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall also be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental agency or advisory agency or, if the agency has a clerk, in the clerk's office.

F. An officer or employee of state government who is required to declare his interest pursuant to subdivision A 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

G. An officer or employee of state government who is required to declare his interest pursuant to subdivision A 3 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

§ 2.2-3202. Eligibility for transitional severance benefit.

A. Any full-time employee of the Commonwealth (i) whose position is covered by the Virginia Personnel Act (§ 2.2-2900 et seq.), (ii) whose position is exempt from the Virginia Personnel Act pursuant to subdivisions 2, 4 (except those persons specified in subsection C of this section), 7, 15 or 16 of § 2.2-2905, (iii) who is employed by the State Corporation Commission, (iv) who is employed by the Virginia Workers' Compensation Commission, (v) who is employed by the Virginia Retirement System, (vi) who is employed by the ~~State Lottery Department~~ *Virginia Lottery*, (vii) who is employed by the Medical College of Virginia Hospitals or the University of Virginia Medical Center, (viii) who is employed at a state educational institution as faculty (including, but not limited to, presidents and teaching and research faculty) as defined in the Consolidated Salary Authorization for Faculty Positions in Institutions of Higher Education, 1994-95, or (ix) whose position is exempt from the Virginia Personnel Act pursuant to subdivision 3 or 20 of § 2.2-2905; and (a) for

whom reemployment with the Commonwealth is not possible because there is no available position for which the employee is qualified or the position offered to the employee requires relocation or a reduction in salary and (b) whose involuntary separation was due to causes other than job performance or misconduct, shall be eligible, under the conditions specified, for the transitional severance benefit conferred by this chapter. The date of involuntary separation shall mean the date an employee was terminated from employment or placed on leave without pay-layoff or equivalent status.

B. An otherwise eligible employee whose position is contingent upon project grants as defined in the Catalogue of Federal Domestic Assistance, shall not be eligible for the transitional severance benefit conferred by this chapter unless the funding source had agreed to assume all financial responsibility therefor in its written contract with the Commonwealth.

C. Members of the Judicial Retirement System (§ 51.1-300 et seq.) and officers elected by popular vote shall not be eligible for the transitional severance benefit conferred by this chapter.

D. Eligibility shall commence on the date of involuntary separation.

E. Persons authorized by § 2.2-106 or 51.1-124.22 to appoint a chief administrative officer or the administrative head of an agency shall adhere to the same criteria for eligibility for transitional severance benefits as is required for gubernatorial appointees pursuant to subsection A.

§ 2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations.

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. Confidential records of all investigations of applications for licenses and permits, and of all licensees and permittees, made by or submitted to the Alcoholic Beverage Control Board, the ~~State Lottery Department~~ *Virginia Lottery*, the Virginia Racing Commission, the Department of Agriculture and Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice Services.

2. Records of active investigations being conducted by the Department of Health Professions or by any health regulatory board in the Commonwealth.

3. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation of individual employment discrimination complaints made to the Department of Human Resource Management or to such personnel of any local public body, including local school boards as are responsible for conducting such investigations in confidence. However, nothing in this section shall prohibit the disclosure of information taken from inactive reports in a form that does not reveal the identity of charging parties, persons supplying the information or other individuals involved in the investigation.

4. Records of active investigations being conducted by the Department of Medical Assistance Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

5. Investigative notes and other correspondence and information furnished in confidence with respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice under the Virginia Human Rights Act (§ 2.2-3900 et seq.) or under any local ordinance adopted in accordance with the authority specified in § 2.2-524, or adopted pursuant to § 15.2-965, or adopted prior to July 1, 1987, in accordance with applicable law, relating to local human rights or human relations commissions. However, nothing in this section shall prohibit the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.

6. Records of studies and investigations by the ~~State Lottery Department~~ *Virginia Lottery* of (i) lottery agents, (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations that cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) the use of the lottery as a subterfuge for organized crime and illegal gambling where such official records have not been publicly released, published or copyrighted. All studies and investigations referred to under clauses (iii), (iv), and (v) shall be open to inspection and copying upon completion of the study or investigation.

7. Investigative notes, correspondence and information furnished in confidence, and records otherwise exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to Chapter 3.2 (§ 2.2-307 et seq.); (v) the committee or the auditor with respect to an investigation or audit conducted pursuant to § 15.2-825; or (vi) the auditors, appointed by the local governing body of any county, city or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an investigation of any officer, department or program of such body. Records of completed investigations shall be disclosed in a form that does not reveal the identity of the complainants or persons supplying information to investigators. Unless disclosure is prohibited by this section, the records disclosed shall include, but not be limited to, the agency involved, the identity of the person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation does not lead to corrective action, the identity of the person who is the subject of the complaint may be released only with the consent of the subject person. Local governing bodies shall adopt guidelines to govern the disclosure required by this subdivision.

8. Information furnished in confidence to the Department of Human Resource Management with respect to an investigation, consultation, or mediation under § 2.2-1202.1, and memoranda, correspondence and other records resulting from any such investigation, consultation or mediation. However, nothing in this section shall prohibit the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.

9. The names, addresses and telephone numbers of complainants furnished in confidence with respect to an investigation of individual zoning enforcement complaints or complaints relating to the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) made to a local governing body.

10. Records of active investigations being conducted by the Department of Criminal Justice Services pursuant to Article 4 (§ 9.1-138 et seq.), Article 4.1 (§ 9.1-150.1 et seq.), Article 11 (§ 9.1-185 et seq.), and Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

11. Records furnished to or prepared by the Board of Education pursuant to subsection D of § 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests by local school board employees responsible for the distribution or administration of the tests. However, this section shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board.

12. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation conducted by or for the Board of Education related to the denial, suspension, or revocation of teacher licenses. However, this subdivision shall not prohibit the disclosure of records to a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee. Records of completed investigations shall be disclosed in a form that does not reveal the identity of any complainant or person supplying information to investigators. The records disclosed shall include information regarding the school or facility involved, the identity of the person who was the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation fails to support a complaint or does not lead to corrective action, the identity of the person who was the subject of the complaint may be released only with the consent of the subject person. No personally identifiable information in the records regarding a current or former student shall be released except as permitted by state or federal law.

13. Records, notes and information provided in confidence and related to an investigation by the Attorney General under Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 or Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, or Article 1 (§ 58.1-1000) of Chapter 10 of Title 58.1. However, records related to an investigation that has been inactive for more than six months shall, upon request, be disclosed provided such disclosure is not otherwise prohibited by law and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses or other individuals involved in the investigation.

§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exemptions.

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. State income, business, and estate tax returns, personal property tax returns, scholastic and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor; Lieutenant Governor; the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates and the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in Virginia. However, no record, which is otherwise open to inspection under this chapter, shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; his chief of staff, counsel, director of policy, Cabinet Secretaries, and the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for an above-named public official for his personal or deliberative use.

3. Library records that can be used to identify both (i) any library patron who has borrowed material from a library and (ii) the material such patron borrowed.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. Records and writings furnished by a member of the General Assembly to a meeting of a standing committee, special committee or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. Records regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of them would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions and provisions of the siting agreement.

10. Records containing information on the site specific location of rare, threatened, endangered or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exemption shall not apply to requests from the owner of the land upon which the resource is located.

11. Records, memoranda, working papers, graphics, video or audio tapes, production models, data and information of a proprietary nature produced by or for or collected by or for the ~~State Lottery Department~~ *Virginia Lottery* relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such official records have not been publicly released, published, copyrighted or patented. Whether released, published or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. Records of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of a local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or of the Virginia College Savings Plan, acting pursuant to § 23-38.77, relating to the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that: (i) such records contain confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or the Virginia College Savings Plan, or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity; and (ii) disclosure of such confidential analyses would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of records relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Names and addresses of subscribers to Virginia Wildlife magazine, published by the Department of Game and Inland Fisheries, provided the individual subscriber has requested in writing that the Department not release such information.

14. Financial, medical, rehabilitative and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

15. Records of the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; data, records or information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and data, records or information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's

financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such data, records or information have not been publicly released, published, copyrighted or patented.

16. Records of the Department of Environmental Quality, the State Water Control Board, State Air Pollution Control Board or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such records shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to prohibit the disclosure of records related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

17. As it pertains to any person, records related to the operation of toll facilities that identify an individual, vehicle, or travel itinerary including, but not limited to, vehicle identification data, vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

18. Records of the ~~State Lottery Department~~ *Virginia Lottery* pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations; and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed.

19. Records of the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

20. Records, investigative notes, correspondence, and information pertaining to the planning, scheduling and performance of examinations of holder records pursuant to the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.) prepared by or for the State Treasurer, his agents, employees or persons employed to perform an audit or examination of holder records.

21. Records of the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body, to the extent that such records reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

22. Records of state or local park and recreation departments and local and regional park authorities to the extent such records contain information identifying a person under the age of 18 years. However, nothing in this subdivision shall operate to prohibit the disclosure of information defined as directory information under regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For records of such persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the record may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such records for inspection and copying.

23. Records submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management, to the extent that they reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

24. Records of the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

25. Records of the Virginia Retirement System acting pursuant to § 51.1-124.30, of a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or of the Virginia College Savings Plan, acting pursuant to § 23-38.77 relating to:

a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, to the extent that disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and

b. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a private entity to the retirement system or the Virginia College Savings Plan, to the extent disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

(1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to authorize the withholding of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

26. Records of the Department of Corrections made confidential by § 53.1-233.

27. Records maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.), to the extent such records relate to information required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

28. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the record.

29. Records maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 to the extent that such records reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the record. Nothing in this subdivision, however, shall be construed to authorize the withholding of records relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

30. Names, physical addresses, telephone numbers, and email addresses contained in correspondence between an individual and a member of the governing body, school board, or other public body of the locality in which the individual is a resident, unless the correspondence relates to the transaction of public business. However, no record that is otherwise open to inspection under this chapter shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any such correspondence.

31. Records of the Commonwealth's Attorneys' Services Council, to the extent such records are prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such records are not otherwise available to the public and the release of such records would reveal confidential strategies, methods or procedures to be employed in law-enforcement activities, or materials created for the investigation and prosecution of a criminal case.

32. Records provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft, where the records would not be subject to disclosure by the entity providing the records. The entity providing the records to the Department of Aviation shall identify the specific portion of the records to be protected and the applicable provision of this chapter that exempts the record or portions thereof from mandatory disclosure.

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any Virginia public institution of higher education or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means

litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. In the case of boards of visitors of public institutions of higher education, discussion or consideration of matters relating to gifts, bequests and fund-raising activities, and grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in Virginia shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof; (ii) "foreign legal entity" means any legal entity created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities, or any legal entity created under the laws of a foreign government; and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

9. In the case of the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, and The Science Museum of Virginia, discussion or consideration of matters relating to specific gifts, bequests, and grants.

10. Discussion or consideration of honorary degrees or special awards.

11. Discussion or consideration of tests, examinations, or other records excluded from this chapter pursuant to subdivision 4 of § 2.2-3705.1.

12. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

13. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

14. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

15. Discussion or consideration of medical and mental health records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.5.

16. Deliberations of the ~~State~~ Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of ~~State Lottery Department~~ Virginia Lottery matters related to proprietary lottery game information and studies or investigations exempted from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

17. Those portions of meetings by local government crime commissions where the identity of, or information tending to identify, individuals providing information about crimes or criminal activities under a promise of anonymity is discussed or disclosed.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such activity or a related threat to public safety; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23-38.80, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or by the Virginia College Savings Plan or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review team established pursuant to § 32.1-283.1, and those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, and those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3.

22. Those portions of meetings of the University of Virginia Board of Visitors or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. In the case of the Virginia Commonwealth University Health System Authority, discussion or consideration of any of the following: the acquisition or disposition of real or personal property where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; operational plans that could affect the value of such property, real or personal, owned or desirable for ownership by the Authority; matters relating to gifts, bequests and fund-raising activities; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies where disclosure of such strategies would adversely affect the competitive position of the Authority; members of its medical and teaching staffs and qualifications for appointments thereto; and qualifications or evaluations of other employees.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23 is discussed.

26. Discussion or consideration, by the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of records excluded from this chapter pursuant to subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected local jurisdiction, as those terms are defined in § 56-557, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application records excluded from this chapter pursuant to subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of records excluded from this chapter pursuant to subdivision 9 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. [Expired.]

33. Discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6.

34. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 19 of § 2.2-3705.6.

35. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-625.1.

36. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of records excluded from this chapter pursuant to subdivision A 2 a of § 2.2-3706.

37. Discussion or consideration by the Brown v. Board of Education Scholarship Program Awards Committee of records or confidential matters excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

38. Discussion or consideration by the Virginia Port Authority of records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.6.

39. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23-38.80, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23-38.79:1 of records excluded from this chapter pursuant to subdivision 25 of § 2.2-3705.7.

40. Discussion or consideration of records excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.6.

41. Discussion or consideration by the Board of Education of records relating to the denial, suspension, or revocation of teacher licenses excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.3.

42. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of records excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.2.

43. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of records excluded from this chapter pursuant to subdivision 29 of § 2.2-3705.7.

44. Discussion or consideration by the Virginia Tobacco Indemnification and Community Revitalization Commission of records excluded from this chapter pursuant to subdivision 23 of § 2.2-3705.6.

45. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of records excluded from this chapter pursuant to subdivision 24 of § 2.2-3705.6.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

§ 2.2-4002. Exemptions from chapter generally.

A. Although required to comply with § 2.2-4103 of the Virginia Register Act (§ 2.2-4100 et seq.), the following agencies shall be exempted from the provisions of this chapter, except to the extent that they are specifically made subject to §§ 2.2-4024, 2.2-4030, and 2.2-4031:

1. The General Assembly.

2. Courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

3. The Department of Game and Inland Fisheries in promulgating regulations regarding the management of wildlife and for all case decisions rendered pursuant to any provisions of Chapters 2 (§ 29.1-200 et seq.), 3 (§ 29.1-300 et seq.), 4 (§ 29.1-400 et seq.), 5 (§ 29.1-500 et seq.), and 7 (§ 29.1-700 et seq.) of Title 29.1.

4. The Virginia Housing Development Authority.

5. Municipal corporations, counties, and all local, regional or multijurisdictional authorities created under this Code, including those with federal authorities.

6. Educational institutions operated by the Commonwealth, provided that, with respect to § 2.2-4031, such educational institutions shall be exempt from the publication requirements only with respect to regulations that pertain to (i) their academic affairs, (ii) the selection, tenure, promotion and disciplining of faculty and employees, (iii) the selection of students, and (iv) rules of conduct and disciplining of students.

7. The Milk Commission in promulgating regulations regarding (i) producers' licenses and bases, (ii) classification and allocation of milk, computation of sales and shrinkage, and (iii) class prices for producers' milk, time and method of payment, butterfat testing and differential.

8. The Virginia Resources Authority.
 9. Agencies expressly exempted by any other provision of this Code.
 10. The Department of General Services in promulgating standards for the inspection of buildings for asbestos pursuant to § 2.2-1164.
 11. The State Council of Higher Education for Virginia, in developing, issuing, and revising guidelines pursuant to § 23-9.6:2.
 12. The Commissioner of Agriculture and Consumer Services in adopting regulations pursuant to subsection B of § 3.2-6002 and in adopting regulations pursuant to § 3.2-6023.
 13. The Commissioner of Agriculture and Consumer Services and the Board of Agriculture and Consumer Services in promulgating regulations pursuant to subsections B and D of § 3.2-3601, subsection B of § 3.2-3701, § 3.2-4002, subsections B and D of § 3.2-4801, §§ 3.2-5121 and 3.2-5206, and subsection A of § 3.2-5406.
 14. The Board of Optometry when specifying therapeutic pharmaceutical agents, treatment guidelines, and diseases and abnormal conditions of the human eye and its adnexa for TPA-certification of optometrists pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 of Title 54.1.
 15. The Commissioner of the Department of Veterans Services in adopting regulations pursuant to § 2.2-2001.3
 16. The State Board of Education, in developing, issuing, and revising guidelines pursuant to § 22.1-203.2.
 17. The Virginia Racing Commission, (i) when acting by and through its duly appointed stewards or in matters related to any specific race meeting or (ii) in promulgating technical rules regulating actual live horse racing at race meetings licensed by the Commission.
 18. The Virginia Small Business Financing Authority.
 19. The Virginia Economic Development Partnership Authority.
 20. The Board of Agriculture and Consumer Services in adopting, amending or repealing regulations pursuant to subsection A (ii) of § 59.1-156.
 21. The Insurance Continuing Education Board pursuant to § 38.2-1867.
 22. The Board of Health in promulgating the list of diseases that shall be reported to the Department of Health pursuant to § 32.1-35 and in adopting, amending or repealing regulations pursuant to subsection C of § 35.1-14 that incorporate the Food and Drug Administration's Food Code pertaining to restaurants or food service.
 23. (Expires January 1, 2015) The Commissioner of the Marine Resources Commission in setting a date of closure for the Chesapeake Bay purse seine fishery for Atlantic menhaden for reduction purposes pursuant to § 28.2-1000.2.
 24. The Board of Pharmacy when specifying special subject requirements for continuing education for pharmacists pursuant to § 54.1-3314.1.
 25. The Virginia Department of Veterans Services when promulgating rules and regulations pursuant to § 58.1-3219.7.
 26. The Virginia Department of Criminal Justice Services when developing, issuing, or revising any training standards established by the Criminal Justice Services Board under § 9.1-102, provided such actions are authorized by the Governor in the interest of public safety.
- B. Agency action relating to the following subjects shall be exempted from the provisions of this chapter:
1. Money or damage claims against the Commonwealth or agencies thereof.
 2. The award or denial of state contracts, as well as decisions regarding compliance therewith.
 3. The location, design, specifications or construction of public buildings or other facilities.
 4. Grants of state or federal funds or property.
 5. The chartering of corporations.
 6. Customary military, militia, naval or police functions.
 7. The selection, tenure, dismissal, direction or control of any officer or employee of an agency of the Commonwealth.
 8. The conduct of elections or eligibility to vote.
 9. Inmates of prisons or other such facilities or parolees therefrom.
 10. The custody of persons in, or sought to be placed in, mental health facilities or penal or other state institutions as well as the treatment, supervision, or discharge of such persons.
 11. Traffic signs, markers or control devices.
 12. Instructions for application or renewal of a license, certificate, or registration required by law.
 13. Content of, or rules for the conduct of, any examination required by law.
 14. The administration of pools authorized by Chapter 47 (§ 2.2-4700 et seq.).
 15. Any rules for the conduct of specific lottery games, so long as such rules are not inconsistent with duly adopted regulations of the ~~State~~ Virginia Lottery Board, and provided that such regulations are published and posted.
 16. Orders condemning or closing any shellfish, finfish, or crustacea growing area and the shellfish, finfish or crustacea located thereon pursuant to Article 2 (§ 28.2-803 et seq.) of Chapter 8 of Title 28.2.
 17. Any operating procedures for review of child deaths developed by the State Child Fatality Review Team pursuant to § 32.1-283.1.
 18. The regulations for the implementation of the Health Practitioners' Monitoring Program and the activities of the Health Practitioners' Monitoring Program Committee pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.
 19. The process of reviewing and ranking grant applications submitted to the Commonwealth Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter 14 of Title 51.5.

20. Loans from the Small Business Environmental Compliance Assistance Fund pursuant to Article 4 (§ 10.1-1197.1 et seq.) of Chapter 11.1 of Title 10.1.

21. The Virginia Breeders Fund created pursuant to § 59.1-372.

22. The types of pari-mutuel wagering pools available for live or simulcast horse racing.

23. The administration of medication or other substances foreign to the natural horse.

C. Minor changes to regulations published in the Virginia Administrative Code under the Virginia Register Act (§ 2.2-4100 et seq.), made by the Virginia Code Commission pursuant to § 30-150, shall be exempt from the provisions of this chapter.

§ 8.01-195.11. Compensation for wrongful incarceration.

A. Any person who is convicted of a felony by a county or city circuit court of the Commonwealth and is wrongfully incarcerated for such felony may be awarded compensation in an amount equal to 90 percent of the inflation adjusted Virginia per capita personal income as reported by the Bureau of Economic Analysis of the United States Department of Commerce for each year of incarceration, or portion thereof.

B. Any compensation computed pursuant to subsection A and approved by the General Assembly shall be paid by the Comptroller by his warrant on the State Treasurer in favor of the person found to have been wrongfully incarcerated. The person wrongfully incarcerated shall be paid an initial lump sum equal to 20 percent of the compensation award with the remaining 80 percent of the principal of the compensation award to be used by the State Treasurer to purchase an annuity from any A+ rated company, including any A+ rated company from which the ~~State Lottery Department~~ Virginia Lottery may purchase an annuity, to provide equal monthly payments to such person for a period certain of 25 years commencing no later than one year after the effective date of the appropriation. The annuity shall provide that it shall not be sold, discounted, or used as securitization for loans and mortgages by the person awarded compensation. The annuity shall, however, contain beneficiary provisions providing for the annuity's continued disbursement in the event of the death of the person awarded compensation. All payments or costs of annuities under this section shall be made by check issued by the State Treasurer on warrant of the Comptroller.

C. Any person who is convicted of a felony by a county or city circuit court of the Commonwealth and is wrongfully incarcerated for such felony shall receive a transition assistance grant of \$15,000 to be paid from the Criminal Fund, which amount shall be deducted from any award received pursuant to subsection B. In addition, such person shall be entitled to receive reimbursement up to \$10,000 for tuition for career and technical training within the Virginia community college system contingent upon successful completion of the training. Reimbursement for tuition shall be provided by the community college at which the career or technical training was completed.

§ 9.1-101. Definitions.

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

"Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities, employs officers appointed under § 15.2-1737, or special conservators of the peace or special policemen appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers, special conservators or special policemen to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted under clause (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

"Criminal justice agency" includes the Virginia State Crime Commission.

"Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to § 18.2-271.2.

"Criminal justice information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

"Department" means the Department of Criminal Justice Services.

"Dissemination" means any transfer of information, whether orally, in writing, or by electronic means. The term shall not include access to the information by officers or employees of a criminal justice agency maintaining the information who have both a need and right to know the information.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall include any (i) special agent of the Department of Alcoholic Beverage Control; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries; (v) investigator who is a full-time sworn member of the security division of the ~~State Lottery Department~~ *Virginia Lottery*; (vi) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632; or (ix) campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23. Part-time employees are those compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

"School resource officer" means a certified law-enforcement officer hired by the local law-enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools.

"School security officer" means an individual who is employed by the local school board for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies, and detaining students violating the law or school board policies on school property or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

§ 9.1-801. Public safety officer defined.

As used in this chapter, the term "public safety officer" includes a law-enforcement officer of this Commonwealth or any of its political subdivisions; a correctional officer as defined in § 53.1-1; a correctional officer employed at a juvenile correctional facility as the term is defined in § 66-25.3; a jail officer; a regional jail or jail farm superintendent; a member of any fire company or department or rescue squad that has been recognized by an ordinance or resolution of the governing body of any county, city or town of this Commonwealth as an integral part of the official safety program of such county, city or town; an arson investigator; a member of the Virginia National Guard or the Virginia Defense Force while such a member is serving in the Virginia National Guard or the Virginia Defense Force on official state duty or federal duty under Title 32 of the United States Code; any special agent of the Virginia Alcoholic Beverage Control Board; any police agent appointed under the provisions of § 56-353; any regular or special conservation police officer who receives compensation from a county, city or town or from the Commonwealth appointed pursuant to § 29.1-200; any commissioned forest warden appointed pursuant to § 10.1-1135; any member or employee of the Virginia Marine Resources Commission granted the power to arrest pursuant to § 28.2-900; any Department of Emergency Management hazardous materials officer; any nonfirefighter regional hazardous materials emergency response team member; any investigator who is a full-time sworn member of the security division of the ~~State Lottery Department~~ *Virginia Lottery*; any full-time sworn member of the enforcement division of the Department of Motor Vehicles meeting the Department of Criminal Justice Services qualifications, when fulfilling duties pursuant to § 46.2-217; any campus police officer appointed under the provisions of Chapter 17 (§ 23-232 et seq.) of Title 23; and any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115.

§ 18.2-308. Carrying concealed weapons; exceptions; penalty.

A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this subsection, he is guilty of a Class 1 misdemeanor. A second violation of this section or a conviction under this section subsequent to any conviction under any substantially similar ordinance of any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature. It shall be an affirmative defense to a violation of clause (i) regarding a handgun, that a person had been issued, at the time of the offense, a valid concealed handgun permit.

B. This section shall not apply to any person while in his own place of abode or the curtilage thereof.

C. Except as provided in subsection A of § 18.2-308.012, this section shall not apply to:

1. Any person while in his own place of business;
2. Any law-enforcement officer, wherever such law-enforcement officer may travel in the Commonwealth;
3. Any person who is at, or going to or from, an established shooting range, provided that the weapons are unloaded and securely wrapped while being transported;
4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped while being transported;
5. Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported;
6. Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from those conditions, provided that possession of a handgun while engaged in lawful hunting shall not be construed as hunting with a handgun if the person hunting is carrying a valid concealed handgun permit;

7. Any State Police officer retired from the Department of State Police, any officer retired from the Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control officer retired from a police department or sheriff's office within the Commonwealth, any special agent retired from the State Corporation Commission or the Alcoholic Beverage Control Board, any conservation police officer retired from the Department of Game and Inland Fisheries, any Virginia Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources Commission, any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 retired from a campus police department, and any retired investigator of the security division of the ~~State Lottery Department~~ *Virginia Lottery*, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii) following at least 15 years of service with any such law-enforcement agency, board or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such law-enforcement agency or board due to a service-related injury, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from which the officer retired or the agency that employs the officer or, in the case of special agents, issued by the State Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall be forwarded by the chief or the Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An officer set forth in clause (iv) who receives written proof of consultation to carry a concealed handgun shall surrender such proof of consultation upon return to work or upon termination of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the Department of State Police for entry into the Virginia Criminal Information Network. However, if such officer retires on disability because of the service-related injury, and would be eligible under clause (i) for written proof of consultation to carry a concealed handgun, he may retain the previously issued written proof of consultation. A retired law-enforcement officer who receives proof of consultation and favorable review pursuant to this subdivision is authorized to carry a concealed handgun in the same manner as a law-enforcement officer authorized to carry a concealed handgun pursuant to subdivision 2.

7a. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement agency or board mentioned in subdivision 7 who has resigned in good standing from such law-enforcement agency or board to accept a position covered by a retirement system that is authorized under Title 51.1, provided such person carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the agency from which he resigned or, in the case of special agents, issued by the State Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Board or Commission to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the law-enforcement officer otherwise meets the requirements of this section.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to subdivision 7 or this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit.

For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired or resigned law-enforcement officer who receives proof of consultation and review pursuant to subdivision 7 or this subdivision shall have the opportunity to annually participate, at the retired or resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that the retired or resigned officer has met the standards of the agency to carry a firearm;

8. Any State Police officer who is a member of the organized reserve forces of any of the armed services of the United States, national guard, or naval militia, while such officer is called to active military duty, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the Superintendent of State Police. The proof of consultation and favorable review shall be valid as long as the officer is on active military duty and shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of consultation and favorable review shall be entered into the Virginia Criminal Information Network. The Superintendent of

State Police shall not without cause withhold such written proof if the officer is in good standing and is qualified to carry a weapon while on active law-enforcement duty.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit;

9. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such attorney may travel in the Commonwealth;

10. Any person who may lawfully possess a firearm and is carrying a handgun while in a personal, private motor vehicle or vessel and such handgun is secured in a container or compartment in the vehicle or vessel; and

11. Any enrolled participant of a firearms training course who is at, or going to or from, a training location, provided that the weapons are unloaded and securely wrapped while being transported.

D. This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

1. Carriers of the United States mail;

2. Officers or guards of any state correctional institution;

3. Conservators of the peace, except that an attorney for the Commonwealth or assistant attorney for the Commonwealth may carry a concealed handgun pursuant to subdivision C 9. However, the following conservators of the peace shall not be permitted to carry a concealed handgun without obtaining a permit as provided in this article: (i) notaries public; (ii) registrars; (iii) drivers, operators or other persons in charge of any motor vehicle carrier of passengers for hire; or (iv) commissioners in chancery;

4. Noncustodial employees of the Department of Corrections designated to carry weapons by the Director of the Department of Corrections pursuant to § 53.1-29; and

5. Harbormaster of the City of Hopewell.

§ 18.2-340.22. Only raffles, bingo, network bingo, and instant bingo games permitted; prizes not gaming contracts.

A. This article permits qualified organizations to conduct raffles, bingo, network bingo, and instant bingo games. All games not explicitly authorized by this article or Board regulations adopted in accordance with § 18.2-340.18 are prohibited.

B. The award of any prize money for any charitable game shall not be deemed to be part of any gaming contract within the purview of § 11-14.

C. Nothing in this article shall prohibit an organization from using the ~~State Lottery Department's~~ *Virginia Lottery's* Pick-3 number or any number or other designation selected by the ~~State Lottery Department~~ *Virginia Lottery* in connection with any lottery, as the basis for determining the winner of a raffle.

§ 19.2-389. Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 15.2-4500 et seq.) and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and other adults living in family day care homes or homes approved by family day care systems, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, and 63.2-1721, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The ~~State Lottery Department~~ *Virginia Lottery* for the conduct of investigations as set forth in the State Lottery Law (§ 58.1-4000 et seq.), and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed homes for adults, licensed district homes for adults, and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed homes for adults pursuant to § 63.2-1720, in licensed district homes for adults pursuant to § 63.1-189.1, and in licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Alcoholic Beverage Control Board for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private or religious elementary or secondary schools which are accredited by a statewide accrediting organization recognized, prior to January 1, 1996, by the State

Board of Education or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public and nonprofit private colleges and universities for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a public institution of higher education pursuant to § 23-9.2:10 or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment pursuant to §§ 37.2-506 and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment pursuant to §§ 37.2-506 and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1. Dissemination of criminal history record information to the agencies shall be limited to those positions generally described as directly responsible for the health, safety and welfare of the general populace or protection of critical infrastructures;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to § 6.2-1605, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of Social Services and directors of local departments of social services for the purpose of screening individuals seeking to enter into a contract with the Department of Social Services or a local department of social services for the provision of child care services for which child care subsidy payments may be provided; and

44. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities, licensed district homes for adults, and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.1-189.1 or 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1719.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

§ 58.1-3. Secrecy of information; penalties.

A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or revenue officer or employee, or any person to whom tax information is divulged pursuant to § 58.1-512 or 58.1-2712.2, or any former officer or employee of any of the aforementioned offices shall not divulge any information acquired by him in the performance of his duties with respect to the transactions, property, including personal property, income or business of any person, firm or corporation. Such prohibition specifically includes any copy of a federal return or federal return information required by Virginia law to be attached to or included in the Virginia return. This prohibition shall apply to any reports, returns, financial documents or other information filed with the Attorney General pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2. Any person violating the provisions of this section shall be guilty of a Class 2 misdemeanor. The provisions of this subsection shall not be applicable, however, to:

1. Matters required by law to be entered on any public assessment roll or book;

2. Acts performed or words spoken, published, or shared with another agency or subdivision of the Commonwealth in the line of duty under state law;

3. Inquiries and investigations to obtain information as to the process of real estate assessments by a duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study, provided that any such information obtained shall be privileged;

4. The sales price, date of construction, physical dimensions or characteristics of real property, or any information required for building permits;

5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent;

6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when requested by the General Assembly or any duly constituted committee of the General Assembly;

7. Reports or information filed with the Attorney General by a Stamping Agent pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.), when such reports or information are provided by the Attorney General to a tobacco products manufacturer who is required to establish a qualified escrow fund pursuant to § 3.2-4201 and are limited to the brand families of that manufacturer as listed in the Tobacco Directory established pursuant to § 3.2-4206 and are limited to the current or previous two calendar years or in any year in which the Attorney General receives Stamping Agent information that potentially alters the required escrow deposit of the manufacturer. The information shall only be provided in the following manner: the manufacturer may make a written request, on a quarterly or yearly basis or when the manufacturer is notified by the Attorney General of a potential change in the amount of a required escrow deposit, to the Attorney General for a list of the Stamping Agents who reported stamping or selling its products and the amount reported. The Attorney General shall provide the list within 15 days of receipt of the request. If the manufacturer wishes to obtain actual copies of the reports the Stamping Agents filed with the Attorney General, it must first request them from the Stamping Agents pursuant to subsection C of § 3.2-4209. If the manufacturer does not receive the reports pursuant to subsection C of § 3.2-4209, the manufacturer may make a written request to the Attorney General, including a copy of the prior written request to the Stamping Agent and any response received, for copies of any reports not received. The Attorney General shall provide copies of the reports within 45 days of receipt of the request.

B. Nothing contained in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof or the publication of delinquent lists showing the names of taxpayers who are currently delinquent, together with any relevant information which in the opinion of the Department may assist in the collection of such delinquent taxes. This section shall not be construed to prohibit a local tax official from disclosing whether a person, firm or corporation is licensed to do business in that locality and divulging, upon written request, the name and address of any person, firm or corporation transacting business under a fictitious name. Additionally, notwithstanding any other provision of law, the commissioner of revenue is authorized to provide, upon written request stating the reason for such request, the Tax Commissioner with information obtained from local tax returns and other information pertaining to the income, sales and property of any person, firm or corporation licensed to do business in that locality.

C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax Commissioner is authorized to: (i) divulge tax information to any commissioner of the revenue, director of finance or other similar collector of county, city or town taxes who, for the performance of his official duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the Commissioner of the Department of Social Services, upon written request, information on the amount of income, filing status, number and type of dependents, and whether a federal earned income tax credit has been claimed as reported by persons on their state income tax returns who have applied for public assistance or social services benefits as defined in § 63.2-100; (iii) provide to the chief executive officer of the designated student loan guarantor for the Commonwealth of Virginia, upon written request, the names and home addresses of those persons identified by the designated guarantor as having delinquent loans guaranteed by the designated guarantor; (iv) provide current address information upon request to state agencies and institutions for their confidential use in facilitating the collection of accounts receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the collection of fines, penalties and costs imposed in a proceeding in that court; (v) provide to the Commissioner of the Virginia Employment Commission, after entering into a written agreement, such tax information as may be necessary to facilitate the collection of unemployment taxes and overpaid benefits; (vi) provide to the Alcoholic Beverage Control Board, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of state and local taxes and the administration of the alcoholic beverage control laws; (vii) provide to the Director of the ~~State Lottery Department~~ *Virginia Lottery* such tax information as may be necessary to identify those lottery ticket retailers who owe delinquent taxes; (viii) provide to the Department of the Treasury for its confidential use such tax information as may be necessary to facilitate the location of owners and holders of unclaimed property, as defined in § 55-210.2; (ix) provide to the State Corporation Commission, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of taxes and fees administered by the Commission; (x) provide to the Executive Director of the Potomac and Rappahannock Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi) provide to the Commissioner of the Department of Agriculture and Consumer Services such tax information as may be necessary to identify those applicants for registration as a supplier of charitable gaming supplies who have not filed required returns or who owe delinquent taxes; (xii) provide to the Department of Housing and Community Development for its confidential use such tax information as may be necessary to facilitate the administration of the remaining effective provisions of the Enterprise Zone Act (§ 59.1-270 et seq.), and the

Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii) provide current name and address information to private collectors entering into a written agreement with the Tax Commissioner, for their confidential use when acting on behalf of the Commonwealth or any of its political subdivisions; however, the Tax Commissioner is not authorized to provide such information to a private collector who has used or disseminated in an unauthorized or prohibited manner any such information previously provided to such collector; (xiv) provide current name and address information as to the identity of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any person who manufactures or sells at retail or wholesale cigarettes and who may bring an action for injunction or other equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or Distribution of Cigarettes Act; (xv) provide to the Commissioner of Labor and Industry, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of unpaid wages under § 40.1-29; (xvi) provide to the Director of the Department of Human Resource Management, upon entering into a written agreement, such tax information as may be necessary to identify persons receiving workers' compensation indemnity benefits who have failed to report earnings as required by § 65.2-712; (xvii) provide to any commissioner of the revenue, director of finance, or any other officer of any county, city, or town performing any or all of the duties of a commissioner of the revenue and to any dealer registered for the collection of the Communications Sales and Use Tax, a list of the names, business addresses, and dates of registration of all dealers registered for such tax; (xviii) provide to the Executive Director of the Northern Virginia Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; and (xix) provide to the Commissioner of Agriculture and Consumer Services the name and address of the taxpayer businesses licensed by the Commonwealth that identify themselves as subject to regulation by the Board of Agriculture and Consumer Services pursuant to § 3.2-5130. The Tax Commissioner is further authorized to enter into written agreements with duly constituted tax officials of other states and of the United States for the inspection of tax returns, the making of audits, and the exchange of information relating to any tax administered by the Department of Taxation. Any person to whom tax information is divulged pursuant to this section shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the commissioner of revenue or other assessing official is authorized to (i) provide, upon written request stating the reason for such request, the chief executive officer of any county or city with information furnished to the commissioner of revenue by the Tax Commissioner relating to the name and address of any dealer located within the county or city who paid sales and use tax, for the purpose of verifying the local sales and use tax revenues payable to the county or city; (ii) provide to the Department of Professional and Occupational Regulation for its confidential use the name, address, and amount of gross receipts of any person, firm or entity subject to a criminal investigation of an unlawful practice of a profession or occupation administered by the Department of Professional and Occupational Regulation, only after the Department of Professional and Occupational Regulation exhausts all other means of obtaining such information; and (iii) provide to any representative of a condominium unit owners' association, property owners' association or real estate cooperative association, or to the owner of property governed by any such association, the names and addresses of parties having a security interest in real property governed by any such association; however, such information shall be released only upon written request stating the reason for such request, which reason shall be limited to proposing or opposing changes to the governing documents of the association, and any information received by any person under this subsection shall be used only for the reason stated in the written request. The treasurer or other local assessing official may require any person requesting information pursuant to clause (iii) of this subsection to pay the reasonable cost of providing such information. Any person to whom tax information is divulged pursuant to this subsection shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

Notwithstanding the provisions of subsection A or B or any other provisions of this title, the treasurer or other collector of taxes for a county, city or town is authorized to provide information relating to any motor vehicle, trailer or semitrailer obtained by such treasurer or collector in the course of performing his duties to the commissioner of the revenue or other assessing official for such jurisdiction for use by such commissioner or other official in performing assessments.

This section shall not be construed to prohibit a local tax official from imprinting or displaying on a motor vehicle local license decal the year, make, and model and any other legal identification information about the particular motor vehicle for which that local license decal is assigned.

E. Notwithstanding any other provisions of law, state agencies and any other administrative or regulatory unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon written request, the name, address, and social security number of a taxpayer, necessary for the performance of the Commissioner's official duties regarding the administration and enforcement of laws within the jurisdiction of the Department of Taxation. The receipt of information by the Tax Commissioner or his agent which may be deemed taxpayer information shall not relieve the Commissioner of the obligations under this section.

F. Additionally, it shall be unlawful for any person to disseminate, publish, or cause to be published any confidential tax document which he knows or has reason to know is a confidential tax document. A confidential tax document is any correspondence, document, or tax return that is prohibited from being divulged by subsection A, B, C, or D and includes any document containing information on the transactions, property, income, or business of any person, firm, or corporation that is required to be filed with any state official by § 58.1-512. This prohibition shall not apply if such confidential tax

document has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any person violating the provisions of this subsection shall be guilty of a Class 2 misdemeanor.

§ 58.1-322. Virginia taxable income of residents.

A. The Virginia taxable income of a resident individual means his federal adjusted gross income for the taxable year, which excludes combat pay for certain members of the Armed Forces of the United States as provided in § 112 of the Internal Revenue Code, as amended, and with the modifications specified in this section.

B. To the extent excluded from federal adjusted gross income, there shall be added:

1. Interest, less related expenses to the extent not deducted in determining federal income, on obligations of any state other than Virginia, or of a political subdivision of any such other state unless created by compact or agreement to which Virginia is a party;

2. Interest or dividends, less related expenses to the extent not deducted in determining federal taxable income, on obligations or securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from federal income tax but not from state income taxes;

3. Unrelated business taxable income as defined by § 512 of the Internal Revenue Code;

4. The amount of a lump sum distribution from a qualified retirement plan, less the minimum distribution allowance and any amount excludable for federal income tax purposes that is excluded from federal adjusted gross income solely by virtue of an individual's election to use the averaging provisions under § 402 of the Internal Revenue Code; and

5 through 8. [Repealed.]

9. The amount required to be included in income for the purpose of computing the partial tax on an accumulation distribution pursuant to § 667 of the Internal Revenue Code.

C. To the extent included in federal adjusted gross income, there shall be subtracted:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States including, but not limited to, stocks, bonds, treasury bills, and treasury notes, but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations of this Commonwealth or of any political subdivision or instrumentality of the Commonwealth.

3. [Repealed.]

4. Benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code.

4a. Through December 31, 2000, the same amount used in computing the federal credit allowed under § 22 of the Internal Revenue Code by a retiree under age 65 who qualified for such retirement on the basis of permanent and total disability and who is a qualified individual as defined in § 22(b)(2) of the Internal Revenue Code; however, any person who claims a deduction under subdivision D 5 may not also claim a subtraction under this subdivision.

4b. For taxable years beginning on or after January 1, 2001, up to \$20,000 of disability income, as defined in § 22(c)(2)(B)(iii) of the Internal Revenue Code; however, any person who claims a deduction under subdivision D 5 may not also claim a subtraction under this subdivision.

5. The amount of any refund or credit for overpayment of income taxes imposed by the Commonwealth or any other taxing jurisdiction.

6. The amount of wages or salaries eligible for the federal Targeted Jobs Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7, 8. [Repealed.]

9. [Expired.]

10. Any amount included therein less than \$600 from a prize awarded by the ~~State Lottery Department~~ *Virginia Lottery*.

11. The wages or salaries received by any person for active and inactive service in the National Guard of the Commonwealth of Virginia, not to exceed the amount of income derived from 39 calendar days of such service or \$3,000, whichever amount is less; however, only those persons in the ranks of O3 and below shall be entitled to the deductions specified herein.

12. Amounts received by an individual, not to exceed \$1,000 in any taxable year, as a reward for information provided to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement official or agency, in the apprehension and conviction of perpetrators of crimes. This provision shall not apply to the following: an individual who is an employee of, or under contract with, a law-enforcement agency, a victim or the perpetrator of the crime for which the reward was paid, or any person who is compensated for the investigation of crimes or accidents.

13. [Repealed.]

14. [Expired.]

15, 16. [Repealed.]

17. For taxable years beginning on and after January 1, 1995, the amount of "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of

§ 280C(c) of the Internal Revenue Code and which shall be available to partners, shareholders of S corporations, and members of limited liability companies to the extent and in the same manner as other deductions may pass through to such partners, shareholders, and members.

18. [Repealed.]

19. For taxable years beginning on and after January 1, 1996, any income received during the taxable year derived from a qualified pension, profit-sharing, or stock bonus plan as described by § 401 of the Internal Revenue Code, an individual retirement account or annuity established under § 408 of the Internal Revenue Code, a deferred compensation plan as defined by § 457 of the Internal Revenue Code, or any federal government retirement program, the contributions to which were deductible from the taxpayer's federal adjusted gross income, but only to the extent the contributions to such plan or program were subject to taxation under the income tax in another state.

20. For taxable years beginning on and after January 1, 1997, any income attributable to a distribution of benefits or a refund from a prepaid tuition contract or savings trust account with the Virginia College Savings Plan, created pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23. The subtraction for any income attributable to a refund shall be limited to income attributable to a refund in the event of a beneficiary's death, disability, or receipt of a scholarship.

21. For taxable years beginning on or after January 1, 1998, all military pay and allowances, to the extent included in federal adjusted gross income and not otherwise subtracted, deducted or exempted under this section, earned by military personnel while serving by order of the President of the United States with the consent of Congress in a combat zone or qualified hazardous duty area which is treated as a combat zone for federal tax purposes pursuant to § 112 of the Internal Revenue Code.

22. For taxable years beginning on or after January 1, 2000, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

23. Effective for all taxable years beginning on or after January 1, 2000, \$15,000 of military basic pay for military service personnel on extended active duty for periods in excess of 90 days; however, the subtraction amount shall be reduced dollar-for-dollar by the amount which the taxpayer's military basic pay exceeds \$15,000 and shall be reduced to zero if such military basic pay amount is equal to or exceeds \$30,000.

24. Effective for all taxable years beginning on and after January 1, 2000, the first \$15,000 of salary for each federal and state employee whose total annual salary from all employment for the taxable year is \$15,000 or less.

25. Unemployment benefits taxable pursuant to § 85 of the Internal Revenue Code.

26. For taxable years beginning on and after January 1, 2001, any amount received as military retirement income by an individual awarded the Congressional Medal of Honor.

27. Effective for all taxable years beginning on and after January 1, 1999, income received as a result of (i) the "Master Settlement Agreement," as defined in § 3.2-3100; and (ii) the National Tobacco Grower Settlement Trust dated July 19, 1999, by (a) tobacco farmers; (b) any person holding a tobacco marketing quota, or tobacco farm acreage allotment, under the Agricultural Adjustment Act of 1938; or (c) any person having the right to grow tobacco pursuant to such a quota or allotment, but only to the extent that such income has not been subtracted pursuant to subdivision C 18 of § 58.1-402.

28. For taxable years beginning on and after January 1, 2000, items of income attributable to, derived from or in any way related to (i) assets stolen from, hidden from or otherwise lost by an individual who was a victim or target of Nazi persecution or (ii) damages, reparations, or other consideration received by a victim or target of Nazi persecution to compensate such individual for performing labor against his will under the threat of death, during World War II and its prelude and direct aftermath. This subtraction shall not apply to assets acquired with such items of income or with the proceeds from the sale of assets stolen from, hidden from or otherwise lost to, during World War II and its prelude and direct aftermath, a victim or target of Nazi persecution. The provisions of this subdivision shall only apply to an individual who was the first recipient of such items of income and who was a victim or target of Nazi persecution, or a spouse, widow, widower, or child or stepchild of such victim.

"Victim or target of Nazi persecution" means any individual persecuted or targeted for persecution by the Nazi regime who had assets stolen from, hidden from or otherwise lost as a result of any act or omission in any way relating to (i) the Holocaust; (ii) World War II and its prelude and direct aftermath; (iii) transactions with or actions of the Nazi regime; (iv) treatment of refugees fleeing Nazi persecution; or (v) the holding of such assets by entities or persons in the Swiss Confederation during World War II and its prelude and aftermath. A victim or target of Nazi persecution shall also include any individual forced into labor against his will, under the threat of death, during World War II and its prelude and direct aftermath. As used in this subdivision, "Nazi regime" means the country of Nazi Germany, areas occupied by Nazi Germany, those European countries allied with Nazi Germany, or any other neutral European country or area in Europe under the influence or threat of Nazi invasion.

29, 30. [Repealed.]

31. Effective for all taxable years beginning on or after January 1, 2001, the military death gratuity payment made after September 11, 2001, to the survivor of deceased military personnel killed in the line of duty, pursuant to Chapter 75 of Title 10 of the United States Code; however, the subtraction amount shall be reduced dollar-for-dollar by the amount that the survivor may exclude from his federal gross income in accordance with § 134 of the Internal Revenue Code.

32. Effective for all taxable years beginning on or after January 1, 2007, the death benefit payments from an annuity contract that are received by a beneficiary of such contract provided that (i) the death benefit payment is made pursuant to an annuity contract with an insurance company and (ii) the death benefit payment is paid solely by lump sum. The subtraction under this subdivision shall be allowed only for that portion of the death benefit payment that is included in federal adjusted gross income.

33. For taxable years beginning on and after January 1, 2009, any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

34. For taxable years beginning on and after January 1, 2009, any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

35. For taxable years beginning on or after January 1, 2011, any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income shall be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Technology, provided the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment shall be made between the dates of April 1, 2010, and June 30, 2015. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

D. In computing Virginia taxable income there shall be deducted from Virginia adjusted gross income as defined in § 58.1-321:

1. a. The amount allowable for itemized deductions for federal income tax purposes where the taxpayer has elected for the taxable year to itemize deductions on his federal return, but reduced by the amount of income taxes imposed by the Commonwealth or any other taxing jurisdiction and deducted on such federal return and increased by an amount which, when added to the amount deducted under § 170 of the Internal Revenue Code for mileage, results in a mileage deduction at the state level for such purposes at a rate of 18 cents per mile; or

b. Three thousand dollars for single individuals and \$6,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return) for taxable years beginning on and after January 1, 2005; provided that the taxpayer has not itemized deductions for the taxable year on his federal income tax return. For purposes of this section, any person who may be claimed as a dependent on another taxpayer's return for the taxable year may compute the deduction only with respect to earned income.

2. a. A deduction in the amount of \$900 for taxable years beginning on and after January 1, 2005, but before January 1, 2008; and \$930 for taxable years beginning on and after January 1, 2008, for each personal exemption allowable to the taxpayer for federal income tax purposes.

b. For taxable years beginning on and after January 1, 1987, each blind or aged taxpayer as defined under § 63(f) of the Internal Revenue Code shall be entitled to an additional personal exemption in the amount of \$800.

The additional deduction for blind or aged taxpayers allowed under this subdivision shall be allowable regardless of whether the taxpayer itemizes deductions for the taxable year for federal income tax purposes.

3. A deduction equal to the amount of employment-related expenses upon which the federal credit is based under § 21 of the Internal Revenue Code for expenses for household and dependent care services necessary for gainful employment.

4. An additional \$1,000 deduction for each child residing for the entire taxable year in a home under permanent foster care placement as defined in § 63.2-908, provided the taxpayer can also claim the child as a personal exemption under § 151 of the Internal Revenue Code.

5. a. For taxable years beginning on and after January 1, 2004, a deduction in the amount of \$12,000 for individuals born on or before January 1, 1939.

b. For taxable years beginning on and after January 1, 2004, a deduction in the amount of \$12,000 for individuals born after January 1, 1939, who have attained the age of 65. This deduction shall be reduced by \$1 for every \$1 that the taxpayer's adjusted federal adjusted gross income exceeds \$50,000 for single taxpayers or \$75,000 for married taxpayers. For married taxpayers filing separately, the deduction will be reduced by \$1 for every \$1 the total combined adjusted federal adjusted gross income of both spouses exceeds \$75,000.

For the purposes of this subdivision, "adjusted federal adjusted gross income" means federal adjusted gross income minus any benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code, as amended.

6. For taxable years beginning on and after January 1, 1997, the amount an individual pays as a fee for an initial screening to become a possible bone marrow donor, if (i) the individual is not reimbursed for such fee or (ii) the individual has not claimed a deduction for the payment of such fee on his federal income tax return.

7. a. A deduction shall be allowed to the purchaser or contributor for the amount paid or contributed during the taxable year for a prepaid tuition contract or savings trust account entered into with the Virginia College Savings Plan, pursuant to

Chapter 4.9 (§ 23-38.75 et seq.) of Title 23. Except as provided in subdivision 7 c, the amount deducted on any individual income tax return in any taxable year shall be limited to \$4,000 per prepaid tuition contract or savings trust account. No deduction shall be allowed pursuant to this section if such payments or contributions are deducted on the purchaser's or contributor's federal income tax return. If the purchase price or annual contribution to a savings trust account exceeds \$4,000, the remainder may be carried forward and subtracted in future taxable years until the purchase price or savings trust contribution has been fully deducted; however, except as provided in subdivision 7 c, in no event shall the amount deducted in any taxable year exceed \$4,000 per contract or savings trust account. Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any deduction taken hereunder shall be subject to recapture in the taxable year or years in which distributions or refunds are made for any reason other than (i) to pay qualified higher education expenses, as defined in § 529 of the Internal Revenue Code or (ii) the beneficiary's death, disability, or receipt of a scholarship. For the purposes of this subdivision, the term "purchaser" or "contributor" means the person shown as such on the records of the Virginia College Savings Plan as of December 31 of the taxable year. In the case of a transfer of ownership of a prepaid tuition contract or savings trust account, the transferee shall succeed to the transferor's tax attributes associated with a prepaid tuition contract or savings trust account, including, but not limited to, carryover and recapture of deductions.

b. The amount paid for a prepaid tuition contract during taxable years beginning on or after January 1, 1996, but before January 1, 1998, shall be deducted in taxable years beginning on or after January 1, 1998, and shall be subject to the limitations set out in subdivision 7 a.

c. A purchaser of a prepaid tuition contract or contributor to a savings trust account who has attained age 70 shall not be subject to the limitation that the amount of the deduction not exceed \$4,000 per prepaid tuition contract or savings trust account in any taxable year. Such taxpayer shall be allowed a deduction for the full amount paid for the contract or contributed to a savings trust account, less any amounts previously deducted.

8. For taxable years beginning on and after January 1, 2000, the total amount an individual actually contributed in funds to the Virginia Public School Construction Grants Program and Fund, established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1, provided the individual has not claimed a deduction for such amount on his federal income tax return.

9. For taxable years beginning on and after January 1, 1999, an amount equal to 20 percent of the tuition costs incurred by an individual employed as a primary or secondary school teacher licensed pursuant to Chapter 15 (§ 22.1-289.1 et seq.) of Title 22.1 to attend continuing teacher education courses that are required as a condition of employment; however, the deduction provided by this subsection shall be available only if (i) the individual is not reimbursed for such tuition costs and (ii) the individual has not claimed a deduction for the payment of such tuition costs on his federal income tax return.

10. For taxable years beginning on or after January 1, 2000, the amount an individual pays annually in premiums for long-term health care insurance, provided the individual has not claimed a deduction for federal income tax purposes, or, for taxable years beginning before January 1, 2014, a credit under § 58.1-339.11. For taxable years beginning on or after January 1, 2014, no such deduction for long-term health care insurance premiums paid by the individual during the taxable year shall be allowed if the individual has claimed a federal income tax deduction for such taxable year for long-term health care insurance premiums paid by him.

11. For taxable years beginning on and after January 1, 2006, contract payments to a producer of quota tobacco or a tobacco quota holder, or their spouses, as provided under the American Jobs Creation Act of 2004 (P.L. 108-357), but only to the extent that such payments have not been subtracted pursuant to subsection D of § 58.1-402, as follows:

a. If the payment is received in installment payments, then the recognized gain, including any gain recognized in taxable year 2005, may be subtracted in the taxable year immediately following the year in which the installment payment is received.

b. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

12. For taxable years beginning on and after January 1, 2007, an amount equal to 20 percent of the sum paid by an individual pursuant to Chapter 6 (§ 58.1-600 et seq.), not to exceed \$500 in each taxable year, in purchasing for his own use the following items of tangible personal property: (i) any clothes washers, room air conditioners, dishwashers, and standard size refrigerators that meet or exceed the applicable energy star efficiency requirements developed by the United States Environmental Protection Agency and the United States Department of Energy; (ii) any fuel cell that (a) generates electricity using an electrochemical process, (b) has an electricity-only generation efficiency greater than 35 percent, and (c) has a generating capacity of at least two kilowatts; (iii) any gas heat pump that has a coefficient of performance of at least 1.25 for heating and at least 0.70 for cooling; (iv) any electric heat pump hot water heater that yields an energy factor of at least 1.7; (v) any electric heat pump that has a heating system performance factor of at least 8.0 and a cooling seasonal energy efficiency ratio of at least 13.0; (vi) any central air conditioner that has a cooling seasonal energy efficiency ratio of at least 13.5; (vii) any advanced gas or oil water heater that has an energy factor of at least 0.65; (viii) any advanced oil-fired boiler with a minimum annual fuel-utilization rating of 85; (ix) any advanced oil-fired furnace with a minimum annual fuel-utilization rating of 85; and (x) programmable thermostats.

13. For taxable years beginning on or after January 1, 2007, the lesser of \$5,000 or the amount actually paid by a living donor of an organ or other living tissue for unreimbursed out-of-pocket expenses directly related to the donation that arose within 12 months of such donation, provided the donor has not taken a medical deduction in accordance with the provisions

of § 213 of the Internal Revenue Code for such expenses. The deduction may be taken in the taxable year in which the donation is made or the taxable year in which the 12-month period expires.

14. For taxable years beginning on or after January 1, 2013, the amount an individual age 66 or older with earned income of at least \$20,000 for the year and federal adjusted gross income not in excess of \$30,000 for the year pays annually in premiums for (i) a prepaid funeral insurance policy covering the individual or (ii) medical or dental insurance for any person for whom individual tax filers may claim a deduction for such premiums under federal income tax laws. "Earned income" means the same as that term is defined in § 32(c) of the Internal Revenue Code of 1954, as amended or renumbered. The deduction shall not be allowed for any portion of such premiums paid for which the individual has (a) been reimbursed, (b) claimed a deduction for federal income tax purposes, (c) claimed a deduction or subtraction under another provision of this section, or (d) claimed a federal income tax credit or any income tax credit pursuant to this chapter.

E. There shall be added to or subtracted from federal adjusted gross income, as the case may be, the individual's share, as beneficiary of an estate or trust, of the Virginia fiduciary adjustment determined under § 58.1-361.

F. There shall be added or subtracted, as the case may be, the amounts provided in § 58.1-315 as transitional modifications.

G. Effective for all taxable years beginning on or after January 1, 2007, to the extent included in federal adjusted gross income, there shall be (i) subtracted from federal adjusted gross income by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the shareholder's allocable share of the income or gain of such electing small business corporation (S corporation), and (ii) added back to federal adjusted gross income such that, federal adjusted gross income shall be increased, by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the shareholder's allocable share of the losses or deductions of such electing small business corporation (S corporation).

Effective for all taxable years beginning on or after January 1, 2007, to the extent excluded from federal adjusted gross income, there shall be added to federal adjusted gross income by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the value of any distribution paid or distributed to the shareholder by such electing small business corporation (S corporation).

H. Notwithstanding any other provision of law, the income from any disposition of real property which is held by the taxpayer for sale to customers in the ordinary course of the taxpayer's trade or business, as defined in § 453(l)(1)(B) of the Internal Revenue Code, of property made on or after January 1, 2009, may, at the election of the taxpayer, be recognized under the installment method described under § 453 of the Internal Revenue Code, provided that (i) the election relating to the dealer disposition of the property has been made on or before the due date prescribed by law (including extensions) for filing the taxpayer's return of the tax imposed under this chapter for the taxable year in which the disposition occurs, and (ii) the dealer disposition is in accordance with restrictions or conditions established by the Department, which shall be set forth in guidelines developed by the Department. Along with such restrictions or conditions, the guidelines shall also address the recapture of such income under certain circumstances. The development of the guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

§ 58.1-460. Definitions.

For the purposes of this article:

"Employee" includes an individual, whether a resident or a nonresident of the Commonwealth, who performs or performed any service in the Commonwealth for wages, or a resident of the Commonwealth who performs or performed any service in the service outside the Commonwealth for wages. The word "employee" also includes an officer, employee, or elected official of the United States, the Commonwealth, or any other state or any territory, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing or an officer of a corporation. The term shall not include the beneficial owner of an individual retirement account (IRA) or simplified employee pension plan (SEPP).

"Employer" means the Commonwealth, or any political subdivision thereof, the United States, or any agency or instrumentality of any one or more of the foregoing, or the person, whether a resident or a nonresident of the Commonwealth, for whom an individual performs or performed any service as an employee or from whom a person receives a prize in excess of \$5,001 pursuant to the *State Virginia Lottery Law* (§ 58.1-4000 et seq.), except that:

1. If the person, governmental unit, or agency thereof, for whom the individual performs or performed the service does not have control of the payment of the wages for such services, the term "employer" (except as used in the definition of "wages" herein) means the person having control of the payment of such wages, and

2. In the case of a person paying wages on behalf of a nonresident person not engaged in trade or business within the Commonwealth or on behalf of any governmental unit or agency thereof not located within the Commonwealth, the term, "employer" (except as used in the definition of "wages" herein) means such person. The term shall not include a financial institution, corporation, partnership or other person or entity with respect to benefits paid as custodian, trustee or depository for an individual retirement account (IRA) or simplified employee pension plan (SEPP).

"Miscellaneous payroll period" means a payroll period other than a daily, weekly, biweekly, semimonthly, monthly, quarterly, semiannual, or annual payroll period.

"Payroll period" means a period for which a payment of wages is ordinarily made to the employee by his employer.

"Wages" means wages as defined under § 3401 (a) of the Internal Revenue Code, as well as any other amounts from which federal income tax is withheld under the provisions of §§ 3402 and 3405 of the Internal Revenue Code and also includes all prizes in excess of \$5,001 paid by the ~~State Lottery Department~~ *Virginia Lottery*; however, such term shall not include amounts paid pursuant to individual retirement plans and simplified employee pension plans as defined in §§ 7701 (a) (37) and 408 (c) of the Internal Revenue Code and shall not include remuneration paid for acting in or service as a member of the crew of a (i) motion picture feature film, (ii) television series or commercial, or (iii) promotional film filmed totally or partially in the Commonwealth by an individual or corporation which conducts business in the Commonwealth for less than ~~ninety~~ 90 days of the tax year and when such film, series or commercial is processed, edited and marketed outside the Commonwealth. Every such individual or corporation shall, immediately subsequent to the filming of such portion of the film, series or commercial filmed in the Commonwealth, file with the Commissioner on forms furnished the Department, a list of the names and social security account numbers of each actor or crew member who is a resident of the Commonwealth and is compensated by such individual or corporation.

Chapter 40.

State Virginia Lottery Law.

§ 58.1-4002. Definitions.

For the purposes of this chapter:

"Board" means the ~~State~~ *Virginia Lottery Board* established by this chapter.

"Department" means the ~~State Lottery Department~~ *independent agency responsible for the administration of the Virginia Lottery* created in this chapter.

"Director" means the Director of the ~~State Lottery Department~~ *Virginia Lottery*.

"Lottery" or "state lottery" means the lottery or lotteries established and operated pursuant to this chapter.

§ 58.1-4003. Virginia Lottery established.

Notwithstanding the provisions of Article 1 (§ 18.2-325 et seq.) of Chapter 8 of Title 18.2 or any other provision of law, there is hereby established as an independent agency of the Commonwealth, exclusive of the legislative, executive or judicial branches of government, a ~~State~~ *the Virginia Lottery Department*, which shall include a Director and a ~~State~~ *Virginia Lottery Board* for the purpose of operating a state lottery.

§ 58.1-4004. Membership of Board; appointment; terms; vacancies; removal; expenses.

A. The Board shall consist of five members, all of whom shall be citizens and residents of this Commonwealth and all of whom shall be appointed by and serve at the pleasure of the Governor, subject to confirmation by a majority of the members elected to each house of the General Assembly if in session when the appointment is made, and if not in session, then at its next succeeding session. Prior to the appointment of any Board members, the Governor shall consider the political affiliation and the geographic residence of the Board members. The members shall be appointed for terms of five years. The members shall annually elect one member as chairman of the Board.

B. Any vacancy on the Board occurring for any reason other than the expiration of a term shall be filled for the unexpired term in the same manner as the original term.

C. The members of the Board shall receive such compensation as provided in § 2.2-2813, shall be subject to the requirements of such section, and shall be allowed reasonable expenses incurred in the performance of their official duties.

D. Before entering upon the discharge of their duties, the members of the Board shall take an oath that they will faithfully and honestly execute the duties of the office during their continuance therein and they shall give bond in such amount as may be fixed by the Governor, conditioned upon the faithful discharge of their duties. The premium on such bond shall be paid out of the ~~State~~ *Virginia Lottery Fund*.

§ 58.1-4005. Appointment, qualifications and salary of Director.

A. The Department shall be under the immediate supervision and direction of a Director, who shall be a person of good reputation, particularly as to honesty and integrity, and shall be subject to a thorough background investigation conducted by the Department of State Police prior to appointment. The Director shall be appointed by and serve at the pleasure of the Governor, subject to confirmation by a majority of the members elected to each house of the General Assembly if in session when the appointment is made, and if not in session, then at its next succeeding session. The Director shall receive a salary as provided in the general appropriations act.

B. The Director shall devote his full time to the performance of his official duties and shall not be engaged in any other profession or occupation.

C. Before entering upon the discharge of his duties, the Director shall take an oath that he will faithfully and honestly execute the duties of his office during his continuance therein and shall give bond in such amount as may be fixed by the Governor, conditioned upon the faithful discharge of his duties. The premium on such bond shall be paid out of the ~~State~~ *Virginia Lottery Fund*.

§ 58.1-4008. Employees of the Department; background investigations of employees.

All persons employed by the Department shall be fingerprinted before, and as a condition of, employment. These fingerprints shall be submitted to the Federal Bureau of Investigation for a National Criminal Records search and to the Department of State Police for a Virginia Criminal History Records search. All board members, officers and employees of any vendor to the ~~State Lottery~~ Department of lottery on-line or instant ticket goods or services working directly on a contract with the ~~Lottery~~ Department for such goods or services shall be fingerprinted, and such fingerprints shall be

submitted to the Federal Bureau of Investigation for a National Criminal Records search conducted by the chief security officer of the ~~State Lottery Department~~ *Virginia Lottery*. A background investigation shall be conducted by the chief security officer of the ~~State Lottery Department~~ *Virginia Lottery* on every applicant prior to employment by the Department. However, all division directors of the ~~State Lottery Department~~ *Virginia Lottery* and employees of the ~~State Lottery Department~~ *Virginia Lottery* performing duties primarily related to security matters shall be subject to a background investigation report conducted by the Department of State Police prior to employment by the Department. The Department of State Police shall be reimbursed by the ~~State Lottery Department~~ *Virginia Lottery* for the cost of investigations conducted pursuant to this section or § 58.1-4005. No person who has been convicted of a felony, bookmaking or other forms of illegal gambling, or of a crime involving moral turpitude shall be employed by the Department or on contracts with vendors described in this section.

§ 58.1-4009. Licensing of lottery sales agents; penalty.

A. No license as an agent to sell lottery tickets or shares shall be issued to any person to engage in business primarily as a lottery sales agent. Before issuing such license, the Director shall consider such factors as (i) the financial responsibility and security of the person and his business or activity; (ii) the accessibility of his place of business or activity to the public; (iii) the sufficiency of existing licensees to serve the public convenience; and (iv) the volume of expected sales.

B. For the purposes of this section, the term "person" means an individual, association, partnership, corporation, club, trust, estate, society, company, joint stock company, receiver, trustee, assignee, referee, or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals. "Person" also means all departments, commissions, agencies, and instrumentalities of the Commonwealth, including counties, cities, municipalities, agencies, and instrumentalities thereof.

C. The chief security officer of the ~~State Lottery Department~~ *Virginia Lottery* shall conduct a background investigation, to include a Virginia Criminal History Records search, and fingerprints that shall be submitted to the Federal Bureau of Investigation if the Director deems a National Criminal Records search necessary, on applicants for licensure as lottery sales agents. The Director may refuse to issue a license to operate as an agent to sell lottery tickets or shares to any person who has been (i) convicted of a crime involving moral turpitude, (ii) convicted of bookmaking or other forms of illegal gambling, (iii) found guilty of any fraud or misrepresentation in any connection, (iv) convicted of a felony, or (v) engaged in conduct prejudicial to public confidence in the Lottery. The Director may refuse to grant a license or may suspend, revoke or refuse to renew a license issued pursuant to this chapter to a partnership or corporation, if he determines that any general or limited partner, or officer or director of such partnership or corporation has been (i) convicted of a crime involving moral turpitude, (ii) convicted of bookmaking or other forms of illegal gambling, (iii) found guilty of any fraud or misrepresentation in any connection, (iv) convicted of a felony, or (v) engaged in conduct prejudicial to public confidence in the Lottery. Whoever knowingly and willfully falsifies, conceals, or misrepresents a material fact or knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in any application for licensure to the ~~State Lottery Department~~ *Virginia Lottery* for lottery sales agent, shall be is guilty of a Class 1 misdemeanor.

D. Prior to issuance of a license, every lottery sales agent shall either (i) be bonded by a surety company entitled to do business in this Commonwealth in such amount and penalty as may be prescribed by the regulations of the Department or (ii) provide such other surety as may be satisfactory to the Director, payable to the ~~State Lottery Department~~ *Virginia Lottery* and conditioned upon the faithful performance of his duties.

E. Every licensed agent shall prominently display his license, or a copy thereof, as provided in the regulations of the Department.

§ 58.1-4011. Meaning of "gross receipts."

A. Notwithstanding the provisions of Chapter 37 ~~of this title~~ (*§ 58.1-3700 et seq.*) or § 58.1-4025 ~~of this chapter~~ relating to local license taxes, the term "gross receipts" as used in Chapter 37 shall include only the compensation actually paid to a licensed sales agent as provided by rule or regulation adopted by the Board consistent with the provisions of subdivision A 11 ~~of subsection A~~ of § 58.1-4007.

B. Unless otherwise provided by contract, any person licensed as a lottery agent who makes rental payments for the business premises on which state lottery tickets are sold on the basis of retail sales shall have that portion of rental payment based on sales of state lottery tickets or shares computed on the basis of the compensation received as a lottery agent from the ~~State Lottery Department~~ *Virginia Lottery*.

§ 58.1-4020. Unclaimed prizes.

A. Unclaimed prizes for a winning ticket or share shall be retained by the Director for the person entitled thereto for 180 days after the drawing in which the prize was won in the case of a drawing prize and for 180 days after the announced end of the lottery game in the case of a prize determined in any manner other than by means of a drawing. If no claim is made for the prize within the 180 days, the Director shall deem such prize forfeited by the person entitled to claim such winnings.

B. All prizes deemed forfeited pursuant to subsection A shall be paid into the Literary Fund. The Director may develop procedures, to be approved by the Auditor of Public Accounts, for estimating the cumulative total of such unclaimed prizes in any lottery game in lieu of specifically identifying unclaimed prizes where such specific identification would not be cost effective. The Director, within ~~sixty~~ 60 days after the end of each 180-day retention period, shall report the total value of prizes forfeited at the end of such period to the Comptroller, who shall promptly transfer the total of such prizes to the Literary Fund. The total value of prizes forfeited during the fiscal year shall be audited by the Auditor of Public Accounts in

accordance with § 58.1-4023. In the case of a prize payable over time on one or more winning tickets, if one or more winning tickets is not claimed within the 180-day redemption period, the Department shall transfer the then current monetary value of such portion of the prize remaining unclaimed to the Literary Fund in accordance with procedures approved by the State Treasurer. "Current monetary value" shall be determined by the net proceeds from the sale of that portion of jackpot securities allocated to the unclaimed winner plus the amount of the initial cash payment.

C. Subsection B of this section shall not apply to prizes of ~~twenty-five dollars~~ \$25 or less resulting from any lottery game other than a lottery game in which a drawing determined the prize. The Board shall adopt regulations for the disposition of all such unclaimed prizes of ~~twenty-five dollars~~ \$25 or less not resulting from a drawing. Such disposition shall be directed in whole or in part to either the ~~State~~ *Virginia* Lottery Fund or to other forms of compensation to licensed sales agents.

D. For purposes of this section, "prize" refers to a cash prize. In the case of a prize payable over time and not as a lump sum payment, "prize" means the present cash value of the prize, not the value paid over time.

E. In accordance with the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 App. U.S.C.A. § 525), any person whose unclaimed prize was deemed forfeited pursuant to subsection A while he was in active military service may claim such forfeited prize by presenting his winning ticket to the Director no later than 180 days after his discharge from active military service. Within ~~thirty~~ 30 days of such presentation, the Director shall verify the claim and report the verification to the Comptroller. The Comptroller shall promptly pay the verified claim first from funds available in the Unclaimed Property Trust Fund in § 3-2.00 of the general appropriations act; if such funds are insufficient, then, from any undesignated, unreserved year-end balance of the general fund. All verified claims shall be paid in accordance with the Board's rules and regulations then in effect regarding the manner of payment of prizes to the holders of winning tickets or shares.

§ 58.1-4021. Deposit of moneys received by agents; performance of functions, etc., in connection with operation of lottery; compensation of agents.

A. The Director shall require all lottery sales agents to deposit to the credit of the ~~State~~ *Virginia* Lottery Fund in banks, designated by the State Treasurer, all moneys received by such agents from the sale of lottery tickets or shares, less any amount paid as prizes or retained as compensation to agents for the sale of the tickets or shares, and to file with the Director, or his designated agents, reports of their receipts, transactions and disbursements pertaining to the sale of lottery tickets in such form and containing such information as he may require. Such deposits and reports shall be submitted at such times and within such intervals as shall be prescribed by rule and regulation of the Department. The Director may arrange for any person, including a bank, to perform such functions, activities or services in connection with the operation of the lottery as he may deem advisable pursuant to this chapter and the rules and regulations of the Department, and such functions, activities and services shall constitute lawful functions, activities and services of the person.

B. The rules and regulations of the Department shall provide for a service charge to the licensed agent if any payor bank dishonors a check or draft tendered for deposit to the credit of the ~~State~~ *Virginia* Lottery Fund by a licensed agent or for an electronic transfer of funds to the ~~State~~ *Virginia* Lottery Fund from the account of a licensed agent for money received from the sale of lottery tickets.

The regulations of the Department shall provide for a service charge and penalty to a licensed agent if any payor bank dishonors a check or draft from the account of a licensed agent tendered for payment of any prize by a licensed agent to any claimant. Any such charge or penalty so collected by the Department shall be used first to reimburse the claimant for any charges or penalties incurred by him as a result of the licensed agent's dishonored check tendered as payment of any prize and the remainder to offset the Department's administrative costs.

C. A licensed agent shall be charged interest as provided in § 58.1-15 on the money that is not timely paid to the ~~State~~ *Virginia* Lottery Fund in accordance with the rules and regulations of the Department and shall in addition thereto pay penalties as provided by rules and regulations of the Department.

D. Should the Department refer the debt of any licensed agent to the Attorney General, the Department of Taxation as provided in § 58.1-520 et seq., or any other central collection unit of the Commonwealth, an additional service charge shall be imposed in the amount necessary to cover the administrative costs of the Department and agencies to which such debt is referred.

E. Notwithstanding the provisions of Chapter 5 (§ 8.01-257 et seq.) of Title 8.01, in any action for the collection of a debt owed by any licensed agent to the lottery, venue shall lie in the City of Richmond.

F. All proceeds from the sale of lottery tickets or shares received by a person in the capacity of a sales agent shall constitute a trust fund until deposited into the ~~State~~ *Virginia* Lottery Fund either directly or through the Department's authorized collection representative. Proceeds shall include cash proceeds of the sale of any lottery products, less any amount paid as prizes or retained as compensation to agents for the sale of the tickets or shares. Sales agents shall be personally liable for all proceeds.

G. If the Director determines that the deposit or collection from any sales agent of any moneys or proceeds under this section is or will be jeopardized or will otherwise be delayed, he may adjust either the time or the interval or both for such deposits or collections of any sales agent; require that all such moneys or proceeds shall be kept separate and apart from all other funds and assets and shall not be commingled with any other funds or assets prior to their deposit or collection under this section; and require such other security of any sales agent as he may deem advisable to ensure the timely deposit or collection of moneys or proceeds to the credit of the ~~State~~ *Virginia* Lottery Fund.

Collection of moneys or proceeds "is or will be jeopardized or will otherwise be delayed" when (i) a check, draft, or electronic funds transfer to the credit of the ~~State~~ *Virginia* Lottery Fund is dishonored as described in subsection B; (ii) an independent auditor states that the lottery sales agent's financial condition raises substantial doubt about its ability to continue as a going concern; or (iii) the lottery sales agent (a) closes for business or fails to maintain normal business hours without reasonable explanation, (b) has a credit record reflecting recent actions which cast doubt as to its creditworthiness, (c) states it has or may have cash flow problems or may be unable to meet its financial obligations, (d) states it may seek the protection of the federal bankruptcy or state insolvency law, (e) refuses to purchase additional lottery tickets or returns tickets ordered without good cause, or (f) does any other act tending to prejudice or to render wholly or partially ineffectual proceedings to collect moneys or proceeds which are or will become due and payable to the ~~State~~ *Virginia* Lottery Fund.

§ 58.1-4022. Virginia Lottery Fund.

A. All moneys received from the sale of lottery tickets or shares, less payment for prizes and compensation of agents as authorized by regulation and any other revenues received under this chapter, shall be placed in a special fund known as the "~~State~~ *Virginia* Lottery Fund." Notwithstanding any other provisions of law, interest earned from moneys in the ~~State~~ *Virginia* Lottery Fund shall accrue to the benefit of such Fund.

B. The total costs for the operation and administration of the lottery shall be funded from the ~~State~~ *Virginia* Lottery Fund and shall be in such amount as provided in the general appropriation act. Appropriations to the Department during any fiscal year beginning on and after July 1, 1989, exclusive of agent compensation, shall at no time exceed ~~ten~~ 10 percent of the total annual estimated gross revenues to be generated from lottery sales. However, should it be anticipated at any time by the Director that such operational and administrative costs for a fiscal year will exceed the limitation provided herein, the Director shall immediately report such information to the Board, the Governor and the Chairmen of Senate Finance and House Appropriations Committees. From the moneys in the Fund, the Comptroller shall establish a special reserve fund in such amount as shall be provided by regulation of the Department for (i) operation of the lottery, (ii) use if the game's pay-out liabilities exceed its cash on hand, or (iii) enhancement of the prize pool with income derived from lending securities held for payment of prize installments, which lending of securities shall be conducted in accordance with lending programs approved by the Department of the Treasury.

C. The Comptroller shall transfer to the Lottery Proceeds Fund established pursuant to § 58.1-4022.1, less the special reserve fund, the audited balances of the ~~State~~ *Virginia* Lottery Fund at the close of each fiscal year. The transfer for each year shall be made in two parts: (i) on or before June 30, the Comptroller shall transfer balances of the ~~State~~ *Virginia* Lottery Fund for the fiscal year, based on an estimate determined by the ~~State Lottery Department~~ *Virginia Lottery*, and (ii) no later than ~~ten~~ 10 days after receipt of the annual audit report required by § 58.1-4023, the Comptroller shall transfer to the Lottery Proceeds Fund the remaining audited balances of the ~~State~~ *Virginia* Lottery Fund for the fiscal year. If such annual audit discloses that the actual revenue is less than the estimate on which the transfer was based, the State Comptroller shall transfer the difference between the actual revenue and the estimate from the Lottery Proceeds Fund to the ~~State~~ *Virginia* Lottery Fund.

D. In addition to such other funds as may be appropriated, 100 percent of the lottery revenues transferred to the Lottery Proceeds Fund shall be appropriated entirely and solely for the purpose of public education in the Commonwealth unless otherwise redirected pursuant to Article X, Section 7-A of the Constitution of Virginia. The additional appropriation of lottery revenues to local school divisions for public education purposes consistent with this provision shall be used for operating, capital outlay, or debt service expenses, as determined by the appropriation act. The additional appropriation of lottery revenues shall not be used by any local school division to reduce its total local expenditures for public education in accordance with the provisions of the general appropriation act.

E. As a function of the administration of this chapter, funds may be expended for the purposes of reasonably informing the public concerning (i) the facts embraced in the subjects contained in subdivisions A 1 through 7 of ~~subsection A~~ of § 58.1-4007 and (ii) the fact that the net proceeds are paid into the Lottery Proceeds Fund of the Commonwealth, but no funds shall be expended for the primary purpose of inducing persons to participate in the lottery.

§ 58.1-4025. Exemption of lottery prizes and sales of tickets from state and local taxation.

Except as provided in Chapter 3 of Title 58.1 and § 58.1-4011, no state or local taxes of any type whatsoever shall be imposed upon any prize awarded or upon the sale of any lottery ticket sold pursuant to the ~~State~~ *Virginia* Lottery Law.

§ 59.1-148.3. Purchase of handguns of certain officers.

A. The Department of State Police, the Department of Game and Inland Fisheries, the Department of Alcoholic Beverage Control, the ~~State Lottery Department~~ *Virginia Lottery*, the Marine Resources Commission, the Capitol Police, the Department of Conservation and Recreation, the Department of Forestry, any sheriff, any regional jail board or authority and any local police department may allow any full-time sworn law-enforcement officer, deputy, or regional jail officer, a local fire department may allow any full-time sworn fire marshal, the Department of Motor Vehicles may allow any law-enforcement officer, and any institution of higher learning named in § 23-14 may allow any campus police officer appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23, retiring on or after July 1, 1991, who retires (i) after at least 10 years of service, (ii) at 70 years of age or older, or (iii) as a result of a service-incurred disability or who is receiving long-term disability payments for a service-incurred disability with no expectation of returning to the employment where he incurred the disability to purchase the service handgun issued or previously issued to him by the agency or institution at a price of \$1. If the previously issued weapon is no longer available, a weapon of like kind may be substituted for that weapon. This privilege shall also extend to any former Superintendent of the Department of State Police who leaves service

after a minimum of five years. This privilege shall also extend to any person listed in this subsection who is eligible for retirement with at least 10 years of service who resigns on or after July 1, 1991, in good standing from one of the agencies listed in this section to accept a position covered by the Virginia Retirement System. Other weapons issued by the Department of State Police for personal duty use of an officer, may, with approval of the Superintendent, be sold to the officer subject to the qualifications of this section at a fair market price determined as in subsection B, so long as the weapon is a type and configuration that can be purchased at a regular hardware or sporting goods store by a private citizen without restrictions other than the instant background check.

B. The agencies listed in subsection A may allow any full-time sworn law-enforcement officer who retires with 5 or more years of service, but less than 10, to purchase the service handgun issued to him by the agency at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Any full-time sworn law-enforcement officer employed by any of the agencies listed in subsection A who is retired for disability as a result of a nonservice-incurred disability may purchase the service handgun issued to him by the agency at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Determinations of fair market value may be made by reference to a recognized pricing guide.

C. The agencies listed in subsection A may allow the immediate survivor of any full-time sworn law-enforcement officer (i) who is killed in the line of duty or (ii) who dies in service and has at least 10 years of service to purchase the service handgun issued to the officer by the agency at a price of \$1.

D. The governing board of any institution of higher learning named in § 23-14 may allow any campus police officer appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23 who retires on or after July 1, 1991, to purchase the service handgun issued to him at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Determinations of fair market value may be made by reference to a recognized pricing guide.

E. Any officer who at the time of his retirement is a full-time sworn law-enforcement officer with a state agency listed in subsection A, when the agency allows purchases of service handguns, and who retires after 10 years of state service, even if a portion of his service was with another state agency, may purchase the service handgun issued to him by the agency from which he retires at a price of \$1.

F. The sheriff of Hanover County may allow any auxiliary or volunteer deputy sheriff with a minimum of 10 years of service, upon leaving office, to purchase for \$1 the service handgun issued to him.

G. Any sheriff or local police department, in accordance with written authorization or approval from the local governing body, may allow any auxiliary law-enforcement officer with more than 10 years of service to purchase the service handgun issued to him by the agency at a price that is equivalent to or less than the weapon's fair market value on the date of purchase by the officer.

H. The agencies listed in subsection A may allow any full-time sworn law-enforcement officer currently employed by the agency to purchase his service handgun, with the approval of the chief law-enforcement officer of the agency, at a fair market price. This subsection shall only apply when the agency has purchased new service handguns for its officers, and the handgun subject to the sale is no longer used by the agency or officer in the course of duty.

2. That wherever in the Code of Virginia the terms "State Lottery Department," "State Lottery Fund," or "State Lottery Board" are used, they shall be deemed to mean the "Virginia Lottery," the "Virginia Lottery Fund," and the "Virginia Lottery Board," respectively.

CHAPTER 226

An Act to amend and reenact § 2.2-1124 of the Code of Virginia, relating to the Department of General Services; disposition of certain surplus materials.

[H 1140]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1124 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-1124. Disposition of surplus materials.

A. "Surplus materials" means personal property including, but not limited to, materials, supplies, equipment, and recyclable items, but shall not include property as defined in § 2.2-1147 that is determined to be surplus. Surplus materials shall not include finished products that a state hospital or training center operated by the Department of Behavioral Health and Developmental Services sells for the benefit of individuals receiving services in the state hospital or training center, provided that (i) most of the supplies, equipment, or products have been donated to the state hospital or training center; (ii) the individuals in the state hospital or training center have substantially altered the supplies, equipment, or products in the course of occupational or other therapy; and (iii) the substantial alterations have resulted in a finished product.

B. The Department shall establish procedures for the disposition of surplus materials from departments, divisions, institutions, and agencies of the Commonwealth. Such procedures shall:

1. Permit surplus materials to be transferred between or sold to departments, divisions, institutions, or agencies of the Commonwealth;

2. Permit surplus materials to be sold to Virginia charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and operating as clinics for the indigent and uninsured that are organized for the delivery of primary health care services (i) as federally qualified health centers designated by the Health Care Financing Administration or (ii) at a reduced or sliding fee scale or without charge;

3. Permit public sales or auctions, including online public auctions;

4. Permit surplus motor vehicles to be sold prior to public sale or auction to local social service departments for the purpose of resale at cost to TANF recipients;

5. Permit surplus materials to be sold to Virginia charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and operating as children's homes;

6. Permit donations to political subdivisions of the Commonwealth under the circumstances specified in this section;

7. Permit other methods of disposal when (a) the cost of the sale will exceed the potential revenue to be derived therefrom or (b) the surplus material is not suitable for sale;

8. Permit any dog especially trained for police work to be sold at an appropriate price to the handler who last was in control of the dog, which sale shall not be deemed a violation of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.);

9. Permit the transfer of surplus clothing to an appropriate department, division, institution, or agency of the Commonwealth for distribution to needy individuals by and through local social services boards;

10. Encourage the recycling of paper products, beverage containers, electronics, and used motor oil;

11. Require the proceeds from any sale or recycling of surplus materials be promptly deposited into the state treasury in accordance with § 2.2-1802 and report the deposit to the State Comptroller;

12. Permit donations of surplus computers and related equipment to public schools in the Commonwealth and Virginia charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and providing services to persons with disabilities, at-risk youths, or low-income families. For the purposes of this subdivision, "at-risk youths" means school-age children approved eligible to receive free or reduced price meals in the federally funded lunch program;

13. Permit surplus materials to be transferred or sold, prior to public sale or auction, to public television stations located in the state and other nonprofit organizations approved for the distribution of federal surplus materials;

14. Permit a public institution of higher education to dispose of its surplus materials at the location where the surplus materials are held and to retain any proceeds from such disposal, provided that the institution meets the conditions prescribed in subsection B of § 23-38.88 and § 23-38.112 (regardless of whether or not the institution has been granted any authority under Subchapter 3 (§ 23-38.91 et seq.) of Chapter 4.10 of Title 23); ~~and~~

15. *Permit surplus materials from (i) the Department of Defense Excess Property Program or (ii) other surplus property programs administered by the Commonwealth to be transferred or sold to Virginia charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and operating as an educational institution devoted to emergency management training, preparedness, and response; and*

16. Require, to the extent practicable, the recycling and disposal of computers and other information technology assets. Additionally, for computers or information technology assets that may contain confidential state data or personal identifying information of citizens of the Commonwealth, the Department shall ensure all policies for the transfer or other disposition of computers or information technology assets are consistent with data and information security policies developed by the Virginia Information Technologies Agency.

C. The Department shall dispose of surplus materials pursuant to the procedures established in subsection B or permit any department, division, institution, or agency of the Commonwealth to dispose of its surplus materials consistent with the procedures so established. No surplus materials shall be disposed of without prior consent of the head of the department, division, institution, or agency of the Commonwealth in possession of such surplus materials or the Governor.

D. Departments, divisions, institutions, or agencies of the Commonwealth or the Governor may donate surplus materials only under the following circumstances:

1. Emergencies declared in accordance with § 44-146.18:2 or 44-146.28;

2. As set forth in the budget bill as defined by § 2.2-1509, provided that (a) the budget bill contains a description of the surplus materials, the method by which the surplus materials shall be distributed, and the anticipated recipients, and (b) such information shall be provided by the Department to the Department of Planning and Budget in sufficient time for inclusion in the budget bill;

3. When the market value of the surplus materials, which shall be donated for a public purpose, is less than \$500; however, the total market value of all surplus materials so donated by any department, division, institution, or agency shall not exceed 25 percent of the revenue generated by such department's, division's, institution's, or agency's sale of surplus materials in the fiscal year, except these limits shall not apply in the case of surplus computer equipment and related items donated to Virginia public schools; or

4. During a local emergency, upon written request of the head of a local government or a political subdivision in the Commonwealth to the head of a department, division, institution, or agency.

E. On or before October 1 of each year, the Department shall prepare, and file with the Secretary of the Commonwealth, a plan that describes the expected disposition of surplus materials in the upcoming fiscal year pursuant to subdivision B 6.

F. The Department may make available to any local public body of the Commonwealth the services or facilities authorized by this section; however, the furnishing of any such services shall not limit or impair any services normally rendered any department, division, institution or agency of the Commonwealth. All public bodies shall be authorized to use the services of the Department's Surplus Property Program under the guidelines established pursuant to this section and the surplus property policies and procedures of the Department. Proceeds from the sale of the surplus property shall be returned to the local body minus a service fee. The service fee charged by the Department shall be consistent with the fee charged by the Department to state public bodies.

CHAPTER 227

An Act to amend and reenact § 58.1-439.12:08 of the Code of Virginia, relating to the research and development expenses tax credit.

[H 1220]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-439.12:08 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-439.12:08. Research and development expenses tax credit.

A. As used in this section, unless the context requires a different meaning:

"Partnership" means the Virginia Economic Development Partnership.

"Virginia base amount" means the base amount as defined in § 41(c) of the Internal Revenue Code, as amended, that is attributable to Virginia, determined by (i) substituting "Virginia qualified research and development expense" for "qualified research expense"; (ii) substituting "Virginia qualified research" for "qualified research"; and (iii) instead of "fixed base percentage," using:

1. The percentage that the Virginia qualified research and development expense for the three taxable years immediately preceding the current taxable year in which the expense is incurred is of the taxpayer's total gross receipts for such years; or

2. The percentage that the Virginia qualified research and development expense for the applicable number of taxable years immediately preceding the current taxable year in which the expense is incurred is of the taxpayer's total gross receipts for such years, for the taxpayer that has fewer than three but at least one prior taxable year.

"Virginia gross receipts" means the same as "gross receipts" as defined in § 58.1-3700.1.

"Virginia qualified research" means qualified research, as defined in § 41(d) of the Internal Revenue Code, as amended, that is conducted in the Commonwealth.

"Virginia qualified research and development expenses" means qualified research expenses, as defined in § 41(b) of the Internal Revenue Code, as amended, incurred for Virginia qualified research.

B. For taxable years beginning on or after January 1, 2011, but before January 1, ~~2016~~ 2019, a taxpayer shall be allowed a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 in an amount equal to (i) 15 percent of the first ~~\$167,000~~ \$234,000 in Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year or (ii) 20 percent of the first ~~\$175,000~~ \$234,000 in Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year if the Virginia qualified research was conducted in conjunction with a Virginia public or private college or university, to the extent the expenses exceed the Virginia base amount for the taxpayer.

The total amount of credits granted for each fiscal year of the Commonwealth pursuant to this section shall not exceed ~~\$5~~ \$6 million.

C. A taxpayer meeting the requirements of this section shall be eligible to receive a tax credit as provided herein. The Department shall develop and publish guidelines for applications and such guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.). In the event applications for the tax credits allowed under this section exceed ~~\$5~~ \$6 million for any taxable year, the Department shall apportion the credits by dividing ~~\$5~~ \$6 million by the total amount of tax credits applied for, to determine the percentage of allowed tax credits each taxpayer shall receive. In the event that the total amount of approved tax credits under this section for all applications for any taxable year is less than ~~\$5~~ \$6 million, the Department shall allocate credits up to the maximum of ~~\$5~~ \$6 million, on a pro rata basis, to taxpayers who are already approved for the tax credit for the taxable year equal to 15 percent of the second ~~\$167,000~~ \$234,000 in qualified research expenses during the taxable year or 20 percent of the second ~~\$175,000~~ \$234,000 in qualified research expenses conducted in conjunction with a public or private college or university located in the Commonwealth.

D. If the amount of the credit allowed exceeds the taxpayer's tax liability for the taxable year, the amount that exceeds the tax liability shall be refunded to the taxpayer, subject to the limitations set forth in the guidelines developed by the Department.

E. Any taxpayer who claims the tax credit for Virginia qualified research and development expenses pursuant to this section shall not use such expenses as the basis for claiming any other credit provided under the Code of Virginia.

F. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership interests in such entities or in accordance with a written agreement entered into by such individual partners, members, or shareholders, *unless the partnership, limited liability company, or electing small business corporation (S corporation) elects*

for such credits not to be so allocated but to be received and claimed at the entity level by the partnership, limited liability company, or electing small business corporation (S corporation) pursuant to guidelines that shall be issued by the Department for purposes of such election.

G. The Department shall adopt guidelines to prescribe standards for determining when research and development is considered conducted in the Commonwealth for purposes of allowing the credit under this section. In adopting guidelines, the Department may consider (i) the location where the research and development is performed; (ii) the residence or business location of the taxpayer or taxpayers conducting the research and development; (iii) the location where supplies used in the research and development are consumed; and (iv) any other factors that the Department deems to be relevant.

H. The Partnership shall include the tax credits approved in accordance with the provisions of this section in the Annual Report on Business Incentives compiled by the Secretary of Commerce and Trade. Such report shall include (i) the total number of applicants approved for tax credits for the applicable tax year and (ii) the total number of tax credits approved for the applicable tax year.

I. The Department shall require taxpayers applying for the credit to provide information including (i) the number of full-time employees employed by the taxpayer in the Commonwealth during the taxable year for which the credit is sought; (ii) the taxpayer's sector or sectors according to the 2012 edition of the North American Industry Classification System (NAICS) as published by the United States Census Bureau; (iii) a brief description of the area, discipline, or field of Virginia qualified research performed by the taxpayer; (iv) the total gross receipts or anticipated total gross receipts of the taxpayer for the taxable year for which the credit is sought; and (v) whether the Virginia qualified research was conducted in conjunction with a Virginia public or private college or university. The Department shall aggregate and summarize the information collected and make it available to the Governor and any member of the General Assembly upon request, regardless of the number of taxpayers applying for the credit.

2. That the provisions of this act shall become effective for taxable years beginning on or after January 1, 2014, except that the provisions of this act increasing the aggregate amount of tax credits that can be granted each fiscal year under § 58.1-439.12:08 of the Code of Virginia from \$5 million to \$6 million shall become effective for fiscal years of the Commonwealth beginning on or after July 1, 2014.

3. Notwithstanding the provisions of § 58.1-3 of the Code of Virginia or any other law, and regardless of how few taxpayers take the credit under § 58.1-439.12:08 of the Code of Virginia or any other circumstances, the Department, upon request by the General Assembly or any duly constituted committee of the General Assembly, shall disclose the total aggregate amount of credits under § 58.1-439.12:08 taken by all taxpayers.

CHAPTER 228

An Act to amend and reenact §§ 32.1-298, 32.1-299, 54.1-2807, and 54.1-2818.1 of the Code of Virginia; to amend the Code of Virginia by adding in Title 32.1 a chapter numbered 8.1, consisting of sections numbered 32.1-309.1 through 32.1-309.4; and to repeal §§ 32.1-284, 32.1-288, and 32.1-288.1 of the Code of Virginia, relating to disposition of dead bodies.

[S 304]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-298, 32.1-299, 54.1-2807, and 54.1-2818.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 32.1 a chapter numbered 8.1, consisting of sections numbered 32.1-309.1 through 32.1-309.4, as follows:

§ 32.1-298. Notification of Commissioner and delivery of bodies.

Any person having charge or control of any dead human body ~~which that~~ is unclaimed for disposition, ~~which is required to be buried at the public expense;~~ or ~~which that~~ has been lawfully donated for scientific study shall notify the Commissioner whenever and as soon as any such body comes to his possession, charge, or control and shall, without fee or reward, permit the Commissioner or his agents to remove such body, to be used for the advancement of health science.

§ 32.1-299. Distribution of bodies.

A. The bodies received pursuant to §§ 32.1-298 ~~and 32.1-288~~ shall be distributed by the Commissioner to institutions and individuals as they may be needed for the purposes of scientific education and training in health and related subjects as follows:

1. First, to the medical schools in Virginia;
2. Second, equitably to the several colleges and schools of this Commonwealth authorized by law to teach health science and issue diplomas and such physicians and surgeons as the Commissioner may designate;
3. Third, to colleges and schools in other states and the District of Columbia authorized by law to teach health science and issue diplomas.

B. Before any institution or individual may receive any body pursuant to this section, such institution or individual shall have given a bond to the Commonwealth in the penalty of \$1,000 with condition that any body received shall be used only for scientific education and training in health and related subjects. Evidence of such bond shall be filed with the Commissioner.

C. All expenses incurred in the distribution and delivery of bodies pursuant to this section shall be paid by those receiving the bodies in such amount as may be prescribed by the Commissioner.

D. The Commissioner is authorized to employ carriers to effect the distribution of dead human bodies pursuant to this section. Any carrier so employed shall obtain a receipt by name or, if the name be unknown, by a description for each body delivered by him and shall deposit such receipt with the Commissioner.

CHAPTER 8.1.

DISPOSITION OF DEAD HUMAN BODIES.

§ 32.1-309.1. Identification of decedent, next of kin; disposition of claimed dead body.

A. As used in this chapter, "next of kin" has the same meaning assigned to it in § 54.1-2800. In the absence of a next of kin, a person designated to make arrangements for the decedent's burial or the disposition of his remains pursuant to § 54.1-2825, an agent named in an advance directive pursuant to § 54.1-2984, or any guardian appointed pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2 who may exercise the powers conferred in the order of appointment or by § 64.2-2019, or upon the failure or refusal of such next of kin, designated person, agent, or guardian to accept responsibility for the disposition of the decedent, then any other person 18 years of age or older who is able to provide positive identification of the deceased and is willing to pay for the costs associated with the disposition of the decedent's remains shall be authorized to make arrangements for such disposition of the decedent's remains. If a funeral service establishment or funeral service licensee makes arrangements with a person other than a next of kin, designated person, agent, or guardian in accordance with this section, then the funeral service licensee or funeral service establishment shall be immune from civil liability unless such act, decision, or omission resulted from bad faith or malicious intent.

B. Upon the death of any person, irrespective of the cause and manner of death, and irrespective of whether a medical examiner's investigation is required pursuant to § 32.1-283 or 32.1-285.1, the person or institution having initial custody of the dead body shall make good faith efforts to determine the identity of the decedent, if unknown, and to identify and notify the next of kin of the decedent regarding the decedent's death. If, upon notification of the death of the decedent, the next of kin of the decedent is willing and able to claim the body, the body may be claimed by the next of kin for disposition, and the claimant shall bear the expenses of such disposition. If the next of kin of the decedent fails or refuses to claim the body within 10 days of receiving notice of the death of the decedent, the body shall be disposed of in accordance with § 32.1-309.2.

C. If the person or institution having initial custody of the dead body is unable to determine the identity of the decedent or to identify and notify the next of kin of the decedent regarding the decedent's death, the person or institution shall contact the primary law-enforcement agency for the locality, which shall make good faith efforts to determine the identity of the decedent and to identify and notify the next of kin of the decedent.

If the identity of the decedent is known to the primary law-enforcement agency or the primary law-enforcement agency is able to identify the decedent, the primary law-enforcement agency is able to identify and notify the next of kin of the decedent, and the next of kin of the decedent is willing and able to claim the body, the body may be claimed by the next of kin for disposition, and the claimant shall bear the expenses of such disposition.

If the identity of the decedent is known or the primary law-enforcement agency is able to determine the identity of the decedent but the primary law-enforcement agency is unable, despite good faith efforts, to identify and notify the decedent's next of kin within 10 days of the date of contact by the person or institution having initial custody of the dead body, or the primary law-enforcement agency is able to identify and notify the decedent's next of kin but the next of kin fails or refuses to claim the body within 10 days, the primary law-enforcement agency shall notify the person or institution having initial custody of the dead body, and the body shall be disposed of in accordance with § 32.1-309.2.

D. In cases in which a dead body is claimed by the decedent's next of kin but the next of kin is unable to pay the reasonable costs of disposition of the body and the costs are paid by the county or city in which the decedent resided or in which the death occurred in accordance with this section, and the decedent has an estate out of which burial expenses may be paid, in whole or in part, such assets shall be seized for such purpose.

E. No dead body that is the subject of an investigation pursuant to § 32.1-283 or autopsy pursuant to § 32.1-285 shall be transferred for purposes of disposition until such investigation or autopsy has been completed.

F. Any sheriff or primary law-enforcement officer, county, city, health care provider, funeral service establishment, funeral service licensee, or other person or institution that acts in accordance with the requirements of this chapter shall be immune from civil liability for any act, decision, or omission resulting from acceptance and disposition of the dead body in accordance with this section, unless such act, decision, or omission resulted from bad faith or malicious intent.

G. Nothing in this section shall prevent a law-enforcement agency other than the primary law-enforcement agency from performing the duties established by this section if so requested by the primary law-enforcement agency and agreed to by the other law-enforcement agency.

§ 32.1-309.2. Disposition of unclaimed dead body; how expenses paid.

A. In any case in which (i) the primary law-enforcement agency is unable to identify and notify the next of kin of the decedent within 10 days of the date of contact by the person or institution having initial custody of the dead body despite good faith efforts to do so or (ii) the next of kin of the decedent fails or refuses to claim the body within 10 days of receipt of notice of the decedent's death, the primary law-enforcement agency shall notify the attorney for the county or city in which the person or institution is located or, if there is no county or city attorney, the attorney for the Commonwealth, and such attorney shall without delay request an order authorizing the person or institution having initial custody of the dead body to

transfer custody of the body to a funeral service establishment for final disposition. Upon entry of a final order for disposition of the dead body, the person or institution having initial custody of the body shall transfer custody of the body to a funeral service establishment, which shall take possession of the dead body for disposition in accordance with the provisions of such order. Except as provided in subsection B or C, the reasonable expenses of disposition of the body shall be borne (a) by the county or city in which the decedent resided at the time of death if the decedent was a resident of Virginia or (b) by the county or city where death occurred if the decedent was not a resident of Virginia or the location of the decedent's residence cannot reasonably be determined. However, no such expenses shall be paid by such county or city until allowed by an appropriate court in such county or city.

B. In the case of a person who has been received into the state corrections system and died prior to his release, whose body is unclaimed, the Department of Corrections shall accept the body for proper disposition and shall bear the reasonable expenses for cremation or other disposition of the body. In the case of a person who has been received into the state corrections system and died prior to his release and whose claimant is financially unable to pay reasonable expenses of disposition, the expenses shall be borne by the county or city where the claimant resides.

C. In the case of a person who has been committed to the custody of the Department of Behavioral Health and Developmental Services and died prior to his release, whose body is unclaimed, the Department of Behavioral Health and Developmental Services shall bear the reasonable expenses for cremation or other disposition of the body. In the case of a person who has been committed to the custody of the Department of Behavioral Health and Developmental Services and died prior to his release and whose claimant is financially unable to pay reasonable expenses of disposition, the expenses shall be borne by the county or city where the claimant resides.

D. Any person or institution having initial custody of a dead body may enter into an agreement with a local funeral service establishment whereby the funeral service establishment shall take possession of the dead body for the purpose of storing the dead body during such time as the person or institution having initial custody of the body or the primary local law-enforcement agency is engaged in identifying the decedent, attempting to identify and contact the next of kin of the decedent, and making arrangements for the final disposition of the body in accordance with this section, provided that at all times during which the funeral service establishment is providing storage of the body, the person or institution having initial custody of the dead body shall continue to have legal custody of the body until such time as custody is transferred in accordance with this chapter.

E. In cases in which a decedent whose remains are disposed of in accordance with this section has an estate out of which burial expenses may be paid, in whole or in part, such assets shall be seized for such purpose.

F. No dead body that is the subject of an investigation pursuant to § 32.1-283 or autopsy pursuant to § 32.1-285 shall be transferred for purposes of disposition until such investigation or autopsy has been completed.

G. Any sheriff or primary law-enforcement officer, county, city, health care provider, funeral service establishment, or funeral service licensee; the Department of Corrections; or any other person or institution that acts in accordance with the requirements of this chapter shall be immune from civil liability for any act, decision, or omission resulting from acceptance and disposition of the dead body in accordance with this section, unless such act, decision, or omission resulted from bad faith or malicious intent.

H. Nothing in this section shall prevent a law-enforcement agency other than the primary law-enforcement agency from performing the duties established by this section if so requested by the primary law-enforcement agency and agreed to by the other law-enforcement agency.

§ 32.1-309.3. Cremations and burials at sea.

No dead human body whose death occurred in Virginia shall be cremated or buried at sea, irrespective of the cause and manner of death, unless a medical examiner determines that there is no further need for medicolegal inquiry into the death and so certifies upon a form supplied by the Chief Medical Examiner. For this service the medical examiner shall be entitled to a fee established by the Board, not to exceed the fee provided for in subsection D of § 32.1-283, to be paid by the applicant for the certificate.

§ 32.1-309.4. Determination of hazardous human remains.

The Commissioner, in consultation with the Governor, shall have the authority to determine if human remains are hazardous to the public health. If the Commissioner determines that such remains are hazardous, the Commonwealth, with direction from the Commissioner, shall be charged with the safe handling, identification, and disposition of the remains and shall erect a memorial, as appropriate, at any disposition site.

For the purposes of this section, "hazardous," with regard to human remains, means those remains contaminated with an infectious, radiologic, chemical, or other dangerous agent.

§ 54.1-2807. Other prohibited activities.

A. A person licensed for the practice of funeral service shall not (i) remove or embalm a body when he has information indicating the death was such that a medical examiner's investigation is required pursuant to § 32.1-283 or 32.1-285.1 or (ii) cremate or bury at sea a body until he has obtained permission of the medical examiner as required by ~~§ 32.1-284~~ 32.1-309.3.

B. Except as provided in ~~§§ 32.1-288 and 32.1-301~~ and Chapter 8.1 (§ 32.1-309.1 et seq.) of Title 32.1, funeral service establishments shall not accept a dead human body from any public officer except a medical examiner, or from any public or private facility or person having a professional relationship with the decedent without having first inquired about the

desires of the next of kin and the persons liable for the funeral expenses of the decedent. The authority and directions of any next of kin shall govern the disposal of the body, subject to the provisions of § 54.1-2807.01 or 54.1-2825.

Any funeral service establishment violating this subsection shall not charge for any service delivered without the directions of the next of kin. However, in cases of accidental or violent death, the funeral service establishment may charge and be reimbursed for the removal of bodies and rendering necessary professional services until the next of kin or the persons liable for the funeral expenses have been notified.

C. No company, corporation or association engaged in the business of paying or providing for the payment of the expenses for the care of the remains of deceased certificate holders or members or engaged in providing life insurance when the contract might or could give rise to an obligation to care for the remains of the insured shall contract to pay or pay any benefits to any licensee of the Board or other individual in a manner which could restrict the freedom of choice of the representative or next of kin of a decedent in procuring necessary and proper services and supplies for the care of the remains of the decedent.

D. No person licensed for the practice of funeral service or preneed funeral planning or any of his agents shall interfere with the freedom of choice of the general public in the choice of persons or establishments for the care of human remains or of preneed funeral planning or preneed funeral contracts.

E. This section shall not be construed to apply to the authority of any administrator, executor, trustee or other person having a fiduciary relationship with the decedent.

§ 54.1-2818.1. Prerequisites for cremation.

No dead human body shall be cremated without permission of the medical examiner as required by ~~§ 32.1-284 32.1-309.3~~ and visual identification of the deceased by the next-of-kin or his representative, who may be any person designated to make arrangements for the decedent's burial or the disposition of his remains pursuant to § 54.1-2825, an agent named in an advance directive pursuant to § 54.1-2984, or a ~~sheriff, upon court order, if no next of kin, designated person or agent is available~~ any guardian appointed pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2 who may exercise the powers conferred in the order of appointment or by § 64.2-2019. If no next of kin, designated person, agent, or guardian is available or willing to make visual identification of the deceased, such identification shall be made by a member of the primary law-enforcement agency of the city or county in which the person or institution having initial custody of the body is located, pursuant to court order. When visual identification is not feasible, other positive identification of the deceased may be used as a prerequisite for cremation. *Unless such act, decision, or omission resulted from bad faith or malicious intent, the funeral service establishment, funeral service licensee, crematory, cemetery, primary law-enforcement officer, sheriff, county, or city shall be immune from civil liability for any act, decision, or omission resulting from cremation. Nothing in this section shall prevent a law-enforcement agency other than the primary law-enforcement agency from performing the duties established by this section if so requested by the primary law-enforcement agency and agreed to by the other law-enforcement agency.*

2. That §§ 32.1-284, 32.1-288, and 32.1-288.1 of the Code of Virginia are repealed.

3. That an emergency exists and this act is in force from its passage.

CHAPTER 229

An Act to amend and reenact § 4 of Chapter 726 of the Acts of Assembly of 1990, as amended by Chapters 642 and 675 of the Acts of Assembly of 1999, relating to the Riverside Regional Jail Authority.

[H 120]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 4 of Chapter 726 of the Acts of Assembly of 1990, as amended by Chapters 642 and 675 of the Acts of Assembly of 1999, is amended and reenacted as follows:

§ 4. Members.

The Authority shall consist of fourteen members, unless increased as provided for herein, who are to be appointed or shall serve as follows:

1. One member to be appointed by the Board of Supervisors of the County of Charles City, Virginia, and the sheriff of the County;

2. One member to be appointed by the Board of Supervisors of the County of Chesterfield, Virginia, and the sheriff of the County;

3. One member to be appointed by the City Council of the City of Colonial Heights, Virginia, and the sheriff of the City;

4. One member to be appointed by the City Council of the City of Hopewell, Virginia, and the sheriff of the City;

5. One member to be appointed by the City Council of the City of Petersburg, Virginia, and the sheriff of the City;

6. One member to be appointed by the Board of Supervisors of the County of Prince George, Virginia, and the sheriff of the County; and

7. One member to be appointed by the Board of Supervisors of the County of Surry, Virginia, and the sheriff of the County.

No member of the governing body of the County of Chesterfield, the County of Charles City, the City of Colonial Heights, the City of Hopewell, the City of Petersburg, the County of Prince George, or the County of Surry may be a member of the Authority.

All nonsheriff members of the Authority shall serve for a term of four years. The initial term of office shall extend from the organizational meeting of the Authority until the Authority's annual meeting four years thereafter. Any nonsheriff member of the Authority may be appointed to succeed himself. Each duly appointed nonsheriff member shall hold office until his successor shall be duly appointed. Any vacancy in the nonsheriff membership of the Authority, whether caused by expiration of term of office, death, resignation, or otherwise, shall be filled by the governing body of the city or county which appointed the member whose membership is then vacant. Any member appointed to fill an unexpired term shall serve only until the expiration of the term he was appointed to fill. Sheriffs shall serve a term coexistent with their term as sheriff.

Notwithstanding any other provision of law, special or general, alternate members may be appointed to the Authority by the governing body of the city or county in the same manner as regular members, *except that sheriffs may appoint their own alternates*. If a regular member is not present at the meeting of the Authority, the alternate for that member shall have all the voting and other rights of a regular member and shall be counted for purposes of determining a quorum at any meeting. ~~Alternates may not be appointed for the sheriff members of the Authority.~~

CHAPTER 230

An Act to amend and reenact §§ 16.1-309.1 and 19.2-11.01 of the Code of Virginia, relating to crime victim rights; offenses by juveniles.

[H 171]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-309.1 and 19.2-11.01 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-309.1. Exception as to confidentiality.

A. Notwithstanding any other provision of this article, where consideration of public interest requires, the judge shall make available to the public the name and address of a juvenile and the nature of the offense for which a juvenile has been adjudicated delinquent (i) for an act which would be a Class 1, 2, or 3 felony, forcible rape, robbery or burglary or a related offense as set out in Article 2 (§ 18.2-89 et seq.) of Chapter 5 of Title 18.2 if committed by an adult or (ii) in any case where a juvenile is sentenced as an adult in circuit court.

B. 1. a. At any time prior to disposition, if a juvenile charged with a delinquent act which would constitute a felony if committed by an adult, or held in custody by a law-enforcement officer, or held in a secure facility pursuant to such charge becomes a fugitive from justice, the attorney for the Commonwealth or, upon notice to the Commonwealth's attorney, the Department of Juvenile Justice or a locally operated court services unit, may, with notice to the juvenile's attorney of record, petition the court having jurisdiction of the offense to authorize public release of the juvenile's name, age, physical description and photograph, the charge for which he is sought or for which he was adjudicated and any other information which may expedite his apprehension. Upon a showing that the juvenile is a fugitive and for good cause, the court shall order release of this information to the public. If a juvenile charged with a delinquent act that would constitute a felony if committed by an adult, or held in custody by a law-enforcement officer, or held in a secure facility pursuant to such charge becomes a fugitive from justice at a time when the court is not in session, the Commonwealth's attorney, the Department of Juvenile Justice, or a locally operated court services unit may, with notice to the juvenile's attorney of record, authorize the public release of the juvenile's name, age, physical description and photograph, the charge for which he is sought, and any other information which may expedite his apprehension.

b. At any time prior to disposition, if a juvenile charged with a delinquent act which would constitute a misdemeanor if committed by an adult, or held in custody by a law-enforcement officer, or held in a secure facility pursuant to such charge becomes a fugitive from justice, the attorney for the Commonwealth may, with notice to the juvenile's attorney of record, petition the court having jurisdiction of the offense to authorize public release of the juvenile's name, age, physical description and photograph, the charge for which he is sought or for which he was adjudicated and any other information which may expedite his apprehension. Upon a showing that the juvenile is a fugitive and for good cause, the court shall order release of this information to the public. If a juvenile charged with a delinquent act that would constitute a misdemeanor if committed by an adult, or held in custody by a law-enforcement officer, or held in a secure facility pursuant to such charge becomes a fugitive from justice at a time when the court is not in session, the attorney for the Commonwealth may, with notice to the juvenile's attorney of record, authorize the public release of the juvenile's name, age, physical description and photograph, the charge for which he is sought, and any other information which may expedite his apprehension.

2. After final disposition, if a juvenile (i) found to have committed a delinquent act becomes a fugitive from justice or (ii) who has been committed to the Department of Juvenile Justice pursuant to subdivision 14 of § 16.1-278.8 or 16.1-285.1 becomes a fugitive from justice by escaping from a facility operated by or under contract with the Department or from the custody of any employee of such facility, the Department may release to the public the juvenile's name, age, physical description and photograph, the charge for which he is sought or for which he was committed, and any other information

which may expedite his apprehension. The Department shall promptly notify the attorney for the Commonwealth of the jurisdiction in which the juvenile was tried whenever information is released pursuant to this subdivision. If a juvenile specified in clause (i) being held after disposition in a secure facility not operated by or under contract with the Department becomes a fugitive by such escape, the attorney for the Commonwealth of the locality in which the facility is located may release the information as provided in this subdivision.

C. Whenever a juvenile 14 years of age or older is charged with a delinquent act that would be a criminal violation of Article 2 (§ 18.2-38 et seq.) of Chapter 4 of Title 18.2, a felony involving a weapon, a felony violation of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, or an "act of violence" as defined in subsection A of § 19.2-297.1 if committed by an adult, the judge may, where consideration of the public interest requires, make the juvenile's name and address available to the public.

D. Upon the request of a victim of a delinquent act ~~which~~ *that* would be a felony *or that would be a misdemeanor violation of § 16.1-253.2, 18.2-57, 18.2-57.2, 18.2-60.3, 18.2-60.4, 18.2-67.4, or 18.2-67.5* if committed by an adult, the court may order that such victim be informed of the charge or charges brought, the findings of the court, and the disposition of the case. For purposes of this section, "victim" shall be defined as in § 19.2-11.01.

E. Upon request, the judge or clerk may disclose if an order of emancipation of a juvenile pursuant to § 16.1-333 has been entered, provided (i) the order is not being appealed, (ii) the order has not been terminated, or (iii) there has not been a judicial determination that the order is void ab initio.

F. Notwithstanding any other provision of law, a copy of any court order that imposes a curfew or other restriction on a juvenile may be provided to the chief law-enforcement officer of the county or city wherein the juvenile resides. The chief law-enforcement officer shall only disclose information contained in the court order to other law-enforcement officers in the conduct of official duties.

G. Notwithstanding any other provision of law, where consideration of public safety requires, the Department and locally operated court service unit shall release information relating to a juvenile's criminal street gang involvement, if any, and the criminal street gang-related activity and membership of others, as criminal street gang is defined in § 18.2-46.1, obtained from an investigation or supervision of a juvenile and shall include the identity or identifying information of the juvenile; however, the Department and local court service unit shall not release the identifying information of a juvenile not affiliated with or involved in a criminal street gang unless that information relates to a specific criminal act. Such information shall be released to any State Police, local police department, sheriff's office, or law-enforcement task force that is a part of or administered by the Commonwealth or any political subdivision thereof, and that is responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth. The exchange of information shall be for the purpose of an investigation into criminal street gang activity.

H. Notwithstanding any other provision of Article 12 (§ 16.1-299 et seq.), an intake officer shall report to the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security a juvenile who has been detained in a secure facility based on an allegation that the juvenile committed a violent juvenile felony and who the intake officer has probable cause to believe is in the United States illegally.

§ 19.2-11.01. Crime victim and witness rights.

A. In recognition of the Commonwealth's concern for the victims and witnesses of crime, it is the purpose of this chapter to ensure that the full impact of crime is brought to the attention of the courts of the Commonwealth; that crime victims and witnesses are treated with dignity, respect and sensitivity; and that their privacy is protected to the extent permissible under law. It is the further purpose of this chapter to ensure that victims and witnesses are informed of the rights provided to them under the laws of the Commonwealth; that they receive authorized services as appropriate; and that they have the opportunity to be heard by law-enforcement agencies, attorneys for the Commonwealth, corrections agencies and the judiciary at all critical stages of the criminal justice process to the extent permissible under law. Unless otherwise stated and subject to the provisions of § 19.2-11.1, it shall be the responsibility of a locality's crime victim and witness assistance program to provide the information and assistance required by this chapter, including verification that the standardized form listing the specific rights afforded to crime victims has been received by the victim.

As soon as practicable after identifying a victim of a crime, the investigating law-enforcement agency shall provide the victim with a standardized form listing the specific rights afforded to crime victims. The form shall include a telephone number by which the victim can receive further information and assistance in securing the rights afforded crime victims, the name, address and telephone number of the office of the attorney for the Commonwealth, the name, address and telephone number of the investigating law-enforcement agency, and a summary of the victim's rights under § 40.1-28.7:2.

1. Victim and witness protection and law-enforcement contacts.

a. In order that victims and witnesses receive protection from harm and threats of harm arising out of their cooperation with law-enforcement, or prosecution efforts, they shall be provided with information as to the level of protection which may be available pursuant to § 52-35 or to any other federal, state or local program providing protection, and shall be assisted in obtaining this protection from the appropriate authorities.

b. Victims and witnesses shall be provided, where available, a separate waiting area during court proceedings that affords them privacy and protection from intimidation, and that does not place the victim in close proximity to the defendant or the defendant's family.

2. Financial assistance.

a. Victims shall be informed of financial assistance and social services available to them as victims of a crime, including information on their possible right to file a claim for compensation from the Crime Victims' Compensation Fund pursuant to Chapter 21.1 (§ 19.2-368.1 et seq.) of this title and on other available assistance and services.

b. Victims shall be assisted in having any property held by law-enforcement agencies for evidentiary purposes returned promptly in accordance with §§ 19.2-270.1 and 19.2-270.2.

c. Victims shall be advised that restitution is available for damages or loss resulting from an offense and shall be assisted in seeking restitution in accordance with §§ 19.2-305, 19.2-305.1, Chapter 21.1 (§ 19.2-368.1 et seq.) of this title, Article 21 (§ 58.1-520 et seq.) of Chapter 3 of Title 58.1, and other applicable laws of the Commonwealth.

3. Notices.

a. Victims and witnesses shall be (i) provided with appropriate employer intercession services to ensure that employers of victims and witnesses will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearances and (ii) advised that pursuant to § 18.2-465.1 it is unlawful for an employer to penalize an employee for appearing in court pursuant to a summons or subpoena.

b. Victims shall receive advance notification when practicable from the attorney for the Commonwealth of judicial proceedings relating to their case and shall be notified when practicable of any change in court dates in accordance with § 19.2-265.01 if they have provided their names, current addresses and telephone numbers.

c. Victims shall receive notification, if requested, subject to such reasonable procedures as the Attorney General may require pursuant to § 2.2-511, from the Attorney General of the filing and disposition of any appeal or habeas corpus proceeding involving their case.

d. Victims shall be notified by the Department of Corrections or a sheriff or jail superintendent (i) in whose custody an escape, change of name, transfer, release or discharge of a prisoner occurs pursuant to the provisions of §§ 53.1-133.02 and 53.1-160 or (ii) when an accused is released on bail, if they have provided their names, current addresses and telephone numbers in writing. Such notification may be provided through the Virginia Statewide VINE (Victim Information and Notification Everyday) System or other similar electronic or automated system.

e. Victims shall be advised that, in order to protect their right to receive notices and offer input, all agencies and persons having such duties must have current victim addresses and telephone numbers given by the victims. Victims shall also be advised that any such information given shall be confidential as provided by § 19.2-11.2.

4. Victim input.

a. Victims shall be given the opportunity, pursuant to § 19.2-299.1, to prepare a written victim impact statement prior to sentencing of a defendant and may provide information to any individual or agency charged with investigating the social history of a person or preparing a victim impact statement under the provisions of §§ 16.1-273 and 53.1-155 or any other applicable law.

b. Victims shall have the right to remain in the courtroom during a criminal trial or proceeding pursuant to the provisions of § 19.2-265.01.

c. On motion of the attorney for the Commonwealth, victims shall be given the opportunity, pursuant to §§ 19.2-264.4 and 19.2-295.3, to testify prior to sentencing of a defendant regarding the impact of the offense.

d. In a felony case, the attorney for the Commonwealth, upon the victim's written request, shall consult with the victim either verbally or in writing (i) to inform the victim of the contents of a proposed plea agreement and (ii) to obtain the victim's views about the disposition of the case, including the victim's views concerning dismissal, pleas, plea negotiations and sentencing. However, nothing in this section shall limit the ability of the attorney for the Commonwealth to exercise his discretion on behalf of the citizens of the Commonwealth in the disposition of any criminal case. The court shall not accept the plea agreement unless it finds that, except for good cause shown, the Commonwealth has complied with clauses (i) and (ii). Good cause shown shall include, but not be limited to, the unavailability of the victim due to incarceration, hospitalization, failure to appear at trial when subpoenaed, or change of address without notice.

Upon the victim's written request, the victim shall be notified in accordance with subdivision A 3 b of any proceeding in which the plea agreement will be tendered to the court.

The responsibility to consult with the victim under this subdivision shall not confer upon the defendant any substantive or procedural rights and shall not affect the validity of any plea entered by the defendant.

5. Courtroom assistance.

a. Victims and witnesses shall be informed that their addresses and telephone numbers may not be disclosed, pursuant to the provisions of §§ 19.2-11.2 and 19.2-269.2, except when necessary for the conduct of the criminal proceeding.

b. Victims and witnesses shall be advised that they have the right to the services of an interpreter in accordance with §§ 19.2-164 and 19.2-164.1.

c. Victims and witnesses of certain sexual offenses shall be advised that there may be a closed preliminary hearing in accordance with § 18.2-67.8 and, if a victim was 14 years of age or younger on the date of the offense and is 16 or under at the time of the trial, or a witness to the offense is 14 years of age or younger at the time of the trial, that two-way closed-circuit television may be used in the taking of testimony in accordance with § 18.2-67.9.

6. Post trial assistance.

a. Within 30 days of receipt of a victim's written request after the final trial court proceeding in the case, the attorney for the Commonwealth shall notify the victim in writing, of (i) the disposition of the case, (ii) the crimes of which the

defendant was convicted, (iii) the defendant's right to appeal, if known, and (iv) the telephone number of offices to contact in the event of nonpayment of restitution by the defendant.

b. If the defendant has been released on bail pending the outcome of an appeal, the agency that had custody of the defendant immediately prior to his release shall notify the victim as soon as practicable that the defendant has been released.

c. If the defendant's conviction is overturned, and the attorney for the Commonwealth decides to retry the case or the case is remanded for a new trial, the victim shall be entitled to the same rights as if the first trial did not take place.

B. For purposes of this chapter, "victim" means (i) a person who has suffered physical, psychological, or economic harm as a direct result of the commission of (a) a felony ~~or of~~, (b) assault and battery in violation of § 18.2-57 or § 18.2-57.2, stalking in violation of § 18.2-60.3, a violation of a protective order in violation of § 16.1-253.2 or 18.2-60.4, sexual battery in violation of § 18.2-67.4, attempted sexual battery in violation of § 18.2-67.5, or maiming or driving while intoxicated in violation of § 18.2-51.4 or § 18.2-266, or (c) a delinquent act that would be a felony or a misdemeanor violation of any offense enumerated in clause (b) if committed by an adult; (ii) a spouse or child of such a person; (iii) a parent or legal guardian of such a person who is a minor; (iv) for the purposes of subdivision A 4 of this section only, a current or former foster parent or other person who has or has had physical custody of such a person who is a minor, for six months or more or for the majority of the minor's life; or (v) a spouse, parent, sibling, or legal guardian of such a person who is physically or mentally incapacitated or was the victim of a homicide; however, "victim" does not mean a parent, child, spouse, sibling, or legal guardian who commits a felony or other enumerated criminal offense against a victim as defined in clause (i).

C. Officials and employees of the judiciary, including court services units, law-enforcement agencies, the Department of Corrections, attorneys for the Commonwealth and public defenders, shall be provided with copies of this chapter by the Department of Criminal Justice Services or a crime victim and witness assistance program. Each agency, officer or employee who has a responsibility or responsibilities to victims under this chapter or other applicable law shall make reasonable efforts to become informed about these responsibilities and to ensure that victims and witnesses receive such information and services to which they may be entitled under applicable law, provided that no liability or cause of action shall arise from the failure to make such efforts or from the failure of such victims or witnesses to receive any such information or services.

CHAPTER 231

An Act to amend and reenact § 4.1-210 of the Code of Virginia, relating to alcoholic beverage control; mixed beverage license for Virginia State Fair.

[H 217]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-210 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-210. Mixed beverages licenses.

A. Subject to the provisions of § 4.1-124, the Board may grant the following licenses relating to mixed beverages:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this paragraph, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board.

If the restaurant is located on the premises of a hotel or motel with not less than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms and other private rooms of such hotel or motel, such licensee may (i) sell and serve mixed beverages for consumption in such designated areas, bedrooms and other private rooms and (ii) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit or profit club exclusively for its members and their guests, or members of another private, nonprofit or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to sell and serve mixed beverages for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts

from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage special events licenses, to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

5. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating a performing arts facility, (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings and objects significant in American history and culture, or (iii) ~~a duly organized nonprofit corporation that has been granted an exemption from federal taxation under § 501(c)(3) of the U.S. Internal Revenue Code of 1986 that owns any rural persons operating an agricultural event and entertainment park or similar facility that has a minimum of 60,000~~ 50,000 square feet of indoor exhibit space and equine and other livestock show areas, *which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open or closed-door access.* The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease the original term of which was for more than one year's duration. Such license shall authorize the ~~sale, on the dates of performances or events in furtherance of the purposes of the nonprofit corporation or association, of licensee to sell~~ alcoholic beverages, *during scheduled events and performances* for on-premises consumption in areas upon the licensed premises approved by the Board.

6. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train, boat or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth.

7. Mixed beverage club events licenses, which shall authorize a club holding a beer or wine and beer club license to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year.

8. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

9. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

10. Annual mixed beverage motor sports facility license to persons operating food concessions at any outdoor motor sports road racing club facility, of which the track surface is 3.27 miles in length, on 1,200 acres of rural property bordering the Dan River, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

11. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for its members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year.

12. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks exceed 10 percent of the total annual gross sales.

13. Annual mixed beverage motor sports facility licenses to persons operating concessions at an outdoor motor sports facility that hosts a NASCAR national touring race, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for on-premises consumption.

14. Annual mixed beverage performing arts facility license to corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

B. The granting of any license under subdivision 1, 6, 7, 8, 9, 10, 11, 13, or 14 shall automatically include a license to sell and serve wine and beer for on-premises consumption. The licensee shall pay the state and local taxes required by §§ 4.1-231 and 4.1-233.

CHAPTER 232

An Act to amend and reenact § 8.01-217 of the Code of Virginia, relating to how name of person may be changed.

[H 233]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-217 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-217. How name of person may be changed.

A. Any person desiring to change his own name, or that of his child or ward, may apply therefor to the circuit court of the county or city in which the person whose name is to be changed resides, or if no place of abode exists, such person may apply to any circuit court which shall consider such application if it finds that good cause exists therefor under the circumstances alleged. ~~Applications of probationers and incarcerated persons may be accepted if the court finds that good cause exists for such application.~~ An incarcerated person may apply to the circuit court of the county or city in which such person is incarcerated. In case of a minor who has no living parent or guardian, the application may be made by his next friend. In case of a minor who has both parents living, the parent who does not join in the application shall be served with reasonable notice of the application pursuant to § 8.01-296 and, should such parent object to the change of name, a hearing shall be held to determine whether the change of name is in the best interest of the minor. It shall not be necessary to effect service upon any parent who files an answer to the application. If, after application is made on behalf of a minor and an ex parte hearing is held thereon, the court finds by clear and convincing evidence that such notice would present a serious threat to the health and safety of the applicant, the court may waive such notice.

B. Every application shall be under oath and shall include the place of residence of the applicant, the names of both parents, including the maiden name of his mother, the date and place of birth of the applicant, the applicant's felony conviction record, if any, *whether the applicant is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1*, whether the applicant is presently incarcerated or a probationer with any court, and if the applicant has previously changed his name, his former name or names.

C. On any such application and hearing, if such be demanded, the court, shall, unless the evidence shows that the change of name is sought for a fraudulent purpose or would otherwise infringe upon the rights of others or, in a case involving a minor, that the change of name is not in the best interest of the minor, order a change of name.

D. No application shall be accepted by a court for a change of name of a probationer, person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, or incarcerated person unless the court finds that good cause exists for consideration of such application under the reasons alleged in the application for the requested change of name. If the court accepts the application, the court shall mail or deliver a copy of the application to the attorney for the Commonwealth for the jurisdiction where the application was filed and the attorney for the Commonwealth for any jurisdiction in the Commonwealth where a conviction occurred that resulted in the applicant's probation, registration with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, or incarceration. The attorney for the Commonwealth where the application was filed shall be entitled to respond and represent the interests of the Commonwealth by filing a response within 30 days after the mailing or delivery of a copy of the application. The court shall conduct a hearing on the application and may order a change of name if, after receiving and considering evidence concerning the circumstances regarding the requested change of name, the court determines that the change of name (i) would not frustrate a legitimate law-enforcement purpose, (ii) is

not sought for a fraudulent purpose, and (iii) would not otherwise infringe upon the rights of others. Such order shall contain written findings stating the court's basis for granting the order.

E. The provisions of subsection D are jurisdictional and any order granting a change of name pursuant to subsection D that fails to comply with any provision of subsection D is void ab initio. The attorney for the Commonwealth for the jurisdiction where such an application was filed has the authority to bring an independent action at any time to have such order declared void. If the attorney for the Commonwealth brings an independent action to have the order declared void, notice of the action shall be served upon the person who was granted a change of name who shall have 30 days after service to respond. If the person whose name was changed files a response objecting to having the order declared void, the court shall hold a hearing. If an order granting a change of name is declared void pursuant to this subsection, or if a person is convicted of perjury pursuant to § 18.2-434 for unlawfully changing his name pursuant to § 18.2-504.1 based on conduct that violates this section, the clerk of the court entering the order or the order of conviction shall transmit a certified copy of the order to the State Registrar of Vital Records, the Department of Motor Vehicles, the State Board of Elections, the Central Criminal Records Exchange, and any agency or department of the Commonwealth that has issued a license to the person where such license utilizes the person's changed name.

F. The order shall contain no identifying information other than the applicant's former name or names, new name, and current address. The clerk of the court shall spread the order upon the current deed book in his office, index it in both the old and new names, and transmit a certified copy of the order and the application to the State Registrar of Vital Records and the Central Criminal Records Exchange. Transmittal of a copy of the order and the application to the State Registrar of Vital Records and the Central Criminal Records Exchange shall not be required of a person who changed his or her former name by reason of marriage and who makes application to resume a former name pursuant to § 20-121.4.

~~D.~~ G. If the applicant shall show cause to believe that in the event his change of name should become a public record, a serious threat to the health or safety of the applicant or his immediate family would exist, the chief judge of the circuit court may waive the requirement that the application be under oath or the court may order the record sealed and direct the clerk not to spread and index any orders entered in the cause, and shall not transmit a certified copy to the State Registrar of Vital Records or the Central Criminal Records Exchange. Upon receipt of such order by the State Registrar of Vital Records, for a person born in this Commonwealth, together with a proper request and payment of required fees, the Registrar shall issue certifications of the amended birth record which do not reveal the former name or names of the applicant unless so ordered by a court of competent jurisdiction. Such certifications shall not be marked "amended" and show the effective date as provided in § 32.1-272. Such order shall set forth the date and place of birth of the person whose name is changed, the full names of his parents, including the maiden name of the mother and, if such person has previously changed his name, his former name or names.

CHAPTER 233

An Act to amend and reenact § 4.1-225 of the Code of Virginia, relating to alcoholic beverage control; suspension of license for local tax delinquency.

[H 283]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-225 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-225. Grounds for which Board may suspend or revoke licenses.

The Board may suspend or revoke any license other than a brewery license, in which case the Board may impose penalties as provided in § 4.1-227, if it has reasonable cause to believe that:

1. The licensee, or if the licensee is a partnership, any general partner thereof, or if the licensee is an association, any member thereof, or a limited partner of 10 percent or more with voting rights, or if the licensee is a corporation, any officer, director, or shareholder owning 10 percent or more of its capital stock, or if the licensee is a limited liability company, any member-manager or any member owning 10 percent or more of the membership interest of the limited liability company:

a. Has misrepresented a material fact in applying to the Board for such license;

b. Within the five years immediately preceding the date of the hearing held in accordance with § 4.1-227, has (i) been convicted of a violation of any law, ordinance or regulation of the Commonwealth, of any county, city or town in the Commonwealth, of any state, or of the United States, applicable to the manufacture, transportation, possession, use or sale of alcoholic beverages; (ii) violated any provision of Chapter 3 (§ 4.1-300 et seq.); (iii) committed a violation of the Wine Franchise Act (§ 4.1-400 et seq.) or the Beer Franchise Act (§ 4.1-500 et seq.) in bad faith; (iv) violated or failed or refused to comply with any regulation, rule or order of the Board; or (v) failed or refused to comply with any of the conditions or restrictions of the license granted by the Board;

c. Has been convicted in any court of a felony or of any crime or offense involving moral turpitude under the laws of any state, or of the United States;

d. Is not the legitimate owner of the business conducted under the license granted by the Board, or other persons have ownership interests in the business which have not been disclosed;

- e. Cannot demonstrate financial responsibility sufficient to meet the requirements of the business conducted under the license granted by the Board;
- f. Has been intoxicated or under the influence of some self-administered drug while upon the licensed premises;
- g. Has maintained the licensed premises in an unsanitary condition, or allowed such premises to become a meeting place or rendezvous for members of a criminal street gang as defined in § 18.2-46.1 or persons of ill repute, or has allowed any form of illegal gambling to take place upon such premises;
- h. Knowingly employs in the business conducted under such license, as agent, servant, or employee, other than a busboy, cook or other kitchen help, any person who has been convicted in any court of a felony or of any crime or offense involving moral turpitude, or who has violated the laws of the Commonwealth, of any other state, or of the United States, applicable to the manufacture, transportation, possession, use or sale of alcoholic beverages;
- i. Subsequent to the granting of his original license, has demonstrated by his police record a lack of respect for law and order;
- j. Has allowed the consumption of alcoholic beverages upon the licensed premises by any person whom he knew or had reason to believe was (i) less than 21 years of age, (ii) interdicted, or (iii) intoxicated, or has allowed any person whom he knew or had reason to believe was intoxicated to loiter upon such licensed premises;
- k. Has allowed any person to consume upon the licensed premises any alcoholic beverages except as provided under this title;
 - l. Is physically unable to carry on the business conducted under such license or has been adjudicated incapacitated;
 - m. Has allowed any obscene literature, pictures or materials upon the licensed premises;
 - n. Has possessed any illegal gambling apparatus, machine or device upon the licensed premises;
 - o. Has upon the licensed premises (i) illegally possessed, distributed, sold or used, or has knowingly allowed any employee or agent, or any other person, to illegally possess, distribute, sell or use marijuana, controlled substances, imitation controlled substances, drug paraphernalia or controlled paraphernalia as those terms are defined in Articles 1 and 1.1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 and the Drug Control Act (§ 54.1-3400 et seq.) or synthetic cannabinoids as defined in § 18.2-248.1:1; (ii) laundered money in violation of § 18.2-246.3; or (iii) conspired to commit any drug-related offense in violation of Articles 1 and 1.1 of Chapter 7 (§ 18.2-247 et seq.) of Title 18.2 or the Drug Control Act (§ 54.1-3400 et seq.). The provisions of this subdivision shall also apply to any conduct related to the operation of the licensed business which facilitates the commission of any of the offenses set forth herein; or
 - p. Has failed to take reasonable measures to prevent (i) the licensed premises, (ii) any premises immediately adjacent to the licensed premises that are owned or leased by the licensee, or (iii) any portion of public property immediately adjacent to the licensed premises from becoming a place where patrons of the establishment commit criminal violations of Article 1 (§ 18.2-30 et seq.), 2 (§ 18.2-38 et seq.), 2.1 (§ 18.2-46.1 et seq.), 2.2 (§ 18.2-46.4 et seq.), 3 (§ 18.2-47 et seq.), 4 (§ 18.2-51 et seq.), 5 (§ 18.2-58 et seq.), 6 (§ 18.2-59 et seq.), or 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2; Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2; Article 3 (§ 18.2-344 et seq.) or 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2; or Article 1 (§ 18.2-404 et seq.), 2 (§ 18.2-415), or 3 (§ 18.2-416 et seq.) of Chapter 9 of Title 18.2 and such violations lead to arrests that are so frequent and serious as to reasonably be deemed a continuing threat to the public safety.
2. The place occupied by the licensee:
 - a. Does not conform to the requirements of the governing body of the county, city or town in which such establishment is located, with respect to sanitation, health, construction or equipment, or to any similar requirements established by the laws of the Commonwealth or by Board regulations;
 - b. Has been adjudicated a common nuisance under the provisions of this title or § 18.2-258; or
 - c. Has become a meeting place or rendezvous for illegal gambling, illegal users of narcotics, drunks, prostitutes, pimps, panderers or habitual law violators or has become a place where illegal drugs are regularly used or distributed. The Board may consider the general reputation in the community of such establishment in addition to any other competent evidence in making such determination.
3. The licensee or any employee of the licensee discriminated against any member of the armed forces of the United States by prices charged or otherwise.
4. The licensee, his employees, or any entertainer performing on the licensed premises has been convicted of a violation of a local public nudity ordinance for conduct occurring on the licensed premises and the licensee allowed such conduct to occur.
5. Any cause exists for which the Board would have been entitled to refuse to grant such license had the facts been known.
6. *The licensee is delinquent for a period of 90 days or more in the payment of any taxes, or any penalties or interest related thereto, lawfully imposed by the locality where the licensed business is located, as certified by the treasurer, commissioner of the revenue, or finance director of such locality, unless (i) the outstanding amount is de minimis; (ii) the licensee has pending a bona fide application for correction or appeal with respect to such taxes, penalties, or interest; or (iii) the licensee has entered into a payment plan approved by the same locality to settle the outstanding liability.*
7. Any other cause authorized by this title.

CHAPTER 234

An Act to amend and reenact § 28.2-1202 of the Code of Virginia, relating to sand replenishment, riparian rights, and public access.

[H 390]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-1202 of the Code of Virginia is amended and reenacted as follows:

§ 28.2-1202. Rights of owners to extend to mean low-water mark.

A. Subject to the provisions of § 28.2-1200, the limits or bounds of the tracts of land lying on the bays, rivers, creeks, and shores within the jurisdiction of the Commonwealth, and the rights and privileges of the owners of such lands, shall extend to the mean low-water mark but no farther, except where a creek or river, or some part thereof, is comprised within the limits of a lawful survey.

B. For purposes of this section, "lawful survey" means the boundaries of any land, including submerged lands, held under a special grant or compact as required by § 28.2-1200, such boundaries having been determined by generally accepted surveying methods and evidenced by a plat or map thereof recorded in the circuit court clerk's office of the county or city in which the land lies.

C. *Notwithstanding any provision of law to the contrary, where sand or other material is placed upon state-owned beds of the bays, rivers, creeks, or shores of the sea channelward of the mean low-water mark as part of the performance of a properly permitted beach nourishment, storm protection, or dredging project undertaken by a public body, and the public has an established right of use and maintenance upon the adjacent land above the mean low-water mark, whether such public right is established before or after the sand or other material is placed, such placement shall not be deemed a severance or taking of, or otherwise to have impaired, an adjacent landowner's riparian or littoral rights, and the newly created land channelward of the former mean low-water mark shall be deemed natural accretion for purposes of ownership, but such ownership shall be subject to the public's same right of use and maintenance upon the newly created land as previously existed on the adjacent land above the mean low-water mark. This subsection is retroactively effective beginning January 1, 2009.*

CHAPTER 235

An Act to amend and reenact §§ 12, 60, 63, 64, and 114, as amended, of Chapter 34 of the Acts of Assembly of 1918, which provided a charter for the City of Norfolk, relating to council meetings and the division of police.

[H 399]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 12, 60, 63, 64, and 114, as amended, of Chapter 34 of the Acts of Assembly of 1918 are amended and reenacted as follows:

§ 12. Meetings of council.

On the first day of July next following the regular municipal election, or if such day be Saturday or Sunday, then on the following Tuesday, the council shall meet at the usual place for holding meetings of the legislative body of the city, at which time the newly elected council members shall assume the duties of their office. The time for any such meeting shall be set by ordinance adopted by council not less than thirty nor more than forty-five days prior to the election. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution. It shall hold at least one regular meeting each week; ~~provided that it may, by the affirmative vote of a majority of its members, dispense with any 16 such regular meetings in any calendar year month.~~ The mayor, any member of the council, or the city manager, may call special meetings of the council at any time upon at least twelve hours' written notice to each member, served personally or left at his usual place of business or residence; or such meeting may be held at any time without notice, provided all members of the council attend. All meetings of the council shall be public except where closed pursuant to the provisions of general law, and any citizen may have access to the minutes and records thereof at all reasonable times.

§ 60. Division of Police.

The police force shall be composed of a chief of police, *a deputy chief*, and ~~of~~ such officers, patrolmen and other employees as the city manager may determine. The chief of police shall have the immediate direction and control of the said force, subject, however, to the supervision of the director of public safety, and to such rules, regulations and orders as the said director may prescribe, and through the chief of police the director of public safety shall promulgate all orders, rules and regulations for the government of the whole force. In case of the disability of the chief of police to perform his duties by reason of sickness, absence from the city or other cause, the director of public safety shall designate an officer of the police force to act as chief of police during such disability, and the officer so designated shall serve without additional compensation. The members of the police force other than the chief *and deputy chief* shall be selected from the list of eligibles prepared by the civil service commission, and in accordance with such rules as the said commission may prescribe,

provided that in case of riot or emergency the director of public safety may appoint additional patrolmen and officers for temporary service, who need not be in the classified service. Each member of the police force, both rank and file, shall have issued to him a warrant of appointment signed by the director of public safety, in which the date of his appointment shall be stated, and such warrant shall be his commission. Each member of the said force shall, before entering upon the duties of his office, take and subscribe an oath that he will faithfully without fear or favor, perform the duties of his office, and such oath shall be filed and preserved with the records of said department. And in addition the several officers of the said force shall, if so required by the council, give bond in such penalty and with such security as the council may by ordinance prescribe.

No person except as otherwise provided by general law or by this charter shall act as special police, special detective or other special police officer for any purpose whatsoever except upon written authority from the director of public safety. Such authority, when conferred, shall be exercised only under the direction and control of the chief of police and for a specified time.

The officers and privates constituting the police force of said city shall be, and they are, hereby invested with all of the power and authority which pertains to the office of constable at common law in taking cognizance of and in enforcing the criminal laws of the State and the ordinances and regulations of said city, and it shall be the duty of each such officer and private to use his best endeavors to prevent the commission within the said city of offenses against the laws of said State, and against the ordinances and regulations of said city; to observe and enforce all such laws, ordinances and regulations; to detect and arrest offenders against the same; to preserve the good order of said city, and to secure the inhabitants thereof from violence, and the property therein from injury. Such policemen shall have no power or authority in civil matters, but shall execute any criminal warrant or warrant of arrest that may be placed in his hands by any justice of the city, and shall make due return thereof. Such policemen shall not receive any fee or other compensation for any services rendered in the performance of his duty, other than the salary paid him by the city, nor shall he receive a fee as a witness in any case arising under the criminal laws of the said State, or under the ordinances or regulations of the said city.

The director of public safety shall prescribe the uniforms and badges for the members of the police force, and direct the manner in which the members of said force shall be armed. Any person other than a member of said force who shall wear such uniform or badge as may be prescribed as aforesaid, may be subjected to such fine or imprisonment, or both, as may be prescribed by the council by ordinance.

§ 63. Supervision in divisions of fire and police.

The chief of police and the fire chief, with the approval of the director of public safety, except as hereinafter provided, shall have the right and power to reprimand, or to suspend, for a given number of days or indefinitely, any of the sworn officers and sworn employees in their respective divisions who may be under their management and control, for incompetence, neglect of duty, immorality, drunkenness, failure to obey orders given by proper authority, or for any other just and reasonable cause. *This section does not apply to the deputy chief of police, who, like the chief of police and the fire chief, is appointed by and serves at the will of the city manager.* If any such officer or employee be suspended for more than ten days or be suspended indefinitely, the chief of the division concerned shall forthwith certify in writing the fact, together with the cause for such suspension, to the trial board hereinafter provided for, and a copy of such certificate of suspension, and the cause therefor, shall be promptly served on such officer or employee, which service may be by an officer of his division or in the manner prescribed by law for the service of civil process.

Any such officer or employee so suspended may, within ten days after he shall have been so served with such certificate of suspension and the cause therefor, file with said trial board a written request for a hearing upon the accusations so made against him, whereupon said trial board shall, after not less than five days' written notice to such officer or employee, and to the chief of the division by whom he has been suspended, hold and conduct a hearing, which shall be open to the public, upon such accusations, at a time and place to be specified in such notice, and may render judgment thereon. Such judgment, in the event said accusations or any of them are, in the opinion of said trial board, sustained, may be a reprimand, extra duty without extra compensation, suspension for a fixed time, reduction in rank, or dismissal, as to said trial board may seem proper, which judgment shall be final.

Whenever the judgment of the said trial board is that the accusations were not sustained, it may order the reinstatement of such officer or employee in the office or position from which he was suspended. Such order of reinstatement may, in the discretion of said trial board, be retroactive and provide that such officer or employee shall be entitled to compensation for all or part of the time he was so suspended.

In the event any such officer or employee who is suspended for more than ten days or suspended indefinitely shall not file with said trial board a written demand for a hearing as hereinabove provided, the suspension of such officer or employee shall become final, and if the suspension be for an indefinite period, such officer or employee may be discharged by the city manager without a hearing.

The trial board above referred to shall be known as the Norfolk Police-Fire Trial Board, and the members thereof shall be appointed by the council. It shall consist of not less than three nor more than five members, in the discretion of the council, who shall be qualified voters residing in the city, none of whom shall be in any way connected with any other city office. The first appointment of the members of the said trial board shall be for a term of one year commencing July 1, 1950, and all subsequent appointments shall be for consecutive terms of one year. Any member may be appointed for a consecutive term or terms, and any vacancy shall be filled by appointment by the council for the remainder of the unexpired term. The judgment of a majority of the members appointed on said trial board shall control. The members shall receive

such compensation as may be provided by council. Each member shall, before entering upon the duties of his office, take and subscribe the oaths provided by § 133 of this Charter for city officers.

The council shall designate one member of said trial board as chairman thereof. The chairman shall have the power to subpoena witnesses, administer oaths and compel the production of any books and papers in connection with any hearing held hereunder by said trial board. Any person refusing or failing to appear and testify or to produce such books and papers, or who shall testify falsely under oath at any hearing held by said trial board, may be proceeded against in the same manner and shall be subject to the same penalties as provided by § 51 of this Charter relating to investigations as to city affairs.

The council shall also designate one member of said trial board as vice-chairman thereof to act in the absence, disability or inability to act of the chairman, and when so acting, the said vice-chairman shall have all the powers herein conferred upon the chairman.

Any such officer or employee against whom accusations are so filed shall have the right to be represented by counsel at any hearing before said trial board. All notices required to be given the trial board may be given to the chairman thereof, or in his absence, to the vice-chairman.

§ 64. Suspension and dismissal of the chief of police, *deputy chief of police*, and fire chief.

The city manager shall have the power to suspend or dismiss the chief of police, *the deputy chief of police*, and the fire chief at any time, and his action in every such case shall be final; provided that in the event the chief of police, *the deputy chief of police*, or the fire chief was appointed to such position from the membership of his respective division, he shall, at the time of any such suspension or dismissal, or at any time prior thereto, at his request, be restored to the rank he held in the classified service in such division at the time of his appointment as such chief or *deputy chief*, without being required to take any examination, subject, however, to the provisions of § 63 of this Charter.

§ 114. Officers exempted from classified service.

Officers who are elected by the people or who are elected or confirmed by the council, pursuant to this charter, members of the school board, the teachers in the public schools and all other persons employed by said school board, heads of the administrative departments of the city, *the deputy chief of police*, assistant city managers, employees who report directly to and whose positions require the personal trust and confidence of the city manager, employees, regardless of their positions, hired and permanently assigned to work for and under the supervision of the constitutional officers of the city or of the circuit court judges of the city, assistant heads of administrative departments ~~except for the departments of fire and police~~, and heads or chiefs of bureaus and divisions within said departments, *but not including such positions within the departments of fire and police other than that of the deputy chief of police*, members of the law department and civil service examiners, shall not be included in such classified service; provided, however, that the council may by ordinance provide that the health officer of said city and such of his trained medical assistants as may be required to give full time to the duties of their positions shall be included in the classified service.

CHAPTER 236

An Act to amend and reenact §§ 15.2-5368 and 15.2-5370 of the Code of Virginia, relating to the Southwest Virginia Health Authority.

[H 455]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-5368 and 15.2-5370 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-5368. Southwest Virginia Health Authority established.

There is hereby established a Health Authority for the LENOWISCO and Cumberland Plateau Planning District Commissions *and the Counties of Smyth and Washington*.

§ 15.2-5370. Directors; qualifications; terms; vacancies.

The Authority shall be governed by a board of directors in which all powers of the Authority shall be vested. The Authority shall consist of members as follows:

The Executive Director for the Coalfield Economic Development Authority, or his designee;

The Chief Executive Officer of the Norton Community Hospital located in the City of Norton, Virginia, or his designee;

One representative from the Lonesome Pine Hospital;

The Chief Executive Officer of the Virginia Community Healthcare Association, or his designee;

The Chief Executive Officer of the Russell County Medical Center, or his designee;

The District Health Director for the Cumberland Health District, or his designee;

The District Health Director for the LENOWISCO Health District, or his designee;

The Dean of the University of Virginia School of Medicine, or his designee;

The Dean of the School of Dentistry at the Medical College of Virginia of Virginia Commonwealth University, or his designee;

The Dean of the Lincoln Memorial University-DeBusk College of Osteopathic Medicine, or his designee;

The Chancellor of the University of Virginia's College at Wise, or his designee;

The President of the East Tennessee State University Quillen College of Medicine, or his designee;

The President of Frontier Health, or his designee;

The President of the University of Appalachia College of Pharmacy, or his designee;

The President of the Edward Via Virginia College of Osteopathic Medicine, or his designee;

The Chairman of the Board of the Southwest Virginia Graduate Medical Education Consortium, or his designee;

Two members of the Senate to be appointed by the Senate Committee on Rules;

Two members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; and

One member for each participating locality; provided that each such member shall be appointed initially as follows: the representatives of Buchanan and Dickenson Counties being appointed for one-year terms; the representatives of Lee County and the City of Norton being appointed for two-year terms; the representatives of Russell and Scott Counties being appointed for three-year terms; and the representatives of Tazewell and Wise Counties being appointed for four-year terms. Subsequent appointments shall be for terms of four years, except appointments to fill vacancies shall be for the unexpired terms. *In addition, representatives may be selected from the Counties of Smyth and Washington and shall serve initial terms as determined by the board of directors.* All terms of office shall be deemed to commence upon the date of the initial appointment to the Authority, and thereafter in accordance with the provisions of the preceding sentence. If, at the end of any term of office of any director a successor thereto has not been appointed, then the director whose term of office has expired shall continue to hold office until his successor is appointed and qualified. Each director shall, upon appointment or reappointment, before entering upon his duties take and subscribe the oath prescribed by § 49-1.

The directors shall elect from their membership a chairman and a vice-chairman and from their membership or not, as they desire, a secretary and a treasurer or a secretary-treasurer, who shall continue to hold such office until their respective successors are elected.

CHAPTER 237

An Act to provide a new charter for the Town of Victoria, in Lunenburg County, and to repeal Chapter 158, as amended, of the Acts of Assembly of 1916, which provided a charter for the Town of Victoria.

[H 503]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1.

*CHARTER
FOR THE
TOWN OF VICTORIA.
Chapter 1.*

Incorporation, Boundaries, and Powers.

§ 1. Incorporation.

The inhabitants of the territory in Lunenburg County contained within the boundaries prescribed in § 2 hereof is, be, and shall continue to be a body politic and corporate, in fact and in name, under the name and style of the Town of Victoria; and as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal that it may alter at its pleasure, and shall have and exercise all the powers conferred by and be subject to all laws of the Commonwealth now in force, or that may hereafter be enacted for the government of towns of the Commonwealth, so far as the same are not inconsistent with the provisions of this act.

§ 2. Boundaries.

The boundaries of the Town of Victoria is that territory in Lunenburg County, established on the 14th day of March, 1908, as found in the Common Law Order Book 5, Page 422, and territory added by an annexation decree by the Circuit Court of Lunenburg County dated November 11, 1971, as found in Common Law Civil Book 16, Page 513, or as the same may be hereafter altered by law.

§ 3. Powers.

In addition to the powers and authority that are now or may hereafter be granted to towns by the general laws and the Constitution of the Commonwealth of Virginia, including but not limited to the powers set forth in Chapter 11 (§ 15.2-1100 et seq.) of Title 15.2 of the Code of Virginia, and any acts amendatory thereof or supplemental thereto, and the powers enumerated elsewhere in this charter, the town shall have the powers set forth below, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth of Virginia to the town, but not herein specified.

(1) Eminent domain. The town shall also have all powers of eminent domain that are now or may be granted to a municipal corporation under the laws of the Commonwealth and to exercise such power with respect to land and improvements therein, machinery and equipment for any lawful purpose of the town.

(2) Taxation. The town shall have the power to raise annually by taxes and assessments, as permitted by general law, in the town, such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the town, in

such manner as the council shall deem expedient. In addition to, but not as a limitation upon, this general grant of power the town shall have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools; to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport, or athletic event in the town, which taxes may be added to and collected with the price of such admission or other charge; to levy and collect taxes on hotel and motel rooms; to levy and collect privilege taxes, local general retail sales and use tax as provided by law, and capitation taxes; unless prohibited by general law, to require licenses, prohibit the conduct of any business, profession, vocation, or calling without such a license, and require taxes to be paid on such licenses in respect to all businesses, professions, vocations, and callings that cannot, in the opinion of the council, be reached by the ad valorem system; and to require licenses of all owners of vehicles of all kinds for the privilege of using the streets and other public places of the town, require taxes to be paid on such licenses, and prohibit the use of streets, alleys, and other public places in the town without such license, said town to have the power to require as a condition precedent to the issuance of motor vehicle licenses the exhibiting by the motor vehicle license applicant of adequate proof of the payment of all personal property taxes then due and payable to the town by the license applicant. In addition to the other powers conferred by law, the town shall have the power to impose, levy, and collect, in such manner as its council may deem expedient, a consumer or subscriber tax upon the amount paid for the use of water, sewer, gas, electricity, telephone, and any other public utility service within the town or upon the amount paid for any one or more of such public utility services, and may provide that such tax shall be added to and collected with bills rendered consumers and subscribers for such services.

(3) *Indebtedness.* The council may, in the name of and for the use of the town, incur indebtedness by issuing its bonds or notes for the purposes, in the manner, and to the extent provided for in this Charter and by the general law of the Commonwealth. Bonds and notes in anticipation of bonds when the issuance of bonds has been authorized as hereinafter provided may be issued for any purpose for which towns are authorized to issue bonds by the Constitution or general laws of the Commonwealth. Notes in anticipation of collection of revenue may be issued when authorized by the council at any time during the fiscal year.

(4) *The council shall have the power and authority to provide places for the interment of the dead in or near the town, and to acquire the lands necessary therefor. The council shall also have the power to prescribe and enforce all needful rules and regulations, not inconsistent with the laws of the Commonwealth, for the use, protection, and ornamentation of the cemetery; to set aside, at their discretion, by metes and bounds, a portion thereof for the interment of strangers and the indigent poor; to divide the remainder into burial lots and sell or lease the same, and to execute all proper deeds or other writings in evidence of such sale or lease and to prescribe what class or condition of persons shall be admitted to interment in the cemetery. The money from such sale or lease of burial lots shall be invested, used, and employed for the use, protection, preservation, and ornamentation of said cemetery. The cemetery, when established and enclosed, shall be exempt from all state, county, and municipal taxation.*

(5) *The council shall have the power and authority to provide for the removal, transport, and containing of garbage, rubbish, recyclables, or other waste and to set, bill, and collect costs, fees, and rates for such service, and to provide such service within the boundaries of the town and within one mile thereof, either directly by employees of the town or by contract.*

Chapter 2.

Administration and Government.

§ 4. Powers vested in council.

All powers of the town as a body politic and corporate shall be vested in the council. The town shall be governed by a council that shall be composed of six members and a mayor, each elected at large. Each member of council, including the mayor, shall be a qualified voter and a bona fide resident of the town. A bona fide resident of the town is one who lives in the town and intends to do so in the future, maintains a physical place within the town where he dwells, and provides documentation of such residency by personal tax form or similar government documentation relating to residency.

§ 5. Election of mayor and council.

The mayor shall be elected for a term of two years. The members of council and mayor in office at the effective date of this amendment are hereby continued in office for the terms for which they were elected. On the first Tuesday in May 1972, there shall be elected by the electors of the town three councilmen from the town at large. On the first Tuesday in May 1974 and every two years thereafter, there shall be elected by the electors of the town three councilmen from the town at large, who shall serve for terms of four years each. The mayor and councilmen shall take office on the first day of July following their election.

§ 6. Electors of town.

The electors of the Town of Victoria shall be bona fide residents within the corporate limits of the town and who are otherwise qualified to vote in the Commonwealth.

§ 7. Municipal officers.

The municipal officers of the town shall consist of such officers set forth in this Charter and such other officers as may be provided for by the council. The council may appoint such committees of the council and create such boards and departments of town government and administration with such powers and duties and subject to such regulations as it may see fit, consistent with the provisions of this Charter and the general laws of the Commonwealth. The town council is hereby authorized to fix the salary of the mayor, members of the town council, the town manager, members of boards or

commissions, and all appointed officers and employees of said town, at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia.

§ 8. Removal of appointees.

All members of committees, boards, and commissions appointed by the council may be removed by the council unless otherwise provided by the general law.

§ 9. Appointments.

It shall be lawful for any officer appointed by the council, any committee, municipal board, mayor, or the head of any department to fill two or more of the offices whose incumbents are appointed by the council or by any appointing power designated by the council, subject to the same penalties, liabilities, and requirements as to each of said offices as would apply to the incumbents thereof if held by different persons.

§ 10. Oath of office.

The mayor, councilmen, and all municipal officers of said town shall, before entering upon the duties of their respective offices, be sworn in accordance with the laws of the Commonwealth by anyone authorized to administer oaths, which said oaths shall be subscribed in writing and filed with the clerk of the council.

§ 11. Failure to qualify for office.

If any person elected or appointed to any office in said town shall neglect to take such oath on or before the day on which he is to enter upon the discharge of the duties of his office, or shall, for 20 days after the beginning of his term of office, fail to file such bond with such security as may be required of him by the council, he shall be considered as having declined said office, and the same shall be deemed vacant, and such vacancy shall be filled as prescribed in this Charter or by general law.

§ 12. Books, records, and documents.

All books, records, and documents used by any elected or appointed town officer, official, or employee in his office or pertaining to his duties shall be deemed to be the property of the town. Any person designated by this Charter, the general laws of the Commonwealth, or the Town of Victoria Town Code as responsible for the keeping of such books, records, and documents shall, within 10 days after the end of his term of office, deliver to the town clerk all such books, records, documents, and town property. Upon the end of any such person's term of office, or upon the resignation or removal from office of any such person, the town clerk shall provide all such persons written notice of the requirements of this provision of this Charter. Any person failing to deliver such books, records, documents, and property shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$100 and not more than \$500, or imprisoned for not more than six months, or both, at the direction of the court or jury before whom the case is tried.

Chapter 3.

Mayor and Vice Mayor.

§ 13. Mayor; salary.

The mayor shall be elected by the qualified electors of the town for the term of two years. The mayor's salary shall be fixed by the town council and shall not be diminished during the mayor's term of office.

§ 14. Mayor; powers.

The mayor shall preside at meetings of the council and shall be recognized as head of the town government for all ceremonial purposes, for purposes of military law, and for the service of civil processes but shall have no administrative or judicial duties. The mayor shall not have the authority to veto any action of the council. The mayor shall have a vote in the council.

§ 15. Vice mayor.

The council, at its first meeting after its election, shall elect from its membership one of its members as vice mayor. During the absence or inability of the mayor to act, the vice mayor shall possess the powers and discharge the duties of the mayor. While serving in the place of mayor, the vice mayor may vote as a member of the town council.

§ 16. Absence or disability of mayor and vice mayor.

If both mayor and vice mayor are absent or unable to act, the council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time. Whenever it is necessary to elect an acting mayor pursuant to this section, in the absence of both the mayor and vice mayor, the town manager or town clerk shall call the meeting of the council to order and shall preside during the meeting until the council elects an acting mayor. This shall not be construed to vest in the town manager or town clerk any of the powers and duties of the mayor, except as expressly stated in this section.

§ 17. Vacancy in office of mayor.

In case a vacancy shall occur in the office of mayor, the vacancy shall be filled as provided by general law.

Chapter 4.

Council.

§ 18. Council; powers.

All powers of the town as a body politic and corporate shall be vested in the town council. The council shall be the policy-determining body of the town and shall be vested with all of the rights and powers conferred on councils in towns, not inconsistent with this Charter. In addition to the foregoing, the council shall have the following powers:

(1) To have full power to inquire into the official conduct of any office or officer under its control and to investigate the accounts, receipts, disbursements, and expenses of such town employees; for these purposes it may subpoena witnesses, administer oaths, and require the production of books, papers, and other evidence; and in case any witness fails or refuses to obey any such lawful order of the council, he shall be deemed guilty of a misdemeanor.

(2) To provide for the performance of all the governmental functions of the town and to that end to provide for and set up all departments and agencies of government that shall be necessary. Whenever it is not designated in this Charter what office or employee of the town shall exercise any power or perform any duty conferred upon or required of the town or any officer thereof, by general law, then any such power shall be exercised or duty performed by that officer or employee of the town so designated by ordinance or resolution of council. Any activity that is not assigned by the provisions of this Charter to specific departments or agencies of the town government shall be assigned by the council to the appropriate department or agency. The council may further create, abolish, reassign, transfer, or combine any town functions, activities, or departments. The council, in its discretion, may appoint the same person to more than one appointive office.

(3) To fix a schedule of compensation for all town officers and employees. The council may by ordinance define certain classes of town employees whose salaries shall be set by the town manager.

(4) To prescribe the amount and condition of surety bonds to be required of such officers and employees of the town as the council may designate.

§ 19. Meetings.

The town council shall, by ordinance, fix the time of their stated meetings, and no business shall be transacted at a special meeting unless two-thirds of all members of the council be present, but that for which it shall be called.

§ 20. Special meetings.

The town council may be convened at any time upon the call, in writing, of the mayor or any three members thereof, but if all members of the council shall be present at such meetings, any action taken or resolution or ordinance passed at such meeting shall be valid though there should have been no call in writing for said meeting or such call be irregular, or not served upon all the members of the council. Service of the notice of a call of any special meeting shall be had upon all the members of the council and the mayor, who do not sign the call. Such notice may be served by delivering a copy of such call in writing to the party in person, or, if he be not found at his usual place of abode or his usual place of business in the town, if any, by delivering such copy and giving such information of its purport to his spouse or any person found at his usual place of abode who is a member of his family and over the age of 16 years, or who is in his employment; and if he be not found at his usual place of abode or place of business, if any, within the town, or any such person be found at his usual place of abode, by leaving such copy posted at the front door of the said place of abode or place of business.

§ 21. Quorum.

The mayor and three councilmen, or in the absence of the mayor, four councilmen, shall constitute a quorum for the transaction of business, except as herein otherwise provided. But no vote shall be reconsidered or rescinded at any special meeting, unless at such special meeting there be present as large a number of the council as were present when such vote was taken.

§ 22. Rules; ordinances.

The town council shall have authority to adopt rules for the regulation of their proceedings and to appoint such officers and committees as they deem proper; but no tax shall be levied or corporate debt contracted, unless by a vote of two-thirds of the council, which vote shall be by yeas and nays, and recorded in the journal; nor shall any ordinance be passed or resolution adopted having for its object the appropriation of money exceeding the sum of thirty thousand dollars except by the recorded affirmative vote of a majority of all members elected to the council.

§ 23. Journal of proceedings.

A journal shall be kept of the proceedings of the town council, and at the request of any member present the yeas and nays shall be recorded on any question. At the next regular meeting the journal of proceedings of the previous meeting shall be approved and signed by the person who was presiding when the previous meeting adjourned or, if he be not then present, by the person presiding when said journal was approved.

§ 24. Clerk of the council.

The clerk of the council shall keep said journal and shall record the proceedings of the council at large thereon and keep the same properly indexed.

§ 25. Council may compel attendance of members; malfeasance or misfeasance in office.

The town council shall have authority to compel the attendance of its members, punish its members for disorderly behavior, and by a vote of two-thirds of its members expel a member for malfeasance or misfeasance in office. Any member of the council or other officer of the town who shall have been convicted of a felony while in office shall thereby forfeit his office.

§ 26. Filling vacancy on council.

If any council person shall be adjudged by the council disqualified or expelled, the vacancy shall be filled as provided by general law.

§ 27. Absence from council meetings.

If any member of said council be voluntarily absent from its meetings consecutively for three months, his seat may be declared vacant by the council and the vacancy shall be filled as provided by general law.

Chapter 5.
Public Utilities.

§ 28. *Water and sewers and other public utilities.*

The town council shall have power and authority to acquire or otherwise obtain control of or establish, maintain, operate, extend, and enlarge waterworks, gasworks, electric plants, and other public utilities within or without the limits of the town; and to acquire within or without the limits of the town by purchase, condemnation, or otherwise whatever land may be necessary for acquiring, establishing, maintaining, operating, extending, and enlarging said waterworks, electric plants, and other utilities, and the right-of-way, rails, pipes, poles, conduits, and wires connected therewith or any of the fixtures or appurtenances thereof, provided that said town shall not have the right to acquire by condemnation the steam and electric plants, gasworks, and waterworks, or water-power fixtures and appurtenances, or any part thereof, owned and operated in whole or in part on August 1, 1915, by any manufacturing or public service corporation, for the purpose of acquiring, establishing, operating, or enlarging its electric plant or waterworks.

§ 29. *Pollution of water.*

The town council shall have the power and authority to prevent the pollution of the water and injuries to waterworks, for which purpose their jurisdiction shall extend to five miles above the same.

§ 30. *Protect utilities from injury.*

The town council shall have the power and authority to protect from injury the waterworks, gasworks, and electric works of the town, whether within or without the town, by ordinances prescribing adequate penalties of the injury thereof.

§ 31. *Connection to water and sewer.*

The town council shall have the power and authority to require owners or occupiers of the real estate within the corporate limits of the town which may front or abut on the line of any sewer or water pipeline or conduit to make connections therewith, and to use sewer pipes and conduits and water furnished by the town, under such ordinances and regulations as the council may deem necessary to secure the proper sewerage and to improve and secure good sanitary conditions; and shall have the power to enforce the observance of all ordinances and regulations by the imposition and collection of fines and penalties, to be collected as other fines and penalties under the provisions of this act.

§ 32. *Charges.*

The town council shall have the power and authority to fix and impose the charges and dues to be paid by the owners or occupiers of the properties or persons served thereby for tapping or using such sewers, pipes, or conduits and for the use of water supplied by the town; to make and pass all such ordinances and to enforce the same as may be necessary and proper to compel the payment of said fees and charges by the imposition and collection of reasonable fines and penalties, to be collected as are other fines and penalties under the provisions of this act; and to pass ordinances prohibiting the use of the town sewerage or water system through any such connections the fees and charges for which have not been paid, and the use of the town sewerage through any connections with any property and of the delivery of water supplied by the town on or to any property when the fees and charges for the use of the town sewerage system through connections with such property or for water delivered by the town on such property or the delivery of town water to any person delinquent in the payment of the fees and charges for such connections, for the use of the town sewerage system or for water supplied to him by the town.

Chapter 6.
Streets, Alleys, and Walkways.

§ 33. *Streets, et cetera, and cemeteries.*

All streets, cross streets and alleys, and walkways that have already been laid off and opened according to the plats of the several subdivisions of the town, to-wit, the plat or survey of the Tidewater Townsite Corporation, the Tidewater Improvement Company, the Victoria Land Company, and the survey and plat of A. D. Kaylor, made in 1915, and all streets, cross streets and alleys, and walkways that have heretofore been opened and used as such, or which may at any time be located, surveyed, and opened in said town, or any extension of the same within the corporate limits of the town, shall be and they are hereby established as public streets, alleys, and walkways of the town.

§ 34. *Public street, alley, or walkway.*

Any street, alley, or walkway heretofore or hereafter reserved or laid out in the division or subdivision into lots of any portion of the territory within the corporate limits of the town, by a plan or plat of record, shall be deemed and held to be dedicated to public use as and for a public street, alley, or walkway, as the case may be, of the town, unless it appears by said record that the street, alley, or walkway so reserved is designated for private use, and whenever any street, sidewalk, alley, or walkway or lane in the town shall have been opened and used as such by the public for the period of five years, the same shall thereby become a street, alley, walkway, or lane for public purposes, unless notice of the contrary intention on the part of the land owner be given in writing to the mayor of the town, who shall report the receipt of such notice to the council that it may be spread on the journal; and the council shall have the same authority and jurisdiction over, and right and interest therein, as they have by law over the streets, alleys, walkways, and lanes laid out by them; and all streets, alleys, and walkways hereinafter laid out in the division or subdivision into lots of any portion of the territory within the corporate limits of the town shall be made to conform to existing streets, alleys, and walkways, both in widths and their courses and directions.

§ 35. *Public street, alley, or walkway; maintenance; encroachment.*

The town council shall have the authority to open, close, alter, improve, widen, or narrow streets, avenues, alleys, and walkways; to have them kept in good condition and properly lighted; to prevent the cumbering of the streets, sidewalks, alleys, lanes, or bridges of the town in any manner whatever; to prevent the building of any structure, obstruction, or encroachment over, under, or in any street, sidewalk, or alley in said town; and to plant or permit to be planted along said streets shade trees.

§ 36. Parks.

The town council shall have the power and authority in their discretion to establish and maintain parks, playgrounds, and boulevards and cause the same to be laid out, equipped, and beautified.

§ 37. Building lines; regulations.

The town council shall have the power and authority in particular districts or along particular streets to prescribe and establish building lines, or to require property owners in certain localities or districts to leave a certain percentage of the lots free from buildings; to regulate the height of buildings; and to make regulations concerning the building of houses in the town.

§ 38. Regulation of public streets; speed limits; dangerous activities.

The town council shall have the power and authority to prevent the riding or driving of horses or other animals and automobiles, motorcycles, and other wheeled vehicles at an improper speed; throwing stones or engaging in any employment or sport on the streets, sidewalks, or public alleys, dangerous or annoying to passengers.

§ 39. Taxes and assessments; abutting property.

The town council shall have the power and authority to impose taxes and assessments upon the abutting land owners for making and improving the walkways upon then existing streets, and improving and paving then existing alleys, and for either the construction, or for the use of sewers; but the same when imposed shall not be in excess of the peculiar benefits resulting therefrom to such abutting land owners. All such taxes and assessments upon abutting land owners for the improving of walkways, for improving and paving alleys, and for constructing sewers shall be made in accordance with the provisions of the general laws of this Commonwealth.

§ 40. Use of public streets for utilities; consent of council.

No street, gas, railway, water, steam or electric heating, electric light or power company, cold storage, compressed air, viaduct, conduit, telephone or bridge company, nor any corporation, association, person, or partnership engaged in these or like enterprises shall be permitted to use the streets, alleys, or public grounds of the town without the previous consent of the corporate authorities of the town.

§ 41. Use or occupancy of public streets or easements; consent of council.

No person or corporation shall occupy or use any of the streets, avenues, parks, bridges, or any other public places or public property of the town, or any public easement of the town of any description, in a manner not permitted to the general public, without having first obtained the consent thereto of the town council or a franchise therefor; and any person, shall be fined an amount established therefor by ordinance of the council, such fine to be recovered in the name of the town and for its use; and such occupancy shall be deemed a nuisance to be abated.

§ 42. Ordinances to regulate use of public streets.

The town council shall have the power and authority to make and enforce ordinances to secure the safe and expeditious use of the streets and alleys of the town, to regulate traffic thereon, and for the protection of persons and property thereon or near thereto.

§ 43. Encroachment.

In every case where a street or alley in said town has been or shall be encroached upon by a fence, building, porch, projection, or otherwise, in addition to being a nuisance subject to abatement, as herein provided, it shall be the duty of the town council to require the owner, if known, or if unknown, the occupant of the premises encroaching, to remove the same within a reasonable time, and if such removal be not made within the time prescribed by the council, to cause the encroachment to be removed and collect from the owner, or if the owner be unknown, from the occupant, all reasonable charges therefor, with costs, by the same process that they are herein empowered to collect taxes. No encroachment upon any street or alley, however long continued, shall constitute any adverse possession to or confer any rights upon the person claiming thereunder as against the town.

§ 44. Condemnation.

The town council shall not take or use any private property for streets or other public purposes without making to the owner thereof just compensation for the same, but in cases where the town council cannot by agreement with the owner or owners thereof obtain title to any land needed for streets or any municipal building or other public purposes, it shall be lawful for the council to acquire the same by condemnation proceedings in accordance with the general laws of this Commonwealth.

Chapter 7.
Town Officers.

§ 45. Town officers.

There is hereby created the town officers of town manager, chief of police, clerk of the council, and treasurer. The town manager shall report to the council. The chief of police, clerk of the council, and treasurer shall report to, and serve at the pleasure of, the town manager, who shall set their compensation and duties, consistent with this Charter and the Code of Virginia.

§ 46. Town Manager; generally.

A town manager shall be appointed by and serve at the pleasure of the council. The town manager shall be responsible to the council for the proper administration of the town government. The amount of and type of compensation for the town manager shall be fixed by the council. The town manager need not be resident of the town or the Commonwealth at the time of appointment but may reside outside of the town while in office only with the prior approval of the council. Council may enter into a contract agreement with the manager.

§ 47. Town Manager; duties enumerated.

The town manager shall be the chief executive officer of the town. The town manager shall be responsible to the council for the proper management and administration of all town affairs placed in his charge by or under this Charter; and, in addition to such responsibilities as directed by the council, the town manager shall have the following powers and duties to:

(1) Exercise supervision and control over all administrative departments, offices, agencies, and units, including delegation of such authority to managers and officers of the town, except as otherwise provided by law, ordinance, this Charter, or personnel rules adopted pursuant to the Code of Virginia;

(2) Attend all council meetings, and shall have the right to take part in discussion but may not vote;

(3) Execute all contracts on behalf of the town;

(4) See that all laws, provisions of this Charter, and acts and ordinances of the council subject to enforcement by the town manager or by officials subject to the town manager's direction and supervision are faithfully executed and enforced;

(5) Prepare and submit the annual budget and capital program to the council, and shall be responsible for the execution of the budget;

(6) Examine regularly the books and papers of every officer and department of the town and report to the council the condition in which he finds them;

(7) Make such other reports as the council may require concerning the operations of town departments, offices, and agencies subject to the town manager's direction and supervision;

(8) Keep the council fully advised as to the financial condition and future needs of the town and make such recommendations to the council concerning the affairs of the town as the town manager deems desirable; and

(9) Perform such other duties as are specified in this Charter or may be prescribed by the council.

§ 48. Town manager; absence or disability.

The council shall designate a properly qualified person to act as town manager in the case of the absence, incapacity, death, or resignation of the town manager, until his return to duty or the appointment of his successor. The mayor of the town may serve as town manager, but in no event shall the mayor serve as town manager for greater than six months.

§ 49. Council-manager relationship.

Except for the purpose of conducting administrative inquiries and hearings by the council or a committee thereof, the mayor and members of the council shall deal with the administrative service solely through the town manager, and neither the council nor any member thereof shall give orders to any subordinates of the town manager, either publicly or privately. Neither the mayor nor any member of council shall in any manner individually dictate employment matters or the appointment or removal of any town administrative official or employee whom the town manager or any of his subordinates are empowered to supervise, direct, or appoint or prevent the town manager from exercising his own judgment in employment matters or the appointment of officials or employees in the town's administrative service.

§ 50. Chief of police.

The chief of police shall perform the duties, receive the compensation, and be subject to the liabilities prescribed by this act, the ordinances and regulations of the town, and the laws of the Commonwealth and also shall have the powers and discharge his duties within the corporate limits of the town and to the distance of one mile beyond the same.

§ 51. Clerk of the council.

The clerk of the council shall attend the meetings of the council and keep a record of its proceedings and keep such record properly indexed. He shall have the custody of the corporate seal of the town and affix the same whenever required so to do by the laws of the Commonwealth or the ordinances, bylaws, and regulations of the council. He shall keep all papers that by the laws of the Commonwealth, the provisions of this act, or the ordinances, bylaws, and regulations of the council are required to be filed with or kept by him. He shall further perform such other acts and duties as are required of him by the laws of the Commonwealth and as the council may, from time to time, require.

§ 52. Treasurer.

The treasurer shall perform, oversee, and direct all the duties in relation to the assessment of property for the purpose of levying the town taxes or levies; shall see to the billing and collection of all fees, bills, taxes, and licenses chargeable and owed within the corporate limits of the town and for any services provided outside of the corporate limits of the town; and shall perform such other duties in relation to the assessments of property, collections of moneys due the town, payment of the debts and obligations of the town, reporting on the financial condition of the town, and other subjects of collection, taxation, and finance as may be ordered by the town council or the town manager.

(1) The treasurer shall receive all money belonging to the town and, unless it be otherwise provided by the town council, shall collect all property and license taxes, levies, and assessments that may be levied by the town council, and such other moneys due the town as the council may direct, and may segregate funds and may establish and manage special funds to be applied and administered in such a manner consistent with the Code of Virginia.

(2) *The town treasurer, or other officer at the direction of the council whose duty it is to collect town taxes, shall commence to receive the town levies on or before the first day of November of each year, or as soon thereafter as the person may receive copies of the commissioner of the revenue's books, and continue to receive the same up to the fifth day of December or, if such date is a nonbusiness day, the next business day. The treasurer, or such other officer at the direction of the council, shall provide all timely notices of sums due and owing and for all other notices as required by the Code of Virginia for the proper administration and collection of fees, taxes, and levies by the town. Any person failing to pay any town levies to the treasurer or other such officer by the fifth day of December of the year in which assessed shall incur penalties and interest provided by ordinance adopted pursuant to, and as authorized by, the Code of Virginia and shall further have liens placed upon such property for town taxes and levies assessed or charged thereon. Consistent with the provisions of the Code of Virginia, the town treasurer is further authorized to charge and collect such fees and costs the town determines by ordinance to recoup its costs associated with the collection of any and all fees, taxes, and levies.*

(3) *All disbursements of town moneys shall be by check or order of the Town of Victoria signed by the treasurer and countersigned by the clerk of the council, unless the treasurer and clerk of the council be the same person, in which event the said checks and orders shall be countersigned by the mayor. In the absence of the treasurer or the clerk, said checks shall be countersigned by the mayor or vice mayor.*

(4) *The treasurer shall further keep such books, schedules, and records and in such manner as the council may prescribe or the town manager may require, which books, records, and other papers shall be subject to the inspection of the mayor, the members of the town council, any committee or agent thereof, and the town manager. He shall receive for his services such compensation as the council may from time to time direct.*

Chapter 8.

Effect of Charter.

§ 53. Ordinances to remain in force.

All ordinances now in force in the Town of Victoria, not inconsistent with this Charter, shall be and remain in force until altered, amended, or repealed by the town council.

§ 54. Acts in conflict with Charter.

All acts or parts of acts in conflict with this Charter are hereby repealed, insofar as they affect the provisions of this Charter.

2. That Chapter 158, as amended, of the Acts of Assembly of 1916 is repealed.

CHAPTER 238

An Act to amend and reenact § 15.2-2291 of the Code of Virginia, relating to group homes; zoning.

[H 527]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2291 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2291. Assisted living facilities and group homes of eight or fewer; single-family residence.

A. Zoning ordinances for all purposes shall consider a residential facility in which no more than eight individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident ~~counselors or other~~ *nonresident* staff persons, as residential occupancy by a single family. For the purposes of this subsection, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in § 54.1-3401. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility. For purposes of this subsection, "residential facility" means any group home or other residential facility for which the Department of Behavioral Health and Developmental Services is the licensing authority pursuant to this Code.

B. Zoning ordinances for all purposes shall consider a residential facility in which no more than eight aged, infirm or disabled persons reside, with one or more resident counselors or other staff persons, as residential occupancy by a single family. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility. For purposes of this subsection, "residential facility" means any assisted living facility or residential facility in which aged, infirm or disabled persons reside with one or more resident counselors or other staff persons and for which the Department of Social Services is the licensing authority pursuant to this Code.

CHAPTER 239

An Act to amend and reenact §§ 55-79.83 and 55-513.3 of the Code of Virginia, relating to the Condominium and Property Owners' Association Acts; late fees.

[H 566]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 55-79.83 and 55-513.3 of the Code of Virginia are amended and reenacted as follows:

§ 55-79.83. Liability for common expenses; late fees.

A. Except to the extent that the condominium instruments provide otherwise, any common expenses associated with the maintenance, repair, renovation, restoration, or replacement of any limited common element shall be specially assessed against the condominium unit to which that limited common element was assigned at the time such expenses were made or incurred. If the limited common element involved was assigned at that time to more than one condominium unit, however, such expenses shall be specially assessed against each such condominium unit equally so that the total of such special assessments equals the total of such expenses, except to the extent that the condominium instruments provide otherwise.

B. To the extent that the condominium instruments expressly so provide, any other common expenses benefiting less than all of the condominium units, or caused by the conduct of less than all those entitled to occupy the same or by their licensees or invitees, shall be specially assessed against the condominium unit or units involved, in accordance with such reasonable provisions as the condominium instruments may make for such cases. The executive organ may impose reasonable user fees.

C. To the extent that the condominium instruments expressly so provide, (i) any common expenses paid or incurred in making available the same off-site amenities or paid subscription television service to some or all of the unit owners shall be assessed equally against the condominium units involved and (ii) any common expenses paid or incurred in providing metered utility services to some or all of the units shall be assessed against each condominium unit involved based on its actual consumption of such services.

D. The amount of all common expenses not specially assessed pursuant to subsection A, B, or C hereof shall be assessed against the condominium units in proportion to the number of votes in the unit owners' association appertaining to each such unit, or, if such votes were allocated as provided in subsection B of § 55-79.77, those common expense assessments shall be either in proportion to those votes or in proportion to the units' respective undivided interests in the common elements, whichever basis the condominium instruments specify. Such assessments shall be made by the unit owners' association annually, or more often if the condominium instruments so provide. No change in the number of votes in the unit owners' association appertaining to any condominium unit shall enlarge, diminish, or otherwise affect any liabilities arising from assessments made prior to such change.

E. Except to the extent otherwise provided in the condominium instruments, if the executive organ determines that the assessments levied by the unit owners' association are insufficient to cover the common expenses of the unit owners' association, the executive organ shall have the authority to levy an additional assessment against all of the units in proportion to their respective undivided interests in the common elements. The executive organ shall give written notice of any additional assessment to the unit owners stating the amount, reasons therefor, and the due date for payment of such assessment. If the additional assessment is to be paid in a lump sum, payment shall be due and payable no earlier than 90 days after delivery or mailing of the notice.

All unit owners shall be obligated to pay the additional assessment unless the unit owners by a majority of votes cast, in person or by proxy, at a meeting of the unit owners' association convened in accordance with the provisions of the condominium instruments within 60 days of the delivery or mailing of the notice required by this subsection, rescind or reduce the additional assessment. No director or officer of the unit owners' association shall be liable for failure to perform his fiduciary duty if an additional assessment for the funds necessary for the director or officer to perform his fiduciary duty is rescinded by the unit owners' association in accordance with this subsection. The unit owners' association shall indemnify such director or officer against any damage resulting from any claimed breach of fiduciary duty arising therefrom.

F. It remains the policy of this section that neither a unit owned by the declarant nor any other unit may be exempted from assessments made pursuant to this section by reason of the identity of the unit owner thereof.

G. All condominium instruments for condominiums created prior to January 1, 1981, are hereby validated notwithstanding noncompliance with the first sentence of subsection D hereof, if they provide instead that the amount of all common expenses not specially assessed pursuant to subsection A, B, or C hereof shall be assessed against the condominium units in proportion to their respective undivided interests in the common elements.

H. Except to the extent that the condominium instruments or rules or regulations promulgated pursuant thereto provide otherwise, an executive organ may impose a late fee, *not to exceed the penalty provided in § 58.1-3915*, for any assessment or installment thereof that is not paid within 60 days of the due date for payment of such assessment. ~~Except to the extent that the condominium instruments provide otherwise, no such late fee shall exceed the penalty provided in § 58.1-3915.~~

§ 55-513.3. Assessments; late fees.

Except to the extent that the declaration or any rules or regulations promulgated pursuant thereto provides otherwise, the board may impose a late fee for, *not to exceed the penalty provided in § 58.1-3915*, any assessment or installment thereof that is not paid within 60 days of the due date for payment of such assessment. ~~Except to the extent that the declaration provides otherwise, no such late fee shall exceed the penalty provided in § 58.1-3915.~~

CHAPTER 240

An Act to amend and reenact §§ 3.04, 4.05, and 20.02, as amended, of Chapter 323 of the Acts of Assembly of 1950, which provided a charter for the City of Falls Church, relating to the city council and school board.

[H 579]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.04, 4.05, and 20.02, as amended, of Chapter 323 of the Acts of Assembly of 1950 are amended and reenacted as follows:

§ 3.04. Vacancies in office of member of city council.

When a vacancy occurs in the office of member of the council, whatever the cause, the vacancy shall be filled for the unexpired portion of the term by special election at the next ~~May~~ *November* general election date, as provided in § 24.2-226 of the Code of Virginia. The remaining members of the council shall make an interim appointment to fill the vacancy, as provided in § 24.2-228 of the Code of Virginia.

§ 4.05. Induction of members.

The first meeting of a newly elected council shall take place in the council chamber in the city hall at ~~eight o'clock~~ *7:30 P.M.* on the first ~~day of July following their election, or if such day shall fall on Sunday, then on the following Monday after the first Friday in January. It shall be called to order by the city clerk who shall administer the~~ *oath of office to the* for duly elected members ~~shall be administered prior to January 1 by: In the absence of the city clerk the meeting may be called to order and the oath administered by~~ *or any judicial officer having jurisdiction in the city. The council shall be the judge of the election and qualifications of its members. The first business of the council shall be the election of a mayor and vice-mayor and the adoption of rules of procedure. Until this business has been completed the council shall not adjourn for a period longer than forty-eight hours.*

§ 20.02. School board.

(a) The school board shall consist of seven trustees who shall be qualified voters of the city actually residing within the city limits.

(b) Except as provided in this charter the school board shall have all the powers and duties relating to the management and control of the public schools of the city provided by the general laws of the Commonwealth, including right of eminent domain within and without the city. None of the provisions of this charter shall be interpreted to refer to or include the school board unless the intention so to do is expressly stated or is clearly apparent from the context.

(c) The power conferred on the city by §§ 2.03 (f) and 2.03 (h) shall be exercised by the school board with respect to property and buildings devoted to public school purposes. The title to property and buildings devoted to public school purposes shall be in the school board.

(d) The school board shall meet annually in ~~July~~ *January*, at which time the board shall fix the time for holding regular meetings for the ensuing year, and may adjourn from day to day, or time to time, before the time fixed for the next regular meeting, until the business before it is completed. At such annual meeting, the school board shall elect one of its members chairman and on recommendation of the division superintendent, elect or appoint a competent person as clerk of the school board, and shall fix his compensation. The chairman and clerk shall be selected annually, but if a vacancy in either office occurs during any year, the school board may fill such vacancy for the remainder of the unexpired term.

In addition to the authority conferred upon the city by Chapter 7, the school board may borrow from the Literary Fund of Virginia or from such other sources as may be available to it by general law.

CHAPTER 241

An Act to amend and reenact § 3.2-5512 of the Code of Virginia, relating to the transportation of waste kitchen grease; decal.

[H 795]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-5512 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-5512. Possession of certificate; display of registration information on motor vehicle.

No person required to register under this chapter shall transport waste kitchen grease without (i) having in his possession a registration certificate and (ii) conspicuously displaying ~~the registrant's name and the registration number in letters not less than three inches high on~~ *a decal issued by the Commissioner on the exterior of any vehicle used for the transportation of waste kitchen grease.*

CHAPTER 242

An Act to amend and reenact § 15.2-2903 of the Code of Virginia, relating to Commission on Local Government; state mandates.

[H 1011]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2903 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2903. General powers and duties of Commission.

The Commission shall have the following general powers and duties:

1. To make regulations, including rules of procedure for the conducting of hearings;
2. To keep a record of its proceedings and to be responsible for the custody and preservation of its papers and documents;
3. To serve as a mediator between localities;
4. To investigate, analyze, and make findings of fact, as directed by law, as to the probable effect on the people residing in any area of the Commonwealth of any proposed action in that area:
 - a. To annex territory,
 - b. To have an area declared immune from annexation,
 - c. To establish a town or independent city,
 - d. To settle or adjust boundaries between localities,
 - e. To make a transition from city status to town status,
 - f. To make a transition from a county to a city,
 - g. To consolidate two or more localities, at least one of which is a county, into a city, or
 - h. To enter into economic growth-sharing agreements among localities;
5. To conduct investigations, analyses and determinations, in the sole discretion of the Commission, for the guidance of localities in the conduct of their affairs upon the request of such localities;
6. To receive from all agencies, as defined in § 2.2-128, assessments of all mandates imposed on localities administered by such agencies. The assessments shall be conducted on a schedule to be set by the Commission, with the approval of the Governor and the Secretary of Commerce and Trade, provided that the assessments shall not be required to be performed more than once every four years. The purpose of the assessments shall be to determine which mandates, if any, may be altered or eliminated. If an assessment reveals that such mandates may be altered or eliminated without interruption of local service delivery and without undue threat to the health, safety and welfare of the residents of the Commonwealth, the Commission shall so advise the Governor and the General Assembly;
7. To prepare and annually update a catalog of state and federal mandates imposed on localities including, where available, a summary of the fiscal impact on localities of all new mandates. All departments, agencies of government, and localities are directed to make available such information and assistance as the Commission may request in maintaining the catalog;
8. At the direction of the Governor, to assist a five-member task force appointed by the Governor to review state mandates imposed on localities and to recommend temporary suspension or permanent repeal of such mandates, or any other action, as appropriate. The Governor shall have all necessary authority granted under § 2.2-113, or any other provision of law, to implement the task force recommendations or may recommend legislation to the General Assembly as needed. The task force shall be appointed by and serve at the pleasure of the Governor and shall serve without compensation. The task force may include city or town managers, county administrators, members of local governing bodies and members of appointed or elected school boards. All agencies of the Commonwealth shall provide assistance to the Commission, upon request. The provisions of this subdivision shall expire July 1, ~~2014~~ 2018; and
9. To perform such other duties as may be imposed upon it, from time to time, by law.

CHAPTER 243

An Act to amend and reenact § 58.1-2403 of the Code of Virginia, relating to exempting from the motor vehicle sales and use tax motor vehicles sold to certain nonprofits that use the vehicle primarily for transporting produce purchased from local farmers to markets for sale.

[H 1108]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-2403 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-2403. Exemptions.

No tax shall be imposed as provided in § 58.1-2402 if the vehicle is:

1. Sold to or used by the United States government or any governmental agency thereof;
2. Sold to or used by the Commonwealth of Virginia or any political subdivision thereof;
3. Registered in the name of a volunteer fire department or rescue squad not operated for profit;
4. Registered to any member of the Mattaponi, Pamunkey, or Chickahominy Indian tribes or any other recognized Indian tribe of the Commonwealth living on the tribal reservation;
5. Transferred incidental to repossession under a recorded lien and ownership is transferred to the lienholder;
6. A manufactured home permanently attached to real estate and included in the sale of real estate;
7. A gift to the spouse, son, or daughter of the transferor. With the exception of a gift to a spouse, this exemption shall not apply to any unpaid obligation assumed by the transferee incidental to the transfer;

8. Transferred from an individual or partnership to a corporation or limited liability company or from a corporation or limited liability company to an individual or partnership if the transfer is incidental to the formation, organization or dissolution of a corporation or limited liability company in which the individual or partnership holds the majority interest;

9. Transferred from a wholly owned subsidiary to the parent corporation or from the parent corporation to a wholly owned subsidiary;

10. Being registered for the first time in the Commonwealth and the applicant holds a valid, assignable title or registration issued to him by another state or a branch of the United States Armed Forces and (i) has owned the vehicle for longer than 12 months or (ii) has owned the vehicle for less than 12 months and provides evidence of a sales tax paid to another state. However, when a vehicle has been purchased by the applicant within the last 12 months and the applicant is unable to provide evidence of a sales tax paid to another state, the applicant shall pay the Virginia sales tax based on the fair market value of the vehicle at the time of registration in Virginia;

11. a. Titled in a Virginia or non-Virginia motor vehicle dealer's name for resale; or

b. Titled in the name of an automotive manufacturer having its headquarters in Virginia, except for any commercially leased vehicle that is not described under subdivision 3 of § 46.2-602.2. For purposes of this subdivision, "automotive manufacturer" and "headquarters" means the same as such terms are defined in § 46.2-602.2;

12. A motor vehicle having seats for more than seven passengers and sold to an urban or suburban bus line the majority of whose passengers use the buses for traveling a distance of less than 40 miles, one way, on the same day;

13. Purchased in the Commonwealth by a nonresident and a Virginia title is issued for the sole purpose of recording a lien against the vehicle if the vehicle will be registered in a state other than Virginia;

14. A motor vehicle designed for the transportation of 10 or more passengers, purchased by and for the use of a church conducted not for profit;

15. Loaned or leased to a private nonprofit institution of learning, for the sole purpose of use in the instruction of driver's education when such education is a part of such school's curriculum for full-time students;

16. Sold to an insurance company or local government group self-insurance pool, created pursuant to § 15.2-2703, for the sole purpose of disposition when such company or pool has paid the registered owner of such vehicle a total loss claim;

17. Owned and used for personal or official purposes by accredited consular or diplomatic officers of foreign governments, their employees or agents, and members of their families, if such persons are nationals of the state by which they are appointed and are not citizens of the United States;

18. A self-contained mobile computerized axial tomography scanner sold to, rented or used by a nonprofit hospital or a cooperative hospital service organization as described in § 501(e) of the United States Internal Revenue Code;

19. A motor vehicle having seats for more than seven passengers and sold to a restricted common carrier or common carrier of passengers;

20. Beginning July 1, 1989, a self-contained mobile unit designed exclusively for human diagnostic or therapeutic service, sold to, rented to, or used by a nonprofit hospital, or a cooperative hospital service organization as described in § 501(e) of the United States Internal Revenue Code, or a nonprofit corporation as defined in § 501(c)(3) of the Internal Revenue Code, established for research in, diagnosis of, or therapy for human ailments;

21. Transferred, as a gift or through a sale to an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code, provided the motor vehicle is not titled and tagged for use by such organization;

22. A motor vehicle sold to an organization which is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and which is organized for the primary purpose of distributing food, clothing, medicines, and other necessities of life to, and providing shelter for, needy persons in the United States and throughout the world;

23. Transferred to the trustees of a revocable inter vivos trust, when the individual titleholder of a Virginia titled motor vehicle and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries of the trust may also be named in the trust instrument, when no consideration has passed between the titleholder and the beneficiaries; and transferred to the original titleholder from the trustees holding title to the motor vehicle;

24. Transferred to trustees of a revocable inter vivos trust, when the owners of the vehicle and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust instrument, or transferred by trustees of such a trust to beneficiaries of the trust following the death of the grantor, when no consideration has passed between the grantor and the beneficiaries in either case;

25. Sold by a vehicle's lessor to its lessee upon the expiration of the term of the vehicle's lease, if the lessee is a natural person and this natural person has paid the tax levied pursuant to this chapter with respect to the vehicle when he leased it from the lessor, and if the lessee presents an original copy of the lease upon request of the Department of Motor Vehicles or other evidence that the sales tax has been paid to the Commonwealth by the lessee purchasing the vehicle;

26. Titled in the name of a deceased person and transferred to the spouse or heir, or under the will, of such deceased person; ~~or~~

27. An all-terrain vehicle, moped, or off-road motorcycle all as defined in § 46.2-100. Such all-terrain vehicles, mopeds, or off-road motorcycles shall not be deemed a motor vehicle or other vehicle subject to the tax imposed under this chapter; *or*

28. *A motor vehicle that is sold to an organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and that is primarily used by the organization to transport to markets for sale produce that is (i) produced by local farmers and (ii) sold by such farmers to the organization.*

CHAPTER 244

An Act to amend and reenact § 29.1-300.4 of the Code of Virginia, relating to apprentice hunters.

[H 1146]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-300.4 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-300.4. Apprentice hunting license; deferral of hunter education.

A. There is hereby established an apprentice hunting license. The license shall be a one-time nonrenewable license that shall be valid for two years from the date of purchase and shall entitle the licensee to a one-time deferral of completion of hunter education required under § 29.1-300.1. The apprentice hunting licensee shall not hunt *prior to completing hunter education* unless accompanied and directly supervised by an adult over the age of 18 who has, on his person, a valid Virginia hunting license. For the purposes of this section, "accompanied and directly supervised" occurs when a person over 18 maintains a close visual and verbal contact with, provides adequate direction to, and can immediately assume control of the firearm from the apprentice hunter. The cost of the license shall be \$10 for a resident and \$20 for a nonresident. The Board may subsequently revise the cost of the license pursuant to § 29.1-103.

B. Possession of a valid apprentice hunting license shall serve in lieu of the state resident hunting or nonresident hunting license required under subdivisions 2 and 3 of § 29.1-303, respectively. The purchase of any other hunting licenses shall be at the same cost as specified for residents or nonresidents in this title or as subsequently revised by the Board pursuant to subdivision 16 of § 29.1-103. The purchase of the apprentice hunting license shall not qualify the holder to purchase a regular hunting license or exempt the licensee from compliance with the requirements of this title and any regulations adopted by the Department. Any previous holder of a state resident or nonresident hunting license issued under this title shall be prohibited from the purchase of an apprentice hunting license for himself.

C. *Upon completion of hunter education under § 29.1-300.1, and unless otherwise required by law to be supervised, the apprentice hunting licensee may hunt unsupervised subject to the requirements of applicable state law and regulations.*

D. The Board may adopt regulations to carry out the provisions of this section.

CHAPTER 245

An Act to amend and reenact §§ 1-1 and 1-2, § 2-1, as amended, § 2-420, § 3-2, as amended, § 3-401, § 3-5, as amended, and §§ 3-9, 4-11, 6-1, 6-11, 6-12, 6-131, 6-133, 6-14, 6-15, 6-23, 6-231, 6-234, and 7-6 of Chapter 358 of the Acts of Assembly of 1958, which provided a charter for the Town of Tazewell, and to repeal §§ 3-94, 3-95, 5-1, and 5-11, § 5-12, as amended, and §§ 5-13 through 5-31 of Chapter 358 of the Acts of Assembly of 1958, relating to town boundaries, powers, council, elections, board of zoning appeals, and comprehensive plan.

[H 1149]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 1-1 and 1-2, § 2-1, as amended, § 2-420, § 3-2, as amended, § 3-401, § 3-5, as amended, and §§ 3-9, 4-11, 6-1, 6-11, 6-12, 6-131, 6-133, 6-14, 6-15, 6-23, 6-231, 6-234, and 7-6 of Chapter 358 of the Acts of Assembly of 1958 are amended and reenacted as follows:

§ 1-1. Incorporation.

The inhabitants of the territory embraced within the present limits of the Town of Tazewell as hereinafter defined, or as the same hereafter may be altered or established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the Town of Tazewell (*hereinafter Town*), and as such have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure, and shall have and exercise all the powers conferred by, and be subject to all the laws of the State of Virginia for the government of towns of the State of Virginia.

§ 1-2. Form of government.

The municipal government provided by this charter shall be known as the "Town Manager *Comprehensive Plan*." Pursuant to its provisions, and subject to the constitution and general laws of the Commonwealth, all powers of the town shall be vested in an elected council hereinafter referred to as the "Council," which shall enact local legislation, adopt budgets, determine policies and appoint the town manager, who shall execute the laws and administer the government of the town.

§ 1-3. Boundaries.

The boundaries of the town shall be as established by Chapter 78 of the Acts of Assembly of 1916, approved February 29, 1916, as follows:

~~"Beginning at a station one, the northwest corner of Mistress R. B. Gillespie's old seminary lot; thence crossing the turnpike east of the town of Tazewell to a station two, on the north side of said turnpike, southwest corner of T. G. Witten's land, and also corner of the Tazewell Courthouse Improvement Company's plat of lots; thence with said company's lines~~

north thirty-three degrees three minutes west, four hundred and seven and four-tenths feet, to station three; north fifty-eight degrees twenty-seven minutes east, thirty-six feet, to station four; north seventy-eight degrees east, four hundred twenty-four and nine-tenths feet, to station five; north thirteen degrees west one thousand eight hundred and seventeen feet, to station six; north eighty-four degrees west seven hundred and fifty feet, to station seven; north thirteen degrees forty-two minutes west fifty-three feet, to station eight; thence north eighty-five degrees fifty-two minutes west, one hundred and ninety-one feet, to station nine; southwest corner of lot seven, section thirty-three on said plat of lots; thence south four degrees forty-eight minutes west, seventy-five feet, to station ten; thence north eighty-five degrees fifty-two minutes west, one thousand two hundred and seventy-five feet, to station eleven; the northwest corner of lot one, section seven, of said plat of lots; thence north nine degrees fourteen minutes west, one thousand one hundred and forty-two feet, to station twelve in a former line of the corporate limits of said town; thence with said old line north fifty-eight degrees west, three hundred feet, to station thirteen on the east side of the old road leading to Tazewell station, and with the east side of same south thirty-three degrees west, ten poles and nine links, to station fourteen; south eighty-seven degrees west, eighteen poles and seven links, to station fifteen; south seventy-seven degrees west, three poles and sixteen links, to station sixteen; south forty-nine degrees thirty minutes west, five poles to station seventeen; south twenty-two degrees forty-five minutes west, five poles and eight links, to station eighteen; south thirteen degrees and thirty minutes east, ten poles and sixteen links, to station nineteen; thence north eighty-two degrees thirty minutes west, twenty-eight poles, crossing said road to station twenty; thence south eleven degrees east, forty-eight poles and ten links, to station twenty-one; thence south fifty-four degrees and thirty minutes east, thirty-seven poles, to station twenty-two on the west side of said old road, eight feet west of J. S. and A. P. Gillespie's gate post; thence south sixty-one degrees fifty-three minutes west, thirty poles and seven links, to station twenty-three; thence north eighty-two degrees fifteen minutes west, thirty-six poles and twenty-one links, to station twenty-four, at a gateway on said Gillespie's private road; thence south sixty-seven degrees west, thirty-six poles and three links, to station twenty-five; thence south thirty-eight degrees east, thirty poles and fifteen links, to station twenty-six on the north edge of the turnpike west, of the said town; thence with north side of same, south sixty-six degrees thirty minutes west, six poles and twenty-three links to station twenty-seven; south fifty-seven degrees forty-five minutes west, twenty-six poles and eleven links, to station twenty-eight; south sixty-eight degrees thirty minutes west, twenty poles and six links, to station twenty-nine on H. G. Peery's line; thence crossing said turnpike south thirty degrees fifteen minutes east, seventy-three poles, to station thirty; thence south seven degrees, east one hundred poles to station thirty-one; south eighty-five degrees east, twenty-six poles to station thirty-two; thence south seventy-four degrees fifteen minutes east, twenty poles, to station thirty-three; thence south seventy-six degrees thirty minutes east, thirty-seven poles and fifteen links, to station thirty-four; north thirty-six degrees forty-five minutes east, thirty poles, to station thirty-five; thence south twenty-one degrees east, twenty-seven poles, to station thirty-six; thence south one degree thirty minutes west, twenty-one poles, to station thirty-seven; thence north eighty degrees thirty minutes east, one hundred and twenty-nine poles, to station thirty-eight, in line between A. J. May and S. D. May; thence north seventy degrees east, one hundred and thirty-eight poles, to station thirty-nine, in line between S. D. May and A. J. May, junior; thence north thirty-five degrees west, seventy-seven poles to station forty, on south edge of W. O. Whitman's road; thence with south side of said road south seventy-seven degrees forty-five minutes west, fifty-three poles and three links, to station forty-one, opposite Amy Smith's southwest corner; thence north eleven degrees and thirty minutes west, thirteen poles and five links, to station forty-two; thence north seventy-five degrees thirty minutes east, sixteen poles and thirteen links, to station forty-three; thence north forty degrees thirty minutes west, nineteen poles, to station forty-four; thence north sixty-six degrees thirty minutes east, thirty-seven poles and seven links, to station forty-five; thence north seventy-one degrees east, sixty-eight poles, to station forty-six, in W. O. Whitman's line; thence north twenty-two degrees forty-five minutes west, forty-three poles, to station forty-seven; south fifty-seven degrees west, thirty-two poles, to station forty-eight; thence north thirty-four degrees west, one hundred and six poles, to station forty-nine, on the south side of the turnpike east, of said town; thence with south side of said turnpike south sixty-three degrees fifteen minutes west, eight poles to station fifty; thence south forty-nine degrees west, seven poles to the beginning." and as amended by *Orders of the Circuit Court of Tazewell County, Case No. CH00-000297, entered on November 8, 2000, and Case No. CL09---1547, entered on December 28, 2009, respectively, with the latter two orders of record in the Clerk's Office for the Circuit Court of Tazewell County.*

§ 2-1. General grant of powers.

The powers set forth in §§ 45-1-837 15.2-1100 through 45-1-915 15.2-1133, inclusive, of Chapter 48 11 of Title 45-1 15.2 of the Code of Virginia as in force on January 1, 1966, as amended, are hereby conferred on and vested in the Town of Tazewell, Virginia, together with all other powers which are now or may hereafter be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth, and all other powers pertinent to the town government the exercise of which is not in conflict with the said Constitution and the laws of the Commonwealth of Virginia, and which, in the opinion of the council are necessary or desirable to promote the general welfare of the town and the safety, health, peace, good order, comfort, convenience, and morals of its inhabitants as fully and completely as though such powers were specifically enumerated in this charter, and no enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers.

§ 2-420. To provide for the protection of the town's property, real and personal, the prevention of the pollution of the town's water supply, and the regulation of the use of parks, playgrounds, playfields, recreational facilities, cemeteries, airports and other public property, whether located within or without the town. For the purpose of enforcing such regulations all town property wherever located shall be under the police jurisdiction of the town. Any member of the police

force of the town, or employee thereof appointed as a special policeman, shall have power to make arrests for violation of any ordinance, rule or regulation adopted pursuant to this section, and the ~~police justice shall have jurisdiction in all cases arising thereunder within the town and the county court of the county wherein the offense occurs shall have jurisdiction of all cases arising thereunder without the town~~ appropriate District Court shall have jurisdiction in all cases arising thereunder within or without the Town wherein the offense occurs.

§ 3-2. Nominations and elections.

The mayor and members of council in office on the effective date of this act shall serve until their successors have been elected and qualified. Municipal elections within the Town of Tazewell shall take place on the ~~first Tuesday in May after the first Monday in the month of November~~ of each even-numbered year to coincide with the general election. At each such regular municipal election, three councilmen shall be elected for terms of four years each, and a mayor shall be elected for a term of two years. The terms of office for both councilmen and mayor so elected shall commence on the first day of ~~July~~ *January*, immediately following such election, and shall continue until their successors have been elected and qualified. The council shall be a continuing body and no measure pending before such body shall abate or be discontinued by reason of expiration of the term or removal of any of its members.

§ 3-401. Appoint and remove the town manager, the town clerk, the town attorney, ~~the police justice, issuing justices~~ and officers of the volunteer fire department.

§ 3-5. Mayor.

The mayor shall preside over the meetings of the council, have the same right to speak therein as other members and shall vote only in case of a tie but shall have no veto. He shall be recognized as the head of the town government for all ceremonial purposes, the purposes of military law, and the service of civil process. At the regular meeting of the council held in the month of ~~July~~ *January* following a municipal election, the council shall choose, by a majority vote of all the members thereof, one of their number to be vice-mayor for the ensuing two years. The vice-mayor shall in the absence or disability of the mayor perform the duties of mayor, and if a vacancy shall occur in the office of mayor, shall become mayor for the unexpired portion of the term. In the absence or disability of both the mayor and vice-mayor the council shall, by majority vote of those present, choose one of their number to perform the duties of mayor.

§ 3-9. Appointees.

At the first meeting in ~~September~~ *January* following each councilmanic election, or as soon thereafter as practicable, the council shall appoint:

§ 4-11. The fiscal year of the town shall begin on the first day of ~~September~~ *July* and end on the ~~thirty-first~~ *thirtieth* day of ~~August~~ *June* of the succeeding year.

§ 6-1. Power to adopt a ~~master~~ comprehensive plan.

In addition to the powers granted elsewhere in this charter the council shall have the power to adopt by ordinance a ~~master~~ comprehensive plan for the physical development of the town to promote health, safety, morals, comfort, prosperity, and the general welfare. The master plan may include but shall not be limited to the following:

§ 6-11. Town planning commission. There shall be a town planning commission consisting of ~~seven~~ *eight* members, appointed by the council. One member shall be a member of the council appointed for a term concurrent with his term in the council. One member shall be the town manager, *who shall be a nonvoting member*, appointed for a term concurrent with his term in such capacity. There shall be ~~five~~ *six* citizen members, who shall be qualified voters of the town appointed for a term of four years, one of whom may be a member of the Board of Zoning Appeals and who shall hold office for a term concurrent with his term on said board. *Members may be removed for malfeasance in office, and a member of the commission may be removed from office by the Town without limitation in the event that the commission member is absent from any three consecutive meetings of the commission, or is absent from any four meetings of the commission within any one-month period.* Vacancies on the commission shall be filled by the council. Members of the town planning commission shall serve as such without compensation.

§ 6-12. Organization and expenditures of planning commission. The commission shall elect a chairman and vice-chairman from among the citizen members appointed by the council, for a term of one year, who shall be eligible for re-election, and appoint a secretary. The commission shall hold at least one regular meeting in each month, shall adopt rules for the transaction of its business, and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. ~~Four~~ *Five* voting members shall constitute a quorum. The commission shall appoint such employees as it may deem necessary for its work and may contract with city planners, engineers, architects and other consultants for services it may require. All expenditures shall not exceed the sums appropriated by the council therefor.

§ 6-131. To make and adopt a ~~master~~ comprehensive plan which with accompanying maps, plats, charts and descriptive matter shall show the commission's recommendations for the development of the territory covered by the plan. In the preparation of such plan the commission shall make careful and comprehensive surveys and studies of existing conditions and future growth. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the town and its environs which will, in accordance with existing and future needs, best promote health, safety, morals, comfort, prosperity and general welfare, as well as efficiency and economy in the process of development.

§ 6-133. To promote public interest in and understanding of the ~~master~~ comprehensive plan and to that end may publish and distribute copies of the plan or of any report and may employ such other means of publicity and education as it may determine.

§ 6-14. Adoption of ~~master~~ *comprehensive* plan by the Commission. The Commission may adopt the plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding to ~~major~~ *major* geographical or topographical divisions of the town, or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension or addition, the commission shall hold at least one public hearing thereon, at least fifteen days' notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the town. The adoption of the plan or of any such part, amendment, extension or addition shall be by resolution of the commission carried by the affirmative vote of not less than a majority of the entire membership of the commission. The resolution shall refer expressly to the maps and descriptive matter and other matter intended by the commission to form the whole or part of the plan adopted, which resolution shall be signed by the chairman of the commission and attested by its secretary. An attested copy of the resolution, accompanied by a copy of so much of the plan in whole or in part as was adopted thereby, and each amendment, alteration, extension or addition thereto adopted thereby, shall be certified to the council, and to the Clerk of the Circuit Court of Tazewell County who shall file the same in his office.

§ 6-15. Legal status of ~~master~~ *comprehensive* plan. Whenever the commission shall have adopted a ~~master~~ *comprehensive* plan for the town or one or more parts thereof, geographical, topographical or functional, and the ~~master~~ *comprehensive* plan or such part or parts thereof shall have been approved by the council and it has been certified and filed as provided in the preceding section, then and thereafter no street, square, park or other public way, ground, open space, public building or structure shall be constructed or authorized in the town or in the planned section or division thereof until and unless the general location, character and extent thereof has been submitted to and approved by the commission; and no public utility, whether publicly or privately owned, shall be constructed or authorized in the town or in the planned section or division thereof until and unless its general location, but not its character and extent, has been submitted to and approved by the commission, but such submission and approval shall not be necessary in the case of pipes or conduits in any existing street or proposed street, square, park or other public way, ground or open space, the location of which has been approved by the commission; and no ordinance giving effect to or amending the comprehensive zoning plan as provided in § 6-2 shall be adopted until it has been submitted to and approved by the commission. In case of disapproval in any of the instances enumerated above, the commission shall communicate its reason to the council, which shall have the power to overrule such action by a recorded vote of not less than two-thirds of its entire membership. The failure of the commission to act within sixty days from the date of the official submission to it shall be deemed approval. The widening, extension, narrowing, enlargement, vacation or change in the use of streets and other public ways, grounds and places within the town as well as the acquisition by the town of any land within or without the town for public purposes, or the sale of any land then held by the town shall be subject to similar approval and in case the same is disapproved such disapproval may be similarly overruled. The foregoing provisions of this section shall not be deemed to apply to the pavement, repavement, reconstruction, improvement, drainage or other work in or upon any existing street or other existing public way.

§ 6-23. Board of Zoning Appeals. The council may ~~appoint~~ *establish* a Board of Zoning Appeals, ~~and in the members of which shall be appointed by the judge of the Circuit Court of Tazewell County.~~ The regulations and restrictions adopted pursuant to the authority of this act; may provide that the board of zoning appeals may, in appropriate cases and subject to appropriate conditions and safeguards, vary the application of the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained.

§ 6-231. The board of zoning appeals shall consist of five members, *one of whom may be a member of the Planning Commission*, each of whom is to be appointed for a term of two years, and *subject to* removal for cause by the council, upon written charges and after public hearing. Vacancies shall be filled by the council for the unexpired term of any member.

§ 6-234. The board of zoning appeals shall fix a reasonable time *and a reasonable appeal fee* for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or attorney.

§ 7-6. Citation of act.

This act may for all purposes be referred to or cited as the Town of Tazewell Charter of 1958, *as amended by the Acts of Assembly of 2014.*

2. That §§ 3-94, 3-95, 5-1, and 5-11, § 5-12, as amended, and §§ 5-13 through 5-31 of Chapter 358 of the Acts of Assembly of 1958 are repealed.

CHAPTER 246

An Act to amend and reenact § 3.2-301 of the Code of Virginia, relating to the Right to Farm Act; restoration of provisions.

[S 5]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-301 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-301. Right to farm; restrictive ordinances.

In order to limit the circumstances under which agricultural operations may be deemed to be a nuisance, especially when nonagricultural land uses are initiated near existing agricultural operations, no ~~county~~ *locality* shall adopt any

ordinance that requires that a special exception or special use permit be obtained for any production agriculture or silviculture activity in an area that is zoned as an agricultural district or classification. ~~Counties~~ *Localities* may adopt setback requirements, minimum area requirements, and other requirements that apply to land on which agriculture and silviculture activity is occurring within the locality that is zoned as an agricultural district or classification. No locality shall enact zoning ordinances that would unreasonably restrict or regulate farm structures or farming and forestry practices in an agricultural district or classification unless such restrictions bear a relationship to the health, safety, and general welfare of its citizens. This section shall become effective on April 1, 1995, and from and after that date all land zoned to an agricultural district or classification shall be in conformity with this section.

CHAPTER 247

An Act to amend and reenact § 6.2-412 of the Code of Virginia, relating to loans secured by lien on real estate; flood insurance requirements.

[S 74]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 6.2-412 of the Code of Virginia is amended and reenacted as follows:

§ 6.2-412. Insurance coverage under certain loans not to exceed replacement value of improvements.

A. As used in this section, "~~property~~":

"Flood insurance coverage" means insurance against loss or damage to any property caused by flooding or the rising of the waters of the ocean or its tributaries.

"Property insurance coverage" means insurance against losses or damages caused by perils that commonly are covered in insurance policies described with terms similar to "standard fire" or "standard fire with extended coverage."

B. No lender shall require a borrower, as a condition to receiving or maintaining a loan secured by any mortgage or deed of trust, to provide or purchase property insurance coverage *or flood insurance coverage* against risks to any improvements on any real property in an amount exceeding the replacement value of the improvements on the real property.

C. In determining the replacement value of the improvements on any real property, the lender may:

1. Accept the value placed on the improvements by the insurer; or
 2. Use the value placed on the improvements that is determined by the lender's appraisal of the real property.
- D. A violation of this section shall not affect the validity of the mortgage or deed of trust securing the loan.

CHAPTER 248

An Act to amend and reenact §§ 38.2-1005.1:7, 38.2-1339, 38.2-1342, and 38.2-4319 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 13 of Title 38.2 an article numbered 5.1, consisting of sections numbered 38.2-1334.3 through 38.2-1334.10, relating to risk management by insurance companies; Own Risk and Solvency Assessments.

[S 88]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-1005.1:7, 38.2-1339, 38.2-1342, and 38.2-4319 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 13 of Title 38.2 an article numbered 5.1, consisting of sections numbered 38.2-1334.3 through 38.2-1334.10, as follows:

§ 38.2-1005.1:7. Regulation and authority of a mutual holding company.

A. A mutual holding company organized under Title 13.1 pursuant to the authority granted by this article shall have all of the powers granted to a domestic mutual insurance company licensed under Chapter 10 (§ 38.2-1000 et seq.) ~~of this title~~ and shall be subject to the same limitations and restrictions imposed on insurance holding companies by Article 5 (§ 38.2-1322 et seq.), *Article 5.1 (§ 38.2-1334.3 et seq.)*, and Article 6 (§ 38.2-1335 et seq.) of Chapter 13 ~~of this title~~ as well as all requirements and provisions of the laws of this Commonwealth that are not inconsistent with the provisions of this article except that a mutual holding company shall not have authority to transact insurance pursuant to this title.

B. Neither the mutual holding company nor any intermediate holding company shall issue or reinsure policies of insurance.

C. A mutual holding company may enter into an affiliation agreement or merger agreement either at the time of the conversion, or at some later time with the approval of the Commission, with any mutual insurance company licensed to transact insurance in this Commonwealth or another mutual holding company. Any such merger agreement may authorize members of the mutual insurance company or other mutual holding company to become members of the mutual holding company. Any such affiliation or merger agreement shall be subject to the provisions of this title relating to transactions entered into by a mutual insurance company organized and licensed under the laws of this Commonwealth.

D. The assets of the mutual holding company shall be held in trust under such arrangements and on such terms as the Commission may approve for the benefit of the policyholders of the converted company. Any residual rights of the MHC in such assets or any of the assets of the MHC determined not to be held in trust shall be subject to a lien in favor of the policyholders of the converted company under such terms as the Commission may approve. Upon conversion of the mutual holding company as provided for in § 38.2-1005.1:9, such assets shall be released from trust in accordance with the plan of conversion approved by the Commission.

Article 5.1.

Risk Management Framework; Own Risk and Solvency Assessments.

§ 38.2-1334.3. Definitions.

As used in this article, unless the context requires a different meaning:

"Insurance group" means those insurers and affiliates included within an insurance holding company system as defined in § 38.2-1322.

"Insurer" means an insurance company as defined in § 38.2-100, except that "insurer" shall not include agencies, authorities, or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state.

"NAIC" means the National Association of Insurance Commissioners.

"ORSA Guidance Manual" means the current version of the NAIC Own Risk and Solvency Assessment (ORSA) Guidance Manual developed and adopted by the NAIC and as amended from time to time. A change in the ORSA Guidance Manual shall be effective on the January 1 following the calendar year in which the changes have been adopted by the NAIC.

"ORSA summary report" means a confidential high-level summary of an insurer or insurance group's ORSA.

"Own Risk and Solvency Assessment" or "ORSA" means a confidential internal assessment, appropriate to the nature, scale, and complexity of an insurer or insurance group, conducted by that insurer or insurance group, of the material and relevant risks associated with the insurer or insurance group's current business plan, and the sufficiency of capital resources to support those risks.

§ 38.2-1334.4. Risk management framework.

An insurer shall maintain a risk management framework to assist the insurer with identifying, assessing, monitoring, managing, and reporting on its material and relevant risks. This requirement may be satisfied if the insurance group of which the insurer is a member maintains a risk management framework applicable to the operations of the insurer.

§ 38.2-1334.5. ORSA requirement.

Subject to § 38.2-1334.7, an insurer, or the insurance group of which the insurer is a member, shall regularly conduct an ORSA consistent with a process comparable to the ORSA Guidance Manual. The ORSA shall be conducted no less than annually, but also at any time when there are significant changes to the risk profile of the insurer or the insurance group of which the insurer is a member.

§ 38.2-1334.6. ORSA summary report.

A. Upon the Commission's request, and no more than once each year, an insurer shall submit to the Commission an ORSA summary report or any combination of reports that together contain the information described in the ORSA Guidance Manual, applicable to the insurer or the insurance group of which it is a member, or both. The first filing of an ORSA summary report shall be made in 2015. Notwithstanding any request from the Commission, if the insurer is a member of an insurance group, the insurer shall submit any report required by this subsection if the Commission is the lead state of the insurance group as determined by the procedures within the Financial Analysis Handbook adopted by the NAIC.

B. The report shall include a signature of the insurer or insurance group's chief risk officer or other executive having responsibility for the oversight of the insurer's enterprise risk management process attesting to the best of his belief and knowledge that the insurer has applied the enterprise risk management process described in the ORSA summary report and that a copy of the report has been provided to the insurer's board of directors or the appropriate committee thereof.

C. An insurer may comply with subsection A by providing the most recent and substantially similar report provided by the insurer or another member of an insurance group of which the insurer is a member to the commissioner of another state or to a supervisor or regulator of a foreign jurisdiction, if that report provides information that is comparable to the information described in the ORSA Guidance Manual. Any such report in a language other than English must be accompanied by a translation of that report into the English language.

§ 38.2-1334.7. Scope of article; exemption.

A. The requirements of this article shall apply to all insurers domiciled in the Commonwealth unless exempt pursuant to this section.

B. An insurer shall be exempt from the requirements of this article if:

1. The insurer has annual direct written and unaffiliated assumed premium, including international direct and assumed premium but excluding premiums reinsured with the Federal Crop Insurance Corporation and National Flood Insurance Program, less than \$500 million; and

2. The insurance group of which the insurer is a member has annual direct written and unaffiliated assumed premium, including international direct and assumed premium but excluding premiums reinsured with the Federal Crop Insurance Corporation and National Flood Insurance Program, less than \$1 billion.

C. If an insurer qualifies for exemption pursuant to subdivision B 1, but the insurance group of which the insurer is a member does not qualify for exemption pursuant to subdivision B 2, then the ORSA summary report that may be required pursuant to § 38.2-1334.6 shall include every insurer within the insurance group. This requirement may be satisfied by the submission of more than one ORSA summary report for any combination of insurers, provided any combination of reports includes every insurer within the insurance group.

D. If an insurer does not qualify for exemption pursuant to subdivision B 1, but the insurance group of which it is a member qualifies for exemption pursuant to subdivision B 2, then the only ORSA summary report that may be required pursuant to § 38.2-1334.6 shall be the report applicable to that insurer.

E. An insurer that does not qualify for exemption pursuant to subsection B may apply to the Commission for a waiver from the requirements of this article based upon unique circumstances. In deciding whether to grant the insurer's request for waiver, the Commission may consider the type and volume of business written, ownership and organizational structure, and any other factor the Commission considers relevant to the insurer or insurance group of which the insurer is a member. If the insurer is part of an insurance group with insurers domiciled in more than one state, the Commission shall coordinate with the lead state commissioner and with the other domiciliary commissioners in considering whether to grant the insurer's request for a waiver.

F. Notwithstanding the exemptions stated in this section:

1. The Commission may require that an insurer maintain a risk management framework, conduct an ORSA, and file an ORSA summary report based on unique circumstances, including the type and volume of business written, ownership and organizational structure, federal agency requests, and international supervisor requests.

2. The Commission may require that an insurer maintain a risk management framework, conduct an ORSA, and file an ORSA summary report if the insurer has risk-based capital for company action level event as set forth in § 38.2-5503, meets one or more of the standards of an insurer deemed to be in hazardous financial condition as defined in 14 VAC 5-290-30 of the Virginia Administrative Code, or otherwise exhibits qualities of a troubled insurer as determined by the Commission.

G. If an insurer that qualifies for an exemption pursuant to subsection B subsequently no longer qualifies for that exemption due to changes in premium as reflected in the insurer's most recent annual statement or in the most recent annual statements of the insurers within the insurance group of which the insurer is a member, the insurer shall have one year following the year the threshold is exceeded to comply with the requirements of this article.

§ 38.2-1334.8. Contents of ORSA summary report.

A. The ORSA summary report shall be prepared consistent with the ORSA Guidance Manual, subject to the requirements of subsection B. Documentation and supporting information shall be maintained and made available upon examination or upon request of the Commission.

B. The review of the ORSA summary report, and any additional requests for information, shall be made using similar procedures currently used in the analysis and examination of multistate or global insurers and insurance groups.

§ 38.2-1334.9. Confidentiality.

A. The ORSA summary report is recognized by the Commonwealth as containing confidential and sensitive information related to an insurer or insurance group's identification of risks material and relevant to the insurer or insurance group filing the report. This information includes proprietary and trade secret information that has the potential for harm and competitive disadvantage to the insurer or insurance group if the information is made public. The ORSA summary report shall be a confidential document filed with the Commission, the report may be shared only as stated in this article and to assist the Commission in the performance of its duties, and in no event shall the report be subject to public disclosure.

B. Documents, materials, or other information, including the ORSA summary report, in the possession of or control of the Commission that is obtained by, created by, or disclosed to the Commission or any other person under this article is declared to be proprietary and to contain trade secrets. All such documents, materials, or other information shall be confidential by law and privileged, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. However, the Commission is authorized to use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the Commission's official duties. The Commission shall not otherwise make the documents, materials, or other information public without the prior written consent of the insurer.

C. Neither the Commission nor any person who received documents, materials, or other ORSA-related information, through examination or otherwise, while acting under the authority of the Commission or with whom such documents, materials, or other information is shared pursuant to this article shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or information subject to subsections A and B.

D. In order to assist in the performance of the Commission's regulatory duties, the Commission:

1. May, upon request, share documents, materials, or other ORSA-related information, including the confidential and privileged documents, materials, or information subject to subsection A, including proprietary and trade secret documents and materials, with other state, federal, and international financial regulatory agencies, including any forum for cooperation and communication between insurance supervisors, known as a supervisory college, that is established for the purpose of facilitating the effectiveness of supervision of insurers, with the NAIC, and with any third-party consultants designated by the Commission, provided that the recipient agrees in writing to maintain the confidentiality and privileged status of the ORSA-related documents, materials, or other information and has verified in writing the legal authority to maintain confidentiality;

2. *May receive documents, materials, or other ORSA-related information, including otherwise confidential and privileged documents, materials, or information, including proprietary and trade-secret information or documents, from regulatory officials of other foreign or domestic jurisdictions, including members of any supervisory college, and from the NAIC and shall maintain as confidential or privileged any documents, materials, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information; and*

3. *Shall enter into a written agreement with the NAIC or a third-party consultant governing the sharing and use of information provided pursuant to this article, consistent with this subsection. The agreement shall:*

a. *Specify procedures and protocols regarding the confidentiality and security of information shared with the NAIC or a third-party consultant pursuant to this article, including procedures and protocols for sharing by the NAIC with other state regulators from states in which the insurance group has domiciled insurers. The agreement shall provide that the recipient agrees in writing to maintain the confidentiality and privileged status of the ORSA-related documents, materials, or other information and has verified in writing the legal authority to maintain confidentiality;*

b. *Specify that ownership of information shared with the NAIC or a third-party consultant pursuant to this article remains with the Commission and that the use of information by the NAIC or a third-party consultant is subject to the direction of the Commission;*

c. *Prohibit the NAIC or third-party consultant from storing the information shared pursuant to this article in a permanent database after the underlying analysis is completed;*

d. *Require prompt notice to be given to an insurer whose confidential information in the possession of the NAIC or a third-party consultant pursuant to this article is subject to a request or subpoena to the NAIC or a third-party consultant for disclosure or production;*

e. *Require the NAIC or a third-party consultant to consent to intervention by an insurer in any judicial or administrative action in which the NAIC or a third-party consultant may be required to disclose confidential information about the insurer shared with the NAIC or a third-party consultant pursuant to this article; and*

f. *In the case of an agreement involving a third-party consultant, provide for the insurer's written consent.*

E. *The sharing of information and documents by the Commission pursuant to this article shall not constitute a delegation of regulatory authority or rulemaking, and the Commission is solely responsible for the administration, execution, and enforcement of the provisions of this article.*

F. *No waiver of any applicable privilege or claim of confidentiality in the documents, proprietary and trade-secret materials, or other ORSA-related information shall occur as a result of disclosure of such ORSA-related information or documents to the Commission under this section or as a result of sharing as authorized in this article.*

G. *Documents, materials, or other information in the possession or control of the NAIC or a third-party consultant pursuant to this article shall be confidential by law and privileged, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.*

§ 38.2-1334.10. Sanctions.

Any insurer failing, without just cause, to timely file the ORSA summary report as required in this article shall be subject to the enforcement and penalty provisions set forth in Chapter 2 (§ 38.2-200 et seq.).

§ 38.2-1339. Exemptions.

Nothing in this article shall exempt any domestic insurer from the provisions of Article 5 (§ 38.2-1322 et seq.) of this chapter or Article 5.1 (§ 38.2-1334.3 et seq.).

§ 38.2-1342. Applicability.

A. *All provisions of this article shall apply to domestic insurers.*

B. *Effective January 1, 1994, any foreign insurer not domiciled and licensed in an accredited state shall confirm, at least once every five years, as a condition of licensing and licensing renewal, its compliance with the provisions of this article or those of a substantially similar law enacted by an accredited state in which the insurer is licensed. The method of confirmation shall be determined by the Commission and may include examination of such foreign insurer and its controlling producer pursuant to Article 4 (§ 38.2-1317 et seq.) of Chapter 13. Any foreign insurer that is unable to confirm substantial compliance in a manner satisfactory to the Commission shall be subject to all of the provisions of this title.*

C. *All provisions of Article 5 (§ 38.2-1322 et seq.) and Article 5.1 (§ 38.2-1334.3 et seq.) of this chapter and Article 2 (§ 38.2-4230 et seq.) of Chapter 42, to the extent they are not superseded by the provisions of this article, shall continue to apply to all parties within holding company systems subject to this article.*

§ 38.2-4319. Statutory construction and relationship to other laws.

A. *No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.) and 5 (§ 38.2-1322 et seq.), and 5.1 (§ 38.2-1334.3 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.) and 2 (§ 38.2-1412 et seq.) of Chapter 14, §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.18, 38.2-3411, 38.2-3411.2, 38.2-3411.3, 38.2-3411.4, 38.2-3412.1:01, 38.2-3414.1, 38.2-3418.1 through 38.2-3418.17, 38.2-3419.1, 38.2-3430.1 through 38.2-3454, 38.2-3500,*

subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.1, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

B. For plans administered by the Department of Medical Assistance Services that provide benefits pursuant to Title XIX or Title XXI of the Social Security Act, as amended, no provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-322, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.) and 5 (§ 38.2-1322 et seq.), and 5.1 (§ 38.2-1334.3 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.) and 2 (§ 38.2-1412 et seq.) of Chapter 14, §§ 38.2-3401, 38.2-3405, 38.2-3407.2 through 38.2-3407.5, 38.2-3407.6, 38.2-3407.6:1, 38.2-3407.9, 38.2-3407.9:01, and 38.2-3407.9:02, subdivisions F 1, F 2, and F 3 of § 38.2-3407.10, §§ 38.2-3407.11, 38.2-3407.11:3, 38.2-3407.13, 38.2-3407.13:1, 38.2-3407.14, 38.2-3411.2, 38.2-3418.1, 38.2-3418.2, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

C. Solicitation of enrollees by a licensed health maintenance organization or by its representatives shall not be construed to violate any provisions of law relating to solicitation or advertising by health professionals.

D. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful practice of medicine. All health care providers associated with a health maintenance organization shall be subject to all provisions of law.

E. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to offer coverage to or accept applications from an employee who does not reside within the health maintenance organization's service area.

F. For purposes of applying this section, "insurer" when used in a section cited in subsections A and B shall be construed to mean and include "health maintenance organizations" unless the section cited clearly applies to health maintenance organizations without such construction.

2. That the provisions of this act shall become effective on January 1, 2015.

CHAPTER 249

An Act to amend and reenact §§ 16.1-272, 16.1-273, 16.1-278.7, and 16.1-278.8 of the Code of Virginia, relating to commitment of juvenile to the Department of Juvenile Justice; consideration of social history.

[S 128]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-272, 16.1-273, 16.1-278.7, and 16.1-278.8 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-272. Power of circuit court over juvenile offender.

A. In any case in which a juvenile is indicted, the offense for which he is indicted and all ancillary charges shall be tried in the same manner as provided for in the trial of adults, except as otherwise provided with regard to sentencing. Upon a finding of guilty of any charge, the court shall fix the sentence without the intervention of a jury. *Nothing in this subsection shall be construed to require a court to review the results of an investigation completed pursuant to § 16.1-273.*

1. If a juvenile is convicted of a violent juvenile felony, for that offense and for all ancillary crimes the court may order that (i) the juvenile serve a portion of the sentence as a serious juvenile offender under § 16.1-285.1 and the remainder of such sentence in the same manner as provided for adults; (ii) the juvenile serve the entire sentence in the same manner as provided for adults; or (iii) the portion of the sentence to be served in the same manner as provided for adults be suspended conditioned upon successful completion of such terms and conditions as may be imposed in a juvenile court upon disposition of a delinquency case including, but not limited to, commitment under subdivision A 14 of § 16.1-278.8 or § 16.1-285.1.

2. If the juvenile is convicted of any other felony, the court may sentence or commit the juvenile offender in accordance with the criminal laws of this Commonwealth or may in its discretion deal with the juvenile in the manner prescribed in this chapter for the hearing and disposition of cases in the juvenile court, including, but not limited to, commitment under § 16.1-285.1 or may in its discretion impose an adult sentence and suspend the sentence conditioned

upon successful completion of such terms and conditions as may be imposed in a juvenile court upon disposition of a delinquency case.

3. If the juvenile is not convicted of a felony but is convicted of a misdemeanor, the court shall deal with the juvenile in the manner prescribed by law for the disposition of a delinquency case in the juvenile court.

B. If the circuit court decides to deal with the juvenile in the same manner as a case in the juvenile court and places the juvenile on probation, the juvenile may be supervised by a juvenile probation officer.

C. Whether the court sentences and commits the juvenile as a juvenile under this chapter or under the criminal law, in cases where the juvenile is convicted of a felony in violation of § 18.2-61, 18.2-63, 18.2-64.1, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.5, 18.2-370 or 18.2-370.1 or, where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection B of § 18.2-361 or subsection B of § 18.2-366, the clerk shall make the report required by § 19.2-390 to the Sex Offender and Crimes Against Minors Registry established pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

D. A juvenile sentenced pursuant to clause (i) of subdivision A 1 shall be eligible to earn sentence credits in the manner prescribed by § 53.1-202.2 for the portion of the sentence served as a serious juvenile offender under § 16.1-285.1.

E. If the court sentences the juvenile as a juvenile under this chapter, the clerk shall provide a copy of the court's final order or judgment to the court service unit in the same locality as the juvenile court to which the case had been transferred.

§ 16.1-273. Court may require investigation of social history and preparation of victim impact statement.

A. When a juvenile and domestic relations district court or circuit court has adjudicated any case involving a child subject to the jurisdiction of the court hereunder, except for a traffic violation, a violation of the game and fish law, or a violation of any city ordinance regulating surfing or establishing curfew violations, the court before final disposition thereof may require an investigation, which (i) shall include a drug screening and (ii) may, and for the purposes of ~~§ 16.1-278.7 subdivision A 14 or A 17 of § 16.1-278.8~~ shall, include a *social history* of the physical, mental, and social conditions, including an assessment of any affiliation with a criminal street gang as defined in § 18.2-46.1, and personality of the child and the facts and circumstances surrounding the violation of law. However, in the case of a juvenile adjudicated delinquent on the basis of an act committed on or after January 1, 2000, which would be a felony if committed by an adult, or a violation under Article 1 (§ 18.2-247 et seq.) or Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2 and such offense would be punishable as a Class 1 or Class 2 misdemeanor if committed by an adult, the court shall order the juvenile to undergo a drug screening. If the drug screening indicates that the juvenile has a substance abuse or dependence problem, an assessment shall be completed by a certified substance abuse counselor as defined in § 54.1-3500 employed by the Department of Juvenile Justice or by a locally operated court services unit or by an individual employed by or currently under contract to such agencies and who is specifically trained to conduct such assessments under the supervision of such counselor.

B. The court also shall, on motion of the attorney for the Commonwealth with the consent of the victim, or may in its discretion, require the preparation of a victim impact statement in accordance with the provisions of § 19.2-299.1 if the court determines that the victim may have suffered significant physical, psychological, or economic injury as a result of the violation of law.

§ 16.1-278.7. Commitment to Department of Juvenile Justice.

Only a juvenile who is adjudicated as a delinquent and is 11 years of age or older may be committed to the Department of Juvenile Justice. ~~Unless previously completed~~ *In cases where a waiver of an investigation has been granted pursuant to subdivision A 14 or A 17 of § 16.1-278.8,* at the time a court commits a child to the Department of Juvenile Justice the court shall order an investigation pursuant to § 16.1-273 to be completed within 15 days. No juvenile court or circuit court shall order the commitment of any child jointly to the Department of Juvenile Justice and to a local board of social services or transfer the custody of a child jointly to a court service unit of a juvenile court and to a local board of social services. Any person sentenced and committed to an active term of incarceration in the Department of Corrections who is, at the time of such sentencing, in the custody of the Department of Juvenile Justice, upon pronouncement of sentence, shall be immediately transferred to the Department of Corrections.

§ 16.1-278.8. Delinquent juveniles.

A. If a juvenile is found to be delinquent, except where such finding involves a refusal to take a blood or breath test in violation of § 18.2-268.2 or a similar ordinance, the juvenile court or the circuit court may make any of the following orders of disposition for his supervision, care and rehabilitation:

1. Enter an order pursuant to the provisions of § 16.1-278;
2. Permit the juvenile to remain with his parent, subject to such conditions and limitations as the court may order with respect to the juvenile and his parent;
3. Order the parent of a juvenile living with him to participate in such programs, cooperate in such treatment or be subject to such conditions and limitations as the court may order and as are designed for the rehabilitation of the juvenile and his parent;
4. Defer disposition for a specific period of time established by the court with due regard for the gravity of the offense and the juvenile's history, after which time the charge may be dismissed by the judge if the juvenile exhibits good behavior during the period for which disposition is deferred;
- 4a. Defer disposition and place the juvenile in the temporary custody of the Department to attend a boot camp established pursuant to § 66-13 provided bed space is available for confinement and the juvenile (i) has been found

delinquent for an offense that would be a Class 1 misdemeanor or felony if committed by an adult, (ii) has not previously been and is not currently being adjudicated delinquent or found guilty of a violent juvenile felony, (iii) has not previously attended a boot camp, (iv) has not previously been committed to and received by the Department, and (v) has had an assessment completed by the Department or its contractor concerning the appropriateness of the candidate for a boot camp. Upon the juvenile's withdrawal, removal or refusal to comply with the terms and conditions of participation in the program, he shall be brought before the court for a hearing at which the court may impose any other disposition as authorized by this section which could have been imposed at the time the juvenile was placed in the custody of the Department;

5. Without entering a judgment of guilty and with the consent of the juvenile and his attorney, defer disposition of the delinquency charge for a specific period of time established by the court with due regard for the gravity of the offense and the juvenile's history, and place the juvenile on probation under such conditions and limitations as the court may prescribe. Upon fulfillment of the terms and conditions, the court shall discharge the juvenile and dismiss the proceedings against him. Discharge and dismissal under these provisions shall be without adjudication of guilt;

6. Order the parent of a juvenile with whom the juvenile does not reside to participate in such programs, cooperate in such treatment or be subject to such conditions and limitations as the court may order and as are designed for the rehabilitation of the juvenile where the court determines this participation to be in the best interest of the juvenile and other parties concerned and where the court determines it reasonable to expect the parent to be able to comply with such order;

7. Place the juvenile on probation under such conditions and limitations as the court may prescribe;

7a. Place the juvenile on probation and order treatment for the abuse or dependence on alcohol or drugs in a program licensed by the Department of Behavioral Health and Developmental Services for the treatment of juveniles for substance abuse provided that (i) the juvenile has received a substance abuse screening and assessment pursuant to § 16.1-273 and that such assessment reasonably indicates that the commission of the offense was motivated by, or closely related to, the habitual use of alcohol or drugs and indicates that the juvenile is in need of treatment for this condition; (ii) the juvenile has not previously been and is not currently being adjudicated for a violent juvenile felony; and (iii) such facility is available. Upon the juvenile's withdrawal, removal, or refusal to comply with the conditions of participation in the program, he shall be brought before the court for a hearing at which the court may impose any other disposition authorized by this section. The court shall review such placements at 30-day intervals;

8. Impose a fine not to exceed \$500 upon such juvenile;

9. Suspend the motor vehicle and driver's license of such juvenile or impose a curfew on the juvenile as to the hours during which he may operate a motor vehicle. Any juvenile whose driver's license is suspended may be referred for an assessment and subsequent referral to appropriate services, upon such terms and conditions as the court may order. The court, in its discretion and upon a demonstration of hardship, may authorize the use of a restricted permit to operate a motor vehicle by any juvenile who enters such program for any of the purposes set forth in subsection E of § 18.2-271.1 or for travel to and from school. The restricted permit shall be issued in accordance with the provisions of such subsection. However, only an abstract of the court order that identifies the juvenile and the conditions under which the restricted license is to be issued shall be sent to the Department of Motor Vehicles.

If a curfew is imposed, the juvenile shall surrender his driver's license, which shall be held in the physical custody of the court during any period of curfew restriction. The court shall send an abstract of any order issued under the provisions of this section to the Department of Motor Vehicles, which shall preserve a record thereof. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of this chapter or the provisions of Title 46.2, this record shall be available only to all law-enforcement officers, attorneys for the Commonwealth and courts. A copy of the court order, upon which shall be noted all curfew restrictions, shall be provided to the juvenile and shall contain such information regarding the juvenile as is reasonably necessary to identify him. The juvenile may operate a motor vehicle under the court order in accordance with its terms.

Any juvenile who operates a motor vehicle in violation of any restrictions imposed pursuant to this section shall be guilty of a violation of § 46.2-301.

The Department of Motor Vehicles shall refuse to issue a driver's license to any juvenile denied a driver's license until such time as is stipulated in the court order or until notification by the court of withdrawal of the order imposing the curfew;

10. Require the juvenile to make restitution or reparation to the aggrieved party or parties for actual damages or loss caused by the offense for which the juvenile was found to be delinquent;

11. Require the juvenile to participate in a public service project under such conditions as the court prescribes;

12. In case of traffic violations, impose only those penalties that are authorized to be imposed on adults for such violations. However, for those violations punishable by confinement if committed by an adult, confinement shall be imposed only as authorized by this title;

13. Transfer legal custody to any of the following:

a. A relative or other individual who, after study, is found by the court to be qualified to receive and care for the juvenile;

b. A child welfare agency, private organization or facility that is licensed or otherwise authorized by law to receive and provide care for such juvenile. The court shall not transfer legal custody of a delinquent juvenile to an agency, organization or facility outside of the Commonwealth without the approval of the Director; or

c. The local board of social services of the county or city in which the court has jurisdiction or, at the discretion of the court, to the local board of the county or city in which the juvenile has residence if other than the county or city in which the

court has jurisdiction. The board shall accept the juvenile for care and custody, provided that it has been given reasonable notice of the pendency of the case and an opportunity to be heard. However, in an emergency in the county or city in which the court has jurisdiction, such local board may be required to temporarily accept a juvenile for a period not to exceed 14 days without prior notice or an opportunity to be heard if the judge entering the placement order describes the emergency and the need for such temporary placement in the order. Nothing in this subdivision shall prohibit the commitment of a juvenile to any local board of social services in the Commonwealth when such local board consents to the commitment. The board to which the juvenile is committed shall have the final authority to determine the appropriate placement for the juvenile. Any order authorizing removal from the home and transferring legal custody of a juvenile to a local board of social services as provided in this subdivision shall be entered only upon a finding by the court that reasonable efforts have been made to prevent removal and that continued placement in the home would be contrary to the welfare of the juvenile, and the order shall so state;

14. ~~Commit~~ *Unless waived by an agreement between the attorney for the Commonwealth and the juvenile and his attorney or other legal representative, upon consideration of the results of an investigation completed pursuant to § 16.1-273, commit the juvenile to the Department of Juvenile Justice, but only if he is 11 years of age or older and the current offense is (i) an offense that would be a felony if committed by an adult, (ii) an offense that would be a Class 1 misdemeanor if committed by an adult and the juvenile has previously been found to be delinquent based on an offense that would be a felony if committed by an adult, or (iii) an offense that would be a Class 1 misdemeanor if committed by an adult and the juvenile has previously been adjudicated delinquent of three or more offenses that would be a Class 1 misdemeanor if committed by an adult, and each such offense was not a part of a common act, transaction or scheme;*

15. Impose the penalty authorized by § 16.1-284;

16. Impose the penalty authorized by § 16.1-284.1;

17. ~~Impose~~ *Unless waived by an agreement between the attorney for the Commonwealth and the juvenile and his attorney or other legal representative, upon consideration of the results of an investigation completed pursuant to § 16.1-273, impose the penalty authorized by § 16.1-285.1;*

18. Impose the penalty authorized by § 16.1-278.9; or

19. Require the juvenile to participate in a gang-activity prevention program including, but not limited to, programs funded under the Virginia Juvenile Community Crime Control Act pursuant to § 16.1-309.7, if available, when a juvenile has been found delinquent of any of the following violations: § 18.2-51, 18.2-51.1, 18.2-52, 18.2-53, 18.2-55, 18.2-56, 18.2-57, 18.2-57.2, 18.2-121, 18.2-127, 18.2-128, 18.2-137, 18.2-138, 18.2-146, or 18.2-147, or any violation of a local ordinance adopted pursuant to § 15.2-1812.2.

B. If the court finds a juvenile delinquent of any of the following offenses, the court shall require the juvenile to make at least partial restitution or reparation for any property damage, for loss caused by the offense, or for actual medical expenses incurred by the victim as a result of the offense: § 18.2-51, 18.2-51.1, 18.2-52, 18.2-53, 18.2-55, 18.2-56, 18.2-57, 18.2-57.2, 18.2-121, 18.2-127, 18.2-128, 18.2-137, 18.2-138, 18.2-146, or 18.2-147; or for any violation of a local ordinance adopted pursuant to § 15.2-1812.2. The court shall further require the juvenile to participate in a community service project under such conditions as the court prescribes.

2. That the provisions of the first enactment of this act shall become effective on October 1, 2014.

3. That the Department of Juvenile Justice shall develop a model social history and guidelines for the use of such model to be used by court services units to assist a court to make an informed decision on the disposition of a juvenile under its jurisdiction. Such model and guidelines may include instructions on obtaining individualized educational program assessments and incorporating information about exposure of the juvenile to trauma. The Department shall report its progress to the Virginia Commission on Youth prior to the 2015 Regular Session of the General Assembly.

CHAPTER 250

An Act to amend and reenact § 46.2-1158.1 of the Code of Virginia, relating to vehicle safety inspection approval; armed services grace period.

[S 138]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1158.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1158.1. Extension of validity of vehicle safety inspection approval stickers issued for vehicles whose registered owners are persons in the armed services of the United States.

Notwithstanding any contrary provision of law, any vehicle safety inspection approval sticker issued for any vehicle that is principally garaged outside the Commonwealth while its registered owner is a person in the armed services of the United States shall be held not to have expired during the period of the owner's official absence from the Commonwealth in the armed services of the United States, regardless of whether such vehicle is operated in or through the Commonwealth during the owner's official absence from the Commonwealth in the armed services of the United States. Should the armed services member be domiciled in another state of the United States, nothing in this section shall be construed to absolve such person from obtaining a current inspection sticker from his state of domicile, if required by such state. In cases where a

vehicle's owner has been officially absent from the Commonwealth because of service in the armed services of the United States but returns to Virginia following such official absence and the vehicle becomes operational in the Commonwealth, the vehicle's owner will have ~~five business~~ 14 calendar days following such return, Sundays and holidays excepted, to have the vehicle inspected. Furthermore, no penalty shall be imposed on any such owner or operator for operation of a motor vehicle, trailer, or semitrailer after the expiration of a period fixed for the inspection thereof, over the most direct route between the place where such vehicle is kept or garaged and an official inspection station for the purpose of having it inspected pursuant to an appointment with such station.

Motor vehicles owned and operated by persons on active duty with the United States armed forces who are Virginia residents stationed outside the Commonwealth at the time the inspection expires may be operated on the highways of the Commonwealth while persons on active duty are on leave, provided such vehicle displays a valid inspection sticker issued by another state.

For the purposes of this section, "service in the armed services of the United States" includes active duty service with the regular armed forces of the United States or the National Guard or other reserve component.

CHAPTER 251

An Act to amend and reenact § 19.2-368.5 of the Code of Virginia, relating to the Criminal Injuries Compensation Fund; filing of claims.

[S 186]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-368.5 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-368.5. Filing of claims; deferral of proceedings; restitution.

A. A claim may be filed by a person eligible to receive an award, as provided in § 19.2-368.4, or if such person is a minor, by his parent or guardian. In any case in which the person entitled to make a claim is incapacitated, the claim may be filed on his behalf by his guardian, conservator or such other individual authorized to administer his estate.

B. A claim shall be filed by the claimant not later than one year after the occurrence of the crime upon which such claim is based, or not later than one year after the death of the victim. However, (i) in cases involving claims made on behalf of a minor or a person who is incapacitated, the provisions of subsection A of § 8.01-229 shall apply to toll the one-year period; (ii) in cases involving claims made by a victim against profits of crime held in escrow pursuant to Chapter 21.2 (§ 19.2-368.19 et seq.) of this title, the claim shall be filed within five years of the date of the special order of escrow; and (iii) in cases involving claims of sexual abuse of a minor, the claim shall be filed within 10 years after the minor's eighteenth birthday. For good cause shown, the Commission may extend the time for filing *for a crime committed on or after July 1, 2001*.

In the case of a crime committed on or after July 1, 1977, and before July 1, 2001, for which a claim was not filed in a timely manner, the Commission may, for good cause shown, extend the time for filing if the attorney for the Commonwealth sends written notification to the Commission that the crime is being investigated as a result of newly discovered evidence. For any claim filed pursuant to this paragraph, the Commission shall only consider expenses that the claimant accrues after the date of written notification by the attorney for the Commonwealth.

C. Claims shall be filed in the office of the Commission in person, by mail, or by electronic means in accordance with standards approved by the Commission. The Commission shall accept for filing all claims submitted by persons eligible under subsection A of this section and alleging the jurisdictional requirements set forth in this chapter and meeting the requirements as to form in the rules and regulations of the Commission.

D. Upon filing of a claim pursuant to this chapter, the Commission shall promptly notify the attorney for the Commonwealth of the jurisdiction wherein the crime is alleged to have occurred. If, within 10 days after such notification, the attorney for the Commonwealth so notified advises the Commission that a criminal prosecution is pending upon the same alleged crime, the Commission shall defer all proceedings under this chapter until such time as such criminal prosecution has been concluded in the circuit court unless notification is received from the attorney for the Commonwealth that no objection is made to a continuation of the investigation and determination of the claim. When such criminal prosecution has been concluded in the circuit court the attorney for the Commonwealth shall promptly so notify the Commission. Nothing in this section shall be construed to mean that the Commission is to defer proceedings upon the filing of an appeal, nor shall this section be construed to limit the authority of the Commission to grant emergency awards as hereinafter provided. Upon awarding a claim pursuant to this chapter, the Commission shall promptly notify the attorney for the Commonwealth of the jurisdiction wherein the crime is alleged to have occurred. If a criminal prosecution occurs regarding the same alleged crime, the attorney for the Commonwealth shall request the court to order restitution. However, neither the lack of a restitution order, nor the failure of the attorney for the Commonwealth to request such an order, shall preclude the Fund from exercising its subrogation rights pursuant to § 19.2-368.15. Any such restitution shall be paid over to the Comptroller for deposit into the Criminal Injuries Compensation Fund to the extent of the amount of the award paid from the Fund.

CHAPTER 252

An Act to amend and reenact § 54.1-2956.5 of the Code of Virginia, relating to occupational therapy; practice as therapist applicant or therapist assistant applicant.

[S 203]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 54.1-2956.5 of the Code of Virginia is amended and reenacted as follows:****§ 54.1-2956.5. Unlawful to practice occupational therapy without license.**

A. It shall be unlawful for any person not holding a current and valid license from the Board to practice occupational therapy or to claim to be an occupational therapist or to assume the title "Occupational Therapist," "Occupational Therapist, Licensed," "Licensed Occupational Therapist," or any similar term, or to use the designations "O.T." or "O.T.L." or any variation thereof. However, a person who has graduated from a duly accredited educational program in occupational therapy may practice with the title "Occupational Therapist, License Applicant" or "O.T.L.-Applicant" until he has ~~taken and~~ received ~~the results of a failing score~~ on any examination required by the Board or until six months from the date of graduation, whichever occurs sooner.

B. It shall be unlawful for any person to practice as an occupational therapy assistant as defined in § 54.1-2900 or to hold himself out to be or advertise that he is an occupational therapy assistant or use the designation "O.T.A." or any variation thereof unless such person holds a current and valid license from the Board to practice as an occupational therapy assistant. However, a person who has graduated from a duly accredited occupational therapy assistant education program may practice with the title "Occupational Therapy Assistant, License Applicant" or "O.T.A.-Applicant" until he has ~~taken and~~ received ~~the results of a failing score~~ on any examination required by the Board or until six months from the date of graduation, whichever occurs sooner.

CHAPTER 253

An Act to amend and reenact § 9.1-1111 of the Code of Virginia, relating to the Forensic Science Board; Scientific Advisory Committee; membership.

[S 342]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 9.1-1111 of the Code of Virginia is amended and reenacted as follows:****§ 9.1-1111. Scientific Advisory Committee; membership.**

The Scientific Advisory Committee is hereby established as an advisory board within the meaning of § 2.2-2100, in the executive branch of state government. The Scientific Advisory Committee (the Committee) shall consist of 13 members, consisting of the Director of the Department, and 12 members appointed by the Governor as follows: a director of a private or federal forensic laboratory located in the Commonwealth; a forensic scientist or any other person, with an advanced degree, who has received substantial education, training, or experience in the subject of laboratory standards or quality assurance regulation and monitoring; a forensic scientist with an advanced degree who has received substantial education, training, or experience in the discipline of molecular biology; a forensic scientist with an advanced degree and having experience in the discipline of population genetics; a scientist with an advanced degree and having experience in the discipline of forensic chemistry; a scientist with an advanced degree and having experience in the discipline of forensic biology; a forensic scientist or any other person, with an advanced degree who has received substantial education, training, or experience in the discipline of trace evidence; a scientist with a doctoral degree and having experience in the discipline of forensic toxicology, who is certified by the American Board of Forensic Toxicologists; a member of the Board of the International Association for Identification *when initially appointed*; a member of the Board of the Association of Firearms and Toolmark Examiners *when initially appointed*; a member of the International Association ~~of~~ *for* Chemical Testing; and a member of the American Society of Crime Laboratory Directors.

Members of the Committee initially appointed shall serve the following terms: four members shall serve a term of one year, four members shall serve a term of two years, and four members shall serve a term of four years. Thereafter, all appointments shall be for a term of four years. A vacancy other than by expiration of term shall be filled by the Governor for the unexpired term.

Members of the Committee shall be paid reasonable and necessary expenses incurred in the performance of their duties, and shall receive compensation for their services as provided in §§ 2.2-2813 and 2.2-2825.

CHAPTER 254

An Act to amend and reenact § 19.2-386.23 of the Code of Virginia, relating to forfeiture of seized drugs and paraphernalia for training purposes.

[S 349]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-386.23 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-386.23. Disposal of seized controlled substances, marijuana, synthetic cannabinoids, and paraphernalia.

A. All controlled substances, imitation controlled substances, marijuana, synthetic cannabinoids as defined in § 18.2-248.1:1, or paraphernalia, the lawful possession of which is not established or the title to which cannot be ascertained, which have come into the custody of a peace officer or have been seized in connection with violations of Chapter 7 (§ 18.2-247 et seq.) of Title 18.2, shall be forfeited and disposed of as follows:

1. Upon written application by (i) the Department of Forensic Science, (ii) the Department of State Police, or (iii) any police department or sheriff's office in a locality, the court may order the forfeiture of any such substance or paraphernalia to the Department of Forensic Science, the Department of State Police, or to such police department or sheriff's office for research and training purposes and for destruction pursuant to regulations of the United States Department of Justice Drug Enforcement Administration and of the Board of Pharmacy once these purposes have been fulfilled.

2. In the event no application is made under subdivision 1 of this subsection, the court shall order the destruction of all such substances or paraphernalia, which order shall state the existence and nature of the substance or paraphernalia, the quantity thereof, the location where seized, the person or persons from whom the substance or paraphernalia was seized, if known, and the manner whereby such item shall be destroyed. However, the court may order that paraphernalia identified in subdivision 5 of § 18.2-265.1 not be destroyed and that it be given to a person or entity that makes a showing to the court of sufficient need for the property and an ability to put the property to a lawful and publicly beneficial use. A return under oath, reporting the time, place and manner of destruction shall be made to the court and to the Board of Pharmacy by the officer to whom the order is directed. A copy of the order and affidavit shall be made a part of the record of any criminal prosecution in which the substance or paraphernalia was used as evidence and shall, thereafter, be prima facie evidence of its contents. In the event a law-enforcement agency recovers, seizes, finds, is given or otherwise comes into possession of any such substances or paraphernalia that are not evidence in a trial in the Commonwealth, the chief law-enforcement officer of the agency or his designee may, with the written consent of the appropriate attorney for the Commonwealth, order destruction of same; provided that: a statement under oath, reporting a description of the substances and paraphernalia destroyed; and the time, place and manner of destruction, is made to the chief law-enforcement officer and to the Board of Pharmacy by the officer to whom the order is directed.

B. No such substance or paraphernalia used or to be used in a criminal prosecution under Chapter 7 (§ 18.2-247 et seq.) of Title 18.2 shall be disposed of as provided by this section until all rights of appeal have been exhausted, except as provided in § 19.2-386.24.

C. The amount of any specific controlled substance, or imitation controlled substance, retained by any law-enforcement agency pursuant to a court order issued under this section shall not exceed five pounds, or 25 pounds in the case of marijuana or synthetic cannabinoids as defined in § 18.2-248.1:1. Any written application to the court for controlled substances, imitation controlled substances, marijuana, or synthetic cannabinoids, as defined in § 18.2-248.1:1, shall certify that the amount requested shall not result in the requesting agency's exceeding the limits allowed by this subsection.

D. A law-enforcement agency that retains any controlled substance, imitation controlled substance, marijuana, or synthetic cannabinoids, as defined in § 18.2-248.1:1, pursuant to a court order issued under this section shall (i) be required to conduct an inventory of such substance on a monthly basis, which shall include a description and weight of the substance, and (ii) destroy such substance within 12 months of obtaining it through a court order for use in training. A written report outlining the details of the inventory shall be made to the chief law-enforcement officer of the agency within 10 days of the completion of the inventory, and the agency shall detail the substances that were used for training pursuant to a court order in the immediately preceding fiscal year. Destruction of such substance shall be certified to the court along with a statement prepared under oath, reporting a description of the substance destroyed, and the time, place, and manner of destruction.

CHAPTER 255

An Act to amend and reenact § 29.1-328 of the Code of Virginia, relating to terms of hunting, trapping, and fishing licenses and permits.

[S 371]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-328 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-328. Term of licenses and permits; multiple-year license.

A. ~~Until the Department has implemented an automated point-of-sale licensing system, hunting and trapping licenses and permits, including those issued pursuant to § 29.1-302, shall be valid from July 1 of each year or their later date of purchase, to June 30 of the following year, unless sooner revoked. Upon implementation of such a system, hunting~~ *Hunting* and trapping licenses and permits shall be valid for one year from their date of purchase ~~or future effective date, as authorized by the Department~~, except those licenses issued pursuant to § 29.1-305, which shall be valid from July 1 of each year or their later date of purchase, to June 30 of the following year, unless sooner revoked.

B. ~~Until the Department has implemented an automated point-of-sale licensing system, fishing licenses shall run and be valid from January 1 of each year or their later date of purchase to December 31 of same year, unless sooner revoked. Upon implementation of such a system, fishing~~ *Fishing* licenses shall run and be valid for one year from their date of purchase ~~or future effective date, as authorized by the Department~~.

C. The Board may authorize the sale of any annual license or permit issued under this title for a period exceeding the one-year term. Such a multiple-year license or permit shall be valid for the number of consecutive years stated on the permit or license. The fee for such a multiple-year license or permit shall not exceed the total amount that would be charged if the particular license or permit was purchased on an annual basis over the specified number of years.

D. The terms of licenses listed in subsections A, B, and C shall not apply to the lifetime hunting and fishing license established in § 29.1-302.1.

E. National Forest Stamps, issued pursuant to § 29.1-408, shall be valid for one year from their date of purchase, unless sooner revoked.

CHAPTER 256

An Act to amend and reenact §§ 46.2-100, 46.2-325, 46.2-626.1, 46.2-662, 46.2-694, as it is currently effective and as it may become effective, 46.2-711, 46.2-715, 46.2-730, 46.2-910, 46.2-1011, 46.2-1012, 46.2-1014, 46.2-1057, 46.2-1067, 46.2-1068, 46.2-1092, 46.2-1157, 46.2-1167, 46.2-1500, and 46.2-1993 of the Code of Virginia, relating to a new class of vehicle known as an autocycle; licensure, fees, license plates, and safety, inspection, and other requirements.

[S 383]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-100, 46.2-325, 46.2-626.1, 46.2-662, 46.2-694, as it is currently effective and as it may become effective, 46.2-711, 46.2-715, 46.2-730, 46.2-910, 46.2-1011, 46.2-1012, 46.2-1014, 46.2-1057, 46.2-1067, 46.2-1068, 46.2-1092, 46.2-1157, 46.2-1167, 46.2-1500, and 46.2-1993 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-100. Definitions.

~~The following words and phrases when used in this title shall, for the purpose of~~ *As used in this title, have the meanings respectively ascribed to them in this section except in those instances where unless the context clearly indicates requires* a different meaning:

"All-terrain vehicle" means a motor vehicle having three or more wheels that is powered by a motor and is manufactured for off-highway use. "All-terrain vehicle" does not include four-wheeled vehicles commonly known as "go-carts" that have low centers of gravity and are typically used in racing on relatively level surfaces, nor does the term include any riding lawn mower.

"Antique motor vehicle" means every motor vehicle, as defined in this section, which was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Antique trailer" means every trailer or semitrailer, as defined in this section, that was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Autocycle" means a three-wheeled motor vehicle that has a steering wheel and seating that does not require the operator to straddle or sit astride and is manufactured to comply with federal safety requirements for motorcycles. Except as otherwise provided, an autocycle shall not be deemed to be a motorcycle.

"Automobile or watercraft transporters" means any tractor truck, lowboy, vehicle, or combination, including vehicles or combinations that transport motor vehicles or watercraft on their power unit, designed and used exclusively for the transportation of motor vehicles or watercraft.

"Bicycle" means a device propelled solely by human power, upon which a person may ride either on or astride a regular seat attached thereto, having two or more wheels in tandem, including children's bicycles, except a toy vehicle intended for use by young children. For purposes of Chapter 8 (§ 46.2-800 et seq.), a bicycle shall be a vehicle while operated on the highway.

"Bicycle lane" means that portion of a roadway designated by signs and/or pavement markings for the preferential use of bicycles, electric power-assisted bicycles, and mopeds.

"Business district" means the territory contiguous to a highway where 75 percent or more of the property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more along the highway, is occupied by land and buildings actually in use for business purposes.

"Camping trailer" means every vehicle that has collapsible sides and contains sleeping quarters but may or may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle.

"Cancel" or "cancellation" means that the document or privilege cancelled has been annulled or terminated because of some error, defect, or ineligibility, but the cancellation is without prejudice and reapplication may be made at any time after cancellation.

"Chauffeur" means every person employed for the principal purpose of driving a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

"Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection, where all vehicles pass to the right of the island. Circular intersections include roundabouts, rotaries, and traffic circles.

"Commission" means the State Corporation Commission.

"Commissioner" means the Commissioner of the Department of Motor Vehicles of the Commonwealth.

"Converted electric vehicle" means any motor vehicle, other than a motorcycle *or autocycle*, that has been modified subsequent to its manufacture to replace an internal combustion engine with an electric propulsion system. Such vehicles shall retain their original vehicle identification number, line-make, and model year. A converted electric vehicle shall not be deemed a "reconstructed vehicle" as defined in this section unless it has been materially altered from its original construction by the removal, addition, or substitution of new or used essential parts other than those required for the conversion to electric propulsion.

"Crosswalk" means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

"Decal" means a device to be attached to a license plate that validates the license plate for a predetermined registration period.

"Department" means the Department of Motor Vehicles of the Commonwealth.

"Disabled parking license plate" means a license plate that displays the international symbol of access in the same size as the numbers and letters on the plate and in a color that contrasts with the background.

"Disabled veteran" means a veteran who (i) has either lost, or lost the use of, a leg, arm, or hand; (ii) is blind; or (iii) is permanently and totally disabled as certified by the U.S. Department of Veterans Affairs. A veteran shall be considered blind if he has a permanent impairment of both eyes to the following extent: central visual acuity of 20/200 or less in the better eye, with corrective lenses, or central visual acuity of more than 20/200, if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees in the better eye.

"Driver's license" means any license, including a commercial driver's license as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), issued under the laws of the Commonwealth authorizing the operation of a motor vehicle.

"Electric personal assistive mobility device" means a self-balancing two-nontandem-wheeled device that is designed to transport only one person and powered by an electric propulsion system that limits the device's maximum speed to 15 miles per hour or less. For purposes of Chapter 8 (§ 46.2-800 et seq.), an electric personal assistive mobility device shall be a vehicle when operated on a highway.

"Electric power-assisted bicycle" means a vehicle that travels on not more than three wheels in contact with the ground and is equipped with (i) pedals that allow propulsion by human power and (ii) an electric motor with an input of no more than 1,000 watts that reduces the pedal effort required of the rider. For the purposes of Chapter 8 (§ 46.2-800 et seq.), an electric power-assisted bicycle shall be a vehicle when operated on a highway.

"Essential parts" means all integral parts and body parts, the removal, alteration, or substitution of which will tend to conceal the identity of a vehicle.

"Farm tractor" means every motor vehicle designed and used as a farm, agricultural, or horticultural implement for drawing plows, mowing machines, and other farm, agricultural, or horticultural machinery and implements, including self-propelled mowers designed and used for mowing lawns.

"Farm utility vehicle" means a vehicle that is powered by a motor and is designed for off-road use and is used as a farm, agricultural, or horticultural service vehicle, generally having four or more wheels, bench seating for the operator and a passenger, a steering wheel for control, and a cargo bed. "Farm utility vehicle" does not include pickup or panel trucks, golf carts, low-speed vehicles, or riding lawn mowers.

"Federal safety requirements" means applicable provisions of 49 U.S.C. § 30101 et seq. and all administrative regulations and policies adopted pursuant thereto.

"Financial responsibility" means the ability to respond in damages for liability thereafter incurred arising out of the ownership, maintenance, use, or operation of a motor vehicle, in the amounts provided for in § 46.2-472.

"Foreign market vehicle" means any motor vehicle originally manufactured outside the United States, which was not manufactured in accordance with 49 U.S.C. § 30101 et seq. and the policies and regulations adopted pursuant to that Act, and for which a Virginia title or registration is sought.

"Foreign vehicle" means every motor vehicle, trailer, or semitrailer that is brought into the Commonwealth otherwise than in the ordinary course of business by or through a manufacturer or dealer and that has not been registered in the Commonwealth.

"Golf cart" means a self-propelled vehicle that is designed to transport persons playing golf and their equipment on a golf course.

"Governing body" means the board of supervisors of a county, council of a city, or council of a town, as context may require.

"Gross weight" means the aggregate weight of a vehicle or combination of vehicles and the load thereon.

"Highway" means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys, and, for law-enforcement purposes, (i) the entire width between the boundary lines of all private roads or private streets that have been specifically designated "highways" by an ordinance adopted by the governing body of the county, city, or town in which such private roads or streets are located and (ii) the entire width between the boundary lines of every way or place used for purposes of vehicular travel on any property owned, leased, or controlled by the United States government and located in the Commonwealth.

"Intersection" means (i) the area embraced within the prolongation or connection of the lateral curblines or, if none, then the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling on different highways joining at any other angle may come in conflict; (ii) where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection, in the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection; or (iii) for purposes only of authorizing installation of traffic-control devices, every crossing of a highway or street at grade by a pedestrian crosswalk.

"Lane-use control signal" means a signal face displaying indications to permit or prohibit the use of specific lanes of a roadway or to indicate the impending prohibition of such use.

"Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make arrests for violations of this title or local ordinances authorized by law. For the purposes of access to law-enforcement databases regarding motor vehicle registration and ownership only, ~~this term shall~~ "law-enforcement officer" also ~~include~~ includes city and county commissioners of the revenue and treasurers, together with their duly designated deputies and employees, when such officials are actually engaged in the enforcement of §§ 46.2-752, 46.2-753, and 46.2-754 and local ordinances enacted thereunder.

"License plate" means a device containing letters, numerals, or a combination of both, attached to a motor vehicle, trailer, or semitrailer to indicate that the vehicle is properly registered with the Department.

"Light" means a device for producing illumination or the illumination produced by the device.

"Low-speed vehicle" means any four-wheeled electrically-powered vehicle, except a motor vehicle or low-speed vehicle that is used exclusively for agricultural or horticultural purposes or a golf cart, whose maximum speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations, § 571.500.

"Manufactured home" means a structure subject to federal regulation, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

"Moped" means every vehicle that travels on not more than three wheels in contact with the ground that (i) has a seat that is no less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; (ii) has a gasoline, electric, or hybrid motor that (a) displaces 50 cubic centimeters or less or (b) has an input of 1500 watts or less; (iii) is power-driven, with or without pedals that allow propulsion by human power; and (iv) is not operated at speeds in excess of 35 miles per hour. For purposes of this title, a moped shall be a motorcycle when operated at speeds in excess of 35 miles per hour. For purposes of Chapter 8 (§ 46.2-800 et seq.), a moped shall be a vehicle while operated on a highway.

"Motor-driven cycle" means every motorcycle that has a gasoline engine that (i) displaces less than 150 cubic centimeters; (ii) has a seat less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; and (iii) has no manufacturer-issued vehicle identification number.

"Motor home" means every private motor vehicle with a normal seating capacity of not more than 10 persons, including the driver, designed primarily for use as living quarters for human beings.

"Motor vehicle" means every vehicle as defined in this section that is self-propelled or designed for self-propulsion except as otherwise provided in this title. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a

motor vehicle. Except as otherwise provided, for the purposes of this title, any device herein defined as a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped shall be deemed not to be a motor vehicle.

"Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground and is capable of traveling at speeds in excess of 35 miles per hour. ~~The term "motorcycle"~~ "*Motorcycle*" does not include any "*autocycle*," "electric personal assistive mobility device," "electric power-assisted bicycle," "farm tractor," "golf cart," "moped," "motorized skateboard or foot-scooter," "utility vehicle," or "wheelchair or wheelchair conveyance" as defined in this section.

"Motorized skateboard or foot-scooter" means every vehicle, regardless of the number of its wheels in contact with the ground, that (i) has no seat, but is designed to be stood upon by the operator, (ii) has no manufacturer-issued vehicle identification number, and (iii) is powered by an electric motor having an input of no more than 1,000 watts or a gasoline engine that displaces less than 36 cubic centimeters. ~~The term "motorized"~~ "*Motorized skateboard or foot-scooter*" includes vehicles with or without handlebars; but does not include "electric personal assistive mobility devices."

"Nonresident" means every person who is not domiciled in the Commonwealth, except: (i) any foreign corporation that is authorized to do business in the Commonwealth by the State Corporation Commission shall be a resident of the Commonwealth for the purpose of this title; in the case of corporations incorporated in the Commonwealth but doing business outside the Commonwealth, only such principal place of business or branches located within the Commonwealth shall be dealt with as residents of the Commonwealth; (ii) a person who becomes engaged in a gainful occupation in the Commonwealth for a period exceeding 60 days shall be a resident for the purposes of this title except for the purposes of Chapter 3 (§ 46.2-300 et seq.); (iii) a person, other than a nonresident student as defined in this section, who has actually resided in the Commonwealth for a period of six months, whether employed or not, or who has registered a motor vehicle, listing an address in the Commonwealth in the application for registration shall be deemed a resident for the purposes of this title, except for the purposes of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

"Nonresident student" means every nonresident person who is enrolled as a full-time student in an accredited institution of learning in the Commonwealth and who is not gainfully employed.

"Off-road motorcycle" means every motorcycle designed exclusively for off-road use by an individual rider with not more than two wheels in contact with the ground. Except as otherwise provided in this chapter, for the purposes of this chapter off-road motorcycles shall be deemed to be "motorcycles."

"Operation or use for rent or for hire, for the transportation of passengers, or as a property carrier for compensation," and "business of transporting persons or property" mean any owner or operator of any motor vehicle, trailer, or semitrailer operating over the highways in the Commonwealth who accepts or receives compensation for the service, directly or indirectly; but these terms do not mean a "truck lessor" as defined in this section and do not include persons or businesses that receive compensation for delivering a product that they themselves sell or produce, where a separate charge is made for delivery of the product or the cost of delivery is included in the sale price of the product, but where the person or business does not derive all or a substantial portion of its income from the transportation of persons or property except as part of a sales transaction.

"Operator" or "driver" means every person who either (i) drives or is in actual physical control of a motor vehicle on a highway or (ii) is exercising control over or steering a vehicle being towed by a motor vehicle.

"Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of an agreement for its conditional sale or lease with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be the owner for the purpose of this title. In all such instances when the rent paid by the lessee includes charges for services of any nature or when the lease does not provide that title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner of the vehicle, and the vehicle shall be subject to such requirements of this title as are applicable to vehicles operated for compensation. A "truck lessor" as defined in this section shall be regarded as the owner, and his vehicles shall be subject to such requirements of this title as are applicable to vehicles of private carriers.

"Passenger car" means every motor vehicle other than a motorcycle *or autocycle* designed and used primarily for the transportation of no more than 10 persons, including the driver.

"Payment device" means any credit card as defined in 15 U.S.C. § 1602(k) or any "accepted card or other means of access" set forth in 15 U.S.C. § 1693a(1). For the purposes of this title, this definition shall also include a card that enables a person to pay for transactions through the use of value stored on the card itself.

"Pickup or panel truck" means every motor vehicle designed for the transportation of property and having a registered gross weight of 7,500 pounds or less.

"Private road or driveway" means every way in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

"Reconstructed vehicle" means every vehicle of a type required to be registered under this title materially altered from its original construction by the removal, addition, or substitution of new or used essential parts. Such vehicles, at the discretion of the Department, shall retain their original vehicle identification number, line-make, and model year. Except as otherwise provided in this title, this definition shall not include a "converted electric vehicle" as defined in this section.

"Replica vehicle" means every vehicle of a type required to be registered under this title not fully constructed by a licensed manufacturer but either constructed or assembled from components. Such components may be from a single

vehicle, multiple vehicles, a kit, parts, or fabricated components. The kit may be made up of "major components" as defined in § 46.2-1600, a full body, or a full chassis, or a combination of these parts. The vehicle shall resemble a vehicle of distinctive name, line-make, model, or type as produced by a licensed manufacturer or manufacturer no longer in business and is not a reconstructed or specially constructed vehicle as herein defined.

"Residence district" means the territory contiguous to a highway, not comprising a business district, where 75 percent or more of the property abutting such highway, on either side of the highway, for a distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is occupied by dwellings, or consists of land or buildings in use for business purposes, or consists of territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

"Revoke" or "revocation" means that the document or privilege revoked is not subject to renewal or restoration except through reapplication after the expiration of the period of revocation.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical barrier or barriers or an unpaved area.

"Safety zone" means the area officially set apart within a roadway for the exclusive use of pedestrians and that is protected or is so marked or indicated by plainly visible signs.

"School bus" means any motor vehicle, other than a station wagon, automobile, truck, or commercial bus, which is: (i) designed and used primarily for the transportation of pupils to and from public, private or religious schools, or used for the transportation of the mentally or physically handicapped to and from a sheltered workshop; (ii) painted yellow and bears the words "School Bus" in black letters of a specified size on front and rear; and (iii) is equipped with warning devices prescribed in § 46.2-1090. A yellow school bus may have a white roof provided such vehicle is painted in accordance with regulations promulgated by the Department of Education.

"Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests on or is carried by another vehicle.

"Shared-use path" means a bikeway that is physically separated from motorized vehicular traffic by an open space or barrier and is located either within the highway right-of-way or within a separate right-of-way. Shared-use paths may also be used by pedestrians, skaters, users of wheel chairs or wheel chair conveyances, joggers, and other nonmotorized users.

"Shoulder" means that part of a highway between the portion regularly traveled by vehicular traffic and the lateral curbline or ditch.

"Sidewalk" means the portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

"Snowmobile" means a self-propelled vehicle designed to travel on snow or ice, steered by skis or runners, and supported in whole or in part by one or more skis, belts, or cleats.

"Special construction and forestry equipment" means any vehicle which is designed primarily for highway construction, highway maintenance, earth moving, timber harvesting or other construction or forestry work and which is not designed for the transportation of persons or property on a public highway.

"Specially constructed vehicle" means any vehicle that was not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not a reconstructed vehicle as herein defined.

"Stinger-steered automobile or watercraft transporter" means an automobile or watercraft transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame behind and below the rearmost axle of the power unit.

"Superintendent" means the Superintendent of the Department of State Police of the Commonwealth.

"Suspend" or "suspension" means that the document or privilege suspended has been temporarily withdrawn, but may be reinstated following the period of suspension unless it has expired prior to the end of the period of suspension.

"Tow truck" means a motor vehicle for hire (i) designed to lift, pull, or carry another vehicle by means of a hoist or other mechanical apparatus and (ii) having a manufacturer's gross vehicle weight rating of at least 10,000 pounds. "Tow truck" also includes vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks." "Tow truck" does not include any "automobile or watercraft transporter," "stinger-steered automobile or watercraft transporter," or "tractor truck" as those terms are defined in this section.

"Towing and recovery operator" means a person engaged in the business of (i) removing disabled vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping and (ii) restoring to the highway or other location where they either can be operated or removed to other locations for repair or safekeeping vehicles that have come to rest in places where they cannot be operated.

"Toy vehicle" means any motorized or propellant-driven device that has no manufacturer-issued vehicle identification number; that is designed or used to carry any person or persons, on any number of wheels, bearings, glides, blades, runners, or a cushion of air. ~~The term~~ "Toy vehicle" does not include electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, or motorcycles, nor does it include any nonmotorized or nonpropellant-driven devices such as bicycles, roller skates, or skateboards.

"Tractor truck" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

"Traffic control device" means a sign, signal, marking, or other device used to regulate, warn, or guide traffic placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by

authority of a public agency or official having jurisdiction, or in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction.

"Traffic infraction" means a violation of law punishable as provided in § 46.2-113, which is neither a felony nor a misdemeanor.

"Traffic lane" or "lane" means that portion of a roadway designed or designated to accommodate the forward movement of a single line of vehicles.

"Trailer" means every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, including manufactured homes.

"Truck" means every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of 7,500 pounds.

"Truck lessor" means a person who holds the legal title to any motor vehicle, trailer, or semitrailer that is the subject of a bona fide written lease for a term of one year or more to another person, provided that: (i) neither the lessor nor the lessee is a common carrier by motor vehicle or restricted common carrier by motor vehicle or contract carrier by motor vehicle as defined in § 46.2-2000; (ii) the leased motor vehicle, trailer, or semitrailer is used exclusively for the transportation of property of the lessee; (iii) the lessor is not employed in any capacity by the lessee; (iv) the operator of the leased motor vehicle is a bona fide employee of the lessee and is not employed in any capacity by the lessor; and (v) a true copy of the lease, verified by affidavit of the lessor, is filed with the Commissioner.

"Utility vehicle" means a motor vehicle that is (i) designed for off-road use, (ii) powered by a motor, and (iii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include riding lawn mowers.

"Vehicle" means every device in, on or by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks. For the purposes of Chapter 8 (§ 46.2-800 et seq.), bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds shall be vehicles while operated on a highway.

"Wheel chair or wheel chair conveyance" means a chair or seat equipped with wheels, typically used to provide mobility for persons who, by reason of physical disability, are otherwise unable to move about as pedestrians. ~~The term~~ "Wheel chair or wheel chair conveyance" includes both three-wheeled and four-wheeled devices. So long as it is operated only as provided in § 46.2-677, a self-propelled wheel chair or self-propelled wheel chair conveyance shall not be considered a motor vehicle.

§ 46.2-325. Examination of applicants; waiver of Department's examination under certain circumstances; behind-the-wheel and knowledge examinations.

A. The Department shall examine every applicant for a driver's license before issuing any license to determine (i) his physical and mental qualifications and his ability to drive a motor vehicle without jeopardizing the safety of persons or property and (ii) if any facts exist which would bar the issuance of a license under §§ 46.2-311 through 46.2-316, 46.2-334, or 46.2-335. The examination, however, shall not include investigation of any facts other than those directly pertaining to the ability of the applicant to drive a motor vehicle with safety, or other than those facts declared to be prerequisite to the issuance of a license under this chapter. No applicant otherwise competent shall be required to demonstrate ability to park any motor vehicle except in an adequate parking space between horizontal markers, and not between flags or sticks simulating parked vehicles. Except as provided for in § 46.2-337, applicants for licensure to drive motor vehicles of the classifications referred to in § 46.2-328 shall submit to examinations which relate to the operation of those vehicles. The motor vehicle to be used by the applicant for the behind-the-wheel examination shall meet the safety and equipment requirements specified in Chapter 10 (§ 46.2-1000 et seq.) and possess a valid inspection sticker as required pursuant to § 46.2-1157. *An autocycle shall not be used by the applicant for a behind-the-wheel examination.*

Prior to taking the examination, the applicant shall either (a) present evidence that the applicant has completed a state-approved driver education class pursuant to the provisions of § 46.2-324.1 or 46.2-334 or (b) submit to the examiner a behind-the-wheel maneuvers checklist, on a form provided by the Department, that describes the vehicle maneuvers the applicant may be expected to perform while taking the behind-the-wheel examination, that has been signed by a licensed driver, certifying that the applicant has practiced the driving maneuvers contained and described therein, and that has been signed by the applicant certifying that, at all times while holding a learner's permit, the applicant has complied with the provisions of § 46.2-335 while operating a motor vehicle.

Except for applicants subject to § 46.2-312, if the Commissioner is satisfied that an applicant has demonstrated the same proficiency as required by the Department's examination through successful completion of either (1) the driver education course approved by the Department of Education or (2) a driver training course offered by a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.), he may waive those parts of the Department's examination provided for in this section that require the applicant to drive and park a motor vehicle.

B. Any person who fails the behind-the-wheel examination for a driver's license administered by the Department shall wait two days before being permitted to take another such examination. No person who fails the behind-the-wheel examination for a driver's license administered by the Department three times shall be permitted to take such examination a fourth time until he successfully completes, subsequent to the third examination failure, the in-vehicle component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or the Department of Education. In addition, no person who fails the driver knowledge examination for a driver's license administered by the Department three times shall be permitted to take such examination a fourth time until

he successfully completes, subsequent to the third examination failure, the classroom component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or, for persons at least 19 years old, a course of instruction based on the Virginia Driver's Manual offered by a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) and approved by the Department or the Department of Education.

The provisions of this subsection shall not apply to persons placed under medical control by the Department pursuant to § 46.2-322.

§ 46.2-626.1. Motorcycle purchased by manufacturer for parts; documentation required for sale of parts.

For the purposes of this section, ~~the terms~~ "certificate of origin," "line-make," ~~and~~ "manufacturer," ~~shall and~~ "new motorcycle" have the meanings ascribed to them in § 46.2-1993.

A licensed motorcycle manufacturer shall not be required to obtain a certificate of title for a new motorcycle of a different line-make purchased by the manufacturer for the purpose of obtaining parts used in the production of another *new motorcycle or an autocyte*, provided such manufacturer obtains a salvage dealer license in accordance with § 46.2-1601. The manufacturer shall not be required to obtain a nonrepairable certificate for the purchased motorcycle, as required by § 46.2-1603.1, but shall stamp the words "Va. Code § 46.2-626.1: DISASSEMBLED FOR PARTS" in a minimum font size of 14 point across the face of the original manufacturer's certificate of origin. The certificate of origin shall be forwarded to the Department, which shall make a record of the disassembly of the motorcycle. The manufacturer shall retain a photocopy of the stamped certificate of origin for its records.

Any parts remaining from the purchased motorcycle and sold as parts by the manufacturer shall be accompanied by documentation of how such parts were obtained. Documentation accompanying the frame of the purchased motorcycle shall include a photocopy of the stamped manufacturer's certificate of origin and certification from the manufacturer that the original certificate of origin has been forwarded to the Department.

§ 46.2-662. Temporary exemption for new resident operating vehicle registered in another state or country.

A. A resident owner of any passenger car, pickup or panel truck, moped, *autocyte*, or motorcycle, other than those provided for in § 46.2-652, that has been duly registered for the current calendar year in another state or country and that at all times when operated in the Commonwealth displays the license plate or plates issued for the vehicle in the other state or country, may operate or permit the operation of the passenger car, pickup or panel truck, moped, *autocyte*, or motorcycle within or partly within the Commonwealth for the first 30 days of his residency in the Commonwealth without registering the passenger car, pickup or panel truck, moped, *autocyte*, or motorcycle or paying any fees to the Commonwealth.

B. In addition to any penalty authorized under this title, any locality may adopt an ordinance imposing a penalty of up to \$250 upon the resident owner of any motor vehicle that, following the end of the 30-day period provided in subsection A, is required to be registered in Virginia but has not been so registered. The ordinance shall set forth a reasonable method for assessing and collecting the penalty, whether by civil, criminal, or administrative process, and shall identify the employees or agents of the locality who are to execute such assessment and collection.

§ 46.2-694. (Contingent expiration date) Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.

A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the transportation of passengers on the highways in the Commonwealth are:

1. Thirty-three dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

2. Thirty-eight dollars for each passenger car or motor home which weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than 10 adults, including the driver, if the private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human beings.

6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed in subdivision 7 of this subsection on submission to the Commissioner of a declaration of operations and equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating two or more vehicles both within and outside the Commonwealth and registered for insurance purposes with the Surface Transportation Board of the ~~United States~~ U.S. Department of Transportation, Federal

Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the registration fees provided in this subsection so that the total registration fees to be paid for such vehicles of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in each instance is the estimated total mileage to be traveled by such vehicles during the license year for which such fees are paid, subject to the adjustment in accordance with an audit to be made by representatives of the Commissioner at the end of such license year, the expense of such audit to be borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles, trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion in determining the apportionment provided for herein.

8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a chauffeur for the transportation of passengers, and which operates or should operate under permits issued by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

10b. Eighteen dollars for an autocycle.

11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of the vehicle exceeds 4,000 pounds, the fee shall be \$28.

12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-carrying vehicles.

13. An additional fee of \$4.25 per year shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle under subdivisions 1 through 12 ~~of this subsection~~. All funds collected from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside as a special fund to be used only for emergency medical service purposes. The moneys in the special emergency medical services fund shall be distributed as follows:

a. Two percent shall be distributed to the State Department of Health to provide funding to the Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting volunteer recruitment, retention, and training activities;

b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency medical services training programs (excluding advanced life support classes); (ii) advanced life support training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and retain volunteer emergency medical services personnel only, including public awareness campaigns, technical assistance programs, and similar activities); (iv) emergency medical services system development, initiatives, and priorities based on needs identified by the State Emergency Medical Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to the Rescue Squad Assistance Fund;

c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical Services for use in emergency medical services; and

e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is registered, to provide funding for training of volunteer or salaried emergency medical service personnel of licensed, nonprofit emergency medical services agencies and for the purchase of necessary equipment and supplies for use in such locality for licensed, nonprofit emergency medical and rescue services.

All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to supplant local funds. Each local governing body shall report annually to the Board of Health on the use of the funds returned to it pursuant to this section. In any case in which the local governing body grants the funds to a regional emergency medical services council to be distributed to the licensed, nonprofit emergency medical and rescue services, the local governing body shall remain responsible for the proper use of

the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board.

B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.

§ 46.2-694. (Contingent effective date) Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.

A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the transportation of passengers on the highways in the Commonwealth are:

1. Twenty-three dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

2. Twenty-eight dollars for each passenger car or motor home which weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than 10 adults, including the driver, if the private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human beings.

6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed in subdivision 7 of this subsection on submission to the Commissioner of a declaration of operations and equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating two or more vehicles both within and outside the Commonwealth and registered for insurance purposes with the Surface Transportation Board of the ~~United States~~ U.S. Department of Transportation, Federal Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the registration fees provided in this subsection so that the total registration fees to be paid for such vehicles of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in each instance is the estimated total mileage to be traveled by such vehicles during the license year for which such fees are paid, subject to the adjustment in accordance with an audit to be made by representatives of the Commissioner at the end of such license year, the expense of such audit to be borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles, trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion in determining the apportionment provided for herein.

8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a chauffeur for the transportation of passengers, and which operates or should operate under permits issued by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

10b. Eighteen dollars for an autocycle.

11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of the vehicle exceeds 4,000 pounds, the fee shall be \$28.

12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-carrying vehicles.

13. An additional fee of \$4.25 per year shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle under subdivisions 1 through 12 ~~of this subsection~~. All funds collected from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside as a special fund to be used only for emergency medical service purposes. The moneys in the special emergency medical services fund shall be distributed as follows:

a. Two percent shall be distributed to the State Department of Health to provide funding to the Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting volunteer recruitment, retention and training activities;

b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency medical services training programs (excluding advanced life support classes); (ii) advanced life support training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and retain volunteer emergency medical services personnel only, including public awareness campaigns, technical assistance programs, and similar activities); (iv) emergency medical services system development, initiatives, and priorities based on needs identified by the State Emergency Medical Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to the Rescue Squad Assistance Fund;

c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical Services for use in emergency medical services; and

e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is registered, to provide funding for training of volunteer or salaried emergency medical service personnel of licensed, nonprofit emergency medical services agencies and for the purchase of necessary equipment and supplies for use in such locality for licensed, nonprofit emergency medical and rescue services.

All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to supplant local funds. Each local governing body shall report annually to the Board of Health on the use of the funds returned to it pursuant to this section. In any case in which the local governing body grants the funds to a regional emergency medical services council to be distributed to the licensed, nonprofit emergency medical and rescue services, the local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board.

B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.

§ 46.2-711. Furnishing number and design of plates; displaying on vehicles required.

A. The Department shall furnish one license plate for every registered moped, motorcycle, *autocycle*, tractor truck, semitrailer, or trailer, and two license plates for every other registered motor vehicle, except to licensed motor vehicle dealers and persons delivering unladen vehicles who shall be furnished one license plate. The license plates for trailers, semitrailers, commercial vehicles, and trucks, other than license plates for dealers, may be of such design as to prevent removal without mutilating some part of the indicia forming a part of the license plate, when secured to the bracket.

B. The Department shall issue appropriately designated license plates for:

1. Passenger-carrying vehicles for rent or hire for the transportation of passengers for private trips;
2. Taxicabs;
3. Passenger-carrying vehicles operated by common carriers or restricted common carriers;
4. Property-carrying motor vehicles to applicants who operate as private carriers only;

5. Applicants who operate motor vehicles as carriers for rent or hire;
6. Vehicles operated by nonemergency medical transportation carriers as defined in § 46.2-2000; and
7. Trailers and semitrailers.

C. The Department shall issue appropriately designated license plates for motor vehicles held for rental as defined in § 58.1-1735.

D. The Department shall issue appropriately designated license plates for low-speed vehicles.

E. No vehicles shall be operated on the highways in the Commonwealth without displaying the license plates required by this chapter. The provisions of this subsection shall not apply to vehicles used to collect and deliver the United States mail to the extent that their rear license plates may be covered by the "CAUTION, FREQUENT STOPS, U.S. MAIL" sign when the vehicle is engaged in the collection and delivery of the United States mail.

F. Pickup or panel trucks are exempt from the provisions of subsection B with reference to displaying for-hire license plates when operated as a carrier for rent or hire. However, this exemption shall not apply to pickup or panel trucks subject to regulation under Chapter 21 (§ 46.2-2100 et seq.) of this title.

§ 46.2-715. Display of license plates.

License plates assigned to a motor vehicle, other than a moped, motorcycle, *autocycle*, tractor truck, trailer, or semitrailer, or to persons licensed as motor vehicle dealers or transporters of unladen vehicles, shall be attached to the front and the rear of the vehicle. The license plate assigned to a moped, motorcycle, *autocycle*, trailer, or semitrailer shall be attached to the rear of the vehicle. The license plate assigned to a tractor truck shall be attached to the front of the vehicle. The license plates issued to licensed motor vehicle dealers and to persons licensed as transporters of unladen vehicles shall consist of one plate for each set issued and shall be attached to the rear of the vehicle to which it is assigned.

§ 46.2-730. License plates for antique motor vehicles and antique trailers; fee.

A. On receipt of an application and evidence that the applicant owns or has regular use of another passenger car, *autocycle*, or motorcycle, the Commissioner shall issue appropriately designed license plates to owners of antique motor vehicles and antique trailers. These license plates shall be valid so long as title to the vehicle is vested in the applicant. The fee for the registration card and license plates of any of these vehicles shall be a one-time fee of \$50.

B. On receipt of an application and evidence that the applicant owns or has regular use of another passenger car, *autocycle*, or motorcycle, the Commissioner may authorize for use on antique motor vehicles and antique trailers Virginia license plates manufactured prior to 1976 and designed for use without decals, if such license plates are embossed with or are of the same year of issue as the model year of the antique motor vehicle or antique trailer on which they are to be displayed. Original metal year tabs issued in place of license plates for years 1943 and 1952 and used with license plates issued in 1942 and 1951, respectively, also may be authorized by the Commissioner for use on antique motor vehicles and antique trailers that are of the same model year as the year the metal tab was originally issued. These license plates and metal tabs shall remain valid so long as title to the vehicle is vested in the applicant. The fee for the registration card and permission to use the license plates and metal tabs on any of these vehicles shall be a one-time fee of \$50. If more than one request is made for use, as provided in this section, of license plates having the same number, the Department shall accept only the first such application.

C. Notwithstanding the provisions of §§ 46.2-711 and 46.2-715, antique motor vehicles may display single license plates if the original manufacturer's design of the antique motor vehicles allows for the use of only single license plates or if the license plate was originally issued in one of the following years and is displayed in accordance with the provisions of subsection B of this section: 1906, 1907, 1908, 1909, 1945, or 1946.

D. Antique motor vehicles and antique trailers registered with license plates issued or authorized for use under this section shall not be used for general transportation purposes, including, but not limited to, daily travel to and from the owner's place of employment, but shall only be used:

1. For participation in club activities, exhibits, tours, parades, and similar events;
2. On the highways of the Commonwealth for the purpose of testing their operation or selling the vehicle or trailer, obtaining repairs or maintenance, transportation to and from events as described in subdivision 1 of this subsection, and for occasional pleasure driving not exceeding 250 miles from the residence of the owner; and
3. To carry or transport (i) passengers in the antique motor vehicles, (ii) personal effects in the antique motor vehicles and antique trailers, or (iii) other antique motor vehicles being transported for show purposes.

The registration card issued to an antique motor vehicle or an antique trailer registered pursuant to subsections A, B, and C shall indicate such vehicle or trailer is for limited use.

E. Owners of motor vehicles and trailers applying for registration pursuant to subsections A, B and C shall submit to the Department, in the manner prescribed by the Department, certifications that such vehicles or trailers are capable of being safely operated on the highways of the Commonwealth.

Pursuant to § 46.2-1000, the Department shall suspend the registration of any vehicle or trailer registered with license plates issued under this section that the Department or the Department of State Police determines is not properly equipped or otherwise unsafe to operate. Any law-enforcement officer shall take possession of the license plates, registration card and decals, if any, of any vehicle or trailer registered with license plates issued under this section when he observes any defect in such vehicle or trailer as set forth in § 46.2-1000.

F. Antique motor vehicles and antique trailers displaying license plates issued or authorized for use pursuant to subsections B and C of this section may be used for general transportation purposes if the following conditions are met:

1. The physical condition of the vehicle's license plate or plates has been inspected and approved by the Department;
2. The license plate or plates are registered to the specific vehicle by the Department;
3. The owner of the vehicle periodically registers the vehicle with the Department and pays a registration fee for the vehicle equal to that which would be charged to obtain regular state license plates for that vehicle;
4. The vehicle passes a periodic safety inspection as provided in Article 21 (§ 46.2-1157 et seq.) of Chapter 10 of ~~this title~~;
5. The vehicle displays current decals attached to the license plate, issued by the Department, indicating the valid registration period for the vehicle; and
6. When applicable, the vehicle meets the requirement of Article 22 (§ 46.2-1176 et seq.) of Chapter 10 of ~~this title~~.

If more than one request is made for use, as provided in this subsection, of license plates having the same number, the Department shall accept only the first such application. Only vehicles titled to the person seeking to use license plates as provided in this subsection shall be eligible to use license plates as provided in this subsection.

G. Nothing in this section shall be construed as prohibiting the use of an antique motor vehicle to tow a trailer or semitrailer.

H. Any owner of an antique motor vehicle or antique trailer registered with license plates pursuant to this section who is convicted of a violation of this section ~~shall be~~ *is* guilty of a Class 4 misdemeanor. Upon receiving a record of conviction of a violation of this section, the Department shall revoke and not reinstate the owner's privilege to register the vehicle operated in violation of this section with license plates issued or authorized for use pursuant to this section for a period of five years from the date of conviction.

I. Except for the one-time \$50 registration fee prescribed in subsections A and B, the provisions of this section shall apply to all owners of vehicles and trailers registered with license plates issued under this section prior to July 1, 2007. Such owners shall, based on a schedule and a manner prescribed by the Department, (i) provide evidence that they own or have regular use of another passenger car or motorcycle, as required under subsections A and B, and (ii) comply with the certification provisions of subsection E. The Department shall cancel the registrations of vehicles owned by persons that, prior to January 1, 2008, do not provide the Department (i) evidence of owning or having regular use of another *autocycle*, passenger car, or motorcycle as required under subsections A and B, and (ii) the certification required pursuant to subsection E.

§ 46.2-910. Motorcycle and autocycle operators to wear helmets, etc.; certain sales prohibited; penalty.

A. Every person operating a motorcycle *or autocycle* shall wear a face shield, safety glasses or goggles, or have his motorcycle *or autocycle* equipped with safety glass or a windshield at all times while operating the vehicle, and operators and any passengers thereon shall wear protective helmets. Operators and passengers riding on motorcycles with wheels of eight inches or less in diameter or in three-wheeled motorcycles ~~which~~ *or autocycles* that have nonremovable roofs, windshields, and enclosed bodies shall not be required to wear protective helmets. The windshields, face shields, glasses or goggles, and protective helmets required by this section shall meet or exceed the standards and specifications of the Snell Memorial Foundation, the American National Standards Institute, Inc., or the federal Department of Transportation. Failure to wear a face shield, safety glasses or goggles, or protective helmets shall not constitute negligence per se in any civil proceeding. The provisions of this section requiring the wearing of protective helmets shall not apply to operators of or passengers on motorcycles *or autocycles* being operated (i) as part of an organized parade authorized by the Department of Transportation or the locality in which the parade is being conducted and escorted, accompanied, or participated in by law-enforcement officers of the jurisdiction wherein the parade is held and (ii) at speeds of no more than ~~fifteen~~ 15 miles per hour.

No motorcycle *or autocycle* operator shall use any face shield, safety glasses, or goggles, or have his motorcycle *or autocycle* equipped with safety glass or a windshield, unless of a type either (i) approved by the Superintendent prior to July 1, 1996, or (ii) that meets or exceeds the standards and specifications of the Snell Memorial Foundation, the American National Standards Institute, Inc., or the federal Department of Transportation and is marked in accordance with such standards.

B. It shall be unlawful to sell or offer for sale, for highway use in Virginia, any protective helmet that fails to meet or exceed any standard as provided in the foregoing provisions of this section. Any violation of this subsection ~~shall constitute~~ *is* a Class 4 misdemeanor.

§ 46.2-1011. Headlights on motor vehicles.

Every motor vehicle other than a motorcycle, *autocycle*, road roller, road machinery, or tractor used on a highway shall be equipped with at least two headlights as approved by the Superintendent, at the front of and on opposite sides of the motor vehicle.

§ 46.2-1012. Headlights, auxiliary headlights, tail lights, brake lights, and illumination of license plates on motorcycles or autocycles.

Every motorcycle *or autocycle* shall be equipped with at least one headlight which shall be of a type that has been approved by the Superintendent and shall be capable of projecting sufficient light to the front of such motorcycle *or autocycle* to render discernible a person or object at a distance of 200 feet. However, the lights shall not project a glaring or dazzling light to persons approaching such motorcycles *or autocycles*. In addition, each motorcycle *or autocycle* may be equipped with not more than two auxiliary headlights of a type approved by the Superintendent.

Motorcycles *or autocyces* may be equipped with means of modulating the high beam of their headlights between high and low beam at a rate of 200 to 280 flashes per minute. Such headlights shall not be so modulated during periods when headlights would ordinarily be required to be lighted under § 46.2-1030.

Every motorcycle *or autocyce* registered in the Commonwealth and operated on the highways of the Commonwealth shall be equipped with at least one brake light of a type approved by the Superintendent. Motorcycles *or autocyces* may be equipped with one or more auxiliary brake lights of a type approved by the Superintendent. The Superintendent may by regulation prescribe or limit the size, number, location, and configuration of such auxiliary brake lights.

Every motorcycle *or autocyce* shall carry at the rear at least one or more red lights plainly visible in clear weather from a distance of 500 feet to the rear of such vehicle. Such tail lights shall be constructed and so mounted in their relation to the rear license plate as to illuminate the license plate with a white light so that the same may be read from a distance of 50 feet to the rear of such vehicle. Alternatively, a separate white light shall be so mounted as to illuminate the rear license plate from a distance of 50 feet to the rear of such vehicle. Any such tail lights or special white light shall be of a type approved by the Superintendent.

Motorcycles *or autocyces* may be equipped with a means of varying the brightness of the vehicle's brake light for a duration of not more than five seconds upon application of the vehicle's brakes.

§ 46.2-1014. Brake lights.

Every motor vehicle, trailer, or semitrailer, except an antique vehicle not originally equipped with a brake light, registered in the Commonwealth and operated on the highways in the Commonwealth shall be equipped with at least two brake lights of a type approved by the Superintendent. Such brake lights shall automatically exhibit a red or amber light plainly visible in clear weather from a distance of 500 feet to the rear of such vehicle when the brake is applied.

The provisions of this section shall not apply to motorcycles *or autocyces* equipped with brake lights as required by § 46.2-1012.

§ 46.2-1057. Windshields.

It shall be unlawful for any person to drive on a highway in the Commonwealth any motor vehicle or reconstructed motor vehicle, other than a motorcycle *or autocyce*, registered in the Commonwealth, ~~which~~ that was manufactured, assembled, or reconstructed after July 1, 1970, unless the motor vehicle is equipped with a windshield.

§ 46.2-1067. Within what distances brakes should stop vehicle.

On a dry, hard, approximately level stretch of highway free from loose material, the service braking system shall be capable of stopping a motor vehicle or combination of vehicles at all times and under all conditions of loading at a speed of ~~twenty~~ 20 miles per hour within the following distances:

1. Passenger motor vehicles, except buses and antique vehicles, ~~twenty-five~~ 25 feet.
2. Buses, trucks, and tractor trucks, ~~forty~~ 40 feet.
3. Motor vehicles registered or qualified to be registered as antique vehicles, when equipped with two-wheel brakes, ~~forty-five~~ 45 feet; four-wheel brakes, ~~twenty-five~~ 25 feet.
4. All combinations of vehicles, ~~forty~~ 40 feet.
5. Motorcycles *or autocyces*, ~~thirty~~ 30 feet.

§ 46.2-1068. Emergency or parking brakes.

Every motor vehicle and combination of vehicles, except motorcycles *or autocyces*, shall be equipped with emergency or parking brakes adequate to hold the vehicle or vehicles on any grade on which it is operated, under all conditions of loading on a surface free from snow, ice, or loose material.

§ 46.2-1092. Safety lap belts or a combination of lap belts and shoulder harnesses to be installed in certain motor vehicles.

No passenger car *or autocyce* registered in the Commonwealth and manufactured for the year 1963 or for subsequent years shall be operated on the highways in the Commonwealth unless the front seats thereof are equipped with adult safety lap belts or a combination of lap belts and shoulder harnesses of types approved by the Superintendent.

Failure to use the safety lap belts or a combination of lap belts and shoulder harnesses after installation shall not be deemed to be negligence. Nor shall evidence of such nonuse of such devices be considered in mitigation of damages of whatever nature.

No motor vehicle registered in the Commonwealth and manufactured after January 1, 1968, shall be issued a safety inspection approval sticker if any lap belt, combination of lap belt and shoulder harness, or passive belt systems required to be installed at the time of manufacture by the federal Department of Transportation have been either removed from the motor vehicle or rendered inoperable.

No autocyce registered in the Commonwealth shall be issued a safety inspection sticker if any lap belt, combination of lap belt and shoulder harness, or passive belt systems required to be installed under this section have been either removed from the autocyce or rendered inoperable.

No passenger car, except convertibles, registered in the Commonwealth and manufactured on or after September 1, 1990, shall be operated on the highways in the Commonwealth unless the forward-facing rear outboard seats thereof are equipped with rear seat lap/shoulder belts of types required to be installed at the time of manufacture by the federal Department of Transportation.

No passenger car, including convertibles, registered in the Commonwealth and manufactured on or after September 1, 1991, shall be operated on the highways in the Commonwealth unless the forward-facing rear outboard seats

thereof are equipped with rear seat lap/shoulder belts of types required to be installed at the time of manufacture by the federal Department of Transportation.

No truck, multi-purpose vehicle, or bus, except school buses and motor homes, with a gross vehicle weight rating of 10,000 pounds or less, registered in the Commonwealth and manufactured on or after September 1, 1991, shall be operated on the highways in the Commonwealth unless the forward-facing rear outboard seats thereof are equipped with rear seat lap/shoulder belts of types required to be installed at the time of manufacture by the federal Department of Transportation.

Passenger cars, trucks, multipurpose vehicles, and buses, except school buses and motor homes, registered in the Commonwealth and manufactured on or after September 1, 1992, shall not be operated on the highways of the Commonwealth unless equipped with rear seat lap/shoulder belts of types required to be installed at the time of manufacture by the federal Department of Transportation for each forward-facing rear outboard seating position on a readily removable seat.

For the purposes of this section, forward-facing rear outboard seats are defined as those designated seating positions for passengers in outside front facing seats behind the driver and front passenger seats, except any designated seating position adjacent to a walkway that is located between the seat and the rear side of the vehicle and is designed to allow access to a more rearward seating position.

The Superintendent of State Police shall include in the Official Motor Vehicle Inspection Regulations a section which identifies each classification of motor vehicle required to be equipped with any of the devices described in the foregoing provisions of this section.

Such regulations shall also include a listing of the exact devices which are required to be installed in each motor vehicle classification and the model year of each motor vehicle classification on which the standards of the federal Department of Transportation first became applicable.

§ 46.2-1157. Inspection of motor vehicles required.

A. The owner or operator of any motor vehicle, trailer, or semitrailer registered in Virginia and operated or parked on a highway within the Commonwealth shall submit his vehicle to an inspection of its mechanism and equipment by an official inspection station, designated for that purpose, in accordance with § 46.2-1158. No owner or operator shall fail to submit a motor vehicle, trailer, or semitrailer operated or parked on the highways in the Commonwealth to such inspection or fail or refuse to correct or have corrected in accordance with the requirements of this title any mechanical defects found by such inspection to exist.

B. The provisions of this section requiring safety inspections of motor vehicles shall also apply to vehicles used for ~~fire fighting~~ firefighting; inspections of ~~fire-fighting~~ firefighting vehicles shall be conducted pursuant to regulations promulgated by the Superintendent of State Police, taking into consideration the special purpose of such vehicles and the conditions under which they operate.

C. Each day during which such motor vehicle, trailer, or semitrailer is operated or parked on any highway in the Commonwealth after failure to comply with this law shall constitute a separate offense.

D. Except as otherwise provided, autocycles shall be inspected as motorcycles under this article.

§ 46.2-1167. Charges for inspection and reinspection; exemption.

A. Each official safety inspection station may charge no more than:

1. Fifty-one dollars for each inspection of any (i) tractor truck, (ii) truck that has a gross vehicle weight rating of 26,000 pounds or more, or (iii) motor vehicle that is used to transport passengers and has a seating capacity of more than 15 passengers, including the driver, \$0.50 of which shall be transmitted to the Department of State Police to support the Department's costs in administering the motor vehicle safety inspection program;

2. Twelve dollars for each inspection of any motorcycle, \$10 of which shall be retained by the inspection station and \$2 of which shall be transmitted to the Department of State Police who shall retain \$0.50 to support the Department's costs in administering the motor vehicle safety inspection program and deposit the remaining \$1.50 into the Motorcycle Rider Safety Training Program Fund created pursuant to § 46.2-1191; ~~and~~

3. *Twelve dollars for each inspection of any autocycle, \$10 of which shall be retained by the inspection station and \$2 of which shall be transmitted to the Department of State Police to be used to support the Department's costs in administering the motor vehicle safety inspection program; and*

4. Sixteen dollars for each inspection of any other vehicle, \$0.50 of which shall be transmitted to the Department of State Police to support the Department's costs in administering the motor vehicle safety inspection program.

No such charge shall be mandatory, however, and no such charge shall be made unless the station has previously contracted therefor.

B. Each official safety inspection station may charge \$1 for each reinspection of a vehicle rejected by the station, as provided in § 46.2-1158, if the vehicle is submitted for reinspection within the validity period of the rejection sticker. If a rejected vehicle is not submitted to the same station within the validity period of the rejection sticker or is submitted to another official safety inspection station, an amount no greater than that permitted under subsection A may be charged for the inspection.

§ 46.2-1500. Definitions.

~~Unless the context otherwise requires, the following words and terms for the purpose of As used in this chapter shall have the following meanings, unless the context requires a different meaning:~~

"Board" means the Motor Vehicle Dealer Board.

"Certificate of origin" means the document provided by the manufacturer of a new motor vehicle, or its distributor, which is the only valid indication of ownership between the manufacturer, its distributor, its franchised motor vehicle dealers, and the original purchaser not for resale.

"Dealer-operator" means the individual who works at the established place of business of a dealer and who is responsible for and in charge of day-to-day operations of that place of business.

"Demonstrator" means a new motor vehicle having a gross vehicle weight rating of less than 16,000 pounds that (i) has more than 750 miles accumulated on its odometer that has been driven by dealer personnel or by prospective purchasers during the course of selling, displaying, demonstrating, showing, or exhibiting it and (ii) may be sold as a new motor vehicle, provided the dealer complies with the provisions of subsection D of § 46.2-1530.

"Distributor" means a person who is licensed by the Department of Motor Vehicles under Chapter 19 (§ 46.2-1900 et seq.) ~~of this title~~ and who sells or distributes new motor vehicles pursuant to a written agreement with the manufacturer, to franchised motor vehicle dealers in the Commonwealth.

"Distributor branch" means a branch office licensed by the Department of Motor Vehicles under Chapter 19 (§ 46.2-1900 et seq.) ~~of this title~~ and maintained by a distributor for the sale of motor vehicles to motor vehicle dealers or for directing or supervising, in whole or in part, its representatives in the Commonwealth.

"Distributor representative" means a person who is licensed by the Department of Motor Vehicles under Chapter 19 (§ 46.2-1900 et seq.) ~~of this title~~ and employed by a distributor or by a distributor branch, for the purpose of making or promoting the sale of motor vehicles or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

"Factory branch" means a branch office maintained by a person for the sale of motor vehicles to distributors or for the sale of motor vehicles to motor vehicle dealers, or for directing or supervising, in whole or in part, its representatives in the Commonwealth.

"Factory representative" means a person who is licensed by the Department of Motor Vehicles under Chapter 19 (§ 46.2-1900 et seq.) ~~of this title~~ and employed by a person who manufactures or assembles motor vehicles or by a factory branch for the purpose of making or promoting the sale of its motor vehicles or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

"Factory repurchase motor vehicle" means a motor vehicle sold, leased, rented, consigned, or otherwise transferred to a person under an agreement that the motor vehicle will be resold or otherwise retransferred only to the manufacturer or distributor of the motor vehicle, and which is reacquired by the manufacturer or distributor, or its agents.

"Family member" means a person who either (i) is the spouse, child, grandchild, spouse of a child, spouse of a grandchild, brother, sister, or parent of the dealer or owner or (ii) has been employed continuously by the dealer for at least five years.

"Franchise" means a written contract or agreement between two or more persons whereby one person, the franchisee, is granted the right to engage in the business of offering and selling, servicing, or offering, selling, and servicing new motor vehicles of a particular line-make or late model or used motor vehicles of a particular line-make manufactured or distributed by the grantor of the right, the franchisor, and where the operation of the franchisee's business is substantially associated with the franchisor's trademark, trade name, advertising, or other commercial symbol designating the franchisor, the motor vehicle or its manufacturer or distributor. ~~The term shall include~~ "Franchise" includes any severable part or parts of a franchise agreement which separately provides for selling and servicing different line-makes of the franchisor.

"Franchised late model or franchised used motor vehicle dealer" means a dealer selling used motor vehicles, including vehicles purchased from the franchisor, under the trademark of a manufacturer or distributor that has a franchise agreement with a manufacturer or distributor.

"Franchised motor vehicle dealer" means a dealer in new motor vehicles that has a franchise agreement with a manufacturer or distributor of new motor vehicles, trailers, or semitrailers to sell new motor vehicles or to sell used motor vehicles under the trademark of a manufacturer or distributor regardless of the age of the motor vehicles, trailers, or semitrailers.

"Fund" means the Motor Vehicle Dealer Board Fund.

"Independent motor vehicle dealer" means a dealer in used motor vehicles.

"Late model motor vehicle" means a motor vehicle of the current model year and the immediately preceding model year.

"Line-make" means the name of the motor vehicle manufacturer or distributor and a brand or name plate marketed by the manufacturer or distributor.

"Manufacturer" means a person who is licensed by the Department of Motor Vehicles under Chapter 19 (§ 46.2-1900 et seq.) ~~of this title~~ and engaged in the business of constructing or assembling new motor vehicles and, in the case of trucks, also means a person engaged in the business of manufacturing engines, power trains, or rear axles, when such engines, power trains, or rear axles are not warranted by the final manufacturer or assembler of the truck.

"Motor vehicle" means the same as provided in § 46.2-100, except, for the purposes of this chapter, ~~it shall~~ "motor vehicle" does not include (i) trailers and semitrailers; (ii) manufactured homes, sales of which are regulated under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36; (iii) motor homes; (iv) motorcycles; (v) *autocycles*; (vi) nonrepairable vehicles, as defined in § 46.2-1600; ~~(vii)~~ (vii) salvage vehicles, as defined in § 46.2-1600; or ~~(viii)~~ (viii) mobile cranes that exceed the

size or weight limitations as set forth in § 46.2-1105, 46.2-1110, or 46.2-1113; or Article 17 (§ 46.2-1122 et seq.) of Chapter 10 of this title.

"Motor vehicle dealer" or "dealer" means any person who:

1. For commission, money, or other thing of value, buys, sells, exchanges, either outright or on conditional sale, bailment lease, chattel mortgage, or otherwise or arranges or offers or attempts to solicit or negotiate on behalf of others a sale, purchase, or exchange of an interest in new motor vehicles, new and used motor vehicles, or used motor vehicles alone, whether or not the motor vehicles are owned by him; or
2. Is wholly or partly engaged in the business of selling new motor vehicles, new and used motor vehicles, or used motor vehicles only, whether or not the motor vehicles are owned by him; or
3. Offers to sell, sells, displays, or permits the display for sale, of five or more motor vehicles within any 12 consecutive months.

~~The term "motor~~ "Motor vehicle dealer" or "dealer" does not include:

1. Receivers, trustees, administrators, executors, guardians, conservators or other persons appointed by or acting under judgment or order of any court or their employees when engaged in the specific performance of their duties as employees.
2. Public officers, their deputies, assistants, or employees, while performing their official duties.
3. Persons other than business entities primarily engaged in the leasing or renting of motor vehicles to others when selling or offering such vehicles for sale at retail, disposing of motor vehicles acquired for their own use and actually so used, when the vehicles have been so acquired and used in good faith and not for the purpose of avoiding the provisions of this chapter.
4. Persons dealing solely in the sale and distribution of funeral vehicles, including motor vehicles adapted therefor; however, this exemption shall not exempt any person from the provisions of §§ 46.2-1519, 46.2-1520, and 46.2-1548.
5. Any financial institution chartered or authorized to do business under the laws of the Commonwealth or the United States which may have received title to a motor vehicle in the normal course of its business by reason of a foreclosure, other taking, repossession, or voluntary reconveyance to that institution occurring as a result of any loan secured by a lien on the vehicle.
6. An employee of an organization arranging for the purchase or lease by the organization of vehicles for use in the organization's business.
7. Any person licensed to sell real estate who sells a manufactured home or similar vehicle in conjunction with the sale of the parcel of land on which the manufactured home or similar vehicle is located.
8. Any person who permits the operation of a motor vehicle show or permits the display of motor vehicles for sale by any motor vehicle dealer licensed under this chapter.
9. An insurance company authorized to do business in the Commonwealth that sells or disposes of vehicles under a contract with its insured in the regular course of business.
10. Any publication, broadcast, or other communications media when engaged in the business of advertising, but not otherwise arranging for the sale of vehicles owned by others.
11. Any person dealing solely in the sale or lease of vehicles designed exclusively for off-road use.
12. Any credit union authorized to do business in Virginia, provided the credit union does not receive a commission, money, or other thing of value directly from a motor vehicle dealer.
13. Any person licensed as a manufactured home dealer, broker, manufacturer, or salesperson under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36.
14. The State Department of Social Services or local departments of social services.

"Motor vehicle salesperson" or "salesperson" means (i) any person who is hired as an employee by a motor vehicle dealer to sell or exchange motor vehicles and who receives or expects to receive a commission, fee, or any other consideration from the dealer; (ii) any person who supervises salespersons employed by a motor vehicle dealer, whether compensated by salary or by commission; (iii) any person, compensated by salary or commission by a motor vehicle dealer, who negotiates with or induces a customer to enter into a security agreement on behalf of a dealer; or (iv) any person who is licensed as a motor vehicle dealer and who sells or exchanges motor vehicles. For purposes of this section, any person who is an independent contractor as defined by the United States Internal Revenue Code shall be deemed not to be a motor vehicle salesperson.

"Motor vehicle show" means a display of motor vehicles to the general public at a location other than a dealer's location licensed under this chapter where the vehicles are not being offered for sale or exchange during or as part of the display.

"New motor vehicle" means any vehicle that is in the possession of the manufacturer, factory branch, distributor, distributor branch, or motor vehicle dealer and for which an original title has not been issued by the Department of Motor Vehicles of the Commonwealth or by the issuing agency of any other state and has less than 7,500 miles accumulated on its odometer.

"Original license" means a motor vehicle dealer license issued to an applicant who has never been licensed as a motor vehicle dealer in Virginia or whose Virginia motor vehicle dealer license has been expired for more than 30 days.

"Relevant market area" means as follows:

1. In metropolitan localities, the relevant market area shall be a circular area around an existing franchised dealer with a population of 250,000, not to exceed a radius of 10 miles, but in no case less than seven miles.

2. If the population in an area within a radius of 10 miles around an existing franchised dealer is less than 250,000, but the population in an area within a radius of 15 miles around an existing franchised dealer is 150,000 or more, the relevant market area shall be that area within the 15-mile radius.

3. In all other cases the relevant market area shall be an area within a radius of 20 miles around an existing franchised dealer or the area of responsibility defined in the franchise, whichever is greater. In any case where the franchise agreement is silent as to area of responsibility, the relevant market area shall be the greater of an area within a radius of 20 miles around an existing franchised dealer or that area in which the franchisor otherwise requires the franchisee to make significant retail sales or sales efforts.

Notwithstanding the foregoing provision of this section, in the case of dealers in motor vehicles with gross vehicle weight ratings of 26,000 pounds or greater, the relevant market area with respect to the dealer's franchise for all such vehicles shall be a circular area around an existing franchised dealer with a radius of 25 miles, except where the population in such circular area is less than 250,000, in which case the relevant market area shall be a circular area around an existing franchised dealer with a radius of 50 miles.

In determining population for this definition, the most recent census by the U.S. Bureau of the Census or the most recent population update, either from the National Planning Data Corporation or other similar recognized source, shall be accumulated for all census tracts either wholly or partially within the relevant market area.

"Retail installment sale" means every sale of one or more motor vehicles to a buyer for his use and not for resale, in which the price of the vehicle is payable in one or more installments and in which the seller has either retained title to the goods or has taken or retained a security interest in the goods under form of contract designated either as a security agreement, conditional sale, bailment lease, chattel mortgage, or otherwise.

"Sale at retail" or "retail sale" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a motor vehicle to a buyer for his personal use and not for resale.

"Sale at wholesale" or "wholesale" means a sale to motor vehicle dealers or wholesalers other than to consumers; a sale to one who intends to resell.

"Used motor vehicle" means any vehicle other than a new motor vehicle as defined in this section.

"Wholesale auction" means an auction of motor vehicles restricted to sales at wholesale.

§ 46.2-1993. Definitions.

~~Unless the context otherwise requires, the following words and terms for the purpose of As used in this chapter shall have the following meanings, unless the context requires a different meaning:~~

~~"All-terrain vehicle" shall have~~ has the meaning ascribed to it in § 46.2-100.

~~"Autocycle" has the meaning ascribed to it in § 46.2-100.~~

"Certificate of origin" means the document provided by the manufacturer of a new motorcycle, or its distributor, which is the only valid indication of ownership between the manufacturer, its distributor, its franchised motorcycle dealers, and the original purchaser not for resale.

"Dealer-operator" means the individual who works at the established place of business of a dealer and who is responsible for and in charge of day-to-day operations of that place of business.

"Distributor" means a person who sells or distributes new motorcycles pursuant to a written agreement with the manufacturer, to franchised motorcycle dealers in the Commonwealth.

"Distributor branch" means a branch office maintained by a distributor for the sale of motorcycles to motorcycle dealers or for directing or supervising, in whole or in part, its representatives in the Commonwealth.

"Distributor representative" means a person employed by a distributor or by a distributor branch, for the purpose of making or promoting the sale of motorcycles or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

"Factory branch" means a branch office maintained by a person for the sale of motorcycles to distributors or for the sale of motorcycles to motorcycle dealers, or for directing or supervising, in whole or in part, its representatives in the Commonwealth.

"Factory representative" means a person employed by a person who manufactures or assembles motorcycles, or by a factory branch for the purpose of making or promoting the sale of its motorcycles, or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

"Factory repurchase motorcycle" means a motorcycle sold, leased, rented, consigned, or otherwise transferred to a person under an agreement that the motorcycle will be resold or otherwise retransferred only to the manufacturer or distributor of the motorcycle, and which is reacquired by the manufacturer or distributor, or its agents.

"Family member" means a person who either (i) is the spouse, child, grandchild, spouse of a child, spouse of a grandchild, brother, sister, or parent of the dealer or owner, or (ii) has been employed continuously by the dealer for at least five years.

~~"Farm utility vehicle" shall have~~ has the meaning ascribed to it in § 46.2-100.

"Franchise" means a written contract or agreement between two or more persons whereby one person, the franchisee, is granted the right to engage in the business of offering and selling, servicing, or offering, selling, and servicing new motorcycles of a particular line-make or late model or factory repurchase motorcycles of a particular line-make manufactured or distributed by the grantor of the right, the franchisor, and where the operation of the franchisee's business is substantially associated with the franchisor's trademark, trade name, advertising, or other commercial symbol designating

the franchisor, the motorcycle or its manufacturer or distributor. ~~The term shall include~~ "Franchise" includes any severable part or parts of a franchise agreement which separately provides for selling and servicing different line-makes of the franchisor.

"Franchised late model or factory repurchase motorcycle dealer" means a dealer in late model or factory repurchase motorcycles, including a franchised new motorcycle dealer, that has a franchise agreement with a manufacturer or distributor of the line-make of the late model or factory repurchase motorcycles.

"Franchised motorcycle dealer" or "franchised dealer" means a dealer in new motorcycles that has a franchise agreement with a manufacturer or distributor of new motorcycles.

"Independent motorcycle dealer" means a dealer in used motorcycles.

"Late model motorcycle" means a motorcycle of the current model year and the immediately preceding model year.

"Line-make" means the name of the motorcycle manufacturer or distributor and a brand or name plate marketed by the manufacturer or distributor. For the purposes of this chapter, the "line-make" of a motorcycle manufacturer, factory branch, distributor, or distributor branch ~~shall include~~ includes every brand of all-terrain vehicle, *autocycle*, and off-road motorcycle manufactured or distributed bearing the name of the motorcycle manufacturer or distributor.

"Manufacturer" means a person engaged in the business of constructing or assembling new motorcycles.

"Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any vehicle included within the term "farm vehicle" or "moped" as defined in § 46.2-100. Except as otherwise provided in this chapter, for the purposes of this chapter, "all-terrain vehicles," "*autocycles*," and "off-road motorcycles" ~~shall be~~ are deemed to be "motorcycles."

"Motorcycle dealer" or "dealer" means any person who:

1. For commission, money, or other thing of value, buys, sells, exchanges, either outright or on conditional sale, bailment lease, chattel mortgage, or otherwise or arranges or offers or attempts to solicit or negotiate on behalf of others a sale, purchase, or exchange of an interest in new motorcycles, new and used motorcycles, or used motorcycles alone, whether or not the motorcycles are owned by him;

2. Is wholly or partly engaged in the business of selling new motorcycles, new and used motorcycles, or used motorcycles only, whether or not the motorcycles are owned by him; or

3. Offers to sell, sells, displays, or permits the display for sale, of five or more motorcycles within any 12 consecutive months.

~~The term "motorcycle~~ "Motorcycle dealer" or "dealer" does not include:

1. Receivers, trustees, administrators, executors, guardians, conservators or other persons appointed by or acting under judgment or order of any court or their employees when engaged in the specific performance of their duties as employees.

2. Public officers, their deputies, assistants, or employees, while performing their official duties.

3. Persons other than business entities primarily engaged in the leasing or renting of motorcycles to others when selling or offering such motorcycles for sale at retail, disposing of motorcycles acquired for their own use and actually so used, when the motorcycles have been so acquired and used in good faith and not for the purpose of avoiding the provisions of this chapter.

4. Any financial institution chartered or authorized to do business under the laws of the Commonwealth or the United States which may have received title to a motorcycle in the normal course of its business by reason of a foreclosure, other taking, repossession, or voluntary reconveyance to that institution occurring as a result of any loan secured by a lien on the motorcycle.

5. An employee of an organization arranging for the purchase or lease by the organization of motorcycles for use in the organization's business.

6. Any person who permits the operation of a motorcycle show or permits the display of motorcycles for sale by any motorcycle dealer licensed under this chapter.

7. An insurance company authorized to do business in the Commonwealth that sells or disposes of motorcycles under a contract with its insured in the regular course of business.

8. Any publication, broadcast, or other communications media when engaged in the business of advertising, but not otherwise arranging for the sale of motorcycles owned by others.

9. Any credit union authorized to do business in Virginia, provided the credit union does not receive a commission, money, or other thing of value directly from a motorcycle dealer.

"Motorcycle salesperson" or "salesperson" means any person who is licensed as and employed as a salesperson by a motorcycle dealer to sell or exchange motorcycles.

"Motorcycle show" means a display of motorcycles to the general public at a location other than a dealer's location licensed under this chapter where the motorcycles are not being offered for sale or exchange during or as part of the display.

"New motorcycle" means any motorcycle which (i) has not been previously sold except in good faith for the purpose of resale, (ii) has not been used as a rental, driver education, or demonstration motorcycle, or for the personal and business transportation of the manufacturer, distributor, dealer, or any of his employees, (iii) has not been used except for limited use necessary in moving or road testing the motorcycle prior to delivery to a customer, (iv) is transferred by a certificate of origin, and (v) has the manufacturer's certification that it conforms to all applicable federal motorcycle safety and emission standards. Notwithstanding provisions (i) and (iii), a motorcycle that has been previously sold but not titled shall be deemed a new motorcycle if it meets the requirements of provisions (ii), (iv), and (v).

"Off-road motorcycle" ~~shall have~~ *has* the meaning ascribed to it in § 46.2-100.

"Original license" means a motorcycle dealer license issued to an applicant who has never been licensed as a motorcycle dealer in Virginia or whose Virginia motorcycle dealer license has been expired for more than 30 days.

"Relevant market area" means:

1. That area within a circle having a radius of 20 miles around an existing franchised dealer location, except as provided in subdivisions 2 and 3.

2. That area within a circle having a radius of 30 miles around an existing franchised dealer location if the population within that circle is less than one million but more than 750,000.

3. If the population within a circle having a radius of 30 miles around an existing franchised dealer location is less than 750,000, "relevant market area" means that area within a circle around such dealer having a radius of 40 miles.

In any case in which the franchise agreement or the manufacturer requires the franchisee to make significant retail sales or marketing efforts in geographic areas beyond the franchisee's relevant market area, then such geographic areas shall be added to the relevant market area of the dealer.

In determining population for this definition, the most recent census by the U.S. Bureau of the Census or the most recent population update, either from the National Planning Data Corporation or other similar recognized source, shall be accumulated for all census tracts either wholly or partially within the relevant market area.

"Retail installment sale" means every sale of one or more motorcycles to a buyer for his use and not for resale, in which the price of the motorcycle is payable in one or more installments and in which the seller has either retained title to the goods or has taken or retained a security interest in the goods under form of contract designated either as a security agreement, conditional sale, bailment lease, chattel mortgage, or otherwise.

"Sale at retail" or "retail sale" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a motorcycle to a buyer for his personal use and not for resale.

"Sale at wholesale" or "wholesale" means a sale to motorcycle dealers or wholesalers other than to consumers, or a sale to one who intends to resell.

"Used motorcycle" means any motorcycle other than a new motorcycle as defined in this section.

"Wholesale auction" means an auction of motorcycles restricted to sales at wholesale.

CHAPTER 257

An Act to amend and reenact § 63.2-900.1 of the Code of Virginia, relating to kinship foster care; removal.

[S 400]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-900.1 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-900.1. Kinship foster care.

A. The local board shall, in accordance with regulations adopted by the Board, determine whether the child has a relative who is eligible to become a kinship foster parent.

B. Kinship foster care placements pursuant to this section shall be subject to all requirements of, and shall be eligible for all services related to, foster care placement contained in this chapter. However, the Commissioner may grant a variance from the requirements of this chapter pursuant to 42 U.S.C. § 671(a)(10) and allow the placement of a child in with a kinship foster care provider when he determines that (i) the requirement would impose a substantial hardship on the kinship foster care provider and (ii) the variance would not adversely affect the safety and well-being of the child to be placed in an arrangement for kinship care as defined in § 63.2-100 or with the kinship foster care provider. Variances granted pursuant to this subsection shall be considered and, if appropriate, granted on a case-by-case basis and shall include consideration of the unique needs of each child to be placed.

C. The kinship foster parent shall be eligible to receive payment at the full foster care rate for the care of the child.

D. *A child placed in kinship foster care pursuant to this section shall not be removed from the physical custody of the kinship foster parent, provided the child has been living with the kinship foster parent for six consecutive months and the placement continues to meet approval standards for foster care, unless (i) the kinship foster parent consents to the removal; (ii) removal is agreed upon at a family partnership meeting as defined by the Department; (iii) removal is ordered by a court of competent jurisdiction; or (iv) removal is warranted pursuant to § 63.2-1517.*

CHAPTER 258

An Act to amend the Code of Virginia by adding in Article 18 of Chapter 10 of Title 46.2 a section numbered 46.2-1149.6, relating to weight limits for truck cranes.

[S 402]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 18 of Chapter 10 of Title 46.2 a section numbered 46.2-1149.6 as follows:

§ 46.2-1149.6. Permits for truck cranes.

The Commissioner and local authorities of cities and towns, in their respective jurisdictions, may, upon written application made by an owner or operator and subject to the requirements of § 46.2-1139, issue permits authorizing the operation over the highways of truck cranes that exceed the maximum weight specified in this title. Truck cranes that have been mounted with counterweights and other manufactured equipment that enable a single person to assemble and operate the truck crane shall be considered irreducible, and no application for a permit under this section shall be denied because of the applicant's refusal to remove such counterweights or other manufactured equipment.

CHAPTER 259

An Act to amend and reenact §§ 58.1-3660 and 58.1-3661 of the Code of Virginia, relating to certified pollution control equipment and facilities exempt from taxation; solar equipment.

[S 418]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-3660 and 58.1-3661 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-3660. (Effective for tax years beginning on or after January 1, 2011) Certified pollution control equipment and facilities.

A. Certified pollution control equipment and facilities, as defined herein, are hereby declared to be a separate class of property and shall constitute a classification for local taxation separate from other such classification of real or personal property and such property. Certified pollution control equipment and facilities shall be exempt from state and local taxation pursuant to Article X, Section 6 (d) of the Constitution of Virginia.

B. As used in this section:

"Certified pollution control equipment and facilities" shall mean any property, including real or personal property, equipment, facilities, or devices, used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth and which the state certifying authority having jurisdiction with respect to such property has certified to the Department of Taxation as having been constructed, reconstructed, erected, or acquired in conformity with the state program or requirements for abatement or control of water or atmospheric pollution or contamination. Such property shall include, but is not limited to, any equipment used to grind, chip, or mulch trees, tree stumps, underbrush, and other vegetative cover for reuse as mulch, compost, landfill gas, synthetic or natural gas recovered from waste or other fuel, and equipment used in collecting, processing, and distributing, or generating electricity from, landfill gas or synthetic or natural gas recovered from waste, whether or not such property has been certified to the Department of Taxation by a state certifying authority. *Such property shall also include solar energy equipment, facilities, or devices owned or operated by a business that collect, generate, transfer, or store thermal or electric energy whether or not such property has been certified to the Department of Taxation by a state certifying authority. For solar photovoltaic (electric energy) systems, this exemption applies only to projects equaling 20 megawatts or less, as measured in alternating current (AC) generation capacity.* Such property shall not include the land on which such equipment or facilities are located.

"State certifying authority" shall mean the State Water Control Board, for water pollution; the State Air Pollution Control Board, for air pollution; the Department of Mines, Minerals and Energy, for coal, oil, and gas production, including gas, natural gas, and coalbed methane gas; and the Virginia Waste Management Board, for waste disposal facilities, natural gas recovered from waste facilities, and landfill gas production facilities, and shall include any interstate agency authorized to act in place of a certifying authority of the Commonwealth.

§ 58.1-3661. Certified solar energy equipment, facilities, or devices and certified recycling equipment, facilities, or devices.

A. Certified solar energy equipment, facilities, or devices and certified recycling equipment, facilities, or devices, as defined herein, are hereby declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of real or personal property. The governing body of any county, city or town may, by ordinance, exempt or partially exempt such property from local taxation in the manner provided by subsection D.

B. As used in this section:

"Certified recycling equipment, facilities, or devices" means machinery and equipment which is certified by the Department of ~~Waste Management~~ *Environmental Quality* as integral to the recycling process and for use primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth, and used in manufacturing facilities or plant units which manufacture, process, compound, or produce for sale recyclable items of tangible personal property at fixed locations in the Commonwealth.

"Certified solar energy equipment, facilities, or devices" means any property, including real or personal property, equipment, facilities, or devices, *excluding any such property that is exempt under § 58.1-3660*, certified by the local certifying authority to be designed and used primarily for the purpose of ~~providing for the collection and use of incident~~

solar energy for water heating, space heating or cooling or other application which would otherwise require a conventional source of energy such as petroleum products, natural gas, or electricity collecting, generating, transferring, or storing thermal or electric energy.

"Local certifying authority" means the local building departments or the Department of ~~Waste Management Environmental Quality~~. The State Board of Housing and Community Development shall promulgate regulations setting forth criteria for certifiable solar energy equipment. The Department of ~~Waste Management Environmental Quality~~ shall promulgate regulations establishing criteria for recycling equipment, facilities, or devices.

C. Any person residing in a county, city or town which has adopted an ordinance pursuant to subsection A may proceed to have solar energy equipment, facilities, or devices certified as exempt, wholly or partially, from taxation by applying to the local building department. If, after examination of such equipment, facility, or device, the local building department determines that the unit primarily performs any of the functions set forth in subsection B and conforms to the requirements set by regulations of the Board of Housing and Community Development, such department shall approve and certify such application. The local department shall forthwith transmit to the local assessing officer those applications properly approved and certified by the local building department as meeting all requirements qualifying such equipment, facility, or device for exemption from taxation. Any person aggrieved by a decision of the local building department may appeal such decision to the local board of building code appeals, which may affirm or reverse such decision.

D. Upon receipt of the certificate from the local building department or the Department of ~~Waste Management Environmental Quality~~, the local assessing officer shall, if such local ordinance is in effect, proceed to determine the value of such qualifying solar energy equipment, facilities, or devices or certified recycling equipment, facilities, or devices. The exemption provided by this section shall be determined by applying the local tax rate to the value of such equipment, facilities, or devices and subtracting such amount, wholly or partially, either (i) from the total real property tax due on the real property to which such equipment, facilities, or devices are attached or (ii) if such equipment, facilities, or devices are taxable as machinery and tools under § 58.1-3507, from the total machinery and tools tax due on such equipment, facilities, or devices, at the election of the taxpayer. This exemption shall be effective beginning in the next succeeding tax year, and shall be permitted for a term of not less than five years. In the event the locality assesses real estate pursuant to § 58.1-3292, the exemption shall be first effective when such real estate is first assessed, but not prior to the date of such application for exemption.

E. It shall be presumed for purposes of the administration of ordinances pursuant to this section, and for no other purposes, that the value of such qualifying solar energy equipment, facilities, and devices is not less than the normal cost of purchasing and installing such equipment, facilities, and devices.

2. That the provisions of this act shall be effective for tax years beginning on or after January 1, 2015.

CHAPTER 260

An Act to delay proposed modifications to the discretionary sentencing guidelines; possession of child pornography.

[S 433]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. § 1. *The proposed modifications to the discretionary sentencing guidelines for convictions related to the possession of child pornography in violation of subsections A and B of § 18.2-374.1:1 of the Code of Virginia adopted by the Virginia Criminal Sentencing Commission pursuant to subdivision 1 of § 17.1-803 of the Code of Virginia and contained in the Commission's 2013 Annual Report pursuant to subdivision 10 of § 17.1-803 shall not become effective until July 1, 2016. The Virginia Criminal Sentencing Commission shall review the discretionary sentencing guidelines recommendations for convictions related to the possession of child pornography in violation of subsections A and B of § 18.2-374.1:1 and complete its review by December 1, 2015. Any proposed modification to the discretionary sentencing guidelines for such convictions contained in the Commission's 2015 Annual Report shall supersede the proposed modifications contained in the Commission's 2013 Annual Report unless otherwise provided by law.*

CHAPTER 261

An Act to amend and reenact § 46.2-873.1 of the Code of Virginia, relating to maximum speed limits on nonsurface-treated highways.

[S 470]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-873.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-873.1. Maximum speed limit on nonsurface-treated highways.

The maximum speed limit on nonsurface-treated highways, which are roads that are comprised of an earth-aggregate or aggregate surface (i.e., dirt and gravel) that have not been stabilized with a bituminous or cementitious material, shall be

35 miles per hour. The maximum speed limit upon such highways may be increased or decreased by the Commissioner of Highways or other authority having jurisdiction over highways. However, such increased or decreased maximum speed limit shall be effective only when indicated by sign on the highway. For such highways upon which maximum speed limit is not indicated by sign, the maximum speed limit shall be 35 miles per hour.

~~The provisions of this section shall apply in the Counties of Albemarle, Clarke, Fauquier, Frederick, Loudoun, Montgomery, Nelson, Page, Rappahannock, Warren, and Wythe and in any other county wherein the governing body adopts an ordinance pursuant to the provisions of this section.~~

CHAPTER 262

An Act to require the Department of Health Professions to consider issues related to use of implantable medical devices distributed by physician-owned distributorships in the Commonwealth.

[S 536]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Department of Health Professions shall consider any issues related to the use of implantable medical devices distributed by medical device distributors in which a physician has an ownership interest in the Commonwealth, including any existing federal or state laws or regulations and findings of the Office of the Inspector General of the U.S. Department of Health and Human Services, and actively involve and include any information provided by interested stakeholders, and shall report its findings and recommendations to the Governor and the General Assembly by November 1, 2014.

CHAPTER 263

An Act to amend and reenact § 10.1-1116 of the Code of Virginia, relating to the Reforestation Operations Fund.

[S 545]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1116 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-1116. Reforestation Operations Fund.

All money obtained from the state forests, except as provided in subsection E of § 10.1-1107, shall be paid into a special nonreverting fund in the state treasury, to the credit of the Reforestation Operations Fund (*the Fund*). Interest earned on the moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund, but shall remain in the Fund. The moneys in ~~such fund~~ the Fund are to be utilized for state forest protection, management, replacement, and extension, under the direction of the State Forester.

CHAPTER 264

An Act to designate the Interstate Route 81 bridges over Maury River in Rockbridge County the "Master Trooper Jerry L. Hines Memorial Bridge."

[S 612]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. § 1. The Interstate Route 81 bridges over the Maury River in Rockbridge County are hereby designated the "Master Trooper Jerry L. Hines Memorial Bridge." The Department of Transportation shall place and maintain appropriate markers indicating the designation of these bridges. This designation shall not affect any other designation heretofore or hereafter applied to these bridges.

CHAPTER 265

An Act to amend and reenact § 9.1-102 of the Code of Virginia, relating to the Department of Criminal Justice Services; human trafficking policy.

[S 654]

Approved March 17, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-102 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. Establish compulsory training courses for law-enforcement officers in laws and procedures relating to entrapment, search and seizure, evidence, and techniques of report writing, which training shall be completed by law-enforcement officers who have not completed the compulsory training standards set out in subdivision 2, prior to assignment of any such officers to undercover investigation work. Failure to complete the training shall not, for that reason, constitute grounds to exclude otherwise properly admissible testimony or other evidence from such officer resulting from any undercover investigation;

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies, correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile correctional facility as the term is defined in § 66-25.3;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and with universities, colleges, community colleges, and other institutions, whether located in or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage,

dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;

21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish a model policy for law-enforcement personnel in the handling of family abuse, domestic violence, sexual assault and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in § 9.1-1301 and shall by December 1, 2009, submit a

report on the status of implementation of these requirements to the chairmen of the House and Senate Courts of Justice Committees;

38. Establish training standards and publish a model policy for law-enforcement personnel in communicating with and facilitating the safe return of individuals diagnosed with Alzheimer's disease;

39. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;

40. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;

41. Publish and disseminate a model policy or guideline that may be used by state and local agencies to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and the potential for biased policing;

42. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

43. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

44. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, which training and certification shall be administered by the Virginia Center for School Safety pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of these standards and certification requirements;

45. Establish training standards and publish a model policy and protocols for local and regional sexual assault response teams;

46. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

47. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

48. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

49. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

50. Establish compulsory training standards and publish a model policy for law-enforcement personnel regarding death notification;

51. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

52. Establish, publish, and disseminate a model policy or guideline for law-enforcement personnel for questioning individuals suspected of driving while intoxicated concerning the physical location of that individual's last consumption of an alcoholic beverage and for communicating that information to the Alcoholic Beverage Control Board;

53. Establish training standards and publish a model policy for law-enforcement personnel assigned to vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

54. Establish training standards and publish a model policy for law-enforcement personnel involved in criminal investigations that embody current best practices for conducting photographic and live lineups;

55. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia. *The Department shall publish and disseminate a model policy or guideline for law-enforcement personnel involved in criminal investigations or assigned to vehicle or street patrol duties to ensure that law-enforcement personnel are sensitive to and aware of human trafficking offenses and the identification of victims of human trafficking offenses;*

56. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117; and

57. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

CHAPTER 266

An Act to amend and reenact § 54.1-2900 of the Code of Virginia and to amend the Code of Virginia by adding in Article 4 of Chapter 29 of Title 54.1 sections numbered 54.1-2957.18 through 54.1-2957.21, relating to genetic counseling; licensure.

[S 330]

Approved March 20, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2900 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 4 of Chapter 29 of Title 54.1 sections numbered 54.1-2957.18 through 54.1-2957.21 as follows:

§ 54.1-2900. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Acupuncturist" means individuals approved by the Board to practice acupuncture. This is limited to "licensed acupuncturist" which means an individual other than a doctor of medicine, osteopathy, chiropractic or podiatry who has successfully completed the requirements for licensure established by the Board (approved titles are limited to: Licensed Acupuncturist, Lic.Ac., and L.Ac.).

"Auricular acupuncture" means the subcutaneous insertion of sterile, disposable acupuncture needles in predetermined, bilateral locations in the outer ear when used exclusively and specifically in the context of a chemical dependency treatment program.

"Board" means the Board of Medicine.

"Genetic counselor" means a person licensed by the Board to engage in the practice of genetic counseling.

"Healing arts" means the arts and sciences dealing with the prevention, diagnosis, treatment and cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities.

"Medical malpractice judgment" means any final order of any court entering judgment against a licensee of the Board that arises out of any tort action or breach of contract action for personal injuries or wrongful death, based on health care or professional services rendered, or that should have been rendered, by a health care provider, to a patient.

"Medical malpractice settlement" means any written agreement and release entered into by or on behalf of a licensee of the Board in response to a written claim for money damages that arises out of any personal injuries or wrongful death, based on health care or professional services rendered, or that should have been rendered, by a health care provider, to a patient.

"Nurse practitioner" means an advanced practice registered nurse who is jointly licensed by the Boards of Medicine and Nursing pursuant to § 54.1-2957.

"Occupational therapy assistant" means an individual who has met the requirements of the Board for licensure and who works under the supervision of a licensed occupational therapist to assist in the practice of occupational therapy.

"Patient care team" means a multidisciplinary team of health care providers actively functioning as a unit with the management and leadership of one or more patient care team physicians for the purpose of providing and delivering health care to a patient or group of patients.

"Patient care team physician" means a physician who is actively licensed to practice medicine in the Commonwealth, who regularly practices medicine in the Commonwealth, and who provides management and leadership in the care of patients as part of a patient care team.

"Physician assistant" means an individual who has met the requirements of the Board for licensure and who works under the supervision of a licensed doctor of medicine, osteopathy, or podiatry.

"Practice of acupuncture" means the stimulation of certain points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain ailments or conditions of the body and includes the techniques of electroacupuncture, cupping and moxibustion. The practice of acupuncture does not include the use of physical therapy, chiropractic, or osteopathic manipulative techniques; the use or prescribing of any drugs, medications, serums or vaccines; or the procedure of auricular acupuncture as exempted in § 54.1-2901 when used in the context of a chemical dependency treatment program for patients

eligible for federal, state or local public funds by an employee of the program who is trained and approved by the National Acupuncture Detoxification Association or an equivalent certifying body.

"Practice of athletic training" means the prevention, recognition, evaluation, and treatment of injuries or conditions related to athletic or recreational activity that requires physical skill and utilizes strength, power, endurance, speed, flexibility, range of motion or agility or a substantially similar injury or condition resulting from occupational activity immediately upon the onset of such injury or condition; and subsequent treatment and rehabilitation of such injuries or conditions under the direction of the patient's physician or under the direction of any doctor of medicine, osteopathy, chiropractic, podiatry, or dentistry, while using heat, light, sound, cold, electricity, exercise or mechanical or other devices.

"Practice of behavior analysis" means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

"Practice of chiropractic" means the adjustment of the 24 movable vertebrae of the spinal column, and assisting nature for the purpose of normalizing the transmission of nerve energy, but does not include the use of surgery, obstetrics, osteopathy or the administration or prescribing of any drugs, medicines, serums or vaccines.

"Practice of genetic counseling" means (i) obtaining and evaluating individual and family medical histories to assess the risk of genetic medical conditions and diseases in a patient, his offspring, and other family members; (ii) discussing the features, history, diagnosis, environmental factors, and risk management of genetic medical conditions and diseases; (iii) ordering genetic laboratory tests and other diagnostic studies necessary for genetic assessment; (iv) integrating the results with personal and family medical history to assess and communicate risk factors for genetic medical conditions and diseases; (v) evaluating the patient's and family's responses to the medical condition or risk of recurrence and providing client-centered counseling and anticipatory guidance; (vi) identifying and utilizing community resources that provide medical, educational, financial, and psychosocial support and advocacy; and (vii) providing written documentation of medical, genetic, and counseling information for families and health care professionals.

"Practice of medicine or osteopathic medicine" means the prevention, diagnosis and treatment of human physical or mental ailments, conditions, diseases, pain or infirmities by any means or method.

"Practice of occupational therapy" means the therapeutic use of occupations of occupations for habilitation and rehabilitation to enhance physical health, mental health, and cognitive functioning and includes the evaluation, analysis, assessment, and delivery of education and training in basic and instrumental activities of daily living; the design, fabrication, and application of orthoses (splints); the design, selection, and use of adaptive equipment and assistive technologies; therapeutic activities to enhance functional performance; vocational evaluation and training; and consultation concerning the adaptation of physical, sensory, and social environments.

"Practice of podiatry" means the prevention, diagnosis, treatment, and cure or alleviation of physical conditions, diseases, pain, or infirmities of the human foot and ankle, including the medical, mechanical and surgical treatment of the ailments of the human foot and ankle, but does not include amputation of the foot proximal to the transmetatarsal level through the metatarsal shafts. Amputations proximal to the metatarsal-phalangeal joints may only be performed in a hospital or ambulatory surgery facility accredited by an organization listed in § 54.1-2939. The practice includes the diagnosis and treatment of lower extremity ulcers; however, the treatment of severe lower extremity ulcers proximal to the foot and ankle may only be performed by appropriately trained, credentialed podiatrists in an approved hospital or ambulatory surgery center at which the podiatrist has privileges, as described in § 54.1-2939. The Board of Medicine shall determine whether a specific type of treatment of the foot and ankle is within the scope of practice of podiatry.

"Practice of radiologic technology" means the application of x-rays to human beings for diagnostic or therapeutic purposes.

"Practice of respiratory care" means the (i) administration of pharmacological, diagnostic, and therapeutic agents related to respiratory care procedures necessary to implement a treatment, disease prevention, pulmonary rehabilitative, or diagnostic regimen prescribed by a practitioner of medicine or osteopathic medicine; (ii) transcription and implementation of the written or verbal orders of a practitioner of medicine or osteopathic medicine pertaining to the practice of respiratory care; (iii) observation and monitoring of signs and symptoms, general behavior, general physical response to respiratory care treatment and diagnostic testing, including determination of whether such signs, symptoms, reactions, behavior or general physical response exhibit abnormal characteristics; and (iv) implementation of respiratory care procedures, based on observed abnormalities, or appropriate reporting, referral, respiratory care protocols or changes in treatment pursuant to the written or verbal orders by a licensed practitioner of medicine or osteopathic medicine or the initiation of emergency procedures, pursuant to the Board's regulations or as otherwise authorized by law. The practice of respiratory care may be performed in any clinic, hospital, skilled nursing facility, private dwelling or other place deemed appropriate by the Board in accordance with the written or verbal order of a practitioner of medicine or osteopathic medicine, and shall be performed under qualified medical direction.

"Qualified medical direction" means, in the context of the practice of respiratory care, having readily accessible to the respiratory care practitioner a licensed practitioner of medicine or osteopathic medicine who has specialty training or experience in the management of acute and chronic respiratory disorders and who is responsible for the quality, safety, and appropriateness of the respiratory services provided by the respiratory care practitioner.

"Radiologic technologist" means an individual, other than a licensed doctor of medicine, osteopathy, podiatry, or chiropractic, or a dentist licensed pursuant to Chapter 27 (§ 54.1-2700 et seq.), who (i) performs, may be called upon to

perform, or who is licensed to perform a comprehensive scope of diagnostic radiologic procedures employing equipment which emits ionizing radiation and (ii) is delegated or exercises responsibility for the operation of radiation-generating equipment, the shielding of patient and staff from unnecessary radiation, the appropriate exposure of radiographs or other procedures which contribute to any significant extent to the site or dosage of ionizing radiation to which a patient is exposed.

"Radiologic technologist, limited" means an individual, other than a licensed radiologic technologist, dental hygienist or person who is otherwise authorized by the Board of Dentistry under Chapter 27 (§ 54.1-2700 et seq.) and the regulations pursuant thereto, who performs diagnostic radiographic procedures employing equipment which emits ionizing radiation which is limited to specific areas of the human body.

"Radiologist assistant" means an individual who has met the requirements of the Board for licensure as an advanced-level radiologic technologist and who, under the direct supervision of a licensed doctor of medicine or osteopathy specializing in the field of radiology, is authorized to (i) assess and evaluate the physiological and psychological responsiveness of patients undergoing radiologic procedures; (ii) evaluate image quality, make initial observations, and communicate observations to the supervising radiologist; (iii) administer contrast media or other medications prescribed by the supervising radiologist; and (iv) perform, or assist the supervising radiologist to perform, any other procedure consistent with the guidelines adopted by the American College of Radiology, the American Society of Radiologic Technologists, and the American Registry of Radiologic Technologists.

"Respiratory care" means the practice of the allied health profession responsible for the direct and indirect services, including inhalation therapy and respiratory therapy, in the treatment, management, diagnostic testing, control and care of patients with deficiencies and abnormalities associated with the cardiopulmonary system under qualified medical direction.

§ 54.1-2957.18. Genetic counseling; regulation of the practice; license required; licensure; temporary license.

A. *The Board shall adopt regulations governing the practice of genetic counseling, upon consultation with the Advisory Board on Genetic Counseling. The regulations shall (i) set forth the requirements for licensure to practice genetic counseling, (ii) provide for appropriate application and renewal fees, (iii) include requirements for licensure renewal and continuing education, (iv) be consistent with the American Board of Genetic Counseling's current job description for the profession and the standards of practice of the National Society of Genetic Counselors, and (v) allow for independent practice.*

B. *It shall be unlawful for a person to practice or hold himself out as practicing genetic counseling in the Commonwealth without a valid, unrevoked license issued by the Board. No unlicensed person may use in connection with his name or place of business the title "genetic counselor," "licensed genetic counselor," "gene counselor," "genetic consultant," or "genetic associate" or any words, letters, abbreviations, or insignia indicating or implying a person holds a genetic counseling license.*

C. *An applicant for licensure as a genetic counselor shall submit evidence satisfactory to the Board that the applicant (i) has earned a master's degree from a genetic counseling training program that is accredited by the Accreditation Council of Genetic Counseling and (ii) holds a current, valid certificate issued by the American Board of Genetic Counseling or American Board of Medical Genetics to practice genetic counseling.*

D. *The Board shall waive the requirements of a master's degree and American Board of Genetic Counseling or American Board of Medical Genetics certification for license applicants who (i) apply for licensure before July 1, 2016; (ii) comply with the Board's regulations relating to the National Society of Genetic Counselors Code of Ethics; (iii) have at least 20 years of documented work experience practicing genetic counseling; (iv) submit two letters of recommendation, one from a genetic counselor and another from a physician; and (v) have completed, within the last five years, 25 hours of continuing education approved by the National Society of Genetic Counselors or the American Board of Genetic Counseling.*

E. *The Board may grant a temporary license to an applicant who has been granted Active Candidate Status by the American Board of Genetic Counseling and has paid the temporary license fee. Temporary licenses shall be valid for a period of up to one year. An applicant shall not be eligible for temporary license renewal upon expiration of Active Candidate Status as defined by the American Board of Genetic Counseling. A person practicing genetic counseling under a temporary license shall be supervised by a licensed genetic counselor or physician.*

§ 54.1-2957.19. Exemptions.

The provisions of this chapter shall not prohibit:

1. *A licensed and qualified health care provider from practicing within his scope of practice, provided he does not use the title "genetic counselor" or any other title tending to indicate he is a genetic counselor unless licensed in the Commonwealth;*

2. *A student from performing genetic counseling as part of an approved academic program in genetic counseling, provided he is supervised by a licensed genetic counselor and designated by a title clearly indicating his status as a student or trainee; or*

3. *A person who holds a current, valid certificate issued by the American Board of Genetic Counseling or American Board of Medical Genetics to practice genetic counseling, who is employed by a rare disease organization located in another jurisdiction, and who complies with the licensure requirements of that jurisdiction from providing genetic counseling in the Commonwealth fewer than 10 days per year.*

§ 54.1-2957.20. Conscience Clause.

Nothing in this chapter shall be construed to require any genetic counselor to participate in counseling that conflicts with their deeply-held moral or religious beliefs, nor shall licensing of any genetic counselor be contingent upon participation in such counseling. Refusal to participate in counseling that conflicts with the counselor's deeply-held moral or religious beliefs shall not form the basis for any claim of damages or for any disciplinary or recriminatory action against the genetic counselor; provided the genetic counselor informs the patient that he will not participate in such counseling and offers to direct the patient to the online directory of licensed genetic counselors maintained by the Board.

§ 54.1-2957.21. Advisory Board on Genetic Counseling established; membership; terms.

A. The Advisory Board on Genetic Counseling (Advisory Board) is established as an advisory board in the executive branch of state government. The Advisory Board shall assist the Board of Medicine in formulating regulations related to the practice of genetic counseling. The Advisory Board shall also assist in such other matters relating to the practice of genetic counseling as the Board may require.

B. The Advisory Board shall consist of five nonlegislative citizen members to be appointed by the Governor; subject to confirmation by the General Assembly, and shall include three licensed genetic counselors, one doctor of medicine or osteopathy who has experience with genetic counseling services, and one nonlegislative citizen member who has used genetic counseling services. Members of the Advisory Board shall be citizens of the Commonwealth.

After the initial staggering of terms, members shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

2. That the initial appointments of nonlegislative citizen members of the Advisory Board of Genetic Counseling shall be staggered as follows: three licensed genetic counselor members appointed for a term of two years; one doctor of medicine or osteopathy member appointed for a term of three years; and one nonlegislative citizen member who has used genetic counseling services appointed for a term of four years. Until the licensure system for genetic counselors is established, a person who holds a current, valid certificate issued by the American Board of Genetic Counseling or American Board of Medical Genetics to practice genetic counseling shall qualify for appointment as the licensed genetic counselor members.

CHAPTER 267

An Act to amend and reenact § 55-96 of the Code of Virginia, relating to contracts, etc., void as to creditors and purchasers until recorded.

[H 24]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 55-96 of the Code of Virginia is amended and reenacted as follows:

§ 55-96. Contracts, etc., void as to creditors and purchasers until recorded; priority of credit line deed of trust.

A. 1. Every (i) such contract in writing, (ii) deed conveying any such estate or term, (iii) deed of gift, or deed of trust, or mortgage conveying real estate or goods and chattels and (iv) such bill of sale, or contract for the sale of goods and chattels, when the possession is allowed to remain with the grantor, shall be void as to all purchasers for valuable consideration without notice not parties thereto and lien creditors, until and except from the time it is duly admitted to record in the county or city wherein the property embraced in such contract, deed or bill of sale may be. The fact that any such instrument is in the form of or contains the terms of a quit-claim or release shall not prevent the grantee therein from being a purchaser for valuable consideration without notice, nor be of itself notice to such grantee of any unrecorded conveyance of or encumbrance upon such real estate goods and chattels. The mere possession of real estate shall not, of itself, be notice to purchasers thereof for value of any interest or estate therein of the person in possession. As to goods whose possession is retained by a merchant-seller the provisions of subsection (2) of § 8.2-402 of the Uniform Commercial Code shall be controlling. This section shall not apply to any security interest in goods under the Uniform Commercial Code ~~except as provided in subsection (5) of § 8-9-302~~. Any bill of sale or contract for the sale of goods or chattels when possession is allowed to remain with the grantor shall be deemed to be duly recorded when it is filed in the same manner as Uniform Commercial Code financing statements are filed under the criteria and in the places established by § 8.9A-501 as if the grantor were a debtor and the grantee a secured party. A recordation under the provisions of this section shall, when any real estate subject to the lien of any such contract has been annexed to or merged with an adjoining city subsequent to such docketing, be deemed to have been recorded in the proper clerk's office of such city.

2. The clerk of each court in which any such instrument is by law required to be recorded shall keep a daily index of all such instruments admitted to record in his office, and, immediately upon admission of any such instrument to record, the clerk shall index the same either in the daily index or the appropriate general index of his office. All instruments indexed in the daily index shall be indexed by the clerk in the appropriate general index within 90 days after admission to record. During the period permitted for transfer from the daily index to the general index, indexing in the daily index shall be a sufficient compliance with the requirements of this section as to indexing.

3. a. In any circuit court in which any such instrument required to be recorded is not recorded on the same day as delivered, the clerk shall install a time stamp machine. The time stamp machine shall affix the current date and time of each delivery of any instrument delivered to the clerk for recording that is not immediately recorded and entered into the general or daily index.

b. In the event there is no time stamp machine, or it is not functioning, the clerk shall designate an employee to affix the current date and time of each delivery of any instrument delivered to the clerk for recording.

c. In any circuit court in which instruments required to be recorded are not recorded on the same day as delivered, for purposes of subdivision 1 of this subsection, the term "from the time it is duly admitted to record" shall be presumed to be the date and time affixed upon the instrument by the time stamp machine or affixed by the clerk in accordance with subdivision 3 b of this subsection unless the clerk determines that the applicable requirements for recordation of the instrument have not been satisfied.

d. The provisions of subdivision 3 shall not apply to certificates of satisfaction or partial satisfaction or assignments of deeds of trust delivered to the clerk's office other than by hand.

B. A credit line deed of trust, recorded pursuant to § 55-58.2, shall have validity and priority over any (i) contract in writing, deed, conveyance or other instrument conveying any such estate or term subsequently recorded or (ii) judgment subsequently docketed as to all advances made under such credit line deed of trust from the date of recordation of such credit line deed of trust, regardless of whether or not the particular advance or extension of credit has been made or unconditionally committed at the time of delivery or recordation of such contract in writing, deed or other instrument or the docketing of such judgment. Any judgment creditor shall have the right to give the notice contemplated by § 55-58.2 and from the day following receipt of such notice, the judgment as docketed shall have priority over all subsequent advances made pursuant to the credit line deed of trust except those which have been unconditionally and irrevocably committed prior to such date. Mechanics' liens created under Title 43 shall continue to enjoy the same priority as created by that title. Purchase money security interests in goods and fixtures shall have the same priority as provided in § 8.9A-317 et seq.

CHAPTER 268

An Act to amend and reenact § 16.1-69.35:2 of the Code of Virginia, relating to recording of proceedings in district courts.

[H 161]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-69.35:2 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-69.35:2. Recording of proceedings in district courts.

~~Proceedings~~ *An audio recording of proceedings* in a general district court may be ~~tape recorded~~ made by a party or his counsel.

CHAPTER 269

An Act to amend and reenact § 1-211.1 of the Code of Virginia, relating to courthouse; posting of notices.

[H 143]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 1-211.1 of the Code of Virginia is amended and reenacted as follows:

§ 1-211.1. Courthouse; posting of notices.

If any notice, summons, order, or other official document of any type is required to be posted on or at the front door of a courthouse or on a public bulletin board at a courthouse, it shall constitute compliance with this requirement if the notice, summons, order, or other official document is posted with other such documents *either on the public government website of the locality served by the court where such notice, summons, order or other official document is posted or at or near the principal public entrance to the courthouse in a location that is conspicuous to the public and approved by the chief judge of the circuit in which the courthouse is situated, or both.*

CHAPTER 270

An Act to amend and reenact § 46.2-743 of the Code of Virginia and to repeal Chapter 669 of the Acts of Assembly of 2007, relating to special license plates.

[H 263]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-743 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-743. Special license plates for active duty members of the armed forces of the United States and certain veterans; fees.

A. On receipt of an application and written evidence that the applicant is an honorably discharged former member of one of the armed forces of the United States, the Commissioner shall issue to the applicant special license plates.

B. On receipt of an application and written evidence that the applicant is on active duty with, has been honorably discharged after at least six months of active duty service in, or has retired from the United States Marine Corps, the Commissioner shall issue to the applicant special license plates whose design incorporates an emblem of the United States Marine Corps. Unremarried surviving spouses of persons eligible to receive special license plates under this subsection may also be issued special license plates under this subsection.

C. On receipt of an application and written evidence that the applicant is on active duty with, has been honorably discharged after at least six months of active duty service in, or has retired from the United States Army, the Commissioner shall issue to the applicant special license plates whose design incorporates an emblem of the United States Army.

~~D. On receipt of an application and written evidence that the applicant is on active duty with, has been honorably discharged after at least six months of active duty service in, or has retired from the United States Navy, the Commissioner shall issue to the applicant special license plates whose design incorporates an emblem of the United States Navy.~~

~~E. On receipt of an application and written evidence that the applicant is on active duty with, has been honorably discharged after at least six months of active duty service in, or has retired from the United States Air Force, the Commissioner shall issue to the applicant special license plates whose design incorporates an emblem of the United States Air Force.~~

On receipt of an application and written evidence that the applicant is on active duty with, has been honorably discharged after at least six months of active duty service in, or has retired from the United States Coast Guard, the Commissioner shall issue to the applicant special license plates whose design incorporates an emblem of the United States Coast Guard. Unremarried surviving spouses of persons eligible to receive special license plates under this subsection may also be issued special license plates under this subsection.

E. All special license plates that have been developed and issued pursuant to subsections B, C, or D shall also be issued to applicants who can provide documentation from the U.S. Department of Veterans Affairs indicating that the applicant has been designated disabled, and that his disability is service-connected, and that he has been honorably discharged from a branch of the armed forces of the United States.

F. On receipt of an application and written evidence that the applicant is a veteran of World War II, the Commissioner shall issue special license plates to veterans of World War II. For each set of license plates issued under this subsection, the Commissioner shall charge, in addition to the prescribed cost of state license plates, a one-time fee of \$10 at the time the plates are issued.

G. On receipt of an application and written evidence that the applicant is a veteran of the Korean War, the Commissioner shall issue special license plates to veterans of the Korean War.

H. On receipt of an application and written evidence that the applicant is a veteran of the Vietnam War, the Commissioner shall issue special license plates to veterans of the Vietnam War.

I. On receipt of an application and written evidence that the applicant is a veteran of the Asiatic-Pacific Campaign, the Commissioner shall issue special license plates to veterans of that campaign. For each set of license plates issued under this subsection, the Commissioner shall charge, in addition to the prescribed cost of state license plates, a one-time fee of \$10 at the time the plates are issued.

J. On receipt of an application and written evidence that the applicant is a veteran of Operation Iraqi Freedom, the Commissioner shall issue special license plates to veterans of Operation Iraqi Freedom.

K. On receipt of an application and written evidence that the applicant is a veteran of Operation Enduring Freedom, the Commissioner shall issue special license plates to veterans of Operation Enduring Freedom.

L. On receipt of an application and written evidence that the applicant is a member of the Virginia Defense Force, the Commissioner shall issue special license plates to members of the Virginia Defense Force.

M. On receipt of an application and written evidence that the applicant is a veteran of Operation Desert Shield or Operation Desert Storm, the Commissioner shall issue special license plates to veterans of those military operations.

~~N. The provisions of subdivisions B 1 and B 2 of § 46.2-725 shall not apply to license plates issued under this section except those issued under subsections B, C, D, E, and F, G, H, J, K, L, and M.~~

2. That all special license plates issued pursuant to Chapter 669 of the Acts of Assembly of 2007 prior to July 1, 2014, shall remain valid as though issued pursuant to § 46.2-743 of the Code of Virginia, as amended by this act.

3. That Chapter 669 of the Acts of Assembly of 2007 is repealed.

CHAPTER 271

An Act to amend and reenact § 16.1-306 of the Code of Virginia, relating to expungement of juvenile and domestic relations district court records.

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-306 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-306. Expungement of court records.

A. Notwithstanding the provisions of § 16.1-69.55, the clerk of the juvenile and domestic relations district court shall, on January 2 of each year or on a date designated by the court, destroy its files, papers and records, including electronic records, connected with any proceeding concerning a juvenile in such court, if such juvenile has attained the age of 19 years and five years have elapsed since the date of the last hearing in any case of the juvenile which is subject to this section. However, if the juvenile was found guilty of an offense for which the clerk is required by § 46.2-383 to furnish an abstract to the Department of Motor Vehicles, the records shall be destroyed when the juvenile has attained the age of 29. If the juvenile was found guilty of a delinquent act which would be a felony if committed by an adult, the records shall be retained.

B. ~~In~~ *However, in all files in which the court records concerning a juvenile contain a finding of guilty of any offense ancillary to (i) a delinquent act which that would be a felony if committed by an adult or an (ii) any offense for which the clerk is required by § 46.2-383 to furnish an abstract to the Department of Motor Vehicles together with findings of not innocent of other acts, all of the records of such juvenile subject to this section shall be retained and, the records of any such ancillary offense shall also be retained for the time specified for the felony or the offense reported to the Department of Motor Vehicles as specified in subsection A, and all such records shall be available for inspection as provided in § 16.1-305.*

C. A person who has been the subject of a delinquency or traffic proceeding and (i) has been found innocent thereof or (ii) such proceeding was otherwise dismissed, may file a motion requesting the destruction of all records pertaining to ~~the~~ *such charge of such an act of delinquency.* Notice of such motion shall be given to the attorney for the Commonwealth. Unless good cause is shown why such records should not be destroyed, the court shall grant the motion, and shall send copies of the order to all officers or agencies that are repositories of such records, and all such officers and agencies shall comply with the order.

D. Each person shall be notified of his rights under subsections A and C of this section at the time of his dispositional hearing.

E. Upon destruction of the records of a proceeding as provided in subsections A, B, and C, the violation of law shall be treated as if it never occurred. All index references shall be deleted and the court and law-enforcement officers and agencies shall reply and the person may reply to any inquiry that no record exists with respect to such person.

F. All docket sheets shall be destroyed in the sixth year after the last hearing date recorded on the docket sheet.

CHAPTER 272

An Act to amend and reenact § 38.2-3407.9:01 of the Code of Virginia, relating to health insurance; prescription drug formularies; notices.

[H 308]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3407.9:01 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3407.9:01. Prescription drug formularies.

A. Each (i) insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical or major medical coverage on an expense-incurred basis, (ii) corporation providing individual or group accident and sickness subscription contracts, and (iii) health maintenance organization providing a health care plan for health care services, whose policy, contract or plan, including any certificate or evidence of coverage issued in connection with such policy, contract or plan, includes coverage for prescription drugs on an outpatient basis may apply a formulary to the prescription drug benefits provided by the insurer, corporation, or health maintenance organization if the formulary is developed, reviewed at least annually, and updated as necessary in consultation with and with the approval of a pharmacy and therapeutics committee, a majority of whose members are actively practicing licensed pharmacists, physicians and other licensed health care providers.

B. If an insurer, corporation, or health maintenance organization maintains one or more closed drug formularies, each insurer, corporation or health maintenance organization shall:

1. Make available to participating providers and pharmacists and to any nonpreferred or nonparticipating pharmacists as described in §§ 38.2-3407.7 and 38.2-4312.1, the complete, current drug formulary or formularies, or any updates thereto, maintained by the insurer, corporation, or health maintenance organization, including a list of the prescription drugs on the formulary by major therapeutic category that specifies whether a particular prescription drug is preferred over other drugs;

2. Establish a process to allow an enrollee to obtain, without additional cost-sharing beyond that provided for formulary prescription drugs in the enrollee's covered benefits, a specific, medically necessary nonformulary prescription drug if the formulary drug is determined by the insurer, corporation, or health maintenance organization, after reasonable investigation and consultation with the prescribing physician, to be an inappropriate therapy for the medical condition of the

enrollee. The insurer, corporation or health maintenance organization shall act on such requests within one business day of receipt of the request; and

3. Establish a process to allow an enrollee to obtain, without additional cost-sharing beyond that provided for formulary prescription drugs in the enrollee's covered benefits, a specific, medically necessary nonformulary prescription drug when the enrollee has been receiving the specific nonformulary prescription drug for at least six months previous to the development or revision of the formulary and the prescribing physician has determined that the formulary drug is an inappropriate therapy for the specific patient or that changing drug therapy presents a significant health risk to the specific patient. After reasonable investigation and consultation with the prescribing physician, the insurer, corporation or health maintenance organization shall act on such requests within one business day of receipt of the request. For purposes of this subsection, substituting the generic equivalent drug, which has been approved by the U.S. Food and Drug Administration, for a branded version of such drug shall not constitute a change in drug therapy.

C. Each insurer, corporation, or health maintenance organization that applies a formulary to the prescription drug benefits provided as set forth in subsection A shall provide to each affected group health benefit plan policyholder or contract holder or each affected individual health benefit plan policyholder or contract holder not less than 30 days' prior written notice of a modification to a formulary that results in the movement of a prescription drug to a tier with higher cost-sharing requirements. This section does not apply to modifications that occur at the time of coverage renewal.

CHAPTER 273

An Act to amend and reenact §§ 3 and 4 of Chapter 730 of the Acts of Assembly of 2013, which provided a charter for the Town of Monterey in the County of Highland, relating to council.

[H 322]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 3 and 4 of Chapter 730 of the Acts of Assembly of 2013 are amended and reenacted as follows:

§ 3. There shall be elected ~~at the May general election of 2014, and every four years thereafter,~~ from the qualified voters of the town, one elector of the town who shall be designated the mayor and six electors who shall be designated the councilmen. *However, beginning with the election to be held at the May general election in 2014, and every four years thereafter, there shall be elected a mayor and three councilmen.* They shall qualify by taking the oath prescribed by law before entering upon the duties of their offices on the first day of July after their election. They shall hold said offices for the term of four years until their successors are elected and qualified, unless sooner removed. The mayor and councilmen holding office as of the effective date of this charter shall continue in office until their successors enter upon the duties of their offices as herein specified.

§ 4. The mayor and councilmen shall be the council of the town. The council shall be vested with the corporate powers of the town. A quorum for the transaction of business shall be ~~four~~ three council members.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 274

An Act to amend and reenact § 8.01-454 of the Code of Virginia, relating to requirement that a judgment payment be noted by creditor; penalty.

[H 393]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-454 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-454. Judgment, when paid, to be so noted by creditor.

In all cases in which payment or satisfaction of any judgment so docketed is made, which is not required to be certified to the clerk under § 8.01-455, it shall be the duty of the judgment creditor, himself, or by his agent or attorney, to cause such payment or satisfaction by the defendant, whether in whole or in part, and if there is more than one defendant, by which defendant it was paid or discharged, to be entered within ~~thirty~~ 30 days after the same is made, on such judgment docket. If the judgment has not been docketed, then the entry shall be made on the execution book in the office of the clerk from which the execution issued. For any failure to do so *within 90 days, or after ten 10 days' notice to do so by the judgment debtor, or his agent or attorney,* the judgment creditor shall be liable to a fine of ~~up to fifty dollars~~ \$100 and shall pay the filing cost of the release. The entry of payment or satisfaction shall be signed by the creditor, or his duly authorized attorney or other agent; and be attested by the clerk in whose office the judgment is docketed, or, when not docketed, by the clerk from whose office the execution issued; however, the cost of the release shall be paid by the judgment debtor.

CHAPTER 275

An Act to amend and reenact § 32.1-45.2 of the Code of Virginia, relating to public safety employees; testing for blood-borne pathogens.

[H 395]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 32.1-45.2 of the Code of Virginia is amended and reenacted as follows:****§ 32.1-45.2. Public safety employees; testing for blood-borne pathogens; procedure available for certain citizens; definitions.**

A. If, in the course of employment, an employee of a public safety agency is involved in a possible exposure prone incident, the employee shall immediately, or as soon thereafter as practicable, notify the agency of the incident in accordance with the agency's procedures for reporting workplace accidents.

B. If, after reviewing the facts of the possible exposure prone incident with the employee and after medical consultation, the agency concludes that it is reasonable to believe that an exposure prone incident may have occurred, (i) the agency shall request the person whose body fluids were involved to submit to testing for hepatitis B or C virus and human immunodeficiency virus as provided in § 32.1-37.2 and to authorize disclosure of the test results or (ii) if the person is deceased, the agency shall request the custodian of the remains to preserve a specimen of blood and shall request the decedent's next of kin to consent, as provided in § 32.1-37.2, to such testing and to authorize disclosure of the test results.

C. If a person is involved in a possible exposure prone incident involving the body fluids of an employee of a public safety agency, the person may request the agency to review the facts of the possible exposure prone incident for purposes of obtaining the employee's consent to test for hepatitis B or C virus and human immunodeficiency virus as provided in § 32.1-37.2 and to authorize disclosure of the test results. If, after reviewing the facts and after medical consultation, the agency concludes it is reasonable to believe an exposure prone incident involving the person and the employee may have occurred, (i) the agency shall request the employee whose body fluids were involved to give consent to submit to testing for hepatitis B or C virus and human immunodeficiency virus and to authorize disclosure of the test results or (ii) if the employee is deceased, the agency shall request the custodian of the remains to preserve a specimen of blood and shall request the decedent's next of kin to provide consent, as provided in § 32.1-37.2, to such testing and to authorize disclosure of the test results.

D. If consent is refused under subsection B of this section, the public safety agency or the employee may petition the general district court of the city or county in which the person resides or resided, or in the case of a nonresident, the city or county of the public safety agency's principal office, to determine whether an exposure prone incident has occurred and to order testing and disclosure of the test results.

If consent is refused under subsection C of this section, the person involved in the possible exposure prone incident may petition the general district court of the city or county of the public safety agency's principal office to determine whether an exposure prone incident has occurred and to order testing and disclosure of the test results.

E. If the court finds by a preponderance of the evidence that an exposure prone incident has occurred, it shall order testing for hepatitis B or C virus and human immunodeficiency virus and disclosure of the test results. The court shall be advised by the Commissioner or his designee in making this finding. The hearing shall be held in camera as soon as practicable after the petition is filed. The record shall be sealed.

F. A party may appeal an order of the general district court to the circuit court of the same jurisdiction within ten days from the date of the order. Any such appeal shall be de novo, in camera, and shall be heard as soon as possible by the circuit court. The circuit court shall be advised by the Commissioner or his designee. The record shall be sealed. The order of the circuit court shall be final and nonappealable.

G. Disclosure of any test results provided by this section shall be made to the district health director of the jurisdiction in which the petition was brought or the district in which the person or employee was tested. The district health director or his designee shall inform the parties of the test results and counsel them in accordance with subsection B of § 32.1-37.2.

H. The results of the tests shall be confidential as provided in § 32.1-36.1.

I. No person known or suspected to be positive for infection with hepatitis B or C virus or human immunodeficiency virus shall be refused services for that reason by any public safety agency personnel.

J. For the purpose of this section and for no other purpose, the term "employee" shall include: (i) any person providing assistance to a person employed by a public safety agency who is directly affected by a possible exposure prone incident as a result of the specific crime or specific circumstances involved in the assistance and (ii) any victim of or witness to a crime who is directly affected by a possible exposure prone incident as a result of the specific crime.

K. This section shall not be deemed to create any duty on the part of any person where none exists otherwise, and a cause of action shall not arise from any failure to request consent or to consent to testing under this section. The remedies available under this section shall be exclusive.

L. For the purposes of this section, the following terms shall apply:

"Exposure prone incident" means a direct exposure to body fluids of another person in a manner which may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit hepatitis B or C virus or human

immunodeficiency virus and which occurred during the commission of a criminal act, during the performance of emergency procedures, care or assistance, or in the course of public safety or law-enforcement duties.

"Public safety agency" means any sheriff's office ~~and~~; any adult or youth correctional, law-enforcement, or fire safety organization; *the Department of Forensic Science*; or any agency or department that employs persons who have law-enforcement authority and which is under the direction and control of the Commonwealth or any local governing body.

CHAPTER 276

An Act to direct the Department of Transportation to maintain the rural road network in Loudoun County.

[H 416]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. *§ 1. In recognition that Loudoun County contains one of the largest and the highest-volume network of rural gravel roads in the Commonwealth at 280 centerline miles, and in recognition of the importance of the contribution that many of these rural gravel roads make to the preservation of the unique cultural and historic heritage of the County and of the Commonwealth, the Department of Transportation shall do the following in carrying out its duties and responsibilities to properly maintain the rural gravel road network in Loudoun County:*

1. *Coordinate with the County and with affected residents in order to better understand their specific maintenance concerns and in order to better prioritize how the Department allocates its maintenance budget to address such local concerns;*

2. *Continue, whenever practicable, to maintain rural gravel roads in traditional alignment, surface treatment, and width and protect banks, stone walls, and roadside trees in all rural, agricultural, and historic areas;*

3. *Apply the Department's Rural Rustic Road policies in any paving program in rural, agricultural, or historic areas, unless requested otherwise by the County, and focus limited paving resources primarily on highly traveled roads in developed areas; and*

4. *Provide an annual report to the County detailing how the Department expended funds in the prior fiscal year for the maintenance of rural gravel roads in the County.*

CHAPTER 277

An Act to amend and reenact § 2.2-1151.1 of the Code of Virginia, relating to issuance of land use permits by the Department of Transportation.

[H 560]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. **That § 2.2-1151.1 of the Code of Virginia is amended and reenacted as follows:**

§ 2.2-1151.1. Conveyances of right-of-way usage to certain nonpublic service companies by the Department of Transportation.

A. As used in this section:

"Department" means the Virginia Department of Transportation.

"Developer" means a person who undertakes to develop real estate.

B. No land use permit shall be issued by the Department to any company other than a public service company as defined in § 56-76, a company owning or operating an interstate natural gas pipeline, or a franchised cable television systems operator owning or operating a utility line as defined in § 56-265.15, unless such company has (i) registered as an operator with the appropriate notification center as defined by § 56-265.15 and (ii) notified the commercial and residential developer, owner of commercial, multifamily or residential real estate, or local government entities with a property interest in any parcel of land located adjacent to the property over which the land use is being requested, that application for the permit has been made. Any permit application approved by the Department shall include an affidavit indicating compliance with the registration and notification requirements provided by this subsection.

C. *The provisions of subsection B shall not apply to a land use permit issued by the Department to a person providing utility service solely for their own agricultural or residential use, provided the utilities are located on property owned by the person and the utilities are marked in accord with requirements established by the Department.*

D. No performance surety held by the Department in association with a land use permit issued to a company pursuant to subsection B to perform work within the Department's right-of-way shall be released until such time as all claims against the company associated with the work have been resolved, provided a claimant has notified the Department of a claim against such company within 30 days after completion of the work. A claimant shall have no more than one year after the notification is received by the Department to complete any action against the company associated with the work for which the claim has been made. After the expiration of the one-year period, the Department may release the performance surety.

~~D. E.~~ Nothing in this section shall be construed or interpreted to create a cause of action or administrative claim against the Department.

CHAPTER 278

An Act to require the Department of Criminal Justice Services to identify minimum core operational functions for college campus police and security departments.

[H 587]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department of Criminal Justice Services shall conduct a study to identify potential minimum core operational functions for campus police departments established pursuant to § 23-232 or 23-232.1 of the Code of Virginia and other campus security departments as may be established by public or private institutions of higher education pursuant to § 23-238 of the Code of Virginia. In conducting this study, the Department shall determine the existing capacity of campus police departments and other campus security departments, the costs of bringing existing departments into compliance with such minimum core operational functions, and legislative amendments needed in order to require compliance by such departments. In identifying such functions, the Department shall work with other public and private stakeholders as deemed appropriate. The Department shall report its findings to the Governor and the General Assembly by November 1, 2014.*

CHAPTER 279

An Act to amend and reenact § 58.1-3504 of the Code of Virginia, relating to personal property tax; exemption for household goods.

[H 589]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3504 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3504. Classification of certain household goods and personal effects for taxation; governing body may exempt.

A. Notwithstanding any provision of § 58.1-3503, household goods and personal effects are hereby defined as separate items of taxation and classified as follows:

1. Bicycles.

2. Household and kitchen furniture, including gold and silver plates, plated ware, watches and clocks, sewing machines, refrigerators, automatic refrigerating machinery of any type, vacuum cleaners and all other household machinery, books, firearms and weapons of all kinds.

3. Pianos, organs, and all other musical instruments; phonographs, record players, and records to be used therewith; and radio and television instruments and equipment.

4. Oil paintings, pictures, statuary, curios, articles of virtu and works of art.

5. Diamonds, cameos or other precious stones and all precious metals used as ornaments or jewelry.

6. Sporting and photographic equipment.

7. Clothing and objects of apparel.

8. Antique motor vehicles as defined in § 46.2-100 which may not be used for general transportation purposes.

9. All-terrain vehicles, mopeds, and off-road motorcycles as defined in § 46.2-100.

10. *Electronic communications and processing devices and equipment, including but not limited to cell phones and tablet and personal computers, including peripheral equipment such as printers.*

11. All other tangible personal property used by an individual or a family or household incident to maintaining an abode.

The classification above set forth shall apply only to such property owned and used by an individual or by a family or household *primarily* incident to maintaining an abode.

The governing body of any county, city or town may, by ordinance duly adopted, exempt from taxation all of the above classes of household goods and personal effects.

B. Notwithstanding any provision set forth above, household appliances in residential rental property used by an individual or by a family or household incident to maintaining an abode shall be deemed to be fixtures and shall be assessed as part of the real property in which they are located.

For purposes of this subsection, "household appliances" shall mean all major appliances customarily used in a residential home and which are the property of the owner of the real estate, including, without limitation, refrigerators, stoves, ranges, microwave ovens, dishwashers, trash compactors, clothes dryers, garbage disposals and air conditioning units.

CHAPTER 280

An Act to amend and reenact § 30-170 of the Code of Virginia, relating to the Joint Commission on Health Care; sunset.

[H 680]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 30-170 of the Code of Virginia is amended and reenacted as follows:

§ 30-170. (Expires July 1, 2015) Sunset.

The provisions of this chapter shall expire on July 1, ~~2015~~ 2018.

CHAPTER 281

An Act to amend the Code of Virginia by adding in Article 15 of Chapter 1 of Title 33.1 a section numbered 33.1-223.2:30, relating to fare enforcement inspectors.

[H 761]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 15 of Chapter 1 of Title 33.1 a section numbered 33.1-223.2:30 as follows:

§ 33.1-223.2:30. Fare enforcement inspectors; failure to produce proof of payment of fare; penalty.

A. For the purposes of this section, "eligible entity" means any transit operation in Planning District 8 that is owned or operated directly or indirectly by a political subdivision of the Commonwealth or any governmental entity established by an interstate compact of which Virginia is a signatory.

B. Any eligible entity that either directly or by contract operates any form of mass transit may appoint fare enforcement inspectors and establish the qualifications required for their appointment. Fare enforcement inspectors shall have the power to (i) request patrons at transit boarding locations or on transit vehicles to show proof of payment of the applicable fare; (ii) inspect the proof of payment for validity; (iii) issue a civil summons for violations authorized by this section; (iv) assist with crowd control while on a transit vehicle or at a transit boarding location; and (v) perform such other customer service and safety duties as may be assigned by the eligible entity. The powers of fare enforcement inspectors are limited to those powers enumerated in this section, and fare enforcement inspectors are not required to be law-enforcement officers. The powers of fare enforcement inspectors appointed pursuant to this section shall be exercisable anywhere in the Commonwealth where the appointing eligible entity operates transit service. Fare enforcement inspectors shall report to the department or agency designated by the appointing eligible entity.

C. It shall be unlawful for any person to board or ride a transit operation operated by an eligible entity when he fails or refuses to pay the applicable fare or refuses to produce valid proof of payment of the fare upon request of a fare enforcement inspector. Any person who violates this section shall be liable for a civil penalty of not more than \$100. Any person summoned for a violation may make an appearance in person or in writing by mail to the department of finance or the treasurer of the locality, or the designee of the department of finance or the treasurer, where the violation occurred as specified on the summons prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the violation charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court. If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be brought by the eligible entity or the locality in which the violation occurred and tried as a civil case in the general district court in the same manner and with the same right of appeal as provided for by law. In any trial for a violation authorized by this section, it shall be the burden of the eligible entity or locality in which the violation occurred to show the liability of the violator by a preponderance of the evidence. The penalty for failure to pay the established fare on transit properties covered by another provision of law shall be governed by that provision and not by this section.

D. The governing bodies of counties, cities, and towns may adopt ordinances not in conflict with the provisions of this section to appoint fare enforcement inspectors and prescribe their duties in such counties, cities, and towns.

E. The penalty imposed by this section shall not apply to a law-enforcement officer while he is engaged in the performance of his official duties.

CHAPTER 282

An Act to amend and reenact §§ 16.1-69.48:1, 17.1-275, 38.2-2217, 46.2-330, and 46.2-505 of the Code of Virginia, relating to mature driver motor vehicle crash prevention course and license renewal.

[H 771]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-69.48:1, 17.1-275, 38.2-2217, 46.2-330, and 46.2-505 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-69.48:1. Fixed fee for misdemeanors, traffic infractions and other violations in district court; additional fees to be added.

A. Assessment of the fees provided for in this section shall be based on: (i) an appearance for court hearing in which there has been a finding of guilty; (ii) a written appearance with waiver of court hearing and entry of guilty plea; (iii) for a defendant failing to appear, a trial in his or her absence resulting in a finding of guilty; (iv) an appearance for court hearing in which the court requires that the defendant successfully complete traffic school, a mature driver motor vehicle crash prevention course, or a driver improvement clinic, in lieu of a finding of guilty; (v) a deferral of proceedings pursuant to §§ 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, 18.2-251 or 19.2-303.2; or (vi) proof of compliance with law under §§ 46.2-104 and 46.2-1158.02.

In addition to any other fee prescribed by this section, a fee of \$35 shall be taxed as costs whenever a defendant fails to appear, unless, after a hearing requested by such person, good cause is shown for such failure to appear. No defendant with multiple charges arising from a single incident shall be taxed the applicable fixed fee provided in subsection B, C, or D of this section more than once for a single appearance or trial in absence related to that incident. However, when a defendant who has multiple charges arising from the same incident and who has been assessed a fixed fee for one of those charges is later convicted of another charge that arises from that same incident and that has a higher fixed fee, he shall be assessed the difference between the fixed fee earlier assessed and the higher fixed fee.

A defendant with charges which arise from separate incidents shall be taxed a fee for each incident even if the charges from the multiple incidents are disposed of in a single appearance or trial in absence.

In addition to the fixed fees assessed pursuant to this section, in the appropriate cases, the clerk shall also assess any costs otherwise specifically provided by statute.

B. In misdemeanors tried in district court, except for those proceedings provided for in subsection C, there shall be assessed as court costs a fixed fee of \$61. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund) (.573770);
2. Virginia Crime Victim-Witness Fund (.049180);
3. Regional Criminal Justice Training Academies Fund (.016393);
4. Courthouse Construction/Maintenance Fund (.032787);
5. Criminal Injuries Compensation Fund (.098361);
6. Intensified Drug Enforcement Jurisdiction Fund (.065574);
7. Sentencing/supervision fee (General Fund) (.131148); and
8. Virginia Sexual and Domestic Violence Victim Fund (.032787).

C. In criminal actions and proceedings in district court for a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, there shall be assessed as court costs a fixed fee of \$136. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund) (.257353);
2. Virginia Crime Victim-Witness Fund (.022059);
3. Regional Criminal Justice Training Academies Fund (.007353);
4. Courthouse Construction/Maintenance Fund (.014706);
5. Criminal Injuries Compensation Fund (.044118);
6. Intensified Drug Enforcement Jurisdiction Fund (.029412);
7. Drug Offender Assessment and Treatment Fund (.551471);
8. Forensic laboratory fee and sentencing/supervision fee (General Fund) (.058824); and
9. Virginia Sexual and Domestic Violence Victim Fund (.014706).

D. In traffic infractions tried in district court, there shall be assessed as court costs a fixed fee of \$51. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund) (.764706);
2. Virginia Crime Victim-Witness Fund (.058824);
3. Regional Criminal Justice Training Academies Fund (.019608);
4. Courthouse Construction/Maintenance Fund (.039216);
5. Intensified Drug Enforcement Jurisdiction Fund (.078431); and
6. Virginia Sexual and Domestic Violence Victim Fund (.039216).

§ 17.1-275. Fees collected by clerks of circuit courts; generally.

A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the following fees:

1. [Repealed.]

2. For recording and indexing in the proper book any writing and all matters therewith, or for recording and indexing anything not otherwise provided for, \$16 for an instrument or document consisting of 10 or fewer pages or sheets; \$30 for an instrument or document consisting of 11 to 30 pages or sheets; and \$50 for an instrument or document consisting of 31 or

more pages or sheets. Whenever any writing to be recorded includes plat or map sheets no larger than eight and one-half inches by 14 inches, such plat or map sheets shall be counted as ordinary pages for the purpose of computing the recording fee due pursuant to this section. A fee of \$15 per page or sheet shall be charged with respect to plat or map sheets larger than eight and one-half inches by 14 inches. Only a single fee as authorized by this subdivision shall be charged for recording a certificate of satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. One dollar and fifty cents of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.

3. For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, \$20 for estates not exceeding \$50,000, \$25 for estates not exceeding \$100,000 and \$30 for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

4. For entering and granting and for issuing any license, other than a marriage license or a hunting and fishing license, and administering an oath when necessary, \$10.

5. For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, \$10. For recording an order to celebrate the rites of marriage pursuant to § 20-25, \$25 to be paid by the petitioner.

6. For making out any bond, other than those under § 17.1-267 or subdivision A 4, administering all necessary oaths and writing proper affidavits, \$3.

7. For all services rendered by the clerk in any garnishment or attachment proceeding, the clerk's fee shall be \$15 in cases not exceeding \$500 and \$25 in all other cases.

8. For making out a copy of any paper, record, or electronic record to go out of the office, which is not otherwise specifically provided for herein, a fee of \$0.50 for each page or, if an electronic record, each image. From such fees, the clerk shall reimburse the locality the costs of making out the copies and pay the remaining fees directly to the Commonwealth. The funds to recoup the cost of making out the copies shall be deposited with the county or city treasurer or Director of Finance, and the governing body shall budget and appropriate such funds to be used to support the cost of copies pursuant to this subdivision. For purposes of this section, the costs of making out the copies authorized under this section shall include costs included in the lease and maintenance agreements for the equipment and the technology needed to operate electronic systems in the clerk's office used to make out the copies, but shall not include salaries or related benefits. The costs of copies shall otherwise be determined in accordance with § 2.2-3704. However, there shall be no charge to the recipient of a final order or decree to send an attested copy to such party.

9. For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, the clerk shall charge \$2 and for attaching the certificate of the judge, if the clerk is requested to do so, the clerk shall charge an additional \$0.50.

10. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee of \$150 for each felony conviction and each felony disposition under § 18.2-251 which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund.

11. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee for each misdemeanor conviction and each misdemeanor disposition under § 18.2-251, which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund as provided in § 17.1-275.8.

12. Upon the defendant's being required to successfully complete traffic school, a *mature driver motor vehicle crash prevention course*, or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

13. In all civil actions that include one or more claims for the award of monetary damages the clerk's fee chargeable to the plaintiff shall be \$100 in cases seeking recovery not exceeding \$49,999; \$200 in cases seeking recovery exceeding \$49,999, but not exceeding \$100,000; \$250 in cases seeking recovery exceeding \$100,000, but not exceeding \$500,000; and \$300 in cases seeking recovery exceeding \$500,000. Ten dollars of each such fee shall be apportioned to the Courts Technology Fund established under § 17.1-132. A fee of \$25 shall be paid by the plaintiff at the time of instituting a condemnation case, in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. The fees prescribed above shall be collected upon the filing of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

13a. For the filing of any petition seeking court approval of a settlement where no action has yet been filed, the clerk's fee, chargeable to the petitioner, shall be \$50, to be paid by the petitioner at the time of filing the petition.

14. In addition to the fees chargeable for civil actions, for the costs of proceedings for judgments by confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered or certified mail; (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the amount of the confessed judgment; (iii) for the sheriff for serving each copy of the order entering judgment, \$12; and (iv) for docketing the judgment and issuing executions thereon, the same fees as prescribed in subdivision A 17.

15. For qualifying notaries public, including the making out of the bond and any copies thereof, administering the necessary oaths, and entering the order, \$10.

16. For each habeas corpus proceeding, the clerk shall receive \$10 for all services required thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

17. For docketing and indexing a judgment from any other court of the Commonwealth, for docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § 8.01-451, but not when incident to a divorce, for noting and filing the assignment of a judgment pursuant to § 8.01-452, a fee of \$5; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of \$5; and for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of \$20.

18. For all services rendered by the clerk in any court proceeding for which no specific fee is provided by law, the clerk shall charge \$10, to be paid by the party filing said papers at the time of filing; however, this subdivision shall not be applicable in a divorce cause prior to and including the entry of a decree of divorce from the bond of matrimony.

19, 20. [Repealed.]

21. For making the endorsements on a forthcoming bond and recording the matters relating to such bond pursuant to the provisions of § 8.01-529, \$1.

22. For all services rendered by the clerk in any proceeding pursuant to § 57-8 or 57-15, \$10.

23. For preparation and issuance of a subpoena duces tecum, \$5.

24. For all services rendered by the clerk in matters under § 8.01-217 relating to change of name, \$20; however, this subdivision shall not be applicable in cases where the change of name is incident to a divorce.

25. For providing court records or documents on microfilm, per frame, \$0.50.

26. In all divorce and separate maintenance proceedings, and all civil actions that do not include one or more claims for the award of monetary damages, the clerk's fee chargeable to the plaintiff shall be \$60, \$10 of which shall be apportioned to the Courts Technology Fund established under § 17.1-132 to be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified copy of the final decree. The fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. However, no fee shall be charged for (i) the filing of a cross-claim or setoff in any pending suit or (ii) the filing of a counterclaim or any other responsive pleading in any annulment, divorce, or separate maintenance proceeding. In divorce cases, when there is a merger of a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee shall include the furnishing of a duly certified copy of both such decrees.

27. For the acceptance of credit or debit cards in lieu of money to collect and secure all fees, including filing fees, fines, restitution, forfeiture, penalties and costs, the clerk shall collect from the person presenting such credit or debit card a reasonable convenience fee for the processing of such credit or debit card. Such convenience fee shall not exceed four percent of the amount paid for the transaction or a flat fee of \$2 per transaction. Nothing herein shall be construed to prohibit the clerk from outsourcing the processing of credit and debit card transactions to a third-party private vendor engaged by the clerk.

28. For the return of any check unpaid by the financial institution on which it was drawn or notice is received from the credit or debit card issuer that payment will not be made for any reason, the clerk shall collect, if allowed by the court, a fee of \$50 or 10 percent of the amount of the payment, whichever is greater.

29. For all services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, or 17.1-275.4, in an adoption proceeding, a fee of \$20, in addition to the fee imposed under § 63.2-1246, to be paid by the petitioner or petitioners. For each petition for adoption filed pursuant to § 63.2-1201, except those filed pursuant to subdivisions 5 and 6 of § 63.2-1210, an additional \$50 filing fee as required under § 63.2-1201 shall be deposited in the Putative Father Registry Fund pursuant to § 63.2-1249.

30. For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the same amount as the fee for the original license.

31. For the filing of any petition as provided in §§ 33.1-124, 33.1-125, and 33.1-129, a fee of \$5 to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in § 33.1-122, as well as for any order of the court relating thereto, the clerk shall charge the same fee as for recording a deed as provided for in this section, to be paid by the party upon whose request such certificate is recorded or order is entered.

32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme Court, including all papers necessary to be copied and other services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9, a fee of \$20.

33. [Repealed.]

34. For filings, etc., under the Uniform Federal Lien Registration Act (§ 55-142.1 et seq.), the fees shall be as prescribed in that Act.

35. For filing the appointment of a resident agent for a nonresident property owner in accordance with § 55-218.1, a fee of \$10.

36. [Repealed.]

37. For recordation of certificate and registration of names of nonresident owners in accordance with § 59.1-74, a fee of \$10.

38. For maintaining the information required under the Overhead High Voltage Line Safety Act (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

39. For lodging, indexing and preserving a will in accordance with § 64.2-409, a fee of \$2.

40. For filing a financing statement in accordance with § 8.9A-505, the fee shall be as prescribed under § 8.9A-525.

41. For filing a termination statement in accordance with § 8.9A-513, the fee shall be as prescribed under § 8.9A-525.

42. For filing assignment of security interest in accordance with § 8.9A-514, the fee shall be as prescribed under § 8.9A-525.

43. For filing a petition as provided in §§ 64.2-2001 and 64.2-2013, the fee shall be \$10.

44. For issuing any execution, and recording the return thereof, a fee of \$1.50.

45. For the preparation and issuance of a summons for interrogation by an execution creditor, a fee of \$5. If there is no outstanding execution, and one is requested herewith, the clerk shall be allowed an additional fee of \$1.50, in accordance with subdivision A 44.

B. In accordance with § 17.1-281, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for courthouse construction, renovation or maintenance.

C. In accordance with § 17.1-278, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for services provided for the poor, without charge, by a nonprofit legal aid program.

D. In accordance with § 42.1-70, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for public law libraries.

E. All fees collected pursuant to subdivision A 27 and § 17.1-276 shall be deposited by the clerk into a special revenue fund held by the clerk, which will restrict the funds to their statutory purpose.

F. The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.

§ 38.2-2217. Reduction in rates for certain persons who attend mature driver motor vehicle crash prevention courses and driver improvement clinics.

A. Any schedule of rates, rate classifications or rating plans for motor vehicle insurance as defined in § 38.2-2212 filed with the Commission shall provide for an appropriate reduction in premium charges for those insured persons who are fifty-five years of age and older and who qualify as provided in this subsection. Only those insured persons who have *voluntarily and successfully* completed a *mature driver* motor vehicle crash prevention course approved by the Department of Motor Vehicles shall qualify for a three-year period after the completion of the course for the reduction in rates. No reduction in premiums shall be allowed for a self-instructed course or for any course that does not provide actual classroom instruction for a minimum number of hours as determined by the Department of Motor Vehicles. Notwithstanding the foregoing provisions of this section, a course sponsor that has been approved by the Department for the classroom delivery of a *mature driver motor vehicle* crash prevention course may also be approved to deliver that same substantive course through a secure computer-based medium provided via the Internet or other electronic means that have been approved by the Department, provided that the sponsor has acceptable security features designed to assure that the certificates issued pursuant to subsection E are issued to the same person who took the course and passed the examination related to the course. *No person assigned by the court to attend a mature driver motor vehicle crash prevention course shall be eligible for such reduction in premium charges.*

B. Any schedule of rates, rate classifications or rating plans for motor vehicle insurance as defined in § 38.2-2212 filed with the Commission may provide for an appropriate reduction in premium charges for a two-year period for those insured persons who are fifty-four years of age or younger and who have satisfactorily completed a driver improvement clinic approved by the Department of Motor Vehicles, as set forth in Article 19 (§ 46.2-489 et seq.) of Chapter 3 of Title 46.2. No person assigned by the courts or notified by the Department of Motor Vehicles to attend a driver improvement clinic shall be eligible for such reduction in premium charges.

C. The Commission and the Department of Motor Vehicles may promulgate rules and regulations which will assist them in carrying out the provisions of this section.

D. All insurers writing motor vehicle insurance in Virginia as defined in § 38.2-2212 shall allow an appropriate reduction in premium charges to all eligible persons upon successfully completing an approved crash prevention course through actual classroom instruction subject to the provisions of subsection A. Such insurers may allow an appropriate reduction in premium charges to all eligible persons upon successfully completing an approved crash prevention course via the Internet or other electronic means subject to the provisions of subsection A.

E. Upon successfully completing the approved course, the course's sponsor shall issue to each participant a certificate approved by the Department of Motor Vehicles which shall be evidence of satisfactory completion of either a *mature driver* motor vehicle crash prevention course or a driver improvement clinic for the reduction in premium charges. Participants shall be required to provide satisfactory evidence to the insurance provider that the course or clinic was completed in accordance with this section.

F. Each participant in a *mature driver* motor vehicle crash prevention course shall take an approved course every three years in order to continue to be eligible for the reduction in premium charges. Each voluntary participant in a driver improvement clinic shall take an approved course every two years in order to continue to be eligible for the reduction in premium charges, if any.

G. Nothing in this section prevents an insurer from offering appropriately reduced rates based solely on age.

§ 46.2-330. Expiration and renewal of licenses; examinations required.

A. Every driver's license shall expire on the applicant's birthday at the end of the period of years for which a driver's license has been issued. At no time shall any driver's license be issued for more than eight years. Thereafter the driver's license shall be renewed on or before the birthday of the licensee and shall be valid for a period not to exceed eight years except as otherwise provided by law. *Any driver's license issued to a person age 75 or older shall be issued for a period not to exceed five years.* Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring license if (i) the Department is unable to process an application for renewal due to circumstances beyond its control, (ii) the extension has been authorized under a directive from the Governor, and (iii) the license was not issued as a temporary driver's license under the provisions of subsection B of § 46.2-328.1. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions. In determining the number of years for which a driver's license shall be renewed, the Commissioner shall take into consideration the examinations, conditions, requirements, and other criteria provided under this title that relate to the issuance of a license to operate a vehicle. Any driver's license issued to a person required to register pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall expire on the applicant's birthday in years which the applicant attains an age equally divisible by five.

B. Within one year prior to the date shown on the driver's license as the date of expiration, the Department shall send notice, to the holder thereof, at the address shown on the records of the Department in its driver's license file, that his license will expire on a date specified therein, whether he must be reexamined, and when he may be reexamined. Nonreceipt of the notice shall not extend the period of validity of the driver's license beyond its expiration date. The license holder may request the Department to send such renewal notice to an email or other electronic address, upon provision of such address to the Department.

Any driver's license may be renewed by application after the applicant has taken and successfully completed those parts of the examination provided for in §§ 46.2-311, 46.2-325, and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), including vision and written tests, other than the parts of the examination requiring the applicant to drive a motor vehicle. All drivers applying in person for renewal of a license shall take and successfully complete the examination each renewal year. Every applicant for a renewal shall appear in person before the Department, unless specifically notified by the Department that renewal may be accomplished in another manner as provided in the notice. Applicants who are required to appear in person before the Department to apply for a renewal may also be required to present proof of identity, legal presence, residency, and social security number or non-work authorized status.

C. Notwithstanding any other provision of this section, the Commissioner, in his discretion, may require any applicant for renewal to be fully examined as provided in §§ 46.2-311, 46.2-325, and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). Furthermore, if the applicant is less than ~~80~~ 75 years old, the Commissioner may waive the vision examination for any applicant for renewal of a driver's license which is not a commercial driver's license, and the requirement or the taking of the written test as provided in subsection B of this section, § 46.2-325 and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), for any applicant for renewal who is at least 21 years old. Such written test shall not be waived for an applicant less than 21 years old if such applicant's driver's license record on file with the Department contains a record of one or more convictions for any offense reportable under §§ 46.2-382, 46.2-382.1, and 46.2-383. However, in no case shall there be any waiver of the vision examination for applicants for renewal of a commercial driver's license or of the knowledge test required by the Virginia Commercial Driver's License Act for the hazardous materials endorsement on a commercial driver's license. No driver's license or learner's permit issued to any person who is ~~80~~ 75 years old or older shall be renewed unless the applicant for renewal appears in person and either (i) passes a vision examination or (ii) presents a report of a vision examination, made within 90 days prior thereto by an ophthalmologist or optometrist, indicating that the applicant's vision meets or exceeds the standards contained in § 46.2-311.

D. Every applicant for renewal of a driver's license, whether renewal shall or shall not be dependent on any examination of the applicant, shall appear in person before the Department to apply for renewal, unless specifically notified by the Department that renewal may be accomplished in another manner as provided in the notice.

E. This section shall not modify the provisions of § 46.2-221.2.

F. 1. The Department shall electronically transmit application information, including a photograph, to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry Files, at the time of the renewal of a driver's license. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person last registered or reregistered or in the jurisdiction where the person made application for licensure. The Department of State Police shall electronically transmit to the Department, in a format approved by the Department, for each person required to register pursuant to Chapter 9 of Title 9.1, registry information consisting of the person's name, all aliases that he has used or under which he may have been known, his date of birth and social security number as set out in § 9.1-903.

2. For each person required to register pursuant to Chapter 9 of Title 9.1, the Department may not waive the requirement that each such person shall appear for each renewal or the requirement to obtain a photograph in accordance with subsection C of § 46.2-323.

§ 46.2-505. Court may direct defendant to attend driver improvement clinic.

A. Any circuit or general district court or juvenile court of the Commonwealth, or any federal court, charged with the duty of hearing traffic cases for offenses committed in violation of any law of the Commonwealth, or any valid local ordinance, or any federal law regulating the movement or operation of a motor vehicle, may require any person found guilty, or in the case of a juvenile found not innocent, of a violation of any state law, local ordinance, or federal law, to attend a driver improvement clinic *or a mature driver motor vehicle crash prevention course as provided for in § 38.2-2217*. The attendance requirement may be in lieu of or in addition to the penalties prescribed by § 46.2-113, the ordinance, or federal law. The court shall determine if a person is to receive safe driving points upon satisfactory completion of a driver improvement clinic conducted by the Department or by any business, organization, governmental entity or individual certified by the Department to provide driver improvement clinic instruction. In the absence of such notification, no safe driving points shall be awarded by the Department.

B. Notwithstanding the provisions of subsection A, no court shall, as a result of a person's attendance at a driver improvement clinic *or a mature driver motor vehicle crash prevention course*, reduce, dismiss, or defer the conviction of a person charged with any offense committed while operating a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.) or any holder of a commercial driver's license charged with any offense committed while operating a noncommercial motor vehicle.

C. Persons required by the court to attend a driver improvement clinic *or a mature driver motor vehicle crash prevention course* shall notify the court if the driver improvement clinic *or mature driver motor vehicle crash prevention course* has or has not been attended and satisfactorily completed, in compliance with the court order. Failure of the person to attend and satisfactorily complete a driver improvement clinic *or mature driver motor vehicle crash prevention course*, in compliance with the court order, may be punished as contempt of such court.

2. That the provisions of this act shall become effective on January 1, 2015.

CHAPTER 283

An Act to amend and reenact §§ 2.2-2423 and 10.1-1422.03 of the Code of Virginia, relating to the Virginia Geographic Information Network Advisory Board, Litter Control and Recycling Fund Advisory Board; membership and terms.

[H 784]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2423 and 10.1-1422.03 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2423. Virginia Geographic Information Network Advisory Board; membership; terms; quorum; compensation and expenses.

A. The Virginia Geographic Information Network Advisory Board (the Board) is hereby established as an advisory board, within the meaning of § 2.2-2100, in the executive branch of state government. The Board shall advise the Geographic Information Network Division (the Division) of the Virginia Information Technologies Agency on issues related to the exercise of the Division's powers and duties.

B. The Board shall consist of ~~18~~ 16 members appointed as follows: ~~nine~~ seven nonlegislative citizen members to be appointed by the Governor that consist of one agency director from one of the natural resources agencies, one official from a state university, one elected official representing a local government in the Commonwealth, one member of the Virginia Association of Surveyors, ~~one elected official who serves on a planning district commission~~, ~~two representatives of utilities or transportation industries~~ *one representative of a utility or transportation industry* utilizing geographic data, and two representatives of private businesses with expertise and experience in the establishment, operation, and maintenance of geographic information systems; four members of the House of Delegates to be appointed by the Speaker of the House of Delegates; two members of the Senate to be appointed by the Senate Committee on Rules; the Chief Information Officer, the Commissioner of Highways, and the Chief Executive Officer of the Economic Development Partnership Authority or their designees who shall serve as ex officio, voting members. Gubernatorial appointees may be nonresidents of the Commonwealth. All members of the Board appointed by the Governor shall be confirmed by each house of the General Assembly. The agency director and state university official appointed by the Governor may each designate a member of his organization as an alternate who may attend meetings in his place and be counted as a member of the Board for the purposes of a quorum.

Any members of the Board who are representatives of private businesses that provide geographic information services, and their companies, are precluded from contracting to provide goods or services to the Division.

C. Legislative members' terms shall be coincident with their terms of office. The gubernatorial appointees to the Board shall serve five-year terms, except for the initial appointees whose terms were staggered. Members appointed by the Governor shall serve no more than two consecutive five-year terms. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments. The

remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility to serve.

D. The Board shall elect from its membership a chairman, vice-chairman, and any other officers deemed necessary. The duties and terms of the officers shall be prescribed by the members. A majority of the Board shall constitute a quorum. The Board shall meet at least quarterly or at the call of its chairman or the Chief Information Officer.

E. Legislative members of the Board shall receive such compensation as provided in § 30-19.12 and nonlegislative citizen members shall receive such compensation as provided in § 2.2-2813 for their services. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Virginia Geographic Information Network Division of the Virginia Information Technologies Agency.

F. The Geographic Information Network Division shall provide staff support to the Board.

§ 10.1-1422.03. Membership, meetings, and staffing.

A. The Advisory Board shall consist of five persons appointed by the Governor. Three members shall represent persons paying the taxes which are deposited into the Fund and shall include one member appointed from nominations submitted by recognized industry associations representing retailers; one member appointed from nominations submitted by recognized industry associations representing soft drink distributors; and one member appointed from nominations submitted by recognized industry associations representing beer distributors. One member shall be a local litter or recycling coordinator. One member shall be from the general public.

B. The initial terms of the members of the Advisory Board shall expire July 1, 1999, and five members shall be appointed or reappointed effective July 1, 1999, for terms as follows: one member shall be appointed for a term of one year; one member shall be appointed for a term of two years; one member shall be appointed for a term of three years; and two members shall be appointed for terms of four years unless found to violate subsection E of this section. Thereafter, all appointments shall be for terms of four years except for appointments to fill vacancies, which shall be for the unexpired term. They shall not receive a per diem, compensation for their service, or travel expenses.

C. The Advisory Board shall elect a chairman and vice-chairman annually from among its members. The Advisory Board shall meet at least twice annually on such dates and at such times as they determine. Three members of the Advisory Board shall constitute a quorum.

D. Staff support and actual associated administrative expenses of the Advisory Board shall be provided by the Department from funds allocated from the Fund.

E. Any member who is absent from three consecutive meetings of the Advisory Board, as certified by the Chairman of the Advisory Board to the Secretary of the Commonwealth, shall be dismissed as a member of the Advisory Board. The replacement of any dismissed member shall be appointed pursuant to subsection A of this section and meet the same membership criteria as the member who has been dismissed. *Vacancies occurring other than by expiration of term shall be filled for the unexpired term. No person shall be eligible to serve on the Advisory Board for more than two terms.*

2. That this act shall not be construed to affect existing appointments to the Virginia Geographic Information Network Advisory Board. However, all new appointments made on or after July 1, 2014, shall be made in accordance with the provisions of this act.

CHAPTER 284

An Act to amend and reenact § 63.2-1804 of the Code of Virginia, relating to uniform assessment instrument; regulations.

[H 888]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1804 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-1804. Uniform assessment instrument.

A uniform assessment instrument setting forth a resident's care needs shall be completed for all residents upon admission and at subsequent intervals as determined by ~~Board regulation~~ *regulations promulgated by the Commissioner of the Department for Aging and Rehabilitative Services*. No uniform assessment instrument shall be required to be completed upon admission if a uniform assessment instrument was completed by a case manager or other qualified assessor within ninety days prior to such admission to the assisted living facility unless there has been a change in the resident's condition within that time which would affect the admission. Uniform assessment instruments shall not be required to be completed more often than once every twelve months on individuals residing in assisted living facilities except that uniform assessment instruments shall be completed whenever there is a change in the resident's condition that appears to warrant a change in the resident's approved level of care. At the request of the assisted living facility, the resident's representative, the resident's physician, the Department or the local department, an independent assessment, using the uniform assessment instrument shall be completed to determine whether the resident's care needs are being met in the current placement. The resident's case manager or other qualified assessor shall complete the uniform assessment instrument for public pay residents or, upon request by the private pay resident, for private pay residents. Unless a private pay resident requests the uniform assessment instrument be completed by a case manager or other qualified assessor, qualified staff of the assisted

living facility or an independent private physician may complete the uniform assessment instrument for private pay residents; however, for private pay residents, social and financial information which is not relevant because of the resident's payment status shall not be required. The cost of administering the uniform assessment instrument pursuant to this section shall be borne by the entity designated pursuant to ~~Board~~ regulations promulgated by the Commissioner of the Department for Aging and Rehabilitative Services. Upon receiving the uniform assessment instrument prior to admission of a resident, the assisted living facility administrator shall provide written assurance that the facility has the appropriate license to meet the care needs of the resident at the time of admission.

CHAPTER 285

An Act to amend and reenact §§ 32.1-330, 51.5-148, 63.2-219, 63.2-1225, 63.2-1226, 63.2-1231, and 63.2-1509 of the Code of Virginia, relating to the term "social worker."

[H 890]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-330, 51.5-148, 63.2-219, 63.2-1225, 63.2-1226, 63.2-1231, and 63.2-1509 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-330. Preadmission screening required.

All individuals who will be eligible for community or institutional long-term care services as defined in the state plan for medical assistance shall be evaluated to determine their need for nursing facility services as defined in that plan. The Department shall require a preadmission screening of all individuals who, at the time of application for admission to a certified nursing facility as defined in § 32.1-123, are eligible for medical assistance or will become eligible within six months following admission. For community-based screening, the screening team shall consist of a nurse, social worker *or other Department-designated assessor*, and physician who are employees of the Department of Health or the local department of social services or a team of licensed physicians, nurses, and social workers at the Woodrow Wilson Rehabilitation Center (WWRC) for WWRC clients only. For institutional screening, the Department shall contract with acute care hospitals.

§ 51.5-148. Establishment of Adult Protective Services Unit; powers and duties.

A. The Department shall have responsibility for the planning and oversight of adult protective services in the Commonwealth. The Commissioner shall establish within the Department for Aging and Rehabilitative Services an Adult Protective Services Unit which shall oversee the planning, administration, and implementation of adult protective services in the Commonwealth. Adult protective services shall be provided to the public by local departments of social services pursuant to Chapter 16 (§ 63.2-1600 et seq.) of Title 63.2 in cooperation with the Department and subject to the regulations and oversight of the Commissioner.

B. The Adult Protective Services Unit shall have the following powers and duties:

1. To work together with local departments of social services to support, strengthen, and evaluate adult protective services programs provided by such local departments;
2. To assist local departments of social services in developing and implementing programs to respond to and prevent adult abuse, neglect, or exploitation;
3. To prepare, disseminate, and present educational programs and materials on adult abuse, neglect, and exploitation to mandated reporters and the public;
4. To establish minimum standards of training and provide educational opportunities to qualify ~~social~~ workers in the field of adult protective services to determine whether reports of adult abuse, neglect, or exploitation are substantiated. The Department shall establish and provide a uniform training program for adult protective services workers in the Commonwealth. All adult protective services workers shall complete such training within one year from the date of implementation of the training program or within the first year of their employment;
5. To develop policies and procedures to guide the work of persons in the field of adult protective services;
6. To prepare and disseminate statistical information on adult protective services in Virginia;
7. To operate an adult protective services 24-hour toll-free hotline and provide training and technical assistance to the hotline staff;
8. To provide coordination among the adult protective services program and other state agencies; and
9. To work collaboratively with other agencies in the Commonwealth to facilitate the reporting and investigation of suspected adult abuse, neglect, or exploitation.

§ 63.2-219. Board to establish employee entrance and performance standards.

The Board shall establish minimum education, professional and training requirements and performance standards for the personnel employed by the Commissioner and local boards in the administration of this title and adopt regulations to maintain such education, professional and training requirements and performance standards, including such regulations as may be embraced in the development of a system of personnel administration meeting requirements of the Department of Health and Human Services under appropriate federal legislation relating to programs administered by the Board. The

Board shall adopt minimum education, professional and training requirements and performance standards for personnel to provide public assistance or social services.

The Board shall provide that the Department and its local boards or local departments shall not employ any person in any ~~social worker~~ *family-services specialist* position that provides direct client services unless that person holds at least a baccalaureate degree. Such requirement shall not be waived by the Department, Board, or any local director or local governing body, unless such person has been employed prior to January 1, 1999, by the Department or its local boards or local departments in a ~~social worker~~ *family-services specialist* position that provides direct client services.

The state grievance procedure adopted pursuant to Chapter 30 (§ 2.2-3000 et seq.) of Title 2.2 shall apply to the personnel employed by the Commissioner. A local social services department or local board shall adopt a grievance procedure that is either (i) adopted by the locality in which the department or board is located, or in the case of a regional department or board, the grievance procedure adopted by one of its localities in the regional organization; or (ii) approved by the Board consistent with the provisions of Chapter 30 (§ 2.2-3000 et seq.) of Title 2.2. The grievance procedure adopted by the local board shall apply to employees, including local directors, of the local boards and local departments.

§ 63.2-1225. Determination of appropriate home.

A. In determining the appropriate home in which to place a child for adoption, a married couple or an unmarried individual shall be eligible to receive placement of a child for purposes of adoption. Prior to or after the acceptance of custody of a child placed for adoption, a licensed child-placing agency or a local board shall consider the recommendations of the birth parent(s), a physician or attorney licensed in the Commonwealth, or a clergyman who is familiar with the situation of the prospective adoptive parent(s) or the child. No birth parent, physician, attorney or clergyman shall advertise that he is available to make recommendations, nor shall he charge any fee for such recommendations to a board or agency, except that an attorney may charge for legal fees and services rendered in connection with such placement.

B. The agency or local board may give consideration to placement of the child with the recommended adoptive parent(s) if the agency or local board finds that such placement is in the best interest of the child. When the birth parent(s) has recommended such placement, the agency or local board shall provide the birth parent(s) the opportunity to be represented by independent legal counsel as well as the opportunity for counseling with a social worker, *family-services specialist, or other qualified equivalent worker*. The agency or board also shall advise the prospective adoptive parent(s) of the right to be represented by independent legal counsel. The parties may, but are not required to, exchange identifying information as provided for in subdivision A 3 of § 63.2-1232.

§ 63.2-1226. When birth parents recommend adoptive parents.

When a licensed child-placing agency or a local board is requested to accept custody of a child for the purpose of placing the child with adoptive parent(s) recommended by the birth parent(s) or a person other than a licensed child-placing agency or local board, either the parental placement adoption provisions or the agency adoption provisions of this chapter shall apply to such placement at the election of the birth parent(s). Such agency or local board shall provide information to the birth parent(s) regarding the parental placement adoption and agency adoption provisions and shall provide the birth parent the opportunity to be represented by independent legal counsel as well as counseling with a social worker, *family-services specialist, or other qualified equivalent worker*. No person shall charge, pay, give, or agree to give or accept any money, property, services, or other thing of value in connection with such adoption except as provided in § 63.2-1218.

§ 63.2-1231. Home study; meeting required; exception.

A. Prior to the consent hearing in the juvenile and domestic relations district court, a home study of the adoptive parent(s) shall be completed by a licensed or duly authorized child-placing agency and the prospective adoptive parents shall be informed that information about shaken baby syndrome, its effects, and resources for help and support for caretakers is available on a website maintained by the Department in accordance with regulations adopted by the Board. The home study shall make inquiry as to (i) whether the prospective adoptive parents are financially able, morally suitable, and in satisfactory physical and mental health to enable them to care for the child; (ii) the physical and mental condition of the child, if known; (iii) the circumstances under which the child came to live, or will be living, in the home of the prospective adoptive family, as applicable; (iv) what fees have been paid by the prospective adoptive family or in their behalf in the placement and adoption of the child; (v) whether the requirements of subdivisions A 1, A 2, A 3, and A 5 of § 63.2-1232 have been met; and (vi) any other matters specified by the circuit court. In the course of the home study, the agency social worker, *family-services specialist, or other qualified equivalent worker* shall meet at least once with the birth parent(s) and at least once with the prospective adoptive parents. Upon agreement of both parties, such meetings may occur simultaneously or separately.

B. Any home study conducted pursuant to this section for the purpose of parental placement or agency placement shall be valid for a period of 36 months from the date of completion of the study. However, the Board may, by regulation, require an additional state criminal background check before finalizing an adoption if more than 18 months have passed from the completion of the home study.

§ 63.2-1509. Requirement that certain injuries to children be reported by physicians, nurses, teachers, etc.; penalty for failure to report.

A. The following persons who, in their professional or official capacity, have reason to suspect that a child is an abused or neglected child, shall report the matter immediately to the local department of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the Department's toll-free child abuse and neglect hotline:

1. Any person licensed to practice medicine or any of the healing arts;

2. Any hospital resident or intern, and any person employed in the nursing profession;
3. Any person employed as a social worker *or family-services specialist*;
4. Any probation officer;
5. Any teacher or other person employed in a public or private school, kindergarten or nursery school;
6. Any person providing full-time or part-time child care for pay on a regularly planned basis;
7. Any mental health professional;
8. Any law-enforcement officer or animal control officer;
9. Any mediator eligible to receive court referrals pursuant to § 8.01-576.8;
10. Any professional staff person, not previously enumerated, employed by a private or state-operated hospital, institution or facility to which children have been committed or where children have been placed for care and treatment;
11. Any person 18 years of age or older associated with or employed by any public or private organization responsible for the care, custody or control of children;
12. Any person who is designated a court-appointed special advocate pursuant to Article 5 (§ 9.1-151 et seq.) of Chapter 1 of Title 9.1;
13. Any person 18 years of age or older who has received training approved by the Department of Social Services for the purposes of recognizing and reporting child abuse and neglect;
14. Any person employed by a local department as defined in § 63.2-100 who determines eligibility for public assistance;
15. Any emergency medical services provider certified by the Board of Health pursuant to § 32.1-111.5, unless such provider immediately reports the matter directly to the attending physician at the hospital to which the child is transported, who shall make such report forthwith;
16. Any athletic coach, director or other person 18 years of age or older employed by or volunteering with a private sports organization or team;
17. Administrators or employees 18 years of age or older of public or private day camps, youth centers and youth recreation programs; and
18. Any person employed by a public or private institution of higher education other than an attorney who is employed by a public or private institution of higher education as it relates to information gained in the course of providing legal representation to a client.

This subsection shall not apply to any regular minister, priest, rabbi, imam, or duly accredited practitioner of any religious organization or denomination usually referred to as a church as it relates to (i) information required by the doctrine of the religious organization or denomination to be kept in a confidential manner or (ii) information that would be subject to § 8.01-400 or 19.2-271.3 if offered as evidence in court.

If neither the locality in which the child resides nor where the abuse or neglect is believed to have occurred is known, then such report shall be made to the local department of the county or city where the abuse or neglect was discovered or to the Department's toll-free child abuse and neglect hotline.

If an employee of the local department is suspected of abusing or neglecting a child, the report shall be made to the court of the county or city where the abuse or neglect was discovered. Upon receipt of such a report by the court, the judge shall assign the report to a local department that is not the employer of the suspected employee for investigation or family assessment. The judge may consult with the Department in selecting a local department to respond to the report or the complaint.

If the information is received by a teacher, staff member, resident, intern or nurse in the course of professional services in a hospital, school or similar institution, such person may, in place of said report, immediately notify the person in charge of the institution or department, or his designee, who shall make such report forthwith. If the initial report of suspected abuse or neglect is made to the person in charge of the institution or department, or his designee, pursuant to this subsection, such person shall notify the teacher, staff member, resident, intern or nurse who made the initial report when the report of suspected child abuse or neglect is made to the local department or to the Department's toll-free child abuse and neglect hotline, and of the name of the individual receiving the report, and shall forward any communication resulting from the report, including any information about any actions taken regarding the report, to the person who made the initial report.

The initial report may be an oral report but such report shall be reduced to writing by the child abuse coordinator of the local department on a form prescribed by the Board. Any person required to make the report pursuant to this subsection shall disclose all information that is the basis for his suspicion of abuse or neglect of the child and, upon request, shall make available to the child-protective services coordinator and the local department, which is the agency of jurisdiction, any information, records, or reports that document the basis for the report. All persons required by this subsection to report suspected abuse or neglect who maintain a record of a child who is the subject of such a report shall cooperate with the investigating agency and shall make related information, records and reports available to the investigating agency unless such disclosure violates the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g). Provision of such information, records, and reports by a health care provider shall not be prohibited by § 8.01-399. Criminal investigative reports received from law-enforcement agencies shall not be further disseminated by the investigating agency nor shall they be subject to public disclosure.

B. For purposes of subsection A, "reason to suspect that a child is abused or neglected" shall include (i) a finding made by a health care provider within six weeks of the birth of a child that the results of toxicology studies of the child indicate

the presence of a controlled substance not prescribed for the mother by a physician; (ii) a finding made by a health care provider within six weeks of the birth of a child that the child was born dependent on a controlled substance which was not prescribed by a physician for the mother and has demonstrated withdrawal symptoms; (iii) a diagnosis made by a health care provider at any time following a child's birth that the child has an illness, disease or condition which, to a reasonable degree of medical certainty, is attributable to in utero exposure to a controlled substance which was not prescribed by a physician for the mother or the child; or (iv) a diagnosis made by a health care provider at any time following a child's birth that the child has a fetal alcohol spectrum disorder attributable to in utero exposure to alcohol. When "reason to suspect" is based upon this subsection, such fact shall be included in the report along with the facts relied upon by the person making the report.

C. Any person who makes a report or provides records or information pursuant to subsection A or who testifies in any judicial proceeding arising from such report, records, or information shall be immune from any civil or criminal liability or administrative penalty or sanction on account of such report, records, information, or testimony, unless such person acted in bad faith or with malicious purpose.

D. Any person required to file a report pursuant to this section who fails to do so as soon as possible, but not longer than 24 hours after having reason to suspect a reportable offense of child abuse or neglect, shall be fined not more than \$500 for the first failure and for any subsequent failures not less than \$1,000. In cases evidencing acts of rape, sodomy, or object sexual penetration as defined in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, a person who knowingly and intentionally fails to make the report required pursuant to this section shall be guilty of a Class 1 misdemeanor.

E. No person shall be required to make a report pursuant to this section if the person has actual knowledge that the same matter has already been reported to the local department or the Department's toll-free child abuse and neglect hotline.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 286

An Act to amend and reenact § 46.2-334 of the Code of Virginia, relating to conditions and requirements for licensure of certain driver's license applicants.

[H 996]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-334 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-334. Conditions and requirements for licensure of persons under 18; requests for cancellation of minor's driver's license; temporary driver's licenses for persons under 19; Board of Education approved programs; home-schooled students; fee; licensure of persons under 19 from other U.S. states, U.S. territories, Canadian provinces, or Canadian territories meeting certain criteria.

A. Minors at least 16 years and three months old may be issued driver's licenses under the following conditions:

1. The minor shall submit a proper application and satisfactory evidence that he (i) is a resident of the Commonwealth; (ii) has successfully completed a driver education course approved by either the State Department of Education or, in the case of a course offered by a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) of this title, by the Department of Motor Vehicles; and (iii) is mentally, physically, and otherwise qualified to drive a motor vehicle safely.

2. The minor's application for a driver's license must be signed by a parent of the applicant, otherwise by the guardian having custody of him. However, in the event a minor has no parent or guardian, then a driver's license shall not be issued to him unless his application is signed by the judge of the juvenile and domestic relations district court of the city or county in which he resides. If the minor making the application is married or otherwise emancipated, in lieu of any parent's, guardian's or judge's signature, the minor may present proper evidence of the solemnization of the marriage or the order of emancipation.

3. The minor shall be required to state in his application whether or not he has been convicted of an offense triable by, or tried in, a juvenile and domestic relations district court or found by such court to be a child in need of supervision, as defined in § 16.1-228. If it appears that the minor has been adjudged not innocent of the offense alleged or has been found to be a child in need of supervision, the Department shall not issue a license without the written approval of the judge of the juvenile and domestic relations district court making an adjudication as to the minor or the like approval of a similar court of the county or city in which the parent or guardian, respectively, of the minor resides.

4. The application for a permanent driver's license by a minor of the age of persons required to attend school pursuant to § 22.1-254 shall be accompanied by evidence of compliance with the compulsory school attendance law set forth in Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1. This evidence shall be provided in writing by the minor's parent. If the minor is unable to provide such evidence, he shall not be granted a driver's license until he reaches the age of 18 or presents proper evidence of the solemnization of his marriage or an order of emancipation, or the parent, as defined in § 22.1-1, or other person standing in loco parentis has provided written authorization for the minor to obtain a driver's license.

A minor may, however, present a high school diploma or its equivalent or a certificate indicating completion of a prescribed course of study as defined by the local school board pursuant to § 22.1-253.13:4 as evidence of compulsory school attendance compliance.

5. The minor applicant shall certify in writing, on a form prescribed by the Commissioner, that he is a resident of the Commonwealth. The applicant's parent or guardian shall also certify that the applicant is a resident by signing the certification. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to provide the parent's certification of residence.

B. Any custodial parent or guardian of an unmarried or unemancipated minor may, after the issuance of a permanent driver's license to such minor, file with the Department a written request that the license of the minor be canceled. When such request is filed, the Department shall cancel the license of the minor and the license shall not thereafter be reissued by the Department until a period of six months has elapsed from the date of cancellation or the minor reaches his eighteenth birthday, whichever shall occur sooner. Notwithstanding the foregoing provisions of this subsection, in the case of a minor whose parents have been awarded joint legal custody, a request that the license of the minor be cancelled must be signed by both legal custodians. In the event one parent is not reasonably available or the parents do not agree, one parent may petition the juvenile and domestic relations district court to make a determination that the license of the minor be cancelled.

C. The provisions of subsection A of this section requiring that an application for a driver's license be signed by the parent or guardian shall be waived by the Commissioner if the application is accompanied by proper evidence of the solemnization of the minor's marriage or a certified copy of a court order, issued under the provisions of Article 15 (§ 16.1-331 et seq.) of Chapter 11 of Title 16.1, declaring the applicant to be an emancipated minor.

D. A learner's permit accompanied by documentation verifying the minor's successful completion of an approved driver education course, signed by the minor's parent, guardian, legal custodian or other person standing in loco parentis, shall constitute a temporary driver's license for purposes of driving unaccompanied by a licensed driver as required in § 46.2-335, if all other requirements of this chapter have been met. The temporary license shall only be valid until the permanent license is presented as provided in § 46.2-336.

E. Notwithstanding the provisions of subsection A ~~of this section~~ requiring the successful completion of a driver education course approved by the State Department of Education, the Commissioner, on application therefor by a person at least 16 years and three months old but less than ~~18~~ 19 years old, shall issue to the applicant a temporary driver's license valid for six months if he (i) certifies by signing, together with his parent or guardian, *if applicable*, on a form prescribed by the Commissioner that he is a resident of the Commonwealth; (ii) is the holder of a valid driver's license from another ~~state~~ *U.S. state, U.S. territory, Canadian province, or Canadian territory*; and (iii) has not been found guilty of or otherwise responsible for an offense involving the operation of a motor vehicle. No temporary license issued under this subsection shall be renewed, nor shall any second or subsequent temporary license under this subsection be issued to the same applicant. Any such minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to obtain the signature of his parent or guardian for the temporary driver's license.

In order to obtain a permanent driver's license, applicants who transfer to Virginia from another U.S. state or any U.S. territory, Canadian province, or Canadian territory must have documentation of at least 30 hours of classroom instruction and six hours of in-car instruction from a government-approved program in the other U.S. state, U.S. territory, or Canadian province or Canadian territory. If a transfer applicant successfully completes a government-approved classroom and in-car driver education program from another state or any U.S. territory, Canadian province, or Canadian territory, the applicant must present the certificate of completion, specifying the number of instructional hours, to the Department.

F. For persons qualifying for a driver's license through driver education courses approved by the Department of Education or courses offered by driver training schools licensed by the Department, the application for the learner's permit shall be used as the application for the driver's license pursuant to § 46.2-335.

G. Driver's licenses shall be issued by the Department to minors successfully completing driver education courses approved by the Department of Education (i) when the Department receives from the school proper certification that the student (a) has successfully completed such course, including a road skills examination and (b) is regularly attending school and is in good academic standing or, if not in such standing or submitting evidence thereof, whose parent or guardian, having custody of such minor, provides written authorization for the minor to obtain a driver's license, which written authorization shall be obtained on forms provided by the Department and indicating the Commonwealth's interest in the good academic standing and regular school attendance of such minors; and (ii) upon payment of a fee of \$2.40 per year, based on the period of the license's validity. For applicants attending public schools, good academic standing may be certified by the public school principal or any of his designees. For applicants attending nonpublic schools, such certification shall be made by the private school principal or any of his designees; for minors receiving home schooling, such certification shall be made by the home schooling parent or tutor. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to provide the certification of good academic standing or any written authorization from his parent or guardian to obtain a driver's license.

H. For those home schooled students completing driver education courses approved by the Board of Education and instructed by his own parent or guardian, no driver's license shall be issued until the student has successfully completed the driver's license examination administered by the Department. Furthermore, the Commissioner shall not issue a driver's license for those home schooled students completing driver education courses approved by the Board of Education and instructed by his own parent or guardian if it is determined by the Commissioner that, at the time of such instruction, such parent or guardian had accumulated six or more driver demerit points in the most recently preceding 12 months, had been

convicted within the most recent 11 preceding years of driving while intoxicated in violation of § 18.2-266 or a substantially similar law in another state, or had ever been convicted of voluntary or involuntary manslaughter in violation of § 18.2-35 or § 18.2-36 or a substantially similar law in another state.

I. The Commissioner, on application therefor by a person from another U.S. state or any U.S. territory, Canadian province, or Canadian territory who is at least 16 years and three months old but less than 19 years old, shall issue a Virginia driver's license to the applicant if the applicant (i) certifies by signing, together with his parent or guardian, if applicable, on a form prescribed by the Commissioner that he is now a resident of the Commonwealth; (ii) has completed a government-approved classroom and in-car driver education program from another U.S. state or any U.S. territory, Canadian province, or Canadian territory, which shall not be required to meet the 30 hours of classroom instruction and six hours of in-car instruction requirement in subsection E; (iii) is the holder of a valid driver's license from another U.S. state or any U.S. territory, Canadian province, or Canadian territory; (iv) has held the valid driver's license for the 12 months immediately prior to applying for a Virginia license; (v) has not been found guilty of or otherwise responsible for an offense involving the operation of a motor vehicle; and (vi) successfully completes behind-the-wheel and driver knowledge examinations administered by the Department.

The applicant must present the certificate of completion specifying the number of classroom and in-car driver education program instructional hours for the government-approved classroom and in-car driver education program from another U.S. state or any U.S. territory, Canadian province, or Canadian territory to the Department.

CHAPTER 287

An Act to amend and reenact § 16.1-69.55 of the Code of Virginia, relating to record retention in district courts.

[H 1013]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-69.55 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-69.55. Retention of case records; limitations on enforcement of judgments; extensions.

A. Criminal and traffic infraction proceedings:

1. In misdemeanor and traffic infraction cases, except misdemeanor cases under § 16.1-253.2, 18.2-57.2, or 18.2-60.4, all documents shall be retained for 10 years, including cases sealed in expungement proceedings under § 19.2-392.2. In misdemeanor cases under § 16.1-253.2, 18.2-57.2, or 18.2-60.4, all documents shall be retained for 20 years. In misdemeanor cases under §§ 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-346, 18.2-347, 18.2-348, 18.2-349, 18.2-370, 18.2-370.01, 18.2-374, 18.2-386.1, 18.2-387, and 18.2-387.1, all documents shall be retained for 50 years. Documents in misdemeanor and traffic infraction cases for which an appeal has been made shall be returned to and filed with the clerk of the appropriate circuit court pursuant to § 16.1-135;

2. In felony cases that are certified to the grand jury, all documents shall be certified to the clerk of the appropriate circuit court pursuant to §§ 19.2-186 and 19.2-190. All other felony case documents shall be handled as provided in subdivision 1;

3. Dockets and indices shall be retained for 10 years.

B. Civil proceedings:

1. All documents in civil proceedings in district court that are dismissed, including dismissal under § 8.01-335, shall be retained until completion of the Commonwealth's audit of the court records. Notwithstanding § 8.01-275.1, the clerks of the district courts may destroy documents in civil proceedings in which no service of process is had 24 months after the last return date;

2. In civil actions that result in a judgment, all documents in the possession of the general district court shall be retained for 10 years and, unless sooner satisfied, the judgment shall remain in force for a period of 10 years;

3. In civil cases that are appealed to the circuit court pursuant to § 16.1-112, all documents pertaining thereto shall be transferred to the circuit court in accordance with those sections;

4. The limitations on enforcement of general district court judgments provided in § 16.1-94.1 shall not apply if the plaintiff, prior to the expiration of that period for enforcement, pays the circuit court docketing and indexing fees on judgments from other courts together with any other required filing fees and dockets the judgment in the circuit court having jurisdiction in the same geographic area as the general district court. However, a judgment debtor wishing to discharge a judgment pursuant to the provisions of § 8.01-456, when the judgment creditor cannot be located, may, prior to the expiration of that period for enforcement, pay the circuit court docketing and indexing fees on judgments from other courts together with any other required filing fees and docket the judgment in the circuit court having jurisdiction in the same geographic area as the general district court. After the expiration of the period provided in § 16.1-94.1, executions on such docketed civil judgments may issue from the general district court wherein the judgment was obtained upon the filing in the general district court of an abstract from the circuit court. In all other respects, the docketing of a general district court judgment in a circuit court confers upon such judgment the same status as if the judgment were a circuit court judgment;

5. Dockets for civil cases shall be retained for 10 years;

6. Indices in civil cases shall be retained for 10 years.

C. Juvenile and domestic relations district court proceedings:

1. In adult criminal cases, all records shall be retained as provided in subdivision A 1;
 2. In juvenile cases, all documents and indices shall be governed by the provisions of § 16.1-306;
 3. In all cases involving support arising under Title 16.1, 20, or 63.2, all documents and indices shall be retained until the last juvenile involved, if any, has reached 19 years of age and 10 years have elapsed from either dismissal or termination of the case by court order or by operation of law. Financial records in connection with such cases shall be subject to the provisions of § 16.1-69.56;

4. In all cases involving sexually violent offenses, as defined in § 37.2-900, and in all misdemeanor cases under §§ 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-346, 18.2-347, 18.2-348, 18.2-349, 18.2-370, 18.2-370.01, 18.2-374, 18.2-386.1, 18.2-387, and 18.2-387.1, all documents shall be retained for 50 years;

5. In cases transferred to circuit court for trial as an adult or appealed to circuit court, all documents pertaining thereto shall be transferred to circuit court;

6. All dockets in juvenile cases shall be governed by the provisions of subsection F of § 16.1-306.

D. At the direction of the chief judge of a ~~general~~ district court, the clerk of that court may cause any or all papers or documents pertaining to civil and criminal cases that have been ended for a period of three years or longer to be destroyed if such records, papers, or documents will no longer have administrative, fiscal, historical, or legal value to warrant continued retention, provided such records, papers, or documents have been microfilmed or converted to an electronic format. Such microfilm and microphotographic processes and equipment shall meet state archival microfilm standards pursuant to § 42.1-82, or such electronic format shall follow state electronic records guidelines, and such records, papers, or documents so converted shall be placed in conveniently accessible files and provisions made for examining and using the same. The provisions of this subsection shall not apply to the documents for misdemeanor cases under §§ 16.1-253.2, 18.2-57.2, 18.2-60.4, 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-346, 18.2-347, 18.2-348, 18.2-349, 18.2-370, 18.2-370.01, 18.2-374, 18.2-386.1, 18.2-387, and 18.2-387.1, which shall be retained as provided in subsection A.

CHAPTER 288

An Act to amend and reenact § 20-106 of the Code of Virginia, relating to oral testimony and evidence by affidavit in a suit for divorce.

[H 1019]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 20-106 of the Code of Virginia is amended and reenacted as follows:

§ 20-106. Testimony may be required to be given orally; evidence by affidavit.

A. In any suit for divorce, the trial court may require the whole or any part of the testimony to be given orally in open court, and if either party desires it, such testimony and the rulings of the court on the exceptions thereto, if any, shall be reduced to writing, and the judge shall certify that such evidence was given before him and such rulings made. When so certified the same shall stand on the same footing as a deposition regularly taken in the cause, provided, however, that no such oral evidence shall be given or heard unless and until after such notice to the adverse party as is required by law to be given of the taking of depositions, or when there has been no service of process within this Commonwealth upon, or appearance by the defendant against whom such testimony is sought to be introduced. However, a party may proceed to take evidence in support of a divorce by deposition or affidavit without leave of court only in support of a divorce on the grounds set forth in subdivision A (9) of § 20-91, where (i) the parties have resolved all issues by a written settlement agreement, (ii) there are no issues other than the grounds of the divorce itself to be adjudicated, or (iii) the adverse party has been personally served with the complaint and has failed to file a responsive pleading or to make an appearance as required by law.

B. The affidavit of a party submitted as evidence shall be based on the personal knowledge of the affiant, contain only facts that would be admissible in court, give factual support to the ~~allegations~~ grounds for divorce stated in the complaint or counterclaim, and establish that the affiant is competent to testify to the contents of the affidavit. *If either party is incarcerated, neither party shall submit evidence by affidavit without leave of court or the consent in writing of the guardian ad litem for the incarcerated party, or of the incarcerated party if a guardian ad litem is not required pursuant to § 8.01-9.* The affidavit shall:

1. ~~Affirm the allegations~~ Give factual support to the grounds for divorce stated in the complaint or counterclaim, including that the parties are over the age of 18 and not suffering from any condition that renders either party legally incompetent;

2. ~~Affirm that neither~~ Verify whether either party is incarcerated;

3. Verify the military status of the opposing party and advise whether the opposing party has filed an answer or a waiver of his rights under the federal Servicemembers Civil Relief Act (50 U.S.C. App § 501 et seq.);

4. Affirm that at least one party to the suit is, and has been for a period in excess of six months, a bona fide resident and domiciliary of the Commonwealth;

5. Affirm that the parties have lived separate and apart, continuously, without interruption and without cohabitation, and with the intent to remain separate and apart permanently, for the statutory period required by subdivision A (9) of § 20-91;

6. Affirm the affiant's desire to be awarded a divorce pursuant to subdivision A (9) of § 20-91;

7. State whether there were children born or adopted of the marriage and affirm that the wife is not known to be pregnant from the marriage; and

8. Be accompanied by the affidavit of a corroborating witness, which shall:

a. Verify that the affiant is over the age of 18 and not suffering from any condition that renders him legally incompetent;

b. Verify ~~that neither party~~ *whether either party* is incarcerated;

c. ~~Verify the allegations~~ *Give factual support to the grounds for divorce stated in the complaint or counterclaim;*

d. Verify that at least one of the parties to the suit is, and has been for a period in excess of six months, a bona fide resident and domiciliary of the Commonwealth;

e. Verify whether there were children born or adopted of the marriage and verify that the wife is not known to be pregnant from the marriage; and

f. Verify the affiant's personal knowledge that the parties have not cohabitated since the date of separation alleged in the complaint or counterclaim, and that it has been the moving party's intention since that date to remain separate and apart permanently.

C. A verified complaint shall not be deemed an affidavit for purposes of this section.

CHAPTER 289

An Act to amend and reenact §§ 51.5-116, 51.5-119, 51.5-123, and 51.5-124 of the Code of Virginia, relating to individuals with disabilities; terminology.

[H 1076]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 51.5-116, 51.5-119, 51.5-123, and 51.5-124 of the Code of Virginia are amended and reenacted as follows: § 51.5-116. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Case management" means a dynamic collaborative process that utilizes and builds on the strengths and resources of consumers to assist them in identifying their needs, accessing and coordinating services, and achieving their goals. The major collaborative components of case management services include advocacy, assessment, planning, facilitation, coordination, and monitoring.

"Case management system" means a central point of contact linking a wide variety of evolving services and supports that are (i) available in a timely, coordinated manner; (ii) physically and programmatically accessible; and (iii) consumer-directed with procedural safeguards to ensure responsiveness and accountability.

"Client" means any person receiving a service provided by the personnel or facilities of a public or private agency, whether referred to as a client, participant, patient, resident, or other term.

"Commissioner" means the Commissioner for Aging and Rehabilitative Services.

"Consumer" means, with respect to case management services, a person with a disability or his designee, guardian, conservator, or committee.

"Department" means the Department for Aging and Rehabilitative Services.

~~"Functional and central nervous system disabilities" means a disability resulting in functional impairment or impairment of the central nervous system, which may include but is not limited to traumatic brain injury, spinal cord injury, cerebral palsy, arthritis, muscular dystrophy, multiple sclerosis, Prader-Willi syndrome, and systemic lupus erythematosus (lupus).~~

"Local board" means a local board of social services established pursuant to Article 1 (§ 63.2-300 et seq.) of Chapter 3 of Title 63.2.

"Local department" means a local department of social services established pursuant to Article 2 (§ 63.2-324 et seq.) of Chapter 3 of Title 63.2.

"Local director" means a local director of social services appointed pursuant to § 63.2-325.

"Older person" or "older Virginian" means a person who is age 60 years or older.

"Physical or sensory disability" means a disability resulting in functional impairment or impairment of the central nervous system, which may include but is not limited to brain injury, spinal cord injury, cerebral palsy, arthritis, muscular dystrophy, multiple sclerosis, Prader-Willi syndrome, and systemic lupus erythematosus (lupus).

"Prader-Willi syndrome" means a specific disorder that is usually caused by chromosomal change, resulting in lifelong functional and cognitive impairments and life-threatening obesity.

"Rehabilitation technology" means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of and address the barriers confronted by individuals with disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation.

§ 51.5-119. Department designated as state agency for purpose of coordinating rehabilitative services.

The Department is designated as the state agency for coordinating rehabilitative services to persons with ~~functional and central nervous system~~ *significant physical or sensory* disabilities. The Department shall provide for the comprehensive assessment of the need for rehabilitative and support services of such persons, identify gaps in services, promote interagency coordination, develop models for case management, and advise the Secretary of Health and Human Resources, the Governor, and the General Assembly on programmatic and fiscal policies and the delivery of services to such persons.

§ 51.5-123. Community Rehabilitation Case Management System.

The Department shall develop ~~and pilot a model for the initiation of a Long-Term Rehabilitative Case Management System and implement a community rehabilitation case management system.~~ Such system shall provide for the coordination of medical, psychosocial, vocational, rehabilitative, long-term care, and family and community support services for persons with ~~functional and central nervous system~~ *significant physical or sensory* disabilities.

The Department shall facilitate the provision of such services by the Department and any other state, local, public, or private nonprofit agency, organization, or facility to such persons.

§ 51.5-124. Eligibility for community rehabilitation case management.

A person shall be eligible to receive ~~long-term rehabilitative~~ *community rehabilitation* case management services pursuant to § 51.5-123 if the Department determines such person is disabled indefinitely and requires a combination and sequence of special interdisciplinary or generic care, treatment, or other services which are lifelong or for an extended duration and are individually planned and coordinated, or such person's disability results in substantive functional limitations in three or more of the following areas of major life activity: (i) self-care, (ii) receptive and expressive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, and (vii) economic sufficiency. Rehabilitative case management shall not be provided to any person who is eligible for Medicaid targeted case management or other publicly funded case management or Medicaid transition coordination.

CHAPTER 290

An Act to amend and reenact §§ 33.1-13.03 and 33.1-23.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 33.1-23.06, relating to the Innovation and Technology Transportation Fund.

[H 1095]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 33.1-13.03 and 33.1-23.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 33.1-23.06 as follows:

§ 33.1-13.03. Annual report by the Virginia Department of Transportation.

The Commissioner of Highways shall annually report in writing to the Governor and General Assembly, no later than November 30 each year, on (i) the condition and performance of the existing transportation infrastructure, using an asset management methodology and generally accepted engineering principles and business practices to identify and prioritize maintenance and operations needs and to identify performance standards to be used to determine those needs, and funding required to meet those needs, (ii) the Department's strategies for improving safety and security, increasing efficiency in agency programs and projects, and collaborating with the private sector and local government in the delivery of services, (iii) the operating and financial activities of the Department including, but not limited to, the construction and maintenance programs, transportation costs and revenue, and federal allocations, *(iv) the use of funds in the Innovation and Technology Transportation Fund established pursuant to § 33.1-23.06, and* ~~(v)~~ *(v) other such matters of importance to transportation in the Commonwealth.*

§ 33.1-23.06. Innovation and Technology Transportation Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Innovation and Technology Transportation Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. The amount allocated to the Fund pursuant to subsection B of § 33.1-23.1 and any funds as may be appropriated by the General Assembly shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of funding pilot programs and fully developed initiatives pertaining to high-tech infrastructure improvements. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Secretary of Transportation. "High-tech infrastructure improvements" means those projects or programs identified by the Board that reduce congestion, improve mobility, improve safety, provide up-to-date travel data, or improve emergency response. No later than November 30 each year, the Commissioner of Highways shall report in writing to the Governor and General Assembly on the use of moneys in the Fund.

§ 33.1-23.1. Allocation of funds among highway systems.

A. The Commonwealth Transportation Board shall allocate each year from all funds made available for highway purposes such amount as it deems reasonable and necessary for the maintenance of roads within the interstate system of highways, the primary system of state highways, the secondary system of state highways and for city and town street maintenance payments made pursuant to § 33.1-41.1 and payments made to counties which have withdrawn or elect to withdraw from the secondary system of state highways pursuant to § 33.1-23.5:1.

B. After funds are set aside for administrative and general expenses and pursuant to other provisions in this title that provide for the disposition of funds prior to allocation for highway purposes, and after allocation is made pursuant to subsection A, the Commonwealth Transportation Board shall allocate an amount determined by the Board, not to exceed \$500 million in any given year, as follows: 25 percent to bridge reconstruction and rehabilitation; 25 percent to advancing high priority projects statewide; 25 percent to reconstructing deteriorated interstate and primary system pavements determined to have a Combined Condition Index of less than 60; 15 percent to projects undertaken pursuant to the Public-Private Transportation Act of 1995 (§ 56-556 et seq.); five percent to paving unpaved roads carrying more than 200 vehicles per day; and five percent to ~~smart roadway technology~~ *the Innovation and Technology Transportation Fund established pursuant to § 33.1-23.06 for high-tech infrastructure improvements*, provided that, at the discretion of the Commonwealth Transportation Board, such percentages of funds may be adjusted in any given year to meet project cash flow needs or when funds cannot be expended due to legal, environmental, or other project management considerations and provided that such allocations shall cease beginning July 1, 2020. After such allocations are made, the Board may allocate each year up to 10 percent of the funds remaining for highway purposes for the undertaking and financing of rail projects that, in the Board's determination, will result in mitigation of highway congestion. After the foregoing allocations have been made, the Board shall allocate the remaining funds available for highway purposes, exclusive of federal funds for the interstate system, among the several highway systems for construction first pursuant to §§ 33.1-23.1:1 and 33.1-23.1:2 and then as follows:

1. Forty percent of the remaining funds exclusive of federal-aid matching funds for the interstate system shall be allocated to the primary system of state highways, including the arterial network, and in addition, an amount shall be allocated to the primary system as interstate matching funds as provided in subsection B of § 33.1-23.2.

2. Thirty percent of the remaining funds exclusive of federal-aid matching funds for the interstate system shall be allocated to urban highways for state aid pursuant to § 33.1-44.

3. Thirty percent of the remaining funds exclusive of federal-aid matching funds for the interstate system shall be allocated to the secondary system of state highways.

C. In addition, the Commonwealth Transportation Board, from funds appropriated for such purpose in the general appropriation act, shall allocate additional funds to the Cities of Newport News, Norfolk, and Portsmouth and the County of Warren in such manner and apportion such funds among such localities as the Board may determine, unless otherwise provided in the general appropriation act. The localities shall use such funds to address highway maintenance and repair needs created by or associated with port operations in those localities.

D. Notwithstanding the foregoing provisions of this section, the General Assembly may, through the general appropriations act, permit the Governor to increase the amounts to be allocated to highway maintenance, highway construction, either or both.

E. As used in this section:

"Bridge reconstruction and rehabilitation" means reconstruction and rehabilitation of those bridges identified by the Department of Transportation as being functionally obsolete or structurally deficient.

"High priority projects" means those projects of regional or statewide significance identified by the Board that reduce congestion, increase safety, create jobs, or increase economic development.

~~"Smart roadway technology"~~ *"High-tech infrastructure improvements"* means those projects or programs identified by the Board that reduce congestion, improve mobility, improve safety, provide up-to-date travel data, or improve emergency response.

CHAPTER 291

An Act to amend and reenact §§ 17.1-123, 18.2-374.1:1, 19.2-165, 27-42, 55-142.3, and 64.2-505 of the Code of Virginia, relating to clerks offices; recordation.

[H 1196]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 17.1-123, 18.2-374.1:1, 19.2-165, 27-42, 55-142.3, and 64.2-505 of the Code of Virginia are amended and reenacted as follows:

§ 17.1-123. How orders are recorded and signed.

A. All orders that make up each day's proceedings of every circuit court shall be recorded by the clerk in a book known as the order book. Orders that make up each day's proceedings that have been recorded in the order book shall be deemed ~~authenticated~~ *the official record pursuant to § 8.01-389* when (i) the judge's signature is shown in the order, (ii) the judge's

signature is shown in the order book, or (iii) an order is recorded in the order book on the last day of each term showing the signature of each judge presiding during the term.

B. If a judge dies, retires or resigns before orders recorded in the order book have been authenticated, the orders shall have the same force and effect and shall be deemed authenticated when the signature of another judge of the same circuit court or the signature of the judge appointed to fill the vacancy or to preside over the court until the vacancy is filled is authenticated as provided in subsection A.

§ 18.2-374.1:1. Possession, reproduction, distribution, solicitation, and facilitation of child pornography; penalty.

A. Any person who knowingly possesses child pornography is guilty of a Class 6 felony.

B. Any person who commits a second or subsequent violation of subsection A is guilty of a Class 5 felony.

C. Any person who (i) reproduces by any means, including by computer, sells, gives away, distributes, electronically transmits, displays with lascivious intent, purchases, or possesses with intent to sell, give away, distribute, transmit, or display child pornography with lascivious intent or (ii) commands, entreats, or otherwise attempts to persuade another person to send, submit, transfer or provide to him any child pornography in order to gain entry into a group, association, or assembly of persons engaged in trading or sharing child pornography shall be punished by not less than five years nor more than 20 years in a state correctional facility. Any person who commits a second or subsequent violation under this subsection shall be punished by a term of imprisonment of not less than five years nor more than 20 years in a state correctional facility, five years of which shall be a mandatory minimum term of imprisonment. The mandatory minimum terms of imprisonment prescribed for violations of this section shall be served consecutively with any other sentence.

D. Any person who intentionally operates an Internet website for the purpose of facilitating the payment for access to child pornography is guilty of a Class 4 felony.

E. All child pornography shall be subject to lawful seizure and forfeiture pursuant to § 19.2-386.31.

F. For purposes of this section it may be inferred by text, title or appearance that a person who is depicted as or presents the appearance of being less than 18 years of age in sexually explicit visual material is less than 18 years of age.

G. Venue for a prosecution under this section may lie in the jurisdiction where the unlawful act occurs or where any child pornography is produced, reproduced, found, stored, received, or possessed in violation of this section.

H. The provisions of this section shall not apply to any such material that is possessed for a bona fide medical, scientific, governmental, law-enforcement, or judicial purpose by a physician, psychologist, scientist, attorney, employee of a law-enforcement agency, ~~or~~ judge, or clerk who possesses such material in the course of conducting his professional duties as such.

§ 19.2-165. Recording evidence and incidents of trial in felony cases; cost of recording; cost of transcripts; certified transcript deemed prima facie correct; request for copy of transcript.

In all felony cases, the court or judge trying the case shall by order entered of record provide for the recording verbatim of the evidence and incidents of trial either by a court reporter or by mechanical or electronic devices approved by the court. The expense of reporting or recording the trial of criminal cases shall be paid by the Commonwealth out of the appropriation for criminal charges, upon approval of the trial judge. However, if the defendant is convicted, the Commonwealth shall be entitled to receive the amount allocated to the court reporter fund under the fixed felony fee. Localities that maintain mechanical or electronic devices for this purpose shall be entitled to retain their reasonable expenses attributable to the cost of operating and maintaining such equipment. *The clerk shall receive the evidence at the time of admission of such evidence by the court and shall maintain control over such evidence until the time such evidence is transferred on appeal, or destroyed or returned in accordance with law.*

In all felony cases where it appears to the court from the affidavit of the defendant and other evidence that the defendant intends to seek an appeal and is financially unable to pay such costs or to bear the expense of a copy of the transcript of the evidence for an appeal, the trial court shall, upon the motion of counsel for the defendant, order the evidence transcribed for such appeal and all costs therefor paid by the Commonwealth out of the appropriation for criminal charges. If the conviction is not reversed, all costs paid by the Commonwealth, under the provisions hereof, shall be assessed against the defendant.

The reporter or other individual designated to report and record the trial shall file the original shorthand notes or other original records with the clerk of the circuit court who shall preserve them in the public records of the court for not less than five years if an appeal was taken and a transcript was prepared, or ten years if no appeal was taken. The transcript in any case certified by the reporter or other individual designated to report and record the trial shall be deemed prima facie a correct statement of the evidence and incidents of trial.

Upon the request of any counsel of record, or of any party not represented by counsel, and upon payment of the reasonable cost thereof, the court reporter covering any proceeding shall provide the requesting party with a copy of the transcript of such proceeding or any requested portion thereof.

The court shall not direct the court reporter to cease recording any portion of the proceeding without the consent of all parties or of their counsel of record.

The administration of this section shall be under the direction of the Supreme Court of Virginia.

§ 27-42. Definition of term "volunteer fire fighters."

For the purposes of this article, the term "volunteer fire fighters" shall include only members of any organized fire-fighting company which has in its possession and operates fire-fighting apparatus and equipment, whose members

serve without pay and whose names are maintained on a list kept by the secretary of such company. It shall be the responsibility of the secretary of such company *or the secretary's designee* to (i) file the list with the office of the clerk of the circuit court where such company is located, (ii) keep the list of such members up to date, and (iii) file the updated list with the clerk in a timely manner. The clerk shall not be responsible to obtain the list or an updated list from the secretary of the fire-fighting company if the list is not filed with the clerk.

§ 55-142.3. Duties of filing officers.

A. If a notice of federal lien, a refiling of a notice of federal lien, or a notice of revocation of any certificate described in subsection B is presented to the filing officer and

1. He is the clerk of the State Corporation Commission, he shall cause the notice to be marked, held and indexed in accordance with the provisions of § 8.9A-519 as if the notice were a financing statement within the meaning of that Code; or

2. He is any other officer described in § 55-142.1, he shall endorse thereon his identification and the date and time of receipt and forthwith file it alphabetically or enter it in an alphabetical index showing the name and address of the person named in the notice, the date and time of receipt, the serial number of the district director in the case of tax liens, ~~the title and address of the official or entity certifying the lien,~~ and the total amount appearing on the notice of lien, and shall index and record the same where judgments are indexed and recorded.

B. If a certificate of release, nonattachment, discharge or subordination of any lien is presented to the clerk of the State Corporation Commission for filing he shall:

1. Cause a certificate of release or nonattachment to be marked, held and indexed as if the certificate were a termination statement within the meaning of § 8.9A-513, except that the notice of lien to which the certificate relates shall not be removed from the files; and

2. Cause a certificate of discharge or subordination to be held, marked and indexed as if the certificate were a release of collateral within the meaning of § 8.9A-512.

C. If a refiled notice of federal lien referred to in subsection A or any of the certificates or notices referred to in subsection B is presented for filing to any other filing officer specified in § 55-142.1, he shall permanently attach the refiled notice or the certificate to the original notice of lien and shall enter the refiled notice or the certificate with the date of filing in any alphabetical lien index on the line where the original notice of lien is entered.

D. Upon request of any person, the filing officer shall issue his certificate showing whether there is on file, on the date and hour stated therein, any notice of lien or certificate or notice affecting any lien filed under this article, naming a particular person, and if a notice or certificate is on file, giving the date and hour of filing of each notice or certificate. The fee for a certificate is one dollar. Upon request the filing officer shall furnish a copy of any notice of federal tax lien or notice or certificate affecting a federal lien for a fee of fifty cents per page.

§ 64.2-505. When security not required.

A. The court or clerk shall require a personal representative to furnish security. However, the court or clerk shall not require a personal representative to furnish security if:

1. All distributees of a decedent's estate or all beneficiaries under the decedent's will are personal representatives of that decedent's estate, whether serving alone or with others who are not distributees or beneficiaries; however, if all personal representatives of a testate decedent are entitled to file a statement in lieu of an accounting under § 64.2-1314, the security shall be required only upon the portion of their bond given in connection with the property passing to beneficiaries who are not personal representatives; or

2. The will waives security of an executor nominated therein.

B. Notwithstanding subsection A, upon the motion of a legatee, devisee, or distributee of an estate, or any person who has a pecuniary interest in an estate, *or upon motion of the court* ~~may require that~~ *or clerk,* the personal representative *may be required* to furnish security. A copy of such motion shall be served upon the personal representative. The court shall conduct a hearing on the motion and may require the personal representative to furnish security in an amount it deems sufficient and may award the movant reasonable attorney fees and costs which shall be paid out of the estate.

C. This section shall be deemed to permit qualification without security where the personal representative is the only distributee or only beneficiary by virtue of one or more instruments of disclaimer filed prior to, or at the time of, such personal representative's qualification.

CHAPTER 292

An Act to require the Department of Behavioral Health and Developmental Services to review qualifications of individuals designated to perform evaluations of individuals subject to emergency custody orders; report.

[H 1216]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department of Behavioral Health and Developmental Services shall review requirements related to qualifications, training, and oversight of individuals designated by community services boards to perform evaluations of individuals taken into custody pursuant to an emergency custody order and to make recommendations for increasing such qualifications, training, and oversight, in order to protect the safety and well-being of individuals who are subject to*

emergency custody orders and the public. The Department shall report its findings to the Governor and the General Assembly by December 1, 2014.

CHAPTER 293

An Act to amend and reenact § 67-301 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 25 of Title 10.1 a section numbered 10.1-2503, relating to offshore natural gas and oil resources.

[S 25]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 67-301 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 25 of Title 10.1 a section numbered 10.1-2503 as follows:

§ 10.1-2503. Virginia Offshore Energy Emergency Response Fund established.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Offshore Energy Emergency Response Fund, hereafter referred to as "the Fund," which shall be administered by the Director of the Department of Environmental Quality. The Fund shall be established on the books of the Comptroller. All amounts designated for deposit to the Fund from revenues and royalties paid to the Commonwealth as a result of offshore natural gas and oil drilling or exploration shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request of the Director of the Department of Environmental Quality. Moneys in the Fund shall be used solely for the purposes stated in subsection B.

B. The Director of the Department of Environmental Quality shall use moneys in the Fund solely for the purposes of emergency preparation, emergency response, emergency environmental protection, or mitigation associated with a release of liquid hydrocarbons or associated fluids directly related to offshore energy exploration, development, production, or transmission.

C. The Director of the Department of Environmental Quality shall have the authority to access the Fund for up to \$500,000 per occurrence as long as the disbursement does not exceed the balance for the agency account. If the Director of the Department of Environmental Quality requests a disbursement in excess of \$500,000 or an amount exceeding the remaining agency balance, the disbursement shall require the written approval of the Governor. The Department of Environmental Quality shall develop guidelines that, after approval by the Governor, determine how the Fund can be used for the purposes described herein.

D. Disbursements from the Fund may be made for the purposes outlined in subsection B, including personnel, administrative, and equipment costs and expenses directly incurred by the Department of Environmental Quality or by any other agency or political subdivision, acting at the direction of the Department of Environmental Quality, in and for preventing or alleviating damage, loss, hardship, or suffering caused by a release of liquid hydrocarbons or associated fluids directly related to offshore energy exploration, development, production, or transmission.

E. The Department of Environmental Quality shall promptly seek reimbursement from any person causing or contributing to such a release of liquid hydrocarbons or associated fluids for all sums disbursed from the Fund for protection, relief, or recovery from loss or damage caused by such person. In the event a request for reimbursement is not paid within 60 days of receipt of a written demand, the claim shall be referred to the Attorney General for collection. The agency shall be allowed to recover all legal and court costs and other expenses incident to such actions for collection.

§ 67-301. Royalties from offshore natural gas and oil resources.

Any revenues and royalties paid to the Commonwealth as a result of offshore natural gas and oil drilling and exploration shall be appropriated and used for the following purposes:

1. ~~Seventy percent of such revenues and royalties to the Transportation Trust Fund established pursuant to § 33.1-23.03-1;~~

2. ~~Twenty percent of such revenues and royalties to the Virginia Coastal Energy Research Consortium established pursuant to § 67-600; and~~

3. ~~Ten percent of such revenues and royalties to the localities of the Commonwealth for improvements to infrastructure and transportation deposited in the Virginia Offshore Energy Emergency Response Fund (the Fund) established pursuant to § 10.1-2503 until the Fund reaches \$50 million. If moneys are withdrawn from the Fund to carry out the provisions of § 10.1-2503, all revenues and royalties paid to the Commonwealth as a result of offshore leasing, exploration, development, or production of offshore natural gas and oil shall be deposited in the Fund until a total of \$50 million is reestablished.~~

Once the balance in the Fund reaches the amount of \$50 million, any revenues and royalties paid to the Commonwealth as a result of offshore natural gas and oil drilling or exploration shall be placed in the general fund, at the end of each fiscal year.

CHAPTER 294

An Act to amend and reenact §§ 19.2-402 and 19.2-405 of the Code of Virginia, relating to pretrial appeals; transcript or written statement of facts.

[S 69]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:**1. That §§ 19.2-402 and 19.2-405 of the Code of Virginia are amended and reenacted as follows:****§ 19.2-402. Petition for appeal; brief in opposition; time for filing.**

A. When a notice of appeal has been filed pursuant to § 19.2-400, the Commonwealth may petition the Court of Appeals for an appeal pursuant to § 19.2-398. The Commonwealth shall be represented by the attorney for the Commonwealth prosecuting the case.

B. The provisions of this subsection apply only to pretrial appeals. The petition for a pretrial appeal shall be filed with the clerk of the Court of Appeals not more than 14 days after the ~~date that the~~ *notice of transcript or written statement of facts required by § 19.2-405* is filed; or, if there are objections thereto, within 14 days after the judge signs the transcript or written statement *of facts*. The accused may file a brief in opposition with the clerk of the Court of Appeals within 14 days after the filing of the petition for pretrial appeal. If the accused has filed a notice of cross appeal, he shall file a petition for cross appeal to be consolidated with, and filed within the same time period as, his brief in opposition. The Commonwealth may file a brief in opposition to any petition for cross appeal within 10 days after the petition for cross appeal is filed. Except as specifically provided in this section, all other requirements for the petition for pretrial appeal and brief in opposition shall conform as nearly as practicable to Part Five A of the Rules of the Supreme Court of Virginia.

§ 19.2-405. Pretrial appeals; record on appeal; transcript; written statement of facts; time for filing.

This section applies only to pretrial appeals. The record on appeal shall conform, as nearly as practicable, to the requirements of Part Five A of the Rules of the Supreme Court for the record on appeal, except as hereinafter provided. The transcript or written statement of facts shall be filed ~~by the Commonwealth~~ with the clerk of the circuit court from which the appeal is being taken, ~~within no later than~~ 25 days following entry of the order of the circuit court. Upon motion of the Commonwealth, the Court of Appeals may grant an extension of up to 45 days for filing the transcript or written statement *of facts* for good cause shown. ~~If the Commonwealth files a transcript or written statement, it shall also~~ *of facts is filed, the Commonwealth shall* file with the clerk of the circuit court a notice, signed by the attorney for the Commonwealth, who is counsel for the appellant, identifying the transcript or written statement *of facts* and reciting its ~~delivery to filing with~~ the clerk. There shall be appended to the notice a certificate by the attorney for the Commonwealth that a copy of the notice has been mailed or delivered to opposing counsel. *The notice of filing of the transcript or written statement of facts shall be filed within three days of the filing of the transcript or written statement of facts or within 14 days of the order of the circuit court, whichever is later.*

Any party may object to the transcript or written statement *of facts* on the ground that it is erroneous or incomplete. Notice of the objection specifying the errors alleged or deficiencies asserted shall be tendered to the trial judge within 10 days after the *notice of filing of the transcript or written statement of facts* is filed in the office of the clerk. The trial judge shall, within three days after the filing of such objection, either overrule the objection, or take steps deemed necessary to make the record complete or certify the respect in which the record is incomplete, and sign the transcript or written statement *of facts* to verify its accuracy. The clerk of the trial court shall forthwith transmit the record to the clerk of the Court of Appeals.

CHAPTER 295

An Act to amend and reenact §§ 6.2-1700, 6.2-1701, 6.2-1706, and 6.2-1707 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 6.2-1701.2, relating to mortgage loan originators; transitional licensing.

[S 118]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:**1. That §§ 6.2-1700, 6.2-1701, 6.2-1706, and 6.2-1707 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 6.2-1701.2 as follows:****§ 6.2-1700. Definitions.**

As used in this chapter:

"Act" means the federal Secure and Fair Enforcement for Mortgage Licensing Act, Title V (§ 1501 et seq.) of the Housing and Economic Recovery Act of 2008, P.L. 110-289.

"Administrative or clerical tasks" means the receipt, collection, and distribution of information common for the processing or underwriting of a residential mortgage loan in the mortgage industry and communication with the consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan.

"Covered financial institution" has the same meaning as that term is defined in 12 C.F.R. § 1007.102.

"Dwelling" means a residential structure or mobile home that contains one to four family housing units, or individual units of condominiums or cooperatives.

"Employee" means an individual (i) whose manner and means of performance of work are subject to the right of control of, or are controlled by, a person and (ii) whose compensation for federal income tax purposes is reported, or required to be reported, on a W-2 form issued by the controlling person.

"Immediate family member" means a spouse, child, sibling, parent, grandparent, or grandchild. This includes stepparents, stepchildren, stepsiblings, and adoptive relationships.

"Licensee" means an individual licensed under this chapter, *including an individual who has been issued a transitional mortgage loan originator license.*

"Loan processor or underwriter" means an individual who, with respect to the origination of a residential mortgage loan, performs clerical or support duties at the direction of and subject to the supervision and instruction of a licensee or a registered mortgage loan originator. For the purposes of this definition, clerical or support duties include (i) the receipt, collection, distribution, and analysis of information common for the processing or underwriting of a residential mortgage loan and (ii) communication with a consumer to obtain the information necessary for the processing or underwriting of a residential mortgage loan, to the extent that such communication does not include offering or negotiating loan rates or terms, or counseling consumers about residential mortgage loan rates or terms.

"Mortgage loan originator" means an individual who (i) takes an application for or offers or negotiates the terms of a residential mortgage loan in which the dwelling is or will be located in the Commonwealth or (ii) represents to the public, through advertising or other means of communicating or providing information, including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items, that such individual can or will perform any of the activities described in clause (i).

"Nationwide Mortgage Licensing System and Registry" or "Registry" means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of mortgage loan originators.

"Nontraditional mortgage product" means any mortgage product other than a 30-year fixed rate mortgage.

"Real estate brokerage activities" means any activity that involves offering or providing real estate brokerage services to the public, including (i) acting as a real estate broker, real estate agent, or real estate salesperson for a buyer, seller, lessor, or lessee of real property; (ii) bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property; (iii) negotiating any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property, other than in connection with providing financing with respect to any such transaction; (iv) engaging in any activity for which a person is required to be licensed or registered as a real estate broker, real estate agent, or real estate salesperson; and (v) offering to engage in any activity or act in any capacity described in clauses (i) through (iv).

"Registered mortgage loan originator" means any individual who (i) takes an application for or offers or negotiates the terms of a residential mortgage loan in which the dwelling is or will be located in the Commonwealth, (ii) is an employee of a covered financial institution, and (iii) is registered with, and maintains a unique identifier through, the Registry.

"Residential mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling or residential real estate upon which is constructed or intended to be constructed a dwelling.

"Transitional mortgage loan originator license" means a license issued under this chapter to engage in business as a mortgage loan originator for a period of no more than 120 days, during which time the individual may fulfill the pre-licensing education and written test requirements described in §§ 6.2-1708 and 6.2-1709 and apply for a mortgage loan originator license.

"Unique identifier" means a number or other identifier assigned by protocols established by the Registry that permanently identifies a mortgage loan originator.

§ 6.2-1701. License requirement.

A. ~~No~~ Except as otherwise provided in § 6.2-1701.2, no individual shall engage in the business of a mortgage loan originator unless such individual has first obtained and maintains annually a license under this chapter.

B. The following shall be exempt from licensing and other provisions of this chapter:

1. Any individual engaged solely as a loan processor or underwriter. Except as otherwise provided in this subsection, an individual acting as an independent contractor may not engage in residential mortgage loan origination activities as a loan processor or underwriter unless such individual has first obtained and maintains annually a mortgage loan originator license;

2. Any individual who only performs administrative or clerical tasks on behalf of a mortgage loan originator;

3. Any individual who only performs real estate brokerage activities and is licensed or registered in accordance with applicable law, unless the individual is compensated directly or indirectly by the lender, a mortgage broker, or other mortgage loan originator or by any agent of such lender, mortgage broker, or other mortgage loan originator;

4. Any individual solely involved in extensions of credit relating to timeshare plans, as that term is defined in 11 U.S.C. § 101(53D);

5. A registered mortgage loan originator;

6. Any individual who offers or negotiates terms of a residential mortgage loan with or on behalf of an immediate family member of the individual;

7. Any individual who acts as a loan originator in providing financing for the sale of that individual's own residence;

8. A licensed attorney, provided that the attorney's mortgage loan origination activities are: (i) considered by the Supreme Court of Virginia to be part of the authorized practice of law within the Commonwealth, (ii) carried out within an attorney-client relationship, and (iii) accomplished by the attorney in compliance with all applicable laws, rules, ethics, and standards;

9. Any employee of federal, state, or local government, or a housing finance agency, who acts as a mortgage loan originator only pursuant to his official duties of employment. For the purposes of this subdivision, "local government" means any county, city, or town or other local or regional political subdivision; and

10. Any employee of a bona fide nonprofit organization, as determined by the Commission in accordance with § 6.2-1701.1, who acts as a mortgage loan originator only (i) pursuant to his official duties of employment and (ii) with respect to residential mortgage loans with terms that are favorable to a borrower.

§ 6.2-1701.2. Transitional mortgage loan originator license.

A. In anticipation of fulfilling the pre-licensing education and written test requirements described in §§ 6.2-1708 and 6.2-1709, an individual may apply for and obtain a transitional mortgage loan originator license pursuant to this section provided that the Commission makes the findings specified in § 6.2-1706 and subsection B of § 6.2-1707. A transitional mortgage loan originator license may be issued by the Commission to:

1. An individual who maintains a license to originate mortgage loans under the laws of another state; or

2. To the extent permitted under the Act, or any rule, regulation, interpretation, or guideline thereunder, an individual who was a registered mortgage loan originator within two months prior to the date that the individual applied for a transitional mortgage loan originator license.

B. An individual shall apply for a transitional mortgage loan originator license by complying with the same requirements as those applicable to individuals who are applying for a mortgage loan originator license, including §§ 6.2-1702, 6.2-1703, and 6.2-1704. However, an individual applying for a transitional mortgage loan originator license shall not be required to comply with the prelicensing education requirements described in § 6.2-1708 or pass the written test described in § 6.2-1709.

C. Notwithstanding any other provision of this chapter, a transitional mortgage loan originator license shall expire on the earlier of the following:

1. The date upon which the Commission issues or denies a mortgage loan originator license; or

2. One hundred twenty days from the date the transitional mortgage loan originator license was issued.

A transitional mortgage loan originator license shall not be renewed, extended, or reinstated, and an individual who has been issued a transitional mortgage loan originator license shall not subsequently be eligible for any additional transitional mortgage loan originator licenses.

§ 6.2-1706. Qualifications.

Upon the filing and investigation of an application for a license, *including an application for a transitional mortgage loan originator license*, and compliance by the applicant with all applicable provisions of this chapter, the Commission shall issue and deliver to the applicant the license applied for to engage in business under this chapter if it finds that the financial responsibility, character, and general fitness of the applicant are such as to warrant belief that the licensee will act as a mortgage loan originator efficiently and fairly, in the public interest, and in accordance with law. If the Commission fails to make such findings, no license shall be issued and the Commissioner shall notify the applicant of the denial and the reasons for such denial. The Commission shall not base a license denial, in whole or in part, on an applicant's credit score, nor shall it use a credit report as the sole basis for license denial.

§ 6.2-1707. Other conditions for mortgage loan originator licensing.

A. In addition to the findings required by § 6.2-1706, the Commission shall not issue a mortgage loan originator license unless it finds that:

1. The applicant has never had a mortgage loan originator license revoked by any governmental authority;

2. The applicant has not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court (i) during the seven-year period preceding the application for licensing and registration; or (ii) at any time preceding such date of application if such felony involved an act of fraud, dishonesty, breach of trust, or money laundering;

3. The applicant has completed the pre-licensing education requirement described in § 6.2-1708;

4. The applicant has passed a written test that meets the test requirement described in § 6.2-1709; and

5. The applicant has become registered through, and obtained a unique identifier from, the Registry.

B. In addition to the findings required by § 6.2-1706, the Commission shall not issue a transitional mortgage loan originator license unless it (i) makes the findings set forth in subdivisions A 1, A 2, and A 5 and (ii) finds that the applicant is employed by a person licensed under Chapter 16 (§ 6.2-1600 et seq.).

CHAPTER 296

An Act to amend the Code of Virginia by adding in Chapter 8 of Title 6.2 an article numbered 17, consisting of sections numbered 6.2-951, 6.2-952, and 6.2-953, relating to a nonprofit benefits consortium; exemption from regulation as an insurance company and from license tax.

[S 120]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 8 of Title 6.2 an article numbered 17, consisting of sections numbered 6.2-951, 6.2-952, and 6.2-953, as follows:

Article 17.

Benefits Consortium.

§ 6.2-951. Definitions.

As used in this article:

"Benefits consortium" means a trust that complies with the conditions set forth in § 6.2-952.

"ERISA" means the federal Employee Retirement Income Security Act of 1974 (P.L. 93-406, 88 Stat. 829), as amended.

"Sponsoring association" means an association (i) the members of which are banks and employers that provide products and services to banks, (ii) that is incorporated under the Virginia Nonstock Corporation Act (§ 13.1-801 et seq.), (iii) that operates as a nonprofit entity under § 501(c)(6) of the Internal Revenue Code of 1986, (iv) that has been in existence for at least 20 years, and (v) that exists for purposes other than arranging for or providing health and welfare benefits to members. "Sponsoring association" includes any wholly owned subsidiary of a sponsoring association.

§ 6.2-952. Conditions for a benefits consortium.

A trust shall constitute a benefits consortium when all of the following conditions exist:

1. The trust is subject to (i) ERISA and U.S. Department of Labor regulations applicable to multiple employer welfare arrangements and (ii) the authority of the U.S. Department of Labor to enforce such law and regulations;

2. A Form M-1, Report for Multiple Employer Welfare Arrangements (MEWAs), for the applicable plan year shall be filed with the U.S. Department of Labor identifying the arrangement among the trust, sponsoring association, and benefit plans offered through the trust as a multiple employer welfare arrangement;

3. The trust operates as a nonprofit voluntary employee beneficiary association within the meaning of § 501(c)(9) of the Internal Revenue Code of 1986;

4. The trust's organizational documents:

a. Provide that the trust is sponsored by the sponsoring association;

b. State that its purpose is to provide medical, prescription drug, dental, and vision benefits to employees of the sponsoring association and its members and the dependents of those employees through benefits plans;

c. Provide that the funds of the trust are to be used for the benefit of the participating employees, and their dependents, through insurance, self-insurance, or a combination thereof as determined by the trustee and for defraying reasonable expenses of administering and operating the trust and the benefits plans offered through the trust;

d. Limit participation in the benefits plans offered through the trust to employers that are the sponsoring association, members of the sponsoring association, and their affiliates;

e. Limit the benefits plans offered through the trust to benefits plans sponsored by the sponsoring association;

f. Grant the sponsoring association the power to appoint the trustee of the trust;

g. Provide the trustee with powers for the control and management of the trust; and

h. Require the trustee to discharge its duties with respect to the trust in accordance with the fiduciary duties defined in ERISA;

5. Five or more employers participate in the benefits plans offered through the trust;

6. The trust establishes and maintains reserves determined in accordance with sound actuarial principles;

7. The trust has purchased and maintains policies of specific, aggregate, and terminal excess insurance with retention levels determined in accordance with sound actuarial principles from insurers licensed to transact the business of insurance in the Commonwealth;

8. The trust has secured one or more guarantees or standby letters of credit guaranteeing the payment of claims under the benefits plans offered through the trust in an aggregate amount not less than (i) the trust's annual aggregate excess insurance retention level, minus (ii) the annual premium assessments for the benefit plans offered through the trust, minus (iii) the trust's net assets, which net assets amount shall be net of the trust's reasonable estimate of incurred but not reported claims; and such guarantees or letters of credit have been issued by (a) banks participating in the benefits plans offered through the trust or (b) qualified United States financial institutions as such term is used in subdivision 2 c of § 38.2-1316.4;

9. The trust has purchased and maintains commercially reasonable fiduciary liability insurance;

10. The trust has purchased and maintains a bond that satisfies the requirements of ERISA;

11. The trust is audited annually by an independent certified public accountant;

12. The trust does not include in its name the words "insurance," "insurer," "underwriter," "mutual," or any other word or term or combination of words or terms that is uniquely descriptive of an insurance company or insurance business unless the context of the remaining words or terms clearly indicates that the entity is not an insurance company and is not carrying on the business of insurance; and

13. The trust does not pay commissions or other remuneration to any person that is conditioned upon the enrollment of persons in any benefits plan offered by the trust.

§ 6.2-953. Benefits consortium and sponsoring association not subject to regulation or taxation as an insurance company.

A. A benefits consortium shall not be subject to:

1. The provisions of Title 38.2 and regulations adopted thereunder, including those provisions and regulations otherwise applicable to multiple employer welfare arrangements; or

2. The tax levied on insurance companies pursuant to § 58.1-2501.

B. The sponsoring association of a benefits consortium or any of its subsidiaries shall not, by virtue of its sponsorship of the benefits consortium or the benefits plans offered through the benefits consortium, be subject to any provisions or regulations described in subdivision A 1 or any tax described in subdivision A 2.

2. That the provisions of this act shall become effective on January 1, 2015.

CHAPTER 297

An Act to amend and reenact § 38.2-3407.9:01 of the Code of Virginia, relating to health insurance; prescription drug formularies; notices.

[S 201]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3407.9:01 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3407.9:01. Prescription drug formularies.

A. Each (i) insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical or major medical coverage on an expense-incurred basis, (ii) corporation providing individual or group accident and sickness subscription contracts, and (iii) health maintenance organization providing a health care plan for health care services, whose policy, contract or plan, including any certificate or evidence of coverage issued in connection with such policy, contract or plan, includes coverage for prescription drugs on an outpatient basis may apply a formulary to the prescription drug benefits provided by the insurer, corporation, or health maintenance organization if the formulary is developed, reviewed at least annually, and updated as necessary in consultation with and with the approval of a pharmacy and therapeutics committee, a majority of whose members are actively practicing licensed pharmacists, physicians and other licensed health care providers.

B. If an insurer, corporation, or health maintenance organization maintains one or more closed drug formularies, each insurer, corporation, or health maintenance organization shall:

1. Make available to participating providers and pharmacists and to any nonpreferred or nonparticipating pharmacists as described in §§ 38.2-3407.7 and 38.2-4312.1, the complete, current drug formulary or formularies, or any updates thereto, maintained by the insurer, corporation, or health maintenance organization, including a list of the prescription drugs on the formulary by major therapeutic category that specifies whether a particular prescription drug is preferred over other drugs;

2. Establish a process to allow an enrollee to obtain, without additional cost-sharing beyond that provided for formulary prescription drugs in the enrollee's covered benefits, a specific, medically necessary nonformulary prescription drug if the formulary drug is determined by the insurer, corporation, or health maintenance organization, after reasonable investigation and consultation with the prescribing physician, to be an inappropriate therapy for the medical condition of the enrollee. The insurer, corporation or health maintenance organization shall act on such requests within one business day of receipt of the request; and

3. Establish a process to allow an enrollee to obtain, without additional cost-sharing beyond that provided for formulary prescription drugs in the enrollee's covered benefits, a specific, medically necessary nonformulary prescription drug when the enrollee has been receiving the specific nonformulary prescription drug for at least six months previous to the development or revision of the formulary and the prescribing physician has determined that the formulary drug is an inappropriate therapy for the specific patient or that changing drug therapy presents a significant health risk to the specific patient. After reasonable investigation and consultation with the prescribing physician, the insurer, corporation or health maintenance organization shall act on such requests within one business day of receipt of the request. For purposes of this subsection, substituting the generic equivalent drug, which has been approved by the U.S. Food and Drug Administration, for a branded version of such drug shall not constitute a change in drug therapy.

C. Each insurer, corporation, or health maintenance organization that applies a formulary to the prescription drug benefits provided as set forth in subsection A shall provide to each affected group health benefit plan policyholder or contract holder or each affected individual health benefit plan policyholder or contract holder not less than 30 days' prior

written notice of a modification to a formulary that results in the movement of a prescription drug to a tier with higher cost-sharing requirements. This section does not apply to modifications that occur at the time of coverage renewal.

CHAPTER 298

An Act to amend and reenact § 33.1-95.2 of the Code of Virginia, relating to billboard signs.

[S 295]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 33.1-95.2 of the Code of Virginia is amended and reenacted as follows:

§ 33.1-95.2. Adjustment or relocation of certain billboard signs.

A. Notwithstanding any other provision of law, general or special, whenever land is acquired due to the widening, construction, or reconstruction of any highway as defined in § 33.1-351 by purchase or by use of the power of eminent domain by any condemnor and upon such land is situated a lawfully erected billboard sign as defined in § 33.1-351 or whenever a lawfully erected billboard sign as defined in § 33.1-351 is situated adjacent to such a highway and is affected by the construction of a sound wall, such billboard sign may be relocated as provided in this section.

B. If a billboard sign meets all requirements under the provision of this title, *the size, lighting, and spacing requirements of a locality that is certified in accordance with 23 C.F.R. § 750.706 and the federal-state agreement, if applicable*, and § 4.1-113.1 in the case of outdoor alcoholic beverage advertising, but is considered nonconforming solely due to a local ordinance, the owner of the billboard sign, at his sole cost and expense, shall have the option to relocate such billboard sign to another location as close as practicable on the same property, adjusting the height or angle of the billboard sign to a height or angle that restores the visibility of the billboard sign to the same or comparable visibility as before the taking or before construction of the sound wall, provided the new location also meets all the requirements of this title and regulations adopted pursuant thereto. *The billboard sign may remain in its original location, provided the owner of the billboard sign pays monthly rent to the Commissioner of Highways or other condemnor equivalent to the monthly rent received by the property owner for the billboard prior to acquisition, and until such time as the Commissioner or other condemnor gives notice to the owner of such billboard sign that the billboard sign must be removed. The notice of removal shall be provided at least 45 days prior to the required removal date, which shall be the earlier of the certification date for a highway project advertisement for construction bids or the date that utility relocations are scheduled to commence.*

C. Nothing in this section shall authorize the owner of such billboard sign to increase the size of the sign face, and a relocated billboard sign shall continue to be nonconforming in its new location unless the relocated billboard sign becomes conforming in its new location under the local ordinance. The provisions of § 33.1-370.2 shall apply to any relocation.

CHAPTER 299

An Act to amend and reenact § 63.2-1505 of the Code of Virginia, relating to investigation of cases involving alleged sexual abuse of a child; qualifications of investigator.

[S 331]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1505 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-1505. Investigations by local departments.

A. An investigation requires the collection of information necessary to determine:

1. The immediate safety needs of the child;
2. The protective and rehabilitative services needs of the child and family that will deter abuse or neglect;
3. Risk of future harm to the child;
4. Alternative plans for the child's safety if protective and rehabilitative services are indicated and the family is unable or unwilling to participate in services;
5. Whether abuse or neglect has occurred;
6. If abuse or neglect has occurred, who abused or neglected the child; and
7. A finding of either founded or unfounded based on the facts collected during the investigation.

B. If the local department responds to the report or complaint by conducting an investigation, the local department shall:

1. Make immediate investigation and, if the report or complaint was based upon one of the factors specified in subsection B of § 63.2-1509, the local department may file a petition pursuant to § 16.1-241.3;

2. Complete a report and transmit it forthwith to the Department, except that no such report shall be transmitted in cases in which the cause to suspect abuse or neglect is one of the factors specified in subsection B of § 63.2-1509 and the mother sought substance abuse counseling or treatment prior to the child's birth;

3. Consult with the family to arrange for necessary protective and rehabilitative services to be provided to the child and his family;

4. Petition the court for services deemed necessary including, but not limited to, removal of the child or his siblings from their home;

5. Determine within 45 days if a report of abuse or neglect is founded or unfounded and transmit a report to such effect to the Department and to the person who is the subject of the investigation. However, upon written justification by the local department, such determination may be extended, not to exceed a total of 60 days. If through the exercise of reasonable diligence the local department is unable to find the child who is the subject of the report, the time the child cannot be found shall not be computed as part of the 45-day or 60-day period and documentation of such reasonable diligence shall be placed in the record. In cases involving the death of a child or alleged sexual abuse of a child who is the subject of the report, the time during which records necessary for the investigation of the complaint but not created by the local department, including autopsy or medical or forensic records or reports, are not available to the local department due to circumstances beyond the local department's control shall not be computed as part of the 45-day or 60-day period, and documentation of the circumstances that resulted in the delay shall be placed in the record;

6. If a report of abuse or neglect is unfounded, transmit a report to such effect to the complainant and parent or guardian and the person responsible for the care of the child in those cases where such person was suspected of abuse or neglect; and

7. If a report of child abuse and neglect is founded, and the subject of the report is a full-time, part-time, permanent, or temporary employee of a school division located within the Commonwealth, notify the relevant school board of the founded complaint. Any information exchanged for the purposes of this subsection shall not be considered a violation of § 63.2-102, 63.2-104, or 63.2-105.

C. Each local board may obtain and consider, in accordance with regulations adopted by the Board, statewide criminal history record information from the Central Criminal Records Exchange and results of a search of the child abuse and neglect central registry of any individual who is the subject of a child abuse or neglect investigation conducted under this section when there is evidence of child abuse or neglect and the local board is evaluating the safety of the home and whether removal will protect a child from harm. The local board also may obtain such a criminal records or registry search on all adult household members residing in the home where the individual who is the subject of the investigation resides and the child resides or visits. If a child abuse or neglect petition is filed in connection with such removal, a court may admit such information as evidence. Where the individual who is the subject of such information contests its accuracy through testimony under oath in hearing before the court, no court shall receive or consider the contested criminal history record information without certified copies of conviction. Further dissemination of the information provided to the local board is prohibited, except as authorized by law.

D. A person who has not previously participated in the investigation of complaints of child abuse or neglect in accordance with this chapter shall not participate in the investigation of any case involving a complaint of alleged sexual abuse of a child unless he (i) has completed a Board-approved training program for the investigation of complaints involving alleged sexual abuse of a child or (ii) is under the direct supervision of a person who has completed a Board-approved training program for the investigation of complaints involving alleged sexual abuse of a child. No individual may make a determination of whether a case involving a complaint of alleged sexual abuse of a child is founded or unfounded unless he has completed a Board-approved training program for the investigation of complaints involving alleged sexual abuse of a child.

CHAPTER 300

An Act to amend and reenact § 63.2-1503 of the Code of Virginia, relating to suspected abuse or neglect of a child; reports to law enforcement.

[S 332]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1503 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-1503. Local departments to establish child-protective services; duties.

A. Each local department shall establish child-protective services under a departmental coordinator within such department or with one or more adjacent local departments that shall be staffed with qualified personnel pursuant to regulations adopted by the Board. The local department shall be the public agency responsible for receiving and responding to complaints and reports, except that (i) in cases where the reports or complaints are to be made to the court and the judge determines that no local department within a reasonable geographic distance can impartially respond to the report, the court shall assign the report to the court services unit for evaluation; and (ii) in cases where an employee at a private or state-operated hospital, institution or other facility, or an employee of a school board is suspected of abusing or neglecting a child in such hospital, institution or other facility, or public school, the local department shall request the Department and the relevant private or state-operated hospital, institution or other facility, or school board to assist in conducting a joint

investigation in accordance with regulations adopted by the Board, in consultation with the Departments of Education, Health, Medical Assistance Services, Behavioral Health and Developmental Services, Juvenile Justice and Corrections.

B. The local department shall ensure, through its own personnel or through cooperative arrangements with other local agencies, the capability of receiving reports or complaints and responding to them promptly on a 24-hours-a-day, seven-days-per-week basis.

C. The local department shall widely publicize a telephone number for receiving complaints and reports.

D. The local department shall ~~upon receipt of a complaint, report immediately to notify~~ the local attorney for the Commonwealth and the local law-enforcement agency ~~and make available to them the records of the local department when abuse or neglect is suspected in any case of all complaints of suspected child abuse or neglect~~ involving (i) any death of a child; (ii) any injury or threatened injury to the child in which a felony or Class 1 misdemeanor is also suspected; (iii) any sexual abuse, suspected sexual abuse or other sexual offense involving a child, including but not limited to the use or display of the child in sexually explicit visual material, as defined in § 18.2-374.1; (iv) any abduction of a child; (v) any felony or Class 1 misdemeanor drug offense involving a child; or (vi) contributing to the delinquency of a minor in violation of § 18.2-371, *immediately, but in no case more than two hours of receipt of the complaint*, and shall provide the attorney for the Commonwealth and the local law-enforcement agency with records *and information of the local department, including records related to any complaints of abuse or neglect involving the victim or the alleged perpetrator, related to the investigation of the complaint.* The local department shall not allow reports of the death of the victim from other local agencies to substitute for direct reports to the attorney for the Commonwealth and the local law-enforcement agency. The local department shall develop, when practicable, memoranda of understanding for responding to reports of child abuse and neglect with local law enforcement and the attorney for the Commonwealth.

In each case in which the local department notifies the local law-enforcement agency of a complaint pursuant to this subsection, the local department shall, within two business days of delivery of the notification, complete a written report, on a form provided by the Board for such purpose, which shall include (a) the name of the representative of the local department providing notice required by this subsection; (b) the name of the local law-enforcement officer who received such notice; (c) the date and time that notification was made; (d) the identity of the victim; (e) the identity of the person alleged to have abused or neglected the child, if known; (f) the clause or clauses in this subsection that describe the reasons for the notification; and (g) the signatures, which may be electronic signatures, of the representatives of the local department making the notification and the local law-enforcement officer receiving the notification. Such report shall be included in the record of the investigation and may be submitted either in writing or electronically.

E. When abuse or neglect is suspected in any case involving the death of a child, the local department shall report the case immediately to the regional medical examiner and the local law-enforcement agency.

F. The local department shall use reasonable diligence to locate (i) any child for whom a report of suspected abuse or neglect has been received and is under investigation, receiving family assessment, or for whom a founded determination of abuse and neglect has been made and a child-protective services case opened and (ii) persons who are the subject of a report that is under investigation or receiving family assessment, if the whereabouts of the child or such persons are unknown to the local department.

G. When an abused or neglected child and the persons who are the subject of an open child-protective services case have relocated out of the jurisdiction of the local department, the local department shall notify the child-protective services agency in the jurisdiction to which such persons have relocated, whether inside or outside of the Commonwealth, and forward to such agency relevant portions of the case record. The receiving local department shall arrange protective and rehabilitative services as required by this section.

H. When a child for whom a report of suspected abuse or neglect has been received and is under investigation or receiving family assessment and the child and the child's parents or other persons responsible for the child's care who are the subject of the report that is under investigation or family assessment have relocated out of the jurisdiction of the local department, the local department shall notify the child-protective services agency in the jurisdiction to which the child and such persons have relocated, whether inside or outside of the Commonwealth, and complete such investigation or family assessment by requesting such agency's assistance in completing the investigation or family assessment. The local department that completes the investigation or family assessment shall forward to the receiving agency relevant portions of the case record in order for the receiving agency to arrange protective and rehabilitative services as required by this section.

I. Upon receipt of a report of child abuse or neglect, the local department shall determine the validity of such report and shall make a determination to conduct an investigation pursuant to § 63.2-1505 or, if designated as a child-protective services differential response agency by the Department according to § 63.2-1504, a family assessment pursuant to § 63.2-1506.

J. The local department shall foster, when practicable, the creation, maintenance and coordination of hospital and community-based multidisciplinary teams that shall include where possible, but not be limited to, members of the medical, mental health, social work, nursing, education, legal and law-enforcement professions. Such teams shall assist the local departments in identifying abused and neglected children; coordinating medical, social, and legal services for the children and their families; developing innovative programs for detection and prevention of child abuse; promoting community concern and action in the area of child abuse and neglect; and disseminating information to the general public with respect to the problem of child abuse and neglect and the facilities and prevention and treatment methods available to combat child abuse and neglect. These teams may be the family assessment and planning teams established pursuant to § 2.2-5207.

Multidisciplinary teams may develop agreements regarding the exchange of information among the parties for the purposes of the investigation and disposition of complaints of child abuse and neglect, delivery of services and child protection. Any information exchanged in accordance with the agreement shall not be considered to be a violation of the provisions of § 63.2-102, 63.2-104, or 63.2-105.

The local department shall also coordinate its efforts in the provision of these services for abused and neglected children with the judge and staff of the court.

K. The local department may develop multidisciplinary teams to provide consultation to the local department during the investigation of selected cases involving child abuse or neglect, and to make recommendations regarding the prosecution of such cases. These teams may include, but are not limited to, members of the medical, mental health, legal and law-enforcement professions, including the attorney for the Commonwealth or his designee; a local child-protective services representative; and the guardian ad litem or other court-appointed advocate for the child. Any information exchanged for the purpose of such consultation shall not be considered a violation of § 63.2-102, 63.2-104, or 63.2-105.

L. The local department shall report annually on its activities concerning abused and neglected children to the court and to the Child-Protective Services Unit in the Department on forms provided by the Department.

M. Statements, or any evidence derived therefrom, made to local department child-protective services personnel, or to any person performing the duties of such personnel, by any person accused of the abuse, injury, neglect or death of a child after the arrest of such person, shall not be used in evidence in the case-in-chief against such person in the criminal proceeding on the question of guilt or innocence over the objection of the accused, unless the statement was made after such person was fully advised (i) of his right to remain silent, (ii) that anything he says may be used against him in a court of law, (iii) that he has a right to the presence of an attorney during any interviews, and (iv) that if he cannot afford an attorney, one will be appointed for him prior to any questioning.

N. Notwithstanding any other provision of law, the local department, in accordance with Board regulations, shall transmit information regarding founded complaints or family assessments and may transmit other information regarding reports, complaints, family assessments and investigations involving active duty military personnel or members of their household to family advocacy representatives of the United States Armed Forces.

O. The local department shall notify the custodial parent and make reasonable efforts to notify the noncustodial parent as those terms are defined in § 63.2-1900 of a report of suspected abuse or neglect of a child who is the subject of an investigation or is receiving family assessment, in those cases in which such custodial or noncustodial parent is not the subject of the investigation.

P. The local department shall notify the Superintendent of Public Instruction when an individual holding a license issued by the Board of Education is the subject of a founded complaint of child abuse or neglect and shall transmit identifying information regarding such individual if the local department knows the person holds a license issued by the Board of Education and after all rights to any appeal provided by § 63.2-1526 have been exhausted. Any information exchanged for the purpose of this subsection shall not be considered a violation of § 63.2-102, 63.2-104, or 63.2-105.

CHAPTER 301

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 10 of Title 58.1 a section numbered 58.1-1017.2, relating to sealed packs labeled as cigarettes; prima facie evidence of cigarettes.

[S 352]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 10 of Title 58.1 a section numbered 58.1-1017.2 as follows:

§ 58.1-1017.2. Sealed pack labeled as cigarettes; prima facie evidence of cigarettes.

In any prosecution for violations of this title, where a sealed pack is labeled as containing cigarettes, such labeling shall be prima facie evidence that the contents of the pack meet the definition of "cigarette" as defined by § 58.1-1000. Nothing shall preclude the introduction of other relevant evidence to establish the contents of a pack, whether sealed or not.

CHAPTER 302

An Act to amend the Code of Virginia by adding in Article 3 of Chapter 1 of Title 44 a section numbered 44-41.2, relating to sharing of information on a member of the Virginia National Guard with the Virginia Employment Commission.

[S 399]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 3 of Chapter 1 of Title 44 a section numbered 44-41.2 as follows:

§ 44-41.2. Sharing of information with Virginia Employment Commission upon separation.

The Adjutant General shall, in consultation with the Commissioner of the Virginia Employment Commission, establish a program under which the Department of Military Affairs shall, upon request of a member of the Virginia National Guard, provide information on the member to the Virginia Employment Commission, including (i) the individual's name; (ii) the date, or anticipated date, of the individual's discharge, separation, or release from the Virginia National Guard; (iii) the characterization, or anticipated characterization, of the individual's discharge from the Virginia National Guard; (iv) the individual's level of education; (v) contact information for the individual; (vi) the individual's military job classification and list of military training and certifications; (vii) the individual's civilian skills, training, and certification, as self-selected by the individual; and (viii) the industry, employment sector, profession, or other career classification, as self-identified by the individual, in which the individual will seek employment.

Nothing in this section shall be construed to limit the collection and maintenance of information for records required to be kept by the Virginia Employment Commission pursuant to 16 VAC 5-32-10 or pursuant to any other regulation adopted in accordance with § 60.2-111.

CHAPTER 303

An Act to amend and reenact §§ 62.1-44.15:24, 62.1-44.15:27, 62.1-44.15:28, 62.1-44.15:33, 62.1-44.15:34, 62.1-44.15:44, 62.1-44.15:45, and 62.1-44.15:46 of the Code of Virginia, relating to stormwater management programs.

[S 423]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 62.1-44.15:24, 62.1-44.15:27, 62.1-44.15:28, 62.1-44.15:33, 62.1-44.15:34, 62.1-44.15:44, 62.1-44.15:45, and 62.1-44.15:46 of the Code of Virginia are amended and reenacted as follows:

§ 62.1-44.15:24. Definitions.

As used in this article, unless the context requires a different meaning:

"Agreement in lieu of a stormwater management plan" means a contract between the VSMP authority and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of a VSMP for the construction of a single-family residence; such contract may be executed by the VSMP authority in lieu of a stormwater management plan.

"Chesapeake Bay Preservation Act land-disturbing activity" means a land-disturbing activity including clearing, grading, or excavation that results in a land disturbance equal to or greater than 2,500 square feet and less than one acre in all areas of jurisdictions designated as subject to the regulations adopted pursuant to the Chesapeake Bay Preservation provisions of this chapter.

"CWA" means the federal Clean Water Act (33 U.S.C. § 1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500, as amended by P.L. 95-217, P.L. 95-576, P.L. 96-483, and P.L. 97-117, or any subsequent revisions thereto.

"Department" means the Department of Environmental Quality.

"Director" means the Director of the Department of Environmental Quality.

"Flooding" means a volume of water that is too great to be confined within the banks or walls of the stream, water body, or conveyance system and that overflows onto adjacent lands, thereby causing or threatening damage.

"Land disturbance" or "land-disturbing activity" means a man-made change to the land surface that potentially changes its runoff characteristics including clearing, grading, or excavation, except that the term shall not include those exemptions specified in § 62.1-44.15:34.

"Municipal separate storm sewer" means a conveyance or system of conveyances otherwise known as a municipal separate storm sewer system or "MS4," including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains:

1. Owned or operated by a federal, state, city, town, county, district, association, or other public body, created by or pursuant to state law, having jurisdiction or delegated authority for erosion and sediment control and stormwater management, or a designated and approved management agency under § 208 of the CWA that discharges to surface waters;
2. Designed or used for collecting or conveying stormwater;
3. That is not a combined sewer; and
4. That is not part of a publicly owned treatment works.

"Municipal Separate Storm Sewer System Management Program" means a management program covering the duration of a state permit for a municipal separate storm sewer system that includes a comprehensive planning process that involves public participation and intergovernmental coordination, to reduce the discharge of pollutants to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the CWA and regulations, and this article and its attendant regulations, using management practices, control techniques, and system, design, and engineering methods, and such other provisions that are appropriate.

"Nonpoint source pollution" means pollution such as sediment, nitrogen, phosphorus, hydrocarbons, heavy metals, and toxics whose sources cannot be pinpointed but rather are washed from the land surface in a diffuse manner by stormwater runoff.

"Peak flow rate" means the maximum instantaneous flow from a prescribed design storm at a particular location.

"Permit" or "VSMP authority permit" means an approval to conduct a land-disturbing activity issued by the VSMP authority for the initiation of a land-disturbing activity after evidence of state VSMP general permit coverage has been provided where applicable.

"Permittee" means the person to which the permit or state permit is issued.

"Runoff volume" means the volume of water that runs off the land development project from a prescribed storm event.

"State permit" means an approval to conduct a land-disturbing activity issued by the Board in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the Board for stormwater discharges from an MS4. Under these permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations and this article and its attendant regulations.

"Stormwater" means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

"Stormwater management plan" means a document containing material describing methods for complying with the requirements of a VSMP.

"Subdivision" means the same as defined in § 15.2-2201.

"Virginia Stormwater Management Program" or "VSMP" means a program approved by the Soil and Water Conservation Board after September 13, 2011, and until June 30, 2013, or the State Water Control Board on and after June 30, 2013, that has been established by a VSMP authority to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in this article, and evaluation consistent with the requirements of this article and associated regulations.

"Virginia Stormwater Management Program authority" or "VSMP authority" means an authority approved by the Board after September 13, 2011, to operate a Virginia Stormwater Management Program or, ~~until such approval is given,~~ the Department. An authority may include a locality; state entity, including the Department; federal entity; or, for linear projects subject to annual standards and specifications in accordance with subsection B of § 62.1-44.15:31, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102.

"Water quality volume" means the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project.

"Watershed" means a defined land area drained by a river or stream, karst system, or system of connecting rivers or streams such that all surface water within the area flows through a single outlet. In karst areas, the karst feature to which water drains may be considered the single outlet for the watershed.

§ 62.1-44.15:27. Establishment of Virginia Stormwater Management Programs.

A. Any locality, ~~excluding towns; unless such town~~ that operates a regulated MS4; or that notifies the Department of its decision to participate in the establishment of a VSMP shall be required to adopt a VSMP for land-disturbing activities consistent with the provisions of this article according to a schedule set by the ~~Board~~ Department. Such schedule shall require adoption no sooner than 15 months and not more than 24 months following the effective date of the regulation that establishes local program criteria and delegation procedures, unless the Board deems that the Department's review of the VSMP warrants an extension up to an additional 12 months, provided the locality has made substantive progress implementation no later than July 1, 2014. Thereafter, the Department shall provide an annual schedule by which localities can submit applications to implement a VSMP. Localities subject to this subsection are authorized to coordinate plan review and inspections with other entities in accordance with subsection H. *The Department shall operate a VSMP on behalf of any locality that does not operate a regulated MS4 and that does not notify the Department, according to a schedule set by the Department, of its decision to participate in the establishment of a VSMP. A locality that decides not to establish a VSMP shall still comply with the requirements set forth in this article and attendant regulations as required to satisfy the stormwater flow rate capacity and velocity requirements set forth in the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.). A locality that is subject to the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) also shall adopt requirements set forth in this article and attendant regulations as required to regulate Chesapeake Bay Preservation Act land-disturbing activities in accordance with § 62.1-44.15:28.*

Notwithstanding any other provision of this subsection, any county that operates an MS4 that became a regulated MS4 on or after January 1, 2014 may elect, on a schedule set by the Department, to defer the implementation of the county's VSMP until no later than January 1, 2015. During this deferral period, when such county thus lacks the legal authority to operate a VSMP, the Department shall operate a VSMP on behalf of the county and address post-construction stormwater runoff and the required design criteria for stormwater runoff controls. Any such county electing to defer the establishment of its VSMP shall still comply with the requirements set forth in this article and attendant regulations as required to satisfy the stormwater flow rate capacity and velocity requirements set forth in the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.).

B. Any town, including a town that operates a regulated MS4, lying within a county that has adopted a VSMP in accordance with subsection A may ~~adopt its own program or shall decide, but shall not be required, to become subject to the county program~~ county's VSMP. Any town lying within a county that operates an MS4 that became a regulated MS4 on or after January 1, 2014 may elect to become subject to the county's VSMP according to the deferred schedule established in subsection A. During the county's deferral period, the Department shall operate a VSMP on behalf of the town and address post-construction stormwater runoff and the required design criteria for stormwater runoff controls for the town as provided in subsection A. If a town lies within the boundaries of more than one county, the town shall be considered to be wholly within the county in which the larger portion of the town lies. Towns shall inform the Department of their decision according to a schedule established by the Department. Thereafter, the Department shall provide an annual schedule by which towns can submit applications to adopt a VSMP.

C. In support of VSMP authorities, the Department shall:

1. Provide assistance grants to localities not currently operating a local stormwater management program to help the localities to establish their VSMP.
2. Provide technical assistance and training.
3. Provide qualified services in specified geographic areas to a VSMP to assist localities in the administration of components of their programs. The Department shall actively assist localities in the establishment of their programs and in the selection of a contractor or other entity that may provide support to the locality or regional support to several localities.

D. The Department shall develop a model ordinance for establishing a VSMP consistent with this article and its associated regulations, including the Virginia Stormwater Management Program (VSMP) General Permit for Discharges of Stormwater from Construction Activities.

E. Each locality that administers an approved VSMP shall, by ordinance, establish a VSMP that shall be administered in conjunction with a local MS4 program and a local erosion and sediment control program if required pursuant to ~~Article 2-4~~ the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.), and which shall include the following:

1. Consistency with regulations adopted in accordance with provisions of this article;
2. Provisions for long-term responsibility for and maintenance of stormwater management control devices and other techniques specified to manage the quality and quantity of runoff; and
3. Provisions for the integration of the VSMP with local erosion and sediment control, flood insurance, flood plain management, and other programs requiring compliance prior to authorizing construction in order to make the submission and approval of plans, issuance of permits, payment of fees, and coordination of inspection and enforcement activities more convenient and efficient both for the local governments and those responsible for compliance with the programs.

F. The Board may approve a state entity, including the Department, federal entity, or, for linear projects subject to annual standards and specifications, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102 to operate a Virginia Stormwater Management Program consistent with the requirements of this article and its associated regulations and the VSMP authority's Department-approved annual standards and specifications. For these programs, enforcement shall be administered by the Department and the Board where applicable in accordance with the provisions of this article.

G. The Board shall approve a VSMP when it deems a program consistent with this article and associated regulations, including the Virginia Stormwater Management Program (VSMP) General Permit for Discharges of Stormwater from Construction Activities.

H. A VSMP authority may enter into agreements or contracts with soil and water conservation districts, adjacent localities, or other public or private entities to carry out or assist with the responsibilities of this article.

I. ~~Localities~~ If a locality establishes a VSMP, it shall issue a consolidated stormwater management and erosion and sediment control permit that is consistent with the provisions of the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.). When available in accordance with subsection J, such permit, where applicable, shall also include a copy of or reference to state VSMP permit coverage authorization to discharge.

J. Upon the development of an online reporting system by the Department, but no later than July 1, 2014, a VSMP authority shall then be required to obtain evidence of state VSMP permit coverage where it is required prior to providing approval to begin land disturbance.

K. Any VSMP adopted pursuant to and consistent with this article shall be considered to meet the stormwater management requirements under the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) and attendant regulations, and effective July 1, 2014, shall not be subject to local program review under the stormwater management provisions of the Chesapeake Bay Preservation Act.

L. All VSMP authorities shall comply with the provisions of this article and the stormwater management provisions of ~~Article 2-4~~ the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.) and related regulations. The VSMP authority responsible for regulating the land-disturbing activity shall require compliance with the issued permit, permit conditions, and plan specifications. *The state shall enforce state permits.*

~~M. VSMPs adopted in accordance with this section shall become effective July 1, 2014, unless otherwise specified by the Board.~~

§ 62.1-44.15:28. Development of regulations.

A. The Board is authorized to adopt regulations that specify minimum technical criteria and administrative procedures for Virginia Stormwater Management Programs. The regulations shall:

1. Establish standards and procedures for administering a VSMP;
2. Establish minimum design criteria for measures to control nonpoint source pollution and localized flooding, and incorporate the stormwater management regulations adopted pursuant to the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.), as they relate to the prevention of stream channel erosion. These criteria shall be periodically modified as required in order to reflect current engineering methods;
3. Require the provision of long-term responsibility for and maintenance of stormwater management control devices and other techniques specified to manage the quality and quantity of runoff;
4. Require as a minimum the inclusion in VSMPs of certain administrative procedures that include, but are not limited to, specifying the time period within which a VSMP authority shall grant land-disturbing activity approval, the conditions and processes under which approval shall be granted, the procedures for communicating disapproval, the conditions under which an approval may be changed, and requirements for inspection of approved projects;
5. Establish by regulations a statewide permit fee schedule to cover all costs associated with the implementation of a VSMP related to land-disturbing activities of one acre or greater. Such fee attributes include the costs associated with plan review, VSMP registration statement review, permit issuance, state-coverage verification, inspections, reporting, and compliance activities associated with the land-disturbing activities as well as program oversight costs. The fee schedule shall also include a provision for a reduced fee for land-disturbing activities between 2,500 square feet and up to one acre in Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) localities. The fee schedule shall be governed by the following:
 - a. The revenue generated from the statewide stormwater permit fee shall be collected utilizing, where practicable, an online payment system, and the Department's portion shall be remitted to the State Treasurer for deposit in the Virginia Stormwater Management Fund established pursuant to § 62.1-44.15:29. However, whenever the Board has approved a VSMP, no more than 30 percent of the total revenue generated by the statewide stormwater permit fees collected shall be remitted to the State Treasurer for deposit in the Virginia Stormwater Management Fund, with the balance going to the VSMP authority.
 - b. Fees collected pursuant to this section shall be in addition to any general fund appropriation made to the Department or other supporting revenue from a VSMP; however, the fees shall be set at a level sufficient for the Department and the VSMP to fully carry out their responsibilities under this article and its attendant regulations and local ordinances or standards and specifications where applicable. When establishing a VSMP, the VSMP authority shall assess the statewide fee schedule and shall have the authority to reduce or increase such fees, and to consolidate such fees with other program-related charges, but in no case shall such fee changes affect the amount established in the regulations as available to the Department for program oversight responsibilities pursuant to subdivision 5 a. A VSMP's portion of the fees shall be used solely to carry out the VSMP's responsibilities under this article and its attendant regulations, ordinances, or annual standards and specifications.
 - c. Until July 1, 2014, the fee for coverage under the General Permit for Discharges of Stormwater from Construction Activities issued by the Board, or where the Board has issued an individual permit or coverage under the General Permit for Discharges of Stormwater from Construction Activities for an entity for which it has approved annual standards and specifications, shall be \$750 for each large construction activity with sites or common plans of development equal to or greater than five acres and \$450 for each small construction activity with sites or common plans of development equal to or greater than one acre and less than five acres. On and after July 1, 2014, such fees shall only apply where coverage has been issued under the Board's General Permit for Discharges of Stormwater from Construction Activities to a state agency or federal entity for which it has approved annual standards and specifications. After establishment, such fees may be modified in the future through regulatory actions.
 - d. Until July 1, 2014, the Department is authorized to assess a \$125 reinspection fee for each visit to a project site that was necessary to check on the status of project site items noted to be in noncompliance and documented as such on a prior project inspection.
 - e. *In establishing the fee schedule under this subdivision, the Department shall ensure that the VSMP authority portion of the statewide permit fee for coverage under the General Permit for Discharges of Stormwater for Construction Activities for small construction activity involving a single family detached residential structure with a site or area, within or outside a common plan of development or sale, that is equal to or greater than one acre but less than five acres shall be no greater than the VSMP authority portion of the fee for coverage of sites or areas with a land-disturbance acreage of less than one acre within a common plan of development or sale.*
 - f. When any fees are collected pursuant to this section by credit cards, business transaction costs associated with processing such payments may be additionally assessed;
6. Establish statewide standards for stormwater management from land-disturbing activities of one acre or greater, except as specified otherwise within this article, and allow for the consolidation in the permit of a comprehensive approach to addressing stormwater management and erosion and sediment control, consistent with the provisions of the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.) and this article. However, such standards shall also apply to land-disturbing activity exceeding an area of 2,500 square feet in all areas of the jurisdictions designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations;
7. *Establish a procedure by which a stormwater management plan that is approved for a residential, commercial, or industrial subdivision shall govern the development of the individual parcels, including those parcels developed under subsequent owners;*

8. *Notwithstanding the provisions of subdivision A 5, establish a procedure by which neither a registration statement nor payment of the Department's portion of the statewide permit fee established pursuant to that subdivision shall be required for coverage under the General Permit for Discharges of Stormwater from Construction Activities for construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale;*

9. *Provide for reciprocity with programs in other states for the certification of proprietary best management practices;*

10. Require that VSMPs maintain after-development runoff rate of flow and characteristics that replicate, as nearly as practicable, the existing predevelopment runoff characteristics and site hydrology, or improve upon the contributing share of the existing predevelopment runoff characteristics and site hydrology if stream channel erosion or localized flooding is an existing predevelopment condition. Except where more stringent requirements are necessary to address total maximum daily load requirements or to protect exceptional state waters, any land-disturbing activity that provides for stormwater management shall satisfy the conditions of this subsection if the practices are designed to (i) detain the water quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5-year, two-year, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels as defined in any regulations promulgated pursuant to this section or any ordinances adopted pursuant to § 62.1-44.15:27 or 62.1-44.15:33;

~~8.~~ 11. Encourage low-impact development designs, regional and watershed approaches, and nonstructural means for controlling stormwater;

~~9.~~ 12. Promote the reclamation and reuse of stormwater for uses other than potable water in order to protect state waters and the public health and to minimize the direct discharge of pollutants into state waters;

13. *Establish procedures to be followed when a locality that operates a VSMP wishes to transfer administration of the VSMP to the Department;*

~~10.~~ 14. Establish a statewide permit fee schedule for stormwater management related to municipal separate storm sewer system permits; and

~~11.~~ 15. Provide for the evaluation and potential inclusion of emerging or innovative stormwater control technologies that may prove effective in reducing nonpoint source pollution.

B. The Board may integrate and consolidate components of the regulations implementing the Erosion and Sediment Control program and the Chesapeake Bay Preservation Area Designation and Management program with the regulations governing the Virginia Stormwater Management Program (VSMP) Permit program or repeal components so that these programs may be implemented in a consolidated manner that provides greater consistency, understanding, and efficiency for those regulated by and administering a VSMP.

§ 62.1-44.15:33. Authorization for more stringent ordinances.

A. Localities *that are VSMP authorities* are authorized to adopt more stringent stormwater management ordinances than those necessary to ensure compliance with the Board's minimum regulations, provided that the more stringent ordinances are based upon factual findings of local or regional comprehensive watershed management studies or findings developed through the implementation of a MS4 permit or a locally adopted watershed management study and are determined by the locality to be necessary to prevent any further degradation to water resources, to address TMDL requirements, to protect exceptional state waters, or to address specific existing water pollution including nutrient and sediment loadings, stream channel erosion, depleted groundwater resources, or excessive localized flooding within the watershed and that prior to adopting more stringent ordinances a public hearing is held after giving due notice.

B. Localities *that are VSMP authorities* shall submit a letter report to the Department when more stringent stormwater management ordinances or more stringent requirements authorized by such ordinances, such as may be set forth in design manuals, policies, or guidance documents developed by the localities, are determined to be necessary pursuant to this section within 30 days after adoption thereof. Any such letter report shall include a summary explanation as to why the more stringent ordinance or requirement has been determined to be necessary pursuant to this section. Upon the request of an affected landowner or his agent submitted to the Department with a copy to be sent to the locality, within 90 days after adoption of any such ordinance or derivative requirement, localities shall submit the ordinance or requirement and all other supporting materials to the Department for a determination of whether the requirements of this section have been met and whether any determination made by the locality pursuant to this section is supported by the evidence. The Department shall issue a written determination setting forth its rationale within 90 days of submission. Such a determination, or a failure by the Department to make such a determination within the 90-day period, may be appealed to the Board.

C. Localities shall not prohibit or otherwise limit the use of any best management practice (BMP) approved for use by the Director or the Board except as follows:

1. When the Director or the Board approves the use of any BMP in accordance with its stated conditions, the locality serving as a VSMP authority shall have authority to preclude the onsite use of the approved BMP, or to require more stringent conditions upon its use, for a specific land-disturbing project based on a review of the stormwater management plan and project site conditions. Such limitations shall be based on site-specific concerns. Any project or site-specific determination purportedly authorized pursuant to this subsection may be appealed to the Department and the Department shall issue a written determination regarding compliance with this section to the requesting party within 90 days of

submission. Any such determination, or a failure by the Department to make any such determination within the 90-day period, may be appealed to the Board.

2. When a locality is seeking to uniformly preclude jurisdiction-wide or otherwise limit geographically the use of a BMP approved by the Director or Board, or to apply more stringent conditions to the use of a BMP approved by the Director or Board, upon the request of an affected landowner or his agent submitted to the Department, with a copy submitted to the locality, within 90 days after adoption, such authorizing ordinances, design manuals, policies, or guidance documents developed by the locality that set forth the BMP use policy shall be provided to the Department in such manner as may be prescribed by the Department that includes a written justification and explanation as to why such more stringent limitation or conditions are determined to be necessary. The Department shall review all supporting materials provided by the locality to determine whether the requirements of this section have been met and that any determination made by the locality pursuant to this section is reasonable under the circumstances. The Department shall issue its determination to the locality in writing within 90 days of submission. Such a determination, or a failure by the Department to make such a determination within the 90-day period, may be appealed to the Board.

D. Based on a determination made in accordance with subsection B or C, any ordinance or other requirement enacted or established by a locality that is found to not comply with this section shall be null and void, replaced with state minimum standards, and remanded to the locality for revision to ensure compliance with this section. Any such ordinance or other requirement that has been proposed but neither enacted nor established shall be remanded to the locality for revision to ensure compliance with this section.

E. Any provisions of a local stormwater management program in existence before January 1, 2013, that contains more stringent provisions than this article shall be exempt from the requirements of this section. However, such provisions shall be reported to the Board at the time of the locality's VSMP approval package.

§ 62.1-44.15:34. Regulated activities; submission and approval of a permit application; security for performance; exemptions.

A. A person shall not conduct any land-disturbing activity until he has submitted a permit application to the VSMP authority that includes a state VSMP permit registration statement, *if such statement is required*, and, after July 1, 2014, a stormwater management plan *or an executed agreement in lieu of a stormwater management plan*, and has obtained VSMP authority approval to begin land disturbance. *A locality that is not a VSMP authority shall provide a general notice to applicants of the state permit coverage requirement and report all approvals pursuant to the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.) to begin land disturbance of one acre or greater to the Department at least monthly.* Upon the development of an online reporting system by the Department, but no later than July 1, 2014, a VSMP authority shall be required to obtain evidence of *state* VSMP permit coverage where it is required prior to providing approval to begin land disturbance. The VSMP authority shall act on any permit application within 60 days after it has been determined by the VSMP authority to be a complete application. The VSMP authority may either issue project approval or denial and shall provide written rationale for the denial. The VSMP authority shall act on any permit application that has been previously disapproved within 45 days after the application has been revised, resubmitted for approval, and deemed complete. Prior to issuance of any approval, the VSMP authority may also require an applicant, excluding state and federal entities, to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the VSMP authority, to ensure that measures could be taken by the VSMP authority at the applicant's expense should he fail, after proper notice, within the time specified to initiate or maintain appropriate actions that may be required of him by the permit conditions as a result of his land-disturbing activity. If the VSMP authority takes such action upon such failure by the applicant, the VSMP authority may collect from the applicant the difference should the amount of the reasonable cost of such action exceed the amount of the security held. Within 60 days of the completion of the requirements of the permit conditions, such bond, cash escrow, letter of credit, or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the applicant or terminated. These requirements are in addition to all other provisions of law relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

B. A Chesapeake Bay Preservation Act Land-Disturbing Activity shall be subject to coverage under the Virginia Stormwater Management Program (VSMP) General Permit for Discharges of Stormwater from Construction Activities until July 1, 2014, at which time it shall no longer be considered a small construction activity but shall be then regulated under the requirements of this article ~~by a VSMP authority~~.

C. Notwithstanding any other provisions of this article, the following activities are exempt, unless otherwise required by federal law:

1. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1;

2. Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the Board in regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163;

3. Single-family residences separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures. However, localities subject to the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) may regulate these single-family residences where land disturbance exceeds 2,500 square feet;

4. Land-disturbing activities that disturb less than one acre of land area except for land-disturbing activity exceeding an area of 2,500 square feet in all areas of the jurisdictions designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations adopted pursuant to the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) or activities that are part of a larger common plan of development or sale that is one acre or greater of disturbance; however, the governing body of any locality that administers a VSMP may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exception shall apply;

5. Discharges to a sanitary sewer or a combined sewer system;

6. Activities under a state or federal reclamation program to return an abandoned property to an agricultural or open land use;

7. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this subsection; and

8. Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the VSMP authority shall be advised of the disturbance within seven days of commencing the land-disturbing activity, and compliance with the administrative requirements of subsection A is required within 30 days of commencing the land-disturbing activity.

§ 62.1-44.15:44. Right to hearing.

Any permit applicant, permittee, or person subject to state permit requirements under this article aggrieved by any action of the ~~VSMP authority, Department, or Board~~ taken without a formal hearing, or by inaction of the ~~VSMP authority, Department, or Board~~, may demand in writing a formal hearing by the Board ~~or VSMP authority causing such grievance~~, provided a petition requesting such hearing is filed with the Board ~~or the VSMP authority~~ within 30 days after notice of such action.

§ 62.1-44.15:45. Hearings.

~~VSMP authorities~~ When holding hearings under this article, *the Board* shall do so in a manner consistent with § 62.1-44.26. *A locality holding hearings under this article shall do so in a manner consistent with local hearing procedures.*

§ 62.1-44.15:46. Appeals.

Any permittee or party aggrieved by a state permit or enforcement decision of the Department or Board under this article, or any person who has participated, in person or by submittal of written comments, in the public comment process related to a final decision of the Department or Board under this article, whether such decision is affirmative or negative, is entitled to judicial review thereof in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) if such person meets the standard for obtaining judicial review of a case or controversy pursuant to Article III of the Constitution of the United States. A person shall be deemed to meet such standard if (i) such person has suffered an actual or imminent injury that is an invasion of a legally protected interest and that is concrete and particularized; (ii) such injury is fairly traceable to the decision of the Department or the Board and not the result of the independent action of some third party not before the court; and (iii) such injury will likely be redressed by a favorable decision by the court.

The provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall not apply to decisions rendered by localities ~~but appeals~~. *Appeals of decisions rendered by localities shall be conducted in accordance with local appeal procedures and shall include an opportunity for judicial review in the circuit court of the locality in which the land disturbance occurs or is proposed to occur. Unless otherwise provided by law, the circuit court shall conduct such review in accordance with the standards established in § 2.2-4027, and the decisions of the circuit court shall be subject to review by the Court of Appeals, as in other cases under this article.*

2. That amendments to regulations of the State Water Control Board necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.), provided that there is a public comment period of at least 30 days on the proposed amendments prior to Board adoption.

3. That the consolidation into Virginia's General Permit for Discharges of Stormwater from Construction Activities of state post-construction requirements exceeding minimum federal requirements shall not be construed to modify the scope of federal agency or citizen suit enforcement pursuant to the Clean Water Act (33 U.S.C. § 1251 et seq.).

4. That an emergency exists and this act is in force from its passage.

CHAPTER 304

An Act to amend and reenact § 10.1-613.4 of the Code of Virginia, relating to liability of owner or operator of a dam.

Be it enacted by the General Assembly of Virginia:**1. That § 10.1-613.4 of the Code of Virginia is amended and reenacted as follows:****§ 10.1-613.4. Liability of owner or operator.**

~~Nothing~~ *A. Notwithstanding subsection B, nothing in this article, and no order, notice, approval, or advice of the Director or Board shall relieve any owner or operator of such a ~~an~~ impounding structure from any legal duties, obligations, and liabilities resulting from such ownership or operation. The owner shall be responsible for liability for damage to the property of others or injury to persons, including, but not limited to, loss of life resulting from the operation or failure of a ~~a dam~~ an impounding structure. Compliance with this article does not guarantee the safety of a ~~a dam~~ an impounding structure or relieve the owner of liability in case of a ~~a dam~~ an impounding structure failure.*

B. The owner of the land upon which an impounding structure owned, maintained, or operated by a soil and water conservation district is situated shall not be responsible for liability for damages to the property of others or injury to persons, including the loss of life, resulting from the operation or failure of the impounding structure.

The provisions of this subsection shall not apply if the damages to the property of others or injury to persons is the result of an act or omission of the landowner unrelated to ownership, maintenance, or operation of the impounding structure.

CHAPTER 305

An Act to amend and reenact §§ 16.1-69.25 and 19.2-44 of the Code of Virginia, relating to magistrates; district court judges; territorial jurisdiction.

[S 485]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:**1. That §§ 16.1-69.25 and 19.2-44 of the Code of Virginia are amended and reenacted as follows:****§ 16.1-69.25. Judge may issue warrants, summons, and subpoenas.**

Except as otherwise provided by general law, a judge of a district court may, within the scope of his general jurisdiction ~~within the area which his court serves~~, issue warrants, summons, and subpoenas, including subpoenas duces tecum or other process, in civil, traffic and criminal cases, to be returned before his court, and may also issue fugitive warrants and conduct proceedings thereon in accordance with the provisions of §§ 19.2-99 through 19.2-104.

§ 19.2-44. Territorial jurisdiction.

A magistrate shall be authorized to exercise the powers conferred *on magistrates* by this title only in the magisterial region or regions for which he is appointed, *except that a magistrate may issue search warrants in accordance with the provisions of Chapter 5 (§ 19.2-52 et seq.) throughout the Commonwealth.* ~~However, a~~ A magistrate may exercise ~~these all~~ powers *conferred on magistrates by this title* throughout the Commonwealth when so authorized by the Executive Secretary upon a determination that such assistance is necessary.

CHAPTER 306

An Act to amend and reenact § 58.1-439.12:08 of the Code of Virginia, relating to the research and development expenses tax credit.

[S 623]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 58.1-439.12:08 of the Code of Virginia is amended and reenacted as follows:****§ 58.1-439.12:08. Research and development expenses tax credit.**

A. As used in this section, unless the context requires a different meaning:

"Partnership" means the Virginia Economic Development Partnership.

"Virginia base amount" means the base amount as defined in § 41(c) of the Internal Revenue Code, as amended, that is attributable to Virginia, determined by (i) substituting "Virginia qualified research and development expense" for "qualified research expense"; (ii) substituting "Virginia qualified research" for "qualified research"; and (iii) instead of "fixed base percentage," using:

1. The percentage that the Virginia qualified research and development expense for the three taxable years immediately preceding the current taxable year in which the expense is incurred is of the taxpayer's total gross receipts for such years; or

2. The percentage that the Virginia qualified research and development expense for the applicable number of taxable years immediately preceding the current taxable year in which the expense is incurred is of the taxpayer's total gross receipts for such years, for the taxpayer that has fewer than three but at least one prior taxable year.

"Virginia gross receipts" means the same as "gross receipts" as defined in § 58.1-3700.1.

"Virginia qualified research" means qualified research, as defined in § 41(d) of the Internal Revenue Code, as amended, that is conducted in the Commonwealth.

"Virginia qualified research and development expenses" means qualified research expenses, as defined in § 41(b) of the Internal Revenue Code, as amended, incurred for Virginia qualified research.

B. For taxable years beginning on or after January 1, 2011, but before January 1, ~~2016~~ 2019, a taxpayer shall be allowed a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 in an amount equal to (i) 15 percent of the first ~~\$167,000~~ \$234,000 in Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year or (ii) 20 percent of the first ~~\$175,000~~ \$234,000 in Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year if the Virginia qualified research was conducted in conjunction with a Virginia public or private college or university, to the extent the expenses exceed the Virginia base amount for the taxpayer.

The total amount of credits granted for each fiscal year of the Commonwealth pursuant to this section shall not exceed \$5 \$6 million.

C. A taxpayer meeting the requirements of this section shall be eligible to receive a tax credit as provided herein. The Department shall develop and publish guidelines for applications and such guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.). In the event applications for the tax credits allowed under this section exceed \$5 \$6 million for any taxable year, the Department shall apportion the credits by dividing \$5 \$6 million by the total amount of tax credits applied for, to determine the percentage of allowed tax credits each taxpayer shall receive. In the event that the total amount of approved tax credits under this section for all applications for any taxable year is less than \$5 \$6 million, the Department shall allocate credits up to the maximum of \$5 \$6 million, on a pro rata basis, to taxpayers who are already approved for the tax credit for the taxable year equal to 15 percent of the second ~~\$167,000~~ \$234,000 in qualified research expenses during the taxable year or 20 percent of the second ~~\$175,000~~ \$234,000 in qualified research expenses conducted in conjunction with a public or private college or university located in the Commonwealth.

D. If the amount of the credit allowed exceeds the taxpayer's tax liability for the taxable year, the amount that exceeds the tax liability shall be refunded to the taxpayer, subject to the limitations set forth in the guidelines developed by the Department.

E. Any taxpayer who claims the tax credit for Virginia qualified research and development expenses pursuant to this section shall not use such expenses as the basis for claiming any other credit provided under the Code of Virginia.

F. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership interests in such entities or in accordance with a written agreement entered into by such individual partners, members, or shareholders, *unless the partnership, limited liability company, or electing small business corporation (S corporation) elects for such credits not to be so allocated but to be received and claimed at the entity level by the partnership, limited liability company, or electing small business corporation (S corporation) pursuant to guidelines that shall be issued by the Department for purposes of such election.*

G. The Department shall adopt guidelines to prescribe standards for determining when research and development is considered conducted in the Commonwealth for purposes of allowing the credit under this section. In adopting guidelines, the Department may consider (i) the location where the research and development is performed; (ii) the residence or business location of the taxpayer or taxpayers conducting the research and development; (iii) the location where supplies used in the research and development are consumed; and (iv) any other factors that the Department deems to be relevant.

H. The Partnership shall include the tax credits approved in accordance with the provisions of this section in the Annual Report on Business Incentives compiled by the Secretary of Commerce and Trade. Such report shall include (i) the total number of applicants approved for tax credits for the applicable tax year and (ii) the total number of tax credits approved for the applicable tax year.

I. The Department shall require taxpayers applying for the credit to provide information including (i) the number of full-time employees employed by the taxpayer in the Commonwealth during the taxable year for which the credit is sought; (ii) the taxpayer's sector or sectors according to the 2012 edition of the North American Industry Classification System (NAICS) as published by the United States Census Bureau; (iii) a brief description of the area, discipline, or field of Virginia qualified research performed by the taxpayer; (iv) the total gross receipts or anticipated total gross receipts of the taxpayer for the taxable year for which the credit is sought; and (v) whether the Virginia qualified research was conducted in conjunction with a Virginia public or private college or university. The Department shall aggregate and summarize the information collected and make it available to the Governor and any member of the General Assembly upon request, regardless of the number of taxpayers applying for the credit.

2. That the provisions of this act shall become effective for taxable years beginning on or after January 1, 2014, except that the provisions of this act increasing the aggregate amount of tax credits that can be granted each fiscal year under § 58.1-439.12:08 of the Code of Virginia from \$5 million to \$6 million shall become effective for fiscal years of the Commonwealth beginning on or after July 1, 2014.

3. Notwithstanding the provisions of § 58.1-3 of the Code of Virginia or any other law, and regardless of how few taxpayers take the credit under § 58.1-439.12:08 of the Code of Virginia or any other circumstances, the Department, upon request by the General Assembly or any duly constituted committee of the General Assembly, shall disclose the total aggregate amount of credits under § 58.1-439.12:08 taken by all taxpayers.

CHAPTER 307

An Act to amend and reenact § 38.2-3451 of the Code of Virginia, relating to essential health benefits; pediatric oral health benefits.

[H 33]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 38.2-3451 of the Code of Virginia is amended and reenacted as follows:****§ 38.2-3451. Essential health benefits.**

A. Notwithstanding any provision of § 38.2-3431 or any other section of this title to the contrary, a health carrier offering a health benefit plan providing individual or small group health insurance coverage shall provide that such coverage includes the essential health benefits as required by § 1302(a) of the PPACA. The essential health benefits package may also include associated cost-sharing requirements or limitations. No qualified health insurance plan that is sold or offered for sale through an exchange established or operating in the Commonwealth shall provide coverage for abortions, regardless of whether such coverage is provided through the plan or is offered as a separate optional rider thereto, provided that such limitation shall not apply to an abortion performed (i) when the life of the mother is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, or (ii) when the pregnancy is the result of an alleged act of rape or incest.

B. The provisions of subsection A regarding the inclusion of the PPACA-required minimum essential pediatric oral health benefits shall be deemed to be satisfied for health benefit plans made available in the small group market or individual market in the Commonwealth outside an exchange, as defined in § 38.2-3455, issued for policy or plan years beginning on or after January 1, 2015, that do not include the PPACA-required minimum essential pediatric oral health benefits if the health carrier has obtained reasonable assurance that such pediatric oral health benefits are provided to the purchaser of the health benefit plan. The health carrier shall be deemed to have obtained reasonable assurance that such pediatric oral health benefits are provided to the purchaser of the health benefit plan if:

1. At least one qualified dental plan, as defined in § 38.2-3455, (i) offers the minimum essential pediatric oral health benefits that are required under the PPACA and (ii) is available for purchase by the small group or individual purchaser; and

2. The health carrier prominently discloses, in a form approved by the Commission, at the time that it offers the health benefit plan that the plan does not provide the PPACA-required minimum essential pediatric oral health benefits.

CHAPTER 308

An Act to amend the Code of Virginia by adding a section numbered 38.2-3407.15:1, relating to health insurance; carrier business practices; contracts with participating pharmacy providers.

[H 108]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 38.2-3407.15:1 as follows:****§ 38.2-3407.15:1. Carrier contracts with pharmacy providers; required provisions; limit on termination or nonrenewal.**

A. As used in this section, unless the context requires a different meaning:

"Audit" includes any audit conducted or authorized by a carrier or its intermediary to determine whether the participating pharmacy provider has complied with the terms and conditions for reimbursement under the provider contract.

"Carrier" has the same meaning ascribed thereto in subsection A of § 38.2-3407.15.

"Clerical error" means any clerical or recordkeeping error or omission, such as typographical errors, scrivener's errors, or computer errors, in the keeping, recording, handling, or transcribing of pharmacy records. "Clerical error" does not include any clerical or recordkeeping error or omission that results in an overpayment by a carrier or its intermediary or the dispensing of a prescription in breach of applicable law or regulation.

"Fraud" means a knowingly or willfully false act of misrepresentation or an act in deliberate ignorance of the truth or falsity of the information as evidenced by a review of claims data, evaluation of provider statements, physical review of pharmacy records, or use of similar investigative methods by the carrier or its intermediary.

"Overpayment" means a payment by the carrier or its intermediary to the pharmacy provider that is greater than the rate or amount the provider is entitled to under the provider contract or applicable fee schedule.

"Pharmacy record" means a patient record, signature or delivery log, or prescription, including written, phoned-in, faxed, or electronic prescriptions, whether original or substitute, that complies with applicable law and regulation.

"Provider contract" has the same meaning ascribed thereto in subsection A of § 38.2-3407.15.

B. Any contract between a carrier and its intermediary, pursuant to which the intermediary has the right or obligation to conduct audits of participating pharmacy providers, and any provider contract between a carrier and a participating pharmacy provider or its contracting agent, pursuant to which the carrier has the right or obligation to conduct audits of participating pharmacy providers, shall contain specific provisions that prohibit the carrier or intermediary, in the absence of fraud, from recouping amounts calculated from or arising out of any of the following:

- 1. Probability sampling, extrapolation, or other mathematical or statistical methods that allegedly project an error;*
- 2. Clerical errors by the participating pharmacy provider;*
- 3. An act or omission of the participating pharmacy provider that was not specifically prohibited or required by the provider contract when the claim was adjudicated unless the act or omission was a violation of applicable law or regulation;*
- 4. The refusal of a carrier or its intermediary to consider during an audit or audit appeal a pharmacy record in electronic form to validate a claim;*
- 5. Dispensing fees or interest on the claim, except in the event of an overpayment, if the prescription was dispensed in accordance with applicable law or regulation;*
- 6. Any claim authorized and dispensed more than 24 months prior to the date of the audit unless the claim is adjusted at the direction of the Commission, except that this time period shall be tolled while the denial of the claim is being appealed;*
- 7. An alleged breach of auditing requirements if they are not the same as the requirements that the carrier or intermediary applies to other participating pharmacy providers in the same setting;*
- 8. The refusal of the carrier or its intermediary to consider during an audit or audit appeal a pharmacy record, a prescriber or patient verification, or a prescriber record to validate a claim; or*
- 9. The alleged failure of the participating pharmacy provider to supply during an audit or audit appeal a pharmacy record not specifically identified in the provider contract.*

C. Any contract between a carrier and its intermediary, pursuant to which the intermediary has the right or obligation to conduct audits of participating pharmacy providers, and any provider contract between a carrier and a participating pharmacy provider or its contracting agent, pursuant to which the carrier has the right or obligation to conduct audits of participating pharmacy providers, shall contain specific provisions that prohibit the carrier or intermediary, in the absence of fraud by the participating pharmacy provider, from terminating or failing to renew the contractual relationship with a participating pharmacy provider for invoking its rights under any contractual provision required to be contained in the contract pursuant to subsection B.

D. The Commission shall have no jurisdiction to adjudicate individual controversies arising out of this section.

E. This section shall apply with respect to contracts described in subsection B or C entered into, amended, extended, or renewed on or after January 1, 2015.

CHAPTER 309

An Act to amend and reenact §§ 38.2-1322 through 38.2-1327, 38.2-1329, 38.2-1330, 38.2-1330.1, 38.2-1332, 38.2-1333, 38.2-1334.1, 38.2-4509, 38.2-5500, and 38.2-5501 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 38.2-1332.1 and by adding in Article 5 of Chapter 13 of Title 38.2 sections numbered 38.2-1334.3, 38.2-1334.4, and 38.2-1334.5; and to repeal § 38.2-1331 of the Code of Virginia, relating to the regulation of insurance holding companies; subsidiaries of insurance companies; applicability to certain plans.

[H 109]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-1322 through 38.2-1327, 38.2-1329, 38.2-1330, 38.2-1330.1, 38.2-1332, 38.2-1333, 38.2-1334.1, 38.2-4509, 38.2-5500, and 38.2-5501 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 38.2-1332.1 and by adding in Article 5 of Chapter 13 of Title 38.2 sections numbered 38.2-1334.3, 38.2-1334.4, and 38.2-1334.5 as follows:

§ 38.2-1322. Definitions.

As used in this article:

"Acquiring person" means any person by whom or on whose behalf acquisition of control of any domestic insurer is to be effected.

"Affiliate" of a specific person or a person "affiliated" with a specific person means a person that directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with the person specified.

"Control," including the terms "controlling," "controlled by" and "under common control with," means direct or indirect possession of the power to direct or cause the direction of the management and policies of a person, through (i) the ownership of voting securities, (ii) by contract other than a commercial contract for goods or nonmanagement services, or (iii) otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person directly or indirectly owns, controls, holds with the power to vote, or holds proxies representing collectively ~~ten~~ 10 percent or more of the voting securities of any other person. This presumption may be

rebutted by a showing made in the manner provided by subsection ~~F~~ K of § 38.2-1329 that control does not exist. After giving all interested persons notice and opportunity to be heard and making specific findings to support its determination, the Commission may determine that control exists, notwithstanding the absence of a presumption to that effect.

"Enterprise risk" means any activity, circumstance, event, or series of events involving one or more affiliates of an insurer that, if not remedied promptly, is likely to have a material adverse effect upon the financial condition or liquidity of the insurer or its insurance holding company system as a whole, including, but not limited to, anything that would cause the insurer's risk-based capital to fall into company action level as set forth in § 38.2-5503 or would cause the insurer to be in hazardous financial condition pursuant to 14 VAC 5-290-30 and 14 VAC 5-290-40 of the Virginia Administrative Code.

"Insurance holding company system" means two or more affiliated persons, one or more of which is a ~~person licensed pursuant to this title~~ an insurer.

"Insurer" means an insurance company as defined in § 38.2-100 ~~and means also a health maintenance organization licensed under Chapter 43 (§ 38.2-4300 et seq.) of this title.~~

"Material transaction" means (i) any sale, purchase, exchange, loan or extension of credit, or investment; (ii) any dividend or distribution; (iii) any reinsurance treaty or risk-sharing arrangement; (iv) any management contract, service contract or cost-sharing arrangement; (v) any merger with or acquisition of control of any corporation; or (vi) any other transaction or agreement that the Commission by order, rule or regulation determines to be material. Any series of transactions occurring within a ~~twelve-month~~ 12-month period that are sufficiently similar in nature as to be reasonably construed as a single transaction and that in the aggregate exceed any minimum limits shall be deemed a material transaction.

"NAIC" means the National Association of Insurance Commissioners.

"SEC" means the U.S. Securities and Exchange Commission.

"Subsidiary" of a specified person means an affiliate directly or indirectly controlled by that person through one or more intermediaries.

"Voting security" means any security that enables the owner to vote for the election of directors. "Voting security" includes any security convertible into or evidencing a right to acquire a voting security.

§ 38.2-1323. Acquisition of control of insurers.

A. ~~No person other than the issuer shall acquire or attempt to make a tender offer or a request or invitation for tenders of, or enter into any agreement to exchange securities for, seek to acquire, through merger or otherwise, control of any domestic insurer, or any person controlling a domestic insurer, unless the person has previously filed with the Commission and has sent to the insurer an application for approval of acquisition of control of the insurer, and the Commission has issued an order approving the application or acquire, in the open market or otherwise, any voting security of a domestic insurer if, after the consummation thereof, such person would, directly or indirectly (or by conversion or by exercise of any right to acquire) be in control of the insurer. No such merger or other acquisition of control person shall be effective until a statement containing the information required by this article has been filed with the Commission; all other provisions of this section have been complied with, and the merger or acquisition of control enter into an agreement to merge with or otherwise to acquire control of a domestic insurer or any person controlling a domestic insurer unless, at the time the offer, request, or invitation is made or the agreement is entered into, or prior to the acquisition of the securities if no offer or agreement is involved, such person has filed with the Commission and has sent to the insurer a statement containing the information required by this section and the offer, request, invitation, agreement, or acquisition has been approved by the Commission pursuant to this article.~~

B. ~~If the merger or acquisition of an insurer not covered by subsection A of this section causes or tends to cause a substantial lessening of competition in any line of insurance and such lessening of competition is detrimental to policyholders or the public in general, then the Commission may suspend such insurer's license after giving the insurer ten 10 days' notice and the opportunity to be heard.~~

C. Any notice issued pursuant to the provisions of subsection B shall be accompanied by a request for such information as required by § 38.2-1324. Any hearing held pursuant to the provisions of this section shall begin, unless waived by the insurer, within ~~forty~~ 40 days of the receipt by the Commission of all material required by this subsection.

D. ~~For purposes of this section, any controlling person of a domestic insurer seeking to divest its controlling interest in the domestic insurer, in any manner, shall file with the Commission, with a copy to the insurer, confidential notice of its proposed divestiture at least 30 days prior to the cessation of control. The Commission shall determine those instances in which the party or parties seeking to divest or to acquire a controlling interest in an insurer will be required to file for and obtain approval of the transaction. The information shall remain confidential until the conclusion of the transaction unless the Commission, in its discretion, determines that confidential treatment will interfere with enforcement of this section. If the statement referred to in subsection A is otherwise filed, this subsection shall not apply.~~

E. ~~With respect to a transaction subject to this section, the acquiring person may also be required to file a pre-acquisition notification as established by the Commission.~~

F. ~~For purposes of this section:~~

"Domestic insurer" includes any person controlling a domestic insurer unless the person, as determined by the Commission, is either directly or through its affiliates primarily engaged in business other than the business of insurance.

"Person" does not include any securities broker holding, in the usual and customary broker's function, less than 20 percent of the voting securities of an insurance company or of any person that controls an insurance company.

§ 38.2-1324. Contents of application.

A. The application filed with the Commission under § 38.2-1323 shall be made under oath or affirmation and shall contain the following information:

1. The name and address of each acquiring person including:
 - a. If the acquiring person is a natural person, his principal occupation, all offices and positions held during the past five years, and any conviction of crimes other than minor traffic violations during the past ~~ten~~ 10 years; and
 - b. If the acquiring person is not a natural person, (i) a report of the nature of its business operations during the existence of the acquiring person and any of its predecessors, not to exceed five years; (ii) an informative description of the business intended to be done by the person and the person's subsidiaries; and (iii) a list of all individuals who are or who have been selected to become directors or executive officers of the person or who perform or will perform functions appropriate to those positions. The report shall include the information required by subdivision 1 ~~of this subsection~~.
2. The source, nature, and amount of the consideration used or to be used in effecting the acquisition of control, a description of any transaction in which funds were or are to be obtained for that purpose, and the identity of persons furnishing the consideration. However, where a source of the consideration is a loan made in the lender's ordinary course of business, the identity of the lender shall remain confidential if requested by the person filing the application;
3. Fully audited financial information regarding the earnings and financial condition of each acquiring person during the existence of the acquiring person or the predecessors, not to exceed five years, and similar unaudited information as of a date not earlier than ~~ninety~~ 90 days prior to the filing of the application;
4. Any plans or proposals that each acquiring person may have to liquidate the insurer, to sell its assets or merge or consolidate it with any person, or to make any other material change in its business or corporate structure or management;
5. The number of shares of any security of the insurer that each acquiring person proposes to acquire and the terms of the acquisition;
6. The amount of each class of any such security that each acquiring person beneficially owns or has a right to acquire beneficial ownership of;
7. A full description of any contracts, arrangements, or understandings with respect to any security in which an acquiring person is involved, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. The description shall identify the persons with whom the contracts, arrangements, or understandings have been made;
8. A description of any acquiring person's purchase of any such security during the ~~twelve~~ 12 calendar months preceding the filing of the application, including the dates of purchases, names of the purchasers, and consideration paid or agreed to be paid for the security;
9. A description of any recommendations to purchase any such security made by any acquiring person or by any person based upon interviews or at the suggestion of any acquiring person during the ~~twelve~~ 12 calendar months preceding the filing of the application;
10. Copies of all tender offers, requests or invitations for tenders of exchange offers and agreements to acquire or exchange any such security and of additional related soliciting material which has been distributed;
11. The terms of any agreement, contract, or understanding made with any broker-dealer as to solicitation of these securities for tender and the amount of any associated fees, commissions, or other compensation to be paid to broker-dealers; ~~and~~
12. *An agreement by the person required to file the statement referred to in subsection A of § 38.2-1323 that it will provide the annual enterprise risk report specified in subsection L of § 38.2-1329, for so long as control exists;*
13. *An acknowledgment by the person required to file the statement referred to in subsection A of § 38.2-1323 that the person and all subsidiaries within its control in the insurance holding company system will provide information to the Commission upon request as necessary to evaluate enterprise risk to the insurer; and*
14. Any additional information the Commission may prescribe as necessary or appropriate for the protection of the policyholders or the public.

B. If the person required to file the application referred to in § 38.2-1323 is a partnership, limited partnership, syndicate, or other group, the Commission may require that the information called for by subsection A ~~of this section~~ be given with respect to (i) each partner of the partnership or limited partnership, (ii) each member of the syndicate or group, and (iii) each person who controls any partner or member. If any partner, member, or person is a corporation, or if the person required to file the application referred to in § 38.2-1323 is a corporation, the Commission may require that information be given for the corporation, each officer, and director of the corporation, and each person who is directly or indirectly the beneficial owner of more than ~~ten~~ 10 percent of the outstanding voting securities of the corporation as required by subsection A ~~of this section~~.

C. If any material change occurs in the facts set forth in the application filed with the Commission and sent to an insurer pursuant to § 38.2-1323, an amendment setting forth the change, together with copies of all documents and other material relevant to the change, shall be filed with the Commission and sent to the insurer within two business days after the person filing the application learns of the change.

§ 38.2-1325. Alternate filing materials.

If any acquisition referred to in § 38.2-1323 is proposed to be made by means of a registration statement under the Securities Act of 1933 or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934, ~~or under the Take-Over Bid Disclosure Act (§ 13.1-528 et seq.),~~ the person required by § 38.2-1323 to file an application may use these documents in furnishing the required information.

§ 38.2-1326. Approval by Commission.

The Commission shall approve the application required by § 38.2-1323 unless, after giving notice and opportunity to be heard, it determines that:

1. After the change of control, the insurer would not be able to satisfy the requirements for the issuance of a license to write the classes of insurance for which it is presently licensed;
2. The acquisition of control would lessen competition substantially or tend to create a monopoly in insurance in this Commonwealth;
3. The financial condition of any acquiring person might jeopardize the financial stability of the insurer, or prejudice the interest of its policyholders;
4. Any plans or proposals of the acquiring party to liquidate the insurer, sell its assets or consolidate or merge it with any person, or to make any other material change in its business or corporate structure or management, are unfair and unreasonable to policyholders of the insurer and not in the public interest;
5. The competence, experience, and integrity of those persons who would control the operation of the insurer are such that it would not be in the interest of policyholders of the insurer and of the public to permit the acquisition of control; ~~or~~
6. After the change of control, the insurer's surplus ~~to~~ *as regards* policyholders would not be reasonable in relation to its outstanding liabilities or adequate to its financial needs; *or*
7. *The acquisition is likely to be hazardous or prejudicial to the insurance-buying public.*

§ 38.2-1327. Time for hearing; order of Commission.

A. Any hearing held pursuant to § 38.2-1326 shall begin within ~~forty~~ 40 days of the date the application is filed with the Commission. In approving any application filed pursuant to § 38.2-1323, the Commission may include in its order any conditions, stipulations, or provisions ~~which~~ *that* the Commission determines to be necessary to protect the interests of the policyholders of the insurer and the public.

B. *The Commission may retain at the acquiring person's expense any attorneys, actuaries, accountants, and other experts not otherwise a part of the Commission's staff as may be reasonably necessary to assist the Commission in reviewing the proposed acquisition of control.*

§ 38.2-1329. Registration of insurers that are members of holding company system.

A. Each insurer licensed to do business in ~~this~~ the Commonwealth that is a member of an insurance holding company system shall register with the Commission. ~~Any insurer subject to registration under this section shall register within fifteen days after it becomes subject to registration, unless the Commission extends the time for registration for good cause shown.~~

B. 1. This section shall not apply to:

~~a. Any~~ any foreign insurer subject to disclosure requirements and standards adopted by statute or regulation in the jurisdiction of its domicile that are substantially similar to those contained in this section; ~~or~~

~~b. Any insurer, information, or transaction if and to the extent that the Commission exempts the same from this section, subsection A of § 38.2-1330, subsection D of § 38.2-1330, § 38.2-1330.1, and either (i) a provision substantially similar to subsection B of § 38.2-1330 or (ii) a provision such as the following: "Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions within 15 days after the end of the month in which it learns of each change or addition."~~

2. *Any insurer that is subject to registration under this section shall register within 15 days after it becomes subject to registration, and annually thereafter by April 30 of each year for the previous calendar year, unless the Commission for good cause shown extends the time for registration, and then within the extended time.*

3. Any licensed insurer that is a member of ~~a~~ *an* insurance holding company system but not subject to registration under this section may be required by the Commission to furnish a copy of the registration statement, or other information filed by the insurer, with the insurance regulatory authority of its domiciliary jurisdiction.

C. Each insurer subject to registration under this section shall file a registration statement on a form provided by the Commission. Such statement shall contain current information on:

1. The capital structure, general financial condition, ownership, and management of the insurer and any person controlling the insurer;
2. The identity of every member of the insurance holding company system;
3. The following agreements in force, continuing relationships and transactions currently outstanding between the insurer and its affiliates:
 - a. Loans, other investments, or purchases, sales or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates;
 - b. Purchases, sales, or exchanges of assets;
 - c. Transactions not in the ordinary course of business;
 - d. Guarantees or undertakings for the benefit of an affiliate that result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business;
 - e. All management and service contracts and all cost-sharing arrangements; ~~and~~

f. Reinsurance agreements or other risk-sharing arrangements;

g. Dividends and other distributions to shareholders; and

h. Consolidated tax allocation agreements;

4. Any pledge of the insurer's stock, including stock of any subsidiary or controlling affiliate, for a loan made to any member of the insurance holding company system;

5. If requested by the Commission, financial statements of or within an insurance holding company system, including all affiliates. Financial statements may include but are not limited to annual audited financial statements filed with the SEC pursuant to the Securities Act of 1933, as amended, or the Securities Exchange Act of 1934, as amended. An insurer required to file financial statements pursuant to this subdivision may satisfy the request by providing the Commission with the most recently filed parent corporation financial statements that have been filed with the SEC;

6. Other matters relating to transactions between registered insurers and any affiliates which may be included from time to time in any registration forms adopted or approved by the Commission;

7. Statements that the corporate governance and internal controls are managed under the direction of the insurer's board of directors in a manner consistent with § 13.1-673 or § 13.1-853 as applicable, and that the insurer's officers or senior management have approved, implemented, and continue to maintain and monitor corporate governance and internal control procedures; and

8. Any other information required by the Commission by rule or regulation.

D. All registration statements shall contain a summary outlining all items in the current registration statement representing changes from the prior registration statement.

E. If information is not material for the purposes of this section, it need not be disclosed on the registration statement filed pursuant to subsection B of this section C. Unless the Commission prescribes otherwise, information about transactions that are not material transactions sales, purchases, exchanges, loans or extensions of credit, investments, or guarantees involving one-half of one percent or less of an insurer's admitted assets as of the immediately preceding December 31 shall not be deemed material for purposes of this section.

~~E. F.~~ Each registered insurer shall report all additional material transactions with affiliates and any material changes in previously reported material transactions with affiliates on amendment forms provided by the Commission. Each insurer shall make its report within ~~fifteen~~ 15 days after the end of the month in which it learns of each additional material transaction or material change in material transaction. Subject to § 38.2-1330.1, each insurer shall report to the Commission all dividends and other distributions to shareholders within five business days following their declaration, and such declaration shall confer no rights upon shareholders until:

1. The Commission has approved the payment of such dividend or distribution; or

2. Thirty days after the Commission has received written notice of the declaration thereof and has not within such period disapproved such payment.

Each registered insurer shall also keep current the information required by subsection C of this section by filing an amendment to its registration statement within 120 days after the end of each fiscal year of the ultimate controlling person of the insurance holding company system.

~~F. G.~~ The Commission shall terminate the registration of any insurer that demonstrates it no longer is a member of an insurance holding company system.

~~G. H.~~ The Commission may require or allow two or more affiliated insurers subject to registration under this section to file a consolidated registration statement or consolidated reports amending their consolidated registration statement or their individual registration statements.

~~H. I.~~ The Commission may allow an insurer ~~which~~ that is authorized to do business in this Commonwealth and ~~which~~ that is part of an insurance holding company system; to register on behalf of any affiliated insurer required to register under subsection A of this section and to file all information and material required to be filed under this section.

~~I. J.~~ The provisions of this section shall not apply to any insurer, information, or transaction if and to the extent that the Commission by rule, regulation, or order shall exempt the same from the provisions of this section.

K. Any person may file with the Commission a disclaimer of affiliation with any authorized insurer. The disclaimer shall fully disclose all material relationships and bases for affiliation between the person and the insurer as well as the basis for disclaiming the affiliation. ~~After a disclaimer has been filed, the insurer shall be relieved of any registering or reporting requirements under this section that may arise out of the insurer's relationship with the person unless and until the Commission disallows the disclaimer. Within 30 days after a disclaimer has been filed, with all of the information required by the Commission, the Commission shall notify the person filing the disclaimer of the allowance or disallowance of the disclaimer, and in the event of disallowance, the reasons therefore. The Commission shall disallow the disclaimer only after giving all interested parties notice and opportunity to be heard. Any disallowance shall be supported by specific findings of fact. A disclaimer of affiliation shall be deemed to have been granted unless the Commission, within 30 days following receipt of a complete disclaimer, notifies the filing party the disclaimer is disallowed. In the event of disallowance, the disclaiming party may request a hearing. The disclaiming party shall be relieved of its duty to register under this section if approval of the disclaimer has been granted by the Commission or if the disclaimer is deemed to have been approved.~~

L. The ultimate controlling person of every insurer subject to registration shall also file an annual enterprise risk report. The report shall be appropriate to the nature, scale, and complexity of the operations of the insurance holding company system, and shall, to the best of the ultimate controlling person's knowledge and belief, identify the material risks

within the insurance holding company system that could pose enterprise risk to the insurer. The report shall be filed with the insurance commissioner, director, or superintendent of the lead state of the insurance holding company system as determined by the procedures within the Financial Analysis Handbook adopted by the NAIC.

M. The failure to file a registration statement or any summary of the registration statement or enterprise risk filing required by this section within the time specified for filing shall be a violation of this section.

§ 38.2-1330. Standards for transactions within an insurance holding company system; adequacy of surplus.

A. ~~Material transactions by registered insurers with their affiliates~~ Transactions within an insurance holding company system to which an insurer subject to registration is a party shall be subject to the following standards:

1. The terms shall be fair and reasonable;
2. Agreements for cost-sharing services and management shall include such provisions as required by rule or regulation promulgated by the Commission;
3. Charges or fees for services performed shall be reasonable;
- ~~3-~~ 4. Expenses incurred and payments received shall be allocated to the insurer in conformity with customary insurance accounting practices consistently applied;
- 4 5. The books, accounts, and records of each party shall disclose clearly and accurately the precise nature and details of the transactions, including such accounting information as is necessary to support the reasonableness of the charges or fees to the respective parties; and
- ~~5-~~ 6. The insurer's surplus ~~to~~ as regards policyholders following any dividends or distributions to shareholder affiliates shall be reasonable in relation to the insurer's outstanding liabilities and adequate to meet its financial needs.

B. Transactions described in subdivisions 1 through 7 that involve a domestic insurer and any person in its insurance holding company system, including amendments or modifications of affiliate agreements previously filed pursuant to this section, that are subject to materiality standards contained in such subdivisions may not be entered into unless the insurer has notified the Commission in writing of its intention to enter into the transaction at least 30 days prior thereto, or such shorter period as the Commission may permit, and the Commission has not disapproved it within that period. The notice for amendments or modifications shall include the reasons for the change and the financial impact on the domestic insurer. Informal notice shall be reported, within 30 days after a termination of a previously filed agreement, to the Commission for determination of the type of filing required, if any. Transactions to which this subsection applies, with their materiality standards, are:

1. Sales, purchases, exchanges, loans, extensions of credit, or investments, provided the transactions are equal to or exceed:
 - a. With respect to nonlife insurers, the lesser of three percent of the insurer's admitted assets or 25 percent of surplus as regards policyholders as of the immediately preceding December 31; or
 - b. With respect to life insurers, three percent of the insurer's admitted assets as of the immediately preceding December 31;
2. Loans or extensions of credit to any person who is not an affiliate, where the insurer makes loans or extensions of credit with the agreement or understanding that the proceeds of the transactions, in whole or in substantial part, are to be used to make loans or extensions of credit to, to purchase assets of, or to make investments in, any affiliate of the insurer making the loans or extensions of credit, provided the transactions are equal to or exceed:
 - a. With respect to nonlife insurers, the lesser of three percent of the insurer's admitted assets or 25 percent of surplus as regards policyholders as of the immediately preceding December 31; or
 - b. With respect to life insurers, three percent of the insurer's admitted assets as of the immediately preceding December 31;
3. Reinsurance agreements or modifications thereto, including:
 - a. All reinsurance pooling agreements; and
 - b. Agreements in which the reinsurance premium or a change in the insurer's liabilities, or the projected reinsurance premium or a change in the insurer's liabilities in any of the next three years, equals or exceeds five percent of the insurer's surplus as regards policyholders, as of the immediately preceding December 31, including those agreements that may require as consideration the transfer of assets from an insurer to a nonaffiliate, if an agreement or understanding exists between the insurer and nonaffiliate that any portion of the assets will be transferred to one or more affiliates of the insurer;
4. All management agreements, service contracts, tax allocation agreements, guarantees, and cost-sharing arrangements;
5. Guarantees when made by a domestic insurer, provided, however, that a guarantee that is quantifiable as to amount is not subject to the notice requirements of this subdivision unless it exceeds the lesser of one-half of one percent of the insurer's admitted assets or 10 percent of surplus as regards policyholders as of the immediately preceding December 31. Further, all guarantees that are not quantifiable as to amount are subject to the notice requirements of this subdivision;
6. Direct or indirect acquisitions or investments in a person that controls the insurer or in an affiliate of the insurer in an amount that, together with its present holdings in such investments, exceeds two and one-half percent of the insurer's surplus to policyholders. The Commission may exempt such a transaction by regulation; and
7. Any material transactions that the Commission determines may adversely affect the interests of the insurer's policyholders.

Nothing in this subsection shall be deemed to authorize or permit any transactions that, in the case of an insurer not a member of the same insurance holding company system, would be otherwise contrary to law.

C. In addition:

1. Notwithstanding the control of a domestic insurer by any person, the officers and directors of the insurer shall not thereby be relieved of any obligation or liability to which they would otherwise be subject by law, and the insurer shall be managed so as to assure its separate operating identity consistent with this article;

2. Nothing in this section shall preclude a domestic insurer from having or sharing a common management or cooperative or joint use of personnel, property, or services with one or more other persons under arrangements meeting the standards of subsection A;

3. Not less than one-third of the directors of a domestic insurer, and not less than one-third of the members of each committee of the board of directors of any domestic insurer, shall be persons who are not officers or employees of the insurer or of any entity controlling, controlled by, or under common control with the insurer and who are not beneficial owners of a controlling interest in the voting stock of the insurer or entity. At least one such person shall be included in any quorum for the transaction of business at any meeting of the board of directors or any committee thereof;

4. The board of directors of a domestic insurer shall establish one or more committees composed solely of directors who are not officers or employees of the insurer or of any entity controlling, controlled by, or under common control with the insurer and who are not beneficial owners of a controlling interest in the voting stock of the insurer or any such entity. The committee or committees shall have responsibility for nominating candidates for director for election by shareholders or policyholders, evaluating the performance of officers deemed to be principal officers of the insurer, and recommending to the board of directors the selection and compensation of the principal officers;

5. The provisions of subdivisions 3 and 4 shall not apply to a domestic insurer if the person controlling the insurer, such as an insurer, a mutual insurance holding company, or a publicly held corporation, has a board of directors and committees thereof that meet the requirements of subdivisions 3 and 4 with respect to such controlling entity; and

6. An insurer may make application to the Commission for a waiver from the requirements of this subsection if the insurer's annual direct written and assumed premium, excluding premiums reinsured with the Federal Crop Insurance Corporation and National Flood Insurance Program, is less than \$300 million. An insurer may also make application to the Commission for a waiver from the requirements of this subsection based upon unique circumstances. The Commission may consider various factors including the type of business entity, volume of business written, availability of qualified board members, or ownership or organizational structure of the entity.

D. For purposes of this article, in determining whether an insurer's surplus ~~to~~ as regards policyholders is reasonable in relation to the insurer's outstanding liabilities and adequate to meet its financial needs, the following factors, among others, shall be considered:

1. The size of the insurer as measured by its assets, capital and surplus, reserves, premium writings, insurance in force, and other appropriate criteria;

2. The extent to which the insurer's business is diversified among different ~~classes~~ lines of insurance;

3. The number and size of risks insured in each ~~class~~ line of business;

4. The extent of the geographical dispersion of the insurer's insured risk;

5. The nature and extent of the insurer's reinsurance program;

6. The quality, diversification, and liquidity of the insurer's investment portfolio;

7. The recent past and projected future trend in the size of the insurer's surplus to policyholders;

8. ~~The recent past and projected future trend in the size of the insurer's investment portfolio;~~

9. The surplus ~~to~~ as regards policyholders maintained by other comparable insurers;

~~10-11.~~ 11. The quality of the insurer's earnings and the extent to which the reported earnings of the insurer include extraordinary items; and

~~11-12.~~ 12. The quality and liquidity of investments in ~~subsidiaries~~ affiliates. The Commission in its judgment may classify any investment as a nonadmitted asset for the purpose of determining the adequacy of surplus ~~to~~ as regards policyholders.

~~E.~~ E. No domestic insurer shall enter into transactions that are part of a plan or series of like transactions with persons within the insurance holding company system if the purpose of those separate transactions is to avoid the statutory threshold amount and thus avoid the review that otherwise would be required. If the Commission determines that separate transactions were entered into over any 12-month period for that purpose, the Commission may exercise its authority under § 38.2-1334.4.

F. The Commission, in reviewing transactions pursuant to subsection B, shall consider whether the transactions comply with the standards set forth in subsection A and whether they may adversely affect the interests of policyholders.

~~D.~~ G. The Commission shall be notified in writing within 30 days of any investment of the domestic insurer in any one corporation if the total investment in such corporation by the insurance holding company system exceeds ~~ten~~ 10 percent of such corporation's voting securities.

§ 38.2-1330.1. Dividends and other distributions.

A. Except as otherwise provided by law, a domestic insurer shall not declare or pay a dividend or other distribution from any source other than earned surplus without the Commission's prior written approval. For purposes of this section, "earned surplus" means an amount equal to the unassigned funds (surplus) of an insurer as set forth in the most recent

annual statement of the insurer filed with the Commission including all or part of the surplus arising from unrealized capital gains or revaluation of assets. No domestic insurer shall pay an extraordinary dividend or make any other extraordinary distribution to its shareholders until the earlier of:

1. Thirty days after the Commission has received written notice of the declaration thereof and has not within such period disapproved such payment; or

2. The Commission's approval of such payment.

B. For purposes of this section, an extraordinary dividend or distribution includes any dividend or distribution of cash or other property whose fair market value together with that of other dividends or distributions made within the preceding 12 months exceeds the greater of (i) ~~10%~~ 10 percent of such insurer's surplus as regards policyholders as of the immediately preceding December 31 or (ii) the net gain from operations of such insurer, if such insurer is a life insurer, or the net income, if such insurer is not a life insurer, not including realized capital gains, for the ~~12 month~~ 12-month period ending the immediately preceding December 31, but shall not include pro rata distributions of any class of the insurer's own securities.

C. *In determining whether a dividend or distribution is extraordinary, an insurer other than a life insurer may carry forward net income from the previous two calendar years that has not already been paid out as dividends. This carry-forward shall be computed by taking the net income from the second and third preceding calendar years, not including realized capital gains, less dividends paid in the second and immediate preceding calendar years.*

D. Notwithstanding any other provision of law, an insurer may declare an extraordinary dividend or distribution that is conditional upon the Commission's approval thereof, and such declaration shall confer no rights upon shareholders until:

1. The Commission has approved the payment of such dividend or distribution; or

2. The Commission has not disapproved such payment within the 30-day period described in subsection A.

~~D.~~ E. The Commission may limit or disallow the payment of ordinary dividends by a domestic insurer if the insurer is presently or potentially financially distressed or troubled. The Commission shall set forth the specific reasons for limiting or disallowing the payment of any ordinary dividends.

§ 38.2-1332. Examinations.

A. In addition to the powers the Commission has under Article 4 (§ 38.2-1317 et seq.) ~~of this chapter~~, the Commission shall ~~also~~ have the power to ~~order~~ examine any insurer registered under § 38.2-1329 to produce any records, books, or other information papers in the possession of the insurer or its affiliates necessary to determine the financial condition or legality of conduct of the insurer. ~~If the insurer fails to comply with the order, the Commission shall have the power to examine its affiliates to obtain the information and its affiliates to ascertain the financial condition of the insurer, including the enterprise risk to the insurer by the ultimate controlling party, or by any entity or combination of entities within the insurance holding company system, or by the insurance holding company system on a consolidated basis.~~

B. ~~The Commission shall exercise its power under subsection A of this section only if the examination of the insurer under Article 4 of this chapter is inadequate or the interests of the policyholders of the insurer may be adversely affected may order any insurer registered under § 38.2-1329 to produce such records, books, or other information papers in the possession of the insurer or its affiliates as are reasonably necessary to determine compliance with this article.~~

C. *To determine compliance with this article, the Commission may order any insurer registered under § 38.2-1329 to produce information not in the possession of the insurer if the insurer can obtain access to such information pursuant to contractual relationships, statutory obligations, or other method. In the event the insurer cannot obtain the information requested by the Commission, the insurer shall provide the Commission a detailed explanation of the reason that the insurer cannot obtain the information and the identity of the holder of such information. Whenever it appears to the Commission that the detailed explanation is without merit, the Commission may require, after notice and hearing, the insurer to pay a penalty pursuant to § 38.2-218 for each day's delay or may suspend or revoke the insurer's license.*

D. The Commission may retain at the registered insurer's expense any attorneys, actuaries, accountants and other experts reasonably necessary to assist in the conduct of the examination under subsection A ~~of this section~~. Any persons so retained shall be under the direction and control of the Commission and shall act in a purely advisory capacity.

~~D.~~ E. Each insurer producing books and papers for examination records pursuant to subsection A ~~of this section~~ B shall be liable for and shall pay the expense of the examination in accordance with the provisions of Article 4 ~~of this chapter~~ (§ 38.2-1317 et seq.).

~~E.~~ F. *In the event the insurer fails to comply with an order, the Commission may retain at the acquiring person's expense any attorneys, actuaries, accountants and other experts reasonably necessary to assist in the review of the contents of any application filed pursuant to § 38.2-1323 shall have the power to examine the affiliates to obtain the information.*

§ 38.2-1332.1. Supervisory colleges.

A. *With respect to any insurer registered under § 38.2-1329, and in accordance with subsection C, the Commission shall also have the power to participate in a supervisory college for any domestic insurer that is part of an insurance holding company system with international operations in order to determine compliance by the insurer with this article. The powers of the Commission with respect to supervisory colleges include the following:*

1. *Initiating the establishment of a supervisory college;*

2. *Clarifying the membership and participation of other supervisors in the supervisory college;*

3. *Clarifying the functions of the supervisory college and the role of other regulators, including the establishment of a group-wide supervisor;*

4. Coordinating the ongoing activities of the supervisory college, including planning meetings, supervisory activities, and processes for information sharing; and

5. Establishing a crisis management plan.

B. Each registered insurer subject to this section shall be liable for and shall pay the necessary traveling and other expenses reasonably attributable to other regulators or incurred by the Commission for its participation in a supervisory college in accordance with subsection C. For purposes of this section, a supervisory college may be convened as either a temporary or permanent forum for communication and cooperation between the regulators charged with the supervision of the insurer or its affiliates, and the Commission may establish a regular assessment to the insurer for the payment of these expenses. If an assessment is required by this subsection, it shall be collected by the Commission and paid directly into the state treasury and credited to the "Bureau of Insurance Special Fund - State Corporation Commission" for the maintenance of the Bureau of Insurance as provided in subsection B of § 38.2-400.

C. In order to assess the business strategy, financial position, legal and regulatory position, risk exposure, risk management, and governance processes, and as part of the examination of individual insurers in accordance with § 38.2-1332, the Commission may participate in a supervisory college with other regulators charged with supervision of the insurer or its affiliates, including other state, federal, and international regulatory agencies. The Commission may enter into agreements in accordance with subsection C of § 38.2-1333 providing the basis for cooperation between the Commission and the other regulatory agencies and the activities of the supervisory college. Nothing in this section shall delegate to the supervisory college the authority of the Commission to regulate or supervise the insurer or its affiliates within its jurisdiction.

§ 38.2-1333. Confidential treatment of information and documents.

A. All ~~information, documents, and copies materials, or other information~~ obtained by or disclosed to the Commission or any other person in the course of an examination or investigation made pursuant to § 38.2-1332, and all information reported pursuant to §§ 38.2-1329, 38.2-1330, and 38.2-1330.1, shall be confidential by law and privileged, shall not be subject to subpoena, and shall not be ~~made public by the Commission or any other person without the prior written consent of the insurer to which they pertain.~~ However, this provision shall not apply to information disclosed to (i) a regulatory official of any state or country; (ii) the National Association of Insurance Commissioners; its affiliate or its subsidiary; or (iii) a law enforcement authority of any state or country. Any such disclosure by the Commission shall not constitute a waiver of confidentiality of such information, documents or copies thereof subject to discovery or admissible in evidence in any private civil action. However, the Commission is authorized to use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the Commission's official duties. The Commission shall not otherwise make the documents, materials, or other information public without the prior written consent of the insurer to which they pertain. After an insurer and its affiliates have been given notice and opportunity to be heard, the Commission may publish all or any part of the documents, materials, or other information ~~and materials~~ referred to in this section in any manner it considers appropriate; if it determines that the interests of policyholders or the public will be served by the publication.

B. Neither the Commission nor any person who received documents, materials, or other information while acting under the authority of the Commission or with whom such documents, materials, or other information are shared pursuant to this article shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or information subject to subsection A.

C. In order to assist in the performance of the Commission's duties, the Commission:

1. May share documents, materials, or other information, including the confidential and privileged documents, materials, or information subject to subsection A, with other state, federal, and international regulatory agencies; with the NAIC and its affiliates and subsidiaries; and with state, federal, and international law-enforcement authorities, including members of any supervisory college described in § 38.2-1332.1, provided that the recipient agrees in writing to maintain the confidentiality and privileged status of the document, material, or other information and has verified in writing the legal authority to maintain confidentiality;

2. May, notwithstanding subdivision 1, only share confidential and privileged documents, materials, or information reported pursuant to subsection L of § 38.2-1329 with insurance commissioners in any states that have statutes or regulations substantially similar to subsection A and that have agreed in writing not to disclose such information;

3. May receive documents, materials, or information, including otherwise confidential and privileged documents, materials, or information, from the NAIC and its affiliates and subsidiaries and from regulatory and law-enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any documents, materials, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information; and

4. Shall enter into written agreements with the NAIC governing sharing and use of information provided pursuant to this article consistent with this subsection that shall:

a. Specify procedures and protocols regarding the confidentiality and security of information shared with the NAIC and its affiliates and subsidiaries pursuant to this article, including procedures and protocols for sharing by the NAIC with other state, federal, or international regulators;

b. Specify that ownership of information shared with the NAIC and its affiliates and subsidiaries pursuant to this article remains with the Commission and that the NAIC's use of the information is subject to the direction of the Commission;

c. Require prompt notice to be given to an insurer whose confidential information in the possession of the NAIC pursuant to this article is subject to a request or subpoena to the NAIC for disclosure or production; and

d. Require the NAIC and its affiliates and subsidiaries to consent to intervention by an insurer in any judicial or administrative action in which the NAIC and its affiliates and subsidiaries may be required to disclose confidential information about the insurer shared with the NAIC and its affiliates and subsidiaries pursuant to this article.

D. The sharing of information by the Commission pursuant to this article shall not constitute a delegation of regulatory authority or rulemaking, and the Commission is solely responsible for the administration, execution, and enforcement of the provisions of this article.

E. No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information shall occur as a result of disclosure to the Commission under this section or as a result of sharing as authorized in subsection C.

F. Documents, materials, or other information in the possession or control of the NAIC pursuant to this article shall be confidential by law and privileged, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.

§ 38.2-1334.1. Voting of securities, injunctions, and sequestration of voting securities.

A. No security ~~which~~ that is the subject of any agreement or arrangement regarding acquisition, or ~~which~~ that is acquired or to be acquired, in contravention of the provisions of this article or of any rule, regulation, or order issued by the Commission hereunder, may be voted at any shareholders' meeting, or may be counted for quorum purposes, and any action of shareholders requiring the affirmative vote of a percentage of shares may be taken as though such securities were not issued and outstanding. However, no action taken at any such meeting shall be invalidated by the voting of such securities, unless the action would materially affect control of an insurer subject to any provision of this article or unless the Commission or other court of ~~this~~ the Commonwealth has so ordered. If the insurer or Commissioner of Insurance has reason to believe that any security of the insurer has been or is about to be acquired in contravention of the provisions of this article or of any rule, regulation or order issued by the Commission hereunder, the insurer or Commissioner of Insurance may apply to the Commission to enter an order (i) ~~enjoining any offer or agreement of merger made in contravention of § 38.2-1334;~~ (ii) enjoining any offer, request, invitation, agreement, or acquisition made in contravention of § 38.2-1323; (iii) (ii) enforcing any rule, regulation, or order issued by the Commission under the foregoing sections to enjoin the voting of any security so acquired; or (iv) (iii) voiding any vote of such security already cast at any meeting of shareholders or providing for such other equitable relief as the nature of the case and the interest of the insurer's policyholders, creditors, and shareholders or the public may require.

B. Whenever it appears to the Commission that any person has committed or is about to commit a violation of this article, the Commission may enter an order enjoining such person from violating or continuing to violate this article or any such rule or order, and for such other equitable relief as the nature of the case and the interests of the domestic insurer's policyholders or the public may require.

C. In any case where a person has acquired or is proposing to acquire any voting securities in violation of this article or any rule, regulation, or order issued by the Commission hereunder, the Commission may, after reasonable notice, upon application of the insurer or application of the Commissioner of Insurance, seize or sequester any voting securities of the insurer owned directly or indirectly by the person, and issue the order with respect thereto as may be appropriate to effectuate the provisions of this article.

Notwithstanding any other provisions of law, for the purposes of this article, the situs of the ownership of the securities of domestic insurers shall be deemed to be in ~~this~~ the Commonwealth.

D. The actions authorized by this section are in addition to any remedies provided for by other sections of this title and may be imposed, in addition to or in lieu of any other penalties or actions provided for by law, whenever such actions involve a person that is neither domiciled nor licensed in this Commonwealth.

§ 38.2-1334.3. Rules and regulations.

The Commission may adopt rules and regulations implementing the provisions of this article.

§ 38.2-1334.4. Sanctions.

Whenever it appears to the Commission that any person has committed a violation of §§ 38.2-1323 through 38.2-1328 and the violation prevents the full understanding of the enterprise risk to the insurer by affiliates or by the insurance holding company system, the violation may serve as an independent basis for disapproving dividends or distributions and for instituting delinquency proceedings pursuant to § 38.2-1503.

§ 38.2-1334.5. Statutory construction and relationship to other laws.

Provisions of this title, insofar as they are not inconsistent with this article, shall be applicable to any insurer subject to registration under this article.

§ 38.2-4509. Application of certain laws.

A. No provision of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-218 through 38.2-225, 38.2-229, 38.2-316, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, 38.2-900 through 38.2-904, 38.2-1038, 38.2-1040 through 38.2-1044, Articles 1 (§ 38.2-1300 et seq.) and 2 (§ 38.2-1306.2 et seq.) of Chapter 13, §§ 38.2-1312,

38.2-1314, 38.2-1315.1, ~~Article~~ *Articles* 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), and 6 (§ 38.2-1335 et seq.) of Chapter 13, §§ 38.2-1400 through 38.2-1444, 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3404, 38.2-3405, 38.2-3407.1, 38.2-3407.4, 38.2-3407.10, 38.2-3407.13, 38.2-3407.14, 38.2-3407.15, 38.2-3407.17, 38.2-3415, 38.2-3541, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, §§ 38.2-3600 through 38.2-3603, Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall apply to the operation of a plan.

B. The provisions of subsection A of § 38.2-322 shall apply to an optometric services plan. The provisions of subsection C of § 38.2-322 shall apply to a dental services plan.

C. The provisions of Article 1.2 (§ 32.1-137.7 et seq.) of Chapter 5 of Title 32.1 shall not apply to either an optometric or dental services plan.

D. The provisions of § 38.2-3407.1 shall apply to claim payments made on or after January 1, 2014. No optometric or dental services plan shall be required to pay interest computed under § 38.2-3407.1 if the total interest is less than \$5.

§ 38.2-5500. Applicability.

The provisions of this chapter shall be known as The Risk-Based Capital Act and may be referred to herein as "the Act." The Act shall apply to all persons licensed in ~~this~~ *the* Commonwealth to transact an insurance business pursuant to provisions in Chapter 10 (§ 38.2-1000 et seq.), 11 (§ 38.2-1100 et seq.), 12 (§ 38.2-1200 et seq.), 25 (§ 38.2-2500 et seq.), 41 (§ 38.2-4100 et seq.), 42 (§ 38.2-4200 et seq.), 43 (§ 38.2-4300 et seq.), ~~or~~ 45 (§ 38.2-4500 et seq.), *or* 61 (§ 38.2-6100 et seq.).

§ 38.2-5501. Definitions.

As used in this chapter, the following terms shall have the following meanings:

"Adjusted RBC Report" means an RBC report which has been adjusted by the Commission in accordance with subsection F of § 38.2-5502.

"Capital and surplus" or "capital," except when used in the term "risk-based capital" or "adjusted capital," means net worth of a health maintenance organization and, for all other licensees, means surplus to policyholders.

"Corrective Order" means an order issued by the Commission specifying corrective actions which the Commission has determined are required.

"Delinquency proceeding" means any proceeding commenced against a licensee for the purpose of liquidating, rehabilitating, reorganizing or conserving a licensee pursuant to the provisions of Chapter 15 (§ 38.2-1500 et seq.).

"Domestic health organization" means a health organization domiciled in this Commonwealth.

"Domestic insurer" means any domestic company which has obtained a license to engage in insurance transactions in this Commonwealth in accordance with the applicable provisions of Chapter 10 (§ 38.2-1000 et seq.) or Chapter 41 (§ 38.2-4100 et seq.).

"Domestic licensee" means and includes a domestic insurer and a domestic health organization.

"Foreign health organization" means a health organization not domiciled in this Commonwealth which is licensed to do business in this Commonwealth.

"Foreign insurer" means any company not domiciled in this Commonwealth which has obtained a license to engage in insurance transactions in this Commonwealth in accordance with the applicable provisions in Chapter 10 (§ 38.2-1000 et seq.) or Chapter 41 (§ 38.2-4100 et seq.).

"Foreign licensee" means and includes a foreign insurer and a foreign health organization.

"Health organization" means an insurer ~~which~~ *that* is required by the Commission to use the NAIC's Health Annual Statement blank when filing the annual statement prescribed by § 38.2-1300, or a corporation licensed pursuant to Chapter 42 (§ 38.2-4200 et seq.) ~~of this title~~ operating a health or hospital services plan in ~~this~~ *the* Commonwealth, or a health maintenance organization or limited health maintenance organization licensed pursuant to Chapter 43 (§ 38.2-4300 et seq.) ~~of this title~~, or a corporation licensed pursuant to Chapter 45 (§ 38.2-4500 et seq.) ~~of this title~~ and operating a dental or optometric services plan in ~~this~~ *the* Commonwealth, *or a dental plan organization licensed pursuant to Chapter 61 (§ 38.2-6100 et seq.).*

"Licensee" means and includes a life and health insurer, a property and casualty insurer, and a health organization.

"Life and health insurer" means any domestic insurer or foreign insurer, whether known as a life insurer or a property and casualty insurer or a reciprocal or a fraternal benefit society, which is authorized to write any class of life insurance, annuities, or accident and sickness insurance, and is not writing a class of insurance set forth in §§ 38.2-110 through 38.2-132, provided that "life and health insurer" shall not include any insurer which is required by the Commission to use the NAIC's Health Annual Statement blank when filing the annual statement prescribed by § 38.2-1300.

"NAIC" means the National Association of Insurance Commissioners.

"Negative Trend," with respect to a life and health insurer, means a negative trend over a period of time, as determined in accordance with the "Trend Test Calculation" included in the Life RBC Instructions.

"Property and casualty insurer" means any domestic insurer or foreign insurer which is authorized under any chapter of this title to write any class of insurance except a class of life insurance or annuities, provided that "property and casualty insurer" shall not include monoline mortgage guaranty insurers, financial guaranty insurers and title insurers, nor shall it include any insurer which is required by the Commission to use the NAIC's Health Annual Statement blank when filing the annual statement prescribed by § 38.2-1300.

"RBC" means risk-based capital.

"RBC Instructions" means the RBC Report including risk-based capital instructions adopted by the NAIC, as such RBC Instructions may be amended by the NAIC from time to time in accordance with the procedures adopted by the NAIC.

"RBC Level" means a licensee's Company Action Level RBC, Regulatory Action Level RBC, Authorized Control Level RBC, or Mandatory Control Level RBC where:

1. "Company Action Level RBC" means, with respect to any licensee, the product of 2.0 and its Authorized Control Level RBC;
2. "Regulatory Action Level RBC" means the product of 1.5 and its Authorized Control Level RBC;
3. "Authorized Control Level RBC" means the number determined under the risk-based capital formula in accordance with the RBC Instructions;
4. "Mandatory Control Level RBC" means the product of 0.70 and the Authorized Control Level RBC.

"RBC Plan" means a comprehensive financial plan containing the elements specified in subsection B of § 38.2-5503. If the Commission rejects the RBC Plan, and it is revised by the licensee, with or without the Commission's recommendation, the plan shall be called the "Revised RBC Plan."

"RBC Report" means the report required in § 38.2-5502.

"Total Adjusted Capital" means the sum of:

1. A licensee's statutory capital and surplus as determined in accordance with statutory accounting applicable to the annual financial statements required to be filed under § 38.2-1300; and
2. Such other items, if any, as the RBC Instructions may provide.

2. That § 38.2-1331 of the Code of Virginia is repealed.

3. That the provisions of Article 5 (§ 38.2-1322 et seq.) of Chapter 13 of Title 38.2 of the Code of Virginia as such article was in effect on June 30, 2014, shall apply to any insurance holding company transaction that was commenced prior to January 1, 2015, unless otherwise provided in such article as amended by the first and second enactments of this act.

CHAPTER 310

An Act to amend and reenact §§ 16.1-69.25 and 19.2-44 of the Code of Virginia, relating to magistrates; district court judges; territorial jurisdiction.

[H 138]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-69.25 and 19.2-44 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-69.25. Judge may issue warrants, summons, and subpoenas.

Except as otherwise provided by general law, a judge of a district court may, within the scope of his general jurisdiction ~~within the area which his court serves~~, issue warrants, summons, and subpoenas, including subpoenas duces tecum or other process, in civil, traffic and criminal cases, to be returned before his court, and may also issue fugitive warrants and conduct proceedings thereon in accordance with the provisions of §§ 19.2-99 through 19.2-104.

§ 19.2-44. Territorial jurisdiction.

A magistrate shall be authorized to exercise the powers conferred *on magistrates* by this title only in the magisterial region or regions for which he is appointed, *except that a magistrate may issue search warrants in accordance with the provisions of Chapter 5 (§ 19.2-52 et seq.) throughout the Commonwealth.* ~~However, a~~ A magistrate may exercise ~~these all~~ powers *conferred on magistrates by this title* throughout the Commonwealth when so authorized by the Executive Secretary upon a determination that such assistance is necessary.

CHAPTER 311

An Act relating to the duties of the clerk of the State Corporation Commission.

[H 168]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. § 1. That from July 1, 2014, until the State Corporation Commission (Commission) has implemented a system that limits the submission of data and documents as required by § 2 of this act, the Commission shall not accept through its eFile electronic registration system (i) articles of dissolution of a business entity or (ii) data or documents that contain officer or director changes.

§ 2. Beginning not later than July 1, 2018, the Commission shall limit the submission of data and documents on behalf of a business entity through its eFile electronic registration system to any user (i) designated to make such submissions on behalf of the business entity and (ii) whose identity has been established satisfactorily through a verification process.

CHAPTER 312

An Act to amend and reenact §§ 22.1-277.07 and 22.1-277.08 of the Code of Virginia, relating to student discipline; gun and drug offenses.

[H 198]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-277.07 and 22.1-277.08 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-277.07. Expulsion of students under certain circumstances; exceptions.

A. In compliance with the federal Improving America's Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), a school board shall expel from school attendance for a period of not less than one year any student whom such school board has determined, in accordance with the procedures set forth in this article, to have possessed a firearm on school property or at a school-sponsored activity as prohibited by § 18.2-308.1; to have possessed a firearm or destructive device as defined in subsection E, a firearm muffler or firearm silencer, or a pneumatic gun as defined in subsection E of § 15.2-915.4 on school property or at a school-sponsored activity. A school administrator, pursuant to school board policy, or a school board may, however, determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. A school board may promulgate guidelines for determining what constitutes special circumstances. In addition, a school board may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article. *Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation.*

B. The Board of Education is designated as the state education agency to carry out the provisions of the federal Improving America's Schools Act of 1994 and shall administer the funds to be appropriated to the Commonwealth under this act.

C. Each school board shall revise its standards of student conduct no later than three months after the date on which this act becomes effective. Local school boards requesting moneys apportioned to the Commonwealth through the federal Improving America's Schools Act of 1994 shall submit to the Department of Education an application requesting such assistance. Applications for assistance shall include:

1. Documentation that the local school board has adopted and implemented student conduct policies in compliance with this section; and

2. A description of the circumstances pertaining to expulsions imposed under this section, including (i) the schools from which students were expelled under this section, (ii) the number of students expelled from each such school in the school division during the school year, and (iii) the types of firearms involved in the expulsions.

D. No school operating a Junior Reserve Officers Training Corps (JROTC) program shall prohibit the JROTC program from conducting marksmanship training when such training is a normal element of such programs. Such programs may include training in the use of pneumatic guns. The administration of a school operating a JROTC program shall cooperate with the JROTC staff in implementing such marksmanship training.

E. As used in this section:

"Destructive device" means (i) any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device; (ii) any weapon, except a shotgun or a shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name known that will, or may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter that is homemade or was not made by a duly licensed weapon manufacturer, any fully automatic firearm, any sawed-off shotgun or sawed-off rifle as defined in § 18.2-299 or any firearm prohibited from civilian ownership by federal law; and (iii) any combination of parts either designed or intended for use in converting any device into any destructive device described in this subsection and from which a destructive device may be readily assembled. "Destructive device" does not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device, nor shall it include any antique firearm as defined in subsection G of § 18.2-308.2:2.

"Firearm" means any weapon, including a starter gun, that will, or is designed or may readily be converted to, expel single or multiple projectiles by the action of an explosion of a combustible material or the frame or receiver of any such weapon. "Firearm" does not include any pneumatic gun, as defined in subsection E of § 15.2-915.4.

"One year" means 365 calendar days as required in federal regulations.

"School property" means any real property owned or leased by the school board or any vehicle owned or leased by the school board or operated by or on behalf of the school board.

F. The exemptions set out in § 18.2-308 regarding concealed weapons shall apply, mutatis mutandis, to the provisions of this section. The provisions of this section shall not apply to persons who possess such firearm or firearms or pneumatic

guns as a part of the curriculum or other programs sponsored by the schools in the school division or any organization permitted by the school to use its premises or to any law-enforcement officer while engaged in his duties as such.

G. This section shall not be construed to diminish the authority of the Board of Education or the Governor concerning decisions on whether, or the extent to which, Virginia shall participate in the federal Improving America's Schools Act of 1994, or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

§ 22.1-277.08. Expulsion of students for certain drug offenses.

A. School boards shall expel from school attendance any student whom such school board has determined, in accordance with the procedures set forth in this article, to have brought a controlled substance, imitation controlled substance, marijuana as defined in § 18.2-247, or synthetic cannabinoids as defined in § 18.2-248.1:1 onto school property or to a school-sponsored activity. A school board may, however, determine, based on the facts of the particular case, that special circumstances exist and another disciplinary action is appropriate. In addition, a school board may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article. *Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation.*

B. Each school board shall revise its standards of student conduct to incorporate the requirements of this section no later than three months after the date on which this act becomes effective.

CHAPTER 313

An Act to amend and reenact § 2.2-3705.4 of the Code of Virginia, relating to the Virginia Freedom of Information Act; record exemption for certain letters of recommendation for promotion.

[H 219]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3705.4 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3705.4. Exclusions to application of chapter; educational records and certain records of educational institutions.

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. Scholastic records containing information concerning identifiable individuals, except that such access shall not be denied to the person who is the subject thereof, or the parent or legal guardian of the student. However, no student shall have access to (i) financial records of a parent or guardian or (ii) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto, that are in the sole possession of the maker thereof and that are not accessible or revealed to any other person except a substitute.

The parent or legal guardian of a student may prohibit, by written request, the release of any individual information regarding that student until the student reaches the age of 18 years. For scholastic records of students under the age of 18 years, the right of access may be asserted only by his legal guardian or parent, including a noncustodial parent, unless such parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For scholastic records of students who are emancipated or attending a state-supported institution of higher education, the right of access may be asserted by the student.

Any person who is the subject of any scholastic record and who is 18 years of age or older may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such records for inspection and copying.

2. Confidential letters and statements of recommendation placed in the records of educational agencies or institutions respecting (i) admission to any educational agency or institution, (ii) an application for employment *or promotion*, or (iii) receipt of an honor or honorary recognition.

3. Records of the Brown v. Board of Education Scholarship Awards Committee relating to personally identifiable information, including scholarship applications, personal financial information, and confidential correspondence and letters of recommendation.

4. Data, records or information of a proprietary nature produced or collected by or for faculty or staff of public institutions of higher education, other than the institutions' financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or a private concern, where such data, records or information has not been publicly released, published, copyrighted or patented.

5. All records of the University of Virginia or the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, that contain proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business

development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would be harmful to the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

6. Personal information, as defined in § 2.2-3801, provided to the Board of the Virginia College Savings Plan or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23. Nothing in this subdivision shall be construed to prohibit disclosure or publication of information in a statistical or other form that does not identify individuals or provide personal information. Individuals shall be provided access to their own personal information.

7. Records maintained in connection with fundraising activities by or for a public institution of higher education to the extent that such records reveal (i) personal fundraising strategies relating to identifiable donors or prospective donors or (ii) wealth assessments; estate, financial, or tax planning information; health-related information; employment, familial, or marital status information; electronic mail addresses, facsimile or telephone numbers; birth dates or social security numbers of identifiable donors or prospective donors. Nothing in this subdivision, however, shall be construed to authorize the withholding of records relating to the amount, date, purpose, and terms of the pledge or donation, or the identity of the donor unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the institution for the performance of research services or other work or (ii) the terms and conditions of such grants or contracts.

8. Records of a threat assessment team established by a public institution of higher education pursuant to § 23-9.2:10 relating to the assessment or intervention with a specific individual. However, in the event an individual who has been under assessment commits an act, or is prosecuted for the commission of an act that has caused the death of, or caused serious bodily injury, including any felony sexual assault, to another person, the records of such threat assessment team concerning the individual under assessment shall be made available as provided by this chapter, with the exception of any criminal history records obtained pursuant to § 19.2-389 or 19.2-389.1, health records obtained pursuant to § 32.1-127.1:03, or scholastic records as defined in § 22.1-289. The public body providing such records shall remove information identifying any person who provided information to the threat assessment team under a promise of confidentiality.

CHAPTER 314

An Act to amend and reenact § 19.2-303.5 of the Code of Virginia, relating to immediate sanction probation program; expansion.

[H 232]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-303.5 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-303.5. Immediate sanction probation programs.

There may be established in the Commonwealth up to ~~two~~ *four* immediate sanction probation programs in accordance with the following provisions:

1. As a condition of a sentence suspended pursuant to § 19.2-303, a court may order a defendant convicted of a crime, other than a violent crime as defined in subsection C of § 17.1-805, to participate in an immediate sanction probation program.

2. If a participating offender fails to comply with any term or condition of his probation and the alleged probation violation is not that the offender committed a new crime or infraction, (i) his probation officer shall immediately issue a noncompliance letter pursuant to § 53.1-149 authorizing his arrest at any location in the Commonwealth and (ii) his probation violation hearing shall take priority on the court's docket. The probation officer may, in any event, exercise any other lawful authority he may have with respect to the offender.

3. When a participating offender is arrested pursuant to subdivision 2, the court shall conduct an immediate sanction hearing unless (i) the alleged probation violation is that the offender committed a new crime or infraction; (ii) the alleged probation violation is that the offender absconded for more than seven days; or (iii) the offender, attorney for the Commonwealth, or the court objects to such immediate sanction hearing. If the court conducts an immediate sanction hearing, it shall proceed pursuant to subdivision 4. Otherwise, the court shall proceed pursuant to § 19.2-306.

4. At the immediate sanction hearing, the court shall receive the noncompliance letter, which shall be admissible as evidence, and may receive other evidence. If the court finds good cause to believe that the offender has violated the terms or conditions of his probation, it may (i) revoke no more than 30 days of the previously suspended sentence and (ii) continue or modify any existing terms and conditions of probation. If the court does not modify the terms and conditions of probation or remove the defendant from the program, the previously ordered terms and conditions of probation shall continue to apply. The court may remove the offender from the immediate sanction probation program at any time.

5. The provisions of this section shall expire on July 1, ~~2012~~ *2016*.

CHAPTER 315

An Act to amend and reenact § 17.1-624 of the Code of Virginia, relating to costs taxed by the clerk of court.

[H 303]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-624 of the Code of Virginia is amended and reenacted as follows:

§ 17.1-624. Who to tax costs.

The clerk of the court wherein any party recovers costs shall tax the same. ~~He shall include therein for the fee of such party's attorney, if he has one:~~

- 1. In a case of the Commonwealth, if no higher fee is allowed ∴ \$ 5.00
- 2. In a chancery cause other than a motion, when the matter in controversy exceeds \$100 in amount or value \$ 15.00
- 3. In the Court of Appeals \$ 50.00
- 4. In the Supreme Court \$ 50.00

~~In no case shall more than one fee be taxed against the same party, unless the court otherwise directs.~~

CHAPTER 316

An Act to amend and reenact § 32.1-46 of the Code of Virginia, relating to payment for certain immunizations.

[H 305]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-46 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-46. Immunization of patients against certain diseases.

A. The parent, guardian or person standing in loco parentis of each child within this Commonwealth shall cause such child to be immunized in accordance with the Immunization Schedule developed and published by the Centers for Disease Control and Prevention (CDC), Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP), and the American Academy of Family Physicians (AAFP). The required immunizations for attendance at a public or private elementary, middle or secondary school, child care center, nursery school, family day care home or developmental center shall be those set forth in the State Board of Health Regulations for the Immunization of School Children. The Board's regulations shall at a minimum require:

- 1. A minimum of three properly spaced doses of hepatitis B vaccine (HepB).
- 2. A minimum of three or more properly spaced doses of diphtheria toxoid. One dose shall be administered on or after the fourth birthday. A booster dose shall be administered prior to entering the sixth grade if at least five years have passed since the last dose of diphtheria toxoid.
- 3. A minimum of three or more properly spaced doses of tetanus toxoid. One dose shall be administered on or after the fourth birthday. A booster dose of Tdap vaccine shall be administered prior to entering the sixth grade if at least five years have passed since the last dose of tetanus toxoid.
- 4. A minimum of three or more properly spaced doses of acellular pertussis vaccine. One dose shall be administered on or after the fourth birthday. A booster dose shall be administered prior to entry into the sixth grade if at least five years have passed since the last dose of pertussis vaccine.
- 5. Two or three primary doses of Haemophilus influenzae type b (Hib) vaccine, depending on the manufacturer, for children up to 60 months of age.
- 6. Two properly spaced doses of live attenuated measles (rubeola) vaccine. The first dose shall be administered at age 12 months or older.
- 7. One dose of live attenuated rubella vaccine shall be administered at age 12 months or older.
- 8. One dose of live attenuated mumps vaccine shall be administered at age 12 months or older.
- 9. All susceptible children born on and after January 1, 1997, shall be required to have one dose of varicella vaccine on or after 12 months.
- 10. Three or more properly spaced doses of oral polio vaccine (OPV) or inactivated polio vaccine (IPV). One dose shall be administered on or after the fourth birthday. A fourth dose shall be required if the three dose primary series consisted of a combination of OPV and IPV.
- 11. Two to four doses, dependent on age at first dose, of properly spaced pneumococcal 7-valent conjugate (PVC) vaccine for children less than two years of age.
- 12. Three doses of properly spaced human papillomavirus (HPV) vaccine for females. The first dose shall be administered before the child enters the sixth grade.

The parent, guardian or person standing in loco parentis may have such child immunized by a physician or registered nurse or may present the child to the appropriate local health department, which shall administer the vaccines required by

the State Board of Health Regulations for the Immunization of School Children without charge *to the parent of or person standing in loco parentis to the child if (i) the child is eligible for the Vaccines for Children Program or (ii) the child is eligible for coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid), Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP), or 10 U.S.C. § 1071 et seq. (CHAMPUS). In all cases in which a child is covered by a health carrier, Medicare, Medicaid, CHIP, or CHAMPUS, the Department shall seek reimbursement from the health carrier, Medicare, Medicaid, CHIP, or CHAMPUS for all allowable costs associated with the provision of the vaccine. For the purposes of this section, the Department shall be deemed a participating provider with a managed care health insurance plan as defined in § 32.1-137.1.*

B. A physician, registered nurse or local health department administering a vaccine required by this section shall provide to the person who presents the child for immunizations a certificate that shall state the diseases for which the child has been immunized, the numbers of doses given, the dates when administered and any further immunizations indicated.

C. The vaccines required by this section shall meet the standards prescribed in, and be administered in accordance with, regulations of the Board.

D. The provisions of this section shall not apply if:

1. The parent or guardian of the child objects thereto on the grounds that the administration of immunizing agents conflicts with his religious tenets or practices, unless an emergency or epidemic of disease has been declared by the Board;

2. The parent or guardian presents a statement from a physician licensed to practice medicine in Virginia, a licensed nurse practitioner, or a local health department that states that the physical condition of the child is such that the administration of one or more of the required immunizing agents would be detrimental to the health of the child; or

3. Because the human papillomavirus is not communicable in a school setting, a parent or guardian, at the parent's or guardian's sole discretion, may elect for the parent's or guardian's child not to receive the human papillomavirus vaccine, after having reviewed materials describing the link between the human papillomavirus and cervical cancer approved for such use by the Board.

E. For the purpose of protecting the public health by ensuring that each child receives age-appropriate immunizations, any physician, physician assistant, nurse practitioner, licensed institutional health care provider, local or district health department, the Virginia Immunization Information System, and the Department of Health may share immunization and patient locator information without parental authorization, including, but not limited to, the month, day, and year of each administered immunization; the patient's name, address, telephone number, birth date, and social security number; and the parents' names. The immunization information; the patient's name, address, telephone number, birth date, and social security number; and the parents' names shall be confidential and shall only be shared for the purposes set out in this subsection.

F. The State Board of Health shall review this section annually and make recommendations for revision by September 1 to the Governor, the General Assembly, and the Joint Commission on Health Care.

CHAPTER 317

An Act to amend and reenact § 37.2-810 of the Code of Virginia, relating to temporary detention order; transportation.

[H 323]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 37.2-810 of the Code of Virginia is amended and reenacted as follows:

§ 37.2-810. Transportation of person in the temporary detention process.

A. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall specify in the temporary detention order the law-enforcement agency of the jurisdiction in which the person resides, *or any other willing law-enforcement agency that has agreed to provide transportation*, to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. However, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located shall execute the order and provide transportation.

B. The magistrate issuing the temporary detention order shall specify the law-enforcement agency to execute the order and provide transportation. However, in cases in which the temporary detention order is based upon a finding that the person who is the subject of the order has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs but there is no substantial likelihood that the person will cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, the magistrate shall consider any request to authorize transportation by an alternative transportation provider in accordance with this section, whenever an alternative transportation provider is identified to the magistrate, which may be a person, facility, or agency, including a family member or friend of the person who is the subject of the temporary detention order, a representative of the community services board, or other transportation provider with personnel trained to provide

transportation in a safe manner upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the person's treating physician, if any; or other persons who are available and have knowledge of the person, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified ~~primary~~ law-enforcement agency to execute the order, to take the person into custody, and to transfer custody of the person to the alternative transportation provider identified in the order. In such cases, a copy of the temporary detention order shall accompany the person being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the temporary detention facility. The temporary detention facility shall return a copy of the temporary detention order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

The order may include transportation of the person to such other medical facility as may be necessary to obtain further medical evaluation or treatment prior to placement as required by a physician at the admitting temporary detention facility. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody as provided in this section. Such medical evaluation or treatment shall be conducted immediately in accordance with state and federal law.

C. A law-enforcement officer may lawfully go to or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing any temporary detention order pursuant to this section. Law-enforcement agencies may enter into agreements to facilitate the execution of temporary detention orders and provide transportation.

CHAPTER 318

An Act to amend and reenact § 16.1-279.1 of the Code of Virginia, relating to protective orders in cases of family abuse; motor vehicles.

[H 335]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-279.1 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-279.1. Protective order in cases of family abuse.

A. In cases of family abuse, including any case involving an incarcerated or recently incarcerated respondent against whom a preliminary protective order has been issued pursuant to § 16.1-253.1, the court may issue a protective order to protect the health and safety of the petitioner and family or household members of the petitioner. A protective order issued under this section may include any one or more of the following conditions to be imposed on the respondent:

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;
2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons;
3. Granting the petitioner possession of the residence occupied by the parties to the exclusion of the respondent; however, no such grant of possession shall affect title to any real or personal property;
4. Enjoining the respondent from terminating any necessary utility service to the residence to which the petitioner was granted possession pursuant to subdivision 3 or, where appropriate, ordering the respondent to restore utility services to that residence;
5. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone or jointly owned by the parties to the exclusion of the respondent *and enjoining the respondent from terminating any insurance, registration, or taxes on the motor vehicle and directing the respondent to maintain the insurance, registration, and taxes, as appropriate*; however, no such grant of possession or use shall affect title to the vehicle;
6. Requiring that the respondent provide suitable alternative housing for the petitioner and, if appropriate, any other family or household member and where appropriate, requiring the respondent to pay deposits to connect or restore necessary utility services in the alternative housing provided;
7. Ordering the respondent to participate in treatment, counseling or other programs as the court deems appropriate; and
8. Any other relief necessary for the protection of the petitioner and family or household members of the petitioner, including a provision for temporary custody or visitation of a minor child.

A1. If a protective order is issued pursuant to subsection A, the court may also issue a temporary child support order for the support of any children of the petitioner whom the respondent has a legal obligation to support. Such order shall terminate upon the determination of support pursuant to § 20-108.1.

B. The protective order may be issued for a specified period of time up to a maximum of two years. The protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend

the order. Proceedings to extend a protective order shall be given precedence on the docket of the court. If the petitioner was a member of the respondent's family or household at the time the initial protective order was issued, the court may extend the protective order for a period not longer than two years to protect the health and safety of the petitioner or persons who are family or household members of the petitioner at the time the request for an extension is made. The extension of the protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Nothing herein shall limit the number of extensions that may be requested or issued.

C. A copy of the protective order shall be served on the respondent and provided to the petitioner as soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith forward the attested copy of the protective order containing any such identifying information to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

D. Except as otherwise provided in § 16.1-253.2, a violation of a protective order issued under this section shall constitute contempt of court.

E. The court may assess costs and attorneys' fees against either party regardless of whether an order of protection has been issued as a result of a full hearing.

F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or contact or communication with or physical proximity to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person entitled to protection under such a foreign order may file the order in any juvenile and domestic relations district court by filing with the court an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network.

Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy available of any foreign order filed with that court. A law-enforcement officer may, in the performance of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been provided to him by any source and may also rely upon the statement of any person protected by the order that the order remains in effect.

G. Either party may at any time file a written motion with the court requesting a hearing to dissolve or modify the order. Proceedings to dissolve or modify a protective order shall be given precedence on the docket of the court.

H. As used in this section:

"Copy" includes a facsimile copy; and

"Protective order" includes an initial, modified or extended protective order.

I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

J. No fee shall be charged for filing or serving any petition or order pursuant to this section.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 319

An Act to amend the Code of Virginia by adding a section numbered 2.2-3703.1, relating to the Virginia Freedom of Information Act; disclosure pursuant to court order or subpoena.

[H 380]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 2.2-3703.1 as follows:****§ 2.2-3703.1. Disclosure pursuant to court order or subpoena.**

Nothing contained in this chapter shall have any bearing upon disclosures required to be made pursuant to any court order or subpoena. No discretionary exemption from mandatory disclosure shall be construed to make records covered by such discretionary exemption privileged under the rules of discovery, unless disclosure is otherwise prohibited by law.

CHAPTER 320

An Act to amend and reenact §§ 8.01-225.01, 8.01-581.16, 8.01-581.17, 23-77.3, 32.1-111.3, 32.1-125.1, and 32.1-127 of the Code of Virginia, relating to national accrediting organizations; Joint Commission on Accreditation of Healthcare Organizations.

[H 391]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:**1. That §§ 8.01-225.01, 8.01-581.16, 8.01-581.17, 23-77.3, 32.1-111.3, 32.1-125.1, and 32.1-127 of the Code of Virginia are amended and reenacted as follows:****§ 8.01-225.01. Certain immunity for health care providers during disasters under specific circumstances.**

A. In the absence of gross negligence or willful misconduct, any health care provider who responds to a disaster by delivering health care to persons injured in such disaster shall be immune from civil liability for any injury or wrongful death arising from abandonment by such health care provider of any person to whom such health care provider owes a duty to provide health care when (i) a state or local emergency has been or is subsequently declared; and (ii) the provider was unable to provide the requisite health care to the person to whom he owed such duty of care as a result of the provider's voluntary or mandatory response to the relevant disaster.

B. In the absence of gross negligence or willful misconduct, any hospital or other entity credentialing health care providers to deliver health care in response to a disaster shall be immune from civil liability for any cause of action arising out of such credentialing or granting of practice privileges if (i) a state or local emergency has been or is subsequently declared; and (ii) the hospital has followed procedures for such credentialing and granting of practice privileges that are consistent with the ~~Joint Commission on Accreditation of Healthcare Organizations~~ *applicable standards of an approved national accrediting organization* for granting emergency practice privileges.

C. For the purposes of this section:

"Approved national accrediting organization" means an organization granted authority by the Centers for Medicare and Medicaid Services to ensure compliance with Medicare conditions of participation pursuant to § 1865 of Title XVIII of the Social Security Act (42 U.S.C. § 1395bb).

"Disaster" means any "disaster," "emergency," or "major disaster" as those terms are used and defined in § 44-146.16; and

"Health care provider" means those professions defined as such in § 8.01-581.1.

D. The immunity provided by this section shall be in addition to, and shall not be in lieu of, any immunities provided in other state or federal law, including, but not limited to, §§ 8.01-225 and 44-146.23.

§ 8.01-581.16. Civil immunity for members of or consultants to certain boards or committees.

Every member of, or health care professional consultant to, any committee, board, group, commission or other entity shall be immune from civil liability for any act, decision, omission, or utterance done or made in performance of his duties while serving as a member of or consultant to such committee, board, group, commission or other entity, which functions primarily to review, evaluate, or make recommendations on (i) the duration of patient stays in health care facilities, (ii) the professional services furnished with respect to the medical, dental, psychological, podiatric, chiropractic, veterinary or optometric necessity for such services, (iii) the purpose of promoting the most efficient use or monitoring the quality of care of available health care facilities and services, or of emergency medical services agencies and services, (iv) the adequacy or quality of professional services, (v) the competency and qualifications for professional staff privileges, (vi) the reasonableness or appropriateness of charges made by or on behalf of health care facilities or (vii) patient safety, including entering into contracts with patient safety organizations; provided that such committee, board, group, commission or other entity has been established pursuant to federal or state law or regulation, or pursuant to ~~Joint Commission on Accreditation of Healthcare Organizations~~ *the requirements of a national accrediting organization granted authority by the Centers for Medicare and Medicaid Services to ensure compliance with Medicare conditions of participation pursuant to § 1865 of*

Title XVIII of the Social Security Act (42 U.S.C. § 1395bb), or established and duly constituted by one or more public or licensed private hospitals, community services boards, or behavioral health authorities, or with a governmental agency and provided further that such act, decision, omission, or utterance is not done or made in bad faith or with malicious intent.

§ 8.01-581.17. Privileged communications of certain committees and entities.

A. For the purposes of this section:

"Centralized credentialing service" means (i) gathering information relating to applications for professional staff privileges at any public or licensed private hospital or for participation as a provider in any health maintenance organization, preferred provider organization or any similar organization and (ii) providing such information to those hospitals and organizations that utilize the service.

"Patient safety data" means reports made to patient safety organizations together with all health care data, interviews, memoranda, analyses, root cause analyses, products of quality assurance or quality improvement processes, corrective action plans or information collected or created by a health care provider as a result of an occurrence related to the provision of health care services.

"Patient safety organization" means any organization, group, or other entity that collects and analyzes patient safety data for the purpose of improving patient safety and health care outcomes and that is independent and not under the control of the entity that reports patient safety data.

B. The proceedings, minutes, records, and reports of any (i) medical staff committee, utilization review committee, or other committee, board, group, commission or other entity as specified in § 8.01-581.16; (ii) nonprofit entity that provides a centralized credentialing service; or (iii) quality assurance, quality of care, or peer review committee established pursuant to guidelines approved or adopted by (a) a national or state physician peer review entity, (b) a national or state physician accreditation entity, (c) a national professional association of health care providers or Virginia chapter of a national professional association of health care providers, (d) a licensee of a managed care health insurance plan (MCHIP) as defined in § 38.2-5800, (e) the Office of Emergency Medical Services or any regional emergency medical services council, or (f) a statewide or local association representing health care providers licensed in the Commonwealth, together with all communications, both oral and written, originating in or provided to such committees or entities, are privileged communications which may not be disclosed or obtained by legal discovery proceedings unless a circuit court, after a hearing and for good cause arising from extraordinary circumstances being shown, orders the disclosure of such proceedings, minutes, records, reports, or communications. Additionally, for the purposes of this section, accreditation and peer review records of the American College of Radiology and the Medical Society of Virginia are considered privileged communications. Oral communications regarding a specific medical incident involving patient care, made to a quality assurance, quality of care, or peer review committee established pursuant to clause (iii), shall be privileged only to the extent made more than 24 hours after the occurrence of the medical incident. Nothing in this section shall be construed as providing any privilege to any health care provider, emergency medical services agency, community services board, or behavioral health authority with respect to any factual information regarding specific patient health care or treatment, including patient health care incidents, whether oral, electronic, or written. However, the analysis, findings, conclusions, recommendations, and the deliberative process of any medical staff committee, utilization review committee, or other committee, board, group, commission, or other entity specified in § 8.01-581.16, as well as the proceedings, minutes, records, and reports, including the opinions and reports of experts, of such entities shall be privileged in their entirety under this section. Information known by a witness with knowledge of the facts or treating health care provider is not privileged or protected from discovery merely because it is provided to a committee, board, group, commission, or other entity specified in § 8.01-581.16, and may be discovered by deposition or otherwise in the course of discovery. A person involved in the work of the entities referenced in this subsection shall not be made a witness with knowledge of the facts by virtue of his involvement in the quality assurance, peer review, or credentialing process.

C. Nothing in this section shall be construed as providing any privilege to health care provider, emergency medical services agency, community services board, or behavioral health authority medical records kept with respect to a patient, whose treatment is at issue, in the ordinary course of business of operating a hospital, emergency medical services agency, community services board, or behavioral health authority nor to any facts or information contained in medical records, nor shall this section preclude or affect discovery of or production of evidence relating to hospitalization or treatment of such patient in the ordinary course of the patient's hospitalization or treatment. However, the proceedings, minutes, records, reports, analysis, findings, conclusions, recommendations, and the deliberative process, including opinions and reports of experts, of any medical staff committee, utilization review committee, or other committee, board, group, commission, or other entity specified in § 8.01-581.16 shall not constitute medical records, are privileged in their entirety, and are not discoverable.

D. Notwithstanding any other provision of this section, reports or patient safety data in possession of a patient safety organization, together with the identity of the reporter and all related correspondence, documentation, analysis, results or recommendations, shall be privileged and confidential and shall not be subject to a civil, criminal, or administrative subpoena or admitted as evidence in any civil, criminal, or administrative proceeding. Nothing in this subsection shall affect the discoverability or admissibility of facts, information or records referenced in subsection C as related to patient care from a source other than a patient safety organization.

E. Any patient safety organization shall promptly remove all patient-identifying information after receipt of a complete patient safety data report unless such organization is otherwise permitted by state or federal law to maintain such

information. Patient safety organizations shall maintain the confidentiality of all patient-identifying information and shall not disseminate such information except as permitted by state or federal law.

F. Exchange of (i) patient safety data among health care providers or patient safety organizations that does not identify any patient or (ii) information privileged pursuant to subsection B between committees, boards, groups, commissions, or other entities specified in § 8.01-581.16 shall not constitute a waiver of any privilege established in this section.

G. Reports of patient safety data to patient safety organizations shall not abrogate obligations to make reports to health regulatory boards or other agencies as required by state or federal law.

H. No employer shall take retaliatory action against an employee who in good faith makes a report of patient safety data to a patient safety organization.

I. Reports produced solely for purposes of self-assessment of compliance with requirements or standards of ~~the Joint Commission on Accreditation of Healthcare Organizations~~ *a national accrediting organization granted authority by the Centers for Medicare and Medicaid Services to ensure compliance with Medicare conditions of participation pursuant to § 1865 of Title XVIII of the Social Security Act (42 U.S.C. § 1395bb)* shall be privileged and confidential and shall not be subject to subpoena or admitted as evidence in a civil or administrative proceeding. Nothing in this subsection shall affect the discoverability or admissibility of facts, information, or records referenced in subsection C as related to patient care from a source other than such accreditation body. A health care provider's release of such reports to such accreditation body shall not constitute a waiver of any privilege provided under this section.

§ 23-77.3. Operations of Medical Center.

A. In enacting this section, the General Assembly recognizes that the ability of the University of Virginia to provide medical and health sciences education and related research is dependent upon the maintenance of high quality teaching hospitals and related health care and health maintenance facilities, collectively referred to in this section as the Medical Center, and that the maintenance of a Medical Center serving such purposes requires specialized management and operation that permit the Medical Center to remain economically viable and to participate in cooperative arrangements reflective of changes in health care delivery.

B. Notwithstanding the provisions of § 32.1-124 exempting hospitals and nursing homes owned or operated by an agency of the Commonwealth from state licensure, the Medical Center shall be, for so long as the Medical Center maintains its accreditation by ~~the Joint Commission on Accreditation of Health Care Organizations or any successor in interest thereof~~ *a national accrediting organization granted authority by the Centers for Medicare and Medicaid Services to ensure compliance with Medicare conditions of participation pursuant to § 1865 of Title XVIII of the Social Security Act (42 U.S.C. § 1395bb)*, deemed to be licensed as a hospital for purposes of other law relating to the operation of hospitals licensed by the Board of Health. The Medical Center shall not, however, be deemed to be a licensed hospital to the extent any law relating to licensure of hospitals specifically excludes the Commonwealth or its agencies. As an agency of the Commonwealth, the Medical Center shall, in addition, remain (i) exempt from licensure by the Board of Health pursuant to § 32.1-124 and (ii) subject to the Virginia Tort Claims Act (§ 8.01-195.1 et seq.). Further, this subsection shall not be construed as a waiver of the Commonwealth's sovereign immunity.

C. Without limiting the powers provided in this chapter, the University of Virginia may create, own in whole or in part or otherwise control corporations, partnerships, insurers or other entities whose activities will promote the operations of the Medical Center and its mission, may cooperate or enter into joint ventures with such entities and government bodies and may enter into contracts in connection therewith. Without limiting the power of the University of Virginia to issue bonds, notes, guarantees, or other evidence of indebtedness under subsection D in connection with such activities, no such creation, ownership or control shall create any responsibility of the University, the Commonwealth or any other agency thereof for the operations or obligations of any such entity or in any way make the University, the Commonwealth, or any other agency thereof responsible for the payment of debt or other obligations of such entity. All such interests shall be reflected on the financial statements of the Medical Center.

D. Notwithstanding the provisions of Chapter 3 (§ 23-14 et seq.) of this title, the University of Virginia may issue bonds, notes, guarantees, or other evidence of indebtedness without the approval of any other governmental body subject to the following provisions:

1. Such debt is used solely for the purpose of paying not more than 50 percent of the cost of capital improvements in connection with the operation of the Medical Center or related issuance costs, reserve funds, and other financing expenses, including interest during construction or acquisitions and for up to one year thereafter;

2. The only revenues of the University pledged to the payment of such debt are those derived from the operation of the Medical Center and related health care and educational activities, and there are pledged therefor no general fund appropriation and special Medicaid disproportionate share payments for indigent and medically indigent patients who are not eligible for the Virginia Medicaid Program;

3. Such debt states that it does not constitute a debt of the Commonwealth or a pledge of the faith and credit of the Commonwealth;

4. Such debt is not sold to the public;

5. The total principal amount of such debt outstanding at any one time does not exceed \$25 million;

6. The Treasury Board has approved the terms and structure of such debt;

7. The purpose, terms, and structure of such debt are promptly communicated to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees; and

8. All such indebtedness is reflected on the financial statements of the Medical Center.

Subject to meeting the conditions set forth above, such debt may be in such form and have such terms as the board of visitors may provide and shall be in all respects debt of the University for the purposes of §§ 23-23, 23-25, and 23-26.

§ 32.1-111.3. Statewide emergency medical care system.

A. The Board of Health shall develop a comprehensive, coordinated, emergency medical care system in the Commonwealth and prepare a Statewide Emergency Medical Services Plan which shall incorporate, but not be limited to, the plans prepared by the regional emergency medical services councils. The Board shall review, update, and publish the Plan triennially, making such revisions as may be necessary to improve the effectiveness and efficiency of the Commonwealth's emergency medical care system. Publishing through electronic means and posting on the Department website shall satisfy the publication requirement. The objectives of such Plan and the system shall include, but not be limited to, the following:

1. Establishing a comprehensive statewide emergency medical care system, incorporating facilities, transportation, manpower, communications, and other components as integral parts of a unified system that will serve to improve the delivery of emergency medical services and thereby decrease morbidity, hospitalization, disability, and mortality;

2. Reducing the time period between the identification of an acutely ill or injured patient and the definitive treatment;

3. Increasing the accessibility of high quality emergency medical services to all citizens of Virginia;

4. Promoting continuing improvement in system components including ground, water and air transportation, communications, hospital emergency departments and other emergency medical care facilities, consumer health information and education, and health manpower and manpower training;

5. Ensuring performance improvement of the Emergency Medical Services system and emergency medical care delivered on scene, in transit, in hospital emergency departments and within the hospital environment;

6. Working with professional medical organizations, hospitals, and other public and private agencies in developing approaches whereby the many persons who are presently using the existing emergency department for routine, nonurgent, primary medical care will be served more appropriately and economically;

7. Conducting, promoting, and encouraging programs of education and training designed to upgrade the knowledge and skills of health manpower involved in emergency medical services, including expanding the availability of paramedic and advanced life support training throughout the Commonwealth with particular emphasis on regions underserved by personnel having such skills and training;

8. Consulting with and reviewing, with agencies and organizations, the development of applications to governmental or other sources for grants or other funding to support emergency medical services programs;

9. Establishing a statewide air medical evacuation system which shall be developed by the Department of Health in coordination with the Department of State Police and other appropriate state agencies;

10. Establishing and maintaining a process for designation of appropriate hospitals as trauma centers and specialty care centers based on an applicable national evaluation system;

11. Maintaining a comprehensive emergency medical services patient care data collection and performance improvement system pursuant to Article 3.1 (§ 32.1-116.1 et seq.);

12. Collecting data and information and preparing reports for the sole purpose of the designation and verification of trauma centers and other specialty care centers pursuant to this section. All data and information collected shall remain confidential and shall be exempt from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);

13. Establishing and maintaining a process for crisis intervention and peer support services for emergency medical services and public safety personnel, including statewide availability and accreditation of critical incident stress management teams;

14. Establishing a statewide emergency medical services for children program to provide coordination and support for emergency pediatric care, availability of pediatric emergency medical care equipment, and pediatric training of medical care providers;

15. Establishing and supporting a statewide system of health and medical emergency response teams, including emergency medical services disaster task forces, coordination teams, disaster medical assistance teams, and other support teams that shall assist local emergency medical services at their request during mass casualty, disaster, or whenever local resources are overwhelmed;

16. Establishing and maintaining a program to improve dispatching of emergency medical services including establishment of and support for emergency medical dispatch training, accreditation of 911 dispatch centers, and public safety answering points;

17. Identifying and establishing best practices for managing and operating agencies, improving and managing emergency medical response times, and disseminating such information to the appropriate persons and entities;

18. Ensuring that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event there are victims as defined in § 19.2-11.01, and that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund become the lead coordinating agencies for those individuals determined to be victims; and

19. Maintaining current contact information for both the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund.

B. The Board of Health shall also develop and maintain as a component of the Emergency Medical Services Plan a statewide prehospital and interhospital Trauma Triage Plan designed to promote rapid access for pediatric and adult trauma patients to appropriate, organized trauma care through the publication and regular updating of information on resources for trauma care and generally accepted criteria for trauma triage and appropriate transfer. The Trauma Triage Plan shall include:

1. A strategy for maintaining the statewide Trauma Triage Plan through formal regional trauma triage plans that incorporate each region's geographic variations and trauma care capabilities and resources, including hospitals designated as trauma centers pursuant to subsection A. The regional trauma triage plans shall be reviewed triennially. Plans should ensure that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event there are victims as defined in § 19.2-11.01, and that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund become the lead coordinating agencies for those individuals determined to be victims; and maintain current contact information for both the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund.

2. A uniform set of proposed criteria for prehospital and interhospital triage and transport of trauma patients developed by the Emergency Medical Services Advisory Board, in consultation with the Virginia Chapter of the American College of Surgeons, the Virginia College of Emergency Physicians, the Virginia Hospital and Healthcare Association, and prehospital care providers. The Emergency Medical Services Advisory Board may revise such criteria from time to time to incorporate accepted changes in medical practice or to respond to needs indicated by analyses of data on patient outcomes. Such criteria shall be used as a guide and resource for health care providers and are not intended to establish, in and of themselves, standards of care or to abrogate the requirements of § 8.01-581.20. A decision by a health care provider to deviate from the criteria shall not constitute negligence per se.

3. A performance improvement program for monitoring the quality of care, consistent with other components of the Emergency Medical Services Plan. The program shall provide for collection and analysis of data on emergency medical and trauma services from existing validated sources, including but not limited to the emergency medical services patient care information system, pursuant to Article 3.1 (§ 32.1-116.1 et seq.), the Patient Level Data System, and mortality data. The Emergency Medical Services Advisory Board shall review and analyze such data on a quarterly basis and report its findings to the Commissioner. The Emergency Medical Services Advisory Board may execute these duties through a committee composed of persons having expertise in critical care issues and representatives of emergency medical services providers. The program for monitoring and reporting the results of emergency medical and trauma services data analysis shall be the sole means of encouraging and promoting compliance with the trauma triage criteria.

The Commissioner shall report aggregate findings of the analysis annually to each regional emergency medical services council. The report shall be available to the public and shall identify, minimally, as defined in the statewide plan, the frequency of (i) incorrect triage in comparison to the total number of trauma patients delivered to a hospital prior to pronouncement of death and (ii) incorrect interfacility transfer for each region.

The Emergency Medical Services Advisory Board or its designee shall ensure that each hospital or emergency medical services director is informed of any incorrect interfacility transfer or triage, as defined in the statewide plan, specific to the provider and shall give the provider an opportunity to correct any facts on which such determination is based, if the provider asserts that such facts are inaccurate. The findings of the report shall be used to improve the Trauma Triage Plan, including triage, and transport and trauma center designation criteria.

The Commissioner shall ensure the confidentiality of patient information, in accordance with § 32.1-116.2. Such data or information in the possession of or transmitted to the Commissioner, the Emergency Medical Services Advisory Board, any committee acting on behalf of the Emergency Medical Services Advisory Board, any hospital or prehospital care provider, any regional emergency medical services council, licensed emergency medical services agency, or group or committee established to monitor the quality of care pursuant to this subdivision, or any other person shall be privileged and shall not be disclosed or obtained by legal discovery proceedings, unless a circuit court, after a hearing and for good cause shown arising from extraordinary circumstances, orders disclosure of such data.

C. The Board of Health shall also develop and maintain as a component of the Emergency Medical Services Plan a statewide prehospital and interhospital Stroke Triage Plan designed to promote rapid access for stroke patients to appropriate, organized stroke care through the publication and regular updating of information on resources for stroke care and generally accepted criteria for stroke triage and appropriate transfer. The Stroke Triage Plan shall include:

1. A strategy for maintaining the statewide Stroke Triage Plan through formal regional stroke triage plans that incorporate each region's geographic variations and stroke care capabilities and resources, including hospitals designated as "primary stroke centers" through certification by the Joint Commission, *DNV Healthcare*, or a comparable process consistent with the recommendations of the Brain Attack Coalition. The regional stroke triage plans shall be reviewed triennially.

2. A uniform set of proposed criteria for prehospital and interhospital triage and transport of stroke patients developed by the Emergency Medical Services Advisory Board, in consultation with the American Stroke Association, the Virginia College of Emergency Physicians, the Virginia Hospital and Healthcare Association, and prehospital care providers. The Board of Health may revise such criteria from time to time to incorporate accepted changes in medical practice or to respond to needs indicated by analyses of data on patient outcomes. Such criteria shall be used as a guide and resource for health care providers and are not intended to establish, in and of themselves, standards of care or to abrogate the

requirements of § 8.01-581.20. A decision by a health care provider to deviate from the criteria shall not constitute negligence per se.

D. Whenever any state-owned aircraft, vehicle, or other form of conveyance is utilized under the provisions of this section, an appropriate amount not to exceed the actual costs of operation may be charged by the agency having administrative control of such aircraft, vehicle or other form of conveyance.

§ 32.1-125.1. Inspection of hospitals by state agencies generally.

As used in this section unless the context requires a different meaning, "hospital" means a hospital as defined in § 32.1-123 or 37.2-100.

State agencies shall make or cause to be made only such inspections of hospitals as are necessary to carry out the various obligations imposed on each agency by applicable state and federal laws and regulations. Any on-site inspection by a state agency or a division or unit thereof that substantially complies with the inspection requirements of any other state agency or any other division or unit of the inspecting agency charged with making similar inspections shall be accepted as an equivalent inspection in lieu of an on-site inspection by said agency or by a division or unit of the inspecting agency. A state agency shall coordinate its hospital inspections both internally and with those required by other state agencies so as to ensure that the requirements of this section are met.

Notwithstanding any provision of law to the contrary, all hospitals licensed by the Department of Health or Department of Behavioral Health and Developmental Services ~~which that~~ have been certified under the provisions of Title XVIII of the Social Security Act for hospital or psychiatric services or ~~which that~~ have obtained accreditation from ~~the Joint Commission on Accreditation of Healthcare Organizations~~ *a national accrediting organization granted authority by the Centers for Medicare and Medicaid Services to ensure compliance with Medicare conditions of participation pursuant to § 1865 of Title XVIII of the Social Security Act (42 U.S.C. § 1395bb)* may be subject to inspections so long as such certification or accreditation is maintained but only to the extent necessary to ensure the public health and safety.

§ 32.1-127. Regulations.

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ~~assure~~ *ensure* the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities. For purposes of this paragraph, facilities in which five or more first trimester abortions per month are performed shall be classified as a category of "hospital";

2. Shall provide that at least one physician who is licensed to practice medicine in this Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each hospital which operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare & Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential

donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the father of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be based on ~~Joint Commission on Accreditation of Healthcare Organizations' standards~~ *consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services*;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration or reregistration of any sex offender within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is a registered sex offender, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility; and

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of \$1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth

in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license.

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot which is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

CHAPTER 321

An Act to amend and reenact § 18.2-112.1 of the Code of Virginia, relating to misuse of public assets; penalty.

[H 420]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-112.1 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-112.1. Misuse of public assets; penalty.

A. For purposes of this section, "public assets" means personal property belonging to or paid for by the Commonwealth, or any city, town, county, or any other political subdivision, or the labor of any person other than the accused that is paid for by the Commonwealth, or any city, town, county, or any other political subdivision.

B. Any full-time officer, agent, or employee of the Commonwealth, or of any city, town, county, or any other political subdivision who, without lawful authorization, uses or permits the use of public assets for private or personal purposes unrelated to the duties and office of the accused or any other legitimate government interest when the value of such use exceeds \$1,000 in any 12-month period, is guilty of a Class 4 felony.

C. *Any county, city, or town shall be permitted to adopt a local ordinance that provides that any non-full-time officer, agent, employee, or elected official of the county, city, or town who, without lawful authorization, uses or permits the use of public assets for private or personal purposes unrelated to the duties and office of the accused or any other legitimate government interest when the value of such use exceeds \$1,000 in any 12-month period is guilty of a Class 1 misdemeanor.*

CHAPTER 322

An Act to amend the Code of Virginia by adding a section numbered 22.1-287.01, relating to student information; release to federal government agencies.

[H 449]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 5 of Chapter 14 of Title 22.1 a section numbered 22.1-287.01 as follows:

§ 22.1-287.01. Student information; release to federal government agencies.

Except as required by federal law or regulation, no member or employee of a local school board or the Department of Education shall transmit personally identifiable information, as that term is defined in the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and related regulations, from a student's record to a federal government agency or an authorized representative of such agency.

CHAPTER 323

An Act to amend the Code of Virginia by adding in Chapter 1.1 of Title 23 a section numbered 23-9.14:3, relating to interstate reciprocity agreements authorizing postsecondary distance education.

[H 467]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 1.1 of Title 23 a section numbered 23-9.14:3 as follows:

§ 23-9.14:3. Distance learning reciprocity agreements; participation; Distance Learning Reciprocity Advisory Council.

A. The State Council of Higher Education may enter into interstate reciprocity agreements that authorize accredited degree-granting institutions of higher education located in the Commonwealth to offer postsecondary distance education. The State Council shall administer such agreements and shall approve or disapprove participation in such agreements by accredited degree-granting institutions of higher education located in the Commonwealth. Participation in the agreements shall be voluntary. The State Council shall establish the Distance Learning Reciprocity Advisory Council, which shall include representatives from each participating institution. The Advisory Council shall advise the State Council on the development of policies governing the terms of participation by eligible institutions, including the establishment of fees to be paid by participating institutions to cover direct and indirect administrative costs incurred by the State Council.

B. Nothing in this section shall be construed to prohibit accredited degree-granting institutions of higher education located in the Commonwealth that do not participate in any interstate reciprocity agreement entered into by the State Council of Higher Education from offering postsecondary distance education.

CHAPTER 324

An Act to amend and reenact § 32.1-162.10 of the Code of Virginia, relating to home care organizations; inspections.

[H 476]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-162.10 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-162.10. Inspections; fees.

~~The Commissioner may cause each home care organization licensed under this article to be periodically inspected at reasonable times.~~ *State agencies shall make or cause to be made only such inspections of home care organizations as are necessary to carry out the various obligations imposed on each agency by applicable state and federal laws and regulations. Any on-site inspection by a state agency or a division or unit thereof that substantially complies with the inspection requirements of any other state agency or any other division or unit of the inspecting agency charged with making similar inspections shall be accepted as an equivalent inspection in lieu of an on-site inspection by said agency or by a division or unit of the inspecting agency. A state agency shall coordinate its inspections of home care organizations both internally and with those required by other state agencies so as to ensure that the requirements of this section are met.*

~~Notwithstanding the foregoing or any other provision of this article, any home care organization which has any provision of law to the contrary, all home care organizations licensed by the Department of Health that have been certified under the provisions of Title XVIII of the Social Security Act for home care services or have obtained accreditation or has been certified as provided in subdivision 3 of § 32.1-162.8 by any organization recognized by the Centers for Medicare and Medicaid Services for the purposes of Medicare certification may be subject to inspection so long as such accreditation or certification is maintained but only to the extent necessary to ensure the public health and safety. If any such home care organization fails to comply with the provisions of this article or with the regulations of the Board relating to public health and safety, the Commissioner is authorized to revoke the exemption from licensure and require such organization to be relicensed before it can again qualify for an exemption pursuant to § 32.1-162.8.~~

CHAPTER 325

An Act to amend and reenact § 17.1-275.5 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 17.1-279.1, relating to additional assessment for electronic summons system.

[H 477]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-275.5 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 17.1-279.1 as follows:

§ 17.1-275.5. Amounts to be added; judgment in favor of the Commonwealth.

A. The clerk shall assess, in addition to the fees provided for by § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, 17.1-275.9, 17.1-275.10, 17.1-275.11, 17.1-275.11:1, or 17.1-275.12, the following costs:

- 1. Any amount paid by the Commonwealth for legal representation of the defendant;*
- 2. Any amount paid for trial transcripts;*
- 3. Extradition costs;*
- 4. Costs of psychiatric evaluation;*
- 5. Costs taxed against the defendant as appellant under Rule 5A:30 of the Rules of the Supreme Court;*
- 6. Any fee for a returned check or disallowed credit card charge assessed pursuant to subdivision A 28 of § 17.1-275;*
- 7. Any jury costs;*
- 8. Any assessment made pursuant to subdivision A 10 of § 17.1-275;*
- 9. Any fees prescribed in §§ 18.2-268.8 and 46.2-341.26:8;*

10. Any court costs related to an ignition interlock device;
 11. Any fee for testing for HIV;
 12. Any fee for processing an individual admitted to jail as prescribed in § 15.2-1613.1;
 13. Any fee for courthouse security personnel as prescribed in § 53.1-120;
 14. Any fee for a DNA sample as prescribed in § 19.2-310.2;
 15. Reimbursement to the Commonwealth of medical fees as prescribed in § 19.2-165.1;
 16. Any fee for a local criminal justice training academy as prescribed in § 9.1-106;
 17. Any fee prescribed by §§ 16.1-69.48:1.01 and 17.1-275.11; ~~and~~
 18. Any expenses charged pursuant to subsection B or F of § 19.2-187.1; *and*
 19. *Any fee for an electronic summons system as prescribed in § 17.1-279.1.*
- B. The total amount of assessments described in subsection A, including the fees provided for by § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, 17.1-275.9, 17.1-275.10, 17.1-275.11, 17.1-275.11:1, or 17.1-275.12, shall be docketed by the clerk as a judgment against the defendant in favor of the Commonwealth in accordance with § 8.01-446.

§ 17.1-279.1. Additional assessment for electronic summons system.

Any county or city, through its governing body, may assess an additional sum not in excess of \$5 as part of the costs in each criminal or traffic case in the district or circuit courts located within its boundaries in which the defendant is charged with a violation of any statute or ordinance. The imposition of such assessment shall be by ordinance of the governing body, which may provide for different sums in circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the action is filed, remitted to the treasurer of the appropriate county or city, and held by such treasurer subject to disbursements by the governing body to a local law-enforcement agency solely to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system.

CHAPTER 326

An Act to amend and reenact § 22.1-279.6 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-79.5, relating to electronic cigarettes in public elementary and secondary schools.

[H 484]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-279.6 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-79.5 as follows:

§ 22.1-79.5. Policy regarding electronic cigarettes.

Each school board shall develop and implement a policy to prohibit the use of electronic cigarettes on a school bus, on school property, or at a school-sponsored activity.

§ 22.1-279.6. Board of Education guidelines and model policies for codes of student conduct; school board regulations.

A. The Board of Education shall establish guidelines and develop model policies for codes of student conduct to aid local school boards in the implementation of such policies. The guidelines and model policies shall include, but not be limited to, (i) criteria for the removal of a student from a class, the use of suspension, expulsion, and exclusion as disciplinary measures, the grounds for suspension and expulsion and exclusion, and the procedures to be followed in such cases, including proceedings for such suspension, expulsion, and exclusion decisions and all applicable appeals processes; (ii) standards, consistent with state, federal and case laws, for school board policies on alcohol and drugs, gang-related activity, hazing, vandalism, trespassing, threats, search and seizure, disciplining of students with disabilities, intentional injury of others, self-defense, bullying, the use of electronic means for purposes of bullying, harassment, and intimidation, and dissemination of such policies to students, their parents, and school personnel; and (iii) standards for in-service training of school personnel in and examples of the appropriate management of student conduct and student offenses in violation of school board policies.

In accordance with the most recent enunciation of constitutional principles by the Supreme Court of the United States of America, the Board's standards for school board policies on alcohol and drugs and search and seizure shall include guidance for procedures relating to voluntary and mandatory drug testing in schools, including, but not limited to, which groups may be tested, use of test results, confidentiality of test information, privacy considerations, consent to the testing, need to know, and release of the test results to the appropriate school authority.

In the case of suspension and expulsion, the procedures set forth in this article shall be the minimum procedures that the school board may prescribe.

B. School boards shall adopt and revise, as required by § 22.1-253.13:7 and in accordance with the requirements of this section, regulations on codes of student conduct that are consistent with, but may be more stringent than, the guidelines of the Board. School boards shall include, in the regulations on codes of student conduct, procedures for suspension, expulsion, and exclusion decisions and shall biennially review the model student conduct code to incorporate discipline options and alternatives to preserve a safe, nondisruptive environment for effective teaching and learning.

C. Each school board shall include in its code of student conduct prohibitions against hazing and profane or obscene language or conduct. School boards shall also cite in their codes of student conduct the provisions of § 18.2-56, which defines and prohibits hazing and imposes a Class 1 misdemeanor penalty for violations, that is, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.

D. Each school board shall include in its code of student conduct, by July 1, 2014, policies and procedures that include a prohibition against bullying. Such policies and procedures shall be consistent with the standards for school board policies on bullying and the use of electronic means for purposes of bullying developed by the Board pursuant to subsection A.

Such policies and procedures shall not be interpreted to infringe upon the First Amendment rights of students and are not intended to prohibit expression of religious, philosophical, or political views, provided that such expression does not cause an actual, material disruption of the work of the school.

E. A school board may regulate the use or possession of beepers or other portable communications devices and laser pointers by students on school property or attending school functions or activities and establish disciplinary procedures pursuant to this article to which students violating such regulations will be subject.

F. Nothing in this section shall be construed to require any school board to adopt policies requiring or encouraging any drug testing in schools. However, a school board may, in its discretion, require or encourage drug testing in accordance with the Board of Education's guidelines and model student conduct policies required by subsection A and the Board's guidelines for student searches required by § 22.1-279.7.

G. The Board of Education shall establish standards to ensure compliance with the federal Improving America's Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), as amended, in accordance with § 22.1-277.07.

This subsection shall not be construed to diminish the authority of the Board of Education or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

H. Each school board shall include in its code of student conduct a prohibition on possessing electronic cigarettes on a school bus, on school property, or at a school-sponsored activity.

2. That each school board shall update its policies and code of student conduct to comply with the provisions of this act by July 1, 2015.

CHAPTER 327

An Act to amend and reenact § 54.1-2600 of the Code of Virginia, relating to practice of audiology; cerumen management.

[H 500]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2600 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2600. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Audiologist" means any person who engages in the practice of audiology.

"Board" means the Board of Audiology and Speech-Language Pathology.

"Practice of audiology" means the practice of conducting measurement, testing and evaluation relating to hearing and vestibular systems, including audiologic and electrophysiological measures, and conducting programs of identification, hearing conservation, habilitation, and rehabilitation for the purpose of identifying disorders of the hearing and vestibular systems and modifying communicative disorders related to hearing loss, including but not limited to vestibular evaluation, *limited cerumen management*, electrophysiological audiometry and cochlear implants. Any person offering services to the public under any descriptive name or title which would indicate that audiology services are being offered shall be deemed to be practicing audiology.

"Practice of speech-language pathology" means the practice of facilitating development and maintenance of human communication through programs of screening, identifying, assessing and interpreting, diagnosing, habilitating and rehabilitating speech-language disorders, including but not limited to:

1. Providing alternative communication systems and instruction and training in the use thereof;

2. Providing aural habilitation, rehabilitation and counseling services to hearing-impaired individuals and their families;

3. Enhancing speech-language proficiency and communication effectiveness; and

4. Providing audiologic screening.

Any person offering services to the public under any descriptive name or title which would indicate that professional speech-language pathology services are being offered shall be deemed to be practicing speech-language pathology.

"Speech-language disorders" means disorders in fluency, speech articulation, voice, receptive and expressive language (syntax, morphology, semantics, pragmatics), swallowing disorders, and cognitive communication functioning.

"Speech-language pathologist" means any person who engages in the practice of speech-language pathology.

2. That the Board of Audiology and Speech-Language Pathology shall promulgate regulations governing cerumen management by audiologists, which shall include requirements related to training and qualifications of audiologists

who perform cerumen management, to implement the provisions of this act to be effective within 280 days of its enactment.

CHAPTER 328

An Act to amend and reenact §§ 18.2-268.7, 19.2-187, and 46.2-341.26:7 of the Code of Virginia, relating to certificates of analysis admitted into evidence.

[H 518]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-268.7, 19.2-187, and 46.2-341.26:7 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-268.7. Transmission of blood test samples; use as evidence.

A. Upon receipt of a blood sample forwarded to the Department for analysis pursuant to § 18.2-268.6, the Department shall have it examined for its alcohol or drug or both alcohol and drug content and the Director shall execute a certificate of analysis indicating the name of the accused; the date, time and by whom the blood sample was received and examined; a statement that the seal on the vial had not been broken or otherwise tampered with; a statement that the container and vial were provided or approved by the Department and that the vial was one to which the completed withdrawal certificate was attached; and a statement of the sample's alcohol or drug or both alcohol and drug content. The Director shall remove the withdrawal certificate from the vial; *and either (i) attach it to the certificate of analysis and state in the certificate of analysis that it was so removed and attached or (ii) electronically scan it into the Department's Laboratory Information Management System and place the original withdrawal certificate in its case-specific file.* The certificate of analysis ~~with~~ and the withdrawal certificate shall be returned *or electronically transmitted* to the clerk of the court in which the charge will be heard.

B. After completion of the analysis, the Department shall preserve the remainder of the blood until *at least* 90 days have lapsed from the date the blood was drawn. During this 90-day period, the accused may, by motion filed before the court in which the charge will be heard, with notice to the Department, request an order directing the Department to transmit the remainder of the blood sample to an independent laboratory retained by the accused for analysis. The Department shall destroy the remainder of the blood sample if no notice of a motion to transmit the remaining blood sample is received during the 90-day period.

C. When a blood sample taken in accordance with the provisions of §§ 18.2-268.2 through 18.2-268.6 is forwarded for analysis to the Department, a report of the test results shall be filed in that office. Upon proper identification of the certificate of withdrawal, the certificate of analysis, with the withdrawal certificate attached, shall, when attested by the Director, be admissible in any court as evidence of the facts therein stated and of the results of such analysis (i) in any criminal proceeding, provided the requirements of subsection A of § 19.2-187.1 have been satisfied and the accused has not objected to the admission of the certificate pursuant to subsection B of § 19.2-187.1, or (ii) in any civil proceeding. On motion of the accused, the report of analysis prepared for the remaining blood sample shall be admissible in evidence provided the report is duly attested by a person performing such analysis and the independent laboratory that performed the analysis is accredited or certified to conduct forensic blood alcohol/drug testing by one or more of the following bodies: American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB); College of American Pathologists (CAP); United States Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA); or American Board of Forensic Toxicology (ABFT).

Upon request of the person whose blood was analyzed, the test results shall be made available to him.

The Director may delegate or assign these duties to an employee of the Department.

§ 19.2-187. Admission into evidence of certain certificates of analysis.

In any hearing or trial of any criminal offense or in any proceeding brought pursuant to Chapter 22.1 (§ 19.2-386.1 et seq.), a certificate of analysis of a person performing an analysis or examination, duly attested by such person, shall be admissible in evidence as evidence of the facts therein stated and the results of the analysis or examination referred to therein, provided (i) the certificate of analysis is filed with the clerk of the court hearing the case at least seven days prior to the proceeding if the attorney for the Commonwealth intends to offer it into evidence in a preliminary hearing or the accused intends to offer it into evidence in any hearing or trial, or (ii) the requirements of subsection A of § 19.2-187.1 have been satisfied and the accused has not objected to the admission of the certificate pursuant to subsection B of § 19.2-187.1, when any such analysis or examination is performed in any laboratory operated by the Division of Consolidated Laboratory Services or the Department of Forensic Science or authorized by such Department to conduct such analysis or examination, or performed by a person licensed by the Department of Forensic Science pursuant to § 18.2-268.9 or 46.2-341.26:9 to conduct such analysis or examination, or performed by the Federal Bureau of Investigation, the federal Postal Inspection Service, the federal Bureau of Alcohol, Tobacco and Firearms, the Naval Criminal Investigative Service, the National Fish and Wildlife Forensics Laboratory, the federal Drug Enforcement Administration, the Forensic Document Laboratory of the U.S. Department of Homeland Security, or the U.S. Secret Service Laboratory.

In a hearing or trial in which the provisions of subsection A of § 19.2-187.1 do not apply, a copy of such certificate shall be mailed or delivered by the clerk or attorney for the Commonwealth to counsel of record for the accused at no charge

at least seven days prior to the hearing or trial upon request made by such counsel to the clerk with notice of the request to the attorney for the Commonwealth. The request to the clerk shall be on a form prescribed by the Supreme Court and filed with the clerk at least 10 days prior to the hearing or trial. In the event that a request for a copy of a certificate is filed with the clerk with respect to a case that is not yet before the court, the clerk shall advise the requester that he must resubmit the request at such time as the case is properly before the court in order for such request to be effective. If, upon proper request made by counsel of record for the accused, a copy of such certificate is not mailed or delivered by the clerk or attorney for the Commonwealth to counsel of record for the accused in a timely manner in accordance with this section, the accused shall be entitled to continue the hearing or trial.

The certificate of analysis of any examination conducted by the Department of Forensic Science relating to a controlled substance, marijuana, or synthetic cannabinoids as defined in § 18.2-248.1:1 shall be mailed or forwarded by personnel of the Department of Forensic Science to the attorney for the Commonwealth of the jurisdiction where such offense may be heard. The attorney for the Commonwealth shall acknowledge receipt of the certificate on forms provided by the laboratory.

Any such certificate of analysis purporting to be signed, *either by hand or by electronic means*, by any such person shall be admissible as evidence in such hearing or trial without any proof of the seal or signature or of the official character of the person whose name is signed to it. *The attestation signature of a person performing the analysis or examination may be either hand or electronically signed.*

For the purposes of this section and §§ 19.2-187.01, 19.2-187.1, and 19.2-187.2, the term "certificate of analysis" includes reports of analysis and results of laboratory examination.

§ 46.2-341.26:7. Transmission of samples.

A. Upon receipt of a blood sample forwarded to the Department for analysis pursuant to § 46.2-341.26:6, the Department shall have it examined for its alcohol or drug content, and the Director shall execute a certificate of analysis indicating the name of the suspect; the date, time, and by whom the blood sample was received and examined; a statement that the seal on the vial had not been broken or otherwise tampered with; a statement that the container and vial were provided or approved by the Department and that the vial was one to which the completed withdrawal certificate was attached; and a statement of the sample's alcohol or drug content. The Director or his representative shall remove the withdrawal certificate from the vial; *and either (i) attach it to the certificate of analysis and state in the certificate of analysis that it was so removed and attached or (ii) electronically scan it into the Department's Laboratory Information Management System and place the original withdrawal certificate in its case-specific file.* The certificate of analysis ~~with~~ *and* the withdrawal certificate shall be returned *or electronically transmitted* to the clerk of the court in which the charge will be heard. After completion of the analysis, the Department shall preserve the remainder of the blood until *at least* 90 days have lapsed from the date the blood was drawn. During this 90-day period, the accused may, by motion filed before the court in which the charge will be heard, with notice to the Department, request an order directing the Department to transmit the remainder of the blood sample to an independent laboratory retained by the accused for analysis. The Department shall destroy the remainder of the blood sample if no notice of a motion to transmit the remaining blood sample is received during the 90-day period.

B. When a blood sample taken in accordance with the provisions of §§ 46.2-341.26:2 through 46.2-341.26:6 is forwarded for analysis to the Department, a report of the test results shall be filed in that office. Upon proper identification of the certificate of withdrawal, the certificate of analysis, with the withdrawal certificate attached, shall, when attested by the Director, be admissible in any court as evidence of the facts therein stated and of the results of such analysis (i) in any criminal proceeding, provided that the requirements of subsection A of § 19.2-187.1 have been satisfied and the accused has not objected to the admission of the certificate pursuant to subsection B of § 19.2-187.1, or (ii) in any civil proceeding. On motion of the accused, the report of analysis prepared for the remaining blood sample shall be admissible in evidence provided the report is duly attested by a person performing such analysis and the independent laboratory that performed the analysis is accredited or certified to conduct forensic blood alcohol/drug testing by one or more of the following bodies: American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB); College of American Pathologists (CAP); United States Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA); or American Board of Forensic Toxicology (ABFT).

Upon request of the person whose blood or breath was analyzed, the test results shall be made available to him.

The Director may delegate or assign these duties to an employee of the Department.

CHAPTER 329

An Act to amend and reenact § 19.2-169.1 of the Code of Virginia, relating to competency to stand trial; recommended treatment.

[H 584]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-169.1 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-169.1. Raising question of competency to stand trial or plead; evaluation and determination of competency.

A. Raising competency issue; appointment of evaluators. - If, at any time after the attorney for the defendant has been retained or appointed and before the end of trial, the court finds, upon hearing evidence or representations of counsel for the defendant or the attorney for the Commonwealth, that there is probable cause to believe that the defendant, whether a juvenile transferred pursuant to § 16.1-269.1 or adult, lacks substantial capacity to understand the proceedings against him or to assist his attorney in his own defense, the court shall order that a competency evaluation be performed by at least one psychiatrist or clinical psychologist who is qualified by training and experience in forensic evaluation.

B. Location of evaluation. - The evaluation shall be performed on an outpatient basis at a mental health facility or in jail unless the court specifically finds that outpatient evaluation services are unavailable or unless the results of outpatient evaluation indicate that hospitalization of the defendant for evaluation on competency is necessary. If the court finds that hospitalization is necessary, the court, under authority of this subsection, may order the defendant sent to a hospital designated by the Commissioner of Behavioral Health and Developmental Services as appropriate for evaluations of persons under criminal charge. The defendant shall be hospitalized for such time as the director of the hospital deems necessary to perform an adequate evaluation of the defendant's competency, but not to exceed 30 days from the date of admission to the hospital.

C. Provision of information to evaluators. - The court shall require the attorney for the Commonwealth to provide to the evaluators appointed under subsection A any information relevant to the evaluation, including, but not limited to (i) a copy of the warrant or indictment; (ii) the names and addresses of the attorney for the Commonwealth, the attorney for the defendant, and the judge ordering the evaluation; (iii) information about the alleged crime; and (iv) a summary of the reasons for the evaluation request. The court shall require the attorney for the defendant to provide any available psychiatric records and other information that is deemed relevant. The court shall require that information be provided to the evaluator within 96 hours of the issuance of the court order pursuant to this section.

D. The competency report. - Upon completion of the evaluation, the evaluators shall promptly submit a report in writing to the court and the attorneys of record concerning (i) the defendant's capacity to understand the proceedings against him; (ii) his ability to assist his attorney; and (iii) his need for treatment in the event he is found incompetent but restorable, or incompetent for the foreseeable future. *If a need for restoration treatment is identified pursuant to clause (iii), the report shall state whether inpatient or outpatient treatment is recommended.* No statements of the defendant relating to the time period of the alleged offense shall be included in the report.

E. The competency determination. - After receiving the report described in subsection D, the court shall promptly determine whether the defendant is competent to stand trial. A hearing on the defendant's competency is not required unless one is requested by the attorney for the Commonwealth or the attorney for the defendant, or unless the court has reasonable cause to believe the defendant will be hospitalized under § 19.2-169.2. If a hearing is held, the party alleging that the defendant is incompetent shall bear the burden of proving by a preponderance of the evidence the defendant's incompetency. The defendant shall have the right to notice of the hearing, the right to counsel at the hearing and the right to personally participate in and introduce evidence at the hearing.

The fact that the defendant claims to be unable to remember the time period surrounding the alleged offense shall not, by itself, bar a finding of competency if the defendant otherwise understands the charges against him and can assist in his defense. Nor shall the fact that the defendant is under the influence of medication bar a finding of competency if the defendant is able to understand the charges against him and assist in his defense while medicated.

CHAPTER 330

An Act to amend and reenact §§ 6.2-417, 8.01-269, 8.01-431, 8.01-434, 8.01-452, 8.01-455, 17.1-238, 17.1-250, 38.2-2419, 43-65, 43-68, 55-66.4:1, 55-157, 55-245, 58.1-3301, 58.1-3310, 58.1-3360, and 64.2-2703 of the Code of Virginia, relating to recordation and marginal release.

[H 607]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 6.2-417, 8.01-269, 8.01-431, 8.01-434, 8.01-452, 8.01-455, 17.1-238, 17.1-250, 38.2-2419, 43-65, 43-68, 55-66.4:1, 55-157, 55-245, 58.1-3301, 58.1-3310, 58.1-3360, and 64.2-2703 of the Code of Virginia are amended and reenacted as follows:

§ 6.2-417. Mortgage or deed of trust to contain notice that debt is subject to call or modification on conveyance of property.

Where any loan is secured by a mortgage or deed of trust on real property comprised of one- to four-family residential dwelling units, and the note or mortgage or deed of trust evidencing or securing the loan contains a provision that the holder of the note secured by such mortgage or deed of trust may accelerate payment of or renegotiate the terms of such loan upon sale or conveyance of the security property or part thereof, then the mortgage or deed of trust shall contain in the body ~~or on the margin thereof~~ a statement, either in capital letters or underlined, that advises the borrower as follows: "Notice - The

debt secured hereby is subject to call in full or the terms thereof being modified in the event of sale or conveyance of the property conveyed."

§ 8.01-269. Dismissal or satisfaction of same.

If such attachment or lis pendens is quashed or dismissed or such cause is dismissed, or judgment or final decree in such attachment or cause is for the defendant or defendants, the court shall direct in its order (i) that the names of all interested parties thereto, as found in the recorded attachment or lis pendens be listed for the clerk, and (ii) that the attachment or lis pendens be released and, the court may, in an appropriate case, impose sanctions as provided in § 8.01-271.1. It shall then become the duty of the clerk in whose office such attachment or lis pendens is recorded; to record the order ~~and, unless a microfilm recording process is used, to enter on the margin of the page of the book in which the same is recorded, such fact, together with a reference to in the order book together with a separate instrument or order releasing such lien and referencing the order deed book and page where such order the original lien is recorded.~~ However, in any case in which an appeal or writ of error from such judgment or decree or dismissal would lie, the clerk shall not record the order or make the entry until after the expiration of the time in which such appeal or writ of error may be applied for, or if applied for after refusal thereof, or if granted, after final judgment or decree is entered by the appellate court.

In any case in which the debt for which such attachment is issued, or suit is brought and notice of lis pendens recorded is satisfied by payment, it shall be the duty of the creditor, within ~~ten~~ 10 days after payment of same, to ~~mark such notice of his pendens or attachment satisfied on the margin of the page of the deed book in which the same provide the clerk with a separate instrument or order for recordation releasing such lis pendens and referencing the order book and page where the original lis pendens is recorded; unless a microfilm recording process is used.~~

§ 8.01-431. Judgment or decree by confession in pending suit.

In any suit a defendant may, whether the suit is on the court docket or not, confess a judgment in the clerk's office for so much principal and interest as the plaintiff may be willing to accept a judgment or decree for. The same shall be entered of record by the clerk in the order book and be as final and as valid as if entered in court on the day of such confession. ~~And the~~ The clerk shall ~~enter upon the margin of such book opposite where record such judgment or decree is entered, and the date and time of the day at which the same was confessed; and the~~ The lien of such judgment or decree shall run from the time such judgment is recorded on the judgment lien docket of the clerk's office of the county or city in which land of the defendant lies. ~~The clerk may require that a separate instrument be prepared setting forth the necessary information and shall record and index such instrument according to law.~~

§ 8.01-434. Lien of such judgments.

The clerk shall ~~enter on the margin of the record of in the proper book any judgment confessed under the provisions of § 8.01-432; and the day and hour when the same was confessed, and the lien thereof shall attach and be binding from the time such judgment is recorded on the judgment lien docket of the clerk's office of the county or city in which land of the defendant lies. If the credit was extended for personal, family or household purposes, the judgment shall not be a lien against the real estate of the obligor or the basis of obtaining execution against his personal property until the expiration of the twenty-one day 21-day period allowed the judgment debtor as set forth in § 8.01-433. In the event the judgment debtor files a motion or other pleading within such twenty-one day 21-day period, the judgment shall not be a lien against such real estate or its basis of execution against personal property until an order to that effect is entered by the court. It will be presumed that the obligation is for personal, family or household purposes if the debtor is a natural person, unless the plaintiff or someone on his behalf makes oath or makes out and files an affidavit that the obligation was not for such purposes, or the obligation for which judgment is confessed recites that it is for other purposes.~~

§ 8.01-452. Entry of assignment of judgment on judgment lien docket.

Whenever there shall be an assignment of a judgment, ~~there may be a notation of the assignment made upon the judgment docket, where the same is recorded, by the clerk. An such assignment; in order to be so noted, must be in writing, showing the date thereof, the name of the assignor and assignee, the amount of the judgment, and when and by what court granted, and either acknowledged as are deeds for recordation in the clerks' offices of circuit courts in this the Commonwealth, or signed by the assignor, attested by two witnesses; or such judgment may be assigned by notation on the margin of the judgment lien docket on. Such assignment shall be recorded in a separate instrument referencing the page of the book where same is docketed, by the judgment creditor or his attorney of record; and attested by the clerk. The assignment, after the same is noted upon the judgment docket as is herein provided, shall be filed by the clerk with the other papers in the case in his office. When such assignment is made and noted docketed as herein provided, further executions shall be issued in the name of the assignee as the plaintiff in the case.~~

§ 8.01-455. Court, on motion of defendant, etc., may have payment of judgment entered.

A. A defendant in any judgment, his heirs or personal representatives, may, on motion, after ten days' notice thereof to the plaintiff in such judgment, or his assignee, or if he be dead, to his personal representative, or if he be a nonresident, to his attorney, if he have one, apply to the court in which the judgment was rendered, to have the same marked satisfied, and upon proof that the judgment has been paid off or discharged, such court shall order such satisfaction to be ~~entered on the margin of the page recorded in the judgment docket book wherein such together with a separate instrument or order discharging the judgment and referencing the judgment docket book and page where the original judgment was entered, and a certificate of such order to be made to the clerk of the court in which such judgment is required by § 8.01-446 to be docketed, and the clerk of such court shall immediately, upon the receipt of such certificate, enter the same in the proper column of the judgment docket opposite the place book where such judgment is docketed. If the plaintiff be a nonresident and have no~~

attorney of record residing in this Commonwealth, the notice may be published and posted as an order of publication is required to be published and posted under §§ 8.01-316 and 8.01-317. Upon a like motion and similar proceeding, the court may order to be marked that a separate instrument or order be recorded to reflect that a judgment has been "discharged in bankruptcy," for any judgment which that may be shown to have been so discharged.

B. The cost of such proceedings, including reasonable attorney's attorney fees, may be ordered to be paid by the plaintiff.

§ 17.1-238. State highway plat book.

A loose-leaf book known as "state highway plat book," which shall be provided by the Department of Transportation, shall be installed in the circuit court clerk's office of each county of this Commonwealth and in the clerk's office of the circuit court of any city wherein the Department of Transportation has acquired any interest in land, and all highway plats pertaining to the primary and secondary highway systems, and all plats in connection therewith, shall be filed therein by the clerk. The clerk shall note on each recorded deed relating to such plats and on the margin of the page of in the deed book, wherein such deed is recorded, the numbers of the state highway plat book and page wherein such plats are filed. The clerk so filing the plats and so noting the same shall receive a fee of five dollars. All plats filed prior to July 1, 1950, in such state highway plat book be and the same are hereby validated.

§ 17.1-250. Correction of indexes.

No clerk or deputy clerk of any court in which deeds are recorded shall correct any indexing mistake by insertion, or alter or reprint the page, unless, at the time of such insertion, alteration or reprinting, he (i) notes the date and nature of the change in the margin of the index and places his name or initials upon same or (ii) by any other means capable of maintaining a permanent record of the change together with the original recording, indicates the date and nature of the change and the name of the person who made it.

§ 38.2-2419. Notation of revocation; indexing.

When the power of attorney has been revoked in accordance with § 38.2-2417, the clerk in whose office the power of attorney is recorded shall ~~note record~~ its revocation ~~on the margin of the page of in~~ the deed book where the power of attorney is recorded; ~~together with a. The revocation shall reference to the book and page where the instrument of revocation original power of attorney is recorded. The clerk may require that a revocation of a power of attorney be prepared as a separate instrument setting forth the necessary information, and such instrument shall be recorded and indexed according to law.~~ The clerk shall index the instrument of revocation both in the name of the fidelity and surety insurer and of its attorney-in-fact.

§ 43-65. Protection of assignees, transferees or endorsees of debts secured by mechanics' or crop liens.

Whenever any debt secured on real estate or personal property by a mechanics' or crop lien has been assigned, transferred, or endorsed to another, in whole or in part by the original payee thereof, such payee, assignee, transferee, or endorsee; may cause a memorandum or statement of the assignment to such assignee, transferee, or endorsee to be ~~entered on the margin of the page in the book where such encumbrance securing the same is recorded~~, which memorandum or statement shall be signed by the assignor, transferor, or endorser, or his duly authorized agent or attorney, and when so signed and the signature thereto attested by the clerk in whose office such encumbrance is recorded the same shall operate as a notice of such assignment and transfer. *Such assignment, transfer, or endorsement shall reference the book and page where the original debt secured on real estate or personal property is recorded.* And where such transfer by the payee is so entered ~~on the margin of in~~ the proper book, subsequent transfers may likewise be entered in the same manner and with like effect. Provided, however, this section shall not apply to conditional sales contracts of personal property.

§ 43-68. Releases made by court.

Any person who owns or has any interest in real estate or personal property on which such lien exists may, after twenty days' notice thereof to the person entitled to such lien, apply to the circuit or corporation court of the county or corporation in whose clerk's office such encumbrance is recorded, or to the Circuit Court of the City of Richmond, if it be in the clerk's office of such court, to have the same released or discharged; and upon proof that it has been paid or discharged, or upon its appearing to the court that more than twenty years have elapsed since the maturity of the lien, raising a presumption of payment, and which is not rebutted at the hearing, or upon proof that no suit, as defined by § 43-17, has been brought to enforce the same within the time prescribed by such section; such court shall order the same to be ~~entered recorded~~ by the clerk ~~on the margin of the page in the book wherein the lien is recorded, which entry, when so made, shall operate as a release of such lien. Such release shall reference the book and page where the original lien securing such interest in real estate or personal property is recorded.~~

All releases made prior to June 24, 1944, by any court under this section upon such presumption of payment so arising and not rebutted, shall be validated.

§ 55-66.4:1. Permissible form for certificate of satisfaction or certificate of partial satisfaction.

Any release by a certificate of satisfaction or certificate of partial satisfaction shall be in conformity with §§ 55-66.3, 55-66.3:1, and 55-66.4 and shall conform substantially with the following forms:

CERTIFICATE OF SATISFACTION

Place of Record
Date of Note/Deed of Trust
Face Amount Secured/Face Amount of Note:
Deed Book Page

Name(s) of Grantor(s)/Maker(s);
Name(s) of Trustee(s)
Face Amount of Note(s) \$

I/we, holder(s) of the above-mentioned note(s) secured by the
above-mentioned deed of trust, do hereby certify that the same
has/have been paid in full, and the lien therein created and retained
is hereby released. GIVEN UNDER MY/OUR HAND(S) THIS DAY
OF, 20

.....
.....

(NOTE HOLDERS)

Commonwealth of Virginia,
County/City of to wit:

Subscribed, sworn to and acknowledged before me by
this day of, 20
My Commission Expires:

.....

NOTARY PUBLIC

VIRGINIA;

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT

This certificate was presented, and with the Certificate annexed,
admitted to record on at o'clock ... m.
Clerk's fees: \$ have been paid.

Attest:, Deputy Clerk

or:

CERTIFICATE OF PARTIAL SATISFACTION

Place of Record
Date of Deed of Trust
Deed Book Page
Name(s) of Grantor(s)
Name(s) of Trustee(s)
Maker(s) of Note(s)
Date of Note(s)
Face Amount of Note(s) \$

The lien of the above-mentioned deed of trust securing the
above-mentioned note is released insofar as the same is
applicable to (description of property) recorded
in deed book at page in the clerk's
office of this court. The undersigned is/are the legal holder(s)
of the obligation, note, bond or other evidence of debt secured
by said deed of trust.

Given under my/our hand(s) this day of, 20 ..

.....
.....

(NOTE HOLDERS)

Commonwealth of Virginia,
County/City of to wit:

Subscribed, sworn to and acknowledged before me by
this day of, 20
My Commission Expires:

.....

NOTARY PUBLIC

Notwithstanding the provisions of The clerk shall satisfy the requirements of § 17.1-228; the clerk shall note on the
margin of the deed book where a deed of trust is recorded, a reference to the deed book and page number where the
certificate of satisfaction or certificate of partial satisfaction is recorded. The provisions of this paragraph shall not apply to
procedural microfilm recording and microfilmed records.

Certificates conforming to this section prior to the amendment effective July 1, 1984, shall be deemed to be in
substantial conformity thereto.

§ 55-157. Substitution of another trustee by creditors.

A majority of the unsecured creditors in number and amount of the assignor may agree in writing upon a trustee
different from the one named in the deed of assignment, whereupon upon petition to the court, or the judge thereof in

vacation, which would have jurisdiction if suit were brought against the assignor, such agreed trustee may be substituted in lieu of such named trustee with all of the rights, powers and duties conferred upon such named trustee in the deed of assignment and the clerk of the court shall cause to be entered upon the margin of in the deed book where the deed of assignment is recorded the fact of the entry of such order and a reference to the order book and page where the same is recorded, together with the name of the substituted trustee, and shall make proper indexing. The substitute trustee shall reside in the county or city in which the property that is conveyed in the deed of assignment or the greater portion thereof in value is located.

§ 55-245. Written act of reentry to be returned and recorded, and certificate thereof published.

When actual reentry is made, the party by or for whom the same is made shall return a written act of reentry, sworn to by the sheriff or other officer acting therein, to the clerk of the circuit court of the county or corporation court of the city wherein the lands or tenements are, who shall record the same in the deed book, and shall deliver to the party making the reentry a certificate setting forth the substance of such written act, and that the same had been left in his office to be recorded. Such certificate shall be published at least once a week for two months successively, in some newspaper published in or nearest to such county or corporation. Such publication shall be proved by affidavit to the satisfaction of the clerk, who shall ~~note the fact in the margin of the record~~ *record such affidavit in the deed book against the record of the act of reentry, in the words "Publication made and proved according to law. A.B., Clerk"; and. Such affidavit shall reference the book and page where the original written act of reentry was recorded.* The clerk shall return the original act of reentry to the party entitled thereto. The written act of reentry, when recorded, and the record thereof, or a duly certified copy from such record, shall be evidence, in all cases, of the facts therein set forth.

§ 58.1-3301. Form of land book.

A. The land books may be produced in one of the following forms: (i) paper; (ii) microfilm, microfiche, or any other microphotographic process; or (iii) electronic process. Such microfilm and microphotographic processes shall meet state archival microfilm standards and state electronic records guidelines pursuant to § 42.1-82. The Department of Taxation shall prescribe the form of the land book to be used by the commissioner of the revenue and shall furnish each commissioner of the revenue with four copies of blank land books prepared in the form so prescribed. The land books may be produced in the form of microfilm, microfiche, or any other similar microphotographic process and shall be distributed as provided in § 58.1-3310 in the form of such process so long as such process complies with standards adopted pursuant to regulations issued under § 42.1-82 for microfilm, microfiche, or such other microphotographic process and is acceptable to and meets the requirement of the recipients of copies of the land book as designated by § 58.1-3310.

B. Tracts of lands in counties shall be entered in the land book by magisterial or school districts and town lots shall be entered upon sheets provided in the land book for that purpose. The governing body of any county having sanitary districts may provide by resolution that land books, personal property books and other tax assessment records be entered and arranged alphabetically to show the persons chargeable with taxes in each such district. The sanitary district in which the property is located shall be designated by an appropriate coding which shall provide for the means of recapitulation by sanitary districts, setting forth the total assessment and tax levy for each such district.

C. Nothing in this section shall be construed to prohibit any commissioner of the revenue of any city from using a land book in the form prescribed and furnished by or under the authority of the council of his city and at the cost of his city, provided that whether the land book is furnished by the city or the Tax Commissioner, it shall contain the name and street address of every owner of real property in the local jurisdiction. In cases where real property is owned by more than one person, the land book shall contain the name and street address of at least one of the owners.

D. In the event real estate is assessed at use value as provided in Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of this title, the land book shall show both the use value and the fair market value.

§ 58.1-3310. Commissioner of the revenue to retain original land book; disposition of copies; penalties.

Each commissioner of the revenue shall retain in his office the original land book. Each commissioner of the revenue shall deliver to the treasurer of his county or city and, if requested by the Department in writing, to the Department of Taxation one copy each of the land book on or before September 1 of each year or within ninety days from the date on which the rate of tax on real property has been determined, whichever is later. However, the Department may, for good cause, extend the time for delivery of such copies. Each commissioner of the revenue shall file a copy of the land book in the office of the clerk of the circuit court of his county or city. Such clerk shall preserve such copies in his office, but the commissioner of the revenue need not preserve the original nor the treasurer his copy for a longer period than six years following the tax year to which such books relate. *The commissioner or the clerk may satisfy the requirements of this section by use of (i) paper; (ii) microfilm, microfiche, or any other microphotographic process; or (iii) electronic process.*

§ 58.1-3360. Credit on current year's taxes when land acquired by United States, the Commonwealth, a political subdivision, a church or religious body, or a disabled veteran.

Any taxpayer whose lands, or any portion thereof, are in any year acquired or taken in any manner by the United States; the Commonwealth; a political subdivision; a church or religious body, which is exempt from taxation by Article X, Section 6 of the Constitution of Virginia; or a disabled veteran for that portion of the property that is exempt from taxation pursuant to § 58.1-3219.5, shall be relieved from the payment of taxes and levies from the date of divestment of such land for that portion of the year in which the property was taken or acquired. The county treasurers as to land situated in counties and the city treasurers and city collectors as to lands situated in cities shall receive from and receipt to the original owner of the lands so taken, for his proportionate part of the taxes and levies for the year and credit the payment on the tax tickets and

shall return at the same time he makes his return of lands and lots improperly assessed, as required by law, the proportional part of the taxes and levies exonerated from taxation for any such year, indicating ~~on the margin of the list~~ the date on which the property was acquired by the government or religious body. Such list, when approved by the proper authorities, shall be considered as a credit to any such treasurer or collector in the settlement of the accounts for such year.

§ 64.2-2703. Notice of release; recordation; fee.

A. A fiduciary or other person, association, or corporation having possession or control of any property subject to a power of appointment, other than the donee of such power, shall not be deemed to have notice of a release of the power until the original or a copy of the release is delivered to such fiduciary or other person, association, or corporation.

B. A purchaser or mortgagee of any real property subject to a power of appointment, without actual notice of the release, shall not be deemed to have notice of a release of the power until (i) the original or a copy of the release is recorded in the circuit court clerk's office in the county or city in which the real property is located, *referencing the will or deed book where the instrument creating the power is recorded*, and (ii) the deed, will, or other instrument creating the power, or a certified copy thereof, is recorded in the same clerk's office; ~~and (iii) an appropriate notation is entered on the margin of the will or deed book where the instrument creating the power is recorded referring to the deed book and page where the release is recorded.~~

C. No release shall be invalid or ineffective for failing to comply with subsection A or B.

D. The clerk shall record a release of a power of appointment in the deed book and index the release in the daily and general indexes with the name of the donee being entered on the grantor index. For each such recordation, the clerk shall be paid a fee in the amount applicable to the recordation of deeds as set forth in subdivision A 2 of § 17.1-275 and an additional fee of \$5.

CHAPTER 331

An Act to amend and reenact § 46.2-738 of the Code of Virginia, relating to special license plates for amateur radio operators.

[H 608]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-738 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-738. Special license plates for amateur radio operators.

The Commissioner, on request, may supply any amateur radio operator licensed by the federal government or an agency thereof; ~~and having radio transmitting and receiving equipment permanently installed in his motor vehicle, with license plates bearing his official call letters.~~

If more than one request is made for use, as provided in this section, of license plates having the same alpha-numeric, the Department shall accept the first such application. Persons receiving amateur radio operator special license plates shall affix such plates only to vehicles to which they are the titled owner.

The Commissioner shall charge a fee of one dollar in addition to the prescribed cost of state license plates; for each set of license plates issued under the provisions of this section.

CHAPTER 332

An Act to amend and reenact §§ 28.2-1308, 33.1-223.2:1, and 62.1-44.15:23 of the Code of Virginia, relating to wetland and stream mitigation banks.

[H 654]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 28.2-1308, 33.1-223.2:1, and 62.1-44.15:23 of the Code of Virginia are amended and reenacted as follows:

§ 28.2-1308. Standards for use and development of wetlands; utilization of guidelines.

A. The following standards shall apply to the use and development of wetlands and shall be considered in the determination of whether any permit required by this chapter should be granted or denied:

1. Wetlands of primary ecological significance shall not be altered so that the ecological systems in the wetlands are unreasonably disturbed; and

2. Development in Tidewater Virginia, to the maximum extent practical, shall be concentrated in wetlands of lesser ecological significance, in vegetated wetlands which have been irreversibly disturbed before July 1, 1972, in nonvegetated wetlands which have been irreversibly disturbed prior to January 1, 1983, and in areas of Tidewater Virginia outside of wetlands.

B. The provisions of guidelines promulgated by the Commission pursuant to § 28.2-1301 shall be considered in applying the standards listed in subsection A of this section.

C. When any activity authorized by a permit issued pursuant to this chapter is conditioned upon compensatory mitigation for adverse impacts to wetlands, the applicant may be permitted to satisfy all or part of such mitigation requirements by the purchase or use of credits from any wetlands mitigation bank, including any banks owned by the permit applicant, that has been approved and is operating in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use and operation of mitigation banks as long as (H) (i) the bank is in the same fourth order subbasin, as defined by the hydrologic unit boundaries of the National Watershed Boundary Dataset or by the hydrologic unit system or dataset utilized and depicted or described in the bank's approved mitigation banking instrument, as the impacted site, or in an adjacent subbasin within the same river watershed, as the impacted site, or it meets all the conditions found in clauses (H) (a) through (H) (d) and either clause (H) (e) or (H) (f) of this subsection; (Z) (ii) the bank is ecologically preferable to practicable on-site and off-site individual mitigation options, as defined by federal wetland regulations; and (Z) (iii) the banking instrument, if approved after July 1, 1996, has been approved by a process that included public review and comment. When the bank is not located in the same subbasin or adjacent subbasin within the same river watershed as the impacted site, the purchase or use of credits shall not be allowed unless the applicant demonstrates to the satisfaction of the Commission that (H) (a) the impacts will occur as a result of a Virginia Department of Transportation linear project or as the result of a locality project for a locality whose jurisdiction encompasses multiple river watersheds; (H) (b) there is no practical same river watershed mitigation alternative; (H) (c) the impacts are less than one acre in a single and complete project within a subbasin; (H) (d) there is no significant harm to water quality or fish and wildlife resources within the river watershed of the impacted site; and either (H) (e) impacts within the Chesapeake Bay watershed are mitigated within the Chesapeake Bay watershed as close as possible to the impacted site or (H) (f) impacts within subbasins 02080108, 02080208, and 03010205, as defined by the National Watershed Boundary Dataset, are mitigated in-kind within those subbasins as close as possible to the impacted site. After July 1, 2002, the provisions of clause (H) (f) shall apply only to impacts within subdivisions of the listed subbasins where overlapping watersheds exist, as determined by the Department of Environmental Quality, provided the Department has made such a determination by that date. *For the purposes of this subsection, the hydrologic unit boundaries of the National Watershed Boundary Dataset or other hydrologic unit system may be adjusted by the Department of Environmental Quality to reflect site-specific geographic or hydrologic information provided by the bank sponsor.*

For the purposes of this section, "river watershed" means the Potomac River Basin, Shenandoah River Basin, James River Basin, Rappahannock River Basin, Roanoke and Yadkin Rivers Basin, Chowan River Basin (including the Dismal Swamp and Albemarle Sound), Tennessee River Basin, Big Sandy River Basin, Chesapeake Bay and its Small Coastal Basins, Atlantic Ocean, York River Basin, and the New River Basin.

§ 33.1-223.2:1. Wetlands mitigation banking.

When authorization is required by federal or state law for any project affecting wetlands and such authorization is conditioned upon compensatory mitigation for adverse impacts to wetlands, the Commissioner of Highways is authorized to expend funds for the purchase of, or is authorized to use, credits from any wetlands mitigation bank, including any owned by the Department, that has been approved and is operating in accordance with applicable federal and state guidance, laws or regulations for the establishment, use and operation of mitigation banks as long as: (H) (i) the bank is in the same fourth order subbasin, as defined by the hydrologic unit boundaries of the National Watershed Boundary Dataset or by the hydrologic unit system or dataset utilized and depicted or described in the bank's approved mitigation banking instrument, as the impacted site, or in an adjacent subbasin within the same river watershed, as the impacted site, or it meets all the conditions found in clauses (H) (a) through (H) (d) and either clause (H) (e) or (H) (f) of this section; (Z) (ii) the bank is ecologically preferable to practicable on-site and off-site individual mitigation options, as defined by federal wetland regulations; and (Z) (iii) the banking instrument, if approved after July 1, 1996, has been approved by a process that included public review and comment. When the bank is not located in the same subbasin or adjacent subbasin within the same river watershed as the impacted site, the purchase or use of credits shall not be allowed unless the Commissioner demonstrates to the satisfaction of the agency requiring compensatory mitigation that (H) (a) the impacts will occur as a result of a Virginia Department of Transportation linear project; (H) (b) there is no practical same river watershed mitigation alternative; (H) (c) the impacts are less than one acre in a single and complete project within a subbasin; (H) (d) there is no significant harm to water quality or fish and wildlife resources within the river watershed of the impacted site; and either (H) (e) impacts within the Chesapeake Bay watershed are mitigated within the Chesapeake Bay watershed as close as possible to the impacted site or (H) (f) impacts within subbasins 02080108, 02080208, and 03010205, as defined by the National Watershed Boundary Dataset, are mitigated in-kind within those subbasins, as close as possible to the impacted site. After July 1, 2002, the provisions of clause (H) (f) shall apply only to impacts within subdivisions of the listed subbasins where overlapping watersheds exist, as determined by the Department of Environmental Quality, provided the Department has made such a determination by that date. *For the purposes of this subsection, the hydrologic unit boundaries of the National Watershed Boundary Dataset or other hydrologic unit system may be adjusted by the Department of Environmental Quality to reflect site-specific geographic or hydrologic information provided by the bank sponsor.*

For the purposes of this section, "river watershed" means the Potomac River Basin, Shenandoah River Basin, James River Basin, Rappahannock River Basin, Roanoke and Yadkin Rivers Basin, Chowan River Basin (including the Dismal Swamp and Albemarle Sound), Tennessee River Basin, Big Sandy River Basin, Chesapeake Bay and its Small Coastal Basins, Atlantic Ocean, York River Basin, and the New River Basin.

§ 62.1-44.15:23. Wetland and stream mitigation banks.

A. When a Virginia Water Protection Permit is conditioned upon compensatory mitigation for adverse impacts to wetlands or streams, the applicant may be permitted to satisfy all or part of such mitigation requirements by the purchase or use of credits from any wetland or stream mitigation bank in the Commonwealth, or in Maryland on property wholly surrounded by and located in the Potomac River if the mitigation banking instrument provides that the Board shall have the right to enter and inspect the property and that the mitigation bank instrument and the contract for the purchase or use of such credits may be enforced in the courts of the Commonwealth, including any banks owned by the permit applicant, that has been approved and is operating in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of mitigation banks as long as: ~~(1)~~ (i) the bank is in the same fourth order subbasin, as defined by the hydrologic unit boundaries of the National Watershed Boundary Dataset or by the hydrologic unit system or dataset utilized and depicted or described in the bank's approved mitigation banking instrument, as the impacted site, or in an adjacent subbasin within the same river watershed as the impacted site, or it meets all the conditions found in clauses ~~(1)~~ (a) through ~~(4)~~ (d) and either clause ~~(2)~~ (e) or ~~(5)~~ (f) of this subsection; ~~(2)~~ (ii) the bank is ecologically preferable to practicable onsite and offsite individual mitigation options as defined by federal wetland regulations; and ~~(3)~~ (iii) the banking instrument, if approved after July 1, 1996, has been approved by a process that included public review and comment. When the bank is not located in the same subbasin or adjacent subbasin within the same river watershed as the impacted site, the purchase or use of credits shall not be allowed unless the applicant demonstrates to the satisfaction of the Department of Environmental Quality that ~~(1)~~ (a) the impacts will occur as a result of a Virginia Department of Transportation linear project or as the result of a locality project for a locality whose jurisdiction encompasses multiple river watersheds; ~~(1)~~ (b) there is no practical same river watershed mitigation alternative; ~~(1)~~ (c) the impacts are less than one acre in a single and complete project within a subbasin; ~~(1)~~ (d) there is no significant harm to water quality or fish and wildlife resources within the river watershed of the impacted site; and either ~~(2)~~ (e) impacts within the Chesapeake Bay watershed are mitigated within the Chesapeake Bay watershed as close as possible to the impacted site or ~~(5)~~ (f) impacts within subbasins 02080108, 02080208, and 03010205, as defined by the National Watershed Boundary Dataset, are mitigated in-kind within those subbasins, as close as possible to the impacted site. *For the purposes of this subsection, the hydrologic unit boundaries of the National Watershed Boundary Dataset or other hydrologic unit system may be adjusted by the Department of Environmental Quality to reflect site-specific geographic or hydrologic information provided by the bank sponsor.*

For the purposes of this section, "river watershed" means the Potomac River Basin, Shenandoah River Basin, James River Basin, Rappahannock River Basin, Roanoke and Yadkin Rivers Basin, Chowan River Basin (including the Dismal Swamp and Albemarle Sound), Tennessee River Basin/Big Sandy River Basin Complex, Chesapeake Bay and its Small Coastal Basins, Atlantic Ocean, York River Basin, and the New River Basin.

B. The Department of Environmental Quality is authorized to serve as a signatory to agreements governing the operation of mitigation banks. The Commonwealth, its officials, agencies, and employees shall not be liable for any action taken under any agreement developed pursuant to such authority.

C. State agencies and localities are authorized to purchase credits from mitigation banks.

D. A locality may establish, operate and sponsor wetland or stream single-user mitigation banks within the Commonwealth that have been approved and are operated in accordance with the requirements of subsection A, provided that such single-user banks may only be considered for compensatory mitigation for the sponsoring locality's municipal, joint municipal or governmental projects. For the purposes of this subsection, the term "sponsoring locality's municipal, joint municipal or governmental projects" means projects for which the locality is the named permittee, and for which there shall be no third-party leasing, sale, granting, transfer, or use of the projects or credits. Localities may enter into agreements with private third parties to facilitate the creation of privately sponsored wetland and stream mitigation banks having service areas developed through the procedures of subsection A.

CHAPTER 333

An Act to amend and reenact §§ 32.1-167 and 32.1-169 of the Code of Virginia, relating to water supplies and waterworks; human consumption.

[H 674]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-167 and 32.1-169 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-167. Definitions.

As used in this article, unless the context clearly requires a different meaning:

~~1~~. "Aesthetic standards" means water quality standards which involve those physical, biological, and chemical properties of water that adversely affect the palatability and consumer acceptability of water through taste, odor, appearance, or chemical reaction.

~~2~~. "Chronically noncompliant waterworks" means a waterworks that is unable to provide pure water for any of the following reasons: (i) the waterworks' record of performance demonstrates that it can no longer be depended upon to furnish pure water to the persons served; (ii) the owner has inadequate technical, financial, or managerial capacity to furnish pure

water to the persons served; (iii) the owner has failed to comply with an order issued by the Board or Commissioner pursuant to § 32.1-26 or 32.1-175.01; (iv) the owner has abandoned the waterworks and has discontinued supplying pure water to the persons served; or (v) the owner is subject to a forfeiture order pursuant to § 32.1-174.1.

3. ~~"Domestic use" means normal family or household use, including drinking, laundering, bathing, cooking, heating, cleaning and flushing toilets.~~

4. "Governmental entity" means the Commonwealth, a town, city, county, service authority, sanitary district, or any other governmental body established under state law, including departments, divisions, boards, or commissions.

"Human consumption" means drinking, food preparation, dishwashing, bathing, showering, hand washing, teeth brushing, and maintaining oral hygiene.

5. "Owner" means an individual, group of individuals, partnership, firm, association, institution, corporation, governmental entity, or the federal government, ~~which that~~ supplies or proposes to supply water to any person within this Commonwealth from or by means of any waterworks.

6. "Pure water" means water fit for human consumption ~~and domestic use that is~~ (i) ~~which is~~ sanitary and normally free of minerals, organic substances, and toxic agents in excess of reasonable amounts and (ii) ~~which is~~ adequate in quantity and quality for the minimum health requirements of the persons served.

7. "Special order" means an administrative order issued to any person to comply with: (i) the provisions of any law administered by the Board, (ii) any condition of a permit, (iii) any regulation of the Board, or (iv) any case decision, as defined in § 2.2-4001, of the Board. A special order may include a civil penalty of not more than \$1000 for each day of violation.

8. "Water supply" means water taken into a waterworks from wells, streams, springs, lakes, and other bodies of surface water, natural or impounded, and the tributaries thereto, and all impounded ground water but does not include any water above the point of intake of such waterworks.

9. "Waterworks" means a system that serves piped water for ~~drinking or domestic use~~ *human consumption* to (i) ~~the public,~~ (ii) at least ~~fifteen~~ *15* service connections or (iii) ~~an average of twenty-five~~ *25 or more* individuals for at least ~~sixty~~ *60* days out of the year. ~~The term "waterworks" shall include "Waterworks" includes~~ all structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water except the piping and fixtures inside the building where such water is delivered.

§ 32.1-169. Supervision by Board.

The Board shall have general supervision and control over all water supplies and waterworks in the Commonwealth insofar as the bacteriological, chemical, radiological, and physical quality of waters furnished for ~~drinking or domestic use~~ *human consumption* may affect the public health and welfare and may require that all water supplies be pure water. In exercising such supervision and control, the Board shall recognize the relationship between an owner's financial, technical, managerial, and operational capabilities and his capacity to comply with state and federal drinking water standards.

CHAPTER 334

An Act to amend and reenact § 22.1-305.2 of the Code of Virginia, relating to the Advisory Board on Teacher Education and Licensure; membership.

[H 725]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-305.2 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-305.2. Advisory Board on Teacher Education and Licensure.

There is hereby established the Advisory Board on Teacher Education and Licensure which shall consist of ~~nineteen~~ *21* members to be appointed by the Board of Education. Ten members of the Advisory Board shall be classroom teachers, with at least the following representation: three elementary school teachers, three middle school teachers, and three high school teachers. Three members of the Advisory Board shall be school administrators, one of whom shall be a school principal, one of whom shall be a division superintendent, and one of whom shall be a school personnel administrator. ~~Two~~ *Four* members of the Advisory Board shall be faculty members in teacher preparation programs in public or private institutions of higher education, who may represent the arts and sciences. One member of the Advisory Board shall be a member of a school board. One member of the Advisory Board shall be a member of a parent-teacher association. One member of the Advisory Board shall be a representative of the business community and one member shall be a citizen at large. The Superintendent of Public Instruction or his designee and the Director of the State Council of Higher Education or his designee and the Chancellor of the Virginia Community College System or his designee shall serve as nonvoting ex officio members of the Advisory Board.

The Superintendent of Public Instruction shall designate a staff liaison to coordinate the activities of the Advisory Board. The Advisory Board shall meet five times per year or upon the request of its chairman or the Board of Education. The Advisory Board shall annually elect a chairman from its membership. The members of the Advisory Board shall serve without compensation; however, the necessary expenses incurred in the performance of their duties as members of the Advisory Board shall be reimbursed by the Department of Education.

The members of the Advisory Board shall be appointed for three-year terms. However, the incumbent members of the Teacher Education Advisory Board serving on July 1, 1990, shall be appointed to serve as initial members of the Advisory Board on Teacher Education and Licensure for the duration of the terms for which they were originally appointed. Upon the expiration of the terms of these incumbent members, the members appointed to replace them shall serve for three-year terms. No person may be appointed to serve for more than two consecutive terms. Those serving as incumbent members on July 1, 1990, shall be eligible to be reappointed to serve for one additional term. Members shall hold office after expiration of their terms until their successors are duly appointed.

The Advisory Board on Teacher Education and Licensure shall advise the Board of Education and submit recommendations on policies applicable to the qualifications, examination, licensure, and regulation of school personnel including revocation, suspension, denial, cancellation, reinstatement, and renewals of licensure, fees for processing applications, standards for the approval of preparation programs, reciprocal approval of preparation programs, and other related matters as the Board of Education may request or the Advisory Board may deem necessary. The final authority for licensure of school personnel shall remain with the Board of Education.

CHAPTER 335

An Act to amend and reenact § 2.2-3011 of the Code of Virginia, relating to the Fraud and Abuse Whistle Blower Protection Act; discriminatory and retaliatory action against whistle blower; remedies.

[H 728]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3011 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3011. Discrimination and retaliatory actions against whistle blowers prohibited; good faith required; remedies.

A. No employer may discharge, threaten, or otherwise discriminate or retaliate against a whistle blower whether acting on his own or through a person acting on his behalf or under his direction.

B. No employer may discharge, threaten, or otherwise discriminate or retaliate against a whistle blower, *in whole or in part*, because the whistle blower is requested or subpoenaed by an appropriate authority to participate in an investigation, hearing, or inquiry by an appropriate authority or in a court action.

C. To be protected by the provisions of this chapter, an employee who discloses information about suspected wrongdoing or abuse shall do so in good faith and upon a reasonable belief that the information is accurate. Disclosures that are reckless or the employee knew or should have known were false, confidential by law, or malicious shall not be deemed good faith reports and shall not be protected.

D. *In addition to the remedies provided in § 2.2-3012, any whistle blower may bring a civil action for violation of this section in the circuit court of the jurisdiction where the whistle blower is employed. In a proceeding commenced against any employer under this section, the court, if it finds that a violation was willfully and knowingly made, may impose upon such employer that is a party to the action, whether a writ of mandamus or injunctive relief is awarded or not, a civil penalty of not less than \$500 nor more than \$2,500, which amount shall be paid into the Fraud and Abuse Whistle Blower Reward Fund. The court may also order appropriate remedies, including (i) reinstatement to the same position or, if the position is filled, to an equivalent position; (ii) back pay; (iii) full reinstatement of fringe benefits and seniority rights; or (iv) any combination of these remedies. The whistle blower may be entitled to recover reasonable attorney fees and costs. No action brought under this subsection shall be brought more than three years after the date the unlawful discharge, discrimination, or retaliation occurs. Any whistle blower proceeding under this subsection shall not be required to exhaust existing internal procedures or other administrative remedies.*

E. Nothing in this chapter shall prohibit an employer from disciplining or discharging a whistle blower for his misconduct or any violation of criminal law.

CHAPTER 336

An Act to amend and reenact §§ 37.2-819 and 64.2-2014, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to mental health and the prohibition of firearms.

[H 743]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 37.2-819 and 64.2-2014, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 37.2-819. Order of involuntary admission or mandatory outpatient treatment forwarded to CCRE; certain voluntary admissions forwarded to CCRE; firearm background check.

A. *The order from a commitment hearing issued pursuant to this chapter for involuntary admission or mandatory outpatient treatment and the certification of any person who has been the subject of a temporary detention order pursuant to § 37.2-809 and who, after being advised by the judge or special justice that he will be prohibited from possessing a firearm pursuant to § 18.2-308.1:3, subsequently agreed to voluntary admission pursuant to § 37.2-805 shall be filed by the judge or special justice with the clerk of the district court for the county or city where the hearing took place as soon as practicable but no later than the close of business on the next business day following the completion of the hearing.*

B. Upon receipt of any order from a commitment hearing issued pursuant to this chapter for involuntary admission to a facility, the clerk of court shall, as soon as practicable but not later than the close of business on the next following business day, certify and forward to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of the order. Upon receipt of any order from a commitment hearing issued pursuant to this chapter for mandatory outpatient treatment, the clerk of court shall, prior to the close of that business day, certify and forward to the Central Criminal Records Exchange, on a form provided by the ~~exchange~~ Exchange, a copy of the order.

~~B~~ C. The clerk of court shall also, as soon as practicable but no later than the close of business on the next following business day, forward upon receipt to the Central Criminal Records Exchange, on a form provided by the Exchange, certification of any person who has been the subject of a temporary detention order pursuant to § 37.2-809, and who, after being advised by the judge or special justice that he will be prohibited from possessing a firearm pursuant to § 18.2-308.1:3, subsequently agreed to voluntary admission pursuant to § 37.2-805.

~~C~~ D. The copy of the forms and orders sent to the Central Criminal Records Exchange pursuant to subsection ~~A~~ B, and the forms and certifications sent to the Central Criminal Records Exchange regarding voluntary admission pursuant to subsection ~~B~~ C, shall be kept confidential in a separate file and used only to determine a person's eligibility to possess, purchase, or transfer a firearm. No medical records shall be forwarded to the Central Criminal Records Exchange with any form, order, or certification required by subsection ~~A~~ ~~B~~ or C. The Department of State Police shall forward only a person's eligibility to possess, purchase, or transfer a firearm to the National Instant Criminal Background Check System.

§ 64.2-2014. (Effective until July 1, 2014) Clerk to index findings of incapacity or restoration; notice of findings.

A. A copy of the court's findings that a person is incapacitated or has been restored to capacity, or a copy of any order appointing a conservator or guardian pursuant to § 64.2-2115, shall be filed by the judge with the clerk of the circuit court *for the county or city where the hearing took place as soon as practicable, but no later than the close of business on the next business day following the completion of the hearing.* The clerk shall properly index the findings in the index to deed books by reference to the order book and page whereon the order is spread and shall immediately notify the Commissioner of Behavioral Health and Developmental Services in accordance with § 64.2-2028, the commissioner of accounts in order to ensure compliance by a conservator with the duties imposed pursuant to §§ 64.2-2021, 64.2-2022, 64.2-2023, and 64.2-2026, and the Secretary of the State Board of Elections with the information required by § 24.2-410. If a guardian is appointed, the clerk shall forward a copy of the court order to the local department of social services of the jurisdiction where the person then resides. If a guardianship is terminated or otherwise modified, the clerk shall forward a copy of the court order to the local department of social services to which the original order of appointment was forwarded and, if different, to the local department of social services in the jurisdiction where the person then resides.

B. The clerk shall, *as soon as practicable, but no later than the close of business on the following business day*, certify and forward ~~forthwith~~ *upon receipt* to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of any order adjudicating a person incapacitated under this article, any order appointing a conservator or guardian pursuant to § 64.2-2115, and any order of restoration of capacity under § 64.2-2012. The copy of the form and the order shall be kept confidential in a separate file and used only to determine a person's eligibility to possess, purchase, or transfer a firearm.

§ 64.2-2014. (Effective July 1, 2014) Clerk to index findings of incapacity or restoration; notice of findings.

A. A copy of the court's findings that a person is incapacitated or has been restored to capacity, or a copy of any order appointing a conservator or guardian pursuant to § 64.2-2115, shall be filed by the judge with the clerk of the circuit court *for the county or city where the hearing took place as soon as practicable, but no later than the close of business on the next business day following the completion of the hearing.* The clerk shall properly index the findings in the index to deed books by reference to the order book and page whereon the order is spread and shall immediately notify the Commissioner of Behavioral Health and Developmental Services in accordance with § 64.2-2028, the commissioner of accounts in order to ensure compliance by a conservator with the duties imposed pursuant to §§ 64.2-2021, 64.2-2022, 64.2-2023, and 64.2-2026, and the Commissioner of Elections with the information required by § 24.2-410. If a guardian is appointed, the clerk shall forward a copy of the court order to the local department of social services of the jurisdiction where the person then resides. If a guardianship is terminated or otherwise modified, the clerk shall forward a copy of the court order to the local department of social services to which the original order of appointment was forwarded and, if different, to the local department of social services in the jurisdiction where the person then resides.

B. The clerk shall, *as soon as practicable, but no later than the close of business on the following business day*, certify and forward ~~forthwith~~ *upon receipt* to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of any order adjudicating a person incapacitated under this article, any order appointing a conservator or guardian pursuant to § 64.2-2115, and any order of restoration of capacity under § 64.2-2012. The copy of the form and the order shall be kept confidential in a separate file and used only to determine a person's eligibility to possess, purchase, or transfer a firearm.

CHAPTER 337

An Act to amend and reenact §§ 38.2-1845.5 and 38.2-1845.8 of the Code of Virginia, relating to the licensing of nonresident public adjusters.

[H 755]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:**1. That §§ 38.2-1845.5 and 38.2-1845.8 of the Code of Virginia are amended and reenacted as follows:****§ 38.2-1845.5. Licensing nonresidents; reciprocal agreements with other states and Canadian provinces.**

A. An individual or business entity that is not a resident as defined in subsection B of § 38.2-1800.1 but that is a resident of another state, territory, or province of Canada shall receive a nonresident public adjuster license if:

1. The applicant presents proof in a form acceptable to the Commission that the applicant is currently licensed or otherwise authorized as a resident public adjuster and is in good standing in his home state;

2. The applicant has submitted the proper application for licensure or a copy of the application for licensure submitted to his home state and has paid the fees required by § 38.2-1845.2;

3. The applicant's home state issues nonresident public adjuster licenses to residents of the Commonwealth on the same basis or will permit a resident of the Commonwealth to act as a public adjuster in such state without requiring a license; ~~and~~

4. The applicant, if a corporation, limited liability company, or limited partnership, has obtained from the Clerk of the Commission a certificate of authority, certificate of registration, or certificate of limited partnership, respectively; *and*

5. *The applicant attests that the applicant has, and thereafter shall keep in force for as long as the license remains in effect, a bond in favor of the Commonwealth in the amount of \$50,000 with corporate sureties licensed by the Commission, on a form prescribed by the Commission. The bond shall be conditioned that the public adjuster will conduct business under the license in accordance with the laws of the Commonwealth. The bond shall not be terminated unless at least 60 calendar days' prior written notice of the termination is filed with the Commission. If, prior to the expiration date of the bond, the licensed public adjuster fails to file with the Commission a certification or attestation that a new bond satisfying the requirements of this section has been put into effect, the public adjuster license shall terminate, and the licensee shall be required to satisfy any and all prelicensing requirements in order to apply for a new public adjuster license. The Commission may ask for a copy of the bond or other evidence of financial responsibility at any time.*

B. For the purposes of this chapter, any individual whose place of residence and place of business are in a city or town located partly within the Commonwealth and partly within another state may be considered as meeting the requirements as a resident of the Commonwealth, provided the other state has established by law or regulation similar requirements as to residence of such individuals.

C. The Commission may enter into a reciprocal agreement with an appropriate official of any other state or province of Canada if such an agreement is required in order for a Virginia resident to be similarly licensed as a nonresident in that state or province.

D. The Commission may verify the public adjuster's licensing status through the Producer Database records maintained by the NAIC, its affiliates, or subsidiaries.

E. The business entity has designated an individual licensed in Virginia as a public adjuster to be responsible for the business entity's compliance with the laws, rules, and regulations of the Commonwealth applicable to public adjusters.

F. The Commission may require any documents reasonably necessary to verify the information contained in an application.

G. A licensed nonresident public adjuster who changes his home state shall file a change of address within 30 calendar days of the change of legal residence.

H. Any licenses issued to nonresidents pursuant to this section shall be terminated at any time that the nonresident's equivalent authority in his home state is terminated, suspended, or revoked.

§ 38.2-1845.8. Renewal application and fee.

A. Each licensed public adjuster shall remit biennially a renewal application in a form and manner acceptable to the Commission, along with the nonrefundable renewal application processing fee prescribed by the Commission for the renewal of the license. Any public adjuster license for which the required renewal application and nonrefundable renewal application processing fee has been received by the Commission shall, unless the license has been terminated, suspended, or revoked be renewed for a two-year period. Any public adjuster license for which the required renewal application and nonrefundable renewal application processing fee has not been received by the Commission in the manner prescribed by the Commission shall automatically be terminated.

B. The nonrefundable renewal processing fee for each public adjuster license shall be paid in a manner and in an amount prescribed by the Commission. All fees shall be collected by the Commission and paid into the state treasury and credited to the fund for the maintenance of the Bureau of Insurance as provided in subsection B of § 38.2-400.

C. *No nonresident public adjuster license shall be renewed unless the applicant meets the requirements for initial licensure as set forth in § 38.2-1845.5.*

CHAPTER 338

An Act to amend and reenact §§ 17.1-223, 17.1-227, 17.1-227.1, 17.1-249, 17.1-252, 55-48, 55-58 through 55-58.3, 55-106, and 58.1-811, as it is currently effective and as it may become effective, of the Code of Virginia, relating to form and effect of deeds and deeds of trust; recordation of deeds and deeds of trust.

[H 763]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 17.1-223, 17.1-227, 17.1-227.1, 17.1-249, 17.1-252, 55-48, 55-58 through 55-58.3, 55-106, and 58.1-811, as it is currently effective and as it may become effective, of the Code of Virginia are amended and reenacted as follows:

§ 17.1-223. Duty of clerk to record writings, etc., and make index.

A. Every writing authorized by law to be recorded, with all certificates, plats, schedules or other papers thereto annexed or thereon endorsed, upon payment of fees for the same and the tax thereon, if any, shall, when admitted to record, be recorded by or under the direction of the clerk on such media as are prescribed by § 17.1-239. However, *unless a cover sheet is submitted with the writing in accordance with § 17.1-227.1*, the clerk has the authority to reject any writing for filing or recordation unless (i) ~~each individual's as to any individual who is a party to such writing, the surname only; where it first appears in the writing;~~ *of such individual is underscored or written entirely in capital letters; in the first clause of the writing that identifies the names of the parties;* (ii) each page of the instrument or writing is numbered; *consecutively;* (iii) ~~the Code section in the case of a writing described in § 58.1-801 or 58.1-807, the amount of the consideration and the actual value of the property conveyed is stated on the first page of the writing;~~ *the laws of the United States or the Commonwealth under which any exemption from recordation taxes is claimed is clearly stated on the face of the writing;* (iv) ~~the names of all grantors and grantees are;~~ *and (v) the name of each party to such writing under whose name the writing is to be indexed as grantor, grantee, or both is listed as required by §§ 55-48 and 55-58, and if a cover sheet is used pursuant to § 17.1-227.1, that the names of all grantors and grantees on the face of such writing are the same on the cover sheet, and (v) the first page of the document bears an entry showing the name of either the person or entity who drafted the instrument, except that papers or documents prepared outside of the Commonwealth shall be recorded without such an entry. The clerk has the authority to reject any deed for filing or recordation that does not comply with this section in the first clause of the writing that identifies the names of the parties and identified therein as grantor, grantee, or both, as applicable.* Such writing, once recorded, ~~shall~~ *may* be returned to ~~the any party to such writing who is identified therein as a grantee unless otherwise indicated clearly on the face of the writing, or any cover sheet,~~ including an appropriate current address to which such writing shall be returned.

B. The attorney or party who prepares the writing for recordation shall ensure that the writing satisfies the requirements of subsection A and that (i) the social security number is removed from the writing prior to the instrument being submitted for recordation, (ii) a deed conveying *residential property containing* not more than four residential dwelling units states on the first page of the document the name of the title insurance underwriter insuring such instrument or a statement that the existence of title insurance is unknown to the preparer, and (iii) a deed conveying *residential property containing* not more than four residential dwelling units states on the first page of the document that it was prepared by the owner of the real property or by an attorney licensed to practice law in the Commonwealth where such statement by an attorney shall include the name and Virginia State Bar number of the attorney who prepared the deed, provided, however, that clause (iii) shall not apply to deeds of trust or to deeds in which a public service company, railroad, or cable system operator is either a grantor or grantee, and it shall be sufficient for the purposes of clause (iii) that deeds prepared under the supervision of the Office of the Attorney General of Virginia so state without the name of an attorney or bar number.

C. ~~A document which~~ *writing that* appears on its face to have been properly notarized in accordance with the Virginia Notary Act (§ 47.1-1 et seq.) shall be presumed to have been notarized properly and may be recorded by the clerk.

D. If the writing ~~or deed~~ is accepted for ~~record and spread on~~ *recordation* in the deed books, it shall be deemed to be validly recorded for all purposes. Such books shall be indexed by ~~him~~ *the clerk* as provided by § 17.1-249 and carefully preserved. Upon admitting any such writing or other paper to record, the clerk shall endorse thereon the day and time of day of such recordation. More than one book may be used contemporaneously under the direction of the clerk for the recordation of the writings mentioned in this section whenever it may be necessary to use more than one book for the proper conduct of the business of ~~his~~ *the clerk's* office. ~~After being so recorded such writings may be delivered to the party entitled to claim under the same.~~

§ 17.1-227. Documents to be recorded in deed books; social security numbers.

All deeds, deeds of trust, deeds of release, certificates of satisfaction or certificates of partial satisfaction, quitclaim deeds, homestead deeds, grants, transfers and mortgages of real estate, releases of such mortgages, powers of attorney to convey real estate, leases of real estate, notices of lis pendens and all contracts in reference to real estate, which have been acknowledged as required by law, and certified copies of final judgments or decrees of partition affecting the title or possession of real estate, any part of which is situated in the county or city in which it is sought to be recorded, and all other writings relating to or affecting real estate which are authorized to be recorded, shall, unless otherwise provided, be recorded in a book to be known as the deed book. All deeds, deeds of trust, deeds of release, quitclaim deeds, grants, transfers, and mortgages of real estate or any addendum or memorandum relating to any of these instruments submitted for

recording in the deed books of the appropriate office of the clerk of court shall be prepared according to the requirements for deeds *and deeds of trust* as set forth in §§ 55-48 and 55-58 ~~and shall include the names of all grantors and grantees in the first clause of each such instrument, as applicable.~~ The clerk may refuse to accept any instrument submitted for recording that includes a ~~grantor's, grantee's or trustee's~~ social security number. However, the attorney or party who prepares or submits the instrument has responsibility for ensuring that the social security number is removed from the instrument prior to the instrument being submitted for recording. *The clerk shall be immune from suits arising from the recording of any document, or the content of any document recorded, in the land records pursuant to this or any other applicable provision of this Code unless the clerk was grossly negligent or engaged in willful misconduct.* Each instrument shall be indexed under all such names in accordance with the provisions of § 17.1-249.

§ 17.1-227.1. Use of cover sheets on deeds or other instruments by circuit court clerks.

A. Circuit court clerks may require that any deed or other instrument conveying or relating to an interest in real property be ~~filed~~ *submitted for recording* with a cover sheet detailing the information contained in the deed or other instrument necessary for the clerk to properly index such instrument. The cover sheet shall be developed in conjunction with the *Office of the Executive Secretary of the Supreme Court of Virginia*: ~~The attorney or party who prepares or submits the cover sheet on any deed or other instrument conveying or relating to an interest in real property for recording has the responsibility for ensuring the accuracy of the information contained in the cover sheet and shall include the following information: (i) the name of each party to be indexed as grantor and the name of each party to be indexed as grantee and, in the case of any individual grantor or grantee, the surname of each individual identified as such; (ii) in the case of a deed or other instrument described in § 58.1-801 or 58.1-807, the amount of the consideration and the actual value of the property conveyed; (iii) the Virginia or federal law under which any exemption from recording taxes is claimed; (iv) if required under § 17.1-252, the tax map reference number or numbers, or the parcel identification number (PIN) or numbers, of the affected parcel or parcels; and (v) the name and current address of the person to whom the instrument should be returned after recording.~~

B. *In any clerk's office that does not require a cover sheet, the attorney or other party presenting a deed or other instrument conveying or relating to an interest in real property may submit a cover sheet with such deed or other instrument containing all of the information required under subsection A, and in such case the deed or other instrument need not contain the information otherwise required to be included under subsection A of § 17.1-223, except that each page thereof shall be numbered consecutively as provided in subsection A of § 17.1-223.*

C. *The attorney or other party who prepares the cover sheet submitted with any deed or other instrument conveying or relating to an interest in real property for recording has the responsibility for ensuring the accuracy of the information contained in the cover sheet, and the clerk may rely on the information provided therein.*

The cover sheet *may be recorded with the deed or other instrument with which it is submitted, but it shall not be included as a page for determining the amount of any applicable filing fees pursuant to subdivision A 2 of § 17.1-275; nor shall the except in the case of a cover sheet submitted pursuant to subsection B. The cover sheet shall be provided only for information purposes to facilitate the recording of the deed or other instrument with which it is submitted. The cover sheet shall not be construed to convey title to any interest in real property or, purport to be a document in the chain of title conveying any interest in real property, or be considered a part of, or affect the interpretation of, the deed or other instrument with which it is submitted, regardless of whether the clerk records the cover sheet with such instrument.*

§ 17.1-249. General indexes for clerks' offices; daily index.

A. There shall be kept in every clerk's office modern, family name or ledgerized alphabetical key-table general indexes to all deed books, miscellaneous liens, will books, judgment dockets and court order books. The clerk shall enter daily, either in such general indexes or in the daily index to instruments admitted to record, every deed, corrected or amended deed, deed of release, deed of trust, contract of sale, or any addendum, *modification*, or memorandum relating to any of these instruments, indexing each instrument in the names of all parties ~~listed~~ *identified* in the ~~first clause of each instrument as grantor, grantee, or both, as required by §§ 55-48 and 55-58. Any clerk, deputy clerk, or employee of any clerk who so indexes any such instrument shall index any name appearing in the first clause of the original instrument, unless the instrument is submitted for recording with a § 17.1-223, or identified in the cover sheet as grantor, grantee, or both, pursuant to § 17.1-227.1, in which case, the instrument may be indexed by the information contained in the cover sheet. The clerk shall comply with the provisions of § 17.1-223 as applicable.~~

B. A deed *of trust* made to one or more trustees to secure the payment of an indebtedness, and any certificate of satisfaction or certificate of partial satisfaction, assignment, loan modification agreement, substitution of trustees or similar instrument subsequently recorded with respect to such deed, shall be sufficiently indexed if the clerk enters in the appropriate places in the general index to deeds provided for in subsection A the names of the grantor and the name of the beneficiary or, in lieu of the name of the beneficiary, the first listed trustee as grantee. The beneficiary need not be named in the first clause of the deed as a condition of recording.

C. A deed made by a person in a representative capacity, or by devisees or coparceners, shall be indexed in the names of the grantors and grantees and the name of the former record title owner listed in the first clause of the instrument.

D. The general indexes of civil causes shall be sufficiently kept if the clerk indexes such causes under the short style or title thereof, except that in multiple suits brought under § 58.1-3968, the names of all of the defendants disclosed by the pleadings shall be entered in the general index or book.

E. Every deed of conveyance of real estate in which a vendor's lien is reserved shall be ~~double~~ indexed *twice* so as to show not only the conveyance from the grantor to the grantee in the instrument, but also the reservation of the lien as if it were a grant of ~~the same~~ *such lien* from the grantee to the grantor by a separate instrument and the fact of the lien shall be noted in the index.

F. All deed books, miscellaneous liens, will books, judgment dockets, and court order books shall be numbered or otherwise adequately designated and the clerk upon the delivery of any writing to him for record required by law to be recorded shall duly index it upon the general index in the manner hereinbefore required. When the writing has been actually transcribed on the book, the clerk shall add to the general index the number of the book in which, and the page on which, the writing is recorded.

G. The clerk on receipt of any such writing for record may immediately index it in a book to be known as the "daily index of instruments admitted to record" and within 90 days after its admission to record the clerk shall index all such writings indexed in the daily index in the appropriate general index as hereinbefore provided. The daily index book shall, at all times, be kept in the office of the clerk and conveniently available for examination by the public. During the period permitted for transfer from the daily index to the general index, indexing in the daily index shall be a sufficient compliance with the requirements of this section as to indexing.

H. The judge of any circuit court may make such orders as he deems advisable as to the time and method of indexing the order books in the clerk's office of the court and may dispense with a general index for order books of the court.

I. The clerk may maintain his indexes on computer, word processor, microfilm, microfiche, or other micrographic medium and, in addition, may maintain his grantor and grantee indexes on paper.

§ 17.1-252. Indexing by tax map reference number.

Circuit court clerks in those localities with a unique parcel identification system shall require that any deed or other instrument conveying or relating to an interest in real property bear, on the first page of the deed or other instrument, *or state in the cover sheet submitted with the deed or other instrument*, the tax map reference number or numbers, or the parcel identification number (PIN) or numbers, of the affected parcel or parcels. Upon admitting the deed or other instrument to record, the clerk may, in addition to any other indexing required by law, index the deed or other instrument by the tax map reference number or numbers or by the parcel identification number or numbers.

§ 55-48. Form of a deed.

Every deed, ~~and corrected or amended deed, deed of release, or memorandum or addendum to any of these instruments, including those with vendor's liens,~~ shall name in the first clause each grantor and each grantee under whose names the instrument is to be indexed as required by § 17.1-249 and may be made in the following form, or to the same effect: "This deed, made the day of, in the year, between (here insert names of parties as grantors or grantees), witnesseth: that in consideration of (here state the consideration, *nominal or actual*), the said ~~doth~~ *does* (or do) grant (*or grant and convey*) unto the said, all (here describe the property *or interest therein to be conveyed*, including the name of the city or county in which the property is located, and insert covenants or any other provisions). Witness the following signature and seal (or signatures and seals)." ~~If the grantor or grantee is a trust, the first clause of the deed shall also contain the names of the trust's trustees serving at the time the deed was made.~~

§ 55-58. Form of deed of trust to secure debts, etc.

A deed of trust to secure debts or indemnify sureties may be in the following form, or to the same effect; ~~and shall name in the first clause each (i) grantor, (ii) trustee, and, if applicable, (iii) grantee under whose names the deed of trust is to be indexed as required by § 17.1-249:~~ "This deed, made the day of, in the year, between (the grantor); ~~of the one part, and (the trustee), of the other part,~~ witnesseth: that the said (the grantor) ~~doth~~ *does* (or do) grant (*or grant and convey*) unto the said (the trustee), the following property (here describe it): In trust to secure (here describe the debts to be secured or the sureties to be indemnified and insert covenants or any other provisions the parties may agree upon). Witness the following *signature (or signatures and seals (or signature and seal))*."

§ 55-58.1. Requirements for trustees.

(1) ~~For the purposes of this article, the term "security trust" shall include a deed of trust, mortgage, bond or other instrument, entered into after the effective date of this article under which the title to real and personal property, or either of them, wholly situate in and including no property situate outside of the Commonwealth of Virginia, is conveyed, transferred, encumbered or pledged to secure the payment of money or the performance of an obligation; provided, however, that the provisions of this section shall not apply to supplements to existing security trust instruments now of record executed pursuant to the provisions of said existing security trust instruments. This section shall not apply to security trusts applying to property singly or jointly owned and situate partly in this Commonwealth and partly outside this Commonwealth or to property situate in this Commonwealth which, together with property situate outside this Commonwealth, is the security for the performance of an obligation.~~

(2) ~~A. No person not a resident of this Commonwealth may be named or act, in person or by agent or attorney, as the trustee of a security trust deed of trust conveying property to secure the payment of money or the performance of an obligation, either individually or as one of several trustees, unless such person is a resident of the other or others of which are residents of this Commonwealth. No corporation, limited liability company, partnership, or other entity may be named or act as the trustee or as one of the trustees of a security trust unless it is chartered deed of trust conveying property to secure the payment of money or the performance of an obligation, unless it is organized under the laws of this the~~

Commonwealth or of the United States of America; ~~and unless its principal office is within this.~~ However, the foregoing requirements shall not apply to any deed of trust conveying property lying partly in the Commonwealth and partly outside the Commonwealth or to a deed of trust conveying property in the Commonwealth to secure bonds or obligations that are also secured by one or more deeds of trust or mortgages conveying property outside of the Commonwealth.

~~(3) No clerk shall admit any security trust for recordation which does not B.~~ A deed of trust conveying property to secure the payment of money or the performance of an obligation shall state the full residence or business address of the trustee or trustees named therein, including street address and zip code, which address shall be valid for purposes of all notices under the deed of trust to the trustee. Such address of the trustee or trustees may be changed by amendment of the deed of trust or by a separate instrument executed by the trustee or trustees, or by the beneficiary of such deed of trust, stating the changed address and otherwise in recordable form, and recorded in the office of the clerk of the circuit court where the deed of trust was recorded.

C. Notwithstanding any other provisions of this section, if any ~~security deed of trust~~ deed of trust is admitted by a clerk for recordation it shall be conclusively presumed that such ~~security deed of trust~~ deed of trust complies with all the requirements of this section and it shall be deemed to be validly recorded.

~~(4) D.~~ All deeds of trusts, mortgages, bonds, or other instruments recorded by the clerk prior to January 1, 1999, without the residence or business address of the trustee or trustees named therein shall be valid for all purposes as if such address had been named therein, if such recordation be otherwise valid according to the law then in force, provided; that this section shall not affect any right or remedy of any third party ~~which that~~ accrued after the recordation of said instrument or before July 1, 1960.

§ 55-58.2. Credit line deed of trust defined; relative priority of credit line deed of trust and other instruments of judgment.

~~1- A.~~ For the purpose of this title, the term "credit section:

"Beneficiary" means the noteholder, lender, or other party or parties identified in the credit line deed of trust as secured thereby. In the case of a credit line deed of trust that identifies a party acting as agent for all of the lenders or parties secured by a credit line deed of trust, such agent shall be the beneficiary for purposes hereof.

"Credit line deed of trust" ~~is~~ means any deed of trust, mortgage, bond, or other instrument, entered into after July 1, 1982, in which title to real property located in ~~this~~ the Commonwealth is conveyed, transferred, encumbered, or pledged to secure payment of money including advances, or other extensions of credit, to be made in the future ~~by the noteholder named in the credit line deed of trust.~~

~~2- B.~~ A credit line deed of trust shall set forth on the front page thereof, either in capital letters or in language underscored, the words "THIS IS A CREDIT LINE DEED OF TRUST." Such phrase shall convey notice to all parties that ~~the noteholder named therein and the grantors and other borrowers identified therein have an agreement whereby the noteholder may make or contemplates making~~ advances or other extensions of credit are to be made or are contemplated to be made from time to time against the security described in the credit line deed of trust. Such credit line deed of trust shall specify therein the maximum aggregate amount of principal to be secured at any one time.

~~3- C.~~ From the date and actual time of the recording of a credit line deed of trust, the lien thereof shall have priority (i) as to all other deeds, conveyances, or other instruments, or contracts in writing, which are unrecorded as of such date and time of recording and of which the ~~noteholder beneficiary~~ beneficiary has no knowledge or notice and (ii) as to judgment liens subsequently docketed, except as provided in subsection 4 of this section D. Such priority shall extend to any advances or other extensions of credit made following the recordation of the credit line deed of trust. Amounts outstanding, together with interest thereon, and other items provided by § 55-59, shall continue to have priority until paid or curtailed. Mechanics' liens created under Title 43 shall continue to enjoy the same priority as created by that title. Purchase money security interests in goods and fixtures shall have the same priority as provided in Subpart 3 (§§ 8.9A-317 et seq.) of Part 3 of Title 8.9A.

~~4- D.~~ Notwithstanding the provisions of subsections ~~1, 2 A, B, and 3 of this section~~ C, if a judgment creditor gives written notice to the ~~noteholder beneficiary~~ beneficiary of record at the address indicated in the credit line deed of trust, such credit line deed of trust shall have no priority as to such judgment for any advances or extensions of credit made under such credit line deed of trust from the day following receipt of that notice except those which have been unconditionally and irrevocably committed prior to such date.

~~5- E.~~ In addition to the language specified in subsection 4 of this section B, the credit line deed of trust shall set forth the name of the ~~noteholder secured beneficiary~~ beneficiary and the address at which communications may be mailed or delivered to ~~him~~ the beneficiary. Such name or address may be changed or modified by duly recorded instrument executed by the ~~noteholder beneficiary~~ beneficiary only. If the note or indebtedness secured by the credit line deed of trust is assigned or transferred, the name and address of the new ~~noteholder beneficiary~~ beneficiary may be set forth in the certificate of transfer provided by § 55-66.01. Such original name or address, or if changed, such changed name or address, shall be the address for delivery of notices contemplated by this section. Receipt of notice at such address shall be deemed receipt by the ~~noteholder beneficiary.~~

~~6- [Repeated.]~~

~~7- F.~~ The grantor may require, at any time, a modification under the credit line deed of trust, whereby any priority over subsequently recorded deeds of trust is surrendered as to future advances or other extensions of credit, which advances or extensions of credit are in the discretion of the party secured by the credit line deed of trust.

~~§~~ G. Notwithstanding the provisions of subsections ~~1~~, ~~2~~ A, B, and ~~3~~ of this section C, if a deed of trust under this section is a subordinate mortgage, as defined in *subsection A of § 55-58.3*, upon the recording of a refinance mortgage, as defined in *subsection A of § 55-58.3*, the credit line deed of trust shall retain the same subordinate position with respect to the refinance mortgage as it had with the prior mortgage, as defined in subsection A of § 55-58.3, provided that the refinance mortgage complies with the requirements of § 55-58.3.

§ 55-58.3. Priority of residential refinance mortgage over subordinate mortgage.

A. As used in this section:

"Prior mortgage" means a mortgage, deed of trust, or other instrument encumbering or conveying an interest in residential real estate containing not more than one dwelling unit to secure a financing.

"Refinance mortgage" means ~~the~~ a mortgage, deed of trust, or other instrument ~~creating a security~~ encumbering or conveying an interest in residential real estate ~~given~~ containing not more than one dwelling unit to secure a refinancing.

"Refinancing" means the replacement of a loan secured by a prior mortgage with a new loan secured by a refinance mortgage; ~~deed of trust or other instrument~~ and the payment in full of the debt owed under the original loan secured by the prior mortgage.

"Subordinate mortgage" means a mortgage or deed of trust securing an original principal amount not exceeding \$150,000, encumbering or conveying an interest in residential real estate containing not more than one dwelling unit that is subordinate in priority (i) under subdivision A 1 of § 55-96 to a mortgage, deed of trust or other security interest in real estate (otherwise known as the prior mortgage); or (ii) as a result of a previous refinancing.

B. Upon the refinancing of a prior mortgage ~~encumbering or conveying an interest in real estate containing not more than one dwelling unit~~, a subordinate mortgage shall retain the same subordinate position with respect to a refinance mortgage as the subordinate mortgage had with the prior mortgage, provided that:

1. Such refinance mortgage states on the first page thereof in bold or capitalized letters: "THIS IS A REFINANCE OF A (DEED OF TRUST, MORTGAGE OR OTHER SECURITY INTEREST) RECORDED IN THE CLERK'S OFFICE, CIRCUIT COURT OF (NAME OF COUNTY OR CITY), VIRGINIA, IN DEED BOOK _____, PAGE _____, IN THE ORIGINAL PRINCIPAL AMOUNT OF _____, AND WITH THE OUTSTANDING PRINCIPAL BALANCE WHICH IS _____.";

2. The principal amount secured by such refinance mortgage does not exceed the outstanding principal balance secured by the prior mortgage plus \$5,000; and

3. The interest rate is stated in the refinance mortgage at the time it is recorded and does not exceed the interest rate set forth in the prior mortgage.

C. The priorities among two or more subordinate mortgages shall be governed by subdivision A 1 of § 55-96.

D. The provisions of subsection B shall not apply to a subordinate mortgage securing a promissory note payable to any county, city or town or any agency, authority or political subdivision of the Commonwealth if such subordinate mortgage is financed pursuant to an affordable dwelling unit ordinance adopted pursuant to § 15.2-2304 or 15.2-2305, or pursuant to any program authorized by federal or state law or local ordinance or resolution, for (i) low- and moderate-income persons or households or (ii) improvements to residential potable water supplies and sanitary sewage disposal systems made to address an existing or potential public health hazard, and which mortgage, if recorded on or after July 1, 2003, states on the first page thereof in bold or capitalized letters: "THIS (DEED OF TRUST, MORTGAGE OR OTHER SECURITY INTEREST) SHALL NOT, WITHOUT THE CONSENT OF THE SECURED PARTY HEREUNDER, BE SUBORDINATED UPON THE REFINANCING OF ANY PRIOR MORTGAGE."

§ 55-106. When and where writings admitted to record.

Except when it is otherwise provided, the circuit court of any county or city, or the clerk of any such court, or his duly qualified deputy, in his office, shall admit to record any such writing as to any person whose name is signed thereto with an original signature, ~~except as provided in § 55-113~~, when it shall have been acknowledged by him, or proved by two witnesses as to him in such court, or before such clerk, or his duly qualified deputy, in his office, or the manner prescribed in Articles 2 (§ 55-113 et seq.), 2.1 (§ 55-118.1 et seq.), and 3 (§ 55-119 et seq.) of this chapter. When such writing is signed by a person acting on behalf of another, or in any representative capacity, the signature of such representative may be acknowledged or proved in the same manner.

§ 58.1-811. (Contingent expiration date) Exemptions.

A. The taxes imposed by §§ 58.1-801 and 58.1-807 shall not apply to any deed conveying real estate or lease of real estate:

1. To an incorporated college or other incorporated institution of learning not conducted for profit, where such real estate is intended to be used for educational purposes and not as a source of revenue or profit;

2. To an incorporated church or religious body or to the trustee or trustees of any church or religious body, or a corporation mentioned in § 57-16.1, where such real estate is intended to be used exclusively for religious purposes, or for the residence of the minister of any such church or religious body;

3. To the United States, the Commonwealth, or to any county, city, town, district or other political subdivision of the Commonwealth;

4. To the Virginia Division of the United Daughters of the Confederacy;

5. To any nonstock corporation organized exclusively for the purpose of owning or operating a hospital or hospitals not for pecuniary profit;

6. To a corporation upon its organization by persons in control of the corporation in a transaction which qualifies for nonrecognition of gain or loss pursuant to § 351 of the Internal Revenue Code as it exists at the time of the conveyance;

7. From a corporation to its stockholders upon complete or partial liquidation of the corporation in a transaction which qualifies for income tax treatment pursuant to § 331, 332, 333, or 337 of the Internal Revenue Code as it exists at the time of liquidation;

8. To the surviving or new corporation, partnership, limited partnership, business trust, or limited liability company upon a merger or consolidation to which two or more such entities are parties, or in a reorganization within the meaning of § 368(a)(1)(C) and (F) of the Internal Revenue Code as amended;

9. To a subsidiary corporation from its parent corporation, or from a subsidiary corporation to a parent corporation, if the transaction qualifies for nonrecognition of gain or loss under the Internal Revenue Code as amended;

10. To a partnership or limited liability company, when the grantors are entitled to receive not less than 50 percent of the profits and surplus of such partnership or limited liability company; provided that the transfer to a limited liability company is not a precursor to a transfer of control of the assets of the company to avoid recordation taxes;

11. From a partnership or limited liability company, when the grantees are entitled to receive not less than 50 percent of the profits and surplus of such partnership or limited liability company; provided that the transfer from a limited liability company is not subsequent to a transfer of control of the assets of the company to avoid recordation taxes;

12. To trustees of a revocable inter vivos trust, when the grantors in the deed and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust instrument, when no consideration has passed between the grantor and the beneficiaries; and to the original beneficiaries of a trust from the trustees holding title under a deed in trust;

13. When the grantor is the personal representative of a decedent's estate or trustee under a will or inter vivos trust of which the decedent was the settlor, other than a ~~security trust defined in § 55-58.1~~ *deed of trust conveying property to secure the payment of money or the performance of an obligation*, and the sole purpose of such transfer is to comply with a devise or bequest in the decedent's will or to transfer title to one or more beneficiaries after the death of the settlor in accordance with a dispositive provision in the trust instrument; or

14. When the grantor is an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is organized and operated primarily to acquire land and purchase materials to erect or rehabilitate low-cost homes on such land, which homes are sold at cost to persons who otherwise would be unable to afford to buy a home through conventional means.

B. The taxes imposed by §§ 58.1-803 and 58.1-804 shall not apply to any deed of trust or mortgage:

1. Given by an incorporated college or other incorporated institution of learning not conducted for profit;

2. Given by the trustee or trustees of a church or religious body or given by an incorporated church or religious body, or given by a corporation mentioned in § 57-16.1;

3. Given by any nonstock corporation organized exclusively for the purpose of owning and/or operating a hospital or hospitals not for pecuniary profit;

4. Given by any local governmental entity or political subdivision of the Commonwealth to secure a debt payable to any other local governmental entity or political subdivision; or

5. Securing a loan made by an organization described in subdivision A 14.

C. The tax imposed by § 58.1-802 and the fee imposed by § 58.1-802.2 shall not apply to any:

1. Transaction described in subdivisions A 6 through 13;

2. Instrument or writing given to secure a debt;

3. Deed conveying real estate from an incorporated college or other incorporated institution of learning not conducted for profit;

4. Deed conveying real estate from the United States, the Commonwealth or any county, city, town, district or other political subdivision thereof;

5. Conveyance of real estate to the Commonwealth or any county, city, town, district or other political subdivision thereof, if such political unit is required by law to reimburse the parties taxable pursuant to § 58.1-802 or subject to the fee under § 58.1-802.2; or

6. Deed conveying real estate from the trustee or trustees of a church or religious body or from an incorporated church or religious body, or from a corporation mentioned in § 57-16.1.

D. No recordation tax shall be required for the recordation of any deed of gift between a grantor or grantors and a grantee or grantees when no consideration has passed between the parties. Such deed shall state therein that it is a deed of gift.

E. The tax imposed by § 58.1-807 shall not apply to any lease to the United States, the Commonwealth, or any county, city, town, district or other political subdivision of the Commonwealth.

F. The taxes and fees imposed by §§ 58.1-801, 58.1-802, 58.1-802.2, 58.1-807, 58.1-808, and 58.1-814 shall not apply to (i) any deed of gift conveying real estate or any interest therein to The Nature Conservancy or (ii) any lease of real property or any interest therein to The Nature Conservancy, where such deed of gift or lease of real estate is intended to be used exclusively for the purpose of preserving wilderness, natural or open space areas.

G. The words "trustee" or "trustees," as used in ~~subdivision~~ *subdivisions* A 2, ~~subdivision~~ *subdivision* B 2, and ~~subdivision~~ *subdivision* C 6, include the trustees mentioned in § 57-8 and the ecclesiastical officers mentioned in § 57-16.

H. No recordation tax levied pursuant to this chapter shall be levied on the release of a contractual right, if the release is contained within a single deed that performs more than one function, and at least one of the other functions performed by the deed is subject to the recordation tax.

I. No recordation tax levied pursuant to this chapter shall be levied on a deed, lease, easement, release, or other document recorded in connection with a concession pursuant to the Public-Private Transportation Act of 1995 (§ 56-556 et seq.) or similar federal law.

J. No recordation tax shall be required for the recordation of any transfer on death deed or any revocation of transfer on death deed made pursuant to the Uniform Real Property Transfer on Death Act (§ 64.2-621 et seq.) when no consideration has passed between the parties.

§ 58.1-811. (Contingent effective date) Exemptions.

A. The taxes imposed by §§ 58.1-801 and 58.1-807 shall not apply to any deed conveying real estate or lease of real estate:

1. To an incorporated college or other incorporated institution of learning not conducted for profit, where such real estate is intended to be used for educational purposes and not as a source of revenue or profit;

2. To an incorporated church or religious body or to the trustee or trustees of any church or religious body, or a corporation mentioned in § 57-16.1, where such real estate is intended to be used exclusively for religious purposes, or for the residence of the minister of any such church or religious body;

3. To the United States, the Commonwealth, or to any county, city, town, district or other political subdivision of the Commonwealth;

4. To the Virginia Division of the United Daughters of the Confederacy;

5. To any nonstock corporation organized exclusively for the purpose of owning or operating a hospital or hospitals not for pecuniary profit;

6. To a corporation upon its organization by persons in control of the corporation in a transaction which qualifies for nonrecognition of gain or loss pursuant to § 351 of the Internal Revenue Code as it exists at the time of the conveyance;

7. From a corporation to its stockholders upon complete or partial liquidation of the corporation in a transaction which qualifies for income tax treatment pursuant to § 331, 332, 333, or 337 of the Internal Revenue Code as it exists at the time of liquidation;

8. To the surviving or new corporation, partnership, limited partnership, business trust, or limited liability company upon a merger or consolidation to which two or more such entities are parties, or in a reorganization within the meaning of § 368(a)(1)(C) and (F) of the Internal Revenue Code as amended;

9. To a subsidiary corporation from its parent corporation, or from a subsidiary corporation to a parent corporation, if the transaction qualifies for nonrecognition of gain or loss under the Internal Revenue Code as amended;

10. To a partnership or limited liability company, when the grantors are entitled to receive not less than 50 percent of the profits and surplus of such partnership or limited liability company; provided that the transfer to a limited liability company is not a precursor to a transfer of control of the assets of the company to avoid recordation taxes;

11. From a partnership or limited liability company, when the grantees are entitled to receive not less than 50 percent of the profits and surplus of such partnership or limited liability company; provided that the transfer from a limited liability company is not subsequent to a transfer of control of the assets of the company to avoid recordation taxes;

12. To trustees of a revocable inter vivos trust, when the grantors in the deed and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust instrument, when no consideration has passed between the grantor and the beneficiaries; and to the original beneficiaries of a trust from the trustees holding title under a deed in trust;

13. When the grantor is the personal representative of a decedent's estate or trustee under a will or inter vivos trust of which the decedent was the settlor, other than a ~~security trust defined in § 55-58.1~~ *deed of trust conveying property to secure the payment of money or the performance of an obligation*, and the sole purpose of such transfer is to comply with a devise or bequest in the decedent's will or to transfer title to one or more beneficiaries after the death of the settlor in accordance with a dispositive provision in the trust instrument; or

14. When the grantor is an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is organized and operated primarily to acquire land and purchase materials to erect or rehabilitate low-cost homes on such land, which homes are sold at cost to persons who otherwise would be unable to afford to buy a home through conventional means.

B. The taxes imposed by §§ 58.1-803 and 58.1-804 shall not apply to any deed of trust or mortgage:

1. Given by an incorporated college or other incorporated institution of learning not conducted for profit;

2. Given by the trustee or trustees of a church or religious body or given by an incorporated church or religious body, or given by a corporation mentioned in § 57-16.1;

3. Given by any nonstock corporation organized exclusively for the purpose of owning and/or operating a hospital or hospitals not for pecuniary profit;

4. Given by any local governmental entity or political subdivision of the Commonwealth to secure a debt payable to any other local governmental entity or political subdivision; or

5. Securing a loan made by an organization described in subdivision A 14.

C. The tax imposed by § 58.1-802 shall not apply to any:

1. Transaction described in subdivisions A 6 through 13;
 2. Instrument or writing given to secure a debt;
 3. Deed conveying real estate from an incorporated college or other incorporated institution of learning not conducted for profit;
 4. Deed conveying real estate from the United States, the Commonwealth or any county, city, town, district or other political subdivision thereof;
 5. Conveyance of real estate to the Commonwealth or any county, city, town, district or other political subdivision thereof, if such political unit is required by law to reimburse the parties taxable pursuant to § 58.1-802; or
 6. Deed conveying real estate from the trustee or trustees of a church or religious body or from an incorporated church or religious body, or from a corporation mentioned in § 57-16.1.
- D. No recordation tax shall be required for the recordation of any deed of gift between a grantor or grantors and a grantee or grantees when no consideration has passed between the parties. Such deed shall state therein that it is a deed of gift.
- E. The tax imposed by § 58.1-807 shall not apply to any lease to the United States, the Commonwealth, or any county, city, town, district or other political subdivision of the Commonwealth.
- F. The taxes and fees imposed by §§ 58.1-801, 58.1-802, 58.1-807, 58.1-808, and 58.1-814 shall not apply to (i) any deed of gift conveying real estate or any interest therein to The Nature Conservancy or (ii) any lease of real property or any interest therein to The Nature Conservancy, where such deed of gift or lease of real estate is intended to be used exclusively for the purpose of preserving wilderness, natural or open space areas.
- G. The words "trustee" or "trustees," as used in ~~subdivision subdivisions~~ A 2, ~~subdivision~~ B 2, and ~~subdivision~~ C 6, include the trustees mentioned in § 57-8 and the ecclesiastical officers mentioned in § 57-16.
- H. No recordation tax levied pursuant to this chapter shall be levied on the release of a contractual right, if the release is contained within a single deed that performs more than one function, and at least one of the other functions performed by the deed is subject to the recordation tax.
- I. No recordation tax levied pursuant to this chapter shall be levied on a deed, lease, easement, release, or other document recorded in connection with a concession pursuant to the Public-Private Transportation Act of 1995 (§ 56-556 et seq.) or similar federal law.
- J. No recordation tax shall be required for the recordation of any transfer on death deed or any revocation of transfer on death deed made pursuant to the Uniform Real Property Transfer on Death Act (§ 64.2-621 et seq.) when no consideration has passed between the parties.
- 2. That the provisions of this act shall become effective on July 1, 2014, except that the provisions of this act amending §§ 17.1-223 and 17.1-227.1 of the Code of Virginia shall become effective on January 1, 2015.**
- 3. That by January 1, 2015, (i) the Office of the Executive Secretary of the Supreme Court of Virginia shall develop a nonelectronic, hard copy form of cover sheet, consistent with § 17.1-227.1 of the Code of Virginia, as amended by this act, for use by attorneys or other parties who choose to submit a cover sheet to those circuit court clerks who do not require cover sheets and (ii) those circuit court clerks who require cover sheets using a software program not provided by the Office of the Executive Secretary of the Supreme Court of Virginia shall revise such program to ensure that their cover sheets will include the information required by § 17.1-227.1.**

CHAPTER 339

An Act to amend and reenact §§ 43-34 and 46.2-644.03 of the Code of Virginia, relating to enforcement of liens; property value.

[H 768]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 43-34 and 46.2-644.03 of the Code of Virginia are amended and reenacted as follows:

§ 43-34. Enforcement of liens acquired under §§ 43-31 through 43-33 and of liens of bailees.

Any person having a lien under §§ 43-31 through 43-33 and any bailee, except where otherwise provided, having a lien as such at common law on personal property in his possession which he has no power to sell for the satisfaction of the lien, if the debt for which the lien exists is not paid within 10 days after it is due and the value of the property affected by the lien does not exceed ~~\$7,500~~ \$10,000, may sell such property or so much thereof as may be necessary, by public auction, for cash. The proceeds shall be applied to the satisfaction of the debt and expenses of sale, and the surplus, if any, shall be paid within 30 days of the sale to any lienholder, and then to the owner of the property. A seller who fails to remit the surplus as provided shall be liable to the person entitled to the surplus in an amount equal to \$50 for each day beyond 30 days that the failure continues.

Before making the sale, the seller shall advertise the time, place, and terms thereof in a public place. In the case of property other than a motor vehicle required to be registered in Virginia having a value in excess of \$600, 10 days' prior notice shall be given to any secured party who has filed a financing statement against the property, and written notice shall be given to the owner as hereinafter provided.

If the value of the property is more than ~~\$7,500~~ \$10,000 but does not exceed \$25,000, the party having the lien, after giving notice as herein provided, may apply by petition to any general district court of the county or city wherein the property is, or, if the value of the property exceeds \$25,000, to the circuit court of the county or city, for the sale of the property. If, on the hearing of the case on the petition, the defense, if any made thereto, and such evidence as may be adduced by the parties respectively, the court is satisfied that the debt and lien are established and the property should be sold to pay the debt, the court shall order the sale to be made by the sheriff of the county or city. The sheriff shall make the same and apply and dispose of the proceeds in the same manner as if the sale were made under a writ of fieri facias.

If the owner of the property is a resident of this Commonwealth, any notice required by this section may be served as provided in § 8.01-296 or, if the sale is to be made without resort to the courts, by personal delivery or by certified or registered mail delivered to the present owner of the property to be sold at his last known address at least 10 days prior to the date of sale. If he is a nonresident or if his address is unknown, notice may be served by posting a copy thereof in three public places in the county or city wherein the property is located. For purposes of this section, a public place means a premises owned by the Commonwealth, a political subdivision thereof or an agency of either which is open to the general public.

§ 46.2-644.03. Enforcement of liens acquired under §§ 46.2-644.01 and 46.2-644.02 and of liens of bailees.

Any person having a lien under §§ 46.2-644.01 and 46.2-644.02 and any bailee, except where otherwise provided, having a lien as such at common law on personal property in his possession which he has no power to sell for the satisfaction of the lien, if the debt for which the lien exists is not paid within 10 days after it is due and the value of the property affected by the lien does not exceed ~~\$7,500~~ \$10,000, may sell such property or so much thereof as may be necessary, by public auction, for cash. The proceeds shall be applied to the satisfaction of the debt and expenses of sale, and the surplus, if any, shall be paid within 30 days of the sale to any lienholder, and then to the owner of the property. A seller who fails to remit the surplus as provided shall be liable to the person entitled to the surplus in an amount equal to \$50 for each day beyond 30 days that the failure continues.

Before making the sale, the seller shall advertise the time, place, and terms thereof in a public place. In the case of property other than a motor vehicle required to be registered in Virginia having a value in excess of \$600, 10 days' prior notice shall be given to any secured party who has filed a financing statement against the property, and written notice shall be given to the owner as hereinafter provided. If the property is a motor vehicle required by the motor vehicle laws of Virginia to be registered, the person having the lien shall ascertain from the Commissioner of the Department of Motor Vehicles whether the certificate of title of the motor vehicle shows a lien thereon. If the certificate of title shows a lien, the bailee proposing the sale of the motor vehicle shall notify the lienholder of record, by certified mail, at the address on the certificate of title of the time and place of the proposed sale 10 days prior thereto. If the name of the owner cannot be ascertained, the name of "John Doe" shall be substituted in any proceedings hereunder and no written notice as to him shall be required to be mailed. Whenever a vehicle is shown by the Department of Motor Vehicles records to be owned by a person who has indicated that he is on active military duty or service, the Department shall include such information in response to requests for vehicle information pursuant to the requirements of this chapter.

If the value of the property is more than ~~\$7,500~~ \$10,000 but does not exceed \$25,000, the party having the lien, after giving notice as herein provided, may apply by petition to any general district court of the county or city wherein the property is, or, if the value of the property exceeds \$25,000, to the circuit court of the county or city, for the sale of the property. If, on the hearing of the case on the petition, the defense, if any made thereto, and such evidence as may be adduced by the parties respectively, the court is satisfied that the debt and lien are established and the property should be sold to pay the debt, the court shall order the sale to be made by the sheriff of the county or city. The sheriff shall make the same and apply and dispose of the proceeds in the same manner as if the sale were made under a writ of fieri facias.

If the owner of the property is a resident of the Commonwealth, any notice required by this section may be served as provided in § 8.01-296 or, if the sale is to be made without resort to the courts, by personal delivery or by certified or registered mail delivered to the present owner of the property to be sold at his last known address at least 10 days prior to the date of sale. If he is a nonresident or if his address is unknown, notice may be served by posting a copy thereof in three public places in the county or city wherein the property is located. For purposes of this section, a public place means a premises owned by the Commonwealth, a political subdivision thereof or an agency of either which is open to the general public.

If the property is a motor vehicle (i) for which neither the owner nor any other lienholder or secured party can be determined by the Department of Motor Vehicles through a diligent search of its records, (ii) manufactured for a model year at least six years prior to the current model year, and (iii) having a value of no more than \$3,000 as determined by the provisions of § 8.01-419.1, a person having a lien on such vehicle may, after showing proof that the vehicle has been in his continuous custody for at least 30 days, apply for and receive from the Department of Motor Vehicles title or a nonrepairable certificate to such vehicle, free of all liens and claims of ownership of others, and proceed to sell or otherwise dispose of the vehicle.

Whenever a motor vehicle is sold hereunder, the Department of Motor Vehicles shall issue a certificate of title and registration or a nonrepairable certificate to the purchaser thereof upon his application containing the serial or motor number of the vehicle purchased together with an affidavit of the lienholder that he has complied with the provisions hereof, or by the sheriff conducting a sale that he has complied with said order.

Any garage keeper to whom a motor vehicle has been delivered pursuant to § 46.2-1209, 46.2-1213, or 46.2-1215 may after 30 days from the date of delivery proceed under this section, provided that action has not been taken pursuant to such sections for the sale of such motor vehicle.

Notwithstanding any provisions to the contrary, any person having a lien under § 46.2-644.01 or 46.2-644.02 shall comply with the provisions of the federal Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) when disposing of a vehicle owned by a member of the military duty or service.

CHAPTER 340

An Act to amend and reenact § 56-57 of the Code of Virginia and to amend the Code of Virginia by adding in Title 56 a chapter numbered 2.1, consisting of sections numbered 56-54.2 through 56-54.7, relating to the regulation of local exchange telephone companies; competitive telephone companies.

[H 774]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 56-57 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 56 a chapter numbered 2.1, consisting of sections numbered 56-54.2 through 56-54.7, as follows:

CHAPTER 2.1.

COMPETITIVE TELEPHONE COMPANIES.

§ 56-54.2. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Competitive local exchange telephone company" means (i) a competing telephone company, excluding a city, town, or county, that was granted a certificate on or after January 1, 1996, pursuant to § 56-265.4:4 or (ii) an incumbent local exchange telephone company to the extent such company is providing service outside of its incumbent territory.

"Competitive telephone company" means (i) an incumbent local exchange telephone company whose residential dialtone lines (a) were deemed competitive by the Commission throughout the company's incumbent service territory prior to January 1, 2014, or (b) are declared competitive by the Commission throughout its incumbent service territory on or after January 1, 2014, in a proceeding pursuant to § 56-235.5 or (ii) a competitive local exchange telephone company.

"Incumbent local exchange telephone company" means a public service corporation that was providing local exchange telephone service prior to January 1, 1996, or a successor entity to such a public service corporation.

"Incumbent territory" means the area in which an incumbent local exchange telephone company was providing local exchange telephone service prior to July 1, 2002, except as its incumbent certificate may have been amended by the Commission after that date pursuant to subdivision B 1 of § 56-265.4:4.

§ 56-54.3. Election to be regulated as a competitive telephone company.

Any telephone company meeting the definition of a competitive telephone company may elect to be regulated as a competitive telephone company pursuant to the provisions of this chapter by providing written notice to the Commission of such election. The election shall be effective 30 days after receipt of the notice by the Commission, unless (i) the Commission notifies the electing telephone company within that 30-day period that the telephone company does not meet the definition of a competitive telephone company and (ii) the Commission then commences a proceeding to challenge the election. In such a proceeding, interested parties shall be provided notice and an opportunity for a hearing. The Commission shall issue a final decision on any such proceeding challenging the election within 60 days of the electing telephone company's receipt of the Commission's notification of the commencement of the proceeding to challenge the election. A telephone company's election to be regulated as a competitive telephone company shall be deemed approved if the Commission fails to act within this 60-day period. A new entrant may elect to be regulated under this chapter when it applies for certification pursuant to § 56-265.4:4. Such an election will be effective upon its certification as a competitive local exchange carrier.

§ 56-54.4. Commission authority over competitive telephone companies.

Notwithstanding any other provision of law, the Commission shall not have any jurisdiction and authority, including jurisdiction and authority over any obligation of a competitive telephone company to seek approval from the Commission, to regulate, supervise, or promulgate rules relating to the retail services, rates, and terms of service of a competitive telephone company, except as specifically enumerated in this chapter. The Commission shall have discretion as to the extent to which it will exercise the authority granted to it in this chapter. Nothing in this chapter grants, affects, modifies, or limits any rights, duties, obligations, or authority of any entity, including the Commission, (i) pursuant to the provisions of 47 U.S.C. § 251 and 47 U.S.C. § 252 or (ii) related to wholesale telephone services and issues, including the payment of switched network access rates or other intercarrier compensation, interconnection, porting, and numbering.

§ 56-54.5. Powers of the Commission.

A. The Commission may ensure competitive telephone companies provide reasonably adequate retail voice service, including rendering timely and accurate bills for service, by receiving customer complaints and requiring the competitive telephone company to reasonably address bona fide complaints as promptly as is reasonably possible under the circumstances.

B. The Commission shall continue to have jurisdiction and authority to ensure the reasonably adequate provision by competitive telephone companies of the telecommunications portions of emergency 911 services provided to PSAPs, as that term is defined in § 56-484.12.

C. The Commission shall continue to have jurisdiction and authority over Lifeline telephone service such as the Virginia Universal Service Plan, but shall not impose Lifeline telephone service obligations on competitive telephone companies that do not seek designation as eligible telecommunications carriers or impose Lifeline telephone service obligations over and above that imposed by the default Lifeline plan imposed by the Federal Communications Commission.

D. The Commission shall continue to have jurisdiction and authority to permit existing and new retail tariffs to be filed by competitive telephone companies; however, nothing in this chapter shall be construed to require a competitive telephone company to file tariffs concerning retail services.

E. Existing extended local service calling plans ordered by the Commission pursuant to Article 4 (§ 56-484.1 et seq.) of Chapter 15 that are applicable to competitive telephone companies shall remain in effect, but shall not be expanded by the Commission. The Commission shall continue to have jurisdiction and authority to enforce these extended local service calling plans, but shall not create any new plans.

F. The Commission shall continue to have jurisdiction and authority to grant, amend, reissue, and cancel certificates of public convenience and necessity of competitive telephone companies.

G. The Commission may promulgate such rules, including the revision and repeal of current rules, as may be necessary to implement the specific authority granted in this chapter.

H. The Commission shall continue to enforce the Utility Transfers Act (§ 56-88 et seq.) regarding competitive telephone companies.

§ 56-54.6. Duties of a competitive telephone company.

A. A competitive telephone company that is an incumbent telephone carrier shall have the duty in its incumbent territory to extend or expand its facilities to furnish retail voice service and facilities when the person, firm, or corporation does not have service available from one or more alternative providers of wireline or terrestrial wireless communications services at prevailing market rates.

B. A competitive telephone company shall continue to have the powers and duties provided in the first sentence of subdivision A 2 of § 56-234.

C. For the purposes of subsections A and B, the Commission shall have the authority, upon request of an individual, corporation, or other entity, or a competitive telephone company, to determine whether the wireline or terrestrial wireless communications service available to the party requesting service is a reasonably adequate alternative to local exchange telephone service.

D. The use by a competitive telephone company of wireline and terrestrial wireless technologies shall not be construed to grant any additional jurisdiction or authority to the Commission over such technologies.

E. For purposes of subsection A, "prevailing market rates" means rates similar to those generally available to consumers in competitive areas for the same services.

F. A competitive telephone company shall have the obligation to provide access to emergency 911 service to its end-user retail customers.

§ 56-54.7. Service provided to the Commonwealth.

The Commission shall have no jurisdiction or authority over (i) schedules of rates for any telecommunications service provided to the public by virtue of any contract with, (ii) any service provided under or relating to a contract for telecommunications services with, or (iii) contracts for service rendered by any competitive telephone company to, the Commonwealth or any agency thereof.

§ 56-57. Securities to which chapter is applicable.

A. This chapter shall apply to every stock or stock certificate or other evidence of interest or ownership, and, except as otherwise provided by § 56-65, every bond, note or other evidence of indebtedness, of a public service company, which may be issued, and to every obligation or liability as guarantor, endorser, surety or otherwise in respect of the securities of any other person, firm, association or corporation, when such securities are payable at periods of twelve months or more after the date thereof, which may be or may have been assumed after March 24, 1934, notwithstanding the fact that any preparatory steps, whether by the issuance or amendment of a certificate of incorporation, or by the action of the board of directors, or the stockholders or otherwise, may have been taken prior to such date.

B. Notwithstanding subsection A, this chapter shall not apply to any stock or stock certificate or other evidence of interest or ownership, or any bond, note or other evidence of indebtedness of a (i) public service company that operates under an alternative form of regulation approved by the Commission pursuant to § 56-235.5, unless the Commission rescinds such exemption as hereafter authorized, or (ii) competitive telephone company as defined in § 56-54.2, provided such securities are issued for lawful purposes pursuant to § 56-58. Any public service company exempt from this chapter shall instead provide notice to the Commission of the issuance of any stock or stock certificate or other evidence of interest or ownership, or, except as otherwise provided by §§ 56-65 and 56-65.1, any bond, note or other evidence of indebtedness, within ninety days of issuance. The Commission may rescind the exemption from this chapter provided by this subsection to any public service company that operates under an alternative form of regulation approved by the Commission pursuant to § 56-235.5 if the Commission finds, after notice and an opportunity for a hearing, that such exemption is not in the public interest.

2. That any order issued by the State Corporation Commission pursuant to any authority the Commission had to regulate, supervise, or promulgate rules relating to the retail services, rates, and terms of service of a telephone company, which authority ceases to exist upon the effective date of this act, shall have no effect from and after such date. Orders issued by the Commission pursuant to authority granted, continued, or otherwise preserved under this act, including rules promulgated under such orders, shall continue in effect.

3. That notwithstanding the provisions of this act, (i) the residential price cap approved by the State Corporation Commission in Case No. PUC-2012-00008 shall continue in effect until it expires as currently scheduled on December 31, 2014, and (ii) any safeguards ordered by the Commission in response to competitive service applications filed pursuant to subsection F of § 56-235.5 of the Code of Virginia after January 1, 2014, shall continue in effect as ordered by the Commission.

CHAPTER 341

An Act to amend and reenact §§ 23-7.4 and 23-7.4:2 of the Code of Virginia, relating to surviving spouses; eligibility for in-state tuition charges.

[H 776]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 23-7.4 and 23-7.4:2 of the Code of Virginia are amended and reenacted as follows:

§ 23-7.4. Eligibility for in-state tuition charges.

A. For purposes of this section and §§ 23-7.4:1, 23-7.4:2, and 23-7.4:3, the following definitions shall apply:

"Date of the alleged entitlement" means the first official day of class within the term, semester or quarter of the student's program.

"Dependent student" means one who is listed as a dependent on the federal or state income tax return of his parents or legal guardian or who receives substantial financial support from his spouse, parents or legal guardian. It shall be presumed that a student under the age of 24 on the date of the alleged entitlement receives substantial financial support from his parents or legal guardian, and therefore is dependent on his parents or legal guardian, unless the student (i) is a veteran or an active duty member of the U.S. Armed Forces; (ii) is a graduate or professional student; (iii) is married; (iv) is a ward of the court or was a ward of the court until age 18; (v) has no adoptive or legal guardian when both parents are deceased; (vi) has legal dependents other than a spouse; or (vii) is able to present clear and convincing evidence that he is financially self-sufficient.

"Domicile" means the present, fixed home of an individual to which he returns following temporary absences and at which he intends to stay indefinitely. No individual may have more than one domicile at a time. Domicile, once established, shall not be affected by (i) mere transient or temporary physical presence in another jurisdiction or (ii) the establishment and maintenance of a place of residence in another jurisdiction for the purpose of maintaining a joint household with an active duty United States military spouse.

"Domiciliary intent" means present intent to remain indefinitely.

"Emancipated minor" means a student under the age of 18 on the date of the alleged entitlement whose parents or guardians have surrendered the right to his care, custody and earnings and who no longer claim him as a dependent for tax purposes.

"Full-time employment" means employment resulting in, at least, an annual earned income reported for tax purposes equivalent to 50 work weeks of 40 hours at minimum wage.

"Independent student" means one whose parents have surrendered the right to his care, custody and earnings, do not claim him as a dependent on federal or state income tax returns, and have ceased to provide him substantial financial support.

"Special arrangement contract" means a contract between a Virginia employer or the authorities controlling a federal installation or agency located in Virginia and a public institution of higher education for reduced rate tuition charges as described in subsection F of § 23-7.4:2.

"Substantial financial support" means financial support in an amount which equals or exceeds that required to qualify the individual to be listed as a dependent on federal and state income tax returns.

"Surviving spouse" means the spouse of a military service member who, while serving as an active duty member in the United States Armed Forces, United States Armed Forces Reserves, Virginia National Guard, or Virginia National Guard Reserve, during military operations against terrorism, on a peacekeeping mission, as a result of a terrorist act, or in any armed conflict subsequent to December 6, 1941, was killed in action, is missing in action, or is a prisoner of war.

"Unemancipated minor" means a student under the age of 18 on the date of the alleged entitlement who is under the legal control of and is financially supported by either of his parents, legal guardian or other person having legal custody.

"Veteran" means an individual who has served in the active military, naval or air service and who was discharged or released therefrom under conditions other than dishonorable.

"Virginia employer" means any employing unit organized under the laws of Virginia or having income from Virginia sources regardless of its organizational structure, or any public or nonprofit organization authorized to operate in Virginia.

B. To become eligible for in-state tuition, an independent student shall establish by clear and convincing evidence that for a period of at least one year immediately prior to the date of the alleged entitlement, he was domiciled in Virginia and had abandoned any previous domicile, if such existed.

To become eligible for in-state tuition, a dependent student or unemancipated minor shall establish by clear and convincing evidence that for a period of at least one year prior to the date of the alleged entitlement, the person through whom he claims eligibility was domiciled in Virginia and had abandoned any previous domicile, if such existed. If the person through whom the dependent student or unemancipated minor established such domicile and eligibility for in-state tuition abandons his Virginia domicile, the dependent student or unemancipated minor shall be entitled to such in-state tuition for one year from the date of such abandonment.

In determining domiciliary intent, all of the following applicable factors shall be considered: continuous residence for at least one year prior to the date of alleged entitlement, except in the event of the establishment and maintenance of a place of residence in another jurisdiction for the purpose of maintaining a joint household with an active duty United States military spouse; state to which income taxes are filed or paid; driver's license; motor vehicle registration; voter registration; employment; property ownership; sources of financial support; military records; a written offer and acceptance of employment following graduation; and any other social or economic relationships with the Commonwealth and other jurisdictions.

Domiciliary status shall not ordinarily be conferred by the performance of acts which are auxiliary to fulfilling educational objectives or are required or routinely performed by temporary residents of the Commonwealth. Mere physical presence or residence primarily for educational purposes shall not confer domiciliary status. A matriculating student who has entered an institution and is classified as an out-of-state student shall be required to rebut by clear and convincing evidence the presumption that he is in the Commonwealth for the purpose of attending school and not as a bona fide domiciliary.

Those factors presented in support of entitlement to in-state tuition shall have existed for the one-year period prior to the date of the alleged entitlement. However, in determining the domiciliary intent of active duty military personnel residing in the Commonwealth, retired military personnel residing in the Commonwealth at the time of their retirement, *surviving spouses*, or veterans, or the domiciliary intent of their dependent spouse or children who claim domicile through them, who voluntarily elect to establish Virginia as their permanent residence for domiciliary purposes, the requirement of one year shall be waived.

C. A married person may establish domicile in the same manner as an unmarried person.

An emancipated minor may establish domicile in the same manner as any other independent student. A nonmilitary student whose parent or spouse is a member of the armed forces may establish domicile in the same manner as any other student.

Any alien holding an immigration visa or classified as a political refugee shall also establish eligibility for in-state tuition in the same manner as any other student. However, absent congressional intent to the contrary, any person holding a student or other temporary visa shall not have the capacity to intend to remain in Virginia indefinitely and, therefore, shall be ineligible for Virginia domicile and for in-state tuition charges.

The domicile of a dependent student shall be rebuttably presumed to be the domicile of the parent or legal guardian claiming him as an exemption on federal or state income tax returns currently and for the tax year prior to the date of the alleged entitlement or providing him substantial financial support. The spouse of an active duty military service member, if such spouse has established domicile and claimed the dependent student on federal or state income tax returns, shall not be subject to minimum income tests or requirements.

For the purposes of this section, the domicile of an unemancipated minor or a dependent student 18 years of age or older may be either the domicile of the parent with whom he resides, the parent who claims the student as a dependent for federal or Virginia income tax purposes for the tax year prior to the date of the alleged entitlement and is currently so claiming the student, or the parent who provides the student substantial financial support. If there is no surviving parent or the whereabouts of the parents are unknown, then the domicile of an unemancipated minor shall be the domicile of the legal guardian of such unemancipated minor unless there are circumstances indicating that such guardianship was created primarily for the purpose of conferring a Virginia domicile on the unemancipated minor.

D. It is incumbent on the student to apply for change in domiciliary status on becoming eligible for such change. Changes in domiciliary status shall only be granted prospectively from the date such application is received.

A student who knowingly provides erroneous information in an attempt to evade payment of out-of-state fees shall be charged out-of-state tuition fees for each term, semester or quarter attended and may be subject to dismissal from the institution. All disputes related to the veracity of information provided to establish Virginia domicile shall be appealable through the due process procedure required by § 23-7.4.3.

E. Notwithstanding any other provision of law, all dependents, as defined by 37 U.S.C. § 401, of active duty military personnel, or activated or temporarily mobilized reservists or guard members, (i) assigned to a permanent duty station or workplace geographically located in Virginia, or in a state contiguous to Virginia or the District of Columbia, who reside in Virginia; (ii) assigned unaccompanied orders and immediately prior to receiving such unaccompanied orders were assigned to a permanent duty station or workplace geographically located in Virginia, or in a state contiguous to Virginia or the District of Columbia, and resided in Virginia; or (iii) assigned unaccompanied orders with Virginia listed as the designated place move shall be deemed to be domiciled in Virginia for purposes of eligibility for in-state tuition and shall be eligible to

receive in-state tuition in Virginia in accordance with this section. All such dependents shall be afforded the same educational benefits as any other individual receiving in-state tuition pursuant to this section. Such benefits and in-state tuition status shall continue so long as they are continuously enrolled in an institution of higher education in Virginia or are transferring between Virginia institutions of higher education or from an undergraduate degree program to a graduate degree program, regardless of any change of duty station or residence of the military service member.

For the purpose of this subsection:

"Date of alleged entitlement" means the date of admission or acceptance for dependents currently residing in Virginia or the final add/drop date for dependents of members newly transferred to Virginia.

"Temporarily mobilized" means activated for service for six months or more.

"Unaccompanied orders" means orders that assign the active duty military personnel, or activated or temporarily mobilized reservists or guard members, an unaccompanied tour listed in Appendix Q of the Joint Federal Travel Regulations.

F. After August 1, 2006, for students who enroll at a public, baccalaureate degree-granting, institution of higher education in Virginia and who have established Virginia domicile and eligibility for in-state tuition in compliance with this section, the entitlement to in-state tuition shall be modified to require the assessment of a surcharge, as defined herein, for each semester that the student continues to be enrolled after such student has completed 125 percent of the credit hours needed to satisfy the degree requirements for a specified undergraduate program, hereinafter referred to as the "credit hour threshold."

In calculating the 125 percent credit hour threshold, the following courses and credit hours shall be excluded: (i) remedial courses; (ii) transfer credits from another college or university that do not meet degree requirements for general education courses or the student's chosen program of study; (iii) advanced placement or international baccalaureate credits that were obtained while in high school or another secondary school program; and (iv) dual enrollment, college-level credits obtained by the student prior to receiving a high school diploma.

The relevant public institution of higher education may waive the surcharge assessment for students who exceed the 125 percent credit hour threshold in accordance with the guidelines and criteria established by the State Council of Higher Education for Virginia. Waiver criteria may include, but shall not be limited to, illness or disability and active service in the armed forces of the United States.

For the purpose of this subsection, "surcharge" shall mean an amount calculated to equal 100 percent of the average cost of the student's education at the relevant institution less tuition and mandatory educational and general fee charges assessed to a student meeting Virginia domiciliary status who has not exceeded the 125 percent credit hour threshold.

§ 23-7.4:2. Eligibility for in-state or reduced tuition for students not domiciled in Virginia; tuition grants and in-state tuition for members of the National Guard.

A. Students who live outside the Commonwealth and have been employed full time inside Virginia for at least one year immediately prior to the date of the alleged entitlement for in-state tuition shall be eligible for in-state tuition charges if such student has paid Virginia income taxes on all taxable income earned in the Commonwealth for the tax year prior to the date of the alleged entitlement. Students claimed as dependents for federal and Virginia income tax purposes who live outside the Commonwealth shall become eligible for in-state tuition charges if the nonresident parents claiming them as dependents have been employed full time inside Virginia for at least one year immediately prior to the date of the alleged entitlement and paid Virginia income taxes on all taxable income earned in the Commonwealth for the tax year prior to the date of the alleged entitlement. Such students shall continue to be eligible for in-state tuition charges for so long as they or their qualifying parent is employed full time in Virginia, paying Virginia income taxes on all taxable income earned in the Commonwealth and the student is claimed as a dependent for Virginia and federal income tax purposes.

B. Any person who (i) is a member of the National Guard of the Commonwealth of Virginia and has a minimum remaining obligation of two years, (ii) has satisfactorily completed required initial active duty service, (iii) is satisfactorily performing duty in accordance with regulations of the National Guard, and (iv) is enrolled in any state institution of higher education, any private, accredited, and nonprofit institution of higher education in the Commonwealth whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education, any course or program offered by any such institution or any public career and technical education school shall be eligible for a grant in the amount of the difference between the full cost of tuition and any other educational benefits for which he is eligible as a member of the National Guard. Application for a grant shall be made to the Department of Military Affairs. Grants shall be awarded from funds available for the purpose by such Department.

Notwithstanding the foregoing requirement that a member of the National Guard have a minimum of two years remaining on his service obligation, if a member is activated or deployed for federal military service, an additional day shall be added to the member's eligibility for the grant for each day of active federal service up to 365 days. Additional credit, or credit for state duty, may be given at the discretion of the Adjutant General.

In addition, any person who met the requirements for in-state tuition prior to being called to active duty in the National Guard of another state shall be eligible for in-state tuition following completion of active duty service if during active duty that person maintained one or more of the following in Virginia rather than in another state or jurisdiction: a driver's license, motor vehicle registration, voter registration, employment, property ownership, or sources of financial support. Any out-of-state students granted in-state tuition pursuant to this subsection shall be counted as in-state students for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

C. Notwithstanding the provisions of § 23-7.4 or any other provision of the law to the contrary, the governing board of any state institution of higher education or the governing board of the Virginia Community College System may charge the same tuition as is charged to any person domiciled in Virginia pursuant to the provisions of § 23-7.4 to:

1. Any person enrolled in one of the institution's programs designated by the State Council of Higher Education who is domiciled in and is entitled to reduced tuition charges in the institutions of higher learning in any state which is a party to the Southern Regional Education Compact which has similar reciprocal provisions for persons domiciled in Virginia;

2. Any student from a foreign country who is enrolled in a foreign exchange program approved by the state institution during the same period that an exchange student from the same state institution, who is entitled to in-state tuition pursuant to § 23-7.4, is attending the foreign institution; and

3. Any high school or magnet school student, not otherwise qualified for in-state tuition, who is enrolled in courses specifically designed as part of the high school or magnet school curriculum in a community college for which he may, upon successful completion, receive high school and community college credit pursuant to a dual enrollment agreement between the high school or magnet school and the community college.

D. The governing board of the Virginia Community College System shall charge in-state tuition to any person enrolled in one of the System's institutions who lives within a 30-mile radius of a Virginia institution, is domiciled in, and is entitled to in-state tuition charges in the institutions of higher learning in any state which is contiguous to Virginia and which has similar reciprocal provisions for persons domiciled in Virginia.

Any out-of-state students granted in-state tuition pursuant to this subsection shall be counted as in-state students for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

E. The board of the University of Virginia's College at Wise and the board of visitors of the University of Virginia may charge reduced tuition to any person enrolled at the University of Virginia's College at Wise who lives within a 50-mile radius of the University of Virginia's College at Wise, is domiciled in, and is entitled to in-state tuition charges in the institutions of higher learning in Kentucky, if Kentucky has similar reciprocal provisions for persons domiciled in Virginia.

In addition, the board of the University of Virginia's College at Wise and the board of visitors of the University of Virginia may charge reduced tuition to any person enrolled at the University of Virginia's College at Wise who lives within a 50-mile radius of the University of Virginia's College at Wise, is domiciled in, and is entitled to in-state tuition charges in the institutions of higher learning in Tennessee, if Tennessee has similar reciprocal provisions for persons domiciled in Virginia. The board of the University of Virginia's College at Wise and its partners or associates offering programs jointly at a regional off-campus center may also charge reduced tuition to any person enrolled in such joint programs who lives within a 50-mile radius of the University of Virginia's College at Wise, is domiciled in, and is entitled to in-state tuition charges in the institutions of higher learning in Tennessee, if Tennessee has similar reciprocal provisions for persons domiciled in Virginia. Any such respective partners or associates shall establish and charge separately tuition rates for their independent classes or programs at such regional centers.

Any out-of-state students granted in-state tuition pursuant to this subsection and subsection D shall be counted as out-of-state students for the purposes of determining admissions, enrollment, and tuition and fee revenue policies.

F. Public institutions of higher education may enter into special arrangement contracts with Virginia employers or authorities controlling federal installations or agencies located in Virginia. The special arrangement contracts shall be for the purpose of providing reduced rate tuition charges for the employees of the Virginia employers or federal personnel when the employers or federal authorities are assuming the liability for paying, to the extent permitted by federal law, the tuition for the employees or personnel in question and the employees or personnel are classified by the requirements of this section as out-of-state.

Special arrangement contracts with Virginia employers or federal installations or agencies may be for group instruction in facilities provided by the employer or federal authority or in the institution's facilities or on a student-by-student basis for specific employment-related programs.

Special arrangement contracts shall be valid for a period not to exceed two years and shall be reviewed for legal sufficiency by the Office of the Attorney General prior to signing. All rates agreed to by the public institutions shall be at least equal to in-state tuition and shall only be granted by the institution with which the employer or the federal authorities have a valid contract for students for whom the employer or federal authorities are paying the tuition charges.

All special arrangement contracts with authorities controlling federal installations or agencies shall include a specific number of students to be served at reduced rates.

Nothing in this subsection shall change the domiciliary status of any student for the purposes of enrollment reporting or calculating the proportions of general funds and tuition and fees contributed to the cost of education.

G. Any active duty members, activated guard or reservist members, or guard or reservist members mobilized or on temporary active orders for six months or more, that reside in Virginia, shall pay tuition, to the public institution of higher education in which they are enrolled, in an amount no more than the institution's in-state tuition rate.

H. Notwithstanding any other provision of law, veterans residing within the Commonwealth shall be eligible for in-state tuition charges. Any students granted in-state tuition pursuant to this subsection shall be counted as in-state students for the purpose of determining college admissions, enrollment, and tuition and fee revenue policies.

I. Notwithstanding any other provision of law, surviving spouses, as that term is defined in § 23-7.4, residing within the Commonwealth shall be eligible for in-state tuition charges. Any students granted in-state tuition pursuant to this subsection shall be counted as in-state students for the purpose of determining college admissions, enrollment, and tuition and fee revenue policies.

CHAPTER 342

An Act to amend and reenact § 9.1-101 of the Code of Virginia, relating to the definition of criminal justice agency; Department of Criminal Justice Services.

[H 861]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 9.1-101 of the Code of Virginia is amended and reenacted as follows:****§ 9.1-101. Definitions.**

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

"Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities, employs officers appointed under § 15.2-1737, or special conservators of the peace or special policemen appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers, special conservators or special policemen to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted under clause (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

"Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to § 18.2-271.2.

"Criminal justice agency" includes the Department of Criminal Justice Services.

"Criminal justice agency" includes the Virginia State Crime Commission.

"Criminal justice information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

"Department" means the Department of Criminal Justice Services.

"Dissemination" means any transfer of information, whether orally, in writing, or by electronic means. The term shall not include access to the information by officers or employees of a criminal justice agency maintaining the information who have both a need and right to know the information.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall include any (i) special agent of the Department of Alcoholic Beverage Control; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries; (v) investigator who is a full-time sworn member of the security division of the State Lottery Department; (vi) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632; or (ix) campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23. Part-time employees are those compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

"School resource officer" means a certified law-enforcement officer hired by the local law-enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools.

"School security officer" means an individual who is employed by the local school board for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies, and detaining students violating the law or school board policies on school property or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

CHAPTER 343

An Act to amend and reenact §§ 6.2-1700, 6.2-1701, 6.2-1706, and 6.2-1707 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 6.2-1701.2, relating to mortgage loan originators; transitional licensing.

[H 954]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 6.2-1700, 6.2-1701, 6.2-1706, and 6.2-1707 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 6.2-1701.2 as follows:

§ 6.2-1700. Definitions.

As used in this chapter:

"Act" means the federal Secure and Fair Enforcement for Mortgage Licensing Act, Title V (§ 1501 et seq.) of the Housing and Economic Recovery Act of 2008, P.L. 110-289.

"Administrative or clerical tasks" means the receipt, collection, and distribution of information common for the processing or underwriting of a residential mortgage loan in the mortgage industry and communication with the consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan.

"Covered financial institution" has the same meaning as that term is defined in 12 C.F.R. § 1007.102.

" Dwelling" means a residential structure or mobile home that contains one to four family housing units, or individual units of condominiums or cooperatives.

"Employee" means an individual (i) whose manner and means of performance of work are subject to the right of control of, or are controlled by, a person and (ii) whose compensation for federal income tax purposes is reported, or required to be reported, on a W-2 form issued by the controlling person.

"Immediate family member" means a spouse, child, sibling, parent, grandparent, or grandchild. This includes stepparents, stepchildren, stepsiblings, and adoptive relationships.

"Licensee" means an individual licensed under this chapter, *including an individual who has been issued a transitional mortgage loan originator license.*

"Loan processor or underwriter" means an individual who, with respect to the origination of a residential mortgage loan, performs clerical or support duties at the direction of and subject to the supervision and instruction of a licensee or a registered mortgage loan originator. For the purposes of this definition, clerical or support duties include (i) the receipt, collection, distribution, and analysis of information common for the processing or underwriting of a residential mortgage loan and (ii) communication with a consumer to obtain the information necessary for the processing or underwriting of a residential mortgage loan, to the extent that such communication does not include offering or negotiating loan rates or terms, or counseling consumers about residential mortgage loan rates or terms.

"Mortgage loan originator" means an individual who (i) takes an application for or offers or negotiates the terms of a residential mortgage loan in which the dwelling is or will be located in the Commonwealth or (ii) represents to the public, through advertising or other means of communicating or providing information, including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items, that such individual can or will perform any of the activities described in clause (i).

"Nationwide Mortgage Licensing System and Registry" or "Registry" means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of mortgage loan originators.

"Nontraditional mortgage product" means any mortgage product other than a 30-year fixed rate mortgage.

"Real estate brokerage activities" means any activity that involves offering or providing real estate brokerage services to the public, including (i) acting as a real estate broker, real estate agent, or real estate salesperson for a buyer, seller, lessor, or lessee of real property; (ii) bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property; (iii) negotiating any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property, other than in connection with providing financing with respect to any such transaction; (iv) engaging in any activity for which a person is required to be licensed or registered as a real estate broker, real estate agent, or real estate salesperson; and (v) offering to engage in any activity or act in any capacity described in clauses (i) through (iv).

"Registered mortgage loan originator" means any individual who (i) takes an application for or offers or negotiates the terms of a residential mortgage loan in which the dwelling is or will be located in the Commonwealth, (ii) is an employee of a covered financial institution, and (iii) is registered with, and maintains a unique identifier through, the Registry.

"Residential mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling or residential real estate upon which is constructed or intended to be constructed a dwelling.

"Transitional mortgage loan originator license" means a license issued under this chapter to engage in business as a mortgage loan originator for a period of no more than 120 days, during which time the individual may fulfill the pre-licensing education and written test requirements described in §§ 6.2-1708 and 6.2-1709 and apply for a mortgage loan originator license.

"Unique identifier" means a number or other identifier assigned by protocols established by the Registry that permanently identifies a mortgage loan originator.

§ 6.2-1701. License requirement.

A. ~~No~~ Except as otherwise provided in § 6.2-1701.2, no individual shall engage in the business of a mortgage loan originator unless such individual has first obtained and maintains annually a license under this chapter.

B. The following shall be exempt from licensing and other provisions of this chapter:

1. Any individual engaged solely as a loan processor or underwriter. Except as otherwise provided in this subsection, an individual acting as an independent contractor may not engage in residential mortgage loan origination activities as a loan processor or underwriter unless such individual has first obtained and maintains annually a mortgage loan originator license;

2. Any individual who only performs administrative or clerical tasks on behalf of a mortgage loan originator;

3. Any individual who only performs real estate brokerage activities and is licensed or registered in accordance with applicable law, unless the individual is compensated directly or indirectly by the lender, a mortgage broker, or other mortgage loan originator or by any agent of such lender, mortgage broker, or other mortgage loan originator;

4. Any individual solely involved in extensions of credit relating to timeshare plans, as that term is defined in 11 U.S.C. § 101(53D);

5. A registered mortgage loan originator;

6. Any individual who offers or negotiates terms of a residential mortgage loan with or on behalf of an immediate family member of the individual;

7. Any individual who acts as a loan originator in providing financing for the sale of that individual's own residence;

8. A licensed attorney, provided that the attorney's mortgage loan origination activities are: (i) considered by the Supreme Court of Virginia to be part of the authorized practice of law within the Commonwealth, (ii) carried out within an attorney-client relationship, and (iii) accomplished by the attorney in compliance with all applicable laws, rules, ethics, and standards;

9. Any employee of federal, state, or local government, or a housing finance agency, who acts as a mortgage loan originator only pursuant to his official duties of employment. For the purposes of this subdivision, "local government" means any county, city, or town or other local or regional political subdivision; and

10. Any employee of a bona fide nonprofit organization, as determined by the Commission in accordance with § 6.2-1701.1, who acts as a mortgage loan originator only (i) pursuant to his official duties of employment and (ii) with respect to residential mortgage loans with terms that are favorable to a borrower.

§ 6.2-1701.2. Transitional mortgage loan originator license.

A. *In anticipation of fulfilling the pre-licensing education and written test requirements described in §§ 6.2-1708 and 6.2-1709, an individual may apply for and obtain a transitional mortgage loan originator license pursuant to this section provided that the Commission makes the findings specified in § 6.2-1706 and subsection B of § 6.2-1707. A transitional mortgage loan originator license may be issued by the Commission to:*

1. *An individual who maintains a license to originate mortgage loans under the laws of another state; or*

2. *To the extent permitted under the Act, or any rule, regulation, interpretation, or guideline thereunder, an individual who was a registered mortgage loan originator within two months prior to the date that the individual applied for a transitional mortgage loan originator license.*

B. *An individual shall apply for a transitional mortgage loan originator license by complying with the same requirements as those applicable to individuals who are applying for a mortgage loan originator license, including §§ 6.2-1702, 6.2-1703, and 6.2-1704. However, an individual applying for a transitional mortgage loan originator license shall not be required to comply with the prelicensing education requirements described in § 6.2-1708 or pass the written test described in § 6.2-1709.*

C. *Notwithstanding any other provision of this chapter, a transitional mortgage loan originator license shall expire on the earlier of the following:*

1. *The date upon which the Commission issues or denies a mortgage loan originator license; or*

2. *One hundred twenty days from the date the transitional mortgage loan originator license was issued.*

A transitional mortgage loan originator license shall not be renewed, extended, or reinstated, and an individual who has been issued a transitional mortgage loan originator license shall not subsequently be eligible for any additional transitional mortgage loan originator licenses.

§ 6.2-1706. Qualifications.

Upon the filing and investigation of an application for a license, including an application for a transitional mortgage loan originator license, and compliance by the applicant with all applicable provisions of this chapter, the Commission shall

issue and deliver to the applicant the license applied for to engage in business under this chapter if it finds that the financial responsibility, character, and general fitness of the applicant are such as to warrant belief that the licensee will act as a mortgage loan originator efficiently and fairly, in the public interest, and in accordance with law. If the Commission fails to make such findings, no license shall be issued and the Commissioner shall notify the applicant of the denial and the reasons for such denial. The Commission shall not base a license denial, in whole or in part, on an applicant's credit score, nor shall it use a credit report as the sole basis for license denial.

§ 6.2-1707. Other conditions for mortgage loan originator licensing.

A. In addition to the findings required by § 6.2-1706, the Commission shall not issue a mortgage loan originator license unless it finds that:

1. The applicant has never had a mortgage loan originator license revoked by any governmental authority;
2. The applicant has not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court (i) during the seven-year period preceding the application for licensing and registration; or (ii) at any time preceding such date of application if such felony involved an act of fraud, dishonesty, breach of trust, or money laundering;
3. The applicant has completed the pre-licensing education requirement described in § 6.2-1708;
4. The applicant has passed a written test that meets the test requirement described in § 6.2-1709; and
5. The applicant has become registered through, and obtained a unique identifier from, the Registry.

B. In addition to the findings required by § 6.2-1706, the Commission shall not issue a transitional mortgage loan originator license unless it (i) makes the findings set forth in subdivisions A 1, A 2, and A 5 and (ii) finds that the applicant is employed by a person licensed under Chapter 16 (§ 6.2-1600 et seq.).

CHAPTER 344

An Act to amend and reenact § 32.1-46 of the Code of Virginia, relating to immunizations.

[H 1031]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-46 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-46. Immunization of patients against certain diseases.

A. The parent, guardian or person standing in loco parentis of each child within this Commonwealth shall cause such child to be immunized in accordance with the Immunization Schedule developed and published by the Centers for Disease Control and Prevention (CDC), Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP), and the American Academy of Family Physicians (AAFP). The required immunizations for attendance at a public or private elementary, middle or secondary school, child care center, nursery school, family day care home or developmental center shall be those set forth in the State Board of Health Regulations for the Immunization of School Children. The Board's regulations shall at a minimum require:

1. A minimum of three properly spaced doses of hepatitis B vaccine (HepB).
2. A minimum of three or more properly spaced doses of diphtheria toxoid. One dose shall be administered on or after the fourth birthday. ~~A booster dose shall be administered prior to entering the sixth grade if at least five years have passed since the last dose of diphtheria toxoid.~~
3. A minimum of three or more properly spaced doses of tetanus toxoid. One dose shall be administered on or after the fourth birthday. ~~A booster dose of Tdap vaccine shall be administered prior to entering the sixth grade if at least five years have passed since the last dose of tetanus toxoid.~~
4. A minimum of three or more properly spaced doses of acellular pertussis vaccine. One dose shall be administered on or after the fourth birthday. A booster dose shall be administered prior to entry into the sixth grade ~~if at least five years have passed since the last dose of pertussis vaccine.~~
5. Two or three primary doses of Haemophilus influenzae type b (Hib) vaccine, depending on the manufacturer, for children up to 60 months of age.
6. Two properly spaced doses of live attenuated measles (rubeola) vaccine. The first dose shall be administered at age 12 months or older.
7. One dose of live attenuated rubella vaccine shall be administered at age 12 months or older.
8. One dose of live attenuated mumps vaccine shall be administered at age 12 months or older.
9. All ~~susceptible~~ children born on and after January 1, 1997, shall be required to have one dose of varicella vaccine on or after 12 months.
10. Three or more properly spaced doses of oral polio vaccine (OPV) or inactivated polio vaccine (IPV). One dose shall be administered on or after the fourth birthday. A fourth dose shall be required if the three dose primary series consisted of a combination of OPV and IPV.
11. ~~Two~~ One to four doses, dependent on age at first dose, of properly spaced pneumococcal ~~7-valent conjugate (PVC)~~ (PCV) vaccine for children ~~less than two years up to 60 months~~ of age.
12. Three doses of properly spaced human papillomavirus (HPV) vaccine for females. The first dose shall be administered before the child enters the sixth grade.

The parent, guardian or person standing in loco parentis may have such child immunized by a physician or registered nurse or may present the child to the appropriate local health department, which shall administer the vaccines required by the State Board of Health Regulations for the Immunization of School Children without charge.

B. A physician, registered nurse or local health department administering a vaccine required by this section shall provide to the person who presents the child for immunizations a certificate that shall state the diseases for which the child has been immunized, the numbers of doses given, the dates when administered and any further immunizations indicated.

C. The vaccines required by this section shall meet the standards prescribed in, and be administered in accordance with, regulations of the Board.

D. The provisions of this section shall not apply if:

1. The parent or guardian of the child objects thereto on the grounds that the administration of immunizing agents conflicts with his religious tenets or practices, unless an emergency or epidemic of disease has been declared by the Board;

2. The parent or guardian presents a statement from a physician licensed to practice medicine in Virginia, a licensed nurse practitioner, or a local health department that states that the physical condition of the child is such that the administration of one or more of the required immunizing agents would be detrimental to the health of the child; or

3. Because the human papillomavirus is not communicable in a school setting, a parent or guardian, at the parent's or guardian's sole discretion, may elect for the parent's or guardian's child not to receive the human papillomavirus vaccine, after having reviewed materials describing the link between the human papillomavirus and cervical cancer approved for such use by the Board.

E. For the purpose of protecting the public health by ensuring that each child receives age-appropriate immunizations, any physician, physician assistant, nurse practitioner, licensed institutional health care provider, local or district health department, the Virginia Immunization Information System, and the Department of Health may share immunization and patient locator information without parental authorization, including, but not limited to, the month, day, and year of each administered immunization; the patient's name, address, telephone number, birth date, and social security number; and the parents' names. The immunization information; the patient's name, address, telephone number, birth date, and social security number; and the parents' names shall be confidential and shall only be shared for the purposes set out in this subsection.

F. The State Board of Health shall review this section annually and make recommendations for revision by September 1 to the Governor, the General Assembly, and the Joint Commission on Health Care.

CHAPTER 345

An Act to require the Board of Pharmacy to provide for automatic review of certain case decisions.

[H 1032]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Board of Pharmacy shall, in cases in which a monetary fine may be imposed for a violation of the provisions of Article 2 (§ 54.1-3432 et seq.) of the Drug Control Act relating to the practice of pharmacy and the pharmacy subject to the fine is affiliated with a free clinic that receives state or local funds, ascertain the factual basis for its decisions of such cases through informal conference or consultation proceedings in accordance with § 2.2-4019 of the Code of Virginia, unless the named party and the Board agree to resolve the matter through a consent order or the named party consents to waive such a conference or proceeding to go directly to a formal hearing.*

CHAPTER 346

An Act to amend and reenact §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, and 19.2-152.10 of the Code of Virginia, relating to protective orders; companion animals.

[H 972]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. **That §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, and 19.2-152.10 of the Code of Virginia are amended and reenacted as follows:**

§ 16.1-253. Preliminary protective order.

A. Upon the motion of any person or upon the court's own motion, the court may issue a preliminary protective order, after a hearing, if necessary to protect a child's life, health, safety or normal development pending the final determination of any matter before the court. The order may require a child's parents, guardian, legal custodian, other person standing in loco parentis or other family or household member of the child to observe reasonable conditions of behavior for a specified length of time. These conditions shall include any one or more of the following:

1. To abstain from offensive conduct against the child, a family or household member of the child or any person to whom custody of the child is awarded;

2. To cooperate in the provision of reasonable services or programs designed to protect the child's life, health or normal development;

3. To allow persons named by the court to come into the child's home at reasonable times designated by the court to visit the child or inspect the fitness of the home and to determine the physical or emotional health of the child;

4. To allow visitation with the child by persons entitled thereto, as determined by the court;

5. To refrain from acts of commission or omission which tend to endanger the child's life, health or normal development; ~~or~~

6. To refrain from such contact with the child or family or household members of the child, as the court may deem appropriate, including removal of such person from the residence of the child. However, prior to the issuance by the court of an order removing such person from the residence of the child, the petitioner must prove by a preponderance of the evidence that such person's probable future conduct would constitute a danger to the life or health of such child, and that there are no less drastic alternatives which could reasonably and adequately protect the child's life or health pending a final determination on the petition; *or*

7. *To grant the person on whose behalf the order is issued the possession of any companion animal as defined in § 3.2-6500 if such person meets the definition of owner in § 3.2-6500.*

B. A preliminary protective order may be issued ex parte upon motion of any person or the court's own motion in any matter before the court, or upon petition. The motion or petition shall be supported by an affidavit or by sworn testimony in person before the judge or intake officer which establishes that the child would be subjected to an imminent threat to life or health to the extent that delay for the provision of an adversary hearing would be likely to result in serious or irreparable injury to the child's life or health. If an ex parte order is issued without an affidavit being presented, the court, in its order, shall state the basis upon which the order was entered, including a summary of the allegations made and the court's findings. Following the issuance of an ex parte order the court shall provide an adversary hearing to the affected parties within the shortest practicable time not to exceed five business days after the issuance of the order.

C. Prior to the hearing required by this section, notice of the hearing shall be given at least 24 hours in advance of the hearing to the guardian ad litem for the child, to the parents, guardian, legal custodian, or other person standing in loco parentis of the child, to any other family or household member of the child to whom the protective order may be directed and to the child if he or she is 12 years of age or older. The notice provided herein shall include (i) the time, date and place for the hearing and (ii) a specific statement of the factual circumstances which allegedly necessitate the issuance of a preliminary protective order.

D. All parties to the hearing shall be informed of their right to counsel pursuant to § 16.1-266.

E. At the hearing the child, his or her parents, guardian, legal custodian or other person standing in loco parentis and any other family or household member of the child to whom notice was given shall have the right to confront and cross-examine all adverse witnesses and evidence and to present evidence on their own behalf.

F. If a petition alleging abuse or neglect of a child has been filed, at the hearing pursuant to this section the court shall determine whether the allegations of abuse or neglect have been proven by a preponderance of the evidence. Any finding of abuse or neglect shall be stated in the court order. However, if, before such a finding is made, a person responsible for the care and custody of the child, the child's guardian ad litem or the local department of social services objects to a finding being made at the hearing, the court shall schedule an adjudicatory hearing to be held within 30 days of the date of the initial preliminary protective order hearing. The adjudicatory hearing shall be held to determine whether the allegations of abuse and neglect have been proven by a preponderance of the evidence. Parties who are present at the hearing shall be given notice of the date set for the adjudicatory hearing and parties who are not present shall be summoned as provided in § 16.1-263. The adjudicatory hearing shall be held and an order may be entered, although a party to the hearing fails to appear and is not represented by counsel, provided personal or substituted service was made on the person, or the court determines that such person cannot be found, after reasonable effort, or in the case of a person who is without the Commonwealth, the person cannot be found or his post office address cannot be ascertained after reasonable effort.

Any preliminary protective order issued shall remain in full force and effect pending the adjudicatory hearing.

G. (Effective until July 1, 2014) If at the preliminary protective order hearing held pursuant to this section the court makes a finding of abuse or neglect and a preliminary protective order is issued, a dispositional hearing shall be held pursuant to § 16.1-278.2. The court shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court. A copy of the preliminary protective order containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department of State Police pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-264 and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person

subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the allegedly abusing person in person as provided in § 16.1-264. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. The preliminary order shall specify a date for the dispositional hearing. The dispositional hearing shall be scheduled at the time of the hearing pursuant to this section, and shall be held within 75 days of this hearing. If an adjudicatory hearing is requested pursuant to subsection F, the dispositional hearing shall nonetheless be scheduled at the hearing pursuant to this section. All parties present at the hearing shall be given notice of the date and time scheduled for the dispositional hearing; parties who are not present shall be summoned to appear as provided in § 16.1-263.

G. (Effective July 1, 2014) If at the preliminary protective order hearing held pursuant to this section the court makes a finding of abuse or neglect and a preliminary protective order is issued, a dispositional hearing shall be held pursuant to § 16.1-278.2. The court shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court. A copy of the preliminary protective order containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-264 and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the allegedly abusing person in person as provided in § 16.1-264. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. The preliminary order shall specify a date for the dispositional hearing. The dispositional hearing shall be scheduled at the time of the hearing pursuant to this section, and shall be held within 60 days of this hearing. If an adjudicatory hearing is requested pursuant to subsection F, the dispositional hearing shall nonetheless be scheduled at the hearing pursuant to this section. All parties present at the hearing shall be given notice of the date and time scheduled for the dispositional hearing; parties who are not present shall be summoned to appear as provided in § 16.1-263.

H. Nothing in this section enables the court to remove a child from the custody of his or her parents, guardian, legal custodian or other person standing in loco parentis, except as provided in § 16.1-278.2, and no order hereunder shall be entered against a person over whom the court does not have jurisdiction.

I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

J. Violation of any order issued pursuant to this section shall constitute contempt of court.

K. The court shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court. A copy of the preliminary protective order containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-264 and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-264. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia

Criminal Information Network and make due return to the court. The preliminary order shall specify a date for the full hearing.

Upon receipt of the return of service or other proof of service pursuant to subsection C of § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to the primary law-enforcement agency and the agency shall forthwith verify and enter any modification as necessary into the Virginia Criminal Information Network as described above. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

L. No fee shall be charged for filing or serving any petition or order pursuant to this section.

§ 16.1-253.1. Preliminary protective orders in cases of family abuse; confidentiality.

A. Upon the filing of a petition alleging that the petitioner is or has been, within a reasonable period of time, subjected to family abuse, the court may issue a preliminary protective order against an allegedly abusing person in order to protect the health and safety of the petitioner or any family or household member of the petitioner. The order may be issued in an ex parte proceeding upon good cause shown when the petition is supported by an affidavit or sworn testimony before the judge or intake officer. Immediate and present danger of family abuse or evidence sufficient to establish probable cause that family abuse has recently occurred shall constitute good cause. Evidence that the petitioner has been subjected to family abuse within a reasonable time and evidence of immediate and present danger of family abuse may be established by a showing that (i) the allegedly abusing person is incarcerated and is to be released from incarceration within 30 days following the petition or has been released from incarceration within 30 days prior to the petition, (ii) the crime for which the allegedly abusing person was convicted and incarcerated involved family abuse against the petitioner, and (iii) the allegedly abusing person has made threatening contact with the petitioner while he was incarcerated, exhibiting a renewed threat to the petitioner of family abuse.

A preliminary protective order may include any one or more of the following conditions to be imposed on the allegedly abusing person:

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property.
2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons.
3. Granting the petitioner possession of the premises occupied by the parties to the exclusion of the allegedly abusing person; however, no such grant of possession shall affect title to any real or personal property.
4. Enjoining the respondent from terminating any necessary utility service to a premises that the petitioner has been granted possession of pursuant to subdivision 3 or, where appropriate, ordering the respondent to restore utility services to such premises.
5. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone or jointly owned by the parties to the exclusion of the allegedly abusing person; however, no such grant of possession or use shall affect title to the vehicle.
6. Requiring that the allegedly abusing person provide suitable alternative housing for the petitioner and any other family or household member and, where appropriate, requiring the respondent to pay deposits to connect or restore necessary utility services in the alternative housing provided.

7. *Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.*

8. Any other relief necessary for the protection of the petitioner and family or household members of the petitioner.

B. The court shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court. A copy of a preliminary protective order containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-264 and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-264. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia

Criminal Information Network and make due return to the court. The preliminary order shall specify a date for the full hearing. The hearing shall be held within 15 days of the issuance of the preliminary order. If the respondent fails to appear at this hearing because the respondent was not personally served, or if personally served was incarcerated and not transported to the hearing, the court may extend the protective order for a period not to exceed six months. The extended protective order shall be served forthwith on the respondent. However, upon motion of the respondent and for good cause shown, the court may continue the hearing. The preliminary order shall remain in effect until the hearing. Upon request after the order is issued, the clerk shall provide the petitioner with a copy of the order and information regarding the date and time of service. The order shall further specify that either party may at any time file a motion with the court requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of the court.

Upon receipt of the return of service or other proof of service pursuant to subsection C of § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to the primary law-enforcement agency, and the agency shall forthwith verify and enter any modification as necessary into the Virginia Criminal Information Network as described above. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

C. The preliminary order is effective upon personal service on the allegedly abusing person. Except as otherwise provided in § 16.1-253.2, a violation of the order shall constitute contempt of court.

D. At a full hearing on the petition, the court may issue a protective order pursuant to § 16.1-279.1 if the court finds that the petitioner has proven the allegation of family abuse by a preponderance of the evidence.

E. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

F. As used in this section, "copy" includes a facsimile copy.

G. No fee shall be charged for filing or serving any petition or order pursuant to this section.

§ 16.1-253.4. Emergency protective orders authorized in certain cases; penalty.

A. Any judge of a circuit court, general district court, juvenile and domestic relations district court or magistrate may issue a written or oral ex parte emergency protective order pursuant to this section in order to protect the health or safety of any person.

B. When a law-enforcement officer or an allegedly abused person asserts under oath to a judge or magistrate, and on that assertion or other evidence the judge or magistrate (i) finds that a warrant for a violation of § 18.2-57.2 has been issued or issues a warrant for violation of § 18.2-57.2 and finds that there is probable danger of further acts of family abuse against a family or household member by the respondent or (ii) finds that reasonable grounds exist to believe that the respondent has committed family abuse and there is probable danger of a further such offense against a family or household member by the respondent, the judge or magistrate shall issue an ex parte emergency protective order, except if the respondent is a minor, an emergency protective order shall not be required, imposing one or more of the following conditions on the respondent:

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;
2. Prohibiting such contacts by the respondent with the allegedly abused person or family or household members of the allegedly abused person as the judge or magistrate deems necessary to protect the safety of such persons; ~~and~~
3. Granting the family or household member possession of the premises occupied by the parties to the exclusion of the respondent; however, no such grant of possession shall affect title to any real or personal property; *and*
4. *Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.*

When the judge or magistrate considers the issuance of an emergency protective order pursuant to clause (i), he shall presume that there is probable danger of further acts of family abuse against a family or household member by the respondent unless the presumption is rebutted by the allegedly abused person.

C. An emergency protective order issued pursuant to this section shall expire at 11:59 p.m. on the third day following issuance. If the expiration occurs on a day that the court is not in session, the emergency protective order shall be extended until 11:59 p.m. on the next day that the juvenile and domestic relations district court is in session. When issuing an emergency protective order under this section, the judge or magistrate shall provide the protected person or the law-enforcement officer seeking the emergency protective order with the form for use in filing petitions pursuant to § 16.1-253.1 and written information regarding protective orders that shall include the telephone numbers of domestic violence agencies and legal referral sources on a form prepared by the Supreme Court. If these forms are provided to a law-enforcement officer, the officer may provide these forms to the protected person when giving the emergency protective order to the protected person. The respondent may at any time file a motion with the court requesting a hearing to dissolve or modify the order issued hereunder. The hearing on the motion shall be given precedence on the docket of the court.

D. A law-enforcement officer may request an emergency protective order pursuant to this section and, if the person in need of protection is physically or mentally incapable of filing a petition pursuant to § 16.1-253.1 or 16.1-279.1, may request the extension of an emergency protective order for an additional period of time not to exceed three days after expiration of the original order. The request for an emergency protective order or extension of an order may be made orally, in person or by electronic means, and the judge of a circuit court, general district court, or juvenile and domestic relations district court or a magistrate may issue an oral emergency protective order. An oral emergency protective order issued pursuant to this section shall be reduced to writing, by the law-enforcement officer requesting the order or the magistrate on a preprinted form approved and provided by the Supreme Court of Virginia. The completed form shall include a statement of the grounds for the order asserted by the officer or the allegedly abused person.

E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court or magistrate. A copy of an emergency protective order issued pursuant to this section containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the respondent. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. One copy of the order shall be given to the allegedly abused person when it is issued, and one copy shall be filed with the written report required by subsection D of § 19.2-81.3. The judge or magistrate who issues an oral order pursuant to an electronic request by a law-enforcement officer shall verify the written order to determine whether the officer who reduced it to writing accurately transcribed the contents of the oral order. The original copy shall be filed with the clerk of the juvenile and domestic relations district court within five business days of the issuance of the order. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court. Upon request, the clerk shall provide the allegedly abused person with information regarding the date and time of service.

F. The availability of an emergency protective order shall not be affected by the fact that the family or household member left the premises to avoid the danger of family abuse by the respondent.

G. The issuance of an emergency protective order shall not be considered evidence of any wrongdoing by the respondent.

H. As used in this section, a "law-enforcement officer" means any (i) full-time or part-time employee of a police department or sheriff's office which is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth and (ii) member of an auxiliary police force established pursuant to § 15.2-1731. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

J. As used in this section, "copy" includes a facsimile copy.

K. No fee shall be charged for filing or serving any petition or order pursuant to this section.

L. *Except as provided in § 16.1-253.2, a violation of a protective order issued under this section shall constitute contempt of court.*

§ 16.1-279.1. Protective order in cases of family abuse.

A. In cases of family abuse, including any case involving an incarcerated or recently incarcerated respondent against whom a preliminary protective order has been issued pursuant to § 16.1-253.1, the court may issue a protective order to protect the health and safety of the petitioner and family or household members of the petitioner. A protective order issued under this section may include any one or more of the following conditions to be imposed on the respondent:

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;
2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons;
3. Granting the petitioner possession of the residence occupied by the parties to the exclusion of the respondent; however, no such grant of possession shall affect title to any real or personal property;
4. Enjoining the respondent from terminating any necessary utility service to the residence to which the petitioner was granted possession pursuant to subdivision 3 or, where appropriate, ordering the respondent to restore utility services to that residence;
5. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone or jointly owned by the parties to the exclusion of the respondent; however, no such grant of possession or use shall affect title to the vehicle;
6. Requiring that the respondent provide suitable alternative housing for the petitioner and, if appropriate, any other family or household member and where appropriate, requiring the respondent to pay deposits to connect or restore necessary utility services in the alternative housing provided;
7. Ordering the respondent to participate in treatment, counseling or other programs as the court deems appropriate; ~~and~~
8. *Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500; and*
9. Any other relief necessary for the protection of the petitioner and family or household members of the petitioner, including a provision for temporary custody or visitation of a minor child.

A1. If a protective order is issued pursuant to subsection A, the court may also issue a temporary child support order for the support of any children of the petitioner whom the respondent has a legal obligation to support. Such order shall terminate upon the determination of support pursuant to § 20-108.1.

B. The protective order may be issued for a specified period of time up to a maximum of two years. The protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective order shall be given precedence on the docket of the court. If the petitioner was a member of the respondent's family or household at the time the initial protective order was issued, the court may extend the protective order for a period not longer than two years to protect the health and safety of the petitioner or persons who are family or household members of the petitioner at the time the request for an extension is made. The extension of the protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Nothing herein shall limit the number of extensions that may be requested or issued.

C. A copy of the protective order shall be served on the respondent and provided to the petitioner as soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith forward the attested copy of the protective order containing any such identifying information to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

D. Except as otherwise provided in § 16.1-253.2, a violation of a protective order issued under this section shall constitute contempt of court.

E. The court may assess costs and attorneys' fees against either party regardless of whether an order of protection has been issued as a result of a full hearing.

F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or contact or communication with or physical proximity to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person entitled to protection under such a foreign order may file the order in any juvenile and domestic relations district court by filing with the court an attested or exemplified copy of the order. Upon such a filing, the clerk shall

forthwith forward an attested copy of the order to the primary law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network.

Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy available of any foreign order filed with that court. A law-enforcement officer may, in the performance of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been provided to him by any source and may also rely upon the statement of any person protected by the order that the order remains in effect.

G. Either party may at any time file a written motion with the court requesting a hearing to dissolve or modify the order. Proceedings to dissolve or modify a protective order shall be given precedence on the docket of the court.

H. As used in this section:

"Copy" includes a facsimile copy; and

"Protective order" includes an initial, modified or extended protective order.

I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

J. No fee shall be charged for filing or serving any petition or order pursuant to this section.

§ 19.2-152.8. Emergency protective orders authorized.

A. Any judge of a circuit court, general district court, juvenile and domestic relations district court or magistrate may issue a written or oral ex parte emergency protective order pursuant to this section in order to protect the health or safety of any person.

B. When a law-enforcement officer or an alleged victim asserts under oath to a judge or magistrate that such person is being or has been subjected to an act of violence, force, or threat and on that assertion or other evidence the judge or magistrate finds that (i) there is probable danger of a further such act being committed by the respondent against the alleged victim or (ii) a petition or warrant for the arrest of the respondent has been issued for any criminal offense resulting from the commission of an act of violence, force, or threat, the judge or magistrate shall issue an ex parte emergency protective order imposing one or more of the following conditions on the respondent:

1. Prohibiting acts of violence, force, or threat or criminal offenses resulting in injury to person or property;

2. Prohibiting such contacts by the respondent with the alleged victim or the alleged victim's family or household members as the judge or magistrate deems necessary to protect the safety of such persons; ~~and~~

3. Such other conditions as the judge or magistrate deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other contact of any kind by the respondent; *and*

4. *Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.*

C. An emergency protective order issued pursuant to this section shall expire at 11:59 p.m. on the third day following issuance. If the expiration occurs on a day that the court is not in session, the emergency protective order shall be extended until 11:59 p.m. on the next day that the court which issued the order is in session. The respondent may at any time file a motion with the court requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of the court.

D. A law-enforcement officer may request an emergency protective order pursuant to this section and, if the person in need of protection is physically or mentally incapable of filing a petition pursuant to § 19.2-152.9 or 19.2-152.10, may request the extension of an emergency protective order for an additional period of time not to exceed three days after expiration of the original order. The request for an emergency protective order or extension of an order may be made orally, in person or by electronic means, and the judge of a circuit court, general district court, or juvenile and domestic relations district court or a magistrate may issue an oral emergency protective order. An oral emergency protective order issued pursuant to this section shall be reduced to writing, by the law-enforcement officer requesting the order or the magistrate, on a preprinted form approved and provided by the Supreme Court of Virginia. The completed form shall include a statement of the grounds for the order asserted by the officer or the alleged victim of such crime.

E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court or magistrate. A copy of an emergency protective order issued pursuant to this section containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. However,

if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent. Upon service, the agency making service shall enter the date and time of service and other appropriate information required into the Virginia Criminal Information Network and make due return to the court. One copy of the order shall be given to the alleged victim of such crime. The judge or magistrate who issues an oral order pursuant to an electronic request by a law-enforcement officer shall verify the written order to determine whether the officer who reduced it to writing accurately transcribed the contents of the oral order. The original copy shall be filed with the clerk of the appropriate district court within five business days of the issuance of the order. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court. Upon request, the clerk shall provide the alleged victim of such crime with information regarding the date and time of service.

F. The issuance of an emergency protective order shall not be considered evidence of any wrongdoing by the respondent.

G. As used in this section, a "law-enforcement officer" means any (i) person who is a full-time or part-time employee of a police department or sheriff's office which is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth and (ii) member of an auxiliary police force established pursuant to § 15.2-1731. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

H. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

I. As used in this section, "copy" includes a facsimile copy.

J. No fee shall be charged for filing or serving any petition pursuant to this section.

K. No emergency protective order shall be issued pursuant to this section against a law-enforcement officer for any action arising out of the lawful performance of his duties.

§ 19.2-152.9. Preliminary protective orders.

A. Upon the filing of a petition alleging that (i) the petitioner is or has been, within a reasonable period of time, subjected to an act of violence, force, or threat, or (ii) a petition or warrant has been issued for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of an act of violence, force, or threat, the court may issue a preliminary protective order against the alleged perpetrator in order to protect the health and safety of the petitioner or any family or household member of the petitioner. The order may be issued in an ex parte proceeding upon good cause shown when the petition is supported by an affidavit or sworn testimony before the judge or intake officer. Immediate and present danger of any act of violence, force, or threat or evidence sufficient to establish probable cause that an act of violence, force, or threat has recently occurred shall constitute good cause.

A preliminary protective order may include any one or more of the following conditions to be imposed on the respondent:

1. Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to person or property;
2. Prohibiting such other contacts by the respondent with the petitioner or the petitioner's family or household members as the court deems necessary for the health and safety of such persons; ~~and~~
3. Such other conditions as the court deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses that may result in injury to person or property, or (iii) communication or other contact of any kind by the respondent; *and*
4. *Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.*

B. The court shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court. A copy of a preliminary protective order containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and

maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the alleged perpetrator in person as provided in § 16.1-264, and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the alleged perpetrator in person as provided in § 16.1-264. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. The preliminary order shall specify a date for the full hearing. The hearing shall be held within 15 days of the issuance of the preliminary order. If the respondent fails to appear at this hearing because the respondent was not personally served, the court may extend the protective order for a period not to exceed six months. The extended protective order shall be served as soon as possible on the respondent. However, upon motion of the respondent and for good cause shown, the court may continue the hearing. The preliminary order shall remain in effect until the hearing. Upon request after the order is issued, the clerk shall provide the petitioner with a copy of the order and information regarding the date and time of service. The order shall further specify that either party may at any time file a motion with the court requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of the court.

Upon receipt of the return of service or other proof of service pursuant to subsection C of § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to primary law-enforcement agency and the agency shall forthwith verify and enter any modification as necessary into the Virginia Criminal Information Network as described above. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

C. The preliminary order is effective upon personal service on the alleged perpetrator. Except as otherwise provided, a violation of the order shall constitute contempt of court.

D. At a full hearing on the petition, the court may issue a protective order pursuant to § 19.2-152.10 if the court finds that the petitioner has proven the allegation that the petitioner is or has been, within a reasonable period of time, subjected to an act of violence, force, or threat by a preponderance of the evidence.

E. No fees shall be charged for filing or serving petitions pursuant to this section.

F. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

G. As used in this section, "copy" includes a facsimile copy.

§ 19.2-152.10. Protective order.

A. The court may issue a protective order pursuant to this chapter to protect the health and safety of the petitioner and family or household members of a petitioner upon (i) the issuance of a petition or warrant for, or a conviction of, any criminal offense resulting from the commission of an act of violence, force, or threat or (ii) a hearing held pursuant to subsection D of § 19.2-152.9. A protective order issued under this section may include any one or more of the following conditions to be imposed on the respondent:

1. Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to person or property;
2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons; ~~and~~
3. Any other relief necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses that may result in injury to person or property, or (iii) communication or other contact of any kind by the respondent; *and*
4. *Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.*

B. The protective order may be issued for a specified period of time up to a maximum of two years. The protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective order shall be given precedence on the docket of the court. The court may extend the protective order for a period not longer than two years to protect the health and safety of the petitioner or persons who are family or household members of the petitioner at the time the request for an extension is made. The extension of the protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Nothing herein shall limit the number of extensions that may be requested or issued.

C. A copy of the protective order shall be served on the respondent and provided to the petitioner as soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith forward the attested copy of the protective order and containing any such identifying information to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. Upon service, the agency making service shall enter the date and time of service and other appropriate information required into the Virginia Criminal Information Network and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

D. Except as otherwise provided, a violation of a protective order issued under this section shall constitute contempt of court.

E. The court may assess costs and attorneys' fees against either party regardless of whether an order of protection has been issued as a result of a full hearing.

F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or contact or communication with or physical proximity to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person entitled to protection under such a foreign order may file the order in any appropriate district court by filing with the court, an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network.

Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy available of any foreign order filed with that court. A law-enforcement officer may, in the performance of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been provided to him by any source and may also rely upon the statement of any person protected by the order that the order remains in effect.

G. Either party may at any time file a written motion with the court requesting a hearing to dissolve or modify the order. Proceedings to modify or dissolve a protective order shall be given precedence on the docket of the court.

H. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

I. No fees shall be charged for filing or serving petitions pursuant to this section.

J. As used in this section:

"Copy" includes a facsimile copy; and

"Protective order" includes an initial, modified or extended protective order.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 806 of the Acts of Assembly of 2013 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 347

An Act to amend and reenact § 12.1-19 of the Code of Virginia, relating to disclosure of records related to administrative activities of the State Corporation Commission.

[H 1036]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 12.1-19 of the Code of Virginia is amended and reenacted as follows:****§ 12.1-19. Duties of clerk; records; copies; personal identifiable information; records related to the administrative activities of the Commission.**

A. The clerk of the Commission shall:

1. Keep a record of all the proceedings, orders, findings, and judgments of the public sessions of the Commission, and the minutes of the proceedings of each day's public session shall be read and approved by the Commission and signed by its chairman, or acting chairman;

2. Subject to the supervision and control of the Commission, have custody of and preserve all of the records, documents, papers, and files of the Commission, or which may be filed before it in any complaint, proceeding, contest, or controversy, and such records, documents, papers, and files shall be open to public examination in the office of the clerk to the same extent as the records and files of the courts of this Commonwealth;

3. When requested, make and certify copies from any record, document, paper, or file in his office, and if required, affix the seal of the Commission (or a facsimile thereof) thereto, and otherwise furnish and certify information from the Commission records by any means the Commission may deem suitable; and, except when made at the instance of the Commission or on behalf of the Commonwealth, a political subdivision of the Commonwealth, or the government of the United States, he shall charge and collect the fees fixed by §§ 12.1-21.1 and 12.1-21.2; and any such copy or information, so certified, shall have the same faith, credit, and legal effect as copies made and certified by the clerks of the courts of this Commonwealth from the records and files thereof;

4. Certify all allowances made by the Commission to be paid out of the public treasury for witness fees, service of process, or other expenses;

5. Issue all notices, writs, processes or orders awarded by the Commission, or authorized by law, or by the rules of the Commission;

6. Receive all fines and penalties imposed by the Commission, all moneys collected on judgments, all registration fees and franchise taxes required by law to be paid by corporations, including delinquencies thereof and all other fees collected by the Commission, and shall keep an accurate account of the same and the disposition of such receipts and shall, at least once in every thirty days during his term of office, render a statement of all such receipts and collections to the Comptroller, and pay the same into the treasury of the Commonwealth, and shall keep all such other accounts of such collections and disbursements, and shall make all such other reports thereof as may be required by law or by the regulations prescribed by the Comptroller; and

7. Generally have the powers, discharge the functions, and perform the duties of a clerk of a court of record in all matters within the jurisdiction of the Commission. The Commission may designate one or more deputies or assistants of the clerk who may discharge any of his official duties during his continuance in office.

B. A person who prepares or submits to the office of the clerk of the Commission a document or any information for filing with the Commission pursuant to Title 8.9A, Title 13.1, or Title 50 is responsible for ensuring that the document or information does not contain any personal identifiable information, unless such information is otherwise publicly available or is required or authorized by law to be included in the document or information provided. For purposes of this subsection, "personal identifiable information" means (i) a social security number or any other numbers appearing on driver's licenses, (ii) information on credit cards, debit cards, bank accounts, or other electronic billing and payment systems, (iii) a date of birth identified with a particular individual, (iv) the maiden name of an individual's parent, or (v) any financial account number. Any person who prepares or submits to the office of the clerk a document for filing that contains personal identifiable information shall be deemed to have authorized the clerk or any member of his staff to remove, delete, or obliterate, without prior notice, such information prior or subsequent to recording or filing the document in the office of the clerk. Nothing in this subsection shall be deemed to require the clerk to alter any document submitted for filing. The clerk may refuse to accept for filing any document that includes personal identifiable information and return it for modification or explanation. The Commission, its members, the clerk of the Commission, and any member of his staff are immune from liability in any proceeding arising from any acts or omissions in the implementation of this subsection. This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity that exists under statutory or common law.

C. 1. *The Commission shall make available for public inspection records related to the administrative activities of the Commission.*

2. *Disclosure of such records shall not be required, however, if (i) such records are otherwise covered by applicable legal privileges, (ii) disclosure of such records could threaten the safety or security of the Commission's employees, physical plant, or information technology assets or data, or (iii) such records are not publicly available from other public entities under the laws of the Commonwealth, including §§ 2.2-3705.1 and 2.2-4342.*

3. Records held by the clerk of the Commission related to business entities shall be made public or held confidential in accordance with laws and regulations applicable specifically to such records.

4. The Commission shall respond within five business days of receiving requests for administrative records. If it is impracticable to provide the records requested within such time period, the Commission shall notify the requester that an additional seven business days will be required, unless due to the scope of the records requested or length of search necessary to locate them the Commission requires additional time, which shall not be unreasonable in length. When any such requested records are not provided, the Commission shall notify the requester of the basis of the denial.

5. As used in this subsection, "administrative activities" means matters related to the Commission's operational responsibilities and operational functions, including its revenues, expenditures, financial management and budgetary practices, personnel policies and practices, and procurement policies and practices. "Administrative activities" shall not include the Commission's formal or informal regulatory or legal proceedings or activities, records related to which shall be governed, *inter alia*, by laws and regulations applicable specifically to such regulatory and legal proceedings or activities, or in accordance with applicable legal privileges.

CHAPTER 348

An Act to amend and reenact § 8.01-4 of the Code of Virginia, relating to certain rules prescribed by district courts and circuit courts; dismissal with prejudice.

[H 1038]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-4 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-4. District courts and circuit courts may prescribe certain rules.

The district courts and circuit courts may, from time to time, prescribe rules for their respective districts and circuits. Such rules shall be limited to those rules necessary to promote proper order and decorum and the efficient and safe use of courthouse facilities and clerks' offices. No rule of any such court shall be prescribed or enforced which is inconsistent with this statute or any other statutory provision, or the Rules of Supreme Court or contrary to the decided cases, or which has the effect of abridging substantive rights of persons before such court. Any rule of court which violates the provisions of this section shall be invalid.

The courts may prescribe certain docket control procedures which shall not abridge the substantive rights of the parties nor deprive any party the opportunity to present its position as to the merits of a case solely due to the unfamiliarity of counsel of record with any such docket control procedures. *No civil matter shall be dismissed with prejudice by any district or circuit court for failure to comply with any rule created under this section.*

CHAPTER 349

An Act to require the Board of Education to amend its guidelines for school division policies and procedures on concussions in student-athletes.

[H 1096]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. § 1. The Board of Education shall amend its guidelines for school division policies and procedures on concussions in student-athletes to include a "Return to Learn Protocol" with the following requirements:

1. School personnel shall be alert to cognitive and academic issues that may be experienced by a student-athlete who has suffered a concussion or other head injury, including (i) difficulty with concentration, organization, and long-term and short-term memory; (ii) sensitivity to bright lights and sounds; and (iii) short-term problems with speech and language, reasoning, planning, and problem solving; and

2. School personnel shall accommodate the gradual return to full participation in academic activities by a student-athlete who has suffered a concussion or other head injury as appropriate, based on the recommendation of the student-athlete's licensed health care provider as to the appropriate amount of time that such student-athlete needs to be away from the classroom.

CHAPTER 350

An Act to amend and reenact § 38.2-3521.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 38.2-3521.2, relating to group accident and sickness insurance; blanket policies.

[H 1166]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3521.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 38.2-3521.2 as follows:

§ 38.2-3521.1. Group accident and sickness insurance definitions.

Except as provided in § 38.2-3522.1, no policy of group accident and sickness insurance shall be delivered in this Commonwealth unless it conforms to one of the following descriptions:

A. A policy issued to an employer, or to the trustees of a fund established by an employer, which employer or trustees shall be deemed the policyholder, to insure employees of the employer for the benefit of persons other than the employer, subject to the following requirements:

1. The employees eligible for insurance under the policy shall be all of the employees of the employer, or all of any class or classes thereof. The policy may provide that the term "employees" shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietorships or partnerships if the business of the employer and of such affiliated corporations, proprietorships or partnerships is under common control. The policy may provide that the term "employees" shall include retired employees, former employees and directors of a corporate employer. A policy issued to insure the employees of a public body may provide that the term "employees" shall include elected or appointed officials.

2. The premium for the policy shall be paid either from the employer's funds or from funds contributed by the insured employees, or from both. Except as provided in subdivision 3 of this subsection, a policy on which no part of the premium is to be derived from funds contributed by the insured employees must insure all eligible employees, except those who reject such coverage in writing.

3. An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer, except as otherwise prohibited in this title.

B. A policy which is:

1. Not subject to Chapter 37.1 (§ 38.2-3727 et seq.) of this title, and

2. Issued to a creditor or its parent holding company or to a trustee or trustees or agent designated by two or more creditors, which creditor, holding company, affiliate, trustee, trustees or agent shall be deemed the policyholder, to insure debtors of the creditor or creditors with respect to their indebtedness, subject to the following requirements:

a. The debtors eligible for insurance under the policy shall be all of the debtors of the creditor or creditors, or all of any class or classes thereof. The policy may provide that the term "debtors" shall include:

(1) Borrowers of money or purchasers or lessees of goods, services, or property for which payment is arranged through a credit transaction;

(2) The debtors of one or more subsidiary corporations; and

(3) The debtors of one or more affiliated corporations, proprietorships or partnerships if the business of the policyholder and of such affiliated corporations, proprietorships or partnerships is under common control.

b. The premium for the policy shall be paid either from the creditor's funds, or from charges collected from the insured debtors, or from both. Except as provided in subdivision 3 of this subsection, a policy on which no part of the premium is to be derived from funds contributed by insured debtors specifically for their insurance must insure all eligible debtors.

3. An insurer may exclude any debtors as to whom evidence of individual insurability is not satisfactory to the insurer.

4. The total amount of insurance payable with respect to an indebtedness shall not exceed the greater of the scheduled or actual amount of unpaid indebtedness to the creditor. The insurer may exclude any payments which are delinquent on the date the debtor becomes disabled as defined in the policy.

5. The insurance may be payable to the creditor or any successor to the right, title, and interest of the creditor. Such payment or payments shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of each such payment and any excess of the insurance shall be payable to the insured or the estate of the insured.

6. Notwithstanding the preceding provisions of this section, insurance on agricultural credit transaction commitments may be written up to the amount of the loan commitment. Insurance on educational credit transaction commitments may be written up to the amount of the loan commitment less the amount of any repayments made on the loan.

C. A policy issued to a labor union, or similar employee organization, which labor union or organization shall be deemed to be the policyholder, to insure members of such union or organization for the benefit of persons other than the union or organization or any of its officials, representatives, or agents, subject to the following requirements:

1. The members eligible for insurance under the policy shall be all of the members of the union or organization, or all of any class or classes thereof.

2. The premium for the policy shall be paid either from funds of the union or organization, or from funds contributed by the insured members specifically for their insurance, or from both. Except as provided in subdivision 3 of this subsection, a policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance must insure all eligible members, except those who reject such coverage in writing.

3. An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer, except as otherwise prohibited in this title.

D. A policy issued (i) to or for a multiple employer welfare arrangement, a rural electric cooperative, or a rural electric telephone cooperative as these terms are defined in 29 U.S.C. § 1002, or (ii) to a trust, or to the trustees of a fund, established or adopted by or for two or more employers, or by one or more labor unions of similar employee organizations,

or by one or more employers and one or more labor unions or similar employee organizations, which trust or trustees shall be deemed the policyholder, to insure employees of the employers or members of the unions or organizations for the benefit of persons other than the employers or the unions or organizations, subject to the following requirements:

1. The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions or organizations, or all of any class or classes thereof. The policy may provide that the term "employee" shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietorships or partnerships if the business of the employer and of such affiliated corporations, proprietorships or partnerships is under common control. The policy may provide that the term "employees" shall include retired employees, former employees and directors of a corporate employer. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship.

2. The premium for the policy shall be paid from funds contributed by the employer or employers of the insured persons, or by the union or unions or similar employee organizations, or by both, or from funds contributed by the insured persons or from both the insured persons and the employers or unions or similar employee organizations. Except as provided in subdivision 3 of this subsection, a policy on which no part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance must insure all eligible persons, except those who reject such coverage in writing.

3. An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer, except as otherwise prohibited in this title.

E. 1. A policy issued to an association or to a trust or to the trustees of a fund established, created, or maintained for the benefit of members of one or more associations which association or trust shall be deemed the policyholder. The association or associations shall:

a. Have at the outset a minimum of 100 persons;

b. Have been organized and maintained in good faith for purposes other than that of obtaining insurance;

c. Have been in active existence for at least five years;

d. Have a constitution and bylaws which provide that (i) the association or associations hold regular meetings not less than annually to further purposes of the members, (ii) except for credit unions, the association or associations collect dues or solicit contributions from members, and (iii) the members have voting privileges and representation on the governing board and committees;

e. Does not condition membership in the association on any health status-related factor relating to an individual (including an employee of an employer or a dependent of an employee);

f. Makes health insurance coverage offered through the association available to all members regardless of any health status-related factor relating to such members (or individuals eligible for coverage through a member);

g. Does not make health insurance coverage offered through the association available other than in connection with a member of the association; and

h. Meets such additional requirements as may be imposed under the laws of this Commonwealth.

2. The policy shall be subject to the following requirements:

a. The policy may insure members of such association or associations, employees thereof or employees of members, or one or more of the preceding or all of any class or classes thereof for the benefit of persons other than the employee's employer.

b. The premium for the policy shall be paid from funds contributed by the association or associations, or by employer members, or by both, or from funds contributed by the covered persons or from both the covered persons and the association, associations, or employer members.

3. Except as provided in subdivision 4 of this subsection, a policy on which no part of the premium is to be derived from funds contributed by the covered persons specifically for their insurance must insure all eligible persons, except those who reject such coverage in writing.

4. An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer, except as otherwise prohibited in this title.

F. A policy issued to a credit union or to a trustee or trustees or agent designated by two or more credit unions, which credit union, trustee, trustees, or agent shall be deemed the policyholder, to insure members of such credit union or credit unions for the benefit of persons other than the credit union or credit unions, trustee or trustees, or agent or any of their officials, subject to the following requirements:

1. The members eligible for insurance shall be all of the members of the credit union or credit unions, or all of any class or classes thereof.

2. The premium for the policy shall be paid by the policyholder from the credit union's funds and, except as provided in subdivision 3 of this subsection, must insure all eligible members.

3. An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer.

G. A policy issued to a health maintenance organization as provided in subsection B of § 38.2-4314.

H. *A policy of blanket insurance issued in accordance with § 38.2-3521.2.*

I. The provisions of this section shall not apply in any instance in which the provisions of this section are inconsistent or in conflict with a provision of Article 6 (§ 38.2-3438 et seq.) of Chapter 34.

§ 38.2-3521.2. Blanket accident and sickness insurance.

A. As used in this section, "blanket insurance" means that form of limited accident and sickness insurance defined as an "excepted benefit" under § 38.2-3431, providing coverage for specified circumstances and specific classes of persons defined in a policy issued to a master policyholder and not by specifically naming the persons covered, by certificate or otherwise, although a statement of the coverage provided may be given, or required by the policy to be given, to eligible persons.

B. An individual application need not be required from a person covered under a blanket insurance policy.

C. No insurer issuing a blanket insurance policy shall be required to furnish a certificate to each person covered by the policy.

D. A blanket insurance policy may be issued or issued for delivery in the Commonwealth if it conforms to one of the following descriptions:

1. A policy or contract issued to any common carrier or to any operator, owner, lessor or lessee of a means of transportation, which shall be deemed the policyholder, which policy or contract covers a group defined as all persons who may become passengers, renters, lessors, lessees, or operators defined by their travel status on such common carrier or means of transportation.

2. A policy issued to an employer, who shall be deemed the policyholder, covering any group of workers, dependents or guests defined by reference to hazards incident to any activity or activities or operations of the policyholder.

3. A policy issued to a college, school, or other institution of learning, a school district or districts or school jurisdictional unit, or to the head, principal, or governing board thereof, who or which shall be deemed the policyholder, covering students, parents, teachers, employees, or volunteers.

4. A policy issued in the name of any volunteer or governmental fire department, first aid, civil defense, or other such volunteer group, which shall be deemed the policyholder, covering any group of the members, participants, or volunteers incident to any activity or activities or operations sponsored or supervised by such department or group.

5. A policy or contract issued to a sports team, camp, or sponsor thereof, which shall be deemed the policyholder, covering participants, members, campers, employees, officials, supervisors, or volunteers.

6. A policy or contract issued to a religious, charitable, recreational, educational, or civic organization or branch thereof, which shall be deemed the policyholder, covering any group of members, participants, or volunteers defined by reference to specified hazards incident to any activity or activities or operations sponsored or supervised by or on the premises of such policyholder.

7. A policy or contract issued to a restaurant, hotel, motel, resort, innkeeper, or other group with a high degree of potential customer liability, which shall be deemed the policyholder, covering patrons, guests, or volunteers.

8. A policy or contract issued to an entertainment production company, who shall be deemed the policyholder, covering any group of participants, volunteers, audience members, contestants, or workers.

9. A policy or contract issued to a health maintenance organization, a health care provider or other arranger of health services, which shall be deemed the policyholder, covering subscribers, patients, donors, and surrogates provided that the coverage is not made a condition of receiving care.

10. A policy or contract issued to a bank, association, financial or other institution, vendor, or to a parent holding company, or to the trustee, trustees, or agent designated by one or more banks, associations, financial or other institutions, or vendors under which accountholders, credit card holders, debtors, guarantors, or purchasers are insured.

11. A policy or contract issued to an incorporated or unincorporated association of persons having a common interest or calling, which association shall be deemed the policyholder, formed for purposes other than obtaining insurance, covering members or participants of such association.

12. A policy or contract issued to a travel agency, or other organization that provides travel related services, which organization shall be deemed the policyholder, to cover all persons for which travel related services are provided.

13. A policy issued to any other risk or class of risks which, in the discretion of the Commission, may be subject to the issuance of a blanket accident and sickness policy. The discretion of the Commission may be exercised on an individual risk basis or class of risks, or both.

E. Notwithstanding any other provision of this title, any benefits that are payable under a blanket insurance policy shall be paid directly to the person covered under such policy.

CHAPTER 351

An Act to require the Department of Health Professions to consider issues related to use of implantable medical devices distributed by physician-owned distributorships in the Commonwealth.

[H 1235]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Department of Health Professions shall consider any issues related to the use of implantable medical devices distributed by medical device distributors in which a physician has an ownership interest in the Commonwealth,

including any existing federal or state laws or regulations and findings of the Office of the Inspector General of the U.S. Department of Health and Human Services, and actively involve and include any information provided by interested stakeholders, and shall report its findings and recommendations to the Governor and the General Assembly by November 1, 2014.

CHAPTER 352

An Act to amend and reenact § 46.2-336 of the Code of Virginia, relating to issuing original driver's licenses to minors.

[H 1241]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-336 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-336. Manner of issuing original driver's licenses to minors.

The Department shall forward all original driver's licenses issued to persons under the age of 18 years to the judge of the juvenile and domestic relations court in the city or county in which the licensee resides. The judge or a substitute judge shall issue to each person to be licensed the license so forwarded, and shall, at the time of issuance, conduct a formal, appropriate ceremony, in which he shall illustrate to the licensee the responsibility attendant on the privilege of driving a motor vehicle. *The attorney for the Commonwealth who serves the jurisdiction in which the ceremony is to be conducted may request in writing in advance of such ceremony an opportunity to participate in the ceremony. Any judge who presides over such ceremony shall, upon request, afford the attorney for the Commonwealth the opportunity to participate in such ceremony and to address the prospective licensees and the persons enumerated below who may be accompanying the prospective licensees as to matters of enforcement, prosecutions, applicable punishments, and the responsibility of drivers generally.* If the licensee is under the age of 18 years at the time his ceremony is held, he shall be accompanied at the ceremony by a parent, his guardian, spouse, or other person in loco parentis. However, the judge, for good cause shown, may mail or otherwise deliver the driver's license to any person who is a student at any educational institution outside of the Commonwealth of Virginia at the time such license is received by the judge as prescribed in this section.

The provisions of this section shall not apply to the issuance of Virginia driver's licenses to persons who hold valid driver's licenses issued by other states.

CHAPTER 353

An Act to amend and reenact § 8.01-390 of the Code of Virginia, relating to nonjudicial records as evidence; admissibility.

[H 1248]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-390 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-390. Nonjudicial records as evidence (Subdivision (10)(a) of Supreme Court Rule 2:803 derived from subsection C of this section).

A. Copies of records of this Commonwealth, of another state, of the United States, of another country, or of any political subdivision or agency of the same, other than those located in a clerk's office of a court, shall be received as prima facie evidence provided that such copies are authenticated to be true copies either by the custodian thereof or by the person to whom the custodian reports, if they are different.

B. *Records and recordings of 911 emergency service calls shall be deemed authentic transcriptions or recordings of the original statements if they are accompanied by a certificate that meets the provisions of subsection A and the certificate contains the date and time of the incoming call and the incoming phone number, if available, associated with the call.*

C. An affidavit signed by an officer deemed to have custody of such an official record, or by his deputy, stating that after a diligent search, no record or entry of such record is found to exist among the records in his office is admissible as evidence that his office has no such record or entry.

CHAPTER 354

An Act to amend and reenact §§ 3.2-3942, 3.2-6568, 10.1-610, 15.2-2286, 19.2-394, 19.2-395, 27-32.2, 27-37.1, 27-98.2, 27-98.3, 27-98.5, 36-105, 40.1-49.9, 40.1-49.10, 40.1-49.12, and 63.2-1718 of the Code of Virginia, relating to maintenance of executed administrative search warrants, investigation warrants, and inspection warrants.

[S 59]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-3942, 3.2-6568, 10.1-610, 15.2-2286, 19.2-394, 19.2-395, 27-32.2, 27-37.1, 27-98.2, 27-98.3, 27-98.5, 36-105, 40.1-49.9, 40.1-49.10, 40.1-49.12, and 63.2-1718 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-3942. Right of entry; warrant requirements; procedure.

A. The Commissioner may enter any public or private premises operating as a pesticide business at reasonable times, with the consent of the owner or tenant thereof, and upon presentation of appropriate credentials for carrying out the purposes of this chapter.

B. If the Commissioner is denied access, he may apply for an administrative search warrant from a judge with authority to issue criminal warrants or a magistrate whose jurisdiction encompasses the premises.

1. No warrant shall be issued except upon probable cause and supported by an affidavit particularly describing: (i) the place, things, or persons to be inspected or tested; and (ii) the purpose for which the inspection, testing, or collection of samples is to be made.

2. Probable cause shall exist if either: (i) reasonable legislative or administrative standards for conducting inspection, testing, or collection of samples are satisfied with respect to the particular place, thing, or person; or (ii) there is cause to believe that a condition, object, activity, or circumstance legally justifies the inspection, testing, or collection of samples.

3. The supporting affidavit shall contain either: (i) a statement that consent to inspect, test, or collect samples has been sought and refused; or (ii) facts or circumstances reasonably justifying the failure to seek consent. If probable cause is based upon legislative or administrative standards for selecting places of business for inspection, the affidavit shall contain factual allegations sufficient to justify an independent determination by the court that the inspection program is based on reasonable standards and that the standards are being applied to a particular place of business in a neutral and fair manner. *After issuing a warrant under this section, the magistrate or judge shall file the affidavit in the manner prescribed by § 19.2-54.*

C. Any administrative search warrant shall be effective for a period of not more than 15 days unless extended or renewed by the judicial officer who issued the original warrant. The warrant shall be executed and returned to the ~~issuing officer~~ *clerk of the circuit court of the city or county wherein the search was made* within the time specified or within the extended or renewed time. The return shall list any records removed or samples taken pursuant to the warrant. The warrant shall be void after the expiration of time unless executed or renewed.

D. No warrant shall be executed in the absence of the owner, tenant, operator, or custodian of the premises unless the issuing judicial officer specifically authorizes that such authority is reasonably necessary to affect the purposes of the law or regulation. Entry pursuant to such a warrant shall not be made forcibly. The issuing officer may authorize a forcible entry where the facts: (i) create a reasonable suspicion of an immediate threat to the health and safety of persons or to the environments; or (ii) establish that reasonable attempts to serve a previous warrant have been unsuccessful. If forcible entry is authorized, the warrant shall be issued jointly to the Commissioner and to a law-enforcement officer who shall accompany the Commissioner during the execution of the warrant.

E. No court of the Commonwealth shall have jurisdiction to hear a challenge to the warrant prior to its return ~~to the issuing judicial officer~~, except as a defense in a contempt proceeding or if the owner or custodian of the place to be inspected submits a substantial preliminary showing by affidavit and accompanied by proof that: (i) a statement included by the affiant in his affidavit for the administrative search warrant was false and made knowingly and intentionally or with reckless disregard for the truth; and (ii) the false statement was necessary to the finding of probable cause. The court may conduct in camera review as appropriate.

F. After the warrant has been executed and returned ~~to the issuing judicial officer~~, the validity of the warrant may be reviewed either as a defense to any Notice of Violation or by declaratory judgment action brought in a circuit court. The review shall be confined to the face of the warrant, affidavits, and supporting materials presented to the issuing judicial officer. If the owner or custodian of the place inspected submits a substantial showing by affidavit and accompanied by proof that: (i) a statement included in the warrant was false and made knowingly and intentionally or with reckless disregard for the truth; and (ii) the false statement was necessary to the finding of probable cause, the reviewing court shall limit its inquiry to whether there is substantial evidence in the record supporting the issuance of the warrant and shall not conduct a de novo determination of probable cause.

§ 3.2-6568. Power of search for violations of statutes against cruelty to animals.

When ~~a sworn complaint~~ *an affidavit* is made ~~to any proper authority~~ *under oath before a magistrate or court of competent jurisdiction* by any animal control officer, humane investigator, law-enforcement officer, or State Veterinarian's representative that the complainant believes and has reasonable cause to believe that the laws in relation to cruelty to animals have been, are being, or are about to be violated in any particular building or place, such ~~authority~~ *magistrate or judge*, if satisfied that there is reasonable cause for such belief, shall issue a warrant authorizing any sheriff, deputy sheriff, or police officer; to search the building or place. *After issuing a warrant under this section, the magistrate or judge shall file the affidavit in the manner prescribed by § 19.2-54. After executing the warrant, the animal control officer, humane investigator, law-enforcement officer, or State Veterinarian's representative shall return the warrant to the clerk of the circuit court of the city or county wherein the search was made.*

§ 10.1-610. Right of entry.

A. The Board and its agents and employees shall have the right to enter any property at reasonable times and under reasonable circumstances to perform such inspections and tests or to take such other actions it deems necessary to fulfill its responsibilities under this article, including the inspection of dams that may be subject to this article, provided that the Board or its agents or employees make a reasonable effort to obtain the consent of the owner of the land prior to entry.

B. If entry is denied, the Board or its designated agents or employees may ~~apply to~~ *make an affidavit under oath before* any magistrate whose territorial jurisdiction encompasses the property to be inspected or entered for a warrant authorizing such investigation, tests or other actions. Such warrant shall issue if the magistrate finds probable cause to believe that there is a dam on such property which is not known to be safe. *After issuing a warrant under this section, the magistrate shall file the affidavit in the manner prescribed by § 19.2-54. After executing the warrant, the Board or its designated agents or employees shall return the warrant to the clerk of the circuit court of the city or county wherein the investigation was made.*

§ 15.2-2286. Permitted provisions in zoning ordinances; amendments; applicant to pay delinquent taxes; penalties.

A. A zoning ordinance may include, among other things, reasonable regulations and provisions as to any or all of the following matters:

1. For variances or special exceptions, as defined in § 15.2-2201, to the general regulations in any district.

2. For the temporary application of the ordinance to any property coming into the territorial jurisdiction of the governing body by annexation or otherwise, subsequent to the adoption of the zoning ordinance, and pending the orderly amendment of the ordinance.

3. For the granting of special exceptions under suitable regulations and safeguards; notwithstanding any other provisions of this article, the governing body of any locality may reserve unto itself the right to issue such special exceptions. Conditions imposed in connection with residential special use permits, wherein the applicant proposes affordable housing, shall be consistent with the objective of providing affordable housing. When imposing conditions on residential projects specifying materials and methods of construction or specific design features, the approving body shall consider the impact of the conditions upon the affordability of housing.

The governing body or the board of zoning appeals of the City of Norfolk may impose a condition upon any special exception relating to retail alcoholic beverage control licensees which provides that such special exception will automatically expire upon a change of ownership of the property, a change in possession, a change in the operation or management of a facility or upon the passage of a specific period of time.

The governing body of the City of Richmond may impose a condition upon any special use permit issued after July 1, 2000, relating to retail alcoholic beverage licensees which provides that such special use permit shall be subject to an automatic review by the governing body upon a change in possession, a change in the owner of the business, or a transfer of majority control of the business entity. Upon review by the governing body, it may either amend or revoke the special use permit after notice and a public hearing as required by § 15.2-2206.

4. For the administration and enforcement of the ordinance including the appointment or designation of a zoning administrator who may also hold another office in the locality. The zoning administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance. His authority shall include (i) ordering in writing the remedying of any condition found in violation of the ordinance; (ii) insuring compliance with the ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to § 15.2-2311; and (iii) in specific cases, making findings of fact and, with concurrence of the attorney for the governing body, conclusions of law regarding determinations of rights accruing under § 15.2-2307 or subsection C of § 15.2-2311.

Whenever the zoning administrator has reasonable cause to believe that any person has engaged in or is engaging in any violation of a zoning ordinance that limits occupancy in a residential dwelling unit, which is subject to a civil penalty that may be imposed in accordance with the provisions of § 15.2-2209, and the zoning administrator, after a good faith effort to obtain the data or information necessary to determine whether a violation has occurred, has been unable to obtain such information, he may request that the attorney for the locality petition the judge of the general district court for his jurisdiction for a subpoena duces tecum against any such person refusing to produce such data or information. The judge of the court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. Any person so subpoenaed may apply to the judge who issued the subpoena to quash it.

Notwithstanding the provisions of § 15.2-2311, a zoning ordinance may prescribe an appeal period of less than 30 days, but not less than 10 days, for a notice of violation involving temporary or seasonal commercial uses, parking of commercial trucks in residential zoning districts, maximum occupancy limitations of a residential dwelling unit, or similar short-term, recurring violations.

Where provided by ordinance, the zoning administrator may be authorized to grant a modification from any provision contained in the zoning ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements, if the administrator finds in writing that: (i) the strict application of the ordinance would produce undue hardship; (ii) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (iii) the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification. Prior to the granting of a modification, the zoning administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within 21 days of the date of the notice. The zoning administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this paragraph. The decision of the zoning administrator shall constitute a decision

within the purview of § 15.2-2311, and may be appealed to the board of zoning appeals as provided by that section. Decisions of the board of zoning appeals may be appealed to the circuit court as provided by § 15.2-2314.

The zoning administrator shall respond within 90 days of a request for a decision or determination on zoning matters within the scope of his authority unless the requester has agreed to a longer period.

5. For the imposition of penalties upon conviction of any violation of the zoning ordinance. Any such violation shall be a misdemeanor punishable by a fine of not less than \$10 nor more than \$1,000. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10 nor more than \$1,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not less than \$100 nor more than \$1,500.

However, any conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall be punishable by a fine of up to \$2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of up to \$5,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of up to \$7,500. However, no such fine shall accrue against an owner or managing agent of a single-family residential dwelling unit during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an overcrowding condition in accordance with Chapter 13 or Chapter 13.2 of Title 55, as applicable. A conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall not be punishable by a jail term.

6. For the collection of fees to cover the cost of making inspections, issuing permits, advertising of notices and other expenses incident to the administration of a zoning ordinance or to the filing or processing of any appeal or amendment thereto.

7. For the amendment of the regulations or district maps from time to time, or for their repeal. Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the governing body may by ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated (i) by resolution of the governing body; (ii) by motion of the local planning commission; or (iii) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefor, of the property which is the subject of the proposed zoning map amendment, addressed to the governing body or the local planning commission, who shall forward such petition to the governing body; however, the ordinance may provide for the consideration of proposed amendments only at specified intervals of time, and may further provide that substantially the same petition will not be reconsidered within a specific period, not exceeding one year. Any such resolution or motion by such governing body or commission proposing the rezoning shall state the above public purposes therefor.

In any county having adopted such zoning ordinance, all motions, resolutions or petitions for amendment to the zoning ordinance, and/or map shall be acted upon and a decision made within such reasonable time as may be necessary which shall not exceed 12 months unless the applicant requests or consents to action beyond such period or unless the applicant withdraws his motion, resolution or petition for amendment to the zoning ordinance or map, or both. In the event of and upon such withdrawal, processing of the motion, resolution or petition shall cease without further action as otherwise would be required by this subdivision.

8. For the submission and approval of a plan of development prior to the issuance of building permits to assure compliance with regulations contained in such zoning ordinance.

9. For areas and districts designated for mixed use developments or planned unit developments as defined in § 15.2-2201.

10. For the administration of incentive zoning as defined in § 15.2-2201.

11. For provisions allowing the locality to enter into a voluntary agreement with a landowner that would result in the downzoning of the landowner's undeveloped or underdeveloped property in exchange for a tax credit equal to the amount of excess real estate taxes that the landowner has paid due to the higher zoning classification. The locality may establish reasonable guidelines for determining the amount of excess real estate tax collected and the method and duration for applying the tax credit. For purposes of this section, "downzoning" means a zoning action by a locality that results in a reduction in a formerly permitted land use intensity or density.

12. Provisions for requiring and considering Phase I environmental site assessments based on the anticipated use of the property proposed for the subdivision or development that meet generally accepted national standards for such assessments, such as those developed by the American Society for Testing and Materials, and Phase II environmental site assessments, that also meet accepted national standards, such as, but not limited to, those developed by the American Society for Testing and Materials, if the locality deems such to be reasonably necessary, based on findings in the Phase I assessment, and in accordance with regulations of the United States Environmental Protection Agency and the American Society for Testing and Materials. A reasonable fee may be charged for the review of such environmental assessments. Such fees shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and administrative expense involved in such review.

13. Provisions for requiring disclosure and remediation of contamination and other adverse environmental conditions of the property prior to approval of subdivision and development plans.

14. For the enforcement of provisions of the zoning ordinance that regulate the number of persons permitted to occupy a single-family residential dwelling unit, provided such enforcement is in compliance with applicable local, state and federal fair housing laws.

15. For the issuance of inspection warrants by a magistrate or court of competent jurisdiction. The zoning administrator or his agent may ~~present sworn testimony to make an affidavit under oath before~~ a magistrate or court of competent jurisdiction and, if such ~~sworn testimony affidavit~~ establishes probable cause that a zoning ordinance violation has occurred, request that the magistrate or court grant the zoning administrator or his agent an inspection warrant to enable the zoning administrator or his agent to enter the subject dwelling for the purpose of determining whether violations of the zoning ordinance exist. *After issuing a warrant under this section, the magistrate or judge shall file the affidavit in the manner prescribed by § 19.2-54. After executing the warrant, the zoning administrator or his agents shall return the warrant to the clerk of the circuit court of the city or county wherein the inspection was made.* The zoning administrator or his agent shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this section.

B. Prior to the initiation of an application by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the authorizing body may require the applicant to produce satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the locality and have been properly assessed against the subject property, have been paid.

§ 19.2-394. Issuance of warrant.

An inspection warrant may be issued for any inspection, testing or collection of samples for testing or for any administrative search authorized by state or local law or regulation in connection with the presence, manufacturing or emitting of toxic substances, whether or not such warrant be constitutionally required. Nothing in this chapter shall be construed to require issuance of an inspection warrant where a warrant is not constitutionally required or to exclude any other lawful means of search, inspection, testing or collection of samples for testing, whether without warrant or pursuant to a search warrant issued under any other provision of the Code of Virginia. No inspection warrant shall be issued pursuant to this chapter except upon probable cause, supported by affidavit, particularly describing the place, things or persons to be inspected or tested and the purpose for which the inspection, testing or collection of samples for testing is to be made. Probable cause shall be deemed to exist if either reasonable legislative or administrative standards for conducting such inspection, testing or collection of samples for testing are satisfied with respect to the particular place, things or persons or there exists probable cause to believe that there is a condition, object, activity or circumstance which legally justifies such inspection, testing or collection of samples for testing. The supporting affidavit shall contain either a statement that consent to inspect, test or collect samples for testing has been sought and refused or facts or circumstances reasonably justifying the failure to seek such consent in order to enforce effectively the state or local law or regulation which authorizes such inspection, testing or collection of samples for testing. The issuing judge may examine the affiant under oath or affirmation to verify the accuracy of any matter indicated by the statement in the affidavit. *After issuing a warrant under this section, the judge shall file the affidavit in the manner prescribed by § 19.2-54.*

§ 19.2-395. Duration of warrant.

An inspection warrant shall be effective for the time specified therein, for a period of not more than ten days, unless extended or renewed by the judicial officer who signed and issued the original warrant, upon satisfying himself that such extension or renewal is in the public interest. Such warrant shall be executed and returned to the ~~judicial officer by whom it was issued~~ *clerk of the circuit court of the city or county wherein the inspection was made* within the time specified in the warrant or within the extended or renewed time. After the expiration of such time, the warrant, unless executed shall be void.

§ 27-32.2. Issuance of fire investigation warrant.

A. If, in undertaking such an investigation, the fire marshal or investigator appointed pursuant to § 27-56 makes an affidavit under oath that the origin or cause of any fire or explosion on any land, building, or vessel, or of any object is undetermined and that he has been refused admittance thereto, or is unable to gain permission to enter such land, building, or vessel, or to examine such object, within 15 days after the extinguishing of such, any magistrate serving the city or county where the land, building, vessel, or object is located may issue a fire investigation warrant to the fire marshal or investigator appointed pursuant to § 27-56 authorizing him to enter such land, building, vessel, or the premises upon which the object is located for the purpose of determining the origin and source of such fire or explosion. *After issuing a warrant under this section, the magistrate shall file the affidavit in the manner prescribed by § 19.2-54. After executing the warrant, the fire marshal, or investigator appointed pursuant to § 27-56, shall return the warrant to the clerk of the circuit court of the city or county wherein the investigation was made.*

B. If the fire marshal or investigator appointed pursuant to § 27-56, after gaining access to any land, building, vessel, or other premises pursuant to such a fire investigation warrant, has probable cause to believe that the burning or explosion was caused by any act constituting a criminal offense, he shall discontinue the investigation until a search warrant has been obtained pursuant to § 27-32.1, or consent to conduct the search has otherwise been given.

§ 27-37.1. Right of entry to investigate releases of hazardous material, hazardous waste, or regulated substances.

A. The fire marshal shall have the right, if authorized by the governing body of the county, city, or town appointing the fire marshal, to enter upon any property from which a release of any hazardous material, hazardous waste, or regulated substance, as defined in § 10.1-1400 or 62.1-44.34:8, has occurred or is reasonably suspected to have occurred and which has entered into the ground water, surface water or soils of the county, city or town in order to investigate the extent and cause of any such release.

B. If, in undertaking such an investigation, the fire marshal makes an affidavit under oath that the origin or cause of any such release is undetermined and that he has been refused admittance to the property, or is unable to gain permission to enter the property, any magistrate serving the city or county where the property is located may issue an investigation warrant to the fire marshal authorizing him to enter such property for the purpose of determining the origin and source of the release. *After issuing a warrant under this section, the magistrate shall file the affidavit in the manner prescribed by § 19.2-54. After executing the warrant, the fire marshal shall return the warrant to the clerk of the circuit court of the city or county wherein the investigation was made.*

C. If the fire marshal, after gaining access to any property pursuant to such investigation warrant, has probable cause to believe that the release was caused by any act constituting a criminal offense, he shall discontinue the investigation until a search warrant has been obtained or consent to conduct the search has otherwise been given.

§ 27-98.2. Issuance of warrant.

Search warrants for inspections or reinspection of buildings, structures, property, or premises subject to inspections pursuant to the Code, to determine compliance with regulations or standards set forth in the Code, shall be based upon a demonstration of probable cause and supported by affidavit. Such inspection warrants may be issued by any judge or magistrate having authority to issue criminal warrants whose territorial jurisdiction encompasses the building, structure, property or premises to be inspected or entered, if he is satisfied from the affidavit that there is probable cause for the issuance of an inspection warrant. No inspection warrant shall be issued pursuant to this chapter except upon probable cause, supported by affidavit, particularly describing the place, thing or property to be inspected, examined or tested and the purpose for which the inspection, examination, testing or collection of samples for testing is to be made. Probable cause shall be deemed to exist if such inspection, examination, testing or collection of samples for testing are necessary to ensure compliance with the Fire Prevention Code for the protection of life and property from the hazards of fire or explosion. The supporting affidavit shall contain either a statement that consent to inspect, examine, test or collect samples for testing has been sought and refused or facts or circumstances reasonably justifying the failure to seek such consent in order to enforce effectively the fire safety laws, regulations or standards of the Commonwealth which authorize such inspection, examination, testing or collection of samples for testing. In the case of an inspection warrant based upon legislative or administrative standards for selecting buildings, structures, property or premises for inspections, the affidavit shall contain factual allegations sufficient to justify an independent determination by the judge or magistrate that the inspection program is based on reasonable standards and that the standards are being applied to a particular place in a neutral and fair manner. The issuing judge or magistrate may examine the affiant under oath or affirmation to verify the accuracy of any matter in the affidavit. *After issuing the warrant, the judge or magistrate shall file the affidavit in the manner prescribed by § 19.2-54.*

§ 27-98.3. Duration of warrant.

An inspection warrant shall be effective for the time specified therein, for a period of not more than seven days, unless extended or renewed by the judicial officer who signed and issued the original warrant. The judicial officer may extend or renew the inspection warrant upon application for extension or renewal setting forth the results which have been obtained or a reasonable explanation of the failure to obtain such results. The extension or renewal period of the warrant shall not exceed seven days. The warrant shall be executed and returned to the ~~judicial officer by whom it was issued within the time specified in the warrant or within the extended or renewed time~~ *clerk of the circuit court of the city or county wherein the inspection was made.* The return shall list any samples taken pursuant to the warrant. After the expiration of such time, the warrant, unless executed, shall be void.

§ 27-98.5. Review by courts.

A. No court of the Commonwealth shall have jurisdiction to hear a challenge to the warrant prior to its return to the ~~issuing judge or magistrate~~ *clerk of the circuit court of the city or county wherein the inspection was made* except as a defense in a contempt proceeding, unless the owner or custodian of the building, structure, property or premises to be inspected makes by affidavit a substantial preliminary showing accompanied by an offer of proof that (i) a false statement, knowingly and intentionally, or with reckless disregard for the truth, was included by the affiant in his affidavit for the inspection warrant and (ii) the false statement was necessary to the finding of probable cause. The court shall conduct such expeditious in camera view as the court may deem appropriate.

B. After the warrant has been executed and returned to the ~~issuing judge~~ *clerk of the circuit court of the city or county wherein the inspection was made*, the validity of the warrant may be reviewed either as a defense to any citation issued by the fire official or otherwise by declaratory judgment action brought in a circuit court. In any such action, the review shall be confined to the face of the warrant and affidavits and supporting materials presented to the issuing judge unless the owner, operator, or agent in charge of whose building, structure, property or premises has been inspected makes a substantial showing by affidavit accompanied by an offer of proof that (i) a false statement, knowingly and intentionally, or with reckless disregard for the truth, was made in support of the warrant and (ii) the false statement was necessary to the finding of probable cause. The review shall only determine whether there is substantial evidence in the record supporting the decision to issue the warrant.

§ 36-105. Enforcement of Code; appeals from decisions of local department; inspection of buildings; inspection warrants; inspection of elevators; issuance of permits.

A. Enforcement generally. Enforcement of the provisions of the Building Code for construction and rehabilitation shall be the responsibility of the local building department. There shall be established within each local building department a local board of Building Code appeals whose composition, duties and responsibilities shall be prescribed in the Building Code. Any person aggrieved by the local building department's application of the Building Code or refusal to grant a modification to the provisions of the Building Code may appeal to the local board of Building Code appeals. No appeal to the State Building Code Technical Review Board shall lie prior to a final determination by the local board of Building Code appeals. Whenever a county or a municipality does not have such a building department or board of Building Code appeals, the local governing body shall enter into an agreement with the local governing body of another county or municipality or with some other agency, or a state agency approved by the Department for such enforcement and appeals resulting therefrom. For the purposes of this section, towns with a population of less than 3,500 may elect to administer and enforce the Building Code; however, where the town does not elect to administer and enforce the Building Code, the county in which the town is situated shall administer and enforce the Building Code for the town. In the event such town is situated in two or more counties, those counties shall administer and enforce the Building Code for that portion of the town situated within their respective boundaries.

B. New construction. Any building or structure may be inspected at any time before completion, and shall not be deemed in compliance until approved by the inspecting authority. Where the construction cost is less than \$2,500, however, the inspection may, in the discretion of the inspecting authority, be waived. A building official may issue an annual permit for any construction regulated by the Building Code. The building official shall coordinate all reports of inspections for compliance with the Building Code, with inspections of fire and health officials delegated such authority, prior to issuance of an occupancy permit. Fees may be levied by the local governing body in order to defray the cost of such enforcement and appeals.

C. Existing buildings and structures.

1. Inspections and enforcement of the Building Code. The local governing body may also inspect and enforce the provisions of the Building Code for existing buildings and structures, whether occupied or not. Such inspection and enforcement shall be carried out by an agency or department designated by the local governing body.

2. Complaints by tenants. However, upon a finding by the local building department, following a complaint by a tenant of a residential dwelling unit that is the subject of such complaint, that there may be a violation of the unsafe structures provisions of the Building Code, the local building department shall enforce such provisions.

3. Inspection warrants. If the local building department receives a complaint that a violation of the Building Code exists that is an immediate and imminent threat to the health or safety of the owner, tenant, or occupants of any building or structure, or the owner, occupant, or tenant of any nearby building or structure, and the owner, occupant, or tenant of the building or structure that is the subject of the complaint has refused to allow the local building official or his agent to have access to the subject building or structure, the local building official or his agent may ~~present sworn testimony to make an affidavit under oath before~~ a magistrate or a court of competent jurisdiction and request that the magistrate or court grant the local building official or his agent an inspection warrant to enable the building official or his agent to enter the subject building or structure for the purpose of determining whether violations of the Building Code exist. *After issuing a warrant under this section, the magistrate or judge shall file the affidavit in the manner prescribed by § 19.2-54. After executing the warrant, the local building official or his agents shall return the warrant to the clerk of the circuit court of the city or county wherein the inspection was made.* The local building official or his agent shall make a reasonable effort to obtain consent from the owner, occupant, or tenant of the subject building or structure prior to seeking the issuance of an inspection warrant under this section.

4. Transfer of ownership. If the local building department has initiated an enforcement action against the owner of a building or structure and such owner subsequently transfers the ownership of the building or structure to an entity in which the owner holds an ownership interest greater than 50 percent, the pending enforcement action shall continue to be enforced against the owner.

5. Elevator, escalator, or related conveyance inspections. The local governing body shall, however, inspect and enforce the Building Code for elevators, escalators, or related conveyances, except for elevators in single- and two-family homes and townhouses. Such inspection shall be carried out by an agency or department designated by the local governing body.

6. A locality may require by ordinance that any landmark, building or structure that contributes to a district delineated pursuant to § 15.2-2306 shall not be razed, demolished or moved until the razing, demolition or moving thereof is approved by the review board, or, on appeal, by the governing body after consultation with the review board unless the local maintenance code official consistent with the Uniform Statewide Building Code, Part III Maintenance, determines that it constitutes such a hazard that it shall be razed, demolished or moved.

For the purpose of this subdivision, a contributing landmark, building or structure is one that adds to or is consistent with the historic or architectural qualities, historic associations, or values for which the district was established pursuant to § 15.2-2306, because it (i) was present during the period of significance, (ii) relates to the documented significance of the district, and (iii) possesses historic integrity or is capable of yielding important information about the period.

7. Fees may be levied by the local governing body in order to defray the cost of such enforcement and appeals. For purposes of this section, "defray the cost" may include the fair and reasonable costs incurred for such enforcement during

normal business hours, but shall not include overtime costs unless conducted outside of the normal working hours established by the locality. A schedule of such costs shall be adopted by the local governing body in a local ordinance. A locality shall not charge an overtime rate for inspections conducted during the normal business hours established by the locality. Nothing herein shall be construed to prohibit a private entity from conducting such inspections, provided the private entity has been approved to perform such inspections in accordance with the written policy of the maintenance code official for the locality.

D. Fees may be levied by the local governing body to be paid by the applicant for the issuance of a building permit as otherwise provided under this chapter, however, notwithstanding any provision of law, general or special, if the applicant for a building permit is a tenant or the owner of an easement on the owner's property, such applicant shall not be denied a permit under the Building Code solely upon the basis that the property owner has financial obligations to the locality that constitute a lien on such property in favor of the locality. If such applicant is the property owner, in addition to payment of the fees for issuance of a building permit, the locality may require full payment of any and all financial obligations of the property owner to the locality to satisfy such lien prior to issuance of such permit. For purposes of this subsection, "property owner" means the owner of such property as reflected in the land records of the circuit court clerk where the property is located, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent.

§ 40.1-49.9. Issuance of warrant.

Administrative search warrants for inspections of workplaces, based upon a petition demonstrating probable cause and supported by an affidavit, may be issued by any judge having authority to issue criminal warrants whose territorial jurisdiction encompasses the workplace to be inspected or entered, if he is satisfied from the petition and affidavit that there is reasonable and probable cause for the issuance of an administrative search warrant. No administrative search warrant shall be issued pursuant to this chapter except upon probable cause, supported by affidavit, particularly describing the place, things or persons to be inspected or tested and the purpose for which the inspection, testing or collection of samples for testing is to be made. Probable cause shall be deemed to exist if either (i) reasonable legislative or administrative standards for conducting such inspection, testing or collection of samples for testing are satisfied with respect to the particular place, thing, or person, or (ii) there is cause to believe that there is a condition, object, activity, or circumstance which legally justifies such inspection, testing or collection of samples for testing. The supporting affidavit shall contain either a statement that consent to inspect, test or collect samples for testing has been sought and refused or facts or circumstances reasonably justifying the failure to seek such consent in order to enforce effectively the occupational safety and health laws, regulations or standards of the Commonwealth which authorize such inspection, testing or collection of samples for testing. In the case of an administrative search warrant based on legislative or administrative standards for selecting workplaces for inspection, the affidavit shall contain factual allegations sufficient to justify an independent determination by the judge that the inspection program is based on reasonable standards and that the standards are being applied to a particular workplace in a neutral and fair manner. For example, if a selection is based on a particular industry's high hazard ranking, the affidavit shall disclose the method used to establish that ranking, the numerical basis for that ranking, and the relevant inspection history of the workplace to be inspected and the status of all other workplaces within the same territorial region which are subject to inspection pursuant to the legislative or administrative standards used by the Commissioner. The affidavit shall not be required to disclose the actual schedule for inspections or the underlying data on which the statistics were based, provided that such statistics are derived from reliable, neutral third parties. The issuing judge may examine the affiant under oath or affirmation to verify the accuracy of any matter in the affidavit. *After issuing a warrant under this section, the judge shall file the affidavit in the manner prescribed by § 19.2-54.*

§ 40.1-49.10. Duration of warrant.

Any administrative search warrant issued shall be effective for the time specified therein, but not for a period of more than fifteen days, unless extended or renewed by the judicial officer who signed and issued the original warrant. The warrant shall be executed and shall be returned to the ~~judicial officer by whom it was issued~~ *clerk of the circuit court of the city or county wherein the inspection was made* within the time specified in the warrant or within the extended or renewed time. The return shall list any records removed or samples taken pursuant to the warrant. After the expiration of such time, the warrant, unless executed, shall be void.

§ 40.1-49.12. Review by courts.

A. No court of the Commonwealth shall have jurisdiction to hear a challenge to the warrant prior to its return ~~to the issuing judge~~, except as a defense in a contempt proceeding, unless the owner or custodian of the place to be inspected makes by affidavit a substantial preliminary showing accompanied by an offer of proof that (i) a false statement, knowingly and intentionally, or with reckless disregard for the truth, was included by the affiant in his affidavit for the administrative search warrant and (ii) the false statement was necessary to the finding of probable cause. The court shall conduct such expeditious in camera review as the court may deem appropriate.

B. After the warrant has been executed and returned ~~to the issuing judge~~, the validity of the warrant may be reviewed either as a defense to any citation issued by the Commissioner or otherwise by declaratory judgment action brought in a circuit court. In any such action, the review shall be confined to the face of the warrant and affidavits and supporting materials presented to the issuing judge unless the employer whose workplace has been inspected makes by affidavit a substantial showing accompanied by an offer of proof that (i) a false statement, knowingly and intentionally, or with reckless disregard for the truth, was made in support of the warrant and (ii) the false statement was necessary to the finding

of probable cause. The reviewing court shall not conduct a de novo determination of probable cause, but only determine whether there is substantial evidence in the record supporting the decision to issue the warrant.

§ 63.2-1718. Inspection of unlicensed child or adult care operations; inspection warrant.

In order to perform his duties under this subtitle, the Commissioner may enter and inspect any unlicensed child or adult care operation with the consent of the owner or person in charge, or pursuant to a warrant. Administrative search warrants for inspections of child or adult care operations, based upon a petition demonstrating probable cause and supported by an affidavit, may be issued ex parte by any judge having authority to issue criminal warrants whose territorial jurisdiction includes the child or adult care operation to be inspected, if he is satisfied from the petition and affidavit that there is reasonable and probable cause for the inspection. The affidavit shall contain either a statement that consent to inspect has been sought and refused, or that facts and circumstances exist reasonably justifying the failure to seek such consent. Such facts may include, without limitation, past refusals to permit inspection or facts establishing reason to believe that seeking consent would provide an opportunity to conceal violations of statutes or regulations. Probable cause may be demonstrated by an affidavit showing probable cause to believe that the child or adult care operation is in violation of any provision of this subtitle or any regulation adopted pursuant to this subtitle, or upon a showing that the inspection is to be made pursuant to a reasonable administrative plan for the administration of this subtitle. The inspection of a child or adult care operation that has been the subject of a complaint pursuant to § 63.2-1728 shall have preeminent priority over any other inspections of child or adult care operations to be made by the Commissioner unless the complaint on its face or in the context of information known to the Commissioner discloses that the complaint has been brought to harass, to retaliate, or otherwise to achieve an improper purpose, and that the improper purpose casts serious doubt on the veracity of the complaint. *After issuing a warrant under this section, the judge shall file the affidavit in the manner prescribed by § 19.2-54. Such warrant shall be executed and returned to the clerk of the circuit court of the city or county wherein the inspection was made.*

CHAPTER 355

An Act to amend and reenact § 54.1-2818.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-2807.02, relating to dead bodies; absence of next of kin.

[S 77]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2818.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-2807.02 as follows:

§ 54.1-2807.02. Absence of next of kin.

In the absence of a next of kin, a person designated to make arrangements for the decedent's burial or the disposition of his remains pursuant to § 54.1-2825, an agent named in an advance directive pursuant to § 54.1-2984, or any guardian appointed pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2 who may exercise the powers conferred in the order of appointment or by § 64.2-2019, or upon the failure or refusal of such next of kin, designated person, agent, or guardian to accept responsibility for the disposition of the decedent, then any other person 18 years of age or older who is able to provide positive identification of the deceased and is willing to pay for the costs associated with the disposition of the decedent's remains shall be authorized to make arrangements for such disposition of the decedent's remains. If a funeral service establishment or funeral service licensee makes arrangements with a person other than a next of kin, designated person, agent, or guardian in accordance with this section, then the funeral service licensee or funeral service establishment shall be immune from civil liability unless such act, decision, or omission resulted from bad faith or malicious intent.

§ 54.1-2818.1. Prerequisites for cremation.

No dead human body shall be cremated without permission of the medical examiner as required by § 32.1-284 and visual identification of the deceased by the next-of-kin or his representative, who may be any person designated to make arrangements for the decedent's burial or the disposition of his remains pursuant to § 54.1-2825, an agent named in an advance directive pursuant to § 54.1-2984, or a sheriff, upon court order, if no next-of-kin, designated person, or agent is available, or any guardian appointed pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2 who may exercise the powers conferred in the order of appointment or by § 64.2-2019. If no next of kin, designated person, agent, or guardian is available or willing to make visual identification of the deceased, such identification shall be made by a member of the primary law-enforcement agency of the city or county in which the person or institution having initial custody of the body is located, pursuant to court order. When visual identification is not feasible, other positive identification of the deceased may be used as a prerequisite for cremation. *Unless such act, decision, or omission resulted from bad faith or malicious intent, the funeral service establishment, funeral service licensee, crematory, cemetery, primary law-enforcement officer, or sheriff shall be immune from civil liability for any act, decision, or omission resulting from cremation. Nothing in this section shall prevent a law-enforcement agency other than the primary law-enforcement agency from performing the duties established by this section if so requested by the primary law-enforcement agency and agreed to by the other law-enforcement agency.*

CHAPTER 356

An Act to amend and reenact §§ 2.2-3204, 51.1-124.3, 51.1-124.7, 51.1-124.22, 51.1-142.2, 51.1-155.1, 51.1-155.2, 51.1-162, 51.1-166, 51.1-169, 51.1-302, 51.1-304, 51.1-600, 51.1-607, 51.1-1153, and 51.1-1155 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 51.1-306.1, relating to the Virginia Retirement System.

[S 87]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3204, 51.1-124.3, 51.1-124.7, 51.1-124.22, 51.1-142.2, 51.1-155.1, 51.1-155.2, 51.1-162, 51.1-166, 51.1-169, 51.1-302, 51.1-304, 51.1-600, 51.1-607, 51.1-1153, and 51.1-1155 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 51.1-306.1 as follows:

§ 2.2-3204. Retirement program.

A. In lieu of the transitional severance benefit provided in § 2.2-3203, any otherwise eligible employee who, on the date of involuntary separation, is also (i) a vested member of the Virginia Retirement System, the State Police Officers' Retirement System, or the Virginia Law Officers' Retirement System and (ii) at least ~~forty~~ 50 years of age, may elect to have the Commonwealth purchase on his behalf years to be credited to either his age or creditable service or a combination of age and creditable service, except that any years of credit purchased on behalf of a member of the Virginia Retirement System, the State Police Officers' Retirement System, or the Virginia Law Officers' Retirement System who is eligible for unreduced retirement shall be added to his creditable service and not his age. If the otherwise eligible employee is (a) a person who becomes a member on or after July 1, 2010, *a person who does not have 60 months of creditable service as of January 1, 2013, or a person who is enrolled in the hybrid retirement program described in § 51.1-169;* (b) not a member of the State Police Officers' Retirement System or the Virginia Law Officers' Retirement System; and (c) a person to whom the provisions of subdivision B 3 of § 51.1-153 do not apply, then he must be at least ~~sixty~~ 60 years of age on the date of involuntary separation to be eligible for the retirement program provided in this subsection. The cost of each year of age or creditable service purchased by the Commonwealth shall be equal to ~~fifteen~~ 15 percent of the employee's present annual compensation. The number of years of age or creditable service to be purchased by the Commonwealth shall be equal to the quotient obtained by dividing (1) the cash value of the benefits to which the employee would be entitled under subsections A and D of § 2.2-3203 by (2) the cost of each year of age or creditable service. Partial years shall be rounded up to the next highest year. Deferred retirement under the provisions of subsection C of §§ 51.1-153, 51.1-205, and 51.1-216, and disability retirement under the provisions of § 51.1-156 et seq. and § 51.1-209, shall not be available under this section.

B. In lieu of the (i) transitional severance benefit provided in § 2.2-3203 and (ii) the retirement program provided in subsection A, any employee who is otherwise eligible may take immediate retirement pursuant to § 51.1-155.1.

C. 1. The retirement allowance for a person who (i) is not a member of the State Police Officers' Retirement System or the Virginia Law Officers' Retirement System; (ii) becomes a member on or after July 1, 2010, ~~electing does not have 60 months of creditable service as of January 1, 2013, or is enrolled in the hybrid retirement program described in § 51.1-169;~~ (iii) elects to retire under this section; and ~~(iii)~~ (iv) by adding years to his age is between ages ~~sixty~~ 60 and the age at his "normal retirement date" as defined in § 51.1-124.3 shall be reduced on the actuarial basis provided in subdivision A 3 of § 51.1-155, unless the provisions of subdivision B 3 of § 51.1-153 apply to him.

2. The retirement allowance for any other employee electing to retire under this section who, by adding years to his age, is between ages ~~fifty-five~~ 55 and ~~sixty-five~~ 65 shall be reduced on the actuarial basis provided in subdivision A 2 of § 51.1-155.

§ 51.1-124.3. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Abolished system" means the Virginia Retirement Act, §§ 51-30 through 51-111, repealed by Chapter 1 of the Acts of Assembly of 1952.

"Accumulated contributions" means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the member's contribution account, all amounts the member may contribute to purchase creditable service, all member contributions contributed by the employer on behalf of the employee, on or after July 1, 1980, except those amounts contributed on behalf of members of the General Assembly who are otherwise retired under the provisions of this chapter, and all interest accruing to these funds. If a member is retired for disability from a cause which is compensable under the Virginia Workers' Compensation Act (§ 65.2-100 et seq.), dies in service prior to retirement, or requests a refund of contributions in accordance with § 51.1-161, "accumulated contributions" shall include all member contributions paid by the employer on behalf of the member on and after July 1, 1980, and all interest which would have accrued to these funds.

"Actuarial equivalent" means a benefit of equal value when computed upon the basis of actuarial tables adopted by the Board.

"Average final compensation" means the average annual creditable compensation of a member during his 60 highest consecutive months of creditable service or during the entire period of his creditable service if less than 60 months. However, for any member who (i) is not a person who becomes a member on or after July 1, 2010, and (ii) as of

January 1, 2013, has at least 60 months of creditable service, "average final compensation" means the average annual creditable compensation of a member during his 36 highest consecutive months of creditable service. *A participant in the hybrid retirement program described in § 51.1-169 shall be considered to be a person who becomes a member on or after July 1, 2010, for the purposes of this definition.*

If a member ceased employment prior to July 1, 1974, "average final compensation" means the average annual creditable compensation during the five highest consecutive years of creditable service.

"Beneficiary" means any person entitled to receive benefits under this chapter.

"Board" means the Board of Trustees of the Virginia Retirement System.

"Creditable compensation" means the full compensation payable annually to an employee working full time in his covered position. For any state employee of a public institution of higher education or a teaching hospital affiliated with a public institution of higher education who is (i) compensated on a salaried basis, and (ii) working full time in a covered position pursuant to a contract of employment for a period of at least nine months, creditable compensation means the full compensation payable over the term of any contract entered into between the employee and the employer, without regard to whether or not the term of the contract coincides with the normal scholastic year. However, if the contract is for more than one year, creditable compensation means that compensation paid for the current year of the contract.

Remuneration received by members of the General Assembly not otherwise retired under the provisions of this chapter pursuant to §§ 30-19.11 and 30-19.12 shall be deemed creditable compensation. In addition, for any member of the General Assembly, creditable compensation shall include the full amount of salaries payable to such member for working in covered positions, regardless of whether a contractual salary is reduced and not paid to such member because of service in the General Assembly.

"Creditable service" means prior service as set forth in § 51.1-142.2 plus membership service for which credit is allowable.

"Employee" means any teacher, state employee, officer, or employee of a locality participating in the Retirement System.

"Employer" means the Commonwealth in the case of a state employee, the local public school board in the case of a teacher, or the political subdivision participating in the Retirement System.

"Joint Rules Committee" means those members of the House of Delegates and the Senate designated by the Speaker of the House and the Chairman of the Senate Committee on Rules, respectively, to meet with each other and to act jointly on behalf of the Committee on Rules for each house.

"Local officer" means the treasurer, commissioner of the revenue, attorney for the Commonwealth, clerk of a circuit court, or sheriff of any county or city, or deputy or employee of any such officer.

"Medical Board" means the board of physicians as provided by this chapter.

"Member" means any person included in the membership of the Retirement System.

"Membership service" means service as an employee rendered while a contributing member of the Retirement System except as provided in this chapter.

"Normal retirement date" means a member's sixty-fifth birthday. However, for any (i) person who becomes a member on or after July 1, 2010, or (ii) member who does not have at least 60 months of creditable service as of January 1, 2013, under this chapter his normal retirement date shall be the date that the member attains his "retirement age" as defined under the Social Security Act (42 U.S.C. § 416 et seq., as now or hereafter amended).

"Person who becomes a member on or after July 1, 2010," means a person who is not a member of a retirement plan administered by the Virginia Retirement System the first time he is hired on or after July 1, 2010, in a covered position. Subsequent separation from such position and subsequent employment in a covered position shall not alter the status of a person who becomes a member on or after July 1, 2010.

"Political subdivision" means any county, city, or town, any political entity, subdivision, branch, or unit of the Commonwealth, or any commission, public authority, or body corporate created by or under an act of the General Assembly specifying the powers, privileges, or authority capable of exercise by the commission, public authority, or body corporate.

"Primary social security benefit" means, with respect to any member, the primary insurance amount to which the member is entitled, for old age or disability, as the case may be, pursuant to the provisions of the federal Social Security Act as in effect at his date of retirement, under the provisions of this chapter except as otherwise specifically provided.

"Prior service" means service rendered prior to becoming a member of the Retirement System.

"Purchase of service contract" means a contract entered into by the member and the Retirement System for the purchase of service credit by the member as provided in § 51.1-142.2.

"Retirement allowance" means the retirement payments to which a member is entitled.

"Retirement plan administered by the Virginia Retirement System" means a retirement plan established under this title administered by the Virginia Retirement System, or by an agency that has been delegated administrative responsibility by the Virginia Retirement System, but such term shall exclude any plan established under Chapter 6 (§ 51.1-600 et seq.) or Chapter 6.1 (§ 58.1-607 et seq.) of this title.

"Retirement System" means the Virginia Retirement System.

"Service" means service as an employee.

"State employee" means any person who is regularly employed full time on a salaried basis, whose tenure is not restricted as to temporary or provisional appointment, in the service of, and whose compensation is payable, no more often

than biweekly, in whole or in part, by the Commonwealth or any department, institution, or agency thereof. "State employee" shall include any faculty member, but not including adjunct faculty, of a public institution of higher education (a) who is compensated on a salary basis, (b) whose tenure is not restricted as to temporary or provisional appointment, and (c) who regularly works at least 20 hours but less than 40 hours per week (or works the equivalent of one-half of a full time equivalent position) engaged in the performance of teaching, administrative, or research duties at such institution; such faculty member shall be deemed an eligible employee for purposes of the retirement provisions under §§ 51.1-126, 51.1-126.1, and 51.1-126.3. "State employee" shall also include the Governor, Lieutenant Governor, Attorney General, and members of the General Assembly but shall not include (i) any local officer, (ii) any employee of a political subdivision of the Commonwealth, (iii) individuals employed by the Department for the Blind and Vision Impaired pursuant to § 51.5-72, (iv) any member of the State Police Officers' Retirement System, (v) any member of the Judicial Retirement System, or (vi) any member of the Virginia Law Officers' Retirement System.

"Teacher" means any person who is regularly employed full time on a salaried basis as a professional or clerical employee of a county, city, or other local public school board.

§ 51.1-124.7. Distribution of assets upon repeal of system.

A. If the General Assembly repeals the provisions of this chapter or terminates its application to any person, the Board shall continue to administer the Retirement System in accordance with the provisions of this chapter for the sole benefit of the then members, any beneficiaries then receiving retirement allowances, and any future persons entitled to receive benefits under a joint and last-survivor option who are designated by a member.

B. Upon repeal or termination of the Retirement System, the assets of the Retirement System shall be allocated by the Board in an equitable manner to provide benefits for the persons stated in subsection A of this section in accordance with the provisions of this chapter but based on creditable service and average final compensation as of the date of repeal or termination and in the following order:

1. For the benefit of the then members to the extent of their individual account in the members' contribution account.

2. If any funds remain, then for the benefit of the then beneficiaries and persons already designated by former members who are then beneficiaries under a joint and last-survivor option, to the extent of the then actuarial value of their retirement allowances.

3. If any funds remain, then for the benefit of members, and persons, if any, designated by them under a joint and last-survivor option, to the extent, not provided under subdivision 1 of this subsection, of the then actuarial value of their accrued future retirement allowances. The allocation under this subdivision shall be the basis of the oldest-ages-first method.

The employer is required to contribute the amount necessary to make up any insufficiency of assets needed to provide all benefits payable under subdivisions 1 and 2 of this subsection.

C. The allocation of assets of the Retirement System shall be carried out by the Board as the benefits become due or by the transfer of such assets to any retirement system replacing this Retirement System. The vesting of benefits shall be fully maintained under the new retirement system. Any funds remaining in the assets of this retirement system after all of the vested benefits have been paid shall revert to the general fund.

D. Any allocation of assets shall be final and binding on all persons entitled to benefits.

E. Upon the termination or partial termination of the Retirement System, each affected member shall become fully vested, as of the termination date or partial termination date, in his service retirement allowance to the extent funded, regardless of the length of service or amount of creditable service.

§ 51.1-124.22. Board to administer Retirement System; powers and duties.

A. The Retirement System shall be administered by the Board of Trustees, whose powers and duties include but are not limited to:

1. Appointing a director, who shall not be a member of the Board, to serve as the chief administrative officer of the Retirement System at the pleasure of the Board.

2. Maintaining records of all of its proceedings and making such records available for inspection by the public.

3. Employing an actuary as its technical advisor and employing other persons and incurring expenditures as it deems necessary for the efficient administration of the Retirement System.

4. Causing an actuarial investigation to be made of all the experience under the Retirement System at least once in each four-year period. The Board shall also cause actuarial gain/loss analyses to be made in conjunction with each actuarial valuation of the System. Pursuant to such investigations and analyses, the Board shall periodically revise the actuarial assumptions used in the computation of employer contribution rates.

5. Causing a biennial actuarial valuation to be made of the assets and liabilities of the Retirement System with respect to each employer. Pursuant to the results of such valuations, the Board shall prepare a statement as to the employer contribution rates applicable to each employer.

6. Publishing the results of each actuarial valuation of the assets and liabilities.

7. Publishing annual financial statements of the Retirement System or annual reports in accordance with §§ 51.1-1000 through 51.1-1003.

8. Promulgating regulations and procedures and making determinations necessary to carry out the provisions of this title.

9. Purchasing insurance to insure against losses suffered by the Retirement System if any member of the Board or of any advisory committee breaches the standard of care in § 51.1-124.30.

10. Adopting rules and policies that bring the Retirement System into compliance with any applicable law or regulation of this Commonwealth or the United States.

11. Establishing and administering, for the officers and employees of the Retirement System, (i) a compensation plan which is consistent with the provisions set forth in the general appropriations act for this purpose and (ii) a grievance procedure which is consistent with the provisions of § 2.2-1202.1 and any regulations promulgated pursuant thereto.

12. Investing in real estate to be held as a nonrevenue producing asset and used by the Retirement System for administrative offices.

13. Charging and collecting administrative fees to pay actual costs incurred by the Retirement System in ~~administering~~ *administering* and overseeing any retirement plan or service award fund other than the Virginia Retirement System (§ 51.1-124.1 et seq.), the State Police Officers' Retirement System (§ 51.1-200 et seq.), the Virginia Law Officers' Retirement System (§ 51.1-211 et seq.), or the Judicial Retirement System (§ 51.1-300 et seq.), for which it is responsible from the Commonwealth or participating political subdivisions whose employees benefit under such retirement plans. Any fee charged under the authority granted herein shall be for costs incurred directly related to the administration and oversight of the retirement plan or service award fund, as determined by the Board. Such fee shall be charged to the employer whose employees benefit under the retirement plan and to the service award fund in the case of costs incurred in ~~administering~~ *administering* and overseeing service award funds. Overpayments from benefits received under the Virginia Retirement System, the State Police Officers' Retirement System, the Virginia Law Officers' Retirement System, the Judicial Retirement System, the Virginia Sickness and Disability Program *under Chapter 11* (§ 51.1-1100 et seq.), *the Disability Program for Hybrid Retirement Program Participants under Chapter 11.1* (§ 51.1-1150 et seq.), or Health Insurance Credits for Certain Retirees *under Chapter 14* (§ 51.1-1400 et seq.) may be deducted from life insurance benefits payable under Chapter 5 (§ 51.1-500 et seq.).

14. The Board is authorized to charge and collect from participating employers any penalties, interest, compliance fees, or other charges charged to the Retirement System by the Internal Revenue Service or other regulatory body.

B. The Board shall be vested with the powers and duties of the Board of Trustees of the abolished system to the extent necessary for the payment of vested rights and the return of accumulated contributions.

C. The Commonwealth, the Board, employees of the Retirement System, the Investment Advisory Committee of the Retirement System, and any other advisory committee established by the Board shall not incur any liability for any losses suffered by the deferred compensation, the cash match, or the defined contribution retirement plans established or administered under the authority of this title, except as provided in § 51.1-124.30.

§ 51.1-142.2. Prior service or membership credit for certain members; service credit for accumulated sick leave.

Certain members may purchase credit for service as provided in this section.

A. Except as provided in subdivisions 1 and 2, in order to receive credit for the service made available in subsection B, a member in service shall be required to make a payment for each year, or portion thereof, to be credited at the time of purchase, equal to five percent of his creditable compensation or five percent of his average final compensation, whichever is greater, unless the member in service is purchasing the service made available in subsection B through a pre-tax or post-tax deduction, in which case the cost to purchase each year, or portion thereof, of such service shall be five percent of his creditable compensation.

1. A person who becomes a member on or after July 1, 2010, or a member who does not have at least 60 months of creditable service as of January 1, 2013, shall pay an amount equal to a rate approximating the normal cost for the retirement program under which the member is covered, with such rate for each retirement program to be determined by the Board, and reviewed by the Board no less than every six years. However, if the member does not purchase, or enter into a purchase of service contract for the service made available in subsection B within one year from his first date of hire or within one year of the final day of any leave of absence under subdivision B 2, as applicable, then, for each year or portion thereof to be credited at the time of purchase, the member shall pay an amount equal to the actuarial equivalent cost.

2. If a member other than a member described in subdivision 1 does not purchase, or enter into a purchase of service contract for, the service made available in subsection B within three years from his first date of hire or within three years of the final day of any leave of absence under subdivision B 2, as applicable, then, for each year or portion thereof to be credited at the time of purchase, the member shall pay an amount equal to the actuarial equivalent cost.

3. When a member requests credit for a portion of the period, the most recent portion shall be credited. Payment may be made in a lump sum at the time of purchase or by an additional payroll deduction. Any number of additional deductions may be permitted at any time. Should any additional deduction be terminated prior to purchasing the entire period that might otherwise be credited, the member shall be credited with the number of additional full or partial months of service for which full payment is made. If any additional deduction is continued beyond the point at which the entire period has been purchased, the member shall be credited with no more than the entire period that might otherwise have been credited and the excess amount deducted shall be refunded to the member.

Any employer may elect to pay an equivalent amount in lieu of all member contributions required of its employees for the purpose of service credit pursuant to this section. These contributions shall not be considered wages for purposes of Chapter 7 (§ 51.1-700 et seq.), nor shall they be considered to be salary for purposes of this chapter.

B. 1. Any member in service may purchase prior service credit for (i) active duty military service in the armed forces of the United States, provided that the discharge from a period of active duty status with the armed forces was not dishonorable; (ii) creditable service of another state or of a political subdivision or public school system of this or another state, as certified by such state, political subdivision or public school system; (iii) creditable service of a political subdivision of this state not credited to the member under an agreement as provided for in § 51.1-143.1, as certified by such political subdivision; (iv) civilian service of the United States; (v) creditable service at a private institution of higher education if the private institution is merged with a public institution of higher education and graduates of the private institution are then issued new degrees from the public institution; or (vi) any period of time when the member was employed by a participating employer and not otherwise eligible to participate in the retirement system because the member was not an employee as defined in § 51.1-124.3.

For purposes of this subsection, "active duty military service" means full-time service of at least 180 consecutive days in the United States Army, Navy, Air Force, Marines, Coast Guard, or reserve components thereof.

2. Any member (i) granted a leave of absence for educational purposes may purchase service credit for such leave of absence, or (ii) granted any unpaid leave of absence due to the birth or adoption of a child may purchase up to one year of service credit per occurrence of leave.

C. Any member in service may purchase service credit for creditable service lost from ceasing to be a member under this chapter, as provided in § 51.1-128, because of the withdrawal of his accumulated contributions. Notwithstanding any other provision in this section, the cost to purchase such service shall be five percent of his creditable compensation or five percent of his average final compensation, whichever is greater, unless the member in service is purchasing such service through a pre-tax or post-tax deduction, in which case the cost to purchase each year, or portion thereof, of such service shall be five percent of his creditable compensation, *provided, however, that the applicable cost for a person enrolled in the hybrid retirement program described in § 51.1-169 shall be four percent.* If the member purchases or enters into a contract to purchase such service within three years of the date he became eligible to purchase the service, then the service may be purchased in a lump sum at the time of purchase or through an additional payroll deduction. Any purchase of such service made at a time later than such period shall be made in a lump sum at the time of purchase.

D. Any member in service may purchase service credit for accumulated sick leave on his effective date of retirement based upon such sums as the employer may provide as payment for any unused sick leave balances. The cost of service credit purchased under this subsection shall be the actuarial equivalent cost of such service.

E. Any member receiving benefits under the Virginia Workers' Compensation Act (§ 65.2-100 et seq.) may, in a manner prescribed by the Board and prior to the effective date of retirement, purchase service credit for service that is not reported to the retirement system by the member's employer while the member is receiving such benefits. Notwithstanding any other provision in this section, the cost to purchase such service shall be five percent of the member's creditable compensation.

F. In any case where member and employer contributions, as required under this chapter, were not made because of an error in the payroll, personnel, or other classification system of an employer participating in the retirement system, service that has not been credited because of such error may be purchased on the following basis:

1. The most recent three years of service shall be purchased, using applicable member and employer contribution rates and creditable compensation in effect for such period, in a manner and cost prescribed by the Board; and
2. All other years of service the employer shall purchase at an actuarial equivalent cost.

G. The service credit to be credited to a member under this section shall be calculated at the ratio of one year, or portion thereof, of service credit to one year, or portion thereof, of service purchased, except for part-time service purchased under clause (vi) of subdivision B 1 which shall be calculated at the ratio of one month of service credit for each 173 hours of service as certified by the employer and as purchased by the member. Up to a maximum of four years of service credit may be purchased for each of clauses (i) through (vi) of subdivision B 1 and clauses (i) and (ii) of subdivision B 2. In addition, a member in service may purchase service credit for every year or portion thereof for service lost from cessation of membership as described in subsection C.

Except as otherwise required by Chapter 1223 of Title 10 of the United States Code, the service credit made available under this section may not be purchased if, before being purchased or at the time of such purchase pursuant to this section, the service to be purchased is service that is included in the calculation of any retirement allowance received or to be received by the member from this or another retirement system.

H. Any member may receive credit at no cost for service rendered in the armed forces of the United States provided (i) the member was on leave of absence from a covered position, (ii) the discharge from a period of active duty with the armed forces was not dishonorable, (iii) the member has not withdrawn his accumulated contributions, (iv) the member is not disabled or killed while on leave without pay while performing active duty military service in the armed forces of the United States, and (v) the member reenters service in a covered position within one year after discharge from the armed forces. In order to receive such service, the member must complete such forms and other requirements as are required by the Board and the retirement system.

§ 51.1-155.1. Exceptions from general early retirement provisions for certain state employees and constitutional officers.

A. ~~Members~~ *The provisions of this subsection apply to any member of the retirement system (i) whose ~~positions are~~ position is described by subdivision 1 (except ~~members~~ a member of the Judicial Retirement System (§ 51.1-300 et seq.)),*

2 (except ~~members~~ a member of the Judicial Retirement System (§ 51.1-300 et seq.)), 3, 4 (except ~~officers~~ an officer elected by popular vote), 7, 13, 14, 15, 16, 17, or 20 of § 2.2-2905; (ii) who ~~are is~~ an agency ~~heads~~ head appointed by a state board, state commission, or state council; or (iii) who ~~are is~~ a school division ~~superintendents~~ superintendent appointed by a school board pursuant to § 22.1-60, and (a) who ~~are is~~ involuntarily separated from state service and (b) who ~~have~~ has 20 or more years of creditable service at the date of separation; *Such member may retire with the retirement allowance as provided in subdivision A 1 of § 51.1-155 upon attaining age 60 50, provided, however, that if (1) the member is a person who becomes a member on or after July 1, 2010, and upon attaining age 50 for any other member (2) the member does not have at least 60 months of creditable service as of January 1, 2013, or (3) the member is enrolled in the hybrid retirement program described in § 51.1-169, then the member may retire with the retirement allowance as provided in subdivision A 1 of § 51.1-155 upon attaining age 60.*

B. ~~Any member~~ *The provisions of this subsection apply to any member of the retirement system who (i) serves as chief executive officer of an interstate commission pursuant to Virginia's participation in such commission; (ii) is involuntarily separated from service; and (iii) has 20 or more years of creditable service at the date of separation. Such member may retire without the reduction in retirement allowance required by subdivision A 2 of § 51.1-155 A 2 upon attaining age 60 50, provided, however, that if (a) the member is a person who becomes a member on or after July 1, 2010, and (b) the member does not have at least 60 months of creditable service as of January 1, 2013, or (c) the member is enrolled in the hybrid retirement program described in § 51.1-169, then the member may retire without the reduction in retirement allowance required by subdivision A 2 of § 51.1-155 upon attaining age 50 for any other member 60.*

C. ~~Any~~ *The provisions of this subsection apply to any member of the retirement system who (i) serves as a constitutional officer, (ii) is involuntarily separated from service because his office is lawfully abolished, and (iii) has 20 or more years of creditable service at the date of separation; Such member may retire with the retirement allowance as provided in subdivision A 1 of § 51.1-155, upon attaining age 60 50, provided, however, that if (a) the member is a person who becomes a member on or after July 1, 2010; and, (b) the member does not have at least 60 months of creditable service as of January 1, 2013, or (c) the member is enrolled in the hybrid retirement program described in § 51.1-169, then the member may retire with the retirement allowance as provided in subdivision A 1 of § 51.1-155 upon attaining age 50 for any other member 60.*

D. For the purposes of this section, except for subsection C, "involuntary separation" means any dismissal, requested resignation, or failure to obtain reappointment, except in case of a conviction for a felony or crime involving moral turpitude or dishonesty.

E. Any state employee who retires under the provisions of this section on or after January 1, 1994, shall be eligible to participate in the state health insurance program as provided in § 2.2-2818 and receive group life insurance benefits as provided in § 51.1-505.

§ 51.1-155.2. Exceptions from general early retirement provisions for certain local government officials.

A. ~~Members~~ *The provisions of this section apply to any member of the retirement system who (i) ~~are is~~ appointed county administrator pursuant to § 15.2-406 or 15.2-1540, urban county executive pursuant to § 15.2-804, county executive pursuant to § 15.2-509, county manager pursuant to § 15.2-609 or 15.2-702, county administrator or city or town manager pursuant to Chapter 15 (§ 15.2-1500 et seq.) of Title 15.2 or county, city or town attorney pursuant to § 15.2-1542; (ii) ~~are is~~ involuntarily separated from service; and (iii) ~~have~~ has 20 or more years of creditable service at the date of separation. Such member may retire without the reduction in retirement allowance required by subdivisions A 2 and A 3 of § 51.1-155 upon attaining age 60 50, provided, however, that if (a) the member is a person who becomes a member on or after July 1, 2010, and (b) the member does not have at least 60 months of creditable service as of January 1, 2013, or (c) the member is enrolled in the hybrid retirement program described in § 51.1-169, then the member may retire without the reduction in retirement allowance required by subdivisions A 2 and A 3 of § 51.1-155 upon attaining age 50 for any other member 60.*

B. For the purposes of this section, "involuntary separation" means any dismissal, requested resignation, or failure to obtain reappointment, except in case of a conviction for a felony or crime involving moral turpitude or dishonesty.

C. The cost of this provision shall be borne by the locality.

§ 51.1-162. Death before retirement.

A. If a member dies before retirement, and if no benefits are payable under subsection B, the amount of his accumulated contributions shall be paid to the designated beneficiary or to a surviving relative according to the order of precedence set forth in this section. This amount shall be reduced by the amount of any retirement allowance previously received by the member under this chapter or the abolished system. Each member shall designate who is to receive a refund of accumulated contributions credited to his account in the event of the death of the member prior to retirement. The designation must be made in a manner prescribed by the Board.

If no designation has been made, or the death of the designated person occurs prior to the death of the member and another designation has not been made, the proceeds shall be paid to the persons surviving at the death of the member in the following order of precedence:

First, to the spouse of the member;

Second, if no surviving spouse, to the children of the member and descendants of deceased children, per stirpes;

Third, if none of the above, to the parents of the member;

Fourth, if none of the above, to the duly appointed executor or administrator of the estate of the member;

Fifth, if none of the above, to other next of kin of the member entitled under the laws of the domicile of the member at the time of his death.

B. If a member dies in service, including a member who is on leave without pay while performing active duty military service in the armed forces of the United States, and if no benefits are payable under subsection C of this section, a retirement allowance shall be paid to the person or persons designated as provided in subsection A of this section if the person is the member's (i) surviving spouse, (ii) minor child, or (iii) parent(s). If no designation has been made, or if the death of the designated person occurs prior to the death of the member and another designation has not been made, a retirement allowance shall be paid in the following order of precedence to the member's (a) surviving spouse, (b) minor children, or (c) parent(s). The retirement allowance shall be paid to the first person qualifying in the orders of precedence set out in this subsection. If more than one minor child survives the deceased member, the allowance shall be divided among them in a manner determined by the Board. If more than one parent survives the deceased member, the allowance shall be divided among them in a manner determined by the Board. The retirement allowance shall be continued during the lifetime of the person or in the case of a minor child until the child dies or attains the age of majority, whichever occurs first. The retirement allowance shall equal the decreased retirement allowance that would have been payable under the joint and survivor option so that the same amount would be continued to such person after the member's death. If the member dies prior to his fifty-fifth birthday, then, for purposes of this subsection, the member shall be presumed to be age ~~fifty five~~ 55 on his date of death. However, if the member ~~who~~ dies in service *prior to his sixtieth birthday and is (1) a person who became a member on or after July 1, 2010, and he dies prior to his sixtieth birthday (2) a member who does not have at least 60 months of creditable service as of January 1, 2013, or (3) a member of the hybrid retirement program described in § 51.1-169*, then, for purposes of this subsection, the member shall be presumed to be age ~~sixty~~ 60 on his date of death. When determining the allowance that would have been payable to the member had the member retired on the date of his death, the provisions of subdivision A 4 of § 51.1-155 shall not apply. If the person elects in writing, the amount of the member's accumulated contributions or lump sum payment shall be paid to him exclusively, in lieu of any other benefits under this section. This amount shall be reduced by the amount of any retirement allowance previously received by the member under this chapter.

C. If a member dies in service from a cause compensable under the Virginia Workers' Compensation Act (§ 65.2-100 et seq.), a retirement allowance shall be paid to the member's surviving spouse. If no compensation is finally awarded under the Virginia Workers' Compensation Act due to legal proceedings or otherwise resulting in settlement from the persons causing such death, the Virginia Workers' Compensation Commission shall determine whether the member's death was from a cause compensable under the Virginia Workers' Compensation Act. If the member leaves no surviving spouse or the surviving spouse dies, any minor children of the deceased member shall be paid an allowance until the children die or attain the age of majority, whichever occurs first. If more than one minor child survives the deceased member, the allowance shall be divided in a manner determined by the Board. If the deceased member leaves neither surviving spouse nor minor child, the allowance, divided in a manner determined by the Board, shall be paid to the member's parents during their lives.

The retirement allowance payable hereunder to a qualifying survivor shall be the annual amount which when added to the compensation payable under the Virginia Workers' Compensation Act for the death of the member equals ~~forty~~ 50 percent of the member's average final compensation if the survivor does not qualify for death benefits under the provisions of the Social Security Act in effect on the date of the death of the member. If the survivor qualifies for death benefits under the provisions of the Social Security Act in effect on the date of the death of the member, the allowance payable from the retirement system when added to the compensation payable under the Virginia Workers' Compensation Act shall equal thirty-three and one-third percent of the member's average final compensation.

Any beneficiary entitled to the entire amount of a retirement allowance under the provisions of this subsection as a result of the death of a member shall be entitled to waive his rights to the allowance by written notification to the Board within ninety days after the death of the member in order to make available a retirement allowance under the provisions of subsection B of this section.

§ 51.1-166. Post-retirement supplements generally.

A. In addition to the allowances payable under this title, post-retirement supplements shall be payable to the recipients of such allowances. Supplements shall be subject to the same conditions of payment as are allowances.

B. The amounts of the post-retirement supplements shall be determined as percentages of the allowances supplemented hereby. The percentages shall be determined annually by reference to the increase in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor. The percentages shall be based on monthly averages and shall be the difference between (i) the average for the calendar year just ended and (ii) the average for the most recent calendar year used in the determination of the post-retirement supplements currently being paid. The annual increase, if any, in the CPI-U shall be considered only to the extent of the first two percent plus one-half of the next two percent of any additional increase, or a maximum increase in the post-retirement supplement of three percent in any given year. However, for anyone who (a) is not a person who becomes a member on or after July 1, 2010, and (b) has at least 60 months of creditable service as of January 1, 2013, the applicable annual increase, if any, in the CPI-U shall be considered only to the extent of the first three percent plus one-half of the next four percent of any additional increase, or a maximum increase in the post-retirement supplement of five percent in any given year. If the difference in the percentages determined above is zero or less, the post-retirement supplements shall either not commence or shall continue unchanged until such time as an annual determination results in a difference in the

percentages that are greater than zero. *A participant in the hybrid retirement program described in § 51.1-169 shall be considered to be a person who becomes a member on or after July 1, 2010, for the purposes of this section.*

Contribution rates for all employers shall include an amount equal to 100 percent of the total annual amount necessary to fund all post-retirement supplements. All contribution rates shall be computed in accordance with recognized actuarial principles on the basis of methods and assumptions approved by the Board.

C. There shall be no change in the amount of any post-retirement supplement between determination dates except as necessary to reflect changes in the amount of the allowance being supplemented. The post-retirement supplement shall remain a constant percentage of the respective allowance being supplemented. No new post-retirement supplement shall be commenced except as of a determination date. The post-retirement supplement determined as of any determination dates shall become effective at the beginning of the fiscal year and shall be in lieu of any post-retirement supplements previously payable, which shall thereupon be terminated.

D. 1. Any recipient of an allowance which initially commenced on or prior to January 1, 1990, shall be entitled to post-retirement supplements effective July 1, 1991.

2. A person who is the recipient of an allowance pursuant to § 2.2-3204, subsection Q of Item 469 of Chapter 890 of the Acts of Assembly of 2011, or § 51.1-155.1, 51.1-155.2, 51.1-157, 51.1-162, 51.1-207, 51.1-218, 51.1-308, 51.1-1117, 51.1-1128, 51.1-1161, or 51.1-1169 must receive that allowance for one full calendar year before being entitled to post-retirement supplements.

3. Any person who, as of January 1, 2013, (i) is the recipient of an allowance under this title or (ii) would otherwise be eligible for an unreduced allowance under the applicable chapter within five years, including a person described in clause (ii) who commences an unreduced allowance on or after January 1, 2013, must receive that allowance for one full calendar year before being entitled to post-retirement supplements.

4. Any other person who has less than 20 years of creditable service must receive that allowance for one full calendar year after the date he would otherwise have been eligible for an unreduced allowance under the applicable chapter before being entitled to post-retirement supplements.

§ 51.1-169. Hybrid retirement program.

A. For purposes of this section, "hybrid retirement program" or "program" means a hybrid retirement program covering any employee in a position covered for retirement purposes under the provisions of Chapter 1 (§ 51.1-124.1 et seq.) for retirement purposes other than the Virginia Retirement System defined benefit retirement plan established under Chapter 1 (§ 51.1-124.1 et seq.). ~~Except as provided in § 51.1-302, persons~~ *Persons* who are participants in, or eligible to be participants in, the retirement plans under the provisions of Chapter 2 (§ 51.1-200 et seq.), Chapter 2.1 (§ 51.1-211 et seq.), ~~Chapter 3 (§ 51.1-300 et seq.),~~ the optional retirement plans established under §§ 51.1-126.1, 51.1-126.3, 51.1-126.4, and 51.1-126.7, or a person eligible to earn the benefits permitted by § 51.1-138 shall not be eligible to participate in the hybrid retirement program. Any person who is employed as a firefighter, emergency medical technician, or law-enforcement officer as those terms are defined in § 15.2-1512.2 and whose employing political subdivision has legally adopted an irrevocable resolution as described in subdivision B 4 of § 51.1-153 and subdivision A 3 of § 51.1-155 shall not be eligible to participate in the hybrid retirement program. *No member of the Judicial Retirement System under Chapter 3 (§ 51.1-300 et seq.) shall be eligible to participate in the hybrid retirement program described in § 51.1-169 except members appointed to an original term on or after January 1, 2014.*

The Board shall maintain the hybrid retirement program established by this section, and any employer is authorized to make contributions under such program for the benefit of its employees participating in such program. Every person who is otherwise eligible to participate in the program but is not a member of a retirement plan administered by the Virginia Retirement System the first time he is hired on or after January 1, 2014, in a covered position, shall participate in the hybrid retirement program established by this section.

A person who participates in the otherwise applicable defined benefit retirement plan established by this title and administered by the Virginia Retirement System under this chapter may make an irrevocable election to participate in the hybrid retirement program maintained under this section. Such election shall be exercised no later than April 30, 2014. If an election is not made by April 30, 2014, such employee shall be deemed to have elected not to participate in the hybrid retirement program and shall continue to participate in his current retirement plan.

B. 1. The employer shall make contributions to the defined benefit component of the program in accordance with § 51.1-145.

2. The employer shall make a mandatory contribution to the defined contribution component of the program on behalf of an employee participating in the program in the amount of one percent of creditable compensation. In addition, the employer shall make a matching contribution on behalf of the employee based on the employee's voluntary contributions under the defined contribution component of the program to the deferred compensation plan established under § 51.1-602, up to a maximum of 2.5 percent of creditable compensation for the payroll period, as follows: (i) 100 percent of the first one percent of creditable compensation contributed by the employee to the defined contribution component of the program under subdivision C 2 for the payroll period, and (ii) 50 percent of the next three percent of creditable compensation contributed by the employee to the defined contribution component of the program under subdivision C 2 for the payroll period. The matching contribution by the employer shall be made to the appropriate cash match plan established for the employee under § 51.1-608.

3. The total amount contributed by the employer under subdivision 2 shall vest to the employee's benefit according to the following schedule:

- a. Upon completion of two years of ~~continuous active participation in the program~~, 50 percent.
- b. Upon completion of three years of ~~continuous active participation in the program~~, 75 percent.
- c. Upon completion of four years of ~~continuous active participation in the program~~, 100 percent.

For purposes of this subdivision, "active participation" includes creditable service, as defined in § 51.1-124.3, in any retirement plan established by this title and administered by the Retirement System.

If an employee terminates employment with an employer prior to achieving 100 percent vesting, contributions made by an employer on behalf of the employee under subdivision 2 that are not vested, shall be forfeited. The Board may establish a forfeiture account and may specify the uses of the forfeiture account.

4. An employee may direct the investment of contributions made by an employer under subdivision B 2.

5. No loans or hardship distributions shall be available from contributions made by an employer under subdivision B 2.

C. 1. An employee participating in the hybrid retirement program maintained under this section shall, pursuant to procedures established by the Board, make mandatory contributions on a salary reduction basis in accordance with § 414(h) of the Internal Revenue Code (i) to the defined benefit component of the program in the amount of four percent of creditable compensation in lieu of the amount described in subsection A of § 51.1-144 and (ii) to the defined contribution component of the program in the amount of one percent of creditable compensation.

2. An employee participating in the hybrid retirement program may also make voluntary contributions to the defined contribution component of the program of up to four percent of creditable compensation or the limit on elective deferrals pursuant to § 457(b) of the Internal Revenue Code, whichever is less. The contribution by the employee shall be made to the appropriate deferred compensation plan established by the employee under § 51.1-602.

3. If an employee's voluntary contributions under subdivision C 2 are less than four percent of creditable compensation, the contribution will increase by one-half of one percent, beginning on January 1, 2017, and every three years thereafter, until the employee's voluntary contributions under subdivision C 2 reach four percent of creditable compensation. The increase will be effective beginning with the first pay period that begins in such calendar year unless the employee elects not to increase the voluntary contribution in a manner prescribed by the Board.

4. No loans or hardship distributions shall be available from contributions made by an employee under this subsection.

D. 1. The amount of the service retirement allowance under the defined benefit component of the program shall be governed by § 51.1-155; ~~except that for all creditable service credited prior to the effective date of the member's participation in the program. For all other creditable service~~, the allowance shall equal one percent of a member's average final compensation multiplied by the amount of his creditable service while in the program. For judges who are participating in the hybrid retirement program, creditable service shall be determined as provided in § 51.1-303 and service retirement eligibility shall be determined as provided in § 51.1-305.

2. No member shall retire for disability under the defined benefit component of the program.

3. *Except as provided in subdivision 1, any employee participating in the hybrid retirement program maintained under this section shall be considered to be a person who becomes a member on or after July 1, 2010.*

4. In all other respects, administration of the defined benefit component of the program shall be governed by the provisions of Chapter 1 (§ 51.1-124.1 et seq.).

E. With respect to any employee who elects, pursuant to subsection A, to participate in the otherwise applicable defined benefit retirement plan established by this title and administered by the Virginia Retirement System, the employer shall collect and pay all employee and employer contributions to the Virginia Retirement System for retirement and group life insurance in accordance with the provisions of Chapter 1 (§ 51.1-124.1 et seq.) for such employee.

F. 1. The Board shall develop policies and procedures for administering the hybrid retirement program it maintains, including the establishment of guidelines for employee elections and deferrals under the program.

2. No employee who is an active member in the hybrid retirement program maintained under this section shall also be an active member of any other optional retirement plan maintained under the provisions of Chapter 1 (§ 51.1-124.1 et seq.).

3. If a member of the hybrid retirement program maintained under this section is at any time in service as an employee in a position covered for retirement purposes under the provisions of Chapter 1 (§ 51.1-124.1 et seq.), 2 (§ 51.1-200 et seq.), 2.1 (§ 51.1-211 et seq.), or 3 (§ 51.1-300 et seq.), his benefit payments under the hybrid retirement program maintained under this section shall be suspended while so employed; provided, however, reemployment shall have no effect on a payment under the defined contribution component of the program if the benefit is being paid in an annuity form under an annuity contract purchased with the member's account balance.

4. Any administrative fee imposed pursuant to subdivision A 13 of § 51.1-124.22 on any employer for administering and overseeing the hybrid retirement program maintained under this section shall be charged for each employee participating in such program and shall be for costs incurred by the Virginia Retirement System that are directly related to the administration and oversight of such program. *Notwithstanding the foregoing, the Board is authorized to collect all or a portion of such fee directly from the employee.*

5. The creditable compensation for any employee on whose behalf employee or employer contributions are made into the hybrid retirement program shall not exceed the limit on compensation as adjusted by the Commissioner of the Internal Revenue Service pursuant to the transition provisions applicable to eligible participants under state and local governmental

plans under § 401(a)(17) of the Internal Revenue Code as amended in 1993 and as contained in § 13212(d)(3) of the Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66).

6. The Board may contract with private corporations or institutions, subject to the standards set forth in § 51.1-124.30, to provide investment products as well as any other goods and services related to the administration of the hybrid retirement program. The Virginia Retirement System is hereby authorized to perform related services, including but not limited to, providing consolidated billing, individual and collective recordkeeping and accountings, and asset purchase, control, and safekeeping.

§ 51.1-302. Membership in retirement system.

Membership in the retirement system shall consist of all judges; ~~except those judges appointed or elected to an original term commencing on or after January 1, 2014. Judges appointed or elected to an original term commencing on or after January 1, 2014, shall participate in the hybrid retirement program described in § 51.1-169.~~

§ 51.1-304. Contributions by Commonwealth.

The Commonwealth shall contribute an amount equal to the sum of the normal contribution, any accrued liability contribution, and any supplementary contribution. The amount shall be determined and paid as provided in Chapter 1 (§ 51.1-124.1 et seq.) ~~of this title. Notwithstanding the foregoing provisions of this section, member contributions and employer contributions for judges appointed or elected to an original term commencing on or after January 1, 2014, shall be determined under the provisions of the hybrid retirement program described in § 51.1-169.~~

§ 51.1-306.1. Service retirement allowance for judges appointed or elected after January 1, 2014.

Notwithstanding any contrary provision of this chapter, the service retirement allowance for judges appointed or elected to an original term commencing on or after January 1, 2014, shall be determined under the provisions of the hybrid retirement program described in § 51.1-169.

§ 51.1-600. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Act" means the Government Employees Deferred Compensation Plan Act.

"Board" means the Board of Trustees of the Virginia Retirement System.

"Deferred compensation plan" means a plan by which an employee defers some portion of income until some stated time in the future; provides that the federal and state income tax on such income will be deferred until the actual receipt of such income; and is established pursuant to the provisions of § 457 of the Internal Revenue Code of 1986, as amended.

"Employee" means, in the case of the plan described in § 51.1-602, all persons employed by a participating employer, including appointed or elected officials. In the case of a plan adopted by a county, municipality, authority or other political subdivision pursuant to § 51.1-603, an employee shall be defined by such county, municipality, authority or other political subdivision, *subject to the approval of the Board.*

"Participating employer" means the Commonwealth or any political subdivision that has elected pursuant to § 51.1-603.1 to participate in the deferred compensation plan established by the Board pursuant to this chapter.

§ 51.1-607. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board of Trustees of the Virginia Retirement System.

"Cash match plan" means a plan established pursuant to the provisions of § 401 (a) of the Internal Revenue Code of 1986, as amended, to which a participating employer contributes based on contributions made by an employee to a deferred compensation plan or to a plan established pursuant to § 403 (b) of the Internal Revenue Code of 1986, as amended. Alternatively, if the Board determines that it is appropriate, such plan may be established pursuant to § 403 (b) of the Internal Revenue Code of 1986, as amended.

"Deferred compensation plan" means a plan described in Chapter 6 (§ 51.1-600 et seq.) of this title.

"Employee" means, in the case of the plan described in § 51.1-608, any salaried person, including appointed or elected officials, providing services for a participating employer. In the case of a plan adopted by a county, municipality, authority or other political subdivision pursuant to § 51.1-610, an employee shall be defined by such county, municipality, authority or other political subdivision, *subject to the approval of the Board.*

"Participating employer" means the Commonwealth or any political subdivision that has elected pursuant to § 51.1-603.1 to participate in the deferred compensation plan established by the Board pursuant to Chapter 6 (§ 51.1-600 et seq.) of this title or a sponsor of a plan established pursuant to § 403 (b) of the Internal Revenue Code of 1986, as amended.

"Qualified participant" means, in the case of a plan established pursuant to § 51.1-608, an employee of a participating employer who is making continuous deferrals of at least ten dollars per pay period to the deferred compensation plan established by the Board pursuant to Chapter 6 (§ 51.1-600 et seq.) of this title or to a plan established pursuant to § 403 (b) of the Internal Revenue Code of 1986, as amended. The determination of whether an employee is making continuous deferrals shall be made by the Board. In the case of a plan established pursuant to subsection D of § 51.1-608 or § 51.1-610, qualified participant means an employee described by the governing body establishing such plan in the documents setting forth the details of such plan.

§ 51.1-1153. Participation in the program.

A. All eligible employees shall become participants in this program, provided, however, that the governing body of an employer may adopt a resolution on or before January 1, 2014, which shall be submitted to the Board, requesting that its

eligible employees not participate in the program because the employer has or will establish, and continue to maintain, comparable disability coverage for such eligible employees. The election by the governing body of an employer not to participate in this program shall be irrevocable. The employer need not consider the provisions of § 51.1-1178 when determining the comparability of its disability coverage to this program.

B. The effective date of participation in the program for participating employees shall be their first day of employment or the effective date of their participation in the hybrid retirement program described in § 51.1-169 ~~as applicable~~, *whichever is later*.

C. Notwithstanding any provision to the contrary, no participating employee shall receive benefits under Article 2 (§ 51.1-1154 et seq.) until the participating employee completes one year of continuous ~~participation in the program~~ *service*.

D. Eligibility for participation in the program shall terminate upon the earliest to occur of an employee's (i) termination of employment or (ii) death. Eligibility for participation in the program shall be suspended during periods that an employee is placed on nonpay status, including leave without pay, if such nonpay status is due to suspension pending investigation or outcome of employment-related court or disciplinary action.

§ 51.1-1155. Short-term disability benefit.

A. Except as provided in subsection B of § 51.1-1153, short-term disability benefits for participating employees shall commence upon the expiration of a seven-calendar-day waiting period. The waiting period shall commence the first day of a disability or of maternity leave. If an employee returns to work for one day or less during the seven-calendar-day waiting period but cannot continue to work, the periods worked shall not be considered to have interrupted the seven-calendar-day waiting period. Additionally, the seven-calendar-day waiting period shall not be considered to be interrupted if the employee works 20 hours or less during the waiting period. Short-term disability benefits payable as the result of a catastrophic disability or major chronic condition shall not require a waiting period.

B. Except as provided in § 51.1-1171, short-term disability coverage shall provide income replacement for (i) 60 percent of a participating employee's creditable compensation for the first 60 months of continuous ~~participation in the program~~ *service* and (ii) thereafter, a percentage of a participating employee's creditable compensation during the periods specified below, based on the number of months of continuous ~~participation in the program~~ *service* attained by an employee who is disabled, on maternity leave, or takes periodic absences due to a major chronic condition, as determined by the Board or its designee, as follows:

Months of Continuous Participation <i>Service</i>	Work Days of 100% Replacement of Creditable Compensation	Work Days of 80% Replacement of Creditable Compensation	Work Days of 60% Replacement of Creditable Compensation
60-119	25	25	75
120-179	25	50	50
180 or more	25	75	25

C. Creditable compensation during periods an employee receives short-term disability benefits shall include salary increases awarded during the period covered by short-term disability benefits.

D. Short-term disability benefits shall be payable only during periods of (i) total disability, (ii) partial disability, (iii) maternity leave, or (iv) periodic absences due to a major chronic condition as defined by the Board or its designee.

CHAPTER 357

An Act to amend and reenact § 18.2-371.2 of the Code of Virginia, relating to purchase, etc., of tobacco products by minors; nicotine vapor products and alternative nicotine products; penalty.

[S 96]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-371.2 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-371.2. Prohibiting purchase or possession of tobacco products, nicotine vapor products, and alternative nicotine products by minors or sale of tobacco products, nicotine vapor products, and alternative nicotine products to minors.

A. No person shall sell to, distribute to, purchase for, or knowingly permit the purchase by any person less than 18 years of age, knowing or having reason to believe that such person is less than 18 years of age, any tobacco product, ~~including but not limited to cigarettes, cigars, bidis, and wrappings~~ *nicotine vapor product, or alternative nicotine product*.

Tobacco products may be sold from a vending machine only if the machine is (i) posted with a notice, in a conspicuous manner and place, indicating that the purchase or possession of tobacco products by minors is unlawful and (ii) located in a place which is not open to the general public and is not generally accessible to minors. An establishment which prohibits the presence of minors unless accompanied by an adult is not open to the general public.

B. No person less than 18 years of age shall attempt to purchase, purchase, or possess any tobacco product, ~~including but not limited to cigarettes, cigars, bidis, and wrappings~~ *nicotine vapor product, or alternative nicotine product*. The provisions of this subsection shall not be applicable to the possession of tobacco products, ~~including wrappings,~~ *nicotine*

vapor products, or alternative nicotine products by a person less than 18 years of age making a delivery of tobacco products, including wrappings, nicotine vapor products, or alternative nicotine products in pursuance of his employment. This subsection shall not apply to purchase, attempt to purchase, or possession by a law-enforcement officer or his agent when the same is necessary in the performance of his duties.

C. No person shall sell a tobacco product, including but not limited to cigarettes, cigars, bidis, and wrappings, nicotine vapor product, or alternative nicotine product to any individual who does not demonstrate, by producing a driver's license or similar photo identification issued by a government agency, that the individual is at least 18 years of age. Such identification is not required from an individual whom the person has reason to believe is at least 18 years of age or who the person knows is at least 18 years of age. Proof that the person demanded, was shown, and reasonably relied upon a photo identification stating that the individual was at least 18 years of age shall be a defense to any action brought under this subsection. In determining whether a person had reason to believe an individual is at least 18 years of age, the trier of fact may consider, but is not limited to, proof of the general appearance, facial characteristics, behavior, and manner of the individual.

This subsection shall not apply to mail order or Internet sales, provided that the person offering the tobacco product, nicotine vapor product, or alternative nicotine product for sale through mail order or the Internet (i) prior to the sale of the tobacco product, nicotine vapor product, or alternative nicotine product verifies that the purchaser is at least 18 years of age through a commercially available database that is regularly used by businesses or governmental entities for the purpose of age and identity verification and (ii) uses a method of mailing, shipping, or delivery that requires the purchaser's signature before the tobacco product, nicotine vapor product, or alternative nicotine product will be released to the purchaser.

D. A violation of subsection A or C by an individual or by a separate retail establishment that involves a nicotine vapor product, alternative nicotine product, or tobacco product other than a bidi shall be is punishable by a civil penalty not to exceed \$100 for a first violation, a civil penalty not to exceed \$200 for a second violation, and a civil penalty not to exceed \$500 for a third or subsequent violation.

A violation of subsection A or C by an individual or by a separate retail establishment that involves the sale, distribution, or purchase of a bidi shall be is punishable by a civil penalty in the amount of \$500 for a first violation, a civil penalty in the amount of \$1,000 for a second violation, and a civil penalty in the amount of \$2,500 for a third or subsequent violation. Where a defendant retail establishment offers proof that it has trained its employees concerning the requirements of this section, the court shall suspend all of the penalties imposed hereunder. However, where the court finds that a retail establishment has failed to so train its employees, the court may impose a civil penalty not to exceed \$1,000 in lieu of any penalties imposed hereunder for a violation of subsection A or C involving a nicotine vapor product, alternative nicotine product, or tobacco product other than a bidi.

A violation of subsection B shall be is punishable by a civil penalty not to exceed \$100 for a first violation and a civil penalty not to exceed \$250 for a second or subsequent violation. A court may, as an alternative to the civil penalty, and upon motion of the defendant, prescribe the performance of up to 20 hours of community service for a first violation of subsection B and up to 40 hours of community service for a second or subsequent violation. If the defendant fails or refuses to complete the community service as prescribed, the court may impose the civil penalty. Upon a violation of subsection B, the judge may enter an order pursuant to subdivision A 9 of § 16.1-278.8.

Any attorney for the Commonwealth of the county or city in which an alleged violation occurred may bring an action to recover the civil penalty, which shall be paid into the state treasury. Any law-enforcement officer may issue a summons for a violation of subsection A, B, or C.

E. 1. Cigarettes shall be sold only in sealed packages provided by the manufacturer, with the required health warning. The proprietor of every retail establishment which that offers for sale any tobacco product, including but not limited to cigarettes, cigars, and bidis, nicotine vapor product, or alternative nicotine product shall post in a conspicuous manner and place a sign or signs indicating that the sale of tobacco products, including wrappings, nicotine vapor products, or alternative nicotine products to any person under 18 years of age is prohibited by law. Any attorney for the county, city, or town in which an alleged violation of this subsection occurred may enforce this subsection by civil action to recover a civil penalty not to exceed \$50. The civil penalty shall be paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city, or town which instituted the action.

2. For the purpose of compliance with regulations of the Substance Abuse and Mental Health Services Administration published at 61 Federal Register 1492, the Department of Agriculture and Consumer Services may promulgate regulations which allow the Department to undertake the activities necessary to comply with such regulations.

3. Any attorney for the county, city, or town in which an alleged violation of this subsection occurred may enforce this subsection by civil action to recover a civil penalty not to exceed \$100. The civil penalty shall be paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city, or town which instituted the action.

F. Nothing in this section shall be construed to create a private cause of action.

G. Agents of the Virginia Alcoholic Beverage Control Board designated pursuant to § 4.1-105 may issue a summons for any violation of this section.

H. As used in this section:

"Alternative nicotine product" means any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. "Alternative nicotine product" does not

include any nicotine vapor product, tobacco product, or product regulated as a drug or device by the U.S. Food and Drug Administration (FDA) under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Bidi" means a product containing tobacco that is wrapped in temburni leaf (diospyros melanoxyton) or tendu leaf (diospyros exculpra), or any other product that is offered to, or purchased by, consumers as a bidi or beedie; ~~and~~.

"Nicotine vapor product" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Nicotine vapor product" does not include any product regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Tobacco product" means any product made of tobacco and includes cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis, and wrappings. "Tobacco product" does not include any nicotine vapor product, alternative nicotine product, or product that is regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Wrappings" includes papers made or sold for covering or rolling tobacco or other materials for smoking in a manner similar to a cigarette or cigar.

CHAPTER 358

An Act to amend and reenact § 46.2-839 of the Code of Virginia, relating to minimum clearance when passing a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, animal, or animal-drawn vehicle.

[S 97]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-839 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-839. Passing bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, animal, or animal-drawn vehicle.

Any driver of any vehicle overtaking a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, animal, or animal-drawn vehicle proceeding in the same direction shall pass at a reasonable speed at least ~~two~~ three feet to the left of the overtaken bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, animal, or animal-drawn vehicle and shall not again proceed to the right side of the highway until safely clear of such overtaken bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, animal, or animal-drawn vehicle.

CHAPTER 359

An Act to amend and reenact § 58.1-602, as it is currently effective and as it may become effective, of the Code of Virginia, relating to sales and use tax; satellite television programming equipment.

[S 100]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-602, as it is currently effective and as it may become effective, of the Code of Virginia is amended and reenacted as follows:

§ 58.1-602. (Contingent expiration date) Definitions.

As used in this chapter, unless the context clearly shows otherwise, the term or phrase:

"Advertising" means the planning, creating, or placing of advertising in newspapers, magazines, billboards, broadcasting and other media, including, without limitation, the providing of concept, writing, graphic design, mechanical art, photography and production supervision. Any person providing advertising as defined herein shall be deemed to be the user or consumer of all tangible personal property purchased for use in such advertising.

"Amplification, transmission and distribution equipment" means, but is not limited to, production, distribution, and other equipment used to provide Internet-access services, such as computer and communications equipment and software used for storing, processing and retrieving end-user subscribers' requests.

"Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either directly or indirectly.

"Cost price" means the actual cost of an item or article of tangible personal property computed in the same manner as the sales price as defined in this section without any deductions therefrom on account of the cost of materials used, labor, or service costs, transportation charges, or any expenses whatsoever.

"Custom program" means a computer program which is specifically designed and developed only for one customer. The combining of two or more prewritten programs does not constitute a custom computer program. A prewritten program that is modified to any degree remains a prewritten program and does not become custom.

"Distribution" means the transfer or delivery of tangible personal property for use, consumption, or storage by the distributee, and the use, consumption, or storage of tangible personal property by a person who has processed, manufactured, refined, or converted such property, but does not include the transfer or delivery of tangible personal property for resale or any use, consumption, or storage otherwise exempt under this chapter.

"Gross proceeds" means the charges made or voluntary contributions received for the lease or rental of tangible personal property or for furnishing services, computed with the same deductions, where applicable, as for sales price as defined in this section over the term of the lease, rental, service, or use, but not less frequently than monthly.

"Gross sales" means the sum total of all retail sales of tangible personal property or services as defined in this chapter, without any deduction, except as provided in this chapter. "Gross sales" shall not include the federal retailers' excise tax or the federal diesel fuel excise tax imposed in § 4091 of the Internal Revenue Code if the excise tax is billed to the purchaser separately from the selling price of the article, or the Virginia retail sales or use tax, or any sales or use tax imposed by any county or city under § 58.1-605 or 58.1-606.

"Import" and "imported" are words applicable to tangible personal property imported into the Commonwealth from other states as well as from foreign countries, and "export" and "exported" are words applicable to tangible personal property exported from the Commonwealth to other states as well as to foreign countries.

"In this Commonwealth" or "in the Commonwealth" means within the limits of the Commonwealth of Virginia and includes all territory within these limits owned by or ceded to the United States of America.

"Integrated process," when used in relation to semiconductor manufacturing, means a process that begins with the research or development of semiconductor products, equipment, or processes, includes the handling and storage of raw materials at a plant site, and continues to the point that the product is packaged for final sale and either shipped or conveyed to a warehouse. Without limiting the foregoing, any semiconductor equipment, fuel, power, energy, supplies, or other tangible personal property shall be deemed used as part of the integrated process if its use contributes, before, during, or after production, to higher product quality, production yields, or process efficiencies. Except as otherwise provided by law, such term shall not mean general maintenance or administration.

"Internet" means collectively, the myriad of computer and telecommunications facilities, which comprise the interconnected world-wide network of computer networks.

"Internet service" means a service that enables users to access proprietary and other content, information electronic mail, and the Internet as part of a package of services sold to end-user subscribers.

"Lease or rental" means the leasing or renting of tangible personal property and the possession or use thereof by the lessee or renter for a consideration, without transfer of the title to such property.

"Manufacturing, processing, refining, or conversion" includes the production line of the plant starting with the handling and storage of raw materials at the plant site and continuing through the last step of production where the product is finished or completed for sale and conveyed to a warehouse at the production site, and also includes equipment and supplies used for production line testing and quality control. The term "manufacturing" shall also include the necessary ancillary activities of newspaper and magazine printing when such activities are performed by the publisher of any newspaper or magazine for sale daily or regularly at average intervals not exceeding three months.

The determination whether any manufacturing, mining, processing, refining or conversion activity is industrial in nature shall be made without regard to plant size, existence or size of finished product inventory, degree of mechanization, amount of capital investment, number of employees or other factors relating principally to the size of the business. Further, "industrial in nature" shall include, but not be limited to, those businesses classified in codes 10 through 14 and 20 through 39 published in the Standard Industrial Classification Manual for 1972 and any supplements issued thereafter.

"Modular building" means, but shall not be limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, comprised of one or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (§ 36-70 et seq.) as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the site of final assembly. For purposes of this chapter, a modular building shall not include a mobile office as defined in § 58.1-2401 or any manufactured building subject to and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.).

"Modular building manufacturer" means a person or corporation who owns or operates a manufacturing facility and is engaged in the fabrication, construction and assembling of building supplies and materials into modular buildings, as defined in this section, at a location other than at the site where the modular building will be assembled on the permanent foundation and may or may not be engaged in the process of affixing the modules to the foundation at the permanent site.

"Modular building retailer" means any person who purchases or acquires a modular building from a modular building manufacturer, or from another person, for subsequent sale to a customer residing within or outside of the Commonwealth, with or without installation of the modular building to the foundation at the permanent site.

"Motor vehicle" means a "motor vehicle" as defined in § 58.1-2401, taxable under the provisions of the Virginia Motor Vehicles Sales and Use Tax Act (§ 58.1-2400 et seq.) and upon the sale of which all applicable motor vehicle sales and use

taxes have been paid. "Motor vehicle" does not include any all-terrain vehicle, moped, or off-road motorcycle all as defined in § 46.2-100. The taxes under this chapter or pursuant to the authority granted under this chapter shall apply to such all-terrain vehicles, mopeds, and off-road motorcycles.

"Occasional sale" means a sale of tangible personal property not held or used by a seller in the course of an activity for which he is required to hold a certificate of registration, including the sale or exchange of all or substantially all the assets of any business and the reorganization or liquidation of any business, provided such sale or exchange is not one of a series of sales and exchanges sufficient in number, scope and character to constitute an activity requiring the holding of a certificate of registration.

"Open video system" means an open video system authorized pursuant to 47 U.S.C. § 573 and, for purposes of this chapter only, shall also include Internet service regardless of whether the provider of such service is also a telephone common carrier.

"Person" includes any individual, firm, copartnership, cooperative, nonprofit membership corporation, joint venture, association, corporation, estate, trust, business trust, trustee in bankruptcy, receiver, auctioneer, syndicate, assignee, club, society, or other group or combination acting as a unit, body politic or political subdivision, whether public or private, or quasi-public, and the plural of such term shall mean the same as the singular.

"Prewritten program" means a computer program that is prepared, held or existing for general or repeated sale or lease, including a computer program developed for in-house use and subsequently sold or leased to unrelated third parties.

"Railroad rolling stock" means locomotives, of whatever motive power, autocars, railroad cars of every kind and description, and all other equipment determined by the Tax Commissioner to constitute railroad rolling stock.

"Retail sale" or a "sale at retail" means a sale to any person for any purpose other than for resale in the form of tangible personal property or services taxable under this chapter, and shall include any such transaction as the Tax Commissioner upon investigation finds to be in lieu of a sale. All sales for resale must be made in strict compliance with regulations applicable to this chapter. Any dealer making a sale for resale which is not in strict compliance with such regulations shall be personally liable for payment of the tax.

The terms "retail sale" and a "sale at retail" shall specifically include the following: (i) the sale or charges for any room or rooms, lodgings, or accommodations furnished to transients for less than 90 continuous days by any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, or any other place in which rooms, lodging, space, or accommodations are regularly furnished to transients for a consideration; (ii) sales of tangible personal property to persons for resale when because of the operation of the business, or its very nature, or the lack of a place of business in which to display a certificate of registration, or the lack of a place of business in which to keep records, or the lack of adequate records, or because such persons are minors or transients, or because such persons are engaged in essentially service businesses, or for any other reason there is likelihood that the Commonwealth will lose tax funds due to the difficulty of policing such business operations; ~~and~~ (iii) the separately stated charge made for automotive refinish repair materials that are permanently applied to or affixed to a motor vehicle during its repair; *and (iv) the separately stated charge for equipment available for lease or purchase by a provider of satellite television programming to the customer of such programming. Equipment sold to a provider of satellite television programming for subsequent lease or purchase by the customer of such programming shall be deemed a sale for resale.* The Tax Commissioner is authorized to promulgate regulations requiring vendors of or sellers to such persons to collect the tax imposed by this chapter on the cost price of such tangible personal property to such persons and may refuse to issue certificates of registration to such persons.

The term "transient" shall not include a purchaser of camping memberships, time-shares, condominiums, or other similar contracts or interests that permit the use of, or constitute an interest in, real estate, however created or sold and whether registered with the Commonwealth or not. Further, a purchaser of a right or license which entitles the purchaser to use the amenities and facilities of a specific real estate project on an ongoing basis throughout its term shall not be deemed a transient; provided, however, that the term or time period involved is for seven years or more.

The terms "retail sale" and "sale at retail" shall not include a transfer of title to tangible personal property after its use as tools, tooling, machinery or equipment, including dies, molds, and patterns, if (i) at the time of purchase, the purchaser is obligated, under the terms of a written contract, to make the transfer and (ii) the transfer is made for the same or a greater consideration to the person for whom the purchaser manufactures goods.

"Retailer" means every person engaged in the business of making sales at retail, or for distribution, use, consumption, or storage to be used or consumed in the Commonwealth.

"Sale" means any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property and any rendition of a taxable service for a consideration, and includes the fabrication of tangible personal property for consumers who furnish, either directly or indirectly, the materials used in fabrication, and the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. A transaction whereby the possession of property is transferred but the seller retains title as security for the payment of the price shall be deemed a sale.

"Sales price" means the total amount for which tangible personal property or services are sold, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser, consumer, or lessee by the dealer, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, losses or any other expenses whatsoever. "Sales price" shall

not include (i) any cash discount allowed and taken; (ii) finance charges, carrying charges, service charges or interest from credit extended on sales of tangible personal property under conditional sale contracts or other conditional contracts providing for deferred payments of the purchase price; (iii) separately stated local property taxes collected; (iv) that portion of the amount paid by the purchaser as a discretionary gratuity added to the price of a meal; or (v) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by a restaurant to the price of a meal, but only to the extent that such mandatory gratuity or service charge does not exceed 20% of the price of the meal. Where used articles are taken in trade, or in a series of trades as a credit or part payment on the sale of new or used articles, the tax levied by this chapter shall be paid on the net difference between the sales price of the new or used articles and the credit for the used articles.

"Semiconductor cleanrooms" means the integrated systems, fixtures, piping, partitions, flooring, lighting, equipment, and all other property used to reduce contamination or to control airflow, temperature, humidity, vibration, or other environmental conditions required for the integrated process of semiconductor manufacturing.

"Semiconductor equipment" means (i) machinery or tools or repair parts or replacements thereof; (ii) the related accessories, components, pedestals, bases, or foundations used in connection with the operation of the equipment, without regard to the proximity to the equipment, the method of attachment, or whether the equipment or accessories are affixed to the realty; (iii) semiconductor wafers and other property or supplies used to install, test, calibrate or recalibrate, characterize, condition, measure, or maintain the equipment and settings thereof; and (iv) equipment and supplies used for quality control testing of product, materials, equipment, or processes; or the measurement of equipment performance or production parameters regardless of where or when the quality control, testing, or measuring activity takes place, how the activity affects the operation of equipment, or whether the equipment and supplies come into contact with the product.

"Storage" means any keeping or retention of tangible personal property for use, consumption or distribution in the Commonwealth, or for any purpose other than sale at retail in the regular course of business.

"Tangible personal property" means personal property which may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses. The term "tangible personal property" shall not include stocks, bonds, notes, insurance or other obligations or securities. The term "tangible personal property" shall include (i) telephone calling cards upon their initial sale, which shall be exempt from all other state and local utility taxes, and (ii) manufactured signs.

"Use" means the exercise of any right or power over tangible personal property incident to the ownership thereof, except that it does not include the sale at retail of that property in the regular course of business. The term does not include the exercise of any right or power, including use, distribution, or storage, over any tangible personal property sold to a nonresident donor for delivery outside of the Commonwealth to a nonresident recipient pursuant to an order placed by the donor from outside the Commonwealth via mail or telephone. The term does not include any sale determined to be a gift transaction, subject to tax under § 58.1-604.6.

"Use tax" refers to the tax imposed upon the use, consumption, distribution, and storage as herein defined.

"Used directly," when used in relation to manufacturing, processing, refining, or conversion, refers to those activities which are an integral part of the production of a product, including all steps of an integrated manufacturing or mining process, but not including ancillary activities such as general maintenance or administration. When used in relation to mining, it shall refer to the activities specified above, and in addition, any reclamation activity of the land previously mined by the mining company required by state or federal law.

"Video programmer" means a person or entity that provides video programming to end-user subscribers.

"Video programming" means video and/or information programming provided by or generally considered comparable to programming provided by a cable operator including, but not limited to, Internet service.

§ 58.1-602. (Contingent effective date) Definitions.

A. As used in this chapter, unless the context clearly shows otherwise:

"Advertising" means the planning, creating, or placing of advertising in newspapers, magazines, billboards, broadcasting and other media, including, without limitation, the providing of concept, writing, graphic design, mechanical art, photography and production supervision. Any person providing advertising as defined herein shall be deemed to be the user or consumer of all tangible personal property purchased for use in such advertising.

"Amplification, transmission and distribution equipment" means, but is not limited to, production, distribution, and other equipment used to provide Internet-access services, such as computer and communications equipment and software used for storing, processing and retrieving end-user subscribers' requests.

"Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either directly or indirectly.

"Cost price" means the actual cost of an item or article of tangible personal property computed in the same manner as the sales price as defined in this section without any deductions therefrom on account of the cost of materials used, labor, or service costs, transportation charges, or any expenses whatsoever.

"Custom program" means a computer program which is specifically designed and developed only for one customer. The combining of two or more prewritten programs does not constitute a custom computer program. A prewritten program that is modified to any degree remains a prewritten program and does not become custom.

"Distribution" means the transfer or delivery of tangible personal property for use, consumption, or storage by the distributee, and the use, consumption, or storage of tangible personal property by a person who has processed,

manufactured, refined, or converted such property, but does not include the transfer or delivery of tangible personal property for resale or any use, consumption, or storage otherwise exempt under this chapter.

"Gross proceeds" means the charges made or voluntary contributions received for the lease or rental of tangible personal property or for furnishing services, computed with the same deductions, where applicable, as for sales price as defined in this section over the term of the lease, rental, service, or use, but not less frequently than monthly.

"Gross sales" means the sum total of all retail sales of tangible personal property or services as defined in this chapter, without any deduction, except as provided in this chapter. "Gross sales" shall not include the federal retailers' excise tax or the federal diesel fuel excise tax imposed in § 4091 of the Internal Revenue Code if the excise tax is billed to the purchaser separately from the selling price of the article, or the Virginia retail sales or use tax, or any sales or use tax imposed by any county or city under § 58.1-605 or 58.1-606.

"Import" and "imported" are words applicable to tangible personal property imported into the Commonwealth from other states as well as from foreign countries, and "export" and "exported" are words applicable to tangible personal property exported from the Commonwealth to other states as well as to foreign countries.

"In this Commonwealth" or "in the Commonwealth" means within the limits of the Commonwealth of Virginia and includes all territory within these limits owned by or ceded to the United States of America.

"Integrated process," when used in relation to semiconductor manufacturing, means a process that begins with the research or development of semiconductor products, equipment, or processes, includes the handling and storage of raw materials at a plant site, and continues to the point that the product is packaged for final sale and either shipped or conveyed to a warehouse. Without limiting the foregoing, any semiconductor equipment, fuel, power, energy, supplies, or other tangible personal property shall be deemed used as part of the integrated process if its use contributes, before, during, or after production, to higher product quality, production yields, or process efficiencies. Except as otherwise provided by law, such term shall not mean general maintenance or administration.

"Internet" means collectively, the myriad of computer and telecommunications facilities, which comprise the interconnected world-wide network of computer networks.

"Internet service" means a service that enables users to access proprietary and other content, information electronic mail, and the Internet as part of a package of services sold to end-user subscribers.

"Lease or rental" means the leasing or renting of tangible personal property and the possession or use thereof by the lessee or renter for a consideration, without transfer of the title to such property.

"Manufacturing, processing, refining, or conversion" includes the production line of the plant starting with the handling and storage of raw materials at the plant site and continuing through the last step of production where the product is finished or completed for sale and conveyed to a warehouse at the production site, and also includes equipment and supplies used for production line testing and quality control. The term "manufacturing" shall also include the necessary ancillary activities of newspaper and magazine printing when such activities are performed by the publisher of any newspaper or magazine for sale daily or regularly at average intervals not exceeding three months.

The determination whether any manufacturing, mining, processing, refining or conversion activity is industrial in nature shall be made without regard to plant size, existence or size of finished product inventory, degree of mechanization, amount of capital investment, number of employees or other factors relating principally to the size of the business. Further, "industrial in nature" shall include, but not be limited to, those businesses classified in codes 10 through 14 and 20 through 39 published in the Standard Industrial Classification Manual for 1972 and any supplements issued thereafter.

"Modular building" means, but shall not be limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, comprised of one or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (§ 36-70 et seq.) as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the site of final assembly. For purposes of this chapter, a modular building shall not include a mobile office as defined in § 58.1-2401 or any manufactured building subject to and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.).

"Modular building manufacturer" means a person or corporation who owns or operates a manufacturing facility and is engaged in the fabrication, construction and assembling of building supplies and materials into modular buildings, as defined in this section, at a location other than at the site where the modular building will be assembled on the permanent foundation and may or may not be engaged in the process of affixing the modules to the foundation at the permanent site.

"Modular building retailer" means any person who purchases or acquires a modular building from a modular building manufacturer, or from another person, for subsequent sale to a customer residing within or outside of the Commonwealth, with or without installation of the modular building to the foundation at the permanent site.

"Motor vehicle" means a "motor vehicle" as defined in § 58.1-2401, taxable under the provisions of the Virginia Motor Vehicles Sales and Use Tax Act (§ 58.1-2400 et seq.) and upon the sale of which all applicable motor vehicle sales and use taxes have been paid. "Motor vehicle" does not include any all-terrain vehicle, moped, or off-road motorcycle all as defined in § 46.2-100. The taxes under this chapter or pursuant to the authority granted under this chapter shall apply to such all-terrain vehicles, mopeds, and off-road motorcycles.

"Occasional sale" means a sale of tangible personal property not held or used by a seller in the course of an activity for which he is required to hold a certificate of registration, including the sale or exchange of all or substantially all the assets of

any business and the reorganization or liquidation of any business, provided such sale or exchange is not one of a series of sales and exchanges sufficient in number, scope and character to constitute an activity requiring the holding of a certificate of registration.

"Open video system" means an open video system authorized pursuant to 47 U.S.C. § 573 and, for purposes of this chapter only, shall also include Internet service regardless of whether the provider of such service is also a telephone common carrier.

"Person" includes any individual, firm, copartnership, cooperative, nonprofit membership corporation, joint venture, association, corporation, estate, trust, business trust, trustee in bankruptcy, receiver, auctioneer, syndicate, assignee, club, society, or other group or combination acting as a unit, body politic or political subdivision, whether public or private, or quasi-public, and the plural of such term shall mean the same as the singular.

"Prewritten program" means a computer program that is prepared, held or existing for general or repeated sale or lease, including a computer program developed for in-house use and subsequently sold or leased to unrelated third parties.

"Railroad rolling stock" means locomotives, of whatever motive power, autocars, railroad cars of every kind and description, and all other equipment determined by the Tax Commissioner to constitute railroad rolling stock.

"Retail sale" or a "sale at retail" means a sale to any person for any purpose other than for resale in the form of tangible personal property or services taxable under this chapter, and shall include any such transaction as the Tax Commissioner upon investigation finds to be in lieu of a sale. All sales for resale must be made in strict compliance with regulations applicable to this chapter. Any dealer making a sale for resale which is not in strict compliance with such regulations shall be personally liable for payment of the tax.

The terms "retail sale" and a "sale at retail" shall specifically include the following: (i) the sale or charges for any room or rooms, lodgings, or accommodations furnished to transients for less than 90 continuous days by any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, or any other place in which rooms, lodging, space, or accommodations are regularly furnished to transients for a consideration; (ii) sales of tangible personal property to persons for resale when because of the operation of the business, or its very nature, or the lack of a place of business in which to display a certificate of registration, or the lack of a place of business in which to keep records, or the lack of adequate records, or because such persons are minors or transients, or because such persons are engaged in essentially service businesses, or for any other reason there is likelihood that the Commonwealth will lose tax funds due to the difficulty of policing such business operations; ~~and~~ (iii) the separately stated charge made for automotive refinish repair materials that are permanently applied to or affixed to a motor vehicle during its repair; *and (iv) the separately stated charge for equipment available for lease or purchase by a provider of satellite television programming to the customer of such programming. Equipment sold to a provider of satellite television programming for subsequent lease or purchase by the customer of such programming shall be deemed a sale for resale.* The Tax Commissioner is authorized to promulgate regulations requiring vendors of or sellers to such persons to collect the tax imposed by this chapter on the cost price of such tangible personal property to such persons and may refuse to issue certificates of registration to such persons.

The term "transient" shall not include a purchaser of camping memberships, time-shares, condominiums, or other similar contracts or interests that permit the use of, or constitute an interest in, real estate, however created or sold and whether registered with the Commonwealth or not. Further, a purchaser of a right or license which entitles the purchaser to use the amenities and facilities of a specific real estate project on an ongoing basis throughout its term shall not be deemed a transient; provided, however, that the term or time period involved is for seven years or more.

The terms "retail sale" and "sale at retail" shall not include a transfer of title to tangible personal property after its use as tools, tooling, machinery or equipment, including dies, molds, and patterns, if (i) at the time of purchase, the purchaser is obligated, under the terms of a written contract, to make the transfer and (ii) the transfer is made for the same or a greater consideration to the person for whom the purchaser manufactures goods.

"Retailer" means every person engaged in the business of making sales at retail, or for distribution, use, consumption, or storage to be used or consumed in the Commonwealth.

"Sale" means any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property and any rendition of a taxable service for a consideration, and includes the fabrication of tangible personal property for consumers who furnish, either directly or indirectly, the materials used in fabrication, and the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. A transaction whereby the possession of property is transferred but the seller retains title as security for the payment of the price shall be deemed a sale.

"Sales price" means the total amount for which tangible personal property or services are sold, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser, consumer, or lessee by the dealer, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, losses or any other expenses whatsoever. "Sales price" shall not include (i) any cash discount allowed and taken; (ii) finance charges, carrying charges, service charges or interest from credit extended on sales of tangible personal property under conditional sale contracts or other conditional contracts providing for deferred payments of the purchase price; (iii) separately stated local property taxes collected; (iv) that portion of the amount paid by the purchaser as a discretionary gratuity added to the price of a meal; or (v) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by a restaurant to the price of a meal, but only to the

extent that such mandatory gratuity or service charge does not exceed 20 percent of the price of the meal. Where used articles are taken in trade, or in a series of trades as a credit or part payment on the sale of new or used articles, the tax levied by this chapter shall be paid on the net difference between the sales price of the new or used articles and the credit for the used articles.

"Semiconductor cleanrooms" means the integrated systems, fixtures, piping, partitions, flooring, lighting, equipment, and all other property used to reduce contamination or to control airflow, temperature, humidity, vibration, or other environmental conditions required for the integrated process of semiconductor manufacturing.

"Semiconductor equipment" means (i) machinery or tools or repair parts or replacements thereof; (ii) the related accessories, components, pedestals, bases, or foundations used in connection with the operation of the equipment, without regard to the proximity to the equipment, the method of attachment, or whether the equipment or accessories are affixed to the realty; (iii) semiconductor wafers and other property or supplies used to install, test, calibrate or recalibrate, characterize, condition, measure, or maintain the equipment and settings thereof; and (iv) equipment and supplies used for quality control testing of product, materials, equipment, or processes; or the measurement of equipment performance or production parameters regardless of where or when the quality control, testing, or measuring activity takes place, how the activity affects the operation of equipment, or whether the equipment and supplies come into contact with the product.

"Storage" means any keeping or retention of tangible personal property for use, consumption or distribution in the Commonwealth, or for any purpose other than sale at retail in the regular course of business.

"Tangible personal property" means personal property which may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses. The term "tangible personal property" shall not include stocks, bonds, notes, insurance or other obligations or securities. The term "tangible personal property" shall include (i) telephone calling cards upon their initial sale, which shall be exempt from all other state and local utility taxes, and (ii) manufactured signs.

"Use" means the exercise of any right or power over tangible personal property incident to the ownership thereof, except that it does not include the sale at retail of that property in the regular course of business. The term does not include the exercise of any right or power, including use, distribution, or storage, over any tangible personal property sold to a nonresident donor for delivery outside of the Commonwealth to a nonresident recipient pursuant to an order placed by the donor from outside the Commonwealth via mail or telephone. The term does not include any sale determined to be a gift transaction, subject to tax under § 58.1-604.6.

"Use tax" refers to the tax imposed upon the use, consumption, distribution, and storage as herein defined.

"Used directly," when used in relation to manufacturing, processing, refining, or conversion, refers to those activities which are an integral part of the production of a product, including all steps of an integrated manufacturing or mining process, but not including ancillary activities such as general maintenance or administration. When used in relation to mining, it shall refer to the activities specified above, and in addition, any reclamation activity of the land previously mined by the mining company required by state or federal law.

"Video programmer" means a person or entity that provides video programming to end-user subscribers.

"Video programming" means video and/or information programming provided by or generally considered comparable to programming provided by a cable operator including, but not limited to, Internet service.

B. Notwithstanding the definitions in subsection A, to the extent that conformity to any remote collection authority legislation enacted by the Congress of the United States shall so require, the words and terms used in this chapter related to the minimum simplification requirements shall have the same meaning as provided in such federal legislation.

CHAPTER 360

An Act to amend and reenact §§ 15.2-1656, 15.2-2506, and 58.1-1727 of the Code of Virginia, relating to constitutional officers.

[S 124]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1656, 15.2-2506, and 58.1-1727 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-1656. Supplies and equipment to be furnished to clerks of courts of record.

The governing body of each county and city shall, at the expense of the county or city, provide (i) suitable books and stationery, in addition to supplies furnished by the Commonwealth, for the use of clerks of all courts of record, together with appropriate cases and other furniture, for the safe and convenient keeping of all the books, documents and papers, in the custody of such officers; (ii) official seals for such officers; and (iii) such other office equipment, *electronic or other systems*, and appliances as in their judgment may be reasonably necessary for the proper conduct of such offices.

§ 15.2-2506. Publication and notice; public hearing; adjournment; moneys not to be paid out until appropriated.

A brief synopsis of the budget which, except in the case of the school division budget, shall be for informative and fiscal planning purposes only, shall be published once in a newspaper having general circulation in the locality affected, and notice given of one or more public hearings, at least seven days prior to the date set for hearing, at which any citizen of the locality shall have the right to attend and state his views thereon. Any locality not having a newspaper of general circulation

may in lieu of the foregoing notice provide for notice by written or printed handbills, posted at such places as it may direct. The hearing shall be held at least seven days prior to the approval of the budget as prescribed in § 15.2-2503. With respect to the school division budget, which shall include the estimated required local match, such hearing shall be held at least seven days prior to the approval of that budget as prescribed in § 22.1-93. *With respect to the budget of a constitutional officer, if the proposed budget reduces funding of such officer at a rate greater than the average rate of reduced funding for other agencies appropriated through such locality's general fund, exclusive of the school division, the locality shall give written notice to such constitutional officer at least 14 days prior to adoption of the budget. If a constitutional officer determines that the proposed budget cuts would impair the performance of his statutory duties, such constitutional officer shall make a written objection to the local governing body within seven days after receipt of the written notice and shall deliver a copy of such objection to the Compensation Board. The local governing body shall consider the written objection of such constitutional officer.* The governing body may adjourn such hearing from time to time. The fact of such notice and hearing shall be entered of record in the minute book.

In no event, including school division budgets, shall such preparation, publication and approval be deemed to be an appropriation. No money shall be paid out or become available to be paid out for any contemplated expenditure unless and until there has first been made an annual, semiannual, quarterly or monthly appropriation for such contemplated expenditure by the governing body, except funds appropriated in a county having adopted the county executive form of government, outstanding grants may be carried over for one year without being reappropriated.

§ 58.1-1727. Taxes on suits or writ taxes generally.

A tax of \$5 is hereby imposed upon (i) the commencement of every civil action in a court of record, whether commenced by petition or notice, ejectment or attachment, other than a summons to answer a suggestion; (ii) the removal or appeal of a cause of action from a district court to a court of record; (iii) the appeal from the decision of the governing body of a county, city or town to a court of record, including the appeal of any decision of a board of zoning appeals; (iv) an attachment returnable to a court of record; and (v) a writ of mandamus sued out of any court, except the Supreme Court of Virginia. However, when the debt or demand for damages exceeds ~~\$50,000~~ \$49,999 but does not exceed \$100,000, the tax shall be \$15; and when the debt or demand for damages exceeds \$100,000, the tax shall be \$25.

This section shall not be applicable to any original jurisdiction proceeding filed in the Supreme Court of Virginia.

CHAPTER 361

An Act to amend and reenact § 8.01-401.2 of the Code of Virginia, relating to expert witness testimony; chiropractor; physician assistant.

[S 185]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-401.2 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-401.2. Chiropractor or physician assistant as expert witness.

A. A doctor of chiropractic, when properly qualified, may testify as an expert witness in a court of law as to etiology, diagnosis, prognosis, treatment, treatment plan, and disability, including anatomical, physiological, and pathological considerations within the scope of the practice of chiropractic as defined in § 54.1-2900.

B. A physician assistant, when properly qualified, may testify as an expert witness in a court of law as to etiology, diagnosis, prognosis, treatment, treatment plan, and disability, including anatomical, physiological, and pathological considerations within the scope of his activities as authorized pursuant to § 54.1-2952. However, no physician assistant shall be permitted to testify as an expert witness for or against (i) a defendant doctor of medicine or osteopathic medicine in a medical malpractice action regarding the standard of care of a doctor of medicine or osteopathic medicine or (ii) a defendant health care provider in a medical malpractice action regarding causation.

CHAPTER 362

An Act to amend the Code of Virginia by adding in Chapter 7 of Title 18.2 an article numbered 1.3, consisting of sections numbered 18.2-265.19, 18.2-265.20, and 18.2-265.21, relating to the Dextromethorphan Distribution Act; penalty.

[S 213]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 7 of Title 18.2 an article numbered 1.3, consisting of sections numbered 18.2-265.19, 18.2-265.20, and 18.2-265.21, as follows:

Article 1.3.

Dextromethorphan Distribution Act.

§ 18.2-265.19. Definitions.

As used in this article, unless the context requires a different meaning:

"Dextromethorphan" means the dextrorotatory isomer of 3-methoxy-N-methylmorphinan and its salts.

"Pharmacy" means any establishment or institution from which drugs, medicines, or medicinal chemicals are dispensed or offered for sale or on which a sign is displayed bearing the words "apothecary," "druggist," "drugs," "drug store," "drug sundries," "medicine store," "pharmacist," "pharmacy," "prescriptions filled," or any similar words intended to indicate that the practice of pharmacy is being conducted pursuant to a license issued under Chapter 33 (§ 54.1-3300 et seq.) of Title 54.1.

"Retail distributor" means an entity licensed to conduct business in the Commonwealth that offers for sale to the public at a retail outlet any nonprescription compound, mixture, or preparation containing dextromethorphan.

"Unfinished dextromethorphan" means dextromethorphan in the form of a "bulk drug substance" as defined in § 54.1-3401.

§ 18.2-265.20. Sale or distribution of dextromethorphan to minors; purchase by minors; civil penalty.

A. It is unlawful for any pharmacy or retail distributor knowingly or intentionally to sell or distribute any product containing dextromethorphan to a minor:

B. A pharmacy or retail distributor, or its employee or agent, shall not sell or distribute a product containing dextromethorphan unless the purchaser presents a federal, state, or local government-issued document that contains a photograph and the birth date of the purchaser that shows that the purchaser is at least 18 years of age or unless from the purchaser's outward appearance the pharmacy or retail distributor would reasonably presume the purchaser to be 25 years of age or older.

C. It is unlawful for any minor knowingly or intentionally to purchase any product containing dextromethorphan.

D. Any pharmacy or retail distributor, or its employee or agent, that violates subsection A or any minor who violates subsection C is subject to a civil penalty of \$25. Any pharmacy or retail distributor, or its employee or agent, that violates subsection B shall receive a notice of noncompliance and, upon any subsequent violation of subsection B, shall be subject to a civil penalty of \$25. Such penalty shall be collected by the attorney for the Commonwealth for the locality where the violation occurred, and the proceeds shall be deposited into the Literary Fund.

E. The provisions of this section shall not apply if the product was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.).

§ 18.2-265.21. Possession or distribution of unfinished dextromethorphan; penalty.

Any person who distributes or possesses with the intent to distribute unfinished dextromethorphan who is not registered under § 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 321 et seq.) or otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.) to distribute or possess unfinished dextromethorphan is guilty of a Class 1 misdemeanor. This section does not apply to a common carrier that receives or possesses unfinished dextromethorphan for the purpose of distributing such unfinished dextromethorphan between persons registered under § 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 321 et seq.) or otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.) to distribute or possess unfinished dextromethorphan.

2. That the provisions of this act shall become effective on January 1, 2015.

CHAPTER 363

An Act to amend and reenact § 8.01-581.16 of the Code of Virginia, relating to civil immunity for members of or consultants to certain boards or committees.

[S 253]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-581.16 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-581.16. Civil immunity for members of or consultants to certain boards or committees.

Every member of, or health care professional consultant to, any committee, board, group, commission or other entity shall be immune from civil liability for any act, decision, omission, or utterance done or made in performance of his duties while serving as a member of or consultant to such committee, board, group, commission or other entity, which functions primarily to review, evaluate, or make recommendations on (i) the duration of patient stays in health care facilities, (ii) the professional services furnished with respect to the medical, dental, psychological, podiatric, chiropractic, veterinary or optometric necessity for such services, (iii) the purpose of promoting the most efficient use or monitoring the quality of care of available health care facilities and services, or of emergency medical services agencies and services, (iv) the adequacy or quality of professional services, (v) the competency and qualifications for professional staff privileges, (vi) the reasonableness or appropriateness of charges made by or on behalf of health care facilities or (vii) patient safety, including entering into contracts with patient safety organizations; provided that such committee, board, group, commission or other entity has been established pursuant to federal or state law or regulation, ~~or pursuant to Joint Commission on Accreditation of Healthcare Organizations requirements~~, the requirements of a national accrediting organization granted authority by the Centers for Medicare and Medicaid Services to assure compliance with Medicare conditions of participation pursuant to § 1865 of Title XVIII of the Social Security Act (42 U.S.C. § 1395bb), or guidelines approved or adopted by a statewide or

local association representing health care providers licensed in the Commonwealth pursuant to clause (iii) (f) of subsection B of § 8.01-581.17, or established and duly constituted by one or more public or licensed private hospitals, health systems, community services boards, or behavioral health authorities, or with a governmental agency and provided further that such act, decision, omission, or utterance is not done or made in bad faith or with malicious intent.

CHAPTER 364

An Act to require the Department of Behavioral Health and Developmental Services to review qualifications of individuals designated to perform evaluations of individuals subject to emergency custody orders; report.

[S 261]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Department of Behavioral Health and Developmental Services shall review requirements related to qualifications, training, and oversight of individuals designated by community services boards to perform evaluations of individuals taken into custody pursuant to an emergency custody order and to make recommendations for increasing such qualifications, training, and oversight, in order to protect the safety and well-being of individuals who are subject to emergency custody orders and the public. The Department shall report its findings to the Governor and the General Assembly by December 1, 2014.*

CHAPTER 365

An Act to amend and reenact § 4.1-208 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-2288.3:1, relating to breweries located on farms; local regulation of certain activities.

[S 430]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-208 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-2288.3:1 as follows:

§ 4.1-208. Beer licenses.

The Board may grant the following licenses relating to beer:

1. Brewery licenses, which shall authorize the licensee to manufacture beer and to sell and deliver or ship the beer so manufactured, in accordance with Board regulations, in closed containers to (i) persons licensed to sell the beer at wholesale; (ii) persons licensed to sell beer at retail for the purpose of resale within a theme or amusement park owned and operated by the brewery or a parent, subsidiary or a company under common control of such brewery, or upon property of such brewery or a parent, subsidiary or a company under common control of such brewery contiguous to such premises, or in a development contiguous to such premises owned and operated by such brewery or a parent, subsidiary or a company under common control of such brewery; and (iii) persons outside the Commonwealth for resale outside the Commonwealth. Such license shall also authorize the licensee to sell at retail the brands of beer that the brewery owns at premises described in the brewery license for on-premises consumption and in closed containers for off-premises consumption.

Such license may also authorize individuals holding a brewery license to (a) operate a facility designed for and utilized exclusively for the education of persons in the manufacture of beer, including sampling by such individuals of beer products, within a theme or amusement park located upon the premises occupied by such brewery, or upon property of such person contiguous to such premises, or in a development contiguous to such premises owned and operated by such person or a wholly owned subsidiary or (b) offer samples of the brewery's products to individuals visiting the licensed premises, provided that such samples shall be provided only to individuals for consumption on the premises of such facility or licensed premises and only to individuals to whom such products may be lawfully sold.

2. *Limited brewery licenses, to breweries that manufacture no more than 15,000 barrels of beer per calendar year, provided (i) the brewery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such brewery or its owner and (ii) agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm. The licensed premises shall be limited to the portion of the farm on which agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown and that is contiguous to the premises of such brewery where the beer is manufactured, exclusive of any residence and the curtilage thereof. However, the Board may, with notice to the local governing body in accordance with the provisions of § 4.1-230, also approve other portions of the farm to be included as part of the licensed premises.*

Limited brewery licensees shall be treated as breweries for all purposes of this title except as otherwise provided in this subdivision.

3. Bottlers' licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for

the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

~~3- 4.~~ Wholesale beer licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer and to sell and deliver or ship the beer from one or more premises identified in the license, in accordance with Board regulations, in closed containers to (i) persons licensed under this chapter to sell such beer at wholesale or retail for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

No wholesale beer licensee shall purchase beer for resale from a person outside the Commonwealth who does not hold a beer importer's license unless such wholesale beer licensee holds a beer importer's license and purchases beer for resale pursuant to the privileges of such beer importer's license.

~~4- 5.~~ Beer importers' licenses, which shall authorize persons licensed within or outside the Commonwealth to sell and deliver or ship beer into the Commonwealth, in accordance with Board regulations, in closed containers, to persons in the Commonwealth licensed to sell beer at wholesale for the purpose of resale.

~~5- 6.~~ Retail on-premises beer licenses to:

a. Hotels, restaurants and clubs, which shall authorize the licensee to sell beer, either with or without meals, only in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas.

b. Persons operating dining cars, buffet cars, and club cars of trains, which shall authorize the licensee to sell beer, either with or without meals, in the dining cars, buffet cars, and club cars so operated by them for on-premises consumption when carrying passengers.

c. Persons operating sight-seeing boats, or special or charter boats, which shall authorize the licensee to sell beer, either with or without meals, on such boats operated by them for on-premises consumption when carrying passengers.

d. Grocery stores located in any town or in a rural area outside the corporate limits of any city or town, which shall authorize the licensee to sell beer for on-premises consumption in such establishments. No license shall be granted unless it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this title will be promoted by granting the license.

e. Persons operating food concessions at coliseums, stadia, or similar facilities, which shall authorize the licensee to sell beer, in paper, plastic, or similar disposable containers, during the performance of professional sporting exhibitions, events or performances immediately subsequent thereto, to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board in such coliseums, stadia, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility which has seating for more than 3,500 persons and is located in Albemarle, Augusta, Pittsylvania, or Rockingham Counties. Such license shall authorize the licensee to sell beer during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

g. Persons operating food concessions at exhibition or exposition halls, convention centers or similar facilities located in any county operating under the urban county executive form of government or any city which is completely surrounded by such county, which shall authorize the licensee to sell beer during the event, in paper, plastic or similar disposable containers to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. For purposes of this subsection, "exhibition or exposition halls" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

~~6- 7.~~ Retail off-premises beer licenses, which shall authorize the licensee to sell beer in closed containers for off-premises consumption.

~~7- 8.~~ Retail off-premises brewery licenses to persons holding a brewery license which shall authorize the licensee to sell beer at the place of business designated in the brewery license, in closed containers which shall include growlers and other reusable containers, for off-premises consumption.

~~8- 9.~~ Retail on-and-off premises beer licenses to persons enumerated in subdivisions ~~5 6 a~~ and ~~5 6 d~~, which shall accord all the privileges conferred by retail on-premises beer licenses and in addition, shall authorize the licensee to sell beer in closed containers for off-premises consumption.

§ 15.2-2288.3:1. Limited brewery license; local regulation of certain activities.

A. It is the policy of the Commonwealth to preserve the economic vitality of the Virginia beer industry while maintaining appropriate land use authority to protect the health, safety, and welfare of the citizens of the Commonwealth and to permit the reasonable expectation of uses in specific zoning categories. Local restriction upon such activities and public events of breweries licensed pursuant to subdivision 2 of § 4.1-208 to market and sell their products shall be reasonable and shall take into account the economic impact on such licensed brewery of such restriction, the agricultural

nature of such activities and events, and whether such activities and events are usual and customary for such licensed breweries. Usual and customary activities and events at such licensed breweries shall be permitted unless there is a substantial impact on the health, safety, or welfare of the public. No local ordinance regulating noise, other than outdoor amplified music, arising from activities and events at such licensed breweries shall be more restrictive than that in the general noise ordinance. In authorizing outdoor amplified music at such licensed brewery, the locality shall consider the effect on adjacent property owners and nearby residents.

B. No locality shall regulate any of the following activities of a brewery licensed under subdivision 2 of § 4.1-208:

- 1. The production and harvesting of barley, other grains, hops, fruit, or other agricultural products and the manufacturing of beer;*
- 2. The on-premises sale, tasting, or consumption of beer during regular business hours within the normal course of business of such licensed brewery;*
- 3. The direct sale and shipment of beer in accordance with Title 4.1 and regulations of the Alcoholic Beverage Control Board;*
- 4. The sale and shipment of beer to licensed wholesalers and out-of-state purchasers in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law;*
- 5. The storage and warehousing of beer in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law; or*
- 6. The sale of beer-related items that are incidental to the sale of beer.*

C. Any locality may exempt any brewery licensed in accordance with subdivision 2 of § 4.1-208 on land zoned agricultural from any local regulation of minimum parking, road access, or road upgrade requirements.

CHAPTER 366

An Act to amend and reenact § 10.1-1232 of the Code of Virginia, relating to the voluntary remediation program.

[S 431]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1232 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-1232. Voluntary Remediation Program.

A. The Virginia Waste Management Board shall promulgate regulations to allow persons who own, operate, have a security interest in or enter into a contract for the purchase of contaminated property to voluntarily remediate releases of hazardous substances, hazardous wastes, solid wastes, or petroleum. The regulations shall apply where remediation has not clearly been mandated by the United States Environmental Protection Agency, the Department or a court pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. § 9601 et seq.), the Resource Conservation and Recovery Act (42 U.S.C. § 6901 et seq.), the Virginia Waste Management Act (§ 10.1-1400 et seq.), the State Water Control Law (§ 62.1-44.2 et seq.), or other applicable statutory or common law or where jurisdiction of those statutes has been waived. The regulations shall provide for the following:

1. The establishment of methodologies to determine site-specific risk-based remediation standards, which shall be no more stringent than applicable or appropriate relevant federal standards for soil, groundwater and sediments, taking into consideration scientific information regarding the following: (i) protection of public health and the environment, (ii) the future industrial, commercial, residential, or other use of the property to be remediated and of surrounding properties, (iii) reasonably available and effective remediation technology and analytical quantitation technology, (iv) the availability of institutional or engineering controls that are protective of human health or the environment, and (v) natural background levels for hazardous constituents;
2. The establishment of procedures that minimize the delay and expense of the remediation, to be followed by a person volunteering to remediate a release and by the Department in processing submissions and overseeing remediation;
3. The issuance of certifications of satisfactory completion of remediation, based on then-present conditions and available information, where voluntary cleanup achieves applicable cleanup standards or where the Department determines that no further action is required;
4. Procedures to waive or expedite issuance of any permits required to initiate and complete a voluntary cleanup consistent with applicable federal law; and
5. Registration fees to be collected from persons conducting voluntary remediation to defray the actual reasonable costs of the voluntary remediation program expended at the site ~~not to exceed the lesser of \$5,000 or one percent of the cost of the remediation.~~

B. Persons conducting voluntary remediations pursuant to an agreement with the Department entered into prior to the promulgation of those regulations may elect to complete the cleanup in accordance with such an agreement or the regulations.

C. Certification of satisfactory completion of remediation shall constitute immunity to an enforcement action under the Virginia Waste Management Act (§ 10.1-1400 et seq.), the State Water Control Law (§ 62.1-44.2 et seq.), Chapter 13 (§ 10.1-1300 et seq.) of this title, or any other applicable law.

D. At the request of a person who owns, operates, holds a security interest in or contracts for the purchase of property from which the contamination to be voluntarily remediated originates, the Department is authorized to seek temporary access to private and public property not owned by such person conducting the voluntary remediation as may be reasonably necessary for such person to conduct the voluntary remediation. Such request shall include a demonstration that the person requesting access has used reasonable effort to obtain access by agreement with the property owner. Such access, if granted, shall be granted for only the minimum amount of time necessary to complete the remediation and shall be exercised in a manner that minimizes the disruption of ongoing activities and compensates for actual damages. The person requesting access shall reimburse the Commonwealth for reasonable, actual and necessary expenses incurred in seeking or obtaining access. Denial of access to the Department by a property owner creates a rebuttable presumption that such owner waives all rights, claims and causes of action against the person volunteering to perform remediation for costs, losses or damages related to the contamination as to claims for costs, losses or damages arising after the date of such denial of access to the Department. A property owner who has denied access to the Department may rebut the presumption by showing that he had good cause for the denial or that the person requesting that the Department obtain access acted in bad faith.

2. That the Virginia Waste Management Board shall adopt regulations to implement the provisions of subdivision A 5 of § 10.1-1232 of the Code of Virginia, as amended by this act, to be effective no later than July 1, 2014. The Virginia Waste Management Board's adoption of regulations necessary to implement the fee provisions of subdivision A 5 of § 10.1-1232 of the Code of Virginia, as amended by this act, shall be exempt from Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia, except that the Department of Environmental Quality shall utilize a regulatory advisory panel to assist in the development of necessary regulations and shall provide an opportunity for public comment on all regulations. Thereafter, any amendments to the fees described in subdivision A 5 of § 10.1-1232 of the Code of Virginia shall not be exempted from the Administrative Process Act (§ 2.2-4000 et seq.) of the Code of Virginia.

CHAPTER 367

An Act to amend and reenact §§ 23-95.1 and 23-98 of the Code of Virginia, relating to the Virginia Military Institute board of visitors; appointment of executive committee and president.

[S 445]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 23-95.1 and 23-98 of the Code of Virginia are amended and reenacted as follows:

§ 23-95.1. Executive committee.

~~The Board of Visitors board of visitors may, at any regular meeting held after July 1 in any year, appoint an Executive Committee executive committee from its own body for the purpose of transacting business during the recess of the Board board. Such Executive Committee executive committee shall consist of not less than three nor more than five members, one of whom shall be the president. A committee so created shall serve until the next regular meeting of the Board of the following July 1.~~

§ 23-98. Meetings of board; president and secretary; superintendent of Institute.

~~The board of visitors shall meet at the Institute once a year or ~~often~~ more often, and at any other times and places, when, in its opinion, or that of the superintendent of the Institute, or president of the board of visitors, it shall be necessary to do so. It shall appoint a superintendent of the Institute with such duties as may be prescribed by the board. Special meetings may also be called at any time by the superintendent of the Institute, or the president of the board of visitors, when either may deem it advisable; and the board may adjourn from time to time. At their first meeting after the first day of July in each year the The board shall appoint from their its own body a president, and shall also appoint a secretary to the board. In the absence of the president or secretary at any meeting, the board may appoint a president or secretary pro tempore, and vacancies in the offices of president or secretary may be filled by the board for the unexpired term. Notice of the time and place of meeting shall be given to every member of the board.~~

CHAPTER 368

An Act to authorize the Marine Resources Commission to grant easements and rights-of-way across and in the beds of the York River, including a portion of the Baylor Survey to Plains Marketing, LP, for expansion of the Yorktown oil facility.

[S 467]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Marine Resources Commission, with the approval of the Governor, is hereby authorized to grant and convey, upon such terms and conditions as the Marine Resources Commission shall deem proper, to Plains Marketing, LP, its successors and assigns, permanent easements and rights-of-way needed for the expansion, construction, updating, and maintenance of the Plains Marketing, LP, facility in the York River, beginning at a point located along the northern line of

"Public Ground No. 5," said point having a coordinate value of North 3,612,505.00, East 12,083,115.69. Coordinate values based on Virginia State Plane Coordinate System, South Zone, NAD 1983, and expressed in U.S. Survey Feet. Thence from the point of beginning, along a bearing and distance of S 00° 30' 17" E, 688.96 feet to a point; thence along a bearing and distance of S 85° 53' 25" W, 220.44 feet to a point; thence along a bearing and distance of N 00° 30' 17" W, 628.69 feet to a point; thence along a bearing and distance of S 74° 59' 59" W, 543.12 feet to a point; thence along a bearing and distance of N 14° 03' 07" W, 29.52 feet to a point; thence along a bearing and distance of N 75° 56' 53" E, 774.29 feet to the point of beginning; containing an area of 160,908 square feet or 3.694 acres.

§ 2. That the public interest of this project outweighs the public interest in maintaining the sanctity of the Baylor Survey at this location only, because of its nonproductivity for shellfish.

§ 3. None of the property described in § 1 that lies within the Baylor Survey shall be considered part of the natural oyster beds, rocks, and shoals in the waters of the Commonwealth.

§ 4. The granting and conveying of the easements and rights-of-way shall be in a form approved by the Attorney General. The appropriate officials of the Commonwealth are hereby authorized to prepare, execute, and deliver such deed and other documents as may be necessary to accomplish the conveyance.

CHAPTER 369

An Act to amend and reenact § 38.2-3451 of the Code of Virginia, relating to essential health benefits; pediatric oral health benefits.

[S 484]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3451 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3451. Essential health benefits.

A. Notwithstanding any provision of § 38.2-3431 or any other section of this title to the contrary, a health carrier offering a health benefit plan providing individual or small group health insurance coverage shall provide that such coverage includes the essential health benefits as required by § 1302(a) of the PPACA. The essential health benefits package may also include associated cost-sharing requirements or limitations. No qualified health insurance plan that is sold or offered for sale through an exchange established or operating in the Commonwealth shall provide coverage for abortions, regardless of whether such coverage is provided through the plan or is offered as a separate optional rider thereto, provided that such limitation shall not apply to an abortion performed (i) when the life of the mother is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, or (ii) when the pregnancy is the result of an alleged act of rape or incest.

B. The provisions of subsection A regarding the inclusion of the PPACA-required minimum essential pediatric oral health benefits shall be deemed to be satisfied for health benefit plans made available in the small group market or individual market in the Commonwealth outside an exchange, as defined in § 38.2-3455, issued for policy or plan years beginning on or after January 1, 2015, that do not include the PPACA-required minimum essential pediatric oral health benefits if the health carrier has obtained reasonable assurance that such pediatric oral health benefits are provided to the purchaser of the health benefit plan. The health carrier shall be deemed to have obtained reasonable assurance that such pediatric oral health benefits are provided to the purchaser of the health benefit plan if:

1. At least one qualified dental plan, as defined in § 38.2-3455, (i) offers the minimum essential pediatric oral health benefits that are required under the PPACA and (ii) is available for purchase by the small group or individual purchaser; and

2. The health carrier prominently discloses, in a form approved by the Commission, at the time that it offers the health benefit plan that the plan does not provide the PPACA-required minimum essential pediatric oral health benefits.

CHAPTER 370

An Act to amend and reenact § 58.1-1003.3 of the Code of Virginia, to amend the Code of Virginia by adding in Title 9.1 a chapter numbered 2.1, consisting of sections numbered 9.1-209 through 9.1-217, and to repeal Chapter 23.1 (§§ 59.1-293.1 through 59.1-293.9) of Title 59.1 of the Code of Virginia, relating to the sale of cigarettes with reduced ignition propensity; civil penalties.

[S 494]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-1003.3 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 9.1 a chapter numbered 2.1, consisting of sections numbered 9.1-209 through 9.1-217, as follows:

CHAPTER 2.1.

REDUCED CIGARETTE IGNITION PROPENSITY.

§ 9.1-209. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Cigarette" has the same meaning ascribed thereto in § 58.1-1031.

"Department" means the Department of Taxation.

"Director" means the Executive Director of the Department of Fire Programs.

"Importer" has the same meaning ascribed thereto in 26 U.S.C. § 5702(k).

"Manufacturer" means (i) a person who manufactures or otherwise produces, or causes to be manufactured or produced, cigarettes intended for sale in the Commonwealth, including cigarettes intended for sale in the United States through an importer; (ii) the first purchaser anywhere that intends to resell in the United States cigarettes that the original manufacturer or maker does not intend for sale in the United States; or (iii) the successor to a person listed in clause (i) or (ii).

"Package" has the same meaning ascribed thereto in 15 U.S.C. § 1332(4).

"Quality control and quality assurance program" means laboratory procedures implemented to ensure that operator bias, systematic and nonsystematic methodological errors, and equipment-related problems do not affect the results of the testing, and the testing repeatability remains within the required repeatability value for any test trial used to certify cigarettes under this chapter.

"Repeatability" means the range of values within which the repeat results of cigarette test trials from a single laboratory will fall 95 percent of the time.

"Retailer" means a person who (i) sells cigarettes to consumers through vending machines on fewer than 40 premises; (ii) otherwise sells cigarettes to consumers; or (iii) holds cigarettes for sale to consumers.

"Vending machine operator" means a person who (i) holds cigarettes for sale to consumers through vending machines on 40 or more premises or (ii) sells cigarettes to consumers through vending machines on 40 or more premises.

"Wholesaler" means a person who (i) holds cigarettes for sale to another person for resale or (ii) sells cigarettes to another person for resale.

§ 9.1-210. Testing and certification of cigarettes.

A. Except as provided in subsection N, no cigarettes may be sold or offered for sale in the Commonwealth or offered for sale or sold to persons located in the Commonwealth unless:

1. The cigarettes have been tested in accordance with the test method and meet the performance standard specified in this section;

2. The manufacturer has filed a written certification in accordance with § 9.1-211; and

3. The cigarettes have been marked in accordance with § 9.1-212.

B. The performance standard for cigarettes sold or offered for sale in the Commonwealth is stated in subdivision E 1.

C. Testing of cigarettes shall be conducted in accordance with the American Society of Testing and Materials (ASTM) Standard E2187-04 "Standard Test Method for Measuring the Ignition Strength of Cigarettes." The Director, in consultation with the State Fire Marshal, may adopt a subsequent ASTM Standard Test Method for Measuring the Ignition Strength of Cigarettes on a finding that the subsequent method does not result in a change in the percentage of full-length burns exhibited by any tested cigarette when compared to the percentage of full-length burns the same cigarette would exhibit when tested in accordance with ASTM standard E2187-04 and the performance standard of this section.

D. Testing of cigarettes shall be conducted on 10 layers of filter paper.

E. 1. No more than 25 percent of the cigarettes tested in a test trial shall exhibit full-length burns.

2. Forty replicate tests shall comprise a complete test trial for each cigarette tested.

F. The performance standard required by this section shall only be applied to a complete test trial.

G. Written certifications shall be based upon testing conducted by a laboratory that has been accredited pursuant to Standard ISO/IEC 17025 of the International Organization for Standardization or other comparable accreditation standard required by the Director.

H. Each laboratory that conducts tests in accordance with this section shall implement a quality control and quality assurance program that includes a procedure to determine the repeatability of the testing results. The repeatability value shall be no greater than 0.19.

I. Each cigarette listed in a certification that uses lowered permeability bands in the cigarette paper to achieve compliance with the performance standard of this section shall have at least two nominally identical bands on the paper surrounding the tobacco column. At least one complete band shall be located at least 15 millimeters from the lighting end of the cigarette. For a cigarette on which the bands are positioned by design, at least two bands shall be located at least 15 millimeters from the lighting end and 10 millimeters from the filter end of the tobacco column. For an unfiltered cigarette, the two complete bands shall be located at least 15 millimeters from the lighting end and 10 millimeters from the labeled end of the tobacco column.

J. If the Director determines that a cigarette cannot be tested in accordance with the test method required by this section, the manufacturer of the cigarette shall propose to the Director a test method and performance standard for that cigarette. The Director, in consultation with the State Fire Marshal, may approve a test method and performance standard that the Director determines is equivalent to the requirements of this section, and the manufacturer may use that test method and performance standard for certification in accordance with § 9.1-211. If the Director determines that another state has enacted reduced cigarette ignition propensity standards that include a test method and performance standard that are the same as those contained in this chapter, and the Director finds that the officials responsible for implementing those requirements have approved the proposed alternative test method and performance standard for a particular cigarette

proposed by a manufacturer as meeting the reduced cigarette ignition propensity standards of that state's law or regulation under a legal provision comparable to this section, then the Director shall authorize that manufacturer to employ the alternative test method and performance standard to certify that cigarette for sale in the Commonwealth, unless the Director demonstrates a reasonable basis why the alternative test should not be accepted under this chapter. All other applicable requirements of this section shall apply to the manufacturer.

K. This section does not require additional testing for cigarettes that are tested in a manner consistent with the requirements of this section for any other purpose.

L. Each manufacturer shall maintain copies of the reports of all tests conducted on all cigarettes offered for sale for a period of three years, and shall make copies of these reports available to the Director, State Fire Marshal, and Attorney General on written request. Any manufacturer who fails to make copies of these reports available within 60 days of receiving a written request shall be subject to a civil penalty not to exceed \$10,000 for each day after the sixtieth day that the manufacturer does not make such copies available.

M. Testing performed or sponsored by the Director to determine a cigarette's compliance with the performance standard required by this section shall be conducted in accordance with this section.

N. The requirements of subsection A shall not prohibit the sale of cigarettes solely for the purpose of consumer testing. For purposes of this subdivision, the term "consumer testing" means an assessment of cigarettes that is conducted by a manufacturer, or under the control and direction of a manufacturer, for the purpose of evaluating consumer acceptance of such cigarettes, utilizing only the quantity of cigarettes that is reasonably necessary for such assessment.

§ 9.1-211. Certification of cigarette testing.

A. Each manufacturer shall submit to the Director written certification attesting that each cigarette has been tested in accordance with and has met the performance standard required under § 9.1-210.

B. The description of each cigarette listed in the certification shall include:

1. The brand;
2. The style;
3. The length in millimeters;
4. The circumference in millimeters;
5. The flavor, if applicable;
6. Whether filter or nonfilter;
7. A package description, such as soft pack or box;
8. The mark approved in accordance with § 9.1-212;
9. The name, address, and telephone number of the laboratory, if different than the manufacturer that conducted the test; and
10. The date that the testing occurred.

C. On request, the certification shall be made available to the Attorney General, the Director, and the State Fire Marshal.

D. Each cigarette certified under this section shall be recertified every three years.

E. If a manufacturer has certified a cigarette pursuant to this section, and thereafter makes any change to such cigarette that is likely to alter its compliance with the reduced cigarette ignition propensity standards mandated by this chapter, then before such cigarette may be sold or offered for sale in the Commonwealth such manufacturer shall retest such cigarette in accordance with the testing standards prescribed in § 9.1-210 and maintain records of such retesting as required by § 9.1-210. Any such altered cigarette that does not meet the performance standard set forth in § 9.1-210 shall not be sold in the Commonwealth.

F. For each brand style of cigarette listed in a certification, a manufacturer shall pay a fee in the amount of \$250; however, the Director in consultation with the State Fire Marshal is authorized to adjust the amount of the fee annually to ensure that the amount collected therefrom defrays the actual costs of the processing, testing, enforcement, and oversight activities required by this chapter. The fees assessed under the provisions of this chapter shall be paid into the state treasury and shall be deposited into a special fund designated "Cigarette Fire Safety Standard and Firefighter Protection Act Fund." Moneys deposited into the special fund and the unexpended balance thereof shall be appropriated to the Department of Fire Programs for use by the Director to conduct the processing, testing, enforcement, and oversight activities required by this chapter and performed by the State Fire Marshal pursuant to § 9.1-206 in carrying out the provisions of the Statewide Fire Prevention Code Act (§ 27-94 et seq.), and such expenditures from the special fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director.

§ 9.1-212. Marking of cigarettes.

A. Cigarettes that have been certified in accordance with § 9.1-211 shall be marked in accordance with the requirements of this section.

B. The marking shall:

1. Be in a font of at least eight-point type; and
2. Include one of the following:
 - a. Modification of the product UPC bar code to include a visible mark that is printed at or around the area of the UPC bar code and consists of one or more alphanumeric or symbolic characters permanently stamped, engraved, embossed, or printed in conjunction with the UPC bar code;

b. Any visible combination of alphanumeric or symbolic characters permanently stamped, engraved, embossed, or printed on the cigarette package or the cellophane wrap; or

c. Stamped, engraved, embossed, or printed text that indicates that the cigarettes meet the standards of this chapter.

C. The manufacturer shall request approval of a proposed marking from the Director.

D. The Director shall approve or disapprove the marking offered, except that the Director shall approve:

1. The letters "FSC," which signify Fire Standards Compliant, appearing in eight-point type or larger and permanently printed, stamped, engraved, or embossed on the package at or near the UPC code; and

2. Any marking in use and approved for sale in New York pursuant to the New York fire safety standards for cigarettes.

E. A marking is deemed approved if the Director fails to act within 10 days after receiving a request for approval.

F. A manufacturer may not use a modified marking unless the modification has been approved in accordance with this section.

G. A manufacturer shall use only one marking on all brands that the manufacturer markets.

H. A marking or modified marking approved by the Director shall be applied uniformly on all brands marketed and on all packages, including packs, cartons, and cases marketed by that manufacturer.

§ 9.1-213. Provision of copies of certifications and illustration of the packaging markings; inspections.

A. Each manufacturer shall:

1. Provide a copy of each certification to each wholesaler to which the manufacturer sells cigarettes; and

2. Provide sufficient copies of an illustration of the packaging marking approved and used by the manufacturer in accordance with § 9.1-212 for each retailer and vending machine operator who purchases cigarettes from the wholesaler.

B. The wholesaler shall provide a copy of the illustration to each retailer and vending machine operator to whom the wholesaler sells cigarettes.

C. Each retailer, vending machine operator, and wholesaler shall allow the Director or designee of the Director to inspect the markings on cigarette packaging at any time.

§ 9.1-214. Nonconforming cigarettes.

A. Any cigarettes that have been sold or offered for sale that do not comply with the performance standard required by § 9.1-210 shall be deemed contraband and subject to forfeiture and disposal by the Commonwealth; however, prior to the destruction of any cigarettes forfeited pursuant to this subsection, the true holder of the trademark rights in the cigarette brand shall be permitted to inspect such cigarettes.

B. The Department and the State Fire Marshal, in the regular course of conducting inspections of retailers and wholesalers, may inspect cigarettes to determine if the cigarettes are marked as required by § 9.1-212. If the cigarettes are not marked as required, the Department shall notify the Director.

C. Whenever law-enforcement personnel, the State Fire Marshal or local fire marshal appointed under § 27-30, or a duly authorized representative of the Director discovers any cigarettes that have not been marked in the manner required by § 9.1-212, such personnel are hereby authorized and empowered to seize and take possession of such cigarettes. Such cigarettes shall be turned over to the Department and shall be forfeited to the Commonwealth. Cigarettes seized pursuant to this section shall be destroyed; however, prior to the destruction of any cigarette seized pursuant to this subsection, the true holder of the trademark rights in the cigarette brand shall be permitted to inspect the cigarette.

§ 9.1-215. Powers of Director; regulation and implementation.

The Director:

1. In consultation with the State Fire Marshal, may adopt regulations necessary to carry out and administer this chapter;

2. In consultation with the State Fire Marshal, may adopt regulations for the conduct of random inspections of retailers, vending machine operators, and wholesalers to ensure compliance with this chapter; and

3. Shall ensure that the implementation and substance of this chapter is in accordance with the implementation and substance of the New York fire safety standards for cigarettes.

§ 9.1-216. Enforcement; civil penalties.

A. A manufacturer or other person who knowingly sells or offers for sale cigarettes other than by retail sale in violation of § 9.1-210 shall be subject to a civil penalty not exceeding \$100 for each such pack of cigarettes sold or offered for sale, provided that in no case shall the civil penalty assessed against any such person exceed \$100,000 for sales or offers for sale during any 30-day period.

B. A retailer who knowingly sells cigarettes in violation of § 9.1-210 shall be subject to a civil penalty not exceeding \$100 for each pack of such cigarettes sold or offered for sale, provided that in no case shall the civil penalty assessed against any retailer exceed \$25,000 for sales or offers for sale during any 30-day period.

C. Any person who violates any other provision of this chapter shall be subject to a civil penalty of not more than \$1,000 for the first violation. The civil penalty for each subsequent violation shall not exceed \$5,000.

D. A manufacturer who knowingly makes a false certification under § 9.1-211 shall be subject to a civil penalty of at least \$75,000 and not exceeding \$250,000 for each false certification.

E. A civil penalty may be assessed by the Director only after the Director has consulted with the State Fire Marshal and has given the manufacturer charged with making such a false certification an opportunity for a public hearing. Where such a public hearing has been held, the Director shall make findings of fact and issue a written decision as to the occurrence of the violation and the amount of the penalty that is warranted, incorporating, when appropriate, an order

therein requiring that the penalty be paid. Any hearing under this section shall be a formal adjudicatory hearing in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). When the person charged with such a violation fails to avail himself of the opportunity for a public hearing, a civil penalty shall be assessed by the Director after the Director determines that a violation has occurred and the amount of the penalty is warranted and issues an order requiring that the penalty be paid.

F. The Director may collect civil penalties that are owed in the same manner as provided by law in respect to judgment of a court of record. Such civil penalties shall be paid into the Cigarette Fire Safety Standard and Firefighter Protection Act Fund referenced in subsection F of § 9.1-211 and used in carrying out the purposes of this chapter.

§ 9.1-217. Application of chapter to certain cigarettes; conflicting local ordinances preempted.

A. Nothing in this chapter shall be construed to prohibit any person from manufacturing or selling cigarettes that do not meet the requirements of this chapter if the cigarettes are or will be stamped for sale in another state or sold in North Carolina or South Carolina, or are packaged for sale outside the United States, and that person has taken reasonable steps to ensure that such cigarettes will not be sold or offered for sale to persons located in the Commonwealth.

B. Notwithstanding any other provision of law, a locality may neither enact nor enforce any ordinance or other local law or regulation that conflicts with, or is inconsistent with, any provision of this chapter.

§ 58.1-1003.3. Roll-your-own cigarette machines.

Any person who maintains, operates, or rents a machine at a retail establishment for use by a consumer that enables any person to process at the establishment a product that is made or derived from tobacco into a roll or tube shall be deemed to be a manufacturer of cigarettes, and the resulting product produced at such establishment shall be deemed to be manufactured cigarettes sold to a consumer for purposes of this title, Chapter 42 (§ 3.2-4200 et seq.) of Title 3.2, and Chapter ~~23.1~~ 2.1 (§ ~~59.1-293.1~~ 9.1-209 et seq.) of Title ~~59.1~~ 9.1. A retail establishment may purchase tobacco that has not been subject to tax pursuant to this title or the requirements of Chapter 42 of Title 3.2, provided that (i) such tobacco may only be sold to consumers for the purpose of making cigarettes on the machines described herein in the establishment, (ii) the retail establishment pays the taxes due on such cigarettes pursuant to this title, and (iii) the retail establishment maintains compliance with the requirements of Chapter 42 of Title 3.2 with respect to such cigarettes. The provisions of this section shall not apply to the sale and use of cigarette rolling machines purchased for personal use by an individual consumer to make cigarettes for personal consumption and not for rental or use by other consumers.

2. That Chapter 23.1 (§§ 59.1-293.1 through 59.1-293.9) of Title 59.1 of the Code of Virginia is repealed.

CHAPTER 371

An Act to amend and reenact §§ 29.1-733.2 and 29.1-733.7 of the Code of Virginia, relating to certificates of title for watercraft.

[S 504]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 29.1-733.2 and 29.1-733.7 of the Code of Virginia are amended and reenacted as follows:

§ 29.1-733.2. (Effective July 1, 2014) Definitions.

The definitions in this section do not apply to any Virginia or federal law governing licensing, numbering, or registration if the same term is used in that law. As used in this article, unless the context requires a different meaning:

"Abandoned watercraft" means a watercraft that is left unattended on private property for more than 10 days without the consent of the property's owner, regardless of whether it was brought onto the private property with the consent of the owner or person in control of the private property.

"Agreement" means the same as that term is defined in subdivision (b)(3) of § 8.1A-201.

"Barge" means a watercraft that is not self-propelled or fitted for propulsion by sail, paddle, oar, or similar device.

"Builder's certificate" means a certificate of the facts of the build of a vessel described in 46 C.F.R. § 67.99, as amended.

"Buyer" means a person that buys or contracts to buy a watercraft.

"Buyer in ordinary course of business" means the same as that term is defined in subdivision (b)(9) of § 8.1A-201.

"Cancel," with respect to a certificate of title, means to make the certificate ineffective.

"Certificate of origin" means a record created by a manufacturer or importer as the manufacturer's or importer's proof of identity of a watercraft. The term includes a manufacturer's certificate or statement of origin and an importer's certificate or statement of origin. The term does not include a builder's certificate.

"Certificate of title" means a record, created by the Department under this article or by a governmental agency of another jurisdiction under the law of that jurisdiction that is designated as a certificate of title by the Department or agency and is evidence of ownership of a watercraft.

"Conspicuous" means the same as that term is defined in subdivision (b)(10) of § 8.1A-201.

"Consumer goods" means the same as that term is defined in subdivision (a)(23) of § 8.9A-102.

"Dealer" means any watercraft dealer as defined in § 29.1-801.

"Debtor" means the same as that term is defined in subdivision (a)(28) of § 8.9A-102.

"Documented vessel" means a watercraft covered by a certificate of documentation issued pursuant to 46 U.S.C. § 12105, as amended. The term does not include a foreign-documented vessel.

"Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

"Electronic certificate of title" means a certificate of title consisting of information that is stored solely in an electronic medium and is retrievable in perceivable form.

"Foreign-documented vessel" means a watercraft whose ownership is recorded in a registry maintained by a country other than the United States that identifies each person that has an ownership interest in a watercraft and includes a unique alphanumeric designation for the watercraft.

"Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

"Hull damaged" means compromised with respect to the integrity of a watercraft's hull by a collision, allision, lightning strike, fire, explosion, running aground, or similar occurrence, or the sinking of a watercraft in a manner that creates a significant risk to the integrity of the watercraft's hull.

"Hull identification number" means the alphanumeric designation assigned to a watercraft pursuant to 33 C.F.R. Part 181, as amended.

"Knowledge" means the same as that term is defined in § 8.1A-202.

"Lease" means the same as that term is defined in subdivision (1)(j) of § 8.2A-103.

"Lessor" means the same as that term is defined in subdivision (1)(p) of § 8.2A-103.

"Lien creditor," with respect to a watercraft, means:

1. A creditor that has acquired a lien on the watercraft by attachment, levy, or the like;
2. An assignee for benefit of creditors from the time of assignment;
3. A trustee in bankruptcy from the date of the filing of the petition; or
4. A receiver in equity from the time of appointment.

"Notice" means the same as that term is defined in § 8.1A-202.

"Owner" means a person that has legal title to a watercraft.

"Owner of record" means the owner indicated in the files of the Department or, if the files indicate more than one owner, the one first indicated.

"Person" means an individual, corporation, business trust, estate, trust, statutory trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality, or any other legal or commercial entity.

"Purchase" means to take by sale, lease, mortgage, pledge, consensual lien, security interest, gift, or any other voluntary transaction that creates an interest in a watercraft.

"Purchaser" means a person that takes by purchase.

"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Registration number" means the alphanumeric designation for a vessel issued pursuant to 46 U.S.C. § 12301, as amended.

"Representative" means the same as that term is defined in subdivision (b)(33) of § 8.1A-201.

"Sale" means the same as that term is defined in § 8.2-106.

"Secured party," with respect to a watercraft, means a person:

1. In whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;
2. That is a consignor under Title 8.9A; or
3. That holds a security interest arising under § 8.2-401 or 8.2-505, subsection (3) of § 8.2-711, or subsection (5) of § 8.2A-508.

"Secured party of record" means the secured party whose name is indicated as the name of the secured party in the files of the Department or, if the files indicate more than one secured party, the one first indicated.

"Security agreement" means the same as that term is defined in subdivision (a)(74) of § 8.9A-102.

"Security interest" means an interest in a watercraft that secures payment or performance of an obligation if the interest is created by contract or arises under § 8.2-401 or 8.2-505, subsection (3) of § 8.2-711, or subsection (5) of § 8.2A-508. The term includes any interest of a consignor in a watercraft in a transaction that is subject to Title 8.9A. The term does not include the special property interest of a buyer of a watercraft on identification of that watercraft to a contract for sale under § 8.2-401, but a buyer also may acquire a security interest by complying with Title 8.9A. Except as otherwise provided in § 8.2-505, the right of a seller or lessor of a watercraft under Title 8.2 or Title 8.2A to retain or acquire possession of the watercraft is not a security interest, but a seller or lessor also may acquire a security interest by complying with Title 8.9A. The retention or reservation of title by a seller of a watercraft notwithstanding shipment or delivery to the buyer under § 8.2-401 is limited in effect to a reservation of a security interest. Whether a transaction in the form of a lease creates a security interest is determined by § 8.1A-304.

"Seller" means the same as that term is defined in subdivision (1)(o) of § 8.2A-103.

"Send" means the same as that term is defined in subdivision (b)(36) of § 8.1A-201.

"Sign" means, with present intent to authenticate or adopt a record, to:

1. Make or adopt a tangible symbol; or
2. Attach to or logically associate with the record an electronic symbol, sound, or process.

"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

"State of principal use" means the state on whose waters a watercraft is or will be used, operated, navigated, or employed more than on the waters of any other state during a calendar year.

"Title brand" means a designation of previous damage, use, or condition that shall be indicated on a certificate of title.

"Transfer of ownership" means a voluntary or involuntary conveyance of an interest in a watercraft.

"Value" means the same as that term is defined in § 8.1A-204.

"Watercraft" means any vessel *that is* used or capable of being used as a means of transportation on water *and is propelled by machinery, whether or not the machinery is the principal source of propulsion*, except:

1. A seaplane;
2. An amphibious vehicle for which a certificate of title is issued pursuant to Chapter 6 (§ 46.2-600 et seq.) of Title 46.2 or a similar statute of another state;
3. ~~Vessels less than 16~~ *A vessel that measures 18 feet or less in length along the centerline and is propelled solely by sail, paddle, oar, or an engine of less than 10 horsepower;*
4. ~~Vessels~~ *A vessel that operate operates only on a permanently fixed, manufactured course and whose movement is restricted to or guided by means of a mechanical device to which the vessel is attached or by which the vessel is controlled;*
5. A stationary floating structure that:
 - a. Does not have and is not designed to have a mode of propulsion of its own;
 - b. Is dependent for utilities upon a continuous utility hookup to a source originating on shore; and
 - c. Has a permanent, continuous hookup to a shoreside sewage system;
6. ~~Vessels~~ *A vessel owned by the United States, a state, or a foreign government or a political subdivision of any of them;*
7. A vessel used solely as a lifeboat on another vessel; ~~and or~~
8. ~~Vessels measuring between 16 feet and 18 feet in length that are propelled solely by sail, paddle, or oar owned or purchased prior to July 1, 2014~~ *A vessel that has a valid marine document issued by the United States Coast Guard.*

"Written certificate of title" means a certificate of title consisting of information inscribed on a tangible medium.

§ 29.1-733.7. (Effective July 1, 2014) Application for certificate of title.

- A. Except as otherwise provided in § 29.1-733.10, 29.1-733.15, 29.1-733.19, 29.1-733.20, 29.1-733.21, or 29.1-733.22, only an owner may apply for a certificate of title.
- B. An application for a certificate of title shall be signed by the applicant and contain:
 1. The applicant's name, the street address of the applicant's principal residence, and, if different, the applicant's mailing address;
 2. The name and mailing address of each other owner of the watercraft at the time of application;
 3. The motor vehicle driver's license number, social security number, or taxpayer identification number of each owner;
 4. The hull identification number for the watercraft or, if none, an application for the issuance of a hull identification number for the watercraft;
 5. ~~The~~ *If numbering is required pursuant to § 29.1-703, the registration number for the watercraft or, if none has been issued by the Department, an application for a registration number pursuant to § 29.1-702;*
 6. A description of the watercraft as required by the Department, which shall include:
 - a. The official number for the watercraft, if any, assigned by the U.S. Coast Guard;
 - b. The name of the manufacturer, builder, or maker;
 - c. The model year or the year in which the manufacture or build of the watercraft was completed;
 - d. The overall length of the watercraft;
 - e. The watercraft type;
 - f. The hull material;
 - g. The propulsion type;
 - h. The engine drive type, if any;
 - i. The motor identification, including manufacturer's name and serial number, except on motors of 25 horsepower or less; and
 - j. The fuel type, if any;
 7. An indication of all security interests in the watercraft known to the applicant and the name and mailing address of each secured party;
 8. A statement that the watercraft is not a documented vessel or a foreign-documented vessel;
 9. Any title brand known to the applicant and, if known, the jurisdiction under whose law the title brand was created;
 10. If the applicant knows that the watercraft is hull damaged, a statement that the watercraft is hull damaged;
 11. If the application is made in connection with a transfer of ownership, the transferor's name, street address and, if different, mailing address, the sales price, if any, and the date of the transfer; and
 12. If the watercraft previously was registered or titled in another jurisdiction, a statement identifying each jurisdiction known to the applicant in which the watercraft was registered or titled.

C. In addition to the information required by subsection B, an application for a certificate of title may contain an electronic communication address of the owner, transferor, or secured party.

D. Except as otherwise provided in § 29.1-733.19, 29.1-733.20, 29.1-733.21, or 29.1-733.22, an application for a certificate of title shall be accompanied by:

1. A certificate of title that is signed by the owner shown on the certificate and that:

- a. Identifies the applicant as the owner of the watercraft; or
- b. Is accompanied by a record that identifies the applicant as the owner; or

2. If there is no certificate of title:

a. If the watercraft was a documented vessel, a record issued by the U.S. Coast Guard that shows that the watercraft is no longer a documented vessel and identifies the applicant as the owner;

b. If the watercraft was a foreign-documented vessel, a record issued by the foreign country that shows that the watercraft is no longer a foreign-documented vessel and identifies the applicant as the owner; or

c. In all other cases, a certificate of origin, bill of sale, or other record that to the satisfaction of the Department identifies the applicant as the owner. Issuance of registration under the provisions of § 29.1-702 is prima facie evidence of ownership of a watercraft and entitlement to a certificate of title under the provisions of this article.

E. A record submitted in connection with an application is part of the application. The Department shall maintain the record in its files.

F. The Department shall require that an application for a certificate of title be accompanied by payment or evidence of payment of all fees and taxes payable by the applicant under law of the Commonwealth other than this article in connection with the application or the acquisition or use of the watercraft. The Department shall charge \$7 for issue of each certificate of title, transfer of title, or for the recording of a supplemental lien. The Department shall charge \$2 for the issuance of each duplicate title or for changes to a previously issued certificate of title that are made necessary by a change of the motor on the watercraft. Any watercraft purchased and used by a nonprofit volunteer rescue squad shall be exempt from the fees imposed under this section.

G. The application shall be on forms prescribed and furnished by the Department and shall contain any other information required by the Director.

H. Whenever any person, after applying for or obtaining the certificate of title of a watercraft, moves from the address shown in the application or upon the certificate of title, he shall, within 30 days, notify the Department in writing of his change of address. A fee of \$7 shall be imposed upon anyone failing to comply with this subsection within the time prescribed.

CHAPTER 372

An Act to amend and reenact § 6.2-816 of the Code of Virginia, relating to the organization of banks; minimum capital stock requirement.

[S 517]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 6.2-816 of the Code of Virginia is amended and reenacted as follows:

§ 6.2-816. Banks to obtain certificate of authority.

A. Before any bank shall begin business it shall obtain from the Commission a certificate of authority authorizing it to do so. Prior to the issuance of such certificate, the Commission shall ascertain:

1. That all of the provisions of law have been complied with;

2. That financially responsible individuals have subscribed for capital stock and surplus in an amount deemed by the Commission to be sufficient to warrant successful operation. The amount of capital stock shall not be less than \$2 million, except that the capital stock shall not be less than \$500,000 for any trust company incorporated for the sole purpose of exercising fiduciary powers authorized by the provisions of Article 3 (§ 6.2-819 et seq.) of this chapter. The minimum capital stock requirement under this subdivision (i) shall apply when a bank is being organized to begin business ~~and (ii) shall not apply when this section is referred to or used in connection with the conversion of an operating savings institution or national bank to a state bank or the reorganization of an operating bank under a holding company;~~

3. That oaths of all the directors have been taken and filed in accordance with the provisions of § 6.2-863;

4. That, in its opinion, the public interest will be served by banking facilities or additional banking facilities, as the case may be, in the community where the bank is proposed. The addition of such facilities shall be deemed in the public interest if, based on all relevant evidence and information, advantages such as, but not limited to, increased competition, additional convenience, or gains in efficiency outweigh possible adverse effects such as, but not limited to, diminished or unfair competition, undue concentration of resources, conflicts of interests, or unsafe or unsound practices;

5. That the corporation is formed for no other reason than a legitimate banking business;

6. That the moral fitness, financial responsibility, and business qualifications of individuals named as officers and directors of the proposed bank are sufficient to command the confidence of the community where the bank is proposed;

7. That the bank's deposits are to be insured by a federal agency up to the limits of the insurance provided thereby; and

8. Anything else deemed pertinent.

B. The minimum capital stock requirement specified in subdivision A 2 shall not apply when this section is referred to or used in connection with:

1. The conversion of an operating savings institution or national bank to a state bank;

2. The reorganization of an operating bank under a holding company;

3. The issuance of a certificate of authority to a holding company to facilitate its merger with and into its subsidiary bank;

4. The issuance of a certificate of authority to a holding company to facilitate the merger of its subsidiary bank with and into the holding company;

5. The issuance of a certificate of authority to a holding company to facilitate the merger of both the holding company and its subsidiary bank with and into a newly formed entity; or

6. The issuance of a certificate of authority to a resulting bank following a merger described in subdivision B 3, B 4, or B 5, provided that such merger does not result in or involve a change of control as defined in § 6.2-701.

CHAPTER 373

An Act to amend and reenact § 19.2-169.2 of the Code of Virginia, relating to criminal defendants found incompetent; records for treatment.

[S 541]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-169.2 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-169.2. Disposition when defendant found incompetent.

A. Upon finding pursuant to subsection E of § 19.2-169.1 that the defendant, including a juvenile transferred pursuant to § 16.1-269.1, is incompetent, the court shall order that the defendant receive treatment to restore his competency on an outpatient basis or, if the court specifically finds that the defendant requires inpatient hospital treatment, at a hospital designated by the Commissioner of Behavioral Health and Developmental Services as appropriate for treatment of persons under criminal charge. Any *psychiatric records and other information that have been deemed relevant and submitted by the attorney for the defendant pursuant to subsection C of § 19.2-169.1 and any reports submitted pursuant to subsection D of § 19.2-169.1 shall be made available to the director of the community services board or behavioral health authority or his designee or to the director of the treating inpatient facility or his designee within 96 hours of the issuance of the court order requiring treatment to restore the defendant's competency. If the 96-hour period expires on a Saturday, Sunday, or other legal holiday, the 96 hours shall be extended to the next day that is not a Saturday, Sunday, or legal holiday.*

B. If, at any time after the defendant is ordered to undergo treatment under subsection A of this section, the director of the community services board or behavioral health authority or his designee or the director of the treating inpatient facility or his designee believes the defendant's competency is restored, the director or his designee shall immediately send a report to the court as prescribed in subsection D of § 19.2-169.1. The court shall make a ruling on the defendant's competency according to the procedures specified in subsection E of § 19.2-169.1.

C. The clerk of court shall certify and forward forthwith to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of an order for treatment issued pursuant to subsection A.

CHAPTER 374

An Act to amend and reenact §§ 37.2-819 and 64.2-2014, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to mental health and the prohibition of firearms.

[S 576]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 37.2-819 and 64.2-2014, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 37.2-819. Order of involuntary admission or mandatory outpatient treatment forwarded to CCRE; certain voluntary admissions forwarded to CCRE; firearm background check.

A. *The order from a commitment hearing issued pursuant to this chapter for involuntary admission or mandatory outpatient treatment and the certification of any person who has been the subject of a temporary detention order pursuant to § 37.2-809 and who, after being advised by the judge or special justice that he will be prohibited from possessing a firearm pursuant to § 18.2-308.1:3, subsequently agreed to voluntary admission pursuant to § 37.2-805 shall be filed by the judge or special justice with the clerk of the district court for the county or city where the hearing took place as soon as practicable but no later than the close of business on the next business day following the completion of the hearing.*

B. Upon receipt of any order from a commitment hearing issued pursuant to this chapter for involuntary admission to a facility, the clerk of court shall, as soon as practicable but not later than the close of business on the next following business day, certify and forward to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of the order. Upon receipt of any order from a commitment hearing issued pursuant to this chapter for mandatory outpatient treatment, the clerk of court shall, prior to the close of that business day, certify and forward to the Central Criminal Records Exchange, on a form provided by the ~~exchange~~ Exchange, a copy of the order.

~~B~~. C. The clerk of court shall also, as soon as practicable but not later than the close of business on the next following business day, forward upon receipt to the Central Criminal Records Exchange, on a form provided by the Exchange, certification of any person who has been the subject of a temporary detention order pursuant to § 37.2-809, and who, after being advised by the judge or special justice that he will be prohibited from possessing a firearm pursuant to § 18.2-308.1:3, subsequently agreed to voluntary admission pursuant to § 37.2-805.

~~C~~. D. The copy of the forms and orders sent to the Central Criminal Records Exchange pursuant to subsection ~~A~~ B, and the forms and certifications sent to the Central Criminal Records Exchange regarding voluntary admission pursuant to subsection ~~B~~ C, shall be kept confidential in a separate file and used only to determine a person's eligibility to possess, purchase, or transfer a firearm. No medical records shall be forwarded to the Central Criminal Records Exchange with any form, order, or certification required by subsection ~~A~~ ~~B~~ B or C. The Department of State Police shall forward only a person's eligibility to possess, purchase, or transfer a firearm to the National Instant Criminal Background Check System.

§ 64.2-2014. (Effective until July 1, 2014) Clerk to index findings of incapacity or restoration; notice of findings.

A. A copy of the court's findings that a person is incapacitated or has been restored to capacity, or a copy of any order appointing a conservator or guardian pursuant to § 64.2-2115, shall be filed by the judge with the clerk of the circuit court *for the county or city where the hearing took place as soon as practicable, but no later than the close of business on the next business day following the completion of the hearing.* The clerk shall properly index the findings in the index to deed books by reference to the order book and page whereon the order is spread and shall immediately notify the Commissioner of Behavioral Health and Developmental Services in accordance with § 64.2-2028, the commissioner of accounts in order to ensure compliance by a conservator with the duties imposed pursuant to §§ 64.2-2021, 64.2-2022, 64.2-2023, and 64.2-2026, and the Secretary of the State Board of Elections with the information required by § 24.2-410. If a guardian is appointed, the clerk shall forward a copy of the court order to the local department of social services of the jurisdiction where the person then resides. If a guardianship is terminated or otherwise modified, the clerk shall forward a copy of the court order to the local department of social services to which the original order of appointment was forwarded and, if different, to the local department of social services in the jurisdiction where the person then resides.

B. The clerk shall, *as soon as practicable, but no later than the close of business on the following business day,* certify and forward ~~forthwith~~ upon receipt to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of any order adjudicating a person incapacitated under this article, any order appointing a conservator or guardian pursuant to § 64.2-2115, and any order of restoration of capacity under § 64.2-2012. The copy of the form and the order shall be kept confidential in a separate file and used only to determine a person's eligibility to possess, purchase, or transfer a firearm.

§ 64.2-2014. (Effective July 1, 2014) Clerk to index findings of incapacity or restoration; notice of findings.

A. A copy of the court's findings that a person is incapacitated or has been restored to capacity, or a copy of any order appointing a conservator or guardian pursuant to § 64.2-2115, shall be filed by the judge with the clerk of the circuit court *for the county or city where the hearing took place as soon as practicable, but no later than the close of business on the next business day following the completion of the hearing.* The clerk shall properly index the findings in the index to deed books by reference to the order book and page whereon the order is spread and shall immediately notify the Commissioner of Behavioral Health and Developmental Services in accordance with § 64.2-2028, the commissioner of accounts in order to ensure compliance by a conservator with the duties imposed pursuant to §§ 64.2-2021, 64.2-2022, 64.2-2023, and 64.2-2026, and the Commissioner of Elections with the information required by § 24.2-410. If a guardian is appointed, the clerk shall forward a copy of the court order to the local department of social services of the jurisdiction where the person then resides. If a guardianship is terminated or otherwise modified, the clerk shall forward a copy of the court order to the local department of social services to which the original order of appointment was forwarded and, if different, to the local department of social services in the jurisdiction where the person then resides.

B. The clerk shall, *as soon as practicable, but no later than the close of business on the following business day,* certify and forward ~~forthwith~~ upon receipt to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of any order adjudicating a person incapacitated under this article, any order appointing a conservator or guardian pursuant to § 64.2-2115, and any order of restoration of capacity under § 64.2-2012. The copy of the form and the order shall be kept confidential in a separate file and used only to determine a person's eligibility to possess, purchase, or transfer a firearm.

CHAPTER 375

An Act to amend and reenact § 9.1-106 of the Code of Virginia, relating to Regional Criminal Justice Academy Training Fund; local fee.

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-106 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-106. Regional Criminal Justice Academy Training Fund; local fee.

There is created a special nonreverting fund to be administered by the Department, known as the Regional Criminal Justice Academy Training Fund. This Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of the biennium shall not revert to the general fund, but shall remain in the Fund. Interest earned on the Fund shall be credited to the Fund. The Fund shall consist of moneys forwarded to the State Treasurer for deposit in the Fund as provided in §§ 16.1-69.48:1, 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, and 17.1-275.9, which sums shall be deposited in the state treasury to the credit of the Fund. Money in the Fund shall be used to provide financial support for regional criminal justice training academies, and shall be distributed as directed by the Department. Notwithstanding any other provision of law, nothing in this section shall prohibit a locality from charging a similar fee if the locality does not participate in a regional criminal justice training academy and if the locality was operating a certified independent criminal justice academy as of July 1, ~~2010~~ 2012.

Any and all funds from such local fee shall support the local academy.

Existing funds for the regional criminal justice training academies shall not be reduced by either state or local entities as a result of the enactment of Chapter 215 of the Acts of Assembly of 1997.

CHAPTER 376

An Act to amend and reenact § 56-57 of the Code of Virginia and to amend the Code of Virginia by adding in Title 56 a chapter numbered 2.1, consisting of sections numbered 56-54.2 through 56-54.7, relating to the regulation of local exchange telephone companies; competitive telephone companies.

[S 584]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 56-57 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 56 a chapter numbered 2.1, consisting of sections numbered 56-54.2 through 56-54.7, as follows:

CHAPTER 2.1.

COMPETITIVE TELEPHONE COMPANIES.

§ 56-54.2. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Competitive local exchange telephone company" means (i) a competing telephone company, excluding a city, town, or county, that was granted a certificate on or after January 1, 1996, pursuant to § 56-265.4:4 or (ii) an incumbent local exchange telephone company to the extent such company is providing service outside of its incumbent territory.

"Competitive telephone company" means (i) an incumbent local exchange telephone company whose residential dial tone lines (a) were deemed competitive by the Commission throughout the company's incumbent service territory prior to January 1, 2014, or (b) are declared competitive by the Commission throughout its incumbent service territory on or after January 1, 2014, in a proceeding pursuant to § 56-235.5 or (ii) a competitive local exchange telephone company.

"Incumbent local exchange telephone company" means a public service corporation that was providing local exchange telephone service prior to January 1, 1996, or a successor entity to such a public service corporation.

"Incumbent territory" means the area in which an incumbent local exchange telephone company was providing local exchange telephone service prior to July 1, 2002, except as its incumbent certificate may have been amended by the Commission after that date pursuant to subdivision B 1 of § 56-265.4:4.

§ 56-54.3. Election to be regulated as a competitive telephone company.

Any telephone company meeting the definition of a competitive telephone company may elect to be regulated as a competitive telephone company pursuant to the provisions of this chapter by providing written notice to the Commission of such election. The election shall be effective 30 days after receipt of the notice by the Commission unless (i) the Commission notifies the electing telephone company within that 30-day period that the telephone company does not meet the definition of a competitive telephone company and (ii) the Commission then commences a proceeding to challenge the election. In such a proceeding, interested parties shall be provided notice and an opportunity for a hearing. The Commission shall issue a final decision on any such proceeding challenging the election within 60 days of the electing telephone company's receipt of the Commission's notification of the commencement of the proceeding to challenge the election. A telephone company's election to be regulated as a competitive telephone company shall be deemed approved if the Commission fails to act within this 60-day period. A new entrant may elect to be regulated under this chapter when it applies for certification pursuant to § 56-265.4:4. Such an election will be effective upon its certification as a competitive local exchange carrier.

§ 56-54.4. Commission authority over competitive telephone companies.

Notwithstanding any other provision of law, the Commission shall not have any jurisdiction and authority, including jurisdiction and authority over any obligation of a competitive telephone company to seek approval from the Commission, to regulate, supervise, or promulgate rules relating to the retail services, rates, and terms of service of a competitive telephone company, except as specifically enumerated in this chapter. The Commission shall have discretion as to the extent

to which it will exercise the authority granted to it in this chapter. Nothing in this chapter grants, affects, modifies, or limits any rights, duties, obligations, or authority of any entity, including the Commission, (i) pursuant to the provisions of 47 U.S.C. § 251 and 47 U.S.C. § 252 or (ii) related to wholesale telephone services and issues, including the payment of switched network access rates or other intercarrier compensation, interconnection, porting, and numbering.

§ 56-54.5. Powers of the Commission.

A. The Commission may ensure competitive telephone companies provide reasonably adequate retail voice service, including rendering timely and accurate bills for service, by receiving customer complaints and requiring the competitive telephone company to reasonably address bona fide complaints as promptly as is reasonably possible under the circumstances.

B. The Commission shall continue to have jurisdiction and authority to ensure the reasonably adequate provision by competitive telephone companies of the telecommunications portions of emergency 911 services provided to PSAPs, as that term is defined in § 56-484.12.

C. The Commission shall continue to have jurisdiction and authority over Lifeline telephone service such as the Virginia Universal Service Plan, but shall not impose Lifeline telephone service obligations on competitive telephone companies that do not seek designation as eligible telecommunications carriers or impose Lifeline telephone service obligations over and above that imposed by the default Lifeline plan imposed by the Federal Communications Commission.

D. The Commission shall continue to have jurisdiction and authority to permit existing and new retail tariffs to be filed by competitive telephone companies; however, nothing in this chapter shall be construed to require a competitive telephone company to file tariffs concerning retail services.

E. Existing extended local service calling plans ordered by the Commission pursuant to Article 4 (§ 56-484.1 et seq.) of Chapter 15 that are applicable to competitive telephone companies shall remain in effect, but shall not be expanded by the Commission. The Commission shall continue to have jurisdiction and authority to enforce these extended local service calling plans, but shall not create any new plans.

F. The Commission shall continue to have jurisdiction and authority to grant, amend, reissue, and cancel certificates of public convenience and necessity of competitive telephone companies.

G. The Commission may promulgate such rules, including the revision and repeal of current rules, as may be necessary to implement the specific authority granted in this chapter.

H. The Commission shall continue to enforce the Utility Transfers Act (§ 56-88 et seq.) regarding competitive telephone companies.

§ 56-54.6. Duties of a competitive telephone company.

A. A competitive telephone company that is an incumbent telephone carrier shall have the duty in its incumbent territory to extend or expand its facilities to furnish retail voice service and facilities when the person, firm, or corporation does not have service available from one or more alternative providers of wireline or terrestrial wireless communications services at prevailing market rates.

B. A competitive telephone company shall continue to have the powers and duties provided in the first sentence of subdivision A 2 of § 56-234.

C. For the purposes of subsections A and B, the Commission shall have the authority, upon request of an individual, corporation, or other entity, or a competitive telephone company, to determine whether the wireline or terrestrial wireless communications service available to the party requesting service is a reasonably adequate alternative to local exchange telephone service.

D. The use by a competitive telephone company of wireline and terrestrial wireless technologies shall not be construed to grant any additional jurisdiction or authority to the Commission over such technologies.

E. For purposes of subsection A, "prevailing market rates" means rates similar to those generally available to consumers in competitive areas for the same services.

F. A competitive telephone company shall have the obligation to provide access to emergency 911 service to its end-user retail customers.

§ 56-54.7. Service provided to the Commonwealth.

The Commission shall have no jurisdiction or authority over (i) schedules of rates for any telecommunications service provided to the public by virtue of any contract with, (ii) any service provided under or relating to a contract for telecommunications services with, or (iii) contracts for service rendered by any competitive telephone company to, the Commonwealth or any agency thereof.

§ 56-57. Securities to which chapter is applicable.

A. This chapter shall apply to every stock or stock certificate or other evidence of interest or ownership, and, except as otherwise provided by § 56-65, every bond, note or other evidence of indebtedness, of a public service company, which may be issued, and to every obligation or liability as guarantor, endorser, surety or otherwise in respect of the securities of any other person, firm, association or corporation, when such securities are payable at periods of twelve months or more after the date thereof, which may be or may have been assumed after March 24, 1934, notwithstanding the fact that any preparatory steps, whether by the issuance or amendment of a certificate of incorporation, or by the action of the board of directors, or the stockholders or otherwise, may have been taken prior to such date.

B. Notwithstanding subsection A, this chapter shall not apply to any stock or stock certificate or other evidence of interest or ownership, or any bond, note or other evidence of indebtedness of a (i) public service company that operates

under an alternative form of regulation approved by the Commission pursuant to § 56-235.5, unless the Commission rescinds such exemption as hereafter authorized, or (ii) *competitive telephone company as defined in § 56-54.2*, provided such securities are issued for lawful purposes pursuant to § 56-58. Any public service company exempt from this chapter shall instead provide notice to the Commission of the issuance of any stock or stock certificate or other evidence of interest or ownership, or, except as otherwise provided by §§ 56-65 and 56-65.1, any bond, note or other evidence of indebtedness, within ninety days of issuance. The Commission may rescind the exemption from this chapter provided by this subsection to any public service company that operates under an alternative form of regulation approved by the Commission pursuant to § 56-235.5 if the Commission finds, after notice and an opportunity for a hearing, that such exemption is not in the public interest.

2. That any order issued by the State Corporation Commission pursuant to any authority the Commission had to regulate, supervise, or promulgate rules relating to the retail services, rates, and terms of service of a telephone company, which authority ceases to exist upon the effective date of this act, shall have no effect from and after such date. Orders issued by the Commission pursuant to authority granted, continued, or otherwise preserved under this act, including rules promulgated under such orders, shall continue in effect.

3. That notwithstanding the provisions of this act, (i) the residential price cap approved by the State Corporation Commission in Case No. PUC-2012-00008 shall continue in effect until it expires as currently scheduled on December 31, 2014, and (ii) any safeguards ordered by the Commission in response to competitive service applications filed pursuant to subsection F of § 56-235.5 of the Code of Virginia after January 1, 2014, shall continue in effect as ordered by the Commission.

CHAPTER 377

An Act to amend and reenact § 29.1-345 of the Code of Virginia, relating to placement of nonriparian stationary blinds.

[S 602]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-345 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-345. Stationary blinds in the public waters for nonriparian owners.

Unless a license has been obtained pursuant to § 29.1-344, and a stake or a blind has been erected and marked within the time stated as specified in § 29.1-344, in any year, the owners of riparian rights, their lessees or permittees shall forfeit the privilege of licensing blinds on their shores and also lose priority for licensing stationary blinds in the public waters adjoining such shores. Any locations remaining in the public waters shall belong to whoever first obtains a license and erects a stake or a blind. The blind ~~cannot shall not~~ be located ~~in water having a greater depth than eight feet at mean high tide~~ in a marked navigation channel on the site selected. In addition, the blind must be at least 500 yards from any other stationary blind, and the license for that season must be properly affixed to the structure. When licensing a stationary blind, the location of each blind licensed shall be provided as latitude and longitude coordinates.

CHAPTER 378

An Act to amend and reenact § 64.2-778.1 of the Code of Virginia, relating to decanting statute; conditions for second trust.

[S 634]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 64.2-778.1 of the Code of Virginia is amended and reenacted as follows:

§ 64.2-778.1. Trustee's special power to appoint to a second trust.

A. As used in this section unless the context requires a different meaning:

"Current beneficiary" means a person who is a permissible distributee of trust income or principal.

"Interested distributee" means a current beneficiary who has the power to remove the existing trustee of the original trust and designate as successor trustee a person who may be a "related or subordinate party," as that term is defined in 26 U.S.C. § 672(c), with respect to such current beneficiary.

"Interested trustee" means (i) an individual trustee who is a current beneficiary of the original trust or to whom the net income or principal of the original trust would be distributed if the original trust were terminated, (ii) any trustee of the original trust who may be removed and replaced by an interested distributee, or (iii) an individual trustee whose legal obligation to support a beneficiary may be satisfied by distributions of income and principal of the original trust.

"Original trust" means a trust created by an irrevocable inter vivos or testamentary trust instrument pursuant to the terms of which a trustee has a discretionary power to distribute principal or income of the trust to or for the benefit of one or more current beneficiaries.

"Second trust" means a trust created by an irrevocable inter vivos or testamentary trust instrument, the current beneficiaries of which are one or more of the current beneficiaries of the original trust.

B. The trustee of an original trust may, without authorization by the court, exercise the discretionary power to distribute principal or income to or for the benefit of one or more current beneficiaries of the original trust by appointing all or part of the principal or income of the original trust subject to the power in favor of a trustee of a second trust. The trustee of the original trust may exercise this power whether or not there is a current need to distribute principal or income under any standard provided in the terms of the original trust. The trustee's power to appoint trust principal or income in further trust under this section includes the power to create the second trust.

C. The terms of the second trust shall be subject to the following conditions:

1. The beneficiaries of the second trust shall include only beneficiaries of the original trust;

2. If the power to distribute principal or income in the original trust is subject to an ascertainable standard, the power to distribute income or principal in the second trust shall be exercisable in favor of the same current beneficiaries as in the original trust and, unless the court approves otherwise, shall be subject to the same ascertainable standard as in the original trust;

3. A beneficiary who has only a future beneficial interest, vested or contingent, in the original trust shall not have the future beneficial interest accelerated to a present interest in the second trust;

4. The terms of the second trust shall not reduce any fixed income, annuity, or unitrust interest of a beneficiary in the original trust;

5. If any contribution to the original trust qualified for a marital or charitable deduction for federal income, gift, or estate tax purposes under the Internal Revenue Code, then the second trust shall not contain any provision that, if included in the original trust, would have prevented the original trust from qualifying for the deduction or that would have reduced the amount of the deduction;

6. If contributions to the original trust have been excluded from the gift tax by the application of 26 U.S.C. § 2503(b) ~~or~~ and (c), the second trust shall provide that the beneficiary's remainder interest in the contributions shall vest and become distributable no later than the date upon which the interest would have vested and become distributable under the terms of the original trust;

7. If any beneficiary of the original trust has a power of withdrawal over trust property, then either:

a. The terms of the second trust shall provide a power of withdrawal in the second trust identical to the power of withdrawal in the original trust; or

b. Sufficient trust property shall remain in the original trust to satisfy the outstanding power of withdrawal;

8. The terms of the second trust may confer a power of appointment upon a current beneficiary of the original trust. The permissible appointees of the power of appointment conferred upon a beneficiary may include persons who are not beneficiaries of the original trust or the second trust. The power of appointment conferred upon a beneficiary shall be subject to the provisions of §§ 55-12.1 through 55-13.3, covering the time at which the permissible period of the rule against perpetuities begins and the law that determines the permissible period of the rule against perpetuities of the original trust; and

9. Notwithstanding subdivisions 1 through 8, the power under this section may be exercised to appoint a second trust that is a special needs trust, subject to the other provisions of this section.

D. A trustee who is an interested trustee may not exercise the power to appoint under this section. The remaining cotrustee or a majority of the remaining cotrustees who are not interested trustees may exercise the power under this section. If all the trustees are interested trustees, or at the request of any of the trustees, the court may appoint a special fiduciary with authority to exercise the power under this section.

E. The exercise of the power under this section shall be:

1. Subject to the fiduciary duties of the trustee of the original trust;

2. Treated for all purposes as the exercise of a power of appointment in a fiduciary capacity that is not a power exercisable in favor of the trustee individually, the trustee's creditors, the trustee's estate, or the creditors of the trustee's estate;

3. Subject to the provisions of §§ 55-12.1 through 55-13.3, covering the time at which the permissible period of the rule against perpetuities begins and the law that determines the permissible period of the rule against perpetuities of the original trust; and

4. Permitted regardless of whether the original trust has a spendthrift provision or prohibits amendment or revocation of the original trust.

F. The exercise of the power under this section shall be made by a written instrument, signed and acknowledged by the trustee, setting forth the manner of the exercise of the power, the terms of the second trust, and the effective date of the exercise of the power. The instrument shall be filed with the records of the original trust.

G. At least 60 days prior to the effective date of the exercise of the power under this section, the trustee of the original trust shall give written notice of the trustee's intent to exercise the power, including a copy of the written instrument made pursuant to subsection F, to (i) the grantor of the original trust, if living; (ii) without regard to the exercise of any power of appointment, the qualified beneficiaries of the original trust as determined under §§ 64.2-701 and 64.2-708, other than the Attorney General, and (iii) all persons acting as advisor or protector of the original trust. The representation provisions of §§ 64.2-714, 64.2-716, 64.2-717, and 64.2-718 shall apply to the notice under this subsection. If all qualified beneficiaries of the original trust waive the notice required by this subsection in a signed written instrument delivered to the trustee of the original trust, the trustee may exercise the power under this section without providing the notice required by this subsection.

The receipt of notice under this subsection shall not abrogate any right or remedy of any beneficiary against the trustee under the laws of the Commonwealth other than this section.

H. Nothing in this section shall be construed to (i) create or imply a duty of the trustee to exercise the power granted in this section, and no inference of impropriety shall be made as a result of a trustee not exercising the power granted in this section, or (ii) limit the right of any trustee who has a power to appoint property in further trust under the terms of the original trust or by law.

I. A trustee or beneficiary may commence a proceeding to approve or disapprove a proposed exercise of the power under this section.

J. If accounts for the original trust are filed with the commissioner of accounts, the accounts for the second trust shall be filed with the commissioner of accounts unless the court orders otherwise.

K. Subject to the provisions of the governing instrument, this section shall be construed as pertaining to the administration of a trust and shall be available to any trust that is administered under the law of the Commonwealth, regardless of the date the trust was created, unless the governing instrument expressly prohibits the exercise of the power under this section. A provision in the governing instrument that "The provisions of § 64.2-778.1, Code of Virginia, as amended, or any corresponding provision of future law, shall not be used in the administration of this trust" or "My trustee shall not have the power to appoint the income or principal of this trust to another trust" or similar words reflecting such intent shall be sufficient to preclude the application of this section.

CHAPTER 379

An Act to require the Department of Social Services to convene a work group to develop a plan for implementation of national fingerprint-based background checks for child care providers.

[S 639]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department of Social Services shall convene a work group to review current state and federal laws and regulations governing criminal history background checks for all child care providers in the Commonwealth and to develop a plan for implementation of national fingerprint-based criminal history background checks for all child care providers in the Commonwealth, including recommendations for statutory and regulatory changes and budget actions necessary to implement the plan. Such work group shall include representatives of the Department of State Police, child day programs licensed by the Department of Social Services, unlicensed child day programs, and other stakeholders. The Department shall report its findings to the Governor and the General Assembly by November 1, 2014.*

CHAPTER 380

An Act to amend the Code of Virginia by adding a section numbered 22.1-79.5, relating to local school board policy; employee lactation support.

[H 720]

Approved March 28, 2014

Be it enacted by the General Assembly of Virginia:

1. **That the Code of Virginia is amended by adding a section numbered 22.1-79.5 as follows:**

§ 22.1-79.5. Employee lactation support policy.

Each local school board shall adopt a policy to set aside, in each school in the school division, a non-restroom location that is shielded from the public view to be designated as an area in which any mother who is employed by the local school board or enrolled as a student may take breaks of reasonable length during the school day to express milk to feed her child until the child reaches the age of one.

CHAPTER 381

An Act to amend and reenact § 15.2-4904 of the Code of Virginia, relating to appointment to economic development authorities.

[S 311]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. **That § 15.2-4904 of the Code of Virginia is amended and reenacted as follows:**

§ 15.2-4904. Directors; qualifications; terms; vacancies; compensation and expenses; quorum; records; certification and distribution of report concerning bond issuance.

A. The authority shall be governed by a board of directors in which all powers of the authority shall be vested and which board shall be composed of seven directors, appointed by the governing body of the locality. The seven directors shall be appointed initially for terms of one, two, three and four years; two being appointed for one-year terms; two being appointed for two-year terms; two being appointed for three-year terms and one being appointed for a four-year term. Subsequent appointments shall be for terms of four years, except appointments to fill vacancies which shall be for the unexpired terms. All terms of office shall be deemed to commence upon the date of the initial appointment to the authority, and thereafter, in accordance with the provisions of the immediately preceding sentence. If at the end of any term of office of any director a successor thereto has not been appointed, then the director whose term of office has expired shall continue to hold office until his successor is appointed and qualified.

Notwithstanding the provisions of this subsection, the board of supervisors of Wise County may appoint eight members to serve on the board of the authority, with terms staggered as agreed upon by the board of supervisors, the board of supervisors of Henrico County may appoint 10 members to serve on the board of the authority, two from each magisterial district, with terms staggered as agreed upon by the board of supervisors, the board of supervisors of Roanoke County may appoint 10 members to serve on the board of the authority, two from each magisterial district, with terms staggered as agreed upon by the board of supervisors, the town council of the Town of Saint Paul may appoint 10 members to serve on the board of the authority, with terms staggered as agreed upon by the town council, however, the town council may at its option return to a seven member board by removing the last three members appointed, the board of supervisors of Russell County may appoint nine members, two of whom shall come from a town that has used its borrowing capacity to borrow \$2 million or more for industrial development, with terms staggered as agreed upon by the board of supervisors and the town council of the Town of South Boston shall appoint two at-large members, Page County may appoint nine members, with one member from each incorporated town, one member from each magisterial district, and one at-large, with terms staggered as agreed upon by the board of supervisors, Halifax County shall appoint five at-large members to serve on the board of the authority jointly created by the Town of South Boston and Halifax County pursuant to § 15.2-4916, with terms staggered as agreed upon by the governing bodies of the Town of South Boston and Halifax County in the concurrent resolutions creating such authority, the town council of the Town of Coeburn may appoint five members to serve on the board of the authority, with terms staggered as agreed upon by the town council, the city council of Suffolk may appoint eight members to serve on the board of the authority, with one member from each of the boroughs, and one at-large member, with terms staggered as agreed upon by the city council, the City of Chesapeake may appoint nine members, with terms staggered as agreed upon by the city council, and the city council of the City of Norfolk may appoint 11 members, with terms staggered as agreed upon by the city council.

A member of the board of directors of the authority may be removed from office by the local governing body without limitation in the event that the board member is absent from any three consecutive meetings of the authority, or is absent from any four meetings of the authority within any 12-month period. In either such event, a successor shall be appointed by the governing body for the unexpired portion of the term of the member who has been removed.

B. Each director shall, upon appointment or reappointment, before entering upon his duties take and subscribe the oath prescribed by § 49-1.

C. No director shall be an officer or employee of the locality except (i) in towns under a town with a population of less than 3,500 people where members of the town governing body may serve as directors provided they do not comprise constitute a majority of the board and except, (ii) in Buchanan County where a constitutional officer who has previously served on the board of directors may serve as a director provided the governing body of such county approves, and (iii) in Frederick County where the board of supervisors may appoint one of its members to the Economic Development Authority of the County of Frederick, Virginia. Every director shall, at the time of his appointment and thereafter, reside in a locality within which the authority operates or in an adjoining locality. When a director ceases to be a resident of such locality, the director's office shall be vacant and a new director may be appointed for the remainder of the term.

D. The directors shall elect from their membership a chairman, a vice-chairman, and from their membership or not, as they desire, a secretary and a treasurer, or a secretary-treasurer, who shall continue to hold such office until their respective successors are elected. The directors shall receive no salary but may be compensated such amount per regular, special, or committee meeting or per each official representation as may be approved by the appointing authority, not to exceed \$200 per meeting or official representation, and shall be reimbursed for necessary traveling and other expenses incurred in the performance of their duties.

E. Four members of the board of directors shall constitute a quorum of the board for the purposes of conducting its business and exercising its powers and for all other purposes, except that no facilities owned by the authority shall be leased or disposed of in any manner without a majority vote of the members of the board of directors. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform all the duties of the board.

F. The board shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of its financial transactions and, unless exempted by § 30-140, it shall arrange to have the records audited annually. Copies of each such audit shall be furnished to the governing body of the locality and shall be open to public inspection.

Two copies of the report concerning issuance of bonds required to be filed with the United States Internal Revenue Service shall be certified as true and correct copies by the secretary or assistant secretary of the authority. One copy shall be furnished to the governing body of the locality and the other copy mailed to the Department of Small Business and Supplier Diversity.

CHAPTER 382

An Act to amend and reenact § 15.2-4904 of the Code of Virginia, relating to appointment to economic development authorities.

[H 230]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 15.2-4904 of the Code of Virginia is amended and reenacted as follows:****§ 15.2-4904. Directors; qualifications; terms; vacancies; compensation and expenses; quorum; records; certification and distribution of report concerning bond issuance.**

A. The authority shall be governed by a board of directors in which all powers of the authority shall be vested and which board shall be composed of seven directors, appointed by the governing body of the locality. The seven directors shall be appointed initially for terms of one, two, three and four years; two being appointed for one-year terms; two being appointed for two-year terms; two being appointed for three-year terms and one being appointed for a four-year term. Subsequent appointments shall be for terms of four years, except appointments to fill vacancies which shall be for the unexpired terms. All terms of office shall be deemed to commence upon the date of the initial appointment to the authority, and thereafter, in accordance with the provisions of the immediately preceding sentence. If at the end of any term of office of any director a successor thereto has not been appointed, then the director whose term of office has expired shall continue to hold office until his successor is appointed and qualified.

Notwithstanding the provisions of this subsection, the board of supervisors of Wise County may appoint eight members to serve on the board of the authority, with terms staggered as agreed upon by the board of supervisors, the board of supervisors of Henrico County may appoint 10 members to serve on the board of the authority, two from each magisterial district, with terms staggered as agreed upon by the board of supervisors, the board of supervisors of Roanoke County may appoint 10 members to serve on the board of the authority, two from each magisterial district, with terms staggered as agreed upon by the board of supervisors, the town council of the Town of Saint Paul may appoint 10 members to serve on the board of the authority, with terms staggered as agreed upon by the town council, however, the town council may at its option return to a seven member board by removing the last three members appointed, the board of supervisors of Russell County may appoint nine members, two of whom shall come from a town that has used its borrowing capacity to borrow \$2 million or more for industrial development, with terms staggered as agreed upon by the board of supervisors and the town council of the Town of South Boston shall appoint two at-large members, Page County may appoint nine members, with one member from each incorporated town, one member from each magisterial district, and one at-large, with terms staggered as agreed upon by the board of supervisors, Halifax County shall appoint five at-large members to serve on the board of the authority jointly created by the Town of South Boston and Halifax County pursuant to § 15.2-4916, with terms staggered as agreed upon by the governing bodies of the Town of South Boston and Halifax County in the concurrent resolutions creating such authority, the town council of the Town of Coeburn may appoint five members to serve on the board of the authority, with terms staggered as agreed upon by the town council, the city council of Suffolk may appoint eight members to serve on the board of the authority, with one member from each of the boroughs, and one at-large member, with terms staggered as agreed upon by the city council, the City of Chesapeake may appoint nine members, with terms staggered as agreed upon by the city council, and the city council of the City of Norfolk may appoint 11 members, with terms staggered as agreed upon by the city council.

A member of the board of directors of the authority may be removed from office by the local governing body without limitation in the event that the board member is absent from any three consecutive meetings of the authority, or is absent from any four meetings of the authority within any 12-month period. In either such event, a successor shall be appointed by the governing body for the unexpired portion of the term of the member who has been removed.

B. Each director shall, upon appointment or reappointment, before entering upon his duties take and subscribe the oath prescribed by § 49-1.

C. No director shall be an officer or employee of the locality except ~~(i) in towns under a town with a population of less than 3,500 people~~ where members of the town governing body may serve as directors provided they do not ~~comprise~~ constitute a majority of the board ~~and except~~, ~~(ii) in Buchanan County where a constitutional officer who has previously served on the board of directors may serve as a director provided the governing body of such county approves, and (iii) in Frederick County where the board of supervisors may appoint one of its members to the Economic Development Authority of the County of Frederick, Virginia.~~ Every director shall, at the time of his appointment and thereafter, reside in a locality within which the authority operates or in an adjoining locality. When a director ceases to be a resident of such locality, the director's office shall be vacant and a new director may be appointed for the remainder of the term.

D. The directors shall elect from their membership a chairman, a vice-chairman, and from their membership or not, as they desire, a secretary and a treasurer, or a secretary-treasurer, who shall continue to hold such office until their respective successors are elected. The directors shall receive no salary but may be compensated such amount per regular, special, or committee meeting or per each official representation as may be approved by the appointing authority, not to exceed \$200 per meeting or official representation, and shall be reimbursed for necessary traveling and other expenses incurred in the performance of their duties.

E. Four members of the board of directors shall constitute a quorum of the board for the purposes of conducting its business and exercising its powers and for all other purposes, except that no facilities owned by the authority shall be leased or disposed of in any manner without a majority vote of the members of the board of directors. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform all the duties of the board.

F. The board shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of its financial transactions and, unless exempted by § 30-140, it shall arrange to have the records audited annually. Copies of each such audit shall be furnished to the governing body of the locality and shall be open to public inspection.

Two copies of the report concerning issuance of bonds required to be filed with the United States Internal Revenue Service shall be certified as true and correct copies by the secretary or assistant secretary of the authority. One copy shall be furnished to the governing body of the locality and the other copy mailed to the Department of Small Business and Supplier Diversity.

CHAPTER 383

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

[H 170]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-901 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-901. Locality may provide for removal or disposal of trash, cutting of grass and weeds; penalty in certain counties; penalty.

A. Any locality may, by ordinance, provide that:

1. The owners of property therein shall, at such time or times as the governing body may prescribe, remove therefrom any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of such locality; or may, whenever the governing body deems it necessary, after reasonable notice, have such trash, garbage, refuse, litter and other like substances which might endanger the health of other residents of the locality, removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected;

2. Trash, garbage, refuse, litter and other debris shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law;

3. The owners of vacant developed or undeveloped property therein, including such property upon which buildings or other improvements are located, shall cut the grass, weeds and other foreign growth on such property or any part thereof at such time or times as the governing body shall prescribe; or may, whenever the governing body deems it necessary, after reasonable notice as determined by the locality, have such grass, weeds or other foreign growth cut by its agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the locality as taxes are collected. For purposes of this provision, one written notice per growing season to the owner of record of the subject property shall be considered reasonable notice. In the Counties of Dinwiddie, Goochland, James City, and Prince George, the Cities of Colonial Heights, Hampton, Hopewell, Newport News, Williamsburg, and Winchester, and the Towns of Ashland, Cedar Bluff, Chincoteague, and Orange, and in a locality within Planning District 8, an ordinance adopted pursuant to this subdivision may also apply to owners of occupied property therein. No such ordinance adopted by any county shall have any force and effect within the corporate limits of any town. No such ordinance adopted by any county having a density of population of less than 500 per square mile shall have any force or effect except within the boundaries of platted subdivisions or any other areas zoned for residential, business, commercial or industrial use.

B. Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1. A locality may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

C. The governing body of any locality may by ordinance provide that violations of this section shall be subject to a civil penalty, not to exceed \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period.

D. Except as provided in this subsection, adoption of an ordinance pursuant to subsection C shall be in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor. The governing body of any locality may, however, by ordinance provide that such violations shall be a Class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

CHAPTER 384

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

[H 128]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-901 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-901. Locality may provide for removal or disposal of trash, cutting of grass and weeds; penalty in certain counties; penalty.

A. Any locality may, by ordinance, provide that:

1. The owners of property therein shall, at such time or times as the governing body may prescribe, remove therefrom any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of such locality; or may, whenever the governing body deems it necessary, after reasonable notice, have such trash, garbage, refuse, litter and other like substances which might endanger the health of other residents of the locality, removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected;

2. Trash, garbage, refuse, litter and other debris shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law;

3. The owners of vacant developed or undeveloped property therein, including such property upon which buildings or other improvements are located, shall cut the grass, weeds and other foreign growth on such property or any part thereof at such time or times as the governing body shall prescribe; or may, whenever the governing body deems it necessary, after reasonable notice as determined by the locality, have such grass, weeds or other foreign growth cut by its agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the locality as taxes are collected. For purposes of this provision, one written notice per growing season to the owner of record of the subject property shall be considered reasonable notice. In the Counties of Dinwiddie, James City, and Prince George, the Cities of Colonial Heights, Hampton, Hopewell, Newport News, Williamsburg, and Winchester, and the Towns of Ashland, Cedar Bluff, Chincoteague, *Front Royal*, *Gordonsville*, and Orange, and in a locality within Planning District 8, an ordinance adopted pursuant to this subdivision may also apply to owners of occupied property therein. No such ordinance adopted by any county shall have any force and effect within the corporate limits of any town. No such ordinance adopted by any county having a density of population of less than 500 per square mile shall have any force or effect except within the boundaries of platted subdivisions or any other areas zoned for residential, business, commercial or industrial use.

B. Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1. A locality may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

C. The governing body of any locality may by ordinance provide that violations of this section shall be subject to a civil penalty, not to exceed \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period.

D. Except as provided in this subsection, adoption of an ordinance pursuant to subsection C shall be in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor. The governing body of any locality may, however, by ordinance provide that such violations shall be a Class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

CHAPTER 385

An Act to amend and reenact §§ 15.2-901 and 15.2-1215 of the Code of Virginia, relating to cutting of grass.

[H 177]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:**1. That §§ 15.2-901 and 15.2-1215 of the Code of Virginia are amended and reenacted as follows:****§ 15.2-901. Locality may provide for removal or disposal of trash, cutting of grass and weeds; penalty in certain counties; penalty.**

A. Any locality may, by ordinance, provide that:

1. The owners of property therein shall, at such time or times as the governing body may prescribe, remove therefrom any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of such locality; or may, whenever the governing body deems it necessary, after reasonable notice, have such trash, garbage, refuse, litter and other like substances which might endanger the health of other residents of the locality, removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected;

2. Trash, garbage, refuse, litter and other debris shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law;

3. The owners of *occupied or vacant developed or undeveloped property* therein, including such property upon which buildings or other improvements are located, shall cut the grass, weeds and other foreign growth on such property or any part thereof at such time or times as the governing body shall prescribe; or may, whenever the governing body deems it necessary, after reasonable notice as determined by the locality, have such grass, weeds or other foreign growth cut by its agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the locality as taxes are collected. For purposes of this provision, one written notice per growing season to the owner of record of the subject property shall be considered reasonable notice. ~~In the Counties of Dinwiddie, James City, and Prince George, the Cities of Colonial Heights, Hampton, Hopewell, Newport News, Williamsburg, and Winchester, and the Towns of Ashland, Cedar Bluff, Chincoteague, and Orange, and in a locality within Planning District 8, an ordinance adopted pursuant to this subdivision may also apply to owners of occupied property therein.~~ No such ordinance adopted by any county shall have any force and effect within the corporate limits of any town. No such ordinance adopted by any county having a density of population of less than 500 per square mile shall have any force or effect except within the boundaries of platted subdivisions or any other areas zoned for residential, business, commercial or industrial use. *No such ordinance shall be applicable to land zoned for or in active farming operation.*

B. Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1. A locality may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

C. The governing body of any locality may by ordinance provide that violations of this section shall be subject to a civil penalty, not to exceed \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period.

D. Except as provided in this subsection, adoption of an ordinance pursuant to subsection C shall be in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor. The governing body of any locality may, however, by ordinance provide that such violations shall be a Class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

§ 15.2-1215. Authority to cut growth of grass or lawn area in counties.

A. ~~The Counties of Arlington, Augusta, Campbell, Chesterfield, Fairfax, Frederick, Hanover, Henrico, Henry, Isle of Wight, James City, Prince William, Roanoke, Rockingham, Spotsylvania, Stafford, Washington, Wise, and York~~ Any county may by ordinance require that the owner of occupied residential real property therein cut the grass or lawn area of less than one-half acre on such property or any part thereof at such time or times as the governing body shall prescribe when growth on such grass or lawn area exceeds 12 inches in height; or may whenever the governing body deems it necessary, after reasonable notice, have such grass or lawn area cut by its agents or employees, in which event, the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the county as taxes and levies are

collected. No such ordinance adopted by the county shall have any force and effect within the corporate limits of any town. Violation of such ordinance may be punishable by a civil penalty not to exceed \$100.

B. No such ordinance shall be applicable to land zoned for or in active farming operation.

CHAPTER 386

An Act to amend and reenact § 55-522 of the Code of Virginia, relating to the Virginia Residential Property Disclosure Act; change in circumstances.

[H 799]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 55-522 of the Code of Virginia is amended and reenacted as follows:

§ 55-522. Change in circumstances.

If information disclosed in accordance with this chapter is subsequently rendered or discovered to be inaccurate as a result of any act, occurrence, information received, circumstance or agreement subsequent to the delivery of the required disclosures, the inaccuracy resulting therefrom does not constitute a violation of this chapter. However, at or before settlement, the owner shall be required to disclose any material change in the disclosures made relative to the property ~~or certify to the purchaser at settlement that the disclosures made relative to the property are substantially the same as it was when the disclosure form was provided.~~ If, at the time the disclosures are required to be made, an item of information required to be disclosed is unknown or not available to the owner, the owner may state that the information is unknown or may use an approximation of the information, provided the approximation is clearly identified as such, is reasonable, is based on the actual knowledge of the owner, and is not used for the purpose of circumventing or evading this chapter.

CHAPTER 387

An Act to amend and reenact § 15.2-2119.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-2119.3, relating to local utilities; City of Richmond.

[H 473]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2119.2 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-2119.3 as follows:

§ 15.2-2119.2. Discounted fees and charges for certain low-income, elderly, or disabled customers.

Any locality that is the owner of a water and sewer system and that has a population density of 200 persons per square mile or less *and the City of Richmond may* by ordinance ~~may~~ develop criteria for providing discounted water and sewer fees and charges for low-income ~~and, elderly, or disabled customers.~~

§ 15.2-2119.3. Sustainable infrastructure financial assistance.

The City of Richmond may by ordinance develop criteria for financial assistance to customers for plumbing repairs and the replacement of water-inefficient appliances.

CHAPTER 388

An Act to amend and reenact § 19.2-70.3 of the Code of Virginia, relating to warrant requirement for certain telecommunications records; real-time location data.

[H 17]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-70.3 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-70.3. Obtaining records concerning electronic communication service or remote computing service.

A. A provider of electronic communication service or remote computing service, which, for purposes of subdivisions ~~A 2~~ through ~~A 4~~, includes a foreign corporation that provides such services, shall disclose a record or other information pertaining to a subscriber to or customer of such service, excluding the contents of electronic communications *and real-time location data*, to an investigative or law-enforcement officer only pursuant to:

1. A subpoena issued by a grand jury of a court of ~~this the~~ Commonwealth;
2. A search warrant issued by a magistrate, general district court, or ~~a~~ circuit court;
3. A court order for such disclosure issued as provided in ~~this section~~ subsection B; or
4. The consent of the subscriber or customer to such disclosure.

B. A court shall issue an order for disclosure under this section only if the investigative or law-enforcement officer shows that there is reason to believe the records or other information sought are relevant and material to an ongoing criminal investigation, or the investigation of any missing child as defined in § 52-32, missing senior adult as defined in § 52-34.4, or an incapacitated person as defined in § 64.2-2000 who meets the definition of a missing senior adult except for the age requirement. Upon issuance of an order for disclosure under this section, the order and any written application or statement of facts may be sealed by the court for 90 days for good cause shown upon application of the attorney for the Commonwealth in an ex parte proceeding. The order and any written application or statement of facts may be sealed for additional 90-day periods for good cause shown upon subsequent application of the attorney for the Commonwealth in an ex parte proceeding. A court issuing an order pursuant to this section, on a motion made promptly by the service provider, may quash or modify the order, if the information or records requested are unusually voluminous in nature or compliance with such order would otherwise cause an undue burden on such provider.

C. ~~A~~ *Except as provided in subsection D*, a provider of electronic communication service or remote computing service, including a foreign corporation that provides such services, shall disclose the contents of electronic communications or *real-time location data* to an investigative or law-enforcement officer only pursuant to a search warrant issued by a magistrate, a juvenile and domestic relations district court, a general district court, or a circuit court, based upon complaint on oath supported by an affidavit as required in § 19.2-54, or judicial officer or court of any of the several states of the United States or its territories, or the District of Columbia when the warrant issued by such officer or such court complies with the provisions of subsection ~~E~~ G. In the case of a search warrant directed to a foreign corporation, the affidavit shall state that the complainant believes that the records requested are actually or constructively possessed by a foreign corporation that provides electronic communication service or remote computing service within the Commonwealth of Virginia. If satisfied that probable cause has been established for such belief and as required by Chapter 5 (§ 19.2-52 et seq.), the magistrate, the juvenile and domestic relations district court, the general district court, or the circuit court shall issue a warrant identifying those records to be searched for and commanding the person seeking such warrant to properly serve the warrant upon the foreign corporation.

D. *A provider of electronic communication service or remote computing service, including a foreign corporation that provides such services, shall disclose a record or other information pertaining to a subscriber to or customer of such service, including real-time location data but excluding the contents of electronic communications, to an investigative or law-enforcement officer pursuant to an administrative subpoena issued pursuant to § 19.2-10.2 concerning a violation of § 18.2-374.1 or 18.2-374.1:1, former § 18.2-374.1:2, or § 18.2-374.3 when the information sought is relevant and material to an ongoing criminal investigation.*

E. *When disclosure of real-time location data is not prohibited by federal law, an investigative or law-enforcement officer may obtain real-time location data without a warrant in the following circumstances:*

1. *To respond to the user's call for emergency services;*
2. *With the informed, affirmative consent of the owner or user of the electronic device concerned if (i) the device is in his possession; (ii) the owner or user knows or believes that the device is in the possession of an employee or agent of the owner or user with the owner's or user's consent; or (iii) the owner or user knows or believes that the device has been taken by a third party without the consent of the owner or user;*
3. *With the informed, affirmative consent of the legal guardian or next of kin of the owner or user, if reasonably available, if the owner or user is reasonably believed to be deceased, is reported missing, or is unable to be contacted; or*
4. *If the investigative or law-enforcement officer reasonably believes that an emergency involving the immediate danger to a person requires the disclosure, without delay, of real-time location data concerning a specific person and that a warrant cannot be obtained in time to prevent the identified danger, and the possessor of the real-time location data believes, in good faith, that an emergency involving danger to a person requires disclosure without delay.*

No later than three business days after seeking disclosure of real-time location data pursuant to this subsection, the investigative or law-enforcement officer seeking the information shall file with the appropriate court a written statement setting forth the facts giving rise to the emergency and the facts as to why the person whose real-time location data was sought is believed to be important in addressing the emergency.

F. In order to comply with the requirements of § 19.2-54, any search of the records of a foreign corporation shall be deemed to have been made in the same place wherein the search warrant was issued.

~~E~~ G. A Virginia corporation or other entity that provides electronic communication services or remote computing services to the general public, when properly served with a search warrant and affidavit in support of the warrant, issued by a judicial officer or court of any of the several states of the United States or its territories, or the District of Columbia with jurisdiction over the matter, to produce a record or other information pertaining to a subscriber to or customer of such service, *including real-time location data*, or the contents of electronic communications, or both, shall produce the record or other information, *including real-time location data*, or the contents of electronic communications as if that warrant had been issued by a Virginia court. The provisions of this subsection shall only apply to a record or other information, *including real-time location data*, or contents of electronic communications relating to the commission of a criminal offense that is substantially similar to (i) a violent felony as defined in § 17.1-805, (ii) an act of violence as defined in § 19.2-297.1, (iii) any offense for which registration is required pursuant to § 9.1-902, (iv) computer fraud pursuant to § 18.2-152.3, or (v) identity theft pursuant to § 18.2-186.3. The search warrant shall be enforced and executed in the Commonwealth as if it were a search warrant described in subsection C.

~~F.~~ *H.* The provider of electronic communication service or remote computing service may verify the authenticity of the written reports or records that it discloses pursuant to this section, excluding the contents of electronic communications, by providing an affidavit from the custodian of those written reports or records or from a person to whom said custodian reports certifying that they are true and complete and that they are prepared in the regular course of business. When so authenticated, the written reports and records are admissible in evidence as a business records exception to the hearsay rule.

~~G.~~ *I.* No cause of action shall lie in any court against a provider of a wire or electronic communication service; ~~its~~ *or remote computing service or such provider's* officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of a court order, warrant, *administrative subpoena*, or subpoena under this section *or the provisions of subsection E.*

~~H.~~ *J.* A search warrant or administrative subpoena for the disclosure of real-time location data pursuant to this section shall require the provider to provide ongoing disclosure of such data for a reasonable period of time, not to exceed 30 days. A court may, for good cause shown, grant one or more extensions, not to exceed 30 days each.

K. For the purposes of this section:

"Electronic device" means a device that enables access to, or use of, an electronic communication service, remote computing service, or location information service, including a global positioning service or other mapping, locational, or directional information service.

"Foreign corporation" means any corporation or other entity, whose primary place of business is located outside of the boundaries of the Commonwealth, that makes a contract or engages in a terms of service agreement with a resident of the Commonwealth to be performed in whole or in part by either party in the Commonwealth, or a corporation that has been issued a certificate of authority pursuant to § 13.1-759 to transact business in the Commonwealth. The making of the contract or terms of service agreement or the issuance of a certificate of authority shall be considered to be the agreement of the foreign corporation or entity that a search warrant or subpoena, which has been properly served on it, has the same legal force and effect as if served personally within the Commonwealth.

"Properly served" means delivery of a search warrant or subpoena by hand, by United States mail, by commercial delivery service, by facsimile or by any other manner to any officer of a corporation or its general manager in the Commonwealth, to any natural person designated by it as agent for the service of process, or if such corporation has designated a corporate agent, to any person named in the latest annual report filed pursuant to § 13.1-775.

"Real-time location data" means any data or information concerning the current location of an electronic device that, in whole or in part, is generated, derived from, or obtained by the operation of the device.

CHAPTER 389

An Act to amend and reenact §§ 19.2-192, 19.2-215.1, 19.2-215.5, 19.2-215.6, and 19.2-215.9 of the Code of Virginia, relating to multi-jurisdiction grand juries.

[H 56]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-192, 19.2-215.1, 19.2-215.5, 19.2-215.6, and 19.2-215.9 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-192. Secrecy in grand jury proceedings.

Except as otherwise provided in this chapter, every attorney for the Commonwealth, special counsel, sworn investigator, and member of a regular ~~or~~ special, or multi-jurisdiction grand jury shall keep secret all proceedings which occurred during sessions of the grand jury; provided, however, in a prosecution for perjury of a witness examined before a regular grand jury, a regular grand juror may be required by the court to testify as to the testimony given by such witness before the regular grand jury.

§ 19.2-215.1. Functions of a multijurisdiction grand jury.

The functions of a multijurisdiction grand jury are:

1. To investigate any condition that involves or tends to promote criminal violations of:
 - a. Title 10.1 for which punishment as a felony is authorized;
 - b. § 13.1-520;
 - c. §§ 18.2-47 and 18.2-48;
 - d. §§ 18.2-111 and 18.2-112;
 - e. Article 6 (§ 18.2-59 et seq.) of Chapter 4 of Title 18.2;
 - f. Article 7.1 (§ 18.2-152.1 et seq.) of Chapter 5 of Title 18.2;
 - g. Article 1 (§ 18.2-247 et seq.) and Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2;
 - h. Article 1 (§ 18.2-325 et seq.) and Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, Chapter 29 (§ 59.1-364 et seq.) of Title 59.1 or any other provision prohibiting, limiting, regulating, or otherwise affecting gaming or gambling activity;
 - i. § 18.2-434, when violations occur before a multijurisdiction grand jury;
 - j. Article 2 (§ 18.2-438 et seq.) and Article 3 (§ 18.2-446 et seq.) of Chapter 10 of Title 18.2;

k. § 18.2-460 for which punishment as a felony is authorized;
 l. Article 1.1 (§ 18.2-498.1 et seq.) of Chapter 12 of Title 18.2;
 m. Article 1 (§ 32.1-310 et seq.) of Chapter 9 of Title 32.1;
 n. Chapter 4.2 (§ 59.1-68.6 et seq.) of Title 59.1;
 o. Article 9 (§ 3.2-6570 et seq.) of Chapter 65 of Title 3.2;
 p. Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
 q. Article 2.1 (§ 18.2-46.1 et seq.) and Article 2.2 (§ 18.2-46.4 et seq.) of Chapter 4 of Title 18.2;
 r. Article 5 (§ 18.2-186 et seq.) and Article 6 (§ 18.2-191 et seq.) of Chapter 6 of Title 18.2;
 s. Chapter 6.1 (§ 59.1-92.1 et seq.) of Title 59.1;
 t. § 18.2-178 where the violation involves insurance fraud;
 u. § 18.2-356;
 v. Article 9 (§ 18.2-246.1 et seq.) of Chapter 6 of Title 18.2;
 w. Article 2 (§ 18.2-38 et seq.) of Chapter 4 of Title 18.2;
 x. Malicious felonious assault and malicious bodily wounding under Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;
 y. Article 5 (§ 18.2-58 et seq.) of Chapter 4 of Title 18.2;
 z. Felonious sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
 aa. Arson in violation of § 18.2-77 when the structure burned was occupied or a Class 3 felony violation of § 18.2-79;
 bb. Chapter 13 (§ 18.2-512 et seq.) of Title 18.2; and
 cc. Any other provision of law when such condition is discovered in the course of an investigation that a multijurisdiction grand jury is otherwise authorized to undertake and to investigate any condition that involves or tends to promote any attempt, solicitation or conspiracy to violate the laws enumerated in this section.

2. To report evidence of any criminal offense enumerated in subdivision 1 and for which a court reporter has recorded all oral testimony as provided by § 19.2-215.9 to the attorney for the Commonwealth or United States attorney of any jurisdiction where such offense could be prosecuted or investigated ~~and~~, or to the chief law-enforcement officer of any jurisdiction where such offense could be prosecuted or investigated, or to a sworn investigator designated pursuant to § 19.2-215.6, or, when appropriate, to the Attorney General.

3. To consider bills of indictment prepared by a special counsel to determine whether there is sufficient probable cause to return each such indictment as a "true bill." Only bills of indictment which allege an offense enumerated in subdivision 1 may be submitted to a multijurisdiction grand jury.

4. The provisions of this section shall not abrogate the authority of an attorney for the Commonwealth in a particular jurisdiction to determine the course of a prosecution in that jurisdiction.

§ 19.2-215.5. Subpoena power; counsel for witness; oath.

A multi-jurisdiction grand jury has statewide subpoena power and, *through special counsel*, may subpoena persons to appear before it to testify ~~or to produce~~ and may subpoena the production of evidence, with or without the custodian of records at the election of special counsel, in the form of specified records, papers, documents, or other tangible things. *Such subpoenas shall be returnable for a specific meeting of the multi-jurisdiction grand jury.* Mileage and such other reasonable expenses as are approved by the presiding judge shall be paid such persons from funds appropriated for such purpose.

A witness before a multi-jurisdiction grand jury shall be entitled to the presence of counsel in the grand jury room, but he may not participate in the proceedings.

The foreman shall administer the oath required by law for witnesses.

§ 19.2-215.6. Role and presence of special counsel; examination of witnesses; sworn investigators.

Special counsel may be present during the investigatory stage of a multi-jurisdiction grand jury proceeding and may examine any witness who is called to testify or produce evidence. The examination of a witness by special counsel shall in no way affect the right of any grand juror to examine the witness.

At the request of special counsel, the presiding judge shall designate specialized personnel for investigative purposes. Such personnel shall be designated as a sworn investigator and shall be administered an oath to maintain the secrecy of all proceedings of the multi-jurisdiction grand jury. A sworn investigator is permitted to discuss multi-jurisdiction grand jury proceedings with any other sworn investigator or special counsel and may participate in multi-jurisdiction grand jury proceedings at the request of special counsel or the grand jury. Any specialized personnel who have been administered an oath to maintain the secrecy of all proceedings of the multi-jurisdiction grand jury before July 1, 2014, and who continue to serve in that position are deemed to be sworn investigators under this section.

Special counsel and sworn investigators, however, may not be present at any time during the deliberations of a multi-jurisdiction grand jury except when the grand jury requests the legal advice of special counsel as to specific questions of law.

§ 19.2-215.9. Court reporter provided; safekeeping of transcripts, notes, etc.; when disclosure permitted; access to record of testimony and evidence.

A. A court reporter shall be provided for a multi-jurisdiction grand jury to record, manually or electronically, and transcribe all oral testimony taken before a multi-jurisdiction grand jury, but such a reporter shall not be present during any stage of its deliberations. Such transcription shall include the original or copies of all documents, reports, or other evidence presented to the multi-jurisdiction grand jury. The notes, tapes, and transcriptions of the reporter are for the use of the

multi-jurisdiction grand jury, and the contents thereof shall not be used or divulged by anyone except as provided in this article. After the multi-jurisdiction grand jury has completed its use of the notes, tapes, and transcriptions, the foreman shall cause them to be delivered to the ~~presiding judge~~ *clerk of the circuit court in whose jurisdiction the multi-jurisdiction grand jury sits, with copies provided to special counsel. Upon motion of special counsel, the presiding judge may order that such notes, tapes, and transcriptions be destroyed at the direction of special counsel by any means the presiding judge deems sufficient, provided that at least seven years have passed from the date of the multi-jurisdiction grand jury proceeding where such notes, tapes, and transcriptions were made.*

B. The ~~presiding judge~~ *clerk shall cause the notes, tapes, and transcriptions or other evidence to be kept safely. Upon motion to the presiding judge, special counsel shall be permitted to review any of the evidence which was presented to the multi-jurisdiction grand jury, and shall be permitted to make notes and to duplicate portions of the evidence as he deems necessary for use in a criminal investigation or proceeding. Special counsel shall maintain the secrecy of all information obtained from a review or duplication of the evidence presented to the multi-jurisdiction grand jury, except that this information may be disclosed pursuant to the provisions of subdivision 2 of § 19.2-215.1. Upon motion to the presiding judge by a person indicted by a multi-jurisdiction grand jury, similar permission to review, note, or duplicate evidence shall be extended if it appears that the permission is consistent with the ends of justice and is necessary to reasonably inform such person of the nature of the evidence to be presented against him, or to adequately prepare his defense.*

C. If any witness who ~~voluntarily~~ testified or produced evidence before the multi-jurisdiction grand jury is prosecuted on the basis of his testimony or the evidence he produced, or if any witness ~~who was compelled to testify or to produce evidence~~ is prosecuted for perjury on the basis of his testimony or the evidence he produced before the multi-jurisdiction grand jury, the presiding judge, on motion of either ~~the Commonwealth special counsel~~ or the defendant, shall permit ~~both the Commonwealth and the defendant~~ access to the testimony of or evidence produced by the defendant before the multi-jurisdiction grand jury. The testimony and the evidence produced by the defendant ~~voluntarily~~ before the multi-jurisdiction grand jury shall then be admissible in the trial of the criminal offense with which the defendant is charged; *(i) to establish a charge of perjury in the Commonwealth's case-in-chief on the basis of his testimony before the multi-jurisdiction grand jury and (ii) for the purpose of impeaching the defendant in the trial of any other criminal matter, provided the testimony or evidence being used for impeachment was produced by the defendant voluntarily before the multi-jurisdiction grand jury.*

CHAPTER 390

An Act to repeal the second enactment of Chapter 801 of the Acts of Assembly of 2012, relating to inpatient psychiatric hospital admission from local correctional facility; criteria.

[H 86]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That the second enactment of Chapter 801 of the Acts of Assembly of 2012 is repealed.

CHAPTER 391

An Act to amend and reenact § 8.01-401.2 of the Code of Virginia, relating to expert witness testimony; chiropractor; physician assistant.

[H 191]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-401.2 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-401.2. Chiropractor or physician assistant as expert witness.

A. A doctor of chiropractic, when properly qualified, may testify as an expert witness in a court of law as to etiology, diagnosis, prognosis, *treatment, treatment plan*, and disability, including anatomical, physiological, and pathological considerations within the scope of the practice of chiropractic as defined in § 54.1-2900.

B. *A physician assistant, when properly qualified, may testify as an expert witness in a court of law as to etiology, diagnosis, prognosis, treatment, treatment plan, and disability, including anatomical, physiological, and pathological considerations within the scope of his activities as authorized pursuant to § 54.1-2952. However, no physician assistant shall be permitted to testify as an expert witness for or against (i) a defendant doctor of medicine or osteopathic medicine in a medical malpractice action regarding the standard of care of a doctor of medicine or osteopathic medicine or (ii) a defendant health care provider in a medical malpractice action regarding causation.*

CHAPTER 392

An Act to amend and reenact § 2.2-2721 of the Code of Virginia, relating to the Center for Rural Virginia Board of Trustees; membership.

[H 201]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2721 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2721. Center for Rural Virginia Board of Trustees established; membership; terms; vacancies; chairman, vice-chairman, secretary, and other officers as necessary; quorum; meetings.

A. The Center shall be governed by a board of trustees consisting of ~~20~~ 21 members that include six legislative members, 12 nonlegislative citizen members, and ~~two~~ *three* ex officio members to be appointed as follows: four members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two members of the Senate, to be appointed by the Senate Committee on Rules; six nonlegislative citizen members to be appointed by the Speaker of the House of Delegates; four nonlegislative citizen members to be appointed by the Senate Committee on Rules; and two nonlegislative citizen members to be appointed by the Governor, subject to confirmation by the General Assembly. The Lieutenant Governor, or his designee, ~~and~~ the Secretary of Commerce and Trade, or his designee, *and the Secretary of Agriculture and Forestry, or his designee*, shall serve ex officio with voting privileges. Nonlegislative citizen members of the Board shall be citizens of the Commonwealth of Virginia.

B. Legislative members and ex officio members shall serve terms coincident with their terms of office. Initial appointments of nonlegislative citizen members shall be staggered as follows: four members for a term of three years appointed by the Speaker of the House of Delegates; two members for a term of two years appointed by the Senate Committee on Rules; and one member for a term of two years appointed by the Governor. Thereafter, nonlegislative citizen members appointed by the Speaker of the House of Delegates or the Senate Committee on Rules shall be appointed for a term of two years, and nonlegislative citizen members appointed by the Governor shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no nonlegislative citizen member appointed by the Speaker of the House of Delegates or the Senate Committee on Rules shall serve more than four consecutive two-year terms, and no nonlegislative citizen member appointed by the Governor shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

C. The Board of Trustees shall elect a chairman, vice-chairman, secretary, and such other officers as may be necessary from among its membership. A majority of the members shall constitute a quorum. The meetings of the Board shall be held at the call of the chairman or whenever the majority of the members so request.

CHAPTER 393

An Act to amend and reenact § 15.2-2260 of the Code of Virginia, relating to subdivision plats.

[H 209]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2260 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2260. Localities may provide for submission of preliminary subdivision plats; how long valid.

A. Nothing in this article shall be deemed to prohibit the local governing body from providing in its ordinance for the *mandatory* submission of preliminary subdivision plats for tentative approval *for plats involving more than 50 lots, provided that any such ordinance provides for the submission of a preliminary subdivision plat for tentative approval at the option of the landowner for plats involving 50 or fewer lots.* The local planning commission, or an agent designated by the commission or by the governing body to review preliminary subdivision plats shall complete action on the preliminary subdivision plats within 60 days of submission. However, if approval of a feature or features of the preliminary subdivision plat by a state agency or public authority authorized by state law is necessary, the commission or agent shall forward the preliminary subdivision plat to the appropriate state agency or agencies for review within 10 business days of receipt of such preliminary subdivision plat.

B. Any state agency or public authority authorized by state law making a review of a preliminary subdivision plat forwarded to it under this section, including, without limitation, the Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.), shall complete its review within 45 days of receipt of the preliminary subdivision plat upon first submission and within 45 days for any proposed plat that has previously been disapproved, provided, however, that the time period set forth in § 15.2-2222.1 shall apply to plats triggering the applicability of said section. The Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.) shall

allow use of public rights-of-way for public street purposes for placement of utilities by permit when practical and shall not unreasonably deny plat approval. If a state agency or public authority authorized by state law does not approve the plat, it shall comply with the requirements, and be subject to the restrictions, set forth in subsection A of § 15.2-2259 with the exception of the time period therein specified. Upon receipt of the approvals from all state agencies, the local agent shall act upon a preliminary subdivision plat within 35 days.

C. If a commission has the responsibility of review of preliminary subdivision plats and conducts a public hearing, it shall act on the plat within 45 days after receiving approval from all state agencies. If the local agent or commission does not approve the preliminary subdivision plat, the local agent or commission shall set forth in writing the reasons for such denial and shall state what corrections or modifications will permit approval by such agent or commission. With regard to plats involving commercial property, as that term is defined in subdivision A 2 of § 15.2-2259, the review process for such plats shall be the same as provided in subdivisions A 2 and A 3 of § 15.2-2259. However, no commission or agent shall be required to approve a preliminary subdivision plat in less than 60 days from the date of its original submission to the commission or agent, and all actions on preliminary subdivision plats shall be completed by the agent or commission and, if necessary, state agencies, within a total of 90 days of submission to the local agent or commission.

D. If the commission or other agent fails to approve or disapprove the preliminary subdivision plat within 90 days after it has been officially submitted for approval, the subdivider after 10 days' written notice to the commission, or agent, may petition the circuit court for the locality in which the land involved, or the major part thereof, is located to enter an order with respect thereto as it deems proper, which may include directing approval of the plat.

E. If a commission or other agent disapproves a preliminary subdivision plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the circuit court having jurisdiction of such land and the court shall hear and determine the case as soon as may be, provided that his appeal is filed with the circuit court within 60 days of the written disapproval by the commission or other agent.

F. Once a preliminary subdivision plat is approved, it shall be valid for a period of five years, provided the subdivider (i) submits a final subdivision plat for all or a portion of the property within one year of such approval or such longer period as may be prescribed by local ordinance, and (ii) thereafter diligently pursues approval of the final subdivision plat. "Diligent pursuit of approval" means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three years following such preliminary subdivision plat approval, and upon 90 days' written notice by certified mail to the subdivider, the commission or other agent may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat.

G. Once an approved final subdivision plat for all or a portion of the property is recorded pursuant to § 15.2-2261, the underlying preliminary plat shall remain valid for a period of five years from the date of the latest recorded plat of subdivision for the property. The five year period of validity shall extend from the date of the last recorded plat.

CHAPTER 394

An Act to amend and reenact § 18.2-371.2 of the Code of Virginia, relating to purchase, etc., of tobacco products by minors; nicotine vapor products and alternative nicotine products; penalty.

[H 218]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-371.2 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-371.2. Prohibiting purchase or possession of tobacco products, nicotine vapor products, and alternative nicotine products by minors or sale of tobacco products, nicotine vapor products, and alternative nicotine products to minors.

A. No person shall sell to, distribute to, purchase for, or knowingly permit the purchase by any person less than 18 years of age, knowing or having reason to believe that such person is less than 18 years of age, any tobacco product, ~~including but not limited to cigarettes, cigars, bidis, and wrappings~~ *nicotine vapor product, or alternative nicotine product.*

Tobacco products may be sold from a vending machine only if the machine is (i) posted with a notice, in a conspicuous manner and place, indicating that the purchase or possession of tobacco products by minors is unlawful and (ii) located in a place which is not open to the general public and is not generally accessible to minors. An establishment which prohibits the presence of minors unless accompanied by an adult is not open to the general public.

B. No person less than 18 years of age shall attempt to purchase, purchase, or possess any tobacco product, ~~including but not limited to cigarettes, cigars, bidis, and wrappings~~ *nicotine vapor product, or alternative nicotine product.* The provisions of this subsection shall not be applicable to the possession of tobacco products, ~~including wrappings,~~ *nicotine vapor products, or alternative nicotine products* by a person less than 18 years of age making a delivery of tobacco products, ~~including wrappings,~~ *nicotine vapor products, or alternative nicotine products* in pursuance of his employment. This subsection shall not apply to purchase, attempt to purchase, or possession by a law-enforcement officer or his agent when the same is necessary in the performance of his duties.

C. No person shall sell a tobacco product, ~~including but not limited to cigarettes, cigars, bidis, and wrappings,~~ *nicotine vapor product, or alternative nicotine product* to any individual who does not demonstrate, by producing a driver's license or similar photo identification issued by a government agency, that the individual is at least 18 years of age. Such identification is not required from an individual whom the person has reason to believe is at least 18 years of age or who the person knows is at least 18 years of age. Proof that the person demanded, was shown, and reasonably relied upon a photo identification stating that the individual was at least 18 years of age shall be a defense to any action brought under this subsection. In determining whether a person had reason to believe an individual is at least 18 years of age, the trier of fact may consider, but is not limited to, proof of the general appearance, facial characteristics, behavior, and manner of the individual.

This subsection shall not apply to mail order or Internet sales, *provided that the person offering the tobacco product, nicotine vapor product, or alternative nicotine product for sale through mail order or the Internet (i) prior to the sale of the tobacco product, nicotine vapor product, or alternative nicotine product verifies that the purchaser is at least 18 years of age through a commercially available database that is regularly used by businesses or governmental entities for the purpose of age and identity verification and (ii) uses a method of mailing, shipping, or delivery that requires the purchaser's signature before the tobacco product, nicotine vapor product, or alternative nicotine product will be released to the purchaser.*

D. A violation of subsection A or C by an individual or by a separate retail establishment that involves a *nicotine vapor product, alternative nicotine product, or tobacco product other than a bidi* ~~shall be~~ *is* punishable by a civil penalty not to exceed \$100 for a first violation, a civil penalty not to exceed \$200 for a second violation, and a civil penalty not to exceed \$500 for a third or subsequent violation.

A violation of subsection A or C by an individual or by a separate retail establishment that involves the sale, distribution, or purchase of a bidi ~~shall be~~ *is* punishable by a civil penalty in the amount of \$500 for a first violation, a civil penalty in the amount of \$1,000 for a second violation, and a civil penalty in the amount of \$2,500 for a third or subsequent violation. Where a defendant retail establishment offers proof that it has trained its employees concerning the requirements of this section, the court shall suspend all of the penalties imposed hereunder. However, where the court finds that a retail establishment has failed to so train its employees, the court may impose a civil penalty not to exceed \$1,000 in lieu of any penalties imposed hereunder for a violation of subsection A or C involving a *nicotine vapor product, alternative nicotine product, or tobacco product other than a bidi.*

A violation of subsection B ~~shall be~~ *is* punishable by a civil penalty not to exceed \$100 for a first violation and a civil penalty not to exceed \$250 for a second or subsequent violation. A court may, as an alternative to the civil penalty, and upon motion of the defendant, prescribe the performance of up to 20 hours of community service for a first violation of subsection B and up to 40 hours of community service for a second or subsequent violation. If the defendant fails or refuses to complete the community service as prescribed, the court may impose the civil penalty. Upon a violation of subsection B, the judge may enter an order pursuant to subdivision A 9 of § 16.1-278.8.

Any attorney for the Commonwealth of the county or city in which an alleged violation occurred may bring an action to recover the civil penalty, which shall be paid into the state treasury. Any law-enforcement officer may issue a summons for a violation of subsection A, B, or C.

E. 1. Cigarettes shall be sold only in sealed packages provided by the manufacturer, with the required health warning. The proprietor of every retail establishment ~~which that~~ offers for sale any tobacco product, ~~including but not limited to cigarettes, cigars, and bidis,~~ *nicotine vapor product, or alternative nicotine product* shall post in a conspicuous manner and place a sign or signs indicating that the sale of tobacco products, ~~including wrappings, nicotine vapor products, or alternative nicotine products~~ to any person under 18 years of age is prohibited by law. Any attorney for the county, city, or town in which an alleged violation of this subsection occurred may enforce this subsection by civil action to recover a civil penalty not to exceed \$50. The civil penalty shall be paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city, or town which instituted the action.

2. For the purpose of compliance with regulations of the Substance Abuse and Mental Health Services Administration published at 61 Federal Register 1492, the Department of Agriculture and Consumer Services may promulgate regulations which allow the Department to undertake the activities necessary to comply with such regulations.

3. Any attorney for the county, city, or town in which an alleged violation of this subsection occurred may enforce this subsection by civil action to recover a civil penalty not to exceed \$100. The civil penalty shall be paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city, or town which instituted the action.

F. Nothing in this section shall be construed to create a private cause of action.

G. Agents of the Virginia Alcoholic Beverage Control Board designated pursuant to § 4.1-105 may issue a summons for any violation of this section.

H. As used in this section:

"Alternative nicotine product" means any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. "Alternative nicotine product" does not include any nicotine vapor product, tobacco product, or product regulated as a drug or device by the U.S. Food and Drug Administration (FDA) under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Bidi" means a product containing tobacco that is wrapped in temburni leaf (diospyros melanoxylon) or tendu leaf (diospyros exculpra), or any other product that is offered to, or purchased by, consumers as a bidi or beedie; and.

"Nicotine vapor product" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Nicotine vapor product" does not include any product regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Tobacco product" means any product made of tobacco and includes cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis, and wrappings. "Tobacco product" does not include any nicotine vapor product, alternative nicotine product, or product that is regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Wrappings" includes papers made or sold for covering or rolling tobacco or other materials for smoking in a manner similar to a cigarette or cigar.

CHAPTER 395

An Act to amend and reenact § 24.2-107 of the Code of Virginia, relating to local electoral boards; meetings, proceedings, and records.

[H 275]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-107 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-107. Meetings; quorum; notice; account of proceedings; seal; records open to inspection.

The electoral board of each city and county shall meet during the first week in February of the year in which it is to appoint officers of election pursuant to § 24.2-115 and during the month of March each year at the time set by the board and at any other time on the call of any board member. Two members shall constitute a quorum. Notice of each meeting shall be given to all board members either by the secretary or the member calling the meeting at least three business days prior to the meeting except in the case of an emergency as defined in § 2.2-3701. Notice shall be given to the public as required by § 2.2-3707. All meetings shall be conducted in accordance with the requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) unless otherwise provided by this section. Notwithstanding the public notice requirements of § 2.2-3707, two or more members of an electoral board may meet on election day to discuss a matter concerning that day's election, where such matter requires resolution on that day, and an effort has been made by all available means to give notice of the meeting to all board members. The presence of two or more board members while the ballots, election materials, or voting equipment are being prepared, current or potential polling places are being inspected, or election officials are being trained, or a telephone call between two board members preparing for a meeting, shall not constitute a meeting provided that no discussion or deliberation takes place that would otherwise constitute a meeting.

The secretary shall keep an accurate account of all board proceedings in a minute book, including all appointments and removals of general registrars and officers of election. The secretary shall keep in his custody the duly adopted seal of the board.

Books, papers, and records of the board shall be open to public inspection *and copying* whenever the general registrar's office is open for business either at the office of the board or the office of the general registrar. *The general registrar shall determine a reasonable charge, not to exceed the fee authorized pursuant to subdivision A 8 of § 17.1-275, to be paid for copies made from the books, papers, and records of the board.*

No election record containing an individual's social security number, or any part thereof, shall be made available for inspection or copying by anyone. The State Board of Elections shall prescribe procedures for local electoral boards and general registrars to make the information in certificates of candidate qualification available in a manner that does not reveal social security numbers or any parts thereof.

CHAPTER 396

An Act to amend and reenact § 59.1-200 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 9.1-149.1, relating to false advertisement for regulated services; notice; penalty.

[H 280]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-200 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 9.1-149.1 as follows:

§ 9.1-149.1. Unlawful advertisement for regulated services; notice; penalty.

A. It shall be unlawful for any person to place before the public through any medium an advertisement for services in the Commonwealth requiring a license, certification, or registration under this article unless the individual who will perform such services possesses the necessary license, certification, or registration at the time of the posting.

B. Whenever the Board receives information that an advertisement has been placed in violation of this section, the Board shall provide notice to the entity publishing the advertisement to the public.

C. Any person who is convicted of a violation of subsection A is guilty of a Class 1 misdemeanor.

§ 59.1-200. Prohibited practices.

A. The following fraudulent acts or practices committed by a supplier in connection with a consumer transaction are hereby declared unlawful:

1. Misrepresenting goods or services as those of another;
2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;
3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another;
4. Misrepresenting geographic origin in connection with goods or services;
5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or benefits;
6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;
7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects or "not first class";
8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the price or upon the terms advertised.

In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts installed;

11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill for merchandise or services previously ordered;

12. Notwithstanding any other provision of law, using in any manner the words "wholesale," "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the goods or services advertised or offered for sale;

13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal statutes or regulations;

14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection with a consumer transaction;

15. Violating any provision of § 3.2-6512, 3.2-6513, or 3.2-6516, relating to the sale of certain animals by pet dealers which is described in such sections, is a violation of this chapter;

16. Failing to disclose all conditions, charges, or fees relating to:

a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor does this subdivision apply to special order purchases where the purchaser has requested the supplier to order merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such account. Suppliers shall

give consumers written notice of such credit balances within 60 days of receiving overpayments. If the credit balance information is incorporated into statements of account furnished consumers by suppliers within such 60-day period, no separate or additional notice is required;

17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;
 18. Violating any provision of the Virginia Health Spa Act, Chapter 24 (§ 59.1-294 et seq.) of this title;
 19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.) of this title;
 20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.) of this title;
 21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17 et seq.) of this title;
 22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.) of this title;
 23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et seq.) of this title;
 24. Violating any provision of § 54.1-1505;
 25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6 (§ 59.1-207.34 et seq.) of this title;
 26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;
 27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.) of this title;
 28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.) of this title;
 29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.) of this title;
 30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et seq.) of this title;
 31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.) of this title;
 32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;
 33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;
 34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;
 35. Using the consumer's social security number as the consumer's account number with the supplier, if the consumer has requested in writing that the supplier use an alternate number not associated with the consumer's social security number;
 36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;
 37. Violating any provision of § 8.01-40.2;
 38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;
 39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.) of this title;
 40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;
 41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525 et seq.) of this title;
 42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.) of this title;
 43. Violating any provision of § 59.1-443.2;
 44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.) of this title;
 45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
 46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
 47. Violating any provision of § 18.2-239;
 48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);
 49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's products that are used, secondhand or "seconds";
 50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.) of this title;
 51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;
 52. Violating any provision of § 8.2-317.1; ~~and~~
 53. *Violating subsection A of § 9.1-149.1; and*
 - ~~53.~~ 54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in which defective drywall has been permanently installed or affixed.
- B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

CHAPTER 397

An Act to amend and reenact § 15.2-2223 of the Code of Virginia, relating to comprehensive plans; alignment of transportation services with accessible housing and other community services.

[H 296]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 15.2-2223 of the Code of Virginia is amended and reenacted as follows:****§ 15.2-2223. Comprehensive plan to be prepared and adopted; scope and purpose.**

A. The local planning commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction and every governing body shall adopt a comprehensive plan for the territory under its jurisdiction.

In the preparation of a comprehensive plan, the commission shall make careful and comprehensive surveys and studies of the existing conditions and trends of growth, and of the probable future requirements of its territory and inhabitants. The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants, including the elderly and persons with disabilities.

The comprehensive plan shall be general in nature, in that it shall designate the general or approximate location, character, and extent of each feature, including any road improvement and any transportation improvement, shown on the plan and shall indicate where existing lands or facilities are proposed to be extended, widened, removed, relocated, vacated, narrowed, abandoned, or changed in use as the case may be.

B. 1. As part of the comprehensive plan, each locality shall develop a transportation plan that designates a system of transportation infrastructure needs and recommendations that include the designation of new and expanded transportation facilities and that support the planned development of the territory covered by the plan and shall include, as appropriate, but not be limited to, roadways, bicycle accommodations, pedestrian accommodations, railways, bridges, waterways, airports, ports, and public transportation facilities. The plan shall recognize and differentiate among a hierarchy of roads such as expressways, arterials, and collectors. *In developing the plan, the locality shall take into consideration how to align transportation infrastructure and facilities with affordable, accessible housing and community services that are located within the territory in order to facilitate community integration of the elderly and persons with disabilities.* The Virginia Department of Transportation shall, upon request, provide localities with technical assistance in preparing such transportation plan.

2. The transportation plan shall include a map that shall show road and transportation improvements, including the cost estimates of such road and transportation improvements from the Virginia Department of Transportation, taking into account the current and future needs of residents in the locality while considering the current and future needs of the planning district within which the locality is situated.

3. The transportation plan, and any amendment thereto pursuant to § 15.2-2229, shall be consistent with the Commonwealth Transportation Board's Statewide Transportation Plan developed pursuant to § 33.1-23.03, the Six-Year Improvement Program adopted pursuant to subdivision (7)(b) of § 33.1-12, and the location of routes to be followed by roads comprising systems of state highways pursuant to subdivision (1) of § 33.1-12. The locality shall consult with the Virginia Department of Transportation to assure such consistency is achieved. The transportation plan need reflect only those changes in the annual update of the Six-Year Improvement Program that are deemed to be significant new, expanded, or relocated roadways.

4. Prior to the adoption of the transportation plan or any amendment to the transportation plan, the locality shall submit such plan or amendment to the Department for review and comment. The Department shall conduct its review and provide written comments to the locality on the consistency of the transportation plan or any amendment to the provisions of subdivision 1. The Department shall provide such written comments to the locality within 90 days of receipt of the plan or amendment, or such other shorter period of time as may be otherwise agreed upon by the Department and the locality.

5. The locality shall submit a copy of the adopted transportation plan or any amendment to the transportation plan to the Department for informational purposes. If the Department determines that the transportation plan or amendment is not consistent with the provisions of subdivision 1, the Department shall notify the Commonwealth Transportation Board so that the Board may take appropriate action in accordance with subdivision (7)(e) of § 33.1-12.

6. Each locality's amendments or updates to its transportation plan as required by subdivisions 2 through 5 shall be made on or before its ongoing scheduled date for updating its transportation plan.

C. The comprehensive plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the locality's long-range recommendations for the general development of the territory covered by the plan. It may include, but need not be limited to:

1. The designation of areas for various types of public and private development and use, such as different kinds of residential, including age-restricted, housing; business; industrial; agricultural; mineral resources; conservation; active and passive recreation; public service; flood plain and drainage; and other areas;

2. The designation of a system of community service facilities such as parks, sports playing fields, forests, schools, playgrounds, public buildings and institutions, hospitals, nursing homes, assisted living facilities, community centers, waterworks, sewage disposal or waste disposal areas, and the like;

3. The designation of historical areas and areas for urban renewal or other treatment;

4. The designation of areas for the implementation of reasonable ground water protection measures;

5. A capital improvements program, a subdivision ordinance, a zoning ordinance and zoning district maps, mineral resource district maps and agricultural and forestal district maps, where applicable;

6. The location of existing or proposed recycling centers;

7. The location of military bases, military installations, and military airports and their adjacent safety areas; and

8. The designation of corridors or routes for electric transmission lines of 150 kilovolts or more.

D. The comprehensive plan shall include the designation of areas and implementation of measures for the construction, rehabilitation and maintenance of affordable housing, which is sufficient to meet the current and future needs of residents of all levels of income in the locality while considering the current and future needs of the planning district within which the locality is situated.

CHAPTER 398

An Act to amend and reenact § 8.01-391 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 8.01-390.3, relating to admissibility of business records.

[H 301]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-391 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 8.01-390.3 as follows:

§ 8.01-390.3. Business records as evidence.

A. In any civil proceeding where a business record is material and otherwise admissible, authentication of the record and the foundation required by subdivision (6) of Rule 2:803 of the Rules of Supreme Court of Virginia may be laid by (i) witness testimony, (ii) a certification of the authenticity of and foundation for the record made by the custodian of such record or other qualified witness either by affidavit or by declaration pursuant to § 8.01-4.3, or (iii) a combination of witness testimony and a certification.

B. The proponent of a business record shall (i) give written notice to all other parties if a certification under this section will be relied upon in whole or in part in authenticating and laying the foundation for admission of such record and (ii) provide a copy of the record and the certification to all other parties, so that all parties have a fair opportunity to challenge the record and certification. The notice and copy of the record and certification shall be provided no later than 15 days in advance of the trial or hearing, unless an order of the court specifies a different time. Objections shall be made within five days thereafter, unless an order of the court specifies a different time. If any party timely objects to reliance upon the certification, the authentication and foundation required by subdivision (6) of Rule 2:803 of the Rules of Supreme Court of Virginia shall be made by witness testimony unless the objection is withdrawn.

C. A certified business record that satisfies the requirements of this section shall be self-authenticating and requires no extrinsic evidence of authenticity.

D. A copy of a business record may be offered in lieu of an original upon satisfaction of the requirements of subsection D of § 8.01-391 by witness testimony, a certification, or a combination of testimony and a certification.

§ 8.01-391. Copies of originals as evidence (Supreme Court Rule 2:1005 derived from this section).

A. Whenever the original of any official publication or other record has been filed in an action or introduced as evidence, the court may order the original to be returned to its custodian, retaining in its stead a copy thereof. The court may make any order to prevent the improper use of the original.

B. If any department, division, institution, agency, board, or commission of this Commonwealth, of another state or country, or of the United States, or of any political subdivision or agency of the same, acting pursuant to the law of the respective jurisdiction or other proper authority, has copied any record made in the performance of its official duties, such copy shall be as admissible into evidence as the original, whether the original is in existence or not, provided that such copy is authenticated as a true copy either by the custodian of said record or by the person to whom said custodian reports, if they are different, and is accompanied by a certificate that such person does in fact have the custody.

C. If any court or clerk's office of a court of this Commonwealth, of another state or country, or of the United States, or of any political subdivision or agency of the same, has copied any record made in the performance of its official duties, such copy shall be admissible into evidence as the original, whether the original is in existence or not, provided that such copy is authenticated as a true copy by a clerk or deputy clerk of such court.

D. If any business or member of a profession or calling in the regular course of business or activity has made any record or received or transmitted any document, and again in the regular course of business has caused any or all of such record or document to be copied, the copy shall be as admissible in evidence as the original, whether the original exists or not, provided that such copy is satisfactorily identified and authenticated as a true copy by a custodian of such record or by

the person to whom said custodian reports, if they be different, and is accompanied by a certificate that said person does in fact have the custody. *Such identification and authentication may be made through witness testimony or a certificate by affidavit or by declaration pursuant to § 8.01-4.3, or a combination of witness testimony and a certificate.* Copies in the regular course of business shall be deemed to include reproduction at a later time, if done in good faith and without intent to defraud. Copies in the regular course of business shall include items such as checks which are regularly copied before transmission to another person or bank, or records which are acted upon without receipt of the original when the original is retained by another party.

E. The original of which a copy has been made may be destroyed unless its preservation is required by law or its validity has been questioned.

F. The introduction in an action of a copy under this section precludes neither the introduction or admission of the original nor the introduction of a copy or the original in another action.

G. Copy, as used in this section, shall include photographs, microphotographs, photostats, microfilm, microcard, printouts or other reproductions of electronically stored data, or copies from optical disks, electronically transmitted facsimiles, or any other reproduction of an original from a process which forms a durable medium for its recording, storing, and reproducing.

CHAPTER 399

An Act to amend and reenact § 18.2-386.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-386.2, relating to unlawful dissemination or sale of images of another; penalty.

[H 326]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-386.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-386.2 as follows:

§ 18.2-386.1. Unlawful creation of image of another; penalty.

A. It shall be unlawful for any person to knowingly and intentionally ~~videotape, photograph, or film~~ ~~any nonconsenting person~~ or create any videographic or still image ~~record~~ by any means whatsoever of ~~the~~ *any* nonconsenting person if (i) that person is totally nude, clad in undergarments, or in a state of undress so as to expose the genitals, pubic area, buttocks or female breast in a restroom, dressing room, locker room, hotel room, motel room, tanning bed, tanning booth, bedroom or other location; or (ii) the ~~videotape, photograph, film~~ or videographic or still image ~~record~~ is created by placing the lens or image-gathering component of the recording device in a position directly beneath or between a person's legs for the purpose of capturing an image of the person's intimate parts or undergarments covering those intimate parts when the intimate parts or undergarments would not otherwise be visible to the general public; and when the circumstances set forth in clause (i) or (ii) are otherwise such that the person being ~~videotaped, photographed, filmed~~ or otherwise recorded would have a reasonable expectation of privacy.

B. The provisions of this section shall not apply to ~~filming, videotaping or photographing~~ or ~~other~~ *any videographic or still image or videographic recording* ~~created by any means whatsoever~~ by (i) law-enforcement officers pursuant to a criminal investigation which is otherwise lawful or (ii) correctional officials and local or regional jail officials for security purposes or for investigations of alleged misconduct involving a person committed to the Department of Corrections or to a local or regional jail, or to any sound recording of an oral conversation made as a result of any videotaping or filming pursuant to Chapter 6 (§ 19.2-61 et seq.) of Title 19.2.

C. A violation of subsection A shall be punishable as a Class 1 misdemeanor.

D. A violation of subsection A involving a nonconsenting person under the age of 18 shall be punishable as a Class 6 felony.

E. Where it is alleged in the warrant, information, or indictment on which the person is convicted and found by the court or jury trying the case that the person has previously been convicted within the 10-year period immediately preceding the offense charged of two or more of the offenses specified in this section, each such offense occurring on a different date, and when such offenses were not part of a common act, transaction, or scheme, and such person has been at liberty as defined in § 53.1-151 between each conviction, he shall be guilty of a Class 6 felony.

§ 18.2-386.2. Unlawful dissemination or sale of images of another; penalty.

A. *Any person who, with the intent to coerce, harass, or intimidate, maliciously disseminates or sells any videographic or still image created by any means whatsoever that depicts another person who is totally nude, or in a state of undress so as to expose the genitals, pubic area, buttocks, or female breast, where such person knows or has reason to know that he is not licensed or authorized to disseminate or sell such videographic or still image is guilty of a Class 1 misdemeanor. However, if a person uses services of an Internet service provider, an electronic mail service provider, or any other information service, system, or access software provider that provides or enables computer access by multiple users to a computer server in committing acts prohibited under this section, such provider shall not be held responsible for violating this section for content provided by another person.*

B. Venue for a prosecution under this section may lie in the jurisdiction where the unlawful act occurs or where any videographic or still image created by any means whatsoever is produced, reproduced, found, stored, received, or possessed in violation of this section.

C. The provisions of this section shall not preclude prosecution under any other statute.

CHAPTER 400

An Act to amend and reenact §§ 10.01, 11.02, and 15.10, as amended, of Chapter 536 of the Acts of Assembly of 1950, which provided a charter for the City of Alexandria, relating to elections of city council and school board and powers of city attorney.

[H 328]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.01, 11.02, and 15.10, as amended, of Chapter 536 of the Acts of Assembly of 1950 are amended and reenacted as follows:

§ 10.01. Election of mayor and council members.

On the ~~second Tuesday in June, 1958~~ day of the November general election in 2015, and on the second Tuesday in June every third year thereafter ~~until 1973 there shall be held a general election at which shall be elected by~~, the qualified voters of the city at large; *shall choose* a mayor and six members at large of the council for terms of three years from the first day of July ~~January~~ following their election. ~~On the first Tuesday in May, 1973, and on the first Tuesday in May every third year thereafter, there shall be held a general city election at which shall be elected by the qualified voters of the city at large a mayor and six members at large of the council for terms of three years from the first day of July following their election.~~ A candidate for mayor shall file his petition therefor specifically; and a candidate for city council shall file his petition therefor specifically, provided, however, that a candidate who files his petition for mayor shall not have his name printed on the ballot for city council. The names of all candidates for city council and mayor shall be placed on the ballot in accordance with general law. Immediately above the list of names of candidates for city council shall appear the words "For City Council, vote for no more than six (6)," or some similar designation. Immediately above the list of names of candidates for mayor shall appear the words "For Mayor, vote for one," or some similar designation.

In the event no candidate shall file a petition for the office of mayor, the ballot shall show no candidates for that office and the member of council who receives the largest popular vote shall be the mayor of the city and persons receiving the next six highest votes shall be the city council members.

The said election shall be held in accordance with the general laws of the Commonwealth relating to primary and general elections wherever applicable.

§ 11.02. City attorney, powers and duties.

The city attorney shall:

(a) Be the legal adviser of the council, the city manager, and all departments, boards, commissions and agencies of the city; ~~excluding the school board~~, in all matters affecting the interest of the city and shall upon request furnish a written opinion on any question of law involving their respective official powers and duties. *The city attorney may also be the legal advisor of and counsel to the school board in all matters affecting the interests of the school division with the concurrence of both the council and the school board.*

(b) At the request of the city manager or any member of the council, prepare ordinances for introduction and, at the request of the council or any member thereof, examine any ordinance after introduction and render his opinion as to the form and legality thereof.

(c) Draw or approve all bonds, deeds, leases, contracts or other instruments to which the city is a party or in which it has an interest.

(d) Represent the city as counsel in any civil case in which it is interested and in criminal cases in which the constitutionality or validity of any ordinance is brought in issue or in which the city is a party.

(e) Institute and prosecute all legal proceedings he shall deem necessary or proper to protect the interests of the city.

(f) Attend in person or assign one of his assistants to attend all meetings of the council.

(g) Appoint and remove such assistant city attorneys and other employees as shall be authorized by the council, subject to the provisions of Chapter 8 of this charter, and authorize the assistant city attorneys or any of them or special counsel to perform any of the duties imposed upon him in this charter.

(h) Have such other powers and duties as may be assigned to him by ordinance.

Notwithstanding the provisions of this section or any other law the council may, from time to time, enter into agreements with the Commonwealth's Attorney for such attorney to represent the city in any criminal case in which the city is a party. The council shall only consent to such an agreement by resolution adopted at a regular meeting and agreed to by a majority of all of its members. The agreement shall specify the types of cases to be handled by the Commonwealth's Attorney. Prior to the adoption of any such resolution the council shall request the recommendation of the City Attorney on the feasibility and operation of the agreement, but such recommendation shall not be binding on the council. The council may, at any time, modify or repeal its consent to such an agreement provided it follows the procedure provided herein for

the giving of its consent and such right of council shall be a part of every such agreement. So long as such agreement is effective the City Attorney shall have no power or duty with respect to the types of cases specified therein. Notwithstanding any other provisions of law the council may provide supplements to the office of the Commonwealth's Attorney for performing the functions and duties covered by the agreement.

§ 15.10. School board and school districts.

(a) The City of Alexandria shall constitute a single school division.

(b) The supervision of schools in the City of Alexandria shall be vested in a school board consisting of nine members. Members of the school board shall be selected by direct election by the voters, unless and until a referendum is passed in favor of changing the method of selecting board members to appointment by the city council, as provided in § 22.1-57.4 of the Code of Virginia, 1950, as amended. The school board members shall be elected from election districts, and the council shall establish by ordinance the number and boundaries of the election districts. Elections for school board members shall be held to coincide with the elections for members of the city council which, pursuant to § 10.01 of this charter, are held every three years on the ~~first Tuesday of May~~ *day of the November general election*. The terms of office of school board members shall commence on the ~~July~~ *January* 1 following the members' elections, shall be for three years and shall run concurrently. Elections for school board members shall be held in accordance with the general laws of the Commonwealth relating to general elections; however, where the provisions of such laws are inconsistent with the provisions of this section, the provisions of this section shall apply.

(c) Notwithstanding any contrary provision of law, general or special, a vacancy from whatever cause in the office of school board member filled by direct election by the voters shall be filled as follows:

(1) A vacancy which occurs on or before 180 days prior to the next ensuing regular school board election shall be filled by a special popular election for the unexpired term of the office. In the event of such vacancy, the school board shall by resolution certify that such vacancy exists to the Circuit Court of the City of Alexandria, and the said court shall order a special election to be held not less than forty, nor more than sixty days after the filing of the resolution to fill the vacancy. Candidates shall file their declarations of candidacy and any statements or petitions required by general law not less than thirty days before said election. The election shall be conducted, and the results thereof ascertained, in the manner provided by law for the conduct of elections and by the regular election officials of the city;

(2) A vacancy which occurs within 180 days of the next ensuing regular school board election shall be filled for the unexpired term by appointment by the chief judge of the Circuit Court of the City of Alexandria;

(3) When a vacancy on the school board is created by the departure of the board chairman, the remaining members of the board shall, as soon as practicable and by majority vote, select a new chairman from among the members.

CHAPTER 401

An Act to amend and reenact § 18.2-308.02 of the Code of Virginia, relating to concealed handgun permit applicant; access to information.

[H 357]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308.02 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-308.02. Application for a concealed handgun permit; Virginia resident or domiciliary.

A. Any person 21 years of age or older may apply in writing to the clerk of the circuit court of the county or city in which he resides, or if he is a member of the United States armed forces, the county or city in which he is domiciled, for a five-year permit to carry a concealed handgun. There shall be no requirement regarding the length of time an applicant has been a resident or domiciliary of the county or city. The application shall be made under oath before a notary or other person qualified to take oaths and shall be made only on a form prescribed by the Department of State Police, in consultation with the Supreme Court, requiring only that information necessary to determine eligibility for the permit. No information or documentation other than that which is allowed on the application in accordance with this section may be requested or required by the clerk or the court.

B. The court shall require proof that the applicant has demonstrated competence with a handgun and the applicant may demonstrate such competence by one of the following, but no applicant shall be required to submit to any additional demonstration of competence, nor shall any proof of demonstrated competence expire:

1. Completing any hunter education or hunter safety course approved by the Department of Game and Inland Fisheries or a similar agency of another state;

2. Completing any National Rifle Association firearms safety or training course;

3. Completing any firearms safety or training course or class available to the general public offered by a law-enforcement agency, junior college, college, or private or public institution or organization or firearms training school utilizing instructors certified by the National Rifle Association or the Department of Criminal Justice Services;

4. Completing any law-enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;

5. Presenting evidence of equivalent experience with a firearm through participation in organized shooting competition or current military service or proof of an honorable discharge from any branch of the armed services;
6. Obtaining or previously having held a license to carry a firearm in the Commonwealth or a locality thereof, unless such license has been revoked for cause;
7. Completing any firearms training or safety course or class, including an electronic, video, or online course, conducted by a state-certified or National Rifle Association-certified firearms instructor;
8. Completing any governmental police agency firearms training course and qualifying to carry a firearm in the course of normal police duties; or
9. Completing any other firearms training which the court deems adequate.

A photocopy of a certificate of completion of any of the courses or classes; an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document that shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this subsection.

C. The making of a materially false statement in an application under this article shall constitute perjury, punishable as provided in § 18.2-434.

D. The clerk of court shall withhold from public disclosure the applicant's name and any other information contained in a permit application or any order issuing a concealed handgun permit, except that such information shall not be withheld from any law-enforcement officer acting in the performance of his official duties *or from the applicant with respect to his own information*.

E. An application is deemed complete when all information required to be furnished by the applicant, including the fee for a concealed handgun permit as set forth in § 18.2-308.03, is delivered to and received by the clerk of court before or concomitant with the conduct of a state or national criminal history records check.

CHAPTER 402

An Act to amend and reenact § 64.2-2005 of the Code of Virginia, relating to filing of evaluation reports for incapacitated persons.

[H 413]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 64.2-2005 of the Code of Virginia is amended and reenacted as follows:

§ 64.2-2005. Evaluation report.

A. A report evaluating the condition of the respondent shall be filed, *under seal*, with the court and provided to the guardian ad litem, *the respondent, and all adult individuals and all entities to whom notice is required under subsection C of § 64.2-2004* within a reasonable time prior to the hearing on the petition. The report shall be prepared by one or more licensed physicians or psychologists or licensed professionals skilled in the assessment and treatment of the physical or mental conditions of the respondent as alleged in the petition. If a report is not available, the court may proceed to hold the hearing without the report for good cause shown, absent any objection by the guardian ad litem, or may order a report and delay the hearing until the report is prepared, filed, and provided ~~to the guardian ad litem~~.

B. The report shall evaluate the condition of the respondent and shall contain, to the best information and belief of its signatory:

1. A description of the nature, type, and extent of the respondent's incapacity, including the respondent's specific functional impairments;
2. A diagnosis or assessment of the respondent's mental and physical condition, including a statement as to whether the individual is on any medications that may affect his actions or demeanor, and, where appropriate and consistent with the scope of the evaluator's license, an evaluation of the respondent's ability to learn self-care skills, adaptive behavior, and social skills and a prognosis for improvement;
3. The date or dates of the examinations, evaluations, and assessments upon which the report is based; and
4. The signature of the person conducting the evaluation and the nature of the professional license held by that person.

C. In the absence of bad faith or malicious intent, a person performing the evaluation shall be immune from civil liability for any breach of patient confidentiality made in furtherance of his duties under this section.

D. A report prepared pursuant to this section shall be admissible as evidence *in open court* of the facts stated in the report and the results of the examination or evaluation referred to in the report, unless counsel for the respondent or the guardian ad litem objects.

CHAPTER 403

An Act to amend and reenact §§ 2.2-3009, 2.2-3010, 2.2-3011, 2.2-3012, 2.2-3014, and 8.01-216.8 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-3010.1, relating to the Fraud and Abuse Whistle Blower Protection Act; applicability to Virginia citizens.

[H 439]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3009, 2.2-3010, 2.2-3011, 2.2-3012, 2.2-3014, and 8.01-216.8 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-3010.1 as follows:

§ 2.2-3009. Policy.

It shall be the policy of the Commonwealth that *citizens of the Commonwealth and* employees of state government be freely able to report instances of wrongdoing or abuse committed by ~~their employing agency, other state agencies, or independent contractors of state agencies.~~

§ 2.2-3010. Definitions.

As used in this chapter:

"Abuse" means an employer's or employee's conduct or omissions that result in substantial misuse, destruction, waste, or loss of funds or resources belonging to or derived from federal, state, or local government sources.

"Appropriate authority" means a federal or state agency or organization having jurisdiction over criminal law enforcement, regulatory violations, professional conduct or ethics, or abuse; or a member, officer, agent, representative, or supervisory employee of the agency or organization. The term also includes the Office of the Attorney General, the Office of the State Inspector General, and the General Assembly and its committees having the power and duty to investigate criminal law enforcement, regulatory violations, professional conduct or ethics, or abuse.

"Employee" means any person who is regularly employed full time on either a salaried or wage basis, whose tenure is not restricted as to temporary or provisional appointment, in the service of and whose compensation is payable, no more often than biweekly, in whole or in part, by a state agency.

"Employer" means a person supervising one or more employees, including the employee filing a good faith report, a superior of that supervisor, or an agent of the state agency.

"Good faith report" means a report of conduct defined in this chapter as wrongdoing or abuse which is made without malice and which the person making the report has reasonable cause to believe is true.

"Misconduct" means conduct or behavior by an employee that is inconsistent with state or agency standards for which specific corrective or disciplinary action is warranted.

"State agency" means any agency, institution, board, bureau, commission, council, or instrumentality of state government in the executive branch listed in the appropriation act.

"Whistle blower" means an employee who witnesses or has evidence of wrongdoing or abuse and who makes or demonstrates by clear and convincing evidence that he is about to make a good faith report of, or testifies or is about to testify to, the wrongdoing or abuse to one of the employee's superiors, an agent of the employer, or an appropriate authority. *"Whistle blower" includes a citizen of the Commonwealth who witnesses or has evidence of wrongdoing or abuse and who makes or demonstrates by clear and convincing evidence that he is about to make a good faith report of, or testifies or is about to testify to, the wrongdoing or abuse to an appropriate authority.*

"Wrongdoing" means a violation, which is not of a merely technical or minimal nature, of a federal or state law or regulation or a formally adopted code of conduct or ethics of a professional organization designed to protect the interests of the public or employee.

§ 2.2-3010.1. Discrimination and retaliatory actions against citizen whistle blowers prohibited; good faith required; other remedies.

A. No state agency may threaten or otherwise discriminate or retaliate against a citizen whistle blower because the whistle blower is requested or subpoenaed by an appropriate authority to participate in an investigation, hearing, or inquiry by an appropriate authority or in a court action.

B. To be protected by the provisions of this chapter, a citizen of the Commonwealth who discloses information about suspected wrongdoing or abuse shall do so in good faith and upon a reasonable belief that the information is accurate. Disclosures that are reckless or that the citizen knew or should have known were false, confidential by law, or malicious shall not be deemed good faith reports and shall not be protected.

C. Any citizen whistle blower disclosing information of wrongdoing or abuse under this chapter where the disclosure results in a recovery of at least \$5,000 may file a claim for reward under the Fraud and Abuse Whistle Blower Reward Fund established in § 2.2-3014.

D. Except for the provisions of subsection E of § 2.2-3011, nothing in this chapter shall be construed to limit the remedies provided by the Virginia Fraud Against Taxpayers Act (§ 8.01-216.1 et seq.).

§ 2.2-3011. Discrimination and retaliatory actions against whistle blowers prohibited; good faith required.

A. No employer may discharge, threaten, or otherwise discriminate or retaliate against a whistle blower whether acting on his own or through a person acting on his behalf or under his direction.

B. No employer may discharge, threaten, or otherwise discriminate or retaliate against a whistle blower because the whistle blower is requested or subpoenaed by an appropriate authority to participate in an investigation, hearing, or inquiry by an appropriate authority or in a court action.

C. To be protected by the provisions of this chapter, an employee who discloses information about suspected wrongdoing or abuse shall do so in good faith and upon a reasonable belief that the information is accurate. Disclosures that are reckless or the employee knew or should have known were false, confidential by law, or malicious shall not be deemed good faith reports and shall not be protected.

D. Nothing in this chapter shall prohibit an employer from disciplining or discharging a whistle blower for his misconduct or any violation of criminal law.

E. No court shall have jurisdiction over an action brought under § 8.01-216.5 based on information discovered by a present or former employee of the Commonwealth during the course of his employment unless that employee first, in good faith, has exhausted existing internal procedures for reporting and seeking recovery of the falsely claimed sums through official channels and unless the Commonwealth failed to act on the information provided within a reasonable period of time.

§ 2.2-3012. Application of state grievance procedure; other remedies.

A. Any whistle blower covered by the state grievance procedure (§ 2.2-3000 et seq.) may initiate a grievance alleging retaliation and requesting relief through that procedure.

B. Any whistle blower disclosing information of wrongdoing or abuse under this chapter where the disclosure results in a savings of at least \$10,000 may file a claim for reward under the Fraud and Abuse Whistle Blower Reward Fund established in § 2.2-3014.

C. Nothing Except for the provisions of subsection E of § 2.2-3011, nothing in this chapter shall be construed to limit the remedies provided by the Virginia Fraud Against Taxpayers Act, Article 19-1 (§ 8.01-216.1 et seq.) of Chapter 3 of Title 8.01.

§ 2.2-3014. Fraud and Abuse Whistle Blower Reward Fund.

A. From such funds as may be authorized by the General Assembly, there is hereby created in the state treasury a special nonreverting fund to be known as the Fraud and Abuse Whistle Blower Reward Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller and shall be administered by the State Inspector General. All moneys recovered by the State Inspector General as the result of whistle blower activity and alerts originating with the Office of the State Inspector General shall be deposited in the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Except as provided in subsection B, any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely to (i) provide monetary rewards to persons who have disclosed information of wrongdoing or abuse under the ~~Fraud and Abuse Whistle Blower Protection Act (§ 2.2-3009 et seq.)~~ *this chapter* and the disclosure results in a recovery of at least \$5,000 or (ii) support the administration of the Fund, defray Fund advertising costs, or subsidize the operation of the Fraud, Waste and Abuse Hotline (previously known as the State Employee Fraud, Waste and Abuse Hotline).

B. By the end of each calendar quarter and upon authorization of the State Inspector General, 85 percent of all sums recovered shall be remitted to the institutions or agencies on whose behalf the recovery was secured by the State Inspector General unless otherwise directed by a court of law. Each such institution or agency on whose behalf the recovery was secured by the State Inspector General shall receive an amount equal to 85 percent of the actual amount recovered by the State Inspector General on its behalf.

C. The amount of the reward shall be up to 10 percent of the actual sums recovered by the Commonwealth as a result of the disclosure of the wrongdoing or abuse. Regardless of the sums recovered, at no time shall the amount of any reward, even if less than 10 percent, exceed the balance of the Fund. Reward disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the State Inspector General. In the event that multiple whistle blowers contemporaneously report the same qualifying incident or occurrence of wrongdoing or abuse, the State Inspector General in his sole discretion may split the reward of up to 10 percent among the multiple whistle blowers. The decision of the State Inspector General regarding the allocation of the rewards shall be final and binding on all parties and shall not be appealable.

D. Five percent of all sums recovered shall be retained in the Fund to support the administration of the Fund, defray advertising costs, and subsidize the operation of the Fraud, Waste and Abuse Hotline. Expenditures for administrative costs for management of the Fund shall be managed as approved by the State Inspector General.

E. The Office of the State Inspector General shall promulgate regulations for the proper administration of the Fund including eligibility requirements and procedures for filing a claim. The Office of the State Inspector General shall submit an annual report to the General Assembly summarizing the activities of the Fund.

§ 8.01-216.8. Certain actions barred; relief from employment discrimination; waiver of sovereign immunity.

~~No court shall have jurisdiction over an action brought under § 8.01-216.5 based on information discovered by a present or former employee of the Commonwealth during the course of his employment unless that employee first, in good faith, exhausted existing internal procedures for reporting and seeking recovery of the falsely claimed sums through official channels and unless the Commonwealth failed to act on the information provided within a reasonable period of time.~~

No court shall have jurisdiction over any action brought under this article by an inmate incarcerated within a state or local correctional facility as defined in § 53.1-1.

No court shall have jurisdiction over an action brought under this article against any department, authority, board, bureau, commission, or agency of the Commonwealth, any political subdivision of the Commonwealth, a member of the General Assembly, a member of the judiciary, or an exempt official if the action is based on evidence or information known to the Commonwealth when the action was brought. For purposes of this section, "exempt official" means the Governor, Lieutenant Governor, Attorney General and the directors or members of any department, authority, board, bureau, commission or agency of the Commonwealth or any political subdivision of the Commonwealth.

In no event may a person bring an action under this article that is based upon allegations or transactions that are the subject of a civil suit or an administrative proceeding in which the Commonwealth is already a party.

The court shall dismiss an action or claim under § 8.01-216.5 unless opposed by the Commonwealth if substantially the same allegations or transactions as alleged in the action or claim were publicly disclosed in a criminal, civil or administrative hearing in which the Commonwealth or its agent is a party, in a Virginia legislative, administrative, or Auditor of Public Accounts' report, hearing, audit, or investigation, or from the news media, unless the action is brought by the Attorney General or the person bringing the action is an original source of the information. For purposes of this section, "original source" means an individual (i) who either prior to a public disclosure has voluntarily disclosed to the Commonwealth the information on which the allegations or transactions in a claim are based or (ii) who has knowledge that is independent of and materially adds to the publicly disclosed allegations or transactions and who has voluntarily provided the information to the Commonwealth before filing an action under this article.

Except as otherwise provided in this section, the Commonwealth shall not be liable for expenses a person incurs in bringing an action under this article.

Any employee, contractor, or agent shall be entitled to all relief necessary to make that employee, contractor, or agent whole, if that employee, contractor, or agent is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful acts done by the employee, contractor, agent, or associated others in furtherance of an action under this article or other efforts to stop one or more violations of this article. Relief shall include reinstatement with the same seniority status that employee, contractor, or agent would have had but for the discrimination, two times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney fees. Any relief awarded to an employee under this section shall be reduced by any amount awarded to the employee through a state or local grievance process. An action under this section may be brought in a court of competent jurisdiction for the relief provided in this section, but may not be brought more than three years after the date the discrimination occurred. This paragraph shall constitute a waiver of sovereign immunity and creates a cause of action by an employee against the Commonwealth if the Commonwealth is the employer responsible for the adverse employment action that would entitle the employee to the relief set forth in this paragraph.

CHAPTER 404

An Act to amend and reenact § 6 and § 18, as amended, of Chapter 721 of the Acts of Assembly of 1976, which provided a charter for the City of Manassas, and to amend Chapter 721 of the Acts of Assembly of 1976 by adding a section numbered 6-a, relating to city council and school board.

[H 470]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 6 and § 18, as amended, of Chapter 721 of the Acts of Assembly of 1976 are amended and reenacted and that Chapter 721 of the Acts of Assembly of 1976 is amended by adding a section numbered 6-a as follows:

§ 6. Election, terms, and salary of mayor and councilmen.

Those councilmen and mayor in office on the effective date of this charter shall continue in office until the first day of ~~July~~ *January* following termination of their respective terms and until their respective successors shall have been duly elected and qualified.

On the ~~first~~ *first* Tuesday ~~after the first Monday in May, 1976~~ *after the first Monday in May, 1976* November 2014, and every two years thereafter, there shall be elected by the qualified voters of the city three councilmen, who shall be electors of the city, who shall hold office for terms of four years each, beginning on the first day of ~~July~~ *January*, following the date of their election and thereafter until their respective successors shall have been duly elected and qualified.

On the ~~first~~ *first* Tuesday ~~after the first Monday in May, 1976~~ *after the first Monday in May, 1976* November 2016, and every four years thereafter, there shall be elected by the qualified voters of the city of Manassas, a mayor, who shall be one of the electors of the city, and whose term of office shall begin on the first day of ~~July~~ *January* following the date of his election and continue for four years ~~and thereafter~~; until his duly elected successor shall have qualified.

The remaining members of council shall fill any vacancy that may occur in the membership of the council ~~for any unexpired term by appointment of an elector of the city of Manassas in accordance with applicable law.~~

Each member of the council may receive a salary to be fixed by the council, payable at such times and in such manner as the council may direct.

The mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct.

§ 6-a. School Board.

The members of the School Board of the City of Manassas at the time of this charter amendment shall remain in office until the first day of January following termination of their respective terms and until their respective successors shall have been duly elected and qualified. The School Board shall be composed of seven members elected by the voters of the City of Manassas for staggered four-year terms as provided in this section and in accordance with general law.

On the Tuesday after the first Monday in November 2014, and every four years thereafter, there shall be elected by the qualified voters of the city three School Board members, who shall be electors of the city, who shall hold office for terms of four years each, beginning on the first day of January following the date of their election and qualification, and thereafter until their respective successors shall have been duly elected and qualified.

On the Tuesday after the first Monday in November 2016, and every four years thereafter, there shall be elected by the qualified voters of the city four School Board members, who shall be electors of the city, who shall hold office for terms of four years each, beginning on the first day of January following the date of their election and qualification, and thereafter until their respective successors shall have been duly elected and qualified.

The remaining members of the School Board shall fill any vacancy that may occur in the membership of the School Board in accordance with applicable law.

§ 18. General powers.

The council of the city shall have, subject to the provisions of this charter, the control and management of the fiscal and municipal affairs of the city and of all property, real and personal, belonging to the city and may make such ordinances and bylaws relating to the same as it shall deem proper. The council shall in addition to other powers given by general law, have power to make such ordinances, orders, bylaws and regulations as it may deem proper and necessary to carry out the following powers, which are hereby vested in it:

A. Public market. To establish a public market in and for the city, provide for the appointment of proper officers therefor, prescribe the time and places for holding the market, provide suitable grounds and buildings therefor, and enforce such regulations as shall be necessary and proper to prevent huckstering, forestalling, or regrating.

B. Public improvements. To construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, jails and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the city and the performance of its duties and functions.

C. Establishing, etc., electric generating equipment, etc. To establish, maintain and operate electric generating equipment and distribution system within and without the city; to purchase electric energy for the use of the city and for distribution and resale, including resale of its surplus electricity without the city; to acquire land or rights-of-way by gift, purchase or condemnation for the location, extension or enlargement of an electric generating and/or distribution system; to acquire by gift, purchase or condemnation riparian rights for hydroelectric generation and to protect by ordinance, prescribing adequate penalties, the said electric generating equipment and/or distribution system and their appurtenances whether within or without the limits of the city.

D. Waterworks and sewers. To establish, maintain, and operate waterworks and sewer systems within and without the city; to purchase water therefor; to contract and agree with the owners of any land, springs or water supplies for the use of or purchase thereof, or have same condemned according to law, for the location, extension, or enlargement of the said waterworks, or sewer system, either or both, the pipes connected therewith, and the fixtures or appurtenances thereof; and to protect from injury by ordinance, prescribing adequate penalties, the said waterworks, water supply, sewer systems, pipes, fixtures, and land, or anything connected therewith, whether within or without the limits of the city.

E. Streets, sidewalks and alleys generally. To open, extend, widen or narrow, close, plan, grade, curb, and pave, and otherwise improve streets, sidewalks, and public alleys in the city, and have them kept in good order and properly lighted; in order to properly light the streets of the city, the council may erect and operate such number of lamps and fixtures thereto belonging as it may deem necessary; it may build bridges in and culverts under streets, and may prevent or remove any structure, obstruction, or encroachment over, or under, or in any street, sidewalk, or alley in the city, and may permit shade trees to be planted along streets; but no person shall occupy with his works, or any appurtenances thereof, the streets, sidewalks, or alleys of the city, without the consent of the council, duly entered upon its records.

F. Cumbering streets, sidewalks, etc. To prevent the cumbering of streets, sidewalks, alleys, lanes, or bridges in the city in any manner whatever.

G. Route and grade of public utilities. To determine and designate the route and grade of any public utility laid out in the city.

H. Airports and landing fields. To establish, maintain and operate a landing field or airport located within or without the city, and for such purposes to have the right to acquire real estate by gift, lease, purchase or condemnation; to lease such landing field or airport to others to be used for any lawful purpose; to erect and maintain buildings and appurtenances necessary for the use of such landing field or airport and to prescribe and enforce rules and regulations, not in conflict with laws, rules and regulations prescribed by the Commonwealth of Virginia and the federal government, for the use and protection of such landing field or airport.

I. Board of health and department of public welfare. To appoint and organize a board of health and a department of public welfare for the city, with the necessary authority for the prompt and efficient performance of their duties, including

the authority to coordinate their duties and efforts with appropriate agencies and departments of the Commonwealth and other of its political subdivisions.

J. Nuisances; unsafe or unsanitary structures; dangerous and unhealthy businesses; transportation of explosives, garbage, etc.; speed of trains. To require and compel the abatement and removal of all nuisances within the city, at the expense of the person or persons, causing the same, or the owner or owners of the ground whereon the same shall be; to require all lands, lots and other premises within the city to be kept clean, sightly, sanitary and free from weeds or to make them so at the expense of the owners or occupants thereof; to make such rules, regulations, orders or ordinances as will protect its citizens from unsafe and unsanitary structures or walls, and to that end it shall have the power to cause to be condemned and taken down any such structure or wall, but no such condemnation shall be made or such structure or wall taken down until the owner thereof, or in the case of an infant or insane person, his guardian or committee, be duly summoned before a board or a committee of council or the full council as charged by the ordinances with such duty, and allow reasonable opportunity to show cause against such action; to regulate soap factories and candle factories within the city, and the exercise of any dangerous, offensive or unhealthy business, trade or employment therein; and to regulate the transportation of coal, explosives, garbage and other articles through the streets of the city, and to restrain and regulate the speed of locomotive engines and cars upon the railroads within the city.

K. Accumulations of stagnant water, unwholesome substances, etc., on private grounds; removal; collection of expenses, etc. If any ground in the city shall be subject to be covered with stagnant water, or if the owner or owners, occupier or occupiers thereof shall permit any offensive or unwholesome substance to remain or accumulate thereon, the council may cause such grounds to be filled, raised, or drained, or may cause such substance to be covered or to be removed therefrom, and may collect the expense of so doing from the owner, or owners, occupier or occupiers, or any of them (except in cases where such nuisance is caused by the action of the city authorities or their agents, or by natural causes beyond the control of the owner or occupant, in which case the city shall pay the expense of abating the same), by distress and sale in the same manner in which taxes levied upon real estate for the benefit of the city are authorized to be collected; provided, that reasonable notice and an opportunity to be heard shall be first given to such owners or their agents. In case of nonresident owners who have no agent in the city, such notice shall be given by publication at least once a week for not less than two consecutive weeks in any newspaper having general circulation in the city.

L. Establishing fire zones; adoption of building, etc., codes; fire prevention; discharge of fireworks and firearms. To establish fire zones and regulate the character of buildings which may be erected or restored within same; to regulate and direct the storage of explosives in combustible substances and liquids; to prohibit the discharge of fireworks and firearms within the city; the building of bonfires within the city and the use of candles or lights in barns, stables, warehouses, etc.

M. Water, gas, electricity and sewage rates; requiring deposit, etc. To establish, impose and enforce water, gas, electricity and sewage rates and rates for charges for public utilities or other service, products or conveniences, operated, rendered or furnished by the city, and to assess, or cause to be assessed, water, gas, electricity and sewage rates and charges against the proper tenant or tenants or such persons, firms or corporations as may be legally liable therefor; and the council may by such ordinance require a deposit of such reasonable amount as it may by such ordinance prescribe, before furnishing any of such services to any person, firm or corporation.

Such fees, rents, charges and interest due thereon shall constitute a lien, which shall rank on a parity with liens for unpaid city taxes, against the property, which lien may be indexed and filed among the judgment records of the circuit court of Prince William County, the cost of such filing to be included in the total amount of such lien. Such fees, rents, charges and interest due thereon may also be recovered by the city by an action at law or a suit in equity; provided, however, this paragraph shall not become operative unless and until the provisions of this paragraph have been duly adopted by an ordinance enacted pursuant to the city charter.

N. Franchises. Subject to the provisions of the Constitution of Virginia and of this charter, to grant franchises under terms and conditions to be fixed by the council.

O. Diversions of streams. To divert the channels of creeks and flowing streams and for that purpose to acquire property by condemnation all in accordance with general law.

P. Contract debts, borrow money and issue bonds. Subject to the provisions of the Constitution of Virginia and of this charter to contract debts, borrow money and make and issue bonds and other evidence of indebtedness.

Q. Eminent domain. To exercise the power of eminent domain within this Commonwealth with respect to lands and improvements thereon, machinery and equipment for any lawful purpose of the city.

The city shall also have mutatis mutandis, the rights, privileges and obligations set forth in §§ 33.1-119 through 33.1-129 of the Code of Virginia, as amended, applicable to the Commonwealth Transportation Commissioner and the Department of Transportation, with respect to all lawful purposes for which the city is permitted to exercise the power of eminent domain, as made and provided in §§ 15.1-897, 15.1-898, 15.1-899, and 15.1-900 of Chapter 18 of Title 15.1 of the Code of Virginia, as in force on January 1, 1976.

R. Slaughterhouses. To provide by ordinance for the licensing, regulation, control and location of slaughterhouses within the corporate limits of the city; and for such services to make reasonable charges therefor; and to provide reasonable penalties for the violation of such ordinances.

S. Passage of ordinances, etc., to promote general welfare, etc. To do all things whatsoever necessary or expedient, and to pass all ordinances, resolutions and bylaws for promoting or maintaining the security, general welfare, comfort,

education, morals, peace, government, health, trade, commerce and industries of the city, or its inhabitants, not in conflict with the Constitution and general laws of the Commonwealth, or the Constitution of the United States.

T. Public utilities generally. The council shall have full control and regulation over the public utilities now owned or that may hereafter be acquired by the city, and to this end it shall have full authority to employ from time to time such employees as it deems necessary to properly maintain, conduct and operate the same; and it shall have full authority to incur indebtedness; unless otherwise prohibited by law, whenever the said council may deem it necessary for the proper conduct, management and maintenance of the public utilities now owned by the city, or such as may hereafter be acquired by it.

U. Requiring connection with sewers. The council shall likewise have authority, by ordinance duly enacted, to compel all owners of real estate within the corporate limits of the city to connect with such sewerage pipes or connection as may hereafter be installed or constructed by the city, whenever public health may render necessary such connection, upon such reasonable terms as may be prescribed by council, together with all other authority necessary to a proper maintenance and operation of an effective sewerage system.

V. Special election required for sale of public utilities. The council shall have no authority to sell its public utilities, without first submitting the question of such sale at a special election to be called for that purpose only, to the qualified voters of the city of Manassas, which election shall be conducted as now provided by general law governing special elections. The Circuit Court of Prince William County, or the judge thereof in vacation, shall order such special election upon the petition of twenty-five percent of the qualified voters of the city of Manassas or upon a resolution passed by a majority of the council of the city. For a period of not less than four weeks prior to such special election the substantial terms of any proposed sale shall be published over the signature of the city clerk, once a week for four successive weeks in some newspaper published within the city of Manassas. The qualifications of voters in said special election shall be determined by existing statutes governing other special elections.

W. Schools. To establish, operate, and maintain a public school system as a separate school division in accordance with the provisions of the Code of Virginia applicable thereto.

~~X. School board. The school board of the city of Manassas shall be composed of seven members, who shall be chosen by the council from qualified voters and residents of the city of Manassas to serve a term of three years. Any vacancy on the school board occurring by reason of death, resignation or removal shall be filled by the council for the unexpired term. A member whose term has expired shall continue to serve until his successor has been appointed and qualified. Those members appointed prior to the adoption of this charter amendment shall continue to serve for the term to which they were originally appointed. The two additional members appointed to the board pursuant to this charter amendment shall serve initial terms of one and two years as designated in their appointment by council.~~

~~Y. X. Residential rental unit inspections. Upon an affirmative finding of the need to protect the public health, welfare and safety of its citizens, to provide by ordinance for the issuance of certificates of compliance with current building regulations for existing residential buildings located in conservation and rehabilitation districts designated by the local governing body after inspections of such buildings upon a termination of the tenancies or when such rental property is sold.~~

CHAPTER 405

An Act to amend the Code of Virginia by adding a section numbered 15.2-1505.2, relating to localities; personnel policies related to the use of public property.

[H 494]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-1505.2 as follows:

§ 15.2-1505.2. Personnel policies related to the use of public property.

Every locality, with the exception of towns having a population of less than 3,500 that do not have a personnel policy, shall establish personnel policies covering the use of public property by officers and employees of the locality. Such policies shall address the use of telephones, computers, and related devices and peripheral equipment that are the property of the locality for (i) personal use, to the extent that such use interferes with the employees' productivity or work performance, or (ii) political activities. As used in this section, "political activities" shall have the same meaning as provided in § 15.2-1512.2.

CHAPTER 406

An Act to amend and reenact § 2.2-2648 of the Code of Virginia, relating to State Executive Council for Comprehensive Services for At-Risk Youth and Families; membership.

[H 520]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2648 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2648. State Executive Council for Comprehensive Services for At-Risk Youth and Families; membership; meetings; powers and duties.

A. The State Executive Council for Comprehensive Services for At-Risk Youth and Families (the Council) is established as a supervisory council, within the meaning of § 2.2-2100, in the executive branch of state government.

B. The Council shall consist of one member of the House of Delegates to be appointed by the Speaker of the House and one member of the Senate to be appointed by the Senate Committee on Rules; the Commissioners of Health, of Behavioral Health and Developmental Services, and of Social Services; the Superintendent of Public Instruction; the Executive Secretary of the Virginia Supreme Court; the Director of the Department of Juvenile Justice; the Director of the Department of Medical Assistance Services; ~~the Governor's Special Advisor on Children's Services~~ *a juvenile and domestic relations district court judge, to be appointed by the Governor and* serve as an ex officio nonvoting member; five local government representatives chosen from members of a county board of supervisors or a city council and a county administrator or city manager, to be appointed by the Governor; two private provider representatives from facilities that maintain membership in an association of providers for children's or family services and receives funding as authorized by the Comprehensive Services Act (§ 2.2-5200 et seq.), to be appointed by the Governor, who may appoint from nominees recommended by the Virginia Coalition of Private Provider Associations; and two parent representatives. The parent representatives shall be appointed by the Governor for a term not to exceed three years and neither shall be an employee of any public or private program that serves children and families. The Governor's appointments shall be for a term not to exceed three years and shall be limited to no more than two consecutive terms, beginning with appointments after July 1, 2009. ~~Appointments of legislative~~ *Legislative members and ex officio members of the Council shall be for* serve terms coincident with their terms of office. *Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.* Legislative members shall not be included for the purposes of constituting a quorum.

C. The Council shall be chaired by the Secretary of Health and Human Resources or a designated deputy who shall be responsible for convening the council. The Council shall meet, at a minimum, quarterly, to oversee the administration of this article and make such decisions as may be necessary to carry out its purposes. Legislative members shall receive compensation as provided in § 30-19.12 and nonlegislative citizen members shall receive compensation for their services as provided in §§ 2.2-2813 and 2.2-2825.

D. The Council shall have the following powers and duties:

1. Hire and supervise a director of the Office of Comprehensive Services for At-Risk Youth and Families;
2. Appoint the members of the state and local advisory team in accordance with the requirements of § 2.2-5201;
3. Provide for the establishment of interagency programmatic and fiscal policies developed by the Office of Comprehensive Services for At-Risk Youth and Families, which support the purposes of the Comprehensive Services Act (§ 2.2-5200 et seq.), through the promulgation of regulations by the participating state boards or by administrative action, as appropriate;
4. Provide for a public participation process for programmatic and fiscal guidelines and dispute resolution procedures developed for administrative actions that support the purposes of the Comprehensive Services Act (§ 2.2-5200 et seq.). The public participation process shall include, at a minimum, 60 days of public comment and the distribution of these guidelines and procedures to all interested parties;
5. Oversee the administration of and consult with the Virginia Municipal League and the Virginia Association of Counties about state policies governing the use, distribution and monitoring of moneys in the state pool of funds and the state trust fund;
6. Provide for the administration of necessary functions that support the work of the Office of Comprehensive Services for At-Risk Youth and Families;
7. Review and take appropriate action on issues brought before it by the Office of Comprehensive Services for At-Risk Youth and Families, Community Policy and Management Teams (CPMTs), local governments, providers and parents;
8. Advise the Governor and appropriate Cabinet Secretaries on proposed policy and operational changes that facilitate interagency service development and implementation, communication and cooperation;
9. Provide administrative support and fiscal incentives for the establishment and operation of local comprehensive service systems;
10. Oversee coordination of early intervention programs to promote comprehensive, coordinated service delivery, local interagency program management, and co-location of programs and services in communities. Early intervention programs include state programs under the administrative control of the state executive council member agencies;
11. Oversee the development and implementation of a mandatory uniform assessment instrument and process to be used by all localities to identify levels of risk of Comprehensive Services Act (CSA) youth;
12. Oversee the development and implementation of uniform guidelines to include initial intake and screening assessment, development and implementation of a plan of care, service monitoring and periodic follow-up, and the formal review of the status of the youth and the family;
13. Oversee the development and implementation of uniform guidelines for documentation for CSA-funded services;
14. Review and approve a request by a CPMT to establish a collaborative, multidisciplinary team process for referral and reviews of children and families pursuant to § 2.2-5209;

15. Oversee the development and implementation of mandatory uniform guidelines for utilization management; each locality receiving funds for activities under the Comprehensive Services Act shall have a locally determined utilization management plan following the guidelines or use of a process approved by the Council for utilization management, covering all CSA-funded services;

16. Oversee the development and implementation of uniform data collection standards and the collection of data, utilizing a secure electronic client-specific database for CSA-funded services, which shall include, but not be limited to, the following client specific information: (i) children served, including those placed out of state; (ii) individual characteristics of youths and families being served; (iii) types of services provided; (iv) service utilization including length of stay; (v) service expenditures; (vi) provider identification number for specific facilities and programs identified by the state in which the child receives services; (vii) a data field indicating the circumstances under which the child ends each service; and (viii) a data field indicating the circumstances under which the child exits the Comprehensive Services Act program. All client-specific information shall remain confidential and only non-identifying aggregate demographic, service, and expenditure information shall be made available to the public;

17. Oversee the development and implementation of a uniform set of performance measures for evaluating the Comprehensive Services Act program, including, but not limited to, the number of youths served in their homes, schools and communities. Performance measures shall be based on information: (i) collected in the client-specific database referenced in subdivision 16, (ii) from the mandatory uniform assessment instrument referenced in subdivision 11, and (iii) from available and appropriate client outcome data that is not prohibited from being shared under federal law and is routinely collected by the state child-serving agencies that serve on the Council. If provided client-specific information, state child serving agencies shall report available and appropriate outcome data in clause (iii) to the Office of Comprehensive Services for At-Risk Youth and Families. Outcome data submitted to the Office of Comprehensive Services for At-Risk Youth and Families shall be used solely for the administration of the Comprehensive Services Act program. Applicable client outcome data shall include, but not be limited to: (a) permanency outcomes by the Virginia Department of Social Services, (b) recidivism outcomes by the Virginia Department of Juvenile Justice, and (c) educational outcomes by the Virginia Department of Education. All client-specific information shall remain confidential and only non-identifying aggregate outcome information shall be made available to the public;

18. Oversee the development and distribution of management reports that provide information to the public and CPMTs to help evaluate child and family outcomes and public and private provider performance in the provision of services to children and families through the Comprehensive Services Act program. Management reports shall include total expenditures on children served through the Comprehensive Services Act program as reported to the Office of Comprehensive Services for At-Risk Youth and Families by state child-serving agencies on the Council and shall include, but not be limited to: (i) client-specific payments for inpatient and outpatient mental health services, treatment foster care services and residential services made through the Medicaid program and reported by the Virginia Department of Medical Assistance Services and (ii) client-specific payments made through the Title IV-E foster care program reported by the Virginia Department of Social Services. The Office of Comprehensive Services shall provide client-specific information to the state agencies for the sole purpose of the administration of the Comprehensive Services Act program. All client-specific information shall remain confidential and only non-identifying aggregate demographic, service, expenditure, and outcome information shall be made available to the public;

19. Establish and oversee the operation of an informal review and negotiation process with the Director of the Office of Comprehensive Services and a formal dispute resolution procedure before the State Executive Council, which include formal notice and an appeals process, should the Director or Council find, upon a formal written finding, that a CPMT failed to comply with any provision of this Act. "Formal notice" means the Director or Council provides a letter of notification, which communicates the Director's or the Council's finding, explains the effect of the finding, and describes the appeal process, to the chief administrative officer of the local government with a copy to the chair of the CPMT. The dispute resolution procedure shall also include provisions for remediation by the CPMT that shall include a plan of correction recommended by the Council and submitted to the CPMT. If the Council denies reimbursement from the state pool of funds, the Council and the locality shall develop a plan of repayment;

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

21. Biennially publish and disseminate to members of the General Assembly and community policy and management teams a state progress report on comprehensive services to children, youth and families and a plan for such services for the next succeeding biennium. The state plan shall:

a. Provide a fiscal profile of current and previous years' federal and state expenditures for a comprehensive service system for children, youth and families;

b. Incorporate information and recommendations from local comprehensive service systems with responsibility for planning and delivering services to children, youth and families;

c. Identify and establish goals for comprehensive services and the estimated costs of implementing these goals, report progress toward previously identified goals and establish priorities for the coming biennium;

d. Report and analyze expenditures associated with children who do not receive pool funding and have emotional and behavioral problems;

e. Identify funding streams used to purchase services in addition to pooled, Medicaid, and Title IV-E funding; and
 f. Include such other information or recommendations as may be necessary and appropriate for the improvement and coordinated development of the state's comprehensive services system; and

22. Oversee the development and implementation of mandatory uniform guidelines for intensive care coordination services for children who are at risk of entering, or are placed in, residential care through the Comprehensive Services Act program. The guidelines shall: (i) take into account differences among localities, (ii) specify children and circumstances appropriate for intensive care coordination services, (iii) define intensive care coordination services, and (iv) distinguish intensive care coordination services from the regular case management services provided within the normal scope of responsibility for the child-serving agencies, including the community services board, the local school division, local social services agency, court service unit, and Department of Juvenile Justice. Such guidelines shall address: (a) identifying the strengths and needs of the child and his family through conducting or reviewing comprehensive assessments including, but not limited to, information gathered through the mandatory uniform assessment instrument; (b) identifying specific services and supports necessary to meet the identified needs of the child and his family, building upon the identified strengths; (c) implementing a plan for returning the youth to his home, relative's home, family-like setting, or community at the earliest appropriate time that addresses his needs, including identification of public or private community-based services to support the youth and his family during transition to community-based care; and (d) implementing a plan for regular monitoring and utilization review of the services and residential placement for the child to determine whether the services and placement continue to provide the most appropriate and effective services for the child and his family.

CHAPTER 407

An Act to amend and reenact § 2.2-5206 of the Code of Virginia, relating to Comprehensive Services for At-Risk Youth and Families; appeals.

[H 522]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-5206 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-5206. Community policy and management teams; powers and duties.

The community policy and management team shall manage the cooperative effort in each community to better serve the needs of troubled and at-risk youths and their families and to maximize the use of state and community resources. Every such team shall:

1. Develop interagency policies and procedures to govern the provision of services to children and families in its community;
2. Develop interagency fiscal policies governing access to the state pool of funds by the eligible populations including immediate access to funds for emergency services and shelter care;
3. Establish policies to assess the ability of parents or legal guardians to contribute financially to the cost of services to be provided and, when not specifically prohibited by federal or state law or regulation, provide for appropriate parental or legal guardian financial contribution, utilizing a standard sliding fee scale based upon ability to pay;
4. Coordinate long-range, community-wide planning that ensures the development of resources and services needed by children and families in its community including consultation on the development of a community-based system of services established under § 16.1-309.3;
5. Establish policies governing referrals and reviews of children and families to the family assessment and planning teams or a collaborative, multidisciplinary team process approved by the Council and a process to review the teams' recommendations and requests for funding;
6. Establish quality assurance and accountability procedures for program utilization and funds management;
7. Establish procedures for obtaining bids on the development of new services;
8. Manage funds in the interagency budget allocated to the community from the state pool of funds, the trust fund, and any other source;
9. Authorize and monitor the expenditure of funds by each family assessment and planning team or a collaborative, multidisciplinary team process approved by the Council;
10. Submit grant proposals that benefit its community to the state trust fund and enter into contracts for the provision or operation of services upon approval of the participating governing bodies;
11. Serve as its community's liaison to the Office of Comprehensive Services for At-Risk Youth and Families, reporting on its programmatic and fiscal operations and on its recommendations for improving the service system, including consideration of realignment of geographical boundaries for providing human services;
12. Collect and provide uniform data to the Council as requested by the Office of Comprehensive Services for At-Risk Youth and Families in accordance with subdivision D 16 of § 2.2-2648;
13. Review and analyze data in management reports provided by the Office of Comprehensive Services for At-Risk Youth and Families in accordance with subdivision D 18 of § 2.2-2648 to help evaluate child and family outcomes and public and private provider performance in the provision of services to children and families through the Comprehensive

Services Act program. Every team shall also review local and statewide data provided in the management reports on the number of children served, children placed out of state, demographics, types of services provided, duration of services, service expenditures, child and family outcomes, and performance measures. Additionally, teams shall track the utilization and performance of residential placements using data and management reports to develop and implement strategies for returning children placed outside of the Commonwealth, preventing placements, and reducing lengths of stay in residential programs for children who can appropriately and effectively be served in their home, relative's homes, family-like setting, or their community;

14. Administer funds pursuant to § 16.1-309.3;

15. Have authority, upon approval of the participating governing bodies, to enter into a contract with another community policy and management team to purchase coordination services provided that funds described as the state pool of funds under § 2.2-5211 are not used;

16. Submit to the Department of Behavioral Health and Developmental Services information on children under the age of 14 and adolescents ages 14 through 17 for whom an admission to an acute care psychiatric or residential treatment facility licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2, exclusive of group homes, was sought but was unable to be obtained by the reporting entities. Such information shall be gathered from the family assessment and planning team or participating community agencies authorized in § 2.2-5207. Information to be submitted shall include:

a. The child or adolescent's date of birth;

b. Date admission was attempted; and

c. Reason the patient could not be admitted into the hospital or facility; ~~and~~

17. Establish policies for providing intensive care coordination services for children who are at risk of entering, or are placed in, residential care through the Comprehensive Services Act program, consistent with guidelines developed pursuant to subdivision D 22 of § 2.2-2648; *and*

18. *Establish policies and procedures for appeals by youth and their families of decisions made by local family assessment and planning teams regarding services to be provided to the youth and family pursuant to an individual family services plan developed by the local family assessment and planning team. Such policies and procedures shall not apply to appeals made pursuant to § 63.2-915 or in accordance with the Individuals with Disabilities Education Act or federal or state laws or regulations governing the provision of medical assistance pursuant to Title XIX of the Social Security Act.*

CHAPTER 408

An Act to amend and reenact § 19.2-169.2 of the Code of Virginia, relating to criminal defendants found incompetent; records for treatment.

[H 585]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-169.2 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-169.2. Disposition when defendant found incompetent.

A. Upon finding pursuant to subsection E of § 19.2-169.1 that the defendant, including a juvenile transferred pursuant to § 16.1-269.1, is incompetent, the court shall order that the defendant receive treatment to restore his competency on an outpatient basis or, if the court specifically finds that the defendant requires inpatient hospital treatment, at a hospital designated by the Commissioner of Behavioral Health and Developmental Services as appropriate for treatment of persons under criminal charge. *Any psychiatric records and other information that have been deemed relevant and submitted by the attorney for the defendant pursuant to subsection C of § 19.2-169.1 and any reports submitted pursuant to subsection D of § 19.2-169.1 shall be made available to the director of the community services board or behavioral health authority or his designee or to the director of the treating inpatient facility or his designee within 96 hours of the issuance of the court order requiring treatment to restore the defendant's competency. If the 96-hour period expires on a Saturday, Sunday, or other legal holiday, the 96 hours shall be extended to the next day that is not a Saturday, Sunday, or legal holiday.*

B. If, at any time after the defendant is ordered to undergo treatment under subsection A of this section, the director of the community services board or behavioral health authority or his designee or the director of the treating inpatient facility or his designee believes the defendant's competency is restored, the director or his designee shall immediately send a report to the court as prescribed in subsection D of § 19.2-169.1. The court shall make a ruling on the defendant's competency according to the procedures specified in subsection E of § 19.2-169.1.

C. The clerk of court shall certify and forward forthwith to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of an order for treatment issued pursuant to subsection A.

CHAPTER 409

An Act to amend and reenact § 58.1-3506 of the Code of Virginia, relating to personal property tax rate classifications.

[H 617]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3506 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3506. Other classifications of tangible personal property for taxation.

A. The items of property set forth below are each declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of tangible personal property provided in this chapter:

1. a. Boats or watercraft weighing five tons or more, not used solely for business purposes;
- b. Boats or watercraft weighing less than five tons, not used solely for business purposes;
2. Aircraft having a maximum passenger seating capacity of no more than 50 that are owned and operated by scheduled air carriers operating under certificates of public convenience and necessity issued by the State Corporation Commission or the Civil Aeronautics Board;
3. Aircraft having a registered empty gross weight equal to or greater than 20,000 pounds that are not owned or operated by scheduled air carriers recognized under federal law, but not including any aircraft described in subdivision 4;
4. Aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and otherwise used for educational purposes (including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations (including such flights necessary for testing, maintaining, or preparing such aircraft for safe operation), shall constitute a new class of property. Such class of property shall not include any aircraft used for commercial purposes, including transportation and other services for a fee;
5. All other aircraft not included in subdivisions A 2, A 3, or A 4 and flight simulators;
6. Antique motor vehicles as defined in § 46.2-100 which may be used for general transportation purposes as provided in subsection C of § 46.2-730;
7. Tangible personal property used in a research and development business;
8. Heavy construction machinery not used for business purposes, including but not limited to land movers, bulldozers, front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting and silvicultural activity equipment and ditch and other types of diggers;
9. Generating equipment purchased after December 31, 1974, for the purpose of changing the energy source of a manufacturing plant from oil or natural gas to coal, wood, wood bark, wood residue, or any other alternative energy source for use in manufacturing and any cogeneration equipment purchased to achieve more efficient use of any energy source. Such generating equipment and cogeneration equipment shall include, without limitation, such equipment purchased by firms engaged in the business of generating electricity or steam, or both;
10. Vehicles without motive power, used or designed to be used as manufactured homes as defined in § 36-85.3;
11. Computer hardware used by businesses primarily engaged in providing data processing services to other nonrelated or nonaffiliated businesses;
12. Privately owned pleasure boats and watercraft, 18 feet and over, used for recreational purposes only;
13. Privately owned vans with a seating capacity of not less than seven nor more than 15 persons, including the driver, used exclusively pursuant to a ridesharing arrangement as defined in § 46.2-1400;
14. Motor vehicles specially equipped to provide transportation for physically handicapped individuals;
15. Motor vehicles (i) owned by members of a volunteer rescue squad or volunteer fire department or (ii) leased by members of a volunteer rescue squad or volunteer fire department if the member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is owned by each volunteer rescue squad member or volunteer fire department member, or leased by each volunteer rescue squad member or volunteer fire department member if the member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle, may be specially classified under this section, provided the volunteer rescue squad member or volunteer fire department member regularly responds to emergency calls. The volunteer shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief or head of the volunteer organization, that the volunteer is a member of the volunteer rescue squad or fire department who regularly responds to calls or regularly performs other duties for the rescue squad or fire department, and the motor vehicle owned or leased by the volunteer rescue squad member or volunteer fire department member is identified. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline. In any county that prorates the assessment of tangible personal property pursuant to § 58.1-3516, a replacement vehicle may be certified and classified pursuant to this subsection when the vehicle certified as of the immediately prior January date is transferred during the tax year;
16. Motor vehicles (i) owned by auxiliary members of a volunteer rescue squad or volunteer fire department or (ii) leased by auxiliary members of a volunteer rescue squad or volunteer fire department if the member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary volunteer fire department or rescue squad member may be specially classified under this section. The auxiliary member shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief or head of the volunteer organization, that the volunteer is an auxiliary member of the volunteer rescue squad or fire department who regularly performs duties for the rescue squad or fire department, and the motor vehicle is identified as regularly used for such purpose; however, if a volunteer rescue squad or fire department member and an auxiliary member

are members of the same household, that household shall be allowed no more than two special classifications under this subdivision or subdivision 15. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

17. Motor vehicles owned by a nonprofit organization and used to deliver meals to homebound persons or provide transportation to senior or handicapped citizens in the community to carry out the purposes of the nonprofit organization;

18. Privately owned camping trailers as defined in § 46.2-100, and privately owned travel trailers as defined in § 46.2-1900, which are used for recreational purposes only, and privately owned trailers as defined in § 46.2-100 which are designed and used for the transportation of horses except those trailers described in subdivision A 11 of § 58.1-3505;

19. One motor vehicle owned and regularly used by a veteran who has either lost, or lost the use of, one or both legs, or an arm or a hand, or who is blind or who is permanently and totally disabled as certified by the Department of Veterans Services. In order to qualify, the veteran shall provide a written statement to the commissioner of revenue or other assessing officer from the Department of Veterans Services that the veteran has been so designated or classified by the Department of Veterans Services as to meet the requirements of this section, and that his disability is service-connected. For purposes of this section, a person is blind if he meets the provisions of § 46.2-100;

20. Motor vehicles (i) owned by persons who have been appointed to serve as auxiliary police officers pursuant to Article 3 (§ 15.2-1731 et seq.) of Chapter 17 of Title 15.2 or (ii) leased by persons who have been so appointed to serve as auxiliary police officers if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary police officer to respond to auxiliary police duties may be specially classified under this section. In order to qualify for such classification, any auxiliary police officer who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary police officer or from the official who has appointed such auxiliary officers. That certification shall state that the applicant is an auxiliary police officer who regularly uses a motor vehicle to respond to auxiliary police duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

21. Until the first to occur of June 30, 2019, or the date that a special improvements tax is no longer levied under § 15.2-4607 on property within a Multicounty Transportation Improvement District created pursuant to Chapter 46 (§ 15.2-4600 et seq.) of Title 15.2, tangible personal property that is used in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District, provided that such business personal property is put into service within the District on or after July 1, 1999;

22. Motor vehicles which use clean special fuels as defined in § 46.2-749.3, which shall not include any vehicle described in subdivision 38 or 40;

23. Wild or exotic animals kept for public exhibition in an indoor or outdoor facility that is properly licensed by the federal government, the Commonwealth, or both, and that is properly zoned for such use. "Wild animals" means any animals that are found in the wild, or in a wild state, within the boundaries of the United States, its territories or possessions. "Exotic animals" means any animals that are found in the wild, or in a wild state, and are native to a foreign country;

24. Furniture, office, and maintenance equipment, exclusive of motor vehicles, that are owned and used by an organization whose real property is assessed in accordance with § 58.1-3284.1 and that is used by that organization for the purpose of maintaining or using the open or common space within a residential development;

25. Motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used to transport property for hire by a motor carrier engaged in interstate commerce;

26. All tangible personal property employed in a trade or business other than that described in subdivisions A 1 through A 19, except for subdivision A 17, of § 58.1-3503;

27. Programmable computer equipment and peripherals employed in a trade or business;

28. Privately owned pleasure boats and watercraft, motorized and under 18 feet, used for recreational purposes only;

29. Privately owned pleasure boats and watercraft, nonmotorized and under 18 feet, used for recreational purposes only;

30. Privately owned motor homes as defined in § 46.2-100 that are used for recreational purposes only;

31. Tangible personal property used in the provision of Internet services. For purposes of this subdivision, "Internet service" means a service, including an Internet Web-hosting service, that enables users to access content, information, electronic mail, and the Internet as part of a package of services sold to customers;

32. Motor vehicles (i) owned by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs or (ii) leased by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. For purposes of this subdivision, the term "auxiliary deputy sheriff" means auxiliary, reserve, volunteer, or special deputy sheriff. One motor vehicle that is regularly used by each auxiliary deputy sheriff to respond to auxiliary deputy sheriff duties may be specially classified under this section. In order to qualify for such classification, any auxiliary deputy sheriff who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing

officer with a certification from the governing body that has appointed such auxiliary deputy sheriff or from the official who has appointed such auxiliary deputy sheriff. That certification shall state that the applicant is an auxiliary deputy sheriff who regularly uses a motor vehicle to respond to such auxiliary duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

33. Forest harvesting and silvicultural activity equipment;

34. Equipment used primarily for research, development, production, or provision of biotechnology for the purpose of developing or providing products or processes for specific commercial or public purposes, including, but not limited to, medical, pharmaceutical, nutritional, and other health-related purposes; agricultural purposes; or environmental purposes but not for human cloning purposes as defined in § 32.1-162.21 or for products or purposes related to human embryo stem cells. For purposes of this section, biotechnology equipment means equipment directly used in activities associated with the science of living things;

35. Boats or watercraft weighing less than five tons, used for business purposes only;

36. Boats or watercraft weighing five tons or more, used for business purposes only;

37. Tangible personal property which is owned and operated by a service provider who is not a CMRS provider and is not licensed by the FCC used to provide, for a fee, wireless broadband Internet service. For purposes of this subdivision, "wireless broadband Internet service" means a service that enables customers to access, through a wireless connection at an upload or download bit rate of more than one megabyte per second, Internet service, as defined in § 58.1-602, as part of a package of services sold to customers;

38. Low-speed vehicles as defined in § 46.2-100;

39. Motor vehicles with a seating capacity of not less than 30 persons, including the driver;

40. Motor vehicles powered solely by electricity;

41. Tangible personal property designed and used primarily for the purpose of manufacturing a product from renewable energy as defined in § 56-576;

42. Motor vehicles leased by a county, city, town, or constitutional officer if the locality or constitutional officer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle; ~~and~~

43. Computer equipment and peripherals used in a data center. For purposes of this subdivision, "data center" means a facility whose primary services are the storage, management, and processing of digital data and is used to house (i) computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, and data storage systems; (ii) systems for monitoring and managing infrastructure performance; (iii) equipment used for the transformation, transmission, distribution, or management of at least one megawatt of capacity of electrical power and cooling, including substations, uninterruptible power supply systems, all electrical plant equipment, and associated air handlers; (iv) Internet-related equipment and services; (v) data communications connections; (vi) environmental controls; (vii) fire protection systems; and (viii) security systems and services; *and*

44. If a locality has adopted an ordinance pursuant to subsection D of § 58.1-3703, tangible personal property of a business that qualifies under such ordinance for the first two tax years in which the business is subject to tax upon its personal property pursuant to this chapter. If a locality has not adopted such ordinance, this classification shall apply to the tangible personal property for such first two tax years of a business that otherwise meets the requirements of subsection D of § 58.1-3703.

B. The governing body of any county, city or town may levy a tax on the property enumerated in subsection A at different rates from the tax levied on other tangible personal property. The rates of tax and the rates of assessment shall (i) for purposes of subdivisions A 1, 2, 3, 4, 5, 6, 8, 11 through 20, 22 through 24, and 26 through ~~43 of subsection A~~ 44, not exceed that applicable to the general class of tangible personal property, (ii) for purposes of subdivisions A 7, A 9, A 21, and A 25, not exceed that applicable to machinery and tools, and (iii) for purposes of subdivision A 10, equal that applicable to real property. If a motor vehicle is included in multiple classifications under subsection A, then the rate of tax shall be the lowest rate assigned to such classifications. If computer equipment and peripherals used in a data center could be included in classifications set forth in subdivision A 11, 26, 27, or 43, then the computer equipment and peripherals used in a data center shall be taxed at the lowest rate available under subdivision A 11, 26, 27, or 43.

C. Notwithstanding any other provision of this section, for any qualifying vehicle, as such term is defined in § 58.1-3523, (i) included in any separate class of property in subsection A and (ii) assessed for tangible personal property taxes by a county, city, or town receiving a payment from the Commonwealth under Chapter 35.1 (§ 58.1-3523 et seq.) for providing tangible personal property tax relief, the county, city, or town may levy the tangible personal property tax on such qualifying vehicle at a rate not to exceed the rates of tax and rates of assessment required under such chapter.

CHAPTER 410

An Act to amend and reenact §§ 24.2-115 and 24.2-117 of the Code of Virginia, relating to elections; substitution of an officer of election.

[H 632]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:**1. That §§ 24.2-115 and 24.2-117 of the Code of Virginia are amended and reenacted as follows:****§ 24.2-115. Appointment, qualifications, and terms of officers of election.**

Each electoral board at its regular meeting in the first week of February of the year in which the terms of officers of election are scheduled to expire shall appoint officers of election. Their terms of office shall begin on March 1 following their appointment and continue, at the discretion of the electoral board, for a term not to exceed three years or until their successors are appointed.

Not less than three competent citizens shall be appointed for each precinct and, insofar as practicable, each officer shall be a qualified voter of the precinct he is appointed to serve, but in any case a qualified voter of the Commonwealth. In appointing the officers of election, representation shall be given to each of the two political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. The representation of the two parties shall be equal at each precinct having an equal number of officers and shall vary by no more than one at each precinct having an odd number of officers. If practicable, officers shall be appointed from lists of nominations filed by the political parties entitled to appointments. The party shall file its nominations with the secretary of the electoral board at least 10 days before February 1 each year. The electoral board may appoint additional citizens who do not represent any political party to serve as officers but not as the chief officer or the assistant chief officer. If practicable, no more than one-third of the total number of officers appointed for each precinct may be citizens who do not represent any political party.

Officers of election shall serve for all elections held in their respective precincts during their terms of office unless *a substitute is required to be appointed pursuant to § 24.2-117* or the electoral board decides that fewer officers are needed for a particular election, in which case party representation shall be maintained as provided above. For a primary election involving only one political party, persons representing the political party holding the primary shall serve as the officers of election if possible.

The electoral board shall designate one officer as the chief officer of election and one officer as the assistant for each precinct. The officer designated as the assistant for a precinct, whenever practicable, shall not represent the same political party as the chief officer for the precinct. The electoral board may also appoint at least one officer of election who reports to the precinct at least one hour prior to the closing of the precinct and whose primary responsibility is to assist with closing the precinct and reporting the results of the votes at the precinct.

The electoral board shall instruct each chief officer and assistant in his duties not less than three nor more than 30 days before each election. Each electoral board may instruct each officer of election in his duties at an appropriate time or times before each November general election, and shall conduct training of the officers of election consistent with the standards set by the State Board pursuant to subsection B of § 24.2-103. Each electoral board shall certify to the State Board that such training has been conducted every four years.

If Notwithstanding the provisions of § 24.2-117, if an officer of election is unable to serve at any election during his term of office, the electoral board may at any time appoint a substitute who shall hold office and serve for the unexpired term.

Additional officers shall be appointed in accordance with this section at any time that the electoral board determines that they are needed.

If practicable, substitute officers or additional officers appointed after the electoral board's regular meeting in the first week of February shall be appointed from lists of nominations filed by the political parties entitled to appointments. The electoral board shall inform the political parties of its decision to make such appointments and the party shall file its nominations with the secretary of the electoral board within five business days.

The secretary of the electoral board shall prepare a list of the officers of election that shall be available for inspection and posted in the general registrar's office prior to March 1 each year. Whenever substitute or additional officers are appointed, the secretary shall promptly add the names of the appointees to the public list. Upon request and at a reasonable charge not to exceed the actual cost incurred, the secretary shall provide a copy of the list of the officers of election, including their party designation and precinct to which they are assigned, to any requesting political party or candidate.

§ 24.2-117. Request for removal of officer of election.

A candidate may require the removal of an officer of election for the election in which he is a candidate by a request in writing, filed at least seven days before the election with the electoral board appointing the officer, on the grounds that the officer is the spouse, parent, grandparent, sibling, child, or grandchild of an opposing candidate. *A member of the electoral board may also request the removal of an officer of election whom he knows to be the spouse, parent, grandparent, sibling, child, or grandchild of a candidate in the election by a request in writing, filed at least seven days before the election with the electoral board.* The electoral board may appoint a substitute who shall hold office and serve for that election.

CHAPTER 411

An Act to amend and reenact § 38.2-3115 of the Code of Virginia, relating to interest on life insurance and annuity contract proceeds.

[H 634]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3115 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3115. Interest on life insurance and annuity contract proceeds.

A. If an action to recover the proceeds due under a life insurance policy or annuity contract results in a judgment against the insurer, interest on the judgment at the legal rate of interest shall be paid from (i) the date of presentation to the insurer of proof of death on a life insurance policy or annuity contract or (ii) the date of maturity of an endowment policy to the date judgment is entered.

B. If no action is brought, interest upon the principal sum paid to the beneficiary or policyowner shall be computed daily at an annual rate of ~~2 + 1/2~~ two and one-half percent or at the annual rate currently paid by the insurer on proceeds left under the interest settlement option, whichever is greater, commencing (i) from the date of death on a life insurance policy or annuity contract claim ~~and~~; (ii) from the date of receipt of a completed claim form on a variable annuity contract claim; or (iii) from the date of maturity of an endowment contract to the date of payment. The interest shall be added to and become a part of the total sum payable.

C. No insurer shall be required to pay interest computed under this section if the total interest is less than five dollars.

D. This section shall not apply to (i) credit life insurance for which the premium is paid wholly from funds of the creditor with no specific identifiable charge being made to insureds for the insurance and upon which post-death interest on the indebtedness is waived by the creditor in an amount at least equal to the amount of interest that would otherwise be payable under this section; (ii) credit life insurance payable in whole or in part to a creditor that is an affiliate, as defined in § 13.1-725, of the insurer and that does not charge interest on the indebtedness from the date of death of the insured; or (iii) policies or contracts issued prior to July 1, 1977, but shall apply to any renewals or reissues of group life insurance policies or contracts occurring after that date.

CHAPTER 412

An Act to amend and reenact § 63.2-1511 of the Code of Virginia, relating to investigation of alleged child abuse and neglect; agreements with school divisions.

[H 683]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1511 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-1511. Complaints of abuse and neglect against school personnel; interagency agreement.

A. If a teacher, principal or other person employed by a local school board or employed in a school operated by the Commonwealth is suspected of abusing or neglecting a child in the course of his educational employment, the complaint shall be investigated in accordance with §§ 63.2-1503, 63.2-1505 and 63.2-1516.1. Pursuant to § 22.1-279.1, no teacher, principal or other person employed by a school board or employed in a school operated by the Commonwealth shall subject a student to corporal punishment. However, this prohibition of corporal punishment shall not be deemed to prevent (i) the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control; (ii) the use of reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens physical injury to persons or damage to property; (iii) the use of reasonable and necessary force to prevent a student from inflicting physical harm on himself; (iv) the use of reasonable and necessary force for self-defense or the defense of others; or (v) the use of reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia that are upon the person of the student or within his control. In determining whether the actions of a teacher, principal or other person employed by a school board or employed in a school operated by the Commonwealth are within the exceptions provided in this section, the local department shall examine whether the actions at the time of the event that were made by such person were reasonable.

B. For purposes of this section, "corporal punishment," "abuse," or "neglect" shall not include physical pain, injury or discomfort caused by the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control as permitted in clause (i) of subsection A or the use of reasonable and necessary force as permitted by clauses (ii), (iii), (iv), and (v) of subsection A, or by participation in practice or competition in an interscholastic sport, or participation in physical education or an extracurricular activity.

C. If, after an investigation of a complaint under this section, the local department determines that the actions or omissions of a teacher, principal, or other person employed by a local school board or employed in a school operated by the

Commonwealth were within such employee's scope of employment and were taken in good faith in the course of supervision, care, or discipline of students, then the standard in determining if a report of abuse or neglect is founded is whether such acts or omissions constituted gross negligence or willful misconduct.

D. Each local department and local school division shall adopt a written interagency agreement as a protocol for investigating child abuse and neglect reports ~~against school personnel~~. The interagency agreement shall be based on recommended procedures for conducting investigations developed by the Departments of Education and Social Services.

2. That local school divisions shall report annually to the Board of Education, and local departments of social services shall report annually to the Board of Social Services, regarding the status of interagency agreements for the investigation of complaints of child abuse and neglect against school personnel and reports of sexual abuse of children that require coordination between local departments and local school divisions to facilitate investigation of such complaints and reports. Once such interagency agreement is adopted, the local school division and the local department of social services that are the parties to the interagency agreement shall no longer be required to report annually on the status of the interagency agreement. Thereafter, such parties shall only be required to report to the Board of Education and the Board of Social Services when such interagency agreements are substantially modified.

CHAPTER 413

An Act to amend and reenact § 32.1-330 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 32.1-330.4, relating to uniform assessments.

[H 702]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-330 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 32.1-330.4 as follows:

§ 32.1-330. Preadmission screening required.

All individuals who will be eligible for community or institutional long-term care services as defined in the state plan for medical assistance shall be evaluated to determine their need for nursing facility services as defined in that plan. The Department shall require a preadmission screening of all individuals who, at the time of application for admission to a certified nursing facility as defined in § 32.1-123, are eligible for medical assistance or will become eligible within six months following admission. For community-based screening, the screening team shall consist of a nurse, social worker *or other assessor designated by the Department*, and physician who are employees of the Department of Health or the local department of social services or a team of licensed physicians, nurses, and social workers at the Woodrow Wilson Rehabilitation Center (WWRC) for WWRC clients only. For institutional screening, the Department shall contract with acute care hospitals. *The Department shall contract with other public or private entities to conduct required community-based and institutional screenings in addition to or in lieu of the screening teams described in this section in jurisdictions in which the screening team has been unable to complete screenings of individuals within 30 days of such individuals' application.*

§ 32.1-330.4. Uniform assessment instrument for PACE plans.

Every individual who requests a screening for the purpose of enrollment in a PACE plan, as defined in § 32.1-330.3, shall be eligible for such screening, regardless of whether the individual is eligible under the state plan for medical assistance.

2. That the Board of Medical Assistance Services shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

CHAPTER 414

An Act to amend and reenact § 2.2-3705.3 of the Code of Virginia, relating to the Virginia Freedom of Information Act; record exemption for certain administrative investigations by public institutions of higher education.

[H 703]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3705.3 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations.

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. Confidential records of all investigations of applications for licenses and permits, and of all licensees and permittees, made by or submitted to the Alcoholic Beverage Control Board, the State Lottery Department, the Virginia Racing Commission, the Department of Agriculture and Consumer Services relating to investigations and applications pursuant to

Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice Services.

2. Records of active investigations being conducted by the Department of Health Professions or by any health regulatory board in the Commonwealth.

3. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation of individual employment discrimination complaints made to the Department of Human Resource Management ~~or~~ to such personnel of any local public body, including local school boards, as are responsible for conducting such investigations in confidence, *or to any public institution of higher education*. However, nothing in this section shall prohibit the disclosure of information taken from inactive reports in a form that does not reveal the identity of charging parties, persons supplying the information, or other individuals involved in the investigation.

4. Records of active investigations being conducted by the Department of Medical Assistance Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

5. Investigative notes and other correspondence and information furnished in confidence with respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice under the Virginia Human Rights Act (§ 2.2-3900 et seq.) or under any local ordinance adopted in accordance with the authority specified in § 2.2-524, or adopted pursuant to § 15.2-965, or adopted prior to July 1, 1987, in accordance with applicable law, relating to local human rights or human relations commissions. However, nothing in this section shall prohibit the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.

6. Records of studies and investigations by the State Lottery Department of (i) lottery agents, (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations that cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) the use of the lottery as a subterfuge for organized crime and illegal gambling where such official records have not been publicly released, published or copyrighted. All studies and investigations referred to under clauses (iii), (iv), and (v) shall be open to inspection and copying upon completion of the study or investigation.

7. Investigative notes, correspondence and information furnished in confidence, and records otherwise exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to Chapter 3.2 (§ 2.2-307 et seq.); (v) *the auditors appointed by any public institution of higher education*; (vi) the committee or the auditor with respect to an investigation or audit conducted pursuant to § 15.2-825; or ~~(vi)~~ (vii) the auditors, appointed by the local governing body of any county, city, or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an investigation of any officer, department, or program of such body. Records of completed investigations shall be disclosed in a form that does not reveal the identity of the complainants or persons supplying information to investigators. Unless disclosure is prohibited by this section, the records disclosed shall include, but not be limited to, the agency involved, the identity of the person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation does not lead to corrective action, the identity of the person who is the subject of the complaint may be released only with the consent of the subject person. Local governing bodies shall adopt guidelines to govern the disclosure required by this subdivision.

8. Information furnished in confidence to the Department of Human Resource Management with respect to an investigation, consultation, or mediation under § 2.2-1202.1, and memoranda, correspondence and other records resulting from any such investigation, consultation or mediation. However, nothing in this section shall prohibit the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.

9. The names, addresses and telephone numbers of complainants furnished in confidence with respect to an investigation of individual zoning enforcement complaints or complaints relating to the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) made to a local governing body.

10. Records of active investigations being conducted by the Department of Criminal Justice Services pursuant to Article 4 (§ 9.1-138 et seq.), Article 4.1 (§ 9.1-150.1 et seq.), Article 11 (§ 9.1-185 et seq.), and Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

11. Records furnished to or prepared by the Board of Education pursuant to subsection D of § 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests by local school board employees responsible for the distribution or administration of the tests. However, this section shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board.

12. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation conducted by or for the Board of Education related to the denial, suspension, or revocation of teacher licenses.

However, this subdivision shall not prohibit the disclosure of records to a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee. Records of completed investigations shall be disclosed in a form that does not reveal the identity of any complainant or person supplying information to investigators. The records disclosed shall include information regarding the school or facility involved, the identity of the person who was the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation fails to support a complaint or does not lead to corrective action, the identity of the person who was the subject of the complaint may be released only with the consent of the subject person. No personally identifiable information in the records regarding a current or former student shall be released except as permitted by state or federal law.

13. Records, notes and information provided in confidence and related to an investigation by the Attorney General under Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 or Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, or Article 1 (§ 58.1-1000) of Chapter 10 of Title 58.1. However, records related to an investigation that has been inactive for more than six months shall, upon request, be disclosed provided such disclosure is not otherwise prohibited by law and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses, or other individuals involved in the investigation.

CHAPTER 415

An Act to amend and reenact § 37.2-406 of the Code of Virginia, relating to the location of methadone clinics near schools and day care centers; exemptions for existing facilities and providers.

[H 722]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 37.2-406 of the Code of Virginia is amended and reenacted as follows:

§ 37.2-406. Conditions for initial licensure of certain providers.

A. Notwithstanding the Commissioner's discretion to grant licenses pursuant to this article or any Board regulation regarding licensing, no initial license shall be granted by the Commissioner to a provider of treatment for persons with opiate addiction through the use of methadone or other opioid replacements, if the provider is to be located within one-half mile of a public or private licensed day care center or a public or private K-12 school, except when such service is provided by a hospital licensed by the Board of Health or the Commissioner or is owned or operated by an agency of the Commonwealth.

B. No provider shall be required to conduct, maintain, or operate services for the treatment of persons with opiate addiction through the use of methadone or other opioid replacements on Sunday except when such service is provided by a hospital licensed by the Board of Health or the Commissioner or is owned or operated by an agency of the Commonwealth, subject to regulations or guidelines issued by the Department consistent with the health, safety and welfare of individuals receiving services and the security of take-home doses of methadone or other opiate replacements.

C. Upon receiving notice of a proposal for or an application to obtain an initial license from a provider of treatment for persons with opiate addiction through the use of methadone or other opioid replacements, the Commissioner shall, within 15 days of the receipt, notify the local governing body of and the community services board serving the jurisdiction in which the facility is to be located of the proposal or application and the facility's proposed location.

Within 30 days of the date of the notice, the local governing body and community services board shall submit to the Commissioner comments on the proposal or application. The local governing body shall notify the Commissioner within 30 days of the date of the notice concerning the compliance of the applicant with this section and any applicable local ordinances.

D. No license shall be issued by the Commissioner to the provider until the conditions of this section have been met, i.e., local governing body and community services board comments have been received and the local governing body has determined compliance with the provisions of this section and any relevant local ordinances.

E. No applicant for a license to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements that has obtained a certificate of occupancy in accordance with the law and regulations in effect on January 1, 2004, shall be required to comply with the provisions of this section *with respect to the existing facility for which the certificate of occupancy was obtained*. No existing licensed provider shall be required to comply with the provisions of this section ~~in any city or county~~ *with respect to an existing facility in which it is currently providing such treatment. License applicants and licensees who fall within this exception shall, however, be required to comply with the provisions of this section for purposes of relocating an existing facility or establishing a new facility.*

F. The provisions of subsection A and subsection E shall not apply to the jurisdictions in Planning District 8 *or to an applicant for a license for the purpose of relocating within a city located in Planning District 23 a facility to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements that has been providing such treatment in the same city since 1984 and is operated by and located with a community services board.*

CHAPTER 416

An Act to amend and reenact § 58.1-439.20 of the Code of Virginia, relating to Neighborhood Assistance tax credits.

[H 737]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-439.20 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-439.20. Proposals; regulations; tax credits authorized; amount for programs.

A. Any neighborhood organization may submit a proposal, other than education proposals, to the Commissioner of the State Department of Social Services requesting an allocation of tax credits for use by business firms making donations to the neighborhood organization. Neighborhood organizations may submit education proposals to the Superintendent of Public Instruction requesting an allocation of tax credits for use by business firms making donations to the neighborhood organization.

The proposal shall set forth the program to be conducted by the neighborhood organization, the low-income persons or eligible students with disabilities to be assisted, the estimated amount to be donated to the program, and the plans for implementing the program.

B. The State Board of Social Services and the Department of Education are hereby authorized to adopt regulations (or, alternatively, guidelines in the case of the Department of Education) for the approval or disapproval of such proposals by neighborhood organizations and for determining the value of the donations. Such regulations or guidelines shall contain a requirement that a neighborhood organization shall have been in existence for at least one year. Also, such regulations or guidelines shall contain a requirement that as a prerequisite for approval, neighborhood organizations with total revenues (including the value of all donations) (i) in excess of \$100,000 for the organization's most recent year ended provide to the State Board of Social Services or the Department of Education, as applicable, an audit or review for such year performed by an independent certified public accountant or (ii) of \$100,000 or less for the organization's most recent year ended, provide to the State Board of Social Services or the Department of Education, as applicable, a compilation for such year performed by an independent certified public accountant.

Such regulations or guidelines by the Department of Education shall provide that at least 50 percent of the persons served by the neighborhood organization are low-income persons or eligible students with disabilities, and that at least 50 percent of the neighborhood organization's revenues are used to provide services to low-income persons or to eligible students with disabilities. Such regulations by the State Board of Social Services shall provide that at least ~~40~~ 50 percent of the persons served by the neighborhood organization are low-income persons as defined in § 58.1-439.18. In order for a proposal to be approved, the applicant neighborhood organization and any of its affiliates shall meet the requirements of the application regulations or guidelines. Such regulations or guidelines shall provide for the equitable allocation of the available amount of tax credits among the approved proposals submitted by neighborhood organizations. The regulations or guidelines shall also provide that at least 10 percent of the available amount of tax credits each year shall be allocated to qualified programs proposed by neighborhood organizations not receiving allocations in the preceding year; however, if the amount of tax credits for qualified programs requested by such neighborhood organizations is less than 10 percent of the available amount of tax credits, the unallocated portion of such 10 percent of the available amount of tax credits shall be allocated to qualified programs proposed by other neighborhood organizations.

C. If the Commissioner of the State Department of Social Services or the Superintendent of Public Instruction approves a proposal submitted by a neighborhood organization, the organization shall make the allocated tax credit amounts available to business firms making donations to the approved program. A neighborhood organization shall not assign or transfer an allocation of tax credits to another neighborhood organization without the approval of the Commissioner of the State Department of Social Services or the Superintendent of Public Instruction, as applicable.

Notwithstanding any other provision of law, (i) no more than an aggregate of \$0.825 million in tax credits shall be approved in a fiscal year to a neighborhood organization or to a grouping of neighborhood organization affiliates for all education proposals, and (ii) no more than an aggregate of \$0.5 million in tax credits shall be approved in a fiscal year to a neighborhood organization or to a grouping of neighborhood organization affiliates for all other proposals combined. However, if the State Department of Social Services or the Department of Education after the initial allocation of tax credits to approved proposals has a balance of tax credits remaining for the fiscal year that can be used or allocated by a neighborhood organization for a proposal that had been approved for tax credits during the initial allocation by the State Department of Social Services or the Department of Education, then (a) the Commissioner of the State Department of Social Services or the Superintendent of Public Instruction, as applicable, shall reallocate the remaining balance of tax credits to such previously approved proposals to the extent that a neighborhood organization can use or allocate additional tax credits for the previously approved proposal and (b) the \$0.825 and \$0.5 million annual limitations for tax credits approved to a grouping of neighborhood organization affiliates shall be inapplicable to the extent of any balance of tax credits reallocated under clause (a). The balance of tax credits remaining for reallocation shall include the amount of any tax credits that have been granted for a proposal approved during the initial allocation but for which the Commissioner of the State Department of Social Services or the Superintendent of Public Instruction has been provided notice by the neighborhood organization that it will not be able to use or allocate such amount for the approved proposal.

D. The total amount of tax credits granted for programs approved under this article for each fiscal year shall not exceed \$15 million allocated as follows: \$8 million for education proposals for approval by the Superintendent of Public Instruction and \$7 million for all other proposals for approval by the Commissioner of the State Department of Social Services.

The Superintendent and the Commissioner of the State Department of Social Services shall work cooperatively for purposes of ensuring that neighborhood organization proposals are submitted to the proper state agency. The Superintendent and the Commissioner of the State Department of Social Services may request the assistance of the Department of Taxation for purposes of determining whether or not anticipated donations for which tax credits are requested by a neighborhood organization likely qualify as a charitable donation under federal tax laws and regulations.

E. Actions of (i) the State Department of Social Services, or the Commissioner of the same, or (ii) the Superintendent or the Department of Education relating to the review of neighborhood organization proposals and the allocation of tax credits to proposals shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). Decisions of (a) the State Department of Social Services, or the Commissioner of the same, or (b) the Superintendent or the Department of Education shall be final and not subject to review or appeal.

F. Notwithstanding the provisions of § 30-19.1:11, the issuance of tax credits under this article shall expire on July 1, 2028.

CHAPTER 417

An Act to amend and reenact §§ 8.01-27.5, 38.2-2201, 38.2-3407.12, and 38.2-3407.15 of the Code of Virginia, relating to health care policy, group health benefit plan, and health plan; definitions.

[H 765]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-27.5, 38.2-2201, 38.2-3407.12, and 38.2-3407.15 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-27.5. Duty of in-network providers to submit claims to health insurers; liability of covered patients for unbilled health care services.

A. As used in this section:

"Covered patient" means a patient whose health care services are covered under terms of a health care policy.

"Health care policy" means any health care plan, subscription contract, evidence of coverage, certificate, health services plan, medical or hospital services plan, accident and sickness insurance policy or certificate, or other similar certificate, policy, contract, or arrangement, and any endorsement or rider thereto, offered, arranged, issued, or administered by a health insurer to an individual or a group contract holder to cover all or a portion of the cost of individuals, or their eligible dependents, receiving covered health care services. "Health care policy" includes coverages issued pursuant to (i) Chapter 28 (§ 2.2-2800 et seq.) of Title 2.2 (state employees); (ii) § 2.2-1204 (local choice); (iii) 5 U.S.C. § 8901 et seq. (federal employees); and (iv) an employee welfare benefit plan as defined in 29 U.S.C. § 1002(1) of the Employee Retirement Income Security Act of 1974 (ERISA) that is self-insured or self-funded. "Health care policy" does not include (a) coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (*Medicaid*), or Title ~~XX~~ XXI of the Social Security Act, 42 U.S.C. § ~~1397~~ *1397aa* et seq. (~~Medicaid~~) (*CHIP*), or Chapter 55 of Title 10 of the United States Code, 10 U.S.C. § 1071 et seq. (TRICARE); (b) subscription contracts for one or more dental or optometric services plans that are subject to Chapter 45 (§ 38.2-4500 et seq.) of Title 38.2; (c) insurance policies that provide coverage, singly or in combination, for death, dismemberment, disability, or hospital and medical care caused by or necessitated as a result of accident or specified kinds of accidents, including student accident, sports accident, blanket accident, specific accident, and accidental death and dismemberment policies; (d) credit life insurance and credit accident and sickness insurance issued pursuant to Chapter 37.1 (§ 38.2-3717 et seq.) of Title 38.2; (e) insurance policies that provide payments when an insured is disabled or unable to work because of illness, disease, or injury, including incidental benefits; (f) long-term care insurance as defined in § 38.2-5200; (g) plans providing only limited health care services under § 38.2-4300 unless offered by endorsement or rider to a group health benefit plan; (h) TRICARE supplement, Medicare supplement, or workers' compensation coverages; or (i) medical expense coverage issued pursuant to § 38.2-2201.

"Health care provider" has the same meaning ascribed to the term in § 8.01-581.1.

"Health care services" means items or services furnished to any individual for the purpose of preventing, alleviating, curing, or healing human illness, injury, or physical disability.

"Health insurer" means any entity that is the issuer or sponsor of a health care policy.

"In-network provider" means a health care provider that is employed by or has entered into a provider agreement with the health insurer that has issued the health care policy, under which agreement the health care provider has agreed to provide health care services to covered patients.

"Patient" means an individual who receives health care services from a health care provider, or any person authorized by law to consent on behalf of the individual incapable of making an informed decision, or, in the case of a minor child, the parent or parents having custody of the child or the child's legal guardian, or as otherwise provided by law.

"Provider agreement" means a contract, agreement, or arrangement between a health care provider and a health insurer, or a health insurer's network, provider panel, intermediary, or representative, under which the health care provider has agreed to provide health care services to patients with coverage under a health care policy issued by the health insurer and to accept payment from the health insurer for the health care services provided.

B. An in-network provider that provides health care services to a covered patient shall submit its claim to the health insurer for the health care services in accordance with the terms of the applicable provider agreement, provided that the covered patient provides the in-network provider with information required by the terms of the covered patient's health care policy's plan documents, including the information that is required to verify the individual's coverage under the health care policy, within not fewer than 21 business days before the deadline for the in-network provider to submit its claim to the health insurer as required by the terms of the provider agreement. If an in-network provider does not submit its claim to the health insurer in accordance with the requirements of this subsection, then (i) the covered patient shall have no obligation to pay for health care services for which the in-network provider was required to submit its claim, (ii) the in-network provider shall not have the benefit of the liens provided by §§ 8.01-66.2 and 8.01-66.9 with regard to health care services for which the in-network provider was required to submit its claim, and (iii) the in-network provider shall be prohibited from recovering payment for any of the health care services for which it was required to submit its claim from an insurer providing medical expense benefits to the covered patient under a policy of motor vehicle liability insurance pursuant to § 38.2-2201, by exercising an assignment of the covered patient's rights to the medical expense benefits or by other means. If the in-network provider submits its claim to the health insurer in accordance with the requirements of this subsection, the covered patient or the health insurer shall be obligated to pay for the health care services in accordance with the terms of the provider agreement or health care policy's plan documents. To the extent that self-insured or self-funded plans governed by ERISA provide otherwise, health care providers shall be permitted to submit claims and coordinate benefits as provided for in the provider agreements or plan documents.

§ 38.2-2201. Provisions for payment of medical expense and loss of income benefits; assignment of certain benefits.

A. Upon request of an insured, each insurer licensed in this Commonwealth issuing or delivering any policy or contract of bodily injury or property damage liability insurance covering liability arising from the ownership, maintenance or use of any motor vehicle shall provide on payment of the premium, as a minimum coverage (i) to persons occupying the insured motor vehicle; and (ii) to the named insured and, while resident of the named insured's household, the spouse and relatives of the named insured while in or upon, entering or alighting from or through being struck by a motor vehicle while not occupying a motor vehicle, the following health care and disability benefits for each accident:

1. All reasonable and necessary expenses for medical, chiropractic, hospital, dental, surgical, ambulance, prosthetic and rehabilitation services, and funeral expenses, resulting from the accident and incurred within three years after the date of the accident, up to \$2,000 per person; however, if the insured does not elect to purchase such limit the insurer and insured may agree to any other limit;

2. If the person is usually engaged in a remunerative occupation, an amount equal to the loss of income incurred after the date of the accident resulting from injuries received in the accident up to \$100 per week during the period from the first workday lost as a result of the accident up to the date the person is able to return to his usual occupation. However, the period shall not extend beyond one year from the date of the accident; and

3. An expense described in subdivision 1 shall be deemed to have been incurred:

a. If the insured is directly responsible for payment of the expense;

b. If the expense is paid by (i) a health care insurer pursuant to a negotiated contract with the health care provider or (ii) Medicaid or Medicare, where the actual payment with reference to the medical bill rendered by the provider is less than or equal to the provider's usual and customary fee, in the amount of the actual payment as evidenced by an explanation of benefits, remittance advice, or similar documentation from the health care provider; however, if the insured is required to make a payment in addition to the actual payment by the health care insurer or Medicaid or Medicare, the amount shall be increased by the payment made by the insured; or

c. If no medical bill is rendered or specific charge made by a health care provider to the insured, an insurer, or any other person, in the amount of the usual and customary fee charged in that community for the service rendered.

B. The insured has the option of purchasing either or both of the coverages set forth in subdivisions A 1 and A 2. Either or both of the coverages, as well as any other medical expense or loss of income coverage under any policy of automobile liability insurance, shall be payable to the covered injured person or pursuant to an assignment of benefits in accordance with subsection D, notwithstanding the failure or refusal of the named insured or other person entitled to the coverage to give notice to the insurer of an accident as soon as practicable under the terms of the policy, except where the failure or refusal prejudices the insurer in establishing the validity of the claim.

C. In any policy of personal automobile insurance in which the insured has purchased coverage under subsection A, every insurer providing such coverage arising from the ownership, maintenance or use of no more than four motor vehicles shall be liable to pay up to the maximum policy limit available on every motor vehicle insured under that coverage if the health care or disability expenses and costs mentioned in subsection A exceed the limits of coverage for any one motor vehicle so insured.

D. Any attempt to assign medical expense benefits shall be subject to the following:

1. An assignment of medical expense benefits shall be valid only if:

a. A copy of the AOB form, executed by the assignor and in compliance with the other requirements of subdivision D 1 and a copy of the notice complying with subdivision g if such notice is provided in a separate document pursuant to subdivision e, is provided to the motor vehicle insurer;

b. The AOB form is (i) in writing, which includes any printed or electronic format, (ii) dated, and (iii) executed by the assignor;

c. The AOB form includes a conspicuous statement that the assignor is not required to execute the AOB form;

d. If the AOB form includes a notice that complies with the provisions of subdivision g, the AOB form is signed, initialed, or otherwise marked by the assignor, at or near the notice provision, to acknowledge that the assignor has read, or had the opportunity to read, the notice;

e. If the AOB form does not include a notice that complies with the provisions of subdivision g, (i) the assignor is given a separate document, in any printed or electronic format, that is delivered to the assignor at the same time as the AOB form and that contains a notice that complies with the provisions of subdivision g; (ii) the AOB form includes a conspicuous statement that a notice regarding the assignment of medical expense benefits is provided in a separate document; and (iii) the AOB form is signed, initialed, or otherwise marked by the assignor at or near the statement described in clause (ii) to acknowledge that the assignor has read, or had the opportunity to read, the separate document containing the notice;

f. The statements required by subdivision D 1 to be included in the AOB form or a separate document, including the notice prescribed by subdivision g, are in not less than eight-point type; and

g. The assignor is provided, either in the AOB form or in a separate document, a notice that summarizes the effect of the assignment of medical expense benefits, which notice states the following:

"Notice: automobile accident patients

If you have been in an automobile accident, you may be entitled to payment from your automobile insurance if you have medical expense benefits coverage. By signing this assignment of benefits form you are giving to your health care provider the right to receive some or all of that payment directly from your automobile insurance company.

If you have health insurance and your healthcare provider is in-network: as long as you provide information necessary to verify your health insurance coverage the healthcare provider may only bill the amount you owe for any copayment, coinsurance, or deductibles to your automobile insurance and you may be entitled to any remainder of your automobile insurance benefit.

If you do not provide information necessary to verify your health insurance coverage, do not have health insurance, or your healthcare provider is not in your health insurer's provider network: your health care provider may bill their full charges to your automobile insurance.

You may want to consult your insurance agent or attorney before signing or initialing this form. You are not required to sign/initial this form to receive care.";

2. Upon receipt of a copy of an AOB form that satisfies the requirements of subdivision D 1 and (i) an explanation of benefits or remittance advice or (ii) a bill, claim form, or documentation from the assignee advising that it has been represented to the assignee that the covered injured person does not have health insurance or is covered by a self-insured or self-funded employee welfare benefit plan subject to the Employee Retirement Income Security Act of 1974 which requires medical expense coverage to be primary, a motor vehicle insurer shall pay directly to the health care provider, from any medical expense benefits available to such person under a motor vehicle insurance policy:

a. If the covered injured person is covered under a health care policy, the health care provider is an in-network provider, and the health care provider has submitted its claim to the health insurer for the health care services, the amount of any copayments, coinsurance, or deductibles owed by the injured covered person to the health care provider, as evidenced by an explanation of benefits, remittance advice, or similar documentation provided to the motor vehicle insurer; or

b. If (i) the covered injured person is not covered under a health care policy, (ii) the covered injured person is covered by a self-insured or self-funded employee welfare benefit plan subject to the Employee Retirement Income Security Act of 1974 which requires medical expense coverage to be primary, or (iii) the health care provider is not an in-network provider, amounts to cover the cost of the health care services provided, in the amount of the usual and customary fee charged in that community for the health care services rendered;

3. A motor vehicle insurer shall in all respects be held harmless for making payments pursuant to subdivision D 2 to a health care provider in accordance with an assignment of benefits that satisfies the requirements of subdivision D 1;

4. A covered injured person shall not be required to assign to any person any medical expense benefits he may have under this section, including any assignment of the proceeds of such coverages;

5. An assignment of medical expense benefits shall be void and unenforceable as against public policy if the assignment does not comply with the requirements of subdivision D 1;

6. Medical expense benefits may not be reduced because of any benefits paid, payable, or provided by any insurance contract providing hospital, medical, surgical, and similar or related benefits, or any subscription contract or health services plan delivered or issued for delivery or providing for the payment of benefits to or on behalf of persons residing in or employed in the Commonwealth, except as authorized by this section; and

7. Nothing in this section shall prohibit the payment of medical expense benefits due to the covered injured person directly to any state or federal assistance program that has provided medical benefits to such injured person when the injury arose out of the ownership, maintenance, or use of any motor vehicle.

E. As used in subsection D:

"AOB form" means the document or instrument that contains a provision by which the assignor assigns medical expense benefits, including any assignment of the proceeds of such coverages, to an assignee. The AOB form may be a separate instrument or included in another instrument, including a consent form or a form assigning other benefits.

"Assignee" means the health care provider to which the assignor is assigning medical expense benefits, including any assignment of the proceeds of such coverages.

"Assignor" means the covered injured person or a person authorized to consent on the covered injured person's behalf.

"Health care policy" means any health care plan, subscription contract, evidence of coverage, certificate, health services plan, medical or hospital services plan, accident and sickness insurance policy or certificate, or other similar certificate, policy, contract, or arrangement, and any endorsement or rider thereto, offered, arranged, issued, or administered by a health insurer to an individual or a group contract holder to cover all or a portion of the cost of individuals, or their eligible dependents, receiving covered health care services. Health care policy includes coverages issued pursuant to (i) Chapter 28 (§ 2.2-2800 et seq.) of Title 2.2 (state employees); (ii) § 2.2-1204 (local choice); (iii) 5 U.S.C. § 8901 et seq. (federal employees); and (iv) an employee welfare benefit plan as defined in 29 U.S.C. § 1002(1) of the Employee Retirement Income Security Act of 1974 that is self-insured or self-funded. Health care policy does not include (a) coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare); Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (*Medicaid*), or Title ~~XX~~ XXI of the Social Security Act, 42 U.S.C. § ~~1397~~ 1397aa et seq. (~~Medicaid~~) (*CHIP*); or Chapter 55 of Title 10 of the United States Code, 10 U.S.C. § 1071 et seq. (TRICARE); (b) subscription contracts for one or more dental or optometric services plans that are subject to Chapter 45 (§ 38.2-4500 et seq.); (c) insurance policies that provide coverage, singly or in combination, for death, dismemberment, disability, or hospital and medical care caused by or necessitated as a result of accident or specified kinds of accidents, including student accident, sports accident, blanket accident, specific accident, and accidental death and dismemberment policies; (d) credit life insurance and credit accident and sickness insurance issued pursuant to Chapter 37.1 (§ 38.2-3717 et seq.) of Title 38.2; (e) insurance policies that provide payments when an insured is disabled or unable to work because of illness, disease, or injury, including incidental benefits; (f) long-term care insurance as defined in § 38.2-5200; (g) plans providing only limited health care services under § 38.2-4300 unless offered by endorsement or rider to a group health benefit plan; (h) TRICARE supplement, Medicare supplement, and workers' compensation coverages; or (i) medical expense coverage issued pursuant to this section.

"Health care provider" has the same meaning that is ascribed to that term in § 8.01-581.1.

"Health care services" means items or services furnished to any individual for the purpose of preventing, alleviating, curing, or healing human illness, injury, or physical disability.

"Health insurer" means any entity that is the issuer or sponsor of a health care policy.

"In-network provider" means a health care provider that is employed by or has entered into a provider agreement with the health insurer that has issued the health care policy, under which applicable agreement the health care provider has agreed to provide health care services to covered patients.

"Medical expense benefits" means the benefits of coverages described in subdivision A 1, including any assignment of the proceeds of such coverages.

"Motor vehicle insurer" means the insurer issuing or delivering a policy or contract covering liability arising from the ownership, maintenance, or use of any motor vehicle that provides coverage for medical expense benefits.

"Person authorized to consent on the covered injured person's behalf" means any person authorized by law to consent on behalf of the covered injured person incapable of making an informed decision or, in the case of a minor child, the parent or parents having custody of the child or the child's legal guardian or as otherwise provided by law.

"Provider agreement" means a contract, agreement, or arrangement between a health care provider and a health insurer, or a health insurer's network, provider panel, intermediary, or representative, under which the health care provider has agreed to provide health care services to patients with coverage under a health care policy issued by the health insurer and to accept payment from the health insurer for the health care services provided.

§ 38.2-3407.12. Patient optional point-of-service benefit.

A. As used in this section:

"Affiliate" shall have the meaning set forth in § 38.2-1322.

"Allowable charge" means the amount from which the carrier's payment to a provider for any covered item or service is determined before taking into account any cost-sharing arrangement.

"Carrier" means:

1. Any insurer licensed under this title proposing to offer or issue accident and sickness insurance policies which are subject to Chapter 34 (§ 38.2-3400 et seq.) or 39 (§ 38.2-3900 et seq.) of this title;

2. Any nonstock corporation licensed under this title proposing to issue or deliver subscription contracts for one or more health services plans, medical or surgical services plans or hospital services plans which are subject to Chapter 42 (§ 38.2-4200 et seq.) of this title;

3. Any health maintenance organization licensed under this title which provides or arranges for the provision of one or more health care plans which are subject to Chapter 43 (§ 38.2-4300 et seq.) of this title;

4. Any nonstock corporation licensed under this title proposing to issue or deliver subscription contracts for one or more dental or optometric services plans which are subject to Chapter 45 (§ 38.2-4500 et seq.) of this title; and

5. Any other person licensed under this title which provides or arranges for the provision of health care coverage or benefits or health care plans or provider panels which are subject to regulation as the business of insurance under this title.

"Co-insurance" means the portion of the carrier's allowable charge for the covered item or service which is not paid by the carrier and for which the enrollee is responsible.

"Co-payment" means the out-of-pocket charge other than co-insurance or a deductible for an item or service to be paid by the enrollee to the provider towards the allowable charge as a condition of the receipt of specific health care items and services.

"Cost sharing arrangement" means any co-insurance, co-payment, deductible or similar arrangement imposed by the carrier on the enrollee as a condition to or consequence of the receipt of covered items or services.

"Deductible" means the dollar amount of a covered item or service which the enrollee is obligated to pay before benefits are payable under the carrier's policy or contract with the group contract holder.

"Enrollee" or "member" means any individual who is enrolled in a group health benefit plan provided or arranged by a health maintenance organization or other carrier. If a health maintenance organization arranges or contracts for the point-of-service benefit required under this section through another carrier, any enrollee selecting the point-of-service benefit shall be treated as an enrollee of that other carrier when receiving covered items or services under the point-of-service benefit.

"Group contract holder" means any contract holder of a group health benefit plan offered or arranged by a health maintenance organization or other carrier. For purposes of this section, the group contract holder shall be the person to which the group agreement or contract for the group health benefit plan is issued.

"Group health benefit plan" shall mean any health care plan, subscription contract, evidence of coverage, certificate, health services plan, medical or hospital services plan, accident and sickness insurance policy or certificate, or other similar certificate, policy, contract or arrangement, and any endorsement or rider thereto, offered, arranged or issued by a carrier to a group contract holder to cover all or a portion of the cost of enrollees (or their eligible dependents) receiving covered health care items or services. Group health benefit plan does not mean (i) health care plans, contracts or policies issued in the individual market; (ii) coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (*Medicaid*) or Title ~~XX~~ XXI of the Social Security Act, 42 U.S.C. § ~~1397~~ 1397aa et seq. (*Medicaid*) (*CHIP*), 5 U.S.C. § 8901 et seq. (federal employees), 10 U.S.C. § 1071 et seq. (*CHAMPUS*) (*TRICARE*) or Chapter 28 (§ 2.2-2800 et seq.) of Title 2.2 (state employees); (iii) accident only, credit or disability insurance, or long-term care insurance, plans providing only limited health care services under § 38.2-4300 (unless offered by endorsement or rider to a group health benefit plan), *CHAMPUS TRICARE* supplement, Medicare supplement, or workers' compensation coverages; or (iv) an employee welfare benefit plan (as defined in section 3 (1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002 (1)), which is self-insured or self-funded.

"Group specific administrative cost" means the direct administrative cost incurred by a carrier related to the offer of the point-of-service benefit to a particular group contract holder.

"Health care plan" shall have the meaning set forth in § 38.2-4300.

"Person" means any individual, corporation, trust, association, partnership, limited liability company, organization or other entity.

"Point-of-service benefit" means a health maintenance organization's delivery system or covered benefits, or the delivery system or covered benefits of another carrier under contract or arrangement with the health maintenance organization, which permit an enrollee (and eligible dependents) to receive covered items and services outside of the provider panel, including optometrists and clinical psychologists, of the health maintenance organization under the terms and conditions of the group contract holder's group health benefit plan with the health maintenance organization or with another carrier arranged by or under contract with the health maintenance organization and which otherwise complies with this section. Without limiting the foregoing, the benefits offered or arranged by a carrier's indemnity group accident and sickness policy under Chapter 34 (§ 38.2-3400 et seq.) of this title, health services plan under Chapter 42 (§ 38.2-4200 et seq.) of this title or preferred provider organization plan under Chapter 34 (§ 38.2-3400 et seq.) or 42 (§ 38.2-4200 et seq.) of this title which permit an enrollee (and eligible dependents) to receive the full range of covered items and services outside of a provider panel, including optometrists and clinical psychologists, and which are otherwise in compliance with applicable law and this section shall constitute a point-of-service benefit.

"Preferred provider organization plan" means a health benefit program offered pursuant to a preferred provider policy or contract under § 38.2-3407 or covered services offered under a preferred provider subscription contract under § 38.2-4209.

"Provider" means any physician, hospital or other person, including optometrists and clinical psychologists, that is licensed or otherwise authorized in the Commonwealth to deliver or furnish health care items or services.

"Provider panel" means the participating providers or referral providers who have a contract, agreement or arrangement with a health maintenance organization or other carrier, either directly or through an intermediary, and who have agreed to provide items or services to enrollees of the health maintenance organization or other carrier.

B. To the maximum extent permitted by applicable law, every health care plan offered or proposed to be offered in this Commonwealth by a health maintenance organization licensed under this title to a group contract holder shall provide or include, or the health maintenance organization shall arrange for or contract with another carrier to provide or include, a

point-of-service benefit to be provided or offered in conjunction with the health maintenance organization's health care plan as an additional benefit for the enrollee, at the enrollee's option, individually to accept or reject. In connection with its group enrollment application, every health maintenance organization shall, at no additional cost to the group contract holder, make available or arrange with a carrier to make available to the prospective group contract holder and to all prospective enrollees, in advance of initial enrollment and in advance of each reenrollment, a notice in form and substance acceptable to the Commission which accurately and completely explains to the group contract holder and prospective enrollee the point-of-service benefit and permits each enrollee to make his or her election. The form of notice provided in connection with any reenrollment may be the same as the approved form of notice used in connection with initial enrollment and may be made available to the group contract holder and prospective enrollee by the carrier in any reasonable manner.

C. To the extent permitted under applicable law, a health maintenance organization providing or arranging, or contracting with another carrier to provide, the point-of-service benefit under this section and a carrier providing the point-of-service benefit required under this section under arrangement or contract with a health maintenance organization:

1. May not impose, or permit to be imposed, a minimum enrollee participation level on the point-of-service benefit alone;

2. May not refuse to reimburse a provider of the type listed or referred to in § 38.2-3408 or 38.2-4221 for items or services provided under the point-of-service benefit required under this section solely on the basis of the license or certification of the provider to provide such items or services if the carrier otherwise covers the items or services provided and the provision of the items or services is within the provider's lawful scope of practice or authority; and

3. Shall rate and underwrite all prospective enrollees of the group contract holder as a single group prior to any enrollee electing to accept or reject the point-of-service benefit.

D. The premium imposed by a carrier with respect to enrollees who select the point-of-service benefit may be different from that imposed by the health maintenance organization with respect to enrollees who do not select the point-of-service benefit. Unless a group contract holder determines otherwise, any enrollee who accepts the point-of-service benefit shall be responsible for the payment of any premium over the amount of the premium applicable to an enrollee who selects the coverage offered by the health maintenance organization without the point-of-service benefit and for any identifiable group specific administrative cost incurred directly by the carrier or any administrative cost incurred by the group contract holder in offering the point-of-service benefit to the enrollee. If a carrier offers the point-of-service benefit to a group contract holder where no enrollees of the group contract holder elect to accept the point-of-service benefit and incurs an identifiable group specific administrative cost directly as a consequence of the offering to that group contract holder, the carrier may reflect that group specific administrative cost in the premium charged to other enrollees selecting the point-of-service benefit under this section. Unless the group contract holder otherwise directs or authorizes the carrier in writing, the carrier shall make reasonable efforts to ensure that no portion of the cost of offering or arranging the point-of-service benefit shall be reflected in the premium charged by the carrier to the group contract holder for a group health benefit plan without the point-of-service benefit. Any premium differential and any group specific administrative cost imposed by a carrier relating to the cost of offering or arranging the point-of-service benefit must be actuarially sound and supported by a sworn certification of an officer of each carrier offering or arranging the point-of-service benefit filed with the Commission certifying that the premiums are based on sound actuarial principles and otherwise comply with this section. The certifications shall be in a form, and shall be accompanied by such supporting information in a form acceptable to the Commission.

E. Any carrier may impose different co-insurance, co-payments, deductibles and other cost-sharing arrangements for the point-of-service benefit required under this section based on whether or not the item or service is provided through the provider panel of the health maintenance organization; provided that, except to the extent otherwise prohibited by applicable law, any such cost-sharing arrangement:

1. Shall not impose on the enrollee (or his or her eligible dependents, as appropriate) any co-insurance percentage obligation which is payable by the enrollee which exceeds the greater of: (i) thirty percent of the carrier's allowable charge for the items or services provided by the provider under the point-of-service benefit or (ii) the co-insurance amount which would have been required had the covered items or services been received through the provider panel;

2. Shall not impose on an enrollee (or his or her eligible dependents, as appropriate) a co-payment or deductible which exceeds the greatest co-payment or deductible, respectively, imposed by the carrier or its affiliate under one or more other group health benefit plans providing a point-of-service benefit which are currently offered and actively marketed by the carrier or its affiliate in the Commonwealth and are subject to regulation under this title; and

3. Shall not result in annual aggregate cost-sharing payments to the enrollee (or his or her eligible dependents, as appropriate) which exceed the greatest annual aggregate cost-sharing payments which would apply had the covered items or services been received under another group health benefit plan providing a point-of-service benefit which is currently offered and actively marketed by the carrier or its affiliate in the Commonwealth and which is subject to regulation under this title.

F. Except to the extent otherwise required under applicable law, any carrier providing the point-of-service benefit required under this section may not utilize an allowable charge or basis for determining the amount to be reimbursed or paid to any provider from which covered items or services are received under the point-of-service benefit which is not at least as favorable to the provider as that used:

1. By the carrier or its affiliate in calculating the reimbursement or payment to be made to similarly situated providers under another group health benefit plan providing a point-of-service benefit which is subject to regulation under this title and which is currently offered or arranged by the carrier or its affiliate and actively marketed in the Commonwealth, if the carrier or its affiliate offers or arranges another such group health benefit plan providing a point-of-service benefit in the Commonwealth; or

2. By the health maintenance organization in calculating the reimbursement or payment to be made to similarly situated providers on its provider panel.

G. Except as expressly permitted in this section or required under applicable law, no carrier shall impose on any person receiving or providing health care items or services under the point-of-service benefit any condition or penalty designed to discourage the enrollee's selection or use of the point-of-service benefit, which is not otherwise similarly imposed either: (i) on enrollees in another group health benefit plan, if any, currently offered or arranged and actively marketed by the carrier or its affiliate in the Commonwealth or (ii) on enrollees who receive the covered items or services from the health maintenance organization's provider panel. Nothing in this section shall preclude a carrier offering or arranging a point-of-service benefit from imposing on enrollees selecting the point-of-service benefit reasonable utilization review, preadmission certification or precertification requirements or other utilization or cost control measures which are similarly imposed on enrollees participating in one or more other group health benefit plans which are subject to regulation under this title and are currently offered and actively marketed by the carrier or its affiliates in the Commonwealth or which are otherwise required under applicable law.

H. Except as expressly otherwise permitted in this section or as otherwise required under applicable law, the scope of the health care items and services which are covered under the point-of-service benefit required under this section shall at least include the same health care items and services which would be covered if provided under the health maintenance organization's health care plan, including without limitation any items or services covered under a rider or endorsement to the applicable health care plan. Carriers shall be required to disclose prominently in all group health benefit plans and in all marketing materials utilized with respect to such group health benefit plans that the scope of the benefits provided under the point-of-service option are at least as great as those provided through the HMO's health care plan for that group. Filings of point-of-service benefits submitted to the Commission shall be accompanied by a certification signed by an officer of the filing carrier certifying that the scope of the point-of-service benefits includes at a minimum the same health care items and services as are provided under the HMO's group health care plan for that group.

I. Nothing in this section shall prohibit a health maintenance organization from offering or arranging the point-of-service benefit (i) as a separate group health benefit plan or under a different name than the health maintenance organization's group health benefit plan which does not contain the point-of-service benefit or (ii) from managing a group health benefit plan under which the point-of-service benefit is offered in a manner which separates or otherwise differentiates it from the group health benefit plan which does not contain the point-of-service benefit.

J. Notwithstanding anything in this section to the contrary, to the extent permitted under applicable law, no health maintenance organization shall be required to offer or arrange a point-of-service benefit under this section with respect to any group health benefit plan offered to a group contract holder if the health maintenance organization determines in good faith that the group contract holder will be concurrently offering another group health benefit plan or a self-insured or self-funded health benefit plan which allows the enrollees to access care from their provider of choice whether or not the provider is a member of the health maintenance organization's panel.

K. This section shall apply only to group health benefit plans issued in the Commonwealth in the commercial group market by carriers regulated by this title and shall not apply to (i) health care plans, contracts or policies issued in the individual market; (ii) coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (*Medicaid*) or Title ~~XX~~ XXI of the Social Security Act, 42 U.S.C. § ~~1397~~ 1397aa et seq. (*Medicaid*) (*CHIP*), 5 U.S.C. § 8901 et seq. (federal employees), 10 U.S.C. § 1071 et seq. (*CHAMPUS*) (*TRICARE*) or Chapter 28 (§ 2.2-2800 et seq.) of Title 2.2 (state employees); (iii) accident only, credit or disability insurance, or long-term care insurance, plans providing only limited health care services under § 38.2-4300 (unless offered by endorsement or rider to a group health benefit plan), *CHAMPUS* *TRICARE* supplement, Medicare supplement, or workers' compensation coverages; or (iv) an employee welfare benefit plan (as defined in section 3 (1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002 (1)), which is self-insured or self-funded.

L. This section shall apply to group health benefit plans issued or renewed by carriers in this Commonwealth on or after July 1, 1998.

M. Nothing in this section shall operate to limit any rights or obligations arising under § 38.2-3407, 38.2-3407.7, 38.2-3407.10, 38.2-3407.11, 38.2-4209, 38.2-4209.1, 38.2-4312, or 38.2-4312.1.

N. If any provision of this section or its application to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity shall not affect the other provisions or any other application of this section which shall be given effect without the invalid provision or application, and for this purpose the provisions of this section are declared severable.

§ 38.2-3407.15. Ethics and fairness in carrier business practices.

A. As used in this section:

"Carrier," "enrollee" and "provider" shall have the meanings set forth in § 38.2-3407.10; however, a "carrier" shall also include any person required to be licensed under this title which offers or operates a managed care health insurance plan subject to Chapter 58 (§ 38.2-5800 et seq.) of this title or which provides or arranges for the provision of health care services, health plans, networks or provider panels which are subject to regulation as the business of insurance under this title.

"Claim" means any bill, claim, or proof of loss made by or on behalf of an enrollee or a provider to a carrier (or its intermediary, administrator or representative) with which the provider has a provider contract for payment for health care services under any health plan; however, a "claim" shall not include a request for payment of a capitation or a withhold.

"Clean claim" means a claim (i) that has no material defect or impropriety (including any lack of any reasonably required substantiation documentation) which substantially prevents timely payment from being made on the claim or (ii) with respect to which a carrier has failed timely to notify the person submitting the claim of any such defect or impropriety in accordance with this section.

"Health care services" means items or services furnished to any individual for the purpose of preventing, alleviating, curing, or healing human illness, injury or physical disability.

"Health plan" means any individual or group health care plan, subscription contract, evidence of coverage, certificate, health services plan, medical or hospital services plan, accident and sickness insurance policy or certificate, managed care health insurance plan, or other similar certificate, policy, contract or arrangement, and any endorsement or rider thereto, to cover all or a portion of the cost of persons receiving covered health care services, which is subject to state regulation and which is required to be offered, arranged or issued in the Commonwealth by a carrier licensed under this title. Health plan does not mean (i) coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (*Medicaid*) or Title ~~XX~~ XXI of the Social Security Act, 42 U.S.C. § ~~1397~~ 1397aa et seq. (~~Medicaid~~) (*CHIP*), 5 U.S.C. § 8901 et seq. (federal employees), or 10 U.S.C. § 1071 et seq. (~~CHAMPUS~~) (*TRICARE*); or (ii) accident only, credit or disability insurance, long-term care insurance, ~~CHAMPUS~~ *TRICARE* supplement, Medicare supplement, or workers' compensation coverages.

"Provider contract" means any contract between a provider and a carrier (or a carrier's network, provider panel, intermediary or representative) relating to the provision of health care services.

"Retroactive denial of a previously paid claim" or "retroactive denial of payment" means any attempt by a carrier retroactively to collect payments already made to a provider with respect to a claim by reducing other payments currently owed to the provider, by withholding or setting off against future payments, or in any other manner reducing or affecting the future claim payments to the provider.

B. Subject to subsection H, every provider contract entered into by a carrier shall contain specific provisions which shall require the carrier to adhere to and comply with the following minimum fair business standards in the processing and payment of claims for health care services:

1. A carrier shall pay any claim within 40 days of receipt of the claim except where the obligation of the carrier to pay a claim is not reasonably clear due to the existence of a reasonable basis supported by specific information available for review by the person submitting the claim that:

a. The claim is determined by the carrier not to be a clean claim due to a good faith determination or dispute regarding (i) the manner in which the claim form was completed or submitted, (ii) the eligibility of a person for coverage, (iii) the responsibility of another carrier for all or part of the claim, (iv) the amount of the claim or the amount currently due under the claim, (v) the benefits covered, or (vi) the manner in which services were accessed or provided; or

b. The claim was submitted fraudulently.

Each carrier shall maintain a written or electronic record of the date of receipt of a claim. The person submitting the claim shall be entitled to inspect such record on request and to rely on that record or on any other admissible evidence as proof of the fact of receipt of the claim, including without limitation electronic or facsimile confirmation of receipt of a claim.

2. A carrier shall, within 30 days after receipt of a claim, request electronically or in writing from the person submitting the claim the information and documentation that the carrier reasonably believes will be required to process and pay the claim or to determine if the claim is a clean claim. Upon receipt of the additional information requested under this subsection necessary to make the original claim a clean claim, a carrier shall make the payment of the claim in compliance with this section. No carrier may refuse to pay a claim for health care services rendered pursuant to a provider contract which are covered benefits if the carrier fails timely to notify or attempt to notify the person submitting the claim of the matters identified above unless such failure was caused in material part by the person submitting the claims; however, nothing herein shall preclude such a carrier from imposing a retroactive denial of payment of such a claim if permitted by the provider contract unless such retroactive denial of payment of the claim would violate subdivision 6 of this subsection. Nothing in this subsection shall require a carrier to pay a claim which is not a clean claim.

3. Any interest owing or accruing on a claim under § 38.2-3407.1 or 38.2-4306.1 of this title, under any provider contract or under any other applicable law, shall, if not sooner paid or required to be paid, be paid, without necessity of demand, at the time the claim is paid or within 60 days thereafter.

4. a. Every carrier shall establish and implement reasonable policies to permit any provider with which there is a provider contract (i) to confirm in advance during normal business hours by free telephone or electronic means if available whether the health care services to be provided are medically necessary and a covered benefit and (ii) to determine the

carrier's requirements applicable to the provider (or to the type of health care services which the provider has contracted to deliver under the provider contract) for (a) pre-certification or authorization of coverage decisions, (b) retroactive reconsideration of a certification or authorization of coverage decision or retroactive denial of a previously paid claim, (c) provider-specific payment and reimbursement methodology, coding levels and methodology, downcoding, and bundling of claims, and (d) other provider-specific, applicable claims processing and payment matters necessary to meet the terms and conditions of the provider contract, including determining whether a claim is a clean claim. If a carrier routinely, as a matter of policy, bundles or downcodes claims submitted by a provider, the carrier shall clearly disclose that practice in each provider contract. Further, such carrier shall either ~~(1)~~ (1) disclose in its provider contracts or on its website the specific bundling and downcoding policies that the carrier reasonably expects to be applied to the provider or provider's services on a routine basis as a matter of policy or ~~(2)~~ (2) disclose in each provider contract a telephone or facsimile number or e-mail address that a provider can use to request the specific bundling and downcoding policies that the carrier reasonably expects to be applied to that provider or provider's services on a routine basis as a matter of policy. If such request is made by or on behalf of a provider, a carrier shall provide the requesting provider with such policies within 10 business days following the date the request is received.

b. Every carrier shall make available to such providers within 10 business days of receipt of a request, copies of or reasonable electronic access to all such policies which are applicable to the particular provider or to particular health care services identified by the provider. In the event the provision of the entire policy would violate any applicable copyright law, the carrier may instead comply with this subsection by timely delivering to the provider a clear explanation of the policy as it applies to the provider and to any health care services identified by the provider.

5. Every carrier shall pay a claim if the carrier has previously authorized the health care service or has advised the provider or enrollee in advance of the provision of health care services that the health care services are medically necessary and a covered benefit, unless:

a. The documentation for the claim provided by the person submitting the claim clearly fails to support the claim as originally authorized; or

b. The carrier's refusal is because (i) another payor is responsible for the payment, (ii) the provider has already been paid for the health care services identified on the claim, (iii) the claim was submitted fraudulently or the authorization was based in whole or material part on erroneous information provided to the carrier by the provider, enrollee, or other person not related to the carrier, or (iv) the person receiving the health care services was not eligible to receive them on the date of service and the carrier did not know, and with the exercise of reasonable care could not have known, of the person's eligibility status.

6. No carrier may impose any retroactive denial of a previously paid claim unless the carrier has provided the reason for the retroactive denial and (i) the original claim was submitted fraudulently, (ii) the original claim payment was incorrect because the provider was already paid for the health care services identified on the claim or the health care services identified on the claim were not delivered by the provider, or (iii) the time which has elapsed since the date of the payment of the original challenged claim does not exceed the lesser of (a) 12 months or (b) the number of days within which the carrier requires under its provider contract that a claim be submitted by the provider following the date on which a health care service is provided. Effective July 1, 2000, a carrier shall notify a provider at least 30 days in advance of any retroactive denial of a claim.

7. Notwithstanding subdivision 6 of this subsection, with respect to provider contracts entered into, amended, extended, or renewed on or after July 1, 2004, no carrier shall impose any retroactive denial of payment or in any other way seek recovery or refund of a previously paid claim unless the carrier specifies in writing the specific claim or claims for which the retroactive denial is to be imposed or the recovery or refund is sought. The written communication shall also contain an explanation of why the claim is being retroactively adjusted.

8. No provider contract may fail to include or attach at the time it is presented to the provider for execution (i) the fee schedule, reimbursement policy or statement as to the manner in which claims will be calculated and paid which is applicable to the provider or to the range of health care services reasonably expected to be delivered by that type of provider on a routine basis and (ii) all material addenda, schedules and exhibits thereto and any policies (including those referred to in subdivision 4 of this subsection) applicable to the provider or to the range of health care services reasonably expected to be delivered by that type of provider under the provider contract.

9. No amendment to any provider contract or to any addenda, schedule, exhibit or policy thereto (or new addenda, schedule, exhibit, or policy) applicable to the provider (or to the range of health care services reasonably expected to be delivered by that type of provider) shall be effective as to the provider, unless the provider has been provided with the applicable portion of the proposed amendment (or of the proposed new addenda, schedule, exhibit, or policy) at least 60 calendar days before the effective date and the provider has failed to notify the carrier within 30 calendar days of receipt of the documentation of the provider's intention to terminate the provider contract at the earliest date thereafter permitted under the provider contract.

10. In the event that the carrier's provision of a policy required to be provided under subdivision 8 or 9 of this subsection would violate any applicable copyright law, the carrier may instead comply with this section by providing a clear, written explanation of the policy as it applies to the provider.

11. All carriers shall establish, in writing, their claims payment dispute mechanism and shall make this information available to providers.

C. Without limiting the foregoing, in the processing of any payment of claims for health care services rendered by providers under provider contracts and in performing under its provider contracts, every carrier subject to regulation by this title shall adhere to and comply with the minimum fair business standards required under subsection B, and the Commission shall have the jurisdiction to determine if a carrier has violated the standards set forth in subsection B by failing to include the requisite provisions in its provider contracts and shall have jurisdiction to determine if the carrier has failed to implement the minimum fair business standards set out in subdivisions B 1 and B 2 in the performance of its provider contracts.

D. No carrier shall be in violation of this section if its failure to comply with this section is caused in material part by the person submitting the claim or if the carrier's compliance is rendered impossible due to matters beyond the carrier's reasonable control (such as an act of God, insurrection, strike, fire, or power outages) which are not caused in material part by the carrier.

E. Any provider who suffers loss as the result of a carrier's violation of this section or a carrier's breach of any provider contract provision required by this section shall be entitled to initiate an action to recover actual damages. If the trier of fact finds that the violation or breach resulted from a carrier's gross negligence and willful conduct, it may increase damages to an amount not exceeding three times the actual damages sustained. Notwithstanding any other provision of law to the contrary, in addition to any damages awarded, such provider also may be awarded reasonable attorney's fees and court costs. Each claim for payment which is paid or processed in violation of this section or with respect to which a violation of this section exists shall constitute a separate violation. The Commission shall not be deemed to be a "trier of fact" for purposes of this subsection.

F. No carrier (or its network, provider panel or intermediary) shall terminate or fail to renew the employment or other contractual relationship with a provider, or any provider contract, or otherwise penalize any provider, for invoking any of the provider's rights under this section or under the provider contract.

G. This section shall apply only to carriers subject to regulation under this title.

H. This section shall apply with respect to provider contracts entered into, amended, extended or renewed on or after July 1, 1999.

I. Pursuant to the authority granted by § 38.2-223, the Commission may promulgate such rules and regulations as it may deem necessary to implement this section.

J. If any provision of this section, or the application thereof to any person or circumstance, is held invalid or unenforceable, such determination shall not affect the provisions or applications of this section which can be given effect without the invalid or unenforceable provision or application, and to that end the provisions of this section are severable.

K. The Commission shall have no jurisdiction to adjudicate individual controversies arising out of this section.

CHAPTER 418

An Act to amend and reenact § 58.1-1003.3 of the Code of Virginia, to amend the Code of Virginia by adding in Title 9.1 a chapter numbered 2.1, consisting of sections numbered 9.1-209 through 9.1-217, and to repeal Chapter 23.1 (§§ 59.1-293.1 through 59.1-293.9) of Title 59.1 of the Code of Virginia, relating to the sale of cigarettes with reduced ignition propensity; civil penalties.

[H 785]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-1003.3 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 9.1 a chapter numbered 2.1, consisting of sections numbered 9.1-209 through 9.1-217, as follows:

CHAPTER 2.1.

REDUCED CIGARETTE IGNITION PROPENSITY.

§ 9.1-209. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Cigarette" has the same meaning ascribed thereto in § 58.1-1031.

"Department" means the Department of Taxation.

"Director" means the Executive Director of the Department of Fire Programs.

"Importer" has the same meaning ascribed thereto in 26 U.S.C. § 5702(k).

"Manufacturer" means (i) a person who manufactures or otherwise produces, or causes to be manufactured or produced, cigarettes intended for sale in the Commonwealth, including cigarettes intended for sale in the United States through an importer; (ii) the first purchaser anywhere that intends to resell in the United States cigarettes that the original manufacturer or maker does not intend for sale in the United States; or (iii) the successor to a person listed in clause (i) or (ii).

"Package" has the same meaning ascribed thereto in 15 U.S.C. § 1332(4).

"Quality control and quality assurance program" means laboratory procedures implemented to ensure that operator bias, systematic and nonsystematic methodological errors, and equipment-related problems do not affect the results of the testing, and the testing repeatability remains within the required repeatability value for any test trial used to certify cigarettes under this chapter.

"Repeatability" means the range of values within which the repeat results of cigarette test trials from a single laboratory will fall 95 percent of the time.

"Retailer" means a person who (i) sells cigarettes to consumers through vending machines on fewer than 40 premises; (ii) otherwise sells cigarettes to consumers; or (iii) holds cigarettes for sale to consumers.

"Vending machine operator" means a person who (i) holds cigarettes for sale to consumers through vending machines on 40 or more premises or (ii) sells cigarettes to consumers through vending machines on 40 or more premises.

"Wholesaler" means a person who (i) holds cigarettes for sale to another person for resale or (ii) sells cigarettes to another person for resale.

§ 9.1-210. Testing and certification of cigarettes.

A. Except as provided in subsection N, no cigarettes may be sold or offered for sale in the Commonwealth or offered for sale or sold to persons located in the Commonwealth unless:

1. The cigarettes have been tested in accordance with the test method and meet the performance standard specified in this section;

2. The manufacturer has filed a written certification in accordance with § 9.1-211; and

3. The cigarettes have been marked in accordance with § 9.1-212.

B. The performance standard for cigarettes sold or offered for sale in the Commonwealth is stated in subdivision E 1.

C. Testing of cigarettes shall be conducted in accordance with the American Society of Testing and Materials (ASTM) Standard E2187-04 "Standard Test Method for Measuring the Ignition Strength of Cigarettes." The Director, in consultation with the State Fire Marshal, may adopt a subsequent ASTM Standard Test Method for Measuring the Ignition Strength of Cigarettes on a finding that the subsequent method does not result in a change in the percentage of full-length burns exhibited by any tested cigarette when compared to the percentage of full-length burns the same cigarette would exhibit when tested in accordance with ASTM standard E2187-04 and the performance standard of this section.

D. Testing of cigarettes shall be conducted on 10 layers of filter paper.

E. 1. No more than 25 percent of the cigarettes tested in a test trial shall exhibit full-length burns.

2. Forty replicate tests shall comprise a complete test trial for each cigarette tested.

F. The performance standard required by this section shall only be applied to a complete test trial.

G. Written certifications shall be based upon testing conducted by a laboratory that has been accredited pursuant to Standard ISO/IEC 17025 of the International Organization for Standardization or other comparable accreditation standard required by the Director.

H. Each laboratory that conducts tests in accordance with this section shall implement a quality control and quality assurance program that includes a procedure to determine the repeatability of the testing results. The repeatability value shall be no greater than 0.19.

I. Each cigarette listed in a certification that uses lowered permeability bands in the cigarette paper to achieve compliance with the performance standard of this section shall have at least two nominally identical bands on the paper surrounding the tobacco column. At least one complete band shall be located at least 15 millimeters from the lighting end of the cigarette. For a cigarette on which the bands are positioned by design, at least two bands shall be located at least 15 millimeters from the lighting end and 10 millimeters from the filter end of the tobacco column. For an unfiltered cigarette, the two complete bands shall be located at least 15 millimeters from the lighting end and 10 millimeters from the labeled end of the tobacco column.

J. If the Director determines that a cigarette cannot be tested in accordance with the test method required by this section, the manufacturer of the cigarette shall propose to the Director a test method and performance standard for that cigarette. The Director, in consultation with the State Fire Marshal, may approve a test method and performance standard that the Director determines is equivalent to the requirements of this section, and the manufacturer may use that test method and performance standard for certification in accordance with § 9.1-211. If the Director determines that another state has enacted reduced cigarette ignition propensity standards that include a test method and performance standard that are the same as those contained in this chapter, and the Director finds that the officials responsible for implementing those requirements have approved the proposed alternative test method and performance standard for a particular cigarette proposed by a manufacturer as meeting the reduced cigarette ignition propensity standards of that state's law or regulation under a legal provision comparable to this section, then the Director shall authorize that manufacturer to employ the alternative test method and performance standard to certify that cigarette for sale in the Commonwealth, unless the Director demonstrates a reasonable basis why the alternative test should not be accepted under this chapter. All other applicable requirements of this section shall apply to the manufacturer.

K. This section does not require additional testing for cigarettes that are tested in a manner consistent with the requirements of this section for any other purpose.

L. Each manufacturer shall maintain copies of the reports of all tests conducted on all cigarettes offered for sale for a period of three years, and shall make copies of these reports available to the Director, State Fire Marshal, and Attorney General on written request. Any manufacturer who fails to make copies of these reports available within 60 days of receiving a written request shall be subject to a civil penalty not to exceed \$10,000 for each day after the sixtieth day that the manufacturer does not make such copies available.

M. Testing performed or sponsored by the Director to determine a cigarette's compliance with the performance standard required by this section shall be conducted in accordance with this section.

N. The requirements of subsection A shall not prohibit the sale of cigarettes solely for the purpose of consumer testing. For purposes of this subdivision, the term "consumer testing" means an assessment of cigarettes that is conducted by a manufacturer, or under the control and direction of a manufacturer, for the purpose of evaluating consumer acceptance of such cigarettes, utilizing only the quantity of cigarettes that is reasonably necessary for such assessment.

§ 9.1-211. Certification of cigarette testing.

A. Each manufacturer shall submit to the Director written certification attesting that each cigarette has been tested in accordance with and has met the performance standard required under § 9.1-210.

B. The description of each cigarette listed in the certification shall include:

1. The brand;
2. The style;
3. The length in millimeters;
4. The circumference in millimeters;
5. The flavor, if applicable;
6. Whether filter or nonfilter;
7. A package description, such as soft pack or box;
8. The mark approved in accordance with § 9.1-212;
9. The name, address, and telephone number of the laboratory, if different than the manufacturer that conducted the test; and
10. The date that the testing occurred.

C. On request, the certification shall be made available to the Attorney General, the Director, and the State Fire Marshal.

D. Each cigarette certified under this section shall be recertified every three years.

E. If a manufacturer has certified a cigarette pursuant to this section, and thereafter makes any change to such cigarette that is likely to alter its compliance with the reduced cigarette ignition propensity standards mandated by this chapter, then before such cigarette may be sold or offered for sale in the Commonwealth such manufacturer shall retest such cigarette in accordance with the testing standards prescribed in § 9.1-210 and maintain records of such retesting as required by § 9.1-210. Any such altered cigarette that does not meet the performance standard set forth in § 9.1-210 shall not be sold in the Commonwealth.

F. For each brand style of cigarette listed in a certification, a manufacturer shall pay a fee in the amount of \$250; however, the Director in consultation with the State Fire Marshal is authorized to adjust the amount of the fee annually to ensure that the amount collected therefrom defrays the actual costs of the processing, testing, enforcement, and oversight activities required by this chapter. The fees assessed under the provisions of this chapter shall be paid into the state treasury and shall be deposited into a special fund designated "Cigarette Fire Safety Standard and Firefighter Protection Act Fund." Moneys deposited into the special fund and the unexpended balance thereof shall be appropriated to the Department of Fire Programs for use by the Director to conduct the processing, testing, enforcement, and oversight activities required by this chapter and performed by the State Fire Marshal pursuant to § 9.1-206 in carrying out the provisions of the Statewide Fire Prevention Code Act (§ 27-94 et seq.), and such expenditures from the special fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director.

§ 9.1-212. Marking of cigarettes.

A. Cigarettes that have been certified in accordance with § 9.1-211 shall be marked in accordance with the requirements of this section.

B. The marking shall:

1. Be in a font of at least eight-point type; and
2. Include one of the following:
 - a. Modification of the product UPC bar code to include a visible mark that is printed at or around the area of the UPC bar code and consists of one or more alphanumeric or symbolic characters permanently stamped, engraved, embossed, or printed in conjunction with the UPC bar code;
 - b. Any visible combination of alphanumeric or symbolic characters permanently stamped, engraved, embossed, or printed on the cigarette package or the cellophane wrap; or
 - c. Stamped, engraved, embossed, or printed text that indicates that the cigarettes meet the standards of this chapter.

C. The manufacturer shall request approval of a proposed marking from the Director.

D. The Director shall approve or disapprove the marking offered, except that the Director shall approve:

1. The letters "FSC," which signify Fire Standards Compliant, appearing in eight-point type or larger and permanently printed, stamped, engraved, or embossed on the package at or near the UPC code; and
2. Any marking in use and approved for sale in New York pursuant to the New York fire safety standards for cigarettes.

E. A marking is deemed approved if the Director fails to act within 10 days after receiving a request for approval.

F. A manufacturer may not use a modified marking unless the modification has been approved in accordance with this section.

G. A manufacturer shall use only one marking on all brands that the manufacturer markets.

H. A marking or modified marking approved by the Director shall be applied uniformly on all brands marketed and on all packages, including packs, cartons, and cases marketed by that manufacturer.

§ 9.1-213. Provision of copies of certifications and illustration of the packaging markings; inspections.

A. Each manufacturer shall:

1. Provide a copy of each certification to each wholesaler to which the manufacturer sells cigarettes; and
2. Provide sufficient copies of an illustration of the packaging marking approved and used by the manufacturer in accordance with § 9.1-212 for each retailer and vending machine operator who purchases cigarettes from the wholesaler.

B. The wholesaler shall provide a copy of the illustration to each retailer and vending machine operator to whom the wholesaler sells cigarettes.

C. Each retailer, vending machine operator, and wholesaler shall allow the Director or designee of the Director to inspect the markings on cigarette packaging at any time.

§ 9.1-214. Nonconforming cigarettes.

A. Any cigarettes that have been sold or offered for sale that do not comply with the performance standard required by § 9.1-210 shall be deemed contraband and subject to forfeiture and disposal by the Commonwealth; however, prior to the destruction of any cigarettes forfeited pursuant to this subsection, the true holder of the trademark rights in the cigarette brand shall be permitted to inspect such cigarettes.

B. The Department and the State Fire Marshal, in the regular course of conducting inspections of retailers and wholesalers, may inspect cigarettes to determine if the cigarettes are marked as required by § 9.1-212. If the cigarettes are not marked as required, the Department shall notify the Director.

C. Whenever law-enforcement personnel, the State Fire Marshal or local fire marshal appointed under § 27-30, or a duly authorized representative of the Director discovers any cigarettes that have not been marked in the manner required by § 9.1-212, such personnel are hereby authorized and empowered to seize and take possession of such cigarettes. Such cigarettes shall be turned over to the Department and shall be forfeited to the Commonwealth. Cigarettes seized pursuant to this section shall be destroyed; however, prior to the destruction of any cigarette seized pursuant to this subsection, the true holder of the trademark rights in the cigarette brand shall be permitted to inspect the cigarette.

§ 9.1-215. Powers of Director; regulation and implementation.

The Director:

1. In consultation with the State Fire Marshal, may adopt regulations necessary to carry out and administer this chapter;

2. In consultation with the State Fire Marshal, may adopt regulations for the conduct of random inspections of retailers, vending machine operators, and wholesalers to ensure compliance with this chapter; and

3. Shall ensure that the implementation and substance of this chapter is in accordance with the implementation and substance of the New York fire safety standards for cigarettes.

§ 9.1-216. Enforcement; civil penalties.

A. A manufacturer or other person who knowingly sells or offers for sale cigarettes other than by retail sale in violation of § 9.1-210 shall be subject to a civil penalty not exceeding \$100 for each such pack of cigarettes sold or offered for sale, provided that in no case shall the civil penalty assessed against any such person exceed \$100,000 for sales or offers for sale during any 30-day period.

B. A retailer who knowingly sells cigarettes in violation of § 9.1-210 shall be subject to a civil penalty not exceeding \$100 for each pack of such cigarettes sold or offered for sale, provided that in no case shall the civil penalty assessed against any retailer exceed \$25,000 for sales or offers for sale during any 30-day period.

C. Any person who violates any other provision of this chapter shall be subject to a civil penalty of not more than \$1,000 for the first violation. The civil penalty for each subsequent violation shall not exceed \$5,000.

D. A manufacturer who knowingly makes a false certification under § 9.1-211 shall be subject to a civil penalty of at least \$75,000 and not exceeding \$250,000 for each false certification.

E. A civil penalty may be assessed by the Director only after the Director has consulted with the State Fire Marshal and has given the manufacturer charged with making such a false certification an opportunity for a public hearing. Where such a public hearing has been held, the Director shall make findings of fact and issue a written decision as to the occurrence of the violation and the amount of the penalty that is warranted, incorporating, when appropriate, an order therein requiring that the penalty be paid. Any hearing under this section shall be a formal adjudicatory hearing in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). When the person charged with such a violation fails to avail himself of the opportunity for a public hearing, a civil penalty shall be assessed by the Director after the Director determines that a violation has occurred and the amount of the penalty is warranted and issues an order requiring that the penalty be paid.

F. The Director may collect civil penalties that are owed in the same manner as provided by law in respect to judgment of a court of record. Such civil penalties shall be paid into the Cigarette Fire Safety Standard and Firefighter Protection Act Fund referenced in subsection F of § 9.1-211 and used in carrying out the purposes of this chapter.

§ 9.1-217. Application of chapter to certain cigarettes; conflicting local ordinances preempted.

A. Nothing in this chapter shall be construed to prohibit any person from manufacturing or selling cigarettes that do not meet the requirements of this chapter if the cigarettes are or will be stamped for sale in another state or sold in North Carolina or South Carolina, or are packaged for sale outside the United States, and that person has taken reasonable steps to ensure that such cigarettes will not be sold or offered for sale to persons located in the Commonwealth.

B. Notwithstanding any other provision of law, a locality may neither enact nor enforce any ordinance or other local law or regulation that conflicts with, or is inconsistent with, any provision of this chapter.

§ 58.1-1003.3. Roll-your-own cigarette machines.

Any person who maintains, operates, or rents a machine at a retail establishment for use by a consumer that enables any person to process at the establishment a product that is made or derived from tobacco into a roll or tube shall be deemed to be a manufacturer of cigarettes, and the resulting product produced at such establishment shall be deemed to be manufactured cigarettes sold to a consumer for purposes of this title, Chapter 42 (§ 3.2-4200 et seq.) of Title 3.2, and Chapter ~~23.1~~ 2.1 (§ ~~59.1-293.1~~ 9.1-209 et seq.) of Title ~~59.1~~ 9.1. A retail establishment may purchase tobacco that has not been subject to tax pursuant to this title or the requirements of Chapter 42 of Title 3.2, provided that (i) such tobacco may only be sold to consumers for the purpose of making cigarettes on the machines described herein in the establishment, (ii) the retail establishment pays the taxes due on such cigarettes pursuant to this title, and (iii) the retail establishment maintains compliance with the requirements of Chapter 42 of Title 3.2 with respect to such cigarettes. The provisions of this section shall not apply to the sale and use of cigarette rolling machines purchased for personal use by an individual consumer to make cigarettes for personal consumption and not for rental or use by other consumers.

2. That Chapter 23.1 (§§ 59.1-293.1 through 59.1-293.9) of Title 59.1 of the Code of Virginia is repealed.

CHAPTER 419

An Act to amend and reenact § 67-202 of the Code of Virginia, relating to the schedule for updating the Virginia Energy Plan.

[H 796]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 67-202 of the Code of Virginia is amended and reenacted as follows:

§ 67-202. Schedule.

A. The Division shall complete the Plan by July 1, 2007.

B. Prior to completion of the Plan and updates thereof, the Division shall present drafts to, and consult with, the Coal and Energy Commission and the Commission on Electric Utility Regulation.

C. The Plan shall be updated by the Division and submitted as provided in § 67-203 by July 1, 2010, *October 1, 2014*, and every ~~four years~~ *fourth October 1* thereafter. Updated reports shall reassess goals for energy conservation based on progress to date in meeting the goals in the previous plan and lessons learned from attempts to meet such goals.

CHAPTER 420

An Act to amend and reenact § 56-585.2 of the Code of Virginia, relating to the regulation of electric utilities; renewable energy portfolio standard program.

[H 822]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 56-585.2 of the Code of Virginia is amended and reenacted as follows:

§ 56-585.2. Sale of electricity from renewable sources through a renewable energy portfolio standard program.

A. As used in this section:

"Qualified investment" means an expense incurred in the Commonwealth by a participating utility in conducting, either by itself or in partnership with institutions of higher education in the Commonwealth or with industrial or commercial customers that have established renewable energy research and development programs in the Commonwealth, research and development activities related to renewable or alternative energy sources, which expense (i) is designed to enhance the participating utility's understanding of emerging energy technologies and their potential impact on and value to the utility's system and customers within the Commonwealth; (ii) promotes economic development within the Commonwealth; (iii) supplements customer-driven alternative energy or energy efficiency initiatives; (iv) supplements alternative energy and energy efficiency initiatives at state or local governmental facilities in the Commonwealth; or (v) is designed to mitigate the environmental impacts of renewable energy projects.

"Renewable energy" shall have the same meaning ascribed to it in § 56-576, provided such renewable energy is (i) generated in the Commonwealth or in the interconnection region of the regional transmission entity of which the participating utility is a member, as it may change from time to time, and purchased by a participating utility under a power purchase agreement; provided, however, that if such agreement was executed on or after July 1, 2013, the agreement shall expressly transfer ownership of renewable attributes, in addition to ownership of the energy, to the participating utility; (ii) generated by a public utility providing electric service in the Commonwealth from a facility in which the public utility owns at least a 49 percent interest and that is located in the Commonwealth, in the interconnection region of the regional transmission entity of which the participating utility is a member, or in a control area adjacent to such interconnection

region; or (iii) represented by renewable energy certificates. "Renewable energy" shall not include electricity generated from pumped storage, but shall include run-of-river generation from a combined pumped-storage and run-of-river facility.

"Renewable energy certificate" means either (i) a certificate issued by an affiliate of the regional transmission entity of which the participating utility is a member, as it may change from time to time, or any successor to such affiliate, and held or acquired by such utility, that validates the generation of renewable energy by eligible sources in the interconnection region of the regional transmission entity or (ii) a certificate issued by the Commission pursuant to subsection J and held or acquired by a participating utility, that validates a qualified investment made by the participating utility.

"Total electric energy sold in the base year" means total electric energy sold to Virginia jurisdictional retail customers by a participating utility in calendar year 2007, excluding an amount equivalent to the average of the annual percentages of the electric energy that was supplied to such customers from nuclear generating plants for the calendar years 2004 through 2006.

B. Any investor-owned incumbent electric utility may apply to the Commission for approval to participate in a renewable energy portfolio standard program, as defined in this section. The Commission shall approve such application if the applicant demonstrates that it has a reasonable expectation of achieving 12 percent of its base year electric energy sales from renewable energy sources during calendar year 2022, and 15 percent of its base year electric energy sales from renewable energy sources during calendar year 2025, as provided in subsection D.

C. It is in the public interest for utilities that seek to have a renewable energy portfolio standard program to achieve the goals set forth in subsection D, such goals being referred to herein as "RPS Goals." A utility shall receive double credit toward meeting the renewable energy portfolio standard for energy derived from sunlight, from onshore wind, or from facilities in the Commonwealth fueled primarily by animal waste, and triple credit toward meeting the renewable energy portfolio standard for energy derived from offshore wind.

D. Regarding any renewable energy portfolio standard program, the total electric energy sold by a utility to meet the RPS Goals shall be composed of the following amounts of electric energy or renewable thermal energy equivalent from renewable energy sources, as adjusted for any sales volumes lost through operation of the customer choice provisions of subdivision A 3 or A 4 of § 56-577:

RPS Goal I: In calendar year 2010, 4 percent of total electric energy sold in the base year.

RPS Goal II: For calendar years 2011 through 2015, inclusive, an average of 4 percent of total electric energy sold in the base year, and in calendar year 2016, 7 percent of total electric energy sold in the base year.

RPS Goal III: For calendar years 2017 through 2021, inclusive, an average of 7 percent of total electric energy sold in the base year, and in calendar year 2022, 12 percent of total electric energy sold in the base year.

RPS Goal IV: For calendar years 2023 and 2024, inclusive, an average of 12 percent of total electric energy sold in the base year, and in calendar year 2025, 15 percent of total electric energy sold in the base year.

A utility may not apply renewable energy certificates issued pursuant to subsection J to meet more than 20 percent of the sales requirement for the RPS Goal in any year.

A utility may apply renewable energy sales achieved or renewable energy certificates acquired during the periods covered by any such RPS Goal that are in excess of the sales requirement for that RPS Goal to the sales requirements for any future RPS ~~Goal~~ *Goals in the five calendar years after the renewable energy was generated or the renewable energy certificates were created, except that a utility shall be able to apply renewable energy certificates acquired by the utility prior to January 1, 2014.*

E. A utility participating in such program shall have the right to recover all incremental costs incurred for the purpose of such participation in such program, as accrued against income, through rate adjustment clauses as provided in subdivisions A 5 and A 6 of § 56-585.1, including, but not limited to, administrative costs, ancillary costs, capacity costs, costs of energy represented by certificates described in subsection A, and, in the case of construction of renewable energy generation facilities, allowance for funds used during construction until such time as an enhanced rate of return, as determined pursuant to subdivision A 6 of § 56-585.1, on construction work in progress is included in rates, projected construction work in progress, planning, development and construction costs, life-cycle costs, and costs of infrastructure associated therewith, plus an enhanced rate of return, as determined pursuant to subdivision A 6 of § 56-585.1. This subsection shall not apply to qualified investments as provided in subsection K. All incremental costs of the RPS program shall be allocated to and recovered from the utility's customer classes based on the demand created by the class and within the class based on energy used by the individual customer in the class, except that the incremental costs of the RPS program shall not be allocated to or recovered from customers that are served within the large industrial rate classes of the participating utilities and that are served at primary or transmission voltage.

F. A utility participating in such program shall apply towards meeting its RPS Goals any renewable energy from existing renewable energy sources owned by the participating utility or purchased as allowed by contract at no additional cost to customers to the extent feasible. A utility participating in such program shall not apply towards meeting its RPS Goals renewable energy certificates attributable to any renewable energy generated at a renewable energy generation source in operation as of July 1, 2007, that is operated by a person that is served within a utility's large industrial rate class and that is served at primary or transmission voltage, except for those persons providing renewable thermal energy equivalents to the utility. A participating utility shall be required to fulfill any remaining deficit needed to fulfill its RPS Goals from new renewable energy supplies at reasonable cost and in a prudent manner to be determined by the Commission at the time of approval of any application made pursuant to subsection B. A participating utility may sell renewable energy certificates

produced at its own generation facilities located in the Commonwealth or, if located outside the Commonwealth, owned by such utility and in operation as of January 1, 2010, or renewable energy certificates acquired as part of a purchase power agreement, to another entity and purchase lower cost renewable energy certificates and the net difference in price between the renewable energy certificates shall be credited to customers. Utilities participating in such program shall collectively, either through the installation of new generating facilities, through retrofit of existing facilities or through purchases of electricity from new facilities located in Virginia, use or cause to be used no more than a total of 1.5 million tons per year of green wood chips, bark, sawdust, a tree or any portion of a tree which is used or can be used for lumber and pulp manufacturing by facilities located in Virginia, towards meeting RPS goals, excluding such fuel used at electric generating facilities using wood as fuel prior to January 1, 2007. A utility with an approved application shall be allocated a portion of the 1.5 million tons per year in proportion to its share of the total electric energy sold in the base year, as defined in subsection A, for all utilities participating in the RPS program. A utility may use in meeting RPS goals, without limitation, the following sustainable biomass and biomass based waste to energy resources: mill residue, except wood chips, sawdust and bark; pre-commercial soft wood thinning; slash; logging and construction debris; brush; yard waste; shipping crates; dunnage; non-merchantable waste paper; landscape or right-of-way tree trimmings; agricultural and vineyard materials; grain; legumes; sugar; and gas produced from the anaerobic decomposition of animal waste.

G. The Commission shall promulgate such rules and regulations as may be necessary to implement the provisions of this section including a requirement that participants verify whether the RPS goals are met in accordance with this section.

H. Each investor-owned incumbent electric utility shall report to the Commission annually by November 1 identifying:

1. The utility's efforts, if any, to meet the RPS Goals, specifically identifying:

a. A list of all states where the purchased or owned renewable energy was generated, specifying the number of megawatt hours or renewable energy certificates originating from each state;

b. A list of the decades in which the purchased or owned renewable energy generating units were placed in service, specifying the number of megawatt hours or renewable energy certificates originating from those units; and

c. A list of fuel types used to generate the purchased or owned renewable energy, specifying the number of megawatt hours or renewable energy certificates originating from each fuel type;

2. The utility's overall generation of renewable energy; and

3. Advances in renewable generation technology that affect activities described in subdivisions 1 and 2.

I. The Commission shall post on its website the reports submitted by each investor-owned incumbent electric utility pursuant to subsection H.

J. The Commission shall issue to a participating utility a number of renewable energy certificates for qualified investments, upon request by a participating utility, if it finds that an expense satisfies the conditions set forth in this section for a qualified investment, as follows:

1. By March 31 of each year, the participating utility shall provide an analysis, as reasonably determined by a qualified independent broker, of the average for the preceding year of the publicly available prices for Tier 1 renewable energy certificates and Tier 2 renewable energy certificates, validating the generation of renewable energy by eligible sources, that were issued in the interconnection region of the regional transmission entity of which the participating utility is a member;

2. In the same annual analysis provided to the Commission, the participating utility shall divide the amount of the participating utility's qualified investments in the applicable period by the average price determined pursuant to subdivision 1;

3. The number of renewable energy certificates to be issued to the participating utility shall equal the product obtained pursuant to subdivision 2; and

4. The Commission shall review and validate the analysis provided by the participating utility within 90 days of submittal of its analysis to the Commission. If no corrections are made by the Commission, then the analysis shall be deemed correct and the renewable energy certificates shall be deemed issued to the participating utility.

Each renewable energy certificate issued to a participating utility pursuant to this subsection shall represent the equivalent of one megawatt hour of renewable energy sales achieved when applied to an RPS Goal.

K. Qualified investments shall constitute reasonable and prudent operating expenses of a participating utility. Notwithstanding subsection E, a participating utility shall not be authorized to recover the costs associated with qualified investments through rate adjustment clauses as provided in subdivisions A 5 and A 6 of § 56-585.1. In any proceeding conducted pursuant to § 56-585.1 or other provision of this title in which a participating utility seeks recovery of its qualified investments as an operating expense, the participating utility shall not be authorized to earn a return on its qualified investments.

L. A participating utility shall not be eligible for a research and development tax credit pursuant to § 58.1-439.12:08 with regard to any expense incurred or investment made by the participating utility that constitutes a qualified investment pursuant to this section.

CHAPTER 421

An Act to amend and reenact § 2.2-3704.1 of the Code of Virginia, relating to the Virginia Freedom of Information Act; state agencies to post notice of allowable charges for producing records.

Approved March 31, 2014

[H 837]

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-3704.1 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-3704.1. Posting of notice of rights and responsibilities by state public bodies; assistance by the Freedom of Information Advisory Council.**

A. All state public bodies created in the executive branch of state government and subject to the provisions of this chapter shall make available the following information to the public upon request and shall post such information on ~~the Internet~~ *their respective public government websites*:

1. A plain English explanation of the rights of a requester under this chapter, the procedures to obtain public records from the public body, and the responsibilities of the public body in complying with this chapter. For purposes of this ~~subdivision~~ *section*, "plain English" means written in nontechnical, readily understandable language using words of common everyday usage and avoiding legal terms and phrases or other terms and words of art whose usage or special meaning primarily is limited to a particular field or profession;

2. Contact information for the person designated by the public body to (i) assist a requester in making a request for records or (ii) respond to requests for public records;

3. A general description, summary, list, or index of the types of public records maintained by such state public body;

4. A general description, summary, list, or index of any exemptions in law that permit or require such public records to be withheld from release; ~~and~~

5. Any policy the public body has concerning the type of public records it routinely withholds from release as permitted by this chapter or other law; *and*

6. *The following statement: "A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen as set forth in subsection F of § 2.2-3704 of the Code of Virginia."*

B. The Freedom of Information Advisory Council, created pursuant to § 30-178, shall assist in the development and implementation of the provisions of subsection A, upon request.

CHAPTER 422

An Act to amend and reenact §§ 19.2-215.1, 19.2-386.21, 58.1-1000, 58.1-1001, 58.1-1012, and 58.1-1017.1 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 10 of Title 58.1 a section numbered 58.1-1017.2, relating to the administration and enforcement of Virginia's cigarette laws.

[H 853]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:**1. That §§ 19.2-215.1, 19.2-386.21, 58.1-1000, 58.1-1001, 58.1-1012, and 58.1-1017.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 10 of Title 58.1 a section numbered 58.1-1017.2 as follows:****§ 19.2-215.1. Functions of a multijurisdiction grand jury.**

The functions of a multijurisdiction grand jury are:

1. To investigate any condition that involves or tends to promote criminal violations of:

a. Title 10.1 for which punishment as a felony is authorized;

b. § 13.1-520;

c. §§ 18.2-47 and 18.2-48;

d. §§ 18.2-111 and 18.2-112;

e. Article 6 (§ 18.2-59 et seq.) of Chapter 4 of Title 18.2;

f. Article 7.1 (§ 18.2-152.1 et seq.) of Chapter 5 of Title 18.2;

g. Article 1 (§ 18.2-247 et seq.) and Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2;

h. Article 1 (§ 18.2-325 et seq.) and Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, Chapter 29 (§ 59.1-364 et seq.) of Title 59.1 or any other provision prohibiting, limiting, regulating, or otherwise affecting gaming or gambling activity;

i. § 18.2-434, when violations occur before a multijurisdiction grand jury;

j. Article 2 (§ 18.2-438 et seq.) and Article 3 (§ 18.2-446 et seq.) of Chapter 10 of Title 18.2;

k. § 18.2-460 for which punishment as a felony is authorized;

l. Article 1.1 (§ 18.2-498.1 et seq.) of Chapter 12 of Title 18.2;

m. Article 1 (§ 32.1-310 et seq.) of Chapter 9 of Title 32.1;

n. Chapter 4.2 (§ 59.1-68.6 et seq.) of Title 59.1;

o. Article 9 (§ 3.2-6570 et seq.) of Chapter 65 of Title 3.2;

p. Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;

- q. Article 2.1 (§ 18.2-46.1 et seq.) and Article 2.2 (§ 18.2-46.4 et seq.) of Chapter 4 of Title 18.2;
- r. Article 5 (§ 18.2-186 et seq.) and Article 6 (§ 18.2-191 et seq.) of Chapter 6 of Title 18.2;
- s. Chapter 6.1 (§ 59.1-92.1 et seq.) of Title 59.1;
- t. § 18.2-178 where the violation involves insurance fraud;
- u. § 18.2-356;
- v. Article 9 (§ 18.2-246.1 et seq.) of Chapter 6 of Title 18.2;
- w. Article 2 (§ 18.2-38 et seq.) of Chapter 4 of Title 18.2;
- x. Malicious felonious assault and malicious bodily wounding under Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;
- y. Article 5 (§ 18.2-58 et seq.) of Chapter 4 of Title 18.2;
- z. Felonious sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
- aa. Arson in violation of § 18.2-77 when the structure burned was occupied or a Class 3 felony violation of § 18.2-79;
- bb. Chapter 13 (§ 18.2-512 et seq.) of Title 18.2; ~~and~~
- cc. § 18.2-246.14 and Chapter 10 (§ 58.1-1000 et seq.) of Title 58.1; and
- dd. Any other provision of law when such condition is discovered in the course of an investigation that a multijurisdiction grand jury is otherwise authorized to undertake and to investigate any condition that involves or tends to promote any attempt, solicitation or conspiracy to violate the laws enumerated in this section.
2. To report evidence of any criminal offense enumerated in subdivision 1 and for which a court reporter has recorded all oral testimony as provided by § 19.2-215.9 to the attorney for the Commonwealth or United States attorney of any jurisdiction where such offense could be prosecuted or investigated and, when appropriate, to the Attorney General.
3. To consider bills of indictment prepared by a special counsel to determine whether there is sufficient probable cause to return each such indictment as a "true bill." Only bills of indictment which allege an offense enumerated in subdivision 1 may be submitted to a multijurisdiction grand jury.
4. The provisions of this section shall not abrogate the authority of an attorney for the Commonwealth in a particular jurisdiction to determine the course of a prosecution in that jurisdiction.

§ 19.2-386.21. Forfeiture of counterfeit and contraband cigarettes.

Counterfeit cigarettes possessed in violation of § 18.2-246.14 and cigarettes possessed in violation of § 58.1-1017 or 58.1-1017.1 shall be subject to seizure, forfeiture, and destruction *or court-ordered assignment for use by a law-enforcement undercover operation* by the Virginia Alcoholic Beverage Control Board or any law-enforcement officer of the Commonwealth. *However, any undercover operation that makes use of counterfeit cigarettes shall ensure that the counterfeit cigarettes remain under the control and command of law enforcement and shall not be distributed to a member of the general public who is not the subject of a criminal investigation.* All fixtures, equipment, materials, and personal property used in substantial connection with (i) the sale or possession of counterfeit cigarettes in a knowing and intentional violation of Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 of Title 18.2 or (ii) the sale or possession of cigarettes in a knowing and intentional violation of § 58.1-1017 or 58.1-1017.1 shall be subject to seizure and forfeiture according to the procedures contained in Chapter 22.1 (§ 19.2-386.1 et seq.), applied mutatis mutandis.

§ 58.1-1000. Definitions.

As used in this chapter, unless the context clearly shows otherwise, the term or phrase:

"Authorized holder" means (i) a manufacturer; (ii) a wholesale dealer; (iii) a stamping agent; (iv) a retail dealer; (v) an exclusive distributor; (vi) an officer, employee, or other agent of the United States or a state, or any department, agency, or instrumentality of the United States, a state, or a political subdivision of a state, having possession of cigarettes in connection with the performance of official duties; (vii) a person properly holding cigarettes that do not require stamps or tax payment pursuant to § 58.1-1010; or (viii) a common or contract carrier transporting cigarettes under a proper bill of lading or other documentation indicating the true name and address of the consignor or seller and the consignee or purchaser of the brands and the quantities being transported. *Any person convicted of a violation of § 58.1-1017 or 58.1-1017.1 is ineligible to be an authorized holder.*

"Carton" means 10 packs of cigarettes, each containing 20 cigarettes or eight packs, each containing 25 cigarettes.

"Cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains (i) any roll of tobacco wrapped in paper or in any substance not containing tobacco; (ii) tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or (iii) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in clause (i) of this definition. The term "cigarette" includes "roll-your-own" tobacco, which means any tobacco which, because of its appearance, type, packaging, or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes. For purposes of this definition of "cigarette," 0.09 ounces of "roll-your-own" tobacco shall constitute one individual "cigarette."

"Exclusive distributor" means any individual, corporation, limited liability company, or limited liability partnership with its principal place of business in the Commonwealth that has the sole and exclusive rights to sell to wholesale dealers in the Commonwealth a brand family of cigarettes manufactured by a tobacco product manufacturer as defined in § 3.2-4200.

"Manufacturer" means any tobacco product manufacturer as defined in § 3.2-4200.

"Pack" means a package containing either 20 or 25 cigarettes.

"Retail dealer" includes every person other than a wholesale dealer, as defined in this section, who sells or offers for sale any cigarettes and who is properly registered as a retail trade with the Commonwealth in accordance with the Virginia Department of Taxation Business Registration Application (Form R-1).

"Retail sale" or "sale at retail" includes all sales except sales by wholesale dealers to retail dealers or other wholesale dealers for resale.

"Stamping agent" shall have the same meaning as provided in § 3.2-4204. For the purposes of provisions relating to "roll-your-own" tobacco, "stamping agent" shall include "distributor" as that term is defined in § 58.1-1021.01.

"Stamps" means the stamp or stamps by the use of which the tax levied under this chapter is paid and shall be officially designated as Virginia revenue stamps. The Department is hereby authorized to provide for the use of any type of stamp which will effectuate the purposes of this chapter including but not limited to decalomania and metering devices.

"Storage" means any keeping or retention in the Commonwealth of cigarettes for any purpose except sale in the regular course of business or subsequent use solely outside the Commonwealth.

"Tax-paid cigarettes" means cigarettes that (i) bear valid Virginia stamps to evidence payment of excise taxes or (ii) were purchased outside of the Commonwealth and either (a) bear a valid tax stamp for the state in which the cigarettes were purchased or (b) when no tax stamp is required by the state, proper evidence can be provided to establish that applicable excise taxes have been paid.

"Use" means the exercise of any right or power over cigarettes incident to the ownership thereof or by any transaction where possession is given, except that it shall not include the sale of cigarettes in the regular course of business.

"Wholesale dealer" includes persons who are properly registered as tobacco product merchant wholesalers with the Commonwealth in accordance with the Virginia Department of Taxation Business Registration Application (Form R-1) and who (i) sell cigarettes at wholesale only to retail dealers for the purpose of resale only or (ii) sell at wholesale to institutional, commercial, or industrial users. "Wholesale dealer" also includes chain store distribution centers or houses which distribute cigarettes to their stores for sale at retail.

§ 58.1-1001. Tax levied; rate.

A. Except as provided in subsection B, in addition to all other taxes now imposed by law, every person within this Commonwealth who sells, stores or receives cigarettes made of tobacco or any substitute thereof, for the purpose of distribution to any person within this Commonwealth, shall pay to this Commonwealth an excise tax of one and one-quarter mills on each such cigarette sold, stored or received before August 1, 2004; an excise tax of one cent on each such cigarette sold, stored or received on and after August 1, 2004, through midnight on June 30, 2005; and an excise tax of 1.5 cents on each such cigarette sold, stored or received on and after July 1, 2005.

B. In addition to all other taxes now imposed by law, every person within the Commonwealth who sells, stores, or receives roll-your-own tobacco, for the purpose of distribution within the Commonwealth, shall pay to the Commonwealth a cigarette excise tax at the rate of 10% of the manufacturer's sales price of such roll-your-own tobacco.

C. The revenues generated by the taxes imposed under this section on and after August 1, 2004, shall be collected by the Department and deposited into the Virginia Health Care Fund established under § 32.1-366.

D. The provisions of this section shall not apply to members of federal, state, county, city, or town law-enforcement agencies when possession of unstamped cigarettes is necessary in the performance of investigatory duties.

§ 58.1-1012. Duties of wholesale dealer, manufacturer and exclusive distributor on shipping, delivering or sending out cigarettes.

A. Every wholesale dealer in the Commonwealth shall, before shipping, delivering or sending out any cigarettes to any dealer in the Commonwealth or for sale in the Commonwealth, cause the same to have the requisite denominations and amount of stamps to represent the tax affixed as stated herein, and every other wholesale dealer shall at the time of shipping or delivering any cigarettes make a true duplicate invoice of the same, showing the date, amount and value of each class of articles shipped or delivered, and retain a duplicate thereof. Wholesale dealers in the Commonwealth who ship, deliver, or send any cigarettes to the United States government for sale or distribution to any military, naval or marine reservation owned by the United States government within the Commonwealth shall be required to carry out the provisions set out in this chapter for such sales or deliveries.

B. Any manufacturer or exclusive distributor shall not be required to affix Virginia revenue stamps as required by subsection A, if such manufacturer or exclusive distributor is shipping, sending, selling, or delivering the cigarettes to a wholesale dealer in the Commonwealth who is a duly qualified wholesale dealer stamping agent in accordance with § 58.1-1011 or to a law-enforcement agency for use in the performance of its duties. The manufacturer or exclusive distributor who qualifies under this section and ships, sends, sells, or delivers cigarettes to a wholesale dealer shall keep on file a record of each such shipment, sale, or delivery and shall maintain such record for a period of three years.

§ 58.1-1017.1. Possession with intent to distribute tax-paid, contraband cigarettes; penalty.

Any person ~~other than an authorized holder~~ who possesses, with intent to distribute, more than 5,000 (25 cartons) but fewer than 100,000 (500 cartons) tax-paid cigarettes is guilty of a Class 1 misdemeanor for a first offense and is guilty of a Class 6 felony for any second or subsequent offense. Any person ~~other than an authorized holder~~ who possesses, with intent to distribute, 100,000 (500 cartons) or more tax-paid cigarettes is guilty of a Class 6 felony for a first offense and is guilty of a Class 5 felony for a second or subsequent offense. Additionally, any person who violates the provisions of this section

shall be assessed a civil penalty of (i) \$2.50 per pack, but no ~~more~~ less than \$5,000, for a first offense; (ii) \$5 per pack, but no ~~more~~ less than \$10,000, for a second such offense committed within a 36-month period; and (iii) \$10 per pack, but no ~~more~~ less than \$50,000, for a third or subsequent such offense committed within a 36-month period. The civil penalties shall be assessed and collected by the Department as other taxes are collected.

The provisions of this section shall not apply to an authorized holder.

§ 58.1-1017.2. Sealed pack labeled as cigarettes; prima facie evidence of cigarettes.

In any prosecution for violations of this title, where a sealed pack is labeled as containing cigarettes, such labeling shall be prima facie evidence that the contents of the pack meet the definition of "cigarette" as defined by § 58.1-1000. Nothing shall preclude the introduction of other relevant evidence to establish the contents of a pack, whether sealed or not.

CHAPTER 423

An Act to amend and reenact §§ 58.1-439.12:06, 58.1-439.12:09, and 58.1-439.12:10 of the Code of Virginia, relating to ports-related tax credits.

[H 873]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-439.12:06, 58.1-439.12:09, and 58.1-439.12:10 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-439.12:06. International trade facility tax credit.

A. As used in this section, unless the context requires a different meaning:

"Affiliated companies" means two or more companies related to each other so that (i) one company owns at least 80 percent of the voting power of the other or others or (ii) the same interest owns at least 80 percent of the voting power of two or more companies.

"Capital investment" means the amount properly chargeable to a capital account for improvements to rehabilitate or expand depreciable real property placed in service during the taxable year and the cost of machinery, tools, and equipment used in an international trade facility directly related to the movement of cargo. Capital investment includes expenditures associated with any exterior, structural, mechanical, or electrical improvements necessary to expand or rehabilitate a building for commercial or industrial use and excavations, grading, paving, driveways, roads, sidewalks, landscaping, or other land improvements. For purposes of this section, machinery, tools, and equipment shall be deemed to include only that property placed in service by the international trade facility on and after January 1, 2011. Machinery, tools, and equipment excludes property (i) for which a credit under this section was previously granted; (ii) placed in service by the taxpayer, a related party as defined in § 267(b) of the Internal Revenue Code, as amended, or by a trade or business under common control as defined in § 52(b) of the Internal Revenue Code, as amended; or (iii) previously in service in the Commonwealth that has a basis in the hands of the person acquiring it, determined in whole or in part by reference to the basis of such property in the hands of the person from whom acquired or § 1014(a) of the Internal Revenue Code, as amended.

"Capital investment" shall not include:

1. The cost of acquiring any real property or building;
2. The cost of furnishings;
3. Any expenditure associated with appraisal, architectural, engineering, or interior design fees;
4. Loan fees, points, or capitalized interest;
5. Legal, accounting, realtor, sales and marketing, or other professional fees;
6. Closing costs, permit fees, user fees, zoning fees, impact fees, and inspection fees;
7. Bids, insurance, signage, utilities, bonding, copying, rent loss, or temporary facilities costs incurred during construction;
8. Utility hook-up or access fees;
9. Outbuildings; or
10. The cost of any well or septic system.

"Credit year" means the first taxable year following the taxable year in which the international trade facility commenced or expanded its operations. A separate credit year and a three-year allowance shall exist for each distinct international trade facility of a single taxpayer.

"International trade facility" means a company that:

1. Is engaged in port-related activities, including, but not limited to, warehousing, distribution, freight forwarding and handling, and goods processing;
2. Uses maritime port facilities located in the Commonwealth; and
3. Transports at least ~~40 five~~ percent more cargo, ~~measured in 20-foot equivalent marine containers~~, through maritime port facilities in the Commonwealth during the taxable year than was transported by the company through such facilities during the preceding taxable year.

"New, permanent full-time position" means a job of indefinite duration, created by the company after establishing or expanding an international trade facility in the Commonwealth, requiring a minimum of 35 hours of employment per week

for each employee for the entire normal year of the company's operations, or a position of indefinite duration that requires a minimum of 35 hours of employment per week for each employee for the portion of the taxable year in which the employee was initially hired for, or transferred to, the international trade facility in the Commonwealth. Seasonal or temporary positions, or a job created when a job function is shifted from an existing location in the Commonwealth to the international trade facility, and positions in building and grounds maintenance, security, and other such positions that are ancillary to the principal activities performed by the employees at the international trade facility shall not qualify as new, permanent full-time positions.

"Normal year" means at least 48 weeks in a calendar year.

"Qualified full-time employee" means an employee filling a new, permanent full-time position in an international trade facility in the Commonwealth.

"Qualified trade activities" means the completed exportation or importation of at least (i) one International Organization for Standardization ocean container, with a minimum 20-foot length, ~~through a Virginia Port Authority-operated cargo facility~~ (ii) 16 tons of noncontainerized cargo, or (iii) one unit of roll-on/roll-off cargo through any publicly or privately owned cargo facility located within the Commonwealth through which cargo is transported. ~~An export container~~ Export cargo must be loaded on a barge or ocean-going vessel and ~~an import container~~ import cargo must be discharged from a barge or ocean-going vessel at such facility.

B. For taxable years beginning on and after January 1, 2011, but before January 1, 2017, a taxpayer satisfying the requirements of this section shall be allowed a credit against the taxes imposed by Articles 2 (§ 58.1-320 et seq.) and 10 (§ 58.1-400 et seq.). The amount of the credit earned pursuant to this section shall be equal to either (i) \$3,500 per qualified full-time employee that results from increased qualified trade activities by the taxpayer or (ii) an amount equal to two percent of the capital investment made by the taxpayer to facilitate the increased qualified trade activities. The election of which tax credit amount to claim shall be the responsibility of the taxpayer. Both tax credits shall not be claimed for the same activities that occur in a calendar year. The portion of the \$3,500 credit earned with respect to any qualified full-time employee who works in the Commonwealth for less than 12 full months during the credit year shall be determined by multiplying the credit amount by a fraction, the numerator of which is the number of full months such employee worked for the international trade facility in the Commonwealth during the credit year and the denominator of which is 12.

C. The Tax Commissioner shall issue tax credits under this section, and in no case shall the Tax Commissioner issue more than ~~\$250,000~~ \$1,250,000 in tax credits pursuant to this section in any fiscal year of the Commonwealth. If the amount of tax credits requested under this section for any taxable year exceeds ~~\$250,000~~ \$1,250,000, such credits shall be allocated proportionately among all qualified taxpayers. The Tax Commissioner shall not issue tax credits under this section subsequent to the Commonwealth's fiscal year ending on June 30, 2017. The taxpayer shall not be allowed to claim any tax credit under this section unless it has applied to the Department for the tax credit and the Department has approved the credit. The Department shall determine the credit amount allowable for the taxable year and shall provide a written certification to the taxpayer, which certification shall report the amount of the tax credit approved by the Department. The taxpayer shall attach the certification to the applicable income tax return.

D. The amount of the credit allowed pursuant to this section shall not exceed 50 percent of the tax imposed for the taxable year. Any remaining credit amount may be carried forward for the next 10 taxable years. In the event a taxpayer who is subject to the limitation imposed pursuant to this subsection is allowed a different tax credit pursuant to another section of the Code, or has a credit carry forward from a preceding taxable year, such taxpayer shall be considered to have first utilized any credit that does not have a carry forward provision, and then any credit carried forward from a preceding taxable year, before using any of the credit allowed pursuant to this section.

E. No credit shall be earned for any employee (i) for whom a credit under this section was previously earned by a related party as defined in § 267(b) of the Internal Revenue Code, as amended, or a trade or business under common control as defined in § 52(b) of the Internal Revenue Code, as amended; (ii) who was previously employed in the same job function in Virginia by a related party as defined in § 267(b) of the Internal Revenue Code, as amended, or a trade or business under common control as defined in § 52(b) of the Internal Revenue Code, as amended; (iii) whose job function was previously performed at a different location in Virginia by an employee of the taxpayer, by a related party as defined in § 267(b) of the Internal Revenue Code, as amended, or by a trade or business under common control as defined in § 52(b) of the Internal Revenue Code, as amended; or (iv) whose job function previously qualified for a credit under this section at a different major business facility, as defined in subsection C of § 58.1-439, on behalf of the taxpayer, by a related party as defined in § 267(b) of the Internal Revenue Code, as amended, or a trade or business under common control as defined in § 52(b) of the Internal Revenue Code, as amended.

F. For purposes of this section, the amount of any credit attributable to a partnership, electing small business corporation (S corporation), or limited liability company shall be allocated to the individual partners, shareholders, or members, respectively, in proportion to their ownership or interest in such business entities.

G. For purposes of this section, two or more affiliated companies may elect to aggregate the number of jobs created for qualified full-time employees or the amounts of capital investments as the result of the establishment or expansion by the individual companies in order to qualify for the credit allowed herein.

H. Recapture of the credit amount, under the following circumstances, shall be accomplished by increasing the tax in any of the five years succeeding the taxable year in which a credit has been earned pursuant to this section if the number of qualified full-time employees falls below the average number of qualified full-time employees during the taxable year. The

tax increase amount shall be determined by (i) recalculating the credit that would have been earned for the original taxable year using the decreased number of qualified full-time employees and (ii) subtracting the recalculated credit amount from the amount previously earned. In the event that the average number of qualified full-time employees employed at an international trade facility falls below the number employed by the taxpayer prior to claiming any credits pursuant to this section in any of the five taxable years succeeding the year in which the credits were earned, all credits earned with respect to the international trade facility shall be recaptured. No credit amount shall be recaptured more than once pursuant to this subsection. Any recapture pursuant to this subsection shall reduce credits earned but not yet allowed, and credits allowed but carried forward, before the taxpayer's tax liability is increased.

~~I. International trade facilities that create jobs or make capital investments in a tobacco-dependent locality, as defined in subsection A of § 58.1-439.13, shall be entitled to tax credits twice the amount in subsection B to the extent moneys from the Tobacco Indemnification and Community Revitalization Fund, established under § 3.2-3106, are deposited into the Technology Initiative in Tobacco-Dependent Localities Fund (the Fund), established under § 58.1-439.15, for the purpose of funding this credit. If the amount of credits allowable pursuant to this section exceeds the amount deposited in the Fund for any fiscal year, such credits shall be allocated to taxpayers on a pro rata basis by the Department of Taxation for such year.~~

I. Notwithstanding the provisions of § 58.1-3, the Department of Taxation shall annually provide information to the Virginia Port Authority related to tax credits issued pursuant to this section.

J. The Tax Commissioner shall issue guidelines that are necessary and desirable to carry out the provisions of this section, including (i) the computation, carryover, and recapture of the credits provided under this section; (ii) the establishment of criteria for (a) international trade facilities, (b) qualified full-time employees at such facilities, and (c) capital investments; and (iii) the computation, carryover, recapture, and redemption of the credit by affiliated companies. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

§ 58.1-439.12:09. Barge and rail usage tax credit.

A. As used in this section:

"International trade facility" means a company that:

1. Is doing business in the Commonwealth and engaged in port-related activities, including but not limited to warehousing, distribution, freight forwarding and handling, and goods processing;
2. Has the sole discretion and authority to move cargo ~~in containers~~ originating or terminating in the Commonwealth;
3. Uses maritime port facilities located in the Commonwealth; and
4. Uses barges and rail systems to move cargo ~~containers~~ through port facilities in the Commonwealth rather than trucks or other motor vehicles on the Commonwealth's highways.

B. For taxable years beginning on and after January 1, 2011, but before January 1, 2017, a company that is an international trade facility shall be allowed a credit against the taxes imposed by Articles 2 (§ 58.1-320 et seq.), 6 (§ 58.1-360 et seq.), and 10 (§ 58.1-400 et seq.); Chapter 12 (§ 58.1-1200 et seq.); Article 1 (§ 58.1-2500 et seq.) of Chapter 25; or Article 2 (§ 58.1-2620 et seq.) of Chapter 26. The amount of the credit shall be \$25 per 20-foot equivalent unit (TEU) ~~or~~ 16 tons of noncontainerized cargo, *or one unit of roll-on/roll-off cargo* moved by barge or rail rather than by trucks or other motor vehicles on the Commonwealth's highways.

C. The Tax Commissioner shall issue tax credits under this section, and in no case shall the Tax Commissioner issue more than ~~\$1.5 million~~ \$500,000 in tax credits pursuant to this section in any fiscal year of the Commonwealth. In addition, the Tax Commissioner shall not issue tax credits under this section subsequent to the Commonwealth's fiscal year ending on June 30, 2017. The international trade facility shall not be allowed to claim any tax credit under this section unless it has applied to the Department for the tax credit and the Department has approved the credit. The Department shall determine the credit amount allowable for the year and shall provide a written certification to the international trade facility, which certification shall report the amount of the tax credit approved by the Department. The international trade facility shall attach the certification to the applicable tax return.

D. For purposes of this section, the amount of any credit attributable to a partnership, electing small business corporation (S corporation), or limited liability company shall be allocated to the individual partners, shareholders, or members, respectively, in proportion to their ownership or interest in such business entities.

E. Any credit not usable for the taxable year may be carried over for the next five taxable years or until such credit is fully taken, whichever occurs first. The amount of the credit allowed pursuant to this section shall not exceed the tax imposed for such taxable year. No credit shall be carried back to a preceding taxable year. If a taxpayer that is subject to the tax limitation imposed pursuant to this subsection is allowed another credit pursuant to any other section of this Code or has a credit carryover from a preceding taxable year, such taxpayer shall be considered to have first utilized any credit allowed that does not have a carryover provision, and then any credit that is carried forward from a preceding taxable year, before using any credit allowed pursuant to this section.

F. Notwithstanding the provisions of § 58.1-3, the Department of Taxation shall annually provide information to the Virginia Port Authority related to tax credits issued pursuant to this section.

~~F. G.~~ The Tax Commissioner shall issue guidelines that are necessary and desirable to carry out the provisions of this section, including (i) the computation and carryover of the credits provided under this section and (ii) the establishment of criteria for international trade facilities. Such guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

§ 58.1-439.12:10. Virginia port volume increase tax credit.

A. As used in this section, unless the context indicates otherwise:

"Agricultural entity" means a person engaged in growing or producing wheat, grains, fruits, nuts, crops; tobacco, nursery, or floral products; forestry products excluding raw wood fiber or wood fiber processed or manufactured for use as fuel for the generation of electricity; or seafood, meat, dairy, or poultry products.

"Base year port cargo volume" means the total amount of (i) net tons of noncontainerized cargo ~~or~~ (ii) TEUs of cargo, or (iii) *units of roll-on/roll-off cargo* actually transported by way of a waterborne ship or vehicle through a port facility during the period from (i) January 1, 2010, through December 31, 2010, for manufacturing-related entities or (ii) January 1, 2012, through December 31, 2012, for agricultural entities and mineral and gas entities. Base year port cargo volume must be at least 75 net tons of noncontainerized cargo ~~or~~ 10 loaded TEUs, or 10 *units of roll-on/roll-off cargo* for a taxpayer to be eligible for the credits provided in this section. For a taxpayer that does not ship that amount in the year ending December 31, 2010, or December 31, 2012, as applicable, including a taxpayer who locates in Virginia after such periods, its base cargo volume will be measured by the initial January 1 through December 31 calendar year in which it meets the requirements of 75 net tons of noncontainerized cargo ~~or~~ 10 loaded TEUs, or 10 *units of roll-on/roll-off cargo*. Base year port cargo volume must be recalculated each calendar year after the initial base year.

"Major facility" means a new facility to be located in Virginia that is projected to import or export cargo through a port in excess of 25,000 TEUs in its first calendar year.

"Manufacturing-related entity" means a person engaged in the manufacturing of goods or the distribution of manufactured goods.

"Mineral and gas entity" means a person engaged in severing minerals or gases from the earth.

"Port cargo volume" means the total amount of net tons of noncontainerized cargo, *net units of roll-on/roll-off cargo*, or containers measured in TEUs of cargo transported by way of a waterborne ship or vehicle through a port facility.

"Port facility" means any publicly or privately owned facility located within the Commonwealth through which cargo is transported by way of a waterborne ship or vehicle to or from destinations outside the Commonwealth and which handles cargo owned by third parties in addition to cargo owned by the port facility's owner.

"TEU" or "20-foot equivalent unit" means a volumetric measure based on the size of a container that is 20 feet long by eight feet wide by eight feet, six inches high.

B. 1. For taxable years beginning on and after January 1, 2011, but before January 1, 2017, a taxpayer that is an agricultural entity, manufacturing-related entity, or mineral and gas entity that uses port facilities in the Commonwealth and increases its port cargo volume at these facilities by a minimum of five percent in a single calendar year over its base year port cargo volume is eligible to claim a credit against the tax levied pursuant to §§ 58.1-320 and 58.1-400 in an amount determined by the Virginia Port Authority. The Virginia Port Authority may waive the requirement that port cargo volume be increased by a minimum of five percent over base year port cargo volume for any taxpayer that qualifies as a major facility.

2. Qualifying taxpayers that increase their port cargo volume by a minimum of five percent in a qualifying calendar year shall receive a \$50 credit against the tax levied pursuant to §§ 58.1-320 and 58.1-400 for each TEU, *unit of roll-on/roll-off cargo*, or 16 net tons of noncontainerized cargo, as applicable, above the base year port cargo volume. A qualifying taxpayer that is a major facility as defined in this section shall receive a \$50 credit against the tax levied pursuant to §§ 58.1-320 and 58.1-400 for each TEU, *unit of roll-on/roll-off cargo*, or 16 net tons of noncontainerized cargo, as applicable, transported through a port facility during the major facility's first calendar year. A qualifying taxpayer may not receive more than \$250,000 for each calendar year except as provided for in subdivision C 2. The maximum amount of credits allowed for all qualifying taxpayers pursuant to this section shall not exceed \$3.2 million for each calendar year. The Virginia Port Authority shall allocate the credits pursuant to the provisions in subdivisions C 1 and C 2.

3. If the credit exceeds the taxpayer's tax liability for the taxable year, the excess amount may be carried forward and claimed against income taxes in the next five succeeding taxable years.

4. The credit may be claimed by the taxpayer as provided in subdivision 1 only if the taxpayer owns the cargo at the time the port facilities are used.

C. 1. For every year in which a taxpayer claims the credit, the taxpayer shall submit an application to the Virginia Port Authority by March 1 of the calendar year after the calendar year in which the increase in port cargo volume occurs. The taxpayer shall attach a schedule to the taxpayer's application to the Virginia Port Authority with the following information and any other information requested by the Virginia Port Authority or the Department:

a. A description of how the base year port cargo volume and the increase in port cargo volume were determined;

b. The amount of the base year port cargo volume;

c. The amount of the increase in port cargo volume for the taxable year stated both as a percentage increase and as a total increase in net tons of noncontainerized cargo ~~and~~ TEUs of cargo, and *units of roll-on/roll-off cargo*, as applicable, including information that demonstrates an increase in port cargo volume in excess of the minimum amount required to claim the tax credits pursuant to this section;

d. Any tax credit utilized by the taxpayer in prior years; and

e. The amount of tax credit carried over from prior years.

2. If on March 15 of each year the \$3.2 million amount of credit is not fully allocated among qualifying taxpayers, then those taxpayers who have been allocated a credit for the prior year shall be allowed a pro rata share of the remaining

allocated credit up to \$3.2 million. If on March 15 of each year, the cumulative amount of tax credits requested by qualifying taxpayers for the prior year exceeds \$3.2 million, then the \$3.2 million in credits shall be prorated among the qualifying taxpayers who requested the credit.

3. The taxpayer shall claim the credit on its income tax return in a manner prescribed by the Department. The Department may require a copy of the certification form issued by the Virginia Port Authority be attached to the return or otherwise provided. *Qualifying taxpayers may also claim the credit pursuant to § 58.1-439.12:09 for the same containers, noncontainerized cargo, or roll-on/roll-off units of cargo for which a credit is claimed under this section provided such taxpayer meets the applicable criteria set forth therein.*

D. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership interests in such business entities.

2. That the provisions of this act shall be applicable to taxable years beginning on or after January 1, 2014, to the Commonwealth's 2014-2015 fiscal year, and to all fiscal years thereafter.

CHAPTER 424

An Act to amend and reenact § 62.1-129 of the Code of Virginia, relating to the Board of Commissioners of the Virginia Port Authority.

[H 876]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-129 of the Code of Virginia is amended and reenacted as follows:

§ 62.1-129. Board of Commissioners; members and officers; Executive Director; agents and employees.

A. All powers, rights and duties conferred by this chapter, or other provisions of law, upon the Authority shall be exercised by the Board of Commissioners of the Virginia Port Authority, hereinafter referred to as Board or Board of Commissioners. The Board shall consist of the State Treasurer, the Chief Executive Officer of the Virginia Economic Development Partnership, and 11 members appointed by the Governor, subject to confirmation by the General Assembly, who shall serve at the pleasure of the Governor. The terms of members of the Board of Commissioners appointed or reappointed by the Governor on or after January 1, 1981, shall be for five years. Any appointment to fill a vacancy shall be for the unexpired term. Members of the Board shall receive their expenses and shall be compensated at the rate provided in § 2.2-2813 for each day spent on business of the Board. No member appointed by the Governor shall be eligible to serve more than two successive terms. A person ~~heretofore or hereafter~~ appointed to fill a vacancy may be appointed to serve two additional terms. Beginning with those members of the Board of Commissioners appointed or reappointed by the Governor on or after January 1, 1981: (i) appointments shall be made by the Governor in such a manner as to ensure the widest possible geographical representation of all parts of the Commonwealth, and (ii) no resident of the Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, or Virginia Beach shall be eligible for appointment or reappointment to the Board of Commissioners if his appointment or reappointment would increase or maintain the number of members of the Board of Commissioners residing in such cities above the number of ~~four~~ five. One of the members appointed or reappointed from the cities previously mentioned in this section shall be a resident of the City of Portsmouth or the City of Chesapeake, one of the members appointed or reappointed shall be a resident of the City of Norfolk or the City of Virginia Beach, one of the members appointed or reappointed shall be a resident of the City of Newport News or the City of Hampton, *one of the members appointed or reappointed shall be a resident of Greater Hampton Roads*, and one of the members appointed or reappointed shall be a resident of Greater Hampton Roads, but not a resident of any of the above-mentioned cities. Additionally, one member shall be appointed from the City of Richmond or the County of Chesterfield, Hanover, or Henrico to serve as a nonvoting ex officio member representing the Port of Richmond, and one member shall be appointed from the City of Winchester or the County of Clarke, Frederick, or Warren to serve as a nonvoting ex officio member representing the Virginia Inland Port. Of the members appointed by the Governor, all members shall have executive level experience and represent one of the following industries: agriculture, distribution and warehousing, manufacturing, logistics and transportation, mining, marketing, legal, financial, or transportation infrastructure. *In addition, the Governor shall appoint at least one member with maritime shipping experience from a list of at least three nominees provided by the Virginia Maritime Association, who shall not be a paid member of the Virginia Maritime Association or have any other conflict of interest with the Virginia Port Authority.*

The Board shall elect from its membership a chairman and vice-chairman and may also elect from its membership, or appoint from its staff, a secretary and treasurer and prescribe their powers and duties.

The Board of Commissioners shall appoint the chief executive officer of the Authority, who shall not be a member of the Board, who shall be known as the Executive Director and who shall serve at the pleasure of the Board. The Executive Director's compensation from the Commonwealth shall be fixed by the Board in accordance with law. This compensation shall be established at a level which will enable the Authority to attract and retain a capable Executive Director.

The Board may also appoint from the staff an assistant secretary and an assistant treasurer, who shall, in addition to other duties, discharge such functions of the secretary and treasurer, respectively, as may be directed by the Board.

B. The Board may, at its discretion and from time to time, also form a Maritime Advisory Council, consisting of representatives from the maritime industry, to provide advice and counsel to the Board of Commissioners on all matters associated with the Authority with the exception of the annual budget and personnel matters.

CHAPTER 425

An Act to require the Board of Education to develop model criteria and procedures for establishing a Governor's Career and Technical Education School.

[H 887]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Board of Education shall develop model criteria and procedures for establishing a jointly operated high school with a career and technical education focus to be recommended to the Governor and the General Assembly for funding as a Governor's Career and Technical Education School.*

CHAPTER 426

An Act to amend and reenact § 54.1-2400 of the Code of Virginia, relating to powers and duties of health regulatory boards; special conference committees.

[H 891]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2400 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2400. General powers and duties of health regulatory boards.

The general powers and duties of health regulatory boards shall be:

1. To establish the qualifications for registration, certification, licensure or the issuance of a multistate licensure privilege in accordance with the applicable law which are necessary to ensure competence and integrity to engage in the regulated professions.
2. To examine or cause to be examined applicants for certification or licensure. Unless otherwise required by law, examinations shall be administered in writing or shall be a demonstration of manual skills.
3. To register, certify, license or issue a multistate licensure privilege to qualified applicants as practitioners of the particular profession or professions regulated by such board.
4. To establish schedules for renewals of registration, certification, licensure, and the issuance of a multistate licensure privilege.
5. To levy and collect fees for application processing, examination, registration, certification or licensure or the issuance of a multistate licensure privilege and renewal that are sufficient to cover all expenses for the administration and operation of the Department of Health Professions, the Board of Health Professions and the health regulatory boards.
6. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) which are reasonable and necessary to administer effectively the regulatory system. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ 54.1-100 et seq.) and Chapter 25 (§ 54.1-2500 et seq.) of this title.
7. To revoke, suspend, restrict, or refuse to issue or renew a registration, certificate, license or multistate licensure privilege which such board has authority to issue for causes enumerated in applicable law and regulations.
8. To appoint designees from their membership or immediate staff to coordinate with the Director and the Health Practitioners' Monitoring Program Committee and to implement, as is necessary, the provisions of Chapter 25.1 (§ 54.1-2515 et seq.) of this title. Each health regulatory board shall appoint one such designee.
9. To take appropriate disciplinary action for violations of applicable law and regulations, and to accept, in their discretion, the surrender of a license, certificate, registration or multistate licensure privilege in lieu of disciplinary action.
10. To appoint a special conference committee, composed of not less than two members of a health regulatory board or, when required for special conference committees of the Board of Medicine, not less than two members of the Board and one member of the relevant advisory board, or, when required for special conference committees of the Board of Nursing, not less than one member of the Board and one member of the relevant advisory board, to act in accordance with § 2.2-4019 upon receipt of information that a practitioner or permit holder of the appropriate board may be subject to disciplinary action or to consider an application for a license, certification, registration, permit or multistate licensure privilege in nursing. The special conference committee may (i) exonerate the practitioner; (ii) reinstate the practitioner; (iii) place the practitioner or permit holder on probation with such terms as it may deem appropriate; (iv) reprimand the practitioner; (v) modify a previous order; and (vi) impose a monetary penalty pursuant to § 54.1-2401, (vii) deny or grant an application for licensure, certification, registration, permit, or multistate licensure privilege; and (viii) issue a restricted license, certification, registration, permit or multistate licensure privilege subject to terms and conditions. The order of the special conference committee shall become final 30 days after service of the order unless a written request to the board for a hearing

is received within such time. If service of the decision to a party is accomplished by mail, three days shall be added to the 30-day period. Upon receiving a timely written request for a hearing, the board or a panel of the board shall then proceed with a hearing as provided in § 2.2-4020, and the action of the committee shall be vacated. This subdivision shall not be construed to limit the authority of a board to delegate to an appropriately qualified agency subordinate, as defined in § 2.2-4001, the authority to conduct informal fact-finding proceedings in accordance with § 2.2-4019, upon receipt of information that a practitioner may be subject to a disciplinary action. The recommendation of such subordinate may be considered by a panel consisting of at least five board members, or, if a quorum of the board is less than five members, consisting of a quorum of the members, convened for the purpose of issuing a case decision. Criteria for the appointment of an agency subordinate shall be set forth in regulations adopted by the board.

11. To convene, at their discretion, a panel consisting of at least five board members or, if a quorum of the board is less than five members, consisting of a quorum of the members to conduct formal proceedings pursuant to § 2.2-4020, decide the case, and issue a final agency case decision. Any decision rendered by majority vote of such panel shall have the same effect as if made by the full board and shall be subject to court review in accordance with the Administrative Process Act. No member who participates in an informal proceeding conducted in accordance with § 2.2-4019 shall serve on a panel conducting formal proceedings pursuant to § 2.2-4020 to consider the same matter.

12. To issue inactive licenses or certificates and promulgate regulations to carry out such purpose. Such regulations shall include, but not be limited to, the qualifications, renewal fees, and conditions for reactivation of licenses or certificates.

13. To meet by telephone conference call to consider settlement proposals in matters pending before special conference committees convened pursuant to this section, or matters referred for formal proceedings pursuant to § 2.2-4020 to a health regulatory board or a panel of the board or to consider modifications of previously issued board orders when such considerations have been requested by either of the parties.

14. To request and accept from a certified, registered or licensed practitioner or person holding a multistate licensure privilege to practice nursing, in lieu of disciplinary action, a confidential consent agreement. A confidential consent agreement shall be subject to the confidentiality provisions of § 54.1-2400.2 and shall not be disclosed by a practitioner. A confidential consent agreement shall include findings of fact and may include an admission or a finding of a violation. A confidential consent agreement shall not be considered either a notice or order of any health regulatory board, but it may be considered by a board in future disciplinary proceedings. A confidential consent agreement shall be entered into only in cases involving minor misconduct where there is little or no injury to a patient or the public and little likelihood of repetition by the practitioner. A board shall not enter into a confidential consent agreement if there is probable cause to believe the practitioner has (i) demonstrated gross negligence or intentional misconduct in the care of patients or (ii) conducted his practice in such a manner as to be a danger to the health and welfare of his patients or the public. A certified, registered or licensed practitioner who has entered into two confidential consent agreements involving a standard of care violation, within the 10-year period immediately preceding a board's receipt of the most recent report or complaint being considered, shall receive public discipline for any subsequent violation within the 10-year period unless the board finds there are sufficient facts and circumstances to rebut the presumption that the disciplinary action be made public.

15. When a board has probable cause to believe a practitioner is unable to practice with reasonable skill and safety to patients because of excessive use of alcohol or drugs or physical or mental illness, the board, after preliminary investigation by an informal fact-finding proceeding, may direct that the practitioner submit to a mental or physical examination. Failure to submit to the examination shall constitute grounds for disciplinary action. Any practitioner affected by this subsection shall be afforded reasonable opportunity to demonstrate that he is competent to practice with reasonable skill and safety to patients. For the purposes of this subdivision, "practitioner" shall include any person holding a multistate licensure privilege to practice nursing.

CHAPTER 427

An Act to amend the Code of Virginia by adding in Article 9 of Chapter 14 of Title 8.01 a section numbered 8.01-420.8, relating to protection of confidential information in court files.

[H 952]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 9 of Chapter 14 of Title 8.01 a section numbered 8.01-420.8 as follows:

§ 8.01-420.8. Protection of confidential information in court files.

A. Whenever a party files, or causes to be filed, with the court a motion, pleading, subpoena, exhibit, or other document containing a social security number or other identification number appearing on a driver's license, credit card, debit card, bank account, or other electronic billing and payment system, the party shall make reasonable efforts to redact all but the last four digits of the identification number.

B. The provisions of subsection A apply to all civil actions in circuit and district court, unless there is a specific statute to the contrary that applies to the particular type of proceeding in which the party is involved.

C. Nothing in this section shall create a private cause of action against the party or lawyer who filed the document or any court personnel, the clerk, or any employees of the clerk's office who received it for filing.

CHAPTER 428

An Act to amend and reenact the second enactment of Chapter 589 of the Acts of Assembly of 2013, relating to transportation commission membership; effective date.

[H 957]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

- 1. That the second enactment of Chapter 589 of the Acts of Assembly of 2013 is amended and reenacted as follows:**
- 2. That the provisions of this act shall become effective on July 1, ~~2014~~ 2015.**

CHAPTER 429

An Act requiring the Department of Game and Inland Fisheries and the Department of Agriculture and Consumer Services to work cooperatively in providing coyote control information.

[H 988]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

- § 1. That the Department of Game and Inland Fisheries and the Department of Agriculture and Consumer Services shall work cooperatively, and with federal, state, and local agencies, as may be advisable, to provide information and promote programs that are available to landowners, livestock producers, and other individuals who are seeking assistance with coyote control concerns.*

CHAPTER 430

An Act to amend and reenact § 15.2-2118 of the Code of Virginia, relating to water and sewer charges.

[H 1012]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

- 1. That § 15.2-2118 of the Code of Virginia is amended and reenacted as follows:**
§ 15.2-2118. Lien for water and sewer charges and taxes imposed by localities.

The governing body of any county adjoining a city lying wholly within the Commonwealth and with a population of more than 75,000 according to the 1970 or any subsequent census and any county having a density of population of more than 600 per square mile according to the 1960 or any subsequent census, Botetourt, Caroline, Culpeper, Cumberland, Franklin, Gloucester, Goochland, Hanover, Isle of Wight, New Kent, Orange and any town located therein, Rockingham, Spotsylvania, Stafford, and York Counties; the Cities of Fairfax, Manassas Park, Newport News, Petersburg, Richmond, ~~and~~ Roanoke, *and Suffolk*; and the Towns of Abingdon, Blacksburg, Clifton Forge, Front Royal, Kenbridge, Onancock, and Urbanna may by ordinance provide that taxes or charges hereafter made, imposed, or incurred for water or sewers or use thereof within or outside such locality shall be a lien on the real estate served by such waterline or sewer. Where residential rental real estate is involved, no lien shall attach (i) unless the user of the water or sewer services is also the owner of the real estate or (ii) unless the owner of the real estate negotiated or executed the agreement by which such water or sewer services were provided to the property.

CHAPTER 431

An Act to amend and reenact § 9.1-106 of the Code of Virginia, relating to the Regional Criminal Justice Academy Training Fund; local fee.

[H 1049]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

- 1. That § 9.1-106 of the Code of Virginia is amended and reenacted as follows:**
§ 9.1-106. Regional Criminal Justice Academy Training Fund; local fee.

There is created a special nonreverting fund to be administered by the Department, known as the Regional Criminal Justice Academy Training Fund. This Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of the biennium shall not revert to the general fund, but shall remain in the Fund. Interest earned on the

Fund shall be credited to the Fund. The Fund shall consist of moneys forwarded to the State Treasurer for deposit in the Fund as provided in §§ 16.1-69.48:1, 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, and 17.1-275.9, which sums shall be deposited in the state treasury to the credit of the Fund. Money in the Fund shall be used to provide financial support for regional criminal justice training academies, and shall be distributed as directed by the Department. Notwithstanding any other provision of law, nothing in this section shall prohibit a locality from charging a similar fee if the locality does not participate in a regional criminal justice training academy and if the locality was operating a certified independent criminal justice academy as of July 1, ~~2010~~ 2012.

Any and all funds from such local fee shall support the local academy.

Existing funds for the regional criminal justice training academies shall not be reduced by either state or local entities as a result of the enactment of Chapter 215 of the Acts of Assembly of 1997.

CHAPTER 432

An Act to amend and reenact §§ 2.2-203.3 and 2.2-204 of the Code of Virginia, relating to responsibility for the Virginia Racing Commission.

[H 1074]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-203.3 and 2.2-204 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-203.3. Position established; agencies for which responsible; additional duties.

The position of Secretary of Agriculture and Forestry (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: Department of Forestry, Department of Agriculture and Consumer Services, ~~and~~ Virginia Agricultural Council, *and Virginia Racing Commission*. The Governor, by executive order, may assign any state executive agency to the Secretary, or reassign any agency listed in this section to another Secretary.

§ 2.2-204. Position established; agencies for which responsible; additional duties.

The position of Secretary of Commerce and Trade (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: Virginia Economic Development Partnership Authority, Virginia Tourism Authority, Department of Labor and Industry, Department of Mines, Minerals and Energy, Virginia Employment Commission, Department of Professional and Occupational Regulation, Department of Housing and Community Development, Department of Small Business and Supplier Diversity, Virginia Housing Development Authority, Virginia Resources Authority, ~~Virginia Racing Commission~~, Tobacco Indemnification and Community Revitalization Commission, and Board of Accountancy. The Governor, by executive order, may assign any state executive agency to the Secretary, or reassign any agency listed in this section to another Secretary.

The Secretary shall implement the provisions of the Virginia Biotechnology Research Act (§ 2.2-5500 et seq.).

CHAPTER 433

An Act to amend and reenact § 22.1-215 of the Code of Virginia, relating to special education; full-time virtual school programs.

[H 1086]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-215 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-215. School divisions to provide special education; plan to be submitted to Board.

Each school division shall provide free and appropriate education, including special education, for (i) the children with disabilities residing within its jurisdiction and (ii) *the children with disabilities who do not reside within its jurisdiction but reside in the Commonwealth and are enrolled in a full-time virtual school program provided by the school division*, in accordance with regulations of the Board of Education. *A school division that is required to provide a free and appropriate education, including special education, for a nonresident student who is enrolled in its full-time virtual school program pursuant to this section shall be entitled to any federal and state funds applicable to the education of such student. In the case of a student who is a resident of the Commonwealth but does not reside in the school division in which he is enrolled in a full-time virtual school program, the school division in which the student resides shall be released from the obligation to provide a free and appropriate education, including special education, for such student.*

For the purposes of this section, "children with disabilities, residing within its jurisdiction" shall include: ~~(i)~~ (a) those individuals of school age identified as appropriate to be placed in public school programs who are residing in a state facility operated by the Department of Behavioral Health and Developmental Services located within the school division, or ~~(ii)~~ (b) those individuals of school age who are Virginia residents and are placed and living in a foster care home or child-caring institution or group home located within the school division and licensed under the provisions of Chapter 17 (§ 63.2-1700

et seq.) of Title 63.2 as a result of being in the custody of a local department of social services or welfare or being privately placed, not solely for school purposes.

The Board of Education shall promulgate regulations to identify those children placed within facilities operated by the Department of Behavioral Health and Developmental Services who are eligible to be appropriately placed in public school programs.

The cost of the education provided to children residing in state facilities who are appropriate to place within the public schools shall remain the responsibility of the Department of Behavioral Health and Developmental Services. The cost of the education provided to children who are not residents of the Commonwealth and are placed and living in a foster care home or child-caring institution or group home located within the school division and licensed under the provisions of Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2 shall be billed to the sending agency or person by the school division as provided in subsection C of § 22.1-5. No school division shall refuse to educate any such child or charge tuition to any such child.

Each school division shall submit to the Board of Education in accordance with the schedule and by the date specified by the Board, a plan acceptable to the Board for such education for the period following and a report indicating the extent to which the plan required by law for the preceding period has been implemented. However, the schedule specified by the Board shall not require plans to be submitted more often than annually unless changes to the plan are required by federal or state law or regulation.

2. That the Board of Education shall modify its special education program regulations in accordance with the provisions of this act.

CHAPTER 434

An Act to amend and reenact § 51.5-154 of the Code of Virginia, relating to Alzheimer's Disease and Related Disorders Commission; sunset.

[H 1087]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 51.5-154 of the Code of Virginia is amended and reenacted as follows:

§ 51.5-154. (Expires July 1, 2014) Alzheimer's Disease and Related Disorders Commission.

A. The Alzheimer's Disease and Related Disorders Commission (the Commission) is established as an advisory commission in the executive branch of state government. The purpose of the entity is to assist people with Alzheimer's disease and related disorders and their caregivers.

B. The Commission shall consist of 15 nonlegislative citizen members. Members shall be appointed as follows: three members to be appointed by the Speaker of the House of Delegates; two members to be appointed by the Senate Committee on Rules; and 10 members to be appointed by the Governor, of whom seven shall be from among the boards, staffs, and volunteers of the Virginia chapters of the Alzheimer's Disease and Related Disorders Association and three shall be from the public at large.

Nonlegislative citizen members shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

The Commission shall elect a chairman and vice-chairman from among its membership. A majority of the voting members shall constitute a quorum. The Commission shall meet at least four times each year. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the voting members so request.

C. Members shall receive such compensation for the discharge of their duties as provided in § 2.2-2813. All members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department.

D. The Commission shall have the power and duty to:

1. Examine the needs of persons with Alzheimer's disease and related disorders, as well as the needs of their caregivers, and ways that state government can most effectively and efficiently assist in meeting those needs;
2. Develop and promote strategies to encourage brain health and reduce cognitive decline;
3. Advise the Governor and General Assembly on policy, funding, regulatory, and other issues related to persons suffering from Alzheimer's disease and related disorders and their caregivers;
4. Develop the Commonwealth's plan for meeting the needs of patients with Alzheimer's disease and related disorders and their caregivers, and advocate for such plan;
5. Submit to the Governor, General Assembly, and Department by October 1 of each year an electronic report regarding the activities and recommendations of the Commission, which shall be posted on the Department's website; and
6. Establish priorities for programs among state agencies related to Alzheimer's disease and related disorders and criteria to evaluate these programs.

E. The Department shall provide staff support to the Commission. All agencies of the Commonwealth shall provide assistance to the Commission, upon request.

F. The Commission may apply for and expend such grants, gifts, or bequests from any source as may become available in connection with its duties under this section and may comply with such conditions and requirements as may be imposed in connections therewith.

G. This section shall expire on July 1, 2014 2017.

CHAPTER 435

An Act to amend and reenact § 15.2-2288 of the Code of Virginia, relating to agricultural activities.

[H 1089]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2288 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2288. Localities may not require a special use permit for certain agricultural activities.

A zoning ordinance shall not require that a special exception or special use permit be obtained for any production agriculture or silviculture activity in an area that is zoned as an agricultural district or classification. For the purposes of this section, production agriculture and silviculture is the bona fide production or harvesting of agricultural ~~or~~ products as defined in § 3.2-6400, including silviculture products, but shall not include the processing of agricultural or silviculture products, the above ground application or storage of sewage sludge, or the storage or disposal of nonagricultural excavation material, waste and debris if the excavation material, waste and debris are not generated on the farm, subject to the provisions of the Virginia Waste Management Act. However, localities may adopt setback requirements, minimum area requirements and other requirements that apply to land used for agriculture or silviculture activity within the locality that is zoned as an agricultural district or classification. Nothing herein shall require agencies of the Commonwealth or its contractors to obtain a special exception or a special use permit under this section.

2. That the provisions of this act shall become effective on January 1, 2015.

CHAPTER 436

An Act to amend and reenact §§ 22.1-212.2, 22.1-212.24, and 22.1-212.25 of the Code of Virginia, relating to Virtual Virginia; online courses created by local school boards.

[H 1115]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-212.2, 22.1-212.24, and 22.1-212.25 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-212.2. Virtual Virginia.

From such funds as are appropriated, the Department of Education shall establish a statewide electronic classroom to be known as the Virtual Virginia Program. Virtual Virginia shall be made available to every public high school in Virginia.

The Department may utilize the services of the Commonwealth's educational television stations and other providers, as well as any other appropriate technology for the purposes of implementing Virtual Virginia.

The services of this program shall be limited to educational purposes. Educational purposes shall include, but not be limited to, instruction in subject areas that are not available in all schools and ~~in-service~~ in-service training for instructional, administrative and support personnel.

The Department may contract with one or more local school boards that have created online courses to make one or more such courses available to other school divisions through the Virtual Virginia Program. The Department shall approve all courses offered through Virtual Virginia, including those made available by local school boards to other school divisions. A school board that makes one or more of its online courses available to other school divisions through Virtual Virginia (i) shall not be considered a multidivision online provider pursuant to § 22.1-212.23 and (ii) may charge a per-course or per-student fee to school divisions to defray the costs of developing the course and providing course instruction using teachers employed by the offering school board. The Department shall approve any such fee schedule before a school board offers any such online courses through Virtual Virginia.

The Department shall establish the Virtual Learning Advisory Committee, which shall consist of one superintendent or his designee from each of the eight superintendent's regions, the Superintendent of Public Instruction or his designee, and such other members as the Department deems appropriate, not to exceed three additional members. The contractor that manages Virtual Virginia shall serve as a nonvoting ex officio member. The Committee shall advise the Department on (i) online courses, in-service training, and digital instructional resources that school divisions need to meet the Commonwealth's graduation requirements and (ii) strategic planning to expand blended and online learning opportunities in Virginia's public schools, including cost-effective access to high-need and low-demand courses, training, content, and digital resources.

§ 22.1-212.24. Approval of multidivision online providers; contracts with local school boards.

A. The Superintendent of Public Instruction shall develop, and the Board of Education shall approve, (i) the criteria and application process for approving multidivision online providers; (ii) a process for monitoring approved multidivision online providers; (iii) a process for revocation of the approval of a previously approved multidivision online provider; and (iv) an appeals process for a multidivision online provider whose approval was revoked or whose application was denied. The process developed under this subsection shall require approvals and revocations to be determined by the Superintendent of Public Instruction, and either the denial of an application or revocation of approval may be appealed to the Board of Education for review. The approval of a multidivision online provider under this section shall be effective until the approval is revoked, for cause, pursuant to the terms of this section. Any notice of revocation of approval of a multidivision online provider or rejection of an application by a multidivision online provider shall state the grounds for such action with reasonable specificity and give reasonable notice to the multidivision online provider to appeal. These criteria and processes shall be adopted by January 31, 2011.

B. In developing the criteria for approval pursuant to subsection A, the Superintendent of Public Instruction shall (i) require multidivision online providers to be accredited by a national, regional, or state accreditation program approved by the Board; (ii) require such courses or programs, pupil performance standards, and curriculum to meet or exceed any applicable Standards of Learning and Standards of Accreditation; (iii) require any educational objectives and assessments used to measure pupil progress toward achievement of the school's pupil performance standards to be in accordance with the Board's Standards of Accreditation and all applicable state and federal laws; ~~and~~ (iv) require such courses or programs to maintain minimum staffing requirements appropriate for virtual school programs; and (v) *publish the criteria for approval of multidivision online providers on its website, including any applicable deadlines, fees, and guidelines.*

C. *The Department of Education may charge a multidivision online provider applicant or a local school board requesting to offer a course through Virtual Virginia a fee not to exceed the costs required to ensure proper evaluation and approval of such requests. The Department shall establish and publish a fee schedule for purposes of this subsection.*

D. Local school boards may enter into contracts, consistent with the criteria approved by the Board pursuant to this section, with approved private or nonprofit organizations to provide multidivision online courses and virtual school programs. Such contracts shall be exempt from the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

§ 22.1-212.25. Information regarding online courses and virtual programs; report.

A. The Department of Education shall develop and maintain a website that provides objective information for students, parents, and educators regarding online courses and virtual programs offered through local school boards by multidivision online providers that have been approved in accordance with § 22.1-212.24 *and courses offered through the Virtual Virginia Program.* The website shall include information regarding the overall instructional programs, the specific content of individual online courses and online programs, a direct link to each multidivision online provider's website, how to register for online learning programs and courses, teacher qualifications, course completion rates, and other evaluative and comparative information. The website shall also provide information regarding the process and criteria for approving multidivision online providers. Multidivision online providers shall provide the Department of Education the required information for the website as a condition of maintaining Board approval.

B. The Superintendent of Public Instruction shall develop model policies and procedures regarding student access to online courses and online learning programs that may be used by local school divisions.

Nothing in this article shall be deemed to require a local school division to adopt model policies or procedures developed pursuant to this section.

C. Beginning November 1, 2011, and annually thereafter, the Board of Education shall include in its annual report to the Governor and the General Assembly information regarding multidivision online learning during the previous school year. The information shall include but not be limited to student demographics, course enrollment data, parental satisfaction, aggregated student course completion and passing rates, and activities and outcomes of course and provider approval reviews. The November 1, 2011, report shall be an interim progress report and include information on the criteria and processes adopted by the Board and outcomes of provider applications.

D. By July 1, 2011, local school boards shall post on their websites information regarding online courses and programs that are available through the school division *and Virtual Virginia.* Such information shall include but not be limited to the types of online courses and programs available to students through the school division, when the school division will pay course fees and other costs for nonresident students, and the granting of high school credit.

CHAPTER 437

An Act to amend and reenact § 4.1-119 of the Code of Virginia, relating to alcoholic beverage control; government stores; agents of Board.

[H 1150]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-119 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-119. Operation of government stores.

A. Subject to the requirements of §§ 4.1-121 and 4.1-122, the Board may establish, maintain and operate government stores for the sale of alcoholic beverages, other than beer and wine not produced by farm wineries, vermouth, mixers, and products used in connection with distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be approved by the Board from time to time, in such counties, cities, and towns considered advisable by the Board. The Board may discontinue any such store.

B. With respect to the sale of wine produced by farm wineries, the Board may give preference to farm wineries that produce 2,500 cases or less of wine per year.

C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and brands of alcoholic beverages and other Board-approved products that are sold in government stores. Differences in the cost of operating stores, and market competition and conditions may be reflected in the sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to federal instrumentalities (i) authorized and operating under the laws of the United States and regulations of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or reservations over which the United States has acquired jurisdiction, at prices which may be greater or less than the wholesale price charged other authorized purchasers.

D. Alcoholic beverages at government stores shall be sold by employees of the Board, who shall carry out the provisions of this title and Board regulations governing the operation of government stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's license or its officers and employees as agents of the Board for the sale of spirits, manufactured by or for, or blended by such licensee on the licensed premises, at government stores established by the Board on the distiller's licensed premises, provided:

1. At least 51 percent of the agricultural products used by such licensee to manufacture the spirits are grown on the licensee's farm or land in Virginia leased by the licensee and no more than 25 percent of the agricultural products are grown or produced outside the Commonwealth. However, upon petition by the Department of Agriculture and Consumer Services, the Board may permit the use of a lesser percentage of products grown on the licensee's farm if unusually severe weather or disease conditions cause a significant reduction in the availability of agricultural products grown on the farm to manufacture the spirits during a given license year;

2. Such licensee is a duly organized nonprofit association holding title to real property, together with improvements thereon that are significant in American history, under a charter from the Commonwealth to preserve such property, and which association accepts no federal, state, or local funds;

3. Such licensee operates a museum whose licensed premises is located on the grounds of a local historic building or site;

4. Such licensee is an independently certified organic distillery, with such certification by a USDA-accredited certification agency; ~~or~~

5. Such licensee is employing traditional distilling techniques, including the use of ~~authentic~~ copper *or stainless steel* pot stills to blend or produce spirits in any county with a population of less than 20,000; *or*

6. *Such licensee is employing traditional techniques, including the maceration of natural fruits, nuts, grains, beans, and spices in neutral grain spirits to extract natural flavors used to produce or blend liqueurs and spirits.*

Such agents shall sell the spirits in accordance with the provisions of this title, Board regulations, and the terms of the agency agreement between the Board and the licensed distiller.

For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision 6 § 4.1-201 to be (i) additionally aged by the receiving distillery in order to increase the quality and flavor of such alcoholic beverages and (ii) bottled by the receiving distillery.

E. No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 101 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to subsection G sold in government stores established by the Board on a distiller's licensed premises, shall be in closed containers, sealed and affixed with labels prescribed by the Board.

G. No alcoholic beverages shall be consumed in a government store by any person unless it is part of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a permit issued by the Board pursuant to subdivision A 15 of § 4.1-212, and the samples of alcoholic beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not lawfully be sold pursuant to § 4.1-304. The Board shall establish guidelines governing tasting events conducted pursuant to this subsection.

H. With respect to purchases by licensees at government stores, the Board shall (i) accept in payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or check payable to the Board, in the exact amount of any such purchase or series of purchases and (ii) provide notice to licensees on Board policies relating to the assignment of government stores from which licensees may purchase products and any procedure for the licensee to elect to make purchases from an alternative government store.

I. With respect to purchases by consumers at government stores, the Board shall accept cash in payment for any purchase or series of purchases. The Board may adopt regulations which provide for accepting a credit card or debit card as

payment. Such regulations may provide for the collection, where appropriate, of related fees, penalties and service charges for the use of a credit card or debit card by any consumer.

CHAPTER 438

An Act to amend and reenact §§ 15.2-6003 and 45.1-161.98 of the Code of Virginia, relating to the Virginia Coal and Energy Alliance.

[H 1167]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-6003 and 45.1-161.98 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-6003. Board of Authority; members and officers; staff; annual report.

All powers, rights and duties conferred by this chapter, or other provisions of law, upon the Authority shall be exercised by the Board of the Virginia Coalfield Economic Development Authority, hereinafter referred to as the Board or the Board of the Authority. Board members shall serve for terms of four years except that all vacancies shall be filled for the unexpired term. All terms shall commence July 1 of the year of appointment. Initial appointments shall begin July 1, 1988. The Board shall consist of sixteen members, residents of the Commonwealth, as follows:

Three initial members shall be the sitting chairmen of the county boards of supervisors of the three counties which are the three largest contributors to the gas road improvement fund for the fiscal year immediately preceding July 1, 1988, as reported by the treasurers of the affected counties and city. Every four years thereafter, the three members shall be supervisors from the county boards of supervisors of the three counties which are the three largest contributors to the Virginia Coalfield Economic Development Fund for the fiscal year immediately preceding July 1 of the year in which new terms of members are to begin. Such supervisors shall be selected by their respective county boards of supervisors.

Five members shall be appointed by the Governor at large; however, if there is any participating county or city in which there resides no member of the Board appointed by the other methods herein specified, the Governor shall include at least one member who is a resident of each such county or city among his appointees. For the first four-year terms these five members shall be selected to the extent possible from former members of the Southwest Virginia Economic Development Commission who reside in Planning District 1 or 2.

One member shall be a representative of the Virginia Economic Development Partnership, as designated by the Chief Executive Officer of the Partnership.

One member shall be a representative named by the Virginia Coal ~~Association~~ and Energy Alliance.

Two members shall be the Executive Directors of the LENOWISCO and Cumberland Plateau Planning District Commissions.

Three initial members shall be representatives named by the three largest coal producers determined by the dollar value of their contribution to the respective county gas road improvement funds for the fiscal year immediately preceding July 1, 1988, as reported by the treasurers of the affected counties and city. Every four years thereafter, the three members shall be representatives named by the three largest coal producers determined by the dollar value of their contributions to the Virginia Coalfield Economic Development Fund for the fiscal year immediately preceding July 1 of the year in which new terms of members are to begin.

One member shall be a representative named by the largest oil and gas producer determined by the dollar value of its contributions to the Virginia Coalfield Economic Development Fund for the fiscal year immediately preceding July 1 of the year in which new terms of members are to begin.

Should a member who is a member solely by virtue of his office as member of a board of supervisors or executive director of a planning district commission cease to hold such office, then an immediate vacancy shall occur, and the vacancy shall be filled for the remainder of the term by his successor selected by the board of supervisors of his county or as executive director.

Each member of the Board shall, before entering upon the discharge of the duties of this office, take and subscribe the oath prescribed in § 49-1. They shall receive their expenses spent on business of the Authority.

Ten members of the Authority shall constitute a quorum and the affirmative vote of a majority of the quorum present shall be necessary for any action taken by the Authority. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority.

The Board shall elect from its membership a chairman, a vice-chairman, a treasurer and a secretary for each calendar year. The secretary shall keep the minutes of the Board and affix the seal of the Authority.

The Board may also appoint an executive director, an assistant treasurer and an assistant secretary, and staff to assist same, who shall discharge such functions as may be directed by the Board.

Staff functions of the Authority may be undertaken by the LENOWISCO and Cumberland Plateau Planning District Commissions, as agreed by the Board and participating Commissions.

The Board, promptly following the close of the calendar year, shall submit an annual report of the Authority's activities for the preceding year to the Governor, the General Assembly, the boards of supervisors of the seven coalfield counties and the Norton City Council. Each such report shall set forth a complete operating and financial statement covering the

operation of the Authority during such year. The Authority shall cause an audit of its books and accounts to be made at least once each year by a certified public accountant and the cost thereof may be treated as part of the expense of operation.

§ 45.1-161.98. Virginia Coal Mine Safety Board continued; membership; appointments; expenses.

A. The Virginia Mine Safety Board is continued as the Virginia Coal Mine Safety Board. The Board shall be composed of nine members appointed by the Governor, subject to the confirmation of the General Assembly, as follows: three shall be appointed from a list of individuals nominated by the Virginia Coal ~~Association~~ and Energy Alliance, three shall be appointed from a list of individuals nominated by the United Mine Workers of America, and three shall be appointed from the Commonwealth at large. All members of the Board shall serve at the pleasure of the Governor and shall be residents of the Commonwealth.

B. The members of the Board shall elect its chairman. Members shall serve for terms of four years and their successors shall be appointed for terms of the same length, but vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Any member may be reappointed for successive terms. Members shall receive no compensation for their services but shall receive reimbursement for actual expenses.

CHAPTER 439

An Act to amend and reenact § 2.2-515.2 of the Code of Virginia, relating to Address Confidentiality Program; victims of stalking.

[H 1233]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-515.2 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-515.2. Address confidentiality program established; victims of domestic violence or stalking; application; disclosure of records.

A. As used in this section:

"Address" means a residential street address, school address, or work address of a person as specified on the person's application to be a program participant.

"Applicant" means a person who is a victim of domestic violence *or stalking* or is a parent or guardian of a minor child or incapacitated person who is the victim of domestic violence *or stalking*.

"Domestic violence" means an act as defined in § 38.2-508 and includes threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law-enforcement officers. Such threat must be a threat of force which would place any person in reasonable apprehension of death or bodily injury.

"Domestic violence programs" means public and not-for-profit agencies the primary mission of which is to provide services to victims of sexual or domestic violence *or stalking*.

"Program participant" means a person certified by the Office of the Attorney General as eligible to participate in the Address Confidentiality Program.

"Stalking" means conduct that is prohibited under § 18.2-60.3, regardless of whether the conduct has been reported to a law-enforcement officer or the assailant has been charged with or convicted for the alleged violation.

B. The Statewide Facilitator for Victims of Domestic Violence shall establish a program to be known as the "Address Confidentiality Program" to protect victims of domestic violence *and stalking* by authorizing the use of designated addresses for such victims. An individual who is at least 18 years of age, a parent or guardian acting on behalf of a minor, a guardian acting on behalf of an incapacitated person, or an emancipated minor may apply in person, at domestic violence programs that provide services where the role of the services provider is (i) to assist the eligible person in determining whether the address confidentiality program should be part of such person's overall safety plan; (ii) to explain the address confidentiality program services and limitations; (iii) to explain the program participant's responsibilities; and (iv) to assist the person eligible for participation with the completion of application materials. The Office of the Attorney General shall approve an application if it is filed in the manner and on the form prescribed by the Attorney General and if the application contains the following:

1. A sworn statement by the applicant declaring to be true and correct under penalty of perjury that the applicant has good reason to believe that:

a. The applicant, or the minor or incapacitated individual on whose behalf the application is made, is a victim of domestic violence *or stalking*;

b. The applicant fears further violent acts *or acts of stalking* from the applicant's assailant; and

c. The applicant is not on active parole or probation supervision requirements under federal, state, or local law.

2. A designation of the Office of the Attorney General as agent for the purpose of receiving mail on behalf of the applicant;

3. The applicant's actual address to which mail can be forwarded and a telephone number where the applicant can be called;

4. A listing of any minor children residing at the applicant's actual address, each minor child's date of birth, and each minor child's relationship to the applicant; and

5. The signature of the applicant and any person who assisted in the preparation of the application and the date.

C. Upon approval of a completed application, the Office of the Attorney General shall certify the applicant as a program participant. An applicant shall be certified for one year following the date of the approval, unless the certification is withdrawn or invalidated before that date. A program participant may apply to be recertified every year.

D. Upon receipt of first-class mail addressed to a program participant, the Attorney General or his designee shall forward the mail to the actual address of the program participant. The actual address of a program participant shall be available only to the Attorney General and to those employees involved in the operation of the Address Confidentiality Program and to law-enforcement officers. A program participant's actual address may be entered into the Virginia Criminal Information Network (VCIN) system so that it may be made known to law-enforcement officers accessing the VCIN system for law-enforcement purposes.

E. The Office of the Attorney General may cancel a program participant's certification if:

1. The program participant requests withdrawal from the program;

2. The program participant obtains a name change through an order of the court *and does not provide notice and a copy of the order to the Office of the Attorney General within seven days after entry of the order*;

3. The program participant changes his residence address and does not provide seven days' notice to the Office of the Attorney General prior to the change of address;

4. The mail forwarded by the Office of the Attorney General to the address provided by the program participant is returned as undeliverable;

5. Any information contained in the application is false;

6. The program participant has been placed on parole or probation while a participant in the address confidentiality program; ~~and~~ *or*

7. The applicant is required to register as a sex offender pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

For purposes of the address confidentiality program, residents of temporary housing for 30 days or less are not eligible to enroll in the address confidentiality program until a permanent residential address is obtained.

The application form shall contain a statement notifying each applicant of the provisions of this subsection.

F. A program participant may request that any state or local agency use the address designated by the Office of the Attorney General as the program participant's address, except when the program participant is purchasing a firearm from a dealer in firearms. The agency shall accept the address designated by the Office of the Attorney General as a program participant's address, unless the agency has received a written exemption from the Office of the Attorney General demonstrating to the satisfaction of the Attorney General that:

1. The agency has a bona fide statutory basis for requiring the program participant to disclose to it the actual location of the program participant; *and*

2. The disclosed confidential address of the program participant will be used only for that statutory purpose and will not be disclosed or made available in any way to any other person or agency; ~~and~~.

~~3.~~ A state agency may request an exemption by providing in writing to the Office of the Attorney General identification of the statute or administrative rule that demonstrates the agency's bona fide requirement and authority for the use of the actual address of an individual. A request for a waiver from an agency may be for an individual program participant, a class of program participants, or all program participants. The denial of an agency's exemption request shall be in writing and include a statement of the specific reasons for the denial. Acceptance or denial of an agency's exemption request shall constitute final agency action.

Any state or local agency that discloses the program participant's confidential address provided by the Office of the Attorney General shall be immune from civil liability unless the agency acted with gross negligence or willful misconduct.

A program participant's actual address shall be disclosed pursuant to a court order.

G. Records submitted to or provided by the Office of the Attorney General in accordance with this section shall be exempt from disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) to the extent such records contain information identifying a past or current program participant, including such person's name, actual and designated address, telephone number, and any email address. However, access shall not be denied to the person who is the subject thereof, or the parent or legal guardian of a program participant in cases where the program participant is a minor child or an incapacitated person, except when the parent or legal guardian is named as the program participant's assailant.

H. Neither the Office of the Attorney General, its officers or employees, or others who have a responsibility to a program participant under this section shall have any liability nor shall any cause of action arise against them in their official or personal capacity from the failure of a program participant to receive any first class mail forwarded to him by the Office of the Attorney General pursuant to this section. Nor shall any such liability or cause of action arise from the failure of a program participant to timely receive any first class mail forwarded by the Office of the Attorney General pursuant to this section.

CHAPTER 440

An Act to require approved textbooks to refer to the Sea of Japan as the East Sea.

[S 2]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That all textbooks approved by the Board of Education pursuant to § 22.1-238 of the Code of Virginia, when referring to the Sea of Japan, shall note that it is also referred to as the East Sea.*

2. **That the provisions of this act shall not affect any textbook approved by the Board of Education prior to July 1, 2014.**

CHAPTER 441

An Act to amend and reenact § 46.2-116 of the Code of Virginia, relating to registration as a tow truck driver after conviction of a violent crime.

[S 8]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. **That § 46.2-116 of the Code of Virginia is amended and reenacted as follows:**

§ 46.2-116. Registration with Department of Criminal Justice Services required for tow truck drivers; penalty.

A. As used in this section and §§ 46.2-117, 46.2-118, and 46.2-119:

"Consumer" means a person who (i) has vested ownership, dominion, or title to the vehicle; (ii) is the authorized agent of the owner as defined in clause (i); or (iii) is an employee, agent, or representative of an insurance company representing any party involved in a collision that resulted in a police-requested tow who represents in writing that the insurance company had obtained the oral or written consent of the title owner or his agent or the lessee of the vehicle to obtain possession of the vehicle.

"Department" means the Department of Criminal Justice Services.

"Tow truck driver" means an individual who drives a tow truck as defined in § 46.2-100.

"Towing and recovery operator" means any person engaging in the business of providing or offering to provide services involving the use of a tow truck and services incidental to use of a tow truck. "Towing and recovery operator" shall not include a franchised motor vehicle dealer as defined in § 46.2-1500 using a tow truck owned by a dealer when transporting a vehicle to or from a repair facility owned by the dealer when the dealer does not receive compensation from the vehicle owner for towing of the vehicle or when transporting a vehicle in which the dealer has an ownership or security interest.

B. On and after January 1, 2013, no tow truck driver shall drive any tow truck without being registered with the Department, except that this requirement shall not apply to any holder of a tow truck driver authorization document issued pursuant to former § 46.2-2814 until the expiration date of such document. Every applicant for an initial registration or renewal of registration pursuant to this section shall submit his registration application, fingerprints, and personal descriptive information to the Department and a nonrefundable application fee of \$100. The Department shall forward the personal descriptive information along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining a national criminal history record check regarding such applicant. The cost of the fingerprinting and criminal history record check shall be paid by the applicant.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall make a report to the Department. If an applicant is denied registration as a tow truck driver because of the information appearing in his criminal history record, the Department shall notify the applicant that information obtained from the Central Criminal Records Exchange contributed to such denial. The information shall not be disseminated except as provided in this section.

C. No registration shall be issued to any person who (i) is required to register as a sex offender as provided in § 9.1-901 or in a substantially similar law of any other state, the United States, or any foreign jurisdiction; (ii) has been convicted of a violent crime as defined in subsection C of § 17.1-805 *unless such person held a valid tow truck driver authorization document on January 1, 2013, issued by the Board of Towing and Recovery Operators pursuant to former Chapter 28 (§ 46.2-2800 et seq.), and has not been convicted of a violent crime as defined in subsection C of § 17.1-805 subsequent to the abolition of the Board;* or (iii) has been convicted of any crime involving the driving of a tow truck, including drug or alcohol offenses, but not traffic infraction convictions. Any person registered pursuant to this section shall report to the Department within 10 days of conviction any convictions for felonies or misdemeanors that occur while he is registered with the Department.

D. Any tow truck driver failing to register with the Department as required by this section is guilty of a Class 3 misdemeanor. A tow truck driver registered with the Department shall have such registration in his possession whenever driving a tow truck on the highways.

E. Registrations issued by the Department pursuant to this section shall be valid for a period not to exceed 24 months, unless revoked or suspended by the Department in accordance with § 46.2-117.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 442

An Act to amend and reenact §§ 60.2-528 and 60.2-618 of the Code of Virginia and to repeal Chapter 878 of the Acts of Assembly of 2009, relating to unemployment compensation; voluntarily leaving employment to accompany military spouse.

[S 18]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 60.2-528 and 60.2-618 of the Code of Virginia are amended and reenacted as follows:

§ 60.2-528. Individual benefit charges.

A. An individual's "benefit charges" shall be computed in the following manner:

1. For each week benefits are received, a claimant's "benefit charges" shall be equal to his benefits received for such week.

2. For each week extended benefits are received, pursuant to § 60.2-610 or 60.2-611, a claimant's "benefit charges" shall be equal to one-half his benefits received for such week. However, a claimant's "benefit charges" for extended benefits attributable to service in the employ of a governmental entity referred to in subdivisions 1 through 3 of subsection A of § 60.2-213 shall be equal to the full amount of such extended benefit.

3. For each week partial benefits are received, the claimant's "benefit charges" shall be computed (i) in the case of regular benefits as in subdivision 1 of this subsection, or (ii) in the case of extended benefits as in subdivision 2 of this subsection.

B. 1. The employing unit from whom such individual was separated, resulting in the current period of unemployment, shall be the most recent employing unit for whom such individual has performed services for remuneration (i) during 30 days, whether or not such days are consecutive, or (ii) during 240 hours. If such individual's unemployment is caused by separation from an employer, such individual's "benefit charges" for such period of unemployment shall be deemed the responsibility of the last employer for (i) 30 days or (ii) 240 hours prior to such period of unemployment.

2. Any employer charged with benefits paid shall be notified of the charges quarterly by the Commission. The amount specified shall be conclusive on the employer unless, not later than 30 days after the notice of benefit charges was mailed to its last known address or otherwise delivered to it, the employer files an appeal with the Commission, setting forth the grounds for such an appeal. Proceedings on appeal to the Commission regarding the amount of benefit charges under this subsection or a redetermination of such amount shall be in accordance with the provisions of § 60.2-500. The decision of the Commission shall be subject to the provisions of § 60.2-500. Any appeal perfected pursuant to the provisions of this section shall not address any issue involving the merits or conditions of a claimant's separation from employment.

C. No "benefit charges" shall be deemed the responsibility of an employer of:

1. An individual whose separation from the work of such employer arose as a result of a violation of the law by such individual, which violation led to confinement in any jail or prison;

2. An individual who voluntarily left employment in order to accept other employment, genuinely believing such employment to be permanent;

3. An individual with respect to any weeks in which benefits are claimed and received after such date as that individual refused to accept an offer of rehire by the employer because such individual was in training with approval of the Commission pursuant to § 60.2-613;

4. An individual who voluntarily left employment to enter training approved under § 236 of the Trade Act of 1974 (19 U.S.C. § 2296 et seq.);

5. An individual hired to replace a member of the Reserve of the United States Armed Forces or the National Guard called into active duty in connection with an international conflict and whose employment is terminated concurrent with and because of that member's return from active duty;

6. An individual who left employment voluntarily with good cause due to a personal bona fide medical reason caused by a non-job-related injury or medical condition;

7. An individual participating as an inmate in (i) state or local work release programs pursuant to § 53.1-60 or 53.1-131; (ii) community residential programs pursuant to §§ 53.1-177, 53.1-178, and 53.1-179; or (iii) any similar work release program, whose separation from work arose from conditions of release or parole from such program; ~~or~~

8. An individual who was unable to work at his regular employment due to a disaster for which the Governor, by executive order, has declared a state of emergency, if such disaster forced the closure of the employer's business. In no case shall more than four weeks of benefit charges be waived; *or*

9. *An individual who leaves employment to accompany his spouse to the location of the spouse's new duty assignment if (i) the spouse is on active duty in the military or naval services of the United States; (ii) the spouse's relocation to a new military-related assignment is pursuant to a permanent change of station order; (iii) the location of the spouse's new duty*

assignment is not readily accessible from the individual's place of employment; and (iv) the spouse's new duty assignment is located in a state that, pursuant to statute, does not deem a person accompanying a military spouse as a person leaving work voluntarily without good cause.

§ 60.2-618. Disqualification for benefits.

An individual shall be disqualified for benefits upon separation from the last employing unit for whom he has worked 30 days or 240 hours or from any subsequent employing unit:

1. For any week benefits are claimed until he has performed services for an employer (i) during 30 days, whether or not such days are consecutive, or (ii) for 240 hours, and subsequently becomes totally or partially separated from such employment, if the Commission finds such individual is unemployed because he left work voluntarily without good cause. As used in this chapter, "good cause" shall not include (i) voluntarily leaving work with an employer to become self-employed or (ii) voluntarily leaving work with an employer to accompany or to join his or her spouse in a new locality, *except where an individual leaves employment to accompany a spouse to the location of the spouse's new duty assignment if (1) the spouse is on active duty in the military or naval services of the United States; (2) the spouse's relocation to a new military-related assignment is pursuant to a permanent change of station order; (3) the location of the spouse's new duty assignment is not readily accessible from the individual's place of employment; and (4) except for members of the Virginia National Guard relocating to a new assignment within the Commonwealth, the spouse's new duty assignment is located in a state that, pursuant to statute, does not deem a person accompanying a military spouse as a person leaving work voluntarily without good cause.* An individual shall not be deemed to have voluntarily left work solely because the separation was in accordance with a seniority-based policy.

2. a. For any week benefits are claimed until he has performed services for an employer (i) during 30 days, whether or not such days are consecutive, or (ii) for 240 hours, and subsequently becomes totally or partially separated from such employment, if the Commission finds such individual is unemployed because he has been discharged for misconduct connected with his work.

b. For the purpose of this subdivision, "misconduct" includes, but shall not be limited to:

(1) An employee's confirmed positive test for a nonprescribed controlled substance, identified as such in Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1, where such test was conducted at the direction of his employer in conjunction with the employer's administration and enforcement of a known workplace drug policy. Such test shall have been performed, and a sample collected, in accordance with scientifically recognized standards by a laboratory accredited by the United States Department of Health and Human Services, or the College of American Pathology, or the American Association for Clinical Chemistry, or the equivalent, or shall have been a United States Department of Transportation-qualified drug screen conducted in accordance with the employer's bona fide drug policy. The Commission may consider evidence of mitigating circumstances in determining whether misconduct occurred.

(2) An employee's intentionally false or misleading statement of a material nature concerning past criminal convictions made in a written job application furnished to the employer, where such statement was a basis for the termination and the employer terminated the employee promptly upon the discovery thereof. The Commission may consider evidence of mitigating circumstances in determining whether misconduct occurred.

(3) A willful and deliberate violation of a standard or regulation of the Commonwealth, by an employee of an employer licensed or certified by the Commonwealth, which violation would cause the employer to be sanctioned or have its license or certification suspended by the Commonwealth. The Commission may consider evidence of mitigating circumstances in determining whether misconduct occurred.

(4) Chronic absenteeism or tardiness in deliberate violation of a known policy of the employer or one or more unapproved absences following a written reprimand or warning relating to more than one unapproved absence. The Commission may consider evidence of mitigating circumstances in determining whether misconduct occurred.

(5) An employee's loss of or failure to renew a license or certification that is a requisite of the position held by the employee, provided the employer is not at fault for the employee's loss of or failure to renew the license or certification. The Commission may consider evidence of mitigating circumstances in determining whether misconduct occurred.

3. a. If it is determined by the Commission that such individual has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the Commission or to accept suitable work when offered him. The disqualification shall commence with the week in which such failure occurred, and shall continue for the period of unemployment next ensuing until he has performed services for an employer (i) during 30 days, whether or not such days are consecutive, or (ii) for 240 hours, and subsequently becomes totally or partially separated from such employment.

b. In determining whether or not any work is suitable for an individual, the Commission shall consider the degree of risk involved to his health, safety and morals, his physical fitness and prior training, his experience, his length of unemployment and the accessibility of the available work from his residence.

c. No work shall be deemed suitable and benefits shall not be denied under this title to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(2) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; or

(3) If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

d. No individual shall be qualified for benefits during any week that such individual, in connection with an offer of suitable work, has a confirmed positive test for a nonprescribed controlled substance, identified as such in Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1, if the test is required as a condition of employment and (i) performed, and a sample is collected, in accordance with scientifically recognized standards by a laboratory accredited by the United States Department of Health and Human Services, or the College of American Pathology, or the American Association for Clinical Chemistry, or the equivalent, or (ii) a United States Department of Transportation-qualified drug screen conducted in accordance with the employer's bona fide drug policy. The disqualification shall commence with the week in which such a test was conducted, and shall continue for the period of unemployment next ensuing until he has performed services for an employer (i) during 30 days, whether or not such days are consecutive, or (ii) for 240 hours, and subsequently becomes totally or partially separated from such employment.

4. For 52 weeks, beginning with the date of the determination or decision, if the Commission finds that such individual, within 36 calendar months immediately preceding such determination or decision, has made a false statement or representation knowing it to be false, or has knowingly failed to disclose a material fact, to obtain or increase any benefit or payment under this title, the unemployment compensation of any other state, or any other program of the federal government which is administered in any way under this title, either for himself or any other person. Overpayments that have been fraudulently obtained and any penalty assessed against the individual pursuant to § 60.2-636 shall be recoverable as provided in § 60.2-633.

5. If such separation arose as a result of an unlawful act which resulted in a conviction and after his release from prison or jail until he has performed services for an employer for (i) 30 days, whether or not such days are consecutive, or (ii) 240 hours, and subsequently becomes totally or partially separated from such employment.

6. If such separation arose as a condition of the individual's parole or release from a custodial or penal institution and such individual was participating in the Diversion Center Incarceration Program pursuant to § 19.2-316.3.

2. That Chapter 878 of the Acts of Assembly of 2009 is repealed.

3. That the provisions of this act enhance the benefits payable to an individual pursuant to Title 60.2 of the Code of Virginia. Pursuant to § 30-19.03:1.2 of the Code of Virginia, the Virginia Employment Commission, in consultation with the Department of Planning and Budget, estimates that over the ensuing eight years (i) the provisions of this act are projected to reduce the solvency level of the Unemployment Trust Fund by an average of 0 percent in each of the eight years and (ii) the projected average annual increase in state unemployment tax liability of employers on a per-employee basis that would result from the provisions of this act is \$0.40.

4. That the provisions of the first enactment of this act shall expire on December 31, 2020.

5. That the Virginia Employment Commission shall provide in its reports to the Commission on Unemployment Compensation information detailing (i) the number of claims that are paid as a result of the first enactment of this act, (ii) the effect of the payment of such claims on the solvency level and balance of the Unemployment Trust Fund, and (iii) the effect of such claims on pool taxes paid by employers in the Commonwealth.

CHAPTER 443

An Act to amend and reenact § 15.2-2223 of the Code of Virginia, relating to comprehensive plans; alignment of transportation services with accessible housing and other community services.

[S 58]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2223 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2223. Comprehensive plan to be prepared and adopted; scope and purpose.

A. The local planning commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction and every governing body shall adopt a comprehensive plan for the territory under its jurisdiction.

In the preparation of a comprehensive plan, the commission shall make careful and comprehensive surveys and studies of the existing conditions and trends of growth, and of the probable future requirements of its territory and inhabitants. The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants, including the elderly and persons with disabilities.

The comprehensive plan shall be general in nature, in that it shall designate the general or approximate location, character, and extent of each feature, including any road improvement and any transportation improvement, shown on the plan and shall indicate where existing lands or facilities are proposed to be extended, widened, removed, relocated, vacated, narrowed, abandoned, or changed in use as the case may be.

B. 1. As part of the comprehensive plan, each locality shall develop a transportation plan that designates a system of transportation infrastructure needs and recommendations that include the designation of new and expanded transportation facilities and that support the planned development of the territory covered by the plan and shall include, as appropriate, but not be limited to, roadways, bicycle accommodations, pedestrian accommodations, railways, bridges, waterways, airports, ports, and public transportation facilities. The plan shall recognize and differentiate among a hierarchy of roads such as expressways, arterials, and collectors. *In developing the plan, the locality shall take into consideration how to align transportation infrastructure and facilities with affordable, accessible housing and community services that are located within the territory in order to facilitate community integration of the elderly and persons with disabilities.* The Virginia Department of Transportation shall, upon request, provide localities with technical assistance in preparing such transportation plan.

2. The transportation plan shall include a map that shall show road and transportation improvements, including the cost estimates of such road and transportation improvements from the Virginia Department of Transportation, taking into account the current and future needs of residents in the locality while considering the current and future needs of the planning district within which the locality is situated.

3. The transportation plan, and any amendment thereto pursuant to § 15.2-2229, shall be consistent with the Commonwealth Transportation Board's Statewide Transportation Plan developed pursuant to § 33.1-23.03, the Six-Year Improvement Program adopted pursuant to subdivision (7)(b) of § 33.1-12, and the location of routes to be followed by roads comprising systems of state highways pursuant to subdivision (1) of § 33.1-12. The locality shall consult with the Virginia Department of Transportation to assure such consistency is achieved. The transportation plan need reflect only those changes in the annual update of the Six-Year Improvement Program that are deemed to be significant new, expanded, or relocated roadways.

4. Prior to the adoption of the transportation plan or any amendment to the transportation plan, the locality shall submit such plan or amendment to the Department for review and comment. The Department shall conduct its review and provide written comments to the locality on the consistency of the transportation plan or any amendment to the provisions of subdivision 1. The Department shall provide such written comments to the locality within 90 days of receipt of the plan or amendment, or such other shorter period of time as may be otherwise agreed upon by the Department and the locality.

5. The locality shall submit a copy of the adopted transportation plan or any amendment to the transportation plan to the Department for informational purposes. If the Department determines that the transportation plan or amendment is not consistent with the provisions of subdivision 1, the Department shall notify the Commonwealth Transportation Board so that the Board may take appropriate action in accordance with subdivision (7)(e) of § 33.1-12.

6. Each locality's amendments or updates to its transportation plan as required by subdivisions 2 through 5 shall be made on or before its ongoing scheduled date for updating its transportation plan.

C. The comprehensive plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the locality's long-range recommendations for the general development of the territory covered by the plan. It may include, but need not be limited to:

1. The designation of areas for various types of public and private development and use, such as different kinds of residential, including age-restricted, housing; business; industrial; agricultural; mineral resources; conservation; active and passive recreation; public service; flood plain and drainage; and other areas;

2. The designation of a system of community service facilities such as parks, sports playing fields, forests, schools, playgrounds, public buildings and institutions, hospitals, nursing homes, assisted living facilities, community centers, waterworks, sewage disposal or waste disposal areas, and the like;

3. The designation of historical areas and areas for urban renewal or other treatment;

4. The designation of areas for the implementation of reasonable ground water protection measures;

5. A capital improvements program, a subdivision ordinance, a zoning ordinance and zoning district maps, mineral resource district maps and agricultural and forestal district maps, where applicable;

6. The location of existing or proposed recycling centers;

7. The location of military bases, military installations, and military airports and their adjacent safety areas; and

8. The designation of corridors or routes for electric transmission lines of 150 kilovolts or more.

D. The comprehensive plan shall include the designation of areas and implementation of measures for the construction, rehabilitation and maintenance of affordable housing, which is sufficient to meet the current and future needs of residents of all levels of income in the locality while considering the current and future needs of the planning district within which the locality is situated.

CHAPTER 444

An Act to amend and reenact § 18.2-56.1 of the Code of Virginia, relating to reckless handling of firearms; penalty.

[S 65]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-56.1 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-56.1. Reckless handling of firearms; reckless handling while hunting.

A. It shall be unlawful for any person to handle recklessly any firearm so as to endanger the life, limb or property of any person. Any person violating this section shall be guilty of a Class 1 misdemeanor.

A1. Any person who handles any firearm in a manner so gross, wanton, and culpable as to show a reckless disregard for human life and causes the serious bodily injury of another person resulting in permanent and significant physical impairment is guilty of a Class 6 felony.

B. If this section is violated while the person is engaged in hunting, trapping or pursuing game, the trial judge may, in addition to the penalty imposed by the jury or the court trying the case without a jury, revoke such person's hunting or trapping license and privileges to hunt or trap while possessing a firearm for a period of one to five years.

C. Upon a revocation pursuant to subsection B hereof, the clerk of the court in which the case is tried pursuant to this section shall forthwith send to the Department of Game and Inland Fisheries (i) such person's revoked hunting or trapping license or notice that such person's privilege to hunt or trap while in possession of a firearm has been revoked and (ii) a notice of the length of revocation imposed. The Department shall keep a list which shall be furnished upon request to any law-enforcement officer, the attorney for the Commonwealth or court in this Commonwealth, and such list shall contain the names and addresses of all persons whose license or privilege to hunt or trap while in possession of a firearm has been revoked and the court which took such action.

D. If any person whose license to hunt and trap, or whose privilege to hunt and trap while in possession of a firearm, has been revoked pursuant to this section, thereafter hunts or traps while in possession of a firearm, he shall be guilty of a Class 1 misdemeanor, and, in addition to any penalty imposed by the jury or the court trying the case without a jury, the trial judge may revoke such person's hunting or trapping license and privileges to hunt or trap while in possession of a firearm for a period of one year to life. The clerk of the court shall notify the Department of Game and Inland Fisheries as is provided in subsection C herein.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 806 of the Acts of Assembly of 2013 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 445

An Act to amend and reenact § 2.2-2721 of the Code of Virginia, relating to the Center for Rural Virginia Board of Trustees; membership.

[S 83]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-2721 of the Code of Virginia is amended and reenacted as follows:**

§ 2.2-2721. Center for Rural Virginia Board of Trustees established; membership; terms; vacancies; chairman, vice-chairman, secretary, and other officers as necessary; quorum; meetings.

A. The Center shall be governed by a board of trustees consisting of ~~20~~ 21 members that include six legislative members, 12 nonlegislative citizen members, and ~~two~~ three ex officio members to be appointed as follows: four members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two members of the Senate, to be appointed by the Senate Committee on Rules; six nonlegislative citizen members to be appointed by the Speaker of the House of Delegates; four nonlegislative citizen members to be appointed by the Senate Committee on Rules; and two nonlegislative citizen members to be appointed by the Governor, subject to confirmation by the General Assembly. The Lieutenant Governor, or his designee, ~~and~~ the Secretary of Commerce and Trade, or his designee, *and the Secretary of Agriculture and Forestry, or his designee,* shall serve ex officio with voting privileges. Nonlegislative citizen members of the Board shall be citizens of the Commonwealth of Virginia.

B. Legislative members and ex officio members shall serve terms coincident with their terms of office. Initial appointments of nonlegislative citizen members shall be staggered as follows: four members for a term of three years appointed by the Speaker of the House of Delegates; two members for a term of two years appointed by the Senate Committee on Rules; and one member for a term of two years appointed by the Governor. Thereafter, nonlegislative citizen members appointed by the Speaker of the House of Delegates or the Senate Committee on Rules shall be appointed for a term of two years, and nonlegislative citizen members appointed by the Governor shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no nonlegislative citizen member appointed by the Speaker of the House of Delegates or the Senate Committee on Rules shall serve more than four consecutive two-year terms, and no nonlegislative citizen member appointed by the Governor shall serve more than two consecutive four-year terms. The remainder of any term to which a

member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

C. The Board of Trustees shall elect a chairman, vice-chairman, secretary, and such other officers as may be necessary from among its membership. A majority of the members shall constitute a quorum. The meetings of the Board shall be held at the call of the chairman or whenever the majority of the members so request.

CHAPTER 446

An Act to amend and reenact § 16.1-88.2 of the Code of Virginia, relating to suit for personal injury; report from health care provider licensed outside of the Commonwealth.

[S 114]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-88.2 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-88.2. Evidence of medical reports or records; testimony of health care provider or custodian of records.

In a civil suit tried in a general district court or appealed to the circuit court to recover damages for personal injuries or to resolve any dispute with an insurance company or health care provider, either party may present evidence as to the extent, nature, and treatment of the injury, the examination of the person so injured, and the costs of such treatment and examination by the following:

1. A report from the treating or examining health care provider as defined in § 8.01-581.1 *or a health care provider licensed outside of the Commonwealth for his treatment of the plaintiff outside of the Commonwealth*. Such medical report shall be admitted if the party intending to present evidence by the use of a report gives the opposing party or parties a copy of the report and written notice of such intention 10 days in advance of trial and if attached to such report is a sworn statement of the treating or examining health care provider that (i) the person named therein was treated or examined by such health care provider; (ii) the information contained in the report is true and accurate and fully descriptive as to the nature and extent of the injury; and (iii) any statement of costs contained in the report is true and accurate; or

2. The records or bills of a hospital or similar medical facility at which the treatment or examination was performed. Such hospital or other medical facility records or bills shall be admitted if (i) the party intending to present evidence by the use of records or bills gives the opposing party or parties a copy of the records or bills and written notice of such intention 10 days in advance of trial and (ii) attached to the records or bills is a sworn statement of the custodian thereof that the same is a true and accurate copy of the records or bills of such hospital or other medical facility.

If, thereafter, the plaintiff or defendant summons the health care provider or custodian making such statement to testify in proper person or by deposition, the court shall determine which party shall pay the fee and costs for such appearance or depositions, or may apportion the same among the parties in such proportions as the ends of justice may require. If such health care provider or custodian is not subject to subpoena for cross-examination in court or by a deposition, then the court shall allow a reasonable opportunity for the party seeking the subpoena for such health care provider or custodian to obtain his testimony as the ends of justice may require. The plaintiff may only present evidence pursuant to this section in circuit court if he has not requested an amount in excess of the ad damnum in the motion for judgment filed in the general district court.

CHAPTER 447

An Act to amend the Code of Virginia by adding in Article 15 of Chapter 1 of Title 33.1 a section numbered 33.1-223.2:30, relating to fare enforcement inspectors.

[S 264]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 15 of Chapter 1 of Title 33.1 a section numbered 33.1-223.2:30 as follows:

§ 33.1-223.2:30. Fare enforcement inspectors; failure to produce proof of payment of fare; penalty.

A. For the purposes of this section, "eligible entity" means any transit operation in Planning District 8 that is owned or operated directly or indirectly by a political subdivision of the Commonwealth or any governmental entity established by an interstate compact of which Virginia is a signatory.

B. Any eligible entity that either directly or by contract operates any form of mass transit may appoint fare enforcement inspectors and establish the qualifications required for their appointment. Fare enforcement inspectors shall have the power to (i) request patrons at transit boarding locations or on transit vehicles to show proof of payment of the applicable fare; (ii) inspect the proof of payment for validity; (iii) issue a civil summons for violations authorized by this section; (iv) assist with crowd control while on a transit vehicle or at a transit boarding location; and (v) perform such other customer service and safety duties as may be assigned by the eligible entity. The powers of fare enforcement inspectors are limited to those powers enumerated in this section, and fare enforcement inspectors are not required to be law-enforcement

officers. The powers of fare enforcement inspectors appointed pursuant to this section shall be exercisable anywhere in the Commonwealth where the appointing eligible entity operates transit service. Fare enforcement inspectors shall report to the department or agency designated by the appointing eligible entity.

C. It shall be unlawful for any person to board or ride a transit operation operated by an eligible entity when he fails or refuses to pay the applicable fare or refuses to produce valid proof of payment of the fare upon request of a fare enforcement inspector. Any person who violates this section shall be liable for a civil penalty of not more than \$100. Any person summoned for a violation may make an appearance in person or in writing by mail to the department of finance or the treasurer of the locality, or the designee of the department of finance or the treasurer, where the violation occurred as specified on the summons prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the violation charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court. If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be brought by the eligible entity or the locality in which the violation occurred and tried as a civil case in the general district court in the same manner and with the same right of appeal as provided for by law. In any trial for a violation authorized by this section, it shall be the burden of the eligible entity or locality in which the violation occurred to show the liability of the violator by a preponderance of the evidence. The penalty for failure to pay the established fare on transit properties covered by another provision of law shall be governed by that provision and not by this section.

D. The governing bodies of counties, cities, and towns may adopt ordinances not in conflict with the provisions of this section to appoint fare enforcement inspectors and prescribe their duties in such counties, cities, and towns.

E. The penalty imposed by this section shall not apply to a law-enforcement officer while he is engaged in the performance of his official duties.

CHAPTER 448

An Act to amend and reenact §§ 3.2-6512, 3.2-6514, and 3.2-6515 of the Code of Virginia, relating to the sale of companion animals.

[S 228]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6512, 3.2-6514, and 3.2-6515 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-6512. Sale without pet dealer's animal history certificate violation of Consumer Protection Act; contents of certificate.

It shall be a violation of the Virginia Consumer Protection Act (§ 59.1-196 et seq.) for any pet dealer to sell a dog or cat within the Commonwealth stating, promising, or representing that the animal is registered or capable of being registered with any animal pedigree registry organization, without providing the consumer with a pet dealer's animal history certificate at the time the consumer takes possession of the dog or cat. The pet dealer's animal history certificate shall be signed by the pet dealer, or his agent or employee, and shall contain the following information:

1. The animal's breed, sex, age, color, and birth date;
2. The name and address of the person from whom the pet dealer purchased the animal;
3. The breeder's name and address;
4. The name and registration number of the animal's parents;
5. If the animal has been so examined, the date on which the animal has been examined by a licensed veterinarian, the name and address of such veterinarian, and a brief statement of any findings made; and
6. A statement of all vaccinations administered to the animal, including the identity and quantity of the vaccine, and the name and address of the person or licensed veterinarian administering or supervising the vaccinations.

The information contained in the pet dealer's animal history certificate required herein shall be informative only, and the pet dealer shall not be responsible in any manner for the accuracy of such information unless he knows or has reason to know that such information is erroneous.

A copy of the pet dealer's animal history certificate signed by the consumer shall be maintained by the pet dealer for a period of one year following the date of sale.

A pet shop operating in the Commonwealth shall post in a conspicuous place on or near the cage of any dog or cat available for sale the breeder's name, city, state, and USDA license number. A pet shop or a USDA licensed dealer who advertises any dog or cat for sale in the Commonwealth, including by Internet advertisement, shall provide prior to the time of sale the breeder's name, city, state, and USDA license number.

§ 3.2-6514. Consumer remedies for receipt of diseased animal upon certification by veterinarian.

A. If, at any time within 10 days following receipt of an animal ~~described as being registered or capable of being registered with any animal pedigree organization and subject to this chapter~~, a licensed veterinarian certifies such animal to be unfit for purchase due to illness, a congenital defect deleterious to the health of the animal, or the presence of symptoms of a contagious or infectious disease *other than parvovirus, or if at any time within 14 days following the receipt of an*

animal a licensed veterinarian certifies such animal to be unfit for purchase due to being infected with parvovirus, the pet dealer shall afford the consumer the right to choose one of the following options:

1. The right to return the animal *or, in the case of an animal that has died, to present the veterinary certification, within three business days of certification* and receive a refund of the purchase price including sales tax; or

2. The right to return the animal *or, in the case of an animal that has died, to present the veterinary certification, within three business days of certification* and to receive an exchange animal of equivalent value from the dealer, subject to the choice of the consumer; *or*

3. *In the case of an animal purchased from a pet shop or a USDA licensed dealer, the right to retain the animal and to receive the reimbursement of veterinary fees in an amount up to the purchase price of the animal, including sales tax and the cost of the veterinary certification, incurred up to the time the consumer notifies the pet dealer of the intent to keep the animal. Such notification shall occur within three business days of certification. Veterinary costs incurred by the consumer after such notification shall be the responsibility of the consumer.*

B. The refund or reimbursement required by ~~this section~~ *subsection A* shall be made by the pet dealer not later than 10 business days following receipt of a signed veterinary certification as provided in § 3.2-6515.

§ 3.2-6515. Written notice of consumer remedies required to be supplied by pet dealers.

A pet dealer shall give the notice hereinafter set forth in writing to a consumer prior to the delivery of a dog or cat. Such notice shall be embodied in a written contract, the pet dealer's animal history certificate, or a separate document and shall state in ten-point boldface type the following:

"NOTICE

The sale of ~~certain~~ dogs and cats ~~described as being registered or capable of being registered with any animal pedigree organization~~ is subject to the provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.). In the event that a licensed veterinarian certifies your animal to be unfit for purchase within 10 days following receipt of your animal, *or within 14 days following receipt if the animal is infected with parvovirus*, you may choose: (i) to return your animal, *or in the case of an animal that has died, the veterinary certification*, and receive a refund of the purchase price *including sales tax*; or (ii) to return the animal and receive an exchange animal of your choice of equivalent value. *In the case of an animal purchased from a pet shop or a USDA licensed dealer, you also may choose to retain the animal and receive reimbursement of the cost of veterinary certification and veterinary fees in an amount up to the purchase price of the animal.*

In order to exercise these rights you must present a written veterinary certification that the animal is unfit to the pet dealer within three business days after receiving such certification.

If the pet dealer has promised to register your animal or to provide the papers necessary therefor and fails to do so within 120 days following the date of contract, you are entitled to return the animal and receive a refund of the purchase price or to retain the animal and receive a refund of an amount not to exceed 50 percent of the purchase price."

CHAPTER 449

An Act to amend the Code of Virginia by adding in Chapter 4 of Title 60.2 a section numbered 60.2-401, relating to unemployment compensation; financial literacy courses.

[S 266]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 4 of Title 60.2 a section numbered 60.2-401 as follows:
§ 60.2-401. Financial literacy courses.

The Commission, either by itself or in collaboration with workforce service partner entities, shall provide information to all claimants and job seekers on courses in financial literacy. Such courses shall be at no cost to claimants and to job seekers and may be offered online or in any other medium the Commission deems appropriate.

CHAPTER 450

An Act to amend and reenact § 18.2-308 of the Code of Virginia, relating to concealed handgun permit; retired member of Department of Motor Vehicles enforcement division; exception.

[S 279]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-308. Carrying concealed weapons; exceptions; penalty.

A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which

may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this subsection, he is guilty of a Class 1 misdemeanor. A second violation of this section or a conviction under this section subsequent to any conviction under any substantially similar ordinance of any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature. It shall be an affirmative defense to a violation of clause (i) regarding a handgun, that a person had been issued, at the time of the offense, a valid concealed handgun permit.

B. This section shall not apply to any person while in his own place of abode or the curtilage thereof.

C. Except as provided in subsection A of § 18.2-308.012, this section shall not apply to:

1. Any person while in his own place of business;
2. Any law-enforcement officer, wherever such law-enforcement officer may travel in the Commonwealth;
3. Any person who is at, or going to or from, an established shooting range, provided that the weapons are unloaded and securely wrapped while being transported;
4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped while being transported;
5. Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported;
6. Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from those conditions, provided that possession of a handgun while engaged in lawful hunting shall not be construed as hunting with a handgun if the person hunting is carrying a valid concealed handgun permit;

7. Any State Police officer retired from the Department of State Police, any officer retired from the Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control officer retired from a police department or sheriff's office within the Commonwealth, any special agent retired from the State Corporation Commission or the Alcoholic Beverage Control Board, any conservation police officer retired from the Department of Game and Inland Fisheries, any Virginia Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources Commission, any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 retired from a campus police department, *any retired member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217*, and any retired investigator of the security division of the State Lottery Department, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii) following at least 15 years of service with any such law-enforcement agency, board or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such law-enforcement agency or board due to a service-related injury, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from which the officer retired or the agency that employs the officer or, in the case of special agents, issued by the State Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall be forwarded by the chief or the Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An officer set forth in clause (iv) who receives written proof of consultation to carry a concealed handgun shall surrender such proof of consultation upon return to work or upon termination of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the Department of State Police for entry into the Virginia Criminal Information Network. However, if such officer retires on disability because of the service-related injury, and would be eligible under clause (i) for written proof of consultation to carry a concealed handgun, he may retain the previously issued written proof of consultation. A retired law-enforcement officer who receives proof of consultation and favorable review pursuant to this subdivision is authorized to carry a concealed handgun in the same manner as a law-enforcement officer authorized to carry a concealed handgun pursuant to subdivision 2-;

7a. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement agency or board mentioned in subdivision 7 who has resigned in good standing from such law-enforcement agency or board to accept a position covered by a retirement system that is authorized under Title 51.1, provided such person carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the agency from which he resigned or, in the case of special agents, issued by the State Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Board or Commission to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the law-enforcement officer otherwise meets the requirements of this section.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to subdivision 7 or this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit.

For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired or resigned law-enforcement officer who receives proof of consultation and review pursuant to subdivision 7 or this subdivision shall have the opportunity to annually participate, at the retired or resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that the retired or resigned officer has met the standards of the agency to carry a firearm;

8. Any State Police officer who is a member of the organized reserve forces of any of the armed services of the United States, national guard, or naval militia, while such officer is called to active military duty, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the Superintendent of State Police. The proof of consultation and favorable review shall be valid as long as the officer is on active military duty and shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of consultation and favorable review shall be entered into the Virginia Criminal Information Network. The Superintendent of State Police shall not without cause withhold such written proof if the officer is in good standing and is qualified to carry a weapon while on active law-enforcement duty.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit;

9. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such attorney may travel in the Commonwealth;

10. Any person who may lawfully possess a firearm and is carrying a handgun while in a personal, private motor vehicle or vessel and such handgun is secured in a container or compartment in the vehicle or vessel; and

11. Any enrolled participant of a firearms training course who is at, or going to or from, a training location, provided that the weapons are unloaded and securely wrapped while being transported.

D. This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

1. Carriers of the United States mail;
2. Officers or guards of any state correctional institution;

3. Conservators of the peace, except that an attorney for the Commonwealth or assistant attorney for the Commonwealth may carry a concealed handgun pursuant to subdivision C 9. However, the following conservators of the peace shall not be permitted to carry a concealed handgun without obtaining a permit as provided in this article: (i) notaries public; (ii) registrars; (iii) drivers, operators or other persons in charge of any motor vehicle carrier of passengers for hire; or (iv) commissioners in chancery;

4. Noncustodial employees of the Department of Corrections designated to carry weapons by the Director of the Department of Corrections pursuant to § 53.1-29; and

5. Harbormaster of the City of Hopewell.

CHAPTER 451

An Act to amend the Code of Virginia by adding a section numbered 33.1-12.02, relating to funds for administration of Department of Rail and Public Transportation.

[S 298]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 33.1-12.02 as follows:

§ 33.1-12.02. Funds for administration of Department of Rail and Public Transportation.

The Commonwealth Transportation Board may annually allocate up to 3.5 percent of the revenues available each year in the funds established pursuant to §§ 33.1-221.1:1.1, 33.1-221.1:1.2, and 33.1-221.1:1.3 and subdivision A 4 of § 58.1-638 to support the costs of project development, project administration, and project compliance incurred by the Department of Rail and Public Transportation in implementing rail, public transportation, and congestion management programs and grants.

CHAPTER 452

An Act to amend and reenact § 24.2-404 of the Code of Virginia, relating to elections; voter registration; duties of State Board of Elections.

[S 315]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-404 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-404. Duties of State Board.

A. The State Board shall provide for the continuing operation and maintenance of a central recordkeeping system, the Virginia Voter Registration System, for all voters registered in the Commonwealth.

In order to operate and maintain the system, the Board shall:

1. Maintain a complete, separate, and accurate record of all registered voters in the Commonwealth.
2. Require the general registrars to enter the names of all registered voters into the system and to change or correct registration records as necessary.
3. (Effective until July 1, 2014) Provide to each general registrar, voter registration cards for newly registered voters and for notice to registered voters on the system of changes and corrections in their registration records and polling places.
3. (Effective July 1, 2014) Provide to each general registrar, voter registration cards for newly registered voters and for notice to registered voters on the system of changes and corrections in their registration records and polling places and voter registration cards containing the voter's photograph and signature for free for those voters who do not have one of the forms of identification specified in subsection B of § 24.2-643. The Board shall promulgate rules and regulations authorizing each general registrar to obtain a photograph and signature of a voter who does not have one of the forms of identification specified in subsection B of § 24.2-643 for the purpose of providing such voter a registration card containing the voter's photograph and signature. The Board shall provide each general registrar with the equipment necessary to obtain a voter's signature and photograph and no general registrar shall be required to purchase such equipment at his own expense. Photographs and signatures obtained by a general registrar shall be submitted to the Board. The Board may contract with an outside vendor for the production and distribution of voter registration cards containing the voter's photograph and signature.
4. Require the general registrars to delete from the record of registered voters the name of any voter who (i) is deceased, (ii) is no longer qualified to vote in the county or city where he is registered due to removal of his residence, (iii) has been convicted of a felony, (iv) has been adjudicated incapacitated, (v) is known not to be a United States citizen by reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the State Board based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E, or (vi) is otherwise no longer qualified to vote as may be provided by law. Such action shall be taken no later than 30 days after notification from the Board. The Board shall promptly provide the information referred to in this subdivision, upon receiving it, to general registrars.
5. Retain on the system for four years a separate record for registered voters whose names have been deleted, with the reason for deletion.
6. Retain on the system permanently a separate record for information received regarding deaths, felony convictions, and adjudications of incapacity pursuant to §§ 24.2-408 through 24.2-410.
7. Provide to each general registrar, at least 16 days prior to a general or primary election and three days prior to a special election, an alphabetical list of all registered voters in each precinct or portion of a precinct in which the election is being held in the county, city, or town. These precinct lists shall be used as the official lists of qualified voters and shall constitute the pollbooks. The State Board shall provide instructions for the division of the pollbooks and precinct lists into sections to accommodate the efficient processing of voter lines at the polls. Prior to any general, primary, or special election, the State Board shall provide any general registrar, upon his request, with a separate electronic list of all registered voters in the registrar's county or city. If electronic pollbooks are used in the locality or electronic voter registration inquiry devices are used in precincts in the locality, the State Board shall provide a regional or statewide list of registered voters to the general registrar of the locality. The State Board shall determine whether regional or statewide data is provided. Neither the pollbook nor the regional or statewide list of registered voters shall include the day and month of birth of the voter, but shall include the voter's year of birth.
8. Acquire by purchase, lease, or contract equipment necessary to execute the duties of the Board.
9. Use any source of information that may assist in carrying out the purposes of this section. All agencies of the Commonwealth shall cooperate with the State Board in procuring and exchanging identification information for the purpose of maintaining the voter registration system. The State Board may share any information that it receives from another agency of the Commonwealth with any Chief Election Officer of another state for the maintenance of the voter registration system.
10. Cooperate with other states and jurisdictions to develop systems to compare voters, voter history, and voter registration lists to ensure the accuracy of the voter registration rolls, to identify voters whose addresses have changed, to prevent duplication of registration in more than one state or jurisdiction, and to determine eligibility of individuals to vote in Virginia.

11. Reprint and impose a reasonable charge for the sale of any part of Title 24.2, lists of precincts and polling places, statements of election results by precinct, and any other items required of the State Board by law. Receipts from such sales shall be credited to the Board for reimbursement of printing expenses.

B. The State Board shall be authorized to provide for the production, distribution, and receipt of information and lists through the Virginia Voter Registration System by any appropriate means including, but not limited to, paper and electronic means.

C. The State Board shall institute procedures to ensure that each requirement of this section is fulfilled. As part of its procedures, the State Board shall provide that the general registrar shall mail notice of any cancellation pursuant to clause (v) of subdivision A 4 to the person whose registration is cancelled.

D. The State Board shall promulgate rules and regulations to ensure the uniform application of the law for determining a person's residence.

E. The State Board shall apply to participate in the Systematic Alien Verification for Entitlements Program (SAVE Program) operated by U.S. Citizenship and Immigration Services of the U.S. Department of Homeland Security for the purposes of verifying that voters listed in the Virginia voter registration system are United States citizens. Upon approval of the application, the State Board shall enter into any required memorandum of agreement with U.S. Citizenship and Immigration Services. The State Board shall promulgate rules and regulations governing the use of the immigration status and citizenship status information received from the SAVE Program.

F. The State Board shall report annually by August 1 for the preceding 12 months ending June 30 to the Committees on Privileges and Elections on each of its activities undertaken to maintain the Virginia voter registration system and the results of those activities. The Board's report shall encompass activities undertaken pursuant to subdivisions A 9 and 10 and subsection E and pursuant to §§ 24.2-404.3, 24.2-404.4, 24.2-408, 24.2-409, 24.2-409.1, 24.2-410, 24.2-410.1, 24.2-427, and 24.2-428.

CHAPTER 453

An Act to amend and reenact §§ 24.2-707 and 24.2-711 of the Code of Virginia, relating to absentee ballots; name and signature of voter.

[S 333]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-707 and 24.2-711 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-707. How ballots marked and returned by mail; cast in person; cast on voting equipment.

On receipt of a mailed absentee ballot, the voter shall, in the presence of a witness, (i) open the sealed envelope marked "ballot within" and (ii) mark and refold the ballot, as provided in §§ 24.2-644 and 24.2-646 without assistance and without making known how he marked the ballot, except as provided by § 24.2-704.

After the voter has marked his absentee ballot, he shall (a) enclose the ballot in the envelope provided for that purpose, (b) seal the envelope, (c) fill in and sign the statement printed on the back of the envelope in the presence of a witness, who shall sign the same envelope, (d) enclose the ballot envelope and any required assistance form within the envelope directed to the electoral board, and (e) seal that envelope and mail it to the office of the electoral board or deliver it personally to the electoral board or the general registrar. *A voter's failure to provide in the statement on the back of the envelope his full middle name or his middle initial shall not be a material omission, rendering his ballot void, unless the voter failed to provide in the statement on the back of the envelope his full first and last name.* For purposes of this chapter, "mail" shall include delivery by a commercial delivery service, but shall not include delivery by a personal courier service or another individual except as provided by §§ 24.2-703.2 and 24.2-705.

An applicant who makes his application to vote in person at a time when the printed ballots for the election are available shall follow the same procedure set forth above except that he may complete the procedure in person in the office of the general registrar or secretary of the electoral board, or at another location or locations in the county or city approved by the electoral board, before a registrar or a member of the electoral board, or, if a ballot is cast at that time, before the officers of election appointed by the electoral board. Any such location shall be in a public building owned or leased by the city, the county, or a town within the county, with adequate facilities for the protection of all records concerning the absentee voters, the absentee ballots, both voted and unvoted, and any voting equipment in use at the location. Such location may be in a facility owned or leased by the Commonwealth and used as a location for Department of Motor Vehicles facilities and for an office of the general registrar. Such location shall be deemed the equivalent of the office of the general registrar or secretary of the electoral board for the purpose of completing the application for an absentee ballot in person pursuant to §§ 24.2-701 and 24.2-706. On the request of the applicant, made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, the general registrar or the secretary may send the items set forth in subdivisions 1 through 4 of § 24.2-706 to the applicant by mail, obtaining a certificate of mailing.

Failure to follow the procedures set forth above shall render the applicant's ballot void.

The electoral board of any county or city using a central absentee voting precinct may provide for the casting of absentee ballots on voting equipment prior to election day by applicants who are voting in person. The State Board shall prescribe procedures for the use of voting equipment. The procedures shall provide for the casting of absentee ballots prior to election day by in-person applicants on voting equipment which has been certified, and is currently approved, by the State Board. The procedures shall be applicable and uniformly applied by the State Board to all jurisdictions using comparable voting equipment. At least two officers of election, one representing each political party, shall be present during all hours that absentee voting is available at any location at which absentee ballots are cast prior to election day.

The requirement that officers of election shall be present if ballots are cast on voting equipment prior to election day shall not be applicable when the voting equipment is located in the office of the general registrar or secretary of the electoral board and the general registrar, an assistant registrar, or the secretary of the electoral board is present.

§ 24.2-711. Duties of officers of election.

Before the polls open, the officers of election at each precinct shall mark, for each person on the absentee voter applicant list, the letters "AB" (meaning absentee ballot) in the voting record column on the pollbook. The pollbook may be so marked prior to election day by the general registrar, the secretary of the electoral board, or staff under the direction of the general registrar or the secretary, or when the pollbook is produced by the State Board pursuant to § 24.2-404. If the pollbook has been marked prior to election day, before the polls open the officers of election at each precinct shall check the marks for accuracy and make any additions or corrections required.

The chief officer of election shall keep the copy of the absentee voter applicant list in the polling place as a public record open for inspection upon request at all times while the polls are open.

If a voter, whose name appears on the absentee voter applicant list, has not returned an unused ballot and offers to vote in his precinct, the officers of election in the precinct shall determine the matter pursuant to §§ 24.2-653.1 and 24.2-708.

Immediately after the close of the polls, the container of absentee ballots shall be opened by the officers of election. As each ballot envelope is removed from the container, the name of the voter shall be called and checked as if the voter were voting in person. If the voter is found entitled to vote, an officer shall mark the voter's name on the pollbook with the first or next consecutive number from the voter count form, or shall enter that the voter has voted if the pollbook is in electronic form. The ballot envelope shall then be opened, and the ballot deposited in the ballot container without being unfolded or examined. If the voter is found not entitled to vote, the unopened envelope shall be rejected. *An unopened envelope shall not be rejected on the sole basis of a voter's failure to provide in the statement on the back of the unopened envelope his full middle name or his middle initial, unless the voter also failed to provide his full first and last name.* A majority of the officers shall write and sign a statement of the cause for rejection on the envelope or on an attachment to the envelope.

When all ballots have been accounted for and either voted or rejected, the officers shall place the empty ballot envelopes, the return envelopes, and any rejected ballot envelopes, in one envelope provided for the purpose and seal and deliver it with the ballots cast at the election as provided in this title.

CHAPTER 454

An Act to amend and reenact §§ 6.2-1900, 6.2-1903 through 6.2-1907, 6.2-1910, 6.2-1914, 6.2-1916, 6.2-1917, 6.2-1919, and 19.2-389 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 6.2-1904.1 and 6.2-1906.1, relating to the regulation of money order sellers and money transmitters.

[S 335]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 6.2-1900, 6.2-1903 through 6.2-1907, 6.2-1910, 6.2-1914, 6.2-1916, 6.2-1917, 6.2-1919, and 19.2-389 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 6.2-1904.1 and 6.2-1906.1 as follows:

§ 6.2-1900. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Authorized delegate" means a person designated or appointed by a licensee to sell money orders or provide money transmission services on behalf of the licensee.

"Licensee" means a person licensed under this chapter to engage in the business of selling money orders or the business of money transmission, or both.

"Member" means a person who owns or controls a five percent or greater interest in a limited liability company.

"Monetary value" means a medium of exchange, whether or not redeemable in money.

"Money order" means a check, traveler's check, draft, or other instrument for the transmission or payment of money or monetary value whether or not negotiable.

"Money order seller" means a person engaged in the business of selling money orders.

"Money transmission" means receiving money or monetary value for transmission by wire, facsimile, electronic means or other means or selling or issuing stored value.

"Money transmitter" means a person engaged in the business of money transmission.

"Outstanding" means:

1. With respect to a money order, a money order that has been issued and sold directly by a licensee, or sold by an authorized delegate of the licensee and reported to the licensee, that has not yet been paid by or on behalf of the licensee; or

2. With respect to a money transmission transaction, a money transmission transaction for which the licensee, directly or through an authorized delegate of the licensee, has received money or monetary value from a customer for transmission, but has not yet (i) completed the money transmission transaction by delivering the money or monetary value to the person designated by the customer, or (ii) refunded the money or monetary value to the customer.

"Principal" means any person who, directly or indirectly, owns or controls a 10 percent or greater interest in any form of entity.

"Stored value" means monetary value that is evidenced by an electronic record.

§ 6.2-1903. Application for license; financial statements; application fee.

A. Applications for a license shall be made on forms furnished by the ~~Commission~~ Commissioner and shall set forth the name and address of the applicant, which shall be an entity, a description of the manner in which and the locations at which it proposes to do business, and such additional relevant information as the ~~Commission~~ Commissioner requires. *If any material information provided by the applicant changes during the investigation period, the applicant shall immediately notify the Commissioner.*

B. The application shall be accompanied by such audited financial statements as the ~~Commission~~ Commissioner may require and an application fee of \$1,000. If an application for a license under this chapter is denied, the application fee shall not be refunded. The fee shall not be abated by the expiration, surrender, or revocation of the license.

§ 6.2-1904. Bond required.

A. The application for a license shall be accompanied by a surety bond satisfactory to the ~~Commission~~ Commissioner in the principal amount as determined by the ~~Commission~~ Commissioner. The amount of the bond shall be not less than \$25,000 nor more than \$ 1 million. The bond shall be conditioned as ~~the Commission may require for the benefit of upon the licensee (i) performing its obligations to purchasers, payees, and holders of money orders and money transmission services sold by the licensee and its authorized delegates in the Commonwealth, and for the benefit of purchasers of money transmission services and (ii) conducting the licensed business in conformity with this chapter. If any material information provided to the Commission in an application changes during the investigation period, the applicant shall immediately notify the Commission.~~

B. As an alternative security device and in lieu of the surety bond required by subsection A, a license applicant may deposit with a financial institution designated by such applicant and approved by the ~~Commission~~ Commissioner for that purpose, cash, stocks and bonds, notes, debentures or other obligations of the United States or any agency or instrumentality thereof, or guaranteed by the United States, or of the Commonwealth, or of a locality or other political subdivision of the Commonwealth, in an aggregate amount, based upon the principal amount or market value, whichever is lower, of not less than the amounts required by the ~~Commission~~ Commissioner pursuant to subsection A. Such cash or securities shall be deposited and held to secure obligations established in subsection A, but the licensee shall be entitled to (i) receive all interest and dividends thereon and (ii) substitute, with the ~~Commission's~~ Commissioner's prior approval, other securities for those deposited. The ~~Commission~~ Commissioner may also direct the licensee, for good cause shown, to substitute other securities for those deposited.

C. The security device required by this section shall remain in place for five years after a licensee ceases money order sales or money transmission activities ~~within the Commonwealth~~. The ~~Commission~~ Commissioner may permit the security device to be reduced or eliminated prior to that time to the extent the amount of such licensee's *outstanding* money orders and money transmission transactions ~~outstanding in the Commonwealth~~ are reduced. The ~~Commission~~ Commissioner may also permit any licensee to substitute a letter of credit, or such other form of security device as may be acceptable to the ~~Commission~~ Commissioner, for the security device in place at the time the licensee ceases money order sales or money transmission activities ~~in the Commonwealth~~.

§ 6.2-1904.1. Investigation of applications.

A. *The Commissioner may make such investigations as he deems necessary to determine if the applicant has complied with all applicable provisions of law and regulations adopted thereunder.*

B. *For the purpose of investigating individuals who are members, senior officers, directors, and principals of an applicant, such individuals shall comply with one or both of the following, as applicable:*

1. *In the case of members, senior officers, directors, and principals who have resided in the United States at any time within the previous 10 years, such individuals shall consent to a national and state criminal history records check and submit to fingerprinting. Each member, senior officer, director, and principal shall pay for the cost of such fingerprinting and criminal records check. Such individuals shall cause their fingerprints, personal descriptive information, and records check fees to be submitted to the Commissioner, who shall forward these items to the Central Criminal Records Exchange. The Central Criminal Records Exchange shall (i) conduct a search of its own criminal history records and forward such individuals' fingerprints and personal descriptive information to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding such individuals and (ii) forward the results of the state and national records search to the Commissioner or his designee, who shall be an employee of the Commission.*

2. *In the case of members, senior officers, directors, and principals who have resided outside of the United States at any time within the previous 10 years, such individuals shall cause an investigative background report to be submitted to the Commissioner. The report shall be prepared by an independent search firm that is acceptable to the Commissioner and be in the English language. Each member, senior officer, director, and principal shall pay for the cost of such report, and the report shall be sent directly by the search firm to the Commissioner or his designee, who shall be an employee of the Commission.*

C. *If any member, senior officer, director, or principal of an applicant fails to cause his fingerprints, personal descriptive information, records check fees, or investigative background report to be submitted in accordance with subsection B, the application for licensure shall be denied.*

§ 6.2-1905. Annual fees; expenses; annual reports; renewal.

A. Each licensee shall pay to the Commission annually on or before September 1 a license renewal fee of \$750. All fees paid pursuant to this chapter shall be paid into the state treasury and credited to the "Financial Institutions Special Fund - State Corporation Commission."

B. In order to defray the costs of their examination and supervision, every licensee under this chapter shall pay an annual assessment calculated in accordance with a schedule set by the Commission. The schedule shall bear a reasonable relationship to the dollar volume of money orders sold and Virginia money transmission business conducted by licensees, either directly or through their authorized delegates, the costs of their examinations, and to other factors relating to their supervision and regulation. All such fees shall be assessed on or before August 1 for every calendar year. All such fees shall be paid by licensees to the State Treasurer on or before September 1 following each assessment.

C. In addition to the annual assessment prescribed in subsection B, when it becomes necessary to examine or investigate the *affairs, business, premises, books and, or records* of a licensee *or any of its authorized delegates* at a location outside the Commonwealth, the licensee shall be liable for and shall pay to the Commission within 30 days of the presentation of an itemized statement, the actual travel and reasonable living expenses incurred on account of its examination ~~and supervision or investigation~~, or shall pay a reasonable per diem rate approved by the Commission.

D. Each licensee under this chapter shall annually, on or before April 15, file a written report with the Commissioner along with such information as the Commissioner may require concerning the licensee's business, including audited financial statements. If a licensee is unable to furnish copies of its audited financial statements by April 15, the licensee may request an extension, which may be granted by the Commissioner for good cause shown.

~~E. Every license shall remain in force until it expires or has been surrendered or revoked. The expiration, surrender, or revocation of a license shall not affect any preexisting legal right or obligation of the licensee.~~

~~F. If a license has expired or has been surrendered or revoked, the former licensee shall immediately (i) cease selling money orders and engaging in the money transmission business, and (ii) instruct its authorized delegates to cease selling money orders and accepting funds for transmission on behalf of the licensee. The Commission may grant relief from this subsection for good cause shown.~~

~~G. F.~~ A license issued under this chapter shall expire on September 30 of each year unless it is renewed by a licensee. A licensee may renew its license by complying with the following: (i) paying its license renewal fee in accordance with subsection A; (ii) paying its annual assessment in accordance with subsection B; (iii) filing its annual report and audited financial statements in accordance with subsection D; and (iv) maintaining the minimum net worth specified in subsection B of § 6.2-1906, as evidenced by its audited financial statements. Upon receiving a licensee's renewal fee, annual assessment, and the documents and other information required by this section, the Commissioner shall renew such person's license. If a license has expired, the former licensee may seek reinstatement within three months after the license expiration date. Upon receiving a former licensee's renewal fee, annual assessment, and the documents and other information required by this section, together with payment of a reinstatement fee of \$1,000, the Commissioner shall reinstate such person's license.

§ 6.2-1906. Conditions prerequisite to issuance of license; net worth requirement.

A. The Commission shall not issue a license to an applicant unless it determines that:

1. The applicant will be able to and will perform its obligations to purchasers of money transmission services and purchasers, payees, and holders of money orders sold by it and its authorized delegates ~~in the Commonwealth~~; and
2. The financial responsibility, character, reputation, experience, and general fitness of the applicant and its members, senior officers, directors, and principals are such as to warrant belief that the business will be operated efficiently and fairly, in the public interest, and in accordance with applicable law and regulations.

B. Each licensee shall at all times have a net worth of not less than \$200,000, or a higher amount not to exceed \$1 million as determined by the Commission, calculated in accordance with generally accepted accounting principles. ~~Any person who was licensed under this chapter on July 1, 2009, shall have three years from that date to comply with the minimum net worth requirement of this section, during which period the licensee shall at all times have a net worth of not less than \$100,000, or a higher amount not to exceed \$1 million as determined by the Commission, calculated in accordance with generally accepted accounting principles.~~

§ 6.2-1906.1. Licenses; places of business; changes.

A. Each license shall state the address at which the principal place of business is to be conducted and shall state fully the legal name of the licensee as well as any fictitious names by which the licensee is conducting business under this chapter. Licenses shall not be transferable or assignable, by operation of law or otherwise. No licensee shall use any names other than the legal name or fictitious names set forth on the license issued by the Commission.

B. Every licensee shall notify the Commissioner, in writing, at least 30 days prior to relocating its principal place of business and confirm the change in writing within five days after such relocation.

C. Every licensee shall within 10 days notify the Commissioner, in writing, of (i) any change to its legal name, (ii) any change to or additional fictitious name by which the licensee is conducting business under this chapter, and (iii) the name, address, and position of each new member, senior officer, director, or principal. At the direction of the Commissioner, any such individual shall be treated as a member, senior officer, director, or principal of an applicant for the purpose of being investigated pursuant to subsection B of § 6.2-1904.1. The licensee shall provide such other information with respect to the changes and persons identified in this subsection as the Commissioner may reasonably require.

D. Every license shall remain in force until it expires or has been surrendered or revoked. The expiration, surrender, or revocation of a license shall not affect any preexisting legal right or obligation of the licensee.

§ 6.2-1907. License revocation.

~~A. The Commissioner may make such investigations as he deems necessary to determine if the applicant has complied with all applicable provisions of law and regulations adopted thereunder.~~

~~B. The Commission may revoke a license issued under this chapter:~~

1. If it reasonably determines that (i) a licensee is engaging in one or more unsafe or unsound practices, (ii) a licensee may be unable to perform its obligations, or (iii) a licensee has willfully failed without reasonable cause to pay or provide for the payment of any of its obligations; or

2. Upon any of the following grounds:

- a. Any ground for denial of a license under this chapter;
- b. Any violation of the provisions of this chapter or regulations adopted by the Commission pursuant thereto, or a violation of any other law or regulation applicable to the conduct of the licensee's business;
- c. Conviction of a felony or misdemeanor involving fraud, misrepresentation, or deceit;
- d. Entry of a judgment against such licensee involving fraud, misrepresentation, or deceit;
- e. Entry of a federal or state administrative order against such licensee for violation of any law or any regulation applicable to the conduct of his business;
- f. Refusal to permit an investigation or examination by the Commission;
- g. Failure to pay any fee or assessment imposed by this chapter; or
- h. Failure to comply with any order of the Commission.

B. For the purposes of this section, acts of any officer, director, member, partner, or principal shall be deemed acts of the licensee.

§ 6.2-1910. Investigations; examinations; reporting violations.

A. The Commission shall have authority to *investigate and* examine the *affairs, business, premises, books, and records* of all money order sellers and money transmitters; ~~either directly or through and their authorized delegates.~~ Except as provided herein, the Commission shall make an examination of ~~the books and records~~ of each licensee at least once in every three-year period; and shall adjust the surety bond or alternative security device as it may deem necessary in accordance with § 6.2-1904. The Commission may also examine ~~the books and records~~ of any authorized delegate of a licensee as often as it is deemed to be in the public interest. Examinations under this section may be conducted in conjunction with examinations to be performed by representatives of agencies of the federal government or another state. The Commission, in lieu of an examination, may accept the examination report of the federal government or another state.

B. Any person designated by the Commission to make *investigations or examinations* pursuant to this section shall have authority to (i) administer oaths; (ii) examine under oath in the course of such *investigations or examinations*, the principals, *members, owners*, officers, directors, partners, and employees of any person required to be licensed by this chapter or such person's authorized delegates; and (iii) compel the production of documents. *The principals, members, owners, officers, directors, partners, and employees of any person being investigated or examined shall, upon demand of the person making such investigation or examination, afford full access to all premises, books, records, and information that the person making such investigation or examination deems necessary.*

C. The Commission shall report violations of the licensing requirements of § 6.2-1901 to the attorney for the Commonwealth of the city or county in which such violation occurs.

§ 6.2-1914. Acquisition of control; application.

A. Except as provided in this section, no person shall acquire directly or indirectly 25 percent or more of the voting shares of a corporation or 25 percent or more of the ownership of any other entity licensed to conduct business under this chapter unless such person first:

1. Files an application with the Commission in such form as the Commission may prescribe from time to time;
2. Delivers such information as the Commission may require concerning the financial responsibility, background, experience, and activities of the applicant, its directors, senior officers, principals, and members, and of any proposed new directors, senior officers, principals, or members of the licensee; ~~and~~

3. *Furnishes to the Commissioner information concerning the identity of the directors, senior officers, principals, and members of the applicant, and of any proposed new directors, senior officers, principals, or members of the licensee. For the purpose of investigating these directors, senior officers, principals, and members, such individuals shall comply with one or both of the following, as applicable:*

a. In the case of directors, senior officers, principals, and members who have resided in the United States at any time within the previous 10 years, such individuals shall consent to a national and state criminal history records check and submit to fingerprinting. Each director, senior officer, principal, and member shall pay for the cost of such fingerprinting and criminal records check. Such individuals shall cause their fingerprints, personal descriptive information, and records check fees to be submitted to the Commissioner, who shall forward these items to the Central Criminal Records Exchange. The Central Criminal Records Exchange shall (i) conduct a search of its own criminal history records and forward such individuals' fingerprints and personal descriptive information to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding such individuals, and (ii) forward the results of the state and national records search to the Commissioner or his designee, who shall be an employee of the Commission.

b. In the case of directors, senior officers, principals, and members who have resided outside of the United States at any time within the previous 10 years, such individuals shall cause an investigative background report to be submitted to the Commissioner. The report shall be prepared by an independent search firm that is acceptable to the Commissioner and be in the English language. Each director, senior officer, principal, and member shall pay for the cost of such report, and the report shall be sent directly by the search firm to the Commissioner or his designee, who shall be an employee of the Commission; and

4. Pays such application fee as the Commission may prescribe.

B. If any material information provided to the Commission in an application by the applicant changes during the investigation period, the applicant shall immediately notify the ~~Commission~~ Commissioner.

C. Upon the filing and investigation of an application, the Commission shall permit the applicant to acquire the interest in the licensee if it finds that the applicant, its members if applicable, its directors, senior officers, and principals, and any proposed new directors, members, senior officers, and principals have the financial responsibility, character, reputation, experience, and general fitness to warrant belief that the business will be operated efficiently and fairly, in the public interest, and in accordance with the applicable laws and regulations. The Commission shall grant or deny the application within 90 days from the date a completed application, accompanied by the required fee, is filed unless the period is extended by the Commission. If the application is denied, the Commission shall notify the applicant of the denial and the reasons for the denial.

D. The provisions of this section shall not apply to the acquisition of an interest in a licensee directly or indirectly by merger, consolidation, or otherwise, (i) by or with a person licensed under this chapter, (ii) by or with a person affiliated through common ownership with the licensee, or (iii) by bequest, descent, survivorship, or by operation of law. The person acquiring an interest in a licensee in a transaction which is exempt from filing an application by this subsection shall send written notice to the Commission of such acquisition within 30 days after its closing.

E. If any person acquires an ownership interest in a licensee without obtaining prior approval from the Commission as required by this section, the Commission may for good cause shown order such person to divest himself or itself of such ownership interest.

F. The Commission may not enter an order requiring divestiture pursuant to subsection E until it has given the person 21 days' notice in writing of the reasons for the proposed divestiture and has given the person an opportunity to introduce evidence and be heard. The notice shall be sent by certified mail to such person and shall state with particularity the grounds for the contemplated action. Within 14 days of mailing the notice, the person named therein may file with the clerk of the Commission a written request for a hearing. If a hearing is requested, the Commission shall not require divestiture except based upon findings made at such hearing.

§ 6.2-1916. Retention of books, accounts, and records.

A. Every licensee shall maintain in its ~~licensed offices~~ *principal place of business* such books, accounts, and records as the Commission may reasonably require in order to determine whether such licensee is complying with the provisions of this chapter and other laws applicable to the conduct of its licensed business. Such books, accounts, and records shall be maintained apart and separate from any other business in which the licensee is involved.

B. Each licensee shall retain the following records for at least three years:

1. A record of each money transmission transaction and money order sold;
2. A general ledger posted at least monthly containing all asset, liability, capital, income, and expense accounts;
3. Bank statements and bank reconciliation records;
4. Records of outstanding money orders and money transmission transactions;
5. Records of each money order and money transmission transaction paid or completed within the three-year period; and
6. A list of the names, addresses, and telephone numbers of all of the licensee's authorized delegates.

C. Each licensee shall maintain policies and procedures sufficient for it to comply with this chapter and all other laws and regulations applicable to the conduct of its licensed business. A licensee shall furnish copies of its policies and procedures, as amended, to all of its authorized delegates.

§ 6.2-1917. Other reporting requirements.

A. A licensee or other person shall file a report with the ~~Commission~~ Commissioner within 15 days after the licensee or other person becomes aware of any material changes in information previously provided in an application filed under § 6.2-1903 or 6.2-1914. This requirement shall be applicable only to material changes that occur within one year after the date the licensee begins business or the acquisition is consummated.

B. A licensee shall file with the ~~Commission~~ Commissioner no later than 45 days after the end of each fiscal quarter its quarterly financial statements along with a current list of all authorized delegates and locations ~~in the Commonwealth~~ where the licensee or an authorized delegate of the licensee sells money orders or receives money for transmission. The licensee shall state the name, street address, and telephone number of each location and authorized delegate.

C. A licensee shall file a report with the ~~Commission~~ Commissioner within one business day after the licensee becomes aware of the occurrence of any of the following events:

1. The filing of a petition by or against the licensee for bankruptcy or reorganization;
2. The filing of a petition by or against the licensee for receivership, the commencement of any other judicial or administrative proceeding for its dissolution or reorganization, or the making of a general assignment for the benefit of its creditors;

3. The commencement of administrative or regulatory proceedings against the licensee by any governmental authority;
4. The cancellation or other impairment of the licensee's bond or other security;
5. Any felony indictment of the licensee or any of its members, partners, directors, officers, principals, or authorized delegates;
6. Any felony conviction of the licensee or any of its members, partners, directors, officers, principals, or authorized delegates; or
7. Such other events as the Commission may prescribe by regulation.

~~D. A licensee shall within 10 days notify the Commissioner, in writing, of the name, address and position of each new member, senior officer, partner, or director and provide such other information with respect to any such change as the Commissioner may reasonably require.~~

§ 6.2-1919. Types of permissible investments.

A. Except to the extent otherwise limited by the Commission pursuant to § 6.2-1918, the following investments are permissible under § 6.2-1918:

1. Cash, a certificate of deposit, or senior debt obligation of an insured depository institution, as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. § 1813).
2. A banker's acceptance or bill of exchange that is eligible for purchase upon endorsement by a member bank of the Federal Reserve System and is eligible for purchase by a Federal Reserve Bank.
3. An investment bearing a rating of one of the three highest grades, as defined by a nationally recognized organization that rates securities.
4. An investment security that is an obligation of the United States or a department, agency, or instrumentality thereof; an investment in an obligation that is guaranteed fully as to principal and interest by the United States; or an investment in an obligation of a state or a governmental subdivision, agency, or instrumentality thereof.
5. Receivables that are payable to a licensee from its authorized delegates, *pursuant to contracts and* in the ordinary course of business, ~~pursuant to contracts which~~ that are not past due or doubtful of collection ~~if the licensee does not hold at one time. A receivable shall be deemed to be past due or doubtful of collection if the money owed to the licensee is not remitted within seven business days. However, the aggregate amount of receivables under this paragraph subdivision from any one person aggregating shall not comprise more than 10 percent of the licensee's total permissible investments. An authorized delegate shall remit all money owing to the licensee in accordance with the terms of the contract between the licensee and the authorized delegate but in no event more than seven business days.~~

6. A share or a certificate issued by an open-end management investment company that is registered with the U.S. Securities and Exchange Commission under the Investment Companies Act of 1940 (15 U.S.C. § 80a-1 et seq.), and whose portfolio is restricted by the management company's investment policy to investments specified in subdivisions 1 through 4.

B. The following investments are permissible under § 6.2-1918, but only to the extent specified:

1. An interest-bearing bill, note, bond, or debenture of a person whose equity shares are traded on a national securities exchange or on a national over-the-counter market, if the aggregate of investments under this subdivision does not exceed 20 percent of the total permissible investments of a licensee and the licensee does not at one time hold investments under this subdivision in any one person aggregating more than 10 percent of the licensee's total permissible investments;
2. A share of a person traded on a national securities exchange or a national over-the-counter market or a share or a certificate issued by an open-end management investment company that is registered with the U.S. Securities and Exchange Commission under the Investment Companies Act of 1940 (15 U.S.C. § 80a-1 et seq.), and whose portfolio is restricted by the management company's investment policy to shares of a person traded on a national securities exchange or a national over-the-counter market, if the aggregate of investments under this subdivision does not exceed 20 percent of the total permissible investments of a licensee and the licensee does not at one time hold investments in any one person aggregating more than 10 percent of the licensee's total permissible investments;
3. A demand-borrowing agreement made to a corporation or a subsidiary of a corporation whose securities are traded on a national securities exchange if the aggregate of the amount of principal and interest outstanding under demand-borrowing agreements under this subdivision does not exceed 20 percent of the total permissible investments of a licensee and the licensee does not at one time hold principal and interest outstanding under demand-borrowing agreements under this subdivision with any one person aggregating more than 10 percent of the licensee's total permissible investments; and
4. Any other investment the Commission designates, to the extent specified by the Commission.

C. The aggregate of investments under subsection B may not exceed 50 percent of the total permissible investments of a licensee calculated in accordance with § 6.2-1918.

§ 19.2-389. Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 15.2-4500 et seq.) and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and other adults living in family day care homes or homes approved by family day care systems, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, and 63.2-1721, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The State Lottery Department for the conduct of investigations as set forth in the State Lottery Law (§ 58.1-4000 et seq.), and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed homes for adults, licensed district homes for adults, and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed homes for adults pursuant to § 63.2-1720, in licensed district homes for adults pursuant to § 63.1-189.1, and in licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Alcoholic Beverage Control Board for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private or religious elementary or secondary schools which are accredited by a statewide accrediting organization recognized, prior to January 1, 1996, by the State Board of Education or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public and nonprofit private colleges and universities for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a public institution of higher education pursuant to § 23-9.2:10 or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment pursuant to §§ 37.2-506 and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment pursuant to §§ 37.2-506 and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1. Dissemination of criminal history record information to the agencies shall be limited to those positions generally described as directly responsible for the health, safety and welfare of the general populace or protection of critical infrastructures;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) or Chapter 19 (§ 6.2-1900 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to ~~§ 6.2-1605~~ Chapter 16 or 19 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of Social Services and directors of local departments of social services for the purpose of screening individuals seeking to enter into a contract with the Department of Social Services or a local department of social services for the provision of child care services for which child care subsidy payments may be provided; and

44. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities, licensed district homes for adults, and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.1-189.1 or 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1719.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

CHAPTER 455

An Act to amend and reenact § 4.1-201 of the Code of Virginia, relating to alcoholic beverage control; certain licensees to provide information to consumers while on the premises of licensed retailers.

[S 337]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-201 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-201. Conduct not prohibited by this title; limitation.

A. Nothing in this title or any Board regulation adopted pursuant thereto shall prohibit:

1. Any club licensed under this chapter from keeping for consumption by its members any alcoholic beverages lawfully acquired by such members, provided the alcoholic beverages are not sold, dispensed or given away in violation of this title.

2. Any person from having grain, fruit or fruit products and any other substance, when grown or lawfully produced by him, distilled by any distillery licensee, and selling the distilled alcoholic beverages to the Board or selling or shipping them to any person outside of the Commonwealth in accordance with Board regulations. However, no alcoholic beverages so distilled shall be withdrawn from the place where distilled except in accordance with Board regulations.

3. Any person licensed to manufacture and sell, or either, in the Commonwealth or elsewhere, alcoholic beverages other than wine or beer, from soliciting and taking orders from the Board for such alcoholic beverages.

4. The receipt by a person operating a licensed brewery of deliveries and shipments of beer in closed containers or the sale, delivery or shipment of such beer, in accordance with Board regulations to (i) persons licensed to sell beer at wholesale, (ii) persons licensed to sell beer at retail for the purpose of resale only as provided in subdivision B 4 of § 4.1-216, (iii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iv) persons outside the Commonwealth for resale outside the Commonwealth.

5. The granting of any retail license to a brewery, distillery, or winery licensee, or to an applicant for such license, or to a lessee of such person, a wholly owned subsidiary of such person, or its lessee, provided the places of business or establishments for which the retail licenses are desired are located upon the premises occupied or to be occupied by such distillery, winery, or brewery, or upon property of such person contiguous to such premises, or in a development contiguous to such premises owned and operated by such person or a wholly owned subsidiary.

6. The receipt by a distillery licensee of deliveries and shipments of alcoholic beverages, other than wine and beer, in closed containers from other distilleries, or the sale, delivery or shipment of such alcoholic beverages, in accordance with Board regulations, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth.

7. The receipt by a farm winery or winery licensee of deliveries and shipments of wine in closed containers from other wineries or farm wineries located inside or outside the Commonwealth, or the receipt by a winery licensee or farm winery licensee of deliveries and shipments of spirits distilled from fruit or fruit juices in closed containers from distilleries located inside or outside the Commonwealth to be used only for the fortification of wine produced by the licensee in accordance with Board regulations, or the sale, delivery or shipment of such wine, in accordance with Board regulations, to persons licensed to sell wine at wholesale for the purpose of resale, and to persons outside the Commonwealth for resale outside the Commonwealth.

8. The receipt by a fruit distillery licensee of deliveries and shipments of alcoholic beverages made from fruit or fruit juices in closed containers from other fruit distilleries owned by such licensee, or the sale, delivery or shipment of such alcoholic beverages, in accordance with Board regulations, to persons outside of the Commonwealth for resale outside of the Commonwealth.

9. Any farm winery or winery licensee from shipping or delivering its wine in closed containers to another farm winery or winery licensee for the purpose of additional bottling in accordance with Board regulations and the return of the wine so bottled to the manufacturing farm winery or winery licensee.

10. Any farm winery or winery licensee from selling and shipping or delivering its wine in closed containers to another farm winery or winery licensee, the wine so sold and shipped or delivered to be used by the receiving licensee in the manufacture of wine. Any wine received under this subsection shall be deemed an agricultural product produced in the Commonwealth for the purposes of § 4.1-219, to the extent it is produced from fresh fruits or agricultural products grown or produced in the Commonwealth. The selling licensee shall provide to the receiving licensee, and both shall maintain

complete and accurate records of, the source of the fresh fruits or agricultural products used to produce the wine so transferred.

11. Any distiller licensed under this title from serving as an agent of the Board for the sale of alcoholic beverages, other than beer and wine, at a government store established by the Board on the licensed premises of the distiller in accordance with subsection D of § 4.1-119.

12. Any retail on-premises beer licensee, his agent or employee, from giving a sample of beer to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, or retail on-premises wine or beer licensee, his agent or employee, from giving a sample of wine or beer to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, or any mixed beverage licensee, his agent or employee, from giving a sample of wine, beer, or spirits to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption. Samples of wine shall not exceed two ounces, samples of beer shall not exceed four ounces, and samples of spirits shall not exceed one-half ounce. No more than two product samples shall be given to any person per visit.

13. Any manufacturer, including any vendor authorized by any such manufacturer, whether or not licensed in the Commonwealth, from selling service items bearing alcoholic brand references to on-premises retail licensees or prohibit any such retail licensee from displaying the service items on the premises of his licensed establishment. Each such retail licensee purchasing such service items shall retain a copy of the evidence of his payment to the manufacturer or authorized vendor for a period of not less than two years from the date of each sale of the service items. As used in this subdivision, "service items" mean articles of tangible personal property normally used by the employees of on-premises retail licensees to serve alcoholic beverages to customers including, but not limited to, glasses, napkins, buckets, and coasters.

14. Any employee of an alcoholic beverage wholesaler or manufacturer, whether or not licensed in the Commonwealth, from distributing to retail licensees and their employees novelties and specialties, including wearing apparel, having a wholesale value of \$10 or less and that bear alcoholic beverage advertising. Such items may be distributed to retail licensees in quantities equal to the number of employees of the retail establishment present at the time the items are delivered. Thereafter, such employees may wear or display the items on the licensed premises.

15. Any retail on-premises wine or beer licensee, his agent or employee from offering for sale or selling for one price to any person to whom alcoholic beverages may be lawfully sold a flight of wines or beers consisting of samples of not more than five different wines or beers.

16. Any restaurant licensed under this chapter from permitting the consumption of lawfully acquired wine by bona fide customers on the premises in all areas and locations covered by the license. The licensee may charge a corkage fee to such customer for the wine so consumed; however, the licensee shall not charge any other fee to such customer.

17. *Any winery, farm winery, wine importer, or wine wholesaler licensee from providing to adult customers of licensed retail establishments information about wine being consumed on such premises.*

B. No deliveries or shipments of alcoholic beverages to persons outside the Commonwealth for resale outside the Commonwealth shall be made into any state the laws of which prohibit the consignee from receiving or selling the same.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 456

An Act to amend and reenact §§ 23-50.16:5 and 23-50.16:7 of the Code of Virginia, relating to the Virginia Commonwealth University Health System Authority; chairman of the Board of Directors and Chief Executive Officer.

[S 341]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 23-50.16:5 and 23-50.16:7 of the Code of Virginia are amended and reenacted as follows:

§ 23-50.16:5. Board of Directors; appointment; officers; employees.

A. The Authority shall be governed by a Board of Directors consisting of 21 members as follows: six nonlegislative citizen members, including two physician-faculty members, to be appointed by the Governor; five members, including two physician-faculty members, to be appointed by the Speaker of the House of Delegates; three members, including one physician-faculty member, to be appointed by the Senate Committee on Rules; five nonlegislative citizen members of the Board of Visitors of Virginia Commonwealth University, to be appointed by the Rector, all of whom shall also be members of the Board of Visitors of the University at all times while serving on the Board; the President of the University and the Vice-President for Health Sciences of the University, or the person who holds such other title as subsequently may be established by the Board of Visitors of the University for the chief academic and administrative officer for the Health Sciences Campus of the University, both of whom shall serve as ex officio voting members during their respective terms of office.

The five physician-faculty members shall be faculty members of Virginia Commonwealth University with hospital privileges at Medical College of Virginia Hospitals at all times while serving on the Board.

After the initial staggering of terms, all appointments shall be for terms of three years each, except appointments to fill unexpired vacancies which shall be made for the remainder of the unexpired terms.

The Governor, the Speaker of the House of Delegates, and the Senate Committee on Rules shall appoint faculty physicians after consideration of the names from lists submitted by the faculty physicians of the School of Medicine of Virginia Commonwealth University through the Vice-President for Health Sciences of the University. The list shall contain not less than two names for each expired or unexpired vacancy that occurs.

No person shall be eligible to serve more than two consecutive full three-year terms as an appointed member, but after the expiration of a term of two years or less, or after the expiration of the remainder of a term to which appointed to fill a vacancy, or after one year following the expiration of a second full three-year term, two additional three-year terms may be served by a member if so appointed. The terms of members serving by virtue of their office shall expire upon termination of their holding such office. All members shall continue to hold office until their successors have been appointed and have qualified.

All appointed members, other than those who are members of the Board of Visitors, shall have demonstrated experience or expertise in business, health-care management or legal affairs. Immediately after their appointments, members shall enter upon the performance of their duties. The Board members appointed from the Board of Visitors and the ex officio members shall not vote on matters that shall require them to breach their fiduciary duties to the University or to the Authority.

B. All appointments, including the initial appointments to the Board and appointments to fill vacancies, are subject to confirmation by the affirmative vote of a majority of those voting in each house of the General Assembly if in session when such appointments are made and, if not in session, at its first regular session subsequent to such appointment. Any member whose nomination is subject to confirmation during a regular session of the General Assembly shall be deemed terminated when the General Assembly rejects the nomination or when it adjourns without confirming the nomination, whichever is earlier. No such termination shall affect the validity of any action taken by such member prior to such termination.

C. A Board member may be removed for malfeasance, misfeasance, incompetence or gross neglect of duty by the individual or entity that appointed him or, if such appointing individual no longer holds the office creating the right of appointment, by the current holder of that office.

D. *The President of the University shall serve as the chairman of the Board of Directors.* The Board of Directors of the Authority shall elect annually a ~~chairman~~ and a vice-chairman from among its membership. The Board shall also elect a secretary and treasurer and such assistant secretaries and assistant treasurers as the Board may authorize for terms determined by the Board, each of whom may or may not be a member of the Board. The same person may serve as both secretary and treasurer. The Board may also appoint an executive committee and other standing or special committees and prescribe their duties and powers, and any executive committee may exercise all such powers and duties of the Board under this chapter as the Board may delegate.

E. The Board may provide for the appointment, employment, term, compensation, and removal of a director, officers, employees and agents of the Authority, including engineers, consultants, lawyers and accountants as the Board deems appropriate.

F. The Board shall meet at least four times each year and may hold such special meetings as it deems appropriate. The Board may adopt, amend and repeal such rules, regulations, procedures and bylaws, not contrary to law or inconsistent with this chapter, as it deems expedient for its own governance and for the governance and management of the Authority. A majority of the Board shall constitute a quorum for meetings, and the Board may act by a majority of those present at any meeting.

G. Legislative board members shall be entitled to such compensation as provided § 30-19.12 and nonlegislative citizen board members shall be entitled to such compensation as provided in § 2.2-2813 for their services. All members shall be entitled to reimbursement for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Authority.

H. The provisions of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) shall apply to the members of the Board and the employees of the Authority.

§ 23-50.16:7. Appointment, salary and powers of the Chief Executive Officer.

A. The Authority shall be under the immediate supervision and direction of a Chief Executive Officer, subject to the policies and direction established by the Board. The Chief Executive Officer shall be the person who holds the title of Vice-President for Health Sciences of Virginia Commonwealth University, or such other title as subsequently may be established by the Board of Visitors of the University for the chief academic and administrative officer for the Health Sciences Campus of the University, subject to the following: notwithstanding any other provision of law to the contrary, the selection and removal of the Chief Executive Officer, as well as the conditions of appointment, including salary, shall be made jointly by the Board and the Board of Visitors of the University at a joint meeting of the Board and the Board of Visitors of the University upon a vote of a majority of the members of each board, present and voting at the aforementioned joint meeting, acting separately in accordance with applicable provisions of law.

B. *In the event that a majority of the members of each board do not agree upon the selection, removal, or conditions of appointment, including salary, of the Chief Executive Officer as provided in subsection A, then each board shall appoint a committee of three members of its respective board to consider the matter or matters upon which the boards disagree. The selection, removal, or conditions of appointment shall be made jointly by the two committees at a joint meeting of the committees upon a vote by a majority of the members of each committee present and voting at the joint meeting. In the event*

that a majority of the members of each committee agree upon the selection, removal, or conditions of appointment of the Chief Executive Officer, then the decision shall be reported to the Board and the Board of Visitors of the University, each of which shall be bound by the decision of the committees. In the event that a majority of the members of each committee do not agree on the selection, removal, or conditions of appointment of the Chief Executive Officer within 30 days of the appointment of the committees by each board, then the President of the University shall decide upon the matter or matters upon which the committees disagree. The President of the University shall report his decision to both boards, each of which shall be bound by the decision of the President.

C. The Chief Executive Officer shall devote his full time to the performance of his official duties and shall not be engaged in any other profession or occupation.

~~C.~~ D. The Chief Executive Officer shall supervise and administer the operation of the Authority in accordance with the provisions of this chapter.

CHAPTER 457

An Act to amend and reenact § 58.1-1000 of the Code of Virginia, relating to cigarette taxes; definitions; authorized holder.
[S 364]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-1000 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-1000. Definitions.

As used in this chapter, unless the context clearly shows otherwise, the term or phrase:

"Authorized holder" means (i) a manufacturer; (ii) a wholesale dealer; (iii) a stamping agent; (iv) a retail dealer; (v) an exclusive distributor; (vi) an officer, employee, or other agent of the United States or a state, or any department, agency, or instrumentality of the United States, a state, or a political subdivision of a state, having possession of cigarettes in connection with the performance of official duties; (vii) a person properly holding cigarettes that do not require stamps or tax payment pursuant to § 58.1-1010; or (viii) a common or contract carrier transporting cigarettes under a proper bill of lading or other documentation indicating the true name and address of the consignor or seller and the consignee or purchaser of the brands and the quantities being transported. *Any person convicted of a violation of § 58.1-1017 or 58.1-1017.1 is ineligible to be an authorized holder.*

"Carton" means 10 packs of cigarettes, each containing 20 cigarettes or eight packs, each containing 25 cigarettes.

"Cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains (i) any roll of tobacco wrapped in paper or in any substance not containing tobacco; (ii) tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or (iii) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in clause (i) of this definition. The term "cigarette" includes "roll-your-own" tobacco, which means any tobacco which, because of its appearance, type, packaging, or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes. For purposes of this definition of "cigarette," 0.09 ounces of "roll-your-own" tobacco shall constitute one individual "cigarette."

"Exclusive distributor" means any individual, corporation, limited liability company, or limited liability partnership with its principal place of business in the Commonwealth that has the sole and exclusive rights to sell to wholesale dealers in the Commonwealth a brand family of cigarettes manufactured by a tobacco product manufacturer as defined in § 3.2-4200.

"Manufacturer" means any tobacco product manufacturer as defined in § 3.2-4200.

"Pack" means a package containing either 20 or 25 cigarettes.

"Retail dealer" includes every person other than a wholesale dealer, as defined in this section, who sells or offers for sale any cigarettes and who is properly registered as a retail trade with the Commonwealth in accordance with the Virginia Department of Taxation Business Registration Application (Form R-1).

"Retail sale" or "sale at retail" includes all sales except sales by wholesale dealers to retail dealers or other wholesale dealers for resale.

"Stamping agent" shall have the same meaning as provided in § 3.2-4204. For the purposes of provisions relating to "roll-your-own" tobacco, "stamping agent" shall include "distributor" as that term is defined in § 58.1-1021.01.

"Stamps" means the stamp or stamps by the use of which the tax levied under this chapter is paid and shall be officially designated as Virginia revenue stamps. The Department is hereby authorized to provide for the use of any type of stamp which will effectuate the purposes of this chapter including but not limited to decalomania and metering devices.

"Storage" means any keeping or retention in the Commonwealth of cigarettes for any purpose except sale in the regular course of business or subsequent use solely outside the Commonwealth.

"Tax-paid cigarettes" means cigarettes that (i) bear valid Virginia stamps to evidence payment of excise taxes or (ii) were purchased outside of the Commonwealth and either (a) bear a valid tax stamp for the state in which the cigarettes

were purchased or (b) when no tax stamp is required by the state, proper evidence can be provided to establish that applicable excise taxes have been paid.

"Use" means the exercise of any right or power over cigarettes incident to the ownership thereof or by any transaction where possession is given, except that it shall not include the sale of cigarettes in the regular course of business.

"Wholesale dealer" includes persons who are properly registered as tobacco product merchant wholesalers with the Commonwealth in accordance with the Virginia Department of Taxation Business Registration Application (Form R-1) and who (i) sell cigarettes at wholesale only to retail dealers for the purpose of resale only or (ii) sell at wholesale to institutional, commercial, or industrial users. "Wholesale dealer" also includes chain store distribution centers or houses which distribute cigarettes to their stores for sale at retail.

CHAPTER 458

An Act to amend and reenact §§ 19.2-386.21, 58.1-1001, and 58.1-1012 of the Code of Virginia, relating to forfeiture of counterfeit and contraband cigarettes; use by law enforcement.

[S 365]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-386.21, 58.1-1001, and 58.1-1012 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-386.21. Forfeiture of counterfeit and contraband cigarettes.

Counterfeit cigarettes possessed in violation of § 18.2-246.14 and cigarettes possessed in violation of § 58.1-1017 or 58.1-1017.1 shall be subject to seizure, forfeiture, and destruction *or court-ordered assignment for use by a law-enforcement undercover operation* by the Virginia Alcoholic Beverage Control Board or any law-enforcement officer of the Commonwealth. *However, any undercover operation that makes use of counterfeit cigarettes shall ensure that the counterfeit cigarettes remain under the control and command of law enforcement and shall not be distributed to a member of the general public who is not the subject of a criminal investigation.* All fixtures, equipment, materials, and personal property used in substantial connection with (i) the sale or possession of counterfeit cigarettes in a knowing and intentional violation of Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 of Title 18.2 or (ii) the sale or possession of cigarettes in a knowing and intentional violation of § 58.1-1017 or 58.1-1017.1 shall be subject to seizure and forfeiture according to the procedures contained in Chapter 22.1 (§ 19.2-386.1 et seq.), applied mutatis mutandis.

§ 58.1-1001. Tax levied; rate.

A. Except as provided in subsection B, in addition to all other taxes now imposed by law, every person within this Commonwealth who sells, stores or receives cigarettes made of tobacco or any substitute thereof, for the purpose of distribution to any person within this Commonwealth, shall pay to this Commonwealth an excise tax of one and one-quarter mills on each such cigarette sold, stored or received before August 1, 2004; an excise tax of one cent on each such cigarette sold, stored or received on and after August 1, 2004, through midnight on June 30, 2005; and an excise tax of 1.5 cents on each such cigarette sold, stored or received on and after July 1, 2005.

B. In addition to all other taxes now imposed by law, every person within the Commonwealth who sells, stores, or receives roll-your-own tobacco, for the purpose of distribution within the Commonwealth, shall pay to the Commonwealth a cigarette excise tax at the rate of 10% of the manufacturer's sales price of such roll-your-own tobacco.

C. The revenues generated by the taxes imposed under this section on and after August 1, 2004, shall be collected by the Department and deposited into the Virginia Health Care Fund established under § 32.1-366.

D. The provisions of this section shall not apply to members of federal, state, county, city, or town law-enforcement agencies when possession of unstamped cigarettes is necessary in the performance of investigatory duties.

§ 58.1-1012. Duties of wholesale dealer, manufacturer and exclusive distributor on shipping, delivering or sending out cigarettes.

A. Every wholesale dealer in the Commonwealth shall, before shipping, delivering or sending out any cigarettes to any dealer in the Commonwealth or for sale in the Commonwealth, cause the same to have the requisite denominations and amount of stamps to represent the tax affixed as stated herein, and every other wholesale dealer shall at the time of shipping or delivering any cigarettes make a true duplicate invoice of the same, showing the date, amount and value of each class of articles shipped or delivered, and retain a duplicate thereof. Wholesale dealers in the Commonwealth who ship, deliver, or send any cigarettes to the United States government for sale or distribution to any military, naval or marine reservation owned by the United States government within the Commonwealth shall be required to carry out the provisions set out in this chapter for such sales or deliveries.

B. Any manufacturer or exclusive distributor shall not be required to affix Virginia revenue stamps as required by subsection A, if such manufacturer or exclusive distributor is shipping, sending, selling, or delivering the cigarettes to a wholesale dealer in the Commonwealth who is a duly qualified wholesale dealer stamping agent in accordance with § 58.1-1011 *or to a law-enforcement agency for use in the performance of its duties.* The manufacturer or exclusive distributor who qualifies under this section and ships, sends, sells, or delivers cigarettes to a wholesale dealer shall keep on file a record of each such shipment, sale, or delivery and shall maintain such record for a period of three years.

CHAPTER 459

An Act to amend and reenact §§ 59.1-200, 59.1-294 through 59.1-299, 59.1-301, 59.1-302, 59.1-304 through 59.1-308.1, and 59.1-310 of the Code of Virginia, relating to the Virginia Health Club Act.

[S 404]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-200, 59.1-294 through 59.1-299, 59.1-301, 59.1-302, 59.1-304 through 59.1-308.1, and 59.1-310 of the Code of Virginia are amended and reenacted as follows:

§ 59.1-200. Prohibited practices.

A. The following fraudulent acts or practices committed by a supplier in connection with a consumer transaction are hereby declared unlawful:

1. Misrepresenting goods or services as those of another;
2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;
3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another;
4. Misrepresenting geographic origin in connection with goods or services;
5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or benefits;
6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;
7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects or "not first class";
8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the price or upon the terms advertised.

In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;
10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts installed;
11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill for merchandise or services previously ordered;
12. Notwithstanding any other provision of law, using in any manner the words "wholesale," "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the goods or services advertised or offered for sale;
13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal statutes or regulations;
14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection with a consumer transaction;
15. Violating any provision of § 3.2-6512, 3.2-6513, or 3.2-6516, relating to the sale of certain animals by pet dealers which is described in such sections, is a violation of this chapter;
16. Failing to disclose all conditions, charges, or fees relating to:

a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor does this subdivision apply to special order purchases where the purchaser has requested the supplier to order merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the supplier, so as to be readily

noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving overpayments. If the credit balance information is incorporated into statements of account furnished consumers by suppliers within such 60-day period, no separate or additional notice is required;

17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

18. Violating any provision of the Virginia Health ~~Spa~~ Club Act, Chapter 24 (§ 59.1-294 et seq.) of this title;

19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.) of this title;

20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.) of this title;

21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17 et seq.) of this title;

22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.) of this title;

23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et seq.) of this title;

24. Violating any provision of § 54.1-1505;

25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6 (§ 59.1-207.34 et seq.) of this title;

26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;

27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.) of this title;

28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.) of this title;

29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.) of this title;

30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et seq.) of this title;

31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.) of this title;

32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;

33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;

34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;

35. Using the consumer's social security number as the consumer's account number with the supplier, if the consumer has requested in writing that the supplier use an alternate number not associated with the consumer's social security number;

36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;

37. Violating any provision of § 8.01-40.2;

38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;

39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.) of this title;

40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;

41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525 et seq.) of this title;

42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.) of this title;

43. Violating any provision of § 59.1-443.2;

44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.) of this title;

45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;

46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;

47. Violating any provision of § 18.2-239;

48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);

49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's products that are used, secondhand or "seconds";

50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.) of this title;

51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;

52. Violating any provision of § 8.2-317.1; and

53. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in which defective drywall has been permanently installed or affixed.

B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

CHAPTER 24.
VIRGINIA HEALTH SPA CLUB ACT.

§ 59.1-294. Short title.

This chapter shall be known and may be cited as the "Virginia Health Spa Club Act."

§ 59.1-295. Statement of purpose.

The purpose of this chapter is to safeguard the public interest against fraud, deceit, and financial hardship, and to foster and encourage competition, fair dealing and prosperity in the field of health spa club services by prohibiting false and misleading advertising, and dishonest, deceptive, and unscrupulous practices by which the public has been injured in connection with contracts for health spa club services.

§ 59.1-296. Definitions.

As used in this chapter:

"Business day" means any day except a Sunday or a legal holiday.

"Buyer" means a natural person who enters into a health spa club contract.

"Commissioner" means the Commissioner of Agriculture and Consumer Services, or a member of his staff to whom he may delegate his duties under this chapter.

"Comparable alternate facility" means a health spa club facility that is reasonably of like kind, in nature and quality, to the health spa club facility originally contracted, whether such facility is in the same location but owned *or operated* by a different health spa club or is at another location of the same health spa club.

"Contract price" means the sum of the initiation fee, if any, and all monthly fees except interest required by the health spa club contract.

"Facility" means a location where health spa club services are offered as designated in a health spa club contract.

"Health spa club" means any person, firm, corporation, organization, club or association whose primary purpose is to engage in the sale of memberships in a program consisting primarily of physical exercise with exercise machines or devices, or whose primary purpose is to engage in the sale of the right or privilege to use exercise machines or devices. The term "health spa club" shall not include the following: (i) bona fide nonprofit organizations, including, but not limited to, the Young Men's Christian Association, Young Women's Christian Association, or similar organizations whose functions as health spas clubs are only incidental to their overall functions and purposes; (ii) any private club owned and operated by its members; (iii) any organization primarily operated for the purpose of teaching a particular form of self-defense such as judo or karate; (iv) any facility owned or operated by the United States; (v) any facility owned or operated by the Commonwealth of Virginia or any of its political subdivisions; (vi) any nonprofit public or private school, college or university; (vii) any club providing tennis or swimming facilities located in a residential planned community or subdivision, developed in conjunction with the development of such community or subdivision, and deriving at least 80 percent of its membership from residents of such community or subdivision; and (viii) any facility owned and operated by a private employer exclusively for the benefit of its employees, retirees, and family members and which facility is only incidental to the overall functions and purposes of the employer's business and is operated on a nonprofit basis.

"Health spa club contract" means an agreement whereby the buyer of health spa club services purchases, or becomes obligated to purchase, health spa club services.

"Health spa club services" means and includes services, privileges, or rights offered for sale or provided by a health spa club.

"Initiation fee" means a nonrecurring fee charged at or near the beginning of a health spa club membership, and includes all fees or charges not part of the monthly fee.

"Monthly fee" means the total consideration, including but not limited to, equipment or locker rental, credit check, finance, medical and dietary evaluation, class and training fees, and all other similar fees or charges and interest, but excluding any initiation fee, to be paid by a buyer, divided by the total number of months of health spa club service use allowed by the buyer's contract, including months or time periods called "free" or "bonus" months or time periods and such months or time periods ~~which~~ *that* are described in any other terms suggesting that they are provided free of charge, which months or time periods are given or contemplated when the contract is initially executed.

"Out of business" means the status of a facility that is permanently closed and for which there is no comparable alternate facility.

"Prepayment" means payment of any consideration for services or the use of facilities made prior to the day on which the services or facilities of the health spa club are fully open and available for regular use by the members.

"Relocation" means the provision of health spa club services by the health spa club that entered into the membership contract at a location other than that designated in the member's contract.

§ 59.1-296.1. Registration; fees.

A. It shall be unlawful for any health spa club to offer, advertise, or execute or cause to be executed by the buyer any health spa club contract in this Commonwealth unless each facility of the health spa club has been properly registered with the Commissioner at the time of the offer, advertisement, sale or execution of a health spa club contract. The registration shall (i) disclose the address, ownership, date of first sales and date of first opening of the facility and such other information as the Commissioner may require consistent with the purposes of this chapter, (ii) be renewed annually on July 1, and (iii) be accompanied by the appropriate registration fee per each annual registration in the amount indicated below:

Number of unexpired contracts originally written for more than one month	Registration fee
0 to 250	\$200
251 to 500	\$300
501 to 2000	\$700
2001 or more	\$800

Further, it shall be accompanied by a late fee of \$50 if the registration renewal is neither postmarked nor received on or before July 1. In the event that a *spa club* operates multiple facilities, a \$50 late fee for the first facility and \$25 for each additional facility shall accompany the registrations. For each successive 30 days after August 1, an additional \$25 shall be added for each facility. Each separate facility where health *spa club* services are offered shall be considered a separate facility and shall file a separate registration, even though the separate facilities are owned or operated by the same health *spa club*.

B. Any health *spa club* which *club that* sells a health *spa club* contract prior to registering pursuant to this section and, if required, submits the appropriate surety required by § 59.1-306 shall pay a late filing fee of \$100 for each 30-day period the registration or surety is late. This fee shall be in addition to all other penalties allowed by law.

C. A registration shall be amended within 21 days if there is a change in the information included in the registration.

D. All fees shall be remitted to the State Treasurer and shall be placed to the credit and special fund of the Virginia Department of Agriculture and Consumer Services to be used in the administration of this chapter.

§ 59.1-296.2. Contracts sold on prepayment basis.

A. Each health *spa club* selling contracts or health *spa club* services on a prepayment basis shall notify the Commissioner of the proposed facility for which prepayments will be solicited and shall deposit all funds received from such prepayment contracts in an account established in a financial institution authorized to transact business in the Commonwealth until the health *spa club* has commenced operations in the facility and the facility has remained open for a period of 30 days. The account shall be established and maintained only in a financial institution ~~which that~~ agrees in writing with the Commissioner to hold all funds deposited and not to release such funds until receipt of written authorization from the Commissioner. The prepayment funds deposited will be eligible for withdrawal by the health *spa club* after the facility has been open and providing services pursuant to its health *spa club* contracts for 30 days and the Commissioner gives written authorization for withdrawal.

B. The provisions of this section shall not apply to any facility duly registered pursuant to the provisions of § 59.1-296.1 for which a bond or letter of credit in the amount of \$100,000 has been posted.

§ 59.1-296.2:1. Prepayment contracts; prohibited practices; relocation; refund.

A. No health *spa club* shall sell a health *spa club* contract on a prepayment basis without disclosing in the contract the date on which the facility shall open. The opening date shall not be later than 12 months from the signing of the contract.

B. No health *spa club* shall close or relocate any facility without first giving notice to the Commissioner and conspicuously posting a notice both within and outside each entrance to the facility being closed or relocated of the closing or relocation date. Such notice shall be provided at least 30 days prior to the closing or relocation date. If a relocation is to occur, the Commissioner and the facility's members shall be provided with the address of the specific new facility at the time of this notice.

C. No health *spa club* shall knowingly and willfully make any false statement in any registration application, statement, report, or other disclosure required by this chapter.

D. No health *spa club* shall refuse or fail, after notice from the Commissioner, to produce for the Commissioner's review any of the health *spa club's* books or records required to be maintained by this chapter.

E. Unless it so discloses fully in 10-point bold-faced type or larger on the face of each health *spa club* contract, no health *spa club* shall sell any health *spa club* contract if any owner of the health *spa club*, regardless of the extent of his ownership, previously owned in whole or in part a health *spa club* that closed for business any facility and failed to:

1. Refund all moneys due to holders of health *spa club* contracts; or

2. Provide comparable alternate facilities with another health *spa club* that agreed in writing to honor all provisions of the health *spa club* contracts or at another facility operated by the originally contracting health *spa club*.

F. No health *spa club* that has failed to provide the Commissioner the appropriate surety pursuant to § 59.1-306 shall sell a health *spa club* contract unless that contract contains a statement that reads as follows: "This *spa club* is not permitted, pursuant to the Virginia Health *Spa Club* Act, to accept any initiation fee in excess of \$125 or any payment for more than the prorated monthly fee for the month when the contract is initially executed plus one full month in advance."

Such disclosure shall be printed in 10-point bold-faced type or larger on the face of each contract.

§ 59.1-296.3. Initiation fees.

Whenever a refund is due a buyer, any initiation fee charged by a health *spa club* shall be prorated over the life of the contract or ~~twelve~~ 12 months, whichever is greater.

§ 59.1-297. Right of cancellation.

A. Every health *spa club* contract for the sale of health *spa club* services may be cancelled under the following circumstances:

1. A buyer may cancel the contract without penalty within three business days of its making and, upon notice to the health *spa club* of the buyer's intent to cancel, shall be entitled to receive a refund of all moneys paid under the contract.

2. A buyer may cancel the contract if the facility relocates or goes out of business and the health ~~spa~~ club fails to provide comparable alternate facilities within five driving miles of the location designated in the health ~~spa~~ club contract. Upon receipt of notice of the buyer's intent to cancel, the health ~~spa~~ club shall refund to the buyer funds paid or accepted in payment of the contract in an amount computed as prescribed in § 59.1-297.1.

3. The contract may be cancelled if the buyer dies or becomes physically unable to use a substantial portion of the services for 30 or more consecutive days. If the buyer becomes physically unable to use a substantial portion of the services for 30 or more consecutive days and wishes to cancel his contract, he must provide the health ~~spa~~ club with a signed statement from his doctor, physician assistant, or nurse practitioner verifying that he is physically unable to use a substantial portion of the health ~~spa~~ club services for 30 or more consecutive days. Upon receipt of notice of the buyer's intent to cancel, the health ~~spa~~ club shall refund to the buyer funds paid or accepted in payment of the contract in an amount computed as prescribed in § 59.1-297.1. In the case of disability, the health ~~spa~~ club may require the buyer to submit to a physical examination by a doctor, physician assistant, or nurse practitioner agreeable to the buyer and the health ~~spa~~ club within 30 days of receipt of notice of the buyer's intent to cancel. The cost of the examination shall be borne by the health ~~spa~~ club.

B. The buyer shall notify the health ~~spa~~ club of cancellation in writing, by certified mail, return receipt requested, or personal delivery, to the address of the health ~~spa~~ club as specified in the health ~~spa~~ club contract.

C. If the customer has executed any credit or lien agreement with the health ~~spa~~ club or its representatives or agents to pay for all or part of health ~~spa~~ club services, any such negotiable instrument executed by the buyer shall be returned to the buyer within 30 days after such cancellation.

D. If the ~~spa~~ club agrees to allow a consumer to cancel for any other reason not outlined in this section, upon receipt of notice of cancellation by the buyer, the health ~~spa~~ club shall refund to the buyer funds paid or accepted in payment of the contract in an amount computed as prescribed in § 59.1-297.1.

§ 59.1-297.1. Payment and calculation of refunds.

A. All refunds for cancellation of membership shall be paid within 30 days of the health ~~spa~~'s club's receipt of written notice of cancellation by the buyer and calculated by:

1. Dividing the contract price by the term of the contract in days;
2. Multiplying the number obtained in subdivision 1 by the number of days between the effective date of the contract and the date of cancellation; and
3. Subtracting the number obtained in subdivision 2 from the total price paid on the health ~~spa~~ club contract.

B. In the event of the health ~~spa~~ club going out of business, the date of cancellation shall be the date the health ~~spa~~ club ceased providing health ~~spa~~ club services at the facility.

C. A health ~~spa~~ club issuing a refund to a buyer under this chapter shall do so within 30 days of the health ~~spa~~ club receiving a notice of cancellation pursuant to § 59.1-297, or within 30 days of the permanent closing of the facility designated in the buyer's contract.

§ 59.1-297.2. Automatic termination of a health club contract.

A health ~~spa~~ club contract shall be considered terminated automatically if the designated facility closes permanently and the health ~~spa~~ club does not provide a comparable alternate facility. A facility closes temporarily if it closes for a reasonable period of time (i) for renovations to all or a portion of the facility, (ii) because the lease for the facility has been canceled, or (iii) because of a fire, or a flood or other act of God, or other cause not within the reasonable control of the health ~~spa~~ club. If a facility closes temporarily, it shall within 14 days from the time of the temporary closing provide notice of the date it expects to reopen, which date shall be within a reasonable period of time from the time the facility temporarily closes, to the Commissioner and shall conspicuously post such notice both within and outside each entrance to the facility.

§ 59.1-298. Notice to buyer.

A copy of the executed health ~~spa~~ club contract shall be delivered to the buyer at the time the contract is executed. All health ~~spa~~ club contracts shall (i) be in writing, (ii) *state the name and physical address of the health club*, (iii) be signed by the buyer, ~~(iii)~~ (iv) designate the date on which the buyer actually signed the contract, ~~(iv)~~ (v) state the starting and expiration dates of the initial membership period, ~~(v)~~ (vi) separately identify any initiation fee, ~~(vi)~~ (vii) either in the contract itself or in a separate notice provided to the buyer at the time the contract is executed, notify each buyer that the buyer should attempt to resolve with the health ~~spa~~ club any complaint the buyer has with the health ~~spa~~ club, and that the Virginia Department of Agriculture and Consumer Services regulates health ~~spa~~ clubs in the Commonwealth pursuant to the provisions of the Virginia Health ~~Spa~~ Club Act, and ~~(vii)~~ (viii) contain the provisions set forth in § 59.1-297 under a conspicuous caption: "BUYER'S RIGHT TO CANCEL" that shall read substantially as follows:

If you wish to cancel this contract, you may cancel by making or delivering written notice to this health ~~spa~~ club. The notice must say that you do not wish to be bound by the contract and must be delivered or mailed before midnight of the third business day after you sign this contract. The notice must be delivered or mailed to

(Health ~~spa~~ club shall insert its name and mailing address.)

If canceled within three business days, you will be entitled to a refund of all moneys paid. You may also cancel this contract if this ~~spa~~ club goes out of business or relocates and fails to provide comparable alternate facilities within five driving miles of the facility designated in this contract. You may also cancel if you become physically unable to use a substantial portion of the health ~~spa~~ club services for 30 or more consecutive days, and your estate may cancel in the event of your death. You must prove you are unable to use a substantial portion of the health ~~spa~~ club services by a doctor's,

physician assistant's, or nurse practitioner's certificate, and the health *spa club* may also require that you submit to a physical examination, within 30 days of the notice of cancellation, by a doctor, physician assistant, or nurse practitioner agreeable to you and the health *spa club*. If you cancel after the three business days, the health *spa club* may retain or collect a portion of the contract price equal to the proportionate value of the services or use of facilities you have already received. Any refund due to you shall be paid within 30 days of the effective date of cancellation.

§ 59.1-299. Duration of contract.

No health *spa club* contract shall have a duration for a period longer than thirty-six months, including any renewal period; however, a health *spa club* contract may exceed ~~thirty-six~~ 36 months provided that:

1. Any initiation fee does not exceed ~~ten~~ 10 times the initial monthly fee;
2. All payments for health *spa club* services, other than the initiation fee, are collected as monthly fees on a monthly basis;
3. After an initial term of not more than ~~twelve~~ 12 months, either party may cancel the health *spa club* contract upon not more than ~~thirty~~ 30 days' notice; and
4. The monthly fee is never reduced below ~~eighty~~ 80 percent of the monthly fee at the time the contract is initially executed.

§ 59.1-301. Noncomplying contract voidable.

Any health *spa club* contract ~~which~~ that does not comply with the applicable provisions of this chapter shall be voidable at the option of the buyer.

§ 59.1-302. Fraud rendering contract void.

Any health *spa club* contract entered into by the buyer upon any false or misleading information, representation, notice, or advertisement of the health *spa club* or the health *spa's club's* agents shall be void and unenforceable.

§ 59.1-304. Notice of preservation of buyers' rights.

All health *spa club* contracts and any promissory note executed by the buyer in connection therewith shall contain the following provision on the face thereof in at least ~~ten~~ 10-point, boldface type: NOTICE

ANY HOLDER OF THIS CONTRACT OR NOTE IS SUBJECT TO ALL CLAIMS AND DEFENSES WHICH THE DEBTOR COULD ASSERT AGAINST THE SELLER OF GOODS OR SERVICES OBTAINED WITH THE PROCEEDS HEREOF. RECOVERY HEREUNDER BY THE DEBTOR SHALL NOT EXCEED AMOUNTS PAID BY THE DEBTOR HEREUNDER.

§ 59.1-305. Prohibition against assignment of health club contract cutting off buyer's right of action or defense against seller; conditions.

Whether or not the health *spa club* has complied with the notice requirements of § 59.1-304, any right of action or defense arising out of a health *spa club* contract which the buyer has against the health *spa club*, and which would be cut off by assignment, shall not be cut off by assignment of the contract to any third party holder, whether or not the holder acquires the contract in good faith and for value.

§ 59.1-306. Bond or letter of credit required; exception.

A. Every health *spa club*, before it enters into a health *spa club* contract and accepts any moneys in excess of the prorated monthly fee for the month when the contract is initially executed plus one month's fees or accepts any initiation fee in excess of \$125, shall file and maintain with the Commissioner, in form and substance satisfactory to him, a bond with corporate surety, from a company authorized to transact business in the Commonwealth or a letter of credit from a bank insured by the Federal Deposit Insurance Corporation in the amounts indicated below:

Number of applicable contracts	Amount of bond or letter of credit
0 to 250	\$10,000
251 to 500	\$20,000
501 to 750	\$30,000
751 to 1000	\$40,000
1001 to 1250	\$50,000
1251 to 1500	\$60,000
1501 to 1750	\$70,000
1751 to 2000	\$80,000
2001 or more	\$100,000

For purposes of calculating the number of applicable unexpired health *spa club* contracts when determining the required amount of bond or letter of credit, health *spa club* contracts entered into on or after January 1, 2005, with a term that exceeds 13 months shall be counted as multiple health *spa club* contracts, such that the number of applicable contracts counted with respect thereto shall equal the total of the number of full years and any partial year in its term. However, this paragraph shall not apply (i) to health *spa club* contracts that are payable only on a monthly basis and for which the initiation fee is no more than \$250; or (ii) if the number of the health *spa's club's* contracts in effect with a term that exceeds 13 months is less than 10 percent of the total of its health *spa club* contracts.

The number of applicable unexpired contracts shall be separately calculated for each facility.

A health *spa club* shall file a separate bond or letter of credit with respect to each separate facility, even though the separate facilities are owned or operated by the same health *spa club*.

However, no health *spa club* shall be required to file with the Commissioner bonds or letters of credit in excess of \$300,000. If the \$300,000 limit is applicable, then the bonds or letters of credit filed by the health *spa club* shall apply to all facilities owned or operated by the same health *spa club*.

B. A health *spa club* may sell health *spa club* contracts of up to 36 months' duration for a facility for which a health *spa club* has not filed a bond or letter of credit so long as the amount of payment actually charged, due or received under the health *spa club* contracts each month by the health *spa club* or any holder thereunder does not exceed the monthly fee calculated pursuant to the definition thereof in § 59.1-296, with the exception that the payment actually charged may include a maximum initiation fee of \$125 for health *spa club* contracts of 13 months or more in duration.

§ 59.1-307. Bond or letter of credit; persons protected.

A. The bond or letter of credit required by § 59.1-306 shall be in favor of the Commonwealth for the benefit of (i) any buyer injured by having paid money for health *spa club* services in a facility which fails to open by the date provided by the contract, which date shall not be in excess of ~~twelve~~ 12 months from the signing of the contract; (ii) any buyer injured by having paid money for health *spa club* services in a facility which goes out of business prior to the expiration of the buyer's health *spa club* contract; or (iii) any buyer injured as a result of a violation of this chapter.

B. The aggregate liability of the bond or letter of credit to all persons for all breaches of the conditions of the bond or letter of credit shall in no event exceed the amount of the bond or letter of credit. The bond or letter of credit shall not be cancelled or terminated except with the consent of the Commissioner.

§ 59.1-308. Change in ownership of health club.

For purposes of this chapter, a health *spa club* shall be considered a new health *spa club* and subject to the requirements of a bond or letter of credit at the time the health *spa club* changes ownership. Any health *spa club* which has more than ~~forty~~ 50 percent ownership by the same ~~stockholder(s) and/or partner(s) person or persons~~ shall be considered as owned by the same owner. A change in ownership shall not release, cancel, or terminate liability under any bond or letter of credit previously filed unless the Commissioner agrees in writing to such release, cancellation, or termination because the new owner has filed a new bond or letter of credit for the benefit of the previous owner's members or because the former owner has refunded all unearned payments to its members. Every change in ownership shall be reported in writing to the Commissioner at least ~~ten~~ 10 days prior to the effective date of the change in ownership.

§ 59.1-308.1. Production of records.

Every health *spa club*, upon the written request of the Commissioner, shall make available to the Commissioner its prepayment bank account records and all membership contracts for inspection and copying, to enable the Commissioner reasonably to determine compliance with this chapter. Every health *spa club* shall maintain a true copy of each health *spa club* contract executed between the health *spa club* and a buyer. Each contract shall be maintained for its term, including any renewal. Every health *spa club* shall maintain the executed health *spa club* contracts at a designated location where the contracts may be inspected by the Commissioner. If the location designated by the health *spa club* is outside Virginia, the health *spa club* shall pay the reasonable travel costs of an inspection by the Commissioner.

§ 59.1-310. Applicability.

Sections 59.1-297, 59.1-298, 59.1-299, 59.1-304, and 59.1-305 shall not apply to health *spa club* contracts entered into before the effective date of this chapter September 15, 2004.

CHAPTER 460

An Act to amend and reenact §§ 17.1-124, 17.1-225, 17.1-242, 17.1-243, 17.1-258.3, 17.1-279, and 17.1-293 of the Code of Virginia, relating to order books; automated systems; remote access to court records; electronic filing; information technology fees; posting of certain information on the Internet.

[S 435]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 17.1-124, 17.1-225, 17.1-242, 17.1-243, 17.1-258.3, 17.1-279, and 17.1-293 of the Code of Virginia are amended and reenacted as follows:

§ 17.1-124. Order books; automated systems.

Except as otherwise provided herein, each circuit court clerk shall keep order books *or, in lieu thereof, an automated system* recording all proceedings, orders and judgments of the court in all matters, all decrees, and decretal orders of such court and all matters pertaining to trusts, the appointment and qualification of trustees, committees, administrators, executors, conservators and guardians shall be recorded, except when the same are appointed by the clerk of court, in which event the order appointing such administrators or executors, shall be made and entered in the clerk's order book. In any circuit court, the clerk may, with the approval of the chief judge of the court, by order entered of record, divide the order book into two sections, to be known as the civil order book and the criminal order book. All proceedings, orders and judgments of the court in all matters at civil law shall be recorded in the civil order book, and all proceedings, orders and judgments of the court in all matters at criminal law shall be recorded in the criminal order book. In any proceeding brought

for the condemnation of property, all proceedings, orders, judgments and decrees of the court shall be recorded in the civil order book of the court. The recordation prior to January 1, 1974, of all proceedings, orders, judgments and decrees in such cases, whether entered in the common-law order book or the chancery order book of any court, is hereby declared a valid and proper recordation of the same. Orders in cases appealed from the juvenile and domestic relations district courts shall be maintained as provided in this section and, to the extent inconsistent with this section, § 16.1-302.

The clerk shall ensure that these order books have been microfilmed or converted to or created in an electronic format. Such microfilm and microphotographic processes and equipment shall meet state microfilm standards, and such electronic format shall follow state electronic records guidelines, pursuant to § 42.1-82. The clerk shall further provide the master reel of any such microfilm for storage in the Library of Virginia and shall provide for the secured, off-site back up of any electronic copies of such records.

§ 17.1-225. Remote access to nonconfidential court records.

The clerk of the circuit court of any county or city may provide remote access, including Internet access, to all nonconfidential court records *on an automated case management or other system* maintained by his office and described in § 17.1-242. The clerk shall be responsible for insuring that proper security measures are implemented and maintained to prevent remote access users from obtaining any data that are confidential under this Code and to prevent the modification or destruction of any records by remote access users. For purposes of this section, remote access users are those individuals who are not employees of the clerk's office. Secure remote access to land records shall be governed by § 17.1-294.

§ 17.1-242. Custody of books, records, etc.

The circuit court clerks shall have custody of and shall keep all *court records, including books, evidence, records, maps, and papers, deposited in their offices or at such location otherwise designated by the clerk*, as well as records stored in electronic format whether the storage media for such electronic records are on premises or elsewhere.

§ 17.1-243. Clerks to have land books bound.

~~The circuit courts~~ *Except those clerks using an automated system, clerks* shall bind, in volumes of convenient size, all books in their respective clerks' offices not currently bound showing the assessments of lands since the year 1850, and shall bind in like volumes such books hereafter filed in their clerks' offices at intervals of not more than five years.

§ 17.1-258.3. Electronic filing in civil or criminal proceedings.

Any clerk of circuit court may establish and operate a system for electronic filing in civil or criminal proceedings that shall be governed by the Rules of the Supreme Court of Virginia. The circuit court clerk may require each person whom the clerk authorizes to file documents electronically to provide proof of identity to the clerk and to enter into an agreement specifying the electronic filing procedures to be followed, including, but not limited to, security procedures, as defined in the Uniform Electronic Transactions Act (§ 59.1-479 et seq.), for transmitting signed or notarized documents. The clerk may charge copy fees per page, as provided in subdivision A 8 of § 17.1-275, and obtain reimbursement for fees paid by subscribers to its designated application service providers for the technology systems used to operate electronic filing in civil and criminal cases in the clerk's office. The fees and reimbursements collected shall be deposited by the clerk into the clerk's nonreverting local fund to be used to cover operational expenses as defined in § 17.1-295. Nothing herein shall be construed to prevent the clerk from entering into agreements with designated application service providers to provide all or part of the network or system for electronic filing of civil or criminal records as provided herein. Further, nothing herein shall be construed to require the electronic filing of any civil or criminal record, and such records may continue to be filed in paper form.

Any clerk of circuit court with an electronic filing system established in accordance with the Rules of the Supreme Court of Virginia may charge an additional \$2 fee for every civil case initially filed by paper, except that a person who is determined to be indigent pursuant to § 19.2-159 shall be exempt from the payment of such fee. The fee shall be paid to the clerk's office and deposited by the clerk into the clerk's nonreverting local fund to be exclusively used to cover the operational expenses ~~of the electronic filing system~~ *as defined in § 17.1-295.*

§ 17.1-279. Additional fee to be assessed by circuit court clerks for information technology.

A. In addition to the fees otherwise authorized by this chapter, the clerk of each circuit court shall assess a \$5 fee, known as the "Technology Trust Fund Fee," in each civil action, upon each instrument to be recorded in the deed books, and upon each judgment to be docketed in the judgment lien docket book. Such fee shall be deposited by the State Treasurer into a trust fund. The State Treasurer shall maintain a record of such deposits.

B. Four dollars of every \$5 fee shall be allocated by the Compensation Board from the trust fund for the purposes of: (i) developing and updating individual land records automation plans for individual circuit court clerks' offices; (ii) implementing automation plans to modernize land records in individual circuit court clerks' offices and provide secure remote access to land records throughout the Commonwealth pursuant to § 17.1-294; (iii) obtaining and updating office automation and information technology equipment including software and conversion services; (iv) preserving, maintaining and enhancing court records, including, but not limited to, the costs of repairs, maintenance, land records, consulting services, service contracts, redaction of social security numbers from land records, and system replacements or upgrades; and (v) improving public access to court records. The Compensation Board in consultation with circuit court clerks and other users of court records shall develop and update policies governing the allocation of funds for these purposes. However, such funds shall not be used for personnel costs within the circuit court clerks' offices. The Compensation Board policies governing the allocation of funds shall require that a clerk submit to the Compensation Board a written certification

that the clerk's proposed technology improvements of his land records will provide secure remote access to those land records on or before July 1, 2008.

The annual budget submitted by each circuit court clerk pursuant to § 15.2-1636.7 may include a request for technology improvements in the upcoming fiscal year to be allocated by the Compensation Board from the trust fund. Such request shall not exceed the deposits into the trust fund credited to that locality. The Compensation Board shall allocate the funds requested by the clerks in an amount not to exceed the deposits into the trust fund credited to their respective localities.

C. The remaining \$1 of each such fee may be allocated by the Compensation Board from the trust fund (i) for the purposes of funding studies to develop and update individual land-records automation plans for individual circuit court clerks' offices, at the request of and in consultation with the individual circuit court clerk's offices, and (ii) for the purposes enumerated in subsection B to implement the plan to modernize land records in individual circuit court clerks' offices and provide secure remote access to land records throughout the Commonwealth. The allocations pursuant to this subsection may give priority to those individual clerks' offices whose deposits into the trust fund would not be sufficient to implement its modernization plan. The Compensation Board policies governing the allocation of funds shall require that a clerk submit to the Compensation Board a written certification that the clerk's proposed technology improvements of his land records will provide secure remote access to those land records on or before July 1, 2008.

D. 1. Secure remote access to land records shall be by paid subscription service through individual circuit court clerk's offices pursuant to § 17.1-276, or through designated application service providers. The clerk may require any entity that is a nonresident of the Commonwealth, prior to becoming a subscriber, to demonstrate that such entity is authorized to do business in Virginia and is in good standing with the State Corporation Commission or other applicable state or federal regulatory agency and that such entity will comply with the secure remote access standards developed by the Virginia Information Technologies Agency pursuant to § 17.1-294. In the case of an individual, the clerk may require a person who is a nonresident of the Commonwealth to demonstrate that such person has a legal presence in Virginia and will comply with the secure remote access standards developed by the Virginia Information Technologies Agency pursuant to § 17.1-294. Compliance with secure remote access standards developed by the Virginia Information Technologies Agency pursuant to § 17.1-294 shall be certified by the individual circuit court clerks' offices to the Compensation Board. The individual circuit court clerk's office or its designated application service provider shall certify compliance with such secure remote access standards. *Nothing in this section shall prohibit the clerk from entering into a subscriber agreement with an agency of the Commonwealth and delegating the responsibility for compliance with such secure remote access standards to such agency.* Nothing in this section shall prohibit the Compensation Board from allocating trust fund money to individual circuit court clerks' offices for the purpose of complying with such secure remote access standards or redaction of social security numbers from land records.

2. Every circuit court clerk shall provide secure remote access to land records pursuant to § 17.1-294 on or before July 1, 2008.

E. Such fee shall not be assessed to any instrument to be recorded in the deed books nor any judgment to be docketed in the judgment lien docket books tendered by any federal, state or local government.

F. If such an application includes automation or technology improvements that would require an interface with the case management system or the financial management system operated and maintained by the Executive Secretary of the Supreme Court for the purpose of providing electronic information to state agencies in accordance with § 17.1-502, the circuit court clerk, or the court's designated application service provider, shall certify to the Compensation Board that such automation or technology improvements will comply with the security and data standards of the systems operated and maintained by the Executive Secretary of the Supreme Court.

G. Information regarding the technology programs adopted by the circuit court clerks shall be shared with the Virginia Information Technologies Agency, The Library of Virginia, and the Office of the Executive Secretary of the Supreme Court.

H. Nothing in this section shall be construed to diminish the duty of local governing bodies to furnish supplies and equipment to the clerks of the circuit courts pursuant to § 15.2-1656. Revenue raised as a result of this section shall in no way supplant current funding to circuit court clerks' offices by local governing bodies.

I. Effective July 1, 2006, except for transfers pursuant to this section, there shall be no transfers out of the Technology Trust Fund, including transfers to the general fund.

§ 17.1-293. Posting and availability of certain information on the Internet; prohibitions.

A. Notwithstanding Chapter 37 (§ 2.2-3700 et seq.) of Title 2.2 or subsection B, it shall be unlawful for any court clerk to disclose the social security number or other identification numbers appearing on driver's licenses or information on credit cards, debit cards, bank accounts, or other electronic billing and payment systems that was supplied to a court clerk for the purpose of paying fees, fines, taxes, or other charges collected by such court clerk. The prohibition shall not apply where disclosure of such information is required (i) to conduct or complete the transaction for which such information was submitted or (ii) by other law or court order.

B. Beginning January 1, 2004, no court clerk shall post on the Internet any document that contains the following information: (i) an actual signature, (ii) a social security number, (iii) a date of birth identified with a particular person, (iv) the maiden name of a person's parent so as to be identified with a particular person, (v) any financial account number or numbers, or (vi) the name and age of any minor child.

C. Each such clerk shall post notice that includes a list of the documents routinely posted on its website. However, the clerk shall not post information on his website that includes private activity for private financial gain.

D. Nothing in this section shall be construed to prohibit access to any original document as provided by law.

E. This section shall not apply to the following:

1. Providing access to any document among the land records via secure remote access pursuant to § 17.1-294;
2. Postings related to legitimate law-enforcement purposes;
3. Postings of historical, genealogical, interpretive, or educational documents and information about historic persons and events;
4. Postings of instruments and records filed or recorded ~~prior to 1907~~ *that are more than 100 years old*;
5. Providing secure remote access to any person, his counsel, or staff which counsel directly supervises to documents filed in matters to which such person is a party;
6. Providing official certificates and certified records in digital form of any document maintained by the clerk pursuant to § 17.1-258.3:2; and
7. Providing secure remote access to nonconfidential court records, subject to any fees charged by the clerk, to members in good standing with the Virginia State Bar and their authorized agents, pro hac vice attorneys authorized by the court for purposes of the practice of law, and such governmental agencies as authorized by the clerk.

F. Nothing in this section shall prohibit the Supreme Court or any other court clerk from providing online access to a case management system that may include abstracts of case filings and proceedings in the courts of the Commonwealth.

G. The court clerk shall be immune from suit arising from any acts or omissions relating to providing remote access on the Internet pursuant to this section unless the clerk was grossly negligent or engaged in willful misconduct.

This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law, or to affect any cause of action accruing prior to July 1, 2005.

H. Nothing in this section shall be construed to permit any data accessed by secure remote access to be sold or posted on any other website or in any way redistributed to any third party, and the clerk, in his discretion, may deny secure remote access to ensure compliance with these provisions. However, the data accessed by secure remote access may be included in products or services provided to a third party of the subscriber provided that (i) such data is not made available to the general public and (ii) the subscriber maintains administrative, technical, and security safeguards to protect the confidentiality, integrity, and limited availability of the data.

CHAPTER 461

An Act to amend and reenact §§ 3.2-6581 and 3.2-6582 of the Code of Virginia, relating to hybrid canines.

[S 444]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6581 and 3.2-6582 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-6581. Definitions.

As used in this article:

"Adequate confinement" means that, while on the property of its owner and not under the direct supervision and control of the owner or custodian, a hybrid canine shall be confined in a humane manner in a securely enclosed and locked structure of sufficient height and design to: (i) prevent the animal's escape; or if the hybrid canine is determined to be a dangerous dog pursuant to § 3.2-6540, the structure shall prevent direct contact with any person or animal not authorized by the owner to be in direct contact with the hybrid canine; and (ii) provide a minimum of 100 square feet of floor space for each adult animal. Tethering of a hybrid canine not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement.

"Hybrid canine" means any animal that *is or can be demonstrated to be a hybrid of the domestic dog and any other species of the Canidae family; that at any time has been permitted, registered, licensed, or advertised as such; or that at any time has been or is permitted, registered, licensed, advertised or otherwise described, represented, or represented as a hybrid canine, wolf or coyote reported as such* by its owner to a licensed veterinarian, law-enforcement officer, animal control officer, humane investigator, official of the Department of Health, or State Veterinarian's representative.

"Responsible ownership" means the ownership and humane care of a hybrid canine in such a manner as to comply with all laws and ordinances regarding hybrid canines and prevent endangerment by the animal to public health and safety.

§ 3.2-6582. Hybrid canine ordinance; penalty.

A. Any locality may, by ordinance, establish a permit system to ensure the adequate confinement and responsible ownership of hybrid canines. Such ordinance may include requirements pertaining to: (i) the term and expiration date of the permit; (ii) the number of hybrid canines that may be owned by a permittee; (iii) identification tags or tattooing of the animal; (iv) where the animal may be kept; (v) handling of the animal while not on the property of the owner; and (vi) information required to be provided when applying for a permit, such as the sex, color, height, vaccination records, length, or identifying marks of the hybrid canine. The ordinance shall not require that hybrid canines be disposed of by the owner unless the owner fails to obtain or renew any required permit or violates a provision of the ordinance or any other law

pertaining to the responsible ownership of the hybrid canine. The locality may impose a permit fee to cover the cost of the permitting system.

B. Violation of an ordinance enacted pursuant to ~~this section~~ *subsection A* is a Class 3 misdemeanor for the first violation and a Class 1 misdemeanor for any subsequent violation. The ordinance may require a violator to surrender the hybrid canine for euthanasia in accordance with § 3.2-6562.

C. The provisions of ~~this section~~ *subsections A and B* shall not affect any ordinance adopted prior to July 1, 1997.

D. *Any locality may, by ordinance, prohibit the keeping of hybrid canines.*

CHAPTER 462

An Act to amend and reenact § 8.01-465.23 of the Code of Virginia, to amend the Code of Virginia by adding in Chapter 17.2 of Title 8.01 sections numbered 8.01-465.13:1 through 8.01-465.13:11, and to repeal §§ 8.01-465.6 through 8.01-465.13 of the Code of Virginia, relating to the Uniform Foreign-Country Money Judgments Recognition Act.

[S 473]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-465.23 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 17.2 of Title 8.01 sections numbered 8.01-465.13:1 through 8.01-465.13:11 as follows:

CHAPTER 17.2.

UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT.

§ 8.01-465.13:1. Definitions.

As used in this chapter:

"Foreign country" means a government other than any of the following: the United States; a state, district, commonwealth, territory, or insular possession of the United States; or a government with regard to which the decision in the Commonwealth as to whether to recognize a judgment of that government's courts is initially subject to determination under the Full Faith and Credit Clause of the United States Constitution.

"Foreign-country judgment" means a judgment of a court of a foreign country.

§ 8.01-465.13:2. Applicability.

A. Except as otherwise provided in subsection B, this chapter applies to a foreign-country judgment to the extent that the judgment:

1. Grants or denies recovery of a sum of money; and
2. Under the law of the foreign country where rendered, is final, conclusive, and enforceable.

B. This chapter does not apply to a foreign-country judgment, even if the judgment grants or denies recovery of a sum of money, to the extent that the judgment is:

1. A judgment for taxes;
2. A fine or other penalty; or
3. A judgment for divorce, support, or maintenance, or other judgment rendered in connection with domestic relations.

C. A party seeking recognition of a foreign-country judgment has the burden of establishing that this chapter applies to the foreign-country judgment.

§ 8.01-465.13:3. Standards for recognition of foreign-country judgment.

A. Except as otherwise provided in subsections B and C, a court of the Commonwealth shall recognize a foreign-country judgment to which this chapter applies.

B. A court of the Commonwealth shall not recognize a foreign-country judgment if:

1. The judgment was rendered under a judicial system that does not provide impartial tribunals or procedures compatible with the requirements of due process of law;

2. The foreign court did not have personal jurisdiction over the defendant; or

3. The foreign court did not have jurisdiction over the subject matter.

C. A court of the Commonwealth need not recognize a foreign-country judgment if:

1. The defendant in the proceeding in the foreign court did not receive notice of the proceeding in sufficient time to enable the defendant to defend;

2. The judgment was obtained by fraud that deprived the losing party of an adequate opportunity to present its case;

3. The judgment or the cause of action on which the judgment is based is repugnant to the public policy of the Commonwealth or of the United States;

4. The judgment conflicts with another final and conclusive judgment;

5. The proceeding in the foreign court was contrary to an agreement between the parties under which the dispute in question was to be determined otherwise than by proceedings in that foreign court;

6. In the case of jurisdiction based only on personal service, the foreign court was a seriously inconvenient forum for the trial of the action;

7. The judgment was rendered in circumstances that raise substantial doubt about the integrity of the rendering court with respect to the judgment; or

8. The specific proceeding in the foreign court leading to the judgment was not compatible with the requirements of due process of law.

D. A party resisting recognition of a foreign-country judgment has the burden of establishing that a ground for nonrecognition stated in subsection B or C exists.

§ 8.01-465.13:4. Personal jurisdiction.

A. A foreign-country judgment may not be refused recognition for lack of personal jurisdiction if:

1. The defendant was served with process personally in the foreign country;

2. The defendant voluntarily appeared in the proceeding, other than for the purpose of protecting property seized or threatened with seizure in the proceeding or of contesting the jurisdiction of the court over the defendant;

3. The defendant, before the commencement of the proceeding, had agreed to submit to the jurisdiction of the foreign court with respect to the subject matter involved;

4. The defendant was domiciled in the foreign country when the proceeding was instituted or was a corporation or other form of business organization that had its principal place of business in, or was organized under the laws of, the foreign country;

5. The defendant had a business office in the foreign country and the proceeding in the foreign court involved a cause of action arising out of business done by the defendant through that office in the foreign country; or

6. The defendant operated a motor vehicle or airplane in the foreign country and the proceeding involved a cause of action arising out of that operation.

B. The list of bases for personal jurisdiction in subsection A is not exclusive. The courts of the Commonwealth may recognize bases of personal jurisdiction other than those listed in subsection A as sufficient to support a foreign-country judgment.

§ 8.01-465.13:5. Procedure for recognition of foreign-country judgment.

A. If recognition of a foreign-country judgment is sought as an original matter, the issue of recognition shall be raised by filing an action seeking recognition of the foreign-country judgment.

B. If recognition of a foreign-country judgment is sought in a pending action, the issue of recognition may be raised by counterclaim, cross-claim, or affirmative defense.

§ 8.01-465.13:6. Effect of recognition of foreign-country judgment.

If the court in a proceeding under § 8.01-465.13:5 finds that the foreign-country judgment is entitled to recognition under this chapter then, to the extent that the foreign-country judgment grants or denies recovery of a sum of money, the foreign-country judgment is:

1. Conclusive between the parties to the same extent as the judgment of a sister state entitled to full faith and credit in the Commonwealth would be conclusive; and

2. Enforceable in the same manner and to the same extent as a judgment rendered in the Commonwealth.

§ 8.01-465.13:7. Stay of proceedings pending appeal of foreign-country judgment.

If a party establishes that an appeal from a foreign-country judgment is pending or will be taken, the court may stay any proceedings with regard to the foreign-country judgment until the appeal is concluded, the time for appeal expires, or the appellant has had sufficient time to prosecute the appeal and has failed to do so.

§ 8.01-465.13:8. Statute of limitations.

An action to recognize a foreign-country judgment must be commenced within the earlier of the time during which the foreign-country judgment is effective in the foreign country or 15 years from the date that the foreign-country judgment became effective in the foreign country.

§ 8.01-465.13:9. Uniformity of interpretation.

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

§ 8.01-465.13:10. Saving clause.

This chapter does not prevent the recognition under principles of comity or otherwise of a foreign-country judgment not within the scope of this chapter.

§ 8.01-465.13:11. Effective date.

This chapter applies to all actions commenced on or after July 1, 2014, in which the issue of recognition of a foreign-country judgment is raised.

§ 8.01-465.23. Enforcement of foreign judgments.

If an action is brought to enforce a judgment of another jurisdiction expressed in a foreign money and the judgment is enforceable in the Commonwealth, the enforcing judgment must be entered as provided in § 8.01-465.20, whether or not the foreign judgment confers an option to pay in an equivalent amount of United States dollars.

A foreign judgment may be filed in accordance with Chapter 17.1 (§ 8.01-465.1 et seq.) ~~and~~ or Chapter 17.2 (§ ~~8.01-465.6~~ 8.01-465.13:1 et seq.) ~~of this title.~~

A satisfaction or partial payment made upon the foreign judgment, on proof thereof, must be credited against the amount of foreign money specified in the judgment, notwithstanding the entry of judgment in the Commonwealth.

A judgment entered on a foreign-money claim only in United States dollars in another state shall be enforced in United States dollars only.

2. That §§ 8.01-465.6 through 8.01-465.13 of the Code of Virginia are repealed.

CHAPTER 463

An Act to amend and reenact § 58.1-1017.1 of the Code of Virginia, relating to illegal distribution of tax-paid contraband cigarettes; civil penalties.

[S 478]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-1017.1 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-1017.1. Possession with intent to distribute tax-paid, contraband cigarettes; penalty.

Any person other than an authorized holder who possesses, with intent to distribute, more than 5,000 (25 cartons) but fewer than 100,000 (500 cartons) tax-paid cigarettes is guilty of a Class 1 misdemeanor for a first offense and is guilty of a Class 6 felony for any second or subsequent offense. Any person other than an authorized holder who possesses, with intent to distribute, 100,000 (500 cartons) or more tax-paid cigarettes is guilty of a Class 6 felony for a first offense and is guilty of a Class 5 felony for a second or subsequent offense. Additionally, any person who violates the provisions of this section shall be assessed a civil penalty of (i) \$2.50 per pack, but no ~~more~~ less than \$5,000, for a first offense; (ii) \$5 per pack, but no ~~more~~ less than \$10,000, for a second such offense committed within a 36-month period; and (iii) \$10 per pack, but no ~~more~~ less than \$50,000, for a third or subsequent such offense committed within a 36-month period. The civil penalties shall be assessed and collected by the Department as other taxes are collected.

CHAPTER 464

An Act to amend and reenact §§ 2.2-435.8, 2.2-1605, 2.2-1611, 2.2-1615, 2.2-2237, and 59.1-284.22 of the Code of Virginia, to amend the Code of Virginia by adding sections numbered 2.2-2240.3 through 2.2-2240.6, and to repeal §§ 2.2-1612, 2.2-1613, and 2.2-1614 of the Code of Virginia, relating to the administration of the Virginia Jobs Investment Program.

[S 492]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-435.8, 2.2-1605, 2.2-1611, 2.2-1615, 2.2-2237, and 59.1-284.22 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 2.2-2240.3 through 2.2-2240.6 as follows:

§ 2.2-435.8. Workforce program evaluations; sharing of certain data.

A. Notwithstanding any provision of law to the contrary, the agencies specified in subsection D may share data from within their respective databases solely to (i) provide the workforce program evaluation and policy analysis required by subdivision A 8 of § 2.2-435.7 and clause (i) of subdivision A 10 of § 2.2-435.7 and (ii) conduct education program evaluations that require employment outcomes data to meet state and federal reporting requirements.

B. Data shared pursuant to subsection A shall not include any personal identifying information, shall be encrypted, and shall be transmitted to the Governor or his designee. Upon receipt of such data, the Governor or his designee shall re-encrypt the data to prevent any participating agency from connecting shared data sets with existing agency files. For the purposes of this section:

1. "Identifying information" means the same as that term is defined in § 18.2-186.3, and

2. "Encrypted" means the same as that term is defined in § 18.2-186.6.

C. The Governor or his designee and all agencies authorized under this section shall destroy or erase all shared data upon completion of all required evaluations and analyses. The Governor or his designee may retain a third-party entity to assist with the evaluation and analysis.

D. The databases from the following agencies relating to the specific programs identified in this subsection may be shared solely to achieve the purposes specified in subsection A:

1. Virginia Employment Commission: Unemployment Insurance, Job Service, Trade Act, and Veterans Employment Training Programs;

2. Virginia Community College System: Postsecondary Career and Technical Education, Workforce Investment Act Adult, Youth and Dislocated Worker Programs;

3. Department for Aging and Rehabilitative Services: Vocational Rehabilitation and Senior Community Services Employment Program;

4. Department for the Blind and Vision Impaired: Vocational Rehabilitation;

5. Department of Education: Adult Education and Family Literacy, Special Education, and Career and Technical Education;
6. Department of Labor and Industry: Apprenticeship;
7. Department of Social Services: Supplemental Nutrition Assistance Program and Virginia Initiative for Employment Not Welfare;
8. ~~Department of Small Business and Supplier Diversity~~ *Virginia Economic Development Partnership*: Virginia Jobs Investment Program;
9. Department of Juvenile Justice: Youth Industries and Institutional Work Programs and Career and Technical Education Programs;
10. Department of Corrections: Career and Technical Education Programs; and
11. The State Council of Higher Education for Virginia.

§ 2.2-1605. Powers and duties of Department.

A. The Department shall have the following powers and duties:

1. Coordinate as consistent with prevailing law the plans, programs, and operations of the state government that affect or may contribute to the establishment, preservation, and strengthening of small, women-owned, and minority-owned businesses;

2. Promote the mobilization of activities and resources of state and local governments, businesses and trade associations, universities, foundations, professional organizations, and volunteer and other groups towards the growth of small businesses and businesses owned by women and minorities, and facilitate the coordination of the efforts of these groups with those of state departments and agencies;

3. Establish a center for the development, collection, summarization, and dissemination of information that will be helpful to persons and organizations throughout the nation in undertaking or promoting procurement from small, women-owned, and minority-owned businesses;

4. Consistent with prevailing law and availability of funds, and according to the Director's discretion, provide technical and management assistance to small, women-owned, and minority-owned businesses and defray all or part of the costs of pilot or demonstration projects that are designed to overcome the special problems of small, women-owned, and minority-owned businesses;

5. Manage the Capital Access Fund for Disadvantaged Businesses created pursuant to § 2.2-2311 and, in cooperation with the Small Business Financing Authority, determine the qualifications, terms, and conditions for the use of such Fund; and

6. Implement any remediation or enhancement measure for small, women-owned, or minority-owned businesses as may be authorized by the Governor pursuant to subsection C of § 2.2-4310 and develop regulations, consistent with prevailing law, for program implementation. Such regulations shall be developed in consultation with the state agencies with procurement responsibility and promulgated by those agencies in accordance with applicable law.

B. In addition, the Department shall serve as the liaison between the Commonwealth's existing businesses and state government in order to promote the development of Virginia's economy. To that end, the Department shall:

1. ~~Provide for~~ *Encourage* the training or retraining of individuals for specific employment opportunities at new or expanding business facilities in the Commonwealth;

2. Develop and implement programs to assist small businesses in the Commonwealth in order to promote their growth and the creation and retention of jobs for Virginians;

3. Establish an industry program that is the principal point of communication between basic employers in the Commonwealth and the state government that will address issues of significance to business;

4. Make available to existing businesses, in conjunction and cooperation with localities, chambers of commerce, and other public and private groups, basic information and pertinent factors of interest and concern to such businesses;

5. Develop statistical reports on job creation and the general economic conditions in the Commonwealth; and

6. Administer ~~any programs established under the Virginia Jobs Investment Program~~ *the Small Business Jobs Grant Fund Program and the Small Business Investment Grant Fund* described in Article 2 (§ 2.2-1611 et seq.) ~~of this chapter.~~

C. All agencies of the Commonwealth shall assist the Department upon request and furnish such information and assistance as the Department may require in the discharge of its duties.

Article 2.

~~Virginia Small Business Jobs Investment Program~~ *Grant Fund Program and Small Business Investment Grant Fund.*

§ 2.2-1611. Small Business Jobs Grant Fund Program; composition; general qualifications.

A. ~~As used in this article, unless the context requires a different meaning:~~

~~"Capital investment" means an investment in real property, personal property, or both, at a manufacturing or basic nonmanufacturing facility within the Commonwealth that is or may be capitalized by the company and that establishes or increases the productivity of the manufacturing facility, results in the utilization of a more advanced technology than is in use immediately prior to such investment, or both.~~

~~"Full-time employee" means a natural person employed for indefinite duration in a position requiring a minimum of either (i) 35 hours of the employee's time per week for the entire normal year, which "normal year" shall consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary employees shall not qualify as new full-time employees under this article.~~

~~B.~~ There is hereby created the ~~Virginia Jobs Investment~~ *Small Business Jobs Grant Fund* Program (the Program) to support private sector job creation by encouraging the expansion of existing Virginia businesses and the start-up of new business operations in Virginia. ~~The Program shall support existing businesses and economic development prospects by offering funding to offset recruiting and training and retraining costs incurred by companies that are either creating new jobs or implementing technological upgrades and by providing assistance with workforce-related challenges and organizational development workshops.~~

~~C.~~ The Program shall consist of the following component programs:

- ~~1.~~ The Virginia New Jobs Program;
- ~~2.~~ The Workforce Retraining Program;
- ~~3.~~ The Small Business New Jobs and Retraining Programs; and
- ~~4.~~ The Small Business Jobs Grant Fund Program.

~~D. B.~~ To be eligible for assistance under any of the component programs of the Program, a company shall:

1. Create or sustain employment for the Commonwealth in a basic sector industry or function, which would include businesses or functions that directly or indirectly derive more than 50 percent of their revenues from out-of-state sources, as determined by the Department;

2. Pay a minimum entry-level wage rate per hour of at least 1.35 times the federal minimum wage. In areas that have an unemployment rate of one and one-half times the statewide average unemployment rate, the wage rate minimum may be waived by the Department. Only full-time positions that qualify for benefits shall be eligible for assistance;

3. Submit copies of employer quarterly payroll reports provided by the company to the Virginia Employment Commission to verify the employment status of each position that has been included in a grant awarded under a component program; and

4. Meet such additional criteria as may be set forth by the Department.

~~E.~~ There is hereby established in the state treasury a special nonreverting fund to be known as the ~~Virginia Jobs Investment Program Fund~~. The Fund shall consist of any moneys appropriated thereto by the General Assembly from time to time and designated for the Fund. Any moneys deposited to or remaining in the Fund during or at the end of each fiscal year or biennium, including interest thereon, shall not revert to the general fund but shall remain in the Fund and be available for allocation under this article in ensuing fiscal years. Moneys in the Fund shall be used solely for grants to eligible businesses as provided in this article, except for assistance under the Small Business Jobs Grant Fund Program. The total amount of funds provided to eligible businesses under this article for any year, except for assistance under the Small Business Jobs Grant Fund Program, shall not exceed the amount appropriated by the General Assembly to the Fund for such year plus any carryover from previous years. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director or his designee. The Fund shall be administered by the Director.

§ 2.2-1615. Small Business Jobs Grant Fund Program.

A. As used in this section:

"Base year" means the calendar year immediately preceding the 24-month period in which a small business creates new full-time positions making it eligible for grants under this section.

"Capital investment" means an investment in real property, personal property, or both, at a manufacturing or basic nonmanufacturing facility within the Commonwealth that is or may be capitalized by the company and that establishes or increases the productivity of the manufacturing facility, results in the utilization of a more advanced technology than is in use immediately prior to such investment, or both.

"New full-time position" means employment of a resident of the Commonwealth for an indefinite duration in the Commonwealth at a small business requiring (i) a minimum of 35 hours of an employee's time per week for the entire normal year of the small business's operation, which "normal year" shall consist of at least 48 weeks, or (ii) a minimum of 1,680 hours per year. Seasonal, temporary, or contract positions or positions created when a job function is shifted from an existing location in the Commonwealth shall not qualify as a new full-time position.

"Small business" means an independently owned and operated business that has been organized pursuant to Virginia law or maintains a principal place of business in Virginia and has 250 or fewer employees in its base year.

~~B.~~ The Department shall develop as a component of the ~~Virginia Jobs Investment Program~~ the Small Business Jobs Grant Fund Program to assist Virginia small businesses job creation.

~~C.~~ In addition to the requirements of subsection ~~D B~~ of § 2.2-1611 regarding company eligibility, to be eligible for assistance under the Program a company shall (i) create a minimum of five net new full-time positions and (ii) make a new capital investment of at least \$100,000.

The Secretary of Commerce and Trade may waive these requirements, but shall promptly provide written notice of any such waiver to the Chairmen of the Senate Finance and House Appropriations Committees, which notice shall include a justification for any waiver of these requirements.

~~D.~~ There is hereby created in the state treasury a permanent nonreverting fund to be known as the Small Business Jobs Grant Fund (the Fund). The Fund shall consist of (i) transfers from the Virginia Jobs Investment Program funded in the general appropriation act currently in effect and (ii) any other moneys designated for deposit to the Fund from any source, public or private. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall

remain in the Fund. The Fund shall be managed and administered as a part of the Virginia Jobs Investment Program established within the Department.

E. Moneys in the Fund shall be used solely for the purpose of providing grants to small businesses that create at least five new full-time positions within any 24-month period. A small business meeting the conditions of this section shall be eligible to receive a grant from the Fund ranging from \$500 to \$2,000 per each new full-time position that has been created based on criteria established by the Department pursuant to subsection G.

In awarding grants, priority shall be given to small businesses creating new full-time positions in areas with an annual average unemployment rate of more than 125 percent of the statewide average unemployment rate.

F. Grant payments under this section shall be conditional upon the small business substantially retaining (i) the number of full-time positions in its base year plus (ii) the number of new full-time positions for which grants are to be paid. In no case shall the retention period, as determined by the Department, for any new full-time position for which a grant is to be paid be less than 12 months.

No grant shall be awarded or paid for any new full-time position created prior to July 1, 2010. No grant shall be awarded or paid for any new full-time position created solely as a result of a merger, acquisition, or similar business combination or a change in business form unless such new full-time position is moved into the Commonwealth from outside of the Commonwealth.

G. The Department shall establish criteria for determining the amount of the grant to be awarded for each eligible new full-time position created by a small business that will be based on the level of education, training, and experience required for the job. Such criteria shall also (i) prohibit a small business from receiving more than one grant under this section for the same position and (ii) require the employee to be employed in the new full-time position for at least 90 days prior to the award of the grant.

H. The Department shall determine the qualifications, terms, and conditions for the use of the Fund and the accounts thereof. In connection with applications for claims made against the Fund, the Department may require the production of any document, instrument, certificate, or legal opinion or any other information it deems necessary or convenient. All claims made against the Fund shall be approved by the Department.

§ 2.2-2237. Powers of Authority.

The Authority is granted all powers necessary or convenient for the carrying out of its statutory purposes, including, but not limited to, the power to:

1. Sue and be sued, implead and be impleaded, complain and defend in all courts;
2. Adopt, use, and alter at will a common seal;
3. Acquire, purchase, hold, use, lease or otherwise dispose of any property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Authority, and to lease as lessee, any property, real, personal or mixed, tangible or intangible, or any interest therein, at such annual rental and on such terms and conditions as may be determined by the Board and to lease as lessor to any person, any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority, whether wholly or partially completed, at such annual rental and on such terms and conditions as may be determined by the Board and to sell, transfer or convey any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired or held by the Authority on such terms and conditions as may be determined by the Board, provided that the terms of any conveyance or lease of real property shall be subject to the prior written approval of the Governor;

4. Fix, alter, charge and collect rates, rentals, fees, and other charges for the use of property of, the sale of products of, or services rendered by the Authority at rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority;

5. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties, the furtherance of its purposes, and the execution of its powers under this article, including agreements with any person or federal agency;

6. Employ, at its discretion, consultants, researchers, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers and such other employees and agents as may be necessary, and to fix their compensation to be payable from funds made available to the Authority. The Authority may hire employees within and without the Commonwealth and the United States without regard to whether such employees are citizens of the Commonwealth. Legal services for the Authority shall be provided by the Attorney General in accordance with Chapter 5 (§ 2.2-500 et seq.) of this title;

7. Receive and accept from any federal or private agency, foundation, corporation, association or person, grants or other aid to be expended in accomplishing the objectives of the Authority, and receive and accept from the Commonwealth or any state, and any municipality, county or other political subdivision thereof or from any other source, aid or contributions of either money, property, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made. All federal moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the United States and as are consistent with state law; and all state moneys accepted under this section shall be expended by the Authority upon such terms and conditions as are prescribed by the Commonwealth;

8. Render advice and assistance and to provide services to state agencies, local and regional economic development entities, private firms, and other persons providing services or facilities for economic development in Virginia;

9. Develop, undertake, and provide programs, alone or in conjunction with any person, for economic research, industrial development research, and all other research that might lead to improvements in economic development in Virginia;

10. Adopt, alter, and repeal bylaws, rules, and regulations governing the manner in which its business shall be transacted and the manner in which the powers of the Authority shall be exercised and its duties performed; ~~and~~

11. Do all acts and things necessary or convenient to carry out the powers granted to it by law, and perform any act or carry out any function not inconsistent with state law that may be useful in carrying out the provisions of this article; and

12. Administer any program established under the Virginia Jobs Investment Program described in § 2.2-2240.3.

§ 2.2-2240.3. Definitions; Virginia Jobs Investment Program and Fund; composition; general qualifications.

A. As used in this section and §§ 2.2-2240.4, 2.2-2240.5, and 2.2-2240.6, unless the context requires a different meaning:

"Capital investment" means an investment in real property, personal property, or both, at a manufacturing or basic nonmanufacturing facility within the Commonwealth that is or may be capitalized by the company and that establishes or increases the productivity of the manufacturing facility, results in the utilization of a more advanced technology than is in use immediately prior to such investment, or both.

"Full-time employee" means a natural person employed for indefinite duration in a position requiring a minimum of either (i) 35 hours of the employee's time per week for the entire normal year, which "normal year" shall consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary employees shall not qualify as new full-time employees under the Program.

"Fund" means the Virginia Jobs Investment Program Fund created in this section.

"Program" means the Virginia Jobs Investment Program created in this section.

B. There is hereby created the Virginia Jobs Investment Program to support private sector job creation by encouraging the expansion of existing Virginia businesses and the start-up of new business operations in Virginia. The Program shall support existing businesses and economic development prospects by offering funding to offset recruiting and training and retraining costs incurred by companies that are either creating new jobs or implementing technological upgrades and by providing assistance with workforce-related challenges and organizational development workshops.

C. The Program shall consist of the following component programs:

1. The Virginia New Jobs Program;
2. The Workforce Retraining Program; and
3. The Small Business New Jobs and Retraining Programs.

D. To be eligible for assistance under any of the component programs of the Program, a company shall:

1. Create or sustain employment for the Commonwealth in a basic sector industry or function, which would include businesses or functions that directly or indirectly derive more than 50 percent of their revenues from out-of-state sources, as determined by the Authority;

2. Pay a minimum entry-level wage rate per hour of at least 1.35 times the federal minimum wage. In areas that have an unemployment rate of one and one-half times the statewide average unemployment rate, the wage rate minimum may be waived by the Authority. Only full-time positions that qualify for benefits shall be eligible for assistance;

3. Meet such additional criteria as may be set forth by the Authority.

E. There is hereby established in the state treasury a special nonreverting fund to be known as the Virginia Jobs Investment Program Fund (the Fund). The Fund shall consist of any moneys appropriated thereto by the General Assembly from time to time and designated for the Fund. Any moneys deposited to or remaining in the Fund during or at the end of each fiscal year or biennium, including interest thereon, shall not revert to the general fund but shall remain in the Fund and be available for allocation under this article in ensuing fiscal years. Moneys in the Fund shall be used solely for grants to eligible businesses as permitted by the Program. The total amount of funds provided to eligible businesses under the Program for any year, shall not exceed the amount appropriated by the General Assembly to the Fund for such year, plus any carryover from previous years. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the President and Chief Executive Officer or his designee. The Fund shall be administered by the President and Chief Executive Officer.

§ 2.2-2240.4. Virginia New Jobs Program.

A. The Authority shall develop as a component of the Virginia Jobs Investment Program the Virginia New Jobs Program to support the expansion of existing Virginia companies and new facility locations involving competition with other states or countries.

B. In addition to the requirements of subsection D of § 2.2-2240.3 regarding company eligibility, to be eligible for assistance, an expansion of an existing company or a new company location shall (i) create a minimum of 25 net new jobs for full-time employees, (ii) make a capital investment of at least \$1 million, and (iii) include Virginia in a current competition for the location of the project with at least one other state or country.

The Secretary of Commerce and Trade may waive these requirements but shall promptly provide written notice of any such waiver to the Chairmen of the Senate Finance and House Appropriations Committees, which notice shall include a justification for any waiver of these requirements.

§ 2.2-2240.5. Workforce Retraining Program.

A. The Authority shall develop as a component of the Virginia Jobs Investment Program the Workforce Retraining Program to provide consulting services and funding to assist companies and businesses with retraining their existing workforces to increase productivity.

B. In addition to the requirements of subsection D of § 2.2-2240.3 regarding company eligibility, to be eligible for assistance a company shall demonstrate that (i) it is undergoing integration of new technology into its production process, a change of product line in keeping with marketplace demands, or substantial change to its service delivery process that would require assimilation of new skills and technological capabilities by the firm's existing labor force and (ii) for each such integration of new technology, change of product, or substantial change to its service delivery process, (a) no less than 10 full-time employees are involved and (b) a minimum capital investment of \$500,000 will be made within a 12-month period.

The Secretary of Commerce and Trade may waive these requirements but shall promptly provide written notice of any such waiver to the Chairmen of the Senate Finance and House Appropriations Committees, which notice shall include a justification for any waiver of these requirements.

§ 2.2-2240.6. Small Business New Jobs and Retraining Programs.

A. The Authority shall develop as a component of the Virginia Jobs Investment Program the Small Business New Jobs and Retraining Programs to support the establishment or expansion of Virginia's small businesses or to improve their efficiency through retraining.

B. In addition to the requirements of subsection D of § 2.2-2240.3 regarding company eligibility, to be eligible for assistance for new job creation a company shall create a minimum of five net new jobs for full-time employees and make a capital investment of at least \$100,000. In addition to the requirements of subsection D of § 2.2-2240.3 regarding company eligibility, to be eligible for assistance for retraining a company shall demonstrate that (i) it is undergoing integration of new technology into its production process, a change of product line in keeping with marketplace demands, or substantial change to its service delivery process that would require assimilation of new skills and technological capabilities by the firm's existing labor force and (ii) for each such integration of new technology, change of product, or substantial change to its service delivery process, (a) no less than five full-time employees are involved and (b) a minimum capital investment of \$50,000 will be made within a 12-month period.

The Secretary of Commerce and Trade may waive these requirements but shall promptly provide written notice of any such waiver to the Chairmen of the Senate Finance and House Appropriations Committees, which notice shall include a justification for any waiver of these requirements.

§ 59.1-284.22. Aerospace Engine Manufacturer Workforce Training Grant Fund; eligible county.

A. As used in this section:

"Affiliate" means the same as that term is defined in § 59.1-284.20.

"Capital investment" means the same as that term is defined in § 59.1-284.20.

"Eligible county" means Prince George County.

"Full-time" means employment of an indefinite duration for which the standard fringe benefits are paid, requiring a minimum of either (i) 35 hours of an employee's time per week for the entire normal year of the employer's operations, which "normal year" shall consist of at least 48 weeks, or (ii) 1,680 hours per year. The term "full-time" shall not include seasonal or temporary positions or positions created when a job function is shifted from an existing location in the Commonwealth.

"Grant" means the special training grant or supplemental training grant as described in this section.

"Qualified employee" means an individual hired in the Commonwealth on or after November 20, 2007, by an entity that is a qualified manufacturer or by an affiliate thereof, who (i) is employed by the qualified manufacturer or by an affiliate for at least 90 days, and (ii) works on a full-time basis for the qualified manufacturer or for an affiliate for at least such 90-day period.

"Qualified manufacturer" means the same as such term is defined in § 59.1-284.20.

"Secretary" means the Secretary of Commerce and Trade or his designee.

"Special training grant" means a \$9,000 allocation from the Aerospace Engine Manufacturer Workforce Training Grant Fund per new qualified employee, as described in this section. The aggregate amount of special training grants under this section shall not exceed \$5,778,000.

"Supplemental training grant" means a one-time \$3 million allocation from the Aerospace Engine Manufacturer Workforce Training Grant Fund, as described in this section.

B. Grants paid to the qualified manufacturer pursuant to this section are intended to be used for workforce development, instructional, or training purposes so as to enhance the skill sets of qualified employees.

C. Any qualified manufacturer that is eligible to receive a special training grant shall (i) report to the Secretary quarterly the number of new qualified employees hired and trained who have been employed for at least 90 days and for whom a special training grant has not been previously paid pursuant to this section, and (ii) provide evidence of the hiring and training of the new qualified employees described in clause (i). The application and evidence shall be filed with the Secretary in person or by mail. For filings by mail, the postmark cancellation shall govern the date of the filing determination. Within 30 days after such evidence has been provided by the qualified manufacturer, the Secretary shall certify to (a) the Comptroller and (b) each qualified manufacturer the amount of the special training grant to which such

qualified manufacturer is entitled under this section for payment within 60 days after such certification. Payment of such grant shall be made by check issued by the Treasurer of Virginia on warrant of the Comptroller.

The special training grants under this section (1) shall be paid, subject to appropriation by the General Assembly, from a fund entitled the Aerospace Engine Manufacturer Workforce Training Grant Fund, which Fund is hereby established on the books of the Comptroller, (2) shall not exceed \$5,778,000 in the aggregate, and (3) shall be paid to or for the benefit of the qualified manufacturer on a quarterly basis.

D. A supplemental training grant shall be paid to any qualified manufacturer that has made an aggregate capital investment of at least \$153.9 million in the eligible county and has hired at least 176 new qualified employees, excluding any qualified employee who has been rehired by the qualified manufacturer or an affiliate thereof or who is employed in a different position with the qualified manufacturer or an affiliate thereof. On or before June 30, 2010, and on or before each June 30 thereafter until the supplemental training grant has been paid, the qualified manufacturer shall provide written notification to the Secretary whether it has met or expects to meet the aggregate capital investment and employee requirements by the end of the current calendar year. If it has met or expects to meet such requirements by the end of the calendar year, the qualified manufacturer shall provide evidence of the same, satisfactory to the Secretary, with the written notification. The written notification and evidence shall be filed with the Secretary in person or by mail. For filings by mail, the postmark cancellation shall govern the date of the filing determination. Within 10 days after such notification and evidence have been provided by the qualified manufacturer, the Secretary shall certify to (i) the Comptroller and (ii) each qualified manufacturer the amount of the supplemental training grant to which such qualified manufacturer is entitled under this section for payment in the current fiscal year. Payment of such grant shall be made by check issued by the Treasurer of Virginia on warrant of the Comptroller.

The supplemental training grant shall not be paid prior to July 1, 2010. The supplemental training grant (a) shall be paid, subject to appropriation by the General Assembly, from the Aerospace Engine Manufacturer Workforce Training Grant Fund, (b) shall be equal to \$3 million, and (c) shall, subject to appropriation by the General Assembly, be paid to the qualified manufacturer by the end of the applicable fiscal year, as described herein. No more than \$3 million in supplemental training grants shall be paid pursuant to this section.

E. If grants to be paid to qualified manufacturers under this section in a fiscal year exceed the aggregate amount available in the Aerospace Engine Manufacturer Workforce Training Grant Fund for that year, each qualified manufacturer's grants for the year shall equal the amount of grants to which the qualified manufacturer would otherwise be eligible multiplied by a fraction. The numerator of the fraction shall equal the aggregate amount available for payment from the Aerospace Engine Manufacturer Workforce Training Grant Fund for that fiscal year, and the denominator shall equal the aggregate dollar amount of grants to which all qualified manufacturers otherwise would be eligible for such fiscal year.

F. Notwithstanding any other provision of this section, in lieu of payment of special training grants by check to qualified manufacturers, the Secretary may determine that such special training grants shall be administered in a manner similar to existing training grant programs such as those permitted by § ~~2.2-1605~~ 2.2-2240.3.

G. As a condition of receipt of a grant, a qualified manufacturer shall make available to the Secretary or his designee for inspection upon his request all relevant and applicable documents to determine the aggregate number of new qualified employees hired and the aggregate amount of capital investment. The Comptroller shall not draw any warrants to issue checks for a special training grant or a supplemental training grant under this section without a specific appropriation for the same. All such documents appropriately identified by the qualified manufacturer shall be considered confidential and proprietary.

2. That §§ 2.2-1612, 2.2-1613, and 2.2-1614 of the Code of Virginia are repealed.

3. That the guidelines of the Department of Business Assistance or the Department of Small Business and Supplier Diversity that pertain to the Virginia Jobs Investment Program shall be administered by the Virginia Economic Development Partnership Authority and shall remain in full force and effect until the Virginia Economic Development Partnership Authority establishes guidelines pursuant to this act. The preparation of the guidelines shall be exempt from the requirements of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act (§ 2.2-4000 et seq.) of the Code of Virginia.

4. That the Governor may transfer any employee within a state entity affected by the provisions of this act, or from one such entity to another, to support the changes in organization or responsibility resulting from or required by the provisions of this act.

CHAPTER 465

An Act to amend and reenact § 56-585.2 of the Code of Virginia, relating to the regulation of electric utilities; renewable energy portfolio standard program.

[S 498]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 56-585.2 of the Code of Virginia is amended and reenacted as follows:

§ 56-585.2. Sale of electricity from renewable sources through a renewable energy portfolio standard program.

A. As used in this section:

"Qualified investment" means an expense incurred in the Commonwealth by a participating utility in conducting, either by itself or in partnership with institutions of higher education in the Commonwealth or with industrial or commercial customers that have established renewable energy research and development programs in the Commonwealth, research and development activities related to renewable or alternative energy sources, which expense (i) is designed to enhance the participating utility's understanding of emerging energy technologies and their potential impact on and value to the utility's system and customers within the Commonwealth; (ii) promotes economic development within the Commonwealth; (iii) supplements customer-driven alternative energy or energy efficiency initiatives; (iv) supplements alternative energy and energy efficiency initiatives at state or local governmental facilities in the Commonwealth; or (v) is designed to mitigate the environmental impacts of renewable energy projects.

"Renewable energy" shall have the same meaning ascribed to it in § 56-576, provided such renewable energy is (i) generated in the Commonwealth or in the interconnection region of the regional transmission entity of which the participating utility is a member, as it may change from time to time, and purchased by a participating utility under a power purchase agreement; provided, however, that if such agreement was executed on or after July 1, 2013, the agreement shall expressly transfer ownership of renewable attributes, in addition to ownership of the energy, to the participating utility; (ii) generated by a public utility providing electric service in the Commonwealth from a facility in which the public utility owns at least a 49 percent interest and that is located in the Commonwealth, in the interconnection region of the regional transmission entity of which the participating utility is a member, or in a control area adjacent to such interconnection region; or (iii) represented by renewable energy certificates. "Renewable energy" shall not include electricity generated from pumped storage, but shall include run-of-river generation from a combined pumped-storage and run-of-river facility.

"Renewable energy certificate" means either (i) a certificate issued by an affiliate of the regional transmission entity of which the participating utility is a member, as it may change from time to time, or any successor to such affiliate, and held or acquired by such utility, that validates the generation of renewable energy by eligible sources in the interconnection region of the regional transmission entity or (ii) a certificate issued by the Commission pursuant to subsection J and held or acquired by a participating utility, that validates a qualified investment made by the participating utility.

"Total electric energy sold in the base year" means total electric energy sold to Virginia jurisdictional retail customers by a participating utility in calendar year 2007, excluding an amount equivalent to the average of the annual percentages of the electric energy that was supplied to such customers from nuclear generating plants for the calendar years 2004 through 2006.

B. Any investor-owned incumbent electric utility may apply to the Commission for approval to participate in a renewable energy portfolio standard program, as defined in this section. The Commission shall approve such application if the applicant demonstrates that it has a reasonable expectation of achieving 12 percent of its base year electric energy sales from renewable energy sources during calendar year 2022, and 15 percent of its base year electric energy sales from renewable energy sources during calendar year 2025, as provided in subsection D.

C. It is in the public interest for utilities that seek to have a renewable energy portfolio standard program to achieve the goals set forth in subsection D, such goals being referred to herein as "RPS Goals." A utility shall receive double credit toward meeting the renewable energy portfolio standard for energy derived from sunlight, from onshore wind, or from facilities in the Commonwealth fueled primarily by animal waste, and triple credit toward meeting the renewable energy portfolio standard for energy derived from offshore wind.

D. Regarding any renewable energy portfolio standard program, the total electric energy sold by a utility to meet the RPS Goals shall be composed of the following amounts of electric energy or renewable thermal energy equivalent from renewable energy sources, as adjusted for any sales volumes lost through operation of the customer choice provisions of subdivision A 3 or A 4 of § 56-577:

RPS Goal I: In calendar year 2010, 4 percent of total electric energy sold in the base year.

RPS Goal II: For calendar years 2011 through 2015, inclusive, an average of 4 percent of total electric energy sold in the base year, and in calendar year 2016, 7 percent of total electric energy sold in the base year.

RPS Goal III: For calendar years 2017 through 2021, inclusive, an average of 7 percent of total electric energy sold in the base year, and in calendar year 2022, 12 percent of total electric energy sold in the base year.

RPS Goal IV: For calendar years 2023 and 2024, inclusive, an average of 12 percent of total electric energy sold in the base year, and in calendar year 2025, 15 percent of total electric energy sold in the base year.

A utility may not apply renewable energy certificates issued pursuant to subsection J to meet more than 20 percent of the sales requirement for the RPS Goal in any year.

A utility may apply renewable energy sales achieved or renewable energy certificates acquired during the periods covered by any such RPS Goal that are in excess of the sales requirement for that RPS Goal to the sales requirements for any future RPS Goal ~~Goals~~ *Goals in the five calendar years after the renewable energy was generated or the renewable energy certificates were created, except that a utility shall be able to apply renewable energy certificates acquired by the utility prior to January 1, 2014.*

E. A utility participating in such program shall have the right to recover all incremental costs incurred for the purpose of such participation in such program, as accrued against income, through rate adjustment clauses as provided in subdivisions A 5 and A 6 of § 56-585.1, including, but not limited to, administrative costs, ancillary costs, capacity costs, costs of energy represented by certificates described in subsection A, and, in the case of construction of renewable energy

generation facilities, allowance for funds used during construction until such time as an enhanced rate of return, as determined pursuant to subdivision A 6 of § 56-585.1, on construction work in progress is included in rates, projected construction work in progress, planning, development and construction costs, life-cycle costs, and costs of infrastructure associated therewith, plus an enhanced rate of return, as determined pursuant to subdivision A 6 of § 56-585.1. This subsection shall not apply to qualified investments as provided in subsection K. All incremental costs of the RPS program shall be allocated to and recovered from the utility's customer classes based on the demand created by the class and within the class based on energy used by the individual customer in the class, except that the incremental costs of the RPS program shall not be allocated to or recovered from customers that are served within the large industrial rate classes of the participating utilities and that are served at primary or transmission voltage.

F. A utility participating in such program shall apply towards meeting its RPS Goals any renewable energy from existing renewable energy sources owned by the participating utility or purchased as allowed by contract at no additional cost to customers to the extent feasible. A utility participating in such program shall not apply towards meeting its RPS Goals renewable energy certificates attributable to any renewable energy generated at a renewable energy generation source in operation as of July 1, 2007, that is operated by a person that is served within a utility's large industrial rate class and that is served at primary or transmission voltage, except for those persons providing renewable thermal energy equivalents to the utility. A participating utility shall be required to fulfill any remaining deficit needed to fulfill its RPS Goals from new renewable energy supplies at reasonable cost and in a prudent manner to be determined by the Commission at the time of approval of any application made pursuant to subsection B. A participating utility may sell renewable energy certificates produced at its own generation facilities located in the Commonwealth or, if located outside the Commonwealth, owned by such utility and in operation as of January 1, 2010, or renewable energy certificates acquired as part of a purchase power agreement, to another entity and purchase lower cost renewable energy certificates and the net difference in price between the renewable energy certificates shall be credited to customers. Utilities participating in such program shall collectively, either through the installation of new generating facilities, through retrofit of existing facilities or through purchases of electricity from new facilities located in Virginia, use or cause to be used no more than a total of 1.5 million tons per year of green wood chips, bark, sawdust, a tree or any portion of a tree which is used or can be used for lumber and pulp manufacturing by facilities located in Virginia, towards meeting RPS goals, excluding such fuel used at electric generating facilities using wood as fuel prior to January 1, 2007. A utility with an approved application shall be allocated a portion of the 1.5 million tons per year in proportion to its share of the total electric energy sold in the base year, as defined in subsection A, for all utilities participating in the RPS program. A utility may use in meeting RPS goals, without limitation, the following sustainable biomass and biomass based waste to energy resources: mill residue, except wood chips, sawdust and bark; pre-commercial soft wood thinning; slash; logging and construction debris; brush; yard waste; shipping crates; dunnage; non-merchantable waste paper; landscape or right-of-way tree trimmings; agricultural and vineyard materials; grain; legumes; sugar; and gas produced from the anaerobic decomposition of animal waste.

G. The Commission shall promulgate such rules and regulations as may be necessary to implement the provisions of this section including a requirement that participants verify whether the RPS goals are met in accordance with this section.

H. Each investor-owned incumbent electric utility shall report to the Commission annually by November 1 identifying:

1. The utility's efforts, if any, to meet the RPS Goals, specifically identifying:

a. A list of all states where the purchased or owned renewable energy was generated, specifying the number of megawatt hours or renewable energy certificates originating from each state;

b. A list of the decades in which the purchased or owned renewable energy generating units were placed in service, specifying the number of megawatt hours or renewable energy certificates originating from those units; and

c. A list of fuel types used to generate the purchased or owned renewable energy, specifying the number of megawatt hours or renewable energy certificates originating from each fuel type;

2. The utility's overall generation of renewable energy; and

3. Advances in renewable generation technology that affect activities described in subdivisions 1 and 2.

I. The Commission shall post on its website the reports submitted by each investor-owned incumbent electric utility pursuant to subsection H.

J. The Commission shall issue to a participating utility a number of renewable energy certificates for qualified investments, upon request by a participating utility, if it finds that an expense satisfies the conditions set forth in this section for a qualified investment, as follows:

1. By March 31 of each year, the participating utility shall provide an analysis, as reasonably determined by a qualified independent broker, of the average for the preceding year of the publicly available prices for Tier 1 renewable energy certificates and Tier 2 renewable energy certificates, validating the generation of renewable energy by eligible sources, that were issued in the interconnection region of the regional transmission entity of which the participating utility is a member;

2. In the same annual analysis provided to the Commission, the participating utility shall divide the amount of the participating utility's qualified investments in the applicable period by the average price determined pursuant to subdivision 1;

3. The number of renewable energy certificates to be issued to the participating utility shall equal the product obtained pursuant to subdivision 2; and

4. The Commission shall review and validate the analysis provided by the participating utility within 90 days of submittal of its analysis to the Commission. If no corrections are made by the Commission, then the analysis shall be deemed correct and the renewable energy certificates shall be deemed issued to the participating utility.

Each renewable energy certificate issued to a participating utility pursuant to this subsection shall represent the equivalent of one megawatt hour of renewable energy sales achieved when applied to an RPS Goal.

K. Qualified investments shall constitute reasonable and prudent operating expenses of a participating utility. Notwithstanding subsection E, a participating utility shall not be authorized to recover the costs associated with qualified investments through rate adjustment clauses as provided in subdivisions A 5 and A 6 of § 56-585.1. In any proceeding conducted pursuant to § 56-585.1 or other provision of this title in which a participating utility seeks recovery of its qualified investments as an operating expense, the participating utility shall not be authorized to earn a return on its qualified investments.

L. A participating utility shall not be eligible for a research and development tax credit pursuant to § 58.1-439.12:08 with regard to any expense incurred or investment made by the participating utility that constitutes a qualified investment pursuant to this section.

CHAPTER 466

An Act to amend and reenact § 19.2-123 of the Code of Virginia, relating to release of accused on bond; conditions of release.

[S 501]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-123 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-123. Release of accused on secured or unsecured bond or promise to appear; conditions of release.

A. Any person arrested for a felony who has previously been convicted of a felony, or who is presently on bond for an unrelated arrest in any jurisdiction, or who is on probation or parole, may be released only upon a secure bond. This provision may be waived with the approval of the judicial officer and with the concurrence of the attorney for the Commonwealth or the attorney for the county, city or town. Subject to the foregoing, when a person is arrested for either a felony or a misdemeanor, any judicial officer may impose any one or any combination of the following conditions of release:

1. Place the person in the custody and supervision of a designated person, organization or pretrial services agency which, for the purposes of this section, shall not include a court services unit established pursuant to § 16.1-233;

2. Place restrictions on the travel, association or place of abode of the person during the period of release and restrict contacts with household members for a *specified period not to exceed 72 hours of time*;

2a. Require the execution of an unsecured bond;

3. Require the execution of a secure bond which at the option of the accused shall be satisfied with sufficient solvent sureties, or the deposit of cash in lieu thereof. Only the actual value of any interest in real estate or personal property owned by the proposed surety shall be considered in determining solvency and solvency shall be found if the value of the proposed surety's equity in the real estate or personal property equals or exceeds the amount of the bond;

3a. Require that the person do any or all of the following: (i) maintain employment or, if unemployed, actively seek employment; (ii) maintain or commence an educational program; (iii) avoid all contact with an alleged victim of the crime and with any potential witness who may testify concerning the offense; (iv) comply with a specified curfew; (v) refrain from possessing a firearm, destructive device, or other dangerous weapon; (vi) refrain from excessive use of alcohol, or use of any illegal drug or any controlled substance not prescribed by a health care provider; and (vii) submit to testing for drugs and alcohol until the final disposition of his case;

3b. Place a prohibition on a person who holds an elected constitutional office and who is accused of a felony arising from the performance of his duties from physically returning to his constitutional office;

3c. Require the accused to accompany the arresting officer to the jurisdiction's fingerprinting facility and submit to having his photograph and fingerprints taken prior to release; or

4. Impose any other condition deemed reasonably necessary to assure appearance as required, and to assure his good behavior pending trial, including a condition requiring that the person return to custody after specified hours or be placed on home electronic incarceration pursuant to § 53.1-131.2 or, when the person is required to execute a secured bond, be subject to monitoring by a GPS (Global Positioning System) tracking device, or other similar device. The defendant may be ordered by the court to pay the cost of the device.

Upon satisfaction of the terms of recognizance, the accused shall be released forthwith.

In addition, where the accused is an individual receiving services in a state training center for individuals with intellectual disability, the judicial officer may place the individual in the custody of the director of the training center, if the director agrees to accept custody. The director is hereby authorized to take custody of the individual and to maintain him at the training center prior to a trial or hearing under such circumstances as will reasonably assure the appearance of the accused for the trial or hearing.

B. In any jurisdiction served by a pretrial services agency which offers a drug or alcohol screening or testing program approved for the purposes of this subsection by the chief general district court judge, any such person charged with a crime may be requested by such agency to give voluntarily a urine sample, submit to a drug or alcohol screening, or take a breath

test for presence of alcohol. A sample may be analyzed for the presence of phencyclidine (PCP), barbiturates, cocaine, opiates or such other drugs as the agency may deem appropriate prior to any hearing to establish bail. The judicial officer and agency shall inform the accused or juvenile being screened or tested that test results shall be used by a judicial officer only at a bail hearing and only to determine appropriate conditions of release or to reconsider the conditions of bail at a subsequent hearing. All screening or test results, and any pretrial investigation report containing the screening or test results, shall be confidential with access thereto limited to judicial officers, the attorney for the Commonwealth, defense counsel, other pretrial service agencies, any criminal justice agency as defined in § 9.1-101 and, in cases where a juvenile is screened or tested, the parents or legal guardian or custodian of such juvenile. However, in no event shall the judicial officer have access to any screening or test result prior to making a bail release determination or to determining the amount of bond, if any. Following this determination, the judicial officer shall consider the screening or test results and the screening or testing agency's report and accompanying recommendations, if any, in setting appropriate conditions of release. In no event shall a decision regarding a release determination be subject to reversal on the sole basis of such screening or test results. Any accused or juvenile whose urine sample has tested positive for such drugs and who is admitted to bail may, as a condition of release, be ordered to refrain from use of alcohol or illegal drugs and may be required to be tested on a periodic basis until final disposition of his case to ensure his compliance with the order. Sanctions for a violation of any condition of release, which violations shall include subsequent positive drug or alcohol test results or failure to report as ordered for testing, may be imposed in the discretion of the judicial officer and may include imposition of more stringent conditions of release, contempt of court proceedings or revocation of release. Any test given under the provisions of this subsection which yields a positive drug or alcohol test result shall be reconfirmed by a second test if the person tested denies or contests the initial drug or alcohol test positive result. The results of any drug or alcohol test conducted pursuant to this subsection shall not be admissible in any judicial proceeding other than for the imposition of sanctions for a violation of a condition of release.

C. [Repealed.]

D. Nothing in this section shall be construed to prevent an officer taking a juvenile into custody from releasing that juvenile pursuant to § 16.1-247. If any condition of release imposed under the provisions of this section is violated, a judicial officer may issue a *habeas corpus* or order to show cause why the recognizance should not be revoked.

E. Nothing in this section shall be construed to prevent a court from imposing a recognizance or bond designed to secure a spousal or child support obligation pursuant to § 16.1-278.16, Chapter 5 (§ 20-61 et seq.) of Title 20, or § 20-114 in addition to any recognizance or bond imposed pursuant to this chapter.

CHAPTER 467

An Act to amend and reenact §§ 56-235.9, 56-265.2:1, and 56-265.4 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 27 of Title 56 a section numbered 56-609, relating to natural gas utility regulation; upstream supply infrastructure projects.

[S 519]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-235.9, 56-265.2:1, and 56-265.4 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 27 of Title 56 a section numbered 56-609 as follows:

§ 56-235.9. Recovery of funds used for capital projects prior to a rate case for strategic natural gas facilities.

A. As used in this section:

"Capitalized carrying cost" includes the return on the investment, depreciation, and tax.

"Natural gas transmission company" means any investor-owned public service company engaged in the business of transporting natural gas to more than one electric utility, natural gas utility, or non-jurisdictional customer.

"Natural gas utility" means any investor-owned public service company engaged in the business of furnishing natural gas service to the public.

"Strategic natural gas facility" includes, without limitation, a natural gas distribution or transmission pipeline, storage facility, compressor station, liquefied natural gas facility, peaking facility or other appurtenant facility, used to furnish natural gas service in the Commonwealth that, for a natural gas utility with fewer than 150,000 customers, adds stand-alone design day deliverability or designed send-out of at least 10,000 dekaTherms per day or two or more such facilities, regardless of size, that add design day deliverability or designed send out of at least 75,000 dekaTherms per day in the aggregate, and for a natural gas utility with 150,000 or more customers, adds stand-alone design day deliverability or designed send out of at least 20,000 dekaTherms per day or two or more such facilities, regardless of size, that add design day deliverability or designed send out of at least 100,000 dekaTherms per day in the aggregate, and for a natural gas transmission company, adds design day deliverability or designed send out of at least 100,000 dekaTherms per day in the aggregate.

B. Any natural gas utility that places a strategic natural gas facility into service on or after July 1, 2008, or natural gas transmission company that places a strategic natural gas facility into service on or after July 1, 2014, to serve its customers shall have the right to recover through its rates charged to those customers the entire prudently incurred costs of the facility including: planning, development and construction costs; costs of infrastructure associated therewith; an allowance for

funds used during construction; and the capitalized carrying cost from the time construction is completed and the asset is placed into service until the time that the Commission establishes new rates that include recovery of all costs as defined herein. Such recovery shall be permitted by allowing such costs to be recorded in the utility's plant accounts and included in rate base for purposes of cost recovery (i) in new rate schedules for service not offered under existing rate schedules or new rate schedules for expansion of existing services as permitted by § 56-235.4, (ii) in a rate case using the cost of service methodology set forth in § 56-235.2, or (iii) in a performance-based regulation plan authorized by § 56-235.6, subject to Commission determination that such costs were prudently incurred. The allowance for funds used during construction and the return on investment shall be calculated utilizing the weighted average cost of capital, including the cost of debt and cost of equity used in determining the natural gas utility's base rates in effect during the construction period of the strategic natural gas facility.

C. Nothing in this section shall be construed to prohibit the Commission from granting similar treatment to other natural gas facilities when the Commission deems such treatment to be in the public interest.

§ 56-265.2:1. Approval by Commission required for construction of certain gas pipelines and related facilities; notice and hearing.

A. Whenever a certificate is required pursuant to § 56-265.2 for the construction of a pipeline for the transmission or distribution of manufactured or natural gas, the Commission shall consider the effect of the pipeline on the environment, public safety, and economic development in the Commonwealth, and may establish such reasonably practical conditions as may be necessary to minimize any adverse environmental or public safety impact. In such proceedings, the Commission shall receive and consider all reports by state agencies concerned with environmental protection; and, if requested by any county or municipality in which the pipeline is proposed to be constructed, local comprehensive plans that have been adopted pursuant to Article 3 (§ 15.2-2223 et seq.) of Chapter 22 of Title 15.2.

B. The Commission shall not approve construction of any such pipeline unless the public utility has provided ~~thirty~~ 30 days' advance public notice of the proposed pipeline by (i) publishing a notice in a newspaper or newspapers of general circulation in each of the counties and municipalities through which the pipeline is proposed to be constructed, (ii) providing written notice to the governing body of each such county and municipality, (iii) causing to be sent a copy of the notice by first class mail to all owners of property within the route of the proposed pipeline, as indicated on the map or sketch of the route filed with the Commission, which requirement shall be satisfied by mailing the notice to such persons at such addresses as are indicated in the land books maintained by the commissioner of revenue, director of finance or treasurer of the county or municipality, and (iv) filing a copy of any plans, specifications, or maps of the proposed pipeline with the Commission, which plans, specifications, or maps shall be made available for public inspection at the Commission's business office, during normal business hours. Any notice required by this subsection shall include a written description of the proposed route the line is to follow, a map or sketch of the route, and information regarding the time period during which persons may request a public hearing under subsection C of this section.

C. If, within ~~forty five~~ 45 days after publication and mailing of the notices required in subsection B of this section, any interested party requests a public hearing, the Commission shall, as soon as reasonably practicable after such request, hold such hearing or hearings at such place as may be designated by the Commission. If written requests therefor are received from ~~twenty~~ 20 or more interested parties, the Commission shall hold at least one hearing in the area that would be affected by construction of the pipeline, for the purpose of receiving public comment on the proposal. If any hearing is to be held in the area affected, the Commission shall direct that a copy of the transcripts of any previous hearings held in the case be made available for public inspection at a convenient location in the area for a reasonable time before such local hearing.

D. For the purposes of this section, "interested parties" means the governing bodies of any counties or municipalities through which the pipeline is to be constructed, and persons residing or owning property within one-half mile of such pipeline. For the purposes of this section, "environment" or "environmental" shall be deemed to include in meaning "historic."

E. If a significantly different route is determined more desirable after the giving of the notice required in subsection B of this section, the Commission shall cause notice of the new route or routes to be published and mailed in accordance with subsection B of this section. The Commission shall thereafter comply with the provisions of this section to the full extent necessary to give interested parties in the newly affected areas the same protection afforded interested parties affected by the route described in the original notice.

F. Approval of a pipeline pursuant to this section shall be deemed to satisfy and supersede the requirements of § 15.2-2232 and local zoning ordinances with respect to such pipeline and related facilities; however, the Commission shall not approve the construction of a natural gas compressor station in an area zoned *exclusively* for residential use unless the public utility provides certification from the local governing body that the natural gas compressor station is consistent with the zoning ordinance. The certification required by this subsection shall be deemed to have been waived unless the local governing body informs the Commission and the public utility of the natural gas compressor station's compliance or noncompliance within ~~forty five~~ 45 days of the public utility's written request.

§ 56-265.4. Certificate to operate in territory of another certificate holder.

Except as provided in § 56-265.4:4, no certificate shall be granted to an applicant proposing to operate in the territory of any holder of a certificate unless and until it shall be proved to the satisfaction of the Commission that the service rendered by such certificate holder in such territory is inadequate to the requirements of the public necessity and convenience; and if the Commission shall be of opinion that the service rendered by such certificate holder in such territory

is in any respect inadequate to the requirements of the public necessity and convenience, such certificate holder shall be given reasonable time and opportunity to remedy such inadequacy before any certificate shall be granted to an applicant proposing to operate in such territory. *For the purposes of this section, the transportation of natural gas by pipeline, without providing service to end users within the territory, shall not be considered operating in the territory of another certificate holder.*

§ 56-609. Upstream natural gas supply infrastructure projects.

A. As used in this section, unless the context requires a different meaning:

"Eligible natural gas supply infrastructure costs" includes the investment in eligible natural gas supply infrastructure projects and the following:

1. Return on the investment. In calculating the return on investment, the Commission shall use the natural gas utility's then in effect weighted average cost of capital, including the cost of debt and equity, based on its regulatory capital structure used in determining the natural gas utility's base rates. The investment will be multiplied by the weighted average cost of capital to determine the return on investment;

2. A revenue conversion factor. Such factor, including income taxes, shall be applied to the required operating income resulting from the eligible natural gas supply infrastructure costs;

3. Operating and maintenance expense, which includes the amount of operating and maintenance expense utilized in production wells, processing the gas produced, and gathering, transmission, and distribution lines delivering the gas to a pipeline or distribution system;

4. Depreciation. In calculating depreciation, the Commission shall use the natural gas utility's current depreciation rates for investments in distribution infrastructure, as set out by appropriate asset class. The utility shall propose a basis for recovering for the depreciation or depletion of investments in other asset classes in the natural gas supply investment plan, including investments in natural gas reserves that will deplete based on their useful life or of associated facilities that may be retired upon depletion of natural gas reserves;

5. Property tax, severance tax, and any other taxes or government fees associated with production and transmission of natural gas; and

6. Carrying costs on the over-recovery or under-recovery of the eligible natural gas supply infrastructure costs. In calculating the carrying costs, the Commission shall use the natural gas utility's regulatory capital structure as determined in subdivision 1 of this definition.

"Eligible natural gas supply infrastructure projects" means capital investments in natural gas reserves and upstream pipelines and facilities that, alone or in combination with other projects or strategies, offer reasonably anticipated benefits to customers and markets, which benefits mean (i) savings in the delivered cost of gas versus long-term forward market projections available to the natural gas utility at the time of the capital investment or other alternatives, (ii) a reduction in the utility's overall portfolio price volatility, (iii) reduction in the utility's overall supply risk, or (iv) any combination of the savings or reductions described in clauses (i), (ii), and (iii). Any such customer benefit benchmarks shall be outlined in the natural gas utility's filings with the Commission pursuant to this section.

"Investment" means actual costs incurred on eligible natural gas supply infrastructure projects, including planning, development, and construction costs; actual costs of infrastructure associated therewith; and an allowance for funds used during construction. In calculating the allowance for funds used during construction, the Commission shall use the natural gas utility's actual regulatory capital structure as determined in subdivision 1 of the definition of eligible natural gas supply infrastructure costs.

"Natural gas reserves and upstream pipelines and facilities" means investments in natural gas reserves, production facilities (including equipment required to prepare the natural gas for use), gathering, transmission, and, within the natural gas utility's certificated service territory, any distribution pipelines necessary to deliver the reserves, and above-ground and below-ground storage used in the delivery of gas to existing natural gas transmission pipelines or distribution systems.

"Natural gas supply investment plan" means a plan filed by a natural gas utility that identifies proposed eligible natural gas supply infrastructure projects and its development of those projects with or without a third party.

B. A natural gas utility shall have the right to recover eligible natural gas supply infrastructure costs on an ongoing basis through the gas cost component of the utility's rate structure or other recovery mechanism approved by the Commission, provided that any such mechanism shall properly allocate costs. Natural gas utilities using the cost of service methodology set forth in § 56-235.2 or a performance-based regulation plan authorized by § 56-235.6 shall be eligible to file a plan. The plan shall include a timeline for the investment and completion of the proposed eligible natural gas supply infrastructure projects; provide for an estimated schedule for recovery of the related eligible natural gas supply infrastructure costs through the gas cost component of the utility's rate structure or other mechanism, including proposed depreciation rates for investments in non-distribution asset classes and how any revenue gains from the use of the pipelines by third parties will be used to offset eligible natural gas supply infrastructure costs; and demonstrate that the plan is in the public interest with due consideration to providing a portion of the utility's delivered supply at prices at or below the long-term projections as available and defined in the natural gas utility's filing, or reduction in the utility's overall supply risk, or reduction in the utility's overall portfolio price volatility, or a combination thereof. No project may provide an annual volume of natural gas that exceeds 12.5 percent of the natural gas utility's annual firm sales demand, and no combination of projects may provide an annual volume of natural gas that exceeds 25 percent of the natural gas utility's annual firm sales demand. The natural gas utility's weather-normalized firm sales demand for the calendar year preceding

the application shall be deemed to establish the annual firm sales demand for the purposes of calculating the volume and volumetric limits of projects. In no case shall any investment in reserves exceed 20 years. The Commission shall approve such a plan upon a finding that it is in the public interest after notice and an opportunity for hearing in accordance with the provisions of this chapter.

C. In addition to the items included in the plan as specified in subsection B, the plan may provide the utility with an option to receive the gas or sell the gas at market prices. A utility proposing this option as part of its plan shall propose how any revenue gains from the sale of the gas will be used to reduce the cost of gas to its customers. The Commission shall approve or deny, within 180 days, a natural gas utility's initial application for a natural gas supply infrastructure plan. A plan filed pursuant to this section shall not require the filing of rate case schedules. The Commission shall approve or deny, within 120 days, a natural gas utility's application to amend a previously approved plan. If the Commission denies such a plan or amendment, it shall set forth with specificity the reasons for such denial, and the utility shall have the right to refile, without prejudice, an amended plan or amendment within 60 days, and the Commission shall thereafter have 60 days to approve or deny the amended plan or amendment. If the plan is filed as part of a general rate case using the cost of service methodology set forth in § 56-235.2 or a performance-based regulation plan authorized by § 56-235.6, then the Commission shall approve or deny the plan concurrent with or as part of the general rate case decision.

D. No other revenue requirement or ratemaking issues shall be examined in consideration of the initial plan filed pursuant to the provisions of this section.

E. A gas utility with an approved natural gas supply infrastructure plan shall annually file a report of the eligible natural gas supply infrastructure investment made, the eligible natural gas supply infrastructure costs incurred and the amount of such costs recovered, the volume of gas delivered to customers or sold to third parties during the 12-month reporting period, and an analysis of the price of gas delivered to the natural gas utility customers and the market cost of gas during the 12-month period. However, such analysis shall not affect a gas utility's right to recover all eligible natural gas supply infrastructure costs as set forth in subsection B. The report shall also identify the balance of over-recovery or under-recovery of the eligible natural gas supply infrastructure costs at the end of the reporting period and the projected investment to be made, the projected infrastructure costs to be incurred, and the projected costs to be recovered during the next 12-month reporting period.

F. Costs recovered pursuant to this section shall be in addition to all other costs that the natural gas utility is permitted to recover and shall not be considered an offset to other Commission-approved costs of service or revenue requirements.

CHAPTER 468

An Act to amend and reenact § 8.01-225 of the Code of Virginia, relating to emergency care; school board employees.

[S 624]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-225 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-225. Persons rendering emergency care, obstetrical services exempt from liability.

A. Any person who:

1. In good faith, renders emergency care or assistance, without compensation, to any ill or injured person (i) at the scene of an accident, fire, or any life-threatening emergency; (ii) at a location for screening or stabilization of an emergency medical condition arising from an accident, fire, or any life-threatening emergency; or (iii) en route to any hospital, medical clinic, or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance.

2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a female in active labor who has not previously been cared for in connection with the pregnancy by such person or by another professionally associated with such person and whose medical records are not reasonably available to such person shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care or assistance. The immunity herein granted shall apply only to the emergency medical care provided.

3. In good faith and without compensation, including any emergency medical services technician certified by the Board of Health, administers epinephrine in an emergency to an individual shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such person has reason to believe that the individual receiving the injection is suffering or is about to suffer a life-threatening anaphylactic reaction.

4. Provides assistance upon request of any police agency, fire department, rescue or emergency squad, or governmental agency in the event of an accident or other emergency involving the use, handling, transportation, transmission, or storage of liquefied petroleum gas, liquefied natural gas, hazardous material, or hazardous waste as defined in § 10.1-1400 or regulations of the Virginia Waste Management Board shall not be liable for any civil damages resulting from any act of commission or omission on his part in the course of his rendering such assistance in good faith.

5. Is an emergency medical care attendant or technician possessing a valid certificate issued by authority of the State Board of Health who in good faith renders emergency care or assistance, whether in person or by telephone or other means of communication, without compensation, to any injured or ill person, whether at the scene of an accident, fire, or any other

place, or while transporting such injured or ill person to, from, or between any hospital, medical facility, medical clinic, doctor's office, or other similar or related medical facility, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but in no way limited to acts or omissions which involve violations of State Department of Health regulations or any other state regulations in the rendering of such emergency care or assistance.

6. In good faith and without compensation, renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures which have been approved by the State Board of Health to any sick or injured person, whether at the scene of a fire, an accident, or any other place, or while transporting such person to or from any hospital, clinic, doctor's office, or other medical facility, shall be deemed qualified to administer such emergency treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of such emergency resuscitative treatments or procedures.

7. Operates an AED at the scene of an emergency, trains individuals to be operators of AEDs, or orders AEDs, shall be immune from civil liability for any personal injury that results from any act or omission in the use of an AED in an emergency where the person performing the defibrillation acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances, unless such personal injury results from gross negligence or willful or wanton misconduct of the person rendering such emergency care.

8. Maintains an AED located on real property owned or controlled by such person shall be immune from civil liability for any personal injury that results from any act or omission in the use in an emergency of an AED located on such property unless such personal injury results from gross negligence or willful or wanton misconduct of the person who maintains the AED or his agent or employee.

9. *Is an employee of a school board or of a local health department approved by the local governing body to provide health services pursuant to § 22.1-274 who, while on school property or at a school-sponsored event, (i) renders emergency care or assistance to any sick or injured person; (ii) renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures that have been approved by the State Board of Health to any sick or injured person; (iii) operates an AED, trains individuals to be operators of AEDs, or orders AEDs; or (iv) maintains an AED, shall not be liable for civil damages for ordinary negligence in acts or omissions on the part of such employee while engaged in the acts described in this subdivision.*

~~9.~~ 10. Is a volunteer in good standing and certified to render emergency care by the National Ski Patrol System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue, or any other place or while transporting such injured or ill person to a place accessible for transfer to any available emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but not limited to acts or omissions which involve violations of any state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such emergency care or assistance, unless such act or omission was the result of gross negligence or willful misconduct.

~~10.~~ 11. Is an employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, who, upon the written request of the parents as defined in § 22.1-1, assists with the administration of insulin or administers glucagon to a student diagnosed as having diabetes who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the child's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a school board is covered by the immunity granted herein, the school board employing him shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

~~11.~~ 12. Is a school nurse, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine and who provides, administers, or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

~~12.~~ 13. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of insulin and glucagon and who administers or assists with the administration of insulin or administers glucagon to a person diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia in accordance with § 54.1-3408 shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered in accordance with the prescriber's instructions or such person has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a

person who provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services is covered by the immunity granted herein, the provider shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

~~13-14.~~ 14. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person believed in good faith to be having an anaphylactic reaction in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

14-15. In good faith and without compensation, administers naloxone in an emergency to an individual who is experiencing or is about to experience a life-threatening opiate overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such administering person is a participant in a pilot program conducted by the Department of Behavioral Health and Developmental Services on the administration of naloxone for the purpose of counteracting the effects of opiate overdose.

B. Any licensed physician serving without compensation as the operational medical director for a licensed emergency medical services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency medical services in good faith by the personnel of such licensed agency unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any person serving without compensation as a dispatcher for any licensed public or nonprofit emergency services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency services in good faith by the personnel of such licensed agency unless such act or omission was the result of such dispatcher's gross negligence or willful misconduct.

Any individual, certified by the State Office of Emergency Medical Services as an emergency medical services instructor and pursuant to a written agreement with such office, who, in good faith and in the performance of his duties, provides instruction to persons for certification or recertification as a certified basic life support or advanced life support emergency medical services technician shall not be liable for any civil damages for acts or omissions on his part directly relating to his activities on behalf of such office unless such act or omission was the result of such emergency medical services instructor's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a medical advisor to an E-911 system in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911 service, as defined in § 58.1-1730, when answering emergency calls unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician who directs the provision of emergency medical services, as authorized by the State Board of Health, through a communications device shall not be liable for any civil damages for any act or omission resulting from the rendering of such emergency medical services unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a supervisor of an AED in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to the owner of the AED relating to personnel training, local emergency medical services coordination, protocol approval, AED deployment strategies, and equipment maintenance plans and records unless such act or omission was the result of such physician's gross negligence or willful misconduct.

C. Any communications services provider, as defined in § 58.1-647, including mobile service, and any provider of Voice-over-Internet Protocol service, in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering such service with or without charge related to emergency calls unless such act or omission was the result of such service provider's gross negligence or willful misconduct.

Any volunteer engaging in rescue or recovery work at a mine, or any mine operator voluntarily providing personnel to engage in rescue or recovery work at a mine not owned or operated by such operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such rescue or recovery work in good faith unless such act or omission was the result of gross negligence or willful misconduct. For purposes of this subsection, the term "Voice-over-Internet Protocol service" or "VoIP service" means any Internet protocol-enabled services utilizing a broadband connection, actually originating or terminating in Internet Protocol from either or both ends of a channel of communication offering real time, multidirectional voice functionality, including, but not limited to, services similar to traditional telephone service.

D. Nothing contained in this section shall be construed to provide immunity from liability arising out of the operation of a motor vehicle.

E. [Expired.]

F. For the purposes of this section, the term "compensation" shall not be construed to include (i) the salaries of police, fire, or other public officials or personnel who render such emergency assistance, (ii) the salaries or wages of employees of a coal producer engaging in emergency medical technician service or first aid service pursuant to the provisions of § 45.1-161.38, 45.1-161.101, 45.1-161.199, or 45.1-161.263, (iii) complimentary lift tickets, food, lodging, or other gifts provided as a gratuity to volunteer members of the National Ski Patrol System, Inc., by any resort, group, or agency, (iv) the salary of any person who (a) owns an AED for the use at the scene of an emergency, (b) trains individuals, in courses

approved by the Board of Health, to operate AEDs at the scene of emergencies, (c) orders AEDs for use at the scene of emergencies, or (d) operates an AED at the scene of an emergency, or (v) expenses reimbursed to any person providing care or assistance pursuant to this section.

For the purposes of this section, an emergency medical care attendant or technician shall be deemed to include a person licensed or certified as such or its equivalent by any other state when he is performing services which he is licensed or certified to perform by such other state in caring for a patient in transit in the Commonwealth, which care originated in such other state.

Further, the public shall be urged to receive training on how to use CPR and an AED in order to acquire the skills and confidence to respond to emergencies using both CPR and an AED.

CHAPTER 469

An Act to amend and reenact §§ 15.2-1535, 15.2-7000, 15.2-7001, 15.2-7002, 33.1-23.03:1, 33.1-252, 33.1-287, and 33.1-288 of the Code of Virginia, relating to Richmond Metropolitan Authority; composition of Board of Directors; powers.

[H 597]

Approved April 1, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1535, 15.2-7000, 15.2-7001, 15.2-7002, 33.1-23.03:1, 33.1-252, 33.1-287, and 33.1-288 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-1535. Members of governing body not to be elected or appointed by governing body to certain offices.

A. Pursuant to Article VII, Section 6 of the Constitution of Virginia, no member of a governing body of a locality shall be eligible, during the term of office for which he was elected or appointed, to hold any office filled by the governing body by election or appointment, except that a member of a governing body may be named a member of such other boards, commissions, and bodies as may be permitted by general law and except that a member of a governing body may be named to fill a vacancy in the office of mayor or board chairman if permitted by general or special law.

B. Pursuant to Article VII, Section 6 of the Constitution of Virginia, and without limiting any other provision of general law, a governing body member may be named by the governing body to one or more of the following positions:

1. Director of emergency management pursuant to § 44-146.19;
2. Member of a planning district commission pursuant to § 15.2-4203;
3. Member of a transportation district commission pursuant to § 15.2-4507;
4. Member of a behavioral health authority board pursuant to Chapter 6 (§ 37.2-600 et seq.) of Title 37.2;
5. Member of a hospital or health center commission pursuant to Chapter 51 (§ 15.2-5100 et seq.) of Title 15.2;
6. Member of a community services board pursuant to Chapter 5 (§ 37.2-500 et seq.) of Title 37.2;
7. Member of a park authority pursuant to Chapter 57 (§ 15.2-5700 et seq.) of Title 15.2;
8. Member of a detention or other residential care facilities commission pursuant to Article 13 (§ 16.1-315 et seq.) of Chapter 11 of Title 16.1;
9. Member of a board of directors, governing board or advisory council of an area agency on aging pursuant to § 51.5-135;
10. Member of a regional jail or jail farm board, pursuant to § 53.1-106 or of a regional jail authority or jail authority pursuant to Article 3.1 (§ 53.1-95.2 et seq.) of Chapter 3 of Title 53.1;
11. With respect to members of the governing body of a town under 3,500 population, member of an industrial development authority's board of directors pursuant to Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2;
12. Member of the board of directors, governing board, or advisory council or committee of an airport commission or authority;
13. Member of a Board of Directors of a Regional Industrial Facility Authority pursuant to Chapter 64 (§ 15.2-6400 et seq.) of Title 15.2;
14. Member of a local parks and recreation commission; ~~and~~
15. Member of the Board of the Richmond Ambulance Authority; *and*
16. *Member of the Board of Directors of the Richmond Metropolitan Transportation Authority pursuant to § 15.2-7001.*

C. If any governing body member is appointed or elected by the governing body to any office, his qualification in that office shall be void except as provided in subsection B or by other general law.

D. Except as specifically provided in general or special law, no appointed body listed in subsection B shall be comprised of a majority of elected officials as members, nor shall any locality be represented on such appointed body by more than one elected official.

E. For the purposes of this section, "governing body" includes the mayor of a municipality and the county board chairman.

CHAPTER 70.

RICHMOND METROPOLITAN TRANSPORTATION AUTHORITY.

§ 15.2-7000. Definitions.

The following words and phrases when used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

"Authority" means the Richmond Metropolitan *Transportation* Authority created by § 15.2-7001, or if the Authority is abolished, the board, body, commission, or agency succeeding to the principal functions thereof or on whom the powers given by this chapter to the Authority are conferred by law, but shall not include the City of Richmond or the Counties of Chesterfield and Henrico.

"Authority facility" means any or all facilities purchased, constructed or otherwise acquired by the Authority pursuant to the provisions of this chapter, and all extensions, and improvements thereof.

"Bonds" or "revenue bonds" means revenue bonds or revenue refunding bonds of the Authority issued under the provisions of this chapter.

"Cost," as applied to any project shall include the cost of construction, landscaping and conservation; the cost of acquisition of all land, rights-of-way, property, rights, easements and interests acquired by the Authority for such construction, landscaping and conservation; the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved; the cost of all machinery and equipment; financing charges interest prior to and during construction and for a period of time after completion of construction as deemed advisable by the Authority; cost of traffic estimates and of engineering and legal services, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing the project; administrative expenses; and payments to the Virginia Department of Transportation or others for services during the period of construction, initial working capital, debt service reserves, and such other expenses as may be necessary or incident to the construction of the project, the financing of such construction, and the placing of the project in operation. Any obligation or expense incurred by the Commonwealth Transportation Board or by the City of Richmond, or the County of Henrico or Chesterfield before or after the effective date of this chapter, for surveys, engineering, borings, plans and specifications, legal and other professional and technical services, reports, studies and data in connection with the construction of a project shall be repaid or reimbursed by the Authority and the amounts thereof shall be included as a part of the cost of the project.

"Limited access highway" means a highway especially designed for through traffic over or to which owners or occupants of abutting property or other persons have no easement of or right to light, air, view, or access by reason of the fact that their property abuts upon such highway, and access to which highway is controlled by the Authority, the Commonwealth, the City of Richmond or the County of Henrico or Chesterfield so as to give preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings at grade or direct private driveway connections.

"Owner" includes all individuals, partnerships, associations, organizations, and corporations, the City of Richmond, the County of Henrico, the County of Chesterfield, and all public agencies and instrumentalities having any title or interest in any property, rights, easements, and interests authorized to be acquired by this chapter.

"Project" means any single facility constituting an Authority facility, as described in the resolution or trust agreement providing for the construction thereof, including extensions and improvements thereof.

"Public highways" shall include public highways, roads, and streets, whether maintained by the Commonwealth or the City of Richmond or the County of Henrico or Chesterfield.

"Revenues" means any or all fees, tolls, rents, rates, receipts, moneys and income derived by the Authority through the ownership and operation of Authority facilities, and shall include any cash contributions made to the Authority by the Commonwealth or any agency or department thereof, the City of Richmond, and the Counties of Henrico and Chesterfield not specifically dedicated by the contributor for a capital improvement.

§ 15.2-7001. Creation of the Authority.

There is hereby created a political subdivision and public body corporate and politic of the Commonwealth of Virginia to be known as the Richmond Metropolitan *Transportation* Authority, to be governed by a Board of Directors consisting of ~~11~~ 16 members appointed as follows: ~~one member to be appointed by the Board of Supervisors of Chesterfield County for a period of two years from the date of appointment; one member~~ five members to be appointed by the Board of Supervisors of Chesterfield County for a term terms of four years from the date of appointment; ~~one member to be appointed by the Board of Supervisors of Henrico County for a period of two years from the date of appointment; one member~~ five members to be appointed by the Board of Supervisors of Henrico County for a term terms of four years from the date of appointment; ~~three members to be appointed by the Mayor of the City of Richmond with the approval of the City Council for terms of two years from the date of appointment; three~~ five members to be appointed by the Mayor of the City of Richmond with the approval of the City Council for a term terms of four years from the date of appointment; and one ~~ex-officio~~ *ex officio* member from the Commonwealth Transportation Board to be appointed by the Commissioner of Highways; ~~and thereafter the appointive members of the Board shall be appointed for terms of four years and until their successors have been appointed and are qualified. Any of the three localities may, in its discretion, appoint as one of its Board members an elected officeholder who is a member of the governing body of that locality.~~ Vacancies in the membership of the Board shall be filled in the same manner as the original appointment, for the unexpired portion of the term. The Board so appointed shall enter upon the performance of its duties and shall initially and annually thereafter elect one of its members as Chairman and

another as Vice-Chairman, and shall also elect annually a Secretary or Secretary-Treasurer who need not be a member of the Board. The Chairman, or in his absence the Vice-Chairman, shall preside at all meetings of the Board, and in the absence of both the Chairman and Vice-Chairman, the Board shall elect a Chairman pro tempore who shall preside at such meetings. ~~Six~~ *Nine* Directors shall constitute a quorum, and all action by the Board shall require the affirmative vote of a majority of the Directors present and voting. The members of the Board shall be entitled to reimbursement for expenses incurred in attendance upon meetings of the Board or while otherwise engaged in the discharge of their duties, and each member shall also be paid the sum of \$50 per day for each day or portion thereof during which he is engaged in the performance of his duties. Such expenses and compensation shall be paid out of the treasury of the Authority in such manner as shall be prescribed by the Authority. *No member of the Board shall receive health insurance, dental insurance, retirement benefits, or other such benefits as compensation for his service on the Board.*

§ 15.2-7002. Powers of the Authority.

In order to alleviate highway congestion, promote highway safety, expand highway construction, increase the utility and benefits and extend the services of public highways including bridges, tunnels, and other highway facilities, both free and toll, and otherwise contribute to the economy, industrial and agricultural development, and welfare of the Commonwealth and the City of Richmond and Counties of Henrico and Chesterfield, the Authority shall have the following powers:

1. To contract and be contracted with, to sue and be sued, and to adopt and use a seal and to alter the same at its pleasure;

2. To acquire and hold real or personal property necessary or convenient for its purposes;

3. To sell, lease, or otherwise dispose of any personal or real property or rights, easements, or estates therein deemed by the Authority not necessary for its purposes;

4. ~~To~~ *With the approval of the Mayor and the Council of the City of Richmond and the Boards of Supervisors of the Counties of Henrico and Chesterfield, to purchase, construct, or otherwise acquire; maintain, repair, and operate, or cause to be repaired, maintained, and operated, ownership of or rights to manage limited access highways within the corporate limits of the City of Richmond and the Counties of Chesterfield and Henrico, including all bridges, tunnels, overpasses, underpasses, grade separations, interchanges, entrance plazas, approaches, tollhouses and, administration buildings, storage buildings, and other buildings and facilities, and rights or licenses to operate existing toll roads that the Authority may deem necessary or convenient for the operation of such limited access highways. Title to any property acquired by the Authority shall be taken in the name of the Authority. Without the need of approval from such local governing bodies, the Authority may maintain, repair, and operate, or cause to be repaired, maintained, and operated, such limited access highways and related facilities;*

5. With the approval of the *Mayor and the Council of the City of Richmond and the Boards of Supervisors of the Counties of Henrico and Chesterfield to own, operate, maintain, and provide rapid and other transit facilities and services for the transportation of the public, and to enter into contracts with said City and County or Counties and any public service corporations doing business as common carriers of passengers and property for the use of Authority facilities for such purpose, to enter into contracts for the transportation of passengers and property over facilities of jurisdictions other than the Authority, as well as the property and facilities of the Authority, and construct, acquire, operate, and maintain any other properties and facilities, including such offices and commercial facilities in connection therewith as are deemed necessary or convenient by the Authority, for the relief of traffic congestion, or to provide vehicular parking, or to promote transportation of persons and property, or to promote the flow of commerce that the Council of the City of Richmond and the Boards of Supervisors of the Counties of Chesterfield and Henrico may request the Authority to provide;*

6. With the approval of the *Mayor and the Council of the City of Richmond and the Boards of Supervisors of the Counties of Henrico and Chesterfield to acquire land; construct, own and operate sports facilities of any nature including facilities reasonably related thereto and own a baseball stadium of sufficient seating capacity and quality for the playing of baseball at the level immediately below Major League Baseball and to lease such land, stadium, sports facilities, and attendant facilities under such terms and conditions as the Authority may prescribe. In the event of a conflict between the provisions of this subdivision and any bond indenture to which the Authority is subject, the provisions of the bond indenture shall be controlling;*

7. To acquire by the exercise of the power of eminent domain any lands, property, rights, rights-of-way, franchises, easements, and other property, including public lands, parks, playgrounds, reservations, highways, or parkways, or parts thereof or rights therein, of any person, copartnership, association, railroad, public service, public utility or other corporation, or of any municipality, county or other political subdivision, deemed necessary or convenient for the construction or the efficient operation of the project or necessary in the restoration, replacement or relocation of public or private property damaged or destroyed, whenever a reasonable price cannot be agreed upon with the governing body of such municipality, county, or other political subdivision as to such property owned by it, or whenever the Authority cannot agree on the terms of purchase or settlement with the other owner or owners because of the incapacity of such owner or owners or because of the inability to agree on the compensation to be paid or other terms of settlement or purchase, or because such owner or owners are nonresidents of the Commonwealth, or are unknown, or are unable to convey valid title to such property. Such proceedings shall be in accordance with and subject to the provisions of any and all laws of the Commonwealth applicable to the exercise of the power of eminent domain in the name of the Commissioner of Highways and subject to the provisions of § 25.1-102 as fully as if the Authority were a corporation possessing the power of eminent

domain; however, title to any property condemned by the Authority shall immediately vest in the Authority and the Authority shall be entitled to the immediate possession of such property upon the deposit with the clerk of the court in which such condemnation proceedings are originated, of the total amount of the appraised price of the property and court costs and fees as provided by said laws, notwithstanding that any of the parties to such proceedings shall appeal from any decision in such condemnation proceeding. Whenever the Authority makes such deposit in connection with any condemnation proceeding, the making of such deposit shall not preclude the Authority from appealing any decision rendered in such proceedings. Upon the deposit with the clerk of the court of the appraised price, any person entitled thereto may, upon petition to the court, be paid his or their pro rata share of 90 percent of such appraised price. The acceptance of such payment shall not preclude such person from appealing any decision rendered in such proceedings. If the appraisal is greater or less than the amount finally determined by the decision in such proceeding or by an appeal, the amount of the increase or decrease shall be paid by or refunded to the Authority.

The terms "appraised price" and "appraisement" as used in this subdivision mean the value determined by two competent real estate appraisers appointed by the Authority for such purposes.

The acquisition of any such property by condemnation or by the exercise of the power of eminent domain shall be and is hereby declared to be a public use of such property;

8. To determine the location of any limited access highways constructed or acquired by the Authority, subject to the approval of the Commonwealth Transportation Board and to determine the design standards and materials of construction of such highways;

9. To designate with the approval of the Commonwealth Transportation Board the location in the City of Richmond and in the Counties of Henrico and Chesterfield, and establish, limit, and control such points of ingress to and egress from any limited access highway constructed by the Authority within the corporate limits of said City and Counties as may be necessary or desirable in the judgment of the Authority to insure the proper operation and maintenance of such highway; to prohibit entrance to and exit from such highway from any point or points not so designated; and to construct, maintain, repair, and operate service roads connecting with points of ingress to and egress from such highway at such locations in the City of Richmond and in the Counties of Henrico and Chesterfield as may be designated by the Authority;

10. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter, including contracts or agreements authorized by this chapter with the Commonwealth Transportation Board, the City of Richmond, and the Counties of Henrico and Chesterfield;

11. To construct grade separations at intersections of any limited access highway constructed by the Authority with public highways, streets or other public ways or places, and to change and adjust the lines and grades thereof so as to accommodate the same to the design of the grade separation; the cost of such grade separations and any damage incurred in changing and adjusting the lines and grades of such highways, streets, ways and places shall be ascertained and paid by the Authority as a part of the cost of such highway;

12. To vacate or change the location of any portion of any public highway, street or other public way or place, public utility, sewer, pipe, main, conduit, cable, wire, tower, pole, and other equipment and appliance of the Commonwealth, the City of Richmond or of the Counties of Henrico and Chesterfield, and to reconstruct the same in such new location as shall be designated by the Authority, and of substantially the same type and in as good condition as the original highway, street, way, place, public utility, sewer, pipe, main, conduit, cable, wire, tower, pole, equipment or appliance; with the cost of such reconstruction and any damage incurred in vacating or changing the location thereof shall be ascertained and paid by the Authority as a part of the cost of the project in connection with which such expenditures were made; and any public highway, street or other public way or place vacated or relocated by the Authority shall be vacated or relocated in the manner provided by law for the vacation or relocation of public roads, and any damages awarded on account thereof shall be paid by the Authority as a part of the cost of said project;

13. To enter upon any lands, waters, and premises for the purpose of making such surveys, soundings, borings, and examinations as the Authority may deem necessary or convenient for its purposes, and such entry shall not be deemed a trespass, nor shall an entry for such purposes be deemed an entry under any condemnation proceedings; however, the Authority shall pay any actual damage resulting to such lands, water, and premises as a result of such entry and activities;

14. To operate or permit the operation of vehicles for the transportation of persons or property for compensation on any limited access highway constructed or acquired by the Authority, provided the Department of Motor Vehicles or the Federal Motor Carrier Safety Administration shall not be divested of jurisdiction to authorize or regulate the operation of such carriers;

15. To establish reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation, and removal of pipes, mains, sewers, conduits, cables, wires, towers, poles, and other equipment and appliances (herein referred to as public utility facilities) of the City of Richmond and the Counties of Henrico and Chesterfield and of public utility and public service corporations and of any person, firm or other corporation rendering similar services, owning or operating public utility facilities in, on, along, over or under highways constructed by the Authority; and whenever the Authority shall determine that it is necessary that any public utility facilities should be relocated or removed, the Authority may relocate or remove the public utility facilities in accordance with the regulations of the Authority, and the cost and expense of such relocation or removal, including the cost of installing the public utility facilities in a new location or locations and the cost of any lands or any rights or interests in lands and any other rights acquired to accomplish such relocation or removal shall be paid by the Authority as a part of the cost of such highway, and the owner or operator of the public utility facilities may

maintain and operate the public utility facilities with the necessary appurtenances in the new location or locations for as long a period and upon the same terms and conditions as it had the right to maintain and operate the public utility facilities in their former location or locations;

16. ~~¶~~ *With the approval of the Mayor and the Council of the City of Richmond and the Boards of Supervisors of the Counties of Henrico and Chesterfield, to borrow money and issue bonds, notes, or other evidences of indebtedness for any of its corporate purposes, such bonds, notes, or other evidences of indebtedness to be payable solely from the revenues or other unencumbered funds available to the Authority that are pledged to the payment of such bonds, notes, or other evidences of indebtedness;*

17. To fix, charge, and collect fees, tolls, rents, rates, and other charges for the use of Authority facilities and the several parts or sections thereof;

18. To establish rules and regulations for the use of any of the Authority facilities as may be necessary or expedient in the interest of public safety with respect to the use of Authority facilities and property under the control of the Authority;

19. To employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, trustees, depositories, paying agents, and such other employees and agents as may be necessary in the discretion of the Authority to construct, acquire, maintain, and operate Authority facilities and to fix their compensation;

20. To receive and accept from any federal agency for or in aid of the construction of any Authority facility or for or in aid of any Authority undertaking authorized by this chapter, and to receive and accept from the Commonwealth, the City of Richmond or the Counties of Henrico and Chesterfield and from any other source, grants, contributions, or other aid in such construction or undertaking, or for operation and maintenance, either in money, property, labor, materials, or other things of value; and

21. To do all other acts and things necessary or convenient to carry out the powers expressly granted in this chapter.

§ 33.1-23.03:1. Transportation Trust Fund.

There is hereby created in the Department of the Treasury a special nonreverting fund to be known as the Transportation Trust Fund, consisting of:

1. Funds remaining for highway construction purposes, among the several highway systems pursuant to § 33.1-23.1.

2. [Repealed.]

3. The additional revenues generated by enactments of Chapters 11, 12, and 15 of the Acts of Assembly, 1986 Special Session, and designated for this fund.

4. Tolls and other revenues derived from the projects financed or refinanced pursuant to this title which are payable into the state treasury and tolls and other revenues derived from other transportation projects, which may include upon the request of the applicable appointed governing body, as soon as their obligations have been satisfied, such tolls and revenue derived for transportation projects pursuant to § 33.1-253 (Chesapeake Bay Bridge and Tunnel District) and to the Richmond Metropolitan *Transportation* Authority, established in Chapter 70 (§ 15.2-7000 et seq.) of Title 15.2, or if the appointed governing body requests refunding or advanced refunding by the Board and such refunding or advanced refunding is approved by the General Assembly. Such funds shall be held in separate subaccounts of the Transportation Trust Fund to the extent required by law or the Board.

5. Tolls and other revenues derived from the Richmond-Petersburg Turnpike, provided that such funds shall be held in a separate subaccount of the Transportation Trust Fund and allocated as set forth in Chapter 574 of the Acts of Assembly of 1983 until expiration of that Act.

6. Such other funds as may be appropriated by the General Assembly from time to time, and designated for this fund.

7. All interest, dividends and appreciation which may accrue to the Transportation Trust Fund and the Highway Maintenance and Construction Fund, except that interest on funds becoming part of the Transportation Trust Fund under subdivision 1 and the Highway Maintenance and Construction Fund shall not become part of the Transportation Trust Fund until July 1, 1988.

8. All amounts required by contract to be paid over to the Transportation Trust Fund.

9. Concession payments paid to the Commonwealth by a private entity pursuant to the Public-Private Transportation Act of 1995 (§ 56-556 et seq.).

§ 33.1-252. Free use of toll facilities by certain state officers and employees; penalties.

A. Vehicles transporting two or more persons, including the driver, may be permitted toll-free use of the Dulles Toll Road during rush hours by the Commonwealth Transportation Board; however, notwithstanding the provisions of subdivision B 1 of § 56-543 said vehicles shall not be permitted toll-free use of a roadway as defined pursuant to the Virginia Highway Corporation Act of 1988 (§ 56-535 et seq.). Upon presentation of a toll pass issued pursuant to regulations promulgated by the Commonwealth Transportation Board, the following persons may use all toll bridges, toll ferries, toll tunnels, and toll roads in this Commonwealth without the payment of toll while in the performance of their official duties:

1. The Commissioner of Highways;
2. Members of the Commonwealth Transportation Board;
3. Employees of the Virginia Department of Transportation;
4. The Superintendent of the Department of State Police;
5. Officers and employees of the Department of State Police;
6. Members of the Alcoholic Beverage Control Board;

7. Employees of the regulatory and hearings divisions of the Department of Alcoholic Beverage Control and special agents of the Department of Alcoholic Beverage Control;
8. The Commissioner of the Department of Motor Vehicles;
9. Employees of the Department of Motor Vehicles;
10. Local police officers;
11. Sheriffs and their deputies;
12. Regional jail officials;
13. Animal wardens;
14. The Director and officers of the Department of Game and Inland Fisheries;
15. Persons operating fire-fighting equipment and ambulances owned by a political subdivision of the Commonwealth or a nonprofit association or corporation;
16. Operators of school buses being used to transport pupils to or from schools;
17. Operators of (i) commuter buses having a capacity of 20 or more passengers, including the driver, and used to regularly transport workers to and from their places of employment and (ii) public transit buses;
18. Employees of the Department of Rail and Public Transportation;
19. Employees of any transportation facility created pursuant to the Virginia Highway Corporation Act of 1988; and
20. Law-enforcement officers of the Virginia Marine Resources Commission.

Notwithstanding the foregoing provision of this subsection requiring presentation of a toll pass for toll-free use of such facilities, in cases of emergency and circumstances of concern for public safety on the highways of the Commonwealth, the Department shall, in order to alleviate an actual or potential threat or risk to the public's safety, facilitate the flow of traffic on or within the vicinity of the toll facility by permitting the temporary suspension of toll collection operations on its facilities.

a. The assessment of the threat to public safety shall be performed and the decision temporarily to suspend toll collection operations shall be made by the Commissioner or his designee.

b. Major incidents that may require the temporary suspension of toll collection operations shall include, but not necessarily be limited to (i) natural disasters such as hurricanes, tornadoes, fires, and floods; (ii) accidental releases of hazardous materials such as chemical spills; (iii) major traffic accidents such as multivehicle collisions; and (iv) other incidents deemed to present a risk to public safety.

c. In any judicial proceeding in which a person is found to be criminally responsible or civilly liable for any incident resulting in the suspension of toll collections as provided in this subsection, the court may assess against the person an amount equal to lost toll revenue as a part of the costs of the proceeding and order that such amount, not to exceed \$2,000 for any individual incident, be paid to the Department for deposit into the toll road fund.

B. Any tollgate keeper who shall refuse to permit the persons listed in subsection A of this section to pass through such tollgate or over such toll bridge or ferry, or toll road or toll tunnel upon presentation of such a toll pass, shall be guilty of a misdemeanor and punished by a fine of not more than \$50, and not less than \$2.50. Any person other than those listed in subsection A who shall exhibit any such toll pass for the purpose of using any toll bridge, toll tunnel or ferry shall be guilty of a Class 1 misdemeanor and punished accordingly.

B1. Any vehicle operated by the holder of a valid driver's license issued by Virginia or any other state shall be allowed free use of all toll bridges, toll roads, and other toll facilities in Virginia if:

1. The vehicle is specially equipped to permit its operation by a handicapped person;
2. The driver of the vehicle has been certified, either by a physician licensed by Virginia or any other state or by the Adjudication Office of the United States Veterans Administration, as being severely physically disabled and having permanent upper limb mobility or dexterity impairments which substantially impair his ability to deposit coins in toll baskets;
3. The driver has applied for and received from the Department of Transportation a vehicle window sticker identifying him as eligible for such free passage; and
4. Such identifying window sticker is properly displayed on the vehicle.

A copy of this subsection shall be posted at all toll bridges, toll roads, and other toll facilities in Virginia. The Department of Transportation shall provide envelopes for payments of tolls by those persons exempted from tolls pursuant to this subsection and shall accept any payments made by such persons.

C. Nothing contained in this section or in § 33.1-251 or 33.1-285 shall operate to affect the provisions of § 22.1-187.

D. Notwithstanding the provisions of subsections A and B, only the following persons may use the Chesapeake Bay Bridge-Tunnel, facilities of the Richmond Metropolitan *Transportation* Authority, or facilities of an operator authorized to operate a toll facility pursuant to the Public-Private Transportation Act of 1995 (§ 56-556 et seq.) without the payment of toll when necessary and incidental to the conduct of official business:

1. The Commissioner of Highways;
2. Members of the Commonwealth Transportation Board;
3. Employees of the Department of Transportation;
4. The Superintendent of the Department of State Police;
5. Officers and employees of the Department of State Police;
6. The Commissioner of the Department of Motor Vehicles;

7. Employees of the Department of Motor Vehicles; and

8. Sheriffs and deputy sheriffs.

E. Any vehicle operated by a quadriplegic driver shall be allowed free use of all toll facilities in Virginia controlled by the Richmond Metropolitan *Transportation* Authority, pursuant to the requirements of subdivisions 1 through 4 of subsection B1.

§ 33.1-287. Cessation of tolls.

When the particular revenue bonds issued for any project or projects and the interest thereon have been paid, or a sufficient amount has been provided for their payment and continues to be held for that purpose, the Board shall cease to charge tolls for the use of such project or projects and thereafter such project or projects shall be free; however, the Board may thereafter charge tolls for the use of any such project when tolls are required for maintaining, repairing, operating, improving, and reconstructing such project, when such tolls have been or are pledged by the Board to the payment of revenue bonds issued under the provisions of the article for another project or projects on approval of the General Assembly or when such tolls are designated by the Board to be deposited into the Transportation Trust Fund. But any such pledge of tolls of a project to the payment of bonds issued for another project shall not be effectual until the principal and interest of the bonds issued for the first mentioned project shall have been paid or provision made for their payment.

The foregoing provisions shall also apply to tolls on projects constructed pursuant to (i) the acts incorporated by reference by § 33.1-253 (Chesapeake Bay Bridge and Tunnel District), and (ii) to the Richmond Metropolitan *Transportation* Authority, established in Chapter 70 (§ 15.2-7000 et seq.) of Title 15.2, provided their governing bodies have acted as set forth in subdivision 4 of § 33.1-23.03:1.

§ 33.1-288. Use of certain funds by Board.

The Board may, in its discretion, use any part of funds available for the construction of state highways, in any construction district in which any project authorized for toll revenue bond financing by the Commonwealth Transportation Board as described in § 33.1-268 or by the Richmond Metropolitan *Transportation* Authority as described by Chapter 70 (§ 15.2-7000 et seq.) of Title 15.2 is wholly or partly located, to aid in the payment of the cost of such projects and for the payment, purchase or redemption of revenue bonds issued in connection with any such project, or in connection with any such project and any one or more other projects. The Board may also, in its discretion, use any part of funds available for the maintenance of state highways, in any construction district in which any such project is wholly or partly located, to provide for the operation, maintenance and repair of any such project and for the payment of interest on revenue bonds issued in connection with any such project, or in connection with any such project and any one or more other projects; provided further, the Commonwealth Transportation Board may, in its discretion, use funds under the terms of this section for the emergency operation, maintenance and repair of the project of the Chesapeake Bay Bridge and Tunnel Commission as described by § 33.1-253 in the event of damage to the bridge under a repayment agreement approved by the bond trustee, and may also pay to the Chesapeake Bay Bridge and Tunnel Commission, for aid in the maintenance of the project, the same amounts authorized by § 33.1-41.1 for payments for maintenance to certain incorporated towns and cities.

Provided, however, that in the event the Board uses any part of the fund available to itself for the construction of roads in the State Highway System without reference to construction districts, commonly called the "gap fund," for any purpose permitted by this section, it shall not expend in excess of three eighths of the amount of such fund, including other amounts of such fund that may be expended in the three districts in which such projects are located; and provided, further, that in no case shall any of the funds of any construction district other than those in which the projects are located be used for the purposes of this article.

2. That the terms of the additional members of the Board of Directors of the Richmond Metropolitan Transportation Authority (the Board) to be appointed by Chesterfield County and Henrico County as provided in this act shall commence on July 1, 2014. In order to implement the reduction in the number of members of the Board appointed by the City of Richmond, the terms of all current members of the Board appointed by the City of Richmond shall expire on July 1, 2014, and the Mayor of the City of Richmond shall appoint with the approval of the City Council five new members, which number may include members of the Board whose terms expire on July 1, 2014.

CHAPTER 470

An Act to amend and reenact §§ 15.2-1301 and 62.1-132.3:2 of the Code of Virginia, relating to Port of Virginia Economic and Infrastructure Development Grant Program.

[H 672]

Approved April 1, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1301 and 62.1-132.3:2 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-1301. Voluntary economic growth-sharing agreements.

A. Any county, city or town, or combination thereof, may enter voluntarily into an agreement with any other county, city or town, or combination thereof, whereby the locality may agree for any purpose otherwise permitted, including the provision on a multi-jurisdictional basis of one or more public services or facilities or any type of economic development project, to enter into binding fiscal arrangements for fixed time periods, to exceed one year, to share in the benefits of the

economic growth of their localities. However, if any such agreement contains any provision addressing any issue provided for in Chapters 32, 33, 36, 38, 39, or 41 of this title, the agreement shall be subject to the review and implementation process established by Chapter 34 of this title.

B. The terms and conditions of the revenue, tax base or economic growth-sharing agreement as provided in subsection A shall be determined by the affected localities and shall be approved by the governing body of each locality participating in the agreement, provided the governing body of each such locality first holds a public hearing which shall be advertised once a week for two successive weeks in a newspaper of general circulation in the locality. However, the public hearing shall not take place until the Commission on Local Government has issued its findings in accordance with subsection D. For purposes of this section, "revenue, tax base, and economic growth-sharing agreements" means any agreement authorized by subsection A which obligates any locality to pay another locality all or any portion of designated taxes or other revenues received by that political subdivision, but shall not include any interlocal service agreement.

C. Any revenue, tax base or economic growth-sharing agreement entered into under the provisions of this section that creates a debt pursuant to Article VII, Section 10 (b) of the Constitution of Virginia, shall require the board of supervisors to hold a special election on the question as provided in § 15.2-3401.

D. Revenue, tax base, and economic growth-sharing agreements drafted under the provisions of this chapter shall be submitted to the Commission on Local Government for review as provided in subdivision 4 of § 15.2-2903. However, no such review shall be required for two or more localities ~~located in the Port of Virginia Economic and Infrastructure Development Zone, established pursuant to § 62.1-132.3:2, to enter~~ entering into an economic growth-sharing agreement pursuant to this section in order to facilitate the reception of grants for qualified companies in such locality pursuant to the *Port of Virginia Economic and Infrastructure Development Grant Fund and Program established pursuant to § 62.1-132.3:2.*

§ 62.1-132.3:2. Port of Virginia Economic and Infrastructure Development Grant Fund and Program.

A. From such funds as may be appropriated by the General Assembly and any gifts, grants, or donations from public or private sources, and any funds transferred at the request of the Executive Director from the Port Opportunity Fund created pursuant to § 62.1-132.3:1, there is hereby created in the state treasury a special nonreverting, permanent fund to be known as the Port of Virginia Economic and Infrastructure Development ~~Zone~~ Grant Fund (the Fund), to be administered by the Virginia Port Authority. The Fund shall be established on the books of the Comptroller. Any moneys remaining in the Fund at the end of each fiscal year, including interest thereon, shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund, which shall be in the form of grants, shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Executive Director. Moneys in the Fund shall be used solely for the purpose of grants to qualified applicants to the Port of Virginia Economic and Infrastructure Development ~~Zone~~ Grant Program.

B. ~~The Virginia General Assembly does hereby designate the following localities to be part of the Port of Virginia Economic and Infrastructure Development Zone: the Counties of Brunswick; Chesterfield; Charles City; Clarke; Dinwiddie; Frederick; Gloucester; Greensville; Henrico; Hanover; Isle of Wight; James City; Mecklenburg; Montgomery; New Kent; Page; Prince George; Shenandoah; Southampton; Surry; Sussex; Warren; and York; and the Cities of Chesapeake; Colonial Heights; Emporia; Franklin; Hampton; Hopewell; Newport News; Norfolk; Petersburg; Poquoson; Portsmouth; Richmond; Suffolk; Virginia Beach; Williamsburg; and Winchester.~~

C. As used in this section, unless the context requires a different meaning:

"New, permanent full-time position" means a job of an indefinite duration, created by a qualified company as a result of operations within the ~~Zone~~ Commonwealth, requiring a minimum of 35 hours of an employee's time per week for the entire normal year of the company's operations, which normal year shall consist of at least 48 weeks, or a position of indefinite duration that requires a minimum of 35 hours of an employee's time per week for the portion of the taxable year in which the employee was initially hired for the qualified company's location within the ~~Zone~~ Commonwealth. ~~Seasonal~~ "New, permanent full-time position" includes security positions as required within a foreign trade zone, established pursuant to Foreign Trade Zones Act of 1934, as amended (19 U.S.C. §§ 81a through 81u). "New, permanent full-time position" does not include seasonal or temporary positions, ~~or~~ jobs created when a position is shifted from an existing location in the Commonwealth to the qualified company's new or expanded location within the ~~Zone~~, and or positions in building and grounds maintenance; security; and or other positions that are ancillary to the principal activities performed by the employees at the qualified company's location within the ~~Zone~~ shall not qualify as new, permanent full-time positions Commonwealth.

"Qualified company" means a corporation, limited liability company, partnership, joint, venture, or other business entity that (i) locates or expands a facility within the ~~Zone~~ Commonwealth; (ii) creates at least 25 new, permanent full-time positions for qualified full-time employees at a facility within the ~~Zone~~ Commonwealth during its first year of operation within the ~~Zone~~ or during the year when the expansion occurs; (iii) is involved in maritime commerce or exports or imports manufactured goods through the Port of Virginia; and (iv) is engaged in one or more of the following: the distribution, freight forwarding, freight handling, goods processing, manufacturing, warehousing, crossdocking, transloading, or wholesaling of goods exported and imported through the Port of Virginia; ship building and ship repair; dredging; marine construction; or offshore energy exploration or extraction.

"Qualified full-time employee" means an employee filling a new, permanent full-time position in the qualified company's location within the ~~Zone~~ Commonwealth. A "qualified full-time employee" does not include an employee (i) for

whom a tax credit was previously earned pursuant to § 58.1-439 or 58.1-439.12:06 by a related party as defined listed in § 267(b) of the Internal Revenue Code or by a trade or business under common control as defined in regulations issued pursuant to § 52(b) of the Internal Revenue Code; (ii) who was previously employed in the same job function at an existing location in Virginia the Commonwealth by a related party as defined listed in § 267(b) of the Internal Revenue Code; or (iii) whose job function was previously performed at a different location in Virginia the Commonwealth by an employee of a related party as defined listed in § 267(b) of the Internal Revenue Code or a trade or business under common control as defined in regulations issued pursuant to § 52(b) of the Internal Revenue Code.

~~"Zone" means the Port of Virginia Economic and Infrastructure Development Zone.~~

~~D. C.~~ Beginning January 1, 2013 2014, but not later than June 30, 2020, and subject to appropriation, any qualified company that locates or expands a facility within the Port of Virginia Economic and Infrastructure Development Zone Commonwealth shall be eligible to apply for a one-time grant from the Fund, in an amount determined as follows:

1. One thousand dollars per new, permanent full-time position if the qualified company creates at least 25 new, permanent full-time positions for qualified full-time employees during its first year of operation within the Zone or during the year in which the expansion occurs;

2. Fifteen hundred dollars per new, permanent full-time position if the qualified company creates at least 50 new, permanent full-time positions for qualified full-time employees during its first year of operation within the Zone or during the year in which the expansion occurs;

3. Two thousand dollars per new, permanent full-time position if the qualified company creates at least 75 new, permanent full-time positions for qualified full-time employees during its first year of operation within the Zone or during the year in which the expansion occurs; and

4. Three thousand dollars per new, permanent full-time position if the qualified company creates at least 100 new, permanent full-time positions for qualified full-time employees during its first year of operation within the Zone or during the year in which the expansion occurs.

~~E. D.~~ The maximum amount of grant allowable per qualified company in any given fiscal year is \$500,000. The maximum amount of grants allowable among all qualified companies in any given fiscal year is ~~\$5,000,000~~ \$5 million.

~~F. E.~~ To qualify for a grant pursuant to this section, a qualified company must apply for the grant not later than March 31 in the year immediately following the location or expansion of a facility within the Zone Commonwealth pursuant to an application process developed by the Virginia Port Authority. Within 90 days after the filing deadline, the Executive Director shall certify to the Comptroller and the qualified company the amount of grant to which the qualified company is entitled under this section. Payment of each grant shall be made by check issued by the State Treasurer of Virginia on warrant of the Comptroller within 60 days of such certification and in the order that each completed eligible application is received. In the event that the amount of eligible grants requested in a fiscal year exceeds the funds available in the Fund or ~~\$5,000,000~~ \$5 million, such grants shall be paid in the next fiscal year in which funds are available.

~~G. F.~~ Prior to receipt of a grant, the qualified company shall enter into a memorandum of understanding with the Virginia Port Authority establishing the requirements for maintaining the number of new, permanent full-time positions for qualified employees at the qualified company's location within the Zone Commonwealth. If the number of new, permanent full-time positions for any of the three years immediately following receipt of a grant falls below the number of new, permanent full-time positions created during the year for which the grant is claimed, the amount of the grant must be recalculated using the decreased number of new, permanent full-time positions and the qualified company shall repay the difference.

~~H. G.~~ No qualified company shall apply for a grant nor shall one be awarded under this section to an otherwise qualified company if (i) a credit pursuant to § 58.1-439 or 58.1-439.12:06 is claimed for the same employees or for capital expenditures at the same facility by the qualified company, by a related party as defined listed in § 267(b) of the Internal Revenue Code, or by a trade or business under common control as defined in regulations issued pursuant to § 52(b) of the Internal Revenue Code or (ii) the qualified company was a party to a reorganization as defined in § 368(b) of the Internal Revenue Code, and any corporation involved in the reorganization as defined in § 368(a) of the Internal Revenue Code previously received a grant under this section for the same facility or operations.

~~I. H.~~ The Virginia Port Authority, with the assistance of the Virginia Economic Development Partnership, shall develop guidelines establishing procedures and requirements for qualifying for the grant, including the affirmative determination that each applicant is a qualified company, as defined above, engaged in a port-related business. The guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.). For the purposes of administering this grant program, the Virginia Port Authority and the Department of Taxation shall exchange information regarding whether a qualified company, a related party as listed in § 267(b) of the Internal Revenue Code, or a trade or business under common control as defined in regulations issued pursuant to § 52(b) of the Internal Revenue Code has claimed a credit pursuant to § 58.1-439 or 58.1-439.12:06 for the same employees or for capital expenditures at the same facility.

CHAPTER 471

An Act to amend the Code of Virginia by adding in Title 15.2 a chapter numbered 74, consisting of sections numbered 15.2-7400 through 15.2-7425, relating to the Eastern Shore Water Access Authority.

[H 844]

Approved April 1, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 15.2 a chapter numbered 74, consisting of sections numbered 15.2-7400 through 15.2-7425, as follows:

CHAPTER 74.

EASTERN SHORE WATER ACCESS AUTHORITY.

§ 15.2-7400. Title.

This act shall be known and may be cited as the Eastern Shore Water Access Authority Act.

§ 15.2-7401. Creation; public purpose.

If any of the governing bodies of the Counties of Accomack and Northampton by resolution declare that there is a need for a public access authority to be created and an operating agreement is developed for the purpose of establishing or operating a public access authority for any such participating political subdivisions and that they should unite in the formation of an authority to be known as the Eastern Shore Water Access Authority (the Authority), which shall thereupon exist for such participating counties and shall exercise its powers and functions as prescribed herein. The region for which such Authority shall exist shall be coterminous with the boundaries of the participating political subdivisions. The Authority shall be charged with the following duties:

1. Identify land, either owned by the Commonwealth or private holdings, that can be secured for use by the general public as a public access site;

2. Research and determine ownership of all identified sites;

3. Determine appropriate public use levels of identified access sites;

4. Develop appropriate mechanisms for transferring title of Commonwealth or private holdings to the Authority;

5. Develop appropriate acquisition and site management plans for public access usage;

6. Determine which holdings should be sold to advance the mission of the Authority;

7. Receive and expend public funds and private donations in order to restore or create tidal wetlands within the region for which the Authority exists, provided that any tidal mitigation credits resulting from such restoration or creation projects shall be held by the Authority for the benefit and use of participating political subdivisions and shall not be sold or conveyed to any private party by the Authority or any participating political subdivision;

8. Receive and expend public funds and private donations and apply for permits in order to perform dredging projects on waterways and construct facilities and infrastructure within the region for which the Authority exists, provided that such projects enhance recreational and commercial public access; and

9. Perform other duties required to fulfill the mission of the Authority.

In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of the Authority, the Authority shall be deemed to have been created as a body corporate and to have been established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of a resolution as aforesaid by the participating political subdivisions declaring that there is a need for such Authority. A copy of such resolution duly certified by the clerks of the counties by which it is adopted shall be admissible as evidence in any suit, action, or proceeding. Any political subdivision of the Commonwealth is authorized to join such Authority pursuant to the terms and conditions of this act.

The ownership and operation by the Authority of any public access sites and related facilities and the exercise of powers conferred by this act are proper and essential governmental functions and public purposes and matters of public necessity for which public moneys may be spent and private property acquired. The Authority is a regional entity of government by or on behalf of which debt may be contracted by or on behalf of any county pursuant to Article VII, Section 10 (a) of the Constitution of Virginia.

§ 15.2-7402. Definitions.

As used in this act, the following words and terms have the following meanings unless a different meaning clearly appears from the context:

"Act" means the Eastern Shore Water Access Authority Act.

"Authority" means the Eastern Shore Water Access Authority created by this act.

"Board of directors" means the governing body of the Authority.

"Bonds" means any bonds, notes, debentures, or other evidence of financial indebtedness issued by the Authority pursuant to this act.

"Commonwealth" means the Commonwealth of Virginia.

"Participating political subdivision" means any of the counties of the Accomack-Northampton Planning District Commission or any other subdivision that may join the Authority pursuant to this act.

"Political subdivision" means a locality or other public body of the Commonwealth.

"Site" means any land holding that can improve public access to waters of the Commonwealth.

§ 15.2-7403. Participating political subdivision.

No pecuniary liability of any kind shall be imposed upon any participating political subdivision because of any act, omission, agreement, contract, tort, malfeasance, misfeasance, or nonfeasance by or on the part of the Authority or any member thereof, or its agents, servants, or employees, except as otherwise provided in this act with respect to contracts and agreements between the Authority and any other political subdivision.

§ 15.2-7404. Appointment of a board of directors.

The powers of the Authority shall be vested in the directors of the Authority. The governing body of each participating political subdivision shall appoint either one or two directors, one of whom shall be a member of the appointing governing body or its chief operating officer. In the event there are two or fewer participating political subdivisions in the Authority, each participating political subdivision shall appoint two directors.

The governing body of each political subdivision shall be empowered to remove at any time, without cause, any director appointed by it and appoint a successor director to fill the unexpired portion of the removed director's term.

If financial funds are available, each director may be reimbursed by the Authority for the amount of actual expenses incurred by him in the performance of his duties.

§ 15.2-7405. Organization.

A simple majority of the directors in office shall constitute a quorum. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority.

The Authority shall hold regular meetings at such times and places as may be established by its bylaws duly adopted and published at the organizational meeting of that body.

The board of directors shall annually elect a chairman and a vice-chairman from its membership, a secretary and a treasurer or a secretary-treasurer from its membership or not as the board of directors deems appropriate, an assistant secretary or assistant secretary-treasurer from its membership or not as the board of directors deems appropriate, and such other officers as the board of directors may deem appropriate.

The board of directors may make and from time to time amend and repeal bylaws, not inconsistent with this act, governing the manner in which the Authority's business may be transacted and in which the power granted to it may be enjoyed. The board of directors may appoint such committees as it may deem advisable and fix the duties and responsibilities of such committees.

§ 15.2-7406. Powers.

The Authority is hereby granted all powers necessary or appropriate to carry out the purposes of this act, including the following, to:

- 1. Adopt bylaws for the regulation of its affairs and the conduct of its business;*
- 2. Sue and be sued in its own name;*
- 3. Have perpetual succession;*
- 4. Adopt a corporate seal and alter the same at its pleasure;*
- 5. Maintain offices at such places as it may designate;*
- 6. Acquire, establish, construct, enlarge, improve, maintain, equip, operate, and regulate public access sites that are owned or managed by the Authority within the territorial limits of the participating political subdivisions;*
- 7. Construct, install, maintain, and operate facilities for managing access sites;*
- 8. Determine fees, rates, and charges for the use of its facilities;*
- 9. Apply for and accept gifts, grants of money, or gifts, grants, or loans of other property or other financial assistance from the United States of America and agencies and instrumentalities thereof, the Commonwealth, or any other person or entity, for or in aid of the construction, acquisition, ownership, operation, maintenance, or repair of the public access sites or for the payment of principal of any indebtedness of the Authority, interest thereon, or other cost incident thereto, and to this end the Authority shall have the power to render such services, comply with such conditions, and execute such agreements and legal instruments as may be necessary, convenient, or desirable or imposed as a condition to such financial aid;*
- 10. Appoint, employ, or engage such officers, employees, architects, engineers, attorneys, accountants, financial advisors, investment bankers, and other advisors, consultants, and agents as may be necessary or appropriate, and fix their duties and compensation;*
- 11. Contract with any participating political subdivision for such subdivision to provide legal services, engineering services, depository and investment services contemplated by § 15.2-7412, accounting services, including the annual independent audit required by § 15.2-7409, and procurement of goods and services and act as fiscal agent for the Authority;*
- 12. Establish personnel rules;*
- 13. Own, purchase, lease, obtain options upon, acquire by gift, grant, or bequest, or otherwise acquire any property, real or personal, or any interest therein, and in connection therewith to assume or take subject to any indebtedness secured by such property;*
- 14. Make, assume, and enter into all contracts, leases, and arrangements necessary or incidental to the exercise of its powers, including contracts for the management or operation of all or any part of its facilities;*
- 15. Borrow money, as hereinafter provided, and borrow money for the purpose of meeting casual deficits in its revenues;*

16. Adopt, amend, and repeal rules and regulations for the use, maintenance, and operation of its facilities and governing the conduct of persons and organizations using its facilities and enforce such rules and regulations and all other rules, regulations, ordinances, and statutes relating to its facilities, all as hereinafter provided;

17. Purchase and maintain insurance or provide indemnification on behalf of any person who is or was a director, officer, employee, or agent of the Authority against any liability asserted against him or incurred by him in any such capacity or arising out of his status as such;

18. Do all things necessary or convenient to the purposes of this act. To that end, the Authority may acquire, own, or convey property; enter into contracts; seek financial assistance and incur debt; and adopt rules and regulations; and

19. Whenever it shall appear to the Authority that the need for the Authority no longer exists, the Authority, or in the proper case, any such subdivision, may petition the circuit court of a participating political subdivision for the dissolution of the Authority. If the court determines that the need for the Authority as set forth in this act no longer exists and that all debts and pecuniary obligations of the Authority have been fully paid or provided for, it may enter an order dissolving the Authority.

Upon dissolution, the court shall order any real or tangible personal property contributed to the Authority by a participating political subdivision, together with any improvements thereon, returned to such participating political subdivision. The remaining assets of the Authority shall be distributed to the participating political subdivisions in proportion to their respective contributions theretofore made to the Authority.

Each participating political subdivision and all holders of the Authority's bonds shall be made parties to any such proceeding and shall be given notice as provided by law. Any party defendant may reply to such petition at any time within six months after the filing of the petition. From the final judgment of the court, an appeal shall lie to the Supreme Court of Virginia.

§ 15.2-7407. Name of authority.

The name of the Authority shall be the Eastern Shore Water Access Authority. The name of the Authority may be changed upon approval of a simple majority of the directors of the Authority.

§ 15.2-7408. Rules, regulations, and minimum standards.

The Authority shall have the power to adopt, amend, and repeal rules, regulations, and minimum standards for the use, maintenance, and operation of its facilities and governing the conduct of persons and organizations using its facilities.

Unless the Authority shall by unanimous vote of the board of directors determine that an emergency exists, the Authority shall, prior to the adoption of any rule or regulation or alteration, amendment, or modification thereof:

1. Make such rule, regulation, alteration, amendment, or modification in convenient form available for public inspection in the office of the Authority for at least 10 days; and

2. Post in a public place a notice declaring the board of directors' intention to consider adopting such rule, regulation, alteration, amendment, or modification and informing the public that the Authority will at a public meeting consider the adoption of such rule or regulation or such alteration, amendment, or modification, on a day and at a time to be specified in the notice, after the expiration of at least 10 days from the first day of the posting of the notice thereof. The Authority's rules and regulations shall be available for public inspection in the Authority's principal office.

The Authority's rules and regulations relating to (i) traffic, including but not limited to motor vehicle speed limits and the location of and charges for public parking; (ii) access to Authority facilities, including but not limited to solicitation, handbilling, and picketing; and (iii) site management and maintenance shall have the force of law, as shall any other rule or regulation of the Authority, which shall contain a determination by the Authority that it is necessary to accord the same force and effect of law in the interest of the public safety. However, with respect to motor vehicle traffic rules and regulations, the Authority shall obtain the approval of the appropriate official of the political subdivision in which such rules or regulations are to be enforced. The violation of any rule or regulation of the Authority relating to motor vehicle traffic shall be tried and punished in the same manner as if it had been committed on the public roads of the participating political subdivision in which such violation occurred. All other violations of the rules and regulations having the force of law shall be punishable as misdemeanors.

§ 15.2-7409. Reports.

The Authority shall keep minutes of its proceedings, which minutes shall be open to public inspection during normal business hours. It shall keep suitable records of all its financial transactions and shall arrange to have the same audited annually by an independent certified public accountant. Copies of each such audit shall be furnished to each participating political subdivision and shall be open to public inspection.

§ 15.2-7410. Procurement.

All contracts that the Authority may let for professional services, nonprofessional services, or materials shall be subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

§ 15.2-7411. Deposit and investment of funds.

Except as provided by contract with a participating political subdivision, all moneys received pursuant to the authority of this act, whether as proceeds from the sale of bonds or as revenues or otherwise, shall be deemed to be trust funds to be held and applied solely as provided in this act. All moneys of the Authority shall be deposited as soon as practicable in a separate account or accounts in one or more banks or trust companies organized under the laws of the Commonwealth or national banking associations having their principal offices in the Commonwealth. Such deposits shall be continuously secured in accordance with the Virginia Security for Public Deposits Act (§ 2.2-4400 et seq.).

Funds of the Authority not needed for immediate use or disbursement may, subject to the provisions of any contract between the Authority and the holders of its bonds, be invested in securities that are considered lawful investments for fiduciaries.

§ 15.2-7412. Authority to issue bonds.

The Authority shall have the power to issue bonds from time to time in its discretion, for any of its purposes, including the payment of all or any part of the cost of Authority facilities and including the payment or retirement of bonds previously issued by it. The Authority may issue such types of bonds as it may determine, including (without limiting the generality of the foregoing) bonds payable, both as to principal and interest, (i) from its revenues and receipts generally and (ii) exclusively from the revenues and receipts of certain designated facilities or loans whether or not they are financed in whole or in part from the proceeds of such bonds. Any such bonds may be additionally secured by a pledge of any grant or contribution from a participating political subdivision; the Commonwealth or any political subdivision, agency, or instrumentality thereof; any federal agency; or any unit, private corporation, co-partnership, association, or individual, as such participating political subdivision, or other entities, may be authorized to make under general law or by pledge of any income or revenues of the Authority or by mortgage or encumbrance of any property or facilities of the Authority. Unless otherwise provided in the proceeding authorizing the issuance of the bonds, or in the trust indenture securing the same, all bonds shall be payable solely and exclusively from the revenues and receipts of a particular facility or loan. Bonds may be executed and delivered by the Authority at any time and from time to time may be in such form and denominations and of such terms and maturities, may be in registered or bearer form either as to principal or interest or both, may be payable in such installments and at such time or times not exceeding 40 years from the date thereof, may be payable at such place or places whether within or without the Commonwealth, may bear interest at such rate or rates, may be payable at such time or times and at such places, may be evidenced in such manner, and may contain such provisions not inconsistent herewith, all as shall be provided and specified by the board of directors in authorizing each particular bond issue.

If deemed advisable by the board of directors, there may be retained in the proceedings under which any bonds of the Authority are authorized to be issued an option to redeem all or any part thereof as may be specified in such proceedings, at such price or prices and after such notice or notices and on such terms and conditions as may be set forth in such proceedings and as may be briefly recited on the face of the bonds, but nothing herein contained shall be construed to confer on the Authority any right or option to redeem any bonds except as may be provided in the proceedings under which they shall be issued. Any bonds of the Authority may be sold at public or private sale in such manner and from time to time as may be determined by the board of directors of the Authority to be most advantageous, and the Authority may pay all costs, premiums, and commissions that its board of directors may deem necessary or advantageous in connection with the issuance thereof. Issuance by the Authority of one or more series of bonds for one or more purposes shall not preclude it from issuing other bonds in connection with the same facility or any other facility, but the proceedings whereunder any subsequent bonds may be issued shall recognize and protect any prior pledge or mortgage made for any prior issue of bonds. Any bonds of the Authority at any time outstanding may from time to time be refunded by the Authority by the issuance of its refunding bonds in such amount as the board of directors may deem necessary, but not exceeding an amount sufficient to refund the principal of the bonds so to be refunded, together with any unpaid interest thereon and any costs, premiums, or commissions necessary to be paid in connection therewith. Any such refunding may be effected whether the bonds to be refunded shall have then matured or shall thereafter mature, either by sale of the refunding bonds and the application of the proceeds thereof to the payment of the bonds to be refunded thereby, or by the exchange of the refunding bonds for the bonds to be refunded thereby, with the consent of the holders of the bonds so to be refunded, and regardless of whether or not the bonds to be refunded were issued in connection with the same facilities or separate facilities, and regardless of whether or not the bonds proposed to be refunded shall be payable on the same date or on different dates or shall be due serially or otherwise.

All bonds shall be signed by the chairman or vice-chairman of the Authority or shall bear his facsimile signature, and the corporate seal of the Authority or a facsimile thereof shall be impressed or imprinted thereon and attested by the signature of the secretary (or the secretary-treasurer) or the assistant secretary (or assistant secretary-treasurer) of the Authority or shall bear his facsimile signature, and any coupons attached thereto shall bear the facsimile signature of said chairman. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be an officer before delivery of such bonds, such signature, or such facsimile, shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. When the signatures of both the chairman or the vice-chairman and the secretary (or the secretary-treasurer) or the assistant secretary (or the assistant secretary-treasurer) are facsimiles, the bonds must be authenticated by a corporate trustee or other authenticating agent approved by the Authority.

If the proceeds derived from a particular bond issue, due to error of estimates or otherwise, shall be less than the cost of the Authority facilities for which such bonds were issued, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the proceedings authorizing the issuance of the bonds of such issue or in the trust indenture securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds of the first issue. If the proceeds of the bonds of any issue shall exceed such cost, the surplus may be deposited to the credit of the sinking fund for such bonds or may be applied to the payment of the cost of any additions, improvements, or enlargements of the Authority facilities for which such bonds shall have been issued.

Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue interim receipts or temporary bonds with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds that become mutilated or are destroyed or lost. Bonds may be issued under the provisions of this act without obtaining the consent of any department, division, commission, board, bureau, or agency of the Commonwealth, and without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions, or things that are specifically required by this act, provided, however, that nothing contained in this act shall be construed as affecting the powers and duties now conferred by law upon the State Corporation Commission.

All bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of and shall be and are hereby made negotiable instruments under the Uniform Commercial Code of Virginia (§ 8.1A-101 et seq.), subject only to provisions respecting registration of the bonds.

In addition to all other powers granted to the Authority by this act, the Authority is authorized to provide for the issuance from time to time of notes or other obligations of the Authority for any of its authorized purposes. All of the provisions of this act that relate to bonds or revenue bonds shall apply to such notes or other obligations insofar as such provisions may be appropriate.

§ 15.2-7413. Fees, rents, and charges.

The Authority is hereby authorized to and shall fix, revise, charge, and collect fees, rents, and other charges for the use and services of any facilities or access site. Such fees, rents, and other charges shall be so fixed and adjusted as to provide a fund sufficient with other revenues to pay the cost of maintaining, repairing, and operating the facilities and the principal and any interest on its bonds as the same shall become due and payable, including reserves therefor. Such fees, rents, and charges shall not be subject to supervision or regulation by any commission, board, bureau, or agency of the Commonwealth or any participating political subdivision. The fees, rents, and other charges received by the Authority, except such part thereof as may be necessary to pay the cost of maintenance, repair, and operation and to provide such reserves therefor as may be provided for in any resolution authorizing the issuance of such bonds or in any trust indenture or agreement securing the same, shall to the extent necessary be set aside at such regular intervals as may be provided in any such resolution or trust indenture or agreement in a sinking fund or sinking funds pledged to, and charged with, the payment and the interest on such bonds as the same shall become due, and the redemption price or the purchase price of such bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made. So long as any of its bonds are outstanding, the fees, rents, and charges so pledged and thereafter received by the Authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the Authority irrespective of whether such parties have notice thereof. Neither the resolution nor any trust indenture by which a pledge is created need be filed or recorded except in the records of the Authority. The use and disposition of moneys to the credit of any such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust indenture or agreement.

§ 15.2-7414. Credit of Commonwealth and political subdivisions not pledged.

Bonds issued pursuant to the provisions of this act shall not be deemed to constitute a debt of the Commonwealth, or any political subdivision thereof other than the Authority, but such bonds shall be payable solely from the funds provided therefor as herein authorized. All such bonds shall contain on the face thereof a statement to the effect that neither the Commonwealth, nor any political subdivision thereof, nor the Authority, shall be obligated to pay the same or the interest thereon or other costs incident thereto except from the revenues and money pledged therefor and that neither the faith and credit nor the taxing power of the Commonwealth, or any political subdivision thereof, is pledged to the payment of the principal of such bonds or the interest thereon or other costs incident thereto.

All expenses incurred in carrying out the provisions of this act shall be payable solely from the funds of the Authority and no liability or obligation shall be incurred by the Authority hereunder beyond the extent to which moneys shall be available to the Authority.

Bonds issued pursuant to the provisions of this act shall not constitute an indebtedness within the meaning of any debt limitation or restriction.

§ 15.2-7415. Directors and persons executing bonds not liable thereon.

Neither the board of directors nor any person executing the bonds shall be liable personally for the Authority's bonds by reasons of the issuance thereof.

§ 15.2-7416. Security for payment of bonds; default.

The principal of and interest on any bonds issued by the Authority shall be secured by a pledge of the revenues and receipts out of which the same shall be made payable, and may be secured by a trust indenture covering all or any part of the Authority facilities from which revenues or receipts so pledged may be derived, including any enlargements of any additions to any such projects thereafter made. The resolution under which the bonds are authorized to be issued and any such trust indenture may contain any agreements and provisions respecting the maintenance of the projects covered thereby, the fixing and collection of rents for any portions thereof leased by the Authority to others, the creation and maintenance of special funds from such revenues and the rights and remedies available in the event of default, all as the board of directors shall deem advisable not in conflict with the provisions hereof. Each pledge, agreement, and trust indenture made for the benefit or security of any of the bonds of the Authority shall continue effective until the principal of and interest on the

bonds for the benefit of which the same were made shall have been fully paid. In the event of default in such payment or in any agreements of the Authority made as a part of the contract under which the bonds were issued, whether contained in the proceedings authorizing the bonds or in any trust indenture executed as security therefor, said pledge or agreement may be enforced by mandamus, suit, action, or proceeding at law or in equity to compel the Authority and the directors, officers, agents, or employees thereof to perform each and every term, provision, and covenant contained in any trust indenture of the Authority, the appointment of a receiver in equity, or by foreclosure of any such trust indenture, or any one or more of said remedies.

§ 15.2-7417. Taxation.

The exercise of the powers granted by this act shall in all respects be presumed to be for the benefit of the inhabitants of the Commonwealth, for the increase of their commerce, and for the promotion of their health, safety, welfare, convenience, and prosperity, and as the operation and maintenance of any project that the Authority is authorized to undertake will constitute the performance of an essential governmental function, the Authority shall not be required to pay any taxes or assessments upon any facilities acquired and constructed by it under the provisions of this act, and the bonds issued under the provisions of this act, their transfer, and the income therefrom, including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by any political subdivision thereof. Persons, firms, partnerships, associations, corporations, and organizations leasing property of the Authority or doing business on property of the Authority shall be subject to and liable for payment of all applicable taxes of the political subdivision in which such leased property lies or in which business is conducted, including, but not limited to, any leasehold tax on real property and taxes on hotel and motel rooms, taxes on the sale of tobacco products, taxes on the sale of meals and beverages, privilege taxes and local general retail sales and use taxes, taxes to be paid on licenses in respect to any business, profession, vocation, or calling, and taxes upon consumers of gas, electricity, telephone, and other public utility services.

§ 15.2-7418. Bonds as legal investments.

Bonds issued by the Authority under the provisions of this act are hereby made securities in which all public officers and public bodies of the Commonwealth and its political subdivisions and all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital, in their control or belonging to them. Such bonds are hereby made securities that may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or obligations is now or may hereafter be authorized by law.

§ 15.2-7419. Appropriation by political subdivision.

Any participating political subdivision, or other political subdivision of the Commonwealth, is authorized to provide services, to donate real or personal property, and to make appropriations to the Authority for the acquisition, construction, maintenance, and operation of the Authority's facilities. Any such political subdivision is hereby authorized to issue its bonds, including general obligation bonds, in the manner provided in the Public Finance Act (§ 15.2-2600 et seq.) or in any applicable municipal charter for the purpose of providing funds to be appropriated to the Authority, and such political subdivisions may enter into contracts obligating such bond proceeds to the Authority.

The Authority may agree to assume or reimburse a participating political subdivision for any indebtedness incurred by such participating political subdivision with respect to facilities conveyed by it to the Authority.

§ 15.2-7420. Contracts with political subdivisions.

The Authority is authorized to enter into contracts with any one or more political subdivisions.

§ 15.2-7421. Agreement with Commonwealth and participating political subdivisions.

The Commonwealth and, by participating in the Authority, each participating political subdivision pledge to and agree with the holders of any bonds issued by the Authority that neither the Commonwealth nor any participating political subdivision will limit or alter the rights hereunder vested in the Authority to fulfill the terms of any agreements made with said holders or in any way impair the rights and remedies of said holders until such bonds are fully met and discharged. The Authority is authorized to include this pledge and agreement in any contract with the holders of the Authority's bonds.

§ 15.2-7422. Liberal construction.

Neither this act nor anything contained herein is or shall be construed as a restriction or limitation upon any powers that the Authority might otherwise have under any laws of the Commonwealth, and this act is cumulative to any such powers. This act does and shall be construed to provide a complete, additional, and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the other provisions of this act.

§ 15.2-7423. Application of local ordinances, service charges, and taxes upon leaseholds.

Nothing herein contained shall be construed to exempt the Authority's property from any applicable zoning, subdivision, erosion and sediment control, and fire prevention codes or from building regulations of a political subdivision in which such property is located. Nor shall anything herein contained exempt the property of the Authority from any service charge authorized by the General Assembly pursuant to Article X, Section 6 (g) of the Constitution of Virginia or exempt any lessee of any of the Authority's property from any tax imposed upon his leasehold interest in such property or upon the receipts derived therefrom.

§ 15.2-7424. Existing contracts, leases, franchises, etc., not impaired.

No provision of this act shall relieve, impair, or affect any right, duty, liability, or obligation arising out of any contract, concession, lease, or franchise now in existence except to the extent that such contract, concession, lease, or franchise may permit. Notwithstanding the foregoing provisions of this section, the Authority may renegotiate, renew, extend the term of, or otherwise modify at any time any contract, concession, lease, or franchise now in existence in such manner and on such terms and conditions as it may deem appropriate, provided that the operator of or under any said contract, concession, lease, or franchise consents to said renegotiation, renewal, extension, or modification.

§ 15.2-7425. Withdrawal of membership.

Any member jurisdiction may withdraw from membership in the Authority by resolution or ordinance of its governing body. However, no member jurisdiction shall be permitted to withdraw from the Authority after any obligation has been incurred except by unanimous vote of all member jurisdictions.

CHAPTER 472

An Act to amend and reenact §§ 22.1-253.13:1 and 23-9.2:3.04 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 23-2.4, relating to State Council of Higher Education; postsecondary education and employment data.

[H 886]

Approved April 1, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-253.13:1 and 23-9.2:3.04 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 23-2.4 as follows:

§ 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.

A. The General Assembly and the Board of Education believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board of Education find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, Section 1 of the Constitution of Virginia.

B. The Board of Education shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning, including problem solving and decision making; proficiency in the use of computers and related technology; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade three shall be based on components of effective reading instruction, to include, at a minimum, phonemic awareness, phonics, fluency, vocabulary development, and text comprehension.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board of Education shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department of Education shall make available and maintain a website, either separately or through an existing website utilized by the Department of Education, enabling public elementary, middle, and high school educators to

submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

School boards shall implement the Standards of Learning or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives established by the school division at appropriate age or grade levels. The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

The Board of Education shall include in the Standards of Learning for history and social science the study of contributions to society of diverse people. For the purposes of this subsection, "diverse" includes consideration of disability, ethnicity, race, and gender.

The Board of Education shall include in the Standards of Learning for health instruction in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D 4 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for career and technical education programs to require the full integration of English, mathematics, science, and history and social science Standards of Learning. Career and technical education programs shall be aligned with industry and professional standard certifications, where they exist.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues, and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research-based.

Any student who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit shall be required to attend a remediation program or to participate in another form of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent.

The Board of Education shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.
 2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.

3. Career and technical education programs incorporated into the K through 12 curricula that include:
 a. Knowledge of careers and all types of employment opportunities, including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;

b. Career exploration opportunities in the middle school grades; ~~and~~
 c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be developed with the input of area business and industry representatives and local community colleges and shall be submitted to the Superintendent of Public Instruction in accordance with the timelines established by federal law; *and*

d. Annual notice on its website to enrolled high school students and their parents of the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23-9.2:3.04.

4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.

5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.

6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.

7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board of Education.

8. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.

9. A plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students.

10. An agreement for postsecondary degree attainment with a community college in the Commonwealth specifying the options for students to complete an associate's degree or a one-year Uniform Certificate of General Studies from a community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes, the International Baccalaureate Program, and Academic Year Governor's School Programs, the qualifications for enrolling in such classes and programs, and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the agreement with a community college in the Commonwealth to enable students to complete an associate's degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs.

13. Early identification, diagnosis, and assistance for students with reading and mathematics problems and provision of instructional strategies and reading and mathematics practices that benefit the development of reading and mathematics skills for all students.

Local school divisions shall provide reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading test or any reading diagnostic test that meets criteria established by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives early intervention reading services will be assessed again at the end of that school year. The local school division, in its discretion, shall provide such reading intervention services prior to promoting a student from grade three to grade four. Reading intervention services may include the use of: special reading teachers; trained aides; volunteer tutors under the supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher provides direct instruction to the students who need extra assistance; and extended instructional time in the school day or school year for these students. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or early intervention reading may be used to meet the requirements of this subdivision.

Local school divisions shall provide algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on any diagnostic test

that has been approved by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives algebra readiness intervention services will be assessed again at the end of that school year. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra readiness intervention services may be used to meet the requirements of this subdivision.

14. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

15. A program of physical fitness available to all students with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, or (iii) other programs and physical activities deemed appropriate by the local school board. Each local school board shall incorporate into its local wellness policy a goal for the implementation of such program during the regular school year.

16. A program of student services for kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development.

17. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

§ 23-2.4. Postsecondary education and employment data.

Each institution of higher education shall provide a link to the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23-9.2:3.04.

§ 23-9.2:3.04. (Expires June 30, 2017) Post-graduation employment rates.

By August 1, 2013, and each year thereafter, the State Council of Higher Education for Virginia shall publish data on its website on the proportion of graduates with employment at 18 months and five years after the date of graduation for each public institution and each private nonprofit institution of higher education eligible to participate in the Tuition Assistance Grant Program. The data shall include the program and the program level, as recognized by the State Council of Higher Education, for each degree awarded by each institution and shall, at a minimum, include the percentage of graduates known to be employed in the Commonwealth, the average salary, and the average higher education-related debt for the graduates on which the data is based; *rates of enrollment in remedial coursework for each institution; individual student credit accumulation for each institution; rates of postsecondary degree completion; and any other information that the Council determines is necessary to address adequate preparation for success in postsecondary education and alignment between secondary and postsecondary education. The Council shall disseminate to each public high school and each institution of higher education in the Commonwealth for which the Council has student-level data a link on its website to the published data. The Council shall provide a notification template that each public high school may use to annually notify students and their parents about the availability of such data.* The published data shall be consistent with the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) and the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g).

CHAPTER 473

An Act to amend and reenact §§ 24.2-502, as it is currently effective and as it shall become effective, and 24.2-511 of the Code of Virginia, relating to filings by candidates and political parties; efficiency reforms.

[H 956]

Approved April 1, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-502, as it is currently effective and as it shall become effective, and 24.2-511 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-502. (Effective until July 1, 2014) Statement of economic interests as requirement of candidacy.

It shall be a requirement of candidacy that a written statement of economic interests shall be filed by (i) a candidate for Governor, Lieutenant Governor, or Attorney General with the Secretary of the Commonwealth, (ii) a candidate for Senate or

House of Delegates with the clerk of the appropriate house, (iii) a candidate for a constitutional office with the general registrar for the county or city, and (iv) a candidate for member of the governing body or elected school board of any county, city, or town with a population in excess of 3,500 persons with the general registrar for the county or city. The statement of economic interests shall be that specified in § 30-111 for candidates for the General Assembly and in § 2.2-3117 for all other candidates. The foregoing requirement shall not apply to a candidate for reelection to the same office who has met the requirement of annually filing a statement pursuant to § 2.2-3114, § 2.2-3115, or § 30-110.

The Secretary of the Commonwealth; ~~and the clerks of the Senate and House of Delegates; the general registrar, and the clerk of the local governing body~~ shall transmit to the State Board, immediately after the filing deadline, a list of the candidates who have filed initial or annual statements of economic interests. The ~~Secretary of the State Board~~ *general registrar, the clerk of the local governing body, or the clerk of the school board, as appropriate, shall notify the appropriate* ~~transmit to the local electoral boards of the filings board, immediately after the filing deadline, a list of the candidates who have filed initial or annual statements of economic interests.~~

§ 24.2-502. (Effective July 1, 2014) Statement of economic interests as requirement of candidacy.

It shall be a requirement of candidacy that a written statement of economic interests shall be filed by (i) a candidate for Governor, Lieutenant Governor, or Attorney General with the Secretary of the Commonwealth, (ii) a candidate for Senate or House of Delegates with the clerk of the appropriate house, (iii) a candidate for a constitutional office with the general registrar for the county or city, and (iv) a candidate for member of the governing body or elected school board of any county, city, or town with a population in excess of 3,500 persons with the general registrar for the county or city. The statement of economic interests shall be that specified in § 30-111 for candidates for the General Assembly and in § 2.2-3117 for all other candidates. The foregoing requirement shall not apply to a candidate for reelection to the same office who has met the requirement of annually filing a statement pursuant to § 2.2-3114, 2.2-3115, or 30-110.

The Secretary of the Commonwealth; ~~and the clerks of the Senate and House of Delegates; the general registrar, and the clerk of the local governing body~~ shall transmit to the State Board, immediately after the filing deadline, a list of the candidates who have filed initial or annual statements of economic interests. The ~~Commissioner of Elections~~ *general registrar, the clerk of the local governing body, or the clerk of the school board, as appropriate, shall notify the appropriate* ~~transmit to the local electoral boards of the filings board, immediately after the filing deadline, a list of the candidates who have filed initial or annual statements of economic interests.~~

§ 24.2-511. Party chairman or official to certify candidates to State Board and secretary of electoral board; failure to certify.

A. The state, district, or other appropriate party chairman shall certify the name of any candidate who has been nominated by his party by a method other than a primary for any office to be elected by the qualified voters of (i) the Commonwealth at large, (ii) a congressional district or a General Assembly district, or (iii) political subdivisions jointly electing a shared constitutional officer, *along with the date of the nomination of the candidate*, to the State Board not later than five days after the last day for nominations to be made. The State Board shall notify the secretaries of every electoral board of the names of the candidates to appear on the ballot for such offices.

B. The party chairman of the district or political subdivision in which any other office is to be filled shall certify the name of any candidate for that office who has been nominated by his party by a method other than a primary to the State Board and to the secretary or secretaries of the electoral boards of the cities and counties in which the name of the candidate will appear on the ballot not later than five days after the last day for nominations to be made. Should the party chairman fail to make such certification, the State Board shall declare that the candidate is the nominee of the particular party and direct that his name be treated as if certified by the party chairman.

C. In the case of a nomination for any office to be filled by a special election, the party chairman shall certify the name of any candidate (i) by the deadline to nominate the candidate or (ii) not later than five days after the deadline if it is a special election held at the second November election after the vacancy occurred.

D. No further notice of candidacy or petition shall be required of a candidate once the party chairman has certified his name to the State Board.

E. In no case shall the individual who is a candidate for an office be the person who certifies the name of the party candidate for that same office. In such case the party shall designate an alternate official to certify its candidate.

CHAPTER 474

An Act to amend and reenact §§ 56-560 and 56-570 of the Code of Virginia, relating to utility crossings in Public-Private Transportation Act projects; local government utilities.

[H 978]

Approved April 1, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-560 and 56-570 of the Code of Virginia are amended and reenacted as follows:

§ 56-560. Approval by the responsible public entity.

A. The private entity may request approval by the responsible public entity. Any such request shall be accompanied by the following material and information unless waived by the responsible public entity in its guidelines or other instructions

given, in writing, to the private entity with respect to the transportation facility or facilities that the private entity proposes to develop and/or operate as a qualifying transportation facility:

1. A topographic map (1:2,000 or other appropriate scale) indicating the location of the transportation facility or facilities;
2. A description of the transportation facility or facilities, including the conceptual design of such facility or facilities and all proposed interconnections with other transportation facilities;
3. The proposed date for development and/or operation of the transportation facility or facilities along with an estimate of the life-cycle cost of the transportation facility as proposed;
4. A statement setting forth the method by which the private entity proposes to secure any property interests required for the transportation facility or facilities;
5. Information relating to the current transportation plans, if any, of each affected jurisdiction;
6. A list of all permits and approvals required for developing and/or operating improvements to the transportation facility or facilities from local, state, or federal agencies and a projected schedule for obtaining such permits and approvals;
7. A list of public ~~utility~~ *utility's, locality's, or political subdivision's* facilities, if any, that will be crossed by the transportation facility or facilities and a statement of the plans of the private entity to accommodate such crossings;
8. A statement setting forth the private entity's general plans for developing and/or operating the transportation facility or facilities, including identification of any revenue, public or private, or proposed debt or equity investment or concession proposed by the private entity;
9. The names and addresses of the persons who may be contacted for further information concerning the request;
10. Information on how the private entity's proposal will address the needs identified in the appropriate state, regional, or local transportation plan by improving safety, reducing congestion, increasing capacity, and/or enhancing economic efficiency; and
11. Such additional material and information as the responsible public entity may reasonably request pursuant to its guidelines or other written instructions.

B. The responsible public entity may request proposals from private entities for the development and/or operation of transportation facilities. The responsible public entity shall not charge a fee to cover the costs of processing, reviewing, and evaluating proposals received in response to such requests.

C. The responsible public entity may grant approval of the development and/or operation of the transportation facility or facilities as a qualifying transportation facility if the responsible public entity determines that it serves the public purpose of this chapter. The responsible public entity may determine that the development and/or operation of the transportation facility or facilities as a qualifying transportation facility serves such public purpose if:

1. There is a public need for the transportation facility or facilities the private entity proposes to develop and/or operate as a qualifying transportation facility;
2. The transportation facility or facilities and the proposed interconnections with existing transportation facilities, and the private entity's plans for development and/or operation of the qualifying transportation facility or facilities, are, in the opinion of the responsible public entity, reasonable and will address the needs identified in the appropriate state, regional, or local transportation plan by improving safety, reducing congestion, increasing capacity, and/or enhancing economic efficiency;
3. The estimated cost of developing and/or operating the transportation facility or facilities is reasonable in relation to similar facilities; and
4. The private entity's plans will result in the timely development and/or operation of the transportation facility or facilities or their more efficient operation.

In evaluating any request, the responsible public entity may rely upon internal staff reports prepared by personnel familiar with the operation of similar facilities or the advice of outside advisors or consultants having relevant experience.

D. The responsible public entity may charge a reasonable fee to cover the costs of processing, reviewing, and evaluating the request submitted by a private entity pursuant to subsection A, including without limitation, reasonable attorney's fees and fees for financial and other necessary advisors or consultants. The responsible public entity shall also develop guidelines that establish the process for the acceptance and review of a proposal from a private entity pursuant to subsections A and B. Such guidelines shall establish a specific schedule for review of the proposal by the responsible public entity, a process for alteration of that schedule by the responsible public entity if it deems that changes are necessary because of the scope or complexity of proposals it receives, the process for receipt and review of competing proposals, and the type and amount of information that is necessary for adequate review of proposals in each stage of review. For qualifying transportation facilities that have approved or pending state and federal environmental clearances, secured significant right of way, have previously allocated significant state or federal funding, or exhibit other circumstances that could reasonably reduce the amount of time to develop and/or operate the qualifying transportation facility in accordance with the purpose of this chapter, the guidelines shall provide for a prioritized documentation, review, and selection process.

E. The approval of the responsible public entity shall be subject to the private entity's entering into an interim agreement or a comprehensive agreement with the responsible public entity. For any project with an estimated construction cost of over \$50 million, the responsible public entity also shall require the private entity to pay the costs for an independent audit of any and all traffic and cost estimates associated with the private entity's proposal, as well as a review of all public costs and potential liabilities to which taxpayers could be exposed (including improvements to other transportation facilities

that may be needed as a result of the proposal, failure by the private entity to reimburse the responsible public entity for services provided, and potential risk and liability in the event the private entity defaults on the comprehensive agreement or on bonds issued for the project). This independent audit shall be conducted by an independent consultant selected by the responsible public entity, and all such information from such review shall be fully disclosed.

F. In connection with its approval of the development and/or operation of the transportation facility or facilities as a qualifying transportation facility, the responsible public entity shall establish a date for the acquisition of or the beginning of construction of or improvements to the qualifying transportation facility. The responsible public entity may extend such date from time to time.

G. The responsible public entity shall take appropriate action, as more specifically set forth in its guidelines, to protect confidential and proprietary information provided by the private entity pursuant to an agreement under subdivision 11 of § 2.2-3705.6.

H. The responsible public entity may also apply for, execute, and/or endorse applications submitted by private entities to obtain federal credit assistance for qualifying projects developed and/or operated pursuant to this chapter.

§ 56-570. Utility crossings.

A. The private entity and each public service company, public utility, railroad, ~~and~~ cable television provider, *locality*, or *political subdivision* whose facilities are to be crossed or affected shall cooperate fully with the other in planning and arranging the manner of the crossing or relocation of the facilities. Any such entity possessing the power of condemnation is hereby expressly granted such powers in connection with the moving or relocation of facilities to be crossed by the qualifying transportation facility or that must be relocated to the extent that such moving or relocation is made necessary or desirable by construction of or improvements to the qualifying transportation facility, which shall be construed to include construction of or improvements to temporary facilities for the purpose of providing service during the period of construction or improvement.

B. Should the private entity and any such public service company, public utility, railroad, and cable television provider not be able to agree upon a plan for the crossing or relocation, the Commission may determine the manner in which the crossing or relocation is to be accomplished and any damages due arising out of the crossing or relocation. The Commission may employ expert engineers who shall examine the location and plans for such crossing or relocation, hear any objections and consider modifications, and make a recommendation to the Commission. In such a case, the cost of the experts is to be borne by the private entity. Any amount to be paid for such crossing, construction, moving or relocating of facilities shall be paid for by the private entity or any other person contractually responsible therefor under the interim or comprehensive agreement or under any other contract, license or permit. The Commission shall make a determination within 90 days of notification by the private entity that the qualifying transportation facility will cross utilities subject to the Commission's jurisdiction.

C. *Should the private entity and any locality or political subdivision not be able to agree upon a plan for the crossing or relocation of facilities owned or operated by the locality or political subdivision, then the private entity may request in writing to the Commonwealth Transportation Board (Board), with a copy to the chief executive or chief administrative officer of the locality or political subdivision, that the Board consider the matter pursuant to its authority in § 33.1-56, which shall apply mutatis mutandis to any project pursuant to this chapter, regardless of the highway system or location of the project, if the Board decides to exercise such authority, except, however, that the private entity, and not the Board, shall be responsible for the costs of such crossing, construction, moving, or relocation of such facilities. In the event the Board decides to exercise its authority hereunder, the Board shall issue an order within 90 days of receipt of the request from the private entity.*

D. *For the purposes of this chapter, "facilities owned or operated by the local government or political subdivision" means any pipes, mains, storm sewers, water lines, sanitary sewers, natural gas facilities, or other structures, equipment, and appliances owned or operated by a locality or political subdivision for the purpose of transmitting or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, sewage or waste, storm water not connected with highway drainage, or any other similar commodity or substance, which facilities directly or indirectly serve the public.*

CHAPTER 475

An Act directing the Department of Conservation and Recreation to utilize a storm-based approach in updating the Probable Maximum Precipitation (PMP) for locations within or affecting the Commonwealth.

[H 1006]

Approved April 1, 2014

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department of Conservation and Recreation, on behalf of the Virginia Soil and Water Conservation Board, shall utilize a storm-based approach in order to derive the Probable Maximum Precipitation (PMP) for locations within or affecting the Commonwealth. The PMP revisions shall be based on accepted storm evaluation techniques and take into account such factors as basin characteristics that affect the occurrence and location of storms and precipitation, regional and basin terrain influences, available atmospheric moisture, and seasonality of storm types. The results shall be*

considered by the Virginia Soil and Water Conservation Board in its decision to authorize the use of the updated PMP values in Probable Maximum Flood calculations, thus replacing the current PMP values. Such PMP revisions shall be adopted by the Board if it finds that the analysis is valid and reliable and will result in cost savings to owners for impounding structure spillway construction or rehabilitation efforts.

§ 2. The development of the methodology shall be completed by December 1, 2015.

§ 3. Owners of impounding structures with spillway design inadequacies who maintain coverage under a Conditional Operation and Maintenance Certificate in accordance with the Board's Impounding Structure Regulations (4VAC50-20) shall not be required to rehabilitate the spillway of their impounding structure until the analysis required under § 1 has been completed and reviewed by the Virginia Soil and Water Conservation Board. Such owners shall remain subject to all other requirements of the Dam Safety Act (§ 10.1-604 et seq.) and regulations.

2. That in addition to other sums made available, the Department of Conservation and Recreation is authorized to utilize up to \$500,000 in unobligated balances in the Dam Safety, Flood Prevention and Protection Assistance Fund established pursuant to § 10.1-603.17 of the Code of Virginia or the Dam Safety Administrative Fund established pursuant to § 10.1-613.5 of the Code of Virginia to contract out for the analysis required under § 1.

3. That an emergency exists and this act is in force from its passage.

CHAPTER 476

An Act to amend and reenact § 24.2-226 of the Code of Virginia, relating to elected constitutional and local offices; special election to fill vacancy.

[H 1024]

Approved April 1, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-226 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-226. Election to fill vacancy.

A. A vacancy in any elected local office, whether occurring when for any reason an officer-elect does not take office or occurring after an officer begins his term, shall be filled as provided by § 24.2-228 or for constitutional officers as provided in § 24.2-228.1, or unless provided otherwise by statute or charter requiring special elections within the time limits provided in this title. The governing body or, in the case of an elected school board, the school board of the county, city, or town in which the vacancy occurs shall, within 15 days of the occurrence of the vacancy, petition the circuit court to issue a writ of election to fill the vacancy as set forth in Article 5 (§ 24.2-681 et seq.) of Chapter 6. Either upon receipt of the petition or on its own motion, the court shall issue the writ ordering the election promptly, ~~which shall be no later than~~ and shall order the special election to be held on the date of the next general election in November, or in May if the vacant office is regularly scheduled by law to be filled ~~at that time in May. However, if the governing body or the school board requests in its petition a different date for the election, the court shall order the special election to be held on that date, so long as the date requested precedes the date of such next general election and complies with the provisions of § 24.2-682.; unless~~ If the vacancy occurs within 90 days of the next such general election and the governing body or the school board has not requested in its petition a different date for the election, the special election shall be held on the date of ~~in which event it shall be held promptly but no later than~~ the second such general election. Upon receipt of written notification by an officer or officer-elect of his resignation as of a stated date, the governing body or school board, as the case may be, may immediately petition the circuit court to issue a writ of election, and the court may immediately issue the writ to call the election. The officer's or officer-elect's resignation shall not be revocable after the date stated by him for his resignation or after the forty-fifth day before the date set for the special election. The person so elected shall hold the office for the remaining portion of the regular term of the office for which the vacancy is being filled.

B. Notwithstanding any provision of law or charter to the contrary, no election to fill a vacancy shall be ordered or held if the general election at which it is to be called is scheduled within 60 days of the end of the term of the office to be filled.

C. Notwithstanding any provision of law or charter to the contrary, when an interim appointment to a vacancy in any governing body or elected school board has been made by the remaining members thereof, no election to fill the vacancy shall be ordered or held if the general election at which it is to be called is scheduled in the year in which the term expires.

CHAPTER 477

An Act to amend the Code of Virginia by adding in Article 15 of Chapter 1 of Title 33.1 a section numbered 33.1-223.2:30, relating to incorporation of new technologies and innovations in statewide transportation programs.

[H 1090]

Approved April 1, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 15 of Chapter 1 of Title 33.1 a section numbered 33.1-223.2:30 as follows:

§ 33.1-223.2:30. Statewide transportation technology programs to incorporate new technologies and innovations in transportation.

The Secretary of Transportation and the Department of Transportation shall revise and update statewide transportation technology programs by evaluating and incorporating, where appropriate, new smart road technologies and other innovations in transportation.

CHAPTER 478

An Act to amend the Code of Virginia by adding in Article 15 of Chapter 1 of Title 33.1 a section numbered 33.1-223.2:30, relating to creation of a smart transportation pilot zone.

[H 1098]

Approved April 1, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 15 of Chapter 1 of Title 33.1 a section numbered 33.1-223.2:30 as follows:

§ 33.1-223.2:30. Department to establish smart transportation pilot zone.

The Secretary of Transportation and the Department of Transportation shall establish a smart transportation pilot zone to test state-of-the-art smart road technology utilizing the existing state highway network, or the Smart Road managed by the Virginia Tech Transportation Institute and owned and maintained by the Department of Transportation in Montgomery County, or both.

CHAPTER 479

An Act to amend the Code of Virginia by adding a section numbered 23-186.1, relating to Longwood University Board of Visitors; removal of visitors.

[H 1102]

Approved April 1, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 23-186.1 as follows:

§ 23-186.1. Removal of visitors.

If any visitor fails to perform the duties of his office for one year without sufficient cause shown to the board, the board of visitors shall, at its next meeting after the end of such year, cause the fact of such failure to be recorded in the minutes of its proceedings and certify the same to the Governor. The office of such visitor shall be vacated. If so many of such visitors fail to perform their duties that a quorum thereof do not attend for a year, upon a certificate thereof being made to the Governor by the rector or any member of the board or by the president of the University, the offices of all visitors so failing to attend shall be vacated.

CHAPTER 480

An Act to amend and reenact § 2 of Chapter 672 and § 2 of Chapter 692 of the Acts of Assembly of 2013, relating to a grading system for individual school performance; delay.

[H 1229]

Approved April 1, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2 of Chapter 672 of the Acts of Assembly of 2013 is amended and reenacted as follows:

§ 2. The Board of Education, by October 1, 2016, shall report individual school performance using a grading system that includes the standards of accreditation, state and federal accountability requirements, and student growth indicators in assigning grades. The grading system shall be based on an A-to-F grading scale. The Board, by October 1, 2014, shall (i) assign a grade from A to F to each public school in the Commonwealth; (ii) make both the system and the grade assigned to each school in the Commonwealth available to the public; and (iii) report to the General Assembly a summary of the system and the assigned grades. No later than January 1, 2015, the Board shall develop and submit to the Chairman of the House Committee on Education and the Chairman of the Senate Committee on Education and Health a preliminary plan for an A-to-F school performance grading system. The Board, in developing the school performance grading system, can consider (i) the standards of accreditation, (ii) state and federal accountability requirements, (iii) state-mandated assessments, (iv) any alternative assessments developed or approved for use by the relevant local school board, (v) student growth indicators, (vi) student mobility, (vii) the experience and qualifications of school staff, (viii) total cost and funding per pupil, (ix) school safety, and (x) any other factors that the Board deems necessary to produce a full and accurate grade for each public elementary and secondary school in the Commonwealth. As part of its preliminary plan, the Board shall

also determine, in consultation with the House Committee on Education and the Senate Committee on Education and Health, whether to (a) assign a single letter grade to each school or (b) assign a series of letter grades to each school based on some or all of the factors in clauses (i) through (x) or any combination of such factors. No later than July 1, 2015, the Board shall provide notice and solicit public comment on the preliminary school performance grading system plan. No later than December 1, 2015, the Board shall finalize the school performance grading system, make a summary of the system available to the public, and submit a summary of the system to the Chairman of the House Committee on Education and the Chairman of the Senate Committee on Education and Health. No later than October 1, 2016, and each October 1 thereafter, the Board shall assign a grade or a series of grades to each public elementary and secondary school in the Commonwealth and make such grades available to the public.

2. That § 2 of Chapter 692 of the Acts of Assembly of 2013 is amended and reenacted as follows:

§ 2. The Board of Education, by October 1, 2016, shall report individual school performance using a grading system that includes the standards of accreditation, state and federal accountability requirements, and student growth indicators in assigning grades. The grading system shall be based on an A-to-F grading scale. The Board, by October 1, 2014, shall (i) assign a grade from A to F to each public school in the Commonwealth; (ii) make both the system and the grade assigned to each school in the Commonwealth available to the public; and (iii) report to the General Assembly a summary of the system and the assigned grades. No later than January 1, 2015, the Board shall develop and submit to the Chairman of the House Committee on Education and the Chairman of the Senate Committee on Education and Health a preliminary plan for an A-to-F school performance grading system. The Board, in developing the school performance grading system, can consider (i) the standards of accreditation, (ii) state and federal accountability requirements, (iii) state-mandated assessments, (iv) any alternative assessments developed or approved for use by the relevant local school board, (v) student growth indicators, (vi) student mobility, (vii) the experience and qualifications of school staff, (viii) total cost and funding per pupil, (ix) school safety, and (x) any other factors that the Board deems necessary to produce a full and accurate grade for each public elementary and secondary school in the Commonwealth. As part of its preliminary plan, the Board shall also determine, in consultation with the House Committee on Education and the Senate Committee on Education and Health, whether to (a) assign a single letter grade to each school or (b) assign a series of letter grades to each school based on some or all of the factors in clauses (i) through (x) or any combination of such factors. No later than July 1, 2015, the Board shall provide notice and solicit public comment on the preliminary school performance grading system plan. No later than December 1, 2015, the Board shall finalize the school performance grading system, make a summary of the system available to the public, and submit a summary of the system to the Chairman of the House Committee on Education and the Chairman of the Senate Committee on Education and Health. No later than October 1, 2016, and each October 1 thereafter, the Board shall assign a grade or a series of grades to each public elementary and secondary school in the Commonwealth and make such grades available to the public.

CHAPTER 481

An Act to amend and reenact § 29.1-568 of the Code of Virginia, relating to endangered and threatened species.

[S 50]

Approved April 1, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-568 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-568. When Board may permit taking of endangered or threatened species; designated experimental populations.

A. The Board may permit the taking, exportation, transportation, or possession of any fish or wildlife which is listed by the provisions of this article, for zoological, educational, or scientific purposes and for propagation of such fish or wildlife in captivity for preservation purposes. *Any person may, in accordance with all applicable federal and state laws, possess, breed, sell, and transport any nonnative wildlife included on any list of threatened or endangered species published by the United States Secretary of the Interior pursuant to provisions of the federal Endangered Species Act of 1973 (P.L. 93-205), as amended, when (i) the federal designation does not specifically prohibit such possession, breeding, selling, or transporting and (ii) the nonnative wildlife is not included on the list of predatory or undesirable animals specified by regulations of the Board adopted pursuant to § 29.1-542.*

B. The Board may adopt regulations that:

1. Allow the taking, possession, exportation, transportation, or release of fish or wildlife within or among designated experimental populations of a specific species, within the context of an approved conservation plan for the species. Any regulation designating an experimental population shall (i) specify the circumstances under which taking of an individual member of an experimental population will be exempt from the prohibitions and penalties authorized under this article and (ii) describe the geographic extent of the experimental population, which shall be distinct from naturally occurring populations continuing to be subject to the prohibitions and penalties authorized under this article.

2. Allow incidental take provided such regulations shall (i) describe the allowable circumstances; (ii) include provisions that ensure offsets through the implementation of conservation actions specified by the Department to enhance the long-term survival of the species or population; and (iii) require any actual taking to be at a minimum.

CHAPTER 482

An Act to amend and reenact § 29.1-521 of the Code of Virginia, relating to hunting wild animals and wild birds on private property and state waters on Sundays.

[S 154]

Approved April 1, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 29.1-521 of the Code of Virginia is amended and reenacted as follows:****§ 29.1-521. Unlawful to hunt, trap, possess, sell or transport wild birds and wild animals except as permitted; exception; penalty.**

A. The following shall be unlawful:

1. To hunt or kill any wild bird or wild animal, including any nuisance species, with a gun, firearm, or other weapon, *or to hunt or kill any deer or bear with a gun, firearm, or other weapon with the aid or assistance of dogs, on Sunday, which is hereby declared a rest day for all species of wild bird and wild animal life, except.* *The provision of this subdivision that prohibits the hunting or killing of any wild bird or wild animal, including nuisance species, on Sunday shall not apply to (i) raccoons, which may be hunted until 2:00 a.m. on Sunday mornings; (ii) any person who hunts or kills waterfowl, subject to geographical limitations established by the Director and except within 200 yards of a place of worship or any accessory structure thereof; or (iii) any landowner or member of his family or any person with written permission from the landowner who hunts or kills any wild bird or wild animal, including any nuisance species, on the landowner's property, except within 200 yards of a place of worship or any accessory structure thereof.* However, a person lawfully carrying a gun, firearm or other weapon on Sunday in an area that could be used for hunting shall not be presumed to be hunting on Sunday, absent evidence to the contrary.

2. To destroy or molest the nest, eggs, dens or young of any wild bird or wild animal, except nuisance species, at any time without a permit as required by law.

3. To hunt or attempt to kill or trap any species of wild bird or wild animal after having obtained the daily bag or season limit during such day or season. However, any properly licensed person, or a person exempt from having to obtain a license, who has obtained such daily bag or season limit while hunting may assist others who are hunting game by calling game, retrieving game, handling dogs, or conducting drives if the weapon in his possession is an unloaded firearm, a bow without a nocked arrow or an unloaded crossbow. Any properly licensed person, or person exempt from having to obtain a license, who has obtained such season limit prior to commencement of the hunt may assist others who are hunting game by calling game, retrieving game, handling dogs, or conducting drives, provided he does not have a firearm, bow or crossbow in his possession.

4. To knowingly occupy any baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal or to put out bait or salt for any wild bird or wild animal for the purpose of taking or killing them. There shall be a rebuttable presumption that a person charged with violating this subdivision knows that he is occupying a baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal. However, this shall not apply to baiting nuisance species of animals and birds, or to baiting traps for the purpose of taking fur-bearing animals that may be lawfully trapped.

5. To kill or capture any wild bird or wild animal adjacent to any area while a field or forest fire is in progress.

6. To shoot or attempt to take any wild bird or wild animal from an automobile or other vehicle, except as provided in § 29.1-521.3.

7. To set a trap of any kind on the lands or waters of another without attaching to the trap: (i) the name and address of the trapper; or (ii) an identification number issued by the Department.

8. To set a trap where it would be likely to injure persons, dogs, stock, or fowl.

9. To fail to visit all traps once each day and remove all animals caught, and immediately report to the landowner as to stock, dogs or fowl that are caught and the date. However, the Director or his designee may authorize employees of federal, state, and local government agencies, and persons holding a valid Commercial Nuisance Animal Permit issued by the Department, to visit conibear-style body-gripping traps that are completely submerged at least once every 72 hours and the Board may adopt regulations permitting trappers to visit traps less frequently under specified conditions.

10. To hunt, trap, take, capture, kill, attempt to take, capture or kill, possess, deliver for transportation, transport, cause to be transported, by any means whatever, receive for transportation or export, or import, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law and only by the manner or means and within the numbers stated. However, the provisions of this section shall not be construed to prohibit the (i) use or transportation of legally taken turkey carcasses, or portions thereof, for the purposes of making or selling turkey callers, (ii) the manufacture or sale of implements, including, but not limited to, tools or utensils, made from legally harvested deer skeletal parts, including antlers, or (iii) the possession of shed antlers.

11. To offer for sale, sell, offer to purchase, or purchase, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law, including, but not limited to, subsection D of § 29.1-553. However, any nonprofit organization exempt from taxation under § 501(c) (3) of the Internal Revenue Code, which is (i) organized to provide wild game as food to the hungry and (ii) authorized by the Department to possess, transport

and distribute donated or unclaimed meat to the hungry, may pay a processing fee in order to obtain such meat. Such fees shall not exceed the actual cost for processing the meat. In addition, any nonprofit organization exempt from taxation under § 501(c) (3) of the Internal Revenue Code, that is (a) organized to support wildlife habitat conservation and (b) approved by the Department, shall be allowed to offer wildlife mounts that have undergone the taxidermy process for sale in conjunction with fundraising activities. A violation of this subdivision shall be punishable as provided in § 29.1-553.

B. Notwithstanding any other provision of this article, any American Indian, who produces verification that he is an enrolled member of a tribe recognized by the Commonwealth, another state or the U.S. government, may possess, offer for sale or sell to another American Indian, or offer to purchase or purchase from another American Indian, parts of legally obtained fur-bearing animals, nonmigratory game birds, and game animals, except bear. Such legally obtained parts shall include antlers, hooves, feathers, claws and bones.

"Verification" as used in this section shall include, but is not limited to, (i) showing a valid tribal identification card, (ii) confirmation through a central tribal registry, (iii) a letter from a tribal chief or council, or (iv) certification from a tribal office that the person is an enrolled member of the tribe.

C. A violation of subdivisions A 1 through 10 of subsection A of this section shall be punishable as a Class 3 misdemeanor.

CHAPTER 483

An Act to amend and reenact § 46.2-743 of the Code of Virginia and to repeal Chapter 669 of the Acts of Assembly of 2007, relating to special license plates.

[S 135]

Approved April 1, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-743 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-743. Special license plates for active duty members of the armed forces of the United States and certain veterans; fees.

A. On receipt of an application and written evidence that the applicant is an honorably discharged former member of one of the armed forces of the United States, the Commissioner shall issue to the applicant special license plates.

B. On receipt of an application and written evidence that the applicant is on active duty with, has been honorably discharged after at least six months of active duty service in, or has retired from the United States Marine Corps, the Commissioner shall issue to the applicant special license plates whose design incorporates an emblem of the United States Marine Corps. Unremarried surviving spouses of persons eligible to receive special license plates under this subsection may also be issued special license plates under this subsection.

C. On receipt of an application and written evidence that the applicant is on active duty with, has been honorably discharged after at least six months of active duty service in, or has retired from the United States Army, the Commissioner shall issue to the applicant special license plates whose design incorporates an emblem of the United States Army.

~~D. On receipt of an application and written evidence that the applicant is on active duty with, has been honorably discharged after at least six months of active duty service in, or has retired from the United States Navy, the Commissioner shall issue to the applicant special license plates whose design incorporates an emblem of the United States Navy.~~

~~E. On receipt of an application and written evidence that the applicant is on active duty with, has been honorably discharged after at least six months of active duty service in, or has retired from the United States Air Force, the Commissioner shall issue to the applicant special license plates whose design incorporates an emblem of the United States Air Force.~~

On receipt of an application and written evidence that the applicant is on active duty with, has been honorably discharged after at least six months of active duty service in, or has retired from the United States Coast Guard, the Commissioner shall issue to the applicant special license plates whose design incorporates an emblem of the United States Coast Guard. Unremarried surviving spouses of persons eligible to receive special license plates under this subsection may also be issued special license plates under this subsection.

E. All special license plates that have been developed and issued pursuant to subsection B, C, or D shall also be issued to applicants who can provide documentation from the U.S. Department of Veterans Affairs indicating that the applicant has been designated disabled, and that his disability is service-connected, and that he has been honorably discharged from a branch of the armed forces of the United States.

F. On receipt of an application and written evidence that the applicant is a veteran of World War II, the Commissioner shall issue special license plates to veterans of World War II. For each set of license plates issued under this subsection, the Commissioner shall charge, in addition to the prescribed cost of state license plates, a one-time fee of \$10 at the time the plates are issued.

G. On receipt of an application and written evidence that the applicant is a veteran of the Korean War, the Commissioner shall issue special license plates to veterans of the Korean War.

H. On receipt of an application and written evidence that the applicant is a veteran of the Vietnam War, the Commissioner shall issue special license plates to veterans of the Vietnam War.

I. On receipt of an application and written evidence that the applicant is a veteran of the Asiatic-Pacific Campaign, the Commissioner shall issue special license plates to veterans of that campaign. For each set of license plates issued under this subsection, the Commissioner shall charge, in addition to the prescribed cost of state license plates, a one-time fee of \$10 at the time the plates are issued.

J. On receipt of an application and written evidence that the applicant is a veteran of Operation Iraqi Freedom, the Commissioner shall issue special license plates to veterans of Operation Iraqi Freedom.

K. On receipt of an application and written evidence that the applicant is a veteran of Operation Enduring Freedom, the Commissioner shall issue special license plates to veterans of Operation Enduring Freedom.

L. On receipt of an application and written evidence that the applicant is a member of the Virginia Defense Force, the Commissioner shall issue special license plates to members of the Virginia Defense Force.

M. On receipt of an application and written evidence that the applicant is a veteran of Operation Desert Shield or Operation Desert Storm, the Commissioner shall issue special license plates to veterans of those military operations.

N. The provisions of subdivisions B 1 and B 2 of § 46.2-725 shall not apply to license plates issued under ~~this section except those issued under~~ subsections ~~B, C, D, E, and F~~, G, H, J, K, L, and M.

2. That all special license plates issued pursuant to Chapter 669 of the Acts of Assembly of 2007 prior to July 1, 2014, shall remain valid as though issued pursuant to § 46.2-743 of the Code of Virginia, as amended by this act.

3. That Chapter 669 of the Acts of Assembly of 2007 is repealed.

CHAPTER 484

An Act to amend and reenact §§ 23-4.3:2, 23-9.2:3.2, 23-38.93, and 23-220.01 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 22.1-290.02; and to repeal §§ 23-9.13:1 and 23-38.10:1 and Article 2 (§§ 23-38.19:1 and 23-38.19:2) of Chapter 4.1, Chapter 4.4 (§§ 23-38.45 through 23-38.53), and Chapter 4.8 (§§ 23-38.72, 23-38.73, and 23-38.74) of Title 23 of the Code of Virginia, relating to the State Council of Higher Education for Virginia; elimination of certain duties and programs.

[S 244]

Approved April 1, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 23-4.3:2, 23-9.2:3.2, 23-38.93, and 23-220.01 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-290.02 as follows:

§ 22.1-290.02. Traineeships for education of special education personnel.

A. There are hereby established traineeships that shall be awarded to persons who are interested in working in programs for the education of handicapped children for either part-time or full-time study in programs designed to qualify them as special education personnel in the public schools. Applicants for such traineeships shall be graduates of a recognized college or university.

B. The award of such traineeships shall be made by the State Board, and the number of awards during any one year shall depend upon the amounts appropriated by the General Assembly for this purpose. The amount awarded for each traineeship shall be \$450 for a minimum of six semester hours of course work in areas relating to special education to be taken by the applicant during a single semester or summer session.

C. This program shall be administered by the Department of Education under rules and regulations promulgated by the State Board.

§ 23-4.3:2. Policies addressing student loan vendors.

A. No employee at a Virginia public institution of higher education shall demand or receive any payment, loan, advance, deposit of money, services, or anything, present or promised, as an inducement for promoting any student loan vendor.

B. No public institution of higher education shall enter into any agreement with any student loan vendor that states or implies an exclusive relationship between the school and vendor regarding student loans.

~~C. The State Council of Higher Education for Virginia, with the advice and input of the governing boards of each public institution of higher education, shall develop policies and procedures for disclosing certain information to students on student lending practices. This information shall include (i) the criteria used to determine which lenders, if any, are recommended or endorsed by the school, or included on a preferred lender list made available to students; and (ii) explicit notification that students are free to borrow from any lender of their choosing and are not limited to any lender or lenders suggested by the school.~~

§ 23-9.2:3.2. Education program on human immunodeficiency virus infection.

~~Virginia public colleges and universities institutions of higher education, in cooperation with the State Council of Higher Education and the Department of Health, shall develop and implement education programs for college students on the etiology, effects, and prevention of infection with human immunodeficiency virus. The Council shall also encourage private colleges and universities to develop such programs.~~

§ 23-38.93. Educational policies of the Commonwealth; other requirements.

A. For purposes of §§ 2.2-5004, 23-1.01, 23-1.1, 23-2, 23-2.1, 23-2.1:1, 23-3, 23-4.2, 23-4.3, 23-4.4, 23-7.1:02, 23-7.4, 23-7.4:1, 23-7.4:2, 23-7.4:3, 23-7.5, 23-8.2:1, 23-9.1, 23-9.2, 23-9.2:3, 23-9.2:3.1 through 23-9.2:5, 23-9.6:1.01, Chapter 4.9 (§ 23-38.75 et seq.), and § 23-38.87:17, each covered institution shall remain a public institution of higher education of the Commonwealth following its conversion to a covered institution governed by this chapter, and shall retain the authority granted and any obligations required by such provisions. In addition, each covered institution shall retain the authority, and any obligations related to the exercise of such authority, that is granted to institutions of higher education pursuant to Chapter 1.1 (§ 23-9.3 et seq.); Chapter 3 (§ 23-14 et seq.); Chapter 3.2 (§ 23-30.23 et seq.); Chapter 3.3 (§ 23-30.39 et seq.); Chapter 4 (§ 23-31 et seq.); Chapter 4.01 (§ 23-38.10:2 et seq.); Chapter 4.1 (§ 23-38.11 et seq.); ~~Chapter 4.4 (§ 23-38.45 et seq.);~~ Chapter 4.4:1 (§ 23-38.53:1 et seq.); Chapter 4.4:2 (§ 23-38.53:4 et seq.); Chapter 4.4:3 (§ 23-38.53:11); Chapter 4.4:4 (§ 23-38.53:12 et seq.); Chapter 4.5 (§ 23-38.54 et seq.); Chapter 4.7 (§ 23-38.70 et seq.); ~~Chapter 4.8 (§ 23-38.72 et seq.);~~ and Chapter 4.9 (§ 23-38.75 et seq.).

B. State government-owned or operated and state-owned teaching hospitals that are a part of a covered institution as of the institution's effective date of the initial Management Agreement shall continue to be characterized as state government-owned or operated and state-owned teaching hospitals for purposes of payments under the State Plan for Medicaid Services adopted pursuant to § 32.1-325 et seq., provided that the covered institution commits to serve indigent and medically indigent patients, in which event the Commonwealth, through the Department of Medical Assistance Services, shall, subject to the appropriation in the appropriation act in effect, continue to reimburse the full cost of the provision of care, treatment, health-related and educational services to indigent and medically indigent patients and continue to treat hospitals that were part of a covered institution and that were Type One Hospitals prior to the institution's effective date of the initial Management Agreement as Type One Hospitals for purposes of such reimbursement.

§ 23-220.01. Apprenticeship program for employees of ship manufacturing and ship repair companies; fund.

A. For purposes of this section:

"Apprenticeship program" means a three-year program combining educational instruction and on-the-job training that is established for the purpose of enhancing the education and skills of shipyard workers.

"College" means the Tidewater Community College.

"Industrial applied sciences" may include applied sciences such as welding, burning, blasting, and other applied sciences.

"Shipyard worker" means any employee employed full time on a salaried or wage basis, whose tenure is not restricted as to temporary or provisional appointment, at a ship manufacturing or ship repair company located in the Commonwealth.

B. Subject to the State Council of Higher Education for Virginia's authority to approve or disapprove all new academic programs as provided in subdivision 5 of § 23-9.6:1, the college may offer a three-year program of educational instruction that incorporates instruction in industrial applied sciences. An Associate in Applied Science Degree shall be conferred on any person successfully completing such academic program. The college may coordinate such academic program with an apprenticeship program offered to shipyard workers by their employers.

C. Beginning in the calendar year that the Council approves such academic program and for calendar years thereafter, shipyard workers who are (i) domiciled residents of Virginia as described in § 23-7.4 and (ii) enrolled as full- or part-time students in such academic program, shall be eligible for scholarships for such program. Renewal of the scholarships of such shipyard workers shall be contingent upon maintaining (a) enrollment in such academic program, (b) a cumulative grade point average of at least 3.0 on a scale of 4.0 or its equivalent at the completion of each academic year, and (c) full-time employment as a shipyard worker.

D. Before any scholarship is awarded in accordance with the provisions of this section, the scholarship recipient shall sign a promissory note under which he agrees (i) to continue full-time employment as a shipyard worker until his graduation and (ii) upon graduation, to work continuously as a shipyard worker for the same number of years that he was the beneficiary of such scholarship. ~~The State Council may~~ *The college shall* recover the total amount of funds awarded as a scholarship, or the appropriate portion thereof, including any accrued interest, if the scholarship recipient fails to honor such requirements.

E. There is hereby created the Virginia Vocational Incentive Scholarship Program for Shipyard Workers to provide scholarships to shipyard workers enrolled at the college *either* in such academic program *or in the apprenticeship program*.

F. From such funds as are appropriated for this purpose and from such gifts, donations, grants, bequests, and other funds as may be received on its behalf, there is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Vocational Incentive Scholarship Program for Shipyard Workers Fund, ~~hereafter~~ referred to *in this section* as "the Fund." The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Funds may be paid to the college on behalf of shipyard workers who have been awarded scholarships pursuant to subsection C *and shipyard workers in the apprenticeship program*. Funds may also be used for the administration and implementation of such academic program and/or the apprenticeship program.

Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the ~~Director of the State Council of Higher Education for Virginia~~ *President of Tidewater Community College*.

G. The Council shall promulgate regulations for the implementation of the provisions of this section and the college shall award scholarships to eligible students for no more than three academic years. Scholarship amounts shall not exceed full tuition and required fees relating to such academic program or the apprenticeship program.

2. That §§ 23-9.13:1 and 23-38.10:1 and Article 2 (§§ 23-38.19:1 and 23-38.19:2) of Chapter 4.1, Chapter 4.4 (§§ 23-38.45 through 23-38.53), and Chapter 4.8 (§§ 23-38.72, 23-38.73, and 23-38.74) of Title 23 of the Code of Virginia are repealed.

CHAPTER 485

An Act to amend and reenact § 2 of Chapter 672 and § 2 of Chapter 692 of the Acts of Assembly of 2013, relating to a grading system for individual school performance; delay.

[S 324]

Approved April 1, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2 of Chapter 672 of the Acts of Assembly of 2013 is amended and reenacted as follows:

§ 2. The Board of Education, by *October 1, 2016*, shall report individual school performance using a grading system that ~~includes the standards of accreditation, state and federal accountability requirements, and student growth indicators in assigning grades. The grading system shall be~~ is based on an A-to-F grading scale. ~~The Board, by October 1, 2014, shall~~ (i) assign a grade from A to F to each public school in the Commonwealth; (ii) make both the system and the grade assigned to each school in the Commonwealth available to the public; and (iii) report to the General Assembly a summary of the system and the assigned grades. ~~No later than January 1, 2015, the Board shall develop and submit to the Chairman of the House Committee on Education and the Chairman of the Senate Committee on Education and Health a preliminary plan for an A-to-F school performance grading system. The Board, in developing the school performance grading system, can consider (i) the standards of accreditation, (ii) state and federal accountability requirements, (iii) state-mandated assessments, (iv) any alternative assessments developed or approved for use by the relevant local school board, (v) student growth indicators, (vi) student mobility, (vii) the experience and qualifications of school staff, (viii) total cost and funding per pupil, (ix) school safety, and (x) any other factors that the Board deems necessary to produce a full and accurate grade for each public elementary and secondary school in the Commonwealth. As part of its preliminary plan, the Board shall also determine, in consultation with the House Committee on Education and the Senate Committee on Education and Health, whether to (a) assign a single letter grade to each school or (b) assign a series of letter grades to each school based on some or all of the factors in clauses (i) through (x) or any combination of such factors. No later than July 1, 2015, the Board shall provide notice and solicit public comment on the preliminary school performance grading system plan. No later than December 1, 2015, the Board shall finalize the school performance grading system, make a summary of the system available to the public, and submit a summary of the system to the Chairman of the House Committee on Education and the Chairman of the Senate Committee on Education and Health. No later than October 1, 2016, and each October 1 thereafter, the Board shall assign a grade or a series of grades to each public elementary and secondary school in the Commonwealth and make such grades available to the public.~~

2. That § 2 of Chapter 692 of the Acts of Assembly of 2013 is amended and reenacted as follows:

§ 2. The Board of Education, by *October 1, 2016*, shall report individual school performance using a grading system that ~~includes the standards of accreditation, state and federal accountability requirements, and student growth indicators in assigning grades. The grading system shall be~~ is based on an A-to-F grading scale. ~~The Board, by October 1, 2014, shall~~ (i) assign a grade from A to F to each public school in the Commonwealth; (ii) make both the system and the grade assigned to each school in the Commonwealth available to the public; and (iii) report to the General Assembly a summary of the system and the assigned grades. ~~No later than January 1, 2015, the Board shall develop and submit to the Chairman of the House Committee on Education and the Chairman of the Senate Committee on Education and Health a preliminary plan for an A-to-F school performance grading system. The Board, in developing the school performance grading system, can consider (i) the standards of accreditation, (ii) state and federal accountability requirements, (iii) state-mandated assessments, (iv) any alternative assessments developed or approved for use by the relevant local school board, (v) student growth indicators, (vi) student mobility, (vii) the experience and qualifications of school staff, (viii) total cost and funding per pupil, (ix) school safety, and (x) any other factors that the Board deems necessary to produce a full and accurate grade for each public elementary and secondary school in the Commonwealth. As part of its preliminary plan, the Board shall also determine, in consultation with the House Committee on Education and the Senate Committee on Education and Health, whether to (a) assign a single letter grade to each school or (b) assign a series of letter grades to each school based on some or all of the factors in clauses (i) through (x) or any combination of such factors. No later than July 1, 2015, the Board shall provide notice and solicit public comment on the preliminary school performance grading system plan. No later than December 1, 2015, the Board shall finalize the school performance grading system, make a summary of the system available to the public, and submit a summary of the system to the Chairman of the House Committee on Education and the Chairman of the Senate Committee on Education and Health. No later than October 1, 2016, and each October 1 thereafter, the Board shall assign a grade or a series of grades to each public elementary and secondary school in the Commonwealth and make such grades available to the public.~~

CHAPTER 486

An Act to amend and reenact §§ 24.2-653 and 24.2-671 of the Code of Virginia, relating to provisional ballots and meetings of electoral board following elections.

[S 361]

Approved April 1, 2014

Be it enacted by the General Assembly of Virginia:**1. That §§ 24.2-653 and 24.2-671 of the Code of Virginia are amended and reenacted as follows:****§ 24.2-653. Voter whose name does not appear on pollbook or who is marked as having voted; handling of provisional ballots; ballots cast after normal close of polls due to court order extending polling hours.**

A. When a person offers to vote pursuant to § 24.2-652 and the general registrar is not available or cannot state that the person is registered to vote, then such person shall be allowed to vote by paper ballot in the manner provided in this section. This procedure shall also apply when required by § 24.2-643 or 24.2-651.1.

Such person shall be given a paper ballot and provide, subject to the penalties for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the State Board, the identifying information required on the envelope, including his social security number, if any, full name including the maiden or any other prior legal name, date of birth, complete address, and signature. Such person shall be asked to present one of the forms of identification specified in subsection B of § 24.2-643. The officers of election shall note on the green envelope whether or not the voter has presented one of the specified forms of identification. The officers of election shall enter the appropriate information for the person in the precinct provisional ballots log in accordance with the instructions of the State Board but shall not enter a consecutive number for the voter on the pollbook nor otherwise mark his name as having voted. The officers of election shall provide an application for registration to the person offering to vote in the manner provided in this section.

The voter shall then, in the presence of an officer of election, but in a secret manner, mark the ballot as provided in § 24.2-644 and seal it in the green envelope. The envelope containing the ballot shall then promptly be placed in the ballot container by an officer of election.

An officer of election, by a written notice given to the voter, shall (i) inform him that a determination of his right to vote shall be made by the electoral board, (ii) advise the voter of the beginning time and place for the board's meeting and of the voter's right to be present at that meeting, and (iii) inform a voter voting provisionally when required by § 24.2-643 that he may submit a copy of one of the forms of identification specified in subsection B of § 24.2-643 to the electoral board by facsimile, electronic mail, in-person submission, or timely United States Postal Service or commercial mail delivery, to be received by the electoral board no later than noon on the third day after the election. At the meeting, the voter may request an extension of the determination of the provisional vote to the following day in order to provide information to prove that the voter is entitled to vote in the precinct pursuant to § 24.2-401. The electoral board shall have the authority to grant such extensions which it deems reasonable to determine the status of a provisional vote.

B. The provisional votes submitted pursuant to subsection A, in their unopened envelopes, shall be sealed in a special envelope marked "Provisional Votes," inscribed with the number of envelopes contained therein, and signed by the officers of election who counted them. All provisional votes envelopes shall be delivered either (i) to the clerk of the circuit court who shall deliver all such envelopes to the secretary of the electoral board or (ii) to the general registrar in localities in which the electoral board has directed delivery of election materials to the general registrar pursuant to § 24.2-668.

The electoral board shall meet on the day following the election and determine whether each person having submitted such a provisional vote was entitled to do so as a qualified voter in the precinct in which he offered the provisional vote. If the board is unable to determine the validity of all the provisional ballots offered in the election, or has granted any voter who has offered a provisional ballot an extension to the following day as provided in subsection A, the meeting shall stand adjourned from day to day, not to exceed seven calendar days from the date of the election, until the board has determined the validity of all provisional ballots offered in the election.

One authorized representative of each political party or independent candidate in a general or special election or one authorized representative of each candidate in a primary election shall be permitted to remain in the room in which the determination is being made as an observer so long as he does not participate in the proceedings and does not impede the orderly conduct of the determination. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is not himself a candidate or party chairman, shall present to the electoral board a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. Such statement, bearing the chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if the copy had been signed.

Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), attendance at meetings of the electoral board to determine the validity of provisional ballots shall be permitted only for the authorized representatives provided for in this subsection, for the persons whose provisional votes are being considered and their representative or legal counsel, and for appropriate staff and legal counsel for the electoral board.

If the electoral board determines that such person was not entitled to vote as a qualified voter in the precinct in which he offered the provisional vote, is unable to determine his right to vote, or has not been provided one of the forms of

identification specified in subsection B of § 24.2-643, the envelope containing his ballot shall not be opened and his vote shall not be counted. The provisional vote shall be counted if (a) such person is entitled to vote in the precinct pursuant to § 24.2-401 or (b) the State Board or the voter presents proof that indicates the voter submitted an application for registration to the Department of Motor Vehicles or other state-designated voter registration agency prior to the close of registration pursuant to § 24.2-416 and the registrar determines that the person was qualified for registration based upon the application for registration submitted by the person pursuant to subsection A. The general registrar shall notify in writing pursuant to § 24.2-114 those persons found not properly registered or whose provisional vote was not counted.

If the electoral board determines that such person was entitled to vote, the name of the voter shall be entered in a provisional votes pollbook and marked as having voted, the envelope shall be opened, and the ballot placed in a ballot container without any inspection further than that provided for in § 24.2-646.

On completion of its determination, the electoral board shall proceed to count such ballots and certify the results of its count. Its certified results shall be added to those found pursuant to § 24.2-671. No adjustment shall be made to the statement of results for the precinct in which the person offered to vote.

The certification of the results of the count together with all ballots and envelopes, whether open or unopened, and other related material shall be delivered by the electoral board to the clerk of the circuit court and retained by him as provided for in §§ 24.2-668 and 24.2-669.

C. Whenever the polling hours are extended by an order of a court of competent jurisdiction, any ballots marked after the normal polling hours by persons who were not already in line at the time the polls would have closed, notwithstanding the court order, shall be treated as provisional ballots under this section. The officers of election shall mark the green envelope for each such provisional ballot to indicate that it was cast after normal polling hours due to the court order, and when preparing the materials to deliver to the registrar or electoral board, shall separate these provisional ballots from any provisional ballots used for any other reason. The electoral board shall treat these provisional ballots as provided in subsection B; however, the counted and uncounted provisional ballots marked after the normal polling hours shall be kept separate from all other ballots and recorded in a separate provisional ballots pollbook. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to this section.

§ 24.2-671. Electoral board to meet and ascertain results; conclusiveness of results.

Each electoral board shall meet at the clerk's or general registrar's office of the county or city for which they are appointed at or before 5:00 p.m. on the day after any election. The board may adjourn to another room of sufficient size in a public building to ascertain the results, and may adjourn ~~from day to day~~ as needed, not to exceed seven calendar days from the date of the election. Written directions to the location of any room other than the clerk's or general registrar's office where the board will meet shall be posted at the doors of the clerk's and general registrar's offices prior to the beginning of the meeting.

The board shall open the returns delivered by the officers.

If the electoral board has exercised the option provided by § 24.2-668 for delivery of the election materials to the office of the general registrar on the night of the election, the electoral board shall meet at the office of the general registrar at or before 5:00 p.m. on the day after any election.

The board shall ascertain from the returns the total votes in the county or city, or town in a town election, for each candidate and for and against each question and complete the abstract of votes cast at such election, as provided for in § 24.2-675. For any office in which no person was elected by write-in votes, and for which the total number of write-in votes for that office is less than (i) five percent of the total number of votes cast for that office and (ii) the total number of votes cast for the candidate receiving the most votes, the electoral board shall ascertain the total votes for each write-in candidate for the office within one week following the election. For offices for which the electoral board issues the certificate of election, the result so ascertained, signed and attested, shall be conclusive and shall not thereafter be subject to challenge except as specifically provided in Chapter 8 (§ 24.2-800 et seq.) of this title.

Once the result is so ascertained, the secretary of the electoral board shall deliver one copy of each statement of results to the general registrar to be available for inspection when his office is open for business. The secretary shall then return all pollbooks, any printed inspection and return sheets, and one copy of each statement of results to the clerk.

Beginning with the general election in November 2007, a report of any changes made by the local electoral board to the unofficial results ascertained by the officers of election or any subsequent change to the official abstract of votes made by the local electoral board shall be forwarded to the State Board of Elections and the explanation of such change shall be posted on the State Board website.

Each political party and each independent candidate on the ballot, or each primary candidate, shall be entitled to have representatives present when the local electoral board meets to ascertain the results of the election. Each such party and candidate shall be entitled to have at least as many representatives present as there are teams of officials working to ascertain the results, and the room in which the local electoral board meets shall be of sufficient size and configuration to allow the representatives reasonable access and proximity to view the ballots as the teams of officials work to ascertain the results. The representatives and observers lawfully present shall be prohibited from interfering with the officials in any way.

CHAPTER 487

An Act to authorize the Treasury Board to issue bonds pursuant to Article X, Section 9 (c) of the Constitution of Virginia in an amount up to \$245,020,705 plus financing costs, to finance revenue-producing capital projects at institutions of higher learning of the Commonwealth.

[S 394]

Approved April 1, 2014

Whereas, Article X, Section 9 (c) of the Constitution of Virginia provides that the General Assembly may authorize the creation of debt secured by a pledge of net revenues derived from rates, fees, or other charges and the full faith and credit of the Commonwealth of Virginia, provided that such debt is created for specific revenue-producing capital projects, including their enlargement or improvement, at, among others, institutions of higher learning of the Commonwealth; and

Whereas, in accordance with Article X, Section 9 (c) of the Constitution of Virginia, the Governor has certified in writing, filed with the Auditor of Public Accounts, his opinion that the anticipated net revenues of each of the capital projects identified below to be pledged to the payment of the principal of and the interest on that portion of such debt issued for each such project will be sufficient to meet such payments as the same become due and to provide such reserves as may be required by law and that each of the capital projects complies with the requirements of Article X, Section 9 (c) of the Constitution of Virginia; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. Title.

This act shall be known and may be cited as the "Commonwealth of Virginia Higher Educational Institutions Bond Act of 2014."

§ 2. Authorization of bonds and BANs.

The Treasury Board is hereby authorized, by and with the consent of the Governor, to sell and issue, pursuant to Article X, Section 9 (c) of the Constitution of Virginia, at one time or from time to time, bonds of the Commonwealth, to be designated "Commonwealth of Virginia Higher Educational Institutions Bonds, Series" in an aggregate principal amount not exceeding \$245,020,705, plus amounts needed to fund issuance costs, reserve funds, construction period interest, and other financing expenses. The Treasury Board is further hereby authorized, by and with the consent of the Governor, to borrow money in anticipation of the issuance of bonds by the issuance of bond anticipation notes (BANs), including BANs issued as commercial paper. The proceeds of such bonds and BANs, excluding amounts needed to fund issuance costs, reserve funds, and other financing expenses, shall be used exclusively for the purpose of providing funds, with any other available funds, for paying all or a portion of the costs of acquiring, constructing, renovating, enlarging, improving, and equipping revenue-producing capital projects at institutions of higher learning of the Commonwealth as follows:

<i>Institution</i>	<i>Project Title</i>	<i>Amount</i>
<i>Christopher Newport University</i>	<i>Improvements- Residence Halls</i>	<i>\$5,000,000</i>
<i>Christopher Newport University</i>	<i>Construct Residential Housing</i>	<i>\$42,020,000</i>
<i>Christopher Newport University</i>	<i>Expand Dining Hall</i>	<i>\$9,500,000</i>
<i>James Madison University</i>	<i>Construct Dining Hall</i>	<i>\$80,736,705</i>
<i>Old Dominion University</i>	<i>Construct New Residence Halls, Phase I</i>	<i>\$76,464,000</i>
<i>The College of William and Mary in Virginia</i>	<i>Renovate Dormitories</i>	<i>\$16,000,000</i>
<i>Virginia Commonwealth University</i>	<i>Expand Ackell Residence Center</i>	<i>\$15,300,000</i>
<i>Total</i>		<i>\$245,020,705</i>

§ 3. Application of proceeds.

The proceeds, including any premium, of bonds and BANs (except the proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs) shall be deposited in a special capital outlay fund in the state treasury and, together with the investment income thereon, shall be disbursed by the State Treasurer for paying costs of the acquisition, construction, renovation, enlargement, improvement, and equipping of the authorized capital projects, including financing costs. The proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs shall be used to pay such BANs, refunded bonds, and refunded BANs.

§ 4. Details, sale of bonds and BANs.

Bonds and BANs shall be dated, and may be made redeemable before their maturity or maturities at such price or prices or within such price parameters, all as may be determined by the Treasury Board, by and with the consent of the

Governor. Bonds and BANs shall be in such form, shall bear interest at such rate or rates, either at fixed rates or at rates established by formula or other method, and may contain such other provisions, all as determined by the Treasury Board or, when authorized by the Treasury Board, the State Treasurer. The principal of and premium, if any, and the interest on bonds and BANs shall be payable in lawful money of the United States of America. Bonds and BANs may be certificated or uncertificated as determined by the Treasury Board. The Treasury Board may contract for services of such registrars, transfer agents, or other authenticating agents as it deems appropriate to maintain a record of the persons entitled to the bonds and BANs. Bonds and BANs issued in certificated form may be issued under a system of book entry for recording the ownership and transfer of ownership of rights to receive payments on the bonds and BANs. The Treasury Board shall fix the authorized denomination or denominations of the bonds and the place or places of payment of certificated bonds and BANs, which may be at the Office of the State Treasurer or at any bank or trust company within or without the Commonwealth. Bonds shall mature at such time or times not exceeding 30 years from their date or dates, and BANs shall mature at such time or times not exceeding five years from their date or dates.

The Treasury Board may sell bonds and BANs in such manner, by competitive bidding, negotiated sale, or private placement and for such price or within such price parameters as it may determine, by and with the consent of the Governor, to be in the best interest of the Commonwealth.

In the discretion of the Treasury Board, bonds and BANs may be issued at one time or from time to time, and may be sold and issued at the same time with other general obligation bonds and BANs, respectively, of the Commonwealth authorized pursuant to Article X, Section 9 (a) (3), (b), and (c) of the Constitution of Virginia, as separate issues or as a combined issue, designated "Commonwealth of Virginia General Obligation Bonds Bond Anticipation Notes, Series".

§ 5. Execution of bonds and BANs.

Certificated bonds and BANs shall be signed on behalf of the Commonwealth by the Governor and by the State Treasurer, or shall bear their facsimile signatures, and shall bear the lesser seal of the Commonwealth or a facsimile thereof. If the bonds or BANs bear the facsimile signature of the State Treasurer, they shall be signed by such administrative assistant as the State Treasurer shall determine or by such registrar or paying agent as may be designated to sign them by the Treasury Board. If any officer whose signature or facsimile signature appears on any bonds or BANs ceases to be such officer before delivery, such signature or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery, and any bond or BAN may bear the facsimile signature of, or may be signed by, such persons as at the actual time of execution are the proper officers to sign such bond or BAN although, at the date of such bond or BAN, such persons may not have been such officers.

§ 6. Sources for payment of expenses.

All expenses incurred under this act shall be paid from the proceeds of bonds or BANs, from payments made by the institutions for which the capital projects were authorized in § 2 hereof or from any other available funds as the Treasury Board shall determine.

§ 7. Revenues.

The institution of higher learning named above is hereby authorized (i) to fix, revise, charge, and collect rates, fees, and charges for or in connection with the use, occupancy, and services of each capital project mentioned above or the system of which such capital project is a part and (ii) to pledge to the portion of the bonds or BANs issued for such capital project the net revenues resulting from such rates, fees, and charges and remaining after payment of the expenses of operating the project or system, as the case may be. The institution is further authorized to create debt service and sinking funds for the payments of the principal of, premium, if any, and interest on the bonds and other reserves required by any agency of the United States of America purchasing the bonds or any portion thereof.

§ 8. Investments and contracts.

A. Pending the application of the proceeds of the bonds or BANs (including refunding bonds and BANs) to the purpose for which they have been authorized and the application of funds set aside for the purpose to the payment of bonds or BANs, they may be invested by the State Treasurer in securities that are legal investments under the laws of the Commonwealth for public funds and sinking funds, as the case may be. Whenever the State Treasurer receives interest from the investment of the proceeds of bonds or any BANs, such interest shall become a part of the principal of the bonds or any BANs and shall be used in the same manner as required for principal of the bonds or BANs.

B. The Commonwealth may enter into any contract or other arrangement that is determined to be necessary or appropriate to place the obligation or investment of the Commonwealth, as represented by bonds, BANs, or investments, in whole or in part, on the interest rate, cash flow, or other basis desired by the Commonwealth. Such contract or other arrangement may include, without limitation, contracts commonly known as interest rate swap agreements, and futures or contracts providing for payments based on levels of, or changes in, interest rates. These contracts or arrangements may be entered into by the Commonwealth in connection with, or incidental to, entering into, or maintaining any (i) agreement which secures bonds or BANs or (ii) investment, or contract providing for investment, otherwise authorized by law. These contracts and arrangements may contain such payment, security, default, remedy, and other terms and conditions as determined by the Commonwealth, after giving due consideration to the creditworthiness of the counterparty or other obligated party, including any rating by any nationally recognized rating agency, and any other criteria as may be appropriate. The determinations referred to in this paragraph may be made by the Treasury Board or any public funds manager with professional investment capabilities duly authorized by the Treasury Board to make such determinations.

C. Any money set aside and pledged to secure payments of bonds, BANs, or any of the contracts entered into pursuant to this section may be invested in accordance with paragraph A of this section and may be pledged to and used to service any of the contracts or other arrangements entered into pursuant to paragraph B of this section.

§ 9. Security for bonds and BANs.

The net revenues of the capital projects set forth above and the full faith and credit of the Commonwealth are hereby irrevocably pledged for the payment of the principal of and the interest on bonds and BANs (unless the Treasury Board, by and with the consent of the Governor, shall provide otherwise) issued under this act. The proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs are hereby irrevocably pledged for the payment of principal of and interest and any premium on the BANs or bonds to be paid or redeemed thereby. In the event the net revenues pledged to the payment of the bonds or BANs are insufficient in any fiscal year for the timely payment of the principal of, premium, if any, and interest on the bonds or BANs, where the full faith and credit of the Commonwealth have been pledged, the General Assembly shall appropriate a sum sufficient therefor or the Governor shall direct payment therefor from the general fund revenues of the Commonwealth.

§ 10. Exemption of interest from tax.

The bonds and BANs issued under the provisions of this act, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by any county, city, or town or other political subdivision thereof. The Treasury Board is authorized to take or refrain from taking any and all actions and to covenant to such effect, and to require the participating institutions to do and to covenant likewise, to the extent that, in the judgment of the Treasury Board, it is appropriate in order that interest on the bonds and BANs may be exempt from federal income tax. Alternatively, interest on bonds and BANs may be made subject to inclusion in gross income of the holders thereof for federal income tax purposes.

§ 11. Refunding bonds and BANs.

The Treasury Board is authorized, by and with the consent of the Governor, to sell and issue, at one time or from time to time, refunding bonds and BANs of the Commonwealth, to refund any or all of the bonds and BANs, respectively, issued under this act or otherwise authorized pursuant to Article X, Section 9 (c) of the Constitution of Virginia. Refunding bonds and BANs may be issued in a principal amount up to the amount necessary to pay at maturity or redeem the bonds and BANs to be refunded and pay all issuance costs and other financing expenses of the refunding. Such refunding bonds and BANs may be issued whether or not the obligations to be refunded are then subject to redemption.

§ 12. Defeasance.

Any bond or BAN for which cash or direct obligations of the United States of America shall have been set aside in escrow with the State Treasurer or a bank or trust company, within or without the Commonwealth, shall be deemed no longer outstanding under the applicable authorizing instrument, this act and Article X, Section 9 (b) or (c), as the case may be, of the Constitution of Virginia.

§ 13. Severability.

The provisions of this act or the application thereof to any person or circumstance which are held invalid shall not affect the validity of other provisions or applications of this act which can be given effect without the invalid provisions or applications.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 488

An Act to amend the Code of Virginia by adding a section numbered 22.1-274.01:1, relating to the care of students who have been diagnosed with diabetes.

[S 532]

Approved April 1, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-274.01:1 as follows:

§ 22.1-274.01:1. Students who are diagnosed with diabetes; self-care.

Each local school board shall permit each enrolled student who is diagnosed with diabetes, with parental consent and written approval from the prescriber, as that term is defined in § 54.1-3401, to (i) carry with him and use supplies, including a reasonable and appropriate short-term supply of carbohydrates, an insulin pump, and equipment for immediate treatment of high and low blood glucose levels, and (ii) self-check his own blood glucose levels on a school bus, on school property, and at a school-sponsored activity.

2. That by July 1, 2015, the Department of Education shall review and update its Manual for Training Public School Employees in the Administration of Insulin and Glucagon to address training requirements for school personnel in the identification and management of symptoms of high and low blood glucose levels, the administration of medications to treat high and low blood glucose levels, the use of diabetes medication management devices, and the operation of glucose monitoring equipment. The Manual shall include training requirements in (i) administering a bolus of insulin via an insulin pump, (ii) entering a blood sugar reading into an insulin pump, (iii) entering a

carbohydrate count into an insulin pump, (iv) removing or stopping the flow of insulin from an insulin pump, and (v) changing the battery in an insulin pump.

CHAPTER 489

An Act directing the Department of Conservation and Recreation to utilize a storm-based approach in updating the Probable Maximum Precipitation (PMP) for locations within or affecting the Commonwealth.

[S 582]

Approved April 1, 2014

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Department of Conservation and Recreation, on behalf of the Virginia Soil and Water Conservation Board, shall utilize a storm-based approach in order to derive the Probable Maximum Precipitation (PMP) for locations within or affecting the Commonwealth. The PMP revisions shall be based on accepted storm evaluation techniques and take into account such factors as basin characteristics that affect the occurrence and location of storms and precipitation, regional and basin terrain influences, available atmospheric moisture, and seasonality of storm types. The results shall be considered by the Virginia Soil and Water Conservation Board in its decision to authorize the use of the updated PMP values in Probable Maximum Flood calculations, thus replacing the current PMP values. Such PMP revisions shall be adopted by the Board if it finds that the analysis is valid and reliable and will result in cost savings to owners for impounding structure spillway construction or rehabilitation efforts.*

§ 2. The development of the methodology shall be completed by December 1, 2015.

§ 3. Owners of impounding structures with spillway design inadequacies who maintain coverage under a Conditional Operation and Maintenance Certificate in accordance with the Board's Impounding Structure Regulations (4VAC50-20) shall not be required to rehabilitate the spillway of their impounding structure until the analysis required under § 1 has been completed and reviewed by the Virginia Soil and Water Conservation Board. Such owners shall remain subject to all other requirements of the Dam Safety Act (§ 10.1-604 et seq.) and regulations.

2. **That in addition to other sums made available, the Department of Conservation and Recreation is authorized to utilize up to \$500,000 in unobligated balances in the Dam Safety, Flood Prevention and Protection Assistance Fund established pursuant to § 10.1-603.17 of the Code of Virginia or the Dam Safety Administrative Fund established pursuant to § 10.1-613.5 of the Code of Virginia to contract out for the analysis required under § 1.**

3. **That an emergency exists and this act is in force from its passage.**

CHAPTER 490

An Act to amend and reenact §§ 2.2-200, 2.2-212, 2.2-213.2, 2.2-221, 2.2-221.1, 2.2-230, 2.2-231, 2.2-2004, 2.2-2101, as it is currently effective and as it shall become effective, 2.2-2338, 2.2-2666.1, 2.2-2666.2, 2.2-2666.3, 2.2-2699.5, 2.2-2715, 9.1-202, 9.1-203, 9.1-407, 44-146.18:2, 53.1-155.1, 58.1-344.3, 62.1-44.34:25, and 66-2 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 2.2-222.1, 2.2-222.2, and 2.2-222.3; and to repeal §§ 2.2-232 and 2.2-233 of the Code of Virginia, relating to the Secretary of Public Safety and Homeland Security; Secretary of Veterans and Defense Affairs; transfer of certain powers and duties.

[S 381]

Approved April 2, 2014

Be it enacted by the General Assembly of Virginia:

1. **That §§ 2.2-200, 2.2-212, 2.2-213.2, 2.2-221, 2.2-221.1, 2.2-230, 2.2-231, 2.2-2004, 2.2-2101, as it is currently effective and as it shall become effective, 2.2-2338, 2.2-2666.1, 2.2-2666.2, 2.2-2666.3, 2.2-2699.5, 2.2-2715, 9.1-202, 9.1-203, 9.1-407, 44-146.18:2, 53.1-155.1, 58.1-344.3, 62.1-44.34:25, and 66-2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 2.2-222.1, 2.2-222.2, and 2.2-222.3 as follows:**

§ 2.2-200. Appointment of Governor's Secretaries; general powers; severance.

A. The Governor's Secretaries shall be appointed by the Governor, subject to confirmation by the General Assembly if in session when the appointment is made, and if not in session, then at its next succeeding session. Each Secretary shall hold office at the pleasure of the Governor for a term coincident with that of the Governor making the appointment or until a successor is appointed and qualified. Before entering upon the discharge of duties, each Secretary shall take an oath to faithfully execute the duties of the office.

B. Each Secretary shall be subject to direction and supervision by the Governor. Except as provided in Article 5 4 (§ 2.2-208 et seq.) of this chapter, the agencies assigned to each Secretary shall:

1. Exercise their respective powers and duties in accordance with the general policy established by the Governor or by the Secretary acting on behalf of the Governor;
2. Provide such assistance to the Governor or the Secretary as may be required; and
3. Forward all reports to the Governor through the Secretary.

C. Unless the Governor expressly reserves such power to himself and except as provided in Article 5 4 (§ 2.2-208 et seq.) of this chapter, each Secretary may:

1. Resolve administrative, jurisdictional, operational, program, or policy conflicts between agencies or officials assigned;
2. Direct the formulation of a comprehensive program budget for the functional area identified in § 2.2-1508 encompassing the services of agencies assigned for consideration by the Governor;
3. Hold agency heads accountable for their administrative, fiscal and program actions in the conduct of the respective powers and duties of the agencies;
4. Direct the development of goals, objectives, policies and plans that are necessary to the effective and efficient operation of government;
5. Sign documents on behalf of the Governor that originate with agencies assigned to the Secretary; and
6. Employ such personnel and to contract for such consulting services as may be required to perform the powers and duties conferred upon the Secretary by law or executive order.

D. Severance benefits provided to any departing Secretary shall be publicly announced by the Governor prior to such departure.

E. As used in this chapter, "Governor's Secretaries" means the Secretary of Administration, the Secretary of Agriculture and Forestry, the Secretary of Commerce and Trade, the Secretary of Education, the Secretary of Finance, the Secretary of Health and Human Resources, the Secretary of Natural Resources, the Secretary of Public Safety *and Homeland Security*, the Secretary of Technology, the Secretary of Transportation, and the Secretary of Veterans *and Defense Affairs and Homeland Security*.

§ 2.2-212. Position established; agencies for which responsible; additional powers.

The position of Secretary of Health and Human Resources (the Secretary) is created. The Secretary of Health and Human Resources shall be responsible to the Governor for the following agencies: Department of Health, Department for the Blind and Vision Impaired, Department of Health Professions, Department of Behavioral Health and Developmental Services, Department for Aging and Rehabilitative Services, Department of Social Services, Department of Medical Assistance Services, Virginia Department for the Deaf and Hard-of-Hearing, the Office of Comprehensive Services for Youth and At-Risk Youth and Families, and the Assistive Technology Loan Fund Authority. The Governor may, by executive order, assign any other state executive agency to the Secretary of Health and Human Resources, or reassign any agency listed above to another Secretary.

Unless the Governor expressly reserves such power to himself, the Secretary shall (i) serve as the lead Secretary for the coordination and implementation of the long-term care policies of the Commonwealth and for the blueprint for livable communities 2025 throughout the Commonwealth, working with the Secretaries of Transportation, Commerce and Trade, and Education, and the Commissioner of Insurance, to facilitate interagency service development and implementation, communication and cooperation, (ii) serve as the lead Secretary for the Comprehensive Services Act for At-Risk Youth and Families, working with the Secretary of Education and the Secretary of Public Safety *and Homeland Security* to facilitate interagency service development and implementation, communication and cooperation, and (iii) coordinate the disease prevention activities of agencies in the Secretariat to ensure efficient, effective delivery of health related services and financing.

§ 2.2-213.2. Secretary to coordinate system for children with incarcerated parents.

The Secretary of Health and Human Resources, in consultation with the Secretary of Public Safety *and Homeland Security*, shall establish an integrated system for coordinating the planning and provision of services for children with incarcerated parents among state, local, nonprofit agencies, and faith-based organizations in order to provide such children with services needed to continue parental relationships with the incarcerated parent, where appropriate, and encourage healthy relationships in the family and community.

Article 8.

Secretary of Public Safety *and Homeland Security*.

§ 2.2-221. Position established; agencies for which responsible; additional powers and duties.

A. The position of Secretary of Public Safety *and Homeland Security* (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: Department of Alcoholic Beverage Control, Department of Corrections, Department of Juvenile Justice, Department of Criminal Justice Services, Department of Forensic Science, Virginia Parole Board, Department of Emergency Management, Department of Military Affairs, Department of State Police, Department of Fire Programs, and the Commonwealth's Attorneys' Services Council. The Governor may, by executive order, assign any other state executive agency to the Secretary, or reassign any agency listed above to another Secretary.

B. *The Secretary shall by reason of professional background have knowledge of military affairs, law enforcement, public safety, or emergency management and preparedness issues, in addition to familiarity with the structure and operations of the federal government and of the Commonwealth.*

Unless the Governor expressly reserves such power to himself, the Secretary shall:

1. *Work with and through others, including federal, state, and local officials as well as the private sector, to develop a seamless, coordinated security and preparedness strategy and implementation plan.*
2. *Serve as the point of contact with the federal Department of Homeland Security.*

3. Provide oversight, coordination, and review of all disaster, emergency management, and terrorism management plans for the state and its agencies in coordination with the Virginia Department of Emergency Management and other applicable state agencies.

4. Work with federal officials to obtain additional federal resources and coordinate policy development and information exchange.

5. Work with and through appropriate members of the Governor's Cabinet to coordinate working relationships between state agencies and take all actions necessary to ensure that available federal and state resources are directed toward safeguarding Virginia and its citizens.

6. Designate a Commonwealth Interoperability Coordinator to ensure that all communications-related preparedness federal grant requests from state agencies and localities are used to enhance interoperability. The Secretary shall ensure that the annual review and update of the statewide interoperability strategic plan is conducted as required in § 2.2-222.2. The Commonwealth Interoperability Coordinator shall establish an advisory group consisting of representatives of state and local government and constitutional offices, broadly distributed across the Commonwealth, who are actively engaged in activities and functions related to communications interoperability.

7. Serve as one of the Governor's representatives on regional efforts to develop a coordinated security and preparedness strategy, including the National Capital Region Senior Policy Group organized as part of the federal Urban Areas Security Initiative.

8. Serve as a direct liaison between the Governor and local governments and first responders on issues of emergency prevention, preparedness, response, and recovery.

9. Educate the public on homeland security and overall preparedness issues in coordination with applicable state agencies.

10. Serve as chairman of the Secure Commonwealth Panel.

11. Encourage homeland security volunteer efforts throughout the state.

12. Coordinate the development of an allocation formula for State Homeland Security Grant Program funds to localities and state agencies in compliance with federal grant guidance and constraints. The formula shall be, to the extent permissible under federal constraints, based on actual risk, threat, and need.

13. Work with the appropriate state agencies to ensure that regional working groups are meeting regularly and focusing on regional initiatives in training, equipment, and strategy to ensure ready access to response teams in times of emergency and facilitate testing and training exercises for emergencies and mass casualty preparedness.

14. Provide oversight and review of the Virginia Department of Emergency Management's annual statewide assessment of local and regional capabilities, including equipment, training, personnel, response times, and other factors.

15. Employ, as needed, consultants, attorneys, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and agents as may be necessary, and fix their compensation to be payable from funds made available for that purpose.

16. Receive and accept from any federal or private agency, foundation, corporation, association, or person grants, donations of money, real property, or personal property for the benefit of the Commonwealth, and receive and accept from the Commonwealth or any state, any municipality, county, or other political subdivision thereof, or any other source, aid or contributions of money, property, or other things of value, to be held, used, and applied for the purposes for which such grants and contributions may be made.

17. Receive and accept from any source aid, grants, and contributions of money, property, labor, or other things of value to be held, used, and applied to carry out these requirements subject to the conditions upon which the aid, grants, or contributions are made.

18. Make grants to local governments, state and federal agencies, and private entities with any funds of the Secretary available for such purpose.

19. Take any actions necessary or convenient to the exercise of the powers granted or reasonably implied to this Secretary and not otherwise inconsistent with the law of the Commonwealth.

§ 2.2-221.1. Secretary to coordinate system for offender transition and reentry services.

The Secretary of Public Safety and Homeland Security shall establish an integrated system for coordinating the planning and provision of offender transitional and reentry services among and between state, local, and nonprofit agencies in order to prepare inmates for successful transition into their communities upon release from incarceration and for improving opportunities for treatment, employment, and housing while on subsequent probation, parole, or post-release supervision.

It is the intent of the General Assembly that funds used for the purposes of this section be leveraged to the fullest extent possible and that direct transitional and reentry employment and housing assistance for offenders be provided in the most cost effective means possible, including through agreements with local nonprofit pre- and post-release service organizations.

§ 2.2-222.1. Secretary to oversee and monitor the development, maintenance, and implementation of a comprehensive and measureable homeland security strategy for the Commonwealth.

A. The Secretary shall ensure that, consistent with the National Incident Management System (NIMS), the Commonwealth implements a continuous cycle of planning, organizing, training, equipping, exercising, evaluating, and taking corrective action pursuant to securing the Commonwealth at both the state and local level against man-made and

natural disasters. To that end, the Secretary shall take action to assign responsibility among agencies, jurisdictions, and subdivisions of the Commonwealth to effect the highest state of readiness posed by both man-made and natural disasters. In doing so, the Secretary shall ensure that preparedness initiatives will be effectively and efficiently coordinated, implemented, and monitored.

B. The Secretary shall also oversee and monitor the development, maintenance, and implementation of a comprehensive and measurable homeland security strategy for the Commonwealth. To ensure a comprehensive strategy, the Secretary shall coordinate the homeland security strategy with all state and local, public, and private, councils that have a homeland security focus within the Commonwealth. The strategy shall ensure that the Commonwealth's homeland security programs are resourced, executed, and assessed according to well-defined and relevant Commonwealth homeland security requirements. In support of the strategy, the Secretary shall provide oversight of the designated State Administrative Agency (SAA) for homeland security to ensure that applications for grant funds by state agencies or local governments describe well-defined requirements for planning, organizing, training, equipping, exercising, evaluating, and taking corrective action measures essential to Commonwealth security.

C. The Secretary shall ensure that the homeland security strategy is fully incorporated into the Secure Commonwealth Plan. In the development of the Secure Commonwealth Plan, the Secretary shall (i) designate a state proponent for each goal in the Secure Commonwealth Plan required within the Commonwealth homeland security strategy; (ii) identify which state agencies shall have responsibility for prevention, protection, mitigation, response, and recovery requirements associated with each goal in the Secure Commonwealth Plan; (iii) prescribe metrics to those state agencies to quantify readiness for man-made and natural disasters; (iv) ensure that state agencies follow rigorous planning practices; and (v) conduct annual reviews and updates to ensure planning, organizing, training, equipping, exercising, evaluating, and taking corrective action is fully implemented at state and local levels of government.

D. The Secretary shall develop annually the Commonwealth Threat Hazard Identification and Risk Assessment (C-THIRA) Report to identify threats and hazards and determine capability targets and resource requirements necessary to address anticipated and unanticipated risks to state and local preparedness. The C-THIRA Report shall (i) identify a list of the threats and hazards of primary concern to the Commonwealth; (ii) describe the threats and hazards of concern, showing how they may affect the Commonwealth; (iii) assess each threat and hazard in context to develop a specific capability target for each core capability consistent with federal National Preparedness Goals; and (iv) estimate the resources required to achieve the capability targets through the use of community assets and mutual aid, while also considering preparedness activities, including mitigation opportunities. Additionally, the C-THIRA Report shall assess the Commonwealth's state of planning, organizing, training, equipping, exercising, evaluating, and ability to take corrective action as well as any shortfalls in these areas. The C-THIRA Report shall also serve as the Commonwealth's strategic approach to improving future preparedness and shall be delivered to the Chairmen of the Senate Committees on Finance and for Courts of Justice and the Chairmen of the House Committees on Appropriations and Militia, Police and Public Safety no later than November 1 of each year.

E. The Secretary shall ensure that state agencies develop and maintain rigorously developed response plans in support of the Commonwealth of Virginia Emergency Operations Plan (COVEOP). The Secretary shall designate the Virginia Department of Emergency Management (VDEM) as the primary agent to ensure that state agencies are compliant with the COVEOP. The Secretary shall further require that VDEM ensure the development of state agency and local disaster response plans and procedures, and monitor the status and quality of those plans on a cyclical basis to establish that they are feasible and suitable and can be implemented with available resources.

F. The Secretary shall be responsible for the coordination and development of state and local shelter, evacuation, traffic, and refuge of last resort planning. The Secretary shall ensure that jurisdictions and subdivisions of the Commonwealth have adequate shelter, evacuation, traffic, and refuge of last resort plans to support emergency evacuation in the event of a man-made or natural disaster. To that end, the Secretary shall direct VDEM to monitor, review, and evaluate on a cyclical basis all shelter, evacuation, traffic, and refuge of last resort plans to ensure they are feasible and suitable and can be implemented with available resources.

G. The Secretary shall also ensure that plans for protecting public critical infrastructure are both developed and fully implemented by those state agencies, jurisdictions, and subdivisions of the Commonwealth with responsibility for critical infrastructure protection. The Secretary shall report deficiencies in securing critical infrastructure annually as part of the Commonwealth's C-THIRA Report.

H. The Secretary is authorized, consistent with federal and state law and procurement regulations thereof, to contract for private and public sector services in homeland security and emergency management to enable, enhance, augment, or supplement state and local planning, organizing, training, equipping, exercising, evaluating, and corrective action capability as he deems necessary to meet Commonwealth security goals with such funds as may be made available to the Secretary or the Department of Emergency Management annually for such services.

§ 2.2-222.2. Additional duties related to review of statewide interoperability strategic plan; state and local compliance.

The Secretary through the Commonwealth Interoperability Coordinator shall ensure that the annual review and update of the statewide interoperability strategic plan is accomplished and implemented to achieve effective and efficient communication between state, local, and federal communications systems.

All state agencies and localities shall achieve consistency with and support the goals of the statewide interoperability strategic plan by July 1, 2015, in order to remain eligible to receive state or federal funds for communications programs and systems.

§ 2.2-222.3. Secure Commonwealth Panel; membership; duties; compensation; staff.

A. The Secure Commonwealth Panel (the Panel) is established as an advisory board, within the meaning of § 2.2-2100, in the executive branch of state government. The Panel shall consist of 33 members as follows: three members of the House of Delegates and two nonlegislative citizens to be appointed by the Speaker of the House of Delegates; three members of the Senate of Virginia and two nonlegislative citizens to be appointed by the Senate Committee on Rules; the Lieutenant Governor; the Attorney General; the Executive Secretary of the Supreme Court of Virginia; the Secretaries of Commerce and Trade, Health and Human Resources, Technology, Transportation, and Public Safety and Homeland Security, or their designees; two local first responders; three local government representatives; two physicians with knowledge of public health; four members from the business or industry sector; and four citizens from the Commonwealth at large. Except for appointments made by the Speaker of the House of Delegates and the Senate Committee on Rules, all appointments shall be made by the Governor. Additional *ex officio* members may be appointed to the Panel by the Governor. Legislative members shall serve terms coincident with their terms of office or until their successors shall qualify. Nonlegislative citizen members shall serve for terms of four years. The Secretary of Public Safety and Homeland Security shall be the chairman of the Panel.

B. The Panel shall monitor and assess the implementation of statewide prevention, preparedness, response, and recovery initiatives and where necessary review, evaluate, and make recommendations relating to the emergency preparedness of government at all levels in the Commonwealth. The Panel shall make quarterly reports to the Governor concerning the state's emergency preparedness, response, recovery, and prevention efforts.

C. Members of the Panel shall serve without compensation but shall be reimbursed for all reasonable and necessary expenses incurred in the discharge of their duties as provided in § 2.2-2825.

D. Staff support for the Panel and funding for the costs of expenses of the members shall be provided by the Secretary of Public Safety and Homeland Security.

E. The Secretary shall facilitate cabinet-level coordination among the various agencies of state government related to emergency preparedness and shall facilitate private sector preparedness and communication.

Article 11.

Secretary of Veterans and Defense Affairs and Homeland Security.

§ 2.2-230. Position established; agencies for which responsible; additional duties.

The position of Secretary of Veterans and Defense Affairs and Homeland Security (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: Department of Veterans Services, ~~Secure Commonwealth Panel~~, Veterans Services Foundation, and Virginia Military Advisory Council. The Governor may, by executive order, assign any other state executive agency to the Secretary, or reassign any agency listed above to another Secretary.

The Secretary shall by reason of professional background have knowledge of veterans affairs, ~~and military affairs, law enforcement, public safety, or emergency management and preparedness issues~~; in addition to familiarity with the structure and operations of the federal government and of the Commonwealth.

§ 2.2-231. Powers and duties of the Secretary.

Unless the Governor expressly reserves such power to himself, the Secretary shall:

1. ~~Work with and through others, including federal, state, and local officials as well as the private sector, to develop a seamless, coordinated security and preparedness strategy and implementation plan.~~

2. ~~Serve as the point of contact with the federal Department of Homeland Security.~~

3. ~~Provide oversight, coordination, and review of all disaster, emergency management, and terrorism management plans for the state and its agencies in coordination with the Virginia Department of Emergency Management and other applicable state agencies.~~

4. ~~Serve as the Governor's liaison for veterans affairs and provide active outreach to the U.S. Department of Veterans Affairs, the veterans service organizations, and the veterans community in Virginia to support and assist Virginia's veterans in identifying and obtaining the services, assistance, and support to which they are entitled.~~

2. Work with federal officials to obtain additional federal resources and coordinate veterans policy development and information exchange.

3. Work with and through appropriate members of the Governor's Cabinet to coordinate working relationships between state agencies and take all actions necessary to ensure that available federal and state resources are directed toward ~~safeguarding Virginia and its citizens assisting veterans and addressing all issues of mutual concern to the Commonwealth and the armed forces of the United States, including quality of life issues unique to Virginia's active duty military personnel and their families, the quality of educational opportunities for military children, the future of federal impact aid, preparedness, public safety and security concerns, transportation needs, alcoholic beverage law enforcement, substance abuse, social service needs, possible expansion and growth of military facilities in the Commonwealth, and intergovernmental support agreements with state and local governments under the provisions of 10 U.S.C. § 2336.~~

6. ~~Designate a Commonwealth Interoperability Coordinator to review all communications-related grant requests from state agencies and localities to ensure federal grants are used to enhance interoperability and conduct the annual review and~~

update of the statewide interoperability strategic plan as required in § 2.2-232. The Commonwealth Interoperability Coordinator shall establish an advisory group consisting of representatives of state and local government and constitutional offices, broadly distributed across the Commonwealth, who are actively engaged in activities and functions related to communications interoperability.

~~7.~~ 7. Serve as the Governor's representative on regional efforts to develop a coordinated security and preparedness strategy, including the National Capital Region security group organized as part of the federal Urban Areas Security Initiative.

~~8.~~ 8. Serve as a direct liaison between the Governor and local governments and first responders on issues of emergency prevention, preparedness, response, and recovery.

~~9.~~ 4. Educate the public on homeland security and overall preparedness *veterans and defense* issues in coordination with applicable state agencies.

~~10.~~ 10. Serve as chairman of the Secure Commonwealth Panel.

~~11.~~ 11. Encourage homeland security volunteer efforts throughout the state.

~~12.~~ 5. Serve as ~~vice chairman~~ *chairman* of the Virginia Military Advisory Council to establish a working relationship with Virginia's active duty military bases.

~~13.~~ 13. Coordinate the development of an allocation formula for State Homeland Security Grant Program funds to localities and state agencies in compliance with federal grant guidance and constraints. The formula shall be, to the extent permissible under federal constraints, based on actual risk and threat.

~~14.~~ 14. Work with the appropriate state agencies to ensure that regional working groups are meeting regularly and focusing on regional initiatives in training, equipment, and strategy to ensure ready access to response teams in times of emergency and facilitate testing and training exercises for emergencies and mass casualty preparedness.

~~15.~~ 15. Provide oversight and review of the Virginia Department of Emergency Management's annual statewide assessment of local and regional capabilities, including equipment, training, personnel, response times, and other factors.

~~16.~~ 6. Monitor and enhance efforts to provide assistance and support for veterans living in Virginia and members of the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in active federal service in the areas of (i) medical care, (ii) mental health and rehabilitative services, (iii) housing, (iv) homelessness prevention, (v) job creation, and (vi) education.

~~17.~~ 7. Seek additional federal resources to support veterans services.

~~18.~~ 8. Monitor efforts to provide services to veterans, those members of the Virginia National Guard, and Virginia residents in the Armed Forces Reserves who qualify for veteran status, and their immediate family members, including the dissemination of relevant materials and the rendering of technical or other advice.

~~19.~~ 9. Serve as the Governor's liaison and provide active outreach to localities of the Commonwealth and veterans support organizations in the development, implementation, and review of local veterans services programs as part of the state program.

~~20.~~ ~~Foster~~ 10. *Serve as the Governor's defense liaison and provide active outreach to the U.S. Department of Defense and the defense establishment in Virginia to support the military installations and activities in the Commonwealth to continue to enhance Virginia's current military-friendly environment, and foster and promote business, technology, transportation, education, economic development, and other efforts in support of the mission, execution, and transformation of the United States government military and national defense activities located in the Commonwealth.*

~~21.~~ 11. Promote the industrial and economic development of localities included in or adjacent to United States government military and other national defense activities and those of the Commonwealth because the success of such activities depends on cooperation between the localities, the Commonwealth, and the United States military and national defense activities.

~~22.~~ 12. Provide technical assistance and coordination between the Commonwealth, its political subdivisions, and the United States government military and national defense activities located within the Commonwealth.

~~23.~~ 13. Employ, as needed, consultants, attorneys, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and agents as may be necessary, and to fix their compensation to be payable from funds made available for that purpose.

~~24.~~ 14. Receive and accept from any federal or private agency, foundation, corporation, association, or person grants, donations of money, real property, or personal property for the benefit of the Commonwealth and receive and accept from the Commonwealth or any state, any municipality, county, or other political subdivision thereof, and from any other source, aid or contributions of money, property, or other things of value, to be held, used, and applied for the purposes for which such grants and contributions may be made.

~~25.~~ 15. Receive and accept from any source aid, grants, and contributions of money, property, labor, or other things of value to be held, used, and applied to carry out these requirements subject to the conditions upon which the aid, grants, or contributions are made.

~~26.~~ 16. Make grants to local governments, state and federal agencies, and private entities with any funds of the Secretary available for such purpose.

~~27.~~ 17. Take any actions necessary or convenient to the exercise of the powers granted or reasonably implied to this Secretary and not otherwise inconsistent with the law of ~~this~~ the Commonwealth.

28. 18. Work with veterans services organizations and counterparts in other states to monitor and encourage the timely and accurate processing of veterans benefit requests by the U.S. Department of Veterans Affairs, including requests for services connected to health care, mental health care, and disability payments.

§ 2.2-2004. Additional powers and duties of Commissioner.

The Commissioner shall have the following powers and duties related to veterans services:

1. Perform cost-benefit and value analysis of (i) existing programs and services and (ii) new programs and services before establishing and implementing them;

2. Seek alternative funding sources for the Department's veterans service programs;

3. Cooperate with all relevant entities of the federal government, including, but not limited to, the United States Department of Veterans Affairs, the United States Department of Housing and Urban Development, and the United States Department of Labor in matters concerning veterans benefits and services;

4. Appoint a full-time coordinator to collaborate with the Joint Leadership Council of Veterans Service Organizations created in § 2.2-2681 on ways to provide both direct and indirect support of ongoing veterans programs, and to determine and address future veterans needs and concerns;

5. Initiate, conduct, and issue special studies on matters pertaining to veterans needs and priorities, as determined necessary by the Commissioner;

6. Evaluate veterans service efforts, practices, and programs of the agencies, political subdivisions or other entities and organizations of the government of the Commonwealth and make recommendations to the Secretary of Veterans *and Defense Affairs and Homeland Security*, the Governor, and the General Assembly on ways to increase awareness of the services available to veterans or improve veterans services;

7. Assist entities of state government and political subdivisions of the Commonwealth in enhancing their efforts to provide services to veterans, those members of the Virginia National Guard, Virginia residents in the Armed Forces Reserves who qualify for veteran status, and their immediate family members, including the dissemination of relevant materials and the rendering of technical or other advice;

8. Assist counties, cities, and towns of the Commonwealth in the development, implementation, and review of local veterans services programs as part of the state program and establish as necessary, in consultation with the Board of Veterans Services and the Joint Leadership Council of Veterans Service Organizations, volunteer local and regional advisory committees to assist and support veterans service efforts;

9. Review the activities, roles, and contributions of various entities and organizations to the Commonwealth's veterans services programs and report on or before December 1 of each year in writing to the Governor and General Assembly on the status, progress, and prospects of veterans services in the Commonwealth, including performance measures and outcomes of veterans services programs;

10. Recommend to the Secretary of Veterans *and Defense Affairs and Homeland Security*, the Governor, and the General Assembly any corrective measures, policies, procedures, plans, and programs to make service to Virginia-domiciled veterans and their eligible spouses, orphans, and dependents as efficient and effective as practicable;

11. Design, implement, administer, and review special programs or projects needed to promote veterans services in the Commonwealth;

12. Integrate veterans services activities into the framework of economic development activities in general;

13. Manage operational funds using accepted accounting principles and practices in order to provide for a sum sufficient to ensure continued, uninterrupted operations;

14. Engage Department personnel in training and educational activities aimed at enhancing veterans services;

15. Develop a strategic plan to ensure efficient and effective utilization of resources, programs, and services;

16. Certify eligibility for the Virginia Military Survivors and Dependents Education Program and perform other duties related to such Program as outlined in § 23-7.4:1; and

17. Establish and implement a compact with Virginia's veterans, which shall have a goal of making Virginia America's most veteran-friendly state. The compact shall be established in conjunction with the Board of Veterans Services and supported by the Joint Leadership Council of Veterans Service Organizations and shall (i) include specific provisions for technology advances, workforce development, outreach, quality of life enhancement, and other services for veterans and (ii) provide service standards and goals to be attained for each specific provision in clause (i). The provisions of the compact shall be reviewed and updated annually. The Commissioner shall include in the annual report required by this section the progress of veterans services established in the compact.

§ 2.2-2101. (Effective until July 1, 2017) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Opportunity Educational Institution Board, who shall be appointed as provided for in § 22.1-27.1; to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the Council on Virginia's Future, who shall be appointed as provided for in § 2.2-2685; to members of the State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Workforce Council, who shall be appointed as provided for in § 2.2-2669; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § ~~2.2-233~~ 2.2-222.3; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; or to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735.

§ 2.2-2101. (Effective July 1, 2017) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Opportunity Educational Institution Board, who shall be appointed as provided for in § 22.1-27.1; to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Workforce Council, who shall be appointed as provided for in § 2.2-2669; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § ~~2.2-233~~ 2.2-222.3; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; or to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735.

§ 2.2-2338. Board of Trustees; membership.

There is hereby created a political subdivision and public body corporate and politic of the Commonwealth of Virginia to be known as the Fort Monroe Authority, to be governed by a Board of Trustees (Board) consisting of 12 voting members appointed as follows: the Secretary of Natural Resources, the Secretary of Commerce and Trade, and the Secretary of Veterans and Defense Affairs and Homeland Security, or their successor positions if those positions no longer exist, from the Governor's cabinet; the member of the Senate of Virginia and the member of the House of Delegates representing the district in which Fort Monroe lies; two members appointed by the Hampton City Council; and five nonlegislative citizen members appointed by the Governor, four of whom shall have expertise relevant to the implementation of the Fort Monroe Reuse Plan, including but not limited to the fields of historic preservation, tourism, environment, real estate, finance, and education, and one of whom shall be a citizen representative from the Hampton Roads region. Cabinet members and elected representatives shall serve terms commensurate with their terms of office. Citizen appointees shall initially be appointed for staggered terms of either one, two, or three years, and thereafter shall serve for four-year terms. Cabinet members shall be

entitled to send their deputies or another cabinet member, and legislative members another legislator, to meetings as full voting members in the event that official duties require their presence elsewhere.

The Board so appointed shall enter upon the performance of its duties and shall initially and annually thereafter elect one of its members as chairman and another as vice-chairman. The Board shall also elect annually a secretary, who shall be a member of the Board, and a treasurer, who need not be a member of the Board, or a secretary-treasurer, who need not be a member of the Board. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Board, and in the absence of both the chairman and vice-chairman, the Board shall elect a chairman pro tempore who shall preside at such meetings. Seven Trustees shall constitute a quorum, and all action by the Board shall require the affirmative vote of a majority of the Trustees present and voting, except that any action to amend or terminate the existing Reuse Plan, or to adopt a new Reuse Plan, shall require the affirmative vote of 75 percent or more of the Trustees present and voting. The members of the Board shall be entitled to reimbursement for expenses incurred in attendance upon meetings of the Board or while otherwise engaged in the discharge of their duties. Such expenses shall be paid out of the treasury of the Authority in such manner as shall be prescribed by the Authority.

§ 2.2-2666.1. Council created; composition; compensation and expenses; meetings; chairman's executive summary.

A. The Virginia Military Advisory Council (the Council) is hereby created as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government, to maintain a cooperative and constructive relationship between the Commonwealth and the leadership of the several Armed Forces of the United States and the military commanders of such Armed Forces stationed in the Commonwealth, and to encourage regular communication on continued military facility viability, the exploration of privatization opportunities and issues affecting preparedness, public safety and security.

B. The Council shall be composed of ~~28~~ 27 members as follows: the Lieutenant Governor, the Attorney General, ~~the Secretary of Public Safety~~, the Adjutant General, the Secretary of Veterans *and Defense* Affairs ~~and Homeland Security~~, the Chairman of the House Committee on Militia, Police and Public Safety and the Chairman of the Senate Committee on General Laws, or their designees; four members, one of whom shall be a representative of the Virginia Defense Force, to be appointed by and serve at the pleasure of the Governor; and 17 members, including representatives of major military commands and installations located in the Commonwealth or in jurisdictions adjacent thereto, who shall be requested to serve by the Governor after consideration of the persons nominated by the Secretaries of the Armed Forces of the United States. However, any legislative member who is appointed by the Governor shall serve a term coincident with his term of office. The provisions of § 49-1 shall not apply to federal civilian officials and military personnel appointed to the Council.

C. Legislative members of the Council shall receive such compensation as provided in § 30-19.12, and nonlegislative members shall receive such compensation as provided in § 2.2-2813 for the performance of their duties. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department of Military Affairs.

D. ~~The Council shall elect a chairman from among its membership~~ *Secretary of Veterans and Defense Affairs shall be the chairman of the Council.* ~~The vice-chairman of the Council shall be the Secretary of Veterans Affairs and Homeland Security~~ *chairman shall designate a military advisor to the Council from among the representatives of the major military commands and installations located in the Commonwealth or in jurisdictions adjacent thereto pursuant to subsection B, who shall be an active duty general or flag officer serving in Virginia.* The meetings of the Council shall be held at the call of the chairman or whenever the majority of members so request. A majority of the members shall constitute a quorum.

E. The chairman of the Council shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Council no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

§ 2.2-2666.2. Duties of Council; staff support.

The Council shall identify and study and provide advice and comments to the Governor on issues of mutual concern to the Commonwealth and the Armed Forces of the United States, including exclusive and concurrent jurisdiction over military installations, educational quality and the future of federal impact aid, preparedness, public safety and security concerns, transportation needs, alcoholic beverage law enforcement, substance abuse, social service needs, possible expansion and growth of military facilities in the Commonwealth and such other issues as the Governor or the Council may determine to be appropriate subjects of joint consideration.

Such staff support as is necessary for the conduct of the Council's business shall be furnished by the Office of the Governor, the Office of the Secretary of Veterans *and Defense* Affairs ~~and Homeland Security~~, the Department of Military Affairs, and such other executive agencies as the Governor may designate. ~~The Governor shall designate the chairman from among the members.~~

§ 2.2-2666.3. (Contingent expiration) Oceana/Fentress Military Advisory Council created; composition; duties; staff support.

A. The Oceana/Fentress Military Advisory Council (the Oceana/Fentress Council) is hereby created as a subunit of the Virginia Military Advisory Council. The Oceana/Fentress Council shall be composed of two members of the Chesapeake City Council, two members of the Virginia Beach City Council, those members of the Virginia General Assembly whose

districts encompass Naval Air Station Oceana and Naval Auxiliary Landing Field Fentress, the Commander, Navy Mid-Atlantic Region or his representative, and the Commanding Officer of Naval Air Station Oceana or his representative.

B. The Oceana/Fentress Council shall identify and study and provide advice and comments to the Virginia Military Advisory Council on issues of mutual concern to the Commonwealth and the Navy concerning Naval Air Station Oceana and Naval Auxiliary Landing Field Fentress and address such other issues as the Governor or the Virginia Military Advisory Council may determine to be appropriate subjects of consideration.

C. Such staff support as is necessary for the conduct of the Oceana/Fentress Council's business shall be furnished by the Office of the Secretary of Veterans *and Defense Affairs* ~~and Homeland Security~~.

§ 2.2-2699.5. Information Technology Advisory Council; membership; terms; quorum; compensation; staff.

A. The Information Technology Advisory Council (ITAC) is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government. The ITAC shall be responsible for advising the Chief Information Officer (CIO) and the Secretary of Technology on the planning, budgeting, acquiring, using, disposing, managing, and administering of information technology in the Commonwealth.

B. The ITAC shall consist of not more than 16 members as follows: (i) one representative from an agency under each of the Governor's Secretaries, as set out in Chapter 2 (§ 2.2-200 et seq.), to be appointed by the Governor and serve with voting privileges; (ii) the Secretary of Technology and the CIO, who shall serve ex officio with voting privileges; (iii) the Secretary of the Commonwealth or his designee; ~~and (iv) the Secretary of Veterans Affairs and Homeland Security or his designee; and (v)~~ at the Governor's discretion, not more than two nonlegislative citizen members to be appointed by the Governor and serve with voting privileges.

Nonlegislative citizen members shall be appointed for terms of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

C. The ITAC shall elect a chairman and vice-chairman annually from among the members, except that neither the Secretary of Technology nor the CIO may serve as chairman. A majority of the members shall constitute a quorum. The meetings of the ITAC shall be held at the call of the chairman, the Secretary of Technology, or the CIO, or whenever the majority of the members so request.

D. Nonlegislative citizen members shall receive compensation and shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties, as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Virginia Information Technologies Agency.

E. The disclosure requirements of subsection B of § 2.2-3114 of the State and Local Government Conflict of Interests Act shall apply to citizen members of the ITAC.

F. The Virginia Information Technologies Agency shall serve as staff to the ITAC.

§ 2.2-2715. Veterans Services Foundation; purpose; membership; terms; compensation; staff.

A. The Veterans Services Foundation (the Foundation) is established as an independent body politic and corporate agency supporting the Department of Veterans Services in the executive branch of state government. The Foundation shall be governed and administered by a board of trustees. The Foundation shall (i) administer the Veterans Services Fund (the Fund), (ii) provide funding for veterans services and programs in the Commonwealth through the Fund, and (iii) raise revenue from all sources including private source fundraising to support the Fund. The Foundation shall submit a quarterly report to the Commissioner of Veterans Services on the Foundation's funding levels and services and an annual report to the Secretary of Veterans *and Defense Affairs* ~~and Homeland Security~~ on or before November 30 of each year. The quarterly report and the annual report shall be submitted electronically.

B. The board of trustees of the Foundation shall consist of the Commissioner of Veterans Services and the Chairmen of the Board of Veterans Services and the Joint Leadership Council of Veterans Service Organizations or their designees, who shall serve as ex officio voting members, and 16 members to be appointed as follows: ~~(i)~~ eight nonlegislative citizens appointed by the Governor; five nonlegislative citizens appointed by the Speaker of the House of Delegates; and three nonlegislative citizens appointed by the Senate Committee on Rules. A majority of the trustees shall be active or retired chairmen, chief executive officers, or chief financial officers for large private corporations or nonprofit organizations or individuals who have extensive fundraising experience in the private sector. Trustees appointed shall, insofar as possible, be veterans. Each appointing authority shall endeavor to ensure a balanced geographical representation on the Board to facilitate fundraising efforts across the state.

After initial appointments, members shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments. Any member of the Board of Trustees may be removed at the pleasure of the appointing authority.

C. Trustees shall be reimbursed for their actual expenses incurred while attending meetings of the trustees or performing other duties. However, such reimbursement shall not exceed the per diem rate established for members of the General Assembly pursuant to § 30-19.12.

D. The Secretary of Veterans *and Defense Affairs and Homeland Security* shall designate a state agency to provide the Foundation with administrative and other services.

E. The trustees shall adopt bylaws governing their organization and procedures and may amend the same. The trustees shall elect from their number a chairman and such other officers as their bylaws may provide. Ex officio members shall not be eligible to serve as chairman. The trustees shall meet four times a year at such times as they deem appropriate or on call of the chairman. A majority of the voting members of the board of trustees shall constitute a quorum.

F. Any person designated by the board of trustees to handle the funds of the Foundation or the Fund shall give bond, with corporate surety, in a penalty fixed by the Governor, conditioned upon the faithful discharge of his duties. Any premium on the bond shall be paid from funds available to the Foundation.

§ 9.1-202. Virginia Fire Services Board; membership; terms; compensation.

A. The Virginia Fire Services Board (the Board) is established as a policy board within the meaning of § 2.2-2100 in the executive branch of state government. The Board shall consist of 15 members to be appointed by the Governor as follows: a representative of the insurance industry; two members of the general public with no connection to the fire services, one of whom shall be a representative of those industries affected by SARA Title III and OSHA training requirements; and one member each from the Virginia Fire Chiefs Association, the Virginia State Firefighters Association, the Virginia Professional Fire Fighters, the Virginia Fire Service Council, the Virginia Fire Prevention Association, the Virginia Chapter of the International Association of Arson Investigators, the Virginia Municipal League, and the Virginia Association of Counties, and a member of the Virginia Society of Fire Service Instructors who is a faculty member who teaches fire science at a public institution of higher education. Of these appointees, at least one shall be a volunteer firefighter. The State Fire Marshal, the State Forester, and a member of the Board of Housing and Community Development appointed by the chairman of that Board shall also serve as members of the Board.

Each of the organizations represented shall submit at least three names for each position for the Governor's consideration in making these appointments.

B. Members of the Board appointed by the Governor shall serve for terms of four years. An appointment to fill a vacancy shall be for the unexpired term. No appointee shall serve more than two successive four-year terms but neither shall any person serve beyond the time he holds the office or organizational membership by reason of which he was initially eligible for appointment.

C. The Board annually shall elect its chairman and vice-chairman from among its membership and shall adopt rules of procedure.

D. All members shall be reimbursed for expenses incurred in the performance of their duties as provided in § 2.2-2825. Funding for the expenses shall be provided from the Fire Programs Fund established pursuant to § 38.2-401.

E. The Board shall meet no more than four times each calendar year. The Secretary of Public Safety *and Homeland Security* may call a special meeting of the Board should circumstances dictate. A majority of the current membership of the Board shall constitute a quorum for all purposes.

§ 9.1-203. Powers and duties of Virginia Fire Services Board; limitation.

A. The Board shall have the responsibility for promoting the coordination of the efforts of fire service organizations at the state and local levels. To these ends, it shall have the following powers and duties to:

1. Ensure the development and implementation of the Virginia Fire Prevention and Control Plan;
2. Review and approve a five-year statewide plan for fire education and training;
3. Approve the criteria for and disbursement of any grant funds received from the federal government and any agencies thereof and any other source and to disburse such funds in accordance therewith;
4. Provide technical assistance and advice to local fire departments, other fire services organizations, and local governments through Fire and Emergency Medical Services studies done in conjunction with the Department of Fire Programs;
5. Advise the Department of Fire Programs on and adopt personnel standards for fire services personnel;
6. Advise the Department of Fire Programs on the Commonwealth's statewide plan for the collection, analysis, and reporting of data relating to fires in the Commonwealth;
7. Make recommendations to the Secretary of Public Safety *and Homeland Security* concerning legislation affecting fire prevention and protection and fire services organizations in Virginia;
8. Evaluate all fire prevention and protection programs and make any recommendations deemed necessary to improve the level of fire prevention and protection in the Commonwealth;
9. Advise the Department of Fire Programs on the Statewide Fire Prevention Code; and
10. Investigate alternative means of financial support for volunteer fire departments and advise jurisdictions regarding the implementation of such alternatives.

B. Except for those policies established in § 38.2-401, compliance with the provisions of § 9.1-201 and this section and any policies or guidelines enacted pursuant thereto shall be optional with, and at the full discretion of, any local governing body and any volunteer fire department or volunteer fire departments operating under the same corporate charters.

§ 9.1-407. Training.

Any law-enforcement or public safety officer entitled to benefits under this Chapter shall receive training concerning the benefits available to himself or his beneficiary in case of disability or death in the line of duty. The Secretary of Public Safety *and Homeland Security* shall develop training information to be distributed to agencies and localities with employees

subject to this ~~Chapter~~ *chapter*. The agency or locality shall be responsible for providing the training. Such training shall not count towards in-service training requirements for law-enforcement officers pursuant to § 9.1-102.

§ 44-146.18:2. Authority of Coordinator of Emergency Management in undeclared emergency.

In an emergency which does not warrant a gubernatorial declaration of a state of emergency, the Coordinator of Emergency Management, after consultation with and approval of the Secretary of Public Safety *and Homeland Security*, may enter into contracts and incur obligations necessary to prevent or alleviate damage, loss, hardship, or suffering caused by such emergency and to protect the health and safety of persons and property. In exercising the powers vested by this section, the Coordinator may proceed without regard to normal procedures pertaining to entering into contracts, incurring of obligations, rental of equipment, purchase of supplies and materials, and expenditure of public funds; however, mandatory constitutional requirements shall not be disregarded.

§ 53.1-155.1. Participation in residential community program prior to final release.

The Department may give nonviolent prisoners who have not been convicted of a violent crime and who have been sentenced to serve a term of imprisonment of at least three years the opportunity to participate in a residential community program, work release, or a community-based program approved by the Secretary of Public Safety *and Homeland Security* within six months of such prisoner's projected or mandatory release date. The Secretary shall prescribe guidelines to govern the residential community programs, work release, or community-based programs.

Any wages earned pursuant to this section by a prisoner may be paid to the director or administrator of the program after standard payroll deductions required by law. Distribution of such wages shall be made for the following purposes:

1. To pay an amount to defray the cost of his keep;
2. To pay travel and other such expenses made necessary by his work release, employment, or participation in a residential community program or a community-based program;
3. To provide support and maintenance for his dependents or to make payments to the local department of social services or the Commissioner of Social Services, as appropriate, on behalf of dependents who are receiving public assistance as defined in § 63.2-100; or
4. To pay any fines, restitution, or costs as ordered by the court.

Any balance at the end of his sentence shall be paid to the prisoner upon his release.

§ 58.1-344.3. Voluntary contributions of refunds requirements.

A. 1. For taxable years beginning on and after January 1, 2005, all entities entitled to voluntary contributions of tax refunds listed in subsections B and C must have received at least \$10,000 in contributions in each of the three previous taxable years for which there is complete data and in which such entity was listed on the individual income tax return.

2. In the event that an entity listed in subsections B and C does not satisfy the requirement in subdivision 1, such entity shall no longer be listed on the individual income tax return.

3. a. The entities listed in subdivisions B 21 and B 22 as well as any other entities in subsections B and C added subsequent to the 2004 Session of the General Assembly shall not appear on the individual income tax return until their addition to the individual income tax return results in a maximum of 25 contributions listed on the return. Such contributions shall be added in the order that they are listed in subsections B and C.

b. Each entity added to the income tax return shall appear on the return for at least three consecutive taxable years before the requirement in subdivision 1 is applied to such entity.

4. The Department of Taxation shall report annually by the first day of each General Assembly Regular Session to the chairmen of the House and Senate Finance Committees the amounts collected for each entity listed under subsections B and C for the three most recent taxable years for which there is complete data. Such report shall also identify the entities, if any, that will be removed from the individual income tax return because they have failed the requirements in subdivision 1, the entities that will remain on the individual income tax return, and the entities, if any, that will be added to the individual income tax return.

B. Subject to the provisions of subsection A, the following entities entitled to voluntary contributions shall appear on the individual income tax return and are eligible to receive tax refund contributions of not less than \$1:

1. Nongame wildlife voluntary contribution.

a. All moneys contributed shall be used for the conservation and management of endangered species and other nongame wildlife. "Nongame wildlife" includes protected wildlife, endangered and threatened wildlife, aquatic wildlife, specialized habitat wildlife both terrestrial and aquatic, and mollusks, crustaceans, and other invertebrates under the jurisdiction of the Board of Game and Inland Fisheries.

b. All moneys shall be deposited into a special fund known as the Game Protection Fund and which shall be accounted for as a separate part thereof to be designated as the Nongame Cash Fund. All moneys so deposited in the Nongame Cash Fund shall be used by the Commission of Game and Inland Fisheries for the purposes set forth herein.

2. Open space recreation and conservation voluntary contribution.

a. All moneys contributed shall be used by the Department of Conservation and Recreation to acquire land for recreational purposes and preserve natural areas; to develop, maintain, and improve state park sites and facilities; and to provide funds to local public bodies pursuant to the Virginia Outdoor Fund Grants Program.

b. All moneys shall be deposited into a special fund known as the Open Space Recreation and Conservation Fund. The moneys in the fund shall be allocated one-half to the Department of Conservation and Recreation for the purposes stated in subdivision 2 a and one-half to local public bodies pursuant to the Virginia Outdoor Fund Grants Program.

3. Voluntary contribution to political party.

All moneys contributed shall be paid to the State Central Committee of any party that meets the definition of a political party under § 24.2-101 as of July 1 of the previous taxable year. The maximum contribution allowable under this subdivision shall be \$25. In the case of a joint return of husband and wife, each spouse may designate that the maximum contribution allowable be paid.

4. United States Olympic Committee voluntary contribution.

All moneys contributed shall be paid to the United States Olympic Committee.

5. Housing program voluntary contribution.

a. All moneys contributed shall be used by the Department of Housing and Community Development to provide assistance for emergency, transitional, and permanent housing for the homeless; and to provide assistance to housing for the low-income elderly for the physically or mentally disabled.

b. All moneys shall be deposited into a special fund known as the Virginia Tax Check-off for Housing Fund. All moneys deposited in the fund shall be used by the Department of Housing and Community Development for the purposes set forth in this subdivision. Funds made available to the Virginia Tax Check-off for Housing Fund may supplement but shall not supplant activities of the Virginia Housing Trust Fund established pursuant to Chapter 9 (§ 36-141 et seq.) of Title 36 or those of the Virginia Housing Development Authority.

6. Voluntary contributions to the Department for Aging and Rehabilitative Services.

a. All moneys contributed shall be used by the Department for Aging and Rehabilitative Services for the enhancement of transportation services for the elderly and disabled.

b. All moneys shall be deposited into a special fund known as the Transportation Services for the Elderly and Disabled Fund. All moneys so deposited in the fund shall be used by the Department for Aging and Rehabilitative Services for the enhancement of transportation services for the elderly and disabled. The Department for Aging and Rehabilitative Services shall conduct an annual audit of the moneys received pursuant to this subdivision and shall provide an evaluation of all programs funded pursuant to this subdivision annually to the Secretary of Health and Human Resources.

7. Voluntary contribution to the Community Policing Fund.

a. All moneys contributed shall be used to provide grants to local law-enforcement agencies for the purchase of equipment or the support of services, as approved by the Criminal Justice Services Board, relating to community policing.

b. All moneys shall be deposited into a special fund known as the Community Policing Fund. All moneys deposited in such fund shall be used by the Department of Criminal Justice Services for the purposes set forth herein.

8. Voluntary contribution to promote the arts.

All moneys contributed shall be used by the Virginia Arts Foundation to assist the Virginia Commission for the Arts in its statutory responsibility of promoting the arts in the Commonwealth. All moneys shall be deposited into a special fund known as the Virginia Arts Foundation Fund.

9. Voluntary contribution to the Historic Resources Fund.

All moneys contributed shall be deposited in the Historic Resources Fund established pursuant to § 10.1-2202.1.

10. Voluntary contribution to the Virginia Foundation for the Humanities and Public Policy.

All moneys contributed shall be paid to the Virginia Foundation for the Humanities and Public Policy. All moneys shall be deposited into a special fund known as the Virginia Humanities Fund.

11. Voluntary contribution to the Center for Governmental Studies.

All moneys contributed shall be paid to the Center for Governmental Studies, a public service and research center of the University of Virginia. All moneys shall be deposited into a special fund known as the Governmental Studies Fund.

12. Voluntary contribution to the Law and Economics Center.

All moneys contributed shall be paid to the Law and Economics Center, a public service and research center of George Mason University. All moneys shall be deposited into a special fund known as the Law and Economics Fund.

13. Voluntary contribution to Children of America Finding Hope.

All moneys contributed shall be used by Children of America Finding Hope (CAFH) in its programs which are designed to reach children with emotional and physical needs.

14. Voluntary contribution to 4-H Educational Centers.

All moneys contributed shall be used by the 4-H Educational Centers throughout the Commonwealth for their (i) educational, leadership, and camping programs and (ii) operational and capital costs. The State Treasurer shall pay the moneys to the Virginia 4-H Foundation in Blacksburg, Virginia.

15. Voluntary contribution to promote organ and tissue donation.

a. All moneys contributed shall be used by the Virginia Transplant Council to assist in its statutory responsibility of promoting and coordinating educational and informational activities as related to the organ, tissue, and eye donation process and transplantation in the Commonwealth of Virginia.

b. All moneys shall be deposited into a special fund known as the Virginia Donor Registry and Public Awareness Fund. All moneys deposited in such fund shall be used by the Virginia Transplant Council for the purposes set forth herein.

16. Voluntary contributions to the Virginia War Memorial division of the Department of Veterans Services and the National D-Day Memorial Foundation.

All moneys contributed shall be used by the Virginia War Memorial division of the Department of Veterans Services and the National D-Day Memorial Foundation in their work through each of their respective memorials. The State Treasurer

shall divide the moneys into two equal portions and pay one portion to the Virginia War Memorial division of the Department of Veterans Services and the other portion to the National D-Day Memorial Foundation.

17. Voluntary contribution to the Virginia Federation of Humane Societies.

All moneys contributed shall be paid to the Virginia Federation of Humane Societies to assist in its mission of saving, caring for, and finding homes for homeless animals.

18. Voluntary contribution to the Tuition Assistance Grant Fund.

a. All moneys contributed shall be paid to the Tuition Assistance Grant Fund for use in providing monetary assistance to residents of the Commonwealth who are enrolled in undergraduate or graduate programs in private Virginia colleges.

b. All moneys shall be deposited into a special fund known as the Tuition Assistance Grant Fund. All moneys so deposited in the Fund shall be administered by the State Council of Higher Education for Virginia in accordance with and for the purposes provided under the Tuition Assistance Grant Act (§ 23-38.11 et seq.).

19. Voluntary contribution to the Spay and Neuter Fund.

All moneys contributed shall be paid to the Spay and Neuter Fund for use by localities in the Commonwealth for providing low-cost spay and neuter surgeries through direct provision or contract or each locality may make the funds available to any private, nonprofit sterilization program for dogs and cats in such locality. The Tax Commissioner shall determine annually the total amounts designated on all returns from each locality in the Commonwealth, based upon the locality that each filer who makes a voluntary contribution to the Fund lists as his permanent address. The State Treasurer shall pay the appropriate amount to each respective locality.

20. Voluntary contribution to the Virginia Commission for the Arts.

All moneys contributed shall be paid to the Virginia Commission for the Arts.

21. Voluntary contribution for the ~~Office of Commonwealth Preparedness~~ *Department of Emergency Management*.

All moneys contributed shall be paid to the Department of Emergency Management ~~for the Office of Commonwealth Preparedness~~.

22. Voluntary contribution for the cancer centers in the Commonwealth.

All moneys contributed shall be paid equally to all entities in the Commonwealth that officially have been designated as cancer centers by the National Cancer Institute.

23. Voluntary contribution to the Brown v. Board of Education Scholarship Program Fund.

a. All moneys contributed shall be paid to the Brown v. Board of Education Scholarship Program Fund to support the work of and generate nonstate funds to maintain the Brown v. Board of Education Scholarship Program.

b. All moneys shall be deposited into the Brown v. Board of Education Scholarship Program Fund as established in § 30-231.4.

c. All moneys so deposited in the Fund shall be administered by the State Council of Higher Education in accordance with and for the purposes provided in Chapter 34.1 (§ 30-231.01 et seq.) of Title 30.

24. Voluntary contribution to the Martin Luther King, Jr. Living History and Public Policy Center.

All moneys contributed shall be paid to the Board of Trustees of the Martin Luther King, Jr. Living History and Public Policy Center.

25. Voluntary contribution to the Virginia Caregivers Grant Fund.

All moneys contributed shall be paid to the Virginia Caregivers Grant Fund established pursuant to § 63.2-2202.

26. Voluntary contribution to public library foundations.

All moneys contributed pursuant to this subdivision shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for each public library foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the appropriate amount to the respective public library foundation.

27. Voluntary contribution to Celebrating Special Children, Inc.

All moneys contributed shall be paid to Celebrating Special Children, Inc. and shall be deposited into a special fund known as the Celebrating Special Children, Inc. Fund.

28. Voluntary contributions to the Department for Aging and Rehabilitative Services.

a. All moneys contributed shall be used by the Department for Aging and Rehabilitative Services for providing Medicare Part D counseling to the elderly and disabled.

b. All moneys shall be deposited into a special fund known as the Medicare Part D Counseling Fund. All moneys so deposited shall be used by the Department for Aging and Rehabilitative Services to provide counseling for the elderly and disabled concerning Medicare Part D. The Department for Aging and Rehabilitative Services shall conduct an annual audit of the moneys received pursuant to this subdivision and shall provide an evaluation of all programs funded pursuant to the subdivision to the Secretary of Health and Human Resources.

29. Voluntary contribution to community foundations.

All moneys contributed pursuant to this subdivision shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for each community foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the appropriate amount to the respective community foundation. A "community foundation" shall be defined as any institution that meets the membership requirements for a community foundation established by the Council on Foundations.

30. Voluntary contribution to the Virginia Foundation for Community College Education.

a. All moneys contributed shall be paid to the Virginia Foundation for Community College Education for use in providing monetary assistance to Virginia residents who are enrolled in comprehensive community colleges in Virginia.

b. All moneys shall be deposited into a special fund known as the Virginia Foundation for Community College Education Fund. All moneys so deposited in the Fund shall be administered by the Virginia Foundation for Community College Education in accordance with and for the purposes provided under the Community College Incentive Scholarship Program (§ 23-220.2 et seq.).

31. Voluntary contribution to the Middle Peninsula Chesapeake Bay Public Access Authority.

All moneys contributed shall be paid to the Middle Peninsula Chesapeake Bay Public Access Authority to be used for the purposes described in § 15.2-6601.

32. Voluntary contribution to the Breast and Cervical Cancer Prevention and Treatment Fund.

All moneys contributed shall be paid to the Breast and Cervical Cancer Prevention and Treatment Fund established pursuant to § 32.1-368.

33. Voluntary contribution to the Virginia Aquarium and Marine Science Center.

All moneys contributed shall be paid to the Virginia Aquarium and Marine Science Center for use in its mission to increase the public's knowledge and appreciation of Virginia's marine environment and inspire commitment to preserve its existence.

34. Voluntary contribution to the Virginia Capitol Preservation Foundation.

All moneys contributed shall be paid to the Virginia Capitol Preservation Foundation for use in its mission in supporting the ongoing restoration, preservation, and interpretation of the Virginia Capitol and Capitol Square.

35. Voluntary contribution for the Secretary of Veterans *and Defense Affairs* ~~and Homeland Security~~.

All moneys contributed shall be paid to the Office of the Secretary of Veterans *and Defense Affairs* ~~and Homeland Security~~ for related programs and services.

C. Subject to the provisions of subsection A, the following voluntary contributions shall appear on the individual income tax return and are eligible to receive tax refund contributions or by making payment to the Department if the individual is not eligible to receive a tax refund pursuant to § 58.1-309 or if the amount of such tax refund is less than the amount of the voluntary contribution:

1. Voluntary contribution to the Family and Children's Trust Fund of Virginia.

All moneys contributed shall be paid to the Family and Children's Trust Fund of Virginia.

2. Voluntary Chesapeake Bay Restoration Contribution.

a. All moneys contributed shall be used to help fund Chesapeake Bay and its tributaries restoration activities in accordance with tributary plans developed pursuant to Article 7 (§ 2.2-215 et seq.) of Chapter 2 of Title 2.2 or the Chesapeake Bay Watershed Implementation Plan submitted by the Commonwealth of Virginia to the U.S. Environmental Protection Agency on November 29, 2010, and any subsequent revisions thereof.

b. The Tax Commissioner shall annually determine the total amount of voluntary contributions and shall report the same to the State Treasurer, who shall credit that amount to a special nonreverting fund to be administered by the Office of the Secretary of Natural Resources. All moneys so deposited shall be used for the purposes of providing grants for the implementation of tributary plans developed pursuant to Article 7 (§ 2.2-215 et seq.) of Chapter 2 of Title 2.2 or the Chesapeake Bay Watershed Implementation Plan submitted by the Commonwealth of Virginia to the U.S. Environmental Protection Agency on November 29, 2010, and any subsequent revisions thereof.

3. Voluntary Jamestown-Yorktown Foundation Contribution.

All moneys contributed shall be used by the Jamestown-Yorktown Foundation for the Jamestown 2007 quadricentennial celebration. All moneys shall be deposited into a special fund known as the Jamestown Quadricentennial Fund. This subdivision shall be effective for taxable years beginning before January 1, 2008.

4. State forests voluntary contribution.

a. All moneys contributed shall be used for the development and implementation of conservation and education initiatives in the state forests system.

b. All moneys shall be deposited into a special fund known as the State Forests System Fund, established pursuant to § 10.1-1119.1. All moneys so deposited in such fund shall be used by the State Forester for the purposes set forth herein.

5. Voluntary contributions to Uninsured Medical Catastrophe Fund.

All moneys contributed shall be paid to the Uninsured Medical Catastrophe Fund established pursuant to § 32.1-324.2, such funds to be used for the treatment of Virginians sustaining uninsured medical catastrophes.

6. Voluntary contribution to local school divisions.

a. All moneys contributed shall be used by a specified local public school foundation as created by and for the purposes stated in § 22.1-212.2:2.

b. All moneys collected pursuant to subdivision 6 a or through voluntary payments by taxpayers designated for a local public school foundation over refundable amounts shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for each public school foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the appropriate amount to the respective public school foundation.

c. In order for a public school foundation to be eligible to receive contributions under this section, school boards must notify the Department during the taxable year in which they want to participate prior to the deadlines and according to procedures established by the Tax Commissioner.

7. Voluntary contribution to Home Energy Assistance Fund.

All moneys contributed shall be paid to the Home Energy Assistance Fund established pursuant to § 63.2-805, such funds to be used to assist low-income Virginians in meeting seasonal residential energy needs.

8. Voluntary contribution to the Virginia Military Family Relief Fund.

a. All moneys contributed shall be paid to the Virginia Military Family Relief Fund for use in providing assistance to military service personnel on active duty and their families for living expenses including, but not limited to, food, housing, utilities, and medical services.

b. All moneys shall be deposited into a special fund known as the Virginia Military Family Relief Fund, established and administered pursuant to § 44-102.2.

D. Unless otherwise specified and subject to the requirements in § 58.1-344.2, all moneys collected for each entity in subsections B and C shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amount designated for each entity in subsections B and C on all individual income tax returns and shall report the same to the State Treasurer, who shall credit that amount to each entity's respective special fund.

§ 62.1-44.34:25. Virginia Spill Response Council created; purpose; membership.

A. There is hereby created the Virginia Spill Response Council. The purpose of the Council is to (i) improve the Commonwealth's capability to respond in a timely and coordinated fashion to incidents involving the discharge of oil or hazardous materials which pose a threat to the environment, its living resources, and the health, safety, and welfare of the people of the Commonwealth and (ii) provide an ongoing forum for discussions between agencies which are charged with the prevention of, and response to, oil spills and hazardous materials incidents, and those agencies responsible for the remediation of such incidents.

B. The Secretary of Natural Resources and the Secretary of Public Safety *and Homeland Security*, upon the advice of the director of the agency, shall select one representative from each of the following agencies to serve as a member of the Council: Department of Emergency Management, State Water Control Board, Department of Environmental Quality, Virginia Marine Resources Commission, Department of Game and Inland Fisheries, Department of Health, Department of Fire Programs, and the Council on the Environment.

C. The Secretary of Natural Resources or his designee shall serve as chairman of the Council.

§ 66-2. Supervision of the Department.

The Director of the Department of Juvenile Justice shall, under the direction of the Governor, be responsible for the supervision of the Department and shall exercise such other powers and perform such other duties as may be conferred or imposed by law upon him. He shall perform such other duties as may be required of him by the Governor and the Secretary of Public Safety *and Homeland Security*.

2. That §§ 2.2-232 and 2.2-233 of the Code of Virginia are repealed.

3. That as of the effective date of this act, the Secretary of Public Safety and Homeland Security shall be deemed the successor in interest to the former Secretary of Veterans Affairs and Homeland Security to the extent this act transfers powers and duties. All right, title, and interest in and to any real or tangible personal property vested in the former Secretary of Veterans Affairs and Homeland Security to the extent that this act transfers powers and duties related to homeland security as of the effective date of this act shall be transferred to and taken as standing in the name of the Secretary of Public Safety and Homeland Security.

4. That the Governor may transfer an appropriation or any portion thereof within a state agency established, abolished, or otherwise affected by the provisions of this act, and from one such agency to another, to support the changes in organization or responsibility resulting from or required by the provisions of this act.

5. That the Governor may transfer any employee within a state agency established, abolished, or otherwise affected by the provisions of this act, or from one such agency to another, to support the changes in organization or responsibility resulting from or required by the provisions of this act.

6. That in reviewing local disaster response plans or local shelter, evacuation, and traffic plans to support emergency evacuation in the event of man-made or natural disaster priority shall be given by the Virginia Department of Emergency Management to Hampton Roads localities.

7. That an emergency exists and this act is in force from its passage.

CHAPTER 491

An Act to amend and reenact § 54.1-3408 of the Code of Virginia, relating to athletic trainers; possession and administration of oxygen.

[H 190]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3408 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist

pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;
2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;
3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol; or
4. A licensed respiratory care practitioner as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; ~~or to possess and administer;~~ *oxygen for use in emergency situations; and epinephrine for use in emergency cases of anaphylactic shock.*

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the immediate and direct supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of a school board who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a

person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the immediate and direct supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, certified emergency medical technician-intermediate, or emergency medical technician-paramedic under the direction of an operational medical director when the prescriber is not physically present. Emergency medical services personnel shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, as well as any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or a local government pursuant to § 15.2-914, or (ii) a student at a private school that complies with the accreditation requirements set forth in § 22.1-19 and is accredited by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for

this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A nurse or a dental hygienist may possess and administer topical fluoride varnish to the teeth of children aged six months to three years pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry that conforms to standards adopted by the Virginia Department of Health.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, certified emergency medical technician-intermediate, or emergency medical technician-paramedic when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303 and only for the purpose of participation in pilot programs conducted by the Department of Behavioral Health and Developmental Services, a person may obtain a prescription for a family member or a friend and may possess and administer naloxone for the purpose of counteracting the effects of opiate overdose.

CHAPTER 492

An Act to amend and reenact § 2.2-3708.1 of the Code of Virginia, relating to the Virginia Freedom of Information Act; participation in meetings in event of emergency or personal matters.

[H 193]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3708.1 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3708.1. Participation in meetings in event of emergency or personal matter; certain disabilities; distance from meeting location for certain public bodies.

A. A member of a public body may participate in a meeting governed by this chapter through electronic communication means from a remote location that is not open to the public only as follows and subject to the requirements of subsection B:

1. If, on or before the day of a meeting, a member of the public body holding the meeting notifies the chair of the public body that such member is unable to attend the meeting due to an emergency or personal matter and identifies with specificity the nature of the emergency or personal matter, and the public body holding the meeting ~~(a) approves such member's participation by a majority vote of the members present at a meeting and~~ (b) records in its minutes the specific nature of the emergency or personal matter and the remote location from which the member participated. *If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection B, such disapproval shall be recorded in the minutes with specificity.*

Such participation by the member shall be limited each calendar year to two meetings or 25 percent of the meetings of the public body, whichever is fewer;

2. If a member of a public body notifies the chair of the public body that such member is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance and the public body records this fact and the remote location from which the member participated in its minutes; or

3. If, on the day of a meeting, a member of a regional public body notifies the chair of the public body that such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting and the public body holding the meeting ~~(a) approves such member's participation by a majority vote of the members present and~~ (b) records in its minutes the remote location from which the member participated. *If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection B, such disapproval shall be recorded in the minutes with specificity.*

B. Participation by a member of a public body as authorized under subsection A shall be only under the following conditions:

1. *The public body has adopted a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation, subject to the express limitations imposed by this section. Once adopted, the policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting;*

2. A quorum of the public body is physically assembled at the primary or central meeting location; and

~~2.~~ 3. The public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

CHAPTER 493

An Act to provide for a vote by city council relating to transition of the City of Martinsville to town status.

[H 210]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. *§ 1. Notwithstanding the provisions of Chapter 41 (§ 15.2-4100 et seq.) of Title 15.2 of the Code of Virginia, any reversion initiated by the Martinsville City Council shall require that each elected member of the city council vote, unless otherwise prohibited by law, on the motion to initiate the reversion process.*

CHAPTER 494

An Act to amend the Code of Virginia by adding a section numbered 15.2-2288.6, relating to local regulation of activities at agricultural operations.

[H 268]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. **That the Code of Virginia is amended by adding a section numbered 15.2-2288.6 as follows:**

§ 15.2-2288.6. Agricultural operations; local regulation of certain activities.

A. No locality shall regulate the carrying out of any of the following activities at an agricultural operation, as defined in § 3.2-300, unless there is a substantial impact on the health, safety, or general welfare of the public:

1. Agritourism activities as defined in § 3.2-6400;

2. The sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation;

3. The preparation, processing, or sale of food products in compliance with subdivisions A 3, 4, and 5 of § 3.2-5130 or related state laws and regulations; or

4. Other activities or events that are usual and customary at Virginia agricultural operations.

Any local restriction placed on an activity listed in this subsection shall be reasonable and shall take into account the economic impact of the restriction on the agricultural operation and the agricultural nature of the activity.

B. No locality shall require a special exception, administrative permit not required by state law, or special use permit for any activity listed in subsection A on property that is zoned as an agricultural district or classification unless there is a substantial impact on the health, safety, or general welfare of the public.

C. Except regarding the sound generated by outdoor amplified music, no local ordinance regulating the sound generated by any activity listed in subsection A shall be more restrictive than the general noise ordinance of the locality. In permitting outdoor amplified music at an agricultural operation, the locality shall consider the effect on adjoining property owners and nearby residents.

D. The provisions of this section shall not affect any entity licensed in accordance with Chapter 2 (§ 4.1-200 et seq.) of Title 4.1. Nothing in this section shall be construed to affect the provisions of Chapter 3 (§ 3.2-300 et seq.) of Title 3.2, to alter the provisions of § 15.2-2288.3, or to restrict the authority of any locality under Title 58.1.

2. That the Virginia Department of Agriculture and Consumer Services shall continue the On-Farm Activities Working Group.

CHAPTER 495

An Act to amend and reenact § 4.1-210 of the Code of Virginia, relating to alcoholic beverage control; mixed beverage special event licenses.

[H 507]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-210 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-210. Mixed beverages licenses.

A. Subject to the provisions of § 4.1-124, the Board may grant the following licenses relating to mixed beverages:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this paragraph, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board.

If the restaurant is located on the premises of a hotel or motel with not less than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms and other private rooms of such hotel or motel, such licensee may (i) sell and serve mixed beverages for consumption in such designated areas, bedrooms and other private rooms and (ii) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit or profit club exclusively for its members and their guests, or members of another private, nonprofit or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to sell and serve mixed beverages for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings

or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage special events licenses, to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

5. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility, (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings and objects significant in American history and culture, or (iii) a duly organized nonprofit corporation that has been granted an exemption from federal taxation under § 501(c)(3) of the U.S. Internal Revenue Code of 1986 that owns any rural event and entertainment park or similar facility that has a minimum of 60,000 square feet of indoor exhibit space and equine and other livestock show areas. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease the original term of which was for more than one year's duration. Such license shall authorize the sale, on the dates of performances or events in furtherance of the purposes of the nonprofit corporation or association, of alcoholic beverages, for on-premises consumption in areas upon the licensed premises approved by the Board.

6. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train, boat or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth.

7. Mixed beverage club events licenses, which shall authorize a club holding a beer or wine and beer club license to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year.

8. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

9. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

10. Annual mixed beverage motor sports facility license to persons operating food concessions at any outdoor motor sports road racing club facility, of which the track surface is 3.27 miles in length, on 1,200 acres of rural property bordering the Dan River, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

11. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for its members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year.

12. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks exceed 10 percent of the total annual gross sales.

13. Annual mixed beverage motor sports facility licenses to persons operating concessions at an outdoor motor sports facility that hosts a NASCAR national touring race, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for on-premises consumption.

14. Annual mixed beverage performing arts facility license to corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in

accordance with historic preservation standards. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

B. The granting of any license under subdivision 1, 6, 7, 8, 9, 10, 11, 13, or 14 shall automatically include a license to sell and serve wine and beer for on-premises consumption. The licensee shall pay the state and local taxes required by §§ 4.1-231 and 4.1-233.

CHAPTER 496

An Act to amend and reenact § 30-329 of the Code of Virginia, relating to the Autism Advisory Council; sunset extended.

[H 538]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 30-329 of the Code of Virginia is amended and reenacted as follows:

§ 30-329. (Expires July 1, 2014) Sunset.

This chapter shall expire on July 1, ~~2014~~ 2016.

CHAPTER 497

An Act to amend and reenact §§ 37.2-403, 37.2-410, 37.2-415, 37.2-418, and 37.2-419 of the Code of Virginia, relating to licensure of private behavioral health services providers.

[H 540]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 37.2-403, 37.2-410, 37.2-415, 37.2-418, and 37.2-419 of the Code of Virginia are amended and reenacted as follows:

§ 37.2-403. Definitions.

As used in this article, unless the context requires a different meaning:

"Brain injury" is any injury to the brain that occurs after birth, but before age 65, that is acquired through traumatic or non-traumatic insults. Non-traumatic insults may include, but are not limited to anoxia, hypoxia, aneurysm, toxic exposure, encephalopathy, surgical interventions, tumor and stroke. Brain injury does not include hereditary, congenital or degenerative brain disorders, or injuries induced by birth trauma.

"Conditional license" means a license issued in accordance with the requirements of § 37.2-415 to a provider for a new service for a period of time sufficient to allow the provider to demonstrate compliance with regulations of the Board governing licensure of providers.

"Full license" means a license issued in accordance with the requirements of § 37.2-404 to a provider who demonstrates full compliance with the regulations of the Board governing licensure of providers.

"Provider" means any person, entity, or organization, excluding an agency of the federal government by whatever name or designation, that delivers (i) services to individuals with mental illness, intellectual disability, or substance abuse, (ii) services to individuals who receive day support, in-home support, or crisis stabilization services funded through the Individual and Families Developmental Disabilities Support Waiver, or (iii) residential services for persons with brain injury. The person, entity, or organization shall include a hospital as defined in § 32.1-123, community services board, behavioral health authority, private provider, and any other similar or related person, entity, or organization. It shall not include any individual practitioner who holds a license issued by a health regulatory board of the Department of Health Professions or who is exempt from licensing pursuant to § 54.1-3501, 54.1-3601, or 54.1-3701.

"Provisional license" means a license issued to a provider previously issued a full license that has demonstrated a temporary inability to maintain compliance with licensing or human rights regulations or that has failed to comply with a previous corrective action plan, and that allows the provider to continue operating for a limited time while addressing the inability or failure to comply with regulations.

"Service or services" means:

1. Planned individualized interventions intended to reduce or ameliorate mental illness, intellectual disability, or substance abuse through care, treatment, training, habilitation, or other supports that are delivered by a provider to persons with mental illness, intellectual disability, or substance abuse. Services include outpatient services, intensive in-home services, opioid treatment services, inpatient psychiatric hospitalization, community gero-psychiatric residential services, assertive community treatment, and other clinical services; day support, day treatment, partial hospitalization, psychosocial rehabilitation, and habilitation services; case management services; and supportive residential, special school, halfway house, and other residential services;

2. Day support, in-home support, and crisis stabilization services provided to individuals under the Individual and Families Developmental Disabilities Support Waiver; and

3. Planned individualized interventions intended to reduce or ameliorate the effects of brain injury through care, treatment, or other supports provided in residential services for persons with brain injury.

§ 37.2-410. Expiration of license; renewal; license fees.

~~Licenses~~ Full licenses granted under this article may be issued for ~~periods of up to a period of one year or three successive years from the date of issuance and may be renewed by the Commissioner. The Commissioner shall issue a triennial license to a provider that has demonstrated full compliance with all applicable regulations of the Board related to health and safety of individuals receiving services during the previous licensing period and has demonstrated consistent compliance with all regulations of the Board during the previous 12-month period and the provider has taken steps satisfactory to the Department to prevent future violations and maintain full compliance with all applicable regulations during the three-year period.~~ The Board may fix a reasonable fee for each license so issued and for any renewal thereof. All funds received by the Department under this article shall be paid into the general fund in the state treasury.

§ 37.2-415. Provisional and conditional licenses.

The Commissioner may issue a provisional license at any time to a provider that has previously been fully licensed when the provider is temporarily unable to comply with all licensing standards. The maximum term of a provisional license shall be six months. ~~The A~~ provisional license may be renewed; ~~but in for a period not to exceed six months if the provider is not able to demonstrate compliance with all licensing regulations but demonstrates progress towards compliance. However, in no case, whether renewed or not, shall the total period of provisional licensing be longer than licensure exceed 12 successive months.~~ A provisional license shall be prominently displayed by the provider in a format determined by the Commissioner at the site of the affected service and shall indicate thereon the violations of licensing standards to be corrected and the expiration date of the license. *Whenever the Commissioner issues a provisional license, the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall apply. Any person aggrieved by the final decision of the Commissioner to issue a provisional license shall be entitled to judicial review of such decision in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).*

The Commissioner may issue a conditional license to a provider to operate a new service in order to permit the provider to demonstrate compliance with all licensing standards. The maximum term of a conditional license shall be six months. A conditional license may be renewed, but in no case, whether renewed or not, shall the total period of conditional licensing be longer than 12 successive months.

§ 37.2-418. Revocation, suspension, or refusal of licenses; resumption of operation; summary suspension under certain circumstances; penalty.

A. The Commissioner is authorized to revoke or suspend any license issued hereunder or refuse issuance of a license on any of the following grounds: (i) violation of any provision of this article or of any applicable regulation made pursuant to such provisions; (ii) permitting, aiding, or abetting the commission of an illegal act in services delivered by the provider; or (iii) conduct or practices detrimental to the welfare of any individual receiving services from the provider.

B. Whenever the Commissioner revokes, suspends, or denies a license, the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall apply. Any person aggrieved by the final decision of the Commissioner to refuse to issue a license or by his revocation or suspension of a license is entitled to judicial review in accordance with the provisions of the Administrative Process Act.

C. If a license is revoked or refused as herein provided, a new application for license may be considered by the Commissioner when the conditions upon which the action was based have been corrected and satisfactory evidence of this fact has been furnished. In no event may an applicant reapply for a license after the Commissioner has refused or revoked a license until a period of six months from the effective date of that action has elapsed, unless the Commissioner in his sole discretion believes that there has been such a change in the conditions causing refusal of the prior application or revocation of the license as to justify considering the new application. When an appeal is taken by the applicant pursuant to this section, the six-month period shall be extended until a final decision has been rendered on appeal. A new license may then be granted after proper inspection has been made and all provisions of this article and applicable regulations made thereunder have been complied with and recommendations to that effect have been made to the Commissioner upon the basis of an inspection by any authorized inspector or agent of the Department.

D. Suspension of a license shall in all cases be for an indefinite time and the suspension may be lifted and rights under the license fully or partially restored at such time as the Commissioner determines, based on an inspection, that the rights of the licensee appear to so require and the interests of the public will not be jeopardized by resumption of operation.

E. Pursuant to the procedures set forth in subsection F and in addition to the authority provided in subsections A through D, the Commissioner may issue a summary order of suspension of the license of a group home or residential facility for children, in conjunction with any proceeding for revocation, denial, or other action, when conditions or practices exist in the home or facility that pose an immediate and substantial threat to the health, safety, and welfare of the children who are residents and the Commissioner believes the operation should be suspended during the pendency of such proceeding.

F. The summary order of suspension shall take effect upon its issuance and shall be served on the licensee or its designee as soon as practicable thereafter by personal service and certified mail, return receipt requested, to the address of record of the licensee. The order shall state the time, date, and location of a hearing to determine whether the suspension is appropriate. Such hearing shall be held no later than three business days after the issuance of the summary order of suspension and shall be convened by the Commissioner or his designee.

After such hearing, the Commissioner may issue a final order of summary suspension or may find that such summary suspension is not warranted by the facts and circumstances presented. A final order of summary suspension shall include notice that the licensee may appeal the Commissioner's decision to the appropriate circuit court no later than 10 days following issuance of the order. The sole issue before the court shall be whether the Commissioner had reasonable grounds to require the licensee to cease operations during the pendency of the concurrent revocation, denial, or other proceeding. The concurrent revocation, denial, or other proceeding shall not be affected by the outcome of any hearing on the appropriateness of the summary suspension.

The willful and material failure to comply with the summary order of suspension or final order of summary suspension shall be punishable as a Class 2 misdemeanor. The Commissioner may require the cooperation of any other agency or subdivision of the Commonwealth in the relocation of children who are residents of a home or facility whose license has been summarily suspended pursuant to this section and in any other actions necessary to reduce the risk of further harm to children.

G. The Commissioner shall inform other public agencies that provide funds to a provider, including the Departments of Social Services and Medical Assistance Services, when a provider's license is suspended, revoked, or denied in accordance with this section.

§ 37.2-419. Human rights and licensing enforcement and sanctions; notice.

A. As used in this section, "special order" means an administrative order issued to any party licensed or funded by the Department that has a stated duration of not more than 12 months and that may include a civil penalty that shall not exceed \$500 per violation per day, prohibition of new admissions, or reduction of licensed capacity for violations of § 37.2-400, the licensing or human rights regulations, or this article.

B. Notwithstanding any other provision of law, following a proceeding as provided in § 2.2-4019, the Commissioner may issue a special order for a violation of any of the provisions of § 37.2-400 or any regulation adopted under any provision of § 37.2-400 or of this article that adversely affects the human rights of individuals receiving services or poses an imminent and substantial threat to the health, safety, or welfare of individuals receiving services. The issuance of a special order shall be considered a case decision as defined in § 2.2-4001. The Commissioner shall not delegate his authority to impose civil penalties in conjunction with the issuance of special orders. The Commissioner may take the following actions to sanction public and private providers licensed or funded by the Department for noncompliance with § 37.2-400, the human rights regulations, or this article *that are the subject of a special order*:

1. Place any service of any such provider on probation upon finding that it is substantially out of compliance with the licensing or human rights regulations and that the health or safety of individuals receiving services is at risk.

2. Reduce licensed capacity or prohibit new admissions when he concludes that the provider cannot or will not make necessary corrections to achieve compliance with licensing or human rights regulations except by a temporary restriction of its scope of service.

3. Require that probationary status announcements, ~~provisional licenses,~~ and denial or revocation notices be of sufficient size and distinction and be posted in a prominent place at each public entrance of the affected service.

4. Mandate training for the provider's employees, with any costs to be borne by the provider, when he concludes that the lack of training has led directly to violations of licensing or human rights regulations.

5. Assess civil penalties of not more than \$500 per violation per day upon finding that the licensed or funded provider is substantially out of compliance with the licensing or human rights regulations and that the health or safety of individuals receiving services is at risk.

6. Withhold funds from ~~licensees or programs~~ *licensed or funded providers* receiving public funds that are in violation of the licensing or human rights regulations *upon finding that the licensed or funded provider is substantially out of compliance and that the health or safety of individuals receiving services is at risk.*

C. The Commissioner shall inform other public agencies that provide funds to ~~the licensee or the program~~ *a provider,* including the Departments of Social Services and Medical Assistance Services, ~~of any licensee or program that is in violation of the licensing or human rights regulations~~ *that a special order has been issued in accordance with this section.*

D. The Board shall adopt regulations to implement the provisions of this section.

CHAPTER 498

An Act to amend Chapter 213 of the Acts of Assembly of 1960, which provided a charter for the City of Colonial Heights, by adding sections numbered 19.01 and 19.02 and to repeal §§ 19.1, 19.2, and 19.3, § 19.4, as amended, §§ 19.5 through 19.10, § 19.11, as amended, and § 19.12 of Chapter 213 of the Acts of Assembly of 1960, relating to courts.

[H 570]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That Chapter 213 of the Acts of Assembly of 1960 is amended by adding sections numbered 19.01 and 19.02 as follows:

§ 19.01. Courts and judges.

The City of Colonial Heights shall have a General District Court and a Juvenile and Domestic Relations District Court, each of which shall have one or more judges. The General District Court and the Juvenile and Domestic Relations District Court shall exercise all of the powers and duties specified in the Code of Virginia. All district court judges shall be elected or appointed pursuant to the provisions of the Code of Virginia, and the number of judges, as well as their qualifications, residency requirements, powers, functions, and compensation, also shall be as specified in such Code.

§ 19.02. Clerks of the district courts.

The General District Court and the Juvenile and Domestic Relations District Court shall each employ a clerk, and each court also may employ one or more deputy clerks. The manner of appointment, as well as the qualifications, powers, duties, and compensation, of each court's clerk and deputy clerks shall be as specified in the Code of Virginia.

2. That §§ 19.1, 19.2, and 19.3, § 19.4, as amended, §§ 19.5 through 19.10, § 19.11, as amended, and § 19.12 of Chapter 213 of the Acts of Assembly of 1960 are repealed.

CHAPTER 499

An Act to amend and reenact §§ 19.2-169.6, 19.2-182.9, 37.2-809, 37.2-814, and 37.2-817 of the Code of Virginia, relating to temporary detention; duration; mandatory outpatient treatment.

[H 574]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-169.6, 19.2-182.9, 37.2-809, 37.2-814, and 37.2-817 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-169.6. Inpatient psychiatric hospital admission from local correctional facility.

A. Any inmate of a local correctional facility who is not subject to the provisions of § 19.2-169.2 may be hospitalized for psychiatric treatment at a hospital designated by the Commissioner of Behavioral Health and Developmental Services as appropriate for treatment of persons under criminal charge if:

1. The court with jurisdiction over the inmate's case, if it is still pending, on the petition of the person having custody over an inmate or on its own motion, holds a hearing at which the inmate is represented by counsel and finds by clear and convincing evidence that (i) the inmate has a mental illness; (ii) there exists a substantial likelihood that, as a result of a mental illness, the inmate will, in the near future, cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any; and (iii) the inmate requires treatment in a hospital rather than the local correctional facility. Prior to making this determination, the court shall consider the examination conducted in accordance with § 37.2-815 and the preadmission screening report prepared in accordance with § 37.2-816 and conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or designee of the local community services board or behavioral health authority who is skilled in the assessment and treatment of mental illness, who is not providing treatment to the inmate, and who has completed a certification program approved by the Department of Behavioral Health and Developmental Services as provided in § 37.2-809. The examiner appointed pursuant to § 37.2-815, if not physically present at the hearing, shall be available whenever possible for questioning during the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 37.2-804.1. Any employee or designee of the local community services board or behavioral health authority, as defined in § 37.2-809, representing the board or authority that prepared the preadmission screening report shall attend the hearing in person or, if physical attendance is not practicable, shall participate in the hearing through a two-way electronic video and audio communication system as authorized in § 37.2-804.1. When the hearing is held outside the service area of the community services board or behavioral health authority that prepared the preadmission screening report, and it is not practicable for a representative of the board or authority to attend or participate in the hearing, arrangements shall be made by the board or authority for an employee or designee of the board or authority serving the area in which the hearing is held to attend or participate on behalf of the board or authority that prepared the preadmission screening report; or

2. Upon petition by the person having custody over an inmate, a magistrate finds probable cause to believe that (i) the inmate has a mental illness; (ii) there exists a substantial likelihood that, as a result of a mental illness, the inmate will, in the near future, cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any; and (iii) the inmate requires treatment in a hospital rather than a local correctional facility, and the magistrate issues a temporary detention order for the inmate. Prior to the filing of the petition, the person having custody shall arrange for an evaluation of the inmate conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or designee of the local community services board or behavioral health authority who is skilled in the assessment and treatment of mental illness and who has completed a certification program approved by the Department as provided in § 37.2-809. After considering the evaluation of the employee or designee of the local community services board or behavioral health authority, and any other information presented, and finding that probable cause exists to meet the criteria, the magistrate may issue a temporary detention order in accordance with the applicable procedures specified in §§ 37.2-809 through 37.2-813. The person having custody over the inmate shall notify the court having jurisdiction over the inmate's case, if it is

still pending, and the inmate's attorney prior to the detention pursuant to a temporary detention order or as soon thereafter as is reasonable.

Upon detention pursuant to this subdivision, a hearing shall be held either (a) before the court having jurisdiction over the inmate's case or (b) before a district court judge or a special justice, as defined in § 37.2-100, in accordance with the provisions of §§ 37.2-815 through 37.2-821, in which case the inmate shall be represented by counsel as specified in § 37.2-814. The hearing shall be held within ~~48~~ 72 hours of execution of the temporary detention order issued pursuant to this subdivision. If the ~~48-hour~~ 72-hour period terminates on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the inmate may be detained until the close of business on the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. Any employee or designee of the local community services board or behavioral health authority, as defined in § 37.2-809, representing the board or authority that prepared the preadmission screening report shall attend the hearing in person or, if physical attendance is not practicable, shall participate in the hearing through a two-way electronic video and audio communication system as authorized in § 37.2-804.1. When the hearing is held outside the service area of the community services board or behavioral health authority that prepared the preadmission screening report, and it is not practicable for a representative of the board or authority to attend or participate in the hearing, arrangements shall be made by the board or authority for an employee or designee of the board or authority serving the area in which the hearing is held to attend or participate on behalf of the board or authority that prepared the preadmission screening report. The judge or special justice conducting the hearing may order the inmate hospitalized if, after considering the examination conducted in accordance with § 37.2-815, the preadmission screening report prepared in accordance with § 37.2-816, and any other available information as specified in subsection C of § 37.2-817, he finds by clear and convincing evidence that (1) the inmate has a mental illness; (2) there exists a substantial likelihood that, as a result of a mental illness, the inmate will, in the near future, cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any; and (3) the inmate requires treatment in a hospital rather than a local correctional facility. The examiner appointed pursuant to § 37.2-815, if not physically present at the hearing, shall be available whenever possible for questioning during the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 37.2-804.1. The examination and the preadmission screening report shall be admitted into evidence at the hearing.

B. In no event shall an inmate have the right to make application for voluntary admission as may be otherwise provided in § 37.2-805 or 37.2-814 or be subject to an order for mandatory outpatient treatment as provided in § 37.2-817.

C. If an inmate is hospitalized pursuant to this section and his criminal case is still pending, the court having jurisdiction over the inmate's case may order that the admitting hospital evaluate the inmate's competency to stand trial and his mental state at the time of the offense pursuant to §§ 19.2-169.1 and 19.2-169.5.

D. An inmate may not be hospitalized longer than 30 days under subsection A unless the court which has criminal jurisdiction over him or a district court judge or a special justice, as defined in § 37.2-100, holds a hearing and orders the inmate's continued hospitalization in accordance with the provisions of subdivision A 2. If the inmate's hospitalization is continued under this subsection by a court other than the court which has jurisdiction over his criminal case, the facility at which the inmate is hospitalized shall notify the court with jurisdiction over his criminal case and the inmate's attorney in the criminal case, if the case is still pending.

E. Hospitalization may be extended in accordance with subsection D for periods of 60 days for inmates awaiting trial, but in no event may such hospitalization be continued beyond trial, nor shall such hospitalization act to delay trial, as long as the inmate remains competent to stand trial. Hospitalization may be extended in accordance with subsection D for periods of 180 days for an inmate who has been convicted and not yet sentenced, or for an inmate who has been convicted of a crime and is in the custody of a local correctional facility after sentencing, but in no event may such hospitalization be continued beyond the date upon which his sentence would have expired had he received the maximum sentence for the crime charged. Any inmate who has not completed service of his sentence upon discharge from the hospital shall serve the remainder of his sentence.

F. For any inmate who has been convicted and not yet sentenced, or who has been convicted of a crime and is in the custody of a local correctional facility after sentencing, the time the inmate is confined in a hospital for psychiatric treatment shall be deducted from any term for which he may be sentenced to any penal institution, reformatory or elsewhere.

G. Any health care provider, as defined in § 32.1-127.1:03, or other provider rendering services to an inmate who is the subject of a proceeding under this section, upon request, shall disclose to a magistrate, the court, the inmate's attorney, the inmate's guardian ad litem, the examiner appointed pursuant to § 37.2-815, the community service board or behavioral health authority preparing the preadmission screening pursuant to § 37.2-816, or the sheriff or administrator of the local correctional facility any and all information that is necessary and appropriate to enable each of them to perform his duties under this section. These health care providers and other service providers shall disclose to one another health records and information where necessary to provide care and treatment to the inmate and to monitor that care and treatment. Health records disclosed to a sheriff or administrator of the local correctional facility shall be limited to information necessary to protect the sheriff or administrator of the local correctional facility and his employees, the inmate, or the public from physical injury or to address the health care needs of the inmate. Information disclosed to a law-enforcement officer shall not be used for any other purpose, disclosed to others, or retained.

Any health care provider disclosing records pursuant to this section shall be immune from civil liability for any harm resulting from the disclosure, including any liability under the federal Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.), as amended, unless the person or provider disclosing such records intended the harm or acted in bad faith.

H. Any order entered where an inmate is the subject of proceedings under this section shall provide for the disclosure of medical records pursuant to subsection G. This subsection shall not preclude any other disclosures as required or permitted by law.

§ 19.2-182.9. Emergency custody of conditionally released acquittee.

When exigent circumstances do not permit compliance with revocation procedures set forth in § 19.2-182.8, any district court judge or a special justice, as defined in § 37.2-100, or a magistrate may issue an emergency custody order, upon the sworn petition of any responsible person or upon his own motion based upon probable cause to believe that an acquittee on conditional release (i) has violated the conditions of his release or is no longer a proper subject for conditional release and (ii) requires inpatient hospitalization. The emergency custody order shall require the acquittee within his judicial district to be taken into custody and transported to a convenient location where a person designated by the community services board or behavioral health authority who is skilled in the diagnosis and treatment of mental illness shall evaluate such acquittee and assess his need for inpatient hospitalization. A law-enforcement officer who, based on his observation or the reliable reports of others, has probable cause to believe that any acquittee on conditional release has violated the conditions of his release and is no longer a proper subject for conditional release and requires emergency evaluation to assess the need for inpatient hospitalization, may take the acquittee into custody and transport him to an appropriate location to assess the need for hospitalization without prior judicial authorization. The evaluation shall be conducted immediately. The acquittee shall remain in custody until a temporary detention order is issued or until he is released, but in no event shall the period of custody exceed four hours. However, upon a finding by a district court judge, special justice as defined in § 37.2-100, or magistrate that good cause exists to grant an extension, the district court judge, special justice, or magistrate shall extend the emergency custody order, or shall issue an order extending the period of emergency custody, one time for an additional period not to exceed two hours. Good cause for an extension includes the need for additional time to allow (a) the community services board to identify a suitable facility in which the person can be temporarily detained pursuant to this section or (b) a medical evaluation of the person to be completed if necessary. If it appears from all evidence readily available (i) that the acquittee has violated the conditions of his release or is no longer a proper subject for conditional release and (ii) that he requires emergency evaluation to assess the need for inpatient hospitalization, the district court judge or a special justice, as defined in § 37.2-100, or magistrate, upon the advice of such person skilled in the diagnosis and treatment of mental illness, may issue a temporary detention order authorizing the executing officer to place the acquittee in an appropriate institution for a period not to exceed ~~48~~ 72 hours prior to a hearing. If the ~~48-hour~~ 72-hour period terminates on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the acquittee may be detained until the next day which is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed.

The committing court or any district court judge or a special justice, as defined in § 37.2-100, shall have jurisdiction to hear the matter. Prior to the hearing, the acquittee shall be examined by a psychiatrist or licensed clinical psychologist, provided the psychiatrist or clinical psychologist is skilled in the diagnosis of mental illness, who shall certify whether the person is in need of hospitalization. At the hearing the acquittee shall be provided with adequate notice of the hearing, of the right to be present at the hearing, the right to the assistance of counsel in preparation for and during the hearing, and the right to introduce evidence and cross-examine witnesses at the hearing. Following the hearing, if the court determines, based on a preponderance of the evidence presented at the hearing, that the acquittee (i) has violated the conditions of his release or is no longer a proper subject for conditional release and (ii) has mental illness or intellectual disability and is in need of inpatient hospitalization, the court shall revoke the acquittee's conditional release and place him in the custody of the Commissioner.

When an acquittee on conditional release pursuant to this chapter is taken into emergency custody, detained, or hospitalized, such action shall be considered to have been taken pursuant to this section, notwithstanding the fact that his status as an insanity acquittee was not known at the time of custody, detention, or hospitalization. Detention or hospitalization of an acquittee pursuant to provisions of law other than those applicable to insanity acquittees pursuant to this chapter shall not render the detention or hospitalization invalid. If a person's status as an insanity acquittee on conditional release is not recognized at the time of emergency custody or detention, at the time his status as such is verified, the provisions applicable to such persons shall be applied and the court hearing the matter shall notify the committing court of the proceedings.

§ 37.2-809. Involuntary temporary detention; issuance and execution of order.

A. For the purposes of this section:

"Designee of the local community services board" means an examiner designated by the local community services board who (i) is skilled in the assessment and treatment of mental illness, (ii) has completed a certification program approved by the Department, (iii) is able to provide an independent examination of the person, (iv) is not related by blood or marriage to the person being evaluated, (v) has no financial interest in the admission or treatment of the person being evaluated, (vi) has no investment interest in the facility detaining or admitting the person under this article, and (vii) except for employees of state hospitals and of the U.S. Department of Veterans Affairs, is not employed by the facility.

"Employee" means an employee of the local community services board who is skilled in the assessment and treatment of mental illness and has completed a certification program approved by the Department.

"Investment interest" means the ownership or holding of an equity or debt security, including shares of stock in a corporation, interests or units of a partnership, bonds, debentures, notes, or other equity or debt instruments.

B. A magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion and only after an evaluation conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or a designee of the local community services board to determine whether the person meets the criteria for temporary detention, a temporary detention order if it appears from all evidence readily available, including any recommendation from a physician or clinical psychologist treating the person, that the person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, (ii) is in need of hospitalization or treatment, and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. The magistrate shall also consider the recommendations of any treating or examining physician licensed in Virginia if available either verbally or in writing prior to rendering a decision. Any temporary detention order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

C. When considering whether there is probable cause to issue a temporary detention order, the magistrate may, in addition to the petition, consider (i) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any relevant hearsay evidence, (v) any medical records available, (vi) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (vii) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue a temporary detention order.

D. A magistrate may issue a temporary detention order without an emergency custody order proceeding. A magistrate may issue a temporary detention order without a prior evaluation pursuant to subsection B if (i) the person has been personally examined within the previous 72 hours by an employee or a designee of the local community services board or (ii) there is a significant physical, psychological, or medical risk to the person or to others associated with conducting such evaluation.

E. An employee or a designee of the local community services board shall determine the facility of temporary detention for all individuals detained pursuant to this section. The facility of temporary detention shall be one that has been approved pursuant to regulations of the Board. The facility shall be identified on the preadmission screening report and indicated on the temporary detention order. Except as provided in § 37.2-811 for inmates requiring hospitalization in accordance with subdivision A 2 of § 19.2-169.6, the person shall not be detained in a jail or other place of confinement for persons charged with criminal offenses and shall remain in the custody of law enforcement until the person is either detained within a secure facility or custody has been accepted by the appropriate personnel designated by the facility identified in the temporary detention order.

F. Any facility caring for a person placed with it pursuant to a temporary detention order is authorized to provide emergency medical and psychiatric services within its capabilities when the facility determines that the services are in the best interests of the person within its care. The costs incurred as a result of the hearings and by the facility in providing services during the period of temporary detention shall be paid and recovered pursuant to § 37.2-804. The maximum costs reimbursable by the Commonwealth pursuant to this section shall be established by the State Board of Medical Assistance Services based on reasonable criteria. The State Board of Medical Assistance Services shall, by regulation, establish a reasonable rate per day of inpatient care for temporary detention.

G. The employee or the designee of the local community services board who is conducting the evaluation pursuant to this section shall determine, prior to the issuance of the temporary detention order, the insurance status of the person. Where coverage by a third party payor exists, the facility seeking reimbursement under this section shall first seek reimbursement from the third party payor. The Commonwealth shall reimburse the facility only for the balance of costs remaining after the allowances covered by the third party payor have been received.

H. The duration of temporary detention shall be sufficient to allow for completion of the examination required by § 37.2-815, preparation of the preadmission screening report required by § 37.2-816, and initiation of mental health treatment to stabilize the person's psychiatric condition to avoid involuntary commitment where possible, but shall not exceed ~~48~~ 72 hours prior to a hearing. If the ~~48-hour~~ 72-hour period herein specified terminates on a Saturday, Sunday, ~~or~~ legal holiday, *or day on which the court is lawfully closed*, the person may be detained, as herein provided, until the close of business on the next day that is not a Saturday, Sunday, ~~or~~ legal holiday, *or day on which the court is lawfully closed*. The person may be released, pursuant to § 37.2-813, before the ~~48-hour~~ 72-hour period herein specified has run.

I. If a temporary detention order is not executed within 24 hours of its issuance, or within a shorter period as is specified in the order, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if the office is not open, to any magistrate serving the jurisdiction of the issuing court. Subsequent orders may be issued upon the original petition within 96 hours after the petition is filed. However, a magistrate must again obtain the advice of an employee or a designee of the local community services board prior to issuing a subsequent order upon the original

petition. Any petition for which no temporary detention order or other process in connection therewith is served on the subject of the petition within 96 hours after the petition is filed shall be void and shall be returned to the office of the clerk of the issuing court.

J. The Executive Secretary of the Supreme Court of Virginia shall establish and require that a magistrate, as provided by this section, be available seven days a week, 24 hours a day, for the purpose of performing the duties established by this section. Each community services board shall provide to each general district court and magistrate's office within its service area a list of its employees and designees who are available to perform the evaluations required herein.

K. For purposes of this section, a health care provider or designee of a local community services board or behavioral health authority shall not be required to encrypt any email containing information or medical records provided to a magistrate unless there is reason to believe that a third party will attempt to intercept the email.

L. The employee or designee of the community services board who is conducting the evaluation pursuant to this section shall, if he recommends that the person should not be subject to a temporary detention order, inform the petitioner and an onsite treating physician of his recommendation.

§ 37.2-814. Commitment hearing for involuntary admission; written explanation; right to counsel; rights of petitioner.

A. The commitment hearing for involuntary admission shall be held after a sufficient period of time has passed to allow for completion of the examination required by § 37.2-815, preparation of the preadmission screening report required by § 37.2-816, and initiation of mental health treatment to stabilize the person's psychiatric condition to avoid involuntary commitment where possible, but shall be held within ~~48~~ 72 hours of the execution of the temporary detention order as provided for in § 37.2-809; however, if the ~~48-hour~~ 72-hour period herein specified terminates on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the person may be detained, as herein provided, until the close of business on the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed.

B. At the commencement of the commitment hearing, the district court judge or special justice shall inform the person whose involuntary admission is being sought of his right to apply for voluntary admission for inpatient treatment as provided for in § 37.2-805 and shall afford the person an opportunity for voluntary admission. The district court judge or special justice shall advise the person whose involuntary admission is being sought that if the person chooses to be voluntarily admitted pursuant to § 37.2-805, such person will be prohibited from possessing ~~or~~ purchasing, *or transporting* a firearm pursuant to § 18.2-308.1:3. The judge or special justice shall ascertain if the person is then willing and capable of seeking voluntary admission for inpatient treatment. In determining whether a person is capable of consenting to voluntary admission, the judge or special justice may consider evidence regarding the person's past compliance or noncompliance with treatment. If the judge or special justice finds that the person is capable and willingly accepts voluntary admission for inpatient treatment, the judge or special justice shall require him to accept voluntary admission for a minimum period of treatment not to exceed 72 hours. After such minimum period of treatment, the person shall give the facility 48 hours' notice prior to leaving the facility. During this notice period, the person shall not be discharged except as provided in § 37.2-837, 37.2-838, or 37.2-840. The person shall be subject to the transportation provisions as provided in § 37.2-829 and the requirement for preadmission screening by a community services board as provided in § 37.2-805.

C. If a person is incapable of accepting or unwilling to accept voluntary admission and treatment, the judge or special justice shall inform the person of his right to a commitment hearing and right to counsel. The judge or special justice shall ascertain if the person whose admission is sought is represented by counsel, and, if he is not represented by counsel, the judge or special justice shall appoint an attorney to represent him. However, if the person requests an opportunity to employ counsel, the judge or special justice shall give him a reasonable opportunity to employ counsel at his own expense.

D. A written explanation of the involuntary admission process and the statutory protections associated with the process shall be given to the person, and its contents shall be explained by an attorney prior to the commitment hearing. The written explanation shall describe, at a minimum, the person's rights to (i) retain private counsel or be represented by a court-appointed attorney, (ii) present any defenses including independent evaluation and expert testimony or the testimony of other witnesses, (iii) be present during the hearing and testify, (iv) appeal any order for involuntary admission to the circuit court, and (v) have a jury trial on appeal. The judge or special justice shall ascertain whether the person whose involuntary admission is sought has been given the written explanation required herein.

E. To the extent possible, during or before the commitment hearing, the attorney for the person whose involuntary admission is sought shall interview his client, the petitioner, the examiner described in § 37.2-815, the community services board staff, and any other material witnesses. He also shall examine all relevant diagnostic and other reports, present evidence and witnesses, if any, on his client's behalf, and otherwise actively represent his client in the proceedings. A health care provider shall disclose or make available all such reports, treatment information, and records concerning his client to the attorney, upon request. The role of the attorney shall be to represent the wishes of his client, to the extent possible.

F. The petitioner shall be given adequate notice of the place, date, and time of the commitment hearing. The petitioner shall be entitled to retain counsel at his own expense, to be present during the hearing, and to testify and present evidence. The petitioner shall be encouraged but shall not be required to testify at the hearing, and the person whose involuntary admission is sought shall not be released solely on the basis of the petitioner's failure to attend or testify during the hearing.

§ 37.2-817. Involuntary admission and mandatory outpatient treatment orders.

A. The district court judge or special justice shall render a decision on the petition for involuntary admission after the appointed examiner has presented the report required by § 37.2-815, and after the community services board that serves the

county or city where the person resides or, if impractical, where the person is located has presented a preadmission screening report with recommendations for that person's placement, care, and treatment pursuant to § 37.2-816. These reports, if not contested, may constitute sufficient evidence upon which the district court judge or special justice may base his decision. The examiner, if not physically present at the hearing, and the treating physician at the facility of temporary detention shall be available whenever possible for questioning during the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 37.2-804.1.

B. Any employee or designee of the local community services board, as defined in § 37.2-809, representing the community services board that prepared the preadmission screening report shall attend the hearing in person or, if physical attendance is not practicable, shall participate in the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 37.2-804.1. Where a hearing is held outside of the service area of the community services board that prepared the preadmission screening report, and it is not practicable for a representative of the board to attend or participate in the hearing, arrangements shall be made by the board for an employee or designee of the board serving the area in which the hearing is held to attend or participate on behalf of the board that prepared the preadmission screening report. The employee or designee of the local community services board, as defined in § 37.2-809, representing the community services board that prepared the preadmission screening report or attending or participating on behalf of the board that prepared the preadmission screening report shall not be excluded from the hearing pursuant to an order of sequestration of witnesses. The community services board that prepared the preadmission screening report shall remain responsible for the person subject to the hearing and, prior to the hearing, shall send the preadmission screening report through certified mail, personal delivery, facsimile with return receipt acknowledged, or other electronic means to the community services board attending the hearing. Where a community services board attends the hearing on behalf of the community services board that prepared the preadmission screening report, the attending community services board shall inform the community services board that prepared the preadmission screening report of the disposition of the matter upon the conclusion of the hearing. In addition, the attending community services board shall transmit the disposition through certified mail, personal delivery, facsimile with return receipt acknowledged, or other electronic means.

At least 12 hours prior to the hearing, the court shall provide to the community services board that prepared the preadmission screening report the time and location of the hearing. If the representative of the community services board will be present by telephonic means, the court shall provide the telephone number to the board.

C. After observing the person and considering (i) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any examiner's certification, (v) any health records available, (vi) the preadmission screening report, and (vii) any other relevant evidence that may have been admitted, including whether the person recently has been found unrestorably incompetent to stand trial after a hearing held pursuant to subsection E of § 19.2-169.1, if the judge or special justice finds by clear and convincing evidence that (a) the person has a mental illness and there is a substantial likelihood that, as a result of mental illness, the person will, in the near future, (1) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (2) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, and (b) all available less restrictive treatment alternatives to involuntary inpatient treatment, pursuant to subsection D, that would offer an opportunity for the improvement of the person's condition have been investigated and determined to be inappropriate, the judge or special justice shall by written order and specific findings so certify and order that the person be admitted involuntarily to a facility for a period of treatment not to exceed 30 days from the date of the court order. Such involuntary admission shall be to a facility designated by the community services board that serves the county or city in which the person was examined as provided in § 37.2-816. If the community services board does not designate a facility at the commitment hearing, the person shall be involuntarily admitted to a facility designated by the Commissioner. Upon the expiration of an order for involuntary admission, the person shall be released unless he is involuntarily admitted by further petition and order of a court, which shall be for a period not to exceed 180 days from the date of the subsequent court order, or such person makes application for treatment on a voluntary basis as provided for in § 37.2-805 or is ordered to mandatory outpatient treatment pursuant to subsection D. Upon motion of the treating physician, a family member or personal representative of the person, or the community services board serving the county or city where the facility is located, the county or city where the person resides, or the county or city where the person receives treatment, a hearing shall be held prior to the release date of any involuntarily admitted person to determine whether such person should be ordered to mandatory outpatient treatment pursuant to subsection D upon his release if such person, on at least two previous occasions within 36 months preceding the date of the hearing, has been (A) involuntarily admitted pursuant to this section or (B) the subject of a temporary detention order and voluntarily admitted himself in accordance with subsection B of § 37.2-814. A district court judge or special justice shall hold the hearing within 72 hours after receiving the motion for a mandatory outpatient treatment order; however, if the 72-hour period expires on a Saturday, Sunday, or legal holiday, the hearing shall be held by the close of business on the next day that is not a Saturday, Sunday, or legal holiday.

C1. In the order for involuntary admission, the judge or special justice may authorize the treating physician to discharge the person to mandatory outpatient treatment under a discharge plan developed pursuant to subsection C2, if the judge or special justice further finds by clear and convincing evidence that (i) the person has a history of lack of compliance with treatment for mental illness that at least twice within the past 36 months has resulted in the person being subject to an order for involuntary admission pursuant to subsection C; (ii) in view of the person's treatment history and current behavior,

the person is in need of mandatory outpatient treatment following inpatient treatment in order to prevent a relapse or deterioration that would be likely to result in the person meeting the criteria for involuntary inpatient treatment; (iii) as a result of mental illness, the person is unlikely to voluntarily participate in outpatient treatment unless the court enters an order authorizing discharge to mandatory outpatient treatment following inpatient treatment; and (iv) the person is likely to benefit from mandatory outpatient treatment. The duration of mandatory outpatient treatment shall be determined by the court based on recommendations of the community services board, but shall not exceed 90 days. Upon expiration of the order for mandatory outpatient treatment, the person shall be released unless the order is continued in accordance with § 37.2-817.4.

C2. Prior to discharging the person to mandatory outpatient treatment under a discharge plan as authorized pursuant to subsection C1, the treating physician shall determine, based upon his professional judgment, that (i) the person (a) in view of the person's treatment history and current behavior, no longer needs inpatient hospitalization, (b) requires mandatory outpatient treatment at the time of discharge to prevent relapse or deterioration of his condition that would likely result in his meeting the criteria for involuntary inpatient treatment, and (c) has agreed to abide by his discharge plan and has the ability to do so; and (ii) the ordered treatment will be delivered on an outpatient basis by the community services board or designated provider to the person. In no event shall the treating physician discharge a person to mandatory outpatient treatment under a discharge plan as authorized pursuant to subsection C1 if the person meets the criteria for involuntary commitment set forth in subsection C. The discharge plan developed by the treating physician and facility staff in conjunction with the community services board and the person shall serve as and shall contain all the components of the comprehensive mandatory outpatient treatment plan set forth in subsection G, and no initial mandatory outpatient treatment plan set forth in subsection F shall be required. The discharge plan shall be submitted to the court for approval and, upon approval by the court, shall be filed and incorporated into the order entered pursuant to subsection C1. The discharge plan shall be provided to the person by the community services board at the time of the person's discharge from the inpatient facility. The community services board where the person resides upon discharge shall monitor the person's compliance with the discharge plan and report any material noncompliance to the court in accordance with § 37.2-817.1.

D. After observing the person and considering (i) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any examiner's certification, (v) any health records available, (vi) the preadmission screening report, and (vii) any other relevant evidence that may have been admitted, if the judge or special justice finds by clear and convincing evidence that (a) the person has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (1) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (2) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs; (b) less restrictive alternatives to involuntary inpatient treatment that would offer an opportunity for improvement of his condition have been investigated and are determined to be appropriate; (c) the person has agreed to abide by his treatment plan and has the ability to do so; and (d) the ordered treatment will be delivered on an outpatient basis by the community services board or designated provider to the person, the judge or special justice shall by written order and specific findings so certify and order that the person be admitted involuntarily to mandatory outpatient treatment. Less restrictive alternatives shall not be determined to be appropriate unless the services are actually available in the community.

E. Mandatory outpatient treatment may include day treatment in a hospital, night treatment in a hospital, outpatient involuntary treatment with anti-psychotic medication pursuant to Chapter 11 (§ 37.2-1100 et seq.), or other appropriate course of treatment as may be necessary to meet the needs of the person. Mandatory outpatient treatment shall not include the use of restraints or physical force of any kind in the provision of the medication. The community services board that serves the county or city in which the person resides shall recommend a specific course of treatment and programs for the provision of mandatory outpatient treatment. The duration of mandatory outpatient treatment shall be determined by the court based on recommendations of the community services board, but shall not exceed 90 days. Upon expiration of an order for mandatory outpatient treatment, the person shall be released from the requirements of the order unless the order is continued in accordance with § 37.2-817.4.

F. Any order for mandatory outpatient treatment entered pursuant to subsection D shall include an initial mandatory outpatient treatment plan developed by the community services board that completed the preadmission screening report. The plan shall, at a minimum, (i) identify the specific services to be provided, (ii) identify the provider who has agreed to provide each service, (iii) describe the arrangements made for the initial in-person appointment or contact with each service provider, and (iv) include any other relevant information that may be available regarding the mandatory outpatient treatment ordered. The order shall require the community services board to monitor the implementation of the mandatory outpatient treatment plan and report any material noncompliance to the court.

G. No later than five days, excluding Saturdays, Sundays, or legal holidays, after an order for mandatory outpatient treatment has been entered pursuant to subsection D, the community services board where the person resides that is responsible for monitoring compliance with the order shall file a comprehensive mandatory outpatient treatment plan. The comprehensive mandatory outpatient treatment plan shall (i) identify the specific type, amount, duration, and frequency of each service to be provided to the person, (ii) identify the provider that has agreed to provide each service included in the plan, (iii) certify that the services are the most appropriate and least restrictive treatment available for the person, (iv) certify that each provider has complied and continues to comply with applicable provisions of the Department's licensing

regulations, (v) be developed with the fullest possible involvement and participation of the person and his family, with the person's consent, and reflect his preferences to the greatest extent possible to support his recovery and self-determination, (vi) specify the particular conditions with which the person shall be required to comply, and (vii) describe how the community services board shall monitor the person's compliance with the plan and report any material noncompliance with the plan. The community services board shall submit the comprehensive mandatory outpatient treatment plan to the court for approval. Upon approval by the court, the comprehensive mandatory outpatient treatment plan shall be filed with the court and incorporated into the order of mandatory outpatient treatment. Any subsequent substantive modifications to the plan shall be filed with the court for review and attached to any order for mandatory outpatient treatment.

H. If the community services board responsible for developing the comprehensive mandatory outpatient treatment plan determines that the services necessary for the treatment of the person's mental illness are not available or cannot be provided to the person in accordance with the order for mandatory outpatient treatment, it shall notify the court within five business days of the entry of the order for mandatory outpatient treatment. Within two business days of receiving such notice, the judge or special justice, after notice to the person, the person's attorney, and the community services board responsible for developing the comprehensive mandatory outpatient treatment plan shall hold a hearing pursuant to § 37.2-817.2.

I. Upon entry of any order for mandatory outpatient treatment entered pursuant to subsection D, the clerk of the court shall provide a copy of the order to the person who is the subject of the order, to his attorney, and to the community services board required to monitor compliance with the plan. The community services board shall acknowledge receipt of the order to the clerk of the court on a form established by the Office of the Executive Secretary of the Supreme Court and provided by the court for this purpose *within five business days*.

J. The court may transfer jurisdiction of the case to the district court where the person resides at any time after the entry of the mandatory outpatient treatment order. The community services board responsible for monitoring compliance with the mandatory outpatient treatment plan or discharge plan shall remain responsible for monitoring the person's compliance with the plan until the community services board serving the locality to which jurisdiction of the case has been transferred acknowledges the transfer and receipt of the order to the clerk of the court on a form established by the Office of the Executive Secretary of the Supreme Court and provided by the court for this purpose. *The community services board serving the locality to which jurisdiction of the case has been transferred shall acknowledge the transfer and receipt of the order within five business days.*

K. Any order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

CHAPTER 500

An Act to amend the Code of Virginia by adding a section numbered 54.1-2312.01, relating to the Cemetery Board; powers and duties.

[H 588]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 54.1-2312.01 as follows:

§ 54.1-2312.01. Special interments; definitions; regulations by Board.

A. A cemetery company may have a section in the cemetery devoted to the interment of human remains and the pets of such deceased humans, provided:

1. The section of the cemetery property dedicated for this purpose is segregated entirely from the remainder of the cemetery devoted to the interment of human remains;

2. No pet is interred in the same grave, crypt, or niche as the remains of a human; and

3. The section of the cemetery is clearly marked and advertised as such by the cemetery company.

B. A cemetery company may have a section in the cemetery devoted to the interment of pets, provided:

1. The section of the cemetery property dedicated for this purpose is segregated entirely from the remainder of the cemetery devoted to the interment of human remains; and

2. The section of the cemetery is clearly marked and advertised as such by the cemetery company.

C. As used in the section, "pet" means the same as that term is defined in § 57-39.20.

D. The Board shall adopt such regulations as the Board deems appropriate and necessary to implement the provisions of this section. Regulations of the Board shall be in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

CHAPTER 501

An Act to amend and reenact § 55-226.2 of the Code of Virginia, relating to the landlord and tenant law; energy submetering, etc.; local government fees.

[H 614]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 55-226.2 of the Code of Virginia is amended and reenacted as follows:

§ 55-226.2. Energy submetering, energy allocation equipment, sewer and water submetering equipment, ratio utility billings systems; local government fees.

A. Energy submetering equipment, energy allocation equipment, water and sewer submetering equipment, or a ratio utility billing system may be used in a commercial or residential building or campground if clearly stated in the rental agreement or lease for the leased premises or dwelling unit. All energy submetering equipment and energy allocation equipment shall meet the requirements and standards established and enforced by the State Corporation Commission pursuant to § 56-245.3.

B. If energy submetering equipment, water and sewer submetering equipment, or energy allocation equipment is used in any building or campground, the owner, manager, or operator of the building or campground shall bill the tenant for electricity, natural gas or water and sewer for the same billing period as the utility serving the building or campground, unless the rental agreement or lease expressly provides otherwise. The owner, manager, or operator of the building or campground may charge and collect from the tenant additional service charges, including, but not limited to, monthly billing fees, account set-up fees or account move-out fees, to cover the actual costs of administrative expenses and billing charged to the building or campground owner, manager, or operator by a third-party provider of such services, provided that such charges are agreed to by the building or campground owner and the tenant in the rental agreement or lease. The building or campground owner may require the tenant to pay a late charge of up to \$5 if the tenant fails to make payment when due, which shall not be less than 15 days following the date of mailing or delivery of the bill sent pursuant to this section.

C. If a ratio utility billing system is used in any building or campground, in lieu of increasing the rent, the owner, manager, or operator of the building or campground may employ such a program that utilizes a mathematical formula for allocating, among the tenants in a building or campground, the actual or anticipated water, sewer, electrical, or natural gas billings billed to the building or campground owner from a third-party provider of the utility service. The owner, manager, or operator of the building or campground may charge and collect from the tenant additional service charges, including but not limited to monthly billing fees, account set-up fees, or account move-out fees, to cover the actual costs of administrative expenses and billings charged to the building or campground owner, manager, or operator by a third-party provider of such services, provided that such charges are agreed to by the building or campground owner and the tenant in the rental agreement or lease. The building or campground owner may require the tenant to pay a late charge of up to \$5 if the tenant fails to make payment when due, which shall not be less than 15 days following the date of mailing or delivery of the bill sent pursuant to this section. The late charge shall be deemed rent as defined in § 55-248.4 if a ratio utility billing system is used in a residential multifamily dwelling unit subject to the Virginia Residential Landlord and Tenant Act (§ 55-248.2 et seq.).

D. Energy allocation equipment shall be tested periodically by the owner, operator or manager of the building or campground. Upon the request by a tenant, the owner shall test the energy allocation equipment without charge. The test conducted without charge to the tenant shall not be conducted more frequently than once in a 24-month period for the same tenant. The tenant or his designated representative may be present during the testing of the energy allocation equipment. A written report of the results of the test shall be made to the tenant within 10 working days after the completion of the test.

E. The owner of any building or campground shall maintain adequate records regarding energy submetering equipment, water and sewer submetering equipment, energy allocation equipment, or a ratio utility billing system. A tenant may inspect and copy the records for the leased premises during reasonable business hours at a convenient location within the building or campground. The owner of the building or campground may impose and collect a reasonable charge for copying documents, reflecting the actual costs of materials and labor for copying, prior to providing copies of the records to the tenant.

F. Notwithstanding any enforcement action undertaken by the State Corporation Commission pursuant to its authority under § 56-245.3, tenants and owners shall retain any private right of action resulting from any breach of the rental agreement or lease terms required by this section or § 56-245.3, if applicable, to the same extent as such actions may be maintained for breach of other terms of the rental agreement or lease under Chapter 13 (§ 55-217 et seq.) or Chapter 13.2 (§ 55-248.2 et seq.) of this title, if applicable. The use of energy submetering equipment, water and sewer submetering equipment, energy allocation equipment, or a ratio utility billing system is not within the jurisdiction of the Department of Agriculture and Consumer Services under Chapter 56 (§ 3.2-5600 et seq.) of Title 3.2.

G. *In lieu of increasing the rent, the owner, manager, or operator of a commercial or residential building or campground may employ a program that utilizes a mathematical formula for allocating the actual or anticipated local government fees billed to the building or campground owner among the tenants in such building or campground if clearly stated in the rental agreement or lease for the leased premises or dwelling unit. Permitted allocation methods may include formulas based upon square footage, occupancy, number of bedrooms, or some other specific method agreed to by the building or campground owner and the tenant in the rental agreement or lease. Such owner, manager, or operator of a commercial or residential building or campground may also charge and collect from each tenant additional service charges, including monthly billing fees, account set-up fees, or account move-out fees, to cover the actual costs of administrative expenses for administration of such a program. If the building is residential and is subject to the Virginia*

Residential Landlord and Tenant Act (§ 55-248.2 et seq.), such local government fees and administrative expenses shall be deemed to be rent as defined in § 55-248.4.

H. As used in this section:

"Building" means all of the individual units served through the same utility-owned meter within a commercial or residential building that is defined in subsection A of § 56-245.2 as an apartment building or house, office building or shopping center.

"Campground" means the same as that term is defined in § 35.1-1.

"Campsite" means the same as that term is defined in § 35.1-1.

"Energy allocation equipment" has the same meaning ascribed to such term in subsection A of § 56-245.2.

"Energy submetering equipment" has the same meaning ascribed to "submetering equipment" in subsection A of § 56-245.2.

"Local government fees" means any local government charges or fees assessed against a commercial or residential building or campground, including stormwater, recycling, trash collection, elevator testing, fire or life safety testing, or residential rental inspection programs.

"Ratio utility billing system" means a program that utilizes a mathematical formula for allocating, among the tenants in a building or campground, the actual or anticipated water, sewer, electrical, or natural gas billings billed to the building or campground owner from a third-party provider of the utility service. Permitted allocation methods may include formulas based upon square footage, occupancy, number of bedrooms, or some other specific method agreed to by the building or campground owner and the tenant in the rental agreement or lease.

"Water and sewer submetering equipment" means equipment used to measure actual water or sewer usage in any dwelling unit or nonresidential rental unit, as defined in subsection A of § 56-245.2 or campsite, when such equipment is not owned or controlled by the utility or other provider of water or sewer service that provides service to the building in which the dwelling unit or nonresidential rental unit is located or campground where the campsite is located.

CHAPTER 502

An Act to amend and reenact § 15.2-5301 of the Code of Virginia, relating to hospital authorities.

[H 628]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-5301 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-5301. Definitions.

As used or referred to in this chapter unless a different meaning clearly appears from the context:

"Authority" or "hospital authority" means a body corporate organized in accordance with the provisions of this chapter for the purposes, with the powers and subject to the restrictions hereinafter set forth.

"Bonds" means any bonds, interim certificates, notes, debentures, or other obligations of the authority issued pursuant to this chapter.

"City," means both cities and counties, and city-specific terms such as "mayor" shall be deemed to also include the equivalent county term.

"Commissioner" means one of the members of an authority appointed in accordance with the provisions of this chapter.

"Contract" means any agreement of an authority with or for the benefit of an obligee whether contained in a resolution, trust indenture, mortgage, lease, bond or other instrument.

"Cost," as applied to a hospital project, means all or any part of the cost of acquisition, construction, alteration, enlargement, reconstruction and remodeling of a hospital project, including all lands, structures, real or personal property, interest in land and air rights, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all labor, materials, machinery and equipment, financing charges, interest on all bonds prior to, during and for a period of time not to exceed two years after completion, provisions for working capital, the cost of architectural engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and revenues, administrative expenses, expenses necessary or incident to determining the feasibility or practicability of acquiring or constructing the hospital project and such other expenses as may be necessary or incidental to the acquisition and construction of such project, the financing of such acquisition and construction and the placing of the project in operation.

"Federal government" means the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

"Government" means the Commonwealth and the federal government and any subdivision, agency or instrumentality, corporate or otherwise, of either of them.

"Hospital project" or "project" means any and all medical facilities and approaches thereto and appurtenances thereof. Medical facilities shall include any and all facilities suitable for providing adequate hospital facilities and medical care for concentrated centers of population, and also includes any and all structures, buildings, improvements, additions, extensions, replacements, appurtenances, lands, rights in land, franchises, machinery, equipment, furnishings, landscaping, approaches,

roadways and other facilities necessary or desirable in connection therewith or incidental thereto, including, without limitation, hospitals, nursing homes, assisted living facilities, continuing care facilities, self-care facilities, medical office facilities, clinics, out-patient surgical centers, alcohol, substance abuse and drug treatment centers, laboratories, research facilities, sanitariums, hospices, facilities for the residence or care of the elderly, the handicapped or the chronically ill, residential facilities for nurses, interns, and physicians and any other kind of facility for the diagnosis, treatment, rehabilitation, prevention or palliation of any human illness, injury, disorder, or disability; together with all related and supporting facilities and equipment necessary and desirable in connection therewith or incidental thereto; or equipment alone, including, without limitation, parking facilities, kitchen, laundry, laboratory, pharmaceutical, administrative, communications, computer and recreational facilities and equipment, storage space, mobile medical facilities, vehicles, and other equipment necessary or desirable for the transportation of medical equipment or the transportation of patients.

"Obligee of the authority" or "obligee" includes any bondholder, trustee or trustees for any bondholders, any lessor demising property to the authority used in connection with a hospital project or any assignee or assignees of such lessor's interest or any part thereof, and the United States of America when it is a party to any contract with the authority.

"Real property" includes lands under water, structures, and any and all easements, franchises and incorporeal hereditaments and every estate and right therein, legal and equitable, including terms for years and liens by way of judgments, mortgage or otherwise.

"Trust indenture" includes instruments pledging the revenues of real or personal properties but not conveying such properties or conferring a right to foreclose and cause a sale thereof.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 503

An Act to amend and reenact § 15.2-3107 of the Code of Virginia, relating to boundary adjustments.

[H 652]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-3107 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-3107. Publication of agreed boundary line.

A. Before adopting an agreement pursuant to § 15.2-3106, each governing body shall advertise its intention to approve such an agreement at least once a week for two successive weeks in a newspaper having general circulation in its locality, and such notice shall include a descriptive summary of the proposed agreement. The summary shall describe the new boundary, but need not include a metes and bounds description. The publication shall include a statement that a copy of the agreement is on file in the office of the clerk of the governing body which is considering the proposed agreement. A joint publication of the proposed agreement by the localities which otherwise meets the requirements of this section shall satisfy this requirement. If joint publication is used, the publication costs shall be apportioned between the participating localities in the manner agreed upon by them. After providing the notice required by this section, each locality shall hold at least one public hearing on the agreement prior to its adoption.

B. Notice of any agreement as provided in subsection A hereof shall be served upon the affected property owners, if any, of the area affected by the agreement, and if the owners of at least one third of the affected parcels object to the change, they shall be permitted to intervene in the proceedings as prescribed in § 15.2-3108 and show cause why the boundary line should not be changed. For purposes of this article "affected parcel" means a parcel of real property that is the subject of the boundary relocation or change, as shown on the current real estate tax assessment records. One notice sent by first class mail to the last known address of the owners of such parcels as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of each local governing body shall make affidavit that such mailings have been made and file such affidavit with the papers in the petition as prescribed in § 15.2-3108. Nothing in this subsection shall be construed as to invalidate any subsequently adopted boundary line agreement because of the inadvertent failure by the representatives of the local governments to give written notice to the owner, owners, or their agent of any parcel involved.

CHAPTER 504

An Act to amend and reenact § 63.2-1505 of the Code of Virginia, relating to child abuse and neglect investigations; time for determination.

[H 709]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1505 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-1505. Investigations by local departments.

A. An investigation requires the collection of information necessary to determine:

1. The immediate safety needs of the child;
 2. The protective and rehabilitative services needs of the child and family that will deter abuse or neglect;
 3. Risk of future harm to the child;
 4. Alternative plans for the child's safety if protective and rehabilitative services are indicated and the family is unable or unwilling to participate in services;
 5. Whether abuse or neglect has occurred;
 6. If abuse or neglect has occurred, who abused or neglected the child; and
 7. A finding of either founded or unfounded based on the facts collected during the investigation.
- B. If the local department responds to the report or complaint by conducting an investigation, the local department shall:
1. Make immediate investigation and, if the report or complaint was based upon one of the factors specified in subsection B of § 63.2-1509, the local department may file a petition pursuant to § 16.1-241.3;
 2. Complete a report and transmit it forthwith to the Department, except that no such report shall be transmitted in cases in which the cause to suspect abuse or neglect is one of the factors specified in subsection B of § 63.2-1509 and the mother sought substance abuse counseling or treatment prior to the child's birth;
 3. Consult with the family to arrange for necessary protective and rehabilitative services to be provided to the child and his family;
 4. Petition the court for services deemed necessary including, but not limited to, removal of the child or his siblings from their home;
 5. Determine within 45 days if a report of abuse or neglect is founded or unfounded and transmit a report to such effect to the Department and to the person who is the subject of the investigation. However, upon written justification by the local department, *the time for such determination may be extended; not to exceed a total of 60 days or, in the event that the investigation is being conducted in cooperation with a law-enforcement agency and both parties agree that circumstances so warrant, as stated in the written justification, the time for such determination may be extended not to exceed 90 days.* If through the exercise of reasonable diligence the local department is unable to find the child who is the subject of the report, the time the child cannot be found shall not be computed as part of the ~~45-day or 60-day period~~ *total time period allowed for the investigation and determination* and documentation of such reasonable diligence shall be placed in the record. In cases involving the death of a child or alleged sexual abuse of a child who is the subject of the report, the time during which records necessary for the investigation of the complaint but not created by the local department, including autopsy or medical or forensic records or reports, are not available to the local department due to circumstances beyond the local department's control shall not be computed as part of the ~~45-day or 60-day period~~ *total time period allowed for the investigation and determination*, and documentation of the circumstances that resulted in the delay shall be placed in the record;
 6. If a report of abuse or neglect is unfounded, transmit a report to such effect to the complainant and parent or guardian and the person responsible for the care of the child in those cases where such person was suspected of abuse or neglect; and
 7. If a report of child abuse and neglect is founded, and the subject of the report is a full-time, part-time, permanent, or temporary employee of a school division located within the Commonwealth, notify the relevant school board of the founded complaint. Any information exchanged for the purposes of this subsection shall not be considered a violation of § 63.2-102, 63.2-104, or 63.2-105.

C. Each local board may obtain and consider, in accordance with regulations adopted by the Board, statewide criminal history record information from the Central Criminal Records Exchange and results of a search of the child abuse and neglect central registry of any individual who is the subject of a child abuse or neglect investigation conducted under this section when there is evidence of child abuse or neglect and the local board is evaluating the safety of the home and whether removal will protect a child from harm. The local board also may obtain such a criminal records or registry search on all adult household members residing in the home where the individual who is the subject of the investigation resides and the child resides or visits. If a child abuse or neglect petition is filed in connection with such removal, a court may admit such information as evidence. Where the individual who is the subject of such information contests its accuracy through testimony under oath in hearing before the court, no court shall receive or consider the contested criminal history record information without certified copies of conviction. Further dissemination of the information provided to the local board is prohibited, except as authorized by law.

CHAPTER 505

An Act to amend and reenact § 46.2-1220 of the Code of Virginia and to repeal §§ 46.2-1306 and 46.2-1306.1 of the Code of Virginia, relating to local ordinances on parking.

[H 733]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1220 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1220. Parking, stopping, and standing regulations in counties, cities, or towns; parking meters; presumption as to violation of ordinances; penalty.

The governing body of any county, city, or town may by ordinance provide for the regulation of parking, stopping, and standing of vehicles within its limits, including, *but not limited to, the regulation of any vehicle blocking access to and preventing use of curb ramps, fire hydrants, and mailboxes on public or private property.* Such ordinances may also include the installation and maintenance of parking meters. The ordinance may require the deposit of a coin of a prescribed denomination, determine the length of time a vehicle may be parked, and designate a department, official, or employee of the local government to administer the provisions of the ordinance. The ordinance may delegate to that department, official, or employee the authority to make and enforce any additional regulations concerning parking that may be required, including, but not limited to, penalties for violations, deadlines for the payment of fines, and late payment penalties for fines not paid when due. In a city having a population of at least 100,000, the ordinance may also provide that a summons or parking ticket for the violation of the ordinance or regulations may be issued by law-enforcement officers, other uniformed city employees, or by uniformed personnel serving under contract with the city. Notwithstanding the foregoing provisions of this section, the governing bodies of Augusta, Bath, and Rockingham Counties may by ordinance provide for the regulation of parking, stopping, and standing of vehicles within their limits, but no such ordinance shall authorize or provide for the installation and maintenance of parking meters.

No ordinance adopted under the provisions of this section shall prohibit the parking of two motorcycles in single parking spaces designated, marked, and sized for four-wheel vehicles. The governing body of any county, city, or town may, by ordinance, permit the parking of three or more motorcycles in single parking spaces designated, marked, and sized for four-wheel vehicles.

If any ordinance regulates parking on an interstate highway or any arterial highway or any extension of an arterial highway, it shall be subject to the approval of the Commissioner of Highways.

In any prosecution charging a violation of the ordinance or regulation, proof that the vehicle described in the complaint, summons, parking ticket citation, or warrant was parked in violation of the ordinance or regulation, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Chapter 6 (§ 46.2-600 et seq.) of this title, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who committed the violation. Violators of local ordinances adopted by Chesterfield County or James City County pursuant to this section shall be subject to a civil penalty not to exceed \$75, the proceeds from which shall be paid into the locality's general fund.

2. That §§ 46.2-1306 and 46.2-1306.1 of the Code of Virginia are repealed.

CHAPTER 506

An Act to amend and reenact § 24.2-706 of the Code of Virginia, relating to absentee voting and procedures; secure return of voted military-overseas ballots.

[H 759]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-706 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-706. Duty of general registrar and electoral board on receipt of application; statement of voter.

On receipt of an application for an absentee ballot, the general registrar shall enroll the name and address of each registered applicant on an absentee voter applicant list that shall be maintained in the office of the general registrar with a file of the applications of the listed applicants. The list shall be available for inspection and copying and the applications shall be available for inspection only by any registered voter during regular office hours. Upon request and for a reasonable fee, the State Board of Elections shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such list shall be used only for campaign and political purposes. Any list made available for inspection and copying under this section shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

No list or application containing an individual's social security number, or any part thereof, or the individual's day and month of birth, shall be made available for inspection or copying by anyone. The State Board of Elections shall prescribe procedures for local electoral boards and general registrars to make the information in the lists and applications available in a manner that does not reveal social security numbers or parts thereof, or an individual's day and month of birth.

The completion and timely delivery of an application for an absentee ballot shall be construed to be an offer by the applicant to vote in the election.

The general registrar shall note on each application received whether the applicant is or is not a registered voter and notify the secretary of the electoral board. In reviewing the application for an absentee ballot, the general registrar and electoral board shall not reject the application of any individual because of an error or omission on any record or paper relating to the application, if such error or omission is not material in determining whether such individual is qualified to vote absentee.

If the application has been properly completed and signed and the applicant is a registered voter of the precinct in which he offers to vote, the electoral board shall, at the time when the printed ballots for the election are available, send by the deadline set out in § 24.2-612, obtaining a certificate of either first-class or expedited mailing or delivery from the United States Postal Service or other commercial delivery provider, or deliver to him in person in the office of the secretary or registrar, the following items and nothing else:

1. An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except in presence of a witness."

2. An envelope, with printing only on the flap side, for resealing the marked ballot, on which envelope is printed the following:

"Statement of Voter."

"I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that my FULL NAME is _____ (last, first, middle); that I am now or have been at some time since last November's general election a legal resident of _____ (STATE YOUR LEGAL RESIDENCE IN VIRGINIA including the house number, street name or rural route address, city, zip code); that I received the enclosed ballot(s) upon application to the registrar of such county or city; that I opened the envelope marked 'ballot within' and marked the ballot(s) in the presence of the witness, without assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am returning the form required to report how I was assisted); that I then sealed the ballot(s) in this envelope; and that I have not voted and will not vote in this election at any other time or place.

Signature of Voter

Date

Signature of witness"

For elections held after January 1, 2004, instead of the envelope containing the above oath, an envelope containing the standard oath prescribed by the presidential designee under § 101(b)(7) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. § 1973ff et seq.) shall be sent to voters who are qualified to vote absentee under that Act.

3. A properly addressed envelope for the return of the ballot to the electoral board by mail or by the applicant in person.

4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot.

For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of 42 U.S.C. § 15483 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state, the printed instructions shall direct the voter to submit with his ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

5. For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. § 1973ff et seq.), information provided by the State Board specific to the voting rights and responsibilities for such citizens, or information provided by the registrar specific to the status of the voter registration and absentee ballot application of such voter, may be included.

The envelopes and instructions shall be in the form prescribed by the State Board.

If the applicant makes his application to vote in person under § 24.2-701 at a time when the printed ballots for the election are available, the general registrar or the secretary of the electoral board, on the determination of the qualifications of the applicant to vote, shall provide to the applicant the items set forth in subdivisions 1 through 4, and no item shall be removed by the applicant from the office of the general registrar or the secretary of the electoral board. On the request of the applicant, made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, the general registrar or the secretary may send the items set forth in subdivisions 1 through 4 to the applicant by mail, obtaining a certificate of mailing.

If the applicant states as the reason for his absence on election day any of the reasons set forth in subdivision 2 of § 24.2-700, the electoral board, at the time when the printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-612 or deliver in person to the applicant in the office of the secretary or general registrar the items as set forth in subdivisions 1 through 4 and, if necessary, an application for registration. A certificate of mailing shall not be required. The electoral board, at the time when the printed ballots for the election are available, shall send by the deadline set forth in § 24.2-612 the blank ballot, the form for the envelope for returning the marked ballot, and instructions to the voter by electronic transmission if the voter so requests. The voted ballot shall be returned to the electoral board as otherwise required by this chapter.

For purposes of this paragraph, a "uniformed-service voter" means an individual who is qualified to vote and is a member of the active or reserve components of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard who is on active duty, or a member of the Virginia National Guard on activated status. The State Board shall provide instructions, procedures, services, a security assessment, and security measures for the secure return of voted absentee military-overseas ballots by electronic means from uniformed-service voters outside of the United States. The instructions for electronic transmission and submission shall be in the form prescribed by the State Board. The State Board may modify

the Statement of Voter provided in subdivision 2 to make it compatible with electronic submission. The State Board shall, in consultation with local boards of election and general registrars, develop and update annually a security assessment and security measures to ensure the accuracy and integrity of absentee voting by electronic means under this section. Such security measures shall (i) reasonably secure the transmission, processing, and storage of voter data from interception and unauthorized access in accordance with security policies and procedures of the Commonwealth and (ii) develop a procedure for security review after each election based on evaluation of the number of or any discrepancy in the votes received electronically.

When the statement prescribed in subdivision 2 has been properly completed and signed by the registered voter and witnessed, his ballot shall not be subject to challenge pursuant to § 24.2-651.

The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this section upon the application of (⊕) (a) any aggrieved voter, (⊕) (b) any candidate in an election district in whole or in part in the court's jurisdiction where a violation of this section has occurred, or is likely to occur, or (⊕) (c) the campaign committee or the appropriate district political party chairman of such candidate. Any person who fails to discharge his duty as provided in this section through willful neglect of duty and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in subsection A of § 24.2-1001.

2. That the State Board of Elections shall work with federal, state, local, and other appropriate entities to establish best practices for uniformed-service voter authentication and identification and for the secure return of voted absentee military-overseas ballots by electronic means pursuant to the provisions of this act.

3. That the State Board of Elections shall convene a working group to assist with the development of the initial instructions, procedures, services, security assessment, and security measures required by this act for the secure return of voted absentee military-overseas ballots by electronic means. Such working group shall include the Chief Information Officer of the Commonwealth, the Chief Information Security Officer of the Commonwealth, representation of local boards of elections and general registrars, and others designated by the State Board of Elections. The working group shall submit an annual report to the Governor and General Assembly on the feasibility and cost of implementing the secure return of voted absentee military-overseas ballots from uniformed-service voters outside of the United States beginning January 1, 2016.

4. That the provisions of this act amending § 24.2-706 shall not become effective unless reenacted by the 2016 Session of the General Assembly.

CHAPTER 507

An Act to amend and reenact §§ 56-235.9, 56-265.2:1, and 56-265.4 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 27 of Title 56 a section numbered 56-609, relating to natural gas utility regulation; upstream supply infrastructure projects.

[H 949]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-235.9, 56-265.2:1, and 56-265.4 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 27 of Title 56 a section numbered 56-609 as follows:

§ 56-235.9. Recovery of funds used for capital projects prior to a rate case for strategic natural gas facilities.

A. As used in this section:

"Capitalized carrying cost" includes the return on the investment, depreciation, and tax.

"Natural gas transmission company" means any investor-owned public service company engaged in the business of transporting natural gas to more than one electric utility, natural gas utility, or non-jurisdictional customer.

"Natural gas utility" means any investor-owned public service company engaged in the business of furnishing natural gas service to the public.

"Strategic natural gas facility" includes, without limitation, a natural gas distribution or transmission pipeline, storage facility, compressor station, liquefied natural gas facility, peaking facility or other appurtenant facility, used to furnish natural gas service in the Commonwealth that, for a natural gas utility with fewer than 150,000 customers, adds stand-alone design day deliverability or designed send-out of at least 10,000 dekaTherms per day or two or more such facilities, regardless of size, that add design day deliverability or designed send out of at least 75,000 dekaTherms per day in the aggregate, and for a natural gas utility with 150,000 or more customers, adds stand-alone design day deliverability or designed send out of at least 20,000 dekaTherms per day or two or more such facilities, regardless of size, that add design day deliverability or designed send out of at least 100,000 dekaTherms per day in the aggregate, and for a natural gas transmission company, adds design day deliverability or designed send out of at least 100,000 dekaTherms per day in the aggregate.

B. Any natural gas utility that places a strategic natural gas facility into service on or after July 1, 2008, or natural gas transmission company that places a strategic natural gas facility into service on or after July 1, 2014, to serve its customers shall have the right to recover through its rates charged to those customers the entire prudently incurred costs of the facility including: planning, development and construction costs; costs of infrastructure associated therewith; an allowance for

funds used during construction; and the capitalized carrying cost from the time construction is completed and the asset is placed into service until the time that the Commission establishes new rates that include recovery of all costs as defined herein. Such recovery shall be permitted by allowing such costs to be recorded in the utility's plant accounts and included in rate base for purposes of cost recovery (i) in new rate schedules for service not offered under existing rate schedules or new rate schedules for expansion of existing services as permitted by § 56-235.4, (ii) in a rate case using the cost of service methodology set forth in § 56-235.2, or (iii) in a performance-based regulation plan authorized by § 56-235.6, subject to Commission determination that such costs were prudently incurred. The allowance for funds used during construction and the return on investment shall be calculated utilizing the weighted average cost of capital, including the cost of debt and cost of equity used in determining the natural gas utility's base rates in effect during the construction period of the strategic natural gas facility.

C. Nothing in this section shall be construed to prohibit the Commission from granting similar treatment to other natural gas facilities when the Commission deems such treatment to be in the public interest.

§ 56-265.2:1. Approval by Commission required for construction of certain gas pipelines and related facilities; notice and hearing.

A. Whenever a certificate is required pursuant to § 56-265.2 for the construction of a pipeline for the transmission or distribution of manufactured or natural gas, the Commission shall consider the effect of the pipeline on the environment, public safety, and economic development in the Commonwealth, and may establish such reasonably practical conditions as may be necessary to minimize any adverse environmental or public safety impact. In such proceedings, the Commission shall receive and consider all reports by state agencies concerned with environmental protection; and, if requested by any county or municipality in which the pipeline is proposed to be constructed, local comprehensive plans that have been adopted pursuant to Article 3 (§ 15.2-2223 et seq.) of Chapter 22 of Title 15.2.

B. The Commission shall not approve construction of any such pipeline unless the public utility has provided ~~thirty~~ **30** days' advance public notice of the proposed pipeline by (i) publishing a notice in a newspaper or newspapers of general circulation in each of the counties and municipalities through which the pipeline is proposed to be constructed, (ii) providing written notice to the governing body of each such county and municipality, (iii) causing to be sent a copy of the notice by first class mail to all owners of property within the route of the proposed pipeline, as indicated on the map or sketch of the route filed with the Commission, which requirement shall be satisfied by mailing the notice to such persons at such addresses as are indicated in the land books maintained by the commissioner of revenue, director of finance or treasurer of the county or municipality, and (iv) filing a copy of any plans, specifications, or maps of the proposed pipeline with the Commission, which plans, specifications, or maps shall be made available for public inspection at the Commission's business office, during normal business hours. Any notice required by this subsection shall include a written description of the proposed route the line is to follow, a map or sketch of the route, and information regarding the time period during which persons may request a public hearing under subsection C of this section.

C. If, within ~~forty five~~ **45** days after publication and mailing of the notices required in subsection B of this section, any interested party requests a public hearing, the Commission shall, as soon as reasonably practicable after such request, hold such hearing or hearings at such place as may be designated by the Commission. If written requests therefor are received from twenty or more interested parties, the Commission shall hold at least one hearing in the area that would be affected by construction of the pipeline, for the purpose of receiving public comment on the proposal. If any hearing is to be held in the area affected, the Commission shall direct that a copy of the transcripts of any previous hearings held in the case be made available for public inspection at a convenient location in the area for a reasonable time before such local hearing.

D. For the purposes of this section, "interested parties" means the governing bodies of any counties or municipalities through which the pipeline is to be constructed, and persons residing or owning property within one-half mile of such pipeline. For the purposes of this section, "environment" or "environmental" shall be deemed to include in meaning "historic."

E. If a significantly different route is determined more desirable after the giving of the notice required in subsection B of this section, the Commission shall cause notice of the new route or routes to be published and mailed in accordance with subsection B of this section. The Commission shall thereafter comply with the provisions of this section to the full extent necessary to give interested parties in the newly affected areas the same protection afforded interested parties affected by the route described in the original notice.

F. Approval of a pipeline pursuant to this section shall be deemed to satisfy and supersede the requirements of § 15.2-2232 and local zoning ordinances with respect to such pipeline and related facilities; however, the Commission shall not approve the construction of a natural gas compressor station in an area zoned *exclusively* for residential use unless the public utility provides certification from the local governing body that the natural gas compressor station is consistent with the zoning ordinance. The certification required by this subsection shall be deemed to have been waived unless the local governing body informs the Commission and the public utility of the natural gas compressor station's compliance or noncompliance within ~~forty five~~ **45** days of the public utility's written request.

§ 56-265.4. Certificate to operate in territory of another certificate holder.

Except as provided in § 56-265.4:4, no certificate shall be granted to an applicant proposing to operate in the territory of any holder of a certificate unless and until it shall be proved to the satisfaction of the Commission that the service rendered by such certificate holder in such territory is inadequate to the requirements of the public necessity and convenience; and if the Commission shall be of opinion that the service rendered by such certificate holder in such territory

is in any respect inadequate to the requirements of the public necessity and convenience, such certificate holder shall be given reasonable time and opportunity to remedy such inadequacy before any certificate shall be granted to an applicant proposing to operate in such territory. *For the purposes of this section, the transportation of natural gas by pipeline, without providing service to end users within the territory, shall not be considered operating in the territory of another certificate holder.*

§ 56-609. Upstream natural gas supply infrastructure projects.

A. As used in this section, unless the context requires a different meaning:

"Eligible natural gas supply infrastructure costs" includes the investment in eligible natural gas supply infrastructure projects and the following:

1. Return on the investment. In calculating the return on investment, the Commission shall use the natural gas utility's then in effect weighted average cost of capital, including the cost of debt and equity, based on its regulatory capital structure used in determining the natural gas utility's base rates. The investment will be multiplied by the weighted average cost of capital to determine the return on investment;

2. A revenue conversion factor. Such factor, including income taxes, shall be applied to the required operating income resulting from the eligible natural gas supply infrastructure costs;

3. Operating and maintenance expense, which includes the amount of operating and maintenance expense utilized in production wells, processing the gas produced, and gathering, transmission, and distribution lines delivering the gas to a pipeline or distribution system;

4. Depreciation. In calculating depreciation, the Commission shall use the natural gas utility's current depreciation rates for investments in distribution infrastructure, as set out by appropriate asset class. The utility shall propose a basis for recovering for the depreciation or depletion of investments in other asset classes in the natural gas supply investment plan, including investments in natural gas reserves that will deplete based on their useful life or of associated facilities that may be retired upon depletion of natural gas reserves;

5. Property tax, severance tax, and any other taxes or government fees associated with production and transmission of natural gas; and

6. Carrying costs on the over-recovery or under-recovery of the eligible natural gas supply infrastructure costs. In calculating the carrying costs, the Commission shall use the natural gas utility's regulatory capital structure as determined in subdivision 1 of this definition.

"Eligible natural gas supply infrastructure projects" means capital investments in natural gas reserves and upstream pipelines and facilities that, alone or in combination with other projects or strategies, offer reasonably anticipated benefits to customers and markets, which benefits mean (i) savings in the delivered cost of gas versus long-term forward market projections available to the natural gas utility at the time of the capital investment or other alternatives, (ii) a reduction in the utility's overall portfolio price volatility, (iii) reduction in the utility's overall supply risk, or (iv) any combination of the savings or reductions described in clauses (i), (ii), and (iii). Any such customer benefit benchmarks shall be outlined in the natural gas utility's filings with the Commission pursuant to this section.

"Investment" means actual costs incurred on eligible natural gas supply infrastructure projects, including planning, development, and construction costs; actual costs of infrastructure associated therewith; and an allowance for funds used during construction. In calculating the allowance for funds used during construction, the Commission shall use the natural gas utility's actual regulatory capital structure as determined in subdivision 1 of the definition of eligible natural gas supply infrastructure costs.

"Natural gas reserves and upstream pipelines and facilities" means investments in natural gas reserves, production facilities (including equipment required to prepare the natural gas for use), gathering, transmission, and, within the natural gas utility's certificated service territory, any distribution pipelines necessary to deliver the reserves, and above-ground and below-ground storage used in the delivery of gas to existing natural gas transmission pipelines or distribution systems.

"Natural gas supply investment plan" means a plan filed by a natural gas utility that identifies proposed eligible natural gas supply infrastructure projects and its development of those projects with or without a third party.

B. A natural gas utility shall have the right to recover eligible natural gas supply infrastructure costs on an ongoing basis through the gas cost component of the utility's rate structure or other recovery mechanism approved by the Commission, provided that any such mechanism shall properly allocate costs. Natural gas utilities using the cost of service methodology set forth in § 56-235.2 or a performance-based regulation plan authorized by § 56-235.6 shall be eligible to file a plan. The plan shall include a timeline for the investment and completion of the proposed eligible natural gas supply infrastructure projects; provide for an estimated schedule for recovery of the related eligible natural gas supply infrastructure costs through the gas cost component of the utility's rate structure or other mechanism, including proposed depreciation rates for investments in non-distribution asset classes and how any revenue gains from the use of the pipelines by third parties will be used to offset eligible natural gas supply infrastructure costs; and demonstrate that the plan is in the public interest with due consideration to providing a portion of the utility's delivered supply at prices at or below the long-term projections as available and defined in the natural gas utility's filing, or reduction in the utility's overall supply risk, or reduction in the utility's overall portfolio price volatility, or a combination thereof. No project may provide an annual volume of natural gas that exceeds 12.5 percent of the natural gas utility's annual firm sales demand, and no combination of projects may provide an annual volume of natural gas that exceeds 25 percent of the natural gas utility's annual firm sales demand. The natural gas utility's weather-normalized firm sales demand for the calendar year preceding

the application shall be deemed to establish the annual firm sales demand for the purposes of calculating the volume and volumetric limits of projects. In no case shall any investment in reserves exceed 20 years. The Commission shall approve such a plan upon a finding that it is in the public interest after notice and an opportunity for hearing in accordance with the provisions of this chapter.

C. In addition to the items included in the plan as specified in subsection B, the plan may provide the utility with an option to receive the gas or sell the gas at market prices. A utility proposing this option as part of its plan shall propose how any revenue gains from the sale of the gas will be used to reduce the cost of gas to its customers. The Commission shall approve or deny, within 180 days, a natural gas utility's initial application for a natural gas supply infrastructure plan. A plan filed pursuant to this section shall not require the filing of rate case schedules. The Commission shall approve or deny, within 120 days, a natural gas utility's application to amend a previously approved plan. If the Commission denies such a plan or amendment, it shall set forth with specificity the reasons for such denial, and the utility shall have the right to refile, without prejudice, an amended plan or amendment within 60 days, and the Commission shall thereafter have 60 days to approve or deny the amended plan or amendment. If the plan is filed as part of a general rate case using the cost of service methodology set forth in § 56-235.2 or a performance-based regulation plan authorized by § 56-235.6, then the Commission shall approve or deny the plan concurrent with or as part of the general rate case decision.

D. No other revenue requirement or ratemaking issues shall be examined in consideration of the initial plan filed pursuant to the provisions of this section.

E. A gas utility with an approved natural gas supply infrastructure plan shall annually file a report of the eligible natural gas supply infrastructure investment made, the eligible natural gas supply infrastructure costs incurred and the amount of such costs recovered, the volume of gas delivered to customers or sold to third parties during the 12-month reporting period, and an analysis of the price of gas delivered to the natural gas utility customers and the market cost of gas during the 12-month period. However, such analysis shall not affect a gas utility's right to recover all eligible natural gas supply infrastructure costs as set forth in subsection B. The report shall also identify the balance of over-recovery or under-recovery of the eligible natural gas supply infrastructure costs at the end of the reporting period and the projected investment to be made, the projected infrastructure costs to be incurred, and the projected costs to be recovered during the next 12-month reporting period.

F. Costs recovered pursuant to this section shall be in addition to all other costs that the natural gas utility is permitted to recover and shall not be considered an offset to other Commission-approved costs of service or revenue requirements.

CHAPTER 508

An Act to amend the Code of Virginia by adding a section numbered 54.1-1106.2, relating to the Board for Contractors; additional monetary penalty for certain violations.

[H 1045]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 54.1-1106.2 as follows:

§ 54.1-1106.2. Additional monetary penalty for certain violations.

A. If the Board finds any person licensed under the provisions of this chapter to be in violation of a statute or regulation involving fraudulent or improper or dishonest conduct as defined in § 54.1-1118, which violation occurred while engaged in a transaction initiated arising from a declared state of emergency as defined in § 44-146.16, the Board shall impose a monetary penalty of up to \$10,000 for each such violation.

B. The penalty imposed pursuant to this section shall be in addition to that provided in § 54.1-202.

CHAPTER 509

An Act to amend and reenact § 30-140 of the Code of Virginia, relating to audits of certain political subdivisions.

[H 1075]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 30-140 of the Code of Virginia is amended and reenacted as follows:

§ 30-140. Certain political subdivisions to file report of audit; period in which report kept as public record; when audit not required; sworn statement of exempted entities; publication of summary of financial condition; repeal of conflicting provisions.

A. Each authority, commission, district or other political subdivision the members of whose governing body are not elected by popular vote shall annually, within three months after the end of its fiscal year, have an audit performed covering its financial transactions for such fiscal year according to the specifications of the Auditor of Public Accounts and file with the Auditor of Public Accounts a copy of the report, unless exempted in accordance with subsection B. The Auditor of Public Accounts shall receive such reports and keep the same as public records for a period of ten years from their receipt.

B. No audit, however, shall be required for any fiscal year during which such entity's financial transactions did not exceed the sum of ~~\$5,000~~ \$25,000.

As used in this section, "financial transactions" shall not include financial transactions involving notes, bonds or other evidences of indebtedness of such entity the proceeds of which are held or advanced by a corporate trustee or other financial institution and not received or disbursed directly by such entity.

In the event an audit is not required, the entity shall file a statement under oath certifying that the transactions did not exceed such sum and, as to all transactions involving notes, bonds or other evidences of indebtedness which are exempted, the statement shall be accompanied by an affidavit from the trustee or financial institution certifying that it has performed the duties required under the agreement governing such transactions. Notwithstanding the foregoing, the Auditor of Public Accounts may require an audit if he deems it to be necessary to determine the propriety of the entity's financial transactions.

In the case of a water and sewer authority required by a governing body to have an audit conducted as specified in § 15.2-5145, the authority shall file the certified audit with the Auditor of Public Accounts.

At the time the report required by this section is filed with the Auditor of Public Accounts every such authority, commission, district or other political subdivision, except those exempted from the audit report requirement, shall publish, in a newspaper of general circulation in the county, city or town wherein the authority, commission, district or other political subdivision is located, a summary statement reflecting the financial condition of the authority, commission, district or other political subdivision, which shall include a reference to where the detailed statement may be found.

Any provision of law, general or special, which by its terms requires an audit that is not required by this section shall be repealed to the extent of any conflict.

CHAPTER 510

An Act to amend and reenact §§ 4.1-100, 4.1-206, 4.1-231, and 4.1-233 of the Code of Virginia, relating to alcoholic beverage control; annual arts venue event license.

[H 1141]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-100, 4.1-206, 4.1-231, and 4.1-233 of the Code of Virginia are amended and reenacted as follows:

§ 4.1-100. Definitions.

As used in this title unless the context requires a different meaning:

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which they are set forth in this definition; except that beer may be manufactured to include flavoring materials and other nonbeverage ingredients containing alcohol, as long as no more than 49 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other nonbeverage ingredients containing alcohol for products with an alcohol content of no more than six percent by volume; or, in the case of products with an alcohol content of more than six percent by volume, as long as no more than one and one-half percent of the volume of the finished product consists of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol.

"Arts venue" means a commercial or nonprofit establishment that is open to the public and in which works of art are sold or displayed.

"Barrel" means any container or vessel having a capacity of more than 43 ounces.

"Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided.

"Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more of alcohol by volume.

"Board" means the Virginia Alcoholic Beverage Control Board.

"Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43 ounces.

"Canal boat operator" means any nonprofit organization that operates tourism-oriented canal boats for recreational purposes on waterways declared nonnavigable by the United States Congress pursuant to 33 U.S.C. § 59ii.

"Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but not for pecuniary

gain, the advantages of which belong to all of the members. It also means the establishment so operated. A corporation or association shall not lose its status as a club because of the conduct of charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are served or consumed in the room where such charitable gaming is being conducted while such gaming is being conducted and that no alcoholic beverages are made available upon the premises to any person who is neither a member nor a bona fide guest of a member.

Any such corporation or association which has been declared exempt from federal and state income taxes as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit corporation or association.

"Container" means any barrel, bottle, carton, keg, vessel or other receptacle used for holding alcoholic beverages.

"Contract winemaking facility" means the premises of a licensed winery or farm winery that obtains grapes, fruits, and other agricultural products from a person holding a farm winery license and crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an agreement with the farm winery licensee. For all purposes of this title, wine produced by a contract winemaking facility for a farm winery shall be considered to be wine owned and produced by the farm winery that supplied the grapes, fruits, or other agricultural products used in the production of the wine. The contract winemaking facility shall have no right to sell the wine so produced but may charge the farm winery for its services.

"Convenience grocery store" means an establishment which (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.

"Day spa" means any commercial establishment that offers to the public both massage therapy, performed by persons certified in accordance with § 54.1-3029, and barbering or cosmetology services performed by persons licensed in accordance with Chapter 7 (§ 54.1-700 et seq.) of Title 54.1.

"Designated area" means a room or area approved by the Board for on-premises licensees.

"Dining area" means a public room or area in which meals are regularly served.

"Establishment" means any place where alcoholic beverages of one or more varieties are lawfully manufactured, sold, or used.

"Farm winery" means an establishment (i) located on a farm in the Commonwealth with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume or (ii) located in the Commonwealth with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume. As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth.

"Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer. Such shop may be located (i) on the premises or grounds of a government registered national, state or local historic building or site or (ii) within the premises of a museum. The Board shall consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be considered a gift shop.

"Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer may lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such persons facilities for manufacturing, fermenting and bottling such wine or beer.

"Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and beers of various types and sizes and related products such as cheeses and gourmet foods are habitually furnished to persons.

"Government store" means a store established by the Board for the sale of alcoholic beverages.

"Hotel" means any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons, and which has four or more bedrooms. It shall also mean the person who operates such hotel.

"Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order pursuant to this title.

"Internet wine retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

"Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to observably affect his manner, disposition, speech, muscular movement, general appearance or behavior.

"Licensed" means the holding of a valid license issued by the Board.

"Licensee" means any person to whom a license has been granted by the Board.

"Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an alcohol content of 25 percent by volume.

"Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this title; except that low alcohol beverage coolers shall not be sold in localities that have not approved the sale of mixed beverages pursuant to § 4.1-124. In addition, low alcohol beverage coolers shall not be sold for on-premises consumption other than by mixed beverage licensees.

"Meal-assembly kitchen" means any commercial establishment that offers its customers, for off-premises consumption, ingredients for the preparation of meals and entrees in professional kitchen facilities located at the establishment.

"Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments specializing in full course meals with a single substantial entree.

"Member of a club" means (i) a person who maintains his membership in the club by the payment of monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal descendants of a bona fide member, whether alive or deceased, of a national or international organization to which an individual lodge holding a club license is an authorized member in the same locality. It shall also mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident members of the club, the full amount of such contribution being paid in advance in a lump sum.

"Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of spirits.

"Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives which are not commonly consumed unless combined with alcoholic beverages, whether or not such ingredients contain alcohol. Such specialty beverage product shall be manufactured or distributed by a Virginia corporation.

"Place or premises" means the real estate, together with any buildings or other improvements thereon, designated in the application for a license as the place at which the manufacture, bottling, distribution, use or sale of alcoholic beverages shall be performed, except that portion of any such building or other improvement actually and exclusively used as a private residence.

"Public place" means any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park, place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

The term shall not include (i) hotel or restaurant dining areas or ballrooms while in use for private meetings or private parties limited in attendance to members and guests of a particular group, association or organization; (ii) restaurants licensed by the Board in office buildings or industrial or similar facilities while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; or (iv) private recreational or chartered boats which are not licensed by the Board and on which alcoholic beverages are not sold.

"Residence" means any building or part of a building or structure where a person resides, but does not include any part of a building which is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof.

"Resort complex" means a facility (i) with a hotel owning year-round sports and recreational facilities located contiguously on the same property or (ii) owned by a nonstock, nonprofit, taxable corporation with voluntary membership which, as its primary function, makes available golf, ski and other recreational facilities both to its members and the general public. The hotel or corporation shall have a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres. The Board may consider the purpose, characteristics, and operation of the applicant establishment in determining whether it shall be considered as a resort complex. All other pertinent qualifications established by the Board for a hotel operation shall be observed by such licensee.

"Restaurant" means, for a beer, or wine and beer license or a limited mixed beverage restaurant license, any establishment provided with special space and accommodation, where, in consideration of payment, meals or other foods prepared on the premises are regularly sold.

"Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license, an established place of business (i) where meals with substantial entrees are regularly sold and (ii) which has adequate facilities and sufficient employees for cooking, preparing, and serving such meals for consumption at tables in dining areas on the premises, and includes establishments specializing in full course meals with a single substantial entree.

"Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale; peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic beverages.

"Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.

"Special agent" means an employee of the Department of Alcoholic Beverage Control whom the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

"Special event" means an event sponsored by a duly organized nonprofit corporation or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

"Spirits" means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin, or any one or more of the last four named ingredients; but shall not include any such liquors completely denatured in accordance with formulas approved by the United States government.

"Wine" means any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. The term includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

"Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

"With or without meals" means the selling and serving of alcoholic beverages by retail licensees for on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio required by § 4.1-210, or the monthly food sale requirement established by Board regulation, is met by such retail licensee.

§ 4.1-206. Alcoholic beverage licenses.

The Board may grant the following licenses relating to alcoholic beverages generally:

1. Distillers' licenses, which shall authorize the licensee to manufacture alcoholic beverages other than wine and beer, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth. When the Board has established a government store on the distiller's licensed premises pursuant to subsection D of § 4.1-119, such license shall also authorize the licensee to make a charge to consumers to participate in an organized tasting event conducted in accordance with subsection G of § 4.1-119 and Board regulations.

2. Fruit distillers' licenses, which shall authorize the licensee to manufacture any alcoholic beverages made from fruit or fruit juices, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth.

3. Banquet facility licenses to volunteer fire departments and volunteer rescue squads, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a fire or rescue squad station or both, regularly occupied as such and recognized by the governing body of the county, city or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a fire or rescue squad station, provided such other premises are occupied and under the control of the fire department or rescue squad while the privileges of its license are being exercised.

4. Bed and breakfast licenses, which shall authorize the licensee to serve alcoholic beverages in dining areas, private guest rooms and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises.

5. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

6. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

7. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly

occupied and utilized for equestrian, hunt and steeplechase events and (ii) exercised on no more than four calendar days per year.

8. Day spa licenses, which shall authorize the licensee to (i) permit the consumption of lawfully acquired wine or beer on the premises of the licensee by any bona fide customer of the day spa and (ii) serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the day spa regularly occupied and utilized as such.

9. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

10. Meal-assembly kitchen license, which shall authorize the licensee to serve wine or beer on the premises of the licensee to any such bona fide customer attending either a private gathering or a special event; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the meal-assembly kitchen regularly occupied and utilized as such.

11. Canal boat operator license, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide customer attending either a private gathering or a special event; however, the licensee shall not sell or otherwise charge a fee to such customer for the alcoholic beverages so consumed. The privileges of this license shall be limited to the premises of the licensee, including the canal, the canal boats while in operation, and any pathways adjacent thereto. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

12. *Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.*

§ 4.1-231. Taxes on state licenses.

A. The annual fees on state licenses shall be as follows:

1. Alcoholic beverage licenses. For each:

a. Distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, \$450; and if more than 5,000 gallons manufactured during such year, \$3,725;

b. Fruit distiller's license, \$3,725;

c. Banquet facility license or museum license, \$190;

d. Bed and breakfast establishment license, \$35;

e. Tasting license, \$40 per license granted;

f. Equine sporting event license, \$130;

g. Motor car sporting event facility license, \$130;

h. Day spa license, \$100;

i. Delivery permit, \$120 if the permittee holds no other license under this title;

j. Meal-assembly kitchen license, \$100; ~~and~~

k. Canal boat operator license, \$100; *and*

l. Annual arts venue event license, \$100.

2. Wine licenses. For each:

a. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, \$189, and if more than 5,000 gallons manufactured during such year, \$3,725;

b. (1) Wholesale wine license, \$185 for any wholesaler who sells 30,000 gallons of wine or less per year, \$930 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, \$1,430 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and, \$1,860 for any wholesaler who sells more than 300,000 gallons of wine per year;

(2) Wholesale wine license, including that granted pursuant to § 4.1-207.1, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license;

c. Wine importer's license, \$370;

d. Retail off-premises winery license, \$145, which shall include a delivery permit;

e. Farm winery license, \$190 for any Class A license and \$3,725 for any Class B license, each of which shall include a delivery permit;

f. Wine shipper's license, \$95; and

- g. Internet wine retailer license, \$150.
- 3. Beer licenses. For each:
 - a. Brewery license, if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, \$2,150, and if more than 10,000 barrels manufactured during such year, \$4,300;
 - b. Bottler's license, \$1,430;
 - c. (1) Wholesale beer license, \$930 for any wholesaler who sells 300,000 cases of beer a year or less, and \$1,430 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and \$1,860 for any wholesaler who sells more than 600,000 cases of beer a year;
 - (2) Wholesale beer license applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision c (1), multiplied by the number of separate locations covered by the license;
 - d. Beer importer's license, \$370;
 - e. Retail on-premises beer license to a hotel, restaurant, club or other person, except a common carrier of passengers by train or boat, \$145; for each such license to a common carrier of passengers by train or boat, \$145 per annum for each of the average number of boats, dining cars, buffet cars or club cars operated daily in the Commonwealth;
 - f. Retail off-premises beer license, \$120, which shall include a delivery permit;
 - g. Retail on-and-off premises beer license to a hotel, restaurant, club or grocery store located in a town or in a rural area outside the corporate limits of any city or town, \$300, which shall include a delivery permit;
 - h. Beer shipper's license, \$95; and
 - i. Retail off-premises brewery license, \$120, which shall include a delivery permit.
- 4. Wine and beer licenses. For each:
 - a. Retail on-premises wine and beer license to a hotel, restaurant, club or other person, except a common carrier of passengers by train, boat or airplane, \$300; for each such license to a common carrier of passengers by train or boat, \$300 per annum for each of the average number of boats, dining cars, buffet cars or club cars operated daily in the Commonwealth, and for each such license granted to a common carrier of passengers by airplane, \$750;
 - b. Retail on-premises wine and beer license to a hospital, \$145;
 - c. Retail off-premises wine and beer license, including each gift shop, gourmet shop and convenience grocery store license, \$230, which shall include a delivery permit;
 - d. Retail on-and-off premises wine and beer license to a hotel, restaurant or club, \$600, which shall include a delivery permit;
 - e. Banquet license, \$40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215 for events occurring on more than one day, which shall be \$100 per license;
 - f. Gourmet brewing shop license, \$230;
 - g. Wine and beer shipper's license, \$95;
 - h. Annual banquet license, \$150;
 - i. Fulfillment warehouse license, \$120;
 - j. Marketing portal license, \$150; and
 - k. Gourmet oyster house license, \$230.
- 5. Mixed beverage licenses. For each:
 - a. Mixed beverage restaurant license granted to persons operating restaurants, including restaurants located on premises of and operated by hotels or motels, or other persons:
 - (i) With a seating capacity at tables for up to 100 persons, \$560;
 - (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$975; and
 - (iii) With a seating capacity at tables for more than 150 persons, \$1,430.
 - b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:
 - (i) With an average yearly membership of not more than 200 resident members, \$750;
 - (ii) With an average yearly membership of more than 200 but not more than 500 resident members, \$1,860; and
 - (iii) With an average yearly membership of more than 500 resident members, \$2,765.
 - c. Mixed beverage caterer's license, \$1,860;
 - d. Mixed beverage limited caterer's license, \$500;
 - e. Mixed beverage special events license, \$45 for each day of each event;
 - f. Mixed beverage club events licenses, \$35 for each day of each event;
 - g. Annual mixed beverage special events license, \$560;
 - h. Mixed beverage carrier license:
 - (i) \$190 for each of the average number of dining cars, buffet cars or club cars operated daily in the Commonwealth by a common carrier of passengers by train;
 - (ii) \$560 for each common carrier of passengers by boat;
 - (iii) \$1,475 for each license granted to a common carrier of passengers by airplane.
 - i. Annual mixed beverage amphitheater license, \$560;
 - j. Annual mixed beverage motor sports race track license, \$560;
 - k. Annual mixed beverage banquet license, \$500;

1. Limited mixed beverage restaurant license:

- (i) With a seating capacity at tables for up to 100 persons, \$460;
- (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$875;
- (iii) With a seating capacity at tables for more than 150 persons, \$1,330;
- m. Annual mixed beverage motor sports facility license, \$560; and
- n. Annual mixed beverage performing arts facility license, \$560.

6. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.

B. The tax on each such license, except banquet and mixed beverage special events licenses, shall be subject to proration to the following extent: If the license is granted in the second quarter of any year, the tax shall be decreased by one-fourth; if granted in the third quarter of any year, the tax shall be decreased by one-half; and if granted in the fourth quarter of any year, the tax shall be decreased by three-fourths.

If the license on which the tax is prorated is a distiller's license to manufacture not more than 5,000 gallons of alcohol or spirits, or both, during the year in which the license is granted, or a winery license to manufacture not more than 5,000 gallons of wine during the year in which the license is granted, the number of gallons permitted to be manufactured shall be prorated in the same manner.

Should the holder of a distiller's license or a winery license to manufacture not more than 5,000 gallons of alcohol or spirits, or both, or wine, apply during the license year for an unlimited distiller's or winery license, such person shall pay for such unlimited license a license tax equal to the amount that would have been charged had such license been applied for at the time that the license to manufacture less than 5,000 gallons of alcohol or spirits or wine, as the case may be, was granted, and such person shall be entitled to a refund of the amount of license tax previously paid on the limited license.

Notwithstanding the foregoing, the tax on each license granted or reissued for a period of less than 12 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period.

C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first \$163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first \$163,800 of wine purchases shall be disregarded.

§ 4.1-233. Taxes on local licenses.

A. In addition to the state license taxes, the annual local license taxes which may be collected shall not exceed the following sums:

1. Alcoholic beverages. - For each:

- a. Distiller's license, \$1,000; no local license shall be required for any person who manufactures not more than 5,000 gallons of alcohol or spirits, or both, during such license year;
- b. Fruit distiller's license, \$1,500;
- c. Bed and breakfast establishment license, \$40;
- d. Museum license, \$10;
- e. Tasting license, \$5 per license granted;
- f. Equine sporting event license, \$10;
- g. Day spa license, \$20;
- h. Motor car sporting event facility license, \$10;
- i. Meal-assembly kitchen license, \$20; ~~and~~
- j. Canal boat operator license, \$20; *and*
- k. *Annual arts venue event license, \$20.*

2. Beer. - For each:

- a. Brewery license, \$1,000;
- b. Bottler's license, \$500;
- c. Wholesale beer license, in a city, \$250, and in a county or town, \$75;
- d. Retail on-premises beer license for a hotel, restaurant or club and for each retail off-premises beer license in a city, \$100, and in a county or town, \$25; and
- e. Beer shipper's license, \$10.

3. Wine. - For each:

- a. Winery license, \$50;
- b. Wholesale wine license, \$50;
- c. Farm winery license, \$50; and
- d. Wine shipper's license, \$10.

4. Wine and beer. - For each:

a. Retail on-premises wine and beer license for a hotel, restaurant or club; and for each retail off-premises wine and beer license, including each gift shop, gourmet shop and convenience grocery store license, in a city, \$150, and in a county or town, \$37.50;

b. Hospital license, \$10;

c. Banquet license, \$5 for each license granted, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215 for events occurring on more than one day, which shall be \$20 per license;

d. Gourmet brewing shop license, \$150;

e. Wine and beer shipper's license, \$10;

f. Annual banquet license, \$15; and

g. Gourmet oyster house license, in a city, \$150, and in a county or town, \$37.50.

5. Mixed beverages. - For each:

a. Mixed beverage restaurant license, including restaurants located on the premises of and operated by hotels or motels, or other persons:

(i) With a seating capacity at tables for up to 100 persons, \$200;

(ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$350; and

(iii) With a seating capacity at tables for more than 150 persons, \$500.

b. Private, nonprofit club operating a restaurant located on the premises of such club, \$350;

c. Mixed beverage caterer's license, \$500;

d. Mixed beverage limited caterer's license; \$100;

e. Mixed beverage special events licenses, \$10 for each day of each event;

f. Mixed beverage club events licenses, \$10 for each day of each event;

g. Annual mixed beverage amphitheater license, \$300;

h. Annual mixed beverage motor sports race track license, \$300;

i. Annual mixed beverage banquet license, \$75;

j. Limited mixed beverage restaurant license:

(i) With a seating capacity at tables for up to 100 persons, \$100;

(ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$250;

(iii) With a seating capacity at tables for more than 150 persons, \$400;

k. Annual mixed beverage motor sports facility license, \$300; and

l. Annual mixed beverage performing arts facility license; \$300.

B. Common carriers. - No local license tax shall be either charged or collected for the privilege of selling alcoholic beverages in (i) passenger trains, boats or airplanes and (ii) rooms designated by the Board of establishments of air carriers of passengers at airports in the Commonwealth for on-premises consumption only.

C. Merchants' and restaurants' license taxes. - The governing body of each county, city or town in the Commonwealth, in imposing local wholesale merchants' license taxes measured by purchases, local retail merchants' license taxes measured by sales, and local restaurant license taxes measured by sales, may include alcoholic beverages in the base for measuring such local license taxes the same as if the alcoholic beverages were nonalcoholic. No local alcoholic beverage license authorized by this chapter shall exempt any licensee from any local merchants' or local restaurant license tax, but such local merchants' and local restaurant license taxes may be in addition to the local alcoholic beverage license taxes authorized by this chapter.

The governing body of any county, city or town, in adopting an ordinance under this section, shall provide that in ascertaining the liability of (i) a beer wholesaler to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such beer wholesaler, purchases of beer up to a stated amount shall be disregarded, which stated amount shall be the amount of beer purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale beer license tax paid by such wholesaler and (ii) a wholesale wine licensee to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such wholesale wine licensee, purchases of wine up to a stated amount shall be disregarded, which stated amount shall be the amount of wine purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale wine licensee license tax paid by such wholesale wine licensee.

D. Delivery. - No county, city or town shall impose any local alcoholic beverages license tax on any wholesaler for the privilege of delivering alcoholic beverages in the county, city or town when such wholesaler maintains no place of business in such county, city or town.

E. Application of county tax within town. - Any county license tax imposed under this section shall not apply within the limits of any town located in such county, where such town now, or hereafter, imposes a town license tax on the same privilege.

CHAPTER 511

An Act to amend and reenact § 38.2-3407.14 of the Code of Virginia, relating to health insurance; notice of increase in premium or deductible.

Approved April 3, 2014

[H 1176]

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3407.14 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3407.14. Notice of premium or deductible increases.

A. Each (i) insurer issuing individual or group accident and sickness insurance policies providing hospital, medical and surgical or major medical coverage on an expense-incurred basis, (ii) corporation providing individual or group accident and sickness subscription contracts, and (iii) health maintenance organization providing a health care plan for health care services, shall provide in conjunction with the proposed renewal of coverage under any such policies, contracts, or plans, prior written notice of intent to increase by more than 35 percent the annual premium charged for coverage thereunder.

B. *Effective with policy, contract, or plan year renewals beginning on or after January 1, 2015, each health carrier providing individual health insurance coverage shall provide in conjunction with the proposed renewal of individual health insurance coverage prior written notice of intent to increase the annual premium charge for coverage or any deductible required thereunder. As used in this section, "deductible" means the annual dollar amount of covered items or services that the insured, subscriber, or enrollee is obligated to pay before benefits are payable under the health benefit plan.*

C. Notice required by this section shall be provided in writing at least 60 days prior to the proposed renewal of coverage under any such policy, contract, or plan *described in subsection A and effective with policy, contract, or plan year renewals beginning on or after January 1, 2015, at least 75 days prior to the proposed renewal of individual health insurance coverage described in subsection B. In either case, notice shall be provided to the policyholder, contract holder, or subscriber, or to the designated consultant or other agent of the group policyholder, contract holder, or subscriber if requested in writing by the group policyholder, contract holder, or subscriber, as appropriate.*

D. *The time frames specified in subsection C for the provision of notices may be adjusted by the Commission's Bureau of Insurance to account for delays in product or rate approval by the Bureau of Insurance that result from filing requirements established by the United States Department of Health and Human Services.*

CHAPTER 512

An Act to amend and reenact the second enactment of Chapter 807 of the Acts of Assembly of 2007, relating to the Virginia State Bar; Client's Protection Fund.

[S 7]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That the second enactment of Chapter 807 of the Acts of Assembly of 2007 is amended and reenacted as follows:

2. That the provisions of this act shall expire on July 1, ~~2015~~ 2020.

CHAPTER 513

An Act to amend and reenact §§ 18.2-248 and 32.1-11.7 of the Code of Virginia, relating to methamphetamine sites; cleanup.

[S 31]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-248 and 32.1-11.7 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-248. Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance prohibited; penalties.

A. Except as authorized in the Drug Control Act (§ 54.1-3400 et seq.), it shall be unlawful for any person to manufacture, sell, give, distribute, or possess with intent to manufacture, sell, give or distribute a controlled substance or an imitation controlled substance.

B. In determining whether any person intends to manufacture, sell, give or distribute an imitation controlled substance, the court may consider, in addition to all other relevant evidence, whether any distribution or attempted distribution of such pill, capsule, tablet or substance in any other form whatsoever included an exchange of or a demand for money or other property as consideration, and, if so, whether the amount of such consideration was substantially greater than the reasonable value of such pill, capsule, tablet or substance in any other form whatsoever, considering the actual chemical composition of such pill, capsule, tablet or substance in any other form whatsoever and, where applicable, the price at which over-the-counter substances of like chemical composition sell.

C. Except as provided in subsection C1, any person who violates this section with respect to a controlled substance classified in Schedule I or II shall upon conviction be imprisoned for not less than five nor more than 40 years and fined not more than \$500,000. Upon a second conviction of such a violation, and it is alleged in the warrant, indictment, or information that the person has been before convicted of such an offense or of a substantially similar offense in any other jurisdiction, which offense would be a felony if committed in the Commonwealth, and such prior conviction occurred before the date of the offense alleged in the warrant, indictment, or information, any such person may, in the discretion of

the court or jury imposing the sentence, be sentenced to imprisonment for life or for any period not less than five years, three years of which shall be a mandatory minimum term of imprisonment to be served consecutively with any other sentence, and he shall be fined not more than \$500,000.

When a person is convicted of a third or subsequent offense under this subsection and it is alleged in the warrant, indictment or information that he has been before convicted of two or more such offenses or of substantially similar offenses in any other jurisdiction which offenses would be felonies if committed in the Commonwealth and such prior convictions occurred before the date of the offense alleged in the warrant, indictment, or information, he shall be sentenced to imprisonment for life or for a period of not less than 10 years, 10 years of which shall be a mandatory minimum term of imprisonment to be served consecutively with any other sentence, and he shall be fined not more than \$500,000.

Any person who manufactures, sells, gives, distributes or possesses with the intent to manufacture, sell, give, or distribute the following is guilty of a felony punishable by a fine of not more than \$1 million and imprisonment for five years to life, five years of which shall be a mandatory minimum term of imprisonment to be served consecutively with any other sentence:

1. 100 grams or more of a mixture or substance containing a detectable amount of heroin;
2. 500 grams or more of a mixture or substance containing a detectable amount of:
 - a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;
 - b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;
 - c. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or
 - d. Any compound, mixture, or preparation that contains any quantity of any of the substances referred to in subdivisions 2a through 2c;
3. 250 grams or more of a mixture or substance described in subdivisions 2a through 2d that contain cocaine base; or
4. 10 grams or more of methamphetamine, its salts, isomers, or salts of its isomers or 20 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers.

The mandatory minimum term of imprisonment to be imposed for a violation of this subsection shall not be applicable if the court finds that:

- a. The person does not have a prior conviction for an offense listed in subsection C of § 17.1-805;
- b. The person did not use violence or credible threats of violence or possess a firearm or other dangerous weapon in connection with the offense or induce another participant in the offense to do so;
- c. The offense did not result in death or serious bodily injury to any person;
- d. The person was not an organizer, leader, manager, or supervisor of others in the offense, and was not engaged in a continuing criminal enterprise as defined in subsection I; and
- e. Not later than the time of the sentencing hearing, the person has truthfully provided to the Commonwealth all information and evidence the person has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan, but the fact that the person has no relevant or useful other information to provide or that the Commonwealth already is aware of the information shall not preclude a determination by the court that the defendant has complied with this requirement.

C1. Any person who violates this section with respect to the manufacturing of methamphetamine, its salts, isomers, or salts of its isomers or less than 200 grams of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers shall, upon conviction, be imprisoned for not less than 10 nor more than 40 years and fined not more than \$500,000. Upon a second conviction of such a violation, any such person may, in the discretion of the court or jury imposing the sentence, be sentenced to imprisonment for life or for any period not less than 10 years, and be fined not more than \$500,000. When a person is convicted of a third or subsequent offense under this subsection and it is alleged in the warrant, indictment, or information that he has been previously convicted of two or more such offenses or of substantially similar offenses in any other jurisdiction, which offenses would be felonies if committed in the Commonwealth and such prior convictions occurred before the date of the offense alleged in the warrant, indictment, or information, he shall be sentenced to imprisonment for life or for a period not less than 10 years, three years of which shall be a mandatory minimum term of imprisonment to be served consecutively with any other sentence and he shall be fined not more than \$500,000.

Upon conviction, in addition to any other punishment, a person found guilty of this offense shall be ordered by the court to make restitution, as the court deems appropriate, to any innocent property owner whose property is damaged, destroyed, or otherwise rendered unusable as a result of such methamphetamine production. This restitution shall include the person's or his estate's estimated or actual expenses associated with cleanup, removal, or repair of the affected property. If the property that is damaged, destroyed, or otherwise rendered unusable as a result of such methamphetamine production is property owned in whole or in part by the person convicted, the court shall order the person to pay to the Methamphetamine Cleanup Fund authorized in § 18.2-248.04 the reasonable estimated or actual expenses associated with cleanup, removal, or repair of the affected property or, if actual or estimated expenses cannot be determined, the sum of \$10,000. *The convicted person shall also pay the cost of certifying that any building that is cleaned up or repaired pursuant to this section is safe for human occupancy according to the guidelines established pursuant to § 32.1-11.7.*

D. If such person proves that he gave, distributed or possessed with intent to give or distribute a controlled substance classified in Schedule I or II only as an accommodation to another individual who is not an inmate in a community

correctional facility, local correctional facility or state correctional facility as defined in § 53.1-1 or in the custody of an employee thereof, and not with intent to profit thereby from any consideration received or expected nor to induce the recipient or intended recipient of the controlled substance to use or become addicted to or dependent upon such controlled substance, he shall be guilty of a Class 5 felony.

E. If the violation of the provisions of this article consists of the filling by a pharmacist of the prescription of a person authorized under this article to issue the same, which prescription has not been received in writing by the pharmacist prior to the filling thereof, and such written prescription is in fact received by the pharmacist within one week of the time of filling the same, or if such violation consists of a request by such authorized person for the filling by a pharmacist of a prescription which has not been received in writing by the pharmacist and such prescription is, in fact, written at the time of such request and delivered to the pharmacist within one week thereof, either such offense shall constitute a Class 4 misdemeanor.

E1. Any person who violates this section with respect to a controlled substance classified in Schedule III except for an anabolic steroid classified in Schedule III, constituting a violation of § 18.2-248.5, shall be guilty of a Class 5 felony.

E2. Any person who violates this section with respect to a controlled substance classified in Schedule IV shall be guilty of a Class 6 felony.

E3. Any person who proves that he gave, distributed or possessed with the intent to give or distribute a controlled substance classified in Schedule III or IV, except for an anabolic steroid classified in Schedule III, constituting a violation of § 18.2-248.5, only as an accommodation to another individual who is not an inmate in a community correctional facility, local correctional facility or state correctional facility as defined in § 53.1-1 or in the custody of an employee thereof, and not with the intent to profit thereby from any consideration received or expected nor to induce the recipient or intended recipient of the controlled substance to use or become addicted to or dependent upon such controlled substance, is guilty of a Class 1 misdemeanor.

F. Any person who violates this section with respect to a controlled substance classified in Schedule V or Schedule VI or an imitation controlled substance which imitates a controlled substance classified in Schedule V or Schedule VI, shall be guilty of a Class 1 misdemeanor.

G. Any person who violates this section with respect to an imitation controlled substance which imitates a controlled substance classified in Schedule I, II, III, or IV shall be guilty of a Class 6 felony. In any prosecution brought under this subsection, it is not a defense to a violation of this subsection that the defendant believed the imitation controlled substance to actually be a controlled substance.

H. Any person who manufactures, sells, gives, distributes or possesses with the intent to manufacture, sell, give or distribute the following:

1. 1.0 kilograms or more of a mixture or substance containing a detectable amount of heroin;

2. 5.0 kilograms or more of a mixture or substance containing a detectable amount of:

a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;

c. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

d. Any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subdivisions a through c;

3. 2.5 kilograms or more of a mixture or substance described in subdivision 2 which contains cocaine base;

4. 100 kilograms or more of a mixture or substance containing a detectable amount of marijuana; or

5. 100 grams or more of methamphetamine, its salts, isomers, or salts of its isomers or 200 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers shall be guilty of a felony punishable by a fine of not more than \$1 million and imprisonment for 20 years to life, 20 years of which shall be a mandatory minimum sentence. Such mandatory minimum sentence shall not be applicable if the court finds that (i) the person does not have a prior conviction for an offense listed in subsection C of § 17.1-805; (ii) the person did not use violence or credible threats of violence or possess a firearm or other dangerous weapon in connection with the offense or induce another participant in the offense to do so; (iii) the offense did not result in death or serious bodily injury to any person; (iv) the person was not an organizer, leader, manager, or supervisor of others in the offense, and was not engaged in a continuing criminal enterprise as defined in subsection I of this section; and (v) not later than the time of the sentencing hearing, the person has truthfully provided to the Commonwealth all information and evidence the person has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan, but the fact that the person has no relevant or useful other information to provide or that the Commonwealth already is aware of the information shall not preclude a determination by the court that the defendant has complied with this requirement.

H1. Any person who was the principal or one of several principal administrators, organizers or leaders of a continuing criminal enterprise shall be guilty of a felony if (i) the enterprise received at least \$100,000 but less than \$250,000 in gross receipts during any 12-month period of its existence from the manufacture, importation, or distribution of heroin or cocaine or ecgonine or methamphetamine or the derivatives, salts, isomers, or salts of isomers thereof or marijuana or (ii) the person engaged in the enterprise to manufacture, sell, give, distribute or possess with the intent to manufacture, sell, give or distribute the following during any 12-month period of its existence:

1. At least 1.0 kilograms but less than 5.0 kilograms of a mixture or substance containing a detectable amount of heroin;

2. At least 5.0 kilograms but less than 10 kilograms of a mixture or substance containing a detectable amount of:
 - a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;
 - b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;
 - c. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or
 - d. Any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subdivisions a through c;
3. At least 2.5 kilograms but less than 5.0 kilograms of a mixture or substance described in subdivision 2 which contains cocaine base;
4. At least 100 kilograms but less than 250 kilograms of a mixture or substance containing a detectable amount of marijuana; or
5. At least 100 grams but less than 250 grams of methamphetamine, its salts, isomers, or salts of its isomers or at least 200 grams but less than 1.0 kilograms of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers.

A conviction under this section shall be punishable by a fine of not more than \$1 million and imprisonment for 20 years to life, 20 years of which shall be a mandatory minimum sentence.

H2. Any person who was the principal or one of several principal administrators, organizers or leaders of a continuing criminal enterprise if (i) the enterprise received \$250,000 or more in gross receipts during any 12-month period of its existence from the manufacture, importation, or distribution of heroin or cocaine or ecgonine or methamphetamine or the derivatives, salts, isomers, or salts of isomers thereof or marijuana or (ii) the person engaged in the enterprise to manufacture, sell, give, distribute or possess with the intent to manufacture, sell, give or distribute the following during any 12-month period of its existence:

1. At least 5.0 kilograms of a mixture or substance containing a detectable amount of heroin;
2. At least 10 kilograms of a mixture or substance containing a detectable amount of:
 - a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;
 - b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;
 - c. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or
 - d. Any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subdivisions a through c;
3. At least 5.0 kilograms of a mixture or substance described in subdivision 2 which contains cocaine base;
4. At least 250 kilograms of a mixture or substance containing a detectable amount of marijuana; or
5. At least 250 grams of methamphetamine, its salts, isomers, or salts of its isomers or at least 1.0 kilograms of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers shall be guilty of a felony punishable by a fine of not more than \$1 million and imprisonment for life, which shall be served with no suspension in whole or in part. Such punishment shall be made to run consecutively with any other sentence. However, the court may impose a mandatory minimum sentence of 40 years if the court finds that the defendant substantially cooperated with law-enforcement authorities.

I. For purposes of this section, a person is engaged in a continuing criminal enterprise if (i) he violates any provision of this section, the punishment for which is a felony and either (ii) such violation is a part of a continuing series of violations of this section which are undertaken by such person in concert with five or more other persons with respect to whom such person occupies a position of organizer, a supervisory position, or any other position of management, and from which such person obtains substantial income or resources or (iii) such violation is committed, with respect to methamphetamine or other controlled substance classified in Schedule I or II, for the benefit of, at the direction of, or in association with any criminal street gang as defined in § 18.2-46.1.

J. Except as authorized in the Drug Control Act (§ 54.1-3400 et seq.), any person who possesses any two or more different substances listed below with the intent to manufacture methamphetamine, methcathinone, or amphetamine is guilty of a Class 6 felony: liquified ammonia gas, ammonium nitrate, ether, hypophosphorus acid solutions, hypophosphite salts, hydrochloric acid, iodine crystals or tincture of iodine, phenylacetone, phenylacetic acid, red phosphorus, methylamine, methyl formamide, lithium, sodium metal, sulfuric acid, sodium hydroxide, potassium dichromate, sodium dichromate, potassium permanganate, chromium trioxide, methylbenzene, methamphetamine precursor drugs, trichloroethane, or 2-propanone.

K. The term "methamphetamine precursor drug," when used in this article, means a drug or product containing ephedrine, pseudoephedrine, or phenylpropanolamine or any of their salts, optical isomers, or salts of optical isomers.

§ 32.1-11.7. Guidelines for cleanup of residential property used to manufacture methamphetamine.

The Board, in consultation with the Department of Environmental Quality and other relevant entities, shall establish guidelines for the cleanup of residential property *and other buildings* formerly used *as sites* to manufacture methamphetamine *to certify that the methamphetamine level at such property is at or below the post cleanup target.*

CHAPTER 514

An Act to amend and reenact § 15.2-2119.2 of the Code of Virginia, relating to discounted water and sewer fees.

[S 10]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2119.2 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2119.2. Discounted fees and charges for certain low-income and disabled customers.

Any locality that is the owner of a water and sewer system and that has a population density of 200 persons per square mile or less, *and the Town of Louisa*, by ordinance may develop criteria for providing discounted water and sewer fees and charges for low-income and disabled customers.

CHAPTER 515

An Act to amend and reenact § 19.2-158 of the Code of Virginia, relating to bail hearings.

[S 34]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-158 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-158. When person not free on bail shall be informed of right to counsel and amount of bail.

Every person charged with an offense described in § 19.2-157, who is not free on bail or otherwise, shall be brought before the judge of a court not of record, unless the circuit court issues process commanding the presence of the person, in which case the person shall be brought before the circuit court, on the first day on which such court sits after the person is charged, at which time the judge shall inform the accused of the amount of his bail and his right to counsel. *If the court not of record sits on a day prior to the scheduled sitting of the court which issued process, the person shall be brought before the court not of record.* The court shall also hear and consider motions by the person or Commonwealth relating to bail or conditions of release pursuant to Article 1 (§ 19.2-119 et seq.) of Chapter 9 of this title. ~~If the court not of record sits on a day prior to the scheduled sitting of the court which issued process, the person shall be brought before the court not of record.~~ *Absent good cause shown, a hearing on bail or conditions of release shall be held as soon as practicable but in no event later than three calendar days, excluding Saturdays, Sundays, and legal holidays, following the making of such motion.*

No hearing on the charges against the accused shall be had until the foregoing conditions have been complied with, and the accused shall be allowed a reasonable opportunity to employ counsel of his own choice, or, if appropriate, the statement of indigence provided for in § 19.2-159 may be executed.

CHAPTER 516

An Act to amend and reenact § 2.2-5601 of the Code of Virginia, relating to the Southern States Energy Board.

[S 47]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-5601 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-5601. Appointment, term, compensation, and expenses of members of Southern States Energy Board.

The Commonwealth's representatives to the Southern States Energy Board shall be appointed in compliance with Article II of the ~~compact~~ *Southern States Energy Compact* as follows: ~~one member~~ *three members* of the House of Delegates, *of whom two shall serve as alternates, to be appointed by the Speaker of the House of Delegates;* ~~one member;~~ *three members* of the Senate, *of whom two shall serve as alternates, to be appointed by the Senate Committee on Rules;* and one nonlegislative citizen member to be appointed by the Governor. *Alternate legislative members appointed by the Speaker of the House and the Senate Committee on Rules shall meet the same qualifications as the principal legislative members appointed to serve.* Legislative members shall serve terms coincident with their terms of office and shall not have the authority to designate an alternate in accordance with Article II of the compact. The gubernatorial appointee shall serve at the pleasure of the Governor. If any member appointed is the head of a department or agency of the Commonwealth, he may designate a subordinate officer or employee of his department or agency to serve in his stead as permitted by Article II A-7 of the compact and in conformity with any applicable bylaws of the Board. All members may be reappointed for successive terms.

Legislative members of the Board shall receive such compensation as provided in § 30-19.12 and shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. The costs of compensation and expenses of the legislative members shall be paid from appropriations to the

Virginia Commission on Intergovernmental Cooperation for the attendance of conferences. The nonlegislative citizen member of the Board shall receive such compensation and reimbursement for all his reasonable and necessary expenses in the performance of his duties as may be appropriated or made available for such purposes.

CHAPTER 517

An Act to repeal the second enactment of Chapter 670 of the Acts of Assembly of 2012, relating to electronic signatures on prefiled bills and resolutions.

[S 54]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That the second enactment of Chapter 670 of the Acts of Assembly of 2012 is repealed.

CHAPTER 518

An Act to amend and reenact § 30-170 of the Code of Virginia, relating to the Joint Commission on Health Care; sunset.

[S 60]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 30-170 of the Code of Virginia is amended and reenacted as follows:

§ 30-170. (Expires July 1, 2015) Sunset.

The provisions of this chapter shall expire on July 1, ~~2015~~ 2018.

CHAPTER 519

An Act to amend and reenact § 58.1-3970.1 of the Code of Virginia, relating to real estate with delinquent taxes.

[S 68]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3970.1 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3970.1. Appointment of special commissioner to execute title to certain real estate with delinquent taxes or liens to localities.

A. Except as provided in subsection B, in any proceedings under this article for the sale of a parcel or parcels of real estate which meet all of the following: (i) each parcel has delinquent real estate taxes or the locality has a lien against the parcel for removal, repair or securing of a building or structure; removal of trash, garbage, refuse, litter; or the cutting of grass, weeds or other foreign growth, (ii) each parcel has an assessed value of \$50,000 or less, and (iii) such taxes and liens, together, including penalty and accumulated interest, exceed 50 percent of the assessed value of the parcel or such taxes alone exceed 25 percent of the assessed value of the parcel, the locality may petition the circuit court to appoint a special commissioner to execute the necessary deed or deeds to convey the real estate to the locality in lieu of the sale at public auction. After notice as required by this article, service of process, and upon answer filed by the owner or other parties in interest to the bill in equity, the court shall allow the parties to present evidence and arguments, ore tenus, prior to the appointment of the special commissioner. Any surplusage accruing to a locality as a result of the sale of the parcel or parcels after the receipt of the deed shall be payable to the beneficiaries of any liens against the property and to the former owner, his heirs or assigns in accordance with § 58.1-3967. No deficiency shall be charged against the owner after conveyance to the locality.

B. For a parcel or parcels of real estate in the Cities of Norfolk, Richmond, Hopewell, Newport News, Petersburg, and Hampton, all of the provisions of subsection A shall apply except (i) that the percentage of taxes and liens, together, including penalty and accumulated interest, and the percentage of taxes alone set forth in clause (iii) of subsection A shall exceed 35 percent and 15 percent, respectively, of the assessed value of the parcel or parcels or (ii) that the percentage of taxes and liens, together, including penalty and accumulated interest, and the percentage of taxes alone set forth in clause (iii) of subsection A shall exceed 20 percent and 10 percent, respectively, of the assessed value of the parcel or parcels, and each parcel has an assessed value of \$100,000 or less, provided that under this clause the property is not an occupied dwelling, and the locality enters into an agreement for sale of the parcel to a nonprofit organization to renovate or construct a single-family dwelling on the parcel for sale to a person or persons to reside in the dwelling whose income is below the area median income.

CHAPTER 520

An Act to amend and reenact § 51.5-154 of the Code of Virginia, relating to Alzheimer's Disease and Related Disorders Commission; sunset.

[S 82]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 51.5-154 of the Code of Virginia is amended and reenacted as follows:****§ 51.5-154. (Expires July 1, 2014) Alzheimer's Disease and Related Disorders Commission.**

A. The Alzheimer's Disease and Related Disorders Commission (the Commission) is established as an advisory commission in the executive branch of state government. The purpose of the entity is to assist people with Alzheimer's disease and related disorders and their caregivers.

B. The Commission shall consist of 15 nonlegislative citizen members. Members shall be appointed as follows: three members to be appointed by the Speaker of the House of Delegates; two members to be appointed by the Senate Committee on Rules; and 10 members to be appointed by the Governor, of whom seven shall be from among the boards, staffs, and volunteers of the Virginia chapters of the Alzheimer's Disease and Related Disorders Association and three shall be from the public at large.

Nonlegislative citizen members shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

The Commission shall elect a chairman and vice-chairman from among its membership. A majority of the voting members shall constitute a quorum. The Commission shall meet at least four times each year. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the voting members so request.

C. Members shall receive such compensation for the discharge of their duties as provided in § 2.2-2813. All members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department.

D. The Commission shall have the power and duty to:

1. Examine the needs of persons with Alzheimer's disease and related disorders, as well as the needs of their caregivers, and ways that state government can most effectively and efficiently assist in meeting those needs;
2. Develop and promote strategies to encourage brain health and reduce cognitive decline;
3. Advise the Governor and General Assembly on policy, funding, regulatory, and other issues related to persons suffering from Alzheimer's disease and related disorders and their caregivers;
4. Develop the Commonwealth's plan for meeting the needs of patients with Alzheimer's disease and related disorders and their caregivers, and advocate for such plan;
5. Submit to the Governor, General Assembly, and Department by October 1 of each year an electronic report regarding the activities and recommendations of the Commission, which shall be posted on the Department's website; and
6. Establish priorities for programs among state agencies related to Alzheimer's disease and related disorders and criteria to evaluate these programs.

E. The Department shall provide staff support to the Commission. All agencies of the Commonwealth shall provide assistance to the Commission, upon request.

F. The Commission may apply for and expend such grants, gifts, or bequests from any source as may become available in connection with its duties under this section and may comply with such conditions and requirements as may be imposed in connections therewith.

G. This section shall expire on July 1, ~~2014~~ 2017.

CHAPTER 521

An Act to amend and reenact § 20-106 of the Code of Virginia, relating to evidence by affidavit in divorce proceedings.

[S 94]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 20-106 of the Code of Virginia is amended and reenacted as follows:****§ 20-106. Testimony may be required to be given orally; evidence by affidavit.**

A. In any suit for divorce, the trial court may require the whole or any part of the testimony to be given orally in open court, and if either party desires it, such testimony and the rulings of the court on the exceptions thereto, if any, shall be reduced to writing, and the judge shall certify that such evidence was given before him and such rulings made. When so

certified the same shall stand on the same footing as a deposition regularly taken in the cause; provided, however, that no such oral evidence shall be given or heard unless and until after such notice to the adverse party as is required by law to be given of the taking of depositions, or when there has been no service of process within this Commonwealth upon, or appearance by the defendant against whom such testimony is sought to be introduced. However, a party may proceed to take evidence in support of a divorce by deposition or affidavit without leave of court only in support of a divorce on the grounds set forth in subdivision A (9) of § 20-91, where (i) the parties have resolved all issues by a written settlement agreement, (ii) there are no issues other than the grounds of the divorce itself to be adjudicated, or (iii) the adverse party has been personally served with the complaint and has failed to file a responsive pleading or to make an appearance as required by law.

B. The affidavit of a party submitted as evidence shall be based on the personal knowledge of the affiant, contain only facts that would be admissible in court, give factual support to the allegations in the complaint or counterclaim, and establish that the affiant is competent to testify to the contents of the affidavit. The affidavit shall:

1. Affirm the allegations in the complaint or counterclaim, including that the parties are over the age of 18 and not suffering from any condition that renders either party legally incompetent;

2. Affirm that neither party is incarcerated;

3. Verify the military status of the opposing party and advise whether the opposing party has filed an answer or a waiver of his rights under the federal Servicemembers Civil Relief Act (50 U.S.C. App § 501 et seq.);

4. Affirm that at least one party to the suit is, and has been for a period in excess of six months *immediately preceding the commencement of the suit*, a bona fide resident and domiciliary of the Commonwealth;

5. Affirm that the parties have lived separate and apart, continuously, without interruption and without cohabitation, and with the intent to remain separate and apart permanently, for the statutory period required by subdivision A (9) of § 20-91;

6. Affirm the affiant's desire to be awarded a divorce pursuant to subdivision A (9) of § 20-91;

7. State whether there were children born or adopted of the marriage and affirm that the wife is not known to be pregnant from the marriage; and

8. Be accompanied by the affidavit of a corroborating witness, which shall:

a. Verify that the affiant is over the age of 18 and not suffering from any condition that renders him legally incompetent;

b. Verify that neither party is incarcerated;

c. Verify the allegations in the complaint or counterclaim;

d. Verify that at least one of the parties to the suit is, and has been for a period in excess of six months *immediately preceding the commencement of the suit*, a bona fide resident and domiciliary of the Commonwealth;

e. Verify whether there were children born or adopted of the marriage and verify that the wife is not known to be pregnant from the marriage; and

f. Verify the affiant's personal knowledge that the parties have not cohabitated since the date of separation alleged in the complaint or counterclaim, and that it has been the moving party's intention since that date to remain separate and apart permanently.

C. A verified complaint shall not be deemed an affidavit for purposes of this section.

CHAPTER 522

An Act to amend the Code of Virginia by adding a section numbered 15.2-2119.3, relating to water and sewer system; City of Richmond.

[S 98]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2119.3 as follows:

§ 15.2-2119.3. Sustainable infrastructure financial assistance.

The City of Richmond may by ordinance develop criteria for financial assistance to customers for plumbing repairs and the replacement of water-inefficient appliances.

CHAPTER 523

An Act to amend the Code of Virginia by adding a section numbered 55-109.2, relating to correcting errors in deeds, deeds of trust, and mortgages; affidavit.

[S 116]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 55-109.2 as follows:

§ 55-109.2. Correcting errors in deeds, deeds of trust, and mortgages; affidavit.

A. As used in this section, unless the context requires a different meaning:

"Attorney" means any person licensed as an attorney in Virginia by the Virginia State Bar.

"Corrective affidavit" means an affidavit of an attorney correcting an obvious description error.

"Obvious description error" means an error in a real property parcel description contained in a recorded deed, deed of trust, or mortgage where (i) such parcel is identified and shown as a separate parcel on a recorded subdivision plat; (ii) such error is apparent by reference to other information on the face of such deed, deed of trust, or mortgage or on an attachment to such deed, deed of trust, or mortgage or by reference to other instruments in the chain of title for the property conveyed thereby; and (iii) such deed, deed of trust, or mortgage recites elsewhere the parcel's correct address or tax map identification number. An "obvious description error" includes (a) an error transcribing courses and distances, including the omission of one or more lines of courses and distances or the omission of angles and compass directions; (b) an error incorporating an incorrect recorded plat or a deed reference; (c) an error in a lot number or designation; or (d) an omitted exhibit supplying the legal description of the real property thereby conveyed. An "obvious description error" does not include (1) missing or improper signatures or acknowledgments or (2) any designation of the type of tenancy by which the property is owned or whether or not a right of survivorship exists.

"Recorded subdivision plat" means a plat that has been prepared by a land surveyor licensed pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 and recorded in the clerk's office of the circuit court for the jurisdiction where the property is located.

"Title insurance company" has the same meaning as set forth in § 38.2-4601, provided that the title insurance company issued a policy of title insurance for the transaction in which the deed, deed of trust, or mortgage needing correction was recorded.

B. Obvious description errors in a recorded deed, deed of trust, or mortgage purporting to convey or transfer an interest in real property may be corrected by recording an affidavit in the land records of the circuit court for the jurisdiction where the property is located or where the deed, deed of trust, or mortgage needing correction was recorded. No correction of an obvious description error shall be inconsistent with the description of the property in any recorded subdivision plat.

C. Prior to recording a corrective affidavit, the attorney seeking to record the affidavit shall deliver a copy of the affidavit to all parties to the deed, deed of trust, or mortgage, including the current owner of the property; to the attorney who prepared the deed, deed of trust, or mortgage, if known and if possible; and to the title insurance company, if known, and give notice of the intent to record the affidavit and of each party's right to object to the affidavit. For an affidavit to correct an obvious description error in a deed as described in clause (a) of subsection A, notice and a copy of the affidavit shall also be provided to any owner of property adjoining a line to be corrected. The notice and a copy of the affidavit shall be delivered by personal service or sent by certified mail, return receipt requested, to the last known address of each party to the deed, deed of trust, or mortgage to be corrected that (i) is contained in the land book maintained pursuant to § 58.1-3301 by the jurisdiction where the property is located and where the deed, deed of trust, or mortgage needing correction was recorded, (ii) is contained in the deed, deed of trust, or mortgage needing correction, (iii) has been provided to the attorney as a forwarding address, or (iv) has been established with reasonable certainty by other means, and to all other persons and entities to whom notice is required to be given. The notice and a copy of the affidavit shall be sent to the property address for the real property conveyed by the deed, deed of trust, or mortgage needing correction. If a locality is a party to the deed, deed of trust, or mortgage, the notice and a copy of the affidavit required by this subsection shall be sent to the county, city, or town attorney for the locality, if any, and if there is no such attorney, then to the chief executive for the locality. For the purposes of this section, the term "party" shall also include any locality that is a signatory. If the Commonwealth is a party to the deed, deed of trust, or mortgage, the notice and a copy of the affidavit required by this subsection shall be sent to the Attorney General and to the director, chief executive officer, or head of the state agency or chairman of the board of the state entity in possession or that had possession of the property.

D. If, within 30 days after personal service or receiving confirmation of delivery of the notice and a copy of the affidavit to all parties to the deed, deed of trust, or mortgage, including the current owner of the property; to the attorney who prepared the deed, deed of trust, or mortgage, if known and if possible; to the title insurance company, if known; and to the adjoining property owners, if necessary, pursuant to subsection C, no written objection is received from any party disputing the facts recited in the affidavit or objecting to its recordation, the corrective affidavit may be recorded by the attorney, and all parties to the deed, deed of trust, or mortgage shall be bound by the terms of the affidavit. The corrective affidavit shall contain (i) a statement that no objection was received from any party within the period and (ii) a copy of the notice sent to the parties. The notice shall contain the attorney's Virginia State Bar number. The corrective affidavit shall be notarized.

E. A corrective affidavit that is recorded pursuant to this section operates as a correction of the deed, deed of trust, or mortgage and relates back to the date of the original recordation of the deed, deed of trust, or mortgage as if the deed, deed of trust, or mortgage was correct when first recorded. A title insurance company, upon request, shall issue an endorsement to reflect the corrections made by the corrective affidavit and shall deliver a copy of the endorsement to all parties to the policy who can be found.

F. The clerk shall record the corrective affidavit in the deed book and, notwithstanding their designation in the deed, deed of trust, or mortgage needing correction, index the affidavit in the names of the parties to the deed, deed of trust, or mortgage as grantors and grantees as set forth in the affidavit. The costs associated with the recording of a corrective

affidavit pursuant to this section shall be paid by the party that records the corrective affidavit. An affidavit recorded in compliance with this section shall be prima facie evidence of the facts stated therein. Any person who wrongfully or erroneously records a corrective affidavit is liable for actual damages sustained by any party due to such recordation, including reasonable attorney fees and costs.

G. The remedies under this section are not exclusive and do not abrogate any right or remedy under the laws of the Commonwealth other than this section.

H. An affidavit under this section may be made in the following form, or to the same effect:

Corrective Affidavit

This Affidavit, prepared pursuant to Virginia Code § 55-109.2, shall be indexed in the names of _____ (grantor) and _____ (grantee), whose addresses are _____ The undersigned affiant, being first duly sworn, deposes and states as follows:

- 1. That the affiant is a Virginia attorney.
2. That the deed, deed of trust, or mortgage needing correction was made in connection with a real estate transaction in which _____ purchased real estate from _____, as shown in a deed recorded in the Clerk's Office of the Circuit Court of _____, in Deed Book ____, Page ____, or as Instrument Number ____; or in which real estate was encumbered, as shown in a deed recorded in the Clerk's Office of the Circuit Court of _____, in Deed Book ____, Page ____, or as Instrument Number ____.

3. That the property description in the aforementioned deed, deed of trust, or mortgage contains an obvious description error.
4. That the property description containing the obvious description error reads: _____

5. That the correct property description should read: _____

6. That this affidavit is given pursuant to § 55-109.2 of the Code of Virginia to correct the property description in the aforementioned deed, deed of trust, or mortgage and such description shall be as stated in paragraph 5 above upon recordation of this affidavit in the Circuit Court of _____.

7. That notice of the intent to record this corrective affidavit and a copy of this affidavit was delivered to all parties to the deed, deed of trust, or mortgage being corrected pursuant to § 55-109.2 of the Code of Virginia and that no objection to the recordation of this affidavit was received within the applicable period of time as set forth in § 55-109.2 of the Code of Virginia.

(Name of attorney)

(Signature of attorney)

(Address of attorney)

(Telephone number of attorney)

(Bar number of attorney)

The foregoing affidavit was acknowledged before me

This ____ day of ____, 20__, by _____

Notary Public

My Commission expires _____

I. Notice under this section may be made in the following form, or to the same effect:

Notice of Intent to Correct an Obvious Description Error
Notice is hereby given to you concerning the deed, deed of trust, or mortgage described in the corrective affidavit, a copy of which is attached to this notice, as follows:

1. The attorney identified below has discovered or has been advised of an obvious description error in the deed, deed of trust, or mortgage recorded as part of your real estate settlement. The error is described in the attached affidavit.

2. The undersigned will record an affidavit to correct such error unless the undersigned receives a written objection disputing the facts recited in the affidavit or objecting to the recordation of the affidavit. Your objections must be sent within 30 days of receipt of this notice to the following address:

(Name of attorney)

(Signature of attorney)

(Address of attorney)

(Telephone number of attorney)

(Bar number of attorney)

CHAPTER 524

An Act to amend and reenact § 2.2-3708.1 of the Code of Virginia, relating to the Virginia Freedom of Information Act; participation in meetings in event of emergency or personal matters.

[S 161]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3708.1 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3708.1. Participation in meetings in event of emergency or personal matter; certain disabilities; distance from meeting location for certain public bodies.

A. A member of a public body may participate in a meeting governed by this chapter through electronic communication means from a remote location that is not open to the public only as follows and subject to the requirements of subsection B:

1. If, on or before the day of a meeting, a member of the public body holding the meeting notifies the chair of the public body that such member is unable to attend the meeting due to an emergency or personal matter and identifies with specificity the nature of the emergency or personal matter, and the public body holding the meeting ~~(a) approves such member's participation by a majority vote of the members present at a meeting and~~ (b) records in its minutes the specific nature of the emergency or personal matter and the remote location from which the member participated. *If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection B, such disapproval shall be recorded in the minutes with specificity.*

Such participation by the member shall be limited each calendar year to two meetings or 25 percent of the meetings of the public body, whichever is fewer;

2. If a member of a public body notifies the chair of the public body that such member is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance and the public body records this fact and the remote location from which the member participated in its minutes; or

3. If, on the day of a meeting, a member of a regional public body notifies the chair of the public body that such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting and the public body holding the meeting ~~(a) approves such member's participation by a majority vote of the members present and~~ (b) records in its minutes the remote location from which the member participated. *If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection B, such disapproval shall be recorded in the minutes with specificity.*

B. Participation by a member of a public body as authorized under subsection A shall be only under the following conditions:

1. *The public body has adopted a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation, subject to the express limitations imposed by this section. Once adopted, the policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting;*

2. A quorum of the public body is physically assembled at the primary or central meeting location; and

~~2.~~ 3. The public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

CHAPTER 525

An Act to amend and reenact § 67-701 of the Code of Virginia, relating to community association restrictions on solar panels.

[S 222]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 67-701 of the Code of Virginia is amended and reenacted as follows:

§ 67-701. Covenants regarding solar power.

A. ~~Effective July 1, 2008, no~~ No community association shall prohibit an owner from installing ~~or using~~ a solar energy collection device on that owner's property *unless the recorded declaration for that community association establishes such a prohibition*. However a community association may establish reasonable restrictions concerning the size, place, and manner of placement of such solar energy collection devices on property designated and intended for individual ownership and use. Any resale certificate pursuant to § 55-79.97 and any disclosure packet pursuant to § 55-509.5, as applicable, given to a purchaser shall contain a statement setting forth any restriction, limitation, or prohibition on the right of an owner to install or use solar energy collection devices on his property.

B. The community association may prohibit or restrict the installation of solar energy collection devices on the common elements or common area within the real estate development served by the community association. A community association may establish reasonable restrictions as to the size, place, and manner of placement or installation of any solar energy collection device installed on the common elements or common area.

~~C. This section shall not apply with respect to any provision of a restrictive covenant that restricts the installation or use of any solar collection device if such provision became effective prior to July 1, 2008.~~

~~Nothing in this section shall be construed to (i) invalidate any provision of a restrictive covenant that prohibits or restricts the installation or use of any solar collection device if such provision was in effect before July 1, 2008; or (ii) prohibit the amendment of a restrictive covenant to prohibit or restrict the installation or use of any solar collection device; or to remove prohibitions or restrictions on the installation or use of any solar collection device if such amendment is adopted by the membership of the community association in accordance with such association's governing documents.~~

2. That the General Assembly finds that this act is an exercise of the police power of the Commonwealth that is necessary for the general good of the public and its enactment is a necessary and appropriate response to the valid public need to increase the use of solar power as a means of reducing reliance on energy sources that contribute to greenhouse gas emissions.

CHAPTER 526

An Act to amend and reenact § 8.01-626 of the Code of Virginia, relating to injunctions; opposition to petition for review.

[S 229]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-626 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-626. When court grants or refuses injunction, justice of Supreme Court or judge of Court of Appeals may review it.

Wherein a circuit court (i) grants an injunction or (ii) refuses an injunction or (iii) having granted an injunction, dissolves or refuses to enlarge it, an aggrieved party may, within ~~fifteen~~ 15 days of the court's order, present a petition for review to a justice of the Supreme Court; however, if the issue concerning the injunction arose in a case over which the Court of Appeals would have appellate jurisdiction under § 17.1-405 or § 17.1-406, the petition for review shall be initially presented to a judge of the Court of Appeals within ~~fifteen~~ 15 days of the court's order. *The aggrieved party shall serve a copy of the petition for review on the counsel for the opposing party, which may file a response within seven days from the date of service unless the court determines a shorter time frame.* The petition for review shall be accompanied by a copy of the proceedings, including the original papers and the court's order respecting the injunction. The justice or judge may take such action thereon as he considers appropriate under the circumstances of the case.

When a judge of the Court of Appeals has initially acted upon a petition for review of an order of a circuit court respecting an injunction, a party aggrieved by such action of the judge of the Court of Appeals may, within ~~fifteen~~ 15 days of the order of the judge of the Court of Appeals, present a petition for review of such order to a justice of the Supreme Court if the case would otherwise be appealable to the Supreme Court in accordance with § 17.1-410. *The aggrieved party shall serve a copy of the petition for review on the counsel for the opposing party, which may file a response within seven days from the date of service unless the court determines a shorter time frame.* The petition for review shall be accompanied

by a copy of the proceedings before the circuit court, including the original papers and the circuit court's order respecting the injunction, and a copy of the order of the judge of the Court of Appeals from which review is sought. The justice may take such action thereon as he considers appropriate under the circumstances of the case.

CHAPTER 527

An Act to amend and reenact § 15.2-2316.2 of the Code of Virginia, relating to transfer of development rights.

[S 241]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2316.2 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2316.2. Localities may provide for transfer of development rights.

A. Pursuant to the provisions of this article, the governing body of any locality by ordinance may, in order to conserve and promote the public health, safety, and general welfare, establish procedures, methods, and standards for the transfer of development rights within its jurisdiction. Any locality adopting or amending any such transfer of development rights ordinance shall give notice and hold a public hearing in accordance with § 15.2-2204 prior to approval by the governing body.

B. In order to implement the provisions of this act, a locality shall adopt an ordinance that shall provide for:

1. The issuance and recordation of the instruments necessary to sever development rights from the sending property, to convey development rights to one or more parties, or to affix development rights to one or more receiving properties. These instruments shall be executed by the property owners of the development rights being transferred, and any lien holders of such property owners. The instruments shall identify the development rights being severed, and the sending properties or the receiving properties, as applicable;

2. Assurance that the prohibitions against the use and development of the sending property shall bind the landowner and every successor in interest to the landowner;

3. The severance of transferable development rights from the sending property;

4. The purchase, sale, exchange, or other conveyance of transferable development rights, after severance, and prior to the rights being affixed to a receiving property;

5. A system for monitoring the severance, ownership, assignment, and transfer of transferable development rights;

6. A map or other description of areas designated as sending and receiving areas for the transfer of development rights between properties;

7. The identification of parcels, if any, within a receiving area that are inappropriate as receiving properties;

8. The permitted uses and the maximum increases in density in the receiving area;

9. The minimum acreage of a sending property and the minimum reduction in density of the sending property that may be conveyed in severance or transfer of development rights;

10. The development rights permitted to be attached in the receiving areas shall be equal to or greater than the development rights permitted to be severed from the sending areas;

11. An assessment of the infrastructure in the receiving area that identifies the ability of the area to accept increases in density and its plans to provide necessary utility services within any designated receiving area; and

12. The application to be deemed approved upon the determination of compliance with the ordinance by the agent of the planning commission, or other agent designated by the locality.

C. In order to implement the provisions of this act, a locality may provide in its ordinance for:

1. The purchase of all or part of such development rights, which shall retire the development rights so purchased;

2. The severance of development rights from existing zoned or subdivided properties as otherwise provided in subsection E;

3. The owner of such development rights to make application to the locality for a real estate tax abatement for a period up to 25 years, to compensate the owner of such development rights for the fair market value of all or part of the development rights, which shall retire the number of development rights equal to the amount of the tax abatement, and such abatement is transferable with the property;

4. The owner of a property to request designation by the locality of the owner's property as a "sending property" or a "receiving property";

5. The allowance for residential density to be converted to bonus density on the receiving property by (i) an increase in the residential density on the receiving property or (ii) an increase in the square feet of commercial, industrial, or other uses on the receiving property, which upon conversion shall retire the development rights so converted;

6. The receiving areas to include such urban development areas in the locality established pursuant to § 15.2-2223.1;

7. The sending properties, subsequent to severance of development rights, to generate one or more forms of renewable energy, as defined in § 56-576, subject to the provisions of the local zoning ordinance;

8. The sending properties, subsequent to severance of development rights, to produce agricultural products or forestal products, as defined in § 15.2-4302, and to include parks, campgrounds and related camping facilities; however, for

purposes of this subdivision, "campgrounds" does not include use by travel trailers, motor homes, and similar vehicular type structures;

9. The review of an application by the planning commission to determine whether the application complies with the provisions of the ordinance;

10. Such other provisions as the locality deems necessary to aid in the implementation of the provisions of this act; ~~and~~

11. Approval of an application upon the determination of compliance with the ordinance by the agent of the planning commission; *and*

12. A requirement that development comply with any locality-adopted neighborhood design standards identified in the comprehensive plan for the receiving area in which the development shall occur, provided such design standard was adopted in the comprehensive plan and applied to the receiving area prior to the transfer of the development right.

D. The locality may, by ordinance, designate receiving areas or receiving properties, or add to, supplement, or amend its designations of receiving areas or receiving properties, so long as the development rights permitted to be attached in the receiving areas are equal to or greater than the development rights permitted to be severed in the sending areas.

E. Any proposed severance or transfer of development rights shall only be initiated upon application by the property owners of the sending properties, development rights, or receiving properties as otherwise provided herein.

F. A locality may not require property owners to sever or transfer development rights as a condition of the development of any property.

G. The owner of a property may sever development rights from the sending property, pursuant to the provisions of this act. An application to transfer development rights to one or more receiving properties, for the purpose of affixing such rights thereto, shall only be initiated upon application by the owner of such development rights and the owners of the receiving properties.

H. Development rights severed pursuant to this article shall be interests in real property and shall be considered as such for purposes of conveyance and taxation. Once a deed for transferable development rights, created pursuant to this act, has been recorded in the land records of the office of the circuit court clerk for the locality to reflect the transferable development rights sold, conveyed, or otherwise transferred by the owner of the sending property, the development rights shall vest in the grantee and may be transferred by such grantee to a successor in interest. Nothing herein shall be construed to prevent the owner of the sending property from recording a deed covenant against the sending property severing the development rights on said property, with the owner of the sending property retaining ownership of the severed development rights. Any transfer of the development rights to a property in a receiving area shall be in accordance with the provisions of the ordinance adopted pursuant to this article.

I. For the purposes of ad valorem real property taxation, the value of a transferable development right shall be deemed appurtenant to the sending property until the transferable development right is severed from and recorded as a distinct interest in real property, or the transferable development right is used at a receiving property and becomes appurtenant thereto. Once a transferable development right is severed from the sending property, the assessment of the fee interest in the sending property shall reflect any change in the fair market value that results from the inability of the owner of the fee interest to use such property for such uses terminated by the severance of the transferable development right. Upon severance from the sending property and recordation as a distinct interest in real property, the transferable development right shall be assessed at its fair market value on a separate real estate tax bill sent to the owner of said development right as taxable real estate in accordance with Article 1 (§ 58.1-3200 et seq.) of Chapter 32 of Title 58.1. The development right shall be taxed as taxable real estate by the local jurisdiction where the sending property is located, until such time as the development right becomes attached to a receiving property, at which time it shall be taxed as taxable real estate by the local jurisdiction where the receiving property is located.

J. The owner of a sending property from which development rights are severed shall provide a copy of the instrument, showing the deed book and page number, or instrument or GPIN, to the real estate tax assessor for the locality.

K. Localities, from time to time as the locality designates sending and receiving areas, shall incorporate the map identified in subdivision B 6 into the comprehensive plan.

L. No amendment to the zoning map, nor any amendments to the text of the zoning ordinance with respect to the zoning district applicable thereto initiated by the governing body, which eliminate, or materially restrict, reduce, or downzone the uses, or the density of uses permitted in the zoning district applicable to any property to which development rights have been transferred, shall be effective with respect to such property unless there has been mistake, fraud, or a material change in circumstances substantially affecting the public health, safety, or welfare.

M. A county adopting an ordinance pursuant to this article may designate eligible receiving areas in any incorporated town within such county, if the governing body of the town has also amended its zoning ordinance to designate the same areas as eligible to receive density being transferred from sending areas in the county. The development right shall be taxed as taxable real estate by the local jurisdiction where the sending property is located, until such time as the development right becomes attached to a receiving property, at which time it shall be taxed as taxable real estate by the local jurisdiction where the receiving property is located.

N. Any county and an adjacent city may enter voluntarily into an agreement to permit the county to designate eligible receiving areas in the city if the governing body of the city has also amended its zoning ordinance to designate the same areas as eligible to receive density being transferred from sending areas in the county. The city council shall designate areas it deems suitable as receiving areas and shall designate the maximum increases in density in each such receiving area.

However, if any such agreement contains any provision addressing any issue provided for in Chapter 32 (§ 15.2-3200 et seq.), 33 (§ 15.2-3300 et seq.), 36 (§ 15.2-3600 et seq.), 38 (§ 15.2-3800 et seq.), 39 (§ 15.2-3900 et seq.), or 41 (§ 15.2-4100 et seq.), the agreement shall be subject to the review and implementation process established by Chapter 34 (§ 15.2-3400 et seq.). The development right shall be taxed as taxable real estate by the local jurisdiction where the sending property is located, until such time as the development right becomes attached to a receiving property, at which time it shall be taxed as taxable real estate by the local jurisdiction where the receiving property is located.

1. The terms and conditions of the density transfer agreement as provided in this subsection shall be determined by the affected localities and shall be approved by the governing body of each locality participating in the agreement, provided the governing body of each such locality first holds a public hearing, which shall be advertised once a week for two successive weeks in a newspaper of general circulation in the locality.

2. The governing bodies shall petition a circuit court having jurisdiction in one or more of the localities for an order affirming the proposed agreement. The circuit court shall be limited in its decision to either affirming or denying the agreement and shall have no authority, without the express approval of each local governing body, to amend or change the terms or conditions of the agreement, but shall have the authority to validate the agreement and give it full force and effect. The circuit court shall affirm the agreement unless the court finds either that the agreement is contrary to the best interests of the Commonwealth or that it is not in the best interests of each of the parties thereto.

3. The agreement shall not become binding on the localities until affirmed by the court under this subsection. Once approved by the circuit court, the agreement shall also bind future local governing bodies of the localities.

CHAPTER 528

An Act to amend and reenact § 64.2-454 of the Code of Virginia, relating to qualification of administrator in action for wrongful death or personal injury.

[S 245]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 64.2-454 of the Code of Virginia is amended and reenacted as follows:

§ 64.2-454. Appointment of administrator for prosecution of action for personal injury or wrongful death against or on behalf of estate of deceased resident or nonresident.

An administrator may be appointed in any case in which it is represented that a civil action for personal injury or death by wrongful act arising within the Commonwealth is contemplated against or on behalf of the estate or the beneficiaries of the estate of a resident or nonresident of the Commonwealth who has died within or outside the Commonwealth if an executor of the estate has not been appointed, solely for the purpose of prosecution of such action, by the clerk of the circuit court in the county or city in which jurisdiction and venue would have been properly laid for such action if the person for whom the appointment is sought had survived.

If a fiduciary has been appointed in a foreign jurisdiction, the fiduciary may qualify as administrator. The appointment of a fiduciary in a foreign jurisdiction shall not preclude a resident or nonresident from qualifying as an administrator for the purposes of maintaining a wrongful death action pursuant to § 8.01-50 or a personal injury action in the Commonwealth.

A resident and nonresident may be appointed as coadministrators.

CHAPTER 529

An Act to amend and reenact § 20-27 of the Code of Virginia, relating to charges for additional services provided by marriage celebrant.

[S 271]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 20-27 of the Code of Virginia is amended and reenacted as follows:

§ 20-27. Fee for celebrating marriage.

Any person authorized under § 20-25 to celebrate the rites of marriage shall be permitted to charge the parties a fee for the ceremony not to exceed \$50 for each ceremony. *Such person and parties may negotiate payment for any additional services agreed to by the celebrant and the parties.* Additionally, such person shall be permitted to charge the parties travel expenses to and from the marriage site. If conveyance is by public transportation, reimbursement shall be at the actual cost thereof. If conveyance is by private transportation, reimbursement shall be at the rate specified in the current general appropriations act of the Commonwealth. In either event, the actual cost of the ceremony together with travel expenses shall be given to the parties at least three days prior to the marriage ceremony.

CHAPTER 530

An Act to require the Department of Social Services to make recommendations for regulations governing kinship care placements.

[S 284]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department of Social Services shall review current policies governing facilitation of placement of children in kinship care to avoid foster care placements in the Commonwealth and shall develop recommendations for regulations governing kinship care placements, which shall include recommendations related to (i) a description of the rights and responsibilities of local boards, birth parents, and kinship caregivers; (ii) a process for the facilitation of placement or transfer of custody; (iii) a model disclosure letter to be provided to the parents and potential kinship caregivers, including information about the differences between kinship care and kinship foster care, the impact of transferring custody from the birth parent to the kinship caregiver, the birth parent's role following transfer, and the plan requirements for custody to be returned to the birth parent; (iv) a process for developing a safety or service plan for the family, which shall include gathering input from birth parents, potential kinship caregivers, and other community and family supports; (v) a description of funding sources available to support safety or service plans; (vi) a process for gathering and reporting data regarding the well-being and permanency of children in kinship care; and (vii) a description of the training plan for local department of social services workers. The Department shall also review the fiscal impact of proposed regulations. The Department shall report its recommendations and findings to the Governor, the General Assembly, and the Board of Social Services by January 1, 2016.*

CHAPTER 531

An Act to amend the Code of Virginia by adding sections numbered 54.1-2956.12 and 54.1-2956.13, relating to surgical technologists and surgical assistants.

[S 328]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. **That the Code of Virginia is amended by adding sections numbered 54.1-2956.12 and 54.1-2956.13 as follows:**

§ 54.1-2956.12. Registered surgical technologist; use of title; registration.

A. *No person shall use or assume the title "registered surgical technologist" unless such person is registered with the Board.*

B. *The Board shall register as a registered surgical technologist any applicant who presents satisfactory evidence that he (i) holds a current credential as a certified surgical technologist from the National Board of Surgical Technology and Surgical Assisting or its successor, (ii) has successfully completed a surgical technologist training program during the person's service as a member of any branch of the armed forces of the United States, or (iii) has practiced as a surgical technologist at any time in the six months prior to July 1, 2014, provided he registers with the Board by July 1, 2015.*

§ 54.1-2956.13. Registered surgical assistant; use of title; registration.

A. *No person shall use or assume the title "registered surgical assistant" unless such person is registered with the Board.*

B. *The Board shall register as a registered surgical assistant any applicant who presents satisfactory evidence that he (i) holds a current credential as a surgical assistant or surgical first assistant issued by the National Board of Surgical Technology and Surgical Assisting, the National Surgical Assistant Association, or the National Commission for Certification of Surgical Assistants or their successors, (ii) has successfully completed a surgical assistant training program during the person's service as a member of any branch of the armed forces of the United States, or (iii) has practiced as a surgical assistant at any time in the six months prior to July 1, 2014, provided he registers with the Board by July 1, 2015.*

CHAPTER 532

An Act to amend and reenact §§ 64.2-305, 64.2-309, 64.2-310, 64.2-311, 64.2-416, 64.2-424, 64.2-528, 64.2-537, 64.2-602, 64.2-609, 64.2-904, 64.2-1302, 64.2-1311, 64.2-1313, 64.2-1411, 64.2-1802, 64.2-1905, 64.2-1906, 64.2-2017, 64.2-2023, and 64.2-2026 of the Code of Virginia, relating to increasing various allowances and other amounts related to wills, trusts, and fiduciaries.

[S 346]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 64.2-305, 64.2-309, 64.2-310, 64.2-311, 64.2-416, 64.2-424, 64.2-528, 64.2-537, 64.2-602, 64.2-609, 64.2-904, 64.2-1302, 64.2-1311, 64.2-1313, 64.2-1411, 64.2-1802, 64.2-1905, 64.2-1906, 64.2-2017, 64.2-2023, and 64.2-2026 of the Code of Virginia are amended and reenacted as follows:

§ 64.2-305. Augmented estate; exclusions; valuation.

A. The augmented estate means the decedent's entire estate passing by will or intestate succession, real and personal, after payment of allowances and exemptions under Article 2 (§ 64.2-309 et seq.) of this chapter, funeral expenses, charges of administration that shall not include federal or state transfer taxes, and debts, and to which is added the following amounts:

1. The value of property, other than tangible personal property received by gift and the proceeds thereof, owned or acquired by the surviving spouse at the decedent's death, to the extent the property is derived from the decedent by any means other than by will or intestate succession without full consideration in money or money's worth;

2. The value of property, other than tangible personal property received by gift and the proceeds thereof, derived by the surviving spouse from the decedent without full consideration in money or money's worth by any means other than by will or intestate succession, and transferred by the surviving spouse at any time during the marriage to a person other than the decedent, which would have been includable in the surviving spouse's augmented estate if the surviving spouse had predeceased the decedent; and

3. The value of property transferred to anyone other than a bona fide purchaser by the decedent at any time during the marriage to the surviving spouse, to or for the benefit of any person other than the surviving spouse, to the extent that the decedent did not receive full consideration in money or money's worth for the transfer, if the transfer was any of the following types:

a. Any transfer under which the decedent retained for his life, for any period not ascertainable without reference to his death, or for any period which does not in fact end before his death, the possession or enjoyment of, or the right to income from, the property;

b. Any transfer to the extent that the decedent retained for his life, for any period not ascertainable without reference to his death, or for any period which does not in fact end before his death, the power, either alone or in conjunction with any other person, to revoke or to consume, invade, or dispose of the principal for his own benefit;

c. Any transfer whereby property is held at the time of the decedent's death by the decedent and another with right of survivorship; or

d. Any transfer made to or for the benefit of a donee within the calendar year of the decedent's death or any of the five preceding calendar years to the extent that the aggregate value of the transfers to the donee exceeds \$10,000 ~~in the amount~~ *specified in § 2503(b) of the Internal Revenue Code of 1986, as amended, for that calendar year, without regard to whether the federal gift tax exclusion applies to the transfer.*

B. Notwithstanding the provisions of this section, the augmented estate shall not include (i) the value of any property transferred by the decedent during marriage with the written consent or joinder of the surviving spouse; (ii) the value of any property, its income, or proceeds received by the decedent, before or during the marriage to the surviving spouse, by gift, will, intestate succession, or any other method or form of transfer to the extent it was (a) received without full consideration in money or money's worth from a person other than the surviving spouse, and (b) maintained by the decedent as separate property; (iii) any transfer made to anyone other than the surviving spouse prior to January 1, 1991, to the extent that such transfer was irrevocable on that date; or (iv) the value of any property excluded from the augmented estate pursuant to § 64.2-317.

C. Property is valued as of the decedent's death, except that property irrevocably transferred during the lifetime of the decedent is valued as of the date the transferee came into possession or enjoyment of the property if such date precedes the date of the decedent's death.

1. Life estates and remainder interests are valued in the manner prescribed in Article 2 (§ 55-269.1 et seq.) of Chapter 15 of Title 55, and deferred payments and estates for years are discounted to present value using the interest rate specified in § 55-269.1.

2. The value of an insurance policy that is irrevocably transferred during the lifetime of a decedent is the cost of a comparable policy on the date of the transfer or, if such a policy is not readily available, the policy's interpolated terminal reserve. The value of any premiums paid on an insurance policy owned by another person is only the amount of the premiums paid and not the insurance purchased or maintained with such premiums.

3. An initial interest in property owned as a joint tenant with survivorship is valued at the time the interest is acquired, and a further interest received upon the death of a cotenant is valued at the time of the cotenant's death. Property owned jointly by persons married to each other is rebuttably presumed to have been acquired with contributions of equal value by each tenant. The mere creation of an indebtedness secured by jointly owned property is not a contribution to its acquisition, but any satisfaction of such an indebtedness is a contribution. An interest in a tenancy by the entireties is valued as if it were an interest in a joint tenancy with survivorship. Joint accounts in financial institutions are valued in accordance with the provisions of Article 2 (§ 6.2-604 et seq.) of Chapter 6 of Title 6.2.

§ 64.2-309. Family allowance.

A. In addition to any other right or allowance under this article, upon the death of a decedent who was domiciled in the Commonwealth, the surviving spouse and minor children whom the decedent was obligated to support are entitled to a

reasonable allowance in money out of the estate for their maintenance during the period of administration, which allowance shall not continue for longer than one year if the estate is inadequate to discharge all allowed claims. The family allowance may be paid as a lump sum not to exceed ~~\$18,000~~ \$24,000, or in periodic installments not to exceed ~~\$1,500~~ \$2,000 per month for one year. It is payable to the surviving spouse for the use of the surviving spouse and minor children or, if there is no surviving spouse, to the person having the care and custody of the minor children. If any minor child is not living with the surviving spouse, the family allowance may be made partially to the spouse and partially to the person having the care and custody of the child, as their needs may appear. If there are no minor children, the allowance is payable to the surviving spouse.

B. The family allowance has priority over all claims against the estate.

C. The family allowance is in addition to any benefit or share passing to the surviving spouse or minor children by the will of the decedent, by intestate succession, or by way of elective share.

D. The death of any person entitled to a family allowance terminates the person's right to any allowance not yet paid.

§ 64.2-310. Exempt property.

A. In addition to any other right or allowance under this article, the surviving spouse of a decedent who was domiciled in the Commonwealth is entitled from the estate to value not exceeding ~~\$15,000~~ \$20,000 in excess of any security interests therein in household furniture, automobiles, furnishings, appliances, and personal effects. If there is no surviving spouse, the minor children of the decedent are entitled in equal shares to such property of the same value. If the value of the exempt property selected in excess of any security interests therein is less than ~~\$15,000~~ \$20,000, or if there is not ~~\$15,000~~ \$20,000 worth of exempt property in the estate, the spouse or minor children are entitled to other assets of the estate, if any, to the extent necessary to make up the ~~\$15,000~~ \$20,000 value.

B. The right to exempt property and other assets of the estate needed to make up a deficiency of exempt property has priority over all claims against the estate, except the family allowance.

C. The right to exempt property is in addition to any benefit or share passing to the surviving spouse or minor children by the will of the decedent, by intestate succession, or by way of elective share.

§ 64.2-311. Homestead allowance.

A. In addition to any other right or allowance under this article, a surviving spouse of a decedent who was domiciled in the Commonwealth is entitled to a homestead allowance of ~~\$15,000~~ \$20,000. If there is no surviving spouse, each minor child of the decedent is entitled to a homestead allowance amounting to ~~\$15,000~~ \$20,000, divided by the number of minor children.

B. The homestead allowance has priority over all claims against the estate, except the family allowance and the right to exempt property.

C. The homestead allowance is in lieu of any share passing to the surviving spouse or minor children by the decedent's will or by intestate succession; provided, however, if the amount passing to the surviving spouse and minor children by the decedent's will or by intestate succession is less than ~~\$15,000~~ \$20,000, then the surviving spouse or minor children are entitled to a homestead allowance in an amount that when added to the property passing to the surviving spouse and minor children by the decedent's will or by intestate succession, equals the sum of ~~\$15,000~~ \$20,000.

D. If the surviving spouse claims and receives an elective share of the decedent's estate under §§ 64.2-302 through 64.2-307, the surviving spouse shall not have the benefit of any homestead allowance.

§ 64.2-416. Devises and bequests that fail; how to pass.

A. Unless a contrary intention appears in the will, and except as provided in § 64.2-418:

1. If a devise or bequest other than a residuary devise or bequest fails for any reason, it shall become a part of the residue; and

2. If the residue is devised or bequeathed to two or more persons and the share of one fails for any reason, such share shall pass to the other residuary devisees or legatees in proportion to their interests in the residue.

B. Notwithstanding the provisions of §§ 64.2-2604 and 64.2-2605 and unless a contrary intention appears in the will, if a testator makes a bequest, not exceeding the value of ~~\$25~~ \$100, to a legatee and such legatee refuses to take possession of such bequest, then the bequest shall fail and becomes a part of the residue of the testator's estate.

§ 64.2-424. When direction to purchase annuity binding on legatee.

If a testator directs in his will that an annuity sufficient to provide income of at least ~~\$10~~ \$100 per month be purchased for a legatee, the legatee who is to receive the income from the annuity shall not have the right to instead take the sum directed to be used to purchase such annuity, except to the extent that the will expressly provides for such right or that an assignable annuity be purchased.

§ 64.2-528. Order in which debts and demands of decedents to be paid.

When the assets of the decedent in his personal representative's possession are not sufficient to satisfy all debts and demands against him, they shall be applied to the payment of such debts and demands in the following order:

1. Costs and expenses of administration;
2. The allowances provided in Article 2 (§ 64.2-309 et seq.) of Chapter 3;
3. Funeral expenses not to exceed ~~\$3,500~~ \$4,000;
4. Debts and taxes with preference under federal law;
5. Medical and hospital expenses of the last illness of the decedent, including compensation of persons attending him not to exceed ~~\$400~~ \$2,150 for each hospital and nursing home and ~~\$150~~ \$425 for each person furnishing services or goods;

6. Debts and taxes due the Commonwealth;

7. Debts due as trustee for persons under disabilities; as receiver or commissioner under decree of court of the Commonwealth; as personal representative, guardian, conservator, or committee when the qualification was in the Commonwealth; and for moneys collected by anyone to the credit of another and not paid over, regardless of whether or not a bond has been executed for the faithful performance of the duties of the party so collecting such funds;

8. Debts and taxes due localities and municipal corporations of the Commonwealth; and

9. All other claims.

No preference shall be given in the payment of any claim over any other claim of the same class, and a claim due and payable shall not be entitled to a preference over a claim not due.

§ 64.2-537. Action to enforce claim of less than \$100; notice.

No action may be brought pursuant to this article where the amount of the claim does not exceed ~~\$20~~ \$100, unless, at least 30 days before the action was filed, the person or estate that is liable has been given notice that such action would be brought if the amount of the claim was not paid within such time.

§ 64.2-602. Payment or delivery of small asset valued at \$25,000 or less without affidavit.

A. Notwithstanding the provisions of § 64.2-601, any person having possession of a small asset valued at ~~\$15,000~~ \$25,000 or less may pay or deliver the small asset to any successor provided that:

1. At least 60 days have elapsed since the decedent's death; and

2. No application for the appointment of a personal representative is pending or has been granted in any jurisdiction.

B. The designated successor shall have a fiduciary duty to safeguard and promptly pay or deliver the small asset as required by the laws of the Commonwealth to the other successors, if any.

§ 64.2-609. Money and personal property belonging to nonresident decedents.

A. When any person, at the time of his death domiciled outside of the Commonwealth, owned stocks, bonds, securities, money, or tangible personal property located in the Commonwealth or was entitled to any debts, choses in action, or tangible personal property in the Commonwealth, the person, firm, or corporation holding such stocks, bonds, securities, money, debts, tangible personal property, and choses in action shall retain such assets for 90 days from the death of such decedent. After the 90-day period, the person, firm, or corporation shall pay over or deliver on demand such portion of the assets for which the person, firm, or corporation has received no legal notice of any lien or encumbrance to an executor, administrator, or other personal representative, qualified according to the laws of the decedent's domicile if the value of such assets in the Commonwealth is, to the knowledge of the person holding or owing such assets, less than ~~\$15,000~~ \$25,000. When the value of such stocks, bonds, securities, money, debts, tangible personal property, and choses in action is ~~\$15,000~~ \$25,000 or more, the holder may pay or deliver such assets to an executor, administrator, or other personal representative, qualified in accordance with the law of the decedent's domicile, 30 days after the holder gives public notice of his intention to make such a transfer by publication thereof once a week for four successive weeks in a newspaper of general circulation in the city, town, or county wherein the holder resides or has his principal place of business, provided that at the time of such payment or delivery, the holder has no actual notice of the appointment of a personal representative for such decedent in the Commonwealth and has received no legal notice of any lien or encumbrance upon such assets.

B. This section shall be construed as providing, as to the payment of money and the delivery of personal property belonging to nonresident decedents or their estates, optional methods of procedure in addition to those otherwise permitted or provided by law, including a comparable law of the state in which the nonresident decedents were domiciled, and shall not as to such matters add any limitations or restrictions to existing law.

§ 64.2-904. Transfer to custodial trustee by fiduciary or obligor; facility of payment.

A. Unless otherwise directed by an instrument designating a custodial trustee pursuant to § 64.2-902, a person, including a fiduciary other than a custodial trustee, who holds property of or owes a debt to an incapacitated individual not having a conservator may make a transfer to an adult member of the beneficiary's family or to a trust company as custodial trustee for the use and benefit of the incapacitated individual. If the value of the property or the debt exceeds ~~\$10,000~~ \$25,000, the transfer is not effective unless authorized by the court.

B. With court approval, any person, including a conservator, guardian, or other fiduciary who holds property of or owes a debt to an incapacitated individual, may make a transfer to any person as a custodial trustee for the use and benefit of the incapacitated individual. The court, in the exercise of its discretion, may require the custodial trustee to furnish a bond with surety for the faithful performance of his fiduciary duties.

C. A written acknowledgment of delivery, signed by a custodial trustee, is a sufficient receipt and discharge for property transferred to the custodial trustee pursuant to this section.

§ 64.2-1302. Waiver of inventory and settlement for certain estates.

When a decedent's personal estate passing by testate or intestate succession does not exceed ~~\$15,000~~ \$25,000 in value and an heir, beneficiary, or creditor whose claim exceeds the value of the estate seeks qualification, the clerk of the circuit court shall waive the inventory under § 64.2-1300 and the settlement under § 64.2-1206. This section shall not apply if the decedent died owning any real estate over which the person seeking qualification would have the power of sale.

§ 64.2-1311. Vouchers and statement of assets on hand; direct payments to account; vouchers for IRS payments.

A. Vouchers for disbursements and a statement of cash on hand or in a bank and all investments held at the terminal date of the account shall also be exhibited with each account. A voucher shall not be required when a disbursement, not exceeding the value of ~~\$25~~ \$50, is made to a legatee under the authority of a will and such legatee refuses to take the

possession or fails to present the disbursement check to a bank for payment. In such case the fiduciary shall file an affidavit stating that he has made a good faith effort to comply with the terms of the will and the provisions of this section.

B. A fiduciary may make payment to a beneficiary by transfer to the beneficiary's bank account with the fiduciary or by payment to an account with another bank through an automated clearinghouse, wire transfer, or similar mechanism, if the beneficiary has consented in writing to such method of payment. In either case, a record or statement of the bank making such payment shall be a sufficient voucher for the purpose of subsection A.

C. In the case of payments to the Internal Revenue Service for income tax estimates or any other payments required or permitted to be made by wire transfer or similar mechanism, a record or statement of the bank making such payment shall be a sufficient voucher for the purpose of subsection A.

D. In the case of payments of debts, taxes, and expenses, a corporate fiduciary's affidavit signed by an officer familiar with the facts that describes each payment by date, payee, purpose, and amount shall be a sufficient voucher for the purpose of subsection A. However, the commissioner of accounts may require that the corporate fiduciary exhibit a voucher for a specific payment.

E. In the event a fiduciary seeks to use a check as a voucher or receipt under this section, (i) a copy of both sides of the check shall be sufficient or (ii) a copy of the front side of the check and the periodic statement from the financial institution showing the check number and amount that coincides with the copy shall be sufficient, provided that (a) the copy was made in the regular course of business in accordance with the admissibility requirements of § 8.01-391 and (b) the commissioner of accounts may require a fiduciary to exhibit a proper voucher for a specific payment or for distributions to beneficiaries or distributees. However, the commissioner of accounts shall not require a fiduciary to exhibit an original check as a voucher under this subsection.

§ 64.2-1313. Exhibition of accounts when sum does not exceed certain amount.

If the principal sum held by any fiduciary mentioned in § 64.2-1206 does not exceed ~~\$15,000~~ \$25,000, the fiduciary shall exhibit his accounts before the commissioner of accounts within the appropriate time period provided in §§ 64.2-1305, 64.2-1306, and 64.2-1307. Thereafter, the commissioner of accounts may permit the fiduciary to exhibit his accounts every three years, which permission may be revoked by the commissioner of accounts on his own motion or upon request of any interested person. The provisions of this section shall apply to any case in which the corpus of the estate in the hands of the fiduciary has been reduced to ~~\$15,000~~ \$25,000 or less although it formerly exceeded that amount. Any fiduciary exhibiting his accounts in accordance with the provisions of this section shall be entitled to compensation for his services.

§ 64.2-1411. When fiduciary may qualify without security.

Any circuit court or circuit court clerk, having jurisdiction to appoint personal representatives, guardians, conservators, and committees, may, in his discretion, when the amount coming into the possession of the personal representative, guardian of a minor, conservator, or committee does not exceed ~~\$15,000~~ \$25,000, allow the personal representative, guardian, conservator, or committee to qualify by giving bond without surety. Any personal representative or trustee serving jointly with a bank or trust company that is exempted from giving surety on its bond under § 6.2-1003 shall, unless the court directs otherwise, also be exempt from giving surety.

§ 64.2-1802. Parental duty of support; limited authority of commissioner of accounts.

A commissioner of accounts for the jurisdiction where a guardian qualifies may authorize the same distributions under the same circumstances as the circuit court may authorize under subsection A of § 64.2-1801, except that (i) the total distributions authorized in any one year shall not exceed ~~\$3,000~~ \$5,000 and (ii) the commissioner of accounts shall, in his report to the court on the guardian's next accounting, explain the necessity for the distributions so authorized. The provisions of subsection B of § 64.2-1801 shall not apply to proceedings under this section, but the commissioner shall give five days' written notice of the scheduled hearing date to any minor who is 14 years of age or older. The commissioner of accounts shall not charge a fee in excess of \$100 for such hearing.

§ 64.2-1905. Other transfer by fiduciary.

A. Subject to subsection C, a personal representative or trustee may make an irrevocable transfer to an adult or trust company as custodian for the benefit of a minor pursuant to § 64.2-1908 in the absence of a will or under a will or trust that does not contain an authorization to do so.

B. Subject to subsection C, a conservator may make an irrevocable transfer to an adult or trust company as custodian for the benefit of the minor pursuant to § 64.2-1908.

C. A transfer under either subsection A or B may be made only if (i) the personal representative, trustee, or conservator considers the transfer to be in the best interest of the minor, (ii) the transfer is not prohibited by or inconsistent with provisions of the applicable will, trust agreement, or other governing instrument, and (iii) the transfer is authorized by the court if it exceeds ~~\$10,000~~ \$25,000 in value or is made by a conservator.

§ 64.2-1906. Transfer by obligor.

A. Subject to subsections B and C, a person not subject to § 64.2-1904 or who holds property of or owes a liquidated debt to a minor not having a conservator may make an irrevocable transfer to a custodian for the benefit of the minor pursuant to § 64.2-1908.

B. If a person having the right to do so under § 64.2-1902 has nominated a custodian under that section to receive the custodial property, the transfer shall be made to that person.

C. If no custodian has been nominated under § 64.2-1902, or all persons so nominated as custodian die before the transfer or are unable, decline, or are ineligible to serve, a transfer under this section may be made to an adult member of the

minor's family or to a trust company unless the property exceeds ~~\$10,000~~ \$25,000 in value, in which event the transfer may be made if authorized by the court.

§ 64.2-2017. Payments from U.S. Department of Veterans Affairs.

Monthly payments of pension, compensation, insurance, or other benefits from the U.S. Department of Veterans Affairs made to a trustee or other fiduciary shall be considered as income and not principal, but the accumulation of such monthly payments received by a trustee or other fiduciary and in his possession at the end of the accounting year may be carried over as principal and converted into the corpus of the estate when the accumulation amounts to ~~\$200~~ \$2,000 or more.

§ 64.2-2023. Estate planning.

A. In the order appointing a conservator entered pursuant to § 64.2-2009 or in a separate proceeding brought on petition, the court may for good cause shown authorize a conservator to (i) make gifts from income and principal of the incapacitated person's estate not necessary for the incapacitated person's maintenance to those persons to whom the incapacitated person would, in the judgment of the court, have made gifts if he had been of sound mind, (ii) disclaim property as provided in Chapter 26 (§ 64.2-2600 et seq.), or (iii) create a revocable or irrevocable trust on behalf of an incapacitated person with terms approved by the court or transfer assets of an incapacitated person or an incapacitated person's estate to a trust.

B. In a proceeding under this section, a guardian ad litem shall be appointed to represent the interest of the incapacitated person. Notice of a proceeding under this section shall be given pursuant to Chapter 8 (§ 8.01-285 et seq.) of Title 8.01 and the Rules of Supreme Court of Virginia to: (i) the incapacitated person and the incapacitated person's spouse and children, (ii) all beneficiaries named in any known will of the incapacitated person, (iii) the incapacitated person's intestate heirs determined as if the incapacitated person had died intestate on the date of the filing of the petition, and (iv) all other interested persons. The court may authorize the hearing to proceed without notice to any person who would not be substantially affected by the proceedings. For the purposes of this section, the beneficiaries and intestate heirs shall be deemed possessed of inchoate property rights. Unless otherwise represented, a minor, incapacitated, or unborn individual, or a person whose identity or location is unknown and not reasonably ascertainable, may with the approval of the court be represented and bound by another having a substantially identical interest with respect to the will proceeding under this section, but only to the extent that there is no conflict of interest between the representative and the person represented.

C. The court shall determine the amounts, recipients, and proportions of any gifts of the estate, the advisability of any disclaimer, whether good cause exists to create a trust or transfer assets, and whether to approve the trust terms after considering (i) the size and composition of the estate; (ii) the nature and probable duration of the incapacity; (iii) the effect of the gifts, disclaimers, trusts, or transfers on the estate's financial ability to meet the incapacitated person's foreseeable health, medical care, and maintenance needs; (iv) the incapacitated person's estate plan and the effect of the gifts, disclaimers, trusts, or transfers on the estate plan; (v) prior patterns of assistance or gifts to the proposed donees; (vi) the tax effect of the proposed gifts, disclaimers, trusts, or transfers; (vii) the effect of any transfer of assets or disclaimer on the establishment or retention of eligibility for medical assistance services; (viii) whether to require, during the lifetime of the incapacitated person, that the trustee of any trust created or funded pursuant to this section post bond, with or without surety, or provide an accounting as set forth in § 64.2-1305; and (ix) other factors that the court may deem relevant.

D. *A commissioner of accounts for the jurisdiction where a conservator qualifies may authorize the same gifts under the same circumstances as the circuit court may authorize under subsection C, except that (i) the total gifts authorized in a calendar year shall not exceed \$25,000 and (ii) the commissioner shall report to the court his determination based upon consideration of clauses (i) through (ix) set forth in subsection C. The provisions of subsection B shall not apply to proceedings before the commissioner, but the commissioner shall give reasonable written notice of the scheduled hearing date to any person who would be substantially affected by the proceedings. The commissioner may provide notice to a minor by mail to the duly qualified guardian of the minor or, if none exists, a custodial parent of the minor who is also not the conservator.*

E. If the gifts by the conservator under clause (i) of subsection A do not exceed ~~\$100~~ \$150 to each donee in a calendar year and do not exceed a total of ~~\$500~~ \$750 in a calendar year, the conservator may make such gifts without a hearing under this section, the appointment of a guardian ad litem, or giving notice to any person. Prior to the making of such a gift, the conservator shall consider clauses (i) through (ix) set forth in subsection C and shall also find that the incapacitated person has shown a history of giving the same or a similar gift to a specific donee for the previous three years prior to the appointment of the conservator.

~~E. F.~~ F. The conservator may transfer assets of an incapacitated person or an incapacitated person's estate into an irrevocable trust where the transfer has been designated solely for burial of the incapacitated person or spouse of the incapacitated person in accordance with conditions set forth in subdivision A 2 of § 32.1-325. The conservator also may contractually bind an incapacitated person or an incapacitated person's estate by executing a preneed funeral contract, described in Chapter 28 (§ 54.1-2800 et seq.) of Title 54.1, for the benefit of the incapacitated person.

~~E. G.~~ G. A conservator may exercise the incapacitated person's power to revoke or amend a trust or to withdraw or demand distribution of trust assets only with the approval of the court for good cause shown, unless the trust instrument expressly provides otherwise.

§ 64.2-2026. Surrender of incapacitated person's estate.

A. If the incapacitated person is restored to capacity, the fiduciary shall surrender the incapacitated person's estate or that portion for which he is accountable to the incapacitated person.

B. If the incapacitated person dies prior to being restored to capacity, the fiduciary shall surrender the real estate to the incapacitated person's heirs or devisees and the personal estate to his executors or administrators. If, at the time of the death of the incapacitated person, (i) the value of the personal estate in the custody of the fiduciary is ~~\$15,000~~ \$25,000 or less, (ii) a personal representative has not qualified within 60 days of the incapacitated person's death, and (iii) the fiduciary does not anticipate that anyone will qualify, the fiduciary may pay the balance of the incapacitated person's estate to the incapacitated person's surviving spouse or, if there is no surviving spouse, to the distributees of the incapacitated person or other persons entitled thereto, including any person or entity entitled to payment for funeral or burial services provided. The distribution shall be noted in the fiduciary's final accounting submitted to the commissioner of accounts.

CHAPTER 533

An Act to amend and reenact § 55-370.1 of the Code of Virginia, relating to the Virginia Real Estate Time-Share Act; contents of time-share owners' association annual report; cost.

[S 347]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 55-370.1 of the Code of Virginia is amended and reenacted as follows:

§ 55-370.1. Time-share estate owners' association annual report.

A. Commencing with the time-share estate program and within ~~120~~ 180 days after the close of each fiscal year thereafter, an annual report shall be prepared and distributed to all time-share estate owners. The annual report required hereby shall be prepared and distributed for each time-share estate project registered with the Board. During the developer control period, the annual report shall be prepared and distributed to all time-share purchasers by the developer or its designated managing entity and thereafter by the association.

B. The annual report shall contain the following:

1. *The full legal name of the time-share project and its address;*
2. *The full legal name of the association;*
3. *A list of the names and mailing addresses of the members of the association's board of directors and the name of the person who prepared the report;*
- ~~2-~~ 4. *The managing entity's name, address, and contact person, if any, for the project;*
5. *A statement of whether or not the developer control period has terminated for the time-share estate project;*
6. *Financial statements of the association audited by an independent certified public accounting firm of the association that contain at least the following:*
 - a. *A balance sheet as of the end of the fiscal year;*
 - ~~3-~~ b. *An income statement as of the end of the fiscal year; and*
 - ~~4-~~ c. *A statement of the net changes in the financial position of the association for the fiscal year just ended;*
 - ~~5-~~ 7. *A statement of the time-share estates occupancy expenses, the regular assessment, and any special assessments or other charges due for the current year from each time-share estate owner; and*
 - ~~6-~~ 8. *A copy of the current budget reflecting the anticipated time-share estate occupancy expenses along with:*
 - a. *A statement as to who prepared the budget;*
 - b. *A statement of the budgetary assumptions concerning occupancy factors;*
 - c. *A description of any provision made in the budget for reserves for repairs and replacement;*
 - d. *A statement of any other reserves;*
 - e. *The projected financial liability for each time-share estate owner, including a statement of (i) the nature of all charges, assessments, maintenance fees, and other expenses which that may be assessed, (ii) the current amounts assessed, and (iii) the method and formula for changing any such assessments; and*
 - f. *A statement of any services not reflected in the budget that the developer provides, or expenses that it pays, what it that the association expects may become a time-share expense at any subsequent time, and the projected time-share expense assessment attributable to each of those services or expenses for the association and for each time-share; and*
9. *A statement of the location of the books and records of the association along with the name and contact address of the custodian of such books and records.*

C. In lieu of the annual report required by subsection A, during the first ~~twelve~~ 12 months of the time-share program, the developer or the association shall prepare a budget ~~which that~~ shall contain the information contained in subdivision ~~6 of subsection B~~ 8.

CHAPTER 534

An Act to amend and reenact § 19.2-215.1 of the Code of Virginia, relating to functions of multijurisdiction grand juries.

[S 366]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 19.2-215.1 of the Code of Virginia is amended and reenacted as follows:****§ 19.2-215.1. Functions of a multijurisdiction grand jury.**

The functions of a multijurisdiction grand jury are:

1. To investigate any condition that involves or tends to promote criminal violations of:
 - a. Title 10.1 for which punishment as a felony is authorized;
 - b. § 13.1-520;
 - c. §§ 18.2-47 and 18.2-48;
 - d. §§ 18.2-111 and 18.2-112;
 - e. Article 6 (§ 18.2-59 et seq.) of Chapter 4 of Title 18.2;
 - f. Article 7.1 (§ 18.2-152.1 et seq.) of Chapter 5 of Title 18.2;
 - g. Article 1 (§ 18.2-247 et seq.) and Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2;
 - h. Article 1 (§ 18.2-325 et seq.) and Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, Chapter 29 (§ 59.1-364 et seq.) of Title 59.1 or any other provision prohibiting, limiting, regulating, or otherwise affecting gaming or gambling activity;
 - i. § 18.2-434, when violations occur before a multijurisdiction grand jury;
 - j. Article 2 (§ 18.2-438 et seq.) and Article 3 (§ 18.2-446 et seq.) of Chapter 10 of Title 18.2;
 - k. § 18.2-460 for which punishment as a felony is authorized;
 - l. Article 1.1 (§ 18.2-498.1 et seq.) of Chapter 12 of Title 18.2;
 - m. Article 1 (§ 32.1-310 et seq.) of Chapter 9 of Title 32.1;
 - n. Chapter 4.2 (§ 59.1-68.6 et seq.) of Title 59.1;
 - o. Article 9 (§ 3.2-6570 et seq.) of Chapter 65 of Title 3.2;
 - p. Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
 - q. Article 2.1 (§ 18.2-46.1 et seq.) and Article 2.2 (§ 18.2-46.4 et seq.) of Chapter 4 of Title 18.2;
 - r. Article 5 (§ 18.2-186 et seq.) and Article 6 (§ 18.2-191 et seq.) of Chapter 6 of Title 18.2;
 - s. Chapter 6.1 (§ 59.1-92.1 et seq.) of Title 59.1;
 - t. § 18.2-178 where the violation involves insurance fraud;
 - u. § 18.2-356;
 - v. Article 9 (§ 18.2-246.1 et seq.) of Chapter 6 of Title 18.2;
 - w. Article 2 (§ 18.2-38 et seq.) of Chapter 4 of Title 18.2;
 - x. Malicious felonious assault and malicious bodily wounding under Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;
 - y. Article 5 (§ 18.2-58 et seq.) of Chapter 4 of Title 18.2;
 - z. Felonious sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
 - aa. Arson in violation of § 18.2-77 when the structure burned was occupied or a Class 3 felony violation of § 18.2-79;
 - bb. Chapter 13 (§ 18.2-512 et seq.) of Title 18.2; ~~and~~
 - cc. § 18.2-246.14 and Chapter 10 (§ 58.1-1000 et seq.) of Title 58.1; and
 - dd. Any other provision of law when such condition is discovered in the course of an investigation that a multijurisdiction grand jury is otherwise authorized to undertake and to investigate any condition that involves or tends to promote any attempt, solicitation or conspiracy to violate the laws enumerated in this section.
 2. To report evidence of any criminal offense enumerated in subdivision 1 and for which a court reporter has recorded all oral testimony as provided by § 19.2-215.9 to the attorney for the Commonwealth or United States attorney of any jurisdiction where such offense could be prosecuted or investigated and, when appropriate, to the Attorney General.
 3. To consider bills of indictment prepared by a special counsel to determine whether there is sufficient probable cause to return each such indictment as a "true bill." Only bills of indictment which allege an offense enumerated in subdivision 1 may be submitted to a multijurisdiction grand jury.
 4. The provisions of this section shall not abrogate the authority of an attorney for the Commonwealth in a particular jurisdiction to determine the course of a prosecution in that jurisdiction.

CHAPTER 535

An Act to amend and reenact § 9.1-112 of the Code of Virginia, relating to the Committee on Training within the Department of Criminal Justice Services; membership.

[S 391]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 9.1-112 of the Code of Virginia is amended and reenacted as follows:****§ 9.1-112. Committee on Training; membership.**

There is created a permanent Committee on Training under the Board that shall be the policy-making body responsible to the Board for effecting the provisions of subdivisions 2 through 17 of § 9.1-102. The Committee on Training shall be

composed of 44 15 members of the Board as follows: the Superintendent of the Department of State Police; the Director of the Department of Corrections; *the Director of the Department of Juvenile Justice*; a member of the Private Security Services Advisory Board; the Executive Secretary of the Supreme Court of Virginia; two sheriffs representing the Virginia State Sheriffs Association; two representatives of the Chiefs of Police Association; the active-duty law-enforcement officer representing police and fraternal associations; the attorney for the Commonwealth representing the Association of Commonwealth's Attorneys; a representative of the Virginia Municipal League; a representative of the Virginia Association of Counties; a regional jail superintendent representing the Virginia Association of Regional Jails; and one member designated by the chairman of the Board from among the other appointments made by the Governor.

The Committee on Training shall annually elect its chairman from among its members.

CHAPTER 536

An Act to amend and reenact § 63.2-317 of the Code of Virginia, relating to the authority of local boards of social services to employ in-house counsel.

[S 417]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-317 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-317. Employment of counsel for local boards and employees; payment of expenses.

Except in those cases in which the attorney for the Commonwealth or county or city attorney represents the local board, a local board may employ legal counsel in civil matters to give advice to or represent the local board or any of its members or the employees of the local department and may pay court costs and other expenses involved in the conduct of such civil matters from funds appropriated by the local governing body for the administration of the local department. Such counsel may be employed on a part-time basis for any particular action or actions. *A local board may employ in-house counsel to provide general legal advice and representation and advice related to specific actions.* However, prior approval of the Department shall be obtained by the local board before counsel is employed except in instances where legal counsel is necessary for the provision of services or assistance to eligible recipients under this title.

The Department may reimburse the local board for all or any part of such expenditures at the same rate in effect for all other administrative costs at the time of the expenditure. However, the Department shall not reimburse the local board for any expenses for which payment was available through an insurance policy currently in force.

Where such counsel is employed by the local board, the attorney for the Commonwealth or city attorney or county attorney may be relieved of his responsibility to represent the local board or local department in that matter.

CHAPTER 537

An Act to amend and reenact § 30-329 of the Code of Virginia, relating to the Autism Advisory Council; sunset extended.

[S 415]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 30-329 of the Code of Virginia is amended and reenacted as follows:

§ 30-329. (Expires July 1, 2014) Sunset.

This chapter shall expire on July 1, ~~2014~~ 2016.

CHAPTER 538

An Act to amend and reenact §§ 19.2-169.6, 19.2-182.9, 37.2-809, 37.2-814, and 37.2-817 of the Code of Virginia, relating to temporary detention; duration; mandatory outpatient treatment.

[S 439]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-169.6, 19.2-182.9, 37.2-809, 37.2-814, and 37.2-817 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-169.6. Inpatient psychiatric hospital admission from local correctional facility.

A. Any inmate of a local correctional facility who is not subject to the provisions of § 19.2-169.2 may be hospitalized for psychiatric treatment at a hospital designated by the Commissioner of Behavioral Health and Developmental Services as appropriate for treatment of persons under criminal charge if:

1. The court with jurisdiction over the inmate's case, if it is still pending, on the petition of the person having custody over an inmate or on its own motion, holds a hearing at which the inmate is represented by counsel and finds by clear and

convincing evidence that (i) the inmate has a mental illness; (ii) there exists a substantial likelihood that, as a result of a mental illness, the inmate will, in the near future, cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any; and (iii) the inmate requires treatment in a hospital rather than the local correctional facility. Prior to making this determination, the court shall consider the examination conducted in accordance with § 37.2-815 and the preadmission screening report prepared in accordance with § 37.2-816 and conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or designee of the local community services board or behavioral health authority who is skilled in the assessment and treatment of mental illness, who is not providing treatment to the inmate, and who has completed a certification program approved by the Department of Behavioral Health and Developmental Services as provided in § 37.2-809. The examiner appointed pursuant to § 37.2-815, if not physically present at the hearing, shall be available whenever possible for questioning during the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 37.2-804.1. Any employee or designee of the local community services board or behavioral health authority, as defined in § 37.2-809, representing the board or authority that prepared the preadmission screening report shall attend the hearing in person or, if physical attendance is not practicable, shall participate in the hearing through a two-way electronic video and audio communication system as authorized in § 37.2-804.1. When the hearing is held outside the service area of the community services board or behavioral health authority that prepared the preadmission screening report, and it is not practicable for a representative of the board or authority to attend or participate in the hearing, arrangements shall be made by the board or authority for an employee or designee of the board or authority serving the area in which the hearing is held to attend or participate on behalf of the board or authority that prepared the preadmission screening report; or

2. Upon petition by the person having custody over an inmate, a magistrate finds probable cause to believe that (i) the inmate has a mental illness; (ii) there exists a substantial likelihood that, as a result of a mental illness, the inmate will, in the near future, cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any; and (iii) the inmate requires treatment in a hospital rather than a local correctional facility, and the magistrate issues a temporary detention order for the inmate. Prior to the filing of the petition, the person having custody shall arrange for an evaluation of the inmate conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or designee of the local community services board or behavioral health authority who is skilled in the assessment and treatment of mental illness and who has completed a certification program approved by the Department as provided in § 37.2-809. After considering the evaluation of the employee or designee of the local community services board or behavioral health authority, and any other information presented, and finding that probable cause exists to meet the criteria, the magistrate may issue a temporary detention order in accordance with the applicable procedures specified in §§ 37.2-809 through 37.2-813. The person having custody over the inmate shall notify the court having jurisdiction over the inmate's case, if it is still pending, and the inmate's attorney prior to the detention pursuant to a temporary detention order or as soon thereafter as is reasonable.

Upon detention pursuant to this subdivision, a hearing shall be held either (a) before the court having jurisdiction over the inmate's case or (b) before a district court judge or a special justice, as defined in § 37.2-100, in accordance with the provisions of §§ 37.2-815 through 37.2-821, in which case the inmate shall be represented by counsel as specified in § 37.2-814. The hearing shall be held within ~~48~~ 72 hours of execution of the temporary detention order issued pursuant to this subdivision. If the ~~48-hour~~ 72-hour period terminates on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the inmate may be detained until the close of business on the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. Any employee or designee of the local community services board or behavioral health authority, as defined in § 37.2-809, representing the board or authority that prepared the preadmission screening report shall attend the hearing in person or, if physical attendance is not practicable, shall participate in the hearing through a two-way electronic video and audio communication system as authorized in § 37.2-804.1. When the hearing is held outside the service area of the community services board or behavioral health authority that prepared the preadmission screening report, and it is not practicable for a representative of the board or authority to attend or participate in the hearing, arrangements shall be made by the board or authority for an employee or designee of the board or authority serving the area in which the hearing is held to attend or participate on behalf of the board or authority that prepared the preadmission screening report. The judge or special justice conducting the hearing may order the inmate hospitalized if, after considering the examination conducted in accordance with § 37.2-815, the preadmission screening report prepared in accordance with § 37.2-816, and any other available information as specified in subsection C of § 37.2-817, he finds by clear and convincing evidence that (1) the inmate has a mental illness; (2) there exists a substantial likelihood that, as a result of a mental illness, the inmate will, in the near future, cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any; and (3) the inmate requires treatment in a hospital rather than a local correctional facility. The examiner appointed pursuant to § 37.2-815, if not physically present at the hearing, shall be available whenever possible for questioning during the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 37.2-804.1. The examination and the preadmission screening report shall be admitted into evidence at the hearing.

B. In no event shall an inmate have the right to make application for voluntary admission as may be otherwise provided in § 37.2-805 or 37.2-814 or be subject to an order for mandatory outpatient treatment as provided in § 37.2-817.

C. If an inmate is hospitalized pursuant to this section and his criminal case is still pending, the court having jurisdiction over the inmate's case may order that the admitting hospital evaluate the inmate's competency to stand trial and his mental state at the time of the offense pursuant to §§ 19.2-169.1 and 19.2-169.5.

D. An inmate may not be hospitalized longer than 30 days under subsection A unless the court which has criminal jurisdiction over him or a district court judge or a special justice, as defined in § 37.2-100, holds a hearing and orders the inmate's continued hospitalization in accordance with the provisions of subdivision A 2. If the inmate's hospitalization is continued under this subsection by a court other than the court which has jurisdiction over his criminal case, the facility at which the inmate is hospitalized shall notify the court with jurisdiction over his criminal case and the inmate's attorney in the criminal case, if the case is still pending.

E. Hospitalization may be extended in accordance with subsection D for periods of 60 days for inmates awaiting trial, but in no event may such hospitalization be continued beyond trial, nor shall such hospitalization act to delay trial, as long as the inmate remains competent to stand trial. Hospitalization may be extended in accordance with subsection D for periods of 180 days for an inmate who has been convicted and not yet sentenced, or for an inmate who has been convicted of a crime and is in the custody of a local correctional facility after sentencing, but in no event may such hospitalization be continued beyond the date upon which his sentence would have expired had he received the maximum sentence for the crime charged. Any inmate who has not completed service of his sentence upon discharge from the hospital shall serve the remainder of his sentence.

F. For any inmate who has been convicted and not yet sentenced, or who has been convicted of a crime and is in the custody of a local correctional facility after sentencing, the time the inmate is confined in a hospital for psychiatric treatment shall be deducted from any term for which he may be sentenced to any penal institution, reformatory or elsewhere.

G. Any health care provider, as defined in § 32.1-127.1:03, or other provider rendering services to an inmate who is the subject of a proceeding under this section, upon request, shall disclose to a magistrate, the court, the inmate's attorney, the inmate's guardian ad litem, the examiner appointed pursuant to § 37.2-815, the community service board or behavioral health authority preparing the preadmission screening pursuant to § 37.2-816, or the sheriff or administrator of the local correctional facility any and all information that is necessary and appropriate to enable each of them to perform his duties under this section. These health care providers and other service providers shall disclose to one another health records and information where necessary to provide care and treatment to the inmate and to monitor that care and treatment. Health records disclosed to a sheriff or administrator of the local correctional facility shall be limited to information necessary to protect the sheriff or administrator of the local correctional facility and his employees, the inmate, or the public from physical injury or to address the health care needs of the inmate. Information disclosed to a law-enforcement officer shall not be used for any other purpose, disclosed to others, or retained.

Any health care provider disclosing records pursuant to this section shall be immune from civil liability for any harm resulting from the disclosure, including any liability under the federal Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.), as amended, unless the person or provider disclosing such records intended the harm or acted in bad faith.

H. Any order entered where an inmate is the subject of proceedings under this section shall provide for the disclosure of medical records pursuant to subsection G. This subsection shall not preclude any other disclosures as required or permitted by law.

§ 19.2-182.9. Emergency custody of conditionally released acquittee.

When exigent circumstances do not permit compliance with revocation procedures set forth in § 19.2-182.8, any district court judge or a special justice, as defined in § 37.2-100, or a magistrate may issue an emergency custody order, upon the sworn petition of any responsible person or upon his own motion based upon probable cause to believe that an acquittee on conditional release (i) has violated the conditions of his release or is no longer a proper subject for conditional release and (ii) requires inpatient hospitalization. The emergency custody order shall require the acquittee within his judicial district to be taken into custody and transported to a convenient location where a person designated by the community services board or behavioral health authority who is skilled in the diagnosis and treatment of mental illness shall evaluate such acquittee and assess his need for inpatient hospitalization. A law-enforcement officer who, based on his observation or the reliable reports of others, has probable cause to believe that any acquittee on conditional release has violated the conditions of his release and is no longer a proper subject for conditional release and requires emergency evaluation to assess the need for inpatient hospitalization, may take the acquittee into custody and transport him to an appropriate location to assess the need for hospitalization without prior judicial authorization. The evaluation shall be conducted immediately. The acquittee shall remain in custody until a temporary detention order is issued or until he is released, but in no event shall the period of custody exceed four hours. However, upon a finding by a district court judge, special justice as defined in § 37.2-100, or magistrate that good cause exists to grant an extension, the district court judge, special justice, or magistrate shall extend the emergency custody order, or shall issue an order extending the period of emergency custody, one time for an additional period not to exceed two hours. Good cause for an extension includes the need for additional time to allow (a) the community services board to identify a suitable facility in which the person can be temporarily detained pursuant to this section or (b) a medical evaluation of the person to be completed if necessary. If it appears from all evidence readily available ~~(i)~~ (1) that the acquittee has violated the conditions of his release or is no longer a proper subject for conditional release and ~~(ii)~~ (2) that he requires emergency evaluation to assess the need for inpatient hospitalization, the district court

judge or a special justice, as defined in § 37.2-100, or magistrate, upon the advice of such person skilled in the diagnosis and treatment of mental illness, may issue a temporary detention order authorizing the executing officer to place the acquittee in an appropriate institution for a period not to exceed ~~48~~ 72 hours prior to a hearing. If the ~~48-hour~~ 72-hour period terminates on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the acquittee may be detained until the next day which is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed.

The committing court or any district court judge or a special justice, as defined in § 37.2-100, shall have jurisdiction to hear the matter. Prior to the hearing, the acquittee shall be examined by a psychiatrist or licensed clinical psychologist, provided the psychiatrist or clinical psychologist is skilled in the diagnosis of mental illness, who shall certify whether the person is in need of hospitalization. At the hearing the acquittee shall be provided with adequate notice of the hearing, of the right to be present at the hearing, the right to the assistance of counsel in preparation for and during the hearing, and the right to introduce evidence and cross-examine witnesses at the hearing. Following the hearing, if the court determines, based on a preponderance of the evidence presented at the hearing, that the acquittee ~~(i)~~ (A) has violated the conditions of his release or is no longer a proper subject for conditional release and ~~(ii)~~ (B) has mental illness or intellectual disability and is in need of inpatient hospitalization, the court shall revoke the acquittee's conditional release and place him in the custody of the Commissioner.

When an acquittee on conditional release pursuant to this chapter is taken into emergency custody, detained, or hospitalized, such action shall be considered to have been taken pursuant to this section, notwithstanding the fact that his status as an insanity acquittee was not known at the time of custody, detention, or hospitalization. Detention or hospitalization of an acquittee pursuant to provisions of law other than those applicable to insanity acquittees pursuant to this chapter shall not render the detention or hospitalization invalid. If a person's status as an insanity acquittee on conditional release is not recognized at the time of emergency custody or detention, at the time his status as such is verified, the provisions applicable to such persons shall be applied and the court hearing the matter shall notify the committing court of the proceedings.

§ 37.2-809. Involuntary temporary detention; issuance and execution of order.

A. For the purposes of this section:

"Designee of the local community services board" means an examiner designated by the local community services board who (i) is skilled in the assessment and treatment of mental illness, (ii) has completed a certification program approved by the Department, (iii) is able to provide an independent examination of the person, (iv) is not related by blood or marriage to the person being evaluated, (v) has no financial interest in the admission or treatment of the person being evaluated, (vi) has no investment interest in the facility detaining or admitting the person under this article, and (vii) except for employees of state hospitals and of the U.S. Department of Veterans Affairs, is not employed by the facility.

"Employee" means an employee of the local community services board who is skilled in the assessment and treatment of mental illness and has completed a certification program approved by the Department.

"Investment interest" means the ownership or holding of an equity or debt security, including shares of stock in a corporation, interests or units of a partnership, bonds, debentures, notes, or other equity or debt instruments.

B. A magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion and only after an evaluation conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or a designee of the local community services board to determine whether the person meets the criteria for temporary detention, a temporary detention order if it appears from all evidence readily available, including any recommendation from a physician or clinical psychologist treating the person, that the person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, (ii) is in need of hospitalization or treatment, and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. The magistrate shall also consider the recommendations of any treating or examining physician licensed in Virginia if available either verbally or in writing prior to rendering a decision. Any temporary detention order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

C. When considering whether there is probable cause to issue a temporary detention order, the magistrate may, in addition to the petition, consider (i) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any relevant hearsay evidence, (v) any medical records available, (vi) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (vii) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue a temporary detention order.

D. A magistrate may issue a temporary detention order without an emergency custody order proceeding. A magistrate may issue a temporary detention order without a prior evaluation pursuant to subsection B if (i) the person has been personally examined within the previous 72 hours by an employee or a designee of the local community services board or (ii) there is a significant physical, psychological, or medical risk to the person or to others associated with conducting such evaluation.

E. An employee or a designee of the local community services board shall determine the facility of temporary detention for all individuals detained pursuant to this section. The facility of temporary detention shall be one that has been

approved pursuant to regulations of the Board. The facility shall be identified on the preadmission screening report and indicated on the temporary detention order. Except as provided in § 37.2-811 for inmates requiring hospitalization in accordance with subdivision A 2 of § 19.2-169.6, the person shall not be detained in a jail or other place of confinement for persons charged with criminal offenses and shall remain in the custody of law enforcement until the person is either detained within a secure facility or custody has been accepted by the appropriate personnel designated by the facility identified in the temporary detention order.

F. Any facility caring for a person placed with it pursuant to a temporary detention order is authorized to provide emergency medical and psychiatric services within its capabilities when the facility determines that the services are in the best interests of the person within its care. The costs incurred as a result of the hearings and by the facility in providing services during the period of temporary detention shall be paid and recovered pursuant to § 37.2-804. The maximum costs reimbursable by the Commonwealth pursuant to this section shall be established by the State Board of Medical Assistance Services based on reasonable criteria. The State Board of Medical Assistance Services shall, by regulation, establish a reasonable rate per day of inpatient care for temporary detention.

G. The employee or the designee of the local community services board who is conducting the evaluation pursuant to this section shall determine, prior to the issuance of the temporary detention order, the insurance status of the person. Where coverage by a third party payor exists, the facility seeking reimbursement under this section shall first seek reimbursement from the third party payor. The Commonwealth shall reimburse the facility only for the balance of costs remaining after the allowances covered by the third party payor have been received.

H. The duration of temporary detention shall be sufficient to allow for completion of the examination required by § 37.2-815, preparation of the preadmission screening report required by § 37.2-816, and initiation of mental health treatment to stabilize the person's psychiatric condition to avoid involuntary commitment where possible, but shall not exceed ~~48~~ 72 hours prior to a hearing. If the ~~48-hour~~ 72-hour period herein specified terminates on a Saturday, Sunday, ~~or~~ legal holiday, *or day on which the court is lawfully closed*, the person may be detained, as herein provided, until the close of business on the next day that is not a Saturday, Sunday, ~~or~~ legal holiday, *or day on which the court is lawfully closed*. The person may be released, pursuant to § 37.2-813, before the ~~48-hour~~ 72-hour period herein specified has run.

I. If a temporary detention order is not executed within 24 hours of its issuance, or within a shorter period as is specified in the order, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if the office is not open, to any magistrate serving the jurisdiction of the issuing court. Subsequent orders may be issued upon the original petition within 96 hours after the petition is filed. However, a magistrate must again obtain the advice of an employee or a designee of the local community services board prior to issuing a subsequent order upon the original petition. Any petition for which no temporary detention order or other process in connection therewith is served on the subject of the petition within 96 hours after the petition is filed shall be void and shall be returned to the office of the clerk of the issuing court.

J. The Executive Secretary of the Supreme Court of Virginia shall establish and require that a magistrate, as provided by this section, be available seven days a week, 24 hours a day, for the purpose of performing the duties established by this section. Each community services board shall provide to each general district court and magistrate's office within its service area a list of its employees and designees who are available to perform the evaluations required herein.

K. For purposes of this section, a health care provider or designee of a local community services board or behavioral health authority shall not be required to encrypt any email containing information or medical records provided to a magistrate unless there is reason to believe that a third party will attempt to intercept the email.

L. The employee or designee of the community services board who is conducting the evaluation pursuant to this section shall, if he recommends that the person should not be subject to a temporary detention order, inform the petitioner and an onsite treating physician of his recommendation.

§ 37.2-814. Commitment hearing for involuntary admission; written explanation; right to counsel; rights of petitioner.

A. The commitment hearing for involuntary admission shall be held after a sufficient period of time has passed to allow for completion of the examination required by § 37.2-815, preparation of the preadmission screening report required by § 37.2-816, and initiation of mental health treatment to stabilize the person's psychiatric condition to avoid involuntary commitment where possible, but shall be held within ~~48~~ 72 hours of the execution of the temporary detention order as provided for in § 37.2-809; however, if the ~~48-hour~~ 72-hour period herein specified terminates on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the person may be detained, as herein provided, until the close of business on the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed.

B. At the commencement of the commitment hearing, the district court judge or special justice shall inform the person whose involuntary admission is being sought of his right to apply for voluntary admission for inpatient treatment as provided for in § 37.2-805 and shall afford the person an opportunity for voluntary admission. The district court judge or special justice shall advise the person whose involuntary admission is being sought that if the person chooses to be voluntarily admitted pursuant to § 37.2-805, such person will be prohibited from possessing ~~or~~ purchasing, *or transporting* a firearm pursuant to § 18.2-308.1:3. The judge or special justice shall ascertain if the person is then willing and capable of seeking voluntary admission for inpatient treatment. In determining whether a person is capable of consenting to voluntary admission, the judge or special justice may consider evidence regarding the person's past compliance or noncompliance with treatment. If the judge or special justice finds that the person is capable and willingly accepts voluntary admission for

inpatient treatment, the judge or special justice shall require him to accept voluntary admission for a minimum period of treatment not to exceed 72 hours. After such minimum period of treatment, the person shall give the facility 48 hours' notice prior to leaving the facility. During this notice period, the person shall not be discharged except as provided in § 37.2-837, 37.2-838, or 37.2-840. The person shall be subject to the transportation provisions as provided in § 37.2-829 and the requirement for preadmission screening by a community services board as provided in § 37.2-805.

C. If a person is incapable of accepting or unwilling to accept voluntary admission and treatment, the judge or special justice shall inform the person of his right to a commitment hearing and right to counsel. The judge or special justice shall ascertain if the person whose admission is sought is represented by counsel, and, if he is not represented by counsel, the judge or special justice shall appoint an attorney to represent him. However, if the person requests an opportunity to employ counsel, the judge or special justice shall give him a reasonable opportunity to employ counsel at his own expense.

D. A written explanation of the involuntary admission process and the statutory protections associated with the process shall be given to the person, and its contents shall be explained by an attorney prior to the commitment hearing. The written explanation shall describe, at a minimum, the person's rights to (i) retain private counsel or be represented by a court-appointed attorney, (ii) present any defenses including independent evaluation and expert testimony or the testimony of other witnesses, (iii) be present during the hearing and testify, (iv) appeal any order for involuntary admission to the circuit court, and (v) have a jury trial on appeal. The judge or special justice shall ascertain whether the person whose involuntary admission is sought has been given the written explanation required herein.

E. To the extent possible, during or before the commitment hearing, the attorney for the person whose involuntary admission is sought shall interview his client, the petitioner, the examiner described in § 37.2-815, the community services board staff, and any other material witnesses. He also shall examine all relevant diagnostic and other reports, present evidence and witnesses, if any, on his client's behalf, and otherwise actively represent his client in the proceedings. A health care provider shall disclose or make available all such reports, treatment information, and records concerning his client to the attorney, upon request. The role of the attorney shall be to represent the wishes of his client, to the extent possible.

F. The petitioner shall be given adequate notice of the place, date, and time of the commitment hearing. The petitioner shall be entitled to retain counsel at his own expense, to be present during the hearing, and to testify and present evidence. The petitioner shall be encouraged but shall not be required to testify at the hearing, and the person whose involuntary admission is sought shall not be released solely on the basis of the petitioner's failure to attend or testify during the hearing.

§ 37.2-817. Involuntary admission and mandatory outpatient treatment orders.

A. The district court judge or special justice shall render a decision on the petition for involuntary admission after the appointed examiner has presented the report required by § 37.2-815, and after the community services board that serves the county or city where the person resides or, if impractical, where the person is located has presented a preadmission screening report with recommendations for that person's placement, care, and treatment pursuant to § 37.2-816. These reports, if not contested, may constitute sufficient evidence upon which the district court judge or special justice may base his decision. The examiner, if not physically present at the hearing, and the treating physician at the facility of temporary detention shall be available whenever possible for questioning during the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 37.2-804.1.

B. Any employee or designee of the local community services board, as defined in § 37.2-809, representing the community services board that prepared the preadmission screening report shall attend the hearing in person or, if physical attendance is not practicable, shall participate in the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 37.2-804.1. Where a hearing is held outside of the service area of the community services board that prepared the preadmission screening report, and it is not practicable for a representative of the board to attend or participate in the hearing, arrangements shall be made by the board for an employee or designee of the board serving the area in which the hearing is held to attend or participate on behalf of the board that prepared the preadmission screening report. The employee or designee of the local community services board, as defined in § 37.2-809, representing the community services board that prepared the preadmission screening report or attending or participating on behalf of the board that prepared the preadmission screening report shall not be excluded from the hearing pursuant to an order of sequestration of witnesses. The community services board that prepared the preadmission screening report shall remain responsible for the person subject to the hearing and, prior to the hearing, shall send the preadmission screening report through certified mail, personal delivery, facsimile with return receipt acknowledged, or other electronic means to the community services board attending the hearing. Where a community services board attends the hearing on behalf of the community services board that prepared the preadmission screening report, the attending community services board shall inform the community services board that prepared the preadmission screening report of the disposition of the matter upon the conclusion of the hearing. In addition, the attending community services board shall transmit the disposition through certified mail, personal delivery, facsimile with return receipt acknowledged, or other electronic means.

At least 12 hours prior to the hearing, the court shall provide to the community services board that prepared the preadmission screening report the time and location of the hearing. If the representative of the community services board will be present by telephonic means, the court shall provide the telephone number to the board.

C. After observing the person and considering (i) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any examiner's certification, (v) any health records available, (vi) the preadmission screening report, and (vii) any other relevant evidence that may have been admitted, including whether the person recently has been found

unrestorably incompetent to stand trial after a hearing held pursuant to subsection E of § 19.2-169.1, if the judge or special justice finds by clear and convincing evidence that (a) the person has a mental illness and there is a substantial likelihood that, as a result of mental illness, the person will, in the near future, (1) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (2) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, and (b) all available less restrictive treatment alternatives to involuntary inpatient treatment, pursuant to subsection D, that would offer an opportunity for the improvement of the person's condition have been investigated and determined to be inappropriate, the judge or special justice shall by written order and specific findings so certify and order that the person be admitted involuntarily to a facility for a period of treatment not to exceed 30 days from the date of the court order. Such involuntary admission shall be to a facility designated by the community services board that serves the county or city in which the person was examined as provided in § 37.2-816. If the community services board does not designate a facility at the commitment hearing, the person shall be involuntarily admitted to a facility designated by the Commissioner. Upon the expiration of an order for involuntary admission, the person shall be released unless he is involuntarily admitted by further petition and order of a court, which shall be for a period not to exceed 180 days from the date of the subsequent court order, or such person makes application for treatment on a voluntary basis as provided for in § 37.2-805 or is ordered to mandatory outpatient treatment pursuant to subsection D. Upon motion of the treating physician, a family member or personal representative of the person, or the community services board serving the county or city where the facility is located, the county or city where the person resides, or the county or city where the person receives treatment, a hearing shall be held prior to the release date of any involuntarily admitted person to determine whether such person should be ordered to mandatory outpatient treatment pursuant to subsection D upon his release if such person, on at least two previous occasions within 36 months preceding the date of the hearing, has been (A) involuntarily admitted pursuant to this section or (B) the subject of a temporary detention order and voluntarily admitted himself in accordance with subsection B of § 37.2-814. A district court judge or special justice shall hold the hearing within 72 hours after receiving the motion for a mandatory outpatient treatment order; however, if the 72-hour period expires on a Saturday, Sunday, or legal holiday, the hearing shall be held by the close of business on the next day that is not a Saturday, Sunday, or legal holiday.

C1. In the order for involuntary admission, the judge or special justice may authorize the treating physician to discharge the person to mandatory outpatient treatment under a discharge plan developed pursuant to subsection C2, if the judge or special justice further finds by clear and convincing evidence that (i) the person has a history of lack of compliance with treatment for mental illness that at least twice within the past 36 months has resulted in the person being subject to an order for involuntary admission pursuant to subsection C; (ii) in view of the person's treatment history and current behavior, the person is in need of mandatory outpatient treatment following inpatient treatment in order to prevent a relapse or deterioration that would be likely to result in the person meeting the criteria for involuntary inpatient treatment; (iii) as a result of mental illness, the person is unlikely to voluntarily participate in outpatient treatment unless the court enters an order authorizing discharge to mandatory outpatient treatment following inpatient treatment; and (iv) the person is likely to benefit from mandatory outpatient treatment. The duration of mandatory outpatient treatment shall be determined by the court based on recommendations of the community services board, but shall not exceed 90 days. Upon expiration of the order for mandatory outpatient treatment, the person shall be released unless the order is continued in accordance with § 37.2-817.4.

C2. Prior to discharging the person to mandatory outpatient treatment under a discharge plan as authorized pursuant to subsection C1, the treating physician shall determine, based upon his professional judgment, that (i) the person (a) in view of the person's treatment history and current behavior, no longer needs inpatient hospitalization, (b) requires mandatory outpatient treatment at the time of discharge to prevent relapse or deterioration of his condition that would likely result in his meeting the criteria for involuntary inpatient treatment, and (c) has agreed to abide by his discharge plan and has the ability to do so; and (ii) the ordered treatment will be delivered on an outpatient basis by the community services board or designated provider to the person. In no event shall the treating physician discharge a person to mandatory outpatient treatment under a discharge plan as authorized pursuant to subsection C1 if the person meets the criteria for involuntary commitment set forth in subsection C. The discharge plan developed by the treating physician and facility staff in conjunction with the community services board and the person shall serve as and shall contain all the components of the comprehensive mandatory outpatient treatment plan set forth in subsection G, and no initial mandatory outpatient treatment plan set forth in subsection F shall be required. The discharge plan shall be submitted to the court for approval and, upon approval by the court, shall be filed and incorporated into the order entered pursuant to subsection C1. The discharge plan shall be provided to the person by the community services board at the time of the person's discharge from the inpatient facility. The community services board where the person resides upon discharge shall monitor the person's compliance with the discharge plan and report any material noncompliance to the court in accordance with § 37.2-817.1.

D. After observing the person and considering (i) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any examiner's certification, (v) any health records available, (vi) the preadmission screening report, and (vii) any other relevant evidence that may have been admitted, if the judge or special justice finds by clear and convincing evidence that (a) the person has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (1) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (2) suffer serious harm due to

his lack of capacity to protect himself from harm or to provide for his basic human needs; (b) less restrictive alternatives to involuntary inpatient treatment that would offer an opportunity for improvement of his condition have been investigated and are determined to be appropriate; (c) the person has agreed to abide by his treatment plan and has the ability to do so; and (d) the ordered treatment will be delivered on an outpatient basis by the community services board or designated provider to the person, the judge or special justice shall by written order and specific findings so certify and order that the person be admitted involuntarily to mandatory outpatient treatment. Less restrictive alternatives shall not be determined to be appropriate unless the services are actually available in the community.

E. Mandatory outpatient treatment may include day treatment in a hospital, night treatment in a hospital, outpatient involuntary treatment with anti-psychotic medication pursuant to Chapter 11 (§ 37.2-1100 et seq.), or other appropriate course of treatment as may be necessary to meet the needs of the person. Mandatory outpatient treatment shall not include the use of restraints or physical force of any kind in the provision of the medication. The community services board that serves the county or city in which the person resides shall recommend a specific course of treatment and programs for the provision of mandatory outpatient treatment. The duration of mandatory outpatient treatment shall be determined by the court based on recommendations of the community services board, but shall not exceed 90 days. Upon expiration of an order for mandatory outpatient treatment, the person shall be released from the requirements of the order unless the order is continued in accordance with § 37.2-817.4.

F. Any order for mandatory outpatient treatment entered pursuant to subsection D shall include an initial mandatory outpatient treatment plan developed by the community services board that completed the preadmission screening report. The plan shall, at a minimum, (i) identify the specific services to be provided, (ii) identify the provider who has agreed to provide each service, (iii) describe the arrangements made for the initial in-person appointment or contact with each service provider, and (iv) include any other relevant information that may be available regarding the mandatory outpatient treatment ordered. The order shall require the community services board to monitor the implementation of the mandatory outpatient treatment plan and report any material noncompliance to the court.

G. No later than five days, excluding Saturdays, Sundays, or legal holidays, after an order for mandatory outpatient treatment has been entered pursuant to subsection D, the community services board where the person resides that is responsible for monitoring compliance with the order shall file a comprehensive mandatory outpatient treatment plan. The comprehensive mandatory outpatient treatment plan shall (i) identify the specific type, amount, duration, and frequency of each service to be provided to the person, (ii) identify the provider that has agreed to provide each service included in the plan, (iii) certify that the services are the most appropriate and least restrictive treatment available for the person, (iv) certify that each provider has complied and continues to comply with applicable provisions of the Department's licensing regulations, (v) be developed with the fullest possible involvement and participation of the person and his family, with the person's consent, and reflect his preferences to the greatest extent possible to support his recovery and self-determination, (vi) specify the particular conditions with which the person shall be required to comply, and (vii) describe how the community services board shall monitor the person's compliance with the plan and report any material noncompliance with the plan. The community services board shall submit the comprehensive mandatory outpatient treatment plan to the court for approval. Upon approval by the court, the comprehensive mandatory outpatient treatment plan shall be filed with the court and incorporated into the order of mandatory outpatient treatment. Any subsequent substantive modifications to the plan shall be filed with the court for review and attached to any order for mandatory outpatient treatment.

H. If the community services board responsible for developing the comprehensive mandatory outpatient treatment plan determines that the services necessary for the treatment of the person's mental illness are not available or cannot be provided to the person in accordance with the order for mandatory outpatient treatment, it shall notify the court within five business days of the entry of the order for mandatory outpatient treatment. Within two business days of receiving such notice, the judge or special justice, after notice to the person, the person's attorney, and the community services board responsible for developing the comprehensive mandatory outpatient treatment plan shall hold a hearing pursuant to § 37.2-817.2.

I. Upon entry of any order for mandatory outpatient treatment entered pursuant to subsection D, the clerk of the court shall provide a copy of the order to the person who is the subject of the order, to his attorney, and to the community services board required to monitor compliance with the plan. The community services board shall acknowledge receipt of the order to the clerk of the court on a form established by the Office of the Executive Secretary of the Supreme Court and provided by the court for this purpose *within five business days*.

J. The court may transfer jurisdiction of the case to the district court where the person resides at any time after the entry of the mandatory outpatient treatment order. The community services board responsible for monitoring compliance with the mandatory outpatient treatment plan or discharge plan shall remain responsible for monitoring the person's compliance with the plan until the community services board serving the locality to which jurisdiction of the case has been transferred acknowledges the transfer and receipt of the order to the clerk of the court on a form established by the Office of the Executive Secretary of the Supreme Court and provided by the court for this purpose. *The community services board serving the locality to which jurisdiction of the case has been transferred shall acknowledge the transfer and receipt of the order within five business days.*

K. Any order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

CHAPTER 539

An Act to require the Department of Criminal Justice Services to identify minimum core operational functions for college campus police and security departments.

[S 440]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Department of Criminal Justice Services shall conduct a study to identify potential minimum core operational functions for campus police departments established pursuant to § 23-232 or 23-232.1 of the Code of Virginia and other campus security departments as may be established by public or private institutions of higher education pursuant to § 23-238 of the Code of Virginia. In conducting this study, the Department shall determine the existing capacity of campus police departments and other campus security departments, the costs of bringing existing departments into compliance with such minimum core operational functions, and legislative amendments needed in order to require compliance by such departments. In identifying such functions, the Department shall work with other public and private stakeholders as deemed appropriate. The Department shall report its findings to the Governor and the General Assembly by November 1, 2014.

CHAPTER 540

An Act to amend and reenact §§ 24.2-101, 24.2-531, 24.2-603.1, 24.2-609, 24.2-612, 24.2-613, 24.2-623, 24.2-625, 24.2-626, 24.2-627, 24.2-629, 24.2-633, 24.2-634, 24.2-638, 24.2-639, 24.2-641, 24.2-642, 24.2-645, 24.2-646, 24.2-647, 24.2-648, 24.2-649, 24.2-653, 24.2-653.1, 24.2-654, 24.2-657, 24.2-658, 24.2-659, 24.2-663, 24.2-671.1, 24.2-712, 24.2-801, 24.2-801.1, and 24.2-802 of the Code of Virginia and to repeal §§ 24.2-628 and 24.2-640 of the Code of Virginia, relating to voting technology.

[S 456]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-101, 24.2-531, 24.2-603.1, 24.2-609, 24.2-612, 24.2-613, 24.2-623, 24.2-625, 24.2-626, 24.2-627, 24.2-629, 24.2-633, 24.2-634, 24.2-638, 24.2-639, 24.2-641, 24.2-642, 24.2-645, 24.2-646, 24.2-647, 24.2-648, 24.2-649, 24.2-653, 24.2-653.1, 24.2-654, 24.2-657, 24.2-658, 24.2-659, 24.2-663, 24.2-671.1, 24.2-712, 24.2-801, 24.2-801.1, and 24.2-802 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-101. Definitions.

As used in this title, unless the context requires a different meaning:

"Ballot scanner machine" means the electronic counting machine in which a voter inserts a marked ballot to be scanned and the results tabulated.

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. "Candidate" shall include a person who seeks the nomination of a political party or who, by reason of receiving the nomination of a political party for election to an office, is referred to as its nominee. For the purposes of Chapters 8 (§ 24.2-800 et seq.), 9.3 (§ 24.2-945 et seq.), and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any write-in candidate. However, no write-in candidate who has received less than 15 percent of the votes cast for the office shall be eligible to initiate an election contest pursuant to Article 2 (§ 24.2-803 et seq.) of Chapter 8. For the purposes of Chapters 9.3 (§ 24.2-945 et seq.) and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, excluding federal offices, or one of its governmental units in a party nomination process or general, primary, or special election; and such person shall be considered a candidate until a final report is filed pursuant to Article 3 (§ 24.2-947 et seq.) of Chapter 9.3.

"Central absentee voter precinct" means a precinct established by a county or city pursuant to § 24.2-712 for the processing of absentee ballots for the county or city or any combination of precincts within the county or city.

"Constitutional office" or "constitutional officer" means a county or city office or officer referred to in Article VII, Section 4 of the Constitution of Virginia: clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer.

(Effective July 1, 2014) "Department of Elections" means the state agency headed by the Commissioner of Elections.

"Direct recording electronic machine" or "DRE" means the electronic voting machine on which a voter touches areas of a computer screen, or uses other control features, to mark a ballot and his vote is recorded electronically.

"Election" means a general, primary, or special election.

"Election district" means the territory designated by proper authority or by law which is represented by an official elected by the people, including the Commonwealth, a congressional district, a General Assembly district, or a district for the election of an official of a county, city, town, or other governmental unit.

"Electoral board" or "local electoral board" means a board appointed pursuant to § 24.2-106 to administer elections for a county or city. The electoral board of the county in which a town or the greater part of a town is located shall administer the town's elections.

"Entrance of polling place" or "entrance to polling place" means an opening in the wall used for ingress to a structure.

"General election" means an election held in the Commonwealth on the Tuesday after the first Monday in November or on the first Tuesday in May for the purpose of filling offices regularly scheduled by law to be filled at those times.

"Machine-readable ballot" means a tangible ballot that is marked by a voter or by a system or device operated by a voter and then fed into and scanned by a counting machine capable of reading ballots and tabulating results.

"Officer of election" means a person appointed by an electoral board pursuant to § 24.2-115 to serve at a polling place for any election.

"Paper ballot" means a tangible ballot that is marked by a voter and then manually counted.

"Party" or "political party" means an organization of citizens of the Commonwealth which, at either of the two preceding statewide general elections, received at least 10 percent of the total vote cast for any statewide office filled in that election. The organization shall have a state central committee and an office of elected state chairman which have been continually in existence for the six months preceding the filing of a nominee for any office.

"Person with a disability" means a person with a disability as defined by the Virginians with Disabilities Act (§ 51.5-1 et seq.).

"Polling place" means the structure that contains the one place provided for each precinct at which the qualified voters who are residents of the precinct may vote.

"Precinct" means the territory designated by the governing body of a county, city, or town to be served by one polling place.

"Primary" or "primary election" means an election held for the purpose of selecting a candidate to be the nominee of a political party for election to office.

"Printed ballot" means a tangible ballot that is printed on paper and includes both machine-readable ballots and paper ballots.

"Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and who is (i) 18 years of age on or before the day of the election or qualified pursuant to § 24.2-403 or subsection D of § 24.2-544, (ii) a resident of the Commonwealth and of the precinct in which he offers to vote, and (iii) a registered voter. No person who has been convicted of a felony shall be a qualified voter unless his civil rights have been restored by the Governor or other appropriate authority. No person adjudicated incapacitated shall be a qualified voter unless his capacity has been reestablished as provided by law. Whether a signature should be counted towards satisfying the signature requirement of any petition shall be determined based on the signer of the petition's qualification to vote. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition, "qualified voter" shall include only persons maintained on the Virginia voter registration system (a) with active status and (b) with inactive status who are qualified to vote for the office for which the petition was circulated.

"Qualified voter in a town" means a person who is a resident within the corporate boundaries of the town in which he offers to vote, duly registered in the county of his residence, and otherwise a qualified voter.

"Referendum" means any election held pursuant to law to submit a question to the voters for approval or rejection.

"Registered voter" means any person who is maintained on the Virginia voter registration system. All registered voters shall be maintained on the Virginia voter registration system with active status unless assigned to inactive status by a general registrar in accordance with Chapter 4 (§ 24.2-400 et seq.). For purposes of applying the precinct size requirements of § 24.2-307, calculating election machine requirements pursuant to Article 3 (§ 24.2-625 et seq.) of Chapter 6, mailing notices of local election district, precinct or polling place changes as required by subdivision 13 of § 24.2-114 and § 24.2-306, and determining the number of signatures required for candidate and voter petitions, "registered voter" shall include only persons maintained on the Virginia voter registration system with active status. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition, "registered voter" shall include only persons maintained on the Virginia voter registration system (i) with active status and (ii) on inactive status who are qualified to vote for the office for which the petition was circulated.

"Registration records" means all official records concerning the registration of qualified voters and shall include all records, lists, applications, and files, whether maintained in books, on cards, on automated data bases, or by any other legally permitted record-keeping method.

"Residence" or "resident," for all purposes of qualification to register and vote, means and requires both domicile and a place of abode. To establish domicile, a person must live in a particular locality with the intention to remain. A place of abode is the physical place where a person dwells.

"Special election" means any election that is held pursuant to law to fill a vacancy in office or to hold a referendum.

"State Board" or "Board" means the State Board of Elections.

"Virginia voter registration system" or "voter registration system" means the automated central record-keeping system for all voters registered within the Commonwealth that is maintained as provided in Article 2 (§ 24.2-404 et seq.) of Chapter 4.

"Voting system" means the electronic voting and counting machines used at elections. This term includes direct recording electronic machines (DRE) and ballot scanner machines.

§ 24.2-531. Pollbooks used during primaries.

There shall be pollbooks in the form set forth in § 24.2-611 ~~and a separate ballot container provided for each party taking part in~~ *provided for use during* any primary. ~~The ballot container for each party shall have plainly marked upon its top the words "Primary Ballot Container" and the name of the party.~~

§ 24.2-603.1. Postponement of certain elections; state of emergency.

For purposes of this section, "election" means (i) any local or state referendum, (ii) any primary, special, or general election for local or state office except a general election for Governor, Lieutenant Governor, Attorney General and the General Assembly, (iii) any primary for federal office including any primary for the nomination of candidates for the office of President of the United States, or (iv) any federal special election to fill a vacancy in the United States Senate or the United States House of Representatives. In the event of a state of emergency declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 or declared by the President of the United States or the governor of another state pursuant to law and confirmed by the Governor by an executive order, the Governor may postpone an election by executive order in areas affected by the emergency to a date, notwithstanding the provisions of § 24.2-682, not to exceed 14 days from the original date of the election.

If a local governing body determines that a longer postponement is required, it may petition a three-judge panel of the Virginia Supreme Court, to include the Chief Justice as the presiding Justice, for an extension. The Chief Justice shall choose the other two Justices by lot. The Court may postpone the election to a date it deems appropriate, notwithstanding the provisions of § 24.2-682, not to exceed 30 days from the original date of the election.

Only those persons duly registered to vote as of the original date of the election shall be entitled to vote in the rescheduled election.

If, as a direct result of the emergency, any ballots already cast at the polling places or equipment on which ballots have been cast, or any voted absentee ballots already received by the appropriate election officials or any equipment on which absentee ballots have already been cast have been destroyed or otherwise damaged so that such ballots cannot be counted ~~by the counting device or counted~~ manually *or by a voting system*, the Governor (i) shall specify that such ballots or votes previously cast by machinery or paper need to be recast on or by the rescheduled election date so that they may be counted and (ii) shall direct the appropriate election officials to immediately send replacement absentee ballots to all absentee voters whose voted ballots are known to have been so destroyed or damaged. Such instructions may be issued by executive order separately from the executive order postponing the election. Any absentee ballots duly cast and received by the rescheduled election date and able to be counted shall be valid and counted when determining the results of the rescheduled election; however, if more than one absentee ballot is received from any voter, only the first absentee ballot received and able to be counted shall be counted. Any person who was duly registered to vote as of the original date of the election, and who has not voted, or who is permitted to recast their ballot due to the emergency, may vote by absentee ballot in accordance with the provisions of Chapter 7 (§ 24.2-700 et seq.) ~~of this title~~ in the rescheduled election. Official ballots shall not be invalidated on the basis that they contain the original election date.

If the postponement of the election is ordered after voting at the polls on the original election date has already commenced, all qualified voters in a precinct in which any voted ballots, voting equipment containing voted ballots or pollbooks recording who has already voted in that precinct have been destroyed or damaged as a direct result of the emergency, so that the votes cannot be counted or it cannot be determined who has already voted, shall be allowed to vote in the rescheduled election, and no votes cast at the polls on the original election date shall be counted. If the postponement of the election is ordered after voting at the polls on the original election date has already commenced and no ballots cast at the polls, voting equipment containing voted ballots, or pollbooks recording who has already voted in that election in that precinct have been destroyed or damaged as a direct result of the emergency, only qualified voters who had not yet voted shall be eligible to vote on the rescheduled election day and all votes cast on the original and postponed election dates shall be counted at the close of the polls on the rescheduled election day.

The provisions of § 24.2-663 requiring the voiding of all ballots received from any voter who votes more than once in the same election shall not apply to ballots otherwise lawfully cast or recast pursuant to this section; however, no more than one ballot may be counted from any voter in the same election. If one ballot has already been counted, any additional ballots from the same voter shall be void and shall not be counted. The provisions of § 24.2-1004 or any other law prohibiting any voter from voting more than once in the same election, or any oath attesting to the same, shall not apply to ballots otherwise lawfully cast or recast pursuant to this section.

No results shall be tallied or votes counted in any postponed election before the closing of the polls on the rescheduled election date. Officers of election in unaffected areas shall count and report the results for the postponed election after the close of the polls on the rescheduled election date. The counting may take place at the precinct or another location determined by the local electoral board.

The State Board shall prescribe appropriate procedures to implement this section.

§ 24.2-609. Voting booths.

Each electoral board shall provide at each polling place in its county or city one or more voting booths. At least one booth shall be an enclosure which permits the voter to vote by ~~paper printed~~ ballot in secret and is equipped with a writing surface ~~and~~, operative writing implements, and ~~adequately adequate~~ *adequate* ~~lighted~~ *lighting*. Enclosures for voting equipment shall provide for voting in secret and be adequately lighted. "Voting booth" includes enclosures for voting ~~paper printed~~ ballots and for voting equipment.

§ 24.2-612. List of offices and candidates filed with State Board and checked for accuracy; when ballots printed; number required.

Immediately after the expiration of the time provided by law for a candidate for any office to qualify to have his name printed on the official ballot and prior to printing the ballots for an election, each electoral board shall forward to the State Board a list of the county, city, or town offices to be filled at the election and the names of all candidates who have filed for each office. In addition, each electoral board shall forward the name of any candidate who failed to qualify with the reason for his disqualification. On that same day, the electoral board shall also provide a copy of the notice to each disqualified candidate. The notice shall be sent by email or regular mail to the address on the candidate's certificate of candidate qualification, and such notice shall be deemed sufficient. The State Board shall promptly advise the electoral board of the accuracy of the list. The failure of any electoral board to send the list to the State Board for verification shall not invalidate any election.

Each electoral board shall have printed the number of ballots it determines will be sufficient to conduct the election.

Notwithstanding any other provisions of this title, the State Board may print or otherwise provide (i) one statewide paper ballot style for each paper ballot style in use for presidential and vice-presidential electors for use only by persons eligible to vote for those offices only under § 24.2-402 or clause (iii) or (v) of subsection B of § 24.2-416.1 or (ii) one statewide paper ballot style for each paper ballot style in use for Governor, Lieutenant Governor or Attorney General only for use as the early absentee ballot specified in § 24.2-702. The State Board may apportion or authorize the printer or vendor to apportion the costs for these ballots among the localities based on the number of ballots ordered. Any printer employed by the State Board shall execute the statement required by § 24.2-616. The State Board shall designate a representative to be present at the printing of such ballots and deliver them to the appropriate electoral boards pursuant to § 24.2-617. Upon receipt of such paper ballots, the electoral board shall affix its seal. Thereafter, such ballots shall be handled and accounted for, and the votes counted as the State Board shall specifically direct.

The electoral board shall make printed ballots available for absentee voting not later than 45 days prior to any election or within three business days of the receipt of a properly completed absentee ballot application, whichever is later. In the case of a special election, excluding for federal offices, if time is insufficient to meet the applicable deadline established herein, then the electoral board shall make printed ballots available as soon after the deadline as possible. For the purposes of this chapter, making printed ballots available includes mailing of such ballots or electronic transmission of such ballots pursuant to § 24.2-706 to a qualified absentee voter who is eligible for an absentee ballot under subdivision 2 of § 24.2-700. Not later than five days after absentee ballots are made available, each electoral board shall report to the State Board, in writing on a form approved by the State Board, whether it has complied with the applicable deadline.

Only the names of candidates for offices to be voted on in a particular election district shall be printed on the ballots for that election district.

The electoral boards shall send to the State Board a statement of the number of ~~paper~~ ballots ordered to be printed, proofs of each ~~paper and voting equipment~~ *printed* ballot for verification, and copies of each final ballot. If the State Board finds that, in its opinion, the number of ballots ordered to be printed by any local electoral board is not sufficient, it may direct the local board to order the printing of a reasonable number of additional ballots.

§ 24.2-613. Form of ballot.

The ballots shall comply with the requirements of this title and the standards prescribed by the State Board.

For elections for federal, statewide, and General Assembly offices only, each candidate who has been nominated by a political party or in a primary election shall be identified by the name of his political party. Independent candidates shall be identified by the term "Independent." For the purpose of this section, any Independent candidate may, by producing sufficient and appropriate evidence of nomination by a "recognized political party" to the State Board, have the term "Independent" on the ballot converted to that of a "recognized political party" on the ballot and be treated on the ballot in a manner consistent with the candidates nominated by political parties. For the purpose of this section, a "recognized political party" is defined as an organization that, for at least six months preceding the filing of its nominee for the office, has had in continual existence a state central committee composed of registered voters residing in each congressional district of the Commonwealth, a party plan and bylaws, and a duly elected state chairman and secretary. A letter from the state chairman of a recognized political party certifying that a candidate is the nominee of that party and also signed by such candidate accepting that nomination shall constitute sufficient and appropriate evidence of nomination by a recognized political party. The name of the political party, the name of the "recognized political party," or term "Independent" may be shown by an initial or abbreviation to meet ballot requirements.

Except as provided for primary elections, the State Board shall determine by lot the order of the political parties, and the names of all candidates for a particular office shall appear together in the order determined for their parties. In an election district in which more than one person is nominated by one political party for the same office, the candidates' names shall appear alphabetically in their party groups under the name of the office, with sufficient space between party groups to indicate them as such. For the purpose of this section ~~and § 24.2-640~~, except as provided for presidential elections in § 24.2-614, "recognized political parties" shall be treated as a class; the order of the recognized political parties within the class shall be determined by lot by the State Board; and the class shall follow the political parties as defined by § 24.2-101 and precede the independent class. Independent candidates shall be treated as a class under "Independent"; their names shall be placed on the ballot after the political parties and recognized political parties; and where there is more than one independent candidate for an office, their names shall appear alphabetically.

No individual's name shall appear on the ballot more than once for the same office.

In preparing the *printed* ballots for general, special, and primary elections, the State Board and electoral boards shall cause to be printed in not less than 10-point type, immediately below the title of any office, a statement of the number of candidates ~~who for whom votes may be voted for~~ cast for that office. The following language shall be used: "Vote for not more than":

~~At any precinct at which mark sense ballots are used, the mark sense ballot may be used in lieu of the official paper ballot with the approval of the State Board.~~

Any locality ~~which that~~ uses ~~mark sense machine-readable~~ ballots at one or more precincts, including any central absentee precinct, may, with the approval of the State Board, use ~~the mark sense ballot or a printed reproductions~~ reproduction of the ~~mark sense machine-readable~~ ballot in lieu of the official ~~paper machine-readable~~ ballot. Such reproductions shall be printed and otherwise handled in accordance with all laws and procedures that apply to official paper ballots.

In every county and city using voting systems requiring printed ballots, the electoral board shall furnish a sufficient number of ballots printed on plain white paper, of such form and size as will fit in the ballot frames.

§ 24.2-623. Ballot containers to be supplied by governing bodies; construction and custody.

The governing body of each county and city shall provide a ballot container for each precinct ~~and each part of a split precinct~~. The container shall have a lock and key and an opening of sufficient size to admit a single folded or unfolded ballot and no more. The containers shall be kept by the electoral boards for use in the precincts.

§ 24.2-625. Application of Title 24.2 and general law.

All of the provisions of this title and general law not inconsistent with the provisions of this article shall apply to elections in counties, cities, and towns adopting and using ~~mechanical or~~ electronic voting or counting ~~systems machines~~.

§ 24.2-626. Governing bodies shall acquire electronic voting and counting machines.

The governing body of each county and city shall provide for the use of electronic voting or counting ~~systems machines~~, of a kind approved by the State Board, at every precinct and for all elections held in the county, the city, or any part of the county or city.

Each county and city governing body shall purchase, lease, lease purchase, or otherwise acquire such ~~systems machines~~ and may provide for the payment therefor in the manner it deems proper. Systems of different kinds may be adopted for use and be used in different precincts of the same county or city, or within a precinct or precincts in a county or city, subject to the approval of the State Board.

On and after July 1, 2007, no county or city shall acquire any direct recording electronic machine (DRE) for use in elections in the county or city except as provided herein:

1. DREs acquired prior to July 1, 2007, may be used in elections in the county or city for the remainder of their useful life.
2. Any locality that acquired DREs prior to July 1, 2007, may acquire DREs on a temporary basis to conduct an election when the existing DRE inventory is insufficient to conduct the election because all or part of its inventory is under lock or seal as required by § 24.2-659.
3. Any locality may acquire DREs from another locality within the Commonwealth, from among their existing inventories, for the expressed purpose of providing accessible voting equipment as required by § 24.2-626.1. The local electoral board shall notify the State Board when acquiring any DRE under this provision and shall certify to the State Board that the DRE acquired under this provision is necessary to meet accessible voting requirements.
4. Any locality may modify its existing DREs to comply with federal or state law requirements to provide accessible voting equipment. Any modifications made to existing DREs must be authorized by the State Board of Elections prior to modification.

§ 24.2-627. Electronic voting or counting machines; number required.

A. The governing body of any county or city ~~which that~~ adopts for use at elections ~~mechanical or~~ direct recording electronic ~~voting systems machines~~ shall provide for each precinct at least the following number of voting ~~devices machines~~:

- In each precinct having not more than 750 registered voters, 1;
- In each precinct having more than 750 but not more than 1,500 registered voters, 2;
- In each precinct having more than 1,500 but not more than 2,250 registered voters, 3;
- In each precinct having more than 2,250 but not more than 3,000 registered voters, 4;
- In each precinct having more than 3,000 but not more than 3,750 registered voters, 5;
- In each precinct having more than 3,750 but not more than 4,500 registered voters, 6;
- In each precinct having more than 4,500 but not more than 5,000 registered voters, 7.

B. The governing body of any county or city, ~~which that~~ adopts for use at elections ~~any electronic system which requires the voter to vote a ballot which is inserted in an electronic counter, ballot scanner machines~~ shall provide for each precinct at least one voting booth with a marking device for each 425 registered voters or portion thereof and shall provide for each precinct at least one ~~counting device scanner~~.

C. The local electoral board of any county or city shall be authorized to conduct any May general election, primary election, or special election held on a date other than a November general election with the number of voting or ~~marking devices counting machines~~ it determines is appropriate for each precinct, notwithstanding the provisions of subsections A and B ~~of this section~~.

D. For purposes of applying this section, an electoral board may exclude persons voting absentee in its calculations, and if it does so, the electoral board shall send to the State Board a statement of the number of voting systems to be used in each precinct. If the State Board finds that the number of voting systems is not sufficient, it may direct the local board to use more voting systems.

§ 24.2-629. State Board approval process of electronic voting systems.

A. Any person, firm, or corporation ~~hereinafter~~ referred to in *this article* as the "vendor," manufacturing, owning, or offering for sale any electronic voting or counting ~~system~~ *machine* and ballots designed to be used with such equipment may apply to the State Board, in the manner prescribed by the Board, to have examined a production model of such equipment and the ballots used with it. The Board may require the vendor to pay a reasonable application fee when he files his request for testing or certification of new or upgraded voting equipment. Receipts from such fees shall be credited to the Board for reimbursement of testing and certification expenses. In addition to any other materials that may be required, a current statement of the financial status of the vendor, including any assets and liabilities, shall be filed with the Board; if the vendor is not the manufacturer of the equipment for which application is made, such a statement shall also be filed for the manufacturer. These statements shall be exempt from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). The Board shall require, at a site of its choosing, a demonstration of such ~~system~~ *equipment* and ballots and may require that a production model of the ~~system~~ *equipment* and a supply of ballots be provided to the Board for testing purposes. The Board shall also require the vendor to provide documentation of the practices recommended by the vendor to ensure the optimum security and functionality of the system.

B. ~~The provisions of this title pertaining to mechanical voting devices and ballots shall be deemed applicable to such equipment and ballots provided that (i) the counting equipment used with punched or mark sense ballots shall not be required to prevent a voter from voting for a greater number of candidates than he is lawfully entitled to; (ii) the provisions of this title pertaining to ballot squares shall not be applicable to punched or mark sense ballots; and (iii) any system approved pursuant to this title shall segregate ballots containing write-in votes from all others. Every electronic voting system shall ensure voting in absolute secrecy, and systems requiring the voter to vote a ballot that is inserted in an electronic counting device shall provide for secrecy of the ballot and a method to conceal the voted ballot. Systems requiring the voter to vote a ballot that is inserted in an electronic counting device shall report, if possible, the number of ballots on which a voter voted for a lesser number of candidates for an office than the number he was lawfully entitled to vote and the number of ballots on which a voter voted for a greater number of candidates than the number he was lawfully entitled to vote. Electronic voting devices shall be programmable, if possible, to allow such undervoted and overvoted ballots to be separated when necessary.~~

~~B1. The system shall provide the voter with an opportunity to correct any error before a permanent record is preserved. The Board may approve any kind of electronic voting system that meets the following requirements:~~

- ~~1. It shall provide clear instructions for voters on how to mark or select their choice and cast that vote.~~
- ~~2. It shall provide facilities for voting for all offices at any election and on as many questions as may be submitted at any election.~~
- ~~3. It shall be capable of processing ballots for all parties holding a primary election on the same day, but programmable in such a way that an individual ballot cast by a voter is limited to the party primary election in which the voter chooses to participate.~~
- ~~4. It shall require votes for presidential and vice presidential electors to be cast for the presidential and vice presidential electors of one party by one operation. The ballot shall contain the words "Electors for" preceded by the name of the party or other authorized designation and followed by the names of the candidates for the offices of President and Vice President.~~
- ~~5. It shall enable the voter to cast votes for as many persons for an office as lawfully permitted, but no more. It shall prevent the voter from casting a vote for the same person more than once for the same office. However, ballot scanner machines shall not be required to prevent a voter from voting for a greater number of candidates than he is lawfully entitled to.~~
- ~~6. It shall enable the voter to cast a vote on any question on which he is lawfully permitted to vote, but no other.~~
- ~~7. It shall provide the voter with an opportunity to correct any error before a ballot is cast.~~
- ~~8. It shall correctly register or record and accurately count all votes cast for candidates and on questions.~~
- ~~9. It shall be provided with a "protective counter," whereby any operation of the machine before or after the election will be detected.~~
- ~~10. It shall be provided with a counter that at all times during an election shall show how many persons have voted.~~
- ~~11. It shall ensure voting in absolute secrecy. Ballot scanner machines shall provide for the secrecy of the ballot and a method to conceal the voted ballot.~~
- ~~12. It shall be programmable to allow ballots to be separated when necessary.~~
- ~~13. Ballot scanner machines shall report, if possible, the number of ballots on which a voter undervoted or overvoted.~~

C. After its examination of the equipment, ballots, and other materials submitted by the vendors, the Board shall prepare and file in its office a report of its finding as to (i) the apparent capability of such equipment to accurately count, register, and report votes; (ii) whether the system can be conveniently used without undue confusion to the voter; (iii) its accessibility to voters with disabilities; (iv) whether the system can be safely used without undue potential for fraud; (v) the ease of its operation and transportation by voting equipment custodians and officers of election; (vi) the financial stability of the vendor and manufacturer; (vii) whether the system meets the requirements of this title; (viii) whether the system meets

federal requirements; (ix) whether issues of reliability and security identified with the system by other state governments have been adequately addressed by the vendor; and (x) whether, in the opinion of the Board, the potential for approval of such system is such as to justify further examination and testing.

D. If the Board determines that there is such potential and prior to its final determination as to approval or disapproval of such system, the Board shall obtain a report by an independent electronics or engineering consultant as to (i) whether the system accurately counts, registers, and reports votes; (ii) whether it is capable of storing and retaining existing votes in a permanent memory in the event of power failure during and after the election; (iii) the number of separate memory capabilities for the storage of recorded votes; (iv) its mechanical and electronic perfections and imperfections; (v) the audit trail provided by the system; (vi) the anticipated frequency of repair; (vii) the ease of repair; (viii) the anticipated life of the equipment; (ix) its potential for fraudulent use; (x) its accessibility to voters with disabilities; (xi) the ease of its programming, transportation, and operation by voting equipment custodians and officers of election; and (xii) any other matters deemed necessary by the Board. Failure by an applicant to cooperate with the consultant by furnishing information and production equipment and ballots requested shall be deemed a withdrawal of the application, but nothing in this section shall require the disclosure of trade secrets by the applicant. If such trade secrets are essential to the proper analysis of the system and are provided for that reason, the consultant shall subscribe to an oath subject to the penalty for perjury that he will neither disclose nor make use of such information except as necessary for the system analysis. The report of the consultant shall be filed in the office of the Board.

~~D~~. E. In preparing the reports cited in subsections C and D, the Board shall require, as a condition of certification, that the system is comprehensively examined by individuals including at least one expert in election management and one in computer system security. The Board shall develop, in conjunction with the above listed individuals, a specific set of items to be examined and tested as part of the certification process to further elaborate on the requirements identified in this section.

~~E~~. F. If the Board determines that there is potential for approval of the system and prior to its final determination, the Board shall also require that the system be tested in an actual election in one or more counties or cities. Its use at such election shall be as valid for all purposes as if it had been legally approved by the Board and adopted by the counties or cities.

~~F~~. G. If, following testing, the Board approves any ~~electronic~~ voting system and its ballots for use, the Board shall so notify the electoral boards of each county and city. Systems so approved may be adopted for use at elections as herein provided. No form of ~~electronic~~ voting system and ballots not so approved shall be adopted by any county or city. Any ~~electronic~~ voting system and ballots approved for use by the Board shall be deemed to meet the requirements of this title and any applicable federal laws, and their use in any election shall be valid.

~~G~~. H. A vendor whose ~~electronic~~ voting system is approved for use shall provide ~~annual~~ updates to the State Board concerning its recommended practices for optimum security and functionality of the system, *as may be requested by the Board*. Any product for which ~~annual~~ requested updates are not provided shall be deemed non-compliant and may be decertified at the discretion of the Board.

~~H~~. I. The Board shall have the authority to investigate, at its discretion, any voting system certified in Virginia to ensure that it continues to meet the standards outlined in subsections C and D. The Board may, at its discretion, decertify any voting system based on significant problems detected with the voting system in Virginia or on reports provided by federal authorities or other state election officials.

§ 24.2-633. Notice of final testing of voting system; sealing equipment.

Before the final testing of voting or counting ~~equipment~~ machines for any election, the electoral board shall mail written notice (i) to the chairman of the local committee of each political party, or; (ii) in a primary election, to the chairman of the local committee of the political party holding the primary, or (iii) in a city or town council election in which no candidate is a party nominee and which is held when no other election having party nominees is being conducted, to the candidates.

The notice shall state the time and place where the ~~equipment~~ machine will be tested and state that the political party or candidate receiving the notice may have one representative present while the equipment is tested.

At the time stated in the notice, the representatives, if present, shall be afforded an opportunity to see that the equipment is in proper condition for use at the election. When a ~~device~~ machine has been so examined by the representatives, it shall be sealed with a numbered seal in their presence, or; if the ~~device~~ machine cannot be sealed with a numbered seal, it shall be locked with a key. The representatives shall certify ~~as to the numbers of the devices; if mechanical voting devices are used, that all counters are set at zero (000); for each machine~~ the number registered on the protective counter; and the number on the seal. When no party or candidate representative is present, the custodian shall seal the ~~device~~ machine as prescribed in this section in the presence of a member of the electoral board or its representative.

§ 24.2-634. Locking and securing after preparation.

When voting ~~or counting~~ equipment has been properly prepared for an election, it shall be locked against voting and sealed, or; if the ~~device~~ a voting or counting machine cannot be sealed with a numbered seal, it shall be locked with a key. The equipment keys and any electronic activation devices shall be retained in the custody of the electoral board and delivered to the officers of election as provided in § 24.2-639. After the voting equipment has been delivered to the polling places, the electoral board shall provide ample protection against tampering with or damage to the equipment.

§ 24.2-638. Voting equipment to be in plain view; officers and others not permitted to see actual voting; unlocking counter compartment of equipment, etc.

During the election, the exterior of the voting and counting equipment and every part of the polling place shall be in plain view of the officers of election.

No voting or counting ~~equipment~~ *machines* shall be removed from the plain view of the officers of election or from the polling place at any time during the election and through the determination of the vote as provided in § 24.2-657. However, an electronic voting ~~device~~ *machine* that is so constructed as to be easily portable may be taken outside the polling place pursuant to subsection A of § 24.2-649 and to assist a voter age 65 or older or physically disabled so long as: (i) the voting ~~device~~ *machine* remains in the plain view of two officers of election representing two political parties or, in a primary election, two officers of election representing the party conducting the primary, provided that if the use of two officers for this purpose would result in too few officers remaining in the polling place to meet legal requirements, the ~~equipment~~ *machine* shall remain in plain view of one officer who shall be either the chief officer or the assistant chief officer; (ii) the voter casts his ballot in a secret manner unless the voter requests assistance pursuant to § 24.2-649; and (iii) there remain sufficient officers of election in the polling place to meet legal requirements. After the voter has completed voting his ballot, the officer or officers shall immediately return the voting ~~device~~ *machine* to its assigned location inside the polling place. The machine number, the time that the machine was removed and the time that it was returned, the number on the machine's public counter before the machine was removed and the number on the same counter when it was returned, the names of the voters who used the machine while it was removed provided that secrecy of the ballot is maintained in accordance with guidance from the State Board, and the name or names of the officer or officers who accompanied the machine shall be recorded on the statement of results. If a polling place fails to record the information required in the previous sentence, or it is later proven that the information recorded was intentionally falsified, the local electoral board shall dismiss at a minimum the chief officer or the assistant chief officer, or both, as appropriate; and shall dismiss any other officer of election who is shown to have caused the failure to record the required information intentionally or by gross negligence or to have intentionally falsified the information. The dismissed officers shall not be allowed thereafter to serve as an officer or other election official anywhere in the Commonwealth. In the case of an emergency that makes a polling place unusable or inaccessible, voting or counting ~~equipment~~ *machine* may be removed to an alternative polling place pursuant to the provisions of subsection D of § 24.2-310.

The equipment shall be placed at least four feet from any table where an officer of election is working or seated. The officers of election shall not themselves be, or permit any other person to be, in any position or near any position that will permit them to observe how a voter votes or has voted.

One of the officers shall inspect the face of the voting ~~device~~ *machine* after each voter has cast his vote and verify that the ballots on the face of the ~~device~~ *machine* are in their proper places and that the ~~device~~ *machine* has not been damaged. During an election, the door or other covering of the counter compartment of the voting or counting ~~device~~ *machine* shall not be unlocked or open or the counters exposed except for good and sufficient reasons, a statement of which shall be made and signed by the officers of election and attached to the statement of results. No person shall be permitted in or about the polling place except the voting equipment custodian, vendor, or contractor technicians; and other persons authorized by this title.

§ 24.2-639. Duties of officers of election.

The officers of election of each precinct at which voting or counting ~~equipment~~ *machines* ~~is are~~ used shall meet at the polling place by 5:15 a.m. on the day of the election and arrange the equipment, furniture, and other materials for the conduct of the election. The officers of election shall verify that all required equipment, ballots, and other materials have been delivered to them for the election. The officers shall post at least two instruction cards for ~~mechanical or direct recording electronic voting devices~~ *machines* conspicuously within the polling place.

The keys to the equipment and any electronic activation devices that are required for the operation of electronic voting equipment shall be delivered, prior to the opening of the polls, to the officer of election designated by the electoral board in a sealed envelope on which has been written or printed the name of the precinct for which it is intended. The envelope containing the keys and any electronic activation devices shall not be opened until all of the officers of election for the precinct are present at the polling place and have examined the envelope to see that it has not been opened. The equipment shall remain locked against voting until the polls are formally opened and shall not be operated except by voters in voting.

Before opening the polls, each officer shall examine the equipment and see that no vote has been cast and that the counters register zero. The officers shall conduct their examination in the presence of the following party and candidate representatives: one authorized representative of each political party or independent candidate in a general or special election, or one authorized representative of each candidate in a primary election, if such representatives are available. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is not himself a candidate or party chairman, shall present to the officers of election a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. Such statement, bearing the chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if the copy had been signed.

~~If any counter, other than a protective or private counter, on mechanical voting equipment is found not to register zero, the officers shall make a written statement identifying the counter, together with the number registered on it, and shall sign and post the statement on the wall of the polling room, where it shall remain during the day of election. The officers shall~~

enter a similar statement on the statement of results. In determining the results, they shall subtract such number from the final total registered on that counter. If any counter, other than a protective or private counter, on a ~~mark sense ballot scanner~~ or direct recording electronic ~~voting device machine~~ is found not to register zero, the officers of election shall immediately notify the electoral board which shall, if possible, substitute a ~~device machine~~ in good working order, that has been prepared and tested pursuant to § 24.2-634. No ~~mark sense ballot scanner~~ or direct recording electronic ~~device machine~~ shall be used if any counter, other than a protective or private counter, is found not to register zero.

§ 24.2-641. Sample ballot.

The electoral board shall provide for each precinct in which ~~mechanical voting machines or direct electronic any voting devices or counting machines~~ are used, two sample ballots, which shall be arranged as a diagram of the front of the voting ~~or counting device machine~~ as it will appear with the official ballot for voting on election day. Such sample ballots shall be posted for public inspection at each polling place during the day of election.

§ 24.2-642. Inoperative equipment.

A. When any voting or counting ~~device machine~~ becomes inoperative in whole or in part while the polls are open, the officers of election shall immediately notify the electoral board. If possible, the electoral board shall dispatch a qualified technician to the polling place to repair the inoperative ~~device machine~~. All repairs shall be made in the presence of two officers of election representing the two political parties or, in the case of a primary election for only one party, two officers representing that party. If the ~~device machine~~ cannot be repaired on site, the electoral board shall, if possible, substitute a ~~device machine~~ in good order for the inoperative ~~device, machine~~ and at the close of the polls the record of both ~~devices machines~~ shall be taken, and the votes shown on their counters shall be added together in ascertaining the results of the election.

No voting or counting ~~equipment machines~~, including inoperative ~~equipment machines~~, shall be removed from the plain view of the officers of election or from the polling place at any time during the election and through the determination of the vote as provided in § 24.2-657 except as explicitly provided pursuant to the provisions of this title.

No voting or counting ~~device machine~~ that has become inoperative and contains votes may be removed from the polling place while the polls are open and votes are being ascertained. If the officers of election are unable to ascertain the results from the inoperative ~~device machine~~ after the polls close in order to add its results to the results from the other ~~devices machines~~ in that precinct, the officers of election shall lock and seal the ~~device machine~~ without removing the memory card, cartridge, or data storage medium and deliver the ~~device machine~~ to either the clerk of court or registrar's office as provided for in § 24.2-659. On the day following the election, the electoral board shall meet and ascertain the results from the inoperative ~~device machine~~ in accordance with the procedures prescribed by the ~~device's machine's~~ manufacturer and add the results to the results for the precinct to which the ~~device machine~~ was assigned.

Nothing in this subsection shall prohibit the removal of an inoperative ~~device machine~~ from a precinct prior to the opening of the polls or ~~votes the first vote~~ being cast on that ~~device machine~~. Any ~~device machine~~ so removed shall be placed in the custody of an authorized custodian, technician, or electoral board representative. If the inoperative ~~device machine~~ can be repaired, it shall be retested and resealed pursuant to § 24.2-634 and may be returned to the precinct by an authorized custodian, technician, or electoral board representative. The officers of election shall then open the ~~device machine~~ pursuant to § 24.2-639.

B. In any precinct that uses a ballot that can be ~~marked read~~ without the use of the ~~counting device ballot scanner machine~~, if the ~~counting device ballot scanner machine~~ becomes inoperative and there is no other available ~~counting device scanner~~, the uncounted ballots shall be placed in a ballot container or compartment that is used exclusively for uncounted ballots. If an operative ~~counting device scanner~~ is available in the polling place after the polls have closed, such uncounted ballots shall be removed from the container and fed into the ~~counting device scanner~~, one at a time, by an officer of election in the presence of all persons who may be lawfully present at that time but before the votes are determined pursuant to § 24.2-657. If such ~~device a scanner~~ is not available, the ballots may be counted manually or as directed by the electoral board.

C. ~~¶ An officer of election may have copies of the official paper ballot reprinted or reproduced by photographic, electronic, or mechanical processes for use at the election if~~ (i) the inoperative ~~device machine~~ cannot be repaired in time to continue using it at the election, (ii) a substitute ~~device machine~~ is needed to conduct the election but is not available for use, (iii) the supply of official ~~paper ballots, or other official printed~~ ballots that can be cast without use of the inoperative ~~device, machine~~ is not adequate, and (iv) the local electoral board approves; ~~an officer of election may have copies the reprinting or reproducing of the official paper ballot reprinted or reproduced by photographic, electronic, or mechanical processes for use at the election.~~ The voted ballot copies may be received by the officers of election and placed in the ballot container and counted with the votes registered on the voting or counting ~~devices; machines~~, and the result shall be declared the same as though no ~~device machine~~ has been inoperative. The voted ballot copies shall be deemed official ballots for the purpose of § 24.2-665 and preserved and returned with the statement of results and with a certificate setting forth how and why the same were voted. The officer of election who had the ballot copies made shall provide a written statement of the number of copies made, signed by him and subject to felony penalties for making false statements pursuant to § 24.2-1016, to be preserved with the unused ballot copies.

§ 24.2-645. Defaced printed ballots.

If any ~~paper~~ *printed* ballot is unintentionally or accidentally defaced and rendered unfit for voting, the voter may deliver the defaced ballot to the officer of election and receive another. The returned ballot shall be marked spoiled by the officer of election and placed in the spoiled ballot envelope.

§ 24.2-646. Voter folds paper ballot and hands same to officer who deposits it unopened in ballot container.

The qualified voter shall fold each *paper* ballot with the names of the candidates and questions on the inside and hand the folded ballot to the appropriate officer of election. The officer shall place the ballot in the ballot container without any inspection except to assure himself that only a single ballot has been tendered and that the ballot is a genuine ballot. Without looking at the printed inside of the ballot, the officer may inspect the official seal on the back of the ballot to determine if it is genuine.

§ 24.2-647. Voting systems; demonstration on election day.

The electoral board shall provide at each polling place on election day, for the voting ~~device~~ *system* in use, a model of, or materials displaying, a portion of its ballot face. The model or materials shall be located on the table of one of the officers or in some other place accessible to the voters. An officer of election shall instruct any voter, who requests instruction before voting, on the proper manner of voting. The officer may direct the voter's attention to sample ballots so that the voter may become familiar with the location of questions and names of offices and candidates.

For ~~equipment using ballots inserted in electronic counting devices~~ *ballot scanner machines*, an officer of election, using a demonstration ballot and ~~equipment~~ *machine*, shall show each voter who requests, immediately on entry to the polling place, the manner in which the ballot is to be voted.

If any voter, after entering the voting booth, asks for further instructions concerning the manner of voting, two of the officers, from different political parties shall give such instructions to him, but no officer shall in any manner request, or seek to persuade or induce any such voter to vote for or against any particular ticket, candidate, or question. After giving such instructions and before the voter votes, the officers shall leave the voting booth, and the voter shall cast his ballot in secret.

§ 24.2-648. Write-in votes on voting equipment.

Write-in votes may be cast on voting equipment for any person whose name does not appear on the ballot as a candidate for the office being voted, subject to this section and the provisions of § 24.2-644 not in conflict with this section.

Each write-in vote shall be entered in the receptacle or area designated on the ~~device~~ *machine* for the office being elected. A write-in vote shall be cast in its appropriate place, in accordance with the instructions for that equipment, or it shall be void and not counted.

Except on ~~devices which~~ *machines that* provide a means to enter a name electronically, each write-in vote shall be entered by the voter in his own handwriting or hand printing.

§ 24.2-649. Assistance for certain voters; penalties.

A. Any voter age 65 or older or physically disabled may request and then shall be handed a ~~paper ballot or a mark sense~~ *printed* ballot by an officer of election outside the polling place but within 150 feet of the entrance to the polling place. The voter shall mark the ~~paper~~ *printed* ballot in the officer's presence but in a secret manner and ~~fold and, obscuring his vote,~~ return the ballot to the officer. The officer shall immediately return to the polling place and ~~shall deposit the a paper~~ ballot in the ballot container in accordance with § 24.2-646. ~~The voter shall mark the mark sense ballot in the officer's presence but in a secret manner and cover and return the ballot to the officer who shall immediately return to the polling place and deposit the ballot in the ballot counter or a machine-readable ballot in the ballot scanner machine~~ in accordance with the instructions of the State Board.

Any county or city that has acquired an electronic voting ~~device~~ *machine* that is so constructed as to be easily portable may use the voting ~~device~~ *machine* in lieu of a ~~paper or mark sense~~ *printed* ballot for the voter requiring assistance pursuant to this subsection. However, the electronic voting ~~device~~ *machine* may be used in lieu of a ~~paper~~ *printed* ballot only so long as: (i) the voting ~~device~~ *machine* remains in the plain view of two officers of election representing two political parties, or, in a primary election, two officers of election representing the party conducting the primary, provided that if the use of two officers for this purpose would result in too few officers remaining in the polling place to meet legal requirements, the ~~equipment~~ *voting machine* shall remain in plain view of one officer who shall be either the chief officer or the assistant chief officer; and (ii) the voter casts his ballot in a secret manner unless the voter requests assistance pursuant to this section. After the voter has completed voting his ballot, the officer or officers shall immediately return the voting ~~device~~ *machine* to its assigned location inside the polling place. The machine number, the time that the machine was removed and the time that it was returned, the number on the machine's public counter before the machine was removed and the number on the same counter when it was returned, and the name or names of the officer or officers who accompanied the machine shall be recorded on the statement of results.

B. Any qualified voter, who requires assistance to vote by reason of physical disability or inability to read or write, may, if he so requests, be assisted in voting. If he is blind, he may designate an officer of election or any other person to assist him. If he is unable to read and write or disabled for any cause other than blindness, he may designate an officer of election or some other person to assist him other than the voter's employer or agent of that employer, or officer or agent of the voter's union.

The officer of election or other person so designated shall not enter the booth with the voter unless (i) the voter signs a request stating that he requires assistance by reason of physical disability or inability to read or write and (ii) the officer of election or other person signs a statement that he is not the voter's employer or an agent of that employer, or an officer or

agent of the voter's union, and that he will act in accordance with the requirements of this section. The request and statement shall be on a single form furnished by the State Board. If the voter is unable to sign the request, his own mark acknowledged by him before an officer of election shall be sufficient signature, provided no mark shall be required of a voter who is blind. An officer of election shall advise the voter and person assisting the voter of the requirements of this section and record the name of the voter and the name and address of the person assisting him.

The officer of election or other person so designated shall assist the qualified voter in the preparation of his ballot in accordance with his instructions and without soliciting his vote or in any manner attempting to influence his vote and shall not in any manner divulge or indicate, by signs or otherwise, how the voter voted on any office or question. If a ~~paper ballot or a mark sense~~ *printed* ballot is used, the officer or other person so designated shall deposit the ballot in the ballot container in accordance with § 24.2-646 *or in the ballot scanner machine in accordance with the instructions of the State Board.*

C. If the voter requires assistance in a language other than English and has not designated a person to assist him, an officer of election, before he assists as interpreter, shall inquire of the representatives authorized to be present pursuant to § 24.2-604 whether they have a volunteer available who can interpret for the voter. One representative interpreter for each party or candidate, insofar as available, shall be permitted to observe the officer of election communicate with the voter. The voter may designate one of the volunteer party or candidate interpreters to provide assistance. A person so designated by the voter shall meet all the requirements of this section for a person providing assistance.

D. A person who willfully violates subsection B or C ~~shall be~~ *is* guilty of a Class 1 misdemeanor. In addition, the provisions of § 24.2-1016 and its felony penalties for false statements shall be applicable to any request or statement signed pursuant to this section, and the provisions of §§ 24.2-704 and 24.2-1012 and the felony penalties for violations of the law related to providing assistance to absentee voters shall be applicable in such cases.

E. In any precinct in which an electronic voting ~~device~~ *machine* is available that provides an audio ballot, the officers of election shall notify a voter requiring assistance pursuant to this ~~subsection~~ *section* that such ~~equipment~~ *machine* is available for him to use to vote in privacy without assistance and the officers of election shall instruct the voter on the use of the voting ~~equipment~~ *machine*. Nothing in this ~~subsection~~ *section* shall be construed to require a voter to use the ~~equipment~~ *machine* unassisted.

§ 24.2-653. Voter whose name does not appear on pollbook or who is marked as having voted; handling of provisional ballots; ballots cast after normal close of polls due to court order extending polling hours.

A. When a person offers to vote pursuant to § 24.2-652 and the general registrar is not available or cannot state that the person is registered to vote, then such person shall be allowed to vote by ~~paper~~ *printed* ballot in the manner provided in this section. This procedure shall also apply when required by § 24.2-643 or 24.2-651.1.

Such person shall be given a ~~paper~~ *printed* ballot and provide, subject to the penalties for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the State Board, the identifying information required on the envelope, including *the last four digits* of his social security number, if any, full name including the maiden or any other prior legal name, date of birth, complete address, and signature. Such person shall be asked to present one of the forms of identification specified in subsection B of § 24.2-643. The officers of election shall note on the green envelope whether or not the voter has presented one of the specified forms of identification. The officers of election shall enter the appropriate information for the person in the precinct provisional ballots log in accordance with the instructions of the State Board but shall not enter a consecutive number for the voter on the pollbook nor otherwise mark his name as having voted. The officers of election shall provide an application for registration to the person offering to vote in the manner provided in this section.

The voter shall then, in the presence of an officer of election, but in a secret manner, mark the *printed* ballot as provided in § 24.2-644 and seal it in the green envelope. The envelope containing the ballot shall then promptly be placed in the ballot container by an officer of election.

An officer of election, by a written notice given to the voter, shall (i) inform him that a determination of his right to vote shall be made by the electoral board, (ii) advise the voter of the beginning time and place for the board's meeting and of the voter's right to be present at that meeting, and (iii) inform a voter voting provisionally when required by § 24.2-643 that he may submit a copy of one of the forms of identification specified in subsection B of § 24.2-643 to the electoral board by facsimile, electronic mail, in-person submission, or timely United States Postal Service or commercial mail delivery, to be received by the electoral board no later than noon on the third day after the election. At the meeting, the voter may request an extension of the determination of the provisional vote to the following day in order to provide information to prove that the voter is entitled to vote in the precinct pursuant to § 24.2-401. The electoral board shall have the authority to grant such extensions which it deems reasonable to determine the status of a provisional vote.

B. The provisional votes submitted pursuant to subsection A, in their unopened envelopes, shall be sealed in a special envelope marked "Provisional Votes," inscribed with the number of envelopes contained therein, and signed by the officers of election who counted them. All provisional votes envelopes shall be delivered either (i) to the clerk of the circuit court who shall deliver all such envelopes to the secretary of the electoral board or (ii) to the general registrar in localities in which the electoral board has directed delivery of election materials to the general registrar pursuant to § 24.2-668.

The electoral board shall meet on the day following the election and determine whether each person having submitted such a provisional vote was entitled to do so as a qualified voter in the precinct in which he offered the provisional vote. If the board is unable to determine the validity of all the provisional ballots offered in the election, or has granted any voter who has offered a provisional ballot an extension to the following day as provided in subsection A, the meeting shall stand

adjourned from day to day, not to exceed seven calendar days from the date of the election, until the board has determined the validity of all provisional ballots offered in the election.

One authorized representative of each political party or independent candidate in a general or special election or one authorized representative of each candidate in a primary election shall be permitted to remain in the room in which the determination is being made as an observer so long as he does not participate in the proceedings and does not impede the orderly conduct of the determination. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is not himself a candidate or party chairman, shall present to the electoral board a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. Such statement, bearing the chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if the copy had been signed.

Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), attendance at meetings of the electoral board to determine the validity of provisional ballots shall be permitted only for the authorized representatives provided for in this subsection, for the persons whose provisional votes are being considered and their representative or legal counsel, and for appropriate staff and legal counsel for the electoral board.

If the electoral board determines that such person was not entitled to vote as a qualified voter in the precinct in which he offered the provisional vote, is unable to determine his right to vote, or has not been provided one of the forms of identification specified in subsection B of § 24.2-643, the envelope containing his ballot shall not be opened and his vote shall not be counted. The provisional vote shall be counted if (a) such person is entitled to vote in the precinct pursuant to § 24.2-401 or (b) the State Board or the voter presents proof that indicates the voter submitted an application for registration to the Department of Motor Vehicles or other state-designated voter registration agency prior to the close of registration pursuant to § 24.2-416 and the registrar determines that the person was qualified for registration based upon the application for registration submitted by the person pursuant to subsection A. The general registrar shall notify in writing pursuant to § 24.2-114 those persons found not properly registered or whose provisional vote was not counted.

If the electoral board determines that such person was entitled to vote, the name of the voter shall be entered in a provisional votes pollbook and marked as having voted, the envelope shall be opened, and the ballot placed in a ballot container without any inspection further than that provided for in § 24.2-646.

On completion of its determination, the electoral board shall proceed to count such ballots and certify the results of its count. Its certified results shall be added to those found pursuant to § 24.2-671. No adjustment shall be made to the statement of results for the precinct in which the person offered to vote.

The certification of the results of the count together with all ballots and envelopes, whether open or unopened, and other related material shall be delivered by the electoral board to the clerk of the circuit court and retained by him as provided for in §§ 24.2-668 and 24.2-669.

C. Whenever the polling hours are extended by an order of a court of competent jurisdiction, any ballots marked after the normal polling hours by persons who were not already in line at the time the polls would have closed, notwithstanding the court order, shall be treated as provisional ballots under this section. The officers of election shall mark the green envelope for each such provisional ballot to indicate that it was cast after normal polling hours due to the court order, and when preparing the materials to deliver to the registrar or electoral board, shall separate these provisional ballots from any provisional ballots used for any other reason. The electoral board shall treat these provisional ballots as provided in subsection B; however, the counted and uncounted provisional ballots marked after the normal polling hours shall be kept separate from all other ballots and recorded in a separate provisional ballots pollbook. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to this section.

§ 24.2-653.1. Voters who did not receive absentee ballots; provisional ballots.

A. The provisions of this section shall apply when (i) a person offers to vote pursuant to § 24.2-643 at his proper polling place or at a central absentee voter precinct established by the governing body of the county or city where he is registered to vote, (ii) his name is shown on the pollbook as having applied for an absentee ballot, and (iii) for any reason he did not receive or has lost the absentee ballot. In such case, he shall be entitled to cast a provisional ballot after presenting to the officer of election a statement signed by him that he did not receive the ballot or has lost the ballot, subject to felony penalties for making false statements as pursuant to § 24.2-1016.

B. Such person shall be given a ~~paper~~ printed ballot and be permitted to vote the provisional ballot in accordance with the provisions of § 24.2-653 and the instructions of the State Board. The electoral board shall process the ballot in accordance with the provisions of § 24.2-653 and the instructions of the State Board.

§ 24.2-654. Officers to lock and seal voting equipment and ascertain vote after polls closed; statement of results.

As soon as the polls are closed, the officers of election shall lock each voting and counting ~~device~~ machine against further voting. They shall then proceed to ascertain the vote given at the election and continue without adjournment until they declare the results of the election. They shall seal the ~~devices~~ machines.

In ascertaining the vote, the officers of election shall complete a statement of results in duplicate on the form and in the manner prescribed by the State Board.

§ 24.2-657. Determination of vote on voting systems.

In the presence of all persons who may be present lawfully at the time, giving full view of the voting ~~equipment and counters~~ systems or printed return sheets, the officers of election shall determine and announce the results as shown by the

counters or printed return sheets, including the votes recorded for each office on the write-in ballots, and shall also announce the vote on every question. The vote as registered shall be entered on the statement of results. When completed, the statement shall be compared with the number on the counters on the equipment or on the printed return sheets. If, on ~~all mechanical or direct recording~~ electronic ~~voting devices machines~~, the number of persons voting in the election, or the number of votes cast for any office or on any question, totals more than the number of names on the pollbooks of persons voting on the ~~devices machines~~, then the figures recorded by the ~~devices machines~~ shall be accepted as correct. A statement to that effect shall be entered by the officers of election in the space provided on the statement of results.

§ 24.2-658. Machines with printed return sheets; disposition of sheets.

If ~~devices machines~~ that print returns are used, the printed inspection sheet and two copies of the printed return sheet containing the results of the election for each ~~device machine~~ shall be inserted in the envelope containing the ~~pollbooks statement of results~~ by the officers of election and sealed and returned as required by § 24.2-668.

The printed inspection sheets and one copy of the printed return sheets shall be kept with the ~~pollbooks statement of results~~ and preserved as provided in § 24.2-669.

One copy of the printed return sheets shall be made available by the clerk of the circuit court on the day following the election and for ~~sixty 60~~ additional days for inspection and transcribing information therefrom by the public.

§ 24.2-659. Locking voting and counting machines after election and delivering keys to clerk; printed returns as evidence.

A. If the voting or counting ~~device machine~~ is secured by the use of equipment keys, after the officers of election lock and seal each ~~voting and counting device machine~~, the equipment keys shall be enclosed in an envelope ~~which that~~ shall be sealed and have endorsed thereon a certificate of an officer of election stating the election precinct, the number of each ~~device machine~~, the number on the seal, and the number of the protective counter, if one, on the ~~device machine~~. The sealed envelope shall be delivered by one of the officers of the election to the clerk of the circuit court where the election was held. The custodians of the voting equipment shall enclose and seal in an envelope, properly endorsed, all other keys to all voting equipment in their jurisdictions and deliver the envelope to the clerk of the circuit court by noon on the day following the election. If the voting or counting ~~devices machines~~ are secured by the use of equipment keys or electronic activation devices that are not specific to a particular ~~device machine~~, after the officers of election lock and seal each ~~voting and counting device machine~~, the equipment keys and electronic activation devices shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the election precinct. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held.

If the voting or counting ~~device machine~~ is secured by removal of the ~~memory card, cartridge, or other data storage medium device~~ used in that election, the officers shall remove the ~~memory card, cartridge, or other data storage medium device~~ and proceed to lock and seal each ~~voting and counting device machine~~. The ~~memory card, cartridge, or other data storage medium device~~ shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the election precinct, the number of each ~~device machine~~, the number on the seal, and the number of the protective counter, if one, on the ~~device machine~~. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held. The equipment keys used at the polls shall be sealed in a different envelope and delivered to the clerk who shall release them to the electoral board upon request or at the expiration of the time specified by this section.

If the voting or counting ~~device machine~~ provides for the creation of a separate master electronic back-up on a ~~memory card, cartridge, or other data storage medium device~~ that combines the data for all of the voting ~~devices or counting machines~~ in a given precinct, that data storage ~~medium device~~ shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the name of the precinct. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held. The ~~memory cards or data storage medium device~~ for the individual ~~devices machines~~ may remain sealed in its individual ~~device machine~~ until the expiration of the time specified by this section. The equipment keys and the electronic activation devices used at the polls shall be sealed together in a separate envelope and delivered to the clerk who shall release them to the electoral board upon request or at the expiration of the time specified by this section.

The voting and counting ~~devices machines~~ shall remain locked and sealed until the deadline to request a recount under Chapter 8 (§ 24.2-800 et seq.) has passed and, if any contest or recount is pending thereafter, until it has been concluded. The ~~devices machines~~ shall be opened and all data examined only (i) on the order of a court of competent jurisdiction or (ii) on the request of an authorized representative of the State Board or the electoral board at the direction of the State Board in order to ensure the accuracy of the returns. In the event that ~~devices machines~~ are examined under clause (ii) of this paragraph, each political party and each independent candidate on the ballot, or each primary candidate, shall be entitled to have a representative present during such examination. The representatives and observers lawfully present shall be prohibited from interfering with the officers of election in any way. The State Board or local electoral board shall provide such parties and candidates reasonable advance notice of the examination.

When recounts occur in precincts using ~~mechanical or direct recording~~ electronic ~~voting devices machines~~ with printed return sheets, the printed return sheets delivered to the clerk may be used as the official evidence of the results.

When the required time has expired, the clerk of the circuit court shall return all voting equipment keys to the electoral board.

B. The local electoral board may direct that the officers of election and custodians, in lieu of conveying the sealed equipment keys to the clerk of the circuit court as provided in subsection A of this section, shall convey them to the principal office of the general registrar on the night of the election. The general registrar shall secure and retain the sealed equipment keys and any other electronic locking or activation devices in his office and shall convey them to the clerk of the court by noon of the day following the ascertainment of the results of the election by the electoral board.

§ 24.2-663. When ballot void.

If a ~~paper printed ballot or a ballot that is inserted into an electronic counting device~~ is found to have been voted for a greater number of names for any one office than the number of persons required to fill the office, or if the title of the office is erased, the ballot shall be considered void as to all the names designated to fill such office, but no further, and the ballot shall be counted for the other offices on the ballot. In the case of ~~an electronic counting device~~ a *ballot scanner machine*, an election official is authorized to cause the ~~counting device~~ *ballot scanner* to receive the ballot and count it in accordance with this section. No ballot shall be void for having been voted for fewer names than authorized.

If any person votes, either in person or absentee, more than one time in an election, all ballots received from such person shall be void and, if possible, not counted. If one such ballot has already been cast, any additional ballots received from such person shall be void and not counted.

§ 24.2-671.1. Audits of ballot scanner machines.

A. The State Board shall be authorized to ~~provide for pilot programs~~ *conduct a post-election audit of one or more ballot scanner machines in one or more precincts* in one or more localities with respect to an election in which the margin between the top two candidates for each office on the ballot exceeds 10 percent, with the consent of the electoral board of the locality; ~~to conduct a post-election audit of one or more optical scan tabulators in one or more precincts, notwithstanding any other provision of law to the contrary. The purposes of the pilot programs audits shall be to study the accuracy of optical scan tabulators; to evaluate the time, cost, and accuracy of audits; and to determine proper procedures for conducting audits. A pilot program may audit any combination of randomly selected or specific tabulators~~ *ballot scanner machines*.

B. No audit ~~conducted as part of a pilot program~~ shall commence until after the election has been certified and the period to initiate a recount has expired without the initiation of a recount, *unless such audit is being conducted as part of a voting system certification*. An audit ~~conducted as part of a pilot program~~ shall have no effect on the election results.

C. All audits shall be performed in accordance with the procedures prescribed by the State Board under the supervision of the local electoral board. The procedures established by the State Board shall include its procedures for conducting hand counts of ballots. Candidates and political parties may have representatives observe the audits.

D. At the conclusion of each audit, the local electoral board shall announce publicly the results of the audit of the machines in its jurisdiction. The announcement shall include a comparison of the audited election results and the initial tally for each machine audited, and an analysis of any detected discrepancies.

§ 24.2-712. Central absentee voter precincts; counting ballots.

A. Notwithstanding any other provision of law, the governing body of each county or city may establish one or more central absentee voter precincts in the courthouse or other public buildings for the purpose of receiving, counting, and recording absentee ballots cast in the county or city. The decision to establish any absentee voter precinct shall be made by the governing body by ordinance; the ordinance shall state for which elections the precinct shall be used. The decision to abolish any absentee voter precinct shall be made by the governing body by ordinance. Immediate notification of either decision shall be sent to the State Board and the electoral board.

B. Each central absentee voter precinct shall have at least three officers of election as provided for other precincts. The number of officers shall be determined by the electoral board.

C. If any voter brings an unmarked ballot to the central absentee voter precinct on the day of the election, he shall be allowed to vote it. If any voter brings an unmarked ballot to the electoral board on or before the day of the election, he shall be allowed to vote it, and his ballot shall be delivered to the absentee voter precinct pursuant to § 24.2-710.

The officers at the absentee voter precinct shall determine any appeal by any other voter whose name appears on the absentee voter applicant list and who offers to vote in person. If the officers at the absentee voter precinct produce records showing the receipt of his application and the certificate of mailing for the ballot, they shall deny his appeal. If the officers cannot produce such records, the voter shall be allowed to vote in person at the absentee voter precinct and have his vote counted with other absentee votes. If the voter's appeal is denied, the provisions of § 24.2-708 shall be applicable, and the officers shall advise the voter that he may vote on presentation of a statement signed by him that he has not received an absentee ballot and subject to felony penalties for making false statements pursuant to § 24.2-1016.

D. Absentee ballots may be processed as required by § 24.2-711 by the officers of election at the central absentee voter precinct prior to the closing of the polls but the ballot container shall not be opened and the counting of ballots shall not begin prior to that time. In the case of ~~punch card or mark sense machine-readable ballots to be inserted in electronic counting equipment~~, the ballot container may be opened and the absentee ballots may be inserted in the counting ~~equipment~~ *machines* prior to the closing of the polls in accordance with procedures prescribed by the State Board, including procedures to preserve ballot secrecy, but no ballot count totals shall be initiated prior to that time.

As soon as the polls are closed in the county or city the officers of election at the central absentee voter precinct shall proceed promptly to ascertain and record the vote given by absentee ballot and report the results in the manner provided for counting and reporting ballots generally in Article 4 (§ 24.2-643 et seq.) of Chapter 6.

E. The electoral board may provide that the officers of election for a central absentee voter precinct may be assigned to work all or a portion of the time that the precinct is open on election day subject to the following conditions:

1. The chief officer and the assistant chief officer, appointed pursuant to § 24.2-115 to represent the two political parties, are on duty at all times; and

2. No officer, political party representative, or other candidate representative shall leave the precinct after any ballots have been counted until the polls are closed and the count for the precinct is completed and reported.

F. The electoral board, with the written agreement of the general registrar, may provide that the central absentee voter precinct will open after 6:00 a.m. and at any time before noon on the day of the election provided that the office of the general registrar will be open for the receipt of absentee ballots until the central absentee voter precinct is open and that the officers of election for the central absentee voter precinct obtain the absentee ballots returned to the general registrar's office for the purpose of counting the absentee ballots at the central absentee voter precinct and provided further that the central absentee voter precinct is the same location as the office of the general registrar.

§ 24.2-801. Petition for recount; recount court.

The petition for a recount of an election, other than an election for presidential electors, shall be filed within 10 days from the day the State Board or the electoral board certifies the result of the election under § 24.2-679 or § 24.2-671, but not thereafter. The petition shall be filed in the Circuit Court of the City of Richmond in the case of any statewide office and in the circuit court of the county or city in which the candidate being challenged resides in the case of any other office. The petition shall be filed in the Circuit Court of the City of Richmond in the case of any statewide referendum and in the circuit court of any county or city comprising a part of the election district in the case of any other referendum.

The petition shall set forth the results certified by the Board or electoral board and shall request the court to have the ballots in the election recounted or, in the case of ~~mechanical or direct recording~~ electronic ~~voting devices~~ *machines*, the vote redetermined.

In an election for office, a copy of the petition shall be served on the candidate apparently nominated or elected as provided under § 8.01-296 and within 10 days after the Board or electoral board has certified the results of such election. In a referendum, a copy of the petition shall be so served on the governing body or chief executive officer of the jurisdiction in which the election was held.

The chief judge of the circuit court in which a petition is filed shall promptly notify the Chief Justice of the Supreme Court of Virginia, who shall designate two other judges to sit with the chief judge, and the court shall be constituted and sit in all respects as a court appointed and sitting under §§ 24.2-805 and 24.2-806.

§ 24.2-801.1. Petition for recount of election for presidential electors; recount court.

The petition for a recount of an election for presidential electors shall be filed no later than 5:00 p.m. on the second calendar day after the day the State Board certifies the result of the election under § 24.2-679, but not thereafter. Presidential candidates who anticipate the possibility of asking for a recount are encouraged to so notify the State Board by letter as soon as possible after election day. The petition shall be filed in the Circuit Court of the City of Richmond. If any presidential candidate is eligible to seek a recount of the results of the election for presidential electors under § 24.2-800 the State Board shall, within 24 hours of the certification of the results, notify the Circuit Court of the City of Richmond and the Supreme Court of Virginia (i) that a recount is possible, (ii) which presidential candidate is eligible to seek a recount, and (iii) of the date the results were certified. The Circuit Court of the City of Richmond shall make arrangements to receive any such filing if the office would normally be closed the entire day, or prior to 5:00 p.m., on the second calendar day after the day the State Board certified the result of the election.

The petition shall set forth the results certified by the Board and shall request the court to have the ballots in the election recounted or, in the case of ~~mechanical or direct recording~~ electronic ~~voting devices~~ *machines*, the vote redetermined.

A copy of the petition shall be served on the presidential candidate whose electors were apparently elected as provided under § 8.01-296 and within five calendar days after the Board has certified the results of such election.

As soon as a petition is filed, the chief judge of the Circuit Court shall promptly notify the Chief Justice of the Supreme Court of Virginia, who shall designate two other judges to sit with the chief judge, and the court shall be constituted and sit in all respects as a court appointed and sitting under § 24.2-805.

Any recount of an election for presidential electors shall be held promptly and completed, in accordance with the provisions of 3 U.S.C. § 5, at least six days before the time fixed for the meeting of the electors.

§ 24.2-802. Procedure for recount.

A. The State Board of Elections shall promulgate standards for (i) the proper handling and security of voting and counting ~~devices~~ *machines*, ballots, and other materials required for a recount, (ii) accurate determination of votes based upon objective evidence and taking into account the counting ~~device~~ *machine* and form of ballots approved for use in the Commonwealth, and (iii) any other matters that will promote a timely and accurate resolution of the recount. The chief judge of the circuit court or the full recount court may, consistent with State Board of Elections standards, resolve disputes over the application of the standards and direct all other appropriate measures to ensure the proper conduct of the recount.

The recount procedures to be followed throughout the election district shall be as uniform as practicable, taking into account the types of ballots and voting ~~devices~~ *and counting machines* in use in the election district.

In preparation for the recount, the clerks of the circuit courts shall (a) secure all ~~paper printed~~ ballots and other election materials in sealed boxes; (b) place all of the sealed boxes in a vault or room not open to the public or to anyone other than

the clerk and his staff; (c) cause such vault or room to be securely locked except when access is necessary for the clerk and his staff; and (d) certify that these security measures have been taken in whatever form is deemed appropriate by the chief judge.

B. Within seven calendar days of the filing of the petition for a recount of any election other than an election for presidential electors, or within five calendar days of the filing of a petition for a recount of an election for presidential electors, the chief judge of the circuit court shall call a preliminary hearing at which (i) motions may be disposed of and (ii) the rules of procedure may be fixed, both subject to review by the full court. As part of the preliminary hearing, the chief judge may permit the petitioner and his counsel, together with each other party and his counsel and at least two members of the electoral board and the custodians, to examine any direct *recording* electronic ~~voting device~~ *machine* of the type that prints returns when the print-out sheets are not clearly legible. The petitioner and his counsel and each other party and their counsel under supervision of the electoral board and its agents shall also have access to pollbooks and other materials used in the election for examination purposes, provided that individual ballots cast in the election shall not be examined at the preliminary hearing. The chief judge during the preliminary hearing shall review all security measures taken for all ballots and voting ~~devices and counting machines~~ and direct, as he deems necessary, all appropriate measures to ensure proper security to conduct the recount.

The chief judge, subject to review by the full court, may set the place or places for the recount and may order the delivery of election materials to a central location and the transportation of voting ~~devices and counting machines~~ to a central location in each county or city under appropriate safeguards.

After the full court is appointed under § 24.2-801 or 24.2-801.1, it shall call a hearing at which all motions shall be disposed of and the rules of procedure shall be fixed finally. The court shall call for the advice and cooperation of the State Board or any local electoral board, as appropriate, and such boards shall have the duty and authority to assist the court. The court shall fix procedures that shall provide for the accurate determination of votes in the election.

The determination of the votes in a recount shall be based on votes cast in the election and shall not take into account (a) any absentee ballots or provisional ballots sought to be cast but ruled invalid and not cast in the election, (b) ballots cast only for administrative or test purposes and voided by the officers of election, or (c) ballots spoiled by a voter and replaced with a new ballot.

The eligibility of any voter to have voted shall not be an issue in a recount. Commencing upon the filing of the recount, nothing shall prevent the discovery or disclosure of any evidence that could be used pursuant to § 24.2-803 in contesting the results of an election.

C. The court shall permit each candidate, or petitioner and governing body or chief executive officer, to select an equal number of the officers of election to be recount officials and to count *printed* ballots, or in the case of direct *recording* electronic ~~voting devices~~ *machines*, to redetermine the vote. The number shall be fixed by the court and be sufficient to conduct the recount within a reasonable period. The court may permit each party to the recount to submit a list of alternate officials in the number the court directs. There shall be at least one team of recount officials to recount ~~paper printed~~ ballots and to redetermine the vote cast on direct *recording* electronic ~~devices~~ *machines* of the type that prints returns for the election district at large in which the recount is being held. There shall be at least one team from each locality using ~~electronic counting devices~~ *ballot scanner machines* to insert the ballots into one or more ~~counting devices~~ *scanners*. The ~~counting devices~~ *ballot scanner machines* shall be programmed to count only votes cast for parties to the recount or for or against the question in a referendum recount. Each team shall be composed of one representative of each party.

The court may provide that if, at the time of the recount, any recount official fails to appear, the remaining recount officials present shall appoint substitute recount officials who shall possess the same qualifications as the recount officials for whom they substitute. The court may select pairs of recount coordinators to serve for each county or city in the election district who shall be members of the county or city electoral board and represent different political parties. The court shall have authority to summon such officials and coordinators. On the request of any party to the recount, the court shall allow that party to appoint one representative observer for each team of recount officials. The representative observers shall have an unobstructed view of the work of the recount officials. The expenses of its representatives shall be borne by each party.

D. The court (i) shall supervise the recount and (ii) may require delivery of any or all pollbooks used and any or all ballots cast at the election, or may assume supervision thereof through the recount coordinators and officials.

The redetermination of the vote in a recount shall be conducted as follows:

1. For paper ballots, the recount officials shall hand count the *paper* ballots using the standards promulgated by the State Board pursuant to subsection A.

2. For direct recording electronic machines (DREs), the recount officials shall open the envelopes with the printouts and read the results from the printouts. If the printout is not clear, or on the request of the court, the recount officials shall rerun the printout from the machine or examine the counters as appropriate.

3. For ~~optical scan tabulators~~ *ballot scanner machines*, the recount officials shall rerun all the *machine-readable* ballots through a ~~tabulator scanner~~ programmed to count only the votes for the office or issue in question in the recount and to set aside all ballots containing write-in votes, overvotes, and undervotes. The ballots that are set aside, any ballots not accepted by the ~~tabulator scanner~~, and any ballots for which a ~~tabulator scanner~~ could not be programmed to meet the programming requirements of this subdivision, shall be hand counted using the standards promulgated by the State Board pursuant to subsection A. If the total number of ~~paper machine-readable~~ ballots reported as counted by the ~~tabulator scanner~~ plus the total number of ballots set aside by the ~~tabulator scanner~~ do not equal the total number of ballots rerun through the ~~tabulator~~

scanner, then all ballots cast on ~~optical scan equipment~~ *ballot scanner machines* for that precinct shall be set aside to be counted by hand using the standards promulgated by the State Board pursuant to subsection A. Prior to running the *machine-readable* ballots through the ~~tabulator~~ *ballot scanner machine*, the recount officials shall ensure that logic and accuracy tests have been successfully performed on each ~~tabulator~~ *scanner* after the ~~tabulator~~ *scanner* has been programmed. The result calculated for ballots accepted by the ~~tabulator~~ *ballot scanner machine* during the recount shall be considered the correct determination for those *machine-readable* ballots unless the court finds sufficient cause to rule otherwise.

There shall be only one redetermination of the vote in each precinct.

At the conclusion of the recount of each precinct, the recount officials shall write down the number of valid ballots cast, this number being obtained from the ballots cast in the precinct, or from the ballots cast as shown on the statement of results if the ballots cannot be found, for each of the two candidates or for and against the question. They shall submit the ballots or the statement of results used, as to the validity of which questions exist, to the court. The written statement of any one recount official challenging a ballot shall be sufficient to require its submission to the court. If, on all direct *recording electronic voting devices machines*, the number of persons voting in the election, or the number of votes cast for the office or on the question, totals more than the number of names on the pollbooks of persons voting on the ~~devices~~ *voting machines*, the figures recorded by the ~~devices~~ *machines* shall be accepted as correct.

At the conclusion of the recount of all precincts, after allowing the parties to inspect the questioned ballots, and after hearing arguments, the court shall rule on the validity of all questioned ballots and votes. After determining all matters pertaining to the recount and redetermination of the vote as raised by the parties, the court shall certify to the State Board and the electoral board or boards (a) the vote for each party to the recount and declare the person who received the higher number of votes to be nominated or elected, as appropriate, or (b) the votes for and against the question and declare the outcome of the referendum. The State Board shall post on the Internet any and all changes made during the recount to the results as previously certified by it pursuant to § 24.2-679.

E. Costs of the recount shall be assessed against the counties and cities comprising the election district when (i) the candidate petitioning for the recount is declared the winner; (ii) the petitioners in a recount of a referendum win the recount; or (iii) there was between the candidate apparently nominated or elected and the candidate petitioning for the recount a difference of not more than one-half of one percent of the total vote cast for the two such candidates as determined by the State Board or electoral board prior to the recount. Otherwise the costs of the recount shall be assessed against the candidate petitioning for the recount or the petitioners in a recount of a referendum. If more than one candidate petitions for a recount, the court may assess costs in an equitable manner between the counties and cities and any such candidate if both are liable for costs under this subsection. Costs incurred to date shall be assessed against any candidate or petitioner who defaults or withdraws his petition.

F. The court shall determine the costs of the recount subject to the following limitations: (i) no per diem payment shall be assessed for salaried election officials; (ii) no per diem payment to officers of election serving as recount officials shall exceed two-thirds of the per diem paid such officers by the county or city for service on election day; and (iii) per diem payments to alternates shall be allowed only if they serve.

G. Any petitioner who may be assessed with costs under subsection E shall post a bond with surety with the court in the amount of \$10 per precinct in the area subject to recount. If the petitioner wins the recount, the bond shall not be forfeit. If the petitioner loses the recount, the bond shall be forfeit only to the extent of the assessed costs. If the assessed costs exceed the bond, he shall be liable for such excess.

H. The recount proceeding shall be final and not subject to appeal.

I. For the purposes of this section:

"Overvote" means a ballot on which a voter casts a vote for a greater number of candidates or positions than the number for which he was lawfully entitled to vote and no vote shall be counted with respect to that office or issue.

"Undervote" means a ballot on which a voter casts a vote for a lesser number of candidates or positions than the number for which he was lawfully entitled to vote.

2. That §§ 24.2-628 and 24.2-640 of the Code of Virginia are repealed.

3. That an emergency exists and this act is in force from its passage.

CHAPTER 541

An Act to amend and reenact § 56-585.1 of the Code of Virginia, relating to electric utility regulation; recovery of nuclear costs.

[S 459]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 56-585.1 of the Code of Virginia is amended and reenacted as follows:

§ 56-585.1. Generation, distribution, and transmission rates after capped rates terminate or expire.

A. During the first six months of 2009, the Commission shall, after notice and opportunity for hearing, initiate proceedings to review the rates, terms and conditions for the provision of generation, distribution and transmission services

of each investor-owned incumbent electric utility. Such proceedings shall be governed by the provisions of Chapter 10 (§ 56-232 et seq.), except as modified herein. In such proceedings the Commission shall determine fair rates of return on common equity applicable to the generation and distribution services of the utility. In so doing, the Commission may use any methodology to determine such return it finds consistent with the public interest, but such return shall not be set lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data are available by not less than a majority, selected by the Commission as specified in subdivision 2 b, of other investor-owned electric utilities in the peer group of the utility, nor shall the Commission set such return more than 300 basis points higher than such average. The peer group of the utility shall be determined in the manner prescribed in subdivision 2 b. The Commission may increase or decrease such combined rate of return by up to 100 basis points based on the generating plant performance, customer service, and operating efficiency of a utility, as compared to nationally recognized standards determined by the Commission to be appropriate for such purposes. In such a proceeding, the Commission shall determine the rates that the utility may charge until such rates are adjusted. If the Commission finds that the utility's combined rate of return on common equity is more than 50 basis points below the combined rate of return as so determined, it shall be authorized to order increases to the utility's rates necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn not less than such combined rate of return. If the Commission finds that the utility's combined rate of return on common equity is more than 50 basis points above the combined rate of return as so determined, it shall be authorized either (i) to order reductions to the utility's rates it finds appropriate, provided that the Commission may not order such rate reduction unless it finds that the resulting rates will provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than the fair rates of return on common equity applicable to the generation and distribution services; or (ii) to direct that 60 percent of the amount of the utility's earnings that were more than 50 basis points above the fair combined rate of return for calendar year 2008 be credited to customers' bills, in which event such credits shall be amortized over a period of six to 12 months, as determined at the discretion of the Commission, following the effective date of the Commission's order and be allocated among customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates. Commencing in 2011, the Commission, after notice and opportunity for hearing, shall conduct biennial reviews of the rates, terms and conditions for the provision of generation, distribution and transmission services by each investor-owned incumbent electric utility, subject to the following provisions:

1. Rates, terms and conditions for each service shall be reviewed separately on an unbundled basis, and such reviews shall be conducted in a single, combined proceeding. The first such review shall utilize the two successive 12-month test periods ending December 31, 2010. However, the Commission may, in its discretion, elect to stagger its biennial reviews of utilities by utilizing the two successive 12-month test periods ending December 31, 2010, for a Phase I Utility, and utilizing the two successive 12-month test periods ending December 31, 2011, for a Phase II Utility, with subsequent proceedings utilizing the two successive 12-month test periods ending December 31 immediately preceding the year in which such proceeding is conducted. For purposes of this section, a Phase I Utility is an investor-owned incumbent electric utility that was, as of July 1, 1999, not bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, and a Phase II Utility is an investor-owned incumbent electric utility that was bound by such a settlement.

2. Subject to the provisions of subdivision 6, fair rates of return on common equity applicable separately to the generation and distribution services of such utility, and for the two such services combined, shall be determined by the Commission during each such biennial review, as follows:

a. The Commission may use any methodology to determine such return it finds consistent with the public interest, but such return shall not be set lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data are available by not less than a majority, selected by the Commission as specified in subdivision 2 b, of other investor-owned electric utilities in the peer group of the utility subject to such biennial review, nor shall the Commission set such return more than 300 basis points higher than such average.

b. In selecting such majority of peer group investor-owned electric utilities, the Commission shall first remove from such group the two utilities within such group that have the lowest reported returns of the group, as well as the two utilities within such group that have the highest reported returns of the group, and the Commission shall then select a majority of the utilities remaining in such peer group. In its final order regarding such biennial review, the Commission shall identify the utilities in such peer group it selected for the calculation of such limitation. For purposes of this subdivision, an investor-owned electric utility shall be deemed part of such peer group if (i) its principal operations are conducted in the southeastern United States east of the Mississippi River in either the states of West Virginia or Kentucky or in those states south of Virginia, excluding the state of Tennessee, (ii) it is a vertically-integrated electric utility providing generation, transmission and distribution services whose facilities and operations are subject to state public utility regulation in the state where its principal operations are conducted, (iii) it had a long-term bond rating assigned by Moody's Investors Service of at least Baa at the end of the most recent test period subject to such biennial review, and (iv) it is not an affiliate of the utility subject to such biennial review.

c. The Commission may, consistent with its precedent for incumbent electric utilities prior to the enactment of Chapters 888 and 933 of the Acts of Assembly of 2007, increase or decrease the utility's combined rate of return based on the Commission's consideration of the utility's performance.

d. In any Current Proceeding, the Commission shall determine whether the Current Return has increased, on a percentage basis, above the Initial Return by more than the increase, expressed as a percentage, in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, since the date on which the Commission determined the Initial Return. If so, the Commission may conduct an additional analysis of whether it is in the public interest to utilize such Current Return for the Current Proceeding then pending. A finding of whether the Current Return justifies such additional analysis shall be made without regard to any enhanced rate of return on common equity awarded pursuant to the provisions of subdivision 6. Such additional analysis shall include, but not be limited to, a consideration of overall economic conditions, the level of interest rates and cost of capital with respect to business and industry, in general, as well as electric utilities, the current level of inflation and the utility's cost of goods and services, the effect on the utility's ability to provide adequate service and to attract capital if less than the Current Return were utilized for the Current Proceeding then pending, and such other factors as the Commission may deem relevant. If, as a result of such analysis, the Commission finds that use of the Current Return for the Current Proceeding then pending would not be in the public interest, then the lower limit imposed by subdivision 2 a on the return to be determined by the Commission for such utility shall be calculated, for that Current Proceeding only, by increasing the Initial Return by a percentage at least equal to the increase, expressed as a percentage, in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, since the date on which the Commission determined the Initial Return. For purposes of this subdivision:

"Current Proceeding" means any proceeding conducted under any provisions of this subsection that require or authorize the Commission to determine a fair combined rate of return on common equity for a utility and that will be concluded after the date on which the Commission determined the Initial Return for such utility.

"Current Return" means the minimum fair combined rate of return on common equity required for any Current Proceeding by the limitation regarding a utility's peer group specified in subdivision 2 a.

"Initial Return" means the fair combined rate of return on common equity determined for such utility by the Commission on the first occasion after July 1, 2009, under any provision of this subsection pursuant to the provisions of subdivision 2 a.

e. In addition to other considerations, in setting the return on equity within the range allowed by this section, the Commission shall strive to maintain costs of retail electric energy that are cost competitive with costs of retail electric energy provided by the other peer group investor-owned electric utilities.

f. The determination of such returns shall be made by the Commission on a stand-alone basis, and specifically without regard to any return on common equity or other matters determined with regard to facilities described in subdivision 6.

g. If the combined rate of return on common equity earned by the generation and distribution services is no more than 50 basis points above or below the return as so determined or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, such return is no more than 70 basis points above or below the return as so determined, such combined return shall not be considered either excessive or insufficient, respectively. However, for any test period commencing after December 31, 2012, for a Phase II Utility, and after December 31, 2013, for a Phase I Utility, if the utility has, during the test period or periods under review, earned below the return as so determined, whether or not such combined return is within 70 basis points of the return as so determined, the utility may petition the Commission for approval of an increase in rates in accordance with the provisions of ~~clause (4) of subdivision A 8 a~~ as if it had earned more than 70 basis points below a fair combined rate of return, and such proceeding shall otherwise be conducted in accordance with the provisions of this section.

h. Any amount of a utility's earnings directed by the Commission to be credited to customers' bills pursuant to this section shall not be considered for the purpose of determining the utility's earnings in any subsequent biennial review.

3. Each such utility shall make a biennial filing by March 31 of every other year, beginning in 2011, consisting of the schedules contained in the Commission's rules governing utility rate increase applications; however, if the Commission elects to stagger the dates of the biennial reviews of utilities as provided in subdivision 1, then Phase I utilities shall commence biennial filings in 2011 and Phase II utilities shall commence biennial filings in 2012. Such filing shall encompass the two successive 12-month test periods ending December 31 immediately preceding the year in which such proceeding is conducted, and in every such case the filing for each year shall be identified separately and shall be segregated from any other year encompassed by the filing. If the Commission determines that rates should be revised or credits be applied to customers' bills pursuant to subdivision 8 or 9, any rate adjustment clauses previously implemented pursuant to subdivision 5 or those related to facilities utilizing simple-cycle combustion turbines described in subdivision 6, shall be combined with the utility's costs, revenues and investments until the amounts that are the subject of such rate adjustment clauses are fully recovered. The Commission shall combine such clauses with the utility's costs, revenues and investments only after it makes its initial determination with regard to necessary rate revisions or credits to customers' bills, and the amounts thereof, but after such clauses are combined as herein specified, they shall thereafter be considered part of the utility's costs, revenues, and investments for the purposes of future biennial review proceedings. A Phase I utility shall delay for one year the filing of its biennial review from March 31, 2013, to March 31, 2014, and shall not defer on its books for

future recovery any costs incurred during calendar year 2011, other than as provided in subdivision ~~A 7 of this section~~ or § 56-249.6, and its subsequent biennial filing shall be made by March 31, 2016, and every two years thereafter.

4. The following costs incurred by the utility shall be deemed reasonable and prudent: (i) costs for transmission services provided to the utility by the regional transmission entity of which the utility is a member, as determined under applicable rates, terms and conditions approved by the Federal Energy Regulatory Commission, and (ii) costs charged to the utility that are associated with demand response programs approved by the Federal Energy Regulatory Commission and administered by the regional transmission entity of which the utility is a member. Upon petition of a utility at any time after the expiration or termination of capped rates, but not more than once in any 12-month period, the Commission shall approve a rate adjustment clause under which such costs, including, without limitation, costs for transmission service, charges for new and existing transmission facilities, administrative charges, and ancillary service charges designed to recover transmission costs, shall be recovered on a timely and current basis from customers. Retail rates to recover these costs shall be designed using the appropriate billing determinants in the retail rate schedules.

5. A utility may at any time, after the expiration or termination of capped rates, but not more than once in any 12-month period, petition the Commission for approval of one or more rate adjustment clauses for the timely and current recovery from customers of the following costs:

a. Incremental costs described in clause (vi) of subsection B of § 56-582 incurred between July 1, 2004, and the expiration or termination of capped rates, if such utility is, as of July 1, 2007, deferring such costs consistent with an order of the Commission entered under clause (vi) of subsection B of § 56-582. The Commission shall approve such a petition allowing the recovery of such costs that comply with the requirements of clause (vi) of subsection B of § 56-582;

b. Projected and actual costs for the utility to design and operate fair and effective peak-shaving programs. The Commission shall approve such a petition if it finds that the program is in the public interest; provided that the Commission shall allow the recovery of such costs as it finds are reasonable;

c. Projected and actual costs for the utility to design, implement, and operate energy efficiency programs, including a margin to be recovered on operating expenses, which margin for the purposes of this section shall be equal to the general rate of return on common equity determined as described in subdivision ~~A 2 of this section~~. The Commission shall only approve such a petition if it finds that the program is in the public interest. As part of such cost recovery, the Commission, if requested by the utility, shall allow for the recovery of revenue reductions related to energy efficiency programs. The Commission shall only allow such recovery to the extent that the Commission determines such revenue has not been recovered through margins from incremental off-system sales as defined in § 56-249.6 that are directly attributable to energy efficiency programs.

None of the costs of new energy efficiency programs of an electric utility, including recovery of revenue reductions, shall be assigned to any customer that has a verifiable history of having used more than 10 megawatts of demand from a single meter of delivery. Nor shall any of the costs of new energy efficiency programs of an electric utility, including recovery of revenue reductions, be incurred by any large general service customer as defined herein that has notified the utility of non-participation in such energy efficiency program or programs. A large general service customer is a customer that has a verifiable history of having used more than 500 kilowatts of demand from a single meter of delivery. Non-participation in energy efficiency programs shall be allowed by the Commission if the large general service customer has, at the customer's own expense, implemented energy efficiency programs that have produced or will produce measured and verified results consistent with industry standards and other regulatory criteria stated in this section. The Commission shall, no later than November 15, 2009, promulgate rules and regulations to accommodate the process under which such large general service customers shall file notice for such an exemption and (i) establish the administrative procedures by which eligible customers will notify the utility and (ii) define the standard criteria that must be satisfied by an applicant in order to notify the utility. In promulgating such rules and regulations, the Commission may also specify the timing as to when a utility shall accept and act on such notice, taking into consideration the utility's integrated resource planning process as well as its administration of energy efficiency programs that are approved for cost recovery by the Commission. The notice of non-participation by a large general service customer, to be given by March 1 of a given year, shall be for the duration of the service life of the customer's energy efficiency program. The Commission on its own motion may initiate steps necessary to verify such non-participants' achievement of energy efficiency if the Commission has a body of evidence that the non-participant has knowingly misrepresented its energy efficiency achievement. A utility shall not charge such large general service customer, as defined by the Commission, for the costs of installing energy efficiency equipment beyond what is required to provide electric service and meter such service on the customer's premises if the customer provides, at the customer's expense, equivalent energy efficiency equipment. In all relevant proceedings pursuant to this section, the Commission shall take into consideration the goals of economic development, energy efficiency and environmental protection in the Commonwealth;

d. Projected and actual costs of participation in a renewable energy portfolio standard program pursuant to § 56-585.2 that are not recoverable under subdivision 6. The Commission shall approve such a petition allowing the recovery of such costs as are provided for in a program approved pursuant to § 56-585.2; and

e. Projected and actual costs of projects that the Commission finds to be necessary to comply with state or federal environmental laws or regulations applicable to generation facilities used to serve the utility's native load obligations. The Commission shall approve such a petition if it finds that such costs are necessary to comply with such environmental laws or regulations.

The Commission shall have the authority to determine the duration or amortization period for any adjustment clause approved under this subdivision.

6. To ensure a reliable and adequate supply of electricity, to meet the utility's projected native load obligations and to promote economic development, a utility may at any time, after the expiration or termination of capped rates, petition the Commission for approval of a rate adjustment clause for recovery on a timely and current basis from customers of the costs of (i) a coal-fueled generation facility that utilizes Virginia coal and is located in the coalfield region of the Commonwealth, as described in § 15.2-6002, regardless of whether such facility is located within or without the utility's service territory, (ii) one or more other generation facilities, or (iii) one or more major unit modifications of generation facilities; however, such a petition concerning facilities described in clause (ii) that utilize nuclear power, facilities described in clause (ii) that are coal-fueled and will be built by a Phase I utility, or facilities described in clause (i) may also be filed before the expiration or termination of capped rates. A utility that constructs any such facility shall have the right to recover the costs of the facility, as accrued against income, through its rates, including projected construction work in progress, and any associated allowance for funds used during construction, planning, development and construction costs, life-cycle costs, and costs of infrastructure associated therewith, plus, as an incentive to undertake such projects, an enhanced rate of return on common equity calculated as specified below. A utility seeking approval to construct a generating facility shall demonstrate that it has considered and weighed alternative options, including third-party market alternatives, in its selection process. The costs of the facility, other than return on projected construction work in progress and allowance for funds used during construction, shall not be recovered prior to the date the facility begins commercial operation. Such enhanced rate of return on common equity shall be applied to allowance for funds used during construction and to construction work in progress during the construction phase of the facility and shall thereafter be applied to the entire facility during the first portion of the service life of the facility. The first portion of the service life shall be as specified in the table below; however, the Commission shall determine the duration of the first portion of the service life of any facility, within the range specified in the table below, which determination shall be consistent with the public interest and shall reflect the Commission's determinations regarding how critical the facility may be in meeting the energy needs of the citizens of the Commonwealth and the risks involved in the development of the facility. After the first portion of the service life of the facility is concluded, the utility's general rate of return shall be applied to such facility for the remainder of its service life. As used herein, the service life of the facility shall be deemed to begin on the date the facility begins commercial operation, and such service life shall be deemed equal in years to the life of that facility as used to calculate the utility's depreciation expense. Such enhanced rate of return on common equity shall be calculated by adding the basis points specified in the table below to the utility's general rate of return, and such enhanced rate of return shall apply only to the facility that is the subject of such rate adjustment clause. Allowance for funds used during construction shall be calculated for any such facility utilizing the utility's actual capital structure and overall cost of capital, including an enhanced rate of return on common equity as determined pursuant to this subdivision, until such construction work in progress is included in rates. The construction of any facility described in clause (i) is in the public interest, and in determining whether to approve such facility, the Commission shall liberally construe the provisions of this title. The basis points to be added to the utility's general rate of return to calculate the enhanced rate of return on common equity, and the first portion of that facility's service life to which such enhanced rate of return shall be applied, shall vary by type of facility, as specified in the following table:

Type of Generation Facility	Basis Points	First Portion of Service Life
Nuclear-powered	200	Between 12 and 25 years
Carbon capture compatible, clean-coal powered	200	Between 10 and 20 years
Renewable powered, other than landfill gas powered	200	Between 5 and 15 years
Coalbed methane gas powered	150	Between 5 and 15 years
Landfill gas powered	200	Between 5 and 15 years
Conventional coal or combined-cycle combustion turbine	100	Between 10 and 20 years

For generating facilities other than those utilizing nuclear power or those utilizing energy derived from offshore wind, as of July 1, 2013, only those facilities as to which a rate adjustment clause under this subdivision has been previously approved by the Commission, or as to which a petition for approval of such rate adjustment clause was filed with the Commission, on or before January 1, 2013, shall be entitled to the enhanced rate of return on common equity as specified in the above table during the construction phase of the facility and the approved first portion of its service life.

For generating facilities within the Commonwealth utilizing nuclear power or those utilizing energy derived from offshore wind projects located in waters off the Commonwealth's Atlantic shoreline, such facilities shall continue to be eligible for an enhanced rate of return on common equity during the construction phase of the facility and the approved first portion of its service life of between 12 and 25 years in the case of a facility utilizing nuclear power and for a service life of between 5 and 15 years in the case of a facility utilizing energy derived from offshore wind, provided, however, that, as of July 1, 2013, the enhanced return for such facilities shall be 100 basis points, which shall be added to the utility's general rate of return as determined under subdivision 2. *Thirty percent of all costs of such a facility utilizing nuclear power that the utility incurred between July 1, 2007, and December 31, 2013, and all of such costs incurred after December 31, 2013, may*

be deferred by the utility and recovered through a rate adjustment clause under this subdivision at such time as the Commission provides in an order approving such a rate adjustment clause. The remaining 70 percent of all costs of such a facility that the utility incurred between July 1, 2007, and December 31, 2013, shall not be deferred for recovery through a rate adjustment clause under this subdivision; however, such remaining 70 percent of all costs shall be recovered ratably through existing base rates as determined by the Commission in the test periods under review in the utility's next biennial review filed after July 1, 2014.

In connection with planning to meet forecasted demand for electric generation supply and assure the adequate and sufficient reliability of service, consistent with § 56-598, planning and development activities for a new nuclear generation facility or facilities are in the public interest.

Generation facilities described in clause (ii) that utilize simple-cycle combustion turbines shall not receive an enhanced rate of return on common equity as described herein, but instead shall receive the utility's general rate of return during the construction phase of the facility and, thereafter, for the entire service life of the facility.

As used in this subdivision, a generation facility is (a) "coalbed methane gas powered" if the facility is fired at least 50 percent by coalbed methane gas, as such term is defined in § 45.1-361.1, produced from wells located in the Commonwealth, and (b) "landfill gas powered" if the facility is fired by methane or other combustible gas produced by the anaerobic digestion or decomposition of biodegradable materials in a solid waste management facility licensed by the Waste Management Board. A landfill gas powered facility includes, in addition to the generation facility itself, the equipment used in collecting, drying, treating, and compressing the landfill gas and in transmitting the landfill gas from the solid waste management facility where it is collected to the generation facility where it is combusted.

For purposes of this subdivision, "general rate of return" means the fair combined rate of return on common equity as it is determined by the Commission from time to time for such utility pursuant to subdivision 2. In any proceeding under this subdivision conducted prior to the conclusion of the first biennial review for such utility, the Commission shall determine a general rate of return for such utility in the same manner as it would in a biennial review proceeding.

Notwithstanding any other provision of this subdivision, if the Commission finds during the biennial review conducted for a Phase II utility in 2018 that such utility has not filed applications for all necessary federal and state regulatory approvals to construct one or more nuclear-powered or coal-fueled generation facilities that would add a total capacity of at least 1500 megawatts to the amount of the utility's generating resources as such resources existed on July 1, 2007, or that, if all such approvals have been received, that the utility has not made reasonable and good faith efforts to construct one or more such facilities that will provide such additional total capacity within a reasonable time after obtaining such approvals, then the Commission, if it finds it in the public interest, may reduce on a prospective basis any enhanced rate of return on common equity previously applied to any such facility to no less than the general rate of return for such utility and may apply no less than the utility's general rate of return to any such facility for which the utility seeks approval in the future under this subdivision.

7. Any petition filed pursuant to subdivision 4, 5, or 6 shall be considered by the Commission on a stand-alone basis without regard to the other costs, revenues, investments, or earnings of the utility. Any costs incurred by a utility prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition and that are related to ~~clause (a) of subdivision 5 a~~, or that are related to facilities and projects described in clause (i) of subdivision 6, shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. ~~Any~~ *Except as provided in subdivision 6, any* costs prudently incurred on or after July 1, 2007, by a utility prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition and that are related to facilities and projects described in clause (ii) of subdivision 6 that utilize nuclear power, or coal-fueled facilities and projects described in clause (ii) of subdivision 6 if such coal-fueled facilities will be built by a Phase I Utility, shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. Any costs prudently incurred after the expiration or termination of capped rates related to other matters described in ~~subdivisions~~ *subdivision 4, 5, or 6* shall be deferred beginning only upon the expiration or termination of capped rates, provided, however, that no provision of this act shall affect the rights of any parties with respect to the rulings of the Federal Energy Regulatory Commission in PJM Interconnection LLC and Virginia Electric and Power Company, 109 F.E.R.C. P 61,012 (2004). *A utility shall establish a regulatory asset for regulatory accounting and ratemaking purposes under which it shall defer its operation and maintenance costs incurred in connection with (i) the refueling of any nuclear-powered generating plant and (ii) other work at such plant normally performed during a refueling outage. The utility shall amortize such deferred costs over the refueling cycle, but in no case more than 18 months, beginning with the month in which such plant resumes operation after such refueling. The refueling cycle shall be the applicable period of time between planned refueling outages for such plant. As of January 1, 2014, such amortized costs are a component of base rates, recoverable in base rates only ratably over the refueling cycle rather than when such outages occur, and are the only nuclear refueling costs recoverable in base rates. This provision shall apply to any nuclear-powered generating plant refueling outage commencing after December 31, 2013, and the Commission shall treat the deferred and amortized costs of such regulatory asset as part of the utility's costs for the purpose of proceedings conducted (a) with respect to biennial filings under subdivision 3 made on and after July 1, 2014, and (b) pursuant to § 56-245 or the Commission's rules governing utility rate increase applications as provided in subsection B. This provision shall not be deemed to change or reset base rates.*

The Commission's final order regarding any petition filed pursuant to subdivision 4, 5, or 6 shall be entered not more than three months, eight months, and nine months, respectively, after the date of filing of such petition. If such petition is approved, the order shall direct that the applicable rate adjustment clause be applied to customers' bills not more than 60 days after the date of the order, or upon the expiration or termination of capped rates, whichever is later.

8. In any biennial review proceeding, the following utility generation and distribution costs not proposed for recovery under any other subdivision of this subsection, as recorded per books by the utility for financial reporting purposes and accrued against income, shall be attributed to the test periods under review: costs associated with asset impairments related to early retirement determinations made by the utility prior to December 31, 2012, for utility generation plant; costs associated with severe weather events; and costs associated with natural disasters. Such costs shall be deemed to have been recovered from customers through rates for generation and distribution services in effect during the test periods under review unless such costs, individually or in the aggregate, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, result in the utility's earned return on its generation and distribution services for the combined test periods under review to fall more than 50 basis points below the fair combined rate of return authorized under subdivision 2 for such periods or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to fall more than 70 basis points below the fair combined rate of return authorized under subdivision 2 for such periods. In such cases, the Commission shall, in such biennial review proceeding, authorize deferred recovery of such costs and allow the utility to amortize and recover such deferred costs over future periods as determined by the Commission. The aggregate amount of such deferred costs shall not exceed an amount that would, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, cause the utility's earned return on its generation and distribution services to exceed the fair rate of return authorized under subdivision 2, less 50 basis points, for the combined test periods under review or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to exceed the fair rate of return authorized under subdivision 2 less 70 basis points. Nothing in this section shall limit the Commission's authority, pursuant to the provisions of Chapter 10 (§ 56-232 et seq.), including specifically § 56-235.2, following the review of combined test period earnings of the utility in a biennial review, for normalization of nonrecurring test period costs and annualized adjustments for future costs, in determining any appropriate increase or decrease in the utility's rates for generation and distribution services pursuant to ~~clause (i)~~ ~~subdivision 8 a~~ or ~~(iii) c~~.

If the Commission determines as a result of such biennial review that:

~~(i)~~ a. The utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points below a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall order increases to the utility's rates necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn not less than such fair combined rate of return, using the most recently ended 12-month test period as the basis for determining the amount of the rate increase necessary. However, the Commission may not order such rate increase unless it finds that the resulting rates are necessary to provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on both its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate increase under the standards of this sentence, and the amount thereof;

~~(ii)~~ b. The utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall, subject to the provisions of subdivision 9, direct that 60 percent of the amount of such earnings that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, that 70 percent of the amount of such earnings that were more than 70 basis points, above such fair combined rate of return for the test period or periods under review, considered as a whole, shall be credited to customers' bills. Any such credits shall be amortized over a period of six to 12 months, as determined at the discretion of the Commission, following the effective date of the Commission's order, and shall be allocated among customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates; or

~~(iii)~~ c. Such biennial review is the second consecutive biennial review in which the utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other

matter determined with respect to facilities described in subdivision 6, the Commission shall, subject to the provisions of subdivision 9 and in addition to the actions authorized in ~~clause (ii) of this subdivision b~~, also order reductions to the utility's rates it finds appropriate. However, the Commission may not order such rate reduction unless it finds that the resulting rates will provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate reduction under the standards of this sentence, and the amount thereof.

The Commission's final order regarding such biennial review shall be entered not more than eight months after the date of filing, and any revisions in rates or credits so ordered shall take effect not more than 60 days after the date of the order. The fair combined rate of return on common equity determined pursuant to subdivision 2 in such biennial review shall apply, for purposes of reviewing the utility's earnings on its rates for generation and distribution services, to the entire two successive 12-month test periods ending December 31 immediately preceding the year of the utility's subsequent biennial review filing under subdivision 3.

9. If, as a result of a biennial review required under this subsection and conducted with respect to any test period or periods under review ending later than December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, under review ending later than December 31, 2010, for a Phase I Utility, or December 31, 2011, for a Phase II Utility), the Commission finds, with respect to such test period or periods considered as a whole, that (i) any utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, and (ii) the total aggregate regulated rates of such utility at the end of the most recently-ended 12-month test period exceeded the annual increases in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, compounded annually, when compared to the total aggregate regulated rates of such utility as determined pursuant to the biennial review conducted for the base period, the Commission shall, unless it finds that such action is not in the public interest or that the provisions of ~~clauses (ii) and (iii) of subdivision subdivisions 8 b and c~~ are more consistent with the public interest, direct that any or all earnings for such test period or periods under review, considered as a whole that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points, above such fair combined rate of return shall be credited to customers' bills, in lieu of the provisions of ~~clauses (ii) and (iii) of subdivision subdivisions 8 b and c~~. Any such credits shall be amortized and allocated among customer classes in the manner provided by ~~clause (ii) of subdivision 8 b~~. For purposes of this subdivision:

"Base period" means (i) the test period ending December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, the test period ending December 31, 2010, for a Phase I Utility, or December 31, 2011, for a Phase II Utility), or (ii) the most recent test period with respect to which credits have been applied to customers' bills under the provisions of this subdivision, whichever is later.

"Total aggregate regulated rates" shall include: (i) fuel tariffs approved pursuant to § 56-249.6, except for any increases in fuel tariffs deferred by the Commission for recovery in periods after December 31, 2010, pursuant to the provisions of clause (ii) of subsection C of § 56-249.6; (ii) rate adjustment clauses implemented pursuant to subdivision 4 or 5; (iii) revisions to the utility's rates pursuant to ~~clause (i) of subdivision 8 a~~; (iv) revisions to the utility's rates pursuant to the Commission's rules governing utility rate increase applications, as permitted by subsection B, occurring after July 1, 2009; and (v) base rates in effect as of July 1, 2009.

10. For purposes of this section, the Commission shall regulate the rates, terms and conditions of any utility subject to this section on a stand-alone basis utilizing the actual end-of-test period capital structure and cost of capital of such utility, unless the Commission finds that the debt to equity ratio of such capital structure is unreasonable for such utility, in which case the Commission may utilize a debt to equity ratio that it finds to be reasonable for such utility in determining any rate adjustment pursuant to ~~clauses (i) and (iii) of subdivision subdivisions 8 a and c~~, and without regard to the cost of capital, capital structure, revenues, expenses or investments of any other entity with which such utility may be affiliated. In particular, and without limitation, the Commission shall determine the federal and state income tax costs for any such utility that is part of a publicly traded, consolidated group as follows: (i) such utility's apportioned state income tax costs shall be calculated according to the applicable statutory rate, as if the utility had not filed a consolidated return with its affiliates, and (ii) such utility's federal income tax costs shall be calculated according to the applicable federal income tax rate and shall exclude any consolidated tax liability or benefit adjustments originating from any taxable income or loss of its affiliates.

B. Nothing in this section shall preclude an investor-owned incumbent electric utility from applying for an increase in rates pursuant to § 56-245 or the Commission's rules governing utility rate increase applications; however, in any such filing, a fair rate of return on common equity shall be determined pursuant to subdivision A 2. Nothing in this section shall preclude such utility's recovery of fuel and purchased power costs as provided in § 56-249.6.

C. Except as otherwise provided in this section, the Commission shall exercise authority over the rates, terms and conditions of investor-owned incumbent electric utilities for the provision of generation, transmission and distribution services to retail customers in the Commonwealth pursuant to the provisions of Chapter 10 (§ 56-232 et seq.), including specifically § 56-235.2.

D. Nothing in this section shall preclude the Commission from determining, during any proceeding authorized or required by this section, the reasonableness or prudence of any cost incurred or projected to be incurred, by a utility in connection with the subject of the proceeding. A determination of the Commission regarding the reasonableness or prudence of any such cost shall be consistent with the Commission's authority to determine the reasonableness or prudence of costs in proceedings pursuant to the provisions of Chapter 10 (§ 56-232 et seq.). In determining the reasonableness or prudence of a utility providing energy and capacity to its customers from renewable energy resources, the Commission shall consider the extent to which such renewable energy resources, whether utility-owned or by contract, further the objectives of the Commonwealth Energy Policy set forth in §§ 67-101 and 67-102, and shall also consider whether the costs of such resources is likely to result in unreasonable increases in rates paid by consumers.

E. The Commission shall promulgate such rules and regulations as may be necessary to implement the provisions of this section.

CHAPTER 542

An Act to amend and reenact § 18.2-366 of the Code of Virginia, relating to incest; definition of parent, etc.; penalty.

[S 476]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-366 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-366. Adultery and fornication by persons forbidden to marry; incest.

A. Any person who commits adultery or fornication with any person whom he or she is forbidden by law to marry shall be guilty of a Class 1 misdemeanor except as provided by subsection B.

B. Any person who commits adultery or fornication with his daughter or granddaughter, or with her son or grandson, or her father or his mother, shall be guilty of a Class 5 felony. However, if a parent or grandparent commits adultery or fornication with his or her child or grandchild, and such child or grandchild is at least thirteen years of age but less than eighteen years of age at the time of the offense, such parent or grandparent shall be guilty of a Class 3 felony.

C. For the purposes of this section, parent includes step-parent, grandparent includes step-grandparent, child includes a step-child, and grandchild includes a step-grandchild.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 806 of the Acts of Assembly of 2013 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 543

An Act to amend and reenact §§ 2.2-2801, 9.1-101, 15.2-1124, 19.2-74, 19.2-81, and 46.2-752 of the Code of Virginia and to repeal Article 4 (§§ 15.2-1737 through 15.2-1746) of Chapter 17 of Title 15.2 of the Code of Virginia, relating to special police officers in localities.

[S 496]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2801, 9.1-101, 15.2-1124, 19.2-74, 19.2-81, and 46.2-752 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2801. Disability to hold state office; exceptions.

A. Section 2.2-2800 shall not be construed to prevent:

1. Members of Congress from acting as visitors of the University of Virginia or the Virginia Military Institute, or from holding offices in the militia;

2. United States commissioners or United States census enumerators, supervisors, or the clerks under the supervisor of the United States census, or fourth-class or third-class postmasters, or United States caretakers of the Virginia National Guard, from acting as notaries, school board selection commission members, or supervisors, or from holding any district office under the government of any county, or the office of councilman of any town or city in the Commonwealth;

3. Any United States rural mail carrier, or star route mail carrier from being appointed and acting as notary public or holding any county or district office;

4. Any civilian employee of the United States government from being appointed and acting as notary public;
 5. Any United States commissioners or United States park commissioners from holding the office of commissioner in chancery, bail commissioner, jury commissioner, commissioner of accounts, assistant commissioner of accounts, substitute or assistant civil justice, or assistant judge of a municipal court of any city or assistant judge of a juvenile and domestic relations district court of any city, or judge of any county court or juvenile and domestic relations district court of any county, or the municipal court or court of limited jurisdiction, by whatever name designated, of any incorporated town;
 6. Any person employed by, or holding office or a post of profit, trust or emolument, civil, legislative, executive or judicial, under the government of the United States, from being a member of the militia or holding office therein, or from being a member or director of any board, council, commission or institution of the Commonwealth who serves without compensation except one who serves on a per diem compensation basis;
 7. Foremen, quartermen, leading men, artisans, clerks or laborers, employed in any navy yard or naval reservation in Virginia from holding any office under the government of any city, town or county in the Commonwealth;
 8. Any United States government clerk from holding any office under the government of any town or city; ~~or from being appointed as special policeman for a county by the circuit court or judge thereof as provided for in § 15.2-1737;~~
 9. Any person holding an office under the United States government from holding a position under the management and control of the State Board of Health;
 10. Any state federal director of the Commonwealth in the employment service of the United States Department of Labor from holding the office of Commissioner of Labor of the Commonwealth;
 11. Clerks and employees of the federal government engaged in the departmental service in Washington from acting as school trustees;
 12. Any person, who is otherwise eligible, from serving as a member of the governing body or school board of any county, city or town, or as a member of any public body who is appointed by such governing body or school board, or as an appointive officer or employee of any county, city or town or the school board thereof;
 13. Game management agents of the United States Fish and Wildlife Service or United States deputy game wardens from acting as special conservation police officers;
 14. Any appointive state or local official or employee from serving, with compensation, on an advisory board of the federal government;
 15. Any state or local law-enforcement officer from serving as a United States law-enforcement officer; however, this subdivision shall not be construed to authorize any law-enforcement officer to receive double compensation;
 16. Any United States law-enforcement officer from serving as a state or local law-enforcement officer when requested by the chief law-enforcement officer of the subject jurisdiction; however, this subdivision shall not be construed to authorize any law-enforcement officer to receive double compensation;
 17. Any attorney for the Commonwealth or assistant attorney for the Commonwealth from serving as or performing the duties of a special assistant United States attorney or assistant United States attorney; however, this subdivision shall not be construed to authorize any attorney for the Commonwealth or assistant attorney for the Commonwealth to receive double compensation;
 18. Any assistant United States attorney from serving as or performing the duties of an assistant attorney for the Commonwealth when requested by the attorney for the Commonwealth of the subject jurisdiction; however, this subdivision shall not be construed to authorize any assistant United States attorney to receive double compensation;
 19. Any elected state or local official from serving, without compensation, on an advisory board of the federal government; however, this subdivision shall not be construed to prohibit reimbursement for actual expenses;
 20. Sheriffs' deputies from patrolling federal lands pursuant to contracts between federal agencies and local sheriffs;
 21. State judicial officers from performing acts or functions with respect to United States criminal proceedings when such acts or functions are authorized by federal law to be performed by state judicial officers; or
 22. Any member of the Armed Forces of the United States from serving on the Virginia Military Advisory Council or the Virginia Offshore Wind Development Authority.
- B. Nor shall § 2.2-2800 be construed to exclude:
1. A person to whom a pension has been granted by the United States or who receives retirement compensation in any manner from the United States, or any person receiving or entitled to receive benefits under the Federal Old-Age and Survivors' Insurance System or under the Federal Railroad Retirement Act.
 2. Officers or soldiers on account of the recompense they may receive from the United States when called out in actual duty.

§ 9.1-101. Definitions.

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

"Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities, employs ~~officers appointed under § 15.2-1737, or special conservators of the peace or special policemen~~ appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers; ~~or special conservators or special policemen~~ to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted under clause (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

"Criminal justice agency" includes the Virginia State Crime Commission.

"Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to § 18.2-271.2.

"Criminal justice information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

"Department" means the Department of Criminal Justice Services.

"Dissemination" means any transfer of information, whether orally, in writing, or by electronic means. The term shall not include access to the information by officers or employees of a criminal justice agency maintaining the information who have both a need and right to know the information.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall include any (i) special agent of the Department of Alcoholic Beverage Control; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries; (v) investigator who is a full-time sworn member of the security division of the State Lottery Department; (vi) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632; or (ix) campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23. Part-time employees are those compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

"School resource officer" means a certified law-enforcement officer hired by the local law-enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools.

"School security officer" means an individual who is employed by the local school board for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies, and detaining students violating the law or school board policies on school property or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

§ 15.2-1124. Police jurisdiction over lands, buildings and structures; jurisdiction of offenses; appeals; jurisdiction in certain public buildings with magistrate's offices.

A. Lands, buildings or structures provided and operated by a municipality for any purpose defined in this article shall be under the police jurisdiction of the municipal corporation for the enforcement of its regulations respecting the use or occupancy thereof. All ~~regular and special~~ police officers of the municipal corporation shall have jurisdiction to make arrests on such land and in such buildings or structures for violations of such regulations. Such criminal case shall be prosecuted in the locality in which the offense was committed.

B. In any public building that is located in Henry County adjoining a municipal corporation and that contains a magistrate's office which serves the municipal corporation, the sheriff, any deputy sheriff, and any police officer of the municipal corporation shall have the same powers which such sheriff, deputy sheriff or police officer would have in the municipal corporation itself. The courts of the municipal corporation and the locality in which such public building is located shall have concurrent jurisdiction of any offense committed against or any escape from any such sheriff, deputy sheriff, or police officer in such public building, provided that the sheriff, deputy sheriff, or police officer was present in the

public building while in the performance of his official duties. Such police powers and concurrent jurisdiction shall also apply during travel between the municipal corporation and the public building by such sheriff, deputy sheriffs, and police officers while in the performance of their official duties. For purposes of this subsection, a "public building" shall include the surrounding grounds of such building.

§ 19.2-74. Issuance and service of summons in place of warrant in misdemeanor case; issuance of summons by special conservators of the peace.

A. 1. Whenever any person is detained by or is in the custody of an arresting officer for any violation committed in such officer's presence which offense is a violation of any county, city or town ordinance or of any provision of this Code punishable as a Class 1 or Class 2 misdemeanor or any other misdemeanor for which he may receive a jail sentence, except as otherwise provided in Title 46.2, or for offenses listed in subsection D of § 19.2-81, or an arrest on a warrant charging an offense for which a summons may be issued, and when specifically authorized by the judicial officer issuing the warrant, the arresting officer shall take the name and address of such person and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice. Upon the giving by such person of his written promise to appear at such time and place, the officer shall forthwith release him from custody. However, if any such person shall fail or refuse to discontinue the unlawful act, the officer may proceed according to the provisions of § 19.2-82.

Anything in this section to the contrary notwithstanding, if any person is believed by the arresting officer to be likely to disregard a summons issued under the provisions of this subsection, or if any person is reasonably believed by the arresting officer to be likely to cause harm to himself or to any other person, a magistrate or other issuing authority having jurisdiction shall proceed according to the provisions of § 19.2-82.

2. Whenever any person is detained by or is in the custody of an arresting officer for a violation of any county, city, or town ordinance or of any provision of this Code, punishable as a Class 3 or Class 4 misdemeanor or any other misdemeanor for which he cannot receive a jail sentence, except as otherwise provided in Title 46.2, or to the offense of public drunkenness as defined in § 18.2-388, the arresting officer shall take the name and address of such person and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice. Upon the giving of such person of his written promise to appear at such time and place, the officer shall forthwith release him from custody. However, if any such person shall fail or refuse to discontinue the unlawful act, the officer may proceed according to the provisions of § 19.2-82.

3. Any person so summoned shall not be held in custody after the issuance of such summons for the purpose of complying with the requirements of Chapter 23 (§ 19.2-387 et seq.) of this title. Reports to the Central Criminal Records Exchange concerning such persons shall be made after a disposition of guilt is entered as provided for in § 19.2-390.

Any person refusing to give such written promise to appear under the provisions of this section shall be taken immediately by the arresting or other police officer before a magistrate or other issuing authority having jurisdiction, who shall proceed according to provisions of § 19.2-82.

Any person who willfully violates his written promise to appear, given in accordance with this section, shall be treated in accordance with the provisions of § 19.2-128, regardless of the disposition of, and in addition to, the charge upon which he was originally arrested.

Any person charged with committing any violation of § 18.2-407 may be arrested and immediately brought before a magistrate who shall proceed as provided in § 19.2-82.

~~B. Special policemen of the counties as provided in § 15.2-1737; special policemen or conservators~~ *Conservators of the peace appointed under Chapter 2 (§ 19.2-12 et seq.) of this title and special policemen appointed by authority of a city's charter* may issue summonses pursuant to this section, if such officers are in uniform; or displaying a badge of office. On application, the chief law-enforcement officer of the county or city shall supply each officer with a supply of summons forms, for which such officer shall account pursuant to regulation of such chief law-enforcement officer.

C. The summons used by a law-enforcement officer pursuant to this section shall be in form the same as the uniform summons for motor vehicle law violations as prescribed pursuant to § 46.2-388.

§ 19.2-81. Arrest without warrant authorized in certain cases.

A. The following officers shall have the powers of arrest as provided in this section:

1. Members of the State Police force of the Commonwealth;
2. Sheriffs of the various counties and cities, and their deputies;
3. Members of any county police force or any duly constituted police force of any city or town of the Commonwealth;
4. The Commissioner, members and employees of the Marine Resources Commission granted the power of arrest pursuant to § 28.2-900;
5. Regular conservation police officers appointed pursuant to § 29.1-200;
6. United States Coast Guard and United States Coast Guard Reserve commissioned, warrant, and petty officers authorized under § 29.1-205 to make arrests;
7. ~~The special policemen of the counties as provided by § 15.2-1737; provided such officers are in uniform, or displaying a badge of office;~~
8. Conservation officers appointed pursuant to § 10.1-115;
9. 8. Full-time sworn members of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217;
10. 9. Special agents of the Department of Alcoholic Beverage Control; and

~~4-~~ 10. Campus police officers appointed under Chapter 17 (§ 23-232 et seq.) of Title 23.

B. Such officers may arrest without a warrant any person who commits any crime in the presence of the officer and any person whom he has reasonable grounds or probable cause to suspect of having committed a felony not in his presence.

Such officers may arrest without a warrant any person whom the officer has probable cause to suspect of operating any watercraft or motorboat while (i) intoxicated in violation of subsection B of § 29.1-738 or a substantially similar ordinance of any county, city, or town in the Commonwealth or (ii) in violation of an order issued pursuant to § 29.1-738.4 and may thereafter transfer custody of the person arrested to another officer, who may obtain a warrant based upon statements made to him by the arresting officer.

C. (Effective until July 1, 2014) Any such officer may, at the scene of any accident involving a motor vehicle, watercraft as defined in § 29.1-712 or motorboat, or at any hospital or medical facility to which any person involved in such accident has been transported, or in the apprehension of any person charged with the theft of any motor vehicle, on any of the highways or waters of the Commonwealth, upon reasonable grounds to believe, based upon personal investigation, including information obtained from eyewitnesses, that a crime has been committed by any person then and there present, apprehend such person without a warrant of arrest. For purposes of this section, "the scene of any accident" shall include a reasonable location where a vehicle or person involved in an accident has been moved at the direction of a law-enforcement officer to facilitate the clearing of the highway or to ensure the safety of the motoring public.

C. (Effective July 1, 2014) Any such officer may, at the scene of any accident involving a motor vehicle, watercraft as defined in § 29.1-733.2 or motorboat, or at any hospital or medical facility to which any person involved in such accident has been transported, or in the apprehension of any person charged with the theft of any motor vehicle, on any of the highways or waters of the Commonwealth, upon reasonable grounds to believe, based upon personal investigation, including information obtained from eyewitnesses, that a crime has been committed by any person then and there present, apprehend such person without a warrant of arrest. For purposes of this section, "the scene of any accident" shall include a reasonable location where a vehicle or person involved in an accident has been moved at the direction of a law-enforcement officer to facilitate the clearing of the highway or to ensure the safety of the motoring public.

D. Such officers may, within three hours of the alleged offense, arrest without a warrant at any location any person whom the officer has probable cause to suspect of driving or operating a motor vehicle, watercraft or motorboat while intoxicated in violation of § 18.2-266, 18.2-266.1, 46.2-341.24, or subsection B of § 29.1-738; or a substantially similar ordinance of any county, city, or town in the Commonwealth, whether or not the offense was committed in such officer's presence. Such officers may, within three hours of the alleged offense, arrest without a warrant at any location any person whom the officer has probable cause to suspect of operating a watercraft or motorboat in violation of an order issued pursuant to § 29.1-738.4, whether or not the offense was committed in such officer's presence.

E. Such officers may arrest, without a warrant or a *capias*, persons duly charged with a crime in another jurisdiction upon receipt of a photocopy of a warrant or a *capias*, telegram, computer printout, facsimile printout, a radio, telephone or teletype message, in which photocopy of a warrant, telegram, computer printout, facsimile printout, radio, telephone or teletype message shall be given the name or a reasonably accurate description of such person wanted and the crime alleged.

F. Such officers may arrest, without a warrant or a *capias*, for an alleged misdemeanor not committed in his presence when the officer receives a radio message from his department or other law-enforcement agency within the Commonwealth that a warrant or *capias* for such offense is on file.

G. Such officers may also arrest without a warrant for an alleged misdemeanor not committed in their presence involving (i) shoplifting in violation of § 18.2-96 or 18.2-103 or a similar local ordinance, (ii) carrying a weapon on school property in violation of § 18.2-308.1, (iii) assault and battery, (iv) brandishing a firearm in violation of § 18.2-282, or (v) destruction of property in violation of § 18.2-137, when such property is located on premises used for business or commercial purposes, or a similar local ordinance, when any such arrest is based on probable cause upon reasonable complaint of the person who observed the alleged offense. The arresting officer may issue a summons to any person arrested under this section for a misdemeanor violation involving shoplifting.

§ 46.2-752. Taxes and license fees imposed by counties, cities, and towns; limitations on amounts; disposition of revenues; requiring evidence of payment of personal property taxes and certain fines; prohibiting display of licenses after expiration; failure to display valid local license required by other localities; penalty.

A. Except as provided in § 46.2-755, counties, cities, and towns may levy and assess taxes and charge license fees on motor vehicles, trailers, and semitrailers. However, none of these taxes and license fees shall be assessed or charged by any county on vehicles owned by residents of any town located in the county when such town constitutes a separate school district if the vehicles are already subject to town license fees and taxes, nor shall a town charge a license fee to any new resident of the town, previously a resident of a county within which all or part of the town is situated, who has previously paid a license fee for the same tax year to such county. The amount of the license fee or tax imposed by any county, city, or town on any motor vehicle, trailer, or semitrailer shall not be greater than the annual or one-year fee imposed by the Commonwealth on the motor vehicle, trailer, or semitrailer. The license fees and taxes shall be imposed in such manner, on such basis, for such periods, and subject to proration for fractional periods of years, as the proper local authorities may determine.

Owners or lessees of motor vehicles, trailers, and semitrailers who have served outside of the United States in the armed services of the United States shall have a 90-day grace period, beginning on the date they are no longer serving outside the United States, in which to comply with the requirements of this section. For purposes of this section, "the armed

services of the United States" includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component.

Local licenses may be issued free of charge for any or all of the following:

1. Vehicles powered by clean special fuels as defined in § 46.2-749.3, including dual-fuel and bi-fuel vehicles,
2. Vehicles owned by volunteer rescue squads,
3. Vehicles owned by volunteer fire departments,
4. Vehicles owned or leased by active members or active auxiliary members of volunteer rescue squads,
5. Vehicles owned or leased by active members or active auxiliary members of volunteer fire departments,
6. Vehicles owned or leased by auxiliary police officers,
7. Vehicles owned or leased by volunteer police chaplains,
8. Vehicles owned by surviving spouses of persons qualified to receive special license plates under § 46.2-739,
9. Vehicles owned or leased by auxiliary deputy sheriffs or volunteer deputy sheriffs,
10. Vehicles owned by persons qualified to receive special license plates under § 46.2-739,
11. Vehicles owned by any of the following who served at least 10 years in the locality: former members of volunteer rescue squads, former members of volunteer fire departments, former auxiliary police officers, members and former members of authorized sheriff's volunteer citizen support units, former volunteer police chaplains, and former volunteer special police officers appointed under *former* § 15.2-1737. In the case of active members of volunteer rescue squads and volunteer fire departments, applications for such licenses shall be accompanied by written evidence, in a form acceptable to the locality, of their active membership, and no member shall be issued more than one such license free of charge,
12. All vehicles having a situs for the imposition of licensing fees under this section in the locality,
13. Vehicles owned or leased by deputy sheriffs; however, no deputy sheriff shall be issued more than one such license free of charge,
14. Vehicles owned or leased by police officers; however, no police officer shall be issued more than one such license free of charge,
15. Vehicles owned or leased by officers of the State Police; however, no officer of the State Police shall be issued more than one such license free of charge,
16. Vehicles owned or leased by salaried firefighters; however, no salaried firefighter shall be issued more than one such license free of charge,
17. Vehicles owned or leased by salaried emergency medical technicians; however no salaried emergency medical technician shall be issued more than one such license free of charge,
18. Vehicles with a gross weight exceeding 10,000 pounds owned by museums officially designated by the Commonwealth,
19. Vehicles owned by persons, or their surviving spouses, qualified to receive special license plates under subsection A of § 46.2-743, and
20. Vehicles owned or leased by members of the Virginia Defense Force; however, no member of the Virginia Defense Force shall be issued more than one such license free of charge.

The governing body of any county, city, or town issuing licenses under this section may by ordinance provide for a 50 percent reduction in the fee charged for the issuance of any such license issued for any vehicle owned or leased by any person who is 65 years old or older. No such discount, however, shall be available for more than one vehicle owned or leased by the same person.

The governing body of any county, city, or town issuing licenses free of charge under this subsection may by ordinance provide for (i) the limitation, restriction, or denial of such free issuance to an otherwise qualified applicant, including without limitation the denial of free issuance to a taxpayer who has failed to timely pay personal property taxes due with respect to the vehicle and (ii) the grounds for such limitation, restriction, or denial.

The situs for the imposition of licensing fees under this section shall in all cases, except as hereinafter provided, be the county, city, or town in which the motor vehicle, trailer, or semitrailer is normally garaged, stored, or parked. If it cannot be determined where the personal property is normally garaged, stored, or parked, the situs shall be the domicile of its owner. In the event the owner of the motor vehicle is a full-time student attending an institution of higher education, the situs shall be the domicile of such student, provided the student has presented sufficient evidence that he has paid a personal property tax on the motor vehicle in his domicile.

B. The revenue derived from all county, city, or town taxes and license fees imposed on motor vehicles, trailers, or semitrailers shall be applied to general county, city, or town purposes.

C. A county, city, or town may require that no motor vehicle, trailer, or semitrailer shall be locally licensed until the applicant has produced satisfactory evidence that all personal property taxes on the motor vehicle, trailer, or semitrailer to be licensed have been paid and satisfactory evidence that any delinquent motor vehicle, trailer, or semitrailer personal property taxes owing have been paid which have been properly assessed or are assessable against the applicant by the county, city, or town. A county, city, or town may also provide that no motor vehicle license shall be issued unless the tangible personal property taxes properly assessed or assessable by that locality on any tangible personal property used or usable as a dwelling titled by the Department of Motor Vehicles and owned by the taxpayer have been paid. Any county and

any town within any such county may by agreement require that all personal property taxes assessed by either the county or the town on any vehicle be paid before licensure of such vehicle by either the county or the town.

C1. The Counties of Dinwiddie, Lee, and Wise may, by ordinance or resolution adopted after public notice and hearing and, with the consent of the treasurer, require that no license may be issued under this section unless the applicant has produced satisfactory evidence that all fees, including delinquent fees, payable to such county or local solid waste authority, for the disposal of solid waste pursuant to the Virginia Water and Waste Authorities Act (§ 15.2-5100 et seq.), or pursuant to § 15.2-2159, have been paid in full. For purposes of this subsection, all fees, including delinquent fees, payable to a county for waste disposal services described herein, shall be paid to the treasurer of such county; however, in Wise County, the fee shall be paid to the county or its agent.

D. The Counties of Arlington, Fairfax, Loudoun, and Prince William and towns within them and any city may require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction unless all fines owed to the jurisdiction by the owner of the vehicle, trailer, or semitrailer for violation of the jurisdiction's ordinances governing parking of vehicles have been paid. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

E. If in any county imposing license fees and taxes under this section, a town therein imposes like fees and taxes on vehicles of owners resident in the town, the owner of any vehicle subject to the fees or taxes shall be entitled, on the owner's displaying evidence that he has paid the fees or taxes, to receive a credit on the fees or taxes imposed by the county to the extent of the fees or taxes he has paid to the town. Nothing in this section shall deprive any town now imposing these licenses and taxes from increasing them or deprive any town not now imposing them from hereafter doing so, but subject to the limitations provided in subsection D. The governing body of any county and the governing body of any town in that county wherein each imposes the license tax herein provided may provide mutual agreements so that not more than one license plate or decal in addition to the state plate shall be required.

F. Notwithstanding the provisions of subsection E, in a consolidated county wherein a tier-city exists, the tier-city may, in accordance with the provisions of the agreement or plan of consolidation, impose license fees and taxes under this section in addition to those fees and taxes imposed by the county, provided that the combined county and tier-city rates do not exceed the maximum provided in subsection A. No credit shall be allowed on the fees or taxes imposed by the county for fees or taxes paid to the tier-city, except as may be provided by the consolidation agreement or plan. The governing body of any county and the governing body of any tier-city in such county wherein each imposes the license tax herein may provide by mutual agreement that no more than one license plate or decal in addition to the state license plate shall be required.

G. Any county, city, or town may by ordinance provide that it shall be unlawful for any owner or operator of a motor vehicle, trailer, or semitrailer (i) to fail to obtain and, if any required by such ordinance, to display the local license required by any ordinance of the county, city or town in which the vehicle is registered, or (ii) to display upon a motor vehicle, trailer, or semitrailer any such local license, required by ordinance to be displayed, after its expiration date. The ordinance may provide that a violation shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4 misdemeanor and may, in the case of a motor vehicle registered to a resident of the locality where such vehicle is registered, authorize the issuance by local law-enforcement officers of citations, summonses, parking tickets, or uniform traffic summonses for violations. Any such ordinance may also provide that a violation of the ordinance by the registered owner of the vehicle may not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required license has been obtained. Nothing in this section shall be construed to require a county, city, or town to issue a decal or any other tangible evidence of a local license to be displayed on the licensed vehicle if the county's, city's, or town's ordinance does not require display of a decal or other evidence of payment. No ordinance adopted pursuant to this section shall require the display of any local license, decal, or sticker on any vehicle owned by a public service company, as defined in § 56-76, having a fleet of at least 2,500 vehicles garaged in the Commonwealth.

H. Except as provided by subsections E and F, no vehicle shall be subject to taxation under the provisions of this section in more than one jurisdiction. Furthermore, no person who has purchased a local vehicle license, decal, or sticker for a vehicle in one county, city, or town and then moves to and garages his vehicle in another county, city, or town shall be required to purchase another local license, decal, or sticker from the county, city, or town to which he has moved and wherein his vehicle is now garaged until the expiration date of the local license, decal, or sticker issued by the county, city, or town from which he moved.

I. Purchasers of new or used motor vehicles shall be allowed at least a 10-day grace period, beginning with the date of purchase, during which to pay license fees charged by local governments under authority of this section.

J. The treasurer or director of finance of any county, city, or town may enter into an agreement with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle registration of any applicant therefor who owes to such county, city or town any local vehicle license fees or delinquent tangible personal property tax or parking citations. Before being issued any vehicle registration or renewal of such license or registration by the Commissioner, the applicant shall first satisfy all such local vehicle license fees and delinquent taxes or parking citations and present evidence satisfactory to the Commissioner that all such local vehicle license fees and delinquent taxes or parking citations have been paid in full. The Commissioner shall charge a reasonable fee to cover the costs of such enforcement action, and the treasurer or director of finance may add the cost of this fee to the delinquent tax bill or the amount of the parking citation. The treasurer or director of finance of any county, city, or town seeking to collect delinquent taxes or parking citations through the withholding of registration or renewal thereof by the Commissioner as provided for in this subsection shall notify the Commissioner in the

manner provided for in his agreement with the Commissioner and supply to the Commissioner information necessary to identify the debtor whose registration or renewal is to be denied. Any agreement entered into pursuant to the provisions of this subsection shall provide the debtor notice of the intent to deny renewal of registration at least 30 days prior to the expiration date of a current vehicle registration. For the purposes of this subsection, notice by first-class mail to the registrant's address as maintained in the records of the Department of Motor Vehicles shall be deemed sufficient. In the case of parking violations, the Commissioner shall only refuse to issue or renew the vehicle registration of any applicant therefor pursuant to this subsection for the vehicle that incurred the parking violations. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

K. The governing bodies of any two or more counties, cities, or towns may enter into compacts for the regional enforcement of local motor vehicle license requirements. The governing body of each participating jurisdiction may by ordinance require the owner or operator of any motor vehicle, trailer, or semitrailer to display on his vehicle a valid local license issued by another county, city, or town that is a party to the regional compact, provided that the owner or operator is required by the jurisdiction of situs, as provided in § 58.1-3511, to obtain and display such license. The ordinance may also provide that no motor vehicle, trailer, or semitrailer shall be locally licensed until the applicant has produced satisfactory evidence that (i) all personal property taxes on the motor vehicle, trailer, or semitrailer to be licensed have been paid to all participating jurisdictions and (ii) any delinquent motor vehicle, trailer, or semitrailer personal property taxes that have been properly assessed or are assessable by any participating jurisdiction against the applicant have been paid. Any city and any county having the urban county executive form of government, the counties adjacent to such county and towns within them may require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction or any other jurisdiction in the compact unless all fines owed to any participating jurisdiction by the owner of the vehicle for violation of any participating jurisdiction's ordinances governing parking of vehicles have been paid. The ordinance may further provide that a violation shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4 misdemeanor. Any such ordinance may also provide that a violation of the ordinance by the owner of the vehicle may not be discharged by payment of a fine and applicable court costs except upon presentation of satisfactory evidence that the required license has been obtained. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

L. In addition to the taxes and license fees permitted in subsection A, counties, cities, and towns may charge a license fee of no more than \$1 per motor vehicle, trailer, and semitrailer. Except for the provisions of subsection B, such fee shall be subject to all other provisions of this section. All funds collected pursuant to this subsection shall be paid pursuant to § 51.1-1204 to the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund to the accounts of all members of the Fund who are volunteers for fire departments or rescue squads within the jurisdiction of the particular county, city, or town.

2. That Article 4 (§§ 15.2-1737 through 15.2-1746) of Chapter 17 of Title 15.2 of the Code of Virginia is repealed.

CHAPTER 544

An Act to amend and reenact § 47.1-23 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 47.1-15.1, relating to prohibitions on notary advertising; penalties.

[S 503]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 47.1-23 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 47.1-15.1 as follows:

§ 47.1-15.1. Additional prohibition on advertising; penalties.

A. A notary public shall not offer or provide legal advice on immigration or other legal matters, or represent any person in immigration proceedings, unless such notary public is authorized or licensed to practice law in the Commonwealth or is accredited pursuant to 8 C.F.R. § 292.2 to practice immigration law or represent persons in immigration proceedings.

B. A notary public shall not assume, use, or advertise the title of "notario," "notario publico," or "licenciado," or a term in a language other than English that indicates in such language that the notary is authorized to provide legal advice or practice law, unless such notary public is authorized or licensed to practice law in Virginia.

C. Any person who violates the provisions of subsection B is subject to a civil penalty not to exceed \$500 for a first violation and a civil penalty not to exceed \$1,000 for a second or subsequent violation. All penalties arising under this section shall be recovered in a civil action brought by the Attorney General in the name of the Commonwealth and the proceeds shall be deposited into the Legal Aid Services Fund established in § 17.1-278.

D. Nothing in this section shall preempt or preclude additional civil, administrative, or criminal penalties authorized by law.

§ 47.1-23. Grounds for removal from office.

The Secretary may revoke the commission of any notary who:

1. Submits or has submitted an application for commission and appointment as a notary public which contains a substantial and material misstatement of fact;
2. Is convicted or has been convicted of any felony under the laws of the United States or this Commonwealth, or the laws of any other state, unless the notary has been pardoned for such offense, has had his conviction vacated by a granting of a writ of actual innocence, or has had his rights restored;
3. Is found to have committed official misconduct by a proceeding as provided in Chapter 5 (§ 47.1-24 et seq.);
4. Fails to exercise the powers or perform the duties of a notary public in accordance with this title, provided that if a notary is adjudged liable in any court of the Commonwealth in any action grounded in fraud, misrepresentation, impersonation, or violation of the notary laws of the Commonwealth, such notary shall be presumed removable under this section;
5. Performs a prohibited act pursuant to § 47.1-15 or 47.1-15.1;
6. Is convicted of the unauthorized practice of law pursuant to § 54.1-3904, or is a licensed attorney at law whose license is suspended or revoked;
7. Ceases to be a legal resident of the United States;
8. Becomes incapable of reading or writing the English language;
9. Is adjudicated mentally incompetent; or
10. Fails to keep the official physical seal, journal, or device, coding, disk, certificate, card, software, or passwords used to affix the notary's official electronic signature or seal under the exclusive control of the notary when not in use.

CHAPTER 545

An Act to amend and reenact § 33.1-23.5:4 of the Code of Virginia and to amend the Code of Virginia by adding in Title 33.1 a chapter numbered 19, consisting of sections numbered 33.1-466 through 33.1-476, relating to establishment of the Hampton Roads Transportation Accountability Commission; funding.

[S 513]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 33.1-23.5:4 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 33.1 a chapter numbered 19, consisting of sections numbered 33.1-466 through 33.1-476, as follows:

§ 33.1-23.5:4. Hampton Roads Transportation Fund established.

There is hereby created in the state treasury a special nonreverting fund for Planning District 23 to be known as the Hampton Roads Transportation Fund, hereafter referred to *in this section* as "the Fund." The Fund shall be established on the books of the Comptroller. All revenues dedicated to the Fund pursuant to § 58.1-638 and Chapter 22.1 (§ 58.1-2291 et seq.) of Title 58.1 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. The moneys deposited in the ~~fund~~ Fund shall be used solely for new construction projects on new or existing roads, highways, bridges, and tunnels in the localities comprising Planning District 23 as approved by the Hampton Roads Transportation ~~Planning Organization~~ *Accountability Commission*. The Hampton Roads Transportation ~~Planning Organization~~ *Accountability Commission* shall give priority to those projects that are expected to provide the greatest impact on reducing congestion *for the greatest number of citizens residing within Planning District 23* and shall ensure that the moneys shall be used for such construction projects ~~in all localities comprising Planning District 23~~.

The amounts dedicated to the Fund shall be deposited monthly by the Comptroller into the Fund. The amounts deposited into the Fund and the distribution and expenditure of such amounts shall not be used to calculate or reduce the share of local, federal, or state revenues otherwise available to participating jurisdictions. Further, such revenues and moneys shall not be included in any computation of, or formula for, a locality's ability to pay for public education, upon which appropriations of state revenues to local governments for public education are determined.

CHAPTER 19.

HAMPTON ROADS TRANSPORTATION ACCOUNTABILITY COMMISSION.

§ 33.1-466. Commission created.

The Hampton Roads Transportation Accountability Commission, referred to in this chapter as "the Commission," is hereby created as a body politic and as a political subdivision of the Commonwealth. The Commission shall embrace each county and city located in Planning District 23, which is established pursuant to Chapter 42 (§ 15.2-4200 et seq.) of Title 15.2.

§ 33.1-467. Composition of Commission.

The Commission shall consist of 23 members as follows:

1. *The chief elected officer of the governing body of each of the 14 counties and cities embraced by the Commission;*
2. *Three members of the House of Delegates who reside in different counties or cities embraced by the Commission, appointed by the Speaker of the House, and two members of the Senate who reside in different counties or cities embraced by the Commission, appointed by the Senate Committee on Rules; and*

3. *The following four persons serving as nonvoting ex officio members of the Commission: a member of the Commonwealth Transportation Board who resides in a locality embraced by the Commission and is appointed by the Governor; the Director of the Department of Rail and Public Transportation, or his designee; the Commissioner of Highways, or his designee; and the Executive Director of the Virginia Port Authority, or his designee.*

All members of the Commission shall serve terms coincident with their terms of office. Vacancies shall be filled in the same manner as the original appointment.

The Commission shall elect a chairman and vice-chairman from among its voting membership.

The Auditor of Public Accounts, or his legally authorized representatives, shall annually audit the financial accounts of the Commission, and the cost of such audit shall be borne by the Commission.

§ 33.1-468. Staff.

The Commission may employ a chief executive officer and such staff as it shall determine to be necessary to carry out its duties and responsibilities under this chapter. No such person shall contemporaneously serve as a member of the Commission. The Department of Transportation and the Department of Rail and Public Transportation shall make their employees available to assist the Commission, upon request.

§ 33.1-469. Decisions of Commission.

A majority of the Commission, which majority shall include at least a majority of the chief elected officers of the counties and cities embraced by the Commission, shall constitute a quorum. Decisions of the Commission shall require a quorum and shall be in accordance with voting procedures established by the Commission. In all cases, decisions of the Commission shall require the affirmative vote of two-thirds of the members of the Commission present and voting, and two-thirds of the chief elected officers of the counties and cities embraced by Planning District 23 who are present and voting and whose counties and cities include at least two-thirds of the population embraced by the Commission; however, no motion to fund a specific facility or service shall fail because of this population criterion if such facility or service is not located or to be located or provided or to be provided within the county or city whose chief elected officer's sole negative vote caused the facility or service to fail to meet the population criterion. The population of counties and cities embraced by the Commission shall be the population as determined by the most recently preceding decennial census, except that on July 1 of the fifth year following such census, the population of each county and city shall be adjusted, based on population projections made by the Weldon Cooper Center for Public Service of the University of Virginia.

§ 33.1-470. Annual budget and allocation of expenses.

A. The Commission shall adopt an annual budget and develop a funding plan and shall provide for such adoption in its bylaws. The funding plan shall provide for the expenditure of funds over a four- to six-year period and shall align with the Statewide Transportation Plan established pursuant to § 33.1-23.03 as much as possible. The Commission shall solicit public comment on its budget and funding plan by posting a summary of such budget and funding plan on its website and holding a public hearing. Such public hearing shall be advertised on the Commission's website and in a newspaper of general circulation in Planning District 23.

B. The administrative expenses of the Commission, as provided in an annual budget adopted by the Commission, to the extent funds for such expenses are not provided from other sources, shall be allocated among the component counties and cities on the basis of the relative population, as determined pursuant to § 33.1-469. Such budget shall be limited solely to the administrative expenses of the Commission and shall not include any funds for construction or acquisition of transportation facilities or the performance of any transportation service.

C. Members may be reimbursed for all reasonable and necessary expenses provided in §§ 2.2-2813 and 2.2-2825, if approved by the Commission. Funding for the costs of compensation and expenses of the members shall be provided by the Commission.

§ 33.1-471. Authority to issue bonds.

The Commission may issue bonds and other evidences of debt as may be authorized by this section or other law. The provisions of Article 5 (§ 15.2-4519 et seq.) of Chapter 45 of Title 15.2 shall apply, mutatis mutandis, to the issuance of such bonds or other debt. The Commission may issue bonds or other debt in such amounts as it deems appropriate. The bonds may be supported by any funds available, except that funds from tolls collected pursuant to § 33.1-472 shall be used only as provided in that section.

§ 33.1-472. Powers of the Commission.

Notwithstanding any contrary provision of this title and in accordance with all applicable federal statutes and requirements, the Commission shall control and operate and may impose and collect tolls in amounts established by the Commission for the use of any new or improved highway, bridge, or tunnel, to increase capacity on such facility or to address congestion within Planning District 23, constructed by the Commission (i) with federal, state, or local funds, (ii) solely with revenues of the Commission, or (iii) with revenues under the control of the Commission. The amount of any such toll may be varied from facility to facility, by lane, by congestion levels, by day of the week, by time of day, by type or size of vehicle, by number of axles, or by any similar combination thereof or any other factor the Commission may deem proper, and a reduced rate may be established for commuters as defined by the Commission. All such tolls shall be used for programs and projects that are reasonably related to or benefit the users of the new or improved highway, bridge, or tunnel, including, but not limited to, for the debt service and other costs of bonds whose proceeds are used for construction or improvement of such highway, bridge, or tunnel.

Any tolls imposed by the Commission shall be collected by an electronic toll system that, to the extent possible, shall not impede the traffic flow of the facility or prohibit a toll facility from retaining means of nonautomated toll collection in some lanes of the facility. For all facilities tolled by the Commission, there shall be signs erected prior to the point of toll collection that clearly state how the majority of the toll revenue is being spent by the Commission to benefit the users of the facility.

§ 33.1-473. Additional powers of the Commission.

A. The Commission shall have the following powers together with all powers incidental thereto or necessary for the performance of those hereinafter stated:

1. To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;
2. To adopt and use a corporate seal and to alter the same at its pleasure;
3. To procure insurance, participate in insurance plans, and provide self-insurance; however, the purchase of insurance, participation in an insurance plan, or the creation of a self-insurance plan by the Commission shall not be deemed a waiver or relinquishment of any sovereign immunity to which the Commission or its officers, directors, employees, or agents are otherwise entitled;
4. To establish bylaws and make all rules and regulations, not inconsistent with the provisions of this chapter, deemed expedient for the management of the Commission's affairs;
5. To apply for and accept money, materials, contributions, grants, or other financial assistance from the United States and agencies or instrumentalities thereof; the Commonwealth; and any political subdivision, agency, or instrumentality of the Commonwealth; and from any legitimate private source;
6. To acquire real and personal property or any interest therein by purchase, lease, gift, or otherwise for purposes consistent with this chapter and to hold, encumber, sell, or otherwise dispose of such land or interest for purposes consistent with this chapter;
7. To acquire by purchase, lease, contract, or otherwise, highways, bridges, or tunnels and to construct the same by purchase, lease, contract, or otherwise;
8. In consultation with the Commonwealth Transportation Board and with each city or county in which the facility or any part thereof is or is to be located, to repair, expand, enlarge, construct, reconstruct, or renovate any or all highways, bridges, and tunnels within Planning District 23 and to acquire any real or personal property needed for any such purpose;
9. To enter into agreements or leases with public or private entities for the operation and maintenance of bridges, tunnels, transit and rail facilities, and highways;
10. To make and execute contracts, deeds, mortgages, leases, and all other instruments and agreements necessary or convenient for the performance of its duties and the exercise of its powers and functions under this chapter;
11. To the extent funds are made or become available to the Commission to do so, to employ employees, agents, advisors, and consultants, including without limitation attorneys, financial advisers, engineers, and other technical advisers and, the provisions of any other law to the contrary notwithstanding, to determine their duties and compensation; and
12. To the extent not inconsistent with the other provisions of this chapter, and without limiting or restricting the powers otherwise given the Commission, to exercise all of the powers given to transportation district commissions by § 15.2-4518.

B. The Commission shall comply with the provisions governing localities contained in § 15.2-2108.23.

§ 33.1-474. Commission a responsible public entity under Public-Private Transportation Act of 1995.

The Commission is a responsible public entity as defined in § 56-557 and shall be regulated in accordance with the terms of the Public-Private Transportation Act of 1995 (§ 56-556 et seq.) and regulations and guidelines adopted pursuant thereto.

§ 33.1-475. Continuing responsibilities of the Commonwealth Transportation Board and the Department of Transportation.

Except as otherwise explicitly provided in this chapter, until such time as the Commission and the Department of Transportation, or the Commission and the Commonwealth Transportation Board, agree otherwise in writing, the Commonwealth Transportation Board shall allocate funding to and the Department of Transportation shall perform or cause to be performed all maintenance and operation of the bridges, tunnels, and roadways and shall perform such other required services and activities with respect to such bridges, tunnels, and roadways as were being performed on July 1, 2014.

§ 33.1-476. Use of revenues by the Commission.

Notwithstanding any other provision of this chapter, all moneys received by the Commission shall be used by the Commission solely for the benefit of those counties and cities that are embraced by the Commission, and such moneys shall be used by the Commission in a manner that is consistent with the purposes stated in this chapter.

2. That the staff of the Hampton Roads Transportation Planning Organization and the Department of Transportation shall work cooperatively to assist the proper formation and effective organization of the Hampton Roads Transportation Accountability Commission. Until such time as the Commission is fully established and functioning, the staff of the Hampton Roads Transportation Planning Organization shall serve as its staff, and the Hampton Roads Transportation Planning Organization shall provide the Commission with office space and

administrative support. The Commission shall reimburse the Hampton Roads Transportation Planning Organization for the cost of such staff, office space, and administrative support as appropriate.

3. That should any portion of this act be held unconstitutional by a court of competent jurisdiction, the remaining portions of this act shall remain in effect.

CHAPTER 546

An Act to amend and reenact § 9.1-902 of the Code of Virginia, relating to offenses requiring registration; withdrawal of plea by certain defendants.

[S 537]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-902 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-902. Offenses requiring registration.

A. For purposes of this chapter:

"Offense for which registration is required" includes:

1. Any offense listed in subsection B;
2. Criminal homicide;
3. Murder;
4. A sexually violent offense;
5. Any offense similar to those listed in subdivisions 1 through 4 under the laws of any foreign country or any political subdivision thereof, the United States or any political subdivision thereof; and
6. Any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted.

B. The offenses included under this subsection include any violation of, attempted violation of, or conspiracy to violate:

1. § 18.2-63; unless registration is required pursuant to subdivision E 1; § 18.2-64.1; former § 18.2-67.2:1; § 18.2-90 with the intent to commit rape; former § 18.1-88 with the intent to commit rape; subsection B or C of § 18.2-374.1:1; former subsection D of § 18.2-374.1:1 as it was in effect from July 1, 1994, through June 30, 2007; former clause (iv) of subsection B of § 18.2-374.3 as it was in effect on June 30, 2007; or subsection B, C, or D of § 18.2-374.3; or a third or subsequent conviction of (i) § 18.2-67.4, (ii) § 18.2-67.4:2, (iii) subsection C of § 18.2-67.5, or (iv) § 18.2-386.1.

If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any felony offense listed in this section; subsection A of § 18.2-374.1:1; or a felony under § 18.2-67.5:1.

2. Where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection A of § 18.2-47, clause (i) of § 18.2-48, § 18.2-67.4, subsection C of § 18.2-67.5, § 18.2-361, § 18.2-366, or a felony violation of former § 18.1-191.

3. § 18.2-370.6.

C. "Criminal homicide" means a homicide in conjunction with a violation of, attempted violation of, or conspiracy to violate clause (i) of § 18.2-371 or § 18.2-371.1, when the offenses arise out of the same incident.

D. "Murder" means a violation of, attempted violation of, or conspiracy to violate § 18.2-31 or § 18.2-32 where the victim is (i) under 15 years of age or (ii) where the victim is at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section or a violation of former § 18.1-21 where the victim is (a) under 15 years of age or (b) at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section.

E. "Sexually violent offense" means a violation of, attempted violation of, or conspiracy to violate:

1. Clause (ii) and (iii) of § 18.2-48, former § 18.1-38 with the intent to defile or, for the purpose of concubinage or prostitution, a felony violation of subdivision (2) or (3) of former § 18.1-39 that involves assisting or aiding in such an abduction, § 18.2-61, former § 18.1-44 when such act is accomplished against the complaining witness's will, by force, or through the use of the complaining witness's mental incapacity or physical helplessness, or if the victim is under 13 years of age, subsection A of § 18.2-63 where the perpetrator is more than five years older than the victim, § 18.2-67.1, § 18.2-67.2, § 18.2-67.3, former § 18.1-215 when the complaining witness is under 13 years of age, § 18.2-67.4 where the perpetrator is 18 years of age or older and the victim is under the age of six, subsections A and B of § 18.2-67.5, § 18.2-370, subdivision (1), (2), or (4) of former § 18.1-213, former § 18.1-214, or § 18.2-370.1 or § 18.2-374.1; or

2. § 18.2-63, § 18.2-64.1, former § 18.2-67.2:1, § 18.2-90 with the intent to commit rape or, where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection A of § 18.2-47, § 18.2-67.4, subsection C of § 18.2-67.5, clause (i) of § 18.2-48, § 18.2-361, § 18.2-366, or subsection C of § 18.2-374.1:1. An offense listed under this subdivision shall be deemed a sexually violent offense only if the person has been convicted or adjudicated delinquent of any two or more such offenses, provided that person had been at liberty between such convictions or adjudications;

3. If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any felony offense listed in this section. An offense listed under this subdivision shall be deemed a sexually violent offense only if the person has

been convicted or adjudicated delinquent of any two or more such offenses, provided that the person had been at liberty between such convictions or adjudications; or

4. Chapter 117 (18 U.S.C. § 2421 et seq.) of Title 18 of the United States Code or sex trafficking (as described in § 1591 of Title 18, U.S.C.).

F. "Any offense listed in subsection B," "criminal homicide" as defined in this section, "murder" as defined in this section, and "sexually violent offense" as defined in this section includes (i) any similar offense under the laws of any foreign country or any political subdivision thereof, the United States or any political subdivision thereof or (ii) any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted.

G. Juveniles adjudicated delinquent shall not be required to register; however, where the offender is a juvenile over the age of 13 at the time of the offense who is tried as a juvenile and is adjudicated delinquent on or after July 1, 2005, of any offense for which registration is required, the court may, in its discretion and upon motion of the attorney for the Commonwealth, find that the circumstances of the offense require offender registration. In making its determination, the court shall consider all of the following factors that are relevant to the case: (i) the degree to which the delinquent act was committed with the use of force, threat or intimidation, (ii) the age and maturity of the complaining witness, (iii) the age and maturity of the offender, (iv) the difference in the ages of the complaining witness and the offender, (v) the nature of the relationship between the complaining witness and the offender, (vi) the offender's prior criminal history, and (vii) any other aggravating or mitigating factors relevant to the case. The attorney for the Commonwealth may file such a motion at any time during which the offender is within the jurisdiction of the court for the offense that is the basis for such motion. Prior to any hearing on such motion, the court shall appoint a qualified and competent attorney-at-law to represent the offender unless an attorney has been retained and appears on behalf of the offender or counsel has already been appointed.

H. Prior to entering judgment of conviction of an offense for which registration is required if the victim of the offense was a minor, physically helpless, or mentally incapacitated, *when the indictment, warrant, or information does not allege that the victim of the offense was a minor; physically helpless, or mentally incapacitated*, the court shall determine by a preponderance of the evidence whether the victim of the offense was a minor, physically helpless, or mentally incapacitated, as defined in § 18.2-67.10, and shall also determine the age of the victim at the time of the offense if it determines the victim to be a minor. ~~Upon such a determination~~ *When such a determination is required*, the court shall advise the defendant of its determination and of the defendant's right to make a motion to withdraw a plea of guilty or nolo contendere pursuant to § 19.2-296. ~~If the defendant chooses~~ *court grants the defendant's motion* to withdraw his plea of guilty or of nolo contendere, his case shall be heard by another judge, unless the parties agree otherwise. *Failure to make such determination or so advise the defendant does not otherwise invalidate the underlying conviction.*

CHAPTER 547

An Act to amend and reenact §§ 44-113 and 44-137 of the Code of Virginia, relating to the Virginia Defense Force.

[S 546]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 44-113 and 44-137 of the Code of Virginia are amended and reenacted as follows:

§ 44-113. County, city and town appropriations.

Counties, cities, and towns may appropriate such sums of money and real and personal property as they may deem proper to the various organizations of the National Guard, *the Virginia Defense Force*, or naval militia, when such organizations are maintained within the limits of the counties, cities, and towns respectively; and counties may appropriate such sums of money and real and personal property as they may deem proper to the various organizations of the National Guard if such organizations are maintained in any incorporated town or city of the second class located within the geographical limits of such counties respectively.

§ 44-137. City and county aid.

Every city and county in the Commonwealth having an active National Guard, *Virginia Defense Force*, or naval militia organization or organizations is authorized to render such financial assistance as it may deem wise and patriotic to such organization or organizations, either by donating land or buildings, or donating the use of land or buildings, or by contributing to their equipment and maintenance.

CHAPTER 548

An Act to amend and reenact §§ 56-576 and 56-585.1 of the Code of Virginia, relating to electric utility regulation; recovery of costs of undergrounding distribution facilities.

[S 585]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-576 and 56-585.1 of the Code of Virginia are amended and reenacted as follows:

§ 56-576. Definitions.

As used in this chapter:

"Affiliate" means any person that controls, is controlled by, or is under common control with an electric utility.

"Aggregator" means a person that, as an agent or intermediary, (i) offers to purchase, or purchases, electric energy or (ii) offers to arrange for, or arranges for, the purchase of electric energy, for sale to, or on behalf of, two or more retail customers not controlled by or under common control with such person. The following activities shall not, in and of themselves, make a person an aggregator under this chapter: (i) furnishing legal services to two or more retail customers, suppliers or aggregators; (ii) furnishing educational, informational, or analytical services to two or more retail customers, unless direct or indirect compensation for such services is paid by an aggregator or supplier of electric energy; (iii) furnishing educational, informational, or analytical services to two or more suppliers or aggregators; (iv) providing default service under § 56-585; (v) engaging in activities of a retail electric energy supplier, licensed pursuant to § 56-587, which are authorized by such supplier's license; and (vi) engaging in actions of a retail customer, in common with one or more other such retail customers, to issue a request for proposal or to negotiate a purchase of electric energy for consumption by such retail customers.

"Combined heat and power" means a method of using waste heat from electrical generation to offset traditional processes, space heating, air conditioning, or refrigeration.

"Commission" means the State Corporation Commission.

"Cooperative" means a utility formed under or subject to Chapter 9.1 (§ 56-231.15 et seq.).

"Covered entity" means a provider in the Commonwealth of an electric service not subject to competition but shall not include default service providers.

"Covered transaction" means an acquisition, merger, or consolidation of, or other transaction involving stock, securities, voting interests or assets by which one or more persons obtains control of a covered entity.

"Curtailment" means inducing retail customers to reduce load during times of peak demand so as to ease the burden on the electrical grid.

"Customer choice" means the opportunity for a retail customer in the Commonwealth to purchase electric energy from any supplier licensed and seeking to sell electric energy to that customer.

"Demand response" means measures aimed at shifting time of use of electricity from peak-use periods to times of lower demand by inducing retail customers to curtail electricity usage during periods of congestion and higher prices in the electrical grid.

"Distribute," "distributing," or "distribution of" electric energy means the transfer of electric energy through a retail distribution system to a retail customer.

"Distributor" means a person owning, controlling, or operating a retail distribution system to provide electric energy directly to retail customers.

"Electric utility" means any person that generates, transmits, or distributes electric energy for use by retail customers in the Commonwealth, including any investor-owned electric utility, cooperative electric utility, or electric utility owned or operated by a municipality.

"Energy efficiency program" means a program that reduces the total amount of electricity that is required for the same process or activity implemented after the expiration of capped rates. Energy efficiency programs include equipment, physical, or program change designed to produce measured and verified reductions in the amount of electricity required to perform the same function and produce the same or a similar outcome. Energy efficiency programs may include, but are not limited to, (i) programs that result in improvements in lighting design, heating, ventilation, and air conditioning systems, appliances, building envelopes, and industrial and commercial processes; (ii) measures, such as but not limited to the installation of advanced meters, implemented or installed by utilities, that reduce fuel use or losses of electricity and otherwise improve internal operating efficiency in generation, transmission, and distribution systems; and (iii) customer engagement programs that result in measurable and verifiable energy savings that lead to efficient use patterns and practices. Energy efficiency programs include demand response, combined heat and power and waste heat recovery, curtailment, or other programs that are designed to reduce electricity consumption so long as they reduce the total amount of electricity that is required for the same process or activity. Utilities shall be authorized to install and operate such advanced metering technology and equipment on a customer's premises; however, nothing in this chapter establishes a requirement that an energy efficiency program be implemented on a customer's premises and be connected to a customer's wiring on the customer's side of the inter-connection without the customer's expressed consent.

"Generate," "generating," or "generation of" electric energy means the production of electric energy.

"Generator" means a person owning, controlling, or operating a facility that produces electric energy for sale.

"Incumbent electric utility" means each electric utility in the Commonwealth that, prior to July 1, 1999, supplied electric energy to retail customers located in an exclusive service territory established by the Commission.

"Independent system operator" means a person that may receive or has received, by transfer pursuant to this chapter, any ownership or control of, or any responsibility to operate, all or part of the transmission systems in the Commonwealth.

"In the public interest," for purposes of assessing energy efficiency programs, describes an energy efficiency program if, among other factors, the net present value of the benefits exceeds the net present value of the costs as determined by the

Commission upon consideration of the following four tests: (i) the Total Resource Cost Test; (ii) the Utility Cost Test (also referred to as the Program Administrator Test); (iii) the Participant Test; and (iv) the Ratepayer Impact Measure Test. Such determination shall include an analysis of all four tests, and a program or portfolio of programs shall not be rejected based solely on the results of a single test. In addition, an energy efficiency program may be deemed to be "in the public interest" if the program provides measurable and verifiable energy savings to low-income customers or elderly customers.

"Measured and verified" means a process determined pursuant to methods accepted for use by utilities and industries to measure, verify, and validate energy savings and peak demand savings. This may include the protocol established by the United States Department of Energy, Office of Federal Energy Management Programs, Measurement and Verification Guidance for Federal Energy Projects, measurement and verification standards developed by the American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE), or engineering-based estimates of energy and demand savings associated with specific energy efficiency measures, as determined by the Commission.

"Municipality" means a city, county, town, authority, or other political subdivision of the Commonwealth.

"New underground facilities" means facilities to provide underground distribution service. "New underground facilities" includes underground cables with voltages of 69 kilovolts or less, pad-mounted devices, connections at customer meters, and transition terminations from existing overhead distribution sources.

"Peak-shaving" means measures aimed solely at shifting time of use of electricity from peak-use periods to times of lower demand by inducing retail customers to curtail electricity usage during periods of congestion and higher prices in the electrical grid.

"Person" means any individual, corporation, partnership, association, company, business, trust, joint venture, or other private legal entity, and the Commonwealth or any municipality.

"Renewable energy" means energy derived from sunlight, wind, falling water, biomass, sustainable or otherwise, (the definitions of which shall be liberally construed), energy from waste, landfill gas, municipal solid waste, wave motion, tides, and geothermal power, and does not include energy derived from coal, oil, natural gas, or nuclear power. Renewable energy shall also include the proportion of the thermal or electric energy from a facility that results from the co-firing of biomass.

"Renewable thermal energy" means the thermal energy output from (i) a renewable-fueled combined heat and power generation facility that is (a) constructed, or renovated and improved, after January 1, 2012, (b) located in the Commonwealth, and (c) utilized in industrial processes other than the combined heat and power generation facility or (ii) a solar energy system, certified to the OG-100 standard of the Solar Ratings and Certification Corporation or an equivalent certification body, that (a) is constructed, or renovated and improved, after January 1, 2013, (b) is located in the Commonwealth, and (c) heats water or air for residential, commercial, institutional, or industrial purposes.

"Renewable thermal energy equivalent" means the electrical equivalent in megawatt hours of renewable thermal energy calculated by dividing (i) the heat content, measured in British thermal units (BTUs), of the renewable thermal energy at the point of transfer to a residential, commercial, institutional, or industrial process by (ii) the standard conversion factor of 3.413 million BTUs per megawatt hour.

"Renovated and improved facility" means a facility the components of which have been upgraded to enhance its operating efficiency.

"Retail customer" means any person that purchases retail electric energy for its own consumption at one or more metering points or nonmetered points of delivery located in the Commonwealth.

"Retail electric energy" means electric energy sold for ultimate consumption to a retail customer.

"Revenue reductions related to energy efficiency programs" means reductions in the collection of total non-fuel revenues, previously authorized by the Commission to be recovered from customers by a utility, that occur due to measured and verified decreased consumption of electricity caused by energy efficiency programs approved by the Commission and implemented by the utility, less the amount by which such non-fuel reductions in total revenues have been mitigated through other program-related factors, including reductions in variable operating expenses.

"Solar energy system" means a system of components that produces heat or electricity, or both, from sunlight.

"Supplier" means any generator, distributor, aggregator, broker, marketer, or other person who offers to sell or sells electric energy to retail customers and is licensed by the Commission to do so, but it does not mean a generator that produces electric energy exclusively for its own consumption or the consumption of an affiliate.

"Supply" or "supplying" electric energy means the sale of or the offer to sell electric energy to a retail customer.

"Transmission of," "transmit," or "transmitting" electric energy means the transfer of electric energy through the Commonwealth's interconnected transmission grid from a generator to either a distributor or a retail customer.

"Transmission system" means those facilities and equipment that are required to provide for the transmission of electric energy.

§ 56-585.1. Generation, distribution, and transmission rates after capped rates terminate or expire.

A. During the first six months of 2009, the Commission shall, after notice and opportunity for hearing, initiate proceedings to review the rates, terms and conditions for the provision of generation, distribution and transmission services of each investor-owned incumbent electric utility. Such proceedings shall be governed by the provisions of Chapter 10 (§ 56-232 et seq.), except as modified herein. In such proceedings the Commission shall determine fair rates of return on common equity applicable to the generation and distribution services of the utility. In so doing, the Commission may use any methodology to determine such return it finds consistent with the public interest, but such return shall not be set lower

than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data are available by not less than a majority, selected by the Commission as specified in subdivision 2 b, of other investor-owned electric utilities in the peer group of the utility, nor shall the Commission set such return more than 300 basis points higher than such average. The peer group of the utility shall be determined in the manner prescribed in subdivision 2 b. The Commission may increase or decrease such combined rate of return by up to 100 basis points based on the generating plant performance, customer service, and operating efficiency of a utility, as compared to nationally recognized standards determined by the Commission to be appropriate for such purposes. In such a proceeding, the Commission shall determine the rates that the utility may charge until such rates are adjusted. If the Commission finds that the utility's combined rate of return on common equity is more than 50 basis points below the combined rate of return as so determined, it shall be authorized to order increases to the utility's rates necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn not less than such combined rate of return. If the Commission finds that the utility's combined rate of return on common equity is more than 50 basis points above the combined rate of return as so determined, it shall be authorized either (i) to order reductions to the utility's rates it finds appropriate, provided that the Commission may not order such rate reduction unless it finds that the resulting rates will provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than the fair rates of return on common equity applicable to the generation and distribution services; or (ii) to direct that 60 percent of the amount of the utility's earnings that were more than 50 basis points above the fair combined rate of return for calendar year 2008 be credited to customers' bills, in which event such credits shall be amortized over a period of six to 12 months, as determined at the discretion of the Commission, following the effective date of the Commission's order and be allocated among customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates. Commencing in 2011, the Commission, after notice and opportunity for hearing, shall conduct biennial reviews of the rates, terms and conditions for the provision of generation, distribution and transmission services by each investor-owned incumbent electric utility, subject to the following provisions:

1. Rates, terms and conditions for each service shall be reviewed separately on an unbundled basis, and such reviews shall be conducted in a single, combined proceeding. The first such review shall utilize the two successive 12-month test periods ending December 31, 2010. However, the Commission may, in its discretion, elect to stagger its biennial reviews of utilities by utilizing the two successive 12-month test periods ending December 31, 2010, for a Phase I Utility, and utilizing the two successive 12-month test periods ending December 31, 2011, for a Phase II Utility, with subsequent proceedings utilizing the two successive 12-month test periods ending December 31 immediately preceding the year in which such proceeding is conducted. For purposes of this section, a Phase I Utility is an investor-owned incumbent electric utility that was, as of July 1, 1999, not bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, and a Phase II Utility is an investor-owned incumbent electric utility that was bound by such a settlement.

2. Subject to the provisions of subdivision 6, fair rates of return on common equity applicable separately to the generation and distribution services of such utility, and for the two such services combined, shall be determined by the Commission during each such biennial review, as follows:

a. The Commission may use any methodology to determine such return it finds consistent with the public interest, but such return shall not be set lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data are available by not less than a majority, selected by the Commission as specified in subdivision 2 b, of other investor-owned electric utilities in the peer group of the utility subject to such biennial review, nor shall the Commission set such return more than 300 basis points higher than such average.

b. In selecting such majority of peer group investor-owned electric utilities, the Commission shall first remove from such group the two utilities within such group that have the lowest reported returns of the group, as well as the two utilities within such group that have the highest reported returns of the group, and the Commission shall then select a majority of the utilities remaining in such peer group. In its final order regarding such biennial review, the Commission shall identify the utilities in such peer group it selected for the calculation of such limitation. For purposes of this subdivision, an investor-owned electric utility shall be deemed part of such peer group if (i) its principal operations are conducted in the southeastern United States east of the Mississippi River in either the states of West Virginia or Kentucky or in those states south of Virginia, excluding the state of Tennessee, (ii) it is a vertically-integrated electric utility providing generation, transmission and distribution services whose facilities and operations are subject to state public utility regulation in the state where its principal operations are conducted, (iii) it had a long-term bond rating assigned by Moody's Investors Service of at least Baa at the end of the most recent test period subject to such biennial review, and (iv) it is not an affiliate of the utility subject to such biennial review.

c. The Commission may, consistent with its precedent for incumbent electric utilities prior to the enactment of Chapters 888 and 933 of the Acts of Assembly of 2007, increase or decrease the utility's combined rate of return based on the Commission's consideration of the utility's performance.

d. In any Current Proceeding, the Commission shall determine whether the Current Return has increased, on a percentage basis, above the Initial Return by more than the increase, expressed as a percentage, in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the

United States Department of Labor, since the date on which the Commission determined the Initial Return. If so, the Commission may conduct an additional analysis of whether it is in the public interest to utilize such Current Return for the Current Proceeding then pending. A finding of whether the Current Return justifies such additional analysis shall be made without regard to any enhanced rate of return on common equity awarded pursuant to the provisions of subdivision 6. Such additional analysis shall include, but not be limited to, a consideration of overall economic conditions, the level of interest rates and cost of capital with respect to business and industry, in general, as well as electric utilities, the current level of inflation and the utility's cost of goods and services, the effect on the utility's ability to provide adequate service and to attract capital if less than the Current Return were utilized for the Current Proceeding then pending, and such other factors as the Commission may deem relevant. If, as a result of such analysis, the Commission finds that use of the Current Return for the Current Proceeding then pending would not be in the public interest, then the lower limit imposed by subdivision 2 a on the return to be determined by the Commission for such utility shall be calculated, for that Current Proceeding only, by increasing the Initial Return by a percentage at least equal to the increase, expressed as a percentage, in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, since the date on which the Commission determined the Initial Return. For purposes of this subdivision:

"Current Proceeding" means any proceeding conducted under any provisions of this subsection that require or authorize the Commission to determine a fair combined rate of return on common equity for a utility and that will be concluded after the date on which the Commission determined the Initial Return for such utility.

"Current Return" means the minimum fair combined rate of return on common equity required for any Current Proceeding by the limitation regarding a utility's peer group specified in subdivision 2 a.

"Initial Return" means the fair combined rate of return on common equity determined for such utility by the Commission on the first occasion after July 1, 2009, under any provision of this subsection pursuant to the provisions of subdivision 2 a.

e. In addition to other considerations, in setting the return on equity within the range allowed by this section, the Commission shall strive to maintain costs of retail electric energy that are cost competitive with costs of retail electric energy provided by the other peer group investor-owned electric utilities.

f. The determination of such returns shall be made by the Commission on a stand-alone basis, and specifically without regard to any return on common equity or other matters determined with regard to facilities described in subdivision 6.

g. If the combined rate of return on common equity earned by the generation and distribution services is no more than 50 basis points above or below the return as so determined or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, such return is no more than 70 basis points above or below the return as so determined, such combined return shall not be considered either excessive or insufficient, respectively. However, for any test period commencing after December 31, 2012, for a Phase II Utility, and after December 31, 2013, for a Phase I Utility, if the utility has, during the test period or periods under review, earned below the return as so determined, whether or not such combined return is within 70 basis points of the return as so determined, the utility may petition the Commission for approval of an increase in rates in accordance with the provisions of clause (i) of subdivision A 8 as if it had earned more than 70 basis points below a fair combined rate of return, and such proceeding shall otherwise be conducted in accordance with the provisions of this section.

h. Any amount of a utility's earnings directed by the Commission to be credited to customers' bills pursuant to this section shall not be considered for the purpose of determining the utility's earnings in any subsequent biennial review.

3. Each such utility shall make a biennial filing by March 31 of every other year, beginning in 2011, consisting of the schedules contained in the Commission's rules governing utility rate increase applications; however, if the Commission elects to stagger the dates of the biennial reviews of utilities as provided in subdivision 1, then Phase I utilities shall commence biennial filings in 2011 and Phase II utilities shall commence biennial filings in 2012. Such filing shall encompass the two successive 12-month test periods ending December 31 immediately preceding the year in which such proceeding is conducted, and in every such case the filing for each year shall be identified separately and shall be segregated from any other year encompassed by the filing. If the Commission determines that rates should be revised or credits be applied to customers' bills pursuant to subdivision 8 or 9, any rate adjustment clauses previously implemented pursuant to subdivision 5 or those related to facilities utilizing simple-cycle combustion turbines described in subdivision 6, shall be combined with the utility's costs, revenues and investments until the amounts that are the subject of such rate adjustment clauses are fully recovered. The Commission shall combine such clauses with the utility's costs, revenues and investments only after it makes its initial determination with regard to necessary rate revisions or credits to customers' bills, and the amounts thereof, but after such clauses are combined as herein specified, they shall thereafter be considered part of the utility's costs, revenues, and investments for the purposes of future biennial review proceedings. A Phase I utility shall delay for one year the filing of its biennial review from March 31, 2013, to March 31, 2014, and shall not defer on its books for future recovery any costs incurred during calendar year 2011, other than as provided in subdivision A 7 of this section or § 56-249.6, and its subsequent biennial filing shall be made by March 31, 2016, and every two years thereafter.

4. The following costs incurred by the utility shall be deemed reasonable and prudent: (i) costs for transmission services provided to the utility by the regional transmission entity of which the utility is a member, as determined under applicable rates, terms and conditions approved by the Federal Energy Regulatory Commission, and (ii) costs charged to the utility that are associated with demand response programs approved by the Federal Energy Regulatory Commission and

administered by the regional transmission entity of which the utility is a member. Upon petition of a utility at any time after the expiration or termination of capped rates, but not more than once in any 12-month period, the Commission shall approve a rate adjustment clause under which such costs, including, without limitation, costs for transmission service, charges for new and existing transmission facilities, administrative charges, and ancillary service charges designed to recover transmission costs, shall be recovered on a timely and current basis from customers. Retail rates to recover these costs shall be designed using the appropriate billing determinants in the retail rate schedules.

5. A utility may at any time, after the expiration or termination of capped rates, but not more than once in any 12-month period, petition the Commission for approval of one or more rate adjustment clauses for the timely and current recovery from customers of the following costs:

a. Incremental costs described in clause (vi) of subsection B of § 56-582 incurred between July 1, 2004, and the expiration or termination of capped rates, if such utility is, as of July 1, 2007, deferring such costs consistent with an order of the Commission entered under clause (vi) of subsection B of § 56-582. The Commission shall approve such a petition allowing the recovery of such costs that comply with the requirements of clause (vi) of subsection B of § 56-582;

b. Projected and actual costs for the utility to design and operate fair and effective peak-shaving programs. The Commission shall approve such a petition if it finds that the program is in the public interest; provided that the Commission shall allow the recovery of such costs as it finds are reasonable;

c. Projected and actual costs for the utility to design, implement, and operate energy efficiency programs, including a margin to be recovered on operating expenses, which margin for the purposes of this section shall be equal to the general rate of return on common equity determined as described in subdivision A 2 of this section. The Commission shall only approve such a petition if it finds that the program is in the public interest. As part of such cost recovery, the Commission, if requested by the utility, shall allow for the recovery of revenue reductions related to energy efficiency programs. The Commission shall only allow such recovery to the extent that the Commission determines such revenue has not been recovered through margins from incremental off-system sales as defined in § 56-249.6 that are directly attributable to energy efficiency programs.

None of the costs of new energy efficiency programs of an electric utility, including recovery of revenue reductions, shall be assigned to any customer that has a verifiable history of having used more than 10 megawatts of demand from a single meter of delivery. Nor shall any of the costs of new energy efficiency programs of an electric utility, including recovery of revenue reductions, be incurred by any large general service customer as defined herein that has notified the utility of non-participation in such energy efficiency program or programs. A large general service customer is a customer that has a verifiable history of having used more than 500 kilowatts of demand from a single meter of delivery. Non-participation in energy efficiency programs shall be allowed by the Commission if the large general service customer has, at the customer's own expense, implemented energy efficiency programs that have produced or will produce measured and verified results consistent with industry standards and other regulatory criteria stated in this section. The Commission shall, no later than November 15, 2009, promulgate rules and regulations to accommodate the process under which such large general service customers shall file notice for such an exemption and (i) establish the administrative procedures by which eligible customers will notify the utility and (ii) define the standard criteria that must be satisfied by an applicant in order to notify the utility. In promulgating such rules and regulations, the Commission may also specify the timing as to when a utility shall accept and act on such notice, taking into consideration the utility's integrated resource planning process as well as its administration of energy efficiency programs that are approved for cost recovery by the Commission. The notice of non-participation by a large general service customer, to be given by March 1 of a given year, shall be for the duration of the service life of the customer's energy efficiency program. The Commission on its own motion may initiate steps necessary to verify such non-participants' achievement of energy efficiency if the Commission has a body of evidence that the non-participant has knowingly misrepresented its energy efficiency achievement. A utility shall not charge such large general service customer, as defined by the Commission, for the costs of installing energy efficiency equipment beyond what is required to provide electric service and meter such service on the customer's premises if the customer provides, at the customer's expense, equivalent energy efficiency equipment. In all relevant proceedings pursuant to this section, the Commission shall take into consideration the goals of economic development, energy efficiency and environmental protection in the Commonwealth;

d. Projected and actual costs of participation in a renewable energy portfolio standard program pursuant to § 56-585.2 that are not recoverable under subdivision 6. The Commission shall approve such a petition allowing the recovery of such costs as are provided for in a program approved pursuant to § 56-585.2; and

e. Projected and actual costs of projects that the Commission finds to be necessary to comply with state or federal environmental laws or regulations applicable to generation facilities used to serve the utility's native load obligations. The Commission shall approve such a petition if it finds that such costs are necessary to comply with such environmental laws or regulations.

The Commission shall have the authority to determine the duration or amortization period for any adjustment clause approved under this subdivision.

6. To ensure *the generation and delivery* of a reliable and adequate supply of electricity, to meet the utility's projected native load obligations and to promote economic development, a utility may at any time, after the expiration or termination of capped rates, petition the Commission for approval of a rate adjustment clause for recovery on a timely and current basis from customers of the costs of (i) a coal-fueled generation facility that utilizes Virginia coal and is located in the coalfield

region of the Commonwealth, as described in § 15.2-6002, regardless of whether such facility is located within or without the utility's service territory, (ii) one or more other generation facilities, ~~or~~ (iii) one or more major unit modifications of generation facilities; ~~however, such~~, or (iv) one or more new underground facilities to replace one or more existing overhead distribution facilities of 69 kilovolts or less located within the Commonwealth; however, subject to the provisions of the following sentence, the utility shall not file a petition under clause (iv) more often than annually and, in such petition, shall not seek any annual incremental increase in the level of investments associated with such a petition that exceeds five percent of such utility's distribution rate base, as such rate base was determined for the most recently ended 12-month test period in the utility's latest biennial review proceeding conducted pursuant to subdivision 3 and concluded by final order of the Commission prior to the date of filing of such petition under clause (iv). In all proceedings regarding petitions filed under clause (iv), the level of investments approved for recovery in such proceedings shall be in addition to, and not in lieu of, levels of investments previously approved for recovery in prior proceedings under clause (iv). Such a petition concerning facilities described in clause (ii) that utilize nuclear power, facilities described in clause (ii) that are coal-fueled and will be built by a Phase I utility, or facilities described in clause (i) may also be filed before the expiration or termination of capped rates. A utility that constructs any such facility shall have the right to recover the costs of the facility, as accrued against income, through its rates, including projected construction work in progress, and any associated allowance for funds used during construction, planning, development and construction costs, life-cycle costs, costs related to assessing the feasibility of potential sites for new underground facilities, and costs of infrastructure associated therewith, plus, as an incentive to undertake such projects, an enhanced rate of return on common equity calculated as specified below; however, in determining the amounts recoverable under a rate adjustment clause for new underground facilities, the Commission shall not consider, or increase or reduce such amounts recoverable because of (a) the operation and maintenance costs attributable to either the overhead distribution facilities being replaced or the new underground facilities or (b) any other costs attributable to the overhead distribution facilities being replaced. Notwithstanding the preceding sentence, the costs described in clauses (a) and (b) thereof shall remain eligible for recovery from customers through the utility's base rates for distribution service. A utility seeking approval to construct a generating facility shall demonstrate that it has considered and weighed alternative options, including third-party market alternatives, in its selection process. The costs of the facility, other than return on projected construction work in progress and allowance for funds used during construction, shall not be recovered prior to the date ~~the~~ a facility described in clause (i), (ii), or (iii) begins commercial operation or new underground facilities are classified by the utility as plant in service. Such enhanced rate of return on common equity shall be applied to allowance for funds used during construction and to construction work in progress during the construction phase of the facility and shall thereafter be applied to the entire facility during the first portion of the service life of the facility. The first portion of the service life shall be as specified in the table below; however, the Commission shall determine the duration of the first portion of the service life of any facility, within the range specified in the table below, which determination shall be consistent with the public interest and shall reflect the Commission's determinations regarding how critical the facility may be in meeting the energy needs of the citizens of the Commonwealth and the risks involved in the development of the facility. After the first portion of the service life of the facility is concluded, the utility's general rate of return shall be applied to such facility for the remainder of its service life. As used herein, the service life of the facility shall be deemed to begin on the date ~~the~~ a facility described in clause (i), (ii), or (iii) begins commercial operation or new underground facilities are classified by the utility as plant in service, and such service life shall be deemed equal in years to the life of that facility as used to calculate the utility's depreciation expense. Such enhanced rate of return on common equity shall be calculated by adding the basis points specified in the table below to the utility's general rate of return, and such enhanced rate of return shall apply only to the facility that is the subject of such rate adjustment clause. Allowance for funds used during construction shall be calculated for any such facility utilizing the utility's actual capital structure and overall cost of capital, including an enhanced rate of return on common equity as determined pursuant to this subdivision, until such construction work in progress is included in rates. The construction of any facility described in clause (i) is in the public interest, and in determining whether to approve such facility, the Commission shall liberally construe the provisions of this title. In determining whether to approve petitions for rate adjustment clauses for new underground facilities, and in determining the level of costs to be recovered thereunder, the Commission shall liberally construe the provisions of this title and shall give due consideration to the public policy goals of increased electric service reliability and reduced outage times associated with the replacement of existing overhead distribution facilities with new underground facilities. The basis points to be added to the utility's general rate of return to calculate the enhanced rate of return on common equity, and the first portion of that facility's service life to which such enhanced rate of return shall be applied, shall vary by type of facility, as specified in the following table:

Type of Generation Facility	Basis Points	First Portion of Service Life
Nuclear-powered	200	Between 12 and 25 years
Carbon capture compatible, clean-coal powered	200	Between 10 and 20 years
Renewable powered, other than landfill gas powered	200	Between 5 and 15 years
Coalbed methane gas powered	150	Between 5 and 15 years
Landfill gas powered	200	Between 5 and 15 years
Conventional coal or	100	Between 10 and 20 years

combined-cycle combustion
turbine

For generating facilities other than those utilizing nuclear power or those utilizing energy derived from offshore wind, as of July 1, 2013, only those facilities as to which a rate adjustment clause under this subdivision has been previously approved by the Commission, or as to which a petition for approval of such rate adjustment clause was filed with the Commission, on or before January 1, 2013, shall be entitled to the enhanced rate of return on common equity as specified in the above table during the construction phase of the facility and the approved first portion of its service life.

For generating facilities within the Commonwealth utilizing nuclear power or those utilizing energy derived from offshore wind projects located in waters off the Commonwealth's Atlantic shoreline, such facilities shall continue to be eligible for an enhanced rate of return on common equity during the construction phase of the facility and the approved first portion of its service life of between 12 and 25 years in the case of a facility utilizing nuclear power and for a service life of between 5 and 15 years in the case of a facility utilizing energy derived from offshore wind, provided, however, that, as of July 1, 2013, the enhanced return for such facilities shall be 100 basis points, which shall be added to the utility's general rate of return as determined under subdivision 2.

~~Generation~~ *Neither generation facilities described in clause (ii) that utilize simple-cycle combustion turbines nor new underground facilities shall not receive an enhanced rate of return on common equity as described herein, but instead shall receive the utility's general rate of return during the construction phase of the facility and, thereafter, for the entire service life of the facility. No rate adjustment clause for new underground facilities shall allocate costs to, or provide for the recovery of costs from, customers that are served within the large power service rate class for a Phase I utility and the large general service rate classes for a Phase II utility. New underground facilities are hereby declared to be ordinary extensions or improvements in the usual course of business under the provisions of § 56-265.2.*

As used in this subdivision, a generation facility is ~~(a)~~ (1) "coalbed methane gas powered" if the facility is fired at least 50 percent by coalbed methane gas, as such term is defined in § 45.1-361.1, produced from wells located in the Commonwealth, and ~~(b)~~ (2) "landfill gas powered" if the facility is fired by methane or other combustible gas produced by the anaerobic digestion or decomposition of biodegradable materials in a solid waste management facility licensed by the Waste Management Board. A landfill gas powered facility includes, in addition to the generation facility itself, the equipment used in collecting, drying, treating, and compressing the landfill gas and in transmitting the landfill gas from the solid waste management facility where it is collected to the generation facility where it is combusted.

For purposes of this subdivision, "general rate of return" means the fair combined rate of return on common equity as it is determined by the Commission from time to time for such utility pursuant to subdivision 2. In any proceeding under this subdivision conducted prior to the conclusion of the first biennial review for such utility, the Commission shall determine a general rate of return for such utility in the same manner as it would in a biennial review proceeding.

Notwithstanding any other provision of this subdivision, if the Commission finds during the biennial review conducted for a Phase II utility in 2018 that such utility has not filed applications for all necessary federal and state regulatory approvals to construct one or more nuclear-powered or coal-fueled generation facilities that would add a total capacity of at least 1500 megawatts to the amount of the utility's generating resources as such resources existed on July 1, 2007, or that, if all such approvals have been received, that the utility has not made reasonable and good faith efforts to construct one or more such facilities that will provide such additional total capacity within a reasonable time after obtaining such approvals, then the Commission, if it finds it in the public interest, may reduce on a prospective basis any enhanced rate of return on common equity previously applied to any such facility to no less than the general rate of return for such utility and may apply no less than the utility's general rate of return to any such facility for which the utility seeks approval in the future under this subdivision.

7. Any petition filed pursuant to subdivision 4, 5, or 6 shall be considered by the Commission on a stand-alone basis without regard to the other costs, revenues, investments, or earnings of the utility. Any costs incurred by a utility prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition and that are related to ~~clause (a) of~~ subdivision 5 a, or that are related to facilities and projects described in clause (i) of subdivision 6, *or that are related to new underground facilities described in clause (iv) of subdivision 6*, shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. Any costs prudently incurred on or after July 1, 2007, by a utility prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition and that are related to facilities and projects described in clause (ii) of subdivision 6 that utilize nuclear power, or coal-fueled facilities and projects described in clause (ii) of subdivision 6 if such coal-fueled facilities will be built by a Phase I Utility, shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. Any costs prudently incurred after the expiration or termination of capped rates related to other matters described in ~~subdivisions~~ *subdivision 4, 5, or 6 shall be deferred beginning only upon the expiration or termination of capped rates, provided, however, that no provision of this act shall affect the rights of any parties with respect to the rulings of the Federal Energy Regulatory Commission in PJM Interconnection LLC and Virginia Electric and Power Company, 109 F.E.R.C. P 61,012 (2004).*

The Commission's final order regarding any petition filed pursuant to subdivision 4, 5, or 6 shall be entered not more than three months, eight months, and nine months, respectively, after the date of filing of such petition. If such petition is

approved, the order shall direct that the applicable rate adjustment clause be applied to customers' bills not more than 60 days after the date of the order, or upon the expiration or termination of capped rates, whichever is later.

8. In any biennial review proceeding, the following utility generation and distribution costs not proposed for recovery under any other subdivision of this subsection, as recorded per books by the utility for financial reporting purposes and accrued against income, shall be attributed to the test periods under review: costs associated with asset impairments related to early retirement determinations made by the utility prior to December 31, 2012, for utility generation plant; costs associated with severe weather events; and costs associated with natural disasters. Such costs shall be deemed to have been recovered from customers through rates for generation and distribution services in effect during the test periods under review unless such costs, individually or in the aggregate, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, result in the utility's earned return on its generation and distribution services for the combined test periods under review to fall more than 50 basis points below the fair combined rate of return authorized under subdivision 2 for such periods or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to fall more than 70 basis points below the fair combined rate of return authorized under subdivision 2 for such periods. In such cases, the Commission shall, in such biennial review proceeding, authorize deferred recovery of such costs and allow the utility to amortize and recover such deferred costs over future periods as determined by the Commission. The aggregate amount of such deferred costs shall not exceed an amount that would, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, cause the utility's earned return on its generation and distribution services to exceed the fair rate of return authorized under subdivision 2, less 50 basis points, for the combined test periods under review or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to exceed the fair rate of return authorized under subdivision 2 less 70 basis points. Nothing in this section shall limit the Commission's authority, pursuant to the provisions of Chapter 10 (§ 56-232 et seq.), including specifically § 56-235.2, following the review of combined test period earnings of the utility in a biennial review, for normalization of nonrecurring test period costs and annualized adjustments for future costs, in determining any appropriate increase or decrease in the utility's rates for generation and distribution services pursuant to ~~clause (i) subdivision 8 a or (iii) 8 c.~~

If the Commission determines as a result of such biennial review that:

~~(i)~~ a. The utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points below a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall order increases to the utility's rates necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn not less than such fair combined rate of return, using the most recently ended 12-month test period as the basis for determining the amount of the rate increase necessary. However, the Commission may not order such rate increase unless it finds that the resulting rates are necessary to provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on both its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate increase under the standards of this sentence, and the amount thereof;

~~(ii)~~ b. The utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall, subject to the provisions of subdivision 9, direct that 60 percent of the amount of such earnings that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, that 70 percent of the amount of such earnings that were more than 70 basis points, above such fair combined rate of return for the test period or periods under review, considered as a whole, shall be credited to customers' bills. Any such credits shall be amortized over a period of six to 12 months, as determined at the discretion of the Commission, following the effective date of the Commission's order, and shall be allocated among customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates; or

~~(iii)~~ c. Such biennial review is the second consecutive biennial review in which the utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matter determined with respect to facilities described in subdivision 6, the Commission shall, subject to the provisions of subdivision 9 and in addition to the actions authorized in ~~clause (ii) of this subdivision b,~~ also order reductions to the utility's

rates it finds appropriate. However, the Commission may not order such rate reduction unless it finds that the resulting rates will provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate reduction under the standards of this sentence, and the amount thereof.

The Commission's final order regarding such biennial review shall be entered not more than eight months after the date of filing, and any revisions in rates or credits so ordered shall take effect not more than 60 days after the date of the order. The fair combined rate of return on common equity determined pursuant to subdivision 2 in such biennial review shall apply, for purposes of reviewing the utility's earnings on its rates for generation and distribution services, to the entire two successive 12-month test periods ending December 31 immediately preceding the year of the utility's subsequent biennial review filing under subdivision 3.

9. If, as a result of a biennial review required under this subsection and conducted with respect to any test period or periods under review ending later than December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, under review ending later than December 31, 2010, for a Phase I Utility, or December 31, 2011, for a Phase II Utility), the Commission finds, with respect to such test period or periods considered as a whole, that (i) any utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, and (ii) the total aggregate regulated rates of such utility at the end of the most recently-ended 12-month test period exceeded the annual increases in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, compounded annually, when compared to the total aggregate regulated rates of such utility as determined pursuant to the biennial review conducted for the base period, the Commission shall, unless it finds that such action is not in the public interest or that the provisions of ~~clauses (ii) and (iii) of subdivision subdivisions 8 b and c~~ are more consistent with the public interest, direct that any or all earnings for such test period or periods under review, considered as a whole that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points, above such fair combined rate of return shall be credited to customers' bills, in lieu of the provisions of ~~clauses (ii) and (iii) of subdivision subdivisions 8 b and c~~. Any such credits shall be amortized and allocated among customer classes in the manner provided by ~~clause (ii) of subdivision 8 b~~. For purposes of this subdivision:

"Base period" means (i) the test period ending December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, the test period ending December 31, 2010, for a Phase I Utility, or December 31, 2011, for a Phase II Utility), or (ii) the most recent test period with respect to which credits have been applied to customers' bills under the provisions of this subdivision, whichever is later.

"Total aggregate regulated rates" shall include: (i) fuel tariffs approved pursuant to § 56-249.6, except for any increases in fuel tariffs deferred by the Commission for recovery in periods after December 31, 2010, pursuant to the provisions of clause (ii) of subsection C of § 56-249.6; (ii) rate adjustment clauses implemented pursuant to subdivision 4 or 5; (iii) revisions to the utility's rates pursuant to ~~clause (i) of subdivision 8 a~~; (iv) revisions to the utility's rates pursuant to the Commission's rules governing utility rate increase applications, as permitted by subsection B, occurring after July 1, 2009; and (v) base rates in effect as of July 1, 2009.

10. For purposes of this section, the Commission shall regulate the rates, terms and conditions of any utility subject to this section on a stand-alone basis utilizing the actual end-of-test period capital structure and cost of capital of such utility, unless the Commission finds that the debt to equity ratio of such capital structure is unreasonable for such utility, in which case the Commission may utilize a debt to equity ratio that it finds to be reasonable for such utility in determining any rate adjustment pursuant to ~~clauses (i) and (iii) of subdivision subdivisions 8 a and c~~, and without regard to the cost of capital, capital structure, revenues, expenses or investments of any other entity with which such utility may be affiliated. In particular, and without limitation, the Commission shall determine the federal and state income tax costs for any such utility that is part of a publicly traded, consolidated group as follows: (i) such utility's apportioned state income tax costs shall be calculated according to the applicable statutory rate, as if the utility had not filed a consolidated return with its affiliates, and (ii) such utility's federal income tax costs shall be calculated according to the applicable federal income tax rate and shall exclude any consolidated tax liability or benefit adjustments originating from any taxable income or loss of its affiliates.

B. Nothing in this section shall preclude an investor-owned incumbent electric utility from applying for an increase in rates pursuant to § 56-245 or the Commission's rules governing utility rate increase applications; however, in any such filing, a fair rate of return on common equity shall be determined pursuant to subdivision A 2. Nothing in this section shall preclude such utility's recovery of fuel and purchased power costs as provided in § 56-249.6.

C. Except as otherwise provided in this section, the Commission shall exercise authority over the rates, terms and conditions of investor-owned incumbent electric utilities for the provision of generation, transmission and distribution

services to retail customers in the Commonwealth pursuant to the provisions of Chapter 10 (§ 56-232 et seq.), including specifically § 56-235.2.

D. ~~Nothing in this section shall preclude the~~ *The Commission from determining may determine*, during any proceeding authorized or required by this section, the reasonableness or prudence of any cost incurred or projected to be incurred, by a utility in connection with the subject of the proceeding. A determination of the Commission regarding the reasonableness or prudence of any such cost shall be consistent with the Commission's authority to determine the reasonableness or prudence of costs in proceedings pursuant to the provisions of Chapter 10 (§ 56-232 et seq.). In determining the reasonableness or prudence of a utility providing energy and capacity to its customers from renewable energy resources, the Commission shall consider the extent to which such renewable energy resources, whether utility-owned or by contract, further the objectives of the Commonwealth Energy Policy set forth in §§ 67-101 and 67-102, and shall also consider whether the costs of such resources is likely to result in unreasonable increases in rates paid by consumers.

E. The Commission shall promulgate such rules and regulations as may be necessary to implement the provisions of this section.

CHAPTER 549

An Act to amend and reenact §§ 18.2-308.02 and 18.2-308.011 of the Code of Virginia, relating to concealed handgun permits; records.

[S 600]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.02 and 18.2-308.011 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-308.02. Application for a concealed handgun permit; Virginia resident or domiciliary.

A. Any person 21 years of age or older may apply in writing to the clerk of the circuit court of the county or city in which he resides, or if he is a member of the United States armed forces, the county or city in which he is domiciled, for a five-year permit to carry a concealed handgun. There shall be no requirement regarding the length of time an applicant has been a resident or domiciliary of the county or city. The application shall be made under oath before a notary or other person qualified to take oaths and shall be made only on a form prescribed by the Department of State Police, in consultation with the Supreme Court, requiring only that information necessary to determine eligibility for the permit. No information or documentation other than that which is allowed on the application in accordance with this section may be requested or required by the clerk or the court.

B. The court shall require proof that the applicant has demonstrated competence with a handgun and the applicant may demonstrate such competence by one of the following, but no applicant shall be required to submit to any additional demonstration of competence, nor shall any proof of demonstrated competence expire:

1. Completing any hunter education or hunter safety course approved by the Department of Game and Inland Fisheries or a similar agency of another state;
2. Completing any National Rifle Association firearms safety or training course;
3. Completing any firearms safety or training course or class available to the general public offered by a law-enforcement agency, junior college, college, or private or public institution or organization or firearms training school utilizing instructors certified by the National Rifle Association or the Department of Criminal Justice Services;
4. Completing any law-enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;
5. Presenting evidence of equivalent experience with a firearm through participation in organized shooting competition or current military service or proof of an honorable discharge from any branch of the armed services;
6. Obtaining or previously having held a license to carry a firearm in the Commonwealth or a locality thereof, unless such license has been revoked for cause;
7. Completing any firearms training or safety course or class, including an electronic, video, or online course, conducted by a state-certified or National Rifle Association-certified firearms instructor;
8. Completing any governmental police agency firearms training course and qualifying to carry a firearm in the course of normal police duties; or
9. Completing any other firearms training which the court deems adequate.

A photocopy of a certificate of completion of any of the courses or classes; an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document that shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this subsection.

C. The making of a materially false statement in an application under this article shall constitute perjury, punishable as provided in § 18.2-434.

D. The clerk of court shall withhold from public disclosure the applicant's name and any other information contained in a permit application or any order issuing a concealed handgun permit, except that such information shall not be withheld from any law-enforcement officer acting in the performance of his official duties. *The prohibition on public disclosure of*

information under this subsection shall not apply to any reference to the issuance of a concealed handgun permit in any order book before July 1, 2008; however, any other concealed handgun records maintained by the clerk shall be withheld from public disclosure.

E. An application is deemed complete when all information required to be furnished by the applicant, including the fee for a concealed handgun permit as set forth in § 18.2-308.03, is delivered to and received by the clerk of court before or concomitant with the conduct of a state or national criminal history records check.

§ 18.2-308.011. Replacement permits.

A. The clerk of a circuit court that issued a valid concealed handgun permit shall, upon presentation of the valid permit and proof of a new address of residence by the permit holder, issue a replacement permit specifying the permit holder's new address. The clerk of court shall forward the permit holder's new address of residence to the State Police. The State Police may charge a fee not to exceed \$5, and the clerk of court issuing the replacement permit may charge a fee not to exceed \$5. The total amount assessed for processing a replacement permit pursuant to this subsection shall not exceed \$10, with such fees to be paid in one sum to the person who receives the information for the replacement permit.

B. The clerk of a circuit court that issued a valid concealed handgun permit shall, upon submission of a notarized statement by the permit holder that the permit was lost or destroyed *or that the permit holder has undergone a legal name change*, issue a replacement permit. The replacement permit shall have the same expiration date as the permit that was lost ~~or~~ destroyed, *or issued to the permit holder under a previous name*. The clerk shall issue the replacement permit within 10 business days of receiving the notarized statement; and may charge a fee not to exceed \$5.

CHAPTER 550

An Act to amend and reenact § 56-585.1 of the Code of Virginia, relating to electric utility regulation; recovery of costs of offshore wind facilities.

[S 643]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 56-585.1 of the Code of Virginia is amended and reenacted as follows:

§ 56-585.1. Generation, distribution, and transmission rates after capped rates terminate or expire.

A. During the first six months of 2009, the Commission shall, after notice and opportunity for hearing, initiate proceedings to review the rates, terms and conditions for the provision of generation, distribution and transmission services of each investor-owned incumbent electric utility. Such proceedings shall be governed by the provisions of Chapter 10 (§ 56-232 et seq.), except as modified herein. In such proceedings the Commission shall determine fair rates of return on common equity applicable to the generation and distribution services of the utility. In so doing, the Commission may use any methodology to determine such return it finds consistent with the public interest, but such return shall not be set lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data are available by not less than a majority, selected by the Commission as specified in subdivision 2 b, of other investor-owned electric utilities in the peer group of the utility, nor shall the Commission set such return more than 300 basis points higher than such average. The peer group of the utility shall be determined in the manner prescribed in subdivision 2 b. The Commission may increase or decrease such combined rate of return by up to 100 basis points based on the generating plant performance, customer service, and operating efficiency of a utility, as compared to nationally recognized standards determined by the Commission to be appropriate for such purposes. In such a proceeding, the Commission shall determine the rates that the utility may charge until such rates are adjusted. If the Commission finds that the utility's combined rate of return on common equity is more than 50 basis points below the combined rate of return as so determined, it shall be authorized to order increases to the utility's rates necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn not less than such combined rate of return. If the Commission finds that the utility's combined rate of return on common equity is more than 50 basis points above the combined rate of return as so determined, it shall be authorized either (i) to order reductions to the utility's rates it finds appropriate, provided that the Commission may not order such rate reduction unless it finds that the resulting rates will provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than the fair rates of return on common equity applicable to the generation and distribution services; or (ii) to direct that 60 percent of the amount of the utility's earnings that were more than 50 basis points above the fair combined rate of return for calendar year 2008 be credited to customers' bills, in which event such credits shall be amortized over a period of six to 12 months, as determined at the discretion of the Commission, following the effective date of the Commission's order and be allocated among customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates. Commencing in 2011, the Commission, after notice and opportunity for hearing, shall conduct biennial reviews of the rates, terms and conditions for the provision of generation, distribution and transmission services by each investor-owned incumbent electric utility, subject to the following provisions:

1. Rates, terms and conditions for each service shall be reviewed separately on an unbundled basis, and such reviews shall be conducted in a single, combined proceeding. The first such review shall utilize the two successive 12-month test

periods ending December 31, 2010. However, the Commission may, in its discretion, elect to stagger its biennial reviews of utilities by utilizing the two successive 12-month test periods ending December 31, 2010, for a Phase I Utility, and utilizing the two successive 12-month test periods ending December 31, 2011, for a Phase II Utility, with subsequent proceedings utilizing the two successive 12-month test periods ending December 31 immediately preceding the year in which such proceeding is conducted. For purposes of this section, a Phase I Utility is an investor-owned incumbent electric utility that was, as of July 1, 1999, not bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, and a Phase II Utility is an investor-owned incumbent electric utility that was bound by such a settlement.

2. Subject to the provisions of subdivision 6, fair rates of return on common equity applicable separately to the generation and distribution services of such utility, and for the two such services combined, shall be determined by the Commission during each such biennial review, as follows:

a. The Commission may use any methodology to determine such return it finds consistent with the public interest, but such return shall not be set lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data are available by not less than a majority, selected by the Commission as specified in subdivision 2 b, of other investor-owned electric utilities in the peer group of the utility subject to such biennial review, nor shall the Commission set such return more than 300 basis points higher than such average.

b. In selecting such majority of peer group investor-owned electric utilities, the Commission shall first remove from such group the two utilities within such group that have the lowest reported returns of the group, as well as the two utilities within such group that have the highest reported returns of the group, and the Commission shall then select a majority of the utilities remaining in such peer group. In its final order regarding such biennial review, the Commission shall identify the utilities in such peer group it selected for the calculation of such limitation. For purposes of this subdivision, an investor-owned electric utility shall be deemed part of such peer group if (i) its principal operations are conducted in the southeastern United States east of the Mississippi River in either the states of West Virginia or Kentucky or in those states south of Virginia, excluding the state of Tennessee, (ii) it is a vertically-integrated electric utility providing generation, transmission and distribution services whose facilities and operations are subject to state public utility regulation in the state where its principal operations are conducted, (iii) it had a long-term bond rating assigned by Moody's Investors Service of at least Baa at the end of the most recent test period subject to such biennial review, and (iv) it is not an affiliate of the utility subject to such biennial review.

c. The Commission may, consistent with its precedent for incumbent electric utilities prior to the enactment of Chapters 888 and 933 of the Acts of Assembly of 2007, increase or decrease the utility's combined rate of return based on the Commission's consideration of the utility's performance.

d. In any Current Proceeding, the Commission shall determine whether the Current Return has increased, on a percentage basis, above the Initial Return by more than the increase, expressed as a percentage, in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, since the date on which the Commission determined the Initial Return. If so, the Commission may conduct an additional analysis of whether it is in the public interest to utilize such Current Return for the Current Proceeding then pending. A finding of whether the Current Return justifies such additional analysis shall be made without regard to any enhanced rate of return on common equity awarded pursuant to the provisions of subdivision 6. Such additional analysis shall include, but not be limited to, a consideration of overall economic conditions, the level of interest rates and cost of capital with respect to business and industry, in general, as well as electric utilities, the current level of inflation and the utility's cost of goods and services, the effect on the utility's ability to provide adequate service and to attract capital if less than the Current Return were utilized for the Current Proceeding then pending, and such other factors as the Commission may deem relevant. If, as a result of such analysis, the Commission finds that use of the Current Return for the Current Proceeding then pending would not be in the public interest, then the lower limit imposed by subdivision 2 a on the return to be determined by the Commission for such utility shall be calculated, for that Current Proceeding only, by increasing the Initial Return by a percentage at least equal to the increase, expressed as a percentage, in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, since the date on which the Commission determined the Initial Return. For purposes of this subdivision:

"Current Proceeding" means any proceeding conducted under any provisions of this subsection that require or authorize the Commission to determine a fair combined rate of return on common equity for a utility and that will be concluded after the date on which the Commission determined the Initial Return for such utility.

"Current Return" means the minimum fair combined rate of return on common equity required for any Current Proceeding by the limitation regarding a utility's peer group specified in subdivision 2 a.

"Initial Return" means the fair combined rate of return on common equity determined for such utility by the Commission on the first occasion after July 1, 2009, under any provision of this subsection pursuant to the provisions of subdivision 2 a.

e. In addition to other considerations, in setting the return on equity within the range allowed by this section, the Commission shall strive to maintain costs of retail electric energy that are cost competitive with costs of retail electric energy provided by the other peer group investor-owned electric utilities.

f. The determination of such returns shall be made by the Commission on a stand-alone basis, and specifically without regard to any return on common equity or other matters determined with regard to facilities described in subdivision 6.

g. If the combined rate of return on common equity earned by the generation and distribution services is no more than 50 basis points above or below the return as so determined or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, such return is no more than 70 basis points above or below the return as so determined, such combined return shall not be considered either excessive or insufficient, respectively. However, for any test period commencing after December 31, 2012, for a Phase II Utility, and after December 31, 2013, for a Phase I Utility, if the utility has, during the test period or periods under review, earned below the return as so determined, whether or not such combined return is within 70 basis points of the return as so determined, the utility may petition the Commission for approval of an increase in rates in accordance with the provisions of clause (i) of subdivision A 8 as if it had earned more than 70 basis points below a fair combined rate of return, and such proceeding shall otherwise be conducted in accordance with the provisions of this section.

h. Any amount of a utility's earnings directed by the Commission to be credited to customers' bills pursuant to this section shall not be considered for the purpose of determining the utility's earnings in any subsequent biennial review.

3. Each such utility shall make a biennial filing by March 31 of every other year, beginning in 2011, consisting of the schedules contained in the Commission's rules governing utility rate increase applications; however, if the Commission elects to stagger the dates of the biennial reviews of utilities as provided in subdivision 1, then Phase I utilities shall commence biennial filings in 2011 and Phase II utilities shall commence biennial filings in 2012. Such filing shall encompass the two successive 12-month test periods ending December 31 immediately preceding the year in which such proceeding is conducted, and in every such case the filing for each year shall be identified separately and shall be segregated from any other year encompassed by the filing. If the Commission determines that rates should be revised or credits be applied to customers' bills pursuant to subdivision 8 or 9, any rate adjustment clauses previously implemented pursuant to subdivision 5 or those related to facilities utilizing simple-cycle combustion turbines described in subdivision 6, shall be combined with the utility's costs, revenues and investments until the amounts that are the subject of such rate adjustment clauses are fully recovered. The Commission shall combine such clauses with the utility's costs, revenues and investments only after it makes its initial determination with regard to necessary rate revisions or credits to customers' bills, and the amounts thereof, but after such clauses are combined as herein specified, they shall thereafter be considered part of the utility's costs, revenues, and investments for the purposes of future biennial review proceedings. A Phase I utility shall delay for one year the filing of its biennial review from March 31, 2013, to March 31, 2014, and shall not defer on its books for future recovery any costs incurred during calendar year 2011, other than as provided in subdivision A 7 of this section or § 56-249.6, and its subsequent biennial filing shall be made by March 31, 2016, and every two years thereafter.

4. The following costs incurred by the utility shall be deemed reasonable and prudent: (i) costs for transmission services provided to the utility by the regional transmission entity of which the utility is a member, as determined under applicable rates, terms and conditions approved by the Federal Energy Regulatory Commission, and (ii) costs charged to the utility that are associated with demand response programs approved by the Federal Energy Regulatory Commission and administered by the regional transmission entity of which the utility is a member. Upon petition of a utility at any time after the expiration or termination of capped rates, but not more than once in any 12-month period, the Commission shall approve a rate adjustment clause under which such costs, including, without limitation, costs for transmission service, charges for new and existing transmission facilities, administrative charges, and ancillary service charges designed to recover transmission costs, shall be recovered on a timely and current basis from customers. Retail rates to recover these costs shall be designed using the appropriate billing determinants in the retail rate schedules.

5. A utility may at any time, after the expiration or termination of capped rates, but not more than once in any 12-month period, petition the Commission for approval of one or more rate adjustment clauses for the timely and current recovery from customers of the following costs:

a. Incremental costs described in clause (vi) of subsection B of § 56-582 incurred between July 1, 2004, and the expiration or termination of capped rates, if such utility is, as of July 1, 2007, deferring such costs consistent with an order of the Commission entered under clause (vi) of subsection B of § 56-582. The Commission shall approve such a petition allowing the recovery of such costs that comply with the requirements of clause (vi) of subsection B of § 56-582;

b. Projected and actual costs for the utility to design and operate fair and effective peak-shaving programs. The Commission shall approve such a petition if it finds that the program is in the public interest; provided that the Commission shall allow the recovery of such costs as it finds are reasonable;

c. Projected and actual costs for the utility to design, implement, and operate energy efficiency programs, including a margin to be recovered on operating expenses, which margin for the purposes of this section shall be equal to the general rate of return on common equity determined as described in subdivision A 2 of this section. The Commission shall only approve such a petition if it finds that the program is in the public interest. As part of such cost recovery, the Commission, if requested by the utility, shall allow for the recovery of revenue reductions related to energy efficiency programs. The Commission shall only allow such recovery to the extent that the Commission determines such revenue has not been recovered through margins from incremental off-system sales as defined in § 56-249.6 that are directly attributable to energy efficiency programs.

None of the costs of new energy efficiency programs of an electric utility, including recovery of revenue reductions, shall be assigned to any customer that has a verifiable history of having used more than 10 megawatts of demand from a

single meter of delivery. Nor shall any of the costs of new energy efficiency programs of an electric utility, including recovery of revenue reductions, be incurred by any large general service customer as defined herein that has notified the utility of non-participation in such energy efficiency program or programs. A large general service customer is a customer that has a verifiable history of having used more than 500 kilowatts of demand from a single meter of delivery. Non-participation in energy efficiency programs shall be allowed by the Commission if the large general service customer has, at the customer's own expense, implemented energy efficiency programs that have produced or will produce measured and verified results consistent with industry standards and other regulatory criteria stated in this section. The Commission shall, no later than November 15, 2009, promulgate rules and regulations to accommodate the process under which such large general service customers shall file notice for such an exemption and (i) establish the administrative procedures by which eligible customers will notify the utility and (ii) define the standard criteria that must be satisfied by an applicant in order to notify the utility. In promulgating such rules and regulations, the Commission may also specify the timing as to when a utility shall accept and act on such notice, taking into consideration the utility's integrated resource planning process as well as its administration of energy efficiency programs that are approved for cost recovery by the Commission. The notice of non-participation by a large general service customer, to be given by March 1 of a given year, shall be for the duration of the service life of the customer's energy efficiency program. The Commission on its own motion may initiate steps necessary to verify such non-participants' achievement of energy efficiency if the Commission has a body of evidence that the non-participant has knowingly misrepresented its energy efficiency achievement. A utility shall not charge such large general service customer, as defined by the Commission, for the costs of installing energy efficiency equipment beyond what is required to provide electric service and meter such service on the customer's premises if the customer provides, at the customer's expense, equivalent energy efficiency equipment. In all relevant proceedings pursuant to this section, the Commission shall take into consideration the goals of economic development, energy efficiency and environmental protection in the Commonwealth;

d. Projected and actual costs of participation in a renewable energy portfolio standard program pursuant to § 56-585.2 that are not recoverable under subdivision 6. The Commission shall approve such a petition allowing the recovery of such costs as are provided for in a program approved pursuant to § 56-585.2; and

e. Projected and actual costs of projects that the Commission finds to be necessary to comply with state or federal environmental laws or regulations applicable to generation facilities used to serve the utility's native load obligations. The Commission shall approve such a petition if it finds that such costs are necessary to comply with such environmental laws or regulations.

The Commission shall have the authority to determine the duration or amortization period for any adjustment clause approved under this subdivision.

6. To ensure a reliable and adequate supply of electricity, to meet the utility's projected native load obligations and to promote economic development, a utility may at any time, after the expiration or termination of capped rates, petition the Commission for approval of a rate adjustment clause for recovery on a timely and current basis from customers of the costs of (i) a coal-fueled generation facility that utilizes Virginia coal and is located in the coalfield region of the Commonwealth, as described in § 15.2-6002, regardless of whether such facility is located within or without the utility's service territory, (ii) one or more other generation facilities, or (iii) one or more major unit modifications of generation facilities; however, such a petition concerning facilities described in clause (ii) that utilize nuclear power, facilities described in clause (ii) that are coal-fueled and will be built by a Phase I utility, or facilities described in clause (i) may also be filed before the expiration or termination of capped rates. A utility that constructs any such facility shall have the right to recover the costs of the facility, as accrued against income, through its rates, including projected construction work in progress, and any associated allowance for funds used during construction, planning, development and construction costs, life-cycle costs, and costs of infrastructure associated therewith, plus, as an incentive to undertake such projects, an enhanced rate of return on common equity calculated as specified below. A utility seeking approval to construct a generating facility shall demonstrate that it has considered and weighed alternative options, including third-party market alternatives, in its selection process. The costs of the facility, other than return on projected construction work in progress and allowance for funds used during construction, shall not be recovered prior to the date the facility begins commercial operation. Such enhanced rate of return on common equity shall be applied to allowance for funds used during construction and to construction work in progress during the construction phase of the facility and shall thereafter be applied to the entire facility during the first portion of the service life of the facility. The first portion of the service life shall be as specified in the table below; however, the Commission shall determine the duration of the first portion of the service life of any facility, within the range specified in the table below, which determination shall be consistent with the public interest and shall reflect the Commission's determinations regarding how critical the facility may be in meeting the energy needs of the citizens of the Commonwealth and the risks involved in the development of the facility. After the first portion of the service life of the facility is concluded, the utility's general rate of return shall be applied to such facility for the remainder of its service life. As used herein, the service life of the facility shall be deemed to begin on the date the facility begins commercial operation, and such service life shall be deemed equal in years to the life of that facility as used to calculate the utility's depreciation expense. Such enhanced rate of return on common equity shall be calculated by adding the basis points specified in the table below to the utility's general rate of return, and such enhanced rate of return shall apply only to the facility that is the subject of such rate adjustment clause. Allowance for funds used during construction shall be calculated for any such facility utilizing the utility's actual capital structure and overall cost of capital, including an enhanced rate of return on common equity as

determined pursuant to this subdivision, until such construction work in progress is included in rates. The construction of any facility described in clause (i) is in the public interest, and in determining whether to approve such facility, the Commission shall liberally construe the provisions of this title. The basis points to be added to the utility's general rate of return to calculate the enhanced rate of return on common equity, and the first portion of that facility's service life to which such enhanced rate of return shall be applied, shall vary by type of facility, as specified in the following table:

Type of Generation Facility	Basis Points	First Portion of Service Life
Nuclear-powered	200	Between 12 and 25 years
Carbon capture compatible, clean-coal powered	200	Between 10 and 20 years
Renewable powered, other than landfill gas powered	200	Between 5 and 15 years
Coalbed methane gas powered	150	Between 5 and 15 years
Landfill gas powered	200	Between 5 and 15 years
Conventional coal or combined-cycle combustion turbine	100	Between 10 and 20 years

For generating facilities other than those utilizing nuclear power or those utilizing energy derived from offshore wind, as of July 1, 2013, only those facilities as to which a rate adjustment clause under this subdivision has been previously approved by the Commission, or as to which a petition for approval of such rate adjustment clause was filed with the Commission, on or before January 1, 2013, shall be entitled to the enhanced rate of return on common equity as specified in the above table during the construction phase of the facility and the approved first portion of its service life.

For generating facilities within the Commonwealth utilizing nuclear power or those utilizing energy derived from offshore wind projects located in waters off the Commonwealth's Atlantic shoreline, such facilities shall continue to be eligible for an enhanced rate of return on common equity during the construction phase of the facility and the approved first portion of its service life of between 12 and 25 years in the case of a facility utilizing nuclear power and for a service life of between 5 and 15 years in the case of a facility utilizing energy derived from offshore wind, provided, however, that, as of July 1, 2013, the enhanced return for such facilities shall be 100 basis points, which shall be added to the utility's general rate of return as determined under subdivision 2. *Thirty percent of all costs of such a facility utilizing energy derived from offshore wind that the utility incurred between July 1, 2007, and December 31, 2013, and all of such costs incurred after December 31, 2013, may be deferred by the utility and recovered through a rate adjustment clause under this subdivision at such time as the Commission provides in an order approving such a rate adjustment clause. The remaining 70 percent of all costs of such a facility that the utility incurred between July 1, 2007, and December 31, 2013, shall not be deferred for recovery through a rate adjustment clause under this subdivision; however, such remaining 70 percent of all costs shall be recovered ratably through existing base rates as determined by the Commission in the test periods under review in the utility's next biennial review filed after July 1, 2014.*

In connection with planning to meet forecasted demand for electric generation supply and assure the adequate and sufficient reliability of service, consistent with § 56-598, planning and development activities for a new generating facility or facilities utilizing energy derived from offshore wind are in the public interest.

Generation facilities described in clause (ii) that utilize simple-cycle combustion turbines shall not receive an enhanced rate of return on common equity as described herein, but instead shall receive the utility's general rate of return during the construction phase of the facility and, thereafter, for the entire service life of the facility.

As used in this subdivision, a generation facility is (a) "coalbed methane gas powered" if the facility is fired at least 50 percent by coalbed methane gas, as such term is defined in § 45.1-361.1, produced from wells located in the Commonwealth, and (b) "landfill gas powered" if the facility is fired by methane or other combustible gas produced by the anaerobic digestion or decomposition of biodegradable materials in a solid waste management facility licensed by the Waste Management Board. A landfill gas powered facility includes, in addition to the generation facility itself, the equipment used in collecting, drying, treating, and compressing the landfill gas and in transmitting the landfill gas from the solid waste management facility where it is collected to the generation facility where it is combusted.

For purposes of this subdivision, "general rate of return" means the fair combined rate of return on common equity as it is determined by the Commission from time to time for such utility pursuant to subdivision 2. In any proceeding under this subdivision conducted prior to the conclusion of the first biennial review for such utility, the Commission shall determine a general rate of return for such utility in the same manner as it would in a biennial review proceeding.

Notwithstanding any other provision of this subdivision, if the Commission finds during the biennial review conducted for a Phase II utility in 2018 that such utility has not filed applications for all necessary federal and state regulatory approvals to construct one or more nuclear-powered or coal-fueled generation facilities that would add a total capacity of at least 1500 megawatts to the amount of the utility's generating resources as such resources existed on July 1, 2007, or that, if all such approvals have been received, that the utility has not made reasonable and good faith efforts to construct one or more such facilities that will provide such additional total capacity within a reasonable time after obtaining such approvals, then the Commission, if it finds it in the public interest, may reduce on a prospective basis any enhanced rate of return on common equity previously applied to any such facility to no less than the general rate of return for such utility and may

apply no less than the utility's general rate of return to any such facility for which the utility seeks approval in the future under this subdivision.

7. Any petition filed pursuant to subdivision 4, 5, or 6 shall be considered by the Commission on a stand-alone basis without regard to the other costs, revenues, investments, or earnings of the utility. Any costs incurred by a utility prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition and that are related to clause (a) of subdivision 5, or that are related to facilities and projects described in clause (i) of subdivision 6, shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. ~~Any~~ *Except as otherwise provided in subdivision 6, any* costs prudently incurred on or after July 1, 2007, by a utility prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition and that are related to facilities and projects described in clause (ii) of subdivision 6 that utilize nuclear power, or coal-fueled facilities and projects described in clause (ii) of subdivision 6 if such coal-fueled facilities will be built by a Phase I Utility, shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. Any costs prudently incurred after the expiration or termination of capped rates related to other matters described in subdivisions 4, 5, or 6 shall be deferred beginning only upon the expiration or termination of capped rates, provided, however, that no provision of this act shall affect the rights of any parties with respect to the rulings of the Federal Energy Regulatory Commission in PJM Interconnection LLC and Virginia Electric and Power Company, 109 F.E.R.C. P 61,012 (2004). The Commission's final order regarding any petition filed pursuant to subdivision 4, 5, or 6 shall be entered not more than three months, eight months, and nine months, respectively, after the date of filing of such petition. If such petition is approved, the order shall direct that the applicable rate adjustment clause be applied to customers' bills not more than 60 days after the date of the order, or upon the expiration or termination of capped rates, whichever is later.

8. In any biennial review proceeding, the following utility generation and distribution costs not proposed for recovery under any other subdivision of this subsection, as recorded per books by the utility for financial reporting purposes and accrued against income, shall be attributed to the test periods under review: costs associated with asset impairments related to early retirement determinations made by the utility prior to December 31, 2012, for utility generation plant; costs associated with severe weather events; and costs associated with natural disasters. Such costs shall be deemed to have been recovered from customers through rates for generation and distribution services in effect during the test periods under review unless such costs, individually or in the aggregate, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, result in the utility's earned return on its generation and distribution services for the combined test periods under review to fall more than 50 basis points below the fair combined rate of return authorized under subdivision 2 for such periods or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to fall more than 70 basis points below the fair combined rate of return authorized under subdivision 2 for such periods. In such cases, the Commission shall, in such biennial review proceeding, authorize deferred recovery of such costs and allow the utility to amortize and recover such deferred costs over future periods as determined by the Commission. The aggregate amount of such deferred costs shall not exceed an amount that would, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, cause the utility's earned return on its generation and distribution services to exceed the fair rate of return authorized under subdivision 2, less 50 basis points, for the combined test periods under review or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to exceed the fair rate of return authorized under subdivision 2 less 70 basis points. Nothing in this section shall limit the Commission's authority, pursuant to the provisions of Chapter 10 (§ 56-232 et seq.), including specifically § 56-235.2, following the review of combined test period earnings of the utility in a biennial review, for normalization of nonrecurring test period costs and annualized adjustments for future costs, in determining any appropriate increase or decrease in the utility's rates for generation and distribution services pursuant to clause (i) or (iii).

If the Commission determines as a result of such biennial review that:

(i) The utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points below a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall order increases to the utility's rates necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn not less than such fair combined rate of return, using the most recently ended 12-month test period as the basis for determining the amount of the rate increase necessary. However, the Commission may not order such rate increase unless it finds that the resulting rates are necessary to provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on both its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate increase under the standards of this sentence, and the amount thereof;

(ii) The utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing

after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall, subject to the provisions of subdivision 9, direct that 60 percent of the amount of such earnings that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, that 70 percent of the amount of such earnings that were more than 70 basis points, above such fair combined rate of return for the test period or periods under review, considered as a whole, shall be credited to customers' bills. Any such credits shall be amortized over a period of six to 12 months, as determined at the discretion of the Commission, following the effective date of the Commission's order, and shall be allocated among customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates; or

(iii) Such biennial review is the second consecutive biennial review in which the utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matter determined with respect to facilities described in subdivision 6, the Commission shall, subject to the provisions of subdivision 9 and in addition to the actions authorized in clause (ii) of this subdivision, also order reductions to the utility's rates it finds appropriate. However, the Commission may not order such rate reduction unless it finds that the resulting rates will provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate reduction under the standards of this sentence, and the amount thereof.

The Commission's final order regarding such biennial review shall be entered not more than eight months after the date of filing, and any revisions in rates or credits so ordered shall take effect not more than 60 days after the date of the order. The fair combined rate of return on common equity determined pursuant to subdivision 2 in such biennial review shall apply, for purposes of reviewing the utility's earnings on its rates for generation and distribution services, to the entire two successive 12-month test periods ending December 31 immediately preceding the year of the utility's subsequent biennial review filing under subdivision 3.

9. If, as a result of a biennial review required under this subsection and conducted with respect to any test period or periods under review ending later than December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, under review ending later than December 31, 2010, for a Phase I Utility, or December 31, 2011, for a Phase II Utility), the Commission finds, with respect to such test period or periods considered as a whole, that (i) any utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, and (ii) the total aggregate regulated rates of such utility at the end of the most recently-ended 12-month test period exceeded the annual increases in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, compounded annually, when compared to the total aggregate regulated rates of such utility as determined pursuant to the biennial review conducted for the base period, the Commission shall, unless it finds that such action is not in the public interest or that the provisions of clauses (ii) and (iii) of subdivision 8 are more consistent with the public interest, direct that any or all earnings for such test period or periods under review, considered as a whole that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points, above such fair combined rate of return shall be credited to customers' bills, in lieu of the provisions of clauses (ii) and (iii) of subdivision 8. Any such credits shall be amortized and allocated among customer classes in the manner provided by clause (ii) of subdivision 8. For purposes of this subdivision:

"Base period" means (i) the test period ending December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, the test period ending December 31, 2010, for a Phase I Utility, or December 31, 2011, for a Phase II Utility), or (ii) the most recent test period with respect to which credits have been applied to customers' bills under the provisions of this subdivision, whichever is later.

"Total aggregate regulated rates" shall include: (i) fuel tariffs approved pursuant to § 56-249.6, except for any increases in fuel tariffs deferred by the Commission for recovery in periods after December 31, 2010, pursuant to the provisions of clause (ii) of subsection C of § 56-249.6; (ii) rate adjustment clauses implemented pursuant to subdivision 4 or 5; (iii) revisions to the utility's rates pursuant to clause (i) of subdivision 8; (iv) revisions to the utility's rates pursuant to the Commission's rules governing utility rate increase applications, as permitted by subsection B, occurring after July 1, 2009; and (v) base rates in effect as of July 1, 2009.

10. For purposes of this section, the Commission shall regulate the rates, terms and conditions of any utility subject to this section on a stand-alone basis utilizing the actual end-of-test period capital structure and cost of capital of such utility, unless the Commission finds that the debt to equity ratio of such capital structure is unreasonable for such utility, in which case the Commission may utilize a debt to equity ratio that it finds to be reasonable for such utility in determining any rate adjustment pursuant to clauses (i) and (iii) of subdivision 8, and without regard to the cost of capital, capital structure, revenues, expenses or investments of any other entity with which such utility may be affiliated. In particular, and without limitation, the Commission shall determine the federal and state income tax costs for any such utility that is part of a publicly traded, consolidated group as follows: (i) such utility's apportioned state income tax costs shall be calculated according to the applicable statutory rate, as if the utility had not filed a consolidated return with its affiliates, and (ii) such utility's federal income tax costs shall be calculated according to the applicable federal income tax rate and shall exclude any consolidated tax liability or benefit adjustments originating from any taxable income or loss of its affiliates.

B. Nothing in this section shall preclude an investor-owned incumbent electric utility from applying for an increase in rates pursuant to § 56-245 or the Commission's rules governing utility rate increase applications; however, in any such filing, a fair rate of return on common equity shall be determined pursuant to subdivision A 2. Nothing in this section shall preclude such utility's recovery of fuel and purchased power costs as provided in § 56-249.6.

C. Except as otherwise provided in this section, the Commission shall exercise authority over the rates, terms and conditions of investor-owned incumbent electric utilities for the provision of generation, transmission and distribution services to retail customers in the Commonwealth pursuant to the provisions of Chapter 10 (§ 56-232 et seq.), including specifically § 56-235.2.

D. Nothing in this section shall preclude the Commission from determining, during any proceeding authorized or required by this section, the reasonableness or prudence of any cost incurred or projected to be incurred, by a utility in connection with the subject of the proceeding. A determination of the Commission regarding the reasonableness or prudence of any such cost shall be consistent with the Commission's authority to determine the reasonableness or prudence of costs in proceedings pursuant to the provisions of Chapter 10 (§ 56-232 et seq.). In determining the reasonableness or prudence of a utility providing energy and capacity to its customers from renewable energy resources, the Commission shall consider the extent to which such renewable energy resources, whether utility-owned or by contract, further the objectives of the Commonwealth Energy Policy set forth in §§ 67-101 and 67-102, and shall also consider whether the costs of such resources is likely to result in unreasonable increases in rates paid by consumers.

E. The Commission shall promulgate such rules and regulations as may be necessary to implement the provisions of this section.

CHAPTER 551

An Act to amend and reenact § 58.1-608.3 of the Code of Virginia, relating to sales and use tax; distribution of certain revenue.

[S 673]

Approved April 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-608.3 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-608.3. Entitlement to certain sales tax revenues.

A. As used in this section, the following words and terms have the following meanings, unless some other meaning is plainly intended:

"Bonds" means any obligations of a municipality for the payment of money.

"Cost," as applied to any public facility or to extensions or additions to any public facility, includes: (i) the purchase price of any public facility acquired by the municipality or the cost of acquiring all of the capital stock of the corporation owning the public facility and the amount to be paid to discharge any obligations in order to vest title to the public facility or any part of it in the municipality; (ii) expenses incident to determining the feasibility or practicability of the public facility; (iii) the cost of plans and specifications, surveys and estimates of costs and of revenues; (iv) the cost of all land, property, rights, easements and franchises acquired; (v) the cost of improvements, property or equipment; (vi) the cost of engineering, legal and other professional services; (vii) the cost of construction or reconstruction; (viii) the cost of all labor, materials, machinery and equipment; (ix) financing charges; (x) interest before and during construction and for up to one year after completion of construction; (xi) start-up costs and operating capital; (xii) payments by a municipality of its share of the cost of any multijurisdictional public facility; (xiii) administrative expense; (xiv) any amounts to be deposited to reserve or replacement funds; and (xv) other expenses as may be necessary or incident to the financing of the public facility. Any obligation or expense incurred by the public facility in connection with any of the foregoing items of cost may be regarded as a part of the cost.

"Municipality" means any county, city, town, authority, commission, or other public entity.

"Public facility" means (i) any auditorium, coliseum, convention center, sports facility that is designed for use primarily as a baseball stadium for a minor league professional baseball affiliated team or structures attached thereto, or conference center, which is owned by a Virginia county, city, town, authority, or other public entity and where exhibits,

meetings, conferences, conventions, seminars, or similar public events may be conducted; (ii) any hotel which is owned by a foundation whose sole purpose is to benefit a state-supported university and which is attached to and is an integral part of such facility, together with any lands reasonably necessary for the conduct of the operation of such events; (iii) any hotel which is attached to and is an integral part of such facility; or (iv) any hotel that is adjacent to a convention center owned by a public entity and where the hotel owner enters into a public-private partnership whereby the locality contributes infrastructure, real property, or conference space. However, such public facility must be located in the City of Fredericksburg, City of Hampton, City of Lynchburg, City of Newport News, City of Norfolk, City of Portsmouth, City of Richmond, City of Roanoke, City of Salem, City of Staunton, City of Suffolk, City of Virginia Beach, City of Winchester, or Town of Wise. Any property, real, personal, or mixed, which is necessary or desirable in connection with any such auditorium, coliseum, convention center, baseball stadium or conference center, including, without limitation, facilities for food preparation and serving, parking facilities, and administration offices, is encompassed within this definition. However, structures commonly referred to as "shopping centers" or "malls" shall not constitute a public facility hereunder. A public facility shall not include residential condominiums, townhomes, or other residential units. In addition, only a new public facility, or a public facility which will undergo a substantial and significant renovation or expansion, shall be eligible under subsection C. A new public facility is one whose construction began after December 31, 1991. A substantial and significant renovation entails a project whose cost is at least 50 percent of the original cost of the facility being renovated and shall have begun after December 31, 1991. A substantial and significant expansion entails an increase in floor space of at least 50 percent over that existing in the preexisting facility and shall have begun after December 31, 1991; or an increase in floor space of at least 10 percent over that existing in a public facility that qualified as such under this section and was constructed after December 31, 1991.

"Sales tax revenues" means such tax collections realized under the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.), as limited herein. "Sales tax revenues" does not include the revenue generated by (i) the 0.5 percent sales and use tax increase enacted by the 1986 Special Session of the General Assembly which shall be paid to the Transportation Trust Fund as defined in § 33.1-23.03:1, (ii) the 1.0 percent of the state sales and use tax revenue distributed among the counties and cities of the Commonwealth pursuant to subsection D of § 58.1-638 on the basis of school age population, or (iii) any sales and use tax revenues generated by increases or allocation changes imposed by the 2013 Session of the General Assembly. For a public facility that is a sports facility, "sales tax revenues" shall include such revenues generated by transactions taking place upon the premises of a baseball stadium or structures attached thereto.

B. Notwithstanding the definition of "public facility" in subsection A, a development project that meets the requirements for a "development of regional impact" set forth herein shall be deemed to be a public facility under the provisions of this section. The locality in which the public facility is located shall be entitled to all sales tax revenues generated by transactions taking place at such public facility solely to pay the cost of any bonds issued to pay the cost, or portion thereof, of such public facility pursuant to subsection C. For purposes of this subsection, the development of regional impact must be located in the City of Bristol.

For purposes of this subsection, a "development of regional impact" means a development project (i) towards which the locality contributes infrastructure or real property as part of a public-private partnership with the developer that is equal to at least 20 percent of the aggregate cost of development, (ii) that is reasonably expected to require a capital investment of at least \$50 million, (iii) that is reasonably expected to generate at least \$5 million annually in state sales and use tax revenue from sales within the development, (iv) that is reasonably expected to attract at least one million visitors annually, (v) that is reasonably expected to create at least 2,000 permanent jobs, (vi) that is located in a locality that had a rate of unemployment at least three percentage points higher than the statewide average in November 2011, and (vii) that is located in a locality that is adjacent to a state that has adopted a Border Region Retail Tourism Development District Act. Within 30 days from the date of notification by a locality that it intends to contribute infrastructure or real property as part of a public-private partnership with the developer of a development of regional impact, the Department of Taxation shall review the findings of the locality with respect to clauses (i) through (vi) and shall file a written report with the Chairmen of the House Committee on Finance, the House Committee on Appropriations, and the Senate Committee on Finance.

C. Any municipality which has issued bonds (i) after December 31, 1991, but before January 1, 1996, (ii) on or after January 1, 1998, but before July 1, 1999, (iii) on or after January 1, 1999, but before July 1, 2001, (iv) on or after July 1, 2000, but before July 1, 2003, (v) on or after July 1, 2001, but before July 1, 2005, (vi) on or after July 1, 2004, but before July 1, 2007, (vii) on or after July 1, 2009, but before July 1, 2012, (viii) on or after January 1, 2011, but prior to July 1, 2015, or (ix) on or after January 1, 2013, but prior to July 1, 2017, to pay the cost, or portion thereof, of any public facility shall be entitled to all sales tax revenues generated by transactions taking place in such public facility. Such entitlement shall continue for the lifetime of such bonds, ~~which entitlement shall not exceed 35 years, or any refinancing or refunding thereof, but in no event shall such entitlement exceed 35 years from the initial date that any bonds were issued to pay the cost, or a portion thereof, of any public facility,~~ and all such sales tax revenues shall be applied to repayment of the bonds. The State Comptroller shall remit such sales tax revenues to the municipality on a quarterly basis, subject to such reasonable processing delays as may be required by the Department of Taxation to calculate the actual net sales tax revenues derived from the public facility. The State Comptroller shall make such remittances to eligible municipalities, as provided herein, notwithstanding any provisions to the contrary in the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.). No such remittances shall be made until construction is completed and, in the case of a renovation or expansion, until the governing body of the municipality has certified that the renovation or expansion is completed; *however, in the case of any*

public facility consisting of more than one building or structure, such remittances shall be made on a quarterly basis beginning with the first quarter in which any sales tax revenue is generated by transactions taking place at any building or structure within such public facility, whether or not construction of all or any portion, phase, building, or structure of such public facility has been completed.

D. Nothing in this section shall be construed as authorizing the pledging of the faith and credit of the Commonwealth of Virginia, or any of its revenues, for the payment of any bonds. Any appropriation made pursuant to this section shall be made only from sales tax revenues derived from the public facility for which bonds may have been issued to pay the cost, in whole or in part, of such public facility.

CHAPTER 552

An Act to amend and reenact § 24.2-712 of the Code of Virginia, relating to elections; central absentee voter precincts.

[H 97]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-712 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-712. Central absentee voter precincts; counting ballots.

A. Notwithstanding any other provision of law, the governing body of each county or city may establish one or more central absentee voter precincts in the courthouse or other public buildings for the purpose of receiving, counting, and recording absentee ballots cast in the county or city. The decision to establish any absentee voter precinct shall be made by the governing body by ordinance; the ordinance shall state for which elections the precinct shall be used. The decision to abolish any absentee voter precinct shall be made by the governing body by ordinance. Immediate notification of either decision shall be sent to the State Board and the electoral board.

B. Each central absentee voter precinct shall have at least three officers of election as provided for other precincts. The number of officers shall be determined by the electoral board.

C. If any voter brings an unmarked ballot to the central absentee voter precinct on the day of the election, he shall be allowed to vote it. If any voter brings an unmarked ballot to the electoral board on or before the day of the election, he shall be allowed to vote it, and his ballot shall be delivered to the absentee voter precinct pursuant to § 24.2-710.

The officers at the absentee voter precinct shall determine any appeal by any other voter whose name appears on the absentee voter applicant list and who offers to vote in person. If the officers at the absentee voter precinct produce records showing the receipt of his application and the certificate of mailing for the ballot, they shall deny his appeal. If the officers cannot produce such records, the voter shall be allowed to vote in person at the absentee voter precinct and have his vote counted with other absentee votes. If the voter's appeal is denied, the provisions of § 24.2-708 shall be applicable, and the officers shall advise the voter that he may vote on presentation of a statement signed by him that he has not received an absentee ballot and subject to felony penalties for making false statements pursuant to § 24.2-1016.

D. Absentee ballots may be processed as required by § 24.2-711 by the officers of election at the central absentee voter precinct prior to the closing of the polls but the ballot container shall not be opened and the counting of ballots shall not begin prior to that time. In the case of punch card or mark sense ballots to be inserted in electronic counting equipment, the ballot container may be opened and the absentee ballots may be inserted in the counting equipment prior to the closing of the polls in accordance with procedures prescribed by the State Board, including procedures to preserve ballot secrecy, but no ballot count totals shall be initiated prior to that time.

As soon as the polls are closed in the county or city the officers of election at the central absentee voter precinct shall proceed promptly to ascertain and record the vote given by absentee ballot and report the results in the manner provided for counting and reporting ballots generally in Article 4 (§ 24.2-643 et seq.) of Chapter 6.

E. The electoral board may provide that the officers of election for a central absentee voter precinct may be assigned to work all or a portion of the time that the precinct is open on election day subject to the following conditions:

1. The chief officer and the assistant chief officer, appointed pursuant to § 24.2-115 to represent the two political parties, are on duty at all times; and

2. No officer, political party representative, or other candidate representative shall leave the precinct after any ballots have been counted until the polls are closed and the count for the precinct is completed and reported.

F. The electoral board, with the written agreement of the general registrar, may provide that the central absentee voter precinct will open after 6:00 a.m. ~~and at any time before noon~~ on the day of the election provided that the office of the general registrar will be open for the receipt of absentee ballots until the central absentee voter precinct is open and that the officers of election for the central absentee voter precinct obtain the absentee ballots returned to the general registrar's office for the purpose of counting the absentee ballots at the central absentee voter precinct and provided further that the central absentee voter precinct is the same location as the office of the general registrar.

CHAPTER 553

An Act to amend and reenact § 1-510 of the Code of Virginia, relating to official emblems and designations of the Commonwealth; Maple Festival of Virginia.

[H 107]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 1-510 of the Code of Virginia is amended and reenacted as follows:****§ 1-510. Official emblems and designations.**

The following are hereby designated official emblems and designations of the Commonwealth:

Artisan Center - "Virginia Artisans Center," located in the City of Waynesboro.

Bat - Virginia Big-eared bat (*Corynorhinus townsendii virginianus*).

Beverage - Milk.

Blue Ridge Folklore State Center - Blue Ridge Institute located in the village of Ferrum.

Boat - "Chesapeake Bay Deadrise."

Cabin Capital of Virginia - Page County.

Coal Miners' Memorial - The Richlands Coal Miners' Memorial located in Tazewell County.

Covered Bridge Capital of the Commonwealth - Patrick County.

Covered Bridge Festival - Virginia Covered Bridge Festival held in Patrick County.

Dog - American Foxhound.

Emergency medical services museum - "To The Rescue," located in the City of Roanoke.

Fish (Freshwater) - Brook Trout.

Fish (Saltwater) - Striped Bass.

Fleet - Replicas of the three ships, Susan Constant, Godspeed, and Discovery, which comprised the Commonwealth's founding fleet that brought the first permanent English settlers to Jamestown in 1607, and which are exhibited at the Jamestown Settlement in Williamsburg.

Flower - American Dogwood (*Cornus florida*).

Folk dance - Square dancing, the American folk dance that traces its ancestry to the English Country Dance and the French Ballroom Dance, and is called, cued, or prompted to the dancers, and includes squares, rounds, clogging, contra, line, the Virginia Reel, and heritage dances.

Fossil - Chesapeake *jeffersonius*.

Gold mining interpretive center - Monroe Park, located in the County of Fauquier.

Insect - Tiger Swallowtail Butterfly (*Papilio glaucus* Linne).

Maple Festival - The Highland County Maple Festival.

Motor sports museum - "Wood Brothers Racing Museum and Virginia Motor Sports Hall of Fame," located in Patrick County.

Outdoor drama - "The Trail of the Lonesome Pine Outdoor Drama," adapted for the stage by Clara Lou Kelly and performed in the Town of Big Stone Gap.

Outdoor drama, historical - "The Long Way Home" based on the life of Mary Draper Ingles, adapted for the stage by Earl Hobson Smith, and performed in the City of Radford.

Shakespeare festival - The Virginia Shakespeare Festival held in the City of Williamsburg.

Shell - Oyster shell (*Crassostrea virginica*).

Song emeritus - "Carry Me Back to Old Virginia," by James A. Bland, as set out in the House Joint Resolution 10, adopted by the General Assembly of Virginia at the Session of 1940.

Sports hall of fame - "Virginia Sports Hall of Fame," located in the City of Portsmouth.

War memorial museum - "Virginia War Museum," (formerly known as the War Memorial Museum of Virginia), located in the City of Newport News.

CHAPTER 554

An Act to amend the Code of Virginia by adding a section numbered 22.1-274.01:1, relating to the care of students who have been diagnosed with diabetes.

[H 134]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 22.1-274.01:1 as follows:****§ 22.1-274.01:1. Students who are diagnosed with diabetes; self-care.**

Each local school board shall permit each enrolled student who is diagnosed with diabetes, with parental consent and written approval from the prescriber, as that term is defined in § 54.1-3401, to (i) carry with him and use supplies, including

a reasonable and appropriate short-term supply of carbohydrates, an insulin pump, and equipment for immediate treatment of high and low blood glucose levels, and (ii) self-check his own blood glucose levels on a school bus, on school property, and at a school-sponsored activity.

2. That by July 1, 2015, the Department of Education shall review and update its Manual for Training Public School Employees in the Administration of Insulin and Glucagon to address training requirements for school personnel in the identification and management of symptoms of high and low blood glucose levels, the administration of medications to treat high and low blood glucose levels, the use of diabetes medication management devices, and the operation of glucose monitoring equipment. The Manual shall include training requirements in (i) administering a bolus of insulin via an insulin pump, (ii) entering a blood sugar reading into an insulin pump, (iii) entering a carbohydrate count into an insulin pump, (iv) removing or stopping the flow of insulin from an insulin pump, and (v) changing the battery in an insulin pump.

CHAPTER 555

An Act to amend and reenact § 58.1-3606 of the Code of Virginia, relating to real and personal property tax exemption for religious bodies.

[H 156]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3606 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3606. Property exempt from taxation by classification.

A. Pursuant to the authority granted in Article X, Section 6 (a) (6) of the Constitution of Virginia to exempt property from taxation by classification, the following classes of real and personal property shall be exempt from taxation:

1. Property owned directly or indirectly by the Commonwealth, or any political subdivision thereof.
2. ~~Buildings with land they actually occupy;~~ *Real property* and the personal property owned by churches or religious bodies, including (i) an incorporated church or religious body and (ii) a corporation mentioned in § 57-16.1, and exclusively occupied or used for religious worship or for the residence of the minister of any church or religious body, and such additional adjacent land reasonably necessary for the convenient use of any such ~~building property~~. *Real property exclusively used for religious worship shall also include the following: (a) property used for outdoor worship activities; (b) property used for ancillary and accessory purposes as allowed under the local zoning ordinance, the dominant purpose of which is to support or augment the principal religious worship use; and (c) property used as required by federal, state, or local law.*
3. Nonprofit private or public burying grounds or cemeteries.
4. Property owned by public libraries, law libraries of local bar associations when the same are used or available for use by a state court or courts or the judge or judges thereof, medical libraries of local medical associations when the same are used or available for use by state health officials, incorporated colleges or other institutions of learning not conducted for profit. This paragraph shall apply only to property primarily used for literary, scientific or educational purposes or purposes incidental thereto and shall not apply to industrial schools which sell their products to other than their own employees or students.
5. Property belonging to and actually and exclusively occupied and used by the Young Men's Christian Associations and similar religious associations, including religious mission boards and associations, orphan or other asylums, reformatories, hospitals and nunneries, conducted not for profit but exclusively as charities (which shall include hospitals operated by nonstock corporations not organized or conducted for profit but which may charge persons able to pay in whole or in part for their care and treatment).
6. Parks or playgrounds held by trustees for the perpetual use of the general public.
7. Buildings with the land they actually occupy, and the furniture and furnishings therein belonging to any benevolent or charitable organization and used by it exclusively for lodge purposes or meeting rooms, together with such additional adjacent land as may be necessary for the convenient use of the buildings for such purposes.
8. Property of any nonprofit corporation organized to establish and maintain a museum.

B. Property, belonging in one of the classes listed in subsection A of this section, which was exempt from taxation on July 1, 1971, shall continue to be exempt from taxation under the rules of statutory construction applicable to exempt property prior to such date.

2. That the provision of clause (b) of subdivision 2 of § 58.1-3606 of the Code of Virginia, as amended by this act, concerning the dominant purpose of the use of property is intended to follow the Supreme Court of Virginia's interpretation of Article X, Section 6 of the Constitution of Virginia and § 58.1-3606 of the Code of Virginia in *Virginia Baptist Homes, Inc. v. Botetourt County*, 276 va 656 (2008).

CHAPTER 556

An Act to amend and reenact § 46.2-749.130 of the Code of Virginia, relating to special license plates for supporters of the Surfrider Foundation; fees.

[H 189]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-749.130 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-749.130. Special license plates for supporters of the Surfrider Foundation; fees.

A. On receipt of an application therefor and payment of the fee prescribed by this section, and following the provisions of § 46.2-725, other than those relating to the fee for the plates and its disposition, the Commissioner shall issue to the applicant special license plates for supporters of the Surfrider Foundation.

B. The annual fee for plates issued pursuant to this section shall be \$25 in addition to the prescribed fee for state license plates. For each such \$25 fee collected in excess of 1,000 registrations pursuant to this section, \$15 shall be paid into the state treasury and credited to a special nonreverting fund known as the Surfrider Foundation Fund, established within the Department of Accounts. These funds shall be paid annually to the Surfrider Foundation and used by its Virginia Beach chapter to support the protection and enjoyment of oceans, waves, and beaches in Virginia. All other fees imposed under the provisions of this section shall be paid to, and received by, the Commissioner and paid by him into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department of Motor Vehicles.

2. That all license plates issued pursuant to § 46.2-749.130 of the Code of Virginia prior to July 1, 2014, shall remain valid until their expiration but shall thereafter be renewed as provided in this act.

CHAPTER 557

An Act to amend the Code of Virginia by adding a section numbered 23-2.4, relating to boards of visitors; student-athlete discipline policies.

[H 205]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 23-2.4 as follows:

§ 23-2.4. Student-athlete discipline policies.

The board of visitors or other governing board of each public institution of higher education in the Commonwealth shall establish policies for the discipline of students who participate in varsity intercollegiate athletics. Such policies shall include a provision requiring an annual report by the administration of the institution to the board of visitors or other governing board regarding enforcement actions taken pursuant to such policies.

2. That the board of visitors or other governing board of each public institution of higher education in the Commonwealth shall establish policies pursuant to this act no later than July 1, 2015.

CHAPTER 558

An Act to require four-year public institutions of higher education to list available mental health resources on website.

[H 206]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. § 1. Each four-year public institution of higher education shall create and feature on its website a page with information dedicated solely to the mental health resources available to students at the institution.

2. That the provisions of this act shall become effective on July 1, 2015.

CHAPTER 559

An Act to amend the Code of Virginia by adding in Chapter 1 of Title 23 a section numbered 23-9.2:13, relating to restrictions on student speech by public institutions of higher education.

[H 258]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 1 of Title 23 a section numbered 23-9.2:13 as follows:

§ 23-9.2:13. Restrictions on student speech; limitations.

Public institutions of higher education shall not impose restrictions on the time, place, and manner of student speech that (i) occurs in the outdoor areas of the institution's campus and (ii) is protected by the First Amendment to the United States Constitution unless the restrictions (a) are reasonable, (b) are justified without reference to the content of the regulated speech, (c) are narrowly tailored to serve a significant governmental interest, and (d) leave open ample alternative channels for communication of the information.

CHAPTER 560

An Act to amend the Code of Virginia by adding a section numbered 22.1-204.2, relating to after-school hunter safety education programs for students in grades seven through 12.

[H 307]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 22.1-204.2 as follows:****§ 22.1-204.2. Hunter safety education programs for students in grades seven through 12.**

A. Local school boards may provide after-school hunter safety education programs for students in the school division in grades seven through 12. Each student shall bear the cost of participating in such programs. Local school boards shall display information on its after-school hunter safety education programs in each school and distribute information to the parents of each student in the school division in grades seven through 12.

B. The Department of Game and Inland Fisheries shall establish a uniform curriculum for such hunter safety education programs. Each such program shall be taught by a hunter safety instructor certified pursuant to § 29.1-300.2.

CHAPTER 561

An Act to amend the Code of Virginia by adding a section numbered 44-146.18:3, relating to first informer broadcasters.

[H 310]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 44-146.18:3 as follows:****§ 44-146.18:3. First informer broadcasters; coordination with Department of Emergency Management.**

A. For purposes of this section, unless the context requires otherwise, "first informer" means the critical radio or television personnel of a radio or television broadcast station engaged in (i) the process of broadcasting; (ii) the maintenance or repair of broadcast station equipment, transmitters, and generators; or (iii) the transportation of fuel for generators of broadcast stations.

B. Unless it is shown to endanger public safety or inhibit recovery efforts, or is otherwise prohibited by state or federal law, state and local government agencies shall permit first informer radio or television personnel with proper identification cards to access their broadcasting station within any area declared a state emergency area by the Governor for the purpose of provision of news, public service and public safety information and repairing or resupplying their facility or equipment.

First informer identification cards shall be issued by the Virginia Association of Broadcasters. A list of those first informers who have been issued identification cards shall be furnished to the Virginia Department of Emergency Management and the Secretary of Veterans Affairs and Homeland Security by the Virginia Association of Broadcasters prior to December 30 of each year.

C. Nothing in this section shall be construed to limit or impair the right or ability of any news organization or its personnel to gather and report the news.

CHAPTER 562

An Act to amend the Code of Virginia by adding in Title 30 a chapter numbered 55, consisting of sections numbered 30-348 through 30-354, relating to the Commission on Civics Education; report.

[H 364]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 55, consisting of sections numbered 30-348 through 30-354, as follows:***CHAPTER 55.**COMMISSION ON CIVICS EDUCATION.***§ 30-348. Commission on Civics Education; purpose; membership; terms.**

The Commission on Civics Education (the Commission) is established in the legislative branch of state government. The purposes of the Commission are to (i) educate students on the importance of citizen involvement in a constitutional republic, (ii) promote the study of state and local government among the Commonwealth's citizenry, and (iii) enhance communication and collaboration among organizations in the Commonwealth that conduct civics education.

The Commission shall have a total membership of 15 members that shall consist of eight legislative members, six nonlegislative citizen members, and one ex officio member. Members shall be appointed as follows: five members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate, to be appointed by the Senate Committee on Rules; three nonlegislative citizen members, one of whom shall have a background in curriculum development, interactive learning, and multimedia technology, one of whom shall be a current or retired school civics teacher; and one of whom shall be a representative of an organization that promotes civic learning, to be appointed by the Speaker of the House of Delegates; and three nonlegislative citizen members, one of whom shall be a retired school civics teacher, one of whom shall be a representative of a public policy center of a public institution of higher education in the Commonwealth, and one of whom shall be a representative of the Virginia Press Association, to be appointed by the Senate Committee on Rules. The Superintendent of Public Instruction or his designee shall serve ex officio with voting privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth. Unless otherwise approved in writing by the chairman of the Commission, the Clerk of the House of Delegates, and the Clerk of the Senate, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth for the purpose of attending meetings.

Legislative members and the ex officio member of the Commission shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative members and nonlegislative citizen members may be reappointed. However, no nonlegislative citizen member shall serve more than four consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

The Commission shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

§ 30-349. Quorum; meetings; voting on recommendations.

A majority of the members shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever a majority of the members so request.

No recommendation of the Commission shall be adopted if a majority of the House members or a majority of the Senate members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.

§ 30-350. Compensation; expenses.

Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

§ 30-351. Powers and duties; report.

The Commission shall have the following powers and duties:

1. To develop and coordinate outreach programs in collaboration with schools to educate students on the importance of understanding that (i) a constitutional republic is a form of government dependent on reasoned debate and good faith negotiation; (ii) individual involvement is a critical factor in community success; and (iii) consideration of and respect for others is essential to deliberating, negotiating, and advocating positions on public concerns.

2. To identify civics education projects in the Commonwealth and provide technical assistance as may be needed to such programs.

3. To build a network of civics education professionals to share information and strengthen partnerships.

4. To develop, in consultation with entities represented on the Commission and others as determined by the Commission, a clearinghouse that shall be accessible on the Department of Education's website. The electronic clearinghouse shall include, among other things, (i) a database of civics education resources, lesson plans, and other programs of best practices in civics education; (ii) a bulletin board to promote discussion and exchange of ideas relative to civics education; (iii) an events calendar; and (iv) links to civics education research.

5. To make recommendations to the Board of Education regarding revisions to the Standards of Learning for civics and government.

6. To seek, receive, and expend gifts, grants, donations, bequests, or other funds from any source to support the work of the Commission and facilitate the objectives of this chapter.

7. To submit to the Governor and the General Assembly an annual report. The chairman shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

§ 30-352. Commission on Civics Education Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Commission on Civics Education Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller and shall consist of gifts, grants, donations, bequests, or other funds from any source as may be received by the Commission for its work. Moneys shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used for the purpose of enabling the Commission to perform its duties. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the chairman of the Commission.

§ 30-353. Staffing.

Administrative staff support shall be provided by the Office of the Clerk of the chairman of the Commission. The Division of Legislative Services shall provide legal, research, policy analysis, and other services as requested by the Commission. Technical assistance shall be provided by the Department of Education. All agencies of the Commonwealth shall provide assistance to the Commission, upon request.

§ 30-354. Sunset.

This chapter shall expire on July 1, 2017.

2. That, with the exception of funds provided by the appropriation act funding staff as provided in § 30-353 as created by this act, no general funds shall be used to support the work of the Commission on Civics Education, as created in this act.

3. That the provisions of this act shall not become effective until nongeneral funds sufficient to support the work of the Commission on Civics Education, as created by this act, have been received by the Commission. If the Commission fails to receive nongeneral funds sufficient to support the work of the Commission by July 1, 2015, the provisions of this act shall expire on July 1 of the fiscal year following the fiscal year that the Commission fails to receive such funding.

CHAPTER 563

An Act to amend and reenact §§ 46.2-1220 and 46.2-1225 of the Code of Virginia, relating to powers of parking management companies operating under contracts with localities.

[H 369]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1220 and 46.2-1225 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1220. Parking, stopping, and standing regulations in counties, cities, or towns; parking meters; presumption as to violation of ordinances; penalty.

The governing body of any county, city, or town may by ordinance provide for the regulation of parking, stopping, and standing of vehicles within its limits, including the installation and maintenance of parking meters. The ordinance may require the deposit of a coin of a prescribed denomination, determine the length of time a vehicle may be parked, and designate a department, official, or employee of the local government to administer the provisions of the ordinance. The ordinance may delegate to that department, official, or employee the authority to make and enforce any additional regulations concerning parking that may be required, including, but not limited to, penalties for violations, deadlines for the payment of fines, and late payment penalties for fines not paid when due. In a city having a population of at least ~~100,000~~ 90,000, the ordinance may also provide that a summons or parking ticket for the violation of the ordinance or regulations may be issued by law-enforcement officers, other uniformed city employees, or by uniformed personnel serving under contract with the city. Notwithstanding the foregoing provisions of this section, the governing bodies of Augusta, Bath, and Rockingham Counties may by ordinance provide for the regulation of parking, stopping, and standing of vehicles within their limits, but no such ordinance shall authorize or provide for the installation and maintenance of parking meters.

No ordinance adopted under the provisions of this section shall prohibit the parking of two motorcycles in single parking spaces designated, marked, and sized for four-wheel vehicles. The governing body of any county, city, or town may, by ordinance, permit the parking of three or more motorcycles in single parking spaces designated, marked, and sized for four-wheel vehicles.

If any ordinance regulates parking on an interstate highway or any arterial highway or any extension of an arterial highway, it shall be subject to the approval of the Commissioner of Highways.

In any prosecution charging a violation of the ordinance or regulation, proof that the vehicle described in the complaint, summons, parking ticket citation, or warrant was parked in violation of the ordinance or regulation, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Chapter 6 (§ 46.2-600 et seq.) of this title, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who committed the violation. Violators of local ordinances adopted by Chesterfield County or James City County pursuant to this section shall be subject to a civil penalty not to exceed \$75, the proceeds from which shall be paid into the locality's general fund.

§ 46.2-1225. Enforcement provisions in city or county parking ordinances.

Any city or county ordinance regulating parking under this article shall require:

1. That uncontested payment of parking citation penalties be collected and accounted for by a local administrative official or officials who shall be compensated by the locality *or by a private management company under contract with the locality*;

2. That contest by any person of any parking citation shall be certified on an appropriate form, to the appropriate district court, by such official or officials; and

3. That the local administrative official or officials shall cause complaints, summons, or warrants to be issued for delinquent parking citations.

Every action to collect unpaid parking citation penalties imposed for violation of a city or county ordinance regulating parking under this article shall be commenced within three years of the date upon which such penalty became delinquent.

CHAPTER 564

An Act to amend and reenact § 59.1-378.1 of the Code of Virginia, relating to the Virginia Racing Commission; simulcast of certain horse races.

[H 402]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 59.1-378.1 of the Code of Virginia is amended and reenacted as follows:****§ 59.1-378.1. Licensing of owners or operators of certain pari-mutuel facilities.**

A. Notwithstanding the provisions of § 59.1-391, the Commission may grant a license, for a duration to be determined by the Commission, to the owner or operator of a steeplechase facility for the purpose of conducting pari-mutuel wagering on (i) steeplechase race meetings and (ii) simulcast horse racing that is limited to the transmission from Churchill Downs of the Kentucky Derby horse race at that facility in conjunction with the steeplechase race meetings for a period not to exceed ~~fourteen~~ 14 days in any calendar year, provided that, prior to making application for such license, (i) the steeplechase facility has been sanctioned by the Virginia Steeplechase Association or National Steeplechase Association and (ii) the owner or operator of such facility has been granted tax-exempt status under § 501 (c) (3) or (4) of the Internal Revenue Code.

For purposes of this section, "steeplechase facility" means a turf racecourse constructed over natural ground which is utilized primarily for races where horses jump over fences.

B. In deciding whether to grant any license pursuant to this section, the Commission shall consider (i) the results of, circumstances surrounding, and issues involved in any referendum conducted under the provisions of § 59.1-391 and (ii) whether the Commission had previously granted a license to such facility, owner, or operator.

C. In no event shall the Commission issue more than ~~twelve~~ 12 licenses in a calendar year pursuant to this section.

CHAPTER 565

An Act to amend and reenact § 63.2-1503 of the Code of Virginia, relating to suspected abuse or neglect of a child; reports to law enforcement.

[H 405]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 63.2-1503 of the Code of Virginia is amended and reenacted as follows:****§ 63.2-1503. Local departments to establish child-protective services; duties.**

A. Each local department shall establish child-protective services under a departmental coordinator within such department or with one or more adjacent local departments that shall be staffed with qualified personnel pursuant to regulations adopted by the Board. The local department shall be the public agency responsible for receiving and responding to complaints and reports, except that (i) in cases where the reports or complaints are to be made to the court and the judge determines that no local department within a reasonable geographic distance can impartially respond to the report, the court shall assign the report to the court services unit for evaluation; and (ii) in cases where an employee at a private or state-operated hospital, institution or other facility, or an employee of a school board is suspected of abusing or neglecting a child in such hospital, institution or other facility, or public school, the local department shall request the Department and the relevant private or state-operated hospital, institution or other facility, or school board to assist in conducting a joint investigation in accordance with regulations adopted by the Board, in consultation with the Departments of Education, Health, Medical Assistance Services, Behavioral Health and Developmental Services, Juvenile Justice and Corrections.

B. The local department shall ensure, through its own personnel or through cooperative arrangements with other local agencies, the capability of receiving reports or complaints and responding to them promptly on a 24-hours-a-day, seven-days-per-week basis.

C. The local department shall widely publicize a telephone number for receiving complaints and reports.

D. The local department shall ~~upon receipt of a complaint, report immediately to notify the local attorney for the Commonwealth and the local law-enforcement agency and make available to them the records of the local department when abuse or neglect is suspected in any case of all complaints of suspected child abuse or neglect~~ involving (i) any death of a child; (ii) any injury or threatened injury to the child in which a felony or Class 1 misdemeanor is also suspected; (iii) any sexual abuse, suspected sexual abuse or other sexual offense involving a child, including but not limited to the use or display of the child in sexually explicit visual material, as defined in § 18.2-374.1; (iv) any abduction of a child; (v) any felony or Class 1 misdemeanor drug offense involving a child; or (vi) contributing to the delinquency of a minor in violation of § 18.2-371, *immediately, but in no case more than two hours of receipt of the complaint*, and shall provide the attorney for the Commonwealth and the local law-enforcement agency with records and information of the local department, including records related to any complaints of abuse or neglect involving the victim or the alleged perpetrator, related to the investigation of the complaint. The local department shall not allow reports of the death of the victim from other local agencies to substitute for direct reports to the attorney for the Commonwealth and the local law-enforcement agency. The local department shall develop, when practicable, memoranda of understanding for responding to reports of child abuse and neglect with local law enforcement and the attorney for the Commonwealth.

In each case in which the local department notifies the local law-enforcement agency of a complaint pursuant to this subsection, the local department shall, within two business days of delivery of the notification, complete a written report, on a form provided by the Board for such purpose, which shall include (a) the name of the representative of the local department providing notice required by this subsection; (b) the name of the local law-enforcement officer who received such notice; (c) the date and time that notification was made; (d) the identity of the victim; (e) the identity of the person alleged to have abused or neglected the child, if known; (f) the clause or clauses in this subsection that describe the reasons for the notification; and (g) the signatures, which may be electronic signatures, of the representatives of the local department making the notification and the local law-enforcement officer receiving the notification. Such report shall be included in the record of the investigation and may be submitted either in writing or electronically.

E. When abuse or neglect is suspected in any case involving the death of a child, the local department shall report the case immediately to the regional medical examiner and the local law-enforcement agency.

F. The local department shall use reasonable diligence to locate (i) any child for whom a report of suspected abuse or neglect has been received and is under investigation, receiving family assessment, or for whom a founded determination of abuse and neglect has been made and a child-protective services case opened and (ii) persons who are the subject of a report that is under investigation or receiving family assessment, if the whereabouts of the child or such persons are unknown to the local department.

G. When an abused or neglected child and the persons who are the subject of an open child-protective services case have relocated out of the jurisdiction of the local department, the local department shall notify the child-protective services agency in the jurisdiction to which such persons have relocated, whether inside or outside of the Commonwealth, and forward to such agency relevant portions of the case record. The receiving local department shall arrange protective and rehabilitative services as required by this section.

H. When a child for whom a report of suspected abuse or neglect has been received and is under investigation or receiving family assessment and the child and the child's parents or other persons responsible for the child's care who are the subject of the report that is under investigation or family assessment have relocated out of the jurisdiction of the local department, the local department shall notify the child-protective services agency in the jurisdiction to which the child and such persons have relocated, whether inside or outside of the Commonwealth, and complete such investigation or family assessment by requesting such agency's assistance in completing the investigation or family assessment. The local department that completes the investigation or family assessment shall forward to the receiving agency relevant portions of the case record in order for the receiving agency to arrange protective and rehabilitative services as required by this section.

I. Upon receipt of a report of child abuse or neglect, the local department shall determine the validity of such report and shall make a determination to conduct an investigation pursuant to § 63.2-1505 or, if designated as a child-protective services differential response agency by the Department according to § 63.2-1504, a family assessment pursuant to § 63.2-1506.

J. The local department shall foster, when practicable, the creation, maintenance and coordination of hospital and community-based multidisciplinary teams that shall include where possible, but not be limited to, members of the medical, mental health, social work, nursing, education, legal and law-enforcement professions. Such teams shall assist the local departments in identifying abused and neglected children; coordinating medical, social, and legal services for the children and their families; developing innovative programs for detection and prevention of child abuse; promoting community concern and action in the area of child abuse and neglect; and disseminating information to the general public with respect to the problem of child abuse and neglect and the facilities and prevention and treatment methods available to combat child abuse and neglect. These teams may be the family assessment and planning teams established pursuant to § 2.2-5207. Multidisciplinary teams may develop agreements regarding the exchange of information among the parties for the purposes of the investigation and disposition of complaints of child abuse and neglect, delivery of services and child protection. Any information exchanged in accordance with the agreement shall not be considered to be a violation of the provisions of § 63.2-102, 63.2-104, or 63.2-105.

The local department shall also coordinate its efforts in the provision of these services for abused and neglected children with the judge and staff of the court.

K. The local department may develop multidisciplinary teams to provide consultation to the local department during the investigation of selected cases involving child abuse or neglect, and to make recommendations regarding the prosecution of such cases. These teams may include, but are not limited to, members of the medical, mental health, legal and law-enforcement professions, including the attorney for the Commonwealth or his designee; a local child-protective services representative; and the guardian ad litem or other court-appointed advocate for the child. Any information exchanged for the purpose of such consultation shall not be considered a violation of § 63.2-102, 63.2-104, or 63.2-105.

L. The local department shall report annually on its activities concerning abused and neglected children to the court and to the Child-Protective Services Unit in the Department on forms provided by the Department.

M. Statements, or any evidence derived therefrom, made to local department child-protective services personnel, or to any person performing the duties of such personnel, by any person accused of the abuse, injury, neglect or death of a child after the arrest of such person, shall not be used in evidence in the case-in-chief against such person in the criminal proceeding on the question of guilt or innocence over the objection of the accused, unless the statement was made after such person was fully advised (i) of his right to remain silent, (ii) that anything he says may be used against him in a court of law, (iii) that he has a right to the presence of an attorney during any interviews, and (iv) that if he cannot afford an attorney, one will be appointed for him prior to any questioning.

N. Notwithstanding any other provision of law, the local department, in accordance with Board regulations, shall transmit information regarding founded complaints or family assessments and may transmit other information regarding reports, complaints, family assessments and investigations involving active duty military personnel or members of their household to family advocacy representatives of the United States Armed Forces.

O. The local department shall notify the custodial parent and make reasonable efforts to notify the noncustodial parent as those terms are defined in § 63.2-1900 of a report of suspected abuse or neglect of a child who is the subject of an investigation or is receiving family assessment, in those cases in which such custodial or noncustodial parent is not the subject of the investigation.

P. The local department shall notify the Superintendent of Public Instruction when an individual holding a license issued by the Board of Education is the subject of a founded complaint of child abuse or neglect and shall transmit identifying information regarding such individual if the local department knows the person holds a license issued by the Board of Education and after all rights to any appeal provided by § 63.2-1526 have been exhausted. Any information exchanged for the purpose of this subsection shall not be considered a violation of § 63.2-102, 63.2-104, or 63.2-105.

CHAPTER 566

An Act to amend and reenact § 24.2-233 of the Code of Virginia, relating to elected and certain appointed officers; misdemeanor sexual offenses as a basis for removal.

[H 451]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-233 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-233. Removal of elected and certain appointed officers by courts.

Upon petition, a circuit court may remove from office any elected officer or officer who has been appointed to fill an elective office, residing within the jurisdiction of the court:

1. For neglect of duty, misuse of office, or incompetence in the performance of duties when that neglect of duty, misuse of office, or incompetence in the performance of duties has a material adverse effect upon the conduct of the office, or

2. Upon conviction of a misdemeanor pursuant to Article 1 (§ 18.2-247 et seq.) or Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2 and after all rights of appeal have terminated involving the:

a. Manufacture, sale, gift, distribution, or possession with intent to manufacture, sell, give, or distribute a controlled substance, marijuana, or synthetic cannabinoids as defined in § 18.2-248.1:1, or

b. Sale, possession with intent to sell, or placing an advertisement for the purpose of selling drug paraphernalia, or

c. Possession of any controlled substance, marijuana, or synthetic cannabinoids as defined in § 18.2-248.1:1, and such conviction under a, b, or c has a material adverse effect upon the conduct of such office, or

3. Upon conviction, and after all rights of appeal have terminated, of a misdemeanor involving a "hate crime" as that term is defined in § 52-8.5 when the conviction has a material adverse effect upon the conduct of such office, or

4. Upon conviction, and after all rights of appeal have terminated, of sexual battery in violation of § 18.2-67.4, attempted sexual battery in violation of subsection C of § 18.2-67.5, peeping or spying into dwelling or enclosure in violation of § 18.2-130, consensual sexual intercourse with a child 15 years of age or older in violation of § 18.2-371, or indecent exposure of himself or procuring another to expose himself in violation of § 18.2-387, and such conviction has a material adverse effect upon the conduct of such office.

The petition must be signed by a number of registered voters who reside within the jurisdiction of the officer equal to ten percent of the total number of votes cast at the last election for the office that the officer holds.

Any person removed from office under the provisions of subdivision 2 ~~or~~ 3, or 4 may not be subsequently subject to the provisions of this section for the same criminal offense.

CHAPTER 567

An Act to amend and reenact § 23-75 of the Code of Virginia, relating to the University of Virginia Board of Visitors; executive committee.

[H 465]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 23-75 of the Code of Virginia is amended and reenacted as follows:

§ 23-75. Executive committee of board.

At every regular annual meeting of the board, the members shall appoint an executive committee for the transaction of business in the recess of the board, which shall consist of not less than three nor more than ~~six~~ seven members, to serve for the period of one year or until the next regular annual meeting.

CHAPTER 568

An Act to amend and reenact § 24.2-613 of the Code of Virginia, relating to elections; form of ballot.

[H 512]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-613 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-613. Form of ballot.

The ballots shall comply with the requirements of this title and the standards prescribed by the State Board.

For elections for federal, statewide, and General Assembly offices only, each candidate who has been nominated by a political party or in a primary election shall be identified by the name of his political party. Independent candidates shall be identified by the term "Independent." For the purpose of this section, any Independent candidate may, by producing sufficient and appropriate evidence of nomination by a "recognized political party" to the State Board, have the term "Independent" on the ballot converted to that of a "recognized political party" on the ballot and be treated on the ballot in a manner consistent with the candidates nominated by political parties. For the purpose of this section, a "recognized political party" is defined as an organization that, for at least six months preceding the filing of its nominee for the office, has had in continual existence a state central committee composed of registered voters residing in each congressional district of the Commonwealth, a party plan and bylaws, and a duly elected state chairman and secretary. A letter from the state chairman of a recognized political party certifying that a candidate is the nominee of that party and also signed by such candidate accepting that nomination shall constitute sufficient and appropriate evidence of nomination by a recognized political party. The name of the political party, the name of the "recognized political party," or term "Independent" may be shown by an initial or abbreviation to meet ballot requirements.

Except as provided for primary elections, the State Board shall determine by lot the order of the political parties, and the names of all candidates for a particular office shall appear together in the order determined for their parties. In an election district in which more than one person is nominated by one political party for the same office, the candidates' names shall appear alphabetically in their party groups under the name of the office, with sufficient space between party groups to indicate them as such. For the purpose of this section and § 24.2-640, except as provided for presidential elections in § 24.2-614, "recognized political parties" shall be treated as a class; the order of the recognized political parties within the class shall be determined by lot by the State Board; and the class shall follow the political parties as defined by § 24.2-101 and precede the independent class. Independent candidates shall be treated as a class under "Independent"; their names shall be placed on the ballot after the political parties and recognized political parties; and where there is more than one independent candidate for an office, their names shall appear alphabetically.

No individual's name shall appear on the ballot more than once for the same office.

In preparing the ballots for general, special and primary elections, the State Board and electoral boards shall cause to be printed in not less than 10-point type, immediately below the title of any office, a statement of the number of candidates who may be voted for for that office. ~~The~~ For any office to which only one candidate can be elected, the following language shall be used: "Vote for only one." For any office to which more than one candidate can be elected, the following language shall be used: "Vote for not more than".

At any precinct at which mark sense ballots are used, the mark sense ballot may be used in lieu of the official paper ballot with the approval of the State Board.

Any locality which uses mark sense ballots at one or more precincts, including any central absentee precinct, may, with the approval of the State Board, use the mark sense ballot or printed reproductions of the mark sense ballot in lieu of the

official paper ballot. Such reproductions shall be printed and otherwise handled in accordance with all laws and procedures that apply to official paper ballots.

CHAPTER 569

An Act to amend and reenact §§ 55-79.53 and 55-515 of the Code of Virginia, relating to the Condominium and Property Owners' Association Acts; compliance with declaration.

[H 530]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 55-79.53 and 55-515 of the Code of Virginia are amended and reenacted as follows:

§ 55-79.53. Compliance with condominium instruments.

A. The declarant, every unit owner, and all those entitled to occupy a unit shall comply with all lawful provisions of this chapter and all provisions of the condominium instruments. Any lack of such compliance shall be grounds for an action or suit to recover sums due, for damages or injunctive relief, or for any other remedy available at law or in equity, maintainable by the unit owners' association, or by its executive organ or any managing agent on behalf of such association, or, in any proper case, by one or more aggrieved unit owners on their own behalf or as a class action. A unit owners' association shall have standing to sue in its own name for any claims or actions related to the common elements as provided in subsection B of § 55-79.80. Except as provided in subsection B, the prevailing party shall be entitled to recover reasonable attorney fees, costs expended in the matter, and interest on the judgment as provided in § 8.01-382. *This section shall not preclude an action against the unit owners' association and authorizes the recovery, by the prevailing party in any such action, of reasonable attorney fees, costs expended in the matter, and interest on the judgment as provided in § 8.01-382 in such actions.*

B. In actions against a unit owner for nonpayment of assessments in which the unit owner has failed to pay assessments levied by the unit owners' association on more than one unit or such unit owner has had legal actions taken against him for nonpayment of any prior assessment and the prevailing party is the association or its executive organ or any managing agent on behalf of the association, the prevailing party shall be awarded reasonable attorney fees, costs expended in the matter, and interest on the judgment as provided in subsection A, even if the proceeding is settled prior to judgment. The delinquent unit owner shall be personally responsible for reasonable attorney fees and costs expended in the matter by the unit owners' association, whether any judicial proceedings are filed.

C. The condominium instruments may provide for arbitration of disputes or other means of alternative dispute resolution. Any such arbitration held in accordance with this subsection shall be consistent with the provisions of this chapter and Chapter 21 (§ 8.01-577 et seq.) of Title 8.01. The place of any such arbitration or alternative dispute resolution shall be in the county or city in which the condominium is located, or as mutually agreed by the parties.

§ 55-515. Compliance with declaration.

A. Every lot owner, and all those entitled to occupy a lot shall comply with all lawful provisions of this chapter and all provisions of the declaration. Any lack of such compliance shall be grounds for an action or suit to recover sums due, for damages or injunctive relief, or for any other remedy available at law or in equity, maintainable by the association, or by its board of directors or any managing agent on behalf of such association, or in any proper case, by one or more aggrieved lot owners on their own behalf or as a class action. Except as provided in subsection B, the prevailing party shall be entitled to recover reasonable attorney fees, costs expended in the matter, and interest on the judgment as provided in § 8.01-382. *This section shall not preclude an action against the association and authorizes the recovery, by the prevailing party in any such action, of reasonable attorney fees, costs expended in the matter, and interest on the judgment as provided in § 8.01-382 in such actions.*

B. In actions against a lot owner for nonpayment of assessments in which the lot owner has failed to pay assessments levied by the association on more than one lot or such lot owner has had legal actions taken against him for nonpayment of any prior assessment and the prevailing party is the association or its board of directors or any managing agent on behalf of the association, the prevailing party shall be awarded reasonable attorney fees, costs expended in the matter, and interest on the judgment as provided in subsection A, even if the proceeding is settled prior to judgment. The delinquent owner shall be personally responsible for reasonable attorney fees and costs expended in the matter by the association, whether any judicial proceedings are filed.

C. A declaration may provide for arbitration of disputes or other means of alternative dispute resolution. Any such arbitration held in accordance with this subsection shall be consistent with the provisions of this chapter and Chapter 21 (§ 8.01-577 et seq.) of Title 8.01. The place of any such arbitration or alternative dispute resolution shall be in the county or city in which the development is located, or as mutually agreed to by the parties.

CHAPTER 570

An Act to amend and reenact §§ 59.1-444.1 and 59.1-444.2 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 35.1 of Title 59.1 a section numbered 59.1-444.3, relating to protection of credit information; security freezes for certain minors and incapacitated persons.

[H 543]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-444.1 and 59.1-444.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 35.1 of Title 59.1 a section numbered 59.1-444.3 as follows:

§ 59.1-444.1. Definitions.

As used in this chapter:

"Consumer" means an individual who is also a resident of this state.

"Consumer reporting agency" has the same meaning as in § 603(f) of the Fair Credit Reporting Act (15 U.S.C. § 1681a(f)).

"Credit report" means a "consumer report," as defined in § 603(d) of the Fair Credit Reporting Act (15 U.S.C. § 1681a(d)); provided, however, that for purposes of this chapter, a credit report is limited to information that a consumer reporting agency furnishes to a person that it has reason to believe intends to use the information as a factor in establishing the consumer's eligibility for credit to be used primarily for personal, family or household purposes.

"Proper identification" means proper identification as defined in 15 U.S.C. § 1681h(a)(1).

~~"Security freeze" means a notice placed in a consumer's credit report, at the request of the consumer and subject to certain exceptions, that prohibits the consumer reporting agency from releasing the consumer's credit report or score relating to the extension of credit.~~

§ 59.1-444.2. Security freezes.

A. As used in this section, "security freeze" means a notice placed in a consumer's credit report, at the request of the consumer and subject to certain exceptions, that prohibits the consumer reporting agency from releasing the consumer's credit report or score relating to the extension of credit.

B. A consumer may request that a security freeze be placed on his or her credit report by sending a request in writing by certified mail, or such other secure method authorized by a consumer reporting agency, to a consumer reporting agency at an address designated by the consumer reporting agency to receive such requests. This subsection does not prevent a consumer reporting agency from advising a third party that a security freeze is in effect with respect to the consumer's credit report.

~~*C. A consumer reporting agency shall place a security freeze on a consumer's credit report no later than three business days after receiving from the consumer:*~~

- ~~1. A written request described in subsection ~~A~~ B;~~
- ~~2. Proper identification; and~~
- ~~3. Payment of a fee not to exceed \$10, if applicable.~~

~~*On and after July 1, 2009, a* A consumer reporting agency shall place a security freeze on a consumer's credit report no later than one business day after receiving such a request, if such request is made electronically at an address designated by the consumer reporting agency to receive such requests.~~

~~*D. The consumer reporting agency shall send a written confirmation of the placement of the security freeze to the consumer within 10 business days. Upon placing the security freeze on the consumer's credit report, the consumer reporting agency shall provide the consumer with a unique personal identification number or password, or similar device to be used by the consumer when providing authorization for the release of his credit report for a specific period of time or for a specific party.*~~

~~*E. If the consumer wishes to allow his credit report to be accessed for a specific period of time or for a specific party while a freeze is in place, he shall contact the consumer reporting agency using a point of contact designated by the consumer reporting agency, request that the freeze be temporarily lifted, and provide the following:*~~

- ~~1. Proper identification;~~
- ~~2. The unique personal identification number or password provided by the consumer reporting agency pursuant to subsection ~~D~~ D; and~~
- ~~3. The proper information regarding the time period or the specific party for which the report shall be available to users of the credit report.~~

~~*F. A consumer reporting agency:*~~

- ~~1. Shall comply with a request made under subsection ~~D~~ E:~~
 - ~~a. Within three business days after receiving the request if the request is made at a postal address designated by the agency to receive such requests; or~~
 - ~~b. After September 1, 2008, Within 15 minutes after the consumer's request is received by the consumer reporting agency through the electronic contact method chosen by the consumer reporting agency in accordance with this section; and~~
- ~~2. Is not required to temporarily lift a security freeze within the time provided in subdivision ~~E~~ 1 b if:~~

- a. The consumer fails to meet the requirements of subsection ~~D~~ E; or
- b. The consumer reporting agency's ability to temporarily lift the security freeze within 15 minutes is prevented by:
 - (1) An act of God, including fire, earthquakes, hurricanes, storms, or similar natural disaster or phenomena;
 - (2) Unauthorized or illegal acts by a third party, including terrorism, sabotage, riot, vandalism, labor strikes or disputes disrupting operations, or similar occurrence;
 - (3) Operational interruption, including electrical failure, unanticipated delay in equipment or replacement part delivery, computer hardware or software failures inhibiting response time, or similar disruption;
 - (4) Governmental action, including emergency orders or regulations, judicial or law-enforcement action, or similar directives;
 - (5) Regularly scheduled maintenance, during other than normal business hours, of, or updates to, the consumer reporting agency's systems; or
 - (6) Commercially reasonable maintenance of, or repair to, the consumer reporting agency's systems that is unexpected or unscheduled; and

F. A consumer reporting agency may 3. May develop procedures involving the use of telephone, fax, the Internet, or other electronic media to receive and process a request from a consumer to temporarily lift a freeze on a credit report pursuant to subsection ~~D~~ E in an expedited manner.

G. A consumer reporting agency shall remove or temporarily lift a freeze placed on a consumer's credit report only in the following cases:

- 1. Upon a consumer request, pursuant to subsection ~~D~~ E or subsection J; or
- 2. If the consumer's credit report was frozen due to a material misrepresentation of fact by the consumer. If a consumer reporting agency intends to remove a freeze upon a consumer's credit report pursuant to this subdivision, the consumer reporting agency shall notify the consumer in writing prior to removing the freeze on the consumer's credit report.

H. If a third party requests access to a consumer credit report on which a security freeze is in effect, and this request is in connection with an application for credit or any other use, and the consumer does not allow his or her credit report to be accessed for that period of time, the third party may treat the application as incomplete.

I. If a consumer requests a security freeze, the consumer reporting agency shall disclose the process of placing and temporarily lifting a freeze, and the process for allowing access to information from the consumer's credit report for a period of time while the freeze is in place.

J. A security freeze shall remain in place until the consumer requests, using a point of contact designated by the consumer reporting agency, that the security freeze be removed. A consumer reporting agency shall remove a security freeze within three business days of receiving a request for removal from the consumer, who provides:

- 1. Proper identification; and
- 2. The unique personal identification number or password or similar device provided by the consumer reporting agency pursuant to subsection ~~E~~ D.

K. A consumer reporting agency shall require proper identification of the person making a request to place or remove a security freeze.

L. The provisions of this section do not apply to the use of a consumer credit report by any of the following:

1. A person or entity, or a subsidiary, affiliate, or agent of that person or entity, or an assignee of a financial obligation owing by the consumer to that person or entity, or a prospective assignee of a financial obligation owing by the consumer to that person or entity in conjunction with the proposed purchase of the financial obligation, with which the consumer has or had prior to assignment an account or contract, including a demand deposit account, or to whom the consumer issued a negotiable instrument, for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract, or negotiable instrument. For purposes of this paragraph, "reviewing the account" includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements;

2. A subsidiary, affiliate, agent, assignee, or prospective assignee of a person to whom access has been granted for purposes of facilitating the extension of credit or other permissible use;

3. Any state or local agency, law-enforcement agency, trial court, or private collection agency acting pursuant to a court order, warrant, or subpoena;

4. A child support agency acting pursuant to Title IV-D of the Social Security Act (42 U.S.C. § 654 et seq.);

5. The Commonwealth or its agents or assigns acting to investigate fraud or acting to investigate or collect delinquent taxes or unpaid court orders or to fulfill any of its other statutory responsibilities provided such responsibilities are consistent with a permissible purpose under 15 U.S.C. § 1681b;

6. The use of credit information for the purposes of prescreening or postscreening as provided for by the federal Fair Credit Reporting Act;

7. Any person or entity administering a credit file monitoring subscription or similar service to which the consumer has subscribed;

8. Any person or entity for the purpose of providing a consumer with a copy of his credit report or score upon the consumer's request;

9. Any person or entity for use in setting or adjusting a rate, adjusting a claim, or underwriting for insurance purposes;

or

10. Any employer in connection with any application for employment with the employer.

M. This ~~chapter~~ *section* does not prevent a consumer reporting agency from charging a fee of no more than \$10 to a consumer to place each freeze, except that a consumer reporting agency may not charge a fee to a victim of identity theft who has submitted a valid police report to the consumer reporting agency.

N. If a security freeze is in place, a consumer reporting agency shall not change any of the following official information in a consumer credit report without sending a written confirmation of the change to the consumer within 30 days of the change being posted to the consumer's file: name, date of birth, social security number, and address. Written confirmation is not required for technical modifications of a consumer's official information, including name and street abbreviations, complete spellings, or transposition of numbers or letters. In the case of an address change, the written confirmation shall be sent to both the new address and to the former address.

O. The following entities are not required to place a security freeze on a credit report:

1. A consumer reporting agency that acts only as a reseller of credit information by assembling and merging information contained in the database of another consumer reporting agency or multiple consumer credit reporting agencies, and does not maintain a permanent database of credit information from which new consumer credit reports are produced. However, a consumer reporting agency acting as a reseller shall honor any security freeze placed on a consumer credit report by another consumer reporting agency;

2. A check services or fraud prevention services company, which issues reports on incidents of fraud or authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payments;

3. A deposit account information service company, which issues reports regarding account closures due to fraud, substantial overdrafts, ATM abuse, or similar negative information regarding a consumer, to inquiring banks or other financial institutions for use only in reviewing a consumer request for a deposit account at the inquiring bank or financial institution; and

4. A consumer reporting agency's database or file that consists of information concerning, and used for, one or more of the following: criminal record information, fraud prevention or detection, personal loss history information, and employment, tenant, or background screening.

P. At any time a consumer is required to receive a summary of rights required under 15 U.S.C. § 1681g(d), the following notice shall be included:

"Virginia Consumers Have the Right to Obtain a Security Freeze.

You have a right to place a "security freeze" on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization. A security freeze must be requested in writing by certified mail. The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, government services or payments, rental housing, employment, investment, license, cellular phone, utilities, digital signature, Internet credit card transaction, or other services, including an extension of credit at point of sale. When you place a security freeze on your credit report, you will be provided a personal identification number or password to use if you choose to remove the freeze on your credit report or authorize the release of your credit report for a period of time or for a specific party after the freeze is in place. To provide that authorization you must contact the consumer reporting agency and provide all of the following:

1. The personal identification number or password;

2. Proper identification to verify your identity; and

3. The proper information regarding the period of time or the specific party for which the report shall be available.

A consumer reporting agency must authorize the release of your credit report no later than three business days after receiving the above information. ~~After September 1, 2008, a~~ A consumer credit reporting agency must authorize the release of your credit report no later than 15 minutes after receiving the request.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account, that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

You have a right to bring civil action against anyone, including a consumer reporting agency, who improperly obtains access to a file, knowingly or willfully misuses file data, or fails to correct inaccurate file data.

Unless you are a victim of identity theft with a police report to verify the crimes, a consumer reporting agency has the right to charge you up to \$10 to place a freeze on your credit report."

Q. Any person who willfully fails to comply with any requirement imposed under this ~~chapter~~ *section* or § 59.1-444.3 with respect to any consumer is liable to that consumer in an amount equal to the sum of:

1. Any actual damages sustained by the consumer as a result of the failure or damages of not less than \$100 and not more than \$1,000;

2. Such amount of punitive damages as the court may allow; and

3. In the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney fees as determined by the court.

R. Any person who obtains a consumer report, requests a security freeze, requests the temporary lift of a freeze, or the removal of a security freeze from a consumer reporting agency under false pretenses or in an attempt to violate federal or state law shall be liable to the consumer reporting agency for actual damages sustained by the consumer reporting agency or \$1,000, whichever is greater.

S. Any person who is negligent in failing to comply with any requirement imposed under this ~~chapter~~ *section* with respect to any consumer is liable to that consumer in an amount equal to the sum of:

1. Any actual damages sustained by the consumer as a result of the failure; and
2. In the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney fees as determined by the court.

T. Upon a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this ~~chapter~~ *section* was filed in bad faith or for purposes of harassment, the court shall award to the prevailing party attorney fees reasonable in relation to the work expended in responding to the pleading, motion, or other paper.

U. Notwithstanding any other provision of law:

1. The exclusive authority to bring an action for any violation of subdivision ~~E F~~ 1 b shall be with the Attorney General. In any action brought under this subsection, the Attorney General may cause an action to be brought in the name of the Commonwealth to enjoin the violation and to recover damages for aggrieved consumers consistent with the limits stated in subsections Q and S for such violations.

2. In any action brought under this subsection, if the court finds a willful violation, the court may, in its discretion, also award a civil penalty of not more than \$1,000 per violation, to be deposited in the Literary Fund of the Commonwealth.

3. In any action brought under this subsection, the Attorney General may recover any costs, the reasonable expenses incurred in investigating and preparing the case, and ~~attorneys'~~ attorney fees.

§ 59.1-444.3. Security freezes for protected consumers.

A. As used in this section, unless the context requires a different meaning:

"Protected consumer" means a consumer who is either:

1. Under the age of 16 years at the time a request for the placement of a security freeze is made; or
2. An incapacitated person for whom a guardian or conservator has been appointed in accordance with Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2.

"Record" means a compilation of information regarding a specific identified protected consumer, which compilation is created by a consumer reporting agency solely for the purpose of complying with the requirement for a record's establishment set forth in subsection D.

"Representative" means a person who provides to a consumer reporting agency sufficient proof of authority to act on behalf of a protected consumer.

"Security freeze" means:

1. If a consumer reporting agency does not have a file pertaining to a protected consumer, a restriction that (i) is placed on the protected consumer's record in accordance with this section and (ii) prohibits the consumer reporting agency from releasing the protected consumer's record except as provided in this section; or

2. If a consumer reporting agency has a file pertaining to the protected consumer, a restriction that (i) is placed on the protected consumer's credit report in accordance with this section and (ii) prohibits the consumer reporting agency from releasing the protected consumer's credit report or any information derived from the protected consumer's credit report except as provided in this section.

"Sufficient proof of authority" means documentation that shows a representative has authority to act on behalf of a protected consumer. "Sufficient proof of authority" includes (i) an order issued by a court of law and (ii) a lawfully executed and valid power of attorney.

"Sufficient proof of identification" means information or documentation that identifies a protected consumer or a representative of a protected consumer. "Sufficient proof of identification" includes (i) a social security number or a copy of a social security card issued by the U.S. Social Security Administration; (ii) a certified or official copy of a birth certificate issued by the entity authorized to issue the birth certificate; (iii) a copy of a driver's license, an identification card issued by the Department of Motor Vehicles, or any other government-issued identification; or (iv) a copy of a bill, including a bill for telephone, sewer, septic tank, water, electric, oil, or natural gas services, that shows a name and home address.

B. This section does not apply to the use of a protected consumer's credit report or record by:

1. A person administering a credit file monitoring subscription service to which the protected consumer has subscribed or the representative of the protected consumer has subscribed on behalf of the protected consumer;
2. A person providing the protected consumer or the protected consumer's representative with a copy of the protected consumer's credit report on request of the protected consumer or the protected consumer's representative; or
3. An entity listed in subsection O of § 59.1-444.2.

C. A consumer reporting agency shall place a security freeze for a protected consumer if:

1. The consumer reporting agency receives a request from the protected consumer's representative for the placement of the security freeze under this section; and
2. The protected consumer's representative:
 - a. Submits the request to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency;

b. Provides to the consumer reporting agency sufficient proof of identification of the protected consumer and the representative;

c. Provides to the consumer reporting agency sufficient proof of authority to act on behalf of the protected consumer; and

d. Pays to the consumer reporting agency a fee as provided in subsection J.

D. If a consumer reporting agency does not have a file pertaining to a protected consumer when the consumer reporting agency receives a request under subsection C from the protected consumer's representative for the placement of a security freeze, the consumer reporting agency shall create a record for the protected consumer. A record may not be created or used to consider the protected consumer's creditworthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living for the purpose of serving as a factor in establishing the consumer's eligibility for (i) credit or insurance to be used primarily for personal, family, or household purposes or (ii) employment.

E. Within 30 days after receiving a request that meets the requirements of subsection C, a consumer reporting agency shall place a security freeze for the protected consumer.

F. Unless a security freeze for a protected consumer is removed in accordance with subsection H or K, a consumer reporting agency may not release the protected consumer's credit report, any information derived from the protected consumer's credit report, or any record created for the protected consumer.

G. A security freeze for a protected consumer placed under subsection E shall remain in effect until:

1. The protected consumer or the protected consumer's representative requests the consumer reporting agency to remove the security freeze in accordance with subsection H; or

2. The security freeze is removed in accordance with subsection K.

H. If a protected consumer or a protected consumer's representative wishes to remove a security freeze for the protected consumer, the protected consumer or the protected consumer's representative shall:

1. Submit a request for the removal of the security freeze to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency;

2. Provide to the consumer reporting agency:

a. In the case of a request by the protected consumer:

(1) Proof that the sufficient proof of authority for the protected consumer's representative to act on behalf of the protected consumer is no longer valid; and

(2) Sufficient proof of identification of the protected consumer; or

b. In the case of a request by the representative of a protected consumer:

(1) Sufficient proof of identification of the protected consumer and the representative; and

(2) Sufficient proof of authority to act on behalf of the protected consumer; and

3. Pay to the consumer reporting agency a fee as provided in subsection J.

I. Within 30 days after receiving a request that meets the requirements of subsection H, the consumer reporting agency shall remove the security freeze for the protected consumer.

J. A consumer reporting agency may not charge a fee for any service performed under this section, except for a reasonable fee, not exceeding \$10, for each placement or removal of a security freeze for a protected consumer. Notwithstanding the foregoing, a consumer reporting agency shall not charge any fee for the placement or removal of a security freeze for a protected consumer if:

1. The protected consumer's representative has obtained, and provides to the consumer reporting agency, a report of alleged identity fraud against the protected consumer under § 18.2-186.3:1 or an Identity Theft Passport issued for the protected consumer under § 18.2-186.5; or

2. A request for the placement or removal of a security freeze is for a protected consumer who is under the age of 16 years at the time of the request, and the consumer reporting agency has a credit report pertaining to the protected consumer.

K. A consumer reporting agency may remove a security freeze for a protected consumer or delete a record of a protected consumer if the security freeze was placed or the record was created based on a material misrepresentation of fact by the protected consumer or the protected consumer's representative.

L. Any person who obtains a consumer report, requests a security freeze, requests the temporary lift of a freeze, or requests the removal of a security freeze from a consumer reporting agency under false pretenses or in an attempt to violate federal or state law shall be liable to the consumer reporting agency for damages sustained by the consumer reporting agency as provided in subsection R of § 59.1-444.2.

M. Notwithstanding any other provision of law:

1. The exclusive authority to bring an action for any violation of subsection E shall be with the Attorney General. In any action brought under this subsection, the Attorney General may cause an action to be brought in the name of the Commonwealth to enjoin the violation and to recover damages for aggrieved protected consumers.

2. In any action brought under this subsection, if the court finds a willful violation, the court may, in its discretion, also award a civil penalty of not more than \$1,000 per violation, to be deposited in the Literary Fund.

3. In any action brought under this subsection, the Attorney General may recover any costs, the reasonable expenses incurred in investigating and preparing the case, and attorney fees.

2. That the provisions of this act shall become effective on January 1, 2015.

CHAPTER 571

An Act to amend and reenact §§ 38.2-1315.1, 38.2-3101, 38.2-3209, 38.2-3723, and 38.2-4123 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 13 of Title 38.2 an article numbered 10, consisting of sections numbered 38.2-1365 through 38.2-1385; and to repeal Article 3 (§§ 38.2-3126 through 38.2-3144) of Chapter 31 of Title 38.2 of the Code of Virginia, relating to standards valuation for insurance companies; use of principle-based reserve basis for life, annuity, and accident and health insurance contracts.

[H 631]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-1315.1, 38.2-3101, 38.2-3209, 38.2-3723, and 38.2-4123 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 13 of Title 38.2 an article numbered 10, consisting of sections numbered 38.2-1365 through 38.2-1385, as follows:

§ 38.2-1315.1. Actuarial statements of opinion, reports, memoranda, and summaries.

A. Effective December 31, 2004, and except as otherwise provided by this section or Article ~~3 10~~ (§ ~~38.2-3126 38.2-1365~~ et seq.) of Chapter ~~31 of this title 13~~, every insurer doing business in the Commonwealth shall annually submit an actuarial opinion that has been prepared by an appointed actuary and that satisfies at a minimum the standards set forth in the appropriate National Association of Insurance Commissioners (NAIC) annual statement instructions.

B. Every insurer domiciled in the Commonwealth that is required to submit an actuarial opinion pursuant to subsection A of this section shall annually submit an actuarial opinion summary, also written by the insurer's appointed actuary. Every insurer domiciled in the Commonwealth that is required to submit an actuarial opinion pursuant to subsection A of this section or § ~~38.2-3127.1 38.2-1367~~, at the request of the Commission, shall submit underlying work papers and an actuarial report or memorandum that satisfies the minimum standards set forth in the appropriate NAIC annual statement instructions and complies with all additional standards or requirements established by statute or by the Commission in accordance with the provisions of this section or Article ~~3 10~~ (§ ~~38.2-3126 38.2-1365~~ et seq.) of Chapter ~~31 of this title 13~~. A company licensed but not domiciled in the Commonwealth shall provide such summary, work papers, report, and memorandum upon request of the Commission. Any summary, work papers, report, or memorandum filed in accordance with the appropriate NAIC annual statement 13 instructions shall be considered as a document supporting the actuarial opinion required by subsection A of this section or § ~~38.2-3127.1 38.2-1367~~.

C. If the insurer fails to provide supporting work papers or a required report or memorandum at the request of the Commission, or the Commission determines that the work papers or report or memorandum are unacceptable, the Commission may engage a qualified actuary at the expense of the insurer to review the opinion and the basis for the opinion and to prepare supporting work papers, or a report or memorandum.

D. The appointed actuary shall not be liable for damages to any person, other than the insurer and the Commission for any act, error, omission, decision, or conduct with respect to the actuary's opinion, except in cases of fraud or willful misconduct on the part of the actuary.

E. An actuarial opinion provided with the annual statement in accordance with the appropriate NAIC annual statement instructions shall be open to public inspection in accordance with § 38.2-1306.

F. Documents, materials, or other information in the possession or control of the Commission that are considered an actuarial report, work papers, an actuarial opinion summary, or an actuarial opinion report or memorandum provided in support of the opinion, and any other material provided by the insurer to the Commission in connection with the report, work papers, or summary, shall be confidential by law and privileged, shall not be subject to inspection or review by the general public, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. However, this provision shall not be construed to limit the Commission's authority to release the documents to any actuarial board established for counseling or discipline so long as the material is required for the purpose of professional disciplinary proceedings and such board establishes procedures satisfactory to the Commission for preserving the confidentiality of the documents. Moreover, the Commission is authorized to use the documents, materials, or other information in furtherance of any regulatory or legal action brought as part of the Commission's official duties.

1. Neither the Commission nor any person who received documents, materials, or other information while acting under the authority of the Commission shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or information subject to this subsection.

2. In order to assist in the performance of the Commission's duties under this section, the Commission:

a. May share documents, material, or other information, including the confidential and privileged documents, materials, or information subject to this subsection, with other state, federal, and international regulatory agencies, with the NAIC, its affiliates, or subsidiaries, and with state, federal, and international law enforcement authorities, provided that the recipient agrees to maintain the confidentiality and privileged status of the document, material, or other information.

b. May receive documents, materials, or information, including otherwise confidential and privileged documents, materials, or information, from the NAIC, its affiliates, or subsidiaries and from regulatory and law-enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any document, material, or

information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information.

G. The Commission may waive or modify submission requirements for a foreign insurer that has been exempted by its domiciliary commissioner from filing an actuarial opinion under a substantially similar law in its state of domicile. The Commission may modify requirements in any year for an insurer that makes application, with good cause shown, for exemption due to the nature of business written or the size and volume of business activity, or because the insurer is under supervision or an order of conservation, or if the imposition of an annual filing requirement would create a financial hardship.

Article 10.

Standard Valuation.

§ 38.2-1365. Definitions.

As used in this article, unless the context requires a different meaning:

"Accident and health insurance" means contracts that incorporate morbidity risk and provide protection against economic loss resulting from accident, sickness, or medical conditions and as may be specified in the valuation manual.

"Appointed actuary" means a qualified actuary who is appointed in accordance with the valuation manual to prepare the actuarial opinion required in subsection B of § 38.2-1367.

"Deposit-type contract" means contracts that do not incorporate mortality or morbidity risks and as may be specified in the valuation manual.

"Insurance company" or "insurer" means an entity that (i) has written, issued, or reinsured life insurance contracts, accident and health insurance contracts, or deposit-type contracts in the Commonwealth and has at least one such policy in force or on claim or (ii) has written, issued, or reinsured life insurance contracts, accident and health insurance contracts, or deposit-type contracts in any state and is required to hold a certificate of authority to write life insurance, accident and health insurance, or deposit-type contracts in the Commonwealth.

"Life insurance" means contracts that incorporate mortality risk, including annuity and pure endowment contracts, and as may be specified in the valuation manual.

"NAIC" means the National Association of Insurance Commissioners.

"Policyholder behavior" means any action a policyholder, contract holder or any other person with the right to elect options, such as a certificate holder, may take under a policy or contract subject to this article, including, but not limited to, lapse, withdrawal, transfer, deposit, premium payment, loan, annuitization, or benefit elections prescribed by the policy or contract but excluding events of mortality or morbidity that result in benefits prescribed in their essential aspects by the terms of the policy or contract.

"Principle-based valuation" means a reserve valuation that uses one or more methods or one or more assumptions determined by the insurer and is required to comply with § 38.2-1380 as specified in the valuation manual.

"Qualified actuary" means an individual who is qualified to sign the applicable statement of actuarial opinion in accordance with the American Academy of Actuaries qualification standards for actuaries signing such statements and who meets the requirements specified in the valuation manual.

"Tail risk" means a risk that occurs either where the frequency of low probability events is higher than expected under a normal probability distribution or where there are observed events of very significant size or magnitude.

"Valuation manual" means the manual of valuation instructions adopted by the NAIC as specified in this article or as subsequently amended.

§ 38.2-1366. Reserve valuation.

A. For policies and contracts issued prior to the operative date of the valuation manual:

1. The Commission shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance policies and annuity and pure endowment contracts of every life insurance company doing business in the Commonwealth issued prior to the operative date of the valuation manual. In calculating reserves, the Commission may use group methods and approximate averages for fractions of a year or otherwise. In lieu of the valuation of the reserves required of a foreign or alien company, the Commission may accept a valuation made, or caused to be made, by the insurance supervisory official of any state or other jurisdiction when the valuation complies with the minimum standard provided in this article.

2. The provisions set forth in §§ 38.2-1368 through 38.2-1378 shall apply to all policies and contracts, as appropriate, subject to this article issued prior to the operative date of the valuation manual and the provisions set forth in §§ 38.2-1379 and 38.2-1380 shall not apply to any such policies and contracts.

B. For policies and contracts issued on or after the operative date of the valuation manual:

1. The Commission shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance contracts, annuity and pure endowment contracts, accident and health contracts, and deposit-type contracts of every insurance company issued on or after the operative date of the valuation manual. In lieu of the valuation of the reserves required of a foreign or alien company, the Commission may accept a valuation made, or caused to be made, by the insurance supervisory official of any state or other jurisdiction when the valuation complies with the minimum standard provided in this article.

2. The provisions set forth in §§ 38.2-1379 and 38.2-1380 shall apply to all policies and contracts issued on or after the operative date of the valuation manual.

C. On or before the last day of February of each year, every domestic incorporated life insurer shall furnish the Commission the necessary data for determining the valuation of all of its policies outstanding on the last preceding December 31. For good cause shown, the Commission may extend an insurer's deadline for submitting this data.

§ 38.2-1367. Actuarial opinion of reserves.

A. The actuarial opinion prior to the operative date of the valuation manual shall require:

1. Every life insurance company doing business in the Commonwealth to annually submit the opinion of a qualified actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified by the Commission by regulation are computed appropriately, are based on assumptions that satisfy contractual provisions, are consistent with prior reported amounts, and comply with applicable laws of the Commonwealth. The Commission shall define by regulation the specifics of this opinion and add any other items deemed to be necessary to its scope.

2. Every life insurance company, except as exempted by regulation, to annually include in the opinion required by subdivision 1, an opinion of the same qualified actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified by the Commission by regulation, when considered in light of the assets held by the insurer with respect to the reserves and related actuarial items, including but not limited to the investment earnings on the assets and the considerations anticipated to be received and retained under the policies and contracts, make adequate provision for the insurer's obligations under the policies and contracts, including but not limited to the benefits under and expenses associated with the policies and contracts. The Commission shall specify by regulation the types of reserves and related actuarial items on which the opinion is to be expressed.

The Commission may provide by regulation for a transition period for establishing any higher reserves that the qualified actuary may deem necessary in order to render the opinion required by this section.

3. Each opinion required by subdivision 2 to be governed by the following provisions:

a. A memorandum, in form and substance acceptable to the Commission as specified by regulation, shall be prepared to support each actuarial opinion; and

b. If the insurance company fails to provide a supporting memorandum at the request of the Commission within a period specified by regulation or the Commission determines that the supporting memorandum provided by the insurance company fails to meet the standards prescribed by the regulations or is otherwise unacceptable to the Commission, the Commission may engage a qualified actuary at the expense of the insurance company to review the opinion and the basis for the opinion and prepare the supporting memorandum required by the Commission.

4. Every opinion required by this subsection to be governed by the following provisions:

a. The opinion shall be submitted with the annual statement filed pursuant to § 38.2-1300 and shall reflect the valuation of such reserve liabilities for each year ending on or after December 31, 1992.

b. The opinion shall apply to all business in force including individual and group health insurance plans, in form and substance acceptable to the Commission as specified by regulation.

c. The opinion shall be based on standards adopted from time to time by the Actuarial Standards Board and on such additional standards as the Commission may by regulation prescribe.

d. In the case of an opinion required to be submitted by a foreign or alien insurer, the Commission may accept the opinion filed by that insurer with the insurance supervisory official of another state if the Commission determines that the opinion reasonably meets the requirements applicable to an insurer domiciled in the Commonwealth.

e. For the purposes of this section, "qualified actuary" means a member in good standing of the American Academy of Actuaries who meets the requirements set forth in regulations adopted by the Commission.

f. Except in cases of fraud or willful misconduct, the qualified actuary shall not be liable for damages to any person, other than the insurer and the Commission, for any act, error, omission, decision, or conduct with respect to the actuary's opinion.

g. Disciplinary action by the Commission against the insurer or the qualified actuary shall be defined in regulations adopted by the Commission.

h. Except as provided in subdivisions 4 l, m, and n, documents, materials, or other information in the possession or control of the Commission that is a memorandum in support of the opinion, and any other material provided by the insurer to the Commission in connection with the memorandum, shall be confidential by law and privileged, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. However, the Commission is authorized to use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the Commission's official duties.

i. Neither the Commission nor any person who received documents, materials, or other information while acting under the authority of the Commission shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or information subject to subdivision 4 h.

j. In order to assist in the performance of the Commission's duties, the Commission:

(1) May share documents, materials, or other information, including the confidential and privileged documents, materials, or information subject to subdivision 4 h, with other state, federal, and international regulatory agencies, with the NAIC and its affiliates and subsidiaries, and with state, federal, and international law-enforcement authorities, provided that the recipient agrees to maintain the confidentiality and privileged status of the document, material, or other information;

(2) May receive documents, materials, or information, including otherwise confidential and privileged documents, materials, or information, from the NAIC and its affiliates and subsidiaries, and from regulatory and law-enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any document, material, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information; and

(3) May enter into agreements governing sharing and use of information consistent with subdivisions 4 h, i, and j.

k. No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information shall occur as a result of disclosure to the Commission under this section or as a result of sharing as authorized in subdivision 4 j.

l. A memorandum in support of the opinion, and any other material provided by the insurer to the Commission in connection with the memorandum, may be subject to subpoena for the purpose of defending an action seeking damages from the actuary submitting the memorandum by reason of an action required by this section or by regulations adopted hereunder:

m. The memorandum or other material may otherwise be released by the Commission with the written consent of the insurer or to the American Academy of Actuaries upon request stating that the memorandum or other material is required for the purpose of professional disciplinary proceedings and setting forth procedures satisfactory to the Commission for preserving the confidentiality of the memorandum or other material.

n. Once any portion of the confidential memorandum is cited by the insurer in its marketing, is cited before a governmental agency other than a state insurance department, or is released by the insurer to the news media, all portions of the confidential memorandum shall be no longer confidential.

B. The actuarial opinion of reserves after the operative date of the valuation manual shall require:

1. Every insurer with outstanding life insurance contracts, accident and health insurance contracts, or deposit-type contracts in the Commonwealth and subject to regulation by the Commission to annually submit the opinion of the appointed actuary as to whether the reserves and related actuarial items held in support of the policies and contracts are computed appropriately, are based on assumptions that satisfy contractual provisions, are consistent with prior reported amounts, and comply with applicable laws of the Commonwealth. The valuation manual will prescribe the specifics of this opinion, including any items deemed to be necessary to its scope.

2. Every insurer with outstanding life insurance contracts, accident and health insurance contracts, or deposit-type contracts in the Commonwealth and subject to regulation by the Commission, except as exempted in the valuation manual, to annually include in the opinion required by subdivision 1 an opinion of the same appointed actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified in the valuation manual, when considered in light of the assets held by the insurer with respect to the reserves and related actuarial items, including but not limited to the investment earnings on the assets and the considerations anticipated to be received and retained under the policies and contracts, make adequate provision for the insurer's obligations under the policies and contracts, including but not limited to the benefits under and expenses associated with the policies and contracts.

3. Each opinion required by subdivision 2 to be governed by the following provisions:

a. A memorandum, in form and substance as specified in the valuation manual, and acceptable to the Commission, shall be prepared to support each actuarial opinion.

b. If the insurance company fails to provide a supporting memorandum at the request of the Commission within a period specified in the valuation manual or the Commission determines that the supporting memorandum provided by the insurance company fails to meet the standards prescribed by the valuation manual or is otherwise unacceptable to the Commission, the Commission may engage a qualified actuary at the expense of the insurer to review the opinion and the basis for the opinion and prepare the supporting memorandum required by the Commission.

4. Every opinion required by this subsection to be governed by the following provisions:

a. The opinion shall be in form and substance as specified in the valuation manual and acceptable to the Commission;

b. The opinion shall be submitted with the annual statement reflecting the valuation of such reserve liabilities for each year ending on or after the operative date of the valuation manual;

c. The opinion shall apply to all policies and contracts subject to subdivision 2, plus other actuarial liabilities as may be specified in the valuation manual;

d. The opinion shall be based on standards adopted from time to time by the Actuarial Standards Board or its successor, and on such additional standards as may be prescribed in the valuation manual;

e. In the case of an opinion required to be submitted by a foreign or alien insurer, the Commission may accept the opinion filed by that insurer with the insurance supervisory official of another state if the Commission determines that the opinion reasonably meets the requirements applicable to an insurer domiciled in the Commonwealth;

f. Except in cases of fraud or willful misconduct, the appointed actuary shall not be liable for damages to any person, other than the insurance company and the Commission, for any act, error, omission, decision, or conduct with respect to the appointed actuary's opinion; and

g. Disciplinary action by the Commission against the insurer or the appointed actuary shall be defined in regulations adopted by the Commission.

§ 38.2-1368. Minimum valuation standard for policies issued prior to certain dates.

The following provisions of this section shall apply only to those policies and contracts issued prior to the operative date stated in § 38.2-3214:

1. The legal minimum standard for the valuation of life insurance contracts issued prior to January 1, 1937, shall be on the basis of the American Experience Table of Mortality, with interest at four percent per year, and strictly in accordance with the terms and conditions of such contracts, and for life insurance contracts issued on and after that date shall be the one-year preliminary term method of valuation, as hereinafter modified, on the basis of the American Experience Table of Mortality or, at the option of the insurer, the American Men Ultimate Table of Mortality with interest at three and one-half percent per year.

2. If the net renewal premium under a limited payment life preliminary term policy providing for the payment of less than 20 annual premiums under the policy, or under an endowment preliminary term policy, exceeds that under a 20-payment life preliminary term policy, the reserve for that policy at the end of any year, including the first, shall be at least the reserve on a 20-payment life preliminary term policy issued in the same year and at the same age, together with an amount equivalent to the accumulation of a net level premium sufficient to provide for a pure endowment maturing one year after the date on which the last annual premium is due, or at the end of 20 years if the policy provides for the payment of premiums for more than 20 years, equal to the difference between the value on the maturity date of a 20-payment life preliminary term policy and the full net level premium reserve at such time of such a limited payment life or endowment policy. Policies valued by the above method shall contain a clause specifying either that the reserve of the policies shall be computed in accordance with the 20-payment life modification of the preliminary term method of valuation or that the first year's insurance is term insurance.

3. Except as otherwise provided in § 38.2-1370 for group annuity and pure endowment contracts, the legal minimum standard for the valuation of annuities issued on and after January 1, 1937, shall be the Combined Annuity Table, with interest at four percent per year, but annuities deferred 10 or more years and written in connection with life insurance shall be valued on the same basis as that used in computing the consideration or premium for the life insurance, or upon any higher standard, at the insurer's option.

4. The legal minimum standard for the calculation of the reserve liability for insurance against disability incorporated in life insurance policies issued on and after January 1, 1937, shall be on the basis of any table adopted by the insurer and approved by the Commission, with interest at three and one-half percent per year. However, in no case shall such liability be less than one-half of the net annual premium for the disability benefit computed by the table.

5. The legal standard for the valuation of group insurance written as yearly renewable term insurance issued on and after January 1, 1937, shall be on the basis of the American Men Ultimate Table of Mortality with interest at three and one-half percent per year.

6. The legal minimum standard for the valuation of industrial policies issued on and after January 1, 1937, shall be the American Experience Table of Mortality, with interest at three and one-half percent per year; however, any insurer may voluntarily value its industrial policies on the basis of the standard industrial mortality table or the substandard industrial mortality table, and by the level net premium method or in accordance with their terms by the modified preliminary term method as described in subdivision 2, or the full preliminary term method.

All industrial policies issued on and after January 1, 1937, shall be valued under the rules set forth in this section, whether or not the policies provide for surrender values, either in cash, paid-up insurance, or extended insurance.

7. The Commission may vary the standards of interest and mortality in the case of alien insurers as to contracts issued by those insurers in countries other than the United States, and in particular cases of invalid lives and other extra hazards.

8. If the actual annual premium charged for insurance is less than the net annual premium for the insurance, computed as specified in this section, the insurer shall set up an additional reserve equal to the value of an annuity of the difference between the actual premium charged and the net premium required by this section, and the term of which at the date of the valuation shall equal the period during which future premium payments are to become due on the insurance. The annuity shall be valued according to the table of mortality with the rate of interest at which the net annual premium is calculated.

9. Reserves for all of these policies and contracts, or all of any class of these policies and contracts, may be calculated, at the insurer's option, according to any standards that produce greater aggregate reserves for all the policies and contracts, or all of the class of the policies and contracts so valued, than the minimum reserves required by this section; and in each case the insurer shall report to the Commission in its annual statement the standards it used in making the valuation.

§ 38.2-1369. Computation of minimum standard.

Except as otherwise provided in §§ 38.2-1370, 38.2-1371, and 38.2-1378, the minimum standard for the valuation of all policies and contracts issued on or after the operative date stated in § 38.2-3214 shall be the Commissioners reserve valuation methods defined in §§ 38.2-1372, 38.2-1373, 38.2-1376, and 38.2-1378, three and one-half percent interest, or in the case of life insurance policies and contracts, other than annuity and pure endowment contracts, issued on or after July 1, 1975, four percent interest for policies issued prior to July 1, 1979, five and one-half percent interest for single premium life insurance policies and four and one-half percent interest for all other policies issued on and after July 1, 1979, and the following tables:

1. For ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in the policies: The Commissioners 1941 Standard Ordinary Mortality Table for policies issued prior to the operative date of § 38.2-3215; the Commissioners 1958 Standard Ordinary Mortality Table for policies issued on or after the operative date of § 38.2-3215 and prior to the operative date of § 38.2-3209, provided that for any category of policies issued on female risks, all modified net premiums and present values referred to in this article may be calculated according

to an age not more than six years younger than the actual age of the insured; and for policies issued on or after the operative date of § 38.2-3209:

- a. The Commissioners 1980 Standard Ordinary Mortality Table;
 - b. At the election of the insurer for any one or more specified plans of life insurance, the Commissioners 1980 Standard Ordinary Mortality Table with Ten-Year Select Mortality Factors; or
 - c. Any ordinary mortality table, adopted after 1980 by the NAIC, that is approved by regulation adopted by the Commission for use in determining the minimum standard of valuation for those policies;
2. For industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in those policies: The 1941 Standard Industrial Mortality Table for policies issued prior to the operative date of § 38.2-3216, and for policies issued on or after the operative date of § 38.2-3216, the Commissioners 1961 Standard Industrial Mortality Table or any industrial mortality table adopted after 1980 by the NAIC and approved by regulation adopted by the Commission for use in determining the minimum standard of valuation for the policies;
 3. For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in those contracts: The 1937 Standard Annuity Mortality Table or, at the insurer's option, the Annuity Mortality Table for 1949 Ultimate, or any modification of either of these tables approved by the Commission;
 4. For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in those contracts: The Group Annuity Mortality Table for 1951, any modification of that table approved by the Commission, or, at the insurer's option, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts;
 5. For total and permanent disability benefits in or supplementary to ordinary policies or contracts: For policies or contracts issued on or after January 1, 1966, the tables of Period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 Disability Study of the Society of Actuaries, with due regard to the type of benefit or any tables of disablement rates and termination rates adopted after 1980 by the NAIC, and approved by regulation adopted by the Commission for use in determining the minimum standard of valuation for those policies; for policies or contracts issued on or after January 1, 1961, and prior to January 1, 1966, either those tables or, at the insurer's option, the Class (3) Disability Table (1926); and for policies issued prior to January 1, 1961, the Class (3) Disability Table (1926). Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance policies;
 6. For accidental death benefits in or supplementary to policies issued on or after January 1, 1966: The 1959 Accidental Death Benefits Table or any accidental death benefits table adopted after 1980 by the NAIC and approved by regulation adopted by the Commission for use in determining the minimum standard of valuation for those policies; for policies issued on or after January 1, 1961, and prior to January 1, 1966, either that table or, at the insurer's option, the Inter-Company Double Indemnity Mortality Table; and for policies issued prior to January 1, 1961, the Inter-Company Double Indemnity Mortality Table. Either table shall be combined with a mortality table for calculating the reserves for life insurance policies; and
 7. For group life insurance, life insurance issued on the substandard basis, and other special benefits: Any table approved by the Commission.

§ 38.2-1370. Computation of minimum standard for annuities.

A. Except as provided in § 38.2-1371, the minimum standard of valuation for individual annuity and pure endowment contracts issued on or after the operative date of this section and for annuities and pure endowments purchased on or after the operative date under group annuity and pure endowment contracts shall be the Commissioners reserve valuation methods defined in §§ 38.2-1372 and 38.2-1373 and the following tables and interest rates:

1. For individual annuity and pure endowment contracts issued prior to July 1, 1979, excluding any disability and accidental death benefits in those contracts: The 1971 Individual Annuity Mortality Table, or any modification of that table approved by the Commission, and six percent interest for single premium immediate annuity contracts and four percent interest for all other individual annuity and pure endowment contracts;
2. For individual single premium immediate annuity contracts issued on or after July 1, 1979, excluding any disability and accidental death benefits in those contracts: The 1971 Individual Annuity Mortality Table or any individual annuity mortality table adopted after 1980 by the NAIC and approved by regulation adopted by the Commission for use in determining the minimum standard of valuation for these contracts, or any modification of those tables approved by the Commission, and seven and one-half percent interest;
3. For individual annuity and pure endowment contracts issued on or after July 1, 1979, other than single premium immediate annuity contracts, excluding any disability and accidental death benefits in those contracts: The 1971 Individual Annuity Mortality Table or any individual annuity mortality table adopted after 1980 by the NAIC and approved by regulation adopted by the Commission for use in determining the minimum standard of valuation for those contracts, or any modification of those tables approved by the Commission, and five and one-half percent interest for single premium deferred annuity and pure endowment contracts and four and one-half percent interest for all other individual annuity and pure endowment contracts;
4. For annuities and pure endowments purchased prior to July 1, 1979, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under those contracts: The 1971 Group Annuity Mortality Table or any modification of that table approved by the Commission, and six percent interest; and

5. For annuities and pure endowments purchased on or after July 1, 1979, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under those contracts: The 1971 Group Annuity Mortality Table, or any group annuity mortality table adopted after 1980 by the NAIC and approved by regulation adopted by the Commission for use in determining the minimum standard of valuation for those annuities and pure endowments, or any modification of those tables approved by the Commission, and seven and one-half percent interest.

B. After July 1, 1975, any insurer may file with the Commission a written notice of its election to comply with the provisions of this section after a specified date before January 1, 1979, which shall be the operative date of this section for that insurer. However, an insurer may elect a different operative date for individual annuity and pure endowment contracts from that elected for group annuity and pure endowment contracts. If an insurer makes no election, the operative date of this section for that insurer shall be January 1, 1979.

§ 38.2-1371. Computation of minimum standard by calendar year of issue.

A. The interest rates used in determining the minimum standard for the valuation of the following shall be the calendar year statutory valuation interest rates determined as provided in subsection B:

1. Life insurance policies issued in a particular calendar year on or after the operative date of § 38.2-3209;

2. Individual annuity and pure endowment contracts issued in a particular calendar year on or after January 1, 1983, except that an insurer may elect for this to apply to all individual annuity and pure endowment contracts issued after July 1, 1982;

3. Annuities and pure endowments purchased in a particular calendar year on or after January 1, 1983, under group annuity and pure endowment contracts; and

4. The net increase, if any, in a particular calendar year after January 1, 1983, in amounts held under guaranteed interest contracts.

B. The calendar year statutory valuation interest rates, referred to in this section as "I," shall be determined as follows and the results rounded to the nearer one-quarter of one percent:

1. For life insurance:

$$I = .03 + W(R1 - .03) + (W/2)(R2 - .09);$$

2. For single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and from guaranteed interest contracts with cash settlement options:

$$I = .03 + W(R - .03).$$

For purposes of subdivisions 1 and 2:

R1 is the lesser of R and .09;

R2 is the greater of R and .09;

R is the reference interest rate defined in this section; and

W is the weighting factor defined in this section;

3. For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on an issue year basis, except as stated in subdivision 2, the formula for life insurance stated in subdivision 1 shall apply to annuities and guaranteed interest contracts with guarantee durations in excess of 10 years, and the formula for single premium immediate annuities stated in subdivision 2 shall apply to annuities and guaranteed interest contracts with guarantee duration of 10 years or less;

4. For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the formula for single premium immediate annuities stated in subdivision 2 shall apply; and

5. For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a change in fund basis, the formula for single premium immediate annuities stated in subdivision 2 shall apply.

However, if the calendar year statutory valuation interest rate for a life insurance policy issued in any calendar year determined without reference to this sentence differs from the corresponding actual rate for similar policies issued in the immediately preceding calendar year by less than one-half of one percent, the calendar year statutory valuation interest rate for the life insurance policies shall be equal to the corresponding actual rate for the immediately preceding calendar year. For purposes of applying the immediately preceding sentence, the calendar year statutory valuation interest rate for life insurance policies issued in a calendar year shall be determined for 1980, using the reference interest rate defined in 1979, and shall be determined for each subsequent calendar year regardless of when § 38.2-3209 becomes operative.

C. The weighting factors referred to in the formulas stated in subsection B are given in the following tables:

1. Weighting factors for life insurance:

Guarantee Duration (Years)	Weighting Factors
10 or less	.50
More than 10, but not more than 20	.45
More than 20	.35

For life insurance, the guarantee duration is the maximum number of years the life insurance can remain in force on a basis guaranteed in the policy or under options to convert to plans of life insurance with premium rates or nonforfeiture values, or both, that are guaranteed in the original policy.

2. Weighting factor for single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and guaranteed interest contracts with cash settlement options:

.80

3. Weighting factors for other annuities and for guaranteed interest contracts, except as stated in subdivision 2, shall be as specified in tables a, b, and c of this subdivision, according to the rules and definitions in subdivisions d, e, and f of this subdivision:

a. For annuities and guaranteed interest contracts valued on an issue year basis:

Guarantee Duration (Years)	Weighting Factor		
	For Plan Type A	Plan Type B	Type C
5 or less:	.80	.60	.50
More than 5, but not more than 10	.75	.60	.50
More than 10, but not more than 20	.65	.50	.45
More than 20	.45	.35	.35

b. For annuities and guaranteed interest contracts valued on a change in fund basis, the factors shown in table a increased by:

	Plan Type		
	A	B	C
	.15	.25	.05

c. For annuities and guaranteed interest contracts valued on an issue year basis, other than those with no cash settlement options, that do not guarantee interest on considerations received more than one year after issue or purchase and for annuities and guaranteed interest contracts valued on a change in fund basis that do not guarantee interest rates on considerations received more than 12 months beyond the valuation date, the factors shown in table a or derived in table b increased by:

	Plan Type		
	A	B	C
	.05	.05	.05

d. For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, the guarantee duration is the number of years for which the contract guarantees interest rates in excess of the calendar year statutory valuation interest rate for life insurance policies with guarantee duration in excess of 20 years. For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the guaranteed duration is the number of years from the date of issue or date of purchase to the date annuity benefits are scheduled to commence.

e. "Plan Type" as used in tables a, b, and c is defined as follows:

Plan Type A: At any time policyholder (i) may withdraw funds only with an adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurance company, (ii) may withdraw funds without an adjustment but in installments over five years or more, (iii) may withdraw funds as an immediate life annuity, or (iv) is not permitted to withdraw funds.

Plan Type B: Before expiration of the interest rate guarantee, policyholder may withdraw funds only (i) with an adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurance company, (ii) without an adjustment but in installments over five years or more, or (iii) no withdrawal permitted. At the end of interest rate guarantee, funds may be withdrawn without an adjustment in a single sum or installments over less than five years.

Plan Type C: Policyholder may withdraw funds before expiration of interest rate guarantee in a single sum or installments over less than five years either (i) without adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurance company or (ii) subject only to a fixed surrender charge stipulated in the contract as a percentage of the fund.

f. An insurer may elect to value guaranteed interest contracts with cash settlement options and annuities with cash settlement options on either an issue year basis or on a change-in-fund basis. Guaranteed interest contracts with no cash settlement options and other annuities with no cash settlement options must be valued on an issue year basis. As used in this section, an issue year basis of valuation refers to a valuation basis under which the interest rate used to determine the minimum valuation standard for the entire duration of the annuity or guaranteed interest contract is the calendar year valuation interest rate for the year of issue or year of purchase of the annuity or guaranteed interest contract, and the change-in-fund basis of valuation refers to a valuation basis under which the interest rate used to determine the minimum valuation standard applicable to each change in the fund held under the annuity or guaranteed interest contract is the calendar year valuation interest rate for the year of the change in the fund.

D. The reference interest rate referred to in subsection B shall be defined as follows:

1. For life insurance, the lesser of the average over a period of 36 months and the average over a period of 12 months, ending on June 30 of the calendar year preceding the year of issue, of the monthly average of the composite yield on seasoned corporate bonds, as published by Moody's Investors Service, Inc.

2. For single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, the average over a

period of 12 months, ending on June 30 of the calendar year of issue or year of purchase, of the monthly average of the composite yield on seasoned corporate bonds, as published by Moody's Investors Service, Inc.

3. For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a year-of-issue basis, except as stated in subdivision 2, with guarantee duration in excess of 10 years, the lesser of the average over a period of 36 months and the average over a period of 12 months, ending on June 30 of the calendar year of issue or purchase, of the monthly average of the composite yield on seasoned corporate bonds, as published by Moody's Investors Service, Inc.

4. For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a year of issue basis, except as stated in subdivision 2, with guarantee duration of 10 years or less, the average over a period of 12 months, ending on June 30 of the calendar year of issue or purchase, of the monthly average of the composite yield on seasoned corporate bonds, as published by Moody's Investors Service, Inc.

5. For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the average over a period of 12 months, ending on June 30 of the calendar year of issue or purchase, of the monthly average of the composite yield on seasoned corporate bonds, as published by Moody's Investors Service, Inc.

6. For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a change-in-fund basis, except as stated in subdivision 2, the average over a period of 12 months, ending on June 30 of the calendar year of the change in the fund, of the monthly average of the composite yield on seasoned corporate bonds, as published by Moody's Investors Service, Inc.

E. In the event that the monthly average of the composite yield on seasoned corporate bonds is no longer published by Moody's Investors Service, Inc., or in the event that the NAIC determines that the monthly average of the composite yield on seasoned corporate bonds as published by Moody's Investors Service, Inc., is no longer appropriate for the determination of the reference interest rate, then an alternative method for determination of the reference interest rate adopted by the NAIC and approved by regulation adopted by the Commission may be substituted.

§ 38.2-1372. Reserve valuation method; life insurance and endowment benefits.

A. Except as otherwise provided in §§ 38.2-1373, 38.2-1376, and 38.2-1378, reserves according to the Commissioners reserve valuation method for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums shall be the excess, if any, of the present value, at the date of valuation, of the future guaranteed benefits provided for by those policies, over the then-present value of any future modified net premiums for those policies. The modified net premiums for a policy shall be the uniform percentage of the respective contract premiums for the benefits, excluding any extra premiums charged because of impairments or special hazards, such that the present value, at the date of issue of the policy, of all modified net premiums shall be equal to the sum of the then-present value of the benefits provided for by the policy and the excess of subdivision 1 over subdivision 2, as follows:

1. A net level annual premium equal to the present value, at the date of issue, of the benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per annum payable on the first and each subsequent anniversary of the policy on which a premium falls due. However, the net level annual premium shall not exceed the net level annual premium on the nineteen-year premium whole life plan for insurance of the same amount at an age one year higher than the age at issue of the policy.

2. A net one-year term premium for the benefits provided for in the first policy year.

B. For a life insurance policy issued on or after January 1, 1986, for which the contract premium in the first policy year exceeds that of the second year and for which no comparable additional benefit is provided in the first year for the excess, and that provides an endowment benefit or a cash surrender value or a combination in an amount greater than the excess premium, the reserve according to the Commissioners reserve valuation method as of any policy anniversary occurring on or before the assumed ending date, defined herein as the first policy anniversary on which the sum of any endowment benefit and any cash surrender value then available is greater than the excess premium, shall, except as otherwise provided in § 38.2-1376, be the greater of the reserve as of the policy anniversary calculated as described in subsection A and the reserve as of the policy anniversary calculated as described in that subsection but with (i) the value defined in subdivision A 1 being reduced by 15 percent of the amount of such excess first-year premium, (ii) all present values of benefits and premiums being determined without reference to premiums or benefits provided for by the policy after the assumed ending date, (iii) the policy being assumed to mature on that date as an endowment, and (iv) the cash surrender value provided on that date being considered as an endowment benefit. In making the above comparison, the mortality and interest bases stated in §§ 38.2-1369 and 38.2-1371 shall be used.

C. Reserves according to the Commissioners reserve valuation method shall be calculated by a method consistent with the principles of the preceding subsections for:

1. Life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums;

2. Group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer, including a partnership or sole proprietorship, or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under § 408 of the Internal Revenue Code, as now or hereafter amended;

3. Disability and accidental death benefits in all policies and contracts; and

4. All other benefits, except life insurance and endowment benefits in life insurance policies and benefits provided by all other annuity and pure endowment contracts.

§ 38.2-1373. Reserve valuation method; annuity and pure endowment benefits.

A. This section shall apply to all annuity and pure endowment contracts other than group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer, including a partnership or sole proprietorship, or by an employee organization, or both, other than a plan providing individual retirement accounts or individual retirement annuities under § 408 of the Internal Revenue Code, as now or hereafter amended.

B. Reserves according to the Commissioners annuity reserve method for benefits under annuity or pure endowment contracts, excluding any disability and accidental death benefits in the contracts, shall be the greatest of the respective excesses of the present values, at the date of valuation, of the future guaranteed benefits, including guaranteed nonforfeiture benefits, provided for by the contracts at the end of each respective contract year, over the present value, at the date of valuation, of any future valuation considerations derived from future gross considerations, required by the terms of the contract, that become payable prior to the end of the respective contract year. The future guaranteed benefits shall be determined by using the mortality table, if any, and the interest rate, or rates, specified in those contracts for determining guaranteed benefits. The valuation considerations are the portions of the respective gross considerations applied under the terms of those contracts to determine nonforfeiture values.

§ 38.2-1374. Minimum reserves.

A. In no event shall an insurer's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits, be less than the aggregate reserves calculated in accordance with the methods set forth in §§ 38.2-1372, 38.2-1373, 38.2-1376, and 38.2-1377 and the mortality table or tables and rate or rates of interest used in calculating nonforfeiture benefits for those policies.

B. In no event shall the aggregate reserves for all policies, contracts, and benefits be less than the aggregate reserves determined by the appointed actuary to be necessary to render the opinion required by § 38.2-1367.

§ 38.2-1375. Optional reserve calculation.

A. Reserves for any category of policies, contracts, or benefits as established by the Commission may be calculated, at the insurer's option, according to any standards that produce greater aggregate reserves for the category than those calculated according to the minimum standard provided in this article, but the rate or rates of interest used for policies and contracts other than annuity and pure endowment contracts shall not be higher than the corresponding rate or rates of interest used in calculating any nonforfeiture benefits provided for in those policies and contracts.

B. An insurer that adopts at any time a standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard provided under this article may adopt a lower standard of valuation with the approval of the Commission, but not lower than the minimum provided herein, provided that, for the purposes of this section, the holding of additional reserves previously determined by the appointed actuary to be necessary to render the opinion required by § 38.2-1367 shall not be deemed to be the adoption of a higher standard of valuation.

§ 38.2-1376. Reserve calculation; valuation net premium exceeding the gross premium charged.

A. If in any contract year the gross premium charged by an insurer on a policy or contract is less than the valuation net premium for the policy or contract calculated by the method used in calculating the reserve but using the minimum valuation standards of mortality and rate of interest, the minimum reserve required for the policy or contract shall be the greater of either the reserve calculated according to the mortality table, rate of interest, and method actually used for the policy or contract or the reserve calculated by the method actually used for the policy or contract but using the minimum valuation standards of mortality and rate of interest and replacing the valuation net premium by the actual gross premium in each contract year for which the valuation net premium exceeds the actual gross premium. The minimum valuation standards of mortality and rate of interest referred to in this section are those standards stated in §§ 38.2-1369 and 38.2-1371.

B. For a life insurance policy issued on or after January 1, 1986, for which the gross premium in the first policy year exceeds that of the second year and for which no comparable additional benefit is provided in the first year for the excess and which provides an endowment benefit or a cash surrender value or a combination in an amount greater than the excess premium, the provisions of this section shall be applied as if the method actually used in calculating the reserve for the policy were the method described in § 38.2-1372, ignoring subsection B of § 38.2-1372. The minimum reserve at each policy anniversary of such a policy shall be the greater of the minimum reserve calculated in accordance with § 38.2-1372, including subsection B of that section, and the minimum reserve calculated in accordance with this section.

§ 38.2-1377. Reserve calculation; indeterminate premium plans.

In the case of a plan of life insurance that provides for future premium determination, the amounts of which are to be determined by the insurance company based on then estimates of future experience, or in the case of a plan of life insurance or annuity that is of such a nature that the minimum reserves cannot be determined by the methods described in §§ 38.2-1372, 38.2-1373, and 38.2-1376, the reserves that are held under the plan shall:

1. Be appropriate in relation to the benefits and the pattern of premiums for that plan; and
2. Be computed by a method that is consistent with the principles of this article, as determined by regulations adopted by the Commission.

§ 38.2-1378. Minimum standard for accident and health insurance contracts.

For accident and health insurance contracts issued on or after the operative date of the valuation manual, the standard prescribed in the valuation manual is the minimum standard of valuation required under subsection B of § 38.2-1366. For

disability and accident and sickness insurance contracts issued on or after January 1, 1937, and prior to the operative date of the valuation manual, the minimum standard of valuation is the standard adopted by the Commission by regulation.

§ 38.2-1379. Valuation manual for policies issued on or after the operative date of the valuation manual.

A. For policies issued on or after the operative date of the valuation manual, the standard prescribed in the valuation manual is the minimum standard of valuation required under subsection B of § 38.2-1366, except as provided under subsection E or subsection G.

B. The operative date of the valuation manual is January 1 of the first calendar year following the first July 1 as of which all of the following have occurred:

1. The valuation manual has been adopted by the NAIC by an affirmative vote of at least 42 members, or three-fourths of the members voting, whichever is greater.

2. The Standard Valuation Law, as amended by the NAIC in 2009, or legislation including substantially similar terms and provisions, has been enacted by states representing greater than 75 percent of the direct premiums written as reported in the following annual statements submitted for 2008: life, accident and health annual statements; health annual statements; or fraternal annual statements.

3. The Standard Valuation Law, as amended by the NAIC in 2009, or legislation including substantially similar terms and provisions, has been enacted by at least 42 of the following 55 jurisdictions: The 50 states of the United States, American Samoa, the American Virgin Islands, the District of Columbia, Guam, and Puerto Rico.

C. Unless a change in the valuation manual specifies a later effective date, changes to the valuation manual shall be effective on January 1 following the date when the following have occurred:

1. The change to the valuation manual has been adopted by the NAIC by an affirmative vote representing:

a. At least three-quarters of the members of the NAIC voting, but not less than a majority of the total membership; and
b. Members of the NAIC representing jurisdictions totaling greater than 75 percent of the direct premiums written as reported in the following annual statements most recently available prior to the vote in subdivision C 1 a: life, accident and health annual statements, health annual statements, or fraternal annual statements; or

2. The valuation manual becomes effective pursuant to an order of regulation adopted by the Commission.

D. The valuation manual shall specify all of the following:

1. Minimum valuation standards for and definitions of the policies or contracts subject to subsection B of § 38.2-1366. Such minimum valuation standards shall be:

a. The Commissioners reserve valuation method for life insurance contracts, other than annuity contracts, subject to subsection B of § 38.2-1366;

b. The Commissioners annuity reserve valuation method for annuity contracts subject to subsection B of § 38.2-1366; and

c. Minimum reserves for all other policies or contracts subject to subsection B of § 38.2-1366.

2. Which policies or contracts or types of policies or contracts are subject to the requirements of a principle-based valuation in subsection A of § 38.2-1380 and the minimum valuation standards consistent with those requirements;

3. For policies and contracts subject to a principle-based valuation under § 38.2-1380:

a. Requirements for the format of reports to the commissioner under subdivision B 3 of § 38.2-1380 and which reports shall include information necessary to determine if the valuation is appropriate and in compliance with this article.

b. Assumptions shall be prescribed for risks over which the company does not have significant control or influence.

c. Procedures for corporate governance and oversight of the actuarial function, and a process for appropriate waiver or modification of such procedures.

4. For policies not subject to a principle-based valuation under § 38.2-1380, the minimum valuation standard shall either:

a. Be consistent with the minimum standard of valuation prior to the operative date of the valuation manual; or

b. Develop reserves that quantify the benefits and guarantees, and the funding, associated with the contracts and their risks at a level of conservatism that reflects conditions that include unfavorable events that have a reasonable probability of occurring.

5. Other requirements, including those relating to reserve methods, models for measuring risk, generation of economic scenarios, assumptions, margins, use of company experience, risk measurement, disclosure, certifications, reports, actuarial opinions and memorandums, transition rules, and internal controls; and

6. The data and form of the data required under § 38.2-1381 and to whom the data is required to be submitted.

The valuation manual may specify other requirements, including those for data analyses and reporting of analyses.

E. If a specific valuation requirement is absent or if a specific valuation requirement in the valuation manual is not, in the opinion of the Commission, in compliance with this article, then the insurer shall, with respect to such requirements, comply with minimum valuation standards prescribed by the Commission by regulation.

F. The Commission may engage a qualified actuary, at the expense of the insurer, to perform an actuarial examination of the insurer and opine on the appropriateness of any reserve assumption or method used by the insurer, or to review and opine on an insurer's compliance with any requirement set forth in this article. The Commission may rely upon the opinion, regarding provisions contained within this article, of a qualified actuary engaged by the Commissioner of another state, district, or territory of the United States. As used in this subsection, the term "engage" includes employment and contracting.

G. The Commission may require an insurer to change any assumption or method that in the opinion of the Commission is necessary in order to comply with the requirements of the valuation manual or this article; and the insurer shall adjust the reserves as required by the Commission. The Commission may take other disciplinary action as permitted pursuant to § 38.2-219.

§ 38.2-1380. Requirements of a principle-based valuation.

A. An insurer shall establish reserves using a principle-based valuation that meets the following conditions for policies or contracts as specified in the valuation manual:

1. Quantify the benefits and guarantees, and the funding, associated with the contracts and their risks at a level of conservatism that reflects conditions that include unfavorable events that have a reasonable probability of occurring during the lifetime of the contracts. For policies or contracts with significant tail risk, reflects conditions appropriately adverse to quantify the tail risk;

2. Incorporate assumptions, risk analysis methods and financial models, and management techniques that are consistent with, but not necessarily identical to, those utilized within the insurer's overall risk assessment process, while recognizing potential differences in financial reporting structures and any prescribed assumptions or methods;

3. Incorporate assumptions that are derived in one of the following manners:

a. The assumption is prescribed in the valuation manual.

b. For assumptions that are not prescribed, the assumptions shall:

(1) Be established utilizing the insurer's available experience, to the extent it is relevant and statistically credible; or

(2) To the extent that insurer data is not available, relevant, or statistically credible, be established utilizing other relevant, statistically credible experience; and

4. Provide margins for uncertainty, including adverse deviation and estimation error; such that the greater the uncertainty the larger the margin and resulting reserve.

B. An insurer using a principle-based valuation for one or more policies or contracts subject to this section as specified in the valuation manual shall:

1. Establish procedures for corporate governance and oversight of the actuarial valuation function consistent with those described in the valuation manual.

2. Provide to the Commission and the board of directors an annual certification of the effectiveness of the internal controls with respect to the principle-based valuation. Such controls shall be designed to assure that all material risks inherent in the liabilities and associated assets subject to such valuation are included in the valuation, and that valuations are made in accordance with the valuation manual. The certification shall be based on the controls in place as of the end of the preceding calendar year.

3. Develop, and file with the Commission upon request, a principle-based valuation report that complies with standards prescribed in the valuation manual.

C. A principle-based valuation may include a prescribed formulaic reserve component.

§ 38.2-1381. Experience reporting for policies in force on or after the operative date of the valuation manual.

An insurer shall submit mortality, morbidity, policyholder behavior, or expense experience and other data as prescribed in the valuation manual.

§ 38.2-1382. Confidentiality.

A. For purposes of this section, "confidential information" means:

1. A memorandum in support of an opinion submitted under § 38.2-1367 and any other documents, materials, and other information, including all working papers, and copies thereof, created, produced, or obtained by or disclosed to the Commission or any other person in connection with such memorandum;

2. All documents, materials, and other information, including all working papers and copies thereof created, produced, or obtained by or disclosed to the Commission or any other person in the course of an examination made under subsection F of § 38.2-1379, provided, however, that if an examination report or other material prepared in connection with an examination made under Article 4 (§ 38.2-1317 et seq.) of Chapter 13 is not held as private and confidential information under Article 4, an examination report or other material prepared in connection with an examination made under subsection F of § 38.2-1379 shall not be "confidential information" to the same extent as if such examination report or other material had been prepared under Article 4;

3. Any reports, documents, materials, and other information developed by an insurer in support of, or in connection with, an annual certification by the insurer under subdivision B 2 of § 38.2-1380 evaluating the effectiveness of the insurer's internal controls with respect to a principle-based valuation and any other documents, materials, and other information, including all working papers and copies thereof created, produced, or obtained by or disclosed to the Commission or any other person in connection with such reports, documents, materials, and other information;

4. Any principle-based valuation report developed under subdivision B 3 of § 38.2-1380 and any other documents, materials, and other information, including all working papers and copies thereof created, produced, or obtained by or disclosed to the Commission or any other person in connection with such report; and

5. Any documents, materials, data, and other information submitted by an insurer under § 38.2-1381 (which are collectively referred to in this section as "experience data") and any other documents, materials, data, and other information, including all working papers and copies thereof created or produced in connection with such experience data, in each case that includes any potentially company-identifying or personally identifiable information, that is provided to or

obtained by the Commission (which, together with any experience data, are referred to in this section as the "experience materials"), and any other documents, materials, data, and other information, including all working papers and copies thereof created, produced, or obtained by or disclosed to the Commission or any other person in connection with such experience materials.

B. Privilege for, and confidentiality of, confidential information shall be governed by the following provisions:

1. Except as provided in this section, an insurer's confidential information is confidential by law and privileged, and shall not be subject to subpoena and shall not be subject to discovery or admissible in evidence in any private civil action, provided, however, that the Commission is authorized to use the confidential information in the furtherance of any regulatory or legal action brought against an insurer as a part of the Commission's official duties;

2. Neither the Commission nor any person who received confidential information while acting under the authority of the Commission shall be permitted or required to testify in any private civil action concerning any confidential information;

3. In order to assist in the performance of the Commission's duties, the Commission may share confidential information (i) with other state, federal, and international regulatory agencies and with the NAIC and its affiliates and subsidiaries and (ii) in the case of confidential information specified in subdivisions A 1 and A 4 only, with the Actuarial Board for Counseling and Discipline or its successor upon request stating that the confidential information is required for the purpose of professional disciplinary proceedings and with state, federal, and international law-enforcement officials; in the case of clauses (i) and (ii), provided that such recipient agrees, and has the legal authority to agree, to maintain the confidentiality and privileged status of such documents, materials, data, and other information in the same manner and to the same extent as required for the Commission;

4. The Commission may receive documents, materials, data, and other information, including otherwise confidential and privileged documents, materials, data, or information, from the NAIC and its affiliates and subsidiaries, from regulatory or law-enforcement officials of other foreign or domestic jurisdictions, and from the Actuarial Board for Counseling and Discipline or its successor and shall maintain as confidential or privileged any document, material, data, or other information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or other information;

5. The Commission may enter into agreements governing sharing and use of information consistent with this subsection;

6. No waiver of any applicable privilege or claim of confidentiality in the confidential information shall occur as a result of disclosure to the Commission under this section or as a result of sharing as authorized in subdivision 3;

7. A privilege established under the law of any state or jurisdiction that is substantially similar to the privilege established under this subsection shall be available and enforced in any proceeding in, and in any court of, the Commonwealth; and

8. As used in this section, "regulatory agency," "law-enforcement agency," and "NAIC" include their employees, agents, consultants, and contractors.

C. Notwithstanding subsection B, any confidential information specified in subdivisions A 1 and A 4:

1. May be subject to subpoena for the purpose of defending an action seeking damages from the appointed actuary submitting the related memorandum in support of an opinion submitted under § 38.2-1367 or principle-based valuation report developed under subdivision B 3 § 38.2-1380 by reason of an action required by this article or by regulations adopted hereunder;

2. May otherwise be released by the Commission with the written consent of the insurer; and

3. Once any portion of a memorandum in support of an opinion submitted under § 38.2-1367 or a principle-based valuation report developed under subdivision B 3 § 38.2-1380 is cited by an insurer in its marketing or is publicly volunteered to or before a governmental agency other than a state insurance department or is released by an insurer to the news media, all portions of such memorandum or report shall no longer be confidential.

§ 38.2-1383. Single state exemption.

A. The Commission may exempt specific product forms or product lines of a domestic insurer that is licensed and doing business only in the Commonwealth from the requirements of § 38.2-1379 provided:

1. The Commission has issued an exemption in writing to the insurer and has not subsequently revoked the exemption in writing; and

2. The insurer computes reserves using assumptions and methods used prior to the operative date of the valuation manual in addition to any requirements established by the Commission and adopted by regulation.

B. For any insurance company granted an exemption under this section, §§ 38.2-1367 through 38.2-1378 shall be applicable. With respect to any insurance company applying this exemption, any reference to § 38.2-1379 found in §§ 38.2-1367 through 38.2-1378 shall not be applicable.

§ 38.2-1384. Assessment against insurers whose policies are valued.

The Commission is hereby authorized to assess against every insurer whose policies are valued a sum equal to the cost of valuation, which shall be collected by the Commission and paid directly into the state treasury and credited to the "Bureau of Insurance Special Fund - State Corporation Commission" for the maintenance of the Bureau of Insurance as provided in subsection B of § 38.2-400.

§ 38.2-1385. Article not applicable in certain cases.

Nothing in this article shall be construed to apply to any insurer in the transaction of industrial sick benefit insurance as defined in § 38.2-3544, nor to fraternal benefit societies, except for § 38.2-1367.

§ 38.2-3101. Legal reserve insurers.

Any life insurer, association or society whose policies or certificates are required to contain any provision that a person insured shall, upon surrender of the policy during his lifetime, receive a surrender value, either in cash, paid-up insurance, or extended insurance, shall be regarded as a "legal reserve insurer," and shall maintain a reserve calculated in accordance with the provisions of Article 3 10 (~~§ 38.2-3126~~ 38.2-1365 et seq.) of ~~this chapter~~ Chapter 13. Nothing in this section shall be construed to apply to any insurer in the transaction of industrial sick benefit insurance as defined in § 38.2-3544, nor to fraternal benefit societies.

§ 38.2-3209. Same; adjusted premiums for policies.

A. This section shall apply to all policies issued on or after the operative date as defined in this section. Except as provided in subsection G of this section, the adjusted premiums for any policy shall be calculated on an annual basis and shall be a uniform percentage of the respective premiums specified in the policy for each policy year, excluding amounts payable as extra premiums to cover impairments or special hazards and also excluding any uniform annual contract charge or policy fee specified in the policy in a statement of the method to be used in calculating the cash surrender values and paid-up nonforfeiture benefits, so that the present value at the date of issue of the policy of all adjusted premiums shall equal the sum of (i) the then present value of the future guaranteed benefits provided for by the policy; (ii) 1 percent of either the amount of insurance, if the insurance is uniform in amount, or the average amount of insurance at the beginning of each of the first 10 policy years; and (iii) 125 percent of the nonforfeiture net level premium as defined in subsection B of this section. However, in applying the percentage specified in (iii) of this subsection no nonforfeiture net level premium shall be deemed to exceed four percent of either the amount of insurance, if the insurance is uniform in amount, or the average amount of insurance at the beginning of each of the first ten policy years. The date of issue of a policy for the purpose of this section shall be the date as of which the rated age of the insured is determined.

B. The nonforfeiture net level premium shall equal the present value, at the date of issue of the policy, of the guaranteed benefits provided for by the policy divided by the present value, at the date of issue of the policy, of an annual annuity of one dollar payable on the date of issue of the policy and on each anniversary of the policy on which a premium falls due.

C. For a policy that provides, on a basis guaranteed in the policy, unscheduled changes in benefits or premiums, or both, or that provides an option for changes in benefits or premiums, or both, other than a change to a new policy, the adjusted premiums and present values shall initially be calculated on the assumption that future benefits and premiums do not change from those stipulated at the date of issue of the policy. At the time of any change in the benefits or premiums, the future adjusted premiums, nonforfeiture net level premiums and present values shall be recalculated on the assumption that future benefits and premiums do not change from those stipulated by the policy immediately after the change.

D. Except as otherwise provided in subsection G of this section, the recalculated future adjusted premiums for any policy referred to in subsection C of this section shall be a uniform percentage of the respective future premiums specified in the policy for each policy year, excluding amounts payable as extra premiums to cover impairments and special hazards, and also excluding any uniform annual contract charge or policy fee specified in the policy in a statement of the method to be used in calculating the cash surrender values and paid-up nonforfeiture benefits, so that the present value at the time of change to the newly defined benefits or premiums of all future adjusted premiums shall equal the excess of (1) over (2), where (1) is (i) the then present value of the then future guaranteed benefits provided for by the policy plus (ii) any additional expense allowance and (2) is the then cash surrender value, if any, or present value of any paid-up nonforfeiture benefit under the policy.

E. The additional expense allowance, at the time of the change to the newly defined benefits or premiums, shall be the sum of (i) 1 percent of the excess, if positive, of the average amount of insurance at the beginning of each of the first 10 policy years after the change over the average amount of insurance before the change at the beginning of each of the first 10 policy years after the time of the most recent previous change, or, if there has been no previous change, the date of issue of the policy and (ii) 125 percent of the increase, if positive, in the nonforfeiture net level premium.

F. The recalculated nonforfeiture net level premium shall equal (1) divided by (2), where (1) is the sum of (i) the nonforfeiture net level premium applicable before the change times the present value of an annual annuity of one dollar payable on each anniversary of the policy on or after the date of the change on which a premium would have fallen due had the change not occurred, and (ii) the present value of the increase in future guaranteed benefits provided by the policy, and (2) is the present value of an annual annuity of one dollar payable on each anniversary of the policy on or after the date of change on which a premium falls due.

G. Notwithstanding any other provisions of this section, for a policy issued on a substandard basis that provides reduced graded amounts of insurance so that, in each policy year, the policy has the same tabular mortality cost as an otherwise similar policy issued on the standard basis that provides higher uniform amounts of insurance, adjusted premiums and present values for the substandard policy may be calculated as if it were issued to provide the higher uniform amounts of insurance on the standard basis.

H. All adjusted premiums and present values referred to in §§ 38.2-3202 through 38.2-3213 shall for all policies of ordinary insurance be calculated on the basis of (i) the Commissioners 1980 Standard Ordinary Mortality Table or (ii) at the election of the insurer for any one or more specified plans of life insurance, the Commissioners 1980 Standard Ordinary

Mortality Table with Ten-Year Select Mortality Factors. The premiums and values shall for all policies of industrial insurance be calculated on the basis of the Commissioners 1961 Standard Industrial Mortality Table. The premiums and values shall for all policies issued in a particular calendar year be calculated on the basis of a rate of interest not exceeding the nonforfeiture interest rate as defined in this section for policies issued in that calendar year, provided that:

1. At the insurer's option, calculations for all policies issued in a particular calendar year may be made on the basis of a rate of interest not exceeding the nonforfeiture interest rate, as defined in this section, for policies issued in the immediately preceding calendar year;

2. Under any paid-up nonforfeiture benefit, including any paid-up dividend additions, any cash surrender value available, whether or not required by § 38.2-3202, shall be calculated on the basis of the mortality table and rate of interest used in determining the amount of the paid-up nonforfeiture benefit and any paid-up dividend additions;

3. An insurer may calculate the amount of any guaranteed paid-up nonforfeiture benefit, including any paid-up additions, under the policy on the basis of an interest rate no lower than that specified in the policy for calculating cash surrender values;

4. In calculating the present value of any paid-up term insurance with any accompanying pure endowment offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1980 Extended Term Insurance Table for policies of ordinary insurance and not more than the Commissioners 1961 Industrial Extended Term Insurance Table for policies of industrial insurance;

5. For insurance issued on a substandard basis, the calculation of any adjusted premiums and present values may be based on appropriate modifications of the tables referred to in this section;

6. ~~Any~~ For policies issued prior to the operative date of the valuation manual, any Commissioners Standard ordinary mortality tables adopted after 1980 by the National Association of Insurance Commissioners (NAIC) and approved by the Commission for use in determining the minimum nonforfeiture standard may be substituted for the Commissioners 1980 Standard Ordinary Mortality Table with or without Ten-Year Select Mortality Factors or for the Commissioners 1980 Extended Term Insurance Table. "Operative date of the valuation manual" means the January 1 of the first calendar year that the valuation manual as defined in § 38.2-1365 is effective.

For policies issued on or after the operative date of the valuation manual, the valuation manual shall provide the Commissioners Standard mortality table for use in determining the minimum nonforfeiture standard that may be substituted for the Commissioners 1980 Standard Ordinary Mortality Table with or without Ten-Year Select Mortality Factors or for the Commissioners 1980 Extended Term Insurance Table. If the Commission approves by regulation any Commissioners Standard ordinary mortality table adopted by the NAIC for use in determining the minimum nonforfeiture standard for policies issued on or after the operative date of the valuation manual, then that minimum nonforfeiture standard supersedes the minimum nonforfeiture standard provided by the valuation manual; and

7. ~~Any~~ For policies issued prior to the operative date of the valuation manual, any Commissioners Standard industrial mortality tables adopted after 1980 by the National Association of Insurance Commissioners and approved by the Commission for use in determining the minimum nonforfeiture standard may be substituted for the Commissioners 1961 Standard Industrial Mortality Table or the Commissioners 1961 Industrial Extended Term Insurance Table.

For policies issued on or after the operative date of the valuation manual, the valuation manual shall provide the Commissioners Standard mortality table for use in determining the minimum nonforfeiture standard that may be substituted for the Commissioners 1961 Standard Industrial Mortality Table or the Commissioners 1961 Industrial Extended Term Insurance Table. If the Commission approves by regulation any Commissioners Standard industrial mortality table adopted by the NAIC for use in determining the minimum nonforfeiture standard for policies issued on or after the operative date of the valuation manual, then that minimum nonforfeiture standard supersedes the minimum nonforfeiture standard provided by the valuation manual.

I. The nonforfeiture annual interest rate for any policy issued in a particular calendar year shall:

1. For policies issued prior to the operative date of the valuation manual, shall equal 125 percent of the calendar year statutory valuation interest rate for the policy as defined in §§ ~~38.2-3130 through 38.2-3142~~ Article 10 (§ 38.2-1365 et seq.) of Chapter 13, rounded to the nearest one-quarter percent, provided, however, that the nonforfeiture annual interest rate shall not be less than four percent; and

2. For policies issued on or after the operative date of the valuation manual, shall be provided by the valuation manual.

J. Any refile of nonforfeiture values or their methods of computation for any previously approved policy form that involves only a change in the interest rate or mortality table used to compute nonforfeiture values shall not require refile of any other provisions of that policy form.

K. After July 1, 1982, any insurer may file with the Commission a written notice of its election to comply with the provisions of this section after a specified date before January 1, 1989, which shall be the operative date of this section for that insurer. If an insurer makes no election, the operative date of this section for that insurer shall be January 1, 1989.

§ 38.2-3723. Reserves.

A. Each insurer licensed to write credit life insurance in the Commonwealth shall establish and maintain reserves on all its credit life insurance. The minimum standard for the valuation for such reserves:

1. For both male and female insureds shall be the 2001 Commissioners' Standard Ordinary (CSO) Male Composite Ultimate Mortality Table as adopted by the National Association of Insurance Commissioners;

2. Where the credit life policy or certificate insures two lives shall be twice the 2001 CSO Male Composite Ultimate Mortality Table based on the age of the older insured;

3. Shall use, for the interest rate calculation, the calendar year statutory valuation interest rates determined pursuant to §§ ~~38.2-3132 through 38.2-3136~~ 38.2-1371; and

4. Shall use, as the method of valuation, the Commissioners reserve valuation method set forth in § ~~38.2-3137~~ 38.2-1372.

Reserves may be calculated on an annual or a monthly basis with a reasonable assumption, subject to statistical proof, as to average ages at issue or at expiration.

B. Each insurer licensed to write credit accident and sickness insurance in the Commonwealth shall establish and maintain reserves on all its credit accident and sickness insurance. For contracts other than single premium credit disability contracts, the minimum standard for the valuation of such reserves shall be the total gross unearned premiums calculated by the actuarial method, but not less than the aggregate amounts calculated as of the valuation date by the refund formulas approved for the policies by the Commission pursuant to subsection C of § 38.2-3729. For single premium credit disability contracts, the minimum standard for valuation of such reserves:

1. For plans having less than a 15-day elimination period, the morbidity standard shall be the 1985 Commissioners' Individual Disability Table A as adopted by the NAIC (85CIDA) with claim incidence rates increased by 12 percent;

2. For plans having a greater than 14-day elimination period, the morbidity standard shall be the 85CIDA for a 14-day elimination period with claim incidence rates increased by 12 percent; and

3. The interest rate used shall be the calendar year statutory valuation interest rate for valuation of whole life insurance determined pursuant to §§ ~~38.2-3132 through 38.2-3136~~ 38.2-1371.

It may be assumed that all business written in any calendar month was written as of the fifteenth of such month.

C. For all credit life and disability contracts in the aggregate, if the net premium refund liability exceeds the aggregate recorded contract reserve, the insurer shall establish an additional reserve liability that is equal to the excess of the net refund liability over the contract reserve recorded. The net refund liability may include consideration of commission, premium tax, and other expenses recoverable. In all cases, such amounts shall be evaluated for probability of recovery.

D. In no event shall the aggregate reserves for all policies, contracts and benefits be less than the aggregate reserves determined by a qualified actuary to be necessary to support fully the insurer's obligations under its policies, certificates and contracts.

§ 38.2-4123. Exemptions.

Except as herein provided, societies shall be governed by this chapter and §§ 38.2-100 through 38.2-134, Chapters 2 (§ 38.2-200 et seq.) through 9 (§ 38.2-900 et seq.), §§ 38.2-1300 through 38.2-1315, 38.2-1315.1, ~~and 38.2-1317 through 38.2-1340, and 38.2-1367~~, Chapters 14 (§ 38.2-1400 et seq.), 15 (§ 38.2-1500 et seq.), and 18 (§ 38.2-1800 et seq.), §§ 38.2-3100 through 38.2-3125; ~~38.2-3127.1~~, and 38.2-3300 through 38.2-3317, Chapter 34 (§ 38.2-3400 et seq.), §§ 38.2-3500 through 38.2-3520, Chapter 36 (§ 38.2-3600 et seq.), Chapter 52 (§ 38.2-5200 et seq.), and Chapter 55 (§ 38.2-5500 et seq.), and shall be exempt from all other provisions of this title unless expressly designated therein, or unless they are specifically made applicable by this chapter.

2. That Article 3 (§§ 38.2-3126 through 38.2-3144) of Chapter 31 of Title 38.2 of the Code of Virginia is repealed.

3. That the provisions of this act shall become effective on January 1, 2015.

CHAPTER 572

An Act to amend and reenact §§ 51.5-72 and 51.5-75 of the Code of Virginia and to repeal §§ 51.5-68 and 51.5-69 of the Code of Virginia, relating to registry of blind persons.

[H 664]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 51.5-72 and 51.5-75 of the Code of Virginia are amended and reenacted as follows:

§ 51.5-72. Establishment of schools and manufacturing and service industries; expenditures.

The Department may (i) establish, equip and maintain schools for manufacturing and service industrial training for the employment of suitable blind persons, (ii) pay its employees suitable wages and contribute five percent of the creditable compensation of those employees who elect to participate in a before-tax payroll deduction to a tax deferred retirement savings plan established under the United States Internal Revenue Code for nonprofit agencies, and (iii) devise means for the sale and distribution of the products thereof. However, any expenditures made under §§ 51.5-63, 51.5-66; ~~51.5-68~~, and 51.5-72 through 51.5-76 shall not exceed the annual appropriation or the amount received by way of bequest or donation during any one year, and no part of the funds appropriated by the Commonwealth for the purposes of §§ 51.5-63, 51.5-66; ~~51.5-68~~, and 51.5-72 through 51.5-76 shall be used for solely charitable purposes.

§ 51.5-75. Use of earnings of schools and workshops; record of receipts and expenditures.

In furtherance of the purposes of §§ 51.5-63, 51.5-66; ~~51.5-68~~, and 51.5-72 through 51.5-76, the Department shall have authority to use any receipts or earnings that accrue from the operation of industrial schools and workshops as provided in such sections, but a detailed statement of receipts or earnings and expenditures shall be carefully kept.

2. That §§ 51.5-68 and 51.5-69 of the Code of Virginia are repealed.

CHAPTER 573

An Act to amend and reenact § 15.2-705 of the Code of Virginia, relating to county manager plan; special election.

[H 666]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-705 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-705. Election of members of board; filling vacancies.

A. In any county operating as of December 1, 1993, under the county manager plan provided for in this chapter, the members of the board shall be elected and vacancies on the board shall be filled as provided in this section. The members of the board shall be elected from the county at large.

B. Two board members shall be elected at the November 1995 election to succeed the members whose terms are expiring, and one member each shall be elected at the 1994, 1996, and 1997 November elections to succeed the members whose terms respectively are expiring. Thereafter at each regular November election one or more board members shall be elected to succeed the members whose terms expire on or before January 1 next succeeding such election. The members so elected shall be elected for terms of four years each, shall take office on January 1 next succeeding their election, and shall hold office until their successors are elected and qualify.

C. Notwithstanding the provisions of § 24.2-226, when any vacancy occurs in the membership of the board, the judge of the circuit court of the county shall call a special election for the remainder of the unexpired term to be held not less than ~~forty-five~~ 60 days and not more than ~~sixty~~ 80 days thereafter, and the local electoral board shall determine and announce within three business days after such call the candidate filing deadline for that special election. However, if any vacancy occurs within 180 days before the expiration of a term of office, the vacancy shall be filled by appointment by a majority vote of the remaining members of the board within ~~thirty~~ 30 days of the occurrence of the vacancy after holding a public hearing on the appointment. The appointment shall be for the duration of the unexpired term.

CHAPTER 574

An Act to amend and reenact §§ 24.2-707 and 24.2-711 of the Code of Virginia, relating to absentee ballots; date requirement.

[H 669]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-707 and 24.2-711 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-707. How ballots marked and returned by mail; cast in person; cast on voting equipment.

On receipt of a mailed absentee ballot, the voter shall, in the presence of a witness, (i) open the sealed envelope marked "ballot within" and (ii) mark and refold the ballot, as provided in §§ 24.2-644 and 24.2-646 without assistance and without making known how he marked the ballot, except as provided by § 24.2-704.

After the voter has marked his absentee ballot, he shall (a) enclose the ballot in the envelope provided for that purpose, (b) seal the envelope, (c) fill in and sign the statement printed on the back of the envelope in the presence of a witness, who shall sign the same envelope, (d) enclose the ballot envelope and any required assistance form within the envelope directed to the electoral board, and (e) seal that envelope and mail it to the office of the electoral board or deliver it personally to the electoral board or the general registrar. *A voter's failure to provide the date, or any part of the date, including the year, on which he signed the statement printed on the back of the envelope shall not be considered a material omission and shall not render his ballot void.* For purposes of this chapter, "mail" shall include delivery by a commercial delivery service, but shall not include delivery by a personal courier service or another individual except as provided by §§ 24.2-703.2 and 24.2-705.

An applicant who makes his application to vote in person at a time when the printed ballots for the election are available shall follow the same procedure set forth above except that he may complete the procedure in person in the office of the general registrar or secretary of the electoral board, or at another location or locations in the county or city approved by the electoral board, before a registrar or a member of the electoral board, or, if a ballot is cast at that time, before the officers of election appointed by the electoral board. Any such location shall be in a public building owned or leased by the city, the county, or a town within the county, with adequate facilities for the protection of all records concerning the absentee voters, the absentee ballots, both voted and unvoted, and any voting equipment in use at the location. Such location may be in a facility owned or leased by the Commonwealth and used as a location for Department of Motor Vehicles facilities and for an office of the general registrar. Such location shall be deemed the equivalent of the office of the general registrar or secretary of the electoral board for the purpose of completing the application for an absentee ballot in person pursuant to §§ 24.2-701 and 24.2-706. On the request of the applicant, made no later than 5:00 p.m. on the seventh day prior to the

election in which the applicant offers to vote, the general registrar or the secretary may send the items set forth in subdivisions 1 through 4 of § 24.2-706 to the applicant by mail, obtaining a certificate of mailing.

Failure to follow the procedures set forth above shall render the applicant's ballot void.

The electoral board of any county or city using a central absentee voting precinct may provide for the casting of absentee ballots on voting equipment prior to election day by applicants who are voting in person. The State Board shall prescribe procedures for the use of voting equipment. The procedures shall provide for the casting of absentee ballots prior to election day by in-person applicants on voting equipment which has been certified, and is currently approved, by the State Board. The procedures shall be applicable and uniformly applied by the State Board to all jurisdictions using comparable voting equipment. At least two officers of election, one representing each political party, shall be present during all hours that absentee voting is available at any location at which absentee ballots are cast prior to election day.

The requirement that officers of election shall be present if ballots are cast on voting equipment prior to election day shall not be applicable when the voting equipment is located in the office of the general registrar or secretary of the electoral board and the general registrar, an assistant registrar, or the secretary of the electoral board is present.

§ 24.2-711. Duties of officers of election.

Before the polls open, the officers of election at each precinct shall mark, for each person on the absentee voter applicant list, the letters "AB" (meaning absentee ballot) in the voting record column on the pollbook. The pollbook may be so marked prior to election day by the general registrar, the secretary of the electoral board, or staff under the direction of the general registrar or the secretary, or when the pollbook is produced by the State Board pursuant to § 24.2-404. If the pollbook has been marked prior to election day, before the polls open the officers of election at each precinct shall check the marks for accuracy and make any additions or corrections required.

The chief officer of election shall keep the copy of the absentee voter applicant list in the polling place as a public record open for inspection upon request at all times while the polls are open.

If a voter, whose name appears on the absentee voter applicant list, has not returned an unused ballot and offers to vote in his precinct, the officers of election in the precinct shall determine the matter pursuant to §§ 24.2-653.1 and 24.2-708.

Immediately after the close of the polls, the container of absentee ballots shall be opened by the officers of election. As each ballot envelope is removed from the container, the name of the voter shall be called and checked as if the voter were voting in person. If the voter is found entitled to vote, an officer shall mark the voter's name on the pollbook with the first or next consecutive number from the voter count form, or shall enter that the voter has voted if the pollbook is in electronic form. The ballot envelope shall then be opened, and the ballot deposited in the ballot container without being unfolded or examined. If the voter is found not entitled to vote, the unopened envelope shall be rejected. *An unopened envelope shall not be rejected on the sole basis of a voter's failure to provide the date, or any part of the date, including the year, on which he signed the statement printed on the back of the envelope.* A majority of the officers shall write and sign a statement of the cause for rejection on the envelope or on an attachment to the envelope.

When all ballots have been accounted for and either voted or rejected, the officers shall place the empty ballot envelopes, the return envelopes, and any rejected ballot envelopes, in one envelope provided for the purpose and seal and deliver it with the ballots cast at the election as provided in this title.

CHAPTER 575

An Act to amend and reenact §§ 24.2-707 and 24.2-711 of the Code of Virginia, relating to absentee ballots; name and signature of voter.

[H 670]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-707 and 24.2-711 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-707. How ballots marked and returned by mail; cast in person; cast on voting equipment.

On receipt of a mailed absentee ballot, the voter shall, in the presence of a witness, (i) open the sealed envelope marked "ballot within" and (ii) mark and refold the ballot, as provided in §§ 24.2-644 and 24.2-646 without assistance and without making known how he marked the ballot, except as provided by § 24.2-704.

After the voter has marked his absentee ballot, he shall (a) enclose the ballot in the envelope provided for that purpose, (b) seal the envelope, (c) fill in and sign the statement printed on the back of the envelope in the presence of a witness, who shall sign the same envelope, (d) enclose the ballot envelope and any required assistance form within the envelope directed to the electoral board, and (e) seal that envelope and mail it to the office of the electoral board or deliver it personally to the electoral board or the general registrar. *A voter's failure to provide in the statement on the back of the envelope his full middle name or his middle initial shall not be a material omission, rendering his ballot void, unless the voter failed to provide in the statement on the back of the envelope his full first and last name.* For purposes of this chapter, "mail" shall include delivery by a commercial delivery service, but shall not include delivery by a personal courier service or another individual except as provided by §§ 24.2-703.2 and 24.2-705.

An applicant who makes his application to vote in person at a time when the printed ballots for the election are available shall follow the same procedure set forth above except that he may complete the procedure in person in the office

of the general registrar or secretary of the electoral board, or at another location or locations in the county or city approved by the electoral board, before a registrar or a member of the electoral board, or, if a ballot is cast at that time, before the officers of election appointed by the electoral board. Any such location shall be in a public building owned or leased by the city, the county, or a town within the county, with adequate facilities for the protection of all records concerning the absentee voters, the absentee ballots, both voted and unvoted, and any voting equipment in use at the location. Such location may be in a facility owned or leased by the Commonwealth and used as a location for Department of Motor Vehicles facilities and for an office of the general registrar. Such location shall be deemed the equivalent of the office of the general registrar or secretary of the electoral board for the purpose of completing the application for an absentee ballot in person pursuant to §§ 24.2-701 and 24.2-706. On the request of the applicant, made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, the general registrar or the secretary may send the items set forth in subdivisions 1 through 4 of § 24.2-706 to the applicant by mail, obtaining a certificate of mailing.

Failure to follow the procedures set forth above shall render the applicant's ballot void.

The electoral board of any county or city using a central absentee voting precinct may provide for the casting of absentee ballots on voting equipment prior to election day by applicants who are voting in person. The State Board shall prescribe procedures for the use of voting equipment. The procedures shall provide for the casting of absentee ballots prior to election day by in-person applicants on voting equipment which has been certified, and is currently approved, by the State Board. The procedures shall be applicable and uniformly applied by the State Board to all jurisdictions using comparable voting equipment. At least two officers of election, one representing each political party, shall be present during all hours that absentee voting is available at any location at which absentee ballots are cast prior to election day.

The requirement that officers of election shall be present if ballots are cast on voting equipment prior to election day shall not be applicable when the voting equipment is located in the office of the general registrar or secretary of the electoral board and the general registrar, an assistant registrar, or the secretary of the electoral board is present.

§ 24.2-711. Duties of officers of election.

Before the polls open, the officers of election at each precinct shall mark, for each person on the absentee voter applicant list, the letters "AB" (meaning absentee ballot) in the voting record column on the pollbook. The pollbook may be so marked prior to election day by the general registrar, the secretary of the electoral board, or staff under the direction of the general registrar or the secretary, or when the pollbook is produced by the State Board pursuant to § 24.2-404. If the pollbook has been marked prior to election day, before the polls open the officers of election at each precinct shall check the marks for accuracy and make any additions or corrections required.

The chief officer of election shall keep the copy of the absentee voter applicant list in the polling place as a public record open for inspection upon request at all times while the polls are open.

If a voter, whose name appears on the absentee voter applicant list, has not returned an unused ballot and offers to vote in his precinct, the officers of election in the precinct shall determine the matter pursuant to §§ 24.2-653.1 and 24.2-708.

Immediately after the close of the polls, the container of absentee ballots shall be opened by the officers of election. As each ballot envelope is removed from the container, the name of the voter shall be called and checked as if the voter were voting in person. If the voter is found entitled to vote, an officer shall mark the voter's name on the pollbook with the first or next consecutive number from the voter count form, or shall enter that the voter has voted if the pollbook is in electronic form. The ballot envelope shall then be opened, and the ballot deposited in the ballot container without being unfolded or examined. If the voter is found not entitled to vote, the unopened envelope shall be rejected. *An unopened envelope shall not be rejected on the sole basis of a voter's failure to provide in the statement on the back of the unopened envelope his full middle name or his middle initial, unless the voter also failed to provide his full first and last name.* A majority of the officers shall write and sign a statement of the cause for rejection on the envelope or on an attachment to the envelope.

When all ballots have been accounted for and either voted or rejected, the officers shall place the empty ballot envelopes, the return envelopes, and any rejected ballot envelopes, in one envelope provided for the purpose and seal and deliver it with the ballots cast at the election as provided in this title.

CHAPTER 576

An Act to amend and reenact §§ 24.2-101, 24.2-531, 24.2-603.1, 24.2-609, 24.2-612, 24.2-613, 24.2-623, 24.2-625, 24.2-626, 24.2-627, 24.2-629, 24.2-633, 24.2-634, 24.2-638, 24.2-639, 24.2-641, 24.2-642, 24.2-645, 24.2-646, 24.2-647, 24.2-648, 24.2-649, 24.2-653, 24.2-653.1, 24.2-654, 24.2-657, 24.2-658, 24.2-659, 24.2-663, 24.2-671.1, 24.2-712, 24.2-801, 24.2-801.1, and 24.2-802 of the Code of Virginia and to repeal §§ 24.2-628 and 24.2-640 of the Code of Virginia, relating to voting technology.

[H 679]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-101, 24.2-531, 24.2-603.1, 24.2-609, 24.2-612, 24.2-613, 24.2-623, 24.2-625, 24.2-626, 24.2-627, 24.2-629, 24.2-633, 24.2-634, 24.2-638, 24.2-639, 24.2-641, 24.2-642, 24.2-645, 24.2-646, 24.2-647, 24.2-648, 24.2-649, 24.2-653, 24.2-653.1, 24.2-654, 24.2-657, 24.2-658, 24.2-659, 24.2-663, 24.2-671.1, 24.2-712, 24.2-801, 24.2-801.1, and 24.2-802 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-101. Definitions.

As used in this title, unless the context requires a different meaning:

"Ballot scanner machine" means the electronic counting machine in which a voter inserts a marked ballot to be scanned and the results tabulated.

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. "Candidate" shall include a person who seeks the nomination of a political party or who, by reason of receiving the nomination of a political party for election to an office, is referred to as its nominee. For the purposes of Chapters 8 (§ 24.2-800 et seq.), 9.3 (§ 24.2-945 et seq.), and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any write-in candidate. However, no write-in candidate who has received less than 15 percent of the votes cast for the office shall be eligible to initiate an election contest pursuant to Article 2 (§ 24.2-803 et seq.) of Chapter 8. For the purposes of Chapters 9.3 (§ 24.2-945 et seq.) and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, excluding federal offices, or one of its governmental units in a party nomination process or general, primary, or special election; and such person shall be considered a candidate until a final report is filed pursuant to Article 3 (§ 24.2-947 et seq.) of Chapter 9.3.

"Central absentee voter precinct" means a precinct established by a county or city pursuant to § 24.2-712 for the processing of absentee ballots for the county or city or any combination of precincts within the county or city.

"Constitutional office" or "constitutional officer" means a county or city office or officer referred to in Article VII, Section 4 of the Constitution of Virginia: clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer.

(Effective July 1, 2014) "Department of Elections" means the state agency headed by the Commissioner of Elections.

"Direct recording electronic machine" or "DRE" means the electronic voting machine on which a voter touches areas of a computer screen, or uses other control features, to mark a ballot and his vote is recorded electronically.

"Election" means a general, primary, or special election.

"Election district" means the territory designated by proper authority or by law which is represented by an official elected by the people, including the Commonwealth, a congressional district, a General Assembly district, or a district for the election of an official of a county, city, town, or other governmental unit.

"Electoral board" or "local electoral board" means a board appointed pursuant to § 24.2-106 to administer elections for a county or city. The electoral board of the county in which a town or the greater part of a town is located shall administer the town's elections.

"Entrance of polling place" or "entrance to polling place" means an opening in the wall used for ingress to a structure.

"General election" means an election held in the Commonwealth on the Tuesday after the first Monday in November or on the first Tuesday in May for the purpose of filling offices regularly scheduled by law to be filled at those times.

"Machine-readable ballot" means a tangible ballot that is marked by a voter or by a system or device operated by a voter and then fed into and scanned by a counting machine capable of reading ballots and tabulating results.

"Officer of election" means a person appointed by an electoral board pursuant to § 24.2-115 to serve at a polling place for any election.

"Paper ballot" means a tangible ballot that is marked by a voter and then manually counted.

"Party" or "political party" means an organization of citizens of the Commonwealth which, at either of the two preceding statewide general elections, received at least 10 percent of the total vote cast for any statewide office filled in that election. The organization shall have a state central committee and an office of elected state chairman which have been continually in existence for the six months preceding the filing of a nominee for any office.

"Person with a disability" means a person with a disability as defined by the Virginians with Disabilities Act (§ 51.5-1 et seq.).

"Polling place" means the structure that contains the one place provided for each precinct at which the qualified voters who are residents of the precinct may vote.

"Precinct" means the territory designated by the governing body of a county, city, or town to be served by one polling place.

"Primary" or "primary election" means an election held for the purpose of selecting a candidate to be the nominee of a political party for election to office.

"Printed ballot" means a tangible ballot that is printed on paper and includes both machine-readable ballots and paper ballots.

"Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and who is (i) 18 years of age on or before the day of the election or qualified pursuant to § 24.2-403 or subsection D of § 24.2-544, (ii) a resident of the Commonwealth and of the precinct in which he offers to vote, and (iii) a registered voter. No person who has been convicted of a felony shall be a qualified voter unless his civil rights have been restored by the Governor or other appropriate authority. No person adjudicated incapacitated shall be a qualified voter unless his capacity has been reestablished as provided by law. Whether a signature should be counted towards satisfying the signature requirement of any petition shall be determined based on the signer of the petition's qualification to vote. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition, "qualified

voter" shall include only persons maintained on the Virginia voter registration system (a) with active status and (b) with inactive status who are qualified to vote for the office for which the petition was circulated.

"Qualified voter in a town" means a person who is a resident within the corporate boundaries of the town in which he offers to vote, duly registered in the county of his residence, and otherwise a qualified voter.

"Referendum" means any election held pursuant to law to submit a question to the voters for approval or rejection.

"Registered voter" means any person who is maintained on the Virginia voter registration system. All registered voters shall be maintained on the Virginia voter registration system with active status unless assigned to inactive status by a general registrar in accordance with Chapter 4 (§ 24.2-400 et seq.). For purposes of applying the precinct size requirements of § 24.2-307, calculating election machine requirements pursuant to Article 3 (§ 24.2-625 et seq.) of Chapter 6, mailing notices of local election district, precinct or polling place changes as required by subdivision 13 of § 24.2-114 and § 24.2-306, and determining the number of signatures required for candidate and voter petitions, "registered voter" shall include only persons maintained on the Virginia voter registration system with active status. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition, "registered voter" shall include only persons maintained on the Virginia voter registration system (i) with active status and (ii) on inactive status who are qualified to vote for the office for which the petition was circulated.

"Registration records" means all official records concerning the registration of qualified voters and shall include all records, lists, applications, and files, whether maintained in books, on cards, on automated data bases, or by any other legally permitted record-keeping method.

"Residence" or "resident," for all purposes of qualification to register and vote, means and requires both domicile and a place of abode. To establish domicile, a person must live in a particular locality with the intention to remain. A place of abode is the physical place where a person dwells.

"Special election" means any election that is held pursuant to law to fill a vacancy in office or to hold a referendum.

"State Board" or "Board" means the State Board of Elections.

"Virginia voter registration system" or "voter registration system" means the automated central record-keeping system for all voters registered within the Commonwealth that is maintained as provided in Article 2 (§ 24.2-404 et seq.) of Chapter 4.

"Voting system" means the electronic voting and counting machines used at elections. This term includes direct recording electronic machines (DRE) and ballot scanner machines.

§ 24.2-531. Pollbooks used during primaries.

There shall be pollbooks in the form set forth in § 24.2-611 ~~and a separate ballot container provided for each party taking part in provided for use during any primary. The ballot container for each party shall have plainly marked upon its top the words "Primary Ballot Container" and the name of the party.~~

§ 24.2-603.1. Postponement of certain elections; state of emergency.

For purposes of this section, "election" means (i) any local or state referendum, (ii) any primary, special, or general election for local or state office except a general election for Governor, Lieutenant Governor, Attorney General and the General Assembly, (iii) any primary for federal office including any primary for the nomination of candidates for the office of President of the United States, or (iv) any federal special election to fill a vacancy in the United States Senate or the United States House of Representatives. In the event of a state of emergency declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 or declared by the President of the United States or the governor of another state pursuant to law and confirmed by the Governor by an executive order, the Governor may postpone an election by executive order in areas affected by the emergency to a date, notwithstanding the provisions of § 24.2-682, not to exceed 14 days from the original date of the election.

If a local governing body determines that a longer postponement is required, it may petition a three-judge panel of the Virginia Supreme Court, to include the Chief Justice as the presiding Justice, for an extension. The Chief Justice shall choose the other two Justices by lot. The Court may postpone the election to a date it deems appropriate, notwithstanding the provisions of § 24.2-682, not to exceed 30 days from the original date of the election.

Only those persons duly registered to vote as of the original date of the election shall be entitled to vote in the rescheduled election.

If, as a direct result of the emergency, any ballots already cast at the polling places or equipment on which ballots have been cast, or any voted absentee ballots already received by the appropriate election officials or any equipment on which absentee ballots have already been cast have been destroyed or otherwise damaged so that such ballots cannot be counted ~~by the counting device or counted~~ manually *or by a voting system*, the Governor (i) shall specify that such ballots or votes previously cast by machinery or paper need to be recast on or by the rescheduled election date so that they may be counted and (ii) shall direct the appropriate election officials to immediately send replacement absentee ballots to all absentee voters whose voted ballots are known to have been so destroyed or damaged. Such instructions may be issued by executive order separately from the executive order postponing the election. Any absentee ballots duly cast and received by the rescheduled election date and able to be counted shall be valid and counted when determining the results of the rescheduled election; however, if more than one absentee ballot is received from any voter, only the first absentee ballot received and able to be counted shall be counted. Any person who was duly registered to vote as of the original date of the election, and who has not voted, or who is permitted to recast their ballot due to the emergency, may vote by absentee ballot in accordance with the provisions of Chapter 7 (§ 24.2-700 et seq.) ~~of this title~~ in the rescheduled election. Official ballots shall not be invalidated on the basis that they contain the original election date.

If the postponement of the election is ordered after voting at the polls on the original election date has already commenced, all qualified voters in a precinct in which any voted ballots, voting equipment containing voted ballots or pollbooks recording who has already voted in that precinct have been destroyed or damaged as a direct result of the emergency, so that the votes cannot be counted or it cannot be determined who has already voted, shall be allowed to vote in the rescheduled election, and no votes cast at the polls on the original election date shall be counted. If the postponement of the election is ordered after voting at the polls on the original election date has already commenced and no ballots cast at the polls, voting equipment containing voted ballots, or pollbooks recording who has already voted in that election in that precinct have been destroyed or damaged as a direct result of the emergency, only qualified voters who had not yet voted shall be eligible to vote on the rescheduled election day and all votes cast on the original and postponed election dates shall be counted at the close of the polls on the rescheduled election day.

The provisions of § 24.2-663 requiring the voiding of all ballots received from any voter who votes more than once in the same election shall not apply to ballots otherwise lawfully cast or recast pursuant to this section; however, no more than one ballot may be counted from any voter in the same election. If one ballot has already been counted, any additional ballots from the same voter shall be void and shall not be counted. The provisions of § 24.2-1004 or any other law prohibiting any voter from voting more than once in the same election, or any oath attesting to the same, shall not apply to ballots otherwise lawfully cast or recast pursuant to this section.

No results shall be tallied or votes counted in any postponed election before the closing of the polls on the rescheduled election date. Officers of election in unaffected areas shall count and report the results for the postponed election after the close of the polls on the rescheduled election date. The counting may take place at the precinct or another location determined by the local electoral board.

The State Board shall prescribe appropriate procedures to implement this section.

§ 24.2-609. Voting booths.

Each electoral board shall provide at each polling place in its county or city one or more voting booths. At least one booth shall be an enclosure which permits the voter to vote by ~~paper printed~~ ballot in secret and is equipped with a writing surface ~~and~~, operative writing implements, and ~~adequately~~ ~~lighted~~ lighting. Enclosures for voting equipment shall provide for voting in secret and be adequately lighted. "Voting booth" includes enclosures for voting ~~paper printed~~ ballots and for voting equipment.

§ 24.2-612. List of offices and candidates filed with State Board and checked for accuracy; when ballots printed; number required.

Immediately after the expiration of the time provided by law for a candidate to qualify to have his name printed on the official ballot and prior to printing the ballots for an election, each electoral board shall forward to the State Board a list of the county, city, or town offices to be filled at the election and the names of all candidates who have filed for each office. In addition, each electoral board shall forward the name of any candidate who failed to qualify with the reason for his disqualification. On that same day, the electoral board shall also provide a copy of the notice to each disqualified candidate. The notice shall be sent by email or regular mail to the address on the candidate's certificate of candidate qualification, and such notice shall be deemed sufficient. The State Board shall promptly advise the electoral board of the accuracy of the list. The failure of any electoral board to send the list to the State Board for verification shall not invalidate any election.

Each electoral board shall have printed the number of ballots it determines will be sufficient to conduct the election.

Notwithstanding any other provisions of this title, the State Board may print or otherwise provide (i) one statewide paper ballot style for each paper ballot style in use for presidential and vice-presidential electors for use only by persons eligible to vote for those offices only under § 24.2-402 or clause (iii) or (v) of subsection B of § 24.2-416.1 or (ii) one statewide paper ballot style for each paper ballot style in use for Governor, Lieutenant Governor or Attorney General only for use as the early absentee ballot specified in § 24.2-702. The State Board may apportion or authorize the printer or vendor to apportion the costs for these ballots among the localities based on the number of ballots ordered. Any printer employed by the State Board shall execute the statement required by § 24.2-616. The State Board shall designate a representative to be present at the printing of such ballots and deliver them to the appropriate electoral boards pursuant to § 24.2-617. Upon receipt of such paper ballots, the electoral board shall affix its seal. Thereafter, such ballots shall be handled and accounted for, and the votes counted as the State Board shall specifically direct.

The electoral board shall make printed ballots available for absentee voting not later than 45 days prior to any election or within three business days of the receipt of a properly completed absentee ballot application, whichever is later. In the case of a special election, excluding for federal offices, if time is insufficient to meet the applicable deadline established herein, then the electoral board shall make printed ballots available as soon after the deadline as possible. For the purposes of this chapter, making printed ballots available includes mailing of such ballots or electronic transmission of such ballots pursuant to § 24.2-706 to a qualified absentee voter who is eligible for an absentee ballot under subdivision 2 of § 24.2-700. Not later than five days after absentee ballots are made available, each electoral board shall report to the State Board, in writing on a form approved by the State Board, whether it has complied with the applicable deadline.

Only the names of candidates for offices to be voted on in a particular election district shall be printed on the ballots for that election district.

The electoral boards shall send to the State Board a statement of the number of ~~paper~~ ballots ordered to be printed, proofs of each ~~paper and voting equipment~~ ~~printed~~ ballot for verification, and copies of each final ballot. If the State Board

finds that, in its opinion, the number of ballots ordered to be printed by any local electoral board is not sufficient, it may direct the local board to order the printing of a reasonable number of additional ballots.

§ 24.2-613. Form of ballot.

The ballots shall comply with the requirements of this title and the standards prescribed by the State Board.

For elections for federal, statewide, and General Assembly offices only, each candidate who has been nominated by a political party or in a primary election shall be identified by the name of his political party. Independent candidates shall be identified by the term "Independent." For the purpose of this section, any Independent candidate may, by producing sufficient and appropriate evidence of nomination by a "recognized political party" to the State Board, have the term "Independent" on the ballot converted to that of a "recognized political party" on the ballot and be treated on the ballot in a manner consistent with the candidates nominated by political parties. For the purpose of this section, a "recognized political party" is defined as an organization that, for at least six months preceding the filing of its nominee for the office, has had in continual existence a state central committee composed of registered voters residing in each congressional district of the Commonwealth, a party plan and bylaws, and a duly elected state chairman and secretary. A letter from the state chairman of a recognized political party certifying that a candidate is the nominee of that party and also signed by such candidate accepting that nomination shall constitute sufficient and appropriate evidence of nomination by a recognized political party. The name of the political party, the name of the "recognized political party," or term "Independent" may be shown by an initial or abbreviation to meet ballot requirements.

Except as provided for primary elections, the State Board shall determine by lot the order of the political parties, and the names of all candidates for a particular office shall appear together in the order determined for their parties. In an election district in which more than one person is nominated by one political party for the same office, the candidates' names shall appear alphabetically in their party groups under the name of the office, with sufficient space between party groups to indicate them as such. For the purpose of this section and § 24.2-640, except as provided for presidential elections in § 24.2-614, "recognized political parties" shall be treated as a class; the order of the recognized political parties within the class shall be determined by lot by the State Board; and the class shall follow the political parties as defined by § 24.2-101 and precede the independent class. Independent candidates shall be treated as a class under "Independent"; their names shall be placed on the ballot after the political parties and recognized political parties; and where there is more than one independent candidate for an office, their names shall appear alphabetically.

No individual's name shall appear on the ballot more than once for the same office.

In preparing the *printed* ballots for general, special, and primary elections, the State Board and electoral boards shall cause to be printed in not less than 10-point type, immediately below the title of any office, a statement of the number of candidates ~~who for whom votes~~ may be ~~voted for~~ cast for that office. The following language shall be used: "Vote for not more than":

~~At any precinct at which mark sense ballots are used, the mark sense ballot may be used in lieu of the official paper ballot with the approval of the State Board.~~

Any locality ~~which that~~ uses ~~mark sense machine-readable~~ ballots at one or more precincts, including any central absentee precinct, may, with the approval of the State Board, use ~~the mark sense ballot or a printed reproductions~~ reproduction of the ~~mark sense machine-readable~~ ballot in lieu of the official ~~paper machine-readable~~ ballot. Such reproductions shall be printed and otherwise handled in accordance with all laws and procedures that apply to official paper ballots.

In every county and city using voting systems requiring printed ballots, the electoral board shall furnish a sufficient number of ballots printed on plain white paper, of such form and size as will fit in the ballot frames.

§ 24.2-623. Ballot containers to be supplied by governing bodies; construction and custody.

The governing body of each county and city shall provide a ballot container for each precinct ~~and each part of a split precinct~~. The container shall have a lock and key and an opening of sufficient size to admit a single folded or unfolded ballot and no more. The containers shall be kept by the electoral boards for use in the precincts.

§ 24.2-625. Application of Title 24.2 and general law.

All of the provisions of this title and general law not inconsistent with the provisions of this article shall apply to elections in counties, cities, and towns adopting and using ~~mechanical or~~ electronic voting or counting ~~systems~~ machines.

§ 24.2-626. Governing bodies shall acquire electronic voting and counting machines.

The governing body of each county and city shall provide for the use of electronic voting or counting ~~systems~~ machines, of a kind approved by the State Board, at every precinct and for all elections held in the county, the city, or any part of the county or city.

Each county and city governing body shall purchase, lease, lease purchase, or otherwise acquire such ~~systems~~ machines and may provide for the payment therefor in the manner it deems proper. Systems of different kinds may be adopted for use and be used in different precincts of the same county or city, or within a precinct or precincts in a county or city, subject to the approval of the State Board.

On and after July 1, 2007, no county or city shall acquire any direct recording electronic machine (DRE) for use in elections in the county or city except as provided herein:

1. DREs acquired prior to July 1, 2007, may be used in elections in the county or city for the remainder of their useful life.

2. Any locality that acquired DREs prior to July 1, 2007, may acquire DREs on a temporary basis to conduct an election when the existing DRE inventory is insufficient to conduct the election because all or part of its inventory is under lock or seal as required by § 24.2-659.

3. Any locality may acquire DREs from another locality within the Commonwealth, from among their existing inventories, for the expressed purpose of providing accessible voting equipment as required by § 24.2-626.1. The local electoral board shall notify the State Board when acquiring any DRE under this provision and shall certify to the State Board that the DRE acquired under this provision is necessary to meet accessible voting requirements.

4. Any locality may modify its existing DREs to comply with federal or state law requirements to provide accessible voting equipment. Any modifications made to existing DREs must be authorized by the State Board of Elections prior to modification.

§ 24.2-627. Electronic voting or counting machines; number required.

A. The governing body of any county or city ~~which that~~ adopts for use at elections ~~mechanical or direct recording electronic voting systems machines~~ shall provide for each precinct at least the following number of voting ~~devices machines~~:

In each precinct having not more than 750 registered voters, 1;

In each precinct having more than 750 but not more than 1,500 registered voters, 2;

In each precinct having more than 1,500 but not more than 2,250 registered voters, 3;

In each precinct having more than 2,250 but not more than 3,000 registered voters, 4;

In each precinct having more than 3,000 but not more than 3,750 registered voters, 5;

In each precinct having more than 3,750 but not more than 4,500 registered voters, 6;

In each precinct having more than 4,500 but not more than 5,000 registered voters, 7.

B. The governing body of any county or city, ~~which that~~ adopts for use at elections ~~any electronic system which requires the voter to vote a ballot which is inserted in an electronic counter, ballot scanner machines~~ shall provide for each precinct at least one voting booth with a marking device for each 425 registered voters or portion thereof and shall provide for each precinct at least one ~~counting device scanner~~.

C. The local electoral board of any county or city shall be authorized to conduct any May general election, primary election, or special election held on a date other than a November general election with the number of voting or ~~marking devices counting machines~~ it determines is appropriate for each precinct, notwithstanding the provisions of subsections A and B ~~of this section~~.

D. For purposes of applying this section, an electoral board may exclude persons voting absentee in its calculations, and if it does so, the electoral board shall send to the State Board a statement of the number of voting systems to be used in each precinct. If the State Board finds that the number of voting systems is not sufficient, it may direct the local board to use more voting systems.

§ 24.2-629. State Board approval process of electronic voting systems.

A. Any person, firm, or corporation ~~hereinafter~~, referred to *in this article* as the "vendor," manufacturing, owning, or offering for sale any electronic voting or counting ~~system machine~~ and ballots designed to be used with such equipment may apply to the State Board, in the manner prescribed by the Board, to have examined a production model of such equipment and the ballots used with it. The Board may require the vendor to pay a reasonable application fee when he files his request for testing or certification of new or upgraded voting equipment. Receipts from such fees shall be credited to the Board for reimbursement of testing and certification expenses. In addition to any other materials that may be required, a current statement of the financial status of the vendor, including any assets and liabilities, shall be filed with the Board; if the vendor is not the manufacturer of the equipment for which application is made, such a statement shall also be filed for the manufacturer. These statements shall be exempt from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). The Board shall require, at a site of its choosing, a demonstration of such ~~system equipment~~ and ballots and may require that a production model of the ~~system equipment~~ and a supply of ballots be provided to the Board for testing purposes. The Board shall also require the vendor to provide documentation of the practices recommended by the vendor to ensure the optimum security and functionality of the system.

B. ~~The provisions of this title pertaining to mechanical voting devices and ballots shall be deemed applicable to such equipment and ballots provided that (i) the counting equipment used with punched or mark sense ballots shall not be required to prevent a voter from voting for a greater number of candidates than he is lawfully entitled to; (ii) the provisions of this title pertaining to ballot squares shall not be applicable to punched or mark sense ballots; and (iii) any system approved pursuant to this title shall segregate ballots containing write-in votes from all others. Every electronic voting system shall ensure voting in absolute secrecy, and systems requiring the voter to vote a ballot that is inserted in an electronic counting device shall provide for secrecy of the ballot and a method to conceal the voted ballot. Systems requiring the voter to vote a ballot that is inserted in an electronic counting device shall report, if possible, the number of ballots on which a voter voted for a lesser number of candidates for an office than the number he was lawfully entitled to vote and the number of ballots on which a voter voted for a greater number of candidates than the number he was lawfully entitled to vote. Electronic voting devices shall be programmable, if possible, to allow such undervoted and overvoted ballots to be separated when necessary.~~

~~B1. The system shall provide the voter with an opportunity to correct any error before a permanent record is preserved. The Board may approve any kind of electronic voting system that meets the following requirements:~~

1. *It shall provide clear instructions for voters on how to mark or select their choice and cast that vote.*
2. *It shall provide facilities for voting for all offices at any election and on as many questions as may be submitted at any election.*
3. *It shall be capable of processing ballots for all parties holding a primary election on the same day, but programmable in such a way that an individual ballot cast by a voter is limited to the party primary election in which the voter chooses to participate.*
4. *It shall require votes for presidential and vice presidential electors to be cast for the presidential and vice presidential electors of one party by one operation. The ballot shall contain the words "Electors for" preceded by the name of the party or other authorized designation and followed by the names of the candidates for the offices of President and Vice President.*
5. *It shall enable the voter to cast votes for as many persons for an office as lawfully permitted, but no more. It shall prevent the voter from casting a vote for the same person more than once for the same office. However, ballot scanner machines shall not be required to prevent a voter from voting for a greater number of candidates than he is lawfully entitled to.*
6. *It shall enable the voter to cast a vote on any question on which he is lawfully permitted to vote, but no other.*
7. *It shall provide the voter with an opportunity to correct any error before a ballot is cast.*
8. *It shall correctly register or record and accurately count all votes cast for candidates and on questions.*
9. *It shall be provided with a "protective counter," whereby any operation of the machine before or after the election will be detected.*
10. *It shall be provided with a counter that at all times during an election shall show how many persons have voted.*
11. *It shall ensure voting in absolute secrecy. Ballot scanner machines shall provide for the secrecy of the ballot and a method to conceal the voted ballot.*
12. *It shall be programmable to allow ballots to be separated when necessary.*
13. *Ballot scanner machines shall report, if possible, the number of ballots on which a voter undervoted or overvoted.*

C. After its examination of the equipment, ballots, and other materials submitted by the vendors, the Board shall prepare and file in its office a report of its finding as to (i) the apparent capability of such equipment to accurately count, register, and report votes; (ii) whether the system can be conveniently used without undue confusion to the voter; (iii) its accessibility to voters with disabilities; (iv) whether the system can be safely used without undue potential for fraud; (v) the ease of its operation and transportation by voting equipment custodians and officers of election; (vi) the financial stability of the vendor and manufacturer; (vii) whether the system meets the requirements of this title; (viii) whether the system meets federal requirements; (ix) whether issues of reliability and security identified with the system by other state governments have been adequately addressed by the vendor; and (x) whether, in the opinion of the Board, the potential for approval of such system is such as to justify further examination and testing.

D. If the Board determines that there is such potential and prior to its final determination as to approval or disapproval of such system, the Board shall obtain a report by an independent electronics or engineering consultant as to (i) whether the system accurately counts, registers, and reports votes; (ii) whether it is capable of storing and retaining existing votes in a permanent memory in the event of power failure during and after the election; (iii) the number of separate memory capabilities for the storage of recorded votes; (iv) its mechanical and electronic perfections and imperfections; (v) the audit trail provided by the system; (vi) the anticipated frequency of repair; (vii) the ease of repair; (viii) the anticipated life of the equipment; (ix) its potential for fraudulent use; (x) its accessibility to voters with disabilities; (xi) the ease of its programming, transportation, and operation by voting equipment custodians and officers of election; and (xii) any other matters deemed necessary by the Board. Failure by an applicant to cooperate with the consultant by furnishing information and production equipment and ballots requested shall be deemed a withdrawal of the application, but nothing in this section shall require the disclosure of trade secrets by the applicant. If such trade secrets are essential to the proper analysis of the system and are provided for that reason, the consultant shall subscribe to an oath subject to the penalty for perjury that he will neither disclose nor make use of such information except as necessary for the system analysis. The report of the consultant shall be filed in the office of the Board.

~~D~~ E. In preparing the reports cited in subsections C and D, the Board shall require, as a condition of certification, that the system is comprehensively examined by individuals including at least one expert in election management and one in computer system security. The Board shall develop, in conjunction with the above listed individuals, a specific set of items to be examined and tested as part of the certification process to further elaborate on the requirements identified in this section.

~~E~~ F. If the Board determines that there is potential for approval of the system and prior to its final determination, the Board shall also require that the system be tested in an actual election in one or more counties or cities. Its use at such election shall be as valid for all purposes as if it had been legally approved by the Board and adopted by the counties or cities.

~~F~~ G. If, following testing, the Board approves any ~~electronic~~ voting system and its ballots for use, the Board shall so notify the electoral boards of each county and city. Systems so approved may be adopted for use at elections as herein provided. No form of ~~electronic~~ voting system and ballots not so approved shall be adopted by any county or city. Any ~~electronic~~ voting system and ballots approved for use by the Board shall be deemed to meet the requirements of this title and any applicable federal laws, and their use in any election shall be valid.

~~G. H.~~ A vendor whose ~~electronic~~ voting system is approved for use shall provide ~~annual~~ updates to the State Board concerning its recommended practices for optimum security and functionality of the system, *as may be requested by the Board*. Any product for which ~~annual~~ requested updates are not provided shall be deemed non-compliant and may be decertified at the discretion of the Board.

~~H. I.~~ The Board shall have the authority to investigate, at its discretion, any voting system certified in Virginia to ensure that it continues to meet the standards outlined in subsections C and D. The Board may, at its discretion, decertify any voting system based on significant problems detected with the voting system in Virginia or on reports provided by federal authorities or other state election officials.

§ 24.2-633. Notice of final testing of voting system; sealing equipment.

Before the final testing of voting or counting ~~equipment~~ machines for any election, the electoral board shall mail written notice (i) to the chairman of the local committee of each political party, or; (ii) in a primary election, to the chairman of the local committee of the political party holding the primary, or (iii) in a city or town council election in which no candidate is a party nominee and which is held when no other election having party nominees is being conducted, to the candidates.

The notice shall state the time and place where the ~~equipment~~ machine will be tested and state that the political party or candidate receiving the notice may have one representative present while the equipment is tested.

At the time stated in the notice, the representatives, if present, shall be afforded an opportunity to see that the equipment is in proper condition for use at the election. When a ~~device~~ machine has been so examined by the representatives, it shall be sealed with a numbered seal in their presence, or; if the ~~device~~ machine cannot be sealed with a numbered seal, it shall be locked with a key. The representatives shall certify ~~as to the numbers of the devices; if mechanical voting devices are used, that all counters are set at zero (000); for each machine~~ the number registered on the protective counter; and the number on the seal. When no party or candidate representative is present, the custodian shall seal the ~~device~~ machine as prescribed in this section in the presence of a member of the electoral board or its representative.

§ 24.2-634. Locking and securing after preparation.

When voting or counting equipment has been properly prepared for an election, it shall be locked against voting and sealed, or; if the ~~device~~ a voting or counting machine cannot be sealed with a numbered seal, it shall be locked with a key. The equipment keys and any electronic activation devices shall be retained in the custody of the electoral board and delivered to the officers of election as provided in § 24.2-639. After the voting equipment has been delivered to the polling places, the electoral board shall provide ample protection against tampering with or damage to the equipment.

§ 24.2-638. Voting equipment to be in plain view; officers and others not permitted to see actual voting; unlocking counter compartment of equipment, etc.

During the election, the exterior of the voting and counting equipment and every part of the polling place shall be in plain view of the officers of election.

No voting or counting ~~equipment~~ machines shall be removed from the plain view of the officers of election or from the polling place at any time during the election and through the determination of the vote as provided in § 24.2-657. However, an electronic voting ~~device~~ machine that is so constructed as to be easily portable may be taken outside the polling place pursuant to subsection A of § 24.2-649 and to assist a voter age 65 or older or physically disabled so long as: (i) the voting ~~device~~ machine remains in the plain view of two officers of election representing two political parties or, in a primary election, two officers of election representing the party conducting the primary, provided that if the use of two officers for this purpose would result in too few officers remaining in the polling place to meet legal requirements, the ~~equipment~~ machine shall remain in plain view of one officer who shall be either the chief officer or the assistant chief officer; (ii) the voter casts his ballot in a secret manner unless the voter requests assistance pursuant to § 24.2-649; and (iii) there remain sufficient officers of election in the polling place to meet legal requirements. After the voter has completed voting his ballot, the officer or officers shall immediately return the voting ~~device~~ machine to its assigned location inside the polling place. The machine number, the time that the machine was removed and the time that it was returned, the number on the machine's public counter before the machine was removed and the number on the same counter when it was returned, the names of the voters who used the machine while it was removed provided that secrecy of the ballot is maintained in accordance with guidance from the State Board, and the name or names of the officer or officers who accompanied the machine shall be recorded on the statement of results. If a polling place fails to record the information required in the previous sentence, or it is later proven that the information recorded was intentionally falsified, the local electoral board shall dismiss at a minimum the chief officer or the assistant chief officer, or both, as appropriate; and shall dismiss any other officer of election who is shown to have caused the failure to record the required information intentionally or by gross negligence or to have intentionally falsified the information. The dismissed officers shall not be allowed thereafter to serve as an officer or other election official anywhere in the Commonwealth. In the case of an emergency that makes a polling place unusable or inaccessible, voting or counting ~~equipment~~ machines may be removed to an alternative polling place pursuant to the provisions of subsection D of § 24.2-310.

The equipment shall be placed at least four feet from any table where an officer of election is working or seated. The officers of election shall not themselves be, or permit any other person to be, in any position or near any position that will permit them to observe how a voter votes or has voted.

One of the officers shall inspect the face of the voting ~~device~~ machine after each voter has cast his vote and verify that the ballots on the face of the ~~device~~ machine are in their proper places and that the ~~device~~ machine has not been damaged.

During an election, the door or other covering of the counter compartment of the voting or counting ~~device~~ machine shall not be unlocked or open or the counters exposed except for good and sufficient reasons, a statement of which shall be made and signed by the officers of election and attached to the statement of results. No person shall be permitted in or about the polling place except the voting equipment custodian, vendor, or contractor technicians, and other persons authorized by this title.

§ 24.2-639. Duties of officers of election.

The officers of election of each precinct at which voting or counting ~~equipment~~ machines ~~is~~ are used shall meet at the polling place by 5:15 a.m. on the day of the election and arrange the equipment, furniture, and other materials for the conduct of the election. The officers of election shall verify that all required equipment, ballots, and other materials have been delivered to them for the election. The officers shall post at least two instruction cards for ~~mechanical or~~ direct recording electronic ~~voting devices~~ machines conspicuously within the polling place.

The keys to the equipment and any electronic activation devices that are required for the operation of electronic voting equipment shall be delivered, prior to the opening of the polls, to the officer of election designated by the electoral board in a sealed envelope on which has been written or printed the name of the precinct for which it is intended. The envelope containing the keys and any electronic activation devices shall not be opened until all of the officers of election for the precinct are present at the polling place and have examined the envelope to see that it has not been opened. The equipment shall remain locked against voting until the polls are formally opened and shall not be operated except by voters in voting.

Before opening the polls, each officer shall examine the equipment and see that no vote has been cast and that the counters register zero. The officers shall conduct their examination in the presence of the following party and candidate representatives: one authorized representative of each political party or independent candidate in a general or special election, or one authorized representative of each candidate in a primary election, if such representatives are available. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is not himself a candidate or party chairman, shall present to the officers of election a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. Such statement, bearing the chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if the copy had been signed.

~~If any counter, other than a protective or private counter, on mechanical voting equipment is found not to register zero, the officers shall make a written statement identifying the counter, together with the number registered on it, and shall sign and post the statement on the wall of the polling room, where it shall remain during the day of election. The officers shall enter a similar statement on the statement of results. In determining the results, they shall subtract such number from the final total registered on that counter.~~ If any counter, other than a protective or private counter, on a ~~mark sense ballot scanner~~ or direct recording electronic ~~voting device~~ machine is found not to register zero, the officers of election shall immediately notify the electoral board which shall, if possible, substitute a ~~device~~ machine in good working order, that has been prepared and tested pursuant to § 24.2-634. No ~~mark sense ballot scanner~~ or direct recording electronic ~~device~~ machine shall be used if any counter, other than a protective or private counter, is found not to register zero.

§ 24.2-641. Sample ballot.

The electoral board shall provide for each precinct in which ~~mechanical voting machines or direct electronic~~ any voting ~~devices or counting machines~~ are used, two sample ballots, which shall be arranged as a diagram of the front of the voting ~~or counting device~~ machine as it will appear with the official ballot for voting on election day. Such sample ballots shall be posted for public inspection at each polling place during the day of election.

§ 24.2-642. Inoperative equipment.

A. When any voting or counting ~~device~~ machine becomes inoperative in whole or in part while the polls are open, the officers of election shall immediately notify the electoral board. If possible, the electoral board shall dispatch a qualified technician to the polling place to repair the inoperative ~~device~~ machine. All repairs shall be made in the presence of two officers of election representing the two political parties or, in the case of a primary election for only one party, two officers representing that party. If the ~~device~~ machine cannot be repaired on site, the electoral board shall, if possible, substitute a ~~device~~ machine in good order for the inoperative ~~device, machine~~ and at the close of the polls the record of both ~~devices~~ machines shall be taken, and the votes shown on their counters shall be added together in ascertaining the results of the election.

No voting or counting ~~equipment~~ machines, including inoperative ~~equipment~~ machines, shall be removed from the plain view of the officers of election or from the polling place at any time during the election and through the determination of the vote as provided in § 24.2-657 except as explicitly provided pursuant to the provisions of this title.

No voting or counting ~~device~~ machine that has become inoperative and contains votes may be removed from the polling place while the polls are open and votes are being ascertained. If the officers of election are unable to ascertain the results from the inoperative ~~device~~ machine after the polls close in order to add its results to the results from the other ~~devices~~ machines in that precinct, the officers of election shall lock and seal the ~~device~~ machine without removing the memory card, cartridge, or data storage medium and deliver the ~~device~~ machine to either the clerk of court or registrar's office as provided for in § 24.2-659. On the day following the election, the electoral board shall meet and ascertain the results from the inoperative ~~device~~ machine in accordance with the procedures prescribed by the ~~device's~~ machine's manufacturer and add the results to the results for the precinct to which the ~~device~~ machine was assigned.

Nothing in this subsection shall prohibit the removal of an inoperative ~~device machine~~ from a precinct prior to the opening of the polls or ~~votes the first vote~~ being cast on that ~~device machine~~. Any ~~device machine~~ so removed shall be placed in the custody of an authorized custodian, technician, or electoral board representative. If the inoperative ~~device machine~~ can be repaired, it shall be retested and resealed pursuant to § 24.2-634 and may be returned to the precinct by an authorized custodian, technician, or electoral board representative. The officers of election shall then open the ~~device machine~~ pursuant to § 24.2-639.

B. In any precinct that uses a ballot that can be ~~marked read~~ without the use of the ~~counting device ballot scanner machine~~, if the ~~counting device ballot scanner machine~~ becomes inoperative and there is no other available ~~counting device scanner~~, the uncounted ballots shall be placed in a ballot container or compartment that is used exclusively for uncounted ballots. If an operative ~~counting device scanner~~ is available in the polling place after the polls have closed, such uncounted ballots shall be removed from the container and fed into the ~~counting device scanner~~, one at a time, by an officer of election in the presence of all persons who may be lawfully present at that time but before the votes are determined pursuant to § 24.2-657. If such ~~device a scanner~~ is not available, the ballots may be counted manually or as directed by the electoral board.

C. ~~If~~ *An officer of election may have copies of the official paper ballot reprinted or reproduced by photographic, electronic, or mechanical processes for use at the election if* (i) the inoperative ~~device machine~~ cannot be repaired in time to continue using it at the election, (ii) a substitute ~~device machine~~ is needed to conduct the election but is not available for use, (iii) the supply of official ~~paper ballots, or other official printed~~ ballots that can be cast without use of the inoperative ~~device, machine~~ is not adequate, and (iv) the local electoral board approves; ~~an officer of election may have copies the reprinting or reproducing of the official paper ballot reprinted or reproduced by photographic, electronic, or mechanical processes for use at the election.~~ The voted ballot copies may be received by the officers of election and placed in the ballot container and counted with the votes registered on the voting or counting ~~devices, machines~~, and the result shall be declared the same as though no ~~device machine~~ has been inoperative. The voted ballot copies shall be deemed official ballots for the purpose of § 24.2-665 and preserved and returned with the statement of results and with a certificate setting forth how and why the same were voted. The officer of election who had the ballot copies made shall provide a written statement of the number of copies made, signed by him and subject to felony penalties for making false statements pursuant to § 24.2-1016, to be preserved with the unused ballot copies.

§ 24.2-645. Defaced printed ballots.

If any ~~paper printed~~ ballot is unintentionally or accidentally defaced and rendered unfit for voting, the voter may deliver the defaced ballot to the officer of election and receive another. The returned ballot shall be marked spoiled by the officer of election and placed in the spoiled ballot envelope.

§ 24.2-646. Voter folds paper ballot and hands same to officer who deposits it unopened in ballot container.

The qualified voter shall fold each *paper* ballot with the names of the candidates and questions on the inside and hand the folded ballot to the appropriate officer of election. The officer shall place the ballot in the ballot container without any inspection except to assure himself that only a single ballot has been tendered and that the ballot is a genuine ballot. Without looking at the printed inside of the ballot, the officer may inspect the official seal on the back of the ballot to determine if it is genuine.

§ 24.2-647. Voting systems; demonstration on election day.

The electoral board shall provide at each polling place on election day, for the voting ~~device system~~ in use, a model of; or materials displaying; a portion of its ballot face. The model or materials shall be located on the table of one of the officers or in some other place accessible to the voters. An officer of election shall instruct any voter; who requests instruction before voting; on the proper manner of voting. The officer may direct the voter's attention to sample ballots so that the voter may become familiar with the location of questions and names of offices and candidates.

For ~~equipment using ballots inserted in electronic counting devices ballot scanner machines~~, an officer of election, using a demonstration ballot and ~~equipment machine~~, shall show each voter who requests, immediately on entry to the polling place, the manner in which the ballot is to be voted.

If any voter, after entering the voting booth, asks for further instructions concerning the manner of voting, two of the officers; from different political parties shall give such instructions to him, but no officer shall in any manner request; or seek to persuade or induce any such voter to vote for or against any particular ticket, candidate, or question. After giving such instructions and before the voter votes, the officers shall leave the voting booth, and the voter shall cast his ballot in secret.

§ 24.2-648. Write-in votes on voting equipment.

Write-in votes may be cast on voting equipment for any person whose name does not appear on the ballot as a candidate for the office being voted, subject to this section and the provisions of § 24.2-644 not in conflict with this section.

Each write-in vote shall be entered in the receptacle or area designated on the ~~device machine~~ for the office being elected. A write-in vote shall be cast in its appropriate place, in accordance with the instructions for that equipment, or it shall be void and not counted.

Except on ~~devices which machines that~~ provide a means to enter a name electronically, each write-in vote shall be entered by the voter in his own handwriting or hand printing.

§ 24.2-649. Assistance for certain voters; penalties.

A. Any voter age 65 or older or physically disabled may request and then shall be handed a ~~paper ballot or a mark sense printed~~ ballot by an officer of election outside the polling place but within 150 feet of the entrance to the polling place. The voter shall mark the ~~paper printed~~ ballot in the officer's presence but in a secret manner and ~~fold and, obscuring his vote,~~ return the ballot to the officer. The officer shall immediately return to the polling place and ~~shall deposit the a paper~~ ballot in the ballot container in accordance with § 24.2-646. ~~The voter shall mark the mark sense ballot in the officer's presence but in a secret manner and cover and return the ballot to the officer who shall immediately return to the polling place and deposit the ballot in the ballot counter or a machine-readable ballot in the ballot scanner machine~~ in accordance with the instructions of the State Board.

Any county or city that has acquired an electronic voting ~~device machine~~ that is so constructed as to be easily portable may use the voting ~~device machine~~ in lieu of a ~~paper or mark sense printed~~ ballot for the voter requiring assistance pursuant to this subsection. However, the electronic voting ~~device machine~~ may be used in lieu of a ~~paper printed~~ ballot only so long as: (i) the voting ~~device machine~~ remains in the plain view of two officers of election representing two political parties, or in a primary election, two officers of election representing the party conducting the primary, provided that if the use of two officers for this purpose would result in too few officers remaining in the polling place to meet legal requirements, the ~~equipment~~ voting machine shall remain in plain view of one officer who shall be either the chief officer or the assistant chief officer; and (ii) the voter casts his ballot in a secret manner unless the voter requests assistance pursuant to this section. After the voter has completed voting his ballot, the officer or officers shall immediately return the voting ~~device machine~~ to its assigned location inside the polling place. The machine number, the time that the machine was removed and the time that it was returned, the number on the machine's public counter before the machine was removed and the number on the same counter when it was returned, and the name or names of the officer or officers who accompanied the machine shall be recorded on the statement of results.

B. Any qualified voter, who requires assistance to vote by reason of physical disability or inability to read or write, may, if he so requests, be assisted in voting. If he is blind, he may designate an officer of election or any other person to assist him. If he is unable to read and write or disabled for any cause other than blindness, he may designate an officer of election or some other person to assist him other than the voter's employer or agent of that employer, or officer or agent of the voter's union.

The officer of election or other person so designated shall not enter the booth with the voter unless (i) the voter signs a request stating that he requires assistance by reason of physical disability or inability to read or write and (ii) the officer of election or other person signs a statement that he is not the voter's employer or an agent of that employer, or an officer or agent of the voter's union, and that he will act in accordance with the requirements of this section. The request and statement shall be on a single form furnished by the State Board. If the voter is unable to sign the request, his own mark acknowledged by him before an officer of election shall be sufficient signature, provided no mark shall be required of a voter who is blind. An officer of election shall advise the voter and person assisting the voter of the requirements of this section and record the name of the voter and the name and address of the person assisting him.

The officer of election or other person so designated shall assist the qualified voter in the preparation of his ballot in accordance with his instructions and without soliciting his vote or in any manner attempting to influence his vote and shall not in any manner divulge or indicate, by signs or otherwise, how the voter voted on any office or question. If a ~~paper ballot or a mark sense printed~~ ballot is used, the officer or other person so designated shall deposit the ballot in the ballot container in accordance with § 24.2-646 ~~or in the ballot scanner machine in accordance with the instructions of the State Board.~~

C. If the voter requires assistance in a language other than English and has not designated a person to assist him, an officer of election, before he assists as interpreter, shall inquire of the representatives authorized to be present pursuant to § 24.2-604 whether they have a volunteer available who can interpret for the voter. One representative interpreter for each party or candidate, insofar as available, shall be permitted to observe the officer of election communicate with the voter. The voter may designate one of the volunteer party or candidate interpreters to provide assistance. A person so designated by the voter shall meet all the requirements of this section for a person providing assistance.

D. A person who willfully violates subsection B or C ~~shall be~~ is guilty of a Class 1 misdemeanor. In addition, the provisions of § 24.2-1016 and its felony penalties for false statements shall be applicable to any request or statement signed pursuant to this section, and the provisions of §§ 24.2-704 and 24.2-1012 and the felony penalties for violations of the law related to providing assistance to absentee voters shall be applicable in such cases.

E. In any precinct in which an electronic voting ~~device machine~~ is available that provides an audio ballot, the officers of election shall notify a voter requiring assistance pursuant to this ~~subsection~~ section that such ~~equipment~~ machine is available for him to use to vote in privacy without assistance and the officers of election shall instruct the voter on the use of the voting ~~equipment~~ machine. Nothing in this ~~subsection~~ section shall be construed to require a voter to use the ~~equipment~~ machine unassisted.

§ 24.2-653. Voter whose name does not appear on pollbook or who is marked as having voted; handling of provisional ballots; ballots cast after normal close of polls due to court order extending polling hours.

A. When a person offers to vote pursuant to § 24.2-652 and the general registrar is not available or cannot state that the person is registered to vote, then such person shall be allowed to vote by ~~paper printed~~ ballot in the manner provided in this section. This procedure shall also apply when required by § 24.2-643 or 24.2-651.1.

Such person shall be given a ~~paper printed~~ ballot and provide, subject to the penalties for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the State Board, the identifying information required on the

envelope, including *the last four digits* of his social security number, if any, full name including the maiden or any other prior legal name, date of birth, complete address, and signature. Such person shall be asked to present one of the forms of identification specified in subsection B of § 24.2-643. The officers of election shall note on the green envelope whether or not the voter has presented one of the specified forms of identification. The officers of election shall enter the appropriate information for the person in the precinct provisional ballots log in accordance with the instructions of the State Board but shall not enter a consecutive number for the voter on the pollbook nor otherwise mark his name as having voted. The officers of election shall provide an application for registration to the person offering to vote in the manner provided in this section.

The voter shall then, in the presence of an officer of election, but in a secret manner, mark the *printed* ballot as provided in § 24.2-644 and seal it in the green envelope. The envelope containing the ballot shall then promptly be placed in the ballot container by an officer of election.

An officer of election, by a written notice given to the voter, shall (i) inform him that a determination of his right to vote shall be made by the electoral board, (ii) advise the voter of the beginning time and place for the board's meeting and of the voter's right to be present at that meeting, and (iii) inform a voter voting provisionally when required by § 24.2-643 that he may submit a copy of one of the forms of identification specified in subsection B of § 24.2-643 to the electoral board by facsimile, electronic mail, in-person submission, or timely United States Postal Service or commercial mail delivery, to be received by the electoral board no later than noon on the third day after the election. At the meeting, the voter may request an extension of the determination of the provisional vote to the following day in order to provide information to prove that the voter is entitled to vote in the precinct pursuant to § 24.2-401. The electoral board shall have the authority to grant such extensions which it deems reasonable to determine the status of a provisional vote.

B. The provisional votes submitted pursuant to subsection A, in their unopened envelopes, shall be sealed in a special envelope marked "Provisional Votes," inscribed with the number of envelopes contained therein, and signed by the officers of election who counted them. All provisional votes envelopes shall be delivered either (i) to the clerk of the circuit court who shall deliver all such envelopes to the secretary of the electoral board or (ii) to the general registrar in localities in which the electoral board has directed delivery of election materials to the general registrar pursuant to § 24.2-668.

The electoral board shall meet on the day following the election and determine whether each person having submitted such a provisional vote was entitled to do so as a qualified voter in the precinct in which he offered the provisional vote. If the board is unable to determine the validity of all the provisional ballots offered in the election, or has granted any voter who has offered a provisional ballot an extension to the following day as provided in subsection A, the meeting shall stand adjourned from day to day, not to exceed seven calendar days from the date of the election, until the board has determined the validity of all provisional ballots offered in the election.

One authorized representative of each political party or independent candidate in a general or special election or one authorized representative of each candidate in a primary election shall be permitted to remain in the room in which the determination is being made as an observer so long as he does not participate in the proceedings and does not impede the orderly conduct of the determination. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is not himself a candidate or party chairman, shall present to the electoral board a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. Such statement, bearing the chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if the copy had been signed.

Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), attendance at meetings of the electoral board to determine the validity of provisional ballots shall be permitted only for the authorized representatives provided for in this subsection, for the persons whose provisional votes are being considered and their representative or legal counsel, and for appropriate staff and legal counsel for the electoral board.

If the electoral board determines that such person was not entitled to vote as a qualified voter in the precinct in which he offered the provisional vote, is unable to determine his right to vote, or has not been provided one of the forms of identification specified in subsection B of § 24.2-643, the envelope containing his ballot shall not be opened and his vote shall not be counted. The provisional vote shall be counted if (a) such person is entitled to vote in the precinct pursuant to § 24.2-401 or (b) the State Board or the voter presents proof that indicates the voter submitted an application for registration to the Department of Motor Vehicles or other state-designated voter registration agency prior to the close of registration pursuant to § 24.2-416 and the registrar determines that the person was qualified for registration based upon the application for registration submitted by the person pursuant to subsection A. The general registrar shall notify in writing pursuant to § 24.2-114 those persons found not properly registered or whose provisional vote was not counted.

If the electoral board determines that such person was entitled to vote, the name of the voter shall be entered in a provisional votes pollbook and marked as having voted, the envelope shall be opened, and the ballot placed in a ballot container without any inspection further than that provided for in § 24.2-646.

On completion of its determination, the electoral board shall proceed to count such ballots and certify the results of its count. Its certified results shall be added to those found pursuant to § 24.2-671. No adjustment shall be made to the statement of results for the precinct in which the person offered to vote.

The certification of the results of the count together with all ballots and envelopes, whether open or unopened, and other related material shall be delivered by the electoral board to the clerk of the circuit court and retained by him as provided for in §§ 24.2-668 and 24.2-669.

C. Whenever the polling hours are extended by an order of a court of competent jurisdiction, any ballots marked after the normal polling hours by persons who were not already in line at the time the polls would have closed, notwithstanding the court order, shall be treated as provisional ballots under this section. The officers of election shall mark the green envelope for each such provisional ballot to indicate that it was cast after normal polling hours due to the court order, and when preparing the materials to deliver to the registrar or electoral board, shall separate these provisional ballots from any provisional ballots used for any other reason. The electoral board shall treat these provisional ballots as provided in subsection B; however, the counted and uncounted provisional ballots marked after the normal polling hours shall be kept separate from all other ballots and recorded in a separate provisional ballots pollbook. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to this section.

§ 24.2-653.1. Voters who did not receive absentee ballots; provisional ballots.

A. The provisions of this section shall apply when (i) a person offers to vote pursuant to § 24.2-643 at his proper polling place or at a central absentee voter precinct established by the governing body of the county or city where he is registered to vote, (ii) his name is shown on the pollbook as having applied for an absentee ballot, and (iii) for any reason he did not receive or has lost the absentee ballot. In such case, he shall be entitled to cast a provisional ballot after presenting to the officer of election a statement signed by him that he did not receive the ballot or has lost the ballot, subject to felony penalties for making false statements as pursuant to § 24.2-1016.

B. Such person shall be given a ~~paper~~ printed ballot and be permitted to vote the provisional ballot in accordance with the provisions of § 24.2-653 and the instructions of the State Board. The electoral board shall process the ballot in accordance with the provisions of § 24.2-653 and the instructions of the State Board.

§ 24.2-654. Officers to lock and seal voting equipment and ascertain vote after polls closed; statement of results.

As soon as the polls are closed, the officers of election shall lock each voting and counting ~~device~~ machine against further voting. They shall then proceed to ascertain the vote given at the election and continue without adjournment until they declare the results of the election. They shall seal the ~~devices~~ machines.

In ascertaining the vote, the officers of election shall complete a statement of results in duplicate on the form and in the manner prescribed by the State Board.

§ 24.2-657. Determination of vote on voting systems.

In the presence of all persons who may be present lawfully at the time, giving full view of the voting ~~equipment and counters~~ systems or printed return sheets, the officers of election shall determine and announce the results as shown by the counters or printed return sheets, including the votes recorded for each office on the write-in ballots, and shall also announce the vote on every question. The vote as registered shall be entered on the statement of results. When completed, the statement shall be compared with the number on the counters on the equipment or on the printed return sheets. If, on ~~all~~ ~~mechanical~~ or direct recording electronic voting ~~devices~~ machines, the number of persons voting in the election, or the number of votes cast for any office or on any question, totals more than the number of names on the pollbooks of persons voting on the ~~devices~~ machines, then the figures recorded by the ~~devices~~ machines shall be accepted as correct. A statement to that effect shall be entered by the officers of election in the space provided on the statement of results.

§ 24.2-658. Machines with printed return sheets; disposition of sheets.

If ~~devices~~ machines that print returns are used, the printed inspection sheet and two copies of the printed return sheet containing the results of the election for each ~~device~~ machine shall be inserted in the envelope containing the ~~pollbooks~~ statement of results by the officers of election and sealed and returned as required by § 24.2-668.

The printed inspection sheets and one copy of the printed return sheets shall be kept with the ~~pollbooks~~ statement of results and preserved as provided in § 24.2-669.

One copy of the printed return sheets shall be made available by the clerk of the circuit court on the day following the election and for ~~sixty~~ 60 additional days for inspection and transcribing information therefrom by the public.

§ 24.2-659. Locking voting and counting machines after election and delivering keys to clerk; printed returns as evidence.

A. If the voting or counting ~~device~~ machine is secured by the use of equipment keys, after the officers of election lock and seal each voting and counting ~~device~~ machine, the equipment keys shall be enclosed in an envelope ~~which~~ that shall be sealed and have endorsed thereon a certificate of an officer of election stating the election precinct, the number of each ~~device~~ machine, the number on the seal, and the number of the protective counter, if one, on the ~~device~~ machine. The sealed envelope shall be delivered by one of the officers of the election to the clerk of the circuit court where the election was held. The custodians of the voting equipment shall enclose and seal in an envelope, properly endorsed, all other keys to all voting equipment in their jurisdictions and deliver the envelope to the clerk of the circuit court by noon on the day following the election. If the voting or counting ~~devices~~ machines are secured by the use of equipment keys or electronic activation devices that are not specific to a particular ~~device~~ machine, after the officers of election lock and seal each voting and counting ~~device~~ machine, the equipment keys and electronic activation devices shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the election precinct. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held.

If the voting or counting ~~device machine~~ is secured by removal of the ~~memory card, cartridge, or other~~ data storage ~~medium device~~ used in that election, the officers shall remove the ~~memory card, cartridge, or other~~ data storage ~~medium device~~ and proceed to lock and seal each ~~voting and counting device machine~~. The ~~memory card, cartridge, or other~~ data storage ~~medium device~~ shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the election precinct, the number of each ~~device machine~~, the number on the seal, and the number of the protective counter, if one, on the ~~device machine~~. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held. The equipment keys used at the polls shall be sealed in a different envelope and delivered to the clerk who shall release them to the electoral board upon request or at the expiration of the time specified by this section.

If the voting or counting ~~device machine~~ provides for the creation of a separate master electronic back-up on a ~~memory card, cartridge, or other~~ data storage ~~medium device~~ that combines the data for all of the voting ~~devices or counting machines~~ in a given precinct, that data storage ~~medium device~~ shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the name of the precinct. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held. The ~~memory cards or~~ data storage ~~medium device~~ for the individual ~~devices machines~~ may remain sealed in its individual ~~device machine~~ until the expiration of the time specified by this section. The equipment keys and the electronic activation devices used at the polls shall be sealed together in a separate envelope and delivered to the clerk who shall release them to the electoral board upon request or at the expiration of the time specified by this section.

The voting and counting ~~devices machines~~ shall remain locked and sealed until the deadline to request a recount under Chapter 8 (§ 24.2-800 et seq.) has passed and, if any contest or recount is pending thereafter, until it has been concluded. The ~~devices machines~~ shall be opened and all data examined only (i) on the order of a court of competent jurisdiction or (ii) on the request of an authorized representative of the State Board or the electoral board at the direction of the State Board in order to ensure the accuracy of the returns. In the event that ~~devices machines~~ are examined under clause (ii) of this paragraph, each political party and each independent candidate on the ballot, or each primary candidate, shall be entitled to have a representative present during such examination. The representatives and observers lawfully present shall be prohibited from interfering with the officers of election in any way. The State Board or local electoral board shall provide such parties and candidates reasonable advance notice of the examination.

When recounts occur in precincts using ~~mechanical or direct recording~~ electronic ~~voting devices machines~~ with printed return sheets, the printed return sheets delivered to the clerk may be used as the official evidence of the results.

When the required time has expired, the clerk of the circuit court shall return all voting equipment keys to the electoral board.

B. The local electoral board may direct that the officers of election and custodians, in lieu of conveying the sealed equipment keys to the clerk of the circuit court as provided in subsection A ~~of this section~~, shall convey them to the principal office of the general registrar on the night of the election. The general registrar shall secure and retain the sealed equipment keys and any other electronic locking or activation devices in his office and shall convey them to the clerk of the court by noon of the day following the ascertainment of the results of the election by the electoral board.

§ 24.2-663. When ballot void.

If a ~~paper printed ballot or a ballot that is inserted into an electronic counting device~~ is found to have been voted for a greater number of names for any one office than the number of persons required to fill the office, or if the title of the office is erased, the ballot shall be considered void as to all the names designated to fill such office, but no further, and the ballot shall be counted for the other offices on the ballot. In the case of ~~an electronic counting device a ballot scanner machine~~, an election official is authorized to cause the ~~counting device ballot scanner~~ to receive the ballot and count it in accordance with this section. No ballot shall be void for having been voted for fewer names than authorized.

If any person votes, either in person or absentee, more than one time in an election, all ballots received from such person shall be void and, if possible, not counted. If one such ballot has already been cast, any additional ballots received from such person shall be void and not counted.

§ 24.2-671.1. Audits of ballot scanner machines.

A. The State Board shall be authorized to ~~provide for pilot programs~~ *conduct a post-election audit of one or more ballot scanner machines in one or more precincts* in one or more localities with respect to an election in which the margin between the top two candidates for each office on the ballot exceeds 10 percent, with the consent of the electoral board of the locality; ~~to conduct a post-election audit of one or more optical scan tabulators in one or more precincts~~, notwithstanding any other provision of law to the contrary. The purposes of the ~~pilot programs audits~~ shall be to study the accuracy of ~~optical scan tabulators~~; ~~to evaluate the time, cost, and accuracy of audits~~; and ~~to determine proper procedures for conducting audits~~. ~~A pilot program may audit any combination of randomly selected or specific tabulators ballot scanner machines.~~

B. No audit ~~conducted as part of a pilot program~~ shall commence until after the election has been certified and the period to initiate a recount has expired without the initiation of a recount, *unless such audit is being conducted as part of a voting system certification*. An audit ~~conducted as part of a pilot program~~ shall have no effect on the election results.

C. All audits shall be performed in accordance with the procedures prescribed by the State Board under the supervision of the local electoral board. The procedures established by the State Board shall include its procedures for conducting hand counts of ballots. Candidates and political parties may have representatives observe the audits.

D. At the conclusion of each audit, the local electoral board shall announce publicly the results of the audit of the machines in its jurisdiction. The announcement shall include a comparison of the audited election results and the initial tally for each machine audited, and an analysis of any detected discrepancies.

§ 24.2-712. Central absentee voter precincts; counting ballots.

A. Notwithstanding any other provision of law, the governing body of each county or city may establish one or more central absentee voter precincts in the courthouse or other public buildings for the purpose of receiving, counting, and recording absentee ballots cast in the county or city. The decision to establish any absentee voter precinct shall be made by the governing body by ordinance; the ordinance shall state for which elections the precinct shall be used. The decision to abolish any absentee voter precinct shall be made by the governing body by ordinance. Immediate notification of either decision shall be sent to the State Board and the electoral board.

B. Each central absentee voter precinct shall have at least three officers of election as provided for other precincts. The number of officers shall be determined by the electoral board.

C. If any voter brings an unmarked ballot to the central absentee voter precinct on the day of the election, he shall be allowed to vote it. If any voter brings an unmarked ballot to the electoral board on or before the day of the election, he shall be allowed to vote it, and his ballot shall be delivered to the absentee voter precinct pursuant to § 24.2-710.

The officers at the absentee voter precinct shall determine any appeal by any other voter whose name appears on the absentee voter applicant list and who offers to vote in person. If the officers at the absentee voter precinct produce records showing the receipt of his application and the certificate of mailing for the ballot, they shall deny his appeal. If the officers cannot produce such records, the voter shall be allowed to vote in person at the absentee voter precinct and have his vote counted with other absentee votes. If the voter's appeal is denied, the provisions of § 24.2-708 shall be applicable, and the officers shall advise the voter that he may vote on presentation of a statement signed by him that he has not received an absentee ballot and subject to felony penalties for making false statements pursuant to § 24.2-1016.

D. Absentee ballots may be processed as required by § 24.2-711 by the officers of election at the central absentee voter precinct prior to the closing of the polls but the ballot container shall not be opened and the counting of ballots shall not begin prior to that time. In the case of ~~punch card or mark sense machine-readable~~ ballots to be inserted in ~~electronic counting equipment~~, the ballot container may be opened and the absentee ballots may be inserted in the counting ~~equipment~~ *machines* prior to the closing of the polls in accordance with procedures prescribed by the State Board, including procedures to preserve ballot secrecy, but no ballot count totals shall be initiated prior to that time.

As soon as the polls are closed in the county or city the officers of election at the central absentee voter precinct shall proceed promptly to ascertain and record the vote given by absentee ballot and report the results in the manner provided for counting and reporting ballots generally in Article 4 (§ 24.2-643 et seq.) of Chapter 6.

E. The electoral board may provide that the officers of election for a central absentee voter precinct may be assigned to work all or a portion of the time that the precinct is open on election day subject to the following conditions:

1. The chief officer and the assistant chief officer, appointed pursuant to § 24.2-115 to represent the two political parties, are on duty at all times; and
2. No officer, political party representative, or other candidate representative shall leave the precinct after any ballots have been counted until the polls are closed and the count for the precinct is completed and reported.

F. The electoral board, with the written agreement of the general registrar, may provide that the central absentee voter precinct will open after 6:00 a.m. and at any time before noon on the day of the election provided that the office of the general registrar will be open for the receipt of absentee ballots until the central absentee voter precinct is open and that the officers of election for the central absentee voter precinct obtain the absentee ballots returned to the general registrar's office for the purpose of counting the absentee ballots at the central absentee voter precinct and provided further that the central absentee voter precinct is the same location as the office of the general registrar.

§ 24.2-801. Petition for recount; recount court.

The petition for a recount of an election, other than an election for presidential electors, shall be filed within 10 days from the day the State Board or the electoral board certifies the result of the election under § 24.2-679 or § 24.2-671, but not thereafter. The petition shall be filed in the Circuit Court of the City of Richmond in the case of any statewide office and in the circuit court of the county or city in which the candidate being challenged resides in the case of any other office. The petition shall be filed in the Circuit Court of the City of Richmond in the case of any statewide referendum and in the circuit court of any county or city comprising a part of the election district in the case of any other referendum.

The petition shall set forth the results certified by the Board or electoral board and shall request the court to have the ballots in the election recounted or, in the case of ~~mechanical or direct recording electronic voting devices~~ *machines*, the vote redetermined.

In an election for office, a copy of the petition shall be served on the candidate apparently nominated or elected as provided under § 8.01-296 and within 10 days after the Board or electoral board has certified the results of such election. In a referendum, a copy of the petition shall be so served on the governing body or chief executive officer of the jurisdiction in which the election was held.

The chief judge of the circuit court in which a petition is filed shall promptly notify the Chief Justice of the Supreme Court of Virginia, who shall designate two other judges to sit with the chief judge, and the court shall be constituted and sit in all respects as a court appointed and sitting under §§ 24.2-805 and 24.2-806.

§ 24.2-801.1. Petition for recount of election for presidential electors; recount court.

The petition for a recount of an election for presidential electors shall be filed no later than 5:00 p.m. on the second calendar day after the day the State Board certifies the result of the election under § 24.2-679, but not thereafter. Presidential candidates who anticipate the possibility of asking for a recount are encouraged to so notify the State Board by letter as soon as possible after election day. The petition shall be filed in the Circuit Court of the City of Richmond. If any presidential candidate is eligible to seek a recount of the results of the election for presidential electors under § 24.2-800 the State Board shall, within 24 hours of the certification of the results, notify the Circuit Court of the City of Richmond and the Supreme Court of Virginia (i) that a recount is possible, (ii) which presidential candidate is eligible to seek a recount, and (iii) of the date the results were certified. The Circuit Court of the City of Richmond shall make arrangements to receive any such filing if the office would normally be closed the entire day, or prior to 5:00 p.m., on the second calendar day after the day the State Board certified the result of the election.

The petition shall set forth the results certified by the Board and shall request the court to have the ballots in the election recounted or, in the case of ~~mechanical or direct recording~~ electronic ~~voting devices~~ *machines*, the vote redetermined.

A copy of the petition shall be served on the presidential candidate whose electors were apparently elected as provided under § 8.01-296 and within five calendar days after the Board has certified the results of such election.

As soon as a petition is filed, the chief judge of the Circuit Court shall promptly notify the Chief Justice of the Supreme Court of Virginia, who shall designate two other judges to sit with the chief judge, and the court shall be constituted and sit in all respects as a court appointed and sitting under § 24.2-805.

Any recount of an election for presidential electors shall be held promptly and completed, in accordance with the provisions of 3 U.S.C. § 5, at least six days before the time fixed for the meeting of the electors.

§ 24.2-802. Procedure for recount.

A. The State Board of Elections shall promulgate standards for (i) the proper handling and security of voting and counting ~~devices~~ *machines*, ballots, and other materials required for a recount, (ii) accurate determination of votes based upon objective evidence and taking into account the counting ~~device~~ *machine* and form of ballots approved for use in the Commonwealth, and (iii) any other matters that will promote a timely and accurate resolution of the recount. The chief judge of the circuit court or the full recount court may, consistent with State Board of Elections standards, resolve disputes over the application of the standards and direct all other appropriate measures to ensure the proper conduct of the recount.

The recount procedures to be followed throughout the election district shall be as uniform as practicable, taking into account the types of ballots and voting ~~devices~~ *and counting machines* in use in the election district.

In preparation for the recount, the clerks of the circuit courts shall (a) secure all ~~paper~~ *printed* ballots and other election materials in sealed boxes; (b) place all of the sealed boxes in a vault or room not open to the public or to anyone other than the clerk and his staff; (c) cause such vault or room to be securely locked except when access is necessary for the clerk and his staff; and (d) certify that these security measures have been taken in whatever form is deemed appropriate by the chief judge.

B. Within seven calendar days of the filing of the petition for a recount of any election other than an election for presidential electors, or within five calendar days of the filing of a petition for a recount of an election for presidential electors, the chief judge of the circuit court shall call a preliminary hearing at which (i) motions may be disposed of and (ii) the rules of procedure may be fixed, both subject to review by the full court. As part of the preliminary hearing, the chief judge may permit the petitioner and his counsel, together with each other party and his counsel and at least two members of the electoral board and the custodians, to examine any direct ~~recording~~ electronic ~~voting device~~ *machine* of the type that prints returns when the print-out sheets are not clearly legible. The petitioner and his counsel and each other party and their counsel under supervision of the electoral board and its agents shall also have access to pollbooks and other materials used in the election for examination purposes, provided that individual ballots cast in the election shall not be examined at the preliminary hearing. The chief judge during the preliminary hearing shall review all security measures taken for all ballots and voting ~~devices~~ *and counting machines* and direct, as he deems necessary, all appropriate measures to ensure proper security to conduct the recount.

The chief judge, subject to review by the full court, may set the place or places for the recount and may order the delivery of election materials to a central location and the transportation of voting ~~devices~~ *and counting machines* to a central location in each county or city under appropriate safeguards.

After the full court is appointed under § 24.2-801 or 24.2-801.1, it shall call a hearing at which all motions shall be disposed of and the rules of procedure shall be fixed finally. The court shall call for the advice and cooperation of the State Board or any local electoral board, as appropriate, and such boards shall have the duty and authority to assist the court. The court shall fix procedures that shall provide for the accurate determination of votes in the election.

The determination of the votes in a recount shall be based on votes cast in the election and shall not take into account (a) any absentee ballots or provisional ballots sought to be cast but ruled invalid and not cast in the election, (b) ballots cast only for administrative or test purposes and voided by the officers of election, or (c) ballots spoiled by a voter and replaced with a new ballot.

The eligibility of any voter to have voted shall not be an issue in a recount. Commencing upon the filing of the recount, nothing shall prevent the discovery or disclosure of any evidence that could be used pursuant to § 24.2-803 in contesting the results of an election.

C. The court shall permit each candidate, or petitioner and governing body or chief executive officer, to select an equal number of the officers of election to be recount officials and to count *printed* ballots, or in the case of direct *recording* electronic ~~voting devices~~ *machines*, to redetermine the vote. The number shall be fixed by the court and be sufficient to conduct the recount within a reasonable period. The court may permit each party to the recount to submit a list of alternate officials in the number the court directs. There shall be at least one team of recount officials to recount ~~paper printed~~ ballots and to redetermine the vote cast on direct *recording* electronic ~~devices~~ *machines* of the type that prints returns for the election district at large in which the recount is being held. There shall be at least one team from each locality using ~~electronic counting devices~~ *ballot scanner machines* to insert the ballots into one or more ~~counting devices~~ *scanners*. The ~~counting devices~~ *ballot scanner machines* shall be programmed to count only votes cast for parties to the recount or for or against the question in a referendum recount. Each team shall be composed of one representative of each party.

The court may provide that if, at the time of the recount, any recount official fails to appear, the remaining recount officials present shall appoint substitute recount officials who shall possess the same qualifications as the recount officials for whom they substitute. The court may select pairs of recount coordinators to serve for each county or city in the election district who shall be members of the county or city electoral board and represent different political parties. The court shall have authority to summon such officials and coordinators. On the request of any party to the recount, the court shall allow that party to appoint one representative observer for each team of recount officials. The representative observers shall have an unobstructed view of the work of the recount officials. The expenses of its representatives shall be borne by each party.

D. The court (i) shall supervise the recount and (ii) may require delivery of any or all pollbooks used and any or all ballots cast at the election, or may assume supervision thereof through the recount coordinators and officials.

The redetermination of the vote in a recount shall be conducted as follows:

1. For paper ballots, the recount officials shall hand count the *paper* ballots using the standards promulgated by the State Board pursuant to subsection A.

2. For direct recording electronic machines (DREs), the recount officials shall open the envelopes with the printouts and read the results from the printouts. If the printout is not clear, or on the request of the court, the recount officials shall rerun the printout from the machine or examine the counters as appropriate.

3. For ~~optical scan tabulators~~ *ballot scanner machines*, the recount officials shall rerun all the *machine-readable* ballots through a ~~tabulator scanner~~ programmed to count only the votes for the office or issue in question in the recount and to set aside all ballots containing write-in votes, overvotes, and undervotes. The ballots that are set aside, any ballots not accepted by the ~~tabulator scanner~~, and any ballots for which a ~~tabulator scanner~~ could not be programmed to meet the programming requirements of this subdivision, shall be hand counted using the standards promulgated by the State Board pursuant to subsection A. If the total number of ~~paper machine-readable~~ ballots reported as counted by the ~~tabulator scanner~~ plus the total number of ballots set aside by the ~~tabulator scanner~~ do not equal the total number of ballots rerun through the ~~tabulator scanner~~, then all ballots cast on ~~optical scan equipment~~ *ballot scanner machines* for that precinct shall be set aside to be counted by hand using the standards promulgated by the State Board pursuant to subsection A. Prior to running the *machine-readable* ballots through the ~~tabulator ballot scanner machine~~, the recount officials shall ensure that logic and accuracy tests have been successfully performed on each ~~tabulator scanner~~ after the ~~tabulator scanner~~ has been programmed. The result calculated for ballots accepted by the ~~tabulator ballot scanner machine~~ during the recount shall be considered the correct determination for those *machine-readable* ballots unless the court finds sufficient cause to rule otherwise.

There shall be only one redetermination of the vote in each precinct.

At the conclusion of the recount of each precinct, the recount officials shall write down the number of valid ballots cast, this number being obtained from the ballots cast in the precinct, or from the ballots cast as shown on the statement of results if the ballots cannot be found, for each of the two candidates or for and against the question. They shall submit the ballots or the statement of results used, as to the validity of which questions exist, to the court. The written statement of any one recount official challenging a ballot shall be sufficient to require its submission to the court. If, on all direct *recording* electronic ~~voting devices~~ *machines*, the number of persons voting in the election, or the number of votes cast for the office or on the question, totals more than the number of names on the pollbooks of persons voting on the ~~devices~~ *voting machines*, the figures recorded by the ~~devices~~ *machines* shall be accepted as correct.

At the conclusion of the recount of all precincts, after allowing the parties to inspect the questioned ballots, and after hearing arguments, the court shall rule on the validity of all questioned ballots and votes. After determining all matters pertaining to the recount and redetermination of the vote as raised by the parties, the court shall certify to the State Board and the electoral board or boards (a) the vote for each party to the recount and declare the person who received the higher number of votes to be nominated or elected, as appropriate, or (b) the votes for and against the question and declare the outcome of the referendum. The State Board shall post on the Internet any and all changes made during the recount to the results as previously certified by it pursuant to § 24.2-679.

E. Costs of the recount shall be assessed against the counties and cities comprising the election district when (i) the candidate petitioning for the recount is declared the winner; (ii) the petitioners in a recount of a referendum win the recount; or (iii) there was between the candidate apparently nominated or elected and the candidate petitioning for the recount a difference of not more than one-half of one percent of the total vote cast for the two such candidates as determined by the State Board or electoral board prior to the recount. Otherwise the costs of the recount shall be assessed against the candidate petitioning for the recount or the petitioners in a recount of a referendum. If more than one candidate petitions for a recount,

the court may assess costs in an equitable manner between the counties and cities and any such candidate if both are liable for costs under this subsection. Costs incurred to date shall be assessed against any candidate or petitioner who defaults or withdraws his petition.

F. The court shall determine the costs of the recount subject to the following limitations: (i) no per diem payment shall be assessed for salaried election officials; (ii) no per diem payment to officers of election serving as recount officials shall exceed two-thirds of the per diem paid such officers by the county or city for service on election day; and (iii) per diem payments to alternates shall be allowed only if they serve.

G. Any petitioner who may be assessed with costs under subsection E shall post a bond with surety with the court in the amount of \$10 per precinct in the area subject to recount. If the petitioner wins the recount, the bond shall not be forfeit. If the petitioner loses the recount, the bond shall be forfeit only to the extent of the assessed costs. If the assessed costs exceed the bond, he shall be liable for such excess.

H. The recount proceeding shall be final and not subject to appeal.

I. For the purposes of this section:

"Overvote" means a ballot on which a voter casts a vote for a greater number of candidates or positions than the number for which he was lawfully entitled to vote and no vote shall be counted with respect to that office or issue.

"Undervote" means a ballot on which a voter casts a vote for a lesser number of candidates or positions than the number for which he was lawfully entitled to vote.

2. That §§ 24.2-628 and 24.2-640 of the Code of Virginia are repealed.

3. That an emergency exists and this act is in force from its passage.

CHAPTER 577

An Act to amend and reenact § 22.1-277.08 of the Code of Virginia, relating to the expulsion of students for certain drug offenses.

[H 751]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-277.08 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-277.08. Expulsion of students for certain drug offenses.

A. School boards shall expel from school attendance any student whom such school board has determined, in accordance with the procedures set forth in this article, to have brought a controlled substance, imitation controlled substance, marijuana as defined in § 18.2-247, or synthetic cannabinoids as defined in § 18.2-248.1:1 onto school property or to a school-sponsored activity. ~~A school board may, however, determine, based on the facts of the particular case, that special circumstances exist and another disciplinary action is appropriate. In addition, a~~ *A school administrator, pursuant to school board policy, or a school board may, however, determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. A school board may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article. Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation.*

B. Each school board shall revise its standards of student conduct to incorporate the requirements of this section no later than three months after the date on which this act becomes effective.

CHAPTER 578

An Act to amend and reenact § 23-4.2:1 of the Code of Virginia, relating to benefits consortia; benefits plans.

[H 757]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 23-4.2:1 of the Code of Virginia is amended and reenacted as follows:

§ 23-4.2:1. Formation of not-for-profit benefits consortium.

A. As used in this section:

"Benefits consortium" means a nonstock corporation formed pursuant to subsection B.

"Benefits plan" means plans adopted by the board of directors of a benefits consortium to provide health and welfare benefits to employees of private educational institutions that are members of the benefits consortium, *employees of the sponsoring association of the benefits consortium, employees of the benefits consortium,* and their dependents.

"Employee welfare benefit plan" has the meaning set forth in § 3(1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002(1).

"Private educational institution" means a nonpublic, nonprofit college or university that is accredited by a nationally recognized regional accreditation body or by the Board of Governors of the American Bar Association; and

1. Has its primary campus located within the Commonwealth;
2. Is owned and operated by a corporation, trust, association or religious institution or any subsidiary or affiliate of any such entity;
3. Has been in existence as a private educational institution in the Commonwealth for at least 10 years;
4. Is a member in good standing of the sponsoring association; and
5. Otherwise qualifies as an institution of higher education as defined in § 23-276.1.

"Sponsoring association" means an association of private educational institutions that is incorporated under the laws of the Commonwealth, has been in existence for at least 20 years and exists for purposes other than arranging for or providing health and welfare benefits to members.

B. Notwithstanding any provision of law to the contrary, five or more private educational institutions may form a not-for-profit benefits consortium for the purpose of establishing a self-funded employee welfare benefit plan by acting as incorporators of a nonstock corporation pursuant to the Virginia Nonstock Corporation Act (§ 13.1-801 et seq.). In addition to provisions required or permitted by the Virginia Nonstock Corporation Act, the organizational documents of the benefits consortium shall:

1. Limit membership in the benefits consortium to private educational institutions, *the sponsoring association of the benefits consortium, and the benefits consortium*;
2. Set forth the name and address of each of the initial members of the corporation;
3. Set forth requirements for the admission of additional private educational institutions to the corporation and the procedure for admission of additional members;
4. Require that each initial member of the corporation and each additional private educational institution admitted to membership agree to remain a member of the benefits consortium for a period of at least five years from the date the consortium begins operations or the date of its admission to membership, as the case may be;
5. Provide that the number of directors of the corporation shall be equal to the number of members and include one person employed by each member and may provide for an additional director who shall be an employee of the sponsoring association; however, two individuals affiliated with the same member may not serve on the board of directors at the same time;
6. Provide that the board of directors shall have exclusive fiscal control over and be responsible for the operation of the benefits plan and shall govern the benefits consortium in accordance with the fiduciary duties defined in the federal Employee Retirement Income Security Act of 1974;
7. Vest in the board of directors the power to make and collect special assessments against members and, if any assessment is not timely paid, to enforce collection of same in the name of the corporation;
8. State the purposes of the benefits consortium, including the types of risks to be shared by its members;
9. Provide that each member shall be liable for its allocated share of the liabilities of the benefits consortium as determined by the board of directors;
10. Require that the benefits consortium purchase and maintain (i) a bond that satisfies the requirements of the Employee Retirement Income Security Act of 1974, (ii) fiduciary liability insurance, and (iii) a policy or policies of excess insurance with a retention level determined in accordance with sound actuarial principles from an insurer licensed to transact the business of insurance in the Commonwealth;
11. Require that the benefits consortium be audited annually by an independent certified public accountant engaged by the board of directors;
12. Prohibit the payment of commissions or other remuneration to any person on account of the enrollment of persons in any benefit plan offered by the benefits consortium; and
13. Not include in the name of the corporation the words "insurance," "insurer," "underwriter," "mutual" or any other word or term or combination of words or terms that is uniquely descriptive of an insurance company or insurance business unless the context of the remaining words or terms clearly indicate that the corporation is not an insurance company and is not carrying on the business of insurance.

C. A benefits consortium shall establish and maintain reserves determined in accordance with sound actuarial principles. Capital may be maintained in the form of an irrevocable letter of credit issued to the benefits consortium by a state or national bank authorized to engage in the banking business in the Commonwealth.

D. Except to the extent specifically provided in this section, a benefits consortium organized under and operated in conformity with this section, so long as it remains in good standing under the Virginia Nonstock Corporation Act (§ 13.1-801 et seq.) and otherwise meets the requirements set forth in this section, shall be governed solely by and be subject only to the provisions of the Employee Retirement Income Security Act of 1974 as implemented by the United States Department of Labor, shall be exempt from all state taxation, and shall not otherwise be subject to the provisions of Title 38.2, including regulation as a multiple employer welfare arrangement.

CHAPTER 579

An Act to amend and reenact § 18.2-56.1 of the Code of Virginia, relating to reckless handling of firearms; penalty.

[H 810]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-56.1 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-56.1. Reckless handling of firearms; reckless handling while hunting.

A. It shall be unlawful for any person to handle recklessly any firearm so as to endanger the life, limb or property of any person. Any person violating this section shall be guilty of a Class 1 misdemeanor.

A1. Any person who handles any firearm in a manner so gross, wanton, and culpable as to show a reckless disregard for human life and causes the serious bodily injury of another person resulting in permanent and significant physical impairment is guilty of a Class 6 felony.

B. If this section is violated while the person is engaged in hunting, trapping or pursuing game, the trial judge may, in addition to the penalty imposed by the jury or the court trying the case without a jury, revoke such person's hunting or trapping license and privileges to hunt or trap while possessing a firearm for a period of one to five years.

C. Upon a revocation pursuant to subsection B hereof, the clerk of the court in which the case is tried pursuant to this section shall forthwith send to the Department of Game and Inland Fisheries (i) such person's revoked hunting or trapping license or notice that such person's privilege to hunt or trap while in possession of a firearm has been revoked and (ii) a notice of the length of revocation imposed. The Department shall keep a list which shall be furnished upon request to any law-enforcement officer, the attorney for the Commonwealth or court in this Commonwealth, and such list shall contain the names and addresses of all persons whose license or privilege to hunt or trap while in possession of a firearm has been revoked and the court which took such action.

D. If any person whose license to hunt and trap, or whose privilege to hunt and trap while in possession of a firearm, has been revoked pursuant to this section, thereafter hunts or traps while in possession of a firearm, he shall be guilty of a Class 1 misdemeanor, and, in addition to any penalty imposed by the jury or the court trying the case without a jury, the trial judge may revoke such person's hunting or trapping license and privileges to hunt or trap while in possession of a firearm for a period of one year to life. The clerk of the court shall notify the Department of Game and Inland Fisheries as is provided in subsection C herein.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 806 of the Acts of Assembly of 2013 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 580

An Act to amend and reenact § 24.2-709 of the Code of Virginia, relating to elections; return of absentee ballots.

[H 838]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-709 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-709. Ballot to be returned in manner prescribed by law.

A. Any ballot returned to the office of the electoral board or general registrar in any manner except as prescribed by law shall be void. Absentee ballots shall be returned to the electoral board or general registrar before the closing of the polls. The board member or registrar receiving the ballot shall (i) seal the ballot in an envelope with the statement or declaration of the voter, or both, attached to the outside and (ii) mark on each envelope the date, time, and manner of delivery. For all ballots returned by the general registrar to the electoral board, the board shall give to the general registrar a receipt showing the time and date of the return. *No returned absentee ballot shall be deemed void because the inner envelope containing the voted ballot is imperfectly sealed so long as the outside envelope containing the ballot envelope is sealed.*

B. Notwithstanding the provisions of subsection A, absentee ballots (i) received after the close of the polls on any election day, (ii) received before 5:00 p.m. on the second business day before the State Board meets to ascertain the results of the election pursuant to this title, (iii) requested on or before but not sent by the deadline for making absentee ballots available under § 24.2-612, and (iv) cast by an absentee voter who is eligible for an absentee ballot under subdivision 2 of § 24.2-700 shall be counted pursuant to the procedures set forth in this chapter and, if the voter is found entitled to vote, included in the election returns. The electoral board shall prepare an amended certified abstract, which shall include the results of such ballots, and shall deliver such abstract to the State Board by the business day prior to its meeting pursuant to

this title, and shall deliver a copy of such abstract to the general registrar to be available for inspection when his office is open for business.

C. Notwithstanding the provisions of clause (i) of subsection B of § 24.2-427, an absentee ballot returned by a voter in compliance with § 24.2-707 and this section who dies prior to the counting of absentee ballots on election day shall be counted pursuant to the procedures set forth in this chapter if the voter is found to have been entitled to vote at the time that he returned the ballot.

CHAPTER 581

An Act to amend and reenact § 15.2-1726 of the Code of Virginia, relating to interjurisdictional law-enforcement agreements.

[H 872]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1726 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1726. Agreements for consolidation of police departments or for cooperation in furnishing police services.

Any locality may, in its discretion, enter into a reciprocal agreement with any other locality, any agency of the federal government exercising police powers, the police of any state-supported institution of higher learning appointed pursuant to § 23-233, the Division of Capitol Police, any private police department certified by the Department of Criminal Justice Services, or any combination of the foregoing, for such periods and under such conditions as the contracting parties deem advisable, for cooperation in the furnishing of police services. Such agreements may include designation of mutually agreed-upon boundary lines between contiguous localities for purposes of organizing 911 dispatch and response and clarifying issues related to coverage under workers' compensation and risk management laws. *Such agreements may also include provisions allowing for the loan of unmarked police vehicles.* Such localities also may enter into an agreement for the cooperation in the furnishing of police services with the Department of State Police. The governing body of any locality also may, in its discretion, enter into a reciprocal agreement with any other locality, or combination thereof, for the consolidation of police departments or divisions or departments thereof. Subject to the conditions of the agreement, all police officers, officers, agents and other employees of such consolidated or cooperating police departments shall have the same powers, rights, benefits, privileges and immunities in every jurisdiction subscribing to such agreement, including the authority to make arrests in every such jurisdiction subscribing to the agreement; however, no police officer of any locality shall have authority to enforce federal laws unless specifically empowered to do so by statute, and no federal law-enforcement officer shall have authority to enforce the laws of the Commonwealth unless specifically empowered to do so by statute.

The governing body of a county also may enter into a tripartite contract with the governing body of any town, one or more, in such county and the sheriff for such county for the purpose of having the sheriff furnish law-enforcement services in the town. The contract shall be structured as a service contract and may have such other terms and conditions as the contracting parties deem advisable. The sheriff and any deputy sheriff serving as a town law-enforcement officer shall have authority to enforce such town's ordinances. Likewise, subject to the conditions of the contract, the sheriff and deputy sheriffs while serving as a town's law-enforcement officers shall have the same powers, rights, benefits, privileges and immunities as those of regular town police officers. The sheriff under any such contract shall be the town's chief of police.

CHAPTER 582

An Act to amend the Code of Virginia by adding a section numbered 2.2-401.01, relating to the Secretary of the Commonwealth; liaison to Virginia Indian tribes.

[H 903]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.2-401.01 as follows:

§ 2.2-401.01. Liaison to Virginia Indian tribes.

The Secretary of the Commonwealth shall:

- 1. Serve as the Governor's liaison to the Virginia Indian tribes; and*
- 2. Report annually on the status of Indian tribes in Virginia.*

CHAPTER 583

An Act to amend and reenact §§ 32.1-263, 32.1-264, 32.1-277, 32.1-279, 32.1-281, 32.1-282, 32.1-283, 32.1-283.1, 32.1-283.2, 32.1-283.3, 32.1-283.5, 32.1-284, 32.1-285, 32.1-286, 32.1-291.22, 32.1-291.23, 32.1-298, 32.1-301, 54.1-2807, 54.1-2818.1, 54.1-2972, and 54.1-2973 of the Code of Virginia and to repeal § 32.1-280 of the Code of Virginia, relating to Office of the Chief Medical Examiner; medicolegal death examinations.

[H 924]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-263, 32.1-264, 32.1-277, 32.1-279, 32.1-281, 32.1-282, 32.1-283, 32.1-283.1, 32.1-283.2, 32.1-283.3, 32.1-283.5, 32.1-284, 32.1-285, 32.1-286, 32.1-291.22, 32.1-291.23, 32.1-298, 32.1-301, 54.1-2807, 54.1-2818.1, 54.1-2972, and 54.1-2973 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-263. Filing death certificates; medical certification; investigation by Office of the Chief Medical Examiner.

A. A death certificate, including, if known, the social security number or control number issued by the Department of Motor Vehicles pursuant to § 46.2-342 of the deceased, shall be filed for each death which occurs in this Commonwealth with the registrar of the district in which the death occurred within three days after such death and prior to final disposition or removal of the body from the Commonwealth, and shall be registered by such registrar if it has been completed and filed in accordance with the following requirements:

1. If the place of death is unknown, but the dead body is found in this Commonwealth, a death certificate shall be filed in the registration district in which the dead body is found in accordance with this section. The place where the dead body is found shall be shown as the place of death. If the date of death is unknown, it shall be determined by approximation, taking into consideration all relevant information, including but not limited to, information provided by the immediate family regarding the date and time that the deceased was last seen alive, if the individual died in his home; and

2. When death occurs in a moving conveyance, in the United States of America and the body is first removed from the conveyance in this Commonwealth, the death shall be registered in this Commonwealth and the place where it is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in this Commonwealth, the death shall be registered in this Commonwealth but the certificate shall show the actual place of death insofar as can be determined.

B. The licensed funeral director, funeral service licensee, office of the state anatomical program, or next of kin as defined in § 54.1-2800 who first assumes custody of a dead body shall file the certificate of death with the registrar. He shall obtain the personal data, including the social security number of the deceased or control number issued to the deceased by the Department of Motor Vehicles pursuant to § 46.2-342, from the next of kin or the best qualified person or source available and obtain the medical certification from the person responsible therefor.

C. The medical certification shall be completed, signed in black or dark blue ink, and returned to the funeral director within 24 hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death except when inquiry or investigation by ~~a medical examiner~~ *the Office of the Chief Medical Examiner* is required by § 32.1-283 or 32.1-285.1, or by the physician that pronounces death pursuant to § 54.1-2972.

In the absence of such physician or with his approval, the certificate may be completed and signed by the following: (i) another physician employed or engaged by the same professional practice; (ii) a physician assistant supervised by such physician; (iii) a nurse practitioner practicing as part of a patient care team as defined in § 54.1-2900; (iv) the chief medical officer or medical director, or his designee, of the institution, hospice, or nursing home in which death occurred; (v) a physician specializing in the delivery of health care to hospitalized or emergency department patients who is employed by or engaged by the facility where the death occurred; (vi) the physician who performed an autopsy upon the decedent; or (vii) an individual to whom the physician has delegated authority to complete and sign the certificate, if such individual has access to the medical history of the case and death is due to natural causes.

D. When inquiry or investigation by ~~a medical examiner~~ *the Office of the Chief Medical Examiner* is required by § 32.1-283 or 32.1-285.1, ~~the medical examiner~~ *the Chief Medical Examiner* shall ~~investigate~~ *cause an investigation of the cause of death to be made and shall complete and sign* the medical certification portion of the death certificate *to be completed and signed* within 24 hours after being notified of the death. If the ~~medical examiner~~ *Office of the Chief Medical Examiner* refuses jurisdiction, the physician last furnishing medical care to the deceased shall prepare and sign the medical certification portion of the death certificate.

E. If the death is a natural death and a death certificate is being prepared pursuant to § 54.1-2972 and the physician, nurse practitioner, or physician assistant is uncertain about the cause of death, he shall use his best medical judgment to certify a reasonable cause of death or contact the health district physician director in the district where the death occurred to obtain guidance in reaching a determination as to a cause of death and document the same.

If the cause of death cannot be determined within 24 hours after death, the medical certification shall be completed as provided by regulations of the Board. The attending physician or *the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to § 32.1-282* shall give the funeral director or person acting as such notice of the reason for the delay, and final disposition of the body shall not be made until authorized by the attending physician ~~or~~ *the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to § 32.1-282.*

F. A physician, nurse practitioner, or physician assistant who, in good faith, signs a certificate of death or determines the cause of death shall be immune from civil liability, only for such signature and determination of causes of death on such certificate, absent gross negligence or willful misconduct.

§ 32.1-264. Reports of fetal deaths; medical certification; investigation by the Office of the Chief Medical Examiner; confidentiality of information concerning abortions.

A. A fetal death report for each fetal death which occurs in this Commonwealth shall be filed, on a form furnished by the State Registrar, with the registrar of the district in which the delivery occurred or the abortion was performed within three days after such delivery or abortion and shall be registered with such registrar if it has been completed and filed in accordance with this section; provided that:

1. If the place of fetal death is unknown, a fetal death report shall be filed in the registration district in which a dead fetus was found within three days after discovery of such fetus; and

2. If a fetal death occurs in a moving conveyance, a fetal death report shall be filed in the registration district in which the fetus was first removed from such conveyance.

B. The funeral director or person who first assumes custody of a dead fetus or, in the absence of a funeral director or such person, the hospital representative who first assumes custody of a fetus shall file the fetal death report; in the absence of such a person, the physician or other person in attendance at or after the delivery or abortion shall file the report of fetal death. The person completing the forms shall obtain the personal data from the next of kin or the best qualified person or source available, and he shall obtain the medical certification of cause of death from the person responsible for preparing the same as provided in this section. In the case of induced abortion, such forms shall not identify the patient by name.

C. The medical certification portion of the fetal death report shall be completed and signed within ~~twenty-four~~ 24 hours after delivery or abortion by the physician in attendance at or after delivery or abortion except when inquiry or investigation by a ~~medical examiner~~ *the Office of the Chief Medical Examiner* is required.

D. When a fetal death occurs without medical attendance upon the mother at or after the delivery or abortion or when inquiry or investigation by a ~~medical examiner~~ *the Office of the Chief Medical Examiner* is required, the ~~medical examiner~~ *Chief Medical Examiner* shall ~~investigate~~ *cause an investigation of* the cause of fetal death *to be made* and shall ~~complete and sign~~ the medical certification portion of the fetal death report *to be completed and signed* within ~~twenty-four~~ 24 hours after being notified of a fetal death.

E. The reports required pursuant to this section are statistical reports to be used only for medical and health purposes and shall not be incorporated into the permanent official records of the system of vital records. A schedule for the disposition of these reports may be provided by regulation.

F. The physician or facility attending an individual who has delivered a dead fetus shall maintain a copy of the fetal death report for one year and, upon written request by the individual and payment of an appropriate fee, shall furnish the individual a copy of such report.

§ 32.1-277. Office of the Chief Medical Examiner; central and district offices and facilities.

The Commissioner shall establish and maintain, ~~for the purpose of conducting medicolegal investigation investigations~~ of deaths and postmortem examinations, *an Office of the Chief Medical Examiner, which shall include a central office and facilities in the City of Richmond and such district offices and facilities in such localities in the Commonwealth as are may be necessary to carry out the provisions of this article. The central office and each district office established pursuant to this section shall be under the supervision of the Chief Medical Examiner.* Each such office and facility shall have adequate professional, technical, and medical investigative personnel and physical facilities for the conduct of such examinations and investigations as may be authorized or required by law.

§ 32.1-279. Duties of Chief Medical Examiner; teaching legal medicine.

A. The Chief Medical Examiner shall carry out the provisions of this article under the direction of the Commissioner. ~~The central and district offices and facilities established as provided in § 32.1-277 shall be under the supervision of the Chief Medical Examiner~~ *may, with the approval of the Commissioner, employ forensic pathologists to serve as Assistant Chief Medical Examiners in the central and district offices established pursuant to § 32.1-277.*

B. The Chief Medical Examiner and ~~his assistants~~ *Assistant Chief Medical Examiners* shall be available to Virginia Commonwealth University, the University of Virginia, the Eastern Virginia Medical School, and other institutions of higher education providing instruction in health science or law for teaching legal medicine and other subjects related to their duties.

§ 32.1-281. Commissioner may obtain additional services and facilities.

In the investigation of any death or for the performance of any autopsy authorized or required pursuant to this article, the Commissioner may; ~~in addition to the central and district office personnel and medical investigators, employ and pay, out of funds appropriated for such purpose, enter into an agreement for the provision of services with a qualified pathologist or consultant, designated by the Chief Medical Examiner, to perform such autopsy or to make such pathological studies and investigations as may be deemed necessary or advisable by the Chief Medical Examiner and may arrange for the use of mortuary facilities. In any case in which the Commissioner enters into an agreement for the provision of services with a qualified pathologist or consultant in accordance with this section, the cost of such services shall be paid out of funds appropriated for such purpose.~~

§ 32.1-282. Medical examiners.

A. The Chief Medical Examiner shall appoint for each county and city one or more medical examiners, *who shall be licensed to practice medicine in the Commonwealth, to take office on the first day of October of the year of appointment assist the Office of the Chief Medical Examiner with medicolegal death investigations.*

B. ~~Each medical examiner shall be licensed to practice medicine in this Commonwealth and shall be appointed from a list of two or more nominations submitted by the medical society for the county or city for which the appointment is to be made. If no list of names is submitted, the Chief Medical Examiner shall select the medical examiner or medical examiners.~~

~~Each medical examiner appointed pursuant to subsection A shall take office on the first day of October of the year of appointment. The term of each medical examiner so appointed shall be three years and until his successor is appointed and has qualified.~~

~~C. The Chief Medical Examiner shall fill any medical examiner vacancy in the office of medical examiner for the unexpired term and shall make any necessary temporary appointments.~~

~~In the event the medical examiner of any county or city is unable to serve in any particular case or for any period of time on account of illness, enforced absence or personal interest, the Chief Medical Examiner shall designate some other qualified doctor of medicine to serve in the place of such medical examiner in such particular case or for such period of time.~~

§ 32.1-283. Investigation of deaths; obtaining consent to removal of organs, etc.; fees.

A. Upon the death of any person from trauma, injury, violence, poisoning, accident, suicide or homicide, or suddenly when in apparent good health, or when unattended by a physician, or in jail, prison, other correctional institution or in police custody, or who is an individual receiving services in a state hospital or training center operated by the Department of Behavioral Health and Developmental Services, or suddenly as an apparent result of fire, or in any suspicious, unusual or unnatural manner, or the sudden death of any infant less than 18 months of age whose death is suspected to be attributable to Sudden Infant Death Syndrome (SIDS), the medical examiner of the county or city in which death occurs the Office of the Chief Medical Examiner shall be notified by the physician in attendance, hospital, law-enforcement officer, funeral director, or any other person having knowledge of such death. Good faith efforts shall be made by such any person or institution having initial custody of the dead body to identify and to notify the next of kin of the decedent. Notification shall include informing the person presumed to be the next of kin that he has a right to have identification of the decedent confirmed without due delay and without being held financially responsible for any procedures performed for the purpose of the identification. Identity of the next of kin, if determined, shall be provided to the Office of the Chief Medical Examiner upon transfer of the dead body.

B. Upon being notified of a death as provided in subsection A, the medical examiner Office of the Chief Medical Examiner shall take charge of the dead body, make and the Chief Medical Examiner shall cause an investigation into the cause and manner of death; reduce his findings to writing; and promptly make to be made and a full report to the Chief Medical Examiner, which shall include written findings, to be prepared. In order to facilitate his the investigation, the medical examiner Office of the Chief Medical Examiner is authorized to inspect and copy the pertinent medical records of the decedent whose death he is investigating the subject of the investigation. Full directions as to the nature, character, and extent of the investigation to be made in such cases shall be furnished each medical examiner appointed pursuant to § 32.1-282 by the Office of the Chief Medical Examiner, together with appropriate forms for the required reports and instructions for their use. The facilities and personnel under of the Office of the Chief Medical Examiner shall be made available to any medical examiners in such investigations examiner investigating a death in accordance with this section. Reports and findings of the Office of the Chief Medical Examiner shall be confidential and shall not under any circumstance be disclosed or made available for discovery pursuant to a court subpoena or otherwise, except as provided in this chapter. Nothing in this subsection shall prohibit the Office of the Chief Medical Examiner from releasing the cause or manner of death; or prohibit disclosure of reports or findings to the parties in a criminal case.

C. A copy of each report pursuant to this section shall be delivered to the appropriate attorney for the Commonwealth and to the appropriate law-enforcement agency investigating the death. A copy of any such report regarding the death of a victim of a traffic accident shall be furnished upon request to the State Police and the Highway Safety Commission. In addition, a copy of any autopsy report concerning an individual receiving services in a state hospital or training center operated by the Department of Behavioral Health and Developmental Services shall be delivered to the Commissioner of Behavioral Health and Developmental Services and to the State Inspector General. A copy of any autopsy report concerning a prisoner committed to the custody of the Director of the Department of Corrections shall, upon request of the Director of the Department of Corrections, be delivered to the Director of the Department of Corrections. A copy of any autopsy report concerning a prisoner committed to any local correctional facility shall be delivered to the local sheriff or superintendent. Upon request, the Office of the Chief Medical Examiner shall release such autopsy report to the decedent's attending physician and to the personal representative or executor of the decedent or, if no personal representative or executor is appointed, then at. At the discretion of the Chief Medical Examiner, an autopsy report may be released to the following persons in the following order of priority: (i) the spouse of the decedent, (ii) an adult son or daughter of the decedent, (iii) either parent of the decedent, (iv) an adult sibling of the decedent, (v) any other adult relative of the decedent in order of blood relationship, or (vi) any appropriate health facility quality assurance program.

D. For each investigation under this article, including the making of the required reports, the medical examiner appointed pursuant to § 32.1-282 shall receive a fee established by the Board within the limitations of appropriations for the purpose. Such fee shall be paid by the Commonwealth; if the deceased is not a legal resident of the county or city in which his death occurred. In the event the deceased is a legal resident of the county or city in which his death occurred, such county or city shall be responsible for the fee up to \$20. If the deceased is an individual who receives services in a state hospital or training center operated by the Department of Behavioral Health and Developmental Services, the fee shall be paid by the Department of Behavioral Health and Developmental Services.

E. Nothing herein shall be construed to interfere with the autopsy procedure or with the routine obtaining of consent for removal of organs as conducted by surgical teams or others.

§ 32.1-283.1. State Child Fatality Review Team; membership; access to and maintenance of records; confidentiality; etc.

A. There is hereby created the State Child Fatality Review Team, hereinafter referred to in this section as "the Team," which shall develop and implement procedures to ensure that child deaths occurring in Virginia are analyzed in a systematic way. The Team shall review (i) violent and unnatural child deaths, (ii) sudden child deaths occurring within the first 18 months of life, and (iii) those fatalities for which the cause or manner of death was not determined with reasonable medical certainty. No child death review shall be initiated by the Team until conclusion of any law-enforcement investigation or criminal prosecution. The Team shall (i) develop and revise as necessary operating procedures for the review of child deaths, including identification of cases to be reviewed and procedures for coordination among the agencies and professionals involved, (ii) improve the identification, data collection, and record keeping of the causes of child death, (iii) recommend components for prevention and education programs, (iv) recommend training to improve the investigation of child deaths, and (v) provide technical assistance, upon request, to any local child fatality teams that may be established. The operating procedures for the review of child deaths shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.) pursuant to subdivision 17 of subsection B 17 of § 2.2-4002.

B. The 16-member Team shall be chaired by the Chief Medical Examiner and shall be composed of the following persons or their designees: the Commissioner of Behavioral Health and Developmental Services; the Director of Child Protective Services within the Department of Social Services; the Superintendent of Public Instruction; the State Registrar of Vital Records; and the Director of the Department of Criminal Justice Services. In addition, one representative from each of the following entities shall be appointed by the Governor to serve for a term of three years: local law-enforcement agencies, local fire departments, local departments of social services, the Medical Society of Virginia, the Virginia College of Emergency Physicians, the Virginia Pediatric Society, Virginia Sudden Infant Death Syndrome Alliance, local emergency medical services personnel, Commonwealth's attorneys for the Commonwealth, and community services boards.

C. Upon the request of the Chief Medical Examiner in his capacity as chair of the Team, made after the conclusion of any law-enforcement investigation or prosecution, information and records regarding a child whose death is being reviewed by the Team may be inspected and copied by the Chief Medical Examiner or his designee, including, but not limited to, any report of the circumstances of the event maintained by any state or local law-enforcement agency or medical examiner, and information or records maintained on such child by any school, social services agency or court. Information, records, or reports maintained by any Commonwealth's Attorney attorney for the Commonwealth shall be made available for inspection and copying by the Chief Medical Examiner pursuant to procedures which shall be developed by the Chief Medical Examiner and the Commonwealth's Attorneys' Services Council established by § 2.2-2617. Any presentence report prepared pursuant to § 19.2-299 for any person convicted of a crime that led to the death of the child shall be made available for inspection and copying by the Office of the Chief Medical Examiner pursuant to procedures which shall be developed by the Chief Medical Examiner. In addition, the Office of the Chief Medical Examiner may inspect and copy from any Virginia health care provider, on behalf of the Team, (i) without obtaining consent, the health and mental health records of the child and those perinatal medical records of the child's mother that related to such child and (ii) upon obtaining consent from each adult regarding his personal records, or from a parent regarding the records of a minor child, the health and mental health records of the child's family. All such information and records shall be confidential and shall be excluded from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 9 of § 2.2-3705.5. Upon the conclusion of the child death review, all information and records concerning the child and the child's family shall be shredded or otherwise destroyed by the Office of the Chief Medical Examiner in order to ensure confidentiality. Such information or records shall not be subject to subpoena or discovery or be admissible in any criminal or civil proceeding. If available from other sources, however, such information and records shall not be immune from subpoena, discovery, or introduction into evidence when obtained through such other sources solely because the information and records were presented to the Team during a child death review. Further, the findings of the Team may be disclosed or published in statistical or other form which shall not identify individuals. The portions of meetings in which individual child death cases are discussed by the Team shall be closed pursuant to subdivision A 21 of § 2.2-3711. In addition to the requirements of § 2.2-3712, all team members, persons attending closed team meetings, and persons presenting information and records on specific child deaths to the Team during closed meetings shall execute a sworn statement to honor the confidentiality of the information, records, discussions, and opinions disclosed during any closed meeting to review a specific child death. Violations of this subsection shall be punishable as a Class 3 misdemeanor.

D. Upon notification of a child death, any state or local government agency maintaining records on such child or such child's family which are periodically purged shall retain such records for the longer of 12 months or until such time as the State Child Fatality Review Team has completed its child death review of the specific case.

E. The Team shall compile annual data which shall be made available to the Governor and the General Assembly as requested. These statistical data compilations shall not contain any personally identifying information and shall be public records.

§ 32.1-283.2. Local and regional child fatality review teams established; membership; authority; confidentiality; immunity.

A. Upon the initiative of any local or regional law-enforcement agency, fire department, department of social services, emergency medical services agency, attorney for the Commonwealth's attorney's office, or community services board, local or regional child fatality teams may be established for the purpose of conducting contemporaneous reviews of local child

deaths in order to develop interventions and strategies for prevention specific to the locality or region. Each team shall establish rules and procedures to govern the review process. Agencies may share information but shall be bound by confidentiality and execute a sworn statement to honor the confidentiality of the information they share. Violations ~~shall be~~ *are* punishable as a Class 3 misdemeanor. The State Child Fatality Review Team shall provide technical assistance and direction as provided for in subsection A of § 32.1-283.1.

B. Local and regional teams may be composed of the following persons from the localities represented on a particular board or their designees: a ~~local or regional~~ medical examiner *appointed pursuant to § 32.1-282*, a local social services official in charge of child protective services, a director of the relevant local or district health department, a chief law-enforcement officer, a local fire marshal, the attorney for the Commonwealth, an executive director of the local community services board or other local mental health agency, and such additional persons, not to exceed five, as may be appointed to serve by the chairperson of the local or regional team. The chairperson shall be elected from among the designated membership. The additional members appointed by the chairperson may include, but are not restricted to, representatives of local human services agencies; local public education agencies; local pediatricians, psychiatrists and psychologists; and local child advocacy organizations.

C. Each team shall establish local rules and procedures to govern the review process prior to conducting the first child fatality review. The review of a death shall be delayed until any criminal investigations connected with the death are completed or the Commonwealth consents to the commencement of such review prior to the completion of the criminal investigation.

D. All information and records obtained or created regarding the review of a fatality shall be confidential and shall be excluded from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 9 of § 2.2-3705.5. All such information and records shall be used by the team only in the exercise of its proper purpose and function and shall not be disclosed. Such information or records shall not be subject to subpoena, subpoena duces tecum, or discovery or be admissible in any criminal or civil proceeding. If available from other sources, however, such information and records shall not be immune from subpoena, subpoena duces tecum, discovery, or introduction into evidence when obtained through such other sources solely because the information and records were presented to the team during a fatality review. No person who participated in the reviews nor any member of the team shall be required to make any statement as to what transpired during the review or what information was collected during the review. Upon the conclusion of the fatality review, all information and records concerning the victim and the family shall be returned to the originating agency or destroyed. However, the findings of the team may be disclosed or published in statistical or other form which shall not identify individuals. The portions of meetings in which individual cases are discussed by the team shall be closed pursuant to subdivision A 21 of § 2.2-3711. All team members, persons attending closed team meetings, and persons presenting information and records on specific fatalities to the team during closed meetings shall execute a sworn statement to honor the confidentiality of the information, records, discussions, and opinions disclosed during any closed meeting to review a specific death. Violations of this subsection ~~shall be~~ *are* punishable as a Class 3 misdemeanor.

E. Members of teams, as well as their agents and employees, shall be immune from civil liability for any act or omission made in connection with participation in a child fatality review team review, unless such act or omission was the result of gross negligence or willful misconduct. Any organization, institution, or person furnishing information, data, testimony, reports or records to review teams as part of such review, shall be immune from civil liability for any act or omission in furnishing such information, unless such act or omission was the result of gross negligence or willful misconduct.

§ 32.1-283.3. Family violence fatality review teams established; model protocol and data management; membership; authority; confidentiality, etc.

A. The *Office of the Chief Medical Examiner* shall develop a model protocol for the development and implementation of local family violence fatality review teams (~~hereinafter~~ teams) ~~which and such model protocol~~ shall include relevant procedures for conducting reviews of fatal family violence incidents. A "fatal family violence incident" means any fatality, whether homicide or suicide, occurring as a result of abuse between family members or intimate partners. The *Office of the Chief Medical Examiner* shall provide technical assistance to the local teams and serve as a clearinghouse for information.

B. Subject to available funding, the *Office of the Chief Medical Examiner* shall provide ongoing surveillance of fatal family violence occurrences and promulgate an annual report based on accumulated data.

C. Any county or city, or combination of counties, cities, or counties and cities, may establish a family violence fatality review team to examine fatal family violence incidents and to create a body of information to help prevent future family violence fatalities. The team shall have the authority to review the facts and circumstances of all fatal family violence incidents that occur within its designated geographic area.

D. Membership in the team may include, but shall not be limited to, health care professionals, representatives from the local bar, attorneys for the Commonwealth, judges, law-enforcement officials, criminologists, ~~the medical examiner~~ *examiners appointed pursuant to § 32.1-282*, other experts in forensic medicine and pathology, family violence victim advocates, health department professionals, probation and parole professionals, adult and child protective services professionals, and representatives of family violence local coordinating councils.

E. Each team shall establish local rules and procedures to govern the review process prior to the first fatal family violence incident review conducted. The review of a death shall be delayed until any criminal investigations or prosecutions connected with the death are completed.

F. All information and records obtained or created regarding the review of a fatality shall be confidential and shall be excluded from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 9 of § 2.2-3705.5. All such information and records shall be used by the team only in the exercise of its proper purpose and function and shall not be disclosed. Such information or records shall not be subject to subpoena, subpoena duces tecum or discovery or be admissible in any criminal or civil proceeding. If available from other sources, however, such information and records shall not be immune from subpoena, subpoena duces tecum, discovery or introduction into evidence when obtained through such other sources solely because the information and records were presented to the team during a fatality review. No person who participated in the review nor any member of the team shall be required to make any statement as to what transpired during the review or what information was collected during the review. Upon the conclusion of the fatality review, all information and records concerning the victim and the family shall be returned to the originating agency or destroyed. However, the findings of the team may be disclosed or published in statistical or other form which shall not identify individuals. The portions of meetings in which individual cases are discussed by the team shall be closed pursuant to subdivision A 21 of § 2.2-3711. All team members, persons attending closed team meetings, and persons presenting information and records on specific fatalities to the team during closed meetings shall execute a sworn statement to honor the confidentiality of the information, records, discussions, and opinions disclosed during any closed meeting to review a specific death. Violations of this subsection shall be ~~are~~ punishable as a Class 3 misdemeanor.

G. Members of teams, as well as their agents and employees, shall be immune from civil liability for any act or omission made in connection with participation in a family violence fatality review, unless such act or omission was the result of gross negligence or willful misconduct. Any organization, institution, or person furnishing information, data, testimony, reports or records to review teams as part of such review, shall be immune from civil liability for any act or omission in furnishing such information, unless such act or omission was the result of gross negligence or willful misconduct.

§ 32.1-283.5. Adult Fatality Review Team; duties; membership; confidentiality; penalties; report; etc.

A. There is hereby created the Adult Fatality Review Team, hereinafter referred to *in this section* as "the Team," which shall develop and implement procedures to ensure that adult deaths occurring in the Commonwealth are analyzed in a systematic way. The Team shall review the death of any person age 60 years or older, or any adult age 18 years or older who is incapacitated, who resides in the Commonwealth, or who does not reside in the Commonwealth but who is temporarily in the Commonwealth and who is in need of temporary or emergency protective services (i) who was the subject of an adult protective services investigation, (ii) whose death was due to abuse or neglect or acts suggesting abuse or neglect, or (iii) whose death came under the jurisdiction of or was investigated by the Office of the Chief Medical Examiner pursuant to § 32.1-283. The Team shall not initiate an adult death review until the conclusion of any law-enforcement investigation or criminal prosecution.

B. The 16-member team shall consist of the following persons or their designees: the Chief Medical Examiner; the Commissioner of Behavioral Health and Developmental Services; the Commissioner for Aging and Rehabilitative Services; the Director of the Office of Licensure and Certification of the Department of Health; and the State Long-Term Care Ombudsman. In addition, the Governor shall appoint one representative from each of the following entities: a licensed funeral services provider, the Medical Society of Virginia, and local departments of social services, emergency medical services, attorneys for the Commonwealth, law-enforcement agencies, nurses specializing in geriatric care, psychiatrists specializing in geriatric care, and long-term care providers. The Team further shall include two members appointed by the Governor who are advocates for elderly or disabled populations in Virginia. The Chief Medical Examiner shall serve as chair of the Team.

After the initial staggering of terms, members appointed by the Governor shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed. The Chief Medical Examiner and other *ex officio* members of the Team shall serve terms coincident with ~~his term in~~ their terms of office.

C. Upon the request of the chair of the Team, made after the conclusion of any law-enforcement investigation or prosecution, information and records regarding an adult whose death is being reviewed by the Team shall be inspected and copied by the chair or his designee, including but not limited to any report of the circumstances of the event maintained by any state or local law-enforcement agency or ~~medical examiner~~ the Office of the Chief Medical Examiner and information or records on the adult maintained by any facility that provided services to the adult, by any social services agency, or by any court. Information, records, or reports maintained by any attorney for the Commonwealth shall be made available for inspection and copying by the chair or his designee pursuant to procedures that shall be developed by the Chief Medical Examiner and the Commonwealth Attorneys Services Council established by § 2.2-2617. In addition, a health care provider shall provide the Team, upon request, with access to the health and mental health records of (i) the adult whose death is subject to review, without authorization; (ii) any adult relative of the deceased, with authorization; and (iii) any minor child of the deceased, with the authorization of the minor's parent or guardian. The chair of the Team also may copy and inspect the presentence report, prepared pursuant to § 19.2-299, of any person convicted of a crime that led to the death of the adult who is the subject of review by the Team.

D. All information obtained or generated by the Team regarding a review shall be confidential and excluded from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 9 of § 2.2-3705.5. Such information shall not be subject to subpoena or discovery or be admissible in any civil or criminal proceeding. If available from other sources,

however, such information and records shall not be immune from subpoena, discovery, or introduction into evidence when obtained through such other sources solely because the information and records were presented to the Team during an adult death review. The Team shall compile all information collected during a review. The findings of the Team may be disclosed or published in statistical or other form, but shall not identify any individuals.

E. All Team members and other persons attending closed Team meetings, including any persons presenting information or records on specific fatalities, shall execute a sworn statement to honor the confidentiality of the information, records, discussions, and opinions disclosed during meetings at which the Team reviews a specific death. No Team member or other person who participates in a review shall be required to make any statement regarding the review or any information collected during the review. Upon conclusion of a review, all information and records concerning the victim and the family shall be shredded or otherwise destroyed in order to ensure confidentiality. Violations of this subsection ~~shall~~ *be* punishable as a Class 3 misdemeanor.

F. Upon notification of an adult death, any state or local government agency or facility that provided services to the adult or maintained records on the adult or the adult's family shall retain the records for the longer of 12 months or until such time as the Team has completed its review of the case.

G. The Team shall compile an annual report by October 1 of each year that shall be made available to the Governor and the General Assembly. The annual report shall include any policy, regulatory, or budgetary recommendations developed by the Team. Any statistical compilations prepared by the Team shall be public record and shall not contain any personally identifying information.

§ 32.1-284. Cremations and burials at sea.

No dead human body whose death occurred in Virginia shall be cremated or buried at sea, irrespective of the cause and manner of death, unless *the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner* ~~shall determine~~ *appointed pursuant to § 32.1-282 has determined* that there is no further need for medicolegal inquiry into the death and ~~shall so certify~~ *certified* upon a form supplied by the *Office of the Chief Medical Examiner*. For this service the *Chief Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to § 32.1-282* shall be entitled to a fee established by the Board, not to exceed the fee provided for in subsection D of § 32.1-283, to be paid by the applicant for the certificate.

§ 32.1-285. Autopsies.

A. If, in the opinion of the ~~medical examiner investigating the death or of the~~ *Office of the Chief Medical Examiner*, it is advisable and in the public interest that an autopsy be made *as part of the investigation of the death*, or if an autopsy is requested by the attorney for the Commonwealth or by a judge of the circuit court of the county or city wherein such body is or where death occurred or wherein any injury contributing to or causing death was sustained, an autopsy shall be performed by the Chief Medical Examiner, an ~~assistant chief medical examiner~~ *Assistant Chief Medical Examiner*, or a pathologist ~~employed as provided with whom the Commissioner has entered into an agreement in accordance with~~ § 32.1-281. Upon petition of a member of the immediate family or the spouse of the deceased in a case of death by injury, such circuit court may, for good cause shown, order an autopsy, after providing notice and an opportunity to be heard to the attorney for the Commonwealth for the jurisdiction wherein the injury contributing to or causing death was sustained or where death occurred. Further, in all cases of death suspected to be attributable to Sudden Infant Death Syndrome (SIDS), an autopsy shall be advisable and in the public interest and shall be performed as required by § 32.1-285.1. A full record and report of the facts developed by the autopsy and findings of the person making such autopsy shall be promptly made and filed with the *Office of the Chief Medical Examiner* and a copy furnished the judge or attorney for the Commonwealth requesting such autopsy. In the discretion of the Chief Medical Examiner or ~~the medical examiner~~ *an Assistant Chief Medical Examiner*, a copy of any autopsy report or findings may be furnished to any appropriate attorney for the Commonwealth and to the appropriate law-enforcement agency investigating the death.

B. In the case of a child death ~~for which an autopsy is performed and the autopsy investigation that indicates child abuse or neglect contributed to the cause of the death, or that the child suffered from abuse and neglect, the medical examiner conducting the autopsy shall report the case~~ *shall be immediately reported* to the child protective services unit of the local Department of Social Services *by the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to § 32.1-282.*

§ 32.1-286. Exhumations.

A. In any case of death described in subsection A of § 32.1-283, where the body is buried without investigation by *the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner* ~~as to~~ *appointed pursuant to § 32.1-282* into the cause and manner of death or where sufficient cause develops for further investigation after a body is buried, the Chief Medical Examiner shall authorize such investigation and shall send a copy of the report to the appropriate attorney for the Commonwealth who shall communicate such report to a judge of the appropriate circuit court. Such judge may order that the body be exhumed and an autopsy performed thereon by the Chief Medical Examiner ~~or by~~, an Assistant Chief Medical Examiner, *or a pathologist with whom the Commissioner has entered into an agreement pursuant to § 32.1-281.* The pertinent facts disclosed by the autopsy shall be communicated to the judge who ordered it.

B. In any case of death in which a private person has an interest, such person may petition the judge of the circuit court exercising jurisdiction over the place of interment and, upon proper showing of sufficient cause, such judge may order the body exhumed. Such petition or exhumation or both shall not require the participation of the Chief Medical Examiner or ~~his~~ *any Assistant Chief Medical Examiner*. Costs shall be paid by the party requesting the exhumation.

C. Upon the petition of a party attempting to prove, in accordance with the provisions of §§ 64.2-102 and 64.2-103, that he is the issue of a dead person, a court may order the exhumation of the body of any dead person for the conduct of scientifically reliable genetic tests, including DNA tests, to prove a biological relationship. The petition shall be accompanied by the petitioner's sworn statement that sets forth facts establishing a reasonable possibility of a biological relationship between the petitioner and his alleged ancestors. The costs of exhumation, testing, and reinterment shall be paid by the petitioner unless, for good cause shown, the court orders such costs paid from the estate in which the petitioner is claiming an interest. This provision is intended to provide a procedural mechanism for obtaining posthumous samples for reliable genetic testing and shall not require substantive proof of parentage to obtain the exhumation order.

§ 32.1-291.22. Cooperation between Office of the Chief Medical Examiner and procurement organization.

A. ~~A medical examiner~~ *The Office of the Chief Medical Examiner* and procurement organizations shall cooperate with each other to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education.

B. If ~~a medical examiner~~ *the Office of the Chief Medical Examiner* receives notice from a procurement organization that an anatomical gift might be available or was made with respect to a decedent whose body is under the jurisdiction of the ~~medical examiner~~ *Office of the Chief Medical Examiner* and a postmortem examination is going to be performed, unless the ~~medical examiner~~ *Chief Medical Examiner or an Assistant Chief Medical Examiner* denies recovery in accordance with § 32.1-291.23, the ~~medical examiner or designee~~ *Office of the Chief Medical Examiner* shall ~~conduct~~, when practicable, *cause* a postmortem examination of the body or the part to be conducted in a manner and within a period compatible with its preservation for the purposes of the gift.

C. A part may not be removed from the body of a decedent under the jurisdiction of ~~a medical examiner~~ *the Office of the Chief Medical Examiner* for transplantation, therapy, research, or education unless the part is the subject of an anatomical gift. The body of a decedent under the jurisdiction of the ~~medical examiner~~ *Office of the Chief Medical Examiner* may not be delivered to a person for research or education unless the body is the subject of an anatomical gift. This subsection does not preclude ~~a medical examiner~~ *the Chief Medical Examiner or an Assistant Chief Medical Examiner* from performing the medicolegal autopsy upon the body or parts of a decedent under the jurisdiction of the ~~medical examiner~~ *Office of the Chief Medical Examiner* or from using the body or parts of a decedent under the jurisdiction of the ~~medical examiner~~ *Office of the Chief Medical Examiner* for the purposes of education, training, and research ~~required by the medical examiner~~.

§ 32.1-291.23. Facilitation of anatomical gift from decedent whose body is under jurisdiction of the Office of the Chief Medical Examiner.

A. Upon request of a procurement organization, ~~a medical examiner~~ *the Office of the Chief Medical Examiner* shall release to the procurement organization the name, contact information, and available medical and social history of a decedent whose body is under the jurisdiction of the ~~medical examiner~~ *Office of the Chief Medical Examiner*. If the decedent's body or part is medically suitable for transplantation, therapy, research, or education, the ~~medical examiner~~ *Office of the Chief Medical Examiner* shall release postmortem examination results to the procurement organization. The procurement organization may make a subsequent disclosure of the postmortem examination results or other information received from the ~~medical examiner~~ *Office of the Chief Medical Examiner* only if relevant to transplantation, therapy, research, or education.

B. The ~~medical examiner~~ *Office of the Chief Medical Examiner* may conduct a medicolegal investigation by reviewing all medical records, laboratory test results, x-rays, other diagnostic results, and other information that any person possesses about a donor or prospective donor whose body is under the jurisdiction of the ~~medical examiner~~ *that the medical examiner determines may be relevant to the investigation* *Office of the Chief Medical Examiner*.

C. A person that has any information requested by ~~a medical examiner~~ *the Office of the Chief Medical Examiner* pursuant to subsection B shall provide that information as expeditiously as possible to allow the ~~medical examiner~~ *Office of the Chief Medical Examiner* to conduct the medicolegal investigation within a period compatible with the preservation of parts for the purpose of transplantation, therapy, research, or education.

D. If an anatomical gift has been or might be made of a part of a decedent whose body is under the jurisdiction of the ~~medical examiner~~ *Office of the Chief Medical Examiner* and a postmortem examination is not required, or the ~~medical examiner~~ *Office of the Chief Medical Examiner* determines that a postmortem examination is required but that the recovery of the part that is the subject of an anatomical gift will not interfere with the examination, the ~~medical examiner~~ *Office of the Chief Medical Examiner* and procurement organization shall cooperate in the timely removal of the part from the decedent for the purpose of transplantation, therapy, research, or education.

E. The ~~medical examiner~~ *Office of the Chief Medical Examiner* and procurement organizations shall enter into an agreement setting forth protocols and procedures to govern relations between the parties when an anatomical gift of a part from a decedent under the jurisdiction of the ~~medical examiner~~ *Office of the Chief Medical Examiner* has been or might be made, but the ~~medical examiner~~ *Office of the Chief Medical Examiner* believes that the recovery of the part could interfere with the postmortem investigation into the decedent's cause or manner of death. Decisions regarding the recovery of organs, tissue and eyes from such a decedent shall be made in accordance with the agreement. In the event that ~~the medical examiner~~ *an Assistant Chief Medical Examiner* denies recovery of an anatomical gift, the procurement organization may request the Chief Medical Examiner to reconsider the denial and to permit the recovery to proceed. The parties shall evaluate the effectiveness of the protocols and procedures at regular intervals but no less frequently than every two years.

F. If the ~~medical examiner or designee~~ *Office of the Chief Medical Examiner* allows recovery of a part under subsection D or E, the procurement organization, upon request, shall cause the physician or technician who removes the part to provide the ~~medical examiner~~ *Office of the Chief Medical Examiner* with a record describing the condition of the part, a biopsy, a photograph, and any other information and observations that would assist in the postmortem examination.

G. If a ~~medical examiner or designee~~ *the Office of the Chief Medical Examiner* is required to be present at a removal procedure under subsection E, upon request the procurement organization requesting the recovery of the part shall reimburse the ~~medical examiner or designee~~ *Office of the Chief Medical Examiner* for the additional costs incurred in complying with subsection E.

§ 32.1-298. Notification of Commissioner and delivery of bodies.

Any person having charge or control of any dead human body ~~which is unclaimed for disposition, which is required to be buried at the public expense, or which~~ *that* has been lawfully donated for scientific study shall notify the Commissioner whenever and as soon as any such body comes to his possession, charge, or control and shall, without fee or reward, permit the Commissioner or his agents to remove such body, to be used for the advancement of health science.

§ 32.1-301. Burial, cremation, or return of bodies after scientific study.

After the bodies distributed pursuant to § 32.1-299 have been used for the purpose of instruction, they shall be decently interred or cremated by the institution or individual receiving them. However, if the decedent has stipulated in writing before his death that the cremated remains of his body, lawfully donated for scientific study, shall be returned to relatives for disposition after scientific study has been completed, or if the decedent's next of kin, who lawfully donated the body for scientific study, requests ~~the office of the Chief Medical Examiner~~ in writing at the time of donation that the decedent's cremated remains ~~shall~~ be returned to relatives after scientific study has been completed, the institution or individual that received the body shall return the decedent's cremated remains to his next of kin or relatives. Any such writing shall acknowledge the responsibility to maintain the current name, address, and telephone number of the relatives to whom the decedent's cremated remains are to be returned.

The written request of the decedent's next of kin shall include the name of the next of kin, the current address to which the cremated remains shall be delivered, and the current telephone number of the next of kin or relatives where they may be contacted. The costs of transporting and delivering the cremated remains shall be borne by the institution or individual receiving the body. The institution or individual that received the decedent's body and who has received such a written request shall not be obligated to return the decedent's cremated remains if the name, address, and telephone number of the next of kin or relatives have not been provided in such written request; or are no longer current.

§ 54.1-2807. Other prohibited activities.

A. A person licensed for the practice of funeral service shall not (i) remove or embalm a body when he has information indicating the death was such that ~~a medical examiner's~~ *an investigation by the Office of the Chief Medical Examiner* is required pursuant to § 32.1-283 or 32.1-285.1 or (ii) cremate or bury at sea a body until he has obtained permission of the ~~medical examiner~~ *Office of the Chief Medical Examiner* as required by § 32.1-284.

B. Except as provided in §§ 32.1-288 and 32.1-301, funeral service establishments shall not accept a dead human body from any public officer, ~~except the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to § 32.1-282,~~ or from any public or private facility or person having a professional relationship with the decedent without having first inquired about the desires of the next of kin and the persons liable for the funeral expenses of the decedent. The authority and directions of any next of kin shall govern the disposal of the body, subject to the provisions of § 54.1-2807.01 or 54.1-2825.

Any funeral service establishment violating this subsection shall not charge for any service delivered without the directions of the next of kin. However, in cases of accidental or violent death, the funeral service establishment may charge and be reimbursed for the removal of bodies and rendering necessary professional services until the next of kin or the persons liable for the funeral expenses have been notified.

C. No company, corporation, or association engaged in the business of paying or providing for the payment of the expenses for the care of the remains of deceased certificate holders or members or engaged in providing life insurance when the contract might or could give rise to an obligation to care for the remains of the insured shall contract to pay or pay any benefits to any licensee of the Board or other individual in a manner which could restrict the freedom of choice of the representative or next of kin of a decedent in procuring necessary and proper services and supplies for the care of the remains of the decedent.

D. No person licensed for the practice of funeral service or preneed funeral planning or any of his agents shall interfere with the freedom of choice of the general public in the choice of persons or establishments for the care of human remains or of preneed funeral planning or preneed funeral contracts.

E. This section shall not be construed to apply to the authority of any administrator, executor, trustee, or other person having a fiduciary relationship with the decedent.

§ 54.1-2818.1. Prerequisites for cremation.

No dead human body shall be cremated without permission of the ~~medical examiner~~ *Office of the Chief Medical Examiner* as required by § 32.1-284 and visual identification of the deceased by the next-of-kin or his representative, who may be any person designated to make arrangements for the decedent's burial or the disposition of his remains pursuant to § 54.1-2825, an agent named in an advance directive pursuant to § 54.1-2984, or a sheriff, upon court order, if no

next-of-kin, designated person, or agent is available. When visual identification is not feasible, other positive identification of the deceased may be used as a prerequisite for cremation.

§ 54.1-2972. When person deemed medically and legally dead; determination of death; nurses' or physician assistants' authority to pronounce death under certain circumstances.

A. A person shall be medically and legally dead if:

1. In the opinion of a physician duly authorized to practice medicine in this Commonwealth, based on the ordinary standards of medical practice, there is the absence of spontaneous respiratory and spontaneous cardiac functions and, because of the disease or condition which directly or indirectly caused these functions to cease, or because of the passage of time since these functions ceased, attempts at resuscitation would not, in the opinion of such physician, be successful in restoring spontaneous life-sustaining functions, and, in such event, death shall be deemed to have occurred at the time these functions ceased; or

2. In the opinion of a physician, who shall be duly licensed and a specialist in the field of neurology, neurosurgery, electroencephalography, or critical care medicine, when based on the ordinary standards of medical practice, there is the absence of brain stem reflexes, spontaneous brain functions and spontaneous respiratory functions and, in the opinion of another physician and such specialist, based on the ordinary standards of medical practice and considering the absence of brain stem reflexes, spontaneous brain functions and spontaneous respiratory functions and the patient's medical record, further attempts at resuscitation or continued supportive maintenance would not be successful in restoring such reflexes or spontaneous functions, and, in such event, death shall be deemed to have occurred at the time when these conditions first coincide.

B. A registered nurse or a physician assistant who practices under the supervision of a physician may pronounce death if the following criteria are satisfied: (i) the nurse is employed by or the physician assistant works at (a) a home health organization as defined in § 32.1-162.7, (b) a hospice as defined in § 32.1-162.1, (c) a hospital or nursing home as defined in § 32.1-123, including state-operated hospitals for the purposes of this section, (d) the Department of Corrections, or (e) a continuing care retirement community registered with the State Corporation Commission pursuant to Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2; (ii) the nurse or physician assistant is directly involved in the care of the patient; (iii) the patient's death has occurred; (iv) the patient is under the care of a physician when his death occurs; (v) the patient's death has been anticipated; (vi) the physician is unable to be present within a reasonable period of time to determine death; and (vii) there is a valid Do Not Resuscitate Order pursuant to § 54.1-2987.1 for the patient who has died. The nurse or physician assistant shall inform the patient's attending and consulting physicians of his death as soon as practicable.

The nurse or physician assistant shall have the authority to pronounce death in accordance with such procedural regulations, if any, as may be promulgated by the Board of Medicine; however, if the circumstances of the death are not anticipated or the death requires an investigation by a ~~medical examiner~~ *the Office of the Chief Medical Examiner*, the nurse or physician assistant shall notify the ~~chief medical examiner~~ *Office of the Chief Medical Examiner* of the death and the body shall not be released to the funeral director.

This subsection shall not authorize a nurse or physician assistant to determine the cause of death. Determination of cause of death shall continue to be the responsibility of the attending physician, except as provided in § 32.1-263. Further, this subsection shall not be construed to impose any obligation to carry out the functions of this subsection.

This subsection shall not relieve any registered nurse or physician assistant from any civil or criminal liability that might otherwise be incurred for failure to follow statutes or Board of Nursing or Board of Medicine regulations.

C. Death, as defined in subdivision A 2, shall be determined by one of the two physicians and recorded in the patient's medical record and attested by the other physician. One of the two physicians determining or attesting to brain death may be the attending physician regardless of his specialty so long as at least one of the physicians is a specialist, as set out in subdivision A 2.

D. The alternative definitions of death provided in subdivisions A 1 and A 2 may be utilized for all purposes in the Commonwealth, including the trial of civil and criminal cases.

§ 54.1-2973. Persons who may authorize postmortem examination of decedent's body.

Any of the following persons, in order of priority stated, may authorize and consent to a postmortem examination and autopsy on a decedent's body for the purpose of determining the cause of death of the decedent, for the advancement of medical or dental education and research, or for the general advancement of medical or dental science, if: (i) no person in a higher class exists or no person in a higher class is available at the time authorization or consent is given, (ii) there is no actual notice of contrary indications by the decedent, and (iii) there is no actual notice of opposition by a member of the same or a prior class.

The order of priority shall be as follows: (1) any person designated to make arrangements for the disposition of the decedent's remains upon his death pursuant to § 54.1-2825; (2) the spouse; (3) an adult son or daughter; (4) either parent; (5) an adult brother or sister; (6) a guardian of the person of the decedent at the time of his death; or (7) any other person authorized or under legal obligation to dispose of the body.

If the physician or surgeon has actual notice of contrary indications by the decedent or of opposition to an autopsy by a member of the same or a prior class, the autopsy shall not be performed. The persons authorized herein may authorize or consent to the autopsy after death or before death.

In cases of death where official inquiry is authorized or required by law, the provisions of Article 1 (§ 32.1-277 et seq.) of Chapter 8 of Title 32.1 shall apply. If at the time of death, a postmortem examination is authorized or required by law, any

prior authorization or consent pursuant to this section shall not be valid unless the body is released by the *Office of the Chief Medical Examiner or one of his assistants.*

A surgeon or physician acting in accordance with the terms of this section shall not have any liability, civil or criminal, for the performance of the autopsy.

2. That § 32.1-280 of the Code of Virginia is repealed.

CHAPTER 584

An Act to amend and reenact § 54.1-2957.17 of the Code of Virginia and to amend the Code of Virginia by adding in Article 4 of Chapter 29 of Title 54.1 a section numbered 54.1-2957.18, relating to behavior analysis; licensure.

[H 926]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2957.17 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 4 of Chapter 29 of Title 54.1 a section numbered 54.1-2957.18 as follows:

§ 54.1-2957.17. Exceptions to licensure requirements.

A. The provisions of § 54.1-2957.16 shall not be construed as prohibiting any professional licensed, certified, or registered by a health regulatory board from acting within the scope of his practice.

B. The provisions of § 54.1-2957.16 shall not be construed as prohibiting or restricting the applied behavior analysis activities of a student participating in a defined course, internship, practicum, or program of study at a college or university, provided such activities are supervised by a member of the faculty of the college or university or by a licensed behavior analyst and such student does not hold himself out as a licensed behavior analyst and is identified as a "behavior analyst student," "behavior analyst intern," or "behavior analyst trainee."

C. The provisions of § 54.1-2957.16 shall not be construed as prohibiting or restricting the activities of unlicensed individuals pursuing supervised experiential training to meet eligibility requirements for certification by the Behavior Analyst Certification Board or for state licensure, provided such activities are supervised by a licensed behavior analyst who has been approved by the Behavior Analyst Certification Board to provide supervision, the individual does not hold himself out as a licensed behavior analyst, and no more than five years have elapsed from the date on which the supervised experiential training began.

D. The provisions of § 54.1-2957.16 shall not be construed as prohibiting or restricting the activities of an individual employed by a school board or by a school for students with disabilities licensed by the Board of Education from providing behavior analysis when such behavior analysis is performed as part of the regular duties of his office or position and he receives no compensation in excess of the compensation he regularly receives for the performance of the duties of his office or position. No person exempted from licensure pursuant to this subsection shall hold himself out as a licensed behavior analyst or a licensed assistant behavior analyst unless he holds a license as such issued by the Board.

§ 54.1-2957.18. Advisory Board on Behavior Analysis.

A. The Advisory Board on Behavior Analysis (Advisory Board) shall assist the Board in carrying out the provisions of this chapter regarding the qualifications, examination, and regulation of licensed behavior analysts and licensed assistant behavior analysts.

B. The Advisory Board shall consist of five members appointed by the Governor for four-year terms as follows: two members shall be, at the time of appointment, licensed behavior analysts who have practiced for at least three years; one member shall be, at the time of appointment, a licensed assistant behavior analyst who has practiced for not less than three years; one member shall be a physician licensed by the Board who is familiar with the principles of behavior analysis; and one member shall be a consumer of applied behavior analysis who does not hold a license as a behavior analyst or assistant behavior analyst who is appointed by the Governor from the Commonwealth at large. Vacancies occurring other than by expiration of terms shall be filled for the unexpired term.

C. The Advisory Board shall, under the authority of the Board, recommend to the Board for its enactment into regulation the criteria for licensure as a behavior analyst or an assistant behavior analyst and the standards of professional conduct for holders of such licenses.

The Advisory Board shall also assist in such other matters relating to behavior analysis as the Board in its discretion may direct.

2. That the initial terms for the members appointed to the Advisory Board on Behavior Analysis pursuant to § 54.1-2957.18 of the Code of Virginia, as created by this act, shall be staggered as follows: two members shall be appointed for one-year terms, two members shall be appointed for two-year terms, and one member shall be appointed for a three-year term.

CHAPTER 585

An Act to amend and reenact §§ 2.2-2101, as it is currently effective and as it shall become effective, and 22.1-253.13:3 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 13.2 of Title 22.1 a section numbered 22.1-253.13:10, relating to Standards of Learning assessments; reform.

[H 930]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2101, as it is currently effective and as it shall become effective, and 22.1-253.13:3 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 13.2 of Title 22.1 a section numbered 22.1-253.13:10 as follows:

§ 2.2-2101. (Effective until July 1, 2017) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; *to members of the Standards of Learning Innovation Committee, who shall be appointed as provided for in § 22.1-253.13:10*; to members of the Opportunity Educational Institution Board, who shall be appointed as provided for in § 22.1-27.1; to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided for in § 9.1-108; to members of the Council on Virginia's Future, who shall be appointed as provided for in § 2.2-2685; to members of the State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be appointed as provided for in § 2.2-2648; to members of the Virginia Workforce Council, who shall be appointed as provided for in § 2.2-2669; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-233; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; or to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided for in § 2.2-2735.

§ 2.2-2101. (Effective July 1, 2017) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; *to members of the Standards of Learning Innovation Committee, who shall be appointed as provided for in § 22.1-253.13:10*; to members of the Opportunity Educational

Institution Board, who shall be appointed as provided for in § 22.1-27.1; to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Workforce Council, who shall be appointed as provided for in § 2.2-2669; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-233; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; or to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735.

§ 22.1-253.13:3. Standard 3. Accreditation, other standards, assessments, and releases from state regulations.

A. The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, student services, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.

The Board of Education shall promulgate regulations establishing standards for accreditation of public virtual schools under the authority of the local school board that enroll students full time.

The Board shall review annually the accreditation status of all schools in the Commonwealth.

Each local school board shall maintain schools that are fully accredited pursuant to the standards for accreditation as prescribed by the Board of Education. Each local school board shall review the accreditation status of all schools in the local school division annually in public session. Within the time specified by the Board of Education, each school board shall submit corrective action plans for any schools within its school division that have been designated as not meeting the standards as approved by the Board.

When the Board of Education has obtained evidence through the school academic review process that the failure of schools within a division to achieve full accreditation status is related to division level failure to implement the Standards of Quality, the Board may require a division level academic review. After the conduct of such review and within the time specified by the Board of Education, each school board shall submit for approval by the Board a corrective action plan, consistent with criteria established by the Board and setting forth specific actions and a schedule designed to ensure that schools within its school division achieve full accreditation status. Such corrective action plans shall be part of the relevant school division's comprehensive plan pursuant to § 22.1-253.13:6.

With such funds as are appropriated or otherwise received for this purpose, the Board shall adopt and implement an academic review process, to be conducted by the Department of Education, to assist schools that are accredited with warning. The Department shall forward a report of each academic review to the relevant local school board, and such school board shall report the results of such academic review and the required annual progress reports in public session. The local school board shall implement any actions identified through the academic review and utilize them for improvement planning.

B. The Superintendent of Public Instruction shall develop and the Board of Education shall approve criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools. Such criteria, when approved, shall become an integral part of the accreditation process and shall include student outcome measurements. The Superintendent of Public Instruction shall annually identify to the Board those school divisions and schools that exceed or do not meet the approved criteria. Such identification shall include an analysis of the strengths and weaknesses of public education programs in the various school divisions in Virginia and recommendations to the General Assembly for further enhancing student learning uniformly across the Commonwealth. In recognizing educational performance in the school divisions, the Board shall include consideration of special school division accomplishments, such as numbers of dual enrollments and students in Advanced Placement and International Baccalaureate courses, and participation in academic year Governor's Schools.

The Superintendent of Public Instruction shall assist local school boards in the implementation of action plans for increasing educational performance in those school divisions and schools that are identified as not meeting the approved criteria. The Superintendent of Public Instruction shall monitor the implementation of and report to the Board of Education on the effectiveness of the corrective actions taken to improve the educational performance in such school divisions and schools.

C. With such funds as are available for this purpose, the Board of Education shall prescribe assessment methods to determine the level of achievement of the Standards of Learning objectives by all students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed. The Board shall (i) in consultation with the chairpersons of the eight regional superintendents' study groups, establish a timetable for administering the Standards of Learning assessments to ensure genuine end-of-course and end-of-grade testing and (ii) with the assistance of independent testing experts, conduct a regular analysis and validation process for these assessments.

In prescribing such Standards of Learning assessments, the Board shall provide local school boards the option of administering tests for United States History to 1877, United States History: 1877 to the Present, and Civics and Economics. The last administration of the cumulative grade eight history test will be during the 2007-2008 academic school year. Beginning with the 2008-2009 academic year, all school divisions shall administer the United States History to 1877, United States History: 1877 to the Present, and Civics and Economics tests. The Board shall also provide the option of industry certification and state licensure examinations as a student-selected verified credit.

The Board of Education shall make publicly available such assessments in a timely manner and as soon as practicable following the administration of such tests, so long as the release of such assessments does not compromise test security or deplete the bank of assessment questions necessary to construct subsequent tests, or limit the ability to test students on demand and provide immediate results in the web-based assessment system.

The Board shall include in the student outcome measures that are required by the Standards for Accreditation end-of-course or end-of-grade tests assessments for various grade levels and classes, as determined by the Board including the completion of the alternative assessments implemented by each local school board, in accordance with the Standards of Learning. These Standards of Learning assessments shall include, but need not be limited to, end-of-course or end-of-grade tests for English, mathematics, science, and history and social science.

The Standards of Learning assessments administered to students in grades three through eight shall not exceed (a) reading and mathematics in grades three and four; (b) reading, mathematics, and science in grade five; (c) reading and mathematics in grades six and seven; (d) reading, writing, mathematics, and science in grade eight; and (e) Virginia Studies and Civics and Economics once each at the grade levels deemed appropriate by each local school board.

Each school board shall annually certify that it has provided instruction and administered an alternative assessment, consistent with Board guidelines, to students in grades three through eight in each Standards of Learning subject area in which a Standards of Learning assessment was not administered during the school year. Such guidelines shall (1) incorporate options for age-appropriate, authentic performance assessments and portfolios with rubrics and other methodologies designed to ensure that students are making adequate academic progress in the subject area and that the Standards of Learning content is being taught; (2) permit and encourage integrated assessments that include multiple subject areas; and (3) emphasize collaboration between teachers to administer and substantiate the assessments and the professional development of teachers to enable them to make the best use of alternative assessments.

Local school divisions shall provide targeted mathematics remediation and intervention to students in grades six through eight who show computational deficiencies as demonstrated by their individual performance on any diagnostic test or grade-level Standards of Learning mathematics test that measures non-calculator computational skills.

In addition, to assess the educational progress of students, the Board of Education shall ~~(a)~~ (A) develop appropriate assessments, which may include criterion-referenced tests and ~~alternative~~ other assessment instruments that may be used by classroom teachers; ~~(b)~~ (B) select appropriate industry certification and state licensure examinations; and ~~(c)~~ (C) prescribe and provide measures, which may include nationally normed tests to be used to identify students who score in the bottom quartile at selected grade levels. An annual justification that includes evidence that the student meets the participation criteria defined by the Virginia Department of Education shall be provided for each student considered for the Virginia Grade Level Alternative. Each Individual Education Program team shall review such justification and make the final determination as to whether or not the Virginia Grade Level Alternative is appropriate for the student. The superintendent and the school board chairman shall certify to the Board of Education, as a part of certifying compliance with the Standards of Quality, that there is a justification in the Individual Education Program for every student who takes the Virginia Grade Level Alternative. Compliance with this requirement shall be monitored as a part of the special education monitoring process conducted by the Department of Education. The Board shall report to the Governor and General Assembly in its annual reports pursuant to § 22.1-18 any school division that is not in compliance with this requirement.

The Standards of Learning requirements, including all related assessments, shall be waived for any student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to § 30-231.2, who is enrolled in a preparation program for the General Education Development (GED) certificate or in an adult basic education program to obtain the high school diploma.

The Board of Education may adopt special provisions related to the administration and use of any Standards of Learning test or tests in a content area as applied to accreditation ratings for any period during which the Standards of Learning content or assessments in that area are being revised and phased in. Prior to statewide administration of such tests, the Board of Education shall provide notice to local school boards regarding such special provisions.

D. The Board of Education may pursue all available civil remedies pursuant to § 22.1-19.1 or administrative action pursuant to § 22.1-292.1 for breaches in test security and unauthorized alteration of test materials or test results.

The Board may initiate or cause to be initiated a review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests, including the exclusion of students from testing who are required to be assessed, by local school board employees responsible for the distribution or administration of the tests.

Records and other information furnished to or prepared by the Board during the conduct of a review or investigation may be withheld pursuant to subdivision 11 of § 2.2-3705.3. However, this section shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to

the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board. Any local school board or division superintendent receiving such records or other information shall, upon taking personnel action against a relevant employee, place copies of such records or information relating to the specific employee in such person's personnel file.

Notwithstanding any other provision of state law, no test or examination authorized by this section, including the Standards of Learning assessments, shall be released or required to be released as minimum competency tests, if, in the judgment of the Board, such release would breach the security of such test or examination or deplete the bank of questions necessary to construct future secure tests.

E. With such funds as may be appropriated, the Board of Education may provide, through an agreement with vendors having the technical capacity and expertise to provide computerized tests and assessments, and test construction, analysis, and security, for (i) web-based computerized tests and assessments, *including computer-adaptive Standards of Learning assessments*, for the evaluation of student progress during and after remediation and (ii) the development of a remediation item bank directly related to the Standards of Learning.

F. To assess the educational progress of students as individuals and as groups, each local school board shall require the use of Standards of Learning assessments, *alternative assessments*, and other relevant data, such as industry certification and state licensure examinations, to evaluate student progress and to determine educational performance. Each local school shall require the administration of appropriate assessments to all students for grade levels and courses identified by the Board of Education, which may include criterion-referenced tests; and teacher-made tests and alternative assessment instruments and shall include the Standards of Learning Assessments, *the local school board's alternative assessments*, and the National Assessment of Educational Progress state-by-state assessment. Each school board shall analyze and report annually, in compliance with any criteria that may be established by the Board of Education, the results from the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, if administered, industry certification examinations, and the Standards of Learning Assessments to the public.

The Board of Education shall not require administration of the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, except as may be selected to facilitate compliance with the requirements for home instruction pursuant to § 22.1-254.1.

The Board shall include requirements for the reporting of the Standards of Learning assessment scores and averages for each year as part of the Board's requirements relating to the School Performance Report Card. Such scores shall be disaggregated for each school by student subgroups on the Virginia assessment program as appropriate and shall be reported to the public within three months of their receipt. These reports (i) shall be posted on the portion of the Department of Education's website relating to the School Performance Report Card, in a format and in a manner that allows year-to-year comparisons, and (ii) may include the National Assessment of Educational Progress state-by-state assessment.

G. Each local school division superintendent shall regularly review the division's submission of data and reports required by state and federal law and regulations to ensure that all information is accurate and submitted in a timely fashion. The Superintendent of Public Instruction shall provide a list of the required reports and data to division superintendents annually. The status of compliance with this requirement shall be included in the Board of Education's annual report to the Governor and the General Assembly as required by § 22.1-18.

H. Any school board may request the Board of Education for release from state regulations or, on behalf of one or more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the performance of one or more of its schools as authorized for certain other schools by the Standards of Accreditation pursuant to 8 VAC 20-131-280 C of the Virginia Administrative Code. Waivers of regulatory requirements may be granted by the Board of Education based on submission of a request from the division superintendent and chairman of the local school board. The Board of Education may grant, for a period up to five years, a waiver of regulatory requirements that are not (i) mandated by state or federal law or (ii) designed to promote health or safety. The school board shall provide in its waiver request a description of how the releases from state regulations are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The Department of Education shall provide (a) guidance to any local school division that requests releases from state regulations and (b) information about opportunities to form partnerships with other agencies or entities to any local school division in which the school or schools granted releases from state regulations have demonstrated improvement in the quality of instruction and the achievement of students.

The Board of Education may also grant local school boards waivers of specific requirements in § 22.1-253.13:2, based on submission of a request from the division superintendent and chairman of the local school board, permitting the local school board to assign instructional personnel to the schools with the greatest needs, so long as the school division employs a sufficient number of personnel divisionwide to meet the total number required by § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in subsection C of § 22.1-253.13:2 are met. The school board shall provide in its request a description of how the waivers from specific Standards of Quality staffing standards are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The waivers may be renewed in up to five-year increments, or revoked, based on student achievement results in the affected school or schools.

§ 22.1-253.13:10. Standards of Learning Innovation Committee.

The Secretary of Education, upon receiving recommendations for appointments from the Virginia Parent Teacher Association, Virginia Education Association, Virginia School Boards Association, Virginia Association of Secondary School Principals, Virginia Association of Elementary School Principals, Virginia Association of School Superintendents, Virginia

State Reading Association, Virginia School Counselor Association, and Virginia Association for Supervision and Curriculum Development, shall establish and appoint members from each of the specified groups to the Standards of Learning Innovation Committee (Committee). The Committee shall also include (i) four members of the Virginia House of Delegates, appointed by the Speaker of the House of Delegates; (ii) two members of the Virginia Senate, appointed by the Senate Committee on Rules on the recommendation of the Chair of the Senate Committee on Education and Health; at least one (iii) parent of a currently enrolled public school student, (iv) public elementary school teacher, (v) public secondary school teacher, (vi) public secondary school guidance counselor, (vii) school board member, (viii) public school principal, (ix) division superintendent, (x) curriculum and instruction specialist, (xi) higher education faculty member, (xii) business representative, and such other stakeholders as the Secretary deems appropriate. Members of the Committee should reflect geographic diversity and rural and urban school systems as far as practicable. The Superintendent of Public Instruction, the President of the Board of Education or his designee, and the Secretary of Education or his designee shall serve ex officio. All other members shall be appointed for terms of two years. The Committee, under the direction of the Secretary, shall periodically make recommendations to the Board of Education and the General Assembly on (a) the Standards of Learning assessments, (b) authentic individual student growth measures, (c) alignment between the Standards of Learning and assessments and the School Performance Report Card, and (d) ideas on innovative teaching in the classroom.

2. That the Board may reduce the number of Standards of Learning assessments administered to students as long as the number and type of assessments meet the minimal requirements established by the federal Elementary and Secondary Education Act of 1965, as amended. However, the number and type of assessments required by the Board shall not be less than the number and type of assessments required by the federal Elementary and Secondary Education Act of 1965 as of January 1, 2014.

CHAPTER 586

An Act to amend and reenact § 8.01-243 of the Code of Virginia, relating to statute of limitations; injury to property arising out of the negligent operation of a motor vehicle; actions brought by the Commonwealth.

[H 969]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-243 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-243. Personal action for injury to person or property generally; extension in actions for malpractice against health care provider.

A. Unless otherwise provided in this section or by other statute, every action for personal injuries, whatever the theory of recovery, and every action for damages resulting from fraud, shall be brought within two years after the cause of action accrues.

B. Every action for injury to property, including actions by a parent or guardian of an infant against a tort-feasor for expenses of curing or attempting to cure such infant from the result of a personal injury or loss of services of such infant, shall be brought within five years after the cause of action accrues. An infant's claim for medical expenses pursuant to subsection B of § 8.01-36 accruing on or after July 1, 2013, shall be governed by the applicable statute of limitations that applies to the infant's cause of action.

C. The two-year limitations period specified in subsection A shall be extended in actions for malpractice against a health care provider as follows:

1. In cases arising out of a foreign object having no therapeutic or diagnostic effect being left in a patient's body, for a period of one year from the date the object is discovered or reasonably should have been discovered;

2. In cases in which fraud, concealment or intentional misrepresentation prevented discovery of the injury within the two-year period, for one year from the date the injury is discovered or, by the exercise of due diligence, reasonably should have been discovered; and

3. In a claim for the negligent failure to diagnose a malignant tumor or cancer, for a period of one year from the date the diagnosis of a malignant tumor or cancer is communicated to the patient by a health care provider, provided the health care provider's underlying act or omission was on or after July 1, 2008. Claims under this section for the negligent failure to diagnose a malignant tumor or cancer, where the health care provider's underlying act or omission occurred prior to July 1, 2008, shall be governed by the statute of limitations that existed prior to July 1, 2008.

However, the provisions of this subsection shall not apply to extend the limitations period beyond ten years from the date the cause of action accrues, except that the provisions of subdivision A 2 of § 8.01-229 shall apply to toll the statute of limitations in actions brought by or on behalf of a person under a disability.

D. Every action for injury to the person, whatever the theory of recovery, resulting from sexual abuse occurring during the infancy or incapacity of the person as set forth in subdivision 6 of § 8.01-249 shall be brought within 20 years after the cause of action accrues.

E. Every action for injury to property brought by the Commonwealth against a tort-feasor for expenses arising out of the negligent operation of a motor vehicle shall be brought within five years after the cause of action accrues.

CHAPTER 587

An Act to amend the Code of Virginia by adding a section numbered 29.1-302.03, relating to special hunting and fishing licenses for nonresident disabled veterans.

[H 991]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 29.1-302.03 as follows:

§ 29.1-302.03. Special licenses for certain nonresident disabled veterans.

A. Any nonresident veteran who is totally and permanently disabled due to a service-connected disability as certified by the U.S. Department of Veterans Affairs shall pay an amount equal to one-quarter the fee for the state nonresident hunting license required by subdivision 3 of § 29.1-303. The license fees established by this subsection may be revised by the Board pursuant to § 29.1-103.

B. Any nonresident veteran who is totally and permanently disabled due to a service-connected disability as certified by the U.S. Department of Veterans Affairs shall pay an amount equal to one-quarter the fee for the state nonresident fishing license required by subdivision A 3 of § 29.1-310. However, this license shall not entitle such nonresident veteran to fish in designated waters stocked with trout by the Department or other public body. The license fees established by this subsection may be revised by the Board pursuant to § 29.1-103.

CHAPTER 588

An Act to amend and reenact §§ 57-36 and 57-38.1 of the Code of Virginia, relating to cemeteries; procedure for the removal and relocation of human remains.

[H 997]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 57-36 and 57-38.1 of the Code of Virginia are amended and reenacted as follows:

§ 57-36. Abandoned graveyards may be condemned; removal of bodies.

A. When a graveyard, wholly or partly within any county, city, or town, has been abandoned, or is unused and neglected by the owners, and such graveyard is necessary, in whole or in part, for public purposes, authorized by the charter of such city or town, or by the general statutes providing for the government of counties, cities, and towns, such county, city, or town may acquire title to such burying ground by condemnation proceedings, to be instituted and conducted in the manner and mode prescribed in the statutes providing for the exercise of the power of eminent domain by counties, cities, and towns. The locality may continue to maintain all or a portion of the burying ground as a graveyard.

B. The court taking jurisdiction of the case may, in its discretion, require the county, city, or town to acquire the whole burying ground, in which event the county, city, or town may use such part thereof as may be necessary for its purposes and sell the residue. The court, however, shall direct that the remains interred in such graveyard, if possible so to do, be removed to some repository used and maintained as a cemetery.

C. Should any county, city, or town, having acquired by any means land on which an abandoned graveyard is located, including lands acquired in accordance with § 22.1-126.1 for educational purposes, initiate plans to use that land for purposes other than to maintain the graveyard, such county, city, or town shall, prior to completion of said plans, develop and engage in active public notice and participation regarding efforts to avoid adverse impacts to the graveyard or to remove the remains interred in such graveyard to an alternative repository. Such public notice and participation shall include, at minimum, publication of at least one notice in a local newspaper of general circulation, notice posted at the site of the graveyard, and notice to and consultation with any historic preservation or other such commission, as well as area historical and genealogical societies, and at least one public hearing. The locality shall make a good faith effort to identify and contact living descendants of the persons buried in the graveyard, if known. In addition, the locality is encouraged to post such notice on the Internet, including appropriate websites and through the use of social media, and to consult with the Virginia Department of Historic Resources. Having given all public comment due consideration, the county, city, or town is encouraged first to adjust plans to maintain the graveyard as part of the larger land use plan or, if that is not feasible, to request permission to proceed with removal through the court or through the Virginia Department of Historic Resources should archaeological removal be appropriate. In any event, any removal of remains should be given all due care and respect, as should the selection of and reburial in another cemetery. This requirement for public notice, consultation, consideration of comments, and following due process for removal of human remains shall apply in cases where the presence of an abandoned graveyard is discovered during either the planning or construction phases of a project.

D. Any county, city, or town that has acquired by any means land on which an abandoned cemetery or gravesite of Virginians held as slaves at the time of their deaths is located shall notify the Virginia Department of Historic Resources of the location of such cemetery or gravesite. The Department shall record the location of the cemetery or gravesite. A listing

of the locations of all abandoned cemeteries and gravesites of Virginians held as slaves at the time of their deaths that have been provided to the Department shall be maintained by the Department as a public record.

§ 57-38.1. Proceedings by landowner for removal of remains from abandoned family graveyard.

The owner of any land on which is located an abandoned family graveyard, and there has been no reservation of rights in such graveyard, or when the beneficiaries of any reservations of rights desire to waive such rights, and in which no body has been interred for twenty-five years may file a bill in equity in the circuit court of the county or in the circuit or corporation court wherein such land is located for the purpose of having the remains interred in such graveyard removed to some more suitable repository. To such bill all persons in interest, known or unknown, other than the plaintiffs shall be duly made defendants. If any of such parties be unknown, ~~publication shall be had~~ the plaintiffs shall undertake active, good faith efforts to locate interested parties including, at a minimum, publication of at least one notice in a local newspaper of general circulation, notice posted at the site of the graveyard, and notice to and consultation with any historic preservation or other such commission, as well as area historical and genealogical societies. In addition, the plaintiff is encouraged to post such notice on the Internet, including appropriate websites and through the use of social media, and to consult with the Virginia Department of Historic Resources. Upon the case being properly matured for hearing, and proof being made of the propriety of the removal, the court may order the removal made and the remains properly deposited in another place, at the expense of the petitioner. Such removal and reinterment shall be done with due care and decency.

In determining the question of removal the court shall consider the historical significance of such graveyard and shall consider as well the wishes of the parties concerned so far as they are brought to its knowledge, including the desire of any beneficiaries of any reservation of rights to waive such reservation of rights in favor of removal, and so considering shall exercise a sound discretion in granting or refusing the relief prayed for.

CHAPTER 589

An Act to amend and reenact §§ 15.2-1656, 15.2-2506, and 58.1-1727 of the Code of Virginia, relating to constitutional officers.

[H 1051]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1656, 15.2-2506, and 58.1-1727 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-1656. Supplies and equipment to be furnished to clerks of courts of record.

The governing body of each county and city shall, at the expense of the county or city, provide (i) suitable books and stationery, in addition to supplies furnished by the Commonwealth, for the use of clerks of all courts of record, together with appropriate cases and other furniture, for the safe and convenient keeping of all the books, documents and papers, in the custody of such officers; (ii) official seals for such officers; and (iii) such other office equipment, *electronic or other systems*, and appliances as in their judgment may be reasonably necessary for the proper conduct of such offices.

§ 15.2-2506. Publication and notice; public hearing; adjournment; moneys not to be paid out until appropriated.

A brief synopsis of the budget which, except in the case of the school division budget, shall be for informative and fiscal planning purposes only, shall be published once in a newspaper having general circulation in the locality affected, and notice given of one or more public hearings, at least seven days prior to the date set for hearing, at which any citizen of the locality shall have the right to attend and state his views thereon. Any locality not having a newspaper of general circulation may in lieu of the foregoing notice provide for notice by written or printed handbills, posted at such places as it may direct. The hearing shall be held at least seven days prior to the approval of the budget as prescribed in § 15.2-2503. With respect to the school division budget, which shall include the estimated required local match, such hearing shall be held at least seven days prior to the approval of that budget as prescribed in § 22.1-93. *With respect to the budget of a constitutional officer, if the proposed budget reduces funding of such officer at a rate greater than the average rate of reduced funding for other agencies appropriated through such locality's general fund, exclusive of the school division, the locality shall give written notice to such constitutional officer at least 14 days prior to adoption of the budget. If a constitutional officer determines that the proposed budget cuts would impair the performance of his statutory duties, such constitutional officer shall make a written objection to the local governing body within seven days after receipt of the written notice and shall deliver a copy of such objection to the Compensation Board. The local governing body shall consider the written objection of such constitutional officer.* The governing body may adjourn such hearing from time to time. The fact of such notice and hearing shall be entered of record in the minute book.

In no event, including school division budgets, shall such preparation, publication and approval be deemed to be an appropriation. No money shall be paid out or become available to be paid out for any contemplated expenditure unless and until there has first been made an annual, semiannual, quarterly or monthly appropriation for such contemplated expenditure by the governing body, except funds appropriated in a county having adopted the county executive form of government, outstanding grants may be carried over for one year without being reappropriated.

§ 58.1-1727. Taxes on suits or writ taxes generally.

A tax of \$5 is hereby imposed upon (i) the commencement of every civil action in a court of record, whether commenced by petition or notice, ejectment or attachment, other than a summons to answer a suggestion; (ii) the removal or appeal of a cause of action from a district court to a court of record; (iii) the appeal from the decision of the governing body of a county, city or town to a court of record, including the appeal of any decision of a board of zoning appeals; (iv) an attachment returnable to a court of record; and (v) a writ of mandamus sued out of any court, except the Supreme Court of Virginia. However, when the debt or demand for damages exceeds ~~\$50,000~~ \$49,999 but does not exceed \$100,000, the tax shall be \$15; and when the debt or demand for damages exceeds \$100,000, the tax shall be \$25.

This section shall not be applicable to any original jurisdiction proceeding filed in the Supreme Court of Virginia.

CHAPTER 590

An Act to amend and reenact § 22.1-253.13:4 of the Code of Virginia, relating to high school diploma course and credit requirements; computer science.

[H 1054]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-253.13:4 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who earn the units of credit prescribed by the Board of Education, pass the prescribed tests, and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation. Course credits earned for online courses taken in the Department of Education's Virtual Virginia program shall transfer to Virginia public schools in accordance with provisions of the standards for accreditation. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the number and subject area requirements of standard and verified units of credit required for graduation pursuant to the standards for accreditation and (ii) the remaining number and subject area requirements of such units of credit the individual student requires for graduation.

B. Students identified as disabled who complete the requirements of their individualized education programs shall be awarded special diplomas by local school boards.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the requirements for a standard or advanced studies diploma of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board of Education-approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve the number of verified units of credit required for graduation as provided in the standards for accreditation. If such student who does not graduate or achieve such verified units of credit is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. In establishing course and credit requirements for a high school diploma, the Board shall:

1. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation credit requirements, which shall include Standards of Learning testing, as necessary.

2. Establish the requirements for a standard and an advanced studies high school diploma, which shall each include at least one credit in fine or performing arts or career and technical education and one credit in United States and Virginia history. The requirements for a standard high school diploma shall, however, include at least two sequential electives chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses. Such focused sequence of elective courses shall provide a foundation for further education or training or preparation for employment. The advanced studies diploma shall be the recommended diploma for students pursuing baccalaureate study. Both the standard and the advanced studies diploma shall prepare students for post-secondary education and the career readiness required by the Commonwealth's economy.

Beginning with first-time ninth grade students in the 2013-2014 school year, requirements for the standard diploma shall include a requirement to earn a career and technical education credential that has been approved by the Board, that could include, but not be limited to, the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment.

Beginning with first-time ninth grade students in the 2016-2017 school year, requirements for the standard and advanced diplomas shall include a requirement to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.

The Board shall make provision in its regulations for students with disabilities to earn a standard diploma.

3. Provide, in the requirements to earn a standard or advanced studies diploma, the successful completion of one virtual course. The virtual course may be a noncredit-bearing course.

4. Provide, in the requirements for the verified units of credit stipulated for obtaining the standard or advanced studies diploma, that students completing elective classes into which the Standards of Learning for any required course have been integrated may take the relevant Standards of Learning test for the relevant required course and receive, upon achieving a satisfactory score on the specific Standards of Learning assessment, a verified unit of credit for such elective class that shall be deemed to satisfy the Board's requirement for verified credit for the required course.

5. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstration of mastery of the course content and objectives. Having received credit for the course, the student shall be permitted to sit for the relevant Standards of Learning assessment and, upon receiving a passing score, shall earn a verified credit. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.

6. Provide for the award of verified units of credit for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board of Education.

School boards shall report annually to the Board of Education the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Virginia workplace readiness skills assessments passed, and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card.

For the purposes of this subdivision, "career and technical education completer" means a student who has met the requirements for a career and technical education concentration or specialization and all requirements for high school graduation or an approved alternative education program.

In addition, the Board may:

a. For the purpose of awarding verified units of credit, approve the use of additional or substitute tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry certifications or state licensure examinations; and

b. Permit students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, the appropriate verified units of credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant Standards of Learning for various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.

7. Provide for the waiver of certain graduation requirements (i) upon the Board's initiative or (ii) at the request of a local school board. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

8. *Consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits. The Board of Education shall develop guidelines addressing how computer science courses can satisfy graduation requirements.*

E. In the exercise of its authority to recognize exemplary academic performance by providing for diploma seals, the Board of Education shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

In addition, the Board shall establish criteria for awarding a diploma seal for advanced mathematics and technology for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) technology courses; (ii) technical writing, reading, and oral communication skills; (iii) technology-related training; and (iv) industry, professional, and trade association national certifications.

The Board shall also establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii) related requirements as it deems appropriate.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § 22.1-254 and have (i) achieved a passing score on the GED examination; (ii) successfully completed an education and training program designated by the Board of Education; (iii) earned a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, and report high school graduation and dropout data using a formula prescribed by the Board.

The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data.

CHAPTER 591

An Act to amend and reenact § 28.2-628 of the Code of Virginia, relating to condemnation of privately leased oyster grounds.

[H 1092]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-628 of the Code of Virginia is amended and reenacted as follows:

§ 28.2-628. Condemnation of oyster bottoms and grounds.

The Department of Transportation and any ~~county, city, or town~~ *locality* shall have the right by eminent domain, to acquire any right or interest, partial or complete, in and to any oyster bottoms, oyster-planting grounds, or interest therein necessary for the purpose of such Department or ~~county, city, or town~~ *locality*. The procedure in such cases shall conform to the provisions of Chapter 3 (§ 25.1-300 et seq.) of Title 25.1. *However, a locality shall not exercise the right by eminent domain to acquire any right or interest, partial or complete, in and to any oyster-planting grounds leased pursuant to Article 1 (§ 28.2-600 et seq.) or 2 (§ 28.2-603 et seq.) of Chapter 6, other than a water-dependent linear wastewater project where there is no practical alternative and the project is subject to permitting under the State Water Control Law (§ 62.1-44.2 et seq.).*

The Department of Conservation and Recreation shall have the same right of eminent domain against the same properties as previously described, where the purpose of the condemnation is to provide for a navigational improvement benefiting the Commonwealth and not limited to purposes of any particular ~~county, city, or town~~ *locality*.

CHAPTER 592

An Act to amend and reenact § 29.1-102 of the Code of Virginia, relating to membership of the Board of Game and Inland Fisheries.

[H 1121]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-102 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-102. Board of Game and Inland Fisheries; how constituted; meetings.

The Commission of Game and Inland Fisheries is continued and shall hereafter be known as the Board of Game and Inland Fisheries.

A. The Board shall consist of ~~not more than one member from each congressional district~~ *11 members*. Each member of the Board shall be appointed by the Governor, subject to confirmation by the General Assembly. *The members appointed shall be citizens of the Commonwealth and shall be knowledgeable about wildlife conservation, hunting, fishing, boating, agriculture, forestry, or habitat. Each Department region, as constituted on July 1, 2014, shall be represented by two members, and three members shall be members-at-large, each representing a different Department region.* Members shall be appointed for terms of one to four years; however, appointments shall be made in a manner whereby no more than three members shall have terms which expire in the same year. An appointment to fill a vacancy shall be made in the same manner, but only for the unexpired term. No person shall be eligible to serve more than two consecutive four-year terms. Members may be removed from office during their respective terms by the Governor.

B. The Board shall adopt rules and procedures for the conduct of its business that shall be set forth in a Governance Manual. The Board may establish committees to assist it with its duties and responsibilities. All decisions by a committee shall be reviewed by the Board, and shall only take effect if approved by the Board.

C. The Board shall elect one of its members as its chairman whose duties shall be limited to (i) presiding at all regular and called meetings of the Board; (ii) serving as the Board liaison to the Director, other Board members, and the Secretary of Natural Resources; and (iii) the other duties set forth in the Governance Manual as approved by a majority of the Board.

The Board shall also elect a vice-chairman to preside in the absence of the chairman. Any additional duties of the vice-chairman shall be set forth in the Governance Manual. The Board shall annually elect one of its members as chairman and one of its members as vice-chairman. At such annual election, the chairman and vice-chairman shall not be eligible to be re-elected to their respective positions and no person shall serve more than one year as chairman and one year as vice-chairman during a four-year term.

D. The Board shall meet at least once every quarter of the calendar year for the transaction of business, and other meetings may be called if necessary by the chairman or at the request of any three members. The majority of the members shall constitute a quorum. Meetings shall be held in Richmond or at such other places within the Commonwealth as may be necessary.

2. That this act shall not be construed to affect existing appointments for which the terms have not expired. However, any new appointment or appointments to fill vacancies made after the effective date of this act shall be made in accordance with the provisions of this act.

CHAPTER 593

An Act to amend and reenact § 10.1-613.4 of the Code of Virginia, relating to the transfer of ownership or decommissioning of impounding structures.

[H 1124]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-613.4 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-613.4. Liability of owner or operator.

A. Nothing in this article, and no order, notice, approval, or advice of the Director or Board shall relieve any owner or operator of ~~such a~~ an impounding structure from any legal duties, obligations, and liabilities resulting from such ownership or operation. The owner or operator shall be responsible for liability for damage to the property of others or injury to persons, including, ~~but not limited to,~~ the loss of life resulting from the operation or failure of a ~~dam~~ an impounding structure. Compliance with this article does not guarantee the safety of a ~~dam~~ an impounding structure or relieve the owner or operator of liability in case of a ~~dam~~ an impounding structure failure.

B. Prior to dissolution or termination of an entity that owns an impounding structure, the entity shall either convey ownership to a third party by deed or other legal conveyance or decommission the impounding structure pursuant to the requirements of the Virginia Impounding Structure Regulations. Prior to conveying ownership, the owner shall notify the Director of such transfer of ownership in accordance with requirements set out in the Virginia Impounding Structure Regulations. Such notice to the Director shall include a warrant by the transferring owner that the transferee is a responsible party capable of discharging all obligations of an impounding structure owner imposed by law and regulations.

C. The Commonwealth, the Board, or the Department shall not be deemed to become an owner of an impounding structure by providing funding or other assistance for maintenance, repair, or decommissioning of an impounding structure owned by another person or entity.

CHAPTER 594

An Act to amend and reenact § 23-31 of the Code of Virginia, relating to public institutions of higher education; unfunded scholarships.

[H 1137]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 23-31 of the Code of Virginia is amended and reenacted as follows:

§ 23-31. Unfunded scholarships.

A. The corporate authorities of the University of Virginia, the University of Virginia's College at Wise, Virginia Military Institute, Virginia Polytechnic Institute and State University, The College of William and Mary, Christopher Newport University, George Mason University, Longwood University, the University of Mary Washington, James Madison University, Virginia Commonwealth University, Radford University, Old Dominion University, the Virginia Community College System, Virginia State University, Norfolk State University, and Richard Bland College may establish scholarships, hereafter to be designated as unfunded scholarships, in their respective institutions under such regulations and conditions as they may prescribe, but subject to the following limitations and restrictions:

1. All such scholarships shall be applied exclusively to the remission, in whole or in part, of tuition and required fees.

2. The respective corporate authorities shall determine the number of such scholarships annually awarded to undergraduate Virginia and non-Virginia students.

The total value of all such scholarships annually awarded by an institution to undergraduate Virginia students shall not exceed in any year the amount arrived at by multiplying the applicable figure for undergraduate tuition and required fees by

20 percent of the enrollment of Virginia students in undergraduate studies in the institution during the preceding academic year. The total value of all such scholarships annually awarded by an institution to non-Virginia undergraduate students shall not exceed in any year the amount of the applicable, per capita out-of-state differential paid by non-Virginia undergraduate students for tuition and required fees multiplied by 20 percent of the enrollment of non-Virginia students in undergraduate studies in the institution during the preceding academic year.

All such scholarships awarded to undergraduate students shall be awarded only to undergraduate students in the first four years of undergraduate work and shall be awarded and renewed on a selective basis to students of character and ability who are in need of financial assistance. For purposes of determining need under this section, a nationally recognized needs-analysis system approved by the State Council of Higher Education shall be used.

3. The respective corporate authorities shall determine the number of such scholarships annually awarded to graduate students or teachers serving as clinical faculty pursuant to § 22.1-290.1. The total value of all such scholarships annually awarded to such graduate students and clinical faculty shall not exceed in any year the amount arrived at by multiplying the applicable figure for graduate tuition and required fees by the number of graduate students who are employed as teaching *assistants, graduate assistants*, or research assistants with significant academic *or academic support* responsibilities and who are paid a stipend of at least \$2,000 in the particular academic year and such clinical faculty. All graduate scholarships shall be awarded and renewed on a selective basis to such graduate students and clinical faculty of character and ability.

4. A scholarship awarded under this program shall entitle the holder to the following award, as appropriate:

a. A Virginia undergraduate student may receive an annual remission of an amount not to exceed the cost of tuition and fees required to be paid by the student;

b. A non-Virginia undergraduate student may receive an annual remission not to exceed the amount of the out-of-state differential required to be paid by the student for tuition and fees;

c. A qualified graduate student may receive an annual remission of an amount not to exceed the cost of tuition and fees required to be paid by the student;

d. A clinical faculty member may receive an award as determined by the governing body of the institution.

5. Notwithstanding the limitations on the awards of unfunded scholarships to undergraduate students pursuant to subdivision A 4 of this section, an institution may award additional unfunded scholarships to visiting foreign exchange students; however, the number of such awards in any fiscal year shall not exceed one quarter of one percent of the total institutional headcount enrollment.

B. No institution named herein shall remit any tuition or required fees or any special fees or charges to any student at such institution except as authorized in this section. Each institution named herein shall make a report to the State Council of Higher Education, upon request, showing the number and value of scholarships awarded under this section according to each student classification.

C. Nothing in this section shall be construed to prevent or limit in any way the admission of certain students, known as state cadets, at the Virginia Military Institute or to affect the remission of tuition or required fees or other charges to such state cadets as permitted under existing law.

D. Nothing in this section shall be construed to affect or limit in any way the control of the governing bodies of the respective institutions over any other scholarships; or over any gifts or donations made to such institutions for scholarships or other special purposes; or over any funds provided by the federal government or otherwise for the purpose of career and technical education or vocational rehabilitation in this Commonwealth; or over any funds derived from endowment or appropriations from the federal government for instruction in agriculture and mechanic arts in land grant colleges.

E. Nothing in this section shall be construed to prevent the governing bodies of the respective institutions from fixing a reasonably lower tuition charge for Virginia students than for non-Virginia students.

F. Nothing in this section or any other provision of law shall prohibit the awarding of 10 full tuition unfunded scholarships each year by Old Dominion University under the terms and conditions provided for in a deed conveying certain property in Norfolk known as the Old Larchmont School made July 5, 1930, between the City of Norfolk and The College of William and Mary.

G. Nothing in this section shall be construed to limit other financial aid programs provided pursuant to state law.

CHAPTER 595

An Act to amend and reenact § 8.01-337 of the Code of Virginia, relating to persons liable to serve as jurors.

[H 1157]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-337 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-337. Who liable to serve as jurors.

All citizens over ~~eighteen~~ 18 years of age who have been residents of the Commonwealth one year, and of the county, city, or town in which they reside six months next preceding their being summoned to serve as such, and competent in other respects, except as hereinafter provided, shall be liable to serve as jurors. No person shall be deemed incompetent to serve on any jury because of blindness or partial blindness. Military personnel of the United States Army, Air Force, *Marine Corps*, *Coast Guard*, or Navy shall not be considered residents of this Commonwealth by reason of their being stationed herein.

CHAPTER 596

An Act to amend and reenact § 1-210 of the Code of Virginia, relating to rules of statutory construction; computation of time.

[H 1160]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 1-210 of the Code of Virginia is amended and reenacted as follows:****§ 1-210. Computation of time.**

A. When an act of the General Assembly or rule of court requires that an act be performed a prescribed amount of time before a motion or proceeding, the day of such motion or proceeding shall not be counted against the time allowed, but the day on which such act is performed may be counted as part of the time. When an act of the General Assembly or rule of court requires that an act be performed within a prescribed amount of time after any event or judgment, the day on which the event or judgment occurred shall not be counted against the time allowed.

B. When the last day for performing an act during the course of a judicial proceeding falls on a Saturday, Sunday, legal holiday, or any day or part of a day on which the clerk's office is closed as authorized by an act of the General Assembly, the act may be performed on the next day that is not a Saturday, Sunday, legal holiday, or day or part of a day on which the clerk's office is closed as authorized by an act of the General Assembly.

C. When an act of the General Assembly specifies a maximum period of time in which a legal action may be brought and the last day of that period falls on a Saturday, Sunday, legal holiday, or day or part of a day on which the clerk's office is closed as authorized by an act of the General Assembly, the action may be brought on the next day that is not a Saturday, Sunday, legal holiday, or day or part of a day on which the clerk's office is closed as authorized by an act of the General Assembly.

D. Any court or proceeding authorized to be adjourned from day to day shall not be required to meet on a Sunday or legal holiday.

E. When an act of the General Assembly or local governing body, order of the court, or administrative regulation or order requires, either by specification of a date or by a prescribed period of time, that an act be performed or an action be filed on a Saturday, Sunday, or legal holiday or on any day or part of a day on which the state or local government office where the act to be performed or the action to be filed is closed, the act may be performed or the action may be filed on the next business day that is not a Saturday, Sunday, legal holiday, or day on which the state or local government office is closed.

F. For the purposes of this section, any day on which the Governor authorizes the closing of the state government shall be considered a legal holiday.

CHAPTER 597

An Act to amend and reenact § 23-49.25 of the Code of Virginia, relating to Christopher Newport University; Board of Visitors.

[H 1161]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 23-49.25 of the Code of Virginia is amended and reenacted as follows:****§ 23-49.25. Appointments of visitors generally; terms.**

A. The board shall consist of ~~fourteen~~ 14 members appointed by the Governor, *at least six of whom shall be alumni of Christopher Newport University.*

Appointments shall be for terms of four years; however, appointments to fill vacancies occurring otherwise than by expiration of terms shall be for the unexpired terms.

B. All appointments of the Governor shall be subject to confirmation by the General Assembly. Members shall continue to hold office until their successors have been appointed and have qualified.

2. That the provisions of this act shall not affect members of the Board of Visitors of Christopher Newport University whose terms have not expired as of July 1, 2014. However, at least one appointment each year beginning in 2014 shall be an alumnus of Christopher Newport University until the provisions of this act are met.

CHAPTER 598

An Act to amend and reenact §§ 62.1-44.15:24, 62.1-44.15:27, 62.1-44.15:28, 62.1-44.15:33, 62.1-44.15:34, 62.1-44.15:44, 62.1-44.15:45, and 62.1-44.15:46 of the Code of Virginia, relating to stormwater management programs.

[H 1173]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 62.1-44.15:24, 62.1-44.15:27, 62.1-44.15:28, 62.1-44.15:33, 62.1-44.15:34, 62.1-44.15:44, 62.1-44.15:45, and 62.1-44.15:46 of the Code of Virginia are amended and reenacted as follows:

§ 62.1-44.15:24. Definitions.

As used in this article, unless the context requires a different meaning:

"*Agreement in lieu of a stormwater management plan*" means a contract between the VSMP authority and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of a VSMP for the construction of a single-family residence; such contract may be executed by the VSMP authority in lieu of a stormwater management plan.

"Chesapeake Bay Preservation Act land-disturbing activity" means a land-disturbing activity including clearing, grading, or excavation that results in a land disturbance equal to or greater than 2,500 square feet and less than one acre in all areas of jurisdictions designated as subject to the regulations adopted pursuant to the Chesapeake Bay Preservation provisions of this chapter.

"CWA" means the federal Clean Water Act (33 U.S.C. § 1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500, as amended by P.L. 95-217, P.L. 95-576, P.L. 96-483, and P.L. 97-117, or any subsequent revisions thereto.

"Department" means the Department of Environmental Quality.

"Director" means the Director of the Department of Environmental Quality.

"Flooding" means a volume of water that is too great to be confined within the banks or walls of the stream, water body, or conveyance system and that overflows onto adjacent lands, thereby causing or threatening damage.

"Land disturbance" or "land-disturbing activity" means a man-made change to the land surface that potentially changes its runoff characteristics including clearing, grading, or excavation, except that the term shall not include those exemptions specified in § 62.1-44.15:34.

"Municipal separate storm sewer" means a conveyance or system of conveyances otherwise known as a municipal separate storm sewer system or "MS4," including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains:

1. Owned or operated by a federal, state, city, town, county, district, association, or other public body, created by or pursuant to state law, having jurisdiction or delegated authority for erosion and sediment control and stormwater management, or a designated and approved management agency under § 208 of the CWA that discharges to surface waters;
2. Designed or used for collecting or conveying stormwater;
3. That is not a combined sewer; and
4. That is not part of a publicly owned treatment works.

"Municipal Separate Storm Sewer System Management Program" means a management program covering the duration of a state permit for a municipal separate storm sewer system that includes a comprehensive planning process that involves public participation and intergovernmental coordination, to reduce the discharge of pollutants to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the CWA and regulations, and this article and its attendant regulations, using management practices, control techniques, and system, design, and engineering methods, and such other provisions that are appropriate.

"Nonpoint source pollution" means pollution such as sediment, nitrogen, phosphorus, hydrocarbons, heavy metals, and toxics whose sources cannot be pinpointed but rather are washed from the land surface in a diffuse manner by stormwater runoff.

"Peak flow rate" means the maximum instantaneous flow from a prescribed design storm at a particular location.

"Permit" or "VSMP authority permit" means an approval to conduct a land-disturbing activity issued by the VSMP authority for the initiation of a land-disturbing activity after evidence of state VSMP general permit coverage has been provided where applicable.

"Permittee" means the person to which the permit or state permit is issued.

"Runoff volume" means the volume of water that runs off the land development project from a prescribed storm event.

"State permit" means an approval to conduct a land-disturbing activity issued by the Board in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the Board for stormwater discharges from an MS4. Under these permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations and this article and its attendant regulations.

"Stormwater" means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

"Stormwater management plan" means a document containing material describing methods for complying with the requirements of a VSMP.

"Subdivision" means the same as defined in § 15.2-2201.

"Virginia Stormwater Management Program" or "VSMP" means a program approved by the Soil and Water Conservation Board after September 13, 2011, and until June 30, 2013, or the State Water Control Board on and after June 30, 2013, that has been established by a VSMP authority to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in this article, and evaluation consistent with the requirements of this article and associated regulations.

"Virginia Stormwater Management Program authority" or "VSMP authority" means an authority approved by the Board after September 13, 2011, to operate a Virginia Stormwater Management Program or, ~~until such approval is given,~~ the Department. An authority may include a locality; state entity, including the Department; federal entity; or, for linear projects subject to annual standards and specifications in accordance with subsection B of § 62.1-44.15:31, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102.

"Water quality volume" means the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project.

"Watershed" means a defined land area drained by a river or stream, karst system, or system of connecting rivers or streams such that all surface water within the area flows through a single outlet. In karst areas, the karst feature to which water drains may be considered the single outlet for the watershed.

§ 62.1-44.15:27. Establishment of Virginia Stormwater Management Programs.

A. Any locality, ~~excluding towns, unless such town that~~ operates a regulated MS4; ~~or that notifies the Department of its decision to participate in the establishment of a VSMP~~ shall be required to adopt a VSMP for land-disturbing activities consistent with the provisions of this article according to a schedule set by the ~~Board~~ Department. Such schedule shall require ~~adoption no sooner than 15 months and not more than 21 months following the effective date of the regulation that establishes local program criteria and delegation procedures, unless the Board deems that the Department's review of the VSMP warrants an extension up to an additional 12 months, provided the locality has made substantive progress implementation no later than July 1, 2014. Thereafter, the Department shall provide an annual schedule by which localities can submit applications to implement a VSMP.~~ Localities subject to this subsection are authorized to coordinate plan review and inspections with other entities in accordance with subsection H. ~~The Department shall operate a VSMP on behalf of any locality that does not operate a regulated MS4 and that does not notify the Department, according to a schedule set by the Department, of its decision to participate in the establishment of a VSMP. A locality that decides not to establish a VSMP shall still comply with the requirements set forth in this article and attendant regulations as required to satisfy the stormwater flow rate capacity and velocity requirements set forth in the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.). A locality that is subject to the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) also shall adopt requirements set forth in this article and attendant regulations as required to regulate Chesapeake Bay Preservation Act land-disturbing activities in accordance with § 62.1-44.15:28.~~

~~Notwithstanding any other provision of this subsection, any county that operates an MS4 that became a regulated MS4 on or after January 1, 2014 may elect, on a schedule set by the Department, to defer the implementation of the county's VSMP until no later than January 1, 2015. During this deferral period, when such county thus lacks the legal authority to operate a VSMP, the Department shall operate a VSMP on behalf of the county and address post-construction stormwater runoff and the required design criteria for stormwater runoff controls. Any such county electing to defer the establishment of its VSMP shall still comply with the requirements set forth in this article and attendant regulations as required to satisfy the stormwater flow rate capacity and velocity requirements set forth in the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.).~~

B. Any town, ~~including a town that operates a regulated MS4,~~ lying within a county that has adopted a VSMP in accordance with subsection A may ~~adopt its own program or shall decide, but shall not be required, to become subject to the county program~~ county's VSMP. Any town lying within a county that operates an MS4 that became a regulated MS4 on or after January 1, 2014 may elect to become subject to the county's VSMP according to the deferred schedule established in subsection A. ~~During the county's deferral period, the Department shall operate a VSMP on behalf of the town and address post-construction stormwater runoff and the required design criteria for stormwater runoff controls for the town as provided in subsection A.~~ If a town lies within the boundaries of more than one county, the town shall be considered to be wholly within the county in which the larger portion of the town lies. Towns shall inform the Department of their decision according to a schedule established by the Department. Thereafter, the Department shall provide an annual schedule by which towns can submit applications to adopt a VSMP.

C. In support of VSMP authorities, the Department shall:

1. Provide assistance grants to localities not currently operating a local stormwater management program to help the localities to establish their VSMP.

2. Provide technical assistance and training.

3. Provide qualified services in specified geographic areas to a VSMP to assist localities in the administration of components of their programs. The Department shall actively assist localities in the establishment of their programs and in the selection of a contractor or other entity that may provide support to the locality or regional support to several localities.

D. The Department shall develop a model ordinance for establishing a VSMP consistent with this article and its associated regulations, including the Virginia Stormwater Management Program (VSMP) General Permit for Discharges of Stormwater from Construction Activities.

E. Each locality that administers an approved VSMP shall, by ordinance, establish a VSMP that shall be administered in conjunction with a local MS4 program and a local erosion and sediment control program if required pursuant to ~~Article 2-4~~ *the Erosion and Sediment Control Law* (§ 62.1-44.15:51 et seq.), and which shall include the following:

1. Consistency with regulations adopted in accordance with provisions of this article;
2. Provisions for long-term responsibility for and maintenance of stormwater management control devices and other techniques specified to manage the quality and quantity of runoff; and
3. Provisions for the integration of the VSMP with local erosion and sediment control, flood insurance, flood plain management, and other programs requiring compliance prior to authorizing construction in order to make the submission and approval of plans, issuance of permits, payment of fees, and coordination of inspection and enforcement activities more convenient and efficient both for the local governments and those responsible for compliance with the programs.

F. The Board may approve a state entity, including the Department, federal entity, or, for linear projects subject to annual standards and specifications, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102 to operate a Virginia Stormwater Management Program consistent with the requirements of this article and its associated regulations and the VSMP authority's Department-approved annual standards and specifications. For these programs, enforcement shall be administered by the Department and the Board where applicable in accordance with the provisions of this article.

G. The Board shall approve a VSMP when it deems a program consistent with this article and associated regulations, including the Virginia Stormwater Management Program (VSMP) General Permit for Discharges of Stormwater from Construction Activities.

H. A VSMP authority may enter into agreements or contracts with soil and water conservation districts, adjacent localities, or other public or private entities to carry out or assist with the responsibilities of this article.

I. ~~Localities~~ *If a locality establishes a VSMP, it shall issue a consolidated stormwater management and erosion and sediment control permit that is consistent with the provisions of the Erosion and Sediment Control Law* (§ 62.1-44.15:51 et seq.). When available in accordance with subsection J, such permit, where applicable, shall also include a copy of or reference to state VSMP permit coverage authorization to discharge.

J. Upon the development of an online reporting system by the Department, but no later than July 1, 2014, a VSMP authority shall then be required to obtain evidence of state VSMP permit coverage where it is required prior to providing approval to begin land disturbance.

K. Any VSMP adopted pursuant to and consistent with this article shall be considered to meet the stormwater management requirements under the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) and attendant regulations, and effective July 1, 2014, shall not be subject to local program review under the stormwater management provisions of the Chesapeake Bay Preservation Act.

L. All VSMP authorities shall comply with the provisions of this article and the stormwater management provisions of ~~Article 2-4~~ *the Erosion and Sediment Control Law* (§ 62.1-44.15:51 et seq.) and related regulations. The VSMP authority responsible for regulating the land-disturbing activity shall require compliance with the issued permit, permit conditions, and plan specifications. *The state shall enforce state permits.*

~~M. VSMPs adopted in accordance with this section shall become effective July 1, 2014, unless otherwise specified by the Board.~~

§ 62.1-44.15:28. Development of regulations.

A. The Board is authorized to adopt regulations that specify minimum technical criteria and administrative procedures for Virginia Stormwater Management Programs. The regulations shall:

1. Establish standards and procedures for administering a VSMP;
2. Establish minimum design criteria for measures to control nonpoint source pollution and localized flooding, and incorporate the stormwater management regulations adopted pursuant to the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.), as they relate to the prevention of stream channel erosion. These criteria shall be periodically modified as required in order to reflect current engineering methods;
3. Require the provision of long-term responsibility for and maintenance of stormwater management control devices and other techniques specified to manage the quality and quantity of runoff;

4. Require as a minimum the inclusion in VSMPs of certain administrative procedures that include, but are not limited to, specifying the time period within which a VSMP authority shall grant land-disturbing activity approval, the conditions and processes under which approval shall be granted, the procedures for communicating disapproval, the conditions under which an approval may be changed, and requirements for inspection of approved projects;

5. Establish by regulations a statewide permit fee schedule to cover all costs associated with the implementation of a VSMP related to land-disturbing activities of one acre or greater. Such fee attributes include the costs associated with plan review, VSMP registration statement review, permit issuance, state-coverage verification, inspections, reporting, and

compliance activities associated with the land-disturbing activities as well as program oversight costs. The fee schedule shall also include a provision for a reduced fee for land-disturbing activities between 2,500 square feet and up to one acre in Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) localities. The fee schedule shall be governed by the following:

a. The revenue generated from the statewide stormwater permit fee shall be collected utilizing, where practicable, an online payment system, and the Department's portion shall be remitted to the State Treasurer for deposit in the Virginia Stormwater Management Fund established pursuant to § 62.1-44.15:29. However, whenever the Board has approved a VSMP, no more than 30 percent of the total revenue generated by the statewide stormwater permit fees collected shall be remitted to the State Treasurer for deposit in the Virginia Stormwater Management Fund, with the balance going to the VSMP authority.

b. Fees collected pursuant to this section shall be in addition to any general fund appropriation made to the Department or other supporting revenue from a VSMP; however, the fees shall be set at a level sufficient for the Department and the VSMP to fully carry out their responsibilities under this article and its attendant regulations and local ordinances or standards and specifications where applicable. When establishing a VSMP, the VSMP authority shall assess the statewide fee schedule and shall have the authority to reduce or increase such fees, and to consolidate such fees with other program-related charges, but in no case shall such fee changes affect the amount established in the regulations as available to the Department for program oversight responsibilities pursuant to subdivision 5 a. A VSMP's portion of the fees shall be used solely to carry out the VSMP's responsibilities under this article and its attendant regulations, ordinances, or annual standards and specifications.

c. Until July 1, 2014, the fee for coverage under the General Permit for Discharges of Stormwater from Construction Activities issued by the Board, or where the Board has issued an individual permit or coverage under the General Permit for Discharges of Stormwater from Construction Activities for an entity for which it has approved annual standards and specifications, shall be \$750 for each large construction activity with sites or common plans of development equal to or greater than five acres and \$450 for each small construction activity with sites or common plans of development equal to or greater than one acre and less than five acres. On and after July 1, 2014, such fees shall only apply where coverage has been issued under the Board's General Permit for Discharges of Stormwater from Construction Activities to a state agency or federal entity for which it has approved annual standards and specifications. After establishment, such fees may be modified in the future through regulatory actions.

d. Until July 1, 2014, the Department is authorized to assess a \$125 reinspection fee for each visit to a project site that was necessary to check on the status of project site items noted to be in noncompliance and documented as such on a prior project inspection.

e. In establishing the fee schedule under this subdivision, the Department shall ensure that the VSMP authority portion of the statewide permit fee for coverage under the General Permit for Discharges of Stormwater from Construction Activities for small construction activity involving a single family detached residential structure with a site or area, within or outside a common plan of development or sale, that is equal to or greater than one acre but less than five acres shall be no greater than the VSMP authority portion of the fee for coverage of sites or areas with a land-disturbance acreage of less than one acre within a common plan of development or sale.

f. When any fees are collected pursuant to this section by credit cards, business transaction costs associated with processing such payments may be additionally assessed;

6. Establish statewide standards for stormwater management from land-disturbing activities of one acre or greater, except as specified otherwise within this article, and allow for the consolidation in the permit of a comprehensive approach to addressing stormwater management and erosion and sediment control, consistent with the provisions of the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.) and this article. However, such standards shall also apply to land-disturbing activity exceeding an area of 2,500 square feet in all areas of the jurisdictions designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations;

7. Establish a procedure by which a stormwater management plan that is approved for a residential, commercial, or industrial subdivision shall govern the development of the individual parcels, including those parcels developed under subsequent owners;

8. Notwithstanding the provisions of subdivision A 5, establish a procedure by which neither a registration statement nor payment of the Department's portion of the statewide permit fee established pursuant to that subdivision shall be required for coverage under the General Permit for Discharges of Stormwater from Construction Activities for construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale;

9. Provide for reciprocity with programs in other states for the certification of proprietary best management practices;

10. Require that VSMPs maintain after-development runoff rate of flow and characteristics that replicate, as nearly as practicable, the existing predevelopment runoff characteristics and site hydrology, or improve upon the contributing share of the existing predevelopment runoff characteristics and site hydrology if stream channel erosion or localized flooding is an existing predevelopment condition. Except where more stringent requirements are necessary to address total maximum daily load requirements or to protect exceptional state waters, any land-disturbing activity that provides for stormwater management shall satisfy the conditions of this subsection if the practices are designed to (i) detain the water quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5-year, two-year, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition,

achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels as defined in any regulations promulgated pursuant to this section or any ordinances adopted pursuant to § 62.1-44.15:27 or 62.1-44.15:33;

~~8-~~ 11. Encourage low-impact development designs, regional and watershed approaches, and nonstructural means for controlling stormwater;

9- 12. Promote the reclamation and reuse of stormwater for uses other than potable water in order to protect state waters and the public health and to minimize the direct discharge of pollutants into state waters;

13. Establish procedures to be followed when a locality that operates a VSMP wishes to transfer administration of the VSMP to the Department;

~~10-~~ 14. Establish a statewide permit fee schedule for stormwater management related to municipal separate storm sewer system permits; and

~~11-~~ 15. Provide for the evaluation and potential inclusion of emerging or innovative stormwater control technologies that may prove effective in reducing nonpoint source pollution.

B. The Board may integrate and consolidate components of the regulations implementing the Erosion and Sediment Control program and the Chesapeake Bay Preservation Area Designation and Management program with the regulations governing the Virginia Stormwater Management Program (VSMP) Permit program or repeal components so that these programs may be implemented in a consolidated manner that provides greater consistency, understanding, and efficiency for those regulated by and administering a VSMP.

§ 62.1-44.15:33. Authorization for more stringent ordinances.

A. Localities *that are VSMP authorities* are authorized to adopt more stringent stormwater management ordinances than those necessary to ensure compliance with the Board's minimum regulations, provided that the more stringent ordinances are based upon factual findings of local or regional comprehensive watershed management studies or findings developed through the implementation of a MS4 permit or a locally adopted watershed management study and are determined by the locality to be necessary to prevent any further degradation to water resources, to address TMDL requirements, to protect exceptional state waters, or to address specific existing water pollution including nutrient and sediment loadings, stream channel erosion, depleted groundwater resources, or excessive localized flooding within the watershed and that prior to adopting more stringent ordinances a public hearing is held after giving due notice.

B. Localities *that are VSMP authorities* shall submit a letter report to the Department when more stringent stormwater management ordinances or more stringent requirements authorized by such ordinances, such as may be set forth in design manuals, policies, or guidance documents developed by the localities, are determined to be necessary pursuant to this section within 30 days after adoption thereof. Any such letter report shall include a summary explanation as to why the more stringent ordinance or requirement has been determined to be necessary pursuant to this section. Upon the request of an affected landowner or his agent submitted to the Department with a copy to be sent to the locality, within 90 days after adoption of any such ordinance or derivative requirement, localities shall submit the ordinance or requirement and all other supporting materials to the Department for a determination of whether the requirements of this section have been met and whether any determination made by the locality pursuant to this section is supported by the evidence. The Department shall issue a written determination setting forth its rationale within 90 days of submission. Such a determination, or a failure by the Department to make such a determination within the 90-day period, may be appealed to the Board.

C. Localities shall not prohibit or otherwise limit the use of any best management practice (BMP) approved for use by the Director or the Board except as follows:

1. When the Director or the Board approves the use of any BMP in accordance with its stated conditions, the locality serving as a VSMP authority shall have authority to preclude the onsite use of the approved BMP, or to require more stringent conditions upon its use, for a specific land-disturbing project based on a review of the stormwater management plan and project site conditions. Such limitations shall be based on site-specific concerns. Any project or site-specific determination purportedly authorized pursuant to this subsection may be appealed to the Department and the Department shall issue a written determination regarding compliance with this section to the requesting party within 90 days of submission. Any such determination, or a failure by the Department to make any such determination within the 90-day period, may be appealed to the Board.

2. When a locality is seeking to uniformly preclude jurisdiction-wide or otherwise limit geographically the use of a BMP approved by the Director or Board, or to apply more stringent conditions to the use of a BMP approved by the Director or Board, upon the request of an affected landowner or his agent submitted to the Department, with a copy submitted to the locality, within 90 days after adoption, such authorizing ordinances, design manuals, policies, or guidance documents developed by the locality that set forth the BMP use policy shall be provided to the Department in such manner as may be prescribed by the Department that includes a written justification and explanation as to why such more stringent limitation or conditions are determined to be necessary. The Department shall review all supporting materials provided by the locality to determine whether the requirements of this section have been met and that any determination made by the locality pursuant to this section is reasonable under the circumstances. The Department shall issue its determination to the locality in writing within 90 days of submission. Such a determination, or a failure by the Department to make such a determination within the 90-day period, may be appealed to the Board.

D. Based on a determination made in accordance with subsection B or C, any ordinance or other requirement enacted or established by a locality that is found to not comply with this section shall be null and void, replaced with state minimum standards, and remanded to the locality for revision to ensure compliance with this section. Any such ordinance or other requirement that has been proposed but neither enacted nor established shall be remanded to the locality for revision to ensure compliance with this section.

E. Any provisions of a local stormwater management program in existence before January 1, 2013, that contains more stringent provisions than this article shall be exempt from the requirements of this section. However, such provisions shall be reported to the Board at the time of the locality's VSMP approval package.

§ 62.1-44.15:34. Regulated activities; submission and approval of a permit application; security for performance; exemptions.

A. A person shall not conduct any land-disturbing activity until he has submitted a permit application to the VSMP authority that includes a state VSMP permit registration statement, *if such statement is required*, and, after July 1, 2014, a stormwater management plan *or an executed agreement in lieu of a stormwater management plan*, and has obtained VSMP authority approval to begin land disturbance. *A locality that is not a VSMP authority shall provide a general notice to applicants of the state permit coverage requirement and report all approvals pursuant to the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.) to begin land disturbance of one acre or greater to the Department at least monthly.* Upon the development of an online reporting system by the Department, but no later than July 1, 2014, a VSMP authority shall be required to obtain evidence of *state* VSMP permit coverage where it is required prior to providing approval to begin land disturbance. The VSMP authority shall act on any permit application within 60 days after it has been determined by the VSMP authority to be a complete application. The VSMP authority may either issue project approval or denial and shall provide written rationale for the denial. The VSMP authority shall act on any permit application that has been previously disapproved within 45 days after the application has been revised, resubmitted for approval, and deemed complete. Prior to issuance of any approval, the VSMP authority may also require an applicant, excluding state and federal entities, to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the VSMP authority, to ensure that measures could be taken by the VSMP authority at the applicant's expense should he fail, after proper notice, within the time specified to initiate or maintain appropriate actions that may be required of him by the permit conditions as a result of his land-disturbing activity. If the VSMP authority takes such action upon such failure by the applicant, the VSMP authority may collect from the applicant the difference should the amount of the reasonable cost of such action exceed the amount of the security held. Within 60 days of the completion of the requirements of the permit conditions, such bond, cash escrow, letter of credit, or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the applicant or terminated. These requirements are in addition to all other provisions of law relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

B. A Chesapeake Bay Preservation Act Land-Disturbing Activity shall be subject to coverage under the Virginia Stormwater Management Program (VSMP) General Permit for Discharges of Stormwater from Construction Activities until July 1, 2014, at which time it shall no longer be considered a small construction activity but shall be then regulated under the requirements of this article ~~by a VSMP authority~~.

C. Notwithstanding any other provisions of this article, the following activities are exempt, unless otherwise required by federal law:

1. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1;

2. Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the Board in regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163;

3. Single-family residences separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures. However, localities subject to the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) may regulate these single-family residences where land disturbance exceeds 2,500 square feet;

4. Land-disturbing activities that disturb less than one acre of land area except for land-disturbing activity exceeding an area of 2,500 square feet in all areas of the jurisdictions designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations adopted pursuant to the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) or activities that are part of a larger common plan of development or sale that is one acre or greater of disturbance; however, the governing body of any locality that administers a VSMP may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exception shall apply;

5. Discharges to a sanitary sewer or a combined sewer system;

6. Activities under a state or federal reclamation program to return an abandoned property to an agricultural or open land use;

7. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this subsection; and

8. Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the VSMP authority shall be advised of the disturbance within seven days of commencing the land-disturbing activity, and compliance with the administrative requirements of subsection A is required within 30 days of commencing the land-disturbing activity.

§ 62.1-44.15:44. Right to hearing.

Any permit applicant, permittee, or person subject to state permit requirements under this article aggrieved by any action of the VSMP authority, Department, or Board taken without a formal hearing, or by inaction of the VSMP authority, Department, or Board, may demand in writing a formal hearing by the Board or VSMP authority causing such grievance, provided a petition requesting such hearing is filed with the Board or the VSMP authority within 30 days after notice of such action.

§ 62.1-44.15:45. Hearings.

~~VSMP authorities~~ When holding hearings under this article, *the Board* shall do so in a manner consistent with § 62.1-44.26. *A locality holding hearings under this article shall do so in a manner consistent with local hearing procedures.*

§ 62.1-44.15:46. Appeals.

Any permittee or party aggrieved by a state permit or enforcement decision of the Department or Board under this article, or any person who has participated, in person or by submittal of written comments, in the public comment process related to a final decision of the Department or Board under this article, whether such decision is affirmative or negative, is entitled to judicial review thereof in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) if such person meets the standard for obtaining judicial review of a case or controversy pursuant to Article III of the Constitution of the United States. A person shall be deemed to meet such standard if (i) such person has suffered an actual or imminent injury that is an invasion of a legally protected interest and that is concrete and particularized; (ii) such injury is fairly traceable to the decision of the Department or the Board and not the result of the independent action of some third party not before the court; and (iii) such injury will likely be redressed by a favorable decision by the court.

The provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall not apply to decisions rendered by localities ~~but appeals~~. *Appeals of decisions rendered by localities shall be conducted in accordance with local appeal procedures and shall include an opportunity for judicial review in the circuit court of the locality in which the land disturbance occurs or is proposed to occur. Unless otherwise provided by law, the circuit court shall conduct such review in accordance with the standards established in § 2.2-4027, and the decisions of the circuit court shall be subject to review by the Court of Appeals, as in other cases under this article.*

2. That amendments to regulations of the State Water Control Board necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.), provided that there is a public comment period of at least 30 days on the proposed amendments prior to Board adoption.

3. That the consolidation into Virginia's General Permit for Discharges of Stormwater from Construction Activities of state post-construction requirements exceeding minimum federal requirements shall not be construed to modify the scope of federal agency or citizen suit enforcement pursuant to the Clean Water Act (33 U.S.C. § 1251 et seq.).

4. That an emergency exists and this act is in force from its passage.

CHAPTER 599

An Act to amend and reenact § 32.1-176.5 of the Code of Virginia, relating to safe drinking water; local private well testing requirements.

[H 1177]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-176.5 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-176.5. Construction permit; local government authority to require analysis of water.

A. Any person intending to construct a private well shall apply to the Department for and receive a permit before proceeding with construction. The permit application shall include a site plan. No survey plat shall be required. In all cases, it shall be the landowner's responsibility to ensure that the water well is properly located on the landowner's property. This permit shall be issued no later than 60 days from application and in accordance with the Board's regulations. In addition, an inspection shall be made after construction to assure that the construction standards are met.

B. The local governing bodies of the Counties of Albemarle, *Bedford*, Chesterfield, Clarke, Culpeper, Fairfax, Fauquier, Goochland, James City, Loudoun, Orange, Powhatan, Prince William, Rappahannock, Stafford, Warren, and York, and the Cities of Manassas, Manassas Park, Suffolk, and Virginia Beach may by ordinance establish reasonable testing requirements to determine compliance with existing federal or state drinking water quality standards and require that

such testing be done prior to the issuance of building permits. Such testing requirements shall apply only to building permit applicants proposing to utilize private ground water wells as their primary potable water source. In developing such an ordinance, the local governing body shall consider (i) the appropriate ground water constituents to be tested using the above standards as guidance; (ii) the reasonable cost of such testing which may be borne by the applicant; and (iii) the availability of certified laboratories to perform such services. However, no such test shall be conducted by Consolidated Laboratories. The applicant shall be notified of the test results with respect to such established standards.

C. Any local governing body referenced in subsection B of this section that has adopted a well abandonment ordinance may require property owners to close and cap abandoned or inactive wells pursuant to that ordinance.

CHAPTER 600

An Act to amend and reenact § 24.2-708 of the Code of Virginia, relating to absentee voting; return of unused and defaced absentee ballots.

[H 1197]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-708 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-708. Return of unused ballots; voting by applicant who did not receive or lost ballot; defaced ballots.

A. If for any reason a person, who has applied for and received a ballot, decides not to vote absentee, he shall return the ballot unopened, in the sealed envelope in which it was sent to him, to the electoral board *or the general registrar*, ~~on or~~ before the day of the election in which the ballot was intended to be used.

The electoral board shall note on the absentee voter applicant list, opposite the name of the person returning the ballot, the fact that the ballot was returned unused and the date of the return. The electoral board shall carefully preserve all ballots returned unused and deliver them, together with other returned ballots, to the officers of election on election day. A voter who has returned his unused ballot *before the day of the election* as provided herein shall be entitled to ~~cast a provisional ballot pursuant to § 24.2-653.1~~ *vote a regular ballot* in person on election day at his proper polling place or at a central absentee voter precinct established by the governing body of the county or city where the person is registered to vote, *upon confirmation by the electoral board, the general registrar, or an officer of election of the return of the unused ballot.* ~~However, a~~ *If the electoral board, the general registrar, or an officer of election is unable to confirm the return of the unused ballot, the voter shall be entitled to cast a provisional ballot pursuant to § 24.2-653.1. Notwithstanding the provisions of this subsection, a voter who returns may return his unused ballot to his proper polling place or central absentee voter precinct on election day and shall be entitled to vote a regular ballot, and his unused ballot shall be preserved with other unused ballots.*

B. If for any reason a person who has applied for and has been sent an absentee ballot does not receive the ballot or loses the ballot, he shall be entitled to cast another ballot after presenting to the electoral board, registrar or officer of election a statement signed by him that he did not receive the ballot or has lost the ballot, subject to felony penalties for making false statements as pursuant to § 24.2-1016. If such person offers to vote at his proper polling place or at a central absentee voter precinct established by the governing body of the county or city where he is registered to vote on the day of the elections, he shall be entitled to cast a provisional ballot pursuant to § 24.2-653.1.

C. If a person who has applied for and has been sent an absentee ballot has unintentionally or accidentally defaced and rendered the ballot unfit for voting, he shall be entitled to cast a ballot after presenting the defaced ballot to the electoral board, *the general registrar, or an officer of election.* The returned ballot shall be marked spoiled by the electoral board, *the general registrar, or an officer of election* and placed in a spoiled-ballot envelope to be retained with the ballots for the election. A voter who has returned his defaced ballot *before the day of the election* as provided herein shall be entitled to ~~cast a provisional ballot pursuant to § 24.2-653.1~~ *vote a regular ballot* in person on election day at his proper polling place or at a central absentee voter precinct established by the governing body of the county or city where he is registered to vote, *upon confirmation by the electoral board, the general registrar, or an officer of election of the return of the defaced ballot.* ~~If the electoral board, the general registrar, or an officer of election is unable to confirm the return of the defaced ballot, the voter shall be entitled to cast a provisional ballot pursuant to § 24.2-653.1. However, a~~ *A voter who returns his defaced or unfit ballot to his proper polling place or central absentee voter precinct on election day shall be entitled to vote a regular ballot, and his defaced or unfit ballot shall be preserved with other spoiled ballots.*

CHAPTER 601

An Act to require the Secretary of Public Safety and the Secretary of Health and Human Resources to encourage dissemination of information about specialized training in evidence-based strategies to prevent and minimize mental health crises.

[H 1222]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Secretary of Public Safety and the Secretary of Health and Human Resources shall encourage the dissemination of information about specialized training in evidence-based strategies to prevent and minimize mental health crises in all jurisdictions. This information shall be disseminated to, but not limited to, law-enforcement personnel, other first responders, hospital emergency department personnel, school personnel, and other interested parties, to the extent possible. These strategies shall include (i) crisis intervention team (CIT) training for law-enforcement personnel and other first responders as designated by the community CIT task force and (ii) mental health first aid training for other first responders, hospital emergency department personnel, school personnel, and other interested parties. The Secretary of Public Safety and the Secretary of Health and Human Resources shall encourage adherence to the models of training and achievement of programmatic goals and standards. The goals for CIT training shall include (i) training participants to recognize the signs and symptoms of behavioral health disorders; (ii) teaching participants the skills necessary to de-escalate crisis situations and how to support individuals in crisis; (iii) educating participants about community-based resources available to individuals in crisis; and (iv) enhancing participants' ability to communicate with health systems about the nature of the crisis to include rules regarding confidentiality and protected health information. The goals for mental health first aid training shall be to teach the public (to include first responders, school personnel, and other interested parties) how to recognize symptoms of mental health problems, how to offer and provide initial help, and how to guide a person toward appropriate treatments and other supportive help.

CHAPTER 602

An Act to amend and reenact § 54.1-119 of the Code of Virginia, relating to professions and occupations; expedited review; applications of spouses of military service members.

[H 1247]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-119 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-119. Expediting the issuance of licenses, etc., to spouses of military service members; issuance of temporary licenses, etc.

A. Notwithstanding any other law to the contrary and unless an applicant is found by the board to have engaged in any act that would constitute grounds for disciplinary action, a regulatory board within the Department of Professional and Occupational Regulation or the Department of Health Professions or any other board named in this title shall expedite the issuance of a license, permit, certificate, or other document, however styled or denominated, required for the practice of any business, profession, or occupation in the Commonwealth to an applicant whose application has been deemed complete by the board and (i) who holds the same or similar license, permit, certificate, or other document required for the practice of any business, profession, or occupation issued by another jurisdiction; (ii) whose spouse is the subject of a military transfer to the Commonwealth; and (iii) who left employment to accompany the applicant's spouse to Virginia, if, in the opinion of the board, the requirements for the issuance of the license, permit, certificate, or other document in such other jurisdiction are substantially equivalent to those required in the Commonwealth.

B. (Effective July 1, 2014) If a board is unable to (i) complete the review of the documentation provided by the applicant or (ii) make a final determination regarding substantial equivalency within ~~30~~ 20 days of the receipt of a completed application, the board shall issue a temporary license, permit, or certificate, provided the applicant otherwise meets the qualifications set out in subsection A. Any temporary license, permit, or certification issued pursuant to this subsection shall be limited for a period not to exceed six months and shall authorize the applicant to engage in the profession or occupation while the board completes its review of the documentation provided by the applicant or the applicant completes any specific requirements that may be required in Virginia that were not required in the jurisdiction in which the applicant holds the license, permit, or certificate.

C. The provisions of this section shall apply regardless of whether a regulatory board has entered into a reciprocal agreement with the other jurisdiction pursuant to subsection B of § 54.1-103.

D. Any regulatory board may require the applicant to provide documentation it deems necessary to make a determination of substantial equivalency.

CHAPTER 603

An Act to amend and reenact §§ 67-201 and 67-202 of the Code of Virginia, relating to the Virginia Energy Plan; analysis of effects of carbon dioxide emission control requirements; periodic interim updates.

[H 1261]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 67-201 and 67-202 of the Code of Virginia are amended and reenacted as follows:

§ 67-201. Development of the Virginia Energy Plan.

A. The Division, in consultation with the State Corporation Commission, the Department of Environmental Quality, and the Center for Coal and Energy Research, shall prepare a comprehensive Virginia Energy Plan covering a 10-year period. The Plan shall propose actions, consistent with the objectives enumerated in § 67-101, that will implement the Commonwealth Energy Policy set forth in § 67-102.

B. In addition, the Plan shall include:

1. Projections of energy consumption in the Commonwealth, including but not limited to the use of fuel sources and costs of electricity, natural gas, gasoline, coal, renewable resources, and other forms of energy resources used in the Commonwealth;

2. An analysis of the adequacy of electricity generation, transmission, and distribution resources in the Commonwealth for the natural gas and electric industries, and how regional generation, transmission, and distribution resources affect the Commonwealth;

3. An analysis of siting requirements for electric generation resources and natural gas and electric transmission and distribution resources;

4. An analysis of fuel diversity for electricity generation, recognizing the importance of flexibility in meeting future capacity needs;

5. An analysis of the efficient use of energy resources and conservation initiatives;

6. An analysis of how these Virginia-specific issues relate to regional initiatives to assure the adequacy of fuel production, generation, transmission, and distribution assets;

7. An analysis of siting of energy resource development, refining or transmission facilities to identify any disproportionate adverse impact of such activities on economically disadvantaged or minority communities; ~~and~~

8. *With regard to any regulations proposed or promulgated by the U.S. Environmental Protection Agency to reduce carbon dioxide emissions from fossil fuel-fired electric generating units under § 111(d) of the Clean Air Act, 42 U.S.C. § 7411(d), an analysis of (i) the costs to and benefits for energy producers and electric utility customers; (ii) the effect on energy markets and reliability; and (iii) the commercial availability of technology required to comply with such regulations; and*

~~8.~~ 9. Recommendations, based on the analyses completed under subdivisions 1 through 7 8, for legislative, regulatory, and other public and private actions to implement the elements of the Commonwealth Energy Policy.

C. In preparing the Plan, the Division and other agencies involved in the planning process shall utilize state geographic information systems, to the extent deemed practicable, to assess how recommendations in the plan may affect pristine natural areas and other significant onshore natural resources.

D. In preparing the Plan, the Division and other agencies involved in the planning process shall develop a system for ascribing numerical scores to parcels of real property based on the extent to which the parcels are suitable for the siting of a wind energy facility or solar energy facility. For wind energy facilities, the scoring system shall address the wind velocity, sustained velocity, turbulence, proximity to electric power transmission systems, potential impacts to natural and historic resources and to economically disadvantaged or minority communities, and compatibility with the local land use plan. For solar energy facilities, the scoring system shall address the parcel's proximity to electric power transmission lines, potential impacts of such a facility to natural and historic resources and to economically disadvantaged or minority communities, and compatibility with the local land use plan. The system developed pursuant to this section shall allow the suitability of the parcel for the siting of a wind energy facility or solar energy facility to be compared to the suitability of other parcels so scored, and shall be based on a scale that allows the suitability of the parcel for the siting of a such an energy facility to be measured against the hypothetical score of an ideal location for such a facility.

E. After July 1, 2007, upon receipt by the Division of a recommendation from the Department of General Services, a local governing body, or the parcel's owner that a parcel of real property is a potentially suitable location for a wind energy facility or solar energy facility, the Division shall analyze the suitability of the parcel for the location of such a facility. In conducting its analysis, the Division shall ascribe a numerical score to the parcel using the scoring system developed pursuant to subsection D.

§ 67-202. Schedule.

A. The Division shall complete the Plan by July 1, 2007.

B. Prior to completion of the Plan and updates thereof, the Division shall present drafts to, and consult with, the Coal and Energy Commission and the Commission on Electric Utility Regulation.

C. The Plan shall be updated by the Division and submitted as provided in § 67-203 by July 1, 2010, *October 1, 2014*, and every ~~four years~~ *fourth October 1* thereafter. *In addition, the Division shall provide interim updates on the Plan by October 1 of the third year of each administration.* Updated reports shall reassess goals for energy conservation based on progress to date in meeting the goals in the previous plan and lessons learned from attempts to meet such goals.

D. *Beginning with the Plan update in 2014, the Division shall include a section to set forth energy policy positions relevant to any potential regulations proposed or promulgated by the State Air Pollution Control Board to reduce carbon dioxide emissions from fossil fuel-fired electric generating units under § 111(d) of the Clean Air Act, 42 U.S.C. § 7411(d). In this section of the Plan, the Division shall address policy options for establishing separate standards of performance pursuant to § 111(d) of the Clean Air Act, 42 U.S.C. § 7411(d), for carbon dioxide emissions from existing fossil fuel-fired electric generating units to promote the Plan's overall goal of fuel diversity as follows:*

1. The Plan shall address policy options for establishing the standards of performance for existing coal-fired electric generating units, including but not limited to the following factors:

a. The most suitable system of emission reduction that (i) takes into consideration (a) the cost and benefit of achieving such reduction, (b) any non-air quality health and environmental impacts, and (c) the energy requirements of the Commonwealth and (ii) has been adequately demonstrated for coal-fired electric generating units that are subject to the standard of performance;

b. Reductions in emissions of carbon dioxide that can be achieved through measures reasonably undertaken at each coal-fired electric generating unit; and

c. Increased efficiencies and other measures that can be implemented at each coal-fired electric generating unit to reduce carbon dioxide emissions from the unit without converting from coal to other fuels, co-firing other fuels with coal, or limiting the utilization of the unit.

2. The Plan shall also address policy options for establishing the standards of performance for existing gas-fired electric generating units, including but not limited to the following factors:

a. The application of the criteria specified in subdivisions 1 a and b to natural gas-fired electric generating units, instead of to coal-fired electric generating units; and

b. Increased efficiencies and other measures that can be reasonably implemented at the unit to reduce carbon dioxide emissions from the unit without switching from natural gas to other lower-carbon fuels or limiting the utilization of the unit.

3. The Plan shall examine policy options for state regulatory action to adopt less stringent standards or longer compliance schedules than those provided for in applicable federal rules or guidelines based on analysis of the following:

a. Consumer impacts, including any disproportionate impacts of energy price increases on lower-income populations;

b. Unreasonable cost of reducing emissions resulting from plant age, location, or basic process design;

c. Physical difficulties with or impossibility of implementing emission reduction measures;

d. The absolute cost of applying the performance standard to the unit;

e. The expected remaining useful life of the unit;

f. The economic impacts of closing the unit, including expected job losses, if the unit is unable to comply with the performance standard; and

g. Any other factors specific to the unit that make application of a less stringent standard or longer compliance schedule more reasonable.

4. The Plan shall identify options, to the maximum extent permissible, for any federally required regulation of carbon dioxide emissions from existing fossil fuel-fired electric generating units, regulatory mechanisms that provide flexibility in complying with such standards, including the averaging of emissions, emissions trading, or other alternative implementation measures that are determined to further the interests of the Commonwealth and its citizens.

CHAPTER 604

An Act to amend and reenact § 24.2-706 of the Code of Virginia, relating to absentee voting and procedures; secure return of voted military-overseas ballots.

[S 11]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-706 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-706. Duty of general registrar and electoral board on receipt of application; statement of voter.

On receipt of an application for an absentee ballot, the general registrar shall enroll the name and address of each registered applicant on an absentee voter applicant list that shall be maintained in the office of the general registrar with a file of the applications of the listed applicants. The list shall be available for inspection and copying and the applications shall be available for inspection only by any registered voter during regular office hours. Upon request and for a reasonable fee, the State Board of Elections shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such list shall be used only for campaign and political purposes. Any list made available for inspection and copying under this section shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

No list or application containing an individual's social security number, or any part thereof, or the individual's day and month of birth, shall be made available for inspection or copying by anyone. The State Board of Elections shall prescribe procedures for local electoral boards and general registrars to make the information in the lists and applications available in a manner that does not reveal social security numbers or parts thereof, or an individual's day and month of birth.

The completion and timely delivery of an application for an absentee ballot shall be construed to be an offer by the applicant to vote in the election.

The general registrar shall note on each application received whether the applicant is or is not a registered voter and notify the secretary of the electoral board. In reviewing the application for an absentee ballot, the general registrar and electoral board shall not reject the application of any individual because of an error or omission on any record or paper

relating to the application, if such error or omission is not material in determining whether such individual is qualified to vote absentee.

If the application has been properly completed and signed and the applicant is a registered voter of the precinct in which he offers to vote, the electoral board shall, at the time when the printed ballots for the election are available, send by the deadline set out in § 24.2-612, obtaining a certificate of either first-class or expedited mailing or delivery from the United States Postal Service or other commercial delivery provider, or deliver to him in person in the office of the secretary or registrar, the following items and nothing else:

- 1. An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except in presence of a witness."
- 2. An envelope, with printing only on the flap side, for resealing the marked ballot, on which envelope is printed the following:

"Statement of Voter."

"I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that my FULL NAME is _____ (last, first, middle); that I am now or have been at some time since last November's general election a legal resident of _____ (STATE YOUR LEGAL RESIDENCE IN VIRGINIA including the house number, street name or rural route address, city, zip code); that I received the enclosed ballot(s) upon application to the registrar of such county or city; that I opened the envelope marked 'ballot within' and marked the ballot(s) in the presence of the witness, without assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am returning the form required to report how I was assisted); that I then sealed the ballot(s) in this envelope; and that I have not voted and will not vote in this election at any other time or place.

Signature of Voter

Date

Signature of witness"

For elections held after January 1, 2004, instead of the envelope containing the above oath, an envelope containing the standard oath prescribed by the presidential designee under § 101(b)(7) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. § 1973ff et seq.) shall be sent to voters who are qualified to vote absentee under that Act.

- 3. A properly addressed envelope for the return of the ballot to the electoral board by mail or by the applicant in person.
- 4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot.

For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of 42 U.S.C. § 15483 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state, the printed instructions shall direct the voter to submit with his ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

5. For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. § 1973ff et seq.), information provided by the State Board specific to the voting rights and responsibilities for such citizens, or information provided by the registrar specific to the status of the voter registration and absentee ballot application of such voter, may be included.

The envelopes and instructions shall be in the form prescribed by the State Board.

If the applicant makes his application to vote in person under § 24.2-701 at a time when the printed ballots for the election are available, the general registrar or the secretary of the electoral board, on the determination of the qualifications of the applicant to vote, shall provide to the applicant the items set forth in subdivisions 1 through 4, and no item shall be removed by the applicant from the office of the general registrar or the secretary of the electoral board. On the request of the applicant, made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, the general registrar or the secretary may send the items set forth in subdivisions 1 through 4 to the applicant by mail, obtaining a certificate of mailing.

If the applicant states as the reason for his absence on election day any of the reasons set forth in subdivision 2 of § 24.2-700, the electoral board, at the time when the printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-612 or deliver in person to the applicant in the office of the secretary or general registrar the items as set forth in subdivisions 1 through 4 and, if necessary, an application for registration. A certificate of mailing shall not be required. The electoral board, at the time when the printed ballots for the election are available, shall send by the deadline set forth in § 24.2-612 the blank ballot, the form for the envelope for returning the marked ballot, and instructions to the voter by electronic transmission if the voter so requests. The voted ballot shall be returned to the electoral board as otherwise required by this chapter.

For purposes of this paragraph, a "uniformed-service voter" means an individual who is qualified to vote and is a member of the active or reserve components of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard who is on active duty, or a member of the Virginia National Guard on activated status. The State Board shall provide instructions, procedures, services, a security assessment, and security measures for the secure return of voted absentee

military-overseas ballots by electronic means from uniformed-service voters outside of the United States. The instructions for electronic transmission and submission shall be in the form prescribed by the State Board. The State Board may modify the Statement of Voter provided in subdivision 2 to make it compatible with electronic submission. The State Board shall, in consultation with local boards of election and general registrars, develop and update annually a security assessment and security measures to ensure the accuracy and integrity of absentee voting by electronic means under this section. Such security measures shall (i) reasonably secure the transmission, processing, and storage of voter data from interception and unauthorized access in accordance with security policies and procedures of the Commonwealth and (ii) develop a procedure for security review after each election based on evaluation of the number of or any discrepancy in the votes received electronically.

When the statement prescribed in subdivision 2 has been properly completed and signed by the registered voter and witnessed, his ballot shall not be subject to challenge pursuant to § 24.2-651.

The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this section upon the application of ~~(†)~~ (a) any aggrieved voter, ~~(††)~~ (b) any candidate in an election district in whole or in part in the court's jurisdiction where a violation of this section has occurred, or is likely to occur, or ~~(†††)~~ (c) the campaign committee or the appropriate district political party chairman of such candidate. Any person who fails to discharge his duty as provided in this section through willful neglect of duty and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in subsection A of § 24.2-1001.

2. That the State Board of Elections shall work with federal, state, local, and other appropriate entities to establish best practices for uniformed-service voter authentication and identification and for the secure return of voted absentee military-overseas ballots by electronic means pursuant to the provisions of this act.

3. That the State Board of Elections shall convene a working group to assist with the development of the initial instructions, procedures, services, security assessment, and security measures required by this act for the secure return of voted absentee military-overseas ballots by electronic means. Such working group shall include the Chief Information Officer of the Commonwealth, the Chief Information Security Officer of the Commonwealth, representation of local boards of elections and general registrars, and others designated by the State Board of Elections. The working group shall submit an annual report to the Governor and General Assembly on the feasibility and cost of implementing the secure return of voted absentee military-overseas ballots from uniformed-service voters outside of the United States beginning January 1, 2016.

4. That the provisions of this act amending § 24.2-706 shall not become effective unless reenacted by the 2016 Session of the General Assembly.

CHAPTER 605

An Act to amend the Code of Virginia by adding a section numbered 29.1-525.2, relating to fox and coyote enclosures; penalty.

[S 42]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 29.1-525.2 as follows:

§ 29.1-525.2. Fox and coyote enclosures prohibited; penalty.

A. It is unlawful to erect, maintain, or operate an enclosure for the purpose of pursuing, hunting, or killing or attempting to pursue, hunt, or kill any fox or coyote with a dog. For purposes of this section, "enclosure" means a fence or other barrier that is used to prevent or impede the natural egress by any fox or coyote. A person who violates any provision of this subsection is guilty of a Class 1 misdemeanor. This subsection shall not be construed to limit the authority of the Department to enforce other available penalties.

B. This section shall not preclude the pursuing, hunting, or killing of any fox or coyote by a dog in the absence of an enclosure, or the killing of any fox or coyote by a landowner or tenant when the fox or coyote is damaging domestic stock or fowl on the owned or leased land.

C. Until July 1, 2054, the provisions of subsection A shall not apply to any location at which, as of January 1, 2014, a foxhound training preserve existed and was operating under a permit issued by the Department. The Department shall continue to issue or renew permits to existing locations in accordance with this section notwithstanding changes in the identity of the person or entity holding the permit.

D. The regulations governing foxhound training preserves in effect as of January 1, 2014, shall continue in full force and effect, provided, however, that the Department shall adopt regulations by October 1, 2014, to limit the total number of foxes stocked annually in all permitted preserves to 900. The Department shall specify a proportional number of foxes that may be stocked in each permitted preserve based upon the number of acres of the preserve as a percentage of the total acreage of permitted foxhound training preserves. If a preserve ceases to operate, its allocation of foxes from the previous year shall be deducted from the total number of foxes that may be stocked in foxhound training preserves in the Commonwealth.

E. The Department shall not deny a permit to an existing location solely due to recordkeeping failures or other technical violations of the regulations governing foxhound training preserves.

F. The Department shall deny a permit to an existing location if the location voluntarily ceases operation of its foxhound training preserve for a period of 12 consecutive months or longer.

G. Notwithstanding the provisions of § 2.2-4002, the denial of a permit to operate a foxhound training preserve by the Department shall constitute a case decision subject to the Administrative Process Act (§ 2.2-4000 et seq.). If a permittee or owner of a location subject to a permit files a notice of appeal with the Department, the Department shall continue to permit the location until any such appeals have been exhausted and the Department's determination upheld.

CHAPTER 606

An Act to amend and reenact § 15.2-905 of the Code of Virginia, relating to inoperable motor vehicles.

[S 64]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-905 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-905. Authority to restrict keeping of inoperable motor vehicles, etc., on residential or commercial property; removal of such vehicles.

A. The governing bodies of the Counties of Albemarle, Arlington, Fairfax, Henrico, Loudoun, *Prince George*, and Prince William; any town located, wholly or partly, in such counties; and the Cities of Alexandria, Fairfax, Falls Church, Hampton, *Hopewell*, Lynchburg, Manassas, Manassas Park, Newport News, Petersburg, Portsmouth, Roanoke, and Suffolk may by ordinance prohibit any person from keeping, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned or used for residential purposes, or on any property zoned for commercial or agricultural purposes, any motor vehicle, trailer or semitrailer, as such are defined in § 46.2-100, which is inoperable.

The locality in addition may by ordinance limit the number of inoperable motor vehicles that any person may keep outside of a fully enclosed building or structure.

As used in this section, notwithstanding any other provision of law, general or special, "shielded or screened from view" means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located.

As used in this section, an "inoperable motor vehicle" means any motor vehicle, trailer or semitrailer which is not in operating condition; or does not display valid license plates; or does not display an inspection decal that is valid or does display an inspection decal that has been expired for more than 60 days. The provisions of this section shall not apply to a licensed business that is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

B. The locality may, by ordinance, further provide that the owners of property zoned or used for residential purposes, or zoned for commercial or agricultural purposes, shall, at such time or times as the governing body may prescribe, remove therefrom any inoperable motor vehicle that is not kept within a fully enclosed building or structure. The locality may remove the inoperable motor vehicle, whenever the owner of the premises, after reasonable notice, has failed to do so. Notwithstanding the other provisions of this subsection, if the owner of such vehicle can demonstrate that he is actively restoring or repairing the vehicle, and if it is shielded or screened from view, the vehicle and one additional inoperative motor vehicle that is shielded or screened from view and being used for the restoration or repair may remain on the property.

In the event the locality removes the inoperable motor vehicle, after having given such reasonable notice, it may dispose of the vehicle after giving additional notice to the owner of the premises. The cost of the removal and disposal may be charged to either the owner of the inoperable vehicle or the owner of the premises and the cost may be collected by the locality as taxes are collected. Every cost authorized by this section with which the owner of the premises has been assessed shall constitute a lien against the property from which the inoperable vehicle was removed, the lien to continue until actual payment of the cost has been made to the locality.

CHAPTER 607

An Act to amend the Code of Virginia by adding a section numbered 58.1-3373.1, relating to reassessment of real estate and equalization of assessment; City of Richmond board of equalization.

[S 66]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 58.1-3373.1 as follows:

§ 58.1-3373.1. City may elect to provide for board of equalization.

Notwithstanding any other provision of law, the City of Richmond may by ordinance elect to provide for a board of equalization or permanent board of equalization as provided in this article instead of a board of review.

CHAPTER 608

An Act to amend the Code of Virginia by adding in Title 15.2 a chapter numbered 65.1, consisting of sections numbered 15.2-6550 through 15.2-6554, relating to the Tourist Train Development Authority.

[S 72]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 15.2 a chapter numbered 65.1, consisting of sections numbered 15.2-6550 through 15.2-6554, as follows:

CHAPTER 65.1.

TOURIST TRAIN DEVELOPMENT AUTHORITY.

§ 15.2-6550. Tourist Train Development Authority established.

The Tourist Train Development Authority, hereinafter referred to as the "Authority," is created as a body politic and corporate, a political subdivision of the Commonwealth. As such it shall have, and is hereby vested with, the powers and duties hereinafter conferred in this chapter.

§ 15.2-6551. Board of the Authority; qualifications; terms; quorum; records.

All powers, rights, and duties conferred by this chapter, or by other provisions of law, upon the Authority shall be exercised by the Board of the Tourist Train Development Authority, hereinafter referred to as "the board." Initial appointments to the board shall begin July 1, 2014. The board shall consist of nine members as follows: seven members appointed by the Governor, of whom three shall be representatives from the governing bodies of Tazewell County, the Town of Bluefield, and the Town of Pocahontas and four shall be nonlegislative citizen members who reside in Tazewell County; one member of the House of Delegates representing Tazewell County, who shall be appointed by the Speaker of the House of Delegates if more than one Delegate represents Tazewell County; and one member of the Senate representing Tazewell County, who shall be appointed by the Senate Committee on Rules if more than one Senator represents Tazewell County. All members shall serve for a term of four years and may be reappointed for one additional term, except legislative members, who shall serve terms coincident with their terms of office and may be reappointed. The term of any member of the board shall immediately terminate if the member no longer meets the eligibility criteria of the initial appointment. Vacancies shall be filled for the unexpired term. For the initial appointments only, three of the members shall be appointed for two-year terms and such initial terms shall not be counted toward the term limitation.

The board shall elect from its membership a chairman and a vice-chairman and from its membership or not, as they desire, a secretary and a treasurer, or a secretary-treasurer, who shall continue to hold such office until their respective successors are elected. The members of the board shall receive no compensation. All members may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties from such funds as may be available to the Authority.

Four members of the board shall constitute a quorum of the board for the purposes of conducting its business and exercising its powers and for all other purposes. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform all the duties of the board. The board shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of its financial transactions, and, unless exempted by § 30-140, it shall arrange to have the records audited annually. Copies of each such audit shall be furnished to the governing bodies of Tazewell County and all adjacent counties and the Auditor of Public Accounts and shall be open to public inspection.

§ 15.2-6552. Executive director; staff.

The Authority shall appoint an executive director, who shall be authorized to employ such staff as necessary to enable the Authority to perform its duties as set forth in this chapter. The Authority is authorized to determine the duties of such staff and to fix salaries and compensation from such funds as may be received or appropriated.

§ 15.2-6553. Powers of Authority.

The Authority shall have the following powers together with all powers incidental thereto or necessary for the performance of those hereafter stated:

- 1. To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;*
- 2. To adopt and use a corporate seal and to alter the same at its pleasure;*
- 3. To contract and be contracted with;*
- 4. To employ and pay compensation to such employees and agents, including attorneys, as the board deems necessary in carrying on the business of the Authority;*
- 5. To establish bylaws and make all rules and regulations, not inconsistent with the provisions of this chapter, deemed expedient for the management of the Authority's affairs;*
- 6. To borrow money and to accept contributions, grants, and other financial assistance from the United States of America and agencies or instrumentalities thereof, the Commonwealth, or any political subdivision, agency, or public instrumentality of the Commonwealth;*
- 7. To issue bonds in accordance with applicable law;*

8. To receive and expend moneys on behalf of tourist train development; and

9. To cooperate with any private or governmental entity in the state of West Virginia in the development of a tourist train.

§ 15.2-6554. Authority of localities.

Localities are hereby authorized to lend or donate money or other property or services to the Authority for any of its purposes. The locality making the grant or loan may restrict the use of such grants or loans to a specific project, within or outside that locality.

CHAPTER 609

An Act to amend and reenact § 2.2-3705.3 of the Code of Virginia, relating to the Virginia Freedom of Information Act; record exemption for certain administrative investigations by public institutions of higher education.

[S 78]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3705.3 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations.

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. Confidential records of all investigations of applications for licenses and permits, and of all licensees and permittees, made by or submitted to the Alcoholic Beverage Control Board, the State Lottery Department, the Virginia Racing Commission, the Department of Agriculture and Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice Services.

2. Records of active investigations being conducted by the Department of Health Professions or by any health regulatory board in the Commonwealth.

3. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation of individual employment discrimination complaints made to the Department of Human Resource Management ~~or~~ to such personnel of any local public body, including local school boards, as are responsible for conducting such investigations in confidence, *or to any public institution of higher education*. However, nothing in this section shall prohibit the disclosure of information taken from inactive reports in a form that does not reveal the identity of charging parties, persons supplying the information, or other individuals involved in the investigation.

4. Records of active investigations being conducted by the Department of Medical Assistance Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

5. Investigative notes and other correspondence and information furnished in confidence with respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice under the Virginia Human Rights Act (§ 2.2-3900 et seq.) or under any local ordinance adopted in accordance with the authority specified in § 2.2-524, or adopted pursuant to § 15.2-965, or adopted prior to July 1, 1987, in accordance with applicable law, relating to local human rights or human relations commissions. However, nothing in this section shall prohibit the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.

6. Records of studies and investigations by the State Lottery Department of (i) lottery agents, (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations that cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) the use of the lottery as a subterfuge for organized crime and illegal gambling where such official records have not been publicly released, published or copyrighted. All studies and investigations referred to under clauses (iii), (iv), and (v) shall be open to inspection and copying upon completion of the study or investigation.

7. Investigative notes, correspondence and information furnished in confidence, and records otherwise exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to Chapter 3.2 (§ 2.2-307 et seq.); (v) *the auditors appointed by any public institution of higher education*; (vi) the committee or the auditor with respect to an investigation or audit conducted pursuant to § 15.2-825; or ~~(vi)~~ (vii) the auditors, appointed by the local governing body of any county, city, or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an investigation of any officer, department, or program of such body. Records of completed investigations shall be disclosed in a form that does not reveal the identity of the complainants or persons supplying information to investigators. Unless disclosure is prohibited by this section, the records disclosed shall include, but not be limited to, the agency involved, the identity of the person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation does not lead to

corrective action, the identity of the person who is the subject of the complaint may be released only with the consent of the subject person. Local governing bodies shall adopt guidelines to govern the disclosure required by this subdivision.

8. Information furnished in confidence to the Department of Human Resource Management with respect to an investigation, consultation, or mediation under § 2.2-1202.1, and memoranda, correspondence and other records resulting from any such investigation, consultation or mediation. However, nothing in this section shall prohibit the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.

9. The names, addresses and telephone numbers of complainants furnished in confidence with respect to an investigation of individual zoning enforcement complaints or complaints relating to the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) made to a local governing body.

10. Records of active investigations being conducted by the Department of Criminal Justice Services pursuant to Article 4 (§ 9.1-138 et seq.), Article 4.1 (§ 9.1-150.1 et seq.), Article 11 (§ 9.1-185 et seq.), and Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

11. Records furnished to or prepared by the Board of Education pursuant to subsection D of § 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests by local school board employees responsible for the distribution or administration of the tests. However, this section shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board.

12. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation conducted by or for the Board of Education related to the denial, suspension, or revocation of teacher licenses. However, this subdivision shall not prohibit the disclosure of records to a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee. Records of completed investigations shall be disclosed in a form that does not reveal the identity of any complainant or person supplying information to investigators. The records disclosed shall include information regarding the school or facility involved, the identity of the person who was the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation fails to support a complaint or does not lead to corrective action, the identity of the person who was the subject of the complaint may be released only with the consent of the subject person. No personally identifiable information in the records regarding a current or former student shall be released except as permitted by state or federal law.

13. Records, notes and information provided in confidence and related to an investigation by the Attorney General under Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 or Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, or Article 1 (§ 58.1-1000) of Chapter 10 of Title 58.1. However, records related to an investigation that has been inactive for more than six months shall, upon request, be disclosed provided such disclosure is not otherwise prohibited by law and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses, or other individuals involved in the investigation.

CHAPTER 610

An Act to amend the Code of Virginia by adding a section numbered 9.1-140.01, relating to the Department of Criminal Justice Services; private security services businesses; exemption from training for certain central dispatchers.

[S 85]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 9.1-140.01 as follows:

§ 9.1-140.01. Exemption from training requirements; central station dispatchers employed by central stations certified by a Nationally Recognized Testing Laboratory.

Central station dispatchers employed by a central station that is certified by a Nationally Recognized Testing Laboratory (NRTL) shall be exempt from the training requirements of this article. For the purposes of this section, "Nationally Recognized Testing Laboratory" means the designation given by the federal Occupational Safety and Health Administration (OSHA) to a private sector testing facility that provides product safety testing and certification services.

CHAPTER 611

An Act to amend and reenact § 54.1-4108 of the Code of Virginia, relating to precious metals dealers; retail merchants; waiver of permit fee.

[S 95]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-4108 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-4108. Permit required; method of obtaining permit; no convictions of certain crimes; approval of weighing devices; renewal; permanent location required.

A. No person shall engage in the activities of a dealer as defined in § 54.1-4100 without first obtaining a permit from the chief law-enforcement officer of each county, city, or town in which he proposes to engage in business.

B. To obtain a permit, the dealer shall file with the proper chief law-enforcement officer an application form which includes the dealer's full name, any aliases, address, age, date of birth, sex, and fingerprints; the name, address, and telephone number of the applicant's employer, if any; and the location of the dealer's place of business. Upon filing this application and the payment of a \$200 application fee, the dealer shall be issued a permit by the chief law-enforcement officer or his designee, provided that the applicant has not been convicted of a felony or crime of moral turpitude within seven years prior to the date of application. The permit shall be denied if the applicant has been denied a permit or has had a permit revoked under any ordinance similar in substance to the provisions of this chapter.

C. Before a permit may be issued, the dealer must have all weighing devices used in his business inspected and approved by local or state weights and measures officials and present written evidence of such approval to the proper chief law-enforcement officer.

D. This permit shall be valid for one year from the date issued and may be renewed in the same manner as such permit was initially obtained with an annual permit fee of \$200. No permit shall be transferable.

E. If the business of the dealer is not operated without interruption, with Saturdays, Sundays, and recognized holidays excepted, the dealer shall notify the proper chief law-enforcement officer of all closings and reopenings of such business. The business of a dealer shall be conducted only from the fixed and permanent location specified in his application for a permit.

F. *The chief law-enforcement officer may waive the permit fee for retail merchants that are not required to be licensed as pawnbrokers under Chapter 40 (§ 54.1-4000 et seq.), provided the retail merchant has a permanent place of business and purchases of precious metals and gems do not exceed five percent of the retail merchant's annual business.*

CHAPTER 612

An Act to amend and reenact § 4.1-209 of the Code of Virginia, relating to alcoholic beverage control; privileges of gift shop licenses.

[S 104]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-209 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-209. Wine and beer licenses; advertising.

A. The Board may grant the following licenses relating to wine and beer:

1. Retail on-premises wine and beer licenses to:

a. Hotels, restaurants and clubs, which shall authorize the licensee to sell wine and beer, either with or without meals, only in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (i) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (ii) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 of the Code of Virginia as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license;

b. Persons operating dining cars, buffet cars, and club cars of trains, which shall authorize the licensee to sell wine and beer, either with or without meals, in the dining cars, buffet cars, and club cars so operated by them, for on-premises consumption when carrying passengers;

c. Persons operating sight-seeing boats, or special or charter boats, which shall authorize the licensee to sell wine and beer, either with or without meals, on such boats operated by them for on-premises consumption when carrying passengers;

d. Persons operating as air carriers of passengers on regular schedules in foreign, interstate or intrastate commerce, which shall authorize the licensee to sell wine and beer for consumption by passengers in such airplanes anywhere in or over the Commonwealth while in transit and in designated rooms of establishments of such carriers at airports in the Commonwealth, § 4.1-129 notwithstanding;

e. Hospitals, which shall authorize the licensee to sell wine and beer in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained;

f. Persons operating food concessions at coliseums, stadia, racetracks or similar facilities, which shall authorize the licensee to sell wine and beer in paper, plastic or similar disposable containers, during any event and immediately subsequent thereto, to patrons within all seating areas, concourses, walkways, concession areas and additional locations designated by the Board in such coliseums, stadia, racetracks or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license;

g. Persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility which (i) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach, (ii) has capacity for more than 3,500 persons and is located in the Counties of Albemarle, Augusta, Pittsylvania, or Rockingham, or the Cities of Charlottesville, Danville, or Roanoke, or (iii) has capacity for more than 9,500 persons and is located in Henrico County. Such license shall authorize the licensee to sell wine and beer during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license; and

h. Persons operating food concessions at exhibition or exposition halls, convention centers or similar facilities located in any county operating under the urban county executive form of government or any city which is completely surrounded by such county, which shall authorize the licensee to sell wine and beer during the event, in paper, plastic or similar disposable containers to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. For purposes of this subsection, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

2. Retail off-premises wine and beer licenses, which shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption.

3. Gourmet shop licenses, which shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, the provisions of § 4.1-308 notwithstanding, to give to any person to whom wine or beer may be lawfully sold, (i) a sample of wine, not to exceed two ounces by volume or (ii) a sample of beer not to exceed four ounces by volume, for on-premises consumption. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. Additionally, with the consent of the licensee, farm wineries, wineries, breweries, and wholesale licensees may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold. Notwithstanding Board regulations relating to food sales, the licensee shall maintain each year an average monthly inventory and sales volume of at least \$1,000 in products such as cheeses and gourmet food.

4. Convenience grocery store licenses, which shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption.

5. Retail on-and-off premises wine and beer licenses to persons enumerated in subdivision 1 a, which shall accord all the privileges conferred by retail on-premises wine and beer licenses and in addition, shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption.

6. Banquet licenses to persons in charge of banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

7. Gift shop licenses, which shall authorize the licensee to sell wine and beer ~~unchilled~~, only within the interior premises of the gift shop in closed containers for off-premises consumption and, the provisions of § 4.1-308 notwithstanding, to give to any person to whom wine or beer may be lawfully sold (i) a sample of wine not to exceed two ounces by volume or (ii) a sample of beer not to exceed four ounces by volume for on-premises consumption. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted.

8. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

9. Annual banquet licenses, to duly organized private nonprofit fraternal, patriotic or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for its members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to

conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

10. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine or beer shipper's licenses, (ii) store such wine or beer on behalf of the owner, and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

11. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine or beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine or beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

12. Gourmet oyster house licenses, to establishments located on the premises of a commercial marina and permitted by the Department of Health to serve oysters and other fresh seafood for consumption on the premises, where the licensee also offers to the public events for the purpose of featuring and educating the consuming public about local oysters and other seafood products. Such license shall authorize the licensee to (i) give samples of or sell wine and beer in designated rooms and outdoor areas approved by the Board for consumption in such approved areas and (ii) sell wine and beer in closed containers for off-premises consumption. Samples of wine shall not exceed two ounces per person. Samples of beer shall not exceed four ounces per person. The Board shall establish a minimum monthly food sale requirement of oysters and other seafood for such license. Additionally, with the consent of the licensee, farm wineries, wineries, and breweries may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold.

B. Notwithstanding any provision of law to the contrary, persons granted a wine and beer license pursuant to this section may display within their licensed premises point-of-sale advertising materials that incorporate the use of any professional athlete or athletic team, provided that such advertising materials: (i) otherwise comply with the applicable regulations of the Federal Bureau of Alcohol, Tobacco and Firearms; and (ii) do not depict any athlete consuming or about to consume alcohol prior to or while engaged in an athletic activity; do not depict an athlete consuming alcohol while the athlete is operating or about to operate a motor vehicle or other machinery; and do not imply that the alcoholic beverage so advertised enhances athletic prowess.

C. Persons granted retail on-premises and on-and-off-premises wine and beer licenses pursuant to this section or subsection B of § 4.1-210 may conduct wine or beer tastings sponsored by the licensee for its customers for on-premises consumption. Such licensees may sell or give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. Additionally, with the consent of the licensee, farm wineries, wineries, and breweries may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold. Samples of wine shall not exceed two ounces per person. Samples of beer shall not exceed four ounces per person.

CHAPTER 613

An Act to amend and reenact § 16.1-279.1 of the Code of Virginia, relating to protective orders in cases of family abuse; motor vehicles.

[S 151]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-279.1 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-279.1. Protective order in cases of family abuse.

A. In cases of family abuse, including any case involving an incarcerated or recently incarcerated respondent against whom a preliminary protective order has been issued pursuant to § 16.1-253.1, the court may issue a protective order to protect the health and safety of the petitioner and family or household members of the petitioner. A protective order issued under this section may include any one or more of the following conditions to be imposed on the respondent:

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;
2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons;
3. Granting the petitioner possession of the residence occupied by the parties to the exclusion of the respondent; however, no such grant of possession shall affect title to any real or personal property;

4. Enjoining the respondent from terminating any necessary utility service to the residence to which the petitioner was granted possession pursuant to subdivision 3 or, where appropriate, ordering the respondent to restore utility services to that residence;

5. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone or jointly owned by the parties to the exclusion of the respondent *and enjoining the respondent from terminating any insurance, registration, or taxes on the motor vehicle and directing the respondent to maintain the insurance, registration, and taxes, as appropriate*; however, no such grant of possession or use shall affect title to the vehicle;

6. Requiring that the respondent provide suitable alternative housing for the petitioner and, if appropriate, any other family or household member and where appropriate, requiring the respondent to pay deposits to connect or restore necessary utility services in the alternative housing provided;

7. Ordering the respondent to participate in treatment, counseling or other programs as the court deems appropriate; and

8. Any other relief necessary for the protection of the petitioner and family or household members of the petitioner, including a provision for temporary custody or visitation of a minor child.

A1. If a protective order is issued pursuant to subsection A, the court may also issue a temporary child support order for the support of any children of the petitioner whom the respondent has a legal obligation to support. Such order shall terminate upon the determination of support pursuant to § 20-108.1.

B. The protective order may be issued for a specified period of time up to a maximum of two years. The protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective order shall be given precedence on the docket of the court. If the petitioner was a member of the respondent's family or household at the time the initial protective order was issued, the court may extend the protective order for a period not longer than two years to protect the health and safety of the petitioner or persons who are family or household members of the petitioner at the time the request for an extension is made. The extension of the protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Nothing herein shall limit the number of extensions that may be requested or issued.

C. A copy of the protective order shall be served on the respondent and provided to the petitioner as soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith forward the attested copy of the protective order containing any such identifying information to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

D. Except as otherwise provided in § 16.1-253.2, a violation of a protective order issued under this section shall constitute contempt of court.

E. The court may assess costs and attorneys' fees against either party regardless of whether an order of protection has been issued as a result of a full hearing.

F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or contact or communication with or physical proximity to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person entitled to protection under such a foreign order may file the order in any juvenile and domestic relations district court by filing with the court an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network.

Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy available of any foreign order filed with that court. A law-enforcement officer may, in the performance of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been provided to him by any source and may also rely upon the statement of any person protected by the order that the order remains in effect.

G. Either party may at any time file a written motion with the court requesting a hearing to dissolve or modify the order. Proceedings to dissolve or modify a protective order shall be given precedence on the docket of the court.

H. As used in this section:

"Copy" includes a facsimile copy; and

"Protective order" includes an initial, modified or extended protective order.

I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

J. No fee shall be charged for filing or serving any petition or order pursuant to this section.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 614

An Act to direct the Department of Transportation to develop a plan relating to electronic tolling and maintenance fees.

[S 156]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. § 1. *No later than September 1, 2014, the Department of Transportation shall develop and implement a plan to eliminate the maintenance fees associated with electronic toll collection transponders.*

2. That the Secretary of Transportation is encouraged to examine the retail distribution of electronic toll collection transponders to determine steps that can be taken to improve retail distribution.

CHAPTER 615

An Act to amend and reenact § 58.1-3606 of the Code of Virginia, relating to real and personal property tax exemption for religious bodies.

[S 175]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3606 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3606. Property exempt from taxation by classification.

A. Pursuant to the authority granted in Article X, Section 6 (a) (6) of the Constitution of Virginia to exempt property from taxation by classification, the following classes of real and personal property shall be exempt from taxation:

1. Property owned directly or indirectly by the Commonwealth, or any political subdivision thereof.

2. ~~Buildings with land they actually occupy,~~ *Real property* and the personal property owned by churches or religious bodies, including (i) an incorporated church or religious body and (ii) a corporation mentioned in § 57-16.1, and exclusively occupied or used for religious worship or for the residence of the minister of any church or religious body, and such additional adjacent land reasonably necessary for the convenient use of any such ~~building property.~~ *Real property exclusively used for religious worship shall also include the following: (a) property used for outdoor worship activities; (b) property used for ancillary and accessory purposes as allowed under the local zoning ordinance, the dominant purpose of which is to support or augment the principal religious worship use; and (c) property used as required by federal, state, or local law.*

3. Nonprofit private or public burying grounds or cemeteries.

4. Property owned by public libraries, law libraries of local bar associations when the same are used or available for use by a state court or courts or the judge or judges thereof, medical libraries of local medical associations when the same are used or available for use by state health officials, incorporated colleges or other institutions of learning not conducted for profit. This paragraph shall apply only to property primarily used for literary, scientific or educational purposes or purposes incidental thereto and shall not apply to industrial schools which sell their products to other than their own employees or students.

5. Property belonging to and actually and exclusively occupied and used by the Young Men's Christian Associations and similar religious associations, including religious mission boards and associations, orphan or other asylums,

reformatories, hospitals and nunneries, conducted not for profit but exclusively as charities (which shall include hospitals operated by nonstock corporations not organized or conducted for profit but which may charge persons able to pay in whole or in part for their care and treatment).

6. Parks or playgrounds held by trustees for the perpetual use of the general public.

7. Buildings with the land they actually occupy, and the furniture and furnishings therein belonging to any benevolent or charitable organization and used by it exclusively for lodge purposes or meeting rooms, together with such additional adjacent land as may be necessary for the convenient use of the buildings for such purposes.

8. Property of any nonprofit corporation organized to establish and maintain a museum.

B. Property, belonging in one of the classes listed in subsection A of this section, which was exempt from taxation on July 1, 1971, shall continue to be exempt from taxation under the rules of statutory construction applicable to exempt property prior to such date.

2. That the provision of clause (b) of subdivision 2 of § 58.1-3606 of the Code of Virginia, as amended by this act, concerning the dominant purpose of the use of property is intended to follow the Supreme Court of Virginia's interpretation of Article X, Section 6 of the Constitution of Virginia and § 58.1-3606 of the Code of Virginia in *Virginia Baptist Homes, Inc. v. Botetourt County*, 276 va 656 (2008).

CHAPTER 616

An Act to amend and reenact §§ 3.2-6528, 51.5-40 through 51.5-42, 51.5-44, and 51.5-45 of the Code of Virginia, relating to the definition of "service dog."

[S 177]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6528, 51.5-40 through 51.5-42, 51.5-44, and 51.5-45 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-6528. Amount of license tax.

The governing body of each county or city shall impose by ordinance a license tax on the ownership of dogs within its jurisdiction. The governing body of any locality that has adopted an ordinance pursuant to subsection B of § 3.2-6524 shall impose by ordinance a license tax on the ownership of cats within its jurisdiction. The governing body may establish different rates of taxation for ownership of female dogs, male dogs, spayed or neutered dogs, female cats, male cats, and spayed or neutered cats. The tax for each dog or cat shall not be less than \$1 and not more than \$10 for each year. If the dog or cat has been spayed, the tax shall not exceed the tax provided for a male dog or cat. Any ordinance may provide for a license tax for kennels of 10, 20, 30, 40, or 50 dogs or cats not to exceed \$50 for any one such block of kennels.

No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or ~~hearing impaired~~ *hearing-impaired* person, or that is trained and serves as a service dog for a ~~mobility impaired~~ *mobility-impaired or otherwise disabled* person.

As used in this section, "hearing dog," ~~means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond~~ *"mobility-impaired person," "otherwise disabled person," and "service dog" means a dog trained to accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or other such activities of service or support have the same meanings as assigned in § 51.5-40.1.*

§ 51.5-40. Nondiscrimination under state grants and programs.

No ~~otherwise qualified~~ person with a disability *who is otherwise qualified* shall, on the basis of *his* disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving state financial assistance or under any program or activity conducted by or on behalf of any state agency.

§ 51.5-40.1. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Hearing dog" means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond.

"Mental impairment" means (i) a disability attributable to intellectual disability, autism, or any other neurologically handicapping condition closely related to intellectual disability and requiring treatment similar to that required by individuals with intellectual disability; or (ii) an organic or mental impairment that has substantial adverse effects on an individual's cognitive or volitional functions, including central nervous system disorders or significant discrepancies among mental functions of an individual. ~~For the purposes of § 51.5-41, the term "mental impairment" does not include active alcoholism or current drug addiction and does not include any mental impairment, disease, or defect that has been successfully asserted by an individual as a defense to any criminal charge.~~

"Mobility-impaired person" means any person who has completed training to use a dog for service or support because he is unable to move about without the aid of crutches, a wheelchair, or any other form of support or because of limited functional ability to ambulate, climb, descend, sit, rise, or perform any related function.

~~"Otherwise qualified person with a disability" means a person with a disability who:~~

~~1. For the purposes of § 51.5-41, is qualified to perform the duties of a particular job or position; or~~

2. For the purposes of § 51.5-42, meets all the requirements for admission to an educational institution or meets all the requirements for participation in its extracurricular programs.

"Otherwise disabled person" means any person who has a physical, sensory, intellectual, developmental, or mental disability or a mental illness.

"Person with a disability" means any person who has a physical or mental impairment that substantially limits one or more of his major life activities; or who has a record of such impairment; and that physical or mental impairment:

1. For purposes of § 51.5-41, is unrelated to the individual's ability to perform the duties of a particular job or position, or is unrelated to the individual's qualifications for employment or promotion;

2. For purposes of § 51.5-42, is unrelated to the individual's ability to utilize and benefit from educational opportunities, programs, and facilities at an educational institution;

3. For purposes of § 51.5-44, is unrelated to the individual's ability to utilize and benefit from a place of public accommodation or public service; or

4. For purposes of § 51.5-45, is unrelated to the individual's ability to acquire, rent, or maintain property.

"Physical impairment" means any physical condition, anatomic loss, or cosmetic disfigurement that is caused by bodily injury, birth defect, or illness.

"Service dog" means a dog trained to do work or perform tasks for the benefit of a mobility-impaired or otherwise disabled person. The work or tasks performed by a service dog shall be directly related to the individual's disability or disorder. Examples of work or tasks include providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting an individual to the presence of allergens, retrieving items, carrying items, providing physical support and assistance with balance and stability, and preventing or interrupting impulsive or destructive behaviors. The provision of emotional support, well-being, comfort, or companionship shall not constitute work or tasks for the purposes of this definition.

"Three-unit service dog team" means a team consisting of a trained service dog, a disabled person, and a person who is an adult and who has been trained to handle the service dog.

§ 51.5-41. Discrimination against otherwise qualified persons with disabilities by employers prohibited.

A. No employer shall discriminate in employment or promotion practices against an otherwise qualified person with a disability solely because of such disability. For the purposes of this section, an "otherwise qualified person with a disability" means a person qualified to perform the duties of a particular job or position and whose disability is unrelated to the person's ability to perform such duties or position or is unrelated to the person's qualifications for employment or promotion.

B. It is the policy of the Commonwealth that persons with disabilities shall be employed in the state service, the service of the political subdivisions of the Commonwealth, in the public schools, and in all other employment supported in whole or in part by public funds on the same terms and conditions as other persons unless it is shown that the particular disability prevents the performance of the work involved.

C. An employer shall make reasonable accommodation to the known physical and mental impairments of an otherwise qualified person with a disability, if necessary to assist such person in performing a particular job, unless the employer can demonstrate that the accommodation would impose an undue burden on the employer. For the purposes of this section, "mental impairment" does not include active alcoholism or current drug addiction and does not include any mental impairment, disease, or defect that has been successfully asserted by an individual as a defense to any criminal charge.

1. In determining whether an accommodation would constitute an undue burden upon the employer, the following shall be considered:

a. Hardship on the conduct of the employer's business, considering the nature of the employer's operation, including composition and structure of the employer's work force;

b. Size of the facility where employment occurs;

c. The nature and cost of the accommodations needed, taking into account alternate sources of funding or technical assistance included under §§ 51.5-165 and 51.5-173;

d. The possibility that the same accommodations may be used by other prospective employees;

e. Safety and health considerations of the person with a disability, other employees, and the public.

2. Notwithstanding the foregoing, any accommodation which that would exceed \$500 in cost shall be rebuttably presumed to impose an undue burden upon any employer with fewer than 50 employees.

3. The employer has the right to choose among equally effective accommodations.

4. Nothing in this section shall require accommodations when the authority to make such accommodations is precluded under the terms of a lease or otherwise prohibited by statute, ordinance, or other regulation.

5. Building modifications made for the purposes of such reasonable accommodation may be made without requiring the remainder of the existing building to comply with the requirements of the Uniform Statewide Building Code.

D. Nothing in this section shall prohibit an employer from refusing to hire or promote, from disciplining, transferring, or discharging or taking any other personnel action pertaining to an applicant or an employee who, because of his disability, is unable to adequately perform his duties, or cannot perform such duties in a manner which would not endanger his health or safety or the health or safety of others. Nothing in this section shall subject an employer to any legal liability resulting from the refusal to employ or promote or from the discharge, transfer, discipline of, or the taking of any other personnel

action pertaining to a person with a disability who, because of his disability, is unable to adequately perform his duties, or cannot perform such duties in a manner ~~which~~ *that* would not endanger his health or safety or the health or safety of others.

E. Nothing in this section shall be construed as altering the provisions of the Virginia Minimum Wage Act (§ 40.1-28.8 et seq.).

F. This section shall not apply to employers covered by the federal Rehabilitation Act of 1973.

G. No employer who has hired any person because of the requirements of this section shall be liable for any alleged negligence in such hiring.

§ 51.5-42. Discrimination against otherwise qualified persons with disabilities by educational institutions prohibited.

A. No public educational institution or private educational institution ~~which, or agent of either,~~ *that* is a recipient of state funds; ~~or agent of either,~~ shall deny admission to the institution, or full and equal access to and enjoyment of any of its educational or extracurricular programs, to an otherwise qualified person with a disability ~~who meets the requirements for admission to the institution or the programs,~~ because of such disability. *For purposes of this section, an "otherwise qualified person with a disability" means a person with a disability who meets the requirements for admission to the institution and for participation in its programs and whose disability is unrelated to the person's ability to utilize and benefit from educational opportunities, programs, and facilities at the educational institution.*

B. This section shall not apply to any public or private educational institution ~~which~~ *that* is subject to the requirements of § 22.1-215 nor to any private elementary or secondary school; or college or university ~~which~~ *that* is not a recipient of state funds.

§ 51.5-44. Rights of persons with disabilities in public places and places of public accommodation.

A. A person with a disability has the same rights as other persons to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places. *For purposes of this section, a "person with a disability" means a person whose disability is unrelated to his ability to utilize and benefit from a place of public accommodation or public service.*

B. A person with a disability is entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, streetcars, subways, boats or any other public conveyances or modes of transportation, restaurants, hotels, lodging places, places of public accommodation, amusement or resort, public entities including schools, and other places to which the general public is invited subject only to the conditions and limitations established by law and applicable alike to all persons.

C. Each town, city or county, individually or through transportation district commissions, shall ensure that persons with disabilities have access to the public transportation within its jurisdiction by either (i) use of the same transportation facilities or carriers available to the general public ~~or~~ (ii) provision of paratransit or special transportation services for persons with disabilities, or (iii) both. All persons with disabilities in the jurisdiction's service area who, by reason of their disabilities, are unable to use the service for the general public shall be eligible to use such paratransit or special transportation service. No fee that exceeds the fee charged to the general public shall be charged a person with a disability for the use of the same transportation facilities or carriers available to the general public. Paratransit or special transportation service for persons with disabilities may charge fees to such persons comparable to the fees charged to the general public for similar service in the jurisdiction service area, taking into account especially the type, length and time of trip. Any variance between special service and regular service fares shall be justifiable in terms of actual differences between the two kinds of service provided.

D. Nothing in this title shall be construed to require retrofitting of any public transit equipment or to require the retrofitting, renovation, or alteration of buildings or places to a degree more stringent than that required by the applicable building code in effect at the time the building permit for such building or place is issued.

E. Every totally or partially blind person shall have the right to be accompanied by a dog; in harness; trained as a guide dog, every deaf or hearing-impaired person shall have the right to be accompanied by a dog trained as a hearing dog on a blaze orange leash, and every mobility-impaired or otherwise disabled person shall have the right to be accompanied by a dog, trained as a service dog, in a harness, backpack, or vest identifying the dog as a trained service dog, in any of the places listed in subsection B without being required to pay an extra charge for the dog, provided that he shall be liable for any damage done to the premises or facilities by such dog. The provisions of this section shall apply to persons accompanied by a dog that is in training, at least six months of age, and is (i) in harness, provided such person is an experienced trainer of guide dogs or is conducting continuing training of a guide dog; (ii) on a blaze orange leash, provided such person is an experienced trainer of hearing dogs or is conducting continuing training of a hearing dog; (iii) in a harness, backpack, or vest identifying the dog as a trained service dog, provided such person is an experienced trainer of service dogs or is conducting continuing training of a service dog; (iv) wearing a jacket identifying the recognized guide, hearing or service dog organization, provided such person is an experienced trainer of the organization identified on the jacket; or (v) the person is part of a three-unit service dog team and is conducting continuing training of a service dog.

§ 51.5-45. Right of persons with disabilities to housing accommodations.

A. All persons with disabilities *unrelated to their ability to acquire, rent, or maintain property* shall be entitled to full and equal opportunity to acquire, as other members of the general public, any housing accommodations offered for sale, rent, lease, or compensation, subject to the conditions and limitations established by law and applying alike to all persons. "Housing accommodations" for the purpose of this section means any real property, or portion thereof, which is used or

occupied or is intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more human beings, but ~~shall~~ *does* not include any single family residence the occupant or owner of which rents, leases, or furnishes for compensation not more than one room therein.

B. Every ~~visually impaired~~ *visually impaired* person who has a guide dog, ~~any~~ *every* hearing-impaired person who has a hearing dog, and every mobility-impaired *or otherwise disabled* person with a service dog, ~~as those terms are defined in § 51-5-44~~, shall be entitled to full and equal access with such dog to all housing accommodations provided for in this section. He shall not be required to pay extra compensation for such dog but shall be liable for any damage done to the premises by such dog.

C. Nothing in this section shall require any person offering for sale, renting, leasing, or providing for compensation real property to modify that real property or provide a higher degree of care for a person with a disability than for a person who is not disabled, except as provided in § 36-99.5, nor shall anything in this section require any person who is selling, renting, leasing, or providing for compensation real property to sell, rent, lease or provide such property to any person who would constitute a direct threat to the property or safety of others.

CHAPTER 617

An Act to amend and reenact § 4.1-212 of the Code of Virginia, relating to alcoholic beverage control; permits; tasting fees by tour company.

[S 178]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-212 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-212. Permits required in certain instances.

A. The Board may grant the following permits which shall authorize:

1. Wine and beer salesmen representing any out-of-state wholesaler engaged in the sale of wine and beer, or either, to sell or solicit the sale of wine or beer, or both in the Commonwealth.

2. Any person having any interest in the manufacture, distribution or sale of spirits or other alcoholic beverages to solicit any mixed beverage licensee, his agent, employee or any person connected with the licensee in any capacity in his licensed business to sell or offer for sale such spirits or alcoholic beverages.

3. Any person to keep upon his premises alcoholic beverages which he is not authorized by any license to sell and which shall be used for culinary purposes only.

4. Any person to transport lawfully purchased alcoholic beverages within, into or through the Commonwealth, except that no permit shall be required for any person shipping or transporting into the Commonwealth a reasonable quantity of alcoholic beverages when such person is relocating his place of residence to the Commonwealth in accordance with § 4.1-310.

5. Any person to keep, store or possess any still or distilling apparatus.

6. The release of alcoholic beverages not under United States custom bonds or internal revenue bonds stored in Board approved warehouses for delivery to the Board or to persons entitled to receive them within or outside of the Commonwealth.

7. The release of alcoholic beverages from United States customs bonded warehouses for delivery to the Board or to licensees and other persons enumerated in subsection B of § 4.1-131.

8. The release of alcoholic beverages from United States internal revenue bonded warehouses for delivery in accordance with subsection C of § 4.1-132.

9. A secured party or any trustee, curator, committee, conservator, receiver or other fiduciary appointed or qualified in any court proceeding, to continue to operate under the licenses previously issued to any deceased or other person licensed to sell alcoholic beverages for such period as the Board deems appropriate.

10. The one-time sale of lawfully acquired alcoholic beverages belonging to any person, or which may be a part of such person's estate, including a judicial sale, estate sale, sale to enforce a judgment lien or liquidation sale to satisfy indebtedness secured by a security interest in alcoholic beverages, by a sheriff, personal representative, receiver or other officer acting under authority of a court having jurisdiction in the Commonwealth, or by any secured party as defined in subdivision (a)(73) of § 8.9A-102 of the Virginia Uniform Commercial Code. Such sales shall be made only to persons who are licensed or hold a permit to sell alcoholic beverages in the Commonwealth or to persons outside the Commonwealth for resale outside the Commonwealth and upon such conditions or restrictions as the Board may prescribe.

11. Any person who purchases at a foreclosure, secured creditor's or judicial auction sale the premises or property of a person licensed by the Board and who has become lawfully entitled to the possession of the licensed premises to continue to operate the establishment to the same extent as a person holding such licenses for a period not to exceed 60 days or for such longer period as determined by the Board. Such permit shall be temporary and shall confer the privileges of any licenses held by the previous owner to the extent determined by the Board. Such temporary permit may be issued in advance, conditioned on the above requirements.

12. The sale of wine and beer in kegs by any person licensed to sell wine or beer, or both, at retail for off-premises consumption.

13. The storage of lawfully acquired alcoholic beverages not under customs bond or internal revenue bond in warehouses located in the Commonwealth.

14. The storage of wine by a licensed winery or farm winery under internal revenue bond in warehouses located in the Commonwealth.

15. Any person to conduct tastings in accordance with § 4.1-201.1, provided that such person has filed an application for a permit in which the applicant represents (i) that he or she is under contract to conduct such tastings on behalf of the alcoholic beverage manufacturer or wholesaler named in the application; (ii) that such contract grants to the applicant the authority to act as the authorized representative of such manufacturer or wholesaler; and (iii) that such contract contains an acknowledgment that the manufacturer or wholesaler named in the application may be held liable for any violation of § 4.1-201.1 by its authorized representative. A permit issued pursuant to this subdivision shall be valid for at least one year, unless sooner suspended or revoked by the Board in accordance with § 4.1-229.

16. Any person who, through contract, lease, concession, license, management or similar agreement (hereinafter referred to as the contract), becomes lawfully entitled to the use and control of the premises of a person licensed by the Board to continue to operate the establishment to the same extent as a person holding such licenses, provided such person has made application to the Board for a license at the same premises. The permit shall (i) confer the privileges of any licenses held by the previous owner to the extent determined by the Board and (ii) be valid for a period of 120 days or for such longer period as may be necessary as determined by the Board pending the completion of the processing of the permittee's license application. No permit shall be issued without the written consent of the previous licensee. No permit shall be issued under the provisions of this subdivision if the previous licensee owes any state or local taxes, or has any pending charges for violation of this title or any Board regulation, unless the permittee agrees to assume the liability of the previous licensee for the taxes or any penalty for the pending charges. An application for a permit may be filed prior to the effective date of the contract, in which case the permit when issued shall become effective on the effective date of the contract. Upon the effective date of the permit, (a) the permittee shall be responsible for compliance with the provisions of this title and any Board regulation and (b) the previous licensee shall not be held liable for any violation of this title or any Board regulation committed by, or any errors or omissions of, the permittee.

17. *Any sight-seeing carrier or contract passenger carrier as defined in § 46.2-2000 transporting individuals for compensation to a winery, brewery, or restaurant, licensed under this chapter and authorized to conduct tastings, to collect the licensee's tasting fees from tour participants for the sole purpose of remitting such fees to the licensee.*

B. Nothing in subdivision 9, 10, or 11 shall authorize any brewery, winery or affiliate or a subsidiary thereof which has supplied financing to a wholesale licensee to manage and operate the wholesale licensee in the event of a default, except to the extent authorized by subdivision B 3 a of § 4.1-216.

CHAPTER 618

An Act to amend and reenact § 8.01-187 of the Code of Virginia, relating to date of valuation; inverse condemnation proceeding.

[S 194]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-187 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-187. Commissioners or condemnation jurors to determine compensation for property taken or damaged.

Whenever it is determined in a declaratory judgment proceeding that a person's property has been taken or damaged within the meaning of Article I, Section 11 of the Constitution of Virginia and compensation has not been paid or any action taken to determine the compensation within 60 days following the entry of such judgment order or decree, the court which entered the order or decree may, upon motion of such person after reasonable notice to the adverse party, enter a further order appointing commissioners or condemnation jurors to determine the compensation. The appointment of commissioners or condemnation jurors and all proceedings thereafter shall be governed by the procedure prescribed for the condemning authority. *Notwithstanding the provisions of § 25.1-100, the date of valuation in actions pursuant to this section shall be the date determined by the court to be the date the property was taken or damaged.*

CHAPTER 619

An Act to amend and reenact § 15.2-2242 of the Code of Virginia, relating to subdivision ordinances; dedication of land for sidewalk improvements.

[S 237]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2242 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2242. Optional provisions of a subdivision ordinance.

A subdivision ordinance may include:

1. Provisions for variations in or exceptions to the general regulations of the subdivision ordinance in cases of unusual situations or when strict adherence to the general regulations would result in substantial injustice or hardship.

2. A requirement (i) for the furnishing of a preliminary opinion from the applicable health official regarding the suitability of a subdivision for installation of subsurface sewage disposal systems where such method of sewage disposal is to be utilized in the development of a subdivision and (ii) that all buildings constructed on lots resulting from subdivision of a larger tract that abuts or adjoins a public water or sewer system or main shall be connected to that public water or sewer system or main subject to the provisions of § 15.2-2121.

3. A requirement that, in the event streets in a subdivision will not be constructed to meet the standards necessary for inclusion in the secondary system of state highways or for state street maintenance moneys paid to municipalities, the subdivision plat and all approved deeds of subdivision, or similar instruments, must contain a statement advising that the streets in the subdivision do not meet state standards and will not be maintained by the Department of Transportation or the localities enacting the ordinances. Grantors of any subdivision lots to which such statement applies must include the statement on each deed of conveyance thereof. However, localities in their ordinances may establish minimum standards for construction of streets that will not be built to state standards.

For streets constructed or to be constructed, as provided for in this subsection, a subdivision ordinance may require that the same procedure be followed as that set forth in provision 5 of § 15.2-2241. Further, the subdivision ordinance may provide that the developer's financial commitment shall continue until such time as the local government releases such financial commitment in accordance with provision 11 of § 15.2-2241.

4. Reasonable provision for the voluntary funding of off-site road improvements and reimbursements of advances by the governing body. If a subdivider or developer makes an advance of payments for or construction of reasonable and necessary road improvements located outside the property limits of the land owned or controlled by him, the need for which is substantially generated and reasonably required by the construction or improvement of his subdivision or development, and such advance is accepted, the governing body may agree to reimburse the subdivider or developer from such funds as the governing body may make available for such purpose from time to time for the cost of such advance together with interest, which shall be excludable from gross income for federal income tax purposes, at a rate equal to the rate of interest on bonds most recently issued by the governing body on the following terms and conditions:

a. The governing body shall determine or confirm that the road improvements were substantially generated and reasonably required by the construction or improvement of the subdivision or development and shall determine or confirm the cost thereof, on the basis of a study or studies conducted by qualified traffic engineers and approved and accepted by the subdivider or developer.

b. The governing body shall prepare, or cause to be prepared, a report accepted and approved by the subdivider or developer, indicating the governmental services required to be furnished to the subdivision or development and an estimate of the annual cost thereof for the period during which the reimbursement is to be made to the subdivider or developer.

c. The governing body may make annual reimbursements to the subdivider or developer from funds made available for such purpose from time to time, including but not limited to real estate taxes assessed and collected against the land and improvements on the property included in the subdivision or development in amounts equal to the amount by which such real estate taxes exceed the annual cost of providing reasonable and necessary governmental services to such subdivision or development.

5. In Arlington County, Fairfax County, Loudoun County, and Prince William County, in any town located within such counties, in Bedford County, Pittsylvania County, Spotsylvania County, and Stafford County, or in the Cities of Alexandria, Fairfax, Falls Church, Hampton, Manassas, and Manassas Park, provisions for payment by a subdivider or developer of land of a pro rata share of the cost of reasonable and necessary road improvements, located outside the property limits of the land owned or controlled by him but serving an area having related traffic needs to which his subdivision or development will contribute, to reimburse an initial subdivider or developer who has advanced such costs or constructed such road improvements. Such ordinance may apply to road improvements constructed after July 1, 1988, in Fairfax County; in Arlington County, Loudoun County, and Prince William County, in any town located within such counties, in Bedford County, Pittsylvania County, Spotsylvania County, and Stafford County, or in the Cities of Alexandria, Fairfax, Falls Church, Hampton, Manassas, and Manassas Park, such ordinance may only apply to road improvements constructed after the effective date of such ordinance.

Such provisions shall provide for the adoption of a pro rata reimbursement plan which shall include reasonable standards to identify the area having related traffic needs, to determine the total estimated or actual cost of road improvements required to adequately serve the area when fully developed in accordance with the comprehensive plan or as required by proffered conditions, and to determine the proportionate share of such costs to be reimbursed by each subsequent subdivider or developer within the area, with interest (i) at the legal rate or (ii) at an inflation rate prescribed by a generally accepted index of road construction costs, whichever is less.

For any subdivision ordinance adopted pursuant to provision 5 of this section after February 1, 1993, no such payment shall be assessed or imposed upon a subsequent developer or subdivider if (i) prior to the adoption of a pro rata

reimbursement plan the subsequent subdivider or developer has proffered conditions pursuant to § 15.2-2303 for offsite road improvements and such proffered conditions have been accepted by the locality, (ii) the locality has assessed or imposed an impact fee on the subsequent development or subdivision pursuant to Article 8 (§ 15.2-2317 et seq.) of Chapter 22, or (iii) the subsequent subdivider or developer has received final site plan, subdivision plan, or plan of development approval from the locality prior to the adoption of a pro rata reimbursement plan for the area having related traffic needs.

The amount of the costs to be reimbursed by a subsequent developer or subdivider shall be determined before or at the time the site plan or subdivision is approved. The ordinance shall specify that such costs are to be collected at the time of the issuance of a temporary or final certificate of occupancy or functional use and occupancy within the development, whichever shall come first. The ordinance also may provide that the required reimbursement may be paid (i) in lump sum, (ii) by agreement of the parties on installment at a reasonable rate of interest or rate of inflation, whichever is less, for a fixed number of years, or (iii) on such terms as otherwise agreed to by the initial and subsequent subdividers and developers.

Such ordinance provisions may provide that no certificate of occupancy shall be issued to a subsequent developer or subdivider until (i) the initial developer certifies to the locality that the subsequent developer has made the required reimbursement directly to him as provided above or (ii) the subsequent developer has deposited the reimbursement amount with the locality for transfer forthwith to the initial developer.

6. Provisions for establishing and maintaining access to solar energy to encourage the use of solar heating and cooling devices in new subdivisions. The provisions shall be applicable to a new subdivision only when so requested by the subdivider.

7. Provisions, in any town with a population between 14,500 and 15,000, granting authority to the governing body, in its discretion, to use funds escrowed pursuant to provision 5 of § 15.2-2241 for improvements similar to but other than those for which the funds were escrowed, if the governing body (i) obtains the written consent of the owner or developer who submitted the escrowed funds; (ii) finds that the facilities for which funds are escrowed are not immediately required; (iii) releases the owner or developer from liability for the construction or for the future cost of constructing those improvements for which the funds were escrowed; and (iv) accepts liability for future construction of these improvements. If such town fails to locate such owner or developer after making a reasonable attempt to do so, the town may proceed as if such consent had been granted. In addition, the escrowed funds to be used for such other improvement may only come from an escrow that does not exceed a principal amount of \$30,000 plus any accrued interest and shall have been escrowed for at least five years.

8. Provisions for clustering of single-family dwellings and preservation of open space developments, which provisions shall comply with the requirements and procedures set forth in § 15.2-2286.1.

9. Provisions requiring that where a lot being subdivided or developed fronts on an existing street, and adjacent property on either side has an existing sidewalk, a locality may require the dedication of land for, and construction of, a sidewalk on the property being subdivided or developed, to connect to the existing sidewalk. Nothing in this paragraph shall alter in any way any authority of localities or the Department of Transportation to require sidewalks on any newly constructed street or highway.

10. Provisions for requiring and considering Phase I environmental site assessments based on the anticipated use of the property proposed for the subdivision or development that meet generally accepted national standards for such assessments, such as those developed by the American Society for Testing and Materials, and Phase II environmental site assessments, that also meet accepted national standards, such as, but not limited to, those developed by the American Society for Testing and Materials, if the locality deems such to be reasonably necessary, based on findings in the Phase I assessment, and in accordance with regulations of the United States Environmental Protection Agency and the American Society for Testing and Materials. A reasonable fee may be charged for the review of such environmental assessments. Such fees shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and administrative expense involved in such review.

11. Provisions for requiring disclosure and remediation of contamination and other adverse environmental conditions of the property prior to approval of subdivision and development plans.

12. *Provisions, in any town located in the Northern Virginia Transportation District, granting authority to the governing body to require the dedication of land for sidewalk, curb, and gutter improvements on the property being subdivided or developed if the property is designated for such improvements on the locality's adopted pedestrian plan.*

CHAPTER 620

An Act to require that only math and English Standards of Learning assessments be required in the third grade.

[S 270]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. § 1. *That, notwithstanding the provisions of § 22.1-253.13:1 of the Code of Virginia, the Board of Education shall require Standards of Learning assessments for the third grade only in the areas of math and English reading.*

CHAPTER 621

An Act to amend and reenact § 32.1-261 of the Code of Virginia, relating to certificate of birth; persons who have obtained citizenship.

[S 281]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 32.1-261 of the Code of Virginia is amended and reenacted as follows:****§ 32.1-261. New birth certificate established on proof of adoption, legitimation or determination of paternity.**

A. The State Registrar shall establish a new certificate of birth for a person born in the Commonwealth upon receipt of the following:

1. An adoption report as provided in § 32.1-262, a report of adoption prepared and filed in accordance with the laws of another state or foreign country, or a certified copy of the decree of adoption together with the information necessary to identify the original certificate of birth and to establish a new certificate of birth; except that a new certificate of birth shall not be established if so requested by the court decreeing the adoption, the adoptive parents, or the adopted person if 18 years of age or older.

2. A request that a new certificate be established and such evidence as may be required by regulation of the Board proving that such person has been legitimated or that a court of the Commonwealth has, by final order, determined the paternity of such person. The request shall state that no appeal has been taken from the final order and that the time allowed to perfect an appeal has expired.

3. An order entered pursuant to subsection D of § 20-160. The order shall contain sufficient information to identify the original certificate of birth and to establish a new certificate of birth in the names of the intended parents.

4. A surrogate consent and report form as authorized by § 20-162. The report shall contain sufficient information to identify the original certificate of birth and to establish a new certificate of birth in the names of the intended parents.

B. When a new certificate of birth is established pursuant to subsection A, the actual place and date of birth shall be shown. It shall be substituted for the original certificate of birth. Thereafter, the original certificate and the evidence of adoption, paternity or legitimation shall be sealed and filed and not be subject to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-252. However, upon receipt of notice of a decision or order granting an adult adopted person access to identifying information regarding his birth parents from the Commissioner of Social Services or a circuit court, and proof of identification and payment, the State Registrar shall mail an adult adopted person a copy of the original certificate of birth.

C. Upon receipt of a report of an amended decree of adoption, the certificate of birth shall be amended as provided by regulation.

D. Upon receipt of notice or decree of annulment of adoption, the original certificate of birth shall be restored to its place in the files and the new certificate and evidence shall not be subject to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-252.

E. The State Registrar shall, upon request, establish and register a Virginia certificate of birth for a person born in a foreign country (i) upon receipt of a report of adoption for an adoption finalized pursuant to the laws of the foreign country as provided in subsection B of § 63.2-1200.1, or (ii) upon receipt of a report or final order of adoption entered in a court of the Commonwealth as provided in § 32.1-262; however, a Virginia certificate of birth shall not be established or registered if so requested by the court decreeing the adoption, the adoptive parents or the adopted person if 18 years of age or older. If a circuit court of the Commonwealth corrects or establishes a date of birth for a person born in a foreign country during the adoption proceedings or upon a petition to amend a certificate of foreign birth, the State Registrar shall issue a certificate showing the date of birth established by the court. After registration of the birth certificate in the new name of the adopted person, the State Registrar shall seal and file the report of adoption which shall not be subject to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-252. The birth certificate shall (i) show the true or probable foreign country of birth and ~~shall~~ (ii) state that the certificate is not evidence of United States citizenship for the child for whom it is issued or for the adoptive parents. *However, for any adopted person who has attained United States citizenship, the State Registrar shall, upon request and receipt of evidence demonstrating such citizenship, establish and register a new certificate of birth that does not contain the statement required by clause (ii).*

F. If no certificate of birth is on file for the person for whom a new certificate is to be established under this section, a delayed certificate of birth shall be filed with the State Registrar as provided in § 32.1-259 or § 32.1-260 before a new certificate of birth is established, except that when the date and place of birth and parentage have been established in the adoption proceedings, a delayed certificate shall not be required.

CHAPTER 622

An Act to amend and reenact §§ 2.2-2101, as it is currently effective and as it shall become effective, and 22.1-253.13:3 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 13.2 of Title 22.1 a section numbered 22.1-253.13:10, relating to Standards of Learning assessments; reform.

[S 306]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2101, as it is currently effective and as it shall become effective, and 22.1-253.13:3 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 13.2 of Title 22.1 a section numbered 22.1-253.13:10 as follows:

§ 2.2-2101. (Effective until July 1, 2017) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; *to members of the Standards of Learning Innovation Committee, who shall be appointed as provided for in § 22.1-253.13:10*; to members of the Opportunity Educational Institution Board, who shall be appointed as provided for in § 22.1-27.1; to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the Council on Virginia's Future, who shall be appointed as provided for in § 2.2-2685; to members of the State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Workforce Council, who shall be appointed as provided for in § 2.2-2669; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-233; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; or to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735.

§ 2.2-2101. (Effective July 1, 2017) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; *to members of the Standards of Learning Innovation Committee, who shall be appointed as provided for in § 22.1-253.13:10*; to members of the Opportunity Educational

Institution Board, who shall be appointed as provided for in § 22.1-27.1; to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Workforce Council, who shall be appointed as provided for in § 2.2-2669; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-233; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; or to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735.

§ 22.1-253.13:3. Standard 3. Accreditation, other standards, assessments, and releases from state regulations.

A. The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, student services, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.

The Board of Education shall promulgate regulations establishing standards for accreditation of public virtual schools under the authority of the local school board that enroll students full time.

The Board shall review annually the accreditation status of all schools in the Commonwealth.

Each local school board shall maintain schools that are fully accredited pursuant to the standards for accreditation as prescribed by the Board of Education. Each local school board shall review the accreditation status of all schools in the local school division annually in public session. Within the time specified by the Board of Education, each school board shall submit corrective action plans for any schools within its school division that have been designated as not meeting the standards as approved by the Board.

When the Board of Education has obtained evidence through the school academic review process that the failure of schools within a division to achieve full accreditation status is related to division level failure to implement the Standards of Quality, the Board may require a division level academic review. After the conduct of such review and within the time specified by the Board of Education, each school board shall submit for approval by the Board a corrective action plan, consistent with criteria established by the Board and setting forth specific actions and a schedule designed to ensure that schools within its school division achieve full accreditation status. Such corrective action plans shall be part of the relevant school division's comprehensive plan pursuant to § 22.1-253.13:6.

With such funds as are appropriated or otherwise received for this purpose, the Board shall adopt and implement an academic review process, to be conducted by the Department of Education, to assist schools that are accredited with warning. The Department shall forward a report of each academic review to the relevant local school board, and such school board shall report the results of such academic review and the required annual progress reports in public session. The local school board shall implement any actions identified through the academic review and utilize them for improvement planning.

B. The Superintendent of Public Instruction shall develop and the Board of Education shall approve criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools. Such criteria, when approved, shall become an integral part of the accreditation process and shall include student outcome measurements. The Superintendent of Public Instruction shall annually identify to the Board those school divisions and schools that exceed or do not meet the approved criteria. Such identification shall include an analysis of the strengths and weaknesses of public education programs in the various school divisions in Virginia and recommendations to the General Assembly for further enhancing student learning uniformly across the Commonwealth. In recognizing educational performance in the school divisions, the Board shall include consideration of special school division accomplishments, such as numbers of dual enrollments and students in Advanced Placement and International Baccalaureate courses, and participation in academic year Governor's Schools.

The Superintendent of Public Instruction shall assist local school boards in the implementation of action plans for increasing educational performance in those school divisions and schools that are identified as not meeting the approved criteria. The Superintendent of Public Instruction shall monitor the implementation of and report to the Board of Education on the effectiveness of the corrective actions taken to improve the educational performance in such school divisions and schools.

C. With such funds as are available for this purpose, the Board of Education shall prescribe assessment methods to determine the level of achievement of the Standards of Learning objectives by all students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed. The Board shall (i) in consultation with the chairpersons of the eight regional superintendents' study groups, establish a timetable for administering the Standards of Learning assessments to ensure genuine end-of-course and end-of-grade testing and (ii) with the assistance of independent testing experts, conduct a regular analysis and validation process for these assessments.

In prescribing such Standards of Learning assessments, the Board shall provide local school boards the option of administering tests for United States History to 1877, United States History: 1877 to the Present, and Civics and Economics. The last administration of the cumulative grade eight history test will be during the 2007-2008 academic school year. Beginning with the 2008-2009 academic year, all school divisions shall administer the United States History to 1877, United States History: 1877 to the Present, and Civics and Economics tests. The Board shall also provide the option of industry certification and state licensure examinations as a student-selected verified credit.

The Board of Education shall make publicly available such assessments in a timely manner and as soon as practicable following the administration of such tests, so long as the release of such assessments does not compromise test security or deplete the bank of assessment questions necessary to construct subsequent tests, or limit the ability to test students on demand and provide immediate results in the web-based assessment system.

The Board shall include in the student outcome measures that are required by the Standards for Accreditation end-of-course or end-of-grade tests assessments for various grade levels and classes, as determined by the Board including the completion of the alternative assessments implemented by each local school board, in accordance with the Standards of Learning. These Standards of Learning assessments shall include, but need not be limited to, end-of-course or end-of-grade tests for English, mathematics, science, and history and social science.

The Standards of Learning assessments administered to students in grades three through eight shall not exceed (a) reading and mathematics in grades three and four; (b) reading, mathematics, and science in grade five; (c) reading and mathematics in grades six and seven; (d) reading, writing, mathematics, and science in grade eight; and (e) Virginia Studies and Civics and Economics once each at the grade levels deemed appropriate by each local school board.

Each school board shall annually certify that it has provided instruction and administered an alternative assessment, consistent with Board guidelines, to students in grades three through eight in each Standards of Learning subject area in which a Standards of Learning assessment was not administered during the school year. Such guidelines shall (1) incorporate options for age-appropriate, authentic performance assessments and portfolios with rubrics and other methodologies designed to ensure that students are making adequate academic progress in the subject area and that the Standards of Learning content is being taught; (2) permit and encourage integrated assessments that include multiple subject areas; and (3) emphasize collaboration between teachers to administer and substantiate the assessments and the professional development of teachers to enable them to make the best use of alternative assessments.

Local school divisions shall provide targeted mathematics remediation and intervention to students in grades six through eight who show computational deficiencies as demonstrated by their individual performance on any diagnostic test or grade-level Standards of Learning mathematics test that measures non-calculator computational skills.

In addition, to assess the educational progress of students, the Board of Education shall ~~(a)~~ (A) develop appropriate assessments, which may include criterion-referenced tests and alternative other assessment instruments that may be used by classroom teachers; ~~(b)~~ (B) select appropriate industry certification and state licensure examinations; and ~~(c)~~ (C) prescribe and provide measures, which may include nationally normed tests to be used to identify students who score in the bottom quartile at selected grade levels. An annual justification that includes evidence that the student meets the participation criteria defined by the Virginia Department of Education shall be provided for each student considered for the Virginia Grade Level Alternative. Each Individual Education Program team shall review such justification and make the final determination as to whether or not the Virginia Grade Level Alternative is appropriate for the student. The superintendent and the school board chairman shall certify to the Board of Education, as a part of certifying compliance with the Standards of Quality, that there is a justification in the Individual Education Program for every student who takes the Virginia Grade Level Alternative. Compliance with this requirement shall be monitored as a part of the special education monitoring process conducted by the Department of Education. The Board shall report to the Governor and General Assembly in its annual reports pursuant to § 22.1-18 any school division that is not in compliance with this requirement.

The Standards of Learning requirements, including all related assessments, shall be waived for any student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to § 30-231.2, who is enrolled in a preparation program for the General Education Development (GED) certificate or in an adult basic education program to obtain the high school diploma.

The Board of Education may adopt special provisions related to the administration and use of any Standards of Learning test or tests in a content area as applied to accreditation ratings for any period during which the Standards of Learning content or assessments in that area are being revised and phased in. Prior to statewide administration of such tests, the Board of Education shall provide notice to local school boards regarding such special provisions.

D. The Board of Education may pursue all available civil remedies pursuant to § 22.1-19.1 or administrative action pursuant to § 22.1-292.1 for breaches in test security and unauthorized alteration of test materials or test results.

The Board may initiate or cause to be initiated a review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests, including the exclusion of students from testing who are required to be assessed, by local school board employees responsible for the distribution or administration of the tests.

Records and other information furnished to or prepared by the Board during the conduct of a review or investigation may be withheld pursuant to subdivision 11 of § 2.2-3705.3. However, this section shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to

the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board. Any local school board or division superintendent receiving such records or other information shall, upon taking personnel action against a relevant employee, place copies of such records or information relating to the specific employee in such person's personnel file.

Notwithstanding any other provision of state law, no test or examination authorized by this section, including the Standards of Learning assessments, shall be released or required to be released as minimum competency tests, if, in the judgment of the Board, such release would breach the security of such test or examination or deplete the bank of questions necessary to construct future secure tests.

E. With such funds as may be appropriated, the Board of Education may provide, through an agreement with vendors having the technical capacity and expertise to provide computerized tests and assessments, and test construction, analysis, and security, for (i) web-based computerized tests and assessments, *including computer-adaptive Standards of Learning assessments*, for the evaluation of student progress during and after remediation and (ii) the development of a remediation item bank directly related to the Standards of Learning.

F. To assess the educational progress of students as individuals and as groups, each local school board shall require the use of Standards of Learning assessments, *alternative assessments*, and other relevant data, such as industry certification and state licensure examinations, to evaluate student progress and to determine educational performance. Each local school shall require the administration of appropriate assessments to all students for grade levels and courses identified by the Board of Education, which may include criterion-referenced tests, and teacher-made tests and alternative assessment instruments and shall include the Standards of Learning Assessments assessments, *the local school board's alternative assessments*, and the National Assessment of Educational Progress state-by-state assessment. Each school board shall analyze and report annually, in compliance with any criteria that may be established by the Board of Education, the results from the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, if administered, industry certification examinations, and the Standards of Learning Assessments to the public.

The Board of Education shall not require administration of the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, except as may be selected to facilitate compliance with the requirements for home instruction pursuant to § 22.1-254.1.

The Board shall include requirements for the reporting of the Standards of Learning assessment scores and averages for each year as part of the Board's requirements relating to the School Performance Report Card. Such scores shall be disaggregated for each school by student subgroups on the Virginia assessment program as appropriate and shall be reported to the public within three months of their receipt. These reports (i) shall be posted on the portion of the Department of Education's website relating to the School Performance Report Card, in a format and in a manner that allows year-to-year comparisons, and (ii) may include the National Assessment of Educational Progress state-by-state assessment.

G. Each local school division superintendent shall regularly review the division's submission of data and reports required by state and federal law and regulations to ensure that all information is accurate and submitted in a timely fashion. The Superintendent of Public Instruction shall provide a list of the required reports and data to division superintendents annually. The status of compliance with this requirement shall be included in the Board of Education's annual report to the Governor and the General Assembly as required by § 22.1-18.

H. Any school board may request the Board of Education for release from state regulations or, on behalf of one or more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the performance of one or more of its schools as authorized for certain other schools by the Standards of Accreditation pursuant to 8 VAC 20-131-280 C of the Virginia Administrative Code. Waivers of regulatory requirements may be granted by the Board of Education based on submission of a request from the division superintendent and chairman of the local school board. The Board of Education may grant, for a period up to five years, a waiver of regulatory requirements that are not (i) mandated by state or federal law or (ii) designed to promote health or safety. The school board shall provide in its waiver request a description of how the releases from state regulations are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The Department of Education shall provide (a) guidance to any local school division that requests releases from state regulations and (b) information about opportunities to form partnerships with other agencies or entities to any local school division in which the school or schools granted releases from state regulations have demonstrated improvement in the quality of instruction and the achievement of students.

The Board of Education may also grant local school boards waivers of specific requirements in § 22.1-253.13:2, based on submission of a request from the division superintendent and chairman of the local school board, permitting the local school board to assign instructional personnel to the schools with the greatest needs, so long as the school division employs a sufficient number of personnel divisionwide to meet the total number required by § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in subsection C of § 22.1-253.13:2 are met. The school board shall provide in its request a description of how the waivers from specific Standards of Quality staffing standards are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The waivers may be renewed in up to five-year increments, or revoked, based on student achievement results in the affected school or schools.

§ 22.1-253.13:10. Standards of Learning Innovation Committee.

The Secretary of Education, upon receiving recommendations for appointments from the Virginia Parent Teacher Association, Virginia Education Association, Virginia School Boards Association, Virginia Association of Secondary School Principals, Virginia Association of Elementary School Principals, Virginia Association of School Superintendents, Virginia

State Reading Association, Virginia School Counselor Association, and Virginia Association for Supervision and Curriculum Development, shall establish and appoint members from each of the specified groups to the Standards of Learning Innovation Committee (Committee). The Committee shall also include (i) four members of the Virginia House of Delegates, appointed by the Speaker of the House of Delegates; (ii) two members of the Virginia Senate, appointed by the Senate Committee on Rules on the recommendation of the Chair of the Senate Committee on Education and Health; at least one (iii) parent of a currently enrolled public school student, (iv) public elementary school teacher, (v) public secondary school teacher, (vi) public secondary school guidance counselor, (vii) school board member, (viii) public school principal, (ix) division superintendent, (x) curriculum and instruction specialist, (xi) higher education faculty member, (xii) business representative, and such other stakeholders as the Secretary deems appropriate. Members of the Committee should reflect geographic diversity and rural and urban school systems as far as practicable. The Superintendent of Public Instruction, the President of the Board of Education or his designee, and the Secretary of Education or his designee shall serve ex officio. All other members shall be appointed for terms of two years. The Committee, under the direction of the Secretary, shall periodically make recommendations to the Board of Education and the General Assembly on (a) the Standards of Learning assessments, (b) authentic individual student growth measures, (c) alignment between the Standards of Learning and assessments and the School Performance Report Card, and (d) ideas on innovative teaching in the classroom.

2. That the Board may reduce the number of Standards of Learning assessments administered to students as long as the number and type of assessments meet the minimal requirements established by the federal Elementary and Secondary Education Act of 1965, as amended. However, the number and type of assessments required by the Board shall not be less than the number and type of assessments required by the federal Elementary and Secondary Education Act of 1965 as of January 1, 2014.

CHAPTER 623

An Act to amend the Code of Virginia by adding a section numbered 55-394.5, relating to the Virginia Real Estate Time-Share Act; alternative purchase; registration.

[S 348]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 55-394.5 as follows:

§ 55-394.5. Alternative purchase; registration.

A. The application for registration of an alternative purchase shall be filed in a form prescribed by the Board and shall include the following:

- 1. A general description of the types of alternative purchases offered;*
- 2. A copy of the terms and conditions applicable to the alternative purchases; and*
- 3. The name, address, and contact information of the developer offering the alternative purchases.*

B. Any material change to the standard terms and conditions applicable to an alternative purchase shall be filed with the Board within 30 days of such change being effective. Changes to the length of stay, location, or price shall not require an amendment of the registration, provided the terms and conditions applicable to such alternative purchases are on file with the Board.

C. The provisions of §§ 55-374 and 55-375 shall not apply to alternative purchases registered under this section.

CHAPTER 624

An Act to amend and reenact §§ 46.2-632 and 46.2-653 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-653.1, relating to titling of manufactured homes.

[S 356]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-632 and 46.2-653 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-653.1 as follows:

§ 46.2-632. Transfer when certificate of title lost.

*A. Whenever the applicant for the registration of a motor vehicle, *manufactured home*, trailer, or semitrailer or a new certificate of title is unable to present a certificate of title because the certificate has been lost or unlawfully detained by one in possession of it or whenever the certificate of title is otherwise not available, the Department may receive the application and investigate the circumstances of the case and may require the filing of affidavits or other information. When the Department is satisfied that the applicant is entitled to the title, it may register the motor vehicle, *manufactured home*, trailer, or semitrailer and issue a new registration card, license plate, or plates and certificate of title to the person entitled to it.*

B. Whenever the insurance company or its agent makes application for a certificate of title to a vehicle that is not a salvage vehicle as defined in § 46.2-1600 and is unable to present a certificate of title, the Department may receive the

application along with an affidavit indicating that the vehicle was acquired as the result of the claims process and describing the efforts made by the insurance company or its agent to obtain the certificate of title from the previous owner. When the Department is satisfied that the applicant is entitled to the title, it may issue a certificate of title to the person entitled to it. The Commissioner may charge a fee of \$25 for the expense of processing an application under this subsection that is accompanied by an affidavit. Such fee shall be in addition to any other fees and taxes required. All fees collected under the provisions of this subsection shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

§ 46.2-653. Temporary registration or permit for transportation of manufactured homes exceeding the size permitted by law.

The Commissioner may grant a temporary registration or permit for the transportation of manufactured homes, which exceed the size permitted by law, on the highways in the Commonwealth from one point to another within the Commonwealth, or from the Commonwealth to a point or points outside the Commonwealth, or from outside the Commonwealth to a point or points within the Commonwealth. Such temporary registration or permit shall show the registration or permit number, the date of issue, the date of expiration, and the route to be traveled or other restrictions and shall be displayed in a prominent place on the vehicle. The owner of every manufactured home of this sort purchased in the Commonwealth for use within the Commonwealth or brought into the Commonwealth for use within the Commonwealth shall apply within 30 days to the Department for title in the name of the owner. This requirement shall not apply to inventory held by licensed Virginia dealers for the purpose of resale. ~~After a manufactured home has been titled in the Commonwealth and at such time as the wheels and other equipment previously used for mobility have been removed and the unit has been attached to the realty, then the manufactured home shall, for purposes of this section, be deemed to be real estate and Virginia title issued for the unit may be returned to the Department for cancellation and the unit shall thereafter be transferred only as real estate is transferred. The validity of any security interest perfected pursuant to §§ 46.2-636 through 46.2-641 shall continue, notwithstanding the provisions of this section.~~

~~The Commissioner shall have prepared a list of all titles cancelled pursuant to this section and furnish it, in conjunction with the reports submitted pursuant to § 46.2-210, to the commissioner of the revenue of each county and city without cost. The Commissioner shall not make such list available to the public nor shall any commissioner of the revenue make such list available to any third party.~~

The authorities in cities and towns regulating the movement of traffic may prescribe the route or routes over which these manufactured homes may be transported, and no manufactured home of this sort shall be transported through any city or town except along a prescribed route or routes.

For each temporary single-trip registration or permit issued hereunder, the applicant shall pay a fee of ~~one dollar~~ \$1, in addition to any administrative fee required by the Department. In lieu of a single-trip permit, an annual multi-trip permit may be issued for a fee of \$40, in addition to any administrative fee required by the Department.

No permit, as provided in this section, shall be issued covering any manufactured home that is subject to a license plate.

§ 46.2-653.1. Conversion of manufactured home to real property.

A. After a manufactured home has been titled in the Commonwealth and at such time as the wheels and other equipment previously used for mobility have been removed and the unit has been attached to real property owned by the manufactured home owner, the owner may convert the home to real property in accordance with the provisions of subsection B. The provisions of this section constitute the only manner by which a manufactured home owner may convert a manufactured home to real property.

B. A manufactured home owner who wishes to convert the home to real property shall submit a sworn affidavit to the Department that the wheels and other equipment previously used for mobility have been removed from the manufactured home and the unit has been attached to real property owned by the manufactured home owner.

The affidavit must be in a form approved by the Commissioner. Upon compliance by the owner with the procedure for surrender of title, the Department shall rescind and cancel the Virginia title. The Department shall not cancel the title if a security interest has been recorded on the title and not released by the secured party. After canceling the title, the Department shall provide written confirmation to the owner that the title has been surrendered and has been canceled by the Department.

Upon receipt of confirmation that the title has been surrendered and has been canceled by the Department, the owner shall file a sworn affidavit of affixation with the circuit court of the locality where the real property is located. The affidavit shall include all of the following information:

- 1. The manufacturer and, if applicable, the model name of the manufactured home.*
- 2. The vehicle identification number and serial number of the manufactured home.*
- 3. The legal description of the real property on which the manufactured home is placed, including the property address, stating that the owner of the manufactured home also owns the real property.*
- 4. Certification that there are no security interests in the manufactured home that have not been released by the secured party.*
- 5. The homeowner's statement that the title has been surrendered and has been canceled by the Department and that the home is intended to be a permanent fixture and improvement to the land, to the same extent as any site-built home, and assessed and taxed with the land as real property.*

In addition, a copy of the confirmation provided by the Department that the title has been surrendered and canceled by the Department shall be attached to and filed with the affidavit.

Upon filing the affidavit of affixation, the manufactured home shall then be deemed to be real estate and shall thereafter be conveyed and encumbered only as real estate is conveyed and encumbered, except when the home is thereafter physically severed from the real property and a new title issued in accordance with subsection C.

A security interest in a manufactured home is perfected against the rights of judicial lien creditors, execution creditors, and purchasers for value on and after the date such security interest attaches. The Commissioner shall have prepared a list of all titles canceled pursuant to this section and furnish it, in conjunction with the reports submitted pursuant to § 46.2-210, to the commissioner of the revenue of each county and city without cost.

C. If the owner of a manufactured home whose certificate of title has been canceled under this section subsequently seeks to sever the manufactured home from the real property, the owner may apply for a new certificate of title in accordance with the provisions of this section.

1. The owner shall file with the circuit court where the real property is located an affidavit that includes or provides for all of the following information:

- a. The manufacturer and, if applicable, the model name of the manufactured home.*
- b. The vehicle identification number and serial number of the manufactured home.*
- c. The legal description of the real property on which the manufactured home is or was placed, stating that the owner of the manufactured home also owns the real property.*

d. Certification that there are no security interests in the manufactured home that have not been released by the secured party.

e. The homeowner's statement that the home has been or will be physically severed from the real property.

2. The owner must submit the following to the Department:

- a. A copy of the affidavit filed in accordance with subdivision C 1.*
- b. Verification that the manufactured home has been severed from the real property. Confirmation of severance by the commissioner of the revenue where the real property is located shall constitute acceptable evidence that the unit has been severed from the real property.*

Upon receipt of the information required in subdivision C 2, together with a title application and required fee, the Department is authorized to issue a new title for the manufactured home. The initial title issued under the provisions of this subsection shall contain no security interests, provided however, that nothing contained herein shall be construed to prevent a subsequent security interest from being recorded on the title.

CHAPTER 625

An Act to amend and reenact § 59.1-378.1 of the Code of Virginia, relating to the Virginia Racing Commission; steeplechase race meetings; simulcast horse racing.

[S 398]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-378.1 of the Code of Virginia is amended and reenacted as follows:

§ 59.1-378.1. Licensing of owners or operators of certain pari-mutuel facilities.

A. Notwithstanding the provisions of § 59.1-391, the Commission may grant a license, for a duration to be determined by the Commission, to the owner or operator of a steeplechase facility for the purpose of conducting pari-mutuel wagering on (i) steeplechase race meetings and (ii) simulcast horse racing that is limited to the transmission from Churchill Downs of the Kentucky Derby horse race at that facility in conjunction with the steeplechase race meetings for a period not to exceed ~~fourteen~~ 14 days in any calendar year, provided that, prior to making application for such license, ~~(a)~~ (a) the steeplechase facility has been sanctioned by the Virginia Steeplechase Association or National Steeplechase Association and ~~(b)~~ (b) the owner or operator of such facility has been granted tax-exempt status under § 501 (c) (3) or (4) of the Internal Revenue Code.

For purposes of this section, "steeplechase facility" means a turf racecourse constructed over natural ground which is utilized primarily for races where horses jump over fences.

B. In deciding whether to grant any license pursuant to this section, the Commission shall consider (i) the results of, circumstances surrounding, and issues involved in any referendum conducted under the provisions of § 59.1-391 and (ii) whether the Commission had previously granted a license to such facility, owner, or operator.

C. In no event shall the Commission issue more than ~~twelve~~ 12 licenses in a calendar year pursuant to this section.

CHAPTER 626

An Act to amend and reenact § 54.1-3800 of the Code of Virginia, relating to the practice of veterinary medicine.

[S 413]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 54.1-3800 of the Code of Virginia is amended and reenacted as follows:****§ 54.1-3800. Practice of veterinary medicine.**

Any person shall be regarded as practicing veterinary medicine within the meaning of this chapter who represents himself, directly or indirectly, publicly or privately, as a veterinary doctor or uses any title, words, abbreviation or letters in a manner or under circumstances which may reasonably induce the belief that the person using them is qualified to practice veterinary medicine.

Any person shall be deemed to be practicing veterinary medicine who performs the diagnosis, treatment, correction, change, relief or prevention of animal disease, deformity, defect, injury, or other physical or mental conditions; including the performance of surgery or dentistry, the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, and the use of any manual or mechanical procedure for embryo transfer, for testing for pregnancy, or for correcting sterility or infertility, or to render advice or recommendation with regard to any of the above.

Nothing in this chapter shall prohibit persons permitted or authorized by the Department of Game and Inland Fisheries to do so from providing care for wildlife as defined in § 29.1-100, provided that the Department determines that such persons are in compliance with its regulations and permit conditions.

CHAPTER 627

An Act to amend and reenact § 18.2-56 of the Code of Virginia, relating to hazing; institution policies.

[S 448]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-56 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-56. Hazing unlawful; civil and criminal liability; duty of school, etc., officials; penalty.**

It shall be unlawful to haze so as to cause bodily injury, any student at any school, college, or university.

Any person found guilty thereof shall be guilty of a Class 1 misdemeanor.

Any person receiving bodily injury by hazing shall have a right to sue, civilly, the person or persons guilty thereof, whether adults or infants.

The president or other presiding official of any school, college or university receiving appropriations from the state treasury shall, upon satisfactory proof of the guilt of any student hazing another student, sanction and discipline such student in accordance with the institution's policies and procedures. The institution's policies and procedures shall provide for expulsions or other appropriate discipline based on the facts and circumstances of each case *and shall be consistent with the model policies established by the Department of Education or the State Council of Higher Education for Virginia, as applicable.* The president or other presiding official of any school, college or university receiving appropriations from the state treasury shall report hazing which causes bodily injury to the attorney for the Commonwealth of the county or city in which such school, college or university is, who shall take such action as he deems appropriate.

For the purposes of this section, "hazing" means to recklessly or intentionally endanger the health or safety of a student or students or to inflict bodily injury on a student or students in connection with or for the purpose of initiation, admission into or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body regardless of whether the student or students so endangered or injured participated voluntarily in the relevant activity.

2. That the Department of Education and the State Council of Higher Education for Virginia, with the Department of Criminal Justice Services, shall establish model policies regarding the prevention of and appropriate disciplinary action for hazing as defined in § 18.2-56 of the Code of Virginia.**CHAPTER 628**

An Act to amend and reenact §§ 23-9.2:3.02, 23-9.6:1, 23-9.14:2, and 23-38.88 of the Code of Virginia, relating to the State Council of Higher Education for Virginia; articulation, dual admissions, and guaranteed admissions agreements.

[S 449]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:**1. That §§ 23-9.2:3.02, 23-9.6:1, 23-9.14:2, and 23-38.88 of the Code of Virginia are amended and reenacted as follows:****§ 23-9.2:3.02. Articulation, dual admissions, and guaranteed admissions agreements; admission of certain community college graduates.**

A. The governing board of each four-year public institution of higher education shall develop, consistent with the State Council of Higher Education Guidelines and the institution's six-year plan as set forth in § 23-38.87:17, articulation,

~~transfer, and dual enrollment and dual admissions, and guaranteed admissions agreements with uniform application to all institutions within the Virginia Community College System and any two-year public institution of higher education that (i) meet appropriate general education and program requirements at the four-year institutions; (ii) provide additional opportunities for associate degree graduates to be admitted and enrolled; and (iii) establish dual admissions programs for qualified students to be simultaneously accepted by a community college and, contingent upon the successful completion of an acceptable associate degree program from the community college, by the four-year public institution of higher education.~~

B. A Uniform Certificate of General Studies shall be developed by the State Council of Higher Education, the Virginia Community College System, and the public institutions of higher education as set forth in subdivision 20 of § 23-9.6:1. All credits earned in academic subject coursework by students attending a two-year college who complete an approved one-year certificate of general studies program shall be transferrable to a four-year public institution of higher education in accordance with Council guidelines. ~~Credits earned by high school students who earn a transfer associate degree from a Virginia community college while completing high school shall be transferrable to the four-year public institution of higher education to which they have been admitted.~~

C. The State Council of Higher Education for Virginia shall ~~submit prepare~~ an annual report to the Senate Committee on Education and Health and the House Committee on Education specifying the total number of transfer students each institution of higher education admitted, enrolled, and graduated ~~on the pertinent aspects of the pipeline of students transferring~~ from institutions within the Virginia Community College System to ~~four-year public institutions of higher education.~~

D. ~~Students enrolling at an institution within the Virginia Community College System or a two-year public institution of higher education may declare an intention in writing to transfer to a four-year public institution of higher education in Virginia having an articulation agreement with the relevant community college or two-year public institution. If a student (i) completes an associate degree within four years of submitting a written declaration of intent to transfer to a four-year public institution of higher education in Virginia and (ii) enrolls in such an institution within 18 months of completing an associate degree, the articulation agreement in force at the time of the student's declaration shall determine those credits that will be transferred from the community college or two-year public institution to the four-year public institution upon successful completion of an associate degree.~~

E. ~~Nothing in this section shall be construed to require the admission of students of the Virginia Community College System by a four-year public institution of higher education.~~

F. The State Council of Higher Education, consistent with its responsibility to facilitate the development of articulation, ~~transfer, and dual enrollment and dual admissions, and guaranteed~~ admissions agreements set forth in §§ 23-9.6:1 and 23-9.14:2, shall develop guidelines for such agreements; ~~including the conditions required to establish dual admissions programs for qualified students to be simultaneously accepted by a community college and a four-year public institution of higher education and, upon successful completion of an acceptable associate degree program from the community college, to be automatically enrolled in the four-year institution of higher education. Dual admissions agreements shall set forth (i) the obligations of the students accepted in such programs, including grade point average requirements, acceptable associate degree majors, and completion timetables; and (ii) the student's access to the privileges of enrollment in both institutions during the time enrolled in either institution.~~

G. ~~E.~~ Each institution within the Virginia Community College System shall develop agreements for postsecondary degree attainment with the public high schools in the school divisions that they serve, specifying the options for students to complete an associate's degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma. Such agreements shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher. Agreements shall be submitted by the institutions to the Chancellor of the Virginia Community College System and the Superintendent of Public Instruction by April 15, 2013.

§ 23-9.6:1. Duties of Council generally.

In addition to such other duties as may be prescribed elsewhere, the State Council of Higher Education shall:

1. Develop a statewide strategic plan that (i) reflects the goals set forth in subsection B of § 23-38.88 or (ii) once adopted, reflects the goals and objectives developed pursuant to subdivision B 5 of § 23-38.87:20 for higher education in the Commonwealth, identifies a coordinated approach to such state and regional goals, and emphasizes the future needs for higher education in Virginia at both the undergraduate and the graduate levels, as well as the mission, programs, facilities and location of each of the existing institutions of higher education, each public institution's six-year plan, and such other matters as the Council deems appropriate. The Council shall revise such plans at least once every six years and shall submit such recommendations as are necessary for the implementation of the plan to the Governor and the General Assembly.

2. Review and approve or disapprove any proposed change in the statement of mission of any presently existing public institution of higher education and to define the mission of all public institutions of higher education created after the effective date of this provision. The Council shall, within the time prescribed in subdivision 1, make a report to the Governor and the General Assembly with respect to its actions hereunder. No such actions shall become effective until 30 days after adjournment of the session of the General Assembly next following the filing of such a report. Nothing contained in this provision shall be construed to authorize the Council to modify any mission statement adopted by the General Assembly, nor to empower the Council to affect, either directly or indirectly, the selection of faculty or the standards and criteria for admission of any public institution, whether related to academic standards, residence or other

criteria; it being the intention of this section that faculty selection and student admission policies shall remain a function of the individual institutions.

3. Study any proposed escalation of any public institution to a degree-granting level higher than that level to which it is presently restricted and to submit a report and recommendation to the Governor and the General Assembly relating to the proposal. The study shall include the need for and benefits or detriments to be derived from the escalation. No such institution shall implement any such proposed escalation until the Council's report and recommendation have been submitted to the General Assembly and the General Assembly approves the institution's proposal.

4. Review and approve or disapprove all enrollment projections proposed by each public institution of higher education. The Council's projections shall be in numerical terms by level of enrollment and shall be used for budgetary and fiscal planning purposes only. The Council shall develop estimates of the number of degrees to be awarded by each institution and include those estimates in its reports of enrollment projections. The student admissions policies for the institutions and their specific programs shall remain the sole responsibility of the individual boards of visitors; however, all four-year institutions shall adopt dual admissions policies with the community colleges, as required by § 23-9.2:3.02.

5. Review and approve or disapprove all new academic programs which any public institution of higher education proposes. As used herein, "academic programs" include both undergraduate and graduate programs.

6. Review and require the discontinuance of any undergraduate or graduate academic program that is presently offered by any public institution of higher education when the Council determines that such academic program is (i) nonproductive in terms of the number of degrees granted, the number of students served by the program, the program's effectiveness, and budgetary considerations, or (ii) supported by state funds and is unnecessarily duplicative of academic programs offered at other public institutions of higher education in the Commonwealth. The Council shall make a report to the Governor and the General Assembly with respect to the discontinuance of any such academic program. No such discontinuance shall become effective until 30 days after the adjournment of the session of the General Assembly next following the filing of such report.

7. Review and approve or disapprove the creation and establishment of any department, school, college, branch, division or extension of any public institution of higher education that such institution proposes to create and establish. This duty and responsibility shall be applicable to the proposed creation and establishment of departments, schools, colleges, branches, divisions and extensions, whether located on or off the main campus of the institution in question. If any organizational change is determined by the Council to be proposed solely for the purpose of internal management and the institution's curricular offerings remain constant, the Council shall approve the proposed change. Nothing in this provision shall be construed to authorize the Council to disapprove the creation and establishment of any department, school, college, branch, division or extension of any institution that has been created and established by the General Assembly.

8. Review the proposed closure of any academic program in a high demand or critical shortage area, as defined by the Council, by any public institution of higher education and assist in the development of an orderly closure plan, when needed.

9. Develop a uniform, comprehensive data information system designed to gather all information necessary to the performance of the Council's duties. The system shall include information on admissions, enrollments, self-identified students with documented disabilities, personnel, programs, financing, space inventory, facilities and such other areas as the Council deems appropriate. When consistent with the Government Data Collection and Dissemination Practices Act, the Virginia Unemployment Compensation Act, and applicable federal law, the Council, acting solely or in partnership with the Virginia Department of Education or the Virginia Employment Commission, may contract with private entities to create de-identified student records for the purpose of assessing the performance of institutions and specific programs relative to the workforce needs of the Commonwealth. For the purposes of this section, "de-identified student records" means records in which all personally identifiable information has been removed.

10. Develop in cooperation with institutions of higher education guidelines for the assessment of student achievement. An institution shall use an approved program that complies with the guidelines of the Council and is consistent with the institution's mission and educational objectives in the development of such assessment. The Council shall report the institutions' assessments of student achievement in the biennial revisions to the state's master plan for higher education.

11. Develop in cooperation with the appropriate state financial and accounting officials and to establish uniform standards and systems of accounting, record keeping and statistical reporting for the public institutions of higher education.

12. Review biennially and approve or disapprove all changes in the inventory of educational and general space that any public institution of higher education may propose, and to make a report to the Governor and the General Assembly with respect thereto. No such change shall be made until 30 days after the adjournment of the session of the General Assembly next following the filing of such report.

13. Visit and study the operations of each of the public institutions of higher education at such times as the Council shall deem appropriate and to conduct such other studies in the field of higher education as the Council deems appropriate or as may be requested by the Governor or the General Assembly.

14. Provide advisory services to private, accredited and nonprofit institutions of higher education, whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education, on academic, administrative, financial and space utilization matters. The Council may also review and advise on joint activities, including contracts for services between such public and private institutions of higher education or between such private institutions and any agency of the Commonwealth or political subdivision thereof.

15. Adopt such rules and regulations as the Council believes necessary to implement all of the Council's duties and responsibilities as set forth in this Code. The various public institutions of higher education shall comply with such rules and regulations.

16. Issue guidelines consistent with the provisions of the federal Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g requiring public institutions of higher education to release a student's academic and disciplinary record to a student's parent.

17. Require that each institution of higher education formed, chartered, or established in the Commonwealth after July 1, 1980, shall ensure the preservation of student transcripts in the event of institutional closure or revocation of approval to operate in the Commonwealth of Virginia. An institution may provide for the preservation of student transcripts by binding agreement with another institution of higher education with which it is not corporately connected or in such other way as the Council may authorize by regulation. In the event an institution closes, or has its approval to operate in the Commonwealth revoked, the Council, through its Director, may take such action as is necessary to secure and preserve the student transcripts until such time as an appropriate institution accepts all or some of the transcripts. Nothing in this section shall be deemed to interfere with the right of a student to his own transcripts; nor shall this section authorize disclosure of student records except as may otherwise be authorized by law.

18. Require the development and submission of articulation, ~~transfer, and dual enrollment and dual admissions, and guaranteed~~ admissions agreements between ~~two- two-year~~ and four-year public institutions of higher education in Virginia; ~~including programs for qualified students to be simultaneously accepted by a community college and a four-year public institution of higher education and, upon successful completion of an associate degree program from the community college, to be automatically enrolled in the four-year institution of higher education. Dual admissions agreements shall set forth (i) the obligations of the students accepted in such programs, including grade point average requirements, acceptable associate degree majors, and completion timetables; and (ii) the student's access to the privileges of enrollment in both institutions during the time enrolled in either institution. Such agreements shall be subject to the admissions requirements of the four-year institutions, except as provided in § 23-9.2:3.02.~~

19. Provide periodic updates of base adequacy funding guidelines adopted by the Joint Subcommittee Studying Higher Education Funding Policies for the various public institutions.

20. Develop a uniform certificate of general studies program, in consultation with the Virginia Community College System and Virginia public institutions of higher education, to be offered at each community college in Virginia. Such program shall ensure that a community college student who completes the one-year certificate program shall be able to transfer all credits earned in academic subject coursework to a four-year public institution of higher education in the Commonwealth upon acceptance to the institution.

In carrying out its duties and responsibilities, the Council, insofar as practicable, shall preserve the individuality, traditions and sense of responsibility of the respective institutions. The Council, insofar as practicable, shall seek the assistance and advice of the respective institutions in fulfilling all of its duties and responsibilities.

§ 23-9.14:2. State Transfer Tool.

A. The Council shall develop, in cooperation with ~~the governing boards of the public two- two-year~~ and four-year institutions of higher education, a State Transfer ~~Module~~ Tool that designates those general education courses that are offered within various associate degree programs at the public two-year institutions that are transferable for credit ~~or admission with standing as a junior (third year)~~ to the public four-year institutions.

In developing ~~such Module~~ the Transfer Tool, the Council shall also seek the participation of private institutions of higher education in the Commonwealth.

B. The Council shall ~~also require~~ develop guidelines to govern the development and implementation of articulation, ~~transfer, and dual enrollment and dual admissions, and guaranteed~~ admissions agreements between the Commonwealth's public ~~two- two-year~~ and four-year institutions of higher education; ~~including agreements to establish dual admissions programs for qualified students to be simultaneously accepted by a community college and a four-year public institution of higher education and, upon successful completion of an associate degree program from the community college, to be automatically enrolled in the four-year institution of higher education. Dual admissions agreements shall set forth (i) the obligations of the students accepted in such programs, including grade point average requirements, acceptable associate degree majors, and completion timetables; and (ii) the student's access to the privileges of enrollment in both institutions during the time enrolled in either institution. Such agreements shall be subject to the admissions requirements of the four-year institutions. The Council shall require the public two- and four-year institutions of higher education to develop and implement such agreements, in accordance with the guidelines for articulation, transfer, and dual enrollment and admissions agreements required by § 23-9.2:3.02.~~

C. The Council shall develop and make available to the public information identifying ~~(†)~~ all general education courses offered at public two-year institutions and designating those that are accepted for purposes of transfer for course credit at four-year public and private institutions of higher education in Virginia; ~~and (ii) those two- and four-year public institutions that have entered into articulation, transfer, and dual enrollment and admissions agreements as required by § 23-9.2:3.02.~~

§ 23-38.88. Eligibility for restructured financial and administrative operational authority.

A. Public institutions of higher education shall be eligible for the following restructured financial and operational authority:

1. To dispose of their surplus materials at the location where the surplus materials are held and to retain any proceeds from such disposal as provided in subdivision B 14 of § 2.2-1124;
2. To have the option, as provided in subsection C of § 2.2-1132 and pursuant to the conditions and provisions under such subsection, to contract with a building official of the locality in which construction is taking place and for such official to perform any inspection and certifications required for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) pursuant to subsection C of § 36-98.1;
3. For those public institutions of higher education that have in effect a signed memorandum of understanding with the Secretary of Administration regarding participation in the nongeneral fund decentralization program as set forth in the appropriation act, as provided in subsection C of § 2.2-1132, to enter into contracts for specific construction projects without the preliminary review and approval of the Division of Engineering and Buildings of the Department of General Services, provided such institutions are in compliance with the requirements of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) and utilize the general terms and conditions for those forms of procurement approved by the Division and the Office of the Attorney General;
4. To acquire easements as provided in subdivision 4 of § 2.2-1149;
5. To enter into an operating/income lease or capital lease pursuant to the conditions and provisions provided in subdivision 5 of § 2.2-1149;
6. To convey an easement pertaining to any property such institution owns or controls as provided in subsection C of § 2.2-1150;
7. In accordance with the conditions and provisions of subdivision C 2 of § 2.2-1153, to sell surplus real property valued at less than \$5 million, which is possessed and controlled by the institution;
8. For purposes of compliance with § 2.2-4310, to procure goods, services, and construction from a vendor that the institution has certified as a small, women-owned, and minority-owned business enterprise pursuant to the conditions and provisions provided in § 2.2-1609;
9. To be exempt from review of their budget request for information technology by the CIO as provided in subdivision A 4 of § 2.2-2007;
10. To be allowed to establish policies for the designation of administrative and professional faculty positions at the institution pursuant to the conditions and provisions provided in subsection E of § 2.2-2901;
11. To receive the financial benefits described under § 2.2-5005 pursuant to the conditions and provisions of such section;
12. To be exempt from reporting its purchases to the Secretary of Education, provided that all purchases, including sole source purchases, are placed through the Commonwealth's electronic procurement system using proper system codes for the methods of procurement;
13. To utilize as methods of procurement a fixed price, design-build or construction management contract notwithstanding the provisions of § 2.2-4306; and
14. The restructured financial and operational authority set forth in Article 2 (§ 23-38.90) and Article 3 (§ 23-38.91 et seq.).

No such authority shall be granted unless the institution meets the conditions set forth in this chapter.

B. The Board of Visitors of a public institution of higher education shall commit to the Governor and the General Assembly by August 1, 2005, through formal resolution adopted according to its own bylaws, to meeting the state goals specified below, and shall be responsible for ensuring that such goals are met, in addition to such other responsibilities as may be prescribed by law. Each such institution shall commit to the Governor and the General Assembly to:

1. Consistent with its institutional mission, provide access to higher education for all citizens throughout the Commonwealth, including underrepresented populations, and, consistent with subdivision 4 of § 23-9.6:1 and in accordance with anticipated demand analysis, meet enrollment projections and degree estimates as agreed upon with the State Council of Higher Education for Virginia. Each such institution shall bear a measure of responsibility for ensuring that the statewide demand for enrollment is met;
2. Consistent with § 23-38.87:17, ensure that higher education remains affordable, regardless of individual or family income, and through a periodic assessment, determine the impact of tuition and fee levels net of financial aid on applications, enrollment, and student indebtedness incurred for the payment of tuition and fees;
3. Offer a broad range of undergraduate and, where appropriate, graduate programs consistent with its mission and assess regularly the extent to which the institution's curricula and degree programs address the Commonwealth's need for sufficient graduates in particular shortage areas, including specific academic disciplines, professions, and geographic regions;
4. Ensure that the institution's academic programs and course offerings maintain high academic standards, by undertaking a continuous review and improvement of academic programs, course availability, faculty productivity, and other relevant factors;
5. Improve student retention such that students progress from initial enrollment to a timely graduation, and that the number of degrees conferred increases as enrollment increases;
6. Consistent with its institutional mission, develop articulation agreements that have uniform application to, dual admissions, and guaranteed admissions agreements with all Virginia community colleges and meet appropriate general

~~education and program requirements at the four-year institution; provide additional opportunities for associate degree graduates to be admitted and enrolled;~~ and offer dual enrollment programs in cooperation with high schools;

7. Actively contribute to efforts to stimulate the economic development of the Commonwealth and the area in which the institution is located, and for those institutions subject to a management agreement set forth in Article 3 (§ 23-38.91 et seq.), in areas that lag the Commonwealth in terms of income, employment, and other factors;

8. Consistent with its institutional mission, increase the level of externally funded research conducted at the institution and facilitate the transfer of technology from university research centers to private sector companies;

9. Work actively and cooperatively with elementary and secondary school administrators, teachers, and students in public schools and school divisions to improve student achievement, upgrade the knowledge and skills of teachers, and strengthen leadership skills of school administrators;

10. Prepare a six-year financial plan consistent with § 23-38.87:17;

11. Conduct the institution's business affairs in a manner that maximizes operational efficiencies and economies for the institution, contributes to maximum efficiencies and economies of state government as a whole, and meets the financial and administrative management standards as specified by the Governor pursuant to § 2.2-5004 and included in the appropriation act that is in effect, which shall include best practices for electronic procurement and leveraged purchasing, information technology, real estate portfolio management, and diversity of suppliers through fair and reasonable consideration of small, women-owned, and minority-owned business enterprises; and

12. Seek to ensure the safety and security of the Commonwealth's students on college and university campuses.

Upon making such commitments to the Governor and the General Assembly by August 1, 2005, the public institution of higher education shall be allowed to exercise the restructured financial and operational authority set forth in subdivisions A 1 through A 13, subject to such conditions as may be provided under the enabling statutes granting the additional authority.

C. As provided in § 23-9.6:1.01, the State Council of Higher Education shall in consultation with the respective chairmen of the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health or their designees, representatives of public institutions of higher education, and such other state officials as may be designated by the Governor, develop objective measures of educational-related performance and institutional performance benchmarks for such objective measures. At a minimum, the State Council shall develop such objective measures and institutional performance benchmarks for the goals and objectives set forth in subdivisions B 1 through B 10 and B 12. In addition, the Governor shall develop objective measures of financial and administrative management performance and related institutional performance benchmarks for the goals and objectives set forth in subdivision B 11.

As provided in subsection C of § 23-9.6:1.01, any public institution of higher education that has been certified during the fiscal year by the State Council of Higher Education for Virginia as meeting the institutional performance benchmarks in effect for the fiscal year as set forth in the general appropriation act shall be provided the financial benefits under § 2.2-5005. Such benefits shall first be provided as determined under such section. Objective criteria for measuring performance with regard to the state goals and objectives developed pursuant to subsection B, and benefits or consequences for meeting or not meeting those goals and objectives, shall be developed as provided in subdivision B 5 of § 23-38.87:20.

D. 1. The restructured financial and operational authority set forth in Article 3 (§ 23-38.91 et seq.) shall only be granted in accordance with the expressed terms of a management agreement between the public institution of higher education and the Commonwealth.

No restructured financial or operational authority set forth in Article 3 (§ 23-38.91 et seq.) shall be granted to a public institution of higher education unless such authority is expressly included in the management agreement. In addition, the only implied authority that shall be granted from entering into a management agreement is that implied authority that is actually necessary to carry out the expressed grant of restructured financial or operational authority. As a matter of law, the initial presumption shall be that any restructured financial or operational authority set forth in Article 3 (§ 23-38.91 et seq.) is not included in the management agreement. These requirements shall also apply to any other provision included in Article 3 (§ 23-38.91 et seq.).

2. No public institution of higher education shall enter into a management agreement unless:

a. (i) Its most current and unenhanced bond rating received from (a) Moody's Investors Service, Inc., (b) Standard & Poor's, Inc., or (c) Fitch Investor's Services, Inc. is at least AA- (i.e., AA minus) or its equivalent, provided that such bond rating has been received within the last three years of the date that the initial agreement is entered into or (ii) the institution has (a) participated in decentralization pilot programs in the areas of finance and capital outlay, (b) demonstrated management competency in those two areas as evidenced by a written certification from the Cabinet Secretary or Secretaries designated by the Governor, (c) received additional operational authority under a memorandum of understanding pursuant to § 23-38.90 in at least one functional area, and (d) demonstrated management competency in that area for a period of at least two years. In submitting "The Budget Bill" for calendar year 2005 pursuant to subsection A of § 2.2-1509, the Governor shall include criteria for determining whether or not an institution has demonstrated the management competency required by clause (ii);

b. An absolute two-thirds, or more, of the institution's governing body shall have voted in the affirmative for a resolution expressing the sense of the body that the institution is qualified to be, and should be, governed by the provisions of Article 3 (§ 23-38.91 et seq.), which resolution shall be included in the initial management agreement;

c. The institution agrees to reimburse the Commonwealth for any additional costs to the Commonwealth in providing health or other group insurance benefits to employees, and in undertaking any risk management program, that are attributable to the institution's exercise of any restructured financial or operational authority set forth in Article 3 (§ 23-38.91 et seq.). The institution's agreement to reimburse the Commonwealth for such additional costs shall be expressly included in each management agreement with the institution. The Secretary of Finance and the Secretary of Administration, in consultation with the Virginia Retirement System and the affected institutions, shall establish procedures for determining any amounts to be paid by each institution and a mechanism for transferring the appropriate amounts directly and solely to the programs whose costs have been affected.

In developing management agreements, public institutions of higher education shall give consideration to potential future impacts of tuition increases on the Virginia College Savings Plan (§ 23-38.75) and shall discuss such potential impacts with parties participating in development of such agreements. The chief executive officer of the Virginia College Savings Plan shall provide to the institution and such parties the Plan's assumptions underlying the contract pricing of the program; and

d. Before executing a management agreement with the Commonwealth that affects insurance or benefit programs administered by the Virginia Retirement System, the Governor shall transmit a draft of the relevant provisions to the Board of Trustees of the Virginia Retirement System, which shall review the relevant provisions in order to ensure compliance with the applicable provisions of Title 51.1, administrative policies and procedures and federal regulations governing retirement plans. The Board shall advise the Governor and appropriate Cabinet Secretaries of any conflicts.

3. Each initial management agreement with an institution shall remain in effect for a period of three years. Subsequent management agreements with the institution shall remain in effect for a period of five years.

If an existing agreement is not renewed or a new agreement executed prior to the expiration of the three-year or five-year term, as applicable, the existing agreement shall remain in effect on a provisional basis for a period not to exceed one year. If, after the expiration of the provisional one-year period, the management agreement has not been renewed or a new agreement executed, the institution shall no longer be granted any of the financial or operational authority set forth in Article 3 (§ 23-38.91 et seq.), unless and until such time as a new management agreement is entered into between the institution and the Commonwealth.

The Joint Legislative Audit and Review Commission, in cooperation with the Auditor of Public Accounts, shall conduct a review relating to the initial management agreement with each public institution of higher education. The review shall cover a period of at least the first 24 months from the effective date of the management agreement. The review shall include, but shall not be limited to, the degree of compliance with the expressed terms of the management agreement, the degree to which the institution has demonstrated its ability to manage successfully the administrative and financial operations of the institution without jeopardizing the financial integrity and stability of the institution, the degree to which the institution is meeting the objectives described in subsection B, and any related impact on students and employees of the institution from execution of the management agreement. The Joint Legislative Audit and Review Commission shall make a written report of its review no later than June 30 of the third year of the management agreement. The Joint Legislative Audit and Review Commission is authorized, but not required, to conduct a similar review of any management agreement entered into subsequent to the initial agreement.

4. The right and power by the Governor to void a management agreement shall be expressly included in each management agreement. The management agreement shall provide that if the Governor makes a written determination that a public institution of higher education that has entered into a management agreement with the Commonwealth is not in substantial compliance with the terms of the agreement or with the requirements of this chapter in general, (i) the Governor shall provide a copy of that written determination to the chairmen of the Board of Visitors or other governing body of the public institution of higher education and to the members of the General Assembly, and (ii) the institution shall develop and implement a plan of corrective action, satisfactory to the Governor, for purposes of coming into substantial compliance with the terms of the management agreement and with the requirements of this chapter, as soon as practicable, and shall provide a copy of such corrective action plan to the members of the General Assembly. If after a reasonable period of time after the corrective action plan has been implemented by the institution, the Governor determines that the institution is not yet in substantial compliance with the management agreement or the requirements of this chapter, the Governor may void the management agreement. Upon the Governor voiding a management agreement, the affected public institution of higher education shall not be allowed to exercise any restructured financial or operational authority pursuant to the provisions of Article 3 (§ 23-38.91 et seq.) unless and until the institution enters into a subsequent management agreement with the Secretary or Secretaries designated by the Governor or the void management agreement is reinstated by the General Assembly.

5. A management agreement with a public institution of higher education shall not grant any of the restructured financial or operational authority set forth in Article 3 (§ 23-38.91 et seq.) to the Virginia Cooperative Extension and Agricultural Experiment Station, the University of Virginia College at Wise, or the Virginia Institute of Marine Sciences or to an affiliated entity of the institution unless such intent, as well as the degree of the restructured financial or operational authority to be granted, is expressly included in the management agreement.

6. Following the execution of each management agreement with a public institution of higher education and submission of that management agreement to the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Finance, and the Senate Committee on Education and Health pursuant

to § 23-38.97, the Governor shall include a recommendation for approval of the management agreement in "The Budget Bill" submitted pursuant to subsection A of § 2.2-1509 or in his gubernatorial amendments submitted pursuant to subsection E of § 2.2-1509 due by the December 20 that immediately follows the date of submission of the management agreement to such Committees. Following the General Assembly's consideration of whether to approve or disapprove the management agreement as recommended, if the management agreement is approved as part of the general appropriation act, it shall become effective on the effective date of such general appropriation act. However, no management agreement shall be entered into by a public institution of higher education and the Secretary or Secretaries designated by the Governor after November 15 of a calendar year.

E. A covered institution and the members of its governing body, officers, directors, employees, and agents shall be entitled to the same sovereign immunity to which they would be entitled if the institution were not governed by this chapter; provided further, that the Virginia Tort Claims Act (§ 8.01-195.1 et seq.) and its limitations on recoveries shall remain applicable with respect to institutions governed by this chapter.

CHAPTER 629

An Act to amend and reenact § 23-276.4 of the Code of Virginia, relating to private institutions of higher education; certification.

[S 460]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 23-276.4 of the Code of Virginia is amended and reenacted as follows:

§ 23-276.4. Council certification required for the conferring of certain degrees and other awards or the offering of certain programs.

A. Without obtaining the certification of the Council or a determination that the activity or program is exempt from such certification requirements, no postsecondary school subject to the provisions of this chapter shall:

1. Use the term "college" or "university" or abbreviations or words of similar meaning in its name or in any manner in connection with its academic affairs or business;

2. Enroll students;

3. Offer degrees, courses for degree credit, programs of study leading to a degree, or nondegree credit courses, either at a site in Virginia or via telecommunications equipment located within Virginia; or

4. Initiate other programs for degree credit or award degrees, certificates, or diplomas at a new or additional level.

B. All institutions of higher education and academic-vocational noncollege degree schools subject to the provisions of this chapter shall be fully accredited by an accrediting agency recognized by the United States Department of Education. All out-of-state academic-vocational noncollege degree schools operating in good standing in the Commonwealth prior to July 1, 2006, that have not obtained accreditation by an accrediting agency recognized by the United States Department of Education shall secure accreditation candidacy status by July 1, 2009, and shall secure full accreditation by an accrediting body recognized by the United States Department of Education by July 1, 2012. Further, on and after July 1, 2006, all out-of-state academic-vocational noncollege degree schools, subject to the provisions of this chapter, shall disclose their accreditation status in all written materials advertising or describing the school that are distributed to prospective or enrolled students or the general public.

C. Institutions of higher education shall not be required to obtain another certification from the Council to operate in Virginia if they (i) were formed, chartered or established in the Commonwealth, or chartered by an Act of Congress; (ii) have maintained a main or branch campus continuously in the Commonwealth for at least ~~40~~ 20 calendar years under their current ownership; (iii) were continuously approved or authorized to confer or grant academic or professional degrees by the Council, by the Board of Education or by an act of the General Assembly during those ~~40~~ 20 years; and (iv) are fully accredited by an accrediting agency that is recognized by, and has met the criteria for Title IV eligibility of the United States Department of Education. If authorization to confer or grant academic or professional degrees is revoked, the institution must seek recertification and must do so annually until it meets the criteria of this subsection.

D. In addition to such other requirements as are established in this chapter or the regulations of the Council, any postsecondary school formed, chartered, or established outside of the Commonwealth shall provide verification that:

1. The institution is fully accredited by an accrediting agency recognized by the United States Department of Education;

2. All courses, degrees, certificates, or diploma programs offered at any Virginia site are also offered at the school's main out-of-state campus;

3. All credits earned at any Virginia site are transferable to an institution's main out-of-state campus; and

4. The school has complied with the requirements of either Article 17 (§ 13.1-757 et seq.) of Chapter 9 of Title 13.1 or Article 14 (§ 13.1-919 et seq.) of Chapter 10 of Title 13.1.

E. Any postsecondary school that seeks to conduct telecommunications activities from a Virginia site shall apply for Council approval to conduct such activity and shall comply with this chapter and the Council's regulations in the same manner as any other school subject to this chapter.

2. That each institution of higher education that, prior to July 1, 2014, was not required to obtain another certification from the State Council of Higher Education for Virginia pursuant to subsection C of § 23-276.4 of the Code of Virginia to perform the acts set forth in subsection A of § 23-276.4 of the Code of Virginia because the institution (i) was formed, chartered, or established in the Commonwealth or chartered by an Act of Congress; (ii) has maintained a main or branch campus continuously in the Commonwealth for at least 10 calendar years under its current ownership; (iii) was continuously approved or authorized to confer or grant academic or professional degrees by the Council, by the Board of Education, or by an act of the General Assembly during those 10 years; and (iv) is fully accredited by an accrediting agency that is recognized by and has met the criteria for Title IV eligibility of the U.S. Department of Education shall not be required to obtain another such certification from the Council unless and until the institution fails to meet any requirement in clauses (i) through (iv).

CHAPTER 630

An Act to amend and reenact § 2.2-4302.2, as it shall become effective, of the Code of Virginia, relating to the Virginia Public Procurement Act; competitive negotiation; limitation of certain term contracts; exception.

[S 461]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4302.2, as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4302.2. (Effective July 1, 2014) Process for competitive negotiation.

A. The process for competitive negotiation shall include the following:

1. Issuance of a written Request for Proposal indicating in general terms that which is sought to be procured, specifying the factors that will be used in evaluating the proposal and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities, specifications or qualifications that will be required;

2. Public notice of the Request for Proposal at least 10 days prior to the date set for receipt of proposals by posting on the Department of General Services' central electronic procurement website or other appropriate websites. Additionally, public bodies shall publish in a newspaper of general circulation in the area in which the contract is to be performed so as to provide reasonable notice to the maximum number of offerors that can be reasonably anticipated to submit proposals in response to the particular request. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities. In addition, proposals may be solicited directly from potential contractors. Any additional solicitations shall include certified businesses selected from a list made available by the Department of Small Business and Supplier Diversity; and

3. For goods, nonprofessional services, and insurance, selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. Price shall be considered, but need not be the sole or primary determining factor. After negotiations have been conducted with each offeror so selected, the public body shall select the offeror which, in its opinion, has made the best proposal and provides the best value, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror. Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror; or

4. For professional services, the public body shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. The offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. In addition, offerors shall be informed of any ranking criteria that will be used by the public body in addition to the review of the professional competence of the offeror. The Request for Proposal shall not, however, request that offerors furnish estimates of man-hours or cost for services. At the discussion stage, the public body may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services. In accordance with § 2.2-4342, proprietary information from competing offerors shall not be disclosed to the public or to competitors. At the conclusion of discussion, outlined in this subdivision, on the basis of evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the public body shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious.

Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the public body can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price.

Notwithstanding the foregoing, if the terms and conditions for multiple awards are included in the Request for Proposal, a public body may award contracts to more than one offeror.

Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified or that one offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror.

B. For multiple projects, a contract for architectural or professional engineering services relating to construction projects, or a contract for job order contracting, may be negotiated by a public body, provided (i) the projects require similar experience and expertise, (ii) the nature of the projects is clearly identified in the Request for Proposal, and (iii) the contract is limited to a one-year term or when the cumulative total project fees reach the maximum cost authorized in this subsection, whichever occurs first.

Such contracts may be renewable for four additional one-year terms at the option of the public body. The fair and reasonable prices as negotiated shall be used in determining the cost of each project performed and the sum of all projects performed in a one-year contract term shall not exceed \$500,000, except that for:

1. A state agency, as defined in § 2.2-4347, the sum of all projects performed in a one-year contract term shall not exceed \$1 million as may be determined by the Director of the Department of General Services;

2. Any locality or any authority, sanitation district, metropolitan planning organization or planning district commission with a population in excess of 80,000, or any city within Planning District 8, the sum of all projects performed in a one-year contract term shall not exceed \$5 million and those awarded for any airport as defined in § 5.1-1 and aviation transportation projects, the sum of all such projects shall not exceed \$1.5 million;

3. Architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation, the sum of all projects in a one-year contract term shall not exceed \$2 million. Such contract may be renewable for two additional one-year terms at the option of the Director;

4. Environmental location, design and inspection work regarding highways and bridges by the Commissioner of Highways, the initial contract term shall be limited to two years or when the cumulative total project fees reach \$5 million, whichever occurs first. Such contract may be renewable for two additional one-year terms at the option of the Commissioner, and the sum of all projects in each one-year contract term shall not exceed \$5 million; and

5. Job order contracting, the sum of all projects performed in a one-year contract term shall not exceed \$2 million.

Competitive negotiations for such contracts may result in awards to more than one offeror provided (i) the Request for Proposal so states and (ii) the public body has established procedures for distributing multiple projects among the selected contractors during the contract term.

C. For any single project, for (i) architectural or professional engineering services relating to construction projects, or (ii) job order contracting, the project fee shall not exceed \$100,000, or for architectural or engineering services for airports as defined in § 5.1-1 and aviation transportation projects, the project fee ~~of any single project~~ shall not exceed \$500,000, except that for:

1. A state agency as defined in § 2.2-4347, the project fee shall not exceed \$200,000, as may be determined by the Director of the Department of General Services;

2. Any locality or any authority or sanitation district with a population in excess of 80,000, or any city within Planning District 8, the project fee shall not exceed \$2 million; and

3. Job order contracting, the project fee shall not exceed \$400,000.

The limitations imposed upon single project fees pursuant to this subsection shall not apply to environmental, location, design, and inspection work regarding highways and bridges by the Commissioner of Highways or architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation.

D. For the purposes of subsections B and C, any unused amounts from the first contract term shall not be carried forward to the additional term.

E. Multiphase professional services contracts satisfactory and advantageous to the completion of large, phased, or long term projects may be negotiated and awarded based on a fair and reasonable price for the first phase only, where the completion of the earlier phases is necessary to provide information critical to the negotiation of a fair and reasonable price for succeeding phases. Prior to the entering into any such contract, the public body shall (i) state the anticipated intended total scope of the project and (ii) determine in writing that the nature of the work is such that the best interests of the public body require awarding the contract.

CHAPTER 631

An Act to amend and reenact § 2.2-2818 of the Code of Virginia, relating to the Department of Human Resource Management; state health plan.

[S 464]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2818 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2818. Health and related insurance for state employees.

A. The Department of Human Resource Management shall establish a plan, subject to the approval of the Governor, for providing health insurance coverage, including chiropractic treatment, hospitalization, medical, surgical and major medical coverage, for state employees and retired state employees with the Commonwealth paying the cost thereof to the extent of the coverage included in such plan. The same plan shall be offered to all part-time state employees, but the total cost shall be paid by such part-time employees. The Department of Human Resource Management shall administer this section. The plan chosen shall provide means whereby coverage for the families or dependents of state employees may be purchased. Except for part-time employees, the Commonwealth may pay all or a portion of the cost thereof, and for such portion as the Commonwealth does not pay, the employee, including a part-time employee, may purchase the coverage by paying the additional cost over the cost of coverage for an employee.

Such contribution shall be financed through appropriations provided by law.

B. The plan shall:

1. Include coverage for low-dose screening mammograms for determining the presence of occult breast cancer. Such coverage shall make available one screening mammogram to persons age 35 through 39, one such mammogram biennially to persons age 40 through 49, and one such mammogram annually to persons age 50 and over and may be limited to a benefit of \$50 per mammogram subject to such dollar limits, deductibles, and coinsurance factors as are no less favorable than for physical illness generally.

The term "mammogram" shall mean an X-ray examination of the breast using equipment dedicated specifically for mammography, including but not limited to the X-ray tube, filter, compression device, screens, film, and cassettes, with an average radiation exposure of less than one rad mid-breast, two views of each breast.

In order to be considered a screening mammogram for which coverage shall be made available under this section:

a. The mammogram shall be (i) ordered by a health care practitioner acting within the scope of his licensure and, in the case of an enrollee of a health maintenance organization, by the health maintenance organization provider; (ii) performed by a registered technologist; (iii) interpreted by a qualified radiologist; and (iv) performed under the direction of a person licensed to practice medicine and surgery and certified by the American Board of Radiology or an equivalent examining body. A copy of the mammogram report shall be sent or delivered to the health care practitioner who ordered it;

b. The equipment used to perform the mammogram shall meet the standards set forth by the Virginia Department of Health in its radiation protection regulations; and

c. The mammography film shall be retained by the radiologic facility performing the examination in accordance with the American College of Radiology guidelines or state law.

2. Include coverage for postpartum services providing inpatient care and a home visit or visits that shall be in accordance with the medical criteria, outlined in the most current version of or an official update to the "Guidelines for Perinatal Care" prepared by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists or the "Standards for Obstetric-Gynecologic Services" prepared by the American College of Obstetricians and Gynecologists. Such coverage shall be provided incorporating any changes in such Guidelines or Standards within six months of the publication of such Guidelines or Standards or any official amendment thereto.

3. Include an appeals process for resolution of complaints that shall provide reasonable procedures for the resolution of such complaints and shall be published and disseminated to all covered state employees. The appeals process shall be compliant with federal rules and regulations governing nonfederal, self-insured governmental health plans. The appeals process shall include a separate expedited emergency appeals procedure that shall provide resolution within time frames established by federal law. For appeals involving adverse decisions as defined in § 32.1-137.7, the Department shall contract with one or more independent review organizations to review such decisions. Independent review organizations are entities that conduct independent external review of adverse benefit determinations. The Department shall adopt regulations to assure that the independent review organization conducting the reviews has adequate standards, credentials and experience for such review. The independent review organization shall examine the final denial of claims to determine whether the decision is objective, clinically valid, and compatible with established principles of health care. The decision of the independent review organization shall (i) be in writing, (ii) contain findings of fact as to the material issues in the case and the basis for those findings, and (iii) be final and binding if consistent with law and policy.

Prior to assigning an appeal to an independent review organization, the Department shall verify that the independent review organization conducting the review of a denial of claims has no relationship or association with (i) the covered person or the covered person's authorized representative; (ii) the treating health care provider, or any of its employees or affiliates; (iii) the medical care facility at which the covered service would be provided, or any of its employees or affiliates; or (iv) the development or manufacture of the drug, device, procedure or other therapy that is the subject of the final denial of a claim. The independent review organization shall not be a subsidiary of, nor owned or controlled by, a health plan, a trade association of health plans, or a professional association of health care providers. There shall be no liability on the part of and no cause of action shall arise against any officer or employee of an independent review organization for any actions taken or not taken or statements made by such officer or employee in good faith in the performance of his powers and duties.

4. Include coverage for early intervention services. For purposes of this section, "early intervention services" means medically necessary speech and language therapy, occupational therapy, physical therapy and assistive technology services and devices for dependents from birth to age three who are certified by the Department of Behavioral Health and

Developmental Services as eligible for services under Part H of the Individuals with Disabilities Education Act (20 U.S.C. § 1471 et seq.). Medically necessary early intervention services for the population certified by the Department of Behavioral Health and Developmental Services shall mean those services designed to help an individual attain or retain the capability to function age-appropriately within his environment, and shall include services that enhance functional ability without effecting a cure.

For persons previously covered under the plan, there shall be no denial of coverage due to the existence of a preexisting condition. The cost of early intervention services shall not be applied to any contractual provision limiting the total amount of coverage paid by the insurer to or on behalf of the insured during the insured's lifetime.

5. Include coverage for prescription drugs and devices approved by the United States Food and Drug Administration for use as contraceptives.

6. Not deny coverage for any drug approved by the United States Food and Drug Administration for use in the treatment of cancer on the basis that the drug has not been approved by the United States Food and Drug Administration for the treatment of the specific type of cancer for which the drug has been prescribed, if the drug has been recognized as safe and effective for treatment of that specific type of cancer in one of the standard reference compendia.

7. Not deny coverage for any drug prescribed to treat a covered indication so long as the drug has been approved by the United States Food and Drug Administration for at least one indication and the drug is recognized for treatment of the covered indication in one of the standard reference compendia or in substantially accepted peer-reviewed medical literature.

8. Include coverage for equipment, supplies and outpatient self-management training and education, including medical nutrition therapy, for the treatment of insulin-dependent diabetes, insulin-using diabetes, gestational diabetes and noninsulin-using diabetes if prescribed by a health care professional legally authorized to prescribe such items under law. To qualify for coverage under this subdivision, diabetes outpatient self-management training and education shall be provided by a certified, registered or licensed health care professional.

9. Include coverage for reconstructive breast surgery. For purposes of this section, "reconstructive breast surgery" means surgery performed on and after July 1, 1998, (i) coincident with a mastectomy performed for breast cancer or (ii) following a mastectomy performed for breast cancer to reestablish symmetry between the two breasts. For persons previously covered under the plan, there shall be no denial of coverage due to preexisting conditions.

10. Include coverage for annual pap smears, including coverage, on and after July 1, 1999, for annual testing performed by any FDA-approved gynecologic cytology screening technologies.

11. Include coverage providing a minimum stay in the hospital of not less than 48 hours for a patient following a radical or modified radical mastectomy and 24 hours of inpatient care following a total mastectomy or a partial mastectomy with lymph node dissection for treatment of breast cancer. Nothing in this subdivision shall be construed as requiring the provision of inpatient coverage where the attending physician in consultation with the patient determines that a shorter period of hospital stay is appropriate.

12. Include coverage (i) to persons age 50 and over and (ii) to persons age 40 and over who are at high risk for prostate cancer, according to the most recent published guidelines of the American Cancer Society, for one PSA test in a 12-month period and digital rectal examinations, all in accordance with American Cancer Society guidelines. For the purpose of this subdivision, "PSA testing" means the analysis of a blood sample to determine the level of prostate specific antigen.

13. Permit any individual covered under the plan direct access to the health care services of a participating specialist (i) authorized to provide services under the plan and (ii) selected by the covered individual. The plan shall have a procedure by which an individual who has an ongoing special condition may, after consultation with the primary care physician, receive a referral to a specialist for such condition who shall be responsible for and capable of providing and coordinating the individual's primary and specialty care related to the initial specialty care referral. If such an individual's care would most appropriately be coordinated by such a specialist, the plan shall refer the individual to a specialist. For the purposes of this subdivision, "special condition" means a condition or disease that is (i) life-threatening, degenerative, or disabling and (ii) requires specialized medical care over a prolonged period of time. Within the treatment period authorized by the referral, such specialist shall be permitted to treat the individual without a further referral from the individual's primary care provider and may authorize such referrals, procedures, tests, and other medical services related to the initial referral as the individual's primary care provider would otherwise be permitted to provide or authorize. The plan shall have a procedure by which an individual who has an ongoing special condition that requires ongoing care from a specialist may receive a standing referral to such specialist for the treatment of the special condition. If the primary care provider, in consultation with the plan and the specialist, if any, determines that such a standing referral is appropriate, the plan or issuer shall make such a referral to a specialist. Nothing contained herein shall prohibit the plan from requiring a participating specialist to provide written notification to the covered individual's primary care physician of any visit to such specialist. Such notification may include a description of the health care services rendered at the time of the visit.

14. Include provisions allowing employees to continue receiving health care services for a period of up to 90 days from the date of the primary care physician's notice of termination from any of the plan's provider panels. The plan shall notify any provider at least 90 days prior to the date of termination of the provider, except when the provider is terminated for cause.

For a period of at least 90 days from the date of the notice of a provider's termination from any of the plan's provider panels, except when a provider is terminated for cause, a provider shall be permitted by the plan to render health care

services to any of the covered employees who (i) were in an active course of treatment from the provider prior to the notice of termination and (ii) request to continue receiving health care services from the provider.

Notwithstanding the provisions of this subdivision, any provider shall be permitted by the plan to continue rendering health services to any covered employee who has entered the second trimester of pregnancy at the time of the provider's termination of participation, except when a provider is terminated for cause. Such treatment shall, at the covered employee's option, continue through the provision of postpartum care directly related to the delivery.

Notwithstanding the provisions of this subdivision, any provider shall be permitted to continue rendering health services to any covered employee who is determined to be terminally ill (as defined under § 1861(dd)(3)(A) of the Social Security Act) at the time of a provider's termination of participation, except when a provider is terminated for cause. Such treatment shall, at the covered employee's option, continue for the remainder of the employee's life for care directly related to the treatment of the terminal illness.

A provider who continues to render health care services pursuant to this subdivision shall be reimbursed in accordance with the carrier's agreement with such provider existing immediately before the provider's termination of participation.

15. Include coverage for patient costs incurred during participation in clinical trials for treatment studies on cancer, including ovarian cancer trials.

The reimbursement for patient costs incurred during participation in clinical trials for treatment studies on cancer shall be determined in the same manner as reimbursement is determined for other medical and surgical procedures. Such coverage shall have durational limits, dollar limits, deductibles, copayments and coinsurance factors that are no less favorable than for physical illness generally.

For purposes of this subdivision:

"Cooperative group" means a formal network of facilities that collaborate on research projects and have an established NIH-approved peer review program operating within the group. "Cooperative group" includes (i) the National Cancer Institute Clinical Cooperative Group and (ii) the National Cancer Institute Community Clinical Oncology Program.

"FDA" means the Federal Food and Drug Administration.

"Multiple project assurance contract" means a contract between an institution and the federal Department of Health and Human Services that defines the relationship of the institution to the federal Department of Health and Human Services and sets out the responsibilities of the institution and the procedures that will be used by the institution to protect human subjects.

"NCI" means the National Cancer Institute.

"NIH" means the National Institutes of Health.

"Patient" means a person covered under the plan established pursuant to this section.

"Patient cost" means the cost of a medically necessary health care service that is incurred as a result of the treatment being provided to a patient for purposes of a clinical trial. "Patient cost" does not include (i) the cost of nonhealth care services that a patient may be required to receive as a result of the treatment being provided for purposes of a clinical trial, (ii) costs associated with managing the research associated with the clinical trial, or (iii) the cost of the investigational drug or device.

Coverage for patient costs incurred during clinical trials for treatment studies on cancer shall be provided if the treatment is being conducted in a Phase II, Phase III, or Phase IV clinical trial. Such treatment may, however, be provided on a case-by-case basis if the treatment is being provided in a Phase I clinical trial.

The treatment described in the previous paragraph shall be provided by a clinical trial approved by:

- a. The National Cancer Institute;
- b. An NCI cooperative group or an NCI center;
- c. The FDA in the form of an investigational new drug application;
- d. The federal Department of Veterans Affairs; or
- e. An institutional review board of an institution in the Commonwealth that has a multiple project assurance contract approved by the Office of Protection from Research Risks of the NCI.

The facility and personnel providing the treatment shall be capable of doing so by virtue of their experience, training, and expertise.

Coverage under this subdivision shall apply only if:

(1) There is no clearly superior, noninvestigational treatment alternative;

(2) The available clinical or preclinical data provide a reasonable expectation that the treatment will be at least as effective as the noninvestigational alternative; and

(3) The patient and the physician or health care provider who provides services to the patient under the plan conclude that the patient's participation in the clinical trial would be appropriate, pursuant to procedures established by the plan.

16. Include coverage providing a minimum stay in the hospital of not less than 23 hours for a covered employee following a laparoscopy-assisted vaginal hysterectomy and 48 hours for a covered employee following a vaginal hysterectomy, as outlined in Milliman & Robertson's nationally recognized guidelines. Nothing in this subdivision shall be construed as requiring the provision of the total hours referenced when the attending physician, in consultation with the covered employee, determines that a shorter hospital stay is appropriate.

17. Include coverage for biologically based mental illness.

For purposes of this subdivision, a "biologically based mental illness" is any mental or nervous condition caused by a biological disorder of the brain that results in a clinically significant syndrome that substantially limits the person's functioning; specifically, the following diagnoses are defined as biologically based mental illness as they apply to adults and children: schizophrenia, schizoaffective disorder, bipolar disorder, major depressive disorder, panic disorder, obsessive-compulsive disorder, attention deficit hyperactivity disorder, autism, and drug and alcoholism addiction.

Coverage for biologically based mental illnesses shall neither be different nor separate from coverage for any other illness, condition or disorder for purposes of determining deductibles, benefit year or lifetime durational limits, benefit year or lifetime dollar limits, lifetime episodes or treatment limits, copayment and coinsurance factors, and benefit year maximum for deductibles and copayment and coinsurance factors.

Nothing shall preclude the undertaking of usual and customary procedures to determine the appropriateness of, and medical necessity for, treatment of biologically based mental illnesses under this option, provided that all such appropriateness and medical necessity determinations are made in the same manner as those determinations made for the treatment of any other illness, condition or disorder covered by such policy or contract.

18. Offer and make available coverage for the treatment of morbid obesity through gastric bypass surgery or such other methods as may be recognized by the National Institutes of Health as effective for the long-term reversal of morbid obesity. Such coverage shall have durational limits, dollar limits, deductibles, copayments and coinsurance factors that are no less favorable than for physical illness generally. Access to surgery for morbid obesity shall not be restricted based upon dietary or any other criteria not approved by the National Institutes of Health. For purposes of this subdivision, "morbid obesity" means (i) a weight that is at least 100 pounds over or twice the ideal weight for frame, age, height, and gender as specified in the 1983 Metropolitan Life Insurance tables, (ii) a body mass index (BMI) equal to or greater than 35 kilograms per meter squared with comorbidity or coexisting medical conditions such as hypertension, cardiopulmonary conditions, sleep apnea, or diabetes, or (iii) a BMI of 40 kilograms per meter squared without such comorbidity. As used herein, "BMI" equals weight in kilograms divided by height in meters squared.

19. Include coverage for colorectal cancer screening, specifically screening with an annual fecal occult blood test, flexible sigmoidoscopy or colonoscopy, or in appropriate circumstances radiologic imaging, in accordance with the most recently published recommendations established by the American College of Gastroenterology, in consultation with the American Cancer Society, for the ages, family histories, and frequencies referenced in such recommendations. The coverage for colorectal cancer screening shall not be more restrictive than or separate from coverage provided for any other illness, condition or disorder for purposes of determining deductibles, benefit year or lifetime durational limits, benefit year or lifetime dollar limits, lifetime episodes or treatment limits, copayment and coinsurance factors, and benefit year maximum for deductibles and copayments and coinsurance factors.

20. On and after July 1, 2002, require that a prescription benefit card, health insurance benefit card, or other technology that complies with the requirements set forth in § 38.2-3407.4:2 be issued to each employee provided coverage pursuant to this section, and shall upon any changes in the required data elements set forth in subsection A of § 38.2-3407.4:2, either reissue the card or provide employees covered under the plan such corrective information as may be required to electronically process a prescription claim.

21. Include coverage for infant hearing screenings and all necessary audiological examinations provided pursuant to § 32.1-64.1 using any technology approved by the United States Food and Drug Administration, and as recommended by the national Joint Committee on Infant Hearing in its most current position statement addressing early hearing detection and intervention programs. Such coverage shall include follow-up audiological examinations as recommended by a physician, physician assistant, nurse practitioner or audiologist and performed by a licensed audiologist to confirm the existence or absence of hearing loss.

22. Notwithstanding any provision of this section to the contrary, every plan established in accordance with this section shall comply with the provisions of § 2.2-2818.2.

C. Claims incurred during a fiscal year but not reported during that fiscal year shall be paid from such funds as shall be appropriated by law. Appropriations, premiums and other payments shall be deposited in the employee health insurance fund, from which payments for claims, premiums, cost containment programs and administrative expenses shall be withdrawn from time to time. The funds of the health insurance fund shall be deemed separate and independent trust funds, shall be segregated from all other funds of the Commonwealth, and shall be invested and administered solely in the interests of the employees and their beneficiaries. Neither the General Assembly nor any public officer, employee, or agency shall use or authorize the use of such trust funds for any purpose other than as provided in law for benefits, refunds, and administrative expenses, including but not limited to legislative oversight of the health insurance fund.

D. For the purposes of this section:

~~"Part-time state employees" means classified or similarly situated employees in legislative, executive, judicial or independent agencies who are compensated on a salaried basis and work at least 20 hours, but less than 32 hours, per week.~~

"Peer-reviewed medical literature" means a scientific study published only after having been critically reviewed for scientific accuracy, validity, and reliability by unbiased independent experts in a journal that has been determined by the International Committee of Medical Journal Editors to have met the Uniform Requirements for Manuscripts submitted to biomedical journals. Peer-reviewed medical literature does not include publications or supplements to publications that are sponsored to a significant extent by a pharmaceutical manufacturing company or health carrier.

"Standard reference compendia" means:

1. American Hospital Formulary Service - Drug Information;
2. National Comprehensive Cancer Network's Drugs & Biologics Compendium; or
3. Elsevier Gold Standard's Clinical Pharmacology.

"State employee" means state employee as defined in § 51.1-124.3; employee as defined in § 51.1-201; the Governor, Lieutenant Governor and Attorney General; judge as defined in § 51.1-301 and judges, clerks and deputy clerks of regional juvenile and domestic relations, county juvenile and domestic relations, and district courts of the Commonwealth; and interns and residents employed by the School of Medicine and Hospital of the University of Virginia, and interns, residents, and employees of the Virginia Commonwealth University Health System Authority as provided in § 23-50.16:24.

E. Provisions shall be made for retired employees to obtain coverage under the above plan, including, as an option, coverage for vision and dental care. The Commonwealth may, but shall not be obligated to, pay all or any portion of the cost thereof.

F. Any self-insured group health insurance plan established by the Department of Human Resource Management that utilizes a network of preferred providers shall not exclude any physician solely on the basis of a reprimand or censure from the Board of Medicine, so long as the physician otherwise meets the plan criteria established by the Department.

G. The plan shall include, in each planning district, at least two health coverage options, each sponsored by unrelated entities. No later than July 1, 2006, one of the health coverage options to be available in each planning district shall be a high deductible health plan that would qualify for a health savings account pursuant to § 223 of the Internal Revenue Code of 1986, as amended.

In each planning district that does not have an available health coverage alternative, the Department shall voluntarily enter into negotiations at any time with any health coverage provider who seeks to provide coverage under the plan.

This subsection shall not apply to any state agency authorized by the Department to establish and administer its own health insurance coverage plan separate from the plan established by the Department.

H. Any self-insured group health insurance plan established by the Department of Human Resource Management that includes coverage for prescription drugs on an outpatient basis may apply a formulary to the prescription drug benefits provided by the plan if the formulary is developed, reviewed at least annually, and updated as necessary in consultation with and with the approval of a pharmacy and therapeutics committee, a majority of whose members are actively practicing licensed (i) pharmacists, (ii) physicians, and (iii) other health care providers.

If the plan maintains one or more drug formularies, the plan shall establish a process to allow a person to obtain, without additional cost-sharing beyond that provided for formulary prescription drugs in the plan, a specific, medically necessary nonformulary prescription drug if, after reasonable investigation and consultation with the prescriber, the formulary drug is determined to be an inappropriate therapy for the medical condition of the person. The plan shall act on such requests within one business day of receipt of the request.

Any plan established in accordance with this section shall be authorized to provide for the selection of a single mail order pharmacy provider as the exclusive provider of pharmacy services that are delivered to the covered person's address by mail, common carrier, or delivery service. As used in this subsection, "mail order pharmacy provider" means a pharmacy permitted to conduct business in the Commonwealth whose primary business is to dispense a prescription drug or device under a prescriptive drug order and to deliver the drug or device to a patient primarily by mail, common carrier, or delivery service.

I. Any plan established in accordance with this section requiring preauthorization prior to rendering medical treatment shall have personnel available to provide authorization at all times when such preauthorization is required.

J. Any plan established in accordance with this section shall provide to all covered employees written notice of any benefit reductions during the contract period at least 30 days before such reductions become effective.

K. No contract between a provider and any plan established in accordance with this section shall include provisions that require a health care provider or health care provider group to deny covered services that such provider or group knows to be medically necessary and appropriate that are provided with respect to a covered employee with similar medical conditions.

L. The Department of Human Resource Management shall appoint an Ombudsman to promote and protect the interests of covered employees under any state employee's health plan.

The Ombudsman shall:

1. Assist covered employees in understanding their rights and the processes available to them according to their state health plan.
2. Answer inquiries from covered employees by telephone and electronic mail.
3. Provide to covered employees information concerning the state health plans.
4. Develop information on the types of health plans available, including benefits and complaint procedures and appeals.
5. Make available, either separately or through an existing Internet web site utilized by the Department of Human Resource Management, information as set forth in subdivision 4 and such additional information as he deems appropriate.
6. Maintain data on inquiries received, the types of assistance requested, any actions taken and the disposition of each such matter.
7. Upon request, assist covered employees in using the procedures and processes available to them from their health plan, including all appeal procedures. Such assistance may require the review of health care records of a covered employee,

which shall be done only in accordance with the federal Health Insurance Portability and Accountability Act privacy rules. The confidentiality of any such medical records shall be maintained in accordance with the confidentiality and disclosure laws of the Commonwealth.

8. Ensure that covered employees have access to the services provided by the Ombudsman and that the covered employees receive timely responses from the Ombudsman or his representatives to the inquiries.

9. Report annually on his activities to the standing committees of the General Assembly having jurisdiction over insurance and over health and the Joint Commission on Health Care by December 1 of each year.

M. The plan established in accordance with this section shall not refuse to accept or make reimbursement pursuant to an assignment of benefits made to a dentist or oral surgeon by a covered employee.

For purposes of this subsection, "assignment of benefits" means the transfer of dental care coverage reimbursement benefits or other rights under the plan. The assignment of benefits shall not be effective until the covered employee notifies the plan in writing of the assignment.

N. Beginning July 1, 2006, any plan established pursuant to this section shall provide for an identification number, which shall be assigned to the covered employee and shall not be the same as the employee's social security number.

O. Any group health insurance plan established by the Department of Human Resource Management that contains a coordination of benefits provision shall provide written notification to any eligible employee as a prominent part of its enrollment materials that if such eligible employee is covered under another group accident and sickness insurance policy, group accident and sickness subscription contract, or group health care plan for health care services, that insurance policy, subscription contract or health care plan may have primary responsibility for the covered expenses of other family members enrolled with the eligible employee. Such written notification shall describe generally the conditions upon which the other coverage would be primary for dependent children enrolled under the eligible employee's coverage and the method by which the eligible enrollee may verify from the plan that coverage would have primary responsibility for the covered expenses of each family member.

P. Any plan established by the Department of Human Resource Management pursuant to this section shall provide that coverage under such plan for family members enrolled under a participating state employee's coverage shall continue for a period of at least 30 days following the death of such state employee.

Q. The plan established in accordance with this section that follows a policy of sending its payment to the covered employee or covered family member for a claim for services received from a nonparticipating physician or osteopath shall (i) include language in the member handbook that notifies the covered employee of the responsibility to apply the plan payment to the claim from such nonparticipating provider, (ii) include this language with any such payment sent to the covered employee or covered family member, and (iii) include the name and any last known address of the nonparticipating provider on the explanation of benefits statement.

R. The Department of Human Resource Management shall report annually, by November 30 of each year, on cost and utilization information for each of the mandated benefits set forth in subsection B, including any mandated benefit made applicable, pursuant to subdivision B 22, to any plan established pursuant to this section. The report shall be in the same detail and form as required of reports submitted pursuant to § 38.2-3419.1, with such additional information as is required to determine the financial impact, including the costs and benefits, of the particular mandated benefit.

CHAPTER 632

An Act to amend and reenact §§ 55-248.13, 55-248.16, and 55-248.18 of the Code of Virginia, relating to required installation of carbon monoxide alarms in rental dwelling units.

[S 490]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 55-248.13, 55-248.16, and 55-248.18 of the Code of Virginia are amended and reenacted as follows:

§ 55-248.13. Landlord to maintain fit premises.

A. The landlord shall:

1. Comply with the requirements of applicable building and housing codes materially affecting health and safety;
2. Make all repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition;
3. Keep all common areas shared by two or more dwelling units of the premises in a clean and structurally safe condition;
4. Maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appliances, including elevators, supplied or required to be supplied by him;
5. Maintain the premises in such a condition as to prevent the accumulation of moisture and the growth of mold, and to promptly respond to any notices from a tenant as provided in subdivision A 10 of § 55-248.16;
6. Provide and maintain appropriate receptacles and conveniences, in common areas, for the collection, storage, and removal of ashes, garbage, rubbish and other waste incidental to the occupancy of two or more dwelling units and arrange for the removal of same; ~~and~~

7. Supply running water and reasonable amounts of hot water at all times and reasonable air conditioning if provided and heat in season except where the dwelling unit is so constructed that heat, air conditioning or hot water is generated by an installation within the exclusive control of the tenant or supplied by a direct public utility connection; *and*

8. *Maintain any carbon monoxide alarm that has been installed by the landlord in a dwelling unit.*

B. The landlord shall perform the duties imposed by subsection A in accordance with law; however, the landlord shall only be liable for the tenant's actual damages proximately caused by the landlord's failure to exercise ordinary care.

C. If the duty imposed by subdivision 1 of subsection A is greater than any duty imposed by any other subdivision of that subsection, the landlord's duty shall be determined by reference to subdivision 1 of subsection A.

D. The landlord and tenant may agree in writing that the tenant perform the landlord's duties specified in subdivisions 3, 6, and 7 of subsection A and also specified repairs, maintenance tasks, alterations and remodeling, but only if the transaction is entered into in good faith and not for the purpose of evading the obligations of the landlord, and if the agreement does not diminish or affect the obligation of the landlord to other tenants in the premises.

§ 55-248.16. Tenant to maintain dwelling unit.

A. In addition to the provisions of the rental agreement, the tenant shall:

1. Comply with all obligations primarily imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety;

2. Keep that part of the dwelling unit and the part of the premises that he occupies and uses as clean and safe as the condition of the premises permit;

3. Keep that part of the dwelling unit and the part of the premises that he occupies free from insects and pests, as those terms are defined in § 3.2-3900, and to promptly notify the landlord of the existence of any insects or pests;

4. Remove from his dwelling unit all ashes, garbage, rubbish and other waste in a clean and safe manner and in the appropriate receptacles provided by the landlord pursuant to § 55-248.13, if such disposal is on the premises;

5. Keep all plumbing fixtures in the dwelling unit or used by the tenant as clean as their condition permits;

6. Use in a reasonable manner all utilities and all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appliances including elevators in the premises, and keep all utility services paid for by the tenant to the utility service provider or its agent on at all times during the term of the rental agreement;

7. Not deliberately or negligently destroy, deface, damage, impair or remove any part of the premises or permit any person to do so whether known by the tenant or not;

8. Not remove or tamper with a properly functioning smoke detector installed by the landlord, including removing any working batteries, so as to render the detector inoperative and shall maintain the smoke detector in accordance with the uniform set of standards for maintenance of smoke detectors established in the Uniform Statewide Building Code (§ 36-97 et seq.);

9. Not remove or tamper with a properly functioning carbon monoxide ~~detector~~ *alarm* installed by the landlord, including removing any working batteries, so as to render the carbon monoxide detector inoperative;

10. Use reasonable efforts to maintain the dwelling unit and any other part of the premises that he occupies in such a condition as to prevent accumulation of moisture and the growth of mold, and to promptly notify the landlord of any moisture accumulation that occurs or of any visible evidence of mold discovered by the tenant;

11. Not paint or disturb painted surfaces or make alterations in the dwelling unit without the prior written approval of the landlord provided (i) the dwelling unit was constructed prior to 1978 and therefore requires the landlord to provide the tenant with lead-based paint disclosures and (ii) the landlord has provided the tenant with such disclosures and the rental agreement provides that the tenant is required to obtain the landlord's prior written approval before painting, disturbing painted surfaces or making alterations in the dwelling unit;

12. Be responsible for his conduct and the conduct of other persons on the premises with his consent whether known by the tenant or not, to ensure that his neighbors' peaceful enjoyment of the premises will not be disturbed; and

13. Abide by all reasonable rules and regulations imposed by the landlord pursuant to § 55-248.17.

B. If the duty imposed by subdivision 1 of subsection A is greater than any duty imposed by any other subdivision of that subsection, the tenant's duty shall be determined by reference to subdivision 1.

§ 55-248.18. Access; consent; correction of nonemergency conditions; relocation of tenant.

A. The tenant shall not unreasonably withhold consent to the landlord to enter into the dwelling unit in order to inspect the premises, make necessary or agreed repairs, decorations, alterations or improvements, supply necessary or agreed services or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workmen or contractors. The landlord may enter the dwelling unit without consent of the tenant in case of emergency. The landlord shall not abuse the right of access or use it to harass the tenant. Except in case of emergency or if it is impractical to do so, the landlord shall give the tenant notice of his intent to enter and may enter only at reasonable times. Unless impractical to do so, the landlord shall give the tenant at least 24-hours' notice of routine maintenance to be performed that has not been requested by the tenant. If the tenant makes a request for maintenance, the landlord is not required to provide notice to the tenant.

B. Upon the sole determination by the landlord of the existence of a nonemergency property condition in the dwelling unit that requires the tenant to temporarily vacate the dwelling unit in order for the landlord to properly remedy such property condition, the landlord may, upon at least 30 days' written notice to the tenant, require the tenant to temporarily vacate the dwelling unit for a period not to exceed 30 days to a comparable dwelling unit, as selected by the landlord, and at no expense or cost to the tenant. For purposes of this subsection, "nonemergency property condition" means (i) a condition

in the dwelling unit that, in the determination of the landlord, is necessary for the landlord to remedy in order for the landlord to be in compliance with § 55-248.13; (ii) the condition does not need to be remedied within a 24-hour period, with any condition that needs to be remedied within 24 hours being defined as an "emergency condition"; and (iii) the condition can only be effectively remedied by the temporary relocation of the tenant pursuant to the provisions of this subsection.

The tenant shall continue to be responsible for payment of rent under the rental agreement during the period of any temporary relocation. The landlord shall pay all costs of repairs or remediation required to address the property condition. Refusal of the tenant to cooperate with a temporary relocation pursuant to this subsection shall be deemed a breach of the rental agreement, unless the tenant agrees to vacate the unit and terminate the rental agreement within the 30-day notice period. If the landlord properly remedies the nonemergency property condition within the 30-day period, nothing herein shall be construed to entitle the tenant to terminate the rental agreement. Further, nothing herein shall be construed to limit the landlord from taking legal action against the tenant for any noncompliance that occurs during the period of any temporary relocation pursuant to this section.

C. The landlord has no other right to access except by court order or that permitted by §§ 55-248.32 and 55-248.33 or if the tenant has abandoned or surrendered the premises.

D. The tenant may install, within the dwelling unit, new burglary prevention, including chain latch devices approved by the landlord, ~~carbon monoxide detection devices~~, and fire detection devices, that the tenant may believe necessary to ensure his safety, provided:

1. Installation does no permanent damage to any part of the dwelling unit.
2. A duplicate of all keys and instructions of how to operate all devices are given to the landlord.
3. Upon termination of the tenancy the tenant shall be responsible for payment to the landlord for reasonable costs incurred for the removal of all such devices and repairs to all damaged areas.

E. *Upon written request of the tenant, the landlord shall install a carbon monoxide alarm in the tenant's dwelling unit within 90 days of such request and may charge the tenant a reasonable fee to recover the costs of such installation. The landlord's installation of a carbon monoxide alarm shall be in compliance with the Uniform Statewide Building Code.*

CHAPTER 633

An Act to amend and reenact § 4.1-210 of the Code of Virginia, relating to alcoholic beverage control; limited mixed beverage restaurant licenses.

[S 502]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-210 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-210. Mixed beverages licenses.

A. Subject to the provisions of § 4.1-124, the Board may grant the following licenses relating to mixed beverages:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this paragraph, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board.

If the restaurant is located on the premises of a hotel or motel with not less than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms and other private rooms of such hotel or motel, such licensee may (i) sell and serve mixed beverages for consumption in such designated areas, bedrooms and other private rooms and (ii) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit or profit club exclusively for its members and their guests, or members of another private, nonprofit or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to sell and serve mixed beverages for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food

sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage special events licenses, to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

5. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating a performing arts facility, (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings and objects significant in American history and culture, or (iii) a duly organized nonprofit corporation that has been granted an exemption from federal taxation under § 501(c)(3) of the U.S. Internal Revenue Code of 1986 that owns any rural event and entertainment park or similar facility that has a minimum of 60,000 square feet of indoor exhibit space and equine and other livestock show areas. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease the original term of which was for more than one year's duration. Such license shall authorize the sale, on the dates of performances or events in furtherance of the purposes of the nonprofit corporation or association, of alcoholic beverages, for on-premises consumption in areas upon the licensed premises approved by the Board.

6. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train, boat or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth.

7. Mixed beverage club events licenses, which shall authorize a club holding a beer or wine and beer club license to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year.

8. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

9. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

10. Annual mixed beverage motor sports facility license to persons operating food concessions at any outdoor motor sports road racing club facility, of which the track surface is 3.27 miles in length, on 1,200 acres of rural property bordering the Dan River, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

11. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for its members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year.

12. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the restaurant. Such license may be granted only to

persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, *together with the sale of any other alcoholic beverages*, exceed 10 percent of the total annual gross sales of *all food and alcoholic beverages*.

13. Annual mixed beverage motor sports facility licenses to persons operating concessions at an outdoor motor sports facility that hosts a NASCAR national touring race, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for on-premises consumption.

14. Annual mixed beverage performing arts facility license to corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

B. The granting of any license under subdivision A 1, 6, 7, 8, 9, 10, 11, 12, 13, or 14 shall automatically include a license to sell and serve wine and beer for on-premises consumption. The licensee shall pay the state and local taxes required by §§ 4.1-231 and 4.1-233.

CHAPTER 634

An Act to amend the Code of Virginia by adding a section numbered 30-19.8:2, relating to absences on legislative commissions.

[S 538]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 30-19.8:2 as follows:

§ 30-19.8:2. Absences on legislative commissions.

The absence of any appointed nonlegislative citizen member from three consecutive regular meetings of any joint subcommittee, board, commission, authority, council, or other body that has been created or established in the legislative branch unless on account of sickness shall be sufficient cause for the original appointing authority to declare the position vacated and to fill such vacancy.

CHAPTER 635

An Act to amend and reenact § 2.2-3903 of the Code of Virginia, relating to the Virginia Human Rights Act; causes of action for age discrimination.

[S 587]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3903 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3903. Causes of action not created.

A. Nothing in this chapter or in Article 4 (§ 2.2-520 et seq.) of Chapter 5 creates, nor shall it be construed to create, an independent or private cause of action to enforce its provisions, except as specifically provided in subsections B and C.

B. No employer employing more than five but less than 15 persons shall discharge any such employee on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, including lactation; ~~or of age if the employee is 40 years of age or older.~~ *No employer employing more than five but less than 20 persons shall discharge any such employee on the basis of age if the employee is 40 years of age or older.* For the purposes of this section, "lactation" means a condition that may result in the feeding of a child directly from the breast or the expressing of milk from the breast.

C. The employee may bring an action in a general district or circuit court having jurisdiction over the employer who allegedly discharged the employee in violation of this section. Any such action shall be brought within 300 days from the date of the discharge or, if the employee has filed a complaint with the Division of Human Rights of the Department of Law or a local human rights or human relations agency or commission within 300 days of the discharge, such action shall be brought within 90 days from the date that the Division or a local human rights or human relations agency or commission has rendered a final disposition on the complaint. The court may award up to 12 months' back pay with interest at the judgment rate as provided in § 6.2-302. However, if the court finds that either party engaged in tactics to delay resolution of the complaint, it may (i) diminish the award or (ii) award back pay to the date of judgment without regard to the 12-month limitation.

In any case where the employee prevails, the court shall award attorney fees from the amount recovered, not to exceed 25 percent of the back pay awarded. The court shall not award other damages, compensatory or punitive, nor shall it order reinstatement of the employee.

D. Causes of action based upon the public policies reflected in this chapter shall be exclusively limited to those actions, procedures, and remedies, if any, afforded by applicable federal or state civil rights statutes or local ordinances. Nothing in this section or § 2.2-3900 shall be deemed to alter, supersede, or otherwise modify the authority of the Division or of any local human rights or human relations commissions established pursuant to § 15.2-853 or 15.2-965.

CHAPTER 636

An Act to amend and reenact § 9.1-151 of the Code of Virginia, relating to Court-Appointed Special Advocate Program; eligibility.

[S 592]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-151 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-151. Court-Appointed Special Advocate Program; appointment of advisory committee.

A. There is established a Court-Appointed Special Advocate Program (the Program) that shall be administered by the Department. The Program shall provide services in accordance with this article to children who are subjects of judicial proceedings (i) involving allegations that the child is abused, neglected, in need of services, or in need of supervision or (ii) for the restoration of parental rights pursuant to § 16.1-283.2 and for whom the juvenile and domestic relations district court judge determines such services are appropriate. *Court-Appointed Special Advocate volunteer appointments may continue for youth 18 years of age and older who are in foster care if the court has retained jurisdiction pursuant to § 16.1-242 and the juvenile and domestic relations district court judge determines such services are appropriate.* The Department shall adopt regulations necessary and appropriate for the administration of the Program.

B. The Board shall appoint an Advisory Committee to the Court-Appointed Special Advocate Program, consisting of 15 members, knowledgeable of court matters, child welfare, and juvenile justice issues and representative of both state and local interests. The duties of the Advisory Committee shall be to advise the Board on all matters relating to the Program and the needs of the clients served by the Program, and to make such recommendations as it may deem desirable.

CHAPTER 637

An Act to amend and reenact §§ 4.1-231 and 4.1-233 of the Code of Virginia, relating to alcoholic beverage control; state and local license taxes on certain brewery licensees.

[S 596]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-231 and 4.1-233 of the Code of Virginia are amended and reenacted as follows:

§ 4.1-231. Taxes on state licenses.

A. The annual fees on state licenses shall be as follows:

1. Alcoholic beverage licenses. For each:

a. Distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, \$450; and if more than 5,000 gallons manufactured during such year, \$3,725;

b. Fruit distiller's license, \$3,725;

c. Banquet facility license or museum license, \$190;

d. Bed and breakfast establishment license, \$35;

e. Tasting license, \$40 per license granted;

f. Equine sporting event license, \$130;

g. Motor car sporting event facility license, \$130;

h. Day spa license, \$100;

i. Delivery permit, \$120 if the permittee holds no other license under this title;

j. Meal-assembly kitchen license, \$100; and

k. Canal boat operator license, \$100.

2. Wine licenses. For each:

a. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, \$189, and if more than 5,000 gallons manufactured during such year, \$3,725;

b. (1) Wholesale wine license, \$185 for any wholesaler who sells 30,000 gallons of wine or less per year, \$930 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, \$1,430 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and, \$1,860 for any wholesaler who sells more than 300,000 gallons of wine per year;

(2) Wholesale wine license, including that granted pursuant to § 4.1-207.1, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license;

c. Wine importer's license, \$370;
d. Retail off-premises winery license, \$145, which shall include a delivery permit;
e. Farm winery license, \$190 for any Class A license and \$3,725 for any Class B license, each of which shall include a delivery permit;

f. Wine shipper's license, \$95; and
g. Internet wine retailer license, \$150.

3. Beer licenses. For each:

a. Brewery license, *if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$350; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, \$2,150; and if more than 10,000 barrels manufactured during such year, \$4,300;*

b. Bottler's license, \$1,430;

c. (1) Wholesale beer license, \$930 for any wholesaler who sells 300,000 cases of beer a year or less, and \$1,430 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and \$1,860 for any wholesaler who sells more than 600,000 cases of beer a year;

(2) Wholesale beer license applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision c (1), multiplied by the number of separate locations covered by the license;

d. Beer importer's license, \$370;

e. Retail on-premises beer license to a hotel, restaurant, club or other person, except a common carrier of passengers by train or boat, \$145; for each such license to a common carrier of passengers by train or boat, \$145 per annum for each of the average number of boats, dining cars, buffet cars or club cars operated daily in the Commonwealth;

f. Retail off-premises beer license, \$120, which shall include a delivery permit;

g. Retail on-and-off premises beer license to a hotel, restaurant, club or grocery store located in a town or in a rural area outside the corporate limits of any city or town, \$300, which shall include a delivery permit;

h. Beer shipper's license, \$95; and

i. Retail off-premises brewery license, \$120, which shall include a delivery permit.

4. Wine and beer licenses. For each:

a. Retail on-premises wine and beer license to a hotel, restaurant, club or other person, except a common carrier of passengers by train, boat or airplane, \$300; for each such license to a common carrier of passengers by train or boat, \$300 per annum for each of the average number of boats, dining cars, buffet cars or club cars operated daily in the Commonwealth, and for each such license granted to a common carrier of passengers by airplane, \$750;

b. Retail on-premises wine and beer license to a hospital, \$145;

c. Retail off-premises wine and beer license, including each gift shop, gourmet shop and convenience grocery store license, \$230, which shall include a delivery permit;

d. Retail on-and-off premises wine and beer license to a hotel, restaurant or club, \$600, which shall include a delivery permit;

e. Banquet license, \$40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215 for events occurring on more than one day, which shall be \$100 per license;

f. Gourmet brewing shop license, \$230;

g. Wine and beer shipper's license, \$95;

h. Annual banquet license, \$150;

i. Fulfillment warehouse license, \$120;

j. Marketing portal license, \$150; and

k. Gourmet oyster house license, \$230.

5. Mixed beverage licenses. For each:

a. Mixed beverage restaurant license granted to persons operating restaurants, including restaurants located on premises of and operated by hotels or motels, or other persons:

(i) With a seating capacity at tables for up to 100 persons, \$560;

(ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$975; and

(iii) With a seating capacity at tables for more than 150 persons, \$1,430.

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:

(i) With an average yearly membership of not more than 200 resident members, \$750;

(ii) With an average yearly membership of more than 200 but not more than 500 resident members, \$1,860; and

(iii) With an average yearly membership of more than 500 resident members, \$2,765.

c. Mixed beverage caterer's license, \$1,860;

d. Mixed beverage limited caterer's license, \$500;

e. Mixed beverage special events license, \$45 for each day of each event;

f. Mixed beverage club events licenses, \$35 for each day of each event;

- g. Annual mixed beverage special events license, \$560;
 - h. Mixed beverage carrier license:
 - (i) \$190 for each of the average number of dining cars, buffet cars or club cars operated daily in the Commonwealth by a common carrier of passengers by train;
 - (ii) \$560 for each common carrier of passengers by boat;
 - (iii) \$1,475 for each license granted to a common carrier of passengers by airplane.
 - i. Annual mixed beverage amphitheater license, \$560;
 - j. Annual mixed beverage motor sports race track license, \$560;
 - k. Annual mixed beverage banquet license, \$500;
 - l. Limited mixed beverage restaurant license:
 - (i) With a seating capacity at tables for up to 100 persons, \$460;
 - (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$875;
 - (iii) With a seating capacity at tables for more than 150 persons, \$1,330;
 - m. Annual mixed beverage motor sports facility license, \$560; and
 - n. Annual mixed beverage performing arts facility license, \$560.
6. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.

B. The tax on each such license, except banquet and mixed beverage special events licenses, shall be subject to proration to the following extent: If the license is granted in the second quarter of any year, the tax shall be decreased by one-fourth; if granted in the third quarter of any year, the tax shall be decreased by one-half; and if granted in the fourth quarter of any year, the tax shall be decreased by three-fourths.

If the license on which the tax is prorated is a distiller's license to manufacture not more than 5,000 gallons of alcohol or spirits, or both, during the year in which the license is granted, or a winery license to manufacture not more than 5,000 gallons of wine during the year in which the license is granted, the number of gallons permitted to be manufactured shall be prorated in the same manner.

Should the holder of a distiller's license or a winery license to manufacture not more than 5,000 gallons of alcohol or spirits, or both, or wine, apply during the license year for an unlimited distiller's or winery license, such person shall pay for such unlimited license a license tax equal to the amount that would have been charged had such license been applied for at the time that the license to manufacture less than 5,000 gallons of alcohol or spirits or wine, as the case may be, was granted, and such person shall be entitled to a refund of the amount of license tax previously paid on the limited license.

Notwithstanding the foregoing, the tax on each license granted or reissued for a period of less than 12 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period.

C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first \$163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first \$163,800 of wine purchases shall be disregarded.

§ 4.1-233. Taxes on local licenses.

A. In addition to the state license taxes, the annual local license taxes which may be collected shall not exceed the following sums:

- 1. Alcoholic beverages. - For each:
 - a. Distiller's license, \$1,000; no local license shall be required for any person who manufactures not more than 5,000 gallons of alcohol or spirits, or both, during such license year;
 - b. Fruit distiller's license, \$1,500;
 - c. Bed and breakfast establishment license, \$40;
 - d. Museum license, \$10;
 - e. Tasting license, \$5 per license granted;
 - f. Equine sporting event license, \$10;
 - g. Day spa license, \$20;
 - h. Motor car sporting event facility license, \$10;
 - i. Meal-assembly kitchen license, \$20; and
 - j. Canal boat operator license, \$20.
- 2. Beer. - For each:
 - a. Brewery license, *if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$250, and if more than 500 barrels of beer manufactured during the year in which the license is granted, \$1,000;*
 - b. Bottler's license, \$500;
 - c. Wholesale beer license, in a city, \$250, and in a county or town, \$75;

d. Retail on-premises beer license for a hotel, restaurant or club and for each retail off-premises beer license in a city, \$100, and in a county or town, \$25; and

e. Beer shipper's license, \$10.

3. Wine. - For each:

a. Winery license, \$50;

b. Wholesale wine license, \$50;

c. Farm winery license, \$50; and

d. Wine shipper's license, \$10.

4. Wine and beer. - For each:

a. Retail on-premises wine and beer license for a hotel, restaurant or club; and for each retail off-premises wine and beer license, including each gift shop, gourmet shop and convenience grocery store license, in a city, \$150, and in a county or town, \$37.50;

b. Hospital license, \$10;

c. Banquet license, \$5 for each license granted, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215 for events occurring on more than one day, which shall be \$20 per license;

d. Gourmet brewing shop license, \$150;

e. Wine and beer shipper's license, \$10;

f. Annual banquet license, \$15; and

g. Gourmet oyster house license, in a city, \$150, and in a county or town, \$37.50.

5. Mixed beverages. - For each:

a. Mixed beverage restaurant license, including restaurants located on the premises of and operated by hotels or motels, or other persons:

(i) With a seating capacity at tables for up to 100 persons, \$200;

(ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$350; and

(iii) With a seating capacity at tables for more than 150 persons, \$500.

b. Private, nonprofit club operating a restaurant located on the premises of such club, \$350;

c. Mixed beverage caterer's license, \$500;

d. Mixed beverage limited caterer's license, \$100;

e. Mixed beverage special events licenses, \$10 for each day of each event;

f. Mixed beverage club events licenses, \$10 for each day of each event;

g. Annual mixed beverage amphitheater license, \$300;

h. Annual mixed beverage motor sports race track license, \$300;

i. Annual mixed beverage banquet license, \$75;

j. Limited mixed beverage restaurant license:

(i) With a seating capacity at tables for up to 100 persons, \$100;

(ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$250;

(iii) With a seating capacity at tables for more than 150 persons, \$400;

k. Annual mixed beverage motor sports facility license, \$300; and

l. Annual mixed beverage performing arts facility license, \$300.

B. Common carriers. - No local license tax shall be either charged or collected for the privilege of selling alcoholic beverages in (i) passenger trains, boats or airplanes and (ii) rooms designated by the Board of establishments of air carriers of passengers at airports in the Commonwealth for on-premises consumption only.

C. Merchants' and restaurants' license taxes. - The governing body of each county, city or town in the Commonwealth, in imposing local wholesale merchants' license taxes measured by purchases, local retail merchants' license taxes measured by sales, and local restaurant license taxes measured by sales, may include alcoholic beverages in the base for measuring such local license taxes the same as if the alcoholic beverages were nonalcoholic. No local alcoholic beverage license authorized by this chapter shall exempt any licensee from any local merchants' or local restaurant license tax, but such local merchants' and local restaurant license taxes may be in addition to the local alcoholic beverage license taxes authorized by this chapter.

The governing body of any county, city or town, in adopting an ordinance under this section, shall provide that in ascertaining the liability of (i) a beer wholesaler to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such beer wholesaler, purchases of beer up to a stated amount shall be disregarded, which stated amount shall be the amount of beer purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale beer license tax paid by such wholesaler and (ii) a wholesale wine licensee to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such wholesale wine licensee, purchases of wine up to a stated amount shall be disregarded, which stated amount shall be the amount of wine purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale wine licensee license tax paid by such wholesale wine licensee.

D. Delivery. - No county, city or town shall impose any local alcoholic beverages license tax on any wholesaler for the privilege of delivering alcoholic beverages in the county, city or town when such wholesaler maintains no place of business in such county, city or town.

E. Application of county tax within town. - Any county license tax imposed under this section shall not apply within the limits of any town located in such county, where such town now, or hereafter, imposes a town license tax on the same privilege.

CHAPTER 638

An Act to amend and reenact § 4.1-210 of the Code of Virginia, relating to alcoholic beverage control; mixed beverage license for Virginia State Fair.

[S 605]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-210 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-210. Mixed beverages licenses.

A. Subject to the provisions of § 4.1-124, the Board may grant the following licenses relating to mixed beverages:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this paragraph, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board.

If the restaurant is located on the premises of a hotel or motel with not less than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms and other private rooms of such hotel or motel, such licensee may (i) sell and serve mixed beverages for consumption in such designated areas, bedrooms and other private rooms and (ii) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit or profit club exclusively for its members and their guests, or members of another private, nonprofit or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to sell and serve mixed beverages for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage special events licenses, to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

5. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating a performing arts facility, (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings and objects significant in American history and culture, or (iii) ~~a duly organized nonprofit corporation that has been granted an exemption from federal taxation under § 501(c)(3) of the U.S. Internal Revenue Code of 1986 that owns~~

~~any rural~~ persons operating an agricultural event and entertainment park or similar facility that has a minimum of ~~60,000~~ 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open or closed-door access. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease the original term of which was for more than one year's duration. Such license shall authorize the ~~sale, on the dates of performances or events in furtherance of the purposes of the nonprofit corporation or association, of licensee to sell~~ alcoholic beverages, during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

6. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train, boat or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth.

7. Mixed beverage club events licenses, which shall authorize a club holding a beer or wine and beer club license to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year.

8. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

9. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

10. Annual mixed beverage motor sports facility license to persons operating food concessions at any outdoor motor sports road racing club facility, of which the track surface is 3.27 miles in length, on 1,200 acres of rural property bordering the Dan River, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

11. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for its members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year.

12. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks exceed 10 percent of the total annual gross sales.

13. Annual mixed beverage motor sports facility licenses to persons operating concessions at an outdoor motor sports facility that hosts a NASCAR national touring race, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for on-premises consumption.

14. Annual mixed beverage performing arts facility license to corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

B. The granting of any license under subdivision 1, 6, 7, 8, 9, 10, 11, 13, or 14 shall automatically include a license to sell and serve wine and beer for on-premises consumption. The licensee shall pay the state and local taxes required by §§ 4.1-231 and 4.1-233.

CHAPTER 639

An Act to ensure adequate resources are available and disclosed to training center residents prior to their transfer to another training center or community-based care.

[S 627]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Department of Behavioral Health and Developmental Services shall, before transferring any training center resident to another training center or to community-based care, provide written certification to such training center resident or his legally authorized representative that (i) the receiving training center or community-based option provides a quality of care that is comparable to that provided in the resident's current training center regarding medical, health, developmental, and behavioral care and safety and (ii) all permissible placement options available under the Commonwealth's August 23, 2012, settlement agreement with the U.S. Department of Justice, including the option to remain in a training center, have been disclosed to the training center resident or his legally authorized representative. A training center resident or his legally authorized representative may waive the certification requirement imposed in clause (i).

§ 2. That the Department of Behavioral Health and Developmental Services shall convene a work group of interested stakeholders, which shall include members of the General Assembly, to consider options for expanding the number of training centers that remain open, in whole or in part, in the Commonwealth.

CHAPTER 640

An Act to amend and reenact § 15.2-6319 of the Code of Virginia, relating to authorities for development of former federal areas; dissolution.

[S 631]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-6319 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-6319. Dissolution of authority.

Whenever the commission of the authority by resolution determines that the purposes for which the authority was formed have been substantially complied with and all bonds issued and all obligations incurred by the authority have been fully paid, the commission shall execute and file for record with the governing body or bodies of the locality in which the authority was created, a resolution declaring such facts. If the governing bodies are of the opinion that the facts stated in the authority's resolution are true and the authority should be dissolved, they shall so resolve; however, in the case of an authority created *after January 1, 1997*, by proclamation of the Governor pursuant to § 15.2-6302, the authority shall not be dissolved unless or until the Governor, upon determination that such dissolution is appropriate or upon receipt of a duly certified resolution of each governing body of each locality within the area of operation of the authority requesting dissolution, shall proclaim that the authority is dissolved. Any such authority for which such a proclamation was issued shall be dissolved as of the date on which the proclamation was issued. Upon dissolution, the title to all funds and properties owned by the authority at the time of such dissolution shall vest, (i) in the case of authorities created by proclamation of the Governor, in the localities in the area of operation or to not-for-profit agencies, public or private, as may be designated by the localities, or (ii) in the case of authorities created by the City of Hampton pursuant to § 15.2-6302, in such locality or to not-for-profit agencies, public or private, as may be designated by such locality.

2. That the provisions of this act shall expire on July 1, 2016.

3. That nothing in this act shall affect an authority created under Article 10 (§ 2.2-2336 et seq.) of Chapter 22 of Title 2.2.

CHAPTER 641

An Act to amend and reenact § 53.1-218 of the Code of Virginia, relating to exemption from reporting citizenship status of prisoners for certain correctional facilities.

[S 641]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-218 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-218. Duty of officer in charge to inquire as to citizenship; notice to federal immigration officer of commitment of alien.

Whenever any person is committed to a correctional facility the director, sheriff or other officer in charge of such facility shall inquire as to whether the person (i) was born in a country other than the United States, and (ii) is a citizen of a

country other than the United States. The director, sheriff or other officer in charge of such facility shall make an immigration alien query to the Law Enforcement Support Center of the United States Immigration and Customs Enforcement for any person who (i) was born in a country other than the United States, and (ii) is a citizen of a country other than the United States, or for whom the answer to (i) or (ii) is unknown.

In the case of a jail, the sheriff, or other officer in charge of such facility shall communicate the results of any immigration alien query *that confirm that the person is illegally present in the United States* to the Local Inmate Data System of the State Compensation Board. The State Compensation Board shall communicate, on a monthly basis, the results of any immigration alien query that results in a confirmation that the person is illegally present in the United States to the Central Criminal Records Exchange of the Department of State Police in a format approved by the Exchange.

In the case of a correctional facility of the Department of Corrections, the director or other officer in charge of such facility shall communicate the results of any immigration alien query that results in a confirmation that the person is illegally present in the United States to the Central Criminal Records Exchange of the Department of State Police in a format approved by the Exchange.

The information received by the Central Criminal Records Exchange concerning the person's immigration status shall be recorded in the person's criminal history record.

However, notification need not be made to the Central Criminal Records Exchange if it is apparent that a report on alien status has previously been made to the Exchange pursuant to § 19.2-83.2 or 19.2-294.2.

CHAPTER 642

An Act to require law-enforcement agencies to report an inventory of physical evidence recovery kits to the Department of Forensic Science.

[S 658]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. *§ 1. All local and state law-enforcement agencies shall report an inventory of all physical evidence recovery kits in their custody that may contain biological evidence that were collected but not submitted to the Department of Forensic Science for analysis prior to July 1, 2014. The Department shall establish the form of and timeline for such inventory. The Department shall receive the reports from such law-enforcement agencies and report the results of such inventory to the General Assembly on or before July 1, 2015.*

2. *That the provisions of this act shall not become effective unless an appropriation effectuating the purposes of this act is included in a general appropriation act passed in 2014 by the General Assembly that becomes law.*

CHAPTER 643

An Act to amend and reenact § 1 of Chapter 265 of the Acts of Assembly of 2013, relating to the conveyance of certain real property held in the name of the Department of Behavioral Health and Developmental Services as part of the Southwestern Virginia Mental Health Institute located in Marion in Smyth County to the Mount Rogers Community Services Board.

[S 667]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:

1. *That § 1 of Chapter 265 of the Acts of Assembly of 2013 is amended and reenacted as follows:*

§ 1. The Department of Behavioral Health and Developmental Services, with the approval of the Governor and the Attorney General, in the manner set forth in § 2.2-1150 B of the Code of Virginia, is authorized to convey, without consideration, that portion of the real property located on the grounds of the Southwestern Virginia Mental Health Institute located at 340 Bagley Circle in Marion in Smyth County, ~~described in a deed recorded in the clerk's office of the Circuit Court of the County of Smyth, Virginia, at DB 16, Page 310, comprising 1.150 acres, more or less, shown as "Portion of T.M. 211-130-1 Area = 1.150 Acres" on a plat of survey entitled "Commonwealth of Virginia, Department of Mental Health, Mental Retardation and Substance Abuse Services, Portion of T.M. 211-130-1, Lot 1, Map of the Margaret E. Killinger Subdivision, Slide 295, Pg. 6, D.B. 735, Pg. 243" dated January 15, 2014, and prepared by Thompson & Litton, which property is held in the name of the Department of Behavioral Health and Developmental Services and currently leased to the Mount Rogers Community Services Board, to the Mount Rogers Community Services Board for the purpose of providing services for individuals in need of mental health, developmental, and substance abuse services.~~

CHAPTER 644

An Act to amend and reenact § 23-9.14:1 of the Code of Virginia, relating to public institutions of higher education; educational programs for governing boards.

[S 669]

Approved April 4, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 23-9.14:1 of the Code of Virginia is amended and reenacted as follows:****§ 23-9.14:1. Educational programs for governing boards.**

A. From such funds as are appropriated for such purpose, the Council shall develop, in consultation with public institutions of higher education and members of their governing boards, and annually deliver educational programs for the governing boards of such institutions. New members of such governing boards shall participate, at least once during their first two years of membership, in the programs, which shall be designed to address the role, duties, and responsibilities of the governing boards and may include in-service programs on current issues in higher education. In developing such programs, the Council may consider similar educational programs for institutional governing boards in other states.

B. Educational programs for the governing boards of public institutions of higher education shall include presentations related to:

1. *Board members' duty to the Commonwealth;*
2. *Governing board committee structure and function;*
- ~~3.~~ *The duties of the executive committee set forth in § 23-2.04;*
- ~~4.~~ *Professional accounting and reporting standards;*
- ~~5.~~ *Methods for meeting the statutory, regulatory, and fiduciary obligations of the board;*
- ~~6.~~ *The requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), developed and delivered in conjunction with the Freedom of Information Advisory Council;*
- ~~7.~~ *Institutional ethics and conflicts of interest;*
- ~~8.~~ *8. Creating and implementing institution-wide rules and regulations;*
- ~~9.~~ *9. Business operations, administration, budgeting, financing, financial reporting, and financial reserves, including a segment on endowment management;*
- ~~10.~~ *10. Fixing student tuition and fees;*
- ~~11.~~ *11. Overseeing planning, construction, maintenance, expansion, and renovation projects that impact the University's consolidated infrastructure, physical facilities, and natural environment, including its lands, improvements, and capital equipment;*
- ~~12.~~ *12. Workforce planning, strategy, and investment;*
- ~~13.~~ *13. Institutional advancement, including philanthropic giving, fundraising initiatives, alumni programming, communications and media, government and public relations, and community affairs;*
- ~~14.~~ *14. Student welfare issues, including academic studies; curriculum; residence life; student governance and activities; and the general physical and psychological well-being of undergraduate and graduate students;*
- ~~15.~~ *15. Current national and state issues in higher education;*
- ~~16.~~ *16. Future national and state issues in higher education;*
- ~~17.~~ *17. Relations between the board of visitors and the president of the institution, including perspectives from presidents of public institutions of higher education in the Commonwealth;*
- ~~18.~~ *18. Best practices for board governance, including perspectives from current board members; and*
- ~~19.~~ *19. Any other topics that the Council, public institutions of higher education, and members of their governing boards deem necessary or appropriate.*

C. The Council shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Council pursuant to this section no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

CHAPTER 645

An Act to amend and reenact §§ 22.1-212.6, 22.1-212.8, and 22.1-212.11 of the Code of Virginia, relating to charter schools; restrictions and pre-lottery enrollment for current students of conversion charter schools.

[H 157]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:**1. That §§ 22.1-212.6, 22.1-212.8, and 22.1-212.11 of the Code of Virginia are amended and reenacted as follows: § 22.1-212.6. Establishment and operation of public charter schools; requirements.**

A. A public charter school shall be subject to all federal and state laws and regulations and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services and shall be subject to any court-ordered desegregation plan in effect for the school division or, in the case of a regional public charter school, any court-ordered desegregation plan in effect for relevant school divisions.

Enrollment shall be open to any child who is deemed to reside within the relevant school division or, in the case of a regional public charter school, within any of the relevant school divisions, as set forth in § 22.1-3, through a lottery process on a space-available basis, *except that in the case of the conversion of an existing public school, students who attend the school and the siblings of such students shall be given the opportunity to enroll in advance of the lottery process.* A waiting list shall be established if adequate space is not available to accommodate all students whose parents have requested to be entered in the lottery process. Such waiting list shall also be prioritized through a lottery process and parents shall be informed of their student's position on the list.

B. A public charter school shall be administered and managed by a management committee, composed of parents of students enrolled in the school, teachers and administrators working in the school, and representatives of any community sponsors, in a manner agreed to by the public charter school applicant and the local school board. Pursuant to a charter contract and as specified in § 22.1-212.7, a public charter school may operate free from specified school division policies and state regulations, and, as public schools, shall be subject to the requirements of the Standards of Quality, including the Standards of Learning and the Standards of Accreditation.

C. Pursuant to a charter agreement, a public charter school shall be responsible for its own operations, including, but not limited to, such budget preparation, contracts for services, and personnel matters as are specified in the charter agreement. A public charter school may negotiate and contract with a school division, the governing body of a public institution of higher education, or any third party for the use of a school building and grounds, the operation and maintenance thereof, and the provision of any service, activity, or undertaking which the public charter school is required to perform in order to carry out the educational program described in its charter. Any services for which a public charter school contracts with a school division shall not exceed the division's costs to provide such services.

D. As negotiated by contract, the local school board or the relevant school boards, in the case of regional public charter schools, may allow a public charter school to use vacant or unused properties or real estate owned by the school board. In no event shall a public charter school be required to pay rent for space which is deemed available, as negotiated by contract, in school division facilities. All other costs for the operation and maintenance of the facilities used by the public charter school shall be subject to negotiation between the public charter school and the school division or, in the case of a regional public charter school, between the regional public charter school and the relevant school divisions.

E. A public charter school shall not charge tuition.

§ 22.1-212.8. Charter application.

A. Any person, group, or organization, including any institution of higher education, may submit an application for the formation of a public charter school.

B. The public charter school application shall be a proposed agreement and shall include:

1. The mission statement of the public charter school that must be consistent with the principles of the Standards of Quality.

2. The goals and educational objectives to be achieved by the public charter school, which educational objectives must meet or exceed the Standards of Learning.

3. Evidence that an adequate number of parents, teachers, pupils, or any combination thereof, support the formation of a public charter school.

4. A statement of the need for a public charter school in a school division or relevant school divisions in the case of a regional public charter school, or in a geographic area within a school division or relevant school divisions, as the case may be.

5. A description of the public charter school's educational program, pupil performance standards, and curriculum, which must meet or exceed any applicable Standards of Quality; any assessments to be used to measure pupil progress towards achievement of the school's pupil performance standards, in addition to the Standards of Learning assessments prescribed by § 22.1-253.13:3; the timeline for achievement of such standards; and the procedures for taking corrective action in the event that pupil performance at the public charter school falls below such standards.

6. A description of the lottery process to be used to determine enrollment, *including a provision that in the case of the conversion of an existing public school, students who attend the school and the siblings of such students shall be given the opportunity to enroll in advance of the lottery process.* A lottery process shall also be developed for the establishment of a waiting list for such students for whom space is unavailable and, if appropriate, a tailored admission policy that meets the specific mission or focus of the public charter school and is consistent with all federal and state laws and regulations and constitutional provisions prohibiting discrimination that are applicable to public schools and with any court-ordered desegregation plan in effect for the school division or, in the case of a regional public charter school, in effect for any of the relevant school divisions.

7. Evidence that the plan for the public charter school is economically sound for both the public charter school and the school division or relevant school divisions, as the case may be; a proposed budget for the term of the charter; and a description of the manner in which an annual audit of the financial and administrative operations of the public charter school, including any services provided by the school division or relevant school divisions, as the case may be, is to be conducted.

8. A plan for the displacement of pupils, teachers, and other employees who will not attend or be employed in the public charter school, in instances of the conversion of an existing public school to a public charter school, and for the placement of public charter school pupils, teachers, and employees upon termination or revocation of the charter.

9. A description of the management and operation of the public charter school, including the nature and extent of parental, professional educator, and community involvement in the management and operation of the public charter school.

10. An explanation of the relationship that will exist between the proposed public charter school and its employees, including evidence that the terms and conditions of employment have been addressed with affected employees.

11. An agreement between the parties regarding their respective legal liability and applicable insurance coverage.

12. A description of how the public charter school plans to meet the transportation needs of its pupils.

13. Assurances that the public charter school (i) is nonreligious in its programs, admission policies, employment practices, and all other operations and (ii) does not charge tuition.

14. In the case of a residential charter school for at-risk students, a description of (i) the residential program, facilities, and staffing; (ii) any parental education and after-care initiatives; (iii) the funding sources for the residential and other services provided; and (iv) any counseling or other social services to be provided and their coordination with any current state or local initiatives.

15. [Expired.]

16. Disclosure of any ownership or financial interest in the public charter school, by the charter applicant and the governing body, administrators, and other personnel of the proposed public charter school, and a requirement that the successful applicant and the governing body, administrators, and other personnel of the public charter school shall have a continuing duty to disclose such interests during the term of any charter.

C. [Expired.]

D. The charter applicant shall include in the proposed agreement the results of any Board of Education review of the public charter school application that may have been conducted as provided in subsection C of § 22.1-212.9.

§ 22.1-212.11. Public charter school restrictions.

A. Local school boards may establish public charter schools within the school division. Priority shall be given to public charter school applications designed to increase the educational opportunities of at-risk students, and at least one-half of the public charter schools per division shall be *designed* for at-risk students; *however, the one-half requirement shall not apply in cases in which an existing public school is converted into a public charter school that serves the same community as the existing public school, nor shall such public charter school conversions be counted in the determination of school division compliance with the one-half requirement.*

B. Local school boards shall report the grant or denial of public charter school applications to the Board and shall specify the maximum number of charters that may be authorized, if any; the number of charters granted or denied; and whether a public charter school is designed to increase the educational opportunities of at-risk students.

C. Nothing in this article shall be construed to prevent a school that is the only school in the division from applying to become a public charter school.

CHAPTER 646

An Act to amend and reenact §§ 3.1, 3.2, 3.3, 3.4, and 3.4:1, as amended, of Chapter 247 of the Acts of Assembly of 1968, which provided a charter for the Town of Culpeper in the County of Culpeper, relating to the town council.

[H 165]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1, 3.2, 3.3, 3.4, and 3.4:1, as amended, of Chapter 247 of the Acts of Assembly of 1968 are amended and reenacted as follows:

§ 3.1. Composition of council; election, qualifications and term of office of ~~councilmen and mayor~~ *council members*.

The town of Culpeper shall be governed by a town council composed of eight ~~councilmen~~ *council members* and a mayor, to be elected from the town at large. ~~Councilmen~~ *Council members* shall be qualified electors of the town; and shall serve for terms of four years. Four ~~councilmen~~ *council members* shall be elected on the ~~first Tuesday in May, nineteen hundred eighty,~~ *after the first Monday in November 2015* and every four years thereafter. Four ~~councilmen~~ *council members* shall be elected on the ~~first Tuesday in May, nineteen hundred seventy-eight,~~ *after the first Monday in November 2017* and every four years thereafter. *Council members elected to terms ending June 30, 2016, shall remain in office through December 31, 2015. Council members elected to terms ending June 30, 2018, shall remain in office through December 31, 2017.*

§ 3.2. When terms of office to begin.

The terms of office for the town ~~councilmen~~ *council members* shall begin on the first day of ~~July~~ *January* next following their election.

§ 3.3. Vacancies on council.

Vacancies on the town council shall be filled ~~from among the qualified electors of the town within sixty days for the unexpired terms by a majority vote of the remaining members; provided, that where a vacancy shall occur more than six~~

months prior to the regular town election next succeeding that at which the member of council whose seat was vacated was elected; the person so appointed shall serve only until a successor for the unexpired term shall have been elected in a special election held at the same time as that succeeding regular town election and the person so elected qualifies as provided by law and takes office on July 1 next following his election in accordance with general law.

§ 3.4. Election and term of office of mayor and vice-mayor.

The mayor shall be a qualified elector of the town and shall serve for a term of four years. The election of the mayor for a four-year term shall be on the first Tuesday in ~~May, 1986~~, after the first Monday in November 2017 and every four years thereafter. *The mayor elected at the May 2014 election shall remain in office through December 31, 2017.* At the first meeting of the town council held on or after ~~July~~ January one in each even-numbered year, the town council shall elect from its members, by a majority vote of the members elected, a vice-mayor, who shall serve for a term of two years.

§ 3.4.1. Vacancy in the office of mayor.

A vacancy in the office of the mayor shall be filled for the unexpired term within sixty days by appointment of a qualified elector of the town by a majority vote of the remaining members of council; provided that where a vacancy shall occur more than six months prior to the regular town election next succeeding that at which the mayor was elected, the person so appointed shall serve only until a successor for the unexpired term shall have been elected in a special election held at the same time as that succeeding regular town election and the person so elected qualifies as provided by law and takes office on July 1 next following his election. ~~Members of council are eligible to be appointed to fill the mayor's vacancy. Where a vacancy shall occur six months or less prior to the regular town election for mayor, no appointment shall be made and the vice mayor shall possess the powers and discharge the duties of the mayor for the unexpired term in accordance with general law.~~

CHAPTER 647

An Act to amend and reenact § 22.1-201 of the Code of Virginia, relating to supplementary written materials on documents of Virginia history and the United States Constitution.

[H 197]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-201 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-201. Study of documents of Virginia history and United States Constitution.

To increase knowledge of citizens' rights and responsibilities thereunder and to enhance the understanding of Virginia's unique role in the history of the United States, the Declaration of American Independence, the general principles of the Constitution of the United States, including the Bill of Rights, the Virginia Statute of Religious Freedom, the charters of the Virginia Company of April 10, 1606, May 23, 1609, and March 12, 1612; ~~of The Virginia Company~~, and the Virginia Declaration of Rights shall be thoroughly explained and taught by teachers to pupils in public elementary, middle, and high schools. Emphasis shall be given to the relationship between these documents and Virginia history; and to citizenship responsibilities inherent in the rights included in these documents. *Each teacher shall ensure that all supplementary written materials that he uses to teach these documents contain accurate restatements of the principles contained in such documents.* Written examinations as to each of such documents shall be given.

2. That the Department of Education shall develop guidelines for supplementary written materials that teachers use to teach the Declaration of American Independence, the general principles of the Constitution of the United States, including the Bill of Rights, the Virginia Statute of Religious Freedom, the charters of the Virginia Company of April 10, 1606, May 23, 1609, and March 12, 1612, and the Virginia Declaration of Rights.

CHAPTER 648

An Act to amend and reenact § 15.2-2307 of the Code of Virginia, relating to vested rights.

[H 208]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2307 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2307. Vested rights not impaired; nonconforming uses.

Nothing in this article shall be construed to authorize the impairment of any vested right. Without limiting the time when rights might otherwise vest, a landowner's rights shall be deemed vested in a land use and such vesting shall not be affected by a subsequent amendment to a zoning ordinance when the landowner (i) obtains or is the beneficiary of a significant affirmative governmental act which remains in effect allowing development of a specific project, (ii) relies in good faith on the significant affirmative governmental act, and (iii) incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

For purposes of this section and without limitation, the following are deemed to be significant affirmative governmental acts allowing development of a specific project: (i) the governing body has accepted proffers or proffered conditions which specify use related to a zoning amendment; (ii) the governing body has approved an application for a rezoning for a specific use or density; (iii) the governing body or board of zoning appeals has granted a special exception or use permit with conditions; (iv) the board of zoning appeals has approved a variance; (v) the governing body or its designated agent has approved a preliminary subdivision plat, site plan or plan of development for the landowner's property and the applicant diligently pursues approval of the final plat or plan within a reasonable period of time under the circumstances; (vi) the governing body or its designated agent has approved a final subdivision plat, site plan or plan of development for the landowner's property; or (vii) the zoning administrator or other administrative officer has issued a written order, requirement, decision or determination regarding the permissibility of a specific use or density of the landowner's property that is no longer subject to appeal and no longer subject to change, modification or reversal under subsection C of § 15.2-2311.

A zoning ordinance may provide that land, buildings, and structures and the uses thereof which do not conform to the zoning prescribed for the district in which they are situated may be continued only so long as the then existing or a more restricted use continues and such use is not discontinued for more than two years, and so long as the buildings or structures are maintained in their then structural condition; and that the uses of such buildings or structures shall conform to such regulations whenever, with respect to the building or structure, the square footage of a building or structure is enlarged, or the building or structure is structurally altered as provided in the Uniform Statewide Building Code (§ 36-97 et seq.). Further, a zoning ordinance may provide that no nonconforming use may be expanded, or that no nonconforming building or structure may be moved on the same lot or to any other lot which is not properly zoned to permit such nonconforming use.

Notwithstanding any local ordinance to the contrary, if (i) the local government has issued a building permit, the building or structure was thereafter constructed in accordance with the building permit, and upon completion of construction, the local government issued a certificate of occupancy or a use permit therefor, or (ii) the owner of the building or structure has paid taxes to the locality for such building or structure for a period ~~in excess of more than the previous 15 years, a zoning ordinance may provide that the building or structure is nonconforming, but shall not provide that such building or structure is illegal and shall be removed solely due to such nonconformity. Further, a shall not provide that such building or structure is illegal and subject to removal solely due to such nonconformity. Such building or structure shall be nonconforming.~~ A zoning ordinance may provide that such building or structure be brought in compliance with the Uniform Statewide Building Code, *provided that to do so shall not affect the nonconforming status of such building or structure.* If the local government has issued a permit, other than a building permit, that authorized construction of an improvement to real property and the improvement was thereafter constructed in accordance with such permit, the ordinance may provide that the improvements are nonconforming, but not illegal.

A zoning ordinance shall permit the owner of any residential or commercial building damaged or destroyed by a natural disaster or other act of God to repair, rebuild, or replace such building to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance as provided in § 15.2-2310. If such building is damaged greater than 50 percent and cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. The owner shall apply for a building permit and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.) and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the local flood plain regulations adopted as a condition of participation in the National Flood Insurance Program. Unless such building is repaired, rebuilt or replaced within two years of the date of the natural disaster or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with the provisions of the zoning ordinance of the locality. However, if the nonconforming building is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the zoning ordinance shall provide for an additional two years for the building to be repaired, rebuilt or replaced as otherwise provided in this paragraph. For purposes of this section, "act of God" shall include any natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire. For purposes of this section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. Nothing herein shall be construed to enable the property owner to commit an arson under § 18.2-77 or 18.2-80, and obtain vested rights under this section.

Notwithstanding any local ordinance to the contrary, an owner of real property shall be permitted to replace an existing on-site sewage system for any existing building in the same general location on the property even if a new on-site sewage system would not otherwise be permitted in that location, unless access to a public sanitary sewer is available to the property. If access to a sanitary sewer system is available, then the connection to such system shall be required. Any new on-site system shall be installed in compliance with applicable regulations of the Department of Health in effect at the time of the installation.

Nothing in this section shall be construed to prevent a locality, after making a reasonable attempt to notify such property owner, from ordering the removal of a nonconforming sign that has been abandoned. For purposes of this section, a sign shall be considered abandoned if the business for which the sign was erected has not been in operation for a period of at least two years. Any locality may, by ordinance, provide that following the expiration of the two-year period any abandoned nonconforming sign shall be removed by the owner of the property on which the sign is located, if notified by

the locality to do so. If, following such two-year period, the locality has made a reasonable attempt to notify the property owner, the locality through its own agents or employees may enter the property upon which the sign is located and remove any such sign whenever the owner has refused to do so. The cost of such removal shall be chargeable to the owner of the property. Nothing herein shall prevent the locality from applying to a court of competent jurisdiction for an order requiring the removal of such abandoned nonconforming sign by the owner by means of injunction or other appropriate remedy.

Nothing in this section shall be construed to prevent the land owner or home owner from removing a valid nonconforming manufactured home from a mobile or manufactured home park and replacing that home with another comparable manufactured home that meets the current HUD manufactured housing code. In such mobile or manufactured home park, a single-section home may replace a single-section home and a multi-section home may replace a multi-section home. The owner of a valid nonconforming mobile or manufactured home not located in a mobile or manufactured home park may replace that home with a newer manufactured home, either single- or multi-section, that meets the current HUD manufactured housing code. Any such replacement home shall retain the valid nonconforming status of the prior home.

CHAPTER 649

An Act to amend and reenact §§ 9.1-902 and 18.2-355 of the Code of Virginia, relating to Sex Offender and Crimes Against Minors Registry; solicitation of prostitution; pandering; minors.

[H 235]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-902 and 18.2-355 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-902. Offenses requiring registration.

A. For purposes of this chapter:

"Offense for which registration is required" includes:

1. Any offense listed in subsection B;
2. Criminal homicide;
3. Murder;
4. A sexually violent offense;
5. Any offense similar to those listed in subdivisions 1 through 4 under the laws of any foreign country or any political subdivision thereof, the United States or any political subdivision thereof; and
6. Any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted.

B. The offenses included under this subsection include any violation of, attempted violation of, or conspiracy to violate:

1. § 18.2-63; unless registration is required pursuant to subdivision E 1; § 18.2-64.1; former § 18.2-67.2:1; § 18.2-90 with the intent to commit rape; former § 18.1-88 with the intent to commit rape; *any felony violation of § 18.2-346; any violation of subdivision (4) of § 18.2-355*; subsection B or C of § 18.2-374.1:1; former subsection D of § 18.2-374.1:1 as it was in effect from July 1, 1994, through June 30, 2007; former clause (iv) of subsection B of § 18.2-374.3 as it was in effect on June 30, 2007; or subsection B, C, or D of § 18.2-374.3; or a third or subsequent conviction of (i) § 18.2-67.4, (ii) § 18.2-67.4:2, (iii) subsection C of § 18.2-67.5, or (iv) § 18.2-386.1.

If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any felony offense listed in this section; subsection A of § 18.2-374.1:1; or a felony under § 18.2-67.5:1.

2. Where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection A of § 18.2-47, clause (i) of § 18.2-48, § 18.2-67.4, subsection C of § 18.2-67.5, § 18.2-361, § 18.2-366, or a felony violation of former § 18.1-191.

3. § 18.2-370.6.

C. "Criminal homicide" means a homicide in conjunction with a violation of, attempted violation of, or conspiracy to violate clause (i) of § 18.2-371 or § 18.2-371.1, when the offenses arise out of the same incident.

D. "Murder" means a violation of, attempted violation of, or conspiracy to violate § 18.2-31 or § 18.2-32 where the victim is (i) under 15 years of age or (ii) where the victim is at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section or a violation of former § 18.1-21 where the victim is (a) under 15 years of age or (b) at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section.

E. "Sexually violent offense" means a violation of, attempted violation of, or conspiracy to violate:

1. Clause (ii) and (iii) of § 18.2-48, former § 18.1-38 with the intent to defile or, for the purpose of concubinage or prostitution, a felony violation of subdivision (2) or (3) of former § 18.1-39 that involves assisting or aiding in such an abduction, § 18.2-61, former § 18.1-44 when such act is accomplished against the complaining witness's will, by force, or through the use of the complaining witness's mental incapacity or physical helplessness, or if the victim is under 13 years of age, subsection A of § 18.2-63 where the perpetrator is more than five years older than the victim, § 18.2-67.1, § 18.2-67.2, § 18.2-67.3, former § 18.1-215 when the complaining witness is under 13 years of age, § 18.2-67.4 where the perpetrator is

18 years of age or older and the victim is under the age of six, subsections A and B of § 18.2-67.5, § 18.2-370, subdivision (1), (2), or (4) of former § 18.1-213, former § 18.1-214, or § 18.2-370.1 or § 18.2-374.1; or

2. § 18.2-63, § 18.2-64.1, former § 18.2-67.2:1, § 18.2-90 with the intent to commit rape or, where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection A of § 18.2-47, § 18.2-67.4, subsection C of § 18.2-67.5, clause (i) of § 18.2-48, § 18.2-361, § 18.2-366, or subsection C of § 18.2-374.1:1. An offense listed under this subdivision shall be deemed a sexually violent offense only if the person has been convicted or adjudicated delinquent of any two or more such offenses, provided that person had been at liberty between such convictions or adjudications;

3. If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any felony offense listed in this section. An offense listed under this subdivision shall be deemed a sexually violent offense only if the person has been convicted or adjudicated delinquent of any two or more such offenses, provided that the person had been at liberty between such convictions or adjudications; or

4. Chapter 117 (18 U.S.C. § 2421 et seq.) of Title 18 of the United States Code or sex trafficking (as described in § 1591 of Title 18, U.S.C.).

F. "Any offense listed in subsection B," "criminal homicide" as defined in this section, "murder" as defined in this section, and "sexually violent offense" as defined in this section includes (i) any similar offense under the laws of any foreign country or any political subdivision thereof, the United States or any political subdivision thereof or (ii) any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted.

G. Juveniles adjudicated delinquent shall not be required to register; however, where the offender is a juvenile over the age of 13 at the time of the offense who is tried as a juvenile and is adjudicated delinquent on or after July 1, 2005, of any offense for which registration is required, the court may, in its discretion and upon motion of the attorney for the Commonwealth, find that the circumstances of the offense require offender registration. In making its determination, the court shall consider all of the following factors that are relevant to the case: (i) the degree to which the delinquent act was committed with the use of force, threat or intimidation, (ii) the age and maturity of the complaining witness, (iii) the age and maturity of the offender, (iv) the difference in the ages of the complaining witness and the offender, (v) the nature of the relationship between the complaining witness and the offender, (vi) the offender's prior criminal history, and (vii) any other aggravating or mitigating factors relevant to the case. The attorney for the Commonwealth may file such a motion at any time during which the offender is within the jurisdiction of the court for the offense that is the basis for such motion. Prior to any hearing on such motion, the court shall appoint a qualified and competent attorney-at-law to represent the offender unless an attorney has been retained and appears on behalf of the offender or counsel has already been appointed.

H. Prior to entering judgment of conviction of an offense for which registration is required if the victim of the offense was a minor, physically helpless, or mentally incapacitated, the court shall determine by a preponderance of the evidence whether the victim of the offense was a minor, physically helpless or mentally incapacitated, as defined in § 18.2-67.10, and shall also determine the age of the victim at the time of the offense if it determines the victim to be a minor. Upon such a determination the court shall advise the defendant of its determination and of the defendant's right to withdraw a plea of guilty or nolo contendere. If the defendant chooses to withdraw his plea of guilty or of nolo contendere, his case shall be heard by another judge, unless the parties agree otherwise.

§ 18.2-355. Taking, detaining, etc., person for prostitution, etc., or consenting thereto; human trafficking.

Any person who:

(1) For purposes of prostitution or unlawful sexual intercourse, takes any person into, or persuades, encourages or causes any person to enter, a bawdy place, or takes or causes such person to be taken to any place against his or her will for such purposes; or

(2) Takes or detains a person against his or her will with the intent to compel such person, by force, threats, persuasions, menace or duress, to marry him or her or to marry any other person, or to be defiled; or

(3) Being parent, guardian, legal custodian or one standing in loco parentis of a person, consents to such person being taken or detained by any person for the purpose of prostitution or unlawful sexual intercourse; or

(4) For purposes of prostitution, takes any minor into, or persuades, encourages, or causes any minor to enter, a bawdy place, or takes or causes such person to be taken to any place for such purposes; is guilty of pandering, and shall be guilty of a Class 4 felony.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 806 of the Acts of Assembly of 2013 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 650

An Act to amend and reenact § 18.2-216 of the Code of Virginia, relating to certain allegations against real estate licensees.

[H 259]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-216 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-216. Untrue, deceptive or misleading advertising, inducements, writings or documents.

A. Any person, firm, corporation or association who, with intent to sell or in anywise dispose of merchandise, securities, service or anything offered by such person, firm, corporation or association, directly or indirectly, to the public for sale or distribution or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or any interest therein, makes, publishes, disseminates, circulates or places before the public, or causes, directly or indirectly to be made, published, disseminated, circulated or placed before the public, in a newspaper or other publications, or in the form of a book, notice, handbill, poster, blueprint, map, bill, tag, label, circular, pamphlet or letter or in any other way, an advertisement of any sort regarding merchandise, securities, service, land, lot or anything so offered to the public, which advertisement contains any promise, assertion, representation or statement of fact which is untrue, deceptive or misleading, or uses any other method, device or practice which is fraudulent, deceptive or misleading to induce the public to enter into any obligation, shall be guilty of a Class 1 misdemeanor.

The actions prohibited in this section, shall be construed as including (i) the advertising in any manner by any person of any goods, wares or merchandise as a bankrupt stock, receiver's stock or trustee's stock, if such stock contains any goods, wares or merchandise put therein subsequent to the date of the purchase by such advertiser of such stock, and if such advertisement of any such stock fail to set forth the fact that such stock contains other goods, wares or merchandise put therein, subsequent to the date of the purchase by such advertiser of such stock in type as large as the type used in any other part of such advertisement, including the caption of the same, it shall be a violation of this section; and (ii) the use of any writing or document which appears to be, but is not in fact a negotiable check, negotiable draft or other negotiable instrument unless the writing clearly and conspicuously, in at least 14-point bold type, bears the phrase "THIS IS NOT A CHECK" printed on its face.

B. *An allegation made by a plaintiff in a civil pleading that a defendant real estate licensee has violated this section shall be stated with particularity.*

CHAPTER 651

An Act to amend and reenact §§ 55-248.4, 55-248.5, 55-248.15:1, and 55-248.15:2 of the Code of Virginia and to repeal § 55-248.15:2 of the Code of Virginia, relating to the Virginia Residential Landlord and Tenant Act; applicability; security deposits.

[H 273]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 55-248.4, 55-248.5, 55-248.15:1, and 55-248.15:2 of the Code of Virginia are amended and reenacted as follows:

§ 55-248.4. Definitions.

When used in this chapter, unless expressly stated otherwise:

"Action" means recoupment, counterclaim, set off, or other civil suit and any other proceeding in which rights are determined, including without limitation actions for possession, rent, unlawful detainer, unlawful entry, and distress for rent.

"Application deposit" means any refundable deposit of money, however denominated, including all money intended to be used as a security deposit under a rental agreement, or property, which is paid by a tenant to a landlord for the purpose of being considered as a tenant for a dwelling unit.

"Application fee" means any nonrefundable fee, which is paid by a tenant to a landlord or managing agent for the purpose of being considered as a tenant for a dwelling unit. An application fee shall not exceed \$50, exclusive of any actual out-of-pocket expenses paid by the landlord to a third party performing background, credit, or other pre-occupancy checks on the applicant. However, where an application is being made for a dwelling unit which is a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development, an application fee shall not exceed \$32, exclusive of any actual out-of-pocket expenses paid to a third party by the landlord performing background, credit, or other pre-occupancy checks on the applicant.

"Assignment" means the transfer by any tenant of all interests created by a rental agreement.

"Authorized occupant" means a person entitled to occupy a dwelling unit with the consent of the landlord, but who has not signed the rental agreement and therefore does not have the financial obligations as a tenant under the rental agreement.

"Building or housing code" means any law, ordinance or governmental regulation concerning fitness for habitation, or the construction, maintenance, operation, occupancy, use or appearance of any structure or that part of a structure that is

used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

"Commencement date of rental agreement" means the date upon which the tenant is entitled to occupy the dwelling unit as a tenant.

"Dwelling unit" means a structure or part of a structure that is used as a home or residence by one or more persons who maintain a household, including, but not limited to, a manufactured home.

"Effective date of rental agreement" means the date upon which the rental agreement is signed by the landlord and the tenant obligating each party to the terms and conditions of the rental agreement.

"Facility" means something that is built, constructed, installed or established to perform some particular function.

"Good faith" means honesty in fact in the conduct of the transaction concerned.

"Guest or invitee" means a person, other than the tenant or person authorized by the landlord to occupy the premises, who has the permission of the tenant to visit but not to occupy the premises.

"Interior of the dwelling unit" means the inside of the dwelling unit, consisting of interior walls, floor, and ceiling, that enclose the dwelling unit as conditioned space from the outside air.

"Landlord" means the owner, lessor or sublessor of the dwelling unit or the building of which such dwelling unit is a part. "Landlord" also includes a managing agent of the premises who fails to disclose the name of such owner, lessor or sublessor. Such managing agent shall be subject to the provisions of § 16.1-88.03. Landlord shall not, however, include a community land trust as defined in § 55-221.1.

"Managing agent" means a person authorized by the landlord to act on behalf of the landlord under an agreement.

"Mold remediation in accordance with professional standards" means mold remediation of that portion of the dwelling unit or premises affected by mold, or any personal property of the tenant affected by mold, performed consistent with guidance documents published by the United States Environmental Protection Agency, the U.S. Department of Housing and Urban Development, the American Conference of Governmental Industrial Hygienists (the Bioaerosols Manual), Standard Reference Guides of the Institute of Inspection, Cleaning and Restoration for Water Damage Restoration and Professional Mold Remediation, or any protocol for mold remediation prepared by an industrial hygienist consistent with said guidance documents.

"Natural person," wherever the chapter refers to an owner as a "natural person," includes co-owners who are natural persons, either as tenants in common, joint tenants, tenants in partnership, tenants by the entirety, trustees or beneficiaries of a trust, general partnerships, limited liability partnerships, registered limited liability partnerships or limited liability companies, or any lawful combination of natural persons permitted by law.

"Notice" means notice given in writing by either regular mail or hand delivery, with the sender retaining sufficient proof of having given such notice, which may be either a United States postal certificate of mailing or a certificate of service confirming such mailing prepared by the sender. However, a person shall be deemed to have notice of a fact if he has actual knowledge of it, he has received a verbal notice of it, or from all of the facts and circumstances known to him at the time in question, he has reason to know it exists. A person "notifies" or "gives" a notice or notification to another by taking steps reasonably calculated to inform another person whether or not the other person actually comes to know of it. If notice is given that is not in writing, the person giving the notice has the burden of proof to show that the notice was given to the recipient of the notice.

"Organization" means a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any combination thereof, and any other legal or commercial entity.

"Owner" means one or more persons *or entities*, jointly or severally, in whom is vested:

1. All or part of the legal title to the property, or

2. All or part of the beneficial ownership and a right to present use and enjoyment of the premises, and the term includes a mortgagee in possession.

"Person" means any individual, group of individuals, corporation, partnership, business trust, association or other legal entity, or any combination thereof.

"Premises" means a dwelling unit and the structure of which it is a part and facilities and appurtenances therein and grounds, areas and facilities held out for the use of tenants generally or whose use is promised to the tenant.

"Processing fee for payment of rent with bad check" means the processing fee specified in the rental agreement, not to exceed \$50, assessed by a landlord against a tenant for payment of rent with a check drawn by the tenant on which payment has been refused by the payor bank because the drawer had no account or insufficient funds.

"Readily accessible" means areas within the interior of the dwelling unit available for observation at the time of the move-in inspection that do not require removal of materials, personal property, equipment or similar items.

"Rent" means all money, other than a security deposit, owed or paid to the landlord under the rental agreement, including prepaid rent paid more than one month in advance of the rent due date.

"Rental agreement" or "lease agreement" means all agreements, written or oral, and valid rules and regulations adopted under § 55-248.17 embodying the terms and conditions concerning the use and occupancy of a dwelling unit and premises.

"Rental application" means the written application or similar document used by a landlord to determine if a prospective tenant is qualified to become a tenant of a dwelling unit. A landlord may charge an application fee as provided in this chapter and may request a prospective tenant to provide information that will enable the landlord to make such

determination. The landlord may photocopy each applicant's driver's license or other similar photo identification, containing either the applicant's social security number or control number issued by the Department of Motor Vehicles pursuant to § 46.2-342. The landlord may require that each applicant provide a social security number issued by the U.S. Social Security Administration or an individual taxpayer identification number issued by the U.S. Internal Revenue Service, for the purpose of determining whether each applicant is eligible to become a tenant in the landlord's dwelling unit.

"Roomer" means a person occupying a dwelling unit that lacks a major bathroom or kitchen facility, in a structure where one or more major facilities are used in common by occupants of the dwelling unit and other dwelling units. Major facility in the case of a bathroom means toilet, and either a bath or shower, and in the case of a kitchen means refrigerator, stove, or sink.

"Security deposit" means any refundable deposit of money that is furnished by a tenant to a landlord to secure the performance of the terms and conditions of a rental agreement, as a security for damages to the leased premises, or as a pet deposit. However, such money shall be deemed an application deposit until the commencement date of the rental agreement. Security deposit shall not include a damage insurance policy or renter's insurance policy as those terms are defined in § 55-248.7:2 purchased by a landlord to provide coverage for a tenant.

"Single-family residence" means a structure, other than a multi-family residential structure, maintained and used as a single dwelling unit or any dwelling unit which has direct access to a street or thoroughfare and shares neither heating facilities, hot water equipment nor any other essential facility or service with any other dwelling unit.

"Sublease" means the transfer by any tenant of any but not all interests created by a rental agreement.

"Tenant" means a person entitled only under the terms of a rental agreement to occupy a dwelling unit to the exclusion of others and shall include roomer. Tenant shall not include (i) an authorized occupant, (ii) a guest or invitee, or (iii) any person who guarantees or cosigns the payment of the financial obligations of a rental agreement but has no right to occupy a dwelling unit.

"Tenant records" means all information, including financial, maintenance, and other records about a tenant or prospective tenant, whether such information is in written or electronic form or other medium.

"Utility" means electricity, natural gas, water and sewer provided by a public service corporation or such other person providing utility services as permitted under § 56-1.2. If the rental agreement so provides, a landlord may use submetering equipment or energy allocation equipment as defined in § 56-245.2, or a ratio utility billing system as defined in § 55-226.2.

"Visible evidence of mold" means the existence of mold in the dwelling unit that is visible to the naked eye by the landlord or tenant in areas within the interior of the dwelling unit readily accessible at the time of the move-in inspection.

"Written notice" means notice given in accordance with § 55-248.6, including any representation of words, letters, symbols, numbers, or figures, whether (i) printed in or inscribed on a tangible medium or (ii) stored in an electronic form or other medium, retrievable in a perceivable form, and regardless of whether an electronic signature authorized by Chapter 42.1 (§ 59.1-479 et seq.) of Title 59.1 is affixed. The landlord may, in accordance with a written agreement, delegate to a managing agent or other third party the responsibility of providing any written notice required by this chapter.

§ 55-248.5. Exemptions; exception to exemption; application of chapter to certain occupants.

A. Except as specifically made applicable by § 55-248.21:1, the following conditions are not governed by this chapter:

1. Residence at a public or private institution, if incidental to detention or the provision of medical, geriatric, educational, counseling, religious or similar services;
2. Occupancy under a contract of sale of a dwelling unit or the property of which it is a part, if the occupant is the purchaser or a person who succeeds to his interest;
3. Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;
4. Occupancy in a hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar lodging as provided in subsection B;
5. Occupancy by an employee of a landlord whose right to occupancy is conditioned upon employment in and about the premises or an ex-employee whose occupancy continues less than sixty days;
6. Occupancy by an owner of a condominium unit or a holder of a proprietary lease in a cooperative;
7. Occupancy under a rental agreement covering premises used by the occupant primarily in connection with business, commercial or agricultural purposes;
8. Occupancy in a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development where such regulation is inconsistent with this chapter;
9. Occupancy by a tenant who pays no rent; and
10. Occupancy in single-family residences where the ~~owner(s)~~ *owners* are natural persons or their estates who own in their own name no more than ~~ten~~ *two* single-family residences subject to a rental agreement; ~~or in the case of condominium units or single-family residences located in any city or in any county having either the urban county executive form or county manager plan of government, no more than four.~~

B. A guest who is an occupant in a hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar lodging shall not be construed to be a tenant living in a dwelling unit if such person does not reside in such lodging as his primary residence. Such guest shall be exempt from this chapter and the innkeeper or property owner, or agent thereof, shall have the right to use self-help eviction under Virginia law, without the necessity of the filing of an unlawful detainer action in a court of competent jurisdiction and the execution of a writ of possession issued pursuant thereto, which

would otherwise be required under this chapter. For purposes of this chapter, a hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar transient lodging shall be exempt from the provisions of this chapter if overnight sleeping accommodations are furnished to a person for consideration if such person does not reside in such lodging as his primary residence.

C. If a person resides in a hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar transient lodging as his primary residence for fewer than 90 consecutive days, such lodging shall not be subject to the provisions of this chapter. However, the owner of such lodging establishment shall give a five-day written notice of nonpayment to a person residing in such lodging and, upon the expiration of the five-day period specified in the notice, may exercise self-help eviction if payment in full has not been received.

D. If a person resides in a hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar transient lodging as their primary residence for more than 90 consecutive days or is subject to a written lease for more than 90 days, such lodging shall be subject to the provisions of this chapter.

E. Notwithstanding the provisions of subsection A, the landlord may specifically provide for the applicability of the provisions of this chapter in the rental agreement.

§ 55-248.15:1. Security deposits.

A. A landlord may not demand or receive a security deposit, however denominated, in an amount or value in excess of two months' periodic rent. Upon termination of the tenancy, such security deposit, whether it is property or money, ~~plus any accrued interest thereon~~, held by the landlord as security as hereinafter provided may be applied solely by the landlord (i) to the payment of accrued rent and including the reasonable charges for late payment of rent specified in the rental agreement; (ii) to the payment of the amount of damages which the landlord has suffered by reason of the tenant's noncompliance with § 55-248.16, less reasonable wear and tear; or (iii) to other damages or charges as provided in the rental agreement. The security deposit, ~~any accrued interest~~ and any deductions, damages and charges shall be itemized by the landlord in a written notice given to the tenant, together with any amount due the tenant within 45 days after termination of the tenancy and delivery of possession.

Where there is more than one tenant subject to a rental agreement, unless otherwise agreed to in writing by each of the tenants, disposition of the security deposit shall be made with one check being payable to all such tenants and sent to ~~the a~~ forwarding address provided by one of the tenants. ~~If no~~ *Regardless of the number of tenants subject to a rental agreement, if a tenant fails to provide a forwarding address is provided* to the landlord to enable the landlord to make a refund of the security deposit, upon the expiration of one year from the date of the end of the 45-day time period, the balance of such security deposit shall escheat to the Commonwealth and shall be paid into the state treasury and credited to the Virginia Housing Partnership Revolving Fund established pursuant to § 36-142. Upon payment to the Commonwealth, the landlord shall have no further liability to any tenant relative to the security deposit. If the landlord or managing agent is a real estate licensee, compliance with this paragraph shall be deemed compliance with § 54.1-2108 and corresponding regulations of the Real Estate Board.

Nothing in this section shall be construed by a court of law or otherwise as entitling the tenant, upon the termination of the tenancy, to an immediate credit against the tenant's delinquent rent account in the amount of the security deposit. The landlord shall apply the security deposit in accordance with this section within the 45-day time period. However, provided the landlord has given prior written notice in accordance with this section, the landlord may withhold a reasonable portion of the security deposit to cover an amount of the balance due on the water, sewer, or other utility account that is an obligation of the tenant to a third-party provider under the rental agreement for the dwelling unit, and upon payment of such obligations the landlord shall provide written confirmation to the tenant within 10 days thereafter, along with payment to the tenant of any balance otherwise due to the tenant. In order to withhold such funds as part of the disposition of the security deposit, the landlord shall have so advised the tenant of his rights and obligations under this section in (i) a termination notice to the tenant in accordance with this chapter, (ii) a vacating notice to the tenant in accordance with this section, or (iii) a separate written notice to the tenant at least 15 days prior to the disposition of the security deposit. Any written notice to the tenant shall be given in accordance with § 55-248.6.

The tenant may provide the landlord with written confirmation of the payment of the final water, sewer, or other utility bill for the dwelling unit, in which case the landlord shall refund the security deposit, unless there are other authorized deductions, within the 45-day period, or if the tenant provides such written confirmation after the expiration of the 45-day period, the landlord shall refund any remaining balance of the security deposit held to the tenant within 10 days following the receipt of such written confirmation provided by the tenant. If the landlord otherwise receives confirmation of payment of the final water, sewer, or other utility bill for the dwelling unit, the landlord shall refund the security deposit, unless there are other authorized deductions, within the 45-day period.

Nothing in this section shall be construed to prohibit the landlord from making the disposition of the security deposit prior to the 45-day period and charging an administrative fee to the tenant for such expedited processing, if the rental agreement so provides and the tenant requests expedited processing in a separate written document.

The landlord shall notify the tenant in writing of any deductions provided by this subsection to be made from the tenant's security deposit during the course of the tenancy. Such notification shall be made within 30 days of the date of the determination of the deduction and shall itemize the reasons in the same manner as provided in subsection B. Such notification shall not be required for deductions made less than 30 days prior to the termination of the rental agreement. If the landlord willfully fails to comply with this section, the court shall order the return of the security deposit ~~and interest~~

thereon to the tenant, together with actual damages and reasonable attorney fees, unless the tenant owes rent to the landlord, in which case, the court shall order an amount equal to the security deposit and interest thereon credited against the rent due to the landlord. In the event that damages to the premises exceed the amount of the security deposit and require the services of a third party contractor, the landlord shall give written notice to the tenant advising him of that fact within the 45-day period. If notice is given as prescribed in this paragraph, the landlord shall have an additional 15-day period to provide an itemization of the damages and the cost of repair. This section shall not preclude the landlord or tenant from recovering other damages to which he may be entitled under this chapter. The holder of the landlord's interest in the premises at the time of the termination of the tenancy, regardless of how the interest is acquired or transferred, is bound by this section and shall be required to return any security deposit received by the original landlord and any accrued interest that is duly owed to the tenant, whether or not such security deposit is transferred with the landlord's interest by law or equity, regardless of any contractual agreements between the original landlord and his successors in interest.

B. The landlord shall:

1. ~~Accrue interest at an annual rate equal to four percentage points below the Federal Reserve Board discount rate as of January 1 of each year on all property or money held as a security deposit. However, no interest shall be due and payable unless the security deposit has been held by the landlord for a period exceeding 13 months beginning from the commencement date of the rental agreement or after the effective date of any prior written or oral rental agreements with the same tenant, for continuous occupancy of the same dwelling unit until termination of the tenancy and delivery of possession; such security deposit earning interest which begins accruing from the effective date of the rental agreement; and such interest shall be paid only upon termination of the tenancy; delivery of possession and return of the security deposit as provided in subsection A;~~

2. Maintain and itemize records for each tenant of all deductions from security deposits provided for under this section which the landlord has made by reason of a tenant's noncompliance with § 55-248.16 during the preceding two years; and

3. 2. Permit a tenant or his authorized agent or attorney to inspect such tenant's records of deductions at any time during normal business hours.

C. Upon request by the landlord to a tenant to vacate, or within five days after receipt of notice by the landlord of the tenant's intent to vacate, the landlord shall make reasonable efforts to advise the tenant of the tenant's right to be present at the landlord's inspection of the dwelling unit for the purpose of determining the amount of security deposit to be returned. If the tenant desires to be present when the landlord makes the inspection, he shall so advise the landlord in writing who, in turn, shall notify the tenant of the time and date of the inspection, which must be made within 72 hours of delivery of possession. Upon completion of the inspection attended by the tenant, the landlord shall furnish the tenant with an itemized list of damages to the dwelling unit known to exist at the time of the inspection.

D. If the tenant has any assignee or sublessee, the landlord shall be entitled to hold a security deposit from only one party in compliance with the provisions of this section.

§ 55-248.15:2. Schedule of interest rates on security deposits.

A. ~~The interest rate established by § 55-248.15:1 varies annually with the annual rate being equal to four percentage points below the Federal Reserve Board discount rate as of January 1 of each year.~~ The purpose of this section is to set out the interest rates applicable under this chapter.

B. The rates are as follows:

1. July 1, 1975, through December 31, 1979, 3.0%.
2. January 1, 1980, through December 31, 1981, 4.0%.
3. January 1, 1982, through December 31, 1984, 4.5%.
4. January 1, 1985, through December 31, 1994, 5.0%.
5. January 1, 1995, through December 31, 1995, 4.75%.
6. January 1, 1996, through December 31, 1996, 5.25%.
7. January 1, 1997, through December 31, 1998, 5.0%.
8. January 1, 1999, through June 30, 1999, 4.5%.
9. July 1, 1999, through December 31, 1999, 3.5%.
10. January 1, 2000, through December 31, 2000, 4.0%.
11. January 1, 2001, through December 31, 2001, 5.0%.
12. January 1, 2002, through December 31, 2002, 0.25%.
13. January 1, 2003, through December 31, 2003, 0%.
14. January 1, 2004, through December 31, 2004, 1.0%.
15. January 1, 2005, through December 31, 2005, 2.25%.
16. January 1, 2006, through December 31, 2006, 4.25%.
17. January 1, 2007, through December 31, 2007, 5.25%.
18. January 1, 2008, through December 31, 2008, 0.75%.
19. January 1, 2009, through December 31, 2009, 0.00%.
20. January 1, 2010, through December 31, 2010, 0.00%.
21. January 1, 2011, through December 31, 2011, 0.00%.
22. January 1, 2012, through December 31, 2012, 0.00%.
23. January 1, 2013, through December 31, 2013, 0.00%.

24. January 1, 2014, through December 31, 2014, 0.00%.

~~Thereafter, the interest rate shall be determined in accordance with subsection B of § 55-248.15:1.~~

2. That § 55-248.15:2 of the Code of Virginia is repealed.

3. That the provisions of the second enactment of this act shall become effective on January 1, 2015.

4. That on or after January 1, 2015, there shall be no interest due and payable on security deposits of a tenant held under the Virginia Residential Landlord Tenant Act (§ 55-248.2 et seq.) of the Code of Virginia (the Act). Any accrued interest due and payable as of December 31, 2014, on security deposits of a tenant held under the Act shall be paid to such tenant no later than 45 days after termination of tenancy and delivery of possession as otherwise provided in § 55-248.15:1 of the Code of Virginia.

CHAPTER 652

An Act to amend and reenact § 23-217 of the Code of Virginia, relating to the Virginia Community College System; quorum and main office of the State Board for Community Colleges.

[H 356]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 23-217 of the Code of Virginia is amended and reenacted as follows:

§ 23-217. Chairman and vice-chairman of Board; oath of members; meetings; quorum; rules and regulations.

~~(a)~~ A. The Board shall select a chairman from its membership, and ~~under rules adopted by itself~~ may elect ~~provide for the election of~~ one of its members as vice-chairman.

~~(b) [Repealed.]~~

~~(c)~~ B. Before entering upon the discharge of his duties, each member of the Board shall take an oath that he will faithfully and honestly execute the duties of his office during his continuance therein.

~~(d)~~ C. The Board shall meet at least four times annually, and on call of the chairman when in his opinion additional meetings are expedient or necessary.

~~(e) Seven~~ D. Eight members of the Board shall constitute a quorum for all purposes.

~~(f)~~ E. The main office of the Board shall be in the ~~City of Richmond, Virginia Commonwealth.~~

~~(g)~~ F. The Board is empowered to promulgate necessary rules and regulations for carrying out the purposes of this chapter.

CHAPTER 653

An Act to amend and reenact §§ 16.1-241 and 20-124.1 of the Code of Virginia, relating to jurisdiction; custody and visitation arrangements for minor children; persons with legitimate interest.

[H 359]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-241 and 20-124.1 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-241. Jurisdiction; consent for abortion.

The judges of the juvenile and domestic relations district court elected or appointed under this law shall be conservators of the peace within the corporate limits of the cities and the boundaries of the counties for which they are respectively chosen and within one mile beyond the limits of such cities and counties. Except as hereinafter provided, each juvenile and domestic relations district court shall have, within the limits of the territory for which it is created, exclusive original jurisdiction, and within one mile beyond the limits of said city or county, concurrent jurisdiction with the juvenile court or courts of the adjoining city or county, over all cases, matters and proceedings involving:

A. The custody, visitation, support, control or disposition of a child:

1. Who is alleged to be abused, neglected, in need of services, in need of supervision, a status offender, or delinquent except where the jurisdiction of the juvenile court has been terminated or divested;

2. Who is abandoned by his parent or other custodian or who by reason of the absence or physical or mental incapacity of his parents is without parental care and guardianship;

2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated as having abused or neglected another child in the care of the parent or custodian;

3. Whose custody, visitation or support is a subject of controversy or requires determination. In such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, except as provided in § 16.1-244;

4. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-1817 or whose parent or parents for good cause desire to be relieved of his care and custody;

5. Where the termination of residual parental rights and responsibilities is sought. In such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, as provided in § 16.1-244; and

6. Who is charged with a traffic infraction as defined in § 46.2-100.

In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated in subsection B of § 16.1-269.1, and for any charges ancillary thereto, the jurisdiction of the juvenile court shall be limited to conducting a preliminary hearing to determine if there is probable cause to believe that the juvenile committed the act alleged and that the juvenile was 14 years of age or older at the time of the commission of the alleged offense, and any matters related thereto. In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated in subsection C of § 16.1-269.1, and for all charges ancillary thereto, if the attorney for the Commonwealth has given notice as provided in subsection C of § 16.1-269.1, the jurisdiction of the juvenile court shall be limited to conducting a preliminary hearing to determine if there is probable cause to believe that the juvenile committed the act alleged and that the juvenile was 14 years of age or older at the time of the commission of the alleged offense, and any matters related thereto. A determination by the juvenile court following a preliminary hearing pursuant to subsection B or C of § 16.1-269.1 to certify a charge to the grand jury shall divest the juvenile court of jurisdiction over the charge and any ancillary charge. In any case in which a transfer hearing is held pursuant to subsection A of § 16.1-269.1, if the juvenile court determines to transfer the case, jurisdiction of the juvenile court over the case shall be divested as provided in § 16.1-269.6.

In all other cases involving delinquent acts, and in cases in which an ancillary charge remains after a violent juvenile felony charge has been dismissed or a violent juvenile felony has been reduced to a lesser offense not constituting a violent juvenile felony, the jurisdiction of the juvenile court shall not be divested unless there is a transfer pursuant to subsection A of § 16.1-269.1.

The authority of the juvenile court to adjudicate matters involving the custody, visitation, support, control or disposition of a child shall not be limited to the consideration of petitions filed by a mother, father or legal guardian but shall include petitions filed at any time by any party with a legitimate interest therein. A party with a legitimate interest shall be broadly construed and shall include, but not be limited to, grandparents, *step-grandparents*, stepparents, former stepparents, blood relatives and family members. A party with a legitimate interest shall not include any person (i) whose parental rights have been terminated by court order, either voluntarily or involuntarily, (ii) whose interest in the child derives from or through a person whose parental rights have been terminated by court order, either voluntarily or involuntarily, including, but not limited to, grandparents, stepparents, former stepparents, blood relatives and family members, if the child subsequently has been legally adopted, except where a final order of adoption is entered pursuant to § 63.2-1241, or (iii) who has been convicted of a violation of subsection A of § 18.2-61, § 18.2-63, subsection B of § 18.2-366, or an equivalent offense of another state, the United States, or any foreign jurisdiction, when the child who is the subject of the petition was conceived as a result of such violation. The authority of the juvenile court to consider a petition involving the custody of a child shall not be proscribed or limited where the child has previously been awarded to the custody of a local board of social services.

B. The admission of minors for inpatient treatment in a mental health facility in accordance with the provisions of Article 16 (§ 16.1-335 et seq.) and the involuntary admission of a person with mental illness or judicial certification of eligibility for admission to a training center for persons with intellectual disability in accordance with the provisions of Chapter 8 (§ 37.2-800 et seq.) of Title 37.2. Jurisdiction of the involuntary admission and certification of adults shall be concurrent with the general district court.

C. Except as provided in subsections D and H, judicial consent to such activities as may require parental consent may be given for a child who has been separated from his parents, guardian, legal custodian or other person standing in loco parentis and is in the custody of the court when such consent is required by law.

D. Judicial consent for emergency surgical or medical treatment for a child who is neither married nor has ever been married, when the consent of his parent, guardian, legal custodian or other person standing in loco parentis is unobtainable because such parent, guardian, legal custodian or other person standing in loco parentis (i) is not a resident of the Commonwealth, (ii) has his whereabouts unknown, (iii) cannot be consulted with promptness, reasonable under the circumstances, or (iv) fails to give such consent or provide such treatment when requested by the judge to do so.

E. Any person charged with deserting, abandoning or failing to provide support for any person in violation of law.

F. Any parent, guardian, legal custodian or other person standing in loco parentis of a child:

1. Who has been abused or neglected;

2. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-1817 or is otherwise before the court pursuant to subdivision A 4; or

3. Who has been adjudicated in need of services, in need of supervision, or delinquent, if the court finds that such person has by overt act or omission induced, caused, encouraged or contributed to the conduct of the child complained of in the petition.

G. Petitions filed by or on behalf of a child or such child's parent, guardian, legal custodian or other person standing in loco parentis for the purpose of obtaining treatment, rehabilitation or other services that are required by law to be provided for that child or such child's parent, guardian, legal custodian or other person standing in loco parentis. Jurisdiction in such cases shall be concurrent with and not exclusive of that of courts having equity jurisdiction as provided in § 16.1-244.

H. Judicial consent to apply for a work permit for a child when such child is separated from his parents, legal guardian or other person standing in loco parentis.

I. The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or neglect of children or with any violation of law that causes or tends to cause a child to come within the purview of this law, or with any other

offense against the person of a child. In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not there is probable cause.

J. All offenses in which one family or household member is charged with an offense in which another family or household member is the victim and all offenses under § 18.2-49.1.

In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not there is probable cause. Any objection based on jurisdiction under this subsection shall be made before a jury is impaneled and sworn in a jury trial or, in a nonjury trial, before the earlier of when the court begins to hear or receive evidence or the first witness is sworn, or it shall be conclusively waived for all purposes. Any such objection shall not affect or be grounds for challenging directly or collaterally the jurisdiction of the court in which the case is tried.

K. Petitions filed by a natural parent, whose parental rights to a child have been voluntarily relinquished pursuant to a court proceeding, to seek a reversal of the court order terminating such parental rights. No such petition shall be accepted, however, after the child has been placed in the home of adoptive parents.

L. Any person who seeks spousal support after having separated from his spouse. A decision under this subdivision shall not be res judicata in any subsequent action for spousal support in a circuit court. A circuit court shall have concurrent original jurisdiction in all causes of action under this subdivision.

M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1, and all petitions filed for the purpose of obtaining an order of protection pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10 if either the alleged victim or the respondent is a juvenile.

N. Any person who escapes or remains away without proper authority from a residential care facility in which he had been placed by the court or as a result of his commitment to the Virginia Department of Juvenile Justice.

O. Petitions for emancipation of a minor pursuant to Article 15 (§ 16.1-331 et seq.).

P. Petitions for enforcement of administrative support orders entered pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2, or by another state in the same manner as if the orders were entered by a juvenile and domestic relations district court upon the filing of a certified copy of such order in the juvenile and domestic relations district court.

Q. Petitions for a determination of parentage pursuant to Chapter 3.1 (§ 20-49.1 et seq.) of Title 20. A circuit court shall have concurrent original jurisdiction to the extent provided for in § 20-49.2.

R. [Repealed.]

S. Petitions filed by school boards against parents pursuant to §§ 16.1-241.2 and 22.1-279.3.

T. Petitions to enforce any request for information or subpoena that is not complied with or to review any refusal to issue a subpoena in an administrative appeal regarding child abuse and neglect pursuant to § 63.2-1526.

U. Petitions filed in connection with parental placement adoption consent hearings pursuant to § 63.2-1233. Such proceedings shall be advanced on the docket so as to be heard by the court within 10 days of filing of the petition, or as soon thereafter as practicable so as to provide the earliest possible disposition.

V. Petitions filed for the purpose of obtaining the court's assistance with the execution of consent to an adoption when the consent to an adoption is executed pursuant to the laws of another state and the laws of that state provide for the execution of consent to an adoption in the court of the Commonwealth.

W. Petitions filed by a juvenile seeking judicial authorization for a physician to perform an abortion if a minor elects not to seek consent of an authorized person.

After a hearing, a judge shall issue an order authorizing a physician to perform an abortion, without the consent of any authorized person, if he finds that (i) the minor is mature enough and well enough informed to make her abortion decision, in consultation with her physician, independent of the wishes of any authorized person, or (ii) the minor is not mature enough or well enough informed to make such decision, but the desired abortion would be in her best interest.

If the judge authorizes an abortion based on the best interests of the minor, such order shall expressly state that such authorization is subject to the physician or his agent giving notice of intent to perform the abortion; however, no such notice shall be required if the judge finds that such notice would not be in the best interest of the minor. In determining whether notice is in the best interest of the minor, the judge shall consider the totality of the circumstances; however, he shall find that notice is not in the best interest of the minor if he finds that (i) one or more authorized persons with whom the minor regularly and customarily resides is abusive or neglectful, and (ii) every other authorized person, if any, is either abusive or neglectful or has refused to accept responsibility as parent, legal guardian, custodian or person standing in loco parentis.

The minor may participate in the court proceedings on her own behalf, and the court may appoint a guardian ad litem for the minor. The court shall advise the minor that she has a right to counsel and shall, upon her request, appoint counsel for her.

Notwithstanding any other provision of law, the provisions of this subsection shall govern proceedings relating to consent for a minor's abortion. Court proceedings under this subsection and records of such proceedings shall be confidential. Such proceedings shall be given precedence over other pending matters so that the court may reach a decision promptly and without delay in order to serve the best interests of the minor. Court proceedings under this subsection shall be heard and decided as soon as practicable but in no event later than four days after the petition is filed.

An expedited confidential appeal to the circuit court shall be available to any minor for whom the court denies an order authorizing an abortion without consent or without notice. Any such appeal shall be heard and decided no later than five days after the appeal is filed. The time periods required by this subsection shall be subject to subsection B of § 1-210. An order authorizing an abortion without consent or without notice shall not be subject to appeal.

No filing fees shall be required of the minor at trial or upon appeal.

If either the original court or the circuit court fails to act within the time periods required by this subsection, the court before which the proceeding is pending shall immediately authorize a physician to perform the abortion without consent of or notice to an authorized person.

Nothing contained in this subsection shall be construed to authorize a physician to perform an abortion on a minor in circumstances or in a manner that would be unlawful if performed on an adult woman.

A physician shall not knowingly perform an abortion upon an unemancipated minor unless consent has been obtained or the minor delivers to the physician a court order entered pursuant to this section and the physician or his agent provides such notice as such order may require. However, neither consent nor judicial authorization nor notice shall be required if the minor declares that she is abused or neglected and the attending physician has reason to suspect that the minor may be an abused or neglected child as defined in § 63.2-100 and reports the suspected abuse or neglect in accordance with § 63.2-1509; or if there is a medical emergency, in which case the attending physician shall certify the facts justifying the exception in the minor's medical record.

For purposes of this subsection:

"Authorization" means the minor has delivered to the physician a notarized, written statement signed by an authorized person that the authorized person knows of the minor's intent to have an abortion and consents to such abortion being performed on the minor.

"Authorized person" means (i) a parent or duly appointed legal guardian or custodian of the minor or (ii) a person standing in loco parentis, including, but not limited to, a grandparent or adult sibling with whom the minor regularly and customarily resides and who has care and control of the minor. Any person who knows he is not an authorized person and who knowingly and willfully signs an authorization statement consenting to an abortion for a minor is guilty of a Class 3 misdemeanor.

"Consent" means that (i) the physician has given notice of intent to perform the abortion and has received authorization from an authorized person, or (ii) at least one authorized person is present with the minor seeking the abortion and provides written authorization to the physician, which shall be witnessed by the physician or an agent thereof. In either case, the written authorization shall be incorporated into the minor's medical record and maintained as a part thereof.

"Medical emergency" means any condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of the pregnant minor as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create a serious risk of substantial and irreversible impairment of a major bodily function.

"Notice of intent to perform the abortion" means that (i) the physician or his agent has given actual notice of his intention to perform such abortion to an authorized person, either in person or by telephone, at least 24 hours previous to the performance of the abortion; or (ii) the physician or his agent, after a reasonable effort to notify an authorized person, has mailed notice to an authorized person by certified mail, addressed to such person at his usual place of abode, with return receipt requested, at least 72 hours prior to the performance of the abortion.

"Perform an abortion" means to interrupt or terminate a pregnancy by any surgical or nonsurgical procedure or to induce a miscarriage as provided in § 18.2-72, 18.2-73, or 18.2-74.

"Unemancipated minor" means a minor who has not been emancipated by (i) entry into a valid marriage, even though the marriage may have been terminated by dissolution; (ii) active duty with any of the Armed Forces of the United States; (iii) willingly living separate and apart from his or her parents or guardian, with the consent or acquiescence of the parents or guardian; or (iv) entry of an order of emancipation pursuant to Article 15 (§ 16.1-331 et seq.).

X. Petitions filed pursuant to Article 17 (§ 16.1-349 et seq.) relating to standby guardians for minor children.

The ages specified in this law refer to the age of the child at the time of the acts complained of in the petition.

Notwithstanding any other provision of law, no fees shall be charged by a sheriff for the service of any process in a proceeding pursuant to subdivision A 3, except as provided in subdivision A 6 of § 17.1-272, or subsection B, D, M, or R.

Notwithstanding the provisions of § 18.2-71, any physician who performs an abortion in violation of subsection W shall be guilty of a Class 3 misdemeanor.

§ 20-124.1. Definitions.

As used in this chapter:

"Joint custody" means (i) joint legal custody where both parents retain joint responsibility for the care and control of the child and joint authority to make decisions concerning the child even though the child's primary residence may be with only one parent, (ii) joint physical custody where both parents share physical and custodial care of the child, or (iii) any combination of joint legal and joint physical custody which the court deems to be in the best interest of the child.

"Person with a legitimate interest" shall be broadly construed and includes, but is not limited to, grandparents, *step-grandparents*, stepparents, former stepparents, blood relatives and family members provided any such party has intervened in the suit or is otherwise properly before the court. The term shall be broadly construed to accommodate the best interest of the child. A party with a legitimate interest shall not include any person (i) whose parental rights have been terminated by court order, either voluntarily or involuntarily, (ii) whose interest in the child derives from or through a person whose parental rights have been terminated, either voluntarily or involuntarily, including but not limited to grandparents, stepparents, former stepparents, blood relatives and family members, if the child subsequently has been legally adopted, except where a final order of adoption is entered pursuant to § 63.2-1241, or (iii) who has been convicted of a violation of

subsection A of § 18.2-61, § 18.2-63, subsection B of § 18.2-366, or an equivalent offense of another state, the United States, or any foreign jurisdiction, when the child who is the subject of the petition was conceived as a result of such violation.

"Sole custody" means that one person retains responsibility for the care and control of a child and has primary authority to make decisions concerning the child.

CHAPTER 654

An Act to amend and reenact § 2.3, §§ 2.4, 2.6, 2.7, and 3.1, as amended, §§ 3.2 and 3.3, § 3.4, as amended, § 3.7, §§ 3.8, 4.1, and 4.2, as amended, § 4.3, §§ 5.2, 5.3, 5.5, and 5.6, as amended, § 5.8, §§ 6.3, 7.2, 9.2, and 9.3, as amended, §§ 10.1 and 12.1, § 12.2, as amended, and §§ 12.4, 12.5, and 12.6 of Chapter 319 of the Acts of Assembly of 1966, which provided a charter for the City of Fairfax; to amend Chapter 319 of the Acts of Assembly of 1966 by adding sections numbered 10.4:1 and 10.5:1; and to repeal § 9.1 of Chapter 319 of the Acts of Assembly of 1966, relating to the mayor, city council, city powers, the fire department, and the school board.

[H 374]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.3, §§ 2.4, 2.6, 2.7, and 3.1, as amended, §§ 3.2 and 3.3, § 3.4, as amended, § 3.7, §§ 3.8, 4.1, and 4.2, as amended, § 4.3, §§ 5.2, 5.3, 5.5, and 5.6, as amended, § 5.8, §§ 6.3, 7.2, 9.2, and 9.3, as amended, §§ 10.1 and 12.1, § 12.2, as amended, and §§ 12.4, 12.5, and 12.6 of Chapter 319 of the Acts of Assembly of 1966 are amended and reenacted and that Chapter 319 of the Acts of Assembly of 1966 is amended by adding sections numbered 10.4:1 and 10.5:1 as follows:

§ 2.3. The powers set forth in ~~§ 15.1-837 through 15.1-907 of Chapter 18 of Title 15.1 of the Code of Virginia (1950), as amended, as in force January 1, 1966, Article 1 (§ 15.2-1100 et seq.) of Chapter 11 of Title 15.2 of the Code of Virginia,~~ and any acts amendatory thereof or supplementary thereto are hereby conferred on and vested in the City of Fairfax.

§ 2.4. Property assessments.

(a) The ~~City~~ Council shall provide for the annual assessment and reassessment of real estate for taxation.

(b) All real estate shall be assessed at its fair market value and the taxes for each year on such real estate shall be extended on the basis of the last assessment made prior to such year, subject to such changes as may have been lawfully made.

(c) The Assessor shall prepare the land books and extend the taxes thereon and perform all the duties required by law to be performed in respect to real estate assessments. The Clerk of the Circuit Court of Fairfax County, Fairfax, Virginia, shall furnish to the Assessor the list of real estate transfers within the City of Fairfax.

(d) Notwithstanding the provisions of § 58.1-3370 of the Code of Virginia, the Circuit Court of Fairfax County, Virginia, or the judge thereof in vacation, shall appoint for the City a Board of Equalization of Real Estate Assessments, to be composed of three members, who shall be freeholders of the City, and who shall be selected by the court or judge from the citizens of the City. Initially one member shall be appointed for a term of three years, one for a term of two years and one for a term of one year. Each succeeding year thereafter one member shall be appointed for a term of three years. All terms shall run from the first day of December in the year of appointment until the thirtieth day of November in the year of expiration, the terms of the members first appointed shall begin on the day of appointment. Members shall hold over until a successor is appointed and qualifies. Such court or judge thereof in vacation may reappoint any member upon the expiration of his term and shall fill any vacancy upon the Board for the unexpired term. The members of the Board shall receive per diem compensation for the time actually engaged in the duties of the Board, to be fixed by the Council, and paid out of the Treasury of the City; provided, however, the Council, may limit the per diem compensation to such number of days as in its opinion is sufficient for the completion of the work of the Board. Such Board of Equalization shall have and may exercise the power to revise, correct and amend any assessment of real estate made by the Assessor in the calendar year in which they serve and to that end shall have all the powers conferred upon Boards of Equalization by Article 14 of Chapter 32 of Title 58.1 of the Code of Virginia, and any acts amendatory thereof and supplemental thereto. Notwithstanding such Chapter, however, the Board of Equalization may adopt any regulations providing for the oral presentation, without formal petitions or other pleading or requests for review, and looking to the further facilitation and simplification of proceedings before the Board.

(e) The ~~City of Fairfax~~ and any person aggrieved by any correction or assessment made by the Assessor or the Board of Equalization may apply for relief in the manner provided by §§ 58.1-3382, 58.1-3982 and 58.1-3984 of the Code of Virginia and any acts amendatory thereof and supplemental thereto.

(f) This section shall not apply to any real estate assessable under law by the State Corporation Commission.

(g) All provisions of law relating to the assessment of real estate in cities not in conflict with the provisions of this section shall apply to the assessment made pursuant thereto.

§ 2.6. Contractual relationships.

The ~~City of Fairfax~~ may enter into contractual relationships with the Commonwealth and/or its departments, bureaus, boards and agencies, with other political subdivisions, with authorities, including regional authorities, and with private

agencies on such terms and for such periods as the Council may determine to be in the public interest in order to promote the education, health, safety, and general welfare of its residents. Such contracts may include, but shall not be limited to, schools, libraries, sewage collection and disposal, water supply, police and fire protection, mass or rapid transit, parks, playgrounds and open spaces.

§ 2.7. Eminent domain.

The powers of eminent domain set forth in Title 15.2, ~~Title 25~~, Chapter ~~1-2~~ of Title 25.1 and Chapter 1 of Title 33.1, Chapter 1, of the 1950 Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the City of Fairfax.

(a) In any case in which a petition for condemnation is filed by or on behalf of the City, a true copy of a resolution or ordinance duly adopted by the City Council declaring the necessity for any taking or damaging of any property, within or without the City, for the public purposes of the City, shall be filed with the petition and shall constitute sufficient evidence of the necessity of the exercise of the powers of eminent domain by the City. The City may employ the procedures conferred by the foregoing laws, mutatis mutandis, and may, in addition thereto, proceed as hereinafter provided.

(b) Certificates issued pursuant to §§ 33.1-121 to 33.1-129, inclusive, and § 33.1-119, of the Code of Virginia, 1950, as amended, and acts amendatory thereof and supplemental thereto, may be issued by the City Council, signed by the Mayor and countersigned by the City Treasurer. Such certificate shall have the same effect as certificates issued by the Commonwealth Transportation Commissioner, under the aforesaid laws, and may be issued in any case in which the City proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the City; provided, however, that the provisions of § 33.1-119, of the Code of Virginia, 1950, as amended, and acts amendatory thereof and supplemental thereto, shall not be used for the acquisition of lands, easements or related interests in property located outside of the City except for the acquisition of said interests necessary for streets, water, sewer or utility pipes or lines or related facilities.

(c) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or cancelled by the Court having jurisdiction of the proceedings, upon petition of the City, at any time after the filing thereof, provided that the Court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive sums theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The Court shall have jurisdiction to require refunding bonds, for good cause shown by the City or any other person or party in interest, prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the City.

§ 3.1. Election of ~~councilmen~~ Council members and Mayor.

On the first Tuesday in May, 1972, and in every second year thereafter there shall be held a general city election at which shall be elected by the qualified voters of the City at large six members of the Council and a Mayor for terms of two years. The terms of Council members and Mayor are to begin on the first day of July following their election.

All elections held pursuant to the prior provisions of this section are hereby ratified and confirmed.

§ 3.2. Nomination of candidates.

Candidates for the office of ~~Councilmen~~ Council member and Mayor may be nominated under general law. There shall be printed on the ballots used in the election of ~~Councilmen~~ Council member the names of all candidates who have been so nominated.

§ 3.3. Conduct of general municipal election.

The ballots used in the election of ~~Councilmen~~ Council members and Mayor shall be without any distinguishing mark or symbol. Each qualified voter shall be entitled to cast one vote for each of as many as six Council candidates and no more. In counting the vote, any ballot found to have been voted for more than six Council candidates shall be void as to those votes but no ballot shall be void for having been voted for a less number. The six Council candidates and the candidate for Mayor receiving the highest number of votes cast in such election shall be declared elected. The general laws of the Commonwealth relating to the conduct of elections, so far as pertinent, shall apply to the conduct of the general municipal election.

§ 3.4. Vacancies in office of Mayor or ~~councilmember~~ Council.

A vacancy in the office of the Mayor or in the Council, from whatever cause arising, shall be filled in accordance with the general laws of the Commonwealth relating to the filling of vacancies in such local offices, so far as pertinent.

§ 3.7. Eligibility of federal employees.

No person, otherwise eligible, shall be disqualified by reason of his accepting or holding an office, post, trust, or emolument under the Government of the United States from serving as Mayor or ~~Councilman~~ Council member, as an officer or employee of the City, or as a member of any board or commission.

§ 3.8. Advisory referendum.

The City Council, by majority vote of the entire Council, may submit to the qualified voters of the City for advisory purposes, any question or group of questions relating to the affairs of the City. Any such advisory referendum shall be conducted in the manner provided for bond elections, but the results thereof shall not be binding upon the City Council. There shall be no right of appeal from or recount of the results of an advisory referendum.

§ 4.1. City collector.

The Council may appoint a City Collector for an indefinite term and shall fix his salary, which shall be paid from the City Treasury. All of the duties theretofore performed by the Treasurer of the City of Fairfax in connection with the collection of taxes, special assessments, license fees, and other revenues of the City shall devolve upon the City Collector,

when appointed. The City Collector shall be required to take an oath of office and shall furnish a bond with corporate surety in the manner and amount required by City ordinance. The City Collector shall have the following powers and shall be charged with the following duties and functions:

(a) The collection of all taxes, special assessments, license fees and other revenues of the City or for the collection of which the City is responsible.

(b) To transfer to and place in the custody of the City Treasurer all public funds belonging to or under the control of the City and to receive and maintain complete and accurate receipts and records thereof.

(c) The City Collector shall have any and all powers which are now or may hereafter be vested in any officer of the Commonwealth charged with the collection of State taxes in order to collect all City taxes, special assessments, license fees and other revenues of the City and may collect the same in the same manner by which State taxes are collected by an officer of the Commonwealth.

(d) The City Collector shall have power to use all legal means of collecting all delinquent City taxes, levies, special assessments, license fees, charges and other revenues of the City. The City Collector shall have the power to conduct public sales of real estate upon which delinquent taxes, levies or charges assessed thereon have not been paid for three consecutive years and may institute suits in equity to enforce any lien in favor of the City against any property within the City to which such lien may lawfully attach. The Council may determine by ordinance the procedure for the conduct of such sales not inconsistent with general law and the City Collector shall comply therewith.

§ 4.2. Department heads.

All department heads shall be chosen on the basis of their executive, technical, and administrative qualifications, with special reference to their actual experience in or knowledge of accepted practices with respect to the duties of the offices for which they are appointed. All department heads will be appointed and removed by the City Manager after he has received the concurrence of the City Council. At the time of the appointment said officials need not be residents of the City or the Commonwealth, but the Council, where deemed necessary, may require any City official during his tenure to reside within the City.

§ 4.3. Assistant registrars.

Whenever, in the judgment of the City Council, the Office of the Registrar shall require additional personnel the City Council may appoint such assistant registrars as may be required for the proper and efficient conduct of that office. The term and compensation for such appointments shall be determined by the City Council and paid from the City Treasury.

§ 5.2. Powers.

All Powers vested in the City shall be exercised by the Council except as otherwise provided in this Charter. In addition to the foregoing, the Council shall have the following powers:

(a) To provide for the organization, conduct and operation of all departments, bureaus, divisions, boards, commissions, offices and agencies of the City.

(b) To create, alter or abolish departments, bureaus, divisions, boards, commissions and offices.

(c) To designate the time and place for all Council meetings; provided, that special meetings of the Council may be called at the request of the Mayor or of not less than three members thereof.

(d) To provide for the number, titles, qualifications, power, duties and compensation of all officers and employees of the City, and to supplement the salary of any elected official and his deputies and employees other than the Mayor and Councilmen ~~Council members~~, provided that any such supplement shall not exceed the maximum permitted by general law.

(e) To provide for compensation of the Mayor in accordance with § 15.2-1414.6 of the Code of Virginia.

(f) To provide for compensation of members of boards or commissions in an amount not to exceed \$50 per meeting.

§ 5.3. Mayor.

The Mayor shall preside over the meetings of the Council and shall have the same right to speak. The Mayor shall have the power of veto which veto may be overridden by the City Council as provided herein. He shall not have the right to vote except in case of a tie *and, in the event of a tie, only when not expressly prohibited under the Constitution or general laws of the Commonwealth of Virginia*. He shall be recognized as the head of the City government for all ceremonial purposes, the purposes of military law and the service of civil process, *and he shall be the principal representative of the City in interjurisdictional matters*. In the absence or disability of the Mayor, the Mayor may designate a member of the Council to *serve as Acting Mayor and perform the duties of Mayor* and if he fails to do so the Council shall, by majority vote of those present, choose one of their number to *serve as Acting Mayor and perform the duties of Mayor*.

Each ordinance and resolution having the effect of an ordinance, before it becomes operative, shall be transmitted to the Mayor for his signature. The Mayor shall have five days, Sundays excepted, to sign it or veto it in writing. If the Mayor fails to sign it or veto it in writing within such five days, such ordinance or resolution shall become operative as if he had signed it, unless his term of office or that of the City Council shall expire within such five days. If the Mayor vetoes such ordinance or resolution in writing, such written veto shall be returned to the Clerk to be entered on the City Council's record and the City Council shall reconsider the same at the next regular meeting. Upon such reconsideration, if such ordinance or resolution is approved by two-thirds of all members of the City Council, it shall become operative, notwithstanding the veto of the Mayor. The votes of the City Council shall be determined by yeas and nays and the names of the members voting for and against such ordinance or resolution shall be entered on the record.

§ 5.5. Induction of members.

The City Clerk shall administer the oath of office to the duly elected members of the Council and to the Mayor on or before June thirtieth immediately following their election. In the absence of the City Clerk the oath may be administered by any judicial officer having jurisdiction in the City. The Council shall be the judge of the election and qualification of its members. The first meeting of a newly elected Council shall take place in the Council chamber in the City Hall on the second Tuesday of July following their election, or at the first scheduled regular or special meeting of the City Council in July, whichever occurs first.

§ 5.6. Procedure for passing ordinances.

Except in the case of zoning ordinances, the following procedure shall be followed by the City Council in adopting ordinances of the City:

(a) Any ordinance may be introduced by any member of the Council at any regular meeting of the Council or at any special meeting when the subject thereof has been included in the notice for such special meeting or has been approved by a two-thirds vote of all members of the Council present at such special meeting. Upon introduction, the ordinance shall receive its first reading, verbatim, unless waived by a two-thirds vote of those Council members present, and, provided a majority of members present concur, the Council shall set a place, time and date, not less than three days after such introduction for a public hearing thereon. A copy of the proposed ordinance shall be delivered to *the Mayor and* each member of City Council and shall be made available to the public prior to its introduction.

(b) The public hearing may be held at a regular or special meeting of the Council and may be continued from time to time. The City Clerk shall publish in a newspaper of general circulation a notice containing the date, time and place of the hearing and the title or subject matter of the proposed ordinance. On direction of the Council the Clerk shall also publish the full text of the proposed ordinance which shall be available to citizens of the City.

(c) A proposed ordinance, unless it be an emergency ordinance, may be finally passed upon the completion of the public hearing.

(d) Amendments or additions to a proposed ordinance may be made at any time. Publication of an amendment shall not be required except that if said amendments or additions introduce an entirely new subject matter or radically change the overall purpose of the original ordinance, they shall be introduced and treated as a new ordinance. At the second reading only the title of an ordinance need be read, unless amendments or additions have been made subsequent to the introduction, in which case said amendments or additions shall be read in full prior to enactment.

(e) If, in the opinion of Council, an emergency exists, an ordinance pertinent to the emergency may be passed with or without amendment at the same meeting at which it is introduced and no publication, hearing or specific time interval between introduction and passage shall be necessary. An emergency ordinance must contain a specific statement of the emergency upon which it is based, and must be passed by a two-thirds affirmative vote of the members of City Council present.

Every emergency ordinance shall automatically stand repealed as of the 91st day following the day upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner prescribed for ordinances not related to an emergency. An emergency ordinance may also be repealed by adoption of a repealing ordinance. The repeal of an emergency ordinance shall follow the procedure specified for the adoption of an emergency ordinance.

§ 5.8. No member of the Council shall cast any vote without first disclosing what interest, if any, he has in the outcome of the vote being taken. The City Council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected and appointed City officials not inconsistent with the general law.

§ 6.3. Duties.

It shall be the duty of the City Manager to: (a) attend all meetings of the Council with the right to speak but not to vote; (b) keep the Council advised of the financial condition and the future needs of the City, and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable; (c) prepare and submit the annual budget to the Council as provided in chapter 6 of this Charter and be responsible for its administration after its adoption; (d) ~~(Repealed)~~ (e) present adequate financial and activity reports as required by the Council; ~~(f)~~ (e) arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the Council; ~~(g)~~ (f) with the concurrence of the Council to appoint and remove all department heads; ~~(h)~~ (g) supervise and issue orders for the performance of the functions of public safety and civil defense; ~~(i)~~ (h) appoint and, when he deems it necessary for the good of the City, suspend or remove all City employees provided for by or under this Charter, except as otherwise provided by law or this Charter; and may delegate this power to an appointing authority as defined by the City Code; ~~(j)~~ (i) direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law; and ~~(k)~~ (j) perform such other duties as may be prescribed by this Charter or required of him in accordance therewith by the Council or which may be required of the chief executive officer of a city by the general laws of the Commonwealth other than the duties conferred on the Mayor by this Charter.

§ 7.2. Submission of budgets.

On a day to be fixed by the Council, but in no case later than the first day of March in each year the City Manager shall submit to the Council and make available to the public a budget that presents a comprehensive financial plan for all City departments and for all City funds and activities for the next fiscal year. Such a plan shall contain, but not be limited to, a budget for the general operation of the City government hereinafter referred to as the general fund budget, including the total budget for the support of the public schools as filed by the School Board; a budget for the debt service of the City and reserve requirements therefor; a budget for proposed capital expenditures; a budget for all City enterprise activities; and a

budget message by the City Manager presenting a concise and comprehensive view of City activities as proposed in the next fiscal year and the budget message of the School Board. A ~~resume~~ *summary* of the budget shall be published in a newspaper having general circulation in the City of Fairfax *and/or other media as permitted or prescribed by the Code of Virginia* at least fifteen days prior to the public hearing at which the budget is adopted.

Chapter 9.

~~Department of Law~~ *City Attorney.*

§ 9.2. ~~Qualifications and appointment~~ *Appointment and qualifications.*

~~The head of the Department of Law shall be the~~ *There shall be a City Attorney. He* who shall be an attorney at law licensed to practice under the laws of the Commonwealth and ~~he~~ need not be a resident of the City of Fairfax. He shall be appointed by the Council to serve at the pleasure of the Council.

§ 9.3. ~~City attorney; powers~~ *Powers and duties.*

The City Attorney shall be the legal advisor of (1) the *Mayor and* Council, (2) the City Manager, and (3) of all departments, boards, commissions and agencies of the City, in all matters affecting the interests of the City and shall, (a) upon authorized request, furnish a written opinion on any question of law involving their respective official powers and duties; (b) at the request of the City Manager or of the Council prepare ordinances for introduction and render his opinion as to the form and legality thereof; (c) draw or approve all bonds, deeds, leases, contracts or other instruments to which the City is a party or in which it has an interest; (d) have the management and control of all the law business of the City and the departments, boards, commissions and agencies thereof, or in which the City has an interest as the Council may from time to time direct; (e) represent the City as counsel in any civil case in which it is interested and in criminal cases in which the constitutionality or validity of any ordinance is brought in issue; (f) have the power to prosecute in the courts of the Commonwealth of Virginia all violations of law constituting misdemeanors and traffic violations committed within the ~~city~~ *City*, whether violations of ~~city~~ *City* ordinances or the laws of the Commonwealth of Virginia; (g) attend in person or assign one of his assistants to attend all regular meetings of the Council and all other meetings of Council unless excused by a majority of the Council; (h) appoint and remove such Assistant City Attorneys and other employees as shall be authorized by the Council; ~~(h-1)~~ *(i)* authorize the Assistant City Attorneys or any of them or special counsel appointed by the Council to perform any of the duties imposed upon him in this Charter; and ~~(j)~~ *(j)* have such other powers and duties as may be assigned to him by ordinance. The School Board shall have authority to employ legal counsel.

§ 10.1. *Public safety functions; contracts for fire protection.*

The functions of public safety shall be performed by the Police Department and such other bureaus, divisions and units as may be provided by ordinance or by orders of the City Manager consistent therewith.

The City of ~~Fairfax~~ may enter into contractual relationships with neighboring political subdivisions for the support and utilization of a joint fire department which shall be responsible for the protection from fire of life and property within the City, and may, at any time, establish a City fire department for such purpose and rescue services inclusive of hazardous materials response, technical rescue, and other ancillary services. These agreements and services shall augment the City Fire Department and provide for the protection of life and property from fire within the City.

§ 10.4:1. *Fire Department.*

The fire department shall consist of the City of Fairfax Fire Department and the Fairfax Volunteer Fire Department operating as one combined department and referred to as "the Fire Department." The Fire Department shall be made up of the Fire Chief and such other officers and employees of such ranks and grades as may be established by Council. The Fire Department shall be responsible for the protection of life and property from fire and injury through public education programs and the enforcement of applicable fire and building codes. Furthermore, the Fire Department shall provide emergency medical services, fire suppression, hazardous materials response, and technical rescue services to the public.

§ 10.5:1. *Fire Chief.*

The head of the Fire Department shall be the Fire Chief. He shall be appointed by the City Manager with the concurrence of Council and shall be under the supervision of the City Manager. The Fire Chief shall have responsibility and authority for all operational and administrative decisions of the Fire Department. The Chief of the Fairfax Volunteer Fire Department shall be known as the Deputy Chief of the Fire Department and shall be elected from and by the membership of the Fairfax Volunteer Fire Department in accordance with its corporate bylaws.

§ 12.1. *School district.*

The City of ~~Fairfax~~ shall constitute a separate school district.

§ 12.2. *School board.*

~~(a)~~ The School Board shall consist of five qualified voters of the City elected by popular vote at large *and who, at the time of their election, shall have resided in the City for at least one year prior to their election.* ~~(b)~~ The election of members of the School Board shall be held to coincide with the election of the members of the ~~City~~ Council and Mayor. The terms of the members of the School Board shall be the same as the terms of the members of the ~~City~~ Council and Mayor. The School Board shall meet annually in July at which time the board shall fix the time for holding regular meetings for the ensuing year, shall elect one of its members chairman, and, on recommendation of the superintendent, shall elect or appoint a competent person as clerk of the School Board, and shall fix his compensation. In the discretion of the School Board, the superintendent may serve as clerk. The School Board shall conduct such other business, elect such other officers and make such other appointments at the annual meeting as it may, in its discretion, deem appropriate.

§ 12.4. The School Board by and with the consent of the ~~City~~ Council shall have the right to contract with the school board of nearby political subdivisions of the Commonwealth to provide for the education of City children on a tuition basis upon such terms and conditions as the respective school boards may agree, provided the same do not conflict with the Constitution of Virginia.

§ 12.5. All recreation facilities and grounds located on property owned by the School Board shall be under the ~~exclusive~~ control and supervision of the School Board, *except as provided by any contractual relationship entered into by the School Board or as otherwise required by applicable law.* The title to property and buildings devoted to public school purposes shall be in the School Board.

§ 12.6. The School Board may borrow subject to the approval of the ~~City~~ Council from the Literary Fund of Virginia or from such other sources as may be available to it by general law.

2. That § 9.1 of Chapter 319 of the Acts of Assembly of 1966 is repealed.

CHAPTER 655

An Act to amend and reenact § 15.2-4507 of the Code of Virginia, relating to transportation districts; appointments.

[H 400]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-4507 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-4507. Members of transportation district commissions.

A. Any transportation district commission created shall consist of the number of members the component governments shall from time to time agree upon, or as may otherwise be provided by law. The governing body of each participating county and city shall appoint from among its members the number of commissioners to which the county or city is entitled; however, for those commissions with powers as set forth in subsection A of § 15.2-4515, the governing body of each participating county or city is not limited to appointing commissioners from among its members. In addition, the governing body may appoint from its number or otherwise, designated alternate members for those appointed to the commission who shall be able to exercise all of the powers and duties of a commission member when the regular member is absent from commission meetings. Each such appointee shall serve at the pleasure of the appointing body; however, no appointee to a commission with powers as set forth in subsection B of § 15.2-4515 may continue to serve when he is no longer a member of the appointing body. Each governing body shall inform the commission of its appointments to and removals from the commission by delivering to the commission a certified copy of the resolution making the appointment or causing the removal.

In the case of a transportation district, commonly known as the Potomac and Rappahannock Transportation Commission, which was established on or after July 1, 1986, and which includes more than one jurisdiction located within the Washington, D.C., metropolitan area, such commission shall also include two members of the House of Delegates and one member of the Senate from legislative districts located wholly or in part within the boundaries of the transportation district. The members of the House of Delegates shall be appointed by the Speaker of the House for terms coincident with their terms of office, and the member of the Senate shall be appointed by the Senate Committee on Rules for a term coincident with his term of office. The members of the General Assembly shall be eligible for reappointment for successive terms. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments.

In the case of the Transportation District Commission of Hampton Roads, such commission shall consist of one citizen member appointed by the Governor from each county and city embraced by the Transportation District. *However, for the gubernatorial appointments that will become effective July 1, 2016, three of the appointments shall be for initial terms of two years and three appointments shall be for terms of four years. Thereafter, all gubernatorial appointments shall be for terms of four years so as to stagger the terms of the gubernatorial appointees.* The governing body of each such county or city may appoint either a member of its governing body or its county or city manager to serve as an ex officio member with voting privileges. Every such ex officio member shall be allowed to attend all meetings of the commission that other members may be required to attend. Vacancies shall be filled in the same manner as the original appointments.

The Chairman of the Commonwealth Transportation Board, or his designee, shall be a member of each commission, ex officio with voting privileges. The chairman of the Commonwealth Transportation Board may appoint an alternate member who may exercise all the powers and duties of the chairman of the Commonwealth Transportation Board when neither the chairman of the Commonwealth Transportation Board nor his designee is present at a commission meeting.

B. Any appointed member of a commission of a transportation district, commonly known as the Northern Virginia Transportation Commission, which was established prior to July 1, 1986, and which includes jurisdictions located within the Washington, D.C., metropolitan statistical area, and the Secretary of Transportation or his designee, is authorized to serve as a member of the board of directors of the Washington Metropolitan Area Transit Authority (Chapter 627 of the Acts of Assembly of 1958 as amended) and while so serving the provisions of § 2.2-2800 shall not apply to such member. In appointing Virginia members of the board of directors of the Washington Metropolitan Area Transit Authority (WMATA), the Northern Virginia Transportation Commission shall include the Secretary of Transportation or his designee as a

principal member on the board of directors of the WMATA. Any designee serving as the principal member must reside in a locality served by WMATA.

In selecting from its membership those members to serve on the board of directors of the WMATA, the Northern Virginia Transportation Commission shall comply with the following requirements:

1. A board member shall not have been an employee of WMATA within one year of appointment to serve on the board of directors.

2. A board member shall have experience in at least one of the following: transit planning, transportation planning, or land use planning; transit or transportation management or other public sector management; engineering; finance; public safety; homeland security; human resources; the law; or knowledge of the region's transportation issues derived from working on regional transportation issue resolution.

3. A member shall be a regular patron of the services provided by WMATA.

4. Members shall serve a term of four years with a maximum of two consecutive terms. Such term or terms must coincide with their term on the body that appointed them to the Northern Virginia Transportation Commission. Any vacancy created if a board member cannot fulfill his term because his term on the appointing body had ended shall be filled for the unexpired term in the same manner as the member being replaced was appointed within 60 days of the vacancy. The initial appointments to a four-year term will be as follows: the Secretary, or his designee, for a term of four years; the second principal member for a term of three years; one alternate for a term of two years; and the remaining alternate for a term of one year. Thereafter, members shall be appointed for terms of four years. Service on the WMATA board of directors prior to July 1, 2012, shall not be considered in determining length of service. Any person appointed to an initial one or two year term, or appointed to an unexpired term in which two years or less is remaining, shall be eligible to serve two consecutive four-year terms after serving the initial or unexpired term.

5. Members may be removed from the board of directors of the WMATA if they attend fewer than three-fourths of the meetings in a calendar year; if they are conflicted due to employment at WMATA; or if they are found to be in violation of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). If a member is removed during a term, the vacancy shall be filled pursuant to the provisions of subdivision 4.

6. Each member of the Northern Virginia Transportation Commission appointed to the board of directors of the WMATA shall file semiannual reports with the Secretary of Transportation's office beginning July 1, 2012. The reports shall include (i) the dates of attendance at WMATA board meetings, (ii) any reasons for not attending a specific meeting, and (iii) dates and attendance at other WMATA-related public events.

Any entity that provides compensation to a WMATA board member for his service on the WMATA board shall be required to submit on July 1 of each year to the Secretary of Transportation the amount of that compensation. Such letter will remain on file with the Secretary's office and be available for public review.

C. (Effective July 1, 2014) In the case of two or more transportation commissions which each include at least one jurisdiction located within the Washington, D.C., metropolitan area and which have entered into an agreement to operate a commuter railway, the agreement governing the creation of the railway shall provide that the Chairman of the Commonwealth Transportation Board or his designee shall have one vote on the oversight board for the railway. For each year in which the state contribution to the railway is greater than or equal to the highest contribution from an individual jurisdiction, the total annual jurisdictional subsidy used to determine vote weights shall be recalculated to include the Commonwealth contributing an amount equal to the highest contributing jurisdiction. The vote weights shall be recalculated to provide the Chairman of the Commonwealth Transportation Board or his designee the same weight as the highest contributing jurisdiction. The revised vote weights shall be used in determining the passage of motions before the oversight board.

CHAPTER 656

An Act to amend and reenact § 18.2-67.4 of the Code of Virginia, relating to sexual battery by touching a person's intimate parts; penalty.

[H 567]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-67.4 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-67.4. Sexual battery.

A. An accused is guilty of sexual battery if he sexually abuses, as defined in § 18.2-67.10, (i) the complaining witness against the will of the complaining witness, by force, threat, intimidation, or ruse, (ii) *within a two-year period, more than one complaining witness or one complaining witness on more than one occasion intentionally and without the consent of the complaining witness*, (iii) an inmate who has been committed to jail or convicted and sentenced to confinement in a state or local correctional facility or regional jail, and the accused is an employee or contractual employee of, or a volunteer with, the state or local correctional facility or regional jail; is in a position of authority over the inmate; and knows that the inmate is under the jurisdiction of the state or local correctional facility or regional jail, or ~~(iii)~~ (iv) a probationer, parolee, or a pretrial defendant or posttrial offender under the jurisdiction of the Department of Corrections, a local community-based probation services agency, a pretrial services agency, a local or regional jail for the purposes of imprisonment, a work

program or any other parole/probationary or pretrial services or agency and the accused is an employee or contractual employee of, or a volunteer with, the Department of Corrections, a local community-based probation services agency, a pretrial services agency or a local or regional jail; is in a position of authority over an offender; and knows that the offender is under the jurisdiction of the Department of Corrections, a local community-based probation services agency, a pretrial services agency or a local or regional jail.

B. Sexual battery is a Class 1 misdemeanor.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 806 of the Acts of Assembly of 2013 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 657

An Act to amend and reenact § 23-7.4:1 of the Code of Virginia, relating to the Virginia Military Survivors and Dependents Education Program; residency requirements.

[H 576]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 23-7.4:1 of the Code of Virginia is amended and reenacted as follows:

§ 23-7.4:1. Waiver of tuition and certain charges and fees for eligible children and spouses of certain military service members, eligible children and spouses of certain public safety personnel, and certain foreign students.

A. There is hereby established the Virginia Military Survivors and Dependents Education Program. Qualified survivors and dependents of military service members, who have been admitted to any public institution of higher education or other public accredited postsecondary institution granting a degree, diploma, or certificate in the Commonwealth of Virginia, upon certification to the Commissioner of the Department of Veterans Services of eligibility under this subsection, shall be admitted free of tuition and all required fees.

The Virginia Military Survivors and Dependents Education Program shall be implemented pursuant to the following:

1. For the purposes of this subsection, "qualified survivors and dependents" means the spouse or a child between the ages of 16 and 29 of a military service member who, while serving as an active duty member in the United States Armed Forces, United States Armed Forces Reserves, the Virginia National Guard, or Virginia National Guard Reserve, during military operations against terrorism, on a peacekeeping mission, as a result of a terrorist act, or in any armed conflict subsequent to December 6, 1941, was killed or is missing in action or is a prisoner of war, or of a veteran who, due to such service, has been rated by the United States Department of Veterans Affairs as totally and permanently disabled or at least 90% disabled, and has been discharged or released under conditions other than dishonorable. However, the Commissioner of the Department of Veterans Services may certify dependents above the age of 29 in those cases in which extenuating circumstances prevented the dependent child from using his benefits before the age of 30.

2. Such qualified survivors and dependents shall be eligible for the benefits conferred by this subsection if the military service member who was killed, is missing in action, is a prisoner of war, or is disabled (i) was a bona fide domiciliary of Virginia at the time of entering such active military service or called to active duty as a member of the Armed Forces Reserves or Virginia National Guard Reserve; (ii) is and has been a bona fide domiciliary of Virginia for at least five years immediately prior to, *or has had a physical presence in Virginia for at least five years immediately prior to*, the date on which the admission application was submitted by or on behalf of such qualified survivor or dependent for admission to such institution of higher education or other public accredited postsecondary institution; (iii) if deceased, was a bona fide domiciliary of Virginia on the date of his death and had been a bona fide domiciliary of Virginia for at least five years immediately prior to his death *or had a physical presence in Virginia on the date of his death and has had a physical presence in Virginia for at least five years immediately prior to his death*; (iv) in the case of a qualified child, is deceased and the surviving parent had been, at some time previous to marrying the deceased parent, a bona fide domiciliary of Virginia for at least five years or is and has been a bona fide domiciliary of Virginia for at least five years immediately prior to *or has had a physical presence in Virginia for at least five years immediately prior to* the date on which the admission application was submitted by or on behalf of such child; or (v) in the case of a qualified spouse, is deceased and the surviving spouse had been, at some time previous to marrying the deceased spouse, a bona fide domiciliary of Virginia for at least five years or is and has been a bona fide domiciliary of Virginia for at least five years *or has had a physical presence in Virginia for at least five years* prior to the date on which the admission application was submitted by such qualified spouse.

3. From such funds as may be appropriated and from such gifts, bequests, and any gifts, grants, or donations from public or private sources, there is hereby established the Virginia Military Survivors and Dependents Education Fund for the sole purpose of providing financial assistance, in an amount (i) up to \$2,000 or (ii) as provided in the appropriation act, for board and room charges, books and supplies, and other expenses at any public institution of higher education or other public

accredited postsecondary institution granting a degree, diploma, or certificate in the Commonwealth of Virginia for the use and benefit of qualified survivors and dependents.

Each year, from the funds available in the Virginia Military Survivors and Dependents Education Fund, the State Council of Higher Education for Virginia and its member institutions shall determine the amount and the manner in which financial assistance shall be made available to beneficiaries and shall make that information available to the Commissioner of the Department of Veterans Services for distribution.

The State Council of Higher Education for Virginia shall be responsible for disbursing to the institutions the funds appropriated or otherwise made available by the Commonwealth of Virginia to support the Virginia Military Survivors and Dependents Education Fund and shall report to the Commissioner of the Department of Veterans Services the beneficiaries' completion rate.

The maximum amount to be expended for each such survivor or dependent pursuant to this subsection shall not exceed, when combined with any other form of scholarship, grant, or waiver, the actual costs related to the survivor's or dependent's educational expenses allowed under this subsection.

4. The Commissioner of the Department of Veterans Services shall designate a senior-level official who shall be responsible for developing and implementing the agency's strategy for disseminating information about the Military Survivors and Dependents Education Program to those spouses and dependents who may qualify. The Department of Veterans Services shall coordinate with the United States Department of Veterans Affairs to identify veterans and qualified survivors and dependents. The Commissioner of the Department of Veterans Services shall report annually to the Governor and the General Assembly as to the agency's policies and strategies relating to dissemination of information about the Program. The report shall also include the number of current beneficiaries, the educational institutions attended by beneficiaries, and the completion rate of the beneficiaries.

B. The surviving spouse and any child between the ages of 16 and 25 whose parent or whose spouse has been killed in the line of duty while employed or serving as a law-enforcement officer, including as a campus police officer appointed under Chapter 17 (§ 23-232 et seq.), sworn law-enforcement officer, firefighter, special forest warden pursuant to § 10.1-1135, member of a rescue squad, special agent of the Department of Alcoholic Beverage Control, state correctional, regional or local jail officer, regional jail or jail farm superintendent, sheriff, or deputy sheriff, member of the Virginia National Guard while serving on official state duty or federal duty under Title 32 of the United States Code, or member of the Virginia Defense Force while serving on official state duty, and any person whose spouse was killed in the line of duty while employed or serving in any of such occupations, shall be entitled to free undergraduate tuition and the payment of required fees at any public institution of higher education or other public accredited postsecondary institution granting a degree, diploma, or certificate in Virginia under the following conditions:

1. The chief administrative officer of the Alcoholic Beverage Control Board, emergency medical services agency, law-enforcement agency, or other appropriate agency or the Superintendent of State Police certifies that the deceased parent or spouse was employed or serving as a law-enforcement officer, sworn law-enforcement officer, firefighter, special forest warden pursuant to § 10.1-1135, or member of a rescue squad or in any other capacity as specified in this section and was killed in the line of duty while serving or living in the Commonwealth; and

2. The child or spouse shall have been offered admission to such public institution of higher education or other public accredited postsecondary institution. Any child or spouse who believes he is eligible shall apply to the public institution of higher education or other accredited postsecondary institution to which he has been admitted for the benefits provided by this subsection. The institution shall determine the eligibility of the applicant for these benefits and shall also ascertain that the recipients are in attendance and are making satisfactory progress. The amounts payable for tuition, institutional charges and required fees, and books and supplies for the applicants shall be waived by the institution accepting the students.

C. For the purposes of subsection B, user fees, such as room and board charges, shall not be included in this authorization to waive tuition and fees. However, all required educational and auxiliary fees shall be waived along with tuition.

D. Tuition and required fees may be waived for a student from a foreign country enrolled in a public institution of higher education through a student exchange program approved by such institution, provided the number of foreign students does not exceed the number of students paying full tuition and required fees to the institution under the provisions of the exchange program for a given three-year period.

E. Each public institution of higher education and other public accredited postsecondary institution granting a degree, diploma, or certificate in Virginia shall include in its catalogue or equivalent publication a statement describing the benefits provided by subsections A and B.

CHAPTER 658

An Act to amend the Code of Virginia by adding in Chapter 22.2 of Title 19.2 a section numbered 19.2-386.35, relating to forfeiture of property used in commission of certain crimes.

[H 660]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 22.2 of Title 19.2 a section numbered 19.2-386.35 as follows:

§ 19.2-386.35. Seizure of property used in connection with certain offenses.

All money, equipment, motor vehicles, and other personal and real property of any kind or character together with any interest or profits derived from the investment of such proceeds or other property that (i) was used in connection with the commission of, or in an attempt to commit, a violation of subsection B of § 18.2-47, § 18.2-48 or 18.2-59, subsection B of § 18.2-346, or § 18.2-347, 18.2-348, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 40.1-29, 40.1-100.2, or 40.1-103; (ii) is traceable to the proceeds of some form of activity that violates subsection B of § 18.2-47, § 18.2-48 or 18.2-59, subsection B of § 18.2-346, or § 18.2-347, 18.2-348, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 40.1-29, 40.1-100.2, or 40.1-103; or (iii) was used to or intended to be used to promote some form of activity that violates subsection B of § 18.2-47, § 18.2-48 or 18.2-59, subsection B of § 18.2-346, or § 18.2-347, 18.2-348, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 40.1-29, 40.1-100.2, or 40.1-103 is subject to lawful seizure by a law-enforcement officer and subject to forfeiture to the Commonwealth pursuant to Chapter 22.1 (§ 19.2-386.1 et seq.). Any forfeiture action under this section shall be stayed until conviction, and property eligible for forfeiture pursuant to this section shall be forfeited only upon the entry of a final judgment of conviction for an offense listed in this section; if no such judgment is entered, all property seized pursuant to this section shall be released from seizure.

Real property shall not be subject to seizure unless the minimum prescribed punishment for the violation is a term of imprisonment of not less than five years.

All seizures and forfeitures under this section shall be governed by Chapter 22.1 (§ 19.2-386.1 et seq.), and the procedures specified therein shall apply, mutatis mutandis, to all forfeitures under this section.

CHAPTER 659

An Act to amend the Code of Virginia by adding sections numbered 55-79.71:2, 55-79.73:2, and 55-515.2:1, relating to the Condominium and Property Owners' Association Acts; merger of developments; reformation of declaration.

[H 690]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 55-79.71:2, 55-79.73:2, and 55-515.2:1 as follows:

§ 55-79.71:2. Merger or consolidation of condominiums; procedure.

A. Any two or more condominiums, by agreement of the unit owners as provided in subsection B, may be merged or consolidated into a single condominium. In the event of a merger or consolidation, unless the agreement otherwise provides, the resultant condominium shall be the legal successor, for all purposes, of all of the preexisting condominiums, and the operations and activities of all unit owners' associations of the preexisting condominiums shall be merged or consolidated into a single unit owners' association that holds all powers, rights, obligations, assets, and liabilities of all preexisting unit owners' associations.

B. An agreement to merge or consolidate two or more condominiums pursuant to subsection A shall be evidenced by an agreement prepared, executed, recorded, and certified by the principal officer of the unit owners' association of each of the preexisting condominiums following approval by owners of units to which are allocated the percentage of votes in each condominium required to terminate that condominium. The agreement shall be recorded in every locality in which a portion of the condominium is located and shall not be effective until recorded.

C. Every merger or consolidation agreement shall provide for the reallocation of the allocated interests in the new unit owners' association among the units of the resultant condominium either (i) by stating the reallocations or the formulas upon which they are based or (ii) by stating the percentage of the overall allocated interests of the condominium that are allocated to all of the units comprising each of the preexisting condominiums, and provided that the portion of the percentages allocated to each unit formerly comprising a part of the preexisting condominium shall be equal to the percentages of allocated interests allocated to that unit by the declaration of the preexisting condominium.

D. If the condominium instruments of a condominium to be merged or consolidated require a vote or consent of mortgagees in order to amend the condominium instruments or terminate the condominium, the same vote or consent of mortgagees shall be required before such merger or consolidation shall become effective. No merger or consolidation shall affect mortgagee rights, alter the priority of the lien of any mortgage, materially impair or affect any condominium unit as collateral for a mortgage, or affect a mortgagee's right to foreclose on a condominium unit as collateral without the prior written consent of the mortgagee. A vote or consent of a mortgagee required by this section may be deemed received pursuant to § 55-79.73:1.

§ 55-79.73:2. Reformation of declaration; judicial procedure.

A. A unit owners' association may petition the circuit court in the county or city wherein the condominium or the greater part thereof is located to reform the condominium instruments where the unit owners' association, acting through its executive organ, has attempted to amend the condominium instruments regarding ownership of legal title of the common

elements or real property using provisions outlined therein to resolve (i) ambiguities or inconsistencies in the condominium instruments that are the source of legal and other disputes pertaining to the legal rights and responsibilities of the unit owners' association or individual unit owners or (ii) scrivener's errors, including incorrectly identifying the unit owners' association, incorrectly identifying an entity other than the unit owners' association, or errors arising from oversight or from an inadvertent omission or mathematical mistake.

B. The court shall have jurisdiction over matters set forth in subsection A regarding ownership of legal title of the common elements or real property to:

1. Reform, in whole or in part, any provision of the condominium instruments; and

2. Correct mistakes or any other error in the condominium instruments that may exist with respect to the declaration for any other purpose.

C. A petition filed by the unit owners' association with the court setting forth any inconsistency or error made in the condominium instruments, or the necessity for any change therein, shall be deemed sufficient basis for the reformation, in whole or in part, of the condominium instruments, provided that:

1. The unit owners' association has made three good faith attempts to convene a duly called meeting of the unit owners' association to present for consideration amendments to the condominium instruments for the reasons specified in subsection A, which attempts have proven unsuccessful as evidenced by an affidavit verified by oath of the principal officer of the unit owners' association;

2. There is no adequate remedy at law as practical and effective to attain the ends of justice as may be accomplished in the circuit court;

3. Where the declarant of the condominium still owns a unit or continues to have any special declarant rights in the condominium, the declarant joins in the petition of the unit owners' association;

4. A copy of the petition is sent to all unit owners at least 30 days before the petition is filed as evidenced by an affidavit verified by oath of the principal officer of the unit owners' association; and

5. A copy of the petition is sent to all mortgagees at least 30 days before the petition is filed as evidenced by an affidavit verified by oath of the principal officer of the unit owners' association.

D. Any mortgagee of a condominium unit in the condominium shall have standing to participate in the reformation proceedings before the court. No reformation pursuant to this section shall affect mortgagee rights, alter the priority of the lien of any mortgage, materially impair or affect any condominium unit as collateral for a mortgage, or affect a mortgagee's right to foreclose on a condominium unit as collateral without the prior written consent of the mortgagee. Consent of a mortgagee required by this section may be deemed received pursuant to § 55-79.73:1.

§ 55-515.2:1. Reformation of declaration; judicial procedure.

A. An association may petition the circuit court in the county or city wherein the development or the greater part thereof is located to reform a declaration where the association, acting through its board of directors, has attempted to amend the declaration regarding ownership of legal title of the common areas or real property using provisions outlined therein to resolve (i) ambiguities or inconsistencies in the declaration that are the source of legal and other disputes pertaining to the legal rights and responsibilities of the association or individual lot owners or (ii) scrivener's errors, including incorrectly identifying the association, incorrectly identifying an entity other than the association, or errors arising from oversight or from an inadvertent omission or mathematical mistake.

B. The court shall have jurisdiction over matters set forth in subsection A regarding ownership of legal title of the common areas or real property to:

1. Reform, in whole or in part, any provision of a declaration; and

2. Correct mistakes or any other error in the declaration that may exist with respect to the declaration for any other purpose.

C. A petition filed by the association with the court setting forth any inconsistency or error made in the declaration, or the necessity for any change therein, shall be deemed sufficient basis for the reformation, in whole or in part, of the declaration, provided that:

1. The association has made three good faith attempts to convene a duly called meeting of the association to present for consideration amendments to the declaration for the reasons specified in subsection A, which attempts have proven unsuccessful as evidenced by an affidavit verified by oath of the principal officer of the association;

2. There is no adequate remedy at law as practical and effective to attain the ends of justice as may be accomplished in the circuit court;

3. Where the declarant of the development still owns a lot or other property in the development, the declarant joins in the petition of the association;

4. A copy of the petition is sent to all owners at least 30 days before the petition is filed as evidenced by an affidavit verified by oath of the principal officer of the association; and

5. A copy of the petition is sent to all mortgagees at least 30 days before the petition is filed as evidenced by an affidavit verified by oath of the principal officer of the association.

D. Any mortgagee of a lot in the development shall have standing to participate in the reformation proceedings before the court. No reformation pursuant to this section shall affect mortgagee rights, alter the priority of the lien of any mortgage, materially impair or affect any lot as collateral for a mortgage, or affect a mortgagee's right to foreclose on a lot as collateral without the prior written consent of the mortgagee. Consent of a mortgagee required by this section may be deemed received pursuant to § 55-515.1.

CHAPTER 660

An Act to amend and reenact § 18.2-57.2 of the Code of Virginia, relating to assault and battery against a family or household member.

[H 708]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-57.2 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-57.2. Assault and battery against a family or household member; penalty.

A. Any person who commits an assault and battery against a family or household member is guilty of a Class 1 misdemeanor.

B. Upon a conviction for assault and battery against a family or household member, where it is alleged in the warrant, petition, information, or indictment on which a person is convicted, that such person has been previously convicted of two offenses against a family or household member of (i) assault and battery against a family or household member in violation of this section, (ii) malicious wounding *or unlawful wounding* in violation of § 18.2-51, (iii) aggravated malicious wounding in violation of § 18.2-51.2, (iv) malicious bodily injury by means of a substance in violation of § 18.2-52, ~~or~~ (v) *strangulation in violation of § 18.2-51.6*, or (vi) an offense under the law of any other jurisdiction which has the same elements of any of the above offenses, in any combination, all of which occurred within a period of 20 years, and each of which occurred on a different date, such person is guilty of a Class 6 felony.

C. Whenever a warrant for a violation of this section is issued, the magistrate shall issue an emergency protective order as authorized by § 16.1-253.4, except if the defendant is a minor, an emergency protective order shall not be required.

D. The definition of "family or household member" in § 16.1-228 applies to this section.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 806 of the Acts of Assembly of 2013 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 661

An Act to amend the Code of Virginia by adding in Chapter 26 of Title 54.1 a section numbered 54.1-2605, relating to assistant speech-language pathologists.

[H 764]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 26 of Title 54.1 a section numbered 54.1-2605 as follows:

§ 54.1-2605. Practice of assistant speech-language pathologists.

A person who has met the qualifications prescribed by the Board may practice as an assistant speech-language pathologist and may perform duties not otherwise restricted to the practice of a speech-language pathologist under the supervision of a licensed speech-language pathologist.

2. That the Board of Audiology and Speech-Language Pathology shall report its actions regarding assistant speech-language pathologists to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health.

CHAPTER 662

An Act to amend and reenact § 46.2-749.7:3 of the Code of Virginia, relating to special license plates for supporting the Eastern Shore business community; fees.

[H 840]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-749.7:3 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-749.7:3. Special license plates supporting education, charity, and scientific study for Virginia's Eastern Shore business community; fees.

A. On receipt of an application therefor and payment of the fee prescribed by this section, and following the provisions of § 46.2-725, other than those relating to the fee for the plates and its disposition, the Commissioner shall issue to the applicant special license plates promoting tourism on Virginia's Eastern Shore.

B. The annual fee for plates issued pursuant to this section shall be \$25 in addition to the prescribed fee for state license plates. For each such \$25 fee collected in excess of 1,000 registrations pursuant to this section, \$15 shall be paid into the state treasury and credited to a special nonreverting fund known as the Eastern Shore Foundation Fund, established within the Department of Accounts. These funds shall be paid annually to the Eastern Shore of Virginia Chamber of Commerce Foundation and used to support education, charity, and scientific study for Virginia's Eastern Shore business community. All other fees imposed under the provisions of this section shall be paid to, and received by, the Commissioner of the Department of Motor Vehicles and paid by him into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department of Motor Vehicles.

2. That all license plates issued pursuant to § 46.2-749.7:3 of the Code of Virginia prior to July 1, 2014, shall remain valid until their expiration, but shall thereafter be renewed as provided in this act.

CHAPTER 663

An Act to amend and reenact § 18.2-57 of the Code of Virginia, relating to assault and battery; school employees; penalty.

[H 851]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-57 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-57. Assault and battery; penalty.

A. Any person who commits a simple assault or assault and battery is guilty of a Class 1 misdemeanor, and if the person intentionally selects the person against whom a simple assault is committed because of his race, religious conviction, color or national origin, the penalty upon conviction shall include a term of confinement of at least six months, 30 days of which shall be a mandatory minimum term of confinement.

B. However, if a person intentionally selects the person against whom an assault and battery resulting in bodily injury is committed because of his race, religious conviction, color or national origin, the person is guilty of a Class 6 felony, and the penalty upon conviction shall include a term of confinement of at least six months, 30 days of which shall be a mandatory minimum term of confinement.

C. In addition, if any person commits an assault or an assault and battery against another knowing or having reason to know that such other person is a judge, a magistrate, a law-enforcement officer as defined in subsection F, a correctional officer as defined in § 53.1-1, a person directly involved in the care, treatment, or supervision of inmates in the custody of the Department of Corrections or an employee of a local or regional correctional facility directly involved in the care, treatment, or supervision of inmates in the custody of the facility, a person directly involved in the care, treatment, or supervision of persons in the custody of or under the supervision of the Department of Juvenile Justice, an employee or other individual who provides control, care, or treatment of sexually violent predators committed to the custody of the Department of Behavioral Health and Developmental Services, a firefighter as defined in § 65.2-102, or a volunteer firefighter or any emergency medical services personnel member who is employed by or is a volunteer of an emergency medical services agency or as a member of a bona fide volunteer fire department or volunteer emergency medical services agency, regardless of whether a resolution has been adopted by the governing body of a political subdivision recognizing such firefighters or emergency medical services personnel as employees, engaged in the performance of his public duties, such person is guilty of a Class 6 felony, and, upon conviction, the sentence of such person shall include a mandatory minimum term of confinement of six months.

Nothing in this subsection shall be construed to affect the right of any person charged with a violation of this section from asserting and presenting evidence in support of any defenses to the charge that may be available under common law.

D. In addition, if any person commits a battery against another knowing or having reason to know that such other person is a full-time or part-time ~~teacher, principal, assistant principal, or guidance counselor~~ *employee* of any public or private elementary or secondary school and is engaged in the performance of his duties as such, he is guilty of a Class 1 misdemeanor and the sentence of such person upon conviction shall include a sentence of 15 days in jail, two days of which shall be a mandatory minimum term of confinement. However, if the offense is committed by use of a firearm or other weapon prohibited on school property pursuant to § 18.2-308.1, the person shall serve a mandatory minimum sentence of confinement of six months.

E. In addition, any person who commits a battery against another knowing or having reason to know that such individual is a health care provider as defined in § 8.01-581.1 who is engaged in the performance of his duties as an emergency health care provider in an emergency room of a hospital or clinic or on the premises of any other facility rendering emergency medical care is guilty of a Class 1 misdemeanor. The sentence of such person, upon conviction, shall include a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term of confinement.

F. As used in this section:

"Judge" means any justice or judge of a court of record of the Commonwealth including a judge designated under § 17.1-105, a judge under temporary recall under § 17.1-106, or a judge pro tempore under § 17.1-109, any member of the State Corporation Commission, or of the Virginia Workers' Compensation Commission, and any judge of a district court of the Commonwealth or any substitute judge of such district court.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof who is responsible for the prevention or detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115, any special agent of the Department of Alcoholic Beverage Control, conservation police officers appointed pursuant to § 29.1-200, and full-time sworn members of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and such officer also includes jail officers in local and regional correctional facilities, all deputy sheriffs, whether assigned to law-enforcement duties, court services or local jail responsibilities, auxiliary police officers appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733, auxiliary deputy sheriffs appointed pursuant to § 15.2-1603, police officers of the Metropolitan Washington Airports Authority pursuant to § 5.1-158, and fire marshals appointed pursuant to § 27-30 when such fire marshals have police powers as set out in §§ 27-34.2 and 27-34.2:1.

"School security officer" means an individual who is employed by the local school board for the purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies and detaining persons violating the law or school board policies on school property, a school bus or at a school-sponsored activity and who is responsible solely for ensuring the safety, security and welfare of all students, faculty and staff in the assigned school.

G. "Simple assault" or "assault and battery" shall not be construed to include the use of, by any ~~teacher, teacher aide, principal, assistant principal, guidance counselor,~~ school security officer, ~~school bus driver~~ or *full-time or part-time employee of any public or private elementary or secondary school bus aide*, while acting in the course and scope of his official capacity, any of the following: (i) incidental, minor or reasonable physical contact or other actions designed to maintain order and control; (ii) reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens physical injury to persons or damage to property; (iii) reasonable and necessary force to prevent a student from inflicting physical harm on himself; (iv) reasonable and necessary force for self-defense or the defense of others; or (v) reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or associated paraphernalia that are upon the person of the student or within his control.

In determining whether a person was acting within the exceptions provided in this subsection, due deference shall be given to reasonable judgments that were made by a ~~teacher, teacher aide, principal, assistant principal, guidance counselor,~~ school security officer, ~~school bus driver,~~ or *full-time or part-time employee of any public or private elementary or secondary school bus aide* at the time of the event.

CHAPTER 664

An Act to amend and reenact §§ 54.1-2519 and 54.1-2520 of the Code of Virginia and to amend the Code of Virginia by adding in Article 5 of Chapter 34 of Title 54.1 a section numbered 54.1-3456.1, relating to designation and reporting of drugs of concern.

[H 874]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2519 and 54.1-2520 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 5 of Chapter 34 of Title 54.1 a section numbered 54.1-3456.1 as follows:

§ 54.1-2519. Definitions.

As used in this article, unless the context requires a different meaning:

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by (i) a practitioner or, under the practitioner's direction, his authorized agent or (ii) the patient or research subject at the direction and in the presence of the practitioner.

"Bureau" means the Virginia Department of State Police, Bureau of Criminal Investigation, Drug Diversion Unit.

"Controlled substance" means a drug, substance or immediate precursor in Schedules I through VI of the Drug Control Act, Chapter 34 (§ 54.1-3400 et seq.) of this title.

"Covered substance" means all controlled substances included in Schedules II, III, and IV *and all drugs of concern* that are required to be reported to the Prescription Monitoring Program, pursuant to this chapter.

"Department" means the Virginia Department of Health Professions.

"Director" means the Director of the Virginia Department of Health Professions.

"Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling or compounding necessary to prepare the substance for that delivery.

"Dispenser" means a person or entity that (i) is authorized by law to dispense a covered substance or to maintain a stock of covered substances for the purpose of dispensing, and (ii) dispenses the covered substance to a citizen of the

Commonwealth regardless of the location of the dispenser, or who dispenses such covered substance from a location in Virginia regardless of the location of the recipient.

"Drug of concern" means any drug or substance, including any controlled substance or other drug or substance, where there has been or there is the potential for abuse and that has been identified by the Board of Pharmacy pursuant to § 54.1-3456.1.

"Prescriber" means a practitioner licensed in the Commonwealth who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription for a covered substance or a practitioner licensed in another state to so issue a prescription for a covered substance.

"Recipient" means a person who receives a covered substance from a dispenser.

"Relevant health regulatory board" means any such board that licenses persons or entities with the authority to prescribe or dispense covered substances, including, but not limited to, the Board of Dentistry, the Board of Medicine, and the Board of Pharmacy.

§ 54.1-2520. Program establishment; Director's regulatory authority.

A. The Director shall establish, maintain, and administer an electronic system to monitor the dispensing of covered substances to be known as the Prescription Monitoring Program. Covered substances shall include all Schedule II, III, and IV controlled substances, as defined in the Drug Control Act (§ 54.1-3400 et seq.), and any other drugs of concern identified by the Board of Pharmacy pursuant to § 54.1-3456.1.

B. The Director, after consultation with relevant health regulatory boards, shall promulgate, in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), such regulations as are necessary to implement the prescription monitoring program as provided in this chapter, including, but not limited to, the establishment of criteria for granting waivers of the reporting requirements set forth in § 54.1-2521.

C. The Director may enter into contracts as may be necessary for the implementation and maintenance of the Prescription Monitoring Program.

D. The Director shall provide dispensers with a basic file layout to enable electronic transmission of the information required in this chapter. For those dispensers unable to transmit the required information electronically, the Director shall provide an alternative means of data transmission.

E. The Director shall also establish an advisory committee within the Department to assist in the implementation and evaluation of the Prescription Monitoring Program.

§ 54.1-3456.1. Drugs of concern.

A. *The Board may promulgate regulations designating specific drugs and substances, including any controlled substance or other drug or substance where there has been or there is the actual or relative potential for abuse, as drugs of concern. Drugs or substances designated as drugs of concern shall be reported to the Department of Health Professions and shall be subject to reporting requirements for the Prescription Monitoring Program established pursuant to Chapter 25.2 (§ 54.1-2519 et seq.).*

B. *Drugs and substances designated as drugs of concern shall include any material, compound, mixture, or preparation that contains any quantity of the substance Tramadol, including its salts. Drugs and substances designated as drugs of concern shall not include any non-narcotic drug that may be lawfully sold over the counter or behind the counter without a prescription.*

CHAPTER 665

An Act to amend and reenact §§ 19.2-368.5, 19.2-368.9, and 19.2-368.11:1 of the Code of Virginia, relating to the Criminal Injuries Compensation Fund; workgroup.

[H 885]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-368.5, 19.2-368.9, and 19.2-368.11:1 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-368.5. Filing of claims; deferral of proceedings; restitution.

A. A claim may be filed by a person eligible to receive an award, as provided in § 19.2-368.4, or if such person is a minor, by his parent or guardian. In any case in which the person entitled to make a claim is incapacitated, the claim may be filed on his behalf by his guardian, conservator or such other individual authorized to administer his estate.

B. A claim shall be filed by the claimant not later than one year after the occurrence of the crime upon which such claim is based, or not later than one year after the death of the victim. However, (i) in cases involving claims made on behalf of a minor or a person who is incapacitated, the provisions of subsection A of § 8.01-229 shall apply to toll the one-year period; (ii) in cases involving claims made by a victim against profits of crime held in escrow pursuant to Chapter 21.2 (§ 19.2-368.19 et seq.) of this title, the claim shall be filed within five years of the date of the special order of escrow; and (iii) in cases involving claims of sexual abuse of a minor, the claim shall be filed within 10 years after the minor's eighteenth birthday. For good cause shown, the Commission may extend the time for filing for a crime committed on or after July 1, 2001.

In the case of a crime committed on or after July 1, 1977, and before July 1, 2001, for which a claim was not filed in a timely manner, the Commission may, for good cause shown, extend the time for filing if the attorney for the Commonwealth

sends written notification to the Commission that the crime is being investigated as a result of newly discovered evidence. For any claim filed pursuant to this paragraph, the Commission shall only consider expenses that the claimant accrues after the date of written notification by the attorney for the Commonwealth.

C. Claims shall be filed in the office of the Commission in person, by mail, or by electronic means in accordance with standards approved by the Commission. The Commission shall accept for filing all claims submitted by persons eligible under subsection A of this section and alleging the jurisdictional requirements set forth in this chapter and meeting the requirements as to form in the rules and regulations of the Commission.

D. Upon filing of a claim pursuant to this chapter, the Commission shall promptly notify the attorney for the Commonwealth of the jurisdiction wherein the crime is alleged to have occurred. If, within 10 days after such notification, the attorney for the Commonwealth so notified advises the Commission that a criminal prosecution is pending upon the same alleged crime, the Commission shall defer all proceedings under this chapter until such time as such criminal prosecution has been concluded in the circuit court unless notification is received from the attorney for the Commonwealth that no objection is made to a continuation of the investigation and determination of the claim. When such criminal prosecution has been concluded in the circuit court the attorney for the Commonwealth shall promptly so notify the Commission. Nothing in this section shall be construed to mean that the Commission is to defer proceedings upon the filing of an appeal, nor shall this section be construed to limit the authority of the Commission to grant emergency awards as hereinafter provided. Upon awarding a claim pursuant to this chapter, the Commission shall promptly notify the attorney for the Commonwealth of the jurisdiction wherein the crime is alleged to have occurred. If a criminal prosecution occurs regarding the same alleged crime, the attorney for the Commonwealth shall request the court to order restitution. However, neither the lack of a restitution order, nor the failure of the attorney for the Commonwealth to request such an order, shall preclude the Fund from exercising its subrogation rights pursuant to § 19.2-368.15. Any such restitution shall be paid over to the Comptroller for deposit into the Criminal Injuries Compensation Fund to the extent of the amount of the award paid from the Fund.

§ 19.2-368.9. Emergency awards.

Notwithstanding any other provisions of this chapter, if it appears to the Commission, that (1) such claim is one with respect to which an award probably will be made, and (2) undue hardship will result to the claimant if immediate payment is not made, the Commission may make an emergency award to the claimant, pending a final decision in the case, provided that (i) the amount of such emergency award shall not exceed ~~\$2,000~~ \$3,000, (ii) the amount of such emergency award shall be deducted from any final award made to the claimant, and (iii) the excess of the amount of such emergency award over the final award, or the full amount of the emergency award if no final award is made, shall be repaid by the claimant to the Commission.

§ 19.2-368.11:1. Amount of award.

A. Compensation for Total Loss of Earnings: An award made pursuant to this chapter for total loss of earnings which results directly from incapacity incurred by a crime victim shall be payable during total incapacity to the victim or to such other eligible person, at a weekly compensation rate equal to 66 2/3 percent of the victim's average weekly wages. The total amount of weekly compensation shall not exceed \$600. The victim's average weekly wages shall be determined as provided in § 65.2-101.

B. Compensation for Partial Loss of Earnings: An award made pursuant to this chapter for partial loss of earnings which results directly from incapacity incurred by a crime victim shall be payable during incapacity at a weekly rate equal to 66 2/3 percent of the difference between the victim's average weekly wages before the injury and the weekly wages which the victim is able to earn thereafter. The combined total of actual weekly earnings and compensation for partial loss of earnings shall not exceed \$600 per week.

C. Compensation for Loss of Earnings of Parent of Minor Victim: The parent or guardian of a minor crime victim may receive compensation for loss of earnings, calculated as specified in subsections A and B, for time spent obtaining medical treatment for the child and for accompanying the child to, attending or participating in investigative, prosecutorial, judicial, adjudicatory and post-conviction proceedings.

D. Compensation for Dependents of a Victim Who Is Killed: If death results to a victim of crime entitled to benefits, dependents of the victim shall be entitled to compensation in accordance with the provisions of §§ 65.2-512 and 65.2-515 in an amount not to exceed the maximum aggregate payment or the maximum weekly compensation which would have been payable to the deceased victim under this section.

E. Compensation for Unreimbursed Medical Costs, Funeral Expenses, Services, etc.: Awards may also be made on claims or portions of claims based upon the claimant's actual expenses incurred as are determined by the Commission to be appropriate, for (i) unreimbursed medical expenses or indebtedness reasonably incurred for medical expenses; (ii) expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the victim would have performed, for the benefit of himself and his family, if he had not been a victim of crime; (iii) expenses directly related to funeral or burial, not to exceed \$5,000; (iv) expenses attributable to pregnancy resulting from forcible rape; (v) mental health counseling for survivors as defined under subdivisions A 2 and A 4 of § 19.2-368.4, not to exceed ~~\$2,500~~ \$3,500 per claim; (vi) reasonable and necessary moving expenses, not to exceed ~~\$1,000~~ \$2,000, incurred by a victim or survivors as defined under subdivisions A 2 and A 4 of § 19.2-368.4; and (vii) any other reasonable and necessary expenses and indebtedness incurred as a direct result of the injury or death upon which such claim is based, not otherwise specifically provided for.

Notwithstanding any other provision of law, a person who is not eligible for an award under subsection A of § 19.2-368.4 who pays expenses directly related to funeral or burial is eligible for reimbursement subject to the limitations of this section.

F. Notwithstanding the provisions of subdivision 3 of § 19.2-368.10, §§ 19.2-368.5, 19.2-368.5:1, 19.2-368.6, 19.2-368.7, 19.2-368.8, subsection G of this section, and § 19.2-368.16, the Criminal Injuries Compensation Fund shall pay for physical evidence recovery kit examinations conducted on victims of sexual assault. Any individual that submits to and completes a physical evidence recovery kit examination shall be considered to have met the reporting and cooperation requirements of this chapter. Funds paid for physical evidence recovery kit collection shall not be offset against the Fund's maximum allowable award as provided in subsection H. Payments may be subject to negotiated agreements with the provider. Healthcare providers that complete physical evidence recovery kit examinations may bill the Fund directly subject to the provisions of § 19.2-368.5:2. The Commission shall develop policies for a distinct payment process for physical evidence recovery kit examination expenses as required under subdivision 1 of § 19.2-368.3.

In order for the Fund to consider additional crime-related expenses, victims shall file with the Fund following the provisions of this chapter and Criminal Injuries Compensation Fund policy.

G. Any claim made pursuant to this chapter shall be reduced by the amount of any payments received or to be received as a result of the injury from or on behalf of the person who committed the crime or from any other public or private source, including an emergency award by the Commission pursuant to § 19.2-368.9.

H. To qualify for an award under this chapter, a claim must have a minimum value of \$100, and payments for injury or death to a victim of crime, to the victim's dependents or to others entitled to payment for covered expenses, after being reduced as provided in subsection G, shall not exceed \$25,000 in the aggregate.

2. That the Virginia State Crime Commission shall convene a stakeholder workgroup to include state and local representatives from the sexual and domestic violence coalition; representatives from the Department of Criminal Justice Services, the Department of Social Services, the Department of Health and the Criminal Injuries Compensation Fund; and representatives from other relevant state or local entities to support an efficient and comprehensive streamlining of current federal and state sexual and domestic violence victim service agency funding, including general fund, non-general fund, and special fund monies. The workgroup shall complete its work no later than September 30, 2014.

CHAPTER 666

An Act to amend and reenact § 46.2-1702 of the Code of Virginia, relating to approval of driver education instructors by the Commissioner of the Department of Motor Vehicles.

[H 925]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1702 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1702. Certification of driver education courses by Commissioner.

~~The~~ *Notwithstanding any other provision of law, the Commissioner shall have the authority to approve as a driver education course satisfying the requirements of § 46.2-334 any course which is offered by any driver training school licensed under the provisions of this chapter if he finds that the course is of comparable content and quality to that offered in the Commonwealth's public schools. In making such finding, the Commissioner shall not require that the instructors of any driver training school meet the certification requirements of teachers in the Commonwealth's public schools.*

Any community college within the Virginia Community College System shall have the authority to offer the courses required by the Virginia Board of Education to become a certified driver education instructor in Virginia on a not-for-credit basis so long as the courses include the same content and curriculum required by the Department of Education, enabling individuals who complete those courses to then teach driver's education in Virginia driver education training schools upon official certification by the Department of Motor Vehicles. The Virginia Department of Education shall provide the curriculum, content, and other information regarding the courses required to become certified driver education instructors in Virginia to any community college within the Virginia Community College System. The content of each course must be accurate and rigorous and must meet the requirements for the Department of Education's Curriculum and Administrative Guide for Driver's Education, which includes the Board of Education's standards of learning.

The Commissioner shall have authority to approve any driver education course offered by any Class A licensee if he finds the course meets the requirements for such courses as set forth in this chapter and as otherwise established by the Department. Driver education courses offered by any Class B licensee shall be based on the driver education curriculum currently approved by the Department of Education and the Department.

The Commissioner may accept 20 years' service with the Virginia Department of State Police by a person who retired or resigned while in good standing from such Department in lieu of requirements established by the Department of Education for instructor qualification.

CHAPTER 667

An Act to amend and reenact § 20-108.2 of the Code of Virginia, relating to child support guidelines.

[H 933]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 20-108.2 of the Code of Virginia is amended and reenacted as follows:

§ 20-108.2. Guideline for determination of child support; quadrennial review by Child Support Guidelines Review Panel; executive summary.

A. There shall be a rebuttable presumption in any judicial or administrative proceeding for child support under this title or Title 16.1 or 63.2, including cases involving split custody or shared custody, that the amount of the award which would result from the application of the guidelines set forth in this section is the correct amount of child support to be awarded. In order to rebut the presumption, the court shall make written findings in the order as set out in § 20-108.1, which findings may be incorporated by reference, that the application of the guidelines would be unjust or inappropriate in a particular case as determined by relevant evidence pertaining to the factors set out in § 20-108.1. The Department of Social Services shall set child support at the amount resulting from computations using the guidelines set out in this section pursuant to the authority granted to it in Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and subject to the provisions of § 63.2-1918.

B. For purposes of application of the guideline, a basic child support obligation shall be computed using the schedule set out below. For combined monthly gross income amounts falling between amounts shown in the schedule, basic child support obligation amounts shall be extrapolated. However, unless one of the following exemptions applies where the sole custody child support obligation as computed pursuant to subdivision G 1 is less than ~~\$65~~ the statutory minimum per month, there shall be a presumptive minimum child support obligation of ~~\$65~~ the statutory minimum per month payable by the payor parent. *If the gross income of the obligor is equal to or less than 150 percent of the federal poverty level promulgated by the U.S. Department of Health and Human Services from time to time, then the court, upon hearing evidence that there is no ability to pay the presumptive statutory minimum, may set an obligation below the presumptive statutory minimum provided doing so does not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child.* Exemptions from this presumptive minimum monthly child support obligation shall include: parents unable to pay child support because they lack sufficient assets from which to pay child support and who, in addition, are institutionalized in a psychiatric facility; are imprisoned for life with no chance of parole; are medically verified to be totally and permanently disabled with no evidence of potential for paying child support, including recipients of Supplemental Security Income (SSI); or are otherwise involuntarily unable to produce income. "Number of children" means the number of children for whom the parents share joint legal responsibility and for whom support is being sought.

SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS

COMBINED MONTHLY GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
0-599	65	65	65	65	65	65
600	110	111	113	114	115	116
650	138	140	142	143	145	146
700	153	169	170	172	174	176
750	160	197	199	202	204	206
800	168	226	228	231	233	236
850	175	254	257	260	263	266
900	182	281	286	289	292	295
950	189	292	315	318	322	325
1000	196	304	344	348	351	355
1050	203	315	373	377	381	385
1100	210	326	402	406	410	415
1150	217	337	422	435	440	445
1200	225	348	436	465	470	475
1250	232	360	451	497	502	507
1300	241	373	467	526	536	542
1350	249	386	483	545	570	576
1400	257	398	499	563	605	611
1450	265	411	515	581	633	645
1500	274	426	533	602	656	680

1550	282	436	547	617	672	714
1600	289	447	560	632	689	737
1650	295	458	573	647	705	754
1700	302	468	587	662	721	772
1750	309	479	600	676	738	789
1800	315	488	612	690	752	805
1850	321	497	623	702	766	819
1900	326	506	634	714	779	834
1950	332	514	645	727	793	848
2000	338	523	655	739	806	862
2050	343	532	666	751	819	877
2100	349	540	677	763	833	891
2150	355	549	688	776	846	905
2200	360	558	699	788	860	920
2250	366	567	710	800	873	934
2300	371	575	721	812	886	948
2350	377	584	732	825	900	963
2400	383	593	743	837	913	977
2450	388	601	754	849	927	991
2500	394	610	765	862	940	1006
2550	399	619	776	874	954	1020
2600	405	627	787	886	967	1034
2650	410	635	797	897	979	1048
2700	415	643	806	908	991	1060
2750	420	651	816	919	1003	1073
2800	425	658	826	930	1015	1085
2850	430	667	836	941	1027	1098
2900	435	675	846	953	1039	1112
2950	440	683	856	964	1052	1125
3000	445	691	866	975	1064	1138
3050	450	699	876	987	1076	1152
3100	456	707	886	998	1089	1165
3150	461	715	896	1010	1101	1178
3200	466	723	906	1021	1114	1191
3250	471	732	917	1032	1126	1205
3300	476	740	927	1044	1139	1218
3350	481	748	937	1055	1151	1231
3400	486	756	947	1067	1164	1245
3450	492	764	957	1078	1176	1258
3500	497	772	967	1089	1189	1271
3550	502	780	977	1101	1201	1285
3600	507	788	987	1112	1213	1298
3650	512	797	997	1124	1226	1311
3700	518	806	1009	1137	1240	1326
3750	524	815	1020	1150	1254	1342
3800	530	824	1032	1163	1268	1357
3850	536	834	1043	1176	1283	1372
3900	542	843	1055	1189	1297	1387
3950	547	852	1066	1202	1311	1402
4000	553	861	1078	1214	1325	1417
4050	559	871	1089	1227	1339	1432
4100	565	880	1101	1240	1353	1448
4150	571	889	1112	1253	1367	1463
4200	577	898	1124	1266	1382	1478
4250	583	907	1135	1279	1396	1493
4300	589	917	1147	1292	1410	1508
4350	594	926	1158	1305	1424	1523
4400	600	935	1170	1318	1438	1538
4450	606	944	1181	1331	1452	1553

4500	612	954	1193	1344	1467	1569
4550	618	963	1204	1357	1481	1584
4600	624	972	1216	1370	1495	1599
4650	630	981	1227	1383	1509	1614
4700	635	989	1237	1395	1522	1627
4750	641	997	1247	1406	1534	1641
4800	646	1005	1257	1417	1546	1654
4850	651	1013	1267	1428	1558	1667
4900	656	1021	1277	1439	1570	1679
4950	661	1028	1286	1450	1582	1692
5000	666	1036	1295	1460	1593	1704
5050	671	1043	1305	1471	1605	1716
5100	675	1051	1314	1481	1616	1728
5150	680	1058	1323	1492	1628	1741
5200	685	1066	1333	1502	1640	1753
5250	690	1073	1342	1513	1651	1765
5300	695	1081	1351	1524	1663	1778
5350	700	1088	1361	1534	1674	1790
5400	705	1096	1370	1545	1686	1802
5450	710	1103	1379	1555	1697	1815
5500	714	1111	1389	1566	1709	1827
5550	719	1118	1398	1576	1720	1839
5600	724	1126	1407	1587	1732	1851
5650	729	1133	1417	1598	1743	1864
5700	734	1141	1426	1608	1755	1876
5750	739	1148	1435	1619	1766	1888
5800	744	1156	1445	1629	1778	1901
5850	749	1163	1454	1640	1790	1913
5900	753	1171	1463	1650	1801	1925
5950	758	1178	1473	1661	1813	1937
6000	763	1186	1482	1672	1824	1950
6050	768	1193	1491	1682	1836	1962
6100	773	1201	1501	1693	1847	1974
6150	778	1208	1510	1703	1859	1987
6200	783	1216	1519	1714	1870	1999
6250	788	1223	1529	1724	1882	2011
6300	792	1231	1538	1735	1893	2023
6350	797	1238	1547	1745	1905	2036
6400	802	1246	1557	1756	1916	2048
6450	807	1253	1566	1767	1928	2060
6500	812	1261	1575	1777	1940	2073
6550	816	1267	1583	1786	1949	2083
6600	820	1272	1590	1794	1957	2092
6650	823	1277	1597	1801	1965	2100
6700	827	1283	1604	1809	1974	2109
6750	830	1288	1610	1817	1982	2118
6800	834	1293	1617	1824	1990	2127
6850	837	1299	1624	1832	1999	2136
6900	841	1304	1631	1839	2007	2145
6950	845	1309	1637	1847	2016	2154
7000	848	1315	1644	1855	2024	2163
7050	852	1320	1651	1862	2032	2172
7100	855	1325	1658	1870	2041	2181
7150	859	1331	1665	1878	2049	2190
7200	862	1336	1671	1885	2057	2199
7250	866	1341	1678	1893	2066	2207
7300	870	1347	1685	1900	2074	2216
7350	873	1352	1692	1908	2082	2225

7400	877	1358	1698	1916	2091	2234
7450	880	1363	1705	1923	2099	2243
7500	884	1368	1712	1931	2108	2252
7550	887	1374	1719	1938	2116	2261
7600	891	1379	1725	1946	2124	2270
7650	895	1384	1732	1954	2133	2279
7700	898	1390	1739	1961	2141	2288
7750	902	1395	1746	1969	2149	2297
7800	905	1400	1753	1977	2158	2305
7850	908	1405	1758	1983	2164	2313
7900	910	1409	1764	1989	2171	2320
7950	913	1414	1770	1995	2178	2328
8000	916	1418	1776	2001	2185	2335
8050	918	1423	1781	2007	2192	2343
8100	921	1428	1787	2014	2198	2350
8150	924	1432	1793	2020	2205	2357
8200	927	1437	1799	2026	2212	2365
8250	929	1441	1804	2032	2219	2372
8300	932	1446	1810	2038	2226	2380
8350	935	1450	1816	2045	2232	2387
8400	937	1455	1822	2051	2239	2395
8450	940	1459	1827	2057	2246	2402
8500	943	1464	1833	2063	2253	2410
8550	945	1468	1839	2069	2260	2417
8600	948	1473	1845	2076	2266	2425
8650	951	1478	1850	2082	2273	2432
8700	954	1482	1856	2088	2280	2440
8750	956	1487	1862	2094	2287	2447
8800	959	1491	1868	2100	2294	2455
8850	962	1496	1873	2107	2300	2462
8900	964	1500	1879	2113	2307	2470
8950	967	1505	1885	2119	2314	2477
9000	970	1509	1891	2125	2321	2484
9050	973	1514	1896	2131	2328	2492
9100	975	1517	1901	2137	2334	2498
9150	977	1521	1905	2141	2339	2503
9200	979	1524	1909	2146	2344	2509
9250	982	1527	1914	2151	2349	2514
9300	984	1531	1918	2156	2354	2520
9350	986	1534	1922	2160	2359	2525
9400	988	1537	1926	2165	2365	2531
9450	990	1541	1930	2170	2370	2536
9500	993	1544	1935	2175	2375	2541
9550	995	1547	1939	2179	2380	2547
9600	997	1551	1943	2184	2385	2552
9650	999	1554	1947	2189	2390	2558
9700	1001	1557	1951	2194	2396	2563
9750	1003	1561	1956	2198	2401	2569
9800	1006	1564	1960	2203	2406	2574
9850	1008	1567	1964	2208	2411	2580
9900	1010	1571	1968	2213	2416	2585
9950	1012	1574	1972	2218	2421	2590
10000	1014	1577	1977	2222	2427	2596

For gross monthly income between \$10,000 and \$20,000, add the amount of child support for \$10,000 to the following percentages of gross income above \$10,000:

ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
3.1%	5.1%	6.8%	7.8%	8.8%	9.5%

For gross monthly income between \$20,000 and \$50,000, add the amount of child support for \$20,000 to the following percentages of gross income above \$20,000:

ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
2%	3.5%	5%	6%	6.9%	7.8%

For gross monthly income over \$50,000, add the amount of child support for \$50,000 to the following percentages of gross income above \$50,000:

ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
1%	2%	3%	4%	5%	6%

ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
1%	2%	3%	4%	5%	6%

COMBINED
MONTHLY

GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
0-350	68	104	126	141	155	169
400	78	119	144	161	177	192
450	88	133	162	181	199	216
500	97	148	179	200	220	239
550	107	162	197	220	242	263
600	116	177	215	240	264	287
650	126	191	232	259	285	310
700	135	206	250	279	307	333
750	145	220	267	298	328	357
800	154	234	284	317	349	379
850	163	248	300	336	369	401
900	171	260	316	353	388	422
950	179	273	331	369	406	442
1000	187	285	346	386	425	462
1050	196	298	361	403	443	482
1100	204	310	375	419	461	501
1150	212	323	390	436	480	521
1200	220	335	405	453	498	541
1250	228	347	420	469	516	561
1300	237	360	435	486	535	581
1350	245	372	450	503	553	601
1400	253	385	465	519	571	621
1450	261	397	480	536	589	641
1500	269	410	495	552	608	661
1550	278	422	509	569	626	680
1600	286	434	524	585	644	700
1650	293	446	538	601	661	718
1700	301	457	552	616	678	737
1750	309	469	566	632	695	756
1800	316	481	579	647	712	774
1850	324	492	593	663	729	792
1900	331	504	607	678	746	811
1950	339	515	621	693	763	829
2000	347	527	635	709	780	848
2050	354	538	648	724	797	866
2100	362	550	662	740	814	884

2150	369	561	676	755	830	903
2200	377	573	690	770	847	921
2250	385	584	703	786	864	940
2300	392	596	717	801	881	958
2350	400	607	731	817	898	976
2400	407	619	745	832	915	995
2450	415	630	759	847	932	1013
2500	423	642	772	863	949	1032
2550	430	653	786	878	966	1050
2600	438	665	800	894	983	1068
2650	445	676	814	909	1000	1087
2700	453	688	828	924	1017	1105
2750	460	699	841	940	1034	1124
2800	468	711	855	955	1051	1142
2850	476	722	869	971	1068	1160
2900	483	734	883	986	1084	1179
2950	491	745	896	1001	1101	1197
3000	498	757	910	1017	1118	1216
3050	506	768	924	1032	1135	1234
3100	514	780	938	1047	1152	1252
3150	521	791	952	1063	1169	1271
3200	529	803	965	1078	1186	1289
3250	536	814	979	1094	1203	1308
3300	544	826	993	1109	1220	1326
3350	551	837	1006	1123	1236	1343
3400	559	848	1019	1138	1252	1361
3450	566	859	1032	1152	1268	1378
3500	574	870	1045	1167	1283	1395
3550	581	881	1057	1181	1299	1412
3600	588	892	1070	1196	1315	1430
3650	596	903	1083	1210	1331	1447
3700	603	914	1096	1224	1347	1464
3750	611	925	1109	1239	1363	1481
3800	618	936	1122	1253	1379	1499
3850	626	947	1135	1268	1395	1516
3900	632	956	1146	1280	1408	1531
3950	638	966	1157	1293	1422	1546
4000	645	975	1168	1305	1436	1561
4050	651	985	1180	1318	1449	1575
4100	658	994	1191	1330	1463	1590
4150	664	1004	1202	1342	1477	1605
4200	670	1013	1213	1355	1490	1620
4250	677	1023	1224	1367	1504	1635
4300	682	1030	1233	1377	1515	1647
4350	687	1038	1242	1387	1526	1658
4400	693	1046	1251	1397	1537	1670
4450	698	1054	1260	1407	1548	1682
4500	704	1062	1268	1417	1559	1694
4550	709	1069	1277	1427	1569	1706
4600	714	1077	1286	1437	1580	1718
4650	720	1085	1295	1447	1591	1730
4700	725	1093	1304	1457	1602	1742
4750	731	1100	1313	1466	1613	1753
4800	736	1108	1322	1476	1624	1765
4850	741	1116	1331	1486	1635	1777
4900	747	1124	1339	1496	1646	1789
4950	752	1131	1348	1506	1656	1800
5000	755	1136	1353	1511	1662	1807

5050	759	1141	1358	1516	1668	1813
5100	762	1145	1362	1522	1674	1820
5150	766	1150	1367	1527	1680	1826
5200	769	1155	1372	1533	1686	1833
5250	773	1159	1377	1538	1692	1839
5300	776	1164	1382	1544	1698	1846
5350	780	1169	1387	1549	1704	1852
5400	783	1173	1392	1554	1710	1859
5450	787	1178	1397	1560	1716	1865
5500	790	1183	1401	1565	1722	1872
5550	794	1187	1406	1571	1728	1878
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5650	800	1196	1416	1582	1740	1891
5700	803	1201	1421	1587	1746	1897
5750	806	1205	1425	1592	1751	1904
5800	809	1209	1430	1598	1757	1910
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5900	815	1217	1440	1608	1769	1923
5950	818	1221	1444	1613	1775	1929
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6050	823	1230	1454	1624	1787	1942
6100	826	1234	1459	1629	1792	1948
6150	829	1238	1464	1635	1798	1955
6200	832	1242	1468	1640	1804	1961
6250	835	1246	1473	1645	1810	1967
6300	838	1251	1478	1651	1816	1974
6350	841	1255	1483	1656	1822	1980
6400	844	1259	1487	1661	1827	1986
6450	847	1263	1492	1667	1833	1993
6500	849	1267	1497	1672	1839	1999
6550	852	1271	1502	1677	1845	2005
6600	855	1276	1506	1683	1851	2012
6650	858	1280	1511	1688	1857	2018
6700	861	1285	1517	1694	1864	2026
6750	865	1291	1524	1703	1873	2036
6800	869	1297	1532	1711	1882	2046
6850	873	1303	1539	1719	1891	2056
6900	877	1309	1547	1728	1900	2066
6950	881	1315	1554	1736	1909	2076
7000	885	1321	1561	1744	1919	2085
7050	889	1328	1569	1752	1928	2095
7100	893	1334	1576	1761	1937	2105
7150	897	1340	1584	1769	1946	2115
7200	901	1346	1591	1777	1955	2125
7250	905	1352	1599	1786	1964	2135
7300	909	1358	1606	1794	1973	2145
7350	913	1364	1613	1802	1982	2155
7400	917	1370	1621	1810	1991	2165
7450	921	1376	1628	1819	2001	2175
7500	925	1382	1636	1827	2010	2185
7550	929	1389	1643	1835	2019	2194
7600	933	1395	1650	1844	2028	2204
7650	937	1401	1658	1852	2037	2214
7700	941	1407	1665	1860	2046	2224
7750	944	1411	1670	1865	2051	2230
7800	946	1413	1672	1867	2054	2233
7850	948	1416	1674	1870	2057	2236
7900	950	1419	1676	1873	2060	2239

7950	953	1421	1679	1875	2063	2242
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8100	959	1429	1685	1883	2071	2251
8150	961	1432	1688	1885	2074	2254
8200	963	1434	1690	1888	2076	2257
8250	965	1436	1692	1890	2079	2260
8300	967	1439	1694	1892	2082	2263
8350	969	1441	1696	1895	2084	2266
8400	971	1444	1699	1897	2087	2269
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8500	974	1447	1702	1901	2091	2273
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8600	976	1450	1705	1905	2096	2278
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8700	978	1453	1709	1909	2100	2282
8750	979	1455	1710	1911	2102	2284
8800	980	1456	1712	1912	2104	2287
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9000	984	1462	1719	1920	2112	2295
9050	985	1463	1720	1922	2114	2298
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9150	987	1466	1724	1925	2118	2302
9200	991	1471	1730	1932	2125	2310
9250	994	1477	1737	1940	2134	2319
9300	998	1483	1743	1947	2142	2328
9350	1002	1488	1750	1955	2150	2337
9400	1005	1494	1757	1962	2159	2346
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9500	1013	1505	1771	1978	2176	2365
9550	1017	1511	1778	1986	2185	2375
9600	1021	1518	1786	1995	2194	2385
9650	1025	1524	1793	2003	2203	2395
9700	1029	1530	1801	2011	2212	2405
9750	1033	1536	1808	2020	2222	2415
9800	1037	1543	1816	2028	2231	2425
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9950	1050	1561	1838	2053	2258	2455
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10100	1062	1580	1860	2078	2286	2485
10150	1066	1586	1868	2086	2295	2495
10200	1070	1592	1875	2095	2304	2505
10250	1074	1599	1883	2103	2314	2515
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11000	1138	1694	1998	2232	2455	2668
11050	1142	1701	2005	2240	2464	2678
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11350	1162	1730	2038	2276	2504	2722
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11450	1168	1737	2046	2285	2514	2733
11500	1171	1741	2050	2290	2519	2738
11550	1173	1745	2054	2294	2524	2743
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11650	1179	1752	2062	2303	2534	2754
11700	1182	1756	2066	2308	2538	2759
11750	1185	1760	2070	2312	2543	2765
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11850	1190	1768	2078	2321	2553	2775
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12000	1199	1779	2090	2335	2568	2791
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12500	1229	1823	2140	2391	2630	2858
12550	1232	1828	2146	2397	2636	2866
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12650	1239	1837	2157	2409	2650	2880
12700	1242	1842	2162	2415	2657	2888
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12800	1248	1851	2173	2427	2670	2902
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12950	1257	1865	2189	2446	2690	2924
13000	1261	1870	2195	2452	2697	2931
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13100	1267	1879	2206	2464	2710	2946
13150	1270	1884	2211	2470	2717	2953
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13250	1276	1893	2222	2482	2730	2968
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13350	1283	1902	2233	2494	2744	2983
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13750	1306	1939	2280	2546	2801	3045
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13900	1314	1953	2298	2566	2823	3069
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14000	1320	1962	2310	2580	2838	3085
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14300	1336	1990	2345	2620	2882	3133
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14450	1345	2003	2363	2640	2904	3157
14500	1347	2008	2369	2647	2911	3164
14550	1350	2013	2375	2653	2919	3172
14600	1353	2017	2381	2660	2926	3180
14650	1356	2022	2387	2667	2933	3188
14700	1359	2026	2393	2673	2941	3196
14750	1361	2031	2399	2680	2948	3204
14800	1364	2036	2405	2686	2955	3212
14850	1368	2040	2410	2692	2961	3219
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14950	1375	2050	2420	2703	2974	3232
15000	1378	2055	2425	2709	2980	3239
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15200	1392	2074	2445	2731	3004	3266
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15700	1428	2121	2495	2787	3066	3333
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16000	1449	2150	2525	2821	3103	3373
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16450	1466	2175	2554	2853	3138	3411
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16600	1471	2182	2562	2862	3148	3422

16650	1472	2184	2564	2864	3151	3425
16700	1473	2186	2567	2867	3154	3428
16750	1475	2188	2570	2870	3157	3432
16800	1476	2190	2572	2873	3160	3435
16850	1477	2192	2575	2876	3164	3439
16900	1479	2194	2577	2879	3167	3442
16950	1480	2196	2580	2882	3170	3446
17000	1481	2198	2582	2885	3173	3449
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17100	1484	2203	2588	2890	3179	3456
17150	1486	2205	2590	2893	3182	3459
17200	1487	2207	2593	2896	3186	3463
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17350	1491	2213	2600	2905	3195	3473
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17500	1495	2219	2608	2913	3204	3483
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18000	1509	2240	2634	2942	3236	3518
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18200	1514	2249	2644	2953	3249	3531
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18300	1517	2253	2649	2959	3255	3538
18350	1520	2256	2652	2963	3259	3542
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18600	1530	2271	2668	2980	3278	3563
18650	1532	2274	2671	2983	3282	3567
18700	1535	2277	2674	2987	3285	3571
18750	1537	2280	2677	2990	3289	3575
18800	1539	2283	2680	2994	3293	3579
18850	1541	2285	2683	2997	3297	3584
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18950	1545	2291	2689	3004	3304	3592
19000	1547	2294	2692	3007	3308	3596
19050	1550	2297	2695	3011	3312	3600
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19300	1560	2312	2711	3028	3331	3621
19350	1563	2315	2714	3031	3335	3625
19400	1565	2318	2717	3035	3338	3629
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19800	1582	2341	2742	3062	3369	3662
19850	1584	2344	2745	3066	3372	3666
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20100	1595	2358	2760	3083	3391	3686
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20550	1614	2385	2788	3114	3425	3723
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20650	1619	2390	2794	3121	3433	3731
20700	1621	2393	2797	3124	3437	3736
20750	1623	2396	2800	3128	3440	3740
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21650	1661	2449	2857	3191	3510	3816
21700	1663	2452	2861	3195	3515	3821
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21800	1667	2458	2868	3204	3524	3831
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21900	1670	2464	2876	3213	3534	3841
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22000	1674	2470	2884	3221	3543	3852
22050	1676	2473	2888	3225	3548	3857
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24300	1759	2608	3060	3418	3760	4087
24350	1761	2611	3064	3422	3764	4092
24400	1763	2614	3068	3426	3769	4097
24450	1765	2617	3071	3431	3774	4102
24500	1767	2620	3075	3435	3779	4107
24550	1768	2623	3079	3439	3783	4112
24600	1770	2626	3083	3444	3788	4117
24650	1772	2629	3087	3448	3793	4123
24700	1774	2632	3091	3452	3797	4128
24750	1776	2635	3094	3456	3802	4133
24800	1778	2638	3098	3461	3807	4138
24850	1780	2641	3102	3465	3811	4143
24900	1781	2644	3106	3469	3816	4148
24950	1783	2647	3110	3474	3821	4153
25000	1785	2650	3114	3478	3826	4158
25050	1787	2653	3117	3482	3830	4163
25100	1789	2656	3121	3486	3835	4169
25150	1791	2659	3125	3491	3840	4174
25200	1792	2662	3129	3495	3844	4179
25250	1794	2665	3133	3499	3849	4184
25300	1796	2668	3136	3503	3854	4189
25350	1798	2671	3140	3508	3858	4194

25400	1800	2674	3144	3512	3863	4199
25450	1802	2677	3148	3516	3868	4204
25500	1804	2680	3152	3521	3873	4210
25550	1805	2682	3156	3525	3877	4215
25600	1807	2685	3159	3529	3882	4220
25650	1809	2688	3163	3533	3887	4225
25700	1811	2691	3167	3538	3891	4230
25750	1813	2694	3171	3542	3896	4235
25800	1815	2697	3175	3546	3901	4240
25850	1817	2700	3179	3550	3906	4245
25900	1818	2703	3182	3555	3910	4250
25950	1820	2706	3186	3559	3915	4256
26000	1822	2709	3190	3563	3920	4261
26050	1824	2712	3194	3568	3924	4266
26100	1826	2715	3198	3572	3929	4271
26150	1828	2718	3202	3576	3934	4276
26200	1830	2721	3205	3580	3938	4281
26250	1831	2724	3209	3585	3943	4286
26300	1833	2727	3213	3589	3948	4291
26350	1835	2730	3217	3593	3953	4296
26400	1837	2733	3221	3598	3957	4302
26450	1839	2736	3225	3602	3962	4307
26500	1841	2739	3228	3606	3967	4312
26550	1842	2742	3232	3610	3971	4317
26600	1844	2745	3236	3615	3976	4322
26650	1846	2748	3240	3619	3981	4327
26700	1848	2751	3244	3623	3986	4332
26750	1850	2754	3248	3627	3990	4337
26800	1852	2757	3251	3632	3995	4342
26850	1854	2760	3255	3636	4000	4348
26900	1855	2763	3259	3640	4004	4353
26950	1857	2766	3263	3645	4009	4358
27000	1859	2769	3267	3649	4014	4363
27050	1861	2772	3270	3653	4018	4368
27100	1863	2775	3274	3657	4023	4373
27150	1865	2778	3278	3662	4028	4378
27200	1867	2781	3282	3666	4033	4383
27250	1868	2784	3286	3670	4037	4389
27300	1870	2787	3290	3675	4042	4394
27350	1872	2790	3293	3679	4047	4399
27400	1874	2793	3297	3683	4051	4404
27450	1876	2796	3301	3687	4056	4409
27500	1878	2799	3305	3692	4061	4414
27550	1880	2802	3309	3696	4066	4419
27600	1881	2805	3313	3700	4070	4424
27650	1883	2808	3316	3704	4075	4429
27700	1885	2811	3320	3709	4080	4435
27750	1887	2814	3324	3713	4084	4440
27800	1889	2817	3328	3717	4089	4445
27850	1891	2820	3332	3722	4094	4450
27900	1892	2823	3336	3726	4098	4455
27950	1894	2826	3339	3730	4103	4460
28000	1896	2829	3343	3734	4108	4465
28050	1898	2832	3347	3739	4113	4470
28100	1899	2833	3348	3740	4114	4472
28150	1900	2834	3349	3741	4115	4473
28200	1900	2835	3349	3741	4115	4473
28250	1901	2836	3350	3742	4116	4474

28300	1902	2836	3350	3742	4116	4474
28350	1902	2837	3351	3743	4117	4475
28400	1903	2838	3351	3743	4117	4476
28450	1904	2838	3351	3744	4118	4476
28500	1904	2839	3352	3744	4118	4477
28550	1905	2840	3352	3745	4119	4477
28600	1906	2840	3353	3745	4120	4478
28650	1906	2841	3353	3745	4120	4478
28700	1907	2842	3354	3746	4121	4479
28750	1908	2842	3354	3746	4121	4480
28800	1908	2843	3354	3747	4122	4480
28850	1909	2844	3355	3747	4122	4481
28900	1909	2844	3355	3748	4123	4481
28950	1910	2845	3356	3748	4123	4482
29000	1911	2846	3356	3749	4124	4483
29050	1911	2846	3357	3749	4124	4483
29100	1912	2847	3357	3750	4125	4484
29150	1913	2848	3358	3750	4125	4484
29200	1913	2848	3358	3751	4126	4485
29250	1914	2849	3358	3751	4126	4485
29300	1915	2850	3359	3752	4127	4486
29350	1915	2850	3359	3752	4128	4487
29400	1916	2851	3360	3753	4128	4487
29450	1917	2852	3360	3753	4129	4488
29500	1917	2852	3361	3754	4129	4488
29550	1918	2853	3361	3754	4130	4489
29600	1919	2854	3361	3755	4130	4490
29650	1919	2855	3362	3755	4131	4490
29700	1920	2855	3362	3756	4131	4491
29750	1921	2856	3363	3756	4132	4491
29800	1921	2857	3363	3757	4132	4492
29850	1922	2857	3364	3757	4133	4492
29900	1923	2858	3364	3758	4133	4493
29950	1923	2859	3365	3758	4134	4494
30000	1924	2859	3365	3759	4135	4494
30050	1925	2860	3365	3759	4135	4495
30100	1925	2861	3366	3760	4136	4495
30150	1926	2861	3366	3760	4136	4496
30200	1926	2862	3367	3761	4137	4497
30250	1927	2863	3367	3761	4137	4497
30300	1928	2863	3368	3762	4138	4498
30350	1928	2864	3368	3762	4138	4498
30400	1929	2865	3368	3763	4139	4499
30450	1930	2865	3369	3763	4139	4499
30500	1930	2866	3369	3764	4140	4500
30550	1931	2867	3370	3764	4140	4501
30600	1932	2867	3370	3765	4141	4501
30650	1932	2868	3371	3765	4141	4502
30700	1933	2869	3371	3765	4142	4502
30750	1934	2869	3371	3766	4143	4503
30800	1934	2870	3372	3766	4143	4504
30850	1935	2871	3372	3767	4144	4504
30900	1936	2871	3373	3767	4144	4505
30950	1936	2872	3373	3768	4145	4505
31000	1937	2873	3374	3768	4145	4506
31050	1938	2874	3374	3769	4146	4506
31100	1938	2874	3375	3769	4146	4507
31150	1939	2875	3375	3770	4147	4508

31200	1940	2876	3375	3770	4147	4508
31250	1940	2876	3376	3771	4148	4509
31300	1941	2877	3376	3771	4148	4509
31350	1942	2878	3377	3772	4149	4510
31400	1942	2878	3377	3772	4150	4511
31450	1943	2879	3378	3773	4150	4511
31500	1943	2880	3378	3773	4151	4512
31550	1944	2880	3378	3774	4151	4512
31600	1945	2881	3379	3774	4152	4513
31650	1945	2882	3379	3775	4152	4513
31700	1946	2882	3380	3775	4153	4514
31750	1947	2883	3380	3776	4153	4515
31800	1947	2884	3381	3776	4154	4515
31850	1948	2884	3381	3777	4154	4516
31900	1949	2885	3382	3777	4155	4516
31950	1949	2886	3382	3778	4155	4517
32000	1950	2886	3382	3778	4156	4518
32050	1951	2887	3383	3779	4156	4518
32100	1951	2888	3383	3779	4157	4519
32150	1952	2888	3384	3780	4158	4519
32200	1953	2889	3384	3780	4158	4520
32250	1953	2890	3385	3781	4159	4520
32300	1954	2890	3385	3781	4159	4521
32350	1955	2891	3385	3782	4160	4522
32400	1955	2892	3386	3782	4160	4522
32450	1956	2893	3386	3783	4161	4523
32500	1957	2893	3387	3783	4161	4523
32550	1957	2894	3387	3784	4162	4524
32600	1958	2895	3388	3784	4162	4525
32650	1959	2895	3388	3784	4163	4525
32700	1959	2896	3389	3785	4163	4526
32750	1960	2897	3389	3785	4164	4526
32800	1960	2897	3389	3786	4165	4527
32850	1961	2898	3390	3786	4165	4527
32900	1962	2899	3390	3787	4166	4528
32950	1962	2899	3391	3787	4166	4529
33000	1963	2900	3391	3788	4167	4529
33050	1964	2901	3392	3788	4167	4530
33100	1964	2901	3392	3789	4168	4530
33150	1965	2902	3392	3789	4168	4531
33200	1966	2903	3393	3790	4169	4532
33250	1966	2903	3393	3790	4169	4532
33300	1967	2904	3394	3791	4170	4533
33350	1968	2905	3394	3791	4170	4533
33400	1968	2905	3395	3792	4171	4534
33450	1969	2906	3395	3792	4172	4534
33500	1970	2907	3395	3793	4172	4535
33550	1970	2907	3396	3793	4173	4536
33600	1971	2908	3396	3794	4173	4536
33650	1972	2909	3397	3794	4174	4537
33700	1972	2909	3397	3795	4174	4537
33750	1973	2910	3398	3795	4175	4538
33800	1974	2911	3398	3796	4175	4539
33850	1974	2912	3399	3796	4176	4539
33900	1975	2912	3399	3797	4176	4540
33950	1976	2913	3399	3797	4177	4540
34000	1976	2914	3400	3798	4177	4541
34050	1977	2914	3400	3798	4178	4541

34100	1977	2915	3401	3799	4178	4542
34150	1978	2916	3401	3799	4179	4543
34200	1979	2916	3402	3800	4179	4543
34250	1979	2917	3402	3800	4180	4544
34300	1980	2917	3402	3800	4181	4544
34350	1981	2918	3403	3801	4181	4545
34400	1981	2919	3403	3801	4182	4545
34450	1982	2919	3404	3802	4182	4546
34500	1983	2920	3404	3802	4183	4546
34550	1983	2921	3405	3803	4183	4547
34600	1984	2921	3405	3803	4184	4548
34650	1984	2922	3405	3804	4184	4548
34700	1985	2923	3406	3804	4185	4549
34750	1986	2923	3406	3805	4185	4549
34800	1986	2924	3407	3805	4186	4550
34850	1987	2925	3407	3806	4186	4550
34900	1988	2925	3407	3806	4187	4551
34950	1988	2926	3408	3807	4187	4552
35000	1989	2927	3408	3807	4188	4552

For gross monthly incomes above \$35,000, add the amount of child support for \$35,000 to the following percentages of gross income above \$35,000.

<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
<i>2.6%</i>	<i>3.4%</i>	<i>3.8%</i>	<i>4.2%</i>	<i>4.6%</i>	<i>5.0%</i>

C. For purposes of this section, "gross income" means all income from all sources, and shall include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits except as listed below, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, veterans' benefits, spousal support, rental income, gifts, prizes or awards.

If a parent's gross income includes disability insurance benefits, it shall also include any amounts paid to or for the child who is the subject of the order and derived by the child from the parent's entitlement to disability insurance benefits. To the extent that such derivative benefits are included in a parent's gross income, that parent shall be entitled to a credit against his or her ongoing basic child support obligation for any such amounts, and, if the amount of the credit exceeds the parent's basic child support obligations, the credit may be used to reduce arrearages.

Gross income shall be subject to deduction of reasonable business expenses for persons with income from self-employment, a partnership, or a closely held business. "Gross income" shall not include:

1. Benefits from public assistance and social services programs as defined in § 63.2-100;
2. Federal supplemental security income benefits;
3. Child support received; or

4. Income received by the payor from secondary employment income not previously included in "gross income," where the payor obtained the income to discharge a child support arrearage established by a court or administrative order and the payor is paying the arrearage pursuant to the order. "Secondary employment income" includes but is not limited to income from an additional job, from self-employment, or from overtime employment. The cessation of such secondary income upon the payment of the arrearage shall not be the basis for a material change in circumstances upon which a modification of child support may be based.

For purposes of this subsection: (i) spousal support received shall be included in gross income and spousal support paid shall be deducted from gross income when paid pursuant to an order or written agreement and (ii) one-half of any self-employment tax paid shall be deducted from gross income.

Where there is an existing court or administrative order or written agreement relating to the child or children of a party to the proceeding, who are not the child or children who are the subject of the present proceeding, then there is a presumption that there shall be deducted from the gross income of the party subject to such order or written agreement, the amount that the party is actually paying for the support of a child or children pursuant to such order or agreement.

Where a party to the proceeding has a natural or adopted child or children in the party's household or primary physical custody, and the child or children are not the subject of the present proceeding, there is a presumption that there shall be deducted from the gross income of that party the amount as shown on the Schedule of Monthly Basic Child Support Obligations contained in subsection B that represents that party's support obligation based solely on that party's income as being the total income available for the natural or adopted child or children in the party's household or primary physical custody, who are not the subject of the present proceeding. Provided, however, that the existence of a party's financial responsibility for such a child or children shall not of itself constitute a material change in circumstances for modifying a previous order of child support in any modification proceeding. Any adjustment to gross income under this subsection shall

not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child, as determined by the court.

In cases in which retroactive liability for support is being determined, the court or administrative agency may use the gross monthly income of the parties averaged over the period of retroactivity.

D. Except for good cause shown or the agreement of the parties, in addition to any other child support obligations established pursuant to this section, any child support order shall provide that the parents pay in proportion to their gross incomes, as used for calculating the monthly support obligation, any reasonable and necessary unreimbursed medical or dental expenses ~~that are in excess of \$250 for any calendar year for each child who is the subject of the obligation.~~ The method of payment of those expenses shall be contained in the support order. Each parent shall pay his respective share of expenses as those expenses are incurred. Any amount paid under this subsection shall not be adjusted by, nor added to, the child support calculated in accordance with subsection G. For the purposes of this section, medical or dental expenses shall include but not be limited to eyeglasses, prescription medication, prosthetics, orthodontics, and mental health or developmental disabilities services, including but not limited to services provided by a social worker, psychologist, psychiatrist, counselor, or therapist.

E. Any costs for health care coverage as defined in § 63.2-1900 and dental care coverage, when actually being paid by a parent or that parent's spouse, to the extent such costs are directly allocable to the child or children, and which are the extra costs of covering the child or children beyond whatever coverage the parent or that parent's spouse providing the coverage would otherwise have, shall be added to the basic child support obligation.

F. Any child-care costs incurred on behalf of the child or children due to employment of the custodial parent shall be added to the basic child support obligation. Child-care costs shall not exceed the amount required to provide quality care from a licensed source. When requested by the noncustodial parent, the court may require the custodial parent to present documentation to verify the costs incurred for child care under this subsection. Where appropriate, the court shall consider the willingness and availability of the noncustodial parent to provide child care personally in determining whether child-care costs are necessary or excessive. Upon the request of either party, and upon a showing of the tax savings a party derives from child-care cost deductions or credits, the court shall factor actual tax consequences into its calculation of the child-care costs to be added to the basic child support obligation.

G. 1. Sole custody support. The sole custody total monthly child support obligation shall be established by adding (i) the monthly basic child support obligation, as determined from the schedule contained in subsection B, (ii) costs for health care coverage to the extent allowable by subsection E, and (iii) work-related child-care costs and taking into consideration all the factors set forth in subsection B of § 20-108.1. The total monthly child support obligation shall be divided between the parents in the same proportion as their monthly gross incomes bear to their monthly combined gross income. The monthly obligation of each parent shall be computed by multiplying each parent's percentage of the parents' monthly combined gross income by the total monthly child support obligation.

However, the monthly obligation of the noncustodial parent shall be reduced by the cost for health care coverage to the extent allowable by subsection E when paid directly by the noncustodial parent or that parent's spouse. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

2. Split custody support. In cases involving split custody, the amount of child support to be paid shall be the difference between the amounts owed by each parent as a noncustodial parent, computed in accordance with subdivision 1, with the noncustodial parent owing the larger amount paying the difference to the other parent. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

For the purpose of this section and § 20-108.1, split custody shall be limited to those situations where each parent has physical custody of a child or children born of the parents, born of either parent and adopted by the other parent or adopted by both parents. For the purposes of calculating a child support obligation where split custody exists, a separate family unit exists for each parent, and child support for that family unit shall be calculated upon the number of children in that family unit who are born of the parents, born of either parent and adopted by the other parent or adopted by both parents. Where split custody exists, a parent is a custodial parent to the children in that parent's family unit and is a noncustodial parent to the children in the other parent's family unit.

3. Shared custody support.

(a) Where a party has custody or visitation of a child or children for more than 90 days of the year, as such days are defined in subdivision G 3 (c), a shared custody child support amount based on the ratio in which the parents share the custody and visitation of any child or children shall be calculated in accordance with this subdivision. The presumptive support to be paid shall be the shared custody support amount, unless a party affirmatively shows that the sole custody support amount calculated as provided in subdivision G 1 is less than the shared custody support amount. If so, the lesser amount shall be the support to be paid. For the purposes of this subsection, the following shall apply:

(i) Income share. "Income share" means a parent's percentage of the combined monthly gross income of both parents. The income share of a parent is that parent's gross income divided by the combined gross incomes of the parties.

(ii) Custody share. "Custody share" means the number of days that a parent has physical custody, whether by sole custody, joint legal or joint residential custody, or visitation, of a shared child per year divided by the number of days in the year. The actual or anticipated "custody share" of the parent who has or will have fewer days of physical custody shall be calculated for a one-year period. The "custody share" of the other parent shall be presumed to be the number of days in the year less the number of days calculated as the first parent's "custody share." For purposes of this calculation, the year may

begin on such date as is determined in the discretion of the court, and the day may begin at such time as is determined in the discretion of the court. For purposes of this calculation, a day shall be as defined in subdivision G 3 (c).

(iii) Shared support need. "Shared support need" means the presumptive guideline amount of needed support for the shared child or children calculated pursuant to subsection B of this section, for the combined gross income of the parties and the number of shared children, multiplied by 1.4.

(iv) Sole custody support. "Sole custody support" means the support amount determined in accordance with subdivision G 1.

(b) Support to be paid. The shared support need of the shared child or children shall be calculated pursuant to subdivision G 3 (a) (iii). This amount shall then be multiplied by the other parent's custody share. To that sum for each parent shall be added the other parent's or that parent's spouse's cost of health care coverage to the extent allowable by subsection E, plus the other parent's work-related child-care costs to the extent allowable by subsection F. This total for each parent shall be multiplied by that parent's income share. The support amounts thereby calculated that each parent owes the other shall be subtracted one from the other and the difference shall be the shared custody support one parent owes to the other, with the payor parent being the one whose shared support is the larger. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

(c) Definition of a day. For the purposes of this section, "day" means a period of 24 hours; however, where the parent who has the fewer number of overnight periods during the year has an overnight period with a child, but has physical custody of the shared child for less than 24 hours during such overnight period, there is a presumption that each parent shall be allocated one-half of a day of custody for that period.

(d) Minimum standards. Any calculation under this subdivision shall not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child. If the gross income of either party is equal to or less than 150 percent of the federal poverty level promulgated by the U.S. Department of Health and Human Services from time to time, then the shared custody support calculated pursuant to this subsection shall not be the presumptively correct support and the court may consider whether the sole custody support or the shared custody support is more just and appropriate.

(e) Support modification. When there has been an award of child support based on the shared custody formula and one parent consistently fails to exercise custody or visitation in accordance with the parent's custody share upon which the award was based, there shall be a rebuttable presumption that the support award should be modified.

(f) In the event that the shared custody support calculation indicates that the net support is to be paid to the parent who would not be the parent receiving support pursuant to the sole custody calculation, then the shared support shall be deemed to be the lesser support.

H. The Secretary of Health and Human Resources shall ensure that the guideline set out in this section is reviewed by October 31, 2001, and every four years thereafter, by the Child Support Guidelines Review Panel, consisting of 15 members comprised of four legislative members and 11 nonlegislative citizen members. Members shall be appointed as follows: three members of the House Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one member of the Senate Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by the Senate Committee on Rules; and one representative of a juvenile and domestic relations district court, one representative of a circuit court, one representative of the Department of Social Services' Division of Child Support Enforcement, three members of the Virginia State Bar, two custodial parents, two noncustodial parents, and one child advocate, upon the recommendation of the Secretary of Health and Human Resources, to be appointed by the Governor. The Panel shall determine the adequacy of the guideline for the determination of appropriate awards for the support of children by considering current research and data on the cost of and expenditures necessary for rearing children, and any other resources it deems relevant to such review. The Panel shall report its findings to the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports before the General Assembly next convenes following such review.

Legislative members shall serve terms coincident with their terms of office. Nonlegislative citizen members shall serve at the pleasure of the Governor. All members may be reappointed. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

Legislative members shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department of Social Services.

The Department of Social Services shall provide staff support to the Panel. All agencies of the Commonwealth shall provide assistance to the Panel, upon request.

The chairman of the Panel shall submit to the Governor and the General Assembly a quadrennial executive summary of the interim activity and work of the Panel no later than the first day of 2006 regular session of the General Assembly and every four years thereafter. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

CHAPTER 668

An Act to amend and reenact § 18.2-19 of the Code of Virginia, relating to accessories after the fact to certain homicides.

[H 976]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-19 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-19. How accessories after the fact punished; certain exceptions.

~~In the case of every felony, every~~ Every accessory after the fact ~~shall be~~ is guilty of (i) a Class 6 felony in the case of a homicide offense that is punishable by death or as a Class 2 felony or (ii) a Class 1 misdemeanor; ~~provided, however in the case of any other felony. However,~~ no person in the relation of husband or wife, parent or grandparent, child or grandchild, brother or sister, by consanguinity or affinity, or servant to the offender, who, after the commission of a felony, shall aid or assist a principal felon or accessory before the fact to avoid or escape from prosecution or punishment, shall be deemed an accessory after the fact.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 806 of the Acts of Assembly of 2013 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 669

An Act to amend and reenact § 45.1-394 of the Code of Virginia and to amend and reenact the second enactment of Chapter 652 of the Acts of Assembly of 2006, relating to the Biofuels Production Incentive Grant Program.

[H 1025]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 45.1-394 of the Code of Virginia is amended and reenacted as follows:

§ 45.1-394. (Repealed effective July 1, 2017) Biofuels Production Incentive Grant Program.

A. For the purposes of this section:

"Advanced biofuels" means a fuel derived from any cellulose, hemicellulose, or lignin that is derived from renewable biomass, or algae.

"Biodiesel fuel" means a fuel composed of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100, and meeting the requirements of ASTM D6751.

"Biofuels" means neat biodiesel fuel, neat green diesel fuel, or neat ethanol fuel that is not blended with a traditional fuel such as gasoline or diesel.

"Ethanol fuels" means fermentation alcohol derived from agricultural products, including potatoes, cereal grains, dry mill corn, whey, and sugar beets; forest products; or other renewable resources, including residue and waste generated from the production, processing, and marketing of agricultural products, forest products, and other renewable resources, that:

1. Meets all applicable ASTM specifications; and

2. Is denatured as specified in 27 C.F.R. Parts 20 and 21.

"Feedstock" means the agricultural or other renewable resources, whether plant or animal derived, used to produce biofuels.

"Green diesel fuel" means a fuel produced from nonfossil renewable resources, including agricultural or silvicultural plants; animal fats; residue and waste generated from the production, processing, and marketing of agricultural products; silvicultural products; and other renewable resources, and meeting applicable ASTM specifications.

"Producer" means any person, entity, or agricultural cooperative association, as defined in the Agricultural Cooperative Association Act (§ 13.1-312 et seq.) that, in a calendar year, produces in the Commonwealth at least one million gallons of *advanced biofuels* or biofuels using feedstock originating domestically within the United States.

~~B. A producer of neat advanced biofuels commencing qualifying sales on or after January 1, 2008, but before September 30, 2011, shall be eligible to receive a biofuels production incentive grant in an amount equal to \$0.125 for each gallon of neat advanced biofuels sold by it in the calendar year beginning with calendar year 2008. 1. A producer of non-advanced neat advanced biofuels or neat biofuels, including but not limited to such biofuels derived from cereal grains, shall be eligible to receive a biofuels production incentive grant in an amount equal to \$0.10 for each gallon of neat biofuels sold by it in the calendar year beginning with calendar year 2008. To be eligible for an incentive grant in any given calendar year, the producer shall have produced in the Commonwealth at least one million gallons of neat biofuels before September 30, 2011. In addition, any producer producing neat biofuels prior to January 1, 2008, shall be eligible for an incentive grant for neat biofuel sales in the respective calendar year only if its production in the Commonwealth of neat~~

biofuels for such calendar year exceeds its production in the Commonwealth of neat biofuels in the 2007 calendar year by at least one million gallons, and if it maintains production at a minimum of that level in future years for each gallon of the same that it produces in the Commonwealth. ~~A~~ However, a producer shall be eligible for a grant from the Biofuels Production Fund (the Fund) established under § 45.1-393 only for each gallon of neat advanced biofuels or neat biofuels that it produces in the Commonwealth on or after January 1, ~~2008~~ 2014, which gallon has also been sold by the producer to customers.

2. The grant for neat advanced biofuels or neat biofuels produced in the Commonwealth and subsequently sold to customers shall equal (i) \$0.04 per gallon for sales to customers in calendar year 2014, (ii) \$0.03 per gallon for sales to customers in calendar year 2015, and (iii) \$0.025 per gallon for sales to customers in calendar year 2016 and for the period January 1, 2017, through June 30, 2017.

3. Each producer applying for a grant under this section for 2015 production of neat advanced biofuels or neat biofuels shall make a good faith effort to produce the same using feedstock that is not derived from corn or the corn kernel, stalk, or any other part of the plant. Further, no grant shall be awarded for neat advanced biofuels or neat biofuels produced in 2016 or thereafter using feedstock derived from corn or the corn kernel, stalk, or any other part of the plant.

No person shall be eligible for any grants pursuant to this section if the person, or an affiliate of the person, was the recipient of a grant under the Clean Energy Manufacturing Incentive Grant Program (§ 59.1-284.25 et seq.).

4. In no case shall the Director of the Division of Energy approve more than \$1.5 million in grants in each of fiscal years 2014-2015, 2015-2016, and 2016-2017. Grants awarded under this section shall be paid from the Fund.

C. In the event applications for grants pursuant to subsection B as approved by the Director of the Division of Energy exceed the total amount of money allocated in the Fund, grant payments shall be apportioned among eligible producers pro rata based upon the total qualifying gallons of neat advanced biofuels or neat biofuels sold in the respective calendar year by all such eligible producers.

D. Any producer eligible to apply for a grant pursuant to this section shall provide evidence in the form of production reports, satisfactory to the Director of the Division of Energy, that the producer met the neat biofuels production requirements provided under this section for the respective calendar year. The producer shall also provide evidence in the form of sales reports, satisfactory to the Director, of the number of qualifying gallons of neat advanced biofuels or neat biofuels sold by the producer to customers in the respective calendar year. Such reports shall be filed no later than March 31 following the calendar year in which the producer sold the qualifying gallons of neat biofuels. Failure to meet the filing deadline shall render the applicant ineligible to receive a grant. The postmark cancellation shall govern the date of the filing determination unless the Director has approved an alternative means of filing.

No producer shall be eligible to receive grants pursuant to this section for qualifying sales made in more than six calendar years. No grants provided pursuant to this section may be made after the fiscal year ending June 30, 2017 shall be paid under this section for neat advanced biofuels or neat biofuels sold on or after July 1, 2017.

E. The Director of the Division of Energy shall determine the amount of the grant payable to each qualifying producer. The Director shall then certify to the Comptroller the grant amount a each producer of neat biofuels is eligible to receive in a given calendar year. Payments shall be paid by check issued by the State Treasurer on warrant of the Comptroller.

F. The Director, upon presenting appropriate credentials, may examine the records, books, invoices, bills of lading, storage and production facilities, and other applicable documents to determine whether the production and sale of neat advanced biofuels or neat biofuels meet the requirements for grants as set forth in this section.

2. That the second enactment of Chapter 652 of the Acts of Assembly of 2006 is amended and reenacted as follows:

2. That no grant shall be paid pursuant to the provisions of this act for any neat biofuel sold on or after January 1, 2017 § 45.1-394 of the Code of Virginia for neat advanced biofuels or neat biofuels sold on or after July 1, 2017.

CHAPTER 670

An Act to amend and reenact §§ 65.2-605 and 65.2-714 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 65.2-605.1, relating to workers' compensation; costs of medical services.

[H 1083]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 65.2-605 and 65.2-714 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 65.2-605.1 as follows:

§ 65.2-605. Liability of employer for medical services ordered by Commission; malpractice; assistants-at-surgery; coding.

A. The pecuniary liability of the employer for medical, surgical, and hospital service herein required when ordered by the Commission shall be limited to such charges as prevail in the same community for similar treatment when such treatment is paid for by the injured person and the employer shall not be liable in damages for malpractice by a physician or surgeon furnished by him pursuant to the provisions of § 65.2-603, but the consequences of any such malpractice shall be deemed part of the injury resulting from the accident and shall be compensated for as such.

B. The pecuniary liability of the employer for treatment pursuant to subsection A that is rendered on or after July 1, 2014, by:

1. A nurse practitioner or physician assistant serving as an assistant-at-surgery shall be limited to no more than 20 percent of the reimbursement due under subsection A to the physician performing the surgery; and

2. An assistant surgeon in the same specialty as the primary surgeon shall be limited to no more than 50 percent of the reimbursement due under subsection A to the primary physician performing the surgery.

C. Multiple procedures completed on a single surgical site associated with medical, surgical, and hospital services pursuant to subsection A and rendered on or after July 1, 2014, shall be coded and billed with appropriate Current Procedural Terminology (CPT) modifiers and paid according to the National Correct Coding Initiative (NCCI) rules and the CPT as in effect at the time the health care was provided to the claimant. The CPT and NCCI, as in effect at the time such health care was provided to the claimant, shall serve as the basis for processing a health care provider's billing form or itemization for such items as global and comprehensive billing and the unbundling of health care services. Hospital in-patient health care services shall be coded and billed through the International Statistical Classification of Diseases and Related Health Problems (ICD) as in effect at the time the health care was provided to the claimant.

§ 65.2-605.1. Prompt payment; limitation on claims.

A. Payment for health care services that the employer does not contest, deny, or consider incomplete shall be made to the health care provider within 60 days after receipt of each separate itemization of the health care services provided.

B. If the itemization or a portion thereof is contested, denied, or considered incomplete, the employer or the employer's workers' compensation insurance carrier shall notify the health care provider within 45 days after receipt of the itemization that the itemization is contested, denied, or considered incomplete. The notification shall include the following information:

1. The reasons for contesting or denying the itemization, or the reasons the itemization is considered incomplete;

2. If the itemization is considered incomplete, all additional information required to make a decision; and

3. The remedies available to the health care provider if the health care provider disagrees.

Payment or denial shall be made within 60 days after receipt from the health care provider of the information requested by the employer or employer's workers' compensation carrier for an incomplete claim under this subsection.

C. Payment due for any properly documented health care services that are neither contested within the 45-day period nor paid within the 60-day period, as required by this section, shall be increased by interest at the judgment rate of interest as provided in § 6.2-302 retroactive to the date payment was due under this section.

D. An employer's liability to a health care provider under this section shall not affect its liability to an employee.

E. No employer or workers' compensation carrier may seek recovery of a payment made to a health care provider for health care services rendered after July 1, 2014, to a claimant, unless such recovery is sought less than one year from the date payment was made to the health care provider, except in cases of fraud. The Commission shall have jurisdiction over any disputes over recoveries.

F. No health care provider shall submit a claim to the Commission contesting the sufficiency of payment for health care services rendered to a claimant after July 1, 2014, unless (i) such claim is filed within one year of the date the last payment is received by the health care provider pursuant to this section or (ii) if the employer denied or contested payment for any portion of the health care services, then, as to that service or portion thereof, such claim is filed within one year of the date the medical award covering such date of service for a specific item or treatment in question becomes final.

G. Any health care provider located outside of the Commonwealth who provides health care services under the Act to a claimant shall be reimbursed as provided in this section, and the "same community," as used in subsection A of § 65.2-605, shall be deemed to be the principal place of business of the employer if located in the Commonwealth or, if no such location exists, then the location where the Commission hearing regarding the dispute is conducted.

§ 65.2-714. Fees of attorneys and physicians and hospital charges.

A. Fees of attorneys and physicians and charges of hospitals for services, whether employed by employer, employee or insurance carrier under this title, shall be subject to the approval and award of the Commission. In addition to the provisions of Chapter 13 (§ 65.2-1300 et seq.), the Commission shall have exclusive jurisdiction over all disputes concerning such fees or charges and may order the repayment of the amount of any fee which has already been paid that it determines to be excessive; appeals from any Commission determinations thereon shall be taken as provided in § 65.2-706. The Commission shall also retain jurisdiction for employees to pursue payment of charges for medical services notwithstanding that bills or parts of bills for health care services may have been paid by a source other than an employer, workers' compensation carrier, guaranty fund or uninsured employer's fund. No physician shall be entitled to collect fees from an employer or insurance carrier until he has made the reports required by the Commission in connection with the case.

B. If a contested claim is held to be compensable under this title and, after a hearing on the claim on its merits or after abandonment of a defense by the employer or insurance carrier, benefits for medical services are awarded and inure to the benefit of a third party insurance carrier or health care provider, the Commission shall award to the employee's attorney a reasonable fee and other reasonable pro rata costs as are appropriate from the sum which benefits the third party insurance carrier or health care provider. Such fees shall be based on the amount paid by the employer or insurance carrier to the third party insurance carrier or health care provider for medical, surgical and hospital service rendered to the employee through the date on which the contested claim is heard before the Deputy Commissioner. For the purpose of this subsection, a "contested claim" is an initial contested claim for benefits and claims for medical, surgical and hospital services that are subsequently contested and litigated or after abandonment of a defense by the employer or insurance carrier.

C. Payment of any obligation pursuant to this section to any third party insurance carrier or health care provider shall discharge the obligation in full. The Commission shall not reduce the amount of medical bills owed to the Commonwealth or its agencies without the written consent of the Office of the Attorney General.

D. No physician, hospital, or other health care provider as defined in § 8.01-581.1 shall balance bill an employee in connection with any medical treatment, services, appliances or supplies furnished to the employee in connection with an injury for which (i) a claim has been filed with the Commission pursuant to § 65.2-601, (ii) payment has been made to the health care provider pursuant to § 65.2-605.1, or (iii) an award of compensation is made pursuant to § 65.2-704. For the purpose of this subsection, a health care provider "balance bills" whenever (i) an employer or the employer's insurance carrier declines to pay all of the health care provider's charge or fee and (ii) the health care provider seeks payment of the balance from the employee. *Nothing in this section shall prohibit a health care provider from using the practices permitted in § 65.2-601.1.*

CHAPTER 671

An Act to amend the Code of Virginia by adding a section numbered 15.2-2208.1, relating to unconstitutional grant or denial by localities of certain permits and approvals; damages, attorney fees, and costs.

[H 1084]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2208.1 as follows:

§ 15.2-2208.1. Damages for unconstitutional grant or denial by locality of certain permits and approvals.

A. Notwithstanding any other provision of law, general or special, any applicant aggrieved by the grant or denial by a locality of any approval or permit, however described or delineated, including a special exception, special use permit, conditional use permit, rezoning, site plan, plan of development, and subdivision plan, where such grant included, or denial was based upon, an unconstitutional condition pursuant to the United States Constitution or the Constitution of Virginia, shall be entitled to an award of compensatory damages and to an order remanding the matter to the locality with a direction to grant or issue such permits or approvals without the unconstitutional condition and may be entitled to reasonable attorney fees and court costs.

B. In any proceeding, once an unconstitutional condition has been proven by the aggrieved applicant to have been a factor in the grant or denial of the approval or permit, the court shall presume, absent clear and convincing evidence to the contrary, that such applicant's acceptance of or refusal to accept the unconstitutional condition was the controlling basis for such impermissible grant or denial provided only that the applicant objected to the condition in writing prior to such grant or denial.

C. Any action brought pursuant to this section shall be filed with the circuit court having jurisdiction of the land affected or the greater part thereof, and the court shall hear and determine the case as soon as practical, provided that such action is filed within the time limit set forth in subsection C or D of § 15.2-2259, subsection D or E of § 15.2-2260, or subsection F of § 15.2-2285, as may be applicable.

2. That the provisions of this act shall apply only to approvals or permits that are granted or denied on or after July 1, 2014.

CHAPTER 672

An Act to amend and reenact § 10 and § 15, as amended, of Chapter 380 of the Acts of Assembly of 1980, relating to the Capital Region Airport Commission.

[H 1088]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 10 and § 15, as amended, of Chapter 380 of the Acts of Assembly of 1980 are amended and reenacted as follows:

§ 10. Police powers.

~~The Commission's employees meeting the minimum requirements of the Criminal Justice Officers Training Standards Commission shall be given special police power by the circuit court of any participating political subdivision. The authority conferred upon such special policemen shall be exercised only upon the Commission's facilities located within such participating political subdivision, and shall be in all terms consistent with the requirements of Chapter 3 of Title 15.1 of the Code of Virginia.~~

~~Such special policemen shall have all powers vested in police officers under Chapter 3 of Title 15.1 of the Code of Virginia and shall be responsible upon the Commission's facilities for enforcing the Commission's rules and regulations and all other applicable statutes, ordinances, rules, and regulations of the United States of America and agencies and instrumentalities thereof and this Commonwealth and political subdivisions, agencies, and instrumentalities thereof.~~

The Commission may exercise full law-enforcement powers upon all property owned, operated, managed, leased, or maintained by or under the control of the Commission; establish and maintain a police department; and employ police officers to enforce the laws of the Commonwealth and all rules and regulations of the Commission. The Commission's police force and its police officers shall have all the powers vested in local police forces and police officers under Virginia law. Any person appointed and employed as a Commission police officer pursuant to this section must meet the training requirements established by the Department of Criminal Justice Services under § 9.1-102 and the requirements of § 9.1-114.

Such ~~special policemen~~ police officers may issue summons to appear, or arrest on view or on information without warrant as permitted by law, and conduct before any court of competent jurisdiction any person violating any rule or regulation of the Commission or other applicable statute, ordinance, rule, or regulation.

For the purpose of enforcing such statutes, ordinances, rules, and regulations, the court or courts having jurisdiction for the trial of criminal offenses of the participating political subdivision wherein the offense was committed shall have jurisdiction to try a person charged with the violating of any such statutes, ordinances, rules, and regulations.

§ 15. Authority to issue bonds.

The Commission shall have power and is hereby authorized to issue bonds from time to time in its discretion for any of its purposes, including the payment of all or any part of the cost of any of its facilities and the refunding of any bonds previously issued by it.

~~The Commission shall not issue bonds unless and until the maximum amount of such issue and the general purposes thereof have been approved by the governing body of each participating political subdivision. Subject to the foregoing, bonds~~ Bonds may be issued under this act notwithstanding any debt or other limitation prescribed in any statute and without obtaining the consent of any city, town, or county government or any commission, board, bureau, or agency of the Commonwealth or of any of the foregoing, and without any other proceedings or the happening of other conditions or things than those proceedings, conditions or things which are specifically required by this act.

The Commission may issue such types of bonds as it may determine, including, without limiting the generality of the foregoing, bonds payable as to principal and interest: (i) from its revenues generally; (ii) exclusively from the income and revenues of a particular project; or (iii) exclusively from the income and revenues of certain designated projects, whether or not they are financed in whole or in part from the proceeds of such bonds. Any such bonds may be additionally secured by a pledge of any grant or contribution from a participating political subdivision, the Commonwealth or any political subdivision, agency or instrumentality thereof, any federal agency or any unit, private corporation, copartnership, association, or individual, as such participating political subdivision, or other entities may be authorized to make under general law or by a pledge of any income or revenues of the Commission, or where such mortgage has been approved by the participating political subdivisions, a mortgage of any facilities of the Commission.

Bonds of the Commission shall be authorized by resolution and may be issued in one or more series, may be dated, may mature at such time or times not exceeding forty years from their date or dates, may be subject to redemption or repurchase at such price or prices and under such terms and conditions, and may contain such other provisions, all as determined by the Commission before their issuance or in such manner as the Commission may provide. The bonds may bear interest at such rate or rates as may be determined by the Commission or in such manner as the Commission may provide, including the determination by reference to indices or formulas or by agents designated by the Commission under guidelines established by it. The Commission shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the Commonwealth. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. Notwithstanding any of the other provisions of this act or any recitals in any bonds issued under the provisions of this act, all such bonds shall be deemed to be negotiable instruments under the laws of the Commonwealth. The bonds may be issued in coupon or registered form or both, as the Commission may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the conversion and reconversion into coupon bonds of any bonds registered as to both principal and interest and vice versa. The Commission may sell such bonds in such manner, either at public or private sale, and for such price, as it may determine to be for the best interests of the Commission.

Prior to the preparation of definitive bonds, the Commission may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery.

CHAPTER 673

An Act to amend and reenact §§ 58.1-3833 and 58.1-3840 of the Code of Virginia, relating to local meals tax and food and beverage tax.

[H 1099]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-3833 and 58.1-3840 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-3833. County food and beverage tax.

A. Any county is hereby authorized to levy a tax on food and beverages sold, for human consumption, by a restaurant, as such term is defined in subdivision 9 of § 35.1-1, not to exceed four percent of the amount charged for such food and beverages. Such tax shall not be levied on food and beverages sold through vending machines or by: (i) boardinghouses that do not accommodate transients; (ii) cafeterias operated by industrial plants for employees only; (iii) restaurants to their employees as part of their compensation when no charge is made to the employee; (iv) volunteer fire departments and rescue squads; nonprofit churches or other religious bodies; *or* educational, charitable, fraternal, or benevolent organizations; ~~on an occasional basis, not exceeding the first three times per calendar year and, beginning with the fourth time, on the first \$100,000 of gross receipts per calendar year from sales of food and beverages (excluding gross receipts from the first three times)~~, as a fundraising activity, the gross proceeds of which are to be used by such church, religious body or organization exclusively for nonprofit educational, charitable, benevolent, or religious purposes; (v) churches that serve meals for their members as a regular part of their religious observances; (vi) public or private elementary or secondary schools, colleges, and universities to their students or employees; (vii) hospitals, medical clinics, convalescent homes, nursing homes, or other extended care facilities to patients or residents thereof; (viii) day care centers; (ix) homes for the aged, infirm, handicapped, battered women, narcotic addicts, or alcoholics; or (x) age-restricted apartment complexes or residences with restaurants, not open to the public, where meals are served and fees are charged for such food and beverages and are included in rental fees. Also, the tax shall not be levied on food and beverages: (a) when used or consumed and paid for by the Commonwealth, any political subdivision of the Commonwealth, or the United States; or (b) provided by a public or private nonprofit charitable organization or establishment to elderly, infirm, blind, handicapped, or needy persons in their homes, or at central locations; or (c) provided by private establishments that contract with the appropriate agency of the Commonwealth to offer food, food products, or beverages for immediate consumption at concession prices to elderly, infirm, blind, handicapped, or needy persons in their homes or at central locations.

Grocery stores and convenience stores selling prepared foods ready for human consumption at a delicatessen counter shall be subject to the tax, for that portion of the grocery store or convenience store selling such items.

This tax shall be levied only if the tax is approved in a referendum within the county which shall be held in accordance with § 24.2-684 and initiated either by a resolution of the board of supervisors or on the filing of a petition signed by a number of registered voters of the county equal in number to 10 percent of the number of voters registered in the county, as appropriate on January 1 of the year in which the petition is filed with the court of such county. The clerk of the circuit court shall publish notice of the election in a newspaper of general circulation in the county once a week for three consecutive weeks prior to the election. If the voters affirm the levy of a local meals tax, the tax shall be effective in an amount and on such terms as the governing body may by ordinance prescribe. If such resolution of the board of supervisors or such petition states for what projects and/or purposes the revenues collected from the tax are to be used, then the question on the ballot for the referendum shall include language stating for what projects and/or purposes the revenues collected from the tax are to be used.

The term "beverage" as set forth herein shall mean alcoholic beverages as defined in § 4.1-100 and nonalcoholic beverages served as part of a meal. The tax shall be in addition to the sales tax currently imposed by the county pursuant to the authority of Chapter 6 (§ 58.1-600 et seq.) of this title. Collection of such tax shall be in a manner prescribed by the governing body.

B. Notwithstanding the provisions of subsection A of this section, Roanoke County, Rockbridge County, Frederick County, Arlington County, and Montgomery County, are hereby authorized to levy a tax on food and beverages sold for human consumption by a restaurant, as such term is defined in § 35.1-1 and as modified in subsection A above and subject to the same exemptions, not to exceed four percent of the amount charged for such food and beverages, provided that the governing body of the respective county holds a public hearing before adopting a local food and beverage tax, and the governing body by unanimous vote adopts such tax by local ordinance. The tax shall be effective in an amount and on such terms as the governing body may by ordinance prescribe.

C. Nothing herein contained shall affect any authority heretofore granted to any county, city or town to levy a meals tax. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, mutatis mutandis. All food and beverage tax collections and all meals tax collections shall be deemed to be held in trust for the county, city or town imposing the applicable tax. The wrongful and fraudulent use of such collections other than remittance of the same as provided by law shall constitute embezzlement pursuant to § 18.2-111.

D. No county which has heretofore adopted an ordinance pursuant to subsection A of this section shall be required to submit an amendment to its meals tax ordinance to the voters in a referendum.

E. Notwithstanding any other provision of this section, no locality shall levy any tax under this section upon (i) that portion of the amount paid by the purchaser as a discretionary gratuity in addition to the sales price; (ii) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by the restaurant in addition to the sales price, but only to the extent that such mandatory gratuity or service charge does not exceed 20% of the sales price; or (iii) alcoholic beverages sold in factory sealed containers and purchased for off-premises consumption or food purchased for human consumption as "food" is defined in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, and federal

regulations adopted pursuant to that act, except for the following items: sandwiches, salad bar items sold from a salad bar, prepackaged single-serving salads consisting primarily of an assortment of vegetables, and nonfactory sealed beverages.

§ 58.1-3840. Certain excise taxes permitted.

A. The provisions of Chapter 6 (§ 58.1-600 et seq.) of this title to the contrary notwithstanding, any city or town having general taxing powers established by charter pursuant to or consistent with the provisions of § 15.2-1104 may impose excise taxes on cigarettes, admissions, transient room rentals, meals, and travel campgrounds. No such taxes on meals may be imposed on (i) that portion of the amount paid by the purchaser as a discretionary gratuity in addition to the sales price of the meal; (ii) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by the restaurant in addition to the sales price of the meal, but only to the extent that such mandatory gratuity or service charge does not exceed 20% of the sales price; or (iii) food and beverages sold through vending machines or on any tangible personal property purchased with food coupons issued by the United States Department of Agriculture under the Food Stamp Program or drafts issued through the Virginia Special Supplemental Food Program for Women, Infants, and Children. No such taxes on meals may be imposed when sold or provided by: (a) restaurants, as such term is defined in subdivision 9 a of § 35.1-1, to their employees as part of their compensation when no charge is made to the employee; (b) volunteer fire departments and rescue squads; nonprofit churches or other religious bodies; or educational, charitable, fraternal, or benevolent organizations, ~~on an occasional basis, not exceeding the first three times per calendar year and, beginning with the fourth time, on the first \$100,000 of gross receipts per calendar year from sales of meals (excluding gross receipts from the first three times)~~, as a fundraising activity, the gross proceeds of which are to be used by such church, religious body or organization exclusively for nonprofit educational, charitable, benevolent, or religious purposes; (c) churches that serve meals for their members as a regular part of their religious observances; (d) public or private elementary or secondary schools, or public or private colleges and universities, to their students or employees; (e) hospitals, medical clinics, convalescent homes, nursing homes, or other extended care facilities to patients or residents thereof; (f) day care centers; (g) homes for the aged, infirm, handicapped, battered women, narcotic addicts, or alcoholics; or (h) age-restricted apartment complexes or residences with restaurants, not open to the public, where meals are served and fees are charged for such food and beverages and are included in rental fees.

Also, the tax shall not be levied on meals: (a) when used or consumed and paid for by the Commonwealth, any political subdivision of the Commonwealth, or the United States; or (b) provided by a public or private nonprofit charitable organization or establishment to elderly, infirm, blind, handicapped, or needy persons in their homes, or at central locations; or (c) provided by private establishments that contract with the appropriate agency of the Commonwealth to offer food, food products, or beverages for immediate consumption at concession prices to elderly, infirm, blind, handicapped, or needy persons in their homes or at central locations.

In addition, as set forth in § 51.5-98, no blind person operating a vending stand or other business enterprise under the jurisdiction of the Department for the Blind and Vision Impaired and located on property acquired and used by the United States for any military or naval purpose shall be required to collect and remit meals taxes.

B. Notwithstanding any other provision of this section, no city or town shall levy any tax under this section upon alcoholic beverages sold in factory sealed containers and purchased for off-premises consumption or food purchased for human consumption as "food" is defined in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, and federal regulations adopted pursuant to that act, except for the following items: sandwiches, salad bar items sold from a salad bar, prepackaged single-serving salads consisting primarily of an assortment of vegetables, and nonfactory sealed beverages.

C. Any city or town that is authorized to levy a tax on admissions may levy the tax on admissions paid for any event held at facilities that are not owned by the city or town at a lower rate than the rate levied on admissions paid for any event held at its city- or town-owned civic centers, stadiums and amphitheatres.

D. [Expired.]

CHAPTER 674

An Act to amend and reenact §§ 2.2-4006, 4.1-225, 9.1-176.1, 15.2-907, 16.1-260, 16.1-278.8:01, 18.2-46.1, 18.2-250, 18.2-251, 18.2-255, 18.2-255.1, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-258.1, 18.2-308.09, 18.2-308.1:5, 18.2-308.4, 18.2-474.1, 19.2-83.1, 19.2-187, 19.2-386.22 through 19.2-386.25, 22.1-277.08, 22.1-279.3:1, 24.2-233, 53.1-145, 53.1-203, 54.1-3401, 54.1-3443, 54.1-3446, and 54.1-3456 of the Code of Virginia and to repeal § 18.2-248.1:1 of the Code of Virginia, relating to controlled substance analogs; synthetic cannabinoids; regulation by Board of Pharmacy; penalties.

[H 1112]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-4006, 4.1-225, 9.1-176.1, 15.2-907, 16.1-260, 16.1-278.8:01, 18.2-46.1, 18.2-250, 18.2-251, 18.2-255, 18.2-255.1, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-258.1, 18.2-308.09, 18.2-308.1:5, 18.2-308.4, 18.2-474.1, 19.2-83.1, 19.2-187, 19.2-386.22 through 19.2-386.25, 22.1-277.08, 22.1-279.3:1, 24.2-233, 53.1-145, 53.1-203, 54.1-3401, 54.1-3443, 54.1-3446, and 54.1-3456 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-4006. Exemptions from requirements of this article.

A. The following agency actions otherwise subject to this chapter and § 2.2-4103 of the Virginia Register Act shall be exempted from the operation of this article:

1. Agency orders or regulations fixing rates or prices.
 2. Regulations that establish or prescribe agency organization, internal practice or procedures, including delegations of authority.
 3. Regulations that consist only of changes in style or form or corrections of technical errors. Each promulgating agency shall review all references to sections of the Code of Virginia within their regulations each time a new supplement or replacement volume to the Code of Virginia is published to ensure the accuracy of each section or section subdivision identification listed.
 4. Regulations that are:
 - a. Necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. However, such regulations shall be filed with the Registrar within 90 days of the law's effective date;
 - b. Required by order of any state or federal court of competent jurisdiction where no agency discretion is involved; or
 - c. Necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation, and the Registrar has so determined in writing. Notice of the proposed adoption of these regulations and the Registrar's determination shall be published in the Virginia Register not less than 30 days prior to the effective date of the regulation.
 5. Regulations of the Board of Agriculture and Consumer Services adopted pursuant to subsection B of § 3.2-3929 or clause (v) or (vi) of subsection C of § 3.2-3931 after having been considered at two or more Board meetings and one public hearing.
 6. Regulations of the regulatory boards served by (i) the Department of Labor and Industry pursuant to Title 40.1 and (ii) the Department of Professional and Occupational Regulation or the Department of Health Professions pursuant to Title 54.1 that are limited to reducing fees charged to regulants and applicants.
 7. The development and issuance of procedural policy relating to risk-based mine inspections by the Department of Mines, Minerals and Energy authorized pursuant to §§ 45.1-161.82 and 45.1-161.292:55.
 8. General permits issued by the (a) State Air Pollution Control Board pursuant to Chapter 13 (§ 10.1-1300 et seq.) of Title 10.1 or (b) State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), Chapter 24 (§ 62.1-242 et seq.) of Title 62.1 and Chapter 25 (§ 62.1-254 et seq.) of Title 62.1, (c) Virginia Soil and Water Conservation Board pursuant to the Dam Safety Act (§ 10.1-604 et seq.), and (d) the development and issuance of general wetlands permits by the Marine Resources Commission pursuant to subsection B of § 28.2-1307, if the respective Board or Commission (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007.01, (ii) following the passage of 30 days from the publication of the Notice of Intended Regulatory Action forms a technical advisory committee composed of relevant stakeholders, including potentially affected citizens groups, to assist in the development of the general permit, (iii) provides notice and receives oral and written comment as provided in § 2.2-4007.03, and (iv) conducts at least one public hearing on the proposed general permit.
 9. The development and issuance by the Board of Education of guidelines on constitutional rights and restrictions relating to the recitation of the pledge of allegiance to the American flag in public schools pursuant to § 22.1-202.
 10. Regulations of the Board of the Virginia College Savings Plan adopted pursuant to § 23-38.77.
 11. Regulations of the Marine Resources Commission.
 12. Regulations adopted by the Board of Housing and Community Development pursuant to (i) Statewide Fire Prevention Code (§ 27-94 et seq.), (ii) the Industrialized Building Safety Law (§ 36-70 et seq.), (iii) the Uniform Statewide Building Code (§ 36-97 et seq.), and (iv) § 36-98.3, provided the Board (a) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007.01, (b) publishes the proposed regulation and provides an opportunity for oral and written comments as provided in § 2.2-4007.03, and (c) conducts at least one public hearing as provided in §§ 2.2-4009 and 36-100 prior to the publishing of the proposed regulations. Notwithstanding the provisions of this subdivision, any regulations promulgated by the Board shall remain subject to the provisions of § 2.2-4007.06 concerning public petitions, and §§ 2.2-4013 and 2.2-4014 concerning review by the Governor and General Assembly.
 13. Amendments to the list of drugs susceptible to counterfeiting adopted by the Board of Pharmacy pursuant to subsection B of § 54.1-3307 or amendments to regulations of the Board to schedule a substance in Schedule I or II pursuant to subsection D of § 54.1-3443.
- B. Whenever regulations are adopted under this section, the agency shall state as part thereof that it will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision. The effective date of regulations adopted under this subsection shall be in accordance with the provisions of § 2.2-4015, except in the case of emergency regulations, which shall become effective as provided in subsection B of § 2.2-4012.
- C. A regulation for which an exemption is claimed under this section or § 2.2-4002 or 2.2-4011 and that is placed before a board or commission for consideration shall be provided at least two days in advance of the board or commission meeting to members of the public that request a copy of that regulation. A copy of that regulation shall be made available to the public attending such meeting.

§ 4.1-225. Grounds for which Board may suspend or revoke licenses.

The Board may suspend or revoke any license other than a brewery license, in which case the Board may impose penalties as provided in § 4.1-227, if it has reasonable cause to believe that:

1. The licensee, or if the licensee is a partnership, any general partner thereof, or if the licensee is an association, any member thereof, or a limited partner of 10 percent or more with voting rights, or if the licensee is a corporation, any officer, director, or shareholder owning 10 percent or more of its capital stock, or if the licensee is a limited liability company, any member-manager or any member owning 10 percent or more of the membership interest of the limited liability company:

a. Has misrepresented a material fact in applying to the Board for such license;

b. Within the five years immediately preceding the date of the hearing held in accordance with § 4.1-227, has (i) been convicted of a violation of any law, ordinance or regulation of the Commonwealth, of any county, city or town in the Commonwealth, of any state, or of the United States, applicable to the manufacture, transportation, possession, use or sale of alcoholic beverages; (ii) violated any provision of Chapter 3 (§ 4.1-300 et seq.); (iii) committed a violation of the Wine Franchise Act (§ 4.1-400 et seq.) or the Beer Franchise Act (§ 4.1-500 et seq.) in bad faith; (iv) violated or failed or refused to comply with any regulation, rule or order of the Board; or (v) failed or refused to comply with any of the conditions or restrictions of the license granted by the Board;

c. Has been convicted in any court of a felony or of any crime or offense involving moral turpitude under the laws of any state, or of the United States;

d. Is not the legitimate owner of the business conducted under the license granted by the Board, or other persons have ownership interests in the business which have not been disclosed;

e. Cannot demonstrate financial responsibility sufficient to meet the requirements of the business conducted under the license granted by the Board;

f. Has been intoxicated or under the influence of some self-administered drug while upon the licensed premises;

g. Has maintained the licensed premises in an unsanitary condition, or allowed such premises to become a meeting place or rendezvous for members of a criminal street gang as defined in § 18.2-46.1 or persons of ill repute, or has allowed any form of illegal gambling to take place upon such premises;

h. Knowingly employs in the business conducted under such license, as agent, servant, or employee, other than a busboy, cook or other kitchen help, any person who has been convicted in any court of a felony or of any crime or offense involving moral turpitude, or who has violated the laws of the Commonwealth, of any other state, or of the United States, applicable to the manufacture, transportation, possession, use or sale of alcoholic beverages;

i. Subsequent to the granting of his original license, has demonstrated by his police record a lack of respect for law and order;

j. Has allowed the consumption of alcoholic beverages upon the licensed premises by any person whom he knew or had reason to believe was (i) less than 21 years of age, (ii) interdicted, or (iii) intoxicated, or has allowed any person whom he knew or had reason to believe was intoxicated to loiter upon such licensed premises;

k. Has allowed any person to consume upon the licensed premises any alcoholic beverages except as provided under this title;

l. Is physically unable to carry on the business conducted under such license or has been adjudicated incapacitated;

m. Has allowed any obscene literature, pictures or materials upon the licensed premises;

n. Has possessed any illegal gambling apparatus, machine or device upon the licensed premises;

o. Has upon the licensed premises (i) illegally possessed, distributed, sold or used, or has knowingly allowed any employee or agent, or any other person, to illegally possess, distribute, sell or use marijuana, controlled substances, imitation controlled substances, drug paraphernalia or controlled paraphernalia as those terms are defined in Articles 1 and 1.1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 and the Drug Control Act (§ 54.1-3400 et seq.) or synthetic cannabinoids as defined in § 18.2-248.1-1; (ii) laundered money in violation of § 18.2-246.3; or (iii) conspired to commit any drug-related offense in violation of Articles 1 and 1.1 of Chapter 7 (§ 18.2-247 et seq.) of Title 18.2 or the Drug Control Act (§ 54.1-3400 et seq.). The provisions of this subdivision shall also apply to any conduct related to the operation of the licensed business which facilitates the commission of any of the offenses set forth herein; or

p. Has failed to take reasonable measures to prevent (i) the licensed premises, (ii) any premises immediately adjacent to the licensed premises that are owned or leased by the licensee, or (iii) any portion of public property immediately adjacent to the licensed premises from becoming a place where patrons of the establishment commit criminal violations of Article 1 (§ 18.2-30 et seq.), 2 (§ 18.2-38 et seq.), 2.1 (§ 18.2-46.1 et seq.), 2.2 (§ 18.2-46.4 et seq.), 3 (§ 18.2-47 et seq.), 4 (§ 18.2-51 et seq.), 5 (§ 18.2-58 et seq.), 6 (§ 18.2-59 et seq.), or 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2; Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2; Article 3 (§ 18.2-344 et seq.) or 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2; or Article 1 (§ 18.2-404 et seq.), 2 (§ 18.2-415), or 3 (§ 18.2-416 et seq.) of Chapter 9 of Title 18.2 and such violations lead to arrests that are so frequent and serious as to reasonably be deemed a continuing threat to the public safety.

2. The place occupied by the licensee:

a. Does not conform to the requirements of the governing body of the county, city or town in which such establishment is located, with respect to sanitation, health, construction or equipment, or to any similar requirements established by the laws of the Commonwealth or by Board regulations;

b. Has been adjudicated a common nuisance under the provisions of this title or § 18.2-258; or

c. Has become a meeting place or rendezvous for illegal gambling, illegal users of narcotics, drunks, prostitutes, pimps, panderers or habitual law violators or has become a place where illegal drugs are regularly used or distributed. The Board may consider the general reputation in the community of such establishment in addition to any other competent evidence in making such determination.

3. The licensee or any employee of the licensee discriminated against any member of the armed forces of the United States by prices charged or otherwise.

4. The licensee, his employees, or any entertainer performing on the licensed premises has been convicted of a violation of a local public nudity ordinance for conduct occurring on the licensed premises and the licensee allowed such conduct to occur.

5. Any cause exists for which the Board would have been entitled to refuse to grant such license had the facts been known.

6. Any other cause authorized by this title.

§ 9.1-176.1. Duties and responsibilities of local community-based probation officers.

A. Each local community-based probation officer, for the localities served, shall:

1. Supervise and assist all local-responsible adult offenders, residing within the localities served and placed on local community-based probation by any judge of any court within the localities served;

2. Ensure offender compliance with all orders of the court, including the requirement to perform community service;

3. Conduct, when ordered by a court, substance abuse screenings, or conduct or facilitate the preparation of assessments pursuant to state approved protocols;

4. Conduct, at his discretion, random drug and alcohol tests on any offender whom the officer has reason to believe is engaged in the illegal use of controlled substances; *or* marijuana; ~~or synthetic cannabinoids~~ or the abuse of alcohol or prescribed medication;

5. Facilitate placement of offenders in substance abuse education or treatment programs and services or other education or treatment programs and services based on the needs of the offender;

6. Seek a *capias* from any judicial officer in the event of failure to comply with conditions of local community-based probation or supervision on the part of any offender provided that noncompliance resulting from intractable behavior presents a risk of flight, or a risk to public safety or to the offender;

7. Seek a motion to show cause for offenders requiring a subsequent hearing before the court;

8. Provide information to assist any law-enforcement officer with the return to custody of defendants placed on supervision for which a *capias* has been sought;

9. Keep such records and make such reports as required by the Department of Criminal Justice Services; and

10. Determine by reviewing the Local Inmate Data System upon intake and again prior to discharge whether a blood, saliva, or tissue sample has been taken for DNA analysis for each offender required to submit a sample pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of Title 19.2 and, if no sample has been taken, require an offender to submit a sample for DNA analysis.

B. Each local probation officer may provide the following optional services, as appropriate and when available resources permit:

1. Supervise local-responsible adult offenders placed on home incarceration with or without home electronic monitoring as a condition of local community-based probation;

2. Investigate and report on any local-responsible adult offender and prepare or facilitate the preparation of any other screening, assessment, evaluation, testing or treatment required as a condition of probation;

3. Monitor placements of local-responsible adults who are required to perform court-ordered community service at approved work sites;

4. Assist the courts, when requested, by monitoring the collection of court costs, fines and restitution to the victims of crime for offenders placed on local probation; and

5. Collect supervision and intervention fees pursuant to § 9.1-182 subject to local approval and the approval of the Department of Criminal Justice Services.

§ 15.2-907. Authority to require removal, repair, etc., of buildings and other structures harboring illegal drug use.

A. As used in this section:

"Affidavit" means the affidavit prepared by a locality in accordance with subdivision B 1 a hereof.

"Controlled substance" means illegally obtained controlled substances or marijuana, as defined in § 54.1-3401; ~~or synthetic cannabinoids as defined in § 18.2-248.1-1.~~

"Corrective action" means the taking of steps which are reasonably expected to be effective to abate drug blight on real property, such as removal, repair or securing of any building, wall or other structure.

"Drug blight" means a condition existing on real property which tends to endanger the public health or safety of residents of a locality and is caused by the regular presence on the property of persons under the influence of controlled substances or the regular use of the property for the purpose of illegally possessing, manufacturing or distributing controlled substances.

"Owner" means the record owner of real property.

"Property" means real property.

B. Any locality may, by ordinance, provide that:

1. The locality may undertake corrective action with respect to property in accordance with the procedures described herein:

a. The locality shall execute an affidavit, citing this section, to the effect that (i) drug blight exists on the property and in the manner described therein; (ii) the locality has used diligence without effect to abate the drug blight; and (iii) the drug blight constitutes a present threat to the public's health, safety or welfare.

b. The locality shall then send a notice to the owner of the property, to be sent by regular mail to the last address listed for the owner on the locality's assessment records for the property, together with a copy of such affidavit, advising that (i) the owner has up to 30 days from the date thereof to undertake corrective action to abate the drug blight described in such affidavit and (ii) the locality will, if requested to do so, assist the owner in determining and coordinating the appropriate corrective action to abate the drug blight described in such affidavit.

c. If no corrective action is undertaken during such 30-day period, the locality shall send by regular mail an additional notice to the owner of the property, at the address stated in the preceding subdivision, stating the date on which the locality may commence corrective action to abate the drug blight on the property, which date shall be no earlier than 15 days after the date of mailing of the notice. Such additional notice shall also reasonably describe the corrective action contemplated to be taken by the locality. Upon receipt of such notice, the owner shall have a right, upon reasonable notice to the locality, to seek equitable relief, and the locality shall initiate no corrective action while a proper petition for relief is pending before a court of competent jurisdiction.

2. If the locality undertakes corrective action with respect to the property after complying with the provisions of subdivision B 1, the costs and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the locality as taxes are collected.

3. Every charge authorized by this section with which the owner of any such property has been assessed and which remains unpaid shall constitute a lien against such property with the same priority as liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1.

C. If the owner of such property takes timely corrective action pursuant to such ordinance, the locality shall deem the drug blight abated, shall close the proceeding without any charge or cost to the owner and shall promptly provide written notice to the owner that the proceeding has been terminated satisfactorily. The closing of a proceeding shall not bar the locality from initiating a subsequent proceeding if the drug blight recurs.

D. Nothing in this section shall be construed to abridge or waive any rights or remedies of an owner of property at law or in equity.

§ 16.1-260. Intake; petition; investigation.

A. All matters alleged to be within the jurisdiction of the court shall be commenced by the filing of a petition, except as provided in subsection H and in § 16.1-259. The form and content of the petition shall be as provided in § 16.1-262. No individual shall be required to obtain support services from the Department of Social Services prior to filing a petition seeking support for a child. Complaints, requests and the processing of petitions to initiate a case shall be the responsibility of the intake officer. However, (i) the attorney for the Commonwealth of the city or county may file a petition on his own motion with the clerk, (ii) designated nonattorney employees of the Department of Social Services may complete, sign and file petitions and motions relating to the establishment, modification, or enforcement of support on forms approved by the Supreme Court of Virginia with the clerk, and (iii) any attorney may file petitions on behalf of his client with the clerk except petitions alleging that the subject of the petition is a child alleged to be in need of services, in need of supervision or delinquent. Complaints alleging abuse or neglect of a child shall be referred initially to the local department of social services in accordance with the provisions of Chapter 15 (§ 63.2-1500 et seq.) of Title 63.2. Motions and other subsequent pleadings in a case shall be filed directly with the clerk. The intake officer or clerk with whom the petition or motion is filed shall inquire whether the petitioner is receiving child support services or public assistance. No individual who is receiving support services or public assistance shall be denied the right to file a petition or motion to establish, modify or enforce an order for support of a child. If the petitioner is seeking or receiving child support services or public assistance, the clerk, upon issuance of process, shall forward a copy of the petition or motion, together with notice of the court date, to the Division of Child Support Enforcement.

B. The appearance of a child before an intake officer may be by (i) personal appearance before the intake officer or (ii) use of two-way electronic video and audio communication. If two-way electronic video and audio communication is used, an intake officer may exercise all powers conferred by law. All communications and proceedings shall be conducted in the same manner as if the appearance were in person, and any documents filed may be transmitted by facsimile process. The facsimile may be served or executed by the officer or person to whom sent, and returned in the same manner, and with the same force, effect, authority, and liability as an original document. All signatures thereon shall be treated as original signatures. Any two-way electronic video and audio communication system used for an appearance shall meet the standards as set forth in subsection B of § 19.2-3.1.

When the court service unit of any court receives a complaint alleging facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241, the unit, through an intake officer, may proceed informally to make such adjustment as is practicable without the filing of a petition or may authorize a petition to be filed by any complainant having sufficient knowledge of the matter to establish probable cause for the issuance of the petition.

An intake officer may proceed informally on a complaint alleging a child is in need of services, in need of supervision or delinquent only if the juvenile (i) is not alleged to have committed a violent juvenile felony or (ii) has not previously been proceeded against informally or adjudicated delinquent for an offense that would be a felony if committed by an adult. A

petition alleging that a juvenile committed a violent juvenile felony shall be filed with the court. A petition alleging that a juvenile is delinquent for an offense that would be a felony if committed by an adult shall be filed with the court if the juvenile had previously been proceeded against informally by intake or had been adjudicated delinquent for an offense that would be a felony if committed by an adult.

If a juvenile is alleged to be a truant pursuant to a complaint filed in accordance with § 22.1-258 and the attendance officer has provided documentation to the intake officer that the relevant school division has complied with the provisions of § 22.1-258, then the intake officer shall file a petition with the court. The intake officer may defer filing the complaint for 90 days and proceed informally by developing a truancy plan. The intake officer may proceed informally only if the juvenile has not previously been proceeded against informally or adjudicated in need of supervision for failure to comply with compulsory school attendance as provided in § 22.1-254. The juvenile and his parent or parents, guardian or other person standing in loco parentis must agree, in writing, for the development of a truancy plan. The truancy plan may include requirements that the juvenile and his parent or parents, guardian or other person standing in loco parentis participate in such programs, cooperate in such treatment or be subject to such conditions and limitations as necessary to ensure the juvenile's compliance with compulsory school attendance as provided in § 22.1-254. The intake officer may refer the juvenile to the appropriate public agency for the purpose of developing a truancy plan using an interagency interdisciplinary team approach. The team may include qualified personnel who are reasonably available from the appropriate department of social services, community services board, local school division, court service unit and other appropriate and available public and private agencies and may be the family assessment and planning team established pursuant to § 2.2-5207. If at the end of the 90-day period the juvenile has not successfully completed the truancy plan or the truancy program, then the intake officer shall file the petition.

Whenever informal action is taken as provided in this subsection on a complaint alleging that a child is in need of services, in need of supervision or delinquent, the intake officer shall (i) develop a plan for the juvenile, which may include restitution and the performance of community service, based upon community resources and the circumstances which resulted in the complaint, (ii) create an official record of the action taken by the intake officer and file such record in the juvenile's case file, and (iii) advise the juvenile and the juvenile's parent, guardian or other person standing in loco parentis and the complainant that any subsequent complaint alleging that the child is in need of supervision or delinquent based upon facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241 will result in the filing of a petition with the court.

C. The intake officer shall accept and file a petition in which it is alleged that (i) the custody, visitation or support of a child is the subject of controversy or requires determination, (ii) a person has deserted, abandoned or failed to provide support for any person in violation of law, (iii) a child or such child's parent, guardian, legal custodian or other person standing in loco parentis is entitled to treatment, rehabilitation or other services which are required by law, (iv) family abuse has occurred and a protective order is being sought pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1, or (v) an act of violence, force, or threat has occurred, a protective order is being sought pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, and either the alleged victim or the respondent is a juvenile. If any such complainant does not file a petition, the intake officer may file it. In cases in which a child is alleged to be abused, neglected, in need of services, in need of supervision or delinquent, if the intake officer believes that probable cause does not exist, or that the authorization of a petition will not be in the best interest of the family or juvenile or that the matter may be effectively dealt with by some agency other than the court, he may refuse to authorize the filing of a petition. The intake officer shall provide to a person seeking a protective order pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1 a written explanation of the conditions, procedures and time limits applicable to the issuance of protective orders pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1. If the person is seeking a protective order pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, the intake officer shall provide a written explanation of the conditions, procedures, and time limits applicable to the issuance of protective orders pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10.

D. Prior to the filing of any petition alleging that a child is in need of supervision, the matter shall be reviewed by an intake officer who shall determine whether the petitioner and the child alleged to be in need of supervision have utilized or attempted to utilize treatment and services available in the community and have exhausted all appropriate nonjudicial remedies which are available to them. When the intake officer determines that the parties have not attempted to utilize available treatment or services or have not exhausted all appropriate nonjudicial remedies which are available, he shall refer the petitioner and the child alleged to be in need of supervision to the appropriate agency, treatment facility or individual to receive treatment or services, and a petition shall not be filed. Only after the intake officer determines that the parties have made a reasonable effort to utilize available community treatment or services may he permit the petition to be filed.

E. If the intake officer refuses to authorize a petition relating to an offense that if committed by an adult would be punishable as a Class 1 misdemeanor or as a felony, the complainant shall be notified in writing at that time of the complainant's right to apply to a magistrate for a warrant. If a magistrate determines that probable cause exists, he shall issue a warrant returnable to the juvenile and domestic relations district court. The warrant shall be delivered forthwith to the juvenile court, and the intake officer shall accept and file a petition founded upon the warrant. If the court is closed and the magistrate finds that the criteria for detention or shelter care set forth in § 16.1-248.1 have been satisfied, the juvenile may be detained pursuant to the warrant issued in accordance with this subsection. If the intake officer refuses to authorize a petition relating to a child in need of services or in need of supervision, a status offense, or a misdemeanor other than Class 1, his decision is final.

Upon delivery to the juvenile court of a warrant issued pursuant to subdivision 2 of § 16.1-256, the intake officer shall accept and file a petition founded upon the warrant.

F. The intake officer shall notify the attorney for the Commonwealth of the filing of any petition which alleges facts of an offense which would be a felony if committed by an adult.

G. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.), the intake officer shall file a report with the division superintendent of the school division in which any student who is the subject of a petition alleging that such student who is a juvenile has committed an act, wherever committed, which would be a crime if committed by an adult, or that such student who is an adult has committed a crime and is alleged to be within the jurisdiction of the court. The report shall notify the division superintendent of the filing of the petition and the nature of the offense, if the violation involves:

1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;
2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;
4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
6. Manufacture, sale or distribution of marijuana or synthetic cannabinoids pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;
8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;
9. Robbery pursuant to § 18.2-58;
10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;
11. Recruitment of other juveniles for a criminal street gang activity pursuant to § 18.2-46.3; or
12. An act of violence by a mob pursuant to § 18.2-42.1.

The failure to provide information regarding the school in which the student who is the subject of the petition may be enrolled shall not be grounds for refusing to file a petition.

The information provided to a division superintendent pursuant to this section may be disclosed only as provided in § 16.1-305.2.

H. The filing of a petition shall not be necessary:

1. In the case of violations of the traffic laws, including offenses involving bicycles, hitchhiking and other pedestrian offenses, game and fish laws or a violation of the ordinance of any city regulating surfing or any ordinance establishing curfew violations, animal control violations or littering violations. In such cases the court may proceed on a summons issued by the officer investigating the violation in the same manner as provided by law for adults. Additionally, an officer investigating a motor vehicle accident may, at the scene of the accident or at any other location where a juvenile who is involved in such an accident may be located, proceed on a summons in lieu of filing a petition.

2. In the case of seeking consent to apply for the issuance of a work permit pursuant to subsection H of § 16.1-241.

3. In the case of a misdemeanor violation of § 18.2-250.1, 18.2-266, 18.2-266.1, or 29.1-738, or the commission of any other alcohol-related offense, provided the juvenile is released to the custody of a parent or legal guardian pending the initial court date. The officer releasing a juvenile to the custody of a parent or legal guardian shall issue a summons to the juvenile and shall also issue a summons requiring the parent or legal guardian to appear before the court with the juvenile. Disposition of the charge shall be in the manner provided in § 16.1-278.8, 16.1-278.8:01, or 16.1-278.9. If the juvenile so charged with a violation of § 18.2-51.4, 18.2-266, 18.2-266.1, 18.2-272, or 29.1-738 refuses to provide a sample of blood or breath or samples of both blood and breath for chemical analysis pursuant to §§ 18.2-268.1 through 18.2-268.12 or 29.1-738.2, the provisions of these sections shall be followed except that the magistrate shall authorize execution of the warrant as a summons. The summons shall be served on a parent or legal guardian and the juvenile, and a copy of the summons shall be forwarded to the court in which the violation is to be tried. When a violation of § 18.2-250.1 is charged by summons, the juvenile shall be entitled to have the charge referred to intake for consideration of informal proceedings pursuant to subsection B, provided such right is exercised by written notification to the clerk not later than 10 days prior to trial. At the time such summons alleging a violation of § 18.2-250.1 is served, the officer shall also serve upon the juvenile written notice of the right to have the charge referred to intake on a form approved by the Supreme Court and make return of such service to the court. If the officer fails to make such service or return, the court shall dismiss the summons without prejudice.

4. In the case of offenses which, if committed by an adult, would be punishable as a Class 3 or Class 4 misdemeanor. In such cases the court may direct that an intake officer proceed as provided in § 16.1-237 on a summons issued by the officer investigating the violation in the same manner as provided by law for adults provided that notice of the summons to appear is mailed by the investigating officer within five days of the issuance of the summons to a parent or legal guardian of the juvenile.

I. Failure to comply with the procedures set forth in this section shall not divest the juvenile court of the jurisdiction granted it in § 16.1-241.

§ 16.1-278.8:01. Juveniles found delinquent of first drug offense; screening; assessment; drug tests; costs and fees; education or treatment programs.

Whenever any juvenile who has not previously been found delinquent of any offense under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or under any statute of the United States or of any state relating to narcotic drugs, marijuana, ~~synthetic cannabinoids~~, or stimulant, depressant or hallucinogenic drugs, or has not previously had a proceeding against him for a violation of such an offense dismissed as provided in § 18.2-251, is found delinquent of any offense concerning the use, in any manner, of drugs, controlled substances, narcotics, marijuana, ~~synthetic cannabinoids~~, noxious chemical substances and like substances, the juvenile court or the circuit court shall require such juvenile to undergo a substance abuse screening pursuant to § 16.1-273 and to submit to such periodic substance abuse testing, to include alcohol testing, as may be directed by the court. Such testing shall be conducted by a court services unit of the Department of Juvenile Justice, or by a locally operated court services unit or by personnel of any program or agency approved by the Department. The cost of such testing ordered by the court shall be paid by the Commonwealth from funds appropriated to the Department for this purpose. The court shall also order the juvenile to undergo such treatment or education program for substance abuse, if available, as the court deems appropriate based upon consideration of the substance abuse assessment. The treatment or education shall be provided by a program licensed by the Department of Behavioral Health and Developmental Services or by a similar program available through a facility or program operated by or under contract to the Department of Juvenile Justice or a locally operated court services unit or a program funded through the Virginia Juvenile Community Crime Control Act (§ 16.1-309.2 et seq.).

§ 18.2-46.1. Definitions.

As used in this article unless the context requires otherwise or it is otherwise provided:

"Act of violence" means those felony offenses described in subsection A of § 19.2-297.1.

"Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, (i) which has as one of its primary objectives or activities the commission of one or more criminal activities; (ii) which has an identifiable name or identifying sign or symbol; and (iii) whose members individually or collectively have engaged in the commission of, attempt to commit, conspiracy to commit, or solicitation of two or more predicate criminal acts, at least one of which is an act of violence, provided such acts were not part of a common act or transaction.

"Predicate criminal act" means (i) an act of violence; (ii) any violation of § 18.2-31, 18.2-42, 18.2-46.3, 18.2-51, 18.2-51.1, 18.2-51.2, 18.2-51.3, 18.2-51.6, 18.2-52, 18.2-52.1, 18.2-53, 18.2-53.1, 18.2-55, 18.2-56.1, 18.2-57, 18.2-57.2, 18.2-59, 18.2-83, 18.2-89, 18.2-90, 18.2-95, 18.2-108.1, 18.2-121, 18.2-127, 18.2-128, 18.2-137, 18.2-138, 18.2-146, 18.2-147, 18.2-248.01, 18.2-248.03, 18.2-255, 18.2-255.2, 18.2-279, 18.2-282.1, 18.2-286.1, 18.2-287.4, 18.2-289, 18.2-300, 18.2-308.1, 18.2-308.2, 18.2-308.2:01, 18.2-308.4, 18.2-355, 18.2-356, or 18.2-357; (iii) a felony violation of § 18.2-60.3 ~~or 18.2-248.1-4~~; (iv) a felony violation of § 18.2-248 or of 18.2-248.1 or a conspiracy to commit a felony violation of § 18.2-248 or 18.2-248.1; (v) any violation of a local ordinance adopted pursuant to § 15.2-1812.2; or (vi) any substantially similar offense under the laws of another state or territory of the United States, the District of Columbia, or the United States.

§ 18.2-250. Possession of controlled substances unlawful.

A. It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.).

Upon the prosecution of a person for a violation of this section, ownership or occupancy of premises or vehicle upon or in which a controlled substance was found shall not create a presumption that such person either knowingly or intentionally possessed such controlled substance.

(a) Any person who violates this section with respect to any controlled substance classified in Schedule I or II of the Drug Control Act shall be guilty of a Class 5 felony, *except that any person other than an inmate of a penal institution as defined in § 53.1-1 or in the custody of an employee thereof who violates this section with respect to a cannabimimetic agent is guilty of a Class 1 misdemeanor.*

(b) Any person other than an inmate of a penal institution as defined in § 53.1-1 or in the custody of an employee thereof, who violates this section with respect to a controlled substance classified in Schedule III shall be guilty of a Class 1 misdemeanor.

(b1) Violation of this section with respect to a controlled substance classified in Schedule IV shall be punishable as a Class 2 misdemeanor.

(b2) Violation of this section with respect to a controlled substance classified in Schedule V shall be punishable as a Class 3 misdemeanor.

(c) Violation of this section with respect to a controlled substance classified in Schedule VI shall be punishable as a Class 4 misdemeanor.

B. The provisions of this section shall not apply to members of state, federal, county, city or town law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of dogs trained in the detection of controlled substances when possession of a controlled substance or substances is necessary in the performance of their duties.

§ 18.2-251. Persons charged with first offense may be placed on probation; conditions; substance abuse screening, assessment treatment and education programs or services; drug tests; costs and fees; violations; discharge.

Whenever any person who has not previously been convicted of any offense under this article or under any statute of the United States or of any state relating to narcotic drugs, marijuana, ~~synthetic cannabinoids~~, or stimulant, depressant, or

hallucinogenic drugs, or has not previously had a proceeding against him for violation of such an offense dismissed as provided in this section, pleads guilty to or enters a plea of not guilty to possession of a controlled substance under § 18.2-250 or to possession of marijuana under § 18.2-250.1, ~~or to possession of synthetic cannabinoids under subsection B of § 18.2-248.1-1;~~ the court, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions.

As a term or condition, the court shall require the accused to undergo a substance abuse assessment pursuant to § 18.2-251.01 or 19.2-299.2, as appropriate, and enter treatment and/or education program or services, if available, such as, in the opinion of the court, may be best suited to the needs of the accused based upon consideration of the substance abuse assessment. The program or services may be located in the judicial district in which the charge is brought or in any other judicial district as the court may provide. The services shall be provided by (i) a program licensed by the Department of Behavioral Health and Developmental Services, by a similar program which is made available through the Department of Corrections, (ii) a local community-based probation services agency established pursuant to § 9.1-174, or (iii) an ASAP program certified by the Commission on VASAP.

The court shall require the person entering such program under the provisions of this section to pay all or part of the costs of the program, including the costs of the screening, assessment, testing, and treatment, based upon the accused's ability to pay unless the person is determined by the court to be indigent.

As a condition of probation, the court shall require the accused (i) to successfully complete treatment or education program or services, (ii) to remain drug and alcohol free during the period of probation and submit to such tests during that period as may be necessary and appropriate to determine if the accused is drug and alcohol free, (iii) to make reasonable efforts to secure and maintain employment, and (iv) to comply with a plan of at least 100 hours of community service for a felony and up to 24 hours of community service for a misdemeanor. Such testing shall be conducted by personnel of the supervising probation agency or personnel of any program or agency approved by the supervising probation agency.

The court shall, unless done at arrest, order the accused to report to the original arresting law-enforcement agency to submit to fingerprinting.

Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is a conviction only for the purposes of applying this section in subsequent proceedings.

Notwithstanding any other provision of this section, whenever a court places an individual on probation upon terms and conditions pursuant to this section, such action shall be treated as a conviction for purposes of §§ 18.2-259.1, 22.1-315, and 46.2-390.1, and the driver's license forfeiture provisions of those sections shall be imposed. The provisions of this paragraph shall not be applicable to any offense for which a juvenile has had his license suspended or denied pursuant to § 16.1-278.9 for the same offense.

§ 18.2-255. Distribution of certain drugs to persons under 18 prohibited; penalty.

A. Except as authorized in the Drug Control Act, Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1, it shall be unlawful for any person who is at least 18 years of age to knowingly or intentionally (i) distribute any drug classified in Schedule I, II, III or IV; ~~or marijuana or synthetic cannabinoids~~ to any person under 18 years of age who is at least three years his junior or (ii) cause any person under 18 years of age to assist in such distribution of any drug classified in Schedule I, II, III or IV; ~~or marijuana or synthetic cannabinoids~~. Any person violating this provision shall upon conviction be imprisoned in a state correctional facility for a period not less than 10 nor more than 50 years, and fined not more than \$100,000. Five years of the sentence imposed for a conviction under this section involving a Schedule I or II controlled substance or one ounce or more of marijuana shall be a mandatory minimum sentence. Two years of the sentence imposed for a conviction under this section ~~involving synthetic cannabinoids or involving less than one ounce of marijuana shall be a mandatory minimum sentence.~~

B. It shall be unlawful for any person who is at least 18 years of age to knowingly or intentionally (i) distribute any imitation controlled substance to a person under 18 years of age who is at least three years his junior or (ii) cause any person under 18 years of age to assist in such distribution of any imitation controlled substance. Any person violating this provision shall be guilty of a Class 6 felony.

§ 18.2-255.1. Distribution, sale or display of printed material advertising instruments for use in administering marijuana or controlled substances to minors; penalty.

It shall be a Class 1 misdemeanor for any person knowingly to sell, distribute, or display for sale to a minor any book, pamphlet, periodical or other printed matter which he knows advertises for sale any instrument, device, article, or contrivance for advertised use in unlawfully ingesting, smoking, administering, preparing or growing marijuana; ~~synthetic cannabinoids~~; or a controlled substance.

§ 18.2-255.2. Prohibiting the sale or manufacture of drugs on or near certain properties; penalty.

A. It shall be unlawful for any person to manufacture, sell or distribute or possess with intent to sell, give or distribute any controlled substance, imitation controlled substance, ~~or marijuana or synthetic cannabinoids~~ while:

1. Upon the property, including buildings and grounds, of any public or private elementary, secondary, or post secondary school, or any public or private two-year or four-year institution of higher education, or any clearly marked licensed child day center as defined in § 63.2-100;

2. Upon public property or any property open to public use within 1,000 feet of the property described in subdivision 1;
3. On any school bus as defined in § 46.2-100;
4. Upon a designated school bus stop, or upon either public property or any property open to public use which is within 1,000 feet of such school bus stop, during the time when school children are waiting to be picked up and transported to or are being dropped off from school or a school-sponsored activity;
5. Upon the property, including buildings and grounds, of any publicly owned or publicly operated recreation or community center facility or any public library; or
6. Upon the property of any state facility as defined in § 37.2-100 or upon public property or property open to public use within 1,000 feet of such an institution. It is a violation of the provisions of this section if the person possessed the controlled substance, imitation controlled substance, *or* marijuana ~~or synthetic cannabinoids~~ on the property described in subdivisions 1 through 6, regardless of where the person intended to sell, give or distribute the controlled substance, imitation controlled substance, *or* marijuana; ~~or synthetic cannabinoids~~. Nothing in this section shall prohibit the authorized distribution of controlled substances.

B. Violation of this section shall constitute a separate and distinct felony. Any person violating the provisions of this section shall, upon conviction, be imprisoned for a term of not less than one year nor more than five years and fined not more than \$100,000. A second or subsequent conviction hereunder for an offense involving a controlled substance classified in Schedule I, II, or III of the Drug Control Act (§ 54.1-3400 et seq.) ~~or synthetic cannabinoids~~ or more than one-half ounce of marijuana shall be punished by a mandatory minimum term of imprisonment of one year to be served consecutively with any other sentence. However, if such person proves that he sold such controlled substance; *or* marijuana; ~~or synthetic cannabinoids~~ only as an accommodation to another individual and not with intent to profit thereby from any consideration received or expected nor to induce the recipient or intended recipient of the controlled substance; *or* marijuana; ~~or synthetic cannabinoids~~ to use or become addicted to or dependent upon such controlled substance; *or* marijuana; ~~or synthetic cannabinoids~~, he ~~shall be~~ *is* guilty of a Class 1 misdemeanor.

C. If a person commits an act violating the provisions of this section, and the same act also violates another provision of law that provides for penalties greater than those provided for by this section, then nothing in this section shall prohibit or bar any prosecution or proceeding under that other provision of law or the imposition of any penalties provided for thereby.

§ 18.2-258. Certain premises deemed common nuisance; penalty.

Any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse, dwelling house, apartment, building of any kind, vehicle, vessel, boat, or aircraft, which with the knowledge of the owner, lessor, agent of any such lessor, manager, chief executive officer, operator, or tenant thereof, is frequented by persons under the influence of illegally obtained controlled substances or marijuana, as defined in § 54.1-3401, ~~or synthetic cannabinoids~~, or for the purpose of illegally obtaining possession of, manufacturing or distributing controlled substances; *or* marijuana; ~~or synthetic cannabinoids~~, or is used for the illegal possession, manufacture or distribution of controlled substances; *or* marijuana; ~~or synthetic cannabinoids~~ shall be deemed a common nuisance. Any such owner, lessor, agent of any such lessor, manager, chief executive officer, operator, or tenant who knowingly permits, establishes, keeps or maintains such a common nuisance is guilty of a Class 1 misdemeanor and, for a second or subsequent offense, a Class 6 felony.

§ 18.2-258.02. Maintaining a fortified drug house; penalty.

Any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse, dwelling house, apartment or building or structure of any kind which is (i) substantially altered from its original status by means of reinforcement with the intent to impede, deter or delay lawful entry by a law-enforcement officer into such structure, (ii) being used for the purpose of manufacturing or distributing controlled substances; *or* marijuana; ~~or synthetic cannabinoids~~, and (iii) the object of a valid search warrant, shall be considered a fortified drug house. Any person who maintains or operates a fortified drug house is guilty of a Class 5 felony.

§ 18.2-258.1. Obtaining drugs, procuring administration of controlled substances, etc., by fraud, deceit or forgery.

A. It shall be unlawful for any person to obtain or attempt to obtain any drug or procure or attempt to procure the administration of any controlled substance; *or* marijuana; ~~or synthetic cannabinoids~~: (i) by fraud, deceit, misrepresentation, embezzlement, or subterfuge; ~~or~~ (ii) by the forgery or alteration of a prescription or of any written order; ~~or~~ (iii) by the concealment of a material fact; or (iv) by the use of a false name or the giving of a false address.

B. It shall be unlawful for any person to furnish false or fraudulent information in or omit any information from, or willfully make a false statement in, any prescription, order, report, record, or other document required by Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1.

C. It shall be unlawful for any person to use in the course of the manufacture or distribution of a controlled substance; *or* marijuana; ~~or synthetic cannabinoids~~ a license number which is fictitious, revoked, suspended, or issued to another person.

D. It shall be unlawful for any person, for the purpose of obtaining any controlled substance; *or* marijuana; ~~or synthetic cannabinoids~~ to falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian or other authorized person.

E. It shall be unlawful for any person to make or utter any false or forged prescription or false or forged written order.

F. It shall be unlawful for any person to affix any false or forged label to a package or receptacle containing any controlled substance.

G. This section shall not apply to officers and employees of the United States, of this Commonwealth or of a political subdivision of this Commonwealth acting in the course of their employment, who obtain such drugs for investigative, research or analytical purposes, or to the agents or duly authorized representatives of any pharmaceutical manufacturer who obtain such drugs for investigative, research or analytical purposes and who are acting in the course of their employment; provided that such manufacturer is licensed under the provisions of the Federal Food, Drug and Cosmetic Act; and provided further, that such pharmaceutical manufacturer, its agents and duly authorized representatives file with the Board such information as the Board may deem appropriate.

H. Except as otherwise provided in this subsection, any person who shall violate any provision herein shall be guilty of a Class 6 felony.

Whenever any person who has not previously been convicted of any offense under this article or under any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs, or has not previously had a proceeding against him for violation of such an offense dismissed, or reduced as provided in this section, pleads guilty to or enters a plea of not guilty to the court for violating this section, upon such plea if the facts found by the court would justify a finding of guilt, the court may place him on probation upon terms and conditions.

As a term or condition, the court shall require the accused to be evaluated and enter a treatment and/or education program, if available, such as, in the opinion of the court, may be best suited to the needs of the accused. This program may be located in the judicial circuit in which the charge is brought or in any other judicial circuit as the court may provide. The services shall be provided by a program certified or licensed by the Department of Behavioral Health and Developmental Services. The court shall require the person entering such program under the provisions of this section to pay all or part of the costs of the program, including the costs of the screening, evaluation, testing and education, based upon the person's ability to pay unless the person is determined by the court to be indigent.

As a condition of supervised probation, the court shall require the accused to remain drug free during the period of probation and submit to such tests during that period as may be necessary and appropriate to determine if the accused is drug free. Such testing may be conducted by the personnel of any screening, evaluation, and education program to which the person is referred or by the supervising agency.

Unless the accused was fingerprinted at the time of arrest, the court shall order the accused to report to the original arresting law-enforcement agency to submit to fingerprinting.

Upon violation of a term or condition, the court may enter an adjudication of guilt upon the felony and proceed as otherwise provided. Upon fulfillment of the terms and conditions of probation, the court shall find the defendant guilty of a Class 1 misdemeanor.

§ 18.2-308.09. Disqualifications for a concealed handgun permit.

The following persons shall be deemed disqualified from obtaining a permit:

1. An individual who is ineligible to possess a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2, or 18.2-308.1:3 or the substantially similar law of any other state or of the United States.
2. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:1 and who was discharged from the custody of the Commissioner pursuant to § 19.2-182.7 less than five years before the date of his application for a concealed handgun permit.
3. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:2 and whose competency or capacity was restored pursuant to § 64.2-2012 less than five years before the date of his application for a concealed handgun permit.
4. An individual who was ineligible to possess a firearm under § 18.2-308.1:3 and who was released from commitment less than five years before the date of this application for a concealed handgun permit.
5. An individual who is subject to a restraining order, or to a protective order and prohibited by § 18.2-308.1:4 from purchasing or transporting a firearm.
6. An individual who is prohibited by § 18.2-308.2 from possessing or transporting a firearm, except that a permit may be obtained in accordance with subsection C of that section.
7. An individual who has been convicted of two or more misdemeanors within the five-year period immediately preceding the application, if one of the misdemeanors was a Class 1 misdemeanor, but the judge shall have the discretion to deny a permit for two or more misdemeanors that are not Class 1. Traffic infractions and misdemeanors set forth in Title 46.2 shall not be considered for purposes of this disqualification.
8. An individual who is addicted to, or is an unlawful user or distributor of, marijuana, synthetic cannabinoids, or any controlled substance.
9. An individual who has been convicted of a violation of § 18.2-266 or a substantially similar local ordinance, or of public drunkenness, or of a substantially similar offense under the laws of any other state, the District of Columbia, the United States, or its territories within the three-year period immediately preceding the application, or who is a habitual drunkard as determined pursuant to § 4.1-333.
10. An alien other than an alien lawfully admitted for permanent residence in the United States.
11. An individual who has been discharged from the armed forces of the United States under dishonorable conditions.
12. An individual who is a fugitive from justice.
13. An individual who the court finds, by a preponderance of the evidence, based on specific acts by the applicant, is likely to use a weapon unlawfully or negligently to endanger others. The sheriff, chief of police, or attorney for the Commonwealth may submit to the court a sworn, written statement indicating that, in the opinion of such sheriff, chief of

police, or attorney for the Commonwealth, based upon a disqualifying conviction or upon the specific acts set forth in the statement, the applicant is likely to use a weapon unlawfully or negligently to endanger others. The statement of the sheriff, chief of police, or the attorney for the Commonwealth shall be based upon personal knowledge of such individual or of a deputy sheriff, police officer, or assistant attorney for the Commonwealth of the specific acts, or upon a written statement made under oath before a notary public of a competent person having personal knowledge of the specific acts.

14. An individual who has been convicted of any assault, assault and battery, sexual battery, discharging of a firearm in violation of § 18.2-280 or 18.2-286.1 or brandishing of a firearm in violation of § 18.2-282 within the three-year period immediately preceding the application.

15. An individual who has been convicted of stalking.

16. An individual whose previous convictions or adjudications of delinquency were based on an offense that would have been at the time of conviction a felony if committed by an adult under the laws of any state, the District of Columbia, the United States or its territories. For purposes of this disqualifier, only convictions occurring within 16 years following the later of the date of (i) the conviction or adjudication or (ii) release from any incarceration imposed upon such conviction or adjudication shall be deemed to be "previous convictions."

17. An individual who has a felony charge pending or a charge pending for an offense listed in subdivision 14 or 15.

18. An individual who has received mental health treatment or substance abuse treatment in a residential setting within five years prior to the date of his application for a concealed handgun permit.

19. An individual not otherwise ineligible pursuant to this article, who, within the three-year period immediately preceding the application for the permit, was found guilty of any criminal offense set forth in Article 1 (§ 18.2-247 et seq.) or *former* § 18.2-248.1:1 or of a criminal offense of illegal possession or distribution of marijuana, synthetic cannabinoids, or any controlled substance, under the laws of any state, the District of Columbia, or the United States or its territories.

20. An individual, not otherwise ineligible pursuant to this article, with respect to whom, within the three-year period immediately preceding the application, upon a charge of any criminal offense set forth in Article 1 (§ 18.2-247 et seq.) or *former* § 18.2-248.1:1 or upon a charge of illegal possession or distribution of marijuana, synthetic cannabinoids, or any controlled substance under the laws of any state, the District of Columbia, or the United States or its territories, the trial court found that the facts of the case were sufficient for a finding of guilt and disposed of the case pursuant to § 18.2-251 or the substantially similar law of any other state, the District of Columbia, or the United States or its territories.

§ 18.2-308.1:5. Purchase or transportation of firearm by persons convicted of certain drug offenses prohibited.

Any person who, within a ~~thirty-six consecutive month~~ 36-consecutive-month period, has been convicted of two misdemeanor offenses under subsection B of *former* § 18.2-248.1:1, § 18.2-250, or 18.2-250.1 shall be ineligible to purchase or transport a handgun. However, upon expiration of a period of five years from the date of the second conviction and provided the person has not been convicted of any such offense within that period, the ineligibility shall be removed.

§ 18.2-308.4. Possession of firearms while in possession of certain substances.

A. It shall be unlawful for any person unlawfully in possession of a controlled substance classified in Schedule I or II of the Drug Control Act (§ 54.1-3400 et seq.) of Title 54.1 to simultaneously with knowledge and intent possess any firearm. A violation of this subsection is a Class 6 felony and constitutes a separate and distinct felony.

B. It shall be unlawful for any person unlawfully in possession of a controlled substance classified in Schedule I or II of the Drug Control Act (§ 54.1-3400 et seq.) to simultaneously with knowledge and intent possess any firearm on or about his person. A violation of this subsection is a Class 6 felony and constitutes a separate and distinct felony and any person convicted hereunder shall be sentenced to a mandatory minimum term of imprisonment of two years. Such punishment shall be separate and apart from, and shall be made to run consecutively with, any punishment received for the commission of the primary felony.

C. It shall be unlawful for any person to possess, use, or attempt to use any pistol, shotgun, rifle, or other firearm or display such weapon in a threatening manner while committing or attempting to commit the illegal manufacture, sale, distribution, or the possession with the intent to manufacture, sell, or distribute a controlled substance classified in Schedule I or Schedule II of the Drug Control Act (§ 54.1-3400 et seq.); ~~synthetic cannabinoids~~ or more than one pound of marijuana. A violation of this subsection is a Class 6 felony, and constitutes a separate and distinct felony and any person convicted hereunder shall be sentenced to a mandatory minimum term of imprisonment of five years. Such punishment shall be separate and apart from, and shall be made to run consecutively with, any punishment received for the commission of the primary felony.

§ 18.2-474.1. Delivery of drugs, firearms, explosives, etc., to prisoners or committed persons.

Notwithstanding the provisions of § 18.2-474, any person who shall willfully in any manner deliver, attempt to deliver, or conspire with another to deliver to any prisoner confined under authority of the Commonwealth of Virginia, or of any political subdivision thereof, or to any person committed to the Department of Juvenile Justice in any juvenile correctional center, any drug which is a controlled substance regulated by the Drug Control Act in Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1; ~~synthetic cannabinoids~~ or marijuana; is guilty of a Class 5 felony. Any person who shall willfully in any manner so deliver or attempt to deliver or conspire to deliver to any such prisoner or confined or committed person, firearms, ammunitions, or explosives of any nature is guilty of a Class 3 felony.

Nothing herein contained shall be construed to repeal or amend § 18.2-473.

§ 19.2-83.1. Report of arrest of school employees and adult students for certain offenses.

A. Every state official or agency and every sheriff, police officer, or other local law-enforcement officer or conservator of the peace having the power to arrest for a felony, upon arresting a person who is known or discovered by the arresting official to be a full-time, part-time, permanent, or temporary teacher or other employee in any public school division in this Commonwealth for a felony or a Class 1 misdemeanor or an equivalent offense in another state shall file a report of such arrest with the division superintendent of the employing division as soon as practicable. The contents of the report required pursuant to this section shall be utilized by the local school division solely to implement the provisions of subsection B of § 22.1-296.2 and § 22.1-315.

B. Every state official or agency and every sheriff, police officer, or other local law-enforcement officer or conservator of the peace having the power to arrest for a felony, shall file a report, as soon as practicable, with the division superintendent of the school division in which the student is enrolled upon arresting a person who is known or discovered by the arresting official to be a student age 18 or older in any public school division in this Commonwealth for:

1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;
2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;
4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
6. Manufacture, sale or distribution of marijuana or synthetic cannabinoids pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;
8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;
9. Robbery pursuant to § 18.2-58;
10. Prohibited criminal street gang activity pursuant to § 18.2-46.2; or
11. Recruitment of juveniles for criminal street gang pursuant to § 18.2-46.3.

§ 19.2-187. Admission into evidence of certain certificates of analysis.

In any hearing or trial of any criminal offense or in any proceeding brought pursuant to Chapter 22.1 (§ 19.2-386.1 et seq.), a certificate of analysis of a person performing an analysis or examination, duly attested by such person, shall be admissible in evidence as evidence of the facts therein stated and the results of the analysis or examination referred to therein, provided (i) the certificate of analysis is filed with the clerk of the court hearing the case at least seven days prior to the proceeding if the attorney for the Commonwealth intends to offer it into evidence in a preliminary hearing or the accused intends to offer it into evidence in any hearing or trial, or (ii) the requirements of subsection A of § 19.2-187.1 have been satisfied and the accused has not objected to the admission of the certificate pursuant to subsection B of § 19.2-187.1, when any such analysis or examination is performed in any laboratory operated by the Division of Consolidated Laboratory Services or the Department of Forensic Science or authorized by such Department to conduct such analysis or examination, or performed by a person licensed by the Department of Forensic Science pursuant to § 18.2-268.9 or 46.2-341.26:9 to conduct such analysis or examination, or performed by the Federal Bureau of Investigation, the federal Postal Inspection Service, the federal Bureau of Alcohol, Tobacco and Firearms, the Naval Criminal Investigative Service, the National Fish and Wildlife Forensics Laboratory, the federal Drug Enforcement Administration, the Forensic Document Laboratory of the U.S. Department of Homeland Security, or the U.S. Secret Service Laboratory.

In a hearing or trial in which the provisions of subsection A of § 19.2-187.1 do not apply, a copy of such certificate shall be mailed or delivered by the clerk or attorney for the Commonwealth to counsel of record for the accused at no charge at least seven days prior to the hearing or trial upon request made by such counsel to the clerk with notice of the request to the attorney for the Commonwealth. The request to the clerk shall be on a form prescribed by the Supreme Court and filed with the clerk at least 10 days prior to the hearing or trial. In the event that a request for a copy of a certificate is filed with the clerk with respect to a case that is not yet before the court, the clerk shall advise the requester that he must resubmit the request at such time as the case is properly before the court in order for such request to be effective. If, upon proper request made by counsel of record for the accused, a copy of such certificate is not mailed or delivered by the clerk or attorney for the Commonwealth to counsel of record for the accused in a timely manner in accordance with this section, the accused shall be entitled to continue the hearing or trial.

The certificate of analysis of any examination conducted by the Department of Forensic Science relating to a controlled substance, or marijuana, or synthetic cannabinoids as defined in § 18.2-248.1-1 shall be mailed or forwarded by personnel of the Department of Forensic Science to the attorney for the Commonwealth of the jurisdiction where such offense may be heard. The attorney for the Commonwealth shall acknowledge receipt of the certificate on forms provided by the laboratory.

Any such certificate of analysis purporting to be signed by any such person shall be admissible as evidence in such hearing or trial without any proof of the seal or signature or of the official character of the person whose name is signed to it.

For the purposes of this section and §§ 19.2-187.01, 19.2-187.1, and 19.2-187.2, the term "certificate of analysis" includes reports of analysis and results of laboratory examination.

§ 19.2-386.22. Seizure of property used in connection with or derived from illegal drug transactions.

A. The following property shall be subject to lawful seizure by any officer charged with enforcing the provisions of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2: (i) all money, medical equipment, office equipment, laboratory equipment, motor vehicles, and all other personal and real property of any kind or character, used in substantial connection with (a) the illegal manufacture, sale or distribution of controlled substances or possession with intent to sell or distribute controlled substances in violation of § 18.2-248, (b) the sale or distribution of marijuana or possession with intent to distribute marijuana in violation of subdivisions (a) (2), (a) (3) and (c) of § 18.2-248.1, ~~or (c) the sale or distribution of synthetic cannabinoids or possession with intent to distribute or manufacture synthetic cannabinoids in violation of subsections C and E of § 18.2-248.1-1, or (d) a drug-related offense in violation of § 18.2-474.1;~~ (ii) everything of value furnished, or intended to be furnished, in exchange for a controlled substance in violation of § 18.2-248 or for marijuana in violation of § 18.2-248.1 ~~or for synthetic cannabinoids in violation of § 18.2-248.1-1 or for a controlled substance, or marijuana, or synthetic cannabinoids in violation of § 18.2-474.1;~~ and (iii) all moneys or other property, real or personal, traceable to such an exchange, together with any interest or profits derived from the investment of such money or other property. Under the provisions of clause (i), real property shall not be subject to lawful seizure unless the minimum prescribed punishment for the violation is a term of not less than five years.

B. All seizures and forfeitures under this section shall be governed by the procedures contained in Chapter 22.1 (§ 19.2-386.1 et seq.) ~~of this title.~~

§ 19.2-386.23. Disposal of seized controlled substances, marijuana, and paraphernalia.

A. All controlled substances, imitation controlled substances, marijuana, ~~synthetic cannabinoids as defined in § 18.2-248.1-1,~~ or paraphernalia, the lawful possession of which is not established or the title to which cannot be ascertained, which have come into the custody of a peace officer or have been seized in connection with violations of Chapter 7 (§ 18.2-247 et seq.) of Title 18.2, shall be forfeited and disposed of as follows:

1. Upon written application by the Department of Forensic Science the court may order the forfeiture of any such substance or paraphernalia to the Department for research and training purposes and for destruction pursuant to regulations of the United States Department of Justice Drug Enforcement Administration and of the Board of Pharmacy once these purposes have been fulfilled.

2. In the event no application is made under subdivision 1 of this subsection, the court shall order the destruction of all such substances or paraphernalia, which order shall state the existence and nature of the substance or paraphernalia, the quantity thereof, the location where seized, the person or persons from whom the substance or paraphernalia was seized, if known, and the manner whereby such item shall be destroyed. However, the court may order that paraphernalia identified in subdivision 5 of § 18.2-265.1 not be destroyed and that it be given to a person or entity that makes a showing to the court of sufficient need for the property and an ability to put the property to a lawful and publicly beneficial use. A return under oath, reporting the time, place and manner of destruction shall be made to the court and to the Board of Pharmacy by the officer to whom the order is directed. A copy of the order and affidavit shall be made a part of the record of any criminal prosecution in which the substance or paraphernalia was used as evidence and shall, thereafter, be prima facie evidence of its contents. In the event a law-enforcement agency recovers, seizes, finds, is given or otherwise comes into possession of any such substances or paraphernalia that are not evidence in a trial in the Commonwealth, the chief law-enforcement officer of the agency or his designee may, with the written consent of the appropriate attorney for the Commonwealth, order destruction of same; provided that, a statement under oath, reporting a description of the substances and paraphernalia destroyed, and the time, place and manner of destruction is made to the chief law-enforcement officer and to the Board of Pharmacy by the officer to whom the order is directed.

B. No such substance or paraphernalia used or to be used in a criminal prosecution under Chapter 7 (§ 18.2-247 et seq.) of Title 18.2 shall be disposed of as provided by this section until all rights of appeal have been exhausted, except as provided in § 19.2-386.24.

§ 19.2-386.24. Destruction of seized controlled substances or marijuana prior to trial.

Where seizures of controlled substances, ~~or marijuana, or synthetic cannabinoids~~ are made in excess of 10 pounds in connection with any prosecution or investigation under Chapter 7 (§ 18.2-247 et seq.) of Title 18.2, the appropriate law-enforcement agency may retain 10 pounds of the substance randomly selected from the seized substance for representative purposes as evidence and destroy the remainder of the seized substance.

Before any destruction is carried out under this section, the law-enforcement agency shall cause the material seized to be photographed with identification case numbers or other means of identification and shall prepare a report identifying the seized material. It shall also notify the accused, or other interested party, if known, or his attorney, at least five days in advance that the photography will take place and that they may be present. Prior to any destruction under this section, the law-enforcement agency shall also notify the accused or other interested party, if known, and his attorney at least seven days prior to the destruction of the time and place the destruction will occur. Any notice required under the provisions of this section shall be by first-class mail to the last known address of the person required to be notified. In addition to the substance retained for representative purposes as evidence, all photographs and records made under this section and properly identified shall be admissible in any court proceeding for any purposes for which the seized substance itself would have been admissible.

§ 19.2-386.25. Judge may order law-enforcement agency to maintain custody of controlled substances, etc.

Upon request of the clerk of any court, a judge of the court may order a law-enforcement agency to take into its custody or to maintain custody of substantial quantities of any controlled substances, imitation controlled substances,

chemicals, marijuana, ~~synthetic cannabinoids~~ or paraphernalia used or to be used in a criminal prosecution under Chapter 7 (§ 18.2-247 et seq.) of Title 18.2. The court in its order may make provision for ensuring integrity of these items until further order of the court.

§ 22.1-277.08. Expulsion of students for certain drug offenses.

A. School boards shall expel from school attendance any student whom such school board has determined, in accordance with the procedures set forth in this article, to have brought a controlled substance, imitation controlled substance, *or* marijuana as defined in § 18.2-247; ~~or synthetic cannabinoids as defined in § 18.2-248.1-1~~ onto school property or to a school-sponsored activity. A school board may, however, determine, based on the facts of the particular case, that special circumstances exist and another disciplinary action is appropriate. In addition, a school board may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article.

B. Each school board shall revise its standards of student conduct to incorporate the requirements of this section no later than three months after the date on which this act becomes effective.

§ 22.1-279.3:1. Reports of certain acts to school authorities.

A. Reports shall be made to the division superintendent and to the principal or his designee on all incidents involving (i) the assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity; (ii) the assault and battery that results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking of any person as described in § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity; (iii) any conduct involving alcohol, marijuana, ~~synthetic cannabinoids as defined in § 18.2-248.1-1~~; a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications; (iv) any threats against school personnel while on a school bus, on school property or at a school-sponsored activity; (v) the illegal carrying of a firearm, as defined in § 22.1-277.07, onto school property; (vi) any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in § 18.2-85, or explosive or incendiary devices, as defined in § 18.2-433.1, or chemical bombs, as described in § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity; (vii) any threats or false threats to bomb, as described in § 18.2-83, made against school personnel or involving school property or school buses; or (viii) the arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the charge therefor.

B. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of Title 16.1, local law-enforcement authorities shall report, and the principal or his designee and the division superintendent shall receive such reports, on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act (§ 54.1-3400 et seq.) and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in clauses (i) through (viii) of subsection A, and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. As part of any report concerning an offense that would be an adult misdemeanor involving an incident described in clauses (i) through (viii) of subsection A, local law-enforcement authorities and attorneys for the Commonwealth shall be authorized to disclose information regarding terms of release from detention, court dates, and terms of any disposition orders entered by the court, to the superintendent of such student's school division, upon request by the superintendent, if, in the determination of the law-enforcement authority or attorney for the Commonwealth, such disclosure would not jeopardize the investigation or prosecution of the case. No disclosures shall be made pursuant to this section in violation of the confidentiality provisions of subsection A of § 16.1-300 or the record retention and redisclosure provisions of § 22.1-288.2. Further, any school superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of § 16.1-260 shall report such information to the principal of the school in which the juvenile is enrolled.

C. The principal or his designee shall submit a report of all incidents required to be reported pursuant to this section to the superintendent of the school division. The division superintendent shall annually report all such incidents to the Department of Education for the purpose of recording the frequency of such incidents on forms that shall be provided by the Department and shall make such information available to the public.

In submitting reports of such incidents, principals and division superintendents shall accurately indicate any offenses, arrests, or charges as recorded by law-enforcement authorities and required to be reported by such authorities pursuant to subsection B.

A division superintendent who knowingly fails to comply or secure compliance with the reporting requirements of this subsection shall be subject to the sanctions authorized in § 22.1-65. A principal who knowingly fails to comply or secure compliance with the reporting requirements of this section shall be subject to sanctions prescribed by the local school board, which may include, but need not be limited to, demotion or dismissal.

The principal or his designee shall also notify the parent of any student involved in an incident required pursuant to this section to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students.

Whenever any student commits any reportable incident as set forth in this section, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or his designee. Prevention and intervention activities shall be identified in the local school division's drug and violence prevention plans developed pursuant to the federal Improving America's Schools Act of 1994 (Title IV - Safe and Drug-Free Schools and Communities Act).

D. Except as may otherwise be required by federal law, regulation, or jurisprudence, the principal shall immediately report to the local law-enforcement agency any act enumerated in clauses (ii) through (vii) of subsection A that may constitute a criminal offense and may report to the local law-enforcement agency any incident described in clause (i) of subsection A. Nothing in this section shall require delinquency charges to be filed or prevent schools from dealing with school-based offenses through graduated sanctions or educational programming before a delinquency charge is filed with the juvenile court.

Further, except as may be prohibited by federal law, regulation, or jurisprudence, the principal shall also immediately report any act enumerated in clauses (ii) through (v) of subsection A that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal shall report that the incident has been reported to local law enforcement as required by law and that the parents may contact local law enforcement for further information, if they so desire.

E. A statement providing a procedure and the purpose for the requirements of this section shall be included in school board policies required by § 22.1-253.13:7.

The Board of Education shall promulgate regulations to implement this section, including, but not limited to, establishing reporting dates and report formats.

F. For the purposes of this section, "parent" or "parents" means any parent, guardian or other person having control or charge of a child.

G. This section shall not be construed to diminish the authority of the Board of Education or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

§ 24.2-233. Removal of elected and certain appointed officers by courts.

Upon petition, a circuit court may remove from office any elected officer or officer who has been appointed to fill an elective office, residing within the jurisdiction of the court:

1. For neglect of duty, misuse of office, or incompetence in the performance of duties when that neglect of duty, misuse of office, or incompetence in the performance of duties has a material adverse effect upon the conduct of the office; ~~or;~~

2. Upon conviction of a misdemeanor pursuant to Article 1 (§ 18.2-247 et seq.) or Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2 and after all rights of appeal have terminated involving the:

a. Manufacture, sale, gift, distribution, or possession with intent to manufacture, sell, give, or distribute a controlled substance; ~~or marijuana; or synthetic cannabinoids as defined in § 18.2-248.1-1; or;~~

b. Sale, possession with intent to sell, or placing an advertisement for the purpose of selling drug paraphernalia; or

c. Possession of any controlled substance; ~~or marijuana; or synthetic cannabinoids as defined in § 18.2-248.1-1; and such conviction under subdivision a, b, or c has a material adverse effect upon the conduct of such office; or~~

3. Upon conviction, and after all rights of appeal have terminated, of a misdemeanor involving a "hate crime" as that term is defined in § 52-8.5 when the conviction has a material adverse effect upon the conduct of such office.

The petition must be signed by a number of registered voters who reside within the jurisdiction of the officer equal to ten percent of the total number of votes cast at the last election for the office that the officer holds.

Any person removed from office under the provisions of subdivision 2 or 3 may not be subsequently subject to the provisions of this section for the same criminal offense.

§ 53.1-145. Powers and duties of probation and parole officers.

In addition to other powers and duties prescribed by this article, each probation and parole officer shall:

1. Investigate and report on any case pending in any court or before any judge in his jurisdiction referred to him by the court or judge;

2. Supervise and assist all persons within his territory placed on probation, secure, as appropriate and when available resources permit, placement of such persons in a substance abuse treatment program which may include utilization of acupuncture and other treatment modalities, and furnish every such person with a written statement of the conditions of his probation and instruct him therein; if any such person has been committed to the Department of Behavioral Health and Developmental Services under the provisions of Chapter 9 (§ 37.2-900 et seq.) of Title 37.2, the conditions of probation shall include the requirement that the person comply with all conditions given him by the Department of Behavioral Health and Developmental Services, and that he follow all of the terms of his treatment plan;

3. Supervise and assist all persons within his territory released on parole or postrelease supervision, secure, as appropriate and when available resources permit, placement of such persons in a substance abuse treatment program which may include utilization of acupuncture and other treatment modalities, and, in his discretion, assist any person within his territory who has completed his parole, postrelease supervision, or has been mandatorily released from any correctional facility in the Commonwealth and requests assistance in finding a place to live, finding employment, or in otherwise becoming adjusted to the community;

4. Arrest and recommit to the place of confinement from which he was released, or in which he would have been confined but for the suspension of his sentence or of its imposition, for violation of the terms of probation, post-release supervision pursuant to § 19.2-295.2 or parole, any probationer, person subject to post-release supervision or parolee under his supervision, or as directed by the Chairman, Board member or the court, pending a hearing by the Board or the court, as the case may be;

5. Keep such records, make such reports, and perform other duties as may be required of him by the Director or by regulations prescribed by the Board of Corrections, and the court or judge by whom he was authorized;

6. Order and conduct, in his discretion, drug and alcohol screening tests of any probationer, person subject to post-release supervision pursuant to § 19.2-295.2 or parolee under his supervision who the officer has reason to believe is engaged in the illegal use of controlled substances; *or* marijuana, *or* ~~synthetic cannabinoids~~ or the abuse of alcohol. The cost of the test may be charged to the person under supervision. Regulations governing the officer's exercise of this authority shall be promulgated by the Board;

7. Have the power to carry a concealed weapon in accordance with regulations promulgated by the Board and upon the certification of appropriate training and specific authorization by a judge of a circuit court;

8. Provide services in accordance with any contract entered into between the Department of Corrections and the Department of Behavioral Health and Developmental Services pursuant to § 37.2-912;

9. Pursuant to any contract entered into between the Department of Corrections and the Department of Behavioral Health and Developmental Services, probation and parole officers shall have the power to provide intensive supervision services to persons placed on conditional release, regardless of whether the person has any time remaining to serve on any criminal sentence, pursuant to Chapter 9 (§ 37.2-900 et seq.);

10. Determine by reviewing the Local Inmate Data System upon intake and again prior to release whether a blood, saliva, or tissue sample has been taken for DNA analysis for each person placed on probation or parole required to submit a sample pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of Title 19.2 and, if no sample has been taken, require a person placed on probation or parole to submit a sample for DNA analysis; and

11. For every offender accepted pursuant to the Interstate Compact for the Supervision of Adult Offenders (§ 53.1-176.1 et seq.) who has been convicted of an offense that, if committed in Virginia, would be considered a felony, take a sample or verify that a sample has been taken and accepted into the data bank for DNA analysis in the Commonwealth.

Nothing in this article shall require probation and parole officers to investigate or supervise cases before general district or juvenile and domestic relations district courts.

§ 53.1-203. Felonies by prisoners; penalties.

It shall be unlawful for a prisoner in a state, local or community correctional facility or in the custody of an employee thereof to:

1. Escape from a correctional facility or from any person in charge of such prisoner;

2. Willfully break, cut or damage any building, furniture, fixture or fastening of such facility or any part thereof for the purpose of escaping, aiding any other prisoner to escape therefrom or rendering such facility less secure as a place of confinement;

3. Make, procure, secrete or have in his possession any instrument, tool or other thing for the purpose of escaping from or aiding another to escape from a correctional facility or employee thereof;

4. Make, procure, secrete or have in his possession a knife, instrument, tool or other thing not authorized by the superintendent or sheriff which is capable of causing death or bodily injury;

5. Procure, sell, secrete or have in his possession any chemical compound which he has not lawfully received;

6. Procure, sell, secrete or have in his possession a controlled substance classified in Schedule III of the Drug Control Act (§ 54.1-3400 et seq.); *or* marijuana; *or* ~~synthetic cannabinoids as defined in § 18.2-248.1-1;~~

7. Introduce into a correctional facility or have in his possession firearms or ammunition for firearms;

8. Willfully burn or destroy by use of any explosive device or substance, in whole or in part, or cause to be so burned or destroyed, any personal property, within any correctional facility;

9. Willfully tamper with, damage, destroy, or disable any fire protection or fire suppression system, equipment, or sprinklers within any correctional facility; or

10. Conspire with another prisoner or other prisoners to commit any of the foregoing acts.

For violation of any of the provisions of this section, except subdivision 6, the prisoner shall be guilty of a Class 6 felony. For a violation of subdivision 6, he shall be guilty of a Class 5 felony. If the violation is of subdivision 1 of this section and the escapee is a felon, he shall be sentenced to a mandatory minimum term of confinement of one year, which shall be served consecutively with any other sentence. The prisoner shall, upon conviction of escape, immediately commence to serve such escape sentence, and he shall not be eligible for parole during such period. Any prisoner sentenced to life imprisonment who escapes shall not be eligible for parole. No part of the time served for escape shall be credited for the purpose of parole toward the sentence or sentences, the service of which is interrupted for service of the escape sentence, nor shall it be credited for such purpose toward any other sentence.

§ 54.1-3401. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner or by his authorized agent and under his direction or (ii) the patient or research subject at the direction and in the presence of the practitioner.

"Advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs or devices.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

"Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

"Animal" means any nonhuman animate being endowed with the power of voluntary action.

"Automated drug dispensing system" means a mechanical or electronic system that performs operations or activities, other than compounding or administration, relating to pharmacy services, including the storage, dispensing, or distribution of drugs and the collection, control, and maintenance of all transaction information, to provide security and accountability for such drugs.

"Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human beings.

"Biosimilar" means a biological product that is highly similar to a specific reference biological product, notwithstanding minor differences in clinically inactive compounds, such that there are no clinically meaningful differences between the reference biological product and the biological product that has been licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency of the product.

"Board" means the Board of Pharmacy.

"Bulk drug substance" means any substance that is represented for use, and that, when used in the compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a finished dosage form of the drug; however, "bulk drug substance" shall not include intermediates that are used in the synthesis of such substances.

"Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i) the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a partnership, or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the voting stock of which is actively traded on any securities exchange or in any over-the-counter market; (iv) the merger of a corporation owning the entity or of the parent corporation of a wholly-owned subsidiary owning the entity with another business or corporation; or (v) the expiration or forfeiture of a corporation's charter.

"Compounding" means the combining of two or more ingredients to fabricate such ingredients into a single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in expectation of receiving a valid prescription based on observed historical patterns of prescribing and dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a manufacturer's product drugs for the purpose of administration to a patient, when performed by a practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person supervised by such practitioner pursuant to subdivision A 6 or A 19 of § 54.1-2901, or a person supervised by such practitioner or a licensed nurse practitioner or physician assistant pursuant to subdivision A 4 of § 54.1-2901 shall not be considered compounding.

"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of this chapter. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 3.2 or Title 4.1. *The term "controlled substance" includes a controlled substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory authority in subsection D of § 54.1-3443.*

"Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II. "Controlled substance analog" does not include (a) any substance for which there is an approved new drug application as defined under § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally recognized as safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a

particular person, any substance for which an exemption is in effect for investigational use for that person under § 505 of the federal Food, Drug, and Cosmetic Act to the extent that the conduct with respect to that substance is pursuant to such exemption; or (c) any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.

"DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor agency.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by this chapter, whether or not there exists an agency relationship.

"Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals or to affect the structure or any function of the body of man or animals.

"Dialysis care technician" or "dialysis patient care technician" means an individual who is certified by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, nurse practitioner, physician assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a Medicare-certified renal dialysis facility.

"Dialysis solution" means either the commercially available, unopened, sterile solutions whose purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal dialysis, or commercially available solutions whose purpose is to be used in the performance of hemodialysis not to include any solutions administered to the patient intravenously.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. However, dispensing shall not include the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites operated by such practitioner or that practitioner's medical practice for the purpose of administration of such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a practitioner to patients to take with them away from the practitioner's place of practice.

"Dispenser" means a practitioner who dispenses.

"Distribute" means to deliver other than by administering or dispensing a controlled substance.

"Distributor" means a person who distributes.

"Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them; (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (iii) articles or substances, other than food, intended to affect the structure or any function of the body of man or animals; (iv) articles or substances intended for use as a component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug" does not include devices or their components, parts, or accessories.

"Drug product" means a specific drug in dosage form from a known source of manufacture, whether by brand or therapeutically equivalent drug product name.

"Electronic transmission prescription" means any prescription, other than an oral or written prescription or a prescription transmitted by facsimile machine, that is electronically transmitted directly to a pharmacy without interception or intervention from a third party from a practitioner authorized to prescribe or from one pharmacy to another pharmacy.

"Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an electronic device over telephone lines that sends the exact image to the receiving pharmacy in hard copy form.

"FDA" means the U.S. Food and Drug Administration.

"Hashish oil" means any oily extract containing one or more cannabinoids, but shall not include any such extract with a tetrahydrocannabinol content of less than 12 percent by weight.

"Immediate precursor" means a substance which the Board of Pharmacy has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

"Interchangeable" means a biosimilar that meets safety standards for determining interchangeability pursuant to 42 U.S.C. § 262(k)(4).

"Label" means a display of written, printed, or graphic matter upon the immediate container of any article. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any, of the retail package of such article or is easily legible through the outside container or wrapper.

"Labeling" means all labels and other written, printed, or graphic matter on an article or any of its containers or wrappers, or accompanying such article.

"Manufacture" means the production, preparation, propagation, conversion, or processing of any item regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include compounding.

"Manufacturer" means every person who manufactures.

"Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, or its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or its resin. Marijuana shall not include any oily extract containing one or more cannabinoids unless such extract contains less than 12 percent of tetrahydrocannabinol by weight, nor shall marijuana include the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*.

"Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to the ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and needles, medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with no medicinal properties that are used for the operation and cleaning of medical equipment, solutions for peritoneal dialysis, and sterile water or saline for irrigation.

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative, or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (i), but not including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extraction of coca leaves which do not contain cocaine or ecgonine.

"New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling, except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as amended, and if at such time its labeling contained the same representations concerning the conditions of its use, or (ii) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

"Nuclear medicine technologist" means an individual who holds a current certification with the American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification Board.

"Official compendium" means the official United States Pharmacopoeia National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

"Official written order" means an order written on a form provided for that purpose by the U.S. Drug Enforcement Administration, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided then on an official form provided for that purpose by the Board of Pharmacy.

"Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

"Original package" means the unbroken container or wrapping in which any drug or medicine is enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor for use in the delivery or display of such article.

"Person" means both the plural and singular, as the case demands, and includes an individual, partnership, corporation, association, governmental agency, trust, or other institution or entity.

"Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in a manner complying with the laws and regulations for the practice of pharmacy and the sale and dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy and the pharmacy's personnel as required by § 54.1-3432.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01, licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and administer, or conduct research with respect to a controlled substance in the course of professional practice or research in the Commonwealth.

"Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription.

"Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such drugs or medical supplies.

"Prescription drug" means any drug required by federal law or regulation to be dispensed only pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

"Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance or marijuana.

"Proprietary medicine" means a completely compounded nonprescription drug in its unbroken, original package which does not contain any controlled substance or marijuana as defined in this chapter and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general public by or under the authority of the manufacturer or primary distributor, under a trademark, trade name, or other trade symbol privately owned, and the labeling of which conforms to the requirements of this chapter and applicable federal law. However, this definition shall not include a drug that is only advertised or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic, a drug that may be dispensed only upon prescription or the label of which bears substantially the statement "Warning - may be habit-forming," or a drug intended for injection.

"Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or radionuclide generator that is intended to be used in the preparation of any such substance, but does not include drugs such as carbon-containing compounds or potassium-containing salts that include trace quantities of naturally occurring radionuclides. The term also includes any biological product that is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

"Reference biological product" means the single biological product licensed pursuant to 42 U.S.C. § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to 42 U.S.C. § 262(k).

"Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as an individual, proprietor, agent, servant, or employee.

"Therapeutically equivalent drug products" means drug products that contain the same active ingredients and are identical in strength or concentration, dosage form, and route of administration and that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant to the definition of "therapeutically equivalent drug products" set forth in the most recent edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as the "Orange Book."

"USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

"Warehouser" means any person, other than a wholesale distributor, engaged in the business of selling or otherwise distributing prescription drugs or devices to any person who is not the ultimate user or consumer. No person shall be subject to any state or local tax by reason of this definition.

"Wholesale distribution" means distribution of prescription drugs to persons other than consumers or patients, subject to the exceptions set forth in § 54.1-3401.1.

"Wholesale distributor" means any person engaged in wholesale distribution of prescription drugs including, but not limited to, manufacturers; repackers; own-label distributors; private-label distributors; jobbers; brokers; warehouses, including manufacturers' and distributors' warehouses, chain drug warehouses conducting wholesale distributions, and wholesale drug warehouses; independent wholesale drug traders; and retail pharmacies conducting wholesale distributions. No person shall be subject to any state or local tax as a wholesale merchant by reason of this definition.

The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter shall not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses or lenses for the eyes.

The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter shall be defined as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

§ 54.1-3443. Board to administer article.

A. The Board shall administer this article and may add substances to or deschedule or reschedule all substances enumerated in the schedules in this article pursuant to the procedures of the Administrative Process Act (§ 2.2-4000 et seq.). In making a determination regarding a substance, the Board shall consider the following:

1. The actual or relative potential for abuse;
2. The scientific evidence of its pharmacological effect, if known;
3. The state of current scientific knowledge regarding the substance;
4. The history and current pattern of abuse;
5. The scope, duration, and significance of abuse;
6. The risk to the public health;
7. The potential of the substance to produce psychic or physical dependence; and
8. Whether the substance is an immediate precursor of a substance already controlled under this article.

B. After considering the factors enumerated in subsection A, the Board shall make findings and issue a regulation controlling the substance if it finds the substance has a potential for abuse.

C. If the Board designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

D. *If the Board, in consultation with the Department of Forensic Science, determines the substance shall be placed into Schedule I or II pursuant to § 54.1-3445 or 54.1-3447, the Board may amend its regulations pursuant to Article 2*

(§ 2.2-4006 et seq.) of the Administrative Process Act. Prior to making such amendments, the Board shall conduct a public hearing. At least 30 days prior to conducting such hearing, it shall post notice of the hearing on the Virginia Regulatory Town Hall and shall send notice of the hearing to any persons requesting to be notified of a regulatory action. In the notice, the Board shall include a list of all substances it intends to schedule by regulation. The Board shall notify the House Courts of Justice and Senate Courts of Justice Committees of any new substance added to Schedule I or II pursuant to this subsection. Any substance added to Schedule I or II pursuant to this subsection shall remain on Schedule I or II for a period of 18 months. Upon expiration of such 18-month period, such substance shall be descheduled unless a general law is enacted adding such substance to Schedule I or II. Nothing in this subsection shall preclude the Board from adding substances to or descheduling or rescheduling all substances enumerated in the schedules pursuant to the provisions of subsections A, B, and E.

E. If any substance is designated, rescheduled, or descheduled as a controlled substance under federal law and notice of such action is given to the Board, the Board may similarly control the substance under this chapter after the expiration of 120 days from publication in the Federal Register of the final order designating a substance as a controlled substance or rescheduling or descheduling a substance without following the provisions specified in subsections A and B of this section.

~~F. F. Authority to control under this section does not extend to distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 4.1.~~

~~F. G. The Board shall exempt any nonnarcotic substance from a schedule if such substance may, under the provisions of the federal Food, Drug and Cosmetic Act (21 U.S.C. § 301 et seq.) or state law, be lawfully sold over the counter without a prescription.~~

§ 54.1-3446. Schedule I.

The controlled substances listed in this section are included in Schedule I:

1. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

Acetylmethadol;
 Allylprodine;
 Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);
 Alphameprodine;
 Alphamethadol;
 Benzethidine;
 Betacetylmethadol;
 Betameprodine;
 Betamethadol;
 Betaprodine;
 Clonitazene;
 Dextromoramide;
 Diampromide;
 Diethylthiambutene;
 Difenoxin;
 Dimenoxadol;
 Dimepheptanol;
 Dimethylthiambutene;
 Dioxaphetylbutyrate;
 Dipipanone;
 Ethylmethylthiambutene;
 Etonitazene;
 Etoxidine;
 Furethidine;
 Hydroxypethidine;
 Ketobemidone;
 Levomoramide;
 Levophenacetyl morphan;
 Morpheridine;
 Noracymethadol;
 Norlevorphanol;
 Normethadone;
 Norpipanone;
 Phenadoxone;
 Phenampromide;
 Phenomorphan;

Phenoperidine;
 Piritramide;
 Proheptazine;
 Properidine;
 Propiram;
 Racemoramide;
 Tilidine;
 Trimeperidine.

2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

Acetorphine;
 Acetyldihydrocodeine;
 Benzylmorphine;
 Codeine methylbromide;
 Codeine-N-Oxide;
 Cyprenorphine;
 Desomorphine;
 Dihydromorphine;
 Drotebanol;
 Etorphine;
 Heroin;
 Hydromorphinol;
 Methyldesorphine;
 Methyldihydromorphine;
 Morphine methylbromide;
 Morphine methylsulfonate;
 Morphine-N-Oxide;
 Myrophine;
 Nicocodeine;
 Nicomorphine;
 Normorphine;
 Pholcodine;
 Thebacon.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision only, the term "isomer" includes the optical, position, and geometric isomers):

Alpha-ethyltryptamine (some trade or other names: Monase; a-ethyl-1H-indole-3-ethanamine; 3-2-aminobutyl] indole; a-ET; AET);

4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names:

2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane; alpha-desmethyl DOB; 2C-B; Nexus);

3,4-methylenedioxy amphetamine;

5-methoxy-3,4-methylenedioxy amphetamine;

3,4,5-trimethoxy amphetamine;

Alpha-methyltryptamine (other name: AMT);

Bufotenine;

Diethyltryptamine;

Dimethyltryptamine;

4-methyl-2,5-dimethoxyamphetamine;

2,5-dimethoxy-4-ethylamphetamine (DOET);

2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);

Ibogaine;

5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);

Lysergic acid diethylamide;

Mescaline;

Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo -b,d] pyran; Synhexyl);

Peyote;

N-ethyl-3-piperidyl benzilate;

N-methyl-3-piperidyl benzilate;

Psilocybin;

Psilocyn;
Salvinorin A;
Tetrahydrocannabinols, except as present in marijuana and dronabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration;
Hashish oil (some trade or other names: hash oil; liquid marijuana; liquid hashish);
2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-*a*-methylphenethylamine; 2,5-DMA);
3,4-methylenedioxyamphetamine (MDMA), its optical, positional and geometric isomers, salts and salts of isomers;
3,4-methylenedioxy-*N*-ethylamphetamine (also known as *N*-ethyl-*alpha*-methyl-3,4 (methylenedioxy)phenethylamine, *N*-ethyl MDA, MDE, MDEA);
N-hydroxy-3,4-methylenedioxyamphetamine (some other names:
N-hydroxy-*alpha*-methyl-3,4(methylenedioxy)phenethylamine, and *N*-hydroxy MDA);
4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-*a*-methylphenethylamine; 4-bromo-2,5-DMA);
4-methoxyamphetamine (some trade or other names: 4-methoxy-*a*-methylphenethylamine; paramethoxyamphetamine; PMA);
Ethylamine analog of phencyclidine (some other names: *N*-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, *N*-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);
Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl) -pyrrolidine, PCPy, PHP);
Thiophene analog of phencyclidine (some other names: 1-1-(2-thienyl) -cyclohexyl]-piperidine, 2-thienyl analog of phencyclidine, TPCP, TCP);
1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);
3,4-methylenedioxypropylvalerone (other name: MDPV);
4-methylmethcathinone (other names: mephedrone, 4-MMC);
3,4-methylenedioxypropylmethcathinone (other name: methylone);
Naphthylpropylvalerone (other name: naphyrone);
4-fluoromethcathinone (other name: flephedrone, 4-FMC);
4-methoxymethcathinone (other names: methedrone; bk-PMMA);
Ethcathinone (other name: *N*-ethylcathinone);
3,4-methylenedioxyethcathinone (other name: ethylone);
Beta-keto-*N*-methyl-3,4-benzodioxolylbutanamine (other name: butylone);
N,N-dimethylcathinone (other name: metamfepramone);
Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);
4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);
3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);
Alpha-pyrrolidinovalerophenone (other name: alpha-PVP);
6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);
3-fluoromethcathinone (other name: 3-FMC)
4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);
4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);
4-Methylethcathinone (other name: 4-MEC);
4-Ethylmethcathinone (other name: 4-EMC);
N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);
Beta-keto-methylbenzodioxolylpentanamine (other name: Pentylone, bk-MBDP);
Alpha-methylamino-butyrophenone (other name: Buphedrone);
Alpha-methylamino-valerophenone (other name: Pentedrone);
3,4-Dimethylmethcathinone (other name: 3,4-DMMC);
4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);
4-Iodo-2,5-dimethoxy-*N*-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I, 25I-NBOMe);
Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);
4-Fluoromethamphetamine (other name: 4-FMA);
4-Fluoroamphetamine (other name: 4-FA);
2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);
2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);
2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);
2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);
2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);
2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);
2-(2,5-Dimethoxy-4-(*n*)-propylphenyl)ethanamine (other name: 2C-P);
(2-aminopropyl)benzofuran (other name: APB);
(2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);

4-chloro-2,5-dimethoxy-N-[2-methoxyphenyl]methyl]-benzeneethanamine (other names: 2C-C-NBOMe, 25C-NBOMe);

4-bromo-2,5-dimethoxy-N-[2-methoxyphenyl]methyl]-benzeneethanamine (other names: 2C-B-NBOMe, 25B-NBOMe);

Acetoxymethyltryptamine (other names: AcO-Psilocin, AcO-DMT, Psilacetin);

Benocyclidine (other names: BCP, BTCP); ;

Alpha-pyrrolidinobutiophenone (other name: alpha-PBP).

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);

Mecloqualone;

Methaqualone.

5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4, 5-dihydro-5-phenyl-2-oxazolamine);

N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);

Fenethylamine;

Ethylamphetamine;

Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;

Methcathinone (some other names: 2-(methylamino)-propionophenone; alpha-(methylamino) propionophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR 1432);

Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

N,N-dimethylamphetamine (other names: N,N-alpha-trimethyl-benzeneethanamine, N,N-alpha-trimethylphenethylamine).

6. Any material, compound, mixture or preparation containing any quantity of the following substances:

N-3-methyl-1-(2-phenethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl), its optical and geometric isomers, salts, and salts of isomers;

1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP), its optical isomers, salts and salts of isomers;

1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP), its optical isomers, salts and salts of isomers;

N-1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl] propionanilide (other names:

1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine), alpha-methylfentanyl);

N-1-(1-methyl-2-phenethyl)-4-piperidyl]-N-phenylacetamide (other name: acetyl-alpha-methylfentanyl), its optical isomers, salts and salts of isomers;

N-1-(1-methyl-2-2-thienyl)ethyl-4 piperidyl]-N-phenylpropanamide (other name: alpha-methylthiofentanyl), its optical isomers, salts and salts of isomers;

N-1-benzyl-4-piperidyl]N-phenylpropanamide (other name: benzylfentanyl), its optical isomers, salts and salts of isomers;

N-1-(2-hydroxy-2-phenyl) ethyl-4-piperidyl]-N-phenylpropanamide (other name: beta-hydroxyfentanyl), its optical isomers, salts and salts of isomers;

N-3-methyl-1-(2-hydroxy-2-phenethyl)4-piperidyl]Nphenylpropanamide (other name: beta-hydroxy3methylfentanyl), its optical and geometric isomers, salts and salts of isomers;

N-(3-methyl-1-(2-thienyl)ethyl-4-piperidiny]-N-phenylpropanamide (other name: 3-methylthiofentanyl), its optical and geometric isomers, salts and salts of isomers;

N-1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (other name: thienylfentanyl), its optical isomers, salts and salts of isomers;

N-phenyl-N-1-(2-thienyl)ethyl-4-piperidiny]-propanamide (other name: thiofentanyl), its optical isomers, salts and salts of isomers;

N-(4-fluorophenyl)-N-1-(2-phenethyl)-4-piperidiny] propanamide (other name: para-fluorofentanyl), its optical isomers, salts and salts of isomers.

7. Any substance that contains one or more cannabimimetic agents or that contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, and any preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of one or more cannabimimetic agents.

a. "Cannabimimetic agents" includes any substance that is within any of the following structural classes:

2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent;

3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent;

3-(1-naphthoyl)pyrrole with substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent;

1-(1-naphthylmethyl)indene with substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent;

3-phenylacetylindole or 3-benzoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent;

3-cyclopropoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to any extent;

3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent;

N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent; and

N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring, whether or not further substituted on the indazole ring to any extent, whether or not substituted on the adamantyl ring to any extent.

b. The term "cannabimimetic agents" includes:

5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);

5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);

5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);

5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);

1-pentyl-3-(1-naphthoyl)indole (other names: JWH-018, AM-678);

1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);

1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);

1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);

1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);

(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (other name: HU-210);

1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);

1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);

1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);

1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);

1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);

1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);

1-(N-methylpiperidin-2-yl)methyl-3-(1-naphthoyl)indole (other name: AM-1220);

1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);

1-(N-methylpiperidin-2-yl)methyl-3-(2-iodobenzoyl)indole (other name: AM-2233);

Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other name: WIN 48,098);

1-pentyl-3-(4-methoxybenzoyl)indole (other names: RCS-4, SR-19);

1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other names: RCS-8, SR-18);

1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);

1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: XLR-11);

N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);

N-adamantyl-1-pentylindazole-3-carboxamide (other name: AKB48);

1-pentyl-3-(1-adamantoyl)indole (other name: AB-001);

(8-quinolinyl)(1-pentylindol-3-yl)carboxylate (other name: PB-22);

(8-quinolinyl)(1-(5-fluoropentyl)indol-3-yl)carboxylate (other name: 5-fluoro-PB-22);

(8-quinolinyl)(1-cyclohexylmethyl-indol-3-yl)carboxylate (other name: BB-22);

N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: AB-PINACA);

N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide (other name: AB-FUBINACA);

1-(5-fluoropentyl)-3-(1-naphthoyl)indazole;

N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-indazole-3-carboxamide (other name: ADB-PINACA).

§ 54.1-3456. Controlled substance analog.

~~Any drug not listed on Schedule I or II in this chapter, which is privately compounded, with the specific intent to circumvent the provisions of this chapter, to emulate or simulate the effects of another drug or class of drugs listed on Schedule I or II in this chapter through chemical changes such as the addition, subtraction or rearranging of a radical or the addition, subtraction or rearranging of a substituent; A controlled substance analog shall, to the extent intended for human consumption, be treated, for the purposes of any state law, as a controlled substance in Schedule I or II. A controlled substance analog shall be considered to be listed on the same schedule as the drug or class of drugs which it imitates in the same manner as any isomer, ester, ether, salts of isomers, esters and ethers of such drug or class of drugs.~~

2. That § 18.2-248.1:1 of the Code of Virginia is repealed.

3. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is at least \$66,663 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 675

An Act to amend and reenact §§ 37.2-809 and 37.2-810 of the Code of Virginia, relating to change of facility for temporary detention.

[H 1172]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 37.2-809 and 37.2-810 of the Code of Virginia are amended and reenacted as follows:

§ 37.2-809. Involuntary temporary detention; issuance and execution of order.

A. For the purposes of this section:

"Designee of the local community services board" means an examiner designated by the local community services board who (i) is skilled in the assessment and treatment of mental illness, (ii) has completed a certification program approved by the Department, (iii) is able to provide an independent examination of the person, (iv) is not related by blood or marriage to the person being evaluated, (v) has no financial interest in the admission or treatment of the person being evaluated, (vi) has no investment interest in the facility detaining or admitting the person under this article, and (vii) except for employees of state hospitals and of the U.S. Department of Veterans Affairs, is not employed by the facility.

"Employee" means an employee of the local community services board who is skilled in the assessment and treatment of mental illness and has completed a certification program approved by the Department.

"Investment interest" means the ownership or holding of an equity or debt security, including shares of stock in a corporation, interests or units of a partnership, bonds, debentures, notes, or other equity or debt instruments.

B. A magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion and only after an evaluation conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or a designee of the local community services board to determine whether the person meets the criteria for temporary detention, a temporary detention order if it appears from all evidence readily available, including any recommendation from a physician or clinical psychologist treating the person, that the person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, (ii) is in need of hospitalization or treatment, and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. The magistrate shall also consider the recommendations of any treating or examining physician licensed in Virginia if available either verbally or in writing prior to rendering a decision. Any temporary detention order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

C. When considering whether there is probable cause to issue a temporary detention order, the magistrate may, in addition to the petition, consider (i) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any relevant hearsay evidence, (v) any medical records available, (vi) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (vii) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue a temporary detention order.

D. A magistrate may issue a temporary detention order without an emergency custody order proceeding. A magistrate may issue a temporary detention order without a prior evaluation pursuant to subsection B if (i) the person has been personally examined within the previous 72 hours by an employee or a designee of the local community services board or (ii) there is a significant physical, psychological, or medical risk to the person or to others associated with conducting such evaluation.

E. An employee or a designee of the local community services board shall determine the facility of temporary detention for all individuals detained pursuant to this section. ~~The~~ *An employee or designee of the local community services*

board may change the facility of temporary detention and may designate an alternative facility for temporary detention at any point during the period of temporary detention if it is determined that the alternative facility is a more appropriate facility for temporary detention of the individual given the specific security, medical, or behavioral health needs of the person. In cases in which the facility of temporary detention is changed following transfer of custody to an initial facility of temporary custody, transportation of the individual to the alternative facility of temporary detention shall be provided in accordance with the provisions of § 37.2-810. A facility of temporary detention in which a person is temporarily detained pursuant to this section shall be one that has been approved pursuant to regulations of the Board. The initial facility of temporary detention shall be identified on the preadmission screening report and indicated on the temporary detention order; however, if an employee or designee of the local community services board designates an alternative facility, that employee or designee shall provide written notice forthwith, on a form developed by the Executive Secretary of the Supreme Court of Virginia, to the clerk of the issuing court of the name and address of the alternative facility. Except as provided in § 37.2-811 for inmates requiring hospitalization in accordance with subdivision A 2 of § 19.2-169.6, the person shall not be detained in a jail or other place of confinement for persons charged with criminal offenses and shall remain in the custody of law enforcement until the person is either detained within a secure facility or custody has been accepted by the appropriate personnel designated by either the initial facility of temporary detention identified in the temporary detention order or by the alternative facility of temporary detention designated by the employee or designee of the local community services board pursuant to this subsection.

F. Any facility caring for a person placed with it pursuant to a temporary detention order is authorized to provide emergency medical and psychiatric services within its capabilities when the facility determines that the services are in the best interests of the person within its care. The costs incurred as a result of the hearings and by the facility in providing services during the period of temporary detention shall be paid and recovered pursuant to § 37.2-804. The maximum costs reimbursable by the Commonwealth pursuant to this section shall be established by the State Board of Medical Assistance Services based on reasonable criteria. The State Board of Medical Assistance Services shall, by regulation, establish a reasonable rate per day of inpatient care for temporary detention.

G. The employee or the designee of the local community services board who is conducting the evaluation pursuant to this section shall determine, prior to the issuance of the temporary detention order, the insurance status of the person. Where coverage by a third party payor exists, the facility seeking reimbursement under this section shall first seek reimbursement from the third party payor. The Commonwealth shall reimburse the facility only for the balance of costs remaining after the allowances covered by the third party payor have been received.

H. The duration of temporary detention shall be sufficient to allow for completion of the examination required by § 37.2-815, preparation of the preadmission screening report required by § 37.2-816, and initiation of mental health treatment to stabilize the person's psychiatric condition to avoid involuntary commitment where possible, but shall not exceed 48 hours prior to a hearing. If the 48-hour period herein specified terminates on a Saturday, Sunday, or legal holiday, the person may be detained, as herein provided, until the close of business on the next day that is not a Saturday, Sunday, or legal holiday. The person may be released, pursuant to § 37.2-813, before the 48-hour period herein specified has run.

I. If a temporary detention order is not executed within 24 hours of its issuance, or within a shorter period as is specified in the order, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if the office is not open, to any magistrate serving the jurisdiction of the issuing court. Subsequent orders may be issued upon the original petition within 96 hours after the petition is filed. However, a magistrate must again obtain the advice of an employee or a designee of the local community services board prior to issuing a subsequent order upon the original petition. Any petition for which no temporary detention order or other process in connection therewith is served on the subject of the petition within 96 hours after the petition is filed shall be void and shall be returned to the office of the clerk of the issuing court.

J. The Executive Secretary of the Supreme Court of Virginia shall establish and require that a magistrate, as provided by this section, be available seven days a week, 24 hours a day, for the purpose of performing the duties established by this section. Each community services board shall provide to each general district court and magistrate's office within its service area a list of its employees and designees who are available to perform the evaluations required herein.

K. For purposes of this section a health care provider or designee of a local community services board or behavioral health authority shall not be required to encrypt any email containing information or medical records provided to a magistrate unless there is reason to believe that a third party will attempt to intercept the email.

L. The employee or designee of the community services board who is conducting the evaluation pursuant to this section shall, if he recommends that the person should not be subject to a temporary detention order, inform the petitioner and an onsite treating physician of his recommendation.

§ 37.2-810. Transportation of person in the temporary detention process.

A. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall specify in the temporary detention order the law-enforcement agency of the jurisdiction in which the person resides to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. However, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located shall execute the order and provide transportation.

B. The magistrate issuing the temporary detention order shall specify the law-enforcement agency to execute the order and provide transportation. However, in cases in which the temporary detention order is based upon a finding that the person who is the subject of the order has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs but there is no substantial likelihood that the person will cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, the magistrate shall consider any request to authorize transportation by an alternative transportation provider in accordance with this section, whenever an alternative transportation provider is identified to the magistrate, which may be a person, facility, or agency, including a family member or friend of the person who is the subject of the temporary detention order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the person's treating physician, if any; or other persons who are available and have knowledge of the person, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified primary law-enforcement agency to execute the order, to take the person into custody, and to transfer custody of the person to the alternative transportation provider identified in the order. In such cases, a copy of the temporary detention order shall accompany the person being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the temporary detention facility. The temporary detention facility shall return a copy of the temporary detention order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

The order may include transportation of the person to such other medical facility as may be necessary to obtain further medical evaluation or treatment prior to placement as required by a physician at the admitting temporary detention facility. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody as provided in this section. Such medical evaluation or treatment shall be conducted immediately in accordance with state and federal law.

C. *In cases in which an alternative facility of temporary detention is identified and the law-enforcement agency or alternative transportation provider identified to provide transportation in accordance with subsection B continues to have custody of the person, the local law-enforcement agency or alternative transportation provider shall transport the person to the alternative facility of temporary detention identified by the employee or designee of the community services board. In cases in which an alternative facility of temporary detention is identified and custody of the individual has been transferred from the law-enforcement agency or alternative transportation provider that provided transportation in accordance with subsection B to the initial facility of temporary detention, the employee or designee of the community services board shall request, and a magistrate may enter an order specifying, an alternative transportation provider or, if no alternative transportation provider is available, willing, and able to provide transportation in a safe manner, the local law-enforcement agency for the jurisdiction in which the person resides or, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located, to provide transportation.*

D. A law-enforcement officer may lawfully go to or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing any temporary detention order pursuant to this section. Law-enforcement agencies may enter into agreements to facilitate the execution of temporary detention orders and provide transportation.

CHAPTER 676

An Act to amend and reenact §§ 2.2-2337, 2.2-2338, 2.2-2339, 2.2-2340, 2.2-2341, and 2.2-2343 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-2348.1, relating to the Fort Monroe Authority; powers and duties; land and utility ownership.

[H 1180]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2337, 2.2-2338, 2.2-2339, 2.2-2340, 2.2-2341, and 2.2-2343 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-2348.1 as follows:

§ 2.2-2337. Definitions.

As used in this article, unless the context requires a different meaning:

"Area of Operation" means an area coextensive with the territorial boundaries of the land acquired or to be acquired from the federal government by the Authority or the Commonwealth.

"Authority" means the Fort Monroe Authority.

"Board" means the Board of Trustees created in § 2.2-2338.

"Bonds" means any bonds, notes, interim certificates, debentures, or other obligations issued by the Authority pursuant to this article.

"City of Hampton" or "City" means the City of Hampton, Virginia, a municipal corporation of the Commonwealth of Virginia.

"Design Standards" means the standards developed as a requirement of the Programmatic Agreement and referred to in that document as the "Historic Preservation Manual and Design Standards" which govern the restoration, rehabilitation, and renovation of the contributing elements to the Fort Monroe National Historic Landmark District and new construction, additions, and reconstruction of buildings so they are compatible with the overall character of the District, as they may be adopted or amended from time to time.

"Facility" means a particular building or structure or particular buildings or structures, including all equipment, appurtenances, and accessories necessary or appropriate for the operation of such facility.

"Fort Monroe Master Plan" or "Master Plan" means the plan that identifies the long-term vision for the reuse of the Area of Operation, key implementation projects, and a detailed implementation strategy for attracting new uses and investment to the Area of Operation as approved by the Authority and produced in accordance with the public participation plan as adopted by the Authority.

"Fort Monroe Reuse Plan" or "Reuse Plan" means the document created by the Fort Monroe Federal Area Development Authority and adopted as an official operating document on August 20, 2008, as it may be amended from time to time.

"Programmatic Agreement for the Closure and Disposal of Fort Monroe, Va." or "Programmatic Agreement" means that certain agreement, as it may be amended from time to time, entered into among the U.S. Army, the Virginia State Historic Preservation Officer, the Advisory Council on Historic Preservation, the Commonwealth of Virginia, the Fort Monroe Federal Area Development Authority and the National Park Service and signed by all Signatory Parties as of April 27, 2009, pursuant to § 106 of the National Historic Preservation Act.

"Project" means any specific enterprise undertaken by the Authority, including the facilities as defined in this article, and all other property, real or personal, or any interest therein, necessary or appropriate for the operation of such property.

"Real property" means all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage, or otherwise and the indebtedness secured by such liens.

"State Memorandum of Understanding" means an agreement between the Authority, the Secretary of Administration, the State Historic Preservation Officer, and the Governor, on behalf of all state agencies, to protect Fort Monroe and its historic, cultural, and natural assets by carefully implementing the plans, stipulations, requirements, and obligations under the Programmatic Agreement for nonfederal lands following the transfer of properties from the United States Army to the Commonwealth.

"Trustees" means the members of the Board of Trustees of the Authority.

§ 2.2-2338. Board of Trustees; membership.

There is hereby created a political subdivision and public body corporate and politic of the Commonwealth of Virginia to be known as the Fort Monroe Authority, to be governed by a Board of Trustees (Board) consisting of 12 voting members appointed as follows: the Secretary of Natural Resources; *and* the Secretary of Commerce and Trade, ~~and the Secretary of Veterans Affairs and Homeland Security~~, or their successor positions if those positions no longer exist, from the Governor's cabinet; *the Lieutenant Governor*; the member of the Senate of Virginia and the member of the House of Delegates representing the district in which Fort Monroe lies; two members appointed by the Hampton City Council; and five nonlegislative citizen members appointed by the Governor, four of whom shall have expertise relevant to the implementation of the Fort Monroe Reuse Plan, including but not limited to the fields of historic preservation, tourism, environment, real estate, finance, and education, and one of whom shall be a citizen representative from the Hampton Roads region. Cabinet members, *the Lieutenant Governor*, and elected representatives shall serve terms commensurate with their terms of office. Citizen appointees shall initially be appointed for staggered terms of either one, two, or three years, and thereafter shall serve for four-year terms. Cabinet members shall be entitled to send their deputies or another cabinet member, and legislative members another legislator, to meetings as full voting members in the event that official duties require their presence elsewhere.

The Board so appointed shall enter upon the performance of its duties and shall initially and annually thereafter elect one of its members as chairman and another as vice-chairman. The Board shall also elect annually a secretary, who shall be a member of the Board, and a treasurer, who need not be a member of the Board, or a secretary-treasurer, who need not be a member of the Board. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Board, and in the absence of both the chairman and vice-chairman, the Board shall elect a chairman pro tempore who shall preside at such meetings. Seven Trustees shall constitute a quorum, and all action by the Board shall require the affirmative vote of a majority of the Trustees present and voting, except that any action to amend or terminate the existing Reuse Plan, or to adopt a new Reuse Plan, shall require the affirmative vote of 75 percent or more of the Trustees present and voting. The members of the Board shall be entitled to reimbursement for expenses incurred in attendance upon meetings of the Board or while otherwise engaged in the discharge of their duties. Such expenses shall be paid out of the treasury of the Authority in such manner as shall be prescribed by the Authority.

§ 2.2-2339. Duties of the Authority.

The Authority shall have the power and duty:

1. To do all things necessary and proper to further an appreciation of the contributions of the first permanent English-speaking settlers as well as the Virginia Indians to the building of our Commonwealth and nation, to commemorate the establishment of the first coastal fortification in the English-speaking New World, to commemorate the lives of prominent Virginians who were connected to the largest moated fortification in the United States, to commemorate the important role of African Americans in the history of the site, including the "Contraband" slave decision in 1861 that earned Fort Monroe the designation as "Freedom's Fortress," to commemorate Old Point Comfort's role in establishing international trade and British maritime law in Virginia, and to commemorate almost 250 years of continuous service as a coastal defense fortification of the United States of America;
2. To hire and develop a professional staff including an executive director and such other staff as is necessary to discharge the responsibilities of the Authority;
3. To establish personnel policies and benefits for staff;
4. To oversee the preservation, conservation, protection, and maintenance of the Commonwealth's natural resources and real property interests at Fort Monroe and the renewal of Fort Monroe as a vibrant and thriving community;
5. To adopt an annual budget, which shall be submitted to the Chairmen of the Senate Committee on Finance and the House Committee on Appropriations and the Department of Planning and Budget by July 1 of each year;
6. To provide for additional, more complete, or more timely services than are generally available in the City of Hampton as a whole; and
7. To serve as the Commonwealth's management agent ~~exercising all the Commonwealth's powers over public and private for all the land in the Area of Operation; including regulation of land use, zoning, and permitting~~ and for the implementation of actions and fulfillment of *federal and state obligations for public and private land* under the *Fort Monroe Master Plan, Programmatic Agreement, Design Standards, Reuse Plan, State Memorandum of Understanding, and any other agreements regarding Fort Monroe to which the Commonwealth is a party, ensuring adherence to the findings, declarations, and policies set forth in this article, unless the Commonwealth and the Authority specifically agree in writing to the contrary.*

§ 2.2-2340. Additional declaration of policy; powers of the Authority; penalty.

A. It is the policy of the Commonwealth that the historic, cultural, and natural resources of Fort Monroe be protected in any conveyance or alienation of real property interests by the Authority. Real property in the Area of Operation at Fort Monroe may be maintained as Commonwealth-owned land that is leased, whether by short-term operating/revenue lease or long-term ground lease, to appropriate public, private, or joint venture entities, with such historic, cultural, and natural resources being protected in any such lease, to be approved as to form by the Attorney General of the Commonwealth of Virginia. If sold as provided in this article, real property interests in the Area of Operation at Fort Monroe may only be sold under covenants, historic conservation easements, historic preservation easements, or other appropriate legal restrictions approved as to form by the Attorney General that protect these historic and natural resources. Properties in the Wherry Quarter and Inner Fort areas identified in the Fort Monroe Reuse Plan may only be sold with the consent of both the Governor and the General Assembly, except that any transfer to the National Park Service shall require only the approval of the Governor. The proceeds from the sale or pre-paid lease of any *real or personal* property within the Area of Operation shall be retained by the Authority and used for infrastructure improvements in the Area of Operation.

B. The Authority shall have the power and duty:

1. To sue and be sued; to adopt and use a common seal and to alter the same as may be deemed expedient; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the Authority; and to make and from time to time amend and repeal bylaws, rules, and regulations, not inconsistent with law, to carry into effect the powers and purposes of the Authority;
2. To foster and stimulate the economic and other development of Fort Monroe, including without limitation development for business, employment, housing, commercial, recreational, educational, and other public purposes; to prepare and carry out plans and projects to accomplish such objectives; to provide for the construction, reconstruction, rehabilitation, reuse, improvement, alteration, maintenance, removal, equipping, or repair of any buildings, structures, or land of any kind; to lease or rent to others or to develop, operate, or manage with others in a joint venture or other partnering arrangement, on such terms as it deems proper and which are consistent with the provisions of the Programmatic Agreement, Design Standards, and Reuse Plan governing any lands, dwellings, houses, accommodations, structures, buildings, facilities, or appurtenances embraced within Fort Monroe; to establish, collect, and revise the rents charged and terms and conditions of occupancy thereof; to terminate any such lease or rental obligation upon the failure of the lessee or renter to comply with any of the obligations thereof; to arrange or contract for the furnishing by any person or agency, public or private, of works, services, privileges, or facilities in connection with any activity in which the Authority may engage, provided, however, that if services are provided by the City of Hampton pursuant to § 2.2-2341 for which the City is compensated pursuant to subsection B of § 2.2-2342, then the Authority may provide for additional, more complete, or more timely services than are generally available in the City of Hampton as a whole if deemed necessary or appropriate by the Authority; to acquire, own, hold, and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, easement, dedication, or otherwise any real or personal property or any interest therein, which purchase, lease, or acquisition may only be made for less than fair market value if the Board of Trustees determines,

upon the advice of the Attorney General, that the transaction is consistent with the fiduciary obligation of the Authority to the Commonwealth and if necessary or appropriate to further the purposes of the Authority; as provided in this article, to sell, lease, exchange, transfer, assign, or pledge any real or personal property or any interest therein, which sale, lease, or other transfer or assignment may be made for less than fair market value; as provided in this article, to dedicate, make a gift of, or lease for a nominal amount any real or personal property or any interest therein to the Commonwealth, the City of Hampton, or other localities or agencies, public or private, within the Area of Operation or adjacent thereto, jointly or severally, for public use or benefit, such as, but not limited to, game preserves, playgrounds, park and recreational areas and facilities, hospitals, clinics, schools, and airports; to acquire, lease, maintain, alter, operate, improve, expand, sell, or otherwise dispose of onsite utility and infrastructure systems or sell any excess service capacity for offsite use; to acquire, lease, construct, maintain, and operate and dispose of tracks, spurs, crossings, terminals, warehouses, and terminal facilities of every kind and description necessary or useful in the transportation and storage of goods, wares, and merchandise; and to insure or provide for the insurance of any real or personal property or operation of the Authority against any risks or hazards;

3. To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursements, in property or security in which fiduciaries may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be cancelled;

4. To undertake and carry out examinations, investigations, studies, and analyses of the business, industrial, agricultural, utility, transportation, and other economic development needs, requirements, and potentialities of its Area of Operation or offsite needs, requirements, and potentialities that directly affect the success of the Authority at Fort Monroe, and the manner in which such needs and requirements and potentialities are being met, or should be met, in order to accomplish the purposes for which it is created; to make use of the facts determined in such research and analyses in its own operation; and to make the results of such studies and analyses available to public bodies and to private individuals, groups, and businesses, except as such information may be exempted pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);

5. To administer, develop, and maintain at Fort Monroe permanent commemorative cultural and historical museums and memorials;

6. To adopt names, flags, seals, and other emblems for use in connection with such shrines and to copyright the same in the name of the Commonwealth;

7. To enter into any contracts not otherwise specifically authorized in this article to further the purposes of the Authority, after approval as to form by the Attorney General;

8. To establish nonprofit corporations as instrumentalities to assist in administering the affairs of the Authority;

9. To exercise the power of eminent domain in the manner provided by Chapter 3 (§ 25.1-300 et seq.) of Title 25.1 within the Authority's Area of Operation; however, eminent domain may only be used to obtain easements across property on Fort Monroe for the provision of water, sewer, electrical, ingress and egress, and other necessary or useful services to further the purposes of the Authority, unless the Governor has expressly granted authority to obtain interests for other purposes;

10. To fix, charge, and collect rents, fees, and charges for the use of, or the benefit derived from, the services or facilities provided, owned, operated, or financed by the Authority benefiting property within the Authority's Area of Operation. Such rents, fees, and charges may be charged to and collected by such persons and in such manner as the Authority may determine from (i) any person contracting for the services or using the Authority facilities or (ii) the owners, tenants, or customers of the real estate and improvements that are served by, or benefit from the use of, any such services or facilities, in such manner as shall be authorized by the Authority in connection with the provision of such services or facilities. Such rents, fees, and charges shall not be chargeable to the Commonwealth or, where such rents, fees or charges relate to services or facilities utilized by the City of Hampton to provide municipal services, to the City of Hampton except as may be provided by lease or other agreement and may be used to fund the provision of the additional, more complete, or more timely services authorized under subdivision 6 of § 2.2-2339, the payments provided under § 2.2-2342, or for other purposes as the Authority may determine to be appropriate, subject to the provisions of subsection B of § 2.2-2342;

11. To receive and expend gifts, grants, and donations from whatever source derived for the purposes of the Authority;

12. To employ an executive director and such deputies and assistants as may be required;

13. To elect any past chairman of the Board of Trustees to the honorary position of chairman emeritus. Chairmen emeriti shall serve as honorary members for life. Chairmen emeriti shall be elected in addition to the nonlegislative citizen member positions defined in § 2.2-2338;

14. To determine what paintings, statuary, works of art, manuscripts, and artifacts may be acquired by purchase, gift, or loan and to exchange or sell the same if not inconsistent with the terms of such purchase, gift, loan, or other acquisition;

15. To change the form of investment of any funds, securities, or other property, real or personal, provided the same are not inconsistent with the terms of the instrument under which the same were acquired, and to sell, grant, or convey any such property, subject to the provisions of subsection A of § 2.2-2340;

16. To cooperate with the federal government, the Commonwealth, the City of Hampton, or other nearby localities in the discharge of its enumerated powers;

17. To exercise all or any part or combination of powers granted in this article;

18. To do any and all other acts and things that may be reasonably necessary and convenient to carry out its purposes and powers;

19. To adopt, *amend or repeal*, by the Board of Trustees ~~of the Authority~~, or the executive committee thereof, ~~and from time to time to amend and repeal~~ regulations concerning the use of, *access to* and visitation of properties under the control of the Fort Monroe Authority *in order* to protect or secure such properties and the public enjoyment thereof, *with any violation of such regulations being punishable by a civil penalty of up to \$100 for the first violation and up to \$250 for any subsequent violation, such civil penalty to be paid to the Authority;*

20. To provide parking and traffic rules and regulations on property owned by the Authority; and

21. To provide that any person who knowingly violates a regulation of the Authority may be requested by an agent or employee of the Authority to leave the property and upon the failure of such person so to do shall be guilty of a trespass as provided in § 18.2-119.

§ 2.2-2341. Relationship to the City of Hampton.

A. All of Fort Monroe is within the City of Hampton's jurisdictional limits; therefore, the City of Hampton is the locality and Virginia municipal corporation for the Authority's Area of Operation. Nothing in this article is intended to limit or restrict the otherwise existing authority of the City of Hampton which, except as otherwise provided in this article, is reserved solely for the City of Hampton. As authorized in this article, the Authority may supplement in its Area of Operation the works, services, privileges, or facilities provided by the City of Hampton to provide additional, more complete, or more timely works, services, privileges, or facilities than provided by the City of Hampton.

B. The Authority shall adopt procedures for the implementation of required actions under the Programmatic Agreement and any other agreements regarding Fort Monroe to which the Commonwealth is a party, including adherence to the Reuse Plan and the Design Standards adopted by the Authority. Those procedures shall provide the City of Hampton a reasonable opportunity for review and comment regarding any proposed actions.

C. The City shall be responsible for dealing directly with any taxpayers at Fort Monroe regarding the collection of any taxes or fees which the City believes are due based on real property interests, business activity, ownership of personal property, and other authorized taxes and fees, unless the City and the Authority agree differently in writing.

D. *In its comprehensive plan and in adopting a zoning ordinance for the Area of Operation, the City shall recognize the authority of the federal and state obligations for land use regulation placed upon the Fort Monroe Authority by the requirements of the Fort Monroe Master Plan, Programmatic Agreement, Design Standards, Reuse Plan, State Memorandum of Understanding, and any other agreements regarding Fort Monroe to which the Commonwealth is a party.*

§ 2.2-2343. Authority may borrow money, accept contributions, etc.

In addition to the powers conferred upon the Authority by other provisions of this article, the Authority shall have the power:

1. To borrow moneys or accept contributions, grants, or other financial assistance from the federal government, the Commonwealth, any locality or political subdivision, any agency or instrumentality thereof, including but not limited to the Virginia Resources Authority, or any source, public or private, for or in aid of any project of the Authority, and to these ends, to comply with such conditions and enter into such mortgages, trust indentures, leases, or agreements as may be necessary, convenient, or desirable;

2. To apply for grants from the Urban Public-Private Partnership Redevelopment Fund pursuant to Chapter 24.1 (§ 15.2-2414 et seq.) of Title 15.2. The Authority shall be considered a local government eligible for grants under that chapter. Funds from any source available to the Authority may be used to meet the matching requirement of any such grant;

3. To participate in local group pools authorized pursuant to § 15.2-2703 or to participate in the Commonwealth's risk pool administered by the Division of Risk Management;

4. To utilize the provisions of the Public-Private Transportation Act of 1995 (§ 56-556 et seq.) and the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) as a qualifying public entity under those statutes;

5. To apply for and receive enterprise zone designation under the Enterprise Zone Grant Act (§ 59.1-538 et seq.). Fort Monroe shall be considered an eligible area for such designation, although the Governor is not obligated to grant such a designation;

6. To act as a local cooperating entity pursuant to § 62.1-148; and

7. To enter into ~~privatized~~ agreements with any public *or private* utility for the ~~provisions of ownership or operation of~~ utility services at Fort Monroe, *as provided that the in § 2.2-2348.1.* The Authority and the City may mutually agree that such services should not or need not be included under any franchise agreement that the City has with that utility. The utility shall provide the same service generally available to its other customers in the City of Hampton at reasonable rates.

§ 2.2-2348.1. Ratification of the ownership of certain lands in the City of Hampton known as Fort Monroe; ownership and operation of utilities.

A. *That, notwithstanding any other provision of law, the ownership of certain property located in the City of Hampton, Virginia, consisting of 312.75 acres, more or less, generally known as "Fort Monroe," shall be deemed validly vested in the Commonwealth, with all rights, title, and interest therein, being more particularly described as follows: All that certain lot, piece, or parcel of land situate, lying, and being in the City of Hampton, in the Commonwealth of Virginia, containing 312.75 acres, more or less, described in Exhibit A and illustrated in Exhibit B of that certain Quitclaim Deed recorded in the Clerk's Office of the Circuit Court of the City of Hampton on June 14, 2013, as Instrument No. 130009559.*

B. That, notwithstanding any other provision of law, the ownership of the roads, water, sewer, and other utility services on that certain property located in the City of Hampton, Virginia, consisting of 561.345 acres, more or less, generally known as "Fort Monroe," shall be deemed validly vested in the Commonwealth, being more particularly described as follows: All those certain lots, pieces, or parcels of land situate, lying, and being in the City of Hampton, in the Commonwealth of Virginia, containing 561.345 acres, more or less, described as Parcels A, B, C, D, E, F, G, and H on that certain survey by the Norfolk District Corps of Engineers dated July 20, 2009, last revised November 15, 2012, entitled "Plat Showing 8 Parcels of Land Totaling +/-561.345 Acres Situated on Fort Monroe, Virginia," and recorded in the Clerk's Office of the Circuit Court of the City of Hampton in Instrument No. 130009559 at Pages 286 and 287.

1. The Authority shall maintain such roads as public rights-of-way to ensure lawful access to the properties within said acreage; however, the Commonwealth may convey its right, title, and interests in such roads to the City of Hampton or the Virginia Department of Transportation, and thereby transfer the obligation to maintain such roads.

2. The Authority shall maintain and operate such water, sewer, and other utility services to ensure that the properties within said acreage have access to such utility services; however, the Commonwealth may convey its right, title, and interest in any such utility owned by the Commonwealth to a public or private entity and thereafter transfer the obligation to maintain and operate such utilities.

CHAPTER 677

An Act to amend and reenact §§ 9.1-903 and 9.1-908 of the Code of Virginia, relating to sex offenders; reregistration; name change.

[H 1251]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-903 and 9.1-908 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-903. Registration procedures.

A. Every person convicted, including juveniles tried and convicted in the circuit courts pursuant to § 16.1-269.1, whether sentenced as an adult or juvenile, of an offense for which registration is required and every juvenile found delinquent of an offense for which registration is required under subsection G of § 9.1-902 shall be required upon conviction to register and reregister with the Department of State Police. The court shall order the person to provide to the local law-enforcement agency of the county or city where he physically resides all information required by the State Police for inclusion in the Registry. The court shall immediately remand the person to the custody of the local law-enforcement agency for the purpose of obtaining the person's fingerprints and photographs of a type and kind specified by the State Police for inclusion in the Registry. Upon conviction, the local law-enforcement agency shall forthwith forward to the State Police all the necessary registration information.

B. Every person required to register shall register in person within three days of his release from confinement in a state, local or juvenile correctional facility, in a state civil commitment program for sexually violent predators or, if a sentence of confinement is not imposed, within three days of suspension of the sentence or in the case of a juvenile of disposition. A person required to register shall register, and as part of the registration shall submit to be photographed, submit to have a sample of his blood, saliva, or tissue taken for DNA (deoxyribonucleic acid) analysis and submission to the DNA databank to determine identification characteristics specific to the person, provide electronic mail address information, any instant message, chat or other Internet communication name or identity information that the person uses or intends to use, submit to have his fingerprints and palm prints taken, provide information regarding his place of employment, and provide motor vehicle, watercraft and aircraft registration information for all motor vehicles, watercraft and aircraft owned by him. The local law-enforcement agency shall obtain from the person who presents himself for registration or reregistration one set of fingerprints, electronic mail address information, any instant message, chat or other Internet communication name or identity information that the person uses or intends to use, one set of palm prints, place of employment information, motor vehicle, watercraft and aircraft registration information for all motor vehicles, watercraft and aircraft owned by the registrant, proof of residency and a photograph of a type and kind specified by the State Police for inclusion in the Registry and advise the person of his duties regarding reregistration. The local law-enforcement agency shall obtain from the person who presents himself for registration a sample of his blood, saliva or tissue taken for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. If a sample has been previously taken from the person, as indicated by the Local Inmate Data System (LIDS), no additional sample shall be taken. The local law-enforcement agency shall forthwith forward to the State Police all necessary registration information.

C. To establish proof of residence in Virginia, a person who has a permanent physical address shall present one photo-identification form issued by a governmental agency of the Commonwealth which contains the person's complete name, gender, date of birth and complete physical address. The local law-enforcement agency shall forthwith forward to the State Police a copy of the identification presented by the person required to register.

D. Any person required to register shall also reregister in person with the local law-enforcement agency following any change of name or any change of residence, whether within or without the Commonwealth. *The person shall register in person with the local law-enforcement agency within three days following his change of name.* If his new residence is within

the Commonwealth, the person shall register in person with the local law-enforcement agency where his new residence is located within three days following his change in residence. If the new residence is located outside of the Commonwealth, the person shall register in person with the local law-enforcement agency where he previously registered within 10 days prior to his change of residence. If a probation or parole officer becomes aware of a change of name or residence for any of his probationers or parolees required to register, the probation or parole officer shall notify the State Police forthwith of learning of the change. Whenever a person subject to registration changes residence to another state, the State Police shall notify the designated law-enforcement agency of that state.

E. Any person required to register shall reregister in person with the local law-enforcement agency where his residence is located within three days following any change of the place of employment, whether within or without the Commonwealth. If a probation or parole officer becomes aware of a change of the place of employment for any of his probationers or parolees required to register, the probation or parole officer shall notify the State Police forthwith upon learning of the change of the person's place of employment. Whenever a person subject to registration changes his place of employment to another state, the State Police shall notify the designated law-enforcement agency of that state.

F. Any person required to register shall reregister in person with the local law-enforcement agency where his residence is located within three days following any change of owned motor vehicle, watercraft and aircraft registration information, whether within or without the Commonwealth. If a probation or parole officer becomes aware of a change of owned motor vehicle, watercraft and aircraft registration information for any of his probationers or parolees required to register, the probation or parole officer shall notify the State Police forthwith upon learning of the change of the person's owned motor vehicle, watercraft and aircraft registration information. Whenever a person required to register changes his owned motor vehicle, watercraft and aircraft registration information to another state, the State Police shall notify the designated law-enforcement agency of that state.

G. Any person required to register shall reregister either in person or electronically with the local law-enforcement agency where his residence is located within 30 minutes following any change of the electronic mail address information, any instant message, chat or other Internet communication name or identity information that the person uses or intends to use, whether within or without the Commonwealth. If a probation or parole officer becomes aware of a change of the electronic mail address information, any instant message, chat or other Internet communication name or identity information for any of his probationers or parolees required to register, the probation or parole officer shall notify the State Police forthwith upon learning of the change.

H. The registration shall be maintained in the Registry and shall include the person's name, *any former name if he has lawfully changed his name during the period for which he is required to register*, all aliases that he has used or under which he may have been known, the date and locality of the conviction for which registration is required, his fingerprints and a photograph of a type and kind specified by the State Police, his date of birth, social security number, current physical and mailing address and a description of the offense or offenses for which he was convicted. The registration shall also include the locality of the conviction and a description of the offense or offenses for previous convictions for the offenses set forth in § 9.1-902.

I. The local law-enforcement agency shall forthwith forward to the State Police all necessary registration or reregistration information received by it. Upon receipt of registration or reregistration information the State Police shall forthwith notify the chief law-enforcement officer of the locality listed as the person's address on the registration and reregistration.

J. If a person required to register does not have a legal residence, such person shall designate a location that can be located with reasonable specificity where he resides or habitually locates himself. For the purposes of this section, "residence" shall include such a designated location. If the person wishes to change such designated location, he shall do it pursuant to the terms of this section.

§ 9.1-908. Duration of registration requirement.

Any person required to register or reregister shall be required to register until the duty to register and reregister is terminated by a court order as set forth in § 9.1-910, except that any person who has been convicted of (i) any sexually violent offense, (ii) murder or (iii) former § 18.2-67.2:1 shall have a continuing duty to reregister for life.

Any period of confinement in a federal, state or local correctional facility, hospital or any other institution or facility during the otherwise applicable period shall toll the registration period and the duty to reregister shall be extended. Persons confined in a federal, state, or local correctional facility shall not be required to reregister until released from custody. Persons civilly committed pursuant to Chapter 9 (§ 37.2-900 et seq.) of Title 37.2 shall not be required to reregister until released from custody. *Persons confined in a federal, state, or local correctional facility or civilly committed pursuant to Chapter 9 (§ 37.2-900 et seq.) of Title 37.2 shall notify the Registry within three days following any change of name.*

2. That any person required to register who has changed his name prior to July 1, 2014, who has not already reregistered following the change of name shall register in person with the local law-enforcement agency within three days of July 1, 2014.

3. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 806 of the Acts of Assembly of 2013 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the

estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 678

An Act to amend and reenact § 33.1-23.5:4 of the Code of Virginia and to amend the Code of Virginia by adding in Title 33.1 a chapter numbered 19, consisting of sections numbered 33.1-466 through 33.1-476, relating to establishment of the Hampton Roads Transportation Accountability Commission; funding.

[H 1253]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 33.1-23.5:4 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 33.1 a chapter numbered 19, consisting of sections numbered 33.1-466 through 33.1-476, as follows:

§ 33.1-23.5:4. Hampton Roads Transportation Fund established.

There is hereby created in the state treasury a special nonreverting fund for Planning District 23 to be known as the Hampton Roads Transportation Fund, hereafter referred to *in this section* as "the Fund." The Fund shall be established on the books of the Comptroller. All revenues dedicated to the Fund pursuant to § 58.1-638 and Chapter 22.1 (§ 58.1-2291 et seq.) of Title 58.1 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. The moneys deposited in the fund shall be used solely for new construction projects on new or existing roads, highways, bridges, and tunnels in the localities comprising Planning District 23 as approved by the Hampton Roads Transportation ~~Planning Organization~~ *Accountability Commission*. The Hampton Roads Transportation ~~Planning Organization~~ *Accountability Commission* shall give priority to those projects that are expected to provide the greatest impact on reducing congestion *for the greatest number of citizens residing within Planning District 23* and shall ensure that the moneys shall be used for such construction projects ~~in all localities comprising Planning District 23~~.

The amounts dedicated to the Fund shall be deposited monthly by the Comptroller into the Fund. The amounts deposited into the Fund and the distribution and expenditure of such amounts shall not be used to calculate or reduce the share of local, federal, or state revenues otherwise available to participating jurisdictions. Further, such revenues and moneys shall not be included in any computation of, or formula for, a locality's ability to pay for public education, upon which appropriations of state revenues to local governments for public education are determined.

CHAPTER 19.

HAMPTON ROADS TRANSPORTATION ACCOUNTABILITY COMMISSION.

§ 33.1-466. Commission created.

The Hampton Roads Transportation Accountability Commission, referred to in this chapter as "the Commission," is hereby created as a body politic and as a political subdivision of the Commonwealth. The Commission shall embrace each county and city located in Planning District 23, which is established pursuant to Chapter 42 (§ 15.2-4200 et seq.) of Title 15.2.

§ 33.1-467. Composition of Commission.

The Commission shall consist of 23 members as follows:

- 1. The chief elected officer of the governing body of each of the 14 counties and cities embraced by the Commission;*
- 2. Three members of the House of Delegates who reside in different counties or cities embraced by the Commission, appointed by the Speaker of the House, and two members of the Senate who reside in different counties or cities embraced by the Commission, appointed by the Senate Committee on Rules; and*
- 3. The following four persons serving as nonvoting ex officio members of the Commission: a member of the Commonwealth Transportation Board who resides in a locality embraced by the Commission and is appointed by the Governor; the Director of the Department of Rail and Public Transportation, or his designee; the Commissioner of Highways, or his designee; and the Executive Director of the Virginia Port Authority, or his designee.*

All members of the Commission shall serve terms coincident with their terms of office. Vacancies shall be filled in the same manner as the original appointment.

The Commission shall elect a chairman and vice-chairman from among its voting membership.

The Auditor of Public Accounts, or his legally authorized representatives, shall annually audit the financial accounts of the Commission, and the cost of such audit shall be borne by the Commission.

§ 33.1-468. Staff.

The Commission may employ a chief executive officer and such staff as it shall determine to be necessary to carry out its duties and responsibilities under this chapter. No such person shall contemporaneously serve as a member of the Commission. The Department of Transportation and the Department of Rail and Public Transportation shall make their employees available to assist the Commission, upon request.

§ 33.1-469. Decisions of Commission.

A majority of the Commission, which majority shall include at least a majority of the chief elected officers of the counties and cities embraced by the Commission, shall constitute a quorum. Decisions of the Commission shall require a quorum and shall be in accordance with voting procedures established by the Commission. In all cases, decisions of the Commission shall require the affirmative vote of two-thirds of the members of the Commission present and voting, and two-thirds of the chief elected officers of the counties and cities embraced by Planning District 23 who are present and voting and whose counties and cities include at least two-thirds of the population embraced by the Commission; however, no motion to fund a specific facility or service shall fail because of this population criterion if such facility or service is not located or to be located or provided or to be provided within the county or city whose chief elected officer's sole negative vote caused the facility or service to fail to meet the population criterion. The population of counties and cities embraced by the Commission shall be the population as determined by the most recently preceding decennial census, except that on July 1 of the fifth year following such census, the population of each county and city shall be adjusted, based on population projections made by the Weldon Cooper Center for Public Service of the University of Virginia.

§ 33.1-470. Annual budget and allocation of expenses.

A. The Commission shall adopt an annual budget and develop a funding plan and shall provide for such adoption in its bylaws. The funding plan shall provide for the expenditure of funds over a four- to six-year period and shall align with the Statewide Transportation Plan established pursuant to § 33.1-23.03 as much as possible. The Commission shall solicit public comment on its budget and funding plan by posting a summary of such budget and funding plan on its website and holding a public hearing. Such public hearing shall be advertised on the Commission's website and in a newspaper of general circulation in Planning District 23.

B. The administrative expenses of the Commission, as provided in an annual budget adopted by the Commission, to the extent funds for such expenses are not provided from other sources, shall be allocated among the component counties and cities on the basis of the relative population, as determined pursuant to § 33.1-469. Such budget shall be limited solely to the administrative expenses of the Commission and shall not include any funds for construction or acquisition of transportation facilities or the performance of any transportation service.

C. Members may be reimbursed for all reasonable and necessary expenses provided in §§ 2.2-2813 and 2.2-2825, if approved by the Commission. Funding for the costs of compensation and expenses of the members shall be provided by the Commission.

§ 33.1-471. Authority to issue bonds.

The Commission may issue bonds and other evidences of debt as may be authorized by this section or other law. The provisions of Article 5 (§ 15.2-4519 et seq.) of Chapter 45 of Title 15.2 shall apply, mutatis mutandis, to the issuance of such bonds or other debt. The Commission may issue bonds or other debt in such amounts as it deems appropriate. The bonds may be supported by any funds available, except that funds from tolls collected pursuant to § 33.1-472 shall be used only as provided in that section.

§ 33.1-472. Powers of the Commission.

Notwithstanding any contrary provision of this title and in accordance with all applicable federal statutes and requirements, the Commission shall control and operate and may impose and collect tolls in amounts established by the Commission for the use of any new or improved highway, bridge, or tunnel, to increase capacity on such facility or to address congestion within Planning District 23, constructed by the Commission (i) with federal, state, or local funds, (ii) solely with revenues of the Commission, or (iii) with revenues under the control of the Commission. The amount of any such toll may be varied from facility to facility, by lane, by congestion levels, by day of the week, by time of day, by type or size of vehicle, by number of axles, or by any similar combination thereof or any other factor the Commission may deem proper, and a reduced rate may be established for commuters as defined by the Commission. All such tolls shall be used for programs and projects that are reasonably related to or benefit the users of the new or improved highway, bridge, or tunnel, including, but not limited to, for the debt service and other costs of bonds whose proceeds are used for construction or improvement of such highway, bridge, or tunnel.

Any tolls imposed by the Commission shall be collected by an electronic toll system that, to the extent possible, shall not impede the traffic flow of the facility or prohibit a toll facility from retaining means of nonautomated toll collection in some lanes of the facility. For all facilities tolled by the Commission, there shall be signs erected prior to the point of toll collection that clearly state how the majority of the toll revenue is being spent by the Commission to benefit the users of the facility.

§ 33.1-473. Additional powers of the Commission.

A. The Commission shall have the following powers together with all powers incidental thereto or necessary for the performance of those hereinafter stated:

- 1. To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;*
- 2. To adopt and use a corporate seal and to alter the same at its pleasure;*
- 3. To procure insurance, participate in insurance plans, and provide self-insurance; however, the purchase of insurance, participation in an insurance plan, or the creation of a self-insurance plan by the Commission shall not be deemed a waiver or relinquishment of any sovereign immunity to which the Commission or its officers, directors, employees, or agents are otherwise entitled;*

4. To establish bylaws and make all rules and regulations, not inconsistent with the provisions of this chapter, deemed expedient for the management of the Commission's affairs;

5. To apply for and accept money, materials, contributions, grants, or other financial assistance from the United States and agencies or instrumentalities thereof; the Commonwealth; and any political subdivision, agency, or instrumentality of the Commonwealth; and from any legitimate private source;

6. To acquire real and personal property or any interest therein by purchase, lease, gift, or otherwise for purposes consistent with this chapter and to hold, encumber, sell, or otherwise dispose of such land or interest for purposes consistent with this chapter;

7. To acquire by purchase, lease, contract, or otherwise, highways, bridges, or tunnels and to construct the same by purchase, lease, contract, or otherwise;

8. In consultation with the Commonwealth Transportation Board and with each city or county in which the facility or any part thereof is or is to be located, to repair, expand, enlarge, construct, reconstruct, or renovate any or all highways, bridges, and tunnels within Planning District 23 and to acquire any real or personal property needed for any such purpose;

9. To enter into agreements or leases with public or private entities for the operation and maintenance of bridges, tunnels, transit and rail facilities, and highways;

10. To make and execute contracts, deeds, mortgages, leases, and all other instruments and agreements necessary or convenient for the performance of its duties and the exercise of its powers and functions under this chapter;

11. To the extent funds are made or become available to the Commission to do so, to employ employees, agents, advisors, and consultants, including without limitation attorneys, financial advisors, engineers, and other technical advisers and, the provisions of any other law to the contrary notwithstanding, to determine their duties and compensation; and

12. To the extent not inconsistent with the other provisions of this chapter, and without limiting or restricting the powers otherwise given the Commission, to exercise all of the powers given to transportation district commissions by § 15.2-4518.

B. The Commission shall comply with the provisions governing localities contained in § 15.2-2108.23.

§ 33.1-474. Commission a responsible public entity under Public-Private Transportation Act of 1995.

The Commission is a responsible public entity as defined in § 56-557 and shall be regulated in accordance with the terms of the Public-Private Transportation Act of 1995 (§ 56-556 et seq.) and regulations and guidelines adopted pursuant thereto.

§ 33.1-475. Continuing responsibilities of the Commonwealth Transportation Board and the Department of Transportation.

Except as otherwise explicitly provided in this chapter, until such time as the Commission and the Department of Transportation, or the Commission and the Commonwealth Transportation Board, agree otherwise in writing, the Commonwealth Transportation Board shall allocate funding to and the Department of Transportation shall perform or cause to be performed all maintenance and operation of the bridges, tunnels, and roadways and shall perform such other required services and activities with respect to such bridges, tunnels, and roadways as were being performed on July 1, 2014.

§ 33.1-476. Use of revenues by the Commission.

Notwithstanding any other provision of this chapter, all moneys received by the Commission shall be used by the Commission solely for the benefit of those counties and cities that are embraced by the Commission, and such moneys shall be used by the Commission in a manner that is consistent with the purposes stated in this chapter.

2. That the staff of the Hampton Roads Transportation Planning Organization and the Department of Transportation shall work cooperatively to assist the proper formation and effective organization of the Hampton Roads Transportation Accountability Commission. Until such time as the Commission is fully established and functioning, the staff of the Hampton Roads Transportation Planning Organization shall serve as its staff, and the Hampton Roads Transportation Planning Organization shall provide the Commission with office space and administrative support. The Commission shall reimburse the Hampton Roads Transportation Planning Organization for the cost of such staff, office space, and administrative support as appropriate.

3. That should any portion of this act be held unconstitutional by a court of competent jurisdiction, the remaining portions of this act shall remain in effect.

CHAPTER 679

An Act to amend and reenact § 2.2 of Chapter 323 of the Acts of Assembly of 2006, which provided a charter for the Town of Honaker in the County of Russell, relating to November elections and the mayoral term of office.

[S 75]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2 of Chapter 323 of the Acts of Assembly of 2006 is amended and reenacted as follows:

§ 2.2. Election, qualification, and term of office.

The mayor and six councilmen shall be elected by the qualified voters of the town on the first Tuesday in May 2006. The three members of council, each of whom has received more votes in such election than the other three members, shall

~~serve as members of the council for terms of four years each. The remaining three members shall serve for terms of two years each. At the regular municipal election to be held on the first Tuesday in May 2008, and every two years thereafter, three councilmen shall be elected, each for a term of four years beginning on July 1 following their election. Each councilman elected as provided in this section shall serve for the term stated or until his successor has been elected and qualified. At the regular municipal election to be held on the first Tuesday in May 2006, and every two years thereafter, the qualified voters shall elect a mayor to serve for a term of two years or until his successor has been elected and qualified. The mayor and council in office on the effective date of this Charter shall continue in office until expiration of their terms and until their successors are elected and qualified. All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth of Virginia; members of council in office on the effective date of this act shall serve until their successors have been elected and qualified. Municipal elections within the Town of Honaker shall take place on the first Tuesday after the first Monday in November of each even-numbered year and shall coincide with the November general elections. At each such regular municipal election, three council members shall be elected for terms of four years each. Beginning with the regular municipal election in November 2014, the mayor shall be elected for a term of four years. The terms of office for the council members and mayor so elected shall commence on January 1 immediately following such election and shall continue until their successors have been elected and qualified. The council shall be a continuing body and no measure pending before such body shall abate or be discontinued by reason of expiration of the term or removal of any of its members.~~

2. That an emergency exists and this act is in force from its passage.

CHAPTER 680

An Act to amend and reenact § 46.2-1222.1 of the Code of Virginia, relating to regulation or prohibition of parking of certain vehicles in certain counties and towns.

[S 80]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1222.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1222.1. Regulation or prohibition of parking of certain vehicles in certain counties and towns.

A. The Counties of Arlington, Fairfax, Hanover, Stafford, and Prince William and the Towns of *Blackstone*, Clifton, Herndon, and Vienna may by ordinance regulate or prohibit the parking on any public highway in such county or town of any or all of the following: (i) watercraft; (ii) boat trailers; (iii) motor homes, as defined in § 46.2-100; and (iv) camping trailers, as defined in § 46.2-100.

B. In addition to commercial vehicles defined in § 46.2-1224, any such county or town may also, by ordinance, regulate or prohibit the parking on any public highway in any residence district as defined in § 46.2-100 any or all of the following: (i) any trailer or semitrailer, regardless of whether such trailer or semitrailer is attached to another vehicle; (ii) any vehicle with three or more axles; (iii) any vehicle that has a gross vehicle weight rating of 12,000 or more pounds; (iv) any vehicle designed to transport 16 or more passengers including the driver; and (v) any vehicle of any size that is being used in the transportation of hazardous materials as defined in § 46.2-341.4. The provisions of any such ordinance shall not apply to (i) any commercial vehicle when taking on or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power.

CHAPTER 681

An Act to amend and reenact §§ 2.2-2337, 2.2-2338, 2.2-2339, 2.2-2340, 2.2-2341, and 2.2-2343 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-2348.1, relating to the Fort Monroe Authority; powers and duties; land and utility ownership.

[S 166]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2337, 2.2-2338, 2.2-2339, 2.2-2340, 2.2-2341, and 2.2-2343 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-2348.1 as follows:

§ 2.2-2337. Definitions.

As used in this article, unless the context requires a different meaning:

"Area of Operation" means an area coextensive with the territorial boundaries of the land acquired or to be acquired from the federal government by the Authority or the Commonwealth.

"Authority" means the Fort Monroe Authority.

"Board" means the Board of Trustees created in § 2.2-2338.

"Bonds" means any bonds, notes, interim certificates, debentures, or other obligations issued by the Authority pursuant to this article.

"City of Hampton" or "City" means the City of Hampton, Virginia, a municipal corporation of the Commonwealth of Virginia.

"Design Standards" means the standards developed as a requirement of the Programmatic Agreement and referred to in that document as the "Historic Preservation Manual and Design Standards" which govern the restoration, rehabilitation, and renovation of the contributing elements to the Fort Monroe National Historic Landmark District and new construction, additions, and reconstruction of buildings so they are compatible with the overall character of the District, as they may be adopted or amended from time to time.

"Facility" means a particular building or structure or particular buildings or structures, including all equipment, appurtenances, and accessories necessary or appropriate for the operation of such facility.

"Fort Monroe Master Plan" or "Master Plan" means the plan that identifies the long-term vision for the reuse of the Area of Operation, key implementation projects, and a detailed implementation strategy for attracting new uses and investment to the Area of Operation as approved by the Authority and produced in accordance with the public participation plan as adopted by the Authority.

"Fort Monroe Reuse Plan" or "Reuse Plan" means the document created by the Fort Monroe Federal Area Development Authority and adopted as an official operating document on August 20, 2008, as it may be amended from time to time.

"Programmatic Agreement for the Closure and Disposal of Fort Monroe, Va." or "Programmatic Agreement" means that certain agreement, as it may be amended from time to time, entered into among the U.S. Army, the Virginia State Historic Preservation Officer, the Advisory Council on Historic Preservation, the Commonwealth of Virginia, the Fort Monroe Federal Area Development Authority and the National Park Service and signed by all Signatory Parties as of April 27, 2009, pursuant to § 106 of the National Historic Preservation Act.

"Project" means any specific enterprise undertaken by the Authority, including the facilities as defined in this article, and all other property, real or personal, or any interest therein, necessary or appropriate for the operation of such property.

"Real property" means all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage, or otherwise and the indebtedness secured by such liens.

"State Memorandum of Understanding" means an agreement between the Authority, the Secretary of Administration, the State Historic Preservation Officer, and the Governor, on behalf of all state agencies, to protect Fort Monroe and its historic, cultural, and natural assets by carefully implementing the plans, stipulations, requirements, and obligations under the Programmatic Agreement for nonfederal lands following the transfer of properties from the United States Army to the Commonwealth.

"Trustees" means the members of the Board of Trustees of the Authority.

§ 2.2-2338. Board of Trustees; membership.

There is hereby created a political subdivision and public body corporate and politic of the Commonwealth of Virginia to be known as the Fort Monroe Authority, to be governed by a Board of Trustees (Board) consisting of 12 voting members appointed as follows: the Secretary of Natural Resources; *and* the Secretary of Commerce and Trade, ~~and the Secretary of Veterans Affairs and Homeland Security~~, or their successor positions if those positions no longer exist, from the Governor's cabinet; *the Lieutenant Governor*; the member of the Senate of Virginia and the member of the House of Delegates representing the district in which Fort Monroe lies; two members appointed by the Hampton City Council; and five nonlegislative citizen members appointed by the Governor, four of whom shall have expertise relevant to the implementation of the Fort Monroe Reuse Plan, including but not limited to the fields of historic preservation, tourism, environment, real estate, finance, and education, and one of whom shall be a citizen representative from the Hampton Roads region. Cabinet members, *the Lieutenant Governor*, and elected representatives shall serve terms commensurate with their terms of office. Citizen appointees shall initially be appointed for staggered terms of either one, two, or three years, and thereafter shall serve for four-year terms. Cabinet members shall be entitled to send their deputies or another cabinet member, and legislative members another legislator, to meetings as full voting members in the event that official duties require their presence elsewhere.

The Board so appointed shall enter upon the performance of its duties and shall initially and annually thereafter elect one of its members as chairman and another as vice-chairman. The Board shall also elect annually a secretary, who shall be a member of the Board, and a treasurer, who need not be a member of the Board, or a secretary-treasurer, who need not be a member of the Board. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Board, and in the absence of both the chairman and vice-chairman, the Board shall elect a chairman pro tempore who shall preside at such meetings. Seven Trustees shall constitute a quorum, and all action by the Board shall require the affirmative vote of a majority of the Trustees present and voting, except that any action to amend or terminate the existing Reuse Plan, or to adopt a new Reuse Plan, shall require the affirmative vote of 75 percent or more of the Trustees present and voting. The members of the Board shall be entitled to reimbursement for expenses incurred in attendance upon meetings of the Board or while otherwise engaged in the discharge of their duties. Such expenses shall be paid out of the treasury of the Authority in such manner as shall be prescribed by the Authority.

§ 2.2-2339. Duties of the Authority.

The Authority shall have the power and duty:

1. To do all things necessary and proper to further an appreciation of the contributions of the first permanent English-speaking settlers as well as the Virginia Indians to the building of our Commonwealth and nation, to commemorate the establishment of the first coastal fortification in the English-speaking New World, to commemorate the lives of prominent Virginians who were connected to the largest moated fortification in the United States, to commemorate the important role of African Americans in the history of the site, including the "Contraband" slave decision in 1861 that earned Fort Monroe the designation as "Freedom's Fortress," to commemorate Old Point Comfort's role in establishing international trade and British maritime law in Virginia, and to commemorate almost 250 years of continuous service as a coastal defense fortification of the United States of America;
2. To hire and develop a professional staff including an executive director and such other staff as is necessary to discharge the responsibilities of the Authority;
3. To establish personnel policies and benefits for staff;
4. To oversee the preservation, conservation, protection, and maintenance of the Commonwealth's natural resources and real property interests at Fort Monroe and the renewal of Fort Monroe as a vibrant and thriving community;
5. To adopt an annual budget, which shall be submitted to the Chairmen of the Senate Committee on Finance and the House Committee on Appropriations and the Department of Planning and Budget by July 1 of each year;
6. To provide for additional, more complete, or more timely services than are generally available in the City of Hampton as a whole; and
7. To serve as the Commonwealth's management agent ~~exercising all the Commonwealth's powers over public and private for all the land in the Area of Operation; including regulation of land use, zoning, and permitting~~ and for the implementation of actions and fulfillment of *federal and state* obligations for public and private land under the *Fort Monroe Master Plan*, Programmatic Agreement, Design Standards, Reuse Plan, State Memorandum of Understanding, and any other agreements regarding Fort Monroe to which the Commonwealth is a party, ensuring adherence to the findings, declarations, and policies set forth in this article, unless the Commonwealth and the Authority specifically agree in writing to the contrary.

§ 2.2-2340. Additional declaration of policy; powers of the Authority; penalty.

A. It is the policy of the Commonwealth that the historic, cultural, and natural resources of Fort Monroe be protected in any conveyance or alienation of real property interests by the Authority. Real property in the Area of Operation at Fort Monroe may be maintained as Commonwealth-owned land that is leased, whether by short-term operating/revenue lease or long-term ground lease, to appropriate public, private, or joint venture entities, with such historic, cultural, and natural resources being protected in any such lease, to be approved as to form by the Attorney General of the Commonwealth of Virginia. If sold as provided in this article, real property interests in the Area of Operation at Fort Monroe may only be sold under covenants, historic conservation easements, historic preservation easements, or other appropriate legal restrictions approved as to form by the Attorney General that protect these historic and natural resources. Properties in the Wherry Quarter and Inner Fort areas identified in the Fort Monroe Reuse Plan may only be sold with the consent of both the Governor and the General Assembly, except that any transfer to the National Park Service shall require only the approval of the Governor. The proceeds from the sale or pre-paid lease of any *real or personal* property within the Area of Operation shall be retained by the Authority and used for infrastructure improvements in the Area of Operation.

B. The Authority shall have the power and duty:

1. To sue and be sued; to adopt and use a common seal and to alter the same as may be deemed expedient; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the Authority; and to make and from time to time amend and repeal bylaws, rules, and regulations, not inconsistent with law, to carry into effect the powers and purposes of the Authority;
2. To foster and stimulate the economic and other development of Fort Monroe, including without limitation development for business, employment, housing, commercial, recreational, educational, and other public purposes; to prepare and carry out plans and projects to accomplish such objectives; to provide for the construction, reconstruction, rehabilitation, reuse, improvement, alteration, maintenance, removal, equipping, or repair of any buildings, structures, or land of any kind; to lease or rent to others or to develop, operate, or manage with others in a joint venture or other partnering arrangement, on such terms as it deems proper and which are consistent with the provisions of the Programmatic Agreement, Design Standards, and Reuse Plan governing any lands, dwellings, houses, accommodations, structures, buildings, facilities, or appurtenances embraced within Fort Monroe; to establish, collect, and revise the rents charged and terms and conditions of occupancy thereof; to terminate any such lease or rental obligation upon the failure of the lessee or renter to comply with any of the obligations thereof; to arrange or contract for the furnishing by any person or agency, public or private, of works, services, privileges, or facilities in connection with any activity in which the Authority may engage, provided, however, that if services are provided by the City of Hampton pursuant to § 2.2-2341 for which the City is compensated pursuant to subsection B of § 2.2-2342, then the Authority may provide for additional, more complete, or more timely services than are generally available in the City of Hampton as a whole if deemed necessary or appropriate by the Authority; to acquire, own, hold, and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, easement, dedication, or otherwise any real or personal property or any interest therein, which purchase, lease, or acquisition may only be made for less than fair market value if the Board of Trustees determines, upon the advice of the Attorney General, that the transaction is consistent with the fiduciary obligation of the Authority to

the Commonwealth and if necessary or appropriate to further the purposes of the Authority; as provided in this article, to sell, lease, exchange, transfer, assign, or pledge any real or personal property or any interest therein, which sale, lease, or other transfer or assignment may be made for less than fair market value; as provided in this article, to dedicate, make a gift of, or lease for a nominal amount any real or personal property or any interest therein to the Commonwealth, the City of Hampton, or other localities or agencies, public or private, within the Area of Operation or adjacent thereto, jointly or severally, for public use or benefit, such as, but not limited to, game preserves, playgrounds, park and recreational areas and facilities, hospitals, clinics, schools, and airports; to acquire, lease, maintain, alter, operate, improve, expand, sell, or otherwise dispose of onsite utility and infrastructure systems or sell any excess service capacity for offsite use; to acquire, lease, construct, maintain, and operate and dispose of tracks, spurs, crossings, terminals, warehouses, and terminal facilities of every kind and description necessary or useful in the transportation and storage of goods, wares, and merchandise; and to insure or provide for the insurance of any real or personal property or operation of the Authority against any risks or hazards;

3. To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursements, in property or security in which fiduciaries may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be cancelled;

4. To undertake and carry out examinations, investigations, studies, and analyses of the business, industrial, agricultural, utility, transportation, and other economic development needs, requirements, and potentialities of its Area of Operation or offsite needs, requirements, and potentialities that directly affect the success of the Authority at Fort Monroe, and the manner in which such needs and requirements and potentialities are being met, or should be met, in order to accomplish the purposes for which it is created; to make use of the facts determined in such research and analyses in its own operation; and to make the results of such studies and analyses available to public bodies and to private individuals, groups, and businesses, except as such information may be exempted pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);

5. To administer, develop, and maintain at Fort Monroe permanent commemorative cultural and historical museums and memorials;

6. To adopt names, flags, seals, and other emblems for use in connection with such shrines and to copyright the same in the name of the Commonwealth;

7. To enter into any contracts not otherwise specifically authorized in this article to further the purposes of the Authority, after approval as to form by the Attorney General;

8. To establish nonprofit corporations as instrumentalities to assist in administering the affairs of the Authority;

9. To exercise the power of eminent domain in the manner provided by Chapter 3 (§ 25.1-300 et seq.) of Title 25.1 within the Authority's Area of Operation; however, eminent domain may only be used to obtain easements across property on Fort Monroe for the provision of water, sewer, electrical, ingress and egress, and other necessary or useful services to further the purposes of the Authority, unless the Governor has expressly granted authority to obtain interests for other purposes;

10. To fix, charge, and collect rents, fees, and charges for the use of, or the benefit derived from, the services or facilities provided, owned, operated, or financed by the Authority benefiting property within the Authority's Area of Operation. Such rents, fees, and charges may be charged to and collected by such persons and in such manner as the Authority may determine from (i) any person contracting for the services or using the Authority facilities or (ii) the owners, tenants, or customers of the real estate and improvements that are served by, or benefit from the use of, any such services or facilities, in such manner as shall be authorized by the Authority in connection with the provision of such services or facilities. Such rents, fees, and charges shall not be chargeable to the Commonwealth or, where such rents, fees or charges relate to services or facilities utilized by the City of Hampton to provide municipal services, to the City of Hampton except as may be provided by lease or other agreement and may be used to fund the provision of the additional, more complete, or more timely services authorized under subdivision 6 of § 2.2-2339, the payments provided under § 2.2-2342, or for other purposes as the Authority may determine to be appropriate, subject to the provisions of subsection B of § 2.2-2342;

11. To receive and expend gifts, grants, and donations from whatever source derived for the purposes of the Authority;

12. To employ an executive director and such deputies and assistants as may be required;

13. To elect any past chairman of the Board of Trustees to the honorary position of chairman emeritus. Chairmen emeriti shall serve as honorary members for life. Chairmen emeriti shall be elected in addition to the nonlegislative citizen member positions defined in § 2.2-2338;

14. To determine what paintings, statuary, works of art, manuscripts, and artifacts may be acquired by purchase, gift, or loan and to exchange or sell the same if not inconsistent with the terms of such purchase, gift, loan, or other acquisition;

15. To change the form of investment of any funds, securities, or other property, real or personal, provided the same are not inconsistent with the terms of the instrument under which the same were acquired, and to sell, grant, or convey any such property, subject to the provisions of subsection A of § 2.2-2340;

16. To cooperate with the federal government, the Commonwealth, the City of Hampton, or other nearby localities in the discharge of its enumerated powers;

17. To exercise all or any part or combination of powers granted in this article;

18. To do any and all other acts and things that may be reasonably necessary and convenient to carry out its purposes and powers;

19. To adopt, *amend or repeal*, by the Board of Trustees of the Authority, or the executive committee thereof, ~~and from time to time to amend and repeal~~ regulations concerning the use of, *access to* and visitation of properties under the control of the Fort Monroe Authority *in order to protect or secure such properties and the public enjoyment thereof, with any violation of such regulations being punishable by a civil penalty of up to \$100 for the first violation and up to \$250 for any subsequent violation, such civil penalty to be paid to the Authority;*

20. To provide parking and traffic rules and regulations on property owned by the Authority; and

21. To provide that any person who knowingly violates a regulation of the Authority may be requested by an agent or employee of the Authority to leave the property and upon the failure of such person so to do shall be guilty of a trespass as provided in § 18.2-119.

§ 2.2-2341. Relationship to the City of Hampton.

A. All of Fort Monroe is within the City of Hampton's jurisdictional limits; therefore, the City of Hampton is the locality and Virginia municipal corporation for the Authority's Area of Operation. Nothing in this article is intended to limit or restrict the otherwise existing authority of the City of Hampton which, except as otherwise provided in this article, is reserved solely for the City of Hampton. As authorized in this article, the Authority may supplement in its Area of Operation the works, services, privileges, or facilities provided by the City of Hampton to provide additional, more complete, or more timely works, services, privileges, or facilities than provided by the City of Hampton.

B. The Authority shall adopt procedures for the implementation of required actions under the Programmatic Agreement and any other agreements regarding Fort Monroe to which the Commonwealth is a party, including adherence to the Reuse Plan and the Design Standards adopted by the Authority. Those procedures shall provide the City of Hampton a reasonable opportunity for review and comment regarding any proposed actions.

C. The City shall be responsible for dealing directly with any taxpayers at Fort Monroe regarding the collection of any taxes or fees which the City believes are due based on real property interests, business activity, ownership of personal property, and other authorized taxes and fees, unless the City and the Authority agree differently in writing.

D. *In its comprehensive plan and in adopting a zoning ordinance for the Area of Operation, the City shall recognize the authority of the federal and state obligations for land use regulation placed upon the Fort Monroe Authority by the requirements of the Fort Monroe Master Plan, Programmatic Agreement, Design Standards, Reuse Plan, State Memorandum of Understanding, and any other agreements regarding Fort Monroe to which the Commonwealth is a party.*

§ 2.2-2343. Authority may borrow money, accept contributions, etc.

In addition to the powers conferred upon the Authority by other provisions of this article, the Authority shall have the power:

1. To borrow moneys or accept contributions, grants, or other financial assistance from the federal government, the Commonwealth, any locality or political subdivision, any agency or instrumentality thereof, including but not limited to the Virginia Resources Authority, or any source, public or private, for or in aid of any project of the Authority, and to these ends, to comply with such conditions and enter into such mortgages, trust indentures, leases, or agreements as may be necessary, convenient, or desirable;

2. To apply for grants from the Urban Public-Private Partnership Redevelopment Fund pursuant to Chapter 24.1 (§ 15.2-2414 et seq.) of Title 15.2. The Authority shall be considered a local government eligible for grants under that chapter. Funds from any source available to the Authority may be used to meet the matching requirement of any such grant;

3. To participate in local group pools authorized pursuant to § 15.2-2703 or to participate in the Commonwealth's risk pool administered by the Division of Risk Management;

4. To utilize the provisions of the Public-Private Transportation Act of 1995 (§ 56-556 et seq.) and the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) as a qualifying public entity under those statutes;

5. To apply for and receive enterprise zone designation under the Enterprise Zone Grant Act (§ 59.1-538 et seq.). Fort Monroe shall be considered an eligible area for such designation, although the Governor is not obligated to grant such a designation;

6. To act as a local cooperating entity pursuant to § 62.1-148; and

7. To enter into ~~privatized~~ agreements with any public or private utility for the ~~provisions of ownership or operation of~~ utility services at Fort Monroe, ~~as provided that the in § 2.2-2348.1.~~ The Authority and the City may mutually agree that such services should not or need not be included under any franchise agreement that the City has with that utility. The utility shall provide the same service generally available to its other customers in the City of Hampton at reasonable rates.

§ 2.2-2348.1. Ratification of the ownership of certain lands in the City of Hampton known as Fort Monroe; ownership and operation of utilities.

A. *Notwithstanding any other provision of law, the ownership of certain property located in the City of Hampton, Virginia, consisting of 312.75 acres, more or less, generally known as "Fort Monroe," shall be deemed validly vested in the Commonwealth, with all rights, title, and interest therein, being more particularly described as follows: All that certain lot, piece, or parcel of land situate, lying, and being in the City of Hampton, in the Commonwealth of Virginia, containing 312.75 acres, more or less, described in Exhibit A and illustrated in Exhibit B of that certain Quitclaim Deed recorded in the Clerk's Office of the Circuit Court of the City of Hampton on June 14, 2013, as Instrument No. 130009559.*

B. *Notwithstanding any other provision of law, the ownership of the roads, water, sewer, and other utility services on that certain property located in the City of Hampton, Virginia, consisting of 561.345 acres, more or less, generally known as "Fort Monroe," shall be deemed validly vested in the Commonwealth, being more particularly described as follows: All*

those certain lots, pieces, or parcels of land situate, lying, and being in the City of Hampton, in the Commonwealth of Virginia, containing 561.345 acres, more or less, described as Parcels A, B, C, D, E, F, G, and H on that certain survey by the Norfolk District Corps of Engineers dated July 20, 2009, last revised November 15, 2012, entitled "Plat Showing 8 Parcels of Land Totaling +/-561.345 Acres Situated on Fort Monroe, Virginia," and recorded in the Clerk's Office of the Circuit Court of the City of Hampton in Instrument No. 130009559 at Pages 286 and 287.

1. The Authority shall maintain such roads as public rights-of-way to ensure lawful access to the properties within said acreage; however, the Commonwealth may convey its right, title, and interests in such roads to the City of Hampton or the Virginia Department of Transportation, and thereby transfer the obligation to maintain such roads.

2. The Authority shall maintain and operate such water, sewer, and other utility services to ensure that the properties within said acreage have access to such utility services; however, the Commonwealth may convey its right, title, and interest in any such utility owned by the Commonwealth to a public or private entity and thereafter transfer the obligation to maintain and operate such utilities.

CHAPTER 682

An Act to amend and reenact §§ 1-1, 1-2, and 1-3, § 2-1, as amended, § 2-420, § 3-2, as amended, § 3-401, § 3-5, as amended, and §§ 3-9, 4-11, 6-1, 6-11, 6-12, 6-131, 6-133, 6-14, 6-15, 6-23, 6-231, 6-234, and 7-6 of Chapter 358 of the Acts of Assembly of 1958, which provided a charter for the Town of Tazewell, and to repeal §§ 3-94, 3-95, 5-1, and 5-11, § 5-12, as amended, and §§ 5-13 through 5-31 of Chapter 358 of the Acts of Assembly of 1958, relating to town boundaries, powers, council, elections, board of zoning appeals, and comprehensive plan.

[S 196]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 1-1, 1-2, and 1-3, § 2-1, as amended, § 2-420, § 3-2, as amended, § 3-401, § 3-5, as amended, and §§ 3-9, 4-11, 6-1, 6-11, 6-12, 6-131, 6-133, 6-14, 6-15, 6-23, 6-231, 6-234, and 7-6 of Chapter 358 of the Acts of Assembly of 1958 are amended and reenacted as follows:

§ 1-1. Incorporation.

The inhabitants of the territory embraced within the present limits of the Town of Tazewell as hereinafter defined, or as the same hereafter may be altered or established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the Town of Tazewell (*hereinafter "Town"*), and as such have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure, and shall have and exercise all the powers conferred by, and be subject to all the laws of the State of Virginia for the government of towns of the State of Virginia.

§ 1-2. Form of government.

The municipal government provided by this charter shall be known as the "Town Manager *Comprehensive Plan*." Pursuant to its provisions, and subject to the constitution and general laws of the Commonwealth, all powers of the town shall be vested in an elected council hereinafter referred to as the "Council," which shall enact local legislation, adopt budgets, determine policies and appoint the town manager, who shall execute the laws and administer the government of the town.

§ 1-3. Boundaries.

The boundaries of the town shall be as established by Chapter 78 of the Acts of Assembly of 1916; approved February 29, 1916, , approved February 29, 1916, as follows:

"Beginning at a station one, the northwest corner of Mistress R. B. Gillespie's old seminary lot; thence crossing the turnpike east of the town of Tazewell to a station two; on the north side of said turnpike, southwest corner of T. G. Witten's land; and also corner of the Tazewell Courthouse Improvement Company's plat of lots; thence with said company's lines north thirty three degrees three minutes west, four hundred and seven and four tenths feet, to station three; north fifty eight degrees twenty seven minutes east, thirty six feet, to station four; north seventy eight degrees east, four hundred twenty four and nine tenths feet, to station five; north thirteen degrees west one thousand eight hundred and seventeen feet, to station six; north eighty four degrees west seven hundred and fifty feet, to station seven; north thirteen degrees forty two minutes west fifty three feet, to station eight; thence north eighty five degrees fifty two minutes west, one hundred and ninety one feet, to station nine; southwest corner of lot seven, section thirty three on said plat of lots; thence south four degrees forty eight minutes west, seventy five feet, to station ten; thence north eighty five degrees fifty two minutes west, one thousand two hundred and seventy five feet, to station eleven; the northwest corner of lot one, section seven, of said plat of lots; thence north nine degrees fourteen minutes west, one thousand one hundred and forty two feet, to station twelve in a former line of the corporate limits of said town; thence with said old line north fifty eight degrees west, three hundred feet, to station thirteen on the east side of the old road leading to Tazewell station; and with the east side of same south thirty three degrees west, ten poles and nine links, to station fourteen; south eighty seven degrees west, eighteen poles and seven links, to station fifteen; south seventy seven degrees west, three poles and sixteen links, to station sixteen; south forty nine degrees thirty minutes west, five poles to station seventeen; south twenty two degrees forty five minutes west, five poles and eight links, to station eighteen; south thirteen degrees and thirty minutes east, ten poles and sixteen links, to

station nineteen; thence north eighty-two degrees thirty minutes west, twenty-eight poles, crossing said road to station twenty; thence south eleven degrees east, forty-eight poles and ten links, to station twenty-one; thence south fifty-four degrees and thirty minutes east, thirty-seven poles, to station twenty-two on the west side of said old road, eight feet west of J. S. and A. P. Gillespie's gate post; thence south sixty-one degrees fifty-three minutes west, thirty poles and seven links, to station twenty-three; thence north eighty-two degrees fifteen minutes west, thirty-six poles and twenty-one links, to station twenty-four, at a gateway on said Gillespie's private road; thence south sixty-seven degrees west, thirty-six poles and three links, to station twenty-five; thence south thirty-eight degrees east, thirty poles and fifteen links, to station twenty-six on the north edge of the turnpike west, of the said town; thence with north side of same, south sixty-six degrees thirty minutes west, six poles and twenty-three links to station twenty-seven; south fifty-seven degrees forty-five minutes west, twenty-six poles and eleven links, to station twenty-eight; south sixty-eight degrees thirty minutes west, twenty poles and six links, to station twenty-nine on H. G. Peery's line; thence crossing said turnpike south thirty degrees fifteen minutes east, seventy-three poles; to station thirty; thence south seven degrees, east one hundred poles to station thirty-one; south eighty-five degrees east, twenty-six poles to station thirty-two; thence south seventy-four degrees fifteen minutes east, twenty poles, to station thirty-three; thence south seventy-six degrees thirty minutes east, thirty-seven poles and fifteen links, to station thirty-four; north thirty-six degrees forty-five minutes east, thirty poles, to station thirty-five; thence south twenty-one degrees east, twenty-seven poles, to station thirty-six; thence south one degree thirty minutes west, twenty-one poles, to station thirty-seven; thence north eighty degrees thirty minutes east, one hundred and twenty-nine poles, to station thirty-eight, in line between A. J. May and S. D. May; thence north seventy degrees east, one hundred and thirty-eight poles, to station thirty-nine, in line between S. D. May and A. J. May, junior; thence north thirty-five degrees west, seventy-seven poles to station forty, on south edge of W. O. Whitman's road; thence with south side of said road south seventy-seven degrees forty-five minutes west, fifty-three poles and three links, to station forty-one, opposite Amy Smith's southwest corner; thence north eleven degrees and thirty minutes west, thirteen poles and five links, to station forty-two; thence north seventy-five degrees thirty minutes east, sixteen poles and thirteen links, to station forty-three; thence north forty degrees thirty minutes west, nineteen poles, to station forty-four; thence north sixty-six degrees thirty minutes east, thirty-seven poles and seven links, to station forty-five; thence north seventy-one degrees east, sixty-eight poles, to station forty-six, in W. O. Whitman's line; thence north twenty-two degrees forty-five minutes west, forty-three poles, to station forty-seven; south fifty-seven degrees west, thirty-two poles, to station forty-eight; thence north thirty-four degrees west, one hundred and six poles, to station forty-nine, on the south side of the turnpike east, of said town; thence with south side of said turnpike south sixty-three degrees fifteen minutes west, eight poles to station fifty; thence south forty-nine degrees west, seven poles to the beginning," and as amended by *Orders of the Circuit Court of Tazewell County, Case No. CH00-000297, entered on November 8, 2000, and Case No. CL09-001547, entered on December 28, 2009, respectively, with the latter two orders of record in the Clerk's Office for the Circuit Court of Tazewell County.*

§ 2-1. General grant of powers.

The powers set forth in §§ ~~15-1-837~~ ~~15.2-1100~~ through ~~15-1-915~~ ~~15.2-1133~~, inclusive, of Chapter ~~18~~ ~~11~~ of Title ~~15-1~~ ~~15.2~~ of the Code of Virginia as in force on January 1, 1966, as amended, are hereby conferred on and vested in the Town of Tazewell, Virginia, together with all other powers which are now or may hereafter be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth, and all other powers pertinent to the town government the exercise of which is not in conflict with the said Constitution and the laws of the Commonwealth of Virginia, and which, in the opinion of the council are necessary or desirable to promote the general welfare of the town and the safety, health, peace, good order, comfort, convenience, and morals of its inhabitants as fully and completely as though such powers were specifically enumerated in this charter, and no enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers.

§ 2-420. To provide for the protection of the town's property, real and personal, the prevention of the pollution of the town's water supply, and the regulation of the use of parks, playgrounds, playfields, recreational facilities, cemeteries, airports and other public property, whether located within or without the town. For the purpose of enforcing such regulations all town property wherever located shall be under the police jurisdiction of the town. Any member of the police force of the town, or employee thereof appointed as a special policeman, shall have power to make arrests for violation of any ordinance, rule or regulation adopted pursuant to this section, and the police justice shall have jurisdiction in all cases arising thereunder within the town and the county court of the county wherein the offense occurs shall have jurisdiction of all cases arising thereunder without the town appropriate District Court shall have jurisdiction in all cases arising thereunder within or without the Town wherein the offense occurs.

§ 3-2. Nominations and elections.

The mayor and members of council in office on the effective date of this act shall serve until their successors have been elected and qualified. Municipal elections within the Town of Tazewell shall take place on the ~~first~~ ~~Tuesday~~ ~~in~~ ~~May~~ after the ~~first~~ ~~Monday~~ in the month of November of each even-numbered year to coincide with the general election. At each such regular municipal election, three councilmen shall be elected for terms of four years each, and a mayor shall be elected for a term of two years. The terms of office for both councilmen and mayor so elected shall commence on the first day of ~~July~~ ~~January~~, immediately following such election, and shall continue until their successors have been elected and qualified. The council shall be a continuing body and no measure pending before such body shall abate or be discontinued by reason of expiration of the term or removal of any of its members.

§ 3-401. Appoint and remove the town manager, the town clerk, the town attorney, ~~the police justice, issuing justices~~ and officers of the volunteer fire department.

§ 3-5. Mayor.

The mayor shall preside over the meetings of the council, have the same right to speak therein as other members and shall vote only in case of a tie but shall have no veto. He shall be recognized as the head of the town government for all ceremonial purposes, the purposes of military law, and the service of civil process. At the regular meeting of the council held in the month of ~~July~~ *January* following a municipal election, the council shall choose, by a majority vote of all the members thereof, one of their number to be vice-mayor for the ensuing two years. The vice-mayor shall in the absence or disability of the mayor perform the duties of mayor, and if a vacancy shall occur in the office of mayor, shall become mayor for the unexpired portion of the term. In the absence or disability of both the mayor and vice-mayor the council shall, by majority vote of those present, choose one of their number to perform the duties of mayor.

§ 3-9. Appointees.

At the first meeting in ~~September~~ *January* following each councilmanic election, or as soon thereafter as practicable, the council shall appoint:

§ 4-11. The fiscal year of the town shall begin on the first day of ~~September~~ *July* and end on the ~~thirty-first~~ *thirtieth* day of ~~August~~ *June* of the succeeding year.

§ 6-1. Power to adopt a ~~master~~ *comprehensive* plan.

In addition to the powers granted elsewhere in this charter the council shall have the power to adopt by ordinance a ~~master~~ *comprehensive* plan for the physical development of the town to promote health, safety, morals, comfort, prosperity, and the general welfare. The master plan may include but shall not be limited to the following:

§ 6-11. Town planning commission. There shall be a town planning commission consisting of ~~seven~~ *eight* members, appointed by the council. One member shall be a member of the council appointed for a term concurrent with his term in the council. One member shall be the town manager, *who shall be a nonvoting member*, appointed for a term concurrent with his term in such capacity. There shall be ~~five~~ *six* citizen members, who shall be qualified voters of the town appointed for a term of four years, one of whom may be a member of the Board of Zoning Appeals and who shall hold office for a term concurrent with his term on said board. *Members may be removed for malfeasance in office, and a member of the commission may be removed from office by the Town without limitation in the event that the commission member is absent from any three consecutive meetings of the commission, or is absent from any four meetings of the commission within any one-month period.* Vacancies on the commission shall be filled by the council. Members of the town planning commission shall serve as such without compensation.

§ 6-12. Organization and expenditures of planning commission. The commission shall elect a chairman and vice-chairman from among the citizen members appointed by the council, for a term of one year, who shall be eligible for re-election, and appoint a secretary. The commission shall hold at least one regular meeting in each month, shall adopt rules for the transaction of its business, and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. ~~Four~~ *Five* voting members shall constitute a quorum. The commission shall appoint such employees as it may deem necessary for its work and may contract with city planners, engineers, architects and other consultants for services it may require. All expenditures shall not exceed the sums appropriated by the council therefor.

§ 6-131. To make and adopt a ~~master~~ *comprehensive* plan which with accompanying maps, plats, charts and descriptive matter shall show the commission's recommendations for the development of the territory covered by the plan. In the preparation of such plan the commission shall make careful and comprehensive surveys and studies of existing conditions and future growth. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the town and its environs which will, in accordance with existing and future needs, best promote health, safety, morals, comfort, prosperity and general welfare, as well as efficiency and economy in the process of development.

§ 6-133. To promote public interest in and understanding of the ~~master~~ *comprehensive* plan and to that end may publish and distribute copies of the plan or of any report and may employ such other means of publicity and education as it may determine.

§ 6-14. Adoption of ~~master~~ *comprehensive* plan by the Commission. The Commission may adopt the plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding to ~~major~~ *major* geographical or topographical divisions of the town, or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension or addition, the commission shall hold at least one public hearing thereon, at least fifteen days' notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the town. The adoption of the plan or of any such part, amendment, extension or addition shall be by resolution of the commission carried by the affirmative vote of not less than a majority of the entire membership of the commission. The resolution shall refer expressly to the maps and descriptive matter and other matter intended by the commission to form the whole or part of the plan adopted, which resolution shall be signed by the chairman of the commission and attested by its secretary. An attested copy of the resolution, accompanied by a copy of so much of the plan in whole or in part as was adopted thereby, and each amendment, alteration, extension or addition thereto adopted thereby, shall be certified to the council, and to the Clerk of the Circuit Court of Tazewell County who shall file the same in his office.

§ 6-15. Legal status of ~~master~~ *comprehensive* plan. Whenever the commission shall have adopted a ~~master~~ *comprehensive* plan for the town or one or more parts thereof, geographical, topographical or functional, and the ~~master~~ *comprehensive* plan or such part or parts thereof shall have been approved by the council and it has been certified and filed as provided in the preceding section, then and thereafter no street, square, park or other public way, ground, open space, public building or structure shall be constructed or authorized in the town or in the planned section or division thereof until and unless the general location, character and extent thereof has been submitted to and approved by the commission; and no public utility, whether publicly or privately owned, shall be constructed or authorized in the town or in the planned section or division thereof until and unless its general location, but not its character and extent, has been submitted to and approved by the commission, but such submission and approval shall not be necessary in the case of pipes or conduits in any existing street or proposed street, square, park or other public way, ground or open space, the location of which has been approved by the commission; and no ordinance giving effect to or amending the comprehensive zoning plan as provided in § 6-2 shall be adopted until it has been submitted to and approved by the commission. In case of disapproval in any of the instances enumerated above, the commission shall communicate its reason to the council, which shall have the power to overrule such action by a recorded vote of not less than two-thirds of its entire membership. The failure of the commission to act within sixty days from the date of the official submission to it shall be deemed approval. The widening, extension, narrowing, enlargement, vacation or change in the use of streets and other public ways, grounds and places within the town as well as the acquisition by the town of any land within or without the town for public purposes, or the sale of any land then held by the town shall be subject to similar approval and in case the same is disapproved such disapproval may be similarly overruled. The foregoing provisions of this section shall not be deemed to apply to the pavement, repavement, reconstruction, improvement, drainage or other work in or upon any existing street or other existing public way.

§ 6-23. Board of Zoning Appeals. The council may ~~appoint~~ *establish* a Board of Zoning Appeals, ~~and in the members of which shall be appointed by the judge of the Circuit Court of Tazewell County.~~ The regulations and restrictions adopted pursuant to the authority of this act; may provide that the board of zoning appeals may, in appropriate cases and subject to appropriate conditions and safeguards, vary the application of the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained.

§ 6-231. The board of zoning appeals shall consist of five members, *one of whom may be a member of the Planning Commission, each of whom is to be appointed for a term of two years, and subject to removal for cause by the council, upon written charges and after public hearing. Vacancies shall be filled by the council for the unexpired term of any member.*

§ 6-234. The board of zoning appeals shall fix a reasonable time *and a reasonable appeal fee* for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or attorney.

§ 7-6. Citation of act.

This act may for all purposes be referred to or cited as the Town of Tazewell Charter of 1958, *as amended by the Acts of Assembly of 2014.*

2. That §§ 3-94, 3-95, 5-1, and 5-11, § 5-12, as amended, and §§ 5-13 through 5-31 of Chapter 358 of the Acts of Assembly of 1958 are repealed.

CHAPTER 683

An Act to amend and reenact §§ 12, 60, 63, 64, and 114, as amended, of Chapter 34 of the Acts of Assembly of 1918, which provided a charter for the City of Norfolk, relating to council meetings and the division of police.

[S 198]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 12, 60, 63, 64, and 114, as amended, of Chapter 34 of the Acts of Assembly of 1918 are amended and reenacted as follows:

§ 12. Meetings of council.

On the first day of July next following the regular municipal election, or if such day be Saturday or Sunday, then on the following Tuesday, the council shall meet at the usual place for holding meetings of the legislative body of the city, at which time the newly elected council members shall assume the duties of their office. The time for any such meeting shall be set by ordinance adopted by council not less than thirty nor more than forty-five days prior to the election. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution. It shall hold at least one regular meeting each week, ~~provided that it may, by the affirmative vote of a majority of its members, dispense with any 16 such regular meetings in any calendar year month.~~ The mayor, any member of the council, or the city manager, may call special meetings of the council at any time upon at least twelve hours' written notice to each member, served personally or left at his usual place of business or residence; or such meeting may be held at any time without notice, provided all members of the council attend. All meetings of the council shall be public except where closed pursuant to the provisions of general law, and any citizen may have access to the minutes and records thereof at all reasonable times.

§ 60. Division of Police.

The police force shall be composed of a chief of police, a *deputy chief*, and ~~of~~ such officers, patrolmen and other employees as the city manager may determine. The chief of police shall have the immediate direction and control of the said force, subject, however, to the supervision of the director of public safety, and to such rules, regulations and orders as the said director may prescribe, and through the chief of police the director of public safety shall promulgate all orders, rules and regulations for the government of the whole force. In case of the disability of the chief of police to perform his duties by reason of sickness, absence from the city or other cause, the director of public safety shall designate an officer of the police force to act as chief of police during such disability, and the officer so designated shall serve without additional compensation. The members of the police force other than the chief and *deputy chief* shall be selected from the list of eligibles prepared by the civil service commission, and in accordance with such rules as the said commission may prescribe, provided that in case of riot or emergency the director of public safety may appoint additional patrolmen and officers for temporary service, who need not be in the classified service. Each member of the police force, both rank and file, shall have issued to him a warrant of appointment signed by the director of public safety, in which the date of his appointment shall be stated, and such warrant shall be his commission. Each member of the said force shall, before entering upon the duties of his office, take and subscribe an oath that he will faithfully without fear or favor, perform the duties of his office, and such oath shall be filed and preserved with the records of said department. And in addition the several officers of the said force shall, if so required by the council, give bond in such penalty and with such security as the council may by ordinance prescribe.

No person except as otherwise provided by general law or by this charter shall act as special police, special detective or other special police officer for any purpose whatsoever except upon written authority from the director of public safety. Such authority, when conferred, shall be exercised only under the direction and control of the chief of police and for a specified time.

The officers and privates constituting the police force of said city shall be, and they are, hereby invested with all of the power and authority which pertains to the office of constable at common law in taking cognizance of and in enforcing the criminal laws of the State and the ordinances and regulations of said city, and it shall be the duty of each such officer and private to use his best endeavors to prevent the commission within the said city of offenses against the laws of said State, and against the ordinances and regulations of said city; to observe and enforce all such laws, ordinances and regulations; to detect and arrest offenders against the same; to preserve the good order of said city, and to secure the inhabitants thereof from violence, and the property therein from injury. Such policemen shall have no power or authority in civil matters, but shall execute any criminal warrant or warrant of arrest that may be placed in his hands by any justice of the city, and shall make due return thereof. Such policemen shall not receive any fee or other compensation for any services rendered in the performance of his duty, other than the salary paid him by the city, nor shall he receive a fee as a witness in any case arising under the criminal laws of the said State, or under the ordinances or regulations of the said city.

The director of public safety shall prescribe the uniforms and badges for the members of the police force, and direct the manner in which the members of said force shall be armed. Any person other than a member of said force who shall wear such uniform or badge as may be prescribed as aforesaid, may be subjected to such fine or imprisonment, or both, as may be prescribed by the council by ordinance.

§ 63. Supervision in divisions of fire and police.

The chief of police and the fire chief, with the approval of the director of public safety, except as hereinafter provided, shall have the right and power to reprimand, or to suspend, for a given number of days or indefinitely, any of the sworn officers and sworn employees in their respective divisions who may be under their management and control, for incompetence, neglect of duty, immorality, drunkenness, failure to obey orders given by proper authority, or for any other just and reasonable cause. *This section does not apply to the deputy chief of police, who, like the chief of police and the fire chief, is appointed by and serves at the will of the city manager.* If any such officer or employee be suspended for more than ten days or be suspended indefinitely, the chief of the division concerned shall forthwith certify in writing the fact, together with the cause for such suspension, to the trial board hereinafter provided for, and a copy of such certificate of suspension, and the cause therefor, shall be promptly served on such officer or employee, which service may be by an officer of his division or in the manner prescribed by law for the service of civil process.

Any such officer or employee so suspended may, within ten days after he shall have been so served with such certificate of suspension and the cause therefor, file with said trial board a written request for a hearing upon the accusations so made against him, whereupon said trial board shall, after not less than five days' written notice to such officer or employee, and to the chief of the division by whom he has been suspended, hold and conduct a hearing, which shall be open to the public, upon such accusations, at a time and place to be specified in such notice, and may render judgment thereon. Such judgment, in the event said accusations or any of them are, in the opinion of said trial board, sustained, may be a reprimand, extra duty without extra compensation, suspension for a fixed time, reduction in rank, or dismissal, as to said trial board may seem proper, which judgment shall be final.

Whenever the judgment of the said trial board is that the accusations were not sustained, it may order the reinstatement of such officer or employee in the office or position from which he was suspended. Such order of reinstatement may, in the discretion of said trial board, be retroactive and provide that such officer or employee shall be entitled to compensation for all or part of the time he was so suspended.

In the event any such officer or employee who is suspended for more than ten days or suspended indefinitely shall not file with said trial board a written demand for a hearing as hereinabove provided, the suspension of such officer or employee

shall become final, and if the suspension be for an indefinite period, such officer or employee may be discharged by the city manager without a hearing.

The trial board above referred to shall be known as the Norfolk Police-Fire Trial Board, and the members thereof shall be appointed by the council. It shall consist of not less than three nor more than five members, in the discretion of the council, who shall be qualified voters residing in the city, none of whom shall be in any way connected with any other city office. The first appointment of the members of the said trial board shall be for a term of one year commencing July 1, 1950, and all subsequent appointments shall be for consecutive terms of one year. Any member may be appointed for a consecutive term or terms, and any vacancy shall be filled by appointment by the council for the remainder of the unexpired term. The judgment of a majority of the members appointed on said trial board shall control. The members shall receive such compensation as may be provided by council. Each member shall, before entering upon the duties of his office, take and subscribe the oaths provided by § 133 of this Charter for city officers.

The council shall designate one member of said trial board as chairman thereof. The chairman shall have the power to subpoena witnesses, administer oaths and compel the production of any books and papers in connection with any hearing held hereunder by said trial board. Any person refusing or failing to appear and testify or to produce such books and papers, or who shall testify falsely under oath at any hearing held by said trial board, may be proceeded against in the same manner and shall be subject to the same penalties as provided by § 51 of this Charter relating to investigations as to city affairs.

The council shall also designate one member of said trial board as vice-chairman thereof to act in the absence, disability or inability to act of the chairman, and when so acting, the said vice-chairman shall have all the powers herein conferred upon the chairman.

Any such officer or employee against whom accusations are so filed shall have the right to be represented by counsel at any hearing before said trial board. All notices required to be given the trial board may be given to the chairman thereof, or in his absence, to the vice-chairman.

§ 64. Suspension and dismissal of the chief of police, *deputy chief of police*, and fire chief.

The city manager shall have the power to suspend or dismiss the chief of police, *the deputy chief of police*, and the fire chief at any time, and his action in every such case shall be final; provided that in the event the chief of police, *the deputy chief of police*, or the fire chief was appointed to such position from the membership of his respective division, he shall, at the time of any such suspension or dismissal, or at any time prior thereto, at his request, be restored to the rank he held in the classified service in such division at the time of his appointment as such chief *or deputy chief*, without being required to take any examination, subject, however, to the provisions of § 63 of this Charter.

§ 114. Officers exempted from classified service.

Officers who are elected by the people or who are elected or confirmed by the council, pursuant to this charter, members of the school board, the teachers in the public schools and all other persons employed by said school board, heads of the administrative departments of the city, *the deputy chief of police*, assistant city managers, employees who report directly to and whose positions require the personal trust and confidence of the city manager, employees, regardless of their positions, hired and permanently assigned to work for and under the supervision of the constitutional officers of the city or of the circuit court judges of the city, assistant heads of administrative departments ~~except for the departments of fire and police~~, and heads or chiefs of bureaus and divisions within said departments, *but not including such positions within the departments of fire and police other than that of the deputy chief of police*, members of the law department and civil service examiners, shall not be included in such classified service; provided, however, that the council may by ordinance provide that the health officer of said city and such of his trained medical assistants as may be required to give full time to the duties of their positions shall be included in the classified service.

CHAPTER 684

An Act to amend and reenact § 54.1-601 of the Code of Virginia, relating to auctioneers; exemption from licensure.

[S 202]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-601 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-601. Exemptions.

The provisions of this chapter and the terms "Virginia licensed auctioneer," "auctioneer" or "auction firm," as defined in § 54.1-600, shall not apply to:

1. Any person who auctions his own property, whether owned or leased, provided his regular business is not as an auctioneer;
2. Any person who is acting as a receiver, trustee in bankruptcy, guardian, conservator, administrator, or executor, or any person acting under order of a court;
3. A trustee acting under a trust agreement, deed of trust, or will;
4. An attorney-at-law licensed to practice in the Commonwealth of Virginia acting pursuant to a power of attorney;
5. Sales at auction conducted by or under the direction of any public authority, or pursuant to any judicial order or decree;

6. Sale of livestock at a public livestock market authorized by the Commissioner of Agriculture and Consumer Services;

7. Leaf tobacco sales conducted in accordance with the provisions of § 3.1-336;

8. Sale at auction of automobiles conducted under the provisions of § 46.2-644.03 or by a motor vehicle dealer licensed under the provisions of Chapter 15 (§ 46.2-1500 et seq.) of Title 46.2;

9. Sale at auction of a particular brand of livestock conducted by an auctioneer of a livestock trade association;

10. Sales conducted by and on behalf of any charitable, religious, civic club, fraternal, or political organization if the person conducting the sale receives no compensation, either directly or indirectly, therefor and has no ownership interest in the merchandise being sold or financial interest in the entity providing such merchandise;

11. Sales, not exceeding one sale per year, conducted by or on behalf of (i) a civic club or (ii) a charitable organization granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code; or

12. Sales of collateral, sales conducted to enforce carriers' or warehousemen's liens, bulk sales, sales of goods by a presenting bank following dishonor of a documentary draft, resales of rightfully rejected goods, resales of goods by an aggrieved seller, or other resales conducted pursuant to Titles 8.1A through 8.10 and Chapter 23 (§ 55-416 et seq.) of Title 55.

CHAPTER 685

An Act to amend and reenact §§ 46.2-324.1, 46.2-325, 46.2-334, and 46.2-1702 of the Code of Virginia, relating to driver training and road tests for persons age 19 or older.

[S 205]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-324.1, 46.2-325, 46.2-334, and 46.2-1702 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-324.1. Requirements for initial licensure of certain applicants.

A. No driver's license shall be issued to any applicant unless he either (i) provides written evidence of having satisfactorily completed a course of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or Department of Education or (ii) has held a learner's permit issued by the Department for at least 60 days prior to his first behind-the-wheel examination by the Department when applying for a noncommercial driver's license.

The provisions of this section shall only apply to persons who are at least 19 years old and who either (a) have never held a driver's license issued by Virginia or any other state or territory of the United States or foreign country or (b) have never been licensed or held the license endorsement or classification required to operate the type of vehicle which they now propose to operate. *Completion of a course of driver instruction approved by the Department or the Department of Education at a driver training school may include the final behind-the-wheel examination for a driver's license; however, a driver training school shall not administer the behind-the-wheel examination to any applicant who is under medical control pursuant to § 46.2-322. Applicants completing a course of driver instruction approved by the Department or the Department of Education at a driver training school retain the option of having the behind-the-wheel examination administered by the Department.*

B. No commercial driver's license shall be issued to any applicant unless he is 18 years old or older and has complied with the requirements of § 46.2-341.9. Applicants for a commercial driver's license who have never before held a commercial driver's license shall apply for a commercial driver's instruction permit and either (i) provide written evidence of having satisfactorily completed a course of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or Department of Education and hold the commercial driver's instruction permit for a minimum of 14 days prior to taking the behind-the-wheel examination for the commercial driver's license or (ii) hold the commercial driver's instruction permit for a minimum of 30 days before taking the behind-the-wheel examination for the commercial driver's license.

Holders of a commercial driver's license who have never held the license endorsement or classification required to operate the type of commercial motor vehicle which they now propose to operate must apply for a commercial driver's instruction permit if the upgrade requires a skills test and hold the permit for a minimum of 14 days prior to taking the behind-the-wheel examination for the commercial driver's license.

C. Nothing in this section shall be construed to prohibit the Department from requiring any person to complete the skills examination as prescribed in § 46.2-325 and the written or automated examinations as prescribed in § 46.2-335.

§ 46.2-325. Examination of applicants; waiver of Department's examination under certain circumstances; behind-the-wheel and knowledge examinations.

A. The Department shall examine every applicant for a driver's license before issuing any license to determine (i) his physical and mental qualifications and his ability to drive a motor vehicle without jeopardizing the safety of persons or property and (ii) if any facts exist which would bar the issuance of a license under §§ 46.2-311 through 46.2-316, 46.2-334, or 46.2-335. The examination, however, shall not include investigation of any facts other than those directly pertaining to the ability of the applicant to drive a motor vehicle with safety, or other than those facts declared to be prerequisite to the

issuance of a license under this chapter. No applicant otherwise competent shall be required to demonstrate ability to park any motor vehicle except in an adequate parking space between horizontal markers, and not between flags or sticks simulating parked vehicles. Except as provided for in § 46.2-337, applicants for licensure to drive motor vehicles of the classifications referred to in § 46.2-328 shall submit to examinations which relate to the operation of those vehicles. The motor vehicle to be used by the applicant for the behind-the-wheel examination shall meet the safety and equipment requirements specified in Chapter 10 (§ 46.2-1000 et seq.) and possess a valid inspection sticker as required pursuant to § 46.2-1157.

Prior to taking the examination, the applicant shall either (a) present evidence that the applicant has completed a state-approved driver education class pursuant to the provisions of § 46.2-324.1 or 46.2-334 or (b) submit to the examiner a behind-the-wheel maneuvers checklist, on a form provided by the Department, that describes the vehicle maneuvers the applicant may be expected to perform while taking the behind-the-wheel examination, that has been signed by a licensed driver, certifying that the applicant has practiced the driving maneuvers contained and described therein, and that has been signed by the applicant certifying that, at all times while holding a learner's permit, the applicant has complied with the provisions of § 46.2-335 while operating a motor vehicle.

Except for applicants subject to § 46.2-312, if the Commissioner is satisfied that an applicant has demonstrated the same proficiency as required by the Department's examination through successful completion of either (1) the driver education course approved by the Department of Education or (2) a driver training course offered by a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.), he may waive those parts of the Department's examination provided for in this section that require the applicant to drive and park a motor vehicle.

B. Any person who fails the behind-the-wheel examination for a driver's license administered by the Department shall wait two days before being permitted to take another such examination. No person who fails the behind-the-wheel examination for a driver's license administered by the Department three times shall be permitted to take such examination a fourth time until he successfully completes, subsequent to the third examination failure, the in-vehicle component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or the Department of Education. In addition, no person who fails the driver knowledge examination for a driver's license administered by the Department three times shall be permitted to take such examination a fourth time until he successfully completes, subsequent to the third examination failure, the classroom component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or, for persons at least 19 years old, a course of instruction based on the Virginia Driver's Manual offered by a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) and approved by the Department or the Department of Education. *All persons required to attend a driver training school pursuant to this section shall be required after successful completion of the necessary courses to have the applicable examination administered by the Department.*

The provisions of this subsection shall not apply to persons placed under medical control by the Department pursuant to § 46.2-322.

§ 46.2-334. Conditions and requirements for licensure of persons under 18; requests for cancellation of minor's driver's license; temporary driver's licenses; Board of Education approved programs; home-schooled students; fee.

A. Minors at least 16 years and three months old may be issued driver's licenses under the following conditions:

1. The minor shall submit a proper application and satisfactory evidence that he (i) is a resident of the Commonwealth; (ii) has successfully completed a driver education course approved by either the State Department of Education or, in the case of a course offered by a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) of this title, by the Department of Motor Vehicles; and (iii) is mentally, physically, and otherwise qualified to drive a motor vehicle safely.

2. The minor's application for a driver's license must be signed by a parent of the applicant, otherwise by the guardian having custody of him. However, in the event a minor has no parent or guardian, then a driver's license shall not be issued to him unless his application is signed by the judge of the juvenile and domestic relations district court of the city or county in which he resides. If the minor making the application is married or otherwise emancipated, in lieu of any parent's, guardian's or judge's signature, the minor may present proper evidence of the solemnization of the marriage or the order of emancipation.

3. The minor shall be required to state in his application whether or not he has been convicted of an offense triable by, or tried in, a juvenile and domestic relations district court or found by such court to be a child in need of supervision, as defined in § 16.1-228. If it appears that the minor has been adjudged not innocent of the offense alleged or has been found to be a child in need of supervision, the Department shall not issue a license without the written approval of the judge of the juvenile and domestic relations district court making an adjudication as to the minor or the like approval of a similar court of the county or city in which the parent or guardian, respectively, of the minor resides.

4. The application for a permanent driver's license by a minor of the age of persons required to attend school pursuant to § 22.1-254 shall be accompanied by evidence of compliance with the compulsory school attendance law set forth in Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1. This evidence shall be provided in writing by the minor's parent. If the minor is unable to provide such evidence, he shall not be granted a driver's license until he reaches the age of 18 or presents proper evidence of the solemnization of his marriage or an order of emancipation, or the parent, as defined in § 22.1-1, or other person standing in loco parentis has provided written authorization for the minor to obtain a driver's license.

A minor may, however, present a high school diploma or its equivalent or a certificate indicating completion of a prescribed course of study as defined by the local school board pursuant to § 22.1-253.13:4 as evidence of compulsory school attendance compliance.

5. The minor applicant shall certify in writing, on a form prescribed by the Commissioner, that he is a resident of the Commonwealth. The applicant's parent or guardian shall also certify that the applicant is a resident by signing the certification. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to provide the parent's certification of residence.

B. Any custodial parent or guardian of an unmarried or unemancipated minor may, after the issuance of a permanent driver's license to such minor, file with the Department a written request that the license of the minor be canceled. When such request is filed, the Department shall cancel the license of the minor and the license shall not thereafter be reissued by the Department until a period of six months has elapsed from the date of cancellation or the minor reaches his eighteenth birthday, whichever shall occur sooner. Notwithstanding the foregoing provisions of this subsection, in the case of a minor whose parents have been awarded joint legal custody, a request that the license of the minor be cancelled must be signed by both legal custodians. In the event one parent is not reasonably available or the parents do not agree, one parent may petition the juvenile and domestic relations district court to make a determination that the license of the minor be cancelled.

C. The provisions of subsection A of this section requiring that an application for a driver's license be signed by the parent or guardian shall be waived by the Commissioner if the application is accompanied by proper evidence of the solemnization of the minor's marriage or a certified copy of a court order, issued under the provisions of Article 15 (§ 16.1-331 et seq.) of Chapter 11 of Title 16.1, declaring the applicant to be an emancipated minor.

D. A learner's permit accompanied by documentation verifying the minor's successful completion of an approved driver education course, signed by the minor's parent, guardian, legal custodian or other person standing in loco parentis, shall constitute a temporary driver's license for purposes of driving unaccompanied by a licensed driver as required in § 46.2-335, if all other requirements of this chapter have been met. The temporary license shall only be valid until the permanent license is presented as provided in § 46.2-336.

E. Notwithstanding the provisions of subsection A of this section requiring the successful completion of a driver education course approved by the State Department of Education, the Commissioner, on application therefor by a person at least 16 years and three months old but less than 18 years old, shall issue to the applicant a temporary driver's license valid for six months if he (i) certifies by signing, together with his parent or guardian, on a form prescribed by the Commissioner that he is a resident of the Commonwealth; (ii) is the holder of a valid driver's license from another state; and (iii) has not been found guilty of or otherwise responsible for an offense involving the operation of a motor vehicle. No temporary license issued under this subsection shall be renewed, nor shall any second or subsequent temporary license under this subsection be issued to the same applicant. Any such minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to obtain the signature of his parent or guardian for the temporary driver's license.

F. For persons qualifying for a driver's license through driver education courses approved by the Department of Education or courses offered by driver training schools licensed by the Department, the application for the learner's permit shall be used as the application for the driver's license pursuant to § 46.2-335.

G. Driver's licenses shall be issued by the Department to ~~minors~~ *students* successfully completing driver education courses approved by the Department of Education (i) when the Department receives from the school proper certification that the student (a) has successfully completed such course, including a road skills examination and (b) is regularly attending school and is in good academic standing or, if not in such standing or submitting evidence thereof, whose parent or guardian, having custody of such minor, provides written authorization for the minor to obtain a driver's license, which written authorization shall be obtained on forms provided by the Department and indicating the Commonwealth's interest in the good academic standing and regular school attendance of such minors; and (ii) upon payment of a fee of \$2.40 per year, based on the period of the license's validity. For applicants attending public schools, good academic standing may be certified by the public school principal or any of his designees. For applicants attending nonpublic schools, such certification shall be made by the private school principal or any of his designees; for ~~minors~~ *students* receiving home schooling, such certification shall be made by the home schooling parent or tutor. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to provide the certification of good academic standing or any written authorization from his parent or guardian to obtain a driver's license.

H. For those home schooled students completing driver education courses approved by the Board of Education and instructed by his own parent or guardian, no driver's license shall be issued until the student has successfully completed the driver's license examination administered by the Department. Furthermore, the Commissioner shall not issue a driver's license for those home schooled students completing driver education courses approved by the Board of Education and instructed by his own parent or guardian if it is determined by the Commissioner that, at the time of such instruction, such parent or guardian had accumulated six or more driver demerit points in the most recently preceding 12 months, had been convicted within the most recent 11 preceding years of driving while intoxicated in violation of § 18.2-266 or a substantially similar law in another state, or had ever been convicted of voluntary or involuntary manslaughter in violation of § 18.2-35 or § 18.2-36 or a substantially similar law in another state.

§ 46.2-1702. Certification of driver education courses by Commissioner.

The Commissioner shall have the authority to approve as a driver education course satisfying the requirements of § 46.2-334 any course which is offered by any driver training school licensed under the provisions of this chapter if he finds that the course is of comparable content and quality to that offered in the Commonwealth's public schools. In making such finding, the Commissioner shall not require that the instructors of any driver training school meet the certification requirements of teachers in the Commonwealth's public schools.

The Commissioner shall have authority to approve any driver education course offered by any Class A licensee if he finds the course meets the requirements for such courses as set forth in this chapter and as otherwise established by the Department. *Class A licensees shall not be permitted to administer knowledge or behind-the-wheel examinations.* Driver education courses offered by any Class B licensee shall be based on the driver education curriculum currently approved by the Department of Education and the Department.

The Commissioner may accept 20 years' service with the Virginia Department of State Police by a person who retired or resigned while in good standing from such Department in lieu of requirements established by the Department of Education for instructor qualification.

CHAPTER 686

An Act to amend and reenact § 19.2-386.23 of the Code of Virginia, relating to reporting the disposal of seized controlled substances, marijuana, etc., and paraphernalia.

[S 211]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-386.23 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-386.23. Disposal of seized controlled substances, marijuana, synthetic cannabinoids, and paraphernalia.

A. All controlled substances, imitation controlled substances, marijuana, synthetic cannabinoids as defined in § 18.2-248.1:1, or paraphernalia, the lawful possession of which is not established or the title to which cannot be ascertained, which have come into the custody of a peace officer or have been seized in connection with violations of Chapter 7 (§ 18.2-247 et seq.) of Title 18.2, shall be forfeited and disposed of as follows:

1. Upon written application by the Department of Forensic Science the court may order the forfeiture of any such substance or paraphernalia to the Department for research and training purposes and for destruction pursuant to regulations of the United States Department of Justice Drug Enforcement Administration and of the Board of Pharmacy once these purposes have been fulfilled.

2. In the event no application is made under subdivision 1 of this subsection, the court shall order the destruction of all such substances or paraphernalia, which order shall state the existence and nature of the substance or paraphernalia, the quantity thereof, the location where seized, the person or persons from whom the substance or paraphernalia was seized, if known, and the manner whereby such item shall be destroyed. However, the court may order that paraphernalia identified in subdivision 5 of § 18.2-265.1 not be destroyed and that it be given to a person or entity that makes a showing to the court of sufficient need for the property and an ability to put the property to a lawful and publicly beneficial use. A return under oath, reporting the time, place and manner of destruction shall be made to the court ~~and to the Board of Pharmacy~~ by the officer to whom the order is directed. A copy of the order and affidavit shall be made a part of the record of any criminal prosecution in which the substance or paraphernalia was used as evidence and shall, thereafter, be prima facie evidence of its contents. In the event a law-enforcement agency recovers, seizes, finds, is given or otherwise comes into possession of any such substances or paraphernalia that are not evidence in a trial in the Commonwealth, the chief law-enforcement officer of the agency or his designee may, with the written consent of the appropriate attorney for the Commonwealth, order destruction of same; provided that, a statement under oath, reporting a description of the substances and paraphernalia destroyed, and the time, place and manner of destruction is made to the chief law-enforcement officer ~~and to the Board of Pharmacy~~ by the officer to whom the order is directed.

B. No such substance or paraphernalia used or to be used in a criminal prosecution under Chapter 7 (§ 18.2-247 et seq.) of Title 18.2 shall be disposed of as provided by this section until all rights of appeal have been exhausted, except as provided in § 19.2-386.24.

CHAPTER 687

An Act to amend and reenact § 23-38.76 of the Code of Virginia, relating to the Virginia College Savings Plan; incorporated government agency.

[S 215]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 23-38.76 of the Code of Virginia is amended and reenacted as follows:

§ 23-38.76. Virginia College Savings Plan established; governing board; terms.

A. To enhance the accessibility and affordability of higher education for all citizens of the Commonwealth, there is hereby established as *a body politic and corporate and* an independent agency of the Commonwealth, the Virginia College Savings Plan (the Plan). Moneys of the Plan shall be held in the state treasury in a special nonreverting fund (the Fund), which shall consist of payments received pursuant to prepaid tuition contracts or contributions to savings trust accounts made pursuant to this chapter, bequests, endowments or grants from the United States government, its agencies and instrumentalities, and any other available sources of funds, public or private. Any moneys remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest and income earned from the investment of such funds shall remain in the Fund and be credited to it.

B. The Plan shall be administered by an 11-member Board, as follows: the Director of the State Council of Higher Education for Virginia or his designee; the Chancellor of the Virginia Community College System or his designee; the State Treasurer or his designee; the State Comptroller or his designee; and seven nonlegislative citizen members, four to be appointed by the Governor, one to be appointed by the Senate Committee on Rules and two to be appointed by the Speaker of the House of Delegates, with significant experience in finance, accounting, law, or investment management.

Appointments shall be for terms of four years, except that appointments to fill vacancies shall be for the unexpired terms. No person shall be appointed to serve for or during more than two successive four-year terms, but after the expiration of a term of three years or less, or after the expiration of the remainder of a term to which appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto. Ex officio members of the Board shall serve terms coincident with their terms of office.

C. Members of the Board shall receive no compensation but shall be reimbursed for actual expenses incurred in the performance of their duties. The Board shall elect from its membership a chairman and a vice-chairman annually. A majority of the members of the Board shall constitute a quorum.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 688

An Act to amend and reenact § 8.01-28 of the Code of Virginia, relating to judgment on affidavit in action upon contract or note; grounds for dismissal.

[S 230]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-28 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-28. When judgment to be given in action upon contract or note unless defendant appears and denies claim under oath.

In any action at law on a note or contract, express or implied, for the payment of money, or unlawful detainer pursuant to § 55-225 or § 55-248.31 for the payment of money or possession of the premises, or both, if (i) the plaintiff files with his motion for judgment or civil warrant an affidavit made by himself or his agent, stating therein to the best of the affiant's belief the amount of the plaintiff's claim, that such amount is justly due, and the time from which plaintiff claims interest, and (ii) a copy of the affidavit together with a copy of any account filed with the motion for judgment or warrant and, in actions pursuant to § 55-225 or § 55-248.31, proof of required notices is served on the defendant as provided in § 8.01-296 at the time a copy of the motion for judgment or warrant is so served, the plaintiff shall be entitled to a judgment on the affidavit and statement of account without further evidence unless the defendant either appears and pleads under oath or files with the court before the return date an affidavit or responsive pleading denying that the plaintiff is entitled to recover from the defendant on the claim. A denial by the defendant in general district court need not be in writing. The plaintiff or defendant shall, on motion, be granted a continuance whenever the defendant appears and pleads. If the defendant's pleading or affidavit admits that the plaintiff is entitled to recover from the defendant a sum certain less than that stated in the affidavit filed by the plaintiff, judgment may be taken by the plaintiff for the sum so admitted to be due, and the case will be tried as to the residue.

In the event of a defect in the affidavit, the plaintiff shall be entitled to a continuance.

CHAPTER 689

An Act to amend and reenact § 2.3, §§ 2.4, 2.6, 2.7, and 3.1, as amended, §§ 3.2 and 3.3, § 3.4, as amended, § 3.7, §§ 3.8, 4.1, and 4.2, as amended, § 4.3, §§ 5.2, 5.3, 5.5, and 5.6, as amended, § 5.8, §§ 6.3, 7.2, 9.2, and 9.3, as amended, §§ 10.1 and 12.1, § 12.2, as amended, and §§ 12.4, 12.5, and 12.6 of Chapter 319 of the Acts of Assembly of 1966, which provided a charter for the City of Fairfax; to amend Chapter 319 of the Acts of Assembly of 1966 by adding sections numbered 10.4:1 and 10.5:1; and to repeal § 9.1 of Chapter 319 of the Acts of Assembly of 1966, relating to the mayor, city council, city powers, the fire department, and the school board.

[S 238]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.3, §§ 2.4, 2.6, 2.7, and 3.1, as amended, §§ 3.2 and 3.3, § 3.4, as amended, § 3.7, §§ 3.8, 4.1, and 4.2, as amended, § 4.3, §§ 5.2, 5.3, 5.5, and 5.6, as amended, § 5.8, §§ 6.3, 7.2, 9.2, and 9.3, as amended, §§ 10.1 and 12.1, § 12.2, as amended, and §§ 12.4, 12.5, and 12.6 of Chapter 319 of the Acts of Assembly of 1966 are amended and reenacted and that Chapter 319 of the Acts of Assembly of 1966 is amended by adding sections numbered 10.4:1 and 10.5:1 as follows:

§ 2.3. The powers set forth in ~~§ 15.1-837 through 15.1-907 of Chapter 18 of Title 15.1 of the Code of Virginia (1950), as amended, as in force January 1, 1966, Article 1 (§ 15.2-1100 et seq.) of Chapter 11 of Title 15.2 of the Code of Virginia,~~ and any acts amendatory thereof or supplementary thereto are hereby conferred on and vested in the City of Fairfax.

§ 2.4. Property assessments.

(a) The City Council shall provide for the annual assessment and reassessment of real estate for taxation.

(b) All real estate shall be assessed at its fair market value and the taxes for each year on such real estate shall be extended on the basis of the last assessment made prior to such year, subject to such changes as may have been lawfully made.

(c) The Assessor shall prepare the land books and extend the taxes thereon and perform all the duties required by law to be performed in respect to real estate assessments. The Clerk of the Circuit Court of Fairfax County, Fairfax, Virginia, shall furnish to the Assessor the list of real estate transfers within the City of Fairfax.

(d) Notwithstanding the provisions of § 58.1-3370 of the Code of Virginia, the Circuit Court of Fairfax County, Virginia, or the judge thereof in vacation, shall appoint for the City a Board of Equalization of Real Estate Assessments, to be composed of three members, who shall be freeholders of the City, and who shall be selected by the court or judge from the citizens of the City. Initially one member shall be appointed for a term of three years, one for a term of two years and one for a term of one year. Each succeeding year thereafter one member shall be appointed for a term of three years. All terms shall run from the first day of December in the year of appointment until the thirtieth day of November in the year of expiration, the terms of the members first appointed shall begin on the day of appointment. Members shall hold over until a successor is appointed and qualifies. Such court or judge thereof in vacation may reappoint any member upon the expiration of his term and shall fill any vacancy upon the Board for the unexpired term. The members of the Board shall receive per diem compensation for the time actually engaged in the duties of the Board, to be fixed by the Council, and paid out of the Treasury of the City; provided, however, the Council, may limit the per diem compensation to such number of days as in its opinion is sufficient for the completion of the work of the Board. Such Board of Equalization shall have and may exercise the power to revise, correct and amend any assessment of real estate made by the Assessor in the calendar year in which they serve and to that end shall have all the powers conferred upon Boards of Equalization by Article 14 of Chapter 32 of Title 58.1 of the Code of Virginia, and any acts amendatory thereof and supplemental thereto. Notwithstanding such Chapter, however, the Board of Equalization may adopt any regulations providing for the oral presentation, without formal petitions or other pleading or requests for review, and looking to the further facilitation and simplification of proceedings before the Board.

(e) The City of Fairfax and any person aggrieved by any correction or assessment made by the Assessor or the Board of Equalization may apply for relief in the manner provided by §§ 58.1-3382, 58.1-3982 and 58.1-3984 of the Code of Virginia and any acts amendatory thereof and supplemental thereto.

(f) This section shall not apply to any real estate assessable under law by the State Corporation Commission.

(g) All provisions of law relating to the assessment of real estate in cities not in conflict with the provisions of this section shall apply to the assessment made pursuant thereto.

§ 2.6. Contractual relationships.

The City of Fairfax may enter into contractual relationships with the Commonwealth and/or its departments, bureaus, boards and agencies, with other political subdivisions, with authorities, including regional authorities, and with private agencies on such terms and for such periods as the Council may determine to be in the public interest in order to promote the education, health, safety, and general welfare of its residents. Such contracts may include, but shall not be limited to, schools, libraries, sewage collection and disposal, water supply, police and fire protection, mass or rapid transit, parks, playgrounds and open spaces.

§ 2.7. Eminent domain.

The powers of eminent domain set forth in Title 15.2, ~~Title 25,~~ Chapter ~~4-1~~ 2 of Title 25.1 and Chapter 1 of Title 33.1; ~~Chapter 1,~~ of the 1950 Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the City of Fairfax.

(a) In any case in which a petition for condemnation is filed by or on behalf of the City, a true copy of a resolution or ordinance duly adopted by the City Council declaring the necessity for any taking or damaging of any property, within or without the City, for the public purposes of the City, shall be filed with the petition and shall constitute sufficient evidence of the necessity of the exercise of the powers of eminent domain by the City. The City may employ the procedures conferred by the foregoing laws, mutatis mutandis, and may, in addition thereto, proceed as hereinafter provided.

(b) Certificates issued pursuant to §§ 33.1-121 to 33.1-129, inclusive, and § 33.1-119, of the Code of Virginia; ~~1950, as amended,~~ and acts amendatory thereof and supplemental thereto, may be issued by the City Council, signed by the Mayor and countersigned by the City Treasurer. Such certificate shall have the same effect as certificates issued by the Commonwealth Transportation Commissioner, under the aforesaid laws, and may be issued in any case in which the City

proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the City; provided, however, that the provisions of § 33.1-119, *of the Code of Virginia, 1950, as amended, and acts amendatory thereof and supplemental thereto*, shall not be used for the acquisition of lands, easements or related interests in property located outside of the City except for the acquisition of said interests necessary for streets, water, sewer or utility pipes or lines or related facilities.

(c) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or cancelled by the Court having jurisdiction of the proceedings, upon petition of the City, at any time after the filing thereof, provided that the Court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive sums theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The Court shall have jurisdiction to require refunding bonds, for good cause shown by the City or any other person or party in interest, prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the City.

§ 3.1. Election of ~~councilmen~~ *Council members* and Mayor.

On the first Tuesday in May, 1972, and in every second year thereafter there shall be held a general city election at which shall be elected by the qualified voters of the City at large six members of the Council and a Mayor for terms of two years. The terms of Council members and Mayor are to begin on the first day of July following their election.

All elections held pursuant to the prior provisions of this section are hereby ratified and confirmed.

§ 3.2. Nomination of candidates.

Candidates for the office of ~~Councilmen~~ *Council member* and Mayor may be nominated under general law. There shall be printed on the ballots used in the election of ~~Councilmen~~ *Council member* the names of all candidates who have been so nominated.

§ 3.3. Conduct of general municipal election.

The ballots used in the election of ~~Councilmen~~ *Council members* and Mayor shall be without any distinguishing mark or symbol. Each qualified voter shall be entitled to cast one vote for each of as many as six Council candidates and no more. In counting the vote, any ballot found to have been voted for more than six Council candidates shall be void as to those votes but no ballot shall be void for having been voted for a less number. The six Council candidates and the candidate for Mayor receiving the highest number of votes cast in such election shall be declared elected. The general laws of the Commonwealth relating to the conduct of elections, so far as pertinent, shall apply to the conduct of the general municipal election.

§ 3.4. Vacancies in office of mayor or ~~councilmember~~ *Council*.

A vacancy in the office of the Mayor or in the Council, from whatever cause arising, shall be filled in accordance with the general laws of the Commonwealth relating to the filling of vacancies in such local offices, so far as pertinent.

§ 3.7. Eligibility of federal employees.

No person, otherwise eligible, shall be disqualified by reason of his accepting or holding an office, post, trust, or emolument under the Government of the United States from serving as Mayor or ~~Councilman~~ *Council member, as an officer or employee of the City, or as a member of any board or commission.*

§ 3.8. Advisory referendum.

The ~~City~~ Council, by majority vote of the entire Council, may submit to the qualified voters of the City for advisory purposes, any question or group of questions relating to the affairs of the City. Any such advisory referendum shall be conducted in the manner provided for bond elections, but the results thereof shall not be binding upon the ~~City~~ Council. There shall be no right of appeal from or recount of the results of an advisory referendum.

§ 4.1. City collector.

The Council may appoint a City Collector for an indefinite term and shall fix his salary, which shall be paid from the City Treasury. All of the duties theretofore performed by the Treasurer of the City of ~~Fairfax~~ in connection with the collection of taxes, special assessments, license fees, and other revenues of the City shall devolve upon the City Collector, when appointed. The City Collector shall be required to take an oath of office and shall furnish a bond with corporate surety in the manner and amount required by City ordinance. The City Collector shall have the following powers and shall be charged with the following duties and functions:

(a) The collection of all taxes, special assessments, license fees and other revenues of the City or for the collection of which the City is responsible.

(b) To transfer to and place in the custody of the City Treasurer all public funds belonging to or under the control of the City and to receive and maintain complete and accurate receipts and records thereof.

(c) The City Collector shall have any and all powers which are now or may hereafter be vested in any officer of the Commonwealth charged with the collection of State taxes in order to collect all City taxes, special assessments, license fees and other revenues of the City and may collect the same in the same manner by which State taxes are collected by an officer of the Commonwealth.

(d) The City Collector shall have power to use all legal means of collecting all delinquent City taxes, levies, special assessments, license fees, charges and other revenues of the City. The City Collector shall have the power to conduct public sales of real estate upon which delinquent taxes, levies or charges assessed thereon have not been paid for three consecutive years and may institute suits in equity to enforce any lien in favor of the City against any property within the City to which such lien may lawfully attach. The Council may determine by ordinance the procedure for the conduct of such sales not inconsistent with general law and the City Collector shall comply therewith.

§ 4.2. Department heads.

All department heads shall be chosen on the basis of their executive, technical, and administrative qualifications, with special reference to their actual experience in or knowledge of accepted practices with respect to the duties of the offices for which they are appointed. All department heads will be appointed and removed by the City Manager after he has received the concurrence of the City Council. At the time of the appointment said officials need not be residents of the City or the Commonwealth, but the Council, where deemed necessary, may require any City official during his tenure to reside within the City.

§ 4.3. Assistant registrars.

Whenever, in the judgment of the City Council, the Office of the Registrar shall require additional personnel the City Council may appoint such assistant registrars as may be required for the proper and efficient conduct of that office. The term and compensation for such appointments shall be determined by the City Council and paid from the City Treasury.

§ 5.2. Powers.

All Powers vested in the City shall be exercised by the Council except as otherwise provided in this Charter. In addition to the foregoing, the Council shall have the following powers:

(a) To provide for the organization, conduct and operation of all departments, bureaus, divisions, boards, commissions, offices and agencies of the City.

(b) To create, alter or abolish departments, bureaus, divisions, boards, commissions and offices.

(c) To designate the time and place for all Council meetings; provided, that special meetings of the Council may be called at the request of the Mayor or of not less than three members thereof.

(d) To provide for the number, titles, qualifications, power, duties and compensation of all officers and employees of the City, and to supplement the salary of any elected official and his deputies and employees other than the Mayor and Councilmen ~~Council members~~, provided that any such supplement shall not exceed the maximum permitted by general law.

(e) To provide for compensation of the Mayor in accordance with § 15.2-1414.6 of the Code of Virginia.

(f) To provide for compensation of members of boards or commissions in an amount not to exceed \$50 per meeting.

§ 5.3. Mayor.

The Mayor shall preside over the meetings of the Council and shall have the same right to speak. The Mayor shall have the power of veto which veto may be overridden by the City Council as provided herein. He shall not have the right to vote except in case of a tie *and, in the event of a tie, only when not expressly prohibited under the Constitution or general laws of the Commonwealth of Virginia*. He shall be recognized as the head of the City government for all ceremonial purposes, the purposes of military law and the service of civil process, *and he shall be the principal representative of the City in interjurisdictional matters*. In the absence or disability of the Mayor, the Mayor may designate a member of the Council to *serve as Acting Mayor and perform the duties of Mayor* and if he fails to do so the Council shall, by majority vote of those present, choose one of their number to *serve as Acting Mayor and perform the duties of Mayor*.

Each ordinance and resolution having the effect of an ordinance, before it becomes operative, shall be transmitted to the Mayor for his signature. The Mayor shall have five days, Sundays excepted, to sign it or veto it in writing. If the Mayor fails to sign it or veto it in writing within such five days, such ordinance or resolution shall become operative as if he had signed it, unless his term of office or that of the City Council shall expire within such five days. If the Mayor vetoes such ordinance or resolution in writing, such written veto shall be returned to the Clerk to be entered on the City Council's record and the City Council shall reconsider the same at the next regular meeting. Upon such reconsideration, if such ordinance or resolution is approved by two-thirds of all members of the City Council, it shall become operative, notwithstanding the veto of the Mayor. The votes of the City Council shall be determined by yeas and nays and the names of the members voting for and against such ordinance or resolution shall be entered on the record.

§ 5.5. Induction of members.

The City Clerk shall administer the oath of office to the duly elected members of the Council and to the Mayor on or before June thirtieth immediately following their election. In the absence of the City Clerk the oath may be administered by any judicial officer having jurisdiction in the City. The Council shall be the judge of the election and qualification of its members. The first meeting of a newly elected Council shall take place in the Council chamber in the City Hall on the second Tuesday of July following their election, or at the first scheduled regular or special meeting of the City Council in July, whichever occurs first.

§ 5.6. Procedure for passing ordinances.

Except in the case of zoning ordinances, the following procedure shall be followed by the City Council in adopting ordinances of the City:

(a) Any ordinance may be introduced by any member of the Council at any regular meeting of the Council or at any special meeting when the subject thereof has been included in the notice for such special meeting or has been approved by a two-thirds vote of all members of the Council present at such special meeting. Upon introduction, the ordinance shall receive its first reading, verbatim, unless waived by a two-thirds vote of those Council members present, and, provided a majority of members present concur, the Council shall set a place, time and date, not less than three days after such introduction for a public hearing thereon. A copy of the proposed ordinance shall be delivered to the Mayor and each member of City Council and shall be made available to the public prior to its introduction.

(b) The public hearing may be held at a regular or special meeting of the Council and may be continued from time to time. The City Clerk shall publish in a newspaper of general circulation a notice containing the date, time and place of the

hearing and the title or subject matter of the proposed ordinance. On direction of the Council the Clerk shall also publish the full text of the proposed ordinance which shall be available to citizens of the City.

(c) A proposed ordinance, unless it be an emergency ordinance, may be finally passed upon the completion of the public hearing.

(d) Amendments or additions to a proposed ordinance may be made at any time. Publication of an amendment shall not be required except that if said amendments or additions introduce an entirely new subject matter or radically change the overall purpose of the original ordinance, they shall be introduced and treated as a new ordinance. At the second reading only the title of an ordinance need be read, unless amendments or additions have been made subsequent to the introduction, in which case said amendments or additions shall be read in full prior to enactment.

(e) If, in the opinion of Council, an emergency exists, an ordinance pertinent to the emergency may be passed with or without amendment at the same meeting at which it is introduced and no publication, hearing or specific time interval between introduction and passage shall be necessary. An emergency ordinance must contain a specific statement of the emergency upon which it is based, and must be passed by a two-thirds affirmative vote of the members of City Council present.

Every emergency ordinance shall automatically stand repealed as of the 91st day following the day upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner prescribed for ordinances not related to an emergency. An emergency ordinance may also be repealed by adoption of a repealing ordinance. The repeal of an emergency ordinance shall follow the procedure specified for the adoption of an emergency ordinance.

§ 5.8. No member of the Council shall cast any vote without first disclosing what interest, if any, he has in the outcome of the vote being taken. The City Council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected and appointed City officials not inconsistent with the general law.

§ 6.3. Duties.

It shall be the duty of the City Manager to: (a) attend all meetings of the Council with the right to speak but not to vote; (b) keep the Council advised of the financial condition and the future needs of the City, and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable; (c) prepare and submit the annual budget to the Council as provided in chapter 6 of this Charter and be responsible for its administration after its adoption; (d) ~~(Repealed)~~ ~~(e)~~ present adequate financial and activity reports as required by the Council; ~~(f)~~ ~~(e)~~ arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the Council; ~~(g)~~ ~~(f)~~ with the concurrence of the Council to appoint and remove all department heads; ~~(h)~~ ~~(g)~~ supervise and issue orders for the performance of the functions of public safety and civil defense; ~~(i)~~ ~~(h)~~ appoint and, when he deems it necessary for the good of the City, suspend or remove all City employees provided for by or under this Charter, except as otherwise provided by law or this Charter; and may delegate this power to an appointing authority as defined by the City Code; ~~(j)~~ ~~(i)~~ direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law; and ~~(k)~~ ~~(j)~~ perform such other duties as may be prescribed by this Charter or required of him in accordance therewith by the Council or which may be required of the chief executive officer of a city by the general laws of the Commonwealth other than the duties conferred on the Mayor by this Charter.

§ 7.2. Submission of budgets.

On a day to be fixed by the Council, but in no case later than the first day of March in each year the City Manager shall submit to the Council and make available to the public a budget that presents a comprehensive financial plan for all City departments and for all City funds and activities for the next fiscal year. Such a plan shall contain, but not be limited to, a budget for the general operation of the City government hereinafter referred to as the general fund budget, including the total budget for the support of the public schools as filed by the School Board; a budget for the debt service of the City and reserve requirements therefor; a budget for proposed capital expenditures; a budget for all City enterprise activities; and a budget message by the City Manager presenting a concise and comprehensive view of City activities as proposed in the next fiscal year and the budget message of the School Board. A ~~resume~~ *summary* of the budget shall be published in a newspaper having general circulation in the City of Fairfax *and/or other media as permitted or prescribed by the Code of Virginia* at least fifteen days prior to the public hearing at which the budget is adopted.

Chapter 9.

~~Department of Law~~ City Attorney.

§ 9.2. ~~Qualifications and appointment~~ *Appointment and qualifications.*

~~The head of the Department of Law shall be the~~ *There shall be a* City Attorney. ~~He~~ *who* shall be an attorney at law licensed to practice under the laws of the Commonwealth and ~~he~~ need not be a resident of the City of Fairfax. He shall be appointed by the Council to serve at the pleasure of the Council.

§ 9.3. ~~City attorney; powers~~ *Powers and duties.*

The City Attorney shall be the legal advisor of (1) the *Mayor and* Council, (2) the City Manager, and (3) of all departments, boards, commissions and agencies of the City, in all matters affecting the interests of the City and shall, (a) upon authorized request, furnish a written opinion on any question of law involving their respective official powers and duties; (b) at the request of the City Manager or of the Council prepare ordinances for introduction and render his opinion as to the form and legality thereof; (c) draw or approve all bonds, deeds, leases, contracts or other instruments to which the City is a party or in which it has an interest; (d) have the management and control of all the law business of the City and the departments, boards, commissions and agencies thereof, or in which the City has an interest as the Council may from time

to time direct; (e) represent the City as counsel in any civil case in which it is interested and in criminal cases in which the constitutionality or validity of any ordinance is brought in issue; (f) have the power to prosecute in the courts of the Commonwealth of Virginia all violations of law constituting misdemeanors and traffic violations committed within the ~~city~~ City, whether violations of ~~city~~ City ordinances or the laws of the Commonwealth of Virginia; (g) attend in person or assign one of his assistants to attend all regular meetings of the Council and all other meetings of Council unless excused by a majority of the Council; (h) appoint and remove such Assistant City Attorneys and other employees as shall be authorized by the Council; ~~(h)~~ (i) authorize the Assistant City Attorneys or any of them or special counsel appointed by the Council to perform any of the duties imposed upon him in this Charter; and ~~(i)~~ (j) have such other powers and duties as may be assigned to him by ordinance. The School Board shall have authority to employ legal counsel.

§ 10.1. *Public safety functions; contracts for fire protection.*

The functions of public safety shall be performed by the Police Department and such other bureaus, divisions and units as may be provided by ordinance or by orders of the City Manager consistent therewith.

The City of Fairfax may enter into contractual relationships with neighboring political subdivisions for the support and utilization of a joint fire department which shall be responsible for the protection from fire of life and property within the City, and may, at any time, establish a City fire department for such purpose and rescue services inclusive of hazardous materials response, technical rescue, and other ancillary services. These agreements and services shall augment the City Fire Department and provide for the protection of life and property from fire within the City.

§ 10.4:1. *Fire Department.*

The fire department shall consist of the City of Fairfax Fire Department and the Fairfax Volunteer Fire Department operating as one combined department and referred to as "the Fire Department." The Fire Department shall be made up of the Fire Chief and such other officers and employees of such ranks and grades as may be established by Council. The Fire Department shall be responsible for the protection of life and property from fire and injury through public education programs and the enforcement of applicable fire and building codes. Furthermore, the Fire Department shall provide emergency medical services, fire suppression, hazardous materials response, and technical rescue services to the public.

§ 10.5:1. *Fire Chief.*

The head of the Fire Department shall be the Fire Chief. He shall be appointed by the City Manager with the concurrence of Council and shall be under the supervision of the City Manager. The Fire Chief shall have responsibility and authority for all operational and administrative decisions of the Fire Department. The Chief of the Fairfax Volunteer Fire Department shall be known as the Deputy Chief of the Fire Department and shall be elected from and by the membership of the Fairfax Volunteer Fire Department in accordance with its corporate bylaws.

§ 12.1. *School district.*

The City of Fairfax shall constitute a separate school district.

§ 12.2. *School board.*

~~(a)~~ The School Board shall consist of five qualified voters of the City elected by popular vote at large and who, at the time of their election, shall have resided in the City for at least one year prior to their election. ~~(b)~~ The election of members of the School Board shall be held to coincide with the election of the members of the City Council and Mayor. The terms of the members of the School Board shall be the same as the terms of the members of the City Council and Mayor. The School Board shall meet annually in July at which time the board shall fix the time for holding regular meetings for the ensuing year, shall elect one of its members chairman, and, on recommendation of the superintendent, shall elect or appoint a competent person as clerk of the School Board, and shall fix his compensation. In the discretion of the School Board, the superintendent may serve as clerk. The School Board shall conduct such other business, elect such other officers and make such other appointments at the annual meeting as it may, in its discretion, deem appropriate.

§ 12.4. The School Board by and with the consent of the City Council shall have the right to contract with the school board of nearby political subdivisions of the Commonwealth to provide for the education of City children on a tuition basis upon such terms and conditions as the respective school boards may agree, provided the same do not conflict with the Constitution of Virginia.

§ 12.5. All recreation facilities and grounds located on property owned by the School Board shall be under the exclusive control and supervision of the School Board, except as provided by any contractual relationship entered into by the School Board or as otherwise required by applicable law. The title to property and buildings devoted to public school purposes shall be in the School Board.

§ 12.6. The School Board may borrow subject to the approval of the City Council from the Literary Fund of Virginia or from such other sources as may be available to it by general law.

2. That § 9.1 of Chapter 319 of the Acts of Assembly of 1966 is repealed.

CHAPTER 690

An Act to authorize the issuance of special license plates for supporters of pollinator conservation bearing the legend: PROTECT POLLINATORS.

Be it enacted by the General Assembly of Virginia:

1. § 1. *Special license plates for supporters of pollinator conservation bearing the legend: PROTECT POLLINATORS.*
On receipt of an application and following the provisions of § 46.2-725 of the Code of Virginia, the Commissioner of the Department of Motor Vehicles shall issue to the applicant special license plates for supporters of pollinator conservation bearing the legend: PROTECT POLLINATORS.

CHAPTER 691

An Act to amend and reenact §§ 16.1-340, 16.1-340.1, 16.1-345.4, 19.2-169.6, 19.2-182.9, 37.2-808, 37.2-809, 37.2-814, and 37.2-817.2 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 16.1-340.1:1, 37.2-308.1, and 37.2-809.1, relating to emergency custody and temporary detention; duration; facility of temporary detention; acute psychiatric bed registry.

[S 260]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-340, 16.1-340.1, 16.1-345.4, 19.2-169.6, 19.2-182.9, 37.2-808, 37.2-809, 37.2-814, and 37.2-817.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 16.1-340.1:1, 37.2-308.1, and 37.2-809.1 as follows:

§ 16.1-340. Emergency custody; issuance and execution of order.

A. Any magistrate shall issue, upon the sworn petition of a minor's treating physician or parent or, if the parent is not available or is unable or unwilling to file a petition, by any responsible adult, including the person having custody over a minor in detention or shelter care pursuant to an order of a juvenile and domestic relations district court, or upon his own motion, an emergency custody order when he has probable cause to believe that (i) because of mental illness, the minor (a) presents a serious danger to himself or others to the extent that severe or irremediable injury is likely to result, as evidenced by recent acts or threats, or (b) is experiencing a serious deterioration of his ability to care for himself in a developmentally age-appropriate manner, as evidenced by delusory thinking or by a significant impairment of functioning in hydration, nutrition, self-protection, or self-control; and (ii) the minor is in need of compulsory treatment for a mental illness and is reasonably likely to benefit from the proposed treatment. Any emergency custody order entered pursuant to this section shall provide for the disclosure of medical records pursuant to subsection B of § 16.1-337. This subsection shall not preclude any other disclosures as required or permitted by law. To the extent possible, the petition shall contain the information required by § 16.1-339.1.

When considering whether there is probable cause to issue an emergency custody order, the magistrate may, in addition to the petition, consider (1) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (2) any past actions of the minor, (3) any past mental health treatment of the minor, (4) any relevant hearsay evidence, (5) any medical records available, (6) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (7) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue an emergency custody order.

B. Any minor for whom an emergency custody order is issued shall be taken into custody and transported to a convenient location to be evaluated to determine whether he meets the criteria for temporary detention pursuant to § 16.1-340.1 and to assess the need for hospitalization or treatment. The evaluation shall be made by a person designated by the community services board serving the area in which the minor is located who is skilled in the diagnosis and treatment of mental illness and who has completed a certification program approved by the Department.

C. The magistrate issuing an emergency custody order shall specify the primary law-enforcement agency and jurisdiction to execute the emergency custody order and provide transportation. However, in cases in which the emergency custody order is based upon a finding that the minor who is the subject of the order has a mental illness and that, as a result of mental illness, the minor is experiencing a serious deterioration of his ability to care for himself in a developmentally age-appropriate manner, as evidenced by delusory thinking or by a significant impairment of functioning in hydration, nutrition, self-protection, or self-control, the magistrate may authorize transportation by an alternative transportation provider, including a parent, family member, or friend of the minor who is the subject of the order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner, upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the minor's treating physician, if any; or other persons who are available and have knowledge of the minor, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified primary law-enforcement agency to execute the order, to take the minor into custody, and to transfer custody of the minor to the alternative transportation provider identified in the order. In such cases, a copy of the emergency custody order shall accompany the minor being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the community services board or its

designee responsible for conducting the evaluation. The community services board or its designee conducting the evaluation shall return a copy of the emergency custody order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

Transportation under this section shall include transportation to a medical facility as may be necessary to obtain emergency medical evaluation or treatment that shall be conducted immediately in accordance with state and federal law. Transportation under this section shall include transportation to a medical facility for a medical evaluation if a physician at the hospital in which the minor subject to the emergency custody order may be detained requires a medical evaluation prior to admission.

D. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall order the primary law-enforcement agency from the jurisdiction served by the community services board that designated the person to perform the evaluation required in subsection B to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. If the community services board serves more than one jurisdiction, the magistrate shall designate the primary law-enforcement agency from the particular jurisdiction within the community services board's service area where the minor who is the subject of the emergency custody order was taken into custody or, if the minor has not yet been taken into custody, the primary law-enforcement agency from the jurisdiction where the minor is presently located to execute the order and provide transportation.

E. The law-enforcement agency or alternative transportation provider providing transportation pursuant to this section may transfer custody of the minor to the facility or location to which the minor is transported for the evaluation required in subsection B, G, or H if the facility or location (i) is licensed to provide the level of security necessary to protect both the minor and others from harm, (ii) is actually capable of providing the level of security necessary to protect the minor and others from harm, and (iii) in cases in which transportation is provided by a law-enforcement agency, has entered into an agreement or memorandum of understanding with the law-enforcement agency setting forth the terms and conditions under which it will accept a transfer of custody, provided, however, that the facility or location may not require the law-enforcement agency to pay any fees or costs for the transfer of custody.

F. A law-enforcement officer may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing an emergency custody order pursuant to this section.

G. A law-enforcement officer who, based upon his observation or the reliable reports of others, has probable cause to believe that a minor meets the criteria for emergency custody as stated in this section may take that minor into custody and transport that minor to an appropriate location to assess the need for hospitalization or treatment without prior authorization. A law-enforcement officer who takes a person into custody pursuant to this subsection or subsection H may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of obtaining the assessment. Such evaluation shall be conducted immediately. The period of custody shall not exceed ~~four~~ *eight* hours from the time the law-enforcement officer takes the minor into custody. ~~However, upon a finding by a magistrate that good cause exists to grant an extension, the magistrate shall issue an order extending the period of emergency custody one time for an additional period not to exceed two hours. Good cause for an extension includes the need for additional time to allow (i) the community services board to identify a suitable facility in which the minor can be temporarily detained pursuant to § 16.1-340.1 or (ii) a medical evaluation of the person to be completed if necessary.~~

H. A law-enforcement officer who is transporting a minor who has voluntarily consented to be transported to a facility for the purpose of assessment or evaluation and who is beyond the territorial limits of the county, city, or town in which he serves may take such minor into custody and transport him to an appropriate location to assess the need for hospitalization or treatment without prior authorization when the law-enforcement officer determines (i) that the minor has revoked consent to be transported to a facility for the purpose of assessment or evaluation and (ii) based upon his observations, that probable cause exists to believe that the minor meets the criteria for emergency custody as stated in this section. The period of custody shall not exceed ~~four~~ *eight* hours from the time the law-enforcement officer takes the minor into custody. ~~However, upon a finding by a magistrate that good cause exists to grant an extension, the magistrate shall issue an order extending the period of emergency custody one time for an additional period not to exceed two hours. Good cause for an extension includes the need for additional time to allow (a) the community services board to identify a suitable facility in which the minor can be temporarily detained pursuant to § 16.1-340.1 or (b) a medical evaluation of the person to be completed if necessary.~~

I. *A representative of the primary law-enforcement agency specified to execute an emergency custody order or a representative of the law-enforcement agency employing a law-enforcement officer who takes a person into custody pursuant to subsection G or H shall notify the community services board responsible for conducting the evaluation required in subsection B, G, or H as soon as practicable after execution of the emergency custody order or after the person has been taken into custody pursuant to subsection G or H.*

J. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a minor in his custody as provided in this section.

~~✚~~ K. The minor shall remain in custody until a temporary detention order is issued, until the minor is released, or until the emergency custody order expires. An emergency custody order shall be valid for a period not to exceed ~~four~~ *eight* hours from the time of execution. ~~However, upon a finding by a magistrate that good cause exists to grant an extension, the~~

magistrate shall extend the emergency custody order one time for a second period not to exceed two hours. Good cause for an extension includes the need for additional time to allow (i) the community services board to identify a suitable facility in which the minor can be temporarily detained pursuant to § 16.1-340.1 or (ii) a medical evaluation of the person to be completed if necessary. Any family member, as defined in § 37.2-100, employee or designee of the community services board, treating physician, or law enforcement officer may request the two-hour extension.

~~K. L.~~ If an emergency custody order is not executed within ~~six~~ eight hours of its issuance, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if such office is not open, to any magistrate serving the jurisdiction of the issuing court.

~~E. M.~~ In addition to the eight-hour period of emergency custody set forth in subsection G, H, or K, if the minor is detained in a state facility pursuant to subsection D of § 16.1-340.1, the state facility and an employee or designee of the community services board may, for an additional four hours, continue to attempt to identify an alternative facility that is able and willing to provide temporary detention and appropriate care to the minor.

N. Payments shall be made pursuant to § 37.2-804 to licensed health care providers for medical screening and assessment services provided to minors with mental illnesses while in emergency custody.

§ 16.1-340.1. Involuntary temporary detention; issuance and execution of order.

A. A magistrate shall issue, upon the sworn petition of a minor's treating physician or parent or, if the parent is not available or is unable or unwilling to file a petition, by any responsible adult, including the person having custody over a minor in detention or shelter care pursuant to an order of a juvenile and domestic relations district court, or upon his own motion and only after an evaluation conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 16.1-345.1 by an employee or designee of the local community services board to determine whether the minor meets the criteria for temporary detention, a temporary detention order if it appears from all evidence readily available, including any recommendation from a physician or clinical psychologist treating the person, that (i) because of mental illness, the minor (a) presents a serious danger to himself or others to the extent that severe or irremediable injury is likely to result, as evidenced by recent acts or threats, or (b) is experiencing a serious deterioration of his ability to care for himself in a developmentally age-appropriate manner, as evidenced by delusional thinking or by a significant impairment of functioning in hydration, nutrition, self-protection, or self-control; and (ii) the minor is in need of compulsory treatment for a mental illness and is reasonably likely to benefit from the proposed treatment. The magistrate shall also consider the recommendations of the minor's parents and of any treating or examining physician licensed in Virginia if available either verbally or in writing prior to rendering a decision. To the extent possible, the petition shall contain the information required by § 16.1-339.1. Any temporary detention order entered pursuant to this section shall be effective until such time as the juvenile and domestic relations district court serving the jurisdiction in which the minor is located conducts a hearing pursuant to subsection B of § 16.1-341. Any temporary detention order entered pursuant to this section shall provide for the disclosure of medical records pursuant to subsection B of § 16.1-337. This subsection shall not preclude any other disclosures as required or permitted by law.

B. When considering whether there is probable cause to issue a temporary detention order, the magistrate may, in addition to the petition, consider (i) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (ii) any past actions of the minor, (iii) any past mental health treatment of the minor, (iv) any relevant hearsay evidence, (v) any medical records available, (vi) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (vii) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue a temporary detention order.

C. A magistrate may issue a temporary detention order without an emergency custody order proceeding. A magistrate may issue a temporary detention order without a prior evaluation pursuant to subsection A if (i) the minor has been personally examined within the previous 72 hours by an employee or designee of the local community services board or (ii) there is a significant physical, psychological, or medical risk to the minor or to others associated with conducting such evaluation.

D. An employee or designee of the community services board shall determine the facility of temporary detention *in accordance with the provisions of § 16.1-340.1:1* for all minors detained pursuant to this section. ~~The facility of temporary detention shall be one that has been approved pursuant to regulations of the Board of Behavioral Health and Developmental Services.~~ The facility shall be identified on the preadmission screening report and indicated on the temporary detention order. *Subject to the provisions of § 16.1-340.1:1, if a facility of temporary detention cannot be identified by the time of the expiration of the period of emergency custody pursuant to § 16.1-340, the minor shall be detained in a state facility for the treatment of minors with mental illness and such facility shall be indicated on the temporary detention order.* Except for minors who are detained for a criminal offense by a juvenile and domestic relations district court and who require hospitalization in accordance with this article, the minor shall not be detained in a jail or other place of confinement for persons charged with criminal offenses and shall remain in the custody of law enforcement until the minor is either detained within a secure facility or custody has been accepted by the appropriate personnel designated by the facility identified in the temporary detention order.

E. Any facility caring for a minor placed with it pursuant to a temporary detention order is authorized to provide emergency medical and psychiatric services within its capabilities when the facility determines that the services are in the best interests of the minor within its care. The costs incurred as a result of the hearings and by the facility in providing services during the period of temporary detention shall be paid and recovered pursuant to § 37.2-804. The maximum costs

reimbursable by the Commonwealth pursuant to this section shall be established by the State Board of Medical Assistance Services based on reasonable criteria. The State Board of Medical Assistance Services shall, by regulation, establish a reasonable rate per day of inpatient care for temporary detention.

F. The employee or designee of the local community services board who is conducting the evaluation pursuant to this section shall determine, prior to the issuance of the temporary detention order, the insurance status of the minor. Where coverage by a third party payor exists, the facility seeking reimbursement under this section shall first seek reimbursement from the third party payor. The Commonwealth shall reimburse the facility only for the balance of costs remaining after the allowances covered by the third party payor have been received.

G. The duration of temporary detention shall be sufficient to allow for completion of the examination required by § 16.1-342, preparation of the preadmission screening report required by § 16.1-340.4, and initiation of mental health treatment to stabilize the minor's psychiatric condition to avoid involuntary commitment where possible, but shall not exceed 96 hours prior to a hearing. If the 96-hour period herein specified terminates on a Saturday, Sunday, or legal holiday, the minor may be detained, as herein provided, until the close of business on the next day that is not a Saturday, Sunday, or legal holiday. The minor may be released, pursuant to § 16.1-340.3, before the 96-hour period herein specified has run.

H. If a temporary detention order is not executed within 24 hours of its issuance, or within a shorter period as is specified in the order, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if the office is not open, to any magistrate serving the jurisdiction of the issuing court. Subsequent orders may be issued upon the original petition within 96 hours after the petition is filed. However, a magistrate must again obtain the advice of an employee or designee of the local community services board prior to issuing a subsequent order upon the original petition. Any petition for which no temporary detention order or other process in connection therewith is served on the subject of the petition within 96 hours after the petition is filed shall be void and shall be returned to the office of the clerk of the issuing court.

I. For purposes of this section a healthcare provider or an employee or designee of the local community services board shall not be required to encrypt any email containing information or medical records provided to a magistrate unless there is reason to believe that a third party will attempt to intercept the email.

J. The employee or designee of the local community services board who is conducting the evaluation pursuant to this section shall, if he recommends that the minor should not be subject to a temporary detention order, inform the petitioner and an on-site treating physician of his recommendation.

K. Each community services board shall provide to each juvenile and domestic relations district court and magistrate's office within its service area a list of employees and designees who are available to perform the evaluations required herein.

§ 16.1-340.1:1. Facility of temporary detention.

A. In each case in which an employee or designee of the local community services board is required to make an evaluation of a minor pursuant to subsection B, G, or H of § 16.1-340, an employee or designee of the local community services board shall, upon being notified of the need for such evaluation, contact the state facility for the area in which the community services board is located and notify the state facility that the minor will be transported to the facility upon issuance of a temporary detention order if no other facility of temporary detention can be identified by the time of the expiration of the period of emergency custody pursuant to § 16.1-340. Upon completion of the evaluation, the employee or designee of the local community services board shall convey to the state facility information about the minor necessary to allow the state facility to determine the services the minor will require upon admission.

B. A state facility may, following the notice in accordance with subsection A, conduct a search for an alternative facility that is able and willing to provide temporary detention and appropriate care to the minor, which may include another state facility if the state facility notified in accordance with subsection A is unable to provide temporary detention and appropriate care for the minor. Under no circumstances shall a state facility fail or refuse to admit a minor who meets the criteria for temporary detention pursuant to § 16.1-340.1 unless an alternative facility that is able to provide temporary detention and appropriate care agrees to accept the minor for temporary detention, and the minor shall not during the duration of the temporary detention order be released from the custody of the community services board except for purposes of transporting the minor to the state facility or alternative facility in accordance with the provisions of § 16.1-340.2. If an alternative facility is identified and agrees to accept the minor for temporary detention, the state facility shall notify the community services board, and an employee or designee of the community services board shall designate the alternative facility on the prescreening report.

C. The facility of temporary detention designated in accordance with this section shall be one that has been approved pursuant to regulations of the State Board of Behavioral Health and Developmental Services.

§ 16.1-345.4. Court review of mandatory outpatient treatment plan.

A. The juvenile and domestic relations district court judge shall hold a hearing within 15 days after receiving the motion for review of the mandatory outpatient treatment plan; however, if the fifteenth day is a Saturday, Sunday, or legal holiday, or day on which the court is lawfully closed, the hearing shall be held on the next day that is not a Saturday, Sunday, or legal holiday, or day on which the court is lawfully closed. If the minor is being detained under a temporary detention order, the hearing shall be scheduled within the same time frame provided for a commitment hearing under § 16.1-341. The clerk shall provide notice of the hearing to the minor, his parents, the community services board, all treatment providers listed in the comprehensive mandatory outpatient treatment order, and the original petitioner for the minor's involuntary treatment. If the minor is not represented by counsel, the judge shall appoint an attorney to represent the minor in this

hearing and any subsequent hearings under § 16.1-345.5, giving consideration to appointing the attorney who represented the minor at the proceeding that resulted in the issuance of the mandatory outpatient treatment order. The judge shall also appoint a guardian ad litem for the minor. The community services board shall offer to arrange the minor's transportation to the hearing if the minor is not detained and has no other source of transportation.

B. If requested by the minor's parents, the community services board, a treatment provider listed in the comprehensive mandatory outpatient treatment plan, or the original petitioner for the minor's involuntary treatment, the juvenile and domestic relations district court judge may order an evaluation and appoint a qualified evaluator in accordance with § 16.1-342 who shall personally examine the minor and certify to the court whether or not he has probable cause to believe that the minor meets the criteria for involuntary inpatient treatment or mandatory outpatient treatment as specified in § 16.1-345 and subsection A of § 16.1-345.2. The evaluator's report may be admitted into evidence without the appearance of the evaluator at the hearing if not objected to by the minor or his attorney. If the minor is not detained in an inpatient facility, the community services board shall arrange for the minor to be examined at a convenient location and time. The community services board shall offer to arrange for the minor's transportation to the examination, if the minor has no other source of transportation. If the minor refuses or fails to appear, the community services board shall notify the court, and the court shall issue a mandatory examination order and a civil show cause summons. The return date for the civil show cause summons shall be set on a date prior to the review hearing scheduled pursuant to subsection A, and the examination of the minor shall be conducted immediately after the hearing thereon, but in no event shall the period for the examination exceed ~~four~~ eight hours.

C. If the minor fails to appear for the hearing, the juvenile and domestic relations district court judge shall, after consideration of any evidence from the minor, from his parents, from the community services board, or from any treatment provider identified in the mandatory outpatient treatment plan regarding why the minor failed to appear at the hearing, either (i) reschedule the hearing pursuant to subsection A, (ii) issue an emergency custody order pursuant to § 16.1-340, or (iii) issue a temporary detention order pursuant to § 16.1-340.1.

D. After hearing the evidence regarding the minor's material noncompliance with the mandatory outpatient treatment order and the minor's current condition, and any other relevant information referenced in § 16.1-345 and subsection A of § 16.1-345.2, the juvenile and domestic relations district court judge may make one of the following dispositions:

1. Upon finding by clear and convincing evidence that the minor meets the criteria for involuntary admission and treatment specified in § 16.1-345, the judge shall order the minor's involuntary admission to a facility designated by the community services board for a period of treatment not to exceed 30 days;

2. Upon finding that the minor continues to meet the criteria for mandatory outpatient treatment specified in subsection A of § 16.1-345.2, and that a continued period of mandatory outpatient treatment appears warranted, the judge may renew the order for mandatory outpatient treatment, making any necessary modifications that are acceptable to the community services board or treatment provider responsible for the minor's treatment. In determining the appropriateness of outpatient treatment, the court may consider the minor's material noncompliance with the previous mandatory treatment order; or

3. Upon finding that neither of the above dispositions is appropriate, the judge may rescind the order for mandatory outpatient treatment.

Upon entry of an order for involuntary inpatient admission, transportation shall be provided in accordance with § 16.1-345.

E. For the purposes of this section, "juvenile and domestic relations district court judge" shall not include a special justice as authorized by § 37.2-803.

§ 19.2-169.6. Inpatient psychiatric hospital admission from local correctional facility.

A. Any inmate of a local correctional facility who is not subject to the provisions of § 19.2-169.2 may be hospitalized for psychiatric treatment at a hospital designated by the Commissioner of Behavioral Health and Developmental Services as appropriate for treatment of persons under criminal charge if:

1. The court with jurisdiction over the inmate's case, if it is still pending, on the petition of the person having custody over an inmate or on its own motion, holds a hearing at which the inmate is represented by counsel and finds by clear and convincing evidence that (i) the inmate has a mental illness; (ii) there exists a substantial likelihood that, as a result of a mental illness, the inmate will, in the near future, cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any; and (iii) the inmate requires treatment in a hospital rather than the local correctional facility. Prior to making this determination, the court shall consider the examination conducted in accordance with § 37.2-815 and the preadmission screening report prepared in accordance with § 37.2-816 and conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or designee of the local community services board or behavioral health authority who is skilled in the assessment and treatment of mental illness, who is not providing treatment to the inmate, and who has completed a certification program approved by the Department of Behavioral Health and Developmental Services as provided in § 37.2-809. The examiner appointed pursuant to § 37.2-815, if not physically present at the hearing, shall be available whenever possible for questioning during the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 37.2-804.1. Any employee or designee of the local community services board or behavioral health authority, as defined in § 37.2-809, representing the board or authority that prepared the preadmission screening report shall attend the hearing in person or, if physical attendance is not practicable, shall participate in the

hearing through a two-way electronic video and audio communication system as authorized in § 37.2-804.1. When the hearing is held outside the service area of the community services board or behavioral health authority that prepared the preadmission screening report, and it is not practicable for a representative of the board or authority to attend or participate in the hearing, arrangements shall be made by the board or authority for an employee or designee of the board or authority serving the area in which the hearing is held to attend or participate on behalf of the board or authority that prepared the preadmission screening report; or

2. Upon petition by the person having custody over an inmate, a magistrate finds probable cause to believe that (i) the inmate has a mental illness; (ii) there exists a substantial likelihood that, as a result of a mental illness, the inmate will, in the near future, cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any; and (iii) the inmate requires treatment in a hospital rather than a local correctional facility, and the magistrate issues a temporary detention order for the inmate. Prior to the filing of the petition, the person having custody shall arrange for an evaluation of the inmate conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or designee of the local community services board or behavioral health authority who is skilled in the assessment and treatment of mental illness and who has completed a certification program approved by the Department as provided in § 37.2-809. After considering the evaluation of the employee or designee of the local community services board or behavioral health authority, and any other information presented, and finding that probable cause exists to meet the criteria, the magistrate may issue a temporary detention order in accordance with the applicable procedures specified in §§ 37.2-809 through 37.2-813. The person having custody over the inmate shall notify the court having jurisdiction over the inmate's case, if it is still pending, and the inmate's attorney prior to the detention pursuant to a temporary detention order or as soon thereafter as is reasonable.

Upon detention pursuant to this subdivision, a hearing shall be held either (a) before the court having jurisdiction over the inmate's case or (b) before a district court judge or a special justice, as defined in § 37.2-100, in accordance with the provisions of §§ 37.2-815 through 37.2-821, in which case the inmate shall be represented by counsel as specified in § 37.2-814. The hearing shall be held within 48 72 hours of execution of the temporary detention order issued pursuant to this subdivision. If the ~~48-hour~~ 72-hour period terminates on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the inmate may be detained until the close of business on the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. Any employee or designee of the local community services board or behavioral health authority, as defined in § 37.2-809, representing the board or authority that prepared the preadmission screening report shall attend the hearing in person or, if physical attendance is not practicable, shall participate in the hearing through a two-way electronic video and audio communication system as authorized in § 37.2-804.1. When the hearing is held outside the service area of the community services board or behavioral health authority that prepared the preadmission screening report, and it is not practicable for a representative of the board or authority to attend or participate in the hearing, arrangements shall be made by the board or authority for an employee or designee of the board or authority serving the area in which the hearing is held to attend or participate on behalf of the board or authority that prepared the preadmission screening report. The judge or special justice conducting the hearing may order the inmate hospitalized if, after considering the examination conducted in accordance with § 37.2-815, the preadmission screening report prepared in accordance with § 37.2-816, and any other available information as specified in subsection C of § 37.2-817, he finds by clear and convincing evidence that (1) the inmate has a mental illness; (2) there exists a substantial likelihood that, as a result of a mental illness, the inmate will, in the near future, cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any; and (3) the inmate requires treatment in a hospital rather than a local correctional facility. The examiner appointed pursuant to § 37.2-815, if not physically present at the hearing, shall be available whenever possible for questioning during the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 37.2-804.1. The examination and the preadmission screening report shall be admitted into evidence at the hearing.

B. In no event shall an inmate have the right to make application for voluntary admission as may be otherwise provided in § 37.2-805 or 37.2-814 or be subject to an order for mandatory outpatient treatment as provided in § 37.2-817.

C. If an inmate is hospitalized pursuant to this section and his criminal case is still pending, the court having jurisdiction over the inmate's case may order that the admitting hospital evaluate the inmate's competency to stand trial and his mental state at the time of the offense pursuant to §§ 19.2-169.1 and 19.2-169.5.

D. An inmate may not be hospitalized longer than 30 days under subsection A unless the court which has criminal jurisdiction over him or a district court judge or a special justice, as defined in § 37.2-100, holds a hearing and orders the inmate's continued hospitalization in accordance with the provisions of subdivision A 2. If the inmate's hospitalization is continued under this subsection by a court other than the court which has jurisdiction over his criminal case, the facility at which the inmate is hospitalized shall notify the court with jurisdiction over his criminal case and the inmate's attorney in the criminal case, if the case is still pending.

E. Hospitalization may be extended in accordance with subsection D for periods of 60 days for inmates awaiting trial, but in no event may such hospitalization be continued beyond trial, nor shall such hospitalization act to delay trial, as long as the inmate remains competent to stand trial. Hospitalization may be extended in accordance with subsection D for periods of 180 days for an inmate who has been convicted and not yet sentenced, or for an inmate who has been convicted of a crime and is in the custody of a local correctional facility after sentencing, but in no event may such hospitalization be

continued beyond the date upon which his sentence would have expired had he received the maximum sentence for the crime charged. Any inmate who has not completed service of his sentence upon discharge from the hospital shall serve the remainder of his sentence.

F. For any inmate who has been convicted and not yet sentenced, or who has been convicted of a crime and is in the custody of a local correctional facility after sentencing, the time the inmate is confined in a hospital for psychiatric treatment shall be deducted from any term for which he may be sentenced to any penal institution, reformatory or elsewhere.

G. Any health care provider, as defined in § 32.1-127.1:03, or other provider rendering services to an inmate who is the subject of a proceeding under this section, upon request, shall disclose to a magistrate, the court, the inmate's attorney, the inmate's guardian ad litem, the examiner appointed pursuant to § 37.2-815, the community service board or behavioral health authority preparing the preadmission screening pursuant to § 37.2-816, or the sheriff or administrator of the local correctional facility any and all information that is necessary and appropriate to enable each of them to perform his duties under this section. These health care providers and other service providers shall disclose to one another health records and information where necessary to provide care and treatment to the inmate and to monitor that care and treatment. Health records disclosed to a sheriff or administrator of the local correctional facility shall be limited to information necessary to protect the sheriff or administrator of the local correctional facility and his employees, the inmate, or the public from physical injury or to address the health care needs of the inmate. Information disclosed to a law-enforcement officer shall not be used for any other purpose, disclosed to others, or retained.

Any health care provider disclosing records pursuant to this section shall be immune from civil liability for any harm resulting from the disclosure, including any liability under the federal Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.), as amended, unless the person or provider disclosing such records intended the harm or acted in bad faith.

H. Any order entered where an inmate is the subject of proceedings under this section shall provide for the disclosure of medical records pursuant to subsection G. This subsection shall not preclude any other disclosures as required or permitted by law.

§ 19.2-182.9. Emergency custody of conditionally released acquittee.

When exigent circumstances do not permit compliance with revocation procedures set forth in § 19.2-182.8, any district court judge or a special justice, as defined in § 37.2-100, or a magistrate may issue an emergency custody order, upon the sworn petition of any responsible person or upon his own motion based upon probable cause to believe that an acquittee on conditional release (i) has violated the conditions of his release or is no longer a proper subject for conditional release and (ii) requires inpatient hospitalization. The emergency custody order shall require the acquittee within his judicial district to be taken into custody and transported to a convenient location where a person designated by the community services board or behavioral health authority who is skilled in the diagnosis and treatment of mental illness shall evaluate such acquittee and assess his need for inpatient hospitalization. A law-enforcement officer who, based on his observation or the reliable reports of others, has probable cause to believe that any acquittee on conditional release has violated the conditions of his release and is no longer a proper subject for conditional release and requires emergency evaluation to assess the need for inpatient hospitalization, may take the acquittee into custody and transport him to an appropriate location to assess the need for hospitalization without prior judicial authorization. The evaluation shall be conducted immediately. The acquittee shall remain in custody until a temporary detention order is issued or until he is released, but in no event shall the period of custody exceed ~~four~~ eight hours. ~~However, upon a finding by a district court judge, special justice as defined in § 37.2-100, or magistrate that good cause exists to grant an extension, the district court judge, special justice, or magistrate shall extend the emergency custody order, or shall issue an order extending the period of emergency custody, one time for an additional period not to exceed two hours. Good cause for an extension includes the need for additional time to allow (a) the community services board to identify a suitable facility in which the person can be temporarily detained pursuant to this section or (b) a medical evaluation of the person to be completed if necessary.~~ If it appears from all evidence readily available ~~(+)~~ (a) that the acquittee has violated the conditions of his release or is no longer a proper subject for conditional release and ~~(+)~~ (b) that he requires emergency evaluation to assess the need for inpatient hospitalization, the district court judge or a special justice, as defined in § 37.2-100, or magistrate, upon the advice of such person skilled in the diagnosis and treatment of mental illness, may issue a temporary detention order authorizing the executing officer to place the acquittee in an appropriate institution for a period not to exceed ~~48~~ 72 hours prior to a hearing. If the ~~48-hour~~ 72-hour period terminates on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the acquittee may be detained until the next day which is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed.

The committing court or any district court judge or a special justice, as defined in § 37.2-100, shall have jurisdiction to hear the matter. Prior to the hearing, the acquittee shall be examined by a psychiatrist or licensed clinical psychologist, provided the psychiatrist or clinical psychologist is skilled in the diagnosis of mental illness, who shall certify whether the person is in need of hospitalization. At the hearing the acquittee shall be provided with adequate notice of the hearing, of the right to be present at the hearing, the right to the assistance of counsel in preparation for and during the hearing, and the right to introduce evidence and cross-examine witnesses at the hearing. Following the hearing, if the court determines, based on a preponderance of the evidence presented at the hearing, that the acquittee ~~(+)~~ (1) has violated the conditions of his release or is no longer a proper subject for conditional release and ~~(+)~~ (2) has mental illness or intellectual disability and is

in need of inpatient hospitalization, the court shall revoke the acquittee's conditional release and place him in the custody of the Commissioner.

When an acquittee on conditional release pursuant to this chapter is taken into emergency custody, detained, or hospitalized, such action shall be considered to have been taken pursuant to this section, notwithstanding the fact that his status as an insanity acquittee was not known at the time of custody, detention, or hospitalization. Detention or hospitalization of an acquittee pursuant to provisions of law other than those applicable to insanity acquittees pursuant to this chapter shall not render the detention or hospitalization invalid. If a person's status as an insanity acquittee on conditional release is not recognized at the time of emergency custody or detention, at the time his status as such is verified, the provisions applicable to such persons shall be applied and the court hearing the matter shall notify the committing court of the proceedings.

§ 37.2-308.1. Acute psychiatric bed registry.

A. The Department shall develop and administer a web-based acute psychiatric bed registry to collect, aggregate, and display information about available acute beds in public and private inpatient psychiatric facilities and public and private residential crisis stabilization units to facilitate the identification and designation of facilities for the temporary detention and treatment of individuals who meet the criteria for temporary detention pursuant to § 37.2-809.

B. The acute psychiatric bed registry created pursuant to subsection A shall:

1. Include descriptive information for every public and private inpatient psychiatric facility and every public and private residential crisis stabilization unit in the Commonwealth, including contact information for the facility or unit;

2. Provide real-time information about the number of beds available at each facility or unit and, for each available bed, the type of patient that may be admitted, the level of security provided, and any other information that may be necessary to allow employees or designees of community services boards and employees of inpatient psychiatric facilities or public and private residential crisis stabilization units to identify appropriate facilities for detention and treatment of individuals who meet the criteria for temporary detention; and

3. Allow employees and designees of community services boards, employees of inpatient psychiatric facilities or public and private residential crisis stabilization units, and health care providers as defined in § 8.01-581.1 working in an emergency room of a hospital or clinic or other facility rendering emergency medical care to perform searches of the registry to identify available beds that are appropriate for the detention and treatment of individuals who meet the criteria for temporary detention.

C. Every state facility, community services board, behavioral health authority, and private inpatient provider licensed by the Department shall participate in the acute psychiatric bed registry established pursuant to subsection A and shall designate such employees as may be necessary to submit information for inclusion in the acute psychiatric bed registry and serve as a point of contact for addressing requests for information related to data reported to the acute psychiatric bed registry.

D. The Commissioner may enter into a contract with a private entity for the development and administration of the acute psychiatric bed registry established pursuant to subsection A.

§ 37.2-808. Emergency custody; issuance and execution of order.

A. Any magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion, an emergency custody order when he has probable cause to believe that any person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, (ii) is in need of hospitalization or treatment, and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. Any emergency custody order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

When considering whether there is probable cause to issue an emergency custody order, the magistrate may, in addition to the petition, consider (1) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (2) any past actions of the person, (3) any past mental health treatment of the person, (4) any relevant hearsay evidence, (5) any medical records available, (6) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (7) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue an emergency custody order.

B. Any person for whom an emergency custody order is issued shall be taken into custody and transported to a convenient location to be evaluated to determine whether the person meets the criteria for temporary detention pursuant to § 37.2-809 and to assess the need for hospitalization or treatment. The evaluation shall be made by a person designated by the community services board who is skilled in the diagnosis and treatment of mental illness and who has completed a certification program approved by the Department.

C. The magistrate issuing an emergency custody order shall specify the primary law-enforcement agency and jurisdiction to execute the emergency custody order and provide transportation. However, in cases in which the emergency custody order is based upon a finding that the person who is the subject of the order has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs but there is no substantial likelihood

that the person will cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, the magistrate shall consider any request to authorize transportation by an alternative transportation provider in accordance with this section, whenever an alternative transportation provider is identified to the magistrate, which may be a person, facility, or agency, including a family member or friend of the person who is the subject of the order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner, upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the person's treating physician, if any; or other persons who are available and have knowledge of the person, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified primary law-enforcement agency to execute the order, to take the person into custody, and to transfer custody of the person to the alternative transportation provider identified in the order. In such cases, a copy of the emergency custody order shall accompany the person being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the community services board or its designee responsible for conducting the evaluation. The community services board or its designee conducting the evaluation shall return a copy of the emergency custody order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

Transportation under this section shall include transportation to a medical facility as may be necessary to obtain emergency medical evaluation or treatment that shall be conducted immediately in accordance with state and federal law. Transportation under this section shall include transportation to a medical facility for a medical evaluation if a physician at the hospital in which the person subject to the emergency custody order may be detained requires a medical evaluation prior to admission.

D. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall order the primary law-enforcement agency from the jurisdiction served by the community services board that designated the person to perform the evaluation required in subsection B to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. If the community services board serves more than one jurisdiction, the magistrate shall designate the primary law-enforcement agency from the particular jurisdiction within the community services board's service area where the person who is the subject of the emergency custody order was taken into custody or, if the person has not yet been taken into custody, the primary law-enforcement agency from the jurisdiction where the person is presently located to execute the order and provide transportation.

E. The law-enforcement agency or alternative transportation provider providing transportation pursuant to this section may transfer custody of the person to the facility or location to which the person is transported for the evaluation required in subsection B, G, or H if the facility or location (i) is licensed to provide the level of security necessary to protect both the person and others from harm, (ii) is actually capable of providing the level of security necessary to protect the person and others from harm, and (iii) in cases in which transportation is provided by a law-enforcement agency, has entered into an agreement or memorandum of understanding with the law-enforcement agency setting forth the terms and conditions under which it will accept a transfer of custody, provided, however, that the facility or location may not require the law-enforcement agency to pay any fees or costs for the transfer of custody.

F. A law-enforcement officer may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing an emergency custody order pursuant to this section.

G. A law-enforcement officer who, based upon his observation or the reliable reports of others, has probable cause to believe that a person meets the criteria for emergency custody as stated in this section may take that person into custody and transport that person to an appropriate location to assess the need for hospitalization or treatment without prior authorization. A law-enforcement officer who takes a person into custody pursuant to this subsection or subsection H may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of obtaining the assessment. Such evaluation shall be conducted immediately. The period of custody shall not exceed ~~four~~ eight hours from the time the law-enforcement officer takes the person into custody. ~~However, upon a finding by a magistrate that good cause exists to grant an extension, the magistrate shall issue an order extending the period of emergency custody one time for an additional period not to exceed two hours. Good cause for an extension includes the need for additional time to allow (i) the community services board to identify a suitable facility in which the person can be temporarily detained pursuant to § 37.2-809 or (ii) a medical evaluation of the person to be completed if necessary.~~

H. A law-enforcement officer who is transporting a person who has voluntarily consented to be transported to a facility for the purpose of assessment or evaluation and who is beyond the territorial limits of the county, city, or town in which he serves may take such person into custody and transport him to an appropriate location to assess the need for hospitalization or treatment without prior authorization when the law-enforcement officer determines (i) that the person has revoked consent to be transported to a facility for the purpose of assessment or evaluation, and (ii) based upon his observations, that probable cause exists to believe that the person meets the criteria for emergency custody as stated in this section. The period

of custody shall not exceed ~~four~~ eight hours from the time the law-enforcement officer takes the person into custody. ~~However, upon a finding by a magistrate that good cause exists to grant an extension, the magistrate shall issue an order extending the period of emergency custody one time for an additional period not to exceed two hours. Good cause for an extension includes the need for additional time to allow (a) the community services board to identify a suitable facility in which the person can be temporarily detained pursuant to § 37.2-809, or (b) a medical evaluation of the person to be completed if necessary.~~

I. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody as provided in this section.

J. ~~A representative of the primary law-enforcement agency specified to execute an emergency custody order or a representative of the law-enforcement agency employing a law-enforcement officer who takes a person into custody pursuant to subsection G or H shall notify the community services board responsible for conducting the evaluation required in subsection B, G, or H as soon as practicable after execution of the emergency custody order or after the person has been taken into custody pursuant to subsection G or H.~~

K. The person shall remain in custody until a temporary detention order is issued, until the person is released, or until the emergency custody order expires. An emergency custody order shall be valid for a period not to exceed ~~four~~ eight hours from the time of execution. ~~However, upon a finding by a magistrate that good cause exists to grant an extension, the magistrate shall extend the emergency custody order one time for a second period not to exceed two hours. Good cause for an extension includes the need for additional time to allow (i) the community services board to identify a suitable facility in which the person can be temporarily detained pursuant to § 37.2-809 or (ii) a medical evaluation of the person to be completed if necessary. Any family member, as defined in § 37.2-100, employee or designee of the local community services board as defined in § 37.2-809, treating physician, or law-enforcement officer may request the two-hour extension.~~

~~K. L. Any person taken into emergency custody pursuant to this section shall be given a written summary of the emergency custody procedures and the statutory protections associated with those procedures.~~

M. If an emergency custody order is not executed within ~~six~~ eight hours of its issuance, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if such office is not open, to any magistrate serving the jurisdiction of the issuing court.

N. ~~In addition to the eight-hour period of emergency custody set forth in subsection G, H, or K, if the individual is detained in a state facility pursuant to subsection E of § 37.2-809, the state facility and an employee or designee of the community services board as defined in § 37.2-809 may, for an additional four hours, continue to attempt to identify an alternative facility that is able and willing to provide temporary detention and appropriate care to the individual.~~

~~L. O. Payments shall be made pursuant to § 37.2-804 to licensed health care providers for medical screening and assessment services provided to persons with mental illnesses while in emergency custody.~~

§ 37.2-809. Involuntary temporary detention; issuance and execution of order.

A. For the purposes of this section:

"Designee of the local community services board" means an examiner designated by the local community services board who (i) is skilled in the assessment and treatment of mental illness, (ii) has completed a certification program approved by the Department, (iii) is able to provide an independent examination of the person, (iv) is not related by blood or marriage to the person being evaluated, (v) has no financial interest in the admission or treatment of the person being evaluated, (vi) has no investment interest in the facility detaining or admitting the person under this article, and (vii) except for employees of state hospitals and of the U.S. Department of Veterans Affairs, is not employed by the facility.

"Employee" means an employee of the local community services board who is skilled in the assessment and treatment of mental illness and has completed a certification program approved by the Department.

"Investment interest" means the ownership or holding of an equity or debt security, including shares of stock in a corporation, interests or units of a partnership, bonds, debentures, notes, or other equity or debt instruments.

B. A magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion and only after an evaluation conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or a designee of the local community services board to determine whether the person meets the criteria for temporary detention, a temporary detention order if it appears from all evidence readily available, including any recommendation from a physician or clinical psychologist treating the person, that the person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, (ii) is in need of hospitalization or treatment, and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. The magistrate shall also consider the recommendations of any treating or examining physician licensed in Virginia if available either verbally or in writing prior to rendering a decision. Any temporary detention order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

C. When considering whether there is probable cause to issue a temporary detention order, the magistrate may, in addition to the petition, consider (i) the recommendations of any treating or examining physician or psychologist licensed in

Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any relevant hearsay evidence, (v) any medical records available, (vi) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (vii) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue a temporary detention order.

D. A magistrate may issue a temporary detention order without an emergency custody order proceeding. A magistrate may issue a temporary detention order without a prior evaluation pursuant to subsection B if (i) the person has been personally examined within the previous 72 hours by an employee or a designee of the local community services board or (ii) there is a significant physical, psychological, or medical risk to the person or to others associated with conducting such evaluation.

E. An employee or a designee of the local community services board shall determine the facility of temporary detention *in accordance with the provisions of § 37.2-809.1* for all individuals detained pursuant to this section. ~~The facility of temporary detention shall be one that has been approved pursuant to regulations of the Board.~~ The facility shall be identified on the preadmission screening report and indicated on the temporary detention order. *Subject to the provisions of § 37.2-809.1, if a facility of temporary detention cannot be identified by the time of the expiration of the period of emergency custody pursuant to § 37.2-808, the individual shall be detained in a state facility for the treatment of individuals with mental illness and such facility shall be indicated on the temporary detention order.* Except as provided in § 37.2-811 for inmates requiring hospitalization in accordance with subdivision A 2 of § 19.2-169.6, the person shall not be detained in a jail or other place of confinement for persons charged with criminal offenses and shall remain in the custody of law enforcement until the person is either detained within a secure facility or custody has been accepted by the appropriate personnel designated by the facility identified in the temporary detention order. *The person detained or in custody pursuant to this section shall be given a written summary of the temporary detention procedures and the statutory protections associated with those procedures.*

F. Any facility caring for a person placed with it pursuant to a temporary detention order is authorized to provide emergency medical and psychiatric services within its capabilities when the facility determines that the services are in the best interests of the person within its care. The costs incurred as a result of the hearings and by the facility in providing services during the period of temporary detention shall be paid and recovered pursuant to § 37.2-804. The maximum costs reimbursable by the Commonwealth pursuant to this section shall be established by the State Board of Medical Assistance Services based on reasonable criteria. The State Board of Medical Assistance Services shall, by regulation, establish a reasonable rate per day of inpatient care for temporary detention.

G. The employee or the designee of the local community services board who is conducting the evaluation pursuant to this section shall determine, prior to the issuance of the temporary detention order, the insurance status of the person. Where coverage by a third party payor exists, the facility seeking reimbursement under this section shall first seek reimbursement from the third party payor. The Commonwealth shall reimburse the facility only for the balance of costs remaining after the allowances covered by the third party payor have been received.

H. The duration of temporary detention shall be sufficient to allow for completion of the examination required by § 37.2-815, preparation of the preadmission screening report required by § 37.2-816, and initiation of mental health treatment to stabilize the person's psychiatric condition to avoid involuntary commitment where possible, but shall not exceed ~~48~~ 72 hours prior to a hearing. ~~If the 48-hour 72-hour period herein specified terminates on a Saturday, Sunday, or legal holiday, or day on which the court is lawfully closed, the person may be detained, as herein provided, until the close of business on the next day that is not a Saturday, Sunday, or legal holiday, or day on which the court is lawfully closed. The person may be released, pursuant to § 37.2-813, before the 48-hour 72-hour period herein specified has run.~~

I. If a temporary detention order is not executed within 24 hours of its issuance, or within a shorter period as is specified in the order, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if the office is not open, to any magistrate serving the jurisdiction of the issuing court. Subsequent orders may be issued upon the original petition within 96 hours after the petition is filed. However, a magistrate must again obtain the advice of an employee or a designee of the local community services board prior to issuing a subsequent order upon the original petition. Any petition for which no temporary detention order or other process in connection therewith is served on the subject of the petition within 96 hours after the petition is filed shall be void and shall be returned to the office of the clerk of the issuing court.

J. The Executive Secretary of the Supreme Court of Virginia shall establish and require that a magistrate, as provided by this section, be available seven days a week, 24 hours a day, for the purpose of performing the duties established by this section. Each community services board shall provide to each general district court and magistrate's office within its service area a list of its employees and designees who are available to perform the evaluations required herein.

K. For purposes of this section, a health care provider or designee of a local community services board or behavioral health authority shall not be required to encrypt any email containing information or medical records provided to a magistrate unless there is reason to believe that a third party will attempt to intercept the email.

L. The employee or designee of the community services board who is conducting the evaluation pursuant to this section shall, if he recommends that the person should not be subject to a temporary detention order, inform the petitioner and an onsite treating physician of his recommendation.

§ 37.2-809.1. Facility of temporary detention.

A. In each case in which an employee or designee of the local community services board as defined in § 37.2-809 is required to make an evaluation of an individual pursuant to subsection B, G, or H of § 37.2-808, an employee or designee of the local community services board shall, upon being notified of the need for such evaluation, contact the state facility for the area in which the community services board is located and notify the state facility that the individual will be transported to the facility upon issuance of a temporary detention order if no other facility of temporary detention can be identified by the time of the expiration of the period of emergency custody pursuant to § 37.2-808. Upon completion of the evaluation, the employee or designee of the local community services board shall convey to the state facility information about the individual necessary to allow the state facility to determine the services the individual will require upon admission.

B. A state facility may, following the notice in accordance with subsection A, conduct a search for an alternative facility that is able and willing to provide temporary detention and appropriate care to the individual, which may include another state facility if the state facility notified in accordance with subsection A is unable to provide temporary detention and appropriate care for the individual. Under no circumstances shall a state facility fail or refuse to admit an individual who meets the criteria for temporary detention pursuant to § 37.2-809 unless an alternative facility that is able to provide temporary detention and appropriate care agrees to accept the individual for temporary detention and the individual shall not during the duration of the temporary detention order be released from the custody of the community services board except for purposes of transporting the individual to the state facility or alternative facility in accordance with the provisions of § 37.2-810. If an alternative facility is identified and agrees to accept the individual for temporary detention, the state facility shall notify the community services board, and an employee or designee of the community services board shall designate the alternative facility on the prescreening report.

C. The facility of temporary detention designated in accordance with this section shall be one that has been approved pursuant to regulations of the Board.

§ 37.2-814. Commitment hearing for involuntary admission; written explanation; right to counsel; rights of petitioner.

A. The commitment hearing for involuntary admission shall be held after a sufficient period of time has passed to allow for completion of the examination required by § 37.2-815, preparation of the preadmission screening report required by § 37.2-816, and initiation of mental health treatment to stabilize the person's psychiatric condition to avoid involuntary commitment where possible, but shall be held within ~~48~~ 72 hours of the execution of the temporary detention order as provided for in § 37.2-809; however, if the ~~48-hour~~ 72-hour period herein specified terminates on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the person may be detained, as herein provided, until the close of business on the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed.

B. At the commencement of the commitment hearing, the district court judge or special justice shall inform the person whose involuntary admission is being sought of his right to apply for voluntary admission for inpatient treatment as provided for in § 37.2-805 and shall afford the person an opportunity for voluntary admission. The district court judge or special justice shall advise the person whose involuntary admission is being sought that if the person chooses to be voluntarily admitted pursuant to § 37.2-805, such person will be prohibited from possessing ~~or~~ purchasing, or transporting a firearm pursuant to § 18.2-308.1:3. The judge or special justice shall ascertain if the person is then willing and capable of seeking voluntary admission for inpatient treatment. In determining whether a person is capable of consenting to voluntary admission, the judge or special justice may consider evidence regarding the person's past compliance or noncompliance with treatment. If the judge or special justice finds that the person is capable and willingly accepts voluntary admission for inpatient treatment, the judge or special justice shall require him to accept voluntary admission for a minimum period of treatment not to exceed 72 hours. After such minimum period of treatment, the person shall give the facility 48 hours' notice prior to leaving the facility. During this notice period, the person shall not be discharged except as provided in § 37.2-837, 37.2-838, or 37.2-840. The person shall be subject to the transportation provisions as provided in § 37.2-829 and the requirement for preadmission screening by a community services board as provided in § 37.2-805.

C. If a person is incapable of accepting or unwilling to accept voluntary admission and treatment, the judge or special justice shall inform the person of his right to a commitment hearing and right to counsel. The judge or special justice shall ascertain if the person whose admission is sought is represented by counsel, and, if he is not represented by counsel, the judge or special justice shall appoint an attorney to represent him. However, if the person requests an opportunity to employ counsel, the judge or special justice shall give him a reasonable opportunity to employ counsel at his own expense.

D. A written explanation of the involuntary admission process and the statutory protections associated with the process shall be given to the person, and its contents shall be explained by an attorney prior to the commitment hearing. The written explanation shall describe, at a minimum, the person's rights to (i) retain private counsel or be represented by a court-appointed attorney, (ii) present any defenses including independent evaluation and expert testimony or the testimony of other witnesses, (iii) be present during the hearing and testify, (iv) appeal any order for involuntary admission to the circuit court, and (v) have a jury trial on appeal. The judge or special justice shall ascertain whether the person whose involuntary admission is sought has been given the written explanation required herein.

E. To the extent possible, during or before the commitment hearing, the attorney for the person whose involuntary admission is sought shall interview his client, the petitioner, the examiner described in § 37.2-815, the community services board staff, and any other material witnesses. He also shall examine all relevant diagnostic and other reports, present evidence and witnesses, if any, on his client's behalf, and otherwise actively represent his client in the proceedings. A health

care provider shall disclose or make available all such reports, treatment information, and records concerning his client to the attorney, upon request. The role of the attorney shall be to represent the wishes of his client, to the extent possible.

F. The petitioner shall be given adequate notice of the place, date, and time of the commitment hearing. The petitioner shall be entitled to retain counsel at his own expense, to be present during the hearing, and to testify and present evidence. The petitioner shall be encouraged but shall not be required to testify at the hearing, and the person whose involuntary admission is sought shall not be released solely on the basis of the petitioner's failure to attend or testify during the hearing.

§ 37.2-817.2. Court review of mandatory outpatient treatment plan or discharge plan.

A. The district court judge or special justice shall hold a hearing within five days after receiving the petition for review of the mandatory outpatient treatment plan or discharge plan; however, if the fifth day is a Saturday, Sunday, ~~or~~ legal holiday, *or day on which the court is lawfully closed*, the hearing shall be held by the close of business on the next day that is not a Saturday, Sunday, ~~or~~ legal holiday, *or day on which the court is lawfully closed*. If the person is being detained under a temporary detention order, the hearing shall be scheduled within the same time frame provided for a commitment hearing under § 37.2-814. The clerk shall provide notice of the hearing to the person, the community services board, all treatment providers listed in the comprehensive mandatory outpatient treatment order or discharge plan, and the original petitioner for the person's involuntary treatment. If the person is not represented by counsel, the court shall appoint an attorney to represent the person in this hearing and any subsequent hearings under §§ 37.2-817.3 and 37.2-817.4, giving consideration to appointing the attorney who represented the person at the proceeding that resulted in the issuance of the mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment. The same judge or special justice that presided over the hearing resulting in the mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment need not preside at the noncompliance hearing or any subsequent hearings. The community services board shall offer to arrange the person's transportation to the hearing if the person is not detained and has no other source of transportation.

B. If requested by the person, the community services board, a treatment provider listed in the comprehensive mandatory outpatient treatment plan or discharge plan, or the original petitioner for the person's involuntary treatment, the court shall appoint an examiner in accordance with § 37.2-815 who shall personally examine the person and certify to the court whether or not he has probable cause to believe that the person meets the criteria for involuntary inpatient admission or mandatory outpatient treatment as specified in subsections C, C1, C2, and D of § 37.2-817. The examination shall include all applicable requirements of § 37.2-815. The certification of the examiner may be admitted into evidence without the appearance of the examiner at the hearing if not objected to by the person or his attorney. If the person is not detained in an inpatient facility, the community services board shall arrange for the person to be examined at a convenient location and time. The community services board shall offer to arrange for the person's transportation to the examination, if the person has no other source of transportation and resides within the service area or an adjacent service area of the community services board. If the person refuses or fails to appear, the community services board shall notify the court, or a magistrate if the court is not available, and the court or magistrate shall issue a mandatory examination order and *caipias* directing the primary law-enforcement agency in the jurisdiction where the person resides to transport the person to the examination. The person shall remain in custody until a temporary detention order is issued or until the person is released, but in no event shall the period exceed ~~four~~ *eight* hours.

C. If the person fails to appear for the hearing, the court shall, after consideration of any evidence from the person, from the community services board, or from any treatment provider identified in the mandatory outpatient treatment plan or discharge plan regarding why the person failed to appear at the hearing, either (i) reschedule the hearing pursuant to subsection A, (ii) issue an emergency custody order pursuant to § 37.2-808, or (iii) issue a temporary detention order pursuant to § 37.2-809.

D. After hearing the evidence regarding the person's material noncompliance with the mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment and the person's current condition, and any other relevant information referenced in subsection C of § 37.2-817, the judge or special justice shall make one of the following dispositions:

1. Upon finding by clear and convincing evidence that the person meets the criteria for involuntary admission and treatment specified in subsection C of § 37.2-817, the judge or special justice shall order the person's involuntary admission to a facility designated by the community services board for a period of treatment not to exceed 30 days;

2. Upon finding that the person continues to meet the criteria for mandatory outpatient treatment specified in subsection C1, C2, or D of § 37.2-817, and that a continued period of mandatory outpatient treatment appears warranted, the judge or special justice shall renew the order for mandatory outpatient treatment, making any necessary modifications that are acceptable to the community services board or treatment provider responsible for the person's treatment. In determining the appropriateness of outpatient treatment, the court may consider the person's material noncompliance with the previous mandatory treatment order; or

3. Upon finding that neither of the above dispositions is appropriate, the judge or special justice shall rescind the order for mandatory outpatient treatment or order authorizing discharge to mandatory outpatient treatment following inpatient treatment.

Upon entry of an order for involuntary inpatient admission, transportation shall be provided in accordance with § 37.2-829.

2. That an emergency exists and the provisions of § 37.2-308.1 as created by this act are in force from the passage of this act and that the remaining provisions of this act shall become effective in due course except as provided in the third enactment.

3. That the provisions of this act adding subsection M to § 16.1-340 and subsection N to § 37.2-808 of the Code of Virginia shall expire on June 30, 2018.

4. That the Department of Behavioral Health and Developmental Services shall submit an annual report on or before June 30 of each year on the implementation of this act to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees. The report shall include the number of notifications of individuals in need of facility services by the community services boards, the number of alternative facilities contacted by community services boards and state facilities, the number of temporary detentions provided by state facilities and alternative facilities, the length of stay in state facilities and alternative facilities, and the cost of the detentions in state facilities and alternative facilities.

5. That the Governor's Task Force on Improving Mental Health Services and Crisis Response created on December 10, 2013, by Executive Order 68 shall identify and examine issues related to the use of law enforcement in the involuntary admission process. The task force shall consider options to reduce the amount of resources needed to detain individuals during the emergency custody order period, including the amount of time spent providing transportation throughout the admission process. Such options shall include developing crisis stabilization units in all regions of the Commonwealth and contracting for retired officers to provide needed transportation. The task force shall report its findings and recommendations to the Governor and the General Assembly by October 1, 2014.

CHAPTER 692

An Act to amend and reenact § 4.1-126 of the Code of Virginia, relating to mixed beverage licenses for certain establishments.

[S 268]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-126 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-126. Licenses for establishments in national forests, certain adjoining lands, on the Blue Ridge Parkway, and certain other properties.

A. Notwithstanding the provisions of § 4.1-124, mixed beverage licenses may be granted to establishments located (i) on property owned by the federal government in Jefferson National Forest, George Washington National Forest or the Blue Ridge Parkway; (ii) at altitudes of 3,800 feet or more above sea level on property adjoining the Jefferson National Forest; (iii) at an altitude of 2,800 feet or more above sea level on property adjoining the Blue Ridge Parkway at Mile Marker No. 189; (iv) on property within one-quarter mile of Mile Marker No. 174 on the Blue Ridge Parkway; (v) on property developed by a nonprofit economic development company or an industrial development authority; (vi) on old Jonesboro Road between Routes 823 and 654, located approximately 5,500 feet from the City of Bristol; (vii) on property developed as a motor sports road racing club, of which the track surface is 3.27 miles in length, on 1,200 acres of rural property bordering the Dan River in Halifax County, with such license applying to any area of the property deemed appropriate by the Board; (viii) at an altitude of 2,645 feet or more above sea level on land containing at least 750 acres used for recreational purposes and located within two and one-half miles of the Blue Ridge Parkway; (ix) on property fronting U.S. Route 11, with portions fronting Route 659, adjoining the City of Bristol and located approximately 2,700 feet north of mile marker 7.7 on Interstate 81; (x) on property bounded on the north by U.S. Route 11 and to the south by Interstate 81, and located between mile markers 8.1 and 8.5 of Interstate 81; (xi) on property consisting of at least 10,000 acres and operated as a resort located in any county with a population between 19,200 and 19,500; (xii) on property located as of December 1, 2012, within the Montgomery County Route 177 Urban Development Area, which area is adjacent to Exit 109 on Interstate 81; (xiii) on property fronting Route 603, with portions fronting on Interstate 81, located approximately 1,100 feet from the intersection of Route 603 and Interstate 81 at Exit 128; (xiv) on property located south of and within 1,400 feet of Interstate 81 between mile markers 38.8 and 39.5; (xv) on property bounded on the north by Interstate 81, on the west and south by State Route 691, and on the east by State Route 689; (xvi) on property located south of and within 1,500 feet of Interstate 81 between mile markers 44 and 44.4; (xvii) on property within 1,500 feet of Interstate 81 on either frontage road between mile markers 75 and 86 in the County of Wythe; ~~and~~ (xviii) on property within the boundary of any town incorporated in 1875 located adjacent to the intersection of Interstate 81 and Route 91; (xix) *on property adjacent to the intersection of U.S. Route 220 North and State Route 57, operated as a country club as of December 31, 1926, in Henry County;* (xx) *on property adjacent to Lake Lanier, operated as a country club as of December 31, 1932, in Henry County;* and (xxi) *on property fronting Old Jonesboro Road between Routes 823 and 808, located approximately 4,500 feet south of Interstate 81, and operated as a country club.*

B. In granting any license under clauses (iii) and (iv) of subsection A, the Board shall consider whether the (i) voters of the jurisdiction in which the establishment is located have voted by referendum under the provisions of § 4.1-124 to prohibit

the sale of mixed beverages and (ii) granting of a license will give that establishment an unfair business advantage over other establishments in the same jurisdiction. If an unfair business advantage will result, then no license shall be granted.

CHAPTER 693

An Act to amend and reenact §§ 22.1-212.6, 22.1-212.8, and 22.1-212.11 of the Code of Virginia, relating to charter schools; restrictions and pre-lottery enrollment for current students of conversion charter schools.

[S 276]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-212.6, 22.1-212.8, and 22.1-212.11 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-212.6. Establishment and operation of public charter schools; requirements.

A. A public charter school shall be subject to all federal and state laws and regulations and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services and shall be subject to any court-ordered desegregation plan in effect for the school division or, in the case of a regional public charter school, any court-ordered desegregation plan in effect for relevant school divisions.

Enrollment shall be open to any child who is deemed to reside within the relevant school division or, in the case of a regional public charter school, within any of the relevant school divisions, as set forth in § 22.1-3, through a lottery process on a space-available basis, *except that in the case of the conversion of an existing public school, students who attend the school and the siblings of such students shall be given the opportunity to enroll in advance of the lottery process.* A waiting list shall be established if adequate space is not available to accommodate all students whose parents have requested to be entered in the lottery process. Such waiting list shall also be prioritized through a lottery process and parents shall be informed of their student's position on the list.

B. A public charter school shall be administered and managed by a management committee, composed of parents of students enrolled in the school, teachers and administrators working in the school, and representatives of any community sponsors, in a manner agreed to by the public charter school applicant and the local school board. Pursuant to a charter contract and as specified in § 22.1-212.7, a public charter school may operate free from specified school division policies and state regulations, and, as public schools, shall be subject to the requirements of the Standards of Quality, including the Standards of Learning and the Standards of Accreditation.

C. Pursuant to a charter agreement, a public charter school shall be responsible for its own operations, including, but not limited to, such budget preparation, contracts for services, and personnel matters as are specified in the charter agreement. A public charter school may negotiate and contract with a school division, the governing body of a public institution of higher education, or any third party for the use of a school building and grounds, the operation and maintenance thereof, and the provision of any service, activity, or undertaking which the public charter school is required to perform in order to carry out the educational program described in its charter. Any services for which a public charter school contracts with a school division shall not exceed the division's costs to provide such services.

D. As negotiated by contract, the local school board or the relevant school boards, in the case of regional public charter schools, may allow a public charter school to use vacant or unused properties or real estate owned by the school board. In no event shall a public charter school be required to pay rent for space which is deemed available, as negotiated by contract, in school division facilities. All other costs for the operation and maintenance of the facilities used by the public charter school shall be subject to negotiation between the public charter school and the school division or, in the case of a regional public charter school, between the regional public charter school and the relevant school divisions.

E. A public charter school shall not charge tuition.

§ 22.1-212.8. Charter application.

A. Any person, group, or organization, including any institution of higher education, may submit an application for the formation of a public charter school.

B. The public charter school application shall be a proposed agreement and shall include:

1. The mission statement of the public charter school that must be consistent with the principles of the Standards of Quality.

2. The goals and educational objectives to be achieved by the public charter school, which educational objectives must meet or exceed the Standards of Learning.

3. Evidence that an adequate number of parents, teachers, pupils, or any combination thereof, support the formation of a public charter school.

4. A statement of the need for a public charter school in a school division or relevant school divisions in the case of a regional public charter school, or in a geographic area within a school division or relevant school divisions, as the case may be.

5. A description of the public charter school's educational program, pupil performance standards, and curriculum, which must meet or exceed any applicable Standards of Quality; any assessments to be used to measure pupil progress towards achievement of the school's pupil performance standards, in addition to the Standards of Learning assessments prescribed by § 22.1-253.13:3; the timeline for achievement of such standards; and the procedures for taking corrective action in the event that pupil performance at the public charter school falls below such standards.

6. A description of the lottery process to be used to determine enrollment, *including a provision that in the case of the conversion of an existing public school, students who attend the school and the siblings of such students shall be given the opportunity to enroll in advance of the lottery process.* A lottery process shall also be developed for the establishment of a waiting list for such students for whom space is unavailable and, if appropriate, a tailored admission policy that meets the specific mission or focus of the public charter school and is consistent with all federal and state laws and regulations and constitutional provisions prohibiting discrimination that are applicable to public schools and with any court-ordered desegregation plan in effect for the school division or, in the case of a regional public charter school, in effect for any of the relevant school divisions.

7. Evidence that the plan for the public charter school is economically sound for both the public charter school and the school division or relevant school divisions, as the case may be; a proposed budget for the term of the charter; and a description of the manner in which an annual audit of the financial and administrative operations of the public charter school, including any services provided by the school division or relevant school divisions, as the case may be, is to be conducted.

8. A plan for the displacement of pupils, teachers, and other employees who will not attend or be employed in the public charter school, in instances of the conversion of an existing public school to a public charter school, and for the placement of public charter school pupils, teachers, and employees upon termination or revocation of the charter.

9. A description of the management and operation of the public charter school, including the nature and extent of parental, professional educator, and community involvement in the management and operation of the public charter school.

10. An explanation of the relationship that will exist between the proposed public charter school and its employees, including evidence that the terms and conditions of employment have been addressed with affected employees.

11. An agreement between the parties regarding their respective legal liability and applicable insurance coverage.

12. A description of how the public charter school plans to meet the transportation needs of its pupils.

13. Assurances that the public charter school (i) is nonreligious in its programs, admission policies, employment practices, and all other operations and (ii) does not charge tuition.

14. In the case of a residential charter school for at-risk students, a description of (i) the residential program, facilities, and staffing; (ii) any parental education and after-care initiatives; (iii) the funding sources for the residential and other services provided; and (iv) any counseling or other social services to be provided and their coordination with any current state or local initiatives.

15. [Expired.]

16. Disclosure of any ownership or financial interest in the public charter school, by the charter applicant and the governing body, administrators, and other personnel of the proposed public charter school, and a requirement that the successful applicant and the governing body, administrators, and other personnel of the public charter school shall have a continuing duty to disclose such interests during the term of any charter.

C. [Expired.]

D. The charter applicant shall include in the proposed agreement the results of any Board of Education review of the public charter school application that may have been conducted as provided in subsection C of § 22.1-212.9.

§ 22.1-212.11. Public charter school restrictions.

A. Local school boards may establish public charter schools within the school division. Priority shall be given to public charter school applications designed to increase the educational opportunities of at-risk students, and at least one-half of the public charter schools per division shall be *designed* for at-risk students; *however, the one-half requirement shall not apply in cases in which an existing public school is converted into a public charter school that serves the same community as the existing public school, nor shall such public charter school conversions be counted in the determination of school division compliance with the one-half requirement.*

B. Local school boards shall report the grant or denial of public charter school applications to the Board and shall specify the maximum number of charters that may be authorized, if any; the number of charters granted or denied; and whether a public charter school is designed to increase the educational opportunities of at-risk students.

C. Nothing in this article shall be construed to prevent a school that is the only school in the division from applying to become a public charter school.

CHAPTER 694

An Act to amend and reenact § 15.2-2118 of the Code of Virginia, relating to liens for water and sewer charges.

[S 290]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2118 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2118. Lien for water and sewer charges and taxes imposed by localities.

The governing body of any county adjoining a city lying wholly within the Commonwealth and with a population of more than 75,000 according to the 1970 or any subsequent census and any county having a density of population of more than 600 per square mile according to the 1960 or any subsequent census, Botetourt, Caroline, Culpeper, Cumberland,

Franklin, Gloucester, Goochland, Hanover, Isle of Wight, New Kent, Orange and any town located therein, *Prince George*, Rockingham, *Smyth*, Spotsylvania, Stafford, and York Counties; the Cities of Fairfax, Manassas Park, Newport News, Petersburg, Richmond, and Roanoke; and the Towns of Abingdon, Blacksburg, Clifton Forge, Front Royal, Kenbridge, Onancock, and Urbanna may by ordinance provide that taxes or charges hereafter made, imposed, or incurred for water or sewers or use thereof within or outside such locality shall be a lien on the real estate served by such waterline or sewer. Where residential rental real estate is involved, no lien shall attach (i) unless the user of the water or sewer services is also the owner of the real estate or (ii) unless the owner of the real estate negotiated or executed the agreement by which such water or sewer services were provided to the property.

CHAPTER 695

An Act to amend and reenact §§ 46.2-1503, 46.2-1508, 46.2-1519, 46.2-1527.1, 46.2-1908, and 46.2-1919 of the Code of Virginia, relating to the Motor Vehicle Dealer Board, motor vehicle dealers, and T&M vehicle dealers.

[S 296]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1503, 46.2-1508, 46.2-1519, 46.2-1527.1, 46.2-1908, and 46.2-1919 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1503. Motor Vehicle Dealer Board.

A. The Motor Vehicle Dealer Board is hereby created. The Board shall consist of 19 members appointed by the Governor, subject to confirmation by the General Assembly. Every member appointed by the Governor must be a citizen of the United States and must be a resident of Virginia. The Governor may remove any member as provided in subsection B of § 2.2-108. The initial terms of eight of the members appointed in July of 1995 shall commence when appointed and shall be for terms ending on June 30, 1997. Nine members shall be appointed for four-year terms. The members shall be at-large members and, insofar as practical, should reflect fair and equitable statewide representation.

B. Nine members shall be licensed franchised motor vehicle dealers who have been licensed as such for at least two years prior to being appointed by the Governor and seven members shall be licensed independent motor vehicle dealers who (i) have been licensed as such for at least two years prior to being appointed by the Governor and (ii) are not also franchised motor vehicle dealers. One of the independent dealers appointed to the Board shall be a licensed motor vehicle dealer primarily engaged in the business of renting vehicles, and one shall be a licensed independent dealer primarily engaged in the motor vehicle salvage business. ~~One member~~ *Two members* shall be ~~an individual~~ *individuals* who ~~has~~ *have* no direct or indirect interest, other than as a ~~consumer~~ *consumers*, in or relating to the motor vehicle industry.

C. Appointments shall be for terms of four years, and no person other than the Commissioner of the Department of Motor Vehicles ~~and the Commissioner of Agriculture and Consumer Services~~ or his designee shall be eligible to serve more than two successive four-year terms. The Commissioner of the Department of Motor Vehicles shall serve as chairman of the Board. Vacancies shall be filled by appointment by the Governor for the unexpired term and shall be effective until 30 days after the next meeting of the ensuing General Assembly and, if confirmed, thereafter for the remainder of the term. Any person appointed to fill a vacancy may serve two additional successive terms.

D. The Commissioner of the Department of Motor Vehicles ~~and the Commissioner of Agriculture and Consumer Services~~ or his designee shall be ~~an ex officio voting members~~ *member* of the Board.

E. Members of the Board shall be reimbursed their actual and necessary expenses incurred in carrying out their duties, such reimbursement to be paid from the special fund referred to in § 46.2-1520.

§ 46.2-1508. Licenses required.

It shall be unlawful for any person to engage in business in the Commonwealth as a motor vehicle dealer or salesperson without first obtaining a license as provided in this chapter. It shall be unlawful for any person to engage in business in the Commonwealth as a manufacturer, factory branch, distributor, distributor branch, or factory or distributor representative without first obtaining a license as provided in Chapter 19 (§ 46.2-1900 et seq.) of this title. Any nonprofit organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code, after having obtained a nonprofit organization certificate as provided in this chapter, may consign donated motor vehicles to licensed Virginia motor vehicle dealers. Any person licensed in another state as a motor vehicle dealer may sell motor vehicles at wholesale auctions in the Commonwealth after having obtained a certificate of dealer registration as provided in ~~Chapter 19 of this title~~ *this chapter*. The offering or granting of a motor vehicle dealer franchise in the Commonwealth shall constitute engaging in business in the Commonwealth for purposes of this section, and no new motor vehicle may be sold or offered for sale in the Commonwealth unless the franchisor of motor vehicle dealer franchises for that line-make in the Commonwealth, whether such franchisor is a manufacturer, factory branch, distributor, distributor branch, or otherwise, is licensed under Chapter 19 of this title. In the event a license issued under Chapter 19 to a franchisor of motor vehicle dealer franchises is suspended, revoked, or not renewed, nothing in this section shall prevent the sale of any new motor vehicle of such franchisor's line-make manufactured in or brought into the Commonwealth for sale prior to the suspension, revocation or expiration of the license.

Violation of any provision of this section shall constitute a Class 1 misdemeanor.

§ 46.2-1519. License and registration fees; additional to other licenses and fees required by law.

A. The fee for each license and registration year or part thereof shall be determined by the Board, subject to the following:

1. For motor vehicle dealers, not more than \$300 for each principal place of business, plus not more than \$40 for each supplemental license.

2. For motor vehicle salespersons, not more than \$50.

3. For motor vehicle dealers licensed in other states, but not in Virginia, not more than \$100.

The determination of fees by the Board under this subsection shall not be subject to the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

B. The licenses, registrations, and fees required by this chapter are in addition to licenses, taxes, and fees imposed by other provisions of law and nothing contained in this chapter shall exempt any person from any license, tax, or fee imposed by any other provision of law.

C. The fee for issuance to a nonprofit organization of a certificate pursuant to subsection B of § 46.2-1508.1 shall be \$25 per year or any part thereof.

D. No nonprofit organization granted a certificate pursuant to subsection B of § 46.2-1508.1 shall, either orally or in writing, assign a value to any donated vehicle for the purpose of establishing tax deduction amounts on any federal or state income tax return.

E. The Board may authorize discounts and other incentives to encourage licensees to conduct transactions with the Board (i) by means of electronic technologies and (ii) for multi-year periods.

F. The fee for reprinting licenses, certificates, and registrations shall be \$10 for each reprint.

G. The fee for reinstating a license, certificate, or registration that has been suspended shall be \$50.

§ 46.2-1527.1. Motor Vehicle Transaction Recovery Fund established.

All fees in this article shall be deposited in the Motor Vehicle Transaction Recovery Fund, hereinafter referred to in this article as "the Fund." The Fund shall be a special fund in the state treasury to pay claims against the Fund and for no other purpose, provided that any such payment does not result in a negative balance of the Fund, except the Board may expend moneys for the administration of this article up to the maximum amount authorized for consumer assistance in the general appropriation act, provided the amount expended for administration does not result in a balance of the Fund of less than \$250,000. The Fund shall be used to satisfy unpaid judgments, as provided for in § 46.2-1527.3. Any interest income shall accrue to the Fund. The Board shall maintain an accurate record of all transactions involving the Fund. The Board may levy a special assessment on all dealers participating in the Fund to pay claims against the Fund and to maintain a minimum Fund balance that is in its judgment adequate. The Board may choose to await a positive balance in the Fund to pay claims ready for payment in chronological order, provided such claims do not go unpaid for more than 60 days.

Every applicant renewing a motor vehicle dealer's license shall pay, in addition to other license fees, an annual Fund fee of \$100, and every applicant for a motor vehicle salesperson's license shall pay, in addition to other license fees, an annual Fund fee of \$10, prior to license issue. However, annual Fund renewal fees from salespersons shall not exceed \$100 per year from an individual dealer. These fees shall be deposited in the Motor Vehicle Transaction Recovery Fund.

Applicants for an original motor vehicle dealer's license shall pay an annual Fund fee of ~~\$250~~ \$350 each year for three consecutive years. During this period, the ~~\$250~~ \$350 Fund fee will take the place of the annual \$100 Fund fee.

In addition to the ~~\$250~~ \$350 annual fee, applicants for an original dealer's license shall have a \$50,000 bond pursuant to § 46.2-1527.2 for three consecutive years. Only those renewing licensees who have not been the subject of a claim against their bond or against the Fund for three consecutive years shall pay the annual \$100 fee and will no longer be required to pay the ~~\$250~~ \$350 annual fee or hold the \$50,000 bond.

In addition to other license fees, applicants for an original Certificate of Dealer Registration or its renewal shall pay a Fund fee of \$60.

The Board may suspend or reinstate collection of Fund fees.

The provisions of this section shall not apply to manufactured home dealers as defined in § 36-85.16, T&M vehicle dealers as defined in § 46.2-1900, trailer dealers as defined in § 46.2-1992, motorcycle dealers as defined in § 46.2-1993, and nonprofit organizations issued certificates pursuant to subsection B of § 46.2-1508.1.

The provisions of this section shall not apply to applicants for the renewal of a motor vehicle dealer's license where such applicants have not been the subject of a claim against a bond issued pursuant to § 46.2-1527.2 or against the Fund for three years and such applicants elect to maintain continuous bonding pursuant to Article 3.2 (§ 46.2-1527.9 et seq.). Such applicants shall not participate in the Fund and shall be exempt from the payment of any Fund fees.

§ 46.2-1908. Licenses required.

It shall be unlawful for any person to engage in business in the Commonwealth as a T&M vehicle dealer, salesperson, manufacturer, factory branch, distributor, distributor branch, or factory or distributor representative or as a motor vehicle manufacturer, factory branch, distributor, distributor branch, or factory or distributor representative as defined in § 46.2-1500, without first obtaining a license as provided in this chapter. Every person licensed as a manufactured home dealer under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36 shall obtain a certificate of dealer registration as provided in this chapter. Any person licensed in another state as a ~~motor vehicle dealer~~ or T&M vehicle dealer may sell ~~motor vehicles~~ or T&M vehicles at wholesale auctions in the Commonwealth after having obtained a certificate of dealer registration as provided in this chapter. Any nonprofit organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code,

after having obtained a nonprofit organization certificate as provided in this chapter, may consign donated T&M vehicles to licensed Virginia T&M vehicle dealers. The offering or granting of a T&M vehicle dealer franchise in the Commonwealth shall constitute engaging in business in the Commonwealth for purposes of this section, and no new T&M vehicle may be sold or offered for sale in the Commonwealth unless the franchisor of T&M vehicle dealer franchises for that line-make in the Commonwealth, whether such franchisor is a manufacturer, factory branch, distributor, distributor branch, or otherwise, is licensed under this chapter. In the event a license issued under this chapter to a franchisor of T&M vehicle dealer franchises is suspended, revoked, or not renewed, nothing in this section shall prevent the sale of any new T&M vehicle of such franchisor's line-make manufactured in or brought into the Commonwealth for sale prior to the suspension, revocation or expiration of the license.

Violation of any provision of this section shall constitute a Class 1 misdemeanor.

§ 46.2-1919. License and registration fees; additional to other licenses and fees required by law.

A. The fee for each license and registration year or part thereof shall be as follows:

1. For T&M vehicle dealers, \$100 for each principal place of business, plus \$20 for each supplemental license.
2. For T&M and motor vehicle manufacturers, distributors, and each factory branch and distributor branch, \$100.
3. For T&M and motor vehicle rebuilder salespersons, factory representatives, and distributor representatives, \$10.
4. For ~~motor vehicle dealers~~ and T&M vehicle dealers licensed in other states, but not in Virginia, a registration fee of \$50.
5. For manufactured home dealers, a registration fee of \$50.

B. The licenses, registrations, and fees required by this chapter are in addition to licenses, taxes, and fees imposed by other provisions of law and nothing contained in this chapter shall exempt any person from any license, tax, or fee imposed by any other provision of law. However, the Commissioner may waive fees for those licensed under Chapter 15 (§ 46.2-1500 et seq.), 19.1 (§ 46.2-1992 et seq.), or 19.2 (§ 46.2-1993 et seq.); the Commissioner shall waive the fee for nonprofit organizations certified under Chapter 15, 19.1, or 19.2.

C. The fee for any nonprofit organization issued a certificate pursuant to § 46.2-1908.1 shall be \$25 per year or any part thereof.

D. No nonprofit organization granted a certificate pursuant to § 46.2-1908.1 shall, either orally or in writing, assign a value to any donated vehicle for the purpose of establishing tax deduction amounts on any federal or state income tax return.

E. The fee for reprinting licenses, certificates, and registrations shall be \$10 for each reprint.

F. The fee for reinstating a license, certificate, or registration that has been suspended shall be \$50.

CHAPTER 696

An Act to amend and reenact § 18.2-216 of the Code of Virginia, relating to certain allegations against real estate licensees.

[S 302]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-216 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-216. Untrue, deceptive or misleading advertising, inducements, writings or documents.

A. Any person, firm, corporation or association who, with intent to sell or in anywise dispose of merchandise, securities, service or anything offered by such person, firm, corporation or association, directly or indirectly, to the public for sale or distribution or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or any interest therein, makes, publishes, disseminates, circulates or places before the public, or causes, directly or indirectly to be made, published, disseminated, circulated or placed before the public, in a newspaper or other publications, or in the form of a book, notice, handbill, poster, blueprint, map, bill, tag, label, circular, pamphlet or letter or in any other way, an advertisement of any sort regarding merchandise, securities, service, land, lot or anything so offered to the public, which advertisement contains any promise, assertion, representation or statement of fact which is untrue, deceptive or misleading, or uses any other method, device or practice which is fraudulent, deceptive or misleading to induce the public to enter into any obligation, shall be guilty of a Class 1 misdemeanor.

The actions prohibited in this section, shall be construed as including (i) the advertising in any manner by any person of any goods, wares or merchandise as a bankrupt stock, receiver's stock or trustee's stock, if such stock contains any goods, wares or merchandise put therein subsequent to the date of the purchase by such advertiser of such stock, and if such advertisement of any such stock fail to set forth the fact that such stock contains other goods, wares or merchandise put therein, subsequent to the date of the purchase by such advertiser of such stock in type as large as the type used in any other part of such advertisement, including the caption of the same, it shall be a violation of this section; and (ii) the use of any writing or document which appears to be, but is not in fact a negotiable check, negotiable draft or other negotiable instrument unless the writing clearly and conspicuously, in at least 14-point bold type, bears the phrase "THIS IS NOT A CHECK" printed on its face.

B. *An allegation made by a plaintiff in a civil pleading that a defendant real estate licensee has violated this section shall be stated with particularity.*

CHAPTER 697

An Act to amend and reenact § 15.2-3201 of the Code of Virginia, relating to the continuation of the moratorium on annexation by cities.

[S 312]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-3201 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-3201. Temporary restrictions on granting of city charters, filing annexation notices, institutions of annexation proceedings and county immunity proceedings.

Beginning January 1, 1987, and terminating on the first to occur of (i) July 1, 2018, or (ii) the July 1 next following the expiration of any biennium, other than the 1998-2000, 2000-2002, 2002-2004, 2006-2008, 2008-2010, 2010-2012, ~~and~~ 2012-2014, *and* 2014-2016 bienniums, during which the General Assembly appropriated for distribution to localities for aid in their law-enforcement expenditures pursuant to Article 8 (§ 9.1-165 et seq.) of Chapter 1 of Title 9.1 an amount that is less than the total amount required to be appropriated for such purpose pursuant to subsection A of § 9.1-169, no city shall file against any county an annexation notice with the Commission on Local Government pursuant to § 15.2-2907, and no city shall institute an annexation court action against any county under any provision of this chapter except a city that filed an annexation notice before the Commission on Local Government prior to January 1, 1987. During the same period, with the exception of a charter for a proposed consolidated city, no city charter shall be granted or come into force and no suit or notice shall be filed to secure a city charter. However, the foregoing shall not prohibit the institution of nor require the stay of an annexation proceeding or the filing of an annexation notice for the purpose of implementing an annexation agreement, the extent, terms and conditions of which have been agreed upon by a county and city; nor shall the foregoing prohibit the institution of or require the stay of an annexation proceeding by a city which, prior to January 1, 1987, commenced a proceeding before the Commission on Local Government to review a proposed voluntary settlement pursuant to § 15.2-3400; nor shall the foregoing prohibit the institution of or require the stay of any annexation proceeding commenced pursuant to § 15.2-2907 or 15.2-3203, except that no such proceeding may be commenced by a city against any county, nor shall any city be a petitioner in any annexation proceeding instituted pursuant to § 15.2-3203.

Beginning January 1, 1988, and terminating on the first to occur of (i) July 1, 2018, or (ii) the July 1 next following the expiration of any biennium, other than the 1998-2000, 2000-2002, 2002-2004, 2006-2008, 2008-2010, 2010-2012, ~~and~~ 2012-2014, *and* 2014-2016 bienniums, during which the General Assembly appropriated for distribution to localities for aid in their law-enforcement expenditures pursuant to Article 8 (§ 9.1-165 et seq.) of Chapter 1 of Title 9.1 an amount that is less than the total amount required to be appropriated for such purpose pursuant to subsection A of § 9.1-169, no county shall file a notice or petition pursuant to the provisions of Chapter 29 (§ 15.2-2900 et seq.) or Chapter 33 (§ 15.2-3300 et seq.) requesting total or partial immunity from city-initiated annexation and from the incorporation of new cities within its boundaries. However, the foregoing shall not prohibit the institution of nor require the stay of an immunity proceeding or the filing of an immunity notice for the purpose of implementing an immunity agreement, the extent, terms and conditions of which have been agreed upon by a county and city.

CHAPTER 698

An Act to amend and reenact §§ 10.01, 11.02, and 15.10, as amended, of Chapter 536 of the Acts of Assembly of 1950, which provided a charter for the City of Alexandria, relating to elections of city council and school board and powers of city attorney.

[S 321]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.01, 11.02, and 15.10, as amended, of Chapter 536 of the Acts of Assembly of 1950 are amended and reenacted as follows:

§ 10.01. Election of mayor and council members.

On the ~~second Tuesday in June, 1958~~ *day of the November general election in 2015*, and on the ~~second Tuesday in June~~ every third year thereafter ~~until 1973 there shall be held a general election at which shall be elected by~~, the qualified voters of the city at large; *shall choose* a mayor and six members at large of the council for terms of three years from the first day of ~~July~~ *January* following their election. ~~On the first Tuesday in May, 1973, and on the first Tuesday in May every third year thereafter, there shall be held a general city election at which shall be elected by the qualified voters of the city at large a mayor and six members at large of the council for terms of three years from the first day of July following their election.~~ A candidate for mayor shall file his petition therefor specifically; and a candidate for city council shall file his petition therefor specifically, provided, however, that a candidate who files his petition for mayor shall not have his name printed on the ballot for city council. The names of all candidates for city council and mayor shall be placed on the ballot in accordance with general law. Immediately above the list of names of candidates for city council shall appear the words "For City

Council, vote for no more than six (6)," or some similar designation. Immediately above the list of names of candidates for mayor shall appear the words "For Mayor, vote for one," or some similar designation.

In the event no candidate shall file a petition for the office of mayor, the ballot shall show no candidates for that office and the member of council who receives the largest popular vote shall be the mayor of the city and persons receiving the next six highest votes shall be the city council members.

The said election shall be held in accordance with the general laws of the Commonwealth relating to primary and general elections wherever applicable.

§ 11.02. City attorney, powers and duties.

The city attorney shall:

(a) Be the legal adviser of the council, the city manager, and all departments, boards, commissions and agencies of the city; ~~excluding the school board~~, in all matters affecting the interest of the city and shall upon request furnish a written opinion on any question of law involving their respective official powers and duties. *The city attorney may also be the legal advisor of and counsel to the school board in all matters affecting the interests of the school division with the concurrence of both the council and the school board.*

(b) At the request of the city manager or any member of the council, prepare ordinances for introduction and, at the request of the council or any member thereof, examine any ordinance after introduction and render his opinion as to the form and legality thereof.

(c) Draw or approve all bonds, deeds, leases, contracts or other instruments to which the city is a party or in which it has an interest.

(d) Represent the city as counsel in any civil case in which it is interested and in criminal cases in which the constitutionality or validity of any ordinance is brought in issue or in which the city is a party.

(e) Institute and prosecute all legal proceedings he shall deem necessary or proper to protect the interests of the city.

(f) Attend in person or assign one of his assistants to attend all meetings of the council.

(g) Appoint and remove such assistant city attorneys and other employees as shall be authorized by the council, subject to the provisions of Chapter 8 of this charter, and authorize the assistant city attorneys or any of them or special counsel to perform any of the duties imposed upon him in this charter.

(h) Have such other powers and duties as may be assigned to him by ordinance.

Notwithstanding the provisions of this section or any other law the council may, from time to time, enter into agreements with the Commonwealth's Attorney for such attorney to represent the city in any criminal case in which the city is a party. The council shall only consent to such an agreement by resolution adopted at a regular meeting and agreed to by a majority of all of its members. The agreement shall specify the types of cases to be handled by the Commonwealth's Attorney. Prior to the adoption of any such resolution the council shall request the recommendation of the City Attorney on the feasibility and operation of the agreement, but such recommendation shall not be binding on the council. The council may, at any time, modify or repeal its consent to such an agreement provided it follows the procedure provided herein for the giving of its consent and such right of council shall be a part of every such agreement. So long as such agreement is effective the City Attorney shall have no power or duty with respect to the types of cases specified therein. Notwithstanding any other provisions of law the council may provide supplements to the office of the Commonwealth's Attorney for performing the functions and duties covered by the agreement.

§ 15.10. School board and school districts.

(a) The City of Alexandria shall constitute a single school division.

(b) The supervision of schools in the City of Alexandria shall be vested in a school board consisting of nine members. Members of the school board shall be selected by direct election by the voters, unless and until a referendum is passed in favor of changing the method of selecting board members to appointment by the city council, as provided in § 22.1-57.4 of the Code of Virginia, 1950, as amended. The school board members shall be elected from election districts, and the council shall establish by ordinance the number and boundaries of the election districts. Elections for school board members shall be held to coincide with the elections for members of the city council which, pursuant to § 10.01 of this charter, are held every three years on the ~~first Tuesday of May~~ *first Tuesday of May day of the November general election*. The terms of office of school board members shall commence on the ~~July~~ *July* January 1 following the members' elections, shall be for three years and shall run concurrently. Elections for school board members shall be held in accordance with the general laws of the Commonwealth relating to general elections; however, where the provisions of such laws are inconsistent with the provisions of this section, the provisions of this section shall apply.

(c) Notwithstanding any contrary provision of law, general or special, a vacancy from whatever cause in the office of school board member filled by direct election by the voters shall be filled as follows:

(1) A vacancy which occurs on or before 180 days prior to the next ensuing regular school board election shall be filled by a special popular election for the unexpired term of the office. In the event of such vacancy, the school board shall by resolution certify that such vacancy exists to the Circuit Court of the City of Alexandria, and the said court shall order a special election to be held not less than forty, nor more than sixty days after the filing of the resolution to fill the vacancy. Candidates shall file their declarations of candidacy and any statements or petitions required by general law not less than thirty days before said election. The election shall be conducted, and the results thereof ascertained, in the manner provided by law for the conduct of elections and by the regular election officials of the city;

(2) A vacancy which occurs within 180 days of the next ensuing regular school board election shall be filled for the unexpired term by appointment by the chief judge of the Circuit Court of the City of Alexandria;

(3) When a vacancy on the school board is created by the departure of the board chairman, the remaining members of the board shall, as soon as practicable and by majority vote, select a new chairman from among the members.

CHAPTER 699

An Act to amend and reenact § 2.2-4026 of the Code of Virginia, relating to the Administrative Process Act; adoption of regulations.

[S 358]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4026 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4026. Right, forms, venue; date of adoption or readoption for purposes of appeal.

A. Any person affected by and claiming the unlawfulness of any regulation; or party aggrieved by and claiming unlawfulness of a case decision and whether exempted from the procedural requirements of Article 2 (§ 2.2-4006 et seq.) or 3 (§ 2.2-4018 et seq.) ~~of this chapter~~, shall have a right to the direct review thereof by an appropriate and timely court action against the agency or its officers or agents in the manner provided by the ~~rules~~ *Rules* of the Supreme Court of Virginia. Actions may be instituted in any court of competent jurisdiction as provided in § 2.2-4003, and the judgments of the courts of original jurisdiction shall be subject to appeal to or review by higher courts as in other cases unless otherwise provided by law. In addition, when any regulation or case decision is the subject of an enforcement action in court, it shall also be reviewable by the court as a defense to the action, and the judgment or decree therein shall be appealable as in other cases.

B. *Notwithstanding any other provision of law or of any executive order issued under this chapter, with respect to any challenge of a regulation subject to judicial review under this chapter, the date of adoption or readoption of the regulation pursuant to § 2.2-4015 for purposes of appeal under the Rules of Supreme Court shall be the date of publication in the Register of Regulations.*

CHAPTER 700

An Act to amend the Code of Virginia by adding a section numbered 2.2-206.1, relating to the establishment of the Entrepreneur-in-Residence Program.

[S 362]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.2-206.1 as follows:

§ 2.2-206.1. Entrepreneur-in-Residence Program.

A. *There is hereby created the Entrepreneur-in-Residence Program, hereafter referred to as "the Program," as a pilot program to improve outreach by state government to the private sector. The Program shall be administered by the Secretary or his designee. The objectives of the Program are (i) to strengthen coordination and interaction between state government and the private sector on issues relevant to entrepreneurs and small business concerns and (ii) to make state government programs and operations simpler, easier to access, more efficient, and more responsive to the needs of and issues related to small business concerns and entrepreneurs.*

B. *The Secretary may appoint up to 10 individuals per year to serve as entrepreneurs-in-residence with state agencies. Appointees shall have demonstrated success in working with small business concerns and entrepreneurs or have successfully developed, invented, or created a product and brought the product to the marketplace. Appointments shall be for a period of two years. Any costs incurred in the operation of the program shall be provided from nonstate sources of funding.*

C. *Entrepreneurs-in-residence shall serve without compensation but, at the discretion of the head of the agency they were appointed to serve, may receive reasonable and necessary expenses incurred in the discharge of their duties as provided in § 2.2-2825.*

D. *The entrepreneur-in-residence for each agency shall:*

1. *Assist the agency in improving outreach to small business concerns and entrepreneurs;*
2. *Provide recommendations on inefficient or duplicative programs, if any;*
3. *Provide recommendations to the Secretary and the head of the agency on methods to improve program efficiency at the agency or new initiatives, if any, that may be instituted at the agency;*
4. *Facilitate meetings and forums to educate small business concerns and entrepreneurs on programs or initiatives of the department and the agency to which the entrepreneur-in-residence is appointed;*
5. *Facilitate in-service sessions with employees of the department on needs and issues to entrepreneurs and small business concerns; and*

6. Provide technical assistance or mentorship to small business concerns and entrepreneurs in accessing programs at the department and the agency employing the entrepreneur-in-residence.

E. The Secretary may establish an informal working group of entrepreneurs-in-residence to discuss best practices, experiences, obstacles, opportunities, and recommendations.

F. The Secretary is authorized to enter into an agreement with the Virginia Commonwealth University or other public institution of higher education for the management and oversight of the Program.

2. That the provisions of this act shall expire on July 1, 2017.

3. That the provisions of this act shall satisfy the reenactment requirement of Chapter 788 of the Acts of Assembly of 2013.

CHAPTER 701

An Act to amend and reenact §§ 3.04, 4.05, and 20.02, as amended, of Chapter 323 of the Acts of Assembly of 1950, which provided a charter for the City of Falls Church, relating to the city council and school board.

[S 363]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.04, 4.05, and 20.02, as amended, of Chapter 323 of the Acts of Assembly of 1950 are amended and reenacted as follows:

§ 3.04. Vacancies in office of member of city council.

When a vacancy occurs in the office of member of the council, whatever the cause, the vacancy shall be filled for the unexpired portion of the term by special election at the next ~~May~~ *November* general election date, as provided in § 24.2-226 of the Code of Virginia. The remaining members of the council shall make an interim appointment to fill the vacancy, as provided in § 24.2-228 of the Code of Virginia.

§ 4.05. Induction of members.

The first meeting of a newly elected council shall take place in the council chamber in the city hall at ~~eight o'clock~~ *7:30 P.M.* on the first ~~day of July following their election, or if such day shall fall on Sunday, then on the following~~ *Monday after the first Friday in January.* ~~It shall be called to order by the city clerk who shall administer the~~ *The* oath of office to the ~~for~~ duly elected members ~~shall be administered prior to January 1 by:~~ *In the absence of the city clerk the meeting may be called to order and the oath administered by* or any judicial officer having jurisdiction in the city. The council shall be the judge of the election and qualifications of its members. The first business of the council shall be the election of a mayor and vice-mayor and the adoption of rules of procedure. Until this business has been completed the council shall not adjourn for a period longer than forty-eight hours.

§ 20.02. School board.

(a) The school board shall consist of seven trustees who shall be qualified voters of the city actually residing within the city limits.

(b) Except as provided in this charter the school board shall have all the powers and duties relating to the management and control of the public schools of the city provided by the general laws of the Commonwealth, including right of eminent domain within and without the city. None of the provisions of this charter shall be interpreted to refer to or include the school board unless the intention so to do is expressly stated or is clearly apparent from the context.

(c) The power conferred on the city by §§ 2.03 (f) and 2.03 (h) shall be exercised by the school board with respect to property and buildings devoted to public school purposes. The title to property and buildings devoted to public school purposes shall be in the school board.

(d) The school board shall meet annually in ~~July~~ *January*, at which time the board shall fix the time for holding regular meetings for the ensuing year, and may adjourn from day to day, or time to time, before the time fixed for the next regular meeting, until the business before it is completed. At such annual meeting, the school board shall elect one of its members chairman and on recommendation of the division superintendent, elect or appoint a competent person as clerk of the school board, and shall fix his compensation. The chairman and clerk shall be selected annually, but if a vacancy in either office occurs during any year, the school board may fill such vacancy for the remainder of the unexpired term.

In addition to the authority conferred upon the city by Chapter 7, the school board may borrow from the Literary Fund of Virginia or from such other sources as may be available to it by general law.

CHAPTER 702

An Act to amend and reenact §§ 46.2-342 and 46.2-345 of the Code of Virginia, relating to designation on driver's licenses and special identification cards of intellectual disability or autism spectrum disorder.

[S 367]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-342 and 46.2-345 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-342. What license to contain; organ donor information; Uniform Donor Document.

A. Every license issued under this chapter shall bear:

1. For licenses issued or renewed on or after July 1, 2003, a license number which shall be assigned by the Department to the licensee and shall not be the same as the licensee's social security number;
2. A photograph of the licensee;
3. The licensee's full name, year, month, and date of birth;
4. The licensee's address, subject to the provisions of subsection B of this section;
5. A brief description of the licensee for the purpose of identification;
6. A space for the signature of the licensee; and
7. Any other information deemed necessary by the Commissioner for the administration of this title.

No abbreviated names or nicknames shall be shown on any license.

B. At the option of the licensee, the address shown on the license may be either the post office box, business, or residence address of the licensee, provided such address is located in Virginia. However, regardless of which address is shown on the license, the licensee shall supply the Department with his residence address, which shall be an address in Virginia. This residence address shall be maintained in the Department's records. Whenever the licensee's address shown either on his license or in the Department's records changes, he shall notify the Department of such change as required by § 46.2-324.

C. The Department may contract with the United States Postal Service or an authorized agent to use the National Change of Address System for the purpose of obtaining current address information for a person whose name appears in customer records maintained by the Department. If the Department receives information from the National Change of Address System indicating that a person whose name appears in a Department record has submitted a permanent change of address to the Postal Service, the Department may then update its records with the mailing address obtained from the National Change of Address System.

D. The license shall be made of a material and in a form to be determined by the Commissioner.

E. Licenses issued to persons less than 21 years old shall be immediately and readily distinguishable from those issued to persons 21 years old or older. Distinguishing characteristics shall include unique design elements of the document and descriptors within the photograph area to identify persons who are at least 15 years old but less than 21 years old. These descriptors shall include the month, day, and year when the person will become 21 years old.

F. The Department shall establish a method by which an applicant for a driver's license or an identification card may designate his willingness to make an anatomical gift for transplantation, therapy, research, and education as provided in Article 2 (§ 32.1-289.2 et seq.) of Chapter 8 of Title 32.1 and shall cooperate with the Virginia Transplant Council to ensure that such method is designed to encourage organ, tissue, and eye donation with a minimum of effort on the part of the donor and the Department.

G. If an applicant designates his willingness to be a donor pursuant to subsection F, the Department may make a notation of this designation on his license or card and shall make a notation of this designation in his driver record.

H. The donor designation authorized in subsection G shall be sufficient legal authority for the removal, following death, of the subject's organs or tissues without additional authority from the donor, or his family or estate. No family member, guardian, agent named pursuant to an advance directive or person responsible for the decedent's estate shall refuse to honor the donor designation or, in any way, seek to avoid honoring the donor designation.

I. The donor designation provided pursuant to subsection F may be rescinded by notifying the Department. In addition, the Department shall remove from the driver's license or identification card any donor designation made pursuant to subsection F, if, at the time the applicant renews or replaces the license or identification card, the applicant does not again designate his willingness to be a donor pursuant to subsection F.

J. A minor may make a donor designation pursuant to subsection F without the consent of a parent or legal guardian as authorized by the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.).

K. The Department shall provide a method by which an applicant conducting a Department of Motor Vehicles transaction using electronic means may make a voluntary contribution to the Virginia Donor Registry and Public Awareness Fund (Fund) established pursuant to § 32.1-297.1. The Department shall inform the applicant of the existence of the Fund and also that contributing to the Fund is voluntary.

L. The Department shall collect all moneys contributed pursuant to subsection K and transmit the moneys on a regular basis to the Virginia Transplant Council, which shall credit the contributions to the Fund.

M. When requested by the applicant, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's driver's license that the applicant ~~is~~ (i) is an insulin-dependent diabetic, ~~or~~ (ii) is hearing or speech impaired, or (iii) has an intellectual disability, as defined in § 37.2-100, or autism spectrum disorder, as defined in § 38.2-3418.17.

N. In the absence of gross negligence or willful misconduct, the Department and its employees shall be immune from any civil or criminal liability in connection with the making of or failure to make a notation of donor designation on any license or card or in any person's driver record.

O. Notwithstanding the foregoing provisions of this section, the Department shall continue to use the uniform donor document, as formerly set forth in subsection F, for organ donation designation until such time as a new method is fully implemented, which shall be no later than July 1, 1994. Any such uniform donor document shall, when properly executed, remain valid and shall continue to be subject to all conditions for execution, delivery, amendment, and revocation as set out in Article 2 (§ 32.1-289.2 et seq.) of Chapter 8 of Title 32.1.

P. The Department shall, in coordination with the Virginia Transplant Council, prepare an organ donor information brochure describing the organ donor program and providing instructions for completion of the uniform donor document information describing the bone marrow donation program and instructions for registration in the National Bone Marrow Registry. The Department shall include a copy of such brochure with every driver's license renewal notice or application mailed to licensed drivers in Virginia.

§ 46.2-345. Issuance of special identification cards; fee; confidentiality; penalties.

A. On the application of any person who is a resident of the Commonwealth or the parent or legal guardian of any such person who is under the age of 15, the Department shall issue a special identification card to the person provided:

1. Application is made on a form prescribed by the Department and includes the applicant's full legal name; year, month, and date of birth; social security number; sex; and residence address;

2. The applicant presents, when required by the Department, proof of identity, legal presence, residency, and social security number or non-work authorized status;

3. The Department is satisfied that the applicant needs an identification card or the applicant shows he has a bona fide need for such a card; and

4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit.

Persons 70 years of age or older may exchange a valid Virginia driver's license for a special identification card at no fee. Special identification cards subsequently issued to such persons shall be subject to the regular fees for special identification cards.

B. The fee for the issuance of an original or renewal special identification card is \$5. The fee for the issuance of a duplicate or reissue of a special identification card is \$5. Persons 21 years old or older may be issued a scenic special identification card for an additional fee of \$5.

C. Every special identification card shall expire on the last day of the month of birth of the applicant in years in which the applicant attains an age exactly divisible by five. At no time shall any special identification card be issued for less than three nor more than seven years, except under the provisions of subsection B of § 46.2-328.1 and except that those cards issued to children under the age of 15 shall expire on the child's sixteenth birthday, thereafter the special identification card may be renewed on or before the last day of the month of birth of the applicant and shall be valid for five years, expiring in the next year in which the applicant's age is exactly divisible by five, except under the provisions of subsection B of § 46.2-328.1. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring card if (i) the Department is unable to process an application for renewal due to circumstances beyond its control, (ii) the extension has been authorized under a directive from the Governor, and (iii) the card was not issued as a temporary special identification card under the provisions of subsection B of § 46.2-328.1. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions.

D. A special identification card issued under this section may be similar in size, shape, and design to a driver's license, and include a photograph of its holder, but the card shall be readily distinguishable from a driver's license and shall clearly state that it does not authorize the person to whom it is issued to drive a motor vehicle. Every applicant for a special identification card shall appear in person before the Department to apply for a renewal, duplicate or reissue unless specifically permitted by the Department to apply in another manner.

E. Special identification cards, for persons at least 15 years old but less than 21 years old, shall be immediately and readily distinguishable from those issued to persons 21 years old or older. Distinguishing characteristics shall include unique design elements of the document and descriptors within the photograph area to identify persons who are at least 15 years old but less than 21 years old. These descriptors shall include the month, day, and year when the person will become 21 years old.

F. Special identification cards for persons under age 15 shall bear a full face photograph. The special identification card issued to persons under age 15 shall be readily distinguishable from a driver's license and from other special identification cards issued by the Department. Such cards shall clearly indicate that it does not authorize the person to whom it is issued to drive a motor vehicle.

G. Unless otherwise prohibited by law, a valid Virginia driver's license may be surrendered for a special identification card without the applicant's having to present proof of legal presence as required by § 46.2-328.1 if the Virginia driver's license is unexpired and it has not been revoked, suspended, or cancelled. The special identification card shall be considered a reissue and the expiration date shall be the last day of the month of the surrendered driver's license's month of expiration.

H. Any personal information, as identified in § 2.2-3801, which is retained by the Department from an application for the issuance of a special identification card is confidential and shall not be divulged to any person, association, corporation, or organization, public or private, except to the legal guardian or the attorney of the applicant or to a person, association, corporation, or organization nominated in writing by the applicant, his legal guardian, or his attorney. This subsection shall not prevent the Department from furnishing the application or any information thereon to any law-enforcement agency.

I. Any person who uses a false or fictitious name or gives a false or fictitious address in any application for an identification card or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in any such application shall be guilty of a Class 2 misdemeanor. However, where the name or address is given, or false statement is made, or fact is concealed, or fraud committed, with the intent to purchase a firearm or where the identification card is obtained for the purpose of committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.

J. The Department may promulgate regulations necessary for the effective implementation of the provisions of this section.

K. The Department shall utilize the various communications media throughout the Commonwealth to inform Virginia residents of the provisions of this section and to promote and encourage the public to take advantage of its provisions.

L. The Department shall electronically transmit application information to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry Files, at the time of issuance of a special identification card. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person made application for the special identification card.

M. *When requested by the applicant, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's special identification card that the applicant has any condition listed in subsection M of § 46.2-342.*

CHAPTER 703

An Act to amend and reenact § 47.1-5.1 of the Code of Virginia, relating to notary public; application for recommission.

[S 378]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 47.1-5.1 of the Code of Virginia is amended and reenacted as follows:

§ 47.1-5.1. Application for recommission.

~~For persons~~ *Persons* already commissioned as notaries public or electronic notaries public pursuant to this title and who are submitting application for recommission as a notary or electronic notary, *may submit applications to the Secretary* ~~may accept~~ *in person, by first-class mail, or online, provided online applications contain electronic signatures, authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.), as confirmation that the application has been signed and sworn pursuant to § 47.1-5.*

CHAPTER 704

An Act to direct the Department of Transportation to maintain the rural road network in Loudoun County.

[S 397]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. § 1. *In recognition that Loudoun County contains one of the largest and the highest-volume network of rural gravel roads in the Commonwealth at 280 centerline miles, and in recognition of the importance of the contribution that many of these rural gravel roads make to the preservation of the unique cultural and historic heritage of the County and of the Commonwealth, the Department of Transportation shall do the following in carrying out its duties and responsibilities to properly maintain the rural gravel road network in Loudoun County:*

1. Coordinate with the County and with affected residents in order to better understand their specific maintenance concerns and in order to better prioritize how the Department allocates its maintenance budget to address such local concerns;

2. Continue, whenever practicable, to maintain rural gravel roads in traditional alignment, surface treatment, and width and protect banks, stone walls, and roadside trees in all rural, agricultural, and historic areas;

3. Apply the Department's Rural Rustic Road policies in any paving program in rural, agricultural, or historic areas, unless requested otherwise by the County, and focus limited paving resources primarily on highly traveled roads in developed areas; and

4. Provide an annual report to the County detailing how the Department expended funds in the prior fiscal year for the maintenance of rural gravel roads in the County.

CHAPTER 705

An Act to amend and reenact §§ 54.1-2105.1 and 54.1-2109 of the Code of Virginia, relating to the Real Estate Board; death or disability of a broker.

[S 438]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:**1. That §§ 54.1-2105.1 and 54.1-2109 of the Code of Virginia are amended and reenacted as follows:****§ 54.1-2105.1. Other powers and duties of the Real Estate Board.**

In addition to the provisions of §§ 54.1-2105.01 through 54.1-2105.04, the Board shall ~~develop~~:

1. *Develop* a residential property disclosure statement form for use in accordance with the provisions of Chapter 27 (§ 55-517 et seq.) of Title 55. The Board shall also include on its website the notice required by subsection B of § 55-519; and
2. *Inform licensed brokers, in a manner deemed appropriate by the Board, of the broker's ability to designate an agent pursuant to § 54.1-2109 in the event of the broker's death or disability.*

§ 54.1-2109. Death or disability of a broker.

Upon the death or disability of a licensed real estate broker who was engaged in a proprietorship or who was the only licensed broker in a corporation or partnership, ~~the estate; an adult family member, or an employee of the licensee may be granted approval by~~ the Real Estate Board *shall grant approval* to carry on the business of the deceased or disabled broker for 180 days following the death or disability of the broker solely for the purpose of concluding the business of the deceased or disabled broker *in the following order*:

1. *A personal representative qualified by the court to administer the deceased broker's estate.*
2. *If there is no personal representative qualified pursuant to subdivision 1, then an agent designated under a power of attorney of the disabled or deceased broker, which designation expressly references this section.*
3. *If there is no agent designated pursuant to subdivision 2, the executor nominated in the deceased broker's will.*
4. *If there is no executor nominated pursuant to subdivision 3, then an adult family member of the disabled or deceased broker.*
5. *If there is no adult family member nominated pursuant to subdivision 4, then an employee of the disabled or deceased broker.*

In the event ~~no such person is~~ *none of the foregoing is* available or suitable, the Board may appoint any other suitable person to terminate the business within 180 days.

CHAPTER 706

An Act to amend and reenact §§ 9.1-902 and 18.2-355 of the Code of Virginia, relating to Sex Offender and Crimes Against Minors Registry; solicitation of prostitution; pandering; minors.

[S 454]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:**1. That §§ 9.1-902 and 18.2-355 of the Code of Virginia are amended and reenacted as follows:****§ 9.1-902. Offenses requiring registration.**

A. For purposes of this chapter:

"Offense for which registration is required" includes:

1. Any offense listed in subsection B;
2. Criminal homicide;
3. Murder;
4. A sexually violent offense;
5. Any offense similar to those listed in subdivisions 1 through 4 under the laws of any foreign country or any political subdivision thereof, the United States or any political subdivision thereof; and
6. Any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted.

B. The offenses included under this subsection include any violation of, attempted violation of, or conspiracy to violate:

1. § 18.2-63; unless registration is required pursuant to subdivision E 1; § 18.2-64.1; former § 18.2-67.2:1; § 18.2-90 with the intent to commit rape; former § 18.1-88 with the intent to commit rape; *any felony violation of § 18.2-346; any violation of subdivision (4) of § 18.2-355; subsection B or C of § 18.2-374.1:1; former subsection D of § 18.2-374.1:1 as it was in effect from July 1, 1994, through June 30, 2007; former clause (iv) of subsection B of § 18.2-374.3 as it was in effect on June 30, 2007; or subsection B, C, or D of § 18.2-374.3; or a third or subsequent conviction of (i) § 18.2-67.4, (ii) § 18.2-67.4:2, (iii) subsection C of § 18.2-67.5, or (iv) § 18.2-386.1.*

If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any felony offense listed in this section; subsection A of § 18.2-374.1:1; or a felony under § 18.2-67.5:1.

2. Where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection A of § 18.2-47, clause (i) of § 18.2-48, § 18.2-67.4, subsection C of § 18.2-67.5, § 18.2-361, § 18.2-366, or a felony violation of former § 18.1-191.

3. § 18.2-370.6.

C. "Criminal homicide" means a homicide in conjunction with a violation of, attempted violation of, or conspiracy to violate clause (i) of § 18.2-371 or § 18.2-371.1, when the offenses arise out of the same incident.

D. "Murder" means a violation of, attempted violation of, or conspiracy to violate § 18.2-31 or § 18.2-32 where the victim is (i) under 15 years of age or (ii) where the victim is at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section or a violation of former § 18.1-21 where the victim is (a) under 15 years of age or (b) at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section.

E. "Sexually violent offense" means a violation of, attempted violation of, or conspiracy to violate:

1. Clause (ii) and (iii) of § 18.2-48, former § 18.1-38 with the intent to defile or, for the purpose of concubinage or prostitution, a felony violation of subdivision (2) or (3) of former § 18.1-39 that involves assisting or aiding in such an abduction, § 18.2-61, former § 18.1-44 when such act is accomplished against the complaining witness's will, by force, or through the use of the complaining witness's mental incapacity or physical helplessness, or if the victim is under 13 years of age, subsection A of § 18.2-63 where the perpetrator is more than five years older than the victim, § 18.2-67.1, § 18.2-67.2, § 18.2-67.3, former § 18.1-215 when the complaining witness is under 13 years of age, § 18.2-67.4 where the perpetrator is 18 years of age or older and the victim is under the age of six, subsections A and B of § 18.2-67.5, § 18.2-370, subdivision (1), (2), or (4) of former § 18.1-213, former § 18.1-214, or § 18.2-370.1 or § 18.2-374.1; or

2. § 18.2-63, § 18.2-64.1, former § 18.2-67.2:1, § 18.2-90 with the intent to commit rape or, where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection A of § 18.2-47, § 18.2-67.4, subsection C of § 18.2-67.5, clause (i) of § 18.2-48, § 18.2-361, § 18.2-366, or subsection C of § 18.2-374.1:1. An offense listed under this subdivision shall be deemed a sexually violent offense only if the person has been convicted or adjudicated delinquent of any two or more such offenses, provided that person had been at liberty between such convictions or adjudications;

3. If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any felony offense listed in this section. An offense listed under this subdivision shall be deemed a sexually violent offense only if the person has been convicted or adjudicated delinquent of any two or more such offenses, provided that the person had been at liberty between such convictions or adjudications; or

4. Chapter 117 (18 U.S.C. § 2421 et seq.) of Title 18 of the United States Code or sex trafficking (as described in § 1591 of Title 18, U.S.C.).

F. "Any offense listed in subsection B," "criminal homicide" as defined in this section, "murder" as defined in this section, and "sexually violent offense" as defined in this section includes (i) any similar offense under the laws of any foreign country or any political subdivision thereof, the United States or any political subdivision thereof or (ii) any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted.

G. Juveniles adjudicated delinquent shall not be required to register; however, where the offender is a juvenile over the age of 13 at the time of the offense who is tried as a juvenile and is adjudicated delinquent on or after July 1, 2005, of any offense for which registration is required, the court may, in its discretion and upon motion of the attorney for the Commonwealth, find that the circumstances of the offense require offender registration. In making its determination, the court shall consider all of the following factors that are relevant to the case: (i) the degree to which the delinquent act was committed with the use of force, threat or intimidation, (ii) the age and maturity of the complaining witness, (iii) the age and maturity of the offender, (iv) the difference in the ages of the complaining witness and the offender, (v) the nature of the relationship between the complaining witness and the offender, (vi) the offender's prior criminal history, and (vii) any other aggravating or mitigating factors relevant to the case. The attorney for the Commonwealth may file such a motion at any time during which the offender is within the jurisdiction of the court for the offense that is the basis for such motion. Prior to any hearing on such motion, the court shall appoint a qualified and competent attorney-at-law to represent the offender unless an attorney has been retained and appears on behalf of the offender or counsel has already been appointed.

H. Prior to entering judgment of conviction of an offense for which registration is required if the victim of the offense was a minor, physically helpless, or mentally incapacitated, the court shall determine by a preponderance of the evidence whether the victim of the offense was a minor, physically helpless or mentally incapacitated, as defined in § 18.2-67.10, and shall also determine the age of the victim at the time of the offense if it determines the victim to be a minor. Upon such a determination the court shall advise the defendant of its determination and of the defendant's right to withdraw a plea of guilty or nolo contendere. If the defendant chooses to withdraw his plea of guilty or of nolo contendere, his case shall be heard by another judge, unless the parties agree otherwise.

§ 18.2-355. Taking, detaining, etc., person for prostitution, etc., or consenting thereto; human trafficking.

Any person who:

(1) For purposes of prostitution or unlawful sexual intercourse, takes any person into, or persuades, encourages or causes any person to enter, a bawdy place, or takes or causes such person to be taken to any place against his or her will for such purposes; or;

(2) Takes or detains a person against his or her will with the intent to compel such person, by force, threats, persuasions, menace or duress, to marry him or her or to marry any other person, or to be defiled; or;

(3) Being parent, guardian, legal custodian or one standing in loco parentis of a person, consents to such person being taken or detained by any person for the purpose of prostitution or unlawful sexual intercourse; or

(4) For purposes of prostitution, takes any minor into, or persuades, encourages, or causes any minor to enter, a bawdy place, or takes or causes such person to be taken to any place for such purposes; is guilty of pandering, and shall be guilty of a Class 4 felony.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 806 of the Acts of Assembly of 2013 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 707

An Act to amend and reenact §§ 18.2-270, 18.2-270.1, 18.2-271.1, 46.2-391.01, and 46.2-391.2 of the Code of Virginia, relating to driving while intoxicated.

[S 482]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-270, 18.2-270.1, 18.2-271.1, 46.2-391.01, and 46.2-391.2 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-270. Penalty for driving while intoxicated; subsequent offense; prior conviction.

A. Except as otherwise provided herein, any person violating any provision of § 18.2-266 shall be guilty of a Class 1 misdemeanor with a mandatory minimum fine of \$250. If the person's blood alcohol level as indicated by the chemical test administered as provided in this article or by any other scientifically reliable chemical test performed on whole blood under circumstances reliably establishing the identity of the person who is the source of the blood and the accuracy of the results (i) was at least 0.15, but not more than 0.20, he shall be confined in jail for an additional mandatory minimum period of five days or, (ii) if the level was more than 0.20, for an additional mandatory minimum period of 10 days.

B. 1. Any person convicted of a second offense committed within less than five years after a prior offense under § 18.2-266 shall upon conviction of the second offense be punished by a mandatory minimum fine of \$500 and by confinement in jail for not less than one month nor more than one year. Twenty days of such confinement shall be a mandatory minimum sentence.

2. Any person convicted of a second offense committed within a period of five to 10 years of a prior offense under § 18.2-266 shall upon conviction of the second offense be punished by a mandatory minimum fine of \$500 and by confinement in jail for not less than one month. Ten days of such confinement shall be a mandatory minimum sentence.

3. Upon conviction of a second offense within 10 years of a prior offense, if the person's blood alcohol level as indicated by the chemical test administered as provided in this article or by any other scientifically reliable chemical test performed on whole blood under circumstances reliably establishing the identity of the person who is the source of the blood and the accuracy of the results (i) was at least 0.15, but not more than 0.20, he shall be confined in jail for an additional mandatory minimum period of 10 days or, (ii) if the level was more than 0.20, for an additional mandatory minimum period of 20 days. In addition, such person shall be fined a mandatory minimum fine of \$500.

C. 1. Any person convicted of three offenses of § 18.2-266 committed within a 10-year period shall upon conviction of the third offense be guilty of a Class 6 felony. The sentence of any person convicted of three offenses of § 18.2-266 committed within a 10-year period shall include a mandatory minimum sentence of 90 days, unless the three offenses were committed within a five-year period, in which case the sentence shall include a mandatory minimum sentence of confinement for six months. In addition, such person shall be fined a mandatory minimum fine of \$1,000.

2. A person who has been convicted of § 18.2-36.1, 18.2-36.2, 18.2-51.4, 18.2-51.5, or a felony violation of § 18.2-266 shall upon conviction of a subsequent violation of § 18.2-266 be guilty of a Class 6 felony. The punishment of any person convicted of such a subsequent violation of § 18.2-266 shall include a mandatory minimum term of imprisonment of one year and a mandatory minimum fine of \$1,000.

3. The punishment of any person convicted of a fourth or subsequent offense of § 18.2-266 committed within a 10-year period shall, upon conviction, include a mandatory minimum term of imprisonment of one year. In addition, such person shall be fined a mandatory minimum fine of \$1,000. ~~Unless otherwise modified by the court, the defendant shall remain on probation and under the terms of any suspended sentence for the same period as his operator's license was suspended, not to exceed three years.~~

4. The vehicle solely owned and operated by the accused during the commission of a felony violation of § 18.2-266 shall be subject to seizure and forfeiture. After an arrest for a felony violation of § 18.2-266, the Commonwealth may file an information in accordance with § 19.2-386.34.

D. In addition to the penalty otherwise authorized by this section or § 16.1-278.9, any person convicted of a violation of § 18.2-266 committed while transporting a person 17 years of age or younger shall be (i) fined an additional minimum of \$500 and not more than \$1,000 and (ii) sentenced to a mandatory minimum period of confinement of five days.

E. For the purpose of determining the number of offenses committed by, and the punishment appropriate for, a person under this section, an adult conviction of any person, or finding of guilty in the case of a juvenile, under the following shall be considered a conviction of § 18.2-266: (i) the provisions of § 18.2-36.1 or the substantially similar laws of any other state or of the United States, (ii) the provisions of §§ 18.2-51.4, 18.2-266, former § 18.1-54 (formerly § 18-75), the ordinance of any county, city or town in this Commonwealth or the laws of any other state or of the United States substantially similar to the provisions of § 18.2-51.4, or § 18.2-266, or (iii) the provisions of subsection A of § 46.2-341.24 or the substantially similar laws of any other state or of the United States.

F. Mandatory minimum punishments imposed pursuant to this section shall be cumulative, and mandatory minimum terms of confinement shall be served consecutively. However, in no case shall punishment imposed hereunder exceed the applicable statutory maximum Class 1 misdemeanor term of confinement or fine upon conviction of a first or second offense, or Class 6 felony term of confinement or fine upon conviction of a third or subsequent offense.

§ 18.2-270.1. Ignition interlock systems; penalty.

A. For purposes of this section and § 18.2-270.2:

"Commission" means the Commission on VASAP.

"Department" means the Department of Motor Vehicles.

"Ignition interlock system" means a device that (i) connects a motor vehicle ignition system to an analyzer that measures a driver's blood alcohol content; (ii) prevents a motor vehicle ignition from starting if a driver's blood alcohol content exceeds 0.02 percent; and (iii) is equipped with the ability to perform a rolling retest and to electronically log the blood alcohol content during ignition, attempted ignition and rolling retest.

"Rolling retest" means a test of the vehicle operator's blood alcohol content required at random intervals during operation of the vehicle, which triggers the sounding of the horn and flashing of lights if (i) the test indicates that the operator has a blood alcohol content which exceeds 0.02 percent or (ii) the operator fails to take the test.

B. In addition to any penalty provided by law for a conviction under § 18.2-51.4 or 18.2-266 or a substantially similar ordinance of any county, city or town, any court of proper jurisdiction shall, as a condition of a restricted license, prohibit an offender from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system for any period of time not to exceed the period of license suspension and restriction, not less than six consecutive months without alcohol-related violations of the interlock requirements. The court shall, for a conviction under § 18.2-51.4, a second or subsequent offense of § 18.2-266 or a substantially similar ordinance of any county, city or town, or as a condition of license restoration pursuant to subsection C of § 18.2-271.1 or § 46.2-391, require that such a system be installed on each motor vehicle, as defined in § 46.2-100, owned by or registered to the offender, in whole or in part, for such period of time. Such condition shall be in addition to any purposes for which a restricted license may be issued pursuant to § 18.2-271.1. The court may order the installation of an ignition interlock system to commence immediately upon conviction. A fee of \$20 to cover court and administrative costs related to the ignition interlock system shall be paid by any such offender to the clerk of the court. The court shall require the offender to install an electronic log device with the ignition interlock system on a vehicle designated by the court to measure the blood alcohol content at each attempted ignition and random rolling retest during operation of the vehicle. The offender shall be enrolled in and supervised by an alcohol safety action program pursuant to § 18.2-271.1 and to conditions established by regulation under § 18.2-270.2 by the Commission during the period for which the court has ordered installation of the ignition interlock system. The offender shall be further required to provide to such program, at least quarterly during the period of court ordered ignition interlock installation, a printout from such electronic log indicating the offender's blood alcohol content during such ignitions, attempted ignitions, and rolling retests, and showing attempts to circumvent or tamper with the equipment.

C. In any case in which the court requires the installation of an ignition interlock system, the court shall order the offender not to operate any motor vehicle that is not equipped with such a system for the period of time that the interlock restriction is in effect. The clerk of the court shall file with the Department of Motor Vehicles a copy of the order, which shall become a part of the offender's operator's license record maintained by the Department. The Department shall issue to the offender for the period during which the interlock restriction is imposed a restricted license which shall appropriately set forth the restrictions required by the court under this subsection and any other restrictions imposed upon the offender's driving privilege, and shall also set forth any exception granted by the court under subsection F.

D. The offender shall be ordered to provide the appropriate ASAP program, within 30 days of the effective date of the order of court, proof of the installation of the ignition interlock system. The Program shall require the offender to have the system monitored and calibrated for proper operation at least every 30 days by an entity approved by the Commission under the provisions of § 18.2-270.2 and to demonstrate proof thereof. The offender shall pay the cost of leasing or buying and monitoring and maintaining the ignition interlock system. Absent good cause shown, the court may revoke the offender's driving privilege for failing to (i) timely install such system or (ii) have the system properly monitored and calibrated.

E. No person shall start or attempt to start a motor vehicle equipped with an ignition interlock system for the purpose of providing an operable motor vehicle to a person who is prohibited under this section from operating a motor vehicle that is not equipped with an ignition interlock system. No person shall tamper with, or in any way attempt to circumvent the operation of, an ignition interlock system that has been installed in the motor vehicle of a person under this section. Except as authorized in subsection ~~G~~ F, no person shall knowingly furnish a motor vehicle not equipped with a functioning ignition interlock system to any person prohibited under subsection B from operating any motor vehicle which is not equipped with such system. A violation of this subsection is punishable as a Class 1 misdemeanor.

F. Any person prohibited from operating a motor vehicle under subsection B may, solely in the course of his employment, operate a motor vehicle which is owned or provided by his employer without installation of an ignition interlock system, if the court expressly permits such operation as a condition of a restricted license at the request of the employer, but such person may not operate a school bus, school vehicle, or a commercial motor vehicle as defined in § 46.2-341.4. This subsection shall not apply if such employer is an entity wholly or partially owned or controlled by the person otherwise prohibited from operating a vehicle without an ignition interlock system.

G. The Commission shall promulgate such regulations and forms as are necessary to implement the procedures outlined in this section.

§ 18.2-271.1. Probation, education and rehabilitation of person charged or convicted; person convicted under law of another state.

A. Any person convicted of a first or second offense of § 18.2-266 ~~(i), (ii), (iii), or (iv)~~, or any ordinance of a county, city, or town similar to the provisions thereof, or provisions of subsection A of § 46.2-341.24, shall be required by court order, as a condition of probation or otherwise, to enter into and successfully complete an alcohol safety action program in the judicial district in which such charge is brought or in any other judicial district upon such terms and conditions as the court may set forth. However, upon motion of a person convicted of any such offense following an assessment of the person conducted by an alcohol safety action program, the court, for good cause, may decline to order participation in such a program if the assessment by the alcohol safety action program indicates that intervention is not appropriate for such person. In no event shall such persons be permitted to enter any such program which is not certified as meeting minimum standards and criteria established by the Commission on the Virginia Alcohol Safety Action Program (VASAP) pursuant to ~~subsection H~~ of this section and to § 18.2-271.2. However, any person charged with a violation of a first or second offense of § 18.2-266 ~~(i), (ii), (iii), or (iv)~~, or any ordinance of a county, city, or town similar to the provisions thereof, or provisions of subsection A of § 46.2-341.24, may, at any time prior to trial, enter into an alcohol safety action program in the judicial district in which such charge is brought or in any other judicial district. Any person who enters into such program prior to trial may pre-qualify with the program to have an ignition interlock system installed on any motor vehicle owned or operated by him. However, no ignition interlock company shall install an ignition interlock system on any such vehicle until a court issues to the person a restricted license with the ignition interlock restriction.

B. The court shall require the person entering such program under the provisions of this section to pay a fee of no less than \$250 but no more than \$300. A reasonable portion of such fee, as may be determined by the Commission on VASAP, but not to exceed 10 percent, shall be forwarded monthly to be deposited with the State Treasurer for expenditure by the Commission on VASAP, and the balance shall be held in a separate fund for local administration of driver alcohol rehabilitation programs. Upon a positive finding that the defendant is indigent, the court may reduce or waive the fee. In addition to the costs of the proceeding, fees as may reasonably be required of defendants referred for intervention under any such program may be charged.

C. Upon conviction of a violation of § 18.2-266 or any ordinance of a county, city or town similar to the provisions thereof, or subsection A of § 46.2-341.24, the court shall impose the sentence authorized by § 18.2-270 or 46.2-341.28 and the license revocation as authorized by § 18.2-271. In addition, if the conviction was for a second offense committed within less than 10 years after a first such offense, the court shall order that restoration of the person's license to drive be conditioned upon the installation of an ignition interlock system on each motor vehicle, as defined in § 46.2-100, owned by or registered to the person, in whole or in part, for a period of six months beginning at the end of the three year license revocation, unless such a system has already been installed for six months prior to that time pursuant to a restricted license order under subsection E of this section. Upon a finding that a person so convicted is required to participate in the program described herein, the court shall enter the conviction on the warrant, and shall note that the person so convicted has been referred to such program. The court may then proceed to issue an order in accordance with subsection E of this section, if the court finds that the person so convicted is eligible for a restricted license. If the court finds good cause for a person not to participate in such program or subsequently that such person has violated, without good cause, any of the conditions set forth by the court in entering the program, the court shall dispose of the case as if no program had been entered, in which event the revocation provisions of § 46.2-389 and subsection A of § 46.2-391 shall be applicable to the conviction. The court shall, upon final disposition of the case, send a copy of its order to the Commissioner of the Department of Motor Vehicles. If such order provides for the issuance of a restricted license, the Commissioner of the Department of Motor Vehicles, upon receipt thereof, shall issue a restricted license. Appeals from any such disposition shall be allowed as provided by law. The time within which an appeal may be taken shall be calculated from the date of the final disposition of the case or any motion for rehearing, whichever is later.

D. Any person who has been convicted in another state of the violation of a law of such state substantially similar to the provisions of § 18.2-266 or subsection A of § 46.2-341.24, and whose privilege to operate a motor vehicle in this

Commonwealth is subject to revocation under the provisions of § 46.2-389 and subsection A of § 46.2-391, may petition the general district court of the county or city in which he resides that he be given probation and assigned to a program as provided in subsection A of this section and that, upon entry into such program, he be issued an order in accordance with subsection E of this section. If the court finds that such person would have qualified therefor if he had been convicted in this Commonwealth of a violation of § 18.2-266 or subsection A of § 46.2-341.24, the court may grant the petition and may issue an order in accordance with subsection E of this section as to the period of license suspension or revocation imposed pursuant to § 46.2-389 or subsection A of § 46.2-391. Such order shall be conditioned upon the successful completion of a program by the petitioner. If the court subsequently finds that such person has violated any of the conditions set forth by the court, the court shall dispose of the case as if no program had been entered and shall notify the Commissioner, who shall revoke the person's license in accordance with the provisions of § 46.2-389 or subsection A of § 46.2-391. A copy of the order granting the petition or subsequently revoking or suspending such person's license to operate a motor vehicle shall be forthwith sent to the Commissioner of the Department of Motor Vehicles.

No period of license suspension or revocation shall be imposed pursuant to this subsection which, when considered together with any period of license suspension or revocation previously imposed for the same offense in any state, results in such person's license being suspended for a period in excess of the maximum periods specified in this subsection.

E. Except as otherwise provided herein, whenever a person enters a certified program pursuant to this section, and such person's license to operate a motor vehicle, engine or train in the Commonwealth has been suspended or revoked, the court may, in its discretion and for good cause shown, provide that such person be issued a restricted permit to operate a motor vehicle for any of the following purposes: (i) travel to and from his place of employment; (ii) travel to and from an alcohol rehabilitation or safety action program; (iii) travel during the hours of such person's employment if the operation of a motor vehicle is a necessary incident of such employment; (iv) travel to and from school if such person is a student, upon proper written verification to the court that such person is enrolled in a continuing program of education; (v) travel for health care services, including medically necessary transportation of an elderly parent or, as designated by the court, any person residing in the person's household with a serious medical problem upon written verification of need by a licensed health professional; (vi) travel necessary to transport a minor child under the care of such person to and from school, day care, and facilities housing medical service providers; (vii) travel to and from court-ordered visitation with a child of such person; (viii) travel to a screening, evaluation and education program entered pursuant to § 18.2-251 or subsection H of § 18.2-258.1; (ix) travel to and from court appearances in which he is a subpoenaed witness or a party and appointments with his probation officer and to and from any programs required by the court or as a condition of probation; (x) travel to and from a place of religious worship one day per week at a specified time and place; (xi) travel to and from appointments approved by the Division of Child Support Enforcement of the Department of Social Services as a requirement of participation in a court-ordered intensive case monitoring program for child support for which the participant maintains written proof of the appointment, including written proof of the date and time of the appointment, on his person; (xii) travel to and from jail to serve a sentence when such person has been convicted and sentenced to confinement in jail and pursuant to § 53.1-131.1 the time to be served is on weekends or nonconsecutive days; or (xiii) travel to and from the facility that installed or monitors the ignition interlock in the person's vehicle. No restricted license issued pursuant to this subsection shall permit any person to operate a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). The court shall order the surrender of such person's license to operate a motor vehicle to be disposed of in accordance with the provisions of § 46.2-398 and shall forward to the Commissioner of the Department of Motor Vehicles a copy of its order entered pursuant to this subsection, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a permit is issued as is reasonably necessary to identify such person. The court shall also provide a copy of its order to the person so convicted who may operate a motor vehicle on the order until receipt from the Commissioner of the Department of Motor Vehicles of a restricted license, if the order provides for a restricted license for that time period. A copy of such order and, after receipt thereof, the restricted license shall be carried at all times while operating a motor vehicle. Any person who operates a motor vehicle in violation of any restrictions imposed pursuant to this section shall be guilty of a violation of § 18.2-272. Such restricted license shall be conditioned upon enrollment within 15 days in, and successful completion of, a program as described in subsection A of this section. No restricted license shall be issued during the first four months of a revocation imposed pursuant to subsection B of § 18.2-271 or subsection A of § 46.2-391 for a second offense of the type described therein committed within 10 years of a first such offense. No restricted license shall be issued during the first year of a revocation imposed pursuant to subsection B of § 18.2-271 or subsection A of § 46.2-391 for a second offense of the type described therein committed within five years of a first such offense. No restricted license shall be issued during any revocation period imposed pursuant to subsection C of § 18.2-271 or subsection B of § 46.2-391. Notwithstanding the provisions of § 46.2-411, the fee charged pursuant to § 46.2-411 for reinstatement of the driver's license of any person whose privilege or license has been suspended or revoked as a result of a violation of § 18.2-266, subsection A of § 46.2-341.24 or of any ordinance of a county, city or town, or of any federal law or the laws of any other state similar to the provisions of § 18.2-266 or subsection A of § 46.2-341.24 shall be \$105. Forty dollars of such reinstatement fee shall be retained by the Department of Motor Vehicles as provided in § 46.2-411, \$40 shall be transferred to the Commission on VASAP, and \$25 shall be transferred to the Commonwealth Neurotrauma Initiative Trust Fund.

F. The court shall have jurisdiction over any person entering such program under any provision of this section until such time as the case has been disposed of by either successful completion of the program, or revocation due to ineligibility

or violation of a condition or conditions imposed by the court, whichever shall first occur. Revocation proceedings shall be commenced by notice to show cause why the court should not revoke the privilege afforded by this section. Such notice shall be made by first-class mail to the last known address of such person, and shall direct such person to appear before the court in response thereto on a date contained in such notice, which shall not be less than 10 days from the date of mailing of the notice. Failure to appear in response to such notice shall of itself be grounds for revocation of such privilege. Notice of revocation under this subsection shall be sent forthwith to the Commissioner of the Department of Motor Vehicles.

G. For the purposes of this section, any court which has convicted a person of a violation of § 18.2-266, subsection A of § 46.2-341.24 or any ordinance of a county, city or town similar to the provisions of § 18.2-266 shall have continuing jurisdiction over such person during any period of license revocation related to that conviction, for the limited purposes of (i) referring such person to a certified alcohol safety action program, (ii) providing for a restricted permit for such person in accordance with the provisions of subsection E, and (iii) imposing terms, conditions and limitations for actions taken pursuant to clauses (i) and (ii), whether or not it took either such action at the time of the conviction. This continuing jurisdiction is subject to the limitations of subsection E that provide that no restricted license shall be issued during a revocation imposed pursuant to subsection C of § 18.2-271 or subsection B of § 46.2-391 or during the first four months or first year, whichever is applicable, of the revocation imposed pursuant to subsection B of § 18.2-271 or subsection A of § 46.2-391. The provisions of this subsection shall apply to a person convicted of a violation of § 18.2-266, subsection A of § 46.2-341.24 or any ordinance of a county, city or town similar to the provisions of § 18.2-266 on, after and at any time prior to July 1, 2003.

H. The State Treasurer, the Commission on VASAP or any city or county is authorized to accept any gifts or bequests of money or property, and any grant, loan, service, payment or property from any source, including the federal government, for the purpose of driver alcohol education. Any such gifts, bequests, grants, loans or payments shall be deposited in the separate fund provided in subsection B.

I. The Commission on VASAP, or any county, city, town, or any combination thereof may establish and, if established, shall operate, in accordance with the standards and criteria required by this subsection, alcohol safety action programs in connection with highway safety. Each such program shall operate under the direction of a local independent policy board chosen in accordance with procedures approved and promulgated by the Commission on VASAP. Local sitting or retired district court judges who regularly hear or heard cases involving driving under the influence and are familiar with their local alcohol safety action programs may serve on such boards. The Commission on VASAP shall establish minimum standards and criteria for the implementation and operation of such programs and shall establish procedures to certify all such programs to ensure that they meet the minimum standards and criteria stipulated by the Commission. The Commission shall also establish criteria for the administration of such programs for public information activities, for accounting procedures, for the auditing requirements of such programs and for the allocation of funds. Funds paid to the Commonwealth hereunder shall be utilized in the discretion of the Commission on VASAP to offset the costs of state programs and local programs run in conjunction with any county, city or town and costs incurred by the Commission. The Commission shall submit an annual report as to actions taken at the close of each calendar year to the Governor and the General Assembly.

J. Notwithstanding any other provisions of this section or of § 18.2-271, nothing in this section shall permit the court to suspend, reduce, limit, or otherwise modify any disqualification from operating a commercial motor vehicle imposed under the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

§ 46.2-391.01. Administrative enforcement of ignition interlock requirements.

If the court, as a condition of license restoration or as a condition of a restricted license under subsection C of § 18.2-271.1 or § 46.2-391, *or when required by § 18.2-270.1*, fails to prohibit an offender from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system ~~upon the offender's conviction of a second or subsequent offense under § 18.2-51.4 or § 18.2-266 or a substantially similar ordinance of any county, city or town,~~ the Commissioner shall enforce the requirements relating to installation of such systems in accordance with the provisions of § 18.2-270.1.

§ 46.2-391.2. Administrative suspension of license or privilege to operate a motor vehicle.

A. If a breath test is taken pursuant to § 18.2-268.2 or any similar ordinance and (i) the results show a blood alcohol content of 0.08 percent or more by weight by volume or 0.08 grams or more per 210 liters of breath, or (ii) the results, for persons under 21 years of age, show a blood alcohol concentration of 0.02 percent or more by weight by volume or 0.02 grams or more per 210 liters of breath or (iii) the person refuses to submit to the breath *or blood* test in violation of § 18.2-268.3 or any similar ordinance, and upon issuance of a petition or summons, or upon issuance of a warrant by the magistrate, for a violation of § 18.2-51.4, 18.2-266, or 18.2-266.1, or any similar ordinance, or upon the issuance of a warrant or summons by the magistrate or by the arresting officer at a medical facility for a violation of § 18.2-268.3, or any similar ordinance, the person's license shall be suspended immediately or in the case of (i) an unlicensed person, (ii) a person whose license is otherwise suspended or revoked, or (iii) a person whose driver's license is from a jurisdiction other than the Commonwealth, such person's privilege to operate a motor vehicle in the Commonwealth shall be suspended immediately. The period of suspension of the person's license or privilege to drive shall be seven days, unless the petition, summons or warrant issued charges the person with a second or subsequent offense. If the person is charged with a second offense the suspension shall be for 60 days. If not already expired, the period of suspension shall expire on the day and time of trial of the offense charged on the petition, summons or warrant, except that it shall not so expire during the first seven

days of the suspension. If the person is charged with a third or subsequent offense, the suspension shall be until the day and time of trial of the offense charged on the petition, summons or warrant.

A law-enforcement officer, acting on behalf of the Commonwealth, shall serve a notice of suspension personally on the arrested person. When notice is served, the arresting officer shall promptly take possession of any driver's license held by the person and issued by the Commonwealth and shall promptly deliver it to the magistrate. Any driver's license taken into possession under this section shall be forwarded promptly by the magistrate to the clerk of the general district court or, as appropriate, the court with jurisdiction over juveniles of the jurisdiction in which the arrest was made together with any petition, summons or warrant, the results of the breath test, if any, and the report required by subsection B. A copy of the notice of suspension shall be forwarded forthwith to both (a) the general district court or, as appropriate, the court with jurisdiction over juveniles of the jurisdiction in which the arrest was made and (b) the Commissioner. Transmission of this information may be made by electronic means.

The clerk shall promptly return the suspended license to the person at the expiration of the suspension. Whenever a suspended license is to be returned under this section or § 46.2-391.4, the person may elect to have the license returned in person at the clerk's office or by mail to the address on the person's license or to such other address as he may request.

B. Promptly after arrest and service of the notice of suspension, the arresting officer shall forward to the magistrate a sworn report of the arrest that shall include (i) information which adequately identifies the person arrested and (ii) a statement setting forth the arresting officer's grounds for belief that the person violated § 18.2-51.4, 18.2-266, or 18.2-266.1, or a similar ordinance or refused to submit to a breath *or blood* test in violation of § 18.2-268.3 or a similar ordinance. The report required by this subsection shall be submitted on forms supplied by the Supreme Court.

C. Any person whose license or privilege to operate a motor vehicle has been suspended under subsection A may, during the period of the suspension, request the general district court or, as appropriate, the court with jurisdiction over juveniles of the jurisdiction in which the arrest was made to review that suspension. The court shall review the suspension within the same time period as the court hears an appeal from an order denying bail or fixing terms of bail or terms of recognizance, giving this matter precedence over all other matters on its docket. If the person proves to the court by a preponderance of the evidence that the arresting officer did not have probable cause for the arrest, that the magistrate did not have probable cause to issue the warrant, or that there was not probable cause for issuance of the petition, the court shall rescind the suspension, or that portion of it that exceeds seven days if there was not probable cause to charge a second offense or 60 days if there was not probable cause to charge a third or subsequent offense, and the clerk of the court shall forthwith, or at the expiration of the reduced suspension time, (i) return the suspended license, if any, to the person unless the license has been otherwise suspended or revoked, (ii) deliver to the person a notice that the suspension under § 46.2-391.2 has been rescinded or reduced, and (iii) forward to the Commissioner a copy of the notice that the suspension under § 46.2-391.2 has been rescinded or reduced. Otherwise, the court shall affirm the suspension. If the person requesting the review fails to appear without just cause, his right to review shall be waived.

The court's findings are without prejudice to the person contesting the suspension or to any other potential party as to any proceedings, civil or criminal, and shall not be evidence in any proceedings, civil or criminal.

D. If a person whose license or privilege to operate a motor vehicle is suspended under subsection A is convicted under § 18.2-36.1, 18.2-51.4, 18.2-266, or 18.2-266.1, or any similar ordinance during the suspension imposed by subsection A, and if the court decides to issue the person a restricted permit under subsection E of § 18.2-271.1, such restricted permit shall not be issued to the person before the expiration of the first seven days of the suspension imposed under subsection A.

CHAPTER 708

An Act to amend and reenact § 2.2-1839 of the Code of Virginia, relating to coverage for pro bono attorneys under risk management plan.

[S 486]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1839 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-1839. Risk management plans administered by the Department of the Treasury's Risk Management Division for political subdivisions, constitutional officers, etc.

A. The Division shall establish one or more risk management plans specifying the terms and conditions for coverage, subject to the approval of the Governor, and which plans may be purchased insurance, self-insurance or a combination of self-insurance and purchased insurance to provide protection against liability imposed by law for damages and against incidental medical payments resulting from any claim made against any county, city or town; authority, board, or commission; sanitation, soil and water, planning or other district; public service corporation owned, operated or controlled by a locality or local government authority; constitutional officer; state court-appointed attorney; any attorney for any claim arising out of the provision of pro bono legal services for custody and visitation to an eligible indigent person under a program approved by the Supreme Court of Virginia or the Virginia State Bar; any receiver for an attorney's practice appointed under § 54.1-3900.01 or 54.1-3936; *any attorney authorized by the Virginia State Bar for any claim arising out of the provision of pro bono legal services in a Virginia State Bar approved program*; affiliate or foundation of a state

department, agency or institution; any clinic that is organized in whole or primarily for the delivery of health care services without charge; volunteer drivers for any nonprofit organization providing transportation for persons who are elderly, disabled, or indigent to medical treatment and services, provided the volunteer driver has successfully completed training approved by the Division; any local chapter or program of the Meals on Wheels Association of America or any area agency on aging, providing meal and nutritional services to persons who are elderly, homebound, or disabled, and volunteer drivers for such entities who have successfully completed training approved by the Division; any individual serving as a guardian or limited guardian as defined in § 64.2-2000 for any individual receiving services from a community services board or behavioral health authority or from a state facility operated by the Department of Behavioral Health and Developmental Services; for nontransportation-related state construction contracts less than \$500,000, where the bid bond requirements are waived, prospective contractors shall be prequalified for each individual project in accordance with § 2.2-4317; or the officers, agents or employees of any of the foregoing for acts or omissions of any nature while in an authorized governmental or proprietary capacity and in the course and scope of employment or authorization.

For the purposes of this section, "delivery of health care services without charge" shall be deemed to include the delivery of dental, medical or other health services when a reasonable minimum fee is charged to cover administrative costs.

For purposes of this section, a sheriff or deputy sheriff shall be considered to be acting in the scope of employment or authorization when performing any law-enforcement-related services authorized by the sheriff, and coverage for such service by the Division shall not be subject to any prior notification to or authorization by the Division.

B. In any case in which the coverage provided by one or more risk management plans established pursuant to this section applies, no sheriff or deputy shall be liable for any verdict or civil judgment in his individual capacity in excess of the approved maximum coverage amount as established by the Division and set forth in the respective coverage plans, which shall be at least \$1.5 million for sheriffs and deputies. If a jury returns an award in excess of \$1.5 million, the judge shall reduce the award and enter judgment against the sheriff or deputy for such damages in the amount of \$1.5 million, provided that this shall not affect the ability of a court to order a remittitur. Nothing in this subsection shall be construed to limit the ability of a plaintiff to pursue the full amount of any judgment against a sheriff or deputy from any available insurance coverage. To the extent that any such award exceeds the coverage available under such risk management plans, the sheriff and any deputy shall be considered immune defendants under subsection F of § 38.2-2206. Automobile insurance carried by a sheriff or deputy in his personal capacity shall not be available to satisfy any verdict or civil judgment under the circumstances in which coverage is provided by one or more risk management plans.

C. Participation in the risk management plan shall be voluntary and shall be approved by the participant's respective governing body or by the State Compensation Board in the case of constitutional officers; by the office of the Executive Secretary of the Virginia Supreme Court in the case of state court-appointed attorneys, including attorneys appointed to serve as receivers under § 54.1-3900.01 or 54.1-3936, or attorneys under Virginia Supreme Court ~~or approved programs;~~ *by the Virginia State Bar in the case of attorneys providing pro bono services under Virginia State Bar approved programs;* by the Commissioner of the Department of Behavioral Health and Developmental Services for any individual serving as a guardian or limited guardian for any individual receiving services from a state facility operated by the Department or by the executive director of a community services board or behavioral health authority for any individual serving as a guardian or limited guardian for any individual receiving services from the board or authority; and by the Division. Upon such approval, the Division shall assume sole responsibility for plan management, compliance, or removal. The Virginia Supreme Court shall pay the cost for coverage of eligible persons performing services in approved programs of the Virginia Supreme Court ~~or the~~ *The Virginia State Bar shall pay the cost for coverage of eligible attorneys providing pro bono services in Virginia State Bar approved programs.* The Department of Behavioral Health and Developmental Services shall be responsible for paying the cost of coverage for eligible persons performing services as a guardian or limited guardian for any individual receiving services from a state facility operated by the Department. The applicable community services board or behavioral health authority shall be responsible for paying the cost of coverage for eligible persons performing services as a guardian or limited guardian for individuals receiving services from the board or authority.

D. The Division shall provide for the legal defense of participating entities and shall reserve the right to settle or defend claims presented under the plan. All prejudgment settlements shall be approved in advance by the Division.

E. The risk management plan established pursuant to this section shall provide for the establishment of a trust fund for the payment of claims covered under such plan. The funds shall be invested in the manner provided in § 2.2-1806 and interest shall be added to the fund as earned.

The trust fund shall also provide for payment of legal defense costs, actuarial costs, administrative costs, contractual costs and all other expenses related to the administration of such plan.

F. The Division shall, in its sole discretion, set the premium and administrative cost to be paid to it for providing a risk management plan established pursuant to this section. The premiums and administrative costs set by the Division shall be payable in the amounts at the time and in the manner that the Division in its sole discretion shall require. The premiums and administrative costs need not be uniform among participants, but shall be set so as to best ensure the financial stability of the plan.

G. Notwithstanding any provision to the contrary, a sheriff's department of any city or county, or a regional jail shall not be precluded from securing excess liability insurance coverage beyond the coverage provided by the Division pursuant to this section.

CHAPTER 709

An Act to create a special school tax district in King William County and to govern allocation of tax revenue for schools in King William County and the Town of West Point.

[S 488]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. § 1. *There is hereby established a special tax district to pay all or any portion of the County of King William (the County) expenditures for operating the County school division beginning July 1, 2014. The boundary of the tax district shall be the same as the geographical area of the county school division and shall exclude the area of the Town of West Point (the Town). The appropriation of funds for the County's share of expenditures for the County school division shall be governed by this act, and the provisions of §§ 22.1-113 and 22.1-114 of the Code of Virginia shall not be applicable. The special tax district shall remain in effect unless the Town shall cease to operate a separate school division.*

§ 2. *The King William Board of Supervisors (the Board) may levy and collect taxes upon any taxable property in such special tax district, including, but not limited to, real estate, mineral lands, tangible personal property, merchants' capital, and machinery and tools, and may appropriate to the County school division such property taxes, including any penalties and interest thereon and any fund balance from the preceding fiscal year consisting of such taxes, penalties, and interest. The Town shall pay for its share of expenditures to operate the Town school division from Town property taxes and other local, state, and federal revenues received by the Town. All taxes levied and collected by the County, other than those levied and collected for the support of the County school division in the special tax district, shall be uniform in all districts in the County, except as otherwise provided for by law.*

§ 3. *The Board may also appropriate to the County school division all or any portion of the revenue derived from (i) those local or state taxes that are collected in part within the Town but are allocated between the County and the Town by state law or (ii) those nonproperty taxes that the County collects exclusively from sources outside the Town.*

Such taxes include, but shall not be limited to, (i) the local sales and use tax authorized by §§ 58.1-605 and 58.1-606 of the Code of Virginia, (ii) the motor vehicle license tax authorized by § 46.2-752 of the Code of Virginia, (iii) wine taxes authorized by § 4.1-235 of the Code of Virginia, (iv) the net profits from the Alcoholic Beverage Control system authorized by § 4.1-117 of the Code of Virginia, (v) communication services sales taxes authorized by § 58.1-648 of the Code of Virginia, (vi) manufactured home titling taxes authorized by § 58.1-2402 of the Code of Virginia, (vii) automobile rental taxes authorized by § 58.1-1736 of the Code of Virginia, (viii) rolling stock taxes authorized by § 58.1-2652 of the Code of Virginia, (ix) bank net capital taxes authorized by § 58.1-1210 of the Code of Virginia, (x) business license taxes authorized by § 58.1-3703 of the Code of Virginia, (xi) food and beverage taxes authorized by § 58.1-3833 of the Code of Virginia, and (xii) interest or other investment earnings derived from the revenues specified in § 2 and this section, which investment earnings shall be separately accounted for by the County.

§ 4. *The Board may also appropriate to the County school division all or any portion of the state or local recordation taxes received by the County, as authorized by §§ 58.1-801 and 58.1-3800 of the Code of Virginia, provided that the County pays to the Town a pro rata share of such recordation taxes derived from real estate transactions that occur within the Town.*

The pro rata share shall be determined by multiplying the recordation taxes collected within the Town by a fraction that equals the total recordation taxes appropriated to the County school division divided by the total recordation taxes derived by the County from real estate transactions that occur outside the Town. The Clerk of the Circuit Court for the County shall compile and furnish the necessary information to the governing body of the County to enable it to comply with this provision, and the County shall promptly provide a copy to the Town. The Board shall pay such sum to the Town no later than 45 days after receipt of such taxes by the County Treasurer from the clerk of the circuit court.

§ 5. *The Board may also appropriate to the County school division all or any portion of the state payments to reimburse the County for personal property taxes pursuant to the Personal Property Tax Relief Act (§ 58.1-3523 et seq. of the Code of Virginia) if the County pays to the Town a pro rata share of these state payments received by the County that are attributable to qualifying vehicles assessed for taxation within the Town. The pro rata share shall be determined by multiplying the state reimbursement payments received by the County based on qualifying vehicles within the Town by a fraction that equals the total state reimbursement payments appropriated to the County school division divided by the total state reimbursement payments received by the County from qualifying vehicles assessed for taxation outside the Town. The Board shall pay such sum to the Town Treasurer no later than 45 days after receipt of such payments by the County Treasurer from the Commonwealth. If the Town issues tangible personal property tax bills for qualifying vehicles within the Town, in addition to any tangible personal property tax bills issued by the County for such vehicles, the amounts to be paid to the Town Treasurer shall be shown as a deduction on the face of the Town's tangible personal property tax bills for qualifying vehicles in the Town, which amounts are to be paid by the Commonwealth in accordance with state law. Nothing in this section shall be construed to alter the method or amount of the Commonwealth's obligations to King William County or the Town of West Point pursuant to the Personal Property Tax Relief Act.*

§ 6. *If the Board appropriates to the County school division any other taxes, fees, or other sources of revenues that are collected within both the County and the Town or are attributable to persons, property, transactions, or activities within both the County and the Town, the County shall pay to the Town a sum calculated as follows: the total amount of such other*

revenues appropriated to the County school division shall be multiplied by a fraction equal to the total taxable property assessments in the Town divided by the total taxable property assessments in the County as a whole, including the Town. The revenues subject to this requirement would include, for example, a tax or fee collected by the County in both the County and the Town, but would exclude, for example, a gift to the County or a state grant for school construction distributed to the County on the basis of school-age population in the County excluding the Town. The Board shall pay such sum to the Town no later than 45 days after such revenues have been transferred to the County school division.

§ 7. In the event of a dispute regarding the interpretation or application of this act, the County and the Town shall attempt to amicably resolve the dispute. The County and the Town may jointly submit to voluntary mediation. If the dispute is not resolved by agreement or mediation, the County and the Town shall submit to binding arbitration conducted in accordance with state law. The arbitration panel shall consist of three members; the Board and the Council shall each, within five business days, select an arbiter, who shall not be a member of the Board or the Council but who shall be knowledgeable in local government matters and qualified or trained as an arbiter in accordance with state law and commonly accepted ethical standards for arbiters. The two arbiters so selected shall jointly select a third arbiter within five business days of being selected; if they are unable to agree on a third arbiter, one shall be appointed by the King William Circuit Court. The County and the Town shall share equally in the costs of any mediation or arbitration. Each party shall be responsible for its own legal fees. The decision of a majority of the arbitration panel shall be binding on the County and the Town.

Legal action may be initiated by either party only to enforce a decision of the arbiters or to challenge a decision of the arbiters as unlawful or contrary to the law and plainly wrong. The timelines for action stated in this section may be extended by agreement of the Board and the Council.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 710

An Act to provide a new charter for the Town of Victoria, in Lunenburg County, and to repeal Chapter 158, as amended, of the Acts of Assembly of 1916, which provided a charter for the Town of Victoria.

[S 544]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1.

CHARTER
FOR THE
TOWN OF VICTORIA.
Chapter 1.

Incorporation, Boundaries, and Powers.

§ 1. *Incorporation.*

The inhabitants of the territory in Lunenburg County contained within the boundaries prescribed in § 2 hereof is, be, and shall continue to be a body politic and corporate, in fact and in name, under the name and style of the Town of Victoria; and as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal that it may alter at its pleasure, and shall have and exercise all the powers conferred by and be subject to all laws of the Commonwealth now in force, or that may hereafter be enacted for the government of towns of the Commonwealth, so far as the same are not inconsistent with the provisions of this act.

§ 2. *Boundaries.*

The boundaries of the Town of Victoria is that territory in Lunenburg County, established on the 14th day of March, 1908, as found in the Common Law Order Book 5, Page 422, and territory added by an annexation decree by the Circuit Court of Lunenburg County dated November 11, 1971, as found in Common Law Civil Book 16, Page 513, or as the same may be hereafter altered by law.

§ 3. *Powers.*

In addition to the powers and authority that are now or may hereafter be granted to towns by the general laws and the Constitution of the Commonwealth of Virginia, including but not limited to the powers set forth in Chapter 11 (§ 15.2-1100 et seq.) of Title 15.2 of the Code of Virginia, and any acts amendatory thereof or supplemental thereto, and the powers enumerated elsewhere in this charter, the town shall have the powers set forth below, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth of Virginia to the town, but not herein specified.

(1) *Eminent domain.* The town shall also have all powers of eminent domain that are now or may be granted to a municipal corporation under the laws of the Commonwealth and to exercise such power with respect to land and improvements therein, machinery and equipment for any lawful purpose of the town.

(2) *Taxation.* The town shall have the power to raise annually by taxes and assessments, as permitted by general law, in the town, such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the town, in such manner as the council shall deem expedient. In addition to, but not as a limitation upon, this general grant of power the town shall have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery

and tools; to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport, or athletic event in the town, which taxes may be added to and collected with the price of such admission or other charge; to levy and collect taxes on hotel and motel rooms; to levy and collect privilege taxes, local general retail sales and use tax as provided by law, and capitation taxes; unless prohibited by general law, to require licenses, prohibit the conduct of any business, profession, vocation, or calling without such a license, and require taxes to be paid on such licenses in respect to all businesses, professions, vocations, and callings that cannot, in the opinion of the council, be reached by the ad valorem system; and to require licenses of all owners of vehicles of all kinds for the privilege of using the streets and other public places of the town, require taxes to be paid on such licenses, and prohibit the use of streets, alleys, and other public places in the town without such license, said town to have the power to require as a condition precedent to the issuance of motor vehicle licenses the exhibiting by the motor vehicle license applicant of adequate proof of the payment of all personal property taxes then due and payable to the town by the license applicant. In addition to the other powers conferred by law, the town shall have the power to impose, levy, and collect, in such manner as its council may deem expedient, a consumer or subscriber tax upon the amount paid for the use of water, sewer, gas, electricity, telephone, and any other public utility service within the town or upon the amount paid for any one or more of such public utility services, and may provide that such tax shall be added to and collected with bills rendered consumers and subscribers for such services.

(3) *Indebtedness.* The council may, in the name of and for the use of the town, incur indebtedness by issuing its bonds or notes for the purposes, in the manner, and to the extent provided for in this Charter and by the general law of the Commonwealth. Bonds and notes in anticipation of bonds when the issuance of bonds has been authorized as hereinafter provided may be issued for any purpose for which towns are authorized to issue bonds by the Constitution or general laws of the Commonwealth. Notes in anticipation of collection of revenue may be issued when authorized by the council at any time during the fiscal year.

(4) The council shall have the power and authority to provide places for the interment of the dead in or near the town, and to acquire the lands necessary therefor. The council shall also have the power to prescribe and enforce all needful rules and regulations, not inconsistent with the laws of the Commonwealth, for the use, protection, and ornamentation of the cemetery; to set aside, at their discretion, by metes and bounds, a portion thereof for the interment of strangers and the indigent poor; to divide the remainder into burial lots and sell or lease the same, and to execute all proper deeds or other writings in evidence of such sale or lease and to prescribe what class or condition of persons shall be admitted to interment in the cemetery. The money from such sale or lease of burial lots shall be invested, used, and employed for the use, protection, preservation, and ornamentation of said cemetery. The cemetery, when established and enclosed, shall be exempt from all state, county, and municipal taxation.

(5) The council shall have the power and authority to provide for the removal, transport, and containing of garbage, rubbish, recyclables, or other waste and to set, bill, and collect costs, fees, and rates for such service, and to provide such service within the boundaries of the town and within one mile thereof, either directly by employees of the town or by contract.

Chapter 2.

Administration and Government.

§ 4. Powers vested in council.

All powers of the town as a body politic and corporate shall be vested in the council. The town shall be governed by a council that shall be composed of six members and a mayor, each elected at large. Each member of council, including the mayor, shall be a qualified voter and a bona fide resident of the town. A bona fide resident of the town is one who lives in the town and intends to do so in the future, maintains a physical place within the town where he dwells, and provides documentation of such residency by personal tax form or similar government documentation relating to residency.

§ 5. Election of mayor and council.

The mayor shall be elected for a term of two years. The members of council and mayor in office at the effective date of this amendment are hereby continued in office for the terms for which they were elected. On the first Tuesday in May 1972, there shall be elected by the electors of the town three councilmen from the town at large. On the first Tuesday in May 1974 and every two years thereafter, there shall be elected by the electors of the town three councilmen from the town at large, who shall serve for terms of four years each. The mayor and councilmen shall take office on the first day of July following their election.

§ 6. Electors of town.

The electors of the Town of Victoria shall be bona fide residents within the corporate limits of the town and who are otherwise qualified to vote in the Commonwealth.

§ 7. Municipal officers.

The municipal officers of the town shall consist of such officers set forth in this Charter and such other officers as may be provided for by the council. The council may appoint such committees of the council and create such boards and departments of town government and administration with such powers and duties and subject to such regulations as it may see fit, consistent with the provisions of this Charter and the general laws of the Commonwealth. The town council is hereby authorized to fix the salary of the mayor, members of the town council, the town manager, members of boards or commissions, and all appointed officers and employees of said town, at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia.

§ 8. *Removal of appointees.*

All members of committees, boards, and commissions appointed by the council may be removed by the council unless otherwise provided by the general law.

§ 9. *Appointments.*

It shall be lawful for any officer appointed by the council, any committee, municipal board, mayor, or the head of any department to fill two or more of the offices whose incumbents are appointed by the council or by any appointing power designated by the council, subject to the same penalties, liabilities, and requirements as to each of said offices as would apply to the incumbents thereof if held by different persons.

§ 10. *Oath of office.*

The mayor, councilmen, and all municipal officers of said town shall, before entering upon the duties of their respective offices, be sworn in accordance with the laws of the Commonwealth by anyone authorized to administer oaths, which said oaths shall be subscribed in writing and filed with the clerk of the council.

§ 11. *Failure to qualify for office.*

If any person elected or appointed to any office in said town shall neglect to take such oath on or before the day on which he is to enter upon the discharge of the duties of his office, or shall, for 20 days after the beginning of his term of office, fail to file such bond with such security as may be required of him by the council, he shall be considered as having declined said office, and the same shall be deemed vacant, and such vacancy shall be filled as prescribed in this Charter or by general law.

§ 12. *Books, records, and documents.*

All books, records, and documents used by any elected or appointed town officer, official, or employee in his office or pertaining to his duties shall be deemed to be the property of the town. Any person designated by this Charter, the general laws of the Commonwealth, or the Town of Victoria Town Code as responsible for the keeping of such books, records, and documents shall, within 10 days after the end of his term of office, deliver to the town clerk all such books, records, documents, and town property. Upon the end of any such person's term of office, or upon the resignation or removal from office of any such person, the town clerk shall provide all such persons written notice of the requirements of this provision of this Charter. Any person failing to deliver such books, records, documents, and property shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$100 and not more than \$500, or imprisoned for not more than six months, or both, at the direction of the court or jury before whom the case is tried.

Chapter 3.

Mayor and Vice Mayor.

§ 13. *Mayor; salary.*

The mayor shall be elected by the qualified electors of the town for the term of two years. The mayor's salary shall be fixed by the town council and shall not be diminished during the mayor's term of office.

§ 14. *Mayor; powers.*

The mayor shall preside at meetings of the council and shall be recognized as head of the town government for all ceremonial purposes, for purposes of military law, and for the service of civil processes but shall have no administrative or judicial duties. The mayor shall not have the authority to veto any action of the council. The mayor shall have a vote in the council.

§ 15. *Vice mayor.*

The council, at its first meeting after its election, shall elect from its membership one of its members as vice mayor. During the absence or inability of the mayor to act, the vice mayor shall possess the powers and discharge the duties of the mayor. While serving in the place of mayor, the vice mayor may vote as a member of the town council.

§ 16. *Absence or disability of mayor and vice mayor.*

If both mayor and vice mayor are absent or unable to act, the council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time. Whenever it is necessary to elect an acting mayor pursuant to this section, in the absence of both the mayor and vice mayor, the town manager or town clerk shall call the meeting of the council to order and shall preside during the meeting until the council elects an acting mayor. This shall not be construed to vest in the town manager or town clerk any of the powers and duties of the mayor, except as expressly stated in this section.

§ 17. *Vacancy in office of mayor.*

In case a vacancy shall occur in the office of mayor, the vacancy shall be filled as provided by general law.

Chapter 4.

Council.

§ 18. *Council; powers.*

All powers of the town as a body politic and corporate shall be vested in the town council. The council shall be the policy-determining body of the town and shall be vested with all of the rights and powers conferred on councils in towns, not inconsistent with this Charter. In addition to the foregoing, the council shall have the following powers:

(1) To have full power to inquire into the official conduct of any office or officer under its control and to investigate the accounts, receipts, disbursements, and expenses of such town employees; for these purposes it may subpoena witnesses,

administer oaths, and require the production of books, papers, and other evidence; and in case any witness fails or refuses to obey any such lawful order of the council, he shall be deemed guilty of a misdemeanor.

(2) To provide for the performance of all the governmental functions of the town and to that end to provide for and set up all departments and agencies of government that shall be necessary. Whenever it is not designated in this Charter what office or employee of the town shall exercise any power or perform any duty conferred upon or required of the town or any officer thereof, by general law, then any such power shall be exercised or duty performed by that officer or employee of the town so designated by ordinance or resolution of council. Any activity that is not assigned by the provisions of this Charter to specific departments or agencies of the town government shall be assigned by the council to the appropriate department or agency. The council may further create, abolish, reassign, transfer, or combine any town functions, activities, or departments. The council, in its discretion, may appoint the same person to more than one appointive office.

(3) To fix a schedule of compensation for all town officers and employees. The council may by ordinance define certain classes of town employees whose salaries shall be set by the town manager.

(4) To prescribe the amount and condition of surety bonds to be required of such officers and employees of the town as the council may designate.

§ 19. Meetings.

The town council shall, by ordinance, fix the time of their stated meetings, and no business shall be transacted at a special meeting unless two-thirds of all members of the council be present, but that for which it shall be called.

§ 20. Special meetings.

The town council may be convened at any time upon the call, in writing, of the mayor or any three members thereof, but if all members of the council shall be present at such meetings, any action taken or resolution or ordinance passed at such meeting shall be valid though there should have been no call in writing for said meeting or such call be irregular, or not served upon all the members of the council. Service of the notice of a call of any special meeting shall be had upon all the members of the council and the mayor, who do not sign the call. Such notice may be served by delivering a copy of such call in writing to the party in person, or, if he be not found at his usual place of abode or his usual place of business in the town, if any, by delivering such copy and giving such information of its purport to his spouse or any person found at his usual place of abode who is a member of his family and over the age of 16 years, or who is in his employment; and if he be not found at his usual place of abode or place of business, if any, within the town, or any such person be found at his usual place of abode, by leaving such copy posted at the front door of the said place of abode or place of business.

§ 21. Quorum.

The mayor and three councilmen, or in the absence of the mayor, four councilmen, shall constitute a quorum for the transaction of business, except as herein otherwise provided. But no vote shall be reconsidered or rescinded at any special meeting, unless at such special meeting there be present as large a number of the council as were present when such vote was taken.

§ 22. Rules; ordinances.

The town council shall have authority to adopt rules for the regulation of their proceedings and to appoint such officers and committees as they deem proper; but no tax shall be levied or corporate debt contracted, unless by a vote of two-thirds of the council, which vote shall be by yeas and nays, and recorded in the journal; nor shall any ordinance be passed or resolution adopted having for its object the appropriation of money exceeding the sum of thirty thousand dollars except by the recorded affirmative vote of a majority of all members elected to the council.

§ 23. Journal of proceedings.

A journal shall be kept of the proceedings of the town council, and at the request of any member present the yeas and nays shall be recorded on any question. At the next regular meeting the journal of proceedings of the previous meeting shall be approved and signed by the person who was presiding when the previous meeting adjourned or, if he be not then present, by the person presiding when said journal was approved.

§ 24. Clerk of the council.

The clerk of the council shall keep said journal and shall record the proceedings of the council at large thereon and keep the same properly indexed.

§ 25. Council may compel attendance of members; malfeasance or misfeasance in office.

The town council shall have authority to compel the attendance of its members, punish its members for disorderly behavior, and by a vote of two-thirds of its members expel a member for malfeasance or misfeasance in office. Any member of the council or other officer of the town who shall have been convicted of a felony while in office shall thereby forfeit his office.

§ 26. Filling vacancy on council.

If any council person shall be adjudged by the council disqualified or expelled, the vacancy shall be filled as provided by general law.

§ 27. Absence from council meetings.

If any member of said council be voluntarily absent from its meetings consecutively for three months, his seat may be declared vacant by the council and the vacancy shall be filled as provided by general law.

Chapter 5.

Public Utilities.

§ 28. Water and sewers and other public utilities.

The town council shall have power and authority to acquire or otherwise obtain control of or establish, maintain, operate, extend, and enlarge waterworks, gasworks, electric plants, and other public utilities within or without the limits of the town; and to acquire within or without the limits of the town by purchase, condemnation, or otherwise whatever land may be necessary for acquiring, establishing, maintaining, operating, extending, and enlarging said waterworks, electric plants, and other utilities, and the right-of-way, rails, pipes, poles, conduits, and wires connected therewith or any of the fixtures or appurtenances thereof, provided that said town shall not have the right to acquire by condemnation the steam and electric plants, gasworks, and waterworks, or water-power fixtures and appurtenances, or any part thereof, owned and operated in whole or in part on August 1, 1915, by any manufacturing or public service corporation, for the purpose of acquiring, establishing, operating, or enlarging its electric plant or waterworks.

§ 29. *Pollution of water.*

The town council shall have the power and authority to prevent the pollution of the water and injuries to waterworks, for which purpose their jurisdiction shall extend to five miles above the same.

§ 30. *Protect utilities from injury.*

The town council shall have the power and authority to protect from injury the waterworks, gasworks, and electric works of the town, whether within or without the town, by ordinances prescribing adequate penalties of the injury thereof.

§ 31. *Connection to water and sewer.*

The town council shall have the power and authority to require owners or occupiers of the real estate within the corporate limits of the town which may front or abut on the line of any sewer or water pipeline or conduit to make connections therewith, and to use sewer pipes and conduits and water furnished by the town, under such ordinances and regulations as the council may deem necessary to secure the proper sewerage and to improve and secure good sanitary conditions; and shall have the power to enforce the observance of all ordinances and regulations by the imposition and collection of fines and penalties, to be collected as other fines and penalties under the provisions of this act.

§ 32. *Charges.*

The town council shall have the power and authority to fix and impose the charges and dues to be paid by the owners or occupiers of the properties or persons served thereby for tapping or using such sewers, pipes, or conduits and for the use of water supplied by the town; to make and pass all such ordinances and to enforce the same as may be necessary and proper to compel the payment of said fees and charges by the imposition and collection of reasonable fines and penalties, to be collected as are other fines and penalties under the provisions of this act; and to pass ordinances prohibiting the use of the town sewerage or water system through any such connections the fees and charges for which have not been paid, and the use of the town sewerage through any connections with any property and of the delivery of water supplied by the town on or to any property when the fees and charges for the use of the town sewerage system through connections with such property or for water delivered by the town on such property or the delivery of town water to any person delinquent in the payment of the fees and charges for such connections, for the use of the town sewerage system or for water supplied to him by the town.

Chapter 6.

Streets, Alleys, and Walkways.

§ 33. *Streets, et cetera, and cemeteries.*

All streets, cross streets and alleys, and walkways that have already been laid off and opened according to the plats of the several subdivisions of the town, to-wit, the plat or survey of the Tidewater Townsite Corporation, the Tidewater Improvement Company, the Victoria Land Company, and the survey and plat of A. D. Kaylor, made in 1915, and all streets, cross streets and alleys, and walkways that have heretofore been opened and used as such, or which may at any time be located, surveyed, and opened in said town, or any extension of the same within the corporate limits of the town, shall be and they are hereby established as public streets, alleys, and walkways of the town.

§ 34. *Public street, alley, or walkway.*

Any street, alley, or walkway heretofore or hereafter reserved or laid out in the division or subdivision into lots of any portion of the territory within the corporate limits of the town, by a plan or plat of record, shall be deemed and held to be dedicated to public use as and for a public street, alley, or walkway, as the case may be, of the town, unless it appears by said record that the street, alley, or walkway so reserved is designated for private use, and whenever any street, sidewalk, alley, or walkway or lane in the town shall have been opened and used as such by the public for the period of five years, the same shall thereby become a street, alley, walkway, or lane for public purposes, unless notice of the contrary intention on the part of the land owner be given in writing to the mayor of the town, who shall report the receipt of such notice to the council that it may be spread on the journal; and the council shall have the same authority and jurisdiction over, and right and interest therein, as they have by law over the streets, alleys, walkways, and lanes laid out by them; and all streets, alleys, and walkways hereinafter laid out in the division or subdivision into lots of any portion of the territory within the corporate limits of the town shall be made to conform to existing streets, alleys, and walkways, both in widths and their courses and directions.

§ 35. *Public street, alley, or walkway; maintenance; encroachment.*

The town council shall have the authority to open, close, alter, improve, widen, or narrow streets, avenues, alleys, and walkways; to have them kept in good condition and properly lighted; to prevent the cumbering of the streets, sidewalks, alleys, lanes, or bridges of the town in any manner whatever; to prevent the building of any structure, obstruction, or

encroachment over, under, or in any street, sidewalk, or alley in said town; and to plant or permit to be planted along said streets shade trees.

§ 36. Parks.

The town council shall have the power and authority in their discretion to establish and maintain parks, playgrounds, and boulevards and cause the same to be laid out, equipped, and beautified.

§ 37. Building lines; regulations.

The town council shall have the power and authority in particular districts or along particular streets to prescribe and establish building lines, or to require property owners in certain localities or districts to leave a certain percentage of the lots free from buildings; to regulate the height of buildings; and to make regulations concerning the building of houses in the town.

§ 38. Regulation of public streets; speed limits; dangerous activities.

The town council shall have the power and authority to prevent the riding or driving of horses or other animals and automobiles, motorcycles, and other wheeled vehicles at an improper speed; throwing stones or engaging in any employment or sport on the streets, sidewalks, or public alleys, dangerous or annoying to passersby.

§ 39. Taxes and assessments; abutting property.

The town council shall have the power and authority to impose taxes and assessments upon the abutting land owners for making and improving the walkways upon then existing streets, and improving and paving then existing alleys, and for either the construction, or for the use of sewers; but the same when imposed shall not be in excess of the peculiar benefits resulting therefrom to such abutting land owners. All such taxes and assessments upon abutting land owners for the improving of walkways, for improving and paving alleys, and for constructing sewers shall be made in accordance with the provisions of the general laws of this Commonwealth.

§ 40. Use of public streets for utilities; consent of council.

No street, gas, railway, water, steam or electric heating, electric light or power company, cold storage, compressed air, viaduct, conduit, telephone or bridge company, nor any corporation, association, person, or partnership engaged in these or like enterprises shall be permitted to use the streets, alleys, or public grounds of the town without the previous consent of the corporate authorities of the town.

§ 41. Use or occupancy of public streets or easements; consent of council.

No person or corporation shall occupy or use any of the streets, avenues, parks, bridges, or any other public places or public property of the town, or any public easement of the town of any description, in a manner not permitted to the general public, without having first obtained the consent thereto of the town council or a franchise therefor; and any person, shall be fined an amount established therefor by ordinance of the council, such fine to be recovered in the name of the town and for its use; and such occupancy shall be deemed a nuisance to be abated.

§ 42. Ordinances to regulate use of public streets.

The town council shall have the power and authority to make and enforce ordinances to secure the safe and expeditious use of the streets and alleys of the town, to regulate traffic thereon, and for the protection of persons and property thereon or near thereto.

§ 43. Encroachment.

In every case where a street or alley in said town has been or shall be encroached upon by a fence, building, porch, projection, or otherwise, in addition to being a nuisance subject to abatement, as herein provided, it shall be the duty of the town council to require the owner, if known, or if unknown, the occupant of the premises encroaching, to remove the same within a reasonable time, and if such removal be not made within the time prescribed by the council, to cause the encroachment to be removed and collect from the owner, or if the owner be unknown, from the occupant, all reasonable charges therefor, with costs, by the same process that they are herein empowered to collect taxes. No encroachment upon any street or alley, however long continued, shall constitute any adverse possession to or confer any rights upon the person claiming thereunder as against the town.

§ 44. Condemnation.

The town council shall not take or use any private property for streets or other public purposes without making to the owner thereof just compensation for the same, but in cases where the town council cannot by agreement with the owner or owners thereof obtain title to any land needed for streets or any municipal building or other public purposes, it shall be lawful for the council to acquire the same by condemnation proceedings in accordance with the general laws of this Commonwealth.

Chapter 7.
Town Officers.

§ 45. Town officers.

There is hereby created the town officers of town manager, chief of police, clerk of the council, and treasurer. The town manager shall report to the council. The chief of police, clerk of the council, and treasurer shall report to, and serve at the pleasure of, the town manager; who shall set their compensation and duties, consistent with this Charter and the Code of Virginia.

§ 46. Town manager; generally.

A town manager shall be appointed by and serve at the pleasure of the council. The town manager shall be responsible to the council for the proper administration of the town government. The amount of and type of compensation for the town

manager shall be fixed by the council. The town manager need not be resident of the town or the Commonwealth at the time of appointment but may reside outside of the town while in office only with the prior approval of the council. Council may enter into a contract agreement with the manager.

§ 47. Town manager; duties enumerated.

The town manager shall be the chief executive officer of the town. The town manager shall be responsible to the council for the proper management and administration of all town affairs placed in his charge by or under this Charter, and, in addition to such responsibilities as directed by the council, the town manager shall have the following powers and duties to:

(1) Exercise supervision and control over all administrative departments, offices, agencies, and units, including delegation of such authority to managers and officers of the town, except as otherwise provided by law, ordinance, this Charter, or personnel rules adopted pursuant to the Code of Virginia;

(2) Attend all council meetings, and shall have the right to take part in discussion but may not vote;

(3) Execute all contracts on behalf of the town;

(4) See that all laws, provisions of this Charter, and acts and ordinances of the council subject to enforcement by the town manager or by officials subject to the town manager's direction and supervision are faithfully executed and enforced;

(5) Prepare and submit the annual budget and capital program to the council, and shall be responsible for the execution of the budget;

(6) Examine regularly the books and papers of every officer and department of the town and report to the council the condition in which he finds them;

(7) Make such other reports as the council may require concerning the operations of town departments, offices, and agencies subject to the town manager's direction and supervision;

(8) Keep the council fully advised as to the financial condition and future needs of the town and make such recommendations to the council concerning the affairs of the town as the town manager deems desirable; and

(9) Perform such other duties as are specified in this Charter or may be prescribed by the council.

§ 48. Town manager; absence or disability.

The council shall designate a properly qualified person to act as town manager in the case of the absence, incapacity, death, or resignation of the town manager, until his return to duty or the appointment of his successor. The mayor of the town may serve as town manager, but in no event shall the mayor serve as town manager for greater than six months.

§ 49. Council-manager relationship.

Except for the purpose of conducting administrative inquiries and hearings by the council or a committee thereof, the mayor and members of the council shall deal with the administrative service solely through the town manager, and neither the council nor any member thereof shall give orders to any subordinates of the town manager, either publicly or privately. Neither the mayor nor any member of council shall in any manner individually dictate employment matters or the appointment or removal of any town administrative official or employee whom the town manager or any of his subordinates are empowered to supervise, direct, or appoint or prevent the town manager from exercising his own judgment in employment matters or the appointment of officials or employees in the town's administrative service.

§ 50. Chief of police.

The chief of police shall perform the duties, receive the compensation, and be subject to the liabilities prescribed by this act, the ordinances and regulations of the town, and the laws of the Commonwealth and also shall have the powers and discharge his duties within the corporate limits of the town and to the distance of one mile beyond the same.

§ 51. Clerk of the council.

The clerk of the council shall attend the meetings of the council and keep a record of its proceedings and keep such record properly indexed. He shall have the custody of the corporate seal of the town and affix the same whenever required so to do by the laws of the Commonwealth or the ordinances, bylaws, and regulations of the council. He shall keep all papers that by the laws of the Commonwealth, the provisions of this act, or the ordinances, bylaws, and regulations of the council are required to be filed with or kept by him. He shall further perform such other acts and duties as are required of him by the laws of the Commonwealth and as the council may, from time to time, require.

§ 52. Treasurer.

The treasurer shall perform, oversee, and direct all the duties in relation to the assessment of property for the purpose of levying the town taxes or levies; shall see to the billing and collection of all fees, bills, taxes, and licenses chargeable and owed within the corporate limits of the town and for any services provided outside of the corporate limits of the town; and shall perform such other duties in relation to the assessments of property, collections of moneys due the town, payment of the debts and obligations of the town, reporting on the financial condition of the town, and other subjects of collection, taxation, and finance as may be ordered by the town council or the town manager.

(1) The treasurer shall receive all money belonging to the town and, unless it be otherwise provided by the town council, shall collect all property and license taxes, levies, and assessments that may be levied by the town council, and such other moneys due the town as the council may direct, and may segregate funds and may establish and manage special funds to be applied and administered in such a manner consistent with the Code of Virginia.

(2) The town treasurer, or other officer at the direction of the council whose duty it is to collect town taxes, shall commence to receive the town levies on or before the first day of November of each year, or as soon thereafter as the person may receive copies of the commissioner of the revenue's books, and continue to receive the same up to the fifth day of

December or, if such date is a nonbusiness day, the next business day. The treasurer, or such other officer at the direction of the council, shall provide all timely notices of sums due and owing and for all other notices as required by the Code of Virginia for the proper administration and collection of fees, taxes, and levies by the town. Any person failing to pay any town levies to the treasurer or other such officer by the fifth day of December of the year in which assessed shall incur penalties and interest provided by ordinance adopted pursuant to, and as authorized by, the Code of Virginia and shall further have liens placed upon such property for town taxes and levies assessed or charged thereon. Consistent with the provisions of the Code of Virginia, the town treasurer is further authorized to charge and collect such fees and costs the town determines by ordinance to recoup its costs associated with the collection of any and all fees, taxes, and levies.

(3) All disbursements of town moneys shall be by check or order of the Town of Victoria signed by the treasurer and countersigned by the clerk of the council, unless the treasurer and clerk of the council be the same person, in which event the said checks and orders shall be countersigned by the mayor. In the absence of the treasurer or the clerk, said checks shall be countersigned by the mayor or vice mayor.

(4) The treasurer shall further keep such books, schedules, and records and in such manner as the council may prescribe or the town manager may require, which books, records, and other papers shall be subject to the inspection of the mayor, the members of the town council, any committee or agent thereof, and the town manager. He shall receive for his services such compensation as the council may from time to time direct.

Chapter 8.

Effect of Charter.

§ 53. Ordinances to remain in force.

All ordinances now in force in the Town of Victoria, not inconsistent with this Charter, shall be and remain in force until altered, amended, or repealed by the town council.

§ 54. Acts in conflict with Charter.

All acts or parts of acts in conflict with this Charter are hereby repealed, insofar as they affect the provisions of this Charter.

2. That Chapter 158, as amended, of the Acts of Assembly of 1916 is repealed.

CHAPTER 711

An Act to amend and reenact § 15.2-953 of the Code of Virginia, relating to donations to charitable institutions.

[S 549]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-953 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-953. Donations to charitable institutions and associations, volunteer and nonprofit organizations, chambers of commerce, etc.

A. Any locality may make appropriations of public funds, of personal property or of any real estate and donations to the Virginia Indigent Health Care Trust Fund and to any charitable institution or association, located within their respective limits or outside their limits if such institution or association provides services to residents of the locality; however, such institution or association shall not be controlled in whole or in part by any church or sectarian society. The words "sectarian society" shall not be construed to mean a nondenominational Young Men's Christian Association, a nondenominational Young Women's Christian Association, Habitat for Humanity, or the Salvation Army. Nothing in this section shall be construed to prohibit any county or city from making contracts with any sectarian institution for the care of indigent, sick or injured persons.

B. Any locality may make gifts and donations of property, real or personal, or money, to (i) any charitable institution or nonprofit or other organization, providing housing for persons 60 years of age or older, or operating a hospital or nursing home; (ii) any association or other organization furnishing voluntary fire-fighting services; (iii) any nonprofit lifesaving crew or lifesaving organization, or rescue squad, within or outside the boundaries of the locality; (iv) nonprofit recreational associations or organizations; (v) any nonprofit organization providing recreational or daycare services to persons 65 years of age or older; or (vi) any nonprofit association or organization furnishing services to beautify and maintain communities and/or to prevent neighborhood deterioration. Gifts or donations of property, real or personal, or money by any locality to any nonprofit association, recreational association, or organization described in provision (iv), (v), or (vi) may be made provided the nonprofit association, recreational association, or organization is not controlled in whole or in part by any church or sectarian society. Donations of property or money to any such charitable, nonprofit or other hospital or nursing home, institution or organization or nonprofit recreational associations or organizations may be made for construction purposes, for operating expenses, or both.

A locality may make like gifts and donations to chambers of commerce which are nonprofit and nonsectarian.

A locality may make like gifts, donations and appropriations of money to industrial development authorities for the purposes of promoting economic development.

A locality may make like gifts and donations to any and all public and private nonprofit organizations and agencies engaged in commemorating historical events.

A locality may make like gifts and donations to any nonprofit organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is engaged in providing energy efficiency services or promoting energy efficiency within or without the boundaries of the locality.

A locality may make like gifts and donations to any nonprofit organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is engaged in providing emergency relief to residents, including providing the repair or replacement of private property damaged or destroyed by a natural disaster.

A locality may make like gifts and donations to nonprofit foundations established to support the locality's public parks, libraries, and law enforcement. For the purposes of this paragraph, "donations" to any such foundation shall include the lawful provision of in-kind resources.

A locality may make monetary gifts, donations and appropriations of money to a state college or university which provides services to such locality's residents.

Public library materials that are discarded from their collections may be given to nonprofit organizations that support library functions, including, but not limited to, friends of the library, library advisory boards, library foundations, library trusts and library boards of trustees.

C. Any locality may make gifts and donations of personal property and may deliver such gifts and donations to another governmental entity in or outside of the Commonwealth within the United States.

D. Any locality may by ordinance provide for payment to any volunteer rescue squad that meets the required minimum standards for such volunteer rescue squads set forth in the ordinance, a sum for each rescue call the volunteer rescue squad makes for an automobile accident in which a person has been injured on any of the highways or streets in the locality. In addition, unless otherwise prohibited by law, any locality may make appropriations of money to volunteer fire companies or rescue squads in an amount sufficient to enroll any qualified member of such volunteer fire company or rescue squad in any program available within the locality intended to defray out-of-pocket expenses for emergency ambulance transportation.

E. For the purposes of this section, "donations" shall include the lawful provision of in-kind resources for any event sponsored by the donee.

F. Nothing in this section shall be construed to obligate any locality to appropriate funds to any entity. Such charitable contribution shall be voluntary.

CHAPTER 712

An Act to amend and reenact § 58.1-439.20 of the Code of Virginia, relating to the Neighborhood Assistance Act Tax Credit program.

[S 563]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-439.20 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-439.20. Proposals; regulations; tax credits authorized; amount for programs.

A. Any neighborhood organization may submit a proposal, other than education proposals, to the Commissioner of the State Department of Social Services requesting an allocation of tax credits for use by business firms making donations to the neighborhood organization. Neighborhood organizations may submit education proposals to the Superintendent of Public Instruction requesting an allocation of tax credits for use by business firms making donations to the neighborhood organization.

The proposal shall set forth the program to be conducted by the neighborhood organization, the low-income persons or eligible students with disabilities to be assisted, the estimated amount to be donated to the program, and the plans for implementing the program.

B. The State Board of Social Services and the Department of Education are hereby authorized to adopt regulations (or, alternatively, guidelines in the case of the Department of Education) for the approval or disapproval of such proposals by neighborhood organizations and for determining the value of the donations. Such regulations or guidelines shall contain a requirement that a neighborhood organization shall have been in existence for at least one year. Also, such regulations or guidelines shall contain a requirement that as a prerequisite for approval, neighborhood organizations with total revenues (including the value of all donations) (i) in excess of \$100,000 for the organization's most recent year ended provide to the State Board of Social Services or the Department of Education, as applicable, an audit or review for such year performed by an independent certified public accountant or (ii) of \$100,000 or less for the organization's most recent year ended, provide to the State Board of Social Services or the Department of Education, as applicable, a compilation for such year performed by an independent certified public accountant.

Such regulations or guidelines by the Department of Education shall provide that at least 50 percent of the persons served by the neighborhood organization are low-income persons or eligible students with disabilities, and that at least 50 percent of the neighborhood organization's revenues are used to provide services to low-income persons or to eligible students with disabilities. Such regulations by the State Board of Social Services shall provide that at least 40 percent of the persons served by the neighborhood organization are low-income persons as defined in § 58.1-439.18. In order for a proposal to be approved, the applicant neighborhood organization and any of its affiliates shall meet the requirements of the

application regulations or guidelines. *The requirements for proposals submitted to the Superintendent of Public Instruction that (a) at least 50 percent of the persons served by the neighborhood organization and each of its affiliates are low-income persons or eligible students with disabilities and (b) at least 50 percent of the revenues of the neighborhood organization and each of its affiliates are used to provide services to such persons shall not apply to any neighborhood organization for tax credit allocations beginning for fiscal year 2014-2015 and ending with tax credit allocations for fiscal year 2019-2020, provided that (1) the neighborhood organization received an allocation of tax credits for fiscal year 2011-2012 allocations, (2) at least 50 percent of the persons served by the neighborhood organization are low-income persons or eligible students with disabilities, (3) at least 50 percent of the neighborhood organization's revenues are used to provide services to such persons, and (4) none of the affiliates of the neighborhood organization receives an allocation of tax credits for any program year of such five-year period.*

Such regulations or guidelines shall provide for the equitable allocation of the available amount of tax credits among the approved proposals submitted by neighborhood organizations. The regulations or guidelines shall also provide that at least 10 percent of the available amount of tax credits each year shall be allocated to qualified programs proposed by neighborhood organizations not receiving allocations in the preceding year; however, if the amount of tax credits for qualified programs requested by such neighborhood organizations is less than 10 percent of the available amount of tax credits, the unallocated portion of such 10 percent of the available amount of tax credits shall be allocated to qualified programs proposed by other neighborhood organizations.

C. If the Commissioner of the State Department of Social Services or the Superintendent of Public Instruction approves a proposal submitted by a neighborhood organization, the organization shall make the allocated tax credit amounts available to business firms making donations to the approved program. A neighborhood organization shall not assign or transfer an allocation of tax credits to another neighborhood organization without the approval of the Commissioner of the State Department of Social Services or the Superintendent of Public Instruction, as applicable.

Notwithstanding any other provision of law, (i) no more than an aggregate of \$0.825 million in tax credits shall be approved in a fiscal year to a neighborhood organization or to a grouping of neighborhood organization affiliates for all education proposals, and (ii) no more than an aggregate of \$0.5 million in tax credits shall be approved in a fiscal year to a neighborhood organization or to a grouping of neighborhood organization affiliates for all other proposals combined. However, if the State Department of Social Services or the Department of Education after the initial allocation of tax credits to approved proposals has a balance of tax credits remaining for the fiscal year that can be used or allocated by a neighborhood organization for a proposal that had been approved for tax credits during the initial allocation by the State Department of Social Services or the Department of Education, then (a) the Commissioner of the State Department of Social Services or the Superintendent of Public Instruction, as applicable, shall reallocate the remaining balance of tax credits to such previously approved proposals to the extent that a neighborhood organization can use or allocate additional tax credits for the previously approved proposal and (b) the \$0.825 and \$0.5 million annual limitations for tax credits approved to a grouping of neighborhood organization affiliates shall be inapplicable to the extent of any balance of tax credits reallocated under clause (a). The balance of tax credits remaining for reallocation shall include the amount of any tax credits that have been granted for a proposal approved during the initial allocation but for which the Commissioner of the State Department of Social Services or the Superintendent of Public Instruction has been provided notice by the neighborhood organization that it will not be able to use or allocate such amount for the approved proposal.

D. The total amount of tax credits granted for programs approved under this article for each fiscal year shall not exceed ~~\$15 million allocated as follows the following: \$8 million~~ for education proposals for approval by the Superintendent of Public Instruction, ~~\$8 million for fiscal year 2013-2014, \$8.5 million for fiscal year 2014-2015, and \$9 million for fiscal year 2015-2016 and each fiscal year thereafter;~~ and ~~\$7 million~~ for all other proposals for approval by the Commissioner of the State Department of Social Services, ~~\$7 million for fiscal year 2013-2014, \$7.5 million for fiscal year 2014-2015, and \$8 million for fiscal year 2015-2016 and each fiscal year thereafter.~~

The Superintendent and the Commissioner of the State Department of Social Services shall work cooperatively for purposes of ensuring that neighborhood organization proposals are submitted to the proper state agency. The Superintendent and the Commissioner of the State Department of Social Services may request the assistance of the Department of Taxation for purposes of determining whether or not anticipated donations for which tax credits are requested by a neighborhood organization likely qualify as a charitable donation under federal tax laws and regulations.

E. Actions of (i) the State Department of Social Services, or the Commissioner of the same, or (ii) the Superintendent or the Department of Education relating to the review of neighborhood organization proposals and the allocation of tax credits to proposals shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). Decisions of (a) the State Department of Social Services, or the Commissioner of the same, or (b) the Superintendent or the Department of Education shall be final and not subject to review or appeal.

F. Notwithstanding the provisions of § 30-19.1:11, the issuance of tax credits under this article shall expire on July 1, 2028.

CHAPTER 713

An Act to amend and reenact § 6 and § 18, as amended, of Chapter 721 of the Acts of Assembly of 1976, which provided a charter for the City of Manassas, and to amend Chapter 721 of the Acts of Assembly of 1976 by adding a section numbered 6-a, relating to city council and school board.

[S 567]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 6 and § 18, as amended, of Chapter 721 of the Acts of Assembly of 1976 are amended and reenacted and that Chapter 721 of the Acts of Assembly of 1976 is amended by adding a section numbered 6-a as follows:

§ 6. Election, terms, and salary of mayor and councilmen.

Those councilmen and mayor in office on the effective date of this charter shall continue in office until the first day of ~~July~~ *January* following termination of their respective terms and until their respective successors shall have been duly elected and qualified.

On the ~~first~~ *first* Tuesday *after the first Monday in May, 1976* ~~November 2014~~, and every two years thereafter, there shall be elected by the qualified voters of the city three councilmen, who shall be electors of the city, who shall hold office for terms of four years each, beginning on the first day of ~~July~~ *January*, following the date of their election and thereafter until their respective successors shall have been duly elected and qualified.

On the ~~first~~ *first* Tuesday *after the first Monday in May, 1976* ~~November 2016~~, and every four years thereafter, there shall be elected by the qualified voters of the city of Manassas, a mayor, who shall be one of the electors of the city, and whose term of office shall begin on the first day of ~~July~~ *January* following the date of his election and continue for four years *and thereafter*, until his duly elected successor shall have qualified.

The remaining members of council shall fill any vacancy that may occur in the membership of the council ~~for any unexpired term by appointment of an elector of the city of Manassas~~ *in accordance with applicable law.*

Each member of the council may receive a salary to be fixed by the council, payable at such times and in such manner as the council may direct.

The mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct.

§ 6-a. School Board.

The members of the School Board of the City of Manassas at the time of this charter amendment shall remain in office until the first day of January following termination of their respective terms and until their respective successors shall have been duly elected and qualified. The School Board shall be composed of seven members elected by the voters of the City of Manassas for staggered four-year terms as provided in this section and in accordance with general law.

On the Tuesday after the first Monday in November 2014, and every four years thereafter, there shall be elected by the qualified voters of the city three School Board members, who shall be electors of the city, who shall hold office for terms of four years each, beginning on the first day of January following the date of their election and qualification, and thereafter until their respective successors shall have been duly elected and qualified.

On the Tuesday after the first Monday in November 2016, and every four years thereafter, there shall be elected by the qualified voters of the city four School Board members, who shall be electors of the city, who shall hold office for terms of four years each, beginning on the first day of January following the date of their election and qualification, and thereafter until their respective successors shall have been duly elected and qualified.

The remaining members of the School Board shall fill any vacancy that may occur in the membership of the School Board in accordance with applicable law.

§ 18. General powers.

The council of the city shall have, subject to the provisions of this charter, the control and management of the fiscal and municipal affairs of the city and of all property, real and personal, belonging to the city and may make such ordinances and bylaws relating to the same as it shall deem proper. The council shall in addition to other powers given by general law, have power to make such ordinances, orders, bylaws and regulations as it may deem proper and necessary to carry out the following powers, which are hereby vested in it:

A. Public market. To establish a public market in and for the city, provide for the appointment of proper officers therefor, prescribe the time and places for holding the market, provide suitable grounds and buildings therefor, and enforce such regulations as shall be necessary and proper to prevent huckstering, forestalling, or regrating.

B. Public improvements. To construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, jails and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the city and the performance of its duties and functions.

C. Establishing, etc., electric generating equipment, etc. To establish, maintain and operate electric generating equipment and distribution system within and without the city; to purchase electric energy for the use of the city and for distribution and resale, including resale of its surplus electricity without the city; to acquire land or rights-of-way by gift, purchase or condemnation for the location, extension or enlargement of an electric generating and/or distribution system; to acquire by gift, purchase or condemnation riparian rights for hydroelectric generation and to protect by ordinance,

prescribing adequate penalties, the said electric generating equipment and/or distribution system and their appurtenances whether within or without the limits of the city.

D. Waterworks and sewers. To establish, maintain, and operate waterworks and sewer systems within and without the city; to purchase water therefor; to contract and agree with the owners of any land, springs or water supplies for the use of or purchase thereof, or have same condemned according to law, for the location, extension, or enlargement of the said waterworks, or sewer system, either or both, the pipes connected therewith, and the fixtures or appurtenances thereof; and to protect from injury by ordinance, prescribing adequate penalties, the said waterworks, water supply, sewer systems, pipes, fixtures, and land, or anything connected therewith, whether within or without the limits of the city.

E. Streets, sidewalks and alleys generally. To open, extend, widen or narrow, close, plan, grade, curb, and pave, and otherwise improve streets, sidewalks, and public alleys in the city, and have them kept in good order and properly lighted; in order to properly light the streets of the city, the council may erect and operate such number of lamps and fixtures thereto belonging as it may deem necessary; it may build bridges in and culverts under streets, and may prevent or remove any structure, obstruction, or encroachment over, or under, or in any street, sidewalk, or alley in the city, and may permit shade trees to be planted along streets; but no person shall occupy with his works, or any appurtenances thereof, the streets, sidewalks, or alleys of the city, without the consent of the council, duly entered upon its records.

F. Cumbering streets, sidewalks, etc. To prevent the cumbering of streets, sidewalks, alleys, lanes, or bridges in the city in any manner whatever.

G. Route and grade of public utilities. To determine and designate the route and grade of any public utility laid out in the city.

H. Airports and landing fields. To establish, maintain and operate a landing field or airport located within or without the city, and for such purposes to have the right to acquire real estate by gift, lease, purchase or condemnation; to lease such landing field or airport to others to be used for any lawful purpose; to erect and maintain buildings and appurtenances necessary for the use of such landing field or airport and to prescribe and enforce rules and regulations, not in conflict with laws, rules and regulations prescribed by the Commonwealth of Virginia and the federal government, for the use and protection of such landing field or airport.

I. Board of health and department of public welfare. To appoint and organize a board of health and a department of public welfare for the city, with the necessary authority for the prompt and efficient performance of their duties, including the authority to coordinate their duties and efforts with appropriate agencies and departments of the Commonwealth and other of its political subdivisions.

J. Nuisances; unsafe or unsanitary structures; dangerous and unhealthy businesses; transportation of explosives, garbage, etc.; speed of trains. To require and compel the abatement and removal of all nuisances within the city, at the expense of the person or persons, causing the same, or the owner or owners of the ground whereon the same shall be; to require all lands, lots and other premises within the city to be kept clean, sightly, sanitary and free from weeds or to make them so at the expense of the owners or occupants thereof; to make such rules, regulations, orders or ordinances as will protect its citizens from unsafe and unsanitary structures or walls, and to that end it shall have the power to cause to be condemned and taken down any such structure or wall, but no such condemnation shall be made or such structure or wall taken down until the owner thereof, or in the case of an infant or insane person, his guardian or committee, be duly summoned before a board or a committee of council or the full council as charged by the ordinances with such duty, and allow reasonable opportunity to show cause against such action; to regulate soap factories and candle factories within the city, and the exercise of any dangerous, offensive or unhealthy business, trade or employment therein; and to regulate the transportation of coal, explosives, garbage and other articles through the streets of the city, and to restrain and regulate the speed of locomotive engines and cars upon the railroads within the city.

K. Accumulations of stagnant water, unwholesome substances, etc., on private grounds; removal; collection of expenses, etc. If any ground in the city shall be subject to be covered with stagnant water, or if the owner or owners, occupier or occupiers thereof shall permit any offensive or unwholesome substance to remain or accumulate thereon, the council may cause such grounds to be filled, raised, or drained, or may cause such substance to be covered or to be removed therefrom, and may collect the expense of so doing from the owner, or owners, occupier or occupiers, or any of them (except in cases where such nuisance is caused by the action of the city authorities or their agents, or by natural causes beyond the control of the owner or occupant, in which case the city shall pay the expense of abating the same), by distress and sale in the same manner in which taxes levied upon real estate for the benefit of the city are authorized to be collected; provided, that reasonable notice and an opportunity to be heard shall be first given to such owners or their agents. In case of nonresident owners who have no agent in the city, such notice shall be given by publication at least once a week for not less than two consecutive weeks in any newspaper having general circulation in the city.

L. Establishing fire zones; adoption of building, etc., codes; fire prevention; discharge of fireworks and firearms. To establish fire zones and regulate the character of buildings which may be erected or restored within same; to regulate and direct the storage of explosives in combustible substances and liquids; to prohibit the discharge of fireworks and firearms within the city; the building of bonfires within the city and the use of candles or lights in barns, stables, warehouses, etc.

M. Water, gas, electricity and sewage rates; requiring deposit, etc. To establish, impose and enforce water, gas, electricity and sewage rates and rates for charges for public utilities or other service, products or conveniences, operated, rendered or furnished by the city, and to assess, or cause to be assessed, water, gas, electricity and sewage rates and charges against the proper tenant or tenants or such persons, firms or corporations as may be legally liable therefor; and the council

may by such ordinance require a deposit of such reasonable amount as it may by such ordinance prescribe, before furnishing any of such services to any person, firm or corporation.

Such fees, rents, charges and interest due thereon shall constitute a lien, which shall rank on a parity with liens for unpaid city taxes, against the property, which lien may be indexed and filed among the judgment records of the circuit court of Prince William County, the cost of such filing to be included in the total amount of such lien. Such fees, rents, charges and interest due thereon may also be recovered by the city by an action at law or a suit in equity; provided, however, this paragraph shall not become operative unless and until the provisions of this paragraph have been duly adopted by an ordinance enacted pursuant to the city charter.

N. Franchises. Subject to the provisions of the Constitution of Virginia and of this charter, to grant franchises under terms and conditions to be fixed by the council.

O. Diversions of streams. To divert the channels of creeks and flowing streams and for that purpose to acquire property by condemnation all in accordance with general law.

P. Contract debts, borrow money and issue bonds. Subject to the provisions of the Constitution of Virginia and of this charter to contract debts, borrow money and make and issue bonds and other evidence of indebtedness.

Q. Eminent domain. To exercise the power of eminent domain within this Commonwealth with respect to lands and improvements thereon, machinery and equipment for any lawful purpose of the city.

The city shall also have mutatis mutandis, the rights, privileges and obligations set forth in §§ 33.1-119 through 33.1-129 of the Code of Virginia, as amended, applicable to the Commonwealth Transportation Commissioner and the Department of Transportation, with respect to all lawful purposes for which the city is permitted to exercise the power of eminent domain, as made and provided in §§ 15.1-897, 15.1-898, 15.1-899 and 15.1-900 of Chapter 18 of Title 15.1 of the Code of Virginia, as in force on January 1, 1976.

R. Slaughterhouses. To provide by ordinance for the licensing, regulation, control and location of slaughterhouses within the corporate limits of the city; and for such services to make reasonable charges therefor; and to provide reasonable penalties for the violation of such ordinances.

S. Passage of ordinances, etc., to promote general welfare, etc. To do all things whatsoever necessary or expedient, and to pass all ordinances, resolutions and bylaws for promoting or maintaining the security, general welfare, comfort, education, morals, peace, government, health, trade, commerce and industries of the city, or its inhabitants, not in conflict with the Constitution and general laws of the Commonwealth, or the Constitution of the United States.

T. Public utilities generally. The council shall have full control and regulation over the public utilities now owned or that may hereafter be acquired by the city, and to this end it shall have full authority to employ from time to time such employees as it deems necessary to properly maintain, conduct and operate the same; and it shall have full authority to incur indebtedness; unless otherwise prohibited by law, whenever the said council may deem it necessary for the proper conduct, management and maintenance of the public utilities now owned by the city, or such as may hereafter be acquired by it.

U. Requiring connection with sewers. The council shall likewise have authority, by ordinance duly enacted, to compel all owners of real estate within the corporate limits of the city to connect with such sewerage pipes or connection as may hereafter be installed or constructed by the city, whenever public health may render necessary such connection, upon such reasonable terms as may be prescribed by council, together with all other authority necessary to a proper maintenance and operation of an effective sewerage system.

V. Special election required for sale of public utilities. The council shall have no authority to sell its public utilities, without first submitting the question of such sale at a special election to be called for that purpose only, to the qualified voters of the city of Manassas, which election shall be conducted as now provided by general law governing special elections. The Circuit Court of Prince William County, or the judge thereof in vacation, shall order such special election upon the petition of twenty-five percent of the qualified voters of the city of Manassas or upon a resolution passed by a majority of the council of the city. For a period of not less than four weeks prior to such special election the substantial terms of any proposed sale shall be published over the signature of the city clerk, once a week for four successive weeks in some newspaper published within the city of Manassas. The qualifications of voters in said special election shall be determined by existing statutes governing other special elections.

W. Schools. To establish, operate, and maintain a public school system as a separate school division in accordance with the provisions of the Code of Virginia applicable thereto.

~~X. School board. The school board of the city of Manassas shall be composed of seven members, who shall be chosen by the council from qualified voters and residents of the city of Manassas to serve a term of three years. Any vacancy on the school board occurring by reason of death, resignation or removal shall be filled by the council for the unexpired term. A member whose term has expired shall continue to serve until his successor has been appointed and qualified. Those members appointed prior to the adoption of this charter amendment shall continue to serve for the term to which they were originally appointed. The two additional members appointed to the board pursuant to this charter amendment shall serve initial terms of one and two years as designated in their appointment by council.~~

∓ X. Residential rental unit inspections. Upon an affirmative finding of the need to protect the public health, welfare and safety of its citizens, to provide by ordinance for the issuance of certificates of compliance with current building regulations for existing residential buildings located in conservation and rehabilitation districts designated by the local governing body after inspections of such buildings upon a termination of the tenancies or when such rental property is sold.

CHAPTER 714

An Act to amend and reenact § 18.2-57 of the Code of Virginia, relating to assault and battery; school employees; penalty.
[S 570]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-57 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-57. Assault and battery; penalty.

A. Any person who commits a simple assault or assault and battery is guilty of a Class 1 misdemeanor, and if the person intentionally selects the person against whom a simple assault is committed because of his race, religious conviction, color or national origin, the penalty upon conviction shall include a term of confinement of at least six months, 30 days of which shall be a mandatory minimum term of confinement.

B. However, if a person intentionally selects the person against whom an assault and battery resulting in bodily injury is committed because of his race, religious conviction, color or national origin, the person is guilty of a Class 6 felony, and the penalty upon conviction shall include a term of confinement of at least six months, 30 days of which shall be a mandatory minimum term of confinement.

C. In addition, if any person commits an assault or an assault and battery against another knowing or having reason to know that such other person is a judge, a magistrate, a law-enforcement officer as defined in subsection F, a correctional officer as defined in § 53.1-1, a person directly involved in the care, treatment, or supervision of inmates in the custody of the Department of Corrections or an employee of a local or regional correctional facility directly involved in the care, treatment, or supervision of inmates in the custody of the facility, a person directly involved in the care, treatment, or supervision of persons in the custody of or under the supervision of the Department of Juvenile Justice, an employee or other individual who provides control, care, or treatment of sexually violent predators committed to the custody of the Department of Behavioral Health and Developmental Services, a firefighter as defined in § 65.2-102, or a volunteer firefighter or any emergency medical services personnel member who is employed by or is a volunteer of an emergency medical services agency or as a member of a bona fide volunteer fire department or volunteer emergency medical services agency, regardless of whether a resolution has been adopted by the governing body of a political subdivision recognizing such firefighters or emergency medical services personnel as employees, engaged in the performance of his public duties, such person is guilty of a Class 6 felony, and, upon conviction, the sentence of such person shall include a mandatory minimum term of confinement of six months.

Nothing in this subsection shall be construed to affect the right of any person charged with a violation of this section from asserting and presenting evidence in support of any defenses to the charge that may be available under common law.

D. In addition, if any person commits a battery against another knowing or having reason to know that such other person is a full-time or part-time ~~teacher, principal, assistant principal, or guidance counselor~~ *employee* of any public or private elementary or secondary school and is engaged in the performance of his duties as such, he is guilty of a Class 1 misdemeanor and the sentence of such person upon conviction shall include a sentence of 15 days in jail, two days of which shall be a mandatory minimum term of confinement. However, if the offense is committed by use of a firearm or other weapon prohibited on school property pursuant to § 18.2-308.1, the person shall serve a mandatory minimum sentence of confinement of six months.

E. In addition, any person who commits a battery against another knowing or having reason to know that such individual is a health care provider as defined in § 8.01-581.1 who is engaged in the performance of his duties as an emergency health care provider in an emergency room of a hospital or clinic or on the premises of any other facility rendering emergency medical care is guilty of a Class 1 misdemeanor. The sentence of such person, upon conviction, shall include a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term of confinement.

F. As used in this section:

"Judge" means any justice or judge of a court of record of the Commonwealth including a judge designated under § 17.1-105, a judge under temporary recall under § 17.1-106, or a judge pro tempore under § 17.1-109, any member of the State Corporation Commission, or of the Virginia Workers' Compensation Commission, and any judge of a district court of the Commonwealth or any substitute judge of such district court.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof who is responsible for the prevention or detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115, any special agent of the Department of Alcoholic Beverage Control, conservation police officers appointed pursuant to § 29.1-200, and full-time sworn members of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and such officer also includes jail officers in local and regional correctional facilities, all deputy sheriffs, whether assigned to law-enforcement duties, court services or local jail responsibilities, auxiliary police officers appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733, auxiliary deputy sheriffs appointed pursuant to § 15.2-1603, police officers of the Metropolitan Washington Airports Authority pursuant to § 5.1-158, and fire marshals appointed pursuant to § 27-30 when such fire marshals have police powers as set out in §§ 27-34.2 and 27-34.2:1.

"School security officer" means an individual who is employed by the local school board for the purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies and detaining persons violating the law or school board policies on school property, a school bus or at a school-sponsored activity and who is responsible solely for ensuring the safety, security and welfare of all students, faculty and staff in the assigned school.

G. "Simple assault" or "assault and battery" shall not be construed to include the use of, by any ~~teacher, teacher aide, principal, assistant principal, guidance counselor,~~ school security officer, ~~school bus driver or full-time or part-time employee of any public or private elementary or secondary school bus aide,~~ while acting in the course and scope of his official capacity, any of the following: (i) incidental, minor or reasonable physical contact or other actions designed to maintain order and control; (ii) reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens physical injury to persons or damage to property; (iii) reasonable and necessary force to prevent a student from inflicting physical harm on himself; (iv) reasonable and necessary force for self-defense or the defense of others; or (v) reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or associated paraphernalia that are upon the person of the student or within his control.

In determining whether a person was acting within the exceptions provided in this subsection, due deference shall be given to reasonable judgments that were made by a ~~teacher, teacher aide, principal, assistant principal, guidance counselor,~~ school security officer, ~~school bus driver,~~ or *full-time or part-time employee of any public or private elementary or secondary school bus aide* at the time of the event.

CHAPTER 715

An Act to amend and reenact § 54.1-2995 of the Code of Virginia, relating to the Advance Health Care Directive Registry; submission of documents.

[S 575]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2995 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2995. Filing of documents with the registry; regulations; fees.

A. A person may submit any of the following documents and the revocations of these documents to the Department of Health for filing in the Advance Health Care Directive Registry established pursuant to this article:

1. A health care power of attorney.
2. An advance directive created pursuant to Article 8 (§ 54.1-2981 et seq.) or a subsequent act of the General Assembly.
3. A declaration of an anatomical gift made pursuant to the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.).

B. The document may be submitted for filing only by the person who executed the document *or his legal representative or designee* and shall be accompanied by any fee required by the Department of Health.

C. All data and information contained in the registry shall remain confidential and shall be exempt from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

D. The Board of Health shall promulgate regulations to carry out the provisions of this article, which shall include, but not be limited to (i) a determination of who may access the registry, including physicians, other licensed health care providers, the declarant, and his legal representative or designee; (ii) a means of annually reminding registry users of which documents they have registered; and (iii) fees for filing a document with the registry. Such fees shall not exceed the direct costs associated with development and maintenance of the registry and with the education of the public about the availability of the registry, and shall be exempt from statewide indirect costs charged and collected by the Department of Accounts. No fee shall be charged for the filing of a document revoking any document previously filed with the registry.

CHAPTER 716

An Act to amend and reenact § 55-374 of the Code of Virginia, relating to the Virginia Real Estate Time-Share Act; public offering statement; multisite registration.

[S 577]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 55-374 of the Code of Virginia is amended and reenacted as follows:

§ 55-374. Public offering statement.

A. The developer shall prepare and distribute to each prospective purchaser prior to the execution of a contract for the purchase of a time-share, a copy of the current public offering statement about which the time-share relates. The public offering statement shall fully and accurately disclose the material characteristics of the time-share project registered under this chapter and such time-share offered, and shall make known to each prospective purchaser all material circumstances

affecting such time-share project. A developer need not make joint disclosures concerning two or more time-share projects owned by the developer or any related entity unless such projects are included in the same time-share program and marketed jointly at any of the time-share projects. The proposed public offering statement shall be filed with the Board, and shall be in a form prescribed by its regulations. The public offering statement may limit the information provided for the specific time-share project to which the developer's registration relates. The public offering statement shall include the following only to the extent a given disclosure is applicable; otherwise no reference shall be required of the developer or contained in the public offering statement:

1. The name and principal address of the developer and the time-share project registered with the Board about which the public offering statement relates, including:
 - a. The name, principal occupation and address of every director, partner, limited liability company manager, or trustee of the developer;
 - b. The name and address of each person owning or controlling an interest of 20 percent or more in each time-share project registered with the Board;
 - c. The particulars of any indictment, conviction, judgment, decree or order of any court or administrative agency against the developer or managing entity for violation of a federal, state, local or foreign country law or regulation in connection with activities relating to time-share sales, land sales, land investments, security sales, construction or sale of homes or improvements or any similar or related activity;
 - d. The nature of each unsatisfied judgment, if any, against the developer or the managing entity, the status of each pending suit involving the sale or management of real estate to which the developer, the managing entity, or any general partner, executive officer, director, limited liability company manager, or majority stockholder thereof, is a defending party, and the status of each pending suit, if any, of significance to any time-share project registered with the Board; and
 - e. The name and address of the developer's agent for service of any notice permitted by this chapter.
2. A general description of the time-share project registered with the Board and the units and common elements promised available to purchasers, including without limitation, the developer's estimated schedule of commencement and completion of all promised and incomplete units and common elements.
3. As to all time-shares offered by the developer:
 - a. The form of time-share ownership offered in the project registered with the Board;
 - b. The types, duration, and number of units and time-shares in the project registered with the Board;
 - c. Identification of units that are subject to the time-share program;
 - d. The estimated number of units that may become subject to the time-share program;
 - e. Provisions, if any, that have been made for public utilities in the time-share project including water, electricity, telephone, and sewerage facilities;
 - f. A statement to the effect of whether or not the developer has reserved the right to add to or delete from the time-share program a time-share project or any incidental benefit or alternative purchase; and
 - g. If the developer utilizes the possibility of reverter, a statement to that effect referring the purchaser to the reverter deed for an explanation thereof.
4. In a time-share estate program, a copy of the annual report or budget required by § 55-370.1, which copy may take the form of an exhibit to the public offering statement. In the case where multiple time-share projects are registered with the Board, the copy or exhibit may be in summary form.
5. In a time-share use program where the developer's net worth is less than \$250,000, a current audited balance sheet and where the developer's net worth exceeds such amount, a statement by such developer that its equity in the time-share program exceeds that amount.
6. Any initial or special fee due from the purchaser at settlement together with a description of the purpose and method of calculating the fee.
7. A description of any liens, defects, or encumbrances affecting the time-share project and in particular the time-share offered to the purchaser.
8. A general description of any financing offered by or available through the developer.
9. A statement that the purchaser has a nonwaivable right of cancellation, referring such purchaser to that portion of the contract in which such right may be found.
10. If the time-share interest in a condominium unit may be conveyed before that unit is certified as substantially complete in accordance with § 55-79.58, a statement of the developer's obligation to complete the unit. Such statement shall include the approximate date by which the condominium unit shall be completed, together with the form and amount of the bond filed in accordance with subsection B of § 55-79.58:1.
11. Any restraints on alienation of any number or portion of any time-shares.
12. A description of the insurance coverage provided for the benefit of time-share owners.
13. The extent to which financial arrangements, if any, have been provided for completion of any incomplete but promised time-share unit or common element being then offered for sale, including a statement of the developer's obligation to complete the promised units and common elements comprising the time-share project that have not begun, or begun but not yet completed.
14. The extent to which a time-share unit may become subject to a tax or other lien arising out of claims against other owners of the same unit.

15. The name and address of the managing entity for the project.

16. Copies of the project instrument and the association's articles of incorporation and bylaws, each of which may be a supplement to the public offering statement.

17. Any services that the developer provides or expense it pays and that it expects may become at any subsequent time a time-share expense of the owners, and the projected time-share expense liability attributable to each of those services or expenses for each time-share.

18. A description of the terms of the deposit escrow requirements, including a statement that deposits may be removed from escrow at the termination of the cancellation period.

19. A description of the facilities, if any, provided by the developer to the association in a time-share estate project for the management of the project.

20. Any other information required by the Board to assure full and fair meaningful disclosure to prospective purchasers.

B. If any prospective purchaser is offered the opportunity to subscribe to or participate in any exchange program, the public offering statement shall include as an exhibit or supplement, the disclosure document prepared by the exchange company in accordance with § 55-374.2 and a brief narrative description of the exchange program which shall include the following:

1. A statement of whether membership or participation in the program is voluntary or mandatory;

2. The name and address of the exchange company together with the names of its top three officers and directors;

3. A statement of whether the exchange company or any of its top three officers, directors, or holders of a 10 percent or greater interest in the exchange company has any interest in the developer, managing entity or the time-share project;

4. A statement that the purchaser's contract with the exchange company is a contract separate and distinct from the purchaser's contract with the developer; and

5. A brief narrative description of the procedure whereby exchanges are conducted.

C. The public offering statement of a conversion time-share project shall also include the following, which may take the form of an exhibit to the public offering statement:

1. A specific statement of the amount of any initial or special fee, if any, due from the purchaser of a time-share on or before settlement of the purchase contract and the basis of such fee occasioned by the fact that the project is a conversion time-share project;

2. Information on the actual expenditures, if available, made on all repairs, maintenance, operation, or upkeep of the building or buildings within the last three years. This information shall be set forth in a tabular manner within the proposed budget of the project. If such building or buildings have not been occupied for a period of three years then the information shall be set forth for the period during which such building or buildings were occupied;

3. A description of any provisions made in the budget for reserves for capital expenditures and an explanation of the basis for such reserves occasioned by the fact that the project is a conversion time-share project, or, if no provision is made for such reserves, a statement to that effect; and

4. A statement of the present condition of all structural components and major utility installations in the building, which statement shall include the approximate dates of construction, installations, and major repairs as well as the expected useful life of each such item, together with the estimated cost, in current dollars, of replacing each such component.

D. In the case of a conversion project, the developer shall give at least 90 days' notice to each of the tenants of the building or buildings which the developer intends to submit to the provisions of this chapter. During the first 60 days of such 90-day period, each of these tenants shall have the exclusive right to contract for the purchase of a time-share from the unit he occupies, but only if such unit is to be retained in the conversion project without substantial alteration in its physical layout. Such notice shall be hand delivered or sent by first-class mail, return receipt requested, and shall inform the tenants of the developer's intent to create a conversion project. Such notice may also constitute the notice to terminate the tenancy as provided for in § 55-222, except that, despite the provisions of § 55-222, a tenancy from month to month may only be terminated upon 120 days' notice as set forth herein when such termination is in regard to the creation of a conversion project. If, however, a tenant so notified remains in possession of the unit he occupies after the expiration of the 120-day period with the permission of the developer, in order to then terminate the tenancy, such developer shall give the tenant a further notice as provided in § 55-222.

The developer of a conversion project, shall, in addition to the requirements of § 55-391.1, include with the application for registration a copy of the notice required by this subsection and a certified statement that such notice which fully complies with the provisions of this subsection shall be, at the time of the registration of the conversion project, mailed or delivered to each of the tenants in the building or buildings for which registration is sought.

E. The developer shall amend the public offering statement to reflect any material change in the time-share program or time-share project. If the developer has reserved in the time-share instrument the right to add to or delete incidental benefits or alternative purchases, the addition or deletion thereof shall not constitute a material change. Prior to distribution, the developer shall file with the Board the public offering statement amended to reflect any material change.

F. The Board may at any time require a developer to alter or supplement the form or substance of the public offering statement to assure full and fair disclosure to prospective purchasers. A developer may, in its discretion, prepare and distribute a public offering statement for each product offered or one public offering statement for all products offered.

G. In the case of a time-share project located outside the Commonwealth, (i) the developer may amend the public offering statement to reflect any additions or deletions of a time-share project to the existing time-share program registered in the Commonwealth, and (ii) similar disclosure statements required by other situs laws governing time-sharing may be acceptable alternative disclosure statements.

H. The developer shall prepare and distribute to each prospective purchaser prior to the execution of a purchase contract for a registered alternative purchase, a copy of the public offering statement about which such alternative purchase relates. The public offering statement shall fully and accurately disclose the material characteristics of such alternative purchase. The public offering statement for an alternative purchase shall be filed with the Board and shall be in a form prescribed by its regulations, if any.

The public offering statement for an alternative purchase need not contain any information about the time-share project, time-share program or the time-shares offered by the developer which was initially offered to such purchaser by the developer. If the developer so elects, the public offering statement for an alternative purchase is not required to have any exhibits.

I. The public offering statement may be in any format, including a compact disc, provided the prospective buyer has available for review, along with ample time for any questions and answers, a copy of the public offering statement prior to his execution of a contract.

CHAPTER 717

An Act to amend the Code of Virginia by adding a section numbered 15.2-2208.1, relating to unconstitutional grant or denial by localities of certain permits and approvals; damages, attorney fees and costs.

[S 578]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2208.1 as follows:

§ 15.2-2208.1. Damages for unconstitutional grant or denial by locality of certain permits and approvals.

A. Notwithstanding any other provision of law, general or special, any applicant aggrieved by the grant or denial by a locality of any approval or permit, however described or delineated, including a special exception, special use permit, conditional use permit, rezoning, site plan, plan of development, and subdivision plan, where such grant included, or denial was based upon, an unconstitutional condition pursuant to the United States Constitution or the Constitution of Virginia, shall be entitled to an award of compensatory damages and to an order remanding the matter to the locality with a direction to grant or issue such permits or approvals without the unconstitutional condition and may be entitled to reasonable attorney fees and court costs.

B. In any proceeding, once an unconstitutional condition has been proven by the aggrieved applicant to have been a factor in the grant or denial of the approval or permit, the court shall presume, absent clear and convincing evidence to the contrary, that such applicant's acceptance of or refusal to accept the unconstitutional condition was the controlling basis for such impermissible grant or denial provided only that the applicant objected to the condition in writing prior to such grant or denial.

C. Any action brought pursuant to this section shall be filed with the circuit court having jurisdiction of the land affected or the greater part thereof, and the court shall hear and determine the case as soon as practical, provided that such action is filed within the time limit set forth in subsection C or D of § 15.2-2259, subsection D or E of § 15.2-2260, or subsection F of § 15.2-2285, as may be applicable.

2. That the provisions of this act shall apply only to approvals or permits that are granted or denied on or after July 1, 2014.

CHAPTER 718

An Act to amend and reenact § 58.1-608.3 of the Code of Virginia, relating to sales and use tax revenue; potential distribution to a certain locality.

[S 579]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-608.3 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-608.3. Entitlement to certain sales tax revenues.

A. As used in this section, the following words and terms have the following meanings, unless some other meaning is plainly intended:

"Bonds" means any obligations of a municipality for the payment of money.

"Cost," as applied to any public facility or to extensions or additions to any public facility, includes: (i) the purchase price of any public facility acquired by the municipality or the cost of acquiring all of the capital stock of the corporation

owning the public facility and the amount to be paid to discharge any obligations in order to vest title to the public facility or any part of it in the municipality; (ii) expenses incident to determining the feasibility or practicability of the public facility; (iii) the cost of plans and specifications, surveys and estimates of costs and of revenues; (iv) the cost of all land, property, rights, easements and franchises acquired; (v) the cost of improvements, property or equipment; (vi) the cost of engineering, legal and other professional services; (vii) the cost of construction or reconstruction; (viii) the cost of all labor, materials, machinery and equipment; (ix) financing charges; (x) interest before and during construction and for up to one year after completion of construction; (xi) start-up costs and operating capital; (xii) payments by a municipality of its share of the cost of any multijurisdictional public facility; (xiii) administrative expense; (xiv) any amounts to be deposited to reserve or replacement funds; and (xv) other expenses as may be necessary or incident to the financing of the public facility. Any obligation or expense incurred by the public facility in connection with any of the foregoing items of cost may be regarded as a part of the cost.

"Municipality" means any county, city, town, authority, commission, or other public entity.

"Public facility" means (i) any auditorium, coliseum, convention center, ~~sports facility that is designed for use primarily as a baseball stadium for a minor league professional baseball affiliated team or structures attached thereto,~~ or conference center, which is owned by a Virginia county, city, town, authority, or other public entity and where exhibits, meetings, conferences, conventions, seminars, or similar public events may be conducted; (ii) any hotel which is owned by a foundation whose sole purpose is to benefit a state-supported university and which is attached to and is an integral part of such facility, together with any lands reasonably necessary for the conduct of the operation of such events; (iii) any hotel which is attached to and is an integral part of such facility; ~~or~~ (iv) any hotel that is adjacent to a convention center owned by a public entity and where the hotel owner enters into a public-private partnership whereby the locality contributes infrastructure, real property, or conference space; *or (v) a sports complex consisting of a minor league baseball stadium and related tournament, training, and parking facilities, where a municipality owns a component of the sports complex.* However, such public facility must be located in the City of Fredericksburg, City of Hampton, City of Lynchburg, City of Newport News, City of Norfolk, City of Portsmouth, City of Richmond, City of Roanoke, City of Salem, City of Staunton, City of Suffolk, City of Virginia Beach, City of Winchester, or Town of Wise. Any property, real, personal, or mixed, which is necessary or desirable in connection with any such auditorium, coliseum, convention center, ~~baseball stadium sports complex,~~ or conference center, including, without limitation, facilities for food preparation and serving, parking facilities, and administration offices, is encompassed within this definition. However, structures commonly referred to as "shopping centers" or "malls" shall not constitute a public facility hereunder. A public facility shall not include residential condominiums, townhomes, or other residential units. In addition, only a new public facility, or a public facility which will undergo a substantial and significant renovation or expansion, shall be eligible under subsection C. A new public facility is one whose construction began after December 31, 1991. A substantial and significant renovation entails a project whose cost is at least 50 percent of the original cost of the facility being renovated and shall have begun after December 31, 1991. A substantial and significant expansion entails an increase in floor space of at least 50 percent over that existing in the preexisting facility and shall have begun after December 31, 1991; or an increase in floor space of at least 10 percent over that existing in a public facility that qualified as such under this section and was constructed after December 31, 1991.

"Sales tax revenues" means such tax collections realized under the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.), as limited herein. "Sales tax revenues" does not include the revenue generated by (i) the 0.5 percent sales and use tax increase enacted by the 1986 Special Session of the General Assembly which shall be paid to the Transportation Trust Fund as defined in § 33.1-23.03:1, (ii) the 1.0 percent of the state sales and use tax revenue distributed among the counties and cities of the Commonwealth pursuant to subsection D of § 58.1-638 on the basis of school age population, or (iii) any sales and use tax revenues generated by increases or allocation changes imposed by the 2013 Session of the General Assembly. ~~For a public facility that is a sports facility, "sales tax revenues" shall include such revenues generated by transactions taking place upon the premises of a baseball stadium or structures attached thereto.~~

B. Notwithstanding the definition of "public facility" in subsection A, a development project that meets the requirements for a "development of regional impact" set forth herein shall be deemed to be a public facility under the provisions of this section. The locality in which the public facility is located shall be entitled to all sales tax revenues generated by transactions taking place at such public facility solely to pay the cost of any bonds issued to pay the cost, or portion thereof, of such public facility pursuant to subsection C. For purposes of this subsection, the development of regional impact must be located in the City of Bristol.

For purposes of this subsection, a "development of regional impact" means a development project (i) towards which the locality contributes infrastructure or real property as part of a public-private partnership with the developer that is equal to at least 20 percent of the aggregate cost of development, (ii) that is reasonably expected to require a capital investment of at least \$50 million, (iii) that is reasonably expected to generate at least \$5 million annually in state sales and use tax revenue from sales within the development, (iv) that is reasonably expected to attract at least one million visitors annually, (v) that is reasonably expected to create at least 2,000 permanent jobs, (vi) that is located in a locality that had a rate of unemployment at least three percentage points higher than the statewide average in November 2011, and (vii) that is located in a locality that is adjacent to a state that has adopted a Border Region Retail Tourism Development District Act. Within 30 days from the date of notification by a locality that it intends to contribute infrastructure or real property as part of a public-private partnership with the developer of a development of regional impact, the Department of Taxation shall review

the findings of the locality with respect to clauses (i) through (vi) and shall file a written report with the Chairmen of the House Committee on Finance, the House Committee on Appropriations, and the Senate Committee on Finance.

C. Any municipality which has issued bonds (i) after December 31, 1991, but before January 1, 1996, (ii) on or after January 1, 1998, but before July 1, 1999, (iii) on or after January 1, 1999, but before July 1, 2001, (iv) on or after July 1, 2000, but before July 1, 2003, (v) on or after July 1, 2001, but before July 1, 2005, (vi) on or after July 1, 2004, but before July 1, 2007, (vii) on or after July 1, 2009, but before July 1, 2012, (viii) on or after January 1, 2011, but prior to July 1, 2015, or (ix) on or after January 1, 2013, but prior to July 1, 2017, to pay the cost, or portion thereof, of any public facility shall be entitled to all sales tax revenues generated by transactions taking place in such public facility. *In the case of a public facility described in clause (v) of the definition of public facility, all such sales tax revenues shall be applied solely to repayment of the bonds issued to pay the cost, or portion thereof, of the municipality-owned component of the sports complex.* Such entitlement shall continue for the lifetime of such bonds, which entitlement shall not exceed 35 years, and all such sales tax revenues shall be applied to repayment of the bonds. The State Comptroller shall remit such sales tax revenues to the municipality on a quarterly basis, subject to such reasonable processing delays as may be required by the Department of Taxation to calculate the actual net sales tax revenues derived from the public facility. The State Comptroller shall make such remittances to eligible municipalities, as provided herein, notwithstanding any provisions to the contrary in the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.). No such remittances shall be made until construction is completed and, in the case of a renovation or expansion, until the governing body of the municipality has certified that the renovation or expansion is completed.

D. Nothing in this section shall be construed as authorizing the pledging of the faith and credit of the Commonwealth of Virginia, or any of its revenues, for the payment of any bonds. Any appropriation made pursuant to this section shall be made only from sales tax revenues derived from the public facility for which bonds may have been issued to pay the cost, in whole or in part, of such public facility.

CHAPTER 719

An Act to amend and reenact §§ 2.2-4006, 4.1-225, 9.1-176.1, 15.2-907, 16.1-260, 16.1-278.8:01, 18.2-46.1, 18.2-250, 18.2-251, 18.2-255, 18.2-255.1, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-258.1, 18.2-308.09, 18.2-308.1:5, 18.2-308.4, 18.2-474.1, 19.2-83.1, 19.2-187, 19.2-386.22 through 19.2-386.25, 22.1-277.08, 22.1-279.3:1, 24.2-233, 53.1-145, 53.1-203, 54.1-3401, 54.1-3443, 54.1-3446, and 54.1-3456 of the Code of Virginia and to repeal § 18.2-248.1:1 of the Code of Virginia, relating to controlled substance analogs; synthetic cannabinoids; regulation by Board of Pharmacy; penalties.

[S 594]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-4006, 4.1-225, 9.1-176.1, 15.2-907, 16.1-260, 16.1-278.8:01, 18.2-46.1, 18.2-250, 18.2-251, 18.2-255, 18.2-255.1, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-258.1, 18.2-308.09, 18.2-308.1:5, 18.2-308.4, 18.2-474.1, 19.2-83.1, 19.2-187, 19.2-386.22 through 19.2-386.25, 22.1-277.08, 22.1-279.3:1, 24.2-233, 53.1-145, 53.1-203, 54.1-3401, 54.1-3443, 54.1-3446, and 54.1-3456 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-4006. Exemptions from requirements of this article.

A. The following agency actions otherwise subject to this chapter and § 2.2-4103 of the Virginia Register Act shall be exempted from the operation of this article:

1. Agency orders or regulations fixing rates or prices.
2. Regulations that establish or prescribe agency organization, internal practice or procedures, including delegations of authority.
3. Regulations that consist only of changes in style or form or corrections of technical errors. Each promulgating agency shall review all references to sections of the Code of Virginia within their regulations each time a new supplement or replacement volume to the Code of Virginia is published to ensure the accuracy of each section or section subdivision identification listed.
4. Regulations that are:
 - a. Necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. However, such regulations shall be filed with the Registrar within 90 days of the law's effective date;
 - b. Required by order of any state or federal court of competent jurisdiction where no agency discretion is involved; or
 - c. Necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation, and the Registrar has so determined in writing. Notice of the proposed adoption of these regulations and the Registrar's determination shall be published in the Virginia Register not less than 30 days prior to the effective date of the regulation.

5. Regulations of the Board of Agriculture and Consumer Services adopted pursuant to subsection B of § 3.2-3929 or clause (v) or (vi) of subsection C of § 3.2-3931 after having been considered at two or more Board meetings and one public hearing.

6. Regulations of the regulatory boards served by (i) the Department of Labor and Industry pursuant to Title 40.1 and (ii) the Department of Professional and Occupational Regulation or the Department of Health Professions pursuant to Title 54.1 that are limited to reducing fees charged to regulants and applicants.

7. The development and issuance of procedural policy relating to risk-based mine inspections by the Department of Mines, Minerals and Energy authorized pursuant to §§ 45.1-161.82 and 45.1-161.292:55.

8. General permits issued by the (a) State Air Pollution Control Board pursuant to Chapter 13 (§ 10.1-1300 et seq.) of Title 10.1 or (b) State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), Chapter 24 (§ 62.1-242 et seq.) of Title 62.1 and Chapter 25 (§ 62.1-254 et seq.) of Title 62.1, (c) Virginia Soil and Water Conservation Board pursuant to the Dam Safety Act (§ 10.1-604 et seq.), and (d) the development and issuance of general wetlands permits by the Marine Resources Commission pursuant to subsection B of § 28.2-1307, if the respective Board or Commission (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007.01, (ii) following the passage of 30 days from the publication of the Notice of Intended Regulatory Action forms a technical advisory committee composed of relevant stakeholders, including potentially affected citizens groups, to assist in the development of the general permit, (iii) provides notice and receives oral and written comment as provided in § 2.2-4007.03, and (iv) conducts at least one public hearing on the proposed general permit.

9. The development and issuance by the Board of Education of guidelines on constitutional rights and restrictions relating to the recitation of the pledge of allegiance to the American flag in public schools pursuant to § 22.1-202.

10. Regulations of the Board of the Virginia College Savings Plan adopted pursuant to § 23-38.77.

11. Regulations of the Marine Resources Commission.

12. Regulations adopted by the Board of Housing and Community Development pursuant to (i) Statewide Fire Prevention Code (§ 27-94 et seq.), (ii) the Industrialized Building Safety Law (§ 36-70 et seq.), (iii) the Uniform Statewide Building Code (§ 36-97 et seq.), and (iv) § 36-98.3, provided the Board (a) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007.01, (b) publishes the proposed regulation and provides an opportunity for oral and written comments as provided in § 2.2-4007.03, and (c) conducts at least one public hearing as provided in §§ 2.2-4009 and 36-100 prior to the publishing of the proposed regulations. Notwithstanding the provisions of this subdivision, any regulations promulgated by the Board shall remain subject to the provisions of § 2.2-4007.06 concerning public petitions, and §§ 2.2-4013 and 2.2-4014 concerning review by the Governor and General Assembly.

13. Amendments to the list of drugs susceptible to counterfeiting adopted by the Board of Pharmacy pursuant to subsection B of § 54.1-3307 or amendments to regulations of the Board to schedule a substance in Schedule I or II pursuant to subsection D of § 54.1-3443.

B. Whenever regulations are adopted under this section, the agency shall state as part thereof that it will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision. The effective date of regulations adopted under this subsection shall be in accordance with the provisions of § 2.2-4015, except in the case of emergency regulations, which shall become effective as provided in subsection B of § 2.2-4012.

C. A regulation for which an exemption is claimed under this section or § 2.2-4002 or 2.2-4011 and that is placed before a board or commission for consideration shall be provided at least two days in advance of the board or commission meeting to members of the public that request a copy of that regulation. A copy of that regulation shall be made available to the public attending such meeting.

§ 4.1-225. Grounds for which Board may suspend or revoke licenses.

The Board may suspend or revoke any license other than a brewery license, in which case the Board may impose penalties as provided in § 4.1-227, if it has reasonable cause to believe that:

1. The licensee, or if the licensee is a partnership, any general partner thereof, or if the licensee is an association, any member thereof, or a limited partner of 10 percent or more with voting rights, or if the licensee is a corporation, any officer, director, or shareholder owning 10 percent or more of its capital stock, or if the licensee is a limited liability company, any member-manager or any member owning 10 percent or more of the membership interest of the limited liability company:

a. Has misrepresented a material fact in applying to the Board for such license;

b. Within the five years immediately preceding the date of the hearing held in accordance with § 4.1-227, has (i) been convicted of a violation of any law, ordinance or regulation of the Commonwealth, of any county, city or town in the Commonwealth, of any state, or of the United States, applicable to the manufacture, transportation, possession, use or sale of alcoholic beverages; (ii) violated any provision of Chapter 3 (§ 4.1-300 et seq.); (iii) committed a violation of the Wine Franchise Act (§ 4.1-400 et seq.) or the Beer Franchise Act (§ 4.1-500 et seq.) in bad faith; (iv) violated or failed or refused to comply with any regulation, rule or order of the Board; or (v) failed or refused to comply with any of the conditions or restrictions of the license granted by the Board;

c. Has been convicted in any court of a felony or of any crime or offense involving moral turpitude under the laws of any state, or of the United States;

d. Is not the legitimate owner of the business conducted under the license granted by the Board, or other persons have ownership interests in the business which have not been disclosed;

e. Cannot demonstrate financial responsibility sufficient to meet the requirements of the business conducted under the license granted by the Board;

f. Has been intoxicated or under the influence of some self-administered drug while upon the licensed premises;

g. Has maintained the licensed premises in an unsanitary condition, or allowed such premises to become a meeting place or rendezvous for members of a criminal street gang as defined in § 18.2-46.1 or persons of ill repute, or has allowed any form of illegal gambling to take place upon such premises;

h. Knowingly employs in the business conducted under such license, as agent, servant, or employee, other than a busboy, cook or other kitchen help, any person who has been convicted in any court of a felony or of any crime or offense involving moral turpitude, or who has violated the laws of the Commonwealth, of any other state, or of the United States, applicable to the manufacture, transportation, possession, use or sale of alcoholic beverages;

i. Subsequent to the granting of his original license, has demonstrated by his police record a lack of respect for law and order;

j. Has allowed the consumption of alcoholic beverages upon the licensed premises by any person whom he knew or had reason to believe was (i) less than 21 years of age, (ii) interdicted, or (iii) intoxicated, or has allowed any person whom he knew or had reason to believe was intoxicated to loiter upon such licensed premises;

k. Has allowed any person to consume upon the licensed premises any alcoholic beverages except as provided under this title;

l. Is physically unable to carry on the business conducted under such license or has been adjudicated incapacitated;

m. Has allowed any obscene literature, pictures or materials upon the licensed premises;

n. Has possessed any illegal gambling apparatus, machine or device upon the licensed premises;

o. Has upon the licensed premises (i) illegally possessed, distributed, sold or used, or has knowingly allowed any employee or agent, or any other person, to illegally possess, distribute, sell or use marijuana, controlled substances, imitation controlled substances, drug paraphernalia or controlled paraphernalia as those terms are defined in Articles 1 and 1.1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 and the Drug Control Act (§ 54.1-3400 et seq.) or synthetic cannabinoids as defined in § 18.2-248.1-1; (ii) laundered money in violation of § 18.2-246.3; or (iii) conspired to commit any drug-related offense in violation of Articles 1 and 1.1 of Chapter 7 (§ 18.2-247 et seq.) of Title 18.2 or the Drug Control Act (§ 54.1-3400 et seq.). The provisions of this subdivision shall also apply to any conduct related to the operation of the licensed business which facilitates the commission of any of the offenses set forth herein; or

p. Has failed to take reasonable measures to prevent (i) the licensed premises, (ii) any premises immediately adjacent to the licensed premises that are owned or leased by the licensee, or (iii) any portion of public property immediately adjacent to the licensed premises from becoming a place where patrons of the establishment commit criminal violations of Article 1 (§ 18.2-30 et seq.), 2 (§ 18.2-38 et seq.), 2.1 (§ 18.2-46.1 et seq.), 2.2 (§ 18.2-46.4 et seq.), 3 (§ 18.2-47 et seq.), 4 (§ 18.2-51 et seq.), 5 (§ 18.2-58 et seq.), 6 (§ 18.2-59 et seq.), or 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2; Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2; Article 3 (§ 18.2-344 et seq.) or 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2; or Article 1 (§ 18.2-404 et seq.), 2 (§ 18.2-415), or 3 (§ 18.2-416 et seq.) of Chapter 9 of Title 18.2 and such violations lead to arrests that are so frequent and serious as to reasonably be deemed a continuing threat to the public safety.

2. The place occupied by the licensee:

a. Does not conform to the requirements of the governing body of the county, city or town in which such establishment is located, with respect to sanitation, health, construction or equipment, or to any similar requirements established by the laws of the Commonwealth or by Board regulations;

b. Has been adjudicated a common nuisance under the provisions of this title or § 18.2-258; or

c. Has become a meeting place or rendezvous for illegal gambling, illegal users of narcotics, drunks, prostitutes, pimps, panderers or habitual law violators or has become a place where illegal drugs are regularly used or distributed. The Board may consider the general reputation in the community of such establishment in addition to any other competent evidence in making such determination.

3. The licensee or any employee of the licensee discriminated against any member of the armed forces of the United States by prices charged or otherwise.

4. The licensee, his employees, or any entertainer performing on the licensed premises has been convicted of a violation of a local public nudity ordinance for conduct occurring on the licensed premises and the licensee allowed such conduct to occur.

5. Any cause exists for which the Board would have been entitled to refuse to grant such license had the facts been known.

6. Any other cause authorized by this title.

§ 9.1-176.1. Duties and responsibilities of local community-based probation officers.

A. Each local community-based probation officer, for the localities served, shall:

1. Supervise and assist all local-responsible adult offenders, residing within the localities served and placed on local community-based probation by any judge of any court within the localities served;

2. Ensure offender compliance with all orders of the court, including the requirement to perform community service;

3. Conduct, when ordered by a court, substance abuse screenings, or conduct or facilitate the preparation of assessments pursuant to state approved protocols;

4. Conduct, at his discretion, random drug and alcohol tests on any offender whom the officer has reason to believe is engaged in the illegal use of controlled substances, or marijuana, or synthetic cannabinoids or the abuse of alcohol or prescribed medication;

5. Facilitate placement of offenders in substance abuse education or treatment programs and services or other education or treatment programs and services based on the needs of the offender;

6. Seek a capias from any judicial officer in the event of failure to comply with conditions of local community-based probation or supervision on the part of any offender provided that noncompliance resulting from intractable behavior presents a risk of flight, or a risk to public safety or to the offender;

7. Seek a motion to show cause for offenders requiring a subsequent hearing before the court;

8. Provide information to assist any law-enforcement officer with the return to custody of defendants placed on supervision for which a capias has been sought;

9. Keep such records and make such reports as required by the Department of Criminal Justice Services; and

10. Determine by reviewing the Local Inmate Data System upon intake and again prior to discharge whether a blood, saliva, or tissue sample has been taken for DNA analysis for each offender required to submit a sample pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of Title 19.2 and, if no sample has been taken, require an offender to submit a sample for DNA analysis.

B. Each local probation officer may provide the following optional services, as appropriate and when available resources permit:

1. Supervise local-responsible adult offenders placed on home incarceration with or without home electronic monitoring as a condition of local community-based probation;

2. Investigate and report on any local-responsible adult offender and prepare or facilitate the preparation of any other screening, assessment, evaluation, testing or treatment required as a condition of probation;

3. Monitor placements of local-responsible adults who are required to perform court-ordered community service at approved work sites;

4. Assist the courts, when requested, by monitoring the collection of court costs, fines and restitution to the victims of crime for offenders placed on local probation; and

5. Collect supervision and intervention fees pursuant to § 9.1-182 subject to local approval and the approval of the Department of Criminal Justice Services.

§ 15.2-907. Authority to require removal, repair, etc., of buildings and other structures harboring illegal drug use.

A. As used in this section:

"Affidavit" means the affidavit prepared by a locality in accordance with subdivision B 1 a hereof.

"Controlled substance" means illegally obtained controlled substances or marijuana, as defined in § 54.1-3401; ~~or synthetic cannabinoids as defined in § 18.2-248.1-1.~~

"Corrective action" means the taking of steps which are reasonably expected to be effective to abate drug blight on real property, such as removal, repair or securing of any building, wall or other structure.

"Drug blight" means a condition existing on real property which tends to endanger the public health or safety of residents of a locality and is caused by the regular presence on the property of persons under the influence of controlled substances or the regular use of the property for the purpose of illegally possessing, manufacturing or distributing controlled substances.

"Owner" means the record owner of real property.

"Property" means real property.

B. Any locality may, by ordinance, provide that:

1. The locality may undertake corrective action with respect to property in accordance with the procedures described herein:

a. The locality shall execute an affidavit, citing this section, to the effect that (i) drug blight exists on the property and in the manner described therein; (ii) the locality has used diligence without effect to abate the drug blight; and (iii) the drug blight constitutes a present threat to the public's health, safety or welfare.

b. The locality shall then send a notice to the owner of the property, to be sent by regular mail to the last address listed for the owner on the locality's assessment records for the property, together with a copy of such affidavit, advising that (i) the owner has up to 30 days from the date thereof to undertake corrective action to abate the drug blight described in such affidavit and (ii) the locality will, if requested to do so, assist the owner in determining and coordinating the appropriate corrective action to abate the drug blight described in such affidavit.

c. If no corrective action is undertaken during such 30-day period, the locality shall send by regular mail an additional notice to the owner of the property, at the address stated in the preceding subdivision, stating the date on which the locality may commence corrective action to abate the drug blight on the property, which date shall be no earlier than 15 days after the date of mailing of the notice. Such additional notice shall also reasonably describe the corrective action contemplated to be taken by the locality. Upon receipt of such notice, the owner shall have a right, upon reasonable notice to the locality, to seek equitable relief, and the locality shall initiate no corrective action while a proper petition for relief is pending before a court of competent jurisdiction.

2. If the locality undertakes corrective action with respect to the property after complying with the provisions of subdivision B 1, the costs and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the locality as taxes are collected.

3. Every charge authorized by this section with which the owner of any such property has been assessed and which remains unpaid shall constitute a lien against such property with the same priority as liens for unpaid local taxes and

enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1.

C. If the owner of such property takes timely corrective action pursuant to such ordinance, the locality shall deem the drug blight abated, shall close the proceeding without any charge or cost to the owner and shall promptly provide written notice to the owner that the proceeding has been terminated satisfactorily. The closing of a proceeding shall not bar the locality from initiating a subsequent proceeding if the drug blight recurs.

D. Nothing in this section shall be construed to abridge or waive any rights or remedies of an owner of property at law or in equity.

§ 16.1-260. Intake; petition; investigation.

A. All matters alleged to be within the jurisdiction of the court shall be commenced by the filing of a petition, except as provided in subsection H and in § 16.1-259. The form and content of the petition shall be as provided in § 16.1-262. No individual shall be required to obtain support services from the Department of Social Services prior to filing a petition seeking support for a child. Complaints, requests and the processing of petitions to initiate a case shall be the responsibility of the intake officer. However, (i) the attorney for the Commonwealth of the city or county may file a petition on his own motion with the clerk, (ii) designated nonattorney employees of the Department of Social Services may complete, sign and file petitions and motions relating to the establishment, modification, or enforcement of support on forms approved by the Supreme Court of Virginia with the clerk, and (iii) any attorney may file petitions on behalf of his client with the clerk except petitions alleging that the subject of the petition is a child alleged to be in need of services, in need of supervision or delinquent. Complaints alleging abuse or neglect of a child shall be referred initially to the local department of social services in accordance with the provisions of Chapter 15 (§ 63.2-1500 et seq.) of Title 63.2. Motions and other subsequent pleadings in a case shall be filed directly with the clerk. The intake officer or clerk with whom the petition or motion is filed shall inquire whether the petitioner is receiving child support services or public assistance. No individual who is receiving support services or public assistance shall be denied the right to file a petition or motion to establish, modify or enforce an order for support of a child. If the petitioner is seeking or receiving child support services or public assistance, the clerk, upon issuance of process, shall forward a copy of the petition or motion, together with notice of the court date, to the Division of Child Support Enforcement.

B. The appearance of a child before an intake officer may be by (i) personal appearance before the intake officer or (ii) use of two-way electronic video and audio communication. If two-way electronic video and audio communication is used, an intake officer may exercise all powers conferred by law. All communications and proceedings shall be conducted in the same manner as if the appearance were in person, and any documents filed may be transmitted by facsimile process. The facsimile may be served or executed by the officer or person to whom sent, and returned in the same manner, and with the same force, effect, authority, and liability as an original document. All signatures thereon shall be treated as original signatures. Any two-way electronic video and audio communication system used for an appearance shall meet the standards as set forth in subsection B of § 19.2-3.1.

When the court service unit of any court receives a complaint alleging facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241, the unit, through an intake officer, may proceed informally to make such adjustment as is practicable without the filing of a petition or may authorize a petition to be filed by any complainant having sufficient knowledge of the matter to establish probable cause for the issuance of the petition.

An intake officer may proceed informally on a complaint alleging a child is in need of services, in need of supervision or delinquent only if the juvenile (i) is not alleged to have committed a violent juvenile felony or (ii) has not previously been proceeded against informally or adjudicated delinquent for an offense that would be a felony if committed by an adult. A petition alleging that a juvenile committed a violent juvenile felony shall be filed with the court. A petition alleging that a juvenile is delinquent for an offense that would be a felony if committed by an adult shall be filed with the court if the juvenile had previously been proceeded against informally by intake or had been adjudicated delinquent for an offense that would be a felony if committed by an adult.

If a juvenile is alleged to be a truant pursuant to a complaint filed in accordance with § 22.1-258 and the attendance officer has provided documentation to the intake officer that the relevant school division has complied with the provisions of § 22.1-258, then the intake officer shall file a petition with the court. The intake officer may defer filing the complaint for 90 days and proceed informally by developing a truancy plan. The intake officer may proceed informally only if the juvenile has not previously been proceeded against informally or adjudicated in need of supervision for failure to comply with compulsory school attendance as provided in § 22.1-254. The juvenile and his parent or parents, guardian or other person standing in loco parentis must agree, in writing, for the development of a truancy plan. The truancy plan may include requirements that the juvenile and his parent or parents, guardian or other person standing in loco parentis participate in such programs, cooperate in such treatment or be subject to such conditions and limitations as necessary to ensure the juvenile's compliance with compulsory school attendance as provided in § 22.1-254. The intake officer may refer the juvenile to the appropriate public agency for the purpose of developing a truancy plan using an interagency interdisciplinary team approach. The team may include qualified personnel who are reasonably available from the appropriate department of social services, community services board, local school division, court service unit and other appropriate and available public and private agencies and may be the family assessment and planning team established pursuant to § 2.2-5207. If at the end of the 90-day period the juvenile has not successfully completed the truancy plan or the truancy program, then the intake officer shall file the petition.

Whenever informal action is taken as provided in this subsection on a complaint alleging that a child is in need of services, in need of supervision or delinquent, the intake officer shall (i) develop a plan for the juvenile, which may include restitution and the performance of community service, based upon community resources and the circumstances which resulted in the complaint, (ii) create an official record of the action taken by the intake officer and file such record in the juvenile's case file, and (iii) advise the juvenile and the juvenile's parent, guardian or other person standing in loco parentis and the complainant that any subsequent complaint alleging that the child is in need of supervision or delinquent based upon facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241 will result in the filing of a petition with the court.

C. The intake officer shall accept and file a petition in which it is alleged that (i) the custody, visitation or support of a child is the subject of controversy or requires determination, (ii) a person has deserted, abandoned or failed to provide support for any person in violation of law, (iii) a child or such child's parent, guardian, legal custodian or other person standing in loco parentis is entitled to treatment, rehabilitation or other services which are required by law, (iv) family abuse has occurred and a protective order is being sought pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1, or (v) an act of violence, force, or threat has occurred, a protective order is being sought pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, and either the alleged victim or the respondent is a juvenile. If any such complainant does not file a petition, the intake officer may file it. In cases in which a child is alleged to be abused, neglected, in need of services, in need of supervision or delinquent, if the intake officer believes that probable cause does not exist, or that the authorization of a petition will not be in the best interest of the family or juvenile or that the matter may be effectively dealt with by some agency other than the court, he may refuse to authorize the filing of a petition. The intake officer shall provide to a person seeking a protective order pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1 a written explanation of the conditions, procedures and time limits applicable to the issuance of protective orders pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1. If the person is seeking a protective order pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, the intake officer shall provide a written explanation of the conditions, procedures, and time limits applicable to the issuance of protective orders pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10.

D. Prior to the filing of any petition alleging that a child is in need of supervision, the matter shall be reviewed by an intake officer who shall determine whether the petitioner and the child alleged to be in need of supervision have utilized or attempted to utilize treatment and services available in the community and have exhausted all appropriate nonjudicial remedies which are available to them. When the intake officer determines that the parties have not attempted to utilize available treatment or services or have not exhausted all appropriate nonjudicial remedies which are available, he shall refer the petitioner and the child alleged to be in need of supervision to the appropriate agency, treatment facility or individual to receive treatment or services, and a petition shall not be filed. Only after the intake officer determines that the parties have made a reasonable effort to utilize available community treatment or services may he permit the petition to be filed.

E. If the intake officer refuses to authorize a petition relating to an offense that if committed by an adult would be punishable as a Class 1 misdemeanor or as a felony, the complainant shall be notified in writing at that time of the complainant's right to apply to a magistrate for a warrant. If a magistrate determines that probable cause exists, he shall issue a warrant returnable to the juvenile and domestic relations district court. The warrant shall be delivered forthwith to the juvenile court, and the intake officer shall accept and file a petition founded upon the warrant. If the court is closed and the magistrate finds that the criteria for detention or shelter care set forth in § 16.1-248.1 have been satisfied, the juvenile may be detained pursuant to the warrant issued in accordance with this subsection. If the intake officer refuses to authorize a petition relating to a child in need of services or in need of supervision, a status offense, or a misdemeanor other than Class 1, his decision is final.

Upon delivery to the juvenile court of a warrant issued pursuant to subdivision 2 of § 16.1-256, the intake officer shall accept and file a petition founded upon the warrant.

F. The intake officer shall notify the attorney for the Commonwealth of the filing of any petition which alleges facts of an offense which would be a felony if committed by an adult.

G. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.), the intake officer shall file a report with the division superintendent of the school division in which any student who is the subject of a petition alleging that such student who is a juvenile has committed an act, wherever committed, which would be a crime if committed by an adult, or that such student who is an adult has committed a crime and is alleged to be within the jurisdiction of the court. The report shall notify the division superintendent of the filing of the petition and the nature of the offense, if the violation involves:

1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;
2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;
4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
6. Manufacture, sale or distribution of marijuana or synthetic cannabinoids pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;
8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;

9. Robbery pursuant to § 18.2-58;
10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;
11. Recruitment of other juveniles for a criminal street gang activity pursuant to § 18.2-46.3; or
12. An act of violence by a mob pursuant to § 18.2-42.1.

The failure to provide information regarding the school in which the student who is the subject of the petition may be enrolled shall not be grounds for refusing to file a petition.

The information provided to a division superintendent pursuant to this section may be disclosed only as provided in § 16.1-305.2.

H. The filing of a petition shall not be necessary:

1. In the case of violations of the traffic laws, including offenses involving bicycles, hitchhiking and other pedestrian offenses, game and fish laws or a violation of the ordinance of any city regulating surfing or any ordinance establishing curfew violations, animal control violations or littering violations. In such cases the court may proceed on a summons issued by the officer investigating the violation in the same manner as provided by law for adults. Additionally, an officer investigating a motor vehicle accident may, at the scene of the accident or at any other location where a juvenile who is involved in such an accident may be located, proceed on a summons in lieu of filing a petition.

2. In the case of seeking consent to apply for the issuance of a work permit pursuant to subsection H of § 16.1-241.

3. In the case of a misdemeanor violation of § 18.2-250.1, 18.2-266, 18.2-266.1, or 29.1-738, or the commission of any other alcohol-related offense, provided the juvenile is released to the custody of a parent or legal guardian pending the initial court date. The officer releasing a juvenile to the custody of a parent or legal guardian shall issue a summons to the juvenile and shall also issue a summons requiring the parent or legal guardian to appear before the court with the juvenile. Disposition of the charge shall be in the manner provided in § 16.1-278.8, 16.1-278.8:01, or 16.1-278.9. If the juvenile so charged with a violation of § 18.2-51.4, 18.2-266, 18.2-266.1, 18.2-272, or 29.1-738 refuses to provide a sample of blood or breath or samples of both blood and breath for chemical analysis pursuant to §§ 18.2-268.1 through 18.2-268.12 or 29.1-738.2, the provisions of these sections shall be followed except that the magistrate shall authorize execution of the warrant as a summons. The summons shall be served on a parent or legal guardian and the juvenile, and a copy of the summons shall be forwarded to the court in which the violation is to be tried. When a violation of § 18.2-250.1 is charged by summons, the juvenile shall be entitled to have the charge referred to intake for consideration of informal proceedings pursuant to subsection B, provided such right is exercised by written notification to the clerk not later than 10 days prior to trial. At the time such summons alleging a violation of § 18.2-250.1 is served, the officer shall also serve upon the juvenile written notice of the right to have the charge referred to intake on a form approved by the Supreme Court and make return of such service to the court. If the officer fails to make such service or return, the court shall dismiss the summons without prejudice.

4. In the case of offenses which, if committed by an adult, would be punishable as a Class 3 or Class 4 misdemeanor. In such cases the court may direct that an intake officer proceed as provided in § 16.1-237 on a summons issued by the officer investigating the violation in the same manner as provided by law for adults provided that notice of the summons to appear is mailed by the investigating officer within five days of the issuance of the summons to a parent or legal guardian of the juvenile.

I. Failure to comply with the procedures set forth in this section shall not divest the juvenile court of the jurisdiction granted it in § 16.1-241.

§ 16.1-278.8:01. Juveniles found delinquent of first drug offense; screening; assessment; drug tests; costs and fees; education or treatment programs.

Whenever any juvenile who has not previously been found delinquent of any offense under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or under any statute of the United States or of any state relating to narcotic drugs, marijuana, ~~synthetic cannabinoids~~, or stimulant, depressant or hallucinogenic drugs, or has not previously had a proceeding against him for a violation of such an offense dismissed as provided in § 18.2-251, is found delinquent of any offense concerning the use, in any manner, of drugs, controlled substances, narcotics, marijuana, ~~synthetic cannabinoids~~, noxious chemical substances and like substances, the juvenile court or the circuit court shall require such juvenile to undergo a substance abuse screening pursuant to § 16.1-273 and to submit to such periodic substance abuse testing, to include alcohol testing, as may be directed by the court. Such testing shall be conducted by a court services unit of the Department of Juvenile Justice, or by a locally operated court services unit or by personnel of any program or agency approved by the Department. The cost of such testing ordered by the court shall be paid by the Commonwealth from funds appropriated to the Department for this purpose. The court shall also order the juvenile to undergo such treatment or education program for substance abuse, if available, as the court deems appropriate based upon consideration of the substance abuse assessment. The treatment or education shall be provided by a program licensed by the Department of Behavioral Health and Developmental Services or by a similar program available through a facility or program operated by or under contract to the Department of Juvenile Justice or a locally operated court services unit or a program funded through the Virginia Juvenile Community Crime Control Act (§ 16.1-309.2 et seq.).

§ 18.2-46.1. Definitions.

As used in this article unless the context requires otherwise or it is otherwise provided:

"Act of violence" means those felony offenses described in subsection A of § 19.2-297.1.

"Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, (i) which has as one of its primary objectives or activities the commission of one or more criminal activities; (ii) which has an identifiable name or identifying sign or symbol; and (iii) whose members individually or collectively have engaged in the commission of, attempt to commit, conspiracy to commit, or solicitation of two or more predicate criminal acts, at least one of which is an act of violence, provided such acts were not part of a common act or transaction.

"Predicate criminal act" means (i) an act of violence; (ii) any violation of § 18.2-31, 18.2-42, 18.2-46.3, 18.2-51, 18.2-51.1, 18.2-51.2, 18.2-51.3, 18.2-51.6, 18.2-52, 18.2-52.1, 18.2-53, 18.2-53.1, 18.2-55, 18.2-56.1, 18.2-57, 18.2-57.2, 18.2-59, 18.2-83, 18.2-89, 18.2-90, 18.2-95, 18.2-108.1, 18.2-121, 18.2-127, 18.2-128, 18.2-137, 18.2-138, 18.2-146, 18.2-147, 18.2-248.01, 18.2-248.03, 18.2-255, 18.2-255.2, 18.2-279, 18.2-282.1, 18.2-286.1, 18.2-287.4, 18.2-289, 18.2-300, 18.2-308.1, 18.2-308.2, 18.2-308.2:01, 18.2-308.4, 18.2-355, 18.2-356, or 18.2-357; (iii) a felony violation of § 18.2-60.3 or ~~18.2-248.1-1~~; (iv) a felony violation of § 18.2-248 or of 18.2-248.1 or a conspiracy to commit a felony violation of § 18.2-248 or 18.2-248.1; (v) any violation of a local ordinance adopted pursuant to § 15.2-1812.2; or (vi) any substantially similar offense under the laws of another state or territory of the United States, the District of Columbia, or the United States.

§ 18.2-250. Possession of controlled substances unlawful.

A. It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.).

Upon the prosecution of a person for a violation of this section, ownership or occupancy of premises or vehicle upon or in which a controlled substance was found shall not create a presumption that such person either knowingly or intentionally possessed such controlled substance.

(a) Any person who violates this section with respect to any controlled substance classified in Schedule I or II of the Drug Control Act shall be guilty of a Class 5 felony, *except that any person other than an inmate of a penal institution as defined in § 53.1-1 or in the custody of an employee thereof who violates this section with respect to a cannabimimetic agent is guilty of a Class 1 misdemeanor.*

(b) Any person other than an inmate of a penal institution as defined in § 53.1-1 or in the custody of an employee thereof, who violates this section with respect to a controlled substance classified in Schedule III shall be guilty of a Class 1 misdemeanor.

(b1) Violation of this section with respect to a controlled substance classified in Schedule IV shall be punishable as a Class 2 misdemeanor.

(b2) Violation of this section with respect to a controlled substance classified in Schedule V shall be punishable as a Class 3 misdemeanor.

(c) Violation of this section with respect to a controlled substance classified in Schedule VI shall be punishable as a Class 4 misdemeanor.

B. The provisions of this section shall not apply to members of state, federal, county, city or town law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of dogs trained in the detection of controlled substances when possession of a controlled substance or substances is necessary in the performance of their duties.

§ 18.2-251. Persons charged with first offense may be placed on probation; conditions; substance abuse screening, assessment treatment and education programs or services; drug tests; costs and fees; violations; discharge.

Whenever any person who has not previously been convicted of any offense under this article or under any statute of the United States or of any state relating to narcotic drugs, marijuana, ~~synthetic cannabinoids~~, or stimulant, depressant, or hallucinogenic drugs, or has not previously had a proceeding against him for violation of such an offense dismissed as provided in this section, pleads guilty to or enters a plea of not guilty to possession of a controlled substance under § 18.2-250 or to possession of marijuana under § 18.2-250.1, ~~or to possession of synthetic cannabinoids under subsection B of § 18.2-248.1-1~~, the court, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions.

As a term or condition, the court shall require the accused to undergo a substance abuse assessment pursuant to § 18.2-251.01 or 19.2-299.2, as appropriate, and enter treatment and/or education program or services, if available, such as, in the opinion of the court, may be best suited to the needs of the accused based upon consideration of the substance abuse assessment. The program or services may be located in the judicial district in which the charge is brought or in any other judicial district as the court may provide. The services shall be provided by (i) a program licensed by the Department of Behavioral Health and Developmental Services, by a similar program which is made available through the Department of Corrections, (ii) a local community-based probation services agency established pursuant to § 9.1-174, or (iii) an ASAP program certified by the Commission on VASAP.

The court shall require the person entering such program under the provisions of this section to pay all or part of the costs of the program, including the costs of the screening, assessment, testing, and treatment, based upon the accused's ability to pay unless the person is determined by the court to be indigent.

As a condition of probation, the court shall require the accused (i) to successfully complete treatment or education program or services, (ii) to remain drug and alcohol free during the period of probation and submit to such tests during that period as may be necessary and appropriate to determine if the accused is drug and alcohol free, (iii) to make reasonable efforts to secure and maintain employment, and (iv) to comply with a plan of at least 100 hours of community service for a felony and up to 24 hours of community service for a misdemeanor. Such testing shall be conducted by personnel of the supervising probation agency or personnel of any program or agency approved by the supervising probation agency.

The court shall, unless done at arrest, order the accused to report to the original arresting law-enforcement agency to submit to fingerprinting.

Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is a conviction only for the purposes of applying this section in subsequent proceedings.

Notwithstanding any other provision of this section, whenever a court places an individual on probation upon terms and conditions pursuant to this section, such action shall be treated as a conviction for purposes of §§ 18.2-259.1, 22.1-315, and 46.2-390.1, and the driver's license forfeiture provisions of those sections shall be imposed. The provisions of this paragraph shall not be applicable to any offense for which a juvenile has had his license suspended or denied pursuant to § 16.1-278.9 for the same offense.

§ 18.2-255. Distribution of certain drugs to persons under 18 prohibited; penalty.

A. Except as authorized in the Drug Control Act, Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1, it shall be unlawful for any person who is at least 18 years of age to knowingly or intentionally (i) distribute any drug classified in Schedule I, II, III or IV; ~~or marijuana or synthetic cannabinoids~~ to any person under 18 years of age who is at least three years his junior or (ii) cause any person under 18 years of age to assist in such distribution of any drug classified in Schedule I, II, III or IV; ~~or marijuana or synthetic cannabinoids~~. Any person violating this provision shall upon conviction be imprisoned in a state correctional facility for a period not less than 10 nor more than 50 years, and fined not more than \$100,000. Five years of the sentence imposed for a conviction under this section involving a Schedule I or II controlled substance or one ounce or more of marijuana shall be a mandatory minimum sentence. Two years of the sentence imposed for a conviction under this section ~~involving synthetic cannabinoids~~ or involving less than one ounce of marijuana shall be a mandatory minimum sentence.

B. It shall be unlawful for any person who is at least 18 years of age to knowingly or intentionally (i) distribute any imitation controlled substance to a person under 18 years of age who is at least three years his junior or (ii) cause any person under 18 years of age to assist in such distribution of any imitation controlled substance. Any person violating this provision shall be guilty of a Class 6 felony.

§ 18.2-255.1. Distribution, sale or display of printed material advertising instruments for use in administering marijuana or controlled substances to minors; penalty.

It shall be a Class 1 misdemeanor for any person knowingly to sell, distribute, or display for sale to a minor any book, pamphlet, periodical or other printed matter which he knows advertises for sale any instrument, device, article, or contrivance for advertised use in unlawfully ingesting, smoking, administering, preparing or growing marijuana; ~~synthetic cannabinoids~~; or a controlled substance.

§ 18.2-255.2. Prohibiting the sale or manufacture of drugs on or near certain properties; penalty.

A. It shall be unlawful for any person to manufacture, sell or distribute or possess with intent to sell, give or distribute any controlled substance, imitation controlled substance, ~~or marijuana or synthetic cannabinoids~~ while:

1. Upon the property, including buildings and grounds, of any public or private elementary, secondary, or post secondary school, or any public or private two-year or four-year institution of higher education, or any clearly marked licensed child day center as defined in § 63.2-100;

2. Upon public property or any property open to public use within 1,000 feet of the property described in subdivision 1;

3. On any school bus as defined in § 46.2-100;

4. Upon a designated school bus stop, or upon either public property or any property open to public use which is within 1,000 feet of such school bus stop, during the time when school children are waiting to be picked up and transported to or are being dropped off from school or a school-sponsored activity;

5. Upon the property, including buildings and grounds, of any publicly owned or publicly operated recreation or community center facility or any public library; or

6. Upon the property of any state facility as defined in § 37.2-100 or upon public property or property open to public use within 1,000 feet of such an institution. It is a violation of the provisions of this section if the person possessed the controlled substance, imitation controlled substance, ~~or marijuana or synthetic cannabinoids~~ on the property described in subdivisions 1 through 6, regardless of where the person intended to sell, give or distribute the controlled substance, imitation controlled substance, ~~or marijuana or synthetic cannabinoids~~. Nothing in this section shall prohibit the authorized distribution of controlled substances.

B. Violation of this section shall constitute a separate and distinct felony. Any person violating the provisions of this section shall, upon conviction, be imprisoned for a term of not less than one year nor more than five years and fined not more than \$100,000. A second or subsequent conviction hereunder for an offense involving a controlled substance classified in Schedule I, II, or III of the Drug Control Act (§ 54.1-3400 et seq.) ~~or synthetic cannabinoids~~ or more than

one-half ounce of marijuana shall be punished by a mandatory minimum term of imprisonment of one year to be served consecutively with any other sentence. However, if such person proves that he sold such controlled substance; *or* marijuana; ~~or synthetic cannabinoids~~ only as an accommodation to another individual and not with intent to profit thereby from any consideration received or expected nor to induce the recipient or intended recipient of the controlled substance; *or* marijuana; ~~or synthetic cannabinoids~~ to use or become addicted to or dependent upon such controlled substance; *or* marijuana; ~~or synthetic cannabinoids~~, he ~~shall be~~ *is* guilty of a Class 1 misdemeanor.

C. If a person commits an act violating the provisions of this section, and the same act also violates another provision of law that provides for penalties greater than those provided for by this section, then nothing in this section shall prohibit or bar any prosecution or proceeding under that other provision of law or the imposition of any penalties provided for thereby.

§ 18.2-258. Certain premises deemed common nuisance; penalty.

Any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse, dwelling house, apartment, building of any kind, vehicle, vessel, boat, or aircraft, which with the knowledge of the owner, lessor, agent of any such lessor, manager, chief executive officer, operator, or tenant thereof, is frequented by persons under the influence of illegally obtained controlled substances or marijuana, as defined in § 54.1-3401, ~~or synthetic cannabinoids~~, or for the purpose of illegally obtaining possession of, manufacturing or distributing controlled substances; *or* marijuana, ~~or synthetic cannabinoids~~, or is used for the illegal possession, manufacture or distribution of controlled substances; *or* marijuana; ~~or synthetic cannabinoids~~ shall be deemed a common nuisance. Any such owner, lessor, agent of any such lessor, manager, chief executive officer, operator, or tenant who knowingly permits, establishes, keeps or maintains such a common nuisance is guilty of a Class 1 misdemeanor and, for a second or subsequent offense, a Class 6 felony.

§ 18.2-258.02. Maintaining a fortified drug house; penalty.

Any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse, dwelling house, apartment or building or structure of any kind which is (i) substantially altered from its original status by means of reinforcement with the intent to impede, deter or delay lawful entry by a law-enforcement officer into such structure, (ii) being used for the purpose of manufacturing or distributing controlled substances; *or* marijuana, ~~or synthetic cannabinoids~~; and (iii) the object of a valid search warrant, shall be considered a fortified drug house. Any person who maintains or operates a fortified drug house is guilty of a Class 5 felony.

§ 18.2-258.1. Obtaining drugs, procuring administration of controlled substances, etc., by fraud, deceit or forgery.

A. It shall be unlawful for any person to obtain or attempt to obtain any drug or procure or attempt to procure the administration of any controlled substance; *or* marijuana; ~~or synthetic cannabinoids~~: (i) by fraud, deceit, misrepresentation, embezzlement, or subterfuge; ~~or~~ (ii) by the forgery or alteration of a prescription or of any written order; ~~or~~ (iii) by the concealment of a material fact; or (iv) by the use of a false name or the giving of a false address.

B. It shall be unlawful for any person to furnish false or fraudulent information in or omit any information from, or willfully make a false statement in, any prescription, order, report, record, or other document required by Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1.

C. It shall be unlawful for any person to use in the course of the manufacture or distribution of a controlled substance; *or* marijuana; ~~or synthetic cannabinoids~~ a license number which is fictitious, revoked, suspended, or issued to another person.

D. It shall be unlawful for any person, for the purpose of obtaining any controlled substance; *or* marijuana; ~~or synthetic cannabinoids~~ to falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian or other authorized person.

E. It shall be unlawful for any person to make or utter any false or forged prescription or false or forged written order.

F. It shall be unlawful for any person to affix any false or forged label to a package or receptacle containing any controlled substance.

G. This section shall not apply to officers and employees of the United States, of this Commonwealth or of a political subdivision of this Commonwealth acting in the course of their employment, who obtain such drugs for investigative, research or analytical purposes, or to the agents or duly authorized representatives of any pharmaceutical manufacturer who obtain such drugs for investigative, research or analytical purposes and who are acting in the course of their employment; provided that such manufacturer is licensed under the provisions of the Federal Food, Drug and Cosmetic Act; and provided further, that such pharmaceutical manufacturer, its agents and duly authorized representatives file with the Board such information as the Board may deem appropriate.

H. Except as otherwise provided in this subsection, any person who shall violate any provision herein shall be guilty of a Class 6 felony.

Whenever any person who has not previously been convicted of any offense under this article or under any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs, or has not previously had a proceeding against him for violation of such an offense dismissed, or reduced as provided in this section, pleads guilty to or enters a plea of not guilty to the court for violating this section, upon such plea if the facts found by the court would justify a finding of guilt, the court may place him on probation upon terms and conditions.

As a term or condition, the court shall require the accused to be evaluated and enter a treatment and/or education program, if available, such as, in the opinion of the court, may be best suited to the needs of the accused. This program may be located in the judicial circuit in which the charge is brought or in any other judicial circuit as the court may provide. The

services shall be provided by a program certified or licensed by the Department of Behavioral Health and Developmental Services. The court shall require the person entering such program under the provisions of this section to pay all or part of the costs of the program, including the costs of the screening, evaluation, testing and education, based upon the person's ability to pay unless the person is determined by the court to be indigent.

As a condition of supervised probation, the court shall require the accused to remain drug free during the period of probation and submit to such tests during that period as may be necessary and appropriate to determine if the accused is drug free. Such testing may be conducted by the personnel of any screening, evaluation, and education program to which the person is referred or by the supervising agency.

Unless the accused was fingerprinted at the time of arrest, the court shall order the accused to report to the original arresting law-enforcement agency to submit to fingerprinting.

Upon violation of a term or condition, the court may enter an adjudication of guilt upon the felony and proceed as otherwise provided. Upon fulfillment of the terms and conditions of probation, the court shall find the defendant guilty of a Class 1 misdemeanor.

§ 18.2-308.09. Disqualifications for a concealed handgun permit.

The following persons shall be deemed disqualified from obtaining a permit:

1. An individual who is ineligible to possess a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2, or 18.2-308.1:3 or the substantially similar law of any other state or of the United States.

2. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:1 and who was discharged from the custody of the Commissioner pursuant to § 19.2-182.7 less than five years before the date of his application for a concealed handgun permit.

3. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:2 and whose competency or capacity was restored pursuant to § 64.2-2012 less than five years before the date of his application for a concealed handgun permit.

4. An individual who was ineligible to possess a firearm under § 18.2-308.1:3 and who was released from commitment less than five years before the date of this application for a concealed handgun permit.

5. An individual who is subject to a restraining order, or to a protective order and prohibited by § 18.2-308.1:4 from purchasing or transporting a firearm.

6. An individual who is prohibited by § 18.2-308.2 from possessing or transporting a firearm, except that a permit may be obtained in accordance with subsection C of that section.

7. An individual who has been convicted of two or more misdemeanors within the five-year period immediately preceding the application, if one of the misdemeanors was a Class 1 misdemeanor, but the judge shall have the discretion to deny a permit for two or more misdemeanors that are not Class 1. Traffic infractions and misdemeanors set forth in Title 46.2 shall not be considered for purposes of this disqualification.

8. An individual who is addicted to, or is an unlawful user or distributor of, marijuana, synthetic cannabinoids, or any controlled substance.

9. An individual who has been convicted of a violation of § 18.2-266 or a substantially similar local ordinance, or of public drunkenness, or of a substantially similar offense under the laws of any other state, the District of Columbia, the United States, or its territories within the three-year period immediately preceding the application, or who is a habitual drunkard as determined pursuant to § 4.1-333.

10. An alien other than an alien lawfully admitted for permanent residence in the United States.

11. An individual who has been discharged from the armed forces of the United States under dishonorable conditions.

12. An individual who is a fugitive from justice.

13. An individual who the court finds, by a preponderance of the evidence, based on specific acts by the applicant, is likely to use a weapon unlawfully or negligently to endanger others. The sheriff, chief of police, or attorney for the Commonwealth may submit to the court a sworn, written statement indicating that, in the opinion of such sheriff, chief of police, or attorney for the Commonwealth, based upon a disqualifying conviction or upon the specific acts set forth in the statement, the applicant is likely to use a weapon unlawfully or negligently to endanger others. The statement of the sheriff, chief of police, or the attorney for the Commonwealth shall be based upon personal knowledge of such individual or of a deputy sheriff, police officer, or assistant attorney for the Commonwealth of the specific acts, or upon a written statement made under oath before a notary public of a competent person having personal knowledge of the specific acts.

14. An individual who has been convicted of any assault, assault and battery, sexual battery, discharging of a firearm in violation of § 18.2-280 or 18.2-286.1 or brandishing of a firearm in violation of § 18.2-282 within the three-year period immediately preceding the application.

15. An individual who has been convicted of stalking.

16. An individual whose previous convictions or adjudications of delinquency were based on an offense that would have been at the time of conviction a felony if committed by an adult under the laws of any state, the District of Columbia, the United States or its territories. For purposes of this disqualifier, only convictions occurring within 16 years following the later of the date of (i) the conviction or adjudication or (ii) release from any incarceration imposed upon such conviction or adjudication shall be deemed to be "previous convictions."

17. An individual who has a felony charge pending or a charge pending for an offense listed in subdivision 14 or 15.

18. An individual who has received mental health treatment or substance abuse treatment in a residential setting within five years prior to the date of his application for a concealed handgun permit.

19. An individual not otherwise ineligible pursuant to this article, who, within the three-year period immediately preceding the application for the permit, was found guilty of any criminal offense set forth in Article 1 (§ 18.2-247 et seq.) or former § 18.2-248.1:1 or of a criminal offense of illegal possession or distribution of marijuana, synthetic cannabinoids, or any controlled substance, under the laws of any state, the District of Columbia, or the United States or its territories.

20. An individual, not otherwise ineligible pursuant to this article, with respect to whom, within the three-year period immediately preceding the application, upon a charge of any criminal offense set forth in Article 1 (§ 18.2-247 et seq.) or former § 18.2-248.1:1 or upon a charge of illegal possession or distribution of marijuana, synthetic cannabinoids, or any controlled substance under the laws of any state, the District of Columbia, or the United States or its territories, the trial court found that the facts of the case were sufficient for a finding of guilt and disposed of the case pursuant to § 18.2-251 or the substantially similar law of any other state, the District of Columbia, or the United States or its territories.

§ 18.2-308.1:5. Purchase or transportation of firearm by persons convicted of certain drug offenses prohibited.

Any person who, within a ~~thirty-six consecutive month~~ *36-consecutive-month* period, has been convicted of two misdemeanor offenses under subsection B of former § 18.2-248.1:1, § 18.2-250, or 18.2-250.1 shall be ineligible to purchase or transport a handgun. However, upon expiration of a period of five years from the date of the second conviction and provided the person has not been convicted of any such offense within that period, the ineligibility shall be removed.

§ 18.2-308.4. Possession of firearms while in possession of certain substances.

A. It shall be unlawful for any person unlawfully in possession of a controlled substance classified in Schedule I or II of the Drug Control Act (§ 54.1-3400 et seq.) of Title 54.1 to simultaneously with knowledge and intent possess any firearm. A violation of this subsection is a Class 6 felony and constitutes a separate and distinct felony.

B. It shall be unlawful for any person unlawfully in possession of a controlled substance classified in Schedule I or II of the Drug Control Act (§ 54.1-3400 et seq.) to simultaneously with knowledge and intent possess any firearm on or about his person. A violation of this subsection is a Class 6 felony and constitutes a separate and distinct felony and any person convicted hereunder shall be sentenced to a mandatory minimum term of imprisonment of two years. Such punishment shall be separate and apart from, and shall be made to run consecutively with, any punishment received for the commission of the primary felony.

C. It shall be unlawful for any person to possess, use, or attempt to use any pistol, shotgun, rifle, or other firearm or display such weapon in a threatening manner while committing or attempting to commit the illegal manufacture, sale, distribution, or the possession with the intent to manufacture, sell, or distribute a controlled substance classified in Schedule I or Schedule II of the Drug Control Act (§ 54.1-3400 et seq.); ~~synthetic cannabinoids~~ or more than one pound of marijuana. A violation of this subsection is a Class 6 felony, and constitutes a separate and distinct felony and any person convicted hereunder shall be sentenced to a mandatory minimum term of imprisonment of five years. Such punishment shall be separate and apart from, and shall be made to run consecutively with, any punishment received for the commission of the primary felony.

§ 18.2-474.1. Delivery of drugs, firearms, explosives, etc., to prisoners or committed persons.

Notwithstanding the provisions of § 18.2-474, any person who shall willfully in any manner deliver, attempt to deliver, or conspire with another to deliver to any prisoner confined under authority of the Commonwealth of Virginia, or of any political subdivision thereof, or to any person committed to the Department of Juvenile Justice in any juvenile correctional center, any drug which is a controlled substance regulated by the Drug Control Act in Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1; ~~synthetic cannabinoids~~ or marijuana; is guilty of a Class 5 felony. Any person who shall willfully in any manner so deliver or attempt to deliver or conspire to deliver to any such prisoner or confined or committed person, firearms, ammunitions, or explosives of any nature is guilty of a Class 3 felony.

Nothing herein contained shall be construed to repeal or amend § 18.2-473.

§ 19.2-83.1. Report of arrest of school employees and adult students for certain offenses.

A. Every state official or agency and every sheriff, police officer, or other local law-enforcement officer or conservator of the peace having the power to arrest for a felony, upon arresting a person who is known or discovered by the arresting official to be a full-time, part-time, permanent, or temporary teacher or other employee in any public school division in this Commonwealth for a felony or a Class 1 misdemeanor or an equivalent offense in another state shall file a report of such arrest with the division superintendent of the employing division as soon as practicable. The contents of the report required pursuant to this section shall be utilized by the local school division solely to implement the provisions of subsection B of § 22.1-296.2 and § 22.1-315.

B. Every state official or agency and every sheriff, police officer, or other local law-enforcement officer or conservator of the peace having the power to arrest for a felony, shall file a report, as soon as practicable, with the division superintendent of the school division in which the student is enrolled upon arresting a person who is known or discovered by the arresting official to be a student age 18 or older in any public school division in this Commonwealth for:

1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;
2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;
4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

6. Manufacture, sale or distribution of marijuana or ~~synthetic cannabinoids~~ pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;

8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;

9. Robbery pursuant to § 18.2-58;

10. Prohibited criminal street gang activity pursuant to § 18.2-46.2; or

11. Recruitment of juveniles for criminal street gang pursuant to § 18.2-46.3.

§ 19.2-187. Admission into evidence of certain certificates of analysis.

In any hearing or trial of any criminal offense or in any proceeding brought pursuant to Chapter 22.1 (§ 19.2-386.1 et seq.), a certificate of analysis of a person performing an analysis or examination, duly attested by such person, shall be admissible in evidence as evidence of the facts therein stated and the results of the analysis or examination referred to therein, provided (i) the certificate of analysis is filed with the clerk of the court hearing the case at least seven days prior to the proceeding if the attorney for the Commonwealth intends to offer it into evidence in a preliminary hearing or the accused intends to offer it into evidence in any hearing or trial, or (ii) the requirements of subsection A of § 19.2-187.1 have been satisfied and the accused has not objected to the admission of the certificate pursuant to subsection B of § 19.2-187.1, when any such analysis or examination is performed in any laboratory operated by the Division of Consolidated Laboratory Services or the Department of Forensic Science or authorized by such Department to conduct such analysis or examination, or performed by a person licensed by the Department of Forensic Science pursuant to § 18.2-268.9 or 46.2-341.26:9 to conduct such analysis or examination, or performed by the Federal Bureau of Investigation, the federal Postal Inspection Service, the federal Bureau of Alcohol, Tobacco and Firearms, the Naval Criminal Investigative Service, the National Fish and Wildlife Forensics Laboratory, the federal Drug Enforcement Administration, the Forensic Document Laboratory of the U.S. Department of Homeland Security, or the U.S. Secret Service Laboratory.

In a hearing or trial in which the provisions of subsection A of § 19.2-187.1 do not apply, a copy of such certificate shall be mailed or delivered by the clerk or attorney for the Commonwealth to counsel of record for the accused at no charge at least seven days prior to the hearing or trial upon request made by such counsel to the clerk with notice of the request to the attorney for the Commonwealth. The request to the clerk shall be on a form prescribed by the Supreme Court and filed with the clerk at least 10 days prior to the hearing or trial. In the event that a request for a copy of a certificate is filed with the clerk with respect to a case that is not yet before the court, the clerk shall advise the requester that he must resubmit the request at such time as the case is properly before the court in order for such request to be effective. If, upon proper request made by counsel of record for the accused, a copy of such certificate is not mailed or delivered by the clerk or attorney for the Commonwealth to counsel of record for the accused in a timely manner in accordance with this section, the accused shall be entitled to continue the hearing or trial.

The certificate of analysis of any examination conducted by the Department of Forensic Science relating to a controlled substance; ~~or marijuana; or synthetic cannabinoids as defined in § 18.2-248.1-1~~ shall be mailed or forwarded by personnel of the Department of Forensic Science to the attorney for the Commonwealth of the jurisdiction where such offense may be heard. The attorney for the Commonwealth shall acknowledge receipt of the certificate on forms provided by the laboratory.

Any such certificate of analysis purporting to be signed by any such person shall be admissible as evidence in such hearing or trial without any proof of the seal or signature or of the official character of the person whose name is signed to it.

For the purposes of this section and §§ 19.2-187.01, 19.2-187.1, and 19.2-187.2, the term "certificate of analysis" includes reports of analysis and results of laboratory examination.

§ 19.2-386.22. Seizure of property used in connection with or derived from illegal drug transactions.

A. The following property shall be subject to lawful seizure by any officer charged with enforcing the provisions of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2: (i) all money, medical equipment, office equipment, laboratory equipment, motor vehicles, and all other personal and real property of any kind or character, used in substantial connection with (a) the illegal manufacture, sale or distribution of controlled substances or possession with intent to sell or distribute controlled substances in violation of § 18.2-248, (b) the sale or distribution of marijuana or possession with intent to distribute marijuana in violation of subdivisions (a) (2), (a) (3) and (c) of § 18.2-248.1, ~~or (c) the sale or distribution of synthetic cannabinoids or possession with intent to distribute or manufacture synthetic cannabinoids in violation of subsections C and E of § 18.2-248.1-1, or (d) a drug-related offense in violation of § 18.2-474.1;~~ (ii) everything of value furnished, or intended to be furnished, in exchange for a controlled substance in violation of § 18.2-248 or for marijuana in violation of § 18.2-248.1 ~~or for synthetic cannabinoids in violation of § 18.2-248.1-1~~ or for a controlled substance; ~~or marijuana; or synthetic cannabinoids in violation of § 18.2-474.1;~~ and (iii) all moneys or other property, real or personal, traceable to such an exchange, together with any interest or profits derived from the investment of such money or other property. Under the provisions of clause (i), real property shall not be subject to lawful seizure unless the minimum prescribed punishment for the violation is a term of not less than five years.

B. All seizures and forfeitures under this section shall be governed by the procedures contained in Chapter 22.1 (§ 19.2-386.1 et seq.) ~~of this title.~~

§ 19.2-386.23. Disposal of seized controlled substances, marijuana, and paraphernalia.

A. All controlled substances, imitation controlled substances, marijuana, ~~synthetic cannabinoids as defined in § 18.2-248.1-1,~~ or paraphernalia, the lawful possession of which is not established or the title to which cannot be

ascertained, which have come into the custody of a peace officer or have been seized in connection with violations of Chapter 7 (§ 18.2-247 et seq.) of Title 18.2, shall be forfeited and disposed of as follows:

1. Upon written application by the Department of Forensic Science the court may order the forfeiture of any such substance or paraphernalia to the Department for research and training purposes and for destruction pursuant to regulations of the United States Department of Justice Drug Enforcement Administration and of the Board of Pharmacy once these purposes have been fulfilled.

2. In the event no application is made under subdivision 1 of this subsection, the court shall order the destruction of all such substances or paraphernalia, which order shall state the existence and nature of the substance or paraphernalia, the quantity thereof, the location where seized, the person or persons from whom the substance or paraphernalia was seized, if known, and the manner whereby such item shall be destroyed. However, the court may order that paraphernalia identified in subdivision 5 of § 18.2-265.1 not be destroyed and that it be given to a person or entity that makes a showing to the court of sufficient need for the property and an ability to put the property to a lawful and publicly beneficial use. A return under oath, reporting the time, place and manner of destruction shall be made to the court and to the Board of Pharmacy by the officer to whom the order is directed. A copy of the order and affidavit shall be made a part of the record of any criminal prosecution in which the substance or paraphernalia was used as evidence and shall, thereafter, be prima facie evidence of its contents. In the event a law-enforcement agency recovers, seizes, finds, is given or otherwise comes into possession of any such substances or paraphernalia that are not evidence in a trial in the Commonwealth, the chief law-enforcement officer of the agency or his designee may, with the written consent of the appropriate attorney for the Commonwealth, order destruction of same; provided that, a statement under oath, reporting a description of the substances and paraphernalia destroyed, and the time, place and manner of destruction is made to the chief law-enforcement officer and to the Board of Pharmacy by the officer to whom the order is directed.

B. No such substance or paraphernalia used or to be used in a criminal prosecution under Chapter 7 (§ 18.2-247 et seq.) of Title 18.2 shall be disposed of as provided by this section until all rights of appeal have been exhausted, except as provided in § 19.2-386.24.

§ 19.2-386.24. Destruction of seized controlled substances or marijuana prior to trial.

Where seizures of controlled substances, *or* marijuana, *or* ~~synthetic cannabinoids~~ are made in excess of 10 pounds in connection with any prosecution or investigation under Chapter 7 (§ 18.2-247 et seq.) of Title 18.2, the appropriate law-enforcement agency may retain 10 pounds of the substance randomly selected from the seized substance for representative purposes as evidence and destroy the remainder of the seized substance.

Before any destruction is carried out under this section, the law-enforcement agency shall cause the material seized to be photographed with identification case numbers or other means of identification and shall prepare a report identifying the seized material. It shall also notify the accused, or other interested party, if known, or his attorney, at least five days in advance that the photography will take place and that they may be present. Prior to any destruction under this section, the law-enforcement agency shall also notify the accused or other interested party, if known, and his attorney at least seven days prior to the destruction of the time and place the destruction will occur. Any notice required under the provisions of this section shall be by first-class mail to the last known address of the person required to be notified. In addition to the substance retained for representative purposes as evidence, all photographs and records made under this section and properly identified shall be admissible in any court proceeding for any purposes for which the seized substance itself would have been admissible.

§ 19.2-386.25. Judge may order law-enforcement agency to maintain custody of controlled substances, etc.

Upon request of the clerk of any court, a judge of the court may order a law-enforcement agency to take into its custody or to maintain custody of substantial quantities of any controlled substances, imitation controlled substances, chemicals, marijuana, ~~synthetic cannabinoids~~ or paraphernalia used or to be used in a criminal prosecution under Chapter 7 (§ 18.2-247 et seq.) of Title 18.2. The court in its order may make provision for ensuring integrity of these items until further order of the court.

§ 22.1-277.08. Expulsion of students for certain drug offenses.

A. School boards shall expel from school attendance any student whom such school board has determined, in accordance with the procedures set forth in this article, to have brought a controlled substance, imitation controlled substance, *or* marijuana as defined in § 18.2-247, *or* ~~synthetic cannabinoids as defined in § 18.2-248.1-1~~ onto school property or to a school-sponsored activity. A school board may, however, determine, based on the facts of the particular case, that special circumstances exist and another disciplinary action is appropriate. In addition, a school board may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article.

B. Each school board shall revise its standards of student conduct to incorporate the requirements of this section no later than three months after the date on which this act becomes effective.

§ 22.1-279.3:1. Reports of certain acts to school authorities.

A. Reports shall be made to the division superintendent and to the principal or his designee on all incidents involving (i) the assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity; (ii) the assault and battery that results in bodily injury, sexual assault, death, shooting, stabbing,

cutting, or wounding of any person, or stalking of any person as described in § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity; (iii) any conduct involving alcohol, marijuana, ~~synthetic cannabinoids as defined in § 18.2-248.1-1;~~ a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications; (iv) any threats against school personnel while on a school bus, on school property or at a school-sponsored activity; (v) the illegal carrying of a firearm, as defined in § 22.1-277.07, onto school property; (vi) any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in § 18.2-85, or explosive or incendiary devices, as defined in § 18.2-433.1, or chemical bombs, as described in § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity; (vii) any threats or false threats to bomb, as described in § 18.2-83, made against school personnel or involving school property or school buses; or (viii) the arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the charge therefor.

B. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of Title 16.1, local law-enforcement authorities shall report, and the principal or his designee and the division superintendent shall receive such reports, on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act (§ 54.1-3400 et seq.) and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in clauses (i) through (viii) of subsection A, and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. As part of any report concerning an offense that would be an adult misdemeanor involving an incident described in clauses (i) through (viii) of subsection A, local law-enforcement authorities and attorneys for the Commonwealth shall be authorized to disclose information regarding terms of release from detention, court dates, and terms of any disposition orders entered by the court, to the superintendent of such student's school division, upon request by the superintendent, if, in the determination of the law-enforcement authority or attorney for the Commonwealth, such disclosure would not jeopardize the investigation or prosecution of the case. No disclosures shall be made pursuant to this section in violation of the confidentiality provisions of subsection A of § 16.1-300 or the record retention and redisclosure provisions of § 22.1-288.2. Further, any school superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of § 16.1-260 shall report such information to the principal of the school in which the juvenile is enrolled.

C. The principal or his designee shall submit a report of all incidents required to be reported pursuant to this section to the superintendent of the school division. The division superintendent shall annually report all such incidents to the Department of Education for the purpose of recording the frequency of such incidents on forms that shall be provided by the Department and shall make such information available to the public.

In submitting reports of such incidents, principals and division superintendents shall accurately indicate any offenses, arrests, or charges as recorded by law-enforcement authorities and required to be reported by such authorities pursuant to subsection B.

A division superintendent who knowingly fails to comply or secure compliance with the reporting requirements of this subsection shall be subject to the sanctions authorized in § 22.1-65. A principal who knowingly fails to comply or secure compliance with the reporting requirements of this section shall be subject to sanctions prescribed by the local school board, which may include, but need not be limited to, demotion or dismissal.

The principal or his designee shall also notify the parent of any student involved in an incident required pursuant to this section to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students.

Whenever any student commits any reportable incident as set forth in this section, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or his designee. Prevention and intervention activities shall be identified in the local school division's drug and violence prevention plans developed pursuant to the federal Improving America's Schools Act of 1994 (Title IV - Safe and Drug-Free Schools and Communities Act).

D. Except as may otherwise be required by federal law, regulation, or jurisprudence, the principal shall immediately report to the local law-enforcement agency any act enumerated in clauses (ii) through (vii) of subsection A that may constitute a criminal offense and may report to the local law-enforcement agency any incident described in clause (i) of subsection A. Nothing in this section shall require delinquency charges to be filed or prevent schools from dealing with school-based offenses through graduated sanctions or educational programming before a delinquency charge is filed with the juvenile court.

Further, except as may be prohibited by federal law, regulation, or jurisprudence, the principal shall also immediately report any act enumerated in clauses (ii) through (v) of subsection A that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal shall report that the incident has been reported to local law enforcement as required by law and that the parents may contact local law enforcement for further information, if they so desire.

E. A statement providing a procedure and the purpose for the requirements of this section shall be included in school board policies required by § 22.1-253.13:7.

The Board of Education shall promulgate regulations to implement this section, including, but not limited to, establishing reporting dates and report formats.

F. For the purposes of this section, "parent" or "parents" means any parent, guardian or other person having control or charge of a child.

G. This section shall not be construed to diminish the authority of the Board of Education or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

§ 24.2-233. Removal of elected and certain appointed officers by courts.

Upon petition, a circuit court may remove from office any elected officer or officer who has been appointed to fill an elective office, residing within the jurisdiction of the court:

1. For neglect of duty, misuse of office, or incompetence in the performance of duties when that neglect of duty, misuse of office, or incompetence in the performance of duties has a material adverse effect upon the conduct of the office; ~~or;~~

2. Upon conviction of a misdemeanor pursuant to Article 1 (§ 18.2-247 et seq.) or Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2 and after all rights of appeal have terminated involving the:

a. Manufacture, sale, gift, distribution, or possession with intent to manufacture, sell, give, or distribute a controlled substance; *or* marijuana; ~~or synthetic cannabinoids as defined in § 18.2-248.1-1; or;~~

b. Sale, possession with intent to sell, or placing an advertisement for the purpose of selling drug paraphernalia; *or*

c. Possession of any controlled substance; *or* marijuana; ~~or synthetic cannabinoids as defined in § 18.2-248.1-1; and~~ such conviction under *subdivision* a, b, or c has a material adverse effect upon the conduct of such office; *or*

3. Upon conviction, and after all rights of appeal have terminated, of a misdemeanor involving a "hate crime" as that term is defined in § 52-8.5 when the conviction has a material adverse effect upon the conduct of such office.

The petition must be signed by a number of registered voters who reside within the jurisdiction of the officer equal to ten percent of the total number of votes cast at the last election for the office that the officer holds.

Any person removed from office under the provisions of subdivision 2 or 3 may not be subsequently subject to the provisions of this section for the same criminal offense.

§ 53.1-145. Powers and duties of probation and parole officers.

In addition to other powers and duties prescribed by this article, each probation and parole officer shall:

1. Investigate and report on any case pending in any court or before any judge in his jurisdiction referred to him by the court or judge;

2. Supervise and assist all persons within his territory placed on probation, secure, as appropriate and when available resources permit, placement of such persons in a substance abuse treatment program which may include utilization of acupuncture and other treatment modalities, and furnish every such person with a written statement of the conditions of his probation and instruct him therein; if any such person has been committed to the Department of Behavioral Health and Developmental Services under the provisions of Chapter 9 (§ 37.2-900 et seq.) of Title 37.2, the conditions of probation shall include the requirement that the person comply with all conditions given him by the Department of Behavioral Health and Developmental Services, and that he follow all of the terms of his treatment plan;

3. Supervise and assist all persons within his territory released on parole or postrelease supervision, secure, as appropriate and when available resources permit, placement of such persons in a substance abuse treatment program which may include utilization of acupuncture and other treatment modalities, and, in his discretion, assist any person within his territory who has completed his parole, postrelease supervision, or has been mandatorily released from any correctional facility in the Commonwealth and requests assistance in finding a place to live, finding employment, or in otherwise becoming adjusted to the community;

4. Arrest and recommit to the place of confinement from which he was released, or in which he would have been confined but for the suspension of his sentence or of its imposition, for violation of the terms of probation, post-release supervision pursuant to § 19.2-295.2 or parole, any probationer, person subject to post-release supervision or parolee under his supervision, or as directed by the Chairman, Board member or the court, pending a hearing by the Board or the court, as the case may be;

5. Keep such records, make such reports, and perform other duties as may be required of him by the Director or by regulations prescribed by the Board of Corrections, and the court or judge by whom he was authorized;

6. Order and conduct, in his discretion, drug and alcohol screening tests of any probationer, person subject to post-release supervision pursuant to § 19.2-295.2 or parolee under his supervision who the officer has reason to believe is engaged in the illegal use of controlled substances; *or* marijuana; ~~or synthetic cannabinoids~~ or the abuse of alcohol. The cost of the test may be charged to the person under supervision. Regulations governing the officer's exercise of this authority shall be promulgated by the Board;

7. Have the power to carry a concealed weapon in accordance with regulations promulgated by the Board and upon the certification of appropriate training and specific authorization by a judge of a circuit court;

8. Provide services in accordance with any contract entered into between the Department of Corrections and the Department of Behavioral Health and Developmental Services pursuant to § 37.2-912;

9. Pursuant to any contract entered into between the Department of Corrections and the Department of Behavioral Health and Developmental Services, probation and parole officers shall have the power to provide intensive supervision

services to persons placed on conditional release, regardless of whether the person has any time remaining to serve on any criminal sentence, pursuant to Chapter 9 (§ 37.2-900 et seq.);

10. Determine by reviewing the Local Inmate Data System upon intake and again prior to release whether a blood, saliva, or tissue sample has been taken for DNA analysis for each person placed on probation or parole required to submit a sample pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of Title 19.2 and, if no sample has been taken, require a person placed on probation or parole to submit a sample for DNA analysis; and

11. For every offender accepted pursuant to the Interstate Compact for the Supervision of Adult Offenders (§ 53.1-176.1 et seq.) who has been convicted of an offense that, if committed in Virginia, would be considered a felony, take a sample or verify that a sample has been taken and accepted into the data bank for DNA analysis in the Commonwealth.

Nothing in this article shall require probation and parole officers to investigate or supervise cases before general district or juvenile and domestic relations district courts.

§ 53.1-203. Felonies by prisoners; penalties.

It shall be unlawful for a prisoner in a state, local or community correctional facility or in the custody of an employee thereof to:

1. Escape from a correctional facility or from any person in charge of such prisoner;
2. Willfully break, cut or damage any building, furniture, fixture or fastening of such facility or any part thereof for the purpose of escaping, aiding any other prisoner to escape therefrom or rendering such facility less secure as a place of confinement;
3. Make, procure, secrete or have in his possession any instrument, tool or other thing for the purpose of escaping from or aiding another to escape from a correctional facility or employee thereof;
4. Make, procure, secrete or have in his possession a knife, instrument, tool or other thing not authorized by the superintendent or sheriff which is capable of causing death or bodily injury;
5. Procure, sell, secrete or have in his possession any chemical compound which he has not lawfully received;
6. Procure, sell, secrete or have in his possession a controlled substance classified in Schedule III of the Drug Control Act (§ 54.1-3400 et seq.); *or* marijuana; *or* synthetic cannabinoids as defined in § 18.2-248.1-1;
7. Introduce into a correctional facility or have in his possession firearms or ammunition for firearms;
8. Willfully burn or destroy by use of any explosive device or substance, in whole or in part, or cause to be so burned or destroyed, any personal property, within any correctional facility;
9. Willfully tamper with, damage, destroy, or disable any fire protection or fire suppression system, equipment, or sprinklers within any correctional facility; or
10. Conspire with another prisoner or other prisoners to commit any of the foregoing acts.

For violation of any of the provisions of this section, except subdivision 6, the prisoner shall be guilty of a Class 6 felony. For a violation of subdivision 6, he shall be guilty of a Class 5 felony. If the violation is of subdivision 1 of this section and the escapee is a felon, he shall be sentenced to a mandatory minimum term of confinement of one year, which shall be served consecutively with any other sentence. The prisoner shall, upon conviction of escape, immediately commence to serve such escape sentence, and he shall not be eligible for parole during such period. Any prisoner sentenced to life imprisonment who escapes shall not be eligible for parole. No part of the time served for escape shall be credited for the purpose of parole toward the sentence or sentences, the service of which is interrupted for service of the escape sentence, nor shall it be credited for such purpose toward any other sentence.

§ 54.1-3401. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner or by his authorized agent and under his direction or (ii) the patient or research subject at the direction and in the presence of the practitioner.

"Advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs or devices.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

"Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

"Animal" means any nonhuman animate being endowed with the power of voluntary action.

"Automated drug dispensing system" means a mechanical or electronic system that performs operations or activities, other than compounding or administration, relating to pharmacy services, including the storage, dispensing, or distribution of drugs and the collection, control, and maintenance of all transaction information, to provide security and accountability for such drugs.

"Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human beings.

"Biosimilar" means a biological product that is highly similar to a specific reference biological product, notwithstanding minor differences in clinically inactive compounds, such that there are no clinically meaningful differences between the reference biological product and the biological product that has been licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency of the product.

"Board" means the Board of Pharmacy.

"Bulk drug substance" means any substance that is represented for use, and that, when used in the compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a finished dosage form of the drug; however, "bulk drug substance" shall not include intermediates that are used in the synthesis of such substances.

"Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i) the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a partnership, or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the voting stock of which is actively traded on any securities exchange or in any over-the-counter market; (iv) the merger of a corporation owning the entity or of the parent corporation of a wholly-owned subsidiary owning the entity with another business or corporation; or (v) the expiration or forfeiture of a corporation's charter.

"Compounding" means the combining of two or more ingredients to fabricate such ingredients into a single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in expectation of receiving a valid prescription based on observed historical patterns of prescribing and dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a manufacturer's product drugs for the purpose of administration to a patient, when performed by a practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person supervised by such practitioner pursuant to subdivision A 6 or A 19 of § 54.1-2901, or a person supervised by such practitioner or a licensed nurse practitioner or physician assistant pursuant to subdivision A 4 of § 54.1-2901 shall not be considered compounding.

"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of this chapter. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 3.2 or Title 4.1. *The term "controlled substance" includes a controlled substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory authority in subsection D of § 54.1-3443.*

"Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II. "Controlled substance analog" does not include (a) any substance for which there is an approved new drug application as defined under § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally recognized as safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular person, any substance for which an exemption is in effect for investigational use for that person under § 505 of the federal Food, Drug, and Cosmetic Act to the extent that the conduct with respect to that substance is pursuant to such exemption; or (c) any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.

"DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor agency.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by this chapter, whether or not there exists an agency relationship.

"Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals or to affect the structure or any function of the body of man or animals.

"Dialysis care technician" or "dialysis patient care technician" means an individual who is certified by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, nurse practitioner, physician assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a Medicare-certified renal dialysis facility.

"Dialysis solution" means either the commercially available, unopened, sterile solutions whose purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal dialysis, or commercially available solutions whose purpose is to be used in the performance of hemodialysis not to include any solutions administered to the patient intravenously.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. However, dispensing shall not include the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites operated by such practitioner or that practitioner's medical practice for the purpose of administration of such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a practitioner to patients to take with them away from the practitioner's place of practice.

"Dispenser" means a practitioner who dispenses.

"Distribute" means to deliver other than by administering or dispensing a controlled substance.

"Distributor" means a person who distributes.

"Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them; (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (iii) articles or substances, other than food, intended to affect the structure or any function of the body of man or animals; (iv) articles or substances intended for use as a component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug" does not include devices or their components, parts, or accessories.

"Drug product" means a specific drug in dosage form from a known source of manufacture, whether by brand or therapeutically equivalent drug product name.

"Electronic transmission prescription" means any prescription, other than an oral or written prescription or a prescription transmitted by facsimile machine, that is electronically transmitted directly to a pharmacy without interception or intervention from a third party from a practitioner authorized to prescribe or from one pharmacy to another pharmacy.

"Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an electronic device over telephone lines that sends the exact image to the receiving pharmacy in hard copy form.

"FDA" means the U.S. Food and Drug Administration.

"Hashish oil" means any oily extract containing one or more cannabinoids, but shall not include any such extract with a tetrahydrocannabinol content of less than 12 percent by weight.

"Immediate precursor" means a substance which the Board of Pharmacy has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

"Interchangeable" means a biosimilar that meets safety standards for determining interchangeability pursuant to 42 U.S.C. § 262(k)(4).

"Label" means a display of written, printed, or graphic matter upon the immediate container of any article. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any, of the retail package of such article or is easily legible through the outside container or wrapper.

"Labeling" means all labels and other written, printed, or graphic matter on an article or any of its containers or wrappers, or accompanying such article.

"Manufacture" means the production, preparation, propagation, conversion, or processing of any item regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include compounding.

"Manufacturer" means every person who manufactures.

"Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, or its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or its resin. Marijuana shall not include any oily extract containing one or more cannabinoids unless such extract contains less than 12 percent of tetrahydrocannabinol by weight, nor shall marijuana include the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*.

"Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to the ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and needles, medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with no medicinal properties that are used for the operation and cleaning of medical equipment, solutions for peritoneal dialysis, and sterile water or saline for irrigation.

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative, or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (i), but not including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extraction of coca leaves which do not contain cocaine or ecgonine.

"New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling, except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as amended, and if at such time its labeling contained the same representations concerning the conditions of its use, or (ii) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

"Nuclear medicine technologist" means an individual who holds a current certification with the American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification Board.

"Official compendium" means the official United States Pharmacopoeia National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

"Official written order" means an order written on a form provided for that purpose by the U.S. Drug Enforcement Administration, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided then on an official form provided for that purpose by the Board of Pharmacy.

"Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

"Original package" means the unbroken container or wrapping in which any drug or medicine is enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor for use in the delivery or display of such article.

"Person" means both the plural and singular, as the case demands, and includes an individual, partnership, corporation, association, governmental agency, trust, or other institution or entity.

"Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in a manner complying with the laws and regulations for the practice of pharmacy and the sale and dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy and the pharmacy's personnel as required by § 54.1-3432.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01, licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and administer, or conduct research with respect to a controlled substance in the course of professional practice or research in the Commonwealth.

"Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription.

"Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such drugs or medical supplies.

"Prescription drug" means any drug required by federal law or regulation to be dispensed only pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

"Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance or marijuana.

"Proprietary medicine" means a completely compounded nonprescription drug in its unbroken, original package which does not contain any controlled substance or marijuana as defined in this chapter and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general public by or under the authority of the manufacturer or primary distributor, under a trademark, trade name, or other trade symbol privately owned, and the labeling of which conforms to the requirements of this chapter and applicable federal law. However, this definition shall not include a drug that is only advertised or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic, a drug that may be dispensed only upon prescription or the label of which bears substantially the statement "Warning - may be habit-forming," or a drug intended for injection.

"Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or radionuclide generator that is intended to be used in the preparation of any such substance, but does not include drugs such as carbon-containing compounds or potassium-containing salts that include trace quantities of naturally occurring radionuclides. The term also includes any biological product that is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

"Reference biological product" means the single biological product licensed pursuant to 42 U.S.C. § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to 42 U.S.C. § 262(k).

"Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as an individual, proprietor, agent, servant, or employee.

"Therapeutically equivalent drug products" means drug products that contain the same active ingredients and are identical in strength or concentration, dosage form, and route of administration and that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant to the definition of "therapeutically equivalent drug products" set forth in the most recent edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as the "Orange Book."

"USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

"Warehouser" means any person, other than a wholesale distributor, engaged in the business of selling or otherwise distributing prescription drugs or devices to any person who is not the ultimate user or consumer. No person shall be subject to any state or local tax by reason of this definition.

"Wholesale distribution" means distribution of prescription drugs to persons other than consumers or patients, subject to the exceptions set forth in § 54.1-3401.1.

"Wholesale distributor" means any person engaged in wholesale distribution of prescription drugs including, but not limited to, manufacturers; repackers; own-label distributors; private-label distributors; jobbers; brokers; warehouses, including manufacturers' and distributors' warehouses, chain drug warehouses conducting wholesale distributions, and wholesale drug warehouses; independent wholesale drug traders; and retail pharmacies conducting wholesale distributions. No person shall be subject to any state or local tax as a wholesale merchant by reason of this definition.

The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter shall not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses or lenses for the eyes.

The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter shall be defined as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

§ 54.1-3443. Board to administer article.

A. The Board shall administer this article and may add substances to or deschedule or reschedule all substances enumerated in the schedules in this article pursuant to the procedures of the Administrative Process Act (§ 2.2-4000 et seq.). In making a determination regarding a substance, the Board shall consider the following:

1. The actual or relative potential for abuse;
2. The scientific evidence of its pharmacological effect, if known;
3. The state of current scientific knowledge regarding the substance;
4. The history and current pattern of abuse;
5. The scope, duration, and significance of abuse;
6. The risk to the public health;
7. The potential of the substance to produce psychic or physical dependence; and
8. Whether the substance is an immediate precursor of a substance already controlled under this article.

B. After considering the factors enumerated in subsection A, the Board shall make findings and issue a regulation controlling the substance if it finds the substance has a potential for abuse.

C. If the Board designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

D. *If the Board, in consultation with the Department of Forensic Science, determines the substance shall be placed into Schedule I or II pursuant to § 54.1-3445 or 54.1-3447, the Board may amend its regulations pursuant to Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act. Prior to making such amendments, the Board shall conduct a public hearing. At least 30 days prior to conducting such hearing, it shall post notice of the hearing on the Virginia Regulatory Town Hall and shall send notice of the hearing to any persons requesting to be notified of a regulatory action. In the notice, the Board shall include a list of all substances it intends to schedule by regulation. The Board shall notify the House Courts of Justice and Senate Courts of Justice Committees of any new substance added to Schedule I or II pursuant to this subsection. Any substance added to Schedule I or II pursuant to this subsection shall remain on Schedule I or II for a period of 18 months. Upon expiration of such 18-month period, such substance shall be descheduled unless a general law is enacted adding such substance to Schedule I or II. Nothing in this subsection shall preclude the Board from adding substances to or descheduling or rescheduling all substances enumerated in the schedules pursuant to the provisions of subsections A, B, and E.*

E. If any substance is designated, rescheduled, or descheduled as a controlled substance under federal law and notice of such action is given to the Board, the Board may similarly control the substance under this chapter after the expiration of 120 days from publication in the Federal Register of the final order designating a substance as a controlled substance or rescheduling or descheduling a substance without following the provisions specified in subsections A and B of this section.

~~E. F.~~ Authority to control under this section does not extend to distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 4.1.

¶ G. The Board shall exempt any nonnarcotic substance from a schedule if such substance may, under the provisions of the federal Food, Drug and Cosmetic Act (21 U.S.C. § 301 et seq.) or state law, be lawfully sold over the counter without a prescription.

§ 54.1-3446. Schedule I.

The controlled substances listed in this section are included in Schedule I:

1. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

Acetylmethadol;
 Allylprodine;
 Alphacetylmethadol (except levo-alpha-acetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);

Alphameprodine;
 Alphamethadol;
 Benzethidine;
 Betacetylmethadol;
 Betameprodine;
 Betamethadol;
 Betaprodine;
 Clonitazene;
 Dextromoramide;
 Diampromide;
 Diethylthiambutene;
 Difenoxin;
 Dimenoxadol;
 Dimepheptanol;
 Dimethylthiambutene;
 Dioxaphetylbutyrate;
 Dipipanone;
 Ethylmethylthiambutene;
 Etonitazene;
 Etoxadine;
 Furethidine;
 Hydroxypethidine;
 Ketobemidone;
 Levomoramide;
 Levophenacetylmorphan;
 Morpheridine;
 Noracetylmethadol;
 Norlevorphanol;
 Normethadone;
 Norpipanone;
 Phenadoxone;
 Phenampromide;
 Phenomorphan;
 Phenoperidine;
 Piritramide;
 Proheptazine;
 Properidine;
 Propiram;
 Racemoramide;
 Tilidine;
 Trimeperidine.

2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

Acetorphine;
 Acetyldihydrocodeine;
 Benzylmorphine;
 Codeine methylbromide;
 Codeine-N-Oxide;
 Cyprenorphine;

Desomorphine;
 Dihydromorphine;
 Drotebanol;
 Etorphine;
 Heroin;
 Hydromorphinol;
 Methyl-desorphine;
 Methyl-dihydromorphine;
 Morphine methylbromide;
 Morphine methylsulfonate;
 Morphine-N-Oxide;
 Myrophine;
 Nicocodeine;
 Nicomorphine;
 Normorphine;
 Pholcodine;
 Thebacon.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision only, the term "isomer" includes the optical, position, and geometric isomers):

Alpha-ethyltryptamine (some trade or other names: Monase;a-ethyl-1H-indole-3-ethanamine; 3-2-aminobutyl] indole; a-ET; AET);

4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names:

2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;alpha-desmethyl DOB;2C-B; Nexus);

3,4-methylenedioxy amphetamine;

5-methoxy-3,4-methylenedioxy amphetamine;

3,4,5-trimethoxy amphetamine;

Alpha-methyltryptamine (other name: AMT);

Bufotenine;

Diethyltryptamine;

Dimethyltryptamine;

4-methyl-2,5-dimethoxyamphetamine;

2,5-dimethoxy-4-ethylamphetamine (DOET);

2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);

Ibogaine;

5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);

Lysergic acid diethylamide;

Mescaline;

Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo -b,d] pyran; Synhexyl);

Peyote;

N-ethyl-3-piperidyl benzilate;

N-methyl-3-piperidyl benzilate;

Psilocybin;

Psilocyn;

Salvinorin A;

Tetrahydrocannabinols, except as present in marijuana and dronabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration;

Hashish oil (some trade or other names: hash oil; liquid marijuana; liquid hashish);

2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA);

3,4-methylenedioxy-methamphetamine (MDMA), its optical, positional and geometric isomers, salts and salts of isomers;

3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);

N-hydroxy-3,4-methylenedioxyamphetamine (some other names:

N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);

4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);

4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine; PMA);

Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);

Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl) -pyrrolidine, PCPy, PHP);

Thiophene analog of phencyclidine (some other names: 1-1-(2-thienyl) -cyclohexyl]-piperidine, 2-thienyl analog of phencyclidine, TPCP, TCP);

1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);

3,4-methylenedioxypropylvalerone (other name: MDPV);

4-methylmethcathinone (other names: mephedrone, 4-MMC);

3,4-methylenedioxypropylmethcathinone (other name: methylone);

Naphthylpyrovalerone (other name: naphyrone);

4-fluoromethcathinone (other name: flephedrone, 4-FMC);

4-methoxymethcathinone (other names: methedrone; bk-PMMA);

Ethcathinone (other name: N-ethylcathinone);

3,4-methylenedioxypropylmethcathinone (other name: ethylone);

Beta-keto-N-methyl-3,4-benzodioxolylbutanamine (other name: butylone);

N,N-dimethylcathinone (other name: metamfepramone);

Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);

4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);

3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);

Alpha-pyrrolidinoveralphenone (other name: alpha-PVP);

6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);

3-fluoromethcathinone (other name: 3-FMC)

4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);

4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);

4-Methylethcathinone (other name: 4-MEC);

4-Ethylmethcathinone (other name: 4-EMC);

N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);

Beta-keto-methylbenzodioxolylpentanamine (other name: Pentylone, bk-MBDP);

Alpha-methylamino-butyrophenone (other name: Buphedrone);

Alpha-methylamino-valerophenone (other name: Pentedrone);

3,4-Dimethylmethcathinone (other name: 3,4-DMMC);

4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);

4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I, 25I-NBOMe);

Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);

4-Fluoromethamphetamine (other name: 4-FMA);

4-Fluoroamphetamine (other name: 4-FA);

2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);

2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);

2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);

2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);

2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);

2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);

2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (other name: 2C-P);

(2-aminopropyl)benzofuran (other name: APB);

(2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);

4-chloro-2,5-dimethoxy-N-[2-methoxyphenyl]methyl]-benzeneethanamine (other names: 2C-C-NBOMe, 25C-NBOMe);

4-bromo-2,5-dimethoxy-N-[2-methoxyphenyl]methyl]-benzeneethanamine (other names: 2C-B-NBOMe, 25B-NBOMe);

Acetoxymethyltryptamine (other names: AcO-Psilocin, AcO-DMT, Psilacetin);

Benocyclidine (other names: BCP, BTCP); ;

Alpha-pyrrolidinobutiophenone (other name: alpha-PBP).

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);

Mecloqualone;

Methaqualone.

5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4, 5-dihydro-5-phenyl-2-oxazolamine);

N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);

Fenethylamine;

Ethylamphetamine;

Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;

Methcathinone (some other names: 2-(methylamino)-propiofenone; alpha-(methylamino) propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR 1432);

Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

N,N-dimethylamphetamine (other names: N,N-alpha-trimethyl-benzeneethanamine, N,N-alpha-trimethylphenethylamine).

6. Any material, compound, mixture or preparation containing any quantity of the following substances:

N-3-methyl-1-(2-phenethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl), its optical and geometric isomers, salts, and salts of isomers;

1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP), its optical isomers, salts and salts of isomers;

1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP), its optical isomers, salts and salts of isomers;

N-1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl] propionanilide (other names:

1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine), alpha-methylfentanyl);

N-1-(1-methyl-2-phenethyl)-4-piperidyl]-N-phenylacetamide (other name: acetyl-alpha-methylfentanyl), its optical isomers, salts and salts of isomers;

N-1-(1-methyl-2-2-thienyl)ethyl-4 piperidyl]-N-phenylpropanamide (other name: alpha-methylthiofentanyl), its optical isomers, salts and salts of isomers;

N-1-benzyl-4-piperidyl]-N-phenylpropanamide (other name: benzylfentanyl), its optical isomers, salts and salts of isomers;

N-1-(2-hydroxy-2-phenyl) ethyl-4-piperidyl]-N-phenylpropanamide (other name: beta-hydroxyfentanyl), its optical isomers, salts and salts of isomers;

N-3-methyl-1-(2-hydroxy-2-phenethyl)4-piperidyl]-N-phenylpropanamide (other name: beta-hydroxy-3-methylfentanyl), its optical and geometric isomers, salts and salts of isomers;

N-(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide (other name: 3-methylthiofentanyl), its optical and geometric isomers, salts and salts of isomers;

N-1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (other name: thienylfentanyl), its optical isomers, salts and salts of isomers;

N-phenyl-N-1-(2-thienyl)ethyl-4-piperidinyl]-propanamide (other name: thiofentanyl), its optical isomers, salts and salts of isomers;

N-(4-fluorophenyl)-N-1-(2-phenethyl)-4-piperidinyl] propanamide (other name: para-fluorofentanyl), its optical isomers, salts and salts of isomers.

7. Any substance that contains one or more cannabimimetic agents or that contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, and any preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of one or more cannabimimetic agents.

a. "Cannabimimetic agents" includes any substance that is within any of the following structural classes:

2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent;

3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent;

3-(1-naphthoyl)pyrrole with substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent;

1-(1-naphthylmethyl)indene with substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent;

3-phenylacetylindole or 3-benzoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent;

3-cyclopropoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to any extent;

3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent;

N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent; and

N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring, whether or not further substituted on the indazole ring to any extent, whether or not substituted on the adamantyl ring to any extent.

b. The term "cannabinimimetic agents" includes:

5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);

5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);

5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);

5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);

1-pentyl-3-(1-naphthoyl)indole (other names: JWH-018, AM-678);

1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);

1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);

1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);

1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);

(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[*c*]chromen-1-ol (other name: HU-210);

1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);

1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);

1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);

1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);

1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);

1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);

1-(*N*-methylpiperidin-2-yl)methyl-3-(1-naphthoyl)indole (other name: AM-1220);

1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);

1-[(*N*-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);

Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other name: WIN 48,098);

1-pentyl-3-(4-methoxybenzoyl)indole (other names: RCS-4, SR-19);

1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other names: RCS-8, SR-18);

1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);

1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: XLR-11);

N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);

N-adamantyl-1-pentylindazole-3-carboxamide (other name: AKB48);

1-pentyl-3-(1-adamantoyl)indole (other name: AB-001);

(8-quinolinyloxy)(1-pentylindol-3-yl)carboxylate (other name: PB-22);

(8-quinolinyloxy)(1-(5-fluoropentyl)indol-3-yl)carboxylate (other name: 5-fluoro-PB-22);

(8-quinolinyloxy)(1-cyclohexylmethyl-indol-3-yl)carboxylate (other name: BB-22);

N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: AB-PINACA);

N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide (other name: AB-FUBINACA);

1-(5-fluoropentyl)-3-(1-naphthoyl)indazole;

N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: ADB-PINACA).

§ 54.1-3456. Controlled substance analog.

Any drug not listed on Schedule I or II in this chapter, which is privately compounded, with the specific intent to circumvent the provisions of this chapter, to emulate or simulate the effects of another drug or class of drugs listed on Schedule I or II in this chapter through chemical changes such as the addition, subtraction or rearranging of a radical or the addition, subtraction or rearranging of a substituent, A controlled substance analog shall, to the extent intended for human consumption, be treated, for the purposes of any state law, as a controlled substance in Schedule I or II. A controlled substance analog shall be considered to be listed on the same schedule as the drug or class of drugs which it imitates in the same manner as any isomer, ester, ether, salts of isomers, esters and ethers of such drug or class of drugs.

2. That § 18.2-248.1:1 of the Code of Virginia is repealed.

3. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is at least \$66,663 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 720

An Act to amend and reenact § 32.1-122.7:1 of the Code of Virginia, relating to the Board of Directors of the Virginia Health Workforce Development Authority; length of terms.

[S 595]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-122.7:1 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-122.7:1. Board of Directors of the Virginia Health Workforce Development Authority.

The Virginia Health Workforce Development Authority shall be governed by a Board of Directors. The Board shall consist of 13 members to be appointed as follows: two members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one member of the Senate, to be appointed by the Senate Committee on Rules; seven nonlegislative citizen members, three of whom shall be representatives of health professional educational or training programs, three of whom shall be health professionals or employers or representatives of health professionals, and one of whom shall be a representative of community health, to be appointed by the Governor; and the Commissioner of Health or his designee, the Chancellor of the Virginia Community College System or his designee, and the Director of the Department of Health Professions or his designee, who shall serve as ex officio members with voting privileges. Members appointed by the Governor shall be citizens of the Commonwealth.

Legislative members and state government officials shall serve terms coincident with their terms of office. All appointments of nonlegislative citizen members shall be for two-year terms following the initial staggering of terms. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative and citizen members may be reappointed; however, no citizen member shall serve more than ~~two~~ four consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's term limit. Vacancies shall be filled in the same manner as the original appointments.

The Board shall elect a chairman and vice-chairman annually from among its legislative members. A majority of the members of the Board shall constitute a quorum.

The Board of Directors shall report biennially on the activities and recommendations of the Authority to the Secretary of Health and Human Resources, the Secretary of Education, the Secretary of Commerce and Trade, the State Board of Health, the State Council of Higher Education for Virginia, the Joint Commission on Health Care, the Governor, and the General Assembly. In any reporting period where state general funds are appropriated to the Authority, the report shall include a detailed summary of how state general funds were expended.

The accounts and records of the Authority showing the receipt and disbursement of funds from whatever source derived shall be in a form prescribed by the Auditor of Public Accounts. The Auditor of Public Accounts, or his legally authorized representative, shall annually examine the accounts of the Authority. The cost of such audit shall be borne by the Authority.

2. That the provisions of this act shall not affect the length of any term that began prior to July 1, 2014.

3. That an emergency exists and this act is in force from its passage.

CHAPTER 721

An Act to amend and reenact § 15.2-4507 of the Code of Virginia, relating to transportation districts; appointments.

[S 601]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-4507 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-4507. Members of transportation district commissions.

A. Any transportation district commission created shall consist of the number of members the component governments shall from time to time agree upon, or as may otherwise be provided by law. The governing body of each participating county and city shall appoint from among its members the number of commissioners to which the county or city is entitled; however, for those commissions with powers as set forth in subsection A of § 15.2-4515, the governing body of each participating county or city is not limited to appointing commissioners from among its members. In addition, the governing body may appoint from its number or otherwise, designated alternate members for those appointed to the commission who shall be able to exercise all of the powers and duties of a commission member when the regular member is absent from commission meetings. Each such appointee shall serve at the pleasure of the appointing body; however, no appointee to a commission with powers as set forth in subsection B of § 15.2-4515 may continue to serve when he is no longer a member of the appointing body. Each governing body shall inform the commission of its appointments to and removals from the commission by delivering to the commission a certified copy of the resolution making the appointment or causing the removal.

In the case of a transportation district, commonly known as the Potomac and Rappahannock Transportation Commission, which was established on or after July 1, 1986, and which includes more than one jurisdiction located within the Washington, D.C., metropolitan area, such commission shall also include two members of the House of Delegates and one member of the Senate from legislative districts located wholly or in part within the boundaries of the transportation district. The members of the House of Delegates shall be appointed by the Speaker of the House for terms coincident with their terms of office, and the member of the Senate shall be appointed by the Senate Committee on Rules for a term coincident with his term of office. The members of the General Assembly shall be eligible for reappointment for successive terms. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments.

In the case of the Transportation District Commission of Hampton Roads, such commission shall consist of one citizen member appointed by the Governor from each county and city embraced by the Transportation District. *However, for the gubernatorial appointments that will become effective July 1, 2016, three of the appointments shall be for initial terms of two years and three appointments shall be for terms of four years. Thereafter, all gubernatorial appointments shall be for terms of four years so as to stagger the terms of the gubernatorial appointees.* The governing body of each such county or city may appoint either a member of its governing body or its county or city manager to serve as an ex officio member with voting privileges. Every such ex officio member shall be allowed to attend all meetings of the commission that other members may be required to attend. Vacancies shall be filled in the same manner as the original appointments.

The Chairman of the Commonwealth Transportation Board, or his designee, shall be a member of each commission, ex officio with voting privileges. The chairman of the Commonwealth Transportation Board may appoint an alternate member who may exercise all the powers and duties of the chairman of the Commonwealth Transportation Board when neither the chairman of the Commonwealth Transportation Board nor his designee is present at a commission meeting.

B. Any appointed member of a commission of a transportation district, commonly known as the Northern Virginia Transportation Commission, which was established prior to July 1, 1986, and which includes jurisdictions located within the Washington, D.C., metropolitan statistical area, and the Secretary of Transportation or his designee, is authorized to serve as a member of the board of directors of the Washington Metropolitan Area Transit Authority (Chapter 627 of the Acts of Assembly of 1958 as amended) and while so serving the provisions of § 2.2-2800 shall not apply to such member. In appointing Virginia members of the board of directors of the Washington Metropolitan Area Transit Authority (WMATA), the Northern Virginia Transportation Commission shall include the Secretary of Transportation or his designee as a principal member on the board of directors of the WMATA. Any designee serving as the principal member must reside in a locality served by WMATA.

In selecting from its membership those members to serve on the board of directors of the WMATA, the Northern Virginia Transportation Commission shall comply with the following requirements:

1. A board member shall not have been an employee of WMATA within one year of appointment to serve on the board of directors.

2. A board member shall have experience in at least one of the following: transit planning, transportation planning, or land use planning; transit or transportation management or other public sector management; engineering; finance; public safety; homeland security; human resources; the law; or knowledge of the region's transportation issues derived from working on regional transportation issue resolution.

3. A member shall be a regular patron of the services provided by WMATA.

4. Members shall serve a term of four years with a maximum of two consecutive terms. Such term or terms must coincide with their term on the body that appointed them to the Northern Virginia Transportation Commission. Any vacancy created if a board member cannot fulfill his term because his term on the appointing body had ended shall be filled for the unexpired term in the same manner as the member being replaced was appointed within 60 days of the vacancy. The initial appointments to a four-year term will be as follows: the Secretary, or his designee, for a term of four years; the second principal member for a term of three years; one alternate for a term of two years; and the remaining alternate for a term of one year. Thereafter, members shall be appointed for terms of four years. Service on the WMATA board of directors prior to July 1, 2012, shall not be considered in determining length of service. Any person appointed to an initial one or two year term, or appointed to an unexpired term in which two years or less is remaining, shall be eligible to serve two consecutive four-year terms after serving the initial or unexpired term.

5. Members may be removed from the board of directors of the WMATA if they attend fewer than three-fourths of the meetings in a calendar year; if they are conflicted due to employment at WMATA; or if they are found to be in violation of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). If a member is removed during a term, the vacancy shall be filled pursuant to the provisions of subdivision 4.

6. Each member of the Northern Virginia Transportation Commission appointed to the board of directors of the WMATA shall file semiannual reports with the Secretary of Transportation's office beginning July 1, 2012. The reports shall include (i) the dates of attendance at WMATA board meetings, (ii) any reasons for not attending a specific meeting, and (iii) dates and attendance at other WMATA-related public events.

Any entity that provides compensation to a WMATA board member for his service on the WMATA board shall be required to submit on July 1 of each year to the Secretary of Transportation the amount of that compensation. Such letter will remain on file with the Secretary's office and be available for public review.

C. (Effective July 1, 2014) In the case of two or more transportation commissions which each include at least one jurisdiction located within the Washington, D.C., metropolitan area and which have entered into an agreement to operate a commuter railway, the agreement governing the creation of the railway shall provide that the Chairman of the Commonwealth Transportation Board or his designee shall have one vote on the oversight board for the railway. For each year in which the state contribution to the railway is greater than or equal to the highest contribution from an individual jurisdiction, the total annual jurisdictional subsidy used to determine vote weights shall be recalculated to include the Commonwealth contributing an amount equal to the highest contributing jurisdiction. The vote weights shall be recalculated to provide the Chairman of the Commonwealth Transportation Board or his designee the same weight as the highest contributing jurisdiction. The revised vote weights shall be used in determining the passage of motions before the oversight board.

CHAPTER 722

An Act to amend and reenact § 3.01, as amended, and § 3.06 of Chapter 227 of the Acts of Assembly of 1954, which provided a charter for the City of Covington, relating to council, mayor, and elections.

[S 609]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 3.01, as amended, and § 3.06 of Chapter 227 of the Acts of Assembly of 1954 are amended and reenacted as follows:

§ 3.01. Creation and composition of council.

In accordance with a consent decree entered by the United States District Court for the Western District of Virginia, Roanoke Division, on August 3, 1988, in a case styled, "William R. Martin, et als. v. City of Covington, et als.," the city shall be divided into five voting districts, which shall be known as District 1, District 2, District 3, District 4 and District 5.

There shall be a council of the city, which shall continue to consist of five members, who shall at the time of filing their notice of candidacy and thereafter be residents and qualified voters of the city and of their voting district. One member of the council shall be elected from and by the duly qualified voters of each of the five voting districts of the city for the term of four years from the first day of ~~July~~ *January* next following the date of their election, and until their successors have been elected and qualified. The councilmen in office at the effective date of this charter and the amendments thereto shall constitute the council of the city and are hereby continued in office for the terms for which they were elected and qualified. ~~To the extent that compliance with the said consent decree and other orders entered in the referenced action constitute a deviation by the city from the council election requirements of the charter then existing, those actions are expressly ratified. No action of the council of the city occurring on or after August 3, 1988, until the effective date of this amendment of the charter shall be subject to challenge on the basis of the composition and manner of election of the members thereof, provided that the composition and manner of election of the members thereof during that period of time was consistent with said orders.~~ On the first ~~Tuesday in May 1988~~ *Tuesday following the first Monday in November of 2016*, and every four years thereafter, a member of the council shall be elected from each of *District 3, District 4 and District 5*, each for a four-year term, and on the first ~~Tuesday in May 1990~~ *Tuesday following the first Monday in November of 2014*, and every four years thereafter, a member of the council shall be elected from each of *District 1; and District 2 and District 3*, each for a four-year term. *Council members serving on council as of the date of this amendment and whose terms are to expire as of June 30 of 2014 or 2016 shall continue in office until their successors have been elected at the November general election and have been qualified to serve.* The general laws of the Commonwealth relating to the conduct of elections, as far as pertinent, shall apply to the conduct of the general city elections. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of the expiration of the term of office or removal of the members of said body, or any of them.

§ 3.06. Election of mayor and vice-mayor.

The mayor in office at the effective date of this charter is hereby continued in office for the term for which he was elected and until his successor has been elected and qualified. At the first meeting of the council after ~~September 1, 1955~~ *the first day of January of 2015*, and at each succeeding first meeting immediately following the taking of office of councilmen after a general councilmanic election, the council shall choose by majority vote of all the members thereof one of their number to be mayor and one to be vice-mayor for the ensuing term. The mayor shall preside over the meetings of the council and shall have the same right to vote and speak therein as other members. He shall have no veto power. He shall be recognized as the head of the city government for all ceremonial purposes, the purposes of military law, and the service of civil process. The vice-mayor, in the absence or disability of the mayor, shall perform the duties of mayor, and if a vacancy shall occur in the office of mayor, the vice-mayor shall become mayor for the unexpired portion of the term. In the absence or disability of both the mayor and the vice-mayor, the council shall by majority vote of those present choose one of their number to perform the duties of mayor.

~~There being no vice-mayor now in office, at the first meeting of the council after this charter becomes effective, the council shall choose by majority vote of all the members thereof one of their number to be vice-mayor for the remainder of the present term, and until his successor has been elected and qualified.~~

2. That an emergency exists and this act is in force from its passage.

CHAPTER 723

An Act to amend and reenact §§ 58.1-1814 and 58.1-3907 of the Code of Virginia, relating to use of automated sales suppression devices; penalty.

[S 611]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-1814 and 58.1-3907 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-1814. Criminal liability for failure to file returns or keep records.

A. Any corporate or partnership officer, as defined in § 58.1-1813, and any other person required by law or regulations made under authority thereof to make a return, keep any records or supply any information, for the purpose of the computation, assessment or collection of any state tax administered by the Department of Taxation, who willfully fails to make such returns, keep such records or supply such information, at the time or times required by law or regulations, shall, in addition to any other penalties provided by law, be guilty of a Class 1 misdemeanor.

B. *Any person who willfully utilizes a device or software to falsify the electronic records of cash registers or other point-of-sale systems or otherwise manipulates transaction records that affect any state tax liability shall, in addition to any other penalties provided by law, be guilty of a Class 1 misdemeanor.*

C. *In addition to the criminal penalty provided in subsection B and any other civil or criminal penalty provided in this title, any person violating subsection B shall pay a civil penalty of \$20,000, to be assessed and collected by the Department as other taxes are collected and deposited into the general fund.*

§ 58.1-3907. Willful failure to collect and account for tax; penalty.

A. Any corporate or partnership officer as defined in § 58.1-3906, or any other person required to collect, account for and pay over any local admission, transient occupancy, food and beverage, daily rental property or cigarette taxes administered by the commissioner of the revenue or other authorized officer, who willfully fails to collect or truthfully account for and pay over such tax, and any such officer or person who willfully evades or attempts to evade any such tax or the payment thereof, shall, in addition to any other penalties provided by law, be guilty of a Class 1 misdemeanor.

B. *Any person who willfully utilizes a device or software to falsify the electronic records of cash registers or other point-of-sale systems or otherwise manipulates transaction records that affect any local tax liability shall, in addition to any other penalties provided by law, be guilty of a Class 1 misdemeanor.*

C. *In addition to the criminal penalty provided in subsection B and any other civil or criminal penalty provided in this title, any person violating subsection B shall pay a civil penalty of \$20,000, to be assessed and collected by the Department as other taxes are collected and deposited into the general fund.*

D. Any criminal case brought pursuant to this section may be prosecuted by either the attorney for the Commonwealth or other attorney charged with the responsibility for prosecution of a violation of local ordinances.

CHAPTER 724

An Act to amend and reenact § 4.1-119 of the Code of Virginia, relating to alcoholic beverage control; operation of government stores.

[S 620]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-119 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-119. Operation of government stores.

A. Subject to the requirements of §§ 4.1-121 and 4.1-122, the Board may establish, maintain and operate government stores for the sale of alcoholic beverages, other than beer and wine not produced by farm wineries, vermouth, mixers, and products used in connection with distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be approved by the Board from time to time, in such counties, cities, and towns considered advisable by the Board. The Board may discontinue any such store.

B. With respect to the sale of wine produced by farm wineries, the Board may give preference to farm wineries that produce 2,500 cases or less of wine per year.

C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and brands of alcoholic beverages and other Board-approved products that are sold in government stores. Differences in the cost of operating stores, and market competition and conditions may be reflected in the sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to federal instrumentalities (i) authorized and operating under the laws of the United States and regulations of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or reservations over which the United States has acquired jurisdiction, at prices which may be greater or less than the wholesale price charged other authorized purchasers.

D. Alcoholic beverages at government stores shall be sold by employees of the Board, who shall carry out the provisions of this title and Board regulations governing the operation of government stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's license or its officers and employees as agents of the Board for the sale of spirits, manufactured by or for, or blended by such licensee on the licensed premises, at government stores established by the Board on the distiller's licensed premises, provided:

1. At least 51 percent of the agricultural products used by such licensee to manufacture the spirits are grown on the licensee's farm or land in Virginia leased by the licensee and no more than 25 percent of the agricultural products are grown or produced outside the Commonwealth. However, upon petition by the Department of Agriculture and Consumer Services, the Board may permit the use of a lesser percentage of products grown on the licensee's farm if unusually severe weather or disease conditions cause a significant reduction in the availability of agricultural products grown on the farm to manufacture the spirits during a given license year;

2. Such licensee is a duly organized nonprofit association holding title to real property, together with improvements thereon that are significant in American history, under a charter from the Commonwealth to preserve such property, and which association accepts no federal, state, or local funds;

3. Such licensee operates a museum whose licensed premises is located on the grounds of a local historic building or site;

4. Such licensee is an independently certified organic distillery, with such certification by a USDA-accredited certification agency; ~~or~~

5. Such licensee is employing traditional distilling techniques, including the use of authentic copper pot stills to blend or produce spirits in any county with a population of less than 20,000; *or*

6. *Such licensee is employing traditional techniques, including the maceration of natural fruits, nuts, grains, beans, and spices in neutral grain spirits to extract natural flavors used to produce or blend liqueurs and spirits.*

Such agents shall sell the spirits in accordance with the provisions of this title, Board regulations, and the terms of the agency agreement between the Board and the licensed distiller.

For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision 6 § 4.1-201 to be (i) additionally aged by the receiving distillery in order to increase the quality and flavor of such alcoholic beverages and (ii) bottled by the receiving distillery.

E. No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 101 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to subsection G sold in government stores established by the Board on a distiller's licensed premises, shall be in closed containers, sealed and affixed with labels prescribed by the Board.

G. No alcoholic beverages shall be consumed in a government store by any person unless it is part of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a permit issued by the Board pursuant to subdivision A 15 of § 4.1-212, and the samples of alcoholic beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not lawfully be sold pursuant to § 4.1-304. The Board shall establish guidelines governing tasting events conducted pursuant to this subsection.

H. With respect to purchases by licensees at government stores, the Board shall (i) accept in payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or check payable to the Board, in the exact amount of any such purchase or series of purchases and (ii) provide notice to licensees on Board policies relating to the assignment of government stores from which licensees may purchase products and any procedure for the licensee to elect to make purchases from an alternative government store.

I. With respect to purchases by consumers at government stores, the Board shall accept cash in payment for any purchase or series of purchases. The Board may adopt regulations which provide for accepting a credit card or debit card as payment. Such regulations may provide for the collection, where appropriate, of related fees, penalties and service charges for the use of a credit card or debit card by any consumer.

CHAPTER 725

An Act to amend the Code of Virginia by adding in Chapter 26 of Title 45.1 sections numbered 45.1-395 and 45.1-396, relating to grants for placing into service renewable energy property.

[S 653]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 26 of Title 45.1 sections numbered 45.1-395 and 45.1-396 as follows:

§ 45.1-395. Grants for placing into service renewable energy property.

A. For the purposes of this section, unless the context requires a different meaning:

"Annual program cap" means the total amount of grant funds appropriated by the General Assembly for the respective fiscal year. Subject to appropriation by the General Assembly, the annual program cap shall be \$10 million for fiscal year 2015-2016.

"Annual project payout threshold" means an amount that is equal to 2.5 percent of the annual program cap but shall not be less than \$125,000 or in excess of \$250,000.

"Division" means the Division of Energy of the Department.

"Individual piece of renewable energy property" means (i) one or more pieces of renewable energy property with a single utility interconnection point regardless of the number of parcels of land on which the property is located or (ii) more than one piece of renewable energy property on the same parcel of land each with a single utility interconnection point. For purposes of this definition, a parcel of land is such parcel as established by the real estate tax assessment.

"Renewable energy" means energy derived from sunlight, wind, falling water, biomass, sustainable or otherwise (the definitions of which shall be liberally construed), energy from waste, landfill gas, municipal solid waste, wave motion, tides, or geothermal power, and does not include energy derived from coal, oil, natural gas, or nuclear power.

"Renewable energy property" means property located in the Commonwealth that produces renewable energy and related devices necessary for collecting, controlling, storing, exchanging, conditioning, or converting such energy.

B. In addition to all other responsibilities, the Division shall administer the grant program created under this section.

C. 1. Beginning with fiscal year 2015-2016 and fiscal years thereafter, a person placing into service an individual piece of renewable energy property during the fiscal year shall be eligible for a grant. Subject to the requirements of this section being met, the grant shall equal 35 percent of the costs paid or incurred by the person to place the renewable energy property into service, not to exceed \$2.5 million for any individual piece of renewable energy property. No grant shall be allowed for costs paid or incurred related to renewable energy property that has generated electricity in the 12 months preceding the date of the grant application. No grant shall be allowed for renewable energy property paid for by utility ratepayer funds.

2. In the case of a grant that would not have been in excess of the annual project payout threshold if paid on the date that the renewable energy property was placed into service, the grant shall be paid within 90 days immediately following the receipt of all documentation required by the Division to demonstrate that such property was placed into service. For all other grant awards, the grant shall be paid in three equal calendar year installments as follows: within 90 days immediately following the receipt of all documentation required by the Division to demonstrate that such property was placed into service and in each of the next two succeeding calendar years.

As a condition of the payment of a grant, a person shall make available for inspection upon request of the Division all relevant and applicable documents to determine whether the renewable energy property placed into service by the person meets the requirements for the payment of a grant.

D. If in one of the three calendar years in which the installment of a grant accrues the renewable energy property is disposed of, taken out of service, or moved out of the Commonwealth, the related grant payment shall be forfeited for such year (and the grantee shall be liable for the repayment of any grant previously paid during the year) and each installment year thereafter.

E. The Division shall develop procedures for the allocation of grants. Except as otherwise provided in this subsection, the Division shall not allocate more than \$10 million in grants in any fiscal year of the Commonwealth. At a minimum, a person seeking a grant shall submit an application to the Division that includes (i) adequate demonstration of site control; (ii) if required, an interconnection application filed with the local utility within the preceding 12 months; (iii) adequate demonstration of the right to consume or sell the energy produced by the renewable energy property to a third party; and (iv) a refundable deposit equal to 10 percent of the requested grant amount. The Division shall within 30 days after receipt of a complete application review such application and approve the same for an allocation of a grant if it determines that it meets all requirements. The person shall then have 12 months from the date of allocation of a grant to place the renewable energy property into service. If the person fails to place the renewable energy property into service within such 12-month period, then the person's grant allocation shall expire and the allocated grant amount shall be added to the current fiscal year allocation of grants. The deposit shall be refunded upon (a) a written determination by the Division to reject the application, (b) payment of any grant pursuant to this section to which the deposit relates, or (c) 12 months plus one day from the allocation of any grant to which the deposit relates, whichever is earlier. Actions by the Division relating to the allocation and awarding of grants under this section shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

F. For purposes of determining whether renewable energy property has been placed into service, the Division shall use the federal guideline for when property is placed into service as set forth in Treasury Regulations Section 1.46-3(d)(1) and Treasury Regulations Section 1.167(a)-11(e)(1).

G. The person shall submit with its grant application all documentation as reasonably required by the Division, including but not limited to documentation related to any other state tax credits or grants pertaining to renewable energy for which the person has applied. All such documents appropriately identified by the person shall be considered confidential and proprietary.

H. The Division shall develop and update as necessary guidelines implementing the provisions of this section. The guidelines shall set forth metrics for measuring the economic impact from placing into service renewable energy property,

which may include measures for capital investment and jobs directly or indirectly created or retained as a result of placing the property into service. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). Guidelines implementing the provisions of this section shall be made publicly available no later than December 1, 2014.

I. The amount of the grant that a person is otherwise eligible to receive for renewable energy property shall be reduced to the extent that the person claims a state tax credit under Virginia law or receives a grant under a different Virginia grant program for (i) costs paid or incurred with regard to the acquisition of the renewable energy property or (ii) energy generated by the renewable energy property.

J. All grants under this section are subject to sufficient moneys being appropriated by the General Assembly to the Renewable Energy Property Grant Fund established under § 45.1-396 for payment of the same, and the Comptroller shall not draw any warrants to issue checks for this grant program without such appropriation.

K. The grants that may be paid under this section shall be paid from the Renewable Energy Property Grant Fund established under § 45.1-396.

L. By December 1 each year beginning in 2015, the Division shall provide a written report to the General Assembly evaluating the economic impact in the preceding 12 months, or such longer period of time as the Division deems appropriate, from renewable energy property placed into service for which grants were paid under this section. The evaluation shall apply the metrics set forth in the guidelines for measuring the economic impact of such renewable energy property. The evaluation shall also estimate the amount of non-renewable energy that would have been utilized if such renewable energy property had not been placed into service.

§ 45.1-396. Renewable Energy Property Grant Fund established.

There is hereby created in the state treasury a special nonreverting fund to be known as the Renewable Energy Property Grant Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. All moneys as may be appropriated to it by the General Assembly shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for purposes of providing grants to persons placing renewable energy property into service as specified in § 45.1-395 and to reimburse the Division for its reasonable costs incurred in administering the grant program established under such section. The reimbursement for reasonable costs each year shall not exceed the lesser of (i) \$200,000 or (ii) five percent of the annual program cap. The Fund shall be administered by the Director. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director.

2. That the provisions of this act shall not become effective unless reenacted by the 2015 General Assembly.

CHAPTER 726

An Act to amend the Code of Virginia by adding in Article 1.1 of Chapter 1 of Title 33.1 a section numbered 33.1-23.5:5, relating to prioritization of projects funded by the Commonwealth Transportation Board.

[H 2]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1.1 of Chapter 1 of Title 33.1 a section numbered 33.1-23.5:5 as follows:

§ 33.1-23.5:5. Statewide prioritization process for project selection.

A. The General Assembly declares it to be in the public interest that a prioritization process for projects funded by the Commonwealth Transportation Board be developed and implemented to improve the efficiency and effectiveness of the state's transportation system, transportation safety, transportation accessibility for people and freight, environmental quality, and economic development in the Commonwealth.

B. Subject to the limitations in subsection C, the Commonwealth Transportation Board shall develop, in accordance with federal transportation requirements, and in cooperation with metropolitan planning organizations wholly within the Commonwealth and with the Northern Virginia Transportation Authority, a statewide prioritization process for the use of funds allocated pursuant to § 33.1-23.1 or apportioned pursuant to 23 U.S.C. § 104. Such prioritization process shall be used for the development of the Six-Year Improvement Program pursuant to § 33.1-12 and shall consider, at a minimum, highway, transit, rail, roadway, technology operational improvements, and transportation demand management strategies.

1. The prioritization process shall be based on an objective and quantifiable analysis that considers, at a minimum, the following factors relative to the cost of the project or strategy: congestion mitigation, economic development, accessibility, safety, and environmental quality.

2. Prior to the analysis in subdivision 1, candidate projects and strategies shall be screened by the Commonwealth Transportation Board to determine whether they are consistent with the assessment of capacity needs for all for corridors of statewide significance, regional networks, and improvements to promote urban development areas established pursuant to § 15.2-2223.1, undertaken in the Statewide Transportation Plan in accordance with § 33.1-23.03.

3. *The Commonwealth Transportation Board shall weight the factors used in subdivision 1 for each of the state's highway construction districts. The Commonwealth Transportation Board may assign different weights to the factors, within each highway construction district, based on the unique needs and qualities of each highway construction district.*

4. *The Commonwealth Transportation Board shall solicit input from localities, metropolitan planning organizations, transit authorities, transportation authorities, and other stakeholders in its development of the prioritization process pursuant to this section. Further, the Board shall explicitly consider input provided by an applicable metropolitan planning organization or the Northern Virginia Transportation Authority when developing the weighting of factors pursuant to subdivision 3 for a metropolitan planning area with a population over 200,000 individuals.*

C. *The prioritization process developed under subsection B shall not apply to the following: projects or activities undertaken pursuant to § 33.1-23.02; projects funded by the Congestion Mitigation Air Quality funds apportioned to the state pursuant to 23 U.S.C. § 104(b)(4) and state matching funds; projects funded by the Highway Safety Improvement Program funds apportioned to the state pursuant to 23 U.S.C. § 104(b)(3) and state matching funds; projects funded by the Transportation Alternatives funds set-aside pursuant to 23 U.S.C. § 213 and state matching funds; projects funded pursuant to subdivisions B 2 and 3 of § 33.1-23.1; projects funded by the revenue-sharing program pursuant to § 33.1-23.05; and projects funded by federal programs established by the federal government after June 30, 2014, with specific rules that restrict the types of projects that may be funded, excluding restrictions on the location of projects with regard to highway functional classification. The Commonwealth Transportation Board may, at its discretion, develop a prioritization process for any of the funds covered by this subsection, subject to planning and funding requirements of federal law. However, the Board shall defer to individual local governments for projects funded pursuant to subdivisions B 2 and 3 of § 33.1-23.1.*

D. *The Commonwealth Transportation Board shall make public, in an accessible format, the results of the screening and analysis of candidate projects and strategies under subsection B, including the weighting of factors, in a timely fashion.*

2. That the Commonwealth Transportation Board shall select projects for funding pursuant to the provisions of this act beginning July 1, 2016.

3. That, at the discretion of the Board, a project fully funded in the Six-Year Improvement Program that has completed the state environmental review process or the review process required by the National Environmental Policy Act may be exempt from the provisions of this act.

4. That the prioritization process developed pursuant to § 33.1-23.5:5 of the Code of Virginia, as created by this act, shall not apply to funds allocated to the Northern Virginia Transportation Authority Fund established pursuant to § 15.2-4838.01 of the Code of Virginia, the Hampton Roads Transportation Fund established pursuant to § 33.1-23.5:4 of the Code of Virginia, or federal funds subject to 23 U.S.C. 133(d)(1)(A)(i).

5. That the Commonwealth Transportation Board in implementing § 33.1-23.5:5 as created by this act shall comply with the allocation of funds pursuant to § 33.1-23.1.

6. That, for Northern Virginia and Hampton Roads highway construction districts, the Commonwealth Transportation Board, pursuant to subdivision B 3 of § 33.1-23.5:5 as created by this act, shall ensure that congestion mitigation, consistent with § 33.1-13.03:1 of the Code of Virginia, is weighted highest among the factors in the prioritization process. For metropolitan planning areas with a population over 200,000, the prioritization process shall also include a factor based on the quantifiable and achievable goals pursuant to subsection B of § 33.1-23.03 of the Code of Virginia.

7. That notwithstanding § 33.1-23.5:5 as created by this act, the Commonwealth Transportation Board shall ensure that no project shall be undertaken primarily for economic development purposes.

8. That if any portion of this act shall be adjudged unconstitutional in any court of competent jurisdiction, the remaining portions of this act shall remain in effect.

CHAPTER 727

An Act to amend and reenact § 15.2-2159 of the Code of Virginia, relating to fee for solid waste disposal by counties.

[H 62]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2159 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2159. Fee for solid waste disposal by counties.

A. Accomack County, Augusta County, Floyd County, Highland County, Pittsylvania County, and Wise County Counties may by ordinance, and after a public hearing, levy a fee for the disposal of solid waste not to exceed the actual cost incurred by the county in procuring, developing, maintaining, and improving the landfill and for such reserves as may be necessary for capping and closing such landfill in the future. *Southampton County may by ordinance, and after a public hearing, levy a fee for the management of solid waste not to exceed the actual cost incurred by the county in removing and disposing of solid waste.* Such fee as collected shall be deposited in a special account to be expended only for the purposes for which it was levied. Except in Floyd County, Pittsylvania County, Southampton, and Wise County Counties, such fee shall not be used to purchase or subsidize the purchase of equipment used for the collection of solid waste. In Augusta County, Highland County, and Pittsylvania County, and Southampton Counties, such fee (i) may only be levied upon

persons whose residential solid waste is disposed of at a county landfill or county solid waste collection or disposal facility and (ii) shall not be levied upon persons whose residential waste is not disposed of in such landfill or facility if such nondisposal is documented by the collector or generator of such waste as required by ordinance of such county. Documentation provided by a collector of such waste pursuant to clause (ii) shall not be disclosed by the county to any other person.

B. Any fee imposed by subsection A when combined with any other fee or charge for disposal of waste shall not exceed the actual cost incurred by the county in procuring, developing, maintaining, and improving its landfill and for such reserves as may be necessary for capping and closing such landfill in the future *or, in the case of Southampton County, such fee shall not exceed the costs and fees expended by the county in removing and disposing of solid waste.*

C. Any county which imposes the fee allowed under subsection A may enter into a contractual agreement with any water or heat, light, and power company or other corporation coming within the provisions of Chapter 26 (§ 58.1-2600 et seq.) of Title 58.1 except Appalachian Power Company ; ~~Shenandoah Valley Electric Cooperative, BARC Electric Cooperative and Powell Valley Electric Cooperative~~ and any cooperative formed under or subject to Article 1 (§ 56-231.15 et seq.) of Chapter 9.1 of Title 56 for the collection of such fee. The agreement may include a commission for such service in the form of a deduction from the fee remitted. The commission shall be provided for by ordinance, which shall set the rate not to exceed five percent of the amount of fees due and collected.

D. Accomack, Highland, Pittsylvania, *Southampton*, and Wise Counties have the following authority regarding collection of said fee:

1. To prorate said fee depending upon the period a resident or business is located in said county during the year of fee levy;
2. To levy penalty for late payment of fee as set forth in § 58.1-3916 of the Code of Virginia;
3. To levy interest on unpaid fees as set forth in § 58.1-3916 of the Code of Virginia;
4. To credit the fee first against the most delinquent use fee account owing;
5. To require payment of the fee prior to approval of an application for rezoning, special exception, variance or other land use permit; and
6. To provide discounts to the standard fee rates for older persons, as defined in § 51.5-135, and disabled persons based on ability to pay.

E. ~~Pittsylvania County~~ and *Southampton Counties* may by ordinance provide an exemption from the fee for the disposal of solid waste to any veteran who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability in accordance with the standards set forth in § 58.1-3219.5.

CHAPTER 728

An Act to amend and reenact § 15.2-6403 of the Code of Virginia, relating to Virginia Regional Industrial Facilities Act; appointments.

[H 118]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-6403 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-6403. Board of the authority.

A. All powers, rights and duties conferred by this chapter, or other provisions of law, upon an authority shall be exercised by a board of directors. A board shall consist of two members for each member locality. The governing body of each member locality shall appoint two members to the board. Any person who is a resident of the *Commonwealth* ~~appointing member locality~~ may be appointed to the board. However, if an authority has only two member localities, the governing body of each locality may appoint three members each. However, in any instance in which the member localities are not equally contributing funding to the authority, and upon agreement by each member locality, the number of appointments to be made by each locality may be based upon the percentage of local funds contributed by each of the member localities. Each member of a board shall serve for a term of four years and may be reappointed for as many terms as the governing body desires. However, the board may elect to provide for staggered terms, in which case some members may draw an initial two-year term. If a vacancy occurs by reason of the death, disqualification or resignation of a board member, the governing body of the member locality that appointed the authority board member shall appoint a successor to fill the unexpired term.

However, with regard to any authority created by Planning Districts 10, 11, and 12, only members of the appointing governing body of each member locality shall be appointed to the board. In the event such board members feel it is necessary to have an odd number of members, they may establish a rotation system that will allow one locality to appoint one extra member to serve for up to two years. Each locality will, in turn, appoint such extra member. Once the cycle is completed, the rotation shall be repeated.

Each member locality may appoint up to two alternate board members. Alternates shall be selected in the same manner as board members, and may serve as an alternate for either board member from the member locality that appoints the

alternate. Alternates shall be appointed for terms that coincide with one or more of the board members from the member locality that appoints the alternate. If a board member is not present at a meeting of the authority, the alternate shall have all the voting and other rights of the board member not present and shall be counted for purposes of determining a quorum. Alternates are required to take an oath of office and are entitled to reimbursement for expenses in the same manner as board members.

B. Each member of a board shall, before entering upon the discharge of the duties of his office, take and subscribe to the oath prescribed in § 49-1. Members shall be reimbursed for actual expenses incurred in the performance of their duties from funds available to the authority.

C. A quorum shall exist when a majority of the member localities are represented by at least one member of the board. The affirmative vote of a quorum of the board shall be necessary for any action taken by the board. No vacancy in the membership of a board shall impair the right of a quorum to exercise all the rights and perform all the duties of the board. The board shall determine the times and places of its regular meetings, which may be adjourned or continued, without further public notice, from day to day or from time to time or from place to place, but not beyond the time fixed for the next regular meeting, until the business before the board is completed. Special meetings of a board shall be held when requested by members of the board representing two or more localities. Any such request for a special meeting shall be in writing, and the request shall specify the time and place of the meeting and the matters to be considered at the meeting. A reasonable effort shall be made to provide each member with notice of any special meeting. No matter not specified in the notice shall be considered at such special meeting unless all the members of the board are present. Special meetings may be adjourned or continued, without further public notice, from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business before the board is completed.

D. Each board shall elect from its membership a chairman for each calendar year. The board may also appoint an executive director and staff who shall discharge such functions as may be directed by the board. The executive director and staff shall be paid from funds received by the authority.

E. Each board, promptly following the close of the fiscal year, shall submit an annual report of the authority's activities of the preceding year to the governing body of each member locality. Each such report shall set forth a complete operating and financial statement covering the operation of the authority during such year.

CHAPTER 729

An Act to amend and reenact § 58.1-322 of the Code of Virginia and to amend the Code of Virginia by adding in Title 55 a chapter numbered 32, consisting of sections numbered 55-555 through 55-559, relating to the establishment of first-time home buyer savings plans for the purchase of single-family residences; exempting the earnings on such plans from taxation.

[H 331]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-322 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 55 a chapter numbered 32, consisting of sections numbered 55-555 through 55-559, as follows:

CHAPTER 32.

FIRST-TIME HOME BUYER SAVINGS PLANS ACT.

§ 55-555. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Account holder" means an individual who establishes, individually or jointly with one or more other individuals, an account with a financial institution for which the account holder claims a first-time home buyer savings account status on his Virginia income tax return.

"Allowable closing costs" means a disbursement listed on a settlement statement for the purchase of a single-family residence in the Commonwealth by a qualified beneficiary.

"Eligible costs" means the down payment and allowable closing costs for the purchase of a single-family residence in the Commonwealth by a qualified beneficiary.

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, or any benefit association, insurance company, safe deposit company, money market mutual fund, or similar entity authorized to do business in the Commonwealth.

"First-time home buyer savings account" or "account" means an account with a financial institution for which the account holder claims first-time home buyer savings account status on his Virginia income tax return for taxable year 2014 or any taxable year thereafter, pursuant to this chapter for the purpose of paying or reimbursing eligible costs for the purchase of a single-family residence in the Commonwealth by a qualified beneficiary. Financial institutions shall not be required to (i) designate an account as a first-time home buyer savings account, or designate the beneficiaries of such accounts, in the financial institutions' account contracts or systems or in any other way; (ii) track the use of funds withdrawn from such accounts; (iii) allocate funds in such accounts among joint account owners or multiple beneficiaries; or (iv) report any of the information stated in clauses (i), (ii), or (iii) to the Department of Taxation or other governmental

agency. Financial institutions shall not be responsible for or liable for (a) determining or ensuring that an account satisfies the requirements to be a first-time home buyer savings account, (b) determining or ensuring that costs are eligible costs, or (c) reporting or remitting taxes or penalties for such accounts.

"Qualified beneficiary" means an individual or individuals only who reside in the Commonwealth at the time of settlement on the purchase of a single-family residence in the Commonwealth who (i) have never owned or purchased under contract for deed, either individually or jointly, a single-family residence in the Commonwealth or outside of the Commonwealth; (ii) are designated as the beneficiary of an account designated by the account holder as a first-time home buyer savings account; and (iii) may apply moneys or funds held in such account for eligible costs. A qualified beneficiary may use the funds from such account for eligible costs regardless of whether such qualified beneficiary purchases the single-family residence as sole owner or jointly with another individual.

"Settlement statement" means the statement of receipts and disbursements for a transaction related to real estate, including a statement prescribed under the Real Estate Settlement Procedures Act of 1974 (RESPA), 12 U.S.C. § 2601 et seq., as amended, and the regulations thereunder, or an executed sales agreement for the purchase of a manufactured home being conveyed as personal property.

"Single-family residence" means a single-family residence owned and occupied by a qualified beneficiary, including a manufactured home, trailer, mobile home, condominium unit, or cooperative.

§ 55-556. Claiming first-time home buyer status.

A. The account holder shall be responsible for the use or application of moneys or funds in an account for which the account holder claims first-time home buyer savings account status.

B. The account holder shall (i) not use moneys or funds held in an account to pay expenses of administering the account, except that a service fee may be deducted from the account by a financial institution; (ii) maintain documentation of the segregation of moneys or funds in separate accounts and documentation of eligible costs for the purchase of a single-family residence in the Commonwealth; such documentation may include the settlement statement; (iii) file, with the account holder's Virginia income tax return, forms developed by the Department of Taxation regarding treatment of the account as a first-time home buyer savings account under this chapter, along with the Form 1099 issued by the financial institution for such account; and (iv) remit to the Department of Taxation the tax on any amounts (a) added to individual income pursuant to subdivision B 10 of § 58.1-322 or (b) recaptured pursuant to subdivision C 36 of § 58.1-322.

C. The Tax Commissioner shall develop guidelines applicable to account holders to implement the provisions of this chapter. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). Such guidelines shall not apply to, or impose administrative, reporting, or other obligations or requirements on, financial institutions-related accounts for which first-time home buyer savings account status is claimed by the account holder.

§ 55-557. Tax exemption; conditions.

A. All interest or other income earned attributable to an account shall be excluded from the Virginia taxable income of the account holder as provided under subdivision C 36 of § 58.1-322.

B. There shall be an aggregate limit of \$50,000 per account on the amount of principal for which the account holder may claim first-time home buyer savings account status. Only cash and marketable securities may be contributed to an account.

C. Subject to the aggregate limit on the amount of principal that may be contributed to an account pursuant to subsection B, there shall be a limitation of \$150,000 on the amount of principal and interest or other income on the principal that may be retained within an account.

D. An account holder shall be subject to Virginia income tax pursuant to subdivision B 10 of § 58.1-322 to the extent of any loss deducted as a capital loss by the individual for federal income tax purposes attributable to the person's account.

E. Upon being furnished proof of the death of the account holder, a financial institution shall distribute the principal and accumulated interest or other income in the account in accordance with the terms of the contract governing the account.

§ 55-558. Withdrawal of funds from account for purposes other than eligible costs for first-time home purchase.

If moneys or funds are withdrawn from an account for any purpose other than the payment of eligible costs by or on behalf of a qualified beneficiary, there shall be imposed a penalty calculated using the Form 1099 showing the amount of income exempted from state income tax and a five percent penalty shall be assessed on the amount of exempted income. The penalty shall be paid to the Department of Taxation. In addition, as provided under subdivision C 36 of § 58.1-322, the account holder shall also be subject to recapture of income that was subtracted pursuant to that subdivision.

Such five percent penalty shall not apply to, and there shall be no recapture of income with regard to, the extent of moneys or funds withdrawn that were (i) withdrawn by reason of the qualified beneficiary's death or disability, (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. §§ 101 through 1330, or (iii) transferred from an account established pursuant to this chapter into another account established pursuant to this chapter for the benefit of another qualified beneficiary.

§ 55-559. False claims prohibited.

A person who knowingly prepares or causes to be prepared a false claim, receipt, statement, or billing to avoid or evade taxes or penalties upon the withdrawal of money or funds from an account for which the account holder claims first-time home buyer savings account status is guilty of a Class 1 misdemeanor.

§ 58.1-322. Virginia taxable income of residents.

A. The Virginia taxable income of a resident individual means his federal adjusted gross income for the taxable year, which excludes combat pay for certain members of the Armed Forces of the United States as provided in § 112 of the Internal Revenue Code, as amended, and with the modifications specified in this section.

B. To the extent excluded from federal adjusted gross income, there shall be added:

1. Interest, less related expenses to the extent not deducted in determining federal income, on obligations of any state other than Virginia, or of a political subdivision of any such other state unless created by compact or agreement to which Virginia is a party;

2. Interest or dividends, less related expenses to the extent not deducted in determining federal taxable income, on obligations or securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from federal income tax but not from state income taxes;

3. Unrelated business taxable income as defined by § 512 of the Internal Revenue Code;

4. The amount of a lump sum distribution from a qualified retirement plan, less the minimum distribution allowance and any amount excludable for federal income tax purposes that is excluded from federal adjusted gross income solely by virtue of an individual's election to use the averaging provisions under § 402 of the Internal Revenue Code; ~~and~~

5 through 8. [Repealed.]

9. The amount required to be included in income for the purpose of computing the partial tax on an accumulation distribution pursuant to § 667 of the Internal Revenue Code; *and*

10. *For taxable years beginning on and after January 1, 2014, any loss for the taxable year that was deducted as a capital loss for federal income tax purposes by an account holder attributable to such person's first-time home buyer savings account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55. For purposes of this subdivision, "account holder" and "first-time home buyer savings account" mean the same as those terms are defined in § 55-555.*

C. To the extent included in federal adjusted gross income, there shall be subtracted:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States including, but not limited to, stocks, bonds, treasury bills, and treasury notes, but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations of this Commonwealth or of any political subdivision or instrumentality of the Commonwealth.

3. [Repealed.]

4. Benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code.

4a. Through December 31, 2000, the same amount used in computing the federal credit allowed under § 22 of the Internal Revenue Code by a retiree under age 65 who qualified for such retirement on the basis of permanent and total disability and who is a qualified individual as defined in § 22(b)(2) of the Internal Revenue Code; however, any person who claims a deduction under subdivision D 5 may not also claim a subtraction under this subdivision.

4b. For taxable years beginning on or after January 1, 2001, up to \$20,000 of disability income, as defined in § 22(c)(2)(B)(iii) of the Internal Revenue Code; however, any person who claims a deduction under subdivision D 5 may not also claim a subtraction under this subdivision.

5. The amount of any refund or credit for overpayment of income taxes imposed by the Commonwealth or any other taxing jurisdiction.

6. The amount of wages or salaries eligible for the federal Targeted Jobs Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7, 8. [Repealed.]

9. [Expired.]

10. Any amount included therein less than \$600 from a prize awarded by the State Lottery Department.

11. The wages or salaries received by any person for active and inactive service in the National Guard of the Commonwealth of Virginia, not to exceed the amount of income derived from 39 calendar days of such service or \$3,000, whichever amount is less; however, only those persons in the ranks of O3 and below shall be entitled to the deductions specified herein.

12. Amounts received by an individual, not to exceed \$1,000 in any taxable year, as a reward for information provided to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement official or agency, in the apprehension and conviction of perpetrators of crimes. This provision shall not apply to the following: an individual who is an employee of, or under contract with, a law-enforcement agency, a victim or the perpetrator of the crime for which the reward was paid, or any person who is compensated for the investigation of crimes or accidents.

13. [Repealed.]

14. [Expired.]

15, 16. [Repealed.]

17. For taxable years beginning on and after January 1, 1995, the amount of "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of

§ 280C(c) of the Internal Revenue Code and which shall be available to partners, shareholders of S corporations, and members of limited liability companies to the extent and in the same manner as other deductions may pass through to such partners, shareholders, and members.

18. [Repealed.]

19. For taxable years beginning on and after January 1, 1996, any income received during the taxable year derived from a qualified pension, profit-sharing, or stock bonus plan as described by § 401 of the Internal Revenue Code, an individual retirement account or annuity established under § 408 of the Internal Revenue Code, a deferred compensation plan as defined by § 457 of the Internal Revenue Code, or any federal government retirement program, the contributions to which were deductible from the taxpayer's federal adjusted gross income, but only to the extent the contributions to such plan or program were subject to taxation under the income tax in another state.

20. For taxable years beginning on and after January 1, 1997, any income attributable to a distribution of benefits or a refund from a prepaid tuition contract or savings trust account with the Virginia College Savings Plan, created pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23. The subtraction for any income attributable to a refund shall be limited to income attributable to a refund in the event of a beneficiary's death, disability, or receipt of a scholarship.

21. For taxable years beginning on or after January 1, 1998, all military pay and allowances, to the extent included in federal adjusted gross income and not otherwise subtracted, deducted or exempted under this section, earned by military personnel while serving by order of the President of the United States with the consent of Congress in a combat zone or qualified hazardous duty area which is treated as a combat zone for federal tax purposes pursuant to § 112 of the Internal Revenue Code.

22. For taxable years beginning on or after January 1, 2000, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

23. Effective for all taxable years beginning on or after January 1, 2000, \$15,000 of military basic pay for military service personnel on extended active duty for periods in excess of 90 days; however, the subtraction amount shall be reduced dollar-for-dollar by the amount which the taxpayer's military basic pay exceeds \$15,000 and shall be reduced to zero if such military basic pay amount is equal to or exceeds \$30,000.

24. Effective for all taxable years beginning on and after January 1, 2000, the first \$15,000 of salary for each federal and state employee whose total annual salary from all employment for the taxable year is \$15,000 or less.

25. Unemployment benefits taxable pursuant to § 85 of the Internal Revenue Code.

26. For taxable years beginning on and after January 1, 2001, any amount received as military retirement income by an individual awarded the Congressional Medal of Honor.

27. Effective for all taxable years beginning on and after January 1, 1999, income received as a result of (i) the "Master Settlement Agreement," as defined in § 3.2-3100; and (ii) the National Tobacco Grower Settlement Trust dated July 19, 1999, by (a) tobacco farmers; (b) any person holding a tobacco marketing quota, or tobacco farm acreage allotment, under the Agricultural Adjustment Act of 1938; or (c) any person having the right to grow tobacco pursuant to such a quota or allotment, but only to the extent that such income has not been subtracted pursuant to subdivision C 18 of § 58.1-402.

28. For taxable years beginning on and after January 1, 2000, items of income attributable to, derived from or in any way related to (i) assets stolen from, hidden from or otherwise lost by an individual who was a victim or target of Nazi persecution or (ii) damages, reparations, or other consideration received by a victim or target of Nazi persecution to compensate such individual for performing labor against his will under the threat of death, during World War II and its prelude and direct aftermath. This subtraction shall not apply to assets acquired with such items of income or with the proceeds from the sale of assets stolen from, hidden from or otherwise lost to, during World War II and its prelude and direct aftermath, a victim or target of Nazi persecution. The provisions of this subdivision shall only apply to an individual who was the first recipient of such items of income and who was a victim or target of Nazi persecution, or a spouse, widow, widower, or child or stepchild of such victim.

"Victim or target of Nazi persecution" means any individual persecuted or targeted for persecution by the Nazi regime who had assets stolen from, hidden from or otherwise lost as a result of any act or omission in any way relating to (i) the Holocaust; (ii) World War II and its prelude and direct aftermath; (iii) transactions with or actions of the Nazi regime; (iv) treatment of refugees fleeing Nazi persecution; or (v) the holding of such assets by entities or persons in the Swiss Confederation during World War II and its prelude and aftermath. A victim or target of Nazi persecution shall also include any individual forced into labor against his will, under the threat of death, during World War II and its prelude and direct aftermath. As used in this subdivision, "Nazi regime" means the country of Nazi Germany, areas occupied by Nazi Germany, those European countries allied with Nazi Germany, or any other neutral European country or area in Europe under the influence or threat of Nazi invasion.

29, 30. [Repealed.]

31. Effective for all taxable years beginning on or after January 1, 2001, the military death gratuity payment made after September 11, 2001, to the survivor of deceased military personnel killed in the line of duty, pursuant to Chapter 75 of Title 10 of the United States Code; however, the subtraction amount shall be reduced dollar-for-dollar by the amount that the survivor may exclude from his federal gross income in accordance with § 134 of the Internal Revenue Code.

32. Effective for all taxable years beginning on or after January 1, 2007, the death benefit payments from an annuity contract that are received by a beneficiary of such contract provided that (i) the death benefit payment is made pursuant to an annuity contract with an insurance company and (ii) the death benefit payment is paid solely by lump sum. The subtraction under this subdivision shall be allowed only for that portion of the death benefit payment that is included in federal adjusted gross income.

33. For taxable years beginning on and after January 1, 2009, any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

34. For taxable years beginning on and after January 1, 2009, any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

35. For taxable years beginning on or after January 1, 2011, any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income shall be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Technology, provided the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment shall be made between the dates of April 1, 2010, and June 30, 2015. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

36. *For taxable years beginning on and after January 1, 2014, any income of an account holder for the taxable year taxed as (i) a capital gain for federal income tax purposes attributable to such person's first-time home buyer savings account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55 and (ii) interest income or other income for federal income tax purposes attributable to such person's first-time home buyer savings account.*

Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any subtraction taken under this subdivision shall be subject to recapture in the taxable year or years in which moneys or funds withdrawn from the first-time home buyer savings account were used for any purpose other than the payment of eligible costs by or on behalf of a qualified beneficiary, as provided under § 55-558. The amount subject to recapture shall be a portion of the amount withdrawn in the taxable year that was used for other than the payment of eligible costs, computed by multiplying the amount withdrawn and used for other than the payment of eligible costs by the ratio of the aggregate earnings in the account at the time of the withdrawal to the total balance in the account at such time.

However, recapture shall not apply to the extent of moneys or funds withdrawn that were (i) withdrawn by reason of the qualified beneficiary's death or disability, (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. §§ 101 through 1330, or (iii) transferred from an account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55 into another account established pursuant to such chapter for the benefit of another qualified beneficiary.

For purposes of this subdivision, "account holder," "eligible costs," "first-time home buyer savings account," and "qualified beneficiary" mean the same as those terms are defined in § 55-555.

D. In computing Virginia taxable income there shall be deducted from Virginia adjusted gross income as defined in § 58.1-321:

1. a. The amount allowable for itemized deductions for federal income tax purposes where the taxpayer has elected for the taxable year to itemize deductions on his federal return, but reduced by the amount of income taxes imposed by the Commonwealth or any other taxing jurisdiction and deducted on such federal return and increased by an amount which, when added to the amount deducted under § 170 of the Internal Revenue Code for mileage, results in a mileage deduction at the state level for such purposes at a rate of 18 cents per mile; or

b. Three thousand dollars for single individuals and \$6,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return) for taxable years beginning on and after January 1, 2005; provided that the taxpayer has not itemized deductions for the taxable year on his federal income tax return. For purposes of this section, any person who may be claimed as a dependent on another taxpayer's return for the taxable year may compute the deduction only with respect to earned income.

2. a. A deduction in the amount of \$900 for taxable years beginning on and after January 1, 2005, but before January 1, 2008; and \$930 for taxable years beginning on and after January 1, 2008, for each personal exemption allowable to the taxpayer for federal income tax purposes.

b. For taxable years beginning on and after January 1, 1987, each blind or aged taxpayer as defined under § 63(f) of the Internal Revenue Code shall be entitled to an additional personal exemption in the amount of \$800.

The additional deduction for blind or aged taxpayers allowed under this subdivision shall be allowable regardless of whether the taxpayer itemizes deductions for the taxable year for federal income tax purposes.

3. A deduction equal to the amount of employment-related expenses upon which the federal credit is based under § 21 of the Internal Revenue Code for expenses for household and dependent care services necessary for gainful employment.

4. An additional \$1,000 deduction for each child residing for the entire taxable year in a home under permanent foster care placement as defined in § 63.2-908, provided the taxpayer can also claim the child as a personal exemption under § 151 of the Internal Revenue Code.

5. a. For taxable years beginning on and after January 1, 2004, a deduction in the amount of \$12,000 for individuals born on or before January 1, 1939.

b. For taxable years beginning on and after January 1, 2004, a deduction in the amount of \$12,000 for individuals born after January 1, 1939, who have attained the age of 65. This deduction shall be reduced by \$1 for every \$1 that the taxpayer's adjusted federal adjusted gross income exceeds \$50,000 for single taxpayers or \$75,000 for married taxpayers. For married taxpayers filing separately, the deduction will be reduced by \$1 for every \$1 the total combined adjusted federal adjusted gross income of both spouses exceeds \$75,000.

For the purposes of this subdivision, "adjusted federal adjusted gross income" means federal adjusted gross income minus any benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code, as amended.

6. For taxable years beginning on and after January 1, 1997, the amount an individual pays as a fee for an initial screening to become a possible bone marrow donor, if (i) the individual is not reimbursed for such fee or (ii) the individual has not claimed a deduction for the payment of such fee on his federal income tax return.

7. a. A deduction shall be allowed to the purchaser or contributor for the amount paid or contributed during the taxable year for a prepaid tuition contract or savings trust account entered into with the Virginia College Savings Plan, pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23. Except as provided in subdivision 7 c, the amount deducted on any individual income tax return in any taxable year shall be limited to \$4,000 per prepaid tuition contract or savings trust account. No deduction shall be allowed pursuant to this section if such payments or contributions are deducted on the purchaser's or contributor's federal income tax return. If the purchase price or annual contribution to a savings trust account exceeds \$4,000, the remainder may be carried forward and subtracted in future taxable years until the purchase price or savings trust contribution has been fully deducted; however, except as provided in subdivision 7 c, in no event shall the amount deducted in any taxable year exceed \$4,000 per contract or savings trust account. Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any deduction taken hereunder shall be subject to recapture in the taxable year or years in which distributions or refunds are made for any reason other than (i) to pay qualified higher education expenses, as defined in § 529 of the Internal Revenue Code or (ii) the beneficiary's death, disability, or receipt of a scholarship. For the purposes of this subdivision, the term "purchaser" or "contributor" means the person shown as such on the records of the Virginia College Savings Plan as of December 31 of the taxable year. In the case of a transfer of ownership of a prepaid tuition contract or savings trust account, the transferee shall succeed to the transferor's tax attributes associated with a prepaid tuition contract or savings trust account, including, but not limited to, carryover and recapture of deductions.

b. The amount paid for a prepaid tuition contract during taxable years beginning on or after January 1, 1996, but before January 1, 1998, shall be deducted in taxable years beginning on or after January 1, 1998, and shall be subject to the limitations set out in subdivision 7 a.

c. A purchaser of a prepaid tuition contract or contributor to a savings trust account who has attained age 70 shall not be subject to the limitation that the amount of the deduction not exceed \$4,000 per prepaid tuition contract or savings trust account in any taxable year. Such taxpayer shall be allowed a deduction for the full amount paid for the contract or contributed to a savings trust account, less any amounts previously deducted.

8. For taxable years beginning on and after January 1, 2000, the total amount an individual actually contributed in funds to the Virginia Public School Construction Grants Program and Fund, established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1, provided the individual has not claimed a deduction for such amount on his federal income tax return.

9. For taxable years beginning on and after January 1, 1999, an amount equal to 20 percent of the tuition costs incurred by an individual employed as a primary or secondary school teacher licensed pursuant to Chapter 15 (§ 22.1-289.1 et seq.) of Title 22.1 to attend continuing teacher education courses that are required as a condition of employment; however, the deduction provided by this subsection shall be available only if (i) the individual is not reimbursed for such tuition costs and (ii) the individual has not claimed a deduction for the payment of such tuition costs on his federal income tax return.

10. For taxable years beginning on or after January 1, 2000, the amount an individual pays annually in premiums for long-term health care insurance, provided the individual has not claimed a deduction for federal income tax purposes, or, for taxable years beginning before January 1, 2014, a credit under § 58.1-339.11. For taxable years beginning on or after January 1, 2014, no such deduction for long-term health care insurance premiums paid by the individual during the taxable year shall be allowed if the individual has claimed a federal income tax deduction for such taxable year for long-term health care insurance premiums paid by him.

11. For taxable years beginning on and after January 1, 2006, contract payments to a producer of quota tobacco or a tobacco quota holder, or their spouses, as provided under the American Jobs Creation Act of 2004 (P.L. 108-357), but only to the extent that such payments have not been subtracted pursuant to subsection D of § 58.1-402, as follows:

a. If the payment is received in installment payments, then the recognized gain, including any gain recognized in taxable year 2005, may be subtracted in the taxable year immediately following the year in which the installment payment is received.

b. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

12. For taxable years beginning on and after January 1, 2007, an amount equal to 20 percent of the sum paid by an individual pursuant to Chapter 6 (§ 58.1-600 et seq.), not to exceed \$500 in each taxable year, in purchasing for his own use the following items of tangible personal property: (i) any clothes washers, room air conditioners, dishwashers, and standard size refrigerators that meet or exceed the applicable energy star efficiency requirements developed by the United States Environmental Protection Agency and the United States Department of Energy; (ii) any fuel cell that (a) generates electricity using an electrochemical process, (b) has an electricity-only generation efficiency greater than 35 percent, and (c) has a generating capacity of at least two kilowatts; (iii) any gas heat pump that has a coefficient of performance of at least 1.25 for heating and at least 0.70 for cooling; (iv) any electric heat pump hot water heater that yields an energy factor of at least 1.7; (v) any electric heat pump that has a heating system performance factor of at least 8.0 and a cooling seasonal energy efficiency ratio of at least 13.0; (vi) any central air conditioner that has a cooling seasonal energy efficiency ratio of at least 13.5; (vii) any advanced gas or oil water heater that has an energy factor of at least 0.65; (viii) any advanced oil-fired boiler with a minimum annual fuel-utilization rating of 85; (ix) any advanced oil-fired furnace with a minimum annual fuel-utilization rating of 85; and (x) programmable thermostats.

13. For taxable years beginning on or after January 1, 2007, the lesser of \$5,000 or the amount actually paid by a living donor of an organ or other living tissue for unreimbursed out-of-pocket expenses directly related to the donation that arose within 12 months of such donation, provided the donor has not taken a medical deduction in accordance with the provisions of § 213 of the Internal Revenue Code for such expenses. The deduction may be taken in the taxable year in which the donation is made or the taxable year in which the 12-month period expires.

14. For taxable years beginning on or after January 1, 2013, the amount an individual age 66 or older with earned income of at least \$20,000 for the year and federal adjusted gross income not in excess of \$30,000 for the year pays annually in premiums for (i) a prepaid funeral insurance policy covering the individual or (ii) medical or dental insurance for any person for whom individual tax filers may claim a deduction for such premiums under federal income tax laws. "Earned income" means the same as that term is defined in § 32(c) of the Internal Revenue Code of 1954, as amended or renumbered. The deduction shall not be allowed for any portion of such premiums paid for which the individual has (a) been reimbursed, (b) claimed a deduction for federal income tax purposes, (c) claimed a deduction or subtraction under another provision of this section, or (d) claimed a federal income tax credit or any income tax credit pursuant to this chapter.

E. There shall be added to or subtracted from federal adjusted gross income, as the case may be, the individual's share, as beneficiary of an estate or trust, of the Virginia fiduciary adjustment determined under § 58.1-361.

F. There shall be added or subtracted, as the case may be, the amounts provided in § 58.1-315 as transitional modifications.

G. Effective for all taxable years beginning on or after January 1, 2007, to the extent included in federal adjusted gross income, there shall be (i) subtracted from federal adjusted gross income by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the shareholder's allocable share of the income or gain of such electing small business corporation (S corporation), and (ii) added back to federal adjusted gross income such that, federal adjusted gross income shall be increased, by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the shareholder's allocable share of the losses or deductions of such electing small business corporation (S corporation).

Effective for all taxable years beginning on or after January 1, 2007, to the extent excluded from federal adjusted gross income, there shall be added to federal adjusted gross income by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the value of any distribution paid or distributed to the shareholder by such electing small business corporation (S corporation).

H. Notwithstanding any other provision of law, the income from any disposition of real property which is held by the taxpayer for sale to customers in the ordinary course of the taxpayer's trade or business, as defined in § 453(l)(1)(B) of the Internal Revenue Code, of property made on or after January 1, 2009, may, at the election of the taxpayer, be recognized under the installment method described under § 453 of the Internal Revenue Code, provided that (i) the election relating to the dealer disposition of the property has been made on or before the due date prescribed by law (including extensions) for filing the taxpayer's return of the tax imposed under this chapter for the taxable year in which the disposition occurs, and (ii) the dealer disposition is in accordance with restrictions or conditions established by the Department, which shall be set forth in guidelines developed by the Department. Along with such restrictions or conditions, the guidelines shall also address the recapture of such income under certain circumstances. The development of the guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

CHAPTER 730

An Act to amend and reenact § 58.1-439.12:03 of the Code of Virginia, relating to income tax; motion picture production credit.

[H 460]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 58.1-439.12:03 of the Code of Virginia is amended and reenacted as follows:****§ 58.1-439.12:03. Motion picture production tax credit.**

A. For taxable years beginning on and after January 1, 2011, *but prior to January 1, 2019*, any motion picture production company with qualifying expenses of at least \$250,000 with respect to a motion picture production filmed in Virginia shall be allowed a refundable credit against the taxes imposed by § 58.1-320 or 58.1-400 in an amount equal to 15 percent of the production company's qualifying expenses or 20 percent of such expenses if the production is filmed in an economically distressed area of the Commonwealth. The Virginia Economic Development Partnership Authority shall designate which areas of the Commonwealth are deemed to be economically distressed areas. The credit shall be computed based on all of the taxpayer's qualifying expenses incurred with respect to the production, not just the qualifying expenses incurred during the taxable year. The refundable tax credits allowed under this section are for one tax year only. Where a motion picture production continues for more than one year, a separate application for each tax year the production continues must be made. The grant of a refundable tax credit for a motion picture film production does not create a presumption that the production will receive a refundable tax credit for subsequent tax years. Effective on January 1, 2013, for purposes of eligibility for refundable tax credits, a motion picture film production shall include digital interactive media production.

"Qualifying expenses" means the sum of the following amounts spent in the Commonwealth by a production company in connection with the production of a motion picture filmed in the Commonwealth:

1. Goods and services leased or purchased. For goods with a purchase price of \$25,000 or more, the amount included in qualifying expenses is the purchase price less the fair market value of the good at the time the production is completed.

2. Compensation and wages, except in the case of each individual who directly or indirectly receives compensation in excess of \$1 million for personal services with respect to a single production. In such a case, only the first \$1 million of salary shall be considered a qualifying expense. An individual is deemed to receive compensation indirectly when a production company pays a personal service company or an employee leasing company that pays the individual.

B. 1. In addition to the refundable credit authorized under subsection A, such production company shall be allowed an additional refundable credit equal to 10 percent of the total aggregate payroll for Virginia residents employed in connection with the production of a film in the Commonwealth when total production costs in the Commonwealth are at least \$250,000 but not more than \$1 million. This additional credit shall be equal to 20 percent of the total aggregate payroll for Virginia residents employed in connection with such production when total production costs in the Commonwealth exceed \$1 million.

2. In addition to the credits authorized under subsection A and subdivision B 1, such production company shall be allowed an additional refundable credit equal to 10 percent of the total aggregate payroll for Virginia residents employed for the first time as actors or members of a production crew in connection with the production of a film in the Commonwealth.

C. 1. For purposes of this section, in the case of an episodic television series, an entire season of episodes shall be deemed to be one production.

2. No credit shall be allowed under this section for any production that (i) is political advertising, (ii) is a television production of a news program or live sporting event, (iii) contains obscene material, or (iv) is a reality television production.

D. 1. The issuance of refundable tax credits under this section shall be in accordance with procedures, qualifying criteria, and deadlines established by the Department and the Virginia Film Office. The qualifying criteria established by the Virginia Film Office shall take into account whether the production involves physical production within the Commonwealth of Virginia, the number of residents of Virginia that will be employed in the production and the level of compensation they will be paid, the extent to which the production will contribute to the support and expansion of existing production companies in Virginia, the extent to which the production will impact existing local businesses and the local economy, the extent to which the production will involve existing and new companies located in Virginia, and other relevant considerations. The taxpayer shall apply for a credit by submitting such forms as prescribed by the Virginia Film Office, prior to the start of production in Virginia.

2. Any taxpayer seeking credits under this section must enter into a memorandum of understanding with the Virginia Film Office that at a minimum provides the requirements that the taxpayer must meet in order to receive the credits, including but not limited to the estimated amount of money to be spent in Virginia, the timeline for completing production in Virginia, and the maximum amount of credits allocated to the taxpayer.

3. Once the taxpayer has satisfied all of the requirements in the memorandum of understanding to the satisfaction of the Virginia Film Office and completed production in Virginia, the taxpayer may claim the applicable amount of credits up to the amount that has been allocated by the Virginia Film Office on a return filed for the taxable year in which the Virginia

production activities are completed. The return must state the name of the production, provide a description of the production, and include a detailed accounting of the qualifying expenses with respect to which a credit is claimed.

E. A taxpayer allowed a credit under this section must maintain and make available for inspection any information or records required by the Tax Commissioner. The taxpayer has the burden of proving eligibility for a credit and the amount of the credit. The Tax Commissioner shall consult with the Virginia Film Office in order to determine the amount of qualifying expenses.

F. For purposes of this section, the amount of any credit attributable to a partnership, electing small business corporation (S corporation), or limited liability company may be allocated to the individual partners, shareholders, or members, respectively, in proportion to their ownership or interest in such business entities.

G. The total amount of credits allocated to all taxpayers under this section shall not exceed \$2.5 million in the 2010-2012 biennium, *\$5 million in the 2012-2014 biennium*, and ~~\$\$~~ \$6.5 million ~~in any biennium~~ in fiscal year 2015 and each fiscal year thereafter.

H. The Department of Taxation, in consultation with the Virginia Film Office, must publish by November 1 of each year for the 12-month period ending the preceding December 31 the following information:

1. Location of sites used in a production for which a credit was claimed;
2. Qualifying expenses for which a credit was claimed, classified by whether the expenses were for goods, services, or compensation paid by the production company;
3. Number of people employed in the Commonwealth with respect to credits claimed; and
4. Total cost to the Commonwealth's general fund of the credits claimed.

Notwithstanding any provision of § 58.1-3 or any other law, such information shall be published by the Department, even if such information is not classified, so as to prevent the identification of particular taxpayers, reports, or returns and items.

I. The Tax Commissioner shall develop guidelines implementing the provisions of this section, including but not limited to the definition of "qualifying expenses" and setting forth the recordkeeping requirements applicable to production companies claiming this credit. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

CHAPTER 731

An Act to amend and reenact § 15.2-905 of the Code of Virginia, relating to inoperable motor vehicles.

[H 701]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-905 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-905. Authority to restrict keeping of inoperable motor vehicles, etc., on residential or commercial property; removal of such vehicles.

A. The governing bodies of the Counties of Albemarle, Arlington, Fairfax, Henrico, Loudoun, *Prince George*, and Prince William; any town located, wholly or partly, in such counties; and the Cities of Alexandria, Fairfax, Falls Church, Hampton, *Hopewell*, Lynchburg, Manassas, Manassas Park, Newport News, Petersburg, Portsmouth, Roanoke, and Suffolk may by ordinance prohibit any person from keeping, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned or used for residential purposes, or on any property zoned for commercial or agricultural purposes, any motor vehicle, trailer or semitrailer, as such are defined in § 46.2-100, which is inoperable.

The locality in addition may by ordinance limit the number of inoperable motor vehicles that any person may keep outside of a fully enclosed building or structure.

As used in this section, notwithstanding any other provision of law, general or special, "shielded or screened from view" means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located.

As used in this section, an "inoperable motor vehicle" means any motor vehicle, trailer or semitrailer which is not in operating condition; or does not display valid license plates; or does not display an inspection decal that is valid or does display an inspection decal that has been expired for more than 60 days. The provisions of this section shall not apply to a licensed business that is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

B. The locality may, by ordinance, further provide that the owners of property zoned or used for residential purposes, or zoned for commercial or agricultural purposes, shall, at such time or times as the governing body may prescribe, remove therefrom any inoperable motor vehicle that is not kept within a fully enclosed building or structure. The locality may remove the inoperable motor vehicle, whenever the owner of the premises, after reasonable notice, has failed to do so. Notwithstanding the other provisions of this subsection, if the owner of such vehicle can demonstrate that he is actively restoring or repairing the vehicle, and if it is shielded or screened from view, the vehicle and one additional inoperative motor vehicle that is shielded or screened from view and being used for the restoration or repair may remain on the property.

In the event the locality removes the inoperable motor vehicle, after having given such reasonable notice, it may dispose of the vehicle after giving additional notice to the owner of the premises. The cost of the removal and disposal may be charged to either the owner of the inoperable vehicle or the owner of the premises and the cost may be collected by the locality as taxes are collected. Every cost authorized by this section with which the owner of the premises has been assessed shall constitute a lien against the property from which the inoperable vehicle was removed, the lien to continue until actual payment of the cost has been made to the locality.

CHAPTER 732

An Act to amend and reenact § 2.2-2279 of the Code of Virginia, relating to the Virginia Small Business Financing Authority; financing of energy projects and pollution control projects.

[H 864]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2279 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2279. Short title; definitions.

A. This article shall be known and may be cited as the "Virginia Small Business Financing Act."

B. As used in this article, unless the context requires a different meaning:

"Business enterprise" means any (i) industry for the manufacturing, processing, assembling, storing, warehousing, servicing, distributing, or selling of any products of agriculture, mining, or industry or professional services; (ii) commercial enterprise making sales or providing services to industries described in clause (i); (iii) enterprise for research and development, including but not limited to scientific laboratories; (iv) not-for-profit entity operating in the Commonwealth; (v) entity acquiring, constructing, improving, maintaining, or operating a qualified transportation facility under the Public-Private Transportation Act of 1995 (§ 56-556 et seq.); ~~or~~ (vi) *entity acquiring, constructing, improving, maintaining, or operating a qualified energy project; (vii) entity acquiring, constructing, improving, maintaining, or operating a qualified pollution control project; or (viii) other business as will be in furtherance of the public purposes of this article.*

"Cost," as applied to the eligible business, means the cost of construction; the cost of acquisition of all lands, structures, rights-of-way, franchises, easements and other property rights and interests; the cost of demolishing, removing, rehabilitating or relocating any buildings or structures on lands acquired, including the cost of acquiring any such lands to which such buildings or structures may be moved, rehabilitated or relocated; the cost of all labor, materials, machinery and equipment, financing charges, letter of credit or other credit enhancement fees, insurance premiums, interest on all bonds prior to and during construction or acquisition and, if deemed advisable by the Authority, for a period not exceeding one year after completion of such construction or acquisition, cost of engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and of revenues, commissions, guaranty fees, other expenses necessary or incident to determining the feasibility or practicality of constructing, financing or operating a project of an eligible business; administrative expenses, provisions for working capital, reserves for interest and for extensions, enlargements, additions, improvements and replacements, and such other expenses as may be necessary or incidental to the construction or acquisition of a project of an eligible business or the financing of such construction, acquisition or expansion and the placing of a project of an eligible business in operation. Any obligation or expense incurred by the Commonwealth or any agency thereof, with the approval of the Authority for studies, surveys, borings, preparation of plans and specifications or other work or materials in connection with the construction or acquisition of a project of an eligible business may be regarded as a part of the cost of a project of an eligible business and may be reimbursed to the Commonwealth or any agency thereof out of the proceeds of the bonds issued therefor.

"Eligible business" means any person engaged in one or more business enterprises in the Commonwealth that satisfies one or more of the following requirements: (i) is a for-profit enterprise that (a) has received \$10 million or less in annual gross income under generally accepted accounting principles for each of its last three fiscal years or lesser time period if it has been in existence less than three years, (b) has fewer than 250 employees, (c) has a net worth of \$2 million or less, (d) exists for the sole purpose of developing or operating a qualified transportation facility under the Public-Private Transportation Act of 1995 (§ 56-556 et seq.), ~~or~~ (e) *exists for the primary purpose of developing or operating a qualified energy project, (f) is required by state or federal law to develop or operate a qualified pollution control project, or (g) meets such other satisfactory requirements as the Board shall determine from time to time if it finds and determines such person is in need of its assistance or (ii) is a not-for-profit entity granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and operating in the Commonwealth.*

"Federal Act" means the Small Business Investment Act of 1958, 15 U.S.C. § 661 et seq., as amended from time to time.

"Indenture" means any trust agreement, deed of trust, mortgage or other security agreement under which bonds authorized pursuant to this article shall be issued or secured.

"Internal Revenue Code" means the federal Internal Revenue Code of 1986, as amended.

"Lender" means any federal- or state-chartered bank, federal land bank, production credit association, bank for cooperatives, federal- or state-chartered savings institution, building and loan association, small business investment

company or any other financial institution qualified within the Commonwealth to originate and service loans, including but not limited to insurance companies, credit unions, investment banking or brokerage companies and mortgage loan companies.

"Loan" means any lease, loan agreement or sales contract as hereinafter defined:

(i) "Lease" means any lease containing an option to purchase the project or projects of the eligible business being financed for a nominal sum upon payment in full, or provision thereof, of all bonds issued in connection with the eligible business and all interest thereon and principal of and premium, if any, thereon and all other expenses in connection therewith.

(ii) "Loan agreement" means an agreement providing for a loan of proceeds from the sale and issuance of bonds by the Authority or by a lender with which the Authority has contracted to loan such proceeds to one or more contracting parties to be used to pay the cost of one or more projects of an eligible business and providing for the repayment of such loan including but not limited to all interest thereon, and principal of and premium, if any, thereon and all other expenses in connection therewith, by such contracting party or parties and which may provide for such loans to be secured or evidenced by one or more notes, debentures, bonds or other secured or unsecured debt obligations of such contracting party or parties, delivered to the Authority or to a trustee under an indenture pursuant to which the bonds were issued.

(iii) "Sales contract" means a contract providing for the sale of one or more projects of an eligible business to one or more contracting parties and includes but is not limited to a contract providing for payment of the purchase price including but not limited to all interest thereon, and principal of and premium, if any, thereon and all other expenses in connection therewith, in one or more installments. If the sales contract permits title to a project being sold to an eligible business to pass to such contracting party or parties prior to payment in full of the entire purchase price, it also shall provide for such contracting party or parties to deliver to the Authority or to the trustee under the indenture pursuant to which the bonds were issued, one or more notes, debentures, bonds or other secured or unsecured debt obligations of such contracting party or parties providing for timely payments of the purchase price thereof.

"Municipality" means any county or incorporated city or town in the Commonwealth.

"Preferred lender" means a bank that is subject to continuing supervision and examination by state or federal chartering, licensing, or similar regulatory authority satisfactory to the Authority and that meets the eligibility requirements established by the Authority.

"Qualified energy project" means a solar-powered or wind-powered electricity generation facility located in the Commonwealth on premises owned or leased by an eligible customer-generator, as defined in § 56-594, the electricity generated from which is sold exclusively to the eligible customer-generator under a power purchase agreement used to provide third party financing of the costs of such a renewable generation facility (third party power purchase agreement) pursuant to a pilot program established under Chapter 382 of the Acts of Assembly of 2013.

"Qualified pollution control project" means environmental pollution control and prevention equipment certified by the business enterprise or eligible business as being needed to comply with the federal Clean Air Act (42 U.S.C. § 7401 et seq.), the federal Clean Water Act (33 U.S.C. § 1251 et seq.), or the Resource Conservation and Recovery Act (42 U.S.C. § 6901 et seq.).

"Revenues" means any and all fees, rates, rentals, profits and receipts collected by, payable to, or otherwise derived by, the Authority, and all other moneys and income of whatsoever kind or character collected by, payable to, or otherwise derived by, the Authority in connection with loans to any eligible business in furtherance of the purposes of this article.

"Statewide Development Company" means the corporation chartered under this article for purposes of qualification as a state development company as such term is defined in the Federal Act.

CHAPTER 733

An Act to amend the Code of Virginia by adding in Article 15 of Chapter 1 of Title 33.1 a section numbered 33.1-223.2:30, relating to notice from the Department of Transportation to certain property owners.

[H 904]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 15 of Chapter 1 of Title 33.1 a section numbered 33.1-223.2:30 as follows:

§ 33.1-223.2:30. Notice to be provided to property owners of pending transportation projects.

At least 30 days prior to any public hearing regarding a transportation project valued in excess of \$100 million, the Department of Transportation shall send notification of the date, time, and place of the public hearing, by regular mail, to all owners of property within and adjacent to such project study corridor.

CHAPTER 734

An Act to amend and reenact §§ 40.1-28.9, 40.1-118 through 40.1-122, 40.1-124, 40.1-125, 54.1-1131, and 58.1-439.6 of the Code of Virginia, relating to voluntary apprenticeships.

[H 1008]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 40.1-28.9, 40.1-118 through 40.1-122, 40.1-124, 40.1-125, 54.1-1131, and 58.1-439.6 of the Code of Virginia are amended and reenacted as follows:

§ 40.1-28.9. Definition of terms.

As used in this article:

A. "Employer" includes any individual, partnership, association, corporation, business trust, or any person or groups of persons acting directly or indirectly in the interest of an employer in relation to an employee;

B. "Employee" includes any individual employed by an employer, except the following:

1. Any person employed as a farm laborer or farm employee;

2. Any person employed in domestic service or in or about a private home or in an eleemosynary institution primarily supported by public funds;

3. Any person engaged in the activities of an educational, charitable, religious or nonprofit organization where the relationship of employer-employee does not, in fact, exist, or where the services rendered to such organizations are on a voluntary basis;

4. Newsboys, shoe-shine boys, caddies on golf courses, babysitters, ushers, doormen, concession attendants and cashiers in theaters;

5. Traveling salesmen or outside salesmen working on a commission basis; taxicab drivers and operators;

6. Any person under the age of 18 in the employ of his father, mother or legal guardian;

7. Any person confined in any penal or corrective institution of the State or any of its political subdivisions or admitted to a state hospital or training center operated by the Department of Behavioral Health and Developmental Services;

8. Any person employed by a boys' and/or girls' summer camp;

9. Any person under the age of 16, regardless of by whom employed;

10. Any person who normally works and is paid based on the amount of work done;

11. (Reserved);

12. Any person whose employment is covered by the Fair Labor Standards Act of 1938 as amended;

13. Any person whose earning capacity is impaired by physical deficiency, mental illness, or intellectual disability;

14. Students and apprentices participating in a bona fide educational or apprenticeship program;

15. Any person employed by an employer who does not have four or more persons employed at any one time; provided that husbands, wives, sons, daughters and parents of the employer shall not be counted in determining the number of persons employed;

16. Any person who is less than 18 years of age and who is currently enrolled on a full-time basis in any secondary school, institution of higher education or trade school, provided the person is not employed more than 20 hours per week;

16A. Any person of any age who is currently enrolled on a full-time basis in any secondary school, institution of higher education or trade school and is in a work-study program or its equivalent at the institution at which he or she is enrolled as a student;

17. Any person who is less than 18 years of age and who is under the jurisdiction and direction of a juvenile and domestic relations district court.

C. "Wages" means legal tender of the United States or checks or drafts on banks negotiable into cash on demand or upon acceptance at full value; provided, wages may include the reasonable cost to the employer of furnishing meals and for lodging to an employee, if such board or lodging is customarily furnished by the employer, and used by the employee.

D. In determining the wage of a tipped employee, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, except in the case of an employee who establishes by clear and convincing evidence that the actual amount of tips received by him was less than the amount determined by the employer. In such case, the amount paid such employee by his employer shall be deemed to have been increased by such lesser amount.

§ 40.1-118. Authority of Council.

The Council may:

1. Determine standards for apprentice agreements, which standards shall not be lower than those prescribed by this chapter;

2. Appoint the secretary of the Apprenticeship Council to act as secretary of each state joint apprenticeship committee;

3. ~~Approve, if in their opinion approval is for the best interest of the apprentice, any apprentice agreement which meets the standards established under this chapter;~~

4. ~~Terminate or cancel any apprentice agreement in accordance with the provisions of such agreement;~~

5. ~~Keep a record of apprentice agreements and their disposition;~~

~~6. Issue certificates of journeymanship upon the completion of the apprenticeship;~~
~~7. Perform such other duties as are necessary to carry out the intent of this chapter;~~
 8. Review decisions of local and state joint apprenticeship committees adjusting relating to apprenticeship disputes pursuant to *subdivision C 3 of § 40.1-119 C 3*;

~~9. Initiate deregistration proceedings when the apprenticeship program is not conducted, operated and administered in accordance with the registered provisions except that deregistration proceedings for violation of equal opportunity requirements shall be processed in accordance with the provisions of the Virginia State Plan for Equal Employment Opportunity in Apprenticeship;~~

4. Perform such other duties as are necessary to carry out the intent of this chapter; and

~~10-~~ 5. Advise the State Board for Community Colleges on policies to coordinate apprenticeship-related instruction delivered by state and local public education agencies.

§ 40.1-119. Local and state joint apprenticeship committees.

A. A local joint apprenticeship committee may be ~~appointed~~ established in any trade or group of trades in a city or trade area; ~~by the Apprenticeship Council~~; whenever the apprentice training needs of such trade or group of trades justify such establishment. Sponsors not signatory to a bargaining agreement may operate an individual apprenticeship program or, at the option and under guidelines prescribed by a joint committee, participate in an apprenticeship program operated by a joint apprenticeship committee.

B. When two or more local joint apprenticeship committees have been established in the state for a trade or group of trades or at the request of any trade or group of trades, ~~the Apprenticeship Council may appoint~~ a state apprenticeship committee *may be established* for such trade or group of trades. Such local and state joint apprenticeship committees shall be composed of an equal number of employer and employee representatives chosen from names submitted by the respective employer and employee organizations in such trade or group of trades. In a trade or group of trades in which there is no bona fide employer or employee organization, the committee shall be appointed from persons known to represent the interests of employers and of employees respectively.

C. The functions of a local joint apprenticeship committee shall be:

1. To cooperate with school authorities in regard to the education of apprentices;
2. In accordance with standards established by the Apprenticeship Council, to establish local standards of apprenticeship regarding schedule of operations, application of wage rates, working conditions for apprentices, and the number of apprentices which shall be employed locally in the trade; and
3. To adjust apprenticeship disputes.

D. The functions of a state trade apprenticeship committee shall be to assist in an advisory capacity in the development of statewide standards of apprenticeship and in the development of local standards and local committees.

§ 40.1-120. Definitions.

As used in this chapter, the following terms shall have the following meanings unless the context indicates otherwise:

"Apprenticeable occupation" means a skilled ~~trade occupation~~ having the following characteristics:

1. It is customarily learned in a practical way through a structured systematic program of on-the-job supervised work experience;
2. It is clearly identifiable and recognized throughout an industry;
3. It involves manual, mechanical or technical skills which require a minimum of 2,000 hours of on-the-job work experience of new apprenticeable trades not otherwise established; and
4. It requires related instruction to supplement the on-the-job work experience.

"Apprentice" means a person at least ~~sixteen~~ 16 years of age who is covered by a written agreement with an employer and approved by the ~~Apprenticeship Council~~ Commissioner. The agreement shall provide for not less than 2,000 hours of reasonably continuous employment in ~~new apprenticeable trades not otherwise established~~ for such person, for his participation in an approved schedule of work experience through employment, and for the amount of related instruction required in the ~~craft or trade occupation~~.

"Employer" means any person or organization employing a registered apprentice ~~who is, whether or not such person or organization is a party to an apprenticeship agreement with a sponsor.~~

"Joint apprenticeship committee" means a group equally representative of management and labor representatives which works under a bargaining agreement and is established to carry out the administration of an apprenticeship training program.

"Sponsor" means either an individual employer, a group of employers, or an association or organization operating an apprenticeship program, and in whose name the program is registered.

§ 40.1-121. Requisites of apprentice agreement.

Every apprentice agreement entered into under this chapter shall contain:

1. The names, signatures, and addresses of the contracting parties;
2. The date of birth of the apprentice;
3. *The contact information of the Program Sponsor and the Division of Registered Apprenticeship;*
4. A statement of the ~~trade, craft, occupation~~ or business ~~which~~ that the apprentice is to be taught; and the time at which the apprenticeship will begin and end;

4- 5. A statement showing the number of hours to be spent by the apprentice in work and the number of hours to be spent in related or supplemental instruction;

5- 6. A statement setting forth a schedule of the processes in the ~~trade~~ occupation or industry division in which the apprentice is to be taught and the approximate time to be spent at each process;

6- 7. A statement of the graduated scale of wages to be paid the apprentice and whether the required ~~schooltime~~ related instruction shall be compensated;

7- 8. A statement providing for a period of probation of not less than 500 hours of employment and instruction extending over not less than four months, during which time the apprentice agreement shall be terminated by the ~~Council~~ Commissioner at the request in writing of either party, and providing that after such probationary period the apprentice agreement may be terminated by the ~~Council~~ Commissioner by mutual agreement of all parties thereto, or cancelled by the ~~Council~~ Commissioner for good and sufficient reason;

9. A reference incorporating as part of the agreement the standards of the apprenticeship program as they exist on the date of the agreement and as they may be amended during the period of the agreement;

10. A statement that the apprentice will be accorded equal opportunity in all phases of apprenticeship employment and training without discrimination on the basis of race, color, religion, national origin, or sex;

11. Contact information, including name, address, phone number, and email if appropriate, of the appropriate authority designated under the program to receive, process, and make disposition of controversies or differences arising out of the apprenticeship agreement when the controversies or differences cannot be adjusted locally or resolved in accordance with the established procedure or applicable collective bargaining provisions;

8- 12. A provision that an employer who is unable to fulfill his obligation under the apprentice agreement may, with the approval of the ~~Council~~ Commissioner, transfer such contract to any other employer if (i) the apprentice consents, (ii) such other employer agrees to assume the obligations of the apprentice agreement, and (iii) the transfer is reported to the registration agency within ~~thirty~~ 30 days of the transfer; and

9- 13. Such additional terms and conditions as may be prescribed or approved by the ~~Council~~ Commissioner not inconsistent with the provisions of this chapter.

§ 40.1-122. Approval of agreement by Commissioner; signing.

No apprentice agreement under this chapter shall be effective until approved by the ~~Council~~ Commissioner. Every apprentice agreement shall be signed by the employer, or by an association of employers or an organization of employees as provided in § 40.1-124, and by the apprentice, and, if the apprentice is a minor, by the minor's father or mother, provided, that if both father and mother be dead or legally incapable of giving consent or have abandoned their children, then by the guardian of the minor.

§ 40.1-124. Agreement signed by organization of employers or of employees.

For the purpose of providing greater diversity of training or continuity of employment, any apprentice agreement made under this chapter may in the discretion of the ~~Council~~ Commissioner be signed by an association of employers or an organization of employees instead of by an individual employer. In such a case the apprentice agreement shall expressly provide that the association of employers or organization of employees does not assume the obligation of an employer but agrees to use its best endeavors to procure employment and training for such apprentice with one or more employers who will accept full responsibility, as herein provided, for all the terms and conditions of employment and training set forth in the agreement between the apprentice and employer association or employee organization during the period of each such employment. The apprentice agreement in such a case shall also expressly provide for the transfer of the apprentice, subject to the approval of the ~~Council~~ Commissioner, to such employer or employers as shall sign a written agreement with the apprentice, and if the apprentice is a minor with his parent or guardian, as specified in § 40.1-122, contracting to employ the apprentice for the whole or a definite part of the total period of apprenticeship under the terms and conditions of employment and training set forth in the agreement entered into between the apprentice and the employer association or employee organization.

§ 40.1-125. Commissioner to administer chapter.

A. The Commissioner, with the advice and guidance of the Council, shall be responsible for administering the provisions of this chapter.

B. The Commissioner shall:

1. Approve, if approval is in the best interests of the apprentice, any apprenticeship agreement that meets the standards established under this chapter;

2. Terminate or cancel any apprenticeship agreement in accordance with the provisions of such agreement;

3. Keep a record of apprenticeship agreements and their disposition;

4. Issue certificates of completion upon the completion of the apprenticeship;

5. Initiate deregistration proceedings when an apprenticeship program is not conducted, operated, and administered in accordance with the registered provisions, except that deregistration proceedings for violation of equal opportunity requirements shall be processed in accordance with the provisions of the Virginia State Plan for Equal Employment Opportunity in Apprenticeship; and

6. Perform such other duties as are necessary to carry out the intent of this chapter.

§ 54.1-1131. Exemptions.

A. An individual certified or licensed by any one of the following agencies shall not be required to fulfill the examination requirement specified in § 54.1-1130 for a tradesman license:

1. The Board of Housing and Community Development prior to July 1, 1995.
2. Any local governing body prior to July 1, 1978.
3. An apprenticeship program which is approved by the ~~Virginia Apprenticeship Council~~ *Commissioner of Labor and Industry*.

Individuals applying for a tradesman license between July 1, 1995, and July 1, 1998, shall be deemed to have fulfilled the examination requirement if they are able to demonstrate that they have the required number of years of discipline-free experience set forth in Board regulations.

B. Upon satisfactory evidence to the Board, the following individuals shall not be required to fulfill the examination requirement specified in § 54.1-1130 to be certified as a backflow prevention device worker or licensed as a liquefied petroleum gas fitter:

1. Individuals approved, or recognized as having expertise, by a local governing body prior to July 1, 1998, to perform backflow prevention device work;
2. Individuals applying for certification as a backflow prevention device worker between July 1, 1998 and July 1, 1999, who are able to demonstrate that they have the required number of years of discipline-free experience and education or training set forth in Board regulations; or
3. Individuals applying for licensure as a liquefied petroleum gas fitter within one year of the effective date of the Board's final regulations, who are able to demonstrate that they have at least five years' experience as a liquefied petroleum gas fitter.

C. The provisions of this article shall not apply to any individual who is performing work on (i) any ship, boat, barge or other floating vessel or (ii) a single-family residence where the value of the work performed is less than \$250 and such individual does not hold himself out to the general public as a tradesman.

D. Individuals applying for a natural gas fitter provider license within one year of the effective date of the Board's final regulations, shall be deemed to have fulfilled the examination requirement if they are able to demonstrate that they have five years' prior experience as a natural gas fitter provider.

E. Individuals applying for a natural gas fitter provider license between July 1, 1999 and July 1, 2004, shall be deemed to have fulfilled the examination requirement if they are able to demonstrate that they have at least five years' experience in an apprenticeship capacity under the direct supervision of a gas fitter.

F. Individuals applying for licensure as a liquefied petroleum gas fitter between July 1, 2000 and July 1, 2005, shall be deemed to have fulfilled the examination requirements if they are able to demonstrate that they have at least five years' experience in an apprenticeship capacity under the direct supervision of a gas fitter.

§ 58.1-439.6. Worker retraining tax credit.

A. As used in this section, unless the context clearly requires otherwise:

"Eligible worker retraining" means retraining of a qualified employee that promotes economic development in the form of (i) noncredit courses at any of the Commonwealth's community colleges or a private school or (ii) worker retraining programs undertaken through an apprenticeship agreement approved by the ~~Virginia Apprenticeship Council~~ *Commissioner of Labor and Industry*.

"Qualified employee" means an employee of an employer eligible for a credit under this section in a full-time position requiring a minimum of 1,680 hours in the entire normal year of the employer's operations if the standard fringe benefits are paid by the employer for the employee. Employees in seasonal or temporary positions shall not qualify as qualified employees. A qualified employee (i) shall not be a relative of any owner or the employer claiming the credit and (ii) shall not own, directly or indirectly, more than five percent in value of the outstanding stock of a corporation claiming the credit. As used herein, "relative" means a spouse, child, grandchild, parent or sibling of an owner or employer, and "owner" means, in the case of a corporation, any person who owns five percent or more of the corporation's stock.

"STEM or STEAM discipline" means a science, technology, engineering, mathematics, or applied mathematics related discipline as determined by the Department of Small Business and Supplier Diversity in consultation with the Superintendent of Public Instruction. The term shall include a health care-related discipline.

B. For taxable years beginning on and after January 1, 1999, but prior to January 1, 2018, an employer shall be allowed a credit against the taxes imposed by Articles 2 (§ 58.1-320 et seq.), 6 (§ 58.1-360 et seq.), and 10 (§ 58.1-400 et seq.) of Chapter 3; Chapter 12 (§ 58.1-1200 et seq.); Article 1 (§ 58.1-2500 et seq.) of Chapter 25; or Article 2 (§ 58.1-2620 et seq.) of Chapter 26 in an amount equal to 30 percent of all expenditures paid or incurred by the employer during the taxable year for eligible worker retraining. However, for taxable years beginning prior to January 1, 2013, if the eligible worker retraining consists of courses conducted at a private school, the credit shall be in an amount equal to the cost per qualified employee, but the amount of the credit shall not exceed \$100 per qualified employee annually. For taxable years beginning on or after January 1, 2013, if the eligible worker retraining consists of courses conducted at a private school, the credit shall be in an amount equal to the cost per qualified employee, but the amount of the credit shall not exceed \$200 per qualified employee annually, or \$300 per qualified employee annually if the eligible worker retraining includes retraining in a STEM or STEAM discipline including but not limited to industry-recognized credentials, certificates, and certifications. The total amount of tax credits granted to employers under this section for each fiscal year shall not exceed \$2,500,000.

C. For purposes of this section, the amount of any credit attributable to a partnership, electing small business corporation (S corporation), or limited liability company shall be allocated to the individual partners, shareholders, or members, respectively, in proportion to their ownership or interest in such business entities.

D. An employer shall be entitled to the credit granted under this section only for those courses at a community college or a private school which courses have been certified as eligible worker retraining to the Department of Taxation by the Department of Small Business and Supplier Diversity. The Tax Commissioner shall promulgate regulations, in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), (i) establishing procedures for claiming the credit provided by this section, (ii) defining eligible worker retraining, which shall include only those courses and programs that are substantially related to the duties of a qualified employee or that enhance the qualified employee's job-related skills, and that promote economic development, and (iii) providing for the allocation of credits among employers requesting credits in the event that the amount of credits for which requests are made exceeds the available amount of credits in any year. The Department of Small Business and Supplier Diversity shall review requests for certification submitted by employers and shall advise the Tax Commissioner whether a course or program qualifies as eligible worker retraining and, if it qualifies, whether the course or program is in a STEM or STEAM discipline.

E. Any credit not usable for the taxable year may be carried over for the next three taxable years. The amount of credit allowed pursuant to this section shall not exceed the tax imposed for such taxable year. No credit shall be carried back to a preceding taxable year. If an employer that is subject to the tax limitation imposed pursuant to this subsection is allowed another credit pursuant to any other section of this Code, or has a credit carryover from a preceding taxable year, such employer shall be considered to have first utilized any credit allowed which does not have a carryover provision, and then any credit which is carried forward from a preceding taxable year, prior to the utilization of any credit allowed pursuant to this section.

F. No employer shall be eligible to claim a credit under this section for worker retraining undertaken by any program operated, administered, or paid for by the Commonwealth.

G. The Director of the Department of Small Business and Supplier Diversity shall report annually to the chairmen of the House Finance and Senate Finance Committees on the status and implementation of the credit established by this section, including certifications for eligible worker retraining.

CHAPTER 735

An Act to amend and reenact § 15.2-5204 of the Code of Virginia, relating to health center commissions; members.

[H 1093]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-5204 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-5204. Members of commission; quorum; compensation; expenses; removal and vacancies.

A. A hospital or health center commission shall consist of the following number of members based upon the number of political subdivisions participating: for one political subdivision, five members; for two, six members; for three, six members; for four, eight members; and for more than four, one member for each of the participating subdivisions. The respective members shall be appointed by the governing bodies of the subdivisions they represent, may be members of such governing bodies, may be residents of such subdivisions, and shall be appointed for such terms as the appointing body designates. A member shall hold office until the earlier of the effective date of his resignation or the date on which his successor has been appointed and has qualified. Vacancies shall be filled for the unexpired term. The powers of the commission conferred by this chapter shall be vested in and exercised by the members in office. A majority of the members then in office shall constitute a quorum. The commission shall elect its own chairman and shall adopt rules and regulations for its own procedure and government. The commission members may receive up to \$50 for attendance at each commission meeting, not to exceed \$1,200 per year, and shall be paid their actual expenses incurred in the performance of their duties. Any commission member may be removed at any time by the governing body appointing him, and vacancies on the commission shall be filled for the unexpired terms.

B. In Chesterfield County, the number of commission members shall be seven and their terms may be staggered as the appointing body designates. *Such members shall not be removable at any time by the County's governing body except for malfeasance or at the end of the member's term.*

CHAPTER 736

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 24 of Title 15.2 a section numbered 15.2-2403.4, relating to community improvement districts.

[H 1210]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 24 of Title 15.2 a section numbered 15.2-2403.4 as follows:

§ 15.2-2403.4. Community improvement districts.

A. Any locality may by ordinance, or any two or more localities may by concurrent ordinances, create community improvement districts within the locality or localities by the method prescribed in § 15.2-2400. Any ordinance to create such a district shall include the words "Community Improvement District" in the name of the district. After adoption of an ordinance or ordinances creating a community improvement district, the governing body or bodies shall have all powers with respect to the community improvement district that they possess with respect to service districts.

B. To the extent the governing body of a locality contracts for the provision to a community improvement district of any of the governmental services authorized by subdivisions 1 and 2 of § 15.2-2403, such governing body shall contract with a nonprofit corporation, a majority of whose board members own property in the community improvement district, to provide such service.

CHAPTER 737

An Act to amend and reenact §§ 58.1-3660 and 58.1-3661 of the Code of Virginia, relating to certified pollution control equipment and facilities exempt from taxation; solar equipment.

[H 1239]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-3660 and 58.1-3661 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-3660. (Effective for tax years beginning on or after January 1, 2011) Certified pollution control equipment and facilities.

A. Certified pollution control equipment and facilities, as defined herein, are hereby declared to be a separate class of property and shall constitute a classification for local taxation separate from other such classification of real or personal property and such property. Certified pollution control equipment and facilities shall be exempt from state and local taxation pursuant to Article X, Section 6 (d) of the Constitution of Virginia.

B. As used in this section:

"Certified pollution control equipment and facilities" shall mean any property, including real or personal property, equipment, facilities, or devices, used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth and which the state certifying authority having jurisdiction with respect to such property has certified to the Department of Taxation as having been constructed, reconstructed, erected, or acquired in conformity with the state program or requirements for abatement or control of water or atmospheric pollution or contamination. Such property shall include, but is not limited to, any equipment used to grind, chip, or mulch trees, tree stumps, underbrush, and other vegetative cover for reuse as mulch, compost, landfill gas, synthetic or natural gas recovered from waste or other fuel, and equipment used in collecting, processing, and distributing, or generating electricity from, landfill gas or synthetic or natural gas recovered from waste, whether or not such property has been certified to the Department of Taxation by a state certifying authority. *Such property shall also include solar energy equipment, facilities, or devices owned or operated by a business that collect, generate, transfer, or store thermal or electric energy whether or not such property has been certified to the Department of Taxation by a state certifying authority. For solar photovoltaic (electric energy) systems, this exemption applies only to projects equaling 20 megawatts or less, as measured in alternating current (AC) generation capacity.* Such property shall not include the land on which such equipment or facilities are located.

"State certifying authority" shall mean the State Water Control Board, for water pollution; the State Air Pollution Control Board, for air pollution; the Department of Mines, Minerals and Energy, for coal, oil, and gas production, including gas, natural gas, and coalbed methane gas; and the Virginia Waste Management Board, for waste disposal facilities, natural gas recovered from waste facilities, and landfill gas production facilities, and shall include any interstate agency authorized to act in place of a certifying authority of the Commonwealth.

§ 58.1-3661. Certified solar energy equipment, facilities, or devices and certified recycling equipment, facilities, or devices.

A. Certified solar energy equipment, facilities, or devices and certified recycling equipment, facilities, or devices, as defined herein, are hereby declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of real or personal property. The governing body of any county, city or town may, by ordinance, exempt or partially exempt such property from local taxation in the manner provided by subsection D.

B. As used in this section:

"Certified recycling equipment, facilities, or devices" means machinery and equipment which is certified by the Department of ~~Waste Management~~ *Environmental Quality* as integral to the recycling process and for use primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth, and used in manufacturing facilities or plant units which manufacture, process, compound, or produce for sale recyclable items of tangible personal property at fixed locations in the Commonwealth.

"Certified solar energy equipment, facilities, or devices" means any property, including real or personal property, equipment, facilities, or devices, *excluding any such property that is exempt under § 58.1-3660*, certified by the local certifying authority to be designed and used primarily for the purpose of ~~providing for the collection and use of incident solar energy for water heating, space heating or cooling or other application which would otherwise require a conventional source of energy such as petroleum products, natural gas, or electricity~~ *collecting, generating, transferring, or storing thermal or electric energy.*

"Local certifying authority" means the local building departments or the Department of ~~Waste Management Environmental Quality~~. The State Board of Housing and Community Development shall promulgate regulations setting forth criteria for certifiable solar energy equipment. The Department of ~~Waste Management Environmental Quality~~ shall promulgate regulations establishing criteria for recycling equipment, facilities, or devices.

C. Any person residing in a county, city or town which has adopted an ordinance pursuant to subsection A may proceed to have solar energy equipment, facilities, or devices certified as exempt, wholly or partially, from taxation by applying to the local building department. If, after examination of such equipment, facility, or device, the local building department determines that the unit primarily performs any of the functions set forth in subsection B and conforms to the requirements set by regulations of the Board of Housing and Community Development, such department shall approve and certify such application. The local department shall forthwith transmit to the local assessing officer those applications properly approved and certified by the local building department as meeting all requirements qualifying such equipment, facility, or device for exemption from taxation. Any person aggrieved by a decision of the local building department may appeal such decision to the local board of building code appeals, which may affirm or reverse such decision.

D. Upon receipt of the certificate from the local building department or the Department of ~~Waste Management Environmental Quality~~, the local assessing officer shall, if such local ordinance is in effect, proceed to determine the value of such qualifying solar energy equipment, facilities, or devices or certified recycling equipment, facilities, or devices. The exemption provided by this section shall be determined by applying the local tax rate to the value of such equipment, facilities, or devices and subtracting such amount, wholly or partially, either (i) from the total real property tax due on the real property to which such equipment, facilities, or devices are attached or (ii) if such equipment, facilities, or devices are taxable as machinery and tools under § 58.1-3507, from the total machinery and tools tax due on such equipment, facilities, or devices, at the election of the taxpayer. This exemption shall be effective beginning in the next succeeding tax year, and shall be permitted for a term of not less than five years. In the event the locality assesses real estate pursuant to § 58.1-3292, the exemption shall be first effective when such real estate is first assessed, but not prior to the date of such application for exemption.

E. It shall be presumed for purposes of the administration of ordinances pursuant to this section, and for no other purposes, that the value of such qualifying solar energy equipment, facilities, and devices is not less than the normal cost of purchasing and installing such equipment, facilities, and devices.

2. That the provisions of this act shall be effective for tax years beginning on or after January 1, 2015.

CHAPTER 738

An Act to amend and reenact §§ 15.2-5922, 15.2-5923, 15.2-5925, 15.2-5926, and 15.2-5927 of the Code of Virginia and to amend and reenact the second and fifth enactments of Chapter 767 of the Acts of Assembly of 2013, relating to Virginia Beach arena.

[H 1267]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-5922, 15.2-5923, 15.2-5925, 15.2-5926, and 15.2-5927 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-5922. (Contingent expiration date) Powers.

In addition to all other powers it possesses, the City of Virginia Beach may:

1. Determine the locations of, develop, establish, construct, erect, acquire, own, repair, remodel, add to, extend, improve, equip, operate, regulate, and maintain facilities to the extent necessary to accomplish the purposes of this chapter;
2. Operate, enter into contracts for the *construction, development, maintenance, or* operation of, and regulate the use and operation of facilities developed under the provisions of this chapter;
3. Fix and revise from time to time and charge and collect rates, rents, fees, ticket surcharges, or other charges for the use of facilities or for services rendered in connection with the facilities;
4. *Dedicate the funds made available pursuant to this chapter for the construction, development, operation, or maintenance of the facilities;*
5. Issue bonds under this chapter; and
- ~~6.~~ Do all things necessary or convenient to carry out the powers granted by this chapter.

§ 15.2-5923. (Contingent expiration date) Public hearings; notice; reports.

A. At least 30 days before acquiring or entering into a lease involving a facility site and before entering into a construction contract involving a new facility or facility site, the City of Virginia Beach shall submit to the General

Assembly a detailed written report and findings of the City on the proposed acquisition, lease, or contract. The report and findings shall include a detailed plan of the method of funding and the economic benefits of the proposed acquisition, lease, or contract.

B. The State Treasurer shall be provided with copies of all documents relating to the proposed issuance of any bonds pursuant to § 15.2-5924 *or any contract that includes the dedication of those funds authorized by this chapter* sufficiently in advance of such bond issue *or execution of such contract* to conduct such reviews as the State Treasurer deems necessary. Such reviews shall be completed within 120 days after the date that the Treasurer is provided such documents. In the event that the Commonwealth is an obligated person determined to be material to an evaluation of the offering for which financial information will be included or referenced in the offering document in accordance with Securities and Exchange Commission Rule 15c 2-12 under the federal Securities Exchange Act of 1934, or in the event that in the opinion of the State Treasurer, with the concurrence of the Debt Capacity Advisory Committee established under Article 5 (§ 2.2-2712 et seq.) of Chapter 27 of Title 2.2, such bond issue *or contractual obligation* will be considered tax-supported debt of the Commonwealth or have an adverse impact on the debt capacity or the credit ratings of the Commonwealth, such bond issue *or contractual obligation* must be authorized by the General Assembly.

§ 15.2-5925. (Contingent expiration date) Arena Financing Fund; use.

A. ~~The~~ *If the City of Virginia Beach may, in its discretion, issues bonds pursuant to § 15.2-5924 for an arena as defined in § 15.2-5921 or enters into a contract for the construction, development, operation, or maintenance of a facility as defined in § 15.2-5921, then it shall create an Arena Financing Fund, hereafter referred to in this section as "the Fund." The City of Virginia Beach may use the Fund as a nonlapsing revolving fund for carrying out the provisions of this chapter.*

B. All of the following receipts of the City of Virginia Beach ~~may~~ *shall* be placed in the Fund: (i) proceeds from the sale of bonds; *issued pursuant to § 15.2-5924 and* (ii) revenues collected or received from any source under the provisions of this chapter; ~~and (iii). The City of Virginia Beach may also place any other revenues under the jurisdiction of the City of Virginia Beach in the Fund.~~

C. The City of Virginia Beach ~~may~~ *shall, subject to appropriation by City Council, pay expenses and make expenditures from the Fund. To the extent deemed appropriate by the City of Virginia Beach, the receipts of the Fund may be pledged to and charged with* *The revenues authorized under the provisions of this chapter shall only be used to support the payment of debt service on City of Virginia Beach bonds issued pursuant to § 15.2-5924 or to meet contractual obligations for the construction, development, operation, and maintenance of the facility, and all reasonable charges and expenses related to the City borrowing and the management of the City's obligations.*

§ 15.2-5926. (Contingent expiration date) Entitlement to tax revenues derived from the operation of a facility.

A. The City of Virginia Beach shall be entitled, subject to appropriation, to sales and use tax revenues defined in this chapter. The State Comptroller shall remit such tax revenues to the City of Virginia Beach on a quarterly basis, subject to such reasonable processing delays as may be required by the Department of Taxation. The State Comptroller shall make such remittances to the City of Virginia Beach, as provided herein, notwithstanding any provisions to the contrary in the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.). *The sales and use tax revenues defined in this chapter shall be used only for the payment of debt service or to meet contractual obligations for the construction, development, operation, and maintenance of the facility.*

B. The local governing body of the City of Virginia Beach may, by ordinance or resolution, fix and revise from time to time and charge and collect rates, rents, fees, ticket surcharges, or other charges for a facility and any temporary facility developed under the provisions of this chapter.

§ 15.2-5927. (Contingent expiration date) Tax revenues of the Commonwealth or any other political subdivision not pledged.

Nothing in this chapter shall be construed as authorizing the pledging of the faith and credit of the Commonwealth, or the faith and credit of any other political subdivision of the Commonwealth, for the payment of any bonds *or meeting the contractual obligations of the City of Virginia Beach*. No bonds issued pursuant to § 15.2-5924 *or contractual obligations of the City of Virginia Beach* shall pledge the full faith and credit of the Commonwealth nor shall such bonds *or contract* constitute a debt of the Commonwealth, and the bonds shall so state on their face. Bondholders *or parties to a contract* shall have no recourse whatsoever against the Commonwealth for the payment of principal, interest, *contractually obligated moneys*, or redemption premium, if any, on such bonds *or contracts*.

2. That the second and fifth enactments of Chapter 767 of the Acts of Assembly of 2013 are amended and reenacted as follows:

2. That the Tax Commissioner shall report to the Chairman of the Senate Finance Committee, Chairman of the House Finance Committee, and Chairman of the House Appropriations Committee, annually prior to July 1, the amount of the entitlement pursuant to § 15.2-5926 as added by this act, provided that the City of Virginia Beach has entered into the lease *or contract* described under the fifth enactment of this act.

5. That if prior to January 1, 2018, (i) the City of Virginia Beach has not executed a lease with a team as defined under § 15.2-5921 as added by this act that is a member of the National Hockey League or the National Basketball Association ~~or~~, (ii) the City of Virginia Beach or the City of Virginia Beach Development Authority has not issued bonds for an arena as defined under § 15.2-5921 for the purpose of holding conferences and entertainment events, *or* (iii) the City of Virginia Beach or the City of Virginia Beach Development Authority has not entered into a contract for the construction, development, operation, or maintenance of the facility, then the provisions of this act shall expire on

January 1, 2018. If prior to January 1, 2018, (a) the City of Virginia Beach has executed such a lease ~~or~~, (b) the City of Virginia Beach or the City of Virginia Beach Development Authority has issued bonds for an arena as defined under § 15.2-5921 for the purpose of holding conferences and entertainment events, or (c) the City of Virginia Beach or the City of Virginia Beach Development Authority has entered into a contract for the construction, development, operation, or maintenance of the facility, then the provisions of this act shall expire on the earliest of (1) the maturity date of any bonds that were first issued by the City of Virginia Beach or the City of Virginia Beach Development Authority for such arena, excluding any refunding or refinancing of such bonds first issued and excluding any bond anticipation notes issued, (2) the expiration of the City's or Authority's contractual obligations for the construction, development, operation, or maintenance of the facility, or ~~(2)~~ (3) July 1, 2043.

CHAPTER 739

An Act to amend and reenact § 19.2-169.1 of the Code of Virginia, relating to competency to stand trial; recommended treatment.

[S 357]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-169.1 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-169.1. Raising question of competency to stand trial or plead; evaluation and determination of competency.

A. Raising competency issue; appointment of evaluators. - If, at any time after the attorney for the defendant has been retained or appointed and before the end of trial, the court finds, upon hearing evidence or representations of counsel for the defendant or the attorney for the Commonwealth, that there is probable cause to believe that the defendant, whether a juvenile transferred pursuant to § 16.1-269.1 or adult, lacks substantial capacity to understand the proceedings against him or to assist his attorney in his own defense, the court shall order that a competency evaluation be performed by at least one psychiatrist or clinical psychologist who is qualified by training and experience in forensic evaluation.

B. Location of evaluation. - The evaluation shall be performed on an outpatient basis at a mental health facility or in jail unless the court specifically finds that outpatient evaluation services are unavailable or unless the results of outpatient evaluation indicate that hospitalization of the defendant for evaluation on competency is necessary. If the court finds that hospitalization is necessary, the court, under authority of this subsection, may order the defendant sent to a hospital designated by the Commissioner of Behavioral Health and Developmental Services as appropriate for evaluations of persons under criminal charge. The defendant shall be hospitalized for such time as the director of the hospital deems necessary to perform an adequate evaluation of the defendant's competency, but not to exceed 30 days from the date of admission to the hospital.

C. Provision of information to evaluators. - The court shall require the attorney for the Commonwealth to provide to the evaluators appointed under subsection A any information relevant to the evaluation, including, but not limited to (i) a copy of the warrant or indictment; (ii) the names and addresses of the attorney for the Commonwealth, the attorney for the defendant, and the judge ordering the evaluation; (iii) information about the alleged crime; and (iv) a summary of the reasons for the evaluation request. The court shall require the attorney for the defendant to provide any available psychiatric records and other information that is deemed relevant. The court shall require that information be provided to the evaluator within 96 hours of the issuance of the court order pursuant to this section.

D. The competency report. - Upon completion of the evaluation, the evaluators shall promptly submit a report in writing to the court and the attorneys of record concerning (i) the defendant's capacity to understand the proceedings against him; (ii) his ability to assist his attorney; and (iii) his need for treatment in the event he is found incompetent but restorable, or incompetent for the foreseeable future. *If a need for restoration treatment is identified pursuant to clause (iii), the report shall state whether inpatient or outpatient treatment is recommended.* No statements of the defendant relating to the time period of the alleged offense shall be included in the report.

E. The competency determination. - After receiving the report described in subsection D, the court shall promptly determine whether the defendant is competent to stand trial. A hearing on the defendant's competency is not required unless one is requested by the attorney for the Commonwealth or the attorney for the defendant, or unless the court has reasonable cause to believe the defendant will be hospitalized under § 19.2-169.2. If a hearing is held, the party alleging that the defendant is incompetent shall bear the burden of proving by a preponderance of the evidence the defendant's incompetency. The defendant shall have the right to notice of the hearing, the right to counsel at the hearing and the right to personally participate in and introduce evidence at the hearing.

The fact that the defendant claims to be unable to remember the time period surrounding the alleged offense shall not, by itself, bar a finding of competency if the defendant otherwise understands the charges against him and can assist in his defense. Nor shall the fact that the defendant is under the influence of medication bar a finding of competency if the defendant is able to understand the charges against him and assist in his defense while medicated.

CHAPTER 740

An Act to amend the Code of Virginia by adding a section numbered 40.1-27.2, relating to private employment; preference for veterans and spouses of certain veterans.

[S 516]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 40.1-27.2 as follows:

§ 40.1-27.2. Preference for veterans and spouses.

A. As used in this section, unless the context requires a different meaning:

"Disabled veteran" means a veteran who has been found by the U.S. Department of Veterans Affairs or by the retirement board of one of the several branches of the armed forces to have a compensable service-connected permanent and total disability.

"Veteran" has the same meaning ascribed to such term in § 2.2-2903.

B. An employer may grant preference in hiring and promotion to a veteran or the spouse of a disabled veteran.

C. Granting preference under subsection B does not violate any local or state equal employment opportunity law.

CHAPTER 741

An Act to amend and reenact § 33.1-23.1 of the Code of Virginia, relating to funding among highway systems.

[S 518]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 33.1-23.1 of the Code of Virginia is amended and reenacted as follows:

§ 33.1-23.1. Allocation of funds among highway systems.

A. The Commonwealth Transportation Board shall allocate each year from all funds made available for highway purposes such amount as it deems reasonable and necessary for the maintenance of roads within the interstate system of highways, the primary system of state highways, the secondary system of state highways and for city and town street maintenance payments made pursuant to § 33.1-41.1 and payments made to counties which have withdrawn or elect to withdraw from the secondary system of state highways pursuant to § 33.1-23.5:1.

B. After funds are set aside for administrative and general expenses and pursuant to other provisions in this title that provide for the disposition of funds prior to allocation for highway purposes, and after allocation is made pursuant to subsection A, the Commonwealth Transportation Board shall allocate an amount determined by the Board, not to exceed \$500 million in any given year, as follows: 25 percent to bridge reconstruction and rehabilitation; 25 percent to advancing high priority projects statewide; 25 percent to reconstructing deteriorated interstate ~~and~~ primary system, *and municipality maintained primary extension* pavements determined to have a Combined Condition Index of less than 60; 15 percent to projects undertaken pursuant to the Public-Private Transportation Act of 1995 (§ 56-556 et seq.); five percent to paving unpaved roads carrying more than ~~200~~ 50 vehicles per day; and five percent to smart roadway technology, provided that, at the discretion of the Commonwealth Transportation Board, such percentages of funds may be adjusted in any given year to meet project cash flow needs or when funds cannot be expended due to legal, environmental, or other project management considerations and provided that such allocations shall cease beginning July 1, 2020. After such allocations are made, the Board may allocate each year up to 10 percent of the funds remaining for highway purposes for the undertaking and financing of rail projects that, in the Board's determination, will result in mitigation of highway congestion. After the foregoing allocations have been made, the Board shall allocate the remaining funds available for highway purposes, exclusive of federal funds for the interstate system, among the several highway systems for construction first pursuant to §§ 33.1-23.1:1 and 33.1-23.1:2 and then as follows:

1. Forty percent of the remaining funds exclusive of federal-aid matching funds for the interstate system shall be allocated to the primary system of state highways, including the arterial network, and in addition, an amount shall be allocated to the primary system as interstate matching funds as provided in subsection B of § 33.1-23.2.

2. Thirty percent of the remaining funds exclusive of federal-aid matching funds for the interstate system shall be allocated to urban highways for state aid pursuant to § 33.1-44.

3. Thirty percent of the remaining funds exclusive of federal-aid matching funds for the interstate system shall be allocated to the secondary system of state highways.

C. In addition, the Commonwealth Transportation Board, from funds appropriated for such purpose in the general appropriation act, shall allocate additional funds to the Cities of Newport News, Norfolk, and Portsmouth and the County of Warren in such manner and apportion such funds among such localities as the Board may determine, unless otherwise provided in the general appropriation act. The localities shall use such funds to address highway maintenance and repair needs created by or associated with port operations in those localities.

D. Notwithstanding the foregoing provisions of this section, the General Assembly may, through the general appropriations act, permit the Governor to increase the amounts to be allocated to highway maintenance, highway construction, either or both.

E. As used in this section:

"Bridge reconstruction and rehabilitation" means reconstruction and rehabilitation of those bridges identified by the Department of Transportation as being functionally obsolete or structurally deficient.

"High priority projects" means those projects of regional or statewide significance identified by the Board that reduce congestion, increase safety, create jobs, or increase economic development.

"Smart roadway technology" means those projects or programs identified by the Board that reduce congestion, improve mobility, improve safety, provide up-to-date travel data, or improve emergency response.

CHAPTER 742

An Act to amend and reenact §§ 15.2-5922, 15.2-5923, 15.2-5925, 15.2-5926, and 15.2-5927 of the Code of Virginia and to amend and reenact the second and fifth enactments of Chapter 767 of the Acts of Assembly of 2013, relating to Virginia Beach arena.

[S 571]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-5922, 15.2-5923, 15.2-5925, 15.2-5926, and 15.2-5927 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-5922. (Contingent expiration date) Powers.

In addition to all other powers it possesses, the City of Virginia Beach may:

1. Determine the locations of, develop, establish, construct, erect, acquire, own, repair, remodel, add to, extend, improve, equip, operate, regulate, and maintain facilities to the extent necessary to accomplish the purposes of this chapter;
2. Operate, enter into contracts for the *construction, development, maintenance, or* operation of, and regulate the use and operation of facilities developed under the provisions of this chapter;
3. Fix and revise from time to time and charge and collect rates, rents, fees, ticket surcharges, or other charges for the use of facilities or for services rendered in connection with the facilities;
4. *Dedicate the funds made available pursuant to this chapter for the construction, development, operation, or maintenance of the facilities;*
5. Issue bonds under this chapter; and
- ~~6. Do all things necessary or convenient to carry out the powers granted by this chapter.~~

§ 15.2-5923. (Contingent expiration date) Public hearings; notice; reports.

A. At least 30 days before acquiring or entering into a lease involving a facility site and before entering into a construction contract involving a new facility or facility site, the City of Virginia Beach shall submit to the General Assembly a detailed written report and findings of the City on the proposed acquisition, lease, or contract. The report and findings shall include a detailed plan of the method of funding and the economic benefits of the proposed acquisition, lease, or contract.

B. The State Treasurer shall be provided with copies of all documents relating to the proposed issuance of any bonds pursuant to § 15.2-5924 *or any contract that includes the dedication of those funds authorized by this chapter* sufficiently in advance of such bond issue *or execution of such contract* to conduct such reviews as the State Treasurer deems necessary. Such reviews shall be completed within 120 days after the date that the Treasurer is provided such documents. In the event that the Commonwealth is an obligated person determined to be material to an evaluation of the offering for which financial information will be included or referenced in the offering document in accordance with Securities and Exchange Commission Rule 15c 2-12 under the federal Securities Exchange Act of 1934, or in the event that in the opinion of the State Treasurer, with the concurrence of the Debt Capacity Advisory Committee established under Article 5 (§ 2.2-2712 et seq.) of Chapter 27 of Title 2.2, such bond issue *or contractual obligation* will be considered tax-supported debt of the Commonwealth or have an adverse impact on the debt capacity or the credit ratings of the Commonwealth, such bond issue *or contractual obligation* must be authorized by the General Assembly.

§ 15.2-5925. (Contingent expiration date) Arena Financing Fund; use.

A. ~~The~~ *If the City of Virginia Beach may, in its discretion, issues bonds pursuant to § 15.2-5924 for an arena as defined in § 15.2-5921 or enters into a contract for the construction, development, operation, or maintenance of a facility as defined in § 15.2-5921, then it shall* create an Arena Financing Fund, ~~hereafter~~ *referred to in this section as "the Fund."* The City of Virginia Beach may use the Fund as a nonlapsing revolving fund for carrying out the provisions of this chapter.

B. All of the following receipts of the City of Virginia Beach ~~may~~ *shall* be placed in the Fund: (i) proceeds from the sale of bonds; *issued pursuant to § 15.2-5924 and* (ii) revenues collected or received from any source under the provisions of this chapter; ~~and (iii). The City of Virginia Beach may also place any other revenues under the jurisdiction of the City of Virginia Beach in the Fund.~~

C. The City of Virginia Beach ~~may shall, subject to appropriation by City Council, pay expenses and make expenditures from the Fund. To the extent deemed appropriate by the City of Virginia Beach, the receipts of the Fund may be pledged to and charged with~~ *The revenues authorized under the provisions of this chapter shall only be used to support the payment of debt service on City of Virginia Beach bonds issued pursuant to § 15.2-5924 or to meet contractual obligations for the construction, development, operation, and maintenance of the facility, and all reasonable charges and expenses related to the City borrowing and the management of the City's obligations.*

§ 15.2-5926. (Contingent expiration date) Entitlement to tax revenues derived from the operation of a facility.

A. The City of Virginia Beach shall be entitled, subject to appropriation, to sales and use tax revenues defined in this chapter. The State Comptroller shall remit such tax revenues to the City of Virginia Beach on a quarterly basis, subject to such reasonable processing delays as may be required by the Department of Taxation. The State Comptroller shall make such remittances to the City of Virginia Beach, as provided herein, notwithstanding any provisions to the contrary in the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.). *The sales and use tax revenues defined in this chapter shall be used only for the payment of debt service or to meet contractual obligations for the construction, development, operation, and maintenance of the facility.*

B. The local governing body of the City of Virginia Beach may, by ordinance or resolution, fix and revise from time to time and charge and collect rates, rents, fees, ticket surcharges, or other charges for a facility and any temporary facility developed under the provisions of this chapter.

§ 15.2-5927. (Contingent expiration date) Tax revenues of the Commonwealth or any other political subdivision not pledged.

Nothing in this chapter shall be construed as authorizing the pledging of the faith and credit of the Commonwealth, or the faith and credit of any other political subdivision of the Commonwealth, for the payment of any bonds *or meeting the contractual obligations of the City of Virginia Beach*. No bonds issued pursuant to § 15.2-5924 *or contractual obligations of the City of Virginia Beach* shall pledge the full faith and credit of the Commonwealth nor shall such bonds *or contract* constitute a debt of the Commonwealth, and the bonds shall so state on their face. Bondholders *or parties to a contract* shall have no recourse whatsoever against the Commonwealth for the payment of principal, interest, *contractually obligated moneys*, or redemption premium, if any, on such bonds *or contracts*.

2. That the second and fifth enactments of Chapter 767 of the Acts of Assembly of 2013 are amended and reenacted as follows:

2. That the Tax Commissioner shall report to the Chairman of the Senate Finance Committee, Chairman of the House Finance Committee, and Chairman of the House Appropriations Committee, annually prior to July 1, the amount of the entitlement pursuant to § 15.2-5926 as added by this act, provided that the City of Virginia Beach has entered into the lease *or contract* described under the fifth enactment of this act.

5. That if prior to January 1, 2018, (i) the City of Virginia Beach has not executed a lease with a team as defined under § 15.2-5921 as added by this act that is a member of the National Hockey League or the National Basketball Association ~~or~~, (ii) the City of Virginia Beach or the City of Virginia Beach Development Authority has not issued bonds for an arena as defined under § 15.2-5921 for the purpose of holding conferences and entertainment events, *or (iii) the City of Virginia Beach or the City of Virginia Beach Development Authority has not entered into a contract for the construction, development, operation, or maintenance of the facility*, then the provisions of this act shall expire on January 1, 2018. If prior to January 1, 2018, (a) the City of Virginia Beach has executed such a lease ~~or~~, (b) the City of Virginia Beach or the City of Virginia Beach Development Authority has issued bonds for an arena as defined under § 15.2-5921 for the purpose of holding conferences and entertainment events, *or (c) the City of Virginia Beach or the City of Virginia Beach Development Authority has entered into a contract for the construction, development, operation, or maintenance of the facility*, then the provisions of this act shall expire on the earliest of (1) the maturity date of any bonds that were first issued by the City of Virginia Beach or the City of Virginia Beach Development Authority for such arena, excluding any refunding or refinancing of such bonds first issued and excluding any bond anticipation notes issued, (2) *the expiration of the City's or Authority's contractual obligations for the construction, development, operation, or maintenance of the facility*, or ~~(2)~~ (3) July 1, 2043.

CHAPTER 743

An Act to amend and reenact §§ 15.2-852 and 15.2-2287.1 of the Code of Virginia, relating to disclosures in land use proceedings.

[S 593]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-852 and 15.2-2287.1 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-852. Disclosures in land use proceedings.

A. Each individual member of the board of supervisors, the planning commission, and the board of zoning appeals in any proceeding before each such body involving an application for a special exception or variance or involving an application for amendment of a zoning ordinance map, which does not constitute the adoption of a comprehensive zoning

plan, an ordinance applicable throughout the county, or an application filed by the board of supervisors that involves more than 10 parcels that are owned by different individuals, trusts, corporations, or other entities, shall, prior to any hearing on the matter or at such hearing, make a full public disclosure of any business or financial relationship which such member has, or has had within the 12-month period prior to such hearing, (i) with the applicant in such case, or (ii) with the title owner, contract purchaser or lessee of the land that is the subject of the application, except, in the case of a condominium, with the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium, or (iii) if any of the foregoing is a trustee (other than a trustee under a corporate mortgage or deed of trust securing one or more issues of corporate mortgage bonds), with any trust beneficiary having an interest in such land, or (iv) with the agent, attorney or real estate broker of any of the foregoing. For the purpose of this subsection, "business or financial relationship" means any relationship (other than any ordinary customer or depositor relationship with a retail establishment, public utility or bank) such member, or any member of the member's immediate household, either directly or by way of a partnership in which any of them is a partner, employee, agent or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent or attorney or holds 10 percent or more of the outstanding bonds or shares of stock of a particular class, has, or has had within the 12-month period prior to such hearing, with the applicant in the case, or with the title owner, contract purchaser or lessee of the subject land, except, in the case of a condominium, with the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium, or with any of the other persons above specified. For the purpose of this subsection "business or financial relationship" also means the receipt by the member, or by any person, firm, corporation or committee in his behalf from the applicant in the case or from the title owner, contract purchaser or lessee of the subject land, except, in the case of a condominium, with the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium, or from any of the other persons above specified, during the 12-month period prior to the hearing in such case, of any gift or donation having a value of more than \$100, singularly or in the aggregate.

If at the time of the hearing in any such case such member has a ~~business or financial interest relationship~~ *relationship of employee-employer, agent-principal, or attorney-client* with the applicant in the case or with the title owner, contract purchaser or lessee of the subject land except, in the case of a condominium, with the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium, or with any of the other persons above specified ~~involving the relationship of employee-employer, agent-principal, or attorney-client~~, that member shall, prior to any hearing on the matter or at such hearing, make a full public disclosure of such *employee-employer, agent-principal, or attorney-client* relationship and shall be ineligible to vote or participate in any way in such case or in any hearing thereon.

B. In any case described in subsection A pending before the board of supervisors, planning commission or board of zoning appeals, the applicant in the case shall, prior to any hearing on the matter, file with the board or commission a statement in writing and under oath identifying by name and last known address each person, corporation, partnership or other association specified in the first paragraph of subsection A. The requirements of this section shall be applicable only with respect to those so identified.

C. Any person knowingly and willfully violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

§ 15.2-2287.1. Disclosures in land use proceedings.

A. The provisions of this section shall apply in their entirety to the County of Loudoun.

B. Each individual member of the board of supervisors, the planning commission, and the board of zoning appeals in any proceeding before each such body involving an application for a special exception or variance or involving an application for amendment of a zoning ordinance map, which does not constitute the adoption of a comprehensive zoning plan, an ordinance applicable throughout the locality, or an application filed by the board of supervisors that involves more than 10 parcels that are owned by different individuals, trusts, corporations, or other entities, shall, prior to any hearing on the matter or at such hearing, make a full public disclosure of any business or financial relationship that such member has, or has had within the 12-month period prior to such hearing, (i) with the applicant in such case; or (ii) with the title owner, contract purchaser or lessee of the land that is the subject of the application, except, in the case of a condominium, with the title owner, contract purchaser, or lessee of 10 percent or more of the units in the condominium; or (iii) if any of the foregoing is a trustee (other than a trustee under a corporate mortgage or deed of trust securing one or more issues of corporate mortgage bonds), with any trust beneficiary having an interest in such land; or (iv) with the agent, attorney or real estate broker of any of the foregoing. For the purpose of this subsection, "business or financial relationship" means any relationship (other than any ordinary customer or depositor relationship with a retail establishment, public utility, or bank) such member, or any member of the member's immediate household, either directly or by way of a partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10 percent or more of the outstanding bonds or shares of stock of a particular class, has, or has had within the 12-month period prior to such hearing, with the applicant in the case, or with the title owner, contract purchaser, or lessee of the subject land, except, in the case of a condominium, with the title owner, contract purchaser, or lessee of 10 percent or more of the units in the condominium, or with any of the other persons above specified. For the purpose of this subsection "business or financial relationship" also means the receipt by the member, or by any person, firm, corporation, or committee in his behalf, from the applicant in the case or from the title owner, contract purchaser, or lessee of the subject land, except, in the case of a condominium, with the title owner, contract purchaser, or lessee of 10 percent or more of the units in the condominium, or from any of the other persons above specified,

during the 12-month period prior to the hearing in such case, of any gift or donation having a value of more than \$100, singularly or in the aggregate.

If at the time of the hearing in any such case such member has a ~~business or financial interest~~ *relationship of employee-employer, agent-principal, or attorney-client* with the applicant in the case or with the title owner, contract purchaser, or lessee of the subject land except, in the case of a condominium, with the title owner, contract purchaser, or lessee of 10 percent or more of the units in the condominium, or with any of the other persons above specified ~~involving the relationship of employee-employer, agent-principal, or attorney-client~~, that member shall, prior to any hearing on the matter or at such hearing, make a full public disclosure of such *employee-employer, agent-principal, or attorney-client* relationship and shall be ineligible to vote or participate in any way in such case or in any hearing thereon.

C. In any case described in subsection B pending before the board of supervisors, planning commission, or board of zoning appeals, the applicant in the case shall, prior to any hearing on the matter, file with the board or commission a statement in writing and under oath identifying by name and last known address each person, corporation, partnership, or other association specified in the first paragraph of subsection B. The requirements of this section shall be applicable only with respect to those so identified.

D. Any person knowingly and willfully violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

CHAPTER 744

An Act to amend and reenact §§ 19.2-11.2 and 19.2-267 of the Code of Virginia, relating to witness's right to nondisclosure of certain information.

[S 640]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-11.2 and 19.2-267 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-11.2. Crime victim's right to nondisclosure of certain information; exceptions; testimonial privilege.

Upon request of any witness in a criminal prosecution under § 18.2-46.2 ~~or~~ 18.2-46.3, or 18.2-248 or of any violent felony as defined by subsection C of § 17.1-805, or any crime victim, neither a law-enforcement agency, the attorney for the Commonwealth, the counsel for a defendant, a court nor the Department of Corrections, nor any employee of any of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the witness or victim or a member of the witness' or victim's family, except to the extent that disclosure is (i) of the site of the crime, (ii) required by law or Rules of the Supreme Court, (iii) necessary for law-enforcement purposes or preparation for court proceedings, or (iv) permitted by the court for good cause.

Except with the written consent of the victim, a law-enforcement agency may not disclose to the public information which directly or indirectly identifies the victim of a crime involving any sexual assault, sexual abuse or family abuse, except to the extent that disclosure is (i) of the site of the crime, (ii) required by law, (iii) necessary for law-enforcement purposes, or (iv) permitted by the court for good cause. In addition, at the request of the victim to the Court of Appeals of Virginia or the Supreme Court of Virginia hearing, on or after July 1, 2007, the case of a crime involving any sexual assault or sexual abuse, no appellate decision shall contain the first or last name of the victim.

Nothing herein shall limit the right to examine witnesses in a court of law or otherwise affect the conduct of any criminal proceeding.

§ 19.2-267. Provisions applicable to witnesses in criminal as well as civil cases; obligation to attend; summons.

Sections 8.01-396.1, 8.01-402, 8.01-405, 8.01-407, and 8.01-408 to 8.01-410, inclusive, shall apply to a criminal as well as a civil case in all respects, except that a witness in a criminal case shall be obliged to attend, and may be proceeded against for failing to do so, although there may not previously have been any payment, or tender to him of anything for attendance, mileage, or tolls. In a criminal case a summons for a witness may be issued by the attorney for the Commonwealth or other attorney charged with the responsibility for the prosecution of a violation of any ordinance or by the attorney for the defendant; however, any attorney who issues such a summons shall, at the time of the issuance, file with the clerk of the court the names and addresses of such witnesses *except to the extent protected under § 19.2-11.2.*

CHAPTER 745

An Act to amend and reenact § 51.1-126 of the Code of Virginia, relating to optional retirement plans maintained by institutions of higher education.

[S 79]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 51.1-126 of the Code of Virginia is amended and reenacted as follows:

§ 51.1-126. Employees of institutions of higher education.

For purposes of this section, "optional retirement plan" means a retirement plan covering the employee for retirement purposes other than the Virginia Retirement System defined benefit retirement plan established under this chapter or the hybrid retirement program described in § 51.1-169.

A. 1. The Board shall maintain an optional retirement plan covering employees engaged in the performance of teaching, administrative, or research duties with an institution of higher education and any institution of higher education is authorized to make contributions to such plan for the benefit of its employees participating in such plan. Except (i) as provided in subsection B for institutions of higher education that have established their own optional retirement plan and (ii) for employees described in subdivision A 2, every employee hired by an institution of higher education on or after July 1, 2003, engaged in the performance of teaching, administrative, or research duties shall make an irrevocable election to participate in either (a) the Virginia Retirement System defined benefit retirement plan established by this chapter until January 1, 2014, and thereafter, the hybrid retirement program described in § 51.1-169; or (b) an optional retirement plan maintained by the Board. Such election shall be exercised no later than 60 days from the time of the employee's entry upon the performance of his duties. If an election is not made within such 60 days, such employee shall be deemed to have elected to participate in the Virginia Retirement System defined benefit retirement plan or the hybrid retirement program described in § 51.1-169, as applicable.

2. Any employee (i) hired on or after July 1, 2003, by an institution of higher education engaged in the performance of teaching, administrative, or research duties; and (ii) who at the time of hiring is in continuous service in the performance of such teaching, administrative, or research duties shall participate in the optional retirement plan maintained by the Board if the most recent retirement plan covering the employee prior to such hiring was an optional retirement plan. If the most recent retirement plan covering the employee prior to such hiring was the Virginia Retirement System defined benefit retirement plan or the hybrid retirement program described in § 51.1-169, such person shall participate in such defined benefit retirement plan or such hybrid retirement program, as applicable, from the time of his entry upon the performance of his duties.

B. 1. Any institution of higher education, upon receipt of approval by the Board in writing, may establish and maintain its own optional retirement plan covering its employees who are engaged in the performance of teaching, administrative, or research duties. Upon such approval, such institution is authorized to make contributions to its own optional retirement plan for the benefit of its employees who elect to participate or who are required to participate in such plan as provided in this subsection.

2. Every employee, with the exception of employees described in subdivision B 3, (i) hired on or after July 1, 2003, by an institution of higher education that has established and is maintaining its own optional retirement plan pursuant to this subsection and (ii) engaged in the performance of teaching, administrative, or research duties shall make an irrevocable election to participate in either: (a) the Virginia Retirement System defined benefit retirement plan established by this chapter until January 1, 2014, and thereafter, the hybrid retirement program described in § 51.1-169, as applicable; or (b) such optional retirement plan of the institution of higher education. Such employee shall not be provided any election to participate in an optional retirement plan maintained by the Board.

The election shall be exercised no later than 60 days from the time of the employee's entry upon the performance of his duties. If an election is not made within such 60 days, such employee shall be deemed to have elected to participate in the Virginia Retirement System defined benefit retirement plan established by this chapter or the hybrid retirement program described in § 51.1-169, as applicable.

3. Any employee (i) hired on or after July 1, 2003, by an institution of higher education engaged in the performance of teaching, administrative, or research duties; and (ii) who at the time of hiring is in continuous service in the performance of such teaching, administrative, or research duties shall participate in the optional retirement plan established by the institution of higher education pursuant to this subsection if the most recent retirement plan covering the employee prior to such hiring was an optional retirement plan. If the most recent retirement plan covering the employee prior to such hiring was the Virginia Retirement System defined benefit retirement plan or the hybrid retirement program described in § 51.1-169, such person shall participate in such defined benefit retirement plan or such hybrid retirement program, as applicable, from the time of his entry upon the performance of his duties.

C. Any employee engaged in the performance of teaching, administrative, or research duties at an institution of higher education who was covered under an optional retirement plan for retirement purposes, other than the optional retirement plan established by such institution pursuant to subdivision B 1, shall, at the time such institution establishes its own optional retirement plan pursuant to subdivision B 1, automatically and immediately begin to participate in the optional retirement plan established pursuant to subdivision B 1, notwithstanding such employee's prior election to participate in a different optional retirement plan.

D. 1. Any administrative fee imposed pursuant to subdivision A 13 of § 51.1-124.22 upon any institution of higher education for administering and overseeing the institution's retirement plan established pursuant to subsection A shall be charged for each employee participating in such plan and shall be for costs incurred by the Retirement System that are directly related to the administration and oversight of such plan.

2. Each institution of higher education may charge and collect a reimbursement fee from each employee participating in the institution's retirement plan established pursuant to subsection A. The total amount charged and collected for such fee from all such employees for any year shall not exceed the total of the costs described in subdivision D 1 and charged to the institution for such year.

E. 1. No employee of an institution of higher education who is an active member in any plan maintained by the Board or established by an institution of higher education, pursuant to this section, shall also be an active member of the retirement system or beneficiary other than a contingent annuitant.

2. If a member of the optional retirement plan maintained under this section is at any time in service as an employee in a position covered for retirement purposes under the provisions of Chapters 1 (§ 51.1-124.1 et seq.), 2 (§ 51.1-200 et seq.), 2.1 (§ 51.1-211 et seq.), or 3 (§ 51.1-300 et seq.), his benefit payments under the optional retirement plan maintained under this section shall be suspended while so employed; provided, however, reemployment shall have no effect on the payment under the optional plan maintained under this section if the benefits are being paid in an annuity form under an annuity contract purchased with the member's account balance.

F. 1. The contribution by the Commonwealth on behalf of an employee participating in an optional retirement plan maintained by the Board or on behalf of an employee participating in an optional retirement plan established by his institution of higher education under this section to such employee's retirement plan shall be (i) at least 8.5 percent but not in excess of 8.9 percent of creditable compensation for any person who becomes a member on or after July 1, 2010, and (ii) 10.4 percent of creditable compensation for all other employees. Any institution of higher education that elects a contribution in excess of 8.5 percent of creditable compensation for any employee described in clause (i) shall provide for the same percentage of creditable compensation as contributions for each of its employees described in clause (i) who participates in such optional retirement plan. The portion of the contribution in excess of 8.5 percent of creditable compensation pursuant to clause (i) shall not be funded from the general fund of the state treasury, but shall be paid by the institution of higher education from other funds. In addition, any person who becomes a member on or after July 1, 2010, shall, pursuant to procedures established by the Board, pay member contributions on a salary reduction basis in accordance with § 414(h) of the Internal Revenue Code, in an amount equal to five percent of his creditable compensation, to the optional retirement plan maintained by the Board on his behalf or the optional retirement plan established by his institution of higher education on his behalf, as applicable. Each employee making such member contribution shall be deemed to consent and agree to any salary reduction for purposes of the member contribution. Such member contributions shall be in addition to all contributions pursuant to clause (i). An institution of higher education may make an additional contribution for participants who, before January 1, 1991, exercised the election to participate in the plan provided by the institution employing them. Such additional contributions shall be made using funds other than general funds, tuition or fees, up to an additional 2.17 percent of creditable compensation.

2. ~~These~~ *The governing board of any institution of higher education that establishes its own optional retirement plan pursuant to this section may establish a policy regarding the number of years of service, or portion thereof, that an employee must perform before such employee shall be entitled to receive all contributions made on his behalf by the institution to the optional retirement plan. If an employee has less than the number of years of service, or portion thereof, established by the governing board at the time he ceases employment, other than by death or involuntary separation due to causes other than job performance or misconduct, as determined by the institution of higher education in its sole discretion, he shall not receive or be entitled to that portion of the contributions that was paid by the institution on his behalf for which he does not have the required service. The institution of higher education may establish a forfeiture account for such employer contributions forgone by the employee and may specify the uses of funds in the forfeiture account. The provisions of this subdivision shall apply only to any person who (i) becomes a participant in the institution of higher education's optional retirement plan on or after July 1, 2014, and (ii) is not an employee described under subdivision B 3. Any future change to a policy established by the governing board of an institution of higher education pursuant to this subdivision regarding the number of years of service required for an employee to receive all contributions made by the institution to the optional retirement plan shall apply only to new employees hired on or after the date of the change.*

3. *The contribution rates established pursuant to subdivision 1 shall be examined by the Board at least once every six years. The examination shall consider the salary peer group mean contribution as determined by the State Council of Higher Education and the Virginia Retirement System actuary, and, if deemed advisable, recommend a revision to the rate of contribution by the Commonwealth.*

G. With respect to any employee who elects pursuant to subsection A or B to participate in the Virginia Retirement System defined benefit retirement plan established by this chapter or the hybrid retirement program described in § 51.1-169, the institution of higher education shall collect and pay all employee and employer contributions to the Virginia Retirement System for retirement and group life insurance in accordance with the provisions of Chapter 1 (§ 51.1-124.1 et seq.) for such employees.

H. The Virginia Retirement System shall develop policies and procedures for the administration of the optional retirement plan it maintains. To assist the Virginia Retirement System in developing such policies and procedures, the Board may appoint an advisory committee of higher education employees to supply guidance in the process.

I. As a condition of the Board granting approval to an institution of higher education to establish its own optional retirement plan, the institution of higher education shall develop policies and procedures for the administration of such plan and shall submit such policies and procedures to the Board as part of the Board-approval process required under this section. In addition, an institution of higher education that is granted approval by the Board to establish its own optional retirement plan covering employees engaged in the performance of teaching, administrative, or research duties shall not adopt or implement policies and procedures that are substantially different from the policies and procedures approved by the

Board in the initial approval process unless the Board, in writing, approves such substantially different policies and procedures.

J. The Board shall establish guidelines for the employee elections referred to in subdivision B 2 and shall review and, if deemed advisable, recommend revisions to the contribution rates as described in subsection F. Except for the duties described in subsection I, the Board shall have no duties and responsibilities with respect to such plans established pursuant to subsection B.

CHAPTER 746

An Act to amend and reenact § 22.1-271.5 of the Code of Virginia, relating to student-athletes; concussion guidelines and policies.

[S 172]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-271.5 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-271.5. Guidelines and policies and procedures on concussions in student-athletes.

A. The Board of Education shall develop and distribute to each local school division guidelines on policies to inform and educate coaches, student-athletes, and their parents or guardians of the nature and risk of concussions, criteria for removal from and return to play, ~~and~~ risks of not reporting the injury and continuing to play, *and the effects of concussions on student-athletes' academic performance.*

B. Each local school division shall develop policies and procedures regarding the identification and handling of suspected concussions in student-athletes. Such policies shall require:

1. In order to participate in any extracurricular physical activity, each student-athlete and the student-athlete's parent or guardian shall review, on an annual basis, information on concussions provided by the local school division. After having reviewed materials describing the short- and long-term health effects of concussions, each student-athlete and the student-athlete's parent or guardian shall sign a statement acknowledging receipt of such information, in a manner approved by the Board of Education; and

2. A student-athlete suspected by that student-athlete's coach, athletic trainer, or team physician of sustaining a concussion or brain injury in a practice or game shall be removed from the activity at that time. A student-athlete who has been removed from play, evaluated, and suspected to have a concussion or brain injury shall not return to play that same day nor until (i) evaluated by an appropriate licensed health care provider as determined by the Board of Education and (ii) in receipt of written clearance to return to play from such licensed health care provider.

The licensed health care provider evaluating student-athletes suspected of having a concussion or brain injury may be a volunteer.

C. *Each non-interscholastic youth sports program utilizing public school property shall either (i) establish policies and procedures regarding the identification and handling of suspected concussions in student-athletes, consistent with either the local school division's policies and procedures developed in compliance with this section or the Board's Guidelines for Policies on Concussions in Student-Athletes, or (ii) follow the local school division's policies and procedures as set forth in subsection B.* In addition, local school divisions may provide the guidelines to organizations sponsoring athletic activity for student-athletes on school property. Local school divisions shall not be required to enforce compliance with such policies.

D. *As used in this section, "non-interscholastic youth sports program" means a program organized for recreational athletic competition or recreational athletic instruction for youth.*

2. That the Board of Education shall review and revise the guidelines as necessary, pursuant to subsection A of § 22.1-271.5 of the Code of Virginia, and shall work with the Virginia High School League, the Department of Health, the Virginia Athletic Trainers Association, the Virginia Physical Therapy Association, representatives of the Children's Hospital of the King's Daughters and the Children's National Medical Center, the Brain Injury Association of Virginia, the American Academy of Pediatrics, the Virginia College of Emergency Physicians, the Virginia Academy of Family Physicians, the Virginia Association of School Nurses, a representative from a non-interscholastic youth sports program, and any other interested stakeholders.

CHAPTER 747

An Act to amend and reenact §§ 51.1-600 and 51.1-604 of the Code of Virginia, relating to authorizing the inclusion of a Roth contribution program in a deferred compensation retirement plan for state and local government employees.

[S 188]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 51.1-600 and 51.1-604 of the Code of Virginia are amended and reenacted as follows:

§ 51.1-600. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Act" means the Government Employees Deferred Compensation Plan Act.

"Board" means the Board of Trustees of the Virginia Retirement System.

"Deferred compensation plan" means a plan by which an employee defers some portion of income until some stated time in the future; provides that the federal and state income tax on such income will be deferred until the actual receipt of such income; and is established pursuant to the provisions of § 457(b) of the Internal Revenue Code of 1986, as amended, that may provide for elective and non-elective deferrals of compensation by or on behalf of employees and may include a qualified Roth contribution program as described in § 402A of the Internal Revenue Code of 1986, as amended.

"Employee" means, in the case of the plan described in § 51.1-602, all persons employed by a participating employer, including appointed or elected officials. In the case of a plan adopted by a county, municipality, authority or other political subdivision pursuant to § 51.1-603, an employee shall be defined by such county, municipality, authority or other political subdivision.

"Participating employer" means the Commonwealth or any political subdivision that has elected pursuant to § 51.1-603.1 to participate in the deferred compensation plan established by the Board pursuant to this chapter.

§ 51.1-604. Standards for deferred compensation plans.

No deferred compensation plan shall become effective until the Board, county, municipality, authority or other political subdivision of the Commonwealth is satisfied, by opinion of its respective counsel, such federal agency or agencies as may be deemed necessary, or otherwise, that the ~~compensation deferred contributions~~ thereunder and/or the investment products purchased pursuant to the plan (i) will not be included in the employee's taxable income under federal or state law until it is actually received by the employee under the terms of the plan ~~and (ii), provided that such compensation contributions will nonetheless be deemed compensation at the time of deferral for the purposes of social security coverage, for the purposes of the Virginia Retirement System, and for any other retirement, pension, or benefit program established by law, or (ii) are designated Roth contributions as defined in § 402A of the Internal Revenue Code of 1986, as amended.~~

2. That the provisions of this act shall become effective on July 1, 2015.

CHAPTER 748

An Act to amend and reenact § 23-2.1:3 of the Code of Virginia, relating to students' personal information; sale to third-party vendors.

[S 242]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 23-2.1:3 of the Code of Virginia is amended and reenacted as follows:

§ 23-2.1:3. Student records and personal information.

A. Each public and private institution of higher education may require that any student accepted to and who has committed to attend, or is attending, such institution provide, to the extent available, from the originating secondary school and, if applicable, any institution of higher education he has attended a complete student record, including any mental health records held by the school. These records shall be kept confidential as required by state and federal law, including the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

B. *No public institution of higher education shall sell students' personal information, including names, addresses, phone numbers, and email addresses, to any person. This subsection shall not apply to transactions involving credit, debit, employment, finance, identity verification, risk assessment, fraud prevention, or other transactions initiated by the student.*

CHAPTER 749

An Act to amend and reenact § 64.2-770 of the Code of Virginia, relating to trust directors; defenses to liability.

[S 345]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 64.2-770 of the Code of Virginia is amended and reenacted as follows:

§ 64.2-770. Powers to direct.

A. While a trust is revocable, the trustee may follow a direction of the settlor that is contrary to the terms of the trust.

B. If (i) the terms of a trust ~~(+)~~ confer upon a person other than the settlor of a revocable trust power to direct certain actions of the trustee and (ii) subsection E does not apply, the trustee shall act in accordance with an exercise of the power unless the attempted exercise is manifestly contrary to the terms of the trust or the trustee knows the attempted exercise would constitute a serious breach of a fiduciary duty that the person holding the power owes to the beneficiaries of the trust.

C. The terms of a trust may confer upon a trustee or other person a power to direct the modification or termination of the trust.

D. A person, other than a beneficiary, who holds a power to direct is presumptively a fiduciary who, as such, is required to act in good faith with regard to the purposes of the trust and the interests of the beneficiaries. The holder of a power to direct is liable for any loss that results from breach of a fiduciary duty.

E. The provisions of this subsection shall apply if the settlor incorporates this subsection into the trust instrument by specific reference. The provisions of this subsection shall also apply if this subsection is incorporated into the trust instrument by a nonjudicial settlement agreement under § 64.2-709 by specific reference.

1. For the purpose of this subsection, a "trust director" means any person who is not a trustee and who has, pursuant to the governing instrument, a power to direct the trustee on any matter. No person shall be a "trust director" for purposes of this subsection merely by holding a general or limited power of appointment over the trust assets.

Notwithstanding anything in the trust instrument to the contrary, the trust director shall be deemed a fiduciary who, as such, is ~~(i)~~ required to act in good faith with regard to the purposes of the trust and the interests of the beneficiaries ~~and (ii)~~. *The trust director is liable for any loss that results from a breach of a the trust director's fiduciary duty. Unless the governing instrument provides otherwise, the trust director may assert defenses to liability on the same basis as a trustee serving under the governing instrument, other than defenses provided to the trustee under this subsection. Notwithstanding the foregoing, a term of a trust relieving a trust director of liability for breach of trust is unenforceable to the extent that it (i) relieves the trust director of liability for breach of trust committed in bad faith or with reckless indifference to the purposes of the trust or the interests of the beneficiaries or (ii) was inserted as the result of an abuse by the trust director of a fiduciary or confidential relationship to the settlor. An exculpatory term drafted or caused to be drafted by the trust director is invalid as an abuse of a fiduciary or confidential relationship unless the trust director proves that the existence and contents of the exculpatory term were adequately communicated to the settlor.*

2. A trustee who acts in accordance with a direction in the governing instrument that the trustee is to follow the trust director's direction or act only with the trust director's consent or direction shall not, other than in cases of willful misconduct or gross negligence on the part of the directed trustee, be liable for any loss resulting directly or indirectly from any act taken or not taken by the trustee (i) pursuant to the trust director's direction or (ii) as a result of the trust director's failure to direct, consent, or act, after receiving a request by the trustee for such direction, consent, or action.

3. A trustee shall not, except as otherwise expressly provided in the trust instrument, have any duty to (i) monitor the trust director's conduct; (ii) provide the trust director with information, other than material facts related to the trust administration expressly requested in writing by the trust director; (iii) inform or warn any beneficiary or third party that the trustee disagrees with any of the trust director's actions or directions; (iv) notify the trust director that the trustee disagrees with any of the trust director's actions or directions; (v) do anything to prevent the trust director from giving any direction or taking any action; or (vi) compel the trust director to redress its action or direction.

4. The actions of the trustee pertaining to matters within the scope of the authority of the trust director, including confirming that the trust director's directions have been carried out and recording and reporting actions taken pursuant to the trust director's direction, shall, absent clear and convincing evidence to the contrary, presumptively be considered administrative actions by the trustee and not be considered to constitute either monitoring the trust director's actions or participating in the actions of the trust director.

CHAPTER 750

An Act to amend and reenact § 32.1-325 of the Code of Virginia, relating to a deferred compensation plan for Medicaid program independent contractors.

[S 412]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-325 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-325. Board to submit plan for medical assistance services to U.S. Secretary of Health and Human Services pursuant to federal law; administration of plan; contracts with health care providers.

A. The Board, subject to the approval of the Governor, is authorized to prepare, amend from time to time, and submit to the U.S. Secretary of Health and Human Services a state plan for medical assistance services pursuant to Title XIX of the United States Social Security Act and any amendments thereto. The Board shall include in such plan:

1. A provision for payment of medical assistance on behalf of individuals, up to the age of 21, placed in foster homes or private institutions by private, nonprofit agencies licensed as child-placing agencies by the Department of Social Services or placed through state and local subsidized adoptions to the extent permitted under federal statute;

2. A provision for determining eligibility for benefits for medically needy individuals which disregards from countable resources an amount not in excess of \$3,500 for the individual and an amount not in excess of \$3,500 for his spouse when such resources have been set aside to meet the burial expenses of the individual or his spouse. The amount disregarded shall be reduced by (i) the face value of life insurance on the life of an individual owned by the individual or his spouse if the cash surrender value of such policies has been excluded from countable resources and (ii) the amount of any other revocable or irrevocable trust, contract, or other arrangement specifically designated for the purpose of meeting the individual's or his spouse's burial expenses;

3. A requirement that, in determining eligibility, a home shall be disregarded. For those medically needy persons whose eligibility for medical assistance is required by federal law to be dependent on the budget methodology for Aid to Families with Dependent Children, a home means the house and lot used as the principal residence and all contiguous property. For all other persons, a home shall mean the house and lot used as the principal residence, as well as all contiguous property, as long as the value of the land, exclusive of the lot occupied by the house, does not exceed \$5,000. In any case in which the definition of home as provided here is more restrictive than that provided in the state plan for medical assistance services in Virginia as it was in effect on January 1, 1972, then a home means the house and lot used as the principal residence and all contiguous property essential to the operation of the home regardless of value;

4. A provision for payment of medical assistance on behalf of individuals up to the age of 21, who are Medicaid eligible, for medically necessary stays in acute care facilities in excess of 21 days per admission;

5. A provision for deducting from an institutionalized recipient's income an amount for the maintenance of the individual's spouse at home;

6. A provision for payment of medical assistance on behalf of pregnant women which provides for payment for inpatient postpartum treatment in accordance with the medical criteria outlined in the most current version of or an official update to the "Guidelines for Perinatal Care" prepared by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists or the "Standards for Obstetric-Gynecologic Services" prepared by the American College of Obstetricians and Gynecologists. Payment shall be made for any postpartum home visit or visits for the mothers and the children which are within the time periods recommended by the attending physicians in accordance with and as indicated by such Guidelines or Standards. For the purposes of this subdivision, such Guidelines or Standards shall include any changes thereto within six months of the publication of such Guidelines or Standards or any official amendment thereto;

7. A provision for the payment for family planning services on behalf of women who were Medicaid-eligible for prenatal care and delivery as provided in this section at the time of delivery. Such family planning services shall begin with delivery and continue for a period of 24 months, if the woman continues to meet the financial eligibility requirements for a pregnant woman under Medicaid. For the purposes of this section, family planning services shall not cover payment for abortion services and no funds shall be used to perform, assist, encourage or make direct referrals for abortions;

8. A provision for payment of medical assistance for high-dose chemotherapy and bone marrow transplants on behalf of individuals over the age of 21 who have been diagnosed with lymphoma, breast cancer, myeloma, or leukemia and have been determined by the treating health care provider to have a performance status sufficient to proceed with such high-dose chemotherapy and bone marrow transplant. Appeals of these cases shall be handled in accordance with the Department's expedited appeals process;

9. A provision identifying entities approved by the Board to receive applications and to determine eligibility for medical assistance, which shall include a requirement that such entities obtain accurate contact information, including the best available address and telephone number, from each applicant for medical assistance, to the extent required by federal law and regulations;

10. A provision for breast reconstructive surgery following the medically necessary removal of a breast for any medical reason. Breast reductions shall be covered, if prior authorization has been obtained, for all medically necessary indications. Such procedures shall be considered noncosmetic;

11. A provision for payment of medical assistance for annual pap smears;

12. A provision for payment of medical assistance services for prostheses following the medically necessary complete or partial removal of a breast for any medical reason;

13. A provision for payment of medical assistance which provides for payment for 48 hours of inpatient treatment for a patient following a radical or modified radical mastectomy and 24 hours of inpatient care following a total mastectomy or a partial mastectomy with lymph node dissection for treatment of disease or trauma of the breast. Nothing in this subdivision shall be construed as requiring the provision of inpatient coverage where the attending physician in consultation with the patient determines that a shorter period of hospital stay is appropriate;

14. A requirement that certificates of medical necessity for durable medical equipment and any supporting verifiable documentation shall be signed, dated, and returned by the physician, physician assistant, or nurse practitioner and in the durable medical equipment provider's possession within 60 days from the time the ordered durable medical equipment and supplies are first furnished by the durable medical equipment provider;

15. A provision for payment of medical assistance to (i) persons age 50 and over and (ii) persons age 40 and over who are at high risk for prostate cancer, according to the most recent published guidelines of the American Cancer Society, for one PSA test in a 12-month period and digital rectal examinations, all in accordance with American Cancer Society guidelines. For the purpose of this subdivision, "PSA testing" means the analysis of a blood sample to determine the level of prostate specific antigen;

16. A provision for payment of medical assistance for low-dose screening mammograms for determining the presence of occult breast cancer. Such coverage shall make available one screening mammogram to persons age 35 through 39, one such mammogram biennially to persons age 40 through 49, and one such mammogram annually to persons age 50 and over. The term "mammogram" means an X-ray examination of the breast using equipment dedicated specifically for mammography, including but not limited to the X-ray tube, filter, compression device, screens, film and cassettes, with an average radiation exposure of less than one rad mid-breast, two views of each breast;

17. A provision, when in compliance with federal law and regulation and approved by the Centers for Medicare & Medicaid Services (CMS), for payment of medical assistance services delivered to Medicaid-eligible students when such services qualify for reimbursement by the Virginia Medicaid program and may be provided by school divisions;

18. A provision for payment of medical assistance services for liver, heart and lung transplantation procedures for individuals over the age of 21 years when (i) there is no effective alternative medical or surgical therapy available with outcomes that are at least comparable; (ii) the transplant procedure and application of the procedure in treatment of the specific condition have been clearly demonstrated to be medically effective and not experimental or investigational; (iii) prior authorization by the Department of Medical Assistance Services has been obtained; (iv) the patient selection criteria of the specific transplant center where the surgery is proposed to be performed have been used by the transplant team or program to determine the appropriateness of the patient for the procedure; (v) current medical therapy has failed and the patient has failed to respond to appropriate therapeutic management; (vi) the patient is not in an irreversible terminal state; and (vii) the transplant is likely to prolong the patient's life and restore a range of physical and social functioning in the activities of daily living;

19. A provision for payment of medical assistance for colorectal cancer screening, specifically screening with an annual fecal occult blood test, flexible sigmoidoscopy or colonoscopy, or in appropriate circumstances radiologic imaging, in accordance with the most recently published recommendations established by the American College of Gastroenterology, in consultation with the American Cancer Society, for the ages, family histories, and frequencies referenced in such recommendations;

20. A provision for payment of medical assistance for custom ocular prostheses;

21. A provision for payment for medical assistance for infant hearing screenings and all necessary audiological examinations provided pursuant to § 32.1-64.1 using any technology approved by the United States Food and Drug Administration, and as recommended by the national Joint Committee on Infant Hearing in its most current position statement addressing early hearing detection and intervention programs. Such provision shall include payment for medical assistance for follow-up audiological examinations as recommended by a physician, physician assistant, nurse practitioner, or audiologist and performed by a licensed audiologist to confirm the existence or absence of hearing loss;

22. A provision for payment of medical assistance, pursuant to the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (P.L. 106-354), for certain women with breast or cervical cancer when such women (i) have been screened for breast or cervical cancer under the Centers for Disease Control and Prevention (CDC) Breast and Cervical Cancer Early Detection Program established under Title XV of the Public Health Service Act; (ii) need treatment for breast or cervical cancer, including treatment for a precancerous condition of the breast or cervix; (iii) are not otherwise covered under creditable coverage, as defined in § 2701 (c) of the Public Health Service Act; (iv) are not otherwise eligible for medical assistance services under any mandatory categorically needy eligibility group; and (v) have not attained age 65. This provision shall include an expedited eligibility determination for such women;

23. A provision for the coordinated administration, including outreach, enrollment, re-enrollment and services delivery, of medical assistance services provided to medically indigent children pursuant to this chapter, which shall be called Family Access to Medical Insurance Security (FAMIS) Plus and the FAMIS Plan program in § 32.1-351. A single application form shall be used to determine eligibility for both programs;

24. A provision, when authorized by and in compliance with federal law, to establish a public-private long-term care partnership program between the Commonwealth of Virginia and private insurance companies that shall be established through the filing of an amendment to the state plan for medical assistance services by the Department of Medical Assistance Services. The purpose of the program shall be to reduce Medicaid costs for long-term care by delaying or eliminating dependence on Medicaid for such services through encouraging the purchase of private long-term care insurance policies that have been designated as qualified state long-term care insurance partnerships and may be used as the first source of benefits for the participant's long-term care. Components of the program, including the treatment of assets for Medicaid eligibility and estate recovery, shall be structured in accordance with federal law and applicable federal guidelines; and

25. A provision for the payment of medical assistance for otherwise eligible pregnant women during the first five years of lawful residence in the United States, pursuant to § 214 of the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111-3).

B. In preparing the plan, the Board shall:

1. Work cooperatively with the State Board of Health to ensure that quality patient care is provided and that the health, safety, security, rights and welfare of patients are ensured.

2. Initiate such cost containment or other measures as are set forth in the appropriation act.

3. Make, adopt, promulgate and enforce such regulations as may be necessary to carry out the provisions of this chapter.

4. Examine, before acting on a regulation to be published in the Virginia Register of Regulations pursuant to § 2.2-4007.05, the potential fiscal impact of such regulation on local boards of social services. For regulations with potential fiscal impact, the Board shall share copies of the fiscal impact analysis with local boards of social services prior to submission to the Registrar. The fiscal impact analysis shall include the projected costs/savings to the local boards of social services to implement or comply with such regulation and, where applicable, sources of potential funds to implement or comply with such regulation.

5. Incorporate sanctions and remedies for certified nursing facilities established by state law, in accordance with 42 C.F.R. § 488.400 et seq. "Enforcement of Compliance for Long-Term Care Facilities With Deficiencies."

6. On and after July 1, 2002, require that a prescription benefit card, health insurance benefit card, or other technology that complies with the requirements set forth in § 38.2-3407.4:2 be issued to each recipient of medical assistance services, and shall upon any changes in the required data elements set forth in subsection A of § 38.2-3407.4:2, either reissue the card or provide recipients such corrective information as may be required to electronically process a prescription claim.

C. In order to enable the Commonwealth to continue to receive federal grants or reimbursement for medical assistance or related services, the Board, subject to the approval of the Governor, may adopt, regardless of any other provision of this chapter, such amendments to the state plan for medical assistance services as may be necessary to conform such plan with amendments to the United States Social Security Act or other relevant federal law and their implementing regulations or constructions of these laws and regulations by courts of competent jurisdiction or the United States Secretary of Health and Human Services.

In the event conforming amendments to the state plan for medical assistance services are adopted, the Board shall not be required to comply with the requirements of Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2. However, the Board shall, pursuant to the requirements of § 2.2-4002, (i) notify the Registrar of Regulations that such amendment is necessary to meet the requirements of federal law or regulations or because of the order of any state or federal court, or (ii) certify to the Governor that the regulations are necessitated by an emergency situation. Any such amendments that are in conflict with the Code of Virginia shall only remain in effect until July 1 following adjournment of the next regular session of the General Assembly unless enacted into law.

D. The Director of Medical Assistance Services is authorized to:

1. Administer such state plan and receive and expend federal funds therefor in accordance with applicable federal and state laws and regulations; and enter into all contracts necessary or incidental to the performance of the Department's duties and the execution of its powers as provided by law.

2. Enter into agreements and contracts with medical care facilities, physicians, dentists and other health care providers where necessary to carry out the provisions of such state plan. Any such agreement or contract shall terminate upon conviction of the provider of a felony. In the event such conviction is reversed upon appeal, the provider may apply to the Director of Medical Assistance Services for a new agreement or contract. Such provider may also apply to the Director for reconsideration of the agreement or contract termination if the conviction is not appealed, or if it is not reversed upon appeal.

3. Refuse to enter into or renew an agreement or contract, or elect to terminate an existing agreement or contract, with any provider who has been convicted of or otherwise pled guilty to a felony, or pursuant to Subparts A, B, and C of 42 C.F.R. Part 1002, and upon notice of such action to the provider as required by 42 C.F.R. § 1002.212.

4. Refuse to enter into or renew an agreement or contract, or elect to terminate an existing agreement or contract, with a provider who is or has been a principal in a professional or other corporation when such corporation has been convicted of or otherwise pled guilty to any violation of § 32.1-314, 32.1-315, 32.1-316, or 32.1-317, or any other felony or has been excluded from participation in any federal program pursuant to 42 C.F.R. Part 1002.

5. Terminate or suspend a provider agreement with a home care organization pursuant to subsection E of § 32.1-162.13.

6. *Provide payments or transfers pursuant to § 457 of the Internal Revenue Code to the deferred compensation plan described in § 51.1-602 on behalf of an individual who is a dentist or an oral and maxillofacial surgeon providing services as an independent contractor pursuant to a Medicaid agreement or contract under this section. Notwithstanding the provisions of § 51.1-600, an "employee" for purposes of Chapter 6 (§ 51.1-600 et seq.) of Title 51.1 shall include an independent contractor as described in this subdivision.*

For the purposes of this subsection, "provider" may refer to an individual or an entity.

E. In any case in which a Medicaid agreement or contract is terminated or denied to a provider pursuant to subsection D, the provider shall be entitled to appeal the decision pursuant to 42 C.F.R. § 1002.213 and to a post-determination or post-denial hearing in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). All such requests shall be in writing and be received within 15 days of the date of receipt of the notice.

The Director may consider aggravating and mitigating factors including the nature and extent of any adverse impact the agreement or contract denial or termination may have on the medical care provided to Virginia Medicaid recipients. In cases in which an agreement or contract is terminated pursuant to subsection D, the Director may determine the period of exclusion and may consider aggravating and mitigating factors to lengthen or shorten the period of exclusion, and may reinstate the provider pursuant to 42 C.F.R. § 1002.215.

F. When the services provided for by such plan are services which a marriage and family therapist, clinical psychologist, clinical social worker, professional counselor, or clinical nurse specialist is licensed to render in Virginia, the Director shall contract with any duly licensed marriage and family therapist, duly licensed clinical psychologist, licensed clinical social worker, licensed professional counselor or licensed clinical nurse specialist who makes application to be a provider of such services, and thereafter shall pay for covered services as provided in the state plan. The Board shall promulgate regulations which reimburse licensed marriage and family therapists, licensed clinical psychologists, licensed clinical social workers, licensed professional counselors and licensed clinical nurse specialists at rates based upon reasonable criteria, including the professional credentials required for licensure.

G. The Board shall prepare and submit to the Secretary of the United States Department of Health and Human Services such amendments to the state plan for medical assistance services as may be permitted by federal law to establish a program of family assistance whereby children over the age of 18 years shall make reasonable contributions, as determined by regulations of the Board, toward the cost of providing medical assistance under the plan to their parents.

H. The Department of Medical Assistance Services shall:

1. Include in its provider networks and all of its health maintenance organization contracts a provision for the payment of medical assistance on behalf of individuals up to the age of 21 who have special needs and who are Medicaid eligible, including individuals who have been victims of child abuse and neglect, for medically necessary assessment and treatment services, when such services are delivered by a provider which specializes solely in the diagnosis and treatment of child abuse and neglect, or a provider with comparable expertise, as determined by the Director.

2. Amend the Medallion II waiver and its implementing regulations to develop and implement an exception, with procedural requirements, to mandatory enrollment for certain children between birth and age three certified by the Department of Behavioral Health and Developmental Services as eligible for services pursuant to Part C of the Individuals with Disabilities Education Act (20 U.S.C. § 1471 et seq.).

3. Utilize, to the extent practicable, electronic funds transfer technology for reimbursement to contractors and enrolled providers for the provision of health care services under Medicaid and the Family Access to Medical Insurance Security Plan established under § 32.1-351.

I. The Director is authorized to negotiate and enter into agreements for services rendered to eligible recipients with special needs. The Board shall promulgate regulations regarding these special needs patients, to include persons with AIDS, ventilator-dependent patients, and other recipients with special needs as defined by the Board.

J. Except as provided in subdivision A 1 of § 2.2-4345, the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the activities of the Director authorized by subsection I of this section. Agreements made pursuant to this subsection shall comply with federal law and regulation.

2. That the provisions of this act shall become effective on January 1, 2015, and shall expire on January 1, 2020.

CHAPTER 751

An Act to amend and reenact § 58.1-1017.1 of the Code of Virginia, relating to possession with intent to distribute tax-paid, contraband cigarettes; authorized holder.

[S 489]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-1017.1 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-1017.1. Possession with intent to distribute tax-paid, contraband cigarettes; penalty.

Any person ~~other than an authorized holder~~ who possesses, with intent to distribute, more than 5,000 (25 cartons) but fewer than 100,000 (500 cartons) tax-paid cigarettes is guilty of a Class 1 misdemeanor for a first offense and is guilty of a Class 6 felony for any second or subsequent offense. Any person ~~other than an authorized holder~~ who possesses, with intent to distribute, 100,000 (500 cartons) or more tax-paid cigarettes is guilty of a Class 6 felony for a first offense and is guilty of a Class 5 felony for a second or subsequent offense. Additionally, any person who violates the provisions of this section shall be assessed a civil penalty of (i) \$2.50 per pack, but no more than \$5,000, for a first offense; (ii) \$5 per pack, but no more than \$10,000, for a second such offense committed within a 36-month period; and (iii) \$10 per pack, but no more than \$50,000, for a third or subsequent such offense committed within a 36-month period. The civil penalties shall be assessed and collected by the Department as other taxes are collected. *The provisions of this section shall not apply to an authorized holder.*

CHAPTER 752

An Act to amend and reenact §§ 38.2-3455 and 38.2-3456 of the Code of Virginia and to amend the Code of Virginia by adding in Article 7 of Chapter 34 of Title 38.2 sections numbered 38.2-3457 through 38.2-3460, relating to the regulation of navigators for health benefit exchanges.

[S 542]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-3455 and 38.2-3456 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 7 of Chapter 34 of Title 38.2 sections numbered 38.2-3457 through 38.2-3460 as follows:

§ 38.2-3455. Definitions.

As used in this article, unless the context requires otherwise:

"Exchange" means a health benefit exchange established or operated in the Commonwealth, including a health benefit exchange established or operated by the U.S. Secretary of Health and Human Services, pursuant to § 1311(b) of the Patient Protection and Affordable Care Act, P.L. 111-148, as amended.

~~"Qualified dental plan" means a limited scope dental plan that has in effect a certification that the plan meets the criteria for certification described in § 1311(d)(2)(B)(ii) of the Patient Protection and Affordable Care Act, P.L. 111-148, as amended.~~

~~"Qualified health plan" means a health benefit plan that has in effect a certification that the plan meets the criteria for certification described in § 1311(c) of the Patient Protection and Affordable Care Act, P.L. 111-148, as amended.~~

~~"Health carrier" has the same meaning assigned to that term in § 38.2-3438.~~

"Navigator" means an individual or entity described in 42 U.S.C. § 1311(i)(2) that is selected to perform the activities and duties identified in 42 U.S.C. § 18031(i) in the Commonwealth. "Navigator" does not include an individual or entity licensed as an agent under Chapter 18 (§ 38.2-1800 et seq.) of this title to sell, solicit, or negotiate contracts of insurance or annuity in the Commonwealth.

"Other affordable care options" means the programs provided under the state plan for medical assistance services pursuant to Title XIX of the Social Security Act, as amended, and the Family Access to Medical Insurance Security (FAMIS) Plan developed pursuant to Title XXI of the Social Security Act, as amended.

~~"Qualified dental plan" means a limited scope dental plan that has in effect a certification that the plan meets the criteria for certification described in § 1311(d)(2)(B)(ii) of the Patient Protection and Affordable Care Act, P.L. 111-148, as amended.~~

~~"Qualified health plan" means a health benefit plan that has in effect a certification that the plan meets the criteria for certification described in § 1311(c) of the Patient Protection and Affordable Care Act, P.L. 111-148, as amended.~~

"Secretary" means the Secretary of the U.S. Department of Health and Human Services.

§ 38.2-3456. Prohibited activities.

A. A navigator shall not:

1. Engage in any activity that would require an insurance agent license under this title;
2. Offer advice about which qualified health plan or qualified dental plan is better or worse for a particular individual or employer;
3. Act as an intermediary between an employer and an insurer that offers a qualified health plan or qualified dental plan offered through an exchange; ~~or~~
4. Violate any unfair trade practice and privacy requirements in §§ 38.2-502, 38.2-503, 38.2-506, 38.2-509, 38.2-512, 38.2-515, 38.2-612.1, 38.2-613, and 38.2-614 to the extent such requirements are applicable to the activities of navigators; *or*
5. *Receive compensation for services or duties as a navigator that are prohibited by federal law, including compensation from a health carrier.*

B. An individual or entity shall not claim to be, or otherwise hold himself or itself out as, a navigator or conduct business as a navigator in the Commonwealth without ~~having:~~

1. *Having* been selected as a navigator in accordance with applicable federal law ~~and without having;~~
2. *Having* evidence of successful completion of all navigator requirements prescribed by the Secretary; *and*
3. *Having met* requirements established pursuant to § 38.2-3457.

C. If an individual or entity has engaged in the Commonwealth in one or more of the prohibited activities identified in this section, a complaint may be filed with the Commission. The Commission, upon investigation and verification of the prohibited activity or activities, may order such individual or entity to cease and desist such prohibited conduct.

§ 38.2-3457. Application for registration.

A. *On or after September 1, 2014, no individual or entity shall act as a navigator in the Commonwealth unless such individual or entity has been certified by the U.S. Department of Health and Human Services and registered with the Commission.*

B. *An application for registration under this article shall be in the form and containing the information the Commission prescribes. Each applicant shall, at the time of applying for registration, pay a nonrefundable application processing fee in an amount and in a manner prescribed by the Commission. A criminal history record report shall accompany each individual registration application.*

C. *The Commission shall register the applicant if it finds that the character and general fitness of the applicant are such as to warrant belief that the applicant will act as a navigator fairly, in the public interest, and in accordance with law.*

§ 38.2-3458. Power of Commission to investigate navigators.

A. *The Commission shall have the power to examine and investigate the affairs of any person engaged or alleged to be engaged in navigator activities in the Commonwealth to determine whether the individual or entity has engaged or is engaging in any violation of this article.*

B. *Each registered navigator shall report to the Commission within 30 calendar days the following: (i) any action taken by the U.S. Department of Health and Human Services to decertify the navigator; (ii) upon conviction of a felony, the facts and circumstances surrounding that conviction; and (iii) the disposition of the matter of any administrative action taken against the navigator in another jurisdiction or by another governmental agency in the Commonwealth.*

§ 38.2-3459. Grounds for termination, placing on probation, revocation, or suspension of registration.

A. If the Commission determines that a registered navigator has violated this article, or any order or regulation adopted thereunder, after notice and opportunity to be heard, the Commission may impose a penalty in accordance with §§ 38.2-218 and 38.2-219 and place on probation, suspend, or revoke any individual's or entity's registration.

B. The registration of any navigator shall terminate immediately when such navigator becomes decertified by the U.S. Department of Health and Human Services, whether or not the Commission has been notified of such decertification.

§ 38.2-3460. Sufficiency of federal requirements; additional standards and qualifications for navigators.

The Commission may determine whether the standards and qualifications for navigators provided by 42 U.S.C. § 18031 and any regulations enacted thereunder are sufficient to ensure that navigators can perform the required duties. If the Commission determines that the standards and qualifications are insufficient, the Commission shall make a good faith effort to work in cooperation with the Secretary to propose improvements. If after a reasonable interval the Commission determines that the standards and qualifications remain insufficient, the Commission shall adopt regulations establishing additional standards and qualifications to ensure that navigators can perform their required duties.

CHAPTER 753

An Act to amend and reenact § 46.2-1702 of the Code of Virginia, relating to approval of driver education instructors by the Commissioner of the Department of Motor Vehicles.

[S 554]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1702 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1702. Certification of driver education courses by Commissioner.

The Notwithstanding any other provision of law, the Commissioner shall have the authority to approve as a driver education course satisfying the requirements of § 46.2-334 any course which is offered by any driver training school licensed under the provisions of this chapter if he finds that the course is of comparable content and quality to that offered in the Commonwealth's public schools. In making such finding, the Commissioner shall not require that the instructors of any driver training school meet the certification requirements of teachers in the Commonwealth's public schools.

Any community college within the Virginia Community College System shall have the authority to offer the courses required by the Virginia Board of Education to become a certified driver education instructor in Virginia on a not-for-credit basis so long as the courses include the same content and curriculum required by the Department of Education, enabling individuals who complete those courses to then teach driver's education in Virginia driver education training schools upon official certification by the Department of Motor Vehicles. The Virginia Department of Education shall provide the curriculum, content, and other information regarding the courses required to become certified driver education instructors in Virginia to any community college within the Virginia Community College System. The content of each course must be accurate and rigorous and must meet the requirements for the Department of Education's Curriculum and Administrative Guide for Driver's Education, which includes the Board of Education's standards of learning.

The Commissioner shall have authority to approve any driver education course offered by any Class A licensee if he finds the course meets the requirements for such courses as set forth in this chapter and as otherwise established by the Department. Driver education courses offered by any Class B licensee shall be based on the driver education curriculum currently approved by the Department of Education and the Department.

The Commissioner may accept 20 years' service with the Virginia Department of State Police by a person who retired or resigned while in good standing from such Department in lieu of requirements established by the Department of Education for instructor qualification.

CHAPTER 754

An Act to amend and reenact § 23-299.2 of the Code of Virginia, relating to college partnership laboratory schools; tuition.

[S 562]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 23-299.2 of the Code of Virginia is amended and reenacted as follows:

§ 23-299.2. Establishment and operation of college partnership laboratory schools; requirements.

A. A college partnership laboratory school shall be subject to all federal and state laws and regulations and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services.

Enrollment shall be open to any child who is deemed to reside within the Commonwealth through a lottery process on a space-available basis. A waiting list shall be established if adequate space is not available to accommodate all students whose parents have requested to be entered in the lottery process. Such waiting list shall also be prioritized through a lottery process and parents shall be informed of their student's position on the list. For college partnership laboratory schools that

form a collaborative partnership, in accordance with subsection F, with one or more public school divisions, enrollment in the college partnership laboratory school shall be administered by one of the partnering divisions.

B. A college partnership laboratory school shall be administered and managed by a governing board. Pursuant to a contract and as specified in § 23-299.3, a college partnership laboratory school shall be subject to the requirements of the Standards of Quality, including the Standards of Learning and the Standards of Accreditation, and such regulations as determined by the Board of Education.

C. Pursuant to a college partnership laboratory school agreement, a college partnership laboratory school shall be responsible for its own operations, including, but not limited to, such budget preparation, contracts for services, and personnel matters as are specified in the agreement. A college partnership laboratory school may also negotiate and contract with a school board, the governing body of an institution of higher education, or any third party for the use of a school building and grounds, the operation and maintenance thereof, and the provision of any service, activity, or undertaking that the college partnership laboratory school is required to perform in order to carry out the educational program described in its contract. Any services for which a college partnership laboratory school contracts with a school board or institution of higher education shall not exceed the school division's or institution's costs to provide such services.

D. A college partnership laboratory school shall not charge tuition for courses required for high school graduation. However, (i) tuition may be charged for courses for which the student receives college credit and for enrichment courses that are not required to earn a Board of Education approved high school diploma, and (ii) *for college partnership laboratory schools that form a collaborative partnership, in accordance with subsection F, with one or more public school divisions, the school board of the partnering school division that administers student enrollment in accordance with subsection A may charge tuition in accordance with § 22.1-5 for students who do not reside within the partnering school division.*

E. An approved college partnership laboratory school shall be designated as a local education agency, but shall not constitute a school division.

F. College partnership laboratory schools are encouraged to develop collaborative partnerships with public school divisions for the purpose of building seamless education opportunities for all Virginia students, from preschool to postsecondary education. An educational program provided to students enrolled in a public school division pursuant to a collaborative partnership between the college partnership laboratory school and the public school division shall be considered to be the educational program of the public school division for purposes of the Standards of Accreditation.

CHAPTER 755

An Act to amend and reenact §§ 54.1-4400 and 54.1-4412.1 of the Code of Virginia, relating to the Board of Accountancy; licensing requirements.

[S 564]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-4400 and 54.1-4412.1 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-4400. Definitions.

As used in this chapter, unless the context clearly indicates otherwise:

"Accredited institution" means a degree-granting college or university accredited either by (i) one of the six major regional accrediting organizations—Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, North Central Association of Colleges and Schools, Northwest Commission on Colleges and Universities, Southern Association of Colleges and Schools, and Western Association of Schools and Colleges—or their successors; or (ii) an accrediting organization demonstrating to the Board periodically, as prescribed by the Board, that its accreditation process and standards are substantially equivalent to the accreditation process and standards of the six major regional accrediting organizations.

"Assurance" means any form of expressed or implied opinion or conclusion about the conformity of a financial statement with any recognition, measurement, presentation, or disclosure principles for financial statements.

"Attest services" means audit, review, or other attest services for which standards have been established by the Public Company Accounting Oversight Board, by the Auditing Standards Board or the Accounting and Review Services Committee of the American Institute of Certified Public Accountants, or by any successor standard-setting authorities.

"Board" means the Virginia Board of Accountancy.

"Compilation services" means compiling financial statements in accordance with standards established by the American Institute of Certified Public Accountants or by any successor standard-setting authorities.

"Continuing professional education" means the education that a person obtains after passing the CPA examination and that relates to services provided to an employer in academia, government, or industry using the CPA title or to services provided to the public using the CPA title.

"CPA" means certified public accountant.

"CPA examination" means the national uniform CPA examination approved and administered by the board of accountancy of a state or by the board's designee.

"CPA wall certificate" means the symbolic document suitable for wall display that is issued by the board of accountancy of a state to a person meeting the requirements to use the CPA title in that state.

"Executive Director" means the Executive Director of the Board.

"Experience" means employment in academia, a firm, government, or industry in any capacity involving the substantial use of accounting, financial, tax, or other skills that are relevant, as determined by the Board, to provide services to an employer using the CPA title or to the public using the CPA title.

"Facilitated State Board Access" or "FSBA" means the sponsoring organization's process whereby it provides the Board access to peer review results via a secure website.

"Financial statement" means a presentation of historical or prospective financial information about one or more persons or entities.

"Firm" means an entity formed by one or more licensees as a sole proprietorship, a partnership, a corporation, a limited liability company, or any other type of entity permitted by law.

"License of another state" means the license that is issued by the board of accountancy of a state other than Virginia that gives a person the privilege of using the CPA title in that state or that gives a firm the privilege of providing attest services and compilation services to persons and entities located in that state.

"Licensed" means holding a Virginia license or the license of another state.

"Licensee" means a person or firm holding a Virginia license or the license of another state.

"Peer review" means a review of a firm's attest services and compilation services that is conducted in accordance with the applicable monitoring program of the American Institute of Certified Public Accountants or its successor, or with another monitoring program approved by the Board.

"Practice of public accounting" means the giving of an assurance other than (i) by the person or persons about whom the financial information is presented or (ii) by one or more owners, officers, employees, or members of the governing body of the entity or entities about whom the financial information is presented.

"Providing services to an employer using the CPA title" means providing to an entity services that require the substantial use of accounting, financial, tax, or other skills that are relevant, as determined by the Board.

"Providing services to the public using the CPA title" means providing services that are subject to the guidance of the standard-setting authorities listed in the standards of conduct and practice in subdivisions 5 and 6 of § 54.1-4413.3.

"Sponsoring organization" means a Board-approved professional society or other organization responsible for the facilitation and administration of peer reviews through use of its peer review program and applicable peer review standards.

"State" means any state of the United States, the Commonwealth of the Northern Mariana Islands, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.

"Using the CPA title in Virginia" means using "CPA," "Certified Public Accountant," or "public accountant" (i) in any form or manner of verbal communication to persons or entities located in Virginia or (ii) in any form or manner of written communication to persons or entities located in Virginia, including but not limited to the use in any abbreviation, acronym, phrase, or title that appears in business cards, the CPA wall certificate, Internet postings, letterhead, reports, signs, tax returns, or any other document or device.

"Virginia license" means a license that is issued by the Board giving a person the privilege of using the CPA title in Virginia or a firm the privilege of providing attest services and compilation services to persons and entities located in Virginia.

§ 54.1-4412.1. Licensing requirements for firms.

A. Only a firm can provide attest services or compilation services to persons or entities located in Virginia. However, this shall not affect the privilege of a person who is not licensed to say that financial statements have been compiled or to use the compilation language, as prescribed by subsections B and C of § 54.1-4401.

B. A firm that provides attest services or compilation services to persons or entities located in Virginia shall obtain a Virginia license if the principal place of business in which it provides those services is in Virginia.

C. A firm that is not required to obtain a Virginia license may provide attest services or compilation services to persons or entities located in Virginia if:

1. The firm's personnel working on the engagement either (i) hold a Virginia license or (ii) hold the license of another state and comply with the substantial equivalency provisions of § 54.1-4411, or

2. The firm's personnel working on the engagement are under the supervision of a person who either (i) holds a Virginia license or (ii) holds the license of another state and complies with the substantial equivalency provisions of § 54.1-4411.

D. For a firm to obtain a Virginia license:

1. As determined on a firm-wide basis:

a. At least 51 percent of the owners of the firm shall be licensees, trustees of an eligible employee stock ownership plan as defined in § 13.1-543, or a firm that meets this requirement, and

b. At least 51 percent of the voting equity interest in the firm shall be owned by persons who are licensees, by trustees of an eligible employee stock ownership plan as defined in § 13.1-543, or by a firm that meets this requirement.

If the death, retirement, or departure of an owner causes either of these requirements not to be met, the requirement shall be met within one year after the death, retirement, or departure of the owner.

2. The Board shall prescribe requirements concerning the hours that owners who are not licensees work in the firm and may prescribe other requirements for those persons.

3. All attest services and compilation services provided for persons and entities located in Virginia shall be under the supervision of a person who either (i) holds a Virginia license or (ii) holds the license of another state and complies with the substantial equivalency provisions of § 54.1-4411.

4. Any person who releases or authorizes the release of reports on attest services or compilation services provided for persons or entities located in Virginia shall:

a. Either (i) hold a Virginia license or (ii) hold the license of another state and comply with the substantial equivalency provisions of § 54.1-4411, and

b. Meet any additional requirements the Board prescribes.

5. The firm shall conduct its attest services and compilation services in conformity with the standards of conduct and practice in § 54.1-4413.3 and regulations promulgated by the Board.

6. The firm shall be enrolled in the applicable monitoring program of the American Institute of Certified Public Accountants or its successor, or in another monitoring program for attest services and compilation services that is approved by the Board. In addition, the firm shall comply with any requirements prescribed by the Board in response to the results of peer reviews.

7. *The firm shall participate in the American Institute of Certified Public Accountants', or sponsoring organizations', Facilitated State Board Access process, or its successor process, for peer reviews.*

8. The name of the firm shall not be false, misleading, or deceptive.

E. The Board shall prescribe the methods and fees for a firm to apply for the issuance, renewal, or reinstatement of a Virginia license.

F. An entity may not use the CPA title in Virginia unless it meets the requirements of subdivision D 1.

CHAPTER 756

An Act to amend and reenact §§ 67-201 and 67-202 of the Code of Virginia, relating to the Virginia Energy Plan; analysis of effects of carbon dioxide emission control requirements; periodic interim updates.

[S 615]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 67-201 and 67-202 of the Code of Virginia are amended and reenacted as follows:

§ 67-201. Development of the Virginia Energy Plan.

A. The Division, in consultation with the State Corporation Commission, the Department of Environmental Quality, and the Center for Coal and Energy Research, shall prepare a comprehensive Virginia Energy Plan covering a 10-year period. The Plan shall propose actions, consistent with the objectives enumerated in § 67-101, that will implement the Commonwealth Energy Policy set forth in § 67-102.

B. In addition, the Plan shall include:

1. Projections of energy consumption in the Commonwealth, including but not limited to the use of fuel sources and costs of electricity, natural gas, gasoline, coal, renewable resources, and other forms of energy resources used in the Commonwealth;

2. An analysis of the adequacy of electricity generation, transmission, and distribution resources in the Commonwealth for the natural gas and electric industries, and how regional generation, transmission, and distribution resources affect the Commonwealth;

3. An analysis of siting requirements for electric generation resources and natural gas and electric transmission and distribution resources;

4. An analysis of fuel diversity for electricity generation, recognizing the importance of flexibility in meeting future capacity needs;

5. An analysis of the efficient use of energy resources and conservation initiatives;

6. An analysis of how these Virginia-specific issues relate to regional initiatives to assure the adequacy of fuel production, generation, transmission, and distribution assets;

7. An analysis of siting of energy resource development, refining or transmission facilities to identify any disproportionate adverse impact of such activities on economically disadvantaged or minority communities; ~~and~~

8. *With regard to any regulations proposed or promulgated by the U.S. Environmental Protection Agency to reduce carbon dioxide emissions from fossil fuel-fired electric generating units under § 111(d) of the Clean Air Act, 42 U.S.C. § 7411(d), an analysis of (i) the costs to and benefits for energy producers and electric utility customers; (ii) the effect on energy markets and reliability; and (iii) the commercial availability of technology required to comply with such regulations; and*

~~8.~~ 9. Recommendations, based on the analyses completed under subdivisions 1 through 7 8, for legislative, regulatory, and other public and private actions to implement the elements of the Commonwealth Energy Policy.

C. In preparing the Plan, the Division and other agencies involved in the planning process shall utilize state geographic information systems, to the extent deemed practicable, to assess how recommendations in the plan may affect pristine natural areas and other significant onshore natural resources.

D. In preparing the Plan, the Division and other agencies involved in the planning process shall develop a system for ascribing numerical scores to parcels of real property based on the extent to which the parcels are suitable for the siting of a wind energy facility or solar energy facility. For wind energy facilities, the scoring system shall address the wind velocity, sustained velocity, turbulence, proximity to electric power transmission systems, potential impacts to natural and historic resources and to economically disadvantaged or minority communities, and compatibility with the local land use plan. For solar energy facilities, the scoring system shall address the parcel's proximity to electric power transmission lines, potential impacts of such a facility to natural and historic resources and to economically disadvantaged or minority communities, and compatibility with the local land use plan. The system developed pursuant to this section shall allow the suitability of the parcel for the siting of a wind energy facility or solar energy facility to be compared to the suitability of other parcels so scored, and shall be based on a scale that allows the suitability of the parcel for the siting of a such an energy facility to be measured against the hypothetical score of an ideal location for such a facility.

E. After July 1, 2007, upon receipt by the Division of a recommendation from the Department of General Services, a local governing body, or the parcel's owner that a parcel of real property is a potentially suitable location for a wind energy facility or solar energy facility, the Division shall analyze the suitability of the parcel for the location of such a facility. In conducting its analysis, the Division shall ascribe a numerical score to the parcel using the scoring system developed pursuant to subsection D.

§ 67-202. Schedule.

A. The Division shall complete the Plan by July 1, 2007.

B. Prior to completion of the Plan and updates thereof, the Division shall present drafts to, and consult with, the Coal and Energy Commission and the Commission on Electric Utility Regulation.

C. The Plan shall be updated by the Division and submitted as provided in § 67-203 by July 1, 2010, *October 1, 2014*, and every ~~four years~~ *fourth October 1* thereafter. *In addition, the Division shall provide interim updates on the Plan by October 1 of the third year of each administration.* Updated reports shall reassess goals for energy conservation based on progress to date in meeting the goals in the previous plan and lessons learned from attempts to meet such goals.

D. *Beginning with the Plan update in 2014, the Division shall include a section to set forth energy policy positions relevant to any potential regulations proposed or promulgated by the State Air Pollution Control Board to reduce carbon dioxide emissions from fossil fuel-fired electric generating units under § 111(d) of the Clean Air Act, 42 U.S.C. § 7411(d). In this section of the Plan, the Division shall address policy options for establishing separate standards of performance pursuant to § 111(d) of the Clean Air Act, 42 U.S.C. § 7411(d), for carbon dioxide emissions from existing fossil fuel-fired electric generating units to promote the Plan's overall goal of fuel diversity as follows:*

1. *The Plan shall address policy options for establishing the standards of performance for existing coal-fired electric generating units, including but not limited to the following factors:*

a. *The most suitable system of emission reduction that (i) takes into consideration (a) the cost and benefit of achieving such reduction, (b) any non-air quality health and environmental impacts, and (c) the energy requirements of the Commonwealth and (ii) has been adequately demonstrated for coal-fired electric generating units that are subject to the standard of performance;*

b. *Reductions in emissions of carbon dioxide that can be achieved through measures reasonably undertaken at each coal-fired electric generating unit; and*

c. *Increased efficiencies and other measures that can be implemented at each coal-fired electric generating unit to reduce carbon dioxide emissions from the unit without converting from coal to other fuels, co-firing other fuels with coal, or limiting the utilization of the unit.*

2. *The Plan shall also address policy options for establishing the standards of performance for existing gas-fired electric generating units, including but not limited to the following factors:*

a. *The application of the criteria specified in subdivisions 1 a and b to natural gas-fired electric generating units, instead of to coal-fired electric generating units; and*

b. *Increased efficiencies and other measures that can be reasonably implemented at the unit to reduce carbon dioxide emissions from the unit without switching from natural gas to other lower-carbon fuels or limiting the utilization of the unit.*

3. *The Plan shall examine policy options for state regulatory action to adopt less stringent standards or longer compliance schedules than those provided for in applicable federal rules or guidelines based on analysis of the following:*

a. *Consumer impacts, including any disproportionate impacts of energy price increases on lower-income populations;*

b. *Unreasonable cost of reducing emissions resulting from plant age, location, or basic process design;*

c. *Physical difficulties with or impossibility of implementing emission reduction measures;*

d. *The absolute cost of applying the performance standard to the unit;*

e. *The expected remaining useful life of the unit;*

f. *The economic impacts of closing the unit, including expected job losses, if the unit is unable to comply with the performance standard; and*

g. *Any other factors specific to the unit that make application of a less stringent standard or longer compliance schedule more reasonable.*

4. The Plan shall identify options, to the maximum extent permissible, for any federally required regulation of carbon dioxide emissions from existing fossil fuel-fired electric generating units, regulatory mechanisms that provide flexibility in complying with such standards, including the averaging of emissions, emissions trading, or other alternative implementation measures that are determined to further the interests of the Commonwealth and its citizens.

CHAPTER 757

An Act to amend and reenact §§ 58.1-3219.5, 58.1-3219.7, and 58.1-3360 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 32 of Title 58.1 an article numbered 2.4, consisting of sections numbered 58.1-3219.9 through 58.1-3219.12, and to provide for the submission to the voters of a proposed amendment to Section 6-A of Article X of the Constitution of Virginia, relating to a real property tax exemption for surviving spouses of soldiers killed in action.

[H 46]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-3219.5, 58.1-3219.7, and 58.1-3360 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 32 of Title 58.1 an article numbered 2.4, consisting of sections numbered 58.1-3219.9 through 58.1-3219.12, as follows:

§ 58.1-3219.5. Exemption from taxes on property for disabled veterans.

A. Pursuant to ~~Article X, Section 6-A~~ subdivision (a) of Section 6-A of Article X of the Constitution of Virginia, and for tax years beginning on or after January 1, 2011, the General Assembly hereby exempts from taxation the real property, including the joint real property of husband and wife, of any veteran who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability, and who occupies the real property as his principal place of residence. If the veteran's disability rating occurs after January 1, 2011, and he has a qualified primary residence on the date of the rating, then the exemption for him under this section begins on the date of such rating. However, no county, city, or town shall be liable for any interest on any refund due to the veteran for taxes paid prior to the veteran's filing of the affidavit or written statement required by § 58.1-3219.6. If the qualified veteran acquires the property after January 1, 2011, then the exemption shall begin on the date of acquisition, and the previous owner may be entitled to a refund for a pro rata portion of real property taxes paid pursuant to § 58.1-3360.

B. The surviving spouse of a veteran eligible for the exemption set forth in this article shall also qualify for the exemption, so long as the death of the veteran occurs on or after January 1, 2011, the surviving spouse does not remarry, and the surviving spouse continues to occupy the real property as his principal place of residence.

C. A county, city, or town shall provide for the exemption from real property taxes the qualifying dwelling pursuant to this section, and shall provide for the exemption from real property taxes the land, not exceeding one acre, upon which it is situated. However, if a county, city, or town provides for an exemption from or deferral of real property taxes of more than one acre of land pursuant to Article 2 (§ 58.1-3210 et seq.), then the county, city, or town shall also provide an exemption for the same number of acres pursuant to this section.

D. For purposes of this exemption, real property of any veteran includes real property (i) held by a veteran alone or in conjunction with the veteran's spouse as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which the veteran or the veteran and his spouse hold the power of revocation, or (iii) held in an irrevocable trust under which a veteran alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The term does not include any interest held under a leasehold or term of years.

The exemption for a surviving spouse under subsection B includes real property (a) held by the veteran's spouse as tenant for life, (b) held in a revocable inter vivos trust over which the surviving spouse holds the power of revocation, or (c) held in an irrevocable trust under which the surviving spouse possesses a life estate or enjoys a continuing right of use or support. The exemption does not apply to any interest held under a leasehold or term of years.

E. 1. In the event that (i) a person is entitled to an exemption under this section by virtue of holding the property in any of the three ways set forth in subsection D and (ii) one or more other persons have an ownership interest in the property that permits them to occupy the property, then the tax exemption for the property that otherwise would have been provided shall be prorated by multiplying the amount of the exemption by a fraction that has as a numerator the number of people who are qualified for the exemption pursuant to this section and has as a denominator the total number of all people having an ownership interest that permits them to occupy the property.

2. In the event that the primary residence is jointly owned by two or more individuals, not all of whom qualify for the exemption pursuant to subsection A or B, and no person is entitled to the exemption under this section by virtue of holding the property in any of the three ways set forth in subsection D, then the exemption shall be prorated by multiplying the amount of the exemption or deferral by a fraction that has as a numerator the percentage of ownership interest in the dwelling held by all such joint owners who qualify for the exemption pursuant to subsections A and B, and as a denominator, 100 percent.

§ 58.1-3219.7. Commissioner of the Department of Veterans Services; rules and regulations; appeal.

A. The Commissioner of the Department of Veterans Services shall promulgate rules and regulations governing the administration and implementation of the property tax exemption under this article. Such rules and regulations shall include, but not be limited to, written guidance for veterans residing in the Commonwealth and for commissioners of the revenue or other assessing officers relating to the determination of eligibility for the property tax exemption under this article and procedures for appealing a decision of the Commissioner of the Department of Veterans Services to a circuit court pursuant to subsection B. The Commissioner of the Department of Veterans Services may also provide written guidance to, and respond to requests for information from, veterans residing in the Commonwealth and commissioners of the revenue or other assessing officers regarding the exemption under this article, including interpretation of the provisions of ~~Article X, Section 6-A~~ subdivision (a) of Section 6-A of Article X of the Constitution of Virginia and this article.

B. The Commissioner of the Department of Veterans Services shall hear and decide appeals by veterans residing in the Commonwealth from a denial of their application pursuant to § 58.1-3219.6 by a commissioner of the revenue or other assessing officer. However, such appeal shall be limited to appeals based upon a finding of fact regarding eligibility criteria set forth in ~~Article X, Section 6-A~~ subdivision (a) of Section 6-A of Article X of the Constitution of Virginia and this article. The Commissioner of the Department of Veterans Services shall not be authorized to hear or decide appeals regarding a dispute over the assessed value of any property. Nothing in this section shall be construed to limit the appeal of a decision of the Commissioner of the Department of Veterans Services by either party to the circuit court in the locality in which the veteran resides.

Article 2.4.

Exemption for Surviving Spouses of Members of the Armed Forces Killed in Action.

§ 58.1-3219.9. Exemption from taxes on property of surviving spouses of members of the armed forces killed in action.

A. Pursuant to subdivision (b) of Section 6-A of Article X of the Constitution of Virginia, and for tax years beginning on or after January 1, 2015, the General Assembly hereby exempts from taxation the real property described in subsection B of the surviving spouse (i) of any member of the armed forces of the United States who was killed in action as determined by the United States Department of Defense and (ii) who occupies the real property as his principal place of residence. If such member of the armed forces of the United States is killed in action after January 1, 2015, and the surviving spouse has a qualified principal residence on the date that such member of the armed forces is killed in action, then the exemption for the surviving spouse shall begin on the date that such member of the armed forces is killed in action. However, no county, city, or town shall be liable for any interest on any refund due to the surviving spouse for taxes paid prior to the surviving spouse's filing of the affidavit or written statement required by § 58.1-3219.10. If the surviving spouse acquires the property after January 1, 2015, then the exemption shall begin on the date of acquisition, and the previous owner may be entitled to a refund for a pro rata portion of real property taxes paid pursuant to § 58.1-3360.

B. Only those dwellings in the locality with assessed values in the most recently ended tax year that are not in excess of the average assessed value for such year of a dwelling situated on property that is zoned as single family residential shall qualify for the exemption under this article. Single family homes, condominiums, town homes, and other types of dwellings of surviving spouses that (i) meet this requirement and (ii) are occupied by such persons as their principal place of residence shall qualify for the real property tax exemption.

For purposes of determining whether a dwelling is exempt from county and town real property taxes, the average assessed value shall be such average for all dwellings located within the county that are situated on property zoned as single family residential.

C. The surviving spouse of a member of the armed forces killed in action shall qualify for the exemption so long as the surviving spouse does not remarry and continues to occupy the real property as his principal place of residence.

D. A county, city, or town shall provide for the exemption from real property taxes (i) the qualifying dwelling and (ii) the land, not exceeding one acre, upon which it is situated. However, if a county, city, or town provides for an exemption from or deferral of real property taxes of more than one acre of land pursuant to Article 2 (§ 58.1-3210 et seq.), then the county, city, or town shall also provide an exemption for the same number of acres pursuant to this section.

E. For purposes of this exemption, real property of any surviving spouse of a member of the armed forces killed in action includes real property (i) held by a surviving spouse as a tenant for life, (ii) held in a revocable inter vivos trust over which the surviving spouse holds the power of revocation, or (iii) held in an irrevocable trust under which the surviving spouse possesses a life estate or enjoys a continuing right of use or support. The term does not include any interest held under a leasehold or term of years.

F. 1. In the event that (i) a surviving spouse is entitled to an exemption under this section by virtue of holding the property in any of the three ways set forth in subsection E and (ii) one or more other persons have an ownership interest in the property that permits them to occupy the property, then the tax exemption for the property that otherwise would have been provided shall be prorated by multiplying the amount of the exemption by a fraction that has as a numerator the number of surviving spouses who are qualified for the exemption pursuant to this section and has as a denominator the total number of all people having an ownership interest that permits them to occupy the property.

2. In the event that the principal residence is jointly owned by two or more individuals, not all of whom qualify for the exemption, and no person is entitled to the exemption under this section by virtue of holding the property in any of the three ways set forth in subsection E, then the exemption shall be prorated by multiplying the amount of the exemption by a

fraction that has as a numerator the percentage of ownership interest in the dwelling held by all such joint owners who qualify for the exemption, and as a denominator, 100 percent.

§ 58.1-3219.10. Application for exemption.

A. The surviving spouse claiming the exemption under this article shall file with the commissioner of the revenue of the county, city, or town or such other officer as may be designated by the governing body in which the real property is located, on forms to be supplied by the county, city, or town, an affidavit or written statement (i) setting forth the surviving spouse's name, (ii) indicating any other joint owners of the real property, and (iii) certifying that the real property is occupied as the surviving spouse's principal place of residence. The surviving spouse shall also provide documentation from the United States Department of Defense or its successor agency indicating the date that the member of the armed forces of the United States was killed in action.

The surviving spouse shall be required to refile the information required by this section only if the surviving spouse's principal place of residence changes.

B. The surviving spouse shall promptly notify the commissioner of the revenue of any remarriage.

§ 58.1-3219.11. Commissioner of the Department of Veterans Services; rules and regulations.

The Commissioner of the Department of Veterans Services shall promulgate rules and regulations governing the administration and implementation of the property tax exemption under this article. Such rules and regulations shall include, but not be limited to, written guidance for surviving spouses residing in the Commonwealth and for commissioners of the revenue or other assessing officers relating to the determination of eligibility for the property tax exemption under this article. The Commissioner of the Department of Veterans Services may also provide written guidance to, and respond to requests for information from, surviving spouses residing in the Commonwealth and commissioners of the revenue or other assessing officers regarding the exemption under this article, including interpretation of the provisions of subdivision (b) of Section 6-A of Article X of the Constitution of Virginia and this article.

§ 58.1-3219.12. Absence from residence.

The fact that surviving spouses who are otherwise qualified for tax exemption pursuant to this article are residing in hospitals, nursing homes, convalescent homes, or other facilities for physical or mental care for extended periods of time shall not be construed to mean that the real estate for which tax exemption is sought does not continue to be the sole dwelling of such persons during such extended periods of other residence so long as such real estate is not used by or leased to others for consideration.

§ 58.1-3360. Credit on current year's taxes when land acquired by United States, the Commonwealth, a political subdivision, a church or religious body, a disabled veteran, or a surviving spouse of a member of the armed forces who was killed in action.

Any taxpayer whose lands, or any portion thereof, are in any year acquired or taken in any manner by the United States; the Commonwealth; a political subdivision; a church or religious body, which is exempt from taxation by Article X, Section 6 of the Constitution of Virginia; a surviving spouse of a member of the armed forces of the United States who was killed in action for that portion of the property that is exempt under § 58.1-3219.9; or a disabled veteran for that portion of the property that is exempt from taxation pursuant to § 58.1-3219.5, shall be relieved from the payment of taxes and levies from the date of divestment of such land for that portion of the year in which the property was taken or acquired. The county treasurers as to land situated in counties and the city treasurers and city collectors as to lands situated in cities shall receive from and receipt to the original owner of the lands so taken, for his proportionate part of the taxes and levies for the year and credit the payment on the tax tickets and shall return at the same time he makes his return of lands and lots improperly assessed, as required by law, the proportional part of the taxes and levies exonerated from taxation for any such year, indicating on the margin of the list the date on which the property was acquired by the government or religious body. Such list, when approved by the proper authorities, shall be considered as a credit to any such treasurer or collector in the settlement of the accounts for such year.

2. That the provisions of the first enactment of this act shall become effective on January 1, 2015, if a majority of those voting on the question in the third enactment of this act vote in the affirmative.

3. § 1. It shall be the duty of the officers conducting the election directed by law to be held on the Tuesday after the first Monday in November 2014, at the places appointed for holding the same, to open a poll and take the sense of the qualified voters upon the ratification or rejection of the proposed amendment to the Constitution of Virginia, contained herein and in the joint resolution proposing such amendment, to wit:

Amend Section 6-A of Article X of the Constitution of Virginia as follows:

ARTICLE X
TAXATION AND FINANCE

Section 6-A. Property tax exemption for certain veterans and surviving spouses of soldiers killed in action.

(a) Notwithstanding the provisions of Section 6, the General Assembly by general law, and within the restrictions and conditions prescribed therein, shall exempt from taxation the real property, including the joint real property of husband and wife, of any veteran who has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a one hundred percent service-connected, permanent, and total disability, and who occupies the real property as his or her principal place of residence. The General Assembly shall also provide this exemption from taxation for real property owned by the surviving spouse of a veteran who was eligible for the exemption provided in this

~~section~~ subdivision, so long as the surviving spouse does not remarry and continues to occupy the real property as his or her principal place of residence.

(b) *Notwithstanding the provisions of Section 6, the General Assembly by general law, and within the restrictions and conditions prescribed therein, may exempt from taxation the real property of the surviving spouse of any member of the armed forces of the United States who was killed in action as determined by the United States Department of Defense, who occupies the real property as his or her principal place of residence. The exemption under this subdivision shall cease if the surviving spouse remarries and shall not be claimed thereafter. This exemption applies regardless of whether the spouse was killed in action prior to the effective date of this subdivision, but the exemption shall not be applicable for any period of time prior to the effective date. This exemption applies to the surviving spouse's principal place of residence without any restriction on the spouse's moving to a different principal place of residence and without any requirement that the spouse reside in the Commonwealth at the time of death of the member of the armed forces.*

§ 2. The ballot shall contain the following question:

"Question: Shall Section 6-A of Article X (Taxation and Finance) of the Constitution of Virginia be amended to allow the General Assembly to exempt from taxation the real property of the surviving spouse of any member of the armed forces of the United States who was killed in action, where the surviving spouse occupies the real property as his or her principal place of residence and has not remarried?"

The ballots shall be prepared, distributed and voted, and the results of the election shall be ascertained and certified, in the manner prescribed by § 24.2-684 of the Code of Virginia. The State Board of Elections shall comply with § 30-19.9 of the Code and shall cause to be sent to the electoral boards of each county and city sufficient copies of the full text of the amendment and question contained herein for the officers of election to post in each polling place on election day.

The electoral board of each county and city shall make out, certify and forward an abstract of the votes cast for and against such proposed amendment in the manner now prescribed by law in relation to votes cast in general elections.

The State Board of Elections shall open and canvass such abstracts and examine and report the whole number of votes cast at the election for and against such amendment in the manner now prescribed by law in relation to votes cast in general elections. The State Board of Elections shall record a certified copy of such report in its office and without delay make out and transmit to the Governor an official copy of such report, certified by it. The Governor shall without delay make proclamation of the result, stating therein the aggregate vote for and against the amendment.

If a majority of those voting vote in favor of the amendment, it shall become effective on January 1, 2015.

The expenses incurred in conducting this election shall be defrayed as in the case of election of members of the General Assembly.

CHAPTER 758

An Act to amend and reenact § 2.2-1617 of the Code of Virginia and to amend and reenact the second enactment of Chapters 155 and 206 of the Acts of Assembly of 2013, relating to the one-stop small business permitting program; integration with State Corporation Commission.

[H 167]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1617 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-1617. One-stop small business permitting program.

A. As used in this article, unless the context requires a different meaning:

"Business Permitting Center" or "Center" means the business registration and permitting center established by this section and located in and under the administrative control of the Department.

"Comprehensive application" means a document incorporating pertinent data from existing applications for permits covered under this section.

"Comprehensive permit" means the single document designed for public display issued by the Business Permitting Center that certifies state agency permit approval and that incorporates the endorsements for individual permits included in the comprehensive permitting program.

"Comprehensive permitting program" or "Program" means the mechanism by which comprehensive permits are issued and renewed, permit and regulatory information is disseminated, and account data is exchanged by state agencies.

"Permit" means the whole or part of any state agency permit, license, certificate, approval, registration, charter, or any form or permission required by law, to engage in activity associated with or involving the establishment of a small business in the Commonwealth.

"Permit information packet" means a collection of information about permitting requirements and application procedures custom assembled for each request.

"Regulatory" means all permitting and other governmental or statutory requirements establishing a small business or professional activities associated with establishing a small business.

"Regulatory agency" means any state agency, board, commission, or division that regulates one or more professions, occupations, industries, businesses, or activities.

"Renewal application" means a document used to collect pertinent data for renewal of permits covered under this section.

"Small business" means an independently owned and operated business that, together with affiliates, has 250 or fewer employees or average annual gross receipts of \$10 million or less averaged over the previous three years.

"Veteran" means an individual who has served in the active military, naval, or air service and who was discharged or released therefrom under conditions other than dishonorable.

B. There is created within the Department the comprehensive permitting program (the Program). The Program is established to serve as a single access point to aid entrepreneurs in filling out the various permit applications associated with establishing a small business in Virginia. The Program in no way supersedes or supplants any regulatory authority granted to any state agency with permits covered by this section. As part of the Program, the Department shall coordinate with the regulatory agency, and the regulatory agency shall determine, consistent with applicable law, what types of permits are appropriate for inclusion in the Program as well as the rules governing the submission of and payment for those permits. The website of the Department shall provide access to information regarding the Program. The Department shall have the power and duty to:

1. Create a comprehensive application that will allow an entrepreneur, or an agent thereof, seeking to establish a small business, to create accounts that will allow them to acquire the appropriate permits required in the Commonwealth. The comprehensive application shall:

a. Allow the business owner to choose a business type and to provide common information, such as name, address, and telephone number, on the front page, eliminating the need to repeatedly provide common information on each permit application;

b. Allow the business owner to preview and answer questions related to the operation of the business;

c. Provide business owners with a customized to-do agency checklist, which checklist shall provide the permit applications pertinent to each business type and provide the rules, regulations, and general laws applicable to each business type as well as local licensing information;

d. Allow the business owner to submit permit applications by electronic means as authorized by § 59.1-496 and to affix thereto his electronic signature as defined in § 59.1-480;

e. Allow the business owner to check on the status of applications online and to receive information from the permitting agencies electronically; and

f. Allow a business owner to submit electronic payment of application or permitting fees for applications that have been accepted by the permitting agency.

2. Develop and administer a computerized system program capable of storing, retrieving, and exchanging permit information while protecting the confidentiality of information submitted to the Department to the extent allowable by law. Information submitted to the Department shall be subject to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) as the same would apply were the information submitted directly to the Department or to any permitting agency.

3. Issue and renew comprehensive permits in an efficient manner.

4. Identify the types of permits appropriate for inclusion in the Program. The Department shall coordinate with the regulatory agency, and the regulatory agency shall determine, consistent with applicable law, what types of permits are appropriate for inclusion in the Program.

5. Incorporate permits into the Program.

6. Do all acts necessary or convenient to carry out the purposes of this chapter.

C. The Business Permitting Center shall compile information regarding the regulatory programs associated with each of the permits obtainable under the Program. This information shall include, at a minimum, a listing of the statutes and administrative rules requiring the permits and pertaining to the regulatory programs that are directly related to the permit. The Center shall provide information governed by this section to any person requesting it. Materials used by the Center to describe the services provided by the Center shall indicate that this information is available upon request.

D. Each state agency shall cooperate and provide reasonable assistance to the Department in the implementation of this section.

E. ~~By June 30, 2018, the~~ *The State Corporation Commission and the Department of Small Business and Supplier Diversity shall:*

1. By December 1, 2014, implement a hyperlink from the State Corporation Commission's eFile system to the Center that will facilitate the collection by the Center of a user's information to populate any forms that will be required to be completed at a future date, to the end that the user will not be required unnecessarily to reenter data or information into the forms when the user is accessing the Center; and

2. By June 30, 2018, fully integrate processes and forms into the Center and shall process all forms within 48 business hours from the time the applicant submits the form electronically.

The State Corporation Commission and the Center shall report on progress and any barriers to completion of the provisions of subdivision 1 biannually, on each December 1 and June 1, to the Governor, the Secretary of Commerce and Trade, the Secretary of Technology, and the chairs of the Senate Committees on Finance, General Laws and Technology, and Commerce and Labor and of the House Committees on Appropriations and Commerce and Labor.

F. Any person requiring permits that have been incorporated into the Program may submit a comprehensive application to the Department requesting the issuance of the permits. The comprehensive application form shall contain in consolidated form information necessary for the issuance of the permits.

G. The applicant, if not a veteran, shall include with the application the handling fee established by the Department. An applicant who is a veteran shall be exempt from payment of the handling fee prescribed by this subsection. The amount of the handling fee assessed against the applicant shall be set by the Department at a level necessary to cover the costs of administering the comprehensive permitting program.

H. The authority for approving the issuance and renewal of any requested permit that requires investigation, inspection, testing, or other judgmental review by the regulatory agency otherwise legally authorized to issue the permit shall remain with that agency. The Center may issue those permits for which proper fee payment and a completed application form have been received and for which no approval action is required by the regulatory agency.

I. Upon receipt of the application, and proper fee payment for any permit for which issuance is subject to regulatory agency action under subsection H, the Department shall immediately notify the State Corporation Commission or the regulatory agency with authority to approve the permit issuance or renewal requested by the applicant. The State Corporation Commission or the regulatory agency shall advise the Department within a reasonable time after receiving the notice of one of the following:

1. That the State Corporation Commission or the regulatory agency approves the issuance of the requested permit and will advise the applicant of any specific conditions required for issuing the permit;

2. That the State Corporation Commission or the regulatory agency denies the issuance of the permit and gives the applicant reasons for the denial;

3. That the application is pending; or

4. That the application is incomplete and further information from or action by the applicant is necessary.

J. The Department shall issue a comprehensive permit endorsed for all the approved permits to the applicant and advise the applicant of the status of other requested permits. The applicant shall be responsible for contesting any decision regarding conditions imposed or permits denied through the normal process established by statute or by the State Corporation Commission or the regulatory agency with the authority for approving the issuance of the permit.

K. Regulatory agencies shall be provided information from the comprehensive application for their permitting and regulatory functions.

L. The Department shall be responsible for directing the applicant to make all payments for applicable fees established by the regulatory agency directly to the proper agency.

M. There is hereby created in the state treasury a special nonreverting fund to be known as the Comprehensive Permitting Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. The Fund shall consist of all moneys collected from the handling fee established by the Department pursuant to subsection G and such other funds as may be appropriated by the General Assembly. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely to administer the Program. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the Department.

N. Unless otherwise directed by the regulatory agency, the Department shall not issue or renew a comprehensive permit to any person under any of the following circumstances:

1. The person does not have a valid tax registration, if required;

2. The person is a corporation, limited liability company, business trust, limited partnership, or registered limited liability partnership that (i) is delinquent in the payment of fees or penalties collected by the State Corporation Commission pursuant to the business entity statutes it administers, (ii) does not exist, or (iii) is not authorized to transact business in the Commonwealth pursuant to one of the business entity statutes administered by the State Corporation Commission; or

3. The person has not submitted the sum of all fees and deposits required for the requested individual permit endorsements, any outstanding comprehensive permit delinquency fee, or other fees and penalties to be collected through the comprehensive permitting program.

O. The Department may adopt regulations in accordance with § 2.2-1606 as may be necessary to carry out the purposes of this section.

2. That the second enactment of Chapters 155 and 206 of the Acts of Assembly of 2013 is amended and reenacted as follows:

2. That the State Corporation Commission and the Department of ~~Small Business Assistance~~ and Supplier Diversity shall collaborate to identify, develop, and implement enhancements to the Business One Stop and eFile systems to provide for an improved citizen experience. Representatives of the State Corporation Commission and the Department of Small Business and Supplier Diversity shall meet as necessary to further such collaboration and identify barriers thereto. The Secretary of Commerce and Trade shall oversee the Department of Small Business and Supplier Diversity's implementation of the provisions of subsection E of § 2.2-1617 of the Code of Virginia as amended by this act. The Secretary of Commerce and Trade and the Secretary of Technology shall have the opportunity to participate in such meetings.

CHAPTER 759

An Act to amend and reenact §§ 59.1-210 and 59.1-215 of the Code of Virginia, relating to the regulation of invention development services; required disclosure; civil penalty.

[H 180]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:**1. That §§ 59.1-210 and 59.1-215 of the Code of Virginia are amended and reenacted as follows:****§ 59.1-210. Standard provisions for cover notice.**

Every contract for invention development services shall have a conspicuous and legible cover sheet attached with the following notice imprinted thereon in boldface type of not less than ~~ten-point~~ 10-point size:

1. "This contract between you and an invention developer is regulated by Chapter 18 (§ 59.1-208 et seq.) of Title 59.1. You are not permitted or required to make any payments under this contract until four working days after you sign this contract and receive a completed copy of it."

2. *A statement that the contract is a fee-for-service contract and that the invention developer makes no guarantees as to the success of the invention.*

3. *Information as to how a customer who feels that his rights have been violated pursuant to this chapter may lodge a complaint with the Consumer Protection Division at the Office of the Attorney General, including the Division's telephone number and directions as to how to file an online consumer complaint.*

Such cover sheet shall contain only the notice required by this section.

§ 59.1-215. Enforcement; civil penalty; restraint of violations.

A. For the purpose of enforcing this chapter, the Attorney General is hereby authorized to conduct investigations and hold hearings and compel the attendance of witnesses and the production of accounts, books and documents by the issuance of subpoenas.

B. The Attorney General shall enforce the provisions of this chapter, and shall have the right to recover a civil penalty of not to exceed ~~\$3,000~~ \$10,000 for each and every violation of any provisions of this chapter, and to seek equitable relief to restrain any such violation.

CHAPTER 760

An Act to amend and reenact § 22.1-271.5 of the Code of Virginia, relating to student-athletes; concussion guidelines and policies.

[H 410]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 22.1-271.5 of the Code of Virginia is amended and reenacted as follows:****§ 22.1-271.5. Guidelines and policies and procedures on concussions in student-athletes.**

A. The Board of Education shall develop and distribute to each local school division guidelines on policies to inform and educate coaches, student-athletes, and their parents or guardians of the nature and risk of concussions, criteria for removal from and return to play, ~~and~~ risks of not reporting the injury and continuing to play, *and the effects of concussions on student-athletes' academic performance.*

B. Each local school division shall develop policies and procedures regarding the identification and handling of suspected concussions in student-athletes. Such policies shall require:

1. In order to participate in any extracurricular physical activity, each student-athlete and the student-athlete's parent or guardian shall review, on an annual basis, information on concussions provided by the local school division. After having reviewed materials describing the short- and long-term health effects of concussions, each student-athlete and the student-athlete's parent or guardian shall sign a statement acknowledging receipt of such information, in a manner approved by the Board of Education; and

2. A student-athlete suspected by that student-athlete's coach, athletic trainer, or team physician of sustaining a concussion or brain injury in a practice or game shall be removed from the activity at that time. A student-athlete who has been removed from play, evaluated, and suspected to have a concussion or brain injury shall not return to play that same day nor until (i) evaluated by an appropriate licensed health care provider as determined by the Board of Education and (ii) in receipt of written clearance to return to play from such licensed health care provider.

The licensed health care provider evaluating student-athletes suspected of having a concussion or brain injury may be a volunteer.

C. *Each non-interscholastic youth sports program utilizing public school property shall either (i) establish policies and procedures regarding the identification and handling of suspected concussions in student-athletes, consistent with either the local school division's policies and procedures developed in compliance with this section or the Board's Guidelines for Policies on Concussions in Student-Athletes, or (ii) follow the local school division's policies and procedures as set forth in*

subsection B. In addition, local school divisions may provide the guidelines to organizations sponsoring athletic activity for student-athletes on school property. Local school divisions shall not be required to enforce compliance with such policies.

D. As used in this section, "non-interscholastic youth sports program" means a program organized for recreational athletic competition or recreational athletic instruction for youth.

2. That the Board of Education shall review and revise the guidelines as necessary, pursuant to subsection A of § 22.1-271.5 of the Code of Virginia, and shall work with the Virginia High School League, the Department of Health, the Virginia Athletic Trainers Association, the Virginia Physical Therapy Association, representatives of the Children's Hospital of the King's Daughters and the Children's National Medical Center, the Brain Injury Association of Virginia, the American Academy of Pediatrics, the Virginia College of Emergency Physicians, the Virginia Academy of Family Physicians, the Virginia Association of School Nurses, a representative from a non-interscholastic youth sports program, and any other interested stakeholders.

CHAPTER 761

An Act to amend and reenact §§ 16.1-340, 16.1-345.4, 19.2-182.9, 37.2-808, 37.2-809, and 37.2-817.2 of the Code of Virginia, relating to emergency custody; duration; notification.

[H 478]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-340, 16.1-345.4, 19.2-182.9, 37.2-808, 37.2-809, and 37.2-817.2 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-340. Emergency custody; issuance and execution of order.

A. Any magistrate shall issue, upon the sworn petition of a minor's treating physician or parent or, if the parent is not available or is unable or unwilling to file a petition, by any responsible adult, including the person having custody over a minor in detention or shelter care pursuant to an order of a juvenile and domestic relations district court, or upon his own motion, an emergency custody order when he has probable cause to believe that (i) because of mental illness, the minor (a) presents a serious danger to himself or others to the extent that severe or irremediable injury is likely to result, as evidenced by recent acts or threats, or (b) is experiencing a serious deterioration of his ability to care for himself in a developmentally age-appropriate manner, as evidenced by delusory thinking or by a significant impairment of functioning in hydration, nutrition, self-protection, or self-control; and (ii) the minor is in need of compulsory treatment for a mental illness and is reasonably likely to benefit from the proposed treatment. Any emergency custody order entered pursuant to this section shall provide for the disclosure of medical records pursuant to subsection B of § 16.1-337. This subsection shall not preclude any other disclosures as required or permitted by law. To the extent possible, the petition shall contain the information required by § 16.1-339.1.

When considering whether there is probable cause to issue an emergency custody order, the magistrate may, in addition to the petition, consider (1) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (2) any past actions of the minor, (3) any past mental health treatment of the minor, (4) any relevant hearsay evidence, (5) any medical records available, (6) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (7) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue an emergency custody order.

B. Any minor for whom an emergency custody order is issued shall be taken into custody and transported to a convenient location to be evaluated to determine whether he meets the criteria for temporary detention pursuant to § 16.1-340.1 and to assess the need for hospitalization or treatment. The evaluation shall be made by a person designated by the community services board serving the area in which the minor is located who is skilled in the diagnosis and treatment of mental illness and who has completed a certification program approved by the Department.

C. The magistrate issuing an emergency custody order shall specify the primary law-enforcement agency and jurisdiction to execute the emergency custody order and provide transportation. However, in cases in which the emergency custody order is based upon a finding that the minor who is the subject of the order has a mental illness and that, as a result of mental illness, the minor is experiencing a serious deterioration of his ability to care for himself in a developmentally age-appropriate manner, as evidenced by delusory thinking or by a significant impairment of functioning in hydration, nutrition, self-protection, or self-control, the magistrate may authorize transportation by an alternative transportation provider, including a parent, family member, or friend of the minor who is the subject of the order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner, upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the minor's treating physician, if any; or other persons who are available and have knowledge of the minor, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified primary law-enforcement agency to execute the order, to

take the minor into custody, and to transfer custody of the minor to the alternative transportation provider identified in the order. In such cases, a copy of the emergency custody order shall accompany the minor being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the community services board or its designee responsible for conducting the evaluation. The community services board or its designee conducting the evaluation shall return a copy of the emergency custody order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

Transportation under this section shall include transportation to a medical facility as may be necessary to obtain emergency medical evaluation or treatment that shall be conducted immediately in accordance with state and federal law. Transportation under this section shall include transportation to a medical facility for a medical evaluation if a physician at the hospital in which the minor subject to the emergency custody order may be detained requires a medical evaluation prior to admission.

D. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall order the primary law-enforcement agency from the jurisdiction served by the community services board that designated the person to perform the evaluation required in subsection B to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. If the community services board serves more than one jurisdiction, the magistrate shall designate the primary law-enforcement agency from the particular jurisdiction within the community services board's service area where the minor who is the subject of the emergency custody order was taken into custody or, if the minor has not yet been taken into custody, the primary law-enforcement agency from the jurisdiction where the minor is presently located to execute the order and provide transportation.

E. The law-enforcement agency or alternative transportation provider providing transportation pursuant to this section may transfer custody of the minor to the facility or location to which the minor is transported for the evaluation required in subsection B, G, or H if the facility or location (i) is licensed to provide the level of security necessary to protect both the minor and others from harm, (ii) is actually capable of providing the level of security necessary to protect the minor and others from harm, and (iii) in cases in which transportation is provided by a law-enforcement agency, has entered into an agreement or memorandum of understanding with the law-enforcement agency setting forth the terms and conditions under which it will accept a transfer of custody, provided, however, that the facility or location may not require the law-enforcement agency to pay any fees or costs for the transfer of custody.

F. A law-enforcement officer may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing an emergency custody order pursuant to this section.

G. A law-enforcement officer who, based upon his observation or the reliable reports of others, has probable cause to believe that a minor meets the criteria for emergency custody as stated in this section may take that minor into custody and transport that minor to an appropriate location to assess the need for hospitalization or treatment without prior authorization. A law-enforcement officer who takes a person into custody pursuant to this subsection or subsection H may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of obtaining the assessment. Such evaluation shall be conducted immediately. The period of custody shall not exceed ~~four~~ *eight* hours from the time the law-enforcement officer takes the minor into custody. ~~However, upon a finding by a magistrate that good cause exists to grant an extension, the magistrate shall issue an order extending the period of emergency custody one time for an additional period not to exceed two hours. Good cause for an extension includes the need for additional time to allow (i) the community services board to identify a suitable facility in which the minor can be temporarily detained pursuant to § 16.1-340.1 or (ii) a medical evaluation of the person to be completed if necessary.~~

H. A law-enforcement officer who is transporting a minor who has voluntarily consented to be transported to a facility for the purpose of assessment or evaluation and who is beyond the territorial limits of the county, city, or town in which he serves may take such minor into custody and transport him to an appropriate location to assess the need for hospitalization or treatment without prior authorization when the law-enforcement officer determines (i) that the minor has revoked consent to be transported to a facility for the purpose of assessment or evaluation and (ii) based upon his observations, that probable cause exists to believe that the minor meets the criteria for emergency custody as stated in this section. The period of custody shall not exceed ~~four~~ *eight* hours from the time the law-enforcement officer takes the minor into custody. ~~However, upon a finding by a magistrate that good cause exists to grant an extension, the magistrate shall issue an order extending the period of emergency custody one time for an additional period not to exceed two hours. Good cause for an extension includes the need for additional time to allow (a) the community services board to identify a suitable facility in which the minor can be temporarily detained pursuant to § 16.1-340.1 or (b) a medical evaluation of the person to be completed if necessary.~~

I. *A representative of the primary law-enforcement agency specified to execute an emergency custody order or a representative of the law-enforcement agency employing a law-enforcement officer who takes a person into custody pursuant to subsection G or H shall notify the community services board responsible for conducting the evaluation required in subsection B, G, or H as soon as practicable after execution of the emergency custody order or after the person has been taken into custody pursuant to subsection G or H.*

J. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a minor in his custody as provided in this section.

~~J. K.~~ The minor shall remain in custody until a temporary detention order is issued, until the minor is released, or until the emergency custody order expires. An emergency custody order shall be valid for a period not to exceed ~~four~~ *eight* hours from the time of execution. ~~However, upon a finding by a magistrate that good cause exists to grant an extension, the magistrate shall extend the emergency custody order one time for a second period not to exceed two hours. Good cause for an extension includes the need for additional time to allow (i) the community services board to identify a suitable facility in which the minor can be temporarily detained pursuant to § 16.1-340.1 or (ii) a medical evaluation of the person to be completed if necessary. Any family member, as defined in § 37.2-100, employee or designee of the community services board, treating physician, or law enforcement officer may request the two-hour extension.~~

~~K. L.~~ If an emergency custody order is not executed within ~~six~~ *eight* hours of its issuance, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if such office is not open, to any magistrate serving the jurisdiction of the issuing court.

~~L. M.~~ Payments shall be made pursuant to § 37.2-804 to licensed health care providers for medical screening and assessment services provided to minors with mental illnesses while in emergency custody.

§ 16.1-345.4. Court review of mandatory outpatient treatment plan.

A. The juvenile and domestic relations district court judge shall hold a hearing within 15 days after receiving the motion for review of the mandatory outpatient treatment plan; however, if the fifteenth day is a Saturday, Sunday, or legal holiday, the hearing shall be held on the next day that is not a Saturday, Sunday, or legal holiday. If the minor is being detained under a temporary detention order, the hearing shall be scheduled within the same time frame provided for a commitment hearing under § 16.1-341. The clerk shall provide notice of the hearing to the minor, his parents, the community services board, all treatment providers listed in the comprehensive mandatory outpatient treatment order, and the original petitioner for the minor's involuntary treatment. If the minor is not represented by counsel, the judge shall appoint an attorney to represent the minor in this hearing and any subsequent hearings under § 16.1-345.5, giving consideration to appointing the attorney who represented the minor at the proceeding that resulted in the issuance of the mandatory outpatient treatment order. The judge shall also appoint a guardian ad litem for the minor. The community services board shall offer to arrange the minor's transportation to the hearing if the minor is not detained and has no other source of transportation.

B. If requested by the minor's parents, the community services board, a treatment provider listed in the comprehensive mandatory outpatient treatment plan, or the original petitioner for the minor's involuntary treatment, the juvenile and domestic relations district court judge may order an evaluation and appoint a qualified evaluator in accordance with § 16.1-342 who shall personally examine the minor and certify to the court whether or not he has probable cause to believe that the minor meets the criteria for involuntary inpatient treatment or mandatory outpatient treatment as specified in § 16.1-345 and subsection A of § 16.1-345.2. The evaluator's report may be admitted into evidence without the appearance of the evaluator at the hearing if not objected to by the minor or his attorney. If the minor is not detained in an inpatient facility, the community services board shall arrange for the minor to be examined at a convenient location and time. The community services board shall offer to arrange for the minor's transportation to the examination, if the minor has no other source of transportation. If the minor refuses or fails to appear, the community services board shall notify the court, and the court shall issue a mandatory examination order and a civil show cause summons. The return date for the civil show cause summons shall be set on a date prior to the review hearing scheduled pursuant to subsection A, and the examination of the minor shall be conducted immediately after the hearing thereon, but in no event shall the period for the examination exceed ~~four~~ *eight* hours.

C. If the minor fails to appear for the hearing, the juvenile and domestic relations district court judge shall, after consideration of any evidence from the minor, from his parents, from the community services board, or from any treatment provider identified in the mandatory outpatient treatment plan regarding why the minor failed to appear at the hearing, either (i) reschedule the hearing pursuant to subsection A, (ii) issue an emergency custody order pursuant to § 16.1-340, or (iii) issue a temporary detention order pursuant to § 16.1-340.1.

D. After hearing the evidence regarding the minor's material noncompliance with the mandatory outpatient treatment order and the minor's current condition, and any other relevant information referenced in § 16.1-345 and subsection A of § 16.1-345.2, the juvenile and domestic relations district court judge may make one of the following dispositions:

1. Upon finding by clear and convincing evidence that the minor meets the criteria for involuntary admission and treatment specified in § 16.1-345, the judge shall order the minor's involuntary admission to a facility designated by the community services board for a period of treatment not to exceed 30 days;

2. Upon finding that the minor continues to meet the criteria for mandatory outpatient treatment specified in subsection A of § 16.1-345.2, and that a continued period of mandatory outpatient treatment appears warranted, the judge may renew the order for mandatory outpatient treatment, making any necessary modifications that are acceptable to the community services board or treatment provider responsible for the minor's treatment. In determining the appropriateness of outpatient treatment, the court may consider the minor's material noncompliance with the previous mandatory treatment order; or

3. Upon finding that neither of the above dispositions is appropriate, the judge may rescind the order for mandatory outpatient treatment.

Upon entry of an order for involuntary inpatient admission, transportation shall be provided in accordance with § 16.1-345.

E. For the purposes of this section, "juvenile and domestic relations district court judge" shall not include a special justice as authorized by § 37.2-803.

§ 19.2-182.9. Emergency custody of conditionally released acquittee.

When exigent circumstances do not permit compliance with revocation procedures set forth in § 19.2-182.8, any district court judge or a special justice, as defined in § 37.2-100, or a magistrate may issue an emergency custody order, upon the sworn petition of any responsible person or upon his own motion based upon probable cause to believe that an acquittee on conditional release (i) has violated the conditions of his release or is no longer a proper subject for conditional release and (ii) requires inpatient hospitalization. The emergency custody order shall require the acquittee within his judicial district to be taken into custody and transported to a convenient location where a person designated by the community services board or behavioral health authority who is skilled in the diagnosis and treatment of mental illness shall evaluate such acquittee and assess his need for inpatient hospitalization. A law-enforcement officer who, based on his observation or the reliable reports of others, has probable cause to believe that any acquittee on conditional release has violated the conditions of his release and is no longer a proper subject for conditional release and requires emergency evaluation to assess the need for inpatient hospitalization, may take the acquittee into custody and transport him to an appropriate location to assess the need for hospitalization without prior judicial authorization. The evaluation shall be conducted immediately. The acquittee shall remain in custody until a temporary detention order is issued or until he is released, but in no event shall the period of custody exceed ~~four~~ eight hours. ~~However, upon a finding by a district court judge, special justice as defined in § 37.2-100, or magistrate that good cause exists to grant an extension, the district court judge, special justice, or magistrate shall extend the emergency custody order, or shall issue an order extending the period of emergency custody, one time for an additional period not to exceed two hours. Good cause for an extension includes the need for additional time to allow~~ (a) the community services board to identify a suitable facility in which the person can be temporarily detained pursuant to this section or (b) a medical evaluation of the person to be completed if necessary. If it appears from all evidence readily available ~~(i)~~ (a) that the acquittee has violated the conditions of his release or is no longer a proper subject for conditional release and ~~(ii)~~ (b) that he requires emergency evaluation to assess the need for inpatient hospitalization, the district court judge or a special justice, as defined in § 37.2-100, or magistrate, upon the advice of such person skilled in the diagnosis and treatment of mental illness, may issue a temporary detention order authorizing the executing officer to place the acquittee in an appropriate institution for a period not to exceed 48 hours prior to a hearing. If the 48-hour period terminates on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the acquittee may be detained until the next day which is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed.

The committing court or any district court judge or a special justice, as defined in § 37.2-100, shall have jurisdiction to hear the matter. Prior to the hearing, the acquittee shall be examined by a psychiatrist or licensed clinical psychologist, provided the psychiatrist or clinical psychologist is skilled in the diagnosis of mental illness, who shall certify whether the person is in need of hospitalization. At the hearing the acquittee shall be provided with adequate notice of the hearing, of the right to be present at the hearing, the right to the assistance of counsel in preparation for and during the hearing, and the right to introduce evidence and cross-examine witnesses at the hearing. Following the hearing, if the court determines, based on a preponderance of the evidence presented at the hearing, that the acquittee ~~(i)~~ (1) has violated the conditions of his release or is no longer a proper subject for conditional release and ~~(ii)~~ (2) has mental illness or intellectual disability and is in need of inpatient hospitalization, the court shall revoke the acquittee's conditional release and place him in the custody of the Commissioner.

When an acquittee on conditional release pursuant to this chapter is taken into emergency custody, detained, or hospitalized, such action shall be considered to have been taken pursuant to this section, notwithstanding the fact that his status as an insanity acquittee was not known at the time of custody, detention, or hospitalization. Detention or hospitalization of an acquittee pursuant to provisions of law other than those applicable to insanity acquittees pursuant to this chapter shall not render the detention or hospitalization invalid. If a person's status as an insanity acquittee on conditional release is not recognized at the time of emergency custody or detention, at the time his status as such is verified, the provisions applicable to such persons shall be applied and the court hearing the matter shall notify the committing court of the proceedings.

§ 37.2-808. Emergency custody; issuance and execution of order.

A. Any magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion, an emergency custody order when he has probable cause to believe that any person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, (ii) is in need of hospitalization or treatment, and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. Any emergency custody order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

When considering whether there is probable cause to issue an emergency custody order, the magistrate may, in addition to the petition, consider (1) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (2) any past actions of the person, (3) any past mental health treatment of the person, (4) any relevant hearsay evidence, (5) any medical records available, (6) any affidavits submitted, if the witness is unavailable and it so

states in the affidavit, and (7) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue an emergency custody order.

B. Any person for whom an emergency custody order is issued shall be taken into custody and transported to a convenient location to be evaluated to determine whether the person meets the criteria for temporary detention pursuant to § 37.2-809 and to assess the need for hospitalization or treatment. The evaluation shall be made by a person designated by the community services board who is skilled in the diagnosis and treatment of mental illness and who has completed a certification program approved by the Department.

C. The magistrate issuing an emergency custody order shall specify the primary law-enforcement agency and jurisdiction to execute the emergency custody order and provide transportation. However, in cases in which the emergency custody order is based upon a finding that the person who is the subject of the order has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs but there is no substantial likelihood that the person will cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, the magistrate shall consider any request to authorize transportation by an alternative transportation provider in accordance with this section, whenever an alternative transportation provider is identified to the magistrate, which may be a person, facility, or agency, including a family member or friend of the person who is the subject of the order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner, upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the person's treating physician, if any; or other persons who are available and have knowledge of the person, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified primary law-enforcement agency to execute the order, to take the person into custody, and to transfer custody of the person to the alternative transportation provider identified in the order. In such cases, a copy of the emergency custody order shall accompany the person being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the community services board or its designee responsible for conducting the evaluation. The community services board or its designee conducting the evaluation shall return a copy of the emergency custody order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

Transportation under this section shall include transportation to a medical facility as may be necessary to obtain emergency medical evaluation or treatment that shall be conducted immediately in accordance with state and federal law. Transportation under this section shall include transportation to a medical facility for a medical evaluation if a physician at the hospital in which the person subject to the emergency custody order may be detained requires a medical evaluation prior to admission.

D. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall order the primary law-enforcement agency from the jurisdiction served by the community services board that designated the person to perform the evaluation required in subsection B to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. If the community services board serves more than one jurisdiction, the magistrate shall designate the primary law-enforcement agency from the particular jurisdiction within the community services board's service area where the person who is the subject of the emergency custody order was taken into custody or, if the person has not yet been taken into custody, the primary law-enforcement agency from the jurisdiction where the person is presently located to execute the order and provide transportation.

E. The law-enforcement agency or alternative transportation provider providing transportation pursuant to this section may transfer custody of the person to the facility or location to which the person is transported for the evaluation required in subsection B, G, or H if the facility or location (i) is licensed to provide the level of security necessary to protect both the person and others from harm, (ii) is actually capable of providing the level of security necessary to protect the person and others from harm, and (iii) in cases in which transportation is provided by a law-enforcement agency, has entered into an agreement or memorandum of understanding with the law-enforcement agency setting forth the terms and conditions under which it will accept a transfer of custody, provided, however, that the facility or location may not require the law-enforcement agency to pay any fees or costs for the transfer of custody.

F. A law-enforcement officer may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing an emergency custody order pursuant to this section.

G. A law-enforcement officer who, based upon his observation or the reliable reports of others, has probable cause to believe that a person meets the criteria for emergency custody as stated in this section may take that person into custody and transport that person to an appropriate location to assess the need for hospitalization or treatment without prior authorization. A law-enforcement officer who takes a person into custody pursuant to this subsection or subsection H may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of obtaining the assessment. Such evaluation shall be conducted immediately. The period of

custody shall not exceed ~~four~~ *eight* hours from the time the law-enforcement officer takes the person into custody. ~~However, upon a finding by a magistrate that good cause exists to grant an extension, the magistrate shall issue an order extending the period of emergency custody one time for an additional period not to exceed two hours. Good cause for an extension includes the need for additional time to allow (i) the community services board to identify a suitable facility in which the person can be temporarily detained pursuant to § 37.2-809 or (ii) a medical evaluation of the person to be completed if necessary.~~

H. A law-enforcement officer who is transporting a person who has voluntarily consented to be transported to a facility for the purpose of assessment or evaluation and who is beyond the territorial limits of the county, city, or town in which he serves may take such person into custody and transport him to an appropriate location to assess the need for hospitalization or treatment without prior authorization when the law-enforcement officer determines (i) that the person has revoked consent to be transported to a facility for the purpose of assessment or evaluation, and (ii) based upon his observations, that probable cause exists to believe that the person meets the criteria for emergency custody as stated in this section. The period of custody shall not exceed ~~four~~ *eight* hours from the time the law-enforcement officer takes the person into custody. ~~However, upon a finding by a magistrate that good cause exists to grant an extension, the magistrate shall issue an order extending the period of emergency custody one time for an additional period not to exceed two hours. Good cause for an extension includes the need for additional time to allow (a) the community services board to identify a suitable facility in which the person can be temporarily detained pursuant to § 37.2-809, or (b) a medical evaluation of the person to be completed if necessary.~~

I. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody as provided in this section.

J. *A representative of the primary law-enforcement agency specified to execute an emergency custody order or a representative of the law-enforcement agency employing a law-enforcement officer who takes a person into custody pursuant to subsection G or H shall notify the community services board responsible for conducting the evaluation required in subsection B, G, or H as soon as practicable after execution of the emergency custody order or after the person has been taken into custody pursuant to subsection G or H.*

K. The person shall remain in custody until a temporary detention order is issued, until the person is released, or until the emergency custody order expires. An emergency custody order shall be valid for a period not to exceed ~~four~~ *eight* hours from the time of execution. ~~However, upon a finding by a magistrate that good cause exists to grant an extension, the magistrate shall extend the emergency custody order one time for a second period not to exceed two hours. Good cause for an extension includes the need for additional time to allow (i) the community services board to identify a suitable facility in which the person can be temporarily detained pursuant to § 37.2-809 or (ii) a medical evaluation of the person to be completed if necessary. Any family member, as defined in § 37.2-100, employee or designee of the local community services board as defined in § 37.2-809, treating physician, or law-enforcement officer may request the two-hour extension.~~

~~K- L. Any person taken into emergency custody pursuant to this section shall be given a written summary of the emergency custody procedures and the statutory protections associated with those procedures.~~

M. If an emergency custody order is not executed within ~~six~~ *eight* hours of its issuance, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if such office is not open, to any magistrate serving the jurisdiction of the issuing court.

~~L- N. Payments shall be made pursuant to § 37.2-804 to licensed health care providers for medical screening and assessment services provided to persons with mental illnesses while in emergency custody.~~

§ 37.2-809. Involuntary temporary detention; issuance and execution of order.

A. For the purposes of this section:

"Designee of the local community services board" means an examiner designated by the local community services board who (i) is skilled in the assessment and treatment of mental illness, (ii) has completed a certification program approved by the Department, (iii) is able to provide an independent examination of the person, (iv) is not related by blood or marriage to the person being evaluated, (v) has no financial interest in the admission or treatment of the person being evaluated, (vi) has no investment interest in the facility detaining or admitting the person under this article, and (vii) except for employees of state hospitals and of the U.S. Department of Veterans Affairs, is not employed by the facility.

"Employee" means an employee of the local community services board who is skilled in the assessment and treatment of mental illness and has completed a certification program approved by the Department.

"Investment interest" means the ownership or holding of an equity or debt security, including shares of stock in a corporation, interests or units of a partnership, bonds, debentures, notes, or other equity or debt instruments.

B. A magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion and only after an evaluation conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or a designee of the local community services board to determine whether the person meets the criteria for temporary detention, a temporary detention order if it appears from all evidence readily available, including any recommendation from a physician or clinical psychologist treating the person, that the person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity

to protect himself from harm or to provide for his basic human needs, (ii) is in need of hospitalization or treatment, and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. The magistrate shall also consider the recommendations of any treating or examining physician licensed in Virginia if available either verbally or in writing prior to rendering a decision. Any temporary detention order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

C. When considering whether there is probable cause to issue a temporary detention order, the magistrate may, in addition to the petition, consider (i) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any relevant hearsay evidence, (v) any medical records available, (vi) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (vii) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue a temporary detention order.

D. A magistrate may issue a temporary detention order without an emergency custody order proceeding. A magistrate may issue a temporary detention order without a prior evaluation pursuant to subsection B if (i) the person has been personally examined within the previous 72 hours by an employee or a designee of the local community services board or (ii) there is a significant physical, psychological, or medical risk to the person or to others associated with conducting such evaluation.

E. An employee or a designee of the local community services board shall determine the facility of temporary detention for all individuals detained pursuant to this section. The facility of temporary detention shall be one that has been approved pursuant to regulations of the Board. The facility shall be identified on the preadmission screening report and indicated on the temporary detention order. Except as provided in § 37.2-811 for inmates requiring hospitalization in accordance with subdivision A 2 of § 19.2-169.6, the person shall not be detained in a jail or other place of confinement for persons charged with criminal offenses and shall remain in the custody of law enforcement until the person is either detained within a secure facility or custody has been accepted by the appropriate personnel designated by the facility identified in the temporary detention order. *The person detained or in custody pursuant to this section shall be given a written summary of the temporary detention procedures and the statutory protections associated with those procedures.*

F. Any facility caring for a person placed with it pursuant to a temporary detention order is authorized to provide emergency medical and psychiatric services within its capabilities when the facility determines that the services are in the best interests of the person within its care. The costs incurred as a result of the hearings and by the facility in providing services during the period of temporary detention shall be paid and recovered pursuant to § 37.2-804. The maximum costs reimbursable by the Commonwealth pursuant to this section shall be established by the State Board of Medical Assistance Services based on reasonable criteria. The State Board of Medical Assistance Services shall, by regulation, establish a reasonable rate per day of inpatient care for temporary detention.

G. The employee or the designee of the local community services board who is conducting the evaluation pursuant to this section shall determine, prior to the issuance of the temporary detention order, the insurance status of the person. Where coverage by a third party payor exists, the facility seeking reimbursement under this section shall first seek reimbursement from the third party payor. The Commonwealth shall reimburse the facility only for the balance of costs remaining after the allowances covered by the third party payor have been received.

H. The duration of temporary detention shall be sufficient to allow for completion of the examination required by § 37.2-815, preparation of the preadmission screening report required by § 37.2-816, and initiation of mental health treatment to stabilize the person's psychiatric condition to avoid involuntary commitment where possible, but shall not exceed 48 hours prior to a hearing. If the 48-hour period herein specified terminates on a Saturday, Sunday, or legal holiday, the person may be detained, as herein provided, until the close of business on the next day that is not a Saturday, Sunday, or legal holiday. The person may be released, pursuant to § 37.2-813, before the 48-hour period herein specified has run.

I. If a temporary detention order is not executed within 24 hours of its issuance, or within a shorter period as is specified in the order, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if the office is not open, to any magistrate serving the jurisdiction of the issuing court. Subsequent orders may be issued upon the original petition within 96 hours after the petition is filed. However, a magistrate must again obtain the advice of an employee or a designee of the local community services board prior to issuing a subsequent order upon the original petition. Any petition for which no temporary detention order or other process in connection therewith is served on the subject of the petition within 96 hours after the petition is filed shall be void and shall be returned to the office of the clerk of the issuing court.

J. The Executive Secretary of the Supreme Court of Virginia shall establish and require that a magistrate, as provided by this section, be available seven days a week, 24 hours a day, for the purpose of performing the duties established by this section. Each community services board shall provide to each general district court and magistrate's office within its service area a list of its employees and designees who are available to perform the evaluations required herein.

K. For purposes of this section, a health care provider or designee of a local community services board or behavioral health authority shall not be required to encrypt any email containing information or medical records provided to a magistrate unless there is reason to believe that a third party will attempt to intercept the email.

L. The employee or designee of the community services board who is conducting the evaluation pursuant to this section shall, if he recommends that the person should not be subject to a temporary detention order, inform the petitioner and an onsite treating physician of his recommendation.

§ 37.2-817.2. Court review of mandatory outpatient treatment plan or discharge plan.

A. The district court judge or special justice shall hold a hearing within five days after receiving the petition for review of the mandatory outpatient treatment plan or discharge plan; however, if the fifth day is a Saturday, Sunday, or legal holiday, the hearing shall be held by the close of business on the next day that is not a Saturday, Sunday, or legal holiday. If the person is being detained under a temporary detention order, the hearing shall be scheduled within the same time frame provided for a commitment hearing under § 37.2-814. The clerk shall provide notice of the hearing to the person, the community services board, all treatment providers listed in the comprehensive mandatory outpatient treatment order or discharge plan, and the original petitioner for the person's involuntary treatment. If the person is not represented by counsel, the court shall appoint an attorney to represent the person in this hearing and any subsequent hearings under §§ 37.2-817.3 and 37.2-817.4, giving consideration to appointing the attorney who represented the person at the proceeding that resulted in the issuance of the mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment. The same judge or special justice that presided over the hearing resulting in the mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment need not preside at the noncompliance hearing or any subsequent hearings. The community services board shall offer to arrange the person's transportation to the hearing if the person is not detained and has no other source of transportation.

B. If requested by the person, the community services board, a treatment provider listed in the comprehensive mandatory outpatient treatment plan or discharge plan, or the original petitioner for the person's involuntary treatment, the court shall appoint an examiner in accordance with § 37.2-815 who shall personally examine the person and certify to the court whether or not he has probable cause to believe that the person meets the criteria for involuntary inpatient admission or mandatory outpatient treatment as specified in subsections C, C1, C2, and D of § 37.2-817. The examination shall include all applicable requirements of § 37.2-815. The certification of the examiner may be admitted into evidence without the appearance of the examiner at the hearing if not objected to by the person or his attorney. If the person is not detained in an inpatient facility, the community services board shall arrange for the person to be examined at a convenient location and time. The community services board shall offer to arrange for the person's transportation to the examination, if the person has no other source of transportation and resides within the service area or an adjacent service area of the community services board. If the person refuses or fails to appear, the community services board shall notify the court, or a magistrate if the court is not available, and the court or magistrate shall issue a mandatory examination order and *caus* directing the primary law-enforcement agency in the jurisdiction where the person resides to transport the person to the examination. The person shall remain in custody until a temporary detention order is issued or until the person is released, but in no event shall the period exceed ~~four~~ eight hours.

C. If the person fails to appear for the hearing, the court shall, after consideration of any evidence from the person, from the community services board, or from any treatment provider identified in the mandatory outpatient treatment plan or discharge plan regarding why the person failed to appear at the hearing, either (i) reschedule the hearing pursuant to subsection A, (ii) issue an emergency custody order pursuant to § 37.2-808, or (iii) issue a temporary detention order pursuant to § 37.2-809.

D. After hearing the evidence regarding the person's material noncompliance with the mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment and the person's current condition, and any other relevant information referenced in subsection C of § 37.2-817, the judge or special justice shall make one of the following dispositions:

1. Upon finding by clear and convincing evidence that the person meets the criteria for involuntary admission and treatment specified in subsection C of § 37.2-817, the judge or special justice shall order the person's involuntary admission to a facility designated by the community services board for a period of treatment not to exceed 30 days;

2. Upon finding that the person continues to meet the criteria for mandatory outpatient treatment specified in subsection C1, C2, or D of § 37.2-817, and that a continued period of mandatory outpatient treatment appears warranted, the judge or special justice shall renew the order for mandatory outpatient treatment, making any necessary modifications that are acceptable to the community services board or treatment provider responsible for the person's treatment. In determining the appropriateness of outpatient treatment, the court may consider the person's material noncompliance with the previous mandatory treatment order; or

3. Upon finding that neither of the above dispositions is appropriate, the judge or special justice shall rescind the order for mandatory outpatient treatment or order authorizing discharge to mandatory outpatient treatment following inpatient treatment.

Upon entry of an order for involuntary inpatient admission, transportation shall be provided in accordance with § 37.2-829.

2. That the Governor's Task Force on Improving Mental Health Services and Crisis Response created on December 10, 2013, by Executive Order 68 shall identify and examine issues related to the use of law enforcement in the involuntary admission process. The task force shall consider options to reduce the amount of resources needed to detain individuals during the emergency custody order period, including the amount of time spent providing transportation throughout the admission process. Such options shall include developing crisis stabilization units in

all regions of the Commonwealth and contracting for retired officers to provide needed transportation. The task force shall report its findings and recommendations to the Governor and the General Assembly by October 1, 2014.

CHAPTER 762

An Act to amend and reenact § 23-7.4:2 of the Code of Virginia, relating to counting students granted in-state tuition for certain purposes.

[H 501]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 23-7.4:2 of the Code of Virginia is amended and reenacted as follows:

§ 23-7.4:2. Eligibility for in-state or reduced tuition for students not domiciled in Virginia; tuition grants and in-state tuition for members of the National Guard.

A. Students who live outside the Commonwealth and have been employed full time inside Virginia for at least one year immediately prior to the date of the alleged entitlement for in-state tuition shall be eligible for in-state tuition charges if such student has paid Virginia income taxes on all taxable income earned in the Commonwealth for the tax year prior to the date of the alleged entitlement. Students claimed as dependents for federal and Virginia income tax purposes who live outside the Commonwealth shall become eligible for in-state tuition charges if the nonresident parents claiming them as dependents have been employed full time inside Virginia for at least one year immediately prior to the date of the alleged entitlement and paid Virginia income taxes on all taxable income earned in the Commonwealth for the tax year prior to the date of the alleged entitlement. Such students shall continue to be eligible for in-state tuition charges for so long as they or their qualifying parent is employed full time in Virginia, paying Virginia income taxes on all taxable income earned in the Commonwealth and the student is claimed as a dependent for Virginia and federal income tax purposes. *Any out-of-state students granted in-state tuition pursuant to this subsection shall be counted as in-state students for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.*

B. Any person who (i) is a member of the National Guard of the Commonwealth of Virginia and has a minimum remaining obligation of two years, (ii) has satisfactorily completed required initial active duty service, (iii) is satisfactorily performing duty in accordance with regulations of the National Guard, and (iv) is enrolled in any state institution of higher education, any private, accredited, and nonprofit institution of higher education in the Commonwealth whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education, any course or program offered by any such institution or any public career and technical education school shall be eligible for a grant in the amount of the difference between the full cost of tuition and any other educational benefits for which he is eligible as a member of the National Guard. Application for a grant shall be made to the Department of Military Affairs. Grants shall be awarded from funds available for the purpose by such Department.

Notwithstanding the foregoing requirement that a member of the National Guard have a minimum of two years remaining on his service obligation, if a member is activated or deployed for federal military service, an additional day shall be added to the member's eligibility for the grant for each day of active federal service up to 365 days. Additional credit, or credit for state duty, may be given at the discretion of the Adjutant General.

In addition, any person who met the requirements for in-state tuition prior to being called to active duty in the National Guard of another state shall be eligible for in-state tuition following completion of active duty service if during active duty that person maintained one or more of the following in Virginia rather than in another state or jurisdiction: a driver's license, motor vehicle registration, voter registration, employment, property ownership, or sources of financial support. Any out-of-state students granted in-state tuition pursuant to this subsection shall be counted as in-state students for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

C. Notwithstanding the provisions of § 23-7.4 or any other provision of the law to the contrary, the governing board of any state institution of higher education or the governing board of the Virginia Community College System may charge the same tuition as is charged to any person domiciled in Virginia pursuant to the provisions of § 23-7.4 to:

1. Any person enrolled in one of the institution's programs designated by the State Council of Higher Education who is domiciled in and is entitled to reduced tuition charges in the institutions of higher ~~learning~~ education in any state which is a party to the Southern Regional Education Compact which has similar reciprocal provisions for persons domiciled in Virginia;

2. Any student from a foreign country who is enrolled in a foreign exchange program approved by the state institution during the same period that an exchange student from the same state institution, who is entitled to in-state tuition pursuant to § 23-7.4, is attending the foreign institution; and

3. Any high school or magnet school student, not otherwise qualified for in-state tuition, who is enrolled in courses specifically designed as part of the high school or magnet school curriculum in a community college for which he may, upon successful completion, receive high school and community college credit pursuant to a dual enrollment agreement between the high school or magnet school and the community college.

Any out-of-state students granted in-state tuition pursuant to this subsection shall be counted as out-of-state students for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

D. The governing board of the Virginia Community College System shall charge in-state tuition to any person enrolled in one of the System's institutions who lives within a 30-mile radius of a Virginia institution, is domiciled in, and is entitled to in-state tuition charges in the institutions of higher learning in any state which is contiguous to Virginia and which has similar reciprocal provisions for persons domiciled in Virginia.

Any out-of-state students granted in-state tuition pursuant to this subsection shall be counted as in-state students for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

E. The board of the University of Virginia's College at Wise and the board of visitors of the University of Virginia may charge reduced tuition to any person enrolled at the University of Virginia's College at Wise who lives within a 50-mile radius of the University of Virginia's College at Wise, is domiciled in, and is entitled to in-state tuition charges in the institutions of higher learning in Kentucky, if Kentucky has similar reciprocal provisions for persons domiciled in Virginia.

In addition, the board of the University of Virginia's College at Wise and the board of visitors of the University of Virginia may charge reduced tuition to any person enrolled at the University of Virginia's College at Wise who lives within a 50-mile radius of the University of Virginia's College at Wise, is domiciled in, and is entitled to in-state tuition charges in the institutions of higher learning in Tennessee, if Tennessee has similar reciprocal provisions for persons domiciled in Virginia. The board of the University of Virginia's College at Wise and its partners or associates offering programs jointly at a regional off-campus center may also charge reduced tuition to any person enrolled in such joint programs who lives within a 50-mile radius of the University of Virginia's College at Wise, is domiciled in, and is entitled to in-state tuition charges in the institutions of higher learning in Tennessee, if Tennessee has similar reciprocal provisions for persons domiciled in Virginia. Any such respective partners or associates shall establish and charge separately tuition rates for their independent classes or programs at such regional centers.

Any out-of-state students granted in-state tuition pursuant to this subsection ~~and subsection D~~ shall be counted as out-of-state students for the purposes of determining admissions, enrollment, and tuition and fee revenue policies.

F. Public institutions of higher education may enter into special arrangement contracts with Virginia employers or authorities controlling federal installations or agencies located in Virginia. The special arrangement contracts shall be for the purpose of providing reduced rate tuition charges for the employees of the Virginia employers or federal personnel when the employers or federal authorities are assuming the liability for paying, to the extent permitted by federal law, the tuition for the employees or personnel in question and the employees or personnel are classified by the requirements of this section as out-of-state.

Special arrangement contracts with Virginia employers or federal installations or agencies may be for group instruction in facilities provided by the employer or federal authority or in the institution's facilities or on a student-by-student basis for specific employment-related programs.

Special arrangement contracts shall be valid for a period not to exceed two years and shall be reviewed for legal sufficiency by the Office of the Attorney General prior to signing. All rates agreed to by the public institutions shall be at least equal to in-state tuition and shall only be granted by the institution with which the employer or the federal authorities have a valid contract for students for whom the employer or federal authorities are paying the tuition charges.

All special arrangement contracts with authorities controlling federal installations or agencies shall include a specific number of students to be served at reduced rates.

Nothing in this subsection shall change the domiciliary status of any student for the purposes of enrollment reporting or calculating the proportions of general funds and tuition and fees contributed to the cost of education.

G. Any active duty members, activated guard or reservist members, or guard or reservist members mobilized or on temporary active orders for six months or more, ~~that who~~ reside in Virginia, shall ~~pay tuition to the public institution of higher education in which they are enrolled, in an amount no more than the institution's~~ be eligible for in-state tuition rate charges. Any out-of-state students granted in-state tuition pursuant to this subsection shall be counted as in-state students for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

H. Notwithstanding any other provision of law, veterans residing within the Commonwealth shall be eligible for in-state tuition charges. Any students granted in-state tuition pursuant to this subsection shall be counted as in-state students for the purpose of determining college admissions, enrollment, and tuition and fee revenue policies.

CHAPTER 763

An Act to amend the Code of Virginia by adding in Title 54.1 a chapter numbered 23.4, consisting of sections numbered 54.1-2355 through 54.1-2358, relating to the Department of Professional and Occupational Regulation; certification of natural gas automobile mechanics and technicians.

[H 516]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 54.1 a chapter numbered 23.4, consisting of sections numbered 54.1-2355 through 54.1-2358, as follows:

CHAPTER 23.4.

NATURAL GAS AUTOMOBILE MECHANICS AND TECHNICIANS.

§ 54.1-2355. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Certified NG automobile mechanic or technician" means a person certified by the Director who offers to the public for compensation services relating to the repair, conversion, or maintenance of motor vehicles that use in whole or in part natural gas as a fuel.

"Department" means the Department of Professional and Occupational Regulation.

"Director" means the Director of the Department of Professional and Occupational Regulation.

"Motor vehicle" means an automobile, motorcycle, mobile home, truck, van, or other vehicle operated on public highways and streets.

"Natural gas" means a combustible mixture of gaseous hydrocarbons that accumulates in porous sedimentary rocks, especially those yielding petroleum, consisting usually of over 80 percent methane together with minor amounts of ethane, propane, butane, nitrogen, and, sometimes, helium used as a fuel.

§ 54.1-2356. Powers and duties of the Department.

The Department shall administer and enforce the provisions of this chapter. In addition to the powers and duties otherwise conferred by law, the Director shall have the powers and duties of a regulatory board as contained in §§ 54.1-201 and 54.1-202 and shall have the power and duty to:

1. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) that implement the provisions of this chapter and protect the public against incompetent, unqualified, unscrupulous, or unfit persons engaging in the activities regulated by this chapter. The regulations shall include requirements for (i) initial and renewal certification, (ii) standards of practice for certified NG automobile mechanics and technicians, (iii) grounds for disciplinary actions against persons certified under this chapter; and (iv) records to be kept and maintained by persons certified under this chapter.

2. Charge each applicant for certification and for renewal of certification a nonrefundable fee subject to the provisions of § 54.1-113.

3. Conduct investigations to determine the suitability of applicants for certification and to determine the certificate holder's compliance with applicable statutes and regulations.

§ 54.1-2357. Certification required.

No person shall use or assume the title "Certified NG Automobile Mechanic" or "Certified NG Automobile Technician" or any words, letters, signs, or devices to indicate that person is a certified NG automobile mechanic or technician unless certified by the Director.

§ 54.1-2358. Issuance of certification; waiver of examination.

The Director shall issue a certification to practice as an NG automobile mechanic or technician in the Commonwealth to every applicant who shall have complied with the requirements of this chapter and the regulations of the Director.

The Director shall certify any person who is a graduate of a program accredited by an accrediting organization or a professional program approved by the Director and who has one year of monitored experience in the performance of services relating to the repair or maintenance of motor vehicles and who has taken and passed the examination for certification.

The Director, in his discretion, shall determine whether an applicant's professional education and professional experience in the field of natural gas automobile mechanics are sufficient to establish eligibility for the examination.

The Director, in lieu of all examinations, may accept satisfactory evidence of licensing or certification in another state or country or the District of Columbia where (i) the qualifications for such licensure or certification are equal, in the opinion of the Director, to the qualifications required by the provisions of this chapter as of the date of application and (ii) the applicant is the holder of a license or certificate in good standing. Upon receipt of such satisfactory evidence and provided all other such requirements of this chapter are complied with, a certificate shall be issued to such applicant.

CHAPTER 764

An Act to amend and reenact § 51.1-126 of the Code of Virginia, relating to optional retirement plans maintained by institutions of higher education.

[H 700]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 51.1-126 of the Code of Virginia is amended and reenacted as follows:****§ 51.1-126. Employees of institutions of higher education.**

For purposes of this section, "optional retirement plan" means a retirement plan covering the employee for retirement purposes other than the Virginia Retirement System defined benefit retirement plan established under this chapter or the hybrid retirement program described in § 51.1-169.

A. 1. The Board shall maintain an optional retirement plan covering employees engaged in the performance of teaching, administrative, or research duties with an institution of higher education and any institution of higher education is authorized to make contributions to such plan for the benefit of its employees participating in such plan. Except (i) as

provided in subsection B for institutions of higher education that have established their own optional retirement plan and (ii) for employees described in subdivision A 2, every employee hired by an institution of higher education on or after July 1, 2003, engaged in the performance of teaching, administrative, or research duties shall make an irrevocable election to participate in either (a) the Virginia Retirement System defined benefit retirement plan established by this chapter until January 1, 2014, and thereafter, the hybrid retirement program described in § 51.1-169; or (b) an optional retirement plan maintained by the Board. Such election shall be exercised no later than 60 days from the time of the employee's entry upon the performance of his duties. If an election is not made within such 60 days, such employee shall be deemed to have elected to participate in the Virginia Retirement System defined benefit retirement plan or the hybrid retirement program described in § 51.1-169, as applicable.

2. Any employee (i) hired on or after July 1, 2003, by an institution of higher education engaged in the performance of teaching, administrative, or research duties; and (ii) who at the time of hiring is in continuous service in the performance of such teaching, administrative, or research duties shall participate in the optional retirement plan maintained by the Board if the most recent retirement plan covering the employee prior to such hiring was an optional retirement plan. If the most recent retirement plan covering the employee prior to such hiring was the Virginia Retirement System defined benefit retirement plan or the hybrid retirement program described in § 51.1-169, such person shall participate in such defined benefit retirement plan or such hybrid retirement program, as applicable, from the time of his entry upon the performance of his duties.

B. 1. Any institution of higher education, upon receipt of approval by the Board in writing, may establish and maintain its own optional retirement plan covering its employees who are engaged in the performance of teaching, administrative, or research duties. Upon such approval, such institution is authorized to make contributions to its own optional retirement plan for the benefit of its employees who elect to participate or who are required to participate in such plan as provided in this subsection.

2. Every employee, with the exception of employees described in subdivision B 3, (i) hired on or after July 1, 2003, by an institution of higher education that has established and is maintaining its own optional retirement plan pursuant to this subsection and (ii) engaged in the performance of teaching, administrative, or research duties shall make an irrevocable election to participate in either: (a) the Virginia Retirement System defined benefit retirement plan established by this chapter until January 1, 2014, and thereafter, the hybrid retirement program described in § 51.1-169, as applicable; or (b) such optional retirement plan of the institution of higher education. Such employee shall not be provided any election to participate in an optional retirement plan maintained by the Board.

The election shall be exercised no later than 60 days from the time of the employee's entry upon the performance of his duties. If an election is not made within such 60 days, such employee shall be deemed to have elected to participate in the Virginia Retirement System defined benefit retirement plan established by this chapter or the hybrid retirement program described in § 51.1-169, as applicable.

3. Any employee (i) hired on or after July 1, 2003, by an institution of higher education engaged in the performance of teaching, administrative, or research duties; and (ii) who at the time of hiring is in continuous service in the performance of such teaching, administrative, or research duties shall participate in the optional retirement plan established by the institution of higher education pursuant to this subsection if the most recent retirement plan covering the employee prior to such hiring was an optional retirement plan. If the most recent retirement plan covering the employee prior to such hiring was the Virginia Retirement System defined benefit retirement plan or the hybrid retirement program described in § 51.1-169, such person shall participate in such defined benefit retirement plan or such hybrid retirement program, as applicable, from the time of his entry upon the performance of his duties.

C. Any employee engaged in the performance of teaching, administrative, or research duties at an institution of higher education who was covered under an optional retirement plan for retirement purposes, other than the optional retirement plan established by such institution pursuant to subdivision B 1, shall, at the time such institution establishes its own optional retirement plan pursuant to subdivision B 1, automatically and immediately begin to participate in the optional retirement plan established pursuant to subdivision B 1, notwithstanding such employee's prior election to participate in a different optional retirement plan.

D. 1. Any administrative fee imposed pursuant to subdivision A 13 of § 51.1-124.22 upon any institution of higher education for administering and overseeing the institution's retirement plan established pursuant to subsection A shall be charged for each employee participating in such plan and shall be for costs incurred by the Retirement System that are directly related to the administration and oversight of such plan.

2. Each institution of higher education may charge and collect a reimbursement fee from each employee participating in the institution's retirement plan established pursuant to subsection A. The total amount charged and collected for such fee from all such employees for any year shall not exceed the total of the costs described in subdivision D 1 and charged to the institution for such year.

E. 1. No employee of an institution of higher education who is an active member in any plan maintained by the Board or established by an institution of higher education, pursuant to this section, shall also be an active member of the retirement system or beneficiary other than a contingent annuitant.

2. If a member of the optional retirement plan maintained under this section is at any time in service as an employee in a position covered for retirement purposes under the provisions of Chapters 1 (§ 51.1-124.1 et seq.), 2 (§ 51.1-200 et seq.), 2.1 (§ 51.1-211 et seq.), or 3 (§ 51.1-300 et seq.), his benefit payments under the optional retirement plan maintained under

this section shall be suspended while so employed; provided, however, reemployment shall have no effect on the payment under the optional plan maintained under this section if the benefits are being paid in an annuity form under an annuity contract purchased with the member's account balance.

F. 1. The contribution by the Commonwealth on behalf of an employee participating in an optional retirement plan maintained by the Board or on behalf of an employee participating in an optional retirement plan established by his institution of higher education under this section to such employee's retirement plan shall be (i) at least 8.5 percent but not in excess of 8.9 percent of creditable compensation for any person who becomes a member on or after July 1, 2010, and (ii) 10.4 percent of creditable compensation for all other employees. Any institution of higher education that elects a contribution in excess of 8.5 percent of creditable compensation for any employee described in clause (i) shall provide for the same percentage of creditable compensation as contributions for each of its employees described in clause (i) who participates in such optional retirement plan. The portion of the contribution in excess of 8.5 percent of creditable compensation pursuant to clause (i) shall not be funded from the general fund of the state treasury, but shall be paid by the institution of higher education from other funds. In addition, any person who becomes a member on or after July 1, 2010, shall, pursuant to procedures established by the Board, pay member contributions on a salary reduction basis in accordance with § 414(h) of the Internal Revenue Code, in an amount equal to five percent of his creditable compensation, to the optional retirement plan maintained by the Board on his behalf or the optional retirement plan established by his institution of higher education on his behalf, as applicable. Each employee making such member contribution shall be deemed to consent and agree to any salary reduction for purposes of the member contribution. Such member contributions shall be in addition to all contributions pursuant to clause (i). An institution of higher education may make an additional contribution for participants who, before January 1, 1991, exercised the election to participate in the plan provided by the institution employing them. Such additional contributions shall be made using funds other than general funds, tuition or fees, up to an additional 2.17 percent of creditable compensation.

2. ~~These~~ *The governing board of any institution of higher education that establishes its own optional retirement plan pursuant to this section may establish a policy regarding the number of years of service, or portion thereof, that an employee must perform before such employee shall be entitled to receive all contributions made on his behalf by the institution to the optional retirement plan. If an employee has less than the number of years of service, or portion thereof, established by the governing board at the time he ceases employment, other than by death or involuntary separation due to causes other than job performance or misconduct, as determined by the institution of higher education in its sole discretion, he shall not receive or be entitled to that portion of the contributions that was paid by the institution on his behalf for which he does not have the required service. The institution of higher education may establish a forfeiture account for such employer contributions forgone by the employee and may specify the uses of funds in the forfeiture account. The provisions of this subdivision shall apply only to any person who (i) becomes a participant in the institution of higher education's optional retirement plan on or after July 1, 2014, and (ii) is not an employee described under subdivision B 3. Any future change to a policy established by the governing board of an institution of higher education pursuant to this subdivision regarding the number of years of service required for an employee to receive all contributions made by the institution to the optional retirement plan shall apply only to new employees hired on or after the date of the change.*

3. *The contribution rates established pursuant to subdivision 1 shall be examined by the Board at least once every six years. The examination shall consider the salary peer group mean contribution as determined by the State Council of Higher Education and the Virginia Retirement System actuary, and, if deemed advisable, recommend a revision to the rate of contribution by the Commonwealth.*

G. With respect to any employee who elects pursuant to subsection A or B to participate in the Virginia Retirement System defined benefit retirement plan established by this chapter or the hybrid retirement program described in § 51.1-169, the institution of higher education shall collect and pay all employee and employer contributions to the Virginia Retirement System for retirement and group life insurance in accordance with the provisions of Chapter 1 (§ 51.1-124.1 et seq.) for such employees.

H. The Virginia Retirement System shall develop policies and procedures for the administration of the optional retirement plan it maintains. To assist the Virginia Retirement System in developing such policies and procedures, the Board may appoint an advisory committee of higher education employees to supply guidance in the process.

I. As a condition of the Board granting approval to an institution of higher education to establish its own optional retirement plan, the institution of higher education shall develop policies and procedures for the administration of such plan and shall submit such policies and procedures to the Board as part of the Board-approval process required under this section. In addition, an institution of higher education that is granted approval by the Board to establish its own optional retirement plan covering employees engaged in the performance of teaching, administrative, or research duties shall not adopt or implement policies and procedures that are substantially different from the policies and procedures approved by the Board in the initial approval process unless the Board, in writing, approves such substantially different policies and procedures.

J. The Board shall establish guidelines for the employee elections referred to in subdivision B 2 and shall review and, if deemed advisable, recommend revisions to the contribution rates as described in subsection F. Except for the duties described in subsection I, the Board shall have no duties and responsibilities with respect to such plans established pursuant to subsection B.

CHAPTER 765

An Act to amend and reenact §§ 22.1-277.07 and 22.1-277.08 of the Code of Virginia, relating to student discipline; gun and drug offenses.

[H 752]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:**1. That §§ 22.1-277.07 and 22.1-277.08 of the Code of Virginia are amended and reenacted as follows:****§ 22.1-277.07. Expulsion of students under certain circumstances; exceptions.**

A. In compliance with the federal Improving America's Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), a school board shall expel from school attendance for a period of not less than one year any student whom such school board has determined, in accordance with the procedures set forth in this article, to have possessed a firearm on school property or at a school-sponsored activity as prohibited by § 18.2-308.1; *or* to have possessed a firearm or destructive device as defined in subsection E, a firearm muffler or firearm silencer, or a pneumatic gun as defined in subsection E of § 15.2-915.4 on school property or at a school-sponsored activity. A school administrator, pursuant to school board policy, or a school board may, however, determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. A school board may promulgate guidelines for determining what constitutes special circumstances. In addition, a school board may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article. *Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation.*

B. The Board of Education is designated as the state education agency to carry out the provisions of the federal Improving America's Schools Act of 1994 and shall administer the funds to be appropriated to the Commonwealth under this act.

C. Each school board shall revise its standards of student conduct no later than three months after the date on which this act becomes effective. Local school boards requesting moneys apportioned to the Commonwealth through the federal Improving America's Schools Act of 1994 shall submit to the Department of Education an application requesting such assistance. Applications for assistance shall include:

1. Documentation that the local school board has adopted and implemented student conduct policies in compliance with this section; and

2. A description of the circumstances pertaining to expulsions imposed under this section, including (i) the schools from which students were expelled under this section, (ii) the number of students expelled from each such school in the school division during the school year, and (iii) the types of firearms involved in the expulsions.

D. No school operating a Junior Reserve Officers Training Corps (JROTC) program shall prohibit the JROTC program from conducting marksmanship training when such training is a normal element of such programs. Such programs may include training in the use of pneumatic guns. The administration of a school operating a JROTC program shall cooperate with the JROTC staff in implementing such marksmanship training.

E. As used in this section:

"Destructive device" means (i) any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device; (ii) any weapon, except a shotgun or a shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name known that will, or may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter that is homemade or was not made by a duly licensed weapon manufacturer, any fully automatic firearm, any sawed-off shotgun or sawed-off rifle as defined in § 18.2-299 or any firearm prohibited from civilian ownership by federal law; and (iii) any combination of parts either designed or intended for use in converting any device into any destructive device described in this subsection and from which a destructive device may be readily assembled. "Destructive device" does not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device, nor shall it include any antique firearm as defined in subsection G of § 18.2-308.2:2.

"Firearm" means any weapon, including a starter gun, that will, or is designed or may readily be converted to, expel single or multiple projectiles by the action of an explosion of a combustible material or the frame or receiver of any such weapon. "Firearm" does not include any pneumatic gun, as defined in subsection E of § 15.2-915.4.

"One year" means 365 calendar days as required in federal regulations.

"School property" means any real property owned or leased by the school board or any vehicle owned or leased by the school board or operated by or on behalf of the school board.

F. The exemptions set out in § 18.2-308 regarding concealed weapons shall apply, *mutatis mutandis*, to the provisions of this section. The provisions of this section shall not apply to persons who possess such firearm or firearms or pneumatic

guns as a part of the curriculum or other programs sponsored by the schools in the school division or any organization permitted by the school to use its premises or to any law-enforcement officer while engaged in his duties as such.

G. This section shall not be construed to diminish the authority of the Board of Education or the Governor concerning decisions on whether, or the extent to which, Virginia shall participate in the federal Improving America's Schools Act of 1994, or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

§ 22.1-277.08. Expulsion of students for certain drug offenses.

A. School boards shall expel from school attendance any student whom such school board has determined, in accordance with the procedures set forth in this article, to have brought a controlled substance, imitation controlled substance, marijuana as defined in § 18.2-247, or synthetic cannabinoids as defined in § 18.2-248.1:1 onto school property or to a school-sponsored activity. A school board may, however, determine, based on the facts of the particular case, that special circumstances exist and another disciplinary action is appropriate. In addition, a school board may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article. *Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation.*

B. Each school board shall revise its standards of student conduct to incorporate the requirements of this section no later than three months after the date on which this act becomes effective.

CHAPTER 766

An Act to amend and reenact § 15.2-2222.1 of the Code of Virginia, relating to transportation planning.

[H 793]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2222.1 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2222.1. Coordination of state and local transportation planning.

A. 1. Prior to adoption of any comprehensive plan pursuant to § 15.2-2223, any part of a comprehensive plan pursuant to § 15.2-2228, or any amendment to any comprehensive plan as described in § 15.2-2229, the locality shall submit such plan or amendment to the Department of Transportation for review and comment if the plan or amendment will substantially affect transportation on state-controlled highways as defined by regulations promulgated by the Department. The Department's comments on the proposed plan or amendment shall relate to plans and capacities for construction of transportation facilities affected by the proposal.

2. If the submitting locality is located within Planning District 8, the Department of Transportation shall also determine the extent to which the proposed plan or amendment will increase traffic congestion or, to the extent feasible, reduce the mobility of citizens in the event of a homeland security emergency and shall include such information as part of its comments on the proposed plan or amendment. *Further, to the extent that such information is readily available, the Department shall also include in its comments an assessment of the measures and estimate of the costs necessary to mitigate or ameliorate the congestion or reduction in mobility attributable to the proposed plan or amendment.*

3. Within 30 days of receipt of such proposed plan or amendment, the Department may request, and the locality shall agree to, a meeting between the Department and the local planning commission or other agent to discuss the plan or amendment, which discussions shall continue as long as the participants may deem them useful. The Department shall make written comments within 90 days after receipt of the plan or amendment, or by such later deadline as may be agreed to by the parties in the discussions.

B. Upon submission to, or initiation by, a locality of a proposed rezoning under § 15.2-2286, 15.2-2297, 15.2-2298, or 15.2-2303, the locality shall submit the proposal to the Department of Transportation within 10 business days of receipt thereof if the proposal will substantially affect transportation on state-controlled highways. Such application shall include a traffic impact statement if required by local ordinance or pursuant to regulations promulgated by the Department. Within 45 days of its receipt of such traffic impact statement, the Department shall either (i) provide written comment on the proposed rezoning to the locality or (ii) schedule a meeting, to be held within 60 days of its receipt of the proposal, with the local planning commission or other agent and the rezoning applicant to discuss potential modifications to the proposal to address any concerns or deficiencies. The Department's comments on the proposed rezoning shall be based upon the comprehensive plan, regulations and guidelines of the Department, engineering and design considerations, any adopted regional or statewide plans and short and long term traffic impacts on and off site. The Department shall complete its initial review of the rezoning proposal within 45 days, and its final review within 120 days, after it receives the rezoning proposal from the locality. Notwithstanding the foregoing provisions of this subsection, such review by the Department shall be of a more limited nature and scope in cases of rezoning a property consistent with a local comprehensive plan that has already been reviewed by the Department as provided in this section.

C. If a locality has not received written comments within the timeframes specified in subsection B, the locality may assume that the Department has no comments.

D. The review requirements set forth in this section shall be supplemental to, and shall not affect, any requirement for review by the Department of Transportation or the locality under any other provision of law. Nothing in this section shall be deemed to prohibit any additional consultations concerning land development or transportation facilities that may occur between the Department and localities as a result of existing or future administrative practice or procedure, or by mutual agreement.

E. The Department shall impose fees and charges for the review of applications, plans and plats pursuant to subsections A and B, and such fees and charges shall not exceed \$1,000 for each review. However, no fee shall be charged to a locality or other public agency. Furthermore, no fee shall be charged by the Department to a citizens' organization or neighborhood association that proposes comprehensive plan amendments through its local planning commission or local governing body.

CHAPTER 767

An Act to amend and reenact §§ 58.1-3210, 58.1-3211.1, and 58.1-3212 of the Code of Virginia, relating to real property tax exemption for the elderly and disabled.

[H 1000]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-3210, 58.1-3211.1, and 58.1-3212 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-3210. Exemption or deferral of taxes on property of certain elderly and handicapped persons.

A. The governing body of any county, city or town may, by ordinance, provide for the exemption from, deferral of, or a combination program of exemptions from and deferrals of taxation of real estate and manufactured homes as defined in § 36-85.3, or any portion thereof, and upon such conditions and in such amount as the ordinance may prescribe. Such real estate shall be owned by, and be occupied as the sole dwelling of anyone at least 65 years of age or if provided in the ordinance, anyone found to be permanently and totally disabled as defined in § 58.1-3217. Such ordinance may provide for the exemption from or deferral of that portion of the tax which represents the increase in tax liability since the year such taxpayer reached the age of 65 or became disabled, or the year such ordinance became effective, whichever is later. A dwelling jointly held by a husband and wife, with no other joint owners, may qualify if either spouse is 65 or over or is permanently and totally disabled, and the proration of the exemption or deferral under § 58.1-3211.1 shall not apply for such dwelling.

B. *For purposes of this section, "eligible person" means a person who is at least age 65 or, if provided in the ordinance pursuant to subsection A, permanently and totally disabled. Under subsection A, real property owned and occupied as the sole dwelling of an eligible person includes real property (i) held by the eligible person alone or in conjunction with his spouse as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which the eligible person or the eligible person and his spouse hold the power of revocation, or (iii) held in an irrevocable trust under which an eligible person alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The term "eligible person" does not include any interest held under a leasehold or term of years.*

C. For purposes of this article, any reference to real estate shall include manufactured homes.

§ 58.1-3211.1. Prorated tax exemption or deferral of tax.

A. The governing body of the county, city, or town may, by ordinance, also provide for an exemption from or deferral of (or combination program thereof) real estate taxes for dwellings jointly held by two or more individuals not all of whom are at least age 65 or (if provided in the ordinance) permanently and totally disabled, provided that the dwelling is occupied as the sole dwelling by all such joint owners.

The tax exemption or deferral for the dwelling that otherwise would have been provided under the local ordinance shall be prorated by multiplying the amount of the exemption or deferral by a fraction that has as a numerator the percentage of ownership interest in the dwelling held by all such joint owners who are at least age 65 or (if provided in the ordinance) permanently and totally disabled, and as a denominator, 100%. As a condition of eligibility for such tax exemption or deferral, the joint owners of the dwelling shall be required to furnish to the relevant local officer sufficient evidence of each joint owner's ownership interest in the dwelling.

B. *For purposes of this subsection, "eligible person" means a person who is at least age 65 or, if provided in the ordinance pursuant to subsection A, permanently and totally disabled. For purposes of the tax exemption pursuant to subsection A, real property that is a dwelling jointly held by two or more individuals includes real property (i) held by an eligible person in conjunction with one or more other people as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which an eligible person with one or more other people hold the power of revocation, or (iii) held in an irrevocable trust under which an eligible person in conjunction with one or more other people possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The term "eligible person" does not include any interest held under a leasehold or term of years.*

C. The provisions of this section shall not apply to dwellings jointly held by a husband and wife, with no other joint owners.

☞ D. Nothing in this section shall be interpreted or construed to provide for an exemption from or deferral of tax for any dwelling jointly held by nonindividuals.

§ 58.1-3212. Local restrictions and exemptions.

Pursuant to Article X, Section 6 (b) of the Constitution of Virginia, the General Assembly hereby authorizes the governing body of a county, city or town to establish by ordinance net financial worth or annual income limitations as a condition of eligibility for any exemption or deferral of tax allowed pursuant to this article. If the governing body establishes an annual income limitation, the computation of annual income shall be based on adding together the income received during the preceding calendar year, without regard to whether a tax return is actually filed, by (i) owners of the dwelling who use it as their principal residence, (ii) owners' relatives who live in the dwelling, *except for those relatives living in the dwelling and providing bona fide caregiving services to the owner whether such relatives are compensated or not*, and (iii) at the option of each locality, nonrelatives of the owner who live in the dwelling except for bona fide tenants or bona fide caregivers of the owner, *whether compensated or not*. If the governing body establishes a net financial worth limitation, net financial worth shall be based on adding together the net financial worth, including the present value of equitable interests, as of December 31 of the immediately preceding calendar year, of the owners, and of the spouse of any owner, of the dwelling.

Nothing in this section shall be construed or interpreted as to preclude or prohibit the governing body of a county, city or town from excluding certain sources of income, or a portion of the same, for purposes of its annual income limitation or excluding certain assets, or a portion of the same, for purposes of its net financial worth limitation.

Any county, city, or town that pursuant to this article provides for the exemption from, deferral of, or a combination program of exemptions from and deferrals of real property taxes may exempt or defer the real property taxes of the qualifying dwelling and the land, not exceeding ten acres, upon which it is situated.

No local ordinance shall require that a citizen reside in the jurisdiction for a designated period of time as a condition for qualifying for any real estate tax exemption or deferral program established pursuant to § 58.1-3210.

CHAPTER 768

An Act to amend and reenact § 6.2-2108 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 6.2-2107.1, relating to check cashers; records; civil penalty.

[H 1026]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 6.2-2108 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 6.2-2107.1 as follows:

§ 6.2-2107.1. Recordkeeping requirements.

A. As used in this section, a customer's "identification document" means any of the following:

- 1. A state-issued driver's license or identification card;*
- 2. A U.S. government resident alien identification card;*
- 3. A passport;*
- 4. A U.S. military identification card;*
- 5. A Non-U.S. government identification card;*
- 6. A Mexican Matricula identification card; or*
- 7. Other government identification card.*

B. A registrant shall not cash an item for a customer in the course of conducting its business unless the registrant:

1. Makes a copy of both sides of the item or maintains a record of the following information that is available from the item:

- a. ABA number;*
- b. Account number;*
- c. Check number;*
- d. Check type;*
- e. Date of check; and*
- f. Check amount; and*

2. Makes a copy of an identification document that is presented by the customer to the registrant at the time the customer presents the item for cashing or maintains a record of the following information that is available from the identification:

- a. Name;*
- b. Address;*
- c. Date of birth;*
- d. Type of identification;*

e. Identification number; and

f. Identification expiration date.

C. A registrant shall maintain the information required by subsection B and a record of the time and date of the transaction. Such materials shall be maintained for a period of not less than six months following the date an item is cashed.

D. The provisions of this section shall not apply to any registrant that is principally engaged in the bona fide retail sale of goods or services.

§ 6.2-2108. Civil penalties; civil action.

A. The Commission may impose a civil penalty not exceeding \$1,000 upon any person required to be registered hereunder who it determines, in proceedings commenced in accordance with the Commission's Rules, has violated any of the provisions of this chapter or regulations adopted thereunder. *However, the civil penalty that may be imposed upon any registrant who has violated a provision of § 6.2-2107.1 shall not exceed \$100.* For the purposes of this section, each separate violation shall be subject to the civil penalty therein prescribed.

B. Any person who suffers loss by reason of a violation of any provision of this chapter, *other than a violation of a provision of § 6.2-2107.1*, may bring a civil action to enforce such provision. Any person who is successful in such action shall recover reasonable attorney fees, expert witness fees, and court costs incurred by bringing such action.

CHAPTER 769

An Act to amend and reenact §§ 38.2-3455 and 38.2-3456 of the Code of Virginia and to amend the Code of Virginia by adding in Article 7 of Chapter 34 of Title 38.2 sections numbered 38.2-3457 through 38.2-3460, relating to the regulation of navigators for health benefit exchanges.

[H 1043]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-3455 and 38.2-3456 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 7 of Chapter 34 of Title 38.2 sections numbered 38.2-3457 through 38.2-3460 as follows:

§ 38.2-3455. Definitions.

As used in this article, unless the context requires otherwise:

"Exchange" means a health benefit exchange established or operated in the Commonwealth, including a health benefit exchange established or operated by the U.S. Secretary of Health and Human Services, pursuant to § 1311(b) of the Patient Protection and Affordable Care Act, P.L. 111-148, as amended.

~~"Qualified dental plan" means a limited scope dental plan that has in effect a certification that the plan meets the criteria for certification described in § 1311(d)(2)(B)(ii) of the Patient Protection and Affordable Care Act, P.L. 111-148, as amended.~~

~~"Qualified health plan" means a health benefit plan that has in effect a certification that the plan meets the criteria for certification described in § 1311(c) of the Patient Protection and Affordable Care Act, P.L. 111-148, as amended.~~

"Health carrier" has the same meaning assigned to that term in § 38.2-3438.

"Navigator" means an individual or entity described in 42 U.S.C. § 1311(i)(2) that is selected to perform the activities and duties identified in 42 U.S.C. § 18031(i) in the Commonwealth. "Navigator" does not include an individual or entity licensed as an agent under Chapter 18 (§ 38.2-1800 et seq.) of this title to sell, solicit, or negotiate contracts of insurance or annuity in the Commonwealth.

"Other affordable care options" means the programs provided under the state plan for medical assistance services pursuant to Title XIX of the Social Security Act, as amended, and the Family Access to Medical Insurance Security (FAMIS) Plan developed pursuant to Title XXI of the Social Security Act, as amended.

~~"Qualified dental plan" means a limited scope dental plan that has in effect a certification that the plan meets the criteria for certification described in § 1311(d)(2)(B)(ii) of the Patient Protection and Affordable Care Act, P.L. 111-148, as amended.~~

~~"Qualified health plan" means a health benefit plan that has in effect a certification that the plan meets the criteria for certification described in § 1311(c) of the Patient Protection and Affordable Care Act, P.L. 111-148, as amended.~~

"Secretary" means the Secretary of the U.S. Department of Health and Human Services.

§ 38.2-3456. Prohibited activities.

A. A navigator shall not:

1. Engage in any activity that would require an insurance agent license under this title;
2. Offer advice about which qualified health plan or qualified dental plan is better or worse for a particular individual or employer;
3. Act as an intermediary between an employer and an insurer that offers a qualified health plan or qualified dental plan offered through an exchange; ~~or~~

4. Violate any unfair trade practice and privacy requirements in §§ 38.2-502, 38.2-503, 38.2-506, 38.2-509, 38.2-512, 38.2-515, 38.2-612.1, 38.2-613, and 38.2-614 to the extent such requirements are applicable to the activities of navigators; or

5. Receive compensation for services or duties as a navigator that are prohibited by federal law, including compensation from a health carrier.

B. An individual or entity shall not claim to be, or otherwise hold himself or itself out as, a navigator or conduct business as a navigator in the Commonwealth without having:

1. Having been selected as a navigator in accordance with applicable federal law ~~and without having;~~
2. Having evidence of successful completion of all navigator requirements prescribed by the Secretary; and
3. Having met requirements established pursuant to § 38.2-3457.

C. If an individual or entity has engaged in the Commonwealth in one or more of the prohibited activities identified in this section, a complaint may be filed with the Commission. The Commission, upon investigation and verification of the prohibited activity or activities, may order such individual or entity to cease and desist such prohibited conduct.

§ 38.2-3457. Application for registration.

A. On or after September 1, 2014, no individual or entity shall act as a navigator in the Commonwealth unless such individual or entity has been certified by the U.S. Department of Health and Human Services and registered with the Commission.

B. An application for registration under this article shall be in the form and containing the information the Commission prescribes. Each applicant shall, at the time of applying for registration, pay a nonrefundable application processing fee in an amount and in a manner prescribed by the Commission. A criminal history record report shall accompany each individual registration application.

C. The Commission shall register the applicant if it finds that the character and general fitness of the applicant are such as to warrant belief that the applicant will act as a navigator fairly, in the public interest, and in accordance with law.

§ 38.2-3458. Power of Commission to investigate navigators.

A. The Commission shall have the power to examine and investigate the affairs of any person engaged or alleged to be engaged in navigator activities in the Commonwealth to determine whether the individual or entity has engaged or is engaging in any violation of this article.

B. Each registered navigator shall report to the Commission within 30 calendar days the following: (i) any action taken by the U.S. Department of Health and Human Services to decertify the navigator; (ii) upon conviction of a felony, the facts and circumstances surrounding that conviction; and (iii) the disposition of the matter of any administrative action taken against the navigator in another jurisdiction or by another governmental agency in the Commonwealth.

§ 38.2-3459. Grounds for termination, placing on probation, revocation, or suspension of registration.

A. If the Commission determines that a registered navigator has violated this article, or any order or regulation adopted thereunder, after notice and opportunity to be heard, the Commission may impose a penalty in accordance with §§ 38.2-218 and 38.2-219 and place on probation, suspend, or revoke any individual's or entity's registration.

B. The registration of any navigator shall terminate immediately when such navigator becomes decertified by the U.S. Department of Health and Human Services, whether or not the Commission has been notified of such decertification.

§ 38.2-3460. Sufficiency of federal requirements; additional standards and qualifications for navigators.

The Commission may determine whether the standards and qualifications for navigators provided by 42 U.S.C. § 18031 and any regulations enacted thereunder are sufficient to ensure that navigators can perform the required duties. If the Commission determines that the standards and qualifications are insufficient, the Commission shall make a good faith effort to work in cooperation with the Secretary to propose improvements. If after a reasonable interval the Commission determines that the standards and qualifications remain insufficient, the Commission shall adopt regulations establishing additional standards and qualifications to ensure that navigators can perform their required duties.

CHAPTER 770

An Act to direct the Virginia Commission on Youth to review and report on the use of seclusion and restraint in the public and private elementary and secondary schools of the Commonwealth.

[H 1106]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:

1. § 1. The Virginia Commission on Youth, in consultation with the Department of Education and the Department of Behavioral Health and Developmental Services, shall review (i) statewide policies and regulations related to seclusion and restraint in public and private elementary and secondary schools and (ii) methods used in other states to reduce and eliminate the use of seclusion and restraint in public and private elementary and secondary schools. The Virginia Commission on Youth shall make recommendations for the modernization of Virginia's policies and regulations related to seclusion and restraint in schools and submit its recommendations no later than November 30, 2014, to the General Assembly. The Virginia Commission on Youth shall report its findings to the Governor and the 2015 Regular Session of the General Assembly.

CHAPTER 771

An Act to amend and reenact § 15.2-2292 of the Code of Virginia, relating to family day homes.

[H 1209]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2292 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2292. Zoning provisions for family day homes.

A. Zoning ordinances for all purposes shall consider a family day home as defined in § 63.2-100 serving one through five children, exclusive of the provider's own children and any children who reside in the home as residential occupancy by a single family. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed upon such a home. Nothing in this section shall apply to any county or city which is subject to § 15.2-741 or § 15.2-914.

B. A local governing body may by ordinance allow a zoning administrator to use an administrative process to issue zoning permits for a family day home as defined in § 63.2-100 serving six through twelve children, exclusive of the provider's own children and any children who reside in the home. The ordinance may contain such standards as the local governing body deems appropriate and shall include a requirement that notification be sent by registered or certified letter to the last known address of each adjacent property owner. If the zoning administrator receives no written objection from a person so notified within thirty days of the date of sending the letter and determines that the family day home otherwise complies with the provisions of the ordinance, the zoning administrator may issue the permit sought. The ordinance shall provide a process whereby an applicant for a family day home that is denied a permit through the administrative process may request that its application be considered after a hearing following public notice as provided in § 15.2-2204. *Upon such hearing, the local governing body may, in its discretion, approve the permit, subject to such conditions as agreed upon by the applicant and the locality, or deny the permit.* The provisions of this subsection shall not prohibit a local governing body from exercising its authority, if at all, under subdivision A 3 of § 15.2-2286.

CHAPTER 772

An Act to amend and reenact §§ 15.2-627, 22.1-57.3, and 22.1-75 of the Code of Virginia, relating to elected school boards; tie breaker.

[H 1242]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-627, 22.1-57.3, and 22.1-75 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-627. Department of education.

The department of education shall consist of the county school board, the division superintendent of schools and the officers and employees thereof. Except as herein otherwise provided, the county school board and the division superintendent of schools shall exercise all the powers conferred and perform all the duties imposed upon them by general law. Except for the initial elected board which shall consist of five members, the county school board shall be composed of not less than three nor more than nine members; however, there shall be at least one school board member elected from each of the county's magisterial or election districts. The members shall be elected by popular vote from election districts coterminous with the election districts for the board of county supervisors. The exact number of members shall be determined by the board of county supervisors. Elections of school board members shall be held to coincide with the elections of members of the board of county supervisors at the regular general election in November. The terms of office for the county school board members shall be the same as the terms of the members of the board of county supervisors and shall commence on January 1 following their election.

A vacancy in the office of school board member shall be filled pursuant to §§ 24.2-226 and 24.2-228.

In order to have their names placed on the ballot, all candidates shall be nominated only by petition as provided by general law pursuant to § 24.2-506.

The county school board may also ~~appoint a resident of the county to cast~~ *have a position of tie breaker for the purpose of casting the deciding vote in case cases of a tie vote votes of the school board as provided in § 22.1-75. The position of tie breaker, if any, shall be appointed for a four-year term whether appointed to fill a vacancy caused by expiration of term or otherwise shall be held by a qualified voter who is a resident of the county and who shall be elected in the same manner and for the same length of term as the members of the school board and at a general election at which members of the school board are elected. A vacancy in the position of tie breaker shall be filled pursuant to §§ 24.2-226 and 24.2-228.*

The chairman of the county school board, for the purpose of appearing before the board of county supervisors, shall be considered head of this department, unless some other person in the department shall be designated by the school board for such purpose.

§ 22.1-57.3. Election of school board members; election of tie breaker.

A. If a majority of the qualified voters voting in such referendum vote in favor of changing the method of selecting school board members to direct election by the voters, then the members of the school board shall be elected by popular vote. Elections of school board members in a county, city, or town shall be held to coincide with the elections for members of the governing body of the county, city, or town at the regular general election in November or the regular general election in May, as the case may be.

B. The initial elected board shall consist of the same number of members as the appointed school board it replaces, and the members shall be elected from the established county or municipal election districts, at large, or a combination thereof, on the same basis as the school board previously was appointed. If the appointed school board being replaced has not been appointed either on an at-large basis or on the basis of the established county or municipal election districts, or a combination thereof, the members shall be elected at large unless the governing body of the county, city, or town provides for the election of school board members on the basis of the established county or municipal election districts. If the appointed school board being replaced has been appointed at large, the governing body of the county, city, or town may establish school election districts for the election of school board members. The governing body may provide for a locality-wide district, one or more districts comprised of a part of the locality, or any combination thereof, and for the apportionment of one or more school board members to any district.

The terms of the members of the elected school board for any county, city, or town shall be the same as the terms of the members of the governing body for the county, city, or town. In any locality in which both the school board and the governing body are elected from election districts, as opposed to being elected wholly on an at-large basis, the elections of the school board member and governing body member from each specific district shall be held simultaneously except as otherwise provided in §§ 22.1-57.3:1, 22.1-57.3:1.1, and 22.1-57.3:1.2.

At the first election for members of the school board, so many members shall be elected as there are members to be elected at the regular election for the governing body. At each subsequent regular election for members of the governing body, the same number of members of the school board shall be elected as the number of members to be elected at the regular election to the governing body. However, if the number of members on the school board differs from the number of members of the governing body, the number of members elected to the school board at the first and subsequent general election shall be either more or less than the number of governing body members, as appropriate, to the end that the number of members on the initial elected school board is the same as the number of members on the appointed board being replaced.

Except as provided in §§ 22.1-57.3:1, 22.1-57.3:1.1, and 22.1-57.3:1.2, the terms of the members of the school board shall be staggered only if the terms of the members of the governing body are staggered. If there are more, or fewer, members on the school board than on the governing body, the number of members to be elected to the school board at the first and subsequent election for school board members shall be the number required to establish the staggered term structure so that (i) a majority of the members of the school board is elected at the same time as a majority of the members of the governing body; (ii) if one-half of the governing body is being elected and the school board has an even number of members, one-half of the members of the school board is elected; (iii) if one-half of the governing body is being elected and the school board has an odd number of members, the majority by one member of the school board is elected at the first election and the remainder of the school board is elected at the second election; or (iv) if a majority of the members of the governing body is being elected and the school board has an even number of members, one-half of the members of the school board is elected.

If the school board is elected at large and the terms of the members of the school board are staggered, the school board members to be replaced at the first election shall include all appointed school board members whose appointive terms are scheduled to expire on December 31 or on June 30, as the case may be, next following the first election of county, city or town school board members. If the number of school board members whose appointive terms are so scheduled to expire is zero or less than the number of school board members to be elected at the first election, the appointed school board members to be replaced at the first election shall also include those whose appointive terms are scheduled to expire next subsequent to the date on which the terms of office of the first elected school board members will commence. If the appointive terms of more than one school board member are scheduled to expire simultaneously, but less than all of such members are to be replaced at the first election, then the identity of such school board member or members to be replaced at the first election shall be determined by a drawing held by the county or city electoral board at least ten days prior to the last day for a person to qualify as a candidate for school board member.

In any case in which school board members are elected from election districts, as opposed to being elected from the county, city, or town at large, the election districts for the school board shall be coterminous with the election districts for the county, city, or town governing body, except as may be specifically provided for the election of school board members in a county, city, or town in which the governing body is elected at large.

C. The terms of office for the school board members shall commence on January 1 or July 1, as the case may be, following their election. On December 31 or June 30, as the case may be, following the first election of county, city or town school board members, the terms of office of the members of the school board in office through appointment shall expire and the school board selection commission, if there is one, shall be abolished. If the entire school board is not elected at the first election of school board members, only the terms of the appointed members being replaced shall so expire and the terms of the appointed members being replaced at a subsequent election shall continue or be extended to expire on December 31 or June 30, as appropriate, of the year of the election of the school board members replacing them.

D. Except as otherwise provided herein, a vacancy in the office of any elected school board member shall be filled pursuant to §§ 24.2-226 and 24.2-228. In any county that has adopted the urban county executive form of government and that has adopted an elected school board, any vacancy on the elected school board shall be filled in accordance with the procedures set forth in § 15.2-802, mutatis mutandis. Notwithstanding any provision of law or charter to the contrary, if no candidates file for election to a school board office and no person who is qualified to hold the office is elected by write-in votes, a vacancy shall be deemed to exist in the office as of January 1 or July 1, as the case may be, following the general election. For the purposes of this subsection and Article 6 (§ 24.2-225 et seq.) of Chapter 2 of Title 24.2, local school boards comprised of elected and appointed members shall be deemed elected school boards.

E. In order to have their names placed on the ballot, all candidates shall be nominated only by petition as provided by general law pursuant to § 24.2-506.

F. For the purposes of this section, the election and term of the mayor or chairman of the board of supervisors shall be deemed to be an election and term of a member of the governing body of the municipality or county, respectively, whether or not the mayor or chairman is deemed to be a member of the governing body for any other purpose.

G. No employee of a school board shall be eligible to serve on the board with whom he is employed.

H. Any elected school board may ~~appoint a qualified voter who is a resident of the county, city, or town to cast~~ *have a position of tie breaker for the purpose of casting the deciding vote in case cases of a tie vote votes of the school board as provided in § 22.1-75. The term of office of each tiebreaker so appointed shall be four years whether the appointment is to fill a vacancy caused by expiration of term or otherwise. The position of tie breaker, if any, shall be held by a qualified voter who is a resident of the county, city, or town and who shall be elected in the same manner and for the same length of term as members of the school board and at a general election at which members of the school board are elected. A vacancy in the position of tie breaker shall be filled pursuant to §§ 24.2-226 and 24.2-228.*

§ 22.1-75. Procedure in case of tie vote.

In any case in which there is a tie vote of the school board of any school division when all the members are not present, the question shall be passed by until the next meeting when it shall again be voted upon even though all members are not present. In any case in which there is a tie vote on any question after complying with this procedure or in any case in which there is a tie vote when all the members of the school board are present, the proceedings thereon shall be in conformity with the proceedings prescribed below, except that the tie breaker, if any, appointed pursuant to § 15.2-410, 15.2-531, ~~15.2-627, 15.2-837, 22.1-40, 22.1-44, or 22.1-47, or elected pursuant to § 15.2-627 or 22.1-57.3,~~ whichever is applicable, shall cast the deciding vote.

In any case in which there is a tie vote of the school board, the clerk shall record the vote; immediately notify the tie breaker to vote; and request his presence, if practicable, at the present meeting of the board. However, if that is not practicable, the board may adjourn to a day fixed in the minutes of the board or, in case of a failure to agree on a day, to a day the clerk fixes and enters in the minutes. At the present meeting or on the day named in the minutes, the tie breaker shall attend. He shall be entitled to be fully advised on the matter upon which he is to vote. If not prepared to vote at the time, he may require the clerk to enter an order adjourning the meeting to some future day, not to exceed thirty days, to be named in the minutes. He may have continuances, not to exceed thirty days, entered until he is ready to vote. When he votes, the clerk shall record his vote; the tie shall be broken; and the question shall be decided as he votes. If a meeting for any reason is not held on the day named in the minutes, the clerk shall enter on the minute book a day within ten days as a substitute day and notify all the members, and this shall continue until a meeting is held. After a tie has occurred, the tie breaker shall be considered a member of the board for the purpose of counting a quorum for the sole purpose of breaking the tie.

2. That the provisions of this act shall not be construed to affect the term of any tie breaker appointed by an elected school board prior to July 1, 2014.

CHAPTER 773

An Act to amend and reenact §§ 16.1-340.1 and 37.2-809 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 16.1-340.1:1 and 37.2-809.1, relating to facility of temporary detention.

[H 293]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-340.1 and 37.2-809 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 16.1-340.1:1 and 37.2-809.1 as follows:

§ 16.1-340.1. Involuntary temporary detention; issuance and execution of order.

A. A magistrate shall issue, upon the sworn petition of a minor's treating physician or parent or, if the parent is not available or is unable or unwilling to file a petition, by any responsible adult, including the person having custody over a minor in detention or shelter care pursuant to an order of a juvenile and domestic relations district court, or upon his own motion and only after an evaluation conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 16.1-345.1 by an employee or designee of the local community services board to determine whether the minor meets the criteria for temporary detention, a temporary detention order if it appears from all evidence readily available, including any recommendation from a physician or clinical psychologist treating the person, that

(i) because of mental illness, the minor (a) presents a serious danger to himself or others to the extent that severe or irreparable injury is likely to result, as evidenced by recent acts or threats, or (b) is experiencing a serious deterioration of his ability to care for himself in a developmentally age-appropriate manner, as evidenced by delusional thinking or by a significant impairment of functioning in hydration, nutrition, self-protection, or self-control; and (ii) the minor is in need of compulsory treatment for a mental illness and is reasonably likely to benefit from the proposed treatment. The magistrate shall also consider the recommendations of the minor's parents and of any treating or examining physician licensed in Virginia if available either verbally or in writing prior to rendering a decision. To the extent possible, the petition shall contain the information required by § 16.1-339.1. Any temporary detention order entered pursuant to this section shall be effective until such time as the juvenile and domestic relations district court serving the jurisdiction in which the minor is located conducts a hearing pursuant to subsection B of § 16.1-341. Any temporary detention order entered pursuant to this section shall provide for the disclosure of medical records pursuant to subsection B of § 16.1-337. This subsection shall not preclude any other disclosures as required or permitted by law.

B. When considering whether there is probable cause to issue a temporary detention order, the magistrate may, in addition to the petition, consider (i) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (ii) any past actions of the minor, (iii) any past mental health treatment of the minor, (iv) any relevant hearsay evidence, (v) any medical records available, (vi) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (vii) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue a temporary detention order.

C. A magistrate may issue a temporary detention order without an emergency custody order proceeding. A magistrate may issue a temporary detention order without a prior evaluation pursuant to subsection A if (i) the minor has been personally examined within the previous 72 hours by an employee or designee of the local community services board or (ii) there is a significant physical, psychological, or medical risk to the minor or to others associated with conducting such evaluation.

D. An employee or designee of the community services board shall determine the facility of temporary detention *in accordance with the provisions of § 16.1-340.1:1* for all minors detained pursuant to this section. ~~The facility of temporary detention shall be one that has been approved pursuant to regulations of the Board of Behavioral Health and Developmental Services.~~ The facility shall be identified on the preadmission screening report and indicated on the temporary detention order. *Subject to the provisions of § 16.1-340.1:1, if a facility of temporary detention cannot be identified by the time of the expiration of the period of emergency custody pursuant to § 16.1-340, the minor shall be detained in a state facility for the treatment of minors with mental illness and such facility shall be indicated on the temporary detention order.* Except for minors who are detained for a criminal offense by a juvenile and domestic relations district court and who require hospitalization in accordance with this article, the minor shall not be detained in a jail or other place of confinement for persons charged with criminal offenses and shall remain in the custody of law enforcement until the minor is either detained within a secure facility or custody has been accepted by the appropriate personnel designated by the facility identified in the temporary detention order.

E. Any facility caring for a minor placed with it pursuant to a temporary detention order is authorized to provide emergency medical and psychiatric services within its capabilities when the facility determines that the services are in the best interests of the minor within its care. The costs incurred as a result of the hearings and by the facility in providing services during the period of temporary detention shall be paid and recovered pursuant to § 37.2-804. The maximum costs reimbursable by the Commonwealth pursuant to this section shall be established by the State Board of Medical Assistance Services based on reasonable criteria. The State Board of Medical Assistance Services shall, by regulation, establish a reasonable rate per day of inpatient care for temporary detention.

F. The employee or designee of the local community services board who is conducting the evaluation pursuant to this section shall determine, prior to the issuance of the temporary detention order, the insurance status of the minor. Where coverage by a third party payor exists, the facility seeking reimbursement under this section shall first seek reimbursement from the third party payor. The Commonwealth shall reimburse the facility only for the balance of costs remaining after the allowances covered by the third party payor have been received.

G. The duration of temporary detention shall be sufficient to allow for completion of the examination required by § 16.1-342, preparation of the preadmission screening report required by § 16.1-340.4, and initiation of mental health treatment to stabilize the minor's psychiatric condition to avoid involuntary commitment where possible, but shall not exceed 96 hours prior to a hearing. If the 96-hour period herein specified terminates on a Saturday, Sunday, or legal holiday, the minor may be detained, as herein provided, until the close of business on the next day that is not a Saturday, Sunday, or legal holiday. The minor may be released, pursuant to § 16.1-340.3, before the 96-hour period herein specified has run.

H. If a temporary detention order is not executed within 24 hours of its issuance, or within a shorter period as is specified in the order, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if the office is not open, to any magistrate serving the jurisdiction of the issuing court. Subsequent orders may be issued upon the original petition within 96 hours after the petition is filed. However, a magistrate must again obtain the advice of an employee or designee of the local community services board prior to issuing a subsequent order upon the original petition. Any petition for which no temporary detention order or other process in connection therewith is served on the subject of the petition within 96 hours after the petition is filed shall be void and shall be returned to the office of the clerk of the issuing court.

I. For purposes of this section a healthcare provider or an employee or designee of the local community services board shall not be required to encrypt any email containing information or medical records provided to a magistrate unless there is reason to believe that a third party will attempt to intercept the email.

J. The employee or designee of the local community services board who is conducting the evaluation pursuant to this section shall, if he recommends that the minor should not be subject to a temporary detention order, inform the petitioner and an on-site treating physician of his recommendation.

K. Each community services board shall provide to each juvenile and domestic relations district court and magistrate's office within its service area a list of employees and designees who are available to perform the evaluations required herein.

§ 16.1-340.1:1. Facility of temporary detention.

A. In each case in which an employee or designee of the local community services board is required to make an evaluation of a minor pursuant to subsection B, G, or H of § 16.1-340, an employee or designee of the local community services board shall, upon being notified of the need for such evaluation, contact the state facility for the area in which the community services board is located and notify the state facility that the minor will be transported to the facility upon issuance of a temporary detention order if no other facility of temporary detention can be identified by the time of the expiration of the period of emergency custody pursuant to § 16.1-340. Upon completion of the evaluation, the employee or designee of the local community services board shall convey to the state facility information about the minor necessary to allow the state facility to determine the services the minor will require upon admission.

B. A state facility may, following the notice in accordance with subsection A, conduct a search for an alternative facility that is able and willing to provide temporary detention and appropriate care to the minor, which may include another state facility if the state facility notified in accordance with subsection A is unable to provide temporary detention and appropriate care for the minor. Under no circumstances shall a state facility fail or refuse to admit a minor who meets the criteria for temporary detention pursuant to § 16.1-340.1 unless an alternative facility that is able to provide temporary detention and appropriate care agrees to accept the minor for temporary detention, and the minor shall not during the duration of the temporary detention order be released from the custody of the community services board except for purposes of transporting the minor to the state facility or alternative facility in accordance with the provisions of § 16.1-340.2. If an alternative facility is identified and agrees to accept the minor for temporary detention, the state facility shall notify the community services board, and an employee or designee of the community services board shall designate the alternative facility on the prescreening report.

C. The facility of temporary detention designated in accordance with this section shall be one that has been approved pursuant to regulations of the State Board of Behavioral Health and Developmental Services.

§ 37.2-809. Involuntary temporary detention; issuance and execution of order.

A. For the purposes of this section:

"Designee of the local community services board" means an examiner designated by the local community services board who (i) is skilled in the assessment and treatment of mental illness, (ii) has completed a certification program approved by the Department, (iii) is able to provide an independent examination of the person, (iv) is not related by blood or marriage to the person being evaluated, (v) has no financial interest in the admission or treatment of the person being evaluated, (vi) has no investment interest in the facility detaining or admitting the person under this article, and (vii) except for employees of state hospitals and of the U.S. Department of Veterans Affairs, is not employed by the facility.

"Employee" means an employee of the local community services board who is skilled in the assessment and treatment of mental illness and has completed a certification program approved by the Department.

"Investment interest" means the ownership or holding of an equity or debt security, including shares of stock in a corporation, interests or units of a partnership, bonds, debentures, notes, or other equity or debt instruments.

B. A magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion and only after an evaluation conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or a designee of the local community services board to determine whether the person meets the criteria for temporary detention, a temporary detention order if it appears from all evidence readily available, including any recommendation from a physician or clinical psychologist treating the person, that the person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, (ii) is in need of hospitalization or treatment, and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. The magistrate shall also consider the recommendations of any treating or examining physician licensed in Virginia if available either verbally or in writing prior to rendering a decision. Any temporary detention order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

C. When considering whether there is probable cause to issue a temporary detention order, the magistrate may, in addition to the petition, consider (i) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any relevant hearsay evidence, (v) any medical records available, (vi) any affidavits submitted, if the witness is unavailable and it so

states in the affidavit, and (vii) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue a temporary detention order.

D. A magistrate may issue a temporary detention order without an emergency custody order proceeding. A magistrate may issue a temporary detention order without a prior evaluation pursuant to subsection B if (i) the person has been personally examined within the previous 72 hours by an employee or a designee of the local community services board or (ii) there is a significant physical, psychological, or medical risk to the person or to others associated with conducting such evaluation.

E. An employee or a designee of the local community services board shall determine the facility of temporary detention *in accordance with the provisions of § 37.2-809.1* for all individuals detained pursuant to this section. ~~The facility of temporary detention shall be one that has been approved pursuant to regulations of the Board.~~ The facility shall be identified on the preadmission screening report and indicated on the temporary detention order. *Subject to the provisions of § 37.2-809.1, if a facility of temporary detention cannot be identified by the time of the expiration of the period of emergency custody pursuant to § 37.2-808, the individual shall be detained in a state facility for the treatment of individuals with mental illness and such facility shall be indicated on the temporary detention order.* Except as provided in § 37.2-811 for inmates requiring hospitalization in accordance with subdivision A 2 of § 19.2-169.6, the person shall not be detained in a jail or other place of confinement for persons charged with criminal offenses and shall remain in the custody of law enforcement until the person is either detained within a secure facility or custody has been accepted by the appropriate personnel designated by the facility identified in the temporary detention order.

F. Any facility caring for a person placed with it pursuant to a temporary detention order is authorized to provide emergency medical and psychiatric services within its capabilities when the facility determines that the services are in the best interests of the person within its care. The costs incurred as a result of the hearings and by the facility in providing services during the period of temporary detention shall be paid and recovered pursuant to § 37.2-804. The maximum costs reimbursable by the Commonwealth pursuant to this section shall be established by the State Board of Medical Assistance Services based on reasonable criteria. The State Board of Medical Assistance Services shall, by regulation, establish a reasonable rate per day of inpatient care for temporary detention.

G. The employee or the designee of the local community services board who is conducting the evaluation pursuant to this section shall determine, prior to the issuance of the temporary detention order, the insurance status of the person. Where coverage by a third party payor exists, the facility seeking reimbursement under this section shall first seek reimbursement from the third party payor. The Commonwealth shall reimburse the facility only for the balance of costs remaining after the allowances covered by the third party payor have been received.

H. The duration of temporary detention shall be sufficient to allow for completion of the examination required by § 37.2-815, preparation of the preadmission screening report required by § 37.2-816, and initiation of mental health treatment to stabilize the person's psychiatric condition to avoid involuntary commitment where possible, but shall not exceed 48 hours prior to a hearing. If the 48-hour period herein specified terminates on a Saturday, Sunday, or legal holiday, the person may be detained, as herein provided, until the close of business on the next day that is not a Saturday, Sunday, or legal holiday. The person may be released, pursuant to § 37.2-813, before the 48-hour period herein specified has run.

I. If a temporary detention order is not executed within 24 hours of its issuance, or within a shorter period as is specified in the order, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if the office is not open, to any magistrate serving the jurisdiction of the issuing court. Subsequent orders may be issued upon the original petition within 96 hours after the petition is filed. However, a magistrate must again obtain the advice of an employee or a designee of the local community services board prior to issuing a subsequent order upon the original petition. Any petition for which no temporary detention order or other process in connection therewith is served on the subject of the petition within 96 hours after the petition is filed shall be void and shall be returned to the office of the clerk of the issuing court.

J. The Executive Secretary of the Supreme Court of Virginia shall establish and require that a magistrate, as provided by this section, be available seven days a week, 24 hours a day, for the purpose of performing the duties established by this section. Each community services board shall provide to each general district court and magistrate's office within its service area a list of its employees and designees who are available to perform the evaluations required herein.

K. For purposes of this section, a health care provider or designee of a local community services board or behavioral health authority shall not be required to encrypt any email containing information or medical records provided to a magistrate unless there is reason to believe that a third party will attempt to intercept the email.

L. The employee or designee of the community services board who is conducting the evaluation pursuant to this section shall, if he recommends that the person should not be subject to a temporary detention order, inform the petitioner and an onsite treating physician of his recommendation.

§ 37.2-809.1. Facility of temporary detention.

A. In each case in which an employee or designee of the local community services board as defined in § 37.2-809 is required to make an evaluation of an individual pursuant to subsection B, G, or H of § 37.2-808, an employee or designee of the local community services board shall, upon being notified of the need for such evaluation, contact the state facility for the area in which the community services board is located and notify the state facility that the individual will be transported to the facility upon issuance of a temporary detention order if no other facility of temporary detention can be identified by the time of the expiration of the period of emergency custody pursuant to § 37.2-808. Upon completion of the evaluation, the

employee or designee of the local community services board shall convey to the state facility information about the individual necessary to allow the state facility to determine the services the individual will require upon admission.

B. A state facility may, following the notice in accordance with subsection A, conduct a search for an alternative facility that is able and willing to provide temporary detention and appropriate care to the individual, which may include another state facility if the state facility notified in accordance with subsection A is unable to provide temporary detention and appropriate care for the individual. Under no circumstances shall a state facility fail or refuse to admit an individual who meets the criteria for temporary detention pursuant to § 37.2-809 unless an alternative facility that is able to provide temporary detention and appropriate care agrees to accept the individual for temporary detention and the individual shall not during the duration of the temporary detention order be released from the custody of the community services board except for purposes of transporting the individual to the state facility or alternative facility in accordance with the provisions of § 37.2-810. If an alternative facility is identified and agrees to accept the individual for temporary detention, the state facility shall notify the community services board, and an employee or designee of the community services board shall designate the alternative facility on the prescreening report.

C. The facility of temporary detention designated in accordance with this section shall be one that has been approved pursuant to regulations of the Board.

2. That the Department of Behavioral Health and Developmental Services shall submit an annual report on or before June 30 of each year on the implementation of this act to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees. The report shall include the number of notifications of individuals in need of facility services by the community services boards, the number of alternative facilities contacted by community services boards and state facilities, the number of temporary detentions provided by state facilities and alternative facilities, the length of stay in state facilities and alternative facilities, and the cost of the detentions in state facilities and alternative facilities.

CHAPTER 774

An Act to amend the Code of Virginia by adding a section numbered 37.2-308.1, relating to an acute psychiatric bed registry.

[H 1232]

Approved April 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 37.2-308.1 as follows:

§ 37.2-308.1. Acute psychiatric bed registry.

A. The Department shall develop and administer a web-based acute psychiatric bed registry to collect, aggregate, and display information about available acute beds in public and private inpatient psychiatric facilities and public and private residential crisis stabilization units to facilitate the identification and designation of facilities for the temporary detention and treatment of individuals who meet the criteria for temporary detention pursuant to § 37.2-809.

B. The acute psychiatric bed registry created pursuant to subsection A shall:

1. Include descriptive information for every public and private inpatient psychiatric facility and every public and private residential crisis stabilization unit in the Commonwealth, including contact information for the facility or unit;

2. Provide real-time information about the number of beds available at each facility or unit and, for each available bed, the type of patient that may be admitted, the level of security provided, and any other information that may be necessary to allow employees or designees of community services boards and employees of inpatient psychiatric facilities or public and private residential crisis stabilization units to identify appropriate facilities for detention and treatment of individuals who meet the criteria for temporary detention; and

3. Allow employees and designees of community services boards, employees of inpatient psychiatric facilities or public and private residential crisis stabilization units, and health care providers as defined in § 8.01-581.1 working in an emergency room of a hospital or clinic or other facility rendering emergency medical care to perform searches of the registry to identify available beds that are appropriate for the detention and treatment of individuals who meet the criteria for temporary detention.

C. Every state facility, community services board, behavioral health authority, and private inpatient provider licensed by the Department shall participate in the acute psychiatric bed registry established pursuant to subsection A and shall designate such employees as may be necessary to submit information for inclusion in the acute psychiatric bed registry and serve as a point of contact for addressing requests for information related to data reported to the acute psychiatric bed registry.

D. The Commissioner may enter into a contract with a private entity for the development and administration of the acute psychiatric bed registry established pursuant to subsection A.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 775

HOUSE JOINT RESOLUTION NO. 8

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

Agreed to by the House of Delegates, January 28, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, a proposed amendment to the Constitution of Virginia, hereinafter set forth, was agreed to by a majority of the members elected to each of the two houses of the General Assembly at the regular session of 2013 and referred to this, the next regular session held after the 2013 general election of members of the House of Delegates, as required by the Constitution of Virginia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Section 6-A of Article X of the Constitution of Virginia as follows:

ARTICLE X

TAXATION AND FINANCE

Section 6-A. Property tax exemption for certain veterans *and surviving spouses of soldiers killed in action.*

(a) Notwithstanding the provisions of Section 6, the General Assembly by general law, and within the restrictions and conditions prescribed therein, shall exempt from taxation the real property, including the joint real property of husband and wife, of any veteran who has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a one hundred percent service-connected, permanent, and total disability, and who occupies the real property as his or her principal place of residence. The General Assembly shall also provide this exemption from taxation for real property owned by the surviving spouse of a veteran who was eligible for the exemption provided in this ~~section~~ *subdivision*, so long as the surviving spouse does not remarry and continues to occupy the real property as his or her principal place of residence.

(b) *Notwithstanding the provisions of Section 6, the General Assembly by general law, and within the restrictions and conditions prescribed therein, may exempt from taxation the real property of the surviving spouse of any member of the armed forces of the United States who was killed in action as determined by the United States Department of Defense, who occupies the real property as his or her principal place of residence. The exemption under this subdivision shall cease if the surviving spouse remarries and shall not be claimed thereafter. This exemption applies regardless of whether the spouse was killed in action prior to the effective date of this subdivision, but the exemption shall not be applicable for any period of time prior to the effective date. This exemption applies to the surviving spouse's principal place of residence without any restriction on the spouse's moving to a different principal place of residence and without any requirement that the spouse reside in the Commonwealth at the time of death of the member of the armed forces.*

CHAPTER 776

An Act to amend and reenact §§ 16.1-69.22:1, 16.1-69.35, 17.1-105, 17.1-106, 17.1-302, 17.1-401, 51.1-303, 51.1-306, and 51.1-308 of the Code of Virginia, relating to person who has served as a judge; retirement allowance and service after retirement.

[H 10]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-69.22:1, 16.1-69.35, 17.1-105, 17.1-106, 17.1-302, 17.1-401, 51.1-303, 51.1-306, and 51.1-308 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-69.22:1. Temporary recall of retired district court judges.

A. The Chief Justice of the Supreme Court may call upon and authorize any judge of a district court who is retired under the Judicial Retirement System (§ 51.1-300 et seq.) to (i) *hear a specific case or cases pursuant to the provisions of § 16.1-69.35 with such designation to continue in effect for the duration of the case or cases or* (ii) perform, for a period not to exceed ninety days at any one time, such judicial duties in any district court as the Chief Justice of the Supreme Court shall deem in the public interest for the expeditious disposition of the business of such courts.

B. It shall be the obligation of any retired judge who is recalled to temporary service under this section and who has not attained age seventy to accept the recall and perform the duties assigned. It shall be within the discretion of any judge who has attained age seventy to accept such recall.

C. Any judge recalled to duty under this section shall have all the powers, duties, and privileges attendant on the position he is recalled to serve.

§ 16.1-69.35. Administrative duties of chief district judge.

The chief judge of each district shall have the following administrative duties and authority with respect to his district:

1. When any district court judge is under any disability or for any other cause is unable to hold court and the chief judge determines that assistance is needed:

a. The chief district judge shall designate a judge within the district or a judge of another district court within the Commonwealth, if one is reasonably available, to hear and dispose of any action or actions properly coming before such district court for disposition;

b. If unable to designate a judge as provided in subdivision 1 a, the chief district judge may designate a retired district judge *eligible for recall pursuant to § 16.1-69.22:1* for such hearing and disposition if such judge consents; or

c. If unable to assign a retired district court judge, the chief district judge may designate a retired circuit court judge *eligible for recall pursuant to § 17.1-106* if such judge consents or the chief district judge may request that the Chief Justice of the Supreme Court designate a circuit judge if such judge consents.

If no judges are available under subdivision a, b or c, then a substitute judge shall be designated pursuant to § 16.1-69.21.

While acting, any judge so designated shall have all the authority and power of the judge of the court, and his order or judgment shall, to all intents and purposes, be the judgment of the court. A general district court judge designated pursuant to subdivision 1 a, may, with his consent, substitute for or replace a juvenile and domestic relations district court judge, and vice versa. The names of the judges designated under subdivisions b and c shall be selected from a list provided by the Executive Secretary and approved by the Chief Justice of the Supreme Court.

2. The chief general district court judge of a district may designate any juvenile and domestic relations district court judge of the district, with the judge's consent, for an individual case or to sit and hear cases for a period of not more than one year, in any of the general district courts within the district. The chief juvenile and domestic relations district court judge of a district may designate any general district court judge of the district, with the judge's consent, for an individual case or to sit and hear cases for a period of not more than one year, in any of the juvenile and domestic relations district courts within the district. Every judge so designated shall have the same powers and jurisdiction and be authorized to perform the same duties as any judge of the district for which he is designated to assist, and, while so acting, his order or judgment shall be, for all purposes, the judgment of the court to which he is assigned.

3. If on account of congestion in the work of any district court or when in his opinion the administration of justice so requires, the Chief Justice of the Supreme Court may, upon his own initiative or upon written application of the chief district court judge desiring assistance, designate a judge from another district or any circuit court judge, if such circuit court judge consents, or a retired judge *eligible for recall*, to provide judicial assistance to such district. Every judge so designated shall have the same powers and jurisdiction and be authorized to perform the same duties as any judge of the district for which he is designated to assist and while so acting his order or judgment shall be, to all intents and purposes, the judgment of the court to which he is assigned.

4. Subject to such rules as may be established pursuant to § 16.1-69.32, the chief judge may establish special divisions of any general district court when the work of the court may be more efficiently handled thereby such as through the establishment of special civil, criminal or traffic divisions, and he may assign the judges of the general district court with respect to serving such special divisions. In the City of Richmond the general district court shall, in addition to any specialized divisions, maintain a separate division of such court in that part of Richmond south of the James River with concurrent jurisdiction in civil matters whenever one or more of the defendants reside or the cause of action or any part thereof arises in that part of the city, concurrent jurisdiction over all traffic matters arising in that part of the city and exclusive jurisdiction over all other criminal matters arising in that part of the city.

5. Subject to such rules as may be established pursuant to § 16.1-69.32, the chief judge shall determine when the district courts or divisions of such courts shall be open for the transaction of business. The chief judge or presiding judge of any district court may authorize the clerk's office to close on any date when the chief judge or presiding judge determines that operation of the clerk's office, under prevailing conditions, would constitute a threat to the health or safety of the clerk's office personnel or the general public. Closing of the clerk's office pursuant to this subsection shall have the same effect as provided in subsection B of § 1-210. In determining whether to close because of a threat to the health or safety of the general public, the chief judge or the presiding judge of the district court shall coordinate with the chief judge or presiding judge of the circuit court so that, where possible and appropriate, both the circuit and district courts take the same action. He shall determine the times each such court shall be held for the trial of civil, criminal or traffic matters and cases. He shall determine whether, in the case of district courts in counties, court shall be held at any place or places in addition to the county seat. He shall determine the office hours and arrange a vacation schedule of the judges within his district, in order to ensure the availability of a judge or judges to the public at normal times of business. A schedule of the times and places at which court is held shall be filed with the Executive Secretary of the Supreme Court and kept posted at the courthouse, and in any county also at any such other place or places where court may be held, and the clerk shall make such schedules available to the public upon request. Any matter may, in the discretion of the judge, or by direction of the chief district judge, be removed from any one of such designated places to another, or to or from the county seat, in order to serve the convenience of the parties or to expedite the administration of justice; however, any town having a population of over 15,000 as of July 1, 1972, having court facilities and a court with both general criminal and civil jurisdiction prior to July 1, 1972, shall be designated by the chief judge as a place to hold court.

6. Subject to the provisions of § 16.1-69.38, the chief judge of a general district court or the chief judge of a juvenile and domestic relations district court may establish a voluntary civil mediation program for the alternate resolution of

disputes. The costs of the program shall be paid by the local governing bodies within the district or by the parties who voluntarily participate in the program.

§ 17.1-105. Designation of judges to hold courts and assist other judges.

A. If a judge of any court of record is absent, sick or disabled or for any other reason unable to hold any regular or special term of the court, or any part thereof, or to perform or discharge any official duty or function authorized or required by law, a judge or retired judge of any court of record may be obtained by personal request of the disabled judge, or another judge of the circuit to hold the court for the whole or any part of such regular or special term and to discharge during vacation such duty or function, or, if the circumstances require, to perform all the duties and exercise all the powers and jurisdiction as judges of such circuit until the judge is again able to attend his duties. The designation of such judge shall be entered in the civil order book of the court, and a copy thereof sent to the Chief Justice of the Supreme Court. The Chief Justice shall be notified forthwith at the time any disabled judge is able to return to his duties.

B. If all the judges of any court of record are so situated in respect to any case, civil or criminal, pending in their court as to render it improper, in their opinion, for them to preside at the trial, unless the cause or proceeding is removed, as provided by law, they shall enter the fact of record and the clerk of the court shall at once certify the same to the Chief Justice of the Supreme Court, who shall designate a judge of some other court of record or a retired judge of any such court to preside at the trial of such case.

C. If a vacancy occurs in the office of a judge of a court of record that fact shall be immediately certified by the clerk of such court to the Governor, who may, instead of appointing a successor at once, request the Chief Justice to designate a judge of some other court of record or a retired judge of any such court to carry out the duties of the office, if there are insufficient judges in the circuit to carry out the work of the court, until the office has been filled in the mode prescribed by law. If any judge so designated shall be prevented by the duties of his court, or by sickness, from performing the duties required, he shall so inform the Chief Justice, who may designate another judge in his place.

D. Due to congestion in the work of any court of record or when in his opinion the administration of justice so requires, the Chief Justice may, upon his own initiative or upon application of the judge desiring assistance, designate a judge or retired judge of any court of record to assist the judge in the performance of his duties and every judge so designated shall have the same powers and jurisdiction and be authorized to perform the same duties as the judge whom he is designated to assist.

E. Any judge or retired judge sitting under any provision of this section or sitting by designation on any three-judge court shall receive from the state treasury actual expenses for the time he is actually engaged in holding court, except in those cases where the payment of such expenses is otherwise specifically provided by law.

F. The powers and duties herein conferred and imposed upon the Chief Justice may be exercised and performed by any justice, or any committee of justices, of the Court, designated by the Chief Justice for such purpose.

G. If the chief judge of any circuit is unable to perform the duties required by law, he shall notify the Chief Justice, who shall designate another judge of the same circuit to perform such duties.

H. If any judge refuses unreasonably to serve as requested under the provisions of this section, the chief judge may report his refusal to the Judicial Inquiry and Review Commission.

I. As used in this section, "retired judge" means a judge eligible for recall pursuant to § 17.1-106.

§ 17.1-106. Temporary recall of retired judges.

A. The Chief Justice of the Supreme Court may call upon and authorize any justice or judge of a court of record who is retired under the Judicial Retirement System (§ 51.1-300 et seq.) ~~or who is retired under the Virginia Retirement System following transfer from the Judicial Retirement System under the provisions of subsection C of § 51.1-303~~ either to (i) hear a specific case or cases pursuant to the provisions of § 17.1-105 such designation to continue in effect for the duration of the case or cases or (ii) perform for a period of time not to exceed ninety days at any one time, such judicial duties in any court of record as the Chief Justice shall deem in the public interest for the expeditious disposition of the business of the courts of record.

B. It shall be the obligation of any retired judge or justice who is recalled to temporary service under this section and who has not attained age seventy to accept the recall and perform the duties assigned. It shall be within the discretion of any justice or judge who has attained age seventy to accept such recall.

C. Any justice or judge recalled to duty under this section shall have all the powers, duties, and privileges attendant on the position he is recalled to serve.

D. A retired justice of the Supreme Court or judge of the Court of Appeals recalled to active service shall be furnished an office, office supplies, and stenographer while performing such active service.

§ 17.1-302. Senior justice.

A. Any Chief Justice or justice of the Supreme Court of Virginia who is eligible for retirement, other than for disability, with the prior consent of a majority of the members of the Court, may elect to retire *under the Judicial Retirement System (§ 51.1-300 et seq.)* and be designated a senior justice. In addition, any Chief Justice or justice of the Supreme Court of Virginia who is retired *under the Judicial Retirement System (§ 51.1-300 et seq.)* and subject to recall pursuant to § 17.1-106, with the consent of a majority of the members of the court, may be known and designated as a senior justice.

B. Any Chief Justice or justice who has retired from active service, as provided in subsection A, may be designated and assigned by the Chief Justice of the Supreme Court of Virginia to perform the duties of a justice of the Court.

C. While serving in such status, a senior justice shall be deemed to be serving in a temporary capacity and, in addition to the retirement benefits received by such justice, shall receive as compensation a sum equal to one-fourth of the total compensation of an active justice of the Supreme Court of Virginia for a similar period of service. A retired justice, while performing the duties of a senior justice, shall be furnished office space, support staff, a telephone, and supplies as are furnished a justice of the Court.

D. A justice may terminate his status as a senior justice, or such status may be terminated by a majority of the members of the Court. Each justice designated a senior justice shall serve a one-year term unless the Court, by order or otherwise, extends the term for an additional year. There shall be no limit on the number of terms a senior justice may so serve.

E. Only five retired justices shall serve as senior justices at any one time.

F. Nothing in this section shall be construed to increase the number of justices of the Supreme Court provided for in Section 2 of Article VI of the Constitution of Virginia and in § 17.1-300.

§ 17.1-401. Senior judge.

A. Any chief judge or judge of the Court of Appeals who is eligible for retirement, other than for disability, with the consent of a majority of the members of the court first obtained, may elect to retire *under the Judicial Retirement System* (§ 51.1-300 *et seq.*) and be known and designated as a senior judge. In addition, any chief judge or judge of the Court of Appeals who is retired *under the Judicial Retirement System* (§ 51.1-300 *et seq.*) and subject to recall pursuant to § 17.1-106, with the consent of a majority of the members of the court, may be known and designated as a senior judge.

B. Any chief judge or judge who has retired from active service, as provided in subsection A, may be designated and assigned by the Chief Judge of the Court of Appeals to perform the duties of a judge of the court.

C. While serving in such status, a senior judge shall be deemed to be serving in a temporary capacity and, in addition to the retirement benefits received by such judge, shall receive as compensation a sum equal to one-fourth of the total compensation of an active judge of the Court of Appeals for a similar period of service. A retired judge, while performing the duties of a senior judge, shall be furnished office space, support staff, a telephone, and supplies as are furnished a judge of the court.

D. A judge may terminate his status as a senior judge, or such status may be terminated by a majority of the members of the court. Each judge designated a senior judge shall serve a one-year term unless the court, by order or otherwise, extends the term for an additional year. There shall be no limit on the number of terms a senior judge may so serve.

E. Only five retired judges shall serve as senior judges at any one time.

F. Nothing in this section shall be construed to increase the number of judges of the Court of Appeals provided for in § 17.1-400.

§ 51.1-303. Creditable service.

A. For those members in service on December 31, 1994, service as a judge shall be multiplied by a factor of 3.5, the weighted years of service factor, to calculate years of creditable service. To calculate years of creditable service for those members appointed or elected to an original term commencing on or after January 1, 1995, service as a judge shall be multiplied by the weighted years of service factor of 2.5. To calculate years of creditable service for those members appointed or elected to an original term commencing on or after July 1, 2010, the following formula shall be used: if (i) the member was less than 45 years old at the time he was appointed or elected to such original term, then service as a judge shall be multiplied by the weighted years of service factor of 1.5, (ii) the member was at least 45 years old but less than 55 years old at the time he was appointed or elected to such original term, then service as a judge shall be multiplied by the weighted years of service factor of 2.0, and (iii) the member was at least 55 years old at the time he was appointed or elected to such original term, then service as a judge shall be multiplied by the weighted years of service factor of 2.5. For purposes of this section, "original term" means the first term for which the member was appointed or elected to a position covered by the Judicial Retirement System.

B. Service qualifying for credit under the provisions of the Virginia Retirement System, the State Police Officers' Retirement System, and the Virginia Law Officers' Retirement System shall be included as creditable service for the purposes of this chapter, provided the requirements of those systems for crediting service have been complied with. Service purchased in accordance with the provisions of § 51.1-142.2 shall not be considered in determining the actuarial equivalent for early retirement nor shall it be considered twice in determining any disability allowance payable under this chapter.

C. If a member ceases to be a judge, has not received a refund of the accumulated contributions credited to his member's contribution account, and accepts employment in a position covered by a "retirement plan administered by the Virginia Retirement System" as defined under § 51.1-124.3, he shall be entitled to credit for his previous creditable service under this chapter. The amount of service transferred to the credit of the member in the Virginia Retirement System such other retirement plan shall not exceed the amount of credit which would provide a benefit of 78 percent of average final compensation determined on the assumption that the member was eligible for normal retirement as of the date of transfer and that he had elected no optional allowance. Future retirement rights shall be as provided in the Virginia Retirement System under the applicable retirement plan. However, the annual retirement allowance payable to such person accepting employment in a position covered by any other retirement plan administered by the Virginia Retirement System shall not exceed 78 percent of the person's average final compensation, unless the person has been credited with five or more years of creditable service under such other retirement plan for service performed after ceasing to be a judge. In no case shall the annual retirement allowance payable to such person exceed 100 percent of his average final compensation.

§ 51.1-306. Service retirement allowance.

A. Retirement allowance. - A member shall receive an annual retirement allowance, payable for life as follows:

1. Normal retirement. - The allowance shall equal 1.70 percent of his average final compensation multiplied by the amount of creditable service. ~~The allowance shall not exceed 78 percent of the average final compensation of the member.~~ Notwithstanding the foregoing, for a member appointed or elected to an original term commencing on or after January 1, 2013, the allowance shall equal the sum of (a) 1.65 percent of his average final compensation multiplied by the amount of his creditable service performed or purchased on or after January 1, 2013, and (b) 1.70 percent of his average final compensation multiplied by the amount of all other creditable service.

In no case shall the annual retirement allowance exceed 78 percent of the average final compensation of the member.

For retirements between October 1, 1994, and December 31, 1998, any judge who is a member or beneficiary of a retirement system administered by the Board shall receive an additional retirement allowance equal to three percent of the service retirement allowance payable under this section. Average final compensation attributable to service as Governor, Lieutenant Governor, Attorney General, or member of the General Assembly shall not be included in computing this additional retirement allowance.

2. Early retirement. - The allowance shall be determined in the same manner as for normal retirement with creditable service and average final compensation being determined as of the date of actual retirement. If the member has not attained his sixtieth birthday or has less than 30 years of service, the amount of the retirement allowance shall be reduced on an actuarial equivalent basis for the period by which the actual retirement date precedes the earlier of (i) his normal retirement date or (ii) the first date on or after his sixtieth birthday on which he would have completed a total of 30 years of creditable service.

In no case shall the annual retirement allowance exceed 78 percent of the average final compensation of the member.

B. Normal and early retirement guarantees. - Any member who was a member of one of the previous systems immediately prior to July 1, 1970, and who would have been eligible for retirement benefits thereunder shall be guaranteed a minimum retirement allowance no less than that for which he would have qualified had he continued to participate therein.

C. Determination of retirement allowance. - For the purposes of subsection B of this section, the retirement allowance shall be determined on the assumption that the retirement allowance is payable to the member alone and that no optional retirement allowance is elected.

D. Beneficiary serving in position covered by this title. - If a beneficiary of a service retirement allowance under this chapter or under any of the previous systems is at any time in service as an employee in a position covered for retirement purposes under the provisions of this or any chapter other than Chapter 7 (§ 51.1-700 et seq.) of this title, his retirement allowance shall cease while so employed.

§ 51.1-308. Disability retirement allowance.

A. Allowance payable on retirement. - Upon retirement for disability, a member who has five or more years of creditable service shall receive an annual retirement allowance, ~~not to exceed 78 percent of his average final compensation,~~ payable during his lifetime and continued disability equal to 1.70 percent of average final compensation when multiplied by the smaller of (i) twice the amount of creditable service or (ii) the amount of creditable service he would have completed at age 60 if he had remained in service to that age. Notwithstanding the foregoing, for a member appointed or elected to an original term commencing on or after January 1, 2013, the allowance shall equal 1.65 percent of his average final compensation multiplied by the smaller of (a) twice the amount of his creditable service or (b) the amount of creditable service he would have completed at age 60 if he had remained in service to that age. If a member has already attained age 60, the amount of creditable service at his date of retirement shall be used.

In no case shall the annual retirement allowance exceed 78 percent of the average final compensation of the member.

B. Workers' compensation guarantee. - If a member retires for disability from a cause which is compensable under the Virginia Workers' Compensation Act (§ 65.2-100 et seq.), the amount of the annual retirement allowance shall, subject to the provisions of subsection D, equal 66 and two-thirds percent of the member's average final compensation if the member does not qualify for primary social security benefits under the provisions of the Social Security Act in effect on the date of his retirement. If the member qualifies for primary social security benefits under the provisions of the Social Security Act in effect on the date of his retirement, the allowance payable from the retirement system shall equal 50 percent of his average final compensation. A member shall be entitled to the larger of the retirement allowance as determined under the provisions of subsection A of this section or under the provisions of this subsection.

C. General disability retirement guarantee. - The disability retirement allowance payable to a member who immediately prior to July 1, 1970, was a member of one of the previous systems shall be at least an amount equal to the disability retirement allowance to which he would have been entitled under the provisions of the previous system.

D. Determination of retirement allowance. - For the purposes of this section, the retirement allowance shall be determined on the assumption that the retirement allowance is payable to the member alone and that no optional retirement allowance is elected.

E. Reduction of allowance. - Any allowance payable to a member who retires for disability from a cause compensable under the Virginia Workers' Compensation Act shall be reduced by the amount of any payments under the provisions of the Act in effect on the date of retirement of the member and the excess of the allowance shall be paid to such member. When the time for compensation payments under the Act has elapsed, the member shall receive the full amount of the allowance payable during his lifetime and continued disability. If the member's payments under the Virginia Workers' Compensation

Act are adjusted or terminated for refusal to work or to comply with the requirements of § 65.2-603, his allowance shall be computed as if he were receiving the compensation to which he would otherwise be entitled.

F. Special retirement allowance guarantee. - Any member retired from a cause which is not compensable under the Virginia Workers' Compensation Act shall be guaranteed an annual retirement allowance during his lifetime and continued disability which equals 50 percent of the member's average final compensation if the member does not qualify for primary social security benefits under the provisions of the Social Security Act in effect on the date of his retirement. If the member qualifies for primary social security benefits under the provisions of the Social Security Act in effect on the date of retirement, the allowance payable from the retirement system shall equal 33 and one-third percent of his average final compensation.

2. That should any portion of this act be held unconstitutional by a court of competent jurisdiction, the remaining portions of this act shall remain in effect.

3. That an emergency exists and this act is in force from its passage.

CHAPTER 777

An Act to amend and reenact § 24.2-115 of the Code of Virginia, relating to officers of election; chief and assistant chief election officers.

[H 104]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-115 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-115. Appointment, qualifications, and terms of officers of election.

Each electoral board at its regular meeting in the first week of February of the year in which the terms of officers of election are scheduled to expire shall appoint officers of election. Their terms of office shall begin on March 1 following their appointment and continue, at the discretion of the electoral board, for a term not to exceed three years or until their successors are appointed.

Not less than three competent citizens shall be appointed for each precinct and, insofar as practicable, each officer shall be a qualified voter of the precinct he is appointed to serve, but in any case a qualified voter of the Commonwealth. In appointing the officers of election, representation shall be given to each of the two political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. The representation of the two parties shall be equal at each precinct having an ~~equal~~ *even* number of officers and shall vary by no more than one at each precinct having an odd number of officers. If practicable, officers shall be appointed from lists of nominations filed by the political parties entitled to appointments. The party shall file its nominations with the secretary of the electoral board at least 10 days before February 1 each year. The electoral board may appoint additional citizens who do not represent any political party to serve as officers ~~but not as the chief officer or the assistant chief officer~~. If practicable, no more than one-third of the total number of officers appointed for each precinct may be citizens who do not represent any political party.

Officers of election shall serve for all elections held in their respective precincts during their terms of office unless the electoral board decides that fewer officers are needed for a particular election, in which case party representation shall be maintained as provided above. For a primary election involving only one political party, persons representing the political party holding the primary shall serve as the officers of election if possible.

The electoral board shall designate one officer as the chief officer of election and one officer as the assistant for each precinct. The officer designated as the assistant for a precinct, whenever practicable, shall not represent the same political party as the chief officer for the precinct. *Notwithstanding any other provision of this section, where representatives for one or both of the two political parties having the largest number of votes for Governor in the last preceding gubernatorial election are unavailable, the electoral board may designate as the chief officer and the assistant chief officer citizens who do not represent any political party. In such case, the electoral board shall provide notice to representatives of both parties at least 10 days prior to the election that it intends to use nonaffiliated officers so that each party shall have the opportunity to provide additional nominations.* The electoral board may also appoint at least one officer of election who reports to the precinct at least one hour prior to the closing of the precinct and whose primary responsibility is to assist with closing the precinct and reporting the results of the votes at the precinct.

The electoral board shall instruct each chief officer and assistant in his duties not less than three nor more than 30 days before each election. Each electoral board may instruct each officer of election in his duties at an appropriate time or times before each November general election, and shall conduct training of the officers of election consistent with the standards set by the State Board pursuant to subsection B of § 24.2-103. Each electoral board shall certify to the State Board that such training has been conducted every four years.

If an officer of election is unable to serve at any election during his term of office, the electoral board may at any time appoint a substitute who shall hold office and serve for the unexpired term.

Additional officers shall be appointed in accordance with this section at any time that the electoral board determines that they are needed.

If practicable, substitute officers or additional officers appointed after the electoral board's regular meeting in the first week of February shall be appointed from lists of nominations filed by the political parties entitled to appointments. The electoral board shall inform the political parties of its decision to make such appointments and the party shall file its nominations with the secretary of the electoral board within five business days.

The secretary of the electoral board shall prepare a list of the officers of election that shall be available for inspection and posted in the general registrar's office prior to March 1 each year. Whenever substitute or additional officers are appointed, the secretary shall promptly add the names of the appointees to the public list. Upon request and at a reasonable charge not to exceed the actual cost incurred, the secretary shall provide a copy of the list of the officers of election, including their party designation and precinct to which they are assigned, to any requesting political party or candidate.

CHAPTER 778

An Act to amend and reenact § 23-108 of the Code of Virginia, relating to commissioned officers; tuition-free instruction.

[H 132]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 23-108 of the Code of Virginia is amended and reenacted as follows:

§ 23-108. Commissioned officers may become students.

Any commissioned officer of the organized militia and Governor's military staff of ~~this~~ the Commonwealth may become a student at any state institution of higher ~~learning~~ education for a period not exceeding ~~ten~~ 10 months, and receive instruction in any or all the departments of military science, *emergency management*, *emergency services*, *public safety*, and *disaster management* taught therein without being required to pay any fee or charge for tuition.

2. That the State Council of Higher Education for Virginia, in consultation with the Department of Military Affairs, shall establish guidelines for the implementation of the provisions of this act.

CHAPTER 779

An Act to amend and reenact §§ 16.1-253.4 and 19.2-81.3 of the Code of Virginia, relating to arrest for domestic assault; emergency protective orders; definition of law-enforcement officer.

[H 285]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-253.4 and 19.2-81.3 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-253.4. Emergency protective orders authorized in certain cases; penalty.

A. Any judge of a circuit court, general district court, juvenile and domestic relations district court or magistrate may issue a written or oral ex parte emergency protective order pursuant to this section in order to protect the health or safety of any person.

B. When a law-enforcement officer or an allegedly abused person asserts under oath to a judge or magistrate, and on that assertion or other evidence the judge or magistrate (i) finds that a warrant for a violation of § 18.2-57.2 has been issued or issues a warrant for violation of § 18.2-57.2 and finds that there is probable danger of further acts of family abuse against a family or household member by the respondent or (ii) finds that reasonable grounds exist to believe that the respondent has committed family abuse and there is probable danger of a further such offense against a family or household member by the respondent, the judge or magistrate shall issue an ex parte emergency protective order, except if the respondent is a minor, an emergency protective order shall not be required, imposing one or more of the following conditions on the respondent:

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;

2. Prohibiting such contacts by the respondent with the allegedly abused person or family or household members of the allegedly abused person as the judge or magistrate deems necessary to protect the safety of such persons; and

3. Granting the family or household member possession of the premises occupied by the parties to the exclusion of the respondent; however, no such grant of possession shall affect title to any real or personal property.

When the judge or magistrate considers the issuance of an emergency protective order pursuant to clause (i), he shall presume that there is probable danger of further acts of family abuse against a family or household member by the respondent unless the presumption is rebutted by the allegedly abused person.

C. An emergency protective order issued pursuant to this section shall expire at 11:59 p.m. on the third day following issuance. If the expiration occurs on a day that the court is not in session, the emergency protective order shall be extended until 11:59 p.m. on the next day that the juvenile and domestic relations district court is in session. When issuing an emergency protective order under this section, the judge or magistrate shall provide the protected person or the law-enforcement officer seeking the emergency protective order with the form for use in filing petitions pursuant to § 16.1-253.1 and written information regarding protective orders that shall include the telephone numbers of domestic

violence agencies and legal referral sources on a form prepared by the Supreme Court. If these forms are provided to a law-enforcement officer, the officer may provide these forms to the protected person when giving the emergency protective order to the protected person. The respondent may at any time file a motion with the court requesting a hearing to dissolve or modify the order issued hereunder. The hearing on the motion shall be given precedence on the docket of the court.

D. A law-enforcement officer may request an emergency protective order pursuant to this section and, if the person in need of protection is physically or mentally incapable of filing a petition pursuant to § 16.1-253.1 or 16.1-279.1, may request the extension of an emergency protective order for an additional period of time not to exceed three days after expiration of the original order. The request for an emergency protective order or extension of an order may be made orally, in person or by electronic means, and the judge of a circuit court, general district court, or juvenile and domestic relations district court or a magistrate may issue an oral emergency protective order. An oral emergency protective order issued pursuant to this section shall be reduced to writing, by the law-enforcement officer requesting the order or the magistrate on a preprinted form approved and provided by the Supreme Court of Virginia. The completed form shall include a statement of the grounds for the order asserted by the officer or the allegedly abused person.

E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court or magistrate. A copy of an emergency protective order issued pursuant to this section containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the respondent. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. One copy of the order shall be given to the allegedly abused person when it is issued, and one copy shall be filed with the written report required by subsection D of § 19.2-81.3. The judge or magistrate who issues an oral order pursuant to an electronic request by a law-enforcement officer shall verify the written order to determine whether the officer who reduced it to writing accurately transcribed the contents of the oral order. The original copy shall be filed with the clerk of the juvenile and domestic relations district court within five business days of the issuance of the order. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court. Upon request, the clerk shall provide the allegedly abused person with information regarding the date and time of service.

F. The availability of an emergency protective order shall not be affected by the fact that the family or household member left the premises to avoid the danger of family abuse by the respondent.

G. The issuance of an emergency protective order shall not be considered evidence of any wrongdoing by the respondent.

H. As used in this section, a "law-enforcement officer" means ~~any~~ (i) any full-time or part-time employee of a police department or sheriff's office which is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth ~~and~~; (ii) any member of an auxiliary police force established pursuant to § 15.2-1731; and (iii) any special conservator of the peace who meets the certification requirements for a law-enforcement officer as set forth in § 15.2-1706. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

J. As used in this section, "copy" includes a facsimile copy.

K. No fee shall be charged for filing or serving any petition or order pursuant to this section.

§ 19.2-81.3. Arrest without a warrant authorized in cases of assault and battery against a family or household member and stalking and for violations of protective orders; procedure, etc.

A. Any law-enforcement officer with the powers of arrest ~~under subsection A of § 19.2-81~~ may arrest without a warrant for an alleged violation of § 18.2-57.2, 18.2-60.4, or 16.1-253.2 regardless of whether such violation was committed in his presence, if such arrest is based on probable cause or upon personal observations or the reasonable complaint of a person who observed the alleged offense or upon personal investigation.

B. A law-enforcement officer having probable cause to believe that a violation of § 18.2-57.2 or 16.1-253.2 has occurred shall arrest and take into custody the person he has probable cause to believe, based on the totality of the circumstances, was the predominant physical aggressor unless there are special circumstances which would dictate a course of action other than an arrest. The standards for determining who is the predominant physical aggressor shall be based on the following considerations: (i) who was the first aggressor, (ii) the protection of the health and safety of family and household members, (iii) prior complaints of family abuse by the allegedly abusing person involving the family or household members, (iv) the relative severity of the injuries inflicted on persons involved in the incident, (v) whether any injuries were inflicted in self-defense, (vi) witness statements, and (vii) other observations.

C. A law-enforcement officer having probable cause to believe that a violation of § 18.2-60.4 has occurred that involves physical aggression shall arrest and take into custody the person he has probable cause to believe, based on the totality of the circumstances, was the predominant physical aggressor unless there are special circumstances which would dictate a course of action other than an arrest. The standards for determining who is the predominant physical aggressor shall be based on the following considerations: (i) who was the first aggressor, (ii) the protection of the health and safety of the person to whom the protective order was issued and the person's family and household members, (iii) prior acts of violence, force, or threat, as defined in § 19.2-152.7:1, by the person against whom the protective order was issued against the person protected by the order or the protected person's family or household members, (iv) the relative severity of the injuries inflicted on persons involved in the incident, (v) whether any injuries were inflicted in self-defense, (vi) witness statements, and (vii) other observations.

D. Regardless of whether an arrest is made, the officer shall file a written report with his department, which shall state whether any arrests were made, and if so, the number of arrests, specifically including any incident in which he has probable cause to believe family abuse has occurred, and, where required, including a complete statement in writing that there are special circumstances that would dictate a course of action other than an arrest. The officer shall provide the allegedly abused person or the person protected by an order issued pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, both orally and in writing, information regarding the legal and community resources available to the allegedly abused person or person protected by the order. Upon request of the allegedly abused person or person protected by the order, the department shall make a summary of the report available to the allegedly abused person or person protected by the order.

E. In every case in which a law-enforcement officer makes an arrest under this section for a violation of § 18.2-57.2, he shall petition for an emergency protective order as authorized in § 16.1-253.4 when the person arrested and taken into custody is brought before the magistrate, except if the person arrested is a minor, a petition for an emergency protective order shall not be required. Regardless of whether an arrest is made, if the officer has probable cause to believe that a danger of acts of family abuse exists, the law-enforcement officer shall seek an emergency protective order under § 16.1-253.4, except if the suspected abuser is a minor, a petition for an emergency protective order shall not be required.

F. A law-enforcement officer investigating any complaint of family abuse, including but not limited to assault and battery against a family or household member shall, upon request, transport, or arrange for the transportation of an abused person to a hospital or safe shelter, or to appear before a magistrate. Any local law-enforcement agency may adopt a policy requiring an officer to transport or arrange for transportation of an abused person as provided in this subsection.

G. The definition of "family or household member" in § 16.1-228 applies to this section.

H. As used in this section, a "law-enforcement officer" means (i) any full-time or part-time employee of a police department or sheriff's office which is part of or administered by the Commonwealth or any political subdivision thereof, and any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of this Commonwealth ~~and~~; (ii) any member of an auxiliary police force established pursuant to § 15.2-1731; and (iii) any special conservator of the peace who meets the certification requirements for a law-enforcement officer as set forth in § 15.2-1706. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

CHAPTER 780

An Act to amend the Code of Virginia by adding a section numbered 15.2-1627.5, relating to local multidisciplinary child sexual abuse response teams.

[H 334]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:

- 1. That the Code of Virginia is amended by adding a section numbered 15.2-1627.5 as follows:**
§ 15.2-1627.5. Coordination of multidisciplinary response to child sexual abuse.

A. The attorney for the Commonwealth in each jurisdiction in the Commonwealth shall establish a multidisciplinary child sexual abuse response team, which may be an existing multidisciplinary team. The multidisciplinary team shall conduct regular reviews of new and ongoing reports of felony sex offenses in the jurisdiction involving a child and the investigations thereof and, at the request of any member of the team, may conduct reviews of any other reports of child abuse and neglect or sex offenses in the jurisdiction involving a child and the investigations thereof. The multidisciplinary team shall meet frequently enough to ensure that no new or ongoing reports go more than 60 days without being reviewed by the team.

B. The following individuals, or their designees, shall participate in review meetings of the multidisciplinary team: the attorney for the Commonwealth; law-enforcement officials responsible for the investigation of sex offenses involving a child in the jurisdiction; a representative of the local child protective services unit; a representative of a child advocacy center serving the jurisdiction, if one exists; and a representative of an Internet Crimes Against Children task force affiliate agency serving the jurisdiction, if one exists. In addition, the attorney for the Commonwealth may invite other individuals, or their designees, including the school superintendent of the jurisdiction; a representative of any sexual assault crisis center serving the jurisdiction, if one exists; the director of the victim/witness program serving the jurisdiction, if one exists; and a health professional knowledgeable in the treatment and provision of services to children who have been sexually abused.

2. That the provisions of this act shall become effective on July 1, 2015.

3. That the Department of Criminal Justice Services shall disseminate sample guidelines for protocols, procedures, and memoranda of understanding for multidisciplinary child sexual abuse response teams that may be implemented by such teams.

CHAPTER 781

An Act to amend and reenact § 54.1-2603 of the Code of Virginia, relating to school speech-language pathologists; licensure.

[H 373]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2603 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2603. License required.

A. In order to practice audiology or speech pathology, it shall be necessary to hold a valid license.

B. Notwithstanding the provisions of subdivision 2 of § 54.1-2601 ~~or any Board regulation~~, the Board of Audiology and Speech-Language Pathology ~~shall~~ *may* license, as school speech-language pathologists, ~~persons licensed by the Board of Education with an endorsement in speech-language pathology and any person who holds a master's degree in speech-language pathology.~~ The Board of Audiology and Speech-Language Pathology shall issue licenses to such persons without examination, upon review of credentials and payment of an application fee in accordance with regulations of the Board for school speech-language pathologists.

Persons holding such licenses as school speech-language pathologists, without examination, shall practice solely in public school divisions; holding a license as a school speech-language pathologist pursuant to this section shall not authorize such persons to practice outside the school setting or in any setting other than the public schools of the Commonwealth, unless such individuals are licensed by the Board of Audiology and Speech-Language Pathology to offer to the public the services defined in § 54.1-2600.

The Board shall issue ~~persons, holding dual licenses from the Board of Education with an endorsement in speech-language pathology and from the Board of Audiology and Speech-Language Pathology~~ *any person licensed as a school speech-language pathologist, pathologist* a license ~~which~~ *that* notes the limitations on practice set forth in this subsection.

Persons who hold licenses issued by the Board of Audiology and Speech-Language Pathology without these limitations shall be exempt from the requirements of this subsection.

2. That, effective July 1, 2014, the Virginia Board of Education shall no longer issue or renew licenses with an endorsement in speech-language pathology.

3. That, effective July 1, 2015, in order to practice speech-language pathology in Virginia public elementary and secondary schools, an individual shall hold a valid school speech-language pathologist license issued by the Virginia Board of Audiology and Speech-Language Pathology.

4. That any individual who holds an active, renewable license issued by the Virginia Board of Education with a valid endorsement in speech-language pathology on June 30, 2014, shall be deemed qualified to obtain a school speech-language pathologist license from the Virginia Board of Audiology and Speech-Language Pathology until July 1, 2016, or the date of expiration of such person's license issued by the Virginia Board of Education, whichever is later. Any person deemed qualified to obtain a school speech-language pathologist license under this enactment clause shall submit an application form to the Board of Audiology and Speech-Language Pathology to obtain such license. The Virginia Board of Audiology and Speech-Language Pathology shall issue such licenses beginning July 1, 2014, upon receipt of a completed application and provided that no grounds exist for denial.

CHAPTER 782

An Act to amend the Code of Virginia by adding a section numbered 18.2-67.7:1, relating to admission of prior sex offenses into evidence in child sex crime cases.

[H 403]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 18.2-67.7:1 as follows:****§ 18.2-67.7:1. Evidence of similar crimes in child sexual offense cases.**

A. In a criminal case in which the defendant is accused of a felony sexual offense involving a child victim, evidence of the defendant's conviction of another sexual offense or offenses is admissible and may be considered for its bearing on any matter to which it is relevant.

B. The Commonwealth shall provide to the defendant 14 days prior to trial notice of its intention to introduce copies of final orders evidencing the defendant's qualifying prior criminal convictions. Such notice shall include (i) the date of each prior conviction, (ii) the name and jurisdiction of the court where each prior conviction was obtained, and (iii) each offense of which the defendant was convicted. Prior to commencement of the trial, the Commonwealth shall provide to the defendant photocopies of certified copies of the final orders that it intends to introduce.

C. This section shall not be construed to limit the admission or consideration of evidence under any other section or rule of court.

D. For purposes of this section, "sexual offense" means any offense or any attempt or conspiracy to engage in any offense described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 or § 18.2-370, 18.2-370.01, or 18.2-370.1 or any substantially similar offense under the laws of another state or territory of the United States, the District of Columbia, or the United States.

E. Evidence offered in a criminal case pursuant to the provisions of this section shall be subject to exclusion in accordance with the Virginia Rules of Evidence, including but not limited to Rule 2:403.

CHAPTER 783

An Act to amend and reenact § 47.1-23 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 47.1-15.1, relating to prohibitions on notary advertising; penalties.

[H 492]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 47.1-23 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 47.1-15.1 as follows:****§ 47.1-15.1. Additional prohibition on advertising; penalties.**

A. A notary public shall not offer or provide legal advice on immigration or other legal matters, or represent any person in immigration proceedings, unless such notary public is authorized or licensed to practice law in the Commonwealth or is accredited pursuant to 8 C.F.R. § 292.2 to practice immigration law or represent persons in immigration proceedings.

B. A notary public shall not assume, use, or advertise the title of "notario," "notario publico," or "licenciado," or a term in a language other than English that indicates in such language that the notary is authorized to provide legal advice or practice law, unless such notary public is authorized or licensed to practice law in Virginia.

C. Any person who violates the provisions of subsection B is subject to a civil penalty not to exceed \$500 for a first violation and a civil penalty not to exceed \$1,000 for a second or subsequent violation. All penalties arising under this section shall be recovered in a civil action brought by the Attorney General in the name of the Commonwealth and the proceeds shall be deposited into the Legal Aid Services Fund established in § 17.1-278.

D. Nothing in this section shall preempt or preclude additional civil, administrative, or criminal penalties authorized by law.

§ 47.1-23. Grounds for removal from office.

The Secretary may revoke the commission of any notary who:

1. Submits or has submitted an application for commission and appointment as a notary public which contains a substantial and material misstatement of fact;

2. Is convicted or has been convicted of any felony under the laws of the United States or this Commonwealth, or the laws of any other state, unless the notary has been pardoned for such offense, has had his conviction vacated by a granting of a writ of actual innocence, or has had his rights restored;

3. Is found to have committed official misconduct by a proceeding as provided in Chapter 5 (§ 47.1-24 et seq.);

4. Fails to exercise the powers or perform the duties of a notary public in accordance with this title, provided that if a notary is adjudged liable in any court of the Commonwealth in any action grounded in fraud, misrepresentation,

impersonation, or violation of the notary laws of the Commonwealth, such notary shall be presumed removable under this section;

5. Performs a prohibited act pursuant to § 47.1-15 or 47.1-15.1;
6. Is convicted of the unauthorized practice of law pursuant to § 54.1-3904, or is a licensed attorney at law whose license is suspended or revoked;
7. Ceases to be a legal resident of the United States;
8. Becomes incapable of reading or writing the English language;
9. Is adjudicated mentally incompetent; or
10. Fails to keep the official physical seal, journal, or device, coding, disk, certificate, card, software, or passwords used to affix the notary's official electronic signature or seal under the exclusive control of the notary when not in use.

CHAPTER 784

An Act to amend and reenact §§ 16.1-106, 55-79.80:2, and 55-513 of the Code of Virginia, relating to the Condominium and Property Owners' Association Acts; rule enforcement.

[H 791]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-106, 55-79.80:2, and 55-513 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-106. Appeals from courts not of record in civil cases.

From any order entered or judgment rendered in a court not of record in a civil case in which the matter in controversy is of greater value than \$50, exclusive of interest, any attorney fees contracted for in the instrument, and costs, or when the case involves the constitutionality or validity of a statute of the Commonwealth, or of an ordinance or bylaw of a municipal corporation, or of the enforcement of rights and privileges conferred by the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), or of a protective order pursuant to § 19.2-152.10, *or of an action filed by a condominium unit owners' association or unit owner pursuant to § 55-79.80:2, or of an action filed by a property owners' association or lot owner pursuant to § 55-513*, there shall be an appeal of right, if taken within 10 days after such order or judgment, to a court of record. Such appeal shall be to a court of record having jurisdiction within the territory of the court from which the appeal is taken and shall be heard de novo.

The court from which an appeal is sought may refuse to suspend the execution of a judgment that refuses, grants, modifies, or dissolves an injunction in a case brought pursuant to § 2.2-3713 of the Virginia Freedom of Information Act. A protective order issued pursuant to § 19.2-152.10, including a protective order required by § 18.2-60.4, shall remain in effect upon petition for or the pendency of an appeal or writ of error unless ordered suspended by the judge of a circuit court or so directed in a writ of supersedeas by the Court of Appeals or the Supreme Court.

§ 55-79.80:2. Suspension of services for failure to pay assessments; corrective action; assessment of charges for violations; notice; hearing; adoption and enforcement of rules.

A. The unit owners' association shall have the power, to the extent the condominium instruments or rules duly adopted pursuant thereto expressly so provide, to (i) suspend a unit owner's right to use facilities or services, including utility services, provided directly through the unit owners' association for nonpayment of assessments which are more than 60 days past due, to the extent that access to the unit through the common elements is not precluded and provided that such suspension shall not endanger the health, safety, or property of any unit owner, tenant, or occupant and (ii) assess charges against any unit owner for any violation of the condominium instruments or of the rules or regulations promulgated pursuant thereto for which such unit owner or his family members, tenants, guests or other invitees are responsible.

B. Before any ~~such suspension or charges may be imposed~~ *action authorized in this section is taken*, the unit owner shall be given a reasonable opportunity to correct the alleged violation after written notice of the alleged violation to the unit owner at the address required for notices of meetings pursuant to § 55-79.75. *If the violation remains uncorrected, the unit owner shall be given an opportunity to be heard and to be represented by counsel before the executive organ or such other tribunal as the condominium instruments or rules duly adopted pursuant thereto specify.*

Notice of such hearing, including the ~~charges or other sanctions~~ *actions that may be imposed taken by the unit owners' association in accordance with this section*, shall, at least 14 days in advance thereof, be hand delivered or mailed by registered or certified United States mail, return receipt requested, to such unit owner at the address ~~or addresses~~ required for notices of meetings pursuant to § 55-79.75. Within seven days of the hearing, the hearing result shall be hand delivered or mailed by registered or certified mail, return receipt requested, to such unit owner at the address required for notices of meetings pursuant to § 55-79.75.

C. The amount of any charges so assessed shall not exceed \$50 for a single offense, or \$10 per diem for any offense of a continuing nature, and shall be treated as an assessment against such unit owner's condominium unit for the purpose of § 55-79.84. However, the total charges for any offense of a continuing nature shall not be assessed for a period exceeding 90 days.

D. The unit owners' association may file or defend legal action in general district or circuit court that seeks relief, including injunctive relief, arising from any violation of the condominium instruments or duly adopted rules and regulations.

E. After the date a lawsuit is filed in the general district or circuit court by (i) the unit owners' association, by and through its counsel to collect the charges; or obtain injunctive relief and correct the violation or (ii) the unit owner challenging any such charges, no additional charges shall accrue.

If the court rules in favor of the unit owners' association, it shall be entitled to collect such charges from the date the action was filed as well as all other charges assessed pursuant to this section against the unit owner prior to the action. In addition, if the court finds that the violation remains uncorrected, the court may order the unit owner to abate or remedy the violation.

In any suit filed in general district court pursuant to this section, the court may enter default judgment against the unit owner on the unit owners' association's sworn affidavit.

~~C. F.~~ This section shall not be construed to prohibit the grant, by the condominium instruments, of other powers and responsibilities to the unit owners' association or its executive organ.

§ 55-513. Adoption and enforcement of rules.

A. Except as otherwise provided in this chapter, the board of directors shall have the power to establish, adopt, and enforce rules and regulations with respect to use of the common areas and with respect to such other areas of responsibility assigned to the association by the declaration, except where expressly reserved by the declaration to the members. Rules and regulations may be adopted by resolution and shall be reasonably published or distributed throughout the development. A majority of votes cast, in person or by proxy, at a meeting convened in accordance with the provisions of the association's bylaws and called for that purpose; shall repeal or amend any rule or regulation adopted by the board of directors. Rules and regulations may be enforced by any method normally available to the owner of private property in Virginia, including, but not limited to, application for injunctive relief or *actual* damages, during which the court may award to the ~~association~~ *prevailing party* court costs and reasonable attorney fees.

B. The board of directors shall also have the power, to the extent the declaration or rules and regulations duly adopted pursuant thereto expressly so provide, to (i) suspend a member's right to use facilities or services, including utility services, provided directly through the association for nonpayment of assessments which are more than 60 days past due, to the extent that access to the lot through the common areas is not precluded and provided that such suspension shall not endanger the health, safety, or property of any owner, tenant, or occupant and (ii) assess charges against any member for any violation of the declaration or rules and regulations for which the member or his family members, tenants, guests, or other invitees are responsible.

~~C. Before any such charges or suspension may be imposed~~ *action authorized in this section is taken*, the member shall be given a reasonable opportunity to correct the alleged violation after written notice of the alleged violation to the member at the address required for notices of meetings pursuant to § 55-510. *If the violation remains uncorrected, the member shall be given an opportunity to be heard and to be represented by counsel before the board of directors or other tribunal specified in the documents.*

Notice of a hearing, including the ~~charges or other sanctions~~ *actions* that may be ~~imposed~~ *taken by the association in accordance with this section*, shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the member at the address of record with the association at least 14 days prior to the hearing. Within seven days of the hearing, the hearing result shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the member at the address of record with the association.

D. The amount of any charges so assessed shall not be limited to the expense or damage to the association caused by the violation, but shall not exceed \$50 for a single offense or \$10 per day for any offense of a continuing nature and shall be treated as an assessment against the member's lot for the purposes of § 55-516. However, the total charges for any offense of a continuing nature shall not be assessed for a period exceeding 90 days.

E. The board of directors may file or defend legal action in general district or circuit court that seeks relief, including injunctive relief arising from any violation of the declaration or duly adopted rules and regulations.

F. After the date a lawsuit is filed in the general district or circuit court by (i) the association, by and through its counsel, to collect the charges; or obtain injunctive relief and correct the violation or (ii) the lot owner challenging any such charges, no additional charges shall accrue. If the court rules in favor of the association, it shall be entitled to collect such charges from the date the action was filed as well as all other charges assessed pursuant to this section against the lot owner prior to the action. In addition, if the court finds that the violation remains uncorrected, the court may order the unit owner to abate or remedy the violation.

G. In any suit filed in general district court pursuant to this section, the court may enter default judgment against the lot owner on the association's sworn affidavit.

CHAPTER 785

An Act to amend and reenact §§ 58.1-1814 and 58.1-3907 of the Code of Virginia, relating to use of automated sales suppression devices; penalty.

[H 829]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-1814 and 58.1-3907 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-1814. Criminal liability for failure to file returns or keep records.

A. Any corporate or partnership officer, as defined in § 58.1-1813, and any other person required by law or regulations made under authority thereof to make a return, keep any records or supply any information, for the purpose of the computation, assessment or collection of any state tax administered by the Department of Taxation, who willfully fails to make such returns, keep such records or supply such information, at the time or times required by law or regulations, shall, in addition to any other penalties provided by law, be guilty of a Class 1 misdemeanor.

B. *Any person who willfully utilizes a device or software to falsify the electronic records of cash registers or other point-of-sale systems or otherwise manipulates transaction records that affect any state tax liability shall, in addition to any other penalties provided by law, be guilty of a Class 1 misdemeanor.*

C. *In addition to the criminal penalty provided in subsection B and any other civil or criminal penalty provided in this title, any person violating subsection B shall pay a civil penalty of \$20,000, to be assessed and collected by the Department as other taxes are collected and deposited into the general fund.*

§ 58.1-3907. Willful failure to collect and account for tax; penalty.

A. Any corporate or partnership officer as defined in § 58.1-3906, or any other person required to collect, account for and pay over any local admission, transient occupancy, food and beverage, daily rental property or cigarette taxes administered by the commissioner of the revenue or other authorized officer, who willfully fails to collect or truthfully account for and pay over such tax, and any such officer or person who willfully evades or attempts to evade any such tax or the payment thereof, shall, in addition to any other penalties provided by law, be guilty of a Class 1 misdemeanor.

B. *Any person who willfully utilizes a device or software to falsify the electronic records of cash registers or other point-of-sale systems or otherwise manipulates transaction records that affect any local tax liability shall, in addition to any other penalties provided by law, be guilty of a Class 1 misdemeanor.*

C. *In addition to the criminal penalty provided in subsection B and any other civil or criminal penalty provided in this title, any person violating subsection B shall pay a civil penalty of \$20,000, to be assessed by the commissioner of the revenue and collected by the treasurer as other local taxes are collected and deposited into the treasury of the political subdivision of the Commonwealth served by the treasurer.*

D. Any criminal case brought pursuant to this section may be prosecuted by either the attorney for the Commonwealth or other attorney charged with the responsibility for prosecution of a violation of local ordinances.

CHAPTER 786

An Act to amend and reenact §§ 1.02, 2.01, 2.03, and 2.04, as amended, §§ 2.09, 2.10, 2.11, and 2.12, § 2.16, as amended, §§ 2.23, 2.24, 2.25, and 2.27, §§ 2.28, 2.31, and 2.32, as amended, § 3.19, §§ 3.20 and 3.21, as amended, § 4.01, § 4.06, as amended, § 4.10, §§ 6.02 and 7.01, as amended, and §§ 7.03, 7.10, 7.11, and 7.14 of Chapter 240 of the Acts of Assembly of 1954, which provided a charter for the Town of Christiansburg, and to repeal §§ 7.04, 7.06, 7.07, and 7.08 of Chapter 240 of the Acts of Assembly of 1954, relating to boundaries, town council, and town officers and powers.

[H 866]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 1.02, 2.01, 2.03, and 2.04, as amended, §§ 2.09, 2.10, 2.11, and 2.12, § 2.16, as amended, §§ 2.23, 2.24, 2.25, and 2.27, §§ 2.28, 2.31, and 2.32, as amended, § 3.19, §§ 3.20 and 3.21, as amended, § 4.01, § 4.06, as amended, § 4.10, §§ 6.02 and 7.01, as amended, and §§ 7.03, 7.10, 7.11, and 7.14 of Chapter 240 of the Acts of Assembly of 1954 are amended and reenacted as follows:

§ 1.02. The boundaries.

The present boundaries of the town are as set forth in ~~annexation orders~~ *a voluntary boundary adjustment effective at midnight on the thirtieth day of April, 2009, entered on the ninth tenth day of October, 1974 April, 2009, and of record in Chancery Order book No. 39, page 442, et seq. as Order Instrument No. 2009023593 and 2009023717 and Deed Instrument No. 2009003478 of the Clerk's Office of the Circuit Court of Montgomery County, Virginia, and are incorporated herein by reference thereto. Future annexation orders and voluntary boundary adjustments as appropriately approved and recorded in the Clerk's Office of the Circuit Court of Montgomery County, Virginia, shall act to amend these boundaries of the Town upon their effective dates and times.*

§ 2.01. Vesting of administration and government in council; composition of council; election and term of council members; council to be continuing body; vacancies in council.

The administration and government of the town is vested in the council composed of a mayor and six councilmen, all of whom shall be electors of the town.

(a) The council shall be elected in the manner provided by law. Three council members shall be elected on the November 2011 general election date and every four years thereafter. A mayor and three other council members shall be elected on the November 2013 general election date and every four years thereafter.

Terms of office shall begin on the first day of January next following their election. Each council member and the mayor elected as hereinabove provided shall serve for the term stated or until his successor has been elected and qualified. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of term of office or removal of any of its members.

(b) Vacancy in the council or in the office of mayor shall be filled within ~~sixty~~ *forty-five* days, for the unexpired term, by a majority vote of the remaining members *for the remainder of the unexpired term or until a special election as required by the Code of Virginia; provided, that if the term of office to be filled does not expire for two years or more after the next regular election for council member, following such vacancy and such vacancy occurs in time to permit it, then the council shall fill such vacancy only for the period then remaining until such election, and should a majority of the remaining members of Council fail to agree or act, the appointment may be made by the circuit court until a qualified person shall then* be elected by the qualified voters and shall from and after the date of his election and qualification succeed such appointee and serve the unexpired term *as required by the Code of Virginia*. The number of candidates for council equal to the number of vacancies to be filled for full terms receiving the highest number of votes shall be entitled to such full terms ~~and the candidate receiving the next highest number of votes shall be entitled to the unexpired term caused by such vacancy.~~

(c) Notwithstanding any provisions of law to the contrary, any person shall be qualified to fill a vacancy on council or as mayor who is a resident of the town and is a qualified elector therein, except that a member of council shall not be qualified to fill a vacancy as mayor.

§ 2.03. Municipal officers.

The municipal officers of said town shall, in addition to the mayor, consist of treasurer, chief of police, clerk of the town council, town manager and town attorney; and the mayor may appoint such committees of the council as he may see fit, and the council may create such boards and departments of town government and administration with such powers and duties and subject to such regulations as it may see fit, consistent with the provisions of this act and the general laws of this State. The said treasurer and clerk may be one and the same person if the council ~~deem~~ *deems* it more expedient.

No employee of the town or either of the officers of treasurer, chief of police, clerk of the town council, town manager or town attorney shall be required at the time of their employment or appointment to be a resident of the town.

§ 2.04. Town manager.

The council of the town may, in its discretion appoint a town manager who may also serve as town engineer. Upon appointment of a town manager, he shall be vested with the administrative and executive powers of the town and shall hold office during the pleasure of the council. He shall receive such compensation as may be fixed by the council. He shall see that within the town the laws, ordinances, resolutions and bylaws of the council are faithfully executed and that the duties of the various other appointed town officers, members of the police, fire and public works departments and all other departments of the town government, are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their offices and may examine them or their subordinates on oath, but the evidence given by the persons so examined shall not be used against them in any criminal proceedings. He shall attend all meetings of the council *as deemed reasonably practical by council* and recommend for adoption such measures as he may deem expedient. He shall make reports to the council from time to time as to the affairs of the town, keep the council fully advised as to the town's financial condition and its future financial needs. He shall prepare and submit to the council a tentative budget for each fiscal year. The town manager shall perform such other duties as may be prescribed by the council and shall be bonded in such amount as the council may deem necessary.

§ 2.09. ~~Oaths of office~~ *Mayor, councilmen and municipal officers to be sworn in before entering upon duties; duration of oath.*

The mayor, councilmen and all municipal officers of said town shall, before entering upon the duties of their respective offices, be sworn in accordance with the laws of the State of Virginia by anyone authorized to administer oaths under the laws of the State. *Oaths of municipal officers of the town taken upon original appointment shall be considered to remain in effect for the duration of time the municipal officer remains in the respective office and new oaths shall not be required for reappointment of municipal officers to the respective office.*

§ 2.10. Certificate of oath.

When the mayor, councilmen, *town manager*, treasurer, clerk, and ~~sergeant~~ *police chief* take the oaths required of them, duplicate certificates of the court or person administering the same, stating the fact of their having been taken, shall be obtained by the person taking the same and be by him delivered for record as follows: one to the clerk of the circuit court of Montgomery County and one to the clerk of the town council. When any other municipal officer takes the oath required of him, a certificate as aforesaid, shall be secured by him and delivered to the clerk of the town council.

§ 2.11. ~~Neglect of~~ *Effect of neglect to take oath.*

If any person elected or appointed to any office in said town shall neglect to take such oath ~~on or before the day on~~ *within thirty days of taking office or appointment* of which he is to enter upon the discharge of the duties of his office, ~~or shall, for twenty days after the beginning of his term of office, fail to give such bond with such security as may be required of him by the council of said town;~~ he shall be considered as having declined said office, and the same shall be deemed vacant, and such vacancy shall be filled as prescribed in this ~~act~~ *Charter* or by the general laws of this State.

§ 2.12. ~~Surrender of papers and property~~ *Delivery of town property, books and papers to successor in office.*

If any person, having been an officer of said town, shall not within ten days after he shall have vacated or been removed from office, and upon notification of request of the council within such time as it may allow, deliver to his successor in office all property, books and papers belonging to the town or appertaining to such office, in possession or under his control, he shall forfeit and pay to the town a sum not exceeding five hundred dollars, to be sued for and recovered with costs; and all books, records and documents used in any office by virtue of any provision of this ~~act~~ *Charter*, or of any ordinances or order of the town council, or any superior officer of said town, shall be deemed the property of said town and appertaining to said office, and the chief officer thereof shall be held responsible therefor.

§ 2.16. Vacancy in office of mayor.

In case a vacancy shall occur in the office of the mayor, the vacancy shall be filled by the method provided in § 2.01 for filling vacancies *in the council*.

§ 2.23. ~~Replacing of expelled member~~ *Filling vacancy on council when member disqualified or expelled.*

If any member of the council shall be adjudged by the council disqualified or be expelled, under the previous § 2.22, a special election shall be held under the general election laws of the Commonwealth to fill such vacancy, for the unexpired term.

§ 2.24. ~~Absenteeism~~ *Power of council when member voluntarily absent from meetings consecutively for three months; irregular elections.*

If any member of said council be voluntarily absent from its meetings consecutively for three months, his seat may be declared vacant by the council, and the unexpired term filled by appointment as provided in § 2.01 (b).

Where not otherwise provided for by the laws of this State the town council shall by ordinance provide for any irregular elections not herein or by the State laws provided for, and appoint the necessary officers to conduct the same.

§ 2.25. General powers of council; management of municipal and fiscal affairs and of town property.

The town council shall have, subject to the provisions of this ~~act~~ *Charter* and the general laws of this State, the management and control of the fiscal and municipal affairs of the town, and of all property, real and personal, belonging to the town.

§ 2.27. *Same; as to ordinances and bylaws, taxes and licenses, appointment of officers, etc.*

For carrying into effect the powers granted by this ~~act~~ *Charter* and the general laws of this State, the town council may make ordinances and by-laws, and prescribe fines and other punishments for violation thereof, levy taxes and licenses, keep town guard, appoint a collector of taxes and levies, and such other officers as they may deem proper, define their powers, prescribe their duties and compensation, and take from any of them a bond, with surety, in such penalty as the council may deem proper, payable to the town by its corporate name, and with condition for the faithful discharge of the said duties.

§ 2.28. Clerk of the council.

The clerk of the council shall be appointed by ~~the town council~~, and shall attend the meetings of the council and shall keep permanent records of its proceedings; and also keep such other papers, documents and records pertaining to the town as may be determined by the council; he shall be custodian of the town seal and shall affix it to all documents and instruments requiring the seal, and shall attest the same; he shall give notice to all parties, presenting petitions or communications; he shall give to the proper department or officials ample notice of the expiration or termination of any franchise, contract or ~~agreements~~ *agreement*; he shall publish such records and ordinances as the council is required to publish, and such other records and ordinances as it may direct; he shall upon final passage transmit to the proper departments or officials copies of all ordinances or resolutions of the council relating in any way to such departments or to the duties of such officials, and he shall perform such other acts and duties as the council may, from time to time, allow or require.

§ 2.31. Chief of police.

The town council shall have the power and authority to appoint a chief of police and to provide for the employment of such additional police officers and ~~privates~~ *other support staff* as it may deem necessary or proper, to prescribe rules and regulations for the government thereof, to prescribe their ~~rate of pay~~ *structure*; and in addition thereto the mayor, or in his absence, the vice-mayor, or in the absence of both, any councilman, shall have the power and authority whenever the regular police force of the town is inadequate to meet the needs of the occasion, to appoint and swear in such additional or special policemen as he may deem requisite for a term of service not to exceed ten days and at such compensation as the council may fix for special policemen. The duties and powers of such special policemen shall be the same as that of ~~private patrol~~ *officer* of the regular police force.

§ 2.32. Police force.

The police force shall be under the control of the town manager, and during any time that the office of *the* town manager is not filled, or in the absence of the town manager, under the control of the mayor, for the purpose of enforcing peace and order and executing the laws of the state and ordinances of the town. They shall perform such other duties as the

council may prescribe. For the purpose of enabling them to execute their duties, each policeman is hereby invested with all the power and authority which belongs to the office of the constable at common law in criminal cases.

§ 3.19. *Execution of bonds, etc.*

All bonds, and other evidences of indebtedness of the town, shall be signed by the Mayor and countersigned by the clerk of the council, who shall affix the corporate seal of the town and attest the same.

§ 3.20. *Sinking funds.*

(a) There shall be set apart from the revenues of the town an annual amount to be covered into a sinking fund sufficient to pay, at or before maturities, all outstanding bonded indebtedness of the town. This does not include so-called short term obligations of the town. The council may, in its discretion, annually, from time to time, set aside such additional sinking funds for equipment and capital improvements as it may deem advisable.

(b) All sinking funds set aside for the payment of the bonded indebtedness of the town shall be used exclusively in the payment or purchase and redemption of such outstanding bonds. When any sinking funds are not immediately needed for the purpose for which they were provided, they may be invested in securities as provided for by § 26-40 *the Public Finance Act* (§ 15.2-2600 *et seq.*) of the Code of Virginia under the then existing laws of the Commonwealth of Virginia for public sinking funds, to such extent as the council shall deem proper or expedient.

§ 3.21. *Annual audit of financial records; fiscal year.*

The council shall have the financial records of the town audited by a certified public accountant ~~biannually~~ *annually*, as soon after the close of the fiscal year as is practicable or at any other time deemed necessary by the council. The fiscal year begins ~~September one of each year~~ and ends ~~August thirty-one of the following year~~ *in accordance with the Code of Virginia*.

~~The town council may, by resolution, change the fiscal year where it would seem to be to the best interest of the town.~~

§ 4.01. *Town plan generally; subdivision.*

The town is empowered to make and adopt a comprehensive plan for the town, and to that end all plats and replats hereafter made subdividing any land within ~~two miles~~ of its corporate limits into streets, alleys, roads and lots or tracts shall be submitted to and approved by the council within such limitations as they may prescribe before such plats or replats are filed for record or recorded in the office of the clerk of the circuit court of Montgomery County, Virginia.

The town council shall have the authority to require real estate subdividers within the corporate limits of the town to construct, at the subdividers' expense, water mains, sewer mains, streets, drainage, sidewalks, curbs and gutters. Such construction ~~to~~ shall be as prescribed by and under the direction of the town council.

The town council shall have the authority to negotiate with subdividers without the corporate limits as to the construction of water mains, sewer mains, and as to water and sewer service.

§ 4.06. *Waterworks, sewage disposal facilities, etc.; eminent domain.*

(a) The town council shall have the power and authority to acquire or otherwise obtain control of, or establish, maintain, operate, extend and enlarge waterworks, sewerage systems and treatment facilities, gasworks, electric plants, airports and other public utilities within or without the limits of the town; to acquire within or without the limits of the town by purchase, or otherwise, whatever land may be necessary for acquiring, locating, establishing, maintaining, operating, extending and enlarging said waterworks, electric plants, airports, and other utilities, and rights of way, rails, pipes, manholes, poles, conduits and wires connected therewith; establish rates, rules and regulations for all public utilities operated by the town, any or all of which rates, rules and regulations the council may alter at any time without notice. The town council may, by ordinance, prohibit the waste and unnecessary use of water.

(b) The town of Christiansburg may exercise the power of eminent domain with respect to land and improvements thereon, machinery and equipment, for any lawful purposes of said town.

The powers set forth in §§ ~~15.1-837 through 15.1-915~~ *inclusive of Chapter 18 of Title 15.1* ~~Chapter 11~~ (§ 15.2-1100 *et seq.*) of Title 15.2 of the Code of Virginia as in force on ~~January 1, 1968~~, the date of the enactment of this charter are hereby conferred on and vested in the town of Christiansburg. In addition, the town of Christiansburg shall have the powers set forth in §§ ~~33-70.1 33.1-119 through 33-70.1+ 33.1-129~~ of the Code of Virginia. When certificates are issued pursuant to §§ ~~33-70.1 33.1-119 through 33-70.1+ 33.1-129~~, inclusive, of the Code of Virginia, as amended, and acts amendatory thereof and supplemental thereto, they may be issued by the town council, signed by the town manager, or the mayor, and countersigned by the town treasurer. Such certificate shall have the same effect as a certificate issued by the ~~State Highway~~ *Commissioner of the Virginia Department of Transportation* under the aforesaid laws, and may be issued in any case in which the town proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the town; provided, that the provisions of §§ ~~33-70.1 33.1-119 through 33-70.1+ 33.1-129~~, inclusive, of the Code of Virginia shall not be used except for the acquisition of lands or easements necessary for streets, water, sewer or utility pipes or lines or related facilities.

§ 4.10. *Grade of streets, sidewalks, etc.; permits for street openings.*

The town council shall have the exclusive authority to determine the grades for all streets, sidewalks, curbs, gutters and alleys not in conflict with the ~~State~~ *Virginia* Department of ~~Highways~~ *Transportation*, and shall have the right to require permits for, and control of any opening in any street under its jurisdiction.

§ 6.02. *Connection with and use of town sewer or water pipe lines.*

The town council shall have the power and authority to require the owners or occupiers of the real estate within the corporate limits of the town to use such sewer pipes and conduits and water furnished by the town under such ordinances

and regulations as the council may deem necessary to secure the proper sewerage thereof and to improve and secure good sanitary conditions; and shall have the power to enforce the observance of all such ordinances and regulations by the imposition and collection of fines and penalties, to be collected as other fines and penalties, under the provisions of this ~~aet~~ Charter.

§ 7.01. *Contracts for erection of public improvements and buildings; interest of council members in contracts.*

All contracts for the erection of public improvements and buildings within the jurisdiction of the town ~~where the estimated cost thereof exceeds three thousand dollars shall be in compliance with the Code of Virginia~~, and in all cases where practicable, shall be let to the lowest responsible bidder, all things considered, and the party to whom any contract is let shall give bond as the council may require, but in no event shall any contract be let to any member of the town council, nor shall any member have any interest in such contract.

§ 7.03. *Protection of persons and property and preservation of peace and order.*

The town council shall have the power and authority to protect the persons and property of the inhabitants of the town and others within the town, restrain and punish drunkards, vagrants and street beggars; to prevent vice and immorality; to preserve the public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill fame and gambling houses; to prevent and punish lewd or indecent conduct or exhibitions in the town; ~~and to expel therefrom persons guilty of such conduct who have not resided therein as much as one year~~; and for any violation of such ordinances may impose fines and other punishments in addition to those prescribed by the laws of the State.

§ 7.10. *Working of prisoners.*

Any person confined in jail as provided in this charter or for violations of town ordinances, *the Code of Virginia*, or *federal laws* may be required to work on the streets and public works of said town during the time of confinement. ~~Any person refusing so to work may be subjected to solitary confinement with a diet of bread and water for a period not exceeding thirty-six hours.~~

§ 7.11. *Continuation of existing ordinances.*

All ordinances now in force in the town of Christiansburg, not inconsistent with this ~~aet~~ Charter, shall be and remain in force until altered, amended or repealed by the town council.

§ 7.14. *Title of Charter.*

This ~~aet~~ Charter may for all purposes be referred to or cited as the Christiansburg Charter of 1954, *as amended*.

2. That §§ 7.04, 7.06, 7.07, and 7.08 of Chapter 240 of the Acts of Assembly of 1954 are repealed.

CHAPTER 787

An Act to amend and reenact § 4.1-213 of the Code of Virginia, relating to alcoholic beverage control; sale of cider.

[H 882]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-213 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-213. Manufacture and sale of cider.

A. Any winery licensee or farm winery licensee may manufacture and sell cider to (i) the Board, (ii) any wholesale wine licensee, (iii) any retail licensee approved by the Board for the purpose of selling cider, and (iv) persons outside the Commonwealth for resale outside the Commonwealth.

B. Any wholesale wine licensee may acquire and receive shipments of cider, and sell and deliver and ship the cider in accordance with Board regulations to (i) the Board, (ii) any wholesale wine licensee, (iii) any retail licensee approved by the Board for the purpose of selling cider, and (iv) persons outside the Commonwealth for resale outside the Commonwealth.

C. Any licensee authorized to sell alcoholic beverages at retail may sell cider in the same manner and to the same persons, and subject to the same limitations and conditions, as such license authorizes him to sell other alcoholic beverages.

D. Cider containing less than seven percent of alcohol by volume may be sold in any containers that comply with federal regulations for wine or beer, provided such containers are labeled in accordance with Board regulations. Cider containing seven percent or more of alcohol by volume may be sold in any containers that comply with federal regulations for wine, provided such containers are labeled in accordance with Board regulations.

E. No additional license fees shall be charged for the privilege of handling cider.

~~F. F.~~ The Board shall collect such markup as it deems appropriate on all cider manufactured or sold, or both, in the Commonwealth.

~~F. G.~~ The Board shall adopt regulations relating to the manufacture, possession, transportation and sale of cider as it deems necessary to prevent any unlawful manufacture, possession, transportation or sale of cider and to ensure that the markup required to be paid will be collected.

~~G. H.~~ For the purposes of this section:

"Chaptalization" means a method of increasing the alcohol in a wine by adding sugar to the must before or during fermentation.

"Cider" means any beverage, carbonated or otherwise, obtained by the fermentation of the natural sugar content of apples *or pears* (i) containing not more than 10 percent of alcohol by volume without chaptalization or (ii) containing not more than seven percent of alcohol by volume regardless of chaptalization.

I. This section shall not limit the privileges set forth in subdivision A 8 of § 4.1-200, nor shall any person be denied the privilege of manufacturing and selling sweet cider.

CHAPTER 788

An Act to amend and reenact §§ 2.2-309, 2.2-309.1, 2.2-309.3, 2.2-309.4, and 2.2-3705.3 of the Code of Virginia, relating to the Office of the State Inspector General; powers and duties; internal auditors; Virginia Freedom of Information Act.

[H 1053]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-309, 2.2-309.1, 2.2-309.3, 2.2-309.4, and 2.2-3705.3 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-309. Powers and duties of State Inspector General.

A. The State Inspector General shall have power and duty to:

1. Operate and manage the Office and employ such personnel as may be required to carry out the provisions of this chapter;
2. Make and enter contracts and agreements as may be necessary and incidental to carry out the provisions of this chapter and apply for and accept grants from the United States government and agencies and instrumentalities thereof, and any other source, in furtherance of the provisions of this chapter;
3. Receive complaints from whatever source that allege fraud, waste, including task or program duplication, abuse, or corruption by a state agency or nonstate agency or by any officer or employee of the foregoing and determine whether the complaints give reasonable cause to investigate;
4. Investigate the management and operations of state agencies ~~and~~ nonstate agencies, *and independent contractors of state agencies* to determine whether acts of fraud, waste, abuse, or corruption have been committed or are being committed by state officers or employees *or independent contractors of a state agency* or any officers or employees of a nonstate agency, including any allegations of criminal acts affecting the operations of state agencies or nonstate agencies. However, no investigation of an elected official of the Commonwealth to determine whether a criminal violation has occurred, is occurring, or is about to occur under the provisions of § 52-8.1 shall be initiated, undertaken, or continued except upon the request of the Governor, the Attorney General, or a grand jury;
5. Prepare a detailed report of each investigation stating whether fraud, waste, abuse, or corruption has been detected. If fraud, waste, abuse, or corruption is detected, the report shall (i) identify the person committing the wrongful act or omission, (ii) describe the wrongful act or omission, and (iii) describe any corrective measures taken by the state agency or nonstate agency in which the wrongful act or omission was committed to prevent recurrences of similar actions;
6. Provide timely notification to the appropriate attorney for the Commonwealth and law-enforcement agencies whenever the State Inspector General has reasonable grounds to believe there has been a violation of state criminal law;
7. Administer the Fraud and Abuse Whistle Blower Reward Fund created pursuant to § 2.2-3014;
8. Oversee the Fraud, Waste and Abuse Hotline;
9. Conduct performance reviews of state agencies *to assess the efficiency, effectiveness, or economy of programs and to ascertain, among other things, that sums appropriated have been or are being expended for the purposes for which the appropriation was made; evaluate the effectiveness of the programs in accomplishing such purpose;* and prepare a report for each performance review detailing any findings or recommendations for improving the efficiency, *effectiveness, or economy* of state agencies, including recommending changes in the law to the Governor and the General Assembly that are necessary to address such findings;
10. Coordinate and require standards for those internal audit programs in existence as of July 1, 2012, and for other internal audit programs in state agencies and nonstate agencies as needed in order to ensure that the Commonwealth's assets are subject to appropriate internal management controls;
11. As deemed necessary, assess the condition of the accounting, financial, and administrative controls of state agencies and nonstate agencies and make recommendations to protect the Commonwealth's assets;
12. Assist agency internal auditing programs with technical auditing issues and coordinate and provide training to the Commonwealth's internal auditors;
13. Assist citizens in understanding their rights and the processes available to them to express concerns regarding the activities of a state agency or nonstate agency or any officer or employee of the foregoing;
14. Maintain data on inquiries received, the types of assistance requested, any actions taken, and the disposition of each such matter;
15. Upon request, assist citizens in using the procedures and processes available to express concerns regarding the activities of a state or nonstate agency or any officer or employee of the foregoing;

16. Ensure that citizens have access to the services provided by the State Inspector General and that citizens receive timely responses to their inquiries from the State Inspector General or his representatives; and

17. Do all acts necessary or convenient to carry out the purposes of this chapter.

B. If the State Inspector General receives a complaint from whatever source that alleges fraud, waste, abuse, or corruption by a public institution of higher education or any of its officers or employees, the State Inspector General shall, *but for reasonable and articulable causes*, refer the complaint to the internal audit department of the public institution of higher education for investigation; ~~unless~~. *However, if the complaint concerns the president of the institution or its internal audit department, in which case the investigation shall be conducted by the State Inspector General. The State Inspector General may provide assistance for investigations as may be requested by the public institution of higher education.*

The public institution of higher education shall provide periodic updates on the status of any investigation and make the results of any such investigation available to the State Inspector General.

§ 2.2-309.1. Additional powers and duties; behavioral health and developmental services.

A. The definitions found in § 37.2-100 shall apply mutatis mutandis to the terms used in this section.

B. In addition to the duties set forth in this chapter, the State Inspector General shall have the following powers and duties to:

1. Provide inspections of and make policy and operational recommendations for state facilities and for providers, including licensed mental health treatment units in state correctional facilities, in order to prevent problems, abuses, and deficiencies in and improve the effectiveness of their programs and services. The State Inspector General shall provide oversight and conduct announced and unannounced inspections of state facilities and of providers, including licensed mental health treatment units in state correctional facilities, on an ongoing basis in response to specific complaints of abuse, neglect, or inadequate care and as a result of monitoring serious incident reports and reports of abuse, neglect, or inadequate care or other information received. The State Inspector General shall conduct unannounced inspections at each state facility at least once annually;

2. Inspect, monitor, and review the quality of services provided in state facilities and by providers as defined in § 37.2-403, including licensed mental health treatment units in state correctional facilities;

3. Access any and all information, including confidential consumer information, related to the delivery of services to consumers in state facilities or served by providers, including licensed mental health treatment units in state correctional facilities. However, the State Inspector General shall not be given access to any proceedings, minutes, records, or reports of providers that are privileged under § 8.01-581.17, except that the State Inspector General shall be given access to any privileged information in state facilities and licensed mental health treatment units in state correctional facilities. All consumer information shall be maintained by the State Inspector General as confidential in the same manner as is required by the agency or provider from which the information was obtained;

4. Keep the General Assembly and the Joint Commission on Health Care fully and currently informed by means of reports required by § 2.2-313 concerning significant problems, abuses, and deficiencies relating to the administration of the programs and services of state facilities and of providers, including licensed mental health treatment units in state correctional facilities, to recommend corrective actions concerning the problems, abuses, and deficiencies, and report on the progress made in implementing the corrective actions;

5. Review, comment on, and make recommendations about, as appropriate, any reports prepared by the Department of Behavioral Health and Developmental Services and the critical incident data collected by the Department of Behavioral Health and Developmental Services in accordance with regulations adopted under § 37.2-400 to identify issues related to quality of care, seclusion and restraint, medication usage, abuse and neglect, staff recruitment and training, and other systemic issues;

6. ~~Monitor~~ *As deemed necessary, monitor, review, and participate in the adoption of comment on regulations adopted by the Board of Behavioral Health and Developmental Services;* and

7. Receive reports, information, and complaints from the Commonwealth's designated protection and advocacy system concerning issues related to quality of care provided in state facilities and by providers, including licensed mental health treatment units in state correctional facilities, and conduct independent reviews and investigations.

§ 2.2-309.3. Additional powers and duties; adult corrections.

A. The definitions found in § 53.1-1 shall apply mutatis mutandis to the terms used in this section.

B. In addition to the duties set forth in this chapter, the State Inspector General shall ~~have the following powers and duties to:~~

~~1. Review~~ *review, comment on, and make recommendations about, as appropriate, any reports prepared by the Department of Corrections and any critical incident data collected by the Department of Corrections in accordance with regulations adopted to identify issues related to quality of care, seclusion and restraint, medication usage, abuse and neglect, staff recruitment and training, and other systemic issues; and*

~~2. Monitor and participate in the adoption of regulations by the Board.~~

C. Nothing in this section shall be construed to grant the Office any authority over the operation and security of local jails that is not specified in other provisions of law.

§ 2.2-309.4. Additional powers and duties; juvenile justice.

A. The definitions found in § 66-12 shall apply mutatis mutandis to the terms used in this section.

B. In addition to the duties set forth in this chapter, the State Inspector General shall ~~have the following powers and duties to:~~

~~1. Review~~ review, comment on, and make recommendations about, as appropriate, any reports prepared by the Department of *Juvenile Justice* and any critical incident data collected by the Department of *Juvenile Justice* in accordance with regulations adopted to identify issues related to quality of care, seclusion and restraint, medication usage, abuse and neglect, staff recruitment and training, and other systemic issues; ~~and~~

~~2. Monitor and participate in the adoption of regulations by the Board.~~

C. Nothing in this section shall be construed to grant the Office any authority over the operation and security of detention homes that is not specified in other provisions of law.

§ 2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations.

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. Confidential records of all investigations of applications for licenses and permits, and of all licensees and permittees, made by or submitted to the Alcoholic Beverage Control Board, the State Lottery Department, the Virginia Racing Commission, the Department of Agriculture and Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice Services.

2. Records of active investigations being conducted by the Department of Health Professions or by any health regulatory board in the Commonwealth.

3. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation of individual employment discrimination complaints made to the Department of Human Resource Management or to such personnel of any local public body, including local school boards as are responsible for conducting such investigations in confidence. However, nothing in this section shall prohibit the disclosure of information taken from inactive reports in a form that does not reveal the identity of charging parties, persons supplying the information or other individuals involved in the investigation.

4. Records of active investigations being conducted by the Department of Medical Assistance Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

5. Investigative notes and other correspondence and information furnished in confidence with respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice under the Virginia Human Rights Act (§ 2.2-3900 et seq.) or under any local ordinance adopted in accordance with the authority specified in § 2.2-524, or adopted pursuant to § 15.2-965, or adopted prior to July 1, 1987, in accordance with applicable law, relating to local human rights or human relations commissions. However, nothing in this section shall prohibit the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.

6. Records of studies and investigations by the State Lottery Department of (i) lottery agents, (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations that cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) the use of the lottery as a subterfuge for organized crime and illegal gambling where such official records have not been publicly released, published or copyrighted. All studies and investigations referred to under clauses (iii), (iv), and (v) shall be open to inspection and copying upon completion of the study or investigation.

7. Investigative notes, correspondence and information furnished in confidence, and records otherwise exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to Chapter 3.2 (§ 2.2-307 et seq.); (v) the committee or the auditor with respect to an investigation or audit conducted pursuant to § 15.2-825; (vi) *internal auditors appointed by the head of a state agency or by any public institution of higher education*; or ~~(vi)~~ (vii) the auditors, appointed by the local governing body of any county, city or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an investigation of any officer, department or program of such body. Records of completed investigations shall be disclosed in a form that does not reveal the identity of the complainants or persons supplying information to investigators. Unless disclosure is prohibited by this section, the records disclosed shall include, but not be limited to, the agency involved, the identity of the person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation does not lead to corrective action, the identity of the person who is the subject of the complaint may be released only with the consent of the subject person. Local governing bodies shall adopt guidelines to govern the disclosure required by this subdivision.

8. Information furnished in confidence to the Department of Human Resource Management with respect to an investigation, consultation, or mediation under § 2.2-1202.1, and memoranda, correspondence and other records resulting from any such investigation, consultation or mediation. However, nothing in this section shall prohibit the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.

9. The names, addresses and telephone numbers of complainants furnished in confidence with respect to an investigation of individual zoning enforcement complaints or complaints relating to the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) made to a local governing body.

10. Records of active investigations being conducted by the Department of Criminal Justice Services pursuant to Article 4 (§ 9.1-138 et seq.), Article 4.1 (§ 9.1-150.1 et seq.), Article 11 (§ 9.1-185 et seq.), and Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

11. Records furnished to or prepared by the Board of Education pursuant to subsection D of § 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests by local school board employees responsible for the distribution or administration of the tests. However, this section shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board.

12. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation conducted by or for the Board of Education related to the denial, suspension, or revocation of teacher licenses. However, this subdivision shall not prohibit the disclosure of records to a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee. Records of completed investigations shall be disclosed in a form that does not reveal the identity of any complainant or person supplying information to investigators. The records disclosed shall include information regarding the school or facility involved, the identity of the person who was the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation fails to support a complaint or does not lead to corrective action, the identity of the person who was the subject of the complaint may be released only with the consent of the subject person. No personally identifiable information in the records regarding a current or former student shall be released except as permitted by state or federal law.

13. Records, notes and information provided in confidence and related to an investigation by the Attorney General under Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 or Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, or Article 1 (§ 58.1-1000) of Chapter 10 of Title 58.1. However, records related to an investigation that has been inactive for more than six months shall, upon request, be disclosed provided such disclosure is not otherwise prohibited by law and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses or other individuals involved in the investigation.

CHAPTER 789

An Act to amend and reenact § 59.1-442 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 59.1-443.3, relating to the Personal Information Privacy Act; use of driver's license information.

[H 1072]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-442 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 59.1-443.3 as follows:

§ 59.1-442. Sale of purchaser information; notice required.

A. No merchant, without giving notice to the purchaser, shall sell to any third person information which concerns the purchaser and which is gathered in connection with the sale, rental or exchange of tangible personal property to the purchaser at the merchant's place of business. Notice required by this section may be by the posting of a sign or any other reasonable method. If requested by a purchaser not to sell such information, the merchant shall not do so. No merchant shall sell any information gathered solely as the result of any customer payment by personal check, credit card, or where the merchant records the customer's driver's license number. *This subsection shall not be construed as authorizing a merchant to sell to a third person any information concerning a purchaser if the sale or dissemination of the information is prohibited pursuant to § 59.1-443.3.*

B. For the purposes of this section and § 59.1-443.3, "merchant" means any person or entity engaged in the sale of goods from a fixed retail location in Virginia.

§ 59.1-443.3. Scanning information from driver's license or identification card; retention, sale, or dissemination of information.

A. No merchant may scan the machine-readable zone of a Department of Motor Vehicles-issued identification card or driver's license, except for the following purposes:

1. To verify authenticity of the identification card or driver's license or to verify the identity of the individual if the individual pays for goods or services with a method other than cash, returns an item, or requests a refund or an exchange;

2. To verify the individual's age when providing age-restricted goods or services to the individual if there is a reasonable doubt of the individual having reached 18 years of age or older;

3. To prevent fraud or other criminal activity if the individual returns an item or requests a refund or an exchange and the merchant uses a fraud prevention service company or system. Information collected by scanning an individual's identification card or driver's license pursuant to this subdivision shall be limited to the individual's name, address, date of birth, and driver's license number or identification card number;

4. To comply with a requirement imposed on the merchant by state or federal law;

5. To provide to a check services company regulated by the federal Fair Credit Reporting Act, (15 U.S.C. § 1681 et seq.), that receives information obtained from an individual's identification card or driver's license to administer or enforce a transaction or to prevent fraud or other criminal activity; or

6. To complete a transaction permitted under the Gramm-Leach-Bliley Act, (15 U.S.C. § 6801 et seq.), or the federal Fair Credit Reporting Act, (15 U.S.C. § 1681 et seq.).

B. No merchant shall retain any information obtained from a scan of the machine-readable zone of an individual's identification card or driver's license except as permitted in subdivision A 3, 4, 5, or 6.

C. No merchant shall sell or disseminate to a third party any information obtained from a scan of the machine-readable zone of an individual's identification card or driver's license for any marketing, advertising, or promotional purpose. This subsection shall not prohibit a merchant from disseminating to a third party any such information for a purpose described in subdivision A 3, 4, 5, or 6.

D. Any waiver of a provision of this section is contrary to public policy and is void and unenforceable.

CHAPTER 790

An Act to amend and reenact § 22.1-101.1 of the Code of Virginia, relating to children placed in child-caring institutions or group homes; reimbursement of costs to educate.

[H 1110]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-101.1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-101.1. Increase of funds for certain nonresident students; how increase computed and paid; billing of out-of-state placing agencies or persons.

A. To the extent such funds are appropriated by the General Assembly, a school division shall be reimbursed for the cost of educating a child who is not a child with disabilities and who is not a resident of such school division under the following conditions:

1. When such child has been placed in foster care or other custodial care within the geographical boundaries of the school division by a Virginia agency, whether state or local, which is authorized under the laws of this Commonwealth to place children;

2. When such child has been placed within the geographical boundaries of the school division in an orphanage or children's home which exercises legal guardianship rights; or

3. When such child, who is a resident of Virginia, has been placed, not solely for school purposes, in a child-caring institution or group home licensed under the provisions of Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2 which is located within the geographical boundaries of the school division.

B. To the extent such funds are appropriated by the General Assembly, a school division shall be reimbursed for the cost of educating a child with disabilities who is not a resident of such school division under the following conditions:

1. When the child with disabilities has been placed in foster care or other custodial care within the geographical boundaries of the school division by a Virginia agency, whether state or local, which is authorized under the laws of this Commonwealth to place children;

2. When such child with disabilities has been placed within the geographical boundaries of the school division in an orphanage or children's home which exercises legal guardianship rights; or

3. When such child with disabilities, who is a resident of Virginia, has been placed, not solely for school purposes, in a child-caring institution or group home licensed under the provisions of Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2 which is located within the geographical boundaries of the school division.

C. Each school division shall keep an accurate record of the number of days which any child, identified in subsection A or B above, was enrolled in its public schools, the required local expenditure per child, the handicapping condition, if applicable, the placing agency or person and the jurisdiction from which the child was sent. Each school division shall certify this information to the Board of Education by July 1 following the end of the school year in order to receive proper reimbursement. No school division shall charge tuition to any such child.

D. When a child who is not a resident of Virginia, whether disabled or not, has been placed by an out-of-state agency or a person who is the resident of another state in foster care or other custodial care or in a child-caring institution or group home licensed under the provisions of Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2 located within the geographical boundaries of the school division, the school division shall not be reimbursed for the cost of educating such child from funds appropriated by the General Assembly. The school division in which such child has been enrolled shall bill the sending agency or person for the cost of the education of such child as provided in subsection C of § 22.1-5.

The costs of the support and maintenance of the child shall include the cost of the education provided by the school division; therefore, the sending agency or person shall have the financial responsibility for the educational costs for the child pursuant to Article V of the Interstate Compact on the Placement of Children as set forth in Chapters 10 (§ 63.2-1000 et seq.) and 11 (§ 63.2-1100 et seq.) of Title 63.2. Upon receiving the bill for the educational costs from the school division, the sending agency or person shall reimburse the billing school division for providing the education of the child. Pursuant to Article III of the Interstate Compact on the Placement of Children, no sending agency or person shall send, bring, or cause to be sent or brought into this Commonwealth any child for placement unless the sending agency or person has complied with this section by honoring the financial responsibility for the educational cost as billed by a local school division.

E. To the extent that state funds appropriated by the General Assembly pursuant to subsection A or B or other state funds, such as those provided on the basis of average daily membership, do not cover the full cost of educating a child pursuant to this subsection, a school division shall be reimbursed by (i) the school division in which a child's custodial parent or guardian resides or (ii) in the case of a child who has been placed in the custody of the Department of Social Services, the school division in which the parent or guardian who had custody immediately preceding the placement resides, for any remaining costs of educating such child, whether disabled or not, who has been placed, not solely for school purposes, in (a) foster care or other custodial care within the geographical boundaries of the school division to be reimbursed, or (b) a child-caring institution or group home licensed under the provisions of Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2 that is located within the geographical boundaries of the school division to be reimbursed.

CHAPTER 791

An Act to provide a new charter for the Town of Rural Retreat in Wythe County and to repeal Chapter 235 of the Acts of Assembly of 1954, as amended, which provided a charter for the Town of Rural Retreat.

[H 1195]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:

1.

CHARTER FOR THE TOWN OF RURAL RETREAT.

Chapter 1.

Continuation of Town and Boundaries.

§ 1.1. *Continuation of Town.*

The inhabitants of the territory embraced within the present limits of the Town of Rural Retreat, in Wythe County, Virginia, as hereinafter defined, or as the same may be hereafter altered and established by law, shall constitute and continue body politic and corporate to be known and designated as the Town of Rural Retreat, and as such shall have and may exercise all powers that are now or may hereafter be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia as fully and as completely as though said powers were specifically enumerated herein, and no enumeration of particular powers herein shall be held to be exclusive.

§ 1.2. *Boundaries.*

The territory embraced within the present limits of the Town of Rural Retreat is described in metes and bounds in an order of incorporation of the Town entered by the circuit court of Wythe County, Virginia, on the 24th day of July, 1911, and as amended through past or future annexation as approved and recorded by the circuit court of Wythe County, Virginia.

Chapter 2.

Powers.

§ 2.1. *Powers of the Town.*

The Town of Rural Retreat shall have all powers that may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, including but not limited to those powers set forth in Article 1 (§ 15.2-1100 et seq.) of Chapter 11 of Title 15.2 of the Code of Virginia, known as the uniform charter powers, as now exist and as hereafter amended. All other powers that are now or may hereafter be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia are hereby conferred upon the Town of Rural Retreat, Virginia.

Chapter 3.

Mayor and Council.

§ 3.1. *Election, qualification, and terms of office.*

A. The government of the Town of Rural Retreat shall be vested in a mayor and a body to be known as the council of the Town of Rural Retreat, which council shall consist of six members, all of whom as well as the mayor shall be residents and qualified voters of the Town.

B. The mayor and council members of the council in office on the effective date of this act shall serve until their successors have been elected or qualified. Municipal elections within the Town of Rural Retreat shall take place on the first Tuesday in May of each even-numbered year. At each such regular municipal election, three council members shall be elected to terms of four years each. The mayor shall be elected for a term of four years. The terms of office for both council

members and the mayor so elected shall commence on the first day of July immediately following such election and shall continue until their successors have been elected and qualified.

C. The mayor shall preside over the meetings of the council, shall have the same right to speak therein as other members, and shall vote only in case of a tie but shall have no veto. He shall be recognized as the head of town government for all ceremonial purposes and purposes of military law. At the regularly scheduled meeting of the council held in the month of July following a municipal election, the council shall choose, by a majority vote of all members thereof, one of its members to be vice-mayor for the ensuing two years. The vice-mayor shall in the absence or disability of the mayor perform the duties of the mayor. In the absence or disability of both the mayor and vice-mayor, the council shall by majority vote of those present choose one of its members to perform the duties of mayor.

§ 3.2. Qualifications of mayor and council members.

Any person qualified to vote in the Town shall be eligible for the office of council member or mayor.

§ 3.3. Powers of the council.

The council along with the mayor shall make such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of Virginia and shall have the power, in its discretion, to appoint a town manager, a town attorney, a town clerk, a treasurer, and a sergeant, who shall have the powers and duties provided in § 15.2-1107 of the Code of Virginia. The persons so appointed shall have such duties and shall serve for such terms and at such compensation as the council may determine. One person may be appointed to more than one office.

§ 3.4. Vacancies.

A vacancy in the office of vice-mayor shall be filled for the unexpired term by a majority vote of the members of the council. Vacancies on the council and in the office of mayor shall be filled for the unexpired term as provided by general law.

Chapter 4.

Miscellaneous.

§ 4.1. Eminent domain.

The power of eminent domain as set forth in Title 15.2 and Chapter 2 (§ 25.1 200 et seq.) of Title 25.1 of the Code of Virginia are hereby conferred upon the Town of Rural Retreat, including the power to issue certificates pursuant to Chapter 3 (§ 25.1-300 et seq.) of Title 25.1 of the Code of Virginia.

§ 4.2. Fiscal year.

The fiscal year of the Town shall begin on July 1 of each year and end on June 30 of the following year.

§ 4.3. Legislative procedure.

Except in dealing with parliamentary procedure, the council shall act only by ordinance and resolution and, with the exception of ordinances making appropriations or authorizing the contracting of indebtedness, shall be confined to one general subject.

§ 4.4. Ordinances to remain in force.

All ordinances in force as of the effective date of this act in the Town of Rural Retreat and not inconsistent with this charter shall be and remain in force until altered, amended, or repealed by the town council.

§ 4.5. Acts in conflict with charter.

All acts or parts of acts in conflict with this charter are hereby repealed, insofar as they affect the provisions of this charter.

2. That Chapter 235 of the Acts of Assembly of 1954, as amended, is repealed.

CHAPTER 792

An Act to amend and reenact §§ 2.2-419, 2.2-423, 2.2-426, 2.2-428, 2.2-3100, 2.2-3101, 2.2-3104, 2.2-3114, 2.2-3115 through 2.2-3118.1, 2.2-3121, 2.2-3131, 30-100, 30-101, 30-110, 30-111, 30-112, 30-114, 30-117, 30-118, and 30-124 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-3103.1, by adding in Article 2 of Chapter 13 of Title 30 a section numbered 30-103.1, by adding in Chapter 13 of Title 30 an article numbered 6, consisting of sections numbered 30-129.1, 30-129.2, and 30-129.3, and by adding in Title 30 a chapter numbered 55, consisting of sections numbered 30-348 through 30-351, relating to the State and Local Government Conflict of Interests Act and General Assembly Conflicts of Interests Act; establishing the Virginia Conflict of Interest and Ethics Advisory Council.

[H 1211]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-419, 2.2-423, 2.2-426, 2.2-428, 2.2-3100, 2.2-3101, 2.2-3104, 2.2-3114, 2.2-3115 through 2.2-3118.1, 2.2-3121, 2.2-3131, 30-100, 30-101, 30-110, 30-111, 30-112, 30-114, 30-117, 30-118, and 30-124 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-3103.1, by adding in Article 2 of Chapter 13 of Title 30 a section numbered 30-103.1, by adding in Chapter 13 of Title 30 an article numbered 6, consisting of sections numbered 30-129.1, 30-129.2, and 30-129.3, and by adding in Title 30 a chapter numbered 55, consisting of sections numbered 30-348 through 30-351, as follows:

§ 2.2-419. Definitions.

As used in this article, unless the context requires a different meaning:

"Anything of value" means:

1. A pecuniary item, including money, or a bank bill or note;
2. A promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money;
3. A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;
4. A stock, bond, note, or other investment interest in an entity;
5. A receipt given for the payment of money or other property;
6. A right in action;
7. A gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel;
8. A loan or forgiveness of indebtedness;
9. A work of art, antique, or collectible;
10. An automobile or other means of personal transportation;
11. Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest, or other beneficial interest in realty;
12. An honorarium or compensation for services;
13. A rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as an executive or legislative official, or the sale or trade of something for reasonable compensation that would ordinarily not be available to a member of the public;
14. A promise or offer of employment; or
15. Any other thing of value that is pecuniary or compensatory in value to a person.

"Anything of value" does not mean a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2.

"Compensation" means:

1. An advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money or anything of value; or
2. A contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money or anything of value, for services rendered or to be rendered.

"Compensation" does not mean reimbursement of expenses if the reimbursement does not exceed the amount actually expended for the expenses and it is substantiated by an itemization of expenses.

"Executive action" means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection, or postponement by an executive agency or official of legislation or executive orders issued by the Governor.

"Executive agency" means an agency, board, commission, or other body in the executive branch of state government.

"Executive agency" includes the State Corporation Commission, the Virginia Workers' Compensation Commission, and the State Lottery Department.

"Executive official" means:

1. The Governor;
2. The Lieutenant Governor;
3. The Attorney General;
4. Any officer or employee of the office of the Governor or Lieutenant Governor other than a clerical or secretarial employee;
5. The Governor's Secretaries, the Deputy Secretaries, and the chief executive officer of each executive agency; or
6. Members of supervisory and policy boards, commissions and councils, as defined in § 2.2-2100, however selected.

"Expenditure" means:

1. A purchase, payment, distribution, loan, forgiveness of a loan or payment of a loan by a third party, advance, deposit, transfer of funds, a promise to make a payment, or a gift of money or anything of value for any purpose;
2. A payment to a lobbyist for salary, fee, reimbursement for expenses, or other purpose by a person employing, retaining, or contracting for the services of the lobbyist separately or jointly with other persons;
3. A payment in support of or assistance to a lobbyist or the lobbyist's activities, including the direct payment of expenses incurred at the request or suggestion of the lobbyist;
4. A payment that directly benefits an executive or legislative official or a member of the official's immediate family;
5. A payment, including compensation, payment, or reimbursement for the services, time, or expenses of an employee for or in connection with direct communication with an executive or legislative official;
6. A payment for or in connection with soliciting or urging other persons to enter into direct communication with an executive or legislative official; or
7. A payment or reimbursement for categories of expenditures required to be reported pursuant to this chapter.

"Expenditure" does not mean a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2.

"Fair market value" means the price that a good or service would bring between a willing seller and a willing buyer in the open market after negotiations. If the fair market value cannot be determined, the actual price paid for the good or service shall be given consideration.

"Gift" means anything of value to the extent that a consideration of equal or greater value is not received.

"Gift" does not mean:

1. Printed informational or promotional material;
2. A gift that is not used and, no later than ~~sixty~~ 60 days after receipt, is returned to the donor or delivered to a charitable organization and is not claimed as a charitable contribution for federal income tax purposes;
3. A gift, devise, or inheritance from an individual's spouse, child, parent, grandparent, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse of that individual, if the donor is not acting as the agent or intermediary for someone other than a person covered by this subdivision; or
4. A gift of a value of ~~\$25~~ \$50 or less.

"Immediate family" means (i) the spouse and (ii) any ~~other person~~ child who resides in the same household as the executive or legislative official and who is ~~the~~ a dependent of the official.

"Legislative action" means:

1. Preparation, research, drafting, introduction, consideration, modification, amendment, approval, passage, enactment, tabling, postponement, defeat, or rejection of a bill, resolution, amendment, motion, report, nomination, appointment, or other matter by the General Assembly or a legislative official;

2. Action by the Governor in approving, vetoing, or recommending amendments for a bill passed by the General Assembly; or

3. Action by the General Assembly in overriding or sustaining a veto by the Governor, considering amendments recommended by the Governor, or considering, confirming, or rejecting an appointment of the Governor.

"Legislative official" means:

1. A member or member-elect of the General Assembly;
2. A member of a committee, subcommittee, commission, or other entity established by and responsible to the General Assembly or either house of the General Assembly; or
3. Persons employed by the General Assembly or an entity established by and responsible to the General Assembly.

"Lobbying" means:

1. Influencing or attempting to influence executive or legislative action through oral or written communication with an executive or legislative official; or
2. Solicitation of others to influence an executive or legislative official.

"Lobbying" does not mean:

1. Requests for appointments, information on the status of pending executive and legislative actions, or other ministerial contacts if there is no attempt to influence executive or legislative actions;
2. Responses to published notices soliciting public comment submitted to the public official designated in the notice to receive the responses;
3. The solicitation of an association by its members to influence legislative or executive action; or
4. Communications between an association and its members and communications between a principal and its lobbyists.

"Lobbyist" means:

1. An individual who is employed and receives payments, or who contracts for economic consideration, including reimbursement for reasonable travel and living expenses, for the purpose of lobbying;
2. An individual who represents an organization, association, or other group for the purpose of lobbying; or
3. A local government employee who lobbies.

"Lobbyist's principal" or "principal" means the entity on whose behalf the lobbyist influences or attempts to influence executive or legislative action. An organization whose employees conduct lobbying activities on its behalf is both a principal and an employer of the lobbyists. In the case of a coalition or association that employs or retains others to conduct lobbying activities on behalf of its membership, the principal is the coalition or association and not its individual members.

"Local government" means:

1. Any county, city, town, or other local or regional political subdivision;
2. Any school division;
3. Any organization or entity that exercises governmental powers that is established pursuant to an interstate compact; or
4. Any organization composed of members representing entities listed in subdivisions 1, 2, or 3 of this definition.

"Local government employee" means a public employee of a local government.

"Person" means an individual, proprietorship, firm, partnership, joint venture, joint stock company, syndicate, business trust, estate, company, corporation, association, club, committee, organization, or group of persons acting in concert.

"Value" means the actual cost or fair market value of an item or items, whichever is greater. If the fair market value cannot be determined, the actual amount paid for the item or items shall be given consideration.

§ 2.2-423. Contents of registration statement.

A. The registration statement shall be on a form provided by the Secretary of the Commonwealth and include the following information:

1. The name and business address and telephone number of the lobbyist;

2. The name and business address and telephone number of the person who will keep custody of the lobbyist's and the lobbyist's principal's accounts and records required to comply with this article, and the location and telephone number for the place where the accounts and records are kept;

3. The name and business address and telephone number of the lobbyist's principal;

4. The kind of business of the lobbyist's principal;

5. For each principal, the full name of the individual to whom the lobbyist reports;

6. For each principal, a statement whether the lobbyist is employed or retained and whether exclusively for the purpose of lobbying;

7. The position held by the lobbyist if he is a part-time or full-time employee of the principal;

8. The full name and business address and telephone number of each lobbyist employed by or representing the lobbyist's principal;

9. An identification of the subject matter (with as much specificity as possible) with regard to which the lobbyist or lobbyist's principal will engage in lobbying; ~~and~~

10. The statement of the lobbyist, which shall be signed either originally or by electronic signature as authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.), that the information contained on the registration statement is true and correct; *and*

11. *A statement by which a principal may elect to waive the principal signature requirement on disclosure filings submitted by its registered lobbyist after the filing of the registration statement.*

B. Whenever any change, modification or addition to his status as a lobbyist is made, the lobbyist shall, within one week of such change, modification or addition, furnish full information regarding the same to the Secretary of the Commonwealth on forms provided by the Secretary.

C. The Secretary of the Commonwealth shall furnish a copy of this article to any individual offering to register as a lobbyist and shall mail by certified mail a copy of this article and a copy of the information furnished by the lobbyist to the person whom the lobbyist represents to be his principal.

D. If the principal to whom the information is sent under subsection C does not, within 10 days of such mailing, file an affidavit, signed by the person or duly authorized agent of the person, denying that the lobbyist appears on his behalf, such person shall be deemed to have appointed the Secretary of the Commonwealth his agent for service of process in any prosecution arising for violation of this article. If such affidavit is filed, the Secretary shall notify the attorney for the Commonwealth of the City of Richmond.

§ 2.2-426. Lobbyist reporting; penalty.

A. Each lobbyist shall file *with the Virginia Conflict of Interest and Ethics Advisory Council* a separate ~~annual~~ *semiannual* report of expenditures, including gifts, for each principal for whom he lobbies by ~~July 1~~ *December 15 for the preceding six-month period complete through the last day of October and June 15 for the preceding* ~~12-month~~ *six-month* period complete through ~~April 30~~ *the last day of April.*

B. Each principal who expends more than \$500 to employ or compensate multiple lobbyists shall be responsible for filing a consolidated lobbyist report pursuant to this section in any case in which the lobbyists are each exempt under the provisions of subdivision 7 or 8 of § 2.2-420 from the reporting requirements of this section.

C. The report shall be on a form provided by the ~~Secretary of the Commonwealth~~ *Virginia Conflict of Interest and Ethics Advisory Council*, which shall be substantially as follows and shall be accompanied by instructions provided by the ~~Secretary~~ *Council.*

LOBBYIST'S DISCLOSURE STATEMENT

PART I:

- (1) PRINCIPAL:
 In Part I, item 2a, provide the name of the individual authorizing your employment as a lobbyist. The lobbyist filing this statement MAY NOT list his name in item 2a. ~~THE INDIVIDUAL LISTED IN PART I, ITEM 2A, MUST SIGN THE PRINCIPAL'S STATEMENT.~~
- (2a) Name:
- (2b) Permanent Business Address:
- (2c) Business Telephone:
- (3) Provide a list of executive and legislative actions (with as much specificity as possible) for which you lobbied and a description of activities conducted.

- (4) INCORPORATED FILINGS: If you are filing an incorporated disclosure statement, please complete the following:
 Individual filing financial information:
 Individuals to be included in the filing:

(5) Please indicate which schedules will be attached to your disclosure statement:

- [] Schedule A: Entertainment Expenses
- [] Schedule B: Gifts
- [] Schedule C: Other Expenses

(6) EXPENDITURE TOTALS:

a) ENTERTAINMENT .....	\$	.....
b) GIFTS .....	\$	.....
e) OFFICE EXPENSES .....	\$	.....
d c) COMMUNICATIONS .....	\$	.....
e d) PERSONAL LIVING AND TRAVEL EXPENSES .....	\$	.....
f e) COMPENSATION OF LOBBYISTS .....	\$	.....
g f) HONORARIA .....	\$	.....
h) REGISTRATION COSTS .....	\$	.....
i g) OTHER .....	\$	.....
TOTAL .....	\$	.....

PART II:

- (1a) NAME OF LOBBYIST:
- (1b) Permanent Business Address:
- (1c) Business Telephone:
- (2) As a lobbyist, you are (check one)
 - [] EMPLOYED (on the payroll of the principal)
 - [] RETAINED (not on the payroll of the principal, however compensated)
 - [] NOT COMPENSATED (not compensated; expenses may be reimbursed)
- (3) List all lobbyists other than yourself who registered to represent your principal.

.....

.....

.....
- (4) If you selected "EMPLOYED" as your answer to Part II, item 2, provide your job title.

.....

PLEASE NOTE: Some lobbyists are not individually compensated for lobbying activities. This may occur when several members of a firm represent a single principal. The principal, in turn, makes a single payment to the firm. If this describes your situation, do not answer Part II, items 5a and 5b. Instead, complete Part III, items 1 and 2.

- (5a) What was the DOLLAR AMOUNT OF YOUR COMPENSATION as a lobbyist? (If you have job responsibilities other than those involving lobbying, you may have to prorate to determine the part of your salary attributable to your lobbying activities.) Transfer your answer to this item to Part I, item 6f 6e.
- (5b) Explain how you arrived at your answer to Part II, item 5a.

.....

.....

.....

PART III:

PLEASE NOTE: If you answered Part II, items 5a and 5b, you WILL NOT complete this section.

- (1) List all members of your firm, organization, association, corporation, or other entity who furnished lobbying services to your principal.

.....

.....

.....
- (2) Indicate the total amount paid to your firm, organization, association, corporation or other entity for services rendered. Transfer your answer to this item to Part I, item 6f 6e.

SCHEDULE A
ENTERTAINMENT EXPENSES

PLEASE NOTE: Any single entertainment event included in the expense totals of the principal, with a value greater than \$50, should be itemized below. Transfer any totals from this schedule to Part I, item 6a. (Please duplicate as needed.)

Date and Location of Event:

Description of Event:

Total Number of Persons Attending:

Names of Legislative and Executive Officials or Members of Their Immediate Families Attending: (List names only if the average value for each person attending the event was greater than \$50.)

Table with 2 columns: Expense Category (Food, Beverages, Transportation, etc.) and Amount (\$).

SCHEDULE B
GIFTS

PLEASE NOTE: Any single gift reported in the expense totals of the principal, with a value greater than \$50, should be itemized below. (Report meals, entertainment and travel under Schedule A.) Transfer any totals from this schedule to Part I, item 6b. (Please duplicate as needed.)

Table with 4 columns: Date of gift, Description of gift, Name of each legislative or executive official or member of his immediate family who is a recipient of a gift, and Cost of individual gift (\$).

SCHEDULE C
OTHER EXPENSES

PLEASE NOTE: This section is provided for any lobbying-related expenses not covered in Part I, items 6a - 6f. An example of an expenditure to be listed on schedule C would be the rental of a bill box during the General Assembly session. Transfer the total from this schedule to Part I, item 6g. (Please duplicate as needed.)

Table with 3 columns: DATE OF EXPENSE, DESCRIPTION OF EXPENSE, and AMOUNT (\$).

.....	\$
.....	\$
.....	\$
.....	\$
.....	\$
.....	\$
.....	\$
.....	\$
.....	\$
TOTAL "OTHER" EXPENSES	.....	\$	.....

PART IV: STATEMENTS

Both the lobbyist and principal officer must sign the disclosure statement, attesting to its completeness and accuracy. The following items are mandatory and if they are not properly completed, the entire filing will be rejected and returned to the lobbyist:

- (1) All signatures on the statement must be ORIGINAL in the format specified in the instructions provided by the Secretary Council that accompany this form. No stamps, or other reproductions of the individual's signature will be accepted.
- (2) An individual MAY NOT sign the disclosure statement as lobbyist and principal officer.

STATEMENT OF LOBBYIST

I, the undersigned registered lobbyist, do state that the information furnished on this disclosure statement and on all accompanying attachments required to be made thereto is, to the best of my knowledge and belief, complete and accurate.

.....
Signature of lobbyist
.....
Date

STATEMENT OF PRINCIPAL

I, the undersigned principal (or an authorized official thereof), do state that the information furnished on this disclosure statement and on all accompanying attachments required to be made thereto is, to the best of my knowledge and belief, complete and accurate.

.....
Signature of principal
.....
Date

D. A person who signs the disclosure statement knowing it to contain a material misstatement of fact shall be is guilty of a Class 5 felony.

E. Each lobbyist shall send to each legislative and executive official who is required to be identified by name on Schedule A or B of the Lobbyist's Disclosure Form a copy of Schedule A or B or a summary of the information pertaining to that official. Copies or summaries shall be provided to the official by ~~December 15~~ November 21 for the preceding ~~12-month~~ six-month period complete through ~~November 30~~ the last day of October and by May 21 for the preceding six-month period complete through the last day of April.

§ 2.2-428. Standards for automated preparation and transmittal of lobbyist's disclosure statements; database.

A. The ~~Secretary~~ Virginia Conflict of Interest and Ethics Advisory Council shall accept any lobbyist's disclosure ~~statement~~ statements required by § 2.2-426 filed by computer or electronic means in accordance with the standards approved by the Secretary and using software meeting standards approved by the Secretary Council pursuant to the provisions of § 30-349. The Secretary may provide software to filers without charge or at a reasonable cost. The Secretary may prescribe the method of execution and certification of electronically filed statements and the procedures for receiving statements in the office of the Secretary.

B. The Secretary shall establish a lobbyist disclosure database, available to the public, from required disclosure statements filed electronically and may enter into that database information from required disclosure statements filed by other methods. The Secretary shall maintain such database until January 1, 2016.

§ 2.2-3100. Policy; application; construction.

The General Assembly, recognizing that our system of representative government is dependent in part upon (i) citizen legislative members representing fully the public in the legislative process and (ii) its citizens maintaining the highest trust in their public officers and employees, finds and declares that the citizens are entitled to be assured that the judgment of public officers and employees will be guided by a law that defines and prohibits inappropriate conflicts and requires disclosure of economic interests. To that end and for the purpose of establishing a single body of law applicable to all state

and local government officers and employees on the subject of conflict of interests, the General Assembly enacts this State and Local Government Conflict of Interests Act so that the standards of conduct for such officers and employees may be uniform throughout the Commonwealth.

This chapter shall supersede all general and special acts and charter provisions which purport to deal with matters covered by this chapter except that the provisions of §§ 15.2-852, 15.2-2287, 15.2-2287.1, and 15.2-2289 and ordinances adopted pursuant thereto shall remain in force and effect. The provisions of this chapter shall be supplemented but not superseded by the provisions on ethics in public contracting in Article 6 (§ 2.2-4367 et seq.) of Chapter 43 of this title and ordinances adopted pursuant to § 2.2-3104.2 regulating receipt of gifts.

The provisions of this chapter do not preclude prosecution for any violation of any criminal law of the Commonwealth, including Articles 2 (Bribery and Related Offenses, § 18.2-438 et seq.) and 3 (Bribery of Public Servants and Party Officials, § 18.2-446 et seq.) of Chapter 10 of Title 18.2, and do not constitute a defense to any prosecution for such a violation.

This chapter shall be liberally construed to accomplish its purpose.

§ 2.2-3101. Definitions.

As used in this chapter, *unless the context requires a different meaning:*

"Advisory agency" means any board, commission, committee or post which does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

"Affiliated business entity relationship" means a relationship, other than a parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that may be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person owns or manages the two entities, there are common or commingled funds or assets, the business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis, or there is otherwise a close working relationship between the entities.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Contract" means any agreement to which a governmental agency is a party, or any agreement on behalf of a governmental agency that involves the payment of money appropriated by the General Assembly or a political subdivision, whether or not such agreement is executed in the name of the Commonwealth, or some political subdivision thereof. "Contract" includes a subcontract only when the contract of which it is a part is with the officer's or employee's own governmental agency.

"Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-348.

~~"Dependent" means a son, daughter, father, mother, brother, sister or other person, whether or not related by blood or marriage, if such person receives from the officer or employee, or provides to the officer or employee, more than one-half of his financial support.~~

"Employee" means all persons employed by a governmental or advisory agency, unless otherwise limited by the context of its use.

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, broker-dealer as defined in *subsection A of § 13.1-501*, or investment company or advisor registered under the federal Investment Advisors Act or Investment Company Act of 1940.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" ~~shall~~ *does* not include (i) any offer of a ticket, *coupon*, or other admission or pass unless the ticket, *coupon*, admission, or pass is used; ~~"Gift" shall not include;~~ (ii) honorary degrees ~~and presents;~~ (iii) *any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public;* (iv) *a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2;* (v) *any gift related to the private profession or occupation of an officer or employee or of a member of his immediate family;* or (vi) gifts from relatives or personal friends. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, or nephew; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, or sister; or the donee's brother's or sister's spouse. *For the purpose of this definition, "personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; (c) for an officer or employee of a local governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee; or (d) for an officer or employee of a state governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth. For purposes of this definition, "person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.*

"Governmental agency" means each component part of the legislative, executive or judicial branches of state and local government, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties. Corporations organized or controlled by the Virginia Retirement System are "governmental agencies" for purposes of this chapter.

"Immediate family" means (i) a spouse and (ii) any ~~other person residing~~ *child who resides* in the same household as the officer or employee; ~~and who is a dependent of the officer or employee or of whom the officer or employee is a dependent.~~

"Officer" means any person appointed or elected to any governmental or advisory agency including local school boards, whether or not he receives compensation or other emolument of office. Unless the context requires otherwise, "officer" includes members of the judiciary.

"Parent-subsidiary relationship" means a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation.

"Personal interest" means a financial benefit or liability accruing to an officer or employee or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably be anticipated to exceed, ~~\$10,000~~ \$5,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, ~~\$10,000~~ \$5,000 annually; (iv) ownership of real or personal property if the interest exceeds ~~\$10,000~~ \$5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or (vi) an option for ownership of a business or real or personal property if the ownership interest will consist of *clause* (i) or (iv) above.

"Personal interest in a contract" means a personal interest that an officer or employee has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business that is a party to the contract.

"Personal interest in a transaction" means a personal interest of an officer or employee in any matter considered by his agency. Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business or governmental agency, or represents or provides services to any individual or business and such property, business or represented or served individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction. Notwithstanding the above, such personal interest in a transaction shall not be deemed to exist where (a) an elected member of a local governing body serves without remuneration as a member of the board of trustees of a not-for-profit entity and such elected member or member of his immediate family has no personal interest related to the not-for-profit entity or (b) an officer, employee, or elected member of a local governing body is appointed by such local governing body to serve on a governmental agency, or an officer, employee, or elected member of a separate local governmental agency formed by a local governing body is appointed to serve on a governmental agency, and the personal interest in the transaction of the governmental agency is the result of the salary, other compensation, fringe benefits, or benefits provided by the local governing body or the separate governmental agency to the officer, employee, elected member, or member of his immediate family.

"State and local government officers and employees" shall not include members of the General Assembly.

"State filer" means those officers and employees required to file a disclosure statement of their personal interests pursuant to subsection A or B of § 2.2-3114.

"Transaction" means any matter considered by any governmental or advisory agency, whether in a committee, subcommittee, or other entity of that agency or before the agency itself, on which official action is taken or contemplated.

§ 2.2-3103.1. Certain gifts prohibited.

A. For purposes of this section:

"Intangible gift" means a thing of temporary value or a thing that upon the happening of a certain event or expiration of a given date loses its value. "Intangible gift" includes entertainment, hospitality, a ticket, admission, or pass, transportation, lodgings, and meals that are reportable on Schedule E of the disclosure form prescribed in § 2.2-3117.

"Tangible gift" means a thing of value that does not lose its value upon the happening of a certain event or expiration of a given date. "Tangible gift" includes currency, negotiable instruments, securities, stock options, or other financial instruments that are reportable on Schedule E of the disclosure form prescribed in § 2.2-3117. "Tangible gift" does not include payments or reimbursements received for any intangible gift.

B. An officer or employee of a local governmental or advisory agency or candidate required to file the disclosure form prescribed in § 2.2-3117 (i) shall not solicit, accept, or receive within any calendar year any single tangible gift with a value in excess of \$250 or a combination of tangible gifts with an aggregate value in excess of \$250 from any person that he knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (b) a lobbyist's principal as defined in § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee; (ii) shall report any tangible gift with a value of

\$250 or less or any intangible gift received from any person listed in clause (i) on Schedule E of such disclosure form; and (iii) shall report any payments for talks, meetings, and publications on Schedule D of such disclosure form.

C. An officer or employee of a state governmental or advisory agency or candidate required to file the disclosure form prescribed in § 2.2-3117 (i) shall not solicit, accept, or receive within any calendar year any single tangible gift with a value in excess of \$250 or a combination of tangible gifts with an aggregate value in excess of \$250 from any person that he knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (b) a lobbyist's principal as defined in § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth; (ii) shall report any tangible gift with a value of \$250 or less or any intangible gift received from any person listed in clause (i) on Schedule E of such disclosure form; and (iii) shall report any payments for talks, meetings, and publications on Schedule D of such disclosure form.

D. During the pendency of a civil action in any state or federal court to which the Commonwealth is a party, the Governor or the Attorney General or any employee of the Governor or the Attorney General who is subject to the provisions of this chapter shall not solicit, accept, or receive any tangible gift from any person that he knows or has reason to know is a person, organization, or business who is a party to such civil action. A person, organization, or business who is a party to such civil action shall not knowingly give any tangible gift to the Governor or the Attorney General or any of their employees who are subject to the provisions of this chapter.

E. The \$250 limitation imposed in accordance with this section shall be adjusted by the Council every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, rounded to the nearest whole dollar.

F. For purposes of this section, "person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

§ 2.2-3104. Prohibited conduct for certain officers and employees of state government.

For one year after the termination of public employment or service, no state officer or employee shall, before the agency of which he was an officer or employee, represent a client or act in a representative capacity on behalf of any person or group, for compensation, on matters related to legislation, executive orders, or regulations promulgated by the agency of which he was an officer or employee. This prohibition shall be in addition to the prohibitions contained in § 2.2-3103.

For the purposes of this section, "state officer or employee" shall mean (i) the Governor, Lieutenant Governor, Attorney General, and officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not, who are regularly employed on a full-time salaried basis; those officers and employees of executive branch agencies who report directly to the agency head; and those at the level immediately below those who report directly to the agency head and are at a payband 6 or higher and (ii) the officers and professional employees of the legislative branch designated by the joint rules committee of the General Assembly. For the purposes of this section, the General Assembly and the legislative branch agencies shall be deemed one agency.

Any person subject to the provisions of this section may apply to the Council or Attorney General, as provided in § 2.2-3121 or 2.2-3126, for an advisory opinion as to the application of the restriction imposed by this section on any post-public employment position or opportunity.

§ 2.2-3114. Disclosure by state officers and employees.

A. The Governor, Lieutenant Governor, Attorney General, Justices of the Supreme Court, judges of the Court of Appeals, judges of any circuit court, judges and substitute judges of any district court, members of the State Corporation Commission, members of the Virginia Workers' Compensation Commission, members of the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, and members of the State Lottery Board and other persons occupying such offices or positions of trust or employment in state government, including members of the governing bodies of authorities, as may be designated by the Governor or, in the case of officers or employees of the legislative branch, by the Joint Rules Committee of the General Assembly, shall file with the Council, as a condition to assuming office or employment, a disclosure statement of their personal interests and such other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement ~~annually on or before January~~ *semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.* When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday.

B. Nonsalaried citizen members of all policy and supervisory boards, commissions and councils in the executive branch of state government, other than the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, and the State Lottery Board, shall file with the Council, as a condition to assuming office, a disclosure form of their personal interests and such other information as is specified on the form set forth in § 2.2-3118 and thereafter shall file such form annually on or before ~~January~~ *December 15.* When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday. Nonsalaried citizen members of other boards, commissions and councils, including advisory boards and authorities, may be required to file a disclosure form if so designated by the Governor, in which case the form shall be that set forth in § 2.2-3118.

C. The disclosure forms required by subsections A and B shall be provided by the ~~Secretary of the Commonwealth~~ *Council* to each officer and employee so designated, including officers appointed by legislative authorities; ~~not later than~~

~~November 30 of each year at least 30 days prior to the filing deadline.~~ Disclosure forms shall be filed and maintained as public records for five years in the ~~Office office of the Secretary of the Commonwealth Council.~~

D. Candidates for the offices of Governor, Lieutenant Governor or Attorney General shall file a disclosure statement of their personal interests as required by § 24.2-502.

E. Any officer or employee of state government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subdivision A 1 of § 2.2-3112, or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall also be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental agency or advisory agency or, if the agency has a clerk, in the clerk's office.

F. An officer or employee of state government who is required to declare his interest pursuant to subdivision A 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

G. An officer or employee of state government who is required to declare his interest pursuant to subdivision A 3 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

§ 2.2-3115. Disclosure by local government officers and employees.

A. The members of every governing body and school board of each county and city and of towns with populations in excess of 3,500 shall file *with the Council*, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement ~~annually on or before January~~ *semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.*

The members of the governing body of any authority established in any county or city, or part or combination thereof, and having the power to issue bonds or expend funds in excess of \$10,000 in any fiscal year, shall file *with the Virginia Conflict of Interest and Ethics Advisory Council*, as a condition to assuming office, a disclosure statement of their personal interests and other information as is specified on the form set forth in § 2.2-3118 and thereafter shall file such a statement annually on or before ~~January~~ *December 15*, unless the governing body of the jurisdiction that appoints the members requires that the members file the form set forth in § 2.2-3117 *semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.*

Persons occupying such positions of trust appointed by governing bodies and persons occupying such positions of employment with governing bodies as may be designated to file by ordinance of the governing body shall file *with the Virginia Conflict of Interest and Ethics Advisory Council*, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement ~~annually on or before January 15~~ *semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.*

Persons occupying such positions of trust appointed by school boards and persons occupying such positions of employment with school boards as may be designated to file by an adopted policy of the school board shall file *with the Virginia Conflict of Interest and Ethics Advisory Council*, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement ~~annually on or before January 15~~ *semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.*

B. Nonsalaried citizen members of local boards, commissions and councils as may be designated by the governing body shall file *with the Virginia Conflict of Interest and Ethics Advisory Council*, as a condition to assuming office, a

disclosure form of their personal interests and such other information as is specified on the form set forth in § 2.2-3118 and thereafter shall file such form annually on or before ~~January~~ *December* 15.

C. No person shall be mandated to file any disclosure not otherwise required by this article.

D. The disclosure forms required by subsections A and B shall be provided by the ~~Secretary of the Commonwealth~~ *Virginia Conflict of Interest and Ethics Advisory Council* to the clerks of the governing bodies and school boards ~~not later than November 30 of each year~~ *at least 30 days prior to the filing deadline*, and the clerks of the governing body and school board shall distribute the forms to designated individuals ~~no later than December 10 of each year~~ *at least 20 days prior to the filing deadline*. Forms shall be filed and maintained as public records for five years in the office of the ~~clerk of the respective governing body or school board~~ *Virginia Conflict of Interest and Ethics Advisory Council*. Forms filed by members of governing bodies of authorities shall be filed and maintained as public records for five years in the office of the ~~clerk of the governing body of the county or city~~ *Virginia Conflict of Interest and Ethics Advisory Council*.

E. Candidates for membership in the governing body or school board of any county, city or town with a population of more than 3,500 persons shall file a disclosure statement of their personal interests as required by § 24.2-502.

F. Any officer or employee of local government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subdivision A 1 of § 2.2-3112 or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental or advisory agency.

G. In addition to any disclosure required by subsections A and B, in each county and city and in towns with populations in excess of 3,500, members of planning commissions, boards of zoning appeals, real estate assessors, and all county, city and town managers or executive officers shall make annual disclosures of all their interests in real estate located in the county, city or town in which they are elected, appointed, or employed. Such disclosure shall include any business in which such persons own an interest, or from which income is received, if the primary purpose of the business is to own, develop or derive compensation through the sale, exchange or development of real estate in the county, city or town. Such disclosure shall be filed as a condition to assuming office or employment, and thereafter shall be filed annually with the ~~clerk of the governing body of such county, city or town~~ *Virginia Conflict of Interest and Ethics Advisory Council* on or before ~~January~~ *December* 15. Such disclosures shall be filed and maintained as public records for five years. Forms for the filing of such reports shall be prepared and distributed by the ~~Secretary of the Commonwealth~~ *Virginia Conflict of Interest and Ethics Advisory Council* to the clerk of each governing body.

H. An officer or employee of local government who is required to declare his interest pursuant to subdivision A 2 of § 2.2-3112 shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes of his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day. The officer or employee shall also orally disclose the existence of the interest during each meeting of the governmental or advisory agency at which the transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.

I. An officer or employee of local government who is required to declare his interest pursuant to subdivision A 3 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

§ 2.2-3116. Disclosure by certain constitutional officers.

For the purposes of this chapter, holders of the constitutional offices of treasurer, sheriff, attorney for the Commonwealth, clerk of the circuit court and commissioner of the revenue of each county and city, shall be deemed to be local officers and shall be required to file the Statement of Economic Interests set forth in § 2.2-3117. These officers shall file statements pursuant to § 2.2-3115 and candidates shall file statements as required by § 24.2-502. *These officers shall be subject to the prohibition on certain gifts set forth in subsection B of § 2.2-3103.1.*

§ 2.2-3117. Disclosure form.

The disclosure form to be used for filings required by subsections A and D of § 2.2-3114 and subsections A and E of § 2.2-3115 shall be substantially as follows:

STATEMENT OF ECONOMIC INTERESTS.

Name
Office or position held or sought
Address
Names of members of immediate family

DEFINITIONS AND EXPLANATORY MATERIAL.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Close financial association" means an association in which the person filing shares significant financial involvement with an individual and the filer would reasonably be expected to be aware of the individual's business activities and would have access to the necessary records either directly or through the individual. "Close financial association" does not mean an association based on (i) the receipt of retirement benefits or deferred compensation from a business by which the person filing this statement is no longer employed, or (ii) the receipt of compensation for work performed by the person filing as an independent contractor of a business that represents an entity before any state governmental agency when the person filing has had no communications with the state governmental agency.

"Contingent liability" means a liability that is not presently fixed or determined, but may become fixed or determined in the future with the occurrence of some certain event.

"Dependent" means any person, whether or not related by blood or marriage, who receives from the officer or employee, or provides to the officer or employee, more than one-half of his financial support.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" shall does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; "Gift" shall not include; (ii) honorary degrees and presents; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession or occupation of an officer or employee or of a member of his immediate family; or (vi) gifts from relatives or personal friends. "Relative" means the donee's spouse, child, uncle, aunt, niece, or nephew; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, or sister; or the donee's brother's or sister's spouse. "Personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; (c) for an officer or employee of a local governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee; or (d) for an officer or employee of a state governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth. "Person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Immediate family" means (i) a spouse and (ii) any other person residing child who resides in the same household as the officer or employee; and who is a dependent of the officer or employee or of whom the officer or employee is a dependent.

TRUST. If you or your immediate family, separately or together, are the only beneficiaries of a trust, treat the trust's assets as if you own them directly. If you or your immediate family has a proportional interest in a trust, treat that proportion of the trust's assets as if you own them directly. For example, if you and your immediate family have a one-third interest in a trust, complete your Statement as if you own one-third of each of the trust's assets. If you or a member of your immediate family created a trust and can revoke it without the beneficiaries' consent, treat its assets as if you own them directly.

REPORT TO THE BEST OF INFORMATION AND BELIEF. Information required on this Statement must be provided on the basis of the best knowledge, information, and belief of the individual filing the Statement as of the date of this report unless otherwise stated.

COMPLETE ITEMS 1 THROUGH 10. REFER TO SCHEDULES ONLY IF DIRECTED.

You may attach additional explanatory information.

1. Offices and Directorships.

Are you or a member of your immediate family a paid officer or paid director of a business?

EITHER check NO / / OR check YES / / and complete Schedule A.

2. Personal Liabilities.

Do you or a member of your immediate family owe more than \$10,000 \$5,000 to any one creditor including contingent liabilities? (Exclude debts to any government and loans secured by recorded liens on property at least equal in value to the loan.)

EITHER check NO / / OR check YES / / and complete Schedule B.

3. Securities.

Do you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of ~~\$10,000~~ \$5,000 invested in one business? Account for mutual funds, limited partnerships and trusts.

EITHER check NO / / OR check YES / / and complete Schedule C.

4. Payments for Talks, Meetings, and Publications.

During the past ~~12~~ six months did you receive *in your capacity as an officer or employee of your agency* lodging, transportation, money, or anything else of value with a combined value exceeding \$200 (i) for a single talk, meeting, or published work ~~in your capacity as an officer or employee of your agency~~ or (ii) for a meeting, conference, or event where your attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant to your duties as an officer or employee of your agency or (b) enhance your knowledge and skills relative to your duties as an officer or employee of your agency?

EITHER check NO / / OR check YES / / and complete Schedule D.

5. Gifts.

During the past ~~12~~ six months did a business, government, or individual other than a relative or personal friend (i) furnish you or a member of your immediate family with any gift or entertainment at a single event, and the value received by you exceeded \$50 in value or (ii) furnish you or a member of your immediate family with gifts or entertainment in any combination and the total value received by you exceeded \$100 in total value, and for which you or the member of your immediate family neither paid nor rendered services in exchange? Account for entertainment events only if the average value per person attending the event exceeded \$50 in value. Account for all business entertainment (except if related to your private profession or occupation of you or the member of your immediate family who received such business entertainment) even if unrelated to your official duties.

EITHER check NO / / OR check YES / / and complete Schedule E.

6. Salary and Wages.

List each employer that pays you or a member of your immediate family salary or wages in excess of ~~\$10,000~~ \$5,000 annually. (Exclude state or local government or advisory agencies.)

If no reportable salary or wages, check here / / .

7. Business Interests.

Do you or a member of your immediate family, separately or together, operate your own business, or own or control an interest in excess of ~~\$10,000~~ \$5,000 in a business?

EITHER check NO / / OR check YES / / and complete Schedule F.

8. Payments for Representation and Other Services.

8A. Did you represent, excluding activity defined as lobbying in § 2.2-419, any businesses before any state governmental agencies, excluding courts or judges, for which you received total compensation during the past ~~12~~ six months in excess of \$1,000, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers? (Officers and employees of local governmental and advisory agencies do NOT need to answer this question or complete Schedule G-1.)

EITHER check NO / / OR check YES / / and complete Schedule G-1.

8B. Subject to the same exceptions as in 8A, did persons with whom you have a close financial association (partners, associates or others) represent, excluding activity defined as lobbying in § 2.2-419, any businesses before any state governmental agency for which total compensation was received during the past ~~12~~ six months in excess of \$1,000? (Officers and employees of local governmental and advisory agencies do NOT need to answer this question or complete Schedule G-2.)

EITHER check NO / / OR check YES / / and complete Schedule G-2.

8C. Did you or persons with whom you have a close financial association furnish services to businesses operating in Virginia pursuant to an agreement between you and such businesses, or between persons with whom you have a close financial association and such businesses for which total compensation in excess of \$1,000 was received during the past ~~12~~ six months? *Services reported under this provision shall not include services involving the representation of businesses that are reported under item 8A or 8B.*

EITHER check NO / / OR check YES / / and complete Schedule G-3.

9. Real Estate.

9A. State Officers and Employees.

Do you or a member of your immediate family hold an interest, including a partnership interest, valued at ~~\$10,000~~ or more than \$5,000 in real property (other than your principal residence) for which you have not already listed the full address on Schedule F? Account for real estate held in trust.

EITHER check NO / / OR check YES / / and complete Schedule H-1.

9B. Local Officers and Employees.

Do you or a member of your immediate family hold an interest, including a partnership interest, or option, easement, or land contract, valued at ~~\$10,000~~ or more than \$5,000 in real property (other than your principal residence) for which you have not already listed the full address on Schedule F? Account for real estate held in trust.

EITHER check NO / / OR check YES / / and complete Schedule H-2.

10. Real Estate Contracts with Governmental Agencies.

Do you or a member of your immediate family hold an interest valued at more than \$10,000 \$5,000 in real estate, including a corporate, partnership, or trust interest, option, easement, or land contract, which real estate is the subject of a contract, whether pending or completed within the past 12 six months, with a governmental agency? If the real estate contract provides for the leasing of the property to a governmental agency, do you or a member of your immediate family hold an interest in the real estate valued at more than \$1,000? Account for all such contracts whether or not your interest is reported in Schedule F, H-1, or H-2. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

EITHER check NO / / OR check YES / / and complete Schedule I.

Statements of Economic Interests are open for public inspection.

AFFIRMATION BY ALL FILERS.

I swear or affirm that the foregoing information is full, true and correct to the best of my knowledge.

Signature

(Return only if needed to complete Statement.)

SCHEDULES

to

STATEMENT OF ECONOMIC INTERESTS.

NAME

SCHEDULE A - OFFICES AND DIRECTORSHIPS.

Identify each business of which you or a member of your immediate family is a paid officer or paid director.

Name of Business	Address of Business	Position Held and by Whom
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

RETURN TO ITEM 2

SCHEDULE B - PERSONAL LIABILITIES.

Report personal liability by checking each category. Report only debts in excess of \$10,000 \$5,000. Do not report debts to any government. Do not report loans secured by recorded liens on property at least equal in value to the loan.

Report contingent liabilities below and indicate which debts are contingent.

1. My personal debts are as follows:

Check appropriate categories	Check one	
	\$10,001 \$5,001 to \$50,000	More than \$50,000
Banks	_____	_____
Savings institutions	_____	_____
Other loan or finance companies	_____	_____
Insurance companies	_____	_____
Stock, commodity or other brokerage companies	_____	_____
Other businesses: (State principal business activity for each creditor and its name.)	_____	_____
	_____	_____
Individual creditors: (State principal business or occupation of each creditor and its name.)	_____	_____
	_____	_____
	_____	_____

2. The personal debts of the members of my immediate family are as follows:

Check appropriate	Check one	
	\$10,001 \$5,001 to	More than

categories	\$50,000	\$50,000
Banks	_____	_____
Savings institutions	_____	_____
Other loan or finance companies	_____	_____
Insurance companies	_____	_____
Stock, commodity or other brokerage companies	_____	_____
Other businesses:		
(State principal business activity for each creditor <i>and its name.</i>)	_____	_____
	_____	_____
Individual creditors:		
(State principal business or occupation of each creditor <i>and its name.</i>)	_____	_____
	_____	_____

RETURN TO ITEM 3

SCHEDULE C - SECURITIES.

"Securities" INCLUDES stocks, bonds, mutual funds, limited partnerships, and commodity futures contracts.

"Securities" EXCLUDES certificates of deposit, money market funds, annuity contracts, and insurance policies.

Identify each business or Virginia governmental entity in which you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of \$10,000 \$5,000. Name each entity issuer and type of security individually.

Do not list U.S. Bonds or other government securities not issued by the Commonwealth of Virginia or its authorities, agencies, or local governments. Do not list organizations that do not do business in this Commonwealth, but most major businesses conduct business in Virginia. Account for securities held in trust.

If no reportable securities, check here / /.

				Check one	
			\$10,001		
		Type of Security	\$5,001	\$50,001	More
	Type of	(stocks, bonds, mutual	to	to	than
Name of Issuer	Entity	funds, etc.)	\$50,000	\$250,000	\$250,000
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

RETURN TO ITEM 4

SCHEDULE D - PAYMENTS FOR TALKS, MEETINGS, AND PUBLICATIONS.

List each source from which you received during the past ~~12~~ six months in your capacity as an officer or employee of your agency lodging, transportation, money, or any other thing of value (excluding meals or drinks coincident with a meeting) with combined value exceeding \$200 (i) for your presentation of a single talk, participation in one meeting, or publication of a work in your capacity as an officer or employee of your agency or (ii) for your attendance at a meeting, conference, or event where your attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant to your duties as an officer or employee of your agency or (b) enhance your knowledge and skills relative to your duties as an officer or employee of your agency. Any lodging, transportation, money, or other thing of value received by an officer or employee that does not satisfy the provisions of clause (i), (ii) (a), or (ii) (b) shall be listed as a gift on Schedule E.

List payments or reimbursements by an advisory or governmental agency only for meetings or travel outside the Commonwealth.

List a payment even if you donated it to charity.

Do not list information about a payment if you returned it within 60 days or if you received it from an employer already listed under Item 6 or from a source of income listed on Schedule F.

If no payment must be listed, check here / /.

Type of payment
(e.g. honoraria,
travel reimburse-

Manufacturing companies (state type of product, e.g., textile, furniture, etc.)	_____	_____	_____	_____	_____	_____
Mining companies	_____	_____	_____	_____	_____	_____
Life insurance companies	_____	_____	_____	_____	_____	_____
Casualty insurance companies	_____	_____	_____	_____	_____	_____
Other insurance companies	_____	_____	_____	_____	_____	_____
Retail companies	_____	_____	_____	_____	_____	_____
Beer, wine or liquor companies or distributors	_____	_____	_____	_____	_____	_____
Trade associations	_____	_____	_____	_____	_____	_____
Professional associations	_____	_____	_____	_____	_____	_____
Associations of public employees or officials	_____	_____	_____	_____	_____	_____
Counties, cities or towns	_____	_____	_____	_____	_____	_____
Labor organizations	_____	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____	_____

RETURN TO ITEM 9

SCHEDULE H-1 - REAL ESTATE - STATE OFFICERS AND EMPLOYEES.

List real estate other than your principal residence in which you or a member of your immediate family holds an interest, including a partnership interest, option, easement, or land contract, valued at ~~\$10,000~~ or more than \$5,000. Each parcel shall be listed individually.

List each location (state, and county or city) where you own real estate.	Describe the type of real estate you own in each location (business, recreational, apartment, commercial, open land, etc.).	If the real estate is owned or recorded in a name other than your own, list that name.
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

SCHEDULE H-2 - REAL ESTATE - LOCAL OFFICERS AND EMPLOYEES.

List real estate other than your principal residence in which you or a member of your immediate family holds an interest, including a partnership interest or option, easement, or land contract, valued at ~~\$10,000~~ or more than \$5,000. Each parcel shall be listed individually. Also list the names of any co-owners of such property, if applicable.

List each location (state, and county or city) where you own real estate.	Describe the type of real estate you own in each location (business, recreational, apartment, commercial, open land, etc.).	If the real estate is owned or recorded in a name other than your own, list that name.	List the names of any co-owners, if applicable.
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SCHEDULE I - REAL ESTATE CONTRACTS WITH GOVERNMENTAL AGENCIES.

List all contracts, whether pending or completed within the past ~~12~~ six months, with a governmental agency for the sale or exchange of real estate in which you or a member of your immediate family holds an interest, including a corporate, partnership or trust interest, option, easement, or land contract, valued at more than \$10,000 ~~or more~~. List all contracts with a governmental agency for the lease of real estate in which you or a member of your immediate family holds such an interest valued at more than \$1,000 ~~or more~~. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

State officers and employees report contracts with state agencies.
Local officers and employees report contracts with local agencies.

List your real estate interest and the person or entity, including the type of entity, which is party to the contract. Describe any management role and the percentage ownership interest you or your immediate family member has in the real estate or entity.

List each governmental agency which is a party to the contract and indicate the county or city where the real estate is located.

State the annual income from the contract, and the amount, if any, of income you or any immediate family member derives annually from the contract.

Four sets of horizontal lines for data entry, corresponding to the three columns of text above.

§ 2.2-3118. Disclosure form; certain citizen members.

A. The financial disclosure form to be used for filings required pursuant to subsection B of § 2.2-3114 and subsection B of § 2.2-3115 shall be signed by the filer either originally or by electronic signature as authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.) filed in accordance with the provisions of § 30-349. The financial disclosure form shall be substantially as follows:

DEFINITIONS AND EXPLANATORY MATERIAL.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Close financial association" means an association in which the person filing shares significant financial involvement with an individual and the filer would reasonably be expected to be aware of the individual's business activities and would have access to the necessary records either directly or through the individual. "Close financial association" does not mean an association based on (i) the receipt of retirement benefits or deferred compensation from a business by which the person filing this statement is no longer employed, or (ii) the receipt of compensation for work performed by the person filing as an independent contractor of a business that represents an entity before any state governmental agency when the person filing has no communications with the state governmental agency.

"Contingent liability" means a liability that is not presently fixed or determined, but may become fixed or determined in the future with the occurrence of some certain event.

"Immediate family" means (i) a spouse and (ii) any other person residing child who resides in the same household as the filer, and who is a dependent of the filer or of whom the filer is a dependent.

"Dependent" means any person, whether or not related by blood or marriage, who receives from the filer, or provides to the filer, more than one-half of his financial support.

"Personal interest" means, for the purposes of this form only, a personal and financial benefit or liability accruing to a filer or a member of his immediate family. Such interest shall exist by reason of (i) ownership in real or personal property, tangible or intangible; (ii) ownership in a business; (iii) income from a business; or (iv) personal liability on behalf of a business; however, unless the ownership interest in a business exceeds three percent of the total equity of the business, or the liability on behalf of a business exceeds three percent of the total assets of the business, or the annual income, and/or

property or use of such property, from the business exceeds \$10,000 or may reasonably be anticipated to exceed \$10,000, such interest shall not constitute a "personal interest."

Name
Office or position held or to be held
Address

I. FINANCIAL INTERESTS

My personal interests and those of my immediate family are as follows:

Include all forms of personal interests held at the time of filing: real estate, stocks, bonds, equity interests in proprietorships and partnerships. You may exclude:

- 1. Deposits and interest bearing accounts in banks, savings institutions and other institutions accepting such deposits or accounts;
2. Interests in any business, other than a news medium, representing less than three percent of the total equity value of the business;
3. Liability on behalf of any business representing less than three percent of the total assets of such business; and
4. Income (other than from salary) less than \$10,000 annually from any business. You need not state the value of any interest. You must state the name or principal business activity of each business in which you have a personal interest.

A. My personal interests are:

- 1. Residence, address, or, if no address, location
2. Other real estate, address, or, if no address, location
3. Name or principal business activity of each business in which stock, bond or equity interest is held

B. The personal interests of my immediate family are:

- 1. Real estate, address or, if no address, location
2. Name or principal business activity of each business in which stock, bond or equity interest is held

II. OFFICES, DIRECTORSHIPS AND SALARIED EMPLOYMENTS

The paid offices, paid directorships and salaried employments which I hold or which members of my immediate family hold and the businesses from which I or members of my immediate family receive retirement benefits are as follows:

(You need not state any dollar amounts.)

A. My paid offices, paid directorships and salaried employments are:

Table with 2 columns: Position held, Name of business. Includes three rows of blank lines for entry.

B. The paid offices, paid directorships and salaried employments of members of my immediate family are:

Table with 2 columns: Position held, Name of business. Includes three rows of blank lines for entry.

III. BUSINESSES TO WHICH SERVICES WERE FURNISHED

A. The businesses I have represented, excluding activity defined as lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, for which I have received total compensation in excess of \$1,000 during the preceding year, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers, are as follows:

Identify businesses by name and name the state governmental agencies before which you appeared on behalf of such businesses.

Table with 2 columns: Name of business, Name of governmental agency. Includes three rows of blank lines for entry.

B. The businesses that, to my knowledge, have been represented, excluding activity defined as lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, by persons with whom I have a close financial association and who received total compensation in excess of \$1,000 during the preceding year, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers, are as follows:

Identify businesses by type and name the state governmental agencies before which such person appeared on behalf of such businesses.

Type of business	Name of state governmental agency
_____	_____
_____	_____
_____	_____

C. All other businesses listed below that operate in Virginia to which services were furnished pursuant to an agreement between you and such businesses and for which total compensation in excess of \$1, 000 was received during the preceding year:

Check each category of business to which services were furnished.

Electric utilities	_____
Gas utilities	_____
Telephone utilities	_____
Water utilities	_____
Cable television companies	_____
Intrastate transportation companies	_____
Interstate transportation companies	_____
Oil or gas retail companies	_____
Banks	_____
Savings institutions	_____
Loan or finance companies	_____
Manufacturing companies (state type of product, e.g., textile, furniture, etc.)	_____
Mining companies	_____
Life insurance companies	_____
Casualty insurance companies	_____
Other insurance companies	_____
Retail companies	_____
Beer, wine or liquor companies or distributors	_____
Trade associations	_____
Professional associations	_____
Associations of public employees or officials	_____
Counties, cities or towns	_____
Labor organizations	_____

IV. COMPENSATION FOR EXPENSES

The persons, associations, or other sources other than my governmental agency from which I or a member of my immediate family received remuneration in excess of \$200 during the preceding year, in cash or otherwise, as honorariums or payment of expenses in connection with my attendance at any meeting or other function to which I was invited in my official capacity are as follows:

Name of Source	Description of occasion	Amount of remuneration for each occasion
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. The provisions of Part III A and B of the disclosure form prescribed by this section shall not be applicable to officers and employees of local governmental and local advisory agencies.

C. Except for real estate located within the county, city or town in which the officer or employee serves or a county, city or town contiguous to the county, city or town in which the officer or employee serves, officers and employees of local governmental or advisory agencies shall not be required to disclose under Part I of the form any other interests in real estate.

§ 2.2-3118.1. Special provisions for individuals serving in or seeking multiple positions or offices; reappointees.

A. The filing of a single current statement of economic interests by a state officer or employee required to file the form prescribed in § 2.2-3117 shall suffice for the purposes of this chapter as filing for all state positions or offices held or sought

by such individual during a single reporting period. The filing of a single current financial disclosure statement by a state officer or employee required to file the form prescribed in § 2.2-3118 shall suffice for the purposes of this chapter as filing for all state positions or offices held or sought by such individual and requiring the filing of the § 2.2-3118 form during a single reporting period.

B. Any individual who has met the requirement for ~~annually~~ *periodically* filing a statement provided in § 2.2-3117 or 2.2-3118 shall not be required to file an additional statement upon such individual's reappointment to the same office or position for which he is required to file, provided such reappointment occurs within *six months after filing a statement pursuant to § 2.2-3117 and within 12 months after the annual filing a statement pursuant to § 2.2-3118.*

§ 2.2-3121. Advisory opinions.

A. A state officer or employee shall not be prosecuted for a knowing violation of this chapter if the alleged violation resulted from his good faith reliance on a written opinion of the Attorney General *or the Virginia Conflict of Interest and Ethics Advisory Council* made in response to his written request for such opinion and the opinion was made after a full disclosure of the facts.

B. A local officer or employee shall not be prosecuted for a knowing violation of this chapter if the alleged violation resulted from his good faith reliance on a written opinion of the attorney for the Commonwealth *or the Council* made in response to his written request for such opinion and the opinion was made after a full disclosure of the facts. The written opinion shall be a public record and shall be released upon request.

C. If any officer or employee serving at the local level of government is charged with a knowing violation of this chapter, and the alleged violation resulted from his reliance upon a written opinion of his city, county or town attorney, made after a full disclosure of the facts, that such action was not in violation of this chapter, then the officer or employee shall have the right to introduce a copy of the opinion at his trial as evidence that he did not knowingly violate this chapter.

§ 2.2-3131. Exemptions.

A. The requirements of § 2.2-3130 shall not apply to state filers with a state agency who have taken an equivalent ethics orientation course through another state agency within the time periods set forth in subdivision 1 or 2 of § 2.2-3130, as applicable.

B. State agencies may jointly conduct and state filers from more than one state agency may jointly attend an orientation course required by § 2.2-3128, as long as the course content is relevant to the official duties of the attending state filers.

C. Before conducting each orientation course required by § 2.2-3128, state agencies shall consult with the Attorney General *and the Virginia Conflict of Interest and Ethics Advisory Council* regarding appropriate course content.

§ 30-100. Declaration of legislative policy; construction.

The General Assembly, recognizing that our system of representative government is dependent in part upon (i) citizen legislative members representing fully the public in the legislative process and (ii) its citizens maintaining the highest trust in their public officers, finds and declares that the citizens are entitled to be assured that the judgment of the members of the General Assembly will not be compromised or affected by inappropriate conflicts.

The provisions of this chapter do not preclude prosecution for any violation of any criminal law of the Commonwealth, including Articles 2 (Bribery and Related Offenses, § 18.2-438 et seq.) and 3 (Bribery of Public Servants and Party Officials, § 18.2-446 et seq.) of Chapter 10 of Title 18.2, and do not constitute a defense to any prosecution for such a violation.

This chapter shall apply to the members of the General Assembly.

This chapter shall be liberally construed to accomplish its purpose.

§ 30-101. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Advisory agency" means any board, commission, committee or post which does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Contract" means any agreement to which a governmental agency is a party, or any agreement on behalf of a governmental agency ~~which that~~ involves the payment of money appropriated by the General Assembly or a political subdivision, whether or not such agreement is executed in the name of the Commonwealth of Virginia, or some political subdivision thereof. "Contract" includes a subcontract only when the contract of which it is a part is with the legislator's own governmental agency.

"Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-348.

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, broker-dealer as defined in subsection A of § 13.1-501, or investment company or advisor registered under the federal Investment Advisors Act or Investment Company Act of 1940.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, ~~local travel~~, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" ~~shall~~ *does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; "Gift" shall not include; (ii) honorary degrees and presents; (iii) any athletic, merit, or need-based scholarship or any other financial*

aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession or occupation of a legislator or of a member of his immediate family; or (vi) gifts from relatives or personal friends. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, or nephew; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, or sister; or the donee's brother's or sister's spouse. For the purpose of this definition, "personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth. For purposes of this definition, "person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Governmental agency" means each component part of the legislative, executive or judicial branches of state and local government, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties.

"Immediate family" means (i) a spouse and (ii) any ~~other person residing~~ child who resides in the same household as the legislator, and who is a dependent of the legislator ~~or of whom the legislator is a dependent.~~ "Dependent" means a son, daughter, father, mother, brother, sister or other person, whether or not related by blood or marriage, if such person receives from the legislator, or provides to the legislator, more than one-half of his financial support.

"Legislator" means a member of the General Assembly.

"Personal interest" means a financial benefit or liability accruing to a legislator or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably be anticipated to exceed, ~~\$10,000~~ \$5,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, ~~\$10,000~~ \$5,000 annually; (iv) ownership of real or personal property if the interest exceeds ~~\$10,000~~ \$5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; ~~or~~ (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or (vi) an option for ownership of a business or real or personal property if the ownership interest will consist of clause (i) or (iv).

"Personal interest in a contract" means a personal interest ~~which that~~ a legislator has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business ~~which that~~ is a party to the contract.

"Personal interest in a transaction" means a personal interest of a legislator in any matter considered by the General Assembly. Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business, or represents or provides services to any individual or business and such property, business or represented or served individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction. A "personal interest in a transaction" exists only if the legislator or member of his immediate family or an individual or business represented or served by the legislator is affected in a way that is substantially different from the general public or from persons comprising a profession, occupation, trade, business or other comparable and generally recognizable class or group of which he or the individual or business he represents or serves is a member.

"Transaction" means any matter considered by the General Assembly, whether in a committee, subcommittee, or other entity of the General Assembly or before the General Assembly itself, on which official action is taken or contemplated.

§ 30-103.1. Certain gifts prohibited.

A. For purposes of this section:

"Intangible gift" means a thing of temporary value or a thing that upon the happening of a certain event or expiration of a given date loses its value. "Intangible gift" includes entertainment, hospitality, a ticket, admission, or pass, transportation, lodgings, and meals that are reportable on Schedule E of the disclosure form prescribed in § 30-111.

"Tangible gift" means a thing of value that does not lose its value upon the happening of a certain event or expiration of a given date. "Tangible gift" includes currency, negotiable instruments, securities, stock options, or other financial instruments that are reportable on Schedule E of the disclosure form prescribed in § 30-111. "Tangible gift" does not include payments or reimbursements received for any intangible gift.

B. A legislator or candidate for the General Assembly required to file the disclosure form prescribed in § 30-111 (i) shall not solicit, accept, or receive within any calendar year any single tangible gift with a value in excess of \$250 or a combination of tangible gifts with an aggregate value in excess of \$250 from any person that he knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth; (ii) shall report any tangible gift with a value of \$250 or less or any intangible gift received from any person listed in clause (i) on Schedule E of such disclosure form; and (iii) shall report any payments for

talks, meetings, and publications on Schedule D-1 of such disclosure form. For purposes of this subsection, "person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

C. The \$250 limitation imposed in accordance with this section shall be adjusted by the Council every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, rounded to the nearest whole dollar.

§ 30-110. Disclosure.

A. Every legislator and legislator-elect shall file, as a condition to assuming office, a disclosure statement of his personal interests and such other information as is specified on the form set forth in § 30-111 and thereafter shall file such a statement ~~annually on or before January 8~~ *semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.* When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday. Disclosure forms shall be provided by the ~~clerk of the appropriate house to each legislator and legislator-elect not later than November 30 of each year~~ *Virginia Conflict of Interest and Ethics Advisory Council at least 30 days prior to the filing deadline.* Members of the Senate shall file their disclosure forms with the ~~Clerk of the Senate~~ *and members of the House of Delegates shall file their disclosure forms with the Clerk of the House of Delegates* *Virginia Conflict of Interest and Ethics Advisory Council.* The disclosure forms of the members of the General Assembly shall be maintained as public records for five years in the office of the ~~clerk of the appropriate house~~ *Virginia Conflict of Interest and Ethics Advisory Council.*

B. Candidates for the General Assembly shall file a disclosure statement of their personal interests as required by §§ 24.2-500 through 24.2-503.

C. Any legislator who has a personal interest in any transaction pending before the General Assembly and who is disqualified from participating in that transaction pursuant to § 30-108 and the rules of his house shall disclose his interest in accordance with the applicable rule of his house.

§ 30-111. Disclosure form.

A. The disclosure form to be used for filings required by subsections A and B of § 30-110 shall be substantially as follows:

STATEMENT OF ECONOMIC INTERESTS.

Name
Office or position held or sought
Home address Address
Names of members of immediate family

DEFINITIONS AND EXPLANATORY MATERIAL.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Close financial association" means an association in which the filer shares significant financial involvement with an individual and the filer would reasonably be expected to be aware of the individual's business activities and would have access to the necessary records either directly or through the individual. "Close financial association" does not mean an association based on (i) the receipt of retirement benefits or deferred compensation from a business by which the legislator is no longer employed, or (ii) the receipt of compensation for work performed by the legislator as an independent contractor of a business that represents an entity before any state governmental agency when the legislator has had no communications with the state governmental agency.

"Contingent liability" means a liability that is not presently fixed or determined, but may become fixed or determined in the future with the occurrence of some certain event.

~~"Dependent" means any person, whether or not related by blood or marriage, who receives from the legislator, or provides to the legislator, more than one-half of his financial support.~~

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, ~~local travel~~, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" ~~shall~~ *does not include* (i) any offer of a ticket, *coupon*, or other admission or pass unless the ticket, *coupon*, admission, or pass is used; ~~"Gift" shall not include;~~ (ii) honorary degrees ~~and presents~~; (iii) *any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public;* (iv) *a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2;* (v) *any gift related to the private profession or occupation of a legislator or of a member of his immediate family;* or (vi) gifts from relatives or personal friends. "Relative" means the donee's spouse, child, uncle, aunt, niece, or nephew; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, or sister; or the donee's brother's or sister's spouse. "Personal friend" *does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the*

Commonwealth. "Person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Immediate family" means (i) a spouse and (ii) any ~~other person residing~~ *child who resides* in the same household as the legislator, ~~and who is a dependent of the legislator or of whom the legislator is a dependent.~~

"Lobbyist relationship" means (i) an engagement, agreement, or representation that relates to legal services, consulting services, or public relations services, whether gratuitous or for compensation, between a member or member-elect and any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth; or (ii) a greater than three percent ownership interest by a member or member-elect in a business that employs, or engages as an independent contractor, any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth. The disclosure of a lobbyist relationship shall not ~~(i)~~ (a) constitute a waiver of any attorney-client or other privilege, ~~(ii)~~ (b) require a waiver of any attorney-client or other privilege for a third party, or ~~(iii)~~ (c) be required where a member or member-elect is employed or engaged by a person and such person also employs or engages a person in a lobbyist relationship so long as the member or member-elect has no financial interest in the lobbyist relationship.

TRUST. If you or your immediate family, separately or together, are the only beneficiaries of a trust, treat the trust's assets as if you own them directly. If you or your immediate family has a proportional interest in a trust, treat that proportion of the trust's assets as if you own them directly. For example, if you and your immediate family have a one-third interest in a trust, complete your Statement as if you own one-third of each of the trust's assets. If you or a member of your immediate family created a trust and can revoke it without the beneficiaries' consent, treat its assets as if you own them directly.

REPORT TO THE BEST OF INFORMATION AND BELIEF. Information required on this Statement must be provided on the basis of the best knowledge, information, and belief of the individual filing the Statement as of the date of this report unless otherwise stated.

COMPLETE ITEMS 1 THROUGH 11. REFER TO SCHEDULES ONLY IF DIRECTED.

You may attach additional explanatory information.

1. Offices and Directorships.

Are you or a member of your immediate family a paid officer or paid director of a business?

EITHER check NO / / OR check YES / / and complete Schedule A.

2. Personal Liabilities.

Do you or a member of your immediate family owe more than ~~\$10,000~~ \$5,000 to any one creditor including contingent liabilities? (Exclude debts to any government and loans secured by recorded liens on property at least equal in value to the loan.)

EITHER check NO / / OR check YES / / and complete Schedule B.

3. Securities.

Do you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of ~~\$10,000~~ \$5,000 invested in one business? Account for mutual funds, limited partnerships and trusts.

EITHER check NO / / OR check YES / / and complete Schedule C.

4. Payments for Talks, Meetings, and Publications.

During the past ~~12~~ six months did you receive in *your capacity as a legislator* lodging, transportation, money, or anything else of value with a combined value exceeding \$200 (i) for a single talk, meeting, or published work ~~in your capacity as a legislator~~ or (ii) for a meeting, conference, or event where your attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant to your duties as a legislator, including issues faced by your constituents, or (b) enhance your knowledge and skills relative to your duties as a legislator? Do not include payments and reimbursements from the Commonwealth for meetings attended in your capacity as a legislator; see Question 11 and Schedule D2 to report such meetings.

EITHER check NO / / OR check YES / / and complete Schedule D.

5. Gifts.

During the past ~~12~~ six months did a business, government, or individual other than a relative or personal friend (i) furnish you *or a member of your immediate family* with any gift or entertainment at a single event, and the value received ~~by you~~ exceeded \$50 ~~in value~~ or (ii) furnish you *or a member of your immediate family* with gifts or entertainment in any combination and the *total* value received ~~by you~~ exceeded \$100 ~~in total value~~, and for which you *or the member of your immediate family* neither paid nor rendered services in exchange? Account for entertainment events only if the average value per person attending the event exceeded \$50 ~~in value~~. Account for all business entertainment (except if related to ~~you~~ the private profession or occupation of you or the member of your immediate family who received such business entertainment) even if unrelated to your official duties.

EITHER check NO / / OR check YES / / and complete Schedule E.

6. Salary and Wages.

List each employer that pays you or a member of your immediate family salary or wages in excess of ~~\$10,000~~ \$5,000 annually. (Exclude any salary received as a member of the General Assembly pursuant to § 30-19.11.)

If no reportable salary or wages, check here / /.

7. Business Interests and Lobbyist Relationships.

7A. Do you or a member of your immediate family, separately or together, operate your own business, or own or control an interest in excess of ~~\$10,000~~ \$5,000 in a business?

EITHER check NO / / OR check YES / / and complete Schedule F-1.

7B. Do you have a lobbyist relationship as that term is defined above?

EITHER check NO / / OR check YES / / and complete Schedule F-2.

8. Payments for Representation and Other Services.

8A. Did you represent any businesses before any state governmental agencies, excluding courts or judges, for which you received total compensation during the past ~~12~~ six months in excess of \$1,000, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers?

EITHER check NO / / OR check YES / / and complete Schedule G-1.

8B. Subject to the same exceptions as in 8A, did persons with whom you have a close financial association (partners, associates or others) represent any businesses before any state governmental agency for which total compensation was received during the past ~~12~~ six months in excess of \$1,000?

EITHER check NO / / OR check YES / / and complete Schedule G-2.

8C. Did you or persons with whom you have a close financial association furnish services to businesses operating in Virginia, pursuant to an agreement between you and such businesses, or between persons with whom you have a close financial association and such businesses for which total compensation in excess of \$1,000 was received during the past ~~12~~ six months? Services reported under this provision shall not include services involving the representation of businesses that are reported under question 8A or 8B above.

EITHER check NO / / OR check YES / / and complete Schedule G-3.

9. Real Estate.

Do you or a member of your immediate family hold an interest, including a partnership interest, valued at ~~\$10,000~~ or more than \$5,000 in real property (other than your principal residence) for which you have not already listed the full address on Schedule F? Account for real estate held in trust.

EITHER check NO / / OR check YES / / and complete Schedule H.

10. Real Estate Contracts with State Governmental Agencies.

Do you or a member of your immediate family hold an interest valued at more than ~~\$10,000~~ \$5,000 in real estate, including a corporate, partnership, or trust interest, option, easement, or land contract, which real estate is the subject of a contract, whether pending or completed within the past ~~12~~ six months, with a state governmental agency?

If the real estate contract provides for the leasing of the property to a state governmental agency, do you or a member of your immediate family hold an interest in the real estate, including a corporate, partnership, or trust interest, option, easement, or land contract valued at more than \$1,000? Account for all such contracts whether or not your interest is reported in Schedule F or H. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

EITHER check NO / / OR check YES / / and complete Schedule I.

11. Payments by the Commonwealth for Meetings.

During the past ~~12~~ six months did you receive lodging, transportation, money, or anything else of value with a combined value exceeding \$200 from the Commonwealth for a single meeting attended out-of-state in your capacity as a legislator? Do not include reimbursements from the Commonwealth for meetings attended in the Commonwealth.

EITHER check NO / / OR check YES / / and complete Schedule D-2.

For Statements filed in January 2016 and each two years thereafter, complete the following statement indicating whether you completed the ethics orientation sessions provided pursuant to law:

I certify that I completed ethics training as required by § 30-129.1. YES / / or NO / /.

Statements of Economic Interests are open for public inspection.

AFFIRMATION.

In accordance with the rules of the house in which I serve, if I receive a request that this disclosure statement be corrected, augmented, or revised in any respect, I hereby pledge that I shall respond promptly to the request. I understand that if a determination is made that the statement is insufficient, I will satisfy such request or be subjected to disciplinary action of my house.

I swear or affirm that the foregoing information is full, true and correct to the best of my knowledge.

Signature _____ (Such signature shall be deemed to constitute a valid notarization and shall have the same effect as if performed by a notary public.)

Commonwealth of Virginia

_____ of _____ to wit:

The foregoing disclosure form was acknowledged before me

This _____ day of _____, 20____, by _____

Notary Public

My commission expires _____

(Return only if needed to complete Statement.)

SCHEDULES
to
STATEMENT OF ECONOMIC INTERESTS.

NAME _____

SCHEDULE A - OFFICES AND DIRECTORSHIPS.

Identify each business of which you or a member of your immediate family is a paid officer or paid director.

Name of Business	Address of Business	Position Held and by Whom
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

RETURN TO ITEM 2

SCHEDULE B - PERSONAL LIABILITIES.

Report personal liability by checking each category. Report only debts in excess of ~~\$10,000~~ \$5,000. Do not report debts to any government. Do not report loans secured by recorded liens on property at least equal in value to the loan.

Report contingent liabilities below and indicate which debts are contingent.

1. My personal debts are as follows:

Check appropriate categories	Check one	
	\$10,001 \$5,001 to \$50,000	More than \$50,000
Banks	_____	_____
Savings institutions	_____	_____
Other loan or finance companies	_____	_____
Insurance companies	_____	_____
Stock, commodity or other brokerage companies	_____	_____
Other businesses: (State principal business activity for each creditor and its name.)	_____	_____
_____	_____	_____
_____	_____	_____
Individual creditors: (State principal business or occupation of each creditor and its name.)	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. The personal debts of the members of my immediate family are as follows:

Check appropriate categories	Check one	
	\$10,001 \$5,001 to \$50,000	More than \$50,000
Banks	_____	_____
Savings institutions	_____	_____
Other loan or finance companies	_____	_____
Insurance companies	_____	_____
Stock, commodity or other brokerage companies	_____	_____
Other businesses: (State principal business activity for each creditor and its name.)	_____	_____
_____	_____	_____
_____	_____	_____

Individual creditors:
(State principal business or occupation of
each creditor and its name.)

RETURN TO ITEM 3

SCHEDULE C - SECURITIES.

"Securities" INCLUDES stocks, bonds, mutual funds, limited partnerships, and commodity futures contracts. "Securities" EXCLUDES certificates of deposit, money market funds, annuity contracts, and insurance policies.

Identify each business or Virginia governmental entity in which you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of ~~\$10,000~~ \$5,000. Name each ~~entity~~ issuer and type of security individually.

Do not list U.S. Bonds or other government securities not issued by the Commonwealth of Virginia or its authorities, agencies, or local governments. Do not list organizations that do not do business in this Commonwealth, but most major businesses conduct business in Virginia. Account for securities held in trust.

If no reportable securities, check here / /.

Name of Issuer	Type of Entity	Type of Security (stocks, bonds, mutual funds, etc.)	Check one		
			\$10,001 to \$50,000	\$50,001 to \$250,000	More than \$250,000
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

RETURN TO ITEM 4

SCHEDULE D-1 - PAYMENTS FOR TALKS, MEETINGS, AND PUBLICATIONS.

List each source from which you received during the past ~~12~~ six months in your capacity as a legislator lodging, transportation, money, or any other thing of value (excluding meals or drinks coincident with a meeting) with a combined value exceeding \$200 (i) for your presentation of a single talk, participation in one meeting, or publication of a work in your capacity as a legislator or (ii) for your attendance at a meeting, conference, or event where your attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant to your duties as a legislator, including issues faced by your constituents, or (b) enhance your knowledge and skills relative to your duties as a legislator. Any lodging, transportation, money, or other thing of value received by a legislator that does not satisfy the criteria of clause (i), (ii) (a), or (ii) (b) shall be listed as a gift on Schedule E. Do not list payments or reimbursements by the Commonwealth. (See Schedule D-2 for such payments or reimbursements.) List a payment even if you donated it to charity. Do not list information about a payment if you returned it within 60 days or if you received it from an employer already listed under Item 6 or from a source of income listed on Schedule F.

If no payment must be listed, check here / /.

Payer	Approximate Value	Circumstances	Type of Payment (e.g., Honoraria, Travel reimbursement, etc.)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

RETURN TO ITEM 5

SCHEDULE D-2 - PAYMENTS BY THE COMMONWEALTH FOR MEETINGS.

List each meeting for which the Commonwealth provided payments or reimbursements during the past ~~12~~ six months to you for lodging, transportation, money, or any other thing of value (excluding meals or drinks coincident with a meeting)

with a combined value exceeding \$200 for your participation in your capacity as a legislator. Do not list payments or reimbursements by the Commonwealth for meetings or travel within the Commonwealth.

If no payment must be listed, check here / /.

Payer	Approximate Value	Circumstances	Type of Payment (e.g., Travel reimbursement, etc.)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SCHEDULE E - GIFTS.

List each business, governmental entity, or individual that, during the past ~~12~~ six months, (i) furnished you or a member of your immediate family with any gift or entertainment at a single event, and the value received by you exceeded \$50, in value or (ii) furnished you or a member of your immediate family with gifts or entertainment in any combination and the total value received by you exceeded \$100 in total value, and for which you or the member of your immediate family neither paid nor rendered services in exchange. List each such gift or event.

Do not list entertainment events unless the average value per person attending the event exceeded \$50 in value. Do not list business entertainment related to your the private profession or occupation of you or the member of your immediate family who received such business entertainment. Do not list gifts or other things of value given by a relative or personal friend for reasons clearly unrelated to your public position. Do not list campaign contributions publicly reported as required by Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2 of the Code of Virginia.

Name of Recipient	Name of Business, Organization, or Individual	City or County and State	Exact Gift or Event	Approximate Value
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

RETURN TO ITEM 6

SCHEDULE F-1 - BUSINESS INTERESTS.

Complete this Schedule for each self-owned or family-owned business (including rental property, a farm, or consulting work), partnership, or corporation in which you or a member of your immediate family, separately or together, own an interest having a value in excess of ~~\$10,000~~ \$5,000.

If the enterprise is owned or operated under a trade, partnership, or corporate name, list that name; otherwise, merely explain the nature of the enterprise. If rental property is owned or operated under a trade, partnership, or corporate name, list the name only; otherwise, give the address of each property. Account for business interests held in trust.

Name of Business Corporation, Partnership, Farm;	Address of Rental Property	City or County and State	Nature of Enterprise (farming, law, rental property, etc.)	Exact Gift or Event	Gross income	
				\$50,000 or less	\$50,001 to \$250,000	More than \$250,000
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

RETURN TO ITEM 8

SCHEDULE F-2 - LOBBYIST RELATIONSHIPS AND PAYMENTS.

Complete this Schedule for each lobbyist relationship with the following:

(i) any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth, or

(ii) any business in which you have a greater than three percent ownership interest and that business employs, or engages as an independent contractor, any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth.

List each person or business	Describe each relationship	Dates of relationship	Payments to Lobbyist	
			\$10,000 or less	More than \$10,001 \$10,000
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

THE DISCLOSURE OF A LOBBYIST RELATIONSHIP SHALL NOT (I) CONSTITUTE A WAIVER OF ANY ATTORNEY-CLIENT OR OTHER PRIVILEGE, (II) REQUIRE A WAIVER OF ANY ATTORNEY-CLIENT OR OTHER PRIVILEGE FOR A THIRD PARTY, OR (III) BE REQUIRED WHERE A MEMBER OR MEMBER-ELECT IS EMPLOYED OR ENGAGED BY A PERSON AND SUCH PERSON ALSO EMPLOYS OR ENGAGES A PERSON IN A LOBBYIST RELATIONSHIP SO LONG AS THE MEMBER OR MEMBER-ELECT HAS NO FINANCIAL INTEREST IN THE LOBBYIST RELATIONSHIP.

SCHEDULE G-1 - PAYMENTS FOR REPRESENTATION BY YOU.

List the businesses you represented before any state governmental agency, excluding any court or judge, for which you received total compensation during the past ~~12~~ six months in excess of \$1,000, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers filed by you.

Identify each business, the nature of the representation and the amount received by dollar category from each such business. You may state the type, rather than name, of the business if you are required by law not to reveal the name of the business represented by you.

Name of Business	Type of Business	Purpose of Representation	Name of Agency	Amount Received				
				\$1,001 to \$10,000	\$10,001 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$250,000	\$250,001 and over
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____

If you have received \$250,001 or more from a single business within the reporting period, indicate the amount received, rounded to the nearest \$10,000. Amount Received: _____.

SCHEDULE G-2 - PAYMENTS FOR REPRESENTATION BY ASSOCIATES.

List the businesses that have been represented before any state governmental agency, excluding any court or judge, by persons who are your partners, associates or others with whom you have a close financial association and who received total compensation in excess of \$1,000 for such representation during the past ~~12~~ six months, excluding representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers filed by your partners, associates or others with whom you have a close financial association.

Identify such businesses by type and also name the state governmental agencies before which such person appeared on behalf of such businesses.

Type of Business	Name of State Governmental Agency
_____	_____
_____	_____
_____	_____
_____	_____

SCHEDULE G-3 - PAYMENTS FOR OTHER SERVICES GENERALLY.

Indicate below types of businesses that operate in Virginia to which services were furnished by you or persons with whom you have a close financial association pursuant to an agreement between you and such businesses, or between

persons with whom you have a close financial association and such businesses and for which total compensation in excess of \$1,000 was received during the past ~~12~~ six months. Services reported in this Schedule shall not include services involving the representation of businesses that are reported in Schedule G-1 or G-2 above.

Identify opposite each category of businesses listed below (i) the type of business, (ii) the type of service rendered and (iii) the value by dollar category of the compensation received for all businesses falling within each category.

	Check if ser- vices were ren- dered	Type of ser- vice ren- dered	Value of Compensation				
			\$1,001 to \$10,000	\$10,001 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$250,000	\$250,001 and over
Electric utilities	_____	_____	_____	_____	_____	_____	_____
Gas utilities	_____	_____	_____	_____	_____	_____	_____
Telephone utilities	_____	_____	_____	_____	_____	_____	_____
Water utilities	_____	_____	_____	_____	_____	_____	_____
Cable television companies	_____	_____	_____	_____	_____	_____	_____
Interstate transportation companies	_____	_____	_____	_____	_____	_____	_____
Intrastate transportation companies	_____	_____	_____	_____	_____	_____	_____
Oil or gas retail companies	_____	_____	_____	_____	_____	_____	_____
Banks	_____	_____	_____	_____	_____	_____	_____
Savings institutions	_____	_____	_____	_____	_____	_____	_____
Loan or finance companies	_____	_____	_____	_____	_____	_____	_____
Manufacturing companies (state type of product, e.g., textile, furniture, etc.)	_____	_____	_____	_____	_____	_____	_____
Mining companies	_____	_____	_____	_____	_____	_____	_____
Life insurance companies	_____	_____	_____	_____	_____	_____	_____
Casualty insurance companies	_____	_____	_____	_____	_____	_____	_____
Other insurance companies	_____	_____	_____	_____	_____	_____	_____
Retail companies	_____	_____	_____	_____	_____	_____	_____
Beer, wine or liquor companies or distributors	_____	_____	_____	_____	_____	_____	_____
Trade associations	_____	_____	_____	_____	_____	_____	_____
Professional associations	_____	_____	_____	_____	_____	_____	_____
Associations of public employees or officials	_____	_____	_____	_____	_____	_____	_____
Counties, cities or towns	_____	_____	_____	_____	_____	_____	_____
Labor organizations	_____	_____	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____	_____	_____

SCHEDULE H - REAL ESTATE.

List real estate other than your principal residence in which you or a member of your immediate family holds an interest, including a partnership interest, option, easement, or land contract, valued at ~~\$10,000~~ \$5,000 or more. Each parcel ~~must~~ shall be listed individually.

List the location (state, and county or city where you own real estate	Describe the type of real estate you own in each location (business, recreational, apartment, commercial, open land, etc.)	If the real estate is owned or recorded in a name other than your own, list that name
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

RETURN TO ITEM 10

SCHEDULE I - REAL ESTATE CONTRACTS WITH STATE GOVERNMENTAL AGENCIES.

List all contracts, whether pending or completed within the past ~~42~~ six months, with a state governmental agency for the sale or exchange of real estate in which you or a member of your immediate family holds an interest, including a corporate, partnership or trust interest, option, easement, or land contract, valued at *more than* \$10,000 ~~or more~~. List all contracts with a state governmental agency for the lease of real estate in which you or a member of your immediate family holds such an interest valued at *more than* \$1,000 ~~or more~~. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

List your real estate interest and the person or entity, including the type of entity, which is party to the contract. Describe any management role and the percentage ownership interest you or your immediate family member has in the real estate or entity.	List each governmental agency which is a party to the contract and indicate the county or city where the real estate is located.	State the annual income from the contract, and the amount, if any, of income you or any immediate family member derives annually from the contract.
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. Any legislator who makes a knowing misstatement of a material fact on the Statement of Economic Interests shall be subject to disciplinary action for such violations by the house in which the legislator sits.

C. ~~In accordance with the rules of each house, the~~ The Statement of Economic Interests of all members of each house shall be reviewed by the Council. If a legislator's Statement is found to be inadequate as filed, the legislator shall be notified in writing and directed to file an amended Statement correcting the indicated deficiencies, and a time shall be set within which such amendment shall be filed. If the Statement of Economic Interests, in either its original or amended form, is found to be adequate as filed, the legislator's filing shall be deemed in full compliance with this section as to the information disclosed thereon.

D. Ten percent of the membership of a house, on the basis of newly discovered facts, may in writing request the house in which those members sit, in accordance with the rules of that house, to review the Statement of Economic Interests of another member of that house in order to determine the adequacy of his filing. In accordance with the rules of each house, each Statement of Economic Interests shall be promptly reviewed, the adequacy of the filing determined, and notice given in writing to the legislator whose Statement is in issue. Should it be determined that the Statement requires correction,

augmentation or revision, the legislator involved shall be directed to make the changes required within such time as shall be set under the rules of each house.

If a legislator, after having been notified in writing in accordance with the rules of the house in which he sits that his Statement is inadequate as filed, fails to amend his Statement so as to come into compliance within the time limit set, he shall be subject to disciplinary action by the house in which he sits. No legislator shall vote on any question relating to his own Statement.

§ 30-112. Senate and House Ethics Advisory Panels; membership; terms; quorum; compensation and expenses.

A. The Senate Ethics Advisory Panel and the House Ethics Advisory Panel are established in the legislative branch of state government. The provisions of §§ 30-112 through 30-119 shall be applicable to each panel.

B. The Senate Ethics Advisory Panel shall be composed of five nonlegislative citizen members: three of whom shall be former members of the Senate; and two of whom shall be citizens of the Commonwealth at large who have not previously held such office. All members of the Panel shall be citizens of the Commonwealth. No member shall engage in activities requiring him to register as a lobbyist under § 2.2-422 during his tenure on the Panel.

The members shall be nominated by the Committee on Rules of the Senate and confirmed by the Senate *by a majority vote of (i) the members present of the majority party and (ii) the members present of the minority party*. After initial appointments, all appointments shall be for terms of four years each except for unexpired terms. Nominations shall be made so as to assure bipartisan representation on the Panel.

C. The House Ethics Advisory Panel shall be composed of five nonlegislative citizen members: one of whom shall be a retired justice or judge of a court of record; two of whom shall be former members of the House of Delegates; and two of whom shall be citizens of the Commonwealth at large, at least one of whom shall not have previously held such office. All members of the Panel shall be citizens of the Commonwealth. No member shall engage in activities requiring him to register as a lobbyist under § 2.2-422 during his tenure on the Panel.

The members shall be nominated by the Speaker of the House of Delegates and confirmed by the House of Delegates *by a majority vote of (i) the members present of the majority party and (ii) the members present of the minority party*. After initial appointments, all appointments shall be for terms of four years each except for unexpired terms. Nominations shall be made so as to assure bipartisan representation on the Panel.

D. Each panel shall elect its own chairman and vice-chairman from among its membership.

E. No member shall serve more than three successive four-year terms. Vacancies shall be filled only for the unexpired term. Vacancies shall be filled in the same manner as the original appointments. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

F. Three members shall constitute a quorum on each panel. A vacancy shall not impair the right of the remaining members to exercise all powers of the Panel. Meetings of each panel shall be held at the call of the chairman or whenever the majority of the members so request.

G. The members of each panel, while serving on the business of the Panel, are performing legislative duties and shall be entitled to the compensation and reimbursement of expenses to which members of the General Assembly are entitled when performing legislative duties pursuant to §§ 2.2-2813, 2.2-2825, and 30-19.12. Funding for the cost of compensation and expenses of the members of the Senate Ethics Advisory Panel shall be provided by the Office of the Clerk of the Senate and the funding for the cost of compensation and expenses of the House Ethics Advisory Panel shall be provided by the Office of the Clerk of the House of Delegates.

§ 30-114. Filing of complaints; procedures; disposition.

A. In response to the signed and sworn complaint of any citizen of the Commonwealth, which is subscribed by the maker as true under penalty of perjury, submitted to the Panel, the Panel shall inquire into any alleged violation of Articles 2 (§ 30-102 et seq.) through 5 (§ 30-109 et seq.) ~~of this chapter~~ by any member of the respective house of the General Assembly in his current term or his immediate prior term. Complaints shall be filed with the ~~Director of the Division of Legislative Services~~ *Virginia Conflict of Interest and Ethics Advisory Council*, ~~who~~ *which* shall promptly (i) submit the complaint to the chairman of the appropriate Panel and (ii) forward a copy of the complaint to the legislator named in the complaint. The chairman shall promptly notify the Panel of the complaint. No complaint shall be filed with the Panel 60 or fewer days before a primary election or other nominating event or before a general election in which the cited legislator is running for office, and the Panel shall not accept or act on any complaint received during this period.

B. The Panel shall determine, during its preliminary investigation, whether the facts stated in the complaint taken as true are sufficient to show a violation of Articles 2 (§ 30-102 et seq.) through 5 (§ 30-109 et seq.) ~~of this chapter~~. If the facts, as stated in the complaint, fail to give rise to such a violation, then the Panel shall dismiss the complaint. If the facts, as stated in the complaint, give rise to such a violation, then the Panel shall request that the complainant appear and testify under oath as to the complaint and the allegations therein. After hearing the testimony and reviewing any other evidence provided by the complainant, the Panel shall dismiss the complaint if the Panel fails to find by a preponderance of the evidence that such violation has occurred. If the Panel finds otherwise, it shall proceed with the inquiry.

C. If after such preliminary investigation, the Panel determines to proceed with an inquiry into the conduct of any legislator, the Panel (i) shall immediately notify in writing the individual who filed the complaint and the cited legislator as to the fact of the inquiry and the charges against the legislator and (ii) shall schedule one or more hearings on the matter. The legislator shall have the right to present evidence, cross-examine witnesses, face and examine the accuser, and be represented by counsel at any hearings. In its discretion, the Panel may grant the legislator any other rights or privileges not

specifically enumerated in this subsection. Once the Panel has determined to proceed with an inquiry, its meetings and hearings shall be open to the public.

D. Once the Panel determines to proceed with an inquiry into the conduct of any legislator, the Panel shall complete its investigations and dispose of the matter as provided in § 30-116 notwithstanding the resignation of the legislator during the course of the Panel's proceedings.

§ 30-117. Confidentiality of proceedings.

All proceedings during the investigation of any complaint by the Panel shall be confidential. This rule of confidentiality shall apply to Panel members and their staff ~~and~~, the Committee on Privileges and Elections and its staff, *and the Virginia Conflict of Interest and Ethics Advisory Council.*

§ 30-118. Staff for Panel.

The Panel may hire staff and outside counsel to assist the Panel and to conduct examinations of witnesses, subject to the approval of the President Pro Tempore of the Senate for the Senate Ethics Advisory Panel and subject to the approval of the Speaker of the House of Delegates for the House Ethics Advisory Panel. ~~The Panel may have the Director of the Division of Legislative Services, and such additional staff as he may assign, assist the Panel during its preliminary investigation and during its proceedings.~~

§ 30-124. Advisory opinions.

A legislator shall not be prosecuted or disciplined for a violation of this chapter if his alleged violation resulted from his good faith reliance on a written opinion of a committee on standards of conduct established pursuant to § 30-120, ~~or~~ an opinion of the Attorney General as provided in § 30-122, *or a formal opinion of the Virginia Conflict of Interest and Ethics Advisory Council established pursuant to § 30-348*, and the opinion was made after his full disclosure of the facts.

Article 6.

Ethics Orientation Sessions.

§ 30-129.1. Orientation sessions on ethics and conflicts of interests.

The Virginia Conflict of Interest and Ethics Advisory Council shall conduct an orientation session (i) for new and returning General Assembly members preceding each even-numbered year regular session and (ii) for any new General Assembly member who is elected in a special election and whose term commences after the date of the orientation session provided for in clause (i) and at least six months before the date of the next such orientation session within three months of his election. Attendance at the full orientation session shall be mandatory for newly elected members. Attendance at a refresher session lasting at least two hours shall be mandatory for returning members and may be accomplished by online participation. There shall be no penalty for the failure of a member to attend the full or refresher orientation session, but the member must disclose his attendance pursuant to § 30-111.

§ 30-129.2. Content of orientation sessions.

The orientation session shall provide information and training for the members on ethics and conflicts of interests, on the provisions of the General Assembly Conflicts of Interests Act (§ 30-100 et seq.), on relevant federal law provisions, and on related issues involving lobbying. Refresher sessions may be offered online.

§ 30-129.3. Orientation session preparations.

Those conducting the orientation sessions may call on other agencies in the legislative or executive branches for assistance, may invite experts to assist in the sessions, and shall, upon request of a member who holds a professional license or certification, apply for continuing education credits with the appropriate licensing or certifying entity for the sessions.

CHAPTER 55.

VIRGINIA CONFLICT OF INTEREST AND ETHICS ADVISORY COUNCIL.

§ 30-348. Virginia Conflict of Interest and Ethics Advisory Council; membership; terms; quorum; expenses.

A. *The Virginia Conflict of Interest and Ethics Advisory Council (the Council) is hereby created as an advisory council in the legislative branch to encourage and facilitate compliance with the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) and the General Assembly Conflicts of Interests Act (§ 30-100 et seq.) (hereafter the Acts) and the lobbying laws in Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 (hereafter Article 3).*

B. *The Council shall consist of 15 members as follows: four members appointed by the Speaker of the House of Delegates, one of whom shall be a member of the House of Delegates, one of whom shall be a former member of the House of Delegates, and two of whom shall be nonlegislative citizen members; four members appointed by the Senate Committee on Rules, one of whom shall be a member of the Senate, one of whom shall be a former member of the Senate, and two of whom shall be nonlegislative citizen members; four members appointed by the Governor, two of whom shall be executive branch employees and two of whom shall be nonlegislative citizen members; one member designated by the Attorney General; one member appointed by the Senate Committee on Rules from a list of three nominees submitted by the Virginia Association of Counties; and one member appointed by the Speaker of the House of Delegates from a list of three nominees submitted by the Virginia Municipal League. All members of the Council are subject to confirmation by the General Assembly by a majority vote in each house of (i) the members present of the majority party and (ii) the members present of the minority party.*

C. *All appointments following the initial staggering of terms shall be for terms of four years, except that appointments to fill vacancies shall be for the unexpired terms in the same manner as the original appointment. No nonlegislative citizen member shall be eligible to serve for more than two successive four-year terms. However, after the expiration of a term of three years or less, or after the expiration of the remainder of a term to which appointed to fill a vacancy, two additional*

terms may be served by such member if appointed thereto. Legislative members and other state government officials shall serve terms coincident with their terms of office. Legislative members may be reappointed for successive terms.

D. The members of the Council shall elect from among their membership a chairman and a vice-chairman for two-year terms. The chairman and vice-chairman may not succeed themselves to the same position. The Council shall hold meetings quarterly or upon the call of the chairman. A majority of the Council shall constitute a quorum.

E. Members of the Council shall receive no compensation for their services but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813, 2.2-2825, and 30-19.12, as appropriate. Funding for expenses of the members shall be provided from existing appropriations to the Council.

§ 30-349. Powers and duties of the Council.

The Council shall:

1. Review all disclosure forms filed by lobbyists pursuant to Article 3 and by state and local government officers and employees and legislators pursuant to the Acts. The Council shall review all disclosure forms for completeness, which shall include reviewing the information contained on the face of the form to determine if the disclosure form has been fully completed and comparing the disclosures contained in any disclosure form filed by a lobbyist pursuant to § 2.2-426 with other disclosure forms filed with the Council, and be followed by requests for amendments to ensure the completeness of and correction of errors in the forms, if necessary;

2. Accept any disclosure forms by computer or electronic means in accordance with the standards approved by the Council and using software meeting standards approved by it. The Council shall provide software to filers without charge and may prescribe the method of execution and certification of electronically filed forms, including the use of an electronic signature as authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.), and the procedures for receiving forms in the office of the Council;

3. Beginning July 1, 2015, establish and maintain a searchable electronic database comprising disclosure forms filed pursuant to §§ 2.2-426, 2.2-3117, 2.2-3118, and 30-111. Such database shall be available to the public through the Council's official website;

4. Furnish, upon request, formal advisory opinions or guidelines and other appropriate information, including informal advice, regarding ethics and conflicts issues arising under Article 3 or the Acts to any person or to any agency of state or local government, in an expeditious manner. Informal advice given by the Council is confidential, protected by the attorney-client privilege, and is excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);

5. Conduct training seminars and educational programs for lobbyists, state and local government officers and employees and legislators, and other interested persons on the requirements of Article 3 and the Acts and provide ethics orientation sessions for legislators in compliance with Article 6 (§ 30-129.1 et seq.) of Chapter 13;

6. Approve orientation courses conducted pursuant to § 2.2-3128 and, upon request, review the educational materials and approve any training or course on the requirements of Article 3 and the Acts conducted for state and local government officers and employees;

7. Publish such educational materials as it deems appropriate on the provisions of Article 3 and the Acts;

8. Review actions taken in the General Assembly with respect to the discipline of its members for the purpose of offering nonbinding advice;

9. Request from any agency of state or local government such assistance, services, and information as will enable the Council to effectively carry out its responsibilities. Information provided to the Council by an agency of state or local government shall not be released to any other party unless authorized by such agency; and

10. Report on or before December 1 of each year on its activities and findings regarding Article 3 and the Acts, including recommendations for changes in the laws, to the General Assembly and the Governor. The annual report shall be submitted by the chairman as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be published as a state document.

§ 30-350. Staff.

Staff assistance to the Council shall be provided by the Division of Legislative Services. Staff shall perform those duties assigned to it by the Council, including those duties enumerated in § 30-349.

§ 30-351. Cooperation of agencies of state and local government.

Every department, division, board, bureau, commission, authority, or political subdivision of the Commonwealth shall cooperate with, and provide such assistance to, the Council as the Council may request.

2. That the initial terms of the nonlegislative citizen members and former legislative members of the Virginia Conflict of Interest and Ethics Advisory Council appointed pursuant to this act shall be staggered as follows: (i) two nonlegislative citizen members, one appointed by the Speaker of the House of Delegates and one appointed by the Senate Committee on Rules, for a term of two years; (ii) two nonlegislative citizen members, one appointed by the Speaker of the House of Delegates and one appointed by the Governor, for a term of three years; (iii) two nonlegislative citizen members, one member appointed by the Senate Committee on Rules and one appointed by the Governor, and two former legislative members, one appointed by the Speaker of the House of Delegates and one appointed by the Senate Committee on Rules, for a term of four years; and (iv) the designee of the Attorney General and the appointed representatives of the Virginia Association of Counties and Virginia Municipal League for a term of one year. Thereafter, the terms of members shall be for four years.

3. That, if the General Assembly is not in session when initial appointments to the Virginia Conflict of Interest and Ethics Advisory Council are made, such initial appointments shall be confirmed at the next succeeding regular session of the General Assembly following such appointments and the Council may exercise all powers and perform all duties set forth in this act notwithstanding any provisions of this act requiring confirmation of members appointed to the Council by the General Assembly.

4. That the Virginia Conflict of Interest and Ethics Advisory Council shall promulgate instructions for all filers required to file a disclosure form regarding how to complete and file such forms in accordance with provisions of this act.

5. That the Virginia Conflict of Interest and Ethics Advisory Council shall review the current statutory disclosure forms located at §§ 2.2-426, 2.2-3117, 2.2-3118, and 30-111 of the Code of Virginia and promulgate revised forms consistent with the provisions of this act. The Council shall submit its proposed revised forms to the General Assembly on or before November 15, 2015.

6. That the provisions of this act requiring the filing of disclosure forms with the Virginia Conflict of Interest and Ethics Advisory Council shall become effective on July 1, 2015, and the first of such disclosure forms filed with the Council shall be such disclosure forms required to be filed by December 15, 2015. All filers required to file a disclosure form for any filing period prior to December 15, 2015, shall file such form with the entity currently responsible for accepting such filings in the manner currently accepted by such entity.

7. That the provisions of this act do not affect the requirement that each lobbyist required to file a report of expenditures pursuant to § 2.2-426 of the Code of Virginia shall file such report by July 1, 2014, for the preceding 12-month period complete through the last day of April and shall thereafter follow the semiannual reporting schedule set forth in § 2.2-426.

8. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

9. That, except as provided in the seventh enactment of this act, the filing period for all filers required to file a disclosure form on December 15, 2014, shall consist of January 2014 complete through the last day of October 2014.

CHAPTER 793

An Act to amend and reenact § 23-9.2:10 of the Code of Virginia, relating to student mental health policies; violence prevention committees.

[H 1268]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 23-9.2:10 of the Code of Virginia is amended and reenacted as follows:

§ 23-9.2:10. Violence prevention committee; threat assessment team.

A. Each public college or university shall have in place policies and procedures for the prevention of violence on campus, including assessment and intervention with individuals whose behavior poses a threat to the safety of the campus community.

B. The board of visitors or other governing body of each public institution of higher education shall determine a committee structure on campus of individuals charged with education and prevention of violence on campus. Each committee shall include representatives from student affairs, law enforcement, human resources, counseling services, residence life, and other constituencies as needed. Such committee shall also consult with legal counsel as needed. Once formed, each committee shall develop a clear statement of: (i) mission, (ii) membership, and (iii) leadership. Such statement shall be published and available to the campus community.

C. Each committee shall be charged with: (i) providing guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a *physical* threat to the community; (ii) ~~identification of~~ *identifying* members of the campus community to whom threatening behavior should be reported; (iii) *establishing policies and procedures that outline circumstances under which all faculty and staff are to report behavior that may represent a physical threat to the community, consistent with state and federal law;* and ~~(iii)~~ (iv) *establishing* policies and procedures for the assessment of individuals whose behavior may present a threat, appropriate means of intervention with such individuals, and sufficient means of action, including interim suspension, referrals to community services boards or health care providers for evaluation or treatment, ~~or~~ *medical separation to resolve potential physical threats, or notification of family members or guardians, or both, unless such notification would prove harmful to the individual in question, consistent with state and federal law.*

D. The board of visitors or other governing body of each public institution of higher education shall establish a specific threat assessment team that shall include members from law enforcement, mental health professionals, representatives of student affairs and human resources, and, if available, college or university counsel. Such team shall implement the assessment, intervention and action policies set forth by the committee pursuant to subsection C.

E. Each threat assessment team shall establish relationships or utilize existing relationships with local and state law-enforcement agencies as well as mental health agencies to expedite assessment and intervention with individuals whose behavior may present a threat to safety. Upon a preliminary determination that an individual poses a threat of violence to self or others, or exhibits significantly disruptive behavior or need for assistance, a threat assessment team may obtain criminal history record information, as provided in §§ 19.2-389 and 19.2-389.1, and health records, as provided in § 32.1-127.1:03. No member of a threat assessment team shall redisclose any criminal history record information or health information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose for which such disclosure was made to the threat assessment team.

CHAPTER 794

An Act to amend and reenact §§ 17.1-275.12, 18.2-67.5:1, 18.2-346, 18.2-348, 18.2-356, 18.2-359, 18.2-361, 18.2-368, 18.2-370, 18.2-370.1, 18.2-371, and 18.2-374.3 of the Code of Virginia, relating to sodomy; penalties.

[S 14]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 17.1-275.12, 18.2-67.5:1, 18.2-346, 18.2-348, 18.2-356, 18.2-359, 18.2-361, 18.2-368, 18.2-370, 18.2-370.1, 18.2-371, and 18.2-374.3 of the Code of Virginia are amended and reenacted as follows:

§ 17.1-275.12. Additional fee for Internet Crimes Against Children Fund.

In addition to the fees provided for by §§ 16.1-69.48:1, 16.1-69.48:1.01, 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.5, 17.1-275.7, 17.1-275.8, 17.1-275.9, 17.1-275.10, and 17.1-275.11, a fee of ~~\$10~~ \$15 upon each felony or misdemeanor conviction shall be assessed as court costs. All fees collected pursuant to this section shall be deposited into the state treasury and credited to the Internet Crimes Against Children Fund.

There is hereby established in the state treasury the Internet Crimes Against Children Fund. Such fund shall consist of all fees collected under this section, moneys appropriated directly to the Fund, and any other grants or gifts made to the Fund. Moneys in the Fund shall be disbursed in the following manner: to the Virginia State Police, 33.3333 percent of the total annual deposits to support the Northern Virginia Internet Crimes Against Children program; to the Department of Criminal Justice Services, 33.3333 percent of the total annual deposits to support the Southern Virginia Internet Crimes Against Children program; to the Department of Criminal Justice Services, 27.7777 percent of the total annual deposits to support grants and training and equipment for local law-enforcement agencies' use in investigating and prosecuting Internet crimes against children; and to the Department of Social Services, 5.5555 percent of the total annual deposits to support the Virginia Child Protection Accountability System established under § 63.2-1530.

§ 18.2-67.5:1. Punishment upon conviction of third misdemeanor offense.

When a person is convicted of sexual battery in violation of § 18.2-67.4, attempted sexual battery in violation of subsection C of § 18.2-67.5, a violation of § 18.2-371 involving consensual intercourse, *anal intercourse*, *cunnilingus*, *fellatio*, or *anilingus* with a child, indecent exposure of himself or procuring another to expose himself in violation of § 18.2-387, or a violation of § 18.2-130, and it is alleged in the warrant, information, or indictment on which the person is convicted and found by the court or jury trying the case that the person has previously been convicted within the ~~ten-year~~ 10-year period immediately preceding the offense charged of two or more of the offenses specified in this section, each such offense occurring on a different date, he ~~shall be~~ is guilty of a Class 6 felony.

§ 18.2-346. Prostitution; commercial sexual conduct; commercial exploitation of a minor; penalties.

A. Any person who, for money or its equivalent, (i) commits adultery, fornication, or any act in violation of § 18.2-361, *performs cunnilingus, fellatio, or anilingus upon or by another person, or engages in anal intercourse* or (ii) offers to commit adultery, fornication, or any act in violation of § 18.2-361, *perform cunnilingus, fellatio, or anilingus upon or by another person, or engage in anal intercourse* and thereafter does any substantial act in furtherance thereof is guilty of prostitution, which is punishable as a Class 1 misdemeanor.

B. Any person who offers money or its equivalent to another for the purpose of engaging in sexual acts as enumerated in subsection A and thereafter does any substantial act in furtherance thereof is guilty of solicitation of prostitution, which is punishable as a Class 1 misdemeanor. However, any person who solicits prostitution from a minor (i) 16 years of age or older is guilty of a Class 6 felony or (ii) younger than 16 years of age is guilty of a Class 5 felony.

§ 18.2-348. Aiding prostitution or illicit sexual intercourse, etc.

It ~~shall be~~ is unlawful for any person or any officer, employee, or agent of any firm, association, or corporation, with knowledge of, or good reason to believe, the immoral purpose of such visit, to take or transport or assist in taking or transporting, or offer to take or transport on foot or in any way, any person to a place, whether within or without any building or structure, used or to be used for the purpose of lewdness, assignation, or prostitution within ~~this the~~ the Commonwealth; or to procure or assist in procuring for the purpose of illicit sexual intercourse, *anal intercourse*, *cunnilingus*, *fellatio*, or *anilingus* or any act violative of § 18.2-361, or to give any information or direction to any person with intent to enable such person to commit an act of prostitution.

§ 18.2-356. Receiving money for procuring person.

Any person who receives any money or other valuable thing for or on account of (i) procuring for or placing in a house of prostitution or elsewhere any person for the purpose of causing such person to engage in unlawful sexual intercourse, *anal intercourse, cunnilingus, fellatio, or anilingus* or any act in violation of § 18.2-361 or (ii) causing any person to engage in forced labor or services, concubinage, prostitution, or the manufacture of any obscene material or child pornography ~~shall~~ **be is** guilty of a Class 4 felony.

§ 18.2-359. Venue for criminal sexual assault or where any person transported for criminal sexual assault, attempted criminal sexual assault, or purposes of unlawful sexual intercourse, crimes against nature, and indecent liberties with children; venue for such crimes when coupled with a violent felony.

A. Any person transporting or attempting to transport through or across ~~this~~ **the** Commonwealth; any person for the purposes of unlawful sexual intercourse, *anal intercourse, cunnilingus, fellatio, or anilingus* or prostitution, or for the purpose of committing any crime specified in § 18.2-361 or 18.2-370, or for the purposes of committing or attempting to commit criminal sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4, may be presented, indicted, tried, and convicted in any county or city in which any part of such transportation occurred.

B. Venue for the trial of any person charged with committing or attempting to commit any crime specified in § 18.2-361 or 18.2-370 or sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 may be had in the county or city in which such crime is alleged to have occurred or, with the concurrence of the attorney for the Commonwealth in the county or city in which the crime is alleged to have occurred, in any county or city through which the victim was transported by the defendant prior to the commission of such offense.

C. Venue for the trial of any person charged with committing or attempting to commit criminal sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 against a person under 18 years of age may be had in the county or city in which such crime is alleged to have occurred or, when the county or city where the offense is alleged to have occurred cannot be determined, then in the county or city where the person under 18 years of age resided at the time of the offense.

D. Venue for the trial of any person charged with committing or attempting to commit (i) any crime specified in § 18.2-361 or 18.2-370 or criminal sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 and (ii) any violent felony as defined in § 17.1-805 or any act of violence as defined in § 19.2-297.1 arising out of the same incident, occurrence, or transaction may be had in the county or city in which any such crime is alleged to have occurred or, with the concurrence of the attorney for the Commonwealth in the county or city in which the crime is alleged to have occurred, in any county or city through which the victim was transported by the defendant in the commission of such offense.

§ 18.2-361. Crimes against nature; penalty.

A. If any person carnally knows in any manner any brute animal; ~~or carnally knows any male or female person by the anus or by or with the mouth,~~ or voluntarily submits to such carnal knowledge, he ~~or she shall be~~ **is** guilty of a Class 6 felony; ~~except as provided in subsection B.~~

B. Any person who performs or causes to be performed cunnilingus, fellatio, anilingus, or anal intercourse upon or by his daughter or granddaughter, son or grandson, brother or sister, or father or mother is guilty of a Class 5 felony. However, if a parent or grandparent commits any such act with his child or grandchild and such child or grandchild is at least 13 but less than 18 years of age at the time of the offense, such parent or grandparent is guilty of a Class 3 felony.

C. For the purposes of this section, parent includes step-parent, grandparent includes step-grandparent, child includes step-child, and grandchild includes step-grandchild.

§ 18.2-368. Placing or leaving wife for prostitution; penalty.

Any person who, by force, fraud, intimidation, or threats, places or leaves; or procures any other person to place or leave his wife in a bawdy place for the purpose of prostitution or unlawful sexual intercourse, ~~shall be~~ **is** guilty of pandering, punishable as a Class 4 felony.

§ 18.2-370. Taking indecent liberties with children; penalties.

A. Any person 18 years of age or over, who, with lascivious intent, knowingly and intentionally commits any of the following acts with any child under the age of 15 years is guilty of a Class 5 felony:

(1) Expose his or her sexual or genital parts to any child to whom such person is not legally married or propose that any such child expose his or her sexual or genital parts to such person; or

(2) [Repealed.]

(3) Propose that any such child feel or fondle his own sexual or genital parts or the sexual or genital parts of such person or propose that such person feel or fondle the sexual or genital parts of any such child; or

(4) Propose to such child the performance of an act of sexual intercourse, *anal intercourse, cunnilingus, fellatio, or anilingus* or any act constituting an offense under § 18.2-361; or

(5) Entice, allure, persuade, or invite any such child to enter any vehicle, room, house, or other place, for any of the purposes set forth in the preceding subdivisions of this ~~section~~ **subsection**.

B. Any person 18 years of age or over who, with lascivious intent, knowingly and intentionally receives money, property, or any other remuneration for allowing, encouraging, or enticing any person under the age of 18 years to perform in or be a subject of sexually explicit visual material as defined in § 18.2-374.1 or who knowingly encourages such person to perform in or be a subject of sexually explicit material; ~~shall be~~ **is** guilty of a Class 5 felony.

C. Any person who is convicted of a second or subsequent violation of this section ~~shall be~~ **is** guilty of a Class 4 felony; provided that (i) the offenses were not part of a common act, transaction or scheme; (ii) the accused was at liberty as

defined in § 53.1-151 between each conviction; and (iii) it is admitted, or found by the jury or judge before whom the person is tried, that the accused was previously convicted of a violation of this section.

D. Any parent, step-parent, grandparent, or step-grandparent who commits a violation of either this section or clause (v) or (vi) of subsection A of § 18.2-370.1 (i) upon his child, step-child, grandchild, or step-grandchild who is at least 15 but less than 18 years of age is guilty of a Class 5 felony or (ii) upon his child, step-child, grandchild, or step-grandchild less than 15 years of age is guilty of a Class 4 felony.

§ 18.2-370.1. Taking indecent liberties with child by person in custodial or supervisory relationship; penalties.

A. Any person 18 years of age or older who, except as provided in § 18.2-370, maintains a custodial or supervisory relationship over a child under the age of 18 and is not legally married to such child and such child is not emancipated who, with lascivious intent, knowingly and intentionally (i) proposes that any such child feel or fondle the sexual or genital parts of such person or that such person feel or handle the sexual or genital parts of the child; or (ii) proposes to such child the performance of an act of sexual intercourse, *anal intercourse, cunnilingus, fellatio, or anilingus* or any act constituting an offense under § 18.2-361; or (iii) exposes his or her sexual or genital parts to such child; or (iv) proposes that any such child expose his or her sexual or genital parts to such person; or (v) proposes to the child that the child engage in sexual intercourse, sodomy or fondling of sexual or genital parts with another person; or (vi) sexually abuses the child as defined in *subdivision 6 of § 18.2-67.10* ~~(6)~~; ~~shall be is~~ guilty of a Class 6 felony.

B. Any person who is convicted of a second or subsequent violation of this section ~~shall be is~~ guilty of a Class 5 felony; provided that (i) the offenses were not part of a common act, transaction or scheme; (ii) the accused was at liberty as defined in § 53.1-151 between each conviction; and (iii) it is admitted, or found by the jury or judge before whom the person is tried, that the accused was previously convicted of a violation of this section.

§ 18.2-371. Causing or encouraging acts rendering children delinquent, abused, etc.; penalty; abandoned infant.

Any person 18 years of age or older, including the parent of any child, who (i) willfully contributes to, encourages, or causes any act, omission, or condition ~~which that~~ renders a child delinquent, in need of services, in need of supervision, or abused or neglected as defined in § 16.1-228; or (ii) engages in consensual sexual intercourse *or anal intercourse with or performs cunnilingus, fellatio, or anilingus upon or by* a child 15 or older not his spouse, child, or grandchild; ~~shall be is~~ guilty of a Class 1 misdemeanor. This section shall not be construed as repealing, modifying, or in any way affecting §§ 18.2-18, 18.2-19, 18.2-61, 18.2-63, and 18.2-347.

If the prosecution under this section is based solely on the accused parent having left the child at a hospital or rescue squad, it shall be an affirmative defense to prosecution of a parent under this section that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended rescue squad that employs emergency medical technicians, within the first 14 days of the child's life. In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably calculated to ensure the child's safety.

§ 18.2-374.3. Use of communications systems to facilitate certain offenses involving children.

A. As used in subsections C, D, and E, "use a communications system" means making personal contact or direct contact through any agent or agency, any print medium, the United States mail, any common carrier or communication common carrier, any electronic communications system, the Internet, or any telecommunications, wire, computer network, or radio communications system.

B. It ~~shall be is~~ unlawful for any person to use a communications system, including but not limited to computers or computer networks or bulletin boards, or any other electronic means for the purposes of procuring or promoting the use of a minor for any activity in violation of § 18.2-370 or 18.2-374.1. A violation of this subsection is a Class 6 felony.

C. It ~~shall be is~~ unlawful for any person 18 years of age or older to use a communications system, including but not limited to computers or computer networks or bulletin boards, or any other electronic means, for the purposes of soliciting, with lascivious intent, any person he knows or has reason to believe is a child younger than 15 years of age to knowingly and intentionally:

1. Expose his sexual or genital parts to any child to whom he is not legally married or propose that any such child expose his sexual or genital parts to such person;
2. Propose that any such child feel or fondle his own sexual or genital parts or the sexual or genital parts of such person or propose that such person feel or fondle the sexual or genital parts of any such child;
3. Propose to such child the performance of an act of sexual intercourse, *anal intercourse, cunnilingus, fellatio, or anilingus* or any act constituting an offense under § 18.2-361; or
4. Entice, allure, persuade, or invite any such child to enter any vehicle, room, house, or other place, for any purposes set forth in the preceding subdivisions.

Any person who violates this subsection is guilty of a Class 5 felony. However, if the person is at least seven years older than the child he knows or has reason to believe is less than 15 years of age, the person shall be punished by a term of imprisonment of not less than five years nor more than 30 years in a state correctional facility, five years of which shall be mandatory minimum term of imprisonment. Any person who commits a second or subsequent violation of this subsection when the person is at least seven years older than the child he knows or has reason to believe is less than 15 years of age shall be punished by a term of imprisonment of not less than 10 years nor more than 40 years, 10 years of which shall be a mandatory minimum term of imprisonment.

D. Any person who uses a communications system, including but not limited to computers or computer networks or bulletin boards, or any other electronic means, for the purposes of soliciting, with lascivious intent, any child he knows or

has reason to believe is at least 15 years of age but younger than 18 years of age to knowingly and intentionally commit any of the activities listed in subsection C if the person is at least seven years older than the child is guilty of a Class 5 felony. Any person who commits a second or subsequent violation of this subsection shall be punished by a term of imprisonment of not less than one nor more than 20 years, one year of which shall be a mandatory minimum term of imprisonment.

E. Any person 18 years of age or older who uses a communications system, including but not limited to computers or computer networks or bulletin boards, or any other electronic means, for the purposes of soliciting any person he knows or has reason to believe is a child younger than 18 years of age for (i) any activity in violation of § 18.2-355 or 18.2-361, (ii) any activity in violation of § 18.2-374.1, or (iii) a violation of § 18.2-374.1:1 is guilty of a Class 5 felony.

2. That an emergency exists and this act is in force from its passage.

3. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 806 of the Acts of Assembly of 2013 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 795

An Act to amend and reenact § 59.1-442 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 59.1-443.3, relating to the Personal Information Privacy Act; use of driver's license information.

[S 40]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-442 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 59.1-443.3 as follows:

§ 59.1-442. Sale of purchaser information; notice required.

A. No merchant, without giving notice to the purchaser, shall sell to any third person information which concerns the purchaser and which is gathered in connection with the sale, rental or exchange of tangible personal property to the purchaser at the merchant's place of business. Notice required by this section may be by the posting of a sign or any other reasonable method. If requested by a purchaser not to sell such information, the merchant shall not do so. No merchant shall sell any information gathered solely as the result of any customer payment by personal check, credit card, or where the merchant records the customer's driver's license number. *This subsection shall not be construed as authorizing a merchant to sell to a third person any information concerning a purchaser if the sale or dissemination of the information is prohibited pursuant to § 59.1-443.3.*

B. For the purposes of this section and § 59.1-443.3, "merchant" means any person or entity engaged in the sale of goods from a fixed retail location in Virginia.

§ 59.1-443.3. Scanning information from driver's license or identification card; retention, sale, or dissemination of information.

A. *No merchant may scan the machine-readable zone of a Department of Motor Vehicles-issued identification card or driver's license, except for the following purposes:*

1. *To verify authenticity of the identification card or driver's license or to verify the identity of the individual if the individual pays for goods or services with a method other than cash, returns an item, or requests a refund or an exchange;*

2. *To verify the individual's age when providing age-restricted goods or services to the individual if there is a reasonable doubt of the individual having reached 18 years of age or older;*

3. *To prevent fraud or other criminal activity if the individual returns an item or requests a refund or an exchange and the merchant uses a fraud prevention service company or system. Information collected by scanning an individual's identification card or driver's license pursuant to this subdivision shall be limited to the individual's name, address, date of birth, and driver's license number or identification card number; or*

4. *To comply with a requirement imposed on the merchant by state or federal law.*

5. *To provide to a check services company regulated by the federal Fair Credit Reporting Act, (15 U.S.C. § 1681 et seq.), that receives information obtained from an individual's identification card or driver's license to administer or enforce a transaction or to prevent fraud or other criminal activity; or*

6. *To complete a transaction permitted under the Gramm-Leach-Bliley Act (15 U.S.C. § 6801 et seq.) or the federal Fair Credit Reporting Act (15 U.S.C. § 1681 et seq.).*

B. *No merchant shall retain any information obtained from a scan of the machine-readable zone of an individual's identification card or driver's license except as permitted in subdivision A 3, 4, 5, or 6.*

C. *No merchant shall sell or disseminate to a third party any information obtained from a scan of the machine-readable zone of an individual's identification card or driver's license for any marketing, advertising, or promotional purpose. This subsection shall not prohibit a merchant from disseminating to a third party any such information for a purpose described in subdivision A 3, 4, 5, or 6.*

D. *Any waiver of a provision of this section is contrary to public policy and is void and unenforceable.*

CHAPTER 796

An Act to amend and reenact § 15.2-2119.2 of the Code of Virginia, relating to discounted water and sewer fees.

[S 67]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2119.2 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2119.2. Discounted fees and charges for certain customers.

~~Any~~ *The City of Richmond or any locality that is the owner of a water and sewer system and that has a population density of 200 persons per square mile or less by ordinance may develop criteria for providing discounted water and sewer fees and charges for low-income, elderly, and or disabled customers.*

CHAPTER 797

An Act to amend and reenact §§ 16.1-253.4 and 19.2-81.3 of the Code of Virginia, relating to arrest for domestic assault; emergency protective orders; definition of law-enforcement officer.

[S 71]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-253.4 and 19.2-81.3 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-253.4. Emergency protective orders authorized in certain cases; penalty.

A. Any judge of a circuit court, general district court, juvenile and domestic relations district court or magistrate may issue a written or oral ex parte emergency protective order pursuant to this section in order to protect the health or safety of any person.

B. When a law-enforcement officer or an allegedly abused person asserts under oath to a judge or magistrate, and on that assertion or other evidence the judge or magistrate (i) finds that a warrant for a violation of § 18.2-57.2 has been issued or issues a warrant for violation of § 18.2-57.2 and finds that there is probable danger of further acts of family abuse against a family or household member by the respondent or (ii) finds that reasonable grounds exist to believe that the respondent has committed family abuse and there is probable danger of a further such offense against a family or household member by the respondent, the judge or magistrate shall issue an ex parte emergency protective order, except if the respondent is a minor, an emergency protective order shall not be required, imposing one or more of the following conditions on the respondent:

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;
2. Prohibiting such contacts by the respondent with the allegedly abused person or family or household members of the allegedly abused person as the judge or magistrate deems necessary to protect the safety of such persons; and
3. Granting the family or household member possession of the premises occupied by the parties to the exclusion of the respondent; however, no such grant of possession shall affect title to any real or personal property.

When the judge or magistrate considers the issuance of an emergency protective order pursuant to clause (i), he shall presume that there is probable danger of further acts of family abuse against a family or household member by the respondent unless the presumption is rebutted by the allegedly abused person.

C. An emergency protective order issued pursuant to this section shall expire at 11:59 p.m. on the third day following issuance. If the expiration occurs on a day that the court is not in session, the emergency protective order shall be extended until 11:59 p.m. on the next day that the juvenile and domestic relations district court is in session. When issuing an emergency protective order under this section, the judge or magistrate shall provide the protected person or the law-enforcement officer seeking the emergency protective order with the form for use in filing petitions pursuant to § 16.1-253.1 and written information regarding protective orders that shall include the telephone numbers of domestic violence agencies and legal referral sources on a form prepared by the Supreme Court. If these forms are provided to a law-enforcement officer, the officer may provide these forms to the protected person when giving the emergency protective order to the protected person. The respondent may at any time file a motion with the court requesting a hearing to dissolve or modify the order issued hereunder. The hearing on the motion shall be given precedence on the docket of the court.

D. A law-enforcement officer may request an emergency protective order pursuant to this section and, if the person in need of protection is physically or mentally incapable of filing a petition pursuant to § 16.1-253.1 or 16.1-279.1, may request the extension of an emergency protective order for an additional period of time not to exceed three days after expiration of the original order. The request for an emergency protective order or extension of an order may be made orally, in person or by electronic means, and the judge of a circuit court, general district court, or juvenile and domestic relations district court or a magistrate may issue an oral emergency protective order. An oral emergency protective order issued pursuant to this section shall be reduced to writing, by the law-enforcement officer requesting the order or the magistrate on a preprinted form approved and provided by the Supreme Court of Virginia. The completed form shall include a statement of the grounds for the order asserted by the officer or the allegedly abused person.

E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court or magistrate. A copy of an emergency protective order issued pursuant to this section containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the respondent. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. One copy of the order shall be given to the allegedly abused person when it is issued, and one copy shall be filed with the written report required by subsection D of § 19.2-81.3. The judge or magistrate who issues an oral order pursuant to an electronic request by a law-enforcement officer shall verify the written order to determine whether the officer who reduced it to writing accurately transcribed the contents of the oral order. The original copy shall be filed with the clerk of the juvenile and domestic relations district court within five business days of the issuance of the order. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court. Upon request, the clerk shall provide the allegedly abused person with information regarding the date and time of service.

F. The availability of an emergency protective order shall not be affected by the fact that the family or household member left the premises to avoid the danger of family abuse by the respondent.

G. The issuance of an emergency protective order shall not be considered evidence of any wrongdoing by the respondent.

H. As used in this section, a "law-enforcement officer" means ~~any~~ (i) any full-time or part-time employee of a police department or sheriff's office which is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth ~~and~~; (ii) any member of an auxiliary police force established pursuant to § 15.2-1731; and (iii) any special conservator of the peace who meets the certification requirements for a law-enforcement officer as set forth in § 15.2-1706. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

J. As used in this section, "copy" includes a facsimile copy.

K. No fee shall be charged for filing or serving any petition or order pursuant to this section.

§ 19.2-81.3. Arrest without a warrant authorized in cases of assault and battery against a family or household member and stalking and for violations of protective orders; procedure, etc.

A. Any law-enforcement officer with the powers of arrest ~~under subsection A of § 19.2-81~~ may arrest without a warrant for an alleged violation of § 18.2-57.2, 18.2-60.4, or 16.1-253.2 regardless of whether such violation was committed in his presence, if such arrest is based on probable cause or upon personal observations or the reasonable complaint of a person who observed the alleged offense or upon personal investigation.

B. A law-enforcement officer having probable cause to believe that a violation of § 18.2-57.2 or 16.1-253.2 has occurred shall arrest and take into custody the person he has probable cause to believe, based on the totality of the circumstances, was the predominant physical aggressor unless there are special circumstances which would dictate a course of action other than an arrest. The standards for determining who is the predominant physical aggressor shall be based on the following considerations: (i) who was the first aggressor, (ii) the protection of the health and safety of family and household members, (iii) prior complaints of family abuse by the allegedly abusing person involving the family or household members, (iv) the relative severity of the injuries inflicted on persons involved in the incident, (v) whether any injuries were inflicted in self-defense, (vi) witness statements, and (vii) other observations.

C. A law-enforcement officer having probable cause to believe that a violation of § 18.2-60.4 has occurred that involves physical aggression shall arrest and take into custody the person he has probable cause to believe, based on the totality of the circumstances, was the predominant physical aggressor unless there are special circumstances which would dictate a course of action other than an arrest. The standards for determining who is the predominant physical aggressor shall be based on the following considerations: (i) who was the first aggressor, (ii) the protection of the health and safety of the person to whom the protective order was issued and the person's family and household members, (iii) prior acts of violence, force, or threat, as defined in § 19.2-152.7:1, by the person against whom the protective order was issued against the person protected by the order or the protected person's family or household members, (iv) the relative severity of the injuries inflicted on persons involved in the incident, (v) whether any injuries were inflicted in self-defense, (vi) witness statements, and (vii) other observations.

D. Regardless of whether an arrest is made, the officer shall file a written report with his department, which shall state whether any arrests were made, and if so, the number of arrests, specifically including any incident in which he has probable cause to believe family abuse has occurred, and, where required, including a complete statement in writing that there are special circumstances that would dictate a course of action other than an arrest. The officer shall provide the allegedly abused person or the person protected by an order issued pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, both orally and in writing, information regarding the legal and community resources available to the allegedly abused person or person protected by the order. Upon request of the allegedly abused person or person protected by the order, the department shall make a summary of the report available to the allegedly abused person or person protected by the order.

E. In every case in which a law-enforcement officer makes an arrest under this section for a violation of § 18.2-57.2, he shall petition for an emergency protective order as authorized in § 16.1-253.4 when the person arrested and taken into custody is brought before the magistrate, except if the person arrested is a minor, a petition for an emergency protective order shall not be required. Regardless of whether an arrest is made, if the officer has probable cause to believe that a danger of acts of family abuse exists, the law-enforcement officer shall seek an emergency protective order under § 16.1-253.4, except if the suspected abuser is a minor, a petition for an emergency protective order shall not be required.

F. A law-enforcement officer investigating any complaint of family abuse, including but not limited to assault and battery against a family or household member shall, upon request, transport, or arrange for the transportation of an abused person to a hospital or safe shelter, or to appear before a magistrate. Any local law-enforcement agency may adopt a policy requiring an officer to transport or arrange for transportation of an abused person as provided in this subsection.

G. The definition of "family or household member" in § 16.1-228 applies to this section.

H. As used in this section, a "law-enforcement officer" means (i) any full-time or part-time employee of a police department or sheriff's office which is part of or administered by the Commonwealth or any political subdivision thereof, and any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of this Commonwealth ~~and~~; (ii) any member of an auxiliary police force established pursuant to § 15.2-1731; and (iii) any special conservator of the peace who meets the certification requirements for a law-enforcement officer as set forth in § 15.2-1706. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

CHAPTER 798

An Act to amend and reenact § 29.1-300.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 29.1-305.2, relating to special fox hunting licenses.

[S 145]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-300.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 29.1-305.2 as follows:

§ 29.1-300.1. Certification of competence in hunter education.

A. Except as provided in subsection B of this section and §§ 29.1-300.4 and 29.1-305.2, no hunting license shall be issued to (i) a person who has never obtained a license to hunt in any state or country, or (ii) a person who is under the age of sixteen, unless such a person presents to the Board of Game and Inland Fisheries or one of its authorized license vendors, a certificate of completion in hunter education issued or authorized by the Board under the hunter education program, or proof that he holds the equivalent certificate obtained from an authorized agency or association of another state or country.

B. Although a resident under the age of twelve is not required to obtain a license to hunt, any person under the age of twelve, or an individual on his behalf, may purchase a Virginia hunting license or a junior lifetime hunting license pursuant to § 29.1-302.1, without completing a hunter education program as required in subsection A of this section, provided that no person under the age of twelve shall hunt unless accompanied and directly supervised by an adult who has, on his person, a valid Virginia hunting license. The junior lifetime hunting license issued to an individual under the age of twelve shall become invalid on the individual's twelfth birthday and remain invalid until certification of competence in hunter education

is shown as provided in this section. A lifetime license, indicating the completion of hunter education or an equivalent certificate, shall be reissued at no cost when such proof is provided.

The adult shall be responsible for such supervision. For the purposes of this section, "adult" means the parent or legal guardian of the person under age twelve, or such person over the age of eighteen designated by the parent or legal guardian.

"Accompanied and directly supervised" means that the adult is within sight of the person under the age of twelve.

C. This section shall not apply to persons while on horseback hunting foxes with hounds but without firearms.

§ 29.1-305.2. Special fox hunting licenses.

There shall be a special license for hunting foxes on horseback with hounds but without firearms. The special license shall exempt the licensee from the hunter education requirement of § 29.1-300.1. The fee for the special license shall be the same as any license required by § 29.1-303 and shall be subject to subsequent revision by the Board pursuant to § 29.1-103. This special license shall not be required of any person holding a hunting license required by § 29.1-303.

CHAPTER 799

An Act to amend and reenact § 23-9.2:10 of the Code of Virginia, relating to student mental health policies; violence prevention committees.

[S 239]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 23-9.2:10 of the Code of Virginia is amended and reenacted as follows:

§ 23-9.2:10. Violence prevention committee; threat assessment team.

A. Each public college or university shall have in place policies and procedures for the prevention of violence on campus, including assessment and intervention with individuals whose behavior poses a threat to the safety of the campus community.

B. The board of visitors or other governing body of each public institution of higher education shall determine a committee structure on campus of individuals charged with education and prevention of violence on campus. Each committee shall include representatives from student affairs, law enforcement, human resources, counseling services, residence life, and other constituencies as needed. Such committee shall also consult with legal counsel as needed. Once formed, each committee shall develop a clear statement of: (i) mission, (ii) membership, and (iii) leadership. Such statement shall be published and available to the campus community.

C. Each committee shall be charged with: (i) providing guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a *physical* threat to the community; (ii) ~~identification of~~ *identifying* members of the campus community to whom threatening behavior should be reported; (iii) *establishing policies and procedures that outline circumstances under which all faculty and staff are to report behavior that may represent a physical threat to the community, consistent with state and federal law;* and ~~(iii)~~ (iv) *establishing policies and procedures for the assessment of individuals whose behavior may present a threat, appropriate means of intervention with such individuals, and sufficient means of action, including interim suspension, referrals to community services boards or health care providers for evaluation or treatment, or medical separation to resolve potential physical threats, or notification of family members or guardians, or both, unless such notification would prove harmful to the individual in question, consistent with state and federal law.*

D. The board of visitors or other governing body of each public institution of higher education shall establish a specific threat assessment team that shall include members from law enforcement, mental health professionals, representatives of student affairs and human resources, and, if available, college or university counsel. Such team shall implement the assessment, intervention and action policies set forth by the committee pursuant to subsection C.

E. Each threat assessment team shall establish relationships or utilize existing relationships with local and state law-enforcement agencies as well as mental health agencies to expedite assessment and intervention with individuals whose behavior may present a threat to safety. Upon a preliminary determination that an individual poses a threat of violence to self or others, or exhibits significantly disruptive behavior or need for assistance, a threat assessment team may obtain criminal history record information, as provided in §§ 19.2-389 and 19.2-389.1, and health records, as provided in § 32.1-127.1:03. No member of a threat assessment team shall redisclose any criminal history record information or health information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose for which such disclosure was made to the threat assessment team.

CHAPTER 800

An Act to amend and reenact §§ 46.2-920 and 46.2-1023 of the Code of Virginia, relating to emergency vehicles of the Virginia National Guard.

[S 376]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-920 and 46.2-1023 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-920. Certain vehicles exempt from regulations in certain situations; exceptions and additional requirements.

A. The driver of any emergency vehicle, when such vehicle is being used in the performance of public services, and when such vehicle is operated under emergency conditions, may, without subjecting himself to criminal prosecution:

1. Disregard speed limits, while having due regard for safety of persons and property;
2. Proceed past any steady or flashing red signal, traffic light, stop sign, or device indicating moving traffic shall stop if the speed of the vehicle is sufficiently reduced to enable it to pass a signal, traffic light, or device with due regard to the safety of persons and property;
3. Park or stop notwithstanding the other provisions of this chapter;
4. Disregard regulations governing a direction of movement of vehicles turning in specified directions so long as the operator does not endanger life or property;
5. Pass or overtake, with due regard to the safety of persons and property, another vehicle at any intersection;
6. Pass or overtake with due regard to the safety of persons and property, while en route to an emergency, stopped or slow-moving vehicles, by going to the left of the stopped or slow-moving vehicle either in a no-passing zone or by crossing the highway centerline; or
7. Pass or overtake with due regard to the safety of persons and property, while en route to an emergency, stopped or slow-moving vehicles, by going off the paved or main traveled portion of the roadway on the right. Notwithstanding other provisions of this section, vehicles exempted in this instance will not be required to sound a siren or any device to give automatically intermittent signals.

B. The exemptions granted to emergency vehicles by subsection A in subdivisions A1, A3, A4, A5, and A6 shall apply only when the operator of such vehicle displays a flashing, blinking, or alternating emergency light or lights as provided in §§ 46.2-1022 and 46.2-1023 and sounds a siren, exhaust whistle, or air horn designed to give automatically intermittent signals, as may be reasonably necessary. The exemption granted under subdivision A 2 shall apply only when the operator of such emergency vehicle displays a flashing, blinking, or alternating emergency light or lights as provided in §§ 46.2-1022 and 46.2-1023 and either (a) sounds a siren, exhaust whistle, or air horn designed to give automatically intermittent signals or (b) slows the vehicle down to a speed reasonable for the existing conditions, yields right-of-way to the driver of another vehicle approaching or entering the intersection from another direction or, if required for safety, brings the vehicle to a complete stop before proceeding with due regard for the safety of persons and property. In addition, the exemptions granted to emergency vehicles by subsection A shall apply only when there is in force and effect for such vehicle either (i) standard motor vehicle liability insurance covering injury or death to any person in the sum of at least \$100,000 because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of \$300,000 because of bodily injury to or death of two or more persons in any one accident, and to a limit of \$20,000 because of injury to or destruction of property of others in any one accident or (ii) a certificate of self-insurance issued pursuant to § 46.2-368. Such exemptions shall not, however, protect the operator of any such vehicle from criminal prosecution for conduct constituting reckless disregard of the safety of persons and property. Nothing in this section shall release the operator of any such vehicle from civil liability for failure to use reasonable care in such operation.

C. For the purposes of this section, the term "emergency vehicle" shall mean:

1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer (i) in the chase or apprehension of violators of the law or persons charged with or suspected of any such violation or (ii) in response to an emergency call;
2. Any regional detention center vehicle operated by or under the direction of a correctional officer responding to an emergency call or operating in an emergency situation;
3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when traveling in response to a fire alarm or emergency call;
4. Any ambulance, rescue, or life-saving vehicle designed or used for the principal purpose of supplying resuscitation or emergency relief where human life is endangered;
5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services vehicle, when responding to an emergency call or operating in an emergency situation;
6. Any Department of Corrections vehicle designated by the Director of the Department of Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a request for assistance from a law-enforcement officer; ~~and~~
7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and white secondary warning lights under the provisions of § 46.2-1029.2; *and*
8. *Any Virginia National Guard Civil Support Team vehicle when responding to an emergency.*

D. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer may disregard speed limits, while having due regard for safety of persons and property, (i) in testing the accuracy of speedometers of such vehicles, (ii) in testing the accuracy of speed measuring devices specified in § 46.2-882, or (iii) in following another vehicle for the purpose of determining its speed.

E. A Department of Environmental Quality vehicle, while en route to an emergency and with due regard to the safety of persons and property, may overtake and pass stopped or slow-moving vehicles by going off the paved or main traveled portion of the highway on the right or on the left. These Department of Environmental Quality vehicles shall not be required to sound a siren or any device to give automatically intermittent signals, but shall display red or red and white warning lights when performing such maneuvers.

F. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer while conducting a funeral escort, wide-load escort, dignitary escort, or any other escort necessary for the safe movement of vehicles and pedestrians may, without subjecting himself to criminal prosecution:

1. Disregard speed limits, while having due regard for safety of persons and property;
2. Proceed past any steady or flashing red signal, traffic light, stop sign, or device indicating moving traffic shall stop if the speed of the vehicle is sufficiently reduced to enable it to pass a signal, traffic light, or device with due regard for the safety of persons and property;
3. Park or stop notwithstanding the other provisions of this chapter;
4. Disregard regulations governing a direction of movement of vehicles turning in specified directions so long as the operator does not endanger life or property; or
5. Pass or overtake, with due regard for the safety of persons and property, another vehicle.

Notwithstanding other provisions of this section, vehicles exempted in this subsection may sound a siren or any device to give automatically intermittent signals.

§ 46.2-1023. Flashing red or red and white warning lights.

Fire apparatus, forest warden vehicles, ambulances, rescue and life-saving vehicles, vehicles of the Department of Emergency Management, vehicles of the Department of Environmental Quality, *vehicles of the Virginia National Guard Civil Support Team when responding to an emergency*, vehicles of county, city, or town Departments of Emergency Management, vehicles of the Office of Emergency Medical Services, animal warden vehicles, and vehicles used by security personnel of the ~~Northrop Grumman Shipbuilding, Inc.~~ *Huntington Ingalls Incorporated*, Bassett-Walker, Inc., the Winchester Medical Center, the National Aeronautics and Space Administration's Wallops Flight Facility, and, within those areas specified in their orders of appointment, by special conservators of the peace and policemen for certain places appointed pursuant to §§ 19.2-13 and 19.2-17 may be equipped with flashing, blinking, or alternating red or red and white combination warning lights of types approved by the Superintendent. Such warning lights may be of types constructed within turn signal housings or motorcycle headlight housings, subject to approval by the Superintendent.

CHAPTER 801

An Act to amend the Code of Virginia by adding a section numbered 15.2-1627.5, relating to local multidisciplinary child sexual abuse response teams.

[S 421]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-1627.5 as follows:

§ 15.2-1627.5. Coordination of multidisciplinary response to child sexual abuse.

A. The attorney for the Commonwealth in each jurisdiction in the Commonwealth shall establish a multidisciplinary child sexual abuse response team, which may be an existing multidisciplinary team. The multidisciplinary team shall conduct regular reviews of new and ongoing reports of felony sex offenses in the jurisdiction involving a child and the investigations thereof and, at the request of any member of the team, may conduct reviews of any other reports of child abuse and neglect or sex offenses in the jurisdiction involving a child and the investigations thereof. The multidisciplinary team shall meet frequently enough to ensure that no new or ongoing reports go more than 60 days without being reviewed by the team.

B. The following individuals, or their designees, shall participate in review meetings of the multidisciplinary team: the attorney for the Commonwealth; law-enforcement officials responsible for the investigation of sex offenses involving a child in the jurisdiction; a representative of the local child protective services unit; a representative of a child advocacy center serving the jurisdiction, if one exists; and a representative of an Internet Crimes Against Children task force affiliate agency serving the jurisdiction, if one exists. In addition, the attorney for the Commonwealth may invite other individuals, or their designees, including the school superintendent of the jurisdiction; a representative of any sexual assault crisis center serving the jurisdiction, if one exists; the director of the victim/witness program serving the jurisdiction, if one exists; and a health professional knowledgeable in the treatment and provision of services to children who have been sexually abused.

2. That the provisions of this act shall become effective on July 1, 2015.

3. That the Department of Criminal Justice Services shall disseminate sample guidelines for protocols, procedures, and memoranda of understanding for multidisciplinary child sexual abuse response teams that may be implemented by such teams.

CHAPTER 802

An Act to amend and reenact § 58.1-3330 of the Code of Virginia, relating to real property tax; notice of assessment.

[S 480]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3330 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3330. Notice of change in assessment.

A. Whenever in any county, city or town there is a reassessment of real estate, or any change in the assessed value of any real estate, notice shall be given by mail directly to each property owner, as shown by the land books of the county, city or town whose assessment has been changed. Such notice shall be sent by postpaid mail at least fifteen days prior to the date of a hearing to protest such change to the address of the property owner as shown on such land books. The governing body of the county, city or town shall require the officer of such county, city or town charged with the assessment of real estate to send such notices or it shall provide funds or services to the persons making such reassessment so that such persons can send such notices.

B. Every notice shall, among other matters, show the magisterial or other district, if any, in which the real estate is located, the amount and the new and immediately prior ~~two appraised assessed value values~~ ~~of improvements; and the new and immediately prior assessed value~~ ~~of each if different from the appraised value.~~ values of improvements, and the new and immediately prior assessed value of each if different from the appraised value. It shall further set out the time and place at which persons may appear before the officers making such reassessment or change and present objections thereto. *The notice shall also inform each property owner of the right to view and make copies of records maintained by the local assessment office pursuant to §§ 58.1-3331 and 58.1-3332, and inform each property owner that the records available and the procedure for accessing them are set out in §§ 58.1-3331 and 58.1-3332.* In counties that have elected by ordinance to prepare land and personal property books in alphabetical order as authorized by § 58.1-3301 B, such notice may omit reference to districts, as provided herein.

The following requirements shall apply to any notice of change in assessment other than one in which the change arises solely from the construction or addition of new improvements to the real estate. If the tax rate that will apply to the new assessed value has been established, then the notice shall set out such rate. *In addition, whether or not the tax rate applicable to the new assessed value has been established, the notice shall set out the tax rates for the immediately prior two tax years, the total amount of the new tax levy, based on the current tax rate at the time the notices are prepared, and the amounts of the total tax levies for the immediately prior two tax years, and the percentage change changes in the new tax levy from the tax levies in the immediately prior ~~one~~ two tax years.*

If the tax rate that will apply to the new assessed value has not been established, then the notice shall set out the time and place of the next meeting of the local governing body at which public testimony will be accepted on any real estate tax rate changes. If this meeting will be more than 60 days from the date of the reassessment notice, then instead of the date of the meeting, the notice shall include information on when the date of the meeting will be set and where it will be publicized.

C. Any person other than the owner who receives such reassessment notice, shall transmit the notice to such owner, at his last known address, immediately on receipt thereof, and shall be liable to such owner in an action at law for liquidated damages in the amount of twenty-five dollars, in the event of a failure to so transmit the notice. Mailing such notice to the last known address of the property owner shall be deemed to satisfy the requirements of this section.

D. Notwithstanding the provisions of this section, if the address of the taxpayer as shown on the tax record is in care of a lender, the lender shall upon request furnish the county, city or town a list of such property owners, together with their current addresses as they appear on the books of the lender, or the parties may by agreement permit the lender to forward such notices to the property owner, with the cost of postage to be paid by the county, city or town.

CHAPTER 803

An Act to amend and reenact §§ 46.2-341.4, 46.2-341.8, 46.2-341.10, 46.2-341.12, 46.2-341.14, 46.2-341.14:1, 46.2-341.14:2, 46.2-341.14:5, 46.2-341.14:6, 46.2-341.16, 46.2-341.20, 46.2-341.20:2, 46.2-341.20:4, 46.2-341.20:5, 46.2-348, 46.2-379, and 46.2-1078.1 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 46.2-341.14:01 and 46.2-341.20:6, relating to commercial driver's licenses, driver's license examinations, and disclosure of crash reports by Department of Motor Vehicles.

[S 565]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-341.4, 46.2-341.8, 46.2-341.10, 46.2-341.12, 46.2-341.14, 46.2-341.14:1, 46.2-341.14:2, 46.2-341.14:5, 46.2-341.14:6, 46.2-341.16, 46.2-341.20, 46.2-341.20:2, 46.2-341.20:4, 46.2-341.20:5, 46.2-348, 46.2-379, and 46.2-1078.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 46.2-341.14:01 and 46.2-341.20:6 as follows:

§ 46.2-341.4. Definitions.

The following definitions shall apply to this article, unless a different meaning is clearly required by the context:

"Air brake" means, ~~for the purposes of the skills test and the restriction,~~ any braking system operating fully or partially on the air brake principle.

"Applicant" means an individual who applies to obtain, transfer, upgrade, or renew a commercial driver's license or to obtain or renew a commercial driver's instruction permit.

"Automatic transmission" means, for the purposes of the skills test and the restriction, any transmission other than a manual transmission.

"CDLIS driver record" means the electronic record of the individual commercial driver's status and history stored by the State of Record as part of the Commercial Driver's License Information System (CDLIS).

"Commercial driver's instruction permit" means a permit issued to an individual in accordance with the provisions of this article, or if issued by another state, a permit issued in accordance with the standards contained in the Federal Motor Carrier Safety Regulations, which, when carried with a valid driver's license issued by the same state or jurisdiction, authorizes the individual to operate a class of commercial motor vehicle when accompanied by a holder of a valid commercial driver's license for purposes of behind-the-wheel training. When issued to a commercial driver's license holder, a commercial driver's instruction permit serves as authorization for accompanied behind-the-wheel training in a commercial motor vehicle for which the holder's current commercial driver's license is not valid. For purposes of this article "Commercial driver's instruction permit" shall have the same meaning as "Commercial learner's permit (CLP)" in 49 C.F.R § 383.5 of the Federal Motor Carrier Safety regulations.

"Commercial driver's license" means any driver's license issued to a person in accordance with the provisions of this article, or if the license is issued by another state, any license issued to a person in accordance with the federal Commercial Motor Vehicle Safety Act, which authorizes such person to drive a commercial motor vehicle of the class and type and with the restrictions indicated on the license.

"Commercial driver's license information system" (CDLIS) means the CDLIS established by the Federal Motor Carrier Safety Administration pursuant to § 12007 of the Commercial Motor Vehicle Safety Act of 1986.

"Commercial motor vehicle" means, except for those vehicles specifically excluded in this definition, every motor vehicle, vehicle or combination of vehicles used to transport passengers or property which either: (i) has a gross vehicle weight rating of 26,001 or more pounds; or (ii) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed vehicle with a gross vehicle weight rating of more than 10,000 pounds; or (iii) is designed to transport 16 or more passengers including the driver; or (iv) is of any size and is used in the transportation of hazardous materials as defined in this section. Every such motor vehicle or combination of vehicles shall be considered a commercial motor vehicle whether or not it is used in a commercial or profit-making activity.

The following shall be excluded from the definition of commercial motor vehicle: any vehicle when used by an individual solely for his own personal purposes, such as personal recreational activities; or any vehicle which (i) is controlled and operated by a farmer, whether or not it is owned by the farmer, and which is used exclusively for farm use, as defined in § 46.2-698, (ii) is used to transport either agricultural products, farm machinery or farm supplies to or from a farm, (iii) is not used in the operation of a common or contract motor carrier, and (iv) is used within 150 miles of the farmer's farm; or any vehicle operated for military purposes by (a) active duty military personnel, (b) members of the military reserves, (c) members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians (civilians who are required to wear military uniforms), but not U.S. Reserve technicians, and (d) active duty U.S. Coast Guard personnel; or emergency equipment operated by a member of a firefighting, rescue, or emergency entity in the performance of his official duties.

"Commercial Motor Vehicle Safety Act" means the federal Commercial Motor Vehicle Safety Act of 1986, Title XII of Public Law 99-570, as amended.

"Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction, an unvacated forfeiture of bond, bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court costs in lieu of trial, a violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or probated, or, for the purposes of alcohol or drug-related offenses involving the operation of a motor vehicle, a civil or an administrative determination of a violation. For the purposes of this definition, an administrative determination shall include an unvacated certification or finding by an administrative or authorized law-enforcement official that a person has violated a provision of law.

"Disqualification" means a prohibition against driving, operating or being in physical control of a commercial motor vehicle for a specified period of time, imposed by a court or a magistrate, or by an authorized administrative or law-enforcement official or body.

"Domicile" means a person's true, fixed and permanent home and principal residence, to which he intends to return whenever he is absent.

"Employee" means a payroll employee or person employed under lease or contract, or a person who has applied for employment and whose employment is contingent upon obtaining a commercial driver's license.

"Employer" means a person who owns or leases commercial motor vehicles and assigns employees to drive such vehicles.

"Endorsement" means an authorization to an individual's commercial driver's license or commercial driver's instruction permit required to permit the individual to operate certain types of commercial motor vehicles.

"FMCSA" means the Federal Motor Carrier Safety Administration.

"Full air brake ~~restriction~~" means, ~~for the purposes of the skills test and restriction, air over hydraulic brakes, including any braking system operating partially fully on the air brake and partially on the hydraulic brake principle.~~

"Gross combination weight rating" means the value specified by the manufacturers of an articulated vehicle or combination of vehicles as the maximum loaded weight of such vehicles. In the absence of such a value specified by the manufacturer, for law-enforcement purposes, the gross combination weight rating shall be the greater of (i) the gross vehicle weight rating of the power units of the combination vehicle plus the total weight of the towed units, including any loads thereon, or (ii) the gross weight at which the articulated vehicle or combination of vehicles is registered in its state of registration; however, the registered gross weight shall not be applicable for determining the classification of an articulated vehicle or combination of vehicles for purposes of skills testing pursuant to § 46.2-341.14 or 46.2-341.16.

"Gross vehicle weight rating" means the value specified by the manufacturer of the vehicle as the maximum loaded weight of a single vehicle. In the absence of such a value specified by the manufacturer, for law-enforcement purposes, the gross vehicle weight rating shall be the greater of (i) the actual gross weight of the vehicle, including any load thereon; or (ii) the gross weight at which the vehicle is registered in its state of registration; however, the registered gross weight of the vehicle shall not be applicable for determining the classification of a vehicle for purposes of skills testing pursuant to § 46.2-341.14 or 46.2-341.16.

"Hazardous materials" means materials designated to be hazardous in accordance with § 103 of the federal Hazardous Materials Transportation Act, as amended, (49 U.S.C. § 5101 et seq.) and which require placarding when transported by motor vehicle as provided in the federal Hazardous Materials Regulations (49 C.F.R. Part 172, Subpart F); it also includes any quantity of any material listed as a select agent or toxin in federal Public Health Service Regulations at 42 C.F.R. Part 73.

"Manual transmission" (also known as a stick shift, stick, straight drive, or standard transmission) means a transmission utilizing a driver-operated clutch that is activated by a pedal or lever and a gear-shift mechanism operated by either hand or foot.

"Non-commercial driver's license" means any other type of motor vehicle license, such as an automobile driver's license, a chauffeur's license, or a motorcycle license.

"Out-of-service order" or "out-of-service declaration" means an order by a judicial officer pursuant to § 46.2-341.26:2 or 46.2-341.26:3 or an order or declaration by an authorized law-enforcement officer under § 46.2-1001 or regulations promulgated pursuant to § 52-8.4 relating to Motor Carrier Safety, and including similar actions by authorized judicial officers or enforcement officers acting pursuant to similar laws of other states, the United States, the Canadian Provinces, Canada, Mexico, and localities within them, and also including actions by federal or other jurisdictions' officers pursuant to federal Motor Carrier Safety Regulations, that a driver, a commercial motor vehicle, or a motor carrier is out of service. Such order or declaration as to a driver means that the driver is prohibited from operating a commercial motor vehicle for the duration of the out-of-service period. Such order or declaration as to a vehicle means that such vehicle cannot be operated until the hazardous condition that resulted in the order or declaration has been removed and the vehicle has been cleared for further operation. Such order or declaration as to a motor carrier means that no vehicle may be operated for or on behalf of such carrier until the out-of-service order or declaration has been lifted. For purposes of this article, the provisions of the federal Motor Carrier Safety Regulations (49 C.F.R. Parts 390 through 397), including such regulations or any substantially similar regulations as may have been adopted by any state of the United States, the Provinces of Canada, Canada, Mexico, or any locality shall be considered laws similar to the Virginia laws referenced herein.

"Person" means a natural person, firm, partnership, association, corporation, or a governmental entity including a school board.

"Restriction" means a prohibition on a commercial driver's license or commercial driver's instruction permit that prohibits the holder from operating certain commercial motor vehicles.

"Seasonal restricted commercial driver's license" means a commercial driver's license issued, under the authority of the waiver promulgated by the federal Department of Transportation (49 C.F.R. § 383.3) by Virginia or any other jurisdiction, to an individual who has not passed the knowledge or skills tests required of other commercial driver's license holders. This license authorizes operation of a commercial motor vehicle only on a seasonal basis, stated on the license, by a seasonal employee of a farm service business, within 150 miles of the place of business or the farm currently being served.

"State" means one of the 50 states of the United States or the District of Columbia.

"Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in 49 C.F.R. Part 171. However, this definition does not include portable tanks having a rated capacity under 1,000 gallons as provided in 49 C.F.R. Part 383. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

"Third party examiner" means an individual who is an employee of a third party tester and who is certified by the Department to administer ~~the skills test~~ tests required for a commercial driver's license.

"Third party tester" means a person (including, but not limited to, another state, a motor carrier, a private institution, *the military*, or a department, agency, or instrumentality of a local government) certified by the Department to employ third party examiners to administer a skills test program for testing commercial driver's license applicants in accordance with this article.

"VAMCSR" means the Virginia Motor Carrier Safety Regulations (~~49 VAC 30-20-10 et seq.~~) (*19VAC30-20*) adopted by the Department of State Police pursuant to § 52-8.4.

§ 46.2-341.8. Nonresidents and new residents.

Any person who is not domiciled in the Commonwealth, who has been duly issued a commercial driver's license or commercial driver's instruction permit by his state of domicile, who has such license or permit in his immediate possession, whose privilege or license to drive any motor vehicle is not suspended, revoked, or cancelled, and who has not been disqualified from driving a commercial motor vehicle, shall be permitted without further examination or licensure by the Commonwealth, to drive a commercial motor vehicle in the Commonwealth.

Within 30 days after becoming domiciled in this Commonwealth, any person who has been issued a commercial driver's license or ~~commercial driver's instruction permit~~ by another state and who intends to drive a commercial motor vehicle shall apply to the Department for a Virginia commercial driver's license or ~~commercial driver's instruction permit~~. If the Commissioner determines that such applicant is otherwise eligible for a commercial driver's license or ~~commercial driver's instruction permit~~, the Department will issue him a Virginia commercial driver's license or ~~commercial driver's instruction permit~~ with the same classification and endorsements as his commercial driver's license or ~~commercial driver's instruction permit~~ from another state, without requiring him to take the knowledge or skills test required for such commercial driver's license or ~~commercial driver's instruction permit~~ in accordance with § 46.2-330. ~~The Commissioner may establish, by regulation, the criteria by which the test requirements for a commercial driver's license may be waived for any such applicant. However, any such applicant seeking to transfer his commercial driver's license and to retain a hazardous materials endorsement shall have, within the two-year period preceding his application for a Virginia commercial driver's license, either (i) passed the required test for such endorsement specified in 49 C.F.R. § 383.121 or (ii) successfully completed a hazardous materials test or training that is given by a third party and that is deemed to substantially cover the same knowledge base as described in 49 C.F.R. § 383.121.~~

§ 46.2-341.10. Special provisions relating to commercial driver's instruction permit.

A. The Department, upon receiving an application on forms prescribed by the Commissioner and upon the applicant's satisfactory completion of the vision and knowledge tests required for the class and type of commercial motor vehicle to be driven by the applicant may, in its discretion, issue to such applicant a commercial driver's instruction permit. Such permit shall ~~expire one year after issuance and be valid for no more than 180 days from the date of issuance. The Department may renew the commercial driver's instruction permit for an additional 180 days without requiring the commercial driver's instruction permit holder to retake the general and endorsement knowledge tests. No additional renewals are permitted. A commercial driver's instruction permit shall~~ entitle the applicant to drive a commercial motor vehicle of the class and type designated on the permit, but only when accompanied by a person licensed to drive the class and type of commercial motor vehicle driven by the applicant. The person accompanying the permit holder shall occupy the seat closest to the driver's seat for the purpose of giving instruction to the permit holder in driving the commercial motor vehicle.

B. No person shall be issued a commercial driver's instruction permit unless he possesses a valid Virginia driver's license or has satisfied all the requirements necessary to obtain such a license.

C. A commercial driver's instruction permit holder with a passenger (P) endorsement (i) must have taken and passed the P endorsement knowledge test and (ii) is prohibited from operating a commercial motor vehicle carrying passengers, other than federal or state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the commercial driver's instruction permit holder. The P endorsement must be class specific.

D. A commercial driver's instruction permit holder with a school bus (S) endorsement (i) must have taken and passed the S endorsement knowledge test and (ii) is prohibited from operating a school bus with passengers other than federal or state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the commercial driver's instruction permit holder. No person shall be issued a commercial driver's instruction permit to drive school buses or to drive any commercial vehicle to transport children to or from activities sponsored by a school or by a child day care facility licensed, regulated, or approved by the Virginia Department of Social Services during any period in which he is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

E. A commercial driver's instruction permit holder with a tank vehicle (N) endorsement (i) must have taken and passed the N endorsement knowledge test and (ii) may only operate an empty tank vehicle and is prohibited from operating any tank vehicle that previously contained hazardous materials that has not been purged of any residue.

F. The issuance of a commercial driver's instruction permit is a precondition to the initial issuance of a commercial driver's license and to the upgrade of a commercial driver's license if the upgrade requires a skills test. The commercial driver's instruction permit holder is not eligible to take the commercial driver's license skills test until he has held the permit for the required period of time specified in § 46.2-324.1.

G. Any instruction permit holder who operates a commercial motor vehicle without being accompanied by a licensed driver as provided in this section is guilty of a Class 2 misdemeanor.

H. The Department shall charge a fee of ~~three dollars~~ \$3 for each instruction permit issued under the provisions of this section.

§ 46.2-341.12. Application for commercial driver's license or commercial driver's instruction permit.

A. Every application to the Department for a commercial driver's license or commercial driver's instruction permit shall be made upon a form approved and furnished by the Department, and the applicant shall write his usual signature in ink in the space provided. The applicant shall provide the following information:

1. Full legal name;
2. Current mailing and residential addresses;
3. Physical description including sex, height, weight and eye and hair color;
4. Year, month and date of birth;
5. Social Security number; and
6. Any other information required on the application form.

The applicant's Social Security number shall be provided to the Commercial Driver's License Information System as required by 49 C.F.R. § 383.153.

B. Every applicant for a commercial driver's license or commercial driver's instruction permit shall also submit to the Department the following:

1. A consent to release driving record information;
2. Certifications that:
 - a. He either meets the federal qualification requirements of 49 C.F.R. ~~Part~~ *Parts 383 and 391*, or he is exempt from or is not subject to such federal requirements;
 - b. He either meets the state qualification requirements established pursuant to § 52-8.4, or he is exempt from or is not subject to such requirements;
 - c. The motor vehicle in which the applicant takes the skills test is representative of the class and, if applicable, the type of motor vehicle for which the applicant seeks to be licensed;
 - d. He is not subject to any disqualification, suspension, revocation or cancellation of his driving privileges;
 - e. He does not have more than one driver's license;
3. Other certifications required by the Department;
4. Any evidence required by the Department to establish proof of identity, legal presence, residency, and social security number; and

5. A statement indicating whether (i) the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years and, if so, all states that licensed the applicant and the dates he was licensed, and (ii) whether or not he has ever been disqualified, or his license suspended, revoked or cancelled and, if so, the date of and reason therefor.

C. Every application for a commercial driver's license shall include a photograph of the applicant supplied under arrangements made therefor by the Department in accordance with § 46.2-323.

D. The Department shall disqualify any commercial driver for a period of one year when the records of the Department clearly show to the satisfaction of the Commissioner that such person has made a material false statement on any application or certification made for a commercial driver's license or commercial driver's instruction permit. The Department shall take such action within 30 days after discovering such falsification.

E. The Department shall review the driving record of any person who applies for a Virginia commercial driver's license or commercial driver's instruction permit, for the renewal or reinstatement of such license or permit or for an additional commercial classification or endorsement, including the driving record from all jurisdictions where, during the previous 10 years, the applicant was licensed to drive any type of motor vehicle. Such review shall include checking the photograph on record whenever the applicant or holder appears in person to renew, upgrade, transfer, reinstate, or obtain a duplicate commercial driver's license or *to renew, upgrade, reinstate, or obtain a duplicate* commercial driver's instruction permit. If appropriate, the Department shall incorporate information from such other jurisdictions' records into the applicant's Virginia driving record, and shall make a notation on the applicant's driving record confirming that such review has been completed and the date it was completed. The Department's review shall include research through the Commercial Driver License Information System established pursuant to the Commercial Motor Vehicle Safety Act and the National Driver Register Problem Driver Pointer System in addition to the driver record maintained by the applicant's previous jurisdictions of licensure. This research shall be completed prior to the issuance, renewal, *transfer*, or reinstatement of a commercial driver's license or additional commercial classification or endorsement.

The Department shall verify the name, date of birth, and Social Security number provided by the applicant with the information on file with the Social Security Administration for initial issuance of a commercial driver's instruction permit, transfer of a commercial driver's license from another state or for drivers renewing a commercial driver's license for the first time after July 8, 2011, who have not previously had their Social Security number information verified. The Department shall make a notation in the driver's record confirming that the necessary verification has been completed and noting the date it was done.

F. On and after January 30, 2012, every new applicant for a commercial driver's license or commercial driver's instruction permit, including any person applying for a commercial driver's license or permit after revocation of his driving privileges, who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall provide the Department with an original or certified copy of a medical examiner's certificate prepared by a medical

examiner as defined in 49 C.F.R. ~~Part~~ § 390.5. Upon receipt of an appropriate medical examiner's certificate, the Department shall post a certification status of "certified" on the record of the driver on the Commercial Driver's License Information System. Any new applicant for a commercial driver's license or commercial driver's instruction permit who fails to comply with the requirements of this subsection shall be denied the issuance of a commercial driver's license or commercial driver's instruction permit by the Department.

G. On and after January 30, 2012, but no later than January 30, 2014, every existing holder of a commercial driver's license or commercial driver's instruction permit who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall provide the Department with an original or certified copy of a medical examiner's certificate prepared by a medical examiner as defined in 49 C.F.R. ~~Part~~ § 390.5. Upon receipt of an appropriate medical examiner's certificate, the Department shall post a certification status of "certified" and any other necessary information on the record of the driver on the Commercial Driver's License Information System. If an existing holder of a commercial driver's license fails to provide the Department with a medical certificate as required by this subsection, the Department shall post a certification status of "noncertified" on the record of the driver on the Commercial Driver's License Information System and initiate a downgrade of his commercial driver's license as defined in 49 C.F.R. ~~Part~~ § 383.5.

H. Any person who provides a medical certificate to the Department pursuant to the requirements of subsections F and G shall keep the medical certificate information current and shall notify the Department of any change in the status of the medical certificate. If the Department determines that the medical certificate is no longer valid, the Department shall initiate a downgrade of the driver's commercial driver's license as defined in 49 C.F.R. ~~Part~~ § 383.5.

I. If the Department receives notice that the holder of a commercial driver's license has been issued a medical variance as defined in 49 C.F.R. ~~Part~~ § 390.5, the Department shall indicate the existence of such medical variance on the commercial driver's license document of the driver and on the record of the driver on the Commercial Driver's License Information System using the restriction code "V."

J. Any holder of a commercial driver's license who has been issued a medical variance shall keep the medical variance information current and shall notify the Department of any change in the status of the medical variance. If the Department determines that the medical variance is no longer valid, the Department shall initiate a downgrade of the driver's commercial driver's license as defined in 49 C.F.R. ~~Part~~ § 383.5.

K. Any applicant applying for a hazardous materials endorsement must comply with Transportation Security Administration requirements in 49 C.F.R. Part 1572. A lawful permanent resident of the United States requesting a hazardous materials endorsement must additionally provide his U.S. Citizenship and Immigration Services (USCIS) alien registration number.

§ 46.2-341.14. Testing requirements for commercial driver's license; behind-the-wheel and knowledge examinations.

A. The Department shall conduct an examination of every applicant for a commercial driver's license, which examination shall comply with the minimum federal standards established pursuant to the federal Commercial Motor Vehicle Safety Act. The examination shall be designed to test the vision, knowledge, and skills required for the safe operation of the class and type of commercial motor vehicle for which the applicant seeks a license.

B. An applicant's skills test shall be conducted in a vehicle that is representative of or meets the description of the class of vehicle for which the applicant seeks to be licensed. In addition, applicants who seek to be licensed to drive vehicles with air brakes, passenger-carrying vehicles, or school buses must take the skills test in a vehicle that is representative of such vehicle type. Such vehicle shall be furnished by the applicant and shall be properly licensed, inspected and insured.

C. Prior to April 1, 1992, the Commissioner may waive the skills test for applicants licensed at the time they apply for a commercial driver's license if:

1. The applicant has not, and certifies that he has not, at any time during the two years immediately preceding the date of application:

a. Had more than one driver's license, except during the ten-day period beginning on the date such person is issued a driver's license, or unless, prior to December 31, 1989, such applicant was required to have more than one license by a state law enacted before June 1, 1986;

b. Had any driver's license or driving privilege suspended, revoked or canceled;

c. Had any convictions involving any kind of motor vehicle for the offenses listed in § 46.2-341.18, 46.2-341.19, or 46.2-341.20; and

d. Been convicted of a violation of state or local laws relating to motor vehicle traffic control, other than a parking violation, which violation arose in connection with any reportable traffic accident; and

2. The applicant certifies and provides evidence satisfactory to the Commissioner that he is regularly employed in a job requiring the operation of a commercial motor vehicle, and either:

a. Has previously taken and successfully completed a skills test which was administered by a state with a classified licensing and testing system and that test was behind the wheel in a vehicle representative of the class and, if applicable, the type of commercial motor vehicle for which the applicant seeks to be licensed; or

b. Has operated, for at least two years immediately preceding the application date, a vehicle representative of the class and, if applicable, the type of commercial motor vehicle for which the applicant seeks to be licensed.

D. The Commissioner may, in his discretion, designate such persons as he deems fit, including private or governmental entities, to administer the *knowledge and skills* tests required of applicants for a commercial driver's license. Any person so designated shall comply with all statutes and regulations with respect to the administration of such ~~skills~~ tests.

The Commissioner shall require all state ~~knowledge and skills~~ *third party* test examiners to successfully complete a formal commercial driver's license test examiner training course and examination before certifying them to administer commercial driver's license knowledge and skills tests. ~~State~~ *All state and third party* test examiners shall complete a refresher training course and examination every four years to maintain their commercial driver's license test examiner certification. The refresher training course shall comply with 49 C.F.R. § 384.228. At least once every two years, the Department shall conduct covert and overt monitoring of examinations performed by state *and third party* commercial driver's license ~~skills~~ test examiners.

The Commissioner shall require a nationwide criminal background check of all test examiners at the time of hiring or prior to certifying them to administer commercial driver's license testing. The Commissioner shall complete a nationwide criminal background check for any state or third party test examiners who are current examiners and who have not had a nationwide criminal background check.

The Commissioner shall revoke the certification to administer commercial driver's license tests for any test examiner who (i) does not successfully complete the required refresher training every four years or (ii) does not pass the required nationwide criminal background check. Criteria for not passing the criminal background check include but are not limited to having a felony conviction within the past 10 years or any conviction involving fraudulent activities.

E. Every applicant for a commercial driver's license who is required by the Commissioner to take a vision test shall either (i) appear before a license examiner of the Department of Motor Vehicles to demonstrate his visual acuity and horizontal field of vision; or (ii) submit with his application a copy of the vision examination report which was used as the basis for such examination made within 90 days of the application date by an ophthalmologist or optometrist. The Commissioner may, by regulation, determine whether any other visual tests will satisfy the requirements of this title for commercial drivers.

F. No person who fails the behind-the-wheel examination for a commercial driver's license administered by the Department three times shall be permitted to take such examination a fourth time until he successfully completes, subsequent to the third examination failure, the in-vehicle component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or the Department of Education. In addition, no person who fails the general knowledge examination for a commercial driver's license administered by the Department three times shall be permitted to take such examination a fourth time until he successfully completes, subsequent to the third examination failure, the knowledge component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or the Department of Education.

The provisions of this subsection shall not apply to persons placed under medical control pursuant to § 46.2-322.

G. Knowledge tests may be administered in written form, verbally, or in automated format and can be administered in a foreign language, provided no interpreter is used in administering the test.

H. Interpreters are prohibited during the administration of the skills tests. Applicants must be able to understand and respond to verbal commands and instructions in English by a skills test examiner. Neither the applicant nor the examiner may communicate in a language other than English during the skills test.

§ 46.2-341.14:01. Military third party testers and military third party examiners; substitute for driving skills tests for drivers with military commercial motor vehicle experience.

A. Pursuant to § 46.2-341.14, the Commissioner shall permit military bases that have entered into an agreement with the Department to serve as third party testers in administering state knowledge and skills tests for issuing commercial driver's licenses. Military third party testers and military third party examiners shall comply with the requirements set forth in §§ 46.2-341.14:1 through 46.2-341.14:9 with respect to knowledge and skills tests.

B. Pursuant to 49 C.F.R. § 383.77, the Commissioner may waive the driving skills test as specified in 49 C.F.R. § 383.113 for a commercial motor vehicle driver with military commercial motor vehicle experience who is currently licensed at the time of his application for a commercial driver's license and substitute an applicant's driving record in combination with certain driving experience for the skills test.

C. To obtain a skills test waiver, the following conditions and limitations must be met:

1. An applicant must certify that, during the two-year period immediately prior to applying for a commercial driver's license, he:

- a. Has not had more than one license except for a military license;*
- b. Has not had any license suspended, revoked, canceled, or disqualified;*
- c. Has not had any convictions for any type of motor vehicle for the disqualifying offenses contained in this article;*
- d. Has not had more than one conviction for any type of motor vehicle for serious traffic violations contained in this article; and*
- e. Has not had any conviction for a violation of military, state, or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic crash and has no record of a crash in which he was at fault; and*

2. An applicant must provide evidence and certify that he:

- a. Is regularly employed or was regularly employed within the last 90 days or any other period authorized by the FMCSA in a military position requiring operation of a commercial motor vehicle;
- b. Was exempted from the commercial driver's license requirements in 49 C.F.R. § 383.3(c); and
- c. Was operating a vehicle representative of the commercial motor vehicle the driver applicant operates, or expects to operate, for at least the two years immediately preceding discharge from the military.

§ 46.2-341.14:1. Requirements for third party testers.

A. Pursuant to § 46.2-341.14, third party testers will be authorized to issue skills test certificates, which will be accepted by the Department as evidence of satisfaction of the skills test component of the commercial driver's license examination. Authority to issue skills test certificates will be granted only to third party testers certified by the Department.

B. To qualify for certification, a third party tester shall:

1. Make application to and enter into an agreement with the Department as provided in § 46.2-341.14:3;
2. Maintain a place of business in Virginia;
3. Have at least one certified third party examiner in his employ;
4. Ensure that all third party examiners in his employ are certified and comply with the requirements of §§ 46.2-341.14:2 and 46.2-341.14:7;

5. Permit the Department and the FMCSA of the U.S. Department of Transportation to ~~examine~~ *conduct random examinations, inspections, and audits of its records, facilities, and operations* that relate to the third party testing program ~~and to audit his testing program without prior notice;~~

6. Maintain at the principal place of business a copy of the state certificate authorizing the third party tester to administer a commercial driver's license ~~skills~~ testing program and current third party agreement;

7. Maintain at a Virginia location, for a minimum of two years after a skills test is conducted, a record of each driver for whom the third party tester conducts a skills test, whether the driver passes or fails the test. Each such record shall include:

- a. The complete name of the driver;
- b. The driver's Social Security number or other driver's license number and the name of the state or jurisdiction that issued the license held by the driver at the time of the test;
- c. The date the driver took the skills test;
- d. The test score sheet or sheets showing the results of the skills test and a copy of the skills test certificate, if issued;
- e. The name and certification number of the third party examiner conducting the skills test; and
- f. Evidence of the driver's employment with the third party tester at the time the test was taken. If the third party tester is a school board that tests drivers who are trained but not employed by the school board, evidence that (i) the driver was employed by a school board at the time of the test and (ii) the third party tester trained the driver in accordance with the Virginia School Bus Driver Training Curriculum Guide;

8. Maintain at a Virginia location a record of each third party examiner in the employ of the third party tester. Each record shall include:

- a. Name and Social Security number;
- b. Evidence of the third party examiner's certification by the Department;
- c. A copy of the third party examiner's current *training and* driving record, which must be updated annually;
- d. Evidence that the third party examiner is an employee of the third party tester; and
- e. If the third party tester is a school board, a copy of the third party examiner's certification of instruction issued by the Virginia Department of Education;

9. Retain the records required in subdivision 8 for at least two years after the third party examiner leaves the employ of the third party tester;

10. Ensure that skills tests are conducted, and that skills test certificates are issued in accordance with the requirements of §§ 46.2-341.14:8 and 46.2-341.14:9 and the instructions provided by the Department; ~~and~~

11. Maintain compliance with all applicable provisions of this article and the third party tester agreement executed pursuant to § 46.2-341.14:3; *and*

12. *Maintain a copy of the third party tester's road test route or routes approved by the Department.*

C. In addition to the requirements listed in subsection B, all third party testers who are not governmental entities shall:

1. Be engaged in a business involving the use of commercial motor vehicles, which business has been in operation in Virginia for a minimum of one year;

2. Employ at least 75 Virginia-licensed drivers of commercial motor vehicles, during the 12-month period preceding the application, including part-time and seasonal drivers. This requirement may be waived by the Department pursuant to § 46.2-341.14:10;

3. If subject to the FMCSA regulations and rated by the U.S. Department of Transportation, maintain a rating of "satisfactory"; and

4. Comply with the Virginia Motor Carrier Safety Regulations.

§ 46.2-341.14:2. Requirements for third party examiners.

A. Third party examiners may be certified to conduct skills tests on behalf of only one third party tester at any given time. If a third party examiner leaves the employ of a third party tester, he must be recertified in order to conduct skills tests on behalf of a new third party tester.

B. To qualify for certification as a third party examiner, an individual must:

1. Make application to the Department as provided in § 46.2-341.14:3 *and pass the required nationwide criminal background check*;
2. Be an employee of the third party tester;
3. Possess a valid Virginia commercial driver's license with the classification and endorsements required for operation of the class and type of commercial motor vehicle used in skills tests conducted by the examiner;
4. Satisfactorily complete any third party examiner training course required by the Department;
5. Within three years prior to application, have had no driver's license suspensions, revocations, or disqualifications;
6. At the time of application, have no more than six demerit points on his driving record and not be on probation under the Virginia Driver Improvement Program;
7. Within three years prior to application, have had no conviction for any offense listed in § 46.2-341.18 or 46.2-341.19, whether or not such offense was committed in a commercial motor vehicle;
8. If the examiner is employed by a school board, be certified by the Virginia Department of Education as a school bus training instructor;
9. Conduct skills tests on behalf of the third party tester in accordance with this article and in accordance with current instructions provided by the Department; and
10. Successfully complete a training course and examination every four years to maintain the commercial driver's license test examiner certification.

§ 46.2-341.14:5. Terminating certification of third party tester or examiner.

A. Any third party tester or examiner may relinquish certification upon 30 days' notice to the Department. Relinquishment of certification by a third party tester or examiner shall not release such tester or examiner from any responsibility or liability that arises from his activities as a third party tester or examiner.

B. The Department reserves the right to cancel the third party testing program established by this article, in its entirety.

C. The Department shall revoke the skills testing certification of any examiner:

1. Who does not conduct skills test examinations of at least 10 different applicants per calendar year. However, examiners who do not meet the 10-test minimum must either take a refresher commercial driver's license training that complies with 49 C.F.R. § 384.228 or have a Department examiner ride along to observe the third party examiner successfully administer at least one skills test; or

2. Who does not successfully complete the required refresher training every four years pursuant to 49 C.F.R. § 384.228.

D. The Department may cancel the certification of an individual third party tester or examiner upon the following grounds:

1. Failure to comply with or satisfy any of the provisions of this article, federal standards for the commercial driver's license testing program, the Department's instructions, or the third party tester agreement;

2. Falsification of any record or information relating to the third party testing program; ~~or~~

3. Commission of any act that compromises the integrity of the third party testing program; *or*

4. *Failure to pass the required nationwide criminal background check. Criteria for not passing the criminal background check include but are not limited to having a felony conviction within the past 10 years or any conviction involving fraudulent activities.*

E. If the Department determines that grounds for cancellation exist for failure to comply with or satisfy any of the requirements of this chapter or the third party tester agreement, the Department may postpone cancellation and allow the third party tester or examiner 30 days to correct the deficiency.

§ 46.2-341.14:6. Onsite inspections and audits.

A. Each applicant for certification as a third party tester shall permit the Department *or FMCSA* to conduct random examinations ~~and to inspect, inspections, and audit audits~~ of its operations, facilities, and records as they relate to its third party testing program, for the purpose of determining whether the applicant is qualified for certification. Each person who has been certified as a third party tester shall permit the Department to periodically inspect and audit his third party testing program to determine whether it remains in compliance with certification requirements.

B. The Department *or FMCSA* will perform its random examinations, inspections, and audits of third party testers during regular business hours with or without prior notice to the third party tester.

C. Inspections and audits of third party testers will occur at a minimum once every two years and include, at a minimum, an examination of:

1. Records relating to the third party testing program;

2. Evidence of compliance with the FMCSA regulations and Virginia Motor Carrier Safety Regulations;

3. Skills testing procedures, practices, and operations;

4. Vehicles used for testing;

5. Qualifications of third party examiners;

6. Effectiveness of the skills test program by either (i) testing a sample of drivers who have been issued skills test certificates by the third party tester to compare pass/fail results, (ii) having Department employees covertly take the skills tests from a third party examiner, or (iii) having Department employees co-score along with the third party examiner during commercial driver's license applicant's skills tests to compare pass/fail results;

7. A comparison of the commercial driver's license skills test results of applicants who are issued commercial driver's licenses with the commercial driver's license scoring sheets that are maintained in the third party testers' files; and

8. Any other aspect of the third party tester's operation that the Department determines is necessary to verify that the third party tester meets or continues to meet the requirements for certification.

D. The Department will prepare a written report of the results of each inspection and audit of third party testers. A copy of the report will be provided to the third party tester.

§ 46.2-341.16. Vehicle classifications, restrictions, and endorsements.

A. A commercial driver's license or commercial driver's instruction permit shall authorize the licensee or permit holder to operate only the classes and types of commercial motor vehicles designated thereon. The classes of commercial motor vehicles for which such license may be issued are:

1. Class A-Combination heavy vehicle. - Any combination of vehicles with a gross combination weight rating of 26,001 or more pounds, provided the gross vehicle weight rating of the vehicles being towed is in excess of 10,000 pounds;

2. Class B-Heavy straight vehicle or other combination. - Any single motor vehicle with a gross vehicle weight rating of 26,001 or more pounds, or any such vehicle towing a vehicle with a gross vehicle weight rating that is not in excess of 10,000 pounds; and

3. Class C-Small vehicle. - Any vehicle that does not fit the definition of a Class A or Class B vehicle and is either (i) designed to transport 16 or more passengers including the driver or (ii) is used in the transportation of hazardous materials.

B. Commercial driver's licenses shall be issued with endorsements authorizing the driver to operate the types of vehicles identified as follows:

1. Type T-Vehicles with double or triple trailers;

2. Type P-Vehicles carrying passengers;

3. Type N-Vehicles with cargo tanks;

4. Type H-Vehicles required to be placarded for hazardous materials;

5. Type S-School buses carrying 16 or more passengers, including the driver;

6. Type X-combination of tank vehicle and hazardous materials endorsements for commercial driver's licenses issued on or after July 1, 2014; and

7. At the discretion of the Department, any additional codes for groupings of endorsements with an explanation of such code appearing on the front or back of the license.

C. Commercial driver's licenses shall be issued with restrictions limiting the driver to the types of vehicles identified as follows:

1. L for no air brake equipped commercial motor vehicles for licenses issued on or after July 1, 2014. *An applicant is restricted from operating a commercial motor vehicle with any type of air brake if he does not take or fails the air brake component of the knowledge test or performs the skills test in a vehicle not equipped with air brakes;*

2. Z for no full air brake equipped commercial motor vehicles. *If an applicant performs the skills test in a vehicle equipped with air over hydraulic brakes, the applicant is restricted from operating a commercial motor vehicle equipped with any braking system operating fully on the air brake principle;*

3. E for no manual transmission equipped commercial motor vehicles for commercial driver's licenses issued on or after July 1, 2014;

4. O for no tractor-trailer commercial motor vehicles;

5. M for no class A passenger vehicles;

6. N for no class A and B passenger vehicles;

7. K for vehicles not equipped with air brakes for commercial driver's licenses issued before July 1, 2014. *An applicant is restricted from operating a commercial motor vehicle with any type of air brakes if he does not take or fails the air brake component of the knowledge test or performs the skills test in a vehicle not equipped with air brakes;*

8. K for intrastate only for commercial driver's licenses issued on or after July 1, 2014;

9. V for medical variance; and

10. At the discretion of the Department, any additional codes for groupings of restrictions with an explanation of such code appearing on the front or back of the license.

D. Commercial driver's instruction permits shall be issued with endorsements authorizing the driver to operate the types of vehicles identified as follows:

1. Type P-Vehicles carrying passengers as provided in § 46.2-341.10;

2. Type N-Vehicles with cargo tanks as provided in § 46.2-341.10; and

3. Type S-School buses carrying 16 or more passengers, including the driver as provided in § 46.2-341.10.

E. Commercial driver's instruction permits shall be issued with restrictions limiting the driver to the types of vehicles identified as follows:

1. P for no passengers in commercial motor vehicles bus;

2. X for no cargo in commercial motor vehicles tank vehicle;

3. L for no air brake equipped commercial motor vehicles for commercial driver's instruction permits issued on or after July 1, 2014. *An applicant is restricted from operating a commercial motor vehicle with any type of air brake if he does not take or fails the air brake component of the knowledge test;*

4. M for no class A passenger vehicles;
 5. N for no class A and B passenger vehicles;
 6. K for vehicles not equipped with air brakes for commercial driver's instruction permits issued before July 1, 2014.
An applicant is restricted from operating a commercial motor vehicle with any type of air brake if he does not take or fails the air brake component of the knowledge test;

7. K for intrastate only for commercial driver's instruction permits issued on or after July 1, 2014;

8. V for medical variance; and

9. Any additional jurisdictional restrictions that apply to the commercial driver's instruction permit.

F. Persons authorized to drive Class A vehicles are also authorized to drive Classes B and C vehicles, provided such persons possess the requisite endorsements for the type of vehicle driven.

G. Persons authorized to drive Class B vehicles are also authorized to drive Class C vehicles, provided such persons possess the requisite endorsements for the type of vehicle driven.

H. Any licensee who seeks to add a classification or endorsement to his commercial driver's license must submit the application forms, certifications and other updated information required by the Department and shall take and successfully complete the tests required for such classification or endorsement.

I. If any endorsement to a commercial driver's license is canceled by the Department and the licensee does not appear in person at the Department to have such endorsement removed from the license, then the Department may cancel the commercial driver's license of the licensee.

§ 46.2-341.20. Disqualification for multiple serious traffic violations.

A. For the purposes of this section, the following offenses, if committed in a commercial motor vehicle, are serious traffic violations:

1. Driving at a speed 15 or more miles per hour in excess of the posted speed limits;

2. Reckless driving;

3. A violation of a state law or local ordinance relating to motor vehicle traffic control arising in connection with a fatal traffic accident;

4. Improper or erratic traffic lane change;

5. Following the vehicle ahead too closely;

6. Driving a commercial motor vehicle without obtaining a commercial driver's license *or commercial driver's instruction permit*;

7. Driving a commercial motor vehicle without a commercial driver's license *or commercial driver's instruction permit* in the driver's immediate possession;

8. Driving a commercial motor vehicle without the proper class of commercial driver's license and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported; ~~and~~

9. A violation of a state law, including §§ 46.2-341.20:5 and 46.2-919.1 or a local ordinance relating to motor vehicle traffic control prohibiting texting while driving; *and*

10. *A violation of a state law, including §§ 46.2-341.20:5 and 46.2-919.1, or a local ordinance relating to motor vehicle traffic control restricting or prohibiting the use of a handheld mobile telephone while driving a commercial motor vehicle.*

For the purposes of this section, parking, vehicle weight, and vehicle defect violations shall not be considered traffic violations.

B. Beginning September 30, 2005, the following offenses shall be treated as serious traffic violations if committed while operating a noncommercial motor vehicle, but only if (i) the person convicted of the offense was, at the time of the offense, the holder of a commercial driver's license *or commercial driver's instruction permit*; (ii) the offense was committed on or after September 30, 2005; and (iii) the conviction, by itself or in conjunction with other convictions that satisfy the requirements of this section, resulted in the revocation, cancellation, or suspension of such person's driver's license or privilege to drive.

1. Driving at a speed 15 or more miles per hour in excess of the posted speed limits;

2. Reckless driving;

3. A violation of a state law or local ordinance relating to motor vehicle traffic control arising in connection with a fatal traffic accident;

4. Improper or erratic traffic lane change; or

5. Following the vehicle ahead too closely.

C. The Department shall disqualify for the following periods of time, any person whose record as maintained by the Department shows that he has committed, within any three-year period, the requisite number of serious traffic violations:

1. A 60-day disqualification period for any person convicted of two serious traffic violations; or

2. A 120-day disqualification period for any person convicted of three serious traffic violations.

D. Any disqualification period imposed pursuant to this section shall run consecutively, and not concurrently, with any other disqualification period imposed hereunder.

§ 46.2-341.20:2. Employer penalty; railroad/highway grade crossing violations; out-of-service order violation.

Any employer who knowingly allows, permits, authorizes, or requires an employee to operate a commercial motor vehicle in violation of any law or regulation pertaining to railroad/highway grade crossings, or in violation of an

out-of-service order, shall be subject to a civil penalty of ~~not less than \$3,000 nor more than \$15,000~~ for each violation pursuant to 49 C.F.R. Part 383, which shall be imposed by the Commissioner upon receipt of notification from federal or state motor carrier officials that an employer may have violated this provision, and upon notice to the employer of the charge and a hearing conducted as provided under the Administrative Process Act (§ 2.2-4000 et seq.), to determine whether such employer has violated this provision. Civil penalties collected under this section shall be deposited into the Transportation Trust Fund.

§ 46.2-341.20:4. Disqualification of driver convicted of fraud related to the testing and issuance of a commercial driver's instruction permit or commercial driver's license.

A person who has been convicted of fraud pursuant to § 46.2-348 related to the issuance of a commercial driver's instruction permit or commercial driver's license shall be disqualified for a period of one year. The application of a person so convicted who seeks to renew, transfer, or upgrade the fraudulently obtained ~~commercial driver's instruction permit or commercial driver's license~~ or seeks to renew or upgrade the fraudulently obtained commercial driver's instruction permit must also, at a minimum, be disqualified. Any disqualification must be recorded in the person's driving record. The person may not reapply for a new commercial driver's license for at least one year.

If ~~a~~ the Department receives credible information that a commercial driver's instruction permit holder or commercial driver's license holder is suspected, but has not been convicted, of fraud related to the issuance of his commercial driver's instruction permit or commercial driver's license, the Department shall require the driver to retake the skills test or knowledge test, or both. Within 30 days of receiving notification from the Department that re-testing is necessary, the affected commercial driver's instruction permit holder or commercial driver's license holder must make an appointment or otherwise schedule to take the next available test. If the commercial driver's instruction permit holder or commercial driver's license holder fails to make an appointment within 30 days, the Department shall disqualify his commercial driver's instruction permit or commercial driver's license. If the driver fails either the knowledge or skills test or does not take the test, the Department shall disqualify his commercial driver's instruction permit or commercial driver's license. Once a commercial driver's instruction permit holder's or commercial driver's license holder's commercial driver's instruction permit or commercial driver's license has been disqualified, he must reapply for a commercial driver's instruction permit or commercial driver's license under Department procedures applicable to all commercial driver's instruction permit and commercial driver's license applicants.

§ 46.2-341.20:5. Prohibition on texting and use of handheld mobile telephone; penalties.

A. No person driving a commercial motor vehicle shall text or use a handheld mobile telephone while driving such vehicle. A driver who violates this section is subject to a civil penalty not to exceed \$2,750. Civil penalties collected under this section shall be deposited into the Transportation Trust Fund. Pursuant to 49 C.F.R. § 386.81, the determination of the actual civil penalties assessed is based on consideration of information available at the time the claim is made concerning the nature and gravity of the violation and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require.

B. Notwithstanding the definition of commercial motor vehicle in § 46.2-341.4, this section shall apply to any driver who drives a vehicle designed or used to transport between nine and 15 passengers, including the driver, not for direct compensation.

C. The provisions of this section shall not apply to drivers who are texting or using a handheld mobile telephone when necessary to communicate with law-enforcement officials or other emergency services.

D. The following words and phrases when used in this section only shall have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning:

"Driving" means operating a commercial motor vehicle on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a commercial motor vehicle when the driver has moved the vehicle to the side of or off a highway and has halted in a location where the vehicle can safely remain stationary.

"Mobile telephone" means a mobile communication device that falls under or uses any commercial mobile radio service, as defined in regulations of the Federal Communications Commission, 47 C.F.R. § 20.3. "Mobile telephone" does not include two-way or citizens band radio services.

"Texting" means manually entering alphanumeric text into, or reading text from, an electronic device. This action includes, but is not limited to, short message service, emailing, instant messaging, a command or request to access a website, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone, or engaging in any other form of electronic text retrieval or entry for present or future communication. "Texting" does not include inputting, selecting, or reading information on a global positioning system or navigation system; pressing a single button to initiate or terminate a voice communication using a telephone; or using a device capable of performing multiple functions (e.g., fleet management systems, dispatching devices, smartphones, citizens band radios, music players, etc.) for a purpose that is not otherwise prohibited in this section.

"Use a handheld mobile telephone" means using at least one hand to hold a mobile telephone to conduct a voice communication; dialing or answering a mobile telephone by pressing more than a single button; or reaching for a mobile telephone in a manner that requires a driver to maneuver so that he is no longer in a seated driving position, restrained by a seat belt that is installed in accordance with 49 C.F.R. § 393.93 and adjusted in accordance with the vehicle manufacturer's instructions.

§ 46.2-341.20:6. Prohibition on requiring use of handheld mobile telephone or texting; motor carrier penalty.

No motor carrier shall allow or require its drivers to use a handheld mobile telephone or to text while driving a commercial motor vehicle. Motor carriers violating this section are subject to a civil penalty not to exceed \$11,000. Civil penalties collected under this section shall be deposited into the Transportation Trust Fund. Pursuant to 49 C.F.R. § 386.81, the determination of the actual civil penalties assessed is based on consideration of information available at the time the claim is made concerning the nature and gravity of the violation and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. "Driving," "mobile telephone," "texting," and "use a handheld mobile telephone" have the same meanings as assigned to them in § 46.2-341.20:5.

§ 46.2-348. Fraud or false statements in applications for license; penalties.

Any person who uses a false or fictitious name or gives a false or fictitious address in any application for a driver's license or escort vehicle driver certificate, or any renewal or duplicate thereof, or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud during the driver's license examination, including for a commercial driver's license or commercial driver's instruction permit, or in his application is guilty of a Class 2 misdemeanor. However, where the license is used, or the fact concealed, or fraud is done, with the intent to purchase a firearm or use as proof of residency under § 9.1-903, a violation of this section shall be punishable as a Class 4 felony.

§ 46.2-379. Use of crash reports made by investigating officers.

All ~~accident~~ crash reports made by investigating officers shall be for the confidential use of the Department and of other state agencies for accident prevention purposes and shall not be used as evidence in any trial, civil or criminal, arising out of any accident. ~~The~~ If otherwise authorized by law, the Department shall may disclose from the reports, on request of any person, the date, time, and location of the accident, and the names and addresses of the drivers, the owners of the vehicles involved, the injured persons, the witnesses, and one investigating officer.

§ 46.2-1078.1. Use of handheld personal communications devices in certain motor vehicles; exceptions; penalty.

A. It is unlawful for any person to operate a moving motor vehicle on the highways in the Commonwealth while using any handheld personal communications device to:

1. Manually enter multiple letters or text in the device as a means of communicating with another person; or
2. Read any email or text message transmitted to the device or stored within the device, provided that this prohibition shall not apply to any name or number stored within the device nor to any caller identification information.

B. The provisions of this section shall not apply to:

1. The operator of any emergency vehicle while he is engaged in the performance of his official duties;
2. An operator who is lawfully parked or stopped;
3. The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system; or
4. Any person using a handheld personal communications device to report an emergency.

C. A violation of this section is a traffic infraction punishable, for a first offense, by a fine of \$125 and, for a second or subsequent offense, by a fine of \$250.

For the purposes of this section, "emergency vehicle" means:

1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer;
2. Any regional detention center vehicle operated by or under the direction of a correctional officer responding to an emergency call or operating in an emergency situation;
3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when traveling in response to a fire alarm or emergency call;
4. Any ambulance, rescue, or life-saving vehicle designed or used for the principal purpose of supplying resuscitation or emergency relief where human life is endangered;
5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services vehicle, when responding to an emergency call or operating in an emergency situation;
6. Any Department of Corrections vehicle designated by the Director of the Department of Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a request for assistance from a law-enforcement officer; and
7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and white secondary warning lights pursuant to § 46.2-1029.2.

D. Distracted driving shall be included as a part of the driver's license knowledge examination.

CHAPTER 804

An Act to amend and reenact §§ 2.2-419, 2.2-423, 2.2-426, 2.2-428, 2.2-3100, 2.2-3101, 2.2-3104, 2.2-3114, 2.2-3115 through 2.2-3118.1, 2.2-3121, 2.2-3131, 30-100, 30-101, 30-110, 30-111, 30-112, 30-114, 30-117, 30-118, and 30-124 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-3103.1, by adding in Article 2 of Chapter 13 of Title 30 a section numbered 30-103.1, by adding in Chapter 13 of Title 30 an article numbered 6, consisting of sections numbered 30-129.1, 30-129.2, and 30-129.3, and by adding in Title 30 a chapter numbered 55, consisting of sections numbered 30-348 through 30-351, relating to the State and Local Government

Conflict of Interests Act and General Assembly Conflicts of Interests Act; establishing the Virginia Conflict of Interest and Ethics Advisory Council.

[S 649]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-419, 2.2-423, 2.2-426, 2.2-428, 2.2-3100, 2.2-3101, 2.2-3104, 2.2-3114, 2.2-3115 through 2.2-3118.1, 2.2-3121, 2.2-3131, 30-100, 30-101, 30-110, 30-111, 30-112, 30-114, 30-117, 30-118, and 30-124 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-3103.1, by adding in Article 2 of Chapter 13 of Title 30 a section numbered 30-103.1, by adding in Chapter 13 of Title 30 an article numbered 6, consisting of sections numbered 30-129.1, 30-129.2, and 30-129.3, and by adding in Title 30 a chapter numbered 55, consisting of sections numbered 30-348 through 30-351, as follows:

§ 2.2-419. Definitions.

As used in this article, unless the context requires a different meaning:

"Anything of value" means:

1. A pecuniary item, including money, or a bank bill or note;
2. A promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money;
3. A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;
4. A stock, bond, note, or other investment interest in an entity;
5. A receipt given for the payment of money or other property;
6. A right in action;
7. A gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel;
8. A loan or forgiveness of indebtedness;
9. A work of art, antique, or collectible;
10. An automobile or other means of personal transportation;
11. Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest, or other beneficial interest in realty;
12. An honorarium or compensation for services;
13. A rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as an executive or legislative official, or the sale or trade of something for reasonable compensation that would ordinarily not be available to a member of the public;
14. A promise or offer of employment; or
15. Any other thing of value that is pecuniary or compensatory in value to a person.

"Anything of value" does not mean a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2.

"Compensation" means:

1. An advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money or anything of value; or
2. A contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money or anything of value, for services rendered or to be rendered.

"Compensation" does not mean reimbursement of expenses if the reimbursement does not exceed the amount actually expended for the expenses and it is substantiated by an itemization of expenses.

"Executive action" means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection, or postponement by an executive agency or official of legislation or executive orders issued by the Governor.

"Executive agency" means an agency, board, commission, or other body in the executive branch of state government.

"Executive agency" includes the State Corporation Commission, the Virginia Workers' Compensation Commission, and the State Lottery Department.

"Executive official" means:

1. The Governor;
2. The Lieutenant Governor;
3. The Attorney General;
4. Any officer or employee of the office of the Governor or Lieutenant Governor other than a clerical or secretarial employee;
5. The Governor's Secretaries, the Deputy Secretaries, and the chief executive officer of each executive agency; or
6. Members of supervisory and policy boards, commissions and councils, as defined in § 2.2-2100, however selected.

"Expenditure" means:

1. A purchase, payment, distribution, loan, forgiveness of a loan or payment of a loan by a third party, advance, deposit, transfer of funds, a promise to make a payment, or a gift of money or anything of value for any purpose;

2. A payment to a lobbyist for salary, fee, reimbursement for expenses, or other purpose by a person employing, retaining, or contracting for the services of the lobbyist separately or jointly with other persons;
3. A payment in support of or assistance to a lobbyist or the lobbyist's activities, including the direct payment of expenses incurred at the request or suggestion of the lobbyist;
4. A payment that directly benefits an executive or legislative official or a member of the official's immediate family;
5. A payment, including compensation, payment, or reimbursement for the services, time, or expenses of an employee for or in connection with direct communication with an executive or legislative official;
6. A payment for or in connection with soliciting or urging other persons to enter into direct communication with an executive or legislative official; or
7. A payment or reimbursement for categories of expenditures required to be reported pursuant to this chapter.

"Expenditure" does not mean a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2.

"Fair market value" means the price that a good or service would bring between a willing seller and a willing buyer in the open market after negotiations. If the fair market value cannot be determined, the actual price paid for the good or service shall be given consideration.

"Gift" means anything of value to the extent that a consideration of equal or greater value is not received.

"Gift" does not mean:

1. Printed informational or promotional material;
2. A gift that is not used and, no later than ~~sixty~~ 60 days after receipt, is returned to the donor or delivered to a charitable organization and is not claimed as a charitable contribution for federal income tax purposes;
3. A gift, devise, or inheritance from an individual's spouse, child, parent, grandparent, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse of that individual, if the donor is not acting as the agent or intermediary for someone other than a person covered by this subdivision; or
4. A gift of a value of ~~\$25~~ \$50 or less.

"Immediate family" means (i) the spouse and (ii) any ~~other person~~ *child* who resides in the same household as the executive or legislative official and ~~who is the~~ a dependent of the official.

"Legislative action" means:

1. Preparation, research, drafting, introduction, consideration, modification, amendment, approval, passage, enactment, tabling, postponement, defeat, or rejection of a bill, resolution, amendment, motion, report, nomination, appointment, or other matter by the General Assembly or a legislative official;
2. Action by the Governor in approving, vetoing, or recommending amendments for a bill passed by the General Assembly; or
3. Action by the General Assembly in overriding or sustaining a veto by the Governor, considering amendments recommended by the Governor, or considering, confirming, or rejecting an appointment of the Governor.

"Legislative official" means:

1. A member or member-elect of the General Assembly;
2. A member of a committee, subcommittee, commission, or other entity established by and responsible to the General Assembly or either house of the General Assembly; or
3. Persons employed by the General Assembly or an entity established by and responsible to the General Assembly.

"Lobbying" means:

1. Influencing or attempting to influence executive or legislative action through oral or written communication with an executive or legislative official; or
2. Solicitation of others to influence an executive or legislative official.

"Lobbying" does not mean:

1. Requests for appointments, information on the status of pending executive and legislative actions, or other ministerial contacts if there is no attempt to influence executive or legislative actions;
2. Responses to published notices soliciting public comment submitted to the public official designated in the notice to receive the responses;
3. The solicitation of an association by its members to influence legislative or executive action; or
4. Communications between an association and its members and communications between a principal and its lobbyists.

"Lobbyist" means:

1. An individual who is employed and receives payments, or who contracts for economic consideration, including reimbursement for reasonable travel and living expenses, for the purpose of lobbying;
2. An individual who represents an organization, association, or other group for the purpose of lobbying; or
3. A local government employee who lobbies.

"Lobbyist's principal" or "principal" means the entity on whose behalf the lobbyist influences or attempts to influence executive or legislative action. An organization whose employees conduct lobbying activities on its behalf is both a principal and an employer of the lobbyists. In the case of a coalition or association that employs or retains others to conduct lobbying activities on behalf of its membership, the principal is the coalition or association and not its individual members.

"Local government" means:

1. Any county, city, town, or other local or regional political subdivision;

- 2. Any school division;
- 3. Any organization or entity that exercises governmental powers that is established pursuant to an interstate compact; or
- 4. Any organization composed of members representing entities listed in subdivisions 1, 2, or 3 of this definition.

"Local government employee" means a public employee of a local government.

"Person" means an individual, proprietorship, firm, partnership, joint venture, joint stock company, syndicate, business trust, estate, company, corporation, association, club, committee, organization, or group of persons acting in concert.

"Value" means the actual cost or fair market value of an item or items, whichever is greater. If the fair market value cannot be determined, the actual amount paid for the item or items shall be given consideration.

§ 2.2-423. Contents of registration statement.

A. The registration statement shall be on a form provided by the Secretary of the Commonwealth and include the following information:

- 1. The name and business address and telephone number of the lobbyist;
- 2. The name and business address and telephone number of the person who will keep custody of the lobbyist's and the lobbyist's principal's accounts and records required to comply with this article, and the location and telephone number for the place where the accounts and records are kept;
- 3. The name and business address and telephone number of the lobbyist's principal;
- 4. The kind of business of the lobbyist's principal;
- 5. For each principal, the full name of the individual to whom the lobbyist reports;
- 6. For each principal, a statement whether the lobbyist is employed or retained and whether exclusively for the purpose of lobbying;
- 7. The position held by the lobbyist if he is a part-time or full-time employee of the principal;
- 8. The full name and business address and telephone number of each lobbyist employed by or representing the lobbyist's principal;
- 9. An identification of the subject matter (with as much specificity as possible) with regard to which the lobbyist or lobbyist's principal will engage in lobbying; ~~and~~

10. The statement of the lobbyist, which shall be signed either originally or by electronic signature as authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.), that the information contained on the registration statement is true and correct; *and*

11. *A statement by which a principal may elect to waive the principal signature requirement on disclosure filings submitted by its registered lobbyist after the filing of the registration statement.*

B. Whenever any change, modification or addition to his status as a lobbyist is made, the lobbyist shall, within one week of such change, modification or addition, furnish full information regarding the same to the Secretary of the Commonwealth on forms provided by the Secretary.

C. The Secretary of the Commonwealth shall furnish a copy of this article to any individual offering to register as a lobbyist and shall mail by certified mail a copy of this article and a copy of the information furnished by the lobbyist to the person whom the lobbyist represents to be his principal.

D. If the principal to whom the information is sent under subsection C does not, within 10 days of such mailing, file an affidavit, signed by the person or duly authorized agent of the person, denying that the lobbyist appears on his behalf, such person shall be deemed to have appointed the Secretary of the Commonwealth his agent for service of process in any prosecution arising for violation of this article. If such affidavit is filed, the Secretary shall notify the attorney for the Commonwealth of the City of Richmond.

§ 2.2-426. Lobbyist reporting; penalty.

A. Each lobbyist shall file *with the Virginia Conflict of Interest and Ethics Advisory Council* a separate ~~annual~~ *semiannual* report of expenditures, including gifts, for each principal for whom he lobbies by ~~July 1~~ *December 15 for the preceding six-month period complete through the last day of October and June 15 for the preceding* ~~12-month~~ *six-month* period complete through ~~April 30~~ *the last day of April.*

B. Each principal who expends more than \$500 to employ or compensate multiple lobbyists shall be responsible for filing a consolidated lobbyist report pursuant to this section in any case in which the lobbyists are each exempt under the provisions of subdivision 7 or 8 of § 2.2-420 from the reporting requirements of this section.

C. The report shall be on a form provided by the ~~Secretary of the Commonwealth~~ *Virginia Conflict of Interest and Ethics Advisory Council*, which shall be substantially as follows and shall be accompanied by instructions provided by the ~~Secretary~~ *Council.*

LOBBYIST'S DISCLOSURE STATEMENT

PART I:

- (1) PRINCIPAL:
 In Part I, item 2a, provide the name of the individual authorizing your employment as a lobbyist. The lobbyist filing this statement MAY NOT list his name in item 2a. ~~THE INDIVIDUAL LISTED IN PART I, ITEM 2A, MUST SIGN THE PRINCIPAL'S STATEMENT.~~
- (2a) Name:
- (2b) Permanent Business Address:

- (2c) Business Telephone:
- (3) Provide a list of executive and legislative actions (with as much specificity as possible) for which you lobbied and a description of activities conducted.
.....
- (4) INCORPORATED FILINGS: If you are filing an incorporated disclosure statement, please complete the following:
Individual filing financial information:
Individuals to be included in the filing:
- (5) Please indicate which schedules will be attached to your disclosure statement:
[] Schedule A: Entertainment Expenses
[] Schedule B: Gifts
[] Schedule C: Other Expenses
- (6) EXPENDITURE TOTALS:
a) ENTERTAINMENT \$
b) GIFTS \$
~~e) OFFICE EXPENSES~~ ~~\$~~
~~d~~ c) COMMUNICATIONS \$
e d) PERSONAL LIVING AND TRAVEL EXPENSES \$
~~f~~ e) COMPENSATION OF LOBBYISTS \$
~~g~~ f) HONORARIA \$
h) REGISTRATION COSTS \$
~~±~~ g) OTHER \$
TOTAL \$

PART II:

- (1a) NAME OF LOBBYIST:
- (1b) Permanent Business Address:
- (1c) Business Telephone:
- (2) As a lobbyist, you are (check one)
[] EMPLOYED (on the payroll of the principal)
[] RETAINED (not on the payroll of the principal, however compensated)
[] NOT COMPENSATED (not compensated; expenses may be reimbursed)
- (3) List all lobbyists other than yourself who registered to represent your principal.
.....
- (4) If you selected "EMPLOYED" as your answer to Part II, item 2, provide your job title.
.....

PLEASE NOTE: Some lobbyists are not individually compensated for lobbying activities. This may occur when several members of a firm represent a single principal. The principal, in turn, makes a single payment to the firm. If this describes your situation, do not answer Part II, items 5a and 5b. Instead, complete Part III, items 1 and 2.

- (5a) What was the DOLLAR AMOUNT OF YOUR COMPENSATION as a lobbyist? (If you have job responsibilities other than those involving lobbying, you may have to prorate to determine the part of your salary attributable to your lobbying activities.) Transfer your answer to this item to Part I, item 6f 6e.
- (5b) Explain how you arrived at your answer to Part II, item 5a.
.....

PART III:

PLEASE NOTE: If you answered Part II, items 5a and 5b, you WILL NOT

complete this section.

- (1) List all members of your firm, organization, association, corporation, or other entity who furnished lobbying services to your principal.
.....
.....
- (2) Indicate the total amount paid to your firm, organization, association, corporation or other entity for services rendered. Transfer your answer to this item to Part I, item 6f 6e.

SCHEDULE A
ENTERTAINMENT EXPENSES

PLEASE NOTE: Any single entertainment event included in the expense totals of the principal, with a value greater than \$50, should be itemized below. Transfer any totals from this schedule to Part I, item 6a. (Please duplicate as needed.)

Date and Location of Event:

.....
.....

Description of Event:

.....
.....

Total Number of Persons Attending:

.....

Names of Legislative and Executive Officials or Members of Their Immediate Families Attending: (List names only if the average value for each person attending the event was greater than \$50.)
.....
.....
.....

Food	\$
Beverages	\$
Transportation of Legislative and Executive Officials or Members of Their Immediate Families	\$
Lodging of Legislative and Executive Officials or Members of Their Immediate Families	\$
Performers, Speakers, Etc.	\$
Displays	\$
Rentals	\$
Service Personnel	\$
Miscellaneous	\$
TOTAL	\$

SCHEDULE B

GIFTS

PLEASE NOTE: Any single gift reported in the expense totals of the principal, with a value greater than \$50, should be itemized below. (Report meals, entertainment and travel under Schedule A.) Transfer any totals from this schedule to Part I, item 6b. (Please duplicate as needed.)

Date of gift:	Description of gift:	Name of each legislative or executive official or member of his immediate family who is a recipient of a gift:	Cost of individual gift:
.....	\$
.....	\$
.....	\$
.....	\$

TOTAL COST TO PRINCIPAL \$

SCHEDULE C
OTHER EXPENSES

PLEASE NOTE: This section is provided for any lobbying-related expenses not covered in Part I, items 6a - 6f. An example of an expenditure to be listed on schedule C would be the rental of a bill box during the General Assembly session. Transfer the total from this schedule to Part I, item 6g. (Please duplicate as needed.)

Table with 3 columns: DATE OF EXPENSE, DESCRIPTION OF EXPENSE, AMOUNT. Includes a total line for 'OTHER' EXPENSES.

PART IV: STATEMENTS

Both the lobbyist and principal officer must sign the disclosure statement, attesting to its completeness and accuracy. The following items are mandatory and if they are not properly completed, the entire filing will be rejected and returned to the lobbyist:

- (1) All signatures on the statement must be ORIGINAL in the format specified in the instructions provided by the Secretary Council that accompany this form. No stamps, or other reproductions of the individual's signature will be accepted.
(2) An individual MAY NOT sign the disclosure statement as lobbyist and principal officer.

STATEMENT OF LOBBYIST

I, the undersigned registered lobbyist, do state that the information furnished on this disclosure statement and on all accompanying attachments required to be made thereto is, to the best of my knowledge and belief, complete and accurate.

Signature of lobbyist
Date

STATEMENT OF PRINCIPAL

I, the undersigned principal (or an authorized official thereof), do state that the information furnished on this disclosure statement and on all accompanying attachments required to be made thereto is, to the best of my knowledge and belief, complete and accurate.

Signature of principal
Date

D. A person who signs the disclosure statement knowing it to contain a material misstatement of fact shall be is guilty of a Class 5 felony.

E. Each lobbyist shall send to each legislative and executive official who is required to be identified by name on Schedule A or B of the Lobbyist's Disclosure Form a copy of Schedule A or B or a summary of the information pertaining to that official. Copies or summaries shall be provided to the official by December 15 November 21 for the preceding 12-month six-month period complete through November 30 the last day of October and by May 21 for the preceding six-month period complete through the last day of April.

§ 2.2-428. Standards for automated preparation and transmittal of lobbyist's disclosure statements; database.

A. The Secretary Virginia Conflict of Interest and Ethics Advisory Council shall accept any lobbyist's disclosure statement statements required by § 2.2-426 filed by computer or electronic means in accordance with the standards approved by the Secretary and using software meeting standards approved by the Secretary Council pursuant to the provisions of § 30-349. The Secretary may provide software to filers without charge or at a reasonable cost. The Secretary

may prescribe the method of execution and certification of electronically filed statements and the procedures for receiving statements in the office of the Secretary.

B. The Secretary shall establish a lobbyist disclosure database, available to the public, from required disclosure statements filed electronically and may enter into that database information from required disclosure statements filed by other methods. *The Secretary shall maintain such database until January 1, 2016.*

§ 2.2-3100. Policy; application; construction.

The General Assembly, recognizing that our system of representative government is dependent in part upon (i) citizen legislative members representing fully the public in the legislative process and (ii) its citizens maintaining the highest trust in their public officers and employees, finds and declares that the citizens are entitled to be assured that the judgment of public officers and employees will be guided by a law that defines and prohibits inappropriate conflicts and requires disclosure of economic interests. To that end and for the purpose of establishing a single body of law applicable to all state and local government officers and employees on the subject of conflict of interests, the General Assembly enacts this State and Local Government Conflict of Interests Act so that the standards of conduct for such officers and employees may be uniform throughout the Commonwealth.

This chapter shall supersede all general and special acts and charter provisions which purport to deal with matters covered by this chapter except that the provisions of §§ 15.2-852, 15.2-2287, 15.2-2287.1, and 15.2-2289 and ordinances adopted pursuant thereto shall remain in force and effect. The provisions of this chapter shall be supplemented but not superseded by the provisions on ethics in public contracting in Article 6 (§ 2.2-4367 et seq.) of Chapter 43 of this title and ordinances adopted pursuant to § 2.2-3104.2 regulating receipt of gifts.

The provisions of this chapter do not preclude prosecution for any violation of any criminal law of the Commonwealth, including Articles 2 (Bribery and Related Offenses, § 18.2-438 et seq.) and 3 (Bribery of Public Servants and Party Officials, § 18.2-446 et seq.) of Chapter 10 of Title 18.2, and do not constitute a defense to any prosecution for such a violation.

This chapter shall be liberally construed to accomplish its purpose.

§ 2.2-3101. Definitions.

As used in this chapter, *unless the context requires a different meaning:*

"Advisory agency" means any board, commission, committee or post which does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

"Affiliated business entity relationship" means a relationship, other than a parent-subsidiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that may be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person owns or manages the two entities, there are common or commingled funds or assets, the business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis, or there is otherwise a close working relationship between the entities.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Contract" means any agreement to which a governmental agency is a party, or any agreement on behalf of a governmental agency that involves the payment of money appropriated by the General Assembly or a political subdivision, whether or not such agreement is executed in the name of the Commonwealth, or some political subdivision thereof. "Contract" includes a subcontract only when the contract of which it is a part is with the officer's or employee's own governmental agency.

"Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-348.

~~"Dependent" means a son, daughter, father, mother, brother, sister or other person, whether or not related by blood or marriage, if such person receives from the officer or employee, or provides to the officer or employee, more than one-half of his financial support.~~

"Employee" means all persons employed by a governmental or advisory agency, unless otherwise limited by the context of its use.

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, broker-dealer as defined in *subsection A of § 13.1-501*, or investment company or advisor registered under the federal Investment Advisors Act or Investment Company Act of 1940.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" ~~shall~~ *does not include* (i) any offer of a ticket, *coupon*, or other admission or pass unless the ticket, *coupon*, admission, or pass is used; ~~"Gift" shall not include;~~ (ii) honorary degrees and presents; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession or occupation of an officer or employee or of a member of his immediate family; or (vi) gifts from

relatives or personal friends. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, or nephew; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, or sister; or the donee's brother's or sister's spouse. For the purpose of this definition, "personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; (c) for an officer or employee of a local governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee; or (d) for an officer or employee of a state governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth. For purposes of this definition, "person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Governmental agency" means each component part of the legislative, executive or judicial branches of state and local government, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties. Corporations organized or controlled by the Virginia Retirement System are "governmental agencies" for purposes of this chapter.

"Immediate family" means (i) a spouse and (ii) any other person residing child who resides in the same household as the officer or employee; and who is a dependent of the officer or employee or of whom the officer or employee is a dependent.

"Officer" means any person appointed or elected to any governmental or advisory agency including local school boards, whether or not he receives compensation or other emolument of office. Unless the context requires otherwise, "officer" includes members of the judiciary.

"Parent-subsidiary relationship" means a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation.

"Personal interest" means a financial benefit or liability accruing to an officer or employee or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably be anticipated to exceed, ~~\$10,000~~ \$5,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, ~~\$10,000~~ \$5,000 annually; (iv) ownership of real or personal property if the interest exceeds ~~\$10,000~~ \$5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or (vi) an option for ownership of a business or real or personal property if the ownership interest will consist of clause (i) or (iv) above.

"Personal interest in a contract" means a personal interest that an officer or employee has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business that is a party to the contract.

"Personal interest in a transaction" means a personal interest of an officer or employee in any matter considered by his agency. Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business or governmental agency, or represents or provides services to any individual or business and such property, business or represented or served individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction. Notwithstanding the above, such personal interest in a transaction shall not be deemed to exist where (a) an elected member of a local governing body serves without remuneration as a member of the board of trustees of a not-for-profit entity and such elected member or member of his immediate family has no personal interest related to the not-for-profit entity or (b) an officer, employee, or elected member of a local governing body is appointed by such local governing body to serve on a governmental agency, or an officer, employee, or elected member of a separate local governmental agency formed by a local governing body is appointed to serve on a governmental agency, and the personal interest in the transaction of the governmental agency is the result of the salary, other compensation, fringe benefits, or benefits provided by the local governing body or the separate governmental agency to the officer, employee, elected member, or member of his immediate family.

"State and local government officers and employees" shall not include members of the General Assembly.

"State filer" means those officers and employees required to file a disclosure statement of their personal interests pursuant to subsection A or B of § 2.2-3114.

"Transaction" means any matter considered by any governmental or advisory agency, whether in a committee, subcommittee, or other entity of that agency or before the agency itself, on which official action is taken or contemplated.

§ 2.2-3103.1. Certain gifts prohibited.

A. For purposes of this section:

"Intangible gift" means a thing of temporary value or a thing that upon the happening of a certain event or expiration of a given date loses its value. "Intangible gift" includes entertainment, hospitality, a ticket, admission, or pass, transportation, lodgings, and meals that are reportable on Schedule E of the disclosure form prescribed in § 2.2-3117.

"Tangible gift" means a thing of value that does not lose its value upon the happening of a certain event or expiration of a given date. "Tangible gift" includes currency, negotiable instruments, securities, stock options, or other financial instruments that are reportable on Schedule E of the disclosure form prescribed in § 2.2-3117. "Tangible gift" does not include payments or reimbursements received for any intangible gift.

B. An officer or employee of a local governmental or advisory agency or candidate required to file the disclosure form prescribed in § 2.2-3117 (i) shall not solicit, accept, or receive within any calendar year any single tangible gift with a value in excess of \$250 or a combination of tangible gifts with an aggregate value in excess of \$250 from any person that he knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (b) a lobbyist's principal as defined in § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee; (ii) shall report any tangible gift with a value of \$250 or less or any intangible gift received from any person listed in clause (i) on Schedule E of such disclosure form; and (iii) shall report any payments for talks, meetings, and publications on Schedule D of such disclosure form.

C. An officer or employee of a state governmental or advisory agency or candidate required to file the disclosure form prescribed in § 2.2-3117 (i) shall not solicit, accept, or receive within any calendar year any single tangible gift with a value in excess of \$250 or a combination of tangible gifts with an aggregate value in excess of \$250 from any person that he knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (b) a lobbyist's principal as defined in § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth; (ii) shall report any tangible gift with a value of \$250 or less or any intangible gift received from any person listed in clause (i) on Schedule E of such disclosure form; and (iii) shall report any payments for talks, meetings, and publications on Schedule D of such disclosure form.

D. During the pendency of a civil action in any state or federal court to which the Commonwealth is a party, the Governor or the Attorney General or any employee of the Governor or the Attorney General who is subject to the provisions of this chapter shall not solicit, accept, or receive any tangible gift from any person that he knows or has reason to know is a person, organization, or business who is a party to such civil action. A person, organization, or business who is a party to such civil action shall not knowingly give any tangible gift to the Governor or the Attorney General or any of their employees who are subject to the provisions of this chapter.

E. The \$250 limitation imposed in accordance with this section shall be adjusted by the Council every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, rounded to the nearest whole dollar.

F. For purposes of this section, "person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

§ 2.2-3104. Prohibited conduct for certain officers and employees of state government.

For one year after the termination of public employment or service, no state officer or employee shall, before the agency of which he was an officer or employee, represent a client or act in a representative capacity on behalf of any person or group, for compensation, on matters related to legislation, executive orders, or regulations promulgated by the agency of which he was an officer or employee. This prohibition shall be in addition to the prohibitions contained in § 2.2-3103.

For the purposes of this section, "state officer or employee" shall mean (i) the Governor, Lieutenant Governor, Attorney General, and officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not, who are regularly employed on a full-time salaried basis; those officers and employees of executive branch agencies who report directly to the agency head; and those at the level immediately below those who report directly to the agency head and are at a payband 6 or higher and (ii) the officers and professional employees of the legislative branch designated by the joint rules committee of the General Assembly. For the purposes of this section, the General Assembly and the legislative branch agencies shall be deemed one agency.

Any person subject to the provisions of this section may apply to the *Council* or Attorney General, as provided in § 2.2-3121 or 2.2-3126, for an advisory opinion as to the application of the restriction imposed by this section on any post-public employment position or opportunity.

§ 2.2-3114. Disclosure by state officers and employees.

A. The Governor, Lieutenant Governor, Attorney General, Justices of the Supreme Court, judges of the Court of Appeals, judges of any circuit court, judges and substitute judges of any district court, members of the State Corporation Commission, members of the Virginia Workers' Compensation Commission, members of the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, and members of the State Lottery Board and other persons occupying such offices or positions of trust or employment in state government, including members of the governing bodies of authorities, as may be designated by the Governor or, in the case of officers or employees of the legislative branch, by the Joint Rules Committee of the General Assembly, shall file *with the Council*, as a condition to assuming office or employment, a disclosure statement of their personal interests and such other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement ~~annually on or before January~~ *semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.* When the filing deadline falls on a Saturday,

Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday.

B. Nonsalaried citizen members of all policy and supervisory boards, commissions and councils in the executive branch of state government, other than the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, and the State Lottery Board, shall file *with the Council*, as a condition to assuming office, a disclosure form of their personal interests and such other information as is specified on the form set forth in § 2.2-3118 and thereafter shall file such form annually on or before ~~January~~ *December* 15. When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday. Nonsalaried citizen members of other boards, commissions and councils, including advisory boards and authorities, may be required to file a disclosure form if so designated by the Governor, in which case the form shall be that set forth in § 2.2-3118.

C. The disclosure forms required by subsections A and B shall be provided by the ~~Secretary of the Commonwealth Council~~ *Secretary of the Commonwealth Council* to each officer and employee so designated, including officers appointed by legislative authorities; ~~not later than November 30 of each year at least 30 days prior to the filing deadline.~~ Disclosure forms shall be filed and maintained as public records for five years in the ~~Office office~~ *office* of the ~~Secretary of the Commonwealth Council~~ *Secretary of the Commonwealth Council*.

D. Candidates for the offices of Governor, Lieutenant Governor or Attorney General shall file a disclosure statement of their personal interests as required by § 24.2-502.

E. Any officer or employee of state government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subdivision A 1 of § 2.2-3112, or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall also be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental agency or advisory agency or, if the agency has a clerk, in the clerk's office.

F. An officer or employee of state government who is required to declare his interest pursuant to subdivision A 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

G. An officer or employee of state government who is required to declare his interest pursuant to subdivision A 3 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

§ 2.2-3115. Disclosure by local government officers and employees.

A. The members of every governing body and school board of each county and city and of towns with populations in excess of 3,500 shall file *with the Council*, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement ~~annually on or before January~~ *semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.*

The members of the governing body of any authority established in any county or city, or part or combination thereof, and having the power to issue bonds or expend funds in excess of \$10,000 in any fiscal year, shall file *with the Virginia Conflict of Interest and Ethics Advisory Council*, as a condition to assuming office, a disclosure statement of their personal interests and other information as is specified on the form set forth in § 2.2-3118 and thereafter shall file such a statement annually on or before ~~January~~ *December* 15, unless the governing body of the jurisdiction that appoints the members requires that the members file the form set forth in § 2.2-3117 *semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.*

Persons occupying such positions of trust appointed by governing bodies and persons occupying such positions of employment with governing bodies as may be designated to file by ordinance of the governing body shall file *with the Virginia Conflict of Interest and Ethics Advisory Council*, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is specified on the form set forth in § 2.2-3117 and thereafter

shall file such a statement ~~annually on or before January 15~~ *semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.*

Persons occupying such positions of trust appointed by school boards and persons occupying such positions of employment with school boards as may be designated to file by an adopted policy of the school board shall file *with the Virginia Conflict of Interest and Ethics Advisory Council*, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement ~~annually on or before January 15~~ *semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.*

B. Nonsalaried citizen members of local boards, commissions and councils as may be designated by the governing body shall file *with the Virginia Conflict of Interest and Ethics Advisory Council*, as a condition to assuming office, a disclosure form of their personal interests and such other information as is specified on the form set forth in § 2.2-3118 and thereafter shall file such form annually on or before ~~January~~ *December 15.*

C. No person shall be mandated to file any disclosure not otherwise required by this article.

D. The disclosure forms required by subsections A and B shall be provided by the ~~Secretary of the Commonwealth~~ *Virginia Conflict of Interest and Ethics Advisory Council* to the clerks of the governing bodies and school boards ~~not later than November 30 of each year~~ *at least 30 days prior to the filing deadline*, and the clerks of the governing body and school board shall distribute the forms to designated individuals ~~no later than December 10 of each year~~ *at least 20 days prior to the filing deadline*. Forms shall be filed and maintained as public records for five years in the office of the ~~clerk of the respective governing body or school board~~ *Virginia Conflict of Interest and Ethics Advisory Council*. Forms filed by members of governing bodies of authorities shall be filed and maintained as public records for five years in the office of the ~~clerk of the governing body of the county or city~~ *Virginia Conflict of Interest and Ethics Advisory Council*.

E. Candidates for membership in the governing body or school board of any county, city or town with a population of more than 3,500 persons shall file a disclosure statement of their personal interests as required by § 24.2-502.

F. Any officer or employee of local government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subdivision A 1 of § 2.2-3112 or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental or advisory agency.

G. In addition to any disclosure required by subsections A and B, in each county and city and in towns with populations in excess of 3,500, members of planning commissions, boards of zoning appeals, real estate assessors, and all county, city and town managers or executive officers shall make annual disclosures of all their interests in real estate located in the county, city or town in which they are elected, appointed, or employed. Such disclosure shall include any business in which such persons own an interest, or from which income is received, if the primary purpose of the business is to own, develop or derive compensation through the sale, exchange or development of real estate in the county, city or town. Such disclosure shall be filed as a condition to assuming office or employment, and thereafter shall be filed annually with the ~~clerk of the governing body of such county, city or town~~ *Virginia Conflict of Interest and Ethics Advisory Council* on or before ~~January~~ *December 15*. Such disclosures shall be filed and maintained as public records for five years. Forms for the filing of such reports shall be prepared and distributed by the ~~Secretary of the Commonwealth~~ *Virginia Conflict of Interest and Ethics Advisory Council* to the clerk of each governing body.

H. An officer or employee of local government who is required to declare his interest pursuant to subdivision A 2 of § 2.2-3112 shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes of his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day. The officer or employee shall also orally disclose the existence of the interest during each meeting of the governmental or advisory agency at which the transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.

I. An officer or employee of local government who is required to declare his interest pursuant to subdivision A 3 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply

with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

§ 2.2-3116. Disclosure by certain constitutional officers.

For the purposes of this chapter, holders of the constitutional offices of treasurer, sheriff, attorney for the Commonwealth, clerk of the circuit court and commissioner of the revenue of each county and city, shall be deemed to be local officers and shall be required to file the Statement of Economic Interests set forth in § 2.2-3117. These officers shall file statements pursuant to § 2.2-3115 and candidates shall file statements as required by § 24.2-502. *These officers shall be subject to the prohibition on certain gifts set forth in subsection B of § 2.2-3103.1.*

§ 2.2-3117. Disclosure form.

The disclosure form to be used for filings required by subsections A and D of § 2.2-3114 and subsections A and E of § 2.2-3115 shall be substantially as follows:

STATEMENT OF ECONOMIC INTERESTS.

Name
Office or position held or sought
Address
Names of members of immediate family

DEFINITIONS AND EXPLANATORY MATERIAL.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Close financial association" means an association in which the person filing shares significant financial involvement with an individual and the filer would reasonably be expected to be aware of the individual's business activities and would have access to the necessary records either directly or through the individual. "Close financial association" does not mean an association based on (i) the receipt of retirement benefits or deferred compensation from a business by which the person filing this statement is no longer employed, or (ii) the receipt of compensation for work performed by the person filing as an independent contractor of a business that represents an entity before any state governmental agency when the person filing has had no communications with the state governmental agency.

"Contingent liability" means a liability that is not presently fixed or determined, but may become fixed or determined in the future with the occurrence of some certain event.

~~"Dependent" means any person, whether or not related by blood or marriage, who receives from the officer or employee, or provides to the officer or employee, more than one-half of his financial support.~~

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, ~~local travel~~, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" ~~shall~~ does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; ~~"Gift" shall not include;~~ (ii) honorary degrees ~~and presents;~~ (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession or occupation of an officer or employee or of a member of his immediate family; or (vi) gifts from relatives or personal friends. "Relative" means the donee's spouse, child, uncle, aunt, niece, or nephew; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, or sister; or the donee's brother's or sister's spouse. "Personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; (c) for an officer or employee of a local governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee; or (d) for an officer or employee of a state governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth. "Person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

~~"Immediate family" means (i) a spouse and (ii) any other person residing child who resides in the same household as the officer or employee; and who is a dependent of the officer or employee or of whom the officer or employee is a dependent.~~

TRUST. If you or your immediate family, separately or together, are the only beneficiaries of a trust, treat the trust's assets as if you own them directly. If you or your immediate family has a proportional interest in a trust, treat that proportion of the trust's assets as if you own them directly. For example, if you and your immediate family have a one-third interest in a trust, complete your Statement as if you own one-third of each of the trust's assets. If you or a member of your immediate family created a trust and can revoke it without the beneficiaries' consent, treat its assets as if you own them directly.

REPORT TO THE BEST OF INFORMATION AND BELIEF. Information required on this Statement must be provided on the basis of the best knowledge, information, and belief of the individual filing the Statement as of the date of this report unless otherwise stated.

COMPLETE ITEMS 1 THROUGH 10. REFER TO SCHEDULES ONLY IF DIRECTED.

You may attach additional explanatory information.

1. Offices and Directorships.

Are you or a member of your immediate family a paid officer or paid director of a business?

EITHER check NO / / OR check YES / / and complete Schedule A.

2. Personal Liabilities.

Do you or a member of your immediate family owe more than ~~\$10,000~~ \$5,000 to any one creditor including contingent liabilities? (Exclude debts to any government and loans secured by recorded liens on property at least equal in value to the loan.)

EITHER check NO / / OR check YES / / and complete Schedule B.

3. Securities.

Do you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of ~~\$10,000~~ \$5,000 invested in one business? Account for mutual funds, limited partnerships and trusts.

EITHER check NO / / OR check YES / / and complete Schedule C.

4. Payments for Talks, Meetings, and Publications.

During the past ~~42~~ six months did you receive *in your capacity as an officer or employee of your agency* lodging, transportation, money, or anything else of value with a combined value exceeding \$200 (i) for a single talk, meeting, or published work ~~in your capacity as an officer or employee of your agency~~ or (ii) for a meeting, conference, or event where your attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant to your duties as an officer or employee of your agency or (b) enhance your knowledge and skills relative to your duties as an officer or employee of your agency?

EITHER check NO / / OR check YES / / and complete Schedule D.

5. Gifts.

During the past ~~42~~ six months did a business, government, or individual other than a relative or personal friend (i) furnish you or a member of your immediate family with any gift or entertainment at a single event, and the value received by you exceeded \$50 in value or (ii) furnish you or a member of your immediate family with gifts or entertainment in any combination and the total value received by you exceeded \$100 in total value, and for which you or the member of your immediate family neither paid nor rendered services in exchange? Account for entertainment events only if the average value per person attending the event exceeded \$50 in value. Account for all business entertainment (except if related to your the private profession or occupation of you or the member of your immediate family who received such business entertainment) even if unrelated to your official duties.

EITHER check NO / / OR check YES / / and complete Schedule E.

6. Salary and Wages.

List each employer that pays you or a member of your immediate family salary or wages in excess of ~~\$10,000~~ \$5,000 annually. (Exclude state or local government or advisory agencies.)

If no reportable salary or wages, check here / /.

7. Business Interests.

Do you or a member of your immediate family, separately or together, operate your own business, or own or control an interest in excess of ~~\$10,000~~ \$5,000 in a business?

EITHER check NO / / OR check YES / / and complete Schedule F.

8. Payments for Representation and Other Services.

8A. Did you represent, excluding activity defined as lobbying in § 2.2-419, any businesses before any state governmental agencies, excluding courts or judges, for which you received total compensation during the past ~~42~~ six months in excess of \$1,000, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers? (Officers and employees of local governmental and advisory agencies do NOT need to answer this question or complete Schedule G-1.)

EITHER check NO / / OR check YES / / and complete Schedule G-1.

8B. Subject to the same exceptions as in 8A, did persons with whom you have a close financial association (partners, associates or others) represent, excluding activity defined as lobbying in § 2.2-419, any businesses before any state governmental agency for which total compensation was received during the past ~~42~~ six months in excess of \$1,000? (Officers and employees of local governmental and advisory agencies do NOT need to answer this question or complete Schedule G-2.)

EITHER check NO / / OR check YES / / and complete Schedule G-2.

8C. Did you or persons with whom you have a close financial association furnish services to businesses operating in Virginia pursuant to an agreement between you and such businesses, or between persons with whom you have a close financial association and such businesses for which total compensation in excess of \$1,000 was received during the past ~~42~~ six months? *Services reported under this provision shall not include services involving the representation of businesses that are reported under item 8A or 8B.*

EITHER check NO / / OR check YES / / and complete Schedule G-3.

9. Real Estate.

9A. State Officers and Employees.

Do you or a member of your immediate family hold an interest, including a partnership interest, valued at ~~\$10,000~~ or more than \$5,000 in real property (other than your principal residence) for which you have not already listed the full address on Schedule F? Account for real estate held in trust.

EITHER check NO / / OR check YES / / and complete Schedule H-1.

9B. Local Officers and Employees.

Do you or a member of your immediate family hold an interest, including a partnership interest, or option, easement, or land contract, valued at ~~\$10,000~~ or more than \$5,000 in real property (other than your principal residence) for which you have not already listed the full address on Schedule F? Account for real estate held in trust.

EITHER check NO / / OR check YES / / and complete Schedule H-2.

10. Real Estate Contracts with Governmental Agencies.

Do you or a member of your immediate family hold an interest valued at more than ~~\$10,000~~ \$5,000 in real estate, including a corporate, partnership, or trust interest, option, easement, or land contract, which real estate is the subject of a contract, whether pending or completed within the past ~~12~~ six months, with a governmental agency? If the real estate contract provides for the leasing of the property to a governmental agency, do you or a member of your immediate family hold an interest in the real estate valued at more than \$1,000? Account for all such contracts whether or not your interest is reported in Schedule F, H-1, or H-2. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

EITHER check NO / / OR check YES / / and complete Schedule I.

Statements of Economic Interests are open for public inspection.

AFFIRMATION BY ALL FILERS.

I swear or affirm that the foregoing information is full, true and correct to the best of my knowledge.

Signature

(Return only if needed to complete Statement.)

SCHEDULES

to

STATEMENT OF ECONOMIC INTERESTS.

NAME

SCHEDULE A - OFFICES AND DIRECTORSHIPS.

Identify each business of which you or a member of your immediate family is a paid officer or paid director.

Name of Business	Address of Business	Position Held and by Whom
_____	_____	_____
_____	_____	_____
_____	_____	_____

RETURN TO ITEM 2

SCHEDULE B - PERSONAL LIABILITIES.

Report personal liability by checking each category. Report only debts in excess of ~~\$10,000~~ \$5,000. Do not report debts to any government. Do not report loans secured by recorded liens on property at least equal in value to the loan.

Report contingent liabilities below and indicate which debts are contingent.

1. My personal debts are as follows:

Check appropriate categories	Check one	
	\$10,001 \$5,001 to \$50,000	More than \$50,000
Banks	_____	_____
Savings institutions	_____	_____
Other loan or finance companies	_____	_____
Insurance companies	_____	_____
Stock, commodity or other brokerage companies	_____	_____
Other businesses:	_____	_____
(State principal business activity for each creditor and its name.)	_____	_____
	_____	_____
	_____	_____

Individual creditors:
(State principal business or occupation of
each creditor and its name.)

2. The personal debts of the members of my immediate family are as follows:

Table with columns for 'Check appropriate categories' and 'Check one' with sub-columns for '\$10,001 to \$50,000' and 'More than \$50,000'. Rows include Banks, Savings institutions, Other loan or finance companies, Insurance companies, Stock, commodity or other brokerage companies, and Other businesses.

Individual creditors:
(State principal business or occupation of
each creditor and its name.)

RETURN TO ITEM 3

SCHEDULE C - SECURITIES.

"Securities" INCLUDES stocks, bonds, mutual funds, limited partnerships, and commodity futures contracts.

"Securities" EXCLUDES certificates of deposit, money market funds, annuity contracts, and insurance policies.

Identify each business or Virginia governmental entity in which you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of \$10,000 \$5,000. Name each entity issuer and type of security individually.

Do not list U.S. Bonds or other government securities not issued by the Commonwealth of Virginia or its authorities, agencies, or local governments. Do not list organizations that do not do business in this Commonwealth, but most major businesses conduct business in Virginia. Account for securities held in trust.

If no reportable securities, check here / /.

Table with columns for 'Name of Issuer', 'Type of Security', and 'Check one' with sub-columns for '\$10,001 to \$50,000', '\$5,001 to \$250,000', and 'More than \$250,000'.

RETURN TO ITEM 4

SCHEDULE D - PAYMENTS FOR TALKS, MEETINGS, AND PUBLICATIONS.

List each source from which you received during the past six months in your capacity as an officer or employee of your agency lodging, transportation, money, or any other thing of value (excluding meals or drinks coincident with a meeting) with combined value exceeding \$200 (i) for your presentation of a single talk, participation in one meeting, or publication of a work in your capacity as an officer or employee of your agency or (ii) for your attendance at a meeting, conference, or event where your attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant to your duties as an officer or employee of your agency or (b) enhance your knowledge and skills relative to your

duties as an officer or employee of your agency. Any lodging, transportation, money, or other thing of value received by an officer or employee that does not satisfy the provisions of clause (i), (ii) (a), or (ii) (b) shall be listed as a gift on Schedule E.

List payments or reimbursements by an advisory or governmental agency only for meetings or travel outside the Commonwealth.

List a payment even if you donated it to charity.

Do not list information about a payment if you returned it within 60 days or if you received it from an employer already listed under Item 6 or from a source of income listed on Schedule F.

If no payment must be listed, check here //.

Payer	Approximate Value	Circumstances	Type of payment (e.g. honoraria, travel reimbursement, etc.)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

RETURN TO ITEM 5

SCHEDULE E - GIFTS.

List each business, governmental entity, or individual that, during the past ~~12~~ six months, (i) furnished you or a member of your immediate family with any gift or entertainment at a single event, and the value received by you exceeded \$50; ~~in value~~ or (ii) furnished you or a member of your immediate family with gifts or entertainment in any combination and the total value received by you exceeded \$100 ~~in total value~~, and for which you or the member of your immediate family neither paid nor rendered services in exchange. List each such gift or event. Do not list entertainment events unless the average value per person attending the event exceeded \$50 ~~in value~~. Do not list business entertainment related to your the private profession or occupation of you or the member of your immediate family who received such business entertainment. Do not list gifts or other things of value given by a relative or personal friend for reasons clearly unrelated to your public position. Do not list campaign contributions publicly reported as required by Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2 of the Code of Virginia.

Name of Recipient	Name of Business, Organization, or Individual	City or County and State	Exact Gift or Event	Approximate Value
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

RETURN TO ITEM 6

SCHEDULE F - BUSINESS INTERESTS.

Complete this Schedule for each self-owned or family-owned business (including rental property, a farm, or consulting work), partnership, or corporation in which you or a member of your immediate family, separately or together, own an interest having a value in excess of ~~\$10,000~~ \$5,000.

If the enterprise is owned or operated under a trade, partnership, or corporate name, list that name; otherwise, merely explain the nature of the enterprise. If rental property is owned or operated under a trade, partnership, or corporate name, list the name only; otherwise, give the address of each property. Account for business interests held in trust.

Name of Business, Corporation, Partnership, Farm; Address of Rental Property	City or County and State	Nature of Enterprise (farming, law, rental property, etc.)	Gross Income	
			\$50,001 to \$250,000 or less	More than \$250,000
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

RETURN TO ITEM 8

Cable television companies						
Interstate transportation companies						
Intrastate transportation companies						
Oil or gas retail companies						
Banks						
Savings institutions						
Loan or finance companies						
Manufacturing companies (state type of product, e.g., textile, furniture, etc.)						
Mining companies						
Life insurance companies						
Casualty insurance companies						
Other insurance companies						
Retail companies						
Beer, wine or liquor companies or distributors						
Trade associations						
Professional associations						
Associations of public employees or officials						
Counties, cities or towns						
Labor organizations						
Other						

RETURN TO ITEM 9

SCHEDULE H-1 - REAL ESTATE - STATE OFFICERS AND EMPLOYEES.

List real estate other than your principal residence in which you or a member of your immediate family holds an interest, including a partnership interest, option, easement, or land contract, valued at ~~\$10,000~~ or more than \$5,000. Each parcel shall be listed individually.

List each location (state, and county or city) where you own real estate.	Describe the type of real estate you own in each location (business, recreational, apartment, commercial, open land, etc.).	If the real estate is owned or recorded in a name other than your own, list that name.
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

SCHEDULE H-2 - REAL ESTATE - LOCAL OFFICERS AND EMPLOYEES.

List real estate other than your principal residence in which you or a member of your immediate family holds an interest, including a partnership interest or option, easement, or land contract, valued at \$10,000 or more than \$5,000. Each parcel shall be listed individually. Also list the names of any co-owners of such property, if applicable.

List each location (state, and county or city) where you own real estate.	Describe the type of real estate you own in each location (business, recreational, apartment, commercial, open land, etc.).	If the real estate is owned or recorded in a name other than your own, list that name.	List the names of any co-owners, if applicable.
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SCHEDULE I - REAL ESTATE CONTRACTS WITH GOVERNMENTAL AGENCIES.

List all contracts, whether pending or completed within the past ~~12~~ six months, with a governmental agency for the sale or exchange of real estate in which you or a member of your immediate family holds an interest, including a corporate, partnership or trust interest, option, easement, or land contract, valued at more than \$10,000 or more. List all contracts with a governmental agency for the lease of real estate in which you or a member of your immediate family holds such an interest valued at more than \$1,000 or more. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

State officers and employees report contracts with state agencies.

Local officers and employees report contracts with local agencies.

List your real estate interest and the person or entity, including the type of entity, which is party to the contract. Describe any management role and the percentage ownership interest you or your immediate family member has in the real estate or entity.	List each governmental agency which is a party to the contract and indicate the county or city where the real estate is located.	State the annual income from the contract, and the amount, if any, of income you or any immediate family member derives annually from the contract.
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

§ 2.2-3118. Disclosure form; certain citizen members.

A. The financial disclosure form to be used for filings required pursuant to subsection B of § 2.2-3114 and subsection B of § 2.2-3115 shall be signed by the filer either originally or by electronic signature as authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.) filed in accordance with the provisions of § 30-349. The financial disclosure form shall be substantially as follows:

DEFINITIONS AND EXPLANATORY MATERIAL.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Close financial association" means an association in which the person filing shares significant financial involvement with an individual and the filer would reasonably be expected to be aware of the individual's business activities and would have access to the necessary records either directly or through the individual. "Close financial association" does not mean an association based on (i) the receipt of retirement benefits or deferred compensation from a business by which the person filing this statement is no longer employed, or (ii) the receipt of compensation for work performed by the person filing as an independent contractor of a business that represents an entity before any state governmental agency when the person filing has no communications with the state governmental agency.

"Contingent liability" means a liability that is not presently fixed or determined, but may become fixed or determined in the future with the occurrence of some certain event.

"Immediate family" means (i) a spouse and (ii) any other person residing child who resides in the same household as the filer, and who is a dependent of the filer or of whom the filer is a dependent.

"Dependent" means any person, whether or not related by blood or marriage, who receives from the filer, or provides to the filer, more than one-half of his financial support.

"Personal interest" means, for the purposes of this form only, a personal and financial benefit or liability accruing to a filer or a member of his immediate family. Such interest shall exist by reason of (i) ownership in real or personal property, tangible or intangible; (ii) ownership in a business; (iii) income from a business; or (iv) personal liability on behalf of a business; however, unless the ownership interest in a business exceeds three percent of the total equity of the business, or the liability on behalf of a business exceeds three percent of the total assets of the business, or the annual income, and/or property or use of such property, from the business exceeds \$10,000 or may reasonably be anticipated to exceed \$10,000, such interest shall not constitute a "personal interest."

Name
Office or position held or to be held
.....
Address

I. FINANCIAL INTERESTS

My personal interests and those of my immediate family are as follows:

Include all forms of personal interests held at the time of filing: real estate, stocks, bonds, equity interests in proprietorships and partnerships. You may exclude:

- 1. Deposits and interest bearing accounts in banks, savings institutions and other institutions accepting such deposits or accounts;
2. Interests in any business, other than a news medium, representing less than three percent of the total equity value of the business;
3. Liability on behalf of any business representing less than three percent of the total assets of such business; and
4. Income (other than from salary) less than \$10,000 annually from any business. You need not state the value of any interest. You must state the name or principal business activity of each business in which you have a personal interest.

A. My personal interests are:

- 1. Residence, address, or, if no address, location
2. Other real estate, address, or, if no address, location
3. Name or principal business activity of each business in which stock, bond or equity interest is held

B. The personal interests of my immediate family are:

- 1. Real estate, address or, if no address, location
2. Name or principal business activity of each business in which stock, bond or equity interest is held

II. OFFICES, DIRECTORSHIPS AND SALARIED EMPLOYMENTS

The paid offices, paid directorships and salaried employments which I hold or which members of my immediate family hold and the businesses from which I or members of my immediate family receive retirement benefits are as follows: (You need not state any dollar amounts.)

A. My paid offices, paid directorships and salaried employments are:

Table with 2 columns: Position held, Name of business. Includes three rows of blank lines for entry.

B. The paid offices, paid directorships and salaried employments of members of my immediate family are:

Table with 2 columns: Position held, Name of business. Includes three rows of blank lines for entry.

III. BUSINESSES TO WHICH SERVICES WERE FURNISHED

A. The businesses I have represented, excluding activity defined as lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, for which I have received total compensation in excess of \$1,000 during the preceding year, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers, are as follows:

Identify businesses by name and name the state governmental agencies before which you appeared on behalf of such businesses.

Table with 2 columns: Name of business, Name of governmental agency. Includes three blank rows for data entry.

B. The businesses that, to my knowledge, have been represented, excluding activity defined as lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, by persons with whom I have a close financial association and who received total compensation in excess of \$1,000 during the preceding year, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers, are as follows:

Identify businesses by type and name the state governmental agencies before which such person appeared on behalf of such businesses.

Table with 2 columns: Type of business, Name of state governmental agency. Includes three blank rows for data entry.

C. All other businesses listed below that operate in Virginia to which services were furnished pursuant to an agreement between you and such businesses and for which total compensation in excess of \$1, 000 was received during the preceding year:

Check each category of business to which services were furnished.

- List of business categories with checkboxes: Electric utilities, Gas utilities, Telephone utilities, Water utilities, Cable television companies, Intrastate transportation companies, Interstate transportation companies, Oil or gas retail companies, Banks, Savings institutions, Loan or finance companies, Manufacturing companies (state type of product, e.g., textile, furniture, etc.), Mining companies, Life insurance companies, Casualty insurance companies, Other insurance companies, Retail companies, Beer, wine or liquor companies or distributors, Trade associations, Professional associations, Associations of public employees or officials, Counties, cities or towns, Labor organizations.

IV. COMPENSATION FOR EXPENSES

The persons, associations, or other sources other than my governmental agency from which I or a member of my immediate family received remuneration in excess of \$200 during the preceding year, in cash or otherwise, as honorariums or payment of expenses in connection with my attendance at any meeting or other function to which I was invited in my official capacity are as follows:

Name of Source	Description of occasion	Amount of remuneration for each occasion
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. The provisions of Part III A and B of the disclosure form prescribed by this section shall not be applicable to officers and employees of local governmental and local advisory agencies.

C. Except for real estate located within the county, city or town in which the officer or employee serves or a county, city or town contiguous to the county, city or town in which the officer or employee serves, officers and employees of local governmental or advisory agencies shall not be required to disclose under Part I of the form any other interests in real estate.

§ 2.2-3118.1. Special provisions for individuals serving in or seeking multiple positions or offices; reappointees.

A. The filing of a single current statement of economic interests by a state officer or employee required to file the form prescribed in § 2.2-3117 shall suffice for the purposes of this chapter as filing for all state positions or offices held or sought by such individual during a single reporting period. The filing of a single current financial disclosure statement by a state officer or employee required to file the form prescribed in § 2.2-3118 shall suffice for the purposes of this chapter as filing for all state positions or offices held or sought by such individual and requiring the filing of the § 2.2-3118 form during a single reporting period.

B. Any individual who has met the requirement for ~~annually~~ *periodically* filing a statement provided in § 2.2-3117 or 2.2-3118 shall not be required to file an additional statement upon such individual's reappointment to the same office or position for which he is required to file, provided such reappointment occurs within *six months after filing a statement pursuant to § 2.2-3117 and within 12 months after the annual filing a statement pursuant to § 2.2-3118.*

§ 2.2-3121. Advisory opinions.

A. A state officer or employee shall not be prosecuted for a knowing violation of this chapter if the alleged violation resulted from his good faith reliance on a written opinion of the Attorney General *or the Virginia Conflict of Interest and Ethics Advisory Council* made in response to his written request for such opinion and the opinion was made after a full disclosure of the facts.

B. A local officer or employee shall not be prosecuted for a knowing violation of this chapter if the alleged violation resulted from his good faith reliance on a written opinion of the attorney for the Commonwealth *or the Council* made in response to his written request for such opinion and the opinion was made after a full disclosure of the facts. The written opinion shall be a public record and shall be released upon request.

C. If any officer or employee serving at the local level of government is charged with a knowing violation of this chapter, and the alleged violation resulted from his reliance upon a written opinion of his city, county or town attorney, made after a full disclosure of the facts, that such action was not in violation of this chapter, then the officer or employee shall have the right to introduce a copy of the opinion at his trial as evidence that he did not knowingly violate this chapter.

§ 2.2-3131. Exemptions.

A. The requirements of § 2.2-3130 shall not apply to state filers with a state agency who have taken an equivalent ethics orientation course through another state agency within the time periods set forth in subdivision 1 or 2 of § 2.2-3130, as applicable.

B. State agencies may jointly conduct and state filers from more than one state agency may jointly attend an orientation course required by § 2.2-3128, as long as the course content is relevant to the official duties of the attending state filers.

C. Before conducting each orientation course required by § 2.2-3128, state agencies shall consult with the Attorney General *and the Virginia Conflict of Interest and Ethics Advisory Council* regarding appropriate course content.

§ 30-100. Declaration of legislative policy; construction.

The General Assembly, recognizing that our system of representative government is dependent in part upon (i) citizen legislative members representing fully the public in the legislative process and (ii) its citizens maintaining the highest trust in their public officers, finds and declares that the citizens are entitled to be assured that the judgment of the members of the General Assembly will not be compromised or affected by inappropriate conflicts.

The provisions of this chapter do not preclude prosecution for any violation of any criminal law of the Commonwealth, including Articles 2 (Bribery and Related Offenses, § 18.2-438 et seq.) and 3 (Bribery of Public Servants and Party Officials, § 18.2-446 et seq.) of Chapter 10 of Title 18.2, and do not constitute a defense to any prosecution for such a violation.

This chapter shall apply to the members of the General Assembly.

This chapter shall be liberally construed to accomplish its purpose.

§ 30-101. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Advisory agency" means any board, commission, committee or post which does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Contract" means any agreement to which a governmental agency is a party, or any agreement on behalf of a governmental agency ~~which that~~ involves the payment of money appropriated by the General Assembly or a political subdivision, whether or not such agreement is executed in the name of the Commonwealth of Virginia, or some political subdivision thereof. "Contract" includes a subcontract only when the contract of which it is a part is with the legislator's own governmental agency.

"Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-348.

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, broker-dealer as defined in subsection A of § 13.1-501, or investment company or advisor registered under the federal Investment Advisors Act or Investment Company Act of 1940.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, ~~local travel~~, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" ~~shall does not~~ include (i) any offer of a ticket, *coupon*, or other admission or pass unless the ticket, *coupon*, admission, or pass is used; ~~"Gift" shall not include;~~ (ii) honorary degrees and presents; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession or occupation of a legislator or of a member of his immediate family; or (vi) gifts from relatives or personal friends. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, or nephew; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, or sister; or the donee's brother's or sister's spouse. For the purpose of this definition, "personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth. For purposes of this definition, "person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Governmental agency" means each component part of the legislative, executive or judicial branches of state and local government, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties.

"Immediate family" means (i) a spouse and (ii) any ~~other person residing~~ child who resides in the same household as the legislator; ~~and who is a dependent of the legislator or of whom the legislator is a dependent.~~ "Dependent" means a son, daughter, father, mother, brother, sister or other person, whether or not related by blood or marriage, if such person receives from the legislator, or provides to the legislator, more than one-half of his financial support.

"Legislator" means a member of the General Assembly.

"Personal interest" means a financial benefit or liability accruing to a legislator or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably be anticipated to exceed, ~~\$10,000~~ \$5,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, ~~\$10,000~~ \$5,000 annually; (iv) ownership of real or personal property if the interest exceeds ~~\$10,000~~ \$5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; ~~or~~ (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or (vi) an option for ownership of a business or real or personal property if the ownership interest will consist of clause (i) or (iv).

"Personal interest in a contract" means a personal interest ~~which that~~ a legislator has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business ~~which that~~ is a party to the contract.

"Personal interest in a transaction" means a personal interest of a legislator in any matter considered by the General Assembly. Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business, or represents or provides services to any individual or business and such property, business or represented or served individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction. A "personal interest in a transaction" exists only if the legislator or member of his immediate family or an individual or business represented or served by the legislator is affected in a way that is substantially different from the general public or

from persons comprising a profession, occupation, trade, business or other comparable and generally recognizable class or group of which he or the individual or business he represents or serves is a member.

"Transaction" means any matter considered by the General Assembly, whether in a committee, subcommittee, or other entity of the General Assembly or before the General Assembly itself, on which official action is taken or contemplated.

§ 30-103.1. Certain gifts prohibited.

A. For purposes of this section:

"Intangible gift" means a thing of temporary value or a thing that upon the happening of a certain event or expiration of a given date loses its value. "Intangible gift" includes entertainment, hospitality, a ticket, admission, or pass, transportation, lodgings, and meals that are reportable on Schedule E of the disclosure form prescribed in § 30-111.

"Tangible gift" means a thing of value that does not lose its value upon the happening of a certain event or expiration of a given date. "Tangible gift" includes currency, negotiable instruments, securities, stock options, or other financial instruments that are reportable on Schedule E of the disclosure form prescribed in § 30-111. "Tangible gift" does not include payments or reimbursements received for any intangible gift.

B. A legislator or candidate for the General Assembly required to file the disclosure form prescribed in § 30-111 (i) shall not solicit, accept, or receive within any calendar year any single tangible gift with a value in excess of \$250 or a combination of tangible gifts with an aggregate value in excess of \$250 from any person that he knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth; (ii) shall report any tangible gift with a value of \$250 or less or any intangible gift received from any person listed in clause (i) on Schedule E of such disclosure form; and (iii) shall report any payments for talks, meetings, and publications on Schedule D-1 of such disclosure form. For purposes of this subsection, "person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

C. The \$250 limitation imposed in accordance with this section shall be adjusted by the Council every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, rounded to the nearest whole dollar.

§ 30-110. Disclosure.

A. Every legislator and legislator-elect shall file, as a condition to assuming office, a disclosure statement of his personal interests and such other information as is specified on the form set forth in § 30-111 and thereafter shall file such a statement ~~annually on or before January 8~~ *semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.* When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday. Disclosure forms shall be provided by the ~~clerk of the appropriate house to each legislator and legislator-elect not later than November 30 of each year~~ *Virginia Conflict of Interest and Ethics Advisory Council at least 30 days prior to the filing deadline.* Members of the Senate ~~shall file their disclosure forms with the Clerk of the Senate~~ and members of the House of Delegates shall file their disclosure forms with the ~~Clerk of the House of Delegates~~ *Virginia Conflict of Interest and Ethics Advisory Council.* The disclosure forms of the members of the General Assembly shall be maintained as public records for five years in the office of the ~~clerk of the appropriate house~~ *Virginia Conflict of Interest and Ethics Advisory Council.*

B. Candidates for the General Assembly shall file a disclosure statement of their personal interests as required by §§ 24.2-500 through 24.2-503.

C. Any legislator who has a personal interest in any transaction pending before the General Assembly and who is disqualified from participating in that transaction pursuant to § 30-108 and the rules of his house shall disclose his interest in accordance with the applicable rule of his house.

§ 30-111. Disclosure form.

A. The disclosure form to be used for filings required by subsections A and B of § 30-110 shall be substantially as follows:

STATEMENT OF ECONOMIC INTERESTS.

- Name
- Office or position held or sought
- Home address Address
- Names of members of immediate family

DEFINITIONS AND EXPLANATORY MATERIAL.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Close financial association" means an association in which the filer shares significant financial involvement with an individual and the filer would reasonably be expected to be aware of the individual's business activities and would have access to the necessary records either directly or through the individual. "Close financial association" does not mean an association based on (i) the receipt of retirement benefits or deferred compensation from a business by which the legislator is no longer employed, or (ii) the receipt of compensation for work performed by the legislator as an independent contractor

of a business that represents an entity before any state governmental agency when the legislator has had no communications with the state governmental agency.

"Contingent liability" means a liability that is not presently fixed or determined, but may become fixed or determined in the future with the occurrence of some certain event.

~~"Dependent" means any person, whether or not related by blood or marriage, who receives from the legislator, or provides to the legislator, more than one-half of his financial support.~~

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, ~~local travel~~, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" ~~shall~~ does not include (i) any offer of a ticket, *coupon*, or other admission or pass unless the ticket, *coupon*, admission, or pass is used; ~~"Gift" shall not include;~~ (ii) honorary degrees ~~and presents~~; (iii) ~~any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public;~~ (iv) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession or occupation of a legislator or of a member of his immediate family; or (vi) gifts from relatives or personal friends. "Relative" means the donee's spouse, child, uncle, aunt, niece, or nephew; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, or sister; or the donee's brother's or sister's spouse. "Personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth. "Person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Immediate family" means (i) a spouse and (ii) any ~~other person residing~~ child who resides in the same household as the legislator; ~~and who is a dependent of the legislator or of whom the legislator is a dependent.~~

"Lobbyist relationship" means (i) an engagement, agreement, or representation that relates to legal services, consulting services, or public relations services, whether gratuitous or for compensation, between a member or member-elect and any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth; or (ii) a greater than three percent ownership interest by a member or member-elect in a business that employs, or engages as an independent contractor, any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth. The disclosure of a lobbyist relationship shall not ~~(i)~~ (a) constitute a waiver of any attorney-client or other privilege, ~~(ii)~~ (b) require a waiver of any attorney-client or other privilege for a third party, or ~~(iii)~~ (c) be required where a member or member-elect is employed or engaged by a person and such person also employs or engages a person in a lobbyist relationship so long as the member or member-elect has no financial interest in the lobbyist relationship.

TRUST. If you or your immediate family, separately or together, are the only beneficiaries of a trust, treat the trust's assets as if you own them directly. If you or your immediate family has a proportional interest in a trust, treat that proportion of the trust's assets as if you own them directly. For example, if you and your immediate family have a one-third interest in a trust, complete your Statement as if you own one-third of each of the trust's assets. If you or a member of your immediate family created a trust and can revoke it without the beneficiaries' consent, treat its assets as if you own them directly.

REPORT TO THE BEST OF INFORMATION AND BELIEF. Information required on this Statement must be provided on the basis of the best knowledge, information, and belief of the individual filing the Statement as of the date of this report unless otherwise stated.

COMPLETE ITEMS 1 THROUGH 11. REFER TO SCHEDULES ONLY IF DIRECTED.

You may attach additional explanatory information.

1. Offices and Directorships.

Are you or a member of your immediate family a paid officer or paid director of a business?

EITHER check NO / / OR check YES / / and complete Schedule A.

2. Personal Liabilities.

Do you or a member of your immediate family owe more than ~~\$10,000~~ \$5,000 to any one creditor including contingent liabilities? (Exclude debts to any government and loans secured by recorded liens on property at least equal in value to the loan.)

EITHER check NO / / OR check YES / / and complete Schedule B.

3. Securities.

Do you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of ~~\$10,000~~ \$5,000 invested in one business? Account for mutual funds, limited partnerships and trusts.

EITHER check NO / / OR check YES / / and complete Schedule C.

4. Payments for Talks, Meetings, and Publications.

During the past ~~12~~ six months did you receive *in your capacity as a legislator* lodging, transportation, money, or anything else of value with a combined value exceeding \$200 (i) for a single talk, meeting, or published work ~~in your capacity as a legislator~~ or (ii) for a meeting, conference, or event where your attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant to your duties as a legislator, including issues faced by your constituents,

or (b) enhance your knowledge and skills relative to your duties as a legislator? Do not include payments and reimbursements from the Commonwealth for meetings attended in your capacity as a legislator; see Question 11 and Schedule D2 to report such meetings.

EITHER check NO / / OR check YES / / and complete Schedule D.

5. Gifts.

During the past ~~12~~ six months did a business, government, or individual other than a relative or personal friend (i) furnish you or a member of your immediate family with any gift or entertainment at a single event, and the value received by you exceeded \$50 in value or (ii) furnish you or a member of your immediate family with gifts or entertainment in any combination and the total value received by you exceeded \$100 in total value, and for which you or the member of your immediate family neither paid nor rendered services in exchange? Account for entertainment events only if the average value per person attending the event exceeded \$50 in value. Account for all business entertainment (except if related to your the private profession or occupation of you or the member of your immediate family who received such business entertainment) even if unrelated to your official duties.

EITHER check NO / / OR check YES / / and complete Schedule E.

6. Salary and Wages.

List each employer that pays you or a member of your immediate family salary or wages in excess of ~~\$10,000~~ \$5,000 annually. (Exclude any salary received as a member of the General Assembly pursuant to § 30-19.11.)

If no reportable salary or wages, check here / / .

7. Business Interests and Lobbyist Relationships.

7A. Do you or a member of your immediate family, separately or together, operate your own business, or own or control an interest in excess of ~~\$10,000~~ \$5,000 in a business?

EITHER check NO / / OR check YES / / and complete Schedule F-1.

7B. Do you have a lobbyist relationship as that term is defined above?

EITHER check NO / / OR check YES / / and complete Schedule F-2.

8. Payments for Representation and Other Services.

8A. Did you represent any businesses before any state governmental agencies, excluding courts or judges, for which you received total compensation during the past ~~12~~ six months in excess of \$1,000, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers?

EITHER check NO / / OR check YES / / and complete Schedule G-1.

8B. Subject to the same exceptions as in 8A, did persons with whom you have a close financial association (partners, associates or others) represent any businesses before any state governmental agency for which total compensation was received during the past ~~12~~ six months in excess of \$1,000?

EITHER check NO / / OR check YES / / and complete Schedule G-2.

8C. Did you or persons with whom you have a close financial association furnish services to businesses operating in Virginia, pursuant to an agreement between you and such businesses, or between persons with whom you have a close financial association and such businesses for which total compensation in excess of \$1,000 was received during the past ~~12~~ six months? Services reported under this provision shall not include services involving the representation of businesses that are reported under question 8A or 8B above.

EITHER check NO / / OR check YES / / and complete Schedule G-3.

9. Real Estate.

Do you or a member of your immediate family hold an interest, including a partnership interest, valued at ~~\$10,000~~ or more than \$5,000 in real property (other than your principal residence) for which you have not already listed the full address on Schedule F? Account for real estate held in trust.

EITHER check NO / / OR check YES / / and complete Schedule H.

10. Real Estate Contracts with State Governmental Agencies.

Do you or a member of your immediate family hold an interest valued at more than ~~\$10,000~~ \$5,000 in real estate, including a corporate, partnership, or trust interest, option, easement, or land contract, which real estate is the subject of a contract, whether pending or completed within the past ~~12~~ six months, with a state governmental agency?

If the real estate contract provides for the leasing of the property to a state governmental agency, do you or a member of your immediate family hold an interest in the real estate, including a corporate, partnership, or trust interest, option, easement, or land contract valued at more than \$1,000? Account for all such contracts whether or not your interest is reported in Schedule F or H. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

EITHER check NO / / OR check YES / / and complete Schedule I.

11. Payments by the Commonwealth for Meetings.

During the past ~~12~~ six months did you receive lodging, transportation, money, or anything else of value with a combined value exceeding \$200 from the Commonwealth for a single meeting attended out-of-state in your capacity as a legislator? Do not include reimbursements from the Commonwealth for meetings attended in the Commonwealth.

EITHER check NO / / OR check YES / / and complete Schedule D-2.

For Statements filed in January 2016 and each two years thereafter, complete the following statement indicating whether you completed the ethics orientation sessions provided pursuant to law:

I certify that I completed ethics training as required by § 30-129.1. YES / / or NO / /.

Statements of Economic Interests are open for public inspection.

AFFIRMATION.

In accordance with the rules of the house in which I serve, if I receive a request that this disclosure statement be corrected, augmented, or revised in any respect, I hereby pledge that I shall respond promptly to the request. I understand that if a determination is made that the statement is insufficient, I will satisfy such request or be subjected to disciplinary action of my house.

I swear or affirm that the foregoing information is full, true and correct to the best of my knowledge.

Signature _____ (Such signature shall be deemed to constitute a valid notarization and shall have the same effect as if performed by a notary public.)

Commonwealth of Virginia

_____ of _____ to wit:

The foregoing disclosure form was acknowledged before me

This _____ day of _____, 20____, by _____

Notary Public

My commission expires _____

(Return only if needed to complete Statement.)

SCHEDULES

to

STATEMENT OF ECONOMIC INTERESTS.

NAME _____

SCHEDULE A - OFFICES AND DIRECTORSHIPS.

Identify each business of which you or a member of your immediate family is a paid officer or paid director.

Name of Business	Address of Business	Position Held and by Whom
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

RETURN TO ITEM 2

SCHEDULE B - PERSONAL LIABILITIES.

Report personal liability by checking each category. Report only debts in excess of ~~\$10,000~~ \$5,000. Do not report debts to any government. Do not report loans secured by recorded liens on property at least equal in value to the loan.

Report contingent liabilities below and indicate which debts are contingent.

1. My personal debts are as follows:

Check appropriate categories	Check one	
	\$10,001 \$5,001 to \$50,000	More than \$50,000
Banks	_____	_____
Savings institutions	_____	_____
Other loan or finance companies	_____	_____
Insurance companies	_____	_____
Stock, commodity or other brokerage companies	_____	_____
Other businesses:	_____	_____
(State principal business activity for each creditor and its name.)	_____	_____
_____	_____	_____
_____	_____	_____

Individual creditors:

(State principal business or occupation of

each creditor and its name.)

2. The personal debts of the members of my immediate family are as follows:

	Check one	
Check appropriate categories	\$10,001	
	\$5,001 to	More than
	\$50,000	\$50,000
Banks	_____	_____
Savings institutions	_____	_____
Other loan or finance companies	_____	_____
Insurance companies	_____	_____
Stock, commodity or other brokerage companies	_____	_____
Other businesses: (State principal business activity for each creditor and its name.)		
_____	_____	_____
_____	_____	_____
Individual creditors: (State principal business or occupation of each creditor and its name.)		
_____	_____	_____
_____	_____	_____
_____	_____	_____

RETURN TO ITEM 3

SCHEDULE C - SECURITIES.

"Securities" INCLUDES stocks, bonds, mutual funds, limited partnerships, and commodity futures contracts.

"Securities" EXCLUDES certificates of deposit, money market funds, annuity contracts, and insurance policies.

Identify each business or Virginia governmental entity in which you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of ~~\$10,000~~ \$5,000. Name each ~~entity~~ issuer and type of security individually.

Do not list U.S. Bonds or other government securities not issued by the Commonwealth of Virginia or its authorities, agencies, or local governments. Do not list organizations that do not do business in this Commonwealth, but most major businesses conduct business in Virginia. Account for securities held in trust.

If no reportable securities, check here / /.

			Check one	
			\$10,001	
			\$5,001	\$50,001
			to	to
			\$50,000	\$250,000
				More than
Name of Issuer	Type of Entity	Type of Security (stocks, bonds, mutual funds, etc.)		\$250,000
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

RETURN TO ITEM 4

SCHEDULE D-1 - PAYMENTS FOR TALKS, MEETINGS, AND PUBLICATIONS.

List each source from which you received during the past ~~12~~ six months in your capacity as a legislator lodging, transportation, money, or any other thing of value (excluding meals or drinks coincident with a meeting) with a combined value exceeding \$200 (i) for your presentation of a single talk, participation in one meeting, or publication of a work in your capacity as a legislator or (ii) for your attendance at a meeting, conference, or event where your attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant to your duties as a legislator, including issues faced

by your constituents, or (b) enhance your knowledge and skills relative to your duties as a legislator. Any lodging, transportation, money, or other thing of value received by a legislator that does not satisfy the criteria of clause (i), (ii) (a), or (ii) (b) shall be listed as a gift on Schedule E. Do not list payments or reimbursements by the Commonwealth. (See Schedule D-2 for such payments or reimbursements.) List a payment even if you donated it to charity. Do not list information about a payment if you returned it within 60 days or if you received it from an employer already listed under Item 6 or from a source of income listed on Schedule F.

If no payment must be listed, check here / /.

Payer	Approximate Value	Circumstances	Type of Payment (e.g., Honoraria, Travel reimburse- ment, etc.)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

RETURN TO ITEM 5

SCHEDULE D-2 - PAYMENTS BY THE COMMONWEALTH FOR MEETINGS.

List each meeting for which the Commonwealth provided payments or reimbursements during the past ~~12~~ six months to you for lodging, transportation, money, or any other thing of value (~~excluding meals or drinks coincident with a meeting~~) with a combined value exceeding \$200 for your participation in your capacity as a legislator. Do not list payments or reimbursements by the Commonwealth for meetings or travel within the Commonwealth.

If no payment must be listed, check here / /.

Payer	Approximate Value	Circumstances	Type of Payment (e.g., Travel reimbursement, etc.)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SCHEDULE E - GIFTS.

List each business, governmental entity, or individual that, during the past ~~12~~ six months, (i) furnished you or a member of your immediate family with any gift or entertainment at a single event, and the value received by you exceeded \$50; ~~in value~~ or (ii) furnished you or a member of your immediate family with gifts or entertainment in any combination and the total value received by you exceeded \$100 ~~in total value~~, and for which you or the member of your immediate family neither paid nor rendered services in exchange. List each such gift or event.

Do not list entertainment events unless the average value per person attending the event exceeded \$50 ~~in value~~. Do not list business entertainment related to ~~you~~ the private profession or occupation of you or the member of your immediate family who received such business entertainment. Do not list gifts or other things of value given by a relative or personal friend for reasons clearly unrelated to your public position. Do not list campaign contributions publicly reported as required by Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2 of the Code of Virginia.

Name of Recipient	Name of Business, Organization, or Individual	City or County and State	Exact Gift or Event	Approximate Value
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

RETURN TO ITEM 6

SCHEDULE F-1 - BUSINESS INTERESTS.

Complete this Schedule for each self-owned or family-owned business (including rental property, a farm, or consulting work), partnership, or corporation in which you or a member of your immediate family, separately or together, own an interest having a value in excess of ~~\$10,000~~ \$5,000.

Life insurance companies	_____	_____	_____	_____	_____
Casualty insurance companies	_____	_____	_____	_____	_____
Other insurance companies	_____	_____	_____	_____	_____
Retail companies	_____	_____	_____	_____	_____
Beer, wine or liquor companies or distributors	_____	_____	_____	_____	_____
Trade associations	_____	_____	_____	_____	_____
Professional associations	_____	_____	_____	_____	_____
Associations of public employees or officials	_____	_____	_____	_____	_____
Counties, cities or towns	_____	_____	_____	_____	_____
Labor organizations	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____

RETURN TO ITEM 9

SCHEDULE H - REAL ESTATE.

List real estate other than your principal residence in which you or a member of your immediate family holds an interest, including a partnership interest, option, easement, or land contract, valued at ~~\$10,000~~ \$5,000 or more. Each parcel ~~must~~ shall be listed individually.

List the location (state, and county or city where you own real estate	Describe the type of real estate you own in each location (business, recreational, apartment, commercial, open land, etc.)	If the real estate is owned or recorded in a name other than your own, list that name
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

RETURN TO ITEM 10

SCHEDULE I - REAL ESTATE CONTRACTS WITH STATE GOVERNMENTAL AGENCIES.

List all contracts, whether pending or completed within the past ~~12~~ six months, with a state governmental agency for the sale or exchange of real estate in which you or a member of your immediate family holds an interest, including a corporate, partnership or trust interest, option, easement, or land contract, valued at more than \$10,000 ~~or more~~. List all contracts with a state governmental agency for the lease of real estate in which you or a member of your immediate family holds such an interest valued at more than \$1,000 ~~or more~~. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

List your real estate interest and the person or entity, including the type of entity, which is party to the contract. Describe any management role and the percentage ownership interest you or your immediate family member has in	List each governmental agency which is a party to the contract and indicate the county	State the annual income from the contract, and the amount, if any, of income you or any immediate family member derives
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

the real estate or entity.	or city where the real estate is located.	annually from the contract.
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. Any legislator who makes a knowing misstatement of a material fact on the Statement of Economic Interests shall be subject to disciplinary action for such violations by the house in which the legislator sits.

C. ~~In accordance with the rules of each house, the~~ *The* Statement of Economic Interests of all members of each house shall be reviewed *by the Council*. If a legislator's Statement is found to be inadequate as filed, the legislator shall be notified in writing and directed to file an amended Statement correcting the indicated deficiencies, and a time shall be set within which such amendment shall be filed. If the Statement of Economic Interests, in either its original or amended form, is found to be adequate as filed, the legislator's filing shall be deemed in full compliance with this section as to the information disclosed thereon.

D. Ten percent of the membership of a house, on the basis of newly discovered facts, may in writing request the house in which those members sit, in accordance with the rules of that house, to review the Statement of Economic Interests of another member of that house in order to determine the adequacy of his filing. In accordance with the rules of each house, each Statement of Economic Interests shall be promptly reviewed, the adequacy of the filing determined, and notice given in writing to the legislator whose Statement is in issue. Should it be determined that the Statement requires correction, augmentation or revision, the legislator involved shall be directed to make the changes required within such time as shall be set under the rules of each house.

If a legislator, after having been notified in writing in accordance with the rules of the house in which he sits that his Statement is inadequate as filed, fails to amend his Statement so as to come into compliance within the time limit set, he shall be subject to disciplinary action by the house in which he sits. No legislator shall vote on any question relating to his own Statement.

§ 30-112. Senate and House Ethics Advisory Panels; membership; terms; quorum; compensation and expenses.

A. The Senate Ethics Advisory Panel and the House Ethics Advisory Panel are established in the legislative branch of state government. The provisions of §§ 30-112 through 30-119 shall be applicable to each panel.

B. The Senate Ethics Advisory Panel shall be composed of five nonlegislative citizen members: three of whom shall be former members of the Senate; and two of whom shall be citizens of the Commonwealth at large who have not previously held such office. All members of the Panel shall be citizens of the Commonwealth. No member shall engage in activities requiring him to register as a lobbyist under § 2.2-422 during his tenure on the Panel.

The members shall be nominated by the Committee on Rules of the Senate and confirmed by the Senate *by a majority vote of (i) the members present of the majority party and (ii) the members present of the minority party*. After initial appointments, all appointments shall be for terms of four years each except for unexpired terms. Nominations shall be made so as to assure bipartisan representation on the Panel.

C. The House Ethics Advisory Panel shall be composed of five nonlegislative citizen members: one of whom shall be a retired justice or judge of a court of record; two of whom shall be former members of the House of Delegates; and two of whom shall be citizens of the Commonwealth at large, at least one of whom shall not have previously held such office. All members of the Panel shall be citizens of the Commonwealth. No member shall engage in activities requiring him to register as a lobbyist under § 2.2-422 during his tenure on the Panel.

The members shall be nominated by the Speaker of the House of Delegates and confirmed by the House of Delegates *by a majority vote of (i) the members present of the majority party and (ii) the members present of the minority party*. After initial appointments, all appointments shall be for terms of four years each except for unexpired terms. Nominations shall be made so as to assure bipartisan representation on the Panel.

D. Each panel shall elect its own chairman and vice-chairman from among its membership.

E. No member shall serve more than three successive four-year terms. Vacancies shall be filled only for the unexpired term. Vacancies shall be filled in the same manner as the original appointments. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

F. Three members shall constitute a quorum on each panel. A vacancy shall not impair the right of the remaining members to exercise all powers of the Panel. Meetings of each panel shall be held at the call of the chairman or whenever the majority of the members so request.

G. The members of each panel, while serving on the business of the Panel, are performing legislative duties and shall be entitled to the compensation and reimbursement of expenses to which members of the General Assembly are entitled when performing legislative duties pursuant to §§ 2.2-2813, 2.2-2825, and 30-19.12. Funding for the cost of compensation and expenses of the members of the Senate Ethics Advisory Panel shall be provided by the Office of the Clerk of the Senate and the funding for the cost of compensation and expenses of the House Ethics Advisory Panel shall be provided by the Office of the Clerk of the House of Delegates.

§ 30-114. Filing of complaints; procedures; disposition.

A. In response to the signed and sworn complaint of any citizen of the Commonwealth, which is subscribed by the maker as true under penalty of perjury, submitted to the Panel, the Panel shall inquire into any alleged violation of Articles 2 (§ 30-102 et seq.) through 5 (§ 30-109 et seq.) ~~of this chapter~~ by any member of the respective house of the General Assembly in his current term or his immediate prior term. Complaints shall be filed with the ~~Director of the Division of Legislative Services~~ *Virginia Conflict of Interest and Ethics Advisory Council*, ~~who~~ which shall promptly (i) submit the complaint to the chairman of the appropriate Panel and (ii) forward a copy of the complaint to the legislator named in the complaint. The chairman shall promptly notify the Panel of the complaint. No complaint shall be filed with the Panel 60 or fewer days before a primary election or other nominating event or before a general election in which the cited legislator is running for office, and the Panel shall not accept or act on any complaint received during this period.

B. The Panel shall determine, during its preliminary investigation, whether the facts stated in the complaint taken as true are sufficient to show a violation of Articles 2 (§ 30-102 et seq.) through 5 (§ 30-109 et seq.) ~~of this chapter~~. If the facts, as stated in the complaint, fail to give rise to such a violation, then the Panel shall dismiss the complaint. If the facts, as stated in the complaint, give rise to such a violation, then the Panel shall request that the complainant appear and testify under oath as to the complaint and the allegations therein. After hearing the testimony and reviewing any other evidence provided by the complainant, the Panel shall dismiss the complaint if the Panel fails to find by a preponderance of the evidence that such violation has occurred. If the Panel finds otherwise, it shall proceed with the inquiry.

C. If after such preliminary investigation, the Panel determines to proceed with an inquiry into the conduct of any legislator, the Panel (i) shall immediately notify in writing the individual who filed the complaint and the cited legislator as to the fact of the inquiry and the charges against the legislator and (ii) shall schedule one or more hearings on the matter. The legislator shall have the right to present evidence, cross-examine witnesses, face and examine the accuser, and be represented by counsel at any hearings. In its discretion, the Panel may grant the legislator any other rights or privileges not specifically enumerated in this subsection. Once the Panel has determined to proceed with an inquiry, its meetings and hearings shall be open to the public.

D. Once the Panel determines to proceed with an inquiry into the conduct of any legislator, the Panel shall complete its investigations and dispose of the matter as provided in § 30-116 notwithstanding the resignation of the legislator during the course of the Panel's proceedings.

§ 30-117. Confidentiality of proceedings.

All proceedings during the investigation of any complaint by the Panel shall be confidential. This rule of confidentiality shall apply to Panel members and their staff ~~and~~ the Committee on Privileges and Elections and its staff, ~~and the Virginia Conflict of Interest and Ethics Advisory Council.~~

§ 30-118. Staff for Panel.

The Panel may hire staff and outside counsel to assist the Panel and to conduct examinations of witnesses, subject to the approval of the President Pro Tempore of the Senate for the Senate Ethics Advisory Panel and subject to the approval of the Speaker of the House of Delegates for the House Ethics Advisory Panel. ~~The Panel may have the Director of the Division of Legislative Services, and such additional staff as he may assign, assist the Panel during its preliminary investigation and during its proceedings.~~

§ 30-124. Advisory opinions.

A legislator shall not be prosecuted or disciplined for a violation of this chapter if his alleged violation resulted from his good faith reliance on a written opinion of a committee on standards of conduct established pursuant to § 30-120, ~~or~~ an opinion of the Attorney General as provided in § 30-122, ~~or a formal opinion of the Virginia Conflict of Interest and Ethics Advisory Council established pursuant to § 30-348,~~ and the opinion was made after his full disclosure of the facts.

Article 6.

Ethics Orientation Sessions.

§ 30-129.1. Orientation sessions on ethics and conflicts of interests.

The Virginia Conflict of Interest and Ethics Advisory Council shall conduct an orientation session (i) for new and returning General Assembly members preceding each even-numbered year regular session and (ii) for any new General Assembly member who is elected in a special election and whose term commences after the date of the orientation session provided for in clause (i) and at least six months before the date of the next such orientation session within three months of his election. Attendance at the full orientation session shall be mandatory for newly elected members. Attendance at a refresher session lasting at least two hours shall be mandatory for returning members and may be accomplished by online participation. There shall be no penalty for the failure of a member to attend the full or refresher orientation session, but the member must disclose his attendance pursuant to § 30-111.

§ 30-129.2. Content of orientation sessions.

The orientation session shall provide information and training for the members on ethics and conflicts of interests, on the provisions of the General Assembly Conflicts of Interests Act (§ 30-100 et seq.), on relevant federal law provisions, and on related issues involving lobbying. Refresher sessions may be offered online.

§ 30-129.3. Orientation session preparations.

Those conducting the orientation sessions may call on other agencies in the legislative or executive branches for assistance, may invite experts to assist in the sessions, and shall, upon request of a member who holds a professional license or certification, apply for continuing education credits with the appropriate licensing or certifying entity for the sessions.

CHAPTER 55.

VIRGINIA CONFLICT OF INTEREST AND ETHICS ADVISORY COUNCIL.

§ 30-348. Virginia Conflict of Interest and Ethics Advisory Council; membership; terms; quorum; expenses.

A. The Virginia Conflict of Interest and Ethics Advisory Council (the Council) is hereby created as an advisory council in the legislative branch to encourage and facilitate compliance with the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) and the General Assembly Conflicts of Interests Act (§ 30-100 et seq.) (hereafter the Acts) and the lobbying laws in Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 (hereafter Article 3).

B. The Council shall consist of 15 members as follows: four members appointed by the Speaker of the House of Delegates, one of whom shall be a member of the House of Delegates, one of whom shall be a former member of the House of Delegates, and two of whom shall be nonlegislative citizen members; four members appointed by the Senate Committee on Rules, one of whom shall be a member of the Senate, one of whom shall be a former member of the Senate, and two of whom shall be nonlegislative citizen members; four members appointed by the Governor, two of whom shall be executive branch employees and two of whom shall be nonlegislative citizen members; one member designated by the Attorney General; one member appointed by the Senate Committee on Rules from a list of three nominees submitted by the Virginia Association of Counties; and one member appointed by the Speaker of the House of Delegates from a list of three nominees submitted by the Virginia Municipal League. All members of the Council are subject to confirmation by the General Assembly by a majority vote in each house of (i) the members present of the majority party and (ii) the members present of the minority party.

C. All appointments following the initial staggering of terms shall be for terms of four years, except that appointments to fill vacancies shall be for the unexpired terms in the same manner as the original appointment. No nonlegislative citizen member shall be eligible to serve for more than two successive four-year terms. However, after the expiration of a term of three years or less, or after the expiration of the remainder of a term to which appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto. Legislative members and other state government officials shall serve terms coincident with their terms of office. Legislative members may be reappointed for successive terms.

D. The members of the Council shall elect from among their membership a chairman and a vice-chairman for two-year terms. The chairman and vice-chairman may not succeed themselves to the same position. The Council shall hold meetings quarterly or upon the call of the chairman. A majority of the Council shall constitute a quorum.

E. Members of the Council shall receive no compensation for their services but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813, 2.2-2825, and 30-19.12, as appropriate. Funding for expenses of the members shall be provided from existing appropriations to the Council.

§ 30-349. Powers and duties of the Council.

The Council shall:

1. Review all disclosure forms filed by lobbyists pursuant to Article 3 and by state and local government officers and employees and legislators pursuant to the Acts. The Council shall review all disclosure forms for completeness, which shall include reviewing the information contained on the face of the form to determine if the disclosure form has been fully completed and comparing the disclosures contained in any disclosure form filed by a lobbyist pursuant to § 2.2-426 with other disclosure forms filed with the Council, and be followed by requests for amendments to ensure the completeness of and correction of errors in the forms, if necessary;

2. Accept any disclosure forms by computer or electronic means in accordance with the standards approved by the Council and using software meeting standards approved by it. The Council shall provide software to filers without charge and may prescribe the method of execution and certification of electronically filed forms, including the use of an electronic signature as authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.), and the procedures for receiving forms in the office of the Council;

3. Beginning July 1, 2015, establish and maintain a searchable electronic database comprising disclosure forms filed pursuant to §§ 2.2-426, 2.2-3117, 2.2-3118, and 30-111. Such database shall be available to the public through the Council's official website;

4. Furnish, upon request, formal advisory opinions or guidelines and other appropriate information, including informal advice, regarding ethics and conflicts issues arising under Article 3 or the Acts to any person or to any agency of state or local government, in an expeditious manner. Informal advice given by the Council is confidential, protected by the attorney-client privilege, and is excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);

5. Conduct training seminars and educational programs for lobbyists, state and local government officers and employees and legislators, and other interested persons on the requirements of Article 3 and the Acts and provide ethics orientation sessions for legislators in compliance with Article 6 (§ 30-129.1 et seq.) of Chapter 13;

6. Approve orientation courses conducted pursuant to § 2.2-3128 and, upon request, review the educational materials and approve any training or course on the requirements of Article 3 and the Acts conducted for state and local government officers and employees;

7. Publish such educational materials as it deems appropriate on the provisions of Article 3 and the Acts;

8. Review actions taken in the General Assembly with respect to the discipline of its members for the purpose of offering nonbinding advice;

9. Request from any agency of state or local government such assistance, services, and information as will enable the Council to effectively carry out its responsibilities. Information provided to the Council by an agency of state or local government shall not be released to any other party unless authorized by such agency; and

10. Report on or before December 1 of each year on its activities and findings regarding Article 3 and the Acts, including recommendations for changes in the laws, to the General Assembly and the Governor. The annual report shall be submitted by the chairman as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be published as a state document.

§ 30-350. Staff.

Staff assistance to the Council shall be provided by the Division of Legislative Services. Staff shall perform those duties assigned to it by the Council, including those duties enumerated in § 30-349.

§ 30-351. Cooperation of agencies of state and local government.

Every department, division, board, bureau, commission, authority, or political subdivision of the Commonwealth shall cooperate with, and provide such assistance to, the Council as the Council may request.

2. That the initial terms of the nonlegislative citizen members and former legislative members of the Virginia Conflict of Interest and Ethics Advisory Council appointed pursuant to this act shall be staggered as follows: (i) two nonlegislative citizen members, one appointed by the Speaker of the House of Delegates and one appointed by the Senate Committee on Rules, for a term of two years; (ii) two nonlegislative citizen members, one appointed by the Speaker of the House of Delegates and one appointed by the Governor, for a term of three years; (iii) two nonlegislative citizen members, one member appointed by the Senate Committee on Rules and one appointed by the Governor, and two former legislative members, one appointed by the Speaker of the House of Delegates and one appointed by the Senate Committee on Rules, for a term of four years; and (iv) the designee of the Attorney General and the appointed representatives of the Virginia Association of Counties and Virginia Municipal League for a term of one year. Thereafter, the terms of members shall be for four years.

3. That, if the General Assembly is not in session when initial appointments to the Virginia Conflict of Interest and Ethics Advisory Council are made, such initial appointments shall be confirmed at the next succeeding regular session of the General Assembly following such appointments and the Council may exercise all powers and perform all duties set forth in this act notwithstanding any provisions of this act requiring confirmation of members appointed to the Council by the General Assembly.

4. That the Virginia Conflict of Interest and Ethics Advisory Council shall promulgate instructions for all filers required to file a disclosure form regarding how to complete and file such forms in accordance with provisions of this act.

5. That the Virginia Conflict of Interest and Ethics Advisory Council shall review the current statutory disclosure forms located at §§ 2.2-426, 2.2-3117, 2.2-3118, and 30-111 of the Code of Virginia and promulgate revised forms consistent with the provisions of this act. The Council shall submit its proposed revised forms to the General Assembly on or before November 15, 2015.

6. That the provisions of this act requiring the filing of disclosure forms with the Virginia Conflict of Interest and Ethics Advisory Council shall become effective on July 1, 2015, and the first of such disclosure forms filed with the Council shall be such disclosure forms required to be filed by December 15, 2015. All filers required to file a disclosure form for any filing period prior to December 15, 2015, shall file such form with the entity currently responsible for accepting such filings in the manner currently accepted by such entity.

7. That the provisions of this act do not affect the requirement that each lobbyist required to file a report of expenditures pursuant to § 2.2-426 of the Code of Virginia shall file such report by July 1, 2014, for the preceding 12-month period complete through the last day of April and shall thereafter follow the semiannual reporting schedule set forth in § 2.2-426.

8. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

9. That, except as provided in the seventh enactment of this act, the filing period for all filers required to file a disclosure form on December 15, 2014, shall consist of January 2014 complete through the last day of October 2014.

CHAPTER 805

An Act to amend the Code of Virginia by adding a title numbered 33.2, containing a subtitle numbered I, consisting of chapters numbered 1 and 2, containing sections numbered 33.2-100 through 33.2-285, a subtitle numbered II, consisting of chapters numbered 3 through 14, containing sections numbered 33.2-300 through 33.2-1400, a subtitle numbered III, consisting of chapters numbered 15 through 18, containing sections numbered 33.2-1500 through 33.2-1824, and a subtitle numbered IV, consisting of chapters numbered 19 through 32, containing sections numbered 33.2-1900 through 33.2-3202 and to repeal Chapters 45 (§§ 15.2-4500 through 15.2-4534), 48.2 (§§ 15.2-4829 through 15.2-4840), 70 (§§ 15.2-7000 through 15.2-7021), and 71 (§§ 15.2-7022 through 15.2-7035) of Title 15.2, Title 33.1 (§§ 33.1-1 through 33.1-465), Chapters 18 (§§ 56-529 and 56-530) and 22 (§§ 56-556 through 56-575) of Title 56, and §§ 58.1-815 and 58.1-815.1 of the Code of Virginia and Chapter 693 of the Acts of Assembly of 1954,

Chapters 462 and 714 of the Acts of Assembly of 1956, Chapter 24 of the Acts of Assembly of 1959, Extra Session, Chapters 228 and 605 of the Acts of Assembly of 1962, Chapter 348 of the Acts of Assembly of 1964, Chapter 203 of the Acts of Assembly of 1990, Chapter 548 of the Acts of Assembly of 1998, Chapters 238 and 705 of the Acts of Assembly of 2000, and Chapters 270 and 297 of the Acts of Assembly of 2005, relating to revising and recodifying laws pertaining to highways, bridges, ferries, rail and public transportation, transportation funding, and local and regional transportation.

[H 311]

Approved April 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a title numbered 33.2, containing a subtitle numbered I, consisting of chapters numbered 1 and 2, containing sections numbered 33.2-100 through 33.2-285, a subtitle numbered II, consisting of chapters numbered 3 through 14, containing sections numbered 33.2-300 through 33.2-1400, a subtitle numbered III, consisting of chapters numbered 15 through 18, containing sections numbered 33.2-1500 through 33.2-1824, and a subtitle numbered IV, consisting of chapters numbered 19 through 32, containing sections numbered 33.2-1900 through 33.2-3202, as follows:

TITLE 33.2.

HIGHWAYS AND OTHER SURFACE TRANSPORTATION SYSTEMS.

SUBTITLE I.

GENERAL PROVISIONS AND TRANSPORTATION ENTITIES.

CHAPTER 1.

DEFINITIONS AND GENERAL PROVISIONS.

§ 33.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"Asset management" means a systematic process of operating and maintaining the systems of state highways by combining engineering practices and analysis with sound business practices and economic theory to achieve cost-effective outcomes.

"Board" means the Commonwealth Transportation Board.

"City" has the meaning assigned to it in § 1-208.

"Commissioner" or "Commissioner of Highways" means the individual who serves as the chief executive officer of the Department of Transportation.

"Department" means the Department of Transportation.

"Federal-aid systems" are the Interstate System and the National Highway System as set forth in 23 U.S.C. § 103.

"Highway" means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the Commonwealth.

"Highway purpose," "highway project," or "highway construction" means highway, passenger and freight rail, or public transportation purposes.

"Interstate System" means the same as that term is defined in 23 U.S.C. § 103(c). The "Interstate System" also includes highways or highway segments in the Commonwealth that constitute a part of the Dwight D. Eisenhower National System of Interstate and Defense Highways as authorized and designated in accordance with § 7 of the Federal-Aid Highway Act of 1944 and § 108(a) of the Federal-Aid Highway Act of 1956 and are declared by resolution of the Commonwealth Transportation Board to be portions of the Interstate System.

"Locality" has the meaning assigned to it in § 1-221.

"Maintenance" means (i) ordinary maintenance; (ii) maintenance replacement; (iii) operations that include traffic signal synchronization, incident management, and other intelligent transportation system functions; and (iv) any other categories of maintenance that may be designated by the Commissioner of Highways.

"Municipality" has the meaning assigned to it in § 1-224.

"National Highway System" means the same as that term is defined in 23 U.S.C. § 103(b).

"Primary highway" means any highway in or component of the primary state highway system.

"Primary state highway system" consists of all highways and bridges under the jurisdiction and control of the Commonwealth Transportation Board and the Commissioner of Highways and not in the secondary state highway system.

"Public transportation" or "mass transit" means passenger transportation by rubber-tired, rail, or other surface conveyance that provides shared ride services open to the general public on a regular and continuing basis. "Public transportation" or "mass transit" does not include school buses, charter or sight-seeing services, vehicular ferry service that serves as a link in the highway network, or human service agency or other client-restricted transportation.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel. A highway may include two or more roadways if divided by a physical barrier or barriers or unpaved areas.

"Secondary highway" means any highway in or component of the secondary state highway system.

"Secondary state highway system" consists of all public highways, causeways, bridges, landings, and wharves in the counties of the Commonwealth not included in the primary state highway system and that have been accepted by the Department of Transportation for supervision and maintenance.

"Secretary" means the Secretary of Transportation.

"Systems of state highways" has the meaning assigned to it in § 1-251.

"Urban highway system" consists of those public highways, or portions thereof, not included in the systems of state highways, to which the Commonwealth Transportation Board directs payments pursuant to § 33.2-319.

§ 33.2-101. Governor to waive certain state statutory mandates and regulations to expedite certain highway construction projects.

Notwithstanding any contrary provision of this Code, whenever the Governor finds in his emergency preparedness planning that certain transportation improvements are necessary to avert or respond to a natural disaster, prevent or respond to an act of terrorism, or contribute to military operations during a time of war or state of emergency as defined in § 44-146.16, the Governor may, to the maximum extent not inconsistent with federal law, waive statutory mandates and regulations of any state agency, institution, instrumentality, or political subdivision concerning the issuance of permits or related approvals in order to expedite the construction, reconstruction, alteration, or relocation of such highways, bridges, tunnels, and associated facilities or structures as he deems necessary.

§ 33.2-102. Authority of cities and towns and certain counties in connection with federal aid.

The cities and towns of the Commonwealth and also the counties that have withdrawn from the provisions of Chapter 415 of the Acts of Assembly of 1932, as amended, may comply fully with the provisions of the present or future federal-aid road acts, and to this end they may enter into all contracts or agreements with the United States government or the appropriate agencies thereof relating to the survey, construction, improvement, and maintenance of roads, streets, and highways under their control and may do all other things necessary to carry out fully the cooperation contemplated and provided for by the present or future acts of Congress relating to the construction, improvement, and maintenance of roads, streets, and highways.

Such localities may also cooperate with the Board in connection with any project for the survey, construction, improvement, or maintenance of any road, street, or highway under their jurisdiction and control that is eligible for federal aid under any present or future federal-aid road acts and may by appropriate agreement or contract authorize the Board to act on their behalf in any dealings necessary with the United States or any agency thereof and may authorize the Board to carry out such survey, construction, improvement, or maintenance work on such projects either with or without participation by the locality. Whenever the Board is given such authority by any such locality, it may do all things contemplated and provided for by present or future federal-aid road acts and the agreements made with such locality.

§ 33.2-103. Certified mail; subsequent mail or notices may be sent by regular mail.

Whenever in this title the Board, Commissioner of Highways, or Department is required to send any mail or notice by certified mail and such mail or notice is sent certified mail, return receipt requested, then any subsequent, identical mail or notice that is sent by the Board, Commissioner of Highways, or Department may be sent by regular mail.

§ 33.2-104. English units of measure.

A. Neither the Commissioner of Highways nor the Department shall expend any funds whatsoever for the purpose of (i) converting the units of measure displayed on any highway sign from English units of measure to metric units of measure, (ii) replacing any highway sign displaying English units of measure with one bearing metric units of measure, or (iii) replacing any highway sign displaying English units of measure with one bearing both English and metric units of measure.

B. The Board, Commissioner of Highways, and Department shall use English units of measure in the design, advertisement, construction, and preparation of plans and specifications of every highway, bridge, tunnel, or overpass construction or maintenance project. However, nothing in this section shall prevent the Board, Commissioner of Highways, or Department from continuing the use of metric units of measure in the design, advertisement, or construction of any project or the preparation of plans or specifications for a project if, prior to July 1, 1999, metric units of measure were used in the design, advertisement, plans, or specifications for the project.

§ 33.2-105. Evidence as to existence of a public highway.

When a way has been worked by highway officials as a public highway and is used by the public as such, proof of these facts shall be prima facie evidence that the same is a public highway. And when a way has been regularly or periodically worked by highway officials as a public highway and used by the public as such continuously for a period of 20 years, proof of these facts shall be conclusive evidence that the same is a public highway. In all such cases, the center of the general line of passage, conforming to the ancient landmarks where such exist, shall be presumed to be the center of the way and in the absence of proof to the contrary, the width shall be presumed to be 30 feet.

Nothing contained in this section shall be construed to convert into a public highway a way of which the use by the public has been or is permissive and the work thereon by the highway officials has been or is done under permission of the owner of the servient tenement.

§ 33.2-106. Secretary of Transportation to submit annual report on actions taken to increase transit use, etc.

The Secretary, in consultation and cooperation with the Commissioner of Highways and the Director of the Department of Rail and Public Transportation, shall annually, not later than November 1, submit to the General Assembly a

report on actions taken by the Commonwealth, local governments, and regional transportation authorities to (i) increase transit use and (ii) reduce highway congestion and use of single occupant vehicles through programs and initiatives involving transportation demand management, transit use, telecommuting, carpooling, construction of commuter parking facilities, use of flexible work hours, and telecommunications technology.

§ 33.2-107. Secretary of Transportation to conduct periodic examination of process.

The Secretary shall, at least once every four years, cause to be conducted an examination of the approval process for maintenance and improvements within the secondary and urban highway systems and adopt policies and procedures to reduce review redundancy and to allow approval at the district office level to the maximum extent practical.

§ 33.2-108. Public hearings prior to undertaking projects requested by institutions of higher education.

Before any safety-related or congestion management-related highway project requested by any college, university, or other institution of higher education is undertaken in the Commonwealth, the college, university, or other institution of higher education shall conduct at least one public hearing to afford owners of property in the vicinity of the project and users of highways in the vicinity of or likely to be affected by the project an opportunity to submit comments and make their views known regarding the project.

Not less than 30 days prior to any such hearing, a notice of the time and place of the hearing shall also be published by the college, university, or other institution of higher education at least once in a newspaper published or having a general circulation in the locality in which the project is to be located and established.

§ 33.2-109. Policy of the Commonwealth regarding use of highways by motorcycles; discrimination by political subdivisions prohibited.

In formulating transportation policy, promulgating regulations, allocating funds, and planning, designing, constructing, equipping, operating, and maintaining transportation facilities, no action of the Board, Commissioner of Highways, or Department shall in any way have the effect of discriminating against motorcycles, motorcycle operators, or motorcycle passengers. No regulation or action of the Board, Commissioner of Highways, or Department shall have the effect of enacting a prohibition or imposing a requirement that applies only to motorcycles or motorcyclists and the principal purpose of which is to restrict or inhibit access of motorcycles and motorcyclists to any highway, bridge, tunnel, or other transportation facility.

The provisions of this section shall also apply to transportation facilities and projects undertaken or operated by localities and other political subdivisions of the Commonwealth where public funds have been used in whole or in part to plan, design, construct, equip, operate, or maintain the facility or project.

§ 33.2-110. Gates across private roads; leaving gates open; gates across private roads leading to forestlands; penalties.

A. Any person owning land over which another or others have a private road or right-of-way may, except when it is otherwise provided by contract, erect and maintain gates across such roads or right-of-way at all points at which fences extend to such roads on each side thereof, provided that a court of competent jurisdiction may, upon petition, where it is alleged and proved by petitioner that the gates have been willfully and maliciously erected, require the landowner to make such changes as may be necessary and reasonable in the use of such roads for both the landowner and the petitioner.

B. If any person without permission of the owners of such gate or of the land on which the gate is located leaves the gate open, he is guilty of a Class 1 misdemeanor.

C. The owners of forest and timberlands may substantially obstruct or close private and seldom used roads leading to or into such forest or timberlands from the public highways of the Commonwealth at points at or near which the private roads enter their property or forestlands; and, in all cases where any such private road is subject to an easement for travel for the benefit of other lands not regularly and continuously inhabited, the owner of such forest or timberlands may obstruct the road with a gate, chain, cable, or other removable obstruction, lock the obstruction, and after furnishing a key to the lock to the owner or owners of the land or lands to which the forestlands are servient, require those entitled to the easement to unlock and relock such obstruction upon making use of the road.

There shall be no penalty upon the owner of such forest or timberlands for failure to erect such obstructions, but if such obstruction is erected, any person without the permission of the owner who destroys, removes, or leaves the obstruction open or unlocked, in cases where the obstruction is locked by the owner and the keys are furnished as provided in this subsection, is guilty of a misdemeanor punishable by a fine of not less than \$25 nor more than \$500, provided that in all cases of forest fires upon the owner's lands or those adjacent or near thereto, the expressed permission of the owner shall be deemed given to all persons aiding in extinguishing or preventing the spreading of the fire to remove the obstructions, including the breaking of locks.

§ 33.2-111. Funding and undertaking of pedestrian or bicycle projects apart from highway projects not prohibited.

Nothing contained in this chapter and no regulation promulgated by the Commissioner of Highways or the Board shall be construed to prohibit or limit the ability of the Board or the Department to fund and undertake pedestrian or bicycle projects except in conjunction with highway projects.

§ 33.2-112. Sidewalks and walkways for pedestrian traffic.

The Board may construct such sidewalks or walkways on the bridges and along the highways under its jurisdiction as it deems necessary for the protection of pedestrian traffic.

All provisions of law with respect to the acquisition of lands and interests therein and the construction, reconstruction, alteration, improvement, and maintenance of highways in the primary and secondary state highway systems, including the exercise of the power of eminent domain by the Board and the Commissioner of Highways, shall be applicable to such sidewalks and walkways.

§ 33.2-113. Contributions by cities or towns towards highway building, bridges, etc.

Any city or town, acting by and through its governing body, may contribute funds or other aid within the control of the city or town toward the building or improvement of permanent public highways leading to the city or town, or of bridges, or to the purchase of bridges, or the establishment, maintenance, or operation of ferries, when in the judgment of such governing body such action will tend to promote the material interest of such city or town. But no contribution shall be made toward the building or improvement of any highway or bridge, or the purchase of bridges, or any ferry, at any point more than 40 miles beyond the corporate limits of the city or town, as measured along the route of such highway.

§ 33.2-114. Virginia Aviation Board and Virginia Port Authority powers.

The powers of the Virginia Aviation Board set out in Chapter 1 (§ 5.1-1 et seq.) of Title 5.1 and the Virginia Port Authority set out in Chapter 10 (§ 62.1-128 et seq.) of Title 62.1 are in no way diminished by the provisions of this title.

CHAPTER 2.

TRANSPORTATION ENTITIES.

Article I.

Commonwealth Transportation Board; Membership and Organization.

§ 33.2-200. Commonwealth Transportation Board; membership; terms; vacancies.

The Board shall have a total membership of 18 members that shall consist of 14 nonlegislative citizen members and four ex officio members as follows: the Secretary of Transportation, the Commissioner of Highways, the Director of the Department of Rail and Public Transportation, and the Executive Director of the Virginia Port Authority. The nonlegislative citizen members shall be appointed by the Governor as provided in § 33.2-201, subject to confirmation by the General Assembly, and shall serve at the pleasure of the Governor. Appointments of nonlegislative citizen members shall be for terms of four years commencing on July 1, upon the expiration of the terms of the existing members, respectively. Vacancies shall be filled by appointment by the Governor for the unexpired term and shall be effective until 30 days after the next meeting of the ensuing General Assembly and, if confirmed, thereafter for the remainder of the term. No nonlegislative citizen member shall be eligible to serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining that member's eligibility for reappointment. Ex officio members of the Board shall serve terms coincident with their terms of office.

The Secretary shall serve as chairman of the Board and shall have voting privileges only in the event of a tie. The Commissioner of Highways shall serve as vice-chairman of the Board and shall have voting privileges only in the event of a tie when he is presiding during the absence of the chairman. The Director of the Department of Rail and Public Transportation and the Executive Director of the Virginia Port Authority shall not have voting privileges.

§ 33.2-201. Appointment requirements; statewide interest.

Of the members appointed to the Board, one member shall be a resident of the territory now included in the Bristol highway construction district, one in the Salem highway construction district, one in the Lynchburg highway construction district, one in the Staunton highway construction district, one in the Culpeper highway construction district, one in the Fredericksburg highway construction district, one in the Richmond highway construction district, one in the Hampton Roads highway construction district, and one in the Northern Virginia highway construction district. The remaining five members shall be appointed from the Commonwealth at large, provided that at least two reside in metropolitan statistical areas and are designated as urban at-large members and at least two reside outside metropolitan statistical areas and are designated as rural at-large members. The at-large members shall be appointed to represent rural and urban transportation needs and to be mindful of the concerns of seaports and seaport users, airports and airport users, railways and railway users, and mass transit and mass transit users. Each appointed member of the Board shall be primarily mindful of the best interest of the Commonwealth at large instead of the interests of the highway construction district from which chosen or of the transportation interest represented.

§ 33.2-202. Meetings.

The Board shall meet at least once every three months and at such other times, on the call of the chairman or of a majority of the members, as may be deemed necessary to transact such business as may properly be brought before it. Six members shall constitute a quorum of the Board for all purposes.

It shall be the duty of the Board to keep accurate minutes of all meetings of the Board, in which shall be set forth all acts and proceedings of the Board in carrying out the provisions of this title.

§ 33.2-203. Salaries and expenses.

All salaries and expenses of the Board shall be paid from the state treasury out of the annual appropriation for the Board. Warrants for such salaries and expenses shall be issued by the Comptroller on certificates of the Commissioner of Highways to the parties entitled thereto and shall be paid by the State Treasurer out of the funds appropriated for that purpose.

§ 33.2-204. Offices.

The main office of the Board, the Department of Transportation, and the Department of Rail and Public Transportation shall be located in the City of Richmond. In the discretion of the Commissioner of Highways, other offices of the Department of Transportation may be established in the various highway construction districts of the Commonwealth as may be necessary to carry out the provisions of this title.

§ 33.2-205. Oaths and bonds of members.

Each member of the Board shall, before entering upon the discharge of his duties, take an oath that he will faithfully and honestly execute the duties of the office during his term, and each shall give a bond in such penalty as may be fixed by the Governor conditioned upon the faithful discharge of the duties of his office and the full and proper accounting for all public funds and property coming into his possession or under his control. The premium on such bonds shall be paid out of the state treasury out of the annual appropriation for the Board.

§ 33.2-206. How testimony of members of Commonwealth Transportation Board and Commissioner of Highways taken in civil proceedings.

No member of the Board or the Commissioner of Highways shall be required to leave his office for the purpose of testifying in any suit, action, or other civil proceeding involving any of his official duties, but the deposition of any member of the Board or the Commissioner of Highways may be taken at the main office of the Board in Richmond, after reasonable notice in writing has been given to the adverse party.

Any deposition taken pursuant to this section may be read in the pending suit, action, or other civil proceeding. However, on motion to the court, filed at least 10 days before the commencement of the trial, the judge may, for good cause shown, require any member of the Board or the Commissioner of Highways to attend and testify *ore tenus*.

§ 33.2-207. Bookkeeping system.

The chairman of the Board shall, with the aid and advice of the Auditor of Public Accounts, cause to be maintained a complete and modern system of bookkeeping for the Department, and the books to be kept by the Department shall show in detail all receipts and disbursements of the Department, the source of such receipts, and the purpose, amount, and recipient of all disbursements.

Article 2.

Commonwealth Transportation Board; Powers and Duties.

§ 33.2-208. Location of routes.

A. The Board shall have the power and duty to locate and establish the routes to be followed by the highways comprising systems of state highways between the points designated in the establishment of such systems, except that such routes shall not include highways or streets located within any local system of highways or streets, within the urban highway system, or those local highways in any county that has resumed full responsibility for all of the secondary state highway system within such county's boundaries pursuant to § 33.2-342. Such routes to be located and established shall include corridors of statewide significance pursuant to § 33.2-353.

B. The Board shall not locate and establish any route pursuant to this section until the Department has (i) published in a newspaper that is published or has a general circulation in the locality in which the route is to be located and established a notice of its willingness to hold a public hearing on the matter; (ii) notified the governing body of the locality in which the route is to be located of its willingness to hold a public hearing on the matter; and (iii) held a public hearing if one has been requested.

If a public hearing is requested, written notice of the time and place of the hearing shall be given not less than 30 days prior to the hearing to the governing body of the locality in which the route is to be located and established. Not less than 30 days prior to the hearing, a notice of the time and place of the hearing shall also be published by the Department at least once in a newspaper published or having a general circulation in the locality in which the route is to be located and established.

All public hearings on the location or possible location of a route shall be open forums that afford citizens opportunities to obtain route location information and other pertinent information on a proposed project and to submit their hearing comments in writing or to present them directly to a verbatim recorder. In addition, upon the written request of a member of the governing body of the locality in which the route is proposed to be located, or upon the written request of 25 citizens, these public hearings shall afford citizens an opportunity to present their comments to representatives of the Department directly, one speaker at a time, in a public forum following a traditional hearing format. A written request for a traditional hearing must be received within 14 days following the first published notice of the hearing or willingness to hold a hearing.

Following the public hearing, if one is held as provided in this section, the Department shall notify the governing body of the affected locality of the Board's decision regarding the location and establishment of the route.

§ 33.2-209. Construction and maintenance contracts and activities related to passenger and freight rail and public transportation.

A. The Board shall have the power and duty to let all contracts to be administered by the Department of Transportation or the Department of Rail and Public Transportation for the construction, maintenance, and improvement of the highways comprising systems of state highways and for all activities related to passenger and freight rail and public transportation in excess of \$5 million. The Commissioner of Highways has authority to let all Department of Transportation-administered

contracts for highway construction, maintenance, and improvements up to \$5 million in value. The Director of the Department of Rail and Public Transportation has the authority to let contracts for passenger and freight rail and public transportation improvements up to \$5 million in value. The Commissioner of Highways is authorized to enter into agreements with localities, authorities, and transportation districts to administer projects and to allow those localities, authorities, and transportation districts to let contracts with no limit on contract value and without prior concurrence of the Commissioner of Highways or the Board for highway construction, maintenance, and improvements within their jurisdictions, in accordance with those provisions of this Code providing those localities, authorities, and transportation districts the ability to let such contracts. The Director of the Department of Rail and Public Transportation is authorized to enter into agreements with localities, authorities, and transportation districts to administer projects and to allow those localities, authorities, and transportation districts to let contracts with no limit on contract value and without prior concurrence of the Director of the Department of Rail and Public Transportation or the Board for passenger and freight rail and public transportation activities within their jurisdictions, in accordance with those provisions of this Code providing those localities, authorities, and transportation districts the ability to let such contracts. The Commissioner of Highways and the Director of the Department of Rail and Public Transportation shall report on their respective transportation contracting activities at least quarterly to the Board.

B. The Board may award contracts for the construction of transportation projects on a design-build basis. These contracts may be awarded after a written determination is made by the Commissioner of Highways or the Director of the Department of Rail and Public Transportation, pursuant to objective criteria previously adopted by the Board regarding the use of design-build, that delivery of the projects must be expedited and that it is not in the public interest to comply with the design and construction contracting procedures normally followed. Such objective criteria shall include requirements for prequalification of contractors and competitive bidding processes. These contracts shall be of such size and scope to encourage maximum competition and participation by agency prequalified and otherwise qualified contractors. Such determination shall be retained for public inspection in the official records of the Department of Transportation or the Department of Rail and Public Transportation, as the case may be, and shall include a description of the nature and scope of the project and the reasons for the Commissioner's or the Director's determination that awarding a design-build contract will best serve the public interest. The provisions of this section shall supersede contrary provisions of subsection D of § 2.2-4303 and § 2.2-4306.

C. The Board may award contracts for the provision of equipment, materials, and supplies to be used in construction of transportation projects on a fixed-price basis. Any such contract may provide that the price to be paid for the provision of equipment, materials, and supplies to be furnished in connection with the projects shall not be increased but shall remain fixed until completion of the projects specified in the contracts. Material components of any such contract for annual and multiyear programs, including maintenance, may be fixed at the outset of the projects and until completion based on best achievable prices.

§ 33.2-210. Traffic regulations; penalty.

A. The Board shall have the power and duty to make regulations that are not in conflict with the laws of the Commonwealth for the protection of and covering traffic on and for the use of systems of state highways and shall have the authority to add to, amend, or repeal such regulations.

B. The regulations, together with any additions or amendments thereto, prescribed by the Board under the authority of this section shall have the force and effect of law, and any person, firm, or corporation violating any such regulation or any addition or amendment thereto is guilty of a misdemeanor punishable by a fine of not less than \$5 nor more than \$100 for each offense. Such person shall be civilly liable to the Commonwealth for the actual damage sustained by the Commonwealth by reason of his wrongful act. Such damages may be recovered at the suit of the Board and, when collected, paid into the state treasury to the credit of the Department. Any regulations promulgated by the Board shall be developed in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) except when specifically exempted by law.

§ 33.2-211. Copies of regulations as evidence.

Copies of regulations of the Board and of additions or amendments thereto printed under the authority of the Board shall be admissible in all of the courts of the Commonwealth without further proof and given the force and effect prescribed hereby, and the fact that such printed copies bear the name of the Board shall be prima facie evidence that they are duly adopted and promulgated under the provisions of this title and that they are true copies of the regulations, or of any additions and amendments thereto, adopted pursuant to the provisions of subsection A of § 33.2-210.

§ 33.2-212. Sections not applicable to certain engines and tractors.

The provisions of §§ 33.2-210 and 33.2-211 shall not apply to traction engines and tractors weighing not less than five tons when drawing threshing machines, hay balers, or other farm machinery for local farm use.

§ 33.2-213. Naming highways, bridges, interchanges, and other transportation facilities.

The Board shall have the power and duty to give suitable names to state highways, bridges, interchanges, and other transportation facilities and change the names of any highways, bridges, interchanges, or other transportation facilities forming a part of the systems of state highways. The names of private entities, as defined in § 33.2-1800, located within the Commonwealth shall not be used for such purposes unless such private entity pays the Department an annual naming rights fee as determined by the Board. The Department shall place and maintain appropriate signs indicating the names of highways, bridges, interchanges, and other transportation facilities named by the Board or by the General Assembly. The

costs of producing, placing, and maintaining these signs shall be paid by the localities in which they are located or by the private entity whose name is attached to the highway, bridge, interchange, or other transportation facility. No name shall be given to any state highway, bridge, interchange, or other transportation facility by the Board unless and until the Board receives from the governing body of the locality within which a portion of the facility to be named is located a resolution of that governing body requesting such naming, except in such cases where a private entity has requested the naming. No highway, bridge, interchange, or other transportation facility previously named by the Board or the General Assembly shall be eligible for renaming by a private entity, unless such naming incorporates the previous name. The Board shall develop and approve guidelines governing the naming of highways, bridges, interchanges, and other transportation facilities by private entities and the applicable fees for such naming rights. Such fees shall be deposited in the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530.

No name shall be eligible for the naming rights under this section if it in any way reasonably connotes anything that (i) is profane, obscene, or vulgar; (ii) is sexually explicit or graphic; (iii) is excretory related; (iv) is descriptive of intimate body parts or genitals; (v) is descriptive of illegal activities or substances; (vi) condones or encourages violence; or (vii) is socially, racially, or ethnically offensive or disparaging.

§ 33.2-214. Transportation; Six-Year Improvement Program.

A. The Board shall have the power and duty to monitor and, where necessary, approve actions taken by the Department of Rail and Public Transportation pursuant to Article 5 (§ 33.2-281 et seq.) in order to ensure the efficient and economical development of public transportation, the enhancement of rail transportation, and the coordination of such rail and public transportation plans with highway programs.

B. The Board shall have the power and duty to coordinate the planning for financing of transportation needs, including needs for highways, railroads, seaports, airports, and public transportation and set aside funds as provided in § 33.2-1524. To allocate funds for these needs pursuant to §§ 33.2-358 and 58.1-638, the Board shall adopt a Six-Year Improvement Program of anticipated projects and programs by July 1 of each year. This program shall be based on the most recent official Transportation Trust Fund revenue forecast and shall be consistent with a debt management policy adopted by the Board in consultation with the Debt Capacity Advisory Committee and the Department of the Treasury.

C. The Board shall have the power and duty to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes.

D. The Board shall have the power and duty to promote increasing private investment in the Commonwealth's transportation infrastructure, including acquisition of causeways, bridges, tunnels, highways, and other transportation facilities.

E. The Board shall have the power and duty to integrate land use with transportation planning and programming, consistent with the efficient and economical use of public funds. If the Board determines that a local transportation plan described in § 15.2-2223 or any amendment as described in § 15.2-2229 or a metropolitan regional long-range transportation plan or regional Transportation Improvement Program as described in § 33.2-3201 is not consistent with the Board's Statewide Transportation Plan developed pursuant to § 33.2-353, the Six-Year Improvement Program adopted pursuant to subsection B, and the location of routes to be followed by roads comprising systems of state highways pursuant to subsection A of § 33.2-208, the Board shall notify the locality of such inconsistency and request that the applicable plan or program be amended accordingly. If, after a reasonable time, the Board determines that there is a refusal to amend the plan or program, then the Board may reallocate funds that were allocated to the nonconforming project as permitted by state or federal law. However, the Board shall not reallocate any funds allocated pursuant to § 33.2-319, 33.2-348, 33.2-362, or 33.2-366, based on a determination of inconsistency with the Board's Statewide Transportation Plan or the Six-Year Improvement Program nor shall the Board reallocate any funds, allocated pursuant to subdivision C 3 of § 33.2-358, from any projects on highways controlled by any county that has withdrawn, or elects to withdraw, from the secondary system of state highways based on a determination of inconsistency with the Board's Statewide Transportation Plan or the Six-Year Improvement Program. If a locality or metropolitan planning organization requests the termination of a project, and the Department does not agree to the termination, or if a locality or metropolitan planning organization does not advance a project to the next phase of construction when requested by the Board and the Department has expended state or federal funds, the locality or the localities within the metropolitan planning organization may be required to reimburse the Department for all funds expended on the project. If, after design approval by the Chief Engineer of the Department, a locality or metropolitan planning organization requests alterations to a project that, in the aggregate, exceeds 10 percent of the total project costs, the locality or the localities within the metropolitan planning organization may be required to reimburse the Department for the additional project costs above the original estimates for making such alterations.

§ 33.2-215. Policies and operation of Departments.

The Board shall have the power and duty to review and approve policies and transportation objectives of the Department of Transportation and the Department of Rail and Public Transportation, to assist in establishing such policies and objectives, to oversee the execution thereof, and to report on these policies and objectives to the Commissioner of Highways and the Director of the Department of Rail and Public Transportation, respectively.

§ 33.2-216. Roadside memorials; penalty.

A. The Board shall establish regulations regarding size, distance from the roadway, and other safety concerns to govern the installation, maintenance, and removal of roadside memorials, plaques, and other devices placed within the

right-of-way that commemorate the memory of persons killed in vehicle crashes within the right-of-way of any state highway.

B. Any person who installs any plaque, device, sign, object, material, or other memorial within the right-of-way of any highway controlled by the Department except in accordance with criteria established as provided in this section may be assessed a civil penalty of no more than \$100. Each occurrence shall be subject to a separate penalty. All civil penalties collected under this section shall be paid into the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530.

§ 33.2-217. Prohibition of certain weeds and plants on highway rights-of-way.

Neither the Board nor the Commissioner of Highways shall plant or cause or suffer to be planted on the right-of-way of any state highway any of the weeds or plants known as devil shoestring (*Tephrosia virginiana*), Johnson grass (*Sorghum halepense*), or barberry (*Berberis vulgaris*) if the governing body of the county in which the highway is located declares by resolution such weeds or plants to be injurious to adjacent property.

The Board shall cause all such weeds or plants planted or caused to be planted by the Board or Commissioner of Highways on any state highway right-of-way to be dug up and destroyed.

Any owner of land adjacent to any state or other public highway right-of-way, or his agents and employees, may dig up, cut down, or otherwise remove and destroy any of such plants or weeds and any other plants or weeds that are or may become noxious or otherwise injurious to his property found growing upon any state or other public highway right-of-way adjacent to his land.

§ 33.2-218. Fees for participating in the Integrated Directional Sign Program.

The Board shall establish reasonable fees to be collected by the Commissioner of Highways from any qualified entity for the purpose of participating in the Integrated Directional Sign Program (IDSP) administered by the Department or its agents that is designed to provide information to the motoring public relating to gasoline and motor vehicle services, food, lodging, attractions, or other categories as defined by the IDSP. Such fees shall be deposited into a special fund specifically accounted for and used by the Commissioner of Highways solely to defray the actual costs of supervising and administering the signage programs. Included in these costs shall be a reasonable margin, not to exceed 10 percent, in the nature of a reserve fund.

§ 33.2-219. Statements to be filed with Commonwealth Transportation Board by transit systems.

Any transit system that conducts its operations within the exclusive jurisdiction of any locality or within the boundaries of any district as defined in § 33.2-1901, and any adjoining locality, shall file annually with the Board such financial and other statistical data as the Board shall require in order to effectively administer the provisions of § 46.2-206 and shall file with the Department of Rail and Public Transportation, at such times as the Department of Rail and Public Transportation shall require, such information as the Department of Rail and Public Transportation shall require to carry out its duties under subdivision 4 of § 33.2-285.

The provisions of this section shall not be construed so as to exempt any such transit system from any provision of law or regulation made pursuant to law that requires the filing of data with any other agency of the Commonwealth.

§ 33.2-220. Transfer of interest in and control over certain highways, highway rights-of-way, and landings.

Notwithstanding any contrary provision of this title, the Board, upon receipt of a written request from a public access authority established pursuant to Title 15.2 and without first abandoning or discontinuing such highway, highway right-of-way, or landing, including a wharf, pier, or dock, may transfer to such requesting authority any and all rights and interests of the Board in a highway, highway right-of-way, or landing as the Board may deem in the public interest. Such transfer may be either with or without compensation from the requesting authority.

§ 33.2-221. Other powers, duties, and responsibilities.

A. The Board shall have the power and duty to comply fully with the provisions of the present or future federal aid acts. The Board may enter into all contracts or agreements with the United States government and may do all other things necessary to carry out fully the cooperation contemplated and provided for by present or future acts of Congress related to transportation.

B. The Board shall have the power and duty to enter into all contracts with other states necessary for the proper coordination of the location, construction, maintenance, improvement, and operation of transportation systems, including the systems of state highways with the highways of such other states, and where necessary, seek the approval of such contracts by the Congress of the United States.

C. The Board shall have the power and duty to administer, distribute, and allocate funds in the Transportation Trust Fund as provided by law. The Board shall ensure that the total funds allocated to any highway construction project are equal to total expenditures within 12 months following completion of the project. However, this requirement shall not apply to debt service apportionments pursuant to § 33.2-362 or 33.2-364.

D. The Board shall have the power and duty, with the advice of the Secretary of Finance and the State Treasurer, to engage a financial advisor and investment advisor who may be anyone within or without the government of the Commonwealth to assist in planning and making decisions concerning the investment of funds and the use of bonds for transportation purposes. The work of these advisors shall be coordinated with the Secretary of Finance and the State Treasurer.

E. The Board shall have the power and duty to enter into payment agreements with the Treasury Board related to payments on bonds issued by the Commonwealth Transportation Board.

F. When the traffic-carrying capacity of any of the systems of state highways or a portion thereof is increased by construction or improvement, the Board may enter into agreements with localities, authorities, and transportation districts to establish highway user fees for such system of state highways or portion thereof that the localities, authorities, and transportation districts maintain.

Article 3.

Commissioner of Highways.

§ 33.2-222. Commissioner of Highways.

The Commissioner of Highways shall be the chief executive officer of the Department of Transportation. The Commissioner of Highways shall be an experienced administrator able to direct and guide the Department in the establishment and achievement of the Commonwealth's long-range highway and other transportation objectives.

The Commissioner of Highways shall devote his entire time and attention to his duties as chief executive officer of the Department and shall receive such compensation as shall be fixed by law. He shall also be reimbursed for his actual travel expenses while engaged in the discharge of his duties.

In the event of a vacancy due to the death, temporary disability, retirement, resignation, or removal of the Commissioner of Highways, the Governor may appoint and thereafter remove at his pleasure an "Acting Commissioner of Highways" until such time as the vacancy may be filled as provided in § 33.2-200. Such "Acting Commissioner of Highways" shall have all powers and perform all duties of the Commissioner of Highways as provided by law and shall receive such compensation as may be fixed by the Governor. In the event of the temporary disability for any reason of the Commissioner of Highways, full effect shall be given to the provisions of § 2.2-605.

§ 33.2-223. General powers of Commissioner of Highways.

Except such powers as are conferred by law upon the Board, the Commissioner of Highways shall have the power to do all acts necessary or convenient for constructing, improving, maintaining, and preserving the efficient operation of the highways embraced in the systems of state highways and to further the interests of the Commonwealth in the areas of public transportation, railways, seaports, and airports. And as executive head of the Department, the Commissioner of Highways is specifically charged with the duty of executing all orders and decisions of the Board and may, subject to the provisions of this chapter, require that all appointees and employees perform their duties under this chapter.

In addition, the Commissioner of Highways, in order to maximize efficiency, shall take such steps as may be appropriate to outsource or privatize any of the Department's functions that might reasonably be provided by the private sector.

§ 33.2-224. Employees; delegation of responsibilities.

The Commissioner of Highways shall employ such engineers, clerks, assistants, and other employees as may be needed and shall prescribe and fix their duties, including the delegation of duties and responsibilities conferred or imposed upon the Commissioner of Highways by law. They shall receive all salaries and expenses as may be fixed in accordance with the provisions of law.

§ 33.2-225. Liaison duties with other organizations.

Tasks and responsibilities concerning transportation program or project delivery shall be carried out as follows:

1. The Commissioner of Highways shall cooperate with the federal government, the American Association of State Highway and Transportation Officials, and any other organization in the numbering, signing, and marking of highways; in the taking of measures for the promotion of highway safety; in research activities; in the preparation of standard specifications; in the testing of highway materials; and otherwise with respect to transportation projects.

2. The Department of Transportation and the Department of Rail and Public Transportation may offer technical assistance and coordinate state resources, as available, to work with local governments, upon their request, in developing sound transportation components for their local comprehensive plans.

§ 33.2-226. Authority to lease or convey airspace.

The Commissioner of Highways may lease or sell and convey the airspace superjacent or subjacent to any highway in the Commonwealth that is within his jurisdiction and in which the Commonwealth owns fee simple title after satisfying itself that use of the airspace will not impair the full use and safety of the highway or otherwise interfere with the free flow of traffic thereon and it cannot be reasonably foreseen as needed in the future for highway and other transit uses and purposes. The Commissioner of Highways may provide in such leases and conveyances of airspace for columns of support, in fee or otherwise, ingress, egress, and utilities.

No lease or conveyance shall be entered into by the Commissioner of Highways until after the time the locality, by action of its governing body by majority recorded vote, approves the projected use and has zoned the airspace in question or has otherwise taken such steps as it deems proper to regulate the type and use of the improvements to be erected in such airspace.

All leases and conveyances shall contain those terms deemed necessary by the Commissioner of Highways to protect the interests of the Commonwealth and the public and shall not be entered into until after public advertising for bids for such airspace. The Commissioner of Highways shall advertise for bids at least 14 days prior to the execution of a lease or a conveyance. The advertisement shall state the place where bidders may examine a map of the airspace, the general terms of

the lease or conveyance and the time and place when bids will be opened by the Commissioner of Highways. The highest bid from a responsible bidder, in the sole discretion of the Commissioner of Highways, shall be accepted; however, the Commissioner of Highways may reject all bids and advertise the property again.

Compensation paid for such leases and conveyances shall be credited to the Transportation Trust Fund established pursuant to § 33.2-1524.

§ 33.2-227. Defense of employees.

If any person employed by the Commonwealth Transportation Board, the Department of Transportation, or the Department of Rail and Public Transportation is arrested or indicted or otherwise prosecuted on any charge arising out of any act committed in the discharge of his official duties, the Commissioner of Highways or the Director of the Department of Rail and Public Transportation may employ special counsel approved by the Attorney General to defend such employee. The compensation for special counsel employed, pursuant to this section, shall, subject to the approval of the Attorney General, be paid by the agency for which the employee works out of the funds appropriated for the administration of the Department of Transportation or the Department of Rail and Public Transportation.

§ 33.2-228. Agreements between Commissioner of Highways and certain cities and towns.

Notwithstanding the provisions of §§ 33.2-209, 33.2-214, 33.2-221, and 33.2-362, the Commissioner of Highways, pursuant to a resolution adopted by the Board and following receipt of a resolution adopted by the governing body of a city or town to which funds are apportioned pursuant to § 33.2-362, may enter into an agreement with any such city or town pursuant to which the city or town assumes responsibility for the design, right-of-way acquisition, and construction of urban system highways or portions thereof in such city or town, using funds allocated pursuant to subdivision C 2 of § 33.2-358.

§ 33.2-229. Furnishing information regarding right-of-way transactions.

Upon written request to the central office of the Department, the Commissioner of Highways shall furnish information regarding right-of-way transactions where any public funds are expended. Such information shall not be released prior to 60 days following the transaction to any person not a party directly interested in such transaction.

The information furnished under this section shall consist of (i) the name of the person to whom any sum was paid for land or interest therein, (ii) the amount of land or interest therein acquired from such person, and (iii) the amount paid such person for land and the amount paid for damage resulting to the remaining property of such person.

§ 33.2-230. Written notice of decision to dispose of real property.

Whenever the Board or the Department decides to sell or otherwise dispose of any surplus real property, the Commissioner of Highways shall provide written notice of such decision to the mayor or chairman of the governing body of the locality in which the property or any portion thereof is located. Any failure to provide or receive such notice shall not create a cloud on the title to the property.

§ 33.2-231. Establish community service landscaping program.

The Commissioner of Highways shall establish a program whereby persons convicted of nonviolent misdemeanors who have received a suspended sentence or probation can fulfill their community service requirements by mowing rights-of-way and performing other landscaping maintenance tasks for roads and highways that the Department has the responsibility to maintain.

§ 33.2-232. Annual report by Commissioner of Highways.

The Commissioner of Highways shall annually report in writing to the Governor and General Assembly, no later than November 30 each year, on (i) the condition and performance of the existing transportation infrastructure, using an asset management methodology and generally accepted engineering principles and business practices to identify and prioritize maintenance and operations needs and to identify performance standards to be used to determine those needs, and funding required to meet those needs; (ii) the Department's strategies for improving safety and security, increasing efficiency in agency programs and projects, and collaborating with the private sector and local government in the delivery of services; (iii) the operating and financial activities of the Department, including the construction and maintenance programs, transportation costs and revenue, and federal allocations; and (iv) other such matters of importance to transportation in the Commonwealth.

§ 33.2-233. Gathering and reporting of information and statistics.

The Commissioner of Highways and the Director of the Department of Rail and Public Transportation shall gather and tabulate information and statistics relating to transportation and disseminate the same throughout the Commonwealth. In addition, the Commissioner of Highways shall provide a report to the Governor, the General Assembly, the Board, and the public concerning the current status of all highway construction projects in the Commonwealth. This report shall be posted at least four times each fiscal year but may be updated more often as circumstances allow. The report shall contain, at a minimum, the following information for every project in the Six-Year Improvement Program: (i) project description; (ii) total cost estimate; (iii) funds expended to date; (iv) project timeline and completion date; (v) statement of whether project is ahead of, on, or behind schedule; (vi) the name of the prime contractor; (vii) total expenditures of federal transportation funds in each county and city; (viii) total expenditures of state transportation funds in each county and city; (ix) statewide totals for federal, state, and local funds expended for highways; (x) statewide totals for federal, state, and local funds expended for transit; (xi) total funds expended on intercity passenger and freight rail line and trains; and (xii) total funds expended in each federal and state programmatic category. Use of one or more websites may be used to

satisfy this requirement. Project-specific information posted on the Internet shall be updated daily as information is available.

§ 33.2-234. Construction by state or local employees.

A. Irrespective of the provisions of § 33.2-235, in cases of emergency or on any project reasonably estimated to cost not more than \$600,000, the Commissioner of Highways may build or maintain any of the highways in the systems of state highways by state employees or local employees as he may designate.

B. Notwithstanding the provisions of subsection A, the Commissioner of Highways may enter into a written agreement with a locality for the building and maintenance of any of the highways in the systems of state highways by local employees provided that (i) the locality has obtained a cost estimate for the work of not more than \$1 million and (ii) the locality has issued an invitation for bid and has received fewer than two bids from private entities to build or maintain such highways.

§ 33.2-235. Procurement.

All projects reasonably estimated to cost \$300,000 or more that the Board or the Commissioner of Highways may undertake for construction shall be let in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.). When such projects are reasonably estimated to cost below \$300,000, the Commissioner of Highways may let them to contract, and if such projects are let to contract, they shall be let only in accordance with the Virginia Public Procurement Act.

As used in this section, "project" means construction and does not include routine maintenance work or the installation of traffic control devices, unless such work is to be performed under contract.

§ 33.2-236. Maps or plats prepared at request and expense of local governing bodies and other groups; Department of Mines, Minerals and Energy to seek other existing sources.

The Commissioner of Highways may prepare photogrammetric maps or plats of specific sites or areas at the request of the governing bodies of localities of the Commonwealth, local nonprofit industrial development agencies, planning district commissions, soil and water conservation districts, metropolitan planning organizations, public service authorities, and local chambers of commerce. The Department of Mines, Minerals and Energy shall first review the request to determine whether suitable or alternate maps or plats are currently available, and the local governing body, agency, or chamber shall agree to reimburse the Department of Transportation for the cost of producing the maps or plats.

§ 33.2-237. Directional signs for certain educational institutions.

For the purpose of this section, "Virginia educational institution" means a for-profit educational institution with its main campus located in the Commonwealth that (i) has, for at least five consecutive years prior to making a request under this section, awarded academic degrees approved by the State Council of Higher Education for Virginia; (ii) offers programs in workforce training or job readiness that contribute to Virginia's economic growth and development; and (iii) has a combined annual enrollment of at least 1,000 students at its main campus and any branch location situated within a radius of 25 miles from the main campus.

Upon request from a Virginia educational institution, the Commissioner of Highways shall erect and maintain signs at appropriate and conspicuous locations along interstate, primary, or secondary highways providing motorists directions to the main or branch location of any such institution. All costs associated with production and erection of signs under this section shall be borne by the affected institution, but all costs associated with maintenance of those signs shall be borne by the Department.

Signs erected by the Department under this section shall be placed in accordance with all applicable Department regulations.

§ 33.2-238. Closing highways for safety of public or proper completion of construction; injury to barriers, signs, etc.

If it appears to the Commissioner of Highways necessary for the safety of the traveling public or for proper completion of work that is being performed to close any highway under his jurisdiction to all traffic or any class of traffic, the Commissioner of Highways may close, or cause to be closed, the whole or any portion of such highway deemed necessary to be excluded from public travel and may exclude all or any class of traffic from such closed portion. While any such highway or portion thereof is so closed, or while any such highway or portion thereof is in process of construction or maintenance, the Commissioner of Highways, or contractor under authority from the Commissioner of Highways, may erect, or cause to be erected, suitable barriers or obstructions thereon, may post, or cause to be posted, conspicuous notices to the effect that the highway or portion thereof is closed and may place warning signs, lights, and lanterns on such highway or portion thereof. When such highway is closed for the safety of the traveling public or in process of construction or maintenance as provided in this section, any person who willfully breaks down, drives into new construction work, removes, injures, or destroys any such barrier or barriers or obstructions, tears down, removes, or destroys any such notices, or extinguishes, removes, injures, or destroys any such warning lights or lanterns so erected, posted, or placed is guilty of a Class 1 misdemeanor.

§ 33.2-239. Providing highway detours.

Whenever necessary, the Commissioner of Highways shall select, lay out, maintain, and keep in as good repair as possible suitable detours, by the most practical route, while the highways are being improved or constructed, and he shall place or cause to be placed explicit directions to the traveling public during repair of any such highway under process of construction.

§ 33.2-240. Connections over shoulders of highways for intersecting private roads.

The Commissioner of Highways shall permit suitable connections from where private roads leading to and from private homes intersect improved highways and over and across the shoulders and unimproved parts of such highways to the paved or otherwise improved parts thereof to provide the users of such private roads safe and convenient means of ingress and egress with motor vehicles to and from the paved or otherwise improved parts of such highways.

§ 33.2-241. Connections over shoulders of highways for intersecting commercial establishment entrances; penalty.

The Commissioner of Highways shall permit suitable connections from where commercial establishment entrances are desired to intersect improved highways and over and across the shoulders and unimproved parts of such highways to the paved or otherwise improved parts thereof that comply with the access management standards of the Commissioner of Highways for the location, spacing, and design of entrances, taking into account the operating characteristics and federal functional classification of the highway, to provide the users of such entrances safe and convenient means of ingress and egress with motor vehicles to and from the paved or otherwise improved parts of such highways while minimizing the impact of such ingress and egress on the operation of such highways, provided that any person desiring such an entrance shall:

1. Be required first to obtain a permit therefor from the Commissioner of Highways;
2. Provide the entrance at his expense;
3. If required by the Commissioner of Highways, provide for the joint use of the desired entrance with adjacent property owners or provide evidence of such efforts; and
4. Construct the entrance or have the entrance constructed, including such safety structures as are required by the Commissioner of Highways, pursuant to the Department of Transportation's design standards and applicable Department regulations concerning access management and applicable Board regulations concerning land use permits.

All commercial entrances whether or not constructed under this section shall be maintained by the owner of the premises at all times in a manner satisfactory to the Commissioner of Highways.

Any person violating the provisions of this section is guilty of a misdemeanor punishable by a fine of not less than \$5 nor more than \$100 for each offense. Following a conviction and 15 days for correction, each day during which the violation continues shall constitute a separate and distinct offense and be punishable as such. Such person shall be civilly liable to the Commonwealth for actual damage sustained by the Commonwealth by reason of his wrongful act.

§ 33.2-242. Replacing entrances destroyed in the repair or construction of highways.

The Commissioner of Highways shall review the existing access to any parcel of land having an entrance destroyed in the repair or construction of the systems of state highways and shall provide access to the systems of state highways in a manner that will serve the parcel of land and ensure efficient and safe highway operation.

§ 33.2-243. Paying for damages sustained to personal property by reason of work projects, etc.

The Commissioner of Highways may pay and settle claims and demands against the Commonwealth arising as a result of damages sustained to personal property by reason of work projects or the operation of state-owned or operated equipment when engaged in the construction, reconstruction, or maintenance of the primary state highway system, unless said claims or demands arise as a result of negligence of the person asserting such claims or demands. Nothing in this section shall be construed as imposing any legal liability upon the Commonwealth to pay such claims or demands, nor as giving the consent of the Commonwealth to be sued in any action or suit to recover on such claims or demands in the event the Commissioner of Highways refuses payment of said claims or demands.

§ 33.2-244. Removal of snow and ice from public highways by private entities.

Upon request by a person, the Commissioner of Highways may authorize such person to hire private persons, firms, contractors, or entities to remove snow and ice from any public highway in Planning District 8, provided that there will be no costs to the Commonwealth or its political subdivisions for work pursuant to this section. No private person, firm, contractor, or entity employed to remove snow and ice from any public highway shall be afforded sovereign immunity or immunity in any form whatsoever. Private persons, firms, contractors, or entities so employed shall be liable for civil damages, including damages for death, injury, or property damage resulting from any act or omission relating to the removal of snow and ice from public highways. Nothing contained in this section shall limit the authority of the Commissioner of Highways granted under other provisions of law to authorize or contract for the removal of snow and ice from public highways.

§ 33.2-245. Comprehensive highway access management standards.

A. For purposes of this section, "comprehensive highway access management standards" means a coordinated set of state standards and guidelines that allow the Commonwealth and its localities to manage access to the systems of state highways according to their federal functional classification or operational characteristics through the control of and improvements to the location, number, spacing, and design of entrances, median openings, turn lanes, street intersections, traffic signals, and interchanges.

B. The General Assembly declares it to be in the public interest that comprehensive highway access management standards be developed and implemented to enhance the operation and safety of the systems of state highways in order to protect the public health, safety, and general welfare while ensuring that private property is entitled to reasonable access to the systems of state highways. The goals of the comprehensive highway access management standards are:

1. To reduce traffic congestion and impacts to the level of service of highways, leading to reduced fuel consumption and air pollution;

2. To enhance public safety by decreasing traffic crash rates;
3. To support economic development in the Commonwealth by promoting the efficient movement of people and goods;
4. To reduce the need for new highways and road widening by improving the performance of the existing systems of state highways; and
5. To preserve public investment in new highways by maximizing their performance.

C. The Commissioner of Highways shall develop and implement comprehensive highway access management standards for managing access to and preserving and improving the efficient operation of the systems of state highways. The comprehensive highway access management standards shall include standards and guidelines for the location, number, spacing, and design of entrances, median openings, turn lanes, street intersections, traffic signals, and interchanges.

Nothing in such standards shall preempt the authority of a local government to regulate the type or density of land uses abutting the systems of state highways.

§ 33.2-246. Recreational waysides; regulations; penalties.

A. To promote the safety, convenience, and enjoyment of travel on, and protection of the public investment in, highways of the Commonwealth and for the restoration, preservation, and enhancement of scenic beauty within and adjoining such highways, it is hereby declared to be in the public interest to acquire and establish recreational waysides and areas of scenic beauty adjoining the highways of the Commonwealth.

B. The Commissioner of Highways may, whenever in his opinion it is in the best interest of the Commonwealth, accept from the United States, or any authorized agency thereof, a grant or grants of any recreational waysides established and constructed by the United States, or any such agency thereof, or a grant or grants of funds for landscaping and scenic enhancement of highways, and the Commissioner of Highways may, on behalf of the Commonwealth, enter into a contract or contracts with the United States, or any such agency thereof, to maintain and operate any such recreational waysides that may be so granted to the Commonwealth and may do all things necessary to receive and expend federal funds for landscaping and scenic enhancement.

C. The Commissioner of Highways may, whenever it is in the best interest of the operation of the Interstate System or the primary or secondary state highway system, establish, construct, maintain, and operate appropriate recreational waysides and areas of scenic beauty adjoining such highways.

D. The Commissioner of Highways may acquire by purchase, gift, or the power of eminent domain such land or interest in land as may be necessary to carry out the provisions of this section, provided that in exercising the power of eminent domain for areas of scenic beauty, such areas adjoin and lie within 100 feet of the right-of-way of the highway, and the procedure shall be, *mutatis mutandis*, as provided for the acquisition of land by the Commissioner of Highways in Article 1 (§ 33.2-1000 et seq.) of Chapter 10.

E. The Board may establish regulations for the use of recreational waysides, including regulations relating to (i) the time, place, and manner of parking of vehicles; (ii) activities that may be conducted within such waysides; (iii) solicitation and selling within the waysides; and (iv) such other matters as may be necessary or expedient in the interest of the motoring public.

The regulations when adopted by the Board shall be posted in a conspicuous place at each wayside, along with such other signs as the Commissioner of Highways deems necessary to advise the public.

Any person violating any regulation adopted under this section is guilty of a misdemeanor punishable by a fine of not less than \$5 nor more than \$100 for each offense.

F. Recreational waysides and areas of scenic beauty when acquired, established, maintained, and operated in accordance with this section shall be deemed to be a part of the Interstate System or primary or secondary state highway system but land acquired for areas of scenic beauty shall not be deemed a part of the right-of-way for the purpose of future acquisition of areas of scenic beauty under the provisions of subsections A through D.

§ 33.2-247. Wetlands mitigation banking.

When authorization is required by federal or state law for any project affecting wetlands and such authorization is conditioned upon compensatory mitigation for adverse impacts to wetlands, the Commissioner of Highways is authorized to expend funds for the purchase of, or is authorized to use, credits from any wetlands mitigation bank, including any owned by the Department of Transportation, that has been approved and is operating in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of mitigation banks as long as (i) the bank is in the same fourth order subbasin, as defined by the hydrologic unit boundaries of the National Watershed Boundary Dataset, as the impacted site, or in an adjacent subbasin within the same river watershed as the impacted site, or it meets all the conditions found in clauses (a) through (d) and either clause (e) or (f); (ii) the bank is ecologically preferable to practicable on-site and off-site individual mitigation options, as defined by federal wetland regulations; and (iii) the banking instrument, if approved after July 1, 1996, has been approved by a process that included public review and comment. When the bank is not located in the same subbasin or adjacent subbasin within the same river watershed as the impacted site, the purchase or use of credits shall not be allowed unless the Commissioner of Highways demonstrates to the satisfaction of the agency requiring compensatory mitigation that (a) the impacts will occur as a result of a Department of Transportation linear project; (b) there is no practical same river watershed mitigation alternative; (c) the impacts are less than one acre in a single and complete project within a subbasin; (d) there is no significant harm to water quality or fish and wildlife resources within the river watershed of the impacted site; and either (e) impacts within the Chesapeake Bay watershed are mitigated within the Chesapeake Bay watershed as close as possible to the impacted site or (f) impacts within subbasins

02080108, 02080208, and 03010205, as defined by the National Watershed Boundary Dataset, are mitigated in-kind within those subbasins, as close as possible to the impacted site. After July 1, 2002, the provisions of clause (f) shall apply only to impacts within subdivisions of the listed subbasins where overlapping watersheds exist, as determined by the Department of Environmental Quality, provided the Department of Environmental Quality has made such a determination by that date.

For the purposes of this section, "river watershed" means the Potomac River Basin, Shenandoah River Basin, James River Basin, Rappahannock River Basin, Roanoke and Yadkin Rivers Basin, Chowan River Basin (including the Dismal Swamp and Albemarle Sound), Tennessee River Basin, Big Sandy River Basin, Chesapeake Bay and its Small Coastal Basins, Atlantic Ocean, York River Basin, and New River Basin.

§ 33.2-248. Expenditure of funds for interstate bridges and approaches.

The Commissioner of Highways may expend from funds available for construction or maintenance of roads or highways, either alone or in cooperation with public road authorities of other states, such funds as he may deem necessary for the construction, maintenance, operation, and repair of interstate highway bridges, tunnels, and approaches forming connecting links between highways in the systems of state highways and public roads of other states.

§ 33.2-249. Maintenance and operation of bridges or tunnels on the city and state line.

The governing bodies of cities and towns having populations greater than 3,500 and the Commissioner of Highways may enter into agreements, upon such terms and conditions as may be necessary, for the maintenance of public highway bridges or tunnels lying partly within and partly outside the incorporated limits of such cities and towns.

The Commissioner of Highways may enter into agreements with other states and the District of Columbia, upon such terms and conditions as may be necessary, for the maintenance and operation, including the issuance of permits, of public highway bridges or tunnels lying partly within and partly outside the territorial limits of the Commonwealth.

§ 33.2-250. Improving certain private roads and certain town streets and roads.

A. The Commissioner of Highways may, upon the request of the governing body of any county and at the expense of the owner of the land, improve private roads giving direct access from the home or other central buildings on the property along the shortest practical route to the nearest public highway, provided that:

1. The Commissioner of Highways shall in no case undertake any such work until certification is made by the governing body of the county that the property owner cannot secure the services of a private contractor to perform the work nor then until the owner has deposited with him a certified check in the amount estimated by the Commissioner of Highways as the cost of the work;

2. Not more than \$1,000 shall be expended on any one such private project in any one year; and

3. No work of ordinary maintenance shall be done on any such private road under the provisions of this section.

B. In addition, the Commissioner of Highways may, upon the request of the council of any town having a population of less than 1,500 and at the expense of such town, improve and maintain any streets or roads in such town and not in the primary state highway system. As to streets and roads in such town, no certification by the board of supervisors or deposit shall be necessary.

C. Any work done by the Commissioner of Highways pursuant to the provisions of this section shall only be done with the equipment and employees of the Department.

§ 33.2-251. Installation and maintenance of "children at play" signs in counties and towns.

The governing body of any county or town may enter into an agreement with the Commissioner of Highways allowing the county or town to install and maintain, at locations specified in such agreement, signs alerting motorists that children may be at play nearby. The cost of the signs and their installation shall be paid by the county or town.

The provisions of this section shall not apply to any county that has withdrawn its roads from the secondary state highway system under the provisions of § 11 of Chapter 415 of the Acts of Assembly of 1932 and has not elected to return.

§ 33.2-252. Tramways and railways along or across public highways; appeals.

A. Whenever any person, firm, or chartered company engaged in mining, manufacturing, or lumber getting has acquired the right-of-way for a tramway or railway, except across or upon a public highway, and desires to cross such highway or some part thereof and if such person, firm, or chartered company cannot agree with the Commissioner of Highways, or governing body of a county if the road is a county road in a county where the roads are not within the secondary state highway system, as to the terms and conditions of such crossing, the circuit court of the county in which such highway may be may prescribe such regulations for the crossing of such highway as will protect the public, and when such regulations have been prescribed, such tramway or railway may be constructed and maintained or if already constructed may be maintained in accordance with such regulations as may be made on the application of the owner of such tramway or railway or on the motion of the attorney for the Commonwealth after notice to such owner.

B. The Commissioner of Highways or governing body or the applicant or owner of the tramway or railway may appeal from the order of the circuit court in the manner prescribed for appeals in controversies concerning roads.

C. Nothing contained in this section shall be construed as giving the right to condemn private property for such tramway or railway, nor shall the rights of any tramway or railway lawfully acquired be affected.

§ 33.2-253. Highway safety corridor program.

The Commissioner of Highways shall establish a highway safety corridor program under which a portion of highways in the primary state highway system and Interstate System may be designated by the Commissioner of Highways as highway safety corridors to address highway safety problems through law enforcement, education, and safety enhancements. In

consultation with the Department of Motor Vehicles and the Superintendent of State Police, the Commissioner of Highways shall establish criteria for the designation and evaluation of highway safety corridors, including a review of crash data, accident reports, type and volume of vehicle traffic, and engineering and traffic studies. The Commissioner of Highways shall hold a public hearing prior to the adoption of the criteria to be used for designating a highway safety corridor. The Commissioner of Highways shall hold a minimum of one public hearing before designating any specific highway corridor as a highway safety corridor. The public hearing or hearings for a specific corridor shall be held at least 30 days prior to the designation at a location as close to the proposed corridor as practical.

The Department of Transportation shall erect signs that designate highway safety corridors and the penalties for violations committed within the designated corridors.

§ 33.2-254. Erection and maintenance of newspaper route boxes.

The publishers of all newspapers having a circulation in rural sections of the Commonwealth may erect and maintain suitable newspaper route boxes along and on the rights-of-way of the public highways throughout such rural sections, in which to deposit newspapers for their subscribers. The short name of the newspaper to be deposited in each such box, but nothing more, may be plainly printed thereon. All such boxes shall be located so they do not interfere with or endanger public travel on highways. All such locations shall meet with the approval of the Commissioner of Highways.

§ 33.2-255. Sale or lease of properties acquired for highway construction.

To the extent not otherwise prohibited by law, the Commissioner of Highways may sell or otherwise dispose of any improvements on lands acquired for highway construction projects or lease such land and improvements until such time as the land is needed for immediate highway construction purposes. Any residue parcels of lands so acquired that are found to be unnecessary for highway purposes may be sold or otherwise disposed of by the Commissioner of Highways.

Article 4.

Department of Transportation.

§ 33.2-256. Department of Transportation established.

There is hereby created a Department of Transportation within the executive branch, which shall be under the supervision and management of the Commissioner of Highways and responsible to the Secretary of Transportation.

§ 33.2-257. Responsibilities of the Department of Transportation for analysis of transportation projects in the Northern Virginia Transportation District.

A. The Department of Transportation, in ongoing coordination with the Commonwealth Transportation Board, the Department of Rail and Public Transportation, and the Northern Virginia Transportation Authority, shall evaluate all significant transportation projects, including highway, mass transit, and technology projects, in and near the Northern Virginia Transportation District, to the extent that funds are available for such purpose. The evaluation shall provide an objective, quantitative rating for each project according to the degree to which the project is expected to reduce congestion and, to the extent feasible, the degree to which the project is expected to improve regional mobility in the event of a homeland security emergency. Such evaluation shall rely on analytical techniques and transportation modeling, including those that employ computer simulations currently and customarily employed in transportation planning. The Department of Transportation may rely on the results of transportation modeling performed by other entities, including the Northern Virginia Transportation Authority and private entities contracted for this purpose, provided that such modeling is in accordance with this section. The Department of Transportation shall publicize the quantitative ratings determined for each project on its website and complete the evaluation at least once every four years, with interim progress reports provided on the website at least once every six months starting January 1, 2013.

B. In determining the allocation of highway construction funding in the Northern Virginia Transportation District, the Board shall, in ongoing coordination with the Northern Virginia Transportation Authority, give priority to projects that most effectively reduce congestion in the most congested corridors and intersections. However, nothing in this section shall limit the ability of the Board to consider other criteria, including the performance-based criteria set forth in § 33.2-2508.

C. Nothing in this section shall be construed or implied to direct funding to the Northern Virginia Transportation District from another transportation district.

D. For purposes of this section, the significant transportation projects to be evaluated shall comprise at least 25 such projects selected according to priorities determined by the Board, in ongoing coordination with the Northern Virginia Transportation Authority, without regard to the funding source of the project, and may include:

1. Projects included in the version of the Financially Constrained Long-Range Transportation Plan of the National Capital Region Transportation Planning Board in effect when the evaluation is made, plus additional projects in the Northern Virginia Transportation Authority's TransAction 2030 Regional Transportation Plan and subsequent updates; and

2. Other highway, rail, bus, and technology projects that could make a significant impact on mobility in the region, including additional Potomac River crossings west and south of Washington, D.C.; extension of the Metro Orange Line, Metro Yellow Line, and Metro Blue Line; bus rapid transit on Interstate 66; vehicle capacity and mass transit improvements on the U.S. Route 1 corridor; and implementation of relevant portions of the Statewide Transportation Plan established pursuant to § 33.2-353.

§ 33.2-258. Environmental permits for highway projects; timely review.

Notwithstanding any other provision of state law or regulation, any state agency, board, or commission that issues a permit required for a highway construction project pursuant to Title 10.1, 28.2, 29.1, or 62.1 shall within 15 days of receipt

of an individual permit application review the application for completeness and either accept the application or request additional specific information from the Department. Unless a shorter period is provided by law, regulation, or agreement, the state agency, board, or commission shall within 120 days of receipt of a complete application issue the permit, issue the permit with conditions, deny the permit, or decide whether a public meeting or hearing is required by law. If a public meeting or hearing is held, it shall be held within 45 days of the decision to conduct such a proceeding, and a final decision as to the permit shall be made within 90 days of completion of the public meeting or hearing. For coverage under general permits issued pursuant to Title 10.1, 28.2, 29.1, or 62.1, the state agency, board, or commission that issues such permits shall within 10 business days of receipt of an application from the Department for or highway construction project review the application for completeness and either accept the application or request additional specific information from the Department. Coverage under the general permit shall be approved, approved with conditions, or denied within 30 business days of receipt of a complete application.

§ 33.2-259. Maintain drainage easements.

Whenever in connection with or as a precondition to the construction or reconstruction of any highway the Department has acquired any permanent drainage easement, the Department shall, until such time as such easement has been terminated, perform repairs required to protect the roadway and to ensure the proper function of the easement within the right-of-way and within the boundaries of such easement.

§ 33.2-260. Specifications in purchasing lubricating motor oil.

A. Standard specifications adopted for lubricating motor oil for competitive bidding contracts to be let by the Department shall be prescribed so as to include re-refined or recycled lubricating motor oil. Specifications adopted for circumstances or equipment that require specialized treatment or products may be excluded.

B. The Department shall compile and publish a list of business entities that commercially distribute re-refined or recycled lubricating motor oil that complies with the standard specifications adopted by the Department pursuant to the provisions of this section. The Department shall make the list available to local governing bodies upon request.

§ 33.2-261. Value engineering required in certain projects.

The Department shall employ value engineering in conjunction with any project on any highway system using criteria established by the Department, including all projects costing more than \$5 million. For the purposes of this section, "value engineering" means a systematic process of review and analysis of an engineering project by a team of persons not originally involved in the project. Such team may offer suggestions that would improve project quality and reduce total project cost, ranging from a combination or elimination of inefficient or expensive parts or steps in the original proposal to total redesign of the project using different technologies, materials, or methods.

After a review, the Commissioner of Highways may waive the requirements of this section for any project for compelling reasons. Any such waiver shall be in writing, state the reasons for the waiver, and apply only to a single project.

§ 33.2-262. Removal of snow from driveways of volunteer fire departments and rescue squads.

On the roads under the jurisdiction of the Department, the Department shall remove snow from the driveways and entrances of volunteer fire departments and volunteer rescue squads when the chief of any individual volunteer fire department, or the head of any individual volunteer rescue squad, makes a written request for such snow removal service, provided that such service shall only be performed when such service can be performed during the normal course of snow removal activities of the Department without interfering with, or otherwise inconveniencing, such snow removal activities. Such service shall not extend to any parking lots adjacent to such driveways and entranceways not normally used by the volunteer fire department or volunteer rescue squad vehicles as their direct driveway or entrance.

§ 33.2-263. School bus stop signs or other indicators.

The Department shall allow any local school board to install signs or other devices to indicate school bus stops, provided the installation is approved by the Department prior to installation. No local school board shall be required to install signs at all school bus stops. Maintenance, repair, and replacement of school bus stop signs shall be the responsibility of the local school board. The Department, in conformance with the Department's current policies for emergency snow removal operations, shall use its best efforts to ensure that signed school bus stop areas shall not be obstructed by snow removal operations. Installation of school bus stop signs shall not designate the area as school property.

§ 33.2-264. Livestock on right-of-way of the systems of state highways.

No person, firm, or corporation shall pasture or graze, or cause to be pastured or grazed, or otherwise permit to be on any right-of-way of any highway in the systems of state highways, except as otherwise provided in this section, any livestock, unless such animal or animals be securely tied or held by chain or rope so as to prevent such animal from getting on the traveled portion of the highway, provided that this section shall not apply when such livestock are being driven along such highway while under the control of a responsible drover or drovers.

Nothing in this section shall prevent the owners of abutting parcels of land from grazing livestock unsecured by chain or rope on secondary roads that (i) have been taken into the system as gated roads and (ii) carry fewer than 50 vehicles per day.

On gated roads carrying 50 or more vehicles per day, the Department shall, upon the request of the local governing body and upon the recordation of a deed of gift or donation by such landowner of not less than a 40-foot right-of-way, reimburse abutting landowners a sum equal to \$1 per foot of fencing that must be installed to keep cattle from entering the right-of-way from such abutting land. Where such fencing separates pasture land from a water source used by the owner of

such pasture land to water his livestock, the Department shall construct or have constructed a means of access by which stock may reach the water source from the pasture land. Moneys for such fencing and construction of access to water shall be taken from highway construction funds. For purposes of this section, a "gated" road is a road on which, prior to July 1, 1986, abutting landowners have maintained a gate or cattle guard.

Any person, firm, or corporation who violates any of the provisions of this article shall be fined not less than \$10 nor more than \$50 for such offense.

Nothing in this section shall be construed to transfer the liability for injuries or property damage caused by such grazing livestock.

§ 33.2-265. Comprehensive roadside management program.

The Department shall promulgate regulations for a comprehensive roadside management program. Such program shall include opportunities for participation by individuals, communities, and local governments and shall address items, including safety, landscape materials, services, funding, recognition, and appropriate signing.

§ 33.2-266. Intermittent closing of highways subject to flooding; permits; notice.

A. Upon application of the board of directors of any soil and water conservation district and of the board of supervisors of the county wherein the highway is located, the Department is authorized to permit the intermittent closing of any highway located within the boundaries of such district and county whenever in its judgment it is necessary to do so and when the highway will be intermittently subject to inundation by floodwaters retained by an approved watershed retention structure. All costs associated with such closing shall be borne by the board of supervisors of the county, including the costs of furnishing, erecting, and removing the necessary signs, barricades, signals, and lights to safeguard and direct traffic.

B. Before any permit may be issued for the temporary inundation and closing of such a highway, an application for such permit shall be made to the Department by the board of directors of the soil and water conservation district and the board of supervisors of the county wherein the highway is located. The application shall specify the highway involved and shall request that a permit be granted to the county to allow the intermittent closing of the highway.

C. Before making such application, the board of supervisors of the county wherein such highway is located shall give notice of the proposed action by publication once each week for two consecutive weeks in a newspaper of general circulation in the county, and such notice shall contain a description of the places of beginning and the places of ending of such intermittent closing. In addition to such publication, the board of supervisors of such county shall give notice to all public utilities having facilities located within the rights-of-way of any highway being closed by mailing a copy of such notice to the office of each such public utility located within the county, or if no office is located within the county, then to the office of such utility located nearest to the county. Furthermore, no such application shall be accepted by the Department that does not certify compliance by the applicants with the requirements of publication and notice in the manner prescribed in this section. All costs associated with the application procedure and notice to the public and to public utilities shall be borne by the board of supervisors of the county.

D. Not sooner than 30 days after the last publication and not sooner than 30 days after the mailing of such notice, the Department may issue the permit with respect to such highway. Nothing herein contained shall require the Department to issue such a permit when the Department, in its sole discretion, does not consider such intermittent closing of highways to be in the best interest of fulfilling the Department's duties to the traveling public.

§ 33.2-267. Family restrooms.

The Department shall provide family restrooms at all rest areas along Interstate System highways in the Commonwealth. All such family restrooms shall be constructed in accordance with federal law. The provisions of this section shall apply only to rest stops constructed on or after July 1, 2003.

§ 33.2-268. Contractor performance bonds for locally administered transportation improvement projects.

Whenever any locality undertakes administration of a transportation improvement project and obtains, in connection therewith, contractor performance bonds that include the Department as a dual obligee, the amount of such bonds shall be no greater than would have been required had the Department not been included as a dual obligee. The surety's obligation to the Department shall be no greater than its obligation to the locality administering the project, and the amount of the bond is the limit of the surety's obligation to either or both obligees.

§ 33.2-269. Localities may use design-build contracts.

Localities may award contracts for the construction of transportation projects on a design-build basis. These contracts may be awarded after a written determination is made by the chief executive officer of the locality that delivery of the projects must be expedited and that it is not in the public interest to comply with the design and construction contracting procedures normally followed. These contracts shall be of such size and scope to encourage maximum competition and participation by qualified contractors. Such determination shall be retained for public inspection in the official records of the locality and shall include a description of the nature and scope of the project and the reasons for the determination that awarding a design-build contract will best serve the public interest. If state or federal transportation funds are used for the contract, then the locality shall comply with the provisions of §§ 33.2-209 and 33.2-214 and shall request from the Department the authority to administer the project in accordance with pertinent state or federal requirements.

§ 33.2-270. Provide for training of certain local employees.

The Department shall provide for the training and certification of local governments in order that such local governments are capable of administering local maintenance and construction projects that involve the secondary or urban

highway system. Such training and certification shall enable such local governments to carry out locally administered projects in compliance with federal and state law and regulations with minimal oversight by Department personnel.

§ 33.2-271. Maintain property acquired for construction of transportation projects.

Subject to requirements of federal law or regulations and prior to the initiation of project construction, the Department shall mow the grass and remove weeds and debris on property acquired for the construction of a transportation project by the Department. Such activities shall be performed in accordance with the same schedules used for these activities on other rights-of-way maintained by the Department in the same locality. At the written request of the local governing body or a locality, the Department shall provide additional services on the property acquired for the construction of a transportation project, including removal of abandoned vehicles. Such additional services shall be funded from the construction allocations to the project.

§ 33.2-272. Location of landfill gas pipelines in highway right-of-way; Department of Transportation to provide notice to counties.

Whenever the Department grants its permission for the construction, installation, location, or placement of a landfill gas pipeline within any highway right-of-way, notice shall be provided by the Department to every county through which such pipeline or any portion thereof will pass.

For the purposes of this section, "landfill gas pipeline" means those facilities exempted from the definition of public utility in subdivisions (b) (6), (7), and (8) of § 56-265.1.

§ 33.2-273. Use of steel plates in connection with highway repairs.

Any person using steel plates in connection with a temporary or permanent repair to the roadway of any highway shall follow the standards of the Department regarding warnings thereof and the marking of such plates. The provisions of this section shall not apply to any portion of a roadway that is closed to vehicular traffic.

§ 33.2-274. Application and installation of traffic control measures.

Nothing in this title shall be construed to prevent the application and installation of traffic control measures to reduce the negative effects of traffic through residential areas on any component of the secondary highway system that meets the definition of "residence district" in § 46.2-100, even if such component also provides access to a "business district" as defined in the same section. Installation of traffic control measures on any state-maintained highway shall be approved by the Department prior to installation.

Furthermore, nothing in this title shall be construed to prevent the acceptance by the Department of private financing for the application and installation of traffic control measures if and when such measures meet the Department's standards.

§ 33.2-275. Periodic quantitative rating of certain highways.

The Department shall determine a quantitative rating on the pavement condition and ride quality of every highway in the primary and secondary state highway systems at least once every five years, using metrics generally accepted in the United States for this purpose. The Department shall post these ratings on its website, organized by transportation district, updated at least quarterly, with interpretive guidance, identifying each (i) primary and secondary highway or segment thereof that has been rated, the pavement condition and ride quality rating given, and the date it was last rated and (ii) primary or secondary highway or segment thereof that has not been rated and the approximate date, if available, that the rating is scheduled to be made.

§ 33.2-276. Noise abatement practices and technologies.

A. Whenever the Board or the Department plan for or undertake any highway construction or improvement project and such project includes or may include the requirement for the mitigation of traffic noise impacts, first consideration should be given to the use of noise reducing design and low noise pavement materials and techniques in lieu of construction of noise walls or sound barriers. Vegetative screening, such as the planting of appropriate conifers, in such a design would be utilized to act as a visual screen if visual screening is required.

B. The Department shall expedite the development of quiet pavement technology such that applicable contract solicitations for paving shall include specifications for quiet pavement technology and other sound mitigation alternatives in any case in which sound mitigation is a consideration. To that end, the Department shall construct demonstration projects sufficient in number and scope to assess applicable technologies. The assessment shall include evaluation of the functionality and public safety of these technologies in Virginia's climate and shall be evaluated over at least two full winters. The Department shall provide an initial interim report to the Governor and the General Assembly by June 30, 2012, a second interim report by June 30, 2013, and a final report by June 30, 2015. The report shall include results of demonstration projects in Virginia, results of the use of quiet pavement in other states, a plan for routine implementation of quiet pavement, and any safety, cost, or performance issues that have been identified by the demonstration projects.

C. The governing body of any locality, at its own expense, may evaluate noise from highways it may designate for analysis. Such evaluation shall be accepted and relied upon by the Department if such evaluation is prepared in accordance with and complies with applicable federal law, regulations, and requirements, as well as guidelines and policies issued by the Board, relating to noise abatement and evaluation. This provision shall not apply to projects for which the Department is required to perform a noise analysis.

§ 33.2-277. Sale of materials to, and use of equipment by, localities and school boards.

The Department may lend or rent equipment and sell materials and supplies used in the building or repairing of highways and streets to any locality or school board, upon such terms and conditions as may be agreed upon by the Department and such locality or school board, provided that the governing body of such locality or school board submits to the Department a certificate setting forth that the material or equipment cannot be furnished from private sources within a reasonable time. The requirement of such a certificate shall not apply to towns with a population of less than 3,500 inhabitants or to the purchase of paint for traffic marking purposes by any locality or school board.

§ 33.2-278. Facilities for persons desiring to fish from bridges.

The Department may, upon the request in writing of any department or agency of the Commonwealth, construct and maintain on or in connection with any bridges that now constitute a part of any system of state highways platforms, walkways, or other facilities as may be necessary or proper for the safety and convenience of persons who desire to fish therefrom. The cost shall be paid out of funds furnished by the department or agency making the request from its own funds or funds furnished to such department or agency by gift from private sources. The Department shall not be held responsible for damage caused by the construction or use of such facilities.

§ 33.2-279. Use of streams and lowlands obstructed by newly constructed highways as fishponds or water storage areas.

Whenever any highway is being constructed and the highway is to pass over any stream or lowland the obstruction of which is necessary to such construction or if the present highway construction can be utilized to provide a suitable dam for a fishpond or water storage area, then upon application of the adjacent property owner requesting that it be so used, the Department may permit such use, provided that such dam shall be subject to the provisions of §§ 33.2-409 through 33.2-414 and any additional cost incurred shall be borne by the requesting property owner.

§ 33.2-280. Treatment of highway surfaces for dust control.

The Department may treat highway surfaces for stabilization and dust control in any town in the Commonwealth upon request of the governing body of such town and may treat highway surfaces for stabilization and dust control in any county of the Commonwealth, the secondary highways within which are not a part of the secondary state highway system, upon request of the governing body thereof, provided that such county or town governing body shall pay to the Department the cost of such treatment. This section applies to any highway that is a part of the primary or secondary state highway system.

Article 5.

Department of Rail and Public Transportation.

§ 33.2-281. Policy.

The General Assembly finds that there is a compelling public need to provide a balanced multimodal transportation system that enhances the service capabilities of passenger and freight rail, public transportation, highways, aviation, and ports and that it is in the public interest to ensure that passenger and freight rail and public transportation are full participants in that multimodal system to reduce energy consumption, congestion, and air pollution; to enhance the environment; to support economic development; and to ensure the efficient movement of goods and people. Accordingly, the General Assembly finds that this chapter is necessary for the public convenience, safety, and welfare.

§ 33.2-282. Department of Rail and Public Transportation created; appointment of Director.

There is hereby created a Department of Rail and Public Transportation reporting to the Secretary of Transportation and subject to the policy oversight of the Commonwealth Transportation Board. The Department of Rail and Public Transportation shall be headed by a Director who shall be appointed by and serve at the pleasure of the Governor. The Director of the Department of Rail and Public Transportation shall serve as a nonvoting ex officio member of the Board and any committee of the Board dealing with passenger and freight rail, transportation demand management, ridesharing, and public transportation issues.

§ 33.2-283. Powers and duties of the Director of the Department of Rail and Public Transportation.

Except such powers as are conferred by law upon the Board, or such services as are performed by the Department of Transportation pursuant to law, the Director of the Department of Rail and Public Transportation shall have the power to do all acts necessary or convenient for establishing, maintaining, improving, and promoting public transportation, transportation demand management, ridesharing, and passenger and freight rail transportation in the Commonwealth and to procure architectural and engineering services for rail and public transportation projects as specified in § 2.2-4302.2.

§ 33.2-284. General powers of the Department of Rail and Public Transportation.

The Department of Rail and Public Transportation has the following general powers:

1. To accept grants from the United States government and agencies and instrumentalities thereof and any other source. To these ends, the Department of Rail and Public Transportation has the power to comply with such conditions and execute such agreements as may be necessary, convenient or desirable;
2. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter, including contracts with the United States government, other states, agencies and governmental subdivisions of Virginia, and other appropriate public and private entities;
3. To assist other appropriate entities, public or private, in the implementation and improvement of passenger and freight rail, transportation demand management, ridesharing, and public transportation services and the retention of rail corridors for public purposes;

4. To represent and promote the Commonwealth's interests in passenger and freight rail, transportation demand management, ridesharing, and public transportation; and

5. To acquire and hold title to the land necessary to construct railway lines in order to reduce traffic congestion on highways and shift traffic to rail transportation and acquire by any means whatsoever, lease, improve, and construct railway lines, passenger and freight rail, transportation demand management, ridesharing, and public transportation facilities, and passenger and freight rail, transportation demand management, ridesharing, and public transportation equipment determined to be for the common good of the Commonwealth or a region of the Commonwealth and assist other appropriate entities in the implementation and improvement of passenger and freight rail, transportation demand management, ridesharing, and public transportation services and the retention of rail corridors for public purposes.

§ 33.2-285. Responsibilities of Department of Rail and Public Transportation.

The Department of Rail and Public Transportation has the responsibility to:

1. Determine present and future needs for, and economic feasibility of providing, public transportation, transportation demand management, and ridesharing facilities and services and the retention, improvement, and addition of passenger and freight rail transportation in the Commonwealth;

2. Formulate and implement plans and programs for the establishment, improvement, development and coordination of public transportation, transportation demand management, and ridesharing facilities and services, and the development, retention, and improvement of passenger and freight rail transportation services and corridors in the Commonwealth, including lines for higher speed passenger rail that will shift traffic from the highways to passenger rail and thereby reduce traffic congestion, and coordinate transportation demand management and innovative technological transportation initiatives with the Department of Transportation;

3. Coordinate with the Department of Transportation in the conduct of research, policy analysis, and planning for the rail and public transportation modes as may be appropriate to alleviate traffic congestion on highways by shifting traffic to passenger rail and to ensure the provision of effective, safe, and efficient public transportation and passenger and freight rail services in the Commonwealth;

4. Develop uniform financial and operating data on and criteria for evaluating all public transportation activities in the Commonwealth, develop specific methodologies for the collection of such data by public transit operators, regularly and systematically verify such data by means of financial audits and periodic field reviews of operating data collection methodologies, and develop such other information as may be required to evaluate the performance and improve the economy or efficiency of public transit or passenger and freight rail operations, transportation demand management programs, and ridesharing in the Commonwealth;

5. Compile and maintain an up-to-date inventory of all abandoned railroad corridors in the Commonwealth abandoned after January 1, 1970;

6. Provide training and other technical support services to transportation operators and ridesharing coordinators as may be appropriate to improve public transportation, ridesharing, and passenger and freight rail services;

7. Maintain liaison with state, local, district, and federal agencies or other entities, private and public, having responsibilities for passenger and freight rail, transportation demand management, ridesharing, and public transportation programs;

8. Receive, administer, and allocate all planning, operating, capital, and any other grant programs from the Federal Transit Administration, the Federal Railroad Administration, the Federal Highway Administration, and other agencies of the United States government for public transportation, passenger and freight rail transportation, transportation demand management, and ridesharing purposes with approval of the Board and to comply with all conditions attendant thereto;

9. Administer all state grants for public transportation, rail transportation, ridesharing, and transportation demand management purposes with approval of the Board;

10. Promote the use of public transportation, transportation demand management, ridesharing, and passenger and freight rail services to improve the mobility of Virginia's citizens and the transportation of goods;

11. Represent the Commonwealth on local, regional, and national agencies, industry associations, committees, task forces, and other entities, public and private, having responsibility for passenger and freight rail, transportation demand management, ridesharing, and public transportation;

12. Represent the Commonwealth's interests in passenger and freight rail, transportation demand management, ridesharing, and public transportation and coordinate with the Department of Transportation in the planning, location, design, construction, implementation, monitoring, evaluation, purchase, and rehabilitation of facilities and services that affect or are used by passenger and freight rail, transportation demand management, ridesharing, or public transportation;

13. Coordinate with the State Corporation Commission on all matters dealing with rail safety inspections and rail regulations that fall within its purview;

14. Prepare and review state legislation and Commonwealth recommendations on federal legislation and regulations as directed by the Secretary of Transportation;

15. Promote public transportation, ridesharing, and passenger and freight rail safety; and

16. Ensure the safety of rail fixed guideway transit systems within the Commonwealth and carry out state safety and security oversight responsibilities for rail fixed guideway transit systems as required by the Federal Transit Administration and federal law. For any rail fixed guideway transit system operated within the Commonwealth pursuant to an interstate

compact, the Department of Rail and Public Transportation shall perform its oversight responsibilities in accordance with the interstate compact governing the operation of such system and any applicable federal law.

SUBTITLE II.

MODES OF TRANSPORTATION: HIGHWAYS, BRIDGES, FERRIES, RAIL, AND PUBLIC TRANSPORTATION.

CHAPTER 3.

HIGHWAY SYSTEMS.

Article 1.

Interstate System.

§ 33.2-300. Power and authority of Commonwealth Transportation Board relating to the Interstate System, generally.

The Board may plan, designate, acquire, open, construct, reconstruct, improve, maintain, discontinue, abandon, and regulate the use of the Interstate System in the same manner in which it is now or may be authorized to plan, designate, acquire, open, construct, reconstruct, improve, maintain, discontinue, abandon, and regulate the use of the primary state highway system. The Board may vacate, close, or change the location of any highway or street in the manner in which it is now authorized by law to vacate, close, or change the location of a highway in the primary state highway system. The Board has any and all other authority and power relative to the Interstate System as is vested in it relative to highways in the primary state highway system, including the right to acquire by purchase, eminent domain, grant, or dedication title to lands or rights-of-way for such interstate highways whether within or without the limits of any city or town, and in addition thereto has such other power, control, and jurisdiction necessary to comply with the provisions of the Federal-Aid Highway Act of 1956 and all acts amendatory or supplementary thereto, all other provisions of law to the contrary notwithstanding.

§ 33.2-301. Contracts for maintenance of components of Interstate System.

All maintenance on components of the Interstate System, excluding frontage roads, shall be carried out under contracts awarded by the Commissioner of Highways or the Board pursuant to §§ 33.2-209, 33.2-214, and 33.2-221, except for instances where good and sufficient reasons for not doing so have been shown in advance in writing by the Commissioner of Highways to the Board and to the Chairmen of the House Committee on Transportation, the House Committee on Appropriations, the House Committee on Finance, the Senate Committee on Transportation, and the Senate Committee on Finance. Nothing in this section shall be construed to prevent the Department from performing emergency work at any time on the Interstate System with its own employees or agents or to assume the maintenance responsibilities of a contractor who has been determined to be in default or as a result of a contract termination.

§ 33.2-302. Funds for establishment and maintenance of Interstate System, generally.

The highways embraced within the Interstate System shall be established, constructed, and maintained by the Commonwealth under the direction and supervision of the Commissioner of Highways with state funds as may be appropriated and made available for such purposes, together with such appropriations as may be made by any locality in the Commonwealth and funds as are now available or that may be derived from the federal government for such purposes. State funds for repayment of federal construction advances may be raised by toll facilities, if approved by the Federal Highway Administration.

§ 33.2-303. Portions of Interstate System within cities and towns.

Whenever any portion of the Interstate System that is to be constructed within cities or towns is to occupy existing streets, the right-of-way in the street shall be occupied by the Interstate System free of cost to the Commonwealth.

When the Interstate System extending into or through cities or towns has been constructed to the required standards, streets or highways occupied thereby shall cease to be maintained and controlled by the governing bodies of such cities or towns, and such cities and towns shall thereafter be relieved from all civil liability arising from the physical condition of such streets or highways. Such streets and highways shall not be considered as mileage for which the Board is required to make payment to such cities or towns by any other provision of law.

Nothing contained in this article shall relieve the cities or towns through which any portion of the Interstate System is projected from the responsibility for the preservation of public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, and enforcement of the laws of the Commonwealth, and the regulations enacted pursuant thereto, nor shall anything contained herein be considered as a waiver by the Commonwealth of its immunity from liability for tort.

§ 33.2-304. Transfer of highways, bridges, and streets from the secondary and primary state highway systems to Interstate System.

The Board may transfer such highways, bridges, and streets as it deems proper from the primary or secondary state highway system to the Interstate System. Upon such transfer, the highways, bridges, and streets so transferred shall become for all purposes parts of the Interstate System and thereafter cease being parts of the primary or secondary state highway system. The Board may add such highways, bridges, and streets as it deems proper to the Interstate System without limitations as to mileage.

§ 33.2-305. Transfer of highways, bridges, and streets from Interstate System to primary or secondary state highway system.

The Board may transfer such highways, bridges, and streets as it deems proper from the Interstate System to the primary or secondary state highway system without limitations as to mileage. Upon such transfer, the highways, bridges,

and streets so transferred shall become for all purposes parts of the primary or secondary state highway system and thereafter cease being parts of the Interstate System.

§ 33.2-306. Applicability of §§ 33.2-300 through 33.2-305 to toll projects.

The provisions of §§ 33.2-300 through 33.2-305 shall not become effective with respect to those segments of the Interstate System constructed and financed as toll projects until the revenue bonds and the interest thereon issued on account of such toll projects have been paid or a sufficient amount for the payment of all such bonds and the interest to maturity thereon has been set aside in trust for the benefit of the respective bondholders. When the bonds and interest thereon, outstanding on account of such projects, have been paid or a sufficient amount for the payment of such bonds and the interest thereon to the maturity thereof has been so set aside in trust, and when the Board has by formal action, recorded in its minutes, determined the existence of such fact, then the provisions of §§ 33.2-300 through 33.2-308 shall fully apply to such projects.

§ 33.2-307. Relocation or removal of utility facilities within projects on Interstate System.

A. For the purposes of this section:

"Cost of highway construction" includes the cost of relocating or removing utility facilities in connection with any project on the Interstate System within cities or towns.

"Cost of relocation or removal" includes the entire amount paid by such utility properly attributable to such relocation or removal after deducting any increase in the value of the new facility and any salvage value derived from the old facility.

"Facility of a utility" includes tracks, pipes, mains, conduits, cables, wires, towers, and other structures, equipment, and appliances.

"Utility" includes publicly, privately, and cooperatively owned utilities.

B. Whenever the Board determines that it is necessary that any facility of a utility in, on, under, over, or along existing streets that are to be included within any project on the Interstate System within cities or towns should be relocated or removed, the owner or operator of such facility shall relocate or remove the same in accordance with the order of the Board. The cost of such relocation or removal, including the cost of installing such facility in a new location, and the cost of any lands, or any rights or interest in lands, and any other rights required to accomplish such relocation or removal shall be ascertained and paid by the Board as a part of the cost of the project.

§ 33.2-308. Additional provisions on relocation or removal of utility facilities within projects on Interstate System.

A. For the purposes of this section:

"Cost of highway construction" includes the cost of relocating or removing utility facilities in connection with any project on the Interstate System or primary state highway system within counties.

"Cost of relocation or removal" includes the entire amount paid by such utility properly attributable to such relocation or removal after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.

"Facility of a utility" includes pipes, mains, storm sewers, water lines, sanitary sewers, natural gas facilities, or other structures, equipment, and appliances.

B. Whenever the Board determines that it is necessary to relocate or remove any facility of a utility owned by (i) a county, (ii) a political subdivision of the Commonwealth or county, or (iii) a nonprofit, consumer-owned company, located in a county having a population of at least 32,000 but no more than 34,000, that (a) is exempt from income taxation under § 501(c)(3) of the Internal Revenue Code, (b) is organized to provide suitable drinking water, (c) has no assistance from investors, (d) does not pay dividends, and (e) does not sell stock to the general public, or storm sewers, water lines, natural gas facilities, or sanitary sewers owned by a city and extending into any county in, on, under, over, or along existing highways that are to be included within any project on the Interstate System or the primary state highway system within any county, the county or political subdivision of the Commonwealth or county, consumer-owned company, or city shall relocate or remove the same in accordance with the order of the Board. The cost of such relocation or removal including the cost of installing such facility in a new location, and the cost of any lands, or any rights or interest in lands, and any other rights required to accomplish such relocation or removal shall be ascertained and paid by the Board as a part of the cost of the project.

§ 33.2-309. Tolls for use of Interstate System components.

A. Notwithstanding any contrary provision of this title and in accordance with all applicable federal and state statutes and requirements, the Board may impose and collect tolls from all classes of vehicles in amounts established by the Board for the use of any component of the Interstate System within the Commonwealth. However, prior approval of the General Assembly shall be required prior to the imposition and collection of any toll for use of all or any portion of Interstate Route 81. Such funds so collected shall be deposited into the Transportation Trust Fund established pursuant to § 33.2-1524, subject to allocation by the Board as provided in this section.

B. The toll facilities authorized by this section shall be subject to the provisions of federal law for the purpose of tolling motor vehicles to finance interstate construction and reconstruction, promote efficiency in the use of highways, reduce traffic congestion, and improve air quality and for such other purposes as may be permitted by federal law.

C. In order to mitigate traffic congestion in the vicinity of the toll facilities, no toll facility shall be operated without high-speed automated toll collection technology designed to allow motorists to travel through the toll facilities without stopping to make payments. Nothing in this subsection shall be construed to prohibit a toll facility from retaining means of

nonautomated toll collection in some lanes of the facility. The Board shall also consider traffic congestion and mitigation thereof and the impact on local traffic movement as factors in determining the location of the toll facilities authorized pursuant to this section.

D. The revenues collected from each toll facility established pursuant to this section shall be deposited into segregated subaccounts in the Transportation Trust Fund and may be allocated by the Board as the Board deems appropriate to:

1. Pay or finance all or part of the costs of programs or projects, including the costs of planning, operation, maintenance, and improvements incurred in connection with the toll facility, provided that such allocations shall be limited to programs and projects that are reasonably related to or benefit the users of the toll facility. The priorities of metropolitan planning organizations, planning district commissions, local governments, and transportation corridors shall be considered by the Board in making project allocations from such revenues deposited into the Transportation Trust Fund.

2. Repay funds from the Toll Facilities Revolving Account or the Transportation Partnership Opportunity Fund.

3. Pay the Board's reasonable costs and expenses incurred in the administration and management of the toll facility.

Article 2.

Primary State Highway System.

§ 33.2-310. Primary state highway system.

The primary state highway system shall be constructed and maintained by the Commonwealth under the direction and supervision of the Board and the Commissioner of Highways.

§ 33.2-311. Certain highways in parks included in primary state highway system.

All highways in state parks that provide connections between highways, in either the primary or secondary state highway system, outside such parks and recreation centers within such parks shall continue to be portions of the primary state highway system.

§ 33.2-312. Maintenance of highways, bridges, and toll facilities within state parks.

The Commissioner of Highways may maintain all highways, bridges, and toll facilities within the boundaries of any state park established by and under the control of the Department of Conservation and Recreation. For the purpose of maintaining the highways in any such park, the Commissioner of Highways may expend funds under his control and available for expenditures upon the maintenance of highways in the secondary state highway system in the county or counties in which such state park is located. This section shall not affect the jurisdiction, control, and right to establish such highways, bridges, and toll facilities that are now vested in the Department of Conservation and Recreation.

All roads, bridges, and toll facilities constructed by way of revenue bonds issued by the Department of Conservation and Recreation shall operate under the terms of their establishment as a park facility, notwithstanding the right of the Commissioner of Highways to use highway funds to maintain them.

§ 33.2-313. Maintenance of highways at state institutions.

The Commissioner of Highways may, when requested by the governing body of a state institution, assume the maintenance of any highway within the grounds of such state institution that has been established and constructed by such institution to standards acceptable to the Commissioner of Highways. Any such highways accepted for maintenance by the Commissioner of Highways under the provisions of this section shall be a part of the primary state highway system, but the state institution shall continue to exercise police power over such highways.

§ 33.2-314. Transfer of highways, bridges, and streets from secondary to primary state highway system; additions to primary state highway system.

A. The Board may transfer such highways, bridges, and streets as it deems proper from the secondary state highway system to the primary state highway system. Upon such transfer, the highways, bridges, and streets so transferred shall become for all purposes parts of the primary state highway system. The Board may add such highways, bridges, and streets as it deems proper to the primary state highway system. The total mileage of such highways, bridges, and streets so transferred or added by the Board shall not exceed 50 miles during any one year.

B. When the Chief Engineer of the Department recommends that it is appropriate in connection with the completion of a construction or maintenance project to transfer highways, bridges, and streets from the secondary state highway system to the primary state highway system, the Commissioner of Highways may transfer such highways, bridges, and streets as he deems proper. Upon such transfer, the highways, bridges, and streets so transferred shall become for all purposes parts of the primary state highway system and cease being parts of the secondary state highway system.

§ 33.2-315. Transfer of highways, bridges, and streets from primary to secondary state highway system.

A. The Board may transfer such highways, bridges, and streets as it deems proper from the primary state highway system to the secondary state highway system or, if requested by the local governing body, to the local system of roads operated by a locality receiving payments pursuant to § 33.2-319 or 33.2-366. Upon such transfer, the highways, bridges, and streets so transferred shall become for all purposes parts of the secondary state highway system or the local system of roads operated by a locality receiving payments pursuant to § 33.2-319 or 33.2-366. The total mileage of such highways, bridges, and streets so transferred by the Board shall not exceed 150 miles during any one year.

B. When the Chief Engineer of the Department recommends that it is appropriate in connection with the completion of a construction or maintenance project to transfer highways, bridges, and streets from the primary state highway system to the secondary state highway system, the Commissioner of Highways may transfer such highways, bridges, and streets as he

deems proper. Upon such transfer, the highways, bridges, and streets so transferred shall become for all purposes parts of the secondary state highway system and cease being parts of the primary state highway system.

§ 33.2-316. Primary state highway system map.

The Commissioner of Highways shall prepare and keep on file in his office for public inspection a complete map showing the routes of the primary state highway system.

§ 33.2-317. Establishment, construction, and maintenance exclusively by Commonwealth; funds.

The highways embraced within the primary state highway system shall be established, constructed, and maintained exclusively by the Commonwealth under the direction and supervision of the Commissioner of Highways, with such state funds as may be appropriated and made available for such purposes, together with such appropriations as may be made by any county, district, city, or town in the Commonwealth and such funds as are available or derived from the federal government for highway building and improvement in the Commonwealth.

§ 33.2-318. Bypasses through or around cities and towns.

A. The Commissioner of Highways may acquire by gift, purchase, exchange, condemnation, or otherwise such lands or interest therein necessary or proper for the purpose and may construct and improve thereon such bypasses or extensions and connections of the primary state highway system through or around cities and towns as the Board deems necessary for the uses of the primary state highway system, provided that the respective cities and towns with populations of 3,500 or more by action of their governing bodies agree to participate in accordance with the provisions of § 33.2-348 in all costs of such construction and improvement, including the cost of rights-of-way, on that portion of any such bypass or extension that is located within any such city or town. The maintenance of that portion of a bypass or extension located within a city or town shall be borne by the city or town. However, the Board shall contribute to such maintenance in accordance with the provisions of law governing its contribution to the maintenance of highways, bridges, and streets in such cities and towns. The location, form, and character of informational, regulatory, and warning signs, curb and pavement, or other markings and traffic signals installed or placed by any public authority shall be subject to the approval of the Commissioner of Highways. At both ends of bypasses through or around cities and towns, the Commissioner of Highways shall erect and maintain adequate directional signs of sufficient size and suitable design to indicate clearly the main route leading directly into such cities and towns.

B. Notwithstanding the provisions of subsection A, in any case in which a municipality refuses to contribute to the construction of a bypass or an extension or connection of the primary state highway system within said municipality, the Commissioner of Highways may construct such bypass or extension and connection without any contribution by the municipality when the Board determines that such bypass or extension and connection is primarily rural in character and that the most desirable and economical location is within the municipality. Any bypass or extension and connection built under this subsection shall be maintained by the Commissioner of Highways as a part of the primary state highway system, and the municipality shall receive no payment for such bypass or extension and connection under § 33.2-319.

C. All the provisions of general law relating to the exercise of eminent domain by the Commissioner of Highways are applicable to such bypasses, extensions, and connections of the primary state highway system.

D. The Board may expend out of funds appropriated to the Board under subsection B and subdivision C 1 of § 33.2-358 such funds as may be necessary to carry out the provisions of this section.

§ 33.2-319. Payments to cities and certain towns for maintenance of certain highways.

The Commissioner of Highways, subject to the approval of the Board, shall make payments for maintenance, construction, or reconstruction of highways to all cities and towns eligible for allocation of construction funds for urban highways under § 33.2-362. Such payments, however, shall only be made if those highways functionally classified as principal and minor arterial roads are maintained to a standard satisfactory to the Department. Whenever any city or town qualifies under this section for allocation of funds, such qualification shall continue to apply to such city or town regardless of any subsequent change in population and shall cease to apply only when so specifically provided by an act of the General Assembly. All allocations made prior to July 1, 2001, to cities and towns meeting the criteria of the foregoing provisions of this section are hereby confirmed.

No payments shall be made to any such city or town unless the portion of the highway for which such payment is made either (i) has (a) an unrestricted right-of-way at least 50 feet wide and (b) a hard-surface width of at least 30 feet; (ii) has (a) an unrestricted right-of-way at least 80 feet wide, (b) a hard-surface width of at least 24 feet, and (c) approved engineering plans for the ultimate construction of an additional hard-surface width of at least 24 feet within the same right-of-way; (iii) (a) is a cul-de-sac, (b) has an unrestricted right-of-way at least 40 feet wide, and (c) has a turnaround that meets applicable standards set by the Department; (iv) either (a) has been paved and has constituted part of the primary or secondary state highway system prior to annexation or incorporation or (b) has constituted part of the secondary state highway system prior to annexation or incorporation and is paved to a minimum width of 16 feet subsequent to such annexation or incorporation and with the further exception of streets or portions thereof that have previously been maintained under the provisions of § 33.2-339 or 33.2-340; (v) was eligible for and receiving such payments under the laws of the Commonwealth in effect on June 30, 1985; (vi) is a street established prior to July 1, 1950, that has an unrestricted right-of-way width of not less than 30 feet and a hard-surface width of not less than 16 feet; (vii) is a street functionally classified as a local street that was constructed on or after January 1, 1996, and that at the time of approval by the city or town met the criteria for pavement width and right-of-way of the then-current design standards for

subdivision streets as set forth in regulations adopted by the Board; (viii) is a street previously eligible to receive street payments that is located in the City of Norfolk or the City of Richmond and is closed to public travel, pursuant to legislation enacted by the governing body of the locality in which it is located, for public safety reasons, within the boundaries of a publicly funded housing development owned and operated by the local housing authority; or (ix) is a local street, otherwise eligible, containing one or more physical protuberances placed within the right-of-way for the purpose of controlling the speed of traffic.

However, the Commissioner of Highways may waive the requirements as to hard-surface pavement or right-of-way width for highways where the width modification is at the request of the governing body of the locality and is to protect the quality of the affected locality's drinking water supply or, for highways constructed on or after July 1, 1994, to accommodate some other special circumstance where such action would not compromise the health, safety, or welfare of the public. The modification is subject to such conditions as the Commissioner of Highways may prescribe.

For the purpose of calculating allocations and making payments under this section, the Department shall divide affected highways into two categories, which shall be distinct from but based on functional classifications established by the Federal Highway Administration: (1) principal and minor arterial roads and (2) collector roads and local streets. Payments made to affected localities shall be based on the number of moving-lane-miles of highways or portions thereof available to peak-hour traffic in that locality.

The Department shall recommend to the Board an annual rate per category to be computed using the base rate of growth planned for the Department's Highway Maintenance and Operations program. The Board shall establish the annual rates of such payments as part of its allocation for such purpose, and the Department shall use those rates to calculate and put into effect annual changes in each qualifying city's or town's payment under this section.

The payments by the Department shall be paid in equal sums in each quarter of the fiscal year, and payments shall not exceed the allocation of the Board.

The chief administrative officer of the city or town receiving this fund shall make annual categorical reports of expenditures to the Department, in such form as the Board shall prescribe, accounting for all expenditures, certifying that none of the money received has been expended for other than maintenance, construction, or reconstruction of the streets, and reporting on their performance as specified in subsection B of § 33.2-352. Such reports shall be included in the scope of the annual audit of each municipality conducted by independent certified public accountants.

§ 33.2-320. Incorporation into primary state highway system of connecting streets and highways in certain other cities and towns.

The Board may, by and with the consent of the Governor and the governing body of any city or town having a population of 3,500 or less, incorporate in the primary state highway system such streets and highways or portions thereof in such city or town as may in its judgment be best for the handling of traffic through such city or town from or to any highway in the primary state highway system and may eliminate any of such streets or highways or portions thereof from the primary state highway system. Every such action of the Board incorporating any such street or highway or portion thereof in the primary state highway system or eliminating it therefrom shall be recorded in its minutes.

Any such street or highway or portion thereof in any such city or town so incorporated in the primary state highway system shall be subject to the rules, regulations, and control of the state highway authorities as are other highways in the primary state highway system. But such city or town shall be obligated to pay the maintenance, construction, and reconstruction costs of such streets or highways or portions thereof so incorporated in the primary state highway system in excess of the amounts authorized to be spent by the Commissioner of Highways on such streets or highways.

Every provision in the charter of any such city or town insofar as it is in conflict with this section is hereby repealed.

The Commissioner of Highways may permit such city or town to maintain any such street or highway or portion thereof incorporated in the primary state highway system and may reimburse such city or town up to such amount as he is authorized to expend on the maintenance of such street or highway or portion thereof.

§ 33.2-321. Agreements between Commonwealth Transportation Board and certain counties for operation of certain devices on state highways.

The Commissioner of Highways is empowered to enter into agreements with the governing bodies of Arlington and Henrico Counties, upon such terms as may be agreeable between the parties, in order to authorize such counties to install, maintain, and control traffic signals, parking meters, lane-use control signals, and other traffic control devices at specific locations on the primary or secondary state highway system within such counties. Such counties and the Commissioner of Highways shall have the authority to do all things reasonable or convenient to effectuate the purposes of this section.

§ 33.2-322. Counties may perform certain maintenance.

Any county may enter into an agreement with the Department to permit the county to landscape and maintain any or all medians and other nontraveled portions of primary highways located in the county.

§ 33.2-323. Approval of markings and traffic lights erected by towns.

Notwithstanding any provision of law contrary to this section, all markings and traffic lights installed or erected by towns on the primary highways maintained by the Department shall first be approved by the Commissioner of Highways.

Article 3.

Secondary State Highway System.

§ 33.2-324. Secondary state highway system; composition.

The secondary state highway system shall consist of all of the public highways, causeways, bridges, landings, and wharves in the counties of the Commonwealth not included in the primary state highway system. The secondary state highway system shall include such highways and community roads leading to and from public school buildings, streets, causeways, bridges, landings, and wharves in towns having a population of 3,500 or less according to the United States census of 1920, and in all towns having such a population incorporated since 1920, that constitute connecting links between highways in the secondary state highway system in the counties and between highways in the secondary state highway system and highways in the primary state highway system, not to exceed two miles in any one town. If in any such town that is partly surrounded by water less than two miles of the highways and streets therein constitute parts of the secondary state highway system, the Board shall, upon the adoption of a resolution by the governing body of such town designating for inclusion in the secondary state highway system certain highways and streets in such town not to exceed a distance of two miles, less the length of such highways and streets in such town that constitute parts of the secondary state highway system, accept and place in the secondary state highway system such additional highways and streets.

§ 33.2-325. Certain school roads in secondary state highway system.

All roads leading from the state highways, either primary or secondary, to public schools in the counties of the Commonwealth to which school buses are operated shall continue to constitute portions of the secondary state highway system insofar as these roads lead to or are on school property and as such shall be improved and maintained.

§ 33.2-326. Control, supervision, and management of secondary state highway system components.

A. The control, supervision, management, and jurisdiction over the secondary state highway system shall be vested in the Department, and the maintenance and improvement, including construction and reconstruction, of such secondary state highway system shall be by the Commonwealth under the supervision of the Commissioner of Highways. The boards of supervisors or other governing bodies of the counties shall have no control, supervision, management, or jurisdiction over such public highways, causeways, bridges, landings, and wharves constituting the secondary state highway system. Except as otherwise provided in this article, the Board shall be vested with the same powers, control, and jurisdiction over the secondary state highway system in the counties and towns of the Commonwealth, and such additions as may be made, as were vested in the boards of supervisors or other governing bodies of the counties on June 21, 1932, and in addition thereto shall be vested with the same power, authority, and control as to the secondary state highway system as is vested in the Board in connection with the primary state highway system.

B. Nothing in this chapter shall be construed as requiring the Department, when undertaking improvements to any secondary state highway system component or any portion of any such component, to fully reconstruct such component or portion thereof to bring it into compliance with all design and engineering standards that would be applicable to such component or portion thereof if the project involved new construction.

§ 33.2-327. Design standards for secondary state highway system components.

For urban and urban development areas in localities using the urban county executive form of government, the Department shall work in conjunction with the locality and the Department of Rail and Public Transportation to review new design standards for secondary state highway system components that the locality proposes. Such standards shall (i) be based on the American Association of State Highway and Transportation Officials (AASHTO) A Policy on Geometric Design of Highways and Streets and other publications applicable to urban areas; (ii) set forth a design methodology that should be used in the affected urban and urban development areas; (iii) allow for the efficient movement of transit and other vehicles through these areas; (iv) accommodate safe pedestrian and bicyclist movement; (v) accommodate high density urban development; (vi) encourage user-friendly access to transit; (vii) include stormwater management guidelines, consistent with state and local laws and regulations; and (viii) respect the character of urban areas. These design standards and methodologies are intended to facilitate approval of roadway and transportation system improvement plans in urban areas that comply with the standards. These design standards shall not contradict or be in conflict with the principles outlined in the applicable Board regulations concerning terms and conditions under which subdivision streets may be accepted into the secondary state highway system.

Standards developed by parties as required by this section shall be submitted to the Department for final review and approval at least three months prior to the locality's anticipated implementation date.

§ 33.2-328. Department of Transportation to install and maintain certain signs.

Whenever so requested by the governing body of a county, the Department shall install a system of highway name signs on state-maintained highways at such time and upon such terms and conditions as may be mutually agreed to between the county and the Commissioner of Highways.

The Department shall install, using state forces or contract, the initial signing system, and the county shall be responsible for continuing maintenance of the signs. Supply of the signs by the Department, either by manufacture or purchase, and initial installation shall be paid for from appropriate secondary construction funds allocated to the county or from primary construction funds available to the Department.

No highway funds shall be used by the county for the cost of maintaining the signing system.

§ 33.2-329. Transfer of control, etc., of landings, docks, and wharves to Department of Game and Inland Fisheries.

A. Notwithstanding any other provision of law, the Board may transfer the control, possession, supervision, management, and jurisdiction of landings, wharves, and docks in the secondary state highway system to the Department of

Game and Inland Fisheries, at the request or with the concurrence of the Department of Game and Inland Fisheries. Such transfer may be by lease, agreement, or otherwise, approved by resolution of the Board, and signed by the Commissioner of Highways or his designee, for such period and upon such terms and conditions as the Board may direct.

B. All such transfers effected prior to July 1, 1980, by lease, agreement, or otherwise, from the Department to the Department of Game and Inland Fisheries and all regulations of the Department of Game and Inland Fisheries controlling the use of such facilities shall be and are hereby declared valid in every respect.

§ 33.2-330. Relocation or removal of utility facilities within secondary state highway system construction projects.

A. As used in this section:

"Cost of highway construction" includes the cost of relocating or removing utility facilities in connection with any project on the secondary state highway system.

"Cost of relocation or removal" includes the entire amount paid by such utility properly attributable to such relocation or removal after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.

"Facility of a utility" includes tracks, pipes, mains, conduits, cables, wires, towers, and other structures, equipment, and appliances.

"Utility" includes utilities owned by a county, city, town, or public authority, and nonprofit, consumer-owned company located in a county having a population of at least 32,000 but no more than 34,000 that (i) is exempt from income taxation under § 501(c)(3) of the Internal Revenue Code, (ii) is organized to provide suitable drinking water, (iii) has no assistance from investors, (iv) does not pay dividends, and (v) does not sell stock to the general public.

B. Whenever it is necessary that the facility of a utility in, on, under, over, or along an existing highway that is to be included within any construction project on the secondary state highway system should be relocated or removed, the owner or operator of such facility shall relocate or remove the same in accordance with the order of the Board. The cost of such relocation or removal, including the cost of installing such facility in a new location, and the cost of any lands, or any rights or interest in lands, and any other rights, required to accomplish such relocation or removal shall be ascertained and paid by the Board as a part of the cost of such project.

§ 33.2-331. Annual meeting with county officers; six-year plan for secondary state highways; certain reimbursements required.

For purposes of this section, "cancellation" means complete elimination of a highway construction or improvement project from the six-year plan.

The governing body of each county in the secondary state highway system may, jointly with the representatives of the Department as designated by the Commissioner of Highways, prepare a six-year plan for the improvements to the secondary state highway system in that county. Each such six-year plan shall be based upon the best estimate of funds to be available to the county for expenditure in the six-year period on the secondary state highway system. Each such plan shall list the proposed improvements, together with an estimated cost of each project so listed. Following the preparation of the plan, the board of supervisors or other local governing body shall conduct a public hearing after publishing notice in a newspaper published in or having general circulation in the county once a week for two successive weeks and posting notice of the proposed hearing at the front door of the courthouse of such county 10 days before the meeting. At the public hearings, which shall be conducted jointly by the board of supervisors and the representative of the Department, the entire six-year plan shall be discussed with the citizens of the county and their views considered. Following the discussion, the local governing body, together with the representative of the Department, shall finalize and officially adopt the six-year plan, which shall then be considered the official plan of the county.

At least once in each calendar year, representatives of the Department in charge of the secondary state highway system in each county, or some representative of the Department designated by the Commissioner of Highways, shall meet with the governing body of each county in a regular or special meeting of the local governing body for the purpose of preparing a budget for the expenditure of improvement funds for the next fiscal year. The representative of the Department shall furnish the local governing body with an updated estimate of funds, and the board and the representative of the Department shall jointly prepare the list of projects to be carried out in that fiscal year taken from the six-year plan by order of priority and following generally the policies of the Board in regard to the statewide improvements to the secondary state highway system. Such list of priorities shall then be presented at a public hearing duly advertised in accordance with the procedure outlined in this section, and comments of citizens shall be obtained and considered. Following this public hearing, the board, with the concurrence of the representative of the Department, shall adopt, as official, a priority program for the ensuing year, and the Department shall include such listed projects in its secondary highways budget for the county for that year.

At least once every two years following the adoption of the original six-year plan, the governing body of each county, together with the representative of the Department, shall update the six-year plan of the county by adding to it and extending it as necessary so as to maintain it as a plan encompassing six years. Whenever additional funds for secondary highway purposes become available, the local governing body may request a revision in its six-year plan in order that such plan be amended to provide for the expenditure of the additional funds. Such additions and extensions to each six-year plan shall be prepared in the same manner and following the same procedures as outlined herein for its initial preparation. Where the local governing body and the representative of the Department fail to agree upon a priority program, the local governing body may appeal to the Commissioner of Highways. The Commissioner of Highways shall consider all proposed

priorities and render a decision establishing a priority program based upon a consideration by the Commissioner of Highways of the welfare and safety of county citizens. Such decision shall be binding.

Nothing in this section shall preclude a local governing body, with the concurrence of the representative of the Department, from combining the public hearing required for revision of a six-year plan with the public hearing required for review of the list of priorities, provided that notice of such combined hearing is published in accordance with procedures provided in this section.

All such six-year plans shall consider all existing highways in the secondary state highway system, including those in the towns located in the county that are maintained as a part of the secondary state highway system, and shall be made a public document.

If any county cancels any highway construction or improvement project included in its six-year plan after the location and design for the project has been approved, such county shall reimburse the Department the net amount of all funds expended by the Department for planning, engineering, right-of-way acquisition, demolition, relocation, and construction between the date on which project development was initiated and the date of cancellation. To the extent that funds from secondary highway allocations pursuant to § 33.2-364 have been expended to pay for a highway construction or improvement project, all revenues generated from a reimbursement by the county shall be deposited into that same county's secondary highway allocation. The Commissioner of Highways may waive all or any portion of such reimbursement at his discretion.

The provisions of this section shall not apply in instances where less than 100 percent of the right-of-way is available for donation for unpaved highway improvements.

§ 33.2-332. Requesting Department of Transportation to hard-surface secondary highways; paving of certain secondary highways within existing rights-of-way; designation as Rural Rustic Road.

A. Whenever the governing body of any county, after consultation with personnel of the Department, adopts a resolution requesting the Department to hard-surface any secondary highway in such county that carries 50 or more vehicles per day with a hard surface of width and strength adequate for such traffic volume, the Department shall give consideration to such resolution in establishing priority in expending the funds allocated to such county. The Department shall consider the paving of highways with a right-of-way width of less than 40 feet under this subsection when land is, has been, or can be acquired by gift for the purpose of constructing a hard-surface highway.

B. Notwithstanding the provisions of subsection A, any unpaved secondary highway that carries at least 50 but no more than 750 vehicles per day may be paved or improved and paved within its existing right-of-way or within a wider right-of-way that is less than 40 feet wide if the following conditions are met:

1. The governing body of the county in which the highway is located has requested paving of such highway as part of the six-year plan for the county under § 33.2-331 and transmitted that request to the Commissioner of Highways; and

2. The Commissioner of Highways, after having considered only (i) the safety of such highway in its current condition and in its paved or improved condition, including the desirability of reduced speed limits and installation of other warning signs or devices; (ii) the views of the residents and owners of property adjacent to or served by such highway; (iii) the views of the local governing body making the request; (iv) the historical and aesthetic significance of such highway and its surroundings; (v) the availability of any additional land that has been or may be acquired by gift or other means for the purpose of paving such highway within its existing right-of-way or within a wider right-of-way that is less than 40 feet wide; and (vi) environmental considerations, shall grant or deny the request for the paving of such highway under this subsection.

C. Notwithstanding the provisions of subsections A and B, the governing body of any county, in consultation with the Department, may designate a highway or highway segment as a Rural Rustic Road, provided such highway or highway segment is located in a low-density development area and has an average daily traffic volume of no more than 1,500 vehicles per day. For a highway or highway segment so designated, improvements shall utilize a paved surface width based on reduced and flexible standards that leave trees, vegetation, side slopes, and open drainage abutting the highway undisturbed to the maximum extent possible without compromising public safety. Any highway designated as a Rural Rustic Road shall be subject to § 62.1-44.15:34. The Department, in consultation with the affected local governing body, shall first consider the paving of a highway or highway segment meeting the criteria for a Rural Rustic Road in accordance with this subsection before making a decision to pave it to another standard as set forth in this section.

D. The Commonwealth and its agencies, instrumentalities, departments, officers, and employees acting within the scope of their duties and authority shall be immune for damages by reason of actions taken in conformity with the provisions of this section. Immunity for the local governing body of any political subdivision requesting paving under this section and the officers and employees of any such political subdivision shall be limited to that immunity provided pursuant to § 15.2-1405.

§ 33.2-333. Emergency paving of unpaved secondary highways; notice and local concurrence.

In the event of an emergency, an unpaved highway within the secondary state highway system shall be paved only if the following procedures are satisfied:

1. The Commissioner of Highways shall consider the following factors in determining whether the unpaved secondary state highway, as the result of an emergency, shall be paved: (i) the safety of the secondary state highway in its current condition; (ii) the feasibility of restoring the unpaved highway to its functional level prior to the emergency; (iii) the concerns of the citizens in the locality wherein the affected highway is located, particularly those persons who own land

adjacent to such highway; (iv) the concerns of the governing body of the locality affected; and (v) the historical and aesthetic significance of the unpaved secondary state highway and its surroundings.

2. The Commissioner of Highways shall provide notice of the intended paving to the governing body of the locality where the affected highway or portion thereof is located. The Commissioner shall provide such notice following his decision to pave the unpaved secondary highway within the locality affected.

3. The local governing body's concurrence or other recommendation regarding the proposed paving shall be forwarded to the Commissioner of Highways within 72 hours following the receipt of the Commissioner's notice.

§ 33.2-334. Requirements for taking new streets into secondary state highway system.

A. The governing body of any county that has not withdrawn from the secondary state highway system or any town within which the Department maintains the streets may, by resolution, request the Board to take any new street or highway into the secondary state highway system for maintenance if such street or highway has been developed and constructed in accordance with the Board's secondary street acceptance requirements. The Board shall adopt regulations establishing such secondary street acceptance requirements, which shall include such provisions as the Board deems necessary or appropriate to achieve the safe and efficient operation of the Commonwealth's transportation network.

B. In addition to such other provisions deemed necessary or appropriate by the Board, the regulations shall include (i) requirements to ensure the connectivity of highway and pedestrian networks with the existing and future transportation network, (ii) provisions to minimize stormwater runoff and impervious surface area, and (iii) provisions for performance bonding of new secondary highways and associated cost recovery fees.

C. No initial regulation establishing secondary street acceptance requirements pursuant to this section shall apply to subdivision plats and subdivision construction plans that have been submitted and accepted for review by the Department on or before the effective date of such initial regulations. No locality shall be obligated to approve any subdivision plat or subdivision construction plans that are inconsistent with these regulations.

D. Nothing in this section or in any regulation, policy, or practice adopted pursuant to this section shall prevent the acceptance of any street or segment of a street within a network addition that meets one or more of the public service requirements addressed in the regulations, provided that the network addition satisfies all other requirements adopted pursuant to this section. In cases where a majority of the lots along the street or street segment remain undeveloped and construction traffic is expected to utilize that street or street segment after acceptance, the bonding requirement for such street or street segment may be required by the Department to be extended for up to one year beyond that required in the secondary street acceptance requirements.

§ 33.2-335. Taking certain streets into secondary state highway system.

A. For the purposes of this section:

"County" means a county in which the secondary state highway system is constructed and maintained by the Department and that has adopted a local ordinance for control of the development of subdivision streets to the necessary standards for acceptance into the secondary state highway system.

"Qualifying rural addition cost" means that portion of the estimated engineering and construction cost to improve the street to the minimum standards for acceptance remaining after reducing the total estimated cost by any prorated amount deemed the responsibility of others based on speculative interests.

"Rural addition funds" means those funds reserved from the county's annual allocation of secondary state highway system construction funds, as defined in § 33.2-324, for the purpose of this section. If such funds are not used by such county for such purpose during the fiscal year they are so allocated, the funds may be held for such purpose for the four succeeding fiscal years. A maximum of five percent of the annual secondary state system highway construction allocation may be reserved by the local governing body for rural additions.

"Speculative interest" means that the original developer or a successor developer retains ownership in any lot abutting such street for development or speculative purposes. In instances where it is determined that speculative interest is retained by the original developer, developers, or successor developers and the governing body of the county deems that extenuating circumstances exist, the governing body of the county shall require a pro rata participation by such original developer, developers, or successor developers as prescribed in subsection D as a condition of the county's recommendation pursuant to this section.

"Street" means a street or highway shown on a plat that was recorded or otherwise opened to public use prior to July 1, 1992, at which time it was open to and used by motor vehicles, and that, for any reason, has not been taken into the secondary state highway system and serves at least three families per mile.

B. Whenever the governing body of a county recommends in writing to the Department that any street in the county be taken into and become a part of the secondary state highway system in such county, the Department thereupon, within the limit of available funds and the mileage available in such county for the inclusion of highways and streets in the secondary state highway system, shall take such street into the secondary state highway system for maintenance, improvement, construction, and reconstruction if such street, at the time of such recommendation, (i) has a minimum dedicated width of 40 feet or (ii) in the event of extenuating circumstances as determined by the Commissioner of Highways, has a minimum dedicated width of 30 feet. In either case, such streets must have easements appurtenant thereto that conform to the policy of the Board with respect to drainage. After the streets are taken into the secondary state highway system, the Department shall maintain the same in the manner provided by law. However, no such street shall be taken into and become a part of the secondary state highway system unless and until any and all required permits have been obtained and any outstanding fees,

charges, or other financial obligations of whatever nature have been satisfied or provision has been made, whether by the posting of a bond or otherwise, for their satisfaction.

C. Such street shall only be taken into the secondary state highway system if the governing body of the county has identified and made available the funds required to improve the street to the required minimum standards. The county may consider the following options to fund the required improvements for streets accepted under this section:

1. The governing body of the county may use a portion of the county's annual secondary state highway system construction allocation designated as rural addition funds to fund the qualifying rural addition costs for qualifying streets if the county agrees to contribute from county revenue or the special assessment of the landowners on the street in question one-half of the qualifying rural addition cost to bring the streets up to the necessary minimum standards for acceptance. No such special assessment of landowners on such streets shall be made unless the governing body of the county receives written declarations from the owners of 75 percent or more of the platted parcels of land abutting upon such streets stating their acquiescence in such assessments. The basis for such special assessments, at the option of the local governing body, shall be either (i) the proportion the value of each abutting parcel bears to the total value of all abutting parcels on such street as determined by the current evaluation of the property for real estate tax purposes, (ii) the proportion the abutting road front footage of each parcel abutting the street bears to the total abutting road front footage of all parcels abutting on the street, or (iii) an equal amount for each parcel abutting on such street. No such special assessment on any parcel shall exceed one-third of the current valuation of such property for real estate tax purposes. Special assessments under this section shall be conducted in the manner provided in Article 2 (§ 15.2-2404 et seq.) of Chapter 24 of Title 15.2, *mutatis mutandis*, for assessments for local improvements.

2. The governing body of any county may use a portion of its annual secondary state highway system construction allocation designated as rural addition funds to fund the qualifying rural addition cost for qualifying streets within the limitation of funds and the mileage limitation of the Board's policy on rural additions.

3. The governing body of any county may use revenues derived from the sale of bonds to finance the construction of rural additions to the secondary state highway system of such county. In addition, from the funds allocated by the Commonwealth for the construction of secondary state highway improvements, such local governing body may use funds allocated within the Board policy for the construction of rural additions to pay principal and interest on bonds associated with rural additions in such county, provided the revenue derived from the sale of such bonds is not used as the county matching contribution under § 33.2-357. The provisions of this section shall not constitute a debt or obligation of the Board or the Commonwealth.

4. The governing body of the county may expend general county revenue for the purposes of this section.

5. The governing body of the county may permit one or more of the landowners on the street in question to pay to the county a sum equal to one-half of the qualifying rural addition cost to bring the street up to the necessary minimum standards for acceptance into the secondary state highway system, which funds the county shall then utilize for such purpose. Thereafter, upon collection of the special assessment of landowners on such street, the county shall use such special assessment funds to reimburse, without interest, the one or more landowners for those funds that they previously advanced to the county to bring the street up to the necessary minimum standards for acceptance.

6. The governing body of the county may utilize the allocations made to the county in accordance with § 33.2-357.

D. In instances where it is determined that speculative interest exists, the basis for the pro rata percentage required of such developer, developers, or successor developers shall be the proportion that the value of the abutting parcels owned or partly owned by the developer, developers, or successor developers bears to the total value of all abutting property as determined by the current valuation of the property for real estate purposes. The pro rata percentage shall be applied to the Department's total estimated cost to construct such street to the necessary minimum standards for acceptance to determine the amount of costs to be borne by the developer, developers, or successor developers. Property so valued shall not be assessed in the special assessment for the determination of the individual pro rata share attributable to other properties. Further, when such pro rata participation is accepted by the governing body of the county from such original developer, developers, or successor developers, such amount shall be deducted from the Department's total estimated cost, and the remainder of such estimated cost, the qualifying rural addition cost, shall then be the basis of determining the assessment under the special assessment provision or determining the amount to be provided by the county when funded from general county revenue under the definition of speculative interest in subsection A or determining the amount to be funded as a rural addition under the definition of qualifying rural addition cost in subsection A.

E. Acceptance of any street into the secondary state highway system for maintenance, improvement, construction, and reconstruction shall not impose any obligation on the Board to acquire any additional right-of-way or easements should they be necessary by virtue of faulty construction or design.

§ 33.2-336. Funds allocated to counties for Rural Addition Program; street standards.

A. Notwithstanding any other provision of law, the Board and the Commissioner of Highways shall not diminish funds allocated or allocable to any county for use under the Rural Addition Program by reason of any county ordinance authorizing the use of private roads not built to standards set by the Department or construction of subdivision streets built to standards other than those established by the Department.

B. In those counties where this section is applicable, the ordinance shall also state that any and all streets that are not constructed to meet the standards necessary for inclusion in the systems of state highways shall be privately maintained and shall not be eligible for acceptance into the systems of state highways unless improved to current Department standards

with funds other than those appropriated by the General Assembly and allocated by the Board. For any street that is not constructed to Department standards, the subdivision plat and all approved deeds of subdivision, or similar instruments, shall contain a statement advertising that the streets in the subdivision do not meet the standards necessary for inclusion in the systems of state highways and will not be maintained by the Department or the county approving the subdivision and are not eligible for rural addition funds, as defined in § 33.2-335, or any other funds appropriated by the General Assembly and allocated by the Board.

§ 33.2-337. Contributions to primary or secondary state highway construction by counties.

Notwithstanding any other provision of law, any county having highways in the primary or secondary state highway system may contribute funds annually for the construction of primary or secondary highways. The funds contributed by such county shall be appropriated from the county's general revenues for use by the Department on the primary or secondary state highway system within such county as may be determined by the board of supervisors of such county in cooperation with the Department. The funds to which any county may be entitled under the provisions of §§ 33.2-358, 33.2-361, and 33.2-364 for construction, improvement, or maintenance of primary or secondary highways shall not be diminished by reason of any funds contributed for that purpose by such county or by any person or entity, regardless of whether such contributions are matched by state or federal funds.

§ 33.2-338. Construction and improvement of primary or secondary highways by counties.

A. Notwithstanding any other provisions of this article, the governing body of any county may expend general revenues or revenues derived from the sale of bonds for the purpose of constructing or improving highways, including curbs, gutters, drainageways, sound barriers, sidewalks, and all other features or appurtenances conducive to the public safety and convenience, that either have been or may be taken into the primary or secondary state highway system. Project planning and the acquisition of rights-of-way shall be under the control and at the direction of the county, subject to the approval of project plans and specifications by the Department. All costs incurred by the Department in administering such contracts shall be reimbursed from the county's general revenues or from revenues derived from the sale of bonds or such costs may be charged against the funds that the county may be entitled to under the provisions of § 33.2-358, 33.2-361, or 33.2-364.

B. Projects undertaken under the authority of subsection A shall not diminish the funds to which a county may be entitled under the provisions of § 33.2-357, 33.2-358, 33.2-361, or 33.2-364.

C. At the request of the county, the Department may agree to undertake the design, right-of-way acquisition, or construction of projects funded by the county. In such situations, the Department and the county shall enter into an agreement specifying all relevant procedures and responsibilities concerning the design, right-of-way acquisition, construction, or contract administration of projects to be funded by the county. The county shall reimburse the Department for all costs incurred by the Department in carrying out the aforesaid activities from general revenues or revenues derived from the sale of bonds.

D. Notwithstanding any contrary provision of law, any county may undertake activities toward the design, land acquisition, or construction of primary or secondary state highway projects that have been included in the six-year plan pursuant to § 33.2-331, or in the case of a primary state highway, an approved project included in the six-year improvement program of the Board. In such situations, the Department and the county shall enter into an agreement specifying all relevant procedures and responsibilities concerning the design, right-of-way acquisition, construction, or contract administration of projects to be funded by the Department. Such activities shall be undertaken with the prior concurrence of the Department, and the Department shall reimburse the county for expenses incurred in carrying out these activities. Such reimbursement shall be derived from primary or secondary highway funds that the county may be entitled to under the provisions of this chapter. The county may undertake these activities in accordance with all applicable county procedures, provided the Commissioner of Highways finds that those county procedures are substantially similar to departmental procedures and specifications.

E. If funding for the construction of a primary or interstate project is scheduled in the Board's Six-Year Improvement Program as defined in § 33.2-214, a locality may choose to advance funds to the project. If such advance is offered, the Board may consider such request and agree to such advancement and the subsequent reimbursement of the locality of the advance in accordance with terms agreed upon by the Board or its designee and the locality.

F. Any county carrying out any construction project as authorized in this section may, in so doing, exercise the powers granted the Commissioner of Highways under Article 1 (§ 33.2-1000 et seq.) of Chapter 10 to enter property for the purpose of making an examination and survey thereof, with a view to ascertainment of its suitability for highway purposes and any other purpose incidental thereto.

G. For the purposes of this section, any county without an existing franchise agreement, when administering a Department-sanctioned project under a land-use permit or transportation project agreement, shall have the same authority as the Department pertaining to the relocation of utilities.

H. Whenever so requested by any county, funding of any project undertaken as provided in this section may be supplemented solely by state funds in order to avoid the necessity of complying with additional federal requirements, provided a determination has been made by the Department that (i) adequate state funds are available to fully match available federal transportation funds and (ii) the Department can meet its federal obligation authority, as permitted by federal law.

§ 33.2-339. Maintenance, etc., of streets and highways in certain towns from secondary funds.

The Commissioner of Highways may, subject to the approval of the Board, upon request of the governing bodies of towns with a population of less than 3,500, according to the last United States census, select certain streets and highways in such towns for maintenance, improvement, construction, and reconstruction from allocations available from secondary highway funds not to exceed two miles of streets or highways in such towns included in the secondary state highway system, whether such two miles of streets or highways constitute connecting links between highways in the secondary state highway system in the counties or between highways in the secondary state highway system and highways in the primary state highway system, or not.

The Commissioner of Highways, with the approval of the Board, in addition to the said two miles may increase the mileage of streets and highways in such towns annually, not to exceed in any one year one-fourth mile, exclusive of any mileage transferred from the primary state highway system under the provisions of § 33.2-315 or any mileage maintained by the Department prior to its annexation by such town.

§ 33.2-340. Maintenance, etc., by Commissioner of Highways when no request for allocation.

If no request is made to the Board by the governing body of any town as provided in § 33.2-339, the Commissioner of Highways, subject to the approval of the Board, may maintain, improve, construct, and reconstruct all streets in such town that (i) have an unrestricted right-of-way width of not less than 30 feet and a hard-surface width of not less than 12 feet; (ii) were established after July 1, 1950, by such town and have a right-of-way width of not less than 50 feet and a hard-surface width of not less than 20 feet; or (iii) are functionally classified as local streets and were constructed on or after January 1, 1996, and, at the time of approval by the town, met the criteria for pavement width and right-of-way of the then-current edition design standards for subdivision streets as set forth in regulations adopted by the Board.

§ 33.2-341. Maps of secondary state highway system.

The Commissioner of Highways shall prepare and keep on file in his office for public inspection a complete map for each county showing the route of the secondary state highway system.

§ 33.2-342. Resumption of responsibility for secondary state highways by counties.

Notwithstanding any provisions of § 11 of Chapter 415 of the Acts of Assembly of 1932 and §§ 33.2-341, 33.2-343, 33.2-345, and 33.2-346, the Commissioner of Highways, following receipt of a resolution adopted by the board of supervisors of a county requesting such action, may enter into an agreement with any county that desires to resume responsibility over all or any portion of the secondary state highway system within such county's boundaries for the purposes of planning, constructing, maintaining, and operating such highways. Such agreement shall specify the equipment, facilities, personnel, and funding that will be provided to the county in order to implement such agreement's provisions.

Any county that resumes full responsibility for all of the secondary state highway system within such county's boundaries (i) shall have authority and control over the secondary state highway system within its boundaries, (ii) shall be deemed to have withdrawn from the secondary state highway system, and (iii) shall receive payments in accordance with § 33.2-366. The resolution requesting resumption of all responsibilities shall also include a request for the transfer and release of all rights-of-way and rights of access along the secondary state highway system within the county's boundaries.

§ 33.2-343. Return after withdrawal from secondary state highway system.

Any county that has withdrawn its roads from the secondary state highway system under the provisions of § 11 of Chapter 415 of the Acts of Assembly of 1932 shall have the right at any time to bring itself back within such secondary state highway system, provided the decision is approved by a majority of the qualified voters of such county voting in an election called for that purpose as provided in this article.

§ 33.2-344. Election to determine return to the secondary state highway system.

Upon the petition of qualified voters of any county that proposes to return its roads to the secondary state highway system equal in number to at least 20 percent of the number counted in such county for presidential electors at the last preceding presidential election or 250, whichever is more, the circuit court of such county shall make an order requiring the judges of election on such day as may be fixed in the order; but not less than 30 days after the date of the order; to open a poll and take the sense of the qualified voters of the county on the question of whether or not such county shall return to the secondary state highway system. The qualifications of voters at each such election shall be as provided by §§ 24.2-400 through 24.2-403.

The ballots for use at any such election shall be printed to state the question as follows:

"Shall county (the name of such county to be inserted) return to the secondary state highway system for maintenance and construction by the Commonwealth?

[] Yes

[] No"

The ballots shall be printed, marked, and counted and returns made and canvassed as in other elections and as provided in § 24.2-684. The results shall be certified by the secretary of the appropriate electoral board to the State Board of Elections, to the court ordering the election, and to such other authority as may be proper to accomplish the purpose of the election. All other proceedings in connection with any such election shall be in conformity with the proceedings prescribed in § 11 of Chapter 415 of the Acts of Assembly of 1932.

§ 33.2-345. Effect of election to determine return to the secondary state highway system.

If the result of an election pursuant to § 33.2-344 is in favor of the county returning to the secondary state highway system, such county shall, after the entry by the court of an order so declaring the result of such election and on and after the first day of July next succeeding, be within the secondary state highway system as fully and completely as if it had not withdrawn. All provisions of this article shall thereupon apply to and be enforced as to such county to the same extent as if the dates in Chapter 415 of the Acts of Assembly of 1932 had been changed to correspond with the year in which such county returns to the secondary state highway system. Such county shall not be allowed again to withdraw from the secondary state highway system.

§ 33.2-346. Machinery, etc., owned by returning county.

The Commissioner of Highways shall, as promptly as practicable, make an inventory and appraisal of all road machinery, equipment, teams, material, and supplies on hand or belonging to the local highway authorities of any county that returns to the secondary state highway system or any district thereof that may be deemed by him suitable for work on the secondary state highway system and shall file such inventory and appraisal with the Board. The local highway authorities may, if they so elect, turn over to the Commonwealth such road machinery, equipment, teams, material, and supplies at the appraised value thereof, which shall be paid within two years out of funds available for expenditure on highways in the secondary state highway system, or, if they so prefer, the local highway authorities may retain or sell any of such property otherwise or, if they so elect, may turn over to the Commissioner of Highways all or any of such property for use upon the secondary state highway system without reimbursement therefor. Any sums received by the local highway authorities under the provisions of this section shall, so far as may be necessary, be applied on account of obligations previously contracted for county or district highway purposes and the balance, if any, for general county purposes.

Article 4.

Urban Highway System.

§ 33.2-347. Minimum street and highway standards for certain towns.

Notwithstanding the provisions of § 33.2-340, any town in which 70 percent or more of developable land within its boundaries has a natural grade of 20 percent or more may by ordinance provide for streets or highways established on or after July 1, 1980, with an unrestricted right-of-way width of not less than 40 feet and a hard-surface width of not less than 18 feet, provided that no such requirement of any such town shall be less stringent than that of the county in which the town is located. Streets and highways so established and constructed shall be eligible for payment in accordance with § 33.2-340.

§ 33.2-348. Matching highway funds; funding of urban system construction projects.

A. For the purposes of this section, "construction or improvement" means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, design and mapping, costs of rights-of-way, signs, signals and markings, elimination of hazards of railroad grade crossings, and expenses incidental to the relocation of any utility or its facilities owned by a municipality or by a public utility district or public utility authority.

B. In any case in which an act of Congress requires that federal-aid highway funds made available for the construction or improvement of federal or state highways be matched, the Board shall contribute such matching funds. However, in the case of municipalities with a population of 3,500 or more eligible for an allocation of construction funds for urban highways under § 33.2-362 and the Town of Wise, the Town of Lebanon, and the Town of Altavista, the Board may contribute toward the cost of construction of any federal-aid highway or street project 98 percent of the necessary funds, including the federal portion, if the municipality contributes the other two percent, and provided further that within such municipalities the Board may contribute all the required funds on highways in the Interstate System.

In the case of municipalities with a population of 3,500 or more eligible for an allocation of construction funds for urban highways under § 33.2-362 and the Town of Wise, the Town of Lebanon, and the Town of Altavista, the Board may contribute toward the costs of construction or improvement of any highway or street project for which no federal-aid highway funds are made available 98 percent of the necessary funds if the municipality contributes the other two percent.

For purposes of matching highway funds, such contributions shall continue to apply to such municipality regardless of any subsequent change in population and shall cease to apply only when so specifically provided by an act of the General Assembly. All actions taken prior to July 1, 2001, by municipalities meeting the criteria of the foregoing provisions of this section are hereby confirmed.

C. In the case of municipalities with a population of less than 3,500 that on June 30, 1985, maintained certain streets under former § 33.1-80 as then in effect, the Board shall contribute toward the costs of construction or improvement of any highway or street project 100 percent of the necessary funds. The contribution authorized by this subsection shall be in addition to any other contribution, and projects established in reference to municipalities with a population of less than 3,500 shall not in any way be interpreted to change any other formula or manner for the distribution of funds to such municipalities for construction, improvement, or maintenance of highways or streets. The Board may accept from a municipality, for right-of-way purposes, contributions of real estate to be credited, at fair market value, against the matching obligation of such municipality under the provisions of this section.

D. If any municipality requesting a Board contribution subsequently decides to cancel the construction or improvement after the Board has initiated the project at the request of the municipality, the municipality shall reimburse the Board the net amount of all funds expended by the Board for planning, engineering, right-of-way acquisition, demolition, relocation, and

construction between the date of initiation by the municipality and the date of cancellation. The Board has the authority to waive all or any portions of the reimbursement at its discretion.

E. For purposes of this section, on any construction or improvement project in the Cities of Chesapeake, Hampton, Newport News, or Richmond and funded in accordance with subdivision C 2 of § 33.2-358, the additional cost of placing aboveground utilities below ground may be paid from funds allocated for that project. The maximum cost due to this action shall not exceed \$5 million. Nothing contained in this section shall relieve utility owners of their responsibilities and costs associated with the relocation of their facilities when required to accommodate a construction or improvement project.

§ 33.2-349. Character of signs, markings, and signals.

On any urban highway upon which the Board has expended funds in the manner provided in §§ 33.2-348 and 33.2-362, the location, form, and character of informational, regulatory, and warning signs, curb and pavement, or other markings and traffic signals installed or placed by any public authority shall be subject to the approval of the Commissioner of Highways.

§ 33.2-350. Landscape studies for urban highway construction projects.

Prior to final design of any urban highway funded in part by any municipality, such municipality may hire a competent authority to conduct a landscape study that shall assess the effect such proposed highway construction may have on existing trees, shrubbery, and other flora and shall make recommendations as to modifications to such project that would minimize damage to existing flora. The Department shall consider such recommendations and modify such highway construction plans to protect trees, shrubbery, and other flora if determined by the Department to be reasonable and practicable. The cost of such landscape study shall be payable by the municipality that initiates such study.

Article 5.

Allocation of Highway Funds.

§ 33.2-351. Definition of "allocation."

For the purposes of this article, "allocation" means a commitment to expend funds available for construction during each fiscal year. Funds that cannot be expended as allocated within each fiscal year shall be identified as part of future commitments, and the reason for the failure to spend allocations shall be specifically included in the annual construction improvement program.

§ 33.2-352. Department of Transportation to develop asset management practices; Commissioner of Highways to report to Commonwealth Transportation Board on maintenance.

A. The Department shall develop asset management practices in the operation and maintenance of the systems of state highways.

B. The Commissioner of Highways shall advise the Board on or before June 30 of even-numbered years of performance targets and outcomes that are expected to be achieved, based on the funding identified for maintenance, over the biennium beginning July 1 of that year. In addition, not later than September 30 of even-numbered years, the Commissioner of Highways shall advise the Board on the Department's accomplishments relative to the expected outcomes and budget expenditures for the biennium ending June 30 of that year and also advise the Board as to the methodology used to determine maintenance needs and the justification as to the maintenance funding by source.

§ 33.2-353. Commonwealth Transportation Board to develop and update Statewide Transportation Plan.

A. The Board shall, with the assistance of the Office of Intermodal Planning and Investment, conduct a comprehensive review of statewide transportation needs in a Statewide Transportation Plan setting forth assessment of capacity needs for all corridors of statewide significance, regional networks, and improvements to promote urban development areas established pursuant to § 15.2-2223.1. The assessment shall consider all modes of transportation. Such corridors shall be planned to include multimodal transportation improvements, and the plan shall consider corridor location in planning for any major transportation infrastructure, including environmental impacts and the comprehensive land use plan of the locality in which the corridor is planned. In the designation of such corridors, the Board shall not be constrained by local, district, regional, or modal plans.

The Statewide Transportation Plan shall be updated as needed but no less than once every four years. The plan shall promote economic development and all transportation modes, intermodal connectivity, environmental quality, accessibility for people and freight, and transportation safety.

B. The Statewide Transportation Plan shall establish goals, objectives, and priorities that cover at least a 20-year planning horizon, in accordance with federal transportation planning requirements. The plan shall include quantifiable measures and achievable goals relating to, but not limited to, congestion reduction and safety, transit and high-occupancy vehicle facility use, job-to-housing ratios, job and housing access to transit and pedestrian facilities, air quality, movement of freight by rail, and per capita vehicle miles traveled. The Board shall consider such goals in evaluating and selecting transportation improvement projects for inclusion in the Six-Year Improvement Program pursuant to § 33.2-214.

C. The plan shall incorporate the measures and goals of the approved long-range plans developed by the applicable regional organizations. Each such plan shall be summarized in a public document and made available to the general public upon presentation to the Governor and General Assembly.

D. It is the intent of the General Assembly that this plan assess transportation needs and assign priorities to projects on a statewide basis, avoiding the production of a plan that is an aggregation of local, district, regional, or modal plans.

§ 33.2-354. Commonwealth Transportation Board to develop and update Statewide Pedestrian Policy.

A. The Board shall develop and update as needed a Statewide Pedestrian Policy. The Board shall:

1. Provide opportunities for receipt of comments, suggestions, and information from local governments, business and civic organizations, and other concerned parties;
2. Identify and evaluate needs at statewide, regional, and local levels for additional facilities required to promote pedestrian access to schools, places of employment and recreation, and major activity centers;
3. Consider and evaluate potential ways of meeting these needs; and
4. Set forth conclusions as to goals, objectives, and strategies to meet these needs in a safety-conscious manner.

B. The Board shall coordinate the development of the Statewide Pedestrian Policy with that of the Statewide Transportation Plan provided for in § 33.2-353 and cover the same 20-year planning horizon. The Statewide Pedestrian Policy shall be summarized in a public document and made available to the general public upon presentation to the Governor and General Assembly, either in combination with the Statewide Transportation Plan or as a separate document.

§ 33.2-355. Goals for addressing transportation needs of populations with limited mobility.

The Board, in cooperation with other local, regional, or statewide agencies and entities vested with transportation planning responsibilities, shall establish specific mobility goals for addressing the transportation needs of populations with limited mobility, including the elderly, persons with disabilities that limit their mobility, persons not served by any form of mass transit, and those who, for whatever reasons, cannot afford motor vehicles or cannot be licensed to drive them. Such goals, once established, shall be considered in the development and implementation of the Statewide Transportation Plan required by § 33.2-353.

§ 33.2-356. Funding for extraordinary repairs.

Notwithstanding any contrary provision of the Code, the Board has the authority to provide, from revenues available for highway capital improvements under § 33.2-1526, except for revenues pledged to secure any bonds issued for transportation purposes, for exceptionally heavy expenditures for repairs or replacements made necessary by highway damage resulting from extraordinary accidents, vandalism, weather conditions, or acts of God as well as to respond to federal funding initiatives that require matching funds.

§ 33.2-357. Revenue-sharing funds for systems in certain localities.

A. From revenues made available by the General Assembly and appropriated for the improvement, construction, reconstruction, or maintenance of the systems of state highways, the Board may make an equivalent matching allocation to any locality for designations by the governing body of up to \$10 million for use by the locality to improve, construct, or reconstruct the highway systems within such locality with up to \$5 million for use by the locality to maintain the highway systems within such locality. After adopting a resolution supporting the action, the governing body of the locality may request revenue-sharing funds to improve, construct, reconstruct, or maintain a highway system located in another locality or between two or more localities or to bring subdivision streets, used as such prior to the date specified in § 33.2-335, up to standards sufficient to qualify them for inclusion in the primary or secondary state highway system. All requests for funding shall be accompanied by a prioritized listing of specified projects.

B. In allocating funds under this section, the Board shall give priority first to allocations that will accelerate projects in the Board's Six-Year Improvement Program or the locality's capital plan and next to those pavement resurfacing and bridge rehabilitation projects where the maintenance needs analysis determines that the infrastructure is below the Department's maintenance performance targets.

C. The Department shall contract with the locality for the implementation of the project. Such contract may cover either a single project or may provide for the locality's implementation of several projects. The locality shall undertake implementation of the particular project by obtaining the necessary permits from the Department in order to ensure that the improvement is consistent with the Department's standards for such improvements. At the request of the locality, the Department may provide the locality with engineering, right-of-way acquisition, construction, or maintenance services for a project with its own forces. The locality shall provide payment to the Department for any such services. If administered by the Department, such contract shall also require that the governing body of the locality pay to the Department within 30 days the local revenue-sharing funds upon written notice by the Department of its intent to proceed. Any project having funds allocated under this program shall be initiated in such a fashion that at least a portion of such funds have been expended within one year of allocation. Any revenue-sharing funds for projects not initiated after two subsequent fiscal years of allocation may be reallocated at the discretion of the Board.

D. Total Commonwealth funds allocated by the Board under this section shall be no less than \$15 million and no more than \$200 million in each fiscal year, subject to appropriation for such purpose. For any fiscal year in which less than the full program allocation has been allocated by the Board to specific governing bodies, those localities requesting the maximum allocation under subsection A may be allowed an additional allocation at the discretion of the Board.

E. The funds allocated by the Board under this section shall be distributed and administered in accordance with the revenue-sharing program guidelines established by the Board.

§ 33.2-358. Allocation of funds among highway systems.

A. For the purposes of this section:

"Bridge reconstruction and rehabilitation" means reconstruction and rehabilitation of those bridges identified by the Department as being functionally obsolete or structurally deficient.

"High priority projects" means those projects of regional or statewide significance identified by the Board that reduce congestion, increase safety, create jobs, or increase economic development.

"Smart roadway technology" means those projects or programs identified by the Board that reduce congestion, improve mobility, improve safety, provide up-to-date travel data, or improve emergency response.

B. The Board shall allocate each year from all funds made available for highway purposes such amount as it deems reasonable and necessary for the maintenance of roads within the Interstate System, the primary state highway system, and the secondary state highway system and for city and town street maintenance payments made pursuant to § 33.2-319 and payments made to counties that have withdrawn or elect to withdraw from the secondary state highway system pursuant to § 33.2-366.

C. After funds are set aside for administrative and general expenses and pursuant to other provisions in this title that provide for the disposition of funds prior to allocation for highway purposes, and after allocation is made pursuant to subsection B, the Board shall allocate an amount determined by the Board not to exceed \$500 million in any given year as follows: (i) 25 percent to bridge reconstruction and rehabilitation; (ii) 25 percent to advancing high priority projects statewide; (iii) 25 percent to reconstructing deteriorated Interstate System and primary state highway system pavements determined to have a Combined Condition Index of less than 60; (iv) 15 percent to projects undertaken pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.); (v) five percent to paving unpaved highways carrying more than 200 vehicles per day; and (vi) five percent to smart roadway technology, provided that at the discretion of the Board such percentages of funds may be adjusted in any given year to meet project cash flow needs or when funds cannot be expended due to legal, environmental, or other project management considerations and provided that such allocations shall cease beginning July 1, 2020. After such allocations are made, the Board may allocate each year up to 10 percent of the funds remaining for highway purposes for the undertaking and financing of rail projects that in the Board's determination will result in mitigation of highway congestion. After the foregoing allocations have been made, the Board shall allocate the remaining funds available for highway purposes, exclusive of federal funds for the Interstate System, among the highway systems for construction first pursuant to §§ 33.2-359 and 33.2-360 and then as follows:

1. Forty percent of the remaining funds exclusive of federal-aid matching funds for the Interstate System shall be allocated to the primary state highway system, including the arterial network, and in addition, an amount shall be allocated to the primary state highway system as interstate matching funds as provided in subsection B of § 33.2-361.

2. Thirty percent of the remaining funds exclusive of federal-aid matching funds for the Interstate System shall be allocated to urban highways for state aid pursuant to § 33.2-348.

3. Thirty percent of the remaining funds exclusive of federal-aid matching funds for the Interstate System shall be allocated to the secondary state highway system.

D. In addition, the Board, from funds appropriated for such purpose in the general appropriation act, shall allocate additional funds to the Cities of Newport News, Norfolk, and Portsmouth and the County of Warren in such manner and apportion such funds among such localities as the Board may determine, unless otherwise provided in the general appropriation act. The localities shall use such funds to address highway maintenance and repair needs created by or associated with port operations in those localities.

E. Notwithstanding the provisions of this section, the General Assembly may, through the general appropriation act, permit the Governor to increase the amounts to be allocated to highway maintenance, highway construction, either or both.

§ 33.2-359. Unpaved secondary highway fund created; allocations.

A. Before funds are allocated for distribution for highway construction pursuant to subdivisions C 1, 2, and 3 of § 33.2-358, a fund shall be established for the paving of nonsurface treated secondary highways that carry 50 vehicles or more per day. Such fund shall contain 5.67 percent of the total funds available for highway construction under subdivisions C 1, 2, and 3 of § 33.2-358.

B. Such funds shall be distributed to counties in the secondary state highway system based on the ratio of nonsurface treated roads in each county carrying 50 vehicles or more per day to the total number of such nonsurface treated roads in the Commonwealth.

C. The governing body of any county may have funds allocated to the county under this section added to the county's secondary system construction funds allocated pursuant to § 33.2-364. For each \$250,000 or portion thereof added to secondary construction funds under this provision, the amount of the county's nonsurface treated roads used to distribute funds under this section in subsequent years shall be reduced by one mile or proportional part of one mile.

§ 33.2-360. Allocation of funds for interstate match.

After making the allocations provided for in subsection B of § 33.2-358, but before making any allocations under subdivisions C 1, 2, and 3 of § 33.2-358, a fund shall be established for matching federal-aid interstate funds.

This fund shall be established annually by allocating to it all federal-aid interstate matching funds needed for the year; less the total amount of district primary allocations for the interstate federal-aid match allocated under subsection B of § 33.2-361.

§ 33.2-361. Allocation of construction funds for primary state highway system and interstate match.

A. The Board shall allocate such funds as are available under subdivision C 1 of § 33.2-358 to the primary state highway system, including the arterial network, for construction and shall apportion such funds among the nine highway construction districts so that each highway construction district shall be allocated a share of such funds equal to the proportion that such highway construction district bears to the Commonwealth as a whole in terms of (i) vehicle-miles

traveled on the primary state highway system, (ii) primary highway lane mileage, and (iii) a primary highway need factor that adjusts the weights in the allocation formula for the highway construction district with the largest under-allocation relative to primary needs, with vehicle-miles traveled weighted 70 percent, primary highway lane mileage weighted 25 percent, and the primary highway need factor weighted five percent.

B. Out of each district's total allocation of primary funds pursuant to subdivision C 1 of § 33.2-358, the Board shall allocate all needed interstate federal-aid matching funds, up to a maximum of 25 percent of the district's primary allocation. Any additional interstate federal-aid matching funds needed in a district shall be allocated by the Board from the fund for matching federal-aid interstate funds established in § 33.2-360.

C. Notwithstanding subsection A, the Board may provide for exceptionally heavy expenditures for repairs or replacements made necessary by highway damage resulting from accidents, severe weather conditions, acts of God, or vandalism.

D. Notwithstanding subsection A, the Board may, from funds available under subdivision C 1 of § 33.2-358, provide funding for the construction of highway projects maintained or to be maintained by a municipality, provided such project involves a component of the National Highway System and such funds are derived from allocations to the highway construction district in which such project is located. Any allocation under this subsection shall not diminish funds allocated or allocable to any such municipality under § 33.2-362.

E. Such funds allocated to the primary state highway system shall, as far as possible, be allotted prior to the commencement of the fiscal year and public announcement made of such allotment, but the Board shall not approve such allotment until after a public hearing at which political subdivisions of the Commonwealth and interested citizens may be heard.

In any case where any allotment of funds is made under this subsection to any county all or a part of which subsequently is incorporated as or into a city or town, such allocation shall not be impaired thereby and the funds so allocated shall be expended as if such county or any part thereof had never become an incorporated city, but that portion of such city shall not be eligible to receive funds as a city during the same year it receives the funds allocated as a county or as any part of a county.

§ 33.2-362. Allocation of construction funds for urban system highways.

A. For the purposes of this section, "population" means either the population according to the latest United States census or the latest population estimate of the Weldon Cooper Center for Public Service of the University of Virginia, whichever is more recent.

B. Such funds as are allocated to urban highways in (i) all towns that have a population of more than 3,500 according to the last preceding United States census; (ii) all towns that, according to evidence satisfactory to the Board, have attained a population of more than 3,500 since the last preceding United States census; (iii) Chase City, Elkton, Grottoes, Narrows, Pearisburg, and Saltville, which, on June 30, 1985, maintained certain streets under former § 33.1-80 as then in effect; (iv) all cities regardless of their populations; and (v) the Towns of Wise, Lebanon, and Altavista pursuant to subdivision C 2 of § 33.2-358 shall be apportioned among the cities and towns of the Commonwealth by the Board in such a manner that each city or town to which these funds are allocable receives the same proportion of total funds available as the population of that city or town bears to the total population of all cities and towns among which such funds are allocable. Whenever any city or town qualifies under this section for allocation of funds, such qualification shall continue to apply to such city or town notwithstanding any subsequent changes in population and shall cease to apply only upon the subsequent enactment by the General Assembly of a measure in which the intent is clearly stated. All allocations made prior to July 1, 2001, to cities and towns meeting the criteria in this subsection are hereby ratified, validated, and confirmed.

C. No apportionment pursuant to this section shall be made to any city or town that does not have an urban project or projects approved by the Board, and in no case shall the apportionment to any city or town exceed the total estimated cost of the project or projects for which funds are allocated. Such funds shall, as far as possible, be allotted prior to the commencement of the fiscal year and public announcement shall be made of such allotment. Any apportionment due but not received by any city or town in a fiscal year for use under this section shall accrue as a credit to such city or town and be held for its construction projects for five succeeding fiscal years. Funds accrued shall be apportioned prior to any other distribution under this section in the fiscal year requested by the city or town.

A portion of allocations made to any city or town under this section may be used on streets functionally classified as arterial for (i) the purchase of residue parcels or land resulting from highway construction or reconstruction projects where the purchase will result in necessary access control or land use control directly related to the purpose and need for the project, (ii) improvements to traffic safety, (iii) improvement to traffic flow and transportation system use, or (iv) any combination of clauses (i), (ii), and (iii). Notwithstanding other provisions of this section, not more than two-thirds of the annual urban system highway funds apportioned to a city or town under this section may be used to reimburse the locality for debt service for bonds or eligible project costs incurred on approved projects included in the Six-Year Improvement Program of the Board and the city's or town's capital improvement program. Such funds may also be used by the locality for debt service for bonds issued for, or eligible project costs incurred or to be incurred on, approved projects included, at the time such bonds are issued or such costs are incurred or are to be incurred, in the Six-Year Improvement Program of the Board and the city's or town's capital improvement program. Any such funds so apportioned to and received by such city or town, or any portion thereof, may be deposited in a special fund that shall be established separate and apart from any other funds, general or special.

When the city or town presents a resolution requesting that a portion of its annual urban system apportionment be set aside for reimbursement for, or payment of, debt service under this section for a specific eligible project, the Board shall, subject to appropriation and allocation, set aside no more than two-thirds of the anticipated annual apportionment of urban system funding to the city or town for such purpose, provided such funds have not been previously committed by the Board for projects contained in the Six-Year Improvement Program.

The setting aside and use of funds under this section for reimbursement for, or payment of, debt service shall be subject to such terms and conditions as may be prescribed by the Commissioner of Highways.

The provisions of this section shall not constitute a debt or obligation of the Board or the Commonwealth.

D. The governing body of any city or town may, with the consent of the Board, expend urban system highway construction funds allocated annually to the city or town by the Board for the design, land acquisition, and construction of transportation projects that have been included in the Board's Six-Year Improvement Program and for the resurfacing, restoration, rehabilitation, reconstruction, and improvement of streets within the city or town for which the city receives maintenance payments under § 33.2-319.

E. At the election of each city or town, payment of the funds may be made in equal amounts, one in each quarter of the fiscal year, and shall be reduced in the case of each city and town by the amount of federal-aid construction funds credited to each city or town and the amount of funds forecasted to be expended by the Department of Transportation or the Department of Rail and Public Transportation for any project on behalf of the city or town. Those cities or towns that decide to take over the responsibility for their construction program shall notify the Board by December 31 for implementation the following fiscal year.

§ 33.2-363. Construction of U.S. Route 29 bypass.

If the construction of a U.S. Route 29 bypass around any city located in any county that both (i) is located outside Planning District 8 and (ii) operates under the county executive form of government is not constructed because of opposition from a metropolitan planning organization, and the Federal Highway Administration requires the Commonwealth to reimburse the federal government for federal funds expended in connection with such project, an amount equal to the amount of such reimbursement shall be deducted by the Board from primary state highway system construction funds allocated or allocable to the highway construction district in which the project was located. Furthermore, in the event of such nonconstruction, an amount equal to the total of all state funds expended on such project shall be deducted by the Board from primary state highway system construction funds allocated or allocable to the highway construction district in which the project was located.

§ 33.2-364. Allocation of construction funds within secondary state highway system.

A. For the purposes of this section:

"Area" means the total land area of a county reduced by the area of any military reservations and state or national parks or forests within its boundaries and such other similar areas and facilities of five square miles in area or more, as may be determined by the Board.

"Population" means either the population according to the latest United States census or the latest population estimate of the Weldon Cooper Center for Public Service of the University of Virginia, whichever is more recent.

B. Such funds as are allocated to the secondary state highway system pursuant to subdivision C 3 of § 33.2-358 shall be apportioned among the counties in the secondary state highway system by the Board so that each such county shall be allocated a share of such funds equal to the proportion that such county bears to the Commonwealth as a whole in terms of area and population, with population being weighted 80 percent and area being weighted 20 percent.

If so requested in a resolution adopted by the local governing body, funds allocated to any county under this section may be used to support primary state highway system construction projects within the county.

Before allocating funds under the provisions of this subsection, the Board may provide for exceptionally heavy expenditures for repairs or replacements made necessary by highway damage resulting from accidents, severe weather conditions, acts of God, or vandalism.

C. Notwithstanding other provisions of this section, not more than one-third of the annual secondary state highway system funds apportioned to a county under this section may be used to reimburse the county for (i) debt service for bonds or (ii) eligible project costs incurred on approved projects included in the county's Secondary Six-Year Plan and the county's capital improvement program. Such funds may also be used by the county for debt service for bonds issued for, or eligible project costs incurred or to be incurred on, approved projects included, at the time such bonds are issued or such costs are incurred or are to be incurred, in the Six-Year Improvement Program of the Board and the county's capital improvement program. Any such funds so apportioned to and received by such county, or any portion thereof, may be deposited in a special fund that shall be established separate and apart from any other funds, general or special.

When a county presents a resolution requesting that a portion of its annual construction allocation for secondary highways be set aside for reimbursement for, or payment of, debt service under this section for a specific eligible project, the Board shall, subject to appropriation and allocation, set aside no more than one-third of the anticipated annual allocation of secondary state highway system construction funding to the county for such purpose, provided such funds have not been previously committed for projects contained in the county's Secondary Six-Year Plan.

The setting aside and use of funds under this section for reimbursement for, or payment of, debt service shall be subject to such terms and conditions as may be prescribed by the Commissioner of Highways.

The provisions of this section shall not constitute a debt or obligation of the Board or the Commonwealth.

D. In counties having elected to manage the construction program for the secondary state highway system within the county in accordance with § 33.2-342, payment of funds from the allocation of secondary state highway system construction funds for the county may be made in equal amounts, one in each quarter of the fiscal year, and shall be reduced by the amount of federal-aid construction funds credited to each county, which will be reimbursed as qualifying expenditures occur and by the amount of funds forecast by the Department of Transportation and by the Department of Rail and Public Transportation to be expended for any construction project or county-wide activities on behalf of the county or other financial obligations. Those counties that decide to take over the responsibility for the secondary state highway system construction program shall notify the Board by July 1 for implementation the following year. Implementation shall take place as specified in the agreement referenced in § 33.2-342.

E. The chief administrative officer of counties receiving funds under subsection D shall make annual reports of expenditures to the Department in such form as the Board shall prescribe, accounting for all construction expenditures made from quarterly payments. Such reports shall be included in the scope of the annual audit of each county conducted by independent certified public accountants.

§ 33.2-365. Allocation of proceeds of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds.

The Board shall allocate, use, and distribute the proceeds of any bonds it is authorized to issue on or after July 1, 2007, pursuant to subdivision 10 of § 33.2-1701, as follows:

1. A minimum of 20 percent of the bond proceeds shall be used for transit capital as further described in subdivision A 4 c of § 58.1-638.
2. A minimum of 4.3 percent of the bond proceeds shall be used for rail capital consistent with the provisions of §§ 33.2-1601 and 33.2-1602.
3. The remaining amount of bond proceeds shall be used for paying the costs incurred or to be incurred for construction of transportation projects with such bond proceeds used or allocated as follows: (i) first, to match federal highway funds projected to be made available and allocated to highway and public transportation capital projects to the extent determined by the Board, for purposes of allowing additional state construction funds to be allocated to the primary, urban, and secondary highway systems pursuant to subdivisions C 1, 2, and 3 of § 33.2-358; (ii) second, to provide any required funding to fulfill the Commonwealth's allocation of equivalent revenue sharing matching funds pursuant to § 33.2-357 to the extent determined by the Board; and (iii) third, to pay or fund the costs of statewide or regional projects throughout the Commonwealth. Costs incurred or to be incurred for construction or funding of these transportation projects shall include environmental and engineering studies; rights-of-way acquisition; improvements to all modes of transportation; acquisition, construction, and related improvements; and any financing costs or other financing expenses relating to such bonds. Such costs may include the payment of interest on such bonds for a period during construction and not exceeding one year after completion of construction of the relevant project.
4. The total amount of bonds authorized shall be used for purposes of applying the percentages in subdivisions 1, 2, and 3.

§ 33.2-366. Funds for counties that have withdrawn or elect to withdraw from the secondary state highway system.

Pursuant to subsection B of § 33.2-358, the Board shall make the following payments to counties that have withdrawn or elect to withdraw from the secondary state highway system under the provisions of § 11 of Chapter 415 of the Acts of Assembly of 1932 and that have not elected to return: to any county having withdrawn prior to June 30, 1985, and having an area greater than 100 square miles, an amount equal to \$12,529 per lane-mile for fiscal year 2014, and to any county having an area less than 100 square miles, an amount equal to \$17,218 per lane-mile for fiscal year 2014; to any county that elects to withdraw after June 30, 1985, the Board shall establish a rate per lane-mile for the first year using (i) an amount for maintenance based on maintenance standards and unit costs used by the Department to prepare its secondary state highway system maintenance budget for the year in which the county withdraws and (ii) an amount for administration equal to five percent of the maintenance figure determined in clause (i). The payment rates shall be adjusted annually by the Board in accordance with procedures established for adjusting payments to cities and towns under § 33.2-319, and lane mileage shall be adjusted annually to include (a) streets and highways accepted for maintenance in the county system by the local governing body or (b) streets and highways constructed according to standards set forth in the county subdivision ordinance or county thoroughfare plan, and being not less than the standards set by the Department. Such counties shall, in addition, each receive for construction from funds allocated pursuant to subdivision C 3 of § 33.2-358 an annual amount calculated in the same manner as payments for construction in the secondary state highway system are calculated.

Payment of the funds shall be made in four equal sums, one in each quarter of the fiscal year, and shall be reduced in the case of each such county by the amount of federal-aid construction funds credited to each such county.

The chief administrative officer of such counties receiving such funds shall make annual reports of expenditures to the Board, in such form as the Board shall prescribe, accounting for all expenditures, including delineation between construction and maintenance expenditures and reporting on their performance as specified in subsection B of § 33.2-352. Such reports shall be included in the scope of the annual audit of each county conducted by independent certified public accountants.

§ 33.2-367. Highway aid to mass transit.

In allocating highway funds, the Board may use such funds for highway aid to mass transit facilities when such use will best accomplish the purpose of serving the transportation needs of the greatest number of people.

Highway aid to mass transit may be accomplished by (i) using highway funds to aid in paying transit operating costs borne by localities; (ii) acquiring or constructing transit-related highway facilities such as exclusive bus lanes; bus turn-outs; bus passenger shelters; fringe parking facilities, including necessary access roads, to promote transit use and relieve highway congestion; and off-street parking facilities to permit exclusive use of curb lane by buses; or (iii) permitting mass transit facilities to occupy highway median strips without the reimbursement required by § 33.2-1015, all to the end that highway traffic may be relieved through the development of more efficient mass transit.

Expenditures pursuant to this section shall be made from funds available for the construction of state highways within the highway construction district in which the transit facilities are wholly or partly located.

The Board may contract with the governing bodies constituting a transportation district, or in its discretion, other local governing bodies, for the accomplishment of a project to which funds have been allocated under the provisions of this section. Whenever such projects are being financed by advance annual allocation of funds, the Board may make such funds available to the contracting governing bodies in annual increments that may be used for other transit purposes until needed for the project for which allocated; however, the Board may require bond or other satisfactory assurance of final completion of the contract.

The Board may also, at the request of local governing bodies, use funds allocated for urban highways or secondary highways within their jurisdiction to accomplish the purposes of this section.

The General Assembly may, through the general appropriation act, provide for (i) limits on the amounts or purposes of allocations made under this section and (ii) the transfer of allocations from one eligible recipient to another.

§ 33.2-368. Financial plans for transportation construction projects.

For transportation construction projects valued in excess of \$100 million, the Commissioner of Highways shall require that a financial plan be prepared and presented to the Board for its review. This plan shall include, but not be limited to, the following: (i) a complete cost estimate for all major project elements, (ii) an implementation plan with the project schedule and cost-to-complete information presented for each year, (iii) identified revenues by funding source available each year to meet project costs, (iv) a detailed cash-flow analysis for each year of the proposed project, and (v) efforts to be made to ensure maximum involvement of private enterprise and private capital.

CHAPTER 4.

LIMITED ACCESS HIGHWAYS, SCENIC HIGHWAYS AND VIRGINIA BYWAYS, AND HIGHWAYS OVER DAMS.

§ 33.2-400. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Limited access highway" means a highway especially designed for through traffic, over which abutters have no easement or right of light, air, or access by reason of the fact that their property abuts upon such limited access highway.

"Scenic highway" means a highway, designated as such by the Board, within a protected scenic corridor located, designed, and constructed so as to preserve and enhance the natural beauty and cultural value of the countryside.

"Virginia byway" means a highway, designated as such by the Board, having relatively high aesthetic or cultural value, leading to or within areas of historical, natural, or recreational significance.

§ 33.2-401. Power and authority of Commonwealth Transportation Board relating to limited access highways.

The Board may plan, designate, acquire, open, construct, reconstruct, improve, maintain, discontinue, abandon, and regulate the use of limited access highways in the same manner in which it is now or may be authorized to plan, designate, acquire, open, construct, reconstruct, improve, maintain, discontinue, abandon, and regulate the use of other highways within the Commonwealth. The Board shall also have any and all other additional authority and power relative to other highways, which shall include the right to acquire by purchase, eminent domain, grant, or dedication title to such lands or rights-of-way for such limited access highways.

Notwithstanding any other provisions of this Code, any highway, street, or portion thereof to which access rights of abutters have been acquired by the Board and which is subsequently incorporated into the street system of a city or town by any method shall remain limited access until and unless the governing body of the city or town, after securing the approval of the Board, acts to discontinue such limited access feature.

§ 33.2-402. Designating existing highway as limited access highway; extinguishing easements of access.

The Board may designate all or any part of an existing highway as a limited access highway. When an existing highway is so designated, the Board shall where necessary extinguish all existing easements of access, light, or air.

§ 33.2-403. Business enterprises restricted on limited access highway right-of-way.

No commercial establishment or business enterprise shall be constructed or located upon any right-of-way of any limited access highway.

§ 33.2-404. Service roads parallel to limited access highways; standards for access, service, etc.

The Department may construct service roads parallel to a limited access highway in order to provide access at designated points for property owners abutting on the limited access highway and after the construction of such service roads shall maintain and regulate traffic over them.

The construction or alteration of any access, feeder, or service road that is to serve properties isolated by construction of a limited access highway shall meet all minimum state standards or the standards of the cities or towns with a population of more than 3,500, or of counties that maintain their own road networks, as provided for by ordinance, whichever is more strict.

§ 33.2-405. Designation of scenic highways and Virginia byways.

The Board is authorized to designate any highway as a scenic highway or as a Virginia byway. This designation shall be made in cooperation with the Director of the Department of Conservation and Recreation. Prior to designation, the local governing body and local planning commission, if any, in each county or city wherein the proposed scenic highway or Virginia byway is located shall be given notice and, upon request by any of the local governing bodies, the Board shall hold a hearing in one of the counties or cities wherein the proposed scenic highway or Virginia byway is located.

§ 33.2-406. Selecting Virginia byways.

In selecting a Virginia byway, the Board and the Director of the Department of Conservation and Recreation shall give preference to corridors controlled by zoning or otherwise, so as to reasonably protect the aesthetic or cultural value of the highway.

§ 33.2-407. Signage of scenic highways and Virginia byways.

When the Board designates a highway as a scenic highway or as a Virginia byway, it shall be appropriately signed as such.

§ 33.2-408. Acquisition of adjacent land.

When the Board has designated a highway as a Virginia byway or as a scenic highway, the Commissioner of Highways may acquire by gift or purchase such land, or interests therein, of primary importance for the preservation of natural beauty adjacent to Virginia byways or scenic highways.

§ 33.2-409. Duty of owner or occupier of dam over which state highway passes; penalty.

Every owner or occupier of a dam over which a state highway passes shall keep such dam in good order, at least 12 feet wide at the top, and also keep in good order the substructure of a bridge of like width over the pier heads, floodgates, or any wastecut through or around the dam, provided that when these requirements have been met, the superstructure of any such bridge shall be maintained by the Commissioner of Highways. The Commissioner of Highways shall inspect all such bridges and report any needed repairs to the owner in writing. If such owner fails to comply with the provisions of this chapter, he is guilty of a misdemeanor punishable by a fine of \$2 for every such failure of 24 hours. However, if a milldam is carried away or destroyed by flood or any other extraordinary natural cause, the owner or occupier thereof shall not be subject to such fine until one month after any mill operated in whole or in part by water impounded by such dam has been put into operation by such waterpower.

§ 33.2-410. Duties of Commissioner of Highways related to dams over which a state highway passes.

The Commissioner of Highways may, at his own cost and expense, widen or strengthen any dam or bridge over which a state highway passes to a sufficient width to provide properly for traffic that uses that section of highway of which such dam or bridge forms a part. The Commissioner of Highways shall maintain the highway surface on such sections of highway.

§ 33.2-411. Raising or lowering floodgates.

The owner or occupier of a dam shall raise or lower the floodgates on such dam when there is an impending flood in order to reduce the level of the water in the pond, and when it comes to the attention of the Commissioner of Highways that this has not been done, or that the owner is unable to reach the spillway in order to do so, the Commissioner of Highways may perform this duty.

§ 33.2-412. Reconstruction if dam is washed out.

If a dam is washed out and the owner refuses to replace the dam, the Commissioner of Highways, with or without the consent of such owner or occupier, may construct a highway across the dam, but in case the owner desires to replace the dam and use the pond, he shall be permitted to do so by paying to the Commissioner of Highways one-half of the cost and expenses of replacing the dam, up to a width of 12 feet at the top, and the difference between the cost, if any, of replacing the bridge normally required to carry the water of the stream and the cost of a bridge that includes floodgates and adequate spillway.

§ 33.2-413. When larger spillway required.

In case the earthen portion of a dam has been washed away and it is determined by the Commissioner of Highways that the washout was caused by a spillway of insufficient opening to carry floodwater, the dam shall not be restored for the purpose of impounding water unless the owner or occupier agrees with the Commissioner of Highways to the construction of a spillway with adequate opening, conforming to plans and specifications of the Department. In the event that such construction is required, the Commissioner of Highways shall be responsible for such part of the cost as would be necessary to provide a bridge with sufficient opening to carry the floodwater of the stream, and the owner or occupier of the dam shall be required to pay the difference in cost, if any, of providing adequate floodgates and spillways in addition to the bridge.

§ 33.2-414. Application to county roads.

Sections 33.2-409 through 33.2-413 shall also apply to dams, over which pass public roads that are not in the primary or secondary state highway system, and to the owners and occupiers thereof. As to any such dam and the owner or occupier thereof, the powers conferred and imposed upon the Commissioner of Highways in §§ 33.2-409 through 33.2-413 shall be vested in and imposed upon the governing body of the county in which such dam is located.

CHAPTER 5.

HIGH-OCCUPANCY VEHICLE LANES AND HIGH-OCCUPANCY TOLL LANES.

§ 33.2-500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"High-occupancy requirement" means the number of persons required to be traveling in a vehicle for the vehicle to use HOT lanes without the payment of a toll. Emergency vehicles, law-enforcement vehicles using HOT lanes in the performance of their duties, which shall not include the use of such vehicles for commuting to and from the workplace, and mass transit vehicles and commuter buses shall meet the high-occupancy requirement for HOT lanes, regardless of the number of occupants in the vehicle.

"High-occupancy toll lanes" or "HOT lanes" means a portion of a highway containing one or more travel lanes separated from other lanes that has an electronic toll collection system, provides for free passage by vehicles that meet the high-occupancy requirement, and contains a photo-enforcement system for use in such electronic toll collection. HOT lanes shall not be a "toll facility" or "HOV lanes" for the purposes of any other provision of law or regulation.

"High-occupancy vehicle lanes" or "HOV lanes" means a portion of a highway containing one or more travel lanes for the travel of high-occupancy vehicles or buses as designated pursuant to § 33.2-320.

"HOT lanes operator" means the operator of the facility containing HOT lanes, which may include the Department of Transportation or some other entity.

"Mass transit vehicles" and "commuter buses" means vehicles providing a scheduled transportation service to the general public. Such vehicles shall comprise nonprofit, publicly or privately owned or operated transportation services, programs, or systems that may be funded pursuant to § 58.1-638.

"Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles or with the equivalent agency in another state. "Owner" does not mean a vehicle rental or vehicle leasing company.

"Photo-enforcement system" means a sensor installed in conjunction with a toll collection device to detect the presence of a vehicle that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle's license plate at the time it is detected by the toll collection device.

"Unauthorized vehicle" means a motor vehicle that is restricted from use of the HOT lanes pursuant to subdivision 4 a of § 33.2-503.

§ 33.2-501. Designation of HOV lanes; use of such lanes; penalties.

A. In order to facilitate the rapid and orderly movement of traffic to and from urban areas during peak traffic periods, the Board may designate one or more lanes of any highway in the Interstate System, primary state highway system, or secondary state highway system as HOV lanes. When lanes have been so designated and have been appropriately marked with signs or other markers as the Board may prescribe, they shall be reserved during periods designated by the Board for the exclusive use of buses and high-occupancy vehicles. Any local governing body may also, with respect to highways under its exclusive jurisdiction, designate HOV lanes and impose and enforce restrictions on the use of such lanes. Any highway for which the locality receives highway maintenance funds pursuant to § 33.2-319 shall be deemed to be within the exclusive jurisdiction of the local governing body for the purposes of this section. HOV lanes shall be reserved for high-occupancy vehicles of a specified number of occupants as determined by the Board or, for HOV lanes designated by a local governing body, by that local governing body. Notwithstanding the foregoing provisions of this section, no designation of any lane or lanes of any highway as HOV lanes shall apply to the use of any such lanes by:

1. Emergency vehicles such as firefighting vehicles, ambulances, and rescue squad vehicles;
2. Law-enforcement vehicles;
3. Motorcycles;
4. a. Transit and commuter buses designed to transport 16 or more passengers, including the driver;
- b. Any vehicle operating under a certificate issued under § 46.2-2075, 46.2-2080, 46.2-2096, 46.2-2099.4, or 46.2-2099.44;
5. Vehicles of public utility companies operating in response to an emergency call;
6. Vehicles bearing clean special fuel vehicle license plates issued pursuant to § 46.2-749.3, provided such use is in compliance with federal law;
7. Taxicabs having two or more occupants, including the driver; or
8. (Contingent effective date) Any active duty military member in uniform who is utilizing Interstate 264 and Interstate 64 for the purposes of traveling to or from a military facility in the Hampton Roads Planning District.

In the Hampton Roads Planning District, HOV restrictions may be temporarily lifted and HOV lanes opened to use by all vehicles when restricting use of HOV lanes becomes impossible or undesirable and the temporary lifting of HOV limitations is indicated by signs along or above the affected portion of highway.

The Commissioner of Highways shall implement a program of the HOV facilities in the Hampton Roads Planning District beginning not later than May 1, 2000. This program shall include the temporary lifting of HOV restrictions and the opening of HOV lanes to all traffic when an incident resulting from nonrecurring causes within the general lanes occurs such that a lane of traffic is blocked or is expected to be blocked for 10 minutes or longer. The HOV restrictions for the facility shall be reinstated when the general lane is no longer blocked and is available for use.

The Commissioner of Highways shall maintain necessary records to evaluate the effects of such openings on the operation of the general lanes and the HOV lanes. This program will terminate if the Federal Highway Administration requires repayment of any federal highway construction funds because of the program's impact on the HOV facilities in Hampton Roads.

B. In designating any lane or lanes of any highway as HOV lanes, the Board or local governing body shall specify the hour or hours of each day of the week during which the lanes shall be so reserved, and the hour or hours shall be plainly posted at whatever intervals along the lanes the Board or local governing body deems appropriate. Any person driving a motor vehicle in a designated HOV lane in violation of this section is guilty of a traffic infraction, which shall not be a moving violation, and on conviction shall be fined \$100. However, violations committed within the boundaries of Planning District 8 shall be punishable as follows:

- 1. For a first offense, by a fine of \$125;*
- 2. For a second offense within a period of five years from a first offense, by a fine of \$250;*
- 3. For a third offense within a period of five years from a first offense, by a fine of \$500; and*
- 4. For a fourth or subsequent offense within a period of five years from a first offense, by a fine of \$1,000.*

Upon a conviction under this section, the court shall furnish to the Commissioner of the Department of Motor Vehicles in accordance with § 46.2-383 an abstract of the record of such conviction, which shall become a part of the person's driving record. Notwithstanding the provisions of § 46.2-492, no driver demerit points shall be assessed for any violation of this section, except that persons convicted of second, third, fourth, or subsequent violations within five years of a first offense committed in Planning District 8 shall be assessed three demerit points for each such violation.

C. In the prosecution of an offense, committed in the presence of a law-enforcement officer, of failure to obey a road sign restricting a highway, or portion thereof, to the use of high-occupancy vehicles, proof that the vehicle described in the HOV violation summons was operated in violation of this section, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, shall constitute in evidence a rebuttable presumption that such registered owner of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the registered owner of the vehicle testifies in open court under oath that he was not the operator of the vehicle at the time of the violation. A summons for a violation of this section may be executed in accordance with § 19.2-76.2. Such rebuttable presumption shall not arise when the registered owner of the vehicle is a rental or leasing company.

D. Notwithstanding the provisions of § 19.2-76, whenever a summons for a violation of this section is served in any locality, it may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for his failure to appear on the return date of the summons.

E. Notwithstanding § 33.2-613, high-occupancy vehicles having three or more occupants (HOV-3) may be permitted to use the Omer L. Hirst-Adelard L. Brault Expressway (Dulles Toll Road) without paying a toll.

F. Notwithstanding the contrary provisions of this section, the following conditions shall be met before the HOV-2 designation of Interstate Route 66 outside the Capital Beltway can be changed to HOV-3 or any more restrictive designation:

1. The Department of Transportation shall publish a notice of its intent to change the existing designation and also immediately provide similar notice of its intent to all members of the General Assembly representing districts that touch or are directly impacted by traffic on Interstate Route 66.

2. The Department of Transportation shall hold public hearings in the corridor to receive comments from the public.

3. The Department of Transportation shall make a finding of the need for a change in such designation, based on public hearings and its internal data, and present this finding to the Board for approval.

4. The Board shall make written findings and a decision based upon the following criteria:

a. Is changing the HOV-2 designation to HOV-3 in the public interest?

b. Is there quantitative and qualitative evidence that supports the argument that HOV-3 will facilitate the flow of traffic on Interstate Route 66?

c. Is changing the HOV-2 designation beneficial to comply with the federal Clean Air Act Amendments of 1990?

§ 33.2-502. Designation of HOT lanes.

The Board may designate one or more lanes of any highway, including lanes that may previously have been designated HOV lanes under § 33.2-501, in the Interstate System, primary state highway system, or National Highway System, or any portion thereof, as HOT lanes. In making HOT lanes designations, the Board shall also specify the high-occupancy requirement and conditions for use of such HOT lanes or may authorize the Commissioner of Highways to make such determination consistent with the terms of a comprehensive agreement executed pursuant to § 33.2-1808. The high-occupancy requirement for a HOT lanes facility constructed or operated as a result of the Public-Private Transportation Act (§ 33.2-1800 et seq.) shall not be less than three.

§ 33.2-503. HOT lanes enforcement.

Any person operating a motor vehicle on designated HOT lanes shall make arrangements with the HOT lanes operator for payment of the required toll prior to entering such HOT lanes. The driver of a vehicle who enters the HOT lanes in an unauthorized vehicle, in violation of the conditions for use of such HOT lanes established pursuant to § 33.2-502, without payment of the required toll or without having made arrangements with the HOT lanes operator for payment of the required toll shall have committed a violation of this section, which may be enforced in the following manner:

1. On a form prescribed by the Supreme Court, a summons for civil violation of this section may be executed by a law-enforcement officer, when such violation is observed by such officer. The form shall contain the option for the driver of the vehicle to prepay the unpaid toll and all penalties, administrative fees, and costs.

2. a. A HOT lanes operator shall install and operate, or cause to be installed or operated, a photo-enforcement system at locations where tolls are collected for the use of such HOT lanes.

b. A summons for civil violation of this section may be executed pursuant to this subdivision, when such violation is evidenced by information obtained from a photo-enforcement system as defined in this chapter. A certificate, sworn to or affirmed by a technician employed or authorized by the HOT lanes operator, or a facsimile of such a certificate, based on inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo-enforcement system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation under this subdivision. Any vehicle rental or vehicle leasing company, if named in a summons, shall be released as a party to the action if it provides to the HOT lanes operator a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee prior to the date of hearing set forth in the summons. Upon receipt of such rental agreement, lease, or affidavit, a summons shall be issued for the renter or lessee identified therein. Release of this information shall not be deemed a violation of any provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.).

c. On a form prescribed by the Supreme Court, a summons issued under this subdivision may be executed pursuant to § 19.2-76.2. Such form shall contain the option for the driver or registered owner to prepay the unpaid toll and all penalties, administrative fees, and costs. HOT lanes operator personnel or their agents mailing such summons shall be considered conservators of the peace for the sole and limited purpose of mailing such summons. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles or, if the registered owner has named and provided a valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to this subdivision, such named operator of the vehicle. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

d. The registered owner of such vehicle shall be given reasonable notice by way of a summons as provided in this subdivision that his vehicle had been used in violation of this section, and such owner shall be given notice of the time and place of the hearing and notice of the civil penalty and costs for such offense.

Upon the filing of an affidavit with the court at least 14 days prior to the hearing date by the registered owner of the vehicle stating that he was not the driver of the vehicle on the date of the violation and providing the legal name and address of the driver of the vehicle at the time of the violation, a summons will also be issued to the alleged driver of the vehicle at the time of the offense. The affidavit shall constitute prima facie evidence that the person named in the affidavit was driving the vehicle at all the relevant times relating to the matter named in the affidavit.

If the registered owner of the vehicle produces a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained stolen at the time of the alleged offense, then the court shall dismiss the summons issued to the registered owner of the vehicle.

3. a. The HOT lanes operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. The operator of the vehicle shall pay the unpaid tolls and any administrative fee detailed in a notice or invoice issued by a HOT lanes operator. If paid within 30 days of notification, the administrative fee shall not exceed \$25.

b. Upon a finding by a court of competent jurisdiction that the driver of the vehicle observed by a law-enforcement officer under subdivision 1 or the vehicle described in the summons for civil violation issued pursuant to evidence obtained by a photo-enforcement system under subdivision 2 was in violation of this section, the court shall impose a civil penalty upon the driver of such vehicle issued a summons under subdivision 1, or upon the driver or registered owner of such vehicle issued a summons under subdivision 2, payable to the HOT lanes operator as follows: for a first offense, \$50; for a second offense, \$250; for a third offense within a period of two years of the second offense, \$500; and for a fourth and subsequent offense within a period of three years of the second offense, \$1,000, together with, in each case, the unpaid toll, all accrued administrative fees imposed by the HOT lanes operator as authorized by this section, and applicable court costs. The court shall remand penalties, the unpaid toll, and administrative fees assessed for violation of this section to the treasurer or director of finance of the county or city in which the violation occurred for payment to the HOT lanes operator for expenses associated with operation of the HOT lanes and payments against any bonds or other liens issued as a result of the construction of the HOT lanes. No person shall be subject to prosecution under both subdivisions 1 and 2 for actions arising out of the same transaction or occurrence.

c. Upon a finding by a court that a person has violated this section, in the event such person fails to pay the required penalties, fees, and costs, the court shall notify the Commissioner of the Department of Motor Vehicles, who shall suspend all of the registration certificates and license plates issued for any motor vehicles registered solely in the name of such person and shall not issue any registration certificate or license plate for any other vehicle that such person seeks to register solely in his name until the court has notified the Commissioner of the Department of Motor Vehicles that such

penalties, fees, and costs have been paid. The HOT lanes operator and the Commissioner of the Department of Motor Vehicles may enter into an agreement whereby the HOT lanes operator may reimburse the Department of Motor Vehicles for its reasonable costs to develop, implement, and maintain this enforcement mechanism, and that specifies that the Commissioner of the Department of Motor Vehicles shall have an obligation to suspend such registration certificates so long as the HOT lanes operator makes the required reimbursements in a timely manner in accordance with the agreement.

d. Except as provided in subdivisions 4 and 5, imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator of a motor vehicle under Title 46.2 and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

4. a. The HOT lanes operator may restrict the usage of the HOT lanes to designated vehicle classifications pursuant to an interim or final comprehensive agreement executed pursuant to § 33.2-1808 or 33.2-1809. Notice of any such vehicle classification restrictions shall be provided through the placement of signs or other markers prior to and at all HOT lanes entrances.

b. Any person driving an unauthorized vehicle on the designated HOT lanes is guilty of a traffic infraction, which shall not be a moving violation, and shall be punishable as follows: for a first offense, by a fine of \$125; for a second offense within a period of five years from a first offense, by a fine of \$250; for a third offense within a period of five years from a first offense, by a fine of \$500; and for a fourth and subsequent offense within a period of five years from a first offense, by a fine of \$1,000.

Upon a conviction under this subdivision, the court shall furnish to the Commissioner of the Department of Motor Vehicles, in accordance with § 46.2-383, an abstract of the record of such conviction, which shall become a part of the person's driving record. Notwithstanding the provisions of § 46.2-492, no driver demerit points shall be assessed for any violation of this subdivision, except that persons convicted of a second, third, fourth, or subsequent violation within five years of a first offense shall be assessed three demerit points for each such violation.

5. The driver of a vehicle who enters the HOT lanes by crossing through any barrier, buffer, or other area separating the HOT lanes from other lanes of travel is guilty of a violation of § 46.2-852, unless the vehicle is a state or local law-enforcement vehicle, firefighting truck, ambulance, or rescue squad vehicle used in the performance of its official duties. No person shall be subject to prosecution both under this subdivision and under subdivision 1, 2, or 4 for actions arising out of the same transaction or occurrence.

Upon a conviction under this subdivision, the court shall furnish to the Commissioner of the Department of Motor Vehicles in accordance with § 46.2-383 an abstract of the record of such conviction, which shall become a part of the convicted person's driving record.

6. No person shall be subject to prosecution both under this section and under § 33.2-501, 46.2-819, or 46.2-819.1 for actions arising out of the same transaction or occurrence.

7. Any action under this section shall be brought in the general district court of the county or city in which the violation occurred.

§ 33.2-504. Release of personal information to or by HOT lanes operators; penalty.

A. The HOT lanes operator may enter into an agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that use HOT lanes and with the Department of Transportation to obtain any information that is necessary to conduct electronic toll collection and otherwise operate HOT lanes. No HOT lanes operator shall disclose or release any personal information received from the Department of Motor Vehicles or the Department of Transportation to any third party, except in the issuance of a summons and institution of court proceedings in accordance with § 33.2-503. Information in the possession of a HOT lanes operator under this section shall be exempt from disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

B. Information collected by a photo-enforcement system shall be limited exclusively to that information that is necessary for the collection of unpaid tolls. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other data collected by a photo-enforcement system shall be used exclusively for the collection of unpaid tolls and shall not be (i) open to the public; (ii) sold or used for sales, solicitation, or marketing purposes; (iii) disclosed to any other entity except as may be necessary for the collection of unpaid tolls or to a vehicle owner or operator as part of a challenge to the imposition of a toll; or (iv) used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of § 33.2-503 or upon order from a court of competent jurisdiction. Information collected under this section shall be purged and not retained later than 30 days after the collection and reconciliation of any unpaid tolls, administrative fees, or civil penalties. Any entity operating a photo-enforcement system shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or their designee. Any violation of this subsection constitutes a Class 1 misdemeanor. In addition to any fines or other penalties provided for by law, any money or other thing of value obtained as a result of a violation of this section shall be forfeited to the Commonwealth.

§ 33.2-505. Exclusion of HOT lanes from certain other laws.

Notwithstanding any other provision of law, the provisions of §§ 22.1-187, 33.2-501, 33.2-613, 46.2-819, and 46.2-819.1 shall not apply to HOT lanes.

CHAPTER 6.
FERRIES AND TOLL FACILITIES.

§ 33.2-600. Acquisition or establishment of ferries.

The Board may acquire by purchase, condemnation, or gift any ferry within the Commonwealth that forms a connecting link in a state highway and may purchase all equipment and other things necessary for the establishment of new ferries to become connecting links in the primary or secondary state highway system, whenever it shall determine such action to be advisable and expedient. The Board may expend from state highway construction funds of the highway construction district where the ferries are located and are under the Board's control at any time such sums as may be necessary to acquire or establish, maintain, and operate any such ferry.

The Board may operate such ferry either as a free or toll ferry and may establish a toll for the use of such ferry at such rates as are deemed by the Board to be reasonable and proper without regulation by any other governmental body.

§ 33.2-601. Ferry across Corrotoman River.

The public free ferry across the Corrotoman River, in the County of Lancaster, authorized by the act of March 12, 1847, shall be kept according to such act, except as otherwise provided in this section. The Circuit Court of Lancaster may have the contract for keeping the same let to the lowest bidder for a period of five years, and the bonds thereby directed shall be to the County of Lancaster. Furthermore, the ferry shall cross from Merry Point to the upper side of the wharf and canning factory at Ottoman wharf. However, the circuit court of the county shall have the right, upon the application of the board of supervisors, to discontinue the ferry if it appears that public necessity therefor no longer exists. No such application shall be made unless and until notice is given by (i) publication once a week for two successive weeks in a newspaper published in the county or having general circulation therein and (ii) posting copies of the notice at the front door of the courthouse of the county and at both landings of the ferry. Such notice shall be posted and the first newspaper publication made at least 30 days before the day on which the application will be made to the court.

§ 33.2-602. Toll bridges; when privilege ceases.

When an act is passed to authorize the erection of a toll bridge, if the work is not commenced within one year from the passage of such act or is not completed within two years after such commencement or if, after its completion, there is an abandonment of the toll bridge or a failure for three successive years to keep it in good order, the privileges granted by the act shall cease.

§ 33.2-603. Toll bridges not to obstruct navigation or fish.

Every toll bridge shall be made so as not to obstruct the passage of fish or the navigation of the watercourse over which it is erected.

§ 33.2-604. How right to demand tolls ascertained and rates fixed or changed.

Tolls shall be received for passing a bridge only after it appears to the circuit court of the county where the bridge is located that the bridge is completed according to the act authorizing it. The court shall ascertain whether it is so completed by appointing three disinterested freeholders to view it. If they report in writing that it is so completed and their report is confirmed by the court, the person authorized to erect it, or his heirs or assigns, may then demand and receive tolls at the rates fixed by such act from persons or things passing over the bridge. If no rates are fixed, then he, or his heirs or assigns, may receive tolls at such rates as may be fixed by law. If the toll rates are specified in such act they may be changed by law, unless such act otherwise expressly provides.

§ 33.2-605. Special police officers in connection with toll bridges.

A. The circuit court of any county in which there is a toll bridge or its approaches, or the circuit court of any county in which lies any part of any toll bridge or bridges or their approaches belonging to the same proprietor, but which toll bridge or bridges or their approaches lie in more than one county, may, upon the application of the proprietor, appoint any employee of such proprietor, employed in the control or operation of such toll bridge or bridges and approaches, a special police officer. Such special police officer may exercise all the powers and duties imposed and conferred upon sheriffs in the Commonwealth, in criminal matters, upon any such toll bridge or bridges and their approaches. Such power shall extend throughout the Commonwealth when such special police officer is actually in pursuit of a person accused of crime or acting under authority of a warrant duly issued for the arrest of a person charged with a crime. However, no special policeman appointed under this section whose duties as such special policeman are merely incidental to such private employment shall be deemed to be an employee of the Commonwealth or county or counties within which such toll bridges and their approaches lie, within the meaning of the Virginia Workers' Compensation Act (§ 65.2-100 et seq.).

B. Before any such appointment is made, the court shall be satisfied that such person has been a bona fide resident of the Commonwealth for more than one year immediately preceding such appointment and is of good moral character. Before any such person shall be permitted to discharge any of the duties of such special policeman, he shall take the oath required by law and shall give a bond payable to the Commonwealth in the penalty of not less than \$500, conditioned for the faithful discharge of his official duties.

C. No salary shall be paid to any special police officer appointed under subsection A by the Commonwealth or county, or counties, in which such properties lie; nor shall he receive any fees for making any arrest, executing any warrant, summoning a witness, or carrying a person to or from jail.

§ 33.2-606. Permission required to erect or maintain toll bridges over navigable water.

No toll bridge erected after March 19, 1928, shall be constructed, maintained, or operated across, in, or over any navigable waters in or of the Commonwealth, anything in the charter of any company to the contrary notwithstanding, unless a permit is first obtained from the Board. The Board may grant or withhold such permit or prescribe its terms and conditions, as it may deem for the best interest of the Commonwealth, except so far as such terms and conditions are provided for in this chapter.

§ 33.2-607. Approval of plans by Board; inspection; costs.

Detailed plans, estimates, and specifications shall be submitted to the Board for approval before construction is commenced on a toll bridge or approaches under a permit granted under § 33.2-606. No such toll bridge shall be constructed until such plans, estimates, and specifications are approved by the Board. Access to such work shall be granted to the Board, the Commissioner of Highways, and authorized representatives of either at all times during construction. The permittee shall keep accurate records of the cost of such toll bridge and approaches and real and personal property used in the operation thereof and of all replacements and repairs and shall submit a copy to the Board.

§ 33.2-608. Toll bridges may be purchased by Commonwealth.

In addition to the power of eminent domain as provided by law for highways in the primary state highway system, the Commonwealth, acting through the Commissioner of Highways, may purchase any such toll bridge and the approaches thereto with the real estate and tangible personal property necessary for their proper operation, at such time as may be specified in the permit granted for such toll bridge, or at the expiration of any two-year period after such time, all at a price equal to the original cost, to be determined as provided in this section, less depreciation.

In order to exercise the right of the Commonwealth to purchase and take over any such toll bridge and approaches and real estate and tangible personal property, the Commonwealth, through the Commissioner of Highways, shall give to the permittee, or its successor in title of record to such toll bridge and other property, not less than two months' notice of its intention to do so and specify the date on which the conveyance will be required. Title to such toll bridge and approaches and property shall be vested in the Commonwealth free of lien at the time set out in such notice and upon the payment or offer of the purchase price determined in accordance with §§ 33.2-602 through 33.2-610, to such permittee or successor in title of record to such toll bridge and other property, or to the trustee or trustees, or mortgagor or mortgagees in any deed of trust or mortgage on such property, or to the lien creditor or creditors, as their interest may appear of record.

The original cost of such toll bridge and approaches and real estate and tangible personal property shall be determined by the Commissioner of Highways. The original cost shall include the actual cost and an additional amount equal to interest at the rate of six percent on the amount actually invested by such permittee, or successor in title of record, in such property, or in hand for investment therein, during the period of construction. "Actual costs" includes the cost of improvements; financing charges; the cost of traffic estimate and of engineering and legal expenses, plans, specifications, and surveys; estimates of cost and of revenue; other expenses necessary or incident to determining the feasibility or practicability of the enterprise; administrative expenses; and such other expenses as may be necessary or incident to the financing of the project and the placing of the project in operation. The Commissioner of Highways shall determine the depreciation and the reasonableness of each item of actual cost.

§ 33.2-609. Conveyance of toll bridge by Commonwealth.

In the event a toll bridge, at the time it is purchased by the Commonwealth under the provisions of §§ 33.2-602 through 33.2-610, is not on the line of a highway then in one of the systems of state highways, the Commissioner of Highways may convey such toll bridge and approaches and other property to such county or counties in which it may be in whole or in part located, upon the payment by such county or counties of the amount paid by the Commonwealth for such toll bridge and approaches and other property, with interest on such amount at six percent per year from the time of such payment by the Commonwealth. The conveyance shall be executed in the name and on behalf of the Commonwealth by the Commissioner of Highways.

§ 33.2-610. Sections 33.2-606 through 33.2-609 not applicable to certain toll bridges.

Nothing contained in §§ 33.2-606 through 33.2-609 shall be construed to apply to any bridge existing or under construction on March 20, 1928, or to bridges constructed within or adjacent to towns or cities having a population of more than 3,500.

§ 33.2-611. Tolls may vary to encourage travel during off-peak hours.

A. In order to provide an incentive for motorists to travel at off-peak hours, and in accordance with federal requirements, wherever a toll is imposed and collected by the Department or such other entity as may be responsible for imposing or collecting such toll, the amount of such toll may vary according to the time of day, day of the week, traffic volume, vehicle speed, vehicle type, similar variables, or combinations thereof. The amount of such toll and the time of day when such toll changes shall be as fixed and revised by the Board or such other entity as may be responsible for fixing or revising the amount of such toll, provided, however, that any such variation shall be reasonably calculated to minimize the reduction in toll revenue generated by such toll.

B. 1. Beginning July 1, 2008, every agency of the Commonwealth or any political subdivision or instrumentality thereof having control of or day-to-day responsibility for the operation of any toll facility in the Commonwealth shall take all necessary actions to ensure that every newly constructed toll facility under its control is capable of fully automated electronic operation, employing technologies and procedures that permit the collection of tolls from users of the facility, to

the extent possible, without impeding the traffic flow of the facility. An entity operating a toll facility that substantially upgrades its equipment or substantially renovates its facility after July 1, 2008, shall comply with the provisions of this subsection. The provisions of this section shall also apply to any nongovernmental or quasigovernmental entity operating a toll facility under a comprehensive agreement entered into, pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.), on or after January 1, 2008. Nothing in this subsection shall be construed to prohibit a toll facility from retaining means of nonautomated toll collection in some lanes of the facility.

2. For toll facilities within the territory embraced by the Northern Virginia Transportation Authority, the provisions of subdivision 1 apply to all toll facilities, regardless of whether or not they are newly constructed or substantially upgraded.

§ 33.2-612. Unlawful for Department of Transportation to permit free passage over certain toll bridges and ferries; exceptions.

Except for those persons exempted from tolls under § 33.2-613, it shall be unlawful for the Department or any employee thereof to give or permit free passage over any toll bridge, tunnel, or ferry that has been secured through the issuance of revenue bonds and which bonds are payable from the revenues of such project. Every vehicle shall pay the same toll as others similarly situated. Except as provided in § 33.2-613, the provisions hereof shall apply to vehicles and employees of the state government, local governments, or other political subdivisions and to vehicles and persons of all other categories and descriptions, public, private, eleemosynary, or otherwise.

§ 33.2-613. Free use of toll facilities by certain state officers and employees; penalties.

A. Vehicles transporting two or more persons, including the driver, may be permitted toll-free use of the Dulles Toll Road during rush hours by the Board; however, notwithstanding the provisions of subdivision B 1 of § 56-543 said vehicles shall not be permitted toll-free use of a roadway as defined pursuant to the Virginia Highway Corporation Act of 1988 (§ 56-535 et seq.). Upon presentation of a toll pass issued pursuant to regulations promulgated by the Board, the following persons may use all toll bridges, toll ferries, toll tunnels, and toll roads in the Commonwealth without the payment of toll while in the performance of their official duties:

1. The Commissioner of Highways;
2. Members of the Commonwealth Transportation Board;
3. Employees of the Virginia Department of Transportation;
4. The Superintendent of the Department of State Police;
5. Officers and employees of the Department of State Police;
6. Members of the Alcoholic Beverage Control Board;
7. Employees of the regulatory and hearings divisions of the Department of Alcoholic Beverage Control and special agents of the Department of Alcoholic Beverage Control;
8. The Commissioner of the Department of Motor Vehicles;
9. Employees of the Department of Motor Vehicles;
10. Local police officers;
11. Sheriffs and their deputies;
12. Regional jail officials;
13. Animal wardens;
14. The Director and officers of the Department of Game and Inland Fisheries;
15. Persons operating firefighting equipment and ambulances owned by a political subdivision of the Commonwealth or a nonprofit association or corporation;
16. Operators of school buses being used to transport pupils to or from schools;
17. Operators of (i) commuter buses having a capacity of 20 or more passengers, including the driver, and used to regularly transport workers to and from their places of employment and (ii) public transit buses;
18. Employees of the Department of Rail and Public Transportation;
19. Employees of any transportation facility created pursuant to the Virginia Highway Corporation Act of 1988; and
20. Law-enforcement officers of the Virginia Marine Resources Commission.

B. Notwithstanding the provision of subsection A requiring presentation of a toll pass for toll-free use of such facilities, in cases of emergency and circumstances of concern for public safety on the highways of the Commonwealth, the Department of Transportation shall, in order to alleviate an actual or potential threat or risk to the public's safety, facilitate the flow of traffic on or within the vicinity of the toll facility by permitting the temporary suspension of toll collection operations on its facilities.

1. The assessment of the threat to public safety shall be performed and the decision temporarily to suspend toll collection operations shall be made by the Commissioner of Highways or his designee.

2. Major incidents that may require the temporary suspension of toll collection operations shall include (i) natural disasters such as hurricanes, tornadoes, fires, and floods; (ii) accidental releases of hazardous materials such as chemical spills; (iii) major traffic accidents, such as multivehicle collisions; and (iv) other incidents deemed to present a risk to public safety.

3. In any judicial proceeding in which a person is found to be criminally responsible or civilly liable for any incident resulting in the suspension of toll collections as provided in this subsection, the court may assess against the person an amount equal to lost toll revenue as a part of the costs of the proceeding and order that such amount, not to exceed \$2,000 for any individual incident, be paid to the Department of Transportation for deposit into the toll road fund.

C. Any tollgate keeper who refuses to permit the persons listed in subsection A to use any toll bridge, toll ferry, toll tunnel, or toll road upon presentation of such a toll pass is guilty of a misdemeanor punishable by a fine of not more than \$50 and not less than \$2.50. Any person other than those listed in subsection A who exhibits any such toll pass for the purpose of using any toll bridge, toll ferry, toll tunnel, or toll road is guilty of a Class 1 misdemeanor.

D. Any vehicle operated by the holder of a valid driver's license issued by the Commonwealth or any other state shall be allowed free use of all toll bridges, toll roads, and other toll facilities in the Commonwealth if:

1. The vehicle is specially equipped to permit its operation by a handicapped person;
2. The driver of the vehicle has been certified, either by a physician licensed by the Commonwealth or any other state or by the Adjudication Office of the U.S. Department of Veterans Affairs, as being severely physically disabled and having permanent upper limb mobility or dexterity impairments that substantially impair his ability to deposit coins in toll baskets;
3. The driver has applied for and received from the Department of Transportation a vehicle window sticker identifying him as eligible for such free passage; and
4. Such identifying window sticker is properly displayed on the vehicle.

A copy of this subsection shall be posted at all toll bridges, toll roads, and other toll facilities in the Commonwealth. The Department of Transportation shall provide envelopes for payments of tolls by those persons exempted from tolls pursuant to this subsection and shall accept any payments made by such persons.

E. Nothing contained in this section or in § 33.2-612 or 33.2-1718 shall operate to affect the provisions of § 22.1-187.

F. Notwithstanding the provisions of subsections A, B, and C, only the following persons may use the Chesapeake Bay Bridge-Tunnel, facilities of the Richmond Metropolitan Authority, or facilities of an operator authorized to operate a toll facility pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) without the payment of toll when necessary and incidental to the conduct of official business:

1. The Commissioner of Highways;
2. Members of the Commonwealth Transportation Board;
3. Employees of the Department of Transportation;
4. The Superintendent of the Department of State Police;
5. Officers and employees of the Department of State Police;
6. The Commissioner of the Department of Motor Vehicles;
7. Employees of the Department of Motor Vehicles; and
8. Sheriffs and deputy sheriffs.

G. Any vehicle operated by a quadriplegic driver shall be allowed free use of all toll facilities in Virginia controlled by the Richmond Metropolitan Authority, pursuant to the requirements of subdivisions D 1 through 4.

§ 33.2-614. Disclosure of certain information relating to use of toll facilities; injunctive relief; attorney fees.

A. Neither the Department nor any other operator of any toll bridge, toll road, or other toll facility nor any employee or contractor with the Department or other toll facility operator shall disclose any information derived from an automated electronic toll collection system about the time, date, or frequency of use or nonuse of any such facility by any individually identified motor vehicle except when ordered to do so by a court of competent jurisdiction. The provisions of this section shall not apply to information supplied (i) to any person who is a participant in the electronic toll collection system, when such information is limited to vehicles owned or leased by such person; (ii) to the issuer of any credit card or debit card or other third party vendor when such information is necessary for collecting the toll and ensuring the accuracy of such billing by the operator; (iii) for statistical or research purposes, when such information contains no data attributable to individual vehicles or individual participants; or (iv) to federal, state, and local law enforcement, when such information is required in the course of an investigation where time is of the essence in preserving and protecting human life or public safety.

B. Any aggrieved person may institute a proceeding for injunction or mandamus against any person, governmental agency, or other entity that has engaged, is engaged, or is about to engage in any acts or practices in violation of the provisions of this section. The proceeding shall be brought in the circuit court of any county or city wherein the person, governmental agency, or other entity made defendant resides or has a place of business. In the case of any successful proceeding by an aggrieved party, the person, governmental agency, or other entity enjoined or made subject to a writ of mandamus by the court shall be liable for the costs of the action together with reasonable attorney fees as determined by the court.

CHAPTER 7.

LOCAL AUTHORITY OVER HIGHWAYS.

Article 1.

General Provisions.

§ 33.2-700. Transfer of highways, etc., from secondary state highway system to local authorities.

Whenever any town has a population of more than 3,500 inhabitants, all the streets, highways, causeways, bridges, landings, and wharves in such town that were incorporated within the secondary state highway system shall be eliminated from such system and the control and jurisdiction over them shall be vested in the local authorities. This section shall in no way affect the rights of such towns to receive the benefits provided elsewhere in this title.

§ 33.2-701. Levies.

The governing bodies of the counties shall not make any levy of county or district road taxes or contract any further indebtedness for the construction, maintenance, or improvement of highways; however, the governing bodies of the counties

shall continue to make county or district levies, as the case may be, upon all real and personal property subject to local taxation, in such county or magisterial district, and not embraced within the corporate limits of any town that maintains its own streets and is exempt from county and district road taxes unless the citizens of such towns voted on the question of issuing county or district road bonds, sufficient only to provide for the payment of any bonded or other indebtedness and for the interest contracted thereon that may be outstanding as an obligation of any county or district contracted for road purposes or for the sinking fund for the retirement of any bonded indebtedness established for county or district road purposes.

For the purpose of this section, "district" means a magisterial, sanitary, or other special district created by the governing body of a county for the levy of road taxes.

§ 33.2-702. Gifts received by counties for construction, maintenance, etc., of secondary highways.

Notwithstanding the provisions of § 33.2-701 or any other provisions of law to the contrary, the governing body of any county may accept gifts of money, property, or services to be utilized for the construction, maintenance, and improvement of the secondary state highway system in such county, in conformity with specifications of and in cooperation with the Department, provided that such gift resources may be matched in value by appropriations from the county's general funds. The allocation of such donated and appropriated resources to the secondary highways shall be made by the governing body of the county, after consultation with the Department, to be used by the Department in accordance with the wishes of the governing body of such county.

§ 33.2-703. Funds for highways not in secondary state highway system.

Notwithstanding the provisions of § 33.2-701 or 33.2-706, the governing body of any county under the urban county executive form of government may expend funds on minor improvements and maintenance of highways not within the secondary state highway system, provided such highways are open for public use. A highway shall be determined to be open for public use by applying the same standards set forth in § 33.2-105 or by final order of a court of competent jurisdiction on or before January 1, 1978, except that in order to be eligible for funds under this section such highways need not be 30 feet wide but shall not be less than 15 feet wide. The maximum amount of mileage to be maintained under this section shall not exceed 30 miles.

§ 33.2-704. Agreements between localities for construction and operation of toll facilities.

The governing bodies of adjacent localities may enter into agreements providing for the construction and operation of highways, bridges, and ferries within their boundaries and for the imposition and collection of tolls for the use of such facilities. Such tolls may be in whatever amount, subject to whatever conditions, and expended for whatever purposes provided for in such agreements. Such agreements shall provide for the design, land acquisition, or construction of primary or secondary highway projects that have been included in the six-year plan pursuant to § 33.2-331, or in the case of a primary highway, an approved project included in the six-year improvement program of the Board. Such agreements shall specify relevant procedures and responsibilities concerning the design, right-of-way acquisition, construction, and contract administration of such projects. Any facility constructed pursuant to the authority granted in this section shall be constructed in accordance with the applicable standards of the Department for such facility. Prior to executing any agreement pursuant to this section, a joint public hearing shall be held concerning the benefits of and need for as well as the location and design of the facility.

Article 2.

Establishment, Alteration, and Discontinuance of Highways.

§ 33.2-705. Continuance of powers of county authorities; alternative procedure.

The local authorities shall continue to have the powers vested in them on June 20, 1932, for the establishment of new highways in their respective counties, which shall, upon such establishment, become parts of the secondary state highway system within such counties. They shall likewise have the power to alter or change the location of any highway now in the secondary state highway system within such counties or that may hereafter become a part of the secondary state highway system within such counties. The Commissioner of Highways shall be made a party to any proceeding before the local authorities for the establishment of any such highway or for the alteration or change of the location of any such highway. When any such board or commission appointed by the governing body of a county to view a proposed highway or to alter or change the location of an existing highway shall award damages for the right-of-way for the same, in either case to be paid in money, it may be paid by the governing body of the county out of the general county levy funds. No expenditure by the Commonwealth shall be required upon any new highway so established or any old road the location of which is altered or changed by the local authorities, except as may be approved by the Commissioner of Highways. If the property sought to be taken is for the easement or right-of-way, the plat shall reasonably indicate thereon any appurtenant right-of-way or easement for ingress and egress to and from the principal easement or right-of-way being taken.

As an alternative to the method of establishing or relocating a highway provided in the preceding paragraph, the Commissioner of Highways, by and with the approval of the Board and the governing body of a county, shall have power and authority to make such changes in routes in, and additions to, the secondary state highway system as the public safety or convenience may require.

The service of any process or notice in any such proceedings upon the district administrator of the Department having the supervision of maintenance and construction of highways in any such county shall be termed sufficient service on the Commissioner of Highways.

§ 33.2-706. How highways and bridges in counties established or altered; examination and report; width and grade of highways; employing engineer.

Whenever the governing body of any county is of the opinion that it is necessary to establish or alter the location of a public highway or bridge, or any other person applies to the local governing body therefor, it may appoint five viewers, who shall be resident freeholders of the county, any three of whom may act, to examine such highways or routes and report upon the expediency of establishing or altering the location of such public highway or bridge. In lieu of such viewers, the local governing body may direct the county road engineer or county road manager to examine such highway or route and make such report, and such board may establish or alter such highway or bridge upon such location and of such width and grade as it may prescribe. The right-of-way for any public highway shall not be less than 30 feet wide, except that in any case in which the cost of constructing and maintaining any such highway is to be borne by any individual the right-of-way for such highway may be less than 30 but not less than 15 feet in width. If none of the viewers is an engineer, appointed for the purpose of making survey and map, the local governing body may employ an engineer, if necessary, to assist the viewers.

§ 33.2-707. Duty of viewers.

The viewers or the county road engineer or county road manager shall, as early as practicable after receiving the order of the local governing body, proceed to make the view and may examine routes and locations other than that proposed and if of the opinion that there is a necessity to establish or alter the location of the public highway or bridge shall locate the same and make a report to the local governing body that includes a map or diagram of the location made and that states:

1. Their reasons for preferring the location made;
2. The probable cost of establishing or altering the location of such highway or bridge;
3. The convenience and inconvenience that will result to individuals as well as to the public;
4. Whether the highway or bridge will be one of such mere private convenience as to make it proper that it should be opened, established, or altered and kept in order by the person for whose convenience it is desired;
5. Whether any yard, garden, or orchard will have to be taken;
6. The names of the landowners on such route;
7. Which of such landowners require compensation;
8. What will be a just compensation to the landowners requiring compensation for the land so taken and for the damages to the residue of the tract, if any, beyond the peculiar benefits to be derived in respect to such residue, from the highway or bridge to be established; and
9. All other facts and circumstances in their opinion useful in enabling the local governing body to determine the expediency of establishing or altering the highway or bridge.

They shall file such report with the clerk of the local governing body.

§ 33.2-708. Pay to viewers, commissioners, and engineers.

A statement in writing showing the number of days each viewer or commissioner and engineer, appointed or employed under the provisions of this article, was employed shall be sworn to and presented to the governing body, and the governing body may allow a reasonable compensation not exceeding \$50 per day to each viewer or commissioner and not exceeding \$7.50 per day and necessary traveling expenses for the engineer, provided that in any county adjoining a county having a population in excess of 1,000 per square mile and in the County of Henrico, the governing body may pay the viewers, commissioners, and engineers in addition to expenses not exceeding \$25 a day for each day they were respectively employed hereunder:

§ 33.2-709. Consent of landowners.

In the event that some of the landowners do not require compensation and will execute their written consent giving the right-of-way in question, the viewers or the county road engineer or county road manager shall obtain such consent and return it with the report to the local governing body, and such written consent shall operate and have the force and effect of a deed from the landowners of the county for the right-of-way so long as it is used by the public, in case the highway is established, and it shall be recorded in the deed books of the county.

Should any of the landowners require compensation and not unite in such deed, the subsequent proceedings shall be as prescribed in this article.

§ 33.2-710. Proceedings on report; notice to owners.

At the next meeting of the local governing body after receipt of such report, as provided in § 33.2-707, unless the opinion of the local governing body is against establishing or altering the highway or bridge, the local governing body shall require its clerk to give written notice to the owner of the land on which it is proposed to establish or alter such highway or bridge at least five days before the hearing to be held under § 33.2-712 informing the owner of the time and place of the hearing at which he may appear and present his views. Notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books shall be deemed adequate compliance with this requirement. If the hearing is continued, notice shall be mailed again. If the current real estate tax assessment books do not contain the name of the owner of the affected land, notice of the hearing shall be published once each week for four successive weeks in a newspaper having general circulation in the county.

§ 33.2-711. Guardian ad litem for persons under disability.

If any such owner or proprietor is a person under a disability as defined in § 8.01-2, the circuit court of the county shall, at the time the clerk shall issue such process, or as soon thereafter as practicable, upon the court's or judge's own motion, or upon the suggestion of any party in interest, appoint for such person a guardian ad litem, who shall faithfully represent the interest of the person under a disability and whose fees shall be fixed by the court or judge making the appointment.

§ 33.2-712. Defense allowed; what board may do.

Upon the return of the process duly executed, defense may be made to the proceedings by any party and the local governing body may hear testimony touching the expediency or propriety of establishing or altering the highway or bridge. Upon such hearing, the local governing body shall fix just compensation to the proprietors and tenants for the land proposed to be taken and the damage accruing therefrom, unless the local governing body is of the opinion that the highway or bridge should not be established or altered in which case it shall so order.

§ 33.2-713. Appointment of commissioners to assess damages.

If a tenant or proprietor desires or if the local governing body sees cause, the local governing body shall appoint five disinterested resident freeholders of the county as commissioners, any three of whom may act to ascertain just compensation for the land to be taken for such highway or bridge and damages, if any, to the residue, beyond the benefits to be derived by such residue, from such highway or bridge.

§ 33.2-714. Enhancement in value of residue.

The enhancement, if any, in value of the residue by reason of the establishment or alteration of such highway or bridge shall be offset against the damage to the residue, but there shall be no recovery over against such landowner for any excess nor shall enhancement be offset against the value of land taken.

§ 33.2-715. Action of commissioners; report.

The commissioners shall meet on the lands of the proprietors and tenants that are named in the order of the local governing body at a specified place and day, of which notice shall be given by the sheriff to such proprietors and tenants or their agents. Notice need not be given to any person present at the time the order is made. Any one or more of the commissioners attending on the land may adjourn, from time to time, until their business is finished. The commissioners, in the discharge of their duties, shall comply in all respects with the provisions of Chapter 2 (§ 25.1-200 et seq.) of Title 25.1 so far as applicable. They shall promptly make their report as required by § 25.1-232 to the local governing body and, unless good cause is shown against the report, it shall be confirmed. If, however, good cause is shown against the report or the commissioners report their disagreement or fail to report within a reasonable time, the local governing body may appoint other commissioners to ascertain the compensation and damages. When any report is confirmed, the local governing body shall establish or alter the highway or bridge with or without gates, as it may seem proper, and provide for the payment of the compensation and damages allowed.

§ 33.2-716. Appeal to circuit court.

If an applicant, proprietor, or tenant is not satisfied with the decision of the local governing body with respect to the amount of compensation or damages allowed, he may appeal, but only on the question of compensation and damages, to the circuit court of the county, provided such appeal is filed within 60 days. The court shall hear the matter de novo as to the amount of compensation and damages with the further right of appeal as provided by general law. Upon the hearing of the appeal, the court shall ascertain the amount of compensation and damages, if any, to which such proprietor is entitled, and shall certify the same to the local governing body, which shall proceed to carry out the judgment of the court, provided that the local governing body shall be summoned to appear at the hearing of the appeal.

§ 33.2-717. Who shall pay costs, compensation, and damages.

When the highway or bridge is established or altered, the county shall be chargeable with the compensation and damages to the proprietor or tenant and all costs incurred in the proceedings, provided that when the record shows that the sum allowed by the circuit court on appeal, as compensation and damages to any proprietor or tenant is not more than the amount allowed by the local governing body from whose decision the appeal was taken, such proprietor or tenant shall be adjudged to pay the costs occasioned by such appeal. When the local governing body decides against the application to establish or alter a highway or bridge, the applicant shall pay the costs incurred in the case, except the compensation of the viewers.

But when it shall appear to the local governing body that the opening and establishing or altering of such highway will be for mere private convenience, then the local governing body may order the same upon condition that such applicant pay, in whole or in part, the compensation and damages to the proprietor or tenant and the costs of the proceedings and keep the highway in order. In any such case the highway shall not be opened and established or altered until such compensation and damages and costs has been first paid or the written consent of the proprietor or tenant has been given.

§ 33.2-718. Highways not to be established through cemetery or seminary of learning without owners' consent.

No highway shall be established upon or through the lands of any cemetery or through the lands of any seminary of learning without the consent of the owners thereof.

§ 33.2-719. Abandonment of certain highways and railway crossings.

The governing body of any county that has chosen or hereafter chooses not to be included in the provisions of Article 3 (§ 33.2-324 et seq.) of Chapter 3, whenever it deems that any part of a highway subject to its jurisdiction is no longer

required or an existing crossing by any such highway of the lines of a railway company, or any existing crossing by the lines of a railway company of such highway, is no longer necessary as a part of such highway system, may abandon the section of highway or the crossing.

The procedure for any such abandonment shall be governed by the provisions applicable to the Board as provided in Articles 1, 2, and 3 (§§ 33.2-901 through 33.2-926) of Chapter 9 and all provisions applicable to the Board shall apply, mutatis mutandis, to the governing body of the county.

§ 33.2-720. Supervisors may issue process.

The governing body of a county shall have power to cause process to issue and compel the attendance of witnesses and other parties.

§ 33.2-721. Compensation of clerk of board.

The clerk of the local governing body of a county shall receive for the duties to be performed by him under the provisions of this article compensation to be fixed and allowed to him by the local governing body.

§ 33.2-722. Discontinuance of gates on public highways.

Whenever a public highway is, or has been, established with gates, any person may apply to the governing body of the county to have such gates discontinued, on which application proceedings shall be had in accordance with the applicable provisions of §§ 33.2-706 through 33.2-717. If the local governing body decides that the gates shall be removed, it shall direct the sheriff of the county to remove the same, and the sheriff shall do so at such time as the local governing body may direct.

When damages are allowed to any person or persons on account of the removal of such gates, such damages and the costs incident to the proceeding shall be paid out of the county general fund. Any such person shall have an appeal of right to the circuit court of the county, at any time within 10 days from the date of the order making such allowance, but only from the amount of damages allowed.

Article 3.

Assumption of District Highway Indebtedness.

§ 33.2-723. Assumption of district highway indebtedness by counties.

A. Any county may assume the payment of and pay any outstanding indebtedness of any magisterial district or districts thereof incurred for the purpose of constructing public highways that were subsequently taken over by the Commonwealth, provided the assumption thereof is approved by a majority of the qualified voters of the county voting on the question at an election to be held as provided in this section.

B. The governing body of the county may, by a resolution entered of record in its minute book, require the judges of election to open a poll at the next regular election and take the sense of the qualified voters of the county upon the question whether or not the county shall assume the highway indebtedness of district, or districts. The local governing body shall cause notice of such election to be given by the posting of written notice thereof at the front door of the county courthouse at least 30 days prior to the date the same is to be held and by publication thereof once a week for two successive weeks in a newspaper published or having general circulation in the county, which notice shall set forth the date of such election and the question to be voted on.

C. The ballots for use in voting upon the question so submitted shall be prepared, printed, distributed, voted, and counted and the returns made and canvassed in accordance with the provisions of § 24.2-684. The results shall be certified by the commissioners of election to the county clerk, who shall certify the same to the governing body of the county, and such returns shall be entered of record in the minute book of the local governing body.

D. If a majority of the voters voting on the question vote in favor of the assumption by the county of the highway indebtedness of any district of the county, such indebtedness shall become and be an obligation of the county and as binding thereon as if the same had been originally contracted by the county. In such event the governing body of the county is authorized to levy and collect taxes throughout the county for the payment of the district indebtedness so assumed, both as to principal and interest.

E. Nothing contained in this section shall affect the validity of such district highway obligations in the event that the result of such election is against the assumption thereof by the county, but they shall continue to be as valid and binding in all respects as they were in their inception.

CHAPTER 8.

OFFENSES CONCERNING HIGHWAYS.

§ 33.2-800. Definition.

As used in this chapter, "highway" means a state or county highway.

§ 33.2-801. Cutting or damaging trees; damaging bridges; damaging markers; obstructing highways; penalty.

Any person is guilty of a Class 1 misdemeanor who:

1. Cuts or damages a tree within 50 feet of a highway so as to render it liable to fall and leaves it standing;
2. Knowingly and willfully, without lawful authority, breaks down, destroys, or damages any bridge or log placed across a stream for the accommodation of pedestrians;
3. Obstructs any highway or any ditch made for the purpose of draining the highway;
4. Willfully or maliciously displaces, removes, destroys, or damages any highway sign or historical marker or any inscription thereon that is lawfully within a highway; or

5. Puts or casts into any public highway any glass, bottles, glassware, crockery, porcelain or pieces thereof, caltrops or any pieces of iron or hard or sharp metal, or any nails, tacks, or sharp-pointed instruments of any kind, likely in their nature to cut or puncture any tire of any vehicle or injure any animal traveling thereon. This subdivision shall not apply to the use of any tire deflation device by a law-enforcement officer while in the discharge of his official duties, provided the device was approved for use by the Division of Purchase and Supply.

§ 33.2-802. Dumping trash; penalty.

A. It shall be unlawful for any person to dump or otherwise dispose of trash, garbage, refuse, litter, a companion animal as defined in § 3.2-6500 for the purpose of disposal, or other unsightly matter on public property, including a public highway, right-of-way, or property adjacent to such highway or right-of-way, or on private property without the written consent of the owner or his agent.

B. When any person is arrested for a violation of this section, and the matter alleged to have been illegally dumped or disposed of has been ejected from a motor vehicle or transported to the disposal site in a motor vehicle, the arresting officer may comply with the provisions of § 46.2-936 in making an arrest.

When a violation of the provisions of this section has been observed by any person, and the matter illegally dumped or disposed of has been ejected or removed from a motor vehicle, the owner or operator of the motor vehicle shall be presumed to be the person ejecting or disposing of the matter. However, such presumption shall be rebuttable by competent evidence.

C. Any person convicted of a violation of this section is guilty of a misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not less than \$250 or more than \$2,500, either or both. In lieu of the imposition of confinement in jail, the court may order the defendant to perform a mandatory minimum of 10 hours of community service in litter abatement activities.

D. The governing bodies of localities may adopt ordinances not in conflict with the provisions of this section and may repeal or amend such ordinances.

E. The provisions of this section shall not apply to the lawful disposal of such matter in landfills.

§ 33.2-803. Dump creating fire hazard to public bridge; penalty.

It shall be unlawful for any person to establish or maintain a public or private dump containing flammable articles within 500 feet of any public bridge constructed wholly or partly of wood so as to create a fire hazard to such bridge. Any person violating this section is guilty of a Class 1 misdemeanor. Each day of operation in violation of this section shall constitute a separate offense. An offense in violation of this section may be enjoined in the manner provided by law for the abatement of public nuisances.

§ 33.2-804. Junkyards; penalty.

A. For the purpose of promoting the public safety, health, welfare, convenience, and enjoyment of public travel, protecting the public investment in public highways, and preserving and enhancing the scenic beauty of lands bordering public highways, it is hereby declared to be in the public interest to regulate and restrict the establishment, operation, and maintenance of junkyards in areas adjacent to the highways within the Commonwealth.

B. As used in this section:

"Automobile graveyard" means any lot or place that is exposed to the weather and upon which more than five motor vehicles of any kind that are incapable of being operated and which it would not be economically practical to make operative are placed, located, or found. The movement or rearrangement of vehicles within an existing lot or facility does not render this definition inapplicable. The provisions established by this subsection shall begin with the first day that the vehicle is placed on the subject property.

"Federal-aid primary highway" means any highway within that portion of the primary state highway system as established and maintained under Article 2 (§ 33.2-310 et seq.) of Chapter 3, including extensions of such system within municipalities that have been approved by the U.S. Secretary of Commerce pursuant to 23 U.S.C. § 103(b).

"Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, or waste; junked, dismantled, or wrecked automobiles or parts thereof; and old or scrap iron, steel, or other ferrous or nonferrous material.

"Junkyard" means an establishment or place of business that is maintained, operated, or used for storing, keeping, buying, or selling junk or for the maintenance or operation of an automobile graveyard. "Junkyard" includes garbage dumps and sanitary landfills.

"National Highway System" means the federal-aid highway system referenced in 23 U.S.C. § 103 and regulations adopted pursuant thereto, which includes those highways that are designated as such by congressional action or designation by the U.S. Secretary of Transportation. Prior to congressional approval or designation by the U.S. Secretary of Transportation, highways classified as National System of Interstate and Defense Highways, Dwight D. Eisenhower National System of Interstate and Defense Highways, Interstate System, or federal-aid primary highways as that system existed on June 1, 1991, shall be considered as the National Highway System.

"Primary highway" means any highway within the primary state highway system as established and maintained under Article 2 (§ 33.2-310 et seq.) of Chapter 3, including extensions of such system within municipalities.

"Visible" means capable of being seen without visual aid by a person of normal visual acuity.

C. No junkyard shall be established any portion of which is within 1,000 feet of the nearest edge of the right-of-way of any National Highway System highway or primary highway or within 500 feet of the nearest edge of the right-of-way of any other highway or city street, except the following:

1. Junkyards that are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of the highway or city street or otherwise removed from sight.

2. Junkyards that are located in areas that are zoned for industrial use under authority of state law or in unzoned industrial areas as determined by the Board.

3. Junkyards that are not visible from the main-traveled way of the highway or city street.

D. Any junkyard lawfully in existence on April 4, 1968, that is within 1,000 feet of the nearest edge of the right-of-way and visible from the main-traveled way of any interstate or federal-aid primary highway, and not located within an industrial area, shall be screened, if feasible, by the Commissioner of Highways at locations on the highway right-of-way or in areas acquired for such purposes outside the right-of-way, so as not to be visible from the main-traveled way of such highways.

Any junkyard lawfully in existence on April 4, 1968, that is within 1,000 feet of the nearest edge of the right-of-way of any other primary highway or within 500 feet of the nearest edge of the right-of-way of any other highway and visible from the main-traveled way of such highway, and not located within an industrial area, may be screened by the Commissioner of Highways in the same manner as junkyards adjacent to National Highway System highways.

The Commissioner of Highways is authorized to acquire by purchase, gift, or the power of eminent domain such lands or interests in lands as may be necessary to provide adequate screening of such junkyards.

E. When the Commissioner of Highways determines that the topography of the land adjoining a National Highway System highway will not permit adequate screening of such junkyards or the screening of such junkyards would not be economically feasible, the Commissioner of Highways shall have the authority to acquire by gift, purchase, or the power of eminent domain such interests in lands as may be necessary to secure the relocation, removal, or disposal of the junkyards and to pay for the costs of their relocation, removal, or disposal. When the Commissioner of Highways determines that the topography of the land adjoining any other highway will not permit adequate screening or such would not be feasible, the Commissioner of Highways may exercise the same authority to relocate such junkyards as is vested in him in regard to National Highway System highways.

F. Any junkyard that comes into existence after April 4, 1968, and that cannot be made to conform to this section is declared to be a public and private nuisance and may be forthwith removed, obliterated, or abated by the Commissioner of Highways or his representatives. The Commissioner of Highways may collect the cost of such removal, obliteration, or abatement from the person owning or operating the junkyard.

G. The Board is authorized to enter into agreements with the United States as provided in 23 U.S.C. § 136 with respect to control of junkyards.

H. The Commissioner of Highways shall not be required to expend any funds for screening or relocation under this section unless and until federal-aid matching funds are made available for this purpose.

I. Any person violating any provision of this section is guilty of a Class 1 misdemeanor.

CHAPTER 9.

ABANDONMENT AND DISCONTINUANCE OF HIGHWAYS AND ROADS.

Article 1.

Abandonment and Discontinuance of Highways in Primary State Highway System.

§ 33.2-900. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Abandonment" means that the public's right to use a public highway, public landing, or public crossing has been extinguished.

"Discontinuance" means that the Board has determined that a highway, landing, or crossing no longer serves the public convenience warranting its maintenance at public expense; it divests the Department from maintenance responsibilities. Discontinuance does not render a highway, landing, or crossing unavailable for public use.

§ 33.2-901. Discontinuance of a section of a highway or railroad crossing.

In any case in which a section of a highway is deemed by the Commissioner of Highways no longer necessary for the uses of the primary state highway system, or when, in laying out, constructing, or maintaining sections of highways in the primary state highway system, a part of a highway has been or is straightened or the location of a part of it is altered and a section of the highway is deemed by the Commissioner of Highways no longer necessary for the uses of the primary state highway system, the Commissioner of Highways, by and with the approval of the Board, may discontinue such section of the highway as a part of the primary state highway system. In addition, in any case in which an existing crossing by such highway of the lines of a railroad company or a crossing by the lines of a railroad company of such highway is deemed by the Commissioner of Highways no longer necessary as a part of the primary state highway system, the Commissioner of Highways, by and with the approval of the Board, may discontinue such crossing as a part of the primary state highway system. Discontinuance under this section does not constitute an abandonment of such highway as a public highway or such crossing as a public crossing unless the procedure conforms to § 33.2-902.

The opening of the new section of highway by the Commissioner of Highways and the entry by the Board upon its minutes of its approval of the discontinuance of the section of the highway or the railroad crossing shall be sufficient to constitute such discontinuance.

§ 33.2-902. Abandonment of highway or railroad crossing; procedure.

A. The Commissioner of Highways either on his own motion or upon petition of any interested landowner may cause any section of a highway in the primary state highway system, or any crossing by such highway of the lines of a railroad company or crossing by the lines of a railroad company of such highway, to be abandoned altogether as a public highway or as a public crossing by complying substantially with the procedure provided in this section.

B. The Commissioner of Highways or any interested landowner may file application with the Board setting out the section of the highway or the railroad crossing sought to be abandoned as a public highway or public railroad crossing. The Board shall give notice of the filing of the application (i) by posting a notice of such application at least three days before the first day of a regular term of the circuit court at the front door of the courthouse of the county in which the section of the highway or railroad crossing sought to be abandoned as a public highway or public railroad crossing is located, or if the section of the highway or the railroad crossing is located partly in two or more counties, at the front door of the courthouse of each county, or (ii) by publishing a notice of such application in two or more issues of a newspaper published in the county or one of the counties in which the section of the highway or the crossing is located. The Board shall also send by registered mail a notice of the application to the governing body of the county or counties. If such highway or railroad crossing is in a town with a population of 3,500 or less, the Board shall give notice to the governing body of the town in the same manner as notice is required to be given to the governing body of the county in which the town is located.

C. If one or more landowners in the county or counties affected by such proposed abandonment or the governing body of a county or town in which the highway or railroad crossing is located files a petition with the Board within 30 days after notice is posted or published and mailed as provided in this section, the Board or a representative thereof shall hold a public hearing in the county or one of the counties for consideration of the application and shall give notice of the time and place of the hearing by publishing such information in at least two issues in a newspaper having general circulation in the county or one of the counties and by mailing notice of the hearing to the governing body of the county or counties, and if applicable to the governing body of the town, in which the highway or railroad crossing is located.

D. If a petition for a public hearing is not filed as provided in this section, or if after a public hearing is held a majority of the Board is satisfied that no public necessity exists for the continuance of the section of highway as a public highway or the railroad crossing as a public railroad crossing or that the welfare of the public would be served best by abandoning the section of highway or the railroad crossing as a public highway or public railroad crossing, the Board shall (i) within four months of the 30-day period during which notice was posted where no petition for a public hearing was filed or (ii) within four months after the public hearing enter an order on its minutes abandoning the section of highway as a public highway or the railroad crossing as a public railroad crossing, and with that order the section of highway shall cease to be a public highway, unless the local governing body takes control as provided in this article, or the railroad crossing shall cease to be a public railroad crossing. If the Board is not so satisfied, it shall enter an order dismissing the application within the applicable four months provided in this subsection.

E. In considering the abandonment of any section of highway under the provisions of this section, due consideration shall be given to the historic value, if any, of such highway.

§ 33.2-903. Grade crossing closing and safety.

A. It is the public policy of the Commonwealth to enhance public safety by establishing safe highway-rail grade crossings, to consolidate and close unsafe, unnecessary, or redundant crossings, and to limit the establishment of new crossings. The Board has the authority to close public highway-rail grade crossings on all systems of state highways for which it has responsibility.

B. The Commissioner of Highways on his own motion or by request of any interested landowner, railroad corporation, or local governing body may petition the Board to close a highway-rail grade crossing as a public crossing.

C. Prior to petitioning the Board to close a highway-rail grade crossing, the Commissioner of Highways shall conduct a traffic engineering study to determine the validity of closing the crossing. The traffic engineering study shall consider all factors, including (i) the number of freight and passenger trains passing the crossing and their timetable speeds, (ii) the distance to an alternate crossing, (iii) the availability of alternate access, (iv) the crossing's accident history during the five-year period immediately prior to the study, (v) the number of vehicles per day using the crossing, (vi) the posted speed limit at the crossing, (vii) the type of warning devices present at the crossing, (viii) the alignment of the roadway and railroad and their angle of intersection, (ix) the number of trucks per day carrying hazardous materials through the crossing, (x) the number of vehicles per day carrying passengers for hire through the crossing, (xi) the number of school buses per day using the crossing, and (xii) the use of the crossing by emergency vehicles.

D. The results of the traffic engineering study shall be made public in accordance with the procedures set forth in § 33.2-902. The Commissioner of Highways shall present his findings and recommendations to the Board, and the Board shall decide what actions to take regarding the railroad crossing at issue.

§ 33.2-904. Effect of abandonment.

In the case of abandonment of a section of highway or a railroad crossing that is part of the primary state highway system under the provisions of this article, such section of highway or such railroad crossing shall not thereafter be a public highway or public railroad crossing unless conveyed to the county or town and subject to the authority of the local governing body. In the case of proceedings for abandonment of any section of highway, not including a railroad crossing situated less than one and one-half miles from another public crossing over the same railroad, as a public highway under the provisions of this article, the local governing body, insofar as such section of highway is located within the county of

such governing body, shall have authority to take over such section of highway, not including the railroad crossing, and maintain it as a public highway. However, the local governing body shall adopt an ordinance or resolution to that effect and to give notice thereof to the Commissioner of Highways within 30 days from the posting or publishing and mailing of the notice of the application for the abandonment of such section of highway as a public highway as provided in this article.

§ 33.2-905. Appeal to circuit court.

A. Any one or more of the landowners who filed a petition, the governing body of any county or town in which the section of highway or the railroad crossing is wholly or partly located, or the Commissioner of Highways may within 30 days from the entry of the order by the Board appeal from the order to the circuit court of the county in which the section of highway or the railroad crossing, or the major portion thereof, sought to be abandoned under § 33.2-902 is located. If the Board fails to enter an order pursuant to § 33.2-902, such person or persons named in this section may appeal to the appropriate circuit court within 30 days from such failure. Such appeal shall be filed by petition in the clerk's office of such court, setting out the order appealed from or the cause appealed from where no order was entered and the grounds of such appeal. Upon the filing of such petition, the clerk of the circuit court shall docket the appeal, giving it a preferred status. If the appeal is by any of the landowners who filed a petition with the Board for a public hearing, notice of such appeal shall be served upon the attorney for the Commonwealth and the Commissioner of Highways. If the appeal is by the local governing body or the Commissioner of Highways, notice of such appeal shall be served upon the landowners who filed petition with the Board for a public hearing. No such appeal shall be tried by the court within 10 days after notice is given as provided in this section unless such notice is waived. The circuit court shall hear the matter *de novo* with further right of appeal as provided by law. Upon the hearing of the appeal, the court shall ascertain and by its order determine whether public necessity exists for the continuance of the section of highway or the railroad crossing as a public highway or public railroad crossing or whether the welfare of the public will be served best by abandoning the section of the highway or the railroad crossing as a public highway or public railroad crossing and shall enter its order accordingly. The clerk of the court shall certify a copy of the order of the court to the Board.

B. Upon any such appeal, if it appears to the court that by the abandonment of such section of highway or such railroad crossing as a public highway or public railroad crossing any party to such appeal would be deprived of access to a public highway, the court may cause the railroad company or the local governing body to be made parties to the proceedings, if not already parties, and may enter such orders as seem just and proper for keeping open such section of highway or such railroad crossing for the benefit of such party or parties.

C. The provisions of this section shall not apply to any discontinuance of a portion of the primary state highway system under § 33.2-901.

§ 33.2-906. Alternative procedure for abandonment of old highway or railroad crossing to extent of alteration.

The Commissioner of Highways may declare any highway in the primary state highway system or any highway in the primary state highway system containing a highway-rail grade crossing abandoned when (i) it has been or is altered and a new highway that serves the same users as the old highway is constructed as a replacement and approved by the Commissioner of Highways or (ii) the Chief Engineer of the Department recommends that it is appropriate in connection with the completion of a construction or maintenance project. The old highways or the crossing may be abandoned to the extent of such alteration, but no further, by the entry by the Commissioner of Highways of such abandonment upon the records of the Department.

§ 33.2-907. Conveying sections of highways or other property no longer necessary.

A. Whenever a highway or a section of a highway has been abandoned in accordance with the provisions of § 33.2-902 or 33.2-906 and is deemed by the Commissioner of Highways no longer necessary for the uses of the primary state highway system, the Commissioner of Highways shall so certify in writing and may execute in the name of the Commonwealth a deed or deeds conveying such section or sections of highway, either for consideration or in exchange for other lands that may be necessary for the uses of the primary state highway system. Before any such deed either for the sale or exchange of land is executed conveying any section of a highway along which any person resides, the Commissioner of Highways shall give notice to the governing bodies of the county and town and to the owner of the land upon which such person resides of the intention to convey the section of highway. If after a reasonable notice of such intention any such landowner or local governing body so requests, a hearing shall be ordered by the Commissioner of Highways as provided in this article. If upon such hearing it is determined that such section of highway should be left open for the reasonable convenience of such landowner or the public, then such section of highway shall not be conveyed. No such hearing shall be held if such highway was abandoned under § 33.2-902.

B. When real estate acquired incidental to the construction, reconstruction, alteration, maintenance, and repair of the primary state highway system that does not constitute a section of the public highway is deemed by the Commissioner of Highways no longer necessary for the uses of the primary state highway system, the Commissioner of Highways shall so certify in writing and may execute in the name of the Commonwealth a deed conveying such real estate, interest therein, or any portion thereof, either for consideration or in exchange for other lands that may be necessary for the uses of the primary state highway system.

C. Upon petition of a local governing body, the Board may transfer real estate acquired incidental to the construction, reconstruction, alteration, maintenance, or repair of the primary state highway system that constitutes a section of public highway to the local governing body, and upon such transfer such section of highway shall cease being a part of the primary state highway system.

*Article 2.**Abandonment and Discontinuance of Highways in Secondary State Highway System.***§ 33.2-908. Discontinuance of highway, landing, or railroad crossing; procedure.**

A. For the purposes of this article, "landing" means a place on a river or other navigable body of water for loading or unloading goods or for the reception and delivery of travelers, the terminus of a highway on a river or other navigable body of water for loading or unloading goods or for the reception and delivery of travelers, or a place for loading or unloading watercraft, but not a harbor for watercraft.

B. Upon petition of the governing body of any county in which a highway, landing, or railroad crossing is located or upon petition of the governing body of a town with a population of 3,500 or less, or on its own motion, the Board may discontinue any highway, landing, or railroad crossing in the secondary state highway system as a part thereof in any case in which the Board deems such highway, landing, or railroad crossing not required for public convenience. If the Board on its own motion desires to discontinue any such highway, landing, or railroad crossing, the Board shall give notice to the affected governing body at least 30 days prior to such discontinuance. In addition, in cases where only a highway or landing or the maintenance thereof is to be discontinued, the Board shall give notice of such intention to the public at least 30 days prior to such action by publishing such notice in at least one issue in a newspaper having general circulation in the county in which the affected highway or landing is situated and, where practicable, by a registered letter to each landowner whose property abuts the section of highway or landing to be discontinued. For the purposes of this section, the Board may, where practicable, rely upon the tax records of the county to determine the names and addresses of such owners. These additional notice provisions shall not be required in cases where the section of highway to be discontinued has been replaced by a new highway serving the same users. If the governing body of any county or town requests a hearing, or upon petition of any landowner whose property abuts a highway or landing that is to be discontinued, the Board shall hold a hearing in the county in which the highway, landing, or railroad crossing is located in order to ascertain whether or not such highway, landing, or railroad crossing should be discontinued. From the finding of the Board, an appeal shall lie to the circuit court of the county in which such highway, landing, or railroad crossing is located and the procedure thereon shall conform to the procedure prescribed in § 33.2-905. The jurisdiction and procedure for abandonment of highways and landings discontinued as parts of the secondary state highway system in accordance with this article shall remain in the local governing bodies.

C. In cases where the Chief Engineer of the Department recommends that it is appropriate in connection with the completion of a construction or maintenance project to discontinue any highway, landing, or railroad crossing in the secondary state highway system, the Commissioner of Highways may discontinue such highway, landing, or railroad crossing as he deems proper. The entry by the Commissioner of Highways upon the records of the Department of the discontinuance shall be sufficient to constitute such discontinuance.

§ 33.2-909. Abandonment of highway, landing, or railroad crossing; procedure.

A. The governing body of any county on its own motion or upon petition of any interested landowner may cause any section of the secondary state highway system, or any crossing by the highway of the lines of a railroad company or crossing by the lines of a railroad company of the highway, deemed by it to be no longer necessary for the uses of the secondary state highway system to be abandoned altogether as a public highway, a public landing, or a public railroad crossing by complying substantially with the procedure provided in this section.

B. The governing body of the county shall give notice of its intention to abandon any such highway, landing, or railroad crossing (i) by posting a notice of such intention at least three days before the first day of a regular term of the circuit court at the front door of the courthouse of the county in which the section of the highway, landing, or railroad crossing sought to be abandoned as a public highway, public landing, or public railroad crossing is located or (ii) by posting notice in at least three places on and along the highway, landing, or railroad crossing sought to be abandoned for at least 30 days and in either case by publishing notice of its intention in two or more issues of a newspaper having general circulation in the county. In addition, the governing body of the county shall give notice of its intention to abandon such highway, landing, or railroad crossing to the Board or the Commissioner of Highways. In any case in which the highway, landing, or railroad crossing proposed to be abandoned lies in two or more counties, the governing bodies of such counties shall not abandon such highway, landing, or railroad crossing unless and until all affected governing bodies agree. The procedure in such cases shall conform *mutatis mutandis* to the procedure prescribed for the abandonment of a highway, landing, or railroad crossing located entirely within a county.

When the governing body of a county gives notice of intention to abandon a public landing, the governing body shall also give such notice to the Department of Game and Inland Fisheries.

C. If one or more landowners in the county whose property abuts the highway, landing, or railroad crossing proposed to be abandoned, or if only a section of a highway, landing, or railroad crossing is proposed to be abandoned, whose property abuts such section, or the Board or the Department of Game and Inland Fisheries, in the case of a public landing, files a petition with the governing body of the county within 30 days after notice is posted and published as provided in this section, the governing body of the county shall hold a public hearing on the proposed abandonment and shall give notice of the time and place of the hearing by publishing such information in at least two issues in a newspaper having general circulation in the county and shall also give notice to the Board or, if a public landing is sought to be abandoned, to the Department of Game and Inland Fisheries.

D. If a petition for a public hearing is not filed as provided in this section, or if after a public hearing is held the governing body of the county is satisfied that no public necessity exists for the continuance of the section of the secondary highway as a public highway or the railroad crossing as a public railroad crossing or the landing as a public landing or that the safety and welfare of the public would be served best by abandoning the section of highway, the landing, or the railroad crossing as a public highway, public landing, or public railroad crossing, the governing body of the county shall (i) within four months of the 30-day period during which notice was posted where no petition for a public hearing was filed or (ii) within four months after the public hearing adopt an ordinance or resolution abandoning the section of highway as a public highway, or the landing as a public landing, or the railroad crossing as a public railroad crossing, and with that ordinance or resolution the section of highway shall cease to be a public highway, a public landing, or a public railroad crossing. If the governing body is not so satisfied, it shall dismiss the application within the applicable four months provided in this subsection.

E. A finding by the governing body of a county that a section of the secondary state highway system is no longer necessary for the uses of the secondary state highway system may be made if the following conditions exist:

1. The highway is located within a residence district as defined in § 46.2-100;
2. The residence district is located within a county having a density of population exceeding 1,000 per square mile;
3. Continued operation of the section of highway in question constitutes a threat to the public safety and welfare; and
4. Alternate routes for use after abandonment of the highway are readily available.

F. In considering the abandonment of any section of highway under the provisions of this section, due consideration shall be given to the historic value, if any, of such highway.

G. Any ordinance or resolution of abandonment issued in compliance with this section shall give rise in subsequent proceedings, if any, to a presumption of adequate justification for the abandonment.

H. No public landing shall be abandoned unless the Board of Game and Inland Fisheries shall by resolution concur in such abandonment.

§ 33.2-910. Appeal to circuit court.

Any one or more of the landowners whose property abuts the highway, landing, or railroad crossing proposed to be abandoned, or if only a section of a highway, landing, or railroad crossing is proposed to be abandoned, whose property abuts such section of the highway, landing, or railroad crossing, and who petitioned for a public hearing under § 33.2-909 or the Commissioner of Highways, or if a public landing is proposed to be abandoned, the Director of the Department of Game and Inland Fisheries, may within 30 days from the adoption of an ordinance or resolution by the governing body of the county appeal from the ordinance or resolution to the circuit court of the county in which the section of highway, the public landing, or the railroad crossing sought to be abandoned under § 33.2-909 is located. Where the governing body of the county fails to adopt an ordinance or resolution pursuant to § 33.2-909, such person or persons named in this section shall within 30 days from such failure have a right of appeal to the appropriate circuit court. Such appeal shall be filed by petition in the clerk's office of such court, setting out the ordinance or resolution appealed from or the cause appealed from where no ordinance or resolution was adopted and the grounds of such appeal. Upon the filing of such petition, the clerk of the circuit court shall docket the appeal, giving it a preferred status, and if the appeal is by any of the landowners who filed a petition with the governing body of the county for a public hearing, notice of such appeal shall be served upon each member of the governing body of the county pursuant to § 8.01-300 and either the Commissioner of Highways or the Director of the Department of Game and Inland Fisheries, as applicable, and if the appeal is by either the Commissioner of Highways or the Director of the Department of Game and Inland Fisheries, notice of such appeal shall be served upon the governing body of the county and the landowners who filed petition with the governing body of the county for a public hearing. No such appeal shall be tried by the court within 10 days after notice is given, as provided in this section unless such notice is waived. The circuit court shall decide the appeal based upon the record and upon such other evidence as may be presented by the parties. Upon the hearing of the appeal, the court shall ascertain and by its order determine whether adequate justification exists for the decision of the governing body of the county that public necessity exists for the continuance of the section of highway, landing, or the railroad crossing as a public highway, public landing, or public railroad crossing or whether the welfare of the public will be served best by abandoning the section of the highway, landing, or the railroad crossing as a public highway, public landing, or public railroad crossing and shall enter its order accordingly.

Upon any such appeal, if it appears to the court that by the abandonment of such section of highway, landing, or railroad crossing as a public highway, public landing, or public railroad crossing any party to such appeal would be deprived of access to a public highway, the court may cause the railroad company and the governing body of the county, or either, to be made parties to the proceedings, if not already parties, and may enter such orders as seem just and proper for keeping open such section of highway, landing, or railroad crossing for the benefit of such party or parties.

§ 33.2-911. Permissible uses by counties of certain discontinued secondary highways.

Whenever a secondary highway is discontinued under § 33.2-908, the highway shall continue to be available for use by the public as a highway, unless it has been abandoned pursuant to this chapter or its use has been modified by an ordinance adopted pursuant to this section. The governing body of the county may by ordinance provide for use of a discontinued highway for any of the following purposes: (i) hiking or bicycle trails and paths or other nonvehicular transportation and recreation; (ii) greenway corridors for resource protection and biodiversity enhancement, with or without public ingress and egress; and (iii) access to historic, cultural, and educational sites.

§ 33.2-912. Alternative procedure for abandonment of old highway or crossing to extent of alteration.

The Commissioner of Highways may declare any highway in the secondary state highway system or any highway in the secondary state highway system containing a highway-rail grade crossing abandoned when (i) it has been or is altered and a new highway that serves the same users as the old highway is constructed as a replacement and approved by the Commissioner of Highways or (ii) the Chief Engineer of the Department recommends that it is appropriate in connection with the completion of a construction or maintenance project. The old highway or the public crossing may be abandoned to the extent of such alteration, but no further, by the entry by the Commissioner of Highways of such abandonment upon the records of the Department.

§ 33.2-913. Conveying sections of highways, landings, or other property no longer necessary.

A. Whenever a secondary highway or landing has been abandoned in accordance with the provisions of § 33.2-909 or 33.2-910 or in accordance with § 33.2-912 and its use is no longer deemed necessary by the Commissioner of Highways, the Commissioner of Highways shall so certify in writing to the governing body of the county in which such highway or landing is located, and the governing body of the county or the Commissioner of Highways shall then be authorized to execute, in the name of the Commonwealth or the county, a deed or deeds conveying such section or sections of highway or such landing, either for consideration or in exchange for other lands that may be necessary for the uses of the secondary state highway system. Before any such deed either for the sale or exchange of land is executed conveying any section of a highway or landing along which any person resides, notice shall be given by the Commissioner of Highways or the governing body of the county and to the owner or owners of the land upon which such person resides of the intention to convey the section of highway or the landing and if after a reasonable notice of such intention any such landowner so requests, a hearing shall be ordered by the Commissioner of Highways or governing body of the county as provided in this article. If upon such hearing it is determined that such section of highway or landing should be kept open for the reasonable convenience of such landowner or the public, then such section of highway or landing shall not be conveyed.

Any such conveyance by the governing body of a county shall not be subject to § 15.2-1800.

B. When real estate acquired by the Commonwealth incidental to the construction, reconstruction, alteration, maintenance, and repair of the secondary state highway system does not constitute a section of a public highway and is deemed by the Commissioner of Highways no longer necessary for the uses of the secondary state highway system, the Commissioner of Highways shall so certify in writing and is authorized to execute in the name of the Commonwealth a deed or deeds conveying such real estate, interest therein, or any portion thereof, either for consideration or in exchange for other lands that may be necessary for the uses of the secondary state highway system.

C. Upon petition of a local governing body, the Board may transfer real estate acquired incidental to the construction, reconstruction, alteration, maintenance, or repair of the secondary state highway system that constitutes a section of public highway to the local governing body, and upon such transfer, such section of highway shall cease being a part of the secondary state highway system.

Any such conveyance shall be subject to approval of the Board by resolution and recorded in the minutes of the Board.

Article 3.

Abandonment of Roads Not in Primary or Secondary State Highway System.

§ 33.2-914. County roads not part of primary or secondary state highway system; definitions.

A. The provisions of this article shall apply mutatis mutandis to county roads maintained by a county and not part of the secondary state highway system and to roads dedicated to public use but that are not part of the primary or secondary state highway system.

B. For the purposes of this article:

"Governing body" means the governing body of a county.

"Road" includes streets and alleys dedicated to public use and any existing crossing by the lines of a railroad company of such road and a railroad crossing by such road of the lines of a railroad company.

§ 33.2-915. Abandonment of certain roads and railroad crossings by governing body.

A. When a section of a road not in the secondary state highway system, or an existing crossing by such road of the lines of a railroad company or a crossing by the lines of a railroad company of such road, is deemed by the governing body in which it is located to be no longer necessary for public use, the governing body may abandon such section of the road or such crossing by proceeding as prescribed in this article.

B. In considering the abandonment of any section of road under the provisions of this section, due consideration shall be given to the historic value, if any, of such road.

§ 33.2-916. Notice of proposed abandonment.

In the case of a proposed abandonment of a road not part of the primary or secondary state highway system, the governing body shall give at least 30 days' notice of its intention to do so by posting notice at the front door of the courthouse, by posting notices on at least three places along and visible from the road proposed to be abandoned, and by publishing notice in at least two issues in a newspaper having general circulation in the county. All such notices shall state the time and place at which the governing body will meet to consider the abandonment of such road.

§ 33.2-917. Petition for abandonment.

Any person desiring to have a road abandoned may petition the governing body to abandon such road by filing the petition and a reasonably accurate plat and description of the section proposed to be abandoned with the governing body

and in the clerk's office of the county. The governing body may proceed to have such road abandoned as provided in this article, but the expenses shall be borne by the petitioner.

§ 33.2-918. Petition for public hearing on proposed abandonment.

If one or more landowners affected by a proposed abandonment file a petition for a public hearing with the governing body within 30 days after notice is posted and published, the governing body shall hold a public hearing in the county for the consideration of the proposed abandonment.

§ 33.2-919. Action of governing body.

If a petition for a public hearing is not filed as provided in § 33.2-918, or if after a public hearing is held the governing body is satisfied that no public necessity exists for the continuance of the section of road as a public road or the railroad crossing as a public railroad crossing or that the welfare of the public would be served best by abandoning the section of road or the railroad crossing as a public road or public railroad crossing, the governing body shall (i) within four months of the 30-day period during which notice was posted where no petition for a public hearing was filed or (ii) within four months after the public hearing adopt an ordinance or resolution abandoning the section of road as a public road or the railroad crossing as a public railroad crossing, and with that ordinance or resolution the section of road shall cease to be a public road. If the governing body is not so satisfied, it shall dismiss the application within the applicable four months provided in this section.

§ 33.2-920. Appeal to circuit court.

Any one or more of the landowners who filed a petition or the governing body may within 30 days from the action of the governing body on the proposal appeal from the action of the governing body to the circuit court of the county. Where the governing body fails to adopt an ordinance or resolution pursuant to § 33.2-919, such person named in this section shall within 30 days from such failure have a right of appeal to the appropriate circuit court. Such appeal shall be filed by petition in the clerk's office of such court, setting out the action or inaction appealed from and the grounds for appeal. Upon the filing of such petition, the clerk of the circuit court shall docket the appeal, giving it a preferred status, and if the appeal is by any of the landowners who filed a petition with the governing body for a public hearing, notice of such appeal shall be served upon the attorney for the Commonwealth and the governing body. No such appeal shall be tried by the court within 10 days after notice is given as provided in this section unless such notice is waived. The circuit court shall hear the matter de novo with further right of appeal as provided by law. The court may appoint viewers to make such investigation and findings as the court requires of them. Upon the hearing of the appeal, the court shall ascertain and by its order determine whether public necessity exists for the continuance of the section of road or the railroad crossing as a public road or public railroad crossing or whether the welfare of the public will be served best by abandoning the section of the road or the railroad crossing as a public road or public railroad crossing and shall enter its order accordingly.

Upon any such appeal, if it appears to the court that by the abandonment of such section of road or such railroad crossing as a public road or public railroad crossing any party to such appeal would be deprived of access to a public road, the court may cause the railroad company and the governing body, or either, to be made parties to the proceedings, if not already parties, and may enter such orders as seem just and proper for keeping open such section of road or such railroad crossing for the benefit of such party or parties.

§ 33.2-921. Effect of abandonment.

In the case of the abandonment of any section of road or any railroad crossing under the provisions of this article, such section of road or such crossing shall cease to be a public road or public railroad crossing. However, any such abandonment shall be subject to the rights of owners of any public utility installations that have been previously erected therein.

§ 33.2-922. Recordation of abandonment of roads, highways, or railroad crossings by counties.

A certified copy of any ordinance, resolution, or order abandoning a road, highway, or railroad crossing by a county adopted pursuant to Article 2 (§ 33.2-908 et seq.) or this article shall be recorded and indexed in the deed book in the name of the county as grantor or where record title to the underlying fee is not known shall be recorded in the office of the clerk of court in the county where such road, highway, or railroad crossing is located in the name of the county adopting such ordinance or resolution or entering such order.

§ 33.2-923. Alternative procedure for abandonment of old road or crossing to extent of alteration.

When any road or any road containing a highway-rail grade crossing has been or is altered and a new road that serves the same users as the old road is constructed as a replacement and approved by the governing body, the old road or public crossing may be abandoned to the extent of such alteration, but no further, by an ordinance or resolution of the governing body declaring the old road or public crossing abandoned.

§ 33.2-924. Conveying sections of roads or other property no longer necessary.

When any road abandoned as provided in this article is deemed by the governing body no longer necessary for the public use, the governing body shall so certify in its minutes and may authorize the sale and conveyance in the name of the county of a deed or deeds conveying such sections, either for consideration or in exchange for other lands that may be necessary for the uses of the county. However, before any such deed either for the sale or exchange of land is executed conveying any section of a road along which any person resides, the governing body shall give notice to the owner of the land upon which such person resides of the intention to convey the section of road, and if after a reasonable notice of such intention any such landowner so requests, the governing body shall order a hearing. If upon such hearing it is determined

that such section of road should be kept open for the reasonable convenience of such landowner or the public, then such section of road shall not be conveyed. The action of the governing body under this section shall not be subject to § 15.2-1800.

§ 33.2-925. Alternative method of abandoning roads.

As an alternative to the procedure for abandonment prescribed by this article, a road may be abandoned in accordance with the procedure for vacations in subdivision 2 of § 15.2-2272. All abandonments of roads sought to be effected according to subsection (b) of former § 15.1-482 before July 1, 1990, are hereby validated notwithstanding any defects or deficiencies in the proceeding, provided that property rights that have vested subsequent to the attempted abandonment are not impaired by such validation. The manner of reversion shall not be affected by this section.

§ 33.2-926. Chapter 20 of Title 15.2 not affected.

No provision of Articles 1 (§ 33.2-900 et seq.), 2 (§ 33.2-908 et seq.), or this article shall affect the provisions of Chapter 20 (§ 15.2-2000 et seq.) of Title 15.2.

Article 4.

Abandonment of Highways for Flooding Secondary Highways in Connection with Municipal Water Supply Projects.

§ 33.2-927. Abandonment of highway in area to be flooded in connection with municipal water supply projects.

When a city or town that owns and operates a waterworks system that supplies the city or town and its inhabitants with water finds it necessary to increase its water supply such that it requires impounding the water of a stream outside the corporate limits of such city or town by means of a dam erected in such stream and the impounding of the water thereof would result in the overflow, or flooding, of a section or sections of a highway or highways within the secondary state highway system that necessitates the alteration and relocation of the highway or highways and the governing body of the city or town by ordinance declares (i) such necessity and (ii) that it is the intention of such city or town to comply with the requirements of this article, then the highway proposed to be flooded may be discontinued and abandoned but only after the city or town has complied with the provisions and requirements of this article.

§ 33.2-928. Procedure to secure abandonment of highways to be flooded in connection with municipal water supply projects.

A city or town subject to the provisions of this article shall certify to the governing body of the county within which the highway, or the greater part thereof, lies a copy of the ordinance adopted by the city or town as provided in this article. The governing body of the county, upon receipt, shall within 30 days (i) consider the reasonableness of the action contemplated by the city or town ordinance, (ii) propose and publish an ordinance approving or disapproving the action contemplated by the city or town, and (iii) conduct a hearing thereon. In the event that after such hearing the governing body of the county disapproves the proposed flooding, discontinuance, and abandonment of the highway, the city or town shall have the right to an appeal to the circuit court of the county where the question of the reasonableness of the proposed flooding and abandonment shall be heard de novo by the circuit court and judgment shall be rendered according to its decision. From the judgment a writ of error will lie in the discretion of the Supreme Court of Virginia.

§ 33.2-929. Plans for relocation of highways in connection with municipal water supply projects.

If there is a final approval of the abandonment of the highway by the governing body of the county or by the court, the city or town shall, solely at its own expense, submit to the Commissioner of Highways plans and specifications for a proposed relocation of the highway, containing such information and facts as a location, elevations, and other matters the Commissioner of Highways may require. The Commissioner of Highways shall have the power to change, alter, and amend the plans in order to conform to the views of the Commissioner of Highways as to the location, width, and type of construction of such highway to be built on the new location, provided that the new highway is located such that it will not be flooded by the water to be impounded, and provided further that the Commissioner of Highways may not require a more expensive type or character of highway than the one to be abandoned. The Commissioner of Highways shall approve such plans and specifications either as proposed by the city or town or as amended by the Commissioner of Highways.

§ 33.2-930. Acquisition of lands for relocation.

Upon the approval of plans and specifications by the Commissioner of Highways, the city or town shall, solely at its own expense and in the name of the Commonwealth, acquire either by purchase or condemnation the right-of-way necessary to construct the highway on the new location as shown by the plans approved by the Commissioner of Highways. In the event of condemnation, the proceedings shall be instituted in the name of the city or town and shall conform to the proceedings that would be applicable if they had been instituted by the Commissioner of Highways. However, when the award has been paid, the title to the lands acquired in the proceedings shall vest in the Commonwealth in the same manner as if the Commissioner of Highways had instituted and conducted the proceedings and had paid the award.

§ 33.2-931. Costs of relocation.

The city or town shall pay out of its own funds all costs incident to all surveys, plans, specifications, blueprints, or other matters relating to the relocation of the highway and the entire cost of acquiring, by purchase or by condemnation, the right-of-way.

§ 33.2-932. Construction of relocated highway.

Upon the acquisition of a right-of-way as provided in this article, the city or town shall grade such right-of-way and construct the highway required, in accordance with the plans and specifications approved by the Commissioner of Highways.

§ 33.2-933. Approval or disapproval of construction.

When a highway is completed, the city or town shall notify the Commissioner of Highways, who shall promptly cause an inspection to be made by the Department. If the Department approves the highway construction, the Commissioner of Highways shall notify the city or town in writing of such fact. If the Department disapproves the highway construction, it shall notify the city or town, specifying the Department's objections and recommendations for remedying or removing them, and the city or town shall promptly carry out such recommendations.

§ 33.2-934. New highway part of secondary state highway system; former highway to vest in city or town.

When the city or town has been notified by the Commissioner of Highways of final approval of the construction of the highway, such highway shall immediately become a part of the secondary state highway system, and the public shall be vested with the same rights of travel on such highway as it possesses with respect to the other highways in the system. The part of the highway that it is proposed to flood shall be deemed to be abandoned, and all public rights therein shall vest in the city or town.

CHAPTER 10.

EMINENT DOMAIN.

Article 1.

Eminent Domain and Damages.

§ 33.2-1000. Definitions.

As used in this article, unless the context requires a different meaning:

"Certificate" means an instrument that, when recorded in the office of the clerk of the circuit court wherein condemnation proceedings are pending or are to be instituted by the Commissioner of Highways, terminates the interest or estate of the owner of the property described therein and vests defeasible title to such property or interest or estate of the owner in the Commonwealth. "Certificate" includes a certificate of deposit and a certificate of take.

"Certificate of deposit" means a certificate issued by the Commissioner of Highways and countersigned by the State Treasurer, stating that any sum or sums designated therein shall be paid pursuant to the order of the court, and filed by the Commissioner of Highways with the court wherein condemnation proceedings are pending or are to be instituted in lieu of the payment of funds into court, as provided in subdivision A 2 of § 33.2-1019.

"Certificate of take" means a certificate recorded by the Commissioner of Highways with the court wherein condemnation proceedings are pending or are to be instituted, in connection with which the Commissioner of Highways has deposited funds with the court as provided in subdivision A 1 of § 33.2-1019.

"Owner" means any person owning land, buildings, structures, or improvements upon land where such ownership is of record in the land records of the clerk's office of the circuit court of the city or county where the property is located. "Owner" does not include trustees or beneficiaries under a deed of trust, any person with a security interest in the property, or any person with a judgment or lien against the property. In proceedings instituted by the Commissioner of Highways under Title 25.1 or this title, "owner" includes persons owning structures or improvements for which an outdoor advertising permit has been issued by the Commissioner of Highways pursuant to § 33.2-1208. This definition of owner shall not alter in any way the valuation of such land, buildings, structures, or improvements under existing law.

"Public highway" means a highway, road, or street. When applicable, "public highway" includes a bridge, ferry, causeway, landing, or wharf.

§ 33.2-1001. Power to acquire lands, etc.; conveyance to municipality after acquisition; property owners to be informed and briefed.

A. The Commissioner of Highways is vested with the power to acquire by purchase, gift, or power of eminent domain such lands, structures, rights-of-way, franchises, easements, and other interest in lands, including lands under water and riparian rights, of any person, association, partnership, corporation, or municipality or political subdivision, deemed necessary for the construction, reconstruction, alteration, maintenance, and repair of the public highways of the Commonwealth and for these purposes and all other purposes incidental thereto may condemn property in fee simple and rights-of-way of such width and on such routes and grades and locations as the Commissioner of Highways may deem requisite and suitable, including locations for permanent, temporary, continuous, periodical, or future use and rights or easements incidental thereto and lands, quarries, and locations, with rights of ingress and egress, containing gravel, clay, sand, stone, rock, timber, and any other road materials deemed useful or necessary in carrying out the purposes of this subsection.

B. The Commissioner of Highways is authorized to exercise the power provided under subsection A within municipalities on projects that are constructed with state or federal participation if requested by the municipality concerned. Whenever the Commissioner of Highways has acquired property pursuant to a request of the municipality, he shall convey the title so acquired to the municipality, except that rights-of-way or easements acquired for the relocation of a railroad, public utility company, or public service corporation or company, another political subdivision, or a cable television company in connection with such projects shall be conveyed to that entity in accordance with § 33.2-1014. The authority for such conveyance shall apply to acquisitions made by the Commissioner of Highways pursuant to previous requests as well as any subsequent request.

C. Any offer by the Commissioner of Highways to a property owner with respect to payment of compensation for the prospective taking of property and damage to property not taken incident to the purposes of this section shall separately

state (i) the property to be taken and the amount of compensation offered therefor and (ii) the nature of the prospective damage or damages and the amount of compensation offered for each such prospective damage. The amount of the offer shall not be less than the amount of the approved appraisal of the fair market value of such property, in accordance with the provisions of § 25.1-417, or the current assessed value of such property for real estate tax purposes, unless the property has physically changed in a material and substantial way since the current assessment date such that the real estate tax assessment no longer represents a fair valuation of the property, when the entire parcel for which the assessment is made is to be acquired, whichever is greater. Any such appraisal used by the Commissioner of Highways as the basis for an offer shall be prepared by a real estate appraiser licensed in accordance with Chapter 20.1 (§ 54.1-2009 et seq.) of Title 54.1.

D. The Commissioner of Highways shall also provide to a property owner a copy of any report of status of title prepared in connection with such acquisition if prepared pursuant to subsection D of § 25.1-204.

E. In negotiating with a property owner with respect to payment for prospective damage to property not taken incident to the purposes of this section, the Commissioner of Highways shall ensure that such property owner or his authorized representative is properly informed as to the type and amount of foreseeable damage or enhancement. Adequate briefing includes (i) the giving of plats and profiles of the project, showing cuts and fills, together with elevations and grades and (ii) explanation, in lay terms, of all proposed changes in profile, elevation, and grade of the highway and entrances, including the elevations of proposed pavement and shoulders, both center and edges, with relation to the present pavement and approximate grade of entrances to the property.

F. Any option or deed executed by the property owner shall contain a statement that the plans as they affect his property have been fully explained. However, the requirements of this section with respect to information and briefing and the acknowledgment thereof in options and deeds shall in no way be construed to affect the validity of any conveyance, to create any right to compensation, or to limit the authority of the Commissioner of Highways to reasonably control the use of public highways so as to promote the public health, safety, and welfare.

G. Nothing in this section shall make evidence of tax assessments admissible as proof of value in an eminent domain proceeding.

§ 33.2-1002. Limitation on power of eminent domain.

No property that is within an agricultural and forestal district as provided by the Agricultural and Forestal Districts Act (§ 15.2-4300 et seq.) shall be condemned by the Commissioner of Highways except in accordance with § 15.2-4313.

§ 33.2-1003. Additional power to acquire lands.

The Commissioner of Highways may use the powers granted in this title to acquire needed property interests for purposes set out in Article 5 (§ 33.2-281 et seq.) of Chapter 2.

§ 33.2-1004. Plans for acquisition of rights-of-way.

Subject to compliance with applicable federal regulations, the Commissioner of Highways shall establish a plan for identification and acquisition of rights-of-way that may be needed within the corridors designated on the Statewide Transportation Plan.

§ 33.2-1005. Acquisition of real property that may be needed for transportation projects; sale of certain real property.

A. When the Commissioner of Highways determines that any real property will be required in connection with the construction of a transportation project, or project as defined in § 33.2-1700, within a period not exceeding 12 years for the Interstate System or 10 years for any other highway system or transportation project from the time of such determination, and that it would be advantageous to the Commonwealth to acquire such real property, he may proceed to do so. The Commissioner of Highways may lease any real property so acquired to the owner from whom such real property is acquired, if requested by him, and, if not so requested, to another person upon such terms and conditions as in the judgment of the Commissioner of Highways may be in the public interest. If the transportation project contemplated, or project as defined in § 33.2-1700, has not been let to contract or construction has not commenced within a period of 20 years from the date of the acquisition of such property, and a need for the use of such property has not been determined for any alternative transportation project, then upon written demand of the owner, or his heirs or assigns, that is received (i) within 90 days from the expiration of such 20-year period or such extension as provided for in this section or (ii) within 30 days from publication of a notice of the intent of the Commissioner of Highways to dispose of such property in a newspaper of general circulation in the political subdivision in which the property is located and the Commissioner of Highways shall notify to the extent practical, the last known owner of said property by certified mail, that such property shall be reconveyed by the Commonwealth to such owner, or his heirs or assigns, upon repayment of the original purchase price, without interest. If the reconveyance is not concluded within six months from receipt by the Commissioner of Highways of a written demand, the reconveyance opportunity shall lapse. However, the 20-year limit established by this section within which the Department must let to contract or begin construction in order to avoid reconveyance shall be extended by the number of days of delay caused by litigation involving the project or by the failure of the Commonwealth to receive anticipated federal funds for such project. The 20-year limit may also be extended in those instances in which a project is included in the Six-Year Improvement Program of the Board or the Six-Year Improvement Program for secondary highways prepared by the county boards of supervisors and in which steps have been taken to move forward. No such reconveyance shall be required for rights-of-way acquired for future transportation improvements at the request of local governing bodies or for rights-of-way

acquired for state construction designed to provide future additional lanes or other enhancements to existing transportation facilities.

B. If any real property acquired under this article for use in connection with a transportation project is subsequently offered for sale by the Department and such property is suitable for independent development, the Department shall offer the property for sale at fair market value to the owner from whom it was acquired before such property is offered for sale to any other person. The Commissioner of Highways shall notify, to the extent practicable, the last known owner of such property by certified mail, and the owner shall have 30 days from the date of such notice to advise the Commissioner of Highways of his interest in purchasing the property. If the purchase of the property by the owner from whom it was acquired is not concluded within six months from receipt by the Commissioner of Highways of a written notice, the purchase opportunity shall lapse. The provisions of this subsection shall apply only to property to which the provisions of subsection A do not apply.

C. Subsection B shall not apply to Department projects carried out in cooperation with the United States Army Corps of Engineers as part of a nonstructural flood control project. If property acquired by the Commonwealth under this article in connection with a project is no longer needed by the Commonwealth for such project, such property shall be conveyed to the locality in which such project is located and used in connection with the redevelopment. If such property is not used for economic development, then the property shall revert to the Commonwealth and may be used for any purposes deemed appropriate, including resale.

§ 33.2-1006. Reconveyance where property deemed suitable for mass transit purposes.

If any real property that, under the provisions of § 33.2-1005, is or may become eligible for reconveyance is deemed suitable for the mass transit purposes of a public agency, authority, instrumentality, or public service corporation or company, and such entity has submitted tentative plans to the Commissioner of Highways for a mass transit facility utilizing such real property, or portions thereof, and, prior to the eligibility of that real property for reconveyance under this article, the Commissioner of Highways has approved the use of such real property for mass transit purposes, such real estate shall not be eligible for reconveyance under those sections. Upon the formulation of final plans for the facility, the Commissioner of Highways is authorized to enter into an agreement with any such entity for the conveyance of the property to such entity. Any property or portions thereof not necessary for the mass transit facility shall become eligible for reconveyance under the provisions of § 33.2-1005 upon a determination of the final plans for the facility. Such agreement shall provide for the payment to the Commonwealth of an amount equal to that expended by the Commonwealth in the acquisition of such real property, including proportionate administrative costs and costs under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Upon payment of the agreed consideration, the Commissioner of Highways shall convey the specified property to the facility. However, if construction of such planned facilities is not commenced within 10 years from the date of the agreement between the transit agency and the Commissioner of Highways, the persons who would otherwise have been authorized to petition for reconveyance under § 33.2-1005 or their heirs or assigns may seek reconveyance under the same procedures and on the same basis as established in § 33.2-1005.

This section shall not compel the Commissioner of Highways to convey any such property to such entities in contravention of any federal law or regulation affecting the disposition of real property acquired for highway purposes when such property is no longer needed for such purposes when such property has been acquired with federal funding participation.

§ 33.2-1007. Authority to acquire entire tract of land, or parcel thereof, when only part to be utilized for highway purposes.

In acquiring rights-of-way for highway construction, reconstruction, or improvement, and lands incidental to such construction, reconstruction, or improvement, the Commissioner of Highways is authorized and empowered, whenever a portion of a tract of land is to be utilized for right-of-way or a purpose incidental to the construction, reconstruction, or improvement of a public highway, to acquire by purchase, gift, or the exercise of the power of eminent domain the entire tract of land or any part thereof whenever (i) the remainder of such tract or part thereof can no longer be utilized for the purpose for which the entire tract is then being utilized; (ii) a portion of a building is to be taken; (iii) the cost of removal or relocation of the buildings or other improvements on the remaining portion necessitated by the taking would exceed the cost of destroying such buildings or other improvements; (iv) the highway project will leave the remaining portions without a means of access to a public highway; or (v) in the judgment of the Commissioner of Highways the resulting damages to the remainder of such tract or part thereof lying outside the proposed right-of-way, or the area being acquired for a purpose incidental to the construction, reconstruction, or improvement of a public highway, will approximate or equal the fair market value of such remaining lands. However, the Commissioner of Highways shall not acquire the remainder of such tracts by purchase where the remaining portion is in excess of 10 acres or by condemnation where the remaining portion is in excess of two acres. Nothing contained in this section shall be construed as preventing the Commissioner of Highways from complying, where applicable, with the provisions of § 25.1-417.

§ 33.2-1008. Authority to acquire land to replace parkland; applicability.

For the purposes of this section, "parkland" only includes parks and recreational areas under the jurisdiction of state agencies or local governing bodies. Notwithstanding any contrary provision of this title, the Commissioner of Highways may acquire by gift or purchase any property without a permanent residential structure, or an interest in property, needed to replace parkland that is acquired for the improvement, maintenance, construction, or reconstruction of highways. Land

acquired to replace parkland shall be abutting or appurtenant to the property of rights-of-way acquired for the improvement, maintenance, construction, or reconstruction of highways. Before exercising the authority granted by this section, the Commissioner of Highways shall notify the local governing body or state agency having jurisdiction over the parkland and shall obtain the concurrence of the local governing body or state agency that replacement parklands should be acquired and conveyed to the local governing body or state agency in exchange for the parkland needed for the improvement, maintenance, construction, or reconstruction of the highway.

The provisions of this section shall apply only in Albemarle County and the City of Charlottesville.

§ 33.2-1009. Acquisition of residue parcels declared to be in public interest.

The acquisition of such residue parcels in addition to the lands necessary for the immediate use for highway rights-of-way or purposes incidental to the construction, reconstruction, or improvement of public highways is hereby declared to be in the public interest and constitutes a public use as the term public uses is used in Article I, Section 11 of the Constitution of Virginia.

§ 33.2-1010. Use and disposition of residue parcels of land.

The Commissioner of Highways may lease, sell, or exchange such residue parcels of land upon such terms and conditions as in the judgment of the Commissioner of Highways may be in the public interest, provided, however, that the Commissioner of Highways shall not use such parcels for any commercial purpose. The Commissioner of Highways may lease, sell, or exchange such residue parcels of land as may have been acquired under the provisions of the Transportation Development and Revenue Bond Act (§ 33.2-1700 et seq.), upon such terms and conditions as in the judgment of the Commissioner of Highways may be in the public interest. The Commissioner of Highways may lease such parcels of land as may have been acquired under the provisions of § 33.2-1005 in the event the former owner fails to make the request authorized under § 33.2-1005 to persons other than the former owner, upon such terms and conditions as in the judgment of the Commissioner of Highways may be in the public interest. The provisions of Articles 1 (§ 33.2-900 et seq.) and 2 (§ 33.2-908 et seq.) of Chapter 9 shall not be construed to apply to the disposition of land authorized in this section.

§ 33.2-1011. Right to enter on land to ascertain its suitability for highway and other transportation purposes; damage resulting from such entry.

A. The Commissioner of Highways, through his duly authorized officers, agents, or employees, may enter upon any land in the Commonwealth for the purposes of making examination and survey thereof, including photographing; testing, including soil borings or testing for contamination; making appraisals; and taking such actions as may be necessary or desirable to determine its suitability for highway and other transportation purposes or for any other purpose incidental thereto. Such officers, agents, or servants shall exercise care to protect any improvements, growing crops, or timber in making such examination or survey.

B. Notice shall be sent to the owner by mail, at the address recorded in the tax records, not less than 15 days prior to the first date of the proposed entry. Notice of intent to enter shall be deemed made on the date of mailing.

C. The notice shall include the anticipated date such entry is proposed to be made and the purpose of such entry. Any entry authorized by this section shall be for the purposes of making examination and survey thereof, including photographing; testing, including soil borings or testing for contamination; making appraisals; and taking such other actions as may be necessary or desirable to determine the suitability of such property for highway and transportation purposes, and shall not be deemed a trespass.

D. Notwithstanding the provisions in subsections A and B, nothing shall preclude entry prior to the anticipated date of entry specified in the notice if the property owner or his designated representative agrees to or requests a date of entry prior to the date of entry specified in the notice.

E. The Commissioner of Highways, through his duly authorized officers, agents, or servants, shall make reimbursement for any actual damages to real or personal property resulting from entry upon the property. In any action filed under this section, the court may award the owner his reasonable attorney fees, court costs, and fees for no more than three expert witnesses testifying at trial if (i) the court finds that the Commissioner of Highways maliciously, willfully, or recklessly damaged the owner's property and (ii) the court awards the owner actual damages in an amount 30 percent or more greater than the final written offer of the Commissioner of Highways made no later than 30 days after the filing of an answer in circuit court or the return date in general district court. A proceeding under this subsection shall not preclude the owner from pursuing any additional remedies available to the landowner.

§ 33.2-1012. Limitations in Title 25.1 not applicable to Commissioner of Highways.

Except as to procedure, the Commissioner of Highways shall not be subject to any limitations in Title 25.1 in exercising the power of eminent domain pursuant to this title.

§ 33.2-1013. Notice of exercise of eminent domain power; evidence of value.

A. As used in this section:

"Fair market value" means the price that the real property would bring if it were offered for sale by one who wanted to sell, but was under no necessity, and was bought by one who wanted to buy, but was under no necessity.

"Owner" means any person owning an estate or interest in buildings, structures, or other improvements on real property, which estate or interest is recorded in the official records of the circuit court where the property is located, or improvements for which a permit has been issued by the Commissioner of Highways pursuant to § 33.2-1208. "Owner" does not include trustees or beneficiaries under a deed of trust or any person owning only a security interest in the real property.

B. Notwithstanding anything to the contrary contained in this chapter or in Chapter 2 (§ 25.1-200 et seq.) of Title 25.1:

1. The Commissioner of Highways shall notify every owner, as defined in this section, of a building, structure, or other improvement if the Commissioner of Highways intends to exercise the power of eminent domain in a manner that would result in a taking of the building, structure, or other improvement.

2. The owner of any such building, structure, or other improvement may present evidence of the fair market value of such building, structure, or other improvement in the proceedings described in § 25.1-233, provided such owner has filed a petition for intervention pursuant to § 25.1-218.

3. If the owner of such building, structure, or improvement is different from the owner of the underlying land, then such owner shall not be allowed to proffer any evidence of value that the owner of the underlying land would not be permitted to proffer if the building, structure, or improvement were owned by the owner of the underlying land; and

4. The provisions of this section shall not apply to condemnation proceedings in which the petition for condemnation was filed prior to July 1, 2000.

§ 33.2-1014. Acquisition of interests for exchange with railroad, public utility company, public service corporation or company, political subdivision, or cable television company; relocation of poles, lines, etc.

Whenever any railroad, public utility company, public service corporation or company, political subdivision, or cable television company owns or occupies any privately owned land either under a claim of right or with the apparent acquiescence of the private landowner which the Commissioner of Highways deems necessary and intends to acquire for any highway project, and such land owned or occupied by the railroad, public utility company, public service corporation or company, political subdivision, or cable television company is devoted to a public use, the Commissioner of Highways may acquire by gift, purchase, or by the exercise of the power of eminent domain additional land or easement, right-of-way, or interest in land adjacent to or approximately adjacent to such land needed and proposed to be acquired for such highway project and may then convey the same to the railroad, public utility company, public service corporation or company, political subdivision, or cable television company for use by it in lieu of the land theretofore owned or occupied by it but needed by the Commissioner of Highways for such highway project. The condemnation of such land, easement, right-of-way, or other interest in land to be conveyed to any railroad, public utility company, public service corporation or company, political subdivision, or cable television company shall be governed by the procedure prescribed by this article and may be carried out at the same time if against the same property owner and if against the same landowner or in the same proceedings in which land is condemned for highway purposes. The Commissioner of Highways may, under the same procedure and conditions prescribed by this article, with respect to property needed for highway purposes, enter upon and take possession of such property to be conveyed to any railroad, public utility company, public service corporation or company, political subdivision, or cable television company in the manner provided in §§ 33.2-1018 through 33.2-1027 and proceed with the relocation of the installations of the railroad or public utility company in order that the construction of the highway project may be carried out without delay.

After the acquisition of the land owned or occupied by railroads, public utility companies, public service corporations or companies, political subdivisions, or cable television companies and the acquisition of the additional land, easement, right-of-way, or other interest in land for such railroads, utility companies, public service corporations or companies, political subdivisions, or cable television companies as provided in this section, in the event the poles, lines, or other facilities are not removed by such railroads or utility companies within 60 days from the date of the taking by the Commissioner of Highways, the Commissioner of Highways is vested with the power to remove and relocate such facilities at his own cost.

Any conveyance previously made by the Commissioner of Highways in exchange for land that was needed for a highway project is hereby declared to be valid and effective in all respects.

§ 33.2-1015. Acquisition of land in median of highways for public mass transit; disposition of such property.

When acquiring land for the construction of highways with divided roadways, the Commissioner of Highways may, if he deems it necessary and appropriate, also acquire by gift, purchase, or by the exercise of the power of eminent domain as vested in him by § 33.2-1001, in addition to the land necessary for such highways, sufficient land in the median for use for public mass transit and may convey or otherwise make available the same to a public agency or authority or public service corporation or public service company for the construction and operation thereon of public facilities for mass transit.

Such additional land shall be acquired only after an agreement has been made between the Commissioner of Highways and a public agency or authority or public service corporation or public service company whereby such agency, authority, corporation, or company has agreed to pay the cost of the additional land acquired and all expense incidental to its acquisition.

The condemnation of such land to be conveyed for use for public mass transit shall be governed by the procedure prescribed by this article and may be carried out at the same time if against the same property owner and if against the same landowner or in the same proceedings in which land is condemned for highway purposes. The Commissioner of Highways may, under the same procedure and conditions prescribed by this article with respect to property needed for highway purposes, enter upon and take possession of such property to be conveyed to a public agency or authority or public service corporation or public service company in the manner provided in §§ 33.2-1018 through 33.2-1027.

The Board is authorized and directed with the consent of the Federal Highway Administration to permit the Washington Metropolitan Area Transit Authority to commence construction of rapid transit and ancillary facilities within the proposed median of Interstate 66 between Glebe Road in Arlington County and Nutley Road in Fairfax County, provided

that (i) construction of rapid transit shall conform with highway plans and that construction procedures shall be reviewed and approved by the Commissioner of Highways and (ii) prior to construction of rapid transit, a mutually satisfactory allocation of cost shall be agreed to by the Washington Metropolitan Area Transit Authority, the Board, and the Federal Highway Administration.

§ 33.2-1016. Procedure in general; suits in name of Commissioner of Highways; survival; validation of suits; notice of filing.

A. Proceedings for condemnation under this article shall be instituted and conducted in accordance with the procedures provided in Chapter 2 (§ 25.1-200 et seq.) of Title 25.1, except that the provisions of §§ 33.2-1018 through 33.2-1029 shall be applicable to such proceedings.

B. All suits shall be instituted and conducted in the name of the Commissioner of Highways as petitioner without naming the individual who may be such Commissioner of Highways or acting Commissioner of Highways. In the event of the death, removal, retirement, or resignation of the Commissioner of Highways or acting Commissioner of Highways, the suit shall automatically survive to a successor Commissioner of Highways or acting Commissioner of Highways. All suits heretofore filed in accordance with the provisions of this section are hereby ratified, validated, and confirmed.

C. In addition to any other notices required to be served pursuant to this section, in any proceeding instituted by the Commissioner of Highways under this title, a copy of the notice of the filing of the petition also shall be served, in the same manner as such notice is served upon owners, upon any person owning structures or improvements for which an outdoor advertising permit has been issued by the Commissioner of Highways pursuant to § 33.2-1208.

§ 33.2-1017. Taking highway materials from streams, rivers, and watercourses.

Whenever the Commissioner of Highways determines that it is necessary or desirable to remove materials from the streams, rivers, or watercourses for use on public highways, he shall submit to the Marine Resources Commission his plan for the removal and all conditions relating thereto for its review and concurrence. After receiving the concurrence of the Marine Resources Commission, the Commissioner of Highways may take for use on the public highways in the Commonwealth sand, gravel, rock, and any other materials deemed by him suitable for road purposes from the streams, rivers, and watercourses, title to the bed of which is in the Commonwealth, and in addition to the power of eminent domain already vested in him may acquire by condemnation all property, rights, and easements necessary to enable him to obtain and make use of such materials. All such proceedings shall be governed by the provisions of law governing the exercise by the Commissioner of Highways of the power of eminent domain for state highway purposes.

§ 33.2-1018. Authority to take possession and title to property before or during condemnation; purpose and intent of provisions.

In addition to the exercise of the power of eminent domain prior to the entry upon land being condemned, as provided in this article, the Commissioner of Highways is authorized to acquire title and to enter upon and take possession of such property and rights-of-way, for the purposes set out in § 33.2-1001, as the Commissioner of Highways may deem necessary, and proceed with the construction of such highway, such taking to be made pursuant to §§ 33.2-1019 through 33.2-1029.

It is the intention of this article to provide that such property and rights-of-way may, in the discretion of the Commissioner of Highways, be condemned during or after the construction of the highway, as well as prior thereto, and to direct the fund out of which the judgment of the court in condemnation proceedings shall be paid, and to provide that in all other respects the provisions of this article shall apply, whether the property and rights-of-way are condemned before, during, or after the construction of the highway. However, the authorities constructing such highway under the authority of this article shall use diligence to protect growing crops and pastures and to prevent damage to any property not taken. So far as possible all rights-of-way shall be acquired or contracted for before any condemnation is resorted to.

§ 33.2-1019. Payments into court or filing certificate of deposit before entering upon land.

A. Before entering upon or taking possession of land pursuant to § 33.2-1018, the Commissioner of Highways shall either:

1. Pay into the court wherein condemnation proceedings are pending or are to be instituted such sum as is required by subsection B; or

2. File with the court wherein condemnation proceedings are pending or are to be instituted a certificate of deposit issued by the Commissioner of Highways for such sum as is required by subsection B, which shall be deemed and held for the purpose of this chapter to be payment into the custody of such court.

B. The amount to be paid into the court as provided in subdivision A 1 or represented by a certificate of deposit as provided in subdivision A 2 shall be the amount that the Commissioner of Highways estimates to be the fair value of the land taken, or interest therein sought, and damage done, which estimate shall be based on a bona fide appraisal if required by § 25.1-417; however, such estimate shall not be less than the current assessed value of the land for real estate tax purposes, unless the property has physically changed in a material and substantial way since the current assessment date such that the real estate tax assessment no longer represents a fair valuation of the property, when the entire parcel for which the assessment has been made is to be acquired.

C. If the Commissioner of Highways makes a payment into court as provided in subdivision A 1, the court shall also record a certificate of take pursuant to § 33.2-1021.

D. Payment against a certificate of deposit, when ordered by the court named therein, shall be paid by the Commissioner of Highways.

E. The Commissioner of Highways shall not be permitted to force relocation on improved owner-occupied property until the owner is permitted to withdraw the funds represented by the certificate filed with the court. However, if the owner refuses to withdraw the funds represented by the certificate filed with the court or if the Commissioner of Highways reasonably believes that the owner does not possess clear title to the property being taken, that ownership of the property is disputed, or that certain owners cannot be located, the Commissioner of Highways may petition the court to establish that the owner does not possess clear title, that the ownership of the property is in dispute, that certain owners cannot be located, or that the owner has refused to withdraw the funds represented by the certificate filed with the court, and request that the Commissioner of Highways be given authority to force relocation.

F. Nothing in this section shall make evidence of tax assessments admissible as proof of value in an eminent domain proceeding.

§ 33.2-1020. Payment of certificates of deposit; notice to owner.

A. A certificate of deposit shall be deemed and held for the purpose of this article to be payment into the custody of such court. Payment against any certificate of deposit so issued and countersigned, when ordered by the court named therein, shall be paid by the State Treasurer on warrants of the Comptroller, issued on vouchers signed by the Commissioner of Highways.

B. A duplicate of each certificate of deposit so issued and countersigned shall be kept as a record in the office of the Commissioner of Highways and a copy thereof shall be filed with the State Treasurer.

C. The Commissioner of Highways shall give notice to the owner or tenant of the freehold by registered mail, if known, that a certificate of deposit will be filed.

§ 33.2-1021. Recordation of certificates; transfer of title or interest; land situated in two or more counties or cities.

The certificate of the Commissioner of Highways shall be recorded in the clerk's office of the court where deeds are recorded. Upon such recordation, the interest or estate of the owner of such property shall terminate and the title to such property or interest or estate of the owner shall be vested in the Commonwealth. Such owner shall have such interest or estate in the funds held on deposit by virtue of the certificate as he had in the property taken or damaged, and all liens by deed of trust, judgment, or otherwise upon such property or estate or interest shall be transferred to such funds. The title in the Commonwealth shall be defeasible until the reaching of an agreement between the Commissioner of Highways and such owner, as provided in § 33.2-1027, or the compensation determined by condemnation proceedings as provided in §§ 33.2-1022 through 33.2-1028.

If the land affected by the certificate is situated in two or more counties or cities, the clerk of the court wherein the certificate is recorded shall certify a copy of such certificate to the clerk of the court of the counties or cities in which any portion of the land lies, who shall record the same in his deed book and index it in the name of the person who had the land before and also in the name of the Commonwealth.

§ 33.2-1022. Certificates to describe land and list owner.

The certificate shall set forth the description of the land or interest therein being taken or damaged and, if known, the owner.

§ 33.2-1023. Proceedings for distribution of funds; effect of acceptance of payments; evidence as to amount of deposit or certificate.

A. Any person or persons shown by a certificate to be entitled thereto may petition the court for the distribution of all or any part of the funds deposited with the court pursuant to subdivision A 1 of § 33.2-1019 or represented by a certificate of deposit filed pursuant to subdivision A 2 of § 33.2-1019.

B. A copy of such petition shall be served on the Commissioner of Highways, his deputy, or any attorney authorized to accept service with a notice, returnable to the court or judge not less than 21 days after such service, to show cause, if any, why such amount should not be distributed in accordance with the prayers of the petition.

C. If the Commissioner of Highways does not, on or before the return day of the petition, show such cause, and if the record in the proceeding does not disclose any denial or dispute with respect thereto, the court shall enter an order directing the distribution of such amount in accordance with the prayers of the petition. However, in the case of a nonresident petitioner the court may require a bond before ordering the distribution.

D. If funds have been deposited with the court pursuant to subdivision A 1 of § 33.2-1019, any interest that has accrued on the funds shall be payable to the person or persons entitled to receive such funds.

E. If funds are not then on deposit with the court but are represented by a certificate of deposit filed pursuant to subdivision A 2 of § 33.2-1019, a certified copy of such order shall forthwith be sent to the Commissioner of Highways by the clerk. It shall be the duty of the Commissioner of Highways to deposit such funds with the court within 21 days of the date of such order.

F. Interest shall be payable on funds represented by a certificate of deposit from the date of filing of the certificate of deposit until the funds are paid into court at the rate of interest established pursuant to § 6621(a)(2) of the Internal Revenue Code of 1954, as amended or renumbered, for the month in which the order pursuant to this section is entered. However, interest shall not accrue if an injunction is filed against the Department that enjoins the taking of the property described in the certificate.

G. If the Commissioner of Highways shows such cause, or if the record in the proceeding discloses any denial or dispute as to the persons entitled to such distribution or to any interest or share therein, the court shall direct such proceedings as are provided by § 25.1-240 for the distribution of awards.

H. However, the acceptance of such payment shall not limit the amount to be allowed by a commissioner in a condemnation proceeding, nor limit the rights of any party or parties to the proceeding to appeal from any decision therein; nor shall any party to such proceeding be entitled to introduce evidence of any amount deposited with the court or represented by a certificate, nor of any amount that has been accepted by any party entitled thereto pursuant to this section.

§ 33.2-1024. Reformation, alteration, revision, amendment, or invalidation of certificate.

Upon the recordation of such certificate, no reformation, alteration, revision, amendment, or invalidation shall be made for any purpose without the prior consent of the court wherein such certificate is recorded. The court or judge in vacation shall have jurisdiction to reform, alter, revise, amend, or invalidate in whole or in part any certificate; to correct mistakes in the description of the property affected by such certificate; to correct the name of the owner in the certificate; to correct any other error that may exist with respect to such certificate; or for any other purpose. A petition filed by the Commissioner of Highways with the court setting forth any error made in such certificate, or the necessity of any change therein, shall be deemed sufficient basis for the reformation, alteration, revision, amendment, or invalidation in whole or in part of such certificate. The court may enter an order permitting the reformation, alteration, revision, amendment, or invalidation in whole or in part, and such order, together with any revised certificate that may be necessary, shall be spread in the current deed book. The filing of any certificate pursuant to the provisions of this section shall not alter the date of taking as established by the filing of the original certificate pursuant to § 33.2-1021 as to any land that is included in the amended certificate, and no such amended certificate shall include any land not in the original certificate. Nothing herein contained shall be construed to prohibit or preclude any person damaged thereby from showing in the proper proceeding the damage suffered by reason of such mistake or the invalidation of a certificate of deposit as herein provided.

§ 33.2-1025. When condemnation proceedings instituted; payment of compensation or damages; order confirming award; recording.

Within 180 days after the recordation of such certificate, if the Commissioner of Highways and the owner of such lands or interest therein taken or damaged by the Commissioner of Highways are unable to agree as to the compensation or damages, if any, caused thereby, or such consent cannot be obtained due to the incapacity of the owner, or because such owner is unknown or cannot with reasonable diligence be found within the Commonwealth, the Commissioner of Highways shall institute condemnation proceedings, as provided in this article, unless said proceedings shall have been instituted prior to the recordation of such certificate. The amount of such compensation and damages, if any, awarded to the owner in such proceedings shall be paid out of the appropriations to the Department. The final order confirming the award of the Commissioner of Highways shall confirm absolute and indefeasible title to the land, or interest therein sought, in the Commonwealth and shall be spread in the current deed book.

§ 33.2-1026. Awards in greater or lesser amounts than deposit; interest.

A. If the amount of an award in a condemnation proceeding is greater than that deposited with the court or represented by a certificate of deposit, the excess amount, together with interest accrued on such excess amount, shall be paid into court for the person entitled thereto.

B. Interest shall accrue on the excess amount at the rate of interest established pursuant to § 6621(a)(2) of the Internal Revenue Code of 1954, as amended or renumbered, compiled by the Department for the month in which the award is rendered, computed from the date of such deposit to the date of payment into court, and shall be paid into court for the person or persons entitled thereto. However, any (i) interest accruing after June 30, 1970, and prior to July 1, 1981, shall be paid at the rate of six percent; (ii) interest accruing after June 30, 1981, and prior to July 1, 1994, shall be paid at the rate of eight percent; and (iii) interest accruing after June 30, 1994, and prior to July 1, 2003, shall be paid at the general account composite rate, compiled by the Department of the Treasury of Virginia for the month in which the award is rendered.

C. If the amount of an award in a condemnation proceeding is less than that deposited with the court or represented by a certificate of deposit, and the person or persons entitled thereto have received a distribution of the funds pursuant to § 33.2-1023, the Commissioner of Highways shall recover (i) the amount of such excess and (ii) interest on such excess at the rate of interest established pursuant to § 6621(a)(2) of the Internal Revenue Code of 1954, as amended or renumbered. If any person has been paid a greater sum than that to which he is entitled as determined by the award, judgment shall be entered for the Commissioner of Highways against such person for the amount of such excess and interest. However, the Commissioner of Highways shall not be entitled to recover the amount of such excess and interest in the event the Commissioner of Highways acquired, by virtue of the certificate, an entire parcel of land containing a dwelling, multiple-family dwelling, or building used for commercial purposes at the time of initiation of negotiations for the acquisition of such property.

§ 33.2-1027. Agreements as to compensation; petition and order of court thereon; disposition of deposit.

At any time after the recordation of such certificate, but prior to the institution of condemnation proceedings, if the Commissioner of Highways and the owner of the land or interest therein taken or damaged are able to agree as to compensation for the land taken and damages, if any, caused by such taking, the Commissioner of Highways shall file with the court a petition so stating, with a copy of the agreement attached. If condemnation proceedings are already pending at

the time of reaching such agreement, no such petition shall be required, but the motion for dismissal of such proceedings shall contain an averment that such agreement has been reached. Upon the filing of such petition or motion to dismiss, the court shall thereupon enter an order confirming absolute and indefeasible title to the land or interest therein in the Commonwealth. Such order shall be spread in the current deed book. Upon entry of such order, the Commissioner of Highways and State Treasurer shall be relieved of further obligation by virtue of having filed such certificate of deposit with the court.

If it shall appear from such petition and agreement, or motion to dismiss a pending suit, that no person other than those executing such agreement are entitled to the fund on deposit, the court shall direct that such fund, after payment therefrom of any taxes that may be charged against such land taken, be disbursed and distributed in accordance with the statement or charge in the petition or motion among the parties or persons entitled thereto. If it shall appear that a controversy exists as to the persons entitled to such fund, such distribution shall be made in accordance with the provisions of § 33.2-1023.

§ 33.2-1028. Enhancement to be offset against damage.

In all cases under the provisions of this article, the enhancement, if any, in value of the remaining property of the landowner by reason of the construction or improvement contemplated or made by the Commissioner of Highways shall be offset against the damage, if any, resulting to such remaining property of such landowner by reason of such construction or improvement. However, such enhancement in value shall not be offset against the value of the property taken, and if such enhancement in value exceeds the damage, there shall be no recovery against the landowner for such excess.

§ 33.2-1029. Remedy of landowners under certain conditions.

Whenever the Commissioner of Highways enters upon and takes possession of property pursuant to §§ 33.2-1018, 33.2-1019, and 33.2-1020 and has not instituted condemnation proceedings within 180 days after the recordation of a certificate as required by § 33.2-1025, whether the construction of the highway project has been completed or not, the property owner may, if no agreement has been made with the Commissioner of Highways as to compensation and damage, if any, petition the circuit court of the county or the court of the city in which such cases are tried and in which the greater portion of the property lies for the appointment of commissioners or a jury to determine just compensation for the property taken and damages done, if any. A copy of such petition shall be served upon the Commissioner of Highways at least 10 days before it is presented to the court, and the Commissioner of Highways shall file an answer thereto within five days after the petition is so presented. If the court finds that a reasonable time has elapsed for the completion of the construction of the highway project or that 60 days have elapsed since the completion of the construction of the highway project or that more than 180 days have elapsed since the Commissioner of Highways entered upon and took possession of the property, without condemnation proceedings being instituted and without an agreement having been made between the property owner and the Commissioner of Highways as to compensation and damages, if any, commissioners or a jury shall be appointed to ascertain the amount of compensation to be paid for the property taken and damages done, if any. The proceedings shall thereafter be governed by the procedure prescribed by Chapter 2 (§ 25.1-200 et seq.) of Title 25.1 insofar as the same may be applicable.

§ 33.2-1030. Adjustment or relocation of certain billboard signs.

A. Notwithstanding any other provision of law, general or special, whenever land is acquired due to the widening, construction, or reconstruction of any highway as defined in § 33.2-1200 by purchase or by use of the power of eminent domain and upon such land is situated a lawfully erected billboard sign as defined in § 33.2-1200, such billboard sign may be relocated as provided in this section.

B. If a billboard sign meets all requirements under the provision of this title and § 4.1-113.1 in the case of outdoor alcoholic beverage advertising, but is considered nonconforming solely due to a local ordinance, the owner of the billboard sign, at his sole cost and expense, shall have the option to relocate such billboard sign to another location as close as practicable on the same property, adjusting the height or angle of the billboard sign to a height or angle that restores the visibility of the billboard sign to the same or comparable visibility as before the taking, provided the new location also meets all the requirements of this title and regulations adopted pursuant thereto.

C. Nothing in this section shall authorize the owner of such billboard sign to increase the size of the sign face, and a relocated billboard sign shall continue to be nonconforming in its new location unless the relocated billboard sign becomes conforming in its new location under the local ordinance. The provisions of § 33.2-1219 shall apply to any relocation.

Article 2.

Acquisition of Land Used as Cemeteries.

§ 33.2-1031. Commissioner of Highways may enter into agreement with person, church, association, etc.

Whenever it becomes necessary for the Commissioner of Highways to acquire land or other interest therein for the purposes set forth in this title, and such land to be acquired is a part or the whole of a cemetery or graveyard owned by any person, church, association, corporation, or other legal entity that has the legal authority to make disposition of the same, the Commissioner of Highways may enter into agreements with such person, church, association, corporation, or other legal entity for the removal of any remains that may be interred upon the land. Such agreement shall provide for reinterment in some suitable repository. For purposes of this article, the sprinkling of ashes or their burial in a biodegradable container on private residential property, not subject to regulation under Chapter 3 (§ 57-22 et seq.) of Title 57, shall not constitute the creation of a cemetery or graveyard.

§ 33.2-1032. Commissioner of Highways may file petition for condemnation when no agreement can be reached; notice of condemnation proceedings.

In the event no agreement can be reached as provided in § 33.2-1031 or whenever such land is a part or the whole of a cemetery or graveyard owned by persons unknown or by any person, church, association, corporation, or other legal entity not having legal authority to make disposition of the same, the Commissioner of Highways shall petition the court of the city or county in which the land is situated and in which condemnation proceedings are instituted to acquire land for the purpose of condemning such land and having the remains interred in such cemetery or graveyard removed to some suitable repository. To such petition the owner of the land and next of kin of those interred therein, if known, shall be made defendants and served with notice. If such owner and next of kin are unknown, are less than 18 years of age, have been adjudicated insane or incompetent, or are nonresidents of the Commonwealth, such notice shall be served in the manner prescribed by Chapter 2 (§ 25.1-200 et seq.) of Title 25.1.

§ 33.2-1033. Contents of petition for condemnation.

The contents of such petition shall comply with all statutory requirements prescribed for the exercise of the power of eminent domain by the Commissioner of Highways and shall contain the reasons why it is practical to acquire such land and remove any remains that may be interred therein.

§ 33.2-1034. Removal and reinterment of remains; other proceedings.

The trial court shall determine a suitable repository for reinterment and the manner in which the removal and reinterment is to be undertaken and shall tax the cost and expense of such removal and reinterment against the Commissioner of Highways. Insofar as possible and reasonable, the court shall consider the wishes of the next of kin of those interred in such graves in making the determination as to a suitable repository and manner of removal and reinterment. All other proceedings in the condemnation of such land and the determination of just compensation for such taking and damages suffered shall be conducted in accordance with the statutes made and provided for the exercise of the power of eminent domain by the Commissioner of Highways.

CHAPTER 11.

HIGHWAY CONSTRUCTION CONTRACTS AND SUITS; HIGHWAY CONTRACTORS' ASSOCIATION.

Article 1.

Highway Construction Contracts, Limitations on Suits, and Adjustment of Claims.

§ 33.2-1100. Highway construction contracts.

A. Every contractor whose bid is accepted shall, before commencing work, enter into a contract with the Commissioner of Highways that shall fully set out the time when work shall commence and when the contract shall be completed as well as the time and manner for the payment for the work. Whenever the Commissioner of Highways or his designee publicly opens and announces all bids received for each invitation to bid, it shall be announced at the same time if the lowest read bid exceeds the maximum tolerance of the Department's estimate for the work represented by that bid.

B. The contract shall require that the contractor comply with all requirements, conditions, and terms of the contract, including environmental permits that are part of the contract. If the contractor violates a contract provision and the violation results in environmental damage or if the contractor violates environmental laws or environmental permits, the Department may suspend the contractor from future bidding or initiate debarment. In addition, the Department may recover either (i) the loss or damage that the Department suffers as a result of such violation or (ii) any liquidated damages established in such contract plus (iii) reasonable attorney fees and expert witness fees. Any damages and costs collected under this section shall be deposited into the Transportation Trust Fund and used for transportation purposes as determined by the Board.

§ 33.2-1101. Submission of claims; initial investigation and notice of decision; appearance before Commissioner of Highways; further investigation and notice of decision; settlement.

A. Upon the completion of any contract for the construction of any state highway project awarded by the Board or by the Commissioner of Highways to any contractor, if the contractor fails to receive such settlement as he claims to be entitled to under the contract for himself or for his subcontractors or for persons furnishing materials for the contract for costs and expenses caused by the acts or omissions of the Department, he may, within 60 days after the final estimate date, deliver to the Department, through proper administrative channels as determined by the Department, a written claim for such amount to which he deems himself, his subcontractors, or his material persons entitled under the contract. The final estimate date shall be set forth in a letter from the Department to the contractor sent by certified mail. The claim shall set forth the facts upon which the claim is based, provided that written notice of the contractor's intention to file such claim shall have been given to the Department at the time of the occurrence or beginning of the work upon which the claim and subsequent action is based. Within 90 days from receipt of such claim, the Department shall make an investigation and notify the claimant in writing by certified mail of its decision. The claimant and the Department may, however, mutually extend such 90-day period for another 30 days.

B. If dissatisfied with the decision, the claimant shall, within 30 days from receipt of the Department's decision, notify the Commissioner of Highways, in writing, that he desires to appear before him, either in person or through counsel, and present any additional facts and arguments in support of his claim as previously filed.

C. The Commissioner of Highways shall schedule such appearance to be held within 30 days of receiving the claimant's written request. The claimant and the Commissioner of Highways may, however, mutually agree to schedule such appearance to be held after 30 days but before 60 days from the receipt of the claimant's written request.

D. Within 45 days from the date of the appearance before him, the Commissioner of Highways shall make an investigation of the claim and notify the contractor in writing of his decision. The claimant and the Commissioner of Highways may, however, mutually agree to extend such 45-day period for another 30 days. If the Commissioner of Highways deems that all or any portion of a claim is valid, he shall have the authority to negotiate a settlement with the contractor, but any such settlement shall be subject to the provisions of § 2.2-514.

E. Failure of the Department or the Commissioner of Highways to render a decision within the time period specified in subsections A and D, or within such other period as has been mutually agreed upon as provided in this section, shall be deemed a denial of the claim.

If the Commissioner of Highways determines that a claim has been denied as the result of an administrative oversight, then the Department reserves the right to reconsider the claim.

§ 33.2-1102. Limitation of suits on contracts.

No suit or action shall be brought against the Department by a contractor or any persons claiming under him or on behalf of a subcontractor of the contractor or a person furnishing materials for the contract to the contractor on any contract executed pursuant to this article or by others on any claim arising from the performance of the contract by the contractor, subcontractor, or person furnishing materials to the contractor, unless the claimant has exhausted the review process provided by § 33.2-1101. Further, no such suit or action shall be brought unless such suit or action is brought within 12 months from receipt of the decision of the Commissioner of Highways. In no event shall any delay therein on the part of the contractor, subcontractor, or person furnishing materials be construed as a reason for extending the time within which such suit or action must be brought. In any case brought against the Department on behalf of a subcontractor or person furnishing materials to the contractor, lack of privity between the parties shall be no defense; however, any such case brought on behalf of a subcontractor or person furnishing materials to the contractor shall only be brought for costs and expenses caused by the acts or omissions of the Department and shall not be brought for costs and expenses caused by the contractor.

§ 33.2-1103. Civil action.

As to such portion of the claim as is denied by the Commissioner of Highways, the contractor may institute a civil action for such sum as he claims to be entitled to under the contract for himself or for his subcontractors or for persons furnishing materials for the contract by the filing of a petition in the Circuit Court of the City of Richmond or where the highway project that is the subject of the contract is located. Any civil action brought on behalf of a subcontractor or person furnishing materials for the contract shall only be brought for costs and expenses caused by the acts or omissions of the Department and shall not be brought for costs and expenses caused by the contractor. Trial shall be by the court without a jury. The submission of the claim to the Department within the time and as set out in § 33.2-1101 shall be a condition precedent to bringing an action under this article and the Department shall be allowed to assert any and all defenses in a case brought by or on behalf of the subcontractor or a person furnishing materials to the contractor which are available to the contractor.

§ 33.2-1104. Application of article; existing contracts.

The provisions of this article shall apply to all contracts executed and proceedings initiated after June 30, 1976, and may be made applicable to existing contracts by mutual consent of the contracting parties.

§ 33.2-1105. Provisions of article deemed part of contract.

The provisions of this article shall be deemed to enter into and form a part of every contract entered into between the Board and any contractor on or after July 1, 1976, and no provision in said contracts shall be valid that is in conflict herewith.

Article 2.

Highway Contractors' Association.

§ 33.2-1106. Definitions.

For the purposes of this article:

"Highway contractors' association" means any association, bureau, agency, or other medium, incorporated or unincorporated, whose object or work is to promote the common welfare of, furnish information to, promote cooperation among, stimulate the demand for the services of, or advertise the members thereof.

"Member of highway contractors' association" means any individual partnership, or corporation engaged in contracting for the construction, repair, and maintenance of highways and highway bridges and for supplying labor, material, machinery, and supplies for use in highways and bridges that is a member of, stockholder in, subscriber of, or contributor to, or that is in any way affiliated with, any highway contractors' association.

§ 33.2-1107. Statements to be furnished.

Every highway contractors' association domiciled in the Commonwealth shall, upon request from the Secretary of the Commonwealth, within 30 days of such request, but no more often than once a calendar year, furnish in writing to the Secretary of the Commonwealth the following information:

1. The names and post office addresses of all of its members. When any member is a firm, the names and addresses of the members of the firm shall be furnished. When any member is a corporation, the names of the officers of the corporation shall be furnished.

2. The names and post office addresses of the officers of the highway contractors' association and the duties and salaries of the officers.

3. The property and income of the highway contractors' association and by whom the same is paid.

4. An itemized statement of the expenditures of such association.

5. A copy of the charter and bylaws, if incorporated, and a copy of the constitution and bylaws, if unincorporated, of such association.

Such statements shall become public records.

§ 33.2-1108. Papers, accounts, and records open to examination by certain officers.

All papers, accounts, and records of every nature of every highway contractors' association, a member of which submits a bid for any construction, maintenance, or repair of any public highway or bridge or for the supplying of labor, material, or supplies for any such construction, repair, or maintenance, whether such highway association is domiciled in Virginia or is a foreign highway contractors' association doing business in Virginia, shall be at all times during business hours open to examination and inspection by the Governor, the Attorney General, the Comptroller, the Auditor of Public Accounts, the Board and any member thereof, and the duly authorized agent or representative of any of such officers or of the Board.

§ 33.2-1109. Effect of refusal to permit or withholding from examination of papers, etc.

If any highway contractors' association, whether domiciled in Virginia or not, on application of any person authorized by this article to examine and inspect its records, refuses to permit such examination and inspection of its papers, accounts, and records, or fails to produce at its principal office for examination and inspection any of its papers, accounts, or records when requested so to do, or knowingly withholds from examination and inspection any of its papers, accounts, and records, for the purpose of secreting any of its acts or activities or the amount or sources of or the use made of its revenue, the person requesting or making such examination and inspection shall report the fact to the Governor, who shall certify the fact to the Commissioner of Highways.

No contract for highway or highway bridge construction, repair, or maintenance or for the supplying of any labor, materials, or supplies for such construction, repair, or maintenance shall be thereafter let to any member of such association until the Governor has certified to the Board that a full examination and inspection of the papers, accounts, and records of such association has been made with the free consent and cooperation of such association and that such examination and inspection discloses nothing in the purposes, methods, or activities of such association detrimental to the public interest or tending to prevent competition in or increase the cost of highway and highway bridge construction, repair, or maintenance in the Commonwealth and that none of its revenue has been used for political purposes.

§ 33.2-1110. Effect of using certain methods or engaging in certain activities.

If upon any such inspection or examination as is provided for in this article it is found that any highway contractors' association of which any individual, partnership, or corporation holding a contract for the construction, maintenance, or repair of any public highway or bridge or for supplying any labor, materials, or supplies for any such construction, repair, or maintenance is a member has made use of methods or engaged in activities tending to prevent competition in the bidding on such contract or to increase the cost of such contract to the Commonwealth or county or has brought to bear or endeavored to bring to bear political influence to secure for such member such contract, then the Board may, at its option, cancel and annul such contract, paying thereon for the work done or labor, material, and supplies furnished only the reasonable value of the work done or labor, material, and supplies furnished.

§ 33.2-1111. Certificate to be filed with bid for highway or bridge construction, etc.

Every individual, partnership, or corporation bidding upon any proposed contract for the construction, repair, or maintenance of any part of any public highway or bridge and for supplying any labor, material, or supplies to be used in any such construction, repair, or maintenance shall file with such bid a sworn statement giving the name and location of the principal office of every highway contractors' association of which it is or has been a member during the preceding 12 months. No bid not accompanied by such certificate shall be considered by the Board or the Commissioner of Highways in letting any contract bid upon, nor shall any such contract be let by the Board or the Commissioner of Highways to any bidder failing to file the certificate required by this section.

§ 33.2-1112. Affidavit to be filed with bid upon work.

Every member of any highway contractors' association who bids upon any work let by the Board or the Commissioner of Highways shall file with his bid an affidavit in substance as follows: that the bidder neither directly nor indirectly has entered into any combination or arrangement with any person, firm, or corporation or entered into any agreement the effect of which is to prevent competition or increase the cost of construction or maintenance of highways or bridges.

The Board or the Commissioner of Highways shall prescribe the form of this affidavit and no bid shall be accepted unless accompanied by such affidavit.

CHAPTER 12.

OUTDOOR ADVERTISING IN SIGHT OF PUBLIC HIGHWAYS.

Article 1.

General Policies and Regulations.

§ 33.2-1200. Policy; definitions.

A. In order to promote the safety, convenience, and enjoyment of travel on and protection of the public investment in highways within the Commonwealth, attract tourists and promote the prosperity, economic well-being, and general welfare of the Commonwealth, and preserve and enhance the natural scenic beauty or aesthetic features of the highways and adjacent areas, the General Assembly declares it to be the policy of the Commonwealth that the erection and maintenance of outdoor advertising in areas adjacent to the rights-of-way of the highways within the Commonwealth shall be regulated in accordance with the terms of this article and regulations promulgated by the Board pursuant thereto.

B. As used in this article, unless the context requires a different meaning:

"Advertisement" means any writing, printing, picture, painting, display, emblem, drawing, sign, or similar device that is posted or displayed outdoors on real property and is intended to invite or to draw the attention of or solicit the patronage or support of the public to any goods, merchandise, real or personal property, business, services, entertainment, or amusement manufactured, produced, bought, sold, conducted, furnished, or dealt in by any person. "Advertisement" includes any part of an advertisement recognizable as such.

"Advertising structure" means any rigid or semirigid material, with or without any advertisement displayed thereon, situated upon or attached to real property outdoors, primarily or principally for the purpose of furnishing a background or base or support upon which an advertisement may be posted or displayed.

"Area of an advertising structure" means the area determined from its outside measurements, excluding as a part thereof the height and overall width of supports and supporting structure and any other portion or portions thereof beneath the normal area upon which an advertisement is posted or intended to be posted.

"Billboard sign" means any sign, advertisement, or advertising structure as defined in this section owned by a person, firm, or corporation in the business of outdoor advertising.

"Business of outdoor advertising" means the erection, use, or maintenance of advertising structures or the posting or display of outdoor advertisements by any person who receives profit gained from rentals or any other compensation from any other person for the use or maintenance of such advertising structures or the posting or display of such advertisements, except reasonable compensation for materials and labor used or furnished in the actual erection of advertising structures or the actual posting of advertisements. "Business of outdoor advertising" does not include the leasing or rental of advertising structures or advertisements used to advertise products, services, or entertainment sold or provided on the premises where the advertising structures or advertisement is located.

"Centerline of the highway" means a line equidistant from the edges of the median separating the main traveled ways of a divided highway or the centerline of the main traveled way of a nondivided highway.

"Distance from edge of a right-of-way" means the horizontal distance measured along a line normal or perpendicular to the centerline of the highway.

"Federal-aid primary highway" means any highway within that portion of the primary state highway system as established and maintained under Article 2 (§ 33.2-310 et seq.) of Chapter 3, including extensions of such system within municipalities, that has been approved by the Secretary of Transportation pursuant to 23 U.S.C. § 103(b), as that system existed on June 1, 1991.

"Highway" means every way or place of whatever nature open to the use of the public for purposes of vehicular travel in the Commonwealth.

"Historic place, museum, or shrine" includes only places that are maintained wholly at public expense or by a nonprofit organization.

"Information center" means an area or site established and maintained at rest areas for the purpose of informing the public of places of interest within the Commonwealth and providing such other information as the Commonwealth may consider desirable.

"Interchange" means a grade separated intersection with one or more turning roadways for travel between intersection legs, or an intersection at grade, where two or more highways join or cross.

"Lawfully erected" means any sign that was erected pursuant to the issuance of a permit from the Commissioner of Highways under § 33.2-1208, unless the local governing body has evidence of noncompliance with ordinances in effect at the time the sign was erected.

"Legible" means capable of being read without visual aid by a person of normal visual acuity.

"Maintain" means to allow to exist.

"Main traveled way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main traveled way. "Main traveled way" does not include such facilities as frontage roads, turning roadways, or parking areas.

"National Highway System" means the federal-aid highway system referenced in 23 U.S.C. § 103(b), and regulations adopted pursuant thereto. For the purpose of this article, outdoor advertising controls on the National Highway System shall be implemented as those highways are designated and approved by congressional action or designation by the U.S. Secretary of Transportation and such designation and approval shall be kept on file in the central office of the Department of Transportation and placed in the minutes of the Commonwealth Transportation Board by the Commissioner of Highways. Prior to congressional approval or designation by the U.S. Secretary of Transportation, highways classified

as National System of Interstate and Defense Highways, Dwight D. Eisenhower National System of Interstate and Defense Highways, Interstate System, or federal-aid primary highway as defined in this section shall be considered as the National Highway System.

"Nonconforming sign," "nonconforming advertisement," or "nonconforming advertising structure" means one that was lawfully erected adjacent to any highway in the Commonwealth but that does not comply with the provisions of state law, state regulations, or ordinances adopted by local governing bodies passed at a later date or that later fails to comply with state law, state regulations, or ordinances adopted by local governing bodies due to changed conditions.

"Person" includes an individual, partnership, association, or corporation.

"Post" means post, display, print, paint, burn, nail, paste, or otherwise attach.

"Real property" includes any property physically attached or annexed to real property in any manner whatsoever.

"Rest area" means an area or site established and maintained within or adjacent to the right-of-way or under public supervision or control for the convenience of the traveling public.

"Scenic area" means any public park or area of particular scenic beauty or historical significance designated as a scenic area by the Board.

"Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing that is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any highway.

"Trade name" includes a brand name, trademark, distinctive symbol, or other similar device or thing used to identify particular products or services.

"Traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

"Turning roadway" means a connecting roadway for traffic turning between two intersection legs of an interchange.

"Urban area" means an urbanized area or, in the case of an urbanized area encompassing more than one state, that part of the urbanized area within the Commonwealth, or an urban place.

"Urbanized area" means an area so designated by the U.S. Census Bureau, within boundaries fixed by the Commissioner of Highways, in his discretion, in cooperation with the governing bodies of the localities affected and the appropriate federal authority. Such boundaries shall, at a minimum, encompass the entire urbanized area within a state as designated by the U.S. Census Bureau.

"Urban place" means an area so designated by the U.S. Census Bureau having a population of 5,000 or more and not within any urbanized area, within boundaries fixed by the Commissioner of Highways, in his discretion, in cooperation with the governing bodies of the localities affected and the appropriate federal authority. Such boundaries shall, at a minimum, encompass the entire urban place designated by the U.S. Census Bureau.

"Virginia byway" and "scenic highway" means those highways designated by the Board pursuant to § 33.2-405. For the purposes of this article, a Virginia byway means a scenic byway as referenced in 23 U.S.C. § 131(s).

"Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

§ 33.2-1201. Enforcement of provisions by Commissioner of Highways.

The Commissioner of Highways shall administer and enforce the provisions of this article. He may assign to division engineers and other employees in the Department such duties other than discretionary powers as he may deem appropriate.

§ 33.2-1202. Territory to which article applies.

The territory under the jurisdiction of the Commissioner of Highways for the purposes of this article shall include all of the Commonwealth, exclusive of that portion thereof that lies within the corporate limits of municipalities, except the jurisdiction of the Commissioner of Highways shall apply to all the territory within municipalities on which signs, advertisements, or advertising structures are visible from the main traveled way of any Interstate System highway, federal-aid primary highway as that system existed on June 1, 1991, or National Highway System highway.

§ 33.2-1203. Entry upon lands; hindering Commissioner of Highways or agent.

The Commissioner of Highways and all employees under his direction may enter upon such lands as may be necessary in the performance of their functions and duties as prescribed by this article. Any person who hinders or obstructs the Commissioner of Highways or any assistant or agent of the Commissioner of Highways in carrying out such functions and duties is guilty of a Class 1 misdemeanor.

§ 33.2-1204. Excepted signs, advertisements, and advertising structures.

The following signs and advertisements, if securely attached to real property or advertising structures, and the advertising structures or parts thereof upon which they are posted or displayed are excepted from all the provisions of this article except those enumerated in §§ 33.2-1202, 33.2-1205, and 33.2-1208, subdivisions 2 through 12 of § 33.2-1216, and §§ 33.2-1217 and 33 2-1227:

1. Advertisements securely attached to a place of business or residence and no more than 10 advertising structures, with a combined total area of such advertisements and advertising structures, exclusive of the area occupied by the name of the business, owner, or lessee, of no more than 500 square feet, erected or maintained, or caused to be erected or maintained, by the owner or lessee of such place of business or residence, within 250 feet of such place of business or residence or located on the real property of such place of business or residence and relating solely to merchandise, services, or entertainment sold, produced, manufactured, or furnished at such place of business or residence;

2. Signs erected or maintained, or caused to be erected or maintained, on any farm by the owner or lessee of such farm and relating solely to farm produce, merchandise, services, or entertainment sold, produced, manufactured, or furnished on such farm;

3. Signs upon real property posted or displayed by the owner, or by the authority of the owner, stating that the property upon which the sign is located, or a part of such property, is for sale or rent or stating any data pertaining to such property and its appurtenances and the name and address of the owner and the agent of such owner;

4. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties or by trustees under deeds of trust, deeds of assignment, or other similar instruments;

5. Danger or precautionary signs relating to the premises or signs warning of the condition of or dangers of travel on a highway erected or authorized by the Commissioner of Highways; forest fire warning signs erected under authority of the State Forester; and signs, notices, or symbols erected by the United States government under the direction of the U.S. Forest Service;

6. Notices of any telephone company, telegraph company, railroad, bridges, ferries, or other transportation company necessary in the discretion of the Commissioner of Highways for the safety of the public or for the direction of the public to such utility or to any place to be reached by it;

7. Signs, notices, or symbols for the information of aviators as to location, direction, and landings and conditions affecting safety in aviation erected or authorized by the Commissioner of Highways;

8. Signs of 16 square feet or less and bearing an announcement of any locality, or historic place, museum, or shrine situated in the Commonwealth advertising itself or local industries, meetings, buildings, or attractions, provided such signs are maintained wholly at public expense or at the expense of such historic place, museum, or shrine;

9. Signs or notices of two square feet or less placed at a junction of two or more roads in the primary state highway system denoting only the distance or direction of a church, residence, or place of business, provided such signs or notices do not exceed a reasonable number in the discretion of the Commissioner of Highways;

10. Signs or notices erected or maintained upon property giving the name of the owner, lessee, or occupant of the premises;

11. Advertisements and advertising structures within the corporate limits of cities and towns, except as specified in § 33.2-1202;

12. Historical markers erected by duly constituted and authorized public authorities;

13. Highway markers and signs erected or caused to be erected by the Commissioner of Highways or the Board or other authorities in accordance with law;

14. Signs erected upon property warning the public against hunting, fishing, or trespassing thereon;

15. Signs erected by Red Cross authorities relating to Red Cross Emergency Stations, with authority hereby expressly given for the erection and maintenance of such signs upon the right-of-way of all highways in the Commonwealth at such locations as may be approved by the Commissioner of Highways;

16. Signs advertising agricultural products and horticultural products, or either; when such products are produced by the person who erects and maintains the signs, provided that restriction of the location and number of such signs shall be in the sole discretion of the Commissioner of Highways;

17. Signs advertising only the name, time, and place of bona fide agricultural, county, district, or state fairs, together with announcements of related special events that do not consume more than 50 percent of the display area of such signs, provided the person who posts the signs or causes them to be posted shall post a cash bond as may be prescribed by the Commissioner of Highways adequate to reimburse the Commonwealth for the actual cost of removing such signs that are not removed within 30 days after the last day of the fair so advertised;

18. Signs of no more than eight square feet, or one sign structure containing more than one sign of no more than eight square feet, that denote only the name of a civic service club or church, location and directions for reaching same, and time of meeting of such organization, provided such signs or notices do not exceed a reasonable number as determined by the Commissioner of Highways; and

19. Notwithstanding the provisions of § 33.2-1224, signs containing advertisements or notices that have been authorized by a county and that are securely affixed to a public transit passenger shelter that is owned by that county, provided that no advertisement shall be placed within the right-of-way of the Interstate System, National Highway System, or federal-aid primary system of highways in violation of federal law. The prohibition in subdivision 7 of § 33.2-1216 against placing signs within 15 feet of the nearest edge of the pavement of any highway shall not apply to such signs. The Commissioner of Highways may require the removal of any particular sign located on such a shelter as provided in this subdivision if, in his judgment, such sign constitutes a safety hazard.

§ 33.2-1205. License required of outdoor advertisers.

No person shall engage or continue in the business of outdoor advertising in the Commonwealth outside the corporate limits of municipalities or within the corporate limits of municipalities if their off-premises sign, advertisement, or advertising structure is visible from the main traveled way of any Interstate System, federal-aid primary, or National Highway System highway without first obtaining a license therefor from the Commissioner of Highways. The fee for such license hereby imposed for revenue for the use of the Commonwealth shall be \$500 per year, payable annually in advance. Applications for licenses or renewal of licenses shall be made on forms furnished by the Commissioner of Highways, shall

contain such information as the Commissioner of Highways may require, and shall be accompanied by the annual fee. Licenses granted under this section shall expire on December 31 of each year and shall not be prorated. Applications for renewal of licenses shall be made not less than 30 days prior to the date of expiration. Nothing in this section shall be construed to require any person that advertises upon a structure or fixture on its property or a licensed advertiser's structure or other space to obtain a license.

§ 33.2-1206. Revocation of license and judicial review.

A. The Commissioner of Highways may after 30 days' notice in writing to the licensee revoke any license granted by him upon repayment of a proportionate part of the license fee in any case in which he finds that any of the information required to be given in the application for the license is knowingly false or misleading or that the licensee has violated any of the provisions of this article, unless such licensee, before the expiration of such 30 days, corrects such false or misleading information and complies with the provisions of this article.

B. Any person whose license is so revoked is entitled to judicial review of such revocation in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). Any person aggrieved by such judgment shall have the right of appeal to the Court of Appeals.

§ 33.2-1207. Bond required from out-of-state licensee.

No license to engage or continue in the business of outdoor advertising shall be granted to any person having its principal place of business outside the Commonwealth or that is incorporated outside the Commonwealth for the posting or display of any advertisement or the erection, use, or maintenance of any advertising structure until such person has furnished and filed with the Commissioner of Highways a bond payable to the Commonwealth, with surety approved by the Commissioner of Highways and in a form approved by the Attorney General, in the sum of \$1,000, conditioned that such licensee fulfills all requirements of law and the regulations and orders of the Commissioner of Highways relating to the display of advertisements or the erection of advertising structures. Such bond remains in full force and effect so long as any obligations of such licensee to the Commonwealth remain unsatisfied.

§ 33.2-1208. Permits required.

Except as otherwise provided in this article, no person, whether engaged in the business of outdoor advertising or not, shall erect, use, maintain, post, or display any advertisement or advertising structure outside municipalities in the Commonwealth without first obtaining a permit therefor from the Commissioner of Highways and paying the annual fee therefor, as provided in this article. A permit is required for an off-premises sign, advertisement, or advertising structure authorized by § 33.2-1217 if it is located within a municipality and is visible from the main traveled way of any Interstate System, federal-aid primary, or National Highway System highway.

No bond or permit is required for the posting or display of any advertisement posted or displayed on any advertising structure or space for which a permit has been issued or renewed for the then-current calendar year under the provisions of this article unless such permit has been revoked.

§ 33.2-1209. Applications for permits; fees.

A. A separate application for a permit shall be made for each separate advertisement or advertising structure, on a form furnished by the Commissioner of Highways, which application shall be signed by the applicant or his representative duly authorized in writing to act for him and shall describe and set forth the size, shape, and nature of the advertisement or advertising structure it is proposed to post, display, erect, or maintain and its actual or proposed location with sufficient accuracy to enable the Commissioner of Highways to identify such advertisement or advertising structure and to find its actual or proposed location.

B. Each application shall be accompanied by an application fee in an amount determined on the basis of the area of the advertisement or advertising structure for which the permit is sought, according to the following schedule:

1. \$15 if such area does not exceed 74 square feet;
2. \$30 if such area exceeds 74 square feet but does not exceed 1,824 square feet; and
3. \$165 if such area exceeds 1,824 square feet.

In the computation of fees under this subsection, each side of the advertisement or advertising structure used or constructed to be used shall be separately considered. If the applicant elects to use an electronic application, the fee shall be reduced by \$5 per application.

The fee shall be retained by the Commissioner of Highways if the permit is issued. If the permit is refused, the Commissioner of Highways shall refund one-half of the application fee to the applicant.

C. In addition to the fees required by subsection B, on any original application for an advertisement or advertising structure there shall be imposed an inspection charge of \$50 for any advertisement or advertising structure to be located on an Interstate System, federal-aid primary, or National Highway System highway and \$25 for any advertisement or advertising structure to be located on any other highway.

D. Each application shall be accompanied by the written consent, or in lieu thereof a copy certified by an officer authorized to take acknowledgments to deeds in the Commonwealth, of the owner of the real property upon which such advertisement or advertising structure is to be erected, used, maintained, posted, or displayed, or of such other person having the legal right to grant such consent, or of the duly authorized agent of such owner or other person, except that in the marsh or meadowland owned by the Commonwealth along either side of the causeway leading from the mainland to the Town of Chincoteague, the legal right to grant such consent shall be vested in the local governing body of such town.

E. Application shall be made in like manner for a permit to use, maintain, or display an existing advertisement or advertising structure.

§ 33.2-1210. Duration and renewal of permit.

Except as provided in § 33.2-1212, permits issued in accordance with this article shall run for the calendar year and may be renewed upon application made upon forms furnished by the Commissioner of Highways and the payment of the same fee required to be paid upon application for a permit. Fees for renewal of permits using the Department's electronic application renewal process shall be reduced by \$5 per permit being renewed. Permits shall not be extended or renewed in cases where the permittee has not exercised the privilege of erecting such advertising structure or displayed such advertisement during the period for which the permit was issued. Annual permits issued after December 15 shall cover the following calendar year.

§ 33.2-1211. Revocation of permit.

The Commissioner of Highways may, after 30 days' notice in writing to the permittee, revoke any permit issued by him under § 33.2-1208 upon repayment of a proportionate part of the fee in any case in which it appears to the Commissioner of Highways that the application for the permit contains knowingly false or misleading information, that the permittee has failed to keep in a good general condition and in a reasonable state of repair the advertisement or advertising structure for which such permit was issued, or that the permittee has violated any of the provisions of this article, unless such permittee, before the expiration of such 30 days, corrects such false or misleading information or makes the necessary repairs or improvement in the general condition of such advertisement or advertising structure or complies with the provisions of this article. If the erection, maintenance, and display of any advertisement or advertising structure for which a permit is issued by the Commissioner of Highways and the permit fee has been paid as above provided is prevented by any zoning board, commission, or other public agency that also has jurisdiction over the proposed advertisement or advertising structure or its site, the application fee for such advertisement or advertising structure shall be returned by the Commissioner of Highways and the permit revoked. However, one-half of the application fee shall be deemed to have accrued upon the erection of an advertising structure or the display of an advertisement followed by an inspection by the Commissioner of Highways or his representative.

§ 33.2-1212. Temporary permit.

In any case in which an applicant for a permit certifies in his application that he is unable to state the actual or proposed location of the advertisement or advertising structure or to file the written consent of the landowner or other person having the legal right to the real estate upon which the advertisement or advertising structure is to be erected, used, maintained, posted, or displayed, the Commissioner of Highways shall issue to such applicant a temporary permit, which shall expire 60 days from the date of issue, together with the proper identification number to be attached to such advertisement or advertising structure. Applications for temporary permits must indicate the county and route on which the advertisement or advertising structure is to be located and must be accompanied by a fee of \$2 to cover the cost of issuance of the temporary permit. If within such 60 days the applicant files with the Commissioner of Highways an application setting forth all of the information required in § 33.2-1209, together with the required fees, the Commissioner of Highways shall issue to such applicant a permit. In the event that the permit is not issued, the fees submitted shall be returned, except the \$2 for the temporary permit.

§ 33.2-1213. Appeal from refusal or revocation of permit.

Any person aggrieved by any action of the Commissioner of Highways in refusing to grant or in revoking a permit under § 33.2-1209 or 33.2-1211 may appeal from the decision of the Commissioner of Highways in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

§ 33.2-1214. Transfer of licenses and permits to successor concerns.

Any license or permit issued pursuant to this article may be transferred to any person that acquires as a successor the business of the person for whom such license or permit was issued.

§ 33.2-1215. Identification of advertising structure or advertisement.

The Commissioner of Highways shall require that each advertising structure and each advertisement not posted or displayed on an advertising structure bear an identification number furnished by the Commissioner of Highways and, if erected, maintained, or displayed by a licensed outdoor advertiser, also bear its name. The Commissioner of Highways shall make suitable provisions for the details thereof.

§ 33.2-1216. Certain advertisements or structures prohibited.

No advertisement or advertising structure shall be erected, maintained, or operated:

1. Within 660 feet of the nearest edge of the right-of-way of the Blue Ridge Parkway, the Colonial National Parkway, the Mount Vernon Boulevard, or any other parkway within the Commonwealth or within 660 feet of any public cemetery, public park reservation, public playground, national forest, or state forest, outside the limits of any municipality; however, any advertisement or advertising structure that is lawfully in place on April 6, 1966, and that does not conform to the 660-foot distance requirement may be maintained for the life of the advertisement or advertising structure;

2. That involves motion or rotation of any part of the structure, moving reflective disks, or running animation or that displays an intermittent light or lights visible from any highway. The prohibition of this subdivision shall not apply to (i) an advertisement or advertisement structure with messages that change no more than once every four seconds and that is

consistent with agreements entered into between the Commissioner of Highways and the U.S. Department of Transportation or (ii) an on-premises advertisement or advertising structure with messages displayed as scrolling words or numbers;

3. That uses the words "stop" or "danger" prominently displayed or presents or implies the need or requirement of stopping or the existence of danger on any highway or that is a copy or imitation of official highway signs;

4. That, within visible distance of any highway, advertises any county, city, town, historic place, museum, or shrine without the consent in writing of such county, city, or town or of the owner of such historic place or shrine;

5. That is mobile and is designed to and effectively does distract the attention of passing motorists on any highway by flashing lights, loud and blatant noises, or movable objects;

6. That involves red, green, or amber lights or reflectorized material and resembles traffic signal lights or traffic control signs and is within visible distance of any highway;

7. Within 15 feet of the nearest edge of the pavement of any highway; however, the Commissioner of Highways may waive this restriction whenever the advertisement or advertising structure is actually anchored outside of the right-of-way and, within his discretion, does not constitute a safety hazard or conflict with any other restriction contained in this section;

8. At any public road intersection in such a manner as would obstruct the clear vision in either direction between a point on the center line of the side road 20 feet from the nearest edge of the pavement of the main road and points on the main road 400 feet distant, measured along the nearest edge of the pavement of the main road;

9. At any grade intersection of a public road and a railroad in such a manner as would obstruct the clear vision in either direction within triangular areas formed by (i) a point at the center of the railroad-public road intersection, (ii) a point on the public road 400 feet from the center of the railroad-public road intersection as measured along the center of the public road, and (iii) a point on the railroad 500 feet from the center of the railroad-public road intersection as measured along the center of the railroad;

10. At or near any curve in a road in such a manner as to obstruct the clear vision of traffic from any one point on such curve to any other point not more than 400 feet apart, as measured between each point from the nearest edge of the pavement;

11. That advertises activities that are illegal under state or federal laws or regulations in effect at the location of such sign or advertisement or at the location of such activities;

12. That is obsolete or inconsistent with this article or regulations adopted by the Board pursuant to this article; or

13. After December 18, 1991, adjacent to any Interstate System, federal-aid primary, or National Highway System highway in the Commonwealth that has been designated as a Virginia byway or scenic highway, except directional and official signs and notices defined in this article and regulations adopted pursuant to this article, on-premises signs, and signs advertising the sale or lease of property upon which they are located.

§ 33.2-1217. Special provisions pertaining to Interstate System, National Highway System, and federal-aid primary highways.

A. Notwithstanding the territorial limitation set out in § 33.2-1202, no sign or advertisement adjacent to any Interstate System, National Highway System, or federal-aid primary highway shall be erected, maintained, or displayed that is visible from the main traveled way within 660 feet of the nearest edge of the right-of-way, except as provided in subsections B and D, and outside of an urban area, no sign or advertisement beyond 660 feet of the nearest edge of the right-of-way of any Interstate System, National Highway System, or federal-aid primary highway that is visible from the main traveled way shall be erected, maintained, or displayed with the purpose of its message being read from the main traveled way, except as set forth in subsection C.

B. The following signs, advertisements, or advertising structures may be erected, maintained, and displayed within 660 feet of the right-of-way of any Interstate System, National Highway System, or federal-aid primary highway:

Class 1: Official signs. Directional and official signs and notices, including signs and notices pertaining to the availability of food, lodging, vehicle service and tourist information, natural wonders, scenic areas, museums, and historic attractions, as authorized or required by law; however, where such signs or notices pertain to facilities or attractions that are barrier free, such signs or notices shall contain the International Symbol of Access. The Board shall determine the type, lighting, size, location, number, and other requirements of signs of this class.

Class 2: On-premises signs. Signs not prohibited by other parts of this article that are consistent with the applicable provisions of this section and that advertise the sale or lease of, or activities being conducted upon, the real property where the signs are located, provided that any such signs that are located adjacent to and within 660 feet of any Interstate System highway and do not lie in commercial or industrial zones within the boundaries of incorporated municipalities, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or in areas where land use as of September 21, 1959, was clearly established by state law as industrial or commercial, shall comply with the following requirements:

1. Not more than one sign advertising the sale or lease of the same property may be erected or maintained in such manner as to be visible to traffic proceeding in any one direction on any one Interstate System highway;

2. Not more than one sign visible to traffic proceeding in any one direction on any one Interstate System highway and advertising activities being conducted upon the real property where the sign is located may be erected or maintained more than 50 feet from the advertised activity, and no such sign may be located more than 250 feet from the center of the advertised activity; and

3. No sign, except one that is not more than 50 feet from the advertised activity, that displays any trade name that refers to or identifies any service rendered or product sold may be erected or maintained unless the name of the advertised activity is displayed as conspicuously as such trade name.

Class 3: Other signs. Any signs or advertisements that are located within areas adjacent to any Interstate System, National Highway System, or federal-aid primary highway that are zoned industrial or commercial under authority of state law or in unzoned commercial or industrial areas as determined by the Board from actual land uses. The Board shall determine the size, lighting, and spacing of signs of this class, provided that such determination shall be no more restrictive than valid federal requirements on the same subject.

C. The following signs, advertisements, or advertising structures may be erected, maintained, and displayed beyond 660 feet of the right-of-way of any Interstate System, National Highway System, or federal-aid primary highway outside urban areas:

1. Class 1 and Class 2 signs, advertisements, or advertising structures set forth in subsection B.

2. All other signs, advertisements, or advertising structures erected, maintained, or displayed more than 660 feet from the nearest edge of the right-of-way of an Interstate System, National Highway System, or federal-aid primary highway, unless such sign or advertisement is visible from the main traveled way of such highways and erected, maintained, or displayed with the purpose of its message being read from the main traveled way of such highways.

In determining whether a sign, advertisement, or advertising structure is "erected, maintained, or displayed with the purpose of its message being read," the Commissioner of Highways shall consider, at a minimum, the nature of the business or product advertised thereon, the availability of such business or product to users of the controlled highway, and the visibility of the sign, advertisement, or advertising structure from the main traveled way of the controlled highway. Such visibility may be measured by considering the size or height of the sign, advertisement, or advertising structure; the configuration, size, and height of recognizable emblems, images, and lettering thereon; the angle of the sign, advertisement, or advertising structure to the main traveled way of the controlled highway; the degree to which physical obstructions hinder the view of the sign, advertisement, or advertising structure from the main traveled way of the controlled highway; and the time during which such sign, advertisement, or advertising structure is exposed to view by travelers on the main traveled way of the controlled highway traveling at the maximum and minimum speeds posted.

D. In order to provide information in the specific interest of the traveling public, the Department is authorized to maintain maps, permit informational directories and advertising pamphlets to be made available at rest areas, and establish information centers at rest areas for the purpose of informing the public of places of interest within the Commonwealth and providing such other information as may be considered desirable.

E. Notwithstanding any other provision of law, lawfully erected and maintained nonconforming signs, advertisements, and advertising structures shall not be removed or eliminated by amortization under state law or local ordinances without compensation as described in subsection F.

F. The Commissioner of Highways is authorized to acquire by purchase, gift, or the power of eminent domain and to pay just compensation upon the removal of nonconforming signs, advertisements, or advertising structures lawfully erected and maintained under state law or state regulations, provided that subsequent to November 6, 1978, whenever any local ordinance that is more restrictive than state law requires the removal of such signs, advertisements, or advertising structures, the local governing body shall initiate the removal of such signs, advertisements, or advertising structures with the Commissioner of Highways, who shall have complete authority to administer the removal of such signs, advertisements, or advertising structures. Upon proof of payment presented to the local governing bodies, the local governing bodies shall reimburse the Commissioner of Highways the funds expended that are associated with the removal of such signs, advertisements, or advertising structures required by local ordinances, less any federal funds received for such purposes. Notwithstanding the provisions of this subsection, nothing shall prohibit the local governing bodies from removing signs, advertisements, or advertising structures that are made nonconforming solely by local ordinances so long as those ordinances require the local governing bodies to pay 100 percent of the cost of removing them and just compensation upon their removal.

Such compensation is authorized to be paid only for the taking from the owner of such sign or advertisement of all right, title, leasehold, and interest in such sign or advertisement and the taking from the owner of the real property on which the sign or advertisement is located of the right to erect and maintain such sign or advertisement thereon.

The Commissioner of Highways shall not be required to expend any funds under this section unless and until federal-aid matching funds are made available for this purpose.

§ 33.2-1218. Removal of billboard signs under this chapter prohibited without just compensation.

Notwithstanding any other provision of law, no billboard sign subject to this chapter may be removed by action of a county, city, or town under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2 without the payment of just compensation by the county, city, or town unless the billboard sign cannot remain on the property due to the site constraints of the property and removal of the billboard sign is therefore necessary for development on the property. The property owner may terminate the leasehold or other right of the billboard sign to remain on the property in accordance with the terms and conditions of the contract between the property owner and the billboard sign owner, but may not be required to do so by the county, city, or town as a condition of obtaining development approval for the property unless removal of the billboard sign is necessary for development of the property or the billboard sign is nonconforming and is the principal use on the property and the zoning ordinance permits only one principal use on the property.

§ 33.2-1219. Maintenance and repair of nonconforming billboard signs.

Notwithstanding any other provision of law, maintenance of and repairs to nonconforming billboard signs shall be governed by this section and any applicable regulations promulgated by the Commissioner of Highways, known as the "Control and Continuance of Nonconforming Signs, Advertisements, and Advertising Structures." Nonconforming billboard signs shall be maintained in a good state of repair and shall be subject to removal for failure to do so, in accordance with §§ 33.2-1211 and 33.2-1229. In order to make repairs to a nonconforming billboard sign, the owner shall make a written request to the Commissioner of Highways and submit the documentation required by 24VAC30-120-170. The Commissioner of Highways shall review the written request, and if the Commissioner of Highways determines that the cost of requested repairs does not exceed a dollar amount greater than 50 percent of the current replacement cost of the entire billboard sign or structure, the Commissioner of Highways shall provide the owner of the billboard sign with a letter approving the billboard sign repairs. However, in no case shall a nonconforming billboard sign be replaced or rebuilt if the cost of the replacement or rebuilding exceeds 50 percent of the current replacement cost. The owner of the billboard sign shall apply for a building permit from the locality in which the billboard sign is located and provide a copy of the approval letter from the Commissioner of Highways as part of the application for the building permit. The Commissioner's determination as to whether the owner of the billboard sign has complied with this section shall be binding upon the locality unless the building official, for good cause shown, submits to the Commissioner of Highways documentation objecting to the Commissioner's determination within 30 days of the building permit application, with a copy of such documentation being provided to the billboard sign owner. The Commissioner of Highways shall consider any documentation submitted by the building official and shall reissue a determination in accordance with this section, which determination shall be binding upon the locality.

§ 33.2-1220. Regulations and agreements with United States implementing § 33.2-1217.

The Board may issue regulations and is authorized to enter into agreements with the United States as provided in 23 U.S.C. § 131 with respect to the regulation and control of signs, advertisements, and advertising structures in conformity with § 33.2-1217, provided that such agreements shall not prevent the General Assembly of Virginia from amending or repealing § 33.2-1217 at any time, and provided further that in the event the federal law is amended to lessen the special restrictions applicable to signs, advertisements, and advertising structures adjacent to Interstate System or federal-aid primary highways, the Board is authorized to adopt regulations to conform to such change in federal law and to amend any agreement with the United States relating to such control.

§ 33.2-1221. Selective pruning permits; fees; penalty.

A. As used in this section, "local beautification project" means any project in a locality that includes installation of plant materials, using public or other funds, in any public right-of-way within a county, city, or town.

B. Notwithstanding the provisions of § 33.2-1202 or any other provision of law:

1. The Commissioner of Highways shall by permit authorize the selective pruning, within highway rights-of-way, as highways are defined in § 33.2-1200, including within corporate limits of municipalities, of vegetation that obstructs motorists' view of signs displayed on outdoor advertising structures legally erected and properly maintained along the highways. Permits authorizing such pruning shall be issued in accordance with this section.

a. All work performed under the permit shall be (i) subject to the direction of the Commissioner of Highways, (ii) supervised on-site by a certified arborist approved by the Commissioner of Highways, (iii) completed to the satisfaction of the Commissioner of Highways, and (iv) performed solely at the expense of the permittee.

b. All pruning shall be performed in a manner that (i) creates a picture frame effect around the sign and (ii) beautifies the area surrounding the advertising structure. All cutting shall be limited to vegetation with trunk base diameters of less than six inches. Pruning cuts of limbs or branches or other vegetation with diameters greater than four inches and clear cutting shall not be authorized and shall be strictly prohibited. Pruning of vegetation in a highway median shall not be permitted where the locality within which the pruning is to be done has a local beautification project in the area within the scope of the selective pruning application; however, relocation or replanting of such vegetation shall be permitted in accordance with a landscaping plan as provided in this section.

c. Any diseased or unsightly vegetation or any vegetation that endangers the health or retards the growth of desirable vegetation may be removed at the discretion of the certified arborist supervising the work. Any such removed vegetation shall be replaced at the permittee's expense with desirable vegetation.

2. The requirements of this section shall not apply to the owner or authorized agent of the owner of any sign, advertisement, or advertising structure exempted from the provisions of this article by § 33.2-1204.

3. The Commissioner of Highways shall promulgate such regulations as he deems necessary or desirable to carry out the provisions of this section. Such regulations shall include the following requirements:

a. Every application for a permit submitted under this section shall be accompanied by photographs of the affected site and a detailed description of work proposed to be performed.

b. A fee of \$400 shall accompany every application made to the Commissioner of Highways or, if applicable, to the locality within which the pruning is to be performed. All such fees collected by the Commissioner of Highways shall be paid by the Commissioner of Highways into the state treasury and allocated to the Board.

c. Every applicant shall post a bond payable to the Commonwealth, with surety approved by the Commissioner of Highways and in a form approved by the Attorney General, in the sum of \$2,500, conditioned on the permittee's fulfillment of all requirements of the permit.

d. No permit shall be issued under this section in order to create a new site for an outdoor advertising structure.

4. Where the applicant is seeking a vegetation control permit in a locality where the public right-of-way is within the jurisdictional limits of a city or town on a highway or street not within the jurisdiction of the Commissioner of Highways under § 33.2-1202 or on a highway or street in a county having the county manager form of government, the Commissioner of Highways shall delegate the administration of this section to that locality, and if so delegated, the locality shall apply the provisions of this section.

5. If there are plant materials in the public right-of-way that are part of a local beautification project, the Commissioner of Highways or the locality, as the case may be, may include a requirement in accordance with the provisions of subdivisions 4 through 7 that as a condition of the issuance of a vegetation control permit for selective pruning, the applicant must submit a landscaping plan showing how the applicant will relocate or replant the vegetation obstructing the motorists' view from the main traveled way of the highway or street of signs displayed on outdoor advertising structures, in lieu of the selective pruning of such plant materials. In the absence of the existence of a local beautification project in the area within the scope of the selective pruning application, no landscaping plan requirement shall be imposed on the applicant.

6. If subdivision 5 is applicable, the applicant shall pay the reasonable costs of implementing the landscaping plan, which may include relocating existing plant materials, purchasing new replacement plant materials, and planting vegetation that will not grow to a height or position in the future so as to obstruct motorists' view from the main traveled way of the highway or street of signs displayed on outdoor advertising structures, as otherwise set out in the landscaping plan.

7. The provisions of subdivisions 4 through 6 shall apply to any local beautification project installed prior to July 1, 2006. On and after July 1, 2006, the locality shall not plant materials that obstruct motorists' view from the main traveled way of the highway or street of signs displayed on outdoor advertising structures. If the local beautification project violates this section, in addition to other applicable penalties, the locality shall bear the costs to bring such beautification project into compliance with this section.

8. The locality shall provide a 30-day written notice to the Commissioner of Highways prior to installation of a local beautification project within the right-of-way of a Department maintained highway that may obstruct the motorists' view of signs displayed on outdoor advertising structures. Such notice shall include a description of the plant materials to be used in, and a copy of the plans for, such beautification project.

9. Any application for vegetation control in compliance with this section submitted to the Commissioner of Highways shall be acted upon within 60 days of submission or shall be deemed approved. Any application for vegetation control in compliance with this section submitted to any city or town or on a highway or street in a county with the county manager form of government shall be acted upon within 60 days of submission or shall be deemed approved. The locality may impose conditions in approval of the landscaping plan consistent with this section and the regulations promulgated thereto. If the locality is not satisfied that the landscaping plan submitted by the applicant complies with this section, the locality may appeal to the Commissioner of Highways prior to the expiration of the 60-day period from the date of submission. If the applicant objects to the conditions imposed by the locality as part of the approval of the landscaping plan, the applicant may appeal to the Commissioner of Highways within 30 days after the final action on the landscaping plan. The appealing party shall submit a written appeal to the Commissioner of Highways, stating the reasons for such appeal, along with a fee of \$400. The Commissioner of Highways shall review the landscaping plan and the reasons for the appeal and shall issue a determination in accordance with this section within 30 days after filing of the appeal, which determination shall be binding upon the applicant and the locality.

10. Upon issuance of a vegetation control permit in accordance with this section, the applicant shall give written notice, at least seven days in advance of any site work, as authorized by the permit, of the date and time of the commencement of the site work as approved by the permit. Such written notice shall be given to the Commissioner of Highways unless the public right-of-way is within the jurisdictional limits of a city or town on a highway or street not within the jurisdiction of the Commissioner under § 33.2-1202, in which case the written notice shall be given to the local government official who approved the permit.

11. Any person, firm, or corporation found by a court of competent jurisdiction to have violated any provision of this section, any regulation adopted pursuant to this section, or any permit issued under this section shall be subject to the penalties provided in § 33.2-1229.

§ 33.2-1222. Tree-trimming policies.

The Board shall adopt policies governing the pruning and trimming of trees during nonemergency conditions by the employees, agents, and contractors of the Department of Transportation in order to preserve roadside trees that do not adversely affect highway operations, maintenance, or safety. Such policies shall be developed in consultation with an advisory group whose members shall include representatives of the Department of Transportation, the Department of Forestry, Scenic Virginia, and the American Society of Consulting Arborists and shall be consistent with generally accepted standards recommended by nationally recognized organizations, including the American National Standards Institute.

§ 33.2-1223. Pasting advertisements prohibited in certain instances.

No advertisement shall be pasted or glued on any building, fence, wall, tree, rock, or other similar structure or object unless the same structure or object is an advertising structure for which a permit has been issued and is in effect.

§ 33.2-1224. Signs or advertising on rocks, poles, etc., within limits of highway; civil penalty.

Any person who in any manner (i) paints, prints, places, puts, or affixes any sign or advertisement upon or to any rock, stone, tree, fence, stump, pole, mile-board, milestone, danger-sign, guide-sign, guidepost, highway sign, historical marker,

building, or other object lawfully within the limits of any highway or (ii) erects, paints, prints, places, puts, or affixes any sign or advertisement within the limits of any highway is subject to a civil penalty of \$100. Each occurrence shall be subject to a separate penalty. All civil penalties collected under this section shall be paid into the Highway Maintenance and Operating Fund. Signs or advertisements placed within the limits of the highway are hereby declared a public and private nuisance and may be forthwith removed, obliterated, or abated by the Commissioner of Highways or his representatives without notice. The Commissioner of Highways may collect the cost of such removal, obliteration, or abatement from the person erecting, painting, printing, placing, putting, affixing, or using such sign or advertisement. When no one is observed erecting, painting, printing, placing, putting, or affixing such sign or advertisement, the person, firm, or corporation being advertised shall be presumed to have placed the sign or advertisement and shall be punished accordingly. Such presumption, however, shall be rebuttable by competent evidence. In addition, the Commissioner of Highways or his representative may seek to enjoin any recurring violator of this section. The Commissioner of Highways may enter into agreements with any local governing body authorizing local law-enforcement agencies or other local governmental entities to act as agents of the Commissioner of Highways for the purpose of (i) enforcing the provisions of this section and (ii) collecting the penalties and costs provided for in this section. Any such agreement may provide that penalties and costs collected pursuant to such agreement shall be paid as agreed.

The provisions of this section shall not apply to signs or outdoor advertising regulated under other provisions of this chapter.

§ 33.2-1225. Commissioner of Highways may enter into certain agreements; civil penalties.

A. The Commissioner of Highways may enter into agreements with the local governing body of Fairfax County authorizing local law-enforcement agencies or other local governmental entities to act as agents of the Commissioner of Highways for the purpose of (i) enforcing the provisions of § 33.2-1224 and (ii) collecting the civil penalties and costs provided for in that section. However, the local governing body of Fairfax County shall not enter into any such agreement until it has held a public hearing thereon.

B. Notwithstanding the provisions of § 33.2-1224, the penalties and costs collected under this section shall be paid to Fairfax County.

C. Notwithstanding subsections A and B, signs and advertising promoting or providing directions to a special event erected from Saturday through the following Monday shall not be subject to an agreement provided for in subsection A.

D. If Fairfax County acts as an agent of the Commissioner of Highways under this section, then it shall require each of its employees and any volunteers who are authorized to act on behalf of the County to comply with the provisions of this section and any other applicable law. If a lawfully placed sign is confiscated by an employee or volunteer authorized to act for the County in violation of the authority granted under this section, the sign owner shall have the right to reclaim the sign within five business days of the date of such confiscation.

§ 33.2-1226. Harmony of regulations.

No zoning board or commission or any other public officer or agency shall permit any sign, advertisement, or advertising structure that is prohibited under the provisions of this article, nor shall the Commissioner of Highways permit any sign, advertisement, or advertising structure that is prohibited by any other public board, officer, or agency in the lawful exercise of its powers.

§ 33.2-1227. Violation a nuisance; abatement.

Any sign, advertisement, or advertising structure that is erected, used, maintained, operated, posted, or displayed for which no permit has been obtained where such is required, or after revocation or more than 30 days after expiration of a permit, is hereby declared to be a public and private nuisance and may be forthwith removed, obliterated, or abated by the Commissioner of Highways. The Commissioner of Highways may collect the cost of such removal, obliteration, or abatement from the person erecting, using, maintaining, operating, posting, or displaying such sign, advertisement, or advertising structure.

§ 33.2-1228. Disposition of fees.

All moneys received by the Commissioner of Highways under the provisions of this article shall be paid by him into the state treasury, except as provided in §§ 33.2-1224 and 33.2-1229, and allocated to the Board for use in the regulation and control of outdoor advertising and landscaping of highways.

§ 33.2-1229. Penalties for violation.

A. Notwithstanding any other provision of law, any person, firm, or corporation that violates any provision of this article or applicable regulations that fails to take corrective action within 30 days as specified in a written notice from the Commissioner of Highways shall be subject to any or all of the following penalties:

1. A civil penalty of not more than \$250 per violation. Each day during which the violation continues after a final determination by the Commissioner of Highways of such violation shall be deemed a separate violation;
2. Revocation by the Commissioner of Highways of any permit for the sign; or
3. Removal of the sign by the Commissioner of Highways. The Commissioner of Highways may collect the costs of the removal from the owner of the sign.

B. Any person aggrieved by the action of the Commissioner of Highways in enforcing the provisions of subsection A may appeal the decision of the Commissioner of Highways in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

C. The Commissioner of Highways may remove signs without giving a corrective action notice as provided in subsection A (i) for any violation of subdivision 3, 6, 7, 8, 9, or 10 of § 33.2-1216 or of § 33.2-1223 or (ii) if the Commissioner of Highways determines that the sign poses a risk to highway safety.

D. The Commissioner of Highways may recover all civil penalties authorized in subsection A in any manner permitted by law, including (i) the placement of a tax lien on the owner's real property upon which the sign is located and (ii) the use of the Setoff Debt Collection Act (§ 58.1-520 et seq.).

E. All civil penalties collected under this section shall be paid into the Highway Maintenance and Operating Fund.

§ 33.2-1230. Construction of article.

This article shall be liberally construed with a view to the effective accomplishment of its purposes.

Article 2.

False and Misleading Signs.

§ 33.2-1231. Prohibition of false and misleading signs.

It shall be unlawful for any person to erect or maintain alongside, or in plain view of, any public highway any false or misleading sign of any kind or character purporting to furnish travel information relating to place or direction. It shall be unlawful for any person to erect or maintain alongside, or in plain view of, any public highway any sign of any kind or character purporting to furnish travel information relating to merchandise or services unless the design of such sign, the information thereon, and the location thereof are approved in writing by the Commissioner of Highways, provided that the provisions of this section as to merchandise and service shall not:

1. Apply to or restrict the right of any person to post, display, erect, or maintain on any store, dwelling house, or other building, together with so much land therewith as shall be necessary for the convenience, use, and enjoyment thereof, or on any mercantile appliances, contrivances, or machinery annexed or immediately adjacent thereto, any sign advertising goods, merchandise, real or personal property, business services, entertainment, or amusements actually and in good faith manufactured, produced, bought, sold, conducted, furnished, or dealt in on the premises;

2. Limit or restrict the publication of official notices by or under the direction of any public or court officer in the performance of his official or directed duties;

3. Limit or restrict notice of sale by a trustee under a deed of trust, deed of assignment, or other similar instrument; or

4. Apply to or restrict the right of any property owner or his agent, lessee, or tenant to maintain any sign offering to the public farm products, including livestock of every kind, or board or lodging or similar entertainment, or the sale, rental, or lease of the property.

Nothing in this section shall limit the right of any person, firm, or corporation to erect signs that advertise natural scenic attractions in the Commonwealth.

§ 33.2-1232. Penalty for violation of § 33.2-1231.

Any person who violates any of the provisions of § 33.2-1231 shall be subject to a fine not to exceed \$10 for each offense, and it shall be deemed a separate offense for the same person to erect, or permit to be erected, a similar sign at each of two or more places.

§ 33.2-1233. Removal of false or misleading signs by Commissioner of Highways.

Whenever the Commissioner of Highways determines that a sign gives incorrect information in violation of this article, he shall notify the person who erected such sign and the person on whose property it is located, in writing, to remove it immediately, and if it is not removed within 10 days after receipt of such notice, the Commissioner of Highways shall remove and destroy such sign, or cause it to be removed and destroyed, without liability for damages therefor; and if any person convicted of erecting or maintaining any such sign, or of permitting the same to be erected or maintained, as provided in this article shall fail or refuse to remove such sign within 10 days after such judgment of conviction, the Commissioner of Highways shall remove and destroy such sign without liability for damages.

CHAPTER 13.

WOODROW WILSON BRIDGE AND TUNNEL COMPACT.

§ 33.2-1300. Preamble; Woodrow Wilson Bridge and Tunnel Compact.

Whereas, traffic congestion imposes serious economic burdens on the metropolitan Washington, D.C., area, costing each commuter an estimated \$1,000 per year; and

Whereas, the volume of traffic in the metropolitan Washington, D.C., area is expected to increase by more than 70 percent between 1990 and 2020; and

Whereas, the deterioration of the Woodrow Wilson Memorial Bridge and the growing population of the metropolitan Washington, D.C., area contribute significantly to traffic congestion; and

Whereas, the Bridge serves as a vital link in the Interstate Highway System and in the Northeast corridor; and

Whereas, identifying alternative methods for maintaining this vital link of the Interstate System is critical to addressing the traffic congestion of the area; and

Whereas, the Bridge is the only drawbridge in the metropolitan Washington, D.C., area on the Interstate System; and

Whereas, the Bridge is the only segment of the Capital Beltway with only six lanes; and

Whereas, the Bridge is the only segment of the Capital Beltway with a remaining expected life of less than 10 years; and

Whereas, the Bridge is the only part of the Interstate Highway System owned by the federal government; and

Whereas, the Bridge was constructed by the federal government; and

Whereas, prior to the date of the enactment of this Act, the federal government will have contributed 100 percent of the cost of building and rehabilitating the Bridge; and

Whereas, the federal government has a continuing responsibility to fund future costs associated with the upgrading of the Interstate Route 95 crossing, including the rehabilitation and construction of the Bridge; and

Whereas, the Woodrow Wilson Memorial Bridge Coordination Committee is undertaking planning studies pertaining to the Bridge, consistent with the National Environmental Policy Act of 1969 (42 U.S.C. § 4321 et seq.) and other applicable federal laws; and

Whereas, the transfer of ownership of the Bridge to a regional authority under the terms and conditions described in this Act would foster regional transportation planning efforts to identify solutions to the growing problem of traffic congestion on and around the Bridge; and

Whereas, the Authority shall maximize the use of existing public or private sector entities to provide necessary project services, including management, construction, legal, accounting, and operating services and not create a new bureaucracy or organizational structure; and

Whereas, any material change to the Bridge must take into account the interests of nearby communities, the commuting public, federal, state, and local government organizations, and other affected groups; and

Whereas, a commission of congressional, state, and local officials and transportation representatives has recommended to the Secretary of the United States Department of Transportation that the Bridge be transferred to an independent authority to be established by the State of Maryland, the District of Columbia and the Commonwealth of Virginia; now, therefore,

The State of Maryland, the District of Columbia and the Commonwealth of Virginia, hereinafter referred to as the signatories, do hereby covenant and agree as follows:

WOODROW WILSON BRIDGE AND TUNNEL COMPACT.

CHAPTER I.

GENERAL COMPACT PROVISIONS.

Article I.

Authority Created.

There is hereby created the Woodrow Wilson Bridge and Tunnel Authority, hereinafter referred to as the "Authority."

Article II.

Powers and Duties.

The Authority shall be an instrumentality and common agency of the Commonwealth of Virginia, the District of Columbia and the State of Maryland, and shall have the powers and duties set forth in this compact and such additional powers and duties as may be conferred upon it by subsequent action of the signatories.

Article III.

Board; Terms of Office; Officers.

1. The Authority shall be governed by a board of nine voting and two nonvoting members appointed as follows:

- a. Three members shall be appointed by the Governor of the Commonwealth of Virginia;*
- b. Three members shall be appointed by the Governor of the State of Maryland;*
- c. Two members shall be appointed by concurrence of the Mayor of the District of Columbia and the Governors of Maryland and Virginia;*
- d. One member shall be appointed by the U.S. Secretary of Transportation; and*
- e. Two additional members, who shall be nonvoting members, shall be appointed by the Mayor of the District of Columbia.*

2. Members, other than members who are elected officials, shall have backgrounds in finance, construction lending, and infrastructure policy disciplines. At least one member of the Board from Maryland and one member of the Board from Virginia shall be elected officials each of whom represents a political subdivision that has jurisdiction over the area at an end of the project bridge, bridges or tunnels.

3. No person in the employment of or holding any official relationship to any person or company doing business with the Authority, or having any interest of any nature in any such person or company or affiliate or associate thereof, shall be eligible for appointment as a member or to serve as an employee of the Authority or to have any power or duty or receive any compensation in relation thereto.

4. The Chairperson of the Authority shall be elected from among the voting members on a biennial basis.

5. The members may also elect a secretary and a treasurer, or a secretary-treasurer, who may be members of the Authority, and prescribe their duties and powers.

6. Each member shall serve a six-year term, except that each signatory shall make its initial appointments as follows:

- a. One member appointed by the Governor of Maryland and one member appointed by the Governor of Virginia shall each be appointed for a six-year term;*
- b. One member appointed by the Governor of Maryland and one member appointed by the Governor of Virginia shall each be appointed for a four-year term;*
- c. One member appointed by the Governor of Maryland and one member appointed by the Governor of Virginia shall each be appointed for a two-year term;*

d. One member appointed by concurrence of the Governors of Maryland and Virginia and the Mayor of the District of Columbia shall be appointed for a six-year term;

e. One member appointed by concurrence of the Governors of Maryland and Virginia and the Mayor of the District of Columbia shall be appointed for a four-year term; and

f. The member appointed by the U.S. Secretary of Transportation shall be appointed for a two-year term.

g. The initial terms of the nonvoting members appointed by the Mayor of the District of Columbia shall be as follows:

(1) One member shall be appointed for a six-year term; and

(2) One member shall be appointed for a four-year term.

7. The failure of a signatory or the Secretary of Transportation to appoint one or more members shall not impair the Authority's creation or operations when the signatories and Authority are in compliance with the other terms of this compact.

8. Any person appointed to fill a vacancy shall serve for the unexpired term. A member of the Authority may not serve for more than two full terms.

9. The members of the Authority, including nonvoting members, shall not be personally liable for any act done or action taken in their capacities as members of the Authority, nor shall they be personally liable for any bond, note, or other evidence of indebtedness issued by the Authority.

10. Six members shall constitute a quorum, with the following exceptions:

a. Seven affirmative votes shall be required to approve bond issues and the annual budget of the Authority.

b. A motion may not be approved if all three members appointed solely by one Governor cast negative votes.

11. Any sole source procurement of goods, services, or construction in excess of \$250,000 shall require the prior approval of a majority of all of the voting members of the Authority.

12. Members shall serve without compensation and shall reside within the Washington, D.C., metropolitan area. Members shall be entitled to reimbursement for their expenses incurred in attending the meetings of the Authority and while otherwise engaged in the discharge of their duties as members of the Authority.

13. The Authority may employ such engineering, technical, legal, clerical, and other personnel on a regular, part-time, or consulting basis as in its judgment may be necessary for the discharge of its duties. The Authority shall not be bound by any statute or regulation of any signatory in the employment or discharge of any officer or employee of the Authority, except that Article 3 (§ 40.1-58 et seq.) of Chapter 4 of Title 40.1 of the Code of Virginia shall be applicable to employees whose situs of employment is in the Commonwealth of Virginia.

14. a. The Authority shall establish its office for the conduct of its affairs at a location to be determined by the Authority and shall publish rules and regulations governing the conduct of its operations.

b. (1) The Authority may adopt rules and regulations which shall include, but shall not be limited to, an ethics code, public access to information, administrative procedures, and open meetings and shall be consistent with similar practices currently adopted in Maryland, Virginia, or the District of Columbia.

(2) The Authority may adopt regulations after publication of notice of intention to adopt such regulations published in a newspaper of general circulation in the metropolitan Washington, D.C., area and after an opportunity for public comment.

(3) The Authority shall also publish a notice to adopt such regulations in the Maryland Register and in the Virginia Register.

Article IV.

Signatories; Taxing Powers.

Nothing herein shall be construed to amend, alter, or in any way affect the power of the signatories and their political subdivisions to levy and collect taxes on property or income or upon the sale of any material, equipment, or supplies or to levy, assess, and collect franchise or other similar taxes or fees for the licensing of vehicles and the operation thereof.

Article V.

Adoption of Compact by Signatories; Withdrawal; Cooperation.

1. This compact shall be adopted by the signatories in the manner provided by law. This compact shall become effective after the State of Maryland and the District of Columbia have passed acts similar in substance to this Act.

2. Any signatory may withdraw from the compact upon one year's written notice to that effect to the other signatories. In the event of a withdrawal of one of the signatories from the compact, the compact shall be terminated; provided, however, that no revenue bonds, notes, or other evidence of obligation issued pursuant to Article VII of Chapter II, or any other financial obligations of the Authority remain outstanding and that the withdrawing signatory has made a full accounting of its financial obligations, if any, to the other signatories.

3. Upon the termination of this compact, the jurisdiction over the matters and persons covered by this compact shall revert to the signatories and the federal government, as their interests may appear.

4. Each of the signatories pledges to each of the other signatory parties faithful cooperation in the development and implementation of the project.

Article VI.

Terms of Agreement Between Signatories.

The Authority shall not undertake the ownership of the existing Woodrow Wilson Bridge, or any duties or responsibilities associated therewith, nor undertake any of the responsibilities and powers provided in this Act until the

Governors of the State of Maryland and the Commonwealth of Virginia and the Mayor of the District of Columbia have entered into an agreement with the U.S. Secretary of Transportation including provisions governing the transfer of the existing Bridge from the federal government to the Authority, and which shall provide for a contractual commitment by the federal government to provide federal funding for the project, including, at a minimum, a 100 percent federal share for the following:

- (1) The cost of continuing rehabilitation of the Bridge until such time as the project is operational;
- (2) An amount, as determined by the Woodrow Wilson Memorial Bridge Coordination Committee, equivalent to the cost of replacing the Bridge with a comparable modern bridge designed according to current engineering standards;
- (3) The cost of planning, preliminary engineering and design, right-of-way acquisition, environmental studies and documentation, and final engineering for the project; and
- (4) A substantial contribution towards remaining project costs.

Such federal funds shall be in addition to and shall not diminish the federal transportation funding allocated or apportioned to the Commonwealth of Virginia and the State of Maryland and the District of Columbia. Upon all parties' approval of this agreement, this compact shall become effective and the Authority shall have responsibility for duties concerning ownership, construction, operation, and maintenance of the project. At least 30 days before the Governor of Virginia enters into the agreement described under this article, the Governor shall submit the agreement to the Commonwealth Transportation Board for its review and comment.

Article VII.

Management Plan.

Within a reasonable period after this compact becomes effective under Article VI of this chapter, the Authority shall prepare and submit to the Governors of the Commonwealth of Virginia and the State of Maryland and the Mayor of the District of Columbia, a management plan that includes:

- A. An organizational structure;
- B. A staffing plan that includes job descriptions; and
- C. A proposed salary schedule consistent with existing salary schedules for similar positions in the State of Maryland, the Commonwealth of Virginia, or the District of Columbia.

The Authority shall not implement the provisions of this Act until the Governors of the Commonwealth of Virginia and the State of Maryland and the Mayor of the District of Columbia have approved the management plan.

Subsequent to the approval of the management plan, the Authority may increase the number of its employees and their salary levels, provided that such increases do not result in a 20 percent increase above the level in the approved management plan. Increases in excess of 20 percent shall require an amendment to the approved management plan. A proposed amendment shall be submitted to and approved by the Governors of the Commonwealth of Virginia and the State of Maryland and the Mayor of the District of Columbia prior to becoming effective.

In the conduct of its responsibilities and duties, the Authority shall maximize the use of existing public and private sector entities to provide necessary services, including management, construction, legal, accounting, and other services, as the Authority may deem necessary.

Article VIII.

Jurisdiction of Courts; Liability for Contracts and Torts.

1. Except as provided herein, the Authority shall be liable for its contracts and for its torts and those of its directors, officers, employees, and agents. For tort actions arising out of conduct occurring in Maryland, Maryland tort and sovereign immunity law shall apply. The exclusive remedy for such breach of contracts and torts for which the Authority shall be liable, as herein provided, shall be by suit against the Authority. Nothing contained in this Act shall be construed as a waiver by Maryland, the District of Columbia, or Virginia of any immunity from suit.

2. The United States district courts shall have original jurisdiction, concurrent with the courts of Virginia, the District of Columbia, and Maryland, of all actions brought by or against the Authority. Any such action initiated in a state court or the superior court of the District of Columbia shall be removable to the appropriate United States district court in the manner provided by act of June 25, 1948, as amended (28 U.S.C. § 1446).

3. If any part or provision of this compact or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this compact or the application thereof to other persons or circumstances, and the signatories hereby declare that they would have entered into this compact or the remainder thereof had the invalidity of such provision or application thereof been apparent.

4. This compact shall be liberally construed to effectuate the purposes for which it is created.

CHAPTER II.

ADDITIONAL POWERS; FINANCING; PROPERTY ACQUISITION; PROCUREMENT.

Article I.

Definitions.

As used in this Act the following words shall have the following meanings:

"Bonds" or "revenue bonds" means bonds and notes or refunding bonds and notes or bond anticipation notes or other obligations of the Authority issued under the provisions of this Act.

"Cost," as applied to the project, means the cost of acquisition of all lands, structures, rights-of-way, franchises, easements and other property rights and interests; the cost of lease payments; the cost of construction; the cost of demolition of the current structure; the cost of demolishing, removing or relocating any buildings or structures on lands acquired, including the cost of acquiring any lands to or on which such buildings or structures may be moved, relocated, or reconstructed; the cost to relocate residents or businesses from properties acquired for the project; the cost of any extensions, enlargements, additions and improvements; the cost of all labor, materials, machinery and equipment; all financing charges, and interest on all bonds prior to and during construction; and, if deemed advisable by the Authority of such construction, the cost of engineering, financial and legal services; plans, specifications, studies, and surveys; estimates of cost and of revenues and other expenses necessary or incident to determining the feasibility or practicability of constructing the project; administrative expenses; provisions for working capital; reserves for interest and for extensions, enlargements, additions and improvements; the cost of bond insurance and other devices designed to enhance the creditworthiness of the bonds; and such other expenses as may be necessary or incidental to the construction of the project, the financing of such construction and the planning of the project in operation.

"Owner" includes all persons having any interest or title in and to property, rights, franchises, easements and interests authorized to be acquired by this Act.

"Project" means the upgrading of the Interstate Route 95 Potomac River crossing in accord with the selected alternative developed by the Woodrow Wilson Memorial Bridge Coordination Committee. "Project" includes ongoing short-term rehabilitation and repair of the Bridge and may include one or more of the following:

1. Construction of a new bridge or bridges in the vicinity of the Bridge;
2. Construction of a tunnel in the vicinity of the Bridge;
3. Long-term rehabilitation or reconstruction of the Bridge;
4. Upon the bridges or within the tunnel described in subparagraphs 1, 2, and 3 of this paragraph, or in conjunction with work on Interstate Route 95 and other approach roadways as described in subparagraph 5 of this paragraph:
 - a. Work necessary to provide rights-of-way for a rail transit facility or bus or high occupancy vehicle lanes, including the construction or modifications of footings, piers, bridge decks, roadways, other structural support systems and related improvements; or
 - b. The construction of travel lanes for high occupancy vehicles or buses;
5. Work on Interstate Route 95 and other approach roadways if necessitated by, or necessary to accomplish, an activity described in subparagraph 1, 2, or 3 of this paragraph; or
6. Construction or acquisition of any building, improvement, addition, replacement, appurtenance, land, interest in land, easement, water right, air right, machinery, equipment, furnishing, landscaping, utility, roadway, or other facility that is necessitated by or necessary to accomplish an activity described in this paragraph.

Article II.

Additional Powers of the Authority.

Without in any manner limiting or restricting the powers heretofore given to the Authority, and contingent upon the execution of the agreement referred to in Chapter I, Article VI, the Authority is hereby authorized and empowered:

1. To establish, finance, construct, maintain, repair and operate the project;
2. To assume full rights of ownership of the existing Woodrow Wilson Bridge;
3. Subject to the approval of the Governor of Maryland, the Mayor of the District of Columbia, and the Virginia Commonwealth Transportation Board of the portions of the project in their respective jurisdictions, and in accordance with the recommendations of the Woodrow Wilson Memorial Bridge Coordination Committee, to determine the location, character, size and capacity of the project; to establish, limit and control such points of ingress to and egress from the project as may be necessary or desirable in the judgment of the Authority to ensure the proper operation and maintenance of the project; and to prohibit entrance to such project from any point or points not so designated;
4. To secure all necessary federal, state, and local authorizations, permits and approvals for the construction, maintenance, repair and operation of the project;
5. To adopt and amend bylaws for the regulation of its affairs and the conduct of its business;
6. To adopt and amend rules and regulations to carry out the powers granted by this section;
7. To acquire, by purchase or condemnation, in the name of the Authority, and to hold and dispose of real and personal property for the corporate purposes of the Authority;
8. To employ consulting engineers, a superintendent or manager of the project, and such other engineering, architectural, construction, accounting experts, inspectors, attorneys, and other employees as may be necessary; and, within the limitations prescribed in this Act, to prescribe their powers and duties, and fix their compensation;
9. To pay, from any available moneys, the cost of plans, specifications, surveys, estimates of cost and revenues, legal fees and other expenses necessary or incident to determining the feasibility or practicability of financing, constructing, maintaining, repairing and operating the project;
10. To issue revenue bonds of the Authority, for any of its corporate purposes, payable solely from the tolls and revenues pledged for their payment, and to refund its bonds, all as provided in this Act;
11. To fix and revise from time to time and to charge and collect tolls and other charges for the use of the project;
12. To make and enter into all contracts or agreements, as the Authority may determine, which are necessary or incidental to the performance of its duties and to the execution of the powers granted under this Act. The Authority may

contract with any governmental agency or instrumentality for services within the power of the agency or authority related to the financing, construction or operation of the facilities and services to be provided;

13. To accept loans and grants of money, or materials or property at any time from the United States of America, the Commonwealth of Virginia, the State of Maryland, the District of Columbia or any agency or instrumentality thereof;

14. To adopt an official seal and alter the same at its pleasure;

15. Subject to Chapter I, Article VIII, to sue and be sued, plead and be impleaded, all in the name of the Authority;

16. To exercise any power usually possessed by private corporations performing similar functions including the right to expend, solely from funds provided under the authority of this Act, such funds as may be considered by the Authority to be advisable or necessary in advertising its facilities and services to the traveling public;

17. To enter into contracts with existing governmental entities in the Commonwealth of Virginia, the State of Maryland, or the District of Columbia, or with private entities, the purpose of which contracts or agreements would be to allow such parties to undertake all or portions of the project, including but not limited to design, engineering, financing, construction, and operation of the project, as the Authority may deem necessary;

18. To establish and maintain a police force, or to enter into a contract with an existing governmental entity in the State of Maryland, the Commonwealth of Virginia, or the District of Columbia to provide police services, as the Authority may deem necessary;

19. To enter into partnerships or grant concessions between the public and private sectors for the purpose of:

a. Financing, constructing, maintaining, improving or operating the project; or

b. Fostering development of new transportation-related technologies to be used in the construction or operation of the project, utilizing for such purposes the law of any signatory, as the Authority may in its sole discretion determine;

20. To carry out or contract with other entities to carry out such maintenance of traffic activities during the construction of the project as is considered necessary by the Authority to manage traffic and minimize congestion such as public information campaigns, improvements designed to encourage appropriate use of alternative routes, use of high occupancy vehicles and transit services, and deployment and operation of intelligent transportation technologies; and

21. To do all acts and things necessary or incidental to the performance of its duties and the execution of its powers under this Act.

Article III.

Incidental Powers.

The Authority shall have power to construct grade separations at intersections of the project with public highways and to change and adjust the lines and grades of such highways so as to accommodate the same to the design of such grade separation. The cost of such grade separations and any damage incurred in changing and adjusting the lines and grades of such highways shall be ascertained and paid by the Authority as a part of the cost of the project.

If the Authority shall find it necessary to change the location of any portion of any public highway, it shall cause the same to be reconstructed at such location as the Authority shall deem most favorable and be of substantially the same type and in as good condition as the original highway. The cost of such reconstruction and any damage incurred in changing the location of any such highway shall be ascertained and paid by the Authority as a part of the cost of the project.

Any public highway affected by the construction of the project may be vacated or relocated by the Authority in the manner now provided by law for the vacation or relocation of public roads, and any damages awarded on account thereof shall be paid by the Authority as a part of the cost of the project.

The Authority shall also have power to make regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances (herein called "public utility facilities") of any public utility in, on, along, over or under the project. Whenever the Authority shall determine that it is necessary that any such public utility facilities which now are, or hereafter may be, located in, on, along, over or under the project should be relocated in the project, or should be removed from the project, the public utility owning or operating such facilities shall relocate or remove the same in accordance with the order of the Authority, provided that the cost and expenses of such relocation or removal, including the cost of installing such facilities in a new location or new locations, and the cost of any lands, or any rights or interests in lands, and any other rights, acquired to accomplish such relocation or removal, shall be ascertained and paid by the Authority as a part of the cost of the project. In case of any such relocation or removal of facilities, the public utility owning or operating the same, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new location or new locations, for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate such facilities in their former location or locations.

Article IV.

Acquisition of Property.

The Authority is hereby authorized and empowered to acquire by purchase, whenever it shall deem such purchase expedient, solely from funds provided under the authority of this Act, such lands, structures, rights-of-way, property, rights, franchises, easements and other interest in lands, including lands lying under water and riparian rights, which are located within the Washington, D.C., metropolitan area, as it may deem necessary or convenient for the construction and operation of the project, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof; and to take title thereto in the name of the Authority.

All counties, cities, towns and other political subdivisions and all public agencies and authorities of the signatories, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to the Authority at the Authority's request, upon such terms and conditions as the governing bodies of such counties, cities, towns, political subdivisions, agencies or authorities may deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality, other than the regular and formal action of the authorities concerned, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the Authority, including public roads and other real property already devoted to public use.

Whenever a reasonable price cannot be agreed upon, or whenever the owner is legally incapacitated or is absent, unknown or unable to convey valid title, the Authority is hereby authorized and empowered to acquire by condemnation or by the exercise of the power of eminent domain any lands, property, rights, rights-of-way, franchises, easements and other property deemed necessary or convenient for the construction or the efficient operation of the project or necessary in the restoration of public or private property damaged or destroyed.

Whenever the Authority acquires property under this article, it shall comply with the applicable federal law relating to relocation and relocation assistance. If there is no applicable federal law, the Authority shall comply with the provisions of the state law of the signatory in which the property is located governing relocation and relocation assistance.

In advance of undertaking any acquisition of property or easements in Maryland or the condemnation of such property, the Authority must obtain from the Maryland Board of Public Works approval of a plan identifying the properties or easements to be obtained for the project. In advance of undertaking any acquisition of property or easements in Virginia or the condemnation of such property, the Authority must obtain from the Virginia Commonwealth Transportation Board approval of a plan identifying the properties to be obtained for the project. Condemnation proceedings shall be in accordance with the provisions of state law of the signatory in which the property is located governing condemnation by the highway agency of such state. Nothing in this act shall be construed to authorize the authority to condemn the property of the Commonwealth of Virginia, the District of Columbia, or the State of Maryland.

Article V.

Procurement.

1. Except as provided in subdivisions 2, 3, and 6 of this article, and except in the case of procurement procedures otherwise expressly authorized by law, the Authority in conducting a procurement of goods, services, or construction shall obtain full and open competition through the use of competitive procedures in accordance with the requirements of this section and use the competitive procedure or combination of procedures that is most suitable under the circumstances of the procurement.

The Authority shall solicit sealed bids if (i) time permits the solicitation, submission, and evaluation of sealed bids; (ii) the award will be made on the basis of price and other price-related factors; (iii) it is not necessary to conduct discussions with the responding sources about their bids; and (iv) there is a reasonable expectation of receiving more than one sealed bid. If the Authority does not solicit sealed bids, it shall request competitive proposals.

2. The Authority may use procedures other than competitive procedures if:

a. the goods, services, or construction needed by the Authority are available from only one responsible source and no other type of property, services, or construction will satisfy the needs of the Authority;

b. the Authority's need for the property, services, or construction is of such unusual and compelling urgency that the Authority would be seriously injured unless the Authority limits the number of sources from which it solicits bids or proposals; or

c. the goods or services needed can be obtained through federal or other governmental sources at reasonable prices.

3. For the purpose of applying subdivision 2 a of this article:

a. in the case of a contract for goods, services, or construction to be awarded on the basis of acceptance of an unsolicited proposal, the goods, services, or construction shall be deemed to be available from only one responsible source if the source has submitted an unsolicited proposal that demonstrates a concept:

(1) that is unique and innovative or, in the case of a service, for which the source demonstrates a unique capability to provide the service; and

(2) the substance of which is not otherwise available to the Authority and does not resemble the substance of a pending competitive procurement.

b. in the case of a follow-on contract for the continued development or production of a major system or highly specialized equipment or the continued provision of highly specialized services, the goods, services, or construction may be deemed to be available from only the original source and may be procured through procedures other than competitive procedures if it is likely that award to a source other than the original source would result in:

(1) substantial duplication of cost to the Authority that is not expected to be recovered through competition; or

(2) unacceptable delays in fulfilling the Authority's needs.

4. If the Authority uses procedures other than competitive procedures to procure property, services, or construction under subdivision 2 b of this article, the Authority shall request offers from as many potential sources as is practicable under the circumstances.

5. a. To promote efficiency and economy in contracting, the Authority may use simplified acquisition procedures for purchases of property, services and construction.

b. For the purposes of this section, simplified acquisition procedures may be used for purchases for an amount that does not exceed the simplified acquisition threshold adopted by the federal government.

c. A proposed purchase or contract for an amount above the simplified acquisition threshold may not be divided into several purchases or contracts for lesser amounts in order to use the procedures under subdivision a of this section.

d. In using simplified acquisition procedures, the Authority shall promote competition to the maximum extent practicable.

6. The Authority shall adopt policies and procedures to implement this article. The policies and procedures shall provide for publication of notice of procurements and other actions designed to secure competition where competitive procedures are used.

7. The Authority in its sole discretion may reject any and all bids or proposals received in response to a solicitation.

8. In structuring all procurements under this article, the Authority shall comply with federal laws and regulations, and other federal requirements set forth in grant agreements or elsewhere, as they may be amended from time to time, governing minority business enterprise participation.

Article VI.

Revenues.

The Authority is hereby authorized to fix, revise, charge and collect tolls for the use of the project, and to contract with any person, partnership, association or corporation desiring the use of the project, and to fix the terms, conditions, rents and rates of charges for such use.

Such tolls shall be so fixed and adjusted in respect of the aggregate of tolls from the project as to provide a fund sufficient in combination with other revenues, if any, to pay (i) the cost of maintaining, repairing and operating such project and (ii) the principal of and the interest on the bonds as the same shall become due and payable, and to create reserves for such purposes. Such tolls shall be not subject to supervision or regulation by any other authority, board, bureau, or agency of the Commonwealth of Virginia or the State of Maryland or the District of Columbia. The tolls and all other revenues derived from the project in connection with which the bonds of any issue shall have been issued, except such part thereof as may be necessary to pay such cost of maintenance, repair, and operation and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of such bonds or in the trust indenture securing the same, shall be set aside at such regular intervals as may be provided in such resolution or such trust indenture in a sinking fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such bonds as the same shall become due, and, upon the approval of the Governors of the Commonwealth of Virginia and the State of Maryland, and the Mayor of the District of Columbia, the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the tolls or other revenues or other moneys so pledged and thereafter received by the Authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the Authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust indenture by which a pledge is created need be filed or recorded except in the records of the Authority. The use and disposition of moneys to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust indenture. Except as may otherwise be provided in such resolution or such trust indenture, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another.

Tolls shall not be set at rates such that toll revenues generated by the project exceed those necessary to meet requirements under any applicable trust indenture for the project.

Article VII.

Revenue Bonds.

The Authority is hereby authorized to provide for the issuance, at one time or from time to time, of revenue bonds of the Authority for the purpose of paying all or any part of the cost of the project or of any portion or portions thereof. The principal of and the interest of such bonds shall be payable solely from the funds provided in this compact for such payment. Any bonds of the Authority issued pursuant to this article shall not constitute a debt of the Commonwealth, or any political subdivision thereof other than the Authority, and shall so state on their face. Neither the members of the Authority nor any person executing such bonds shall be liable personally thereon by reason of the issuance thereof. The bonds of each issue shall be dated, shall bear interest at a rate or rates or in a manner, shall mature at such time or times not exceeding 40 years from their date or dates, as may be determined by the Authority, and may be made redeemable before maturity, at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds.

The Authority shall determine the form and the manner of execution of the bonds and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the Commonwealth. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. The bonds may be issued in such form as the Authority may determine. The Authority may sell such bonds in such manner, either at public or private sale, and for such price as it may determine will best effect the purposes of this compact.

The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the project, and shall be disbursed in such manner and under such restrictions, if any, as the Authority may provide in the resolution authorizing the issuance of such bonds or in the trust indenture securing the same. If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the resolution authorizing the issuance of such bonds or in the trust indenture securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue shall exceed such cost, the surplus shall be deposited to the credit of the sinking fund for such bonds.

Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Bonds may be issued under the provisions of this compact without obtaining the consent of any department, division, commission, board, bureau or agency of the compact signatories, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this article.

Article VIII.

Bonds Not to Constitute a Debt or Pledge of Taxing Power.

Revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt or a pledge of the faith and credit of the Authority or of any signatory government or political subdivision thereof, but such bonds shall be payable solely from the funds provided from tolls and other revenues. The issuance of revenue bonds under the provisions of this Act shall not directly or indirectly or contingently obligate the Authority, or any signatory government or political subdivision thereof, to levy or to pledge any form of taxation whatever. All such revenue bonds shall contain a statement on their face substantially to the foregoing effect.

Article IX.

Bonds Eligible for Investment.

Bonds issued by the Authority under the provisions of this Act are hereby made securities in which all public officers and public bodies of the Commonwealth and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any Commonwealth or municipal officer or any agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or obligations is now or may hereafter be authorized by law.

Article X.

Trust Funds.

All moneys received pursuant to this Act, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this Act. The resolution authorizing the bonds of any issue or the trust indenture securing such bonds shall provide that any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes thereof, subject to such regulations as this Act and such resolution or trust indenture may provide.

Article XI.

Trust Indenture.

In the discretion of the Authority, any bonds issued under the provisions of this Act may be secured by a trust indenture by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the Commonwealth. Such trust indenture or the resolution providing for the issuance of such bonds may pledge or assign the tolls and other revenues to be received, but shall not convey or mortgage the project or any part thereof.

Article XII.

Remedies.

Any holder of bonds issued under the provisions of this Act or any of the coupons appertaining thereto, and the trustee under any trust indenture, except to the extent the rights herein given may be restricted by such trust indenture or the resolution authorizing the issuance of such bonds, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the Commonwealth of Virginia, the State of Maryland, or the District of Columbia or granted hereunder or under such trust indenture or the resolution authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by this Act or by such trust indenture or resolution to be performed by the Authority or by any officer thereof, including the fixing, charging and collecting of tolls.

Article XIII.

Tax Exemption.

The exercise of the powers granted by this Act will be in all respects for the benefit of the people of the Commonwealth and for the increase of their commerce and prosperity, and as the operation and maintenance of the project will constitute the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon the project or any property acquired or used by the Authority under the provisions of this Act or upon the income

therefrom, and the bonds issued under the provisions of this Act, and the income therefrom, shall at all times be free from taxation within the Commonwealth.

Article XIV.

Miscellaneous.

Any action taken by the Authority under the provisions of this Act may be authorized by resolution at any regular or special meeting, and each such resolution shall take effect immediately and need not be published or posted, except as otherwise specifically provided in this Act.

The project when constructed and opened to traffic shall be maintained and kept in good condition and repair by the Authority. The project shall also be policed and operated by such force of police, toll-takers and other operating employees as the Authority may in its discretion employ. The Authority may enter into a contractual agreement with an existing governmental entity in Maryland or Virginia to provide these services. An Authority police officer shall have all the powers granted to a peace officer and a police officer of the State of Maryland. However, an Authority police officer may exercise these powers only on property owned, leased, operated by, or under the control of the Authority, and may not exercise these powers on any other property unless:

1. Engaged in fresh pursuit of a suspected offender;
2. Specially requested or permitted to do so in a political subdivision by its chief executive officer or its chief police officer; or
3. Ordered to do so by the Governor of Virginia or Maryland, or the Mayor of the District of Columbia, as the circumstances may require.

All other police officers of the signatory parties and of each county, city, town or other political subdivision of the Commonwealth of Virginia through which any project, or portion thereof, extends shall have the same powers and jurisdiction within the limits of such projects as they have beyond such limits and shall have access to the project at any time for the purpose of exercising such powers and jurisdiction.

On or before August 31 in each year, the Authority shall make an annual report of its activities for the preceding fiscal year to the Governors of Maryland and Virginia and the Mayor of the District of Columbia. Each such report shall set forth a complete operating and financial statement covering its operations during the year. The Authority shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants and the cost thereof may be treated as a part of the cost of construction or operation of the project. The records, books and accounts of the Authority shall be subject to examination and inspection by duly authorized representatives of the governing bodies of Maryland, the District of Columbia and Virginia, and by any bondholder or bondholders at any reasonable time, provided the business of the Authority is not unduly interrupted or interfered with thereby.

Any member, agent or employee of the Authority who contracts with the Authority or is interested, either directly or indirectly, in any contract with the Authority or in the sale of any property, either real or personal, to the Authority shall be guilty of a misdemeanor, and, upon conviction, may be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year, or both.

Any person who uses the project and fails or refuses to pay the toll provided therefor shall be guilty of a misdemeanor, and, upon conviction, may be punished by a fine of not more than \$100 or by imprisonment for not more than 30 days, or both.

CHAPTER 14.

VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMPACT.

§ 33.2-1400. *Virginia-North Carolina Interstate High-Speed Rail Compact.*

§ 1. *Short title.*

This act shall be known and may be cited as the Virginia-North Carolina Interstate High-Speed Rail Compact.

§ 2. *Compact established.*

Pursuant to the invitation in 49 U.S.C. § 24101 Interstate Compacts, in which the United States Congress grants consent to states with an interest in a specific form, route, or corridor of intercity passenger rail service (including high-speed rail service) to enter into interstate compacts, there is hereby established the Virginia-North Carolina Interstate High-Speed Rail Compact.

§ 3. *Agreement.*

The Commonwealth of Virginia and the State of North Carolina agree, upon adoption of this compact:

1. To study, develop, and promote a plan for the design, construction, financing, and operation of interstate high-speed rail service through and between points in the Commonwealth of Virginia and the State of North Carolina and adjacent states;
2. To coordinate efforts to establish high-speed rail service at the federal, state, and local governmental levels;
3. To advocate for federal funding to support the establishment of high-speed interstate rail service within and through Virginia and North Carolina and to receive federal funds made available for rail development; and
4. To provide funding and resources to the Virginia-North Carolina High-Speed Rail Compact Commission from funds that are or may become available and are appropriated for that purpose.

§ 4. Commission established; appointment and terms of members; chairman; reports; Commission funds; staff.

The Virginia-North Carolina High-Speed Rail Compact Commission is hereby established as a regional instrumentality and a common agency of each signatory party, empowered in a manner hereinafter set forth to carry out the purposes of the Compact.

The Virginia members of the Commission shall be appointed as follows: three members of the House of Delegates appointed by the Speaker of the House of Delegates, and two members of the Senate appointed by the Senate Committee on Rules. The North Carolina members of the Commission shall be composed of five members as follows: two members of the Senate appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate, two members of the House of Representatives appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives, and one appointed by the Governor.

The chairman of the Commission shall be chosen by the members of the Commission from among its membership for a term of one year, and shall alternate between the member states.

The Commission shall meet at least twice each year, at least once in Virginia and once in North Carolina, and shall issue a report of its activities each year.

The Commission may utilize, for its operation and expenses, funds appropriated to it therefor by the legislatures of Virginia and North Carolina or received from federal sources.

Virginia members of the Commission shall receive compensation and reimbursement for the necessary and actual expenses as provided in the general appropriations act; North Carolina members of the Commission shall receive per diem, subsistence and travel allowances in accordance with applicable statutes of North Carolina, as appropriate.

Primary staff to the Commission shall be provided by the Virginia Department of Rail and Public Transportation and the North Carolina Department of Transportation.

SUBTITLE III.
TRANSPORTATION FUNDING AND DEVELOPMENT.
CHAPTER 15.
TRANSPORTATION FUNDING.
Article 1.

Virginia Transportation Infrastructure Bank.

§ 33.2-1500. Legislative findings and purposes.

The General Assembly finds that there exists in the Commonwealth a critical need for additional sources of funding to finance the present and future needs of the Commonwealth for the design and construction of highways, including toll facilities; mass transit; freight, passenger and commuter rail, including rolling stock; and port, airport, and other transportation facilities. This need can be alleviated in part through the creation of a transportation infrastructure bank. The purpose of such bank is to encourage the investment of both public and private funds and to make loans and other financial assistance available to localities, private entities, and other eligible borrowers to finance eligible transportation projects. The General Assembly determines that the creation of a transportation infrastructure bank for this purpose is in the public interest, serves a public purpose, and will promote the health, safety, welfare, convenience, or prosperity of the people of the Commonwealth.

§ 33.2-1501. Definitions.

As used in this article unless the context requires a different meaning:

"Bank" means the Virginia Transportation Infrastructure Bank created in § 33.2-1502.

"Cost," as applied to any project financed under the provisions of this article, means the total of all costs, including the costs of planning, design, right-of-way acquisition, engineering, and construction, incurred by an eligible borrower or other project sponsor as reasonable and necessary for carrying out all works and undertakings necessary or incident to the accomplishment of any project. "Cost" also includes capitalized interest; reasonably required reserve funds; and financing, credit enhancement, and issuance costs.

"Credit enhancements" means surety bonds, insurance policies, letters of credit, guarantees, and other forms of collateral or security.

"Creditworthiness" means attributes such as revenue stability, debt service coverage, reserves, and other factors commonly considered in assessing the strength of the security for indebtedness.

"Eligible borrower" means any (i) private entity; (ii) governmental entity; (iii) instrumentality, corporation, or entity established by any of the foregoing pursuant to § 33.2-1505; or (iv) combination of two or more of the foregoing.

"Finance" and any variation of the term, when used in connection with a cost or a project, includes both the initial financing and any refinancing of the cost or project and any variation of such terms.

"Governmental entity" means any (i) locality; (ii) local, regional, state, or federal entity; transportation authority, planning district, commission, or political subdivision created by the General Assembly or pursuant to the Constitution and laws of the Commonwealth; or public transportation entity owned, operated, or controlled by one or more local entities; (iii) entity established by interstate compact; (iv) instrumentality, corporation, or entity established by any of the foregoing pursuant to § 33.2-1505; or (v) combination of two or more of the foregoing.

"Grant" means a transfer of moneys or property that does not impose any obligation or condition on the grantee to repay any amount to the transferor other than in connection with assuring that the transferred moneys or property will be spent or used in accordance with the governmental purpose of the transfer. "Grant" includes direct cash payments made to

pay or reimburse all or a portion of interest payments made by a grantee on a debt obligation. As provided in §§ 33.2-1502 and 33.2-1503, only governmental entities may receive grants of moneys or property held in or for the credit of the Bank.

"Loan" means an obligation subject to repayment that is provided by the Bank to an eligible borrower to finance all or a part of the eligible cost of a project incurred by the eligible borrower or other project sponsor. A loan may be disbursed (i) in anticipation of reimbursement (including an advance or draw under a credit enhancement instrument), (ii) as direct payment of eligible costs, or (iii) to redeem or defease a prior obligation incurred by the eligible borrower or other project sponsor to finance the eligible costs of a project.

"Management agreement" means the memorandum of understanding or interagency agreement among the manager, the Secretary of Finance, and the Board as authorized under subsection B of § 33.2-1502.

"Manager" means the Virginia Resources Authority serving as the manager, administrator, and trustee of funds disbursed from the Bank in accordance with the provisions of this article and the management agreement.

"Other financial assistance" means, but is not limited to, grants, capital, or debt reserves for bonds or debt instrument financing, provision of letters of credit and other forms of credit enhancement, and other lawful forms of financing and methods of leveraging funds that are approved by the manager.

"Private entity" means any private or nongovernmental entity that has executed an interim or comprehensive agreement to develop and construct a transportation infrastructure project pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.).

"Project" means (i) the construction, reconstruction, rehabilitation, or replacement of any interstate, state highway, toll road, tunnel, local street or road, or bridge; (ii) the construction, reconstruction, rehabilitation, or replacement of any (a) mass transit, (b) commuter, passenger, or freight rail, (c) port, (d) airport, or (e) commercial space flight facility; or (iii) the acquisition of any rolling stock, vehicle, or equipment to be used in conjunction with clause (i) or (ii).

"Project obligation" means any bond, note, debenture, interim certificate, grant or revenue anticipation note, lease or lease-purchase or installment sales agreement, or credit enhancements issued, incurred, or entered into by an eligible borrower to evidence a loan, or any financing agreements, reimbursement agreements, guarantees, or other evidences of an obligation of an eligible borrower or other project sponsor to pay or guarantee a loan.

"Project sponsor" means any private entity or governmental entity that is involved in the planning, design, right-of-way acquisition, engineering, construction, maintenance, or financing of a project.

"Reliable repayment source" means any means by which an eligible borrower or other project sponsor generates funds that are dedicated to the purpose of retiring a project obligation.

"Substantial project completion" means the opening of a project for vehicular or passenger traffic or the handling of cargo and freight.

§ 33.2-1502. Creation of the Virginia Transportation Infrastructure Bank.

A. There is hereby created in the state treasury a special nonreverting, revolving loan fund, known as the Virginia Transportation Infrastructure Bank, that is a subfund of the Transportation Trust Fund, established pursuant to § 33.2-1524. The Bank shall be established on the books of the Comptroller. The Bank shall be capitalized with moneys appropriated by the General Assembly and credited to the Bank. Disbursements from the Bank shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner of Highways or his or her designee. Payments on project obligations and interest earned on the moneys in the Bank shall be credited to the Bank. Any moneys remaining in the Bank, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Bank. Notwithstanding anything to the contrary set forth in this article or in the management agreement, the Board will have the right to determine the projects for which loans or other financial assistance may be provided by the Bank. Moneys in the Bank shall be used solely for the purposes enumerated in subsections C and D.

B. The Board, the manager, and the Secretary of Finance are authorized to enter into a management agreement which may include provisions (i) setting forth the terms and conditions under which the manager will advise the Board on the financial propriety of providing particular loans or other financial assistance, (ii) setting forth the terms and conditions under which the substantive requirements of subsections C through F and § 33.2-1505 will be applied and administered, and (iii) authorizing the manager to request the Board to disburse from the moneys in the Bank the reasonable costs and expenses the manager may incur in the management and administration of the Bank and a reasonable fee to be approved by the Board for the manager's management and administrative services.

C. 1. Moneys deposited in the Bank shall be used for the purpose of making loans and other financial assistance to finance projects.

2. Each project obligation shall be payable, in whole or in part, from reliable repayment sources pledged for such purpose.

3. The interest rate on a project obligation shall be determined by reference to the current market rates for comparable obligations, the nature of the project and the financing structure therefor, and the creditworthiness of the eligible borrower and other project sponsors.

4. The repayment schedule for each project obligation shall require (i) the amortization of principal beginning within five years following the later of substantial project completion or the date of incurrence of the project obligation and (ii) a final maturity date of not more than 35 years following substantial project completion.

D. A portion not to exceed 20 percent of the capitalization of the Bank may be used for grants to governmental entities to finance projects.

E. The pledge of reliable repayment sources and other property securing any project obligation may be subordinate to the pledge securing any other senior debt obligations incurred to finance the project.

F. Notwithstanding subdivision C 4, the manager may at any time following substantial project completion defer payments on a project obligation if the project is unable to generate sufficient revenues to pay the scheduled payments.

G. No loan or other financial assistance may be provided or committed to be provided by the Bank in a manner that would cause such loan or other financial assistance to be tax-supported debt within the meaning of § 2.2-2713 or be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth but shall be payable solely from legally available moneys held by the Bank.

H. Neither the Bank nor the manager is authorized or empowered to be or to constitute (i) a bank or trust company within the jurisdiction or under the control of the Commonwealth or an agency thereof or the Comptroller of Currency of the U.S. Treasury Department or (ii) a bank, banker, or dealer in securities within the meaning of, or subject to the provisions of, any securities, securities exchange, or securities dealers law of the United States or of the Commonwealth.

I. The Board or the manager may establish or direct the establishment of federal and state accounts or subaccounts as may be necessary to meet any applicable federal law requirements or desirable for the efficient administration of the Bank in accordance with this article.

§ 33.2-1503. Eligibility and project selection.

A. Any entity constituting an eligible borrower or other project sponsor is eligible to apply to the Board for project financing from the Bank.

B. Notwithstanding subsection A, only governmental entities are eligible to apply for a grant from the Bank.

C. Any governmental entity applying for a grant must demonstrate, among other things as determined by the manager, that the project cannot be financed on reasonable terms or would otherwise be financially infeasible without the grant.

D. All applicants for a loan or other financial assistance (other than a grant) must file an application with the Board, which must include all items determined by the Board in consultation with the manager to be necessary and appropriate for the Board to determine whether or not to approve the loan, including the availability of reliable repayment sources to retire the project obligation as well as creditworthiness.

E. Each applicant for a loan or other financial assistance must demonstrate that the project is of local, regional, or statewide significance and that it meets the goal of generating economic benefits, improving air quality, reducing congestion, or improving safety through enhancement of the state transportation network. Another criterion to be considered is whether or not the loan or other financial assistance will enable the project to be completed at an earlier date than would otherwise be feasible. The Board shall issue guidelines for scoring projects in accordance with the criteria set out in this subsection and any other criteria deemed necessary and appropriate for evaluating projects as determined by the Board in consultation with the manager and shall apply the scoring guidelines to each proposed project. Further, the Board shall promptly publish each proposed project and its score using the scoring guidelines.

F. All projects for which a loan or other financial assistance is provided must meet and remain in compliance with the policies and guidelines established by the Board and the manager.

§ 33.2-1504. Grants from the Commonwealth Transportation Board.

The Board may make grants of money or property to the Bank for the purpose of enabling it to carry out its corporate purposes and for the exercise of its powers. This section shall not be construed to limit any other power the Board may have to make grants to the Bank.

§ 33.2-1505. Project obligations.

A. Subject to the terms determined by the manager in accordance with the management agreement, each loan or other financial assistance (which for purposes of this section shall not include grants) shall be evidenced or guaranteed by project obligations provided to finance the costs of any project. The manager may also sell any project obligations so acquired and apply the proceeds of such a sale to the making of additional loans and the provision of other financial assistance for financing the cost of any project or for any other corporate purpose of the Bank.

B. The manager may require, as a condition to provision of a loan or other financial assistance and the acquisition of any project obligations, that the eligible borrower or any other project sponsor covenant to perform any of the following:

1. Establish and collect tolls, rents, rates, fees, and other charges to produce revenue sufficient to pay all or a specified portion of (i) the costs of operation, maintenance, replacement, renewal, and repairs of the project; (ii) any outstanding indebtedness incurred for the purposes of the project, including the principal of and premium, if any, and interest on the project obligations; and (iii) any amounts necessary to create and maintain any required reserve, including any rate stabilization fund deemed necessary or appropriate by the manager to offset the need, in whole or part, for future increases in tolls, rents, rates, fees, or charges;

2. Create and maintain a special fund or funds as security for or the source of the scheduled payments on the project obligations or for the operation, maintenance, repair, or replacement of the project or any portions thereof or other property of the eligible borrower or any other project sponsor and deposit into any fund or funds amounts sufficient to make any payments as they become due and payable;

3. Create and maintain other special funds as required by the manager; and

4. Perform other acts, including the conveyance or mortgaging of real and personal property together with all right, title, and interest therein to secure project obligations, or take other actions as may be deemed necessary or desirable by the

manager to secure payment of the project obligations and to provide for remedies in the event of any default or nonpayment by the eligible borrower or any other project sponsor; including any of the following:

a. The procurement of credit enhancements or liquidity arrangements for project obligations from any source, public or private, and the payment thereof of premiums, fees, or other charges.

b. The combination of one or more projects, or the combination of one or more projects with one or more other undertakings, facilities, or systems, for the purpose of operations and financing, and the pledging of the revenues from such combined projects, undertakings, facilities, and systems to secure project obligations issued in connection with such combination or any part or parts thereof.

c. The payment of such fees and charges in connection with the acquisition of the project obligations as may be determined by the manager.

C. All eligible borrowers and other project sponsors, including any governmental entities, providing project obligations to the Bank are authorized to perform any acts, take any action, adopt any proceedings, and make and carry out any contracts with the Bank, the manager, or the Board that are contemplated by this article. Such contracts need not be identical among all eligible borrowers or other project sponsors, but may be structured as determined by the manager according to the needs of the contracting eligible borrowers and other project sponsors and the purposes of the Bank.

In addition, subject to the approval of the manager, any project sponsor is authorized to establish and contract with a special purpose or limited purpose instrumentality, corporation, or other entity for the purpose of having such entity serve as the eligible borrower with respect to a particular project.

§ 33.2-1506. Exemption from taxation; exemption from Virginia Public Procurement Act.

A. The Bank will be performing an essential governmental function in the exercise of the powers conferred upon it by this article. Accordingly, the Bank shall not be required to pay any taxes or assessments to the Commonwealth or its localities or any political subdivision thereof upon any capital, moneys or any property or upon any operations of the Bank or the income therefrom, or any taxes or assessments upon any project or any property or project obligation acquired by the Bank under the provisions of this article or upon the income therefrom.

B. The provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the Bank in the exercise of any power conferred under this article.

§ 33.2-1507. Reporting requirement.

A. No loan or other financial assistance shall be awarded from the Bank until the Secretary has provided copies of the management agreement and related criteria and guidelines to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Transportation.

B. Within 30 days after each six-month period ending June 30 and December 31, the manager shall provide a report to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Transportation, which shall include the amounts of loans and other financial assistance provided by the Bank and the projects for which the loans and other financial assistance were provided.

Article 2.

Transportation Partnership Opportunity Fund.

§ 33.2-1508. Transportation Partnership Opportunity Fund.

A. There is hereby created the Transportation Partnership Opportunity Fund (the Fund) to be used by the Governor to encourage the development of transportation projects through design-build pursuant to subsection B of § 33.2-209, the Public-Private Transportation Act (§ 33.2-1800 et seq.) and to provide funds to address the transportation aspects of economic development opportunities. The Fund shall consist of any funds appropriated to it by the general appropriation act and revenue from any other source, public or private. The Fund shall be established on the books of the Comptroller, and any funds remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. All interest and dividends that are earned on the Fund shall be credited to the Fund. The Governor shall report to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Transportation as funds are awarded in accordance with this section.

B. The Fund shall be a component of the Commonwealth Transportation Fund but not a component or subcomponent of the Transportation Trust Fund or the Highway Maintenance and Operating Fund. Provisions of this title and Title 58.1 relating to the allocations or disbursements of proceeds of the Commonwealth Transportation Fund, the Transportation Trust Fund, or the Highway Maintenance and Operating Fund shall not apply to the Fund.

C. Funds shall be awarded from the Fund by the Governor as grants, revolving loans, or other financing tools and equity contributions to (i) an agency or political subdivision of the Commonwealth or (ii) a private entity or operator that has submitted a proposal or signed a comprehensive agreement to develop a transportation facility pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.). Loans shall be approved by the Governor and made in accordance with procedures established by the Board and approved by the Comptroller. Loans shall be interest-free and shall be repaid to the Fund. The Governor may establish the duration of any loan, but such term shall not exceed seven years. The Department shall be responsible for monitoring repayment of such loans and reporting the receivables to the Comptroller as required.

D. Grants or revolving loans may be used for transportation capacity development on and off site; road, rail, mass transit, or other transportation access costs beyond the funding capability of existing programs; studies of transportation projects, including environmental analysis, geotechnical assessment, survey, design and engineering, advance right-of-way

acquisition, traffic analysis, toll sensitivity studies, financial analysis; or anything else permitted by law. Funds may be used for any transportation project or any transportation facility. Any transportation infrastructure completed with moneys from the Fund shall not become private property, and the results of any studies or analysis completed as a result of a grant or loan from the Fund shall be property of the Commonwealth.

E. The Board, in consultation with the Secretary of Transportation and the Secretary of Commerce and Trade, shall develop guidelines and criteria that shall be used in awarding grants or making loans from the Fund; however, no grant shall exceed \$5 million and no loan shall exceed \$30 million. No grant or loan shall be awarded until the Governor has provided copies of the guidelines and criteria to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Transportation. The guidelines and criteria shall include provisions including the number of jobs and amounts of investment that must be committed in the event moneys are being used for an economic development project, a statement of how the studies and analysis to be completed using moneys from the Fund will advance the development of a transportation facility, a process for the application for and review of grant and loan requests, a timeframe for completion of any work, the comparative benefit resulting from the development of a transportation project, assessment of the ability of the recipient to repay any loan funds, and other criteria as necessary to support the timely development of transportation projects. The criteria shall also include incentives to encourage matching funds from any other local, federal, or private source.

F. Within 30 days of each six-month period ending June 30 and December 31, the Governor shall provide a report to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Transportation that shall include the following information: the locality in which the project is being developed; the amount of the grant or loan made or committed from the Fund and the purpose for which it will be used; the number of jobs created or projected to be created, and the amount of a company's investment in the Commonwealth if the project is part of an economic development opportunity.

G. The Governor shall provide grants and commitments from the Fund in an amount not to exceed the total value of the moneys contained in the Fund. If the Governor commits funds for years beyond the fiscal years covered under the existing appropriation act, the State Treasurer shall set aside and reserve the funds the Governor has committed, and the funds set aside and reserved shall remain in the Fund for those future fiscal years. No grant or loan shall be payable in the years beyond the existing appropriation act unless the funds are currently available in the Fund.

Article 3.

Funds for Access Roads.

§ 33.2-1509. Funds for access roads to economic development sites and airports; construction, maintenance, etc., of such roads.

A. Notwithstanding any other provision of law, there shall be appropriated to the Board funds derived from taxes on motor fuels, fees and charges on motor vehicle registrations, road taxes or any other state revenue allocated for highway purposes, which shall be used by the Board for the purposes hereinafter specified, after deducting the costs of administration before any of such funds are distributed and allocated for any road or street purposes.

Such funds shall be expended by the Board for constructing, reconstructing, maintaining or improving access roads within localities to economic development sites on which manufacturing, processing, research and development facilities, distribution centers, regional service centers, corporate headquarters, or other establishments that also meet basic employer criteria as determined by the Virginia Economic Development Partnership in consultation with the Virginia Department of Small Business and Supplier Diversity will be built under firm contract or are already constructed and to licensed, public-use airports; in the event there is no such establishment or airport already constructed or for which the construction is under firm contract, a locality may guarantee to the Board by bond or other acceptable device that such will occur and, should no establishment or airport acceptable to the Board be constructed or under firm contract within the time limits of the bond, such bond shall be forfeited. The time limits of the bond shall be based on regular review and consideration by the Board. Towns that receive highway maintenance payments under § 33.2-319 shall be considered separately from the counties in which they are located when receiving allocations of funds for access roads.

B. In deciding whether or not to construct or improve any such access road, and in determining the nature of the road to be constructed, the Board shall base its considerations on the cost thereof in relation to the volume and nature of the traffic to be generated as a result of developing the airport or the economic development site. Within any economic development site or airport, the total volume of traffic to be generated shall be taken into consideration in regard to the overall cost thereof. No such access road shall be constructed or improved on a privately owned economic development site.

C. Any access road constructed or improved under this section shall constitute a part of the secondary state highway system or the road system of the locality in which it is located and shall thereafter be constructed, reconstructed, maintained, and improved as other roads or highways in such system.

§ 33.2-1510. Fund for access roads and bikeways to public recreational areas and historical sites; construction, maintenance, etc., of such facilities.

A. The General Assembly finds and declares that there is an increasing demand by the public for more public recreational areas throughout the Commonwealth, therefore creating a need for more access to these areas. There are also many sites of historical significance to which access is needed.

The General Assembly hereby declares it to be in the public interest that access roads and bikeways to public recreational areas and historical sites be provided by using funds obtained from motor fuel tax collections on motor fuel used for propelling boats and ships and funds contained in the highway portion of the Transportation Trust Fund.

B. The Board shall, from funds allocated to the primary system, secondary system, or urban system, set aside the sum of \$3 million initially. This fund shall be expended by the Board for the construction, reconstruction, maintenance, or improvement of access roads and bikeways within localities. At the close of each succeeding fiscal year, the Board shall replenish this fund to the extent it deems necessary to carry out the purpose intended, provided the balance in the fund plus the replenishment does not exceed \$3 million.

C. Upon the setting aside of the funds as provided in this section, the Board shall construct, reconstruct, maintain, or improve access roads and bikeways to public recreational areas and historical sites upon the following conditions:

1. When the Director of the Department of Conservation and Recreation has designated a public recreational area as such or when the Director of the Department of Historic Resources has determined a site or area to be historic and recommends to the Board that an access road or bikeway be provided or maintained to that area;

2. When the Board pursuant to the recommendation from the Director of the Department of Conservation and Recreation declares by resolution that the access road or bikeway be provided or maintained;

3. When the governing body of the locality in which the access road or bikeway is to be provided or maintained passes a resolution requesting the road; and

4. When the governing body of the locality in which the bikeway is to be provided or maintained adopts an ordinance pursuant to Article 7 (§ 15.2-2280 et seq.) of Chapter 22 of Title 15.2.

No access road or bikeway shall be constructed, reconstructed, maintained, or improved on privately owned property.

D. Any access road constructed, reconstructed, maintained, or improved pursuant to the provisions of this section shall become part of the primary state highway system, the secondary state highway system or the road system of the locality in which it is located in the manner provided by law, and shall thereafter be constructed, reconstructed, maintained, and improved as other roads or highways in such systems. Any bikeway path constructed, reconstructed, maintained, or improved pursuant to the provisions of this section that is not situated within the right-of-way limits of an access road that has become, or which is to become, part of the primary state highway system, the secondary state highway system, or the road system of the locality, shall, upon completion, become part of and be regulated and maintained by the authority or agency maintaining the public recreational area or historical site. It shall be the responsibility of the authority, agency, or locality requesting that a bicycle path be provided for a public recreational or historical site to provide the right-of-way needed for the construction, reconstruction, maintenance, or improvement of the bicycle path if such is to be situated outside the right-of-way limits of an access road.

To maximize the impact of the Fund, not more than \$400,000 of recreational access funds may be allocated for each individual access road project to or within any public recreational area or historical site operated by a state agency and not more than \$250,000 of recreational access funds may be allocated for each individual access road project to or within a public recreational area or historical site operated by a locality or an authority with an additional \$100,000 if supplemented on a dollar-for-dollar basis by the locality or authority from other than highway sources. Not more than \$75,000 of recreational access funds may be allocated for each individual bikeway project to a public recreational area or historical site operated by a state agency and not more than \$60,000 of recreational access funds may be allocated for each individual bikeway project to a public recreational area or historical site operated by a locality or an authority with an additional \$15,000 if supplemented on a dollar-for-dollar basis by a locality or authority from other than highway sources.

The Board, with the concurrence of the Director of the Department of Conservation and Recreation, is hereby authorized to establish guidelines to carry out the provisions of this section.

Article 4.

Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes Act of 2011.

§ 33.2-1511. Definitions.

As used in this article, unless the context requires a different meaning:

"Federal highway reimbursements" means all federal-aid highway construction reimbursements and any other federal highway assistance received from time to time by the Commonwealth under or in accordance with Title 23 of the United States Code or any successor program established under federal law from the Federal Highway Administration and any successor or additional federal agencies.

"GARVEE," a grant anticipation revenue vehicle, means an "eligible debt financing instrument" as defined under 23 U.S.C. § 122, the principal of and interest on which and certain other costs associated therewith may be reimbursed by federal highway reimbursements.

"Notes" means those notes authorized and issued pursuant to § 33.2-1512.

"Project-specific reimbursements" means the federal highway reimbursements received by the Commonwealth only with respect to the project or projects to be financed by the Notes or any series thereof.

"Series" means any grouping of Notes issued as designated as such by the Board as necessary or desirable for administrative convenience, satisfaction of federal tax or securities law requirements, or any similar purpose.

§ 33.2-1512. Authorization of Notes.

The Board is hereby authorized, by and with the consent of the Governor, to issue, pursuant to the provisions of the Transportation Development and Revenue Bond Act (§ 33.2-1700 et seq.), in one or more series revenue obligations of the

Commonwealth to be designated "Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes, Series _____" (the Notes), provided that the aggregate principal amount outstanding at any time shall not exceed the amount authorized pursuant to the second enactments of Chapters 1019 and 1044 of the Acts of Assembly of 2000, as amended by Chapter 655 of the Acts of Assembly of 2005, less any principal amounts outstanding from revenue obligations issued pursuant to those enactments prior to July 1, 2011, and exclusive of (i) the amount of any revenue obligations that may be issued to refund Notes issued under this article or the revenue obligations issued under those enactments in accordance with § 33.2-1727 and (ii) any amounts issued for financing expenses (including any original issue discount).

§ 33.2-1513. Use of proceeds of Notes.

A. The net proceeds of the Notes shall be used exclusively for the purpose of providing funds, together with any other available funds, for paying the costs incurred or to be incurred for construction or funding of such projects to be designated by the Board.

B. The proceeds of Notes, including any premium received on the sale thereof, shall be made available by the Board to pay costs of the projects and, where appropriate, may be paid to any authority, locality, commission, or other entity for the purposes of paying for costs of the projects. The proceeds of Notes may be used together with any federal, local, or private funds that may be made available for such purpose. The proceeds of Notes, together with any investment earnings thereon, may at the discretion of the Board secure the payment of principal or purchase price of and redemption premium, if any, and interest on Notes.

§ 33.2-1514. Details of Notes.

A. The terms and structure of each issue of Notes shall be determined by the Board, subject to approval by the Treasury Board if required in accordance with § 2.2-2416. The Notes of each issue shall be dated; shall be issued in a principal amount (subject to the limitation as to amount outstanding at any one time set forth in § 33.2-1512); shall bear interest at such rate or rates that may be fixed, adjustable, variable, or a combination thereof, and may be determined by a formula or other method; shall mature at such time or times not exceeding 20 years after the issuance thereof; and may be made subject to purchase or redemption before their maturity or maturities, at such price or prices and under such terms and conditions, all as may be determined by the Board. The Board shall determine the form and series designations of Notes, whether Notes are certificated or uncertificated, and fix the authorized denomination or denominations of Notes and the place or places of payment of principal or purchase price of, and redemption premium, if any, and interest on, Notes, which may be at the office of the State Treasurer or any bank or trust company within or outside of the Commonwealth. The principal or purchase price of, and redemption premium, if any, and interest on, Notes shall be made payable in lawful money of the United States of America. Each issue of Notes may be issued under a system of book entry for recording the ownership and transfer of ownership of rights to receive payments of principal or purchase price of and redemption premium, if any, and interest on such Notes. All Notes shall have and are hereby declared to have, as between successive holders, all the qualities and incidents of negotiable instruments under the negotiable instruments law of the Commonwealth.

B. The Board may sell Notes from time to time at public or private sale, by competitive bidding, negotiated sale, or private placement, for such price or prices as it may determine to be in the best interests of the Commonwealth.

§ 33.2-1515. Form and manner of execution; signature of person ceasing to be officer.

The Notes shall be signed on behalf of the Board by the chairman or vice-chairman of the Board, or shall bear the facsimile signature of such officer, and shall bear the official seal of the Board, which shall be attested by the manual or facsimile signature of the secretary or assistant secretary of the Board. In the event that Notes shall bear the facsimile signature of the chairman or vice-chairman of the Board, such Notes shall be signed by such administrative assistant as the chairman of the Board shall determine or by any registrar/paying agent that may be designated by the Board. In case any officer whose signature or a facsimile of whose signature appears on any Notes shall cease to be such officer before the delivery of such Notes, such signature or facsimile signature nevertheless shall be valid and sufficient for all purposes as if such officer had remained in office until such delivery.

§ 33.2-1516. Authority to obtain GARVEE approval.

The Board is authorized to seek any necessary approvals for the issuance of Notes as GARVEEs from the Federal Highway Administration and any successor or additional federal agencies.

§ 33.2-1517. Expenses.

All expenses incurred under this article or in connection with issuance of Notes shall be paid from the proceeds of such Notes or from any available funds as the Board shall determine.

§ 33.2-1518. Deposit of proceeds.

The proceeds of each series of Notes shall be placed by the State Treasurer in a special fund in the state treasury or may be placed with a trustee in accordance with § 33.2-1716 and shall be disbursed only for the purpose for which such series is issued.

§ 33.2-1519. Other funds.

The Board is hereby authorized to receive any other funds that may be made available to pay costs of the projects and, subject to appropriation by the General Assembly or allocation or designation by the Board, to make available the same to the payment of the principal or purchase price of, and redemption premium, if any, and interest on Notes authorized hereby and to enter into the appropriate agreements to allow for those funds to be paid into the state treasury, or to a trustee in

accordance with § 33.2-1716 to pay a part of the costs of the projects or to pay principal or purchase price of, and redemption premium, if any, and interest on Notes.

§ 33.2-1520. Application of project-specific reimbursements.

A. In accordance with Article X, Section 7 of the Constitution of Virginia and § 2.2-1802, all federal highway reimbursements are paid into the state treasury. In connection with each series of Notes issued pursuant to this article, the Board shall establish a fund in accordance with § 33.2-1720 either in the state treasury or with a trustee in accordance with § 33.2-1716, which secures and is used for the payment of such series of Notes to the credit of which there shall be deposited such amounts, appropriated therefor by the General Assembly, as are required to pay principal or purchase price of, and redemption premium, if any, and interest on Notes, as and when due and payable, (i) first from the project-specific reimbursements; (ii) then, at the discretion of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund; and (iii) then from such other funds, if any, that are designated by the General Assembly for such purpose.

B. The Board is authorized to provide that the pledge of federal highway reimbursements and any other federal highway assistance received for all or any series of the Notes will be subordinate to any prior pledge thereof to notes issued pursuant to subdivision 8 of § 33.2-1701 and the second enactments of Chapters 1019 and 1044 of the Acts of Assembly of 2000, as amended, and that the obligation to make transfers of federal highway reimbursements and any other federal highway assistance received or other amounts into any fund established under subsection A will be subordinate to the obligation to make any required payments or deposits on or with respect to notes issued pursuant to subdivision 8 of § 33.2-1701 and the second enactments of Chapters 1019 and 1044 of the Acts of Assembly of 2000, as amended.

§ 33.2-1521. Investment of proceeds and other amounts.

Notes proceeds and moneys in any reserve funds and sinking funds in respect of Notes shall be invested by the State Treasurer in accordance with the provisions of general law relating to the investment of such funds belonging to or in the control of the Commonwealth or by a trustee in accordance with § 33.2-1716.

§ 33.2-1522. Exemption from taxation.

The interest income from and any profit made on the sale of the Notes issued under the provisions of this article shall at all times be free and exempt from taxation by the Commonwealth and by any municipality, county, or other political subdivision thereof.

§ 33.2-1523. Notes as eligible securities.

All Notes issued under the provisions of this article are hereby made securities in which all persons and entities listed in § 33.2-1713 may properly and legally invest funds under their control.

Article 5.

Transportation Trust Fund.

§ 33.2-1524. Transportation Trust Fund.

There is hereby created in the Department of the Treasury a special nonreverting fund to be known as the Transportation Trust Fund, consisting of:

1. Funds remaining for highway construction purposes among the highway systems pursuant to § 33.2-358.
2. The additional revenues generated by enactments of Chapters 11, 12, and 15 of the 1986 Acts of Assembly, Special Session I, and designated for this fund.
3. Tolls and other revenues derived from the projects financed or refinanced pursuant to this title that are payable into the state treasury and tolls and other revenues derived from other transportation projects, which may include upon the request of the applicable appointed local governing body, as soon as their obligations have been satisfied, such tolls and revenue derived for transportation projects pursuant to the Chesapeake Bay Bridge and Tunnel District and Commission established in Chapter 22 (§ 33.2-2200 et seq.) and to the Richmond Metropolitan Authority established in Chapter 29 (§ 33.2-2900 et seq.), or if the appointed local governing body requests refunding or advanced refunding by the Board and such refunding or advanced refunding is approved by the General Assembly. Such funds shall be held in separate subaccounts of the Transportation Trust Fund to the extent required by law or the Board.
4. Such other funds as may be appropriated by the General Assembly from time to time and designated for the Transportation Trust Fund.
5. All interest, dividends, and appreciation that may accrue to the Transportation Trust Fund and the Highway Maintenance and Operating Fund.
6. All amounts required by contract to be paid over to the Transportation Trust Fund.
7. Concession payments paid to the Commonwealth by a private entity pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.).

§ 33.2-1525. Administration of Transportation Trust Fund.

A. The Transportation Trust Fund shall be established on the books of the Comptroller so as to segregate the amounts appropriated to the Transportation Trust Fund and the amounts earned or accumulated by such Transportation Trust Fund. No portion of the Transportation Trust Fund shall be used for a purpose other than as provided in this section. Any moneys remaining in the Transportation Trust Fund at the end of a biennium shall not revert to the general fund but shall remain in the Transportation Trust Fund to be used for the purposes set forth in §§ 33.2-1524, 33.2-1526, and 33.2-1529 and shall accumulate interest and dividends throughout the existence of the Transportation Trust Fund. Whenever in the Board's

opinion there are moneys in the Transportation Trust Fund in excess of the amount required to meet the current needs and demands of the transportation program, the Board may invest such excess funds in securities that, in its judgment, will be readily convertible into money. Such securities may include debentures and other government and corporate obligations; common and preferred stocks limited to 30 percent of total trust funds investments based on cost; "prime quality" commercial paper, as defined and limited by § 2.2-4502; bankers' acceptances; bonds; money market funds; and overnight, term, and open repurchase agreements. The investment of moneys held in the Transportation Trust Fund shall be administered by the state treasury under guidelines adopted by the Board pursuant to this section.

The Treasurer may, at his option, manage such moneys or hire professional outside investment counsel to manage part or all of such moneys.

The selection of services related to the management, purchase, or sale of authorized investments shall be governed by the standard provided in this section and shall not be subject to the provisions of Chapter 43 (§ 2.2-4300 et seq.) of Title 2.2.

B. When investments are made in accordance with this section, no Board member, Board employee, Department of Transportation employee, Department of Rail and Public Transportation employee, or treasury official shall be personally liable for any loss therefrom in the absence of negligence, malfeasance, misfeasance, or nonfeasance.

§ 33.2-1526. Commonwealth Space Flight Fund, Commonwealth Port Fund, Commonwealth Airport Fund, and Commonwealth Mass Transit Fund.

Of the funds becoming part of the Transportation Trust Fund pursuant to subdivision 2 of § 33.2-1524, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund as established in subdivision A 2 of § 58.1-638; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund as established in subdivision A 3 of § 58.1-638; and an aggregate of 14.7 percent shall be set aside as the Commonwealth Mass Transit Fund as established in subdivision A 4 of § 58.1-638. Beginning with the Commonwealth's 2012-2013 fiscal year through the Commonwealth's 2016-2017 fiscal year, each fiscal year from the funds becoming part of the Transportation Trust Fund pursuant to subdivision 2 of § 33.2-1524 the Comptroller shall transfer \$9.5 million to the Commonwealth Space Flight Fund as established in subdivision A 3a of § 58.1-638. The remaining funds deposited into or held in the Transportation Trust Fund pursuant to subdivision 2 of § 33.2-1524, together with funds deposited pursuant to subdivisions 1 and 4 of § 33.2-1524, shall be expended for capital improvements, including construction, reconstruction, maintenance, and improvements of highways according to the provisions of subsection C of § 33.2-358 or to secure bonds issued for such purposes, as provided by the Board and the General Assembly.

§ 33.2-1527. Priority Transportation Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Priority Transportation Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. All funds as may be designated in the appropriation act for deposit to the Fund shall be paid into the state treasury and credited to the Fund. Such funds shall include:

1. Beginning with the fiscal year ending June 30, 2000, and for fiscal years thereafter, all revenues that exceed the official forecast, pursuant to § 2.2-1503, for (i) the Highway Maintenance and Operating Fund established in § 33.2-1530 and (ii) the allocation to highway and mass transit improvement projects as set forth in § 33.2-1526, but not including any amounts that are allocated to the Commonwealth Port Fund and the Commonwealth Airport Fund under such section;

2. All revenues deposited into the Fund pursuant to § 58.1-2531;

3. All revenues deposited into the Fund pursuant to subsection E of § 58.1-2289; and

4. Any other such funds as may be transferred, allocated, or appropriated.

All moneys in the Fund shall first be used for debt service payments on bonds or obligations for which the Fund is expressly required for making debt service payments, to the extent needed. The Fund shall be considered a part of the Transportation Trust Fund. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes enumerated in subsection B. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller.

B. The Board shall use the Fund to facilitate the financing of priority transportation projects throughout the Commonwealth. The Board may use the Fund by (i) expending amounts therein on such projects directly; (ii) payment to any authority, locality, commission, or other entity for the purpose of paying the costs thereof; or (iii) using such amounts to support, secure, or leverage financing for such projects. No expenditures from or other use of amounts in the Fund shall be considered in allocating highway maintenance and construction funds under § 33.2-358 or apportioning Transportation Trust Fund funds under § 58.1-638 but shall be in addition thereto. The Board shall use the Fund to facilitate the financing of priority transportation projects as designated by the General Assembly, provided that at the discretion of the Board funds allocated to projects within a transportation district may be allocated among projects within the same transportation district as needed to meet construction cash-flow needs.

C. Notwithstanding any other provision of this section, beginning July 1, 2007, no bonds, obligations, or other evidences of debt (the bonds) that expressly require as a source for debt service payments or for the repayment of such bonds the revenues of the Fund shall be issued or entered into, unless at the time of the issuance the revenues then in the Fund or reasonably anticipated to be deposited into the Fund pursuant to the law then in effect are by themselves sufficient to make 100 percent of the contractually required debt service payments on all such bonds, including any interest related thereto and the retirement of such bonds.

§ 33.2-1528. Concession Payments Account.

A. Concession payments to the Commonwealth deposited into the Transportation Trust Fund pursuant to subdivision 7 of § 33.2-1524 from qualifying transportation facilities developed and/or operated pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) shall be held in a separate subaccount to be designated the Concession Payments Account, (the Account) together with all interest, dividends, and appreciation that accrue to the Account and that are not otherwise specifically directed by law or reserved by the Board for other purposes allowed by law.

B. The Board may make allocations from the Account upon such terms and subject to such conditions as the Board deems appropriate to:

1. Pay or finance all or part of the costs of programs or projects, including the costs of planning, operation, maintenance, and improvements incurred in connection with the acquisition and construction of projects, provided that allocations from the Account shall be limited to programs and projects that are reasonably related to or benefit the users of the qualifying transportation facility that was the subject of a concession pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.). The priorities of metropolitan planning organizations, planning district commissions, local governments, and transportation corridors shall be considered by the Board in making project allocations from moneys in the Account.

2. Repay funds from the Toll Facilities Revolving Account or the Transportation Partnership Opportunity Fund.

3. Pay the Board's reasonable costs and expenses incurred in the administration and management of the Account.

C. Concession payments to the Commonwealth for a qualifying transportation facility located within the boundaries of a rapid rail project for which a federal Record of Decision has been issued shall be held in a subaccount separate from the Concession Payments Account together with all interest, dividends, and appreciation that accrue to the subaccount. The Board may make allocations from the subaccount as the Board deems appropriate to:

1. Pay or finance all or part of the costs of planning, design, land acquisition, and improvements incurred in connection with the construction of such rapid rail project consistent with the issued federal Record of Decision, as may be revised from time to time; and

2. Upon determination by the Board that sufficient funds are or will be available to meet the schedule for construction of such rapid rail project, pay or finance all or part of the costs of planning, design, land acquisition, and improvements incurred in connection with other highway and public transportation projects within the corridor of the rapid rail project or within the boundaries of the qualifying transportation facility. In the case of highway projects, the Board shall follow an approval process generally in accordance with subsection B of § 33.2-208.

D. The provisions of this section shall be liberally construed to the end that its beneficial purposes may be effectuated. Insofar as this provision is inconsistent with the provisions of any other general, special, or local law, this provision shall be controlling.

E. If any provision of this section or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

§ 33.2-1529. Toll Facilities Revolving Account.

A. All definitions of terms in this section shall be as set forth in the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.).

B. Subject to any obligations to existing bondholders, but notwithstanding §§ 2.2-1806 and 58.1-13, funds deposited into the Transportation Trust Fund pursuant to subdivision 3 of § 33.2-1524 shall be held in a separate subaccount to be designated the Toll Facilities Revolving Account, (the Account) together with all interest, dividends, and appreciation that accrue to the Transportation Trust Fund and that are not otherwise specifically directed by law or reserved by the Board in the resolution authorizing issuance of bonds to finance toll facilities. In addition, any funds received from the federal government or any agency or instrumentality thereof that, pursuant to federal law, may be made available, as loans or otherwise, to private persons or entities for transportation purposes, hereinafter referred to as "federal funds," shall be deposited in a segregated subaccount within the Account. Payments received with respect to any loan made from such segregated subaccount pursuant to subdivision D 2 shall also be deposited into such segregated subaccount in the Account.

C. User fees collected in excess of the annual debt service, operations, and maintenance expenses and necessary administrative costs including any obligations to the Account and any other obligations for qualifying facilities with respect to which an agency of the Commonwealth is the responsible public entity shall be deposited and held in the Regional Toll Facilities Revolving Subaccount, (the Regional Account), together with all interest, dividends, and appreciation for use within the metropolitan planning organization region within which the facility exists. Payments received with respect to any loan made from such Regional Account pursuant to subdivision D 3 shall also be deposited into the Regional Account.

D. The Board may make allocations upon such terms and subject to such conditions as the Board deems appropriate from the following funds for the following purposes:

1. From any funds in the Account, exclusive of those in the Regional Account, to pay or finance all or part of the costs, including the cost of planning, operation, maintenance, and improvements, incurred in connection with the acquisition and construction of projects financed in whole or in part as toll facilities or to refinance existing toll facilities, provided that any such funds allocated from the Account for a planned or operating toll facility shall be considered as an advance of funding for which the Account shall be reimbursed;

2. From funds in the segregated subaccount in the Account into which federal funds are deposited in conjunction with the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) and pursuant to the terms of a comprehensive agreement between a responsible public entity and a private operator as provided for in that act:

a. To make a loan to such operator to pay any cost of a qualifying transportation facility, provided that (i) the operator's return on its investment is limited to a reasonable rate and (ii) such loan is limited to a reasonable term; or

b. To pay the Commonwealth's or its agency's portion of costs incurred or to be incurred in accordance with a comprehensive agreement with respect to a transportation facility;

3. From funds in the Regional Account:

a. To pay or finance all or part of the costs, including the cost of planning, operation, maintenance, and improvements incurred in connection with the acquisition and construction of projects financed in whole or in part as toll facilities or to refinance existing toll facilities, provided that (i) allocations from the Regional Account shall be limited to projects located within the same metropolitan planning organization region as the facility that generated the excess revenue and (ii) any such funds allocated from the Regional Account for a planned or operating toll facility shall be considered as an advance of funding for which the Regional Account shall be reimbursed; or

b. To pay the Commonwealth's, its agency's, or its political subdivision's costs incurred or to be incurred in accordance with a comprehensive agreement with respect to a transportation facility within the same metropolitan planning organization region as the facility that generated the excess revenue; and

4. From any funds in the Account or Regional Account, to pay the Board's reasonable costs and expenses incurred in (i) the administration and management of the Account, (ii) its program of financing or refinancing costs of toll facilities, and (iii) the making of loans and paying of costs described in subdivisions 1 and 2.

E. The Board may transfer from the Account to the Transportation Trust Fund for allocation pursuant to subsection C of § 33.2-358 any interest revenues and, subject to applicable federal limitations, federal funds not committed by the Board to the purposes provided for in subsection D.

F. The provisions of this section shall be liberally construed to the end that its beneficial purposes may be effectuated. Insofar as this provision is inconsistent with the provisions of any other general, special, or local law, this provision shall be controlling.

G. If any provision of this section or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, invalidity shall not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

Article 6.

Highway Maintenance and Operating Fund.

§ 33.2-1530. Highway Maintenance and Operating Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Highway Maintenance and Operating Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. Any moneys remaining in the Fund at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

The sources of funds for the Highway Maintenance and Operating Fund shall be paid into the state treasury and credited to the Fund and, in addition to all funds appropriated by the General Assembly, includes the following:

1. Revenues generated pursuant to § 33.2-213;
2. Civil penalties collected pursuant to § 33.2-216;
3. Civil penalties collected pursuant to § 33.2-1224;
4. Civil penalties collected pursuant to § 33.2-1229;
5. Permit fees as outlined in § 46.2-652.1;
6. Revenues generated pursuant to § 46.2-702.1;
7. Permit fees pursuant to §§ 46.2-1128, 46.2-1140.1, 46.2-1142.1, 46.2-1143, 46.2-1148, and 46.2-1149.1;
8. Applicable portions of emissions inspection fees from on-road emissions inspectors as designated in § 46.2-1182;
9. Revenues from subsection G of § 58.1-638 and § 58.1-638.3;
10. Revenues from subdivision 2 of § 58.1-815.4;
11. Revenues generated pursuant to subsection B of § 58.1-2249;
12. Revenues as apportioned in subsection E of § 58.1-2289;
13. Revenues as outlined in subsection A of § 58.1-2425; and
14. Taxes and fees pursuant to § 58.1-2701.

CHAPTER 16.

RAIL FUNDS.

§ 33.2-1600. Fund for construction of industrial access railroad tracks.

A. The General Assembly declares it to be in the public interest that access railroad tracks and facilities be constructed to certain industrial commercial sites where rail freight service is or may be needed by new or substantially expanded industry and that financial assistance be provided to areas seeking to furnish rail freight trackage between the normal limits of existing or proposed common carrier railroad tracks and facilities and the actual site of existing or proposed commercial or industrial buildings or facilities. This section is enacted in furtherance of these purposes and is intended to be comparable to the fund for access roads to economic development sites established pursuant to § 33.2-1509.

B. The funding for this program shall be set forth in the appropriation act.

C. The Director of the Department of Rail and Public Transportation shall administer and expend or commit, subject to the approval of the Board, such funds for constructing, reconstructing, or improving industrial access railroad tracks and related facilities. The Director of the Department of Rail and Public Transportation may consult with the Commissioner of Agriculture and Consumer Services and the Chief Executive Officer of the Virginia Economic Development Partnership, or their designated representatives, concerning applications for funds. Funds shall be spent directly by the Director of the Department of Rail and Public Transportation or by reimbursement of the local entities, private or public.

D. Funds may be used to construct, reconstruct, or improve part or all of the necessary tracks and related facilities on public or private property currently used or being developed, existent or prospective, for single industries or industrial subdivisions under firm contract or already constructed, including those subdivisions owned or promoted by railroad companies and others. Applications for funds must be approved by the local governing body.

E. In deciding whether to construct any such access track, the Board shall consider the cost thereof in relation to prospective volume of rail traffic, capital investment, potential employment, and other economic and public benefits. The Board shall adopt procedures to encourage widespread use of the funds, shall limit allocation of funds so that no locality receives more than 50 percent of the funds in any one fiscal year unless there are not sufficient applications prior to May 1 of each year to use the available funds, and shall consider the practices of the Department of Transportation in distributing funds for access roads to economic development sites under § 33.2-1509.

F. Tracks and facilities constructed with such funds shall be the property of the Commonwealth for the useful life of the project as determined by the Director of the Department of Rail and Public Transportation and shall be made available for use by all common carriers using the railway system to which they connect. The landowners or using businesses shall, prior to the commitment of funds by the Director of the Department of Rail and Public Transportation, be contractually committed to the perpetual maintenance of such tracks and facilities so constructed and to the payment of any costs related to the future relocation or removal of such tracks and facilities.

§ 33.2-1601. Rail Enhancement Fund.

A. The General Assembly declares it to be in the public interest that railway preservation and development of railway transportation facilities are an important element of a balanced transportation system of the Commonwealth for freight and passengers and further declares it to be in the public interest that the retention, maintenance, improvement, and development of freight and passenger railways are essential to the Commonwealth's continued economic growth, vitality, and competitiveness in national and world markets.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Rail Enhancement Fund, hereafter referred to as "the Fund," which shall be considered a special fund within the Transportation Trust Fund. The Fund shall be established on the books of the Comptroller and shall consist of dedications pursuant to § 58.1-1741 and such funds from other sources as may be set forth in the appropriation act and shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely as provided in this section. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the Department of Rail and Public Transportation or the Director's designee.

C. The Director of the Department of Rail and Public Transportation shall administer and expend or commit, subject to the approval of the Board, the Fund for acquiring, leasing, or improving railways or railroad equipment, rolling stock, rights-of-way, or facilities, or assisting other appropriate entities to acquire, lease, or improve railways or railroad equipment, rolling stock, rights-of-way, or facilities, for freight or passenger rail transportation purposes whenever the Board has determined that such acquisition, lease, or improvement is for the common good of a region of the Commonwealth or the Commonwealth as a whole. Funds provided in this section may also be used as matching funds for federal grants to support passenger or freight rail projects.

D. Projects undertaken pursuant to this section shall be limited to those the Board has determined will result in public benefits to a region of the Commonwealth or the Commonwealth as a whole that are equal to or greater than the investment of funds under this section. Such public benefits shall include the impact of the project on traffic congestion and environmental quality and, whenever possible, give due consideration to passenger rail capacity on corridors identified by the Board that have existing or proposed passenger rail service. Such projects shall include a minimum of 30 percent cash or in-kind matching contribution from a private source, which may include a railroad, a regional authority, a local government source, or a combination of such sources.

§ 33.2-1602. Shortline Railway Preservation and Development Fund.

A. For the purposes of this section:

"Fund" means the Shortline Railway Preservation and Development Fund.

"Railway transportation support facilities" means facilities required for the loading, transfer, or additional track capacity to facilitate the shipment of goods by rail other than as provided for in § 33.2-1600 or 33.2-1601.

"Shortline railway" means any Class II or Class III railroad as defined by the U.S. Surface Transportation Board.

B. The General Assembly declares it to be in the public interest that shortline railway preservation and development of railway transportation support facilities are important elements of a balanced transportation system of the Commonwealth for freight and passengers, and further declares it to be in the public interest that the retention, maintenance, and

improvement of the shortline railway and development of railway transportation support facilities are essential to the Commonwealth's continued economic growth, vitality, and competitiveness in national and world markets.

C. There is hereby created in the state treasury a special nonreverting fund to be known as the Shortline Railway Preservation and Development Fund. The Fund shall be established on the books of the Comptroller and shall consist of such funds from such sources as shall be set forth in the general appropriation act and shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely as provided in this section. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the Department of Rail and Public Transportation or the Director's designee.

D. To fulfill this purpose, there shall be funding set forth each year in the budget bill and appropriated by the General Assembly in the Rail Assistance Program of the Department of Rail and Public Transportation. These funds shall be used by the Department of Rail and Public Transportation to administer a Shortline Railway Preservation and Development Program for the purposes described in subsection B. Furthermore, the Board shall include an annual allocation for such purpose in its allocation of transportation revenues.

E. The Director of the Department of Rail and Public Transportation shall administer and expend or commit, subject to the approval of the Board, the Fund for acquiring, leasing, or improving shortline railways and the development of railway transportation support facilities or assisting other appropriate entities to acquire, lease, or improve shortline railways and the development of railway transportation purposes whenever the Board has determined that such acquisition, lease, or improvement is for the common good of a region of the Commonwealth or the Commonwealth as a whole. The Director of the Department of Rail and Public Transportation may consult with other agencies or their designated representatives concerning projects to be undertaken under this section.

F. Tracks and facilities constructed, and property and equipment purchased, with funds under this section shall be the property of the Commonwealth for the useful life of the project, as determined by the Director of the Department of Rail and Public Transportation, and shall be made available for use by all common carriers using the railway system to which they connect under the trackage rights agreements between the parties. Projects undertaken pursuant to this section shall be limited to those of a region of the Commonwealth or the Commonwealth as a whole. Such projects shall include a minimum of 30 percent cash or in-kind matching contribution from a private source, which may include a railroad, a regional authority, private industry, a local government source, or a combination of such sources. No single project shall be allocated more than 50 percent of total available funds.

§ 33.2-1603. Intercity Passenger Rail Operating and Capital Fund.

A. The General Assembly declares it to be in the public interest that developing and continuing intercity passenger rail operations and the development of rail infrastructure, rolling stock, and support facilities to support intercity passenger rail service are important elements of a balanced transportation system in the Commonwealth and further declares it to be in the public interest that the retention, maintenance, improvement, and development of intercity passenger rail-related infrastructure improvements and operations are essential to the Commonwealth's continued economic growth, vitality, and competitiveness in national and world markets.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Intercity Passenger Rail Operating and Capital Fund, hereafter referred to as "the Fund," which shall be considered a special fund within the Transportation Trust Fund. The Fund shall be established on the books of the Comptroller and shall consist of funds designated pursuant to subdivision A 2 of § 58.1-638.3 and as may be set forth in the appropriation act and by allocation of funds for operations and projects pursuant to this section by the Board in accordance with § 33.2-358. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely as provided in this section. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the Department of Rail and Public Transportation or his designee.

C. The Director of the Department of Rail and Public Transportation or his designee shall administer and expend or commit, subject to the approval of the Board, the Fund to support the cost of operating intercity passenger rail service; acquiring, leasing, or improving railways or railroad equipment, rolling stock, rights-of-way, or facilities; or assisting other appropriate entities to acquire, lease, or improve railways or railroad equipment, rolling stock, rights-of-way, or facilities for intercity passenger rail transportation purposes whenever the Board has determined that such acquisition, lease, or improvement is for the common good of a region of the Commonwealth or the Commonwealth as a whole. Funds provided in this section may also be used as matching funds for federal grants to support intercity passenger rail projects.

D. Capital projects including tracks and facilities constructed and property, equipment, and rolling stock purchased with funds under this section shall be the property of the Commonwealth for the useful life of the project, as determined by the Director of the Department of Rail and Public Transportation, and shall be made available for use by all intercity passenger rail operations and common carriers using the railway system to which they connect under the trackage rights or operating agreements between the parties. Projects undertaken pursuant to this section shall be limited to those of a region of the Commonwealth or the Commonwealth as a whole. Such projects undertaken pursuant to this section shall not require

a matching contribution; however, projects proposed with matching funds may receive more favorable consideration. Matching funds may be provided from any source except Commonwealth Transportation Fund revenues.

CHAPTER 17.

TRANSPORTATION DEVELOPMENT AND REVENUE BOND ACT.

§ 33.2-1700. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Commonwealth Transportation Board, or if the Commonwealth Transportation Board is abolished, any board, commission, or officer succeeding to the principal functions thereof or upon whom the powers given by this chapter to the Board shall be given by law.

"Cost of the project," as applied to a project to be acquired by purchase or by condemnation, includes:

1. The purchase price or the amount of the award;
2. The cost of improvements, financing charges, and interest during any period of disuse before completion of improvements;
3. The cost of traffic estimates and of engineering data;
4. The cost of engineering and legal expenses;
5. The cost of plans, specifications and surveys, and estimates of cost and of revenues; and
6. Other expenses necessary or incident to determining the feasibility or practicability of the enterprises, administrative expenses, and such other expenses as may be necessary or incident to the financing authorized in this chapter and the acquisition of the project and the placing of the project in operation.

"Cost of the project," as applied to a project to be constructed, includes:

1. The cost of construction;
2. The cost of all lands, properties, rights, easements, and franchises acquired that are deemed necessary for such construction;
3. The cost of acquiring by purchase or condemnation any ferry that is deemed by the Board to be competitive with any bridge to be constructed;
4. The cost of all machinery and equipment;
5. The cost of financing charges and interest prior to construction, during construction, and for one year after completion of construction;
6. The cost of traffic estimates and of engineering data;
7. The cost of engineering and legal expenses;
8. The cost of plans, specifications and surveys, estimates of cost and of revenues; and
9. Other expenses necessary or incident to determining the feasibility or practicability of the enterprise, administrative expenses, and such other expenses as may be necessary or incident to the financing authorized in this chapter, the construction of the project, the placing of the project in operation, and the condemnation of property necessary for such construction and operation.

"Improvements" means those repairs to, replacements of, additions to, and betterments of a project acquired by purchase or by condemnation as are deemed necessary to place it in a safe and efficient condition for the use of the public, if such repairs, replacements, additions, and betterments are ordered prior to the sale of any bonds for the acquisition of such project.

"Owner" includes all individuals, incorporated companies, partnerships, societies, and associations having any title or interest in any property rights, easements, or franchises authorized to be acquired by this chapter.

"Project" means any one or more of the following:

1. The York River Bridges, extending from a point within Yorktown in York County or within York County across the York River to Gloucester Point or some point in Gloucester County.
2. The Rappahannock River Bridge, extending from Greys Point, or its vicinity, in Middlesex County, across the Rappahannock River to a point in the vicinity of White Stone, in Lancaster County, or at some other feasible point in the general vicinity of the two respective points.
3. The James River Bridge, from a point at or near Jamestown, in James City County, across the James River to a point in Surry County.
4. The James River, Chuckatuck, and Nansemond River Bridges, together with necessary connecting roads, in the Cities of Newport News and Suffolk and the County of Isle of Wight.
5. The Hampton Roads Bridge-Tunnel or Bridge and Tunnel System, extending from a point or points in the Cities of Newport News and Hampton on the northwest shore of Hampton Roads across Hampton Roads to a point or points in the City of Norfolk or Suffolk on the southeast shore of Hampton Roads.
6. Interstate 264, extending from a point in the vicinity of the intersection of Interstate Route 64 and U.S. Route 58 at Norfolk to some feasible point between London Bridge and U.S. Route 60.
7. The Henrico-James River Bridge, extending from a point on the eastern shore of the James River in Henrico County to a point on the western shore, between Falling Creek and Bells Road interchanges of Interstate 95; however, the project shall be deemed to include all property, rights, easements, and franchises relating to this project and deemed necessary or convenient for its operation, including its approaches.

8. *The limited access highway between the Newport News/Williamsburg International Airport area and the Newport News downtown area, which generally runs parallel to tracks of the Chesapeake and Ohio Railroad.*

9. *Transportation improvements in the Dulles Corridor, with an eastern terminus of the East Falls Church Metrorail station at Interstate 66 and a western terminus of Virginia Route 772 in Loudoun County, including without limitation the Dulles Toll Road; the Dulles Access Road; outer roadways adjacent or parallel thereto; mass transit, including rail; bus rapid transit; and capacity-enhancing treatments such as high-occupancy vehicle lanes, high-occupancy toll lanes, interchange improvements, commuter parking lots, and other transportation management strategies.*

10. *Subject to the limitations and approvals of § 33.2-1712, any other highway for a primary highway transportation improvement district or transportation service district that the Board has agreed to finance under a contract with any such district or any other alternative mechanism for generation of local revenues for specific funding of a project satisfactory to the Board, the financing for which is to be secured by Transportation Trust Fund revenues under any appropriation made by the General Assembly for that purpose and payable first from revenues received under such contract or other local funding source; second, to the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project is located or to the county or counties in which the project is located; and third, to the extent required from other legally available revenues of the Transportation Trust Fund and from any other available source of funds.*

11. *The U.S. Route 58 Corridor Development Program projects as defined in §§ 33.2-2300 and 33.2-2301.*

12. *The Northern Virginia Transportation District Program as defined in §§ 33.2-2400 and 33.2-2401.*

13. *Any program for highways or mass transit or transportation facilities endorsed by the affected localities, which agree that certain distributions of state recordation taxes will be dedicated and used for the payment of any bonds or other obligations, including interest thereon, the proceeds of which were used to pay the cost of the program. Any such program shall be referred to as a "Transportation Improvement Program."*

14. *Any project designated from time to time by the General Assembly financed in whole or part through the issuance of Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes.*

15. *Any project authorized by the General Assembly financed in whole or in part by funds from the Priority Transportation Fund established pursuant to § 33.2-1527 or from the proceeds of bonds whose debt service is paid in whole or in part by funds from such Fund.*

16. *Any project identified by the Board to be financed in whole or in part through the issuance of Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes.*

"Revenues" includes tolls and any other moneys received or pledged by the Board pursuant to this chapter, including legally available Transportation Trust Fund revenues and any federal highway reimbursements and any other federal highway assistance received by the Commonwealth.

"Toll project" means a project financed in whole or in part through the issuance of revenue bonds that are secured by toll revenues generated by the project.

"Undertaking" means all of the projects authorized to be acquired or constructed under this chapter.

§ 33.2-1701. General powers of Commonwealth Transportation Board.

The Board may, subject to the provisions of this chapter:

1. *Acquire by purchase or by condemnation, construct, improve, operate, and maintain any one or more of the projects mentioned and included in the undertaking as defined in § 33.2-1700;*

2. *Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Toll Revenue Bonds," payable from earnings and from any other available sources of funds, to pay the cost of such projects;*

3. *Subject to the limitations and approvals of § 33.2-1712, issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Contract Revenue Bonds," secured by Transportation Trust Fund revenues under a payment agreement between the Board and the Treasury Board, subject to their appropriation by the General Assembly and payable first from revenues received pursuant to contracts with a primary highway transportation improvement district or transportation service district or other local revenue sources for which specific funding of any such bonds may be authorized by law; second, to the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project to be financed is located or to the county or counties in which the project to be financed is located; and third, to the extent required, from other legally available revenues of the Transportation Trust Fund and from any other available source of funds;*

4. *Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Revenue Bonds," secured (i) by revenues received from the U.S. Route 58 Corridor Development Fund, subject to their appropriation by the General Assembly; (ii) to the extent required, from revenues legally available from the Transportation Trust Fund; and (iii) to the extent required, from any other legally available funds that have been appropriated by the General Assembly;*

5. *Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Revenue Bonds," secured, subject to their appropriation by the General Assembly, (i) first from revenues received from the Northern Virginia Transportation District Fund; (ii) to the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project to be financed is located or to the city or county in which the project to be financed is located; (iii) to the extent*

required, from legally available revenues of the Transportation Trust Fund; and (iv) from such other funds that may be appropriated by the General Assembly;

6. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Program Revenue Bonds," secured, subject to their appropriation by the General Assembly, (i) first from any revenues received from any Set-aside Fund established by the General Assembly pursuant to § 58.1-816.1; (ii) to the extent required, from revenues received pursuant to any contract with a locality or any alternative mechanism for generation of local revenues for specific funding of a project satisfactory to the Board; (iii) to the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project to be financed is located or to the city or county in which the project to be financed is located; (iv) to the extent required, from legally available revenues of the Transportation Trust Fund; and (v) from such other funds that may be appropriated by the General Assembly. No bonds for any project shall be issued under the authority of this subdivision unless such project is specifically included in a bill or resolution passed by the General Assembly;

7. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Program Revenue Bonds," secured, subject to their appropriation by the General Assembly, (i) first from any revenues received from the Commonwealth Transit Capital Fund established by the General Assembly pursuant to subdivision A 4 c of § 58.1-638; (ii) to the extent required, from legally available revenues of the Transportation Trust Fund; and (iii) from such other funds that may be appropriated by the General Assembly. No bonds for any project shall be issued under the authority of this subdivision unless such project is specifically included in a bill or resolution passed by the General Assembly;

8. Issue revenue bonds of the Commonwealth from time to time to be known and designated as "Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes," secured, subject to their appropriation by the General Assembly, (i) first from any federal highway reimbursements and any other federal highway assistance received from time to time by the Commonwealth; (ii) then, at the discretion of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund; and (iii) then from such other funds, if any, that are designated by the General Assembly for such purpose;

9. Issue revenue bonds of the Commonwealth from time to time to be known and designated as "Commonwealth of Virginia Credit Assistance Revenue Bonds," secured, subject to their appropriation by the General Assembly, solely from revenues with respect to or generated by the project being financed thereby and any tolls or other revenues pledged by the Board as security therefor and in accordance with the applicable federal credit assistance authorized with respect to such project by the U.S. Department of Transportation;

10. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds," secured, subject to their appropriation by the General Assembly, (i) from the revenues deposited into the Priority Transportation Fund established pursuant to § 33.2-1527; (ii) to the extent required, from revenues legally available from the Transportation Trust Fund; and (iii) to the extent required, from any other legally available funds;

11. Issue grant anticipation notes of the Commonwealth from time to time to be known and designated as "Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes," secured, subject to their appropriation by the General Assembly, (i) first from the project-specific reimbursements pursuant to § 33.2-1520; (ii) then, at the discretion of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund; and (iii) then from such other funds, if any, that are designated by the General Assembly for such purpose;

12. Fix and collect tolls and other charges for the use of such projects or to refinance the cost of such projects;

13. Construct grade separations at intersections of any projects with public highways, railways, or streets and adjust the lines and grades thereof so as to accommodate the same to the design of such grade separations, the cost of such grade separations and any damage incurred in adjusting the lines and grades of such highways, railways, or streets to be ascertained and paid by the Board as a part of the cost of the project;

14. Vacate or change the location of any portion of any public highway and reconstruct the same at such new location as the Board deems most favorable for the project and of substantially the same type and in as good condition as the original highway, the cost of such reconstruction and any damage incurred in vacating or changing the location thereof to be ascertained and paid by the Board as a part of the cost of the project. Any public highway vacated or relocated by the Board shall be vacated or relocated in the manner provided by law for the vacation or relocation of public highways, and any damages awarded on account thereof may be paid by the Board as a part of the cost of the project;

15. Make reasonable regulations for the installation, construction, maintenance, repair, renewal, and relocation of pipes, mains, sewers, conduits, cables, wires, towers, poles, and other equipment and appliances, referred to in this subdivision as "public utility facilities," of the Commonwealth and of any locality, political subdivision, public utility, or public service corporation owning or operating the same in, on, along, over, or under the project. Whenever the Board determines that it is necessary that any such public utility facilities should be relocated or removed, the Commonwealth or such locality, political subdivision, public utility, or public service corporation shall relocate or remove the same in accordance with the order of the Board. The cost and expense of such relocation or removal, including the cost of installing such public utility facilities in a new location or locations, the cost of any lands or any rights or interests in lands, and any other rights acquired to accomplish such relocation or removal, shall be ascertained by the Board.

On any toll project, the Board shall pay the cost and expense of relocation or removal as a part of the cost of the project for those public utility facilities owned or operated by the Commonwealth or such locality, political subdivision, public utility, or public service corporation. On all other projects under this chapter, the Board shall pay the cost and expense of relocation or removal as a part of the cost of the project for those public utility facilities owned or operated by the Commonwealth or such locality or political subdivision. The Commonwealth or such locality, political subdivision, public utility, or public service corporation may maintain and operate such public utility facilities with the necessary appurtenances in the new location for as long a period and upon the same terms and conditions as it had the right to maintain and operate such public utility facilities in their former location;

16. Acquire by the exercise of the power of eminent domain any lands, property, rights, rights-of-way, franchises, easements, and other property, including public lands, parks, playgrounds, reservations, highways, or parkways, or parts thereof or rights therein, of any locality or political subdivision, deemed necessary or convenient for the construction or the efficient operation of the project or necessary in the restoration, replacement, or relocation of public or private property damaged or destroyed.

The cost of such projects shall be paid solely from the proceeds of Commonwealth of Virginia Toll or Transportation Contract Revenue Bonds or a combination thereof or from such proceeds and from any grant or contribution that may be made thereto pursuant to the provisions of this chapter;

17. Notwithstanding any provision of this chapter to the contrary, the Board shall be authorized to exercise the powers conferred in this chapter, in addition to its general powers to acquire rights-of-way and to construct, operate, and maintain state highways, with respect to any project that the General Assembly has authorized or may hereafter authorize to be financed in whole or in part through the issuance of bonds of the Commonwealth pursuant to the provisions of Article X, Section 9 (c) of the Constitution of Virginia; and

18. Enter into any agreements or take such other actions as the Board determines in connection with applying for or obtaining any federal credit assistance, including without limitation loan guarantees and lines of credit, pursuant to authorization from the U.S. Department of Transportation with respect to any project included in the Commonwealth's long-range transportation plan and the approved State Transportation Improvement Program.

§ 33.2-1702. Acquisition and construction of projects.

The Board shall acquire or construct, under the provisions of this chapter, each of the projects included in the undertaking at the earliest dates deemed by the Board to be feasible for the acquisition or construction of each project and its financing under this chapter.

§ 33.2-1703. Purchase of projects.

The Board may acquire by purchase, whenever it deems such purchase expedient, any of the projects set forth in the definition of "project" in § 33.2-1700, upon such terms and at such prices as may be reasonable and can be agreed upon between the Board and the owner thereof, title thereto to be taken in the name of the Commonwealth. The Board shall issue revenue bonds of the Commonwealth as provided in this chapter to pay the cost of such acquisition.

§ 33.2-1704. Condemnation of projects and property.

A. Whenever a reasonable price cannot be agreed upon or whenever the owner is legally incapacitated, absent, unable to convey valid title, or unknown, the Board may acquire by condemnation any project contemplated by § 33.2-1703 or interest therein and any lands, rights, easements, franchises, and other property deemed necessary or convenient for the improvement or the efficient operation of any project acquired or constructed under this chapter, or for the purpose of constructing any project or portion thereof pursuant to this chapter, or for securing a right-of-way leading to any such project or its approaches, in the manner provided in this chapter. Such condemnation proceedings shall be conducted and the compensation to be paid shall be ascertained and paid in the manner provided by law with reference to the condemnation of property by the Board for state highway purposes.

B. Title to any property condemned by the Board shall be taken in the name of the Commonwealth. The Commonwealth shall be under no obligation to accept and pay for any property condemned or any cost incidental to any condemnation proceedings and shall not pay for the same except from the funds provided by this chapter; and in any condemnation proceedings, the court having jurisdiction of the suit, action, or proceeding may make such orders as may be just to the Commonwealth and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against any loss or damage to be sustained by reason of the failure of the Commonwealth to accept and pay for the property, but such undertaking or security shall impose no liability upon the Commonwealth, except such as may be paid from the funds provided under the authority of this chapter; provided that condemnation shall not lie in any case when the Commonwealth, in granting a franchise to any project named in this chapter, has stipulated the terms upon which it may acquire such project.

§ 33.2-1705. Improvement of projects acquired.

The Board, at or before the time any such project is acquired by purchase or by condemnation, shall determine what repairs, replacements, additions, or betterments will be necessary to place the project in safe and efficient condition for the use of the public and shall cause an estimate of the cost of such improvement to be made. The Board shall authorize such improvements before the sale of any revenue bonds for the acquisition of such project, and the cost of such improvements shall be paid for out of the proceeds of such bonds.

§ 33.2-1706. Construction of projects.

The Board may construct, whenever it deems such construction expedient, any of the projects set forth in the definition of "project" in § 33.2-1700. The Board may purchase within the Commonwealth, solely from funds provided under the authority of this chapter, such lands, structures, rights-of-way, franchises, easements, and other interests in lands, including lands under water and riparian rights of any person, partnership, association, railroad or other corporation, or municipality or political subdivision, deemed necessary for the construction of any project, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof and may take title thereto in the name of the Commonwealth. The Commonwealth hereby consents to the use of all lands lying under water that are within the Commonwealth and are necessary for the construction and operation of any project and the approaches and appurtenances thereto that may be constructed under the provisions of this chapter. All public or private property damaged or destroyed in carrying out the powers granted hereunder shall be restored or repaired and placed in the original condition, as nearly as practicable, or adequate compensation made therefor, out of funds provided under the authority of this chapter.

§ 33.2-1707. Highway connections.

Upon the letting of a contract for the construction of a project under the provisions of this chapter, the Board shall proceed with the construction of any highways that may be necessary to connect the project with state highways in the Commonwealth and to complete the construction of the connecting highways on or before the date the project is opened for traffic.

§ 33.2-1708. Revenue bonds.

The Board may provide by resolution, at one time or from time to time, for the issuance of revenue bonds, notes, or other revenue obligations of the Commonwealth for the purpose of paying all or any part of the cost, as defined in § 33.2-1700, of any one or more projects, as defined in § 33.2-1700. The principal or purchase price of, and redemption premium, if any, and interest on such obligations shall be payable solely from the special funds herein provided for such payment. For the purposes of this section, "special funds" includes any funds established for Commonwealth of Virginia Toll Revenue Bonds, Commonwealth of Virginia Transportation Contract Revenue Bonds, Commonwealth of Virginia Transportation Revenue Bonds, Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes, or Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes.

§ 33.2-1709. Credit of Commonwealth not pledged.

A. Commonwealth of Virginia Toll Revenue Bonds issued under the provisions of this chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth, but such bonds shall be payable solely from the funds provided therefor from tolls and revenues pursuant to this chapter, from bond proceeds or earnings thereon, and from any other available sources of funds. All such bonds shall state on their face that the Commonwealth is not obligated to pay the same or the interest thereon except from the special fund provided therefor from tolls and revenues under this chapter, from bond proceeds or earnings thereon, and from any other available sources of funds, and that the full faith and credit of the Commonwealth are not pledged to the payment of the principal or interest of such bonds. The issuance of such revenue bonds under the provisions of this chapter shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment, other than appropriate available funds derived as revenues from tolls and charges under this chapter or derived from bond proceeds or earnings thereon and from any other available sources of funds.

B. Commonwealth of Virginia Transportation Contract Revenue Bonds issued under the provisions of this chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth, but such bonds shall be payable solely from the funds provided therefor pursuant to this chapter (i) from revenues received pursuant to contracts with a primary highway transportation district or transportation service district or any other alternative mechanism for generation of local revenues for specific funding of a project satisfactory to the Board; (ii) to the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project to be financed is located or to the county or counties in which such project is located; (iii) from bond proceeds or earnings thereon; (iv) to the extent required, from other legally available revenues of the Transportation Trust Fund; and (v) from any other available source of funds. All such bonds shall state on their face that the Commonwealth is not obligated to pay the same or the interest thereon except from revenues in clauses (i) and (iii) and that the full faith and credit of the Commonwealth are not pledged to the payment of the principal and interest of such bonds. The issuance of such revenue bonds under the provisions of this chapter shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge any form of taxation whatever or to make any appropriation for their payment, other than to appropriate available funds derived as revenues under this chapter from the sources set forth in clauses (i) and (iii). Nothing in this chapter shall be construed to obligate the General Assembly to make any appropriation of the funds set forth in clause (ii) or (iv) for payment of such bonds.

C. Commonwealth of Virginia Transportation Revenue Bonds issued under the provisions of this chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth, but such bonds shall be payable solely from the funds provided therefor pursuant to this chapter (i) from revenues received from the U.S. Route 58 Corridor Development Fund established pursuant to § 33.2-2300, subject to their appropriation by the

General Assembly; (ii) to the extent required, from revenues legally available from the Transportation Trust Fund; and (iii) to the extent required, from any other legally available funds that may be appropriated by the General Assembly.

D. Commonwealth of Virginia Transportation Revenue Bonds issued under this chapter for Category 1 projects as provided in subdivision 12 of the definition of "project" in § 33.2-1700 shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth. Such bonds shall be payable solely, subject to their appropriation by the General Assembly, (i) first from revenues received from the Northern Virginia Transportation District Fund established pursuant to § 33.2-2400; (ii) to the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project to be financed is located or to the city or county in which the project to be financed is located; (iii) to the extent required, from legally available revenues of the Transportation Trust Fund; and (iv) from such other funds that may be appropriated by the General Assembly.

E. Commonwealth of Virginia Transportation Program Revenue Bonds issued under this chapter for projects defined in subdivision 13 of the definition of "project" in § 33.2-1700 shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth. Such bonds shall be payable solely, subject to their appropriation by the General Assembly, (i) first from any revenues received from any Set-aside Fund established by the General Assembly pursuant to § 58.1-816.1; (ii) to the extent required, from revenues received pursuant to any contract with a locality or any alternative mechanism for generation of local revenues for specific funding of a project satisfactory to the Board; (iii) to the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project to be financed is located or to the city or county in which the project to be financed is located; (iv) to the extent required, from legally available revenues from the Transportation Trust Fund; and (v) from such other funds that may be appropriated by the General Assembly.

F. Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes issued under this chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth, but such obligations shall be payable solely, subject to appropriation by the General Assembly, (i) first from any federal highway reimbursements and any other federal highway assistance received by the Commonwealth; (ii) then, at the discretion of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund; and (iii) then, from such other funds, if any, that are designated by the General Assembly for such purpose.

G. Commonwealth of Virginia Transportation Credit Assistance Revenue Bonds issued under the provisions of this chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth, but such obligations shall be payable solely, subject to appropriation by the General Assembly, from revenues with respect to or generated by the project being financed thereby and any tolls or other revenues pledged by the Board as security therefor and in accordance with the applicable federal credit assistance authorized with respect to such project by the U.S. Department of Transportation.

H. Commonwealth of Virginia Transportation Capital Projects Revenue Bonds issued under the provisions of this chapter for projects as provided in subdivision 15 of the definition of "project" in § 33.2-1700 shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth, but such bonds shall be payable solely, subject to their appropriation by the General Assembly, (i) from the revenues deposited into the Priority Transportation Fund established pursuant to § 33.2-1527; (ii) to the extent required, from revenues legally available from the Transportation Trust Fund; and (iii) to the extent required, from any other legally available funds.

I. Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes issued under the provisions of Article 4 (§ 33.2-1511 et seq.) of Chapter 15 and this chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth, but such notes shall be payable solely, subject to their appropriation by the General Assembly, (i) first from the project-specific reimbursements pursuant to § 33.2-1520; (ii) then, at the discretion of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund; and (iii) then from such other funds, if any, that are designated by the General Assembly for such purpose.

§ 33.2-1710. Form and terms of bonds.

The bonds of such issue shall be dated, shall bear interest at such rate or rates, and shall mature at such time or times, not exceeding 40 years from their date or dates, as may be determined by the Board or by formula or method established by resolution of the Board, and may be made redeemable before maturity, at the option of the Board, at such price or prices and under such terms and conditions as may be fixed by the Board prior to the issuance of the bonds. The principal or purchase price of and redemption premium, if any, and interest on such bonds may be made payable in any lawful medium. The payments of principal and interest may be uniform in amount over the life of the bond; however, such uniformity shall not be a prerequisite to the issuance of such bonds. The Board shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof, which may be at any bank or trust company within or without the Commonwealth. The bonds shall be signed by the chairman or vice-chairman of the Board, and the official seal of the Board shall be affixed thereto and attested by the secretary or assistant secretary of the Board, and any coupons attached thereto shall bear the facsimile signatures of the chairman or vice-chairman of the Board. When any officer whose signature appears on the bonds or coupons ceases to be such officer before the delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery. All revenue bonds issued under the provisions of this chapter shall have and are hereby declared to have, as between successive holders, all the

qualities and incidents of negotiable instruments under the negotiable instruments law of the Commonwealth. Such bonds and the income thereof shall be exempt from all taxation within the Commonwealth. The bonds may be issued in coupon or in registered form, or both, as the Board may determine, and provision may be made for the registration of any coupon bond as to principal alone and also as to both principal and interest and for the reconversion of any bonds registered as to both principal and interest into coupon bonds. Prior to the preparation of definite bonds, the Board, under like restrictions, may issue temporary bonds with or without coupons, exchangeable for definitive bonds upon the issuance of the latter. The Board may also provide for the replacement of any bond that is mutilated, destroyed, or lost.

§ 33.2-1711. No other prerequisites to issue of bonds.

Such revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions, and things that are specified and required by this chapter.

§ 33.2-1712. Limitations and approvals for certain revenue bonds.

No bonds payable from the Transportation Trust Fund revenues under a payment agreement between the Board and the Treasury Board and payable first from revenues of that Fund received pursuant to contracts with a primary highway transportation improvement district or a transportation service district shall be issued unless specifically included in a bill or resolution passed by the General Assembly. The Treasury Board is designated the sales and paying agent of the Board with respect to such bonds.

§ 33.2-1713. Sale of bonds; bonds as legal investments.

The Board may sell such bonds in such manner and for such price as it may determine to be for the best interests of the Commonwealth, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than the maximum annual percentage rate approved by the Commonwealth Treasury Board with respect to such obligations in accordance with § 2.2-2416.

All bonds issued pursuant to the authority of this chapter are hereby made securities in which all public officers and bodies of the Commonwealth and all political subdivisions thereof; all insurance companies and associations, all national banks and trust companies, and all savings institutions, including savings and loan associations, in the Commonwealth; and all executors, administrators, trustees, and other fiduciaries, both individual or corporate, may properly and legally invest funds within their control.

§ 33.2-1714. Use of proceeds of sale of bonds.

The proceeds of such bonds shall be used solely for the payment of the cost of the project for which they are issued and shall be disbursed by the Board under such restrictions, if any, as the Board may provide. If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be less than the cost of the project on account of which such bonds are issued, additional bonds may in like manner be issued to provide the amount of such deficit and unless otherwise provided in the resolution authorizing the issuance of the bonds or in the trust indenture pursuant to § 33.2-1717 shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same project. If the proceeds of bonds issued for any project exceeds the cost thereof, the surplus shall be paid into the fund provided in this chapter for the payment of principal and interest of such bonds.

§ 33.2-1715. Financing two or more projects together.

The Board may, in its discretion, couple or unite into one unit for financing purposes any two or more such projects, whether acquired by purchase or condemnation or constructed, and revenue bonds of a single issue may be issued for the purpose of paying the cost of any one or more projects, unless otherwise restricted by statute.

§ 33.2-1716. All moneys to be trust funds.

All moneys received pursuant to the authority of this chapter, whether as proceeds from the sale of revenue bonds, as grants or other contributions, or as tolls and revenues, shall be held and applied solely as provided in this chapter. The Board shall, in the resolution authorizing the issuance of bonds or in the trust indenture, provide for the payment of the proceeds of the sale of the bonds and the tolls and revenues to be received into the state treasury and carried on the books of the Comptroller in a special account and may provide for the turning over, transfer, or paying over of such funds from the state treasury to any officer, agency, bank, or trust company who shall act as trustee of such funds and hold and apply the same to the purposes of this chapter, subject to such regulations as this chapter and such resolution or trust indenture may provide.

Disbursements and payments of moneys so paid into the state treasury shall be made by the State Treasurer upon warrants of the State Comptroller that he shall issue upon vouchers signed by such person or persons as shall be designated by the Board for such purpose.

§ 33.2-1717. Trust indenture.

In the discretion of the Board, each or any issue of revenue bonds may be secured by a trust indenture by and between the Board and a corporate trustee, which may be any trust company or bank having trust powers within or outside of the Commonwealth. Such trust indenture may pledge tolls and revenues to be received, but no such trust indenture shall convey or mortgage any project or any part thereof. Either the resolution providing for the issuance of revenue bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Board in relation to the acquisition, construction, improvement, maintenance, operation, repair, and insurance of the projects and the custody, safeguarding, and application of all moneys. Such resolution or trust indenture may also provide that the project shall be

acquired, or acquired and improved, or constructed, and paid for under the supervision and approval of consulting engineers employed or designated by the Board and satisfactory to the original purchasers of the bonds issued therefor and may also require that the security given by contractors and by any depository of the proceeds of the bonds or revenues of the project or other moneys pertaining thereto be satisfactory to such purchasers. Any bank or trust company within or without the Commonwealth may act as such depository and furnish such indemnifying bonds or pledge such securities as may be required by the Board. Such indenture may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations. In addition to the foregoing, such trust indenture may contain such other provisions as the Board may deem reasonable and proper for the security of the bondholders. Except as otherwise provided in this chapter, the Board may provide, by resolution or by such trust indenture, that after the payment of the proceeds of the sale of the bonds and the revenues of the project into the state treasury the Board will immediately transfer or pay same over to such officer, board, or depository as it may determine for the custody thereof and for the method of disbursement thereof, with such safeguards and restrictions as it may determine. All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance, operation, and repairs of the project affected by such indenture.

§ 33.2-1718. Revenues.

The Board shall fix and revise as may be necessary tolls for the use of each project for which bonds are issued or proposed to be issued under the provisions of this chapter and shall charge and collect the same and may contract with any person, partnership, association, or corporation desiring the use of such project, approaches, and appurtenances, and any part thereof, for placing thereon water, gas, or oil pipelines or telephone, telegraph, electric light, or power lines, or for any other purpose, and may fix the terms, conditions, and rates and charges for such use. Such tolls shall be so fixed and adjusted, in respect of the aggregate of tolls from the project on account of which a single issue of bonds is issued under this chapter, as to provide a fund sufficient with other revenues of such project, if any, to pay (i) the cost of maintaining, repairing, and operating such project unless such cost shall be otherwise provided for and (ii) such bonds and the interest thereon as the same shall become due. Such tolls shall not be subject to supervision or regulation by any other state commission, board, bureau, or agency. Except for those persons exempted by § 33.2-613, it shall be unlawful for the Department or any Department employee to give or permit free passage over any project set forth in the definition of "project" in § 33.2-1700 that has been secured through the issuance of revenue bonds and which bonds are payable from the revenues of such project. Every vehicle and person shall pay the same toll as others similarly situated. Except as provided in § 33.2-613, the provisions in this section shall apply with full force and effect to vehicles and employees of the state government and governments of counties, cities, and towns or other political subdivisions and to vehicles and persons of all other categories and descriptions, public, private, eleemosynary, or otherwise.

§ 33.2-1719. Reserve funds and appropriations.

A. In connection with the Commonwealth of Virginia Transportation Contract Revenue Bonds, the Board may create and establish one or more special funds (reserve funds) and shall pay into each such reserve fund from bond proceeds and any moneys appropriated and made available by the Commonwealth for the purpose of such fund and from any other moneys that may be made available to the Board for the purpose of such fund from any other source or sources. All moneys held in any reserve fund shall be used as required solely for the payment of the principal and interest of Commonwealth of Virginia Transportation Contract Revenue Bonds.

B. In order to further ensure maintenance of the reserve fund, the Commissioner of Highways shall annually, on or before December 1, make and deliver to the Governor and Director of the Department of Planning and Budget his certificate stating the sum, if any, required to restore each such reserve fund to the minimum reserve fund requirement for such fund as may be established by the Board. Within five days after the beginning of each regular session of the General Assembly, the Governor shall submit to the presiding officer of each house printed copies of a budget including the sum, if any, required to restore each such reserve fund to the minimum reserve fund requirement for such fund. All sums appropriated by the General Assembly for such restoration and paid shall be deposited by the Board in the applicable reserve fund and shall be deducted from amounts otherwise allocable pursuant to the highway allocation formula as provided by law to the highway construction district in which the project is located or to the county or counties in which the project financed is located.

§ 33.2-1720. Sinking fund.

The tolls and all other revenues derived from the project for which a single issue of bonds is issued, except such part thereof as may be required to pay the cost of maintaining, repairing, and operating such project and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of such bonds or in the trust indenture, shall be set aside at such regular intervals as may be provided in such resolution or such trust indenture, in a sinking fund that is hereby pledged to and charged with the payment of (i) the interest upon such bonds as such interest shall fall due, (ii) the principal of the bonds as the same shall fall due, (iii) the necessary charges of paying agents for paying principal and interest, and (iv) any premium upon bonds retired by call or purchase as provided in this section.

The use and disposition of such sinking fund shall be subject to such regulations as may be provided in the resolution authorizing the issuance of the bonds or in the trust indenture but, except as may otherwise be provided in such resolution or trust indenture, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another. Subject to the provisions of the resolution authorizing the issuance of the bonds or of the trust indenture, any moneys in such sinking fund in excess of an amount equal to one year's interest on all bonds then outstanding may be applied to the

purchase or redemption of bonds. All bonds so purchased or redeemed shall forthwith be cancelled and shall not again be issued.

§ 33.2-1721. Cessation of tolls.

When the particular revenue bonds issued for any project and the interest thereon have been paid, or a sufficient amount has been provided for their payment and continues to be held for that purpose, the Board shall cease to charge tolls for the use of such project and thereafter such project shall be free; however, the Board may thereafter charge tolls for the use of any such project when tolls are required for maintaining, repairing, operating, improving, and reconstructing such project; when such tolls have been or are pledged by the Board to the payment of revenue bonds issued under the provisions of this chapter for another project on approval of the General Assembly; or when such tolls are designated by the Board to be deposited into the Transportation Trust Fund. However, any such pledge of tolls of a project to the payment of bonds issued for another project shall not be effective until the principal and interest of the bonds issued for the first mentioned project has been paid or provision made for their payment.

The provisions of this section shall also apply to tolls on projects constructed pursuant to (i) the Chesapeake Bay Bridge and Tunnel District and Commission established in Chapter 22 (§ 33.2-2200 et seq.) and (ii) the Richmond Metropolitan Authority established in Chapter 29 (§ 33.2-2900 et seq.), provided their governing bodies have acted as set forth in subdivision 3 of § 33.2-1524.

§ 33.2-1722. Use of certain funds by Board.

The Board may, in its discretion, use any part of funds available for the construction of state highways in any highway construction district in which any project authorized for toll revenue bond financing by the Board as described in § 33.2-1700 or by the Richmond Metropolitan Authority as established in Chapter 29 (§ 33.2-2900 et seq.) is wholly or partly located to aid in the payment of the cost of such projects and for the payment, purchase, or redemption of revenue bonds issued in connection with any such project, or in connection with any such project and any one or more other projects. The Board may also, in its discretion, use any part of funds available for the maintenance of state highways, in any highway construction district in which any such project is wholly or partly located, to provide for the operation, maintenance, and repair of any such project and for the payment of interest on revenue bonds issued in connection with any such project, or in connection with any such project and any one or more other projects. In addition, the Board may, in its discretion, use funds under the terms of this section for the emergency operation, maintenance, and repair of the project of the Chesapeake Bay Bridge and Tunnel District and Commission as established in Chapter 22 (§ 33.2-2200 et seq.) in the event of damage to the bridge under a repayment agreement approved by the bond trustee and may also pay to the Chesapeake Bay Bridge and Tunnel Commission, for aid in the maintenance of the project, the same amounts authorized by § 33.2-319 for payments for maintenance to certain towns and cities.

If the Board uses any part of the fund available to itself for the construction of highways in the primary state highway system without reference to highway construction districts, commonly called the "gap fund," for any purpose permitted by this section, it shall not expend in excess of three-eighths of the amount of such fund, including other amounts of such fund that may be expended in the three districts in which such projects are located, provided that in no case shall any of the funds of any highway construction district other than those in which the projects are located be used for the purposes of this chapter.

§ 33.2-1723. Contributions.

The Board, in addition to the revenues that may be received from the sale of revenue bonds and from the collection of tolls and other revenues derived under the provisions of this chapter, may receive and accept from any federal agency or other public or private body contributions of either money or property or other things of value, to be held, used, and applied for the purposes provided in this chapter.

§ 33.2-1724. Remedies of bondholders and trustee.

Any holder of revenue bonds issued under the provisions of this chapter or any of the coupons attached thereto and the trustee under the trust indenture, if any, except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by the trust indenture, may, either at law or in equity, by suit, action, mandamus, or other proceedings protect and enforce any and all rights under the laws of the United States or of the Commonwealth or granted hereunder or under such resolution or trust indenture and may enforce and compel performance of all duties required by this chapter, or by such resolution or trust indenture, to be performed by the Commonwealth or by the Board, or any officer thereof, including the fixing, charging, and collecting of tolls for the use of such project.

§ 33.2-1725. Competing bridges, ferries, and tunnels.

No bridge or tunnel other than those specified in § 33.2-1700 for the use of the traveling public shall be constructed and operated by the Commonwealth or by any county, municipal corporation, or political subdivision of the Commonwealth, or by any agency or instrumentality, partnership, association, or corporation, within 10 miles of any terminus of any project acquired or constructed under the provisions of this chapter, and no franchise shall be granted for the operation of a ferry within 10 miles of any projects for the acquisition or construction of which revenue bonds have been authorized under this chapter, except under a written permit granted by the Board, which is hereby exclusively authorized to grant such permits under the terms and conditions of this chapter. No such permit shall be granted by the Board until it ascertains by an investigation, including a hearing upon such notice and under such rules as the Board may prescribe, that there is an urgent public need for the operation of such bridge, tunnel, or ferry and that its operation will not affect the

revenues of any such project of the Commonwealth so as to impair the security of any revenue bonds issued for the acquisition or construction of such project.

The distance of 10 miles specified in this section shall be measured in a straight line between the nearest points of such projects. However, nothing in this chapter shall apply to an existing ferry route, temporarily discontinued, if the ferry was established prior to 1940.

§ 33.2-1726. Incidental powers of the Board.

The Board may make and enter into all contracts or agreements necessary or incidental to the execution of its powers under this chapter and may employ engineering, architectural, and construction experts and inspectors, brokers, and such other employees as may be deemed necessary, who shall be paid such compensation as may be provided in accordance with law. All such compensation and all expenses incurred in carrying out the provisions of this chapter shall be paid solely from funds provided under the authority of this chapter, and no liability or obligation shall be incurred pursuant to this chapter beyond the extent to which money has been provided under the authority of this chapter. The Board may exercise any powers that are necessary or convenient for the execution of its powers under this chapter.

The Board shall maintain and keep in good condition and repair, or cause to be maintained and kept in good condition and repair, the projects authorized under this chapter, when acquired or constructed and opened to traffic, including any project or part thereof that may include portions of existing streets or roads within a county, municipality, or other political subdivision.

The Board is authorized and empowered to establish regulations for the use of any one or more of the projects defined in § 33.2-1700, as amended, including reasonable regulations relating to (i) maximum and minimum speed limits applicable to motor vehicles using such project, any other provision of law to the contrary notwithstanding; (ii) the types, kinds, and sizes of vehicles that may use such projects; (iii) the nature, size, type of materials, or substances that shall not be transported over such project; and (iv) such other matters as may be necessary or expedient in the interest of public safety with respect to the use of such project, provided that as to the project authorized under the terms of subdivision 5 of the definition of "project" in § 33.2-1700, the provisions of clauses (i), (ii), (iii), and (iv) shall not apply to existing streets within a municipality and embraced by such project, except as may be otherwise agreed upon by the Board and the municipality.

The projects acquired or constructed under this chapter may be policed in whole or in part by State Police officers even though all or some portions of any such projects lie within the corporate limits of a municipality or other political subdivision. Such officers shall be under the exclusive control and direction of the Superintendent of State Police and shall be responsible for the preservation of public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, and enforcement of the laws and regulations of the Commonwealth within the limits of any such projects. All other police officers of the Commonwealth and of each locality or other political subdivision through which any project, or portion thereof, extends shall have the same powers and jurisdiction within the limits of such projects as they have beyond such limits and shall have access to the projects at any time for the purpose of exercising such powers and jurisdiction.

The Board is authorized and empowered to employ and appoint "project guards" for the purpose of protecting the projects and to enforce the regulations of the Board, except those paralleling state law, established for the use of such projects. Such guards may issue summons to appear or arrest on view without warrant and conduct before the nearest officer authorized by law to admit to bail any persons violating, within or upon the projects, any such rule or regulation. The provisions of §§ 46.2-936 and 46.2-940 shall apply mutatis mutandis to the issuance of summons or arrests without warrants pursuant to this section.

The violation of any regulation adopted by the Board pursuant to the authority hereby granted shall be punishable as follows: If such violation would have been a violation of law if committed on any public street or highway in the county, city, or town in which such violation occurred, it shall be punishable in the same manner as if it had been committed on such public road, street, or highway; otherwise it shall be punishable as a misdemeanor.

The powers and duties of the Board enumerated in this chapter shall not be construed as a limitation of the general powers or duties of the Board. The Board, in addition to the powers and duties enumerated in this chapter, shall do and perform any and all things and acts necessary in the construction or acquisition, maintenance, and operation of any project to be constructed or acquired under the provisions of this chapter; to the end that such project may become and be operated free of tolls as early as possible and practicable, subject only to the express limitations of this chapter and the limitations of other laws and constitutional provisions applicable thereto.

§ 33.2-1727. Revenue refunding bonds and revenue bonds for combined purposes.

Notwithstanding any other provision of this chapter and without regard to any other restrictions or limitations contained in this chapter, the Board is authorized to provide by resolution (i) for the issuance of revenue refunding bonds of the Commonwealth for the purpose of refunding any revenue bonds issued under the provisions of this chapter and then outstanding, including interest to the earliest call date of such outstanding bonds and premiums, if any, payable on such call date, and (ii) for the issuance of a single issue of revenue bonds of the Commonwealth for the combined purpose of providing funds (a) to pay the cost of either or both of the projects described in subdivisions 2 and 5 of the definition of "project" in § 33.2-1700 in the event the Board has decided or shall decide to construct either or both of such projects under authority granted in this chapter and (b) to refund revenue bonds of the Commonwealth issued under the provisions of this chapter and then outstanding, including interest to the earliest call date of such outstanding bonds and premiums, if any, payable on such call date. For the purposes of this section, "project," in relation to the project described in subdivision 5 of

the definition of "project" in § 33.2-1700, includes approach highways thereto and bus facilities for the transportation of passengers through or over the project if the Board deems it advisable to construct such approach highways or acquire such bus facilities, and "cost of the project," in relation to the projects described in subdivisions 2 and 5 of the definition of "project" in § 33.2-1700, includes an amount sufficient to reimburse the Board for expenditures or advances made by the Board on account of the cost of either or both of the projects and, in relation to the project described in subdivision 5 of the definition of "project" in § 33.2-1700, includes provision of a sum deemed by the Board to be sufficient for the purpose and includes the cost of constructing approach highways and of providing bus facilities if the Board deems it expedient to construct such approach highways or acquire such facilities as a part of the project described in subdivision 5 of the definition of "project" in § 33.2-1700. In the event bonds are issued for the combined purpose set forth in clause (ii), such amount of the proceeds of such bonds as may be required, together with other funds available for such purpose, for the redemption of the outstanding bonds to be refunded shall be deposited by the Board in trust with the trustee under the trust indenture securing such outstanding bonds for the sole and exclusive purpose of paying and redeeming such bonds, and the balance of such proceeds shall be used solely for the payment of the cost of the project to be constructed.

The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the duties of the Commonwealth and of the Board in respect to the same shall be governed by the provisions of this chapter as applicable.

§ 33.2-1728. Chapter provides alternative method.

This chapter shall be deemed to provide an additional and alternative method for actions authorized by this chapter and shall be regarded as supplemental and additional to powers conferred by other laws and shall not be regarded as in derogation of any existing powers.

§ 33.2-1729. Chapter liberally construed.

This chapter, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purposes hereof.

CHAPTER 18.

PUBLIC-PRIVATE TRANSPORTATION ACT OF 1995.

§ 33.2-1800. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Affected locality or public entity" means any county, city, or town in which all or a portion of a qualifying transportation facility is located and any other responsible public entity directly affected by the qualifying transportation facility.

"Commission" means the State Corporation Commission.

"Comprehensive agreement" means the comprehensive agreement between the private entity and the responsible public entity required by § 33.2-1808.

"Concession" means any lease, license, franchise, easement, or other binding agreement transferring rights for the use or control, in whole or in part, of a qualifying transportation facility by a responsible public entity to a private entity for a definite term during which the private entity will provide transportation-related services, including operations and maintenance, revenue collection, toll-collection enforcement, design, construction, and other activities that enhance throughput, reduce congestion, or otherwise manage the facility, in return for the right to receive all or a portion of the revenues of the qualifying transportation facility.

"Concession payment" means a payment from a private entity to a responsible public entity in connection with the development and/or operation of a qualifying transportation facility pursuant to a concession.

"Develop" or "development" means to plan, design, develop, finance, lease, acquire, install, construct, or expand.

"Interim agreement" means an agreement, including a memorandum of understanding or binding preliminary agreement, between the private entity and the responsible public entity that provides for completion of studies and any other activities to advance the development and/or operation of a qualifying transportation facility.

"Material default" means any default by the private entity in the performance of its duties under subsection E of § 33.2-1807 that jeopardizes adequate service to the public from a qualifying transportation facility and remains unremedied after the responsible public entity has provided notice to the private entity and a reasonable cure period has elapsed.

"Multimodal transportation facility" means a transportation facility consisting of multiple modes of transportation.

"Operate" or "operation" means to finance, maintain, improve, equip, modify, repair, or operate.

"Private entity" means any natural person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, or other business entity.

"Public entity" means the Commonwealth and any agency or authority thereof; any county, city, or town; and any other political subdivision of any of the foregoing, but does not include any public service company.

"Qualifying transportation facility" means one or more transportation facilities developed and/or operated by a private entity pursuant to this chapter.

"Responsible public entity" means a public entity, including local governments and regional authorities, that has the power to develop and/or operate the qualifying transportation facility.

"Revenues" means all revenues, including income; earnings; user fees; lease payments; allocations; federal, state, regional, and local appropriations or the appropriations or other funds available to any political subdivision, authority, or

instrumentality thereof; bond proceeds; equity investments, service payments, or any combination thereof arising out of or in connection with supporting the development and/or operation of a qualifying transportation facility, including money received as grants or otherwise from the United States of America, from any public entity, or from any agency or instrumentality of the foregoing in aid of such facility.

"Service contract" means a contract entered into between a public entity and the private entity pursuant to § 33.2-1804.

"Service payments" means payments to the private entity in connection with the development and/or operation of a qualifying transportation facility pursuant to a service contract.

"State" means the Commonwealth of Virginia.

"Transportation facility" means any road, bridge, tunnel, overpass, ferry, airport, mass transit facility, vehicle parking facility, port facility, or similar commercial facility used for the transportation of persons or goods, together with any buildings, structures, parking areas, appurtenances, and other property needed to operate such facility; however, "transportation facility" does not include a commercial or retail use or enterprise not essential to the transportation of persons or goods.

"User fees" mean the rates, tolls, fees, or other charges imposed by the private entity for use of all or a portion of a qualifying transportation facility pursuant to the interim or comprehensive agreement.

§ 33.2-1801. Policy.

A. The General Assembly finds that:

1. There is a public need for timely development and/or operation of transportation facilities within the Commonwealth that address the needs identified by the appropriate state, regional, or local transportation plan by improving safety, reducing congestion, increasing capacity, enhancing economic efficiency, or any combination thereof and that such public need may not be wholly satisfied by existing methods of procurement in which qualifying transportation facilities are developed and/or operated;

2. Such public need may not be wholly satisfied by existing ways in which transportation facilities are developed and/or operated; and

3. Authorizing private entities to develop and/or operate one or more transportation facilities may result in the development and/or operation of such transportation facilities to the public in a more timely, more efficient, or less costly fashion, thereby serving the public safety and welfare.

B. An action, other than the approval of the responsible public entity under § 33.2-1803, shall serve the public purpose of this chapter if such action, including undertaking a concession, facilitates the timely development and/or operation of a qualifying transportation facility.

C. It is the intent of this chapter, among other things, to encourage investment in the Commonwealth by private entities that facilitates the development and/or operation of transportation facilities. Accordingly, public and private entities may have the greatest possible flexibility in contracting with each other for the provision of the public services that are the subject of this chapter.

D. This chapter shall be liberally construed in conformity with the purposes hereof.

§ 33.2-1802. Prerequisite for operation.

A. Any private entity seeking authorization under this chapter to develop and/or operate a transportation facility shall first obtain approval of the responsible public entity under § 33.2-1803. Such private entity may initiate the approval process by requesting approval pursuant to subsection A of § 33.2-1803 or the responsible public entity may request proposals pursuant to subsection B of § 33.2-1803.

B. Any responsible public entity that is an agency or institution of the Commonwealth receiving a detailed proposal from a private entity for a qualifying transportation facility that is a port facility as defined in § 62.1-140 shall provide notice of the receipt of such proposal to the Public-Private Partnership Advisory Commission established in § 30-279.

§ 33.2-1803. Approval by the responsible public entity.

A. The private entity may request approval by the responsible public entity. Any such request shall be accompanied by the following material and information unless waived by the responsible public entity in its guidelines or other instructions given, in writing, to the private entity with respect to the transportation facility or facilities that the private entity proposes to develop and/or operate as a qualifying transportation facility:

1. A topographic map (1:2,000 or other appropriate scale) indicating the location of the transportation facility or facilities;

2. A description of the transportation facility or facilities, including the conceptual design of such facility or facilities and all proposed interconnections with other transportation facilities;

3. The proposed date for development and/or operation of the transportation facility or facilities along with an estimate of the life-cycle cost of the transportation facility as proposed;

4. A statement setting forth the method by which the private entity proposes to secure any property interests required for the transportation facility or facilities;

5. Information relating to the current transportation plans, if any, of each affected locality or public entity;

6. A list of all permits and approvals required for developing and/or operating improvements to the transportation facility or facilities from local, state, or federal agencies and a projected schedule for obtaining such permits and approvals;

7. A list of public utility facilities, if any, that will be crossed by the transportation facility or facilities and a statement of the plans of the private entity to accommodate such crossings;

8. A statement setting forth the private entity's general plans for developing and/or operating the transportation facility or facilities, including identification of any revenue, public or private, or proposed debt or equity investment or concession proposed by the private entity;

9. The names and addresses of the persons who may be contacted for further information concerning the request;

10. Information on how the private entity's proposal will address the needs identified in the appropriate state, regional, or local transportation plan by improving safety, reducing congestion, increasing capacity, enhancing economic efficiency, or any combination thereof; and

11. Such additional material and information as the responsible public entity may reasonably request pursuant to its guidelines or other written instructions.

B. The responsible public entity may request proposals from private entities for the development and/or operation of transportation facilities. The responsible public entity shall not charge a fee to cover the costs of processing, reviewing, and evaluating proposals received in response to such requests.

C. The responsible public entity may grant approval of the development and/or operation of the transportation facility or facilities as a qualifying transportation facility if the responsible public entity determines that it serves the public purpose of this chapter. The responsible public entity may determine that the development and/or operation of the transportation facility or facilities as a qualifying transportation facility serves such public purpose if:

1. There is a public need for the transportation facility or facilities the private entity proposes to develop and/or operate as a qualifying transportation facility;

2. The transportation facility or facilities and the proposed interconnections with existing transportation facilities, and the private entity's plans for development and/or operation of the qualifying transportation facility or facilities, are, in the opinion of the responsible public entity, reasonable and will address the needs identified in the appropriate state, regional, or local transportation plan by improving safety, reducing congestion, increasing capacity, enhancing economic efficiency, or any combination thereof;

3. The estimated cost of developing and/or operating the transportation facility or facilities is reasonable in relation to similar facilities; and

4. The private entity's plans will result in the timely development and/or operation of the transportation facility or facilities or their more efficient operation.

In evaluating any request, the responsible public entity may rely upon internal staff reports prepared by personnel familiar with the operation of similar facilities or the advice of outside advisors or consultants having relevant experience.

D. The responsible public entity may charge a reasonable fee to cover the costs of processing, reviewing, and evaluating the request submitted by a private entity pursuant to subsection A, including reasonable attorney fees and fees for financial and other necessary advisors or consultants. The responsible public entity shall also develop guidelines that establish the process for the acceptance and review of a proposal from a private entity pursuant to subsections A and B. Such guidelines shall establish a specific schedule for review of the proposal by the responsible public entity, a process for alteration of that schedule by the responsible public entity if it deems that changes are necessary because of the scope or complexity of proposals it receives, the process for receipt and review of competing proposals, and the type and amount of information that is necessary for adequate review of proposals in each stage of review. For qualifying transportation facilities that have approved or pending state and federal environmental clearances, have secured significant right-of-way, have previously allocated significant state or federal funding, or exhibit other circumstances that could reasonably reduce the amount of time to develop and/or operate the qualifying transportation facility in accordance with the purpose of this chapter, the guidelines shall provide for a prioritized documentation, review, and selection process.

E. The approval of the responsible public entity shall be subject to the private entity's entering into an interim agreement or a comprehensive agreement with the responsible public entity. For any project with an estimated construction cost of over \$50 million, the responsible public entity also shall require the private entity to pay the costs for an independent audit of any and all traffic and cost estimates associated with the private entity's proposal, as well as a review of all public costs and potential liabilities to which taxpayers could be exposed (including improvements to other transportation facilities that may be needed as a result of the proposal, failure by the private entity to reimburse the responsible public entity for services provided, and potential risk and liability in the event the private entity defaults on the comprehensive agreement or on bonds issued for the project). This independent audit shall be conducted by an independent consultant selected by the responsible public entity, and all such information from such review shall be fully disclosed.

F. In connection with its approval of the development and/or operation of the transportation facility or facilities as a qualifying transportation facility, the responsible public entity shall establish a date for the acquisition of or the beginning of construction of or improvements to the qualifying transportation facility. The responsible public entity may extend such date.

G. The responsible public entity shall take appropriate action, as more specifically set forth in its guidelines, to protect confidential and proprietary information provided by the private entity pursuant to an agreement under subdivision 11 of § 2.2-3705.6.

H. The responsible public entity may also apply for, execute, and/or endorse applications submitted by private entities to obtain federal credit assistance for qualifying projects developed and/or operated pursuant to this chapter.

§ 33.2-1804. Service contracts.

In addition to any authority otherwise conferred by law, any public entity may contract with a private entity for transportation services to be provided by a qualifying transportation facility in exchange for such service payments and other consideration as such public entity may deem appropriate.

§ 33.2-1805. Affected localities or public entities.

A. Any private entity requesting approval from, or submitting a proposal to, a responsible public entity under § 33.2-1803 shall notify each affected locality or public entity by furnishing a copy of its request or proposal to each affected locality or public entity.

B. Each affected locality or public entity that is not a responsible public entity for the respective qualifying transportation facility shall, within 60 days after receiving a request for comments from the responsible public entity, submit in writing any comments it may have on the proposed qualifying transportation facility to the responsible public entity and indicate whether the facility will address the needs identified in the appropriate state, regional, or local transportation plan by improving safety, reducing congestion, increasing capacity, enhancing economic efficiency, or any combination thereof.

C. Any qualifying transportation facility, title or easement to which is held by the Commonwealth or an agency or authority therefor and the rights to develop or operate which have been granted to the private entity through a concession as defined in § 33.2-1800, shall be subject to the provisions of Title 15.2 in the same manner as a facility of the Commonwealth, mutatis mutandis, except that such private entity shall comply with the provisions of subsections B and C of § 15.2-2202 as they relate to the affected locality's or public entity's comprehensive plan.

§ 33.2-1806. Dedication of public property.

Any public entity may dedicate any property interest that it has for public use as a qualified transportation facility if it finds that so doing will serve the public purpose of this chapter. In connection with such dedication, a public entity may convey any property interest that it has, subject to the conditions imposed by general law governing such conveyances, to the private entity, subject to the provisions of this chapter, for such consideration as such public entity may determine. The aforementioned consideration may include the agreement of the private entity to develop and/or operate the qualifying transportation facility. The property interests that the public entity may convey to the private entity in connection with a dedication under this section may include licenses, franchises, easements, concessions, or any other right or interest the public entity deems appropriate. Such property interest including a leasehold interest in and/or rights to use real property constituting a qualifying transportation facility shall be considered property indirectly owned by a government if described in § 58.1-3606.1.

§ 33.2-1807. Powers and duties of the private entity.

A. The private entity shall have all power allowed by law generally to a private entity having the same form of organization as the private entity and shall have the power to develop and/or operate the qualifying transportation facility and impose user fees and/or enter into service contracts in connection with the use thereof. However, no tolls or user fees may be imposed by the private entity on Interstate 81 without the prior approval of the General Assembly.

B. The private entity may own, lease, or acquire any other right to use or develop and/or operate the qualifying transportation facility.

C. Subject to applicable permit requirements, the private entity shall have the authority to cross any canal or navigable watercourse so long as the crossing does not unreasonably interfere with then current navigation and use of the waterway.

D. In operating the qualifying transportation facility, the private entity may:

- 1. Make classifications according to reasonable categories for assessment of user fees; and*
- 2. With the consent of the responsible public entity, make and enforce reasonable rules to the same extent that the responsible public entity may make and enforce rules with respect to a similar transportation facility.*

E. The private entity shall:

1. Develop and/or operate the qualifying transportation facility in a manner that meets the standards of the responsible public entity for transportation facilities operated and maintained by such responsible public entity, all in accordance with the provisions of the interim agreement or the comprehensive agreement;

2. Keep the qualifying transportation facility open for use by the members of the public in accordance with the terms and conditions of the interim or comprehensive agreement after its initial opening upon payment of the applicable user fees and/or service payments, provided that the qualifying transportation facility may be temporarily closed because of emergencies or, with the consent of the responsible public entity, to protect the safety of the public or for reasonable construction or maintenance procedures;

3. Maintain, or provide by contract for the maintenance of, the qualifying transportation facility;

4. Cooperate with the responsible public entity in establishing any interconnection with the qualifying transportation facility requested by the responsible public entity; and

5. Comply with the provisions of the interim or comprehensive agreement and any service contract.

§ 33.2-1808. Comprehensive agreement.

A. Prior to developing and/or operating the qualifying transportation facility, the private entity shall enter into a comprehensive agreement with the responsible public entity. The comprehensive agreement shall, as appropriate, provide for:

1. Delivery of performance and payment bonds in connection with the development and/or operation of the qualifying transportation facility, in the forms and amounts satisfactory to the responsible public entity;

2. Review of plans for the development and/or operation of the qualifying transportation facility by the responsible public entity and approval by the responsible public entity if the plans conform to standards acceptable to the responsible public entity;

3. Inspection of construction of or improvements to the qualifying transportation facility by the responsible public entity to ensure that such construction or improvements conform to the standards acceptable to the responsible public entity;

4. Maintenance of a policy or policies of public liability insurance (copies of which shall be filed with the responsible public entity accompanied by proofs of coverage) or self-insurance, each in form and amount satisfactory to the responsible public entity and reasonably sufficient to insure coverage of tort liability to the public and employees and to enable the continued operation of the qualifying transportation facility;

5. Monitoring of the maintenance practices of the private entity by the responsible public entity and the taking of such actions as the responsible public entity finds appropriate to ensure that the qualifying transportation facility is properly maintained;

6. Reimbursement to be paid to the responsible public entity for services provided by the responsible public entity;

7. Filing of appropriate financial statements in a form acceptable to the responsible public entity on a periodic basis;

8. Compensation to the private entity that may include a reasonable development fee, a reasonable maximum rate of return on investment, and/or reimbursement of development expenses in the event of termination for convenience by the responsible public entity as agreed upon between the responsible public entity and the private entity;

9. The date of termination of the private entity's authority and duties under this chapter and dedication to the appropriate public entity; and

10. Guaranteed cost and completion guarantees related to the development and/or operation of the qualified transportation facility and payment of damages for failure to meet the completion guarantee.

B. The comprehensive agreement shall provide for such user fees as may be established by agreement of the parties. Any user fees shall be set at a level that takes into account any lease payments, service payments, and compensation to the private entity or as specified in the comprehensive agreement. A copy of any service contract shall be filed with the responsible public entity. A schedule of the current user fees shall be made available by the private entity to any member of the public on request. In negotiating user fees under this section, the parties shall establish fees that are the same for persons using the facility under like conditions except as required by agreement between the parties to preserve capacity and prevent congestion on the qualifying transportation facility. The execution of the comprehensive agreement or any amendment thereto shall constitute conclusive evidence that the user fees provided for therein comply with this chapter. User fees established in the comprehensive agreement as a source of revenues may be in addition to or in lieu of service payments.

C. In the comprehensive agreement, the responsible public entity may agree to make grants or loans for the development and/or operation of the qualifying transportation facility from amounts received from the federal government or any agency or instrumentality thereof.

D. The comprehensive agreement shall incorporate the duties of the private entity under this chapter and may contain such other terms and conditions that the responsible public entity determines serve the public purpose of this chapter. Without limitation, the comprehensive agreement may contain provisions under which the responsible public entity agrees to provide notice of default and cure rights for the benefit of the private entity and the persons specified therein as providing financing for the qualifying transportation facility. The comprehensive agreement may contain such other lawful terms and conditions to which the private entity and the responsible public entity mutually agree, including provisions regarding unavoidable delays or provisions providing for a loan of public funds for the development and/or operation of one or more qualifying transportation facilities.

E. The comprehensive agreement shall provide for the distribution of any earnings in excess of the maximum rate of return as negotiated in the comprehensive agreement. Without limitation, excess earnings may be distributed to the Transportation Trust Fund, to the responsible public entity, or to the private entity for debt reduction or they may be shared with appropriate public entities. Any payments under a concession arrangement for which the Commonwealth is the responsible public entity shall be paid into the Transportation Trust Fund.

F. Any changes in the terms of the comprehensive agreement, as may be agreed upon by the parties, shall be added to the comprehensive agreement by written amendment.

G. Notwithstanding any contrary provision of this chapter, a responsible public entity may enter into a comprehensive agreement with multiple private entities if the responsible public entity determines in writing that it is in the public interest to do so.

H. The comprehensive agreement may provide for the development and/or operation of phases or segments of the qualifying transportation facility.

§ 33.2-1809. Interim agreement.

A. Prior to or in connection with the negotiation of the comprehensive agreement, the responsible public entity may enter into an interim agreement with the private entity proposing the development and/or operation of the facility or facilities. Such interim agreement may (i) permit the private entity to commence activities for which it may be compensated relating to the proposed qualifying transportation facility, including project planning and development, advance right-of-way acquisition, design and engineering, environmental analysis and mitigation, survey, conducting transportation

and revenue studies, and ascertaining the availability of financing for the proposed facility or facilities; (ii) establish the process and timing of the negotiation of the comprehensive agreement; and (iii) contain any other provisions related to any aspect of the development and/or operation of a qualifying transportation facility that the parties may deem appropriate.

B. Notwithstanding any provision of this chapter to the contrary, a responsible public entity may enter in to an interim agreement with multiple private entities if the responsible public entity determines in writing that it is in the public interest to do so.

§ 33.2-1810. Multiple public entities.

A. If a private entity submits a proposal pursuant to subsection A of § 33.2-1803 to develop and/or operate a qualifying transportation facility or a multimodal transportation facility that may require approval by more than one public entity, representatives of each of the affected public entities shall, prior to acceptance of such proposal, convene and determine which public entity shall serve as the coordinating responsible public entity. Such determination shall occur within 60 days of the receipt of a proposal by the respective public entities.

B. If public entities request proposals from private entities for the development and/or operation of a qualifying transportation facility or a multimodal transportation facility pursuant to subsection B of § 33.2-1803, the determination of which public entity shall serve as the coordinating responsible public entity shall be made prior to any request for proposals.

C. Once a determination has been made in accordance with subsection A or B, the coordinating responsible public entity and the private entity shall proceed in accordance with this chapter.

§ 33.2-1811. Federal, state, and local assistance.

A. The responsible public entity may take any action to obtain federal, state, or local assistance for a qualifying transportation facility that serves the public purpose of this chapter and may enter into any contracts required to receive such federal assistance. If the responsible public entity is a state agency, any funds received from the state or federal government or any agency or instrumentality thereof shall be subject to appropriation by the General Assembly. The responsible public entity may determine that it serves the public purpose of this chapter for all or any portion of the costs of a qualifying transportation facility to be paid, directly or indirectly, from the proceeds of a grant or loan made by the federal, state, or local government or any agency or instrumentality thereof.

B. The responsible public entity may agree to make grants or loans for the development and/or operation of the qualifying transportation facility from amounts received from the federal, state, or local government or any agency or instrumentality thereof.

C. Nothing in this chapter or in an interim or comprehensive agreement entered into pursuant to this chapter shall be deemed to enlarge, diminish, or affect the authority, if any, otherwise possessed by the responsible public entity to take action that would impact the debt capacity of the Commonwealth or the affected localities or public entities.

§ 33.2-1812. Financing.

Any financing of a qualifying transportation facility may be in such amounts and upon such terms and conditions as may be determined by the parties to the interim or comprehensive agreement. Without limiting the generality of the foregoing, the private entity and the responsible public entity may propose to utilize any and all revenues that may be available to them and may, to the fullest extent permitted by applicable law: issue debt, equity, or other securities or obligations; enter into leases, concessions, and grant and loan agreements; access any designated transportation trust funds; borrow or accept grants from any state infrastructure bank; and secure any financing with a pledge of, security interest in, or lien on any or all of its property, including all of its property interests in the qualifying transportation facility.

§ 33.2-1813. Material default; remedies.

A. Upon the occurrence and during the continuation of material default, the responsible public entity may exercise any or all of the following remedies:

1. The responsible public entity may elect to take over the transportation facility or facilities and in such case shall succeed to all of the right, title, and interest in such transportation facility or facilities, subject to any liens on revenues previously granted by the private entity to any person providing financing therefor.

2. The responsible public entity may terminate the interim or comprehensive agreement and exercise any other rights and remedies that may be available at law or in equity.

3. The responsible public entity may make or cause to be made any appropriate claims under the performance and/or payment bonds required by § 33.2-1808.

B. In the event the responsible public entity elects to take over a qualifying transportation facility pursuant to subsection A, the responsible public entity may develop and/or operate the qualifying transportation facility, impose user fees for the use thereof, and comply with any service contracts as if it were the private entity. Any revenues that are subject to a lien shall be collected for the benefit of, and paid to, secured parties, as their interests may appear, to the extent necessary to satisfy the private entity's obligations to secured parties, including the maintenance of reserves, and such liens shall be correspondingly reduced and, when paid off, released. Before any payments to, or for the benefit of, secured parties, the responsible public entity may use revenues to pay current operation and maintenance costs of the qualifying transportation facility or facilities, including compensation to the responsible public entity for its services in operating and maintaining the qualifying transportation facility. Remaining revenues, if any, after all payments for operation and maintenance of the transportation facility or facilities, and to, or for the benefit of, secured parties, have been made, shall

be paid to the private entity, subject to the negotiated maximum rate of return. The right to receive such payment, if any, shall be considered just compensation for the transportation facility or facilities. The full faith and credit of the responsible public entity shall not be pledged to secure any financing of the private entity by the election to take over the qualifying transportation facility. Assumption of operation of the qualifying transportation facility shall not obligate the responsible public entity to pay any obligation of the private entity from sources other than revenues.

§ 33.2-1814. Condemnation.

A. At the request of the private entity, the responsible public entity may exercise any power of condemnation that it has under law for the purpose of acquiring any lands or estates or interests therein to the extent that the responsible public entity finds that such action serves the public purpose of this chapter. Any amounts to be paid in any such condemnation proceeding shall be paid by the private entity.

B. Except as provided in subsection A, until the Commission, after notice to the private entity and the secured parties, as may appear in the private entity's records, and an opportunity for hearing, has entered a final declaratory judgment that a material default has occurred and is continuing, the power of condemnation may not be exercised against a qualifying transportation facility.

C. After the entry of such final order by the Commission, any responsible public entity having the power of condemnation under state law may exercise such power of condemnation, in lieu of or at any time after taking over the transportation facility pursuant to subdivision A 1 of § 33.2-1813, to acquire the qualifying transportation facility or facilities. Nothing in this chapter shall be construed to limit the exercise of the power of condemnation by any responsible public entity against a qualifying transportation facility after the entry by the Commission of a final declaratory judgment order pursuant to subsection B. Any person that has provided financing for the qualifying transportation facility and the private entity, to the extent of its capital investment, may participate in the condemnation proceedings with the standing of a property owner.

§ 33.2-1815. Utility crossings.

The private entity and each public service company, public utility, railroad, and cable television provider whose facilities are to be crossed or affected shall cooperate fully with the other in planning and arranging the manner of the crossing or relocation of the facilities. Any such entity possessing the power of condemnation is hereby expressly granted such powers in connection with the moving or relocation of facilities to be crossed by the qualifying transportation facility or that must be relocated to the extent that such moving or relocation is made necessary or desirable by construction of or improvements to the qualifying transportation facility, which shall be construed to include construction of or improvements to temporary facilities for the purpose of providing service during the period of construction or improvement. Should the private entity and any such public service company, public utility, railroad, and cable television provider be unable to agree upon a plan for the crossing or relocation, the Commission may determine the manner in which the crossing or relocation is to be accomplished and any damages due arising out of the crossing or relocation. The Commission may employ expert engineers who shall examine the location and plans for such crossing or relocation, hear any objections and consider modifications, and make a recommendation to the Commission. In such a case, the cost of the experts is to be borne by the private entity. Any amount to be paid for such crossing, construction, moving, or relocation of facilities shall be paid for by the private entity or any other person contractually responsible therefor under the interim or comprehensive agreement or under any other contract, license, or permit. The Commission shall make a determination within 90 days of notification by the private entity that the qualifying transportation facility will cross utilities subject to the Commission's jurisdiction.

§ 33.2-1816. Police powers; violations of law.

A. All police officers of the Commonwealth and of each affected locality or public entity shall have the same powers and jurisdiction within the limits of such qualifying transportation facility as they have in their respective areas of jurisdiction, and such police officers shall have access to the qualifying transportation facility at any time for the purpose of exercising such powers and jurisdiction. This authority does not extend to the private offices, buildings, garages, and other improvements of the private entity to any greater degree than the police power extends to any other private buildings and improvements.

B. To the extent the transportation facility is a road, bridge, tunnel, overpass, or similar transportation facility for motor vehicles, the traffic and motor vehicle laws of the Commonwealth or, if applicable, any locality or public entity shall be the same as those applying to conduct on similar transportation facilities in the Commonwealth or such locality or public entity. Punishment for offenses shall be as prescribed by law for conduct occurring on similar transportation facilities in the Commonwealth or such locality or public entity.

§ 33.2-1817. Dedication of assets.

The responsible public entity shall terminate the private entity's authority and duties under this chapter on the date set forth in the interim or comprehensive agreement. Upon termination, the authority and duties of the private entity under this chapter shall cease, and the qualifying transportation facility shall be dedicated to the responsible public entity or, if the qualifying transportation facility was initially dedicated by an affected locality or public entity, to such affected locality or public entity for public use.

§ 33.2-1818. Sovereign immunity.

Nothing in this chapter shall be construed as or deemed a waiver of the sovereign immunity of the Commonwealth, any responsible public entity, or any affected locality or public entity or any officer or employee thereof with respect to the

participation in or approval of all or any part of the qualifying transportation facility or its operation, including interconnection of the qualifying transportation facility with any other transportation facility. Localities in which a qualifying transportation facility is located shall possess sovereign immunity with respect to its construction and operation.

§ 33.2-1819. Procurement.

The Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to this chapter; however, a responsible public entity may enter into an interim or a comprehensive agreement only in accordance with guidelines adopted by it as follows:

1. A responsible public entity may enter into an interim or a comprehensive agreement in accordance with guidelines adopted by it that are consistent with procurement through "competitive sealed bidding" as set forth in § 2.2-4302.1 and subsection B of § 2.2-4310.

2. A responsible public entity may enter into an interim or a comprehensive agreement in accordance with guidelines adopted by it that are consistent with the procurement of "other than professional services" through competitive negotiation as set forth in § 2.2-4302.2 and subsection B of § 2.2-4310. Such responsible public entity shall not be required to select the proposal with the lowest price offer, but may consider price as one factor in evaluating the proposals received. Other factors that may be considered include (i) the proposed cost of the qualifying transportation facility; (ii) the general reputation, qualifications, industry experience, and financial capacity of the private entity; (iii) the proposed design, operation, and feasibility of the qualifying transportation facility; (iv) the eligibility of the facility for priority selection, review, and documentation timelines under the responsible public entity's guidelines; (v) local citizen and public entity comments; (vi) benefits to the public; (vii) the private entity's compliance with a minority business enterprise participation plan or good faith effort to comply with the goals of such plan; (viii) the private entity's plans to employ local contractors and residents; (ix) the safety record of the private entity; (x) the ability of the facility to address the needs identified in the appropriate state, regional or local transportation plan by improving safety, reducing congestion, increasing capacity, enhancing economic efficiency, or any combination thereof; and (xi) other criteria that the responsible public entity deems appropriate.

A responsible public entity shall proceed in accordance with the guidelines adopted by it pursuant to subdivision 1 unless it determines that proceeding in accordance with the guidelines adopted by it pursuant to this subdivision is likely to be advantageous to the responsible public entity and the public, based on (a) the probable scope, complexity, or urgency of a project; (b) risk sharing including guaranteed cost or completion guarantees, added value, or debt or equity investments proposed by the private entity; or (c) an increase in funding, dedicated revenue source or other economic benefit that would not otherwise be available. When the responsible public entity determines to proceed according to the guidelines adopted by it pursuant to this subdivision, it shall state the reasons for its determination in writing. If a state agency is the responsible public entity, the approval of the Secretary shall be required as more specifically set forth in the guidelines before the comprehensive agreement is signed.

3. Interim or comprehensive agreements for maintenance or asset management services for a transportation facility that is a highway, bridge, tunnel, or overpass, and any amendment or change order thereto that increases the highway lane-miles receiving services under such an agreement, shall be procured in accordance with guidelines that are consistent with procurement through "competitive sealed bidding" as set forth in § 2.2-4302.1 and subsection B of § 2.2-4310. Furthermore, such contracts shall be of a size and scope to encourage maximum competition and participation by agency prequalified contractors and otherwise qualified contractors.

4. The provisions of subdivision 3 shall not apply to maintenance or asset management services agreed to as part of the initial provisions of any interim or comprehensive agreement entered into for the original construction, reconstruction, or improvement of any highway pursuant to this chapter and shall not apply to any concession that, at a minimum, provides for (i) the construction, reconstruction, or improvement of any transportation facility or (ii) the operation and maintenance of any transportation facility with existing toll facilities.

5. Nothing in this section shall require that professional services be procured by any method other than competitive negotiation in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

§ 33.2-1820. Posting of conceptual proposals; public comment; public access to procurement records.

A. Conceptual proposals submitted in accordance with subsection A or B of § 33.2-1803 to a responsible public entity shall be posted by the responsible public entity within 10 working days after acceptance of such proposals as follows:

1. For responsible public entities that are state agencies, authorities, departments, institutions, and other units of state government, posting shall be on the Department of General Services' central electronic procurement website. For proposals submitted pursuant to subsection A of § 56-560, the notice posted shall (i) provide for a period of 120 days for the submission of competing proposals; (ii) include specific information regarding the proposed nature, timing, and scope of the qualifying transportation facility; and (iii) outline the opportunities that will be provided for public comment during the review process; and

2. For responsible public entities that are local public bodies, posting shall be on the responsible public entity's website or on the Department of General Services' central electronic procurement website. In addition, such public bodies may publish in a newspaper of general circulation in the area in which the contract is to be performed a summary of the proposals and the location where copies of the proposals are available for public inspection. Such local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

In addition to the posting requirements, at least one copy of the proposals shall be made available for public inspection. Nothing in this section shall be construed to prohibit the posting of the conceptual proposals by additional means deemed appropriate by the responsible public entity so as to provide maximum notice to the public of the opportunity to inspect the proposals. Trade secrets, financial records, or other records of the private entity excluded from disclosure under the provisions of subdivision 11 of § 2.2-3705.6 shall not be required to be posted, except as otherwise agreed to by the responsible public entity and the private entity.

B. In addition to the posting requirements of subsection A, for 30 days prior to entering into an interim or comprehensive agreement, a responsible public entity shall provide an opportunity for public comment on the proposals. The public comment period required by this subsection may include a public hearing in the sole discretion of the responsible public entity. After the end of the public comment period, no additional posting shall be required.

C. Once the negotiation phase for the development of an interim or a comprehensive agreement is complete and a decision to award has been made by a responsible public entity, the responsible public entity shall (i) post the major business points of the interim or comprehensive agreement, including the projected use of any public funds, on the Department of General Services' central electronic procurement website; (ii) outline how the public can submit comments on those major business points; and (iii) present the major business points of the interim or comprehensive agreement, including the use of any public funds, to its oversight board at a regularly scheduled meeting of the board that is open to the public.

D. Once an interim agreement or a comprehensive agreement has been entered into, a responsible public entity shall make procurement records available for public inspection, in accordance with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). For the purposes of this subsection, procurement records shall not be interpreted to include (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) or (ii) financial records, including balance sheets or financial statements of the private entity that are not generally available to the public through regulatory disclosure or otherwise.

E. Cost estimates relating to a proposed procurement transaction prepared by or for a responsible public entity shall not be open to public inspection.

F. Any inspection of procurement transaction records under this section shall be subject to reasonable restrictions to ensure the security and integrity of the records.

G. The provisions of this section shall apply to accepted proposals regardless of whether the process of bargaining will result in an interim or a comprehensive agreement.

§ 33.2-1821. Jurisdiction.

The Commission shall have exclusive jurisdiction to adjudicate all matters specifically committed to its jurisdiction by this chapter.

§ 33.2-1822. Contributions and gifts; prohibition during approval process.

A. No private entity that has submitted a bid or proposal to a public entity that is an executive branch agency directly responsible to the Governor and is seeking to develop or operate a transportation facility pursuant to this chapter, and no individual who is an officer or director of such private entity, shall knowingly provide a contribution, gift, or other item with a value greater than \$50 or make an express or implied promise to make such a contribution or gift to the Governor, his political action committee, or the Governor's Secretaries, if the Secretary is responsible to the Governor for an executive branch agency with jurisdiction over the matters at issue, following the submission of a proposal under this chapter until the execution of a comprehensive agreement thereunder. The provisions of this section shall apply only for any proposal or an interim or comprehensive agreement where the stated or expected value of the contract is \$5 million or more.

B. Any person who knowingly violates this section shall be subject to a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater. The attorney for the Commonwealth shall initiate civil proceedings to enforce the civil penalties. Any civil penalties collected shall be payable to the State Treasurer for deposit to the general fund.

§ 33.2-1823. Preservation of the Virginia Highway Corporation Act of 1988.

Nothing in this chapter shall be construed to repeal or change in any manner the Virginia Highway Corporation Act of 1988 (§ 56-535 et seq.), as amended. Nothing in the Virginia Highway Corporation Act of 1988, as amended, shall apply to qualifying transportation facilities undertaken pursuant to the authority of this chapter.

§ 33.2-1824. Severability.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

SUBTITLE IV.

LOCAL AND REGIONAL TRANSPORTATION.

CHAPTER 19.

TRANSPORTATION DISTRICT ACT OF 1964.

Article 1.

General Provisions.

§ 33.2-1900. Declaration of policy.

The development of transportation systems, composed of transit facilities, public highways, and other modes of transport, is necessary for the orderly growth and development of the urban areas of the Commonwealth; for the safety, comfort, and convenience of its citizens; and for the economical utilization of public funds. The provision of the necessary facilities and services cannot be achieved by the unilateral action of the counties and cities, and the attainment thereof requires planning and action on a regional basis, conducted cooperatively and on a continuing basis, between representatives of the affected political subdivisions and the Commonwealth Transportation Board. In those urban areas of the Commonwealth that together form a single metropolitan area, solutions must be jointly sought with the affected political subdivisions and highway departments. Such joint action should be conducted in a manner that preserves, to the extent the necessity for joint action permits, local autonomy over patterns of growth and development of each participating political subdivision or locality. The requisite joint action may best be achieved through the device of a transportation district, having the powers, functions, and duties set forth in this chapter. In the provision of improved or expanded transit facilities, it is the policy of the Commonwealth to make use of private enterprise to the extent reasonably practicable.

§ 33.2-1901. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Agency" or "such agency" means an agency authorized by, or arising from action of, the General Assembly to plan for or provide transportation facilities and service for a metropolitan area located wholly or in part in the Commonwealth.

"Commission" or "district commission" means the governing body of a district.

"Component governments" means the counties and cities composing a transportation district and the various departments, bureaus, and divisions of such counties and cities.

"District" means a transportation district authorized to be created by this chapter.

"Governing bodies" means the boards of supervisors of counties and councils of cities composing a transportation district.

"Metropolitan area" means a metropolitan statistical area as defined by the U.S. Census Bureau and the Office of Management and Budget or any contiguous counties or cities within the Commonwealth that together constitute an urban area.

"Person" means an individual, partnership, association, or corporation or any governmental agency or authority.

"State," when applied to a part of the United States, includes any of the 50 states and the District of Columbia.

"Transportation facilities," "transit facilities," or "facilities" means all those matters and things utilized in rendering transportation service by means of rail, bus, water, or air and any other mode of travel, including tracks, rights-of-way, bridges, tunnels, subways, and rolling stock for rail, motor vehicle, marine, and air transportation; stations, terminals, and ports; areas for parking; buildings; structures; and all equipment, fixtures, and business activities reasonably required for the performance of transportation service, but does not include any such facilities owned by any person, company, association, or corporation the major part of whose transportation service extends beyond a transportation district created in this chapter.

§ 33.2-1902. Authorization to issue summons.

Conductors of railroad trains, motormen, and station and depot agents of any transportation district created pursuant to this chapter shall have the power to issue a summons for any violation of § 18.2-160.1 with respect to any train operated by or under contract with such transportation district.

Article 2.**Creation of Districts.****§ 33.2-1903. Procedure for creation of districts.**

A. Any two or more counties or cities may, in conformance with the procedure set forth in this section, or as otherwise may be provided by law, constitute a transportation district and shall have and exercise the powers set forth in this section and such additional powers as may be granted by the General Assembly. A transportation district may be created by ordinance adopted by the governing body of each participating county and city, which ordinances shall (i) set forth the name of the proposed transportation district, which shall include the words "transit district" or "transportation district," (ii) fix the boundaries thereof, (iii) name the counties and cities that are in whole or in part to be embraced therein, and (iv) contain a finding that the orderly growth and development of the county or city and the comfort, convenience, and safety of its citizens require an improved transportation system, composed of transit facilities, public highways, and other modes of transport, and that joint action through a transportation district by the counties and cities that are to compose the proposed transportation district will facilitate the planning and development of the needed transportation system. Such ordinances shall be filed with the Secretary of the Commonwealth and, upon certification by that officer to the Tax Commissioner and the governing body of each of the participating counties and cities that the ordinances required by this chapter have been filed and, upon the basis of the facts set forth therein, satisfy such requirements, the territory defined in such ordinances, upon the entry of such certification in the minutes of the proceedings of the governing body of each of the counties and cities, shall be and constitute a transportation district for all of the purposes of this chapter, known and designated by the name stated in the ordinances.

B. Notwithstanding the provisions of subsection A, any county or city may, subject to the applicable provisions of this chapter, constitute itself a transportation district in the event that no governing body of any contiguous county or city wishes

to combine for such purpose, provided that the governing body of such single locality transportation district shall comply with the provisions of subsection A by adopting an ordinance that (i) sets forth the name of the proposed transportation district, which shall include the words "transit district" or "transportation district"; (ii) fixes, in such county or city, the boundaries thereof; (iii) names the county or city that is in whole or in part to be embraced therein; and (iv) contains a finding that the orderly growth and development of the county or city and the comfort, convenience, and safety of its citizens require an improved transportation district, composed of transit facilities, public highways, and other modes of transport, and that joint action with contiguous counties and cities has not been agreed to at this time, but that the formation of a transportation district will facilitate the planning and development of the needed transportation system, and shall file such ordinance in the manner and mode required by subsection A. At such time as the governing body of any contiguous county or city desires to combine with the original locality for the formation of an enlarged transportation district, it shall enter into an agreement with the commission of the original transportation district on such terms and conditions, consistent with the provisions of this chapter, as may be agreed upon by such commission and such additional county or city, and in conformance with the following procedures. The governing body of the county or city having jurisdiction over the territory to be added to the original transportation district shall adopt an ordinance specifying the area to be enlarged, containing the finding specified in clause (iv) of subsection A, and a statement that a contract or agreement between the county or city and the commission specifying the terms and conditions of admittance to the transportation district has been executed. The ordinance, to which shall be attached a certified copy of such contract, shall be filed with the Secretary of the Commonwealth and, upon certification by that officer to the Tax Commissioner, the commission, and the governing body of each of the component counties and cities that the ordinance required by this section has been filed, and that the terms thereof conform to the requirements of this section, such additional county, or part thereof, or city, upon the entry of such certification in the minutes of the proceedings of the governing body of such county or city, shall become a component government of the transportation district and the county, or portion thereof specified, or city shall be embraced by the transportation district.

§ 33.2-1904. Northern Virginia Transportation District and Commission.

A. There is hereby created the Northern Virginia Transportation District (the District), comprising the Counties of Arlington, Fairfax, and Loudoun; the Cities of Alexandria, Falls Church, and Fairfax; and such other county or city contiguous to the District that agrees to join the District.

B. There is hereby established the Northern Virginia Transportation Commission (the Commission) as a transportation commission pursuant to this chapter. The Commission shall consist of five nonlegislative citizen members from Fairfax County, three nonlegislative citizen members from Arlington County, one nonlegislative citizen member from Loudoun County, two nonlegislative citizen members from the City of Alexandria, one nonlegislative member from the City of Falls Church, one nonlegislative citizen member from the City of Fairfax, and the Chairman of the Commonwealth Transportation Board or his designee to serve ex officio with voting privileges. If a county or city contiguous to the District agrees to join the District, such locality shall appoint one nonlegislative citizen member to the Commission. Members from the counties and cities shall be appointed from their respective governing bodies. The Commission shall also include four members of the House of Delegates appointed by the Speaker of the House of Delegates for terms coincident with their terms of office and two members of the Senate appointed by the Senate Committee on Rules for terms coincident with their terms of office. Members may be reappointed for successive terms. All members shall be citizens of the Commonwealth. Except for the Chairman of the Commonwealth Transportation Board or his designee, all members of the Commission shall be residents of the localities composing the District. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments.

Article 3.

Incorporation of District; Creation, Organization, Etc., of Commission.

§ 33.2-1905. District a body corporate.

Each transportation district created pursuant to this chapter, or pursuant to an act of the General Assembly, is hereby created as a body corporate and politic under the name of, and to be known by, the name of the district with the word "commission" appended.

§ 33.2-1906. Creation of commission to control corporation.

In and for each transportation district a commission is hereby created to manage and control the functions, affairs, and property of the corporation and to exercise all of the rights, powers, and authority and perform all of the duties conferred or imposed upon the corporation.

§ 33.2-1907. Members of transportation district commissions.

A. Any transportation district commission created pursuant to this chapter shall consist of the number of members the component governments shall agree upon, or as may otherwise be provided by law. The governing body of each participating county and city shall appoint from among its members the number of commissioners to which the county or city is entitled; however, for those commissions with powers as set forth in subsection A of § 33.2-1915, the governing body of each participating county or city is not limited to appointing commissioners from among its members. In addition, the governing body may appoint, from its number or otherwise, designated alternate members for those appointed to the commission who shall be able to exercise all of the powers and duties of a commission member when the regular member is absent from commission meetings. Each such appointee shall serve at the pleasure of the appointing body; however, no

appointee to a commission with powers as set forth in subsection B of § 33.2-1915 may continue to serve when he is no longer a member of the appointing body. Each governing body shall inform the commission of its appointments to and removals from the commission by delivering to the commission a certified copy of the resolution making the appointment or causing the removal.

The Chairman of the Commonwealth Transportation Board, or his designee, shall be a member of each commission, ex officio with voting privileges. The Chairman of the Commonwealth Transportation Board may appoint an alternate member who may exercise all the powers and duties of the Chairman of the Commonwealth Transportation Board when neither the Chairman of the Commonwealth Transportation Board nor his designee is present at a commission meeting.

The Potomac and Rappahannock Transportation Commission shall also include two members of the House of Delegates and one member of the Senate from legislative districts located wholly or in part within the boundaries of the transportation district. The members of the House of Delegates shall be appointed by the Speaker of the House for terms coincident with their terms of office, and the member of the Senate shall be appointed by the Senate Committee on Rules for a term coincident with his term of office. The members of the General Assembly shall be eligible for reappointment for successive terms. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments.

The Transportation District Commission of Hampton Roads shall consist of one nonlegislative citizen member appointed by the Governor from each county and city embraced by the transportation district. The governing body of each such county or city may appoint either a member of its governing body or its county or city manager to serve as an ex officio member with voting privileges. Every such ex officio member shall be allowed to attend all meetings of the commission that other members may be required to attend. Vacancies shall be filled in the same manner as the original appointments.

B. Any appointed member of the Northern Virginia Transportation Commission and the Secretary or his designee is authorized to serve as a member of the board of directors of the Washington Metropolitan Area Transit Authority (Chapter 627 of the Acts of Assembly of 1958, as amended) and while so serving the provisions of § 2.2-2800 shall not apply to such member. In appointing Virginia members of the board of directors of the Washington Metropolitan Area Transit Authority (WMATA), the Northern Virginia Transportation Commission shall include the Secretary or his designee as a principal member on the board of directors of WMATA. Any designee serving as the principal member must reside in a locality served by WMATA.

In selecting from its membership those members to serve on the board of directors of WMATA, the Northern Virginia Transportation Commission shall comply with the following requirements:

1. A board member shall not have been an employee of WMATA within one year of appointment to serve on the board of directors.

2. A board member shall have (i) experience in at least one of the fields of transit planning, transportation planning, or land use planning; transit or transportation management or other public sector management; engineering; finance; public safety; homeland security; human resources; or the law or (ii) knowledge of the region's transportation issues derived from working on regional transportation issue resolution.

3. A board member shall be a regular patron of the services provided by WMATA.

4. Board members shall serve a term of four years with a maximum of two consecutive terms. A board member's term or terms must coincide with his term on the body that appointed him to the Northern Virginia Transportation Commission. Any vacancy created if a board member cannot fulfill his term because his term on the appointing body has ended shall be filled for the unexpired term in the same manner as the member being replaced was appointed within 60 days of the vacancy. The initial appointments to a four-year term will be as follows: the Secretary, or his designee, for a term of four years; the second principal member for a term of three years; one alternate for a term of two years; and the remaining alternate for a term of one year. Thereafter, board members shall be appointed for terms of four years. Service on the WMATA board of directors prior to July 1, 2012, shall not be considered in determining length of service. Any person appointed to an initial one-year or two-year term, or appointed to an unexpired term in which two years or less is remaining, shall be eligible to serve two consecutive four-year terms after serving the initial or unexpired term.

5. Members may be removed from the board of directors of WMATA if they attend fewer than three-fourths of the meetings in a calendar year; if they are conflicted due to employment at WMATA; or if they are found to be in violation of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). If a board member is removed during a term, the vacancy shall be filled pursuant to the provisions of subdivision 4.

6. Each member of the Northern Virginia Transportation Commission appointed to the board of directors of WMATA shall file semiannual reports with the Secretary's office beginning July 1, 2012. The reports shall include (i) the dates of attendance at WMATA board meetings, (ii) any reasons for not attending a specific meeting, and (iii) dates and attendance at other WMATA-related public events.

Any entity that provides compensation to a WMATA board member for his service on the WMATA board shall be required to submit on July 1 of each year to the Secretary the amount of that compensation. Such letter will remain on file with the Secretary's office and be available for public review.

C. When the Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission enter into an agreement to operate a commuter railway, the agreement governing the creation of the railway shall provide that the Chairman of the Commonwealth Transportation Board or his designee shall have one vote on the oversight board for the railway. For each year in which the state contribution to the railway is greater than or equal to the

highest contribution from an individual locality, the total annual subsidy as provided by the member localities used to determine vote weights shall be recalculated to include the Commonwealth contributing an amount equal to the highest contributing locality. The vote weights shall be recalculated to provide the Chairman of the Commonwealth Transportation Board or his designee the same weight as the highest contributing locality. The revised vote weights shall be used in determining the passage of motions before the oversight board.

§ 33.2-1908. Officers of commission.

Within 30 days after the appointment of the original commission members, the commission shall meet on the call of any member and shall elect one of its members as chairman and another as vice-chairman, each to serve for a term of one year or until his successor is elected and qualified. The commission shall employ a secretary and treasurer, who may or may not be a member of the commission, and, if not a commission member, fix his compensation and duties. All officers shall be eligible for reelection. Each commission member, before entering on the performance of his public duties, shall take and subscribe the oath or affirmation specified in Article II, Section 7 of the Constitution of Virginia. Such oath may be administered by any person authorized to administer oaths under § 49-4.

§ 33.2-1909. Bonds of members.

Each commission member shall, before entering upon the discharge of his duties under this chapter, give bond payable to the Commonwealth in a form approved by the Attorney General, in such penalty as fixed by the Governor, with some surety or guaranty company authorized to do business in the Commonwealth and approved by the Governor, as security, conditioned upon the faithful discharge of his duties. The premium of such bonds shall be paid by the commission and the bonds shall be filed with and preserved by the Department of the Treasury's Division of Risk Management.

§ 33.2-1910. Compensation and expenses of members.

The commission members shall receive no salary but shall be entitled to reimbursement of all reasonable and necessary expenses and compensation allowed members of the Commonwealth Transportation Board for the performance of their official duties as provided in §§ 2.2-2813 and 2.2-2825.

§ 33.2-1911. Meetings of commission.

Regular meetings of the commission shall be held at least once every month at such time and place as the commission shall prescribe. Special meetings of the commission shall be held upon mailed notice, or actual notice otherwise given, to each commission member upon call of the chairman or any two commission members, at such time and in such place within the district as such notice may specify, or at such other time and place with or without notice as all commission members may expressly approve. All regular and special meetings of the commission shall be open to the public, but the public shall not be entitled to any notice other than provided in this section. Unless a meeting is called for the purpose of a public hearing, members of the public shall have no right to be heard or otherwise participate in the proceedings of the meeting, except to the extent the chairman may in specific instances grant. All commission records shall be public records.

§ 33.2-1912. Quorum and action by commission.

A majority of the commission, which majority shall include at least one commissioner from a majority of the component governments, shall constitute a quorum. Members of the commission who are members of the General Assembly shall not be counted in determining a quorum while the General Assembly is in session. The Chairman of the Commonwealth Transportation Board or his designee shall be included for the purposes of constituting a quorum. The presence of a quorum and a vote of the majority of the members necessary to constitute a quorum of all the members appointed to the commission, including an affirmative vote from a majority of the members, shall be necessary to take any action. The Chairman of the Commonwealth Transportation Board or his designee shall have voting rights equal to appointees of component governments on all matters brought before the commission. Notwithstanding the provisions of § 2.2-3708, members of the General Assembly may participate in the meetings of the commission through electronic communications while the General Assembly is in session.

§ 33.2-1913. Funds of commission.

A. All moneys of a commission, whether derived from any contract of the commission or from any other source, shall be collected, received, held, secured, and disbursed in accordance with any relevant contract of the commission. This section shall apply to such moneys only if and to the extent they are consistent with such commission contracts.

B. Such moneys shall not be required to be paid into the state treasury or into the treasury or to any officer of any county or city.

C. All such moneys shall be deposited by the commission in a separate bank account, appropriately designated, in banks or trust companies designated by the commission.

§ 33.2-1914. Accounts and records.

Every commission shall keep and preserve complete and accurate accounts and records of all moneys received and disbursed; business and operations; and all property and funds it owns, manages, or controls. Each commission shall prepare and transmit to the Governor and to the governing body of each county and city within the district, annually and at such other times as the Governor requires, complete and accurate reports of the state and content of such accounts and records, together with other relevant information as the Governor may require.

Article 4.

Powers and Functions of Commission.

§ 33.2-1915. Powers and functions generally.

A. Notwithstanding any other contrary provision of law, a commission shall, except as provided in subsection B, have the following powers and functions:

1. The commission shall prepare the transportation plan for the transportation district and shall revise and amend the plan in accordance with the planning process and procedures specified in Article 7 (§ 33.2-1928 et seq.).

2. The commission may, when a transportation plan is adopted according to Article 7, construct or acquire, by purchase or lease, the transportation facilities specified in such transportation plan.

3. The commission may enter into agreements or leases with private companies for the operation of its facilities or may operate such facilities itself.

4. The commission may enter into contracts or agreements with the counties and cities within the transportation district, with counties and cities that adjoin the transportation district and are within the same planning district, or with other commissions of adjoining transportation districts to provide, or cause to be provided, transit facilities and service to such counties and cities or to provide transit facilities and other modes of transportation between adjoining transportation districts. Such contracts or agreements, together with any agreements or leases for the operation of such facilities, may be utilized by the transportation district to finance the construction and operation of transportation facilities, and such contracts, agreements, or leases shall inure to the benefit of any creditor of the transportation district.

However, except in any transportation district containing any or all of the Counties of Chesterfield, Hanover, and Henrico or the City of Richmond, being so delegated by the respective local governments, the commission shall not have the power to regulate services provided by taxicabs, either within municipalities or across municipal boundaries, which regulation is expressly reserved to the municipalities within which taxicabs operate. In any transportation district containing any or all of the Counties of Chesterfield, Hanover, and Henrico or the City of Richmond, the commission may, upon proper authority granted by the respective component governments, regulate services provided by taxicabs, either within localities or across county or city boundaries.

B. The Northern Virginia Transportation Commission:

1. Shall not prepare a transportation plan or construct or operate transit facilities, but shall collaborate and cooperate in the manner specified in Article 7 (§ 33.2-1928 et seq.) with an agency in preparing, revising, and amending a transportation plan for such metropolitan area.

2. Shall, according to Article 7 (§ 33.2-1928 et seq.) and in cooperation with the governing bodies of the component governments embraced by the transportation district, formulate the tentative policy and decisions of the transportation district with respect to the planning, design, location, construction, operation, and financing of transportation facilities.

3. May, when a transportation plan applicable to such a transportation district is adopted, enter into contracts or agreements with an agency that is subject to the jurisdiction of the Washington Metropolitan Area Transit Commission by acquisition of the capital stock or transit facilities and for meeting expenses and obligations in the operations of such facilities.

4. May, when a transportation plan applicable to such transportation district is adopted, enter into contracts or agreements with the counties and cities within the transportation district to provide or cause to be provided transportation facilities and service to such counties and cities.

5. Notwithstanding any other provision in this section to the contrary:

a. May acquire land or any interest therein by purchase, lease, gift, condemnation, or otherwise and provide transportation facilities thereon for use in connection with any transportation service;

b. May acquire land or any interest therein by purchase, lease, gift, condemnation, or otherwise in advance of need for sale or contribution to an agency, for use by that agency in connection with an adopted mass transit plan;

c. May, in accordance with the terms of any grant from or loan by the United States of America or the Commonwealth, or any agency or instrumentality thereof, or when necessary to preserve essential transportation service, acquire transit facilities or any carrier that is subject to the jurisdiction of the Washington Metropolitan Area Transit Commission by acquisition of the capital stock or transit facilities and other assets of any such carrier and shall provide for the performance of transportation by any such carrier or with such transit facilities by contract or lease. However, the contract or lease shall be for a term of no more than one year, renewable for additional terms of similar duration, and, in order to assure acceptable fare levels, may provide for financial assistance by purchase of service, operating subsidies, or otherwise. No such service shall be rendered that will adversely affect transit service rendered by the transit facilities owned or controlled by the agency or any existing private transit or transportation company. When notified by the agency that it is authorized to perform or cause to be performed transportation services with motor vehicle facilities, the commission, upon request by the agency, shall transfer such capital stock or transit facilities to the agency at a price to be agreed upon; and

d. May prepare a plan for mass transportation services with cities, counties, agencies, authorities, or commissions and may further contract with transportation companies, cities, counties, commissions, authorities, agencies, and departments of the Commonwealth and appropriate agencies of the federal government or governments contiguous to the Commonwealth to provide necessary facilities, equipment, operations and maintenance, access, and insurance pursuant to such plan.

C. The provisions of subdivisions B 1 through 4 and subdivisions B 5 b and c shall not apply (i) to any transportation district that may be established on or after July 1, 1986, and that includes any one or more localities that are located within a metropolitan area, but that were not, on January 1, 1986, members of any other transportation district or (ii) to any locality that, after July 1, 1989, joins a transportation district that was established on or before January 1, 1986. The

provisions of this subsection shall apply only to any transportation district or locality that is contiguous to the Northern Virginia Transportation District. Any such district or locality shall be subject to the provisions of subsection A and further may exercise the powers granted by subdivision B 5 a to acquire land or any interest therein by purchase, lease, gift, condemnation, or otherwise and provide transportation facilities thereon for use in connection with any transportation service.

D. Until such time as a commission enters into contracts or agreements with its component governments under the provisions of subdivisions A 4 and B 4 and is receiving revenues thereunder adequate to meet the administrative expenses of the commission after paying or providing for the payment of the obligations arising under said subdivisions, the administrative expenses of the commission shall be borne by the component governments in the manner set forth in this section. The commission annually shall submit to the governing bodies of the component counties and cities a budget of its administrative requirements for the next year.

E. The administrative expenses of the Northern Virginia Transportation Commission, to the extent funds for such expenses are not provided from other sources, shall be allocated among the component governments on the basis of population as reflected by the latest population statistics of the U.S. Census Bureau; however, upon the request of any component government, the commission shall make the allocation upon estimates of population prepared in a manner approved by the commission and by the governing body of the component government making such request. The administrative expenses of the Northern Virginia Transportation Commission, to the extent funds for such expenses are not provided from other sources, shall be allocated among the component governments on the basis of the relative shares of state and federal transit aids allocated by the Commission among its component governments. Such budget shall be limited solely to the administrative expenses of the Commission and shall not include any funds for construction or acquisition of transportation facilities or the performing of transportation service. In addition, the Northern Virginia Transportation Commission annually shall submit to the governing bodies of the component counties and cities a budget of its other expenses and obligations for the ensuing year. Such expenses and obligations shall be borne by the component counties and cities in accordance with prior arrangements made therefor.

F. When a transportation plan has been adopted under subdivision A 4 of § 33.2-1929, the commission shall determine the equitable allocation among the component governments of the costs incurred by the district in providing the transportation facilities proposed in the transportation plan and any expenses and obligations from the operation thereof to be borne by each county and city. In making such determinations, the commission shall consider the cost of the facilities located within each county and city, the population of each county and city, the benefits to be derived by each county and city from the proposed transportation service, and all other factors that the commission determines to be relevant. Such determination, however, shall not create a commitment by the counties and cities, and such commitments shall be created only under the contracts or agreements specified in subdivisions A 4 and B 4.

§ 33.2-1916. Commission control of transportation district.

The commission may exercise exclusive control, notwithstanding any provision of law to the contrary, of matters of regulation of fares, schedules, franchising agreements, and routing of transit facilities within the boundaries of its transportation district; however, the provisions of § 5.1-7 shall be applicable to airport commissions.

§ 33.2-1917. Protection of employees of public transportation systems.

In any county or city, the commission referred to in § 33.2-1915, in addition to other prohibitions, shall not operate any such transit facility, or otherwise provide or cause to be provided any transportation services, unless fair and equitable arrangements have been made for the protection of employees of existing public transportation systems in the transportation district or in the metropolitan area in which the transportation district is located. Such protections shall include (i) assurances of employment to employees of such transportation systems to the fullest extent possible consistent with sound management, and priority of employment or, if terminated or laid off, reemployment; (ii) preservation of rights, privileges, and benefits, including continuation of pension rights and benefits, under existing collective bargaining agreements or otherwise; (iii) continuation of collective bargaining rights; (iv) protection of individual employees against a worsening of their positions with respect to their employment, to the extent provided by 49 U.S.C. § 5333(b), also known as § 13(c) of the Federal Transit Act; and (v) paid training and retraining programs. Such protections shall be specified by the commission in any contract or lease for the acquisition or operation of any such transit facilities or services. The employees of any transit facility operated by the commission shall have the right, in the case of any labor dispute relating to the terms and conditions of their employment for the purpose of resolving such dispute, to submit the dispute to final and binding arbitration by an impartial umpire or board of arbitration acceptable to the parties.

§ 33.2-1918. Background checks of applicants and employees.

A. Any commission created pursuant to this chapter may require any individual who is offered a position of employment with the commission, or with any contractor of the commission when such individual is to be assigned to directly provide transit services to the public under a contract with the commission, to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the individual's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such individual. The commission shall bear all costs of obtaining criminal history record information regarding such individual, including expenses incurred by the State Police in connection with such fingerprinting or criminal records check. The commission may require such individual or contractor to reimburse the commission for the cost of the fingerprinting or a criminal records check or both.

B. The Central Criminal Records Exchange, upon receipt of an individual's record or notification that no record exists, shall make a report to the commission's chief administrative officer, who must belong to a governmental entity. The information shall not be disseminated except as provided for in this section.

§ 33.2-1919. Additional powers.

Without limiting or restricting the general powers created by this chapter, the commission may:

- 1. Adopt and have a common seal and alter the seal at pleasure;*
- 2. Sue and be sued;*
- 3. Make regulations for the conduct of its business;*
- 4. Make and enter into all contracts or agreements, as the commission may determine, that are necessary or incidental to the performance of its duties and to the execution of the powers granted under this chapter;*
- 5. Apply for and accept loans and grants of money or materials or property at any time from the United States of America or the Commonwealth or any agency or instrumentality thereof, for itself or as an agent on behalf of the component governments or any one or more of them, and in connection therewith purchase or lease as lessor or lessee any transit facilities required under the terms of any such grant made to enable the commission to exercise its powers under subdivision B 5 of § 33.2-1915;*
- 6. In the name of the commission, and on its behalf, acquire, hold, and dispose of its contract or other revenues;*
- 7. Exercise any power usually possessed by private corporations, including the right to expend, solely from funds provided under this chapter, such funds as may be considered by the commission to be advisable or necessary in the performance of its duties and functions;*
- 8. Employ engineers, attorneys, other professional experts and consultants, and general and clerical employees deemed necessary and prescribe their powers and duties and fix their compensation;*
- 9. Do anything authorized by this chapter under, through, or by its own officers, agents, and employees, or by contracts with any persons;*
- 10. Execute instruments and do anything necessary, convenient, or desirable for the purposes of the commission or to carry out the powers expressly given in this chapter;*
- 11. Institute and prosecute any eminent domain proceedings to acquire any property authorized to be acquired under this title in accordance with the provisions of Chapter 2 (§ 25.1-200 et seq.) of Title 25.1 and subject to the approval of the State Corporation Commission pursuant to § 25.1-102;*
- 12. Invest in if required as a condition to obtaining insurance, participate in, or purchase insurance provided by foreign insurance companies that insure railroad operations, provided this power is available only to those commissions that provide rail services;*
- 13. Notwithstanding the provisions of § 8.01-195.3, contract to indemnify, and to obtain liability insurance to cover such indemnity, any person who is liable, or who may be subjected to liability, regardless of the character of the liability, as a result of the exercise by a commission of any of the powers conferred by this chapter. No obligation of a commission to indemnify any such person shall exceed the combined maximum limits of all liability policies, as defined in subsection C of § 33.2-1927, maintained by the commission; and*
- 14. Notwithstanding any other contrary provision of law, regulate traffic signals and other traffic control devices within the district, through the use of computers and other electronic communication and control devices, so as to effect the orderly flow of traffic and to improve transportation services within the district; however, an agreement concerning the operation of traffic control devices acceptable to all parties shall be entered into between the commission and the Department and all the counties and cities within the transportation district prior to the commencement of such regulation.*

Article 5.

Financing.

§ 33.2-1920. Authority to issue bonds and other obligations.

A. 1. A transportation district may issue bonds or other interest-bearing obligations, as provided in this chapter, for any of its purposes and pay the principal and interest thereon from any of its funds, including any moneys paid to or otherwise received by the district pursuant to any law enacted or any contract or agreement or any grant, loan, or contribution authorized by this chapter. For the purposes of this chapter, bonds include bonds, notes, and other interest-bearing obligations, including notes issued in anticipation of the sale and issuance of bonds.

2. Neither the members of a transportation district nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of a district (and such bonds and obligations shall so state on their face) shall not be a debt of the Commonwealth or any political subdivision thereof, and only the district shall be liable thereon. The bonds shall not constitute an indebtedness within the meaning of any debt limitation or restriction except as provided under this section.

B. 1. Bonds of a transportation district shall be authorized by resolution, may be issued in one or more series, shall be dated, shall mature at such times not exceeding 40 years from their dates, shall bear interest at rates determined by the commission, and may be made redeemable before maturity, at the option of the commission at such price or prices and under such terms as the commission fixes prior to issuing the bonds. The commission shall determine the form of the bonds, including any interest coupons to be attached and the manner of execution of the bonds, and shall fix the denominations of the bonds and the places of payment of principal and interest, which may be at any bank or trust company within or outside the Commonwealth. If any officer whose signature or facsimile signature appears on any bonds or coupons ceases to be

such officer before delivery of such bond, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. Notwithstanding any other provisions of this article or any recitals in any bonds issued under the provisions of this article, all such bonds shall be negotiable instruments under the laws of the Commonwealth. The bonds may be issued in coupon or registered form or both, as the commission may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The transportation district may sell such bonds in such manner, either at public or private sale, and for such price as it may determine to be for the best interests of the district. A transportation district is authorized to enter into indentures or agreements with respect to all such matters, and such indentures or agreements may contain such other provisions as the commission may deem reasonable and proper for the security of the bondholders. The resolution may provide that the bonds shall be payable from and secured by all or any part of the revenues, moneys, or funds of the district as specified therein. Such pledge shall be valid and binding from the time the pledge is made, and such revenues, moneys, and funds so pledged and thereafter received by the district shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act. The lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the district, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust indenture by which a pledge is created need be filed or recorded except in the records of the district. All expenses incurred in carrying out the provisions of such indentures or agreements may be treated as a purpose of the transportation district. A transportation district may issue refunding bonds for the purpose of redeeming or retiring any bonds before or at maturity, including the payment of any premium, accrued interest, and costs or expenses thereof.

2. Prior to the preparation of definitive bonds a transportation district may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. A transportation district may also provide for the replacement of any bonds that have been mutilated, destroyed, or lost.

3. Bonds may be issued pursuant to this article without obtaining the consent of any commission, board, bureau, or agency of the Commonwealth or of any governmental subdivision, and without any referendum, other proceedings, or the happening of other conditions except for those proceedings or conditions that are specifically required by this article.

C. Any holder of bonds, notes, certificates, or other evidence of borrowing issued under this article or of any of the coupons appertaining thereto, and the trustee under any trust indenture or agreement, except to the extent of the rights given in this article may be restricted by such trust indenture or agreement, may, either at law or in equity, by suit, action, injunction, mandamus, or other proceedings, protect and enforce any and all rights under the laws of the Commonwealth or granted by this article or under such trust indenture or agreement or the resolution authorizing the issuance of such bonds, notes, or certificates, and may enforce and compel the performance of all duties required by this article or by such trust indenture or agreement or resolution to be performed by the transportation district or by any officer or agent thereof.

D. The exercise of the powers granted by this article shall be in all respects for the benefit of the inhabitants of the Commonwealth, for the promotion of their safety, health, welfare, convenience, and prosperity, and any facility or service that a transportation district is authorized to provide will constitute the performance of an essential governmental function. The bonds of a district are declared to be issued for an essential public and governmental purpose and their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by any governmental subdivision thereof.

E. Bonds issued by a transportation district under this article are securities in which all public officers and public bodies of the Commonwealth and its governmental subdivisions and all insurance companies, trust companies, banks, banking associations, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are securities that may properly and legally be deposited with and received by any state or local officer or any agency or governmental subdivision of the Commonwealth for any purpose for which the deposit of bonds or obligations is now or may hereafter be authorized by law.

§ 33.2-1921. Judicial determination of validity of bonds.

The provisions of Article 6 (§ 15.2-2650 et seq.) of Chapter 26 of Title 15.2 apply to all suits, actions, and proceedings of whatever nature involving the validity of bonds issued by a transportation district under the provisions of this article.

Article 6.

Powers and Duties of Localities; Liability of Commonwealth and Localities.

§ 33.2-1922. Contracts and payment thereof.

A. Any county or city embraced by a transportation district is authorized to enter into contracts or agreements with the commission for such transportation district, or with an agency, pursuant to which such transportation district, subject to the limitations contained in this section, or such agency undertakes to provide the transportation facilities specified in a duly adopted transportation plan or to render transportation service. Any obligations arising from such contracts are deemed to be for a public purpose and may be paid for, in the discretion of each county or city, in whole or in part, by appropriations from general revenues or from the proceeds of a bond issue or issues; however, any such contract must specify the annual maximum obligation of any county or city for payments to meet the expenses and obligations of the transportation district or such agency or provide a formula to determine the payment of any such county or city for such expenses and obligations. Each county or city desiring to contract with a transportation district or an agency is authorized to do so, provided it complies with the appropriate provisions of law, and thereafter is authorized to do everything necessary or proper to carry

out and perform every such contract and to provide for the payment or discharge of any obligation thereunder by the same means and in the same manner as any other of its obligations.

B. Except as otherwise provided by law:

1. No bonded debt shall be contracted by any county to finance the payment of any obligations arising from its contracts hereunder unless the voters of such county shall approve by a majority vote of the voters voting in an election the contracting of any such debt, the borrowing of money, and issuance of bonds. Such debt shall be contracted and bonds issued and such election shall be held in the manner provided in and subject to the provisions of the Public Finance Act (§ 15.2-2600 et seq.) relating to counties; and

2. The contracting of debt, borrowing of money, and issuance of bonds by any city to finance the payment of any obligations arising from its contracts hereunder shall be effected in the manner provided in and subject to the provisions of the Public Finance Act (§ 15.2-2600 et seq.) relating to cities.

§ 33.2-1923. Venue.

Every such contract shall be enforceable by the transportation district with which the contract is made, as provided under the laws of the Commonwealth, and, if any such contract is entered into with an agency or is relied upon in a contract between a commission and any such agency, the agency also shall have the right to enforce the contract. The venue for actions on any contract between a transportation district and a component government shall be as specified in subdivision 10 of § 8.01-261. Venue in all other matters arising hereunder shall be as provided by law.

§ 33.2-1924. Acquisition of median strips for transit facilities in interstate highways.

When the district commission, the Commonwealth Transportation Board, and the governing bodies of the component governments determine that the time schedule for construction of any interstate highway, as defined in § 33.2-100, within the district makes it necessary to acquire median strips for transit facilities in such highway prior to the adoption of a transportation plan, each county and city within the district is authorized to pay to the Commonwealth Transportation Board such sums as may be agreed upon among the district commission and such counties and cities to provide the Commonwealth Transportation Board with the necessary matching funds to acquire the median strips. Any such acquisition shall be made by and in the name of the Commonwealth Transportation Board.

§ 33.2-1925. Appropriations.

The governing bodies of counties and cities participating in a transportation district are authorized to appropriate funds for the administrative and other expenses and obligations (i) of the commission of the transportation district, as provided in subsection D of § 33.2-1915, (ii) of an agency, and (iii) for such other purposes as may be specified in a law creating a transportation district.

§ 33.2-1926. Powers granted are in addition to all other powers.

The powers conferred by this chapter on counties and cities are in addition and supplemental to the powers conferred by any other law, and may be exercised by resolution or ordinance of the governing bodies thereof, as required by law, without regard to the terms, conditions, requirements, restrictions, or other provisions contained in any other law, general or special, or in any charter.

§ 33.2-1927. Liabilities of Commonwealth, counties, and cities.

A. Except for claims cognizable under the Virginia Tort Claims Act, Article 18.1 (§ 8.01-195.1 et seq.) of Chapter 3 of Title 8.01, no pecuniary liability of any kind shall be imposed on the Commonwealth or upon any county or city constituting any part of any transportation district because of any act, agreement, contract, tort, malfeasance, misfeasance, or nonfeasance by or on the part of the commission of such transportation district, or any commission member, or its agents, servants, and employees, except as otherwise provided in this chapter with reference to contracts and agreements between the commission or interstate agency and any county or city.

B. Except for claims cognizable under the Virginia Tort Claims Act, Article 18.1 (§ 8.01-195.1 et seq.) of Chapter 3 of Title 8.01, the obligations and any indebtedness of a commission shall not be in any way a debt or liability of the Commonwealth, or of any county or city in whole or in part embraced by the transportation district, and shall not create or constitute any indebtedness, liability, or obligation of the Commonwealth or of any such county or city, legal, moral, or otherwise, and nothing in this chapter contained shall be construed to authorize a commission or district to incur any indebtedness on behalf of or in any way to obligate the Commonwealth or any county or city in whole or in part embraced by the transportation district; however, any contracts or agreements between the commission and any county or city provided for in subdivisions A 4 and B 4 of § 33.2-1915 shall inure to the benefit of any creditor of the transportation district or, when applicable, to an agency as therein provided.

C. For purposes of this section, "liability policy," as it is used in the Virginia Tort Claims Act, specifically includes any program of self-insurance maintained by a district and administered by the Department of the Treasury's Division of Risk Management.

Article 7.

Planning Process and Procedures.

§ 33.2-1928. Planning process.

A. In performing the duties imposed under subsections A and B of § 33.2-1915, the commission shall cooperate with the governing bodies of the counties and cities embraced by the transportation district and agencies thereof, with the Commonwealth Transportation Board, and with an agency of which members of the district commission are also members,

to the end that the plans, decisions, and policies for transportation shall be consistent with and shall foster the development and implementation of the general plans and policies of the counties and cities for their orderly growth and development.

B. Each commission member shall serve as the liaison between the commission and the body by which he was appointed, and those commission members who are also members of an agency shall provide liaison between the district commission and such agency, to the end that the district commission, its component governments, the Commonwealth Transportation Board, and any such agency shall be continuously, comprehensively, and mutually advised of plans, policies, and actions requiring consideration in the planning for transportation and in the development of planned transportation facilities.

C. To assure that planning, policy, and decision-making are consistent with the development plans for the orderly growth of the counties and cities and coordinated with the plans and programs of the Commonwealth Transportation Board and are based on comprehensive data with respect to current and prospective local conditions, including land use, economic and population factors, the objectives for future urban development, and future travel demands generated by such considerations, the commission may:

1. Create, subject to their appointment, technical committees from the personnel of the agencies of the counties and cities and from the Commonwealth Transportation Board concerned with planning, collection, and analysis of data relevant to decision-making in the transportation planning process. Appointments to such technical committees, however, are to be made by the governing bodies of the counties and cities and by the Commonwealth Transportation Board; or

2. If the transportation district is located within an area that has an organized planning process created in conformance with the provisions of 23 U.S.C. § 134, utilize the technical committees created for such planning process.

D. The commission, on behalf of the counties and cities within the transportation district, but only upon their direction, is authorized to enter into the written agreements specified in 23 U.S.C. § 134 to assure conformance with the requirements of that law for continuous, comprehensive transportation planning.

§ 33.2-1929. Procedures.

A. To ensure that the planning process specified in § 33.2-1928 is effectively and efficiently utilized, the commission shall conform to the following procedures and may prescribe such additional procedures as it deems advisable:

1. Commission meetings shall be held at least monthly and more often in the discretion of the commission, as the proper performance of its duties requires.

2. At such meetings the commission shall receive and consider reports from:

a. Its members who are also members of an agency, as to the status and progress of the work of such agency, and if the commission deems that such reports are of concern to them, shall fully inform its component governments, committees, and the Commonwealth Transportation Board with respect thereto, as a means of developing the informed views requisite for sound policy-making; and

b. Its members, technical and other committees, members of the governing bodies of the component governments, and consultants, presenting and analyzing studies and data on matters affecting the making of policies and decisions on a transportation plan and the implementation thereof.

3. The objective of the procedures specified in this section is to develop agreement, based on the best available information, among the district commission, the governing bodies of the component governments, the Commonwealth Transportation Board, and an interstate agency with respect to the various factors that affect the making of policies and decisions relating to a transportation plan and the implementation thereof. If any material disagreements occur in the planning process with respect to objectives and goals, the evaluation of basic data, or the selection of criteria and standards to be applied in the planning process, the commission shall exert its best efforts to bring about agreement and understanding on such matters. The commission may hold hearings in an effort to resolve any such basic controversies.

4. Before a transportation plan is adopted, altered, revised, or amended by the commission or by an agency on which it is represented, the commission shall transmit such proposed plan, alteration, revision, or amendment to the governing bodies of the component governments, to the Commonwealth Transportation Board, and to its technical committees and shall release to the public information with respect thereto. A copy of the proposed transportation plan, amendment, or revision shall be kept at the commission office and shall be available for public inspection. Upon 30 days' notice, published once a week for two successive weeks in one or more newspapers of general circulation within the transportation district, a public hearing shall be held on the proposed plan, alteration, revision, or amendment. The 30 days' notice period shall begin to run on the first day the notice appears in any such newspaper. The commission shall consider the evidence submitted and statements and comments made at such hearings and, if objections in writing to the whole or any part of the plan are made by the governing body of any component government, or by the Commonwealth Transportation Board, or if the commission considers any written objection made by any other person, group, or organization to be sufficiently significant, the commission shall reconsider the plan, alteration, revision, or amendment. If, upon reconsideration, the commission agrees with the objection, then the commission shall make appropriate changes to the proposed plan, alteration, revision, or amendment and may adopt them without further hearing. If, upon reconsideration, the commission disagrees with the objection, the commission may adopt the plan, alteration, revision, or amendment. No facilities shall be located in and no service rendered, however, within any county or city that does not execute an appropriate agreement with the commission or with an interstate agency as provided in § 33.2-1922; but in such case, the commission shall determine whether the absence of such an agreement so materially and adversely affects the feasibility of the transportation plan as to require its modification or abandonment.

Article 8.

*Enlargement of Transportation Districts.***§ 33.2-1930. Procedure for enlargement.**

A transportation district may be enlarged to include any additional county or part thereof, or city or part thereof, contiguous thereto, upon such terms and conditions, consistent with the provisions of this chapter, as may be agreed upon by the commission and such additional county or city and in conformance with the following procedures. The governing body of the county or city shall adopt an ordinance specifying the area to be enlarged, containing the finding specified in § 33.2-1903 and a statement that a contract or agreement between the county or city and the commission specifying the terms and conditions of admittance to the transportation district has been executed. The ordinance, to which shall be attached a certified copy of the contract, shall be filed with the Secretary of the Commonwealth. Upon certification by the Secretary of the Commonwealth to the Tax Commissioner, the commissioner, and the governing bodies of each of the component counties and cities that the ordinance required by this section has been filed and that its terms conform to the requirements of this section, the additional county or part thereof, or city or part thereof, upon the entry of such certification in the minutes of the proceedings of the governing body of such county or city, shall become a component government of the transportation district and part of the transportation district.

Article 9.

*Withdrawal from Transportation District.***§ 33.2-1931. Resolution or ordinance.**

A county or city may withdraw from the transportation district by resolution or ordinance, as may be appropriate, adopted by a majority vote of its governing body. The withdrawal of any county or city shall not be effective until the resolution or ordinance of withdrawal is filed with the transportation district commission and with the Secretary of the Commonwealth.

§ 33.2-1932. Financial obligations.

The withdrawal from the transportation district of any county or city shall not relieve the county or city from any obligation or commitment made or incurred while a district member.

Article 10.

*Exemption from Taxation; Tort Liability.***§ 33.2-1933. Public purpose; exemption from taxation.**

It is hereby found, determined, and declared that the creation of any transportation district hereunder and the carrying out of the corporate purposes of any such transportation district is in all respects for the benefit of the people of the Commonwealth and is a public purpose and that the transportation district and the commission will be performing an essential governmental function in the exercise of the powers conferred by this chapter. Accordingly, the transportation district shall not be required to pay taxes or assessments upon any of the property acquired by it or under its jurisdiction, control, possession, or supervision or upon its activities in the operation and maintenance of any transportation facilities or upon any revenues therefrom, and the property and the income derived therefrom shall be exempt from all state, municipal, and local taxation. This exemption shall include all motor vehicle license fees, motor vehicle sales and use taxes, retail sales and use taxes, and motor fuel taxes. The governing body of any political subdivision within a transportation district may refund in whole or in part any payments for taxes or license fees or abate in whole or in part any assessments for taxes or license fees on any property exempt from taxation or license fees under this section that were assessed and levied prior to the acquisition of any transportation facilities by a transportation district.

§ 33.2-1934. Liability for torts.

Every district shall be liable for its torts and those of its officers, employees, and agents committed in the conduct of any proprietary function but shall not be liable for any torts occurring in the performance of a governmental function. However, this section shall not apply to a transportation district subject to the provisions of the Virginia Tort Claims Act (§ 8.01-195.1 et seq.).

Article 11.

*Construction of Chapter.***§ 33.2-1935. Liberal construction.**

This chapter, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purposes thereof.

CHAPTER 20.

LOCAL TRANSPORTATION DISTRICTS.

§ 33.2-2000. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Commission" means the governing body of a local transportation district created pursuant to this chapter.

"Cost" means all or any part of the cost of the following:

1. Acquisition, construction, reconstruction, alteration, landscaping, utilities, parking, conservation, remodeling, equipping, or enlarging of transportation improvements or any portion thereof;
2. Acquisition of land, rights-of-way, property rights, easements, and interests for construction, alteration, or expansion of transportation improvements;

3. Demolishing or relocating any structure on land so acquired, including the cost of acquiring any lands to which such structure may be relocated;
4. All labor, materials, machinery, and equipment necessary or incidental to the construction or expansion of a transportation improvement;
5. Financing charges, insurance, interest, and reserves for interest on all bonds prior to and during construction and, if deemed advisable by the commission, for a reasonable period after completion of such construction;
6. Reserves for principal and interest;
7. Reserves for extensions, enlargements, additions, replacements, renovations, and improvements;
8. Provisions for working capital;
9. Engineering and architectural expenses and services, including surveys, borings, plans, and specifications;
10. Subsequent addition to or expansion of any project and the cost of determining the feasibility or practicability of such construction;
11. Financing construction of, addition to, or expansion of transportation improvements and placing them in operation; and
12. Expenses incurred in connection with the creation of the district, not to exceed \$150,000.

"District" means any district created pursuant to this chapter.

"District advisory board" or "advisory board" means the board appointed pursuant to this chapter.

"Federal agency" means the United States of America or any department, bureau, agency, or instrumentality thereof.

"Locality" means any county or city.

"Owner" or "landowner" means the person that has the usufruct, control, or occupation of the taxable real property as determined, pursuant to § 58.1-3281, by the commissioner of the revenue of the locality in which the subject real property is located.

"Revenue" means any or all fees, tolls, rents, receipts, assessments, taxes, money, and income derived by the district, including any cash contribution or payments made to the district by the Commonwealth, any political subdivision thereof, or any other source.

"Transportation improvements" means any real or personal property acquired, constructed, improved, or used in constructing or improving any (i) public mass transit system or (ii) highway, or portion or interchange thereof, including parking facilities located within a district created pursuant to this chapter. Such improvements include public mass transit systems, public highways, and all buildings, structures, approaches, and facilities thereof and appurtenances thereto, rights-of-way, bridges, tunnels, stations, terminals, and all related equipment and fixtures.

§ 33.2-2001. Creation of district.

A. A district may be created in a single locality or in two or more contiguous localities. If created in a single locality, a district shall be created by a resolution of the local governing body. If created in two or more contiguous localities, a district shall be created by the resolutions of each of the local governing bodies. Any such resolution shall be considered only upon the petition, to each local governing body of the locality in which the proposed district is to be located, of the owners of at least 51 percent of either the land area or the assessed value of land in each locality that (i) is within the boundaries of the proposed district and (ii) has been zoned for commercial or industrial use or is used for such purposes. Any proposed district within a county or counties may include any land within a town or towns within the boundaries of such county or counties.

B. The petition to the local governing body or bodies shall:

1. Set forth the name and describe the boundaries of the proposed district;
2. Describe the transportation improvements proposed within the district;
3. Propose a plan for providing such transportation improvements within the district and describe specific terms and conditions with respect to all commercial and industrial zoning classifications and uses, densities, and criteria related thereto which the petitioners request for the proposed district;
4. Describe the benefits that can be expected from the provision of such transportation improvements within the district; and
5. Request the local governing body or bodies to establish the proposed district for the purposes set forth in the petition.

C. Upon the filing of such a petition, each local governing body shall fix a day for a hearing on the question of whether the proposed district shall be created. The hearing shall consider whether the residents and owners of real property within the proposed district would benefit from the establishment of the proposed district. All interested persons who either reside in or own taxable real property within the proposed district shall have the right to appear and show cause why any property or properties should not be included in the proposed district. If real property within a town is included in the proposed district, the governing body shall deliver a copy of the petition and notice of the public hearing to the town council at least 30 days prior to the public hearing, and the town council may by resolution determine if it wishes such property located within the town to be included within the proposed district and shall deliver a copy of any such resolution to the local governing body at the public hearing required by this section. Such resolution shall be binding upon the local governing body with respect to the inclusion or exclusion of such properties within the proposed district. The petition shall comply with the provisions of this section with respect to minimum acreage or assessed valuation. Notice of the hearing shall be

given by publication once a week for three consecutive weeks in a newspaper of general circulation within the locality. At least 10 days shall intervene between the third publication and the date set for the hearing.

D. If each local governing body finds the creation of the proposed district would be in furtherance of the locality's comprehensive plan for the development of the area, in the best interests of the residents and owners of real property within the proposed district, and in furtherance of the public health, safety, and welfare, then each local governing body may pass a resolution, which shall be reasonably consistent with the petition, creating the district and providing for the appointment of an advisory board in accordance with this chapter. The resolution shall provide a description with specific terms and conditions of all commercial and industrial zoning classifications that shall be in force in the district upon its creation, together with any related criteria and a term of years, not to exceed 20 years, as to which each zoning classification and each related criterion set forth therein shall remain in force within the district without elimination, reduction, or restriction, except (i) upon the written request or approval of the owner of any property affected by a change or (ii) as specifically required to comply with state or federal law.

Each resolution creating a district shall also provide (a) that the district shall expire 35 years from the date upon which the resolution is passed or (b) that the district shall expire when the district is abolished in accordance with § 33.2-2014. After the public hearing, each local governing body shall deliver a certified copy of its proposed resolution creating the district to the petitioning landowners or their attorneys-in-fact. Any petitioning landowner may then withdraw his signature on the petition, in writing, at any time prior to the vote of the local governing body. In the case where any signatures on the petition are withdrawn, the local governing body may pass the proposed resolution only upon certification that the petition continues to meet the provisions of this section. After all local governing bodies have adopted resolutions creating the district, the district shall be established and the name of the district shall be "The Transportation Improvement District."

§ 33.2-2002. Commission to exercise powers of the district.

The powers of a district created pursuant to this chapter shall be exercised by a commission. The commission shall consist of four members of the governing body of each locality in which the district is located, appointed by their respective local governing bodies. In addition to the members from each locality, the Chairman of the Commonwealth Transportation Board or his designee shall be a member of the commission of any district created pursuant to this chapter.

The commission shall elect a chairman from its membership. The chairman may be the chairman or presiding officer of a local governing body. In addition, the commission, with the advice of the district advisory board, shall elect a secretary and a treasurer, who may be members or employees of any local governing body or other governmental body. The offices of secretary and treasurer may be combined. A majority of the commission members shall constitute a quorum, and a majority vote shall be necessary for any action taken by the commission. No vacancy in the membership of the commission shall impair the right of a majority of the members to form a quorum or to exercise all of its rights, powers, and duties.

§ 33.2-2003. Powers and duties of commission.

The commission shall:

1. Construct, reconstruct, alter, improve, expand, make loans or otherwise provide financial assistance to, and operate transportation improvements in the district for the use and benefit of the public.

2. Acquire by gift, purchase, lease, in-kind contribution to construction costs, or otherwise any transportation improvements in the district and sell, lease as lessor, transfer, or dispose of any part of any transportation improvements in such manner and upon such terms as the commission may determine to be in the best interests of the district. However, prior to disposing of any such property or interest therein, the commission shall conduct a public hearing with respect to such disposition. At the hearing, the residents and owner of property within the district shall have an opportunity to be heard. At least 10 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the district, as prescribed by the commission. Such public hearing may be adjourned from time to time.

3. Negotiate and contract with any person with regard to any matter necessary and proper to provide any transportation improvements, including the financing, acquisition, construction, reconstruction, alteration, improvement, expansion, or maintenance of any transportation improvements in the district.

4. Enter into a continuing service contract for a purpose authorized by this chapter and make payments of the proceeds received from the special taxes levied pursuant to this chapter, together with any other revenues, for installments due under that service contract. The district may apply such payments annually during the term of that service contract in an amount sufficient to make the installment payments due under that contract, subject to the limitation imposed by this chapter. However, payments for any such service contract shall be conditioned upon the receipt of services pursuant to the contract. Such a contract shall not obligate a locality to make payments for services of the district.

5. Accept the allocations, contributions, or funds of any available source or reimburse from any available source, including any person, for the whole or any part of the costs, expenses, and charges incident to the acquisition, construction, reconstruction, maintenance, alteration, improvement, or expansion of any transportation improvements in the district.

6. Contract for the extension and use of any public mass transit system or highway into territory outside the district on such terms and conditions as the commission determines.

7. Employ and fix the compensation of personnel who may be deemed necessary for the construction, operation, or maintenance of any transportation improvements in the district.

8. Have prepared an annual audit of the district's financial obligations and revenues, and upon review of such audit, request a tax rate adequate to provide tax revenues that, together with all other revenues, are required by the district to fulfill its annual obligations.

§ 33.2-2004. Appointment of district advisory boards.

Within 30 days after the establishment of a district under this chapter, the local governing body from each locality within which any portion of the district is located shall appoint six members to a district advisory board. Three of the six members from each locality shall be chosen by the local governing body from nominations submitted to the local governing body by the petitioners. All members shall own or represent commercially or industrially zoned property within the district. Each member shall be appointed for a term of four years, except the initial appointment of advisory board members shall provide that the terms of three of the members shall be for two years. If a vacancy occurs with respect to an advisory board member initially appointed by a local governing body, or any successor of such a member, the local governing body shall appoint a new member who is a representative or owner of commercially or industrially zoned property within the local district. If a vacancy occurs with respect to an advisory board member initially nominated by the petitioners, or any successor thereof, the remaining advisory board members initially nominated by the petitioners, or their successors, shall nominate a new member for selection by the local governing body.

District advisory board members shall serve without pay, but the local governing body shall provide the advisory board with facilities for the holding of meetings, and the commission shall appropriate funds needed to defray the reasonable expenses and fees of the advisory board that shall not exceed \$20,000 annually, including expenses and fees arising out of the preparation of the annual report. Such appropriations shall be based on an annual budget submitted by the board, and approved by the commission, sufficient to carry out its responsibilities under this chapter. The advisory board shall elect a chairman and a secretary and such other officers as it deems necessary. The advisory board shall fix the time for holding regular meetings, but it shall meet at least once every year. Special meetings of the advisory board shall be called by the chairman or by two members of the advisory board upon written request to the secretary of the advisory board. A majority of the members shall constitute a quorum.

The advisory board shall present an annual report to the commission on the transportation needs of the district and on the activities of the advisory board, and the advisory board shall present special reports on transportation matters as requested by the commission or the local governing body concerning taxes to be levied pursuant to this chapter.

§ 33.2-2005. Annual special improvements tax; use of revenues.

Upon the written request of the commission made concurrently to the local governing body or bodies pursuant to this chapter, each local governing body may levy and collect an annual special improvements tax on taxable real estate zoned for commercial or industrial use or used for such purposes and taxable leasehold interests in that portion of the improvement district within its jurisdiction. Notwithstanding the provisions of Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1, the tax shall be levied on the assessed fair market value of the taxable real property. The rate of the special improvements tax shall not be more than 20 cents (\$0.20) per \$100 of the assessed fair market value of any taxable real estate or the assessable value of taxable leasehold property as specified by § 58.1-3203; however, if all the owners in any district so request in writing, this limitation on rate shall not apply. Such special improvements taxes shall be collected at the same time and in the same manner as the locality's taxes are collected, and the proceeds shall be kept in a separate account. The effective date of the initial assessment shall be January 1 of the year following adoption of the resolution creating the district. All revenues received by each locality pursuant to such taxes shall be paid to or at the direction of the district commission for its use pursuant to this chapter.

§ 33.2-2006. Agreements with Commonwealth Transportation Board; payment of special improvements tax to Transportation Trust Fund.

A. The district may contract with the Commonwealth Transportation Board for the Commonwealth Transportation Board to perform any of the purposes of the district.

The district may agree by contract to pay all or a portion of the special improvements tax to the Commonwealth Transportation Board.

Prior to executing any such contract, the district shall seek the agreement of each local governing body creating the district that the locality's officer charged with the responsibility for preparing the locality's annual budget shall submit in the budget for each fiscal year in which any Commonwealth of Virginia Transportation Contract Revenue Bonds issued for such district are outstanding all amounts to be paid to the Commonwealth Transportation Board under such contract during such fiscal year.

If the amount required to be paid to the Commonwealth Transportation Board under the contract is not so paid for a period of 60 days after such amount is due, the Commonwealth Transportation Board shall, until such amount has been paid, withhold sufficient funds from funds appropriated and allocated, pursuant to Article 5 (§ 33.2-351 et seq.) of Chapter 3, to the highway construction district in which the transportation improvements covered by such contract are located or to such locality in which such transportation improvements are located and to use such funds to satisfy the contractual requirements.

B. While nothing in this chapter shall limit the authority of any locality to change the classification of property zoned for commercial or industrial use or used for such purpose upon the written request or approval of the owner of any property affected by such change after the effective date of any such contract, should a change in zoning classification so requested

result in a shortfall in the total annual revenues from the imposition of the special improvements tax and the payments required to be made to the Commonwealth Transportation Board pursuant to the contract, the district shall request the local governing body to increase the rate of such tax by such amount up to the maximum authorized rate as may be necessary to prevent such shortfall. If, however, a deficit remains after any rezoning and adjustment of the tax rate or the rate is at the maximum authorized rate and cannot be increased, then the amount of funds otherwise appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project covered by such contract is located or to such county or counties in which such project is located shall be reduced by the amount of such deficit and used to satisfy the deficit.

§ 33.2-2007. Jurisdiction of localities and officers, etc., not affected.

Neither the creation of a district nor any other provision in this chapter shall affect the power, jurisdiction, or duties of the respective local governing bodies; sheriffs; treasurers; commissioners of the revenue; circuit, district, or other courts; clerks of any court; magistrates; or any other local or state officer in regard to the area embraced in any district or restrict or prevent any locality or town, or its governing body, from imposing and collecting taxes or assessments for public improvements as permitted by law. Any locality that creates a district pursuant to this chapter may obligate itself with respect to the zoning ordinances, zoning ordinance text, and regulations relating thereto for all commercial and industrial classifications within the district as provided in this chapter for a term not to exceed 20 years from the date on which such district is created.

§ 33.2-2008. Allocation of funds to districts.

The governing body of any locality in which a district has been created pursuant to this chapter may advance funds or provide matching funds from money not otherwise specifically allocated or obligated. Such funds may be received or generated from whatever source, including general revenues, special fees and assessments, state allocations, and contributions from private sources to a local district to assist the local district to undertake the transportation improvements for which it was created. To assist the district with an approved transportation improvement, the Commonwealth Transportation Board may allocate to a district created pursuant to this chapter only funds allocated, pursuant to Article 5 (§ 33.2-351 et seq.) of Chapter 3, and subsection A of § 58.1-638, to the construction districts and localities in which such transportation district is located.

§ 33.2-2009. Reimbursement for advances to district.

To the extent that a locality or town has made advances to the district, the commission shall direct the district treasurer to reimburse the locality or town from any district funds not otherwise specifically allocated or obligated.

§ 33.2-2010. Cooperation between districts and other political subdivisions.

Any district created pursuant to this chapter may enter into agreements with localities, towns, or other political subdivisions of the Commonwealth for joint or cooperative action in accordance with the authority contained in § 15.2-1300.

§ 33.2-2011. Tort liability.

No pecuniary liability of any kind shall be imposed upon the Commonwealth or any locality, town, or landowner therein because of any act, agreement, contract, tort, malfeasance, misfeasance, or nonfeasance by or on the part of a district or its agents, servants, or employees.

§ 33.2-2012. Approval by Commonwealth Transportation Board.

The district shall not construct or improve a transportation improvement without the approval of both the Commonwealth Transportation Board and the locality in which the transportation improvement will be located. At the request of the commission, the Commissioner of Highways may exercise the powers of condemnation provided in Chapter 2 (§ 25.1-200 et seq.) of Title 25.1, Article 1 (§ 33.2-1000 et seq.) of Chapter 10, or § 33.2-705 for the purpose of acquiring property for transportation improvements within the district.

Upon completion of such construction or improvement, the Commonwealth Transportation Board shall take any affected public highway into the appropriate state highway system for purposes of maintenance and subsequent improvements as necessary. Upon acceptance by the Commonwealth of such highway into a state highway system, all rights, title, and interest in the right-of-way and improvements of any affected highway shall vest in the Commonwealth. Upon completion of construction or improvement of a mass transit system, all rights, title, and interest in the right-of-way and improvements of such mass transit system shall vest in an agency or instrumentality of the Commonwealth designated by the Commonwealth Transportation Board.

§ 33.2-2013. Enlargement of local districts.

The district shall be enlarged by resolution of the local governing body upon the petitions of the district commission and the owners of at least 51 percent of either the land area or assessed value of land of the district within each locality and of at least 51 percent of either the land area or assessed value of land located within the territory sought to be added to the district. However, any such territory shall be contiguous to the existing district. The petition shall present the information required by § 33.2-2001. Upon receipt of such a petition, the locality shall use the standards and procedures provided in § 33.2-2001, except that the residents and owners of both the existing district and the area proposed for the enlargement shall have the right to appear and show cause why any property should not be included in the proposed district.

If the local governing body finds the enlargement of a local district would be in accordance with the applicable comprehensive plan for the development of the area, in the best interests of the residents and owners of the property within

the proposed district, and in furtherance of the public health, safety, and general welfare, and if the local governing body finds that enlargement of the district does not limit or adversely affect the rights and interests of any party that has contracted with the district, the local governing body may pass a resolution providing for the enlargement of the district.

§ 33.2-2014. Abolition of local transportation districts.

A. Any district created pursuant to this chapter may be abolished by resolutions passed by each local governing body within whose locality any portion of the district lies, upon the joint petition of the commission and the owners of at least 51 percent of the land area located within the district in each locality. Joint petitions shall:

1. State whether the purposes for which the district was formed have been substantially achieved;
2. State whether all obligations incurred by the district have been fully paid;
3. Describe the benefits that can be expected from the abolition of the district; and
4. Request each affected local governing body to abolish the district.

B. Upon receipt of such a petition, each local governing body, in considering the abolition of the district, shall use the standards and procedures described in § 33.2-2001 *mutatis mutandis*, except that all interested persons who either reside on or who own real property within the boundaries of the district shall have the right to appear and show cause why the district should not be abolished.

C. If each local governing body finds that (i) the abolition of the district is in accordance with the applicable locality's comprehensive plan for the development of the area; (ii) the abolition of the district is in the best interests of the residents and owners of the property within the district; (iii) the abolition of the district is in furtherance of the public health, safety, and welfare; and (iv) all debts of the district have been paid and the purposes of the district either have been, or should not be, fulfilled or finds that each local governing body with the approval of the voters of each locality has agreed to assume the debts of the district, then each local governing body may pass a resolution abolishing the district and the district advisory board. Upon abolition of the district, the title to all funds and properties owned by the district at the time of such dissolution shall vest in the locality in which the district or portion thereof was located.

§ 33.2-2015. Chapter to constitute complete authority for acts authorized; liberal construction.

This chapter shall constitute complete authority for the district to take the actions authorized in this chapter. This chapter, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect its purposes. Any court test concerning the validity of any bonds that may be issued for transportation improvements made pursuant to this chapter may be determined pursuant to Article 6 (§ 15.2-2650 *et seq.*) of Chapter 26 of Title 15.2.

CHAPTER 21.

TRANSPORTATION DISTRICTS WITHIN CERTAIN COUNTIES.

§ 33.2-2100. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Commission" means the governing body of a local transportation improvement district created pursuant to this chapter;

"Cost" means all or any part of the following:

1. Acquisition, construction, reconstruction, alteration, landscaping, utilities, parking, conservation, remodeling, equipping, or enlarging of transportation improvements or any portion thereof;
2. Acquisition of land, rights-of-way, property rights, easements, and interests for construction, alteration, or expansion of transportation improvements;
3. Demolishing or relocating any structure on land so acquired, including the cost of acquiring any lands to which such structure may be relocated;
4. All labor, materials, machinery, and equipment necessary or incidental to the construction or expansion of a transportation improvement;
5. Financing charges, insurance, interest, and reserves for interest on all bonds prior to and during construction and, if deemed advisable by the commission, for a reasonable period after completion of such construction;
6. Reserves for principal and interest;
7. Reserves for extensions, enlargements, additions, replacements, renovations, and improvements;
8. Provisions for working capital;
9. Engineering and architectural expenses and services, including surveys, borings, plans, and specifications;
10. Subsequent addition to or expansion of any project and the cost of determining the feasibility or practicability of such construction;
11. Financing construction of, addition to, or expansion of transportation improvements and operating such improvements; and
12. Expenses incurred in connection with the creation of the district, not to exceed \$150,000.

"County" means any county having a population of more than 500,000.

"District" means any transportation improvement district created pursuant to this chapter.

"District advisory board" or "advisory board" means the board appointed pursuant to § 33.2-2104.

"Federal agency" means the United States of America or any department, bureau, agency, or instrumentality thereof.

"Governing body" means the governing body of a county.

"Owner" or "landowner" means the person that is assessed with real property taxes pursuant to § 58.1-3281 by the commissioner of the revenue or other assessing officer of the locality in which the subject real property is located.

"Participating town" means a town that has real property within its boundaries included within a district created pursuant to this chapter.

"Revenue" means any or all fees, tolls, rents, receipts, assessments, taxes, money, and income derived by the district, including any cash contribution or payments made to the district by the Commonwealth, any political subdivision thereof, or any other source.

"Transportation improvements" means any real or personal property acquired, constructed, improved, or used for constructing, improving, or operating any (i) public mass transit system or (ii) highway, or portion or interchange thereof, including parking facilities located within a district created pursuant to this chapter. "Transportation improvements" includes public mass transit systems, public highways, and all buildings, structures, approaches, and facilities thereof and appurtenances thereto, rights-of-way, bridges, tunnels, stations, terminals, and all related equipment and fixtures.

§ 33.2-2101. Creation of district.

A. A district may be created in a county by a resolution of the governing body. Any such resolution shall be considered only upon the petition, to the governing body, of the owners of at least 51 percent of either the land area or the assessed value of real property that (i) is within the boundaries of the proposed district, (ii) has been zoned for commercial or industrial use or is used for such purposes, and (iii) would be subject to the annual special improvement tax authorized by § 33.2-2105 if the proposed district is created. Any proposed district within a county may include any real property within a town or towns within the boundaries of such county.

B. The petition to the governing body shall:

1. Set forth the name and describe the boundaries of the proposed district;
2. Describe the transportation improvements proposed within the district;
3. Propose a plan for providing such transportation improvements within the district and describe specific terms and conditions with respect to all commercial and industrial zoning classifications and uses, densities, and criteria related thereto that the petitioners request for the proposed district;
4. Describe the benefits that can be expected from the provision of such transportation improvements within the district; and
5. Request the governing body to establish the proposed district for the purposes set forth in the petition.

C. Upon the filing of such a petition, the governing body shall fix a day for a hearing on the question of whether the proposed district shall be created. The hearing shall consider whether the residents and owners of real property within the proposed district would benefit from the establishment of the proposed district. All interested persons who either reside in or own taxable real property within the proposed district shall have the right to appear and show cause why any property or properties should not be included in the proposed district. If real property within a town is included in the proposed district, a copy of the petition and notice of the public hearing shall be delivered to the town council at least 30 days prior to the public hearing, and the town council may by resolution determine if the town council wishes any property located within the town to be included within the proposed district and any such resolution shall be delivered to the governing body prior to the public hearing required by this section. Such resolution shall be binding upon the governing body with respect to the inclusion or exclusion of such properties within the proposed district. If that resolution permits any commercial or industrial property located within a town to be included in the proposed district, then if requested to do so by the petition the town council of any town that has adopted a zoning ordinance also shall pass a resolution, to be effective upon creation of the proposed district, that is consistent with the requirements of subsection E with respect to commercial and industrial zoning classifications that shall be in force in that portion of the town included in the district. The petition shall comply with the provisions of this section with respect to minimum acreage or assessed valuation. Notice of the hearing shall be given by publication once a week for three consecutive weeks in a newspaper of general circulation within the locality. At least 10 days shall intervene between the third publication and the date set for the hearing. Such public hearing may be adjourned from time to time.

D. If the governing body finds the creation of the proposed district would be in furtherance of the county's comprehensive plan for the development of the area, in the best interests of the residents and owners of real property within the proposed district, and in furtherance of the public health, safety, and welfare, the governing body may pass a resolution that is reasonably consistent with the petition, that creates the district upon final adoption, and that provides for the appointment of an advisory board in accordance with this chapter upon final adoption. Any such resolution shall be conclusively presumed to be reasonably consistent with the petition if, following the public hearing, as provided in the following provisions of this section, the petition continues to comply with the provisions of this section with respect to the criteria relating to minimum acreage or assessed valuation.

E. The resolution shall provide a description with specific terms and conditions of all commercial and industrial zoning classifications that apply within the district, but not within any town within the district that has adopted a zoning ordinance, that shall be in force in the district upon its creation, together with any related criteria and a term of years, not to exceed 20 years, as to which each such zoning classification and each related criterion set forth therein shall remain in force within the district without elimination, reduction, or restriction, except (i) upon the written request or approval of the owner of any property affected by a change, (ii) as required to comply with the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) or the regulations adopted pursuant thereto, (iii) as required to comply with the provisions of the federal Clean Water Act regarding municipal and industrial stormwater discharges (33 U.S.C. § 1342(p))

and regulations promulgated thereunder by the federal Environmental Protection Agency, or (iv) as specifically required to comply with any other state or federal law.

F. A resolution creating a district shall also provide (i) that the district shall expire 50 years from the date upon which the resolution is passed or (ii) that the district shall expire when the district is abolished in accordance with § 33.2-2115. After the public hearing, the governing body may adopt a proposed resolution creating the district. No later than two business days following the adoption of the proposed resolution, copies of the proposed resolution shall be available in the office of the clerk of the governing body for inspection and copying by the petitioning landowners and their representatives, by members of the public, and by representatives of the news media. No later than seven business days following the adoption of the proposed resolution, any petitioning landowner may notify the clerk of the governing body in writing that the petitioning landowner is withdrawing his signature from the petition. Within the same seven-day period, the owner of any property in the proposed district that will be subject to the annual special improvements tax authorized by § 33.2-2105, if the proposed district is created, or the attorney-in-fact of any such owner may notify the clerk of the governing body in writing that he is adding his signature to the petition. The governing body may then proceed to final adoption of the proposed resolution following that seven-day period. If any petitioner has withdrawn his signature from the petition during that seven-day period, then the governing body may readopt the proposed resolution only if the petition, including any landowners who have added their signatures after adoption of the proposed resolution, continues to meet the provisions of this section. After the governing body has readopted the resolution creating the district, the district shall be established and the name of the district shall be "The Transportation Improvement District."

§ 33.2-2102. Commission to exercise powers of the district.

The powers of a district created pursuant to this chapter shall be exercised by a commission. The commission shall consist of four members of the governing body, appointed by the governing body, plus one member of the town council of any participating town, appointed by the town council of the participating town. In addition to the appointed members, the Chairman of the Commonwealth Transportation Board or his designee shall be a member of the commission of any district created pursuant to this chapter.

The commission shall elect a chairman from its membership. The chairman may be the chairman or presiding officer of the governing body. In addition, the commission, with the advice of the district advisory board, shall elect a secretary and a treasurer; who may be members or employees of the governing body, the town council of a participating town, or other governmental body. The offices of secretary and treasurer may be combined. A majority of the commission members shall constitute a quorum, and a majority vote shall be necessary for any action taken by the commission. No vacancy in the membership of the commission shall impair the right of a majority of the members to form a quorum or to exercise all of its rights, powers, and duties.

§ 33.2-2103. Powers and duties of commission.

The commission may:

1. Expend district revenues to construct, reconstruct, alter, improve, expand, make loans or otherwise provide for the cost of transportation improvements and for financial assistance to operate transportation improvements in the district for the use and benefit of the public.

2. Acquire by gift, purchase, lease, in-kind contribution to construction costs, or otherwise any transportation improvements in the district and sell, lease as lessor, transfer, or dispose of any part of any transportation improvements in such manner and upon such terms as the commission may determine to be in the best interests of the district. However, prior to disposing of any such property or interest therein, the commission shall conduct a public hearing with respect to such disposition. At the hearing, the residents and owner of property within the district shall have an opportunity to be heard. At least 10 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the district, as prescribed by the commission. Such public hearing may be adjourned from time to time.

3. Negotiate and contract with any person with regard to any matter necessary and proper to provide any transportation improvements, including the financing, acquisition, construction, reconstruction, alteration, improvement, expansion, operation, or maintenance of any transportation improvements in the district. For the purposes of this chapter, transportation improvements are within the district if they are located within the boundaries of the transportation improvement district or are reasonably deemed necessary for the construction or operation of transportation improvements within the boundaries of the transportation improvement district.

4. Enter into a continuing service contract for a purpose authorized by this chapter and make payments of the proceeds received from the special taxes levied pursuant to this chapter, together with any other revenues, for installments due under that service contract. The district may apply such payments annually during the term of that service contract in an amount sufficient to make the installment payments due under that contract, subject to the limitation imposed by this chapter. However, payments for any such service contract shall be conditioned upon the receipt of services pursuant to the contract. Such a contract shall not obligate a county or participating town to make payments for services of the district.

5. Accept the allocations, contributions, or funds of any available source or reimburse from any available source, including any person, for the whole or any part of the costs, expenses, and charges incident to the acquisition, construction, reconstruction, maintenance, alteration, improvement, and expansion or the operation of any transportation improvements in the district.

6. Contract for the extension and use of any public mass transit system or highway into territory outside the district on such terms and conditions as the commission determines.

7. Employ and fix the compensation of personnel who may be deemed necessary for the construction, operation, or maintenance of any transportation improvements in the district.

8. Have prepared an annual audit of the district's financial obligations and revenues, and upon review of such audit, request a tax rate adequate to provide tax revenues that, together with all other revenues, are required by the district to fulfill its annual obligations.

§ 33.2-2104. District advisory boards.

Within 30 days after the establishment of a district under this chapter, the governing body shall appoint six members to a district advisory board, and the town council of any participating town shall appoint two members to that board. Three of the six members appointed by the governing body shall be chosen by the governing body from nominations submitted to the governing body by the petitioners. If any members are subject to appointment by a town council as provided in this section, then one of the two members so appointed shall be chosen by the town council from nominations submitted to the town council by the petitioners. All members shall own or represent the owners of real property within the district zoned or used for commercial or industrial purposes. Each member shall be appointed for a term of four years, except the initial appointment of advisory board members shall provide that the terms of three of the members shall be for two years. If a vacancy occurs with respect to an advisory board member initially appointed by a governing body or a town council, or any successor of such a member, the governing body or the town council, as appropriate, shall appoint a new member who is an owner or representative of an owner of real property within the district zoned or used for commercial or industrial purposes. If a vacancy occurs with respect to an advisory board member initially nominated by the petitioners, or any successor thereof, the remaining advisory board members initially nominated by the petitioners, or the successors of such remaining advisory board members, shall nominate a new member for selection by the governing body or town council, as appropriate.

District advisory board members shall serve without pay, but the governing body shall provide the advisory board with facilities for the holding of meetings, and the commission shall appropriate funds needed to defray the reasonable expenses and fees of the advisory board, which shall not exceed \$20,000 annually, including expenses and fees arising out of the preparation of the annual report. Such appropriations shall be based on an annual budget submitted by the board, and approved by the commission, sufficient to carry out its responsibilities under this chapter. The advisory board shall elect a chairman and a secretary and such other officers as it deems necessary. The advisory board shall fix the time for holding regular meetings, but it shall meet at least once every year. Special meetings of the advisory board shall be called by the chairman or by two members of the advisory board upon written request to the secretary of the advisory board. A majority of the members shall constitute a quorum.

The advisory board shall present an annual report to the commission on the transportation needs of the district and on the activities of the advisory board, and the advisory board shall present special reports on transportation matters as requested by the commission or the governing body concerning taxes to be levied pursuant to this chapter.

§ 33.2-2105. Annual special improvements tax; use of revenues.

Upon the written request of the commission made to the governing body, the governing body may levy and collect an annual special improvements tax on taxable real estate zoned for commercial or industrial use or used for such purposes and taxable leasehold interests in that portion of the improvement district within its jurisdiction. For the purposes of this chapter, real property that is zoned to permit multiunit residential use but not yet used for that purpose and multiunit residential real property that is primarily leased or rented to residential tenants or other occupants by an owner who is engaged in such a business shall be deemed to be property in commercial use and therefore subject to the special improvements tax authorized by this section. Notwithstanding the provisions of Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1, the tax shall be levied on the assessed fair market value of the taxable real property. The rate of the special improvements tax shall not be more than 40 cents (\$0.40) per \$100 of the assessed fair market value of any taxable real estate or the assessable value of taxable leasehold property as specified by § 58.1-3203; however, if all the owners in any district so request in writing, this limitation on rate shall not apply. Such special improvements taxes shall be collected at the same time and in the same manner as the county's taxes are collected, and the proceeds shall be kept in a separate account. The effective date of the initial levy shall be, at the discretion of the governing body, either (i) January 1 of the year following adoption of the resolution creating the district or (ii) on a prorated basis for the period from the date when the special improvements tax was first imposed through the remainder of the year. All revenues received by the county pursuant to such taxes shall be paid to or at the direction of the district commission for its use pursuant to this chapter. All revenues generated from the annual special improvements taxes levied by the governing body pursuant to this section shall be deemed to be contributions of that governing body in any transportation cost-sharing formula.

§ 33.2-2106. Agreements with the Commonwealth Transportation Board; payment of special improvements tax to Transportation Trust Fund.

A. In addition to any other power conferred by this chapter, the district may contract with the Commonwealth Transportation Board for the Commonwealth Transportation Board to perform any of the purposes of the district.

The district may agree by contract to pay all or a portion of the special improvements tax to the Commonwealth Transportation Board.

Prior to executing any such contract, the district shall seek the agreement of the governing body that the county's officer charged with the responsibility for preparing the county's annual budget shall submit in the budget for each fiscal

year in which any Commonwealth of Virginia Transportation Contract Revenue Bonds issued for such district are outstanding all amounts to be paid to the Commonwealth Transportation Board under such contract during such fiscal year.

If the amount required to be paid to the Commonwealth Transportation Board under the contract is not so paid for a period of 60 days after such amount is due, the Commonwealth Transportation Board shall, until such amount has been paid, withhold sufficient funds from funds appropriated and allocated, pursuant to Article 5 (§ 33.2-351 et seq.) of Chapter 3, to the highway construction district in which the transportation improvements covered by such contract are located or to such locality or localities in which such transportation improvements are located and to use such funds to satisfy the contractual requirements.

B. While nothing in this chapter shall limit the authority of any county or participating town to change the classification of property zoned for commercial or industrial use or used for such purpose upon the written request or approval of the owner of any property affected by such change after the effective date of any such contract, should a change in zoning classification so requested result in a shortfall in the total annual revenues from the imposition of the special improvements tax and the payments required to be made to the Commonwealth Transportation Board pursuant to the contract, the district shall request the governing body to increase the rate of such tax by such amount up to the maximum authorized rate as may be necessary to prevent such shortfall. If, however, a deficit remains after any rezoning and adjustment of the tax rate or the rate is at the maximum authorized rate and cannot be increased, then the amount of funds otherwise appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project covered by such contract is located or to the county shall be reduced by the amount of such deficit and used to satisfy the deficit.

§ 33.2-2107. Payments for certain changes in zoning classifications or use.

A. For any real property within the district for which a county or participating town changes its zoning classification from one that is subject to the special improvements tax authorized by § 33.2-2106 to a classification that is not subject to that tax, the county or participating town shall require the simultaneous payment from the property owner of a sum representing the present value of the future special improvements taxes estimated by the county to be lost as a result of such change in classification. On a case-by-case basis, however, the governing body or town council of a participating town may, in its sole discretion, defer, for no more than 60 days, the effective date of such change in zoning classification. Upon deferral, the lump sum provided for in this subsection shall be paid to the county in immediately available funds acceptable to the county before the deferred effective date. If the landowner fails to make this lump sum payment as and when required, the change in zoning classification shall not become effective and the ordinance shall be void. Special improvements taxes previously paid in the year of the zoning change may be credited toward the payment on a prorated basis. The portion of the payment that may be credited shall be that portion of the year following the change in zoning classification. If at the time there is outstanding a contract by which the district has agreed to pay all or a portion of the special improvements tax to the Commonwealth Transportation Board, then the district and the Commonwealth Transportation Board shall agree to a method of calculating the present value of the loss of future special improvements taxes resulting from such a change in zoning classification and the procedure for payment of such funds to the Commonwealth Transportation Board. Whenever any county or participating town acts in accordance with such an agreement between the district and the Commonwealth Transportation Board, the change in zoning classification shall not be considered to have resulted in a shortfall in the total annual revenues from the imposition of the special improvements tax and the payments required to be made to the Commonwealth Transportation Board.

B. Any owner of any real property that is subject to the special improvements tax authorized by § 33.2-2106 because it is zoned to permit multiunit residential use but is not yet used for that purpose or because it consists of multiunit residential real property that is primarily leased or rented to residential tenants or other occupants by an owner who is engaged in such a business who wishes to change the use of the real property to one that is not subject to that tax shall be required, prior to any such change in use, to pay to the county a sum representing the present value of the future special improvements taxes estimated by the county to be lost as a result of such change in use.

§ 33.2-2108. Jurisdiction of localities and officers, etc., not affected.

Neither the creation of a district nor any other provision in this chapter shall affect the power, jurisdiction, or duties of the respective local governing bodies of any county or participating town; sheriffs; treasurers; commissioners of the revenue; circuit, district, or other courts; clerks of any court; magistrates; or any other local or state officer in regard to the area embraced in any district or restrict or prevent any county or its governing body, or participating town or its town council, from imposing and collecting taxes or assessments for public improvements as permitted by law. Any county that creates a district pursuant to this chapter and any participating town may obligate itself with respect to the zoning ordinances, zoning ordinance text, and regulations relating thereto for all commercial and industrial classifications within the district as provided in this chapter for a term not to exceed 20 years from the date on which such district is created.

§ 33.2-2109. Allocation of funds to districts.

The governing body or the town council of a participating town in which a district has been created pursuant to this chapter may advance funds or provide matching funds from money not otherwise specifically allocated or obligated. Such funds may be received or generated from whatever source, including general revenues, special fees and assessments, state allocations, and contributions from private sources to a local district to assist the local district to undertake the transportation improvements for which it was created. To assist the district with an approved transportation improvement, the Commonwealth Transportation Board may allocate to a district created pursuant to this chapter only funds allocated,

pursuant to Article 5 (§ 33.2-351 et seq.) of Chapter 3, and subsection A of § 58.1-638, to the construction districts and localities in which such transportation district is located.

§ 33.2-2110. Reimbursement for advances to district.

To the extent that a county or participating town has made advances to the district, the commission shall direct the district treasurer to reimburse the county or participating town from any district funds not otherwise specifically allocated or obligated.

§ 33.2-2111. Cooperation between districts and other political subdivisions.

Any district created pursuant to this chapter may enter into agreements with counties, cities, and towns or other political subdivisions of the Commonwealth, with the Metropolitan Washington Airports Authority, or with the Washington Metropolitan Area Transit Authority for joint or cooperative action in accordance with the standards and procedures set forth in § 15.2-1300.

§ 33.2-2112. Tort liability.

No pecuniary liability of any kind shall be imposed upon the Commonwealth or any county, city, or town or landowner therein because of any act, agreement, contract, tort, malfeasance, misfeasance, or nonfeasance by or on the part of a district or its agents, servants, or employees.

§ 33.2-2113. Approval by Commonwealth Transportation Board.

The district may not construct or improve a transportation improvement without the approval of the Commonwealth Transportation Board, the county in which the transportation improvement will be located, and, with respect to any improvements located within a participating town, its town council. At the request of the commission, the Commissioner of Highways may exercise the powers of condemnation provided in Chapter 2 (§ 25.1-200 et seq.) of Title 25.1, Article 1 (§ 33.2-1000 et seq.) of Chapter 10, or § 33.2-705, for the purpose of acquiring property for transportation improvements within the district.

Upon completion of such construction or improvement, the Commonwealth Transportation Board shall take any affected public highway into the appropriate state highway system for purposes of maintenance and subsequent improvements as necessary. Upon acceptance by the Commonwealth of such highway into a state highway system, all rights, title, and interest in the right-of-way and improvements of any affected highway shall vest in the Commonwealth. Upon completion of construction or improvement of a mass transit system, all rights, title, and interest in the right-of-way and improvements of such mass transit system shall vest in an agency or instrumentality of the Commonwealth designated by the Commonwealth Transportation Board.

§ 33.2-2114. Enlargement of local districts.

The district shall be enlarged by resolution of the governing body upon the petitions of the district commission and the owners of at least 51 percent of either the land area or the assessed value of real property of the district and of at least 51 percent of either the land area or assessed value of real property located within the territory sought to be added to the district. However, any such territory shall be contiguous to the existing district. The petition shall present the information required by § 33.2-2101. Upon receipt of such a petition, the county shall use the standards and procedures provided in § 33.2-2101, except that the residents and owners of both the existing district and the area proposed for the enlargement shall have the right to appear and show cause why any property should not be included in the proposed district. If the proposed enlargement of the district encompasses any portion of a town, then such standards and procedures shall include the requirement to obtain a resolution from the town council in the manner set forth in § 33.2-2101, which shall have the same effect as set forth in that section.

If the governing body finds the enlargement of a local district would be in accordance with the applicable comprehensive plan for the development of the area, in the best interests of the residents and owners of the property within the proposed district, and in furtherance of the public health, safety, and general welfare, and if the governing body finds that enlargement of the district does not limit or adversely affect the rights and interests of any party that has contracted with the district, the governing body may pass a resolution providing for the enlargement of the district.

§ 33.2-2115. Abolition of local transportation districts.

A. Any district created pursuant to this chapter may be abolished by resolutions passed by the governing body and the town council of any participating town, upon the joint petition of the commission and the owners of at least 51 percent of the land area located within the district. Joint petitions shall:

1. State whether the purposes for which the district was formed have been substantially achieved;
2. State whether all obligations incurred by the district have been fully paid;
3. Describe the benefits that can be expected from the abolition of the district; and
4. Request the governing body to abolish the district.

B. Upon receipt of such a petition, the governing body and the town council of any participating town, in considering the abolition of the district, shall use the standards and procedures described in § 33.2-2101 *mutatis mutandis*, except that all interested persons who either reside on or who own real property within the boundaries of the district shall have the right to appear and show cause why the district should not be abolished.

C. If the governing body and the town council of any participating town find that (i) the abolition of the district is in accordance with the locality's comprehensive plan for the development of the area; (ii) the abolition of the district is in the best interests of the residents and owners of the property within the district; (iii) the abolition of the district is in furtherance

of the public health, safety, and welfare; and (iv) all debts of the district have been paid and the purposes of the district either have been, or should not be, fulfilled or finds that the governing body with the approval of the voters of the county has agreed to assume the debts of the district, then the governing body and the town council of any participating town may pass resolutions abolishing the district and the district advisory board. Upon abolition of the district, the title to all funds and properties owned by the district at the time of such dissolution shall vest in the county.

§ 33.2-2116. Chapter to constitute complete authority for acts authorized; liberal construction.

This chapter shall constitute complete authority for the district to take the actions authorized by this chapter. This chapter, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect its purposes. Any court test concerning the validity of any bonds that may be issued for transportation improvements made pursuant to this chapter shall be determined pursuant to the Public Finance Act of 1991 (§ 15.2-2600 et seq.).

CHAPTER 22.

CHESAPEAKE BAY BRIDGE AND TUNNEL DISTRICT AND COMMISSION.

§ 33.2-2200. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Bonds" means bonds, notes, bond anticipation notes, or other obligations of the District, notwithstanding any contrary provision in this chapter, which may be issued in certificated or uncertificated form as current interest or capital appreciation bonds, or a hybrid thereof, and may bear interest at a rate, which may be fixed, zero, or at a floating or variable rate of interest established by reference to indices or formulae, that may be in excess of the rate now permitted by law and payable at such times as the Commission may determine. Bonds may be issued under a system of book entry for recording the ownership and transfer of ownership of rights to receive payments of principal and premium, if any, and interest on the bonds. Bonds may be sold in such manner and for such price as the Commission may determine to be for the best interests of the District.

"Commission" means the governing body of the District known as the Chesapeake Bay Bridge and Tunnel Commission.

"Cost," as applied to the project, means any or all of the following: the cost of construction; the cost of the acquisition of all land, rights-of-way, property, rights, franchises, easements, and interests acquired by the Commission for such construction; the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved; the cost of all machinery and equipment; provision for reasonable working capital, financing charges, and interest prior to and during construction; and, if deemed advisable by the Commission, for a period not exceeding one year after completion of construction, the cost of traffic estimates and of engineering and legal services, plans, specifications, surveys, estimates of cost and of revenues, and other expenses necessary or incident to determining the feasibility or practicability of constructing the project; administrative expenses; and such other expenses as may be necessary or incident to the construction of the project, the financing of such construction, and the placing of the project in operation. Any obligation or expense hereafter incurred by the Commonwealth Transportation Board with the approval of the Commission for traffic surveys, borings, preparation of plans and specifications, and other engineering services in connection with the construction of the project shall be regarded as a part of the cost of the project and shall be reimbursed to the Commonwealth Transportation Board out of the proceeds of revenue bonds issued for the project as authorized in this chapter.

"District" means the political subdivision of the Commonwealth known as the Chesapeake Bay Bridge and Tunnel District.

"Owner" includes all persons as defined in § 1-230 having any interest or title in and to property, rights, franchises, easements, and interests authorized to be acquired by this chapter.

"Project" means a bridge or tunnel or a bridge and tunnel project, including the existing bridge and tunnel crossing operated by the Commission and all or a part of an additional and generally parallel bridge and tunnel crossing, from any point within the boundaries of the District to a point in the County of Northampton, including such approaches and approach highways as the Commission deems necessary to facilitate the flow of traffic in the vicinity of such project or to connect such project with the highway system or other traffic facilities in the Commonwealth, and including all overpasses, underpasses, interchanges, entrance plazas, toll houses, service stations, garages, restaurants, and administration, storage, and other buildings and facilities that the Commission may deem necessary for the operation of such project, together with all property, rights, franchises, easements, and interests that may be required by the Commission for the construction or the operation of such project.

§ 33.2-2201. Chesapeake Bay Bridge and Tunnel District.

The Chesapeake Bay Bridge and Tunnel District is hereby created as a political subdivision of the Commonwealth. The District shall comprise the area included in the boundaries of the Counties of Accomack and Northampton; within the corporate limits of the Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, and Virginia Beach; and the area of Chesapeake Bay between these political subdivisions. This entity may sue and be sued under the name Chesapeake Bay Bridge and Tunnel District. Through its governing board, the Chesapeake Bay Bridge and Tunnel Commission, the District may plead and be impleaded and contract with individuals, partnerships, associations, private corporations, municipal corporations, political subdivisions of the Commonwealth, and the federal government or any agency thereof having any interest or title in and to property, rights, easements, or franchises authorized to be acquired by this chapter.

§ 33.2-2202. Chesapeake Bay Bridge and Tunnel Commission.

The Chesapeake Bay Bridge and Tunnel Commission is hereby created as the governing board of the Chesapeake Bay Bridge and Tunnel District created by this chapter. The Commission shall consist of the following 11 members: one member of the Commonwealth Transportation Board, two members from Accomack County, two members from Northampton County, one member from the City of Chesapeake, one member from the City of Hampton, one member from the City of Newport News, one member from the City of Norfolk, one member from the City of Portsmouth, and one member from the City of Virginia Beach. The members of the Commission appointed under the provisions of this section shall be residents of the counties or cities from which they are appointed.

Commission members shall be appointed by the Governor, subject to confirmation by both houses of the General Assembly. Commission members shall be appointed to four-year terms. Any member of the Commission shall be eligible for reappointment to a second four-year term, but shall be ineligible for appointment to any additional term except for appointment to fill vacancies for portions of unexpired terms. When a vacancy occurs, the Governor shall appoint a new member to complete the unexpired portion of the term, subject to confirmation by both houses of the General Assembly.

The Commission shall select a chairman, vice-chairman, secretary, and treasurer annually from its membership and as provided in its bylaws. Meetings of the Commission shall be held upon the call of the chairman or as otherwise provided in the bylaws of the Commission. Any member of the Commission may be removed from office for cause by the Governor. Each member of the Commission, immediately following his appointment, shall take an oath of office, prescribed by Article II, Section 7 of the Constitution of Virginia, before any judge, clerk, or deputy clerk of any court of record; any judge of a district court in the Commonwealth; the Secretary of the Commonwealth or his deputy; or a member of the State Corporation Commission. No member of the Commission shall receive any salary, but members are entitled to expenses and per diem pay as provided in §§ 2.2-2813 and 2.2-2825. Six members of the Commission shall constitute a quorum. The records of the Commission shall be public records. The Commission is authorized to do all things necessary or incidental to the performance of its duties and the execution of its powers under this chapter. The route for any bridge or tunnel, or combination thereof, built by the Commission shall be selected subject to the approval of the Commonwealth Transportation Board.

§ 33.2-2203. General powers of the Commission.

The Commission is hereby authorized and empowered:

1. To establish, construct, maintain, repair, and operate the project, provided that no such project shall be constructed unless adequate provision is made for the retirement of any revenue bonds issued by the Commission;

2. To determine the location, character, size, and capacity of the project; to establish, limit, and control such points of ingress to and egress from the project as may be necessary or desirable in the judgment of the Commission to ensure the proper operation and maintenance of the project; and to prohibit entrance to such project from any point or points not so designated. The Commission shall coordinate its plans with those of the Commonwealth Transportation Board insofar as practicable;

3. To secure all necessary federal authorizations, permits, and approvals for the construction, maintenance, repair, and operation of the project;

4. To make regulations for the conduct of its business;

5. To acquire, by purchase or condemnation in the name of the District, hold, and dispose of real and personal property for the corporate purposes of the District;

6. To acquire full information to enable it to establish, construct, maintain, repair, and operate the project;

7. To employ consulting engineers, a superintendent or manager of the project, and such other engineering, architectural, construction, and accounting experts, and inspectors, attorneys, and other employees as may be deemed necessary and, within the limitations prescribed in this chapter, to prescribe their powers and duties and fix their compensation;

8. To pay, from any available moneys, the cost of plans, specifications, surveys, estimates of cost and revenues, legal fees, and other expenses necessary or incident to determining the feasibility or practicability of financing, constructing, maintaining, repairing, and operating the project;

9. To issue revenue bonds of the District, for any of its corporate purposes, payable solely from the tolls and revenues pledged for their payment, and to refund its bonds, all as provided in this chapter;

10. To fix, revise, charge, and collect tolls and other charges for the use of the project;

11. To make and enter into all contracts or agreements, as the Commission may determine, that are necessary or incidental to the performance of its duties and to the execution of the powers granted under this chapter;

12. To accept loans and grants of money or materials or property at any time from the United States of America or the Commonwealth or any agency or instrumentality thereof;

13. To adopt an official seal and alter the same at its pleasure and to make, amend, and repeal bylaws and regulations not inconsistent with law to carry into effect the powers and purposes of the Commission;

14. To sue and be sued and to plead and be impleaded, all in the name of the District;

15. To exercise any power usually possessed by private corporations performing similar functions, including the right to expend, solely from funds provided under the authority of this chapter, such funds as may be considered by the Commission to be advisable or necessary in advertising its facilities and services to the traveling public; and

16. To do all acts and things necessary or incidental to the performance of its duties and the execution of its powers under this chapter.

§ 33.2-2204. Additional powers of the Commission.

The Commission has the power:

1. To construct grade separations at intersections of the project with public highways and to change and adjust the lines and grades of such highways so as to accommodate the same to the design of such grade separation. The cost of such grade separations and any damage incurred in changing and adjusting the lines and grades of such highways shall be ascertained and paid by the Commission as a part of the cost of the project.

2. To change the location of any portion of any public highway. The Commission shall cause the portion of the public highway to be reconstructed at such location as the Commission deems most favorable and of substantially the same type and in as good condition as the original highway. The cost of such reconstruction and any damage incurred in changing the location of any such highway shall be ascertained and paid by the Commission as a part of the cost of the project.

Any public highway affected by the construction of the project may be vacated or relocated by the Commission in the manner now provided by law for the vacation or relocation of public roads, and any damages awarded on account thereof shall be paid by the Commission as a part of the cost of the project.

3. To enter upon any lands, waters, and premises in the Commonwealth, along with its authorized agents and employees, for the purpose of making surveys, soundings, drillings, and examinations as they may deem necessary or convenient for the purposes of this chapter, and such entry shall not be deemed a trespass, nor shall an entry for such purposes be deemed an entry under any condemnation proceedings that may be then pending. The Commission shall make reimbursement for any actual damage resulting to such lands, waters, and premises as a result of such activities.

4. To make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation, and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles, and other equipment and appliances (herein called "public utility facilities") of any public utility in, on, along, over, or under the project. When public utility facilities that now are, or hereafter may be, located in, on, along, over, or under the project should be relocated in the project, or should be removed from the project, the public utility owning or operating such facilities shall relocate or remove the same in accordance with the order of the Commission, provided that the cost and expenses of such relocation or removal, including the cost of installing such facilities in a new location, and the cost of any lands, or any rights or interests in lands, and any other rights, acquired to accomplish such relocation or removal, shall be ascertained and paid by the Commission as a part of the cost of the project. In case of any such relocation or removal of facilities, the public utility owning or operating the facilities, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new location, for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate such facilities in their former location.

The Commonwealth hereby consents to the use of all lands owned by it, including lands lying under water, that are deemed by the Commission to be necessary for the construction or operation of the project.

§ 33.2-2205. Regulations of the Commission; enforcement.

The Commission shall have power:

1. To adopt and enforce reasonable regulations that, after publication one time in full in a newspaper of general circulation published in or having general circulation in the City of Virginia Beach and a newspaper of general circulation published in or having general circulation in the County of Northampton and when posted where the using public may conveniently see such regulations, shall have the force and effect of law as to (i) maximum and minimum speed limits applicable to motor vehicles using the project and other property under control of the Commission; (ii) the types, kinds, and sizes of the vehicles that may use the project; (iii) the nature, size, type, or kind of materials or substances that shall not be transported through or over the project; and (iv) such other regulations as may be necessary or expedient in the interest of public safety with respect to the use of the project.

2. To punish a violation of the regulations provided for in subdivision 1 as follows:

a. If a violation would have been a violation of law or ordinance if committed on any public street or highway in the locality in which such violation occurred, it shall be tried and punished in the same manner as if it had been committed on such public street or highway.

b. If a violation occurs within one jurisdiction and is punishable within another jurisdiction, the court trying the case shall, if the accused is found guilty, apply the punishment that is prescribed for offenses occurring within the jurisdiction of the court trying the case.

c. All other violations shall be punishable as a misdemeanor.

3. To appoint and employ police to enforce within the area under the control of the Commission the regulations adopted by the Commission and the laws of the Commonwealth. Such police shall have the powers vested in police officers under §§ 15.2-1704 and 52-8, which sections shall apply, *mutatis mutandis*, to police appointed pursuant to this chapter.

Such police appointed by the Commission may issue summons to appear, or arrest on view or on information without warrant as permitted by law, within the jurisdiction of the Commonwealth, and conduct before any police or county court of any political subdivision into which the project extends any person violating, within or upon the project or other property under the control of the Commission, any rule or regulation of the Commission or any law of the Commonwealth pertaining to the regulation and control of highway traffic on any bridge or tunnel owned or operated by the Commission, including all

entrance or exit plazas and approaches adjacent or appurtenant thereto and any rule or regulation regarding the payment of tolls.

4. For the purpose of enforcing such laws and regulations, the courts of the City of Virginia Beach and the County of Northampton have concurrent jurisdiction of criminal offenses that constitute violations of the laws and regulations of the Commission.

§ 33.2-2206. Acquisition of property.

The Commission is hereby authorized and empowered to acquire by purchase, whenever it deems such purchase expedient, solely from funds provided under the authority of this chapter, such lands, structures, rights-of-way, property, rights, franchises, easements, and other interests in lands, including lands lying under water and riparian rights, that are located within the Commonwealth as it may deem necessary or convenient for the construction and operation of the project, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof, and to take title thereto in the name of the District.

All localities and political subdivisions and all public agencies and commissions of the Commonwealth, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant, or convey to the District at the Commission's request upon such terms and conditions as the proper authorities of such localities, political subdivisions, agencies, or commissions of the Commonwealth may deem reasonable and fair and without the necessity for any advertisement, order of court, or other action or formality, other than the regular and formal action of the authorities concerned, any real property that may be necessary or convenient to the effectuation of the authorized purposes of the Commission, including public highways and other real property already devoted to public use.

Whenever a reasonable price cannot be agreed upon, or whenever the owner is legally incapacitated or is absent, unknown, or unable to convey valid title, the Commission is hereby authorized and empowered to acquire by condemnation or by the exercise of the power of eminent domain any lands, property, rights, rights-of-way, franchises, easements, and other property, including public lands, parks, playgrounds, reservations, highways, or parkways, or parts thereof or rights therein, of any person, partnership, association, railroad, public service, public utility or other corporation, municipality, or political subdivision deemed necessary or convenient for the construction or the efficient operation of the project or necessary in the restoration of public or private property damaged or destroyed. Such proceedings shall be in accordance with and subject to the provisions of any and all laws applicable to condemnation of property in the name of the Commissioner of Highways under the laws of the Commonwealth. Title to any property acquired by the Commission shall be taken in the name of the District. In any condemnation proceedings, the court having jurisdiction of the suit, action, or proceeding may make such orders as may be just to the Commission and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the Commission to accept and pay for the property, but neither such undertaking or security nor any act or obligation of the Commission shall impose any liability upon the District except as may be paid from the funds provided under the authority of this chapter.

If the owner, lessee, or occupier of any property to be condemned refuses to remove his personal property therefrom or give up possession thereof, the Commission may proceed to obtain possession in any manner now or hereafter provided by law.

With respect to any railroad property or right-of-way upon which railroad tracks are located, any powers of condemnation or of eminent domain may be exercised to acquire only an easement interest therein, which is located either sufficiently far above or sufficiently far below the grade of any railroad track upon such railroad property so that neither the proposed project nor any part thereof, including any bridges, abutments, columns, supporting structures, and appurtenances, nor any traffic upon it interferes in any manner with the use, operation, or maintenance of the trains, tracks, works, or appurtenances or other property of the railroad nor endanger the movement of the trains or traffic upon the tracks of the railroad. Prior to the institution of condemnation proceedings for such easement over or under such railroad property or right-of-way, plans and specifications of the proposed project showing compliance with the above-mentioned above or below grade requirements and showing sufficient and safe plans and specifications of such overhead or undergrade structure and appurtenances shall be submitted to the railroad for examination and approval. If the railroad fails or refuses within 30 days to approve the plans and specifications so submitted, the matter shall be submitted to the State Corporation Commission, as to the sufficiency and safety of such plans and specifications and as to such elevations or distances above or below the tracks. Said overhead or undergrade structure and appurtenances shall be constructed only in accordance with such plans and specifications and in accordance with such elevations or distances above or below the tracks so approved by the railroad or the State Corporation Commission. A copy of the plans and specifications approved by the railroad or the State Corporation Commission shall be filed as an exhibit with the petition for condemnation. The cost of any such overhead or undergrade projects and appurtenances and any expense and cost incurred in changing, adjusting, relocating, or removing the lines and grades of such railroad in connection with the project shall be paid by the Commission as a part of the cost of the project.

§ 33.2-2207. Consent of Commonwealth to use subaqueous soil of the Chesapeake Bay.

The Commonwealth hereby consents to the use by the Commission, in any manner whatsoever in the performance of its duties, of all lands lying under the waters of the Chesapeake Bay that are within the Commonwealth and are deemed by the Commission to be necessary for the construction or operation of the project.

§ 33.2-2208. Revenue bonds.

The Commission is hereby authorized to provide by resolution for the issuance of revenue bonds of the District for any one or more of the following purposes: (i) paying all or a part of the cost of all or a part of the project and (ii) refunding any outstanding revenue bonds of the District that have been issued under the provisions of this chapter, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds. The principal of and the interest on such bonds shall be payable solely from the funds herein provided for such payment. The bonds of each issue shall be dated, shall bear interest at such rate not exceeding six percent per year payable semiannually, shall mature at such time, not exceeding 40 years from their date, as may be determined by the Commission, and may be made redeemable before maturity, at the option of the Commission, at such price and under such terms and conditions as may be fixed by the Commission prior to the issuance of the bonds. The principal and interest of such bonds may be made payable in any lawful medium. The Commission shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination of the bonds and the place of payment of principal and interest thereof, which may be at any bank or trust company within or outside of the Commonwealth. If any officer whose signature or a facsimile of whose signature appears on any bonds or coupons ceases to be such officer before the delivery of the bonds, his signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery. All revenue bonds issued under the provisions of this chapter shall have and are hereby declared to have, as between successive holders, all the qualities and incidents of negotiable instruments under the negotiable instruments law of the Commonwealth. The bonds may be issued in coupon or in registered form, or both, as the Commission may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion of any bonds registered as to both principal and interest into coupon bonds. The Commission may sell such bonds in such manner and for such price as it may determine to be for the best interest of the District, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six percent per year computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, excluding from such computations the amount of any premium to be paid on redemption of any bonds prior to maturity. The proceeds of such bonds shall be disbursed for the purposes for which such bonds shall have been issued under such restrictions, if any, as the resolution authorizing the issuance of such bonds or the trust indenture provided for in this chapter. If the bonds of a particular issue, by error of estimates or otherwise, are less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit and, unless otherwise provided in the resolution authorizing the issuance of the bonds or in the trust indenture securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same purpose. If the proceeds of the bonds of any issue exceed the amount required for the purpose for which such bonds are issued, the surplus shall be paid into the funds hereinafter provided for the payment of principal and interest of such bonds. Prior to the preparation of definitive bonds, the Commission may, under like restrictions, issue temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The Commission may also provide for the replacement of any bond that becomes mutilated or that has been destroyed or lost. Such revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than the proceedings, conditions, and things that are specified and required by this chapter.

§ 33.2-2209. Bonds not to constitute a debt or pledge of taxing power.

Revenue bonds issued under the provisions of this chapter shall not be deemed to constitute a debt of the District or of the Commonwealth or of any county, city, district, or political subdivision thereof, or a pledge of the faith and credit of the District or of the Commonwealth or of any county, city, district, or political subdivision thereof, but such bonds shall be payable solely from the funds herein provided therefor from tolls and other revenues. The issuance of revenue bonds under the provisions of this chapter shall not directly or indirectly or contingently obligate the District, the Commonwealth, or any county, city, district, or political subdivision thereof to levy or to pledge any form of taxation whatever therefor. All such revenue bonds shall contain a statement on their face substantially to the foregoing effect.

§ 33.2-2210. Trust indenture.

In the discretion of the Commission any bonds issued under the provisions of this chapter may be secured by a trust indenture by and between the Commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside of the Commonwealth. Such trust indenture or the resolution providing for the issuance of such bonds may pledge or assign the tolls and other revenues to be received, but shall not convey or mortgage the project or any part thereof. Such trust indenture or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Commission in relation to the acquisition of property and the construction, improvement, maintenance, repair, operation, and insurance of the project in connection with which such bonds have been authorized, the rates of toll to be charged, and the custody, safeguarding, and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of the Commonwealth that may act as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the Commission. Any such trust indenture may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust indenture or resolution may contain such other provisions as the Commission may deem reasonable and proper for the

security of the bondholders. All expenses incurred in carrying out the provisions of such trust indenture or resolution may be treated as a part of the cost of the operation of the project.

§ 33.2-2211. Revenues.

The Commission is hereby authorized to fix, revise, charge, and collect tolls for the use of the project, and to contract with any person, partnership, association, or corporation desiring the use thereof, and to fix the terms, conditions, rents, and rates of charges for such use.

Such tolls shall be so fixed and adjusted in respect of the aggregate of tolls from the project in connection with which the bonds of any issue have been issued under the provisions of this chapter as to provide a fund sufficient with other revenues, if any, to pay (i) the cost of maintaining, repairing, and operating the project and (ii) the principal of and the interest on such bonds as the same become due and payable, and to create reserves for such purposes. Such tolls shall not be subject to supervision or regulation by any other commission, board, bureau, or agency of the Commonwealth. The tolls and all other revenues derived from the project in connection with which the bonds of any issue have been issued, except such part thereof as may be necessary to pay such cost of maintenance, repair, and operation and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of such bonds or in the trust indenture securing the same, shall be set aside at such regular intervals as may be provided in such resolution or such trust indenture in a sinking fund that is hereby pledged to, and charged with, the payment of the principal of and the interest on such bonds as the same become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the tolls or other revenues or other moneys so pledged and thereafter received by the Commission shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the Commission, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust indenture by which a pledge is created need be filed or recorded except in the records of the Commission. The use and disposition of moneys to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust indenture. Except as may otherwise be provided in such resolution or such trust indenture, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another.

§ 33.2-2212. Cessation of tolls.

When the bonds issued for the project and the interest thereon have been paid, or a sufficient amount has been provided for their payment and continue to be held for that purpose, the Commission shall cease to charge tolls for the use of the project, and thereafter the project shall be free, provided that the Commission shall thereafter charge tolls for the use of the project in the event that tolls are required for maintaining, repairing, and operating the project due to the lack of funds from sources other than tolls.

§ 33.2-2213. Transfer to Commonwealth.

Except as provided in this section, when all bonds issued under the provisions of this chapter in connection with the project and the interest thereon have been paid or a sufficient amount for the payment of all such bonds and the interest thereon to the maturity thereof has been set aside in trust for the benefit of the bondholders, the project, if then in good condition and repair, shall become a part of the primary state highway system and shall thereafter be maintained by the Commonwealth Transportation Board free of tolls. The Commission may, in any resolution or trust indenture authorizing or securing bonds under the provisions of this chapter, provide for combining the project and any public ferry service then being operated by the Commission for financing purposes, and for the continuance of tolls on the project and such public ferry service until all such bonds and the interest thereon have been paid or a sufficient amount for such purposes has been set aside in trust for the benefit of the bondholders.

§ 33.2-2214. Trust funds.

All moneys received pursuant to the authority of this chapter, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this chapter. The resolution authorizing the bonds of any issue or the trust indenture securing such bonds shall provide that any officer with whom, or any bank or trust company with which, such moneys are deposited shall act as trustee of such moneys and shall hold and apply the moneys for the purposes provided in this chapter, subject to such regulations as this chapter and such resolution or trust indenture may provide.

§ 33.2-2215. Remedies.

Any holder of bonds issued under the provisions of this chapter or any of the coupons appertaining thereto, and the trustee under any trust indenture, except to the extent the rights herein given may be restricted by such trust indenture or the resolution authorizing the issuance of such bonds, may, either at law or in equity, by suit, action, mandamus, or other proceeding, protect and enforce any and all rights under the laws of the Commonwealth or granted hereunder or under such trust indenture or the resolution authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by this chapter or by such trust indenture or resolution to be performed by the Commission or by any officer thereof, including the fixing, charging, and collecting of tolls.

§ 33.2-2216. Exemption from taxation.

The exercise of the powers granted by this chapter will be in all respects for the benefit of the people of the Commonwealth and for the increase of their commerce and prosperity, and as the operation and maintenance of the project

will constitute the performance of essential governmental functions, the Commission shall not be required to pay any taxes or assessments upon the project or any property acquired or used by the Commission under the provisions of this chapter or upon the income therefrom, and the bonds issued under the provisions of this chapter, their transfer, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the Commonwealth.

§ 33.2-2217. Governmental function.

It is hereby found, determined, and declared that the creation of the District and the carrying out of its corporate purposes is in all respects for the benefit of the people of the Commonwealth and is a public purpose and that the District and the Commission will be performing an essential governmental function in the exercise of the powers conferred by this chapter, and the Commonwealth covenants with the holders of the bonds issued under the provisions of this chapter that the District shall not be required to pay any taxes or assessments upon any of the property acquired by it or under its jurisdiction, control, possession, or supervision or upon its activities in the operation and maintenance of the project or upon any revenues therefrom, and the project and the bonds issued in connection therewith and the income derived therefrom shall be exempt from all state and local taxation.

§ 33.2-2218. Bonds eligible for investment.

Bonds issued by the District under the provisions of this chapter are hereby made securities in which all public officers and public bodies of the Commonwealth and its political subdivisions and all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities that may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or obligations is now or may hereafter be authorized by law.

§ 33.2-2219. Protection from competition.

No franchise, right, or privilege shall be granted or authorized by the Commonwealth or by any political subdivision or court thereof for the acquisition, establishment, construction, maintenance, repair, or operation of any bridge or tunnel or bridge and tunnel facility from any point within the boundaries of the District to a point in the County of Northampton, except to the Commission so long as any bonds issued under this chapter remain outstanding or until provision is first made for the payment of the principal and the interest and the premium, if any, due and payable upon all such bonds, provided that such prohibition does not apply to any ferry that may be established for the exclusive transportation of railroad cars, or of railroad passengers holding through tickets, or to projects heretofore authorized under the Transportation Development and Revenue Bond Act (§ 33.2-1700 et seq.).

§ 33.2-2220. Miscellaneous; penalties.

A. Any action taken by the Commission under the provisions of this chapter may be authorized by resolution at any regular or special meeting, and each such resolution shall take effect immediately and need not be published or posted.

B. The project when constructed and opened to traffic shall be maintained and kept in good condition and repair by the Commission. The project shall also be policed and operated by such force of police, toll-collectors, and other operating employees as the Commission may in its discretion employ.

C. All other police officers of the Commonwealth and of each locality or political subdivision of the Commonwealth through which any project, or portion thereof, extends shall have the same powers and jurisdiction within the limits of such projects as they have beyond such limits and shall have access to the project at any time for the purpose of exercising such powers and jurisdiction.

D. All private property damaged or destroyed by the construction of the project or any part thereof shall be restored or repaired and placed in its original condition as nearly as practicable or adequate compensation made therefor out of funds provided under the authority of this chapter.

E. On or before the last day of February in each year, the Commission shall make an annual report of its activities during the preceding calendar year to the Governor. In each report, the Commission shall set forth a complete operating and financial statement covering its operations during the year. The Commission shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants, and the cost thereof may be treated as a part of the cost of construction or operation of the project. The records, books, and accounts of the Commission shall be subject to examination and inspection by duly authorized representatives of the Governor, the Commonwealth Transportation Board, the governing bodies of the political subdivisions constituting the District, and any bondholder at any reasonable time, provided the business of the Commission is not unduly interrupted or interfered with by such action.

F. Any member, agent, or employee of the Commission who contracts with the Commission or District or is interested, either directly or indirectly, in any contract with the Commission or District or in the sale of any property, either real or personal, to the District shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year, or both.

G. Any person who uses the project and fails or refuses to pay the toll provided therefor shall be punished by a fine of not more than \$100 or by imprisonment for not more than 30 days, or both. In addition, the Commission shall have a lien upon the vehicle driven by such person for the amount of such toll and may take and retain possession thereof until the amount of such toll and all charges in connection therewith shall have been paid.

§ 33.2-2221. Liberal construction.

This chapter, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purposes thereof.

§ 33.2-2222. Severability.

The provisions of this chapter are severable and if any of its provisions shall be held unconstitutional by an appropriate court, the decision of such court shall not affect or impair any of the remaining provisions of this chapter.

CHAPTER 23.

U.S. ROUTE 58 CORRIDOR DEVELOPMENT FUND AND PROGRAM.

§ 33.2-2300. U.S. Route 58 Corridor Development Fund.

There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a part of the Transportation Trust Fund and that shall be known as the U.S. Route 58 Corridor Development Fund (the Fund), consisting of the first \$40 million of annual collections of the state recordation taxes imposed by Chapter 8 of Title 58.1, provided, however, that this dedication shall not affect the local recordation taxes under subsection B of § 58.1-802 and § 58.1-814. The Fund shall also include such other funds as may be appropriated by the General Assembly and designated for the Fund and all interest, dividends, and appreciation that may accrue thereto. Any moneys remaining in the Fund at the end of a biennium shall not revert to the general fund, but shall remain in the Fund. Allocations from the Fund may be paid to any authority, locality, or commission for the purposes specified in § 33.2-2301.

§ 33.2-2301. U.S. Route 58 Corridor Development Program.

A. The General Assembly declares it to be in the public interest that the economic development needs and economic growth potential of south-central and Southwest Virginia be addressed by a special nonreverting fund that shall be a part of the Transportation Trust Fund and that shall be known as the U.S. Route 58 Corridor Development Fund as established in § 33.2-2300 (the Fund). Moneys contained in the Fund shall be used for the costs of providing an adequate, modern, safe, and efficient highway system, generally along Virginia's southern boundary (the Program), including environmental and engineering studies, rights-of-way acquisition, construction, improvements, and financing costs.

B. Allocations from the Fund shall be made annually by the Commonwealth Transportation Board for the creation and enhancement of a safe, efficient highway system connecting the communities, businesses, places of employment, and residents of the southwestern-most portion of the Commonwealth to the communities, businesses, places of employment, and residents of the southeastern-most portion of the Commonwealth, thereby enhancing the economic development potential, employment opportunities, mobility, and quality along such highway.

C. Allocations from the Fund shall not diminish or replace allocations made or planned to be made from other sources or diminish allocations to which any highway, project, facility, district, system, or locality would be entitled under other provisions of this title, but shall be supplemental to other allocations to the end that highway resource improvements in the U.S. Route 58 Corridor may be accelerated and augmented. Notwithstanding any contrary provisions of this title, allocations from the Fund may be applied to highway projects in the Interstate System, primary or secondary state highway system, or urban highway system. Allocations under this subsection shall not be limited to projects involving only existing U.S. Route 58 but may be made to projects involving other highways, provided that the broader goal of creation of an adequate modern highway system generally along Virginia's southern boundary is served thereby.

D. The Commonwealth Transportation Board may expend such funds from all sources as may be lawfully available to initiate the Program and to support bonds and other obligations referenced in subsection F. Any moneys expended from the Transportation Trust Fund for the Program, other than moneys contained in the Fund, may be reimbursed from the Fund, to the extent permitted by Article X, Section 9 of the Constitution of Virginia.

E. The Commonwealth Transportation Board is encouraged to utilize the existing four-lane divided highways, available rights-of-way acquired for additional four-laning, bypasses, connectors, and alternate routes.

F. To the extent permitted by Article X, Section 9 of the Constitution of Virginia, moneys contained in the Fund may be used to secure payment of bonds or other obligations, and the interest thereon, issued in furtherance of the purposes of this section. In addition, the Commonwealth Transportation Board is authorized to receive, dedicate, or use legally available Transportation Trust Fund revenues and any other available sources of funds to secure the payment of bonds or other obligations, including interest thereon, in furtherance of the Program. No bond or other obligations payable from revenues of the Fund shall be issued unless specifically approved by the General Assembly. No bond or other obligations, secured in whole or in part by revenues of the Fund, shall pledge the full faith and credit of the Commonwealth.

G. Forty million dollars shall be transferred annually to the Fund with the first such transfer to be made on July 1, 1990, or as soon thereafter as reasonably practicable. Such transfer shall be made by the issuance of a treasury loan at no interest in the amount of \$40 million to the Fund to ensure that the Fund is fully funded on the first day of the fiscal year. Such treasury loan shall be repaid from the Commonwealth's portion of the state recordation tax imposed by Chapter 8 (§ 58.1-800 et seq.) of Title 58.1 designated for the Fund by § 33.2-2300. For each fiscal year following July 1, 1990, the Secretary of Finance is authorized to make additional treasury loans in the amount of \$40 million on July 1 of such fiscal years, and such treasury loans shall be repaid in a like manner as provided in this subsection.

CHAPTER 24.

NORTHERN VIRGINIA TRANSPORTATION DISTRICT FUND AND PROGRAM.

§ 33.2-2400. Northern Virginia Transportation District Fund.

A. There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a part of the Transportation Trust Fund and that shall be known as the Northern Virginia Transportation District Fund, consisting of transfers pursuant to § 58.1-816 of annual collections of the state recordation taxes attributable to the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William; however, this dedication shall not affect the local recordation taxes under subsection B of § 58.1-802 and § 58.1-814. The Fund shall also include any public rights-of-way use fees appropriated by the General Assembly; any state or local revenues, including any funds distributed pursuant to § 33.2-362, 33.2-364, or 33.2-366, that may be deposited into the Fund pursuant to a contract between a jurisdiction participating in the Northern Virginia Transportation District Program and the Commonwealth Transportation Board; and any other funds as may be appropriated by the General Assembly and designated for the Fund and all interest, dividends, and appreciation that may accrue thereto. Any moneys remaining in the Fund at the end of a biennium shall not revert to the general fund, but shall remain in the Fund, subject to the determination by the Commonwealth Transportation Board that a Category 2, 3, or 4 project may be funded.

B. Allocations from the Fund may be paid (i) to any authority, locality, or commission for the purposes of paying the costs of the Northern Virginia Transportation District Program, which consists of the following: the Fairfax County Parkway, the Route 234 Bypass, Metrorail capital improvements attributable to Fairfax County including Metro parking expansions, Metrorail capital improvements including the Franconia-Springfield Metrorail Station and new rail car purchases, the Route 7 improvements in Loudoun County and Fairfax County, the Route 50/Courthouse Road interchange improvements in Arlington County, the Route 28/Route 625 interchange improvements in Loudoun County, Metrorail capital improvements attributable to the City of Alexandria including the King Street Metrorail Station access, Metrorail capital improvements attributable to Arlington County including Ballston Station improvements, the Route 15 safety improvements in Loudoun County, the Route 28 parallel roads in Loudoun County, the Route 28/Sterling Boulevard interchange in Loudoun County, the Route 1/Route 123 interchange improvements in Prince William County, the Lee Highway improvements in the City of Fairfax, the Route 123 improvements in Fairfax County, the Telegraph Road improvements in Fairfax County, the Route 123 Occoquan River Bridge, Gallows Road in Fairfax County, the Route 1/Route 234 interchange improvements in Prince William County, the Potomac-Rappahannock Transportation Commission bus replacement program, and the Dulles Corridor Enhanced Transit program and (ii) for Category 4 projects as provided in § 2 of the act or acts authorizing the issuance of Bonds for the Northern Virginia Transportation District Program.

C. On or before July 15, 1994, \$19 million shall be transferred to the Fund. Such transfer shall be made by the issuance of a treasury loan at no interest in the amount of \$19 million in the event such an amount is not included for the Fund in the general appropriation act enacted by the 1994 Session of the General Assembly. Such treasury loan shall be repaid from the Commonwealth's portion of the state recordation tax imposed by Chapter 8 (§ 58.1-800 et seq.) of Title 58.1 designated for the Fund by this section and § 58.1-816.

§ 33.2-2401. Northern Virginia Transportation District Program.

A. The General Assembly declares it to be in the public interest that the economic development needs and economic growth potential of Northern Virginia be addressed by a special transportation program to provide for the costs of providing an adequate, modern, safe, and efficient transportation network in Northern Virginia that shall be known as the Northern Virginia Transportation District Program (the Program), including environmental and engineering studies, rights-of-way acquisition, construction, improvements to all modes of transportation, and financing costs. The Program consists of the following projects: the Fairfax County Parkway, the Route 234 Bypass, Metrorail capital improvements attributable to Fairfax County including Metro parking expansions, Metrorail capital improvements including the Franconia-Springfield Metrorail Station and new rail car purchases, the Route 7 improvements in Loudoun County and Fairfax County, the Route 50/Courthouse Road interchange improvements in Arlington County, the Route 28/Route 625 interchange improvements in Loudoun County, Metrorail capital improvements attributable to the City of Alexandria including the King Street Metrorail Station access, Metrorail capital improvements attributable to Arlington County including Ballston Station improvements, the Route 15 safety improvements in Loudoun County, the Route 28 parallel roads in Loudoun County, the Route 28/Sterling Boulevard interchange in Loudoun County, the Route 1/Route 123 interchange improvements in Prince William County, the Lee Highway improvements in the City of Fairfax, the Route 123 improvements in Fairfax County, the Telegraph Road improvements in Fairfax County, the Route 123 Occoquan River Bridge, Gallows Road in Fairfax County, the Route 1/Route 234 interchange improvements in Prince William County, the Potomac-Rappahannock Transportation Commission bus replacement program, and the Dulles Corridor Enhanced Transit program.

B. Allocations to the Program from the Northern Virginia Transportation District Fund established by § 33.2-2400 shall be made annually by the Commonwealth Transportation Board for the creation and enhancement of a safe and efficient transportation system connecting the communities, businesses, places of employment, and residences of the Commonwealth, thereby enhancing the economic development potential, employment opportunities, mobility, and quality of life in the Commonwealth.

C. Except in the event that the Northern Virginia Transportation District Fund is insufficient to pay for the costs of the Program, allocations to the Program shall not diminish or replace allocations made from other sources or diminish allocations to which any district, system, or locality would be entitled under other provisions of this title but shall be supplemental to other allocations to the end that transportation improvements in the Northern Virginia Transportation

District may be accelerated and augmented. Allocations under this subsection shall be limited to projects specified in subdivision 12 of § 33.2-1700.

D. The Commonwealth Transportation Board may expend such funds from all sources as may be lawfully available to initiate the Program and to support bonds and other obligations referenced in subsection E.

E. The Commonwealth Transportation Board is authorized to receive, dedicate, or use (i) first from revenues received from the Northern Virginia Transportation District Fund; (ii) to the extent required, funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project or projects to be financed are located or to the city or county in which the project or projects to be financed are located; (iii) to the extent required, legally available revenues of the Transportation Trust Fund; and (iv) such other funds that may be appropriated by the General Assembly for the payment of bonds or other obligations, including interest thereon, issued in furtherance of the Program. No such bond or other obligations shall pledge the full faith and credit of the Commonwealth.

CHAPTER 25.

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY.

§ 33.2-2500. Northern Virginia Transportation Authority created.

There is hereby created a political subdivision of the Commonwealth known as the Northern Virginia Transportation Authority, for purposes of this chapter referred to as "the Authority."

In addition to such other powers vested in the Authority by this chapter, the Authority shall have the following powers and functions:

1. The Authority shall prepare a regional transportation plan for Planning District 8 that includes transportation improvements of regional significance and those improvements necessary or incidental thereto and shall revise and amend the plan. The provisions of Article 7 (§ 33.2-1928 et seq.) of Chapter 19 shall apply, mutatis mutandis, to preparation of such transportation plan.

2. The Authority may, when a transportation plan is adopted according to subdivision 1, construct or acquire, by purchase, lease, contract, or otherwise, the transportation facilities specified in such transportation plan.

3. The Authority may enter into agreements or leases with public or private entities for the operation of its facilities or may operate such facilities itself.

4. The Authority may enter into contracts or agreements with the counties and cities embraced by the Authority, with other transportation commissions of transportation districts adjoining any county or city embraced by the Authority, with any transportation authority, or with any federal, state, local, or private entity to provide, or cause to be provided, transportation facilities and services to the area embraced by the Authority. Such contracts or agreements, together with any agreements or leases for the operation of such facilities, may be used by the Authority to finance the construction and operation of transportation facilities and such contracts, agreements, or leases shall inure to the benefit of any creditor of the Authority.

Notwithstanding subdivisions 1 through 4, the Authority shall not have the power to regulate services provided by taxicabs, either within municipalities or across municipal boundaries; such regulation is expressly reserved to the municipalities within which taxicabs operate.

5. Notwithstanding any other provision of law to the contrary, the Authority may:

a. Acquire land or any interest therein by purchase, lease, or gift and provide transportation facilities thereon for use in connection with any transportation service;

b. Acquire land or any interest therein by purchase, lease, or gift in advance of the need for sale or contribution to an agency, for use by that agency in connection with an adopted transportation plan; and

c. Prepare a plan for mass transportation services with persons, counties, cities, agencies, authorities, or transportation commissions and may further contract with any such person or entity to provide necessary facilities, equipment, operations and maintenance, access, and insurance pursuant to such plan.

§ 33.2-2501. Counties and cities embraced by the Authority.

The Authority shall embrace the Counties of Arlington, Fairfax, Loudoun, and Prince William and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park.

§ 33.2-2502. Composition of Authority; membership; terms.

The Authority shall consist of 17 members as follows:

1. The chief elected officer of the governing body of each county and city embraced by the Authority or, in the discretion of the chief elected officer, his designee, who shall be a current elected officer of such governing body;

2. Two members of the House of Delegates who reside in different counties or cities embraced by the Authority, appointed by the Speaker of the House and, to the extent practicable, from the membership of the House Committee on Appropriations, the House Committee on Finance, or the House Committee on Transportation;

3. One member of the Senate who resides in a county or city embraced by the Authority, appointed by the Senate Committee on Rules and, to the extent practicable, from the membership of the Senate Committee on Finance and the Senate Committee on Transportation;

4. Two nonlegislative citizen members who reside in different counties or cities embraced by the Authority, appointed by the Governor. One such gubernatorial appointment shall be a member of the Commonwealth Transportation Board and one shall be a person who has significant experience in transportation planning, finance, engineering, construction, or management; and

5. The following three persons who shall serve as nonvoting ex officio members of the Authority: the Director of the Virginia Department of Rail and Public Transportation, or his designee; the Commissioner of Highways, or his designee; and the chief elected officer of one town in a county embraced by the Authority to be chosen by the Authority.

All members of the Authority shall serve terms coincident with their terms of office, except that the gubernatorial appointee who is not a member of the Board shall serve for a term of four years. A vacancy occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments.

The Authority shall appoint a chairman and vice-chairman from among its members.

§ 33.2-2503. Staff.

The Authority shall employ a chief executive officer and such staff as it shall determine to be necessary to carry out its duties and responsibilities under this chapter. No such person shall contemporaneously serve as a member of the Authority. The Department of Transportation and the Department of Rail and Public Transportation shall make their employees available to assist the Authority, upon request.

§ 33.2-2504. Decisions of Authority.

A majority of the Authority, which majority shall include at least a majority of the representatives of the counties and cities embraced by the Authority, shall constitute a quorum. Decisions of the Authority shall require a quorum and shall be in accordance with voting procedures established by the Authority. In all cases, decisions of the Authority shall require the affirmative vote of two-thirds of the members of the Authority present and voting and two-thirds of the representatives of the counties and cities embraced by the Authority who are present and voting and whose counties and cities include at least two-thirds of the population embraced by the Authority; however, no motion to fund a specific facility or service shall fail because of this population criterion if such facility or service is not located or to be located or provided or to be provided within the county or city whose representative's sole negative vote caused the facility or service to fail to meet the population criterion. The population of counties and cities embraced by the Authority shall be the population as determined by the most recently preceding decennial census, except that on July 1 of the fifth year following such census, the population of each county and city shall be adjusted, based on population projections made by the Weldon Cooper Center for Public Service of the University of Virginia.

§ 33.2-2505. Allocation of certain Authority expenses among component counties and cities.

The administrative expenses of the Authority as provided in an annual budget adopted by the Authority, to the extent funds for such expenses are not provided from other sources, shall be allocated among the component counties and cities on the basis of the relative population, as determined pursuant to § 33.2-2504. Such budget shall be limited solely to the administrative expenses of the Authority and shall not include any funds for construction or acquisition of transportation facilities or for the performance of any transportation service.

§ 33.2-2506. Payment to members of Authority.

The members of the Authority may be paid for their services compensation in either (i) the amount provided in the general appropriation act for members of the General Assembly engaged in legislative business between sessions or (ii) a lesser amount as determined by the Authority. Members may be reimbursed for all reasonable and necessary expenses as provided in §§ 2.2-2813 and 2.2-2825, if approved by the Authority. Funding for the costs of compensation and expenses of the members shall be provided by the Authority.

§ 33.2-2507. Formation of advisory committees.

A. The Authority shall have a technical advisory committee, consisting of nine individuals who reside or are employed in counties and cities embraced by the Authority and have experience in transportation planning, finance, engineering, construction, or management. Six members shall be appointed by localities embraced by the Authority and three members shall be appointed by the Chairman of the Commonwealth Transportation Board. The technical advisory committee shall advise and provide recommendations on the development of projects as required by § 33.2-2508 and funding strategies and other matters as directed by the Authority.

B. The Authority also shall have a planning coordination advisory committee that shall include at least one elected official from each town that is located in any county embraced by the Authority and receives street maintenance payments under § 33.2-319.

C. The Authority may form additional advisory committees.

§ 33.2-2508. Responsibilities of Authority for long-range transportation planning.

The Authority shall be responsible for long-range transportation planning for regional transportation projects in Northern Virginia. In carrying out this responsibility, the Authority shall, on the basis of a regional consensus whenever possible, set regional transportation policies and priorities for regional transportation projects. The policies and priorities shall be guided by performance-based criteria such as the ability to improve travel times, reduce delays, connect regional activity centers, improve safety, improve air quality, and move the most people in the most cost-effective manner.

§ 33.2-2509. Northern Virginia Transportation Authority Fund.

There is hereby created in the state treasury a special nonreverting fund for Planning District 8 to be known as the Northern Virginia Transportation Authority Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. All revenues dedicated to the Fund pursuant to §§ 58.1-638, 58.1-802.2, and 58.1-1742, any other funds that may be appropriated by the General Assembly, and any funds that may be received for the credit of the Fund from

any other source shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

The amounts dedicated to the Fund pursuant to §§ 58.1-638, 58.1-802.2, and 58.1-1742 shall be deposited monthly by the Comptroller into the Fund and thereafter distributed to the Northern Virginia Transportation Authority as soon as practicable for use in accordance with § 33.2-2510. If the Authority determines that such moneys distributed to it exceed the amount required to meet the current needs and demands to fund transportation projects pursuant to § 33.2-2510, the Authority may invest such excess moneys to the same extent as provided in subsection A of § 33.2-1525 for excess funds in the Transportation Trust Fund.

The amounts deposited into the Fund and the distribution and expenditure of such amounts shall not be used to calculate or reduce the share of federal, state, or local revenues otherwise available to participating jurisdictions. Further, such revenues and moneys shall not be included in any computation of, or formula for, a locality's ability to pay for public education, upon which appropriations of state revenues to local governments for public education are determined.

§ 33.2-2510. Use of certain revenues by the Authority.

A. All moneys received by the Authority and the proceeds of bonds issued pursuant to § 33.2-2511 shall be used by the Authority solely for transportation purposes benefiting those counties and cities that are embraced by the Authority.

B. 1. Except as provided in subdivision 2, 30 percent of the revenues received by the Authority under subsection A shall be distributed on a pro rata basis, with each locality's share being the total of such fee and taxes received by the Authority that are generated or attributable to the locality divided by the total of such fee and taxes received by the Authority. Of the revenues distributed pursuant to this subsection, as determined solely by the applicable locality, such revenues shall be used for additional urban or secondary highway construction, for other capital improvements that reduce congestion, for other transportation capital improvements that have been approved by the most recent long-range transportation plan adopted by the Authority, or for public transportation purposes. None of the revenue distributed by this subsection may be used to repay debt issued before July 1, 2013. Each locality shall create a separate, special fund in which all revenues received pursuant to this subsection and from the tax imposed pursuant to § 58.1-3221.3 shall be deposited. Each locality shall provide annually to the Northern Virginia Transportation Authority sufficient documentation as required by the Authority showing that the funds distributed under this subsection were used as required by this subsection.

2. If a locality has not deposited into its special fund (i) revenues from the tax collected under § 58.1-3221.3 pursuant to the maximum tax rate allowed under that section or (ii) an amount, from sources other than moneys received from the Authority, that is equivalent to the revenue that the locality would receive if it was imposing the maximum tax authorized by § 58.1-3221.3, then the amount of revenue distributed to the locality pursuant to subdivision 1 shall be reduced by the difference between the amount of revenue that the locality would receive if it was imposing the maximum tax authorized by such section and the amount of revenue deposited into its special fund pursuant to clause (i) or (ii), as applicable. The amount of any such reduction in revenue shall be redistributed according to subsection C. The provisions of this subdivision shall be ongoing and apply over annual periods as determined by the Authority.

C. 1. The remaining 70 percent of the revenues received by the Authority under subsection A, plus the amount of any revenue to be redistributed pursuant to subsection B, shall be used by the Authority solely to fund (i) transportation projects selected by the Authority that are contained in the regional transportation plan in accordance with § 33.2-2500 and that have been rated in accordance with § 33.2-257 or (ii) mass transit capital projects that increase capacity. For only those regional funds received in fiscal year 2014, the requirement for rating in accordance with § 33.2-257 shall not apply. The Authority shall give priority to selecting projects that are expected to provide the greatest congestion reduction relative to the cost of the project and shall document this information for each project selected. Such projects selected by the Authority for funding shall be located (a) only in localities embraced by the Authority or (b) in adjacent localities but only to the extent that such extension is an insubstantial part of the project and is essential to the viability of the project within the localities embraced by the Authority.

2. All transportation projects undertaken by the Northern Virginia Transportation Authority shall be completed by private contractors accompanied by performance measurement standards, and all contracts shall contain a provision granting the Authority the option to terminate the contract if contractors do not meet such standards. Notwithstanding the foregoing, any locality may provide engineering services or right-of-way acquisition for any project with its own forces. The Authority shall avail itself of the strategies permitted under the Public-Private Transportation Act (§ 33.2-1800 et seq.) whenever feasible and advantageous. The Authority is independent of any state or local entity, including the Department and the Commonwealth Transportation Board, but the Authority, the Department, and the Commonwealth Transportation Board shall consult with one another to avoid duplication of efforts and, at the option of the Authority, may combine efforts to complete specific projects. Notwithstanding the foregoing, at the request of the Authority, the Department may provide the Authority with engineering services or right-of-way acquisition for the project with its own forces.

3. With regard to the revenues distributed under subdivision 1, each locality's total long-term benefit shall be approximately equal to the proportion of the total of the fees and taxes received by the Authority that are generated by or attributable to the locality divided by the total of such fees and taxes received by the Authority.

D. For road construction and improvements pursuant to subsection B, the Department may, on a reimbursement basis, provide the locality with planning, engineering, right-of-way, and construction services for projects funded in whole by the revenues provided to the locality by the Authority.

§ 33.2-2511. Authority to issue bonds.

The Authority may issue bonds and other evidences of debt as may be authorized by this section or other law. The provisions of Article 5 (§ 33.2-1920 et seq.) of Chapter 19 shall apply, *mutatis mutandis*, to the issuance of such bonds or other debt. The Authority may issue bonds or other debt in such amounts as it deems appropriate. The bonds may be supported by any funds available except that funds from tolls collected pursuant to subdivision 7 of § 33.2-2512 shall be used only as provided in that subdivision.

§ 33.2-2512. Other duties and responsibilities of Authority.

In addition to other powers granted in this chapter, the Authority shall have the following duties and responsibilities:

1. Providing general oversight of regional programs involving mass transit or congestion mitigation, including carpooling, vanpooling, and ridesharing;
2. Providing long-range regional planning, both financially constrained and unconstrained;
3. Recommending to federal, state, and regional agencies regional transportation priorities, including public-private transportation projects and funding allocations;
4. Developing, in coordination with affected counties and cities, regional priorities and policies to improve air quality;
5. Allocating to priority regional transportation projects funds made available to the Authority and, at the discretion of the Authority, directly overseeing such projects;
6. Recommending to the Commonwealth Transportation Board priority regional transportation projects for receipt of federal and state funds;
7. Imposing, collecting, and setting the amount of tolls for use of facilities in the area embraced by the Authority, when the facility is either newly constructed or reconstructed solely with revenues of the Authority or solely with revenues under the control of the Authority in such a way as to increase the facility's traffic capacity, with the amount of tolls variable by time of day, day of the week, vehicle size or type, number of axles, or other factors as the Authority may deem proper, and with all such tolls to be used for programs and projects that are reasonably related to or benefit the users of the applicable facility, including for the debt service and other costs of bonds whose proceeds are used for such construction or reconstruction;
8. Providing general oversight of regional transportation issues of a multijurisdictional nature, including intelligent transportation systems, signalization, and preparation for and response to emergencies;
9. Serving as an advocate for the transportation needs of Northern Virginia before the state and federal governments;
10. Applying to and negotiating with the government of the United States, the Commonwealth, or any agency, instrumentality, or political subdivision thereof for grants and other funds available to carry out the purposes of this chapter and receiving, holding, accepting, and administering from any source gifts, bequests, grants, aid, or contributions of money, property, labor, or other things of value to be held, used, and applied to carry out the purposes of this chapter subject, however, to any condition upon which gifts, bequests, grants, aid, or contributions are made. Unless otherwise restricted by the terms of the gift, bequest, or grant, the Authority may sell, exchange, or otherwise dispose of such money, securities, or other property given or bequeathed to it in furtherance of its purposes;
11. Acting as a "responsible public entity" for the purpose of the acquisition, construction, improvement, maintenance, or operation, or any combination thereof, of a "qualifying transportation facility" under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.); and
12. Deciding on and voting to impose certain fees and taxes authorized under law for imposition or assessment by the Authority, provided that any such fee or tax assessed or imposed is assessed or imposed in all counties and cities embraced by the Authority. The revenues from such certain fees and taxes shall be kept in a separate account and shall be used only for the purposes provided in this chapter.

CHAPTER 26.

HAMPTON ROADS TRANSPORTATION FUND.

§ 33.2-2600. Hampton Roads Transportation Fund.

There is hereby created in the state treasury a special nonreverting fund for Planning District 23 to be known as the Hampton Roads Transportation Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All revenues dedicated to the Fund pursuant to § 58.1-638 and Chapter 22.1 (§ 58.1-2291 et seq.) of Title 58.1 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. The moneys deposited in the Fund shall be used solely for new construction projects on new or existing roads, bridges, and tunnels in the localities comprising Planning District 23 as approved by the Hampton Roads Transportation Planning Organization. The Hampton Roads Transportation Planning Organization shall give priority to those projects that are expected to provide the greatest impact on reducing congestion and shall ensure that the moneys shall be used for such construction projects in all localities comprising Planning District 23.

The amounts dedicated to the Fund shall be deposited monthly by the Comptroller into the Fund. The amounts deposited into the Fund and the distribution and expenditure of such amounts shall not be used to calculate or reduce the share of federal, state, or local revenues otherwise available to participating localities. Further, such revenues and moneys shall not be included in any computation of, or formula for, a locality's ability to pay for public education, upon which appropriations of state revenues to local governments for public education are determined.

CHAPTER 27.

TRANSPORTATION DISTRICT WITHIN THE CITY OF CHARLOTTESVILLE AND THE COUNTY OF ALBEMARLE.

§ 33.2-2700. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Commission" means the governing body of the local transportation district created pursuant to this chapter.

"Cost" means all or any part of the cost of the following:

- 1. Acquisition, construction, reconstruction, alteration, landscaping, utilities, parking, conservation, remodeling, equipping, or enlarging of transportation improvements or any portion thereof;*
- 2. Acquisition of land, rights-of-way, property rights, easements, and interests for construction, alteration, or expansion of transportation improvements;*
- 3. Demolishing or relocating any structure on land so acquired, including the cost of acquiring any lands to which such structure may be relocated;*
- 4. All labor, materials, machinery, and equipment necessary or incidental to the construction or expansion of a transportation improvement;*
- 5. Financing charges, insurance, interest, and reserves for interest on all bonds prior to and during construction and, if deemed advisable by the commission, for a reasonable period after completion of such construction;*
- 6. Reserves for principal and interest;*
- 7. Reserves for extensions, enlargements, additions, replacements, renovations, and improvements;*
- 8. Provisions for working capital;*
- 9. Engineering and architectural expenses and services, including surveys, borings, plans, and specifications;*
- 10. Subsequent addition to or expansion of any project and the cost of determining the feasibility or practicability of such construction;*
- 11. Financing construction of, addition to, or expansion of transportation improvements and placing them in operation; and*
- 12. Expenses incurred in connection with the creation of the district, not to exceed \$150,000.*

"District" means the district created pursuant to this chapter.

"District advisory board" or "advisory board" means the board appointed pursuant to this chapter.

"Federal agency" means the United States of America or any department, bureau, agency, or instrumentality thereof.

"Locality" means the City of Charlottesville or the County of Albemarle.

"Owner" or "landowner" means the person that has the usufruct, control, or occupation of the taxable real property as determined, pursuant to § 58.1-3281, by the commissioner of the revenue of the locality in which the subject real property is located.

"Revenue" means any or all fees, tolls, rents, receipts, assessments, taxes, money, and income derived by the district, including any cash contribution or payments made to the district by the Commonwealth, any political subdivision thereof, or any other source.

"Transportation improvements" means any real or personal property acquired, constructed, improved, or used in constructing or improving any highway, or portion or interchange thereof, including parking facilities located within a district created pursuant to this chapter. "Transportation improvements" includes public highways and all buildings, structures, approaches, and facilities thereof and appurtenances thereto, rights-of-way, bridges, tunnels, and all related equipment and fixtures.

§ 33.2-2701. Creation of district.

A. A district may be created in the City of Charlottesville and the County of Albemarle by resolutions of such localities' governing bodies. Such resolutions shall be considered upon the petition to each governing body of a locality in which the proposed district by the owners of at least 51 percent of either the land area or the assessed value of land, in each locality that (i) is within the boundaries of the proposed district and (ii) has been zoned for commercial or industrial use or is used for such purposes.

B. The petition to the local governing bodies shall:

- 1. Set forth the name and describe the boundaries of the proposed district;*
- 2. Describe the transportation improvements proposed within the district;*
- 3. Propose a plan for providing such transportation improvements within the district and describe specific terms and conditions with respect to all commercial and industrial zoning classifications and uses, densities, and criteria related thereto that the petitioners request for the proposed district;*
- 4. Describe the benefits that can be expected from the provision of such transportation improvements within the district; and*
- 5. Request the local governing bodies to establish the proposed district for the purposes set forth in the petition.*

C. Upon the filing of such a petition, each local governing body shall fix a day for a hearing on the question of whether the proposed district shall be created. The hearing shall consider whether the residents and owners of real property within the proposed district would benefit from the establishment of the proposed district. All interested persons who either reside in or own taxable real property within the proposed district shall have the right to appear and show cause why any property or properties should not be included in the proposed district. Such resolution shall be binding upon the local governing body with respect to the inclusion or exclusion of such properties within the proposed district. The petition shall comply

with the provisions of this section with respect to minimum acreage or assessed valuation. Notice of the hearing shall be given by publication once a week for three consecutive weeks in a newspaper of general circulation within the locality. At least 10 days shall intervene between the third publication and the date set for the hearing.

D. If both local governing bodies find the creation of the proposed district would be in furtherance of their comprehensive plans for the development of the area, in the best interests of the residents and owners of real property within the proposed district, and in furtherance of the public health, safety, and welfare, both local governing bodies may pass resolutions that are reasonably consistent with the petition, creating the district and providing for the appointment of an advisory board in accordance with this chapter. The resolutions shall provide a description with specific terms and conditions of all commercial and industrial zoning classifications that shall be in force in the district upon its creation, together with all related criteria and a term of years, not to exceed 20 years, as to which each such zoning classification and each related criterion set forth therein shall remain in force within the district without elimination, reduction, or restriction, except (i) upon the written request or approval of the owner of any property affected by a change or (ii) as specifically required to comply with federal or state law.

Each resolution creating the district shall also provide (a) that the district shall expire 35 years from the date upon which the resolution is passed or (b) that the district shall expire when the district is abolished in accordance with § 33.2-2714. After the public hearing, each local governing body shall deliver a certified copy of its proposed resolution creating the district to the petitioning landowners or their attorneys-in-fact. Any petitioning landowner may then withdraw his signature on the petition, in writing, at any time prior to the vote of the local governing body. In the case where any signature on the petition is withdrawn, the local governing body may pass the proposed resolution only upon certification that the petition continues to meet the provisions of this section. After both local governing bodies have adopted resolutions creating the district, the district shall be established and the name of the district shall be "The Charlottesville-Albemarle Transportation Improvement District."

§ 33.2-2702. Commission to exercise powers of the district.

The powers of the district created pursuant to this chapter shall be exercised by a commission. The commission shall consist of two members of the governing body of each locality in the district, appointed by the respective local governing body. In addition to the appointed members, the Chairman of the Commonwealth Transportation Board or his designee shall be a member of the commission of the district created pursuant to this chapter.

The commission shall elect a chairman from its membership. The chairman may be the chairman or presiding officer of a local governing body. In addition, the commission, with the advice of the district advisory board, shall elect a secretary and a treasurer, who may be members or employees of any local governing body or other governmental body. The offices of secretary and treasurer may be combined. A majority of the commission members shall constitute a quorum, and a majority vote shall be necessary for any action taken by the commission. No vacancy in the membership of the commission shall impair the right of a majority of the members to form a quorum or to exercise all of its rights, powers, and duties.

§ 33.2-2703. Powers and duties of commission.

The commission shall:

1. Construct, reconstruct, alter, improve, expand, make loans or otherwise provide financial assistance to, and operate transportation improvements in the district for the use and benefit of the public.

2. Acquire by gift, purchase, lease, in-kind contribution to construction costs, or otherwise transportation improvements in the district and sell, lease as lessor, transfer, or dispose of any part of transportation improvements in such manner and upon such terms as the commission may determine to be in the best interests of the district. However, prior to disposing of any such property or interest therein, the commission shall conduct a public hearing with respect to such disposition. At the hearing, the residents and owners of property within the district shall have an opportunity to be heard. At least 10 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the district, as prescribed by the commission. Such public hearing may be adjourned from time to time.

3. Invite bids or request proposals from and contract with any person, as authorized by law, with regard to any matter necessary and proper to provide transportation improvements, including the financing, acquisition, construction, reconstruction, alteration, improvement, expansion, or maintenance of transportation improvements in the district.

4. Enter into a continuing service contract for a purpose authorized by this chapter and make payments of the proceeds received from the special taxes levied pursuant to this chapter, together with any other revenues, for installments due under that service contract. The district may apply such payments annually during the term of that service contract in an amount sufficient to make the installment payments due under that contract, subject to the limitation imposed by this chapter. However, payments for any such service contract shall be conditioned upon the receipt of services pursuant to the contract. Such a contract shall not obligate a locality to make payments for services of the district.

5. Accept the allocations, contributions, or funds of any available source or reimburse from any available source, including any person, for the whole or any part of the costs, expenses, and charges incident to the acquisition, construction, reconstruction, maintenance, alteration, improvement, and expansion of any transportation improvements in the district.

6. Contract for the extension and use of any highway into territory outside the district on such terms and conditions as the commission determines.

7. Employ and fix the compensation of personnel who may be deemed necessary for the construction, operation, or maintenance of any transportation improvements in the district.

8. Have prepared an annual audit of the district's financial obligations and revenues, and, upon review of such audit, request a tax rate adequate to provide tax revenues that, together with all other revenues, are required by the district to fulfill its annual obligations.

§ 33.2-2704. District advisory board.

Within 30 days after the establishment of the district under this chapter, the governing body from each locality within which any portion of the district is located shall appoint six members to a district advisory board. Three of the six members from each locality shall be chosen by the local governing body from nominations submitted to the local governing body by the petitioners. All members shall own or represent commercially or industrially zoned land within the district. Each member shall be appointed for a term of four years, except the initial appointment of advisory board members shall provide that the terms of three of the members shall be for two years. If a vacancy occurs with respect to an advisory board member initially appointed by a local governing body, or any successor of such a member, the local governing body shall appoint a new member who is a representative or owner of commercially or industrially zoned property within the local district. If a vacancy occurs with respect to an advisory board member initially nominated by the petitioners, or any successor thereof, the remaining advisory board members initially nominated by the petitioners, or their successors, shall nominate a new member for selection by the local governing body.

District advisory board members shall serve without pay, but the local governing body shall provide the advisory board with facilities for the holding of meetings, and the commission shall appropriate funds needed to defray the reasonable expenses and fees of the advisory board, which shall not exceed \$20,000 annually, including expenses and fees arising out of the preparation of the annual report. Such appropriations shall be based on an annual budget submitted by the advisory board, and approved by the commission, sufficient to carry out its responsibilities under this chapter. The advisory board shall elect a chairman and a secretary and such other officers as it deems necessary. The advisory board shall fix the time for holding regular meetings and shall meet at least once every year. Special meetings of the advisory board shall be called by the chairman or by two members of the advisory board upon written request to the secretary of the advisory board. A majority of the members shall constitute a quorum.

The advisory board shall present an annual report to the commission on the transportation needs of the district and on the activities of the advisory board, and the advisory board shall present special reports on transportation matters as requested by the commission or the local governing body concerning taxes to be levied pursuant to this chapter.

§ 33.2-2705. Annual special improvements tax; use of revenues.

Upon the written request of the commission made concurrently to the local governing body or bodies pursuant to this chapter, each local governing body may levy and collect an annual special improvements tax on taxable real estate zoned for commercial or industrial use or used for such purposes and taxable leasehold interests in the portion of the improvement district that is within its jurisdiction. Notwithstanding the provisions of Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1, the tax shall be levied on the assessed fair market value of the taxable real property. The rate of the special improvements tax, when combined with all other special taxes in this Code of any kind imposed on land within the district, shall not be more than 25 cents (\$.25) per \$100 of the assessed fair market value of any taxable real estate or the assessable value of taxable leasehold property as specified by § 58.1-3203; however, if all the owners in any district so request in writing, this limitation on rate shall not apply. Such special improvements taxes shall be collected at the same time and in the same manner as the locality's taxes are collected and the proceeds shall be kept in a separate account. The effective date of the initial assessment shall be January 1 of the year following adoption of the resolution creating the district. All revenues received by each locality pursuant to such taxes shall be paid to or at the direction of the district commission for its use pursuant to this chapter.

§ 33.2-2706. Agreements with Commonwealth Transportation Board; payment of special improvements tax to Transportation Trust Fund.

A. The district may contract with the Commonwealth Transportation Board for the Commonwealth Transportation Board to perform any purpose of the district.

The district may agree by contract to pay all or a portion of the special improvements tax to the Commonwealth Transportation Board.

Prior to executing any such contract, the district shall seek the agreement of each local governing body creating the district that the locality's officer charged with the responsibility for preparing the locality's annual budget shall submit in the budget for each fiscal year in which any Commonwealth of Virginia Transportation Contract Revenue Bonds issued for such district are outstanding, all amounts to be paid to the Commonwealth Transportation Board under such contract during such fiscal year.

If the amount required to be paid to the Commonwealth Transportation Board under the contract is not so paid for a period of 60 days after such amount is due, the Commonwealth Transportation Board shall, until such amount has been paid, withhold sufficient funds from funds appropriated and allocated, pursuant to Article 5 (§ 33.2-351 et seq.) of Chapter 3, to the highway construction district in which the transportation improvements covered by such contract are located or to such locality in which such transportation improvements are located and to use such funds to satisfy the contractual requirements.

B. While nothing in this chapter shall limit the authority of any locality to change the classification of property zoned for commercial or industrial use or used for such purpose upon the written request or approval of the owner of any property

affected by such change after the effective date of any such contract, should a change in zoning classification so requested result in a shortfall in the total annual revenues from the imposition of the special improvements tax and the payments required to be made to the Commonwealth Transportation Board pursuant to the contract, the district shall request the local governing body to increase the rate of such tax by such amount up to the maximum authorized rate as may be necessary to prevent such shortfall. If, however, a deficit remains after any rezoning and adjustment of the tax rate or the rate is at the maximum authorized rate and cannot be increased, then the amount of funds otherwise appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project covered by such contract is located or to such county in which such project is located shall be reduced by the amount of such deficit and used to satisfy the deficit.

§ 33.2-2707. Jurisdiction of localities and officers, etc., not affected.

Neither the creation of a district nor any other provision in this chapter shall affect the power, jurisdiction, or duties of the respective local governing bodies; sheriffs; treasurers; commissioners of the revenue; circuit, district, or other courts; clerks of any court; magistrates; or any other state or local officer in regard to the area embraced in any district, or restrict or prevent any locality, town, or its governing body from imposing and collecting taxes or assessments for public improvements as permitted by law. Any locality that creates a district pursuant to this chapter may obligate itself with respect to the zoning ordinances, zoning ordinance text, and regulations relating thereto for all commercial and industrial classifications within the district as provided in this chapter for a term not to exceed 20 years from the date on which such district is created.

§ 33.2-2708. Allocation of funds to districts.

The governing body of either locality in which a district has been created pursuant to this chapter may advance funds or provide matching funds from money not otherwise specifically allocated or obligated. Such funds may be received or generated from whatever source, including general revenues, special fees and assessments, state allocations, and contributions from private sources to a local district to assist the local district to undertake the transportation improvements for which it was created. To assist the district with an approved transportation improvement, the Commonwealth Transportation Board may allocate to a district created pursuant to this chapter only funds allocated, pursuant to Article 5 (§ 33.2-351 et seq.) of Chapter 3, and subsection A of § 58.1-638, to the highway construction districts and localities in which such transportation district is located.

§ 33.2-2709. Reimbursement for advances to district.

To the extent that a locality has made advances to the district, the commission shall direct the district treasurer to reimburse the locality from district funds not otherwise specifically allocated or obligated.

§ 33.2-2710. Cooperation between districts and other political subdivisions.

Any district created pursuant to this chapter may enter into agreements with counties, cities, towns, or other political subdivisions of the Commonwealth for joint or cooperative action in accordance with the authority contained in § 15.2-1300.

§ 33.2-2711. Tort liability.

No pecuniary liability of any kind shall be imposed upon the Commonwealth or any locality or landowner therein because of any act, agreement, contract, tort, malfeasance, misfeasance, or nonfeasance by or on the part of a district or its agents, servants, or employees.

§ 33.2-2712. Approval by Commonwealth Transportation Board.

The district may not construct or improve a transportation improvement without the approval of both the Commonwealth Transportation Board and the locality in which the transportation improvement will be located. At the request of the commission, the Commissioner of Highways may exercise the powers of condemnation provided in Chapter 2 (§ 25.1-200 et seq.) of Title 25.1, Article 1 (§ 33.2-1000 et seq.) of Chapter 10, or § 33.2-705, for the purpose of acquiring property for transportation improvements within the district.

Upon completion of such construction or improvement, the Commonwealth Transportation Board shall take any affected public highway into the appropriate state highway system for purposes of maintenance and subsequent improvements as necessary. Upon acceptance by the Commonwealth of such highway into a state highway system, all rights, title, and interest in the rights-of-way and improvements of any affected highway shall vest in the Commonwealth. Upon completion of construction or improvement of a mass transit system, all rights, title, and interest in the rights-of-way and improvements of such mass transit system shall vest in an agency or instrumentality of the Commonwealth designated by the Commonwealth Transportation Board.

§ 33.2-2713. Enlargement of district.

The district shall be enlarged by resolution of the governing body of the locality upon the petitions of the district commission and the owners of at least 51 percent of either the land area or assessed value of land of the district within each locality, and the owners of at least 51 percent of either the land area or assessed value of land located within the territory sought to be added to the district. However, any such territory shall be contiguous to the existing district. The petition shall present the information required by § 33.2-2001. Upon receipt of such a petition, the locality shall use the standards and procedures provided in § 33.2-2001, except that the residents and owners of both the existing district and the area proposed for the enlargement shall have the right to appear and show cause why any property should not be included in the proposed district.

If the local governing body finds the enlargement of a local district would be in accordance with the applicable comprehensive plan and transportation improvement program for the development of the area, in the best interests of the residents and owners of the property within the proposed district, and in furtherance of the public health, safety, and general welfare, and if the local governing body finds that enlargement of the district does not limit or adversely affect the rights and interests of any party that has contracted with the district, the governing body of a locality may pass a resolution providing for the enlargement of the district.

§ 33.2-2714. Abolition of local transportation districts.

A. Any district created pursuant to this chapter may be abolished by resolutions passed by each local governing body within whose locality any portion of the district lies, upon the joint petition of the commission and the owners of at least 51 percent of the land area located within the district in each locality. Joint petitions shall:

- 1. State whether the purposes for which the district was formed have been substantially achieved;*
- 2. State whether all obligations incurred by the district have been fully paid;*
- 3. Describe the benefits that can be expected from the abolition of the district; and*
- 4. Request each affected local governing body to abolish the district.*

B. Upon receipt of such a petition, each local governing body, in considering the abolition of the district, shall use the standards and procedures described in § 33.2-2001 mutatis mutandis, except that all interested persons who either reside on or own real property within the boundaries of the district shall have the right to appear and show cause why the district should not be abolished.

C. If each local governing body finds that (i) the abolition of the district is in accordance with the applicable locality's comprehensive plan for the development of the area; (ii) the abolition of the district is in the best interests of the residents and owners of the property within the district; (iii) the abolition of the district is in furtherance of the public health, safety, and welfare; and (iv) all debts of the district have been paid and the purposes of the district either have been, or should not be, fulfilled or finds that each local governing body with the approval of the voters of each locality has agreed to assume the debts of the district, then each local governing body may pass a resolution abolishing the district and the district advisory board. Upon abolition of the district, the title to all funds and properties owned by the district at the time of such dissolution shall vest in the locality in which the district or portion thereof was located.

§ 33.2-2715. Chapter to constitute complete authority for acts authorized; liberal construction.

This chapter shall constitute complete authority for the district to take the actions authorized in this chapter. This chapter, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect its purposes. Any court test concerning the validity of any bonds that may be issued for transportation improvements made pursuant to this chapter may be determined pursuant to Article 6 (§ 15.2-2650 et seq.) of Chapter 26 of Title 15.2.

CHAPTER 28.

CHARLOTTESVILLE-ALBEMARLE REGIONAL TRANSIT AUTHORITY.

§ 33.2-2800. Charlottesville-Albemarle Regional Transit Authority created.

There is hereby created a political subdivision of the Commonwealth known as the Charlottesville-Albemarle Regional Transit Authority, for purposes of this chapter referred to as "the Authority."

§ 33.2-2801. Powers of the Charlottesville-Albemarle Regional Transit Authority.

The Authority is hereby granted all powers necessary or appropriate to carry out the purposes of this chapter, including the power and authority to:

- 1. Prepare a regional transit plan for all or a portion of the areas located within the boundaries of each member locality. The regional transit plan may include all or portions of those areas within the City of Charlottesville and the County of Albemarle, shall include transit improvements of regional significance and those improvements necessary or incidental thereto, and shall be revised and amended;*
- 2. When a transit plan is adopted according to subdivision 1, construct or acquire, by purchase, lease, contract, or otherwise, the transit facilities specified in such transit plan;*
- 3. Make, assume, and enter into all contracts, agreements, arrangements, and leases with public or private entities as the Authority may determine are necessary or incidental to the operation of its facilities or to the execution of the powers granted by this chapter or may operate such facilities itself;*
- 4. Enter into contracts or agreements with the counties and cities embraced by the Authority, with other transit commissions of transportation districts adjoining any county or city embraced by the Authority, with any transportation authority, or with any federal, state, local, or private entity to provide, or cause to be provided, transit facilities and services to the area embraced by the Authority. Such contracts or agreements, together with any agreements or leases for the operation of such facilities, may be used by the Authority to finance the construction and operation of transit facilities, and such contracts, agreements, or leases shall inure to the benefit of any creditor of the Authority;*
- 5. Notwithstanding any other provision of law to the contrary:*
 - a. Acquire land or any interest therein by purchase, lease, or gift and provide transit facilities thereon for use in connection with any transit service; and*
 - b. Prepare a plan for mass transit services with persons, counties, cities, agencies, authorities, or transportation commissions and contract with any such person or other entity to provide necessary facilities, equipment, operations and maintenance, access, and insurance pursuant to such plan;*

6. Adopt, amend, or repeal bylaws, rules, and regulations not inconsistent with this chapter or the general laws of the Commonwealth for the regulation of its affairs and the conduct of its business and carry into effect its powers and purposes;

7. Adopt an official seal and alter it;

8. Maintain an office at such place or places as it designates;

9. Sue and be sued;

10. Determine and set fees, rates, and charges for transit services;

11. Establish retirement, group life insurance, and group accident and sickness insurance plans or systems for its employees in the same manner as localities are permitted under §§ 51.1-801 and 51.1-802;

12. Provide by resolution for the issuance of revenue bonds of the Authority for the purpose of paying the whole or any part of the cost of operating any transit system. Revenue bonds issued under the provisions of this chapter shall not constitute a pledge of the faith and credit of the Commonwealth or of any political subdivision. All bonds shall contain a statement on their face substantially to the effect that neither the faith and credit of the Commonwealth nor the faith and credit of any political subdivision are pledged to the payment of the principal of or the interest on the bonds. The issuance of revenue bonds under the provisions of this chapter shall neither directly nor indirectly nor contingently obligate the Commonwealth or any political subdivision to levy any taxes or to make any appropriation for their payment except from the funds pledged under the provisions of this chapter;

13. Appoint, employ, or engage such officers, employees, architects, engineers, attorneys, accountants, financial advisors, investment bankers, and other advisors, consultants, and agents as may be necessary or appropriate and pay compensation and fix their duties; and

14. Contract with any participating political subdivision for such subdivision to provide legal services; engineering services; depository and accounting services, including an annual independent audit; and procurement of goods and services and act as fiscal agent for the Authority.

§ 33.2-2802. Counties and cities initially embraced by the Authority.

The Authority shall initially embrace the City of Charlottesville and all or such portions of the County of Albemarle as its governing body desires to have included. The City of Charlottesville and the County of Albemarle shall be the initial members of the Authority upon adoption of an approving ordinance or resolution by each of their respective governing bodies.

§ 33.2-2803. Joinder of other counties, agencies, institutions, and facilities.

The Counties of Fluvanna, Greene, Louisa, and Nelson may join the Authority, and the Authority shall embrace all or such portions as the governing body of each county desires to have covered. Additionally, private nonprofit tourist-driven agencies, higher education facilities of the Charlottesville-Albemarle area, and public transportation agencies serving such counties may join the Authority. The governing body of any county, agency, institution, or facility wishing to join the Authority and the governing bodies of the localities, agencies, institutions, and facilities then members of the Authority shall by concurrent resolution or ordinance or by agreement provide for the joinder of such county, agency, institution, or facility.

§ 33.2-2804. Governance of Authority; composition; terms.

The Authority shall be governed by a board of directors, for purposes of this chapter referred to as the "Authority Board," which shall consist of the following:

1. Two directors representing the County of Albemarle, each of whom shall be a member of the governing body of the county;

2. Two directors representing the City of Charlottesville, each of whom shall be a member of the governing body of the city;

3. One director representing each county that joins the Authority pursuant to § 33.2-2803, each of whom shall be a member of the governing body of each respective county; and

4. Up to four additional directors, who shall be nonvoting, representing the interests of such agencies, institutions, and facilities described in § 33.2-2803 that join the Authority.

All members of the Authority Board shall serve terms coincident with their terms of office. Vacancies shall be filled in the same manner as the original appointments.

The Authority Board shall appoint a chair and vice-chair from among its members.

§ 33.2-2805. Staff.

The Authority shall employ an executive director and such staff as it shall determine to be necessary to carry out its duties and responsibilities under this chapter. No such person shall contemporaneously serve as a director of the Authority Board. The Department of Transportation and the Department of Rail and Public Transportation shall make their employees available to assist the Authority, upon request.

§ 33.2-2806. Decisions of Authority.

A majority of the Authority Board shall constitute a quorum. Decisions of the Authority Board shall require a quorum and shall be in accordance with voting procedures established by the Authority.

§ 33.2-2807. Allocation of certain Authority expenses.

The administrative expenses of the Authority, as provided in an annual budget adopted by the Authority, to the extent funds for such expenses are not provided from other sources, shall be allocated among the participating counties, city, agencies, institutions, and facilities pursuant to a funding formula as duly adopted by the Authority.

§ 33.2-2808. Payment to directors of the Authority Board.

The directors of the Authority Board may be paid for their services in either (i) the amount provided in the general appropriation act for members of the General Assembly engaged in legislative business between sessions or (ii) a lesser amount as determined by the Authority. Directors of the Authority Board may be reimbursed for all reasonable and necessary expenses as provided in §§ 2.2-2813 and 2.2-2825, if approved by the Authority. Funding for the costs of compensation and expenses of the directors of the Authority Board shall be provided by the Authority.

§ 33.2-2809. Formation of advisory committees.

The Authority may form advisory committees to assist the Authority.

§ 33.2-2810. Other duties and responsibilities of Authority.

In addition to other powers granted in this chapter, the Authority shall have the following duties and responsibilities:

1. Providing general oversight of Charlottesville-Albemarle area programs involving mass transit or congestion mitigation;
2. Providing long-range transit planning in the Charlottesville-Albemarle area, both financially constrained and unconstrained;
3. Recommending to federal, state, and regional agencies regional transit priorities, including public-private transit projects and funding allocations;
4. Allocating to priority regional transit projects any funds made available to the Authority and, at the discretion of the Authority, directly overseeing such projects;
5. Recommending to the Commonwealth Transportation Board priority regional transit projects for receipt of federal and state funds;
6. Serving as an advocate for the transit needs of the Charlottesville-Albemarle area before the federal and state governments; and
7. Applying to and negotiating with the government of the United States, the Commonwealth, or any agency or instrumentality thereof for grants and any other funds available to carry out the purposes of this chapter and receiving, holding, accepting, and administering from any source gifts, bequests, grants, aid, or contributions of money, property, labor, or other things of value to be held, used, and applied to carry out the purposes of this chapter subject, however, to any condition upon which gifts, bequests, grants, aid, or contributions are made. Unless otherwise restricted by the terms of the gift, bequest, or grant, the Authority may sell, exchange, or otherwise dispose of such money, securities, or other property given or bequeathed to it in furtherance of its purposes.

§ 33.2-2811. Withdrawal from the Authority.

A member of the Authority may withdraw from the participation in and the obligations of the Authority by a resolution or an ordinance of its governing body, and pursuant to such conditions and procedures adopted by the Authority. However, if the Authority has any outstanding bonds or other debt, no member may withdraw from the Authority without the unanimous consent of all the holders of such bonds unless such bonds have been paid or cashed or United States government obligations have been deposited for their payment.

§ 33.2-2812. Dissolution of the Authority.

Whenever the Authority Board by resolution determines that the purposes for which the Authority was formed have been substantially complied with and all bonds issued and all obligations incurred by the Authority have been fully paid or adequate provisions have been made for the payment, the Authority Board shall execute and file for record with the participating localities, agencies, institutions, and facilities a resolution declaring such facts and providing for the disposition of the Authority assets, consistent with applicable state and federal law. If the participating localities, agencies, institutions, and facilities are of the opinion that the facts stated in the Authority's resolution are true and the Authority should be dissolved, they shall so resolve and the Authority shall stand dissolved as of the date on which the last participating locality, agency, institution, or facility adopts such resolution.

CHAPTER 29.

RICHMOND METROPOLITAN AUTHORITY.

§ 33.2-2900. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Authority" means the Richmond Metropolitan Authority created by § 33.2-2901 or, if the Authority is abolished, the board, body, commission, or agency succeeding to the principal functions thereof or on whom the powers given by this chapter to the Authority are conferred by law, but shall not include the City of Richmond or the Counties of Chesterfield and Henrico.

"Authority facility" means all facilities purchased, constructed, or otherwise acquired by the Authority pursuant to the provisions of this chapter and all extensions and improvements thereof.

"Bonds" or "revenue bonds" means revenue bonds or revenue refunding bonds of the Authority issued under the provisions of this chapter.

"Cost," as applied to any project, includes the cost of construction, landscaping, and conservation; the cost of acquisition of all land, rights-of-way, property, rights, easements, and interests acquired by the Authority for such construction, landscaping, and conservation; the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved; the cost of all

machinery and equipment; the cost of financing charges and interest prior to and during construction and for a period of time after completion of construction as deemed advisable by the Authority; the cost of traffic estimates and of engineering and legal services, plans, specifications, surveys, estimates of cost and of revenues, and other expenses necessary or incident to determining the feasibility or practicability of constructing the project; the cost of administrative expenses; and the cost of payments to the Department or others for services during the period of construction, initial working capital, debt service reserves, and such other expenses as may be necessary or incident to the construction of the project, the financing of such construction, and the placing of the project in operation. Any obligation or expense incurred by the Commonwealth Transportation Board or by the City of Richmond or the County of Henrico or Chesterfield, before or after the effective date of this chapter, for surveys, engineering, borings, plans and specifications, legal and other professional and technical services, reports, studies, and data in connection with the construction of a project shall be repaid or reimbursed by the Authority and the amounts thereof shall be included as a part of the cost of the project.

"Limited access highway" means a highway specially designed for through traffic over or to which owners or occupants of abutting property or other persons have no easement of or right to light, air, view, or access by reason of the fact that their property abuts upon such highway, and access to which highway is controlled by the Authority, the Commonwealth, the City of Richmond, the County of Henrico, or the County of Chesterfield so as to give preference to through traffic by providing access connections with selected public highways only and by prohibiting crossings at grade or direct private driveway connections.

"Owner" includes all individuals, partnerships, associations, organizations, and corporations, the City of Richmond, the County of Henrico, the County of Chesterfield, and all public agencies and instrumentalities having any title to or interest in any property, rights, easements, and interests authorized to be acquired by this chapter.

"Project" means any single facility constituting an Authority facility, as described in the resolution or trust agreement providing for its construction, including extensions and improvements thereof.

"Public highways" shall include public highways, roads, and streets, whether maintained by the Commonwealth or the City of Richmond or the County of Henrico or Chesterfield.

"Revenues" means all fees, tolls, rents, rates, receipts, moneys, and income derived by the Authority through the ownership and operation of Authority facilities, and includes all cash contributions made to the Authority by the Commonwealth or any agency or department thereof, the City of Richmond, and the Counties of Henrico and Chesterfield not specifically dedicated by the contributor for a capital improvement.

§ 33.2-2901. Creation of the Richmond Metropolitan Authority.

There is hereby created a political subdivision and public body corporate and politic of the Commonwealth to be known as the Richmond Metropolitan Authority, to be governed by a board of directors consisting of 11 members appointed as follows: one member to be appointed by the Board of Supervisors of Chesterfield County for a period of two years from the date of appointment; one member to be appointed by the Board of Supervisors of Chesterfield County for a term of four years from the date of appointment; one member to be appointed by the Board of Supervisors of Henrico County for a period of two years from the date of appointment; one member to be appointed by the Board of Supervisors of Henrico County for a term of four years from the date of appointment; three members to be appointed by the Mayor of the City of Richmond with the approval of the City Council of the City of Richmond for terms of two years from the date of appointment; three members to be appointed by the Mayor of the City of Richmond with the approval of the City Council of the City of Richmond for a term of four years from the date of appointment; and one *ex officio* member from the Commonwealth Transportation Board to be appointed by the Commissioner of Highways. After initial appointments, the appointive members of the board of directors shall be appointed for terms of four years and until their successors have been appointed and are qualified. Vacancies in the membership of the board of directors shall be filled in the same manner as the original appointment for the unexpired portion of the term. The board of directors so appointed shall enter upon the performance of its duties and shall initially and annually elect a chairman and a vice-chairman from its membership and shall also elect annually a secretary or secretary-treasurer, who need not be a member of the board of directors. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the board of directors, and in the absence of both the chairman and vice-chairman, the board of directors shall elect a chairman *pro tempore* who shall preside at such meetings. Six directors shall constitute a quorum, and all action by the board of directors shall require the affirmative vote of a majority of the directors present and voting. The members of the board of directors shall be entitled to reimbursement for expenses incurred in attendance upon meetings of the board of directors or while otherwise engaged in the discharge of their duties, and each member shall also be paid the sum of \$50 per day for each day or portion thereof during which he is engaged in the performance of his duties. Such expenses and compensation shall be paid out of the treasury of the Authority in such manner as shall be prescribed by the Authority.

§ 33.2-2902. Powers of the Richmond Metropolitan Authority.

In order to alleviate highway congestion; promote highway safety; expand highway construction; increase the utility and benefits and extend the services of public highways, including bridges, tunnels, and other highway facilities, both free and toll; and otherwise contribute to the economy, industrial and agricultural development, and welfare of the Commonwealth and the City of Richmond and the Counties of Henrico and Chesterfield, the Authority shall have the following powers:

1. To contract and be contracted with; to sue and be sued; and to adopt, use, and alter at its pleasure a seal;
2. To acquire and hold real or personal property necessary or convenient for its purposes;

3. To sell, lease, or otherwise dispose of any personal or real property or rights, easements, or estates therein deemed by the Authority not necessary for its purposes;

4. To purchase, construct, or otherwise acquire, maintain, repair, and operate, or cause to be repaired, maintained, and operated, limited access highways within the corporate limits of the City of Richmond and the Counties of Chesterfield and Henrico, including all bridges, tunnels, overpasses, underpasses, grade separations, interchanges, entrance plazas, approaches, tollhouses, and administration, storage, and other buildings and facilities that the Authority may deem necessary or convenient for the operation of such limited access highways. Title to any property acquired by the Authority shall be taken in the name of the Authority;

5. With the approval of the City Council of the City of Richmond and the Boards of Supervisors of the Counties of Henrico and Chesterfield, to own, operate, maintain, and provide rapid and other transit facilities and services for the transportation of the public; to enter into contracts with the City and the County or Counties and any public service corporations doing business as common carriers of passengers and property for the use of Authority facilities for such purpose; to enter into contracts for the transportation of passengers and property over facilities of localities other than those controlled by the Authority, as well as the property and facilities of the Authority; and to construct, acquire, operate, and maintain any other properties and facilities, including such offices and commercial facilities in connection therewith as are deemed necessary or convenient by the Authority, for the relief of traffic congestion, to provide vehicular parking, to promote transportation of persons and property, or to promote the flow of commerce that the City Council of the City of Richmond and the Boards of Supervisors of the Counties of Chesterfield and Henrico may request the Authority to provide;

6. With the approval of the City Council of the City of Richmond and the Boards of Supervisors of the Counties of Henrico and Chesterfield, to acquire land; to construct, own, and operate sports facilities of any nature, including facilities reasonably related thereto; to own a baseball stadium of sufficient seating capacity and quality for the playing of baseball at the level immediately below Major League Baseball; and to lease such land, stadium, sports facilities, and attendant facilities under such terms and conditions as the Authority may prescribe. In the event of a conflict between the provisions of this subdivision and any bond indenture to which the Authority is subject, the provisions of the bond indenture shall be controlling;

7. To acquire by the exercise of the power of eminent domain any lands, property rights, rights-of-way, franchises, easements, and other property, including public lands, parks, playgrounds, reservations, highways, or parkways, or parts thereof or rights therein, of any person, partnership, association, railroad, public service, public utility, or other corporation, or of any municipality, county, or other political subdivision, deemed necessary or convenient for the construction or the efficient operation of a project or necessary in the restoration, replacement, or relocation of public or private property damaged or destroyed whenever a reasonable price cannot be agreed upon with the governing body of such municipality, county, or other political subdivision as to such property owned by it or whenever the Authority cannot agree on the terms of purchase or settlement with the other owners because of the incapacity of such owners, because of the inability to agree on the compensation to be paid or other terms of settlement or purchase, or because such owners are nonresidents of the Commonwealth, are unknown, or are unable to convey valid title to such property. Such proceedings shall be in accordance with and subject to the provisions of any and all laws of the Commonwealth applicable to the exercise of the power of eminent domain in the name of the Commissioner of Highways and subject to the provisions of § 25.1-102 as fully as if the Authority were a corporation possessing the power of eminent domain. Title to any property condemned by the Authority shall immediately vest in the Authority, and the Authority shall be entitled to the immediate possession of such property upon the deposit with the clerk of the court in which such condemnation proceedings are originated of the total amount of the appraised price of the property and court costs and fees as provided by law, notwithstanding that any of the parties to such proceedings shall appeal from any decision in such condemnation proceeding. Whenever the Authority makes such deposit in connection with any condemnation proceeding, the making of such deposit shall not preclude the Authority from appealing any decision rendered in such proceedings. Upon the deposit with the clerk of the court of the appraised price, any person entitled thereto may, upon petition to the court, be paid his or their pro rata share of 90 percent of such appraised price. The acceptance of such payment shall not preclude such person from appealing any decision rendered in such proceedings. If the appraisement is greater or less than the amount finally determined by the decision in such proceeding or by an appeal, the amount of the increase or decrease shall be paid by or refunded to the Authority.

The terms "appraised price" and "appraisement" as used in this subdivision mean the value determined by two competent real estate appraisers appointed by the Authority for such purposes.

The acquisition of any such property by condemnation or by the exercise of the power of eminent domain shall be and is hereby declared to be a public use of such property;

8. To determine the location of any limited access highways constructed or acquired by the Authority, subject to the approval of the Commonwealth Transportation Board, and to determine the design standards and materials of construction of such highways;

9. To designate, with the approval of the Commonwealth Transportation Board, the location in the City of Richmond and in the Counties of Henrico and Chesterfield and establish, limit, and control points of ingress to and egress from any limited access highway constructed by the Authority within the corporate limits of the City of Richmond and the Counties of Henrico and Chesterfield as may be necessary or desirable in the judgment of the Authority to insure the proper operation and maintenance of such highway; to prohibit entrance to and exit from such highway from any point not so designated; and

to construct, maintain, repair, and operate service roads connecting with points of ingress to and egress from such highway at such locations in the City of Richmond and in the Counties of Henrico and Chesterfield as may be designated by the Authority;

10. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter, including contracts or agreements authorized by this chapter with the Commonwealth Transportation Board, the City of Richmond, and the Counties of Henrico and Chesterfield;

11. To construct grade separations at intersections of any limited access highway constructed by the Authority with public highways or other public ways or places and to change and adjust the lines and grades thereof so as to accommodate the same to the design of the grade separation. The cost of such grade separations and any damage incurred in changing and adjusting the lines and grades of such highways, ways, and places shall be ascertained and paid by the Authority as a part of the cost of such highway;

12. To vacate or change the location of any portion of any public highway or other public way or place, public utility, sewer, pipe, main, conduit, cable, wire, tower, pole, and other equipment and appliance of the Commonwealth, of the City of Richmond, or of the Counties of Henrico and Chesterfield, and to reconstruct the same in such new location as shall be designated by the Authority and of substantially the same type and in as good condition as the original highway, street, way, place, public utility, sewer, pipe, main, conduit, cable, wire, tower, pole, equipment, or appliance, with the cost of such reconstruction and any damage incurred in vacating or changing the location thereof ascertained and paid by the Authority as a part of the cost of the project in connection with such expenditures. Any public highway or other public way or place vacated or relocated by the Authority shall be vacated or relocated in the manner provided by law for the vacation or relocation of public highways, and any damages awarded on account thereof shall be paid by the Authority as a part of the cost of the project;

13. To enter upon any lands, waters, and premises for the purpose of making such surveys, soundings, borings, and examinations as the Authority may deem necessary or convenient for its purposes. Such entry shall not be deemed a trespass, nor shall an entry for such purposes be deemed an entry under any condemnation proceeding; however, the Authority shall pay any actual damage resulting to such lands, water, and premises as a result of such entry and activities;

14. To operate or permit the operation of vehicles for the transportation of persons or property for compensation on any limited access highway constructed or acquired by the Authority, provided that the Department of Motor Vehicles or the Federal Motor Carrier Safety Administration shall not be divested of jurisdiction to authorize or regulate the operation of such carriers;

15. To establish reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation, and removal of pipes, mains, sewers, conduits, cables, wires, towers, poles, and other equipment and appliances (public utility facilities) of the City of Richmond and the Counties of Henrico and Chesterfield and of public utility and public service corporations and of any person, firm, or other corporation rendering similar services, owning or operating public utility facilities in, on, along, over, or under highways constructed by the Authority. Whenever the Authority shall determine that it is necessary that any public utility facilities should be relocated or removed, the Authority may relocate or remove the public utility facilities in accordance with the regulations of the Authority, and the cost and expense of such relocation or removal, including the cost of installing the public utility facilities in a new location and the cost of any lands or any rights or interests in lands and any other rights acquired to accomplish such relocation or removal, shall be paid by the Authority as a part of the cost of such highway. The owner or operator of the public utility facilities may maintain and operate the public utility facilities with the necessary appurtenances in the new location for as long a period and upon the same terms and conditions as it had the right to maintain and operate the public utility facilities in the former location;

16. To borrow money and issue bonds, notes, or other evidences of indebtedness for any of its corporate purposes, such bonds, notes, or other evidences of indebtedness to be payable solely from the revenues or other unencumbered funds available to the Authority that are pledged to the payment of such bonds, notes, or other evidences of indebtedness;

17. To fix, charge, and collect fees, tolls, rents, rates, and other charges for the use of Authority facilities and the parts or sections thereof;

18. To establish rules and regulations for the use of any Authority facilities as may be necessary or expedient in the interest of public safety with respect to the use of Authority facilities and property under the control of the Authority;

19. To employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, trustees, depositaries, paying agents, and such other employees and agents as may be necessary in the discretion of the Authority to construct, acquire, maintain, and operate Authority facilities and to fix their compensation;

20. To receive and accept from any federal agency for or in aid of the construction of any Authority facility or for or in aid of any Authority undertaking authorized by this chapter; and to receive and accept from the Commonwealth, the City of Richmond, or the Counties of Henrico and Chesterfield and from any other source, grants, contributions, or other aid in such construction or undertaking, or for operation and maintenance, either in money, property, labor, materials, or other things of value; and

21. To do all other acts and things necessary or convenient to carry out the powers expressly granted in this chapter.

§ 33.2-2903. Issuance of revenue bonds.

The Authority is hereby authorized to provide by resolution for the issuance of revenue bonds of the Authority for the purpose of paying all or any part of the cost of Authority facilities or any project or portion of such facilities. The principal of and interest on such bonds shall be payable solely from the revenues pledged for such payment. The bonds of each issue

or series shall be dated, shall bear interest at such rate or rates not exceeding six percent per year, shall mature at such time or times not exceeding 50 years from the date or dates thereof, as may be determined by the Authority, and may contain provisions reserving the right of the Authority to redeem such bonds before maturity at such price or prices and upon such terms and conditions as may be fixed by the Authority in the resolution authorizing such bonds. Such bonds may be issued in coupon form, registered form, or both as prescribed by the Authority, and provisions may be made for the registration of coupon bonds as to principal only or as to both principal and interest and for the reconversion of registered bonds into coupon bonds. Such bonds may be issued in any denomination and may be made payable at any bank or trust company within or without the Commonwealth as the Authority may determine. Such bonds and the coupons attached to coupon bonds shall be signed in such manner either manually or by facsimile signature, as shall be determined by the Authority, and sealed with the seal of the Authority or a facsimile thereof. In case any officer whose signature or facsimile thereof shall appear on any bond or coupon shall cease to be such officer before the delivery of such bonds, such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer or officers had remained in office until the delivery thereof. The Authority may sell such bonds in such manner either at public or private sale and for such price or prices as the Authority may determine, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six percent per year, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, excluding from such computation the amount of any premium to be paid on the redemption of any bond prior to maturity. Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Authority may also provide for the replacement of any bond that has become mutilated, destroyed, or lost.

§ 33.2-2904. Rates and charges.

Whenever the Authority has constructed or otherwise acquired Authority facilities and has issued bonds for such purpose, the Authority shall fix, revise, charge, and collect fees, tolls, rents, rates, and other charges for the use of such facilities and the different parts or sections thereof, sufficient, together with any other moneys made available and used for that purpose, to pay the principal of and interest on such bonds, together with reserves for such purposes, and to maintain and operate such facilities and to keep the same in good condition and repair. Such fees, tolls, rents, rates, and other charges shall not be subject to supervision or regulation by any commission, board, bureau, or agency of the Commonwealth or of any municipality, county, or other political subdivision of the Commonwealth, and all revenues, when collected, and the proceeds from the sale of revenue bonds, shall be held by the Authority in trust for the benefit of the holders of bonds of the Authority issued for the construction or acquisition of Authority facilities and for properly maintaining, operating, and repairing the Authority facilities.

Revenue bonds issued under the provisions of this chapter shall not be deemed to constitute a debt of the Commonwealth, the City of Richmond, the County of Henrico, or the County of Chesterfield or a pledge of the full faith and credit of the Commonwealth, the City of Richmond, the County of Henrico, or the County of Chesterfield and shall be payable solely from the funds provided therefor from revenues.

§ 33.2-2905. Use of state highway maintenance and construction funds for Authority facilities.

Until all bonds of the Authority, including refunding bonds, and the interest thereon are paid in full, the Commonwealth Transportation Board may use any part of funds available for the maintenance of state highways in the construction district in which the Authority's facilities are wholly or partly located to provide for such portion of the operation, maintenance, and repair of the facilities of the Authority as is deemed in the public interest; however, no part of such funds shall be used for the facilities of the Authority unless the fees, tolls, rents, rates, and other charges for the use thereof are not sufficient to make the required payments of principal and interest on the outstanding revenue bonds issued in connection therewith, and to operate, maintain, and repair the same.

§ 33.2-2906. Refunding bonds.

The Authority is hereby authorized by resolution to provide for the issuance of refunding revenue bonds with which to refund outstanding revenue bonds or any issue or series of such outstanding bonds, which refunding revenue bonds may be issued at or before the maturity or redemption date of the bonds to be refunded, and to include different issues or series of such outstanding revenue bonds by a single issue of refunding revenue bonds, and to issue refunding revenue bonds to pay any redemption premium and interest to accrue and become payable on the outstanding revenue bonds being refunded to the date of payment or redemption, and to establish reserves for such refunding revenue bonds. Such refunding revenue bonds shall be payable solely from all or that portion of the revenues of the Authority facilities pledged to the payment thereof in the bond resolution pursuant to which such bonds were issued. Such refunding revenue bonds may, in the discretion of the Authority, be exchanged at par for the revenue bonds that are being refunded or may be sold at public or private sale in such manner and at such price as the Authority shall deem for the best interests of the Authority, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six percent per year, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, excluding from such computation the amount of any premium to be paid on the redemption of any bonds prior to maturity, and may be issued and delivered at any time prior to the date of redemption or maturity date of the bonds to be refunded as the Authority determines to be in the best interests of the Authority. The interest rate or rates on refunding revenue bonds shall not be limited by the interest rate or rates borne by any of the revenue bonds to be refunded thereby. The proceeds derived from the sale of refunding revenue bonds issued under this chapter shall be invested in obligations of or

guaranteed by the United States government pending the application of such proceeds to the purpose for which such refunding revenue bonds have been issued. To further secure such refunding revenue bonds, the Authority may contract with the purchasers thereof with respect to the safekeeping and application of the proceeds thereof and the safekeeping and application of the earnings of such investments. The determination of the Authority with respect to the financial soundness and advantage of the issuance and delivery of refunding revenue bonds authorized under this chapter shall be conclusive, but nothing contained in this section shall require the holders of any outstanding revenue bonds being refunded to accept payment thereof otherwise than as provided in the outstanding bonds.

§ 33.2-2907. Trust agreement.

In the discretion of the Authority, any bonds issued under the provisions of this chapter may be secured by a trust agreement or indenture by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the Commonwealth, to be selected by the Authority in such manner as it may elect. Such trust agreement or the resolution providing for the issuance of such bonds may pledge or assign all or any portion of the tolls and other revenues to be received by the Authority from the ownership and operation of Authority facilities, but shall not convey or mortgage any Authority facilities or any part thereof. It shall be lawful for any bank or trust company incorporated under the laws of the Commonwealth that may act as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the Authority. Any such resolution, trust agreement, or indenture may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action by bondholders. In addition to the foregoing, any such resolution, trust agreement, or indenture may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as a part of the cost of the operation of the Authority facilities or portion thereof.

All or any portion of the revenues derived from the ownership and operation of Authority facilities, as may be provided for in the resolution authorizing the issuance of such bonds or in the trust agreement or indenture securing such bonds, may be pledged to, and charged with, the payment of the principal of and the interest on such bonds as the payment shall become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the revenues or other moneys so pledged and thereafter received by the Authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the Authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement nor indenture by which a pledge is created need be filed or recorded except in the records of the Authority.

§ 33.2-2908. Covenants to secure bonds.

Any resolution authorizing the issuance of bonds of the Authority may, for the benefit and security of the holders of such bonds, contain covenants by the Authority for such a purpose, including covenants as to, among other things:

1. The operation, maintenance, and repair of the Authority facilities;
2. The purposes to which the proceeds of the sale of such bonds may be applied and the use and disposition thereof;
3. The use and disposition of the revenues of the Authority derived from the ownership or operation of Authority facilities and additions, improvements, and extensions thereof, including the investment thereof and the creation and maintenance of reserve funds and funds for working capital and all renewals and replacements to Authority facilities;
4. The amount, if any, of additional revenue bonds payable from such revenues that may be issued and the terms and conditions on which such additional revenue bonds may be issued;
5. Fixing, maintaining, collection, and deposit of fees, tolls, rents, rates, and other charges for all the services sold, furnished, or supplied by the Authority facilities;
6. The operation, maintenance, repair, management, accounting, and auditing of the Authority;
7. Limitations upon the right of the Authority to dispose of Authority facilities or any part thereof without providing for the payment of the outstanding revenue bonds;
8. The appointment of trustees, depositories, and paying agents within or without the Commonwealth to receive, hold, disburse, invest, or reinvest the proceeds derived from the sale of revenue bonds and all or any part of the revenues derived by the Authority from the operation, ownership, and management of the Authority facilities; and
9. Such other covenants and agreements as may be determined necessary in the discretion of the Authority to advantageously market the revenue bonds of the Authority.

§ 33.2-2909. Revenue bonds eligible for investment.

Bonds issued by the Authority under the provisions of this chapter are hereby made securities in which all public officers and public bodies of the Commonwealth and its political subdivisions and all insurance companies, trust companies, banks, banking associations, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital, in their control or belonging to them. Such bonds are also hereby made securities that may properly and legally be deposited with and received by any Commonwealth or municipal officer or any agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or obligations is now or may hereafter be authorized by law.

§ 33.2-2910. Authority obligations to be negotiable instruments; enforcement of bonds.

Notwithstanding the provisions of this chapter, or any provision of law, any recital in any bond, any interim receipt, or any other obligation issued under the provisions of this chapter, all such bonds, interim receipts, or other obligations shall be deemed to be negotiable instruments under the laws of the Commonwealth. The provisions of this chapter, and of any resolution or indenture providing for the issuance and security of any revenue bonds, interim receipts, or other obligations issued pursuant to this chapter, shall constitute a contract with the holder of such revenue bonds, interim receipts, or other obligations, and the agreements and covenants of the Authority under this chapter and under such resolution, resolutions, or indentures shall be enforceable by any holder of revenue bonds, interim receipts, or other obligations issued under the provisions of this chapter and any representative of such holder, and any trustee appointed under the bond resolution and authorized to do so, may by suit, action, injunction, mandamus, or other proceeding issued by a court of competent jurisdiction enforce all rights of such holders under the laws of the Commonwealth or granted by this chapter and in any such bond resolution or indenture and may compel performance of all duties required to be performed by this chapter and by such bond resolutions or indenture by the Authority or by any officer or agent thereof, including the fixing, charging, and collecting of fees, tolls, rents, rates, and other charges for the use of the Authority facilities.

§ 33.2-2911. Exemption from taxation.

All property, real and personal, and all rights and interests therein and the income of the Authority, the revenue bonds and the interest thereon, and the transfer thereof and any profit made on the sale thereof, shall at all times be free from taxation or assessment by the Commonwealth and by any municipality, county, or other political subdivision thereof.

§ 33.2-2912. General powers of City of Richmond and Counties of Henrico and Chesterfield.

The City of Richmond and the Counties of Henrico and Chesterfield may enter into and perform contracts or agreements with the Authority providing for furnishing to the Authority one or more of the following cooperative undertakings or any combination thereof:

1. The preparation, acquisition, loan, or exchange of survey, engineering, borings, construction and other technical reports, studies, plans, and data;
2. The providing of engineering, planning and other professional and technical services, labor, or other things of value;
3. The construction, in whole or in part, of public highways, bridges, tunnels, viaducts, interchanges, connecting highways, grade crossings, and other highway facilities;
4. The providing of funds in lump sums or installments to assist in paying the cost of any Authority facility or any Authority undertaking authorized by this chapter or the operation and maintenance thereof;
5. The acquisition and transfer to the Authority of land, including easements, rights-of-way, or other property, useful in the construction, operation, or maintenance of any Authority facility;
6. The making of payments or contributions to the Authority for the use of or in compensation for the services rendered by any Authority facility in lieu of the payment of tolls or other charges therefor, and such payments and contributions shall be deemed revenues of the project to the same extent as the tolls, rentals, fees, and other charges collected in the operation of the project;
7. When requested by the Authority, the vacating or changing of the location of any public highway or other public way or place or any portion thereof, public utility, sewer, pipe, main, conduit, cable, wire, tower, pole, or other equipment or appliance owned or controlled by or under the jurisdiction of either the City of Richmond or the County of Henrico or Chesterfield, in the manner required or authorized by law conferring such power on the City of Richmond or the County of Henrico or Chesterfield, and to construct the same in such new location as shall be designated by the governing body of the City of Richmond or the County of Henrico or Chesterfield, and the cost of vacating or changing the location or reconstruction thereof and any damages resulting therefrom required to be paid by the City of Richmond or County of Henrico or Chesterfield shall be reimbursed by the Authority as a part of the cost of the project in connection with which such expenditures have been made; and
8. The connection of any project of the Authority with the streets, highways, roads, and other public ways in the City of Richmond and in the Counties of Henrico and Chesterfield.

§ 33.2-2913. Powers of City of Richmond and Counties of Henrico and Chesterfield with respect to revenue bonds issued by the Authority.

A. The City of Richmond and the Counties of Henrico and Chesterfield each may enter into and perform contracts and agreements with the Authority to aid the Authority to pay the principal of and interest on revenue bonds or revenue refunding bonds issued by the Authority if, when, and as the revenues of the Authority may not be sufficient to pay such principal or interest when due. No such contract or agreement shall be deemed to be lending or granting credit to or in aid of any person, association, company, or corporation within the meaning of Section 10 of Article X of the Constitution of Virginia, nor shall any such contract or agreement be deemed to be a pledge of the full faith and credit or of the taxing power of the City of Richmond, the County of Henrico, or the County of Chesterfield for the payment of such principal or interest except as may be otherwise provided in such contracts or agreements. Any holder of bonds, notes, certificates, or other evidences of borrowing issued by the Authority under the provisions of this chapter or of coupons appertaining thereto, and the representatives of such holders and the trustee under any bond resolution or indenture, may either at law or

in equity, by suit, action, mandamus, or other proceeding, protect and enforce all rights of the Authority under or by virtue of any such contract or agreement.

B. Funds to perform any such contract or agreement may be provided by the City of Richmond, the County of Henrico, or the County of Chesterfield by appropriations of general or specific tax revenue, or by appropriations of accumulated funds allocated for public improvements generally, or allocated to the purposes of such contract or agreement, or by appropriations of the proceeds from the sale of bonds, which may be issued as provided in this chapter.

C. The City of Richmond, the County of Henrico, or the County of Chesterfield may issue bonds for the purpose of providing funds to perform any contract or agreement entered into with the Authority pursuant to the provisions of this chapter. Such bonds shall mature at such time not exceeding 40 years from their date, as may be determined by the governing body of the City of Richmond, the County of Henrico, or the County of Chesterfield issuing such bonds, and may be redeemable before maturity, at the option of the governing body of the City of Richmond, the County of Henrico, or the County of Chesterfield, at such price and under such terms and conditions as may be prescribed by such governing body prior to the issuance of the bonds. The City of Richmond, the County of Henrico, and the County of Chesterfield may provide for the issuance of refunding bonds for the purpose of refunding any outstanding bond that has been issued pursuant to the provisions of this subsection, including the payment of any redemption premium thereon, and any interest accrued or to accrue to the date of redemption of such bonds.

D. The authority of the City of Richmond, the County of Henrico, and the County of Chesterfield to contract and to issue bonds pursuant to this chapter is in addition to any existing authority to contract and issue bonds, anything in the laws of the Commonwealth, including the Charter of the City of Richmond, to the contrary notwithstanding, all of which laws and Charter are hereby amended or modified so as to effectuate the powers conferred by this chapter.

E. The governing bodies of the City of Richmond and of the Counties of Henrico and Chesterfield may exercise any of the powers granted by this chapter by resolution, and all proceedings of the City Council of the City of Richmond and the Boards of Supervisors of the Counties of Henrico and Chesterfield authorizing the execution of such contracts and providing for the issuance of bonds pursuant to the provisions of this chapter shall not be subject to the provisions of the Charter of the City or this Code permitting a referendum on actions taken by the City Council and Boards of Supervisors except as required by the Constitution of Virginia, but all such proceedings shall take effect immediately upon the adoption thereof.

§ 33.2-2914. Powers of the Commonwealth Transportation Board.

The Commonwealth Transportation Board may:

1. Enter into and perform contracts or agreements with the Authority to furnish it with surveys, engineering, borings, plans, and specifications and other technical services, reports, studies, and data, the cost of which shall be reimbursed by the Authority as a part of the cost of the project in connection with which such contracts or agreements were entered into;

2. Allocate to and for the construction, operation, or maintenance of any highways constructed by the Authority and pay to the Authority such funds as may be or become available to the Commonwealth Transportation Board for such purposes;

3. Permit the connection of any highways constructed or acquired by the Authority with highways under the control and jurisdiction of the Commonwealth Transportation Board; and

4. Employ independent consulting engineers having a nationwide and favorable repute in estimating traffic over any such highways to determine whether the construction of such highways will result in substantial reduction in the volume of traffic over Interstate 95 and use funds under the control of the Commonwealth Transportation Board for that purpose.

§ 33.2-2915. Acquisition of property.

A. The Authority may acquire, solely from funds provided under the provisions of this chapter, such lands, structures, properties, rights, rights-of-way, franchises, easements, and other interests in lands, including lands lying under water and riparian rights, as it may deem necessary or convenient for the construction and operation of Authority facilities, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof.

B. The City of Richmond, the Counties of Henrico and Chesterfield, the Commonwealth Transportation Board, and, with the approval of the Governor, public agencies and commissions of the Commonwealth, notwithstanding any contrary provision of law, may lease, lend, grant, or convey to the Authority at its request upon such terms and conditions as the governing bodies of the City of Richmond, the Counties of Henrico and Chesterfield, the Commonwealth Transportation Board, or the proper authorities of such agencies or commissions of the Commonwealth may deem reasonable and fair and without the necessity of any advertisement, order of court, or other action or formality, other than the regular and formal action of the governing bodies or authorities concerned, any real property that may be necessary or convenient for the effectuation of the authorized purposes of the Authority, including public highways and any other real property already devoted to public use.

C. The City of Richmond and the Counties of Henrico and Chesterfield may, subject to the provisions of § 25.1-102, acquire by the exercise of the power of eminent domain granted to or conferred upon them, and in accordance with the procedure prescribed therefor, any real property that may be necessary or convenient for the effectuation of the authorized purposes of the Authority and lease, lend, grant, or convey such property to the Authority upon such terms and conditions as the governing bodies of the City of Richmond or Counties of Henrico and Chesterfield may deem reasonable and fair; the

acquisition of such real property by the exercise of the power of eminent domain and the disposition of same to the Authority as provided in this section shall be and is declared to be for a public use of such property.

D. In any eminent domain proceedings by the Authority, the City of Richmond, or the County of Henrico or Chesterfield under this chapter, the court having jurisdiction of the suit, action, or proceeding may make such orders as may be just to the Authority, the City of Richmond, or the County of Henrico or Chesterfield and to the owners of the property to be condemned, and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the Authority, the City of Richmond, or the County of Henrico or Chesterfield to accept and pay for the property, or by reason of the taking of property occupied by such owners, but neither such undertaking or security nor any act or obligation of the Authority, the City of Richmond, or the County of Henrico or Chesterfield shall impose any liability upon the Commonwealth.

E. If the owner, lessee, or occupier of any property to be condemned or otherwise acquired pursuant to this chapter refuses to remove his property therefrom or give up possession thereof, the Authority, the City of Richmond, or the County of Henrico or Chesterfield may proceed to obtain possession in any manner provided by law.

F. When the Authority, the City of Richmond, or the County of Henrico or Chesterfield proposes to construct a highway across the tracks of any railroad, the exercise of the general power of eminent domain over the property of a railroad granted by § 33.2-2902 shall be limited with respect to the property, right-of-way, facilities, works, or appurtenances upon which the tracks at such proposed crossing are located, to the acquisition only of an easement therein, which crossing shall be constructed either sufficiently above or below the grade of any such railroad track so that neither the crossing then under construction nor any part thereof, including any bridge abutments, columns, supporting structures, and appurtenances, nor any traffic upon it shall interfere in any manner with the use, operation, or maintenance of the trains, tracks, works, or appurtenances of the railroad or interfere with or endanger the movement of the trains or traffic upon the tracks of the railroad. Prior to the exercise of the power of eminent domain for such an easement, plans and specifications of that portion of the project to be constructed across the railroad tracks showing compliance with such requirements and showing sufficient and safe plans and specifications for such overhead or underground structure and appurtenances shall be submitted to the railroad for examination and approval. If the railroad fails or refuses within 30 days to approve the plans and specifications so submitted, the matter shall be submitted by the Authority, the City of Richmond, or the County of Henrico or Chesterfield to the State Corporation Commission, whose decision, arrived at after due consideration in accordance with its usual procedure, shall be final as to the sufficiency and safety of such plans and specifications and as to such elevations or distances above or below such tracks. The overhead or underground structures and appurtenances shall be constructed in accordance with such plans and specifications and in accordance with such elevations or distances above or below such tracks so approved by the railroad or the State Corporation Commission. A copy of the plans and specifications approved by the railroad or the State Corporation Commission shall be filed as an exhibit upon the institution of any proceeding brought in the exercise of the power of eminent domain.

G. The Commonwealth hereby consents, subject to the approval of the Governor, to the use by the Authority of any other lands or property owned by the Commonwealth, including lands lying under water, that are deemed by the Authority to be necessary for the construction or operation of any project being constructed by the Authority.

§ 33.2-2916. Transfer to City of Richmond.

A. If the City of Richmond has rendered financial assistance or contributed in any manner to the cost of construction of a limited access highway by the Authority within or partly within and partly without the corporate limits of the City of Richmond, and the Authority has issued bonds for the construction of such limited access highway, then, when all such bonds, including refunding bonds, and the interest thereon have been paid or a sufficient amount of cash or United States government securities have been deposited and dedicated to the payment of all such bonds and the interest to the maturity or redemption date thereof in trust for the benefit of the holders of such bonds, all property, real and personal, acquired in connection with such limited access highway within the City of Richmond shall be transferred by the Authority to the City as compensation to the City for the financial assistance rendered by the City to the Authority in connection with the construction or acquisition of such limited access highway, and such highway shall upon the acceptance thereof by the City become a part of the street or highway system of the City and shall thereafter be maintained and operated as a limited access highway by the City. The governing body of the City of Richmond shall have the power to fix, revise, charge, and collect tolls for transit over such limited access highway and as compensation for other uses that may be made thereof. The proceeds from such tolls and compensation shall be first used to reimburse the City of Richmond and the Counties of Henrico and Chesterfield for any funds or expenditures made by each of them pursuant to contracts or agreements authorized by § 33.2-2913 for which reimbursement has not been made, and then for the operation, maintenance, improvement, expansion, or extension of such limited access highway and to increase its utility and benefits and for the construction, reconstruction, maintenance, and operation of other projects or highways connected with such limited access highway or with the federal or state highway systems, and for such purpose the City of Richmond shall succeed to all the functions and shall have all the powers conferred on the Authority by this chapter.

B. If the Authority constructs a limited access highway project partly within and partly without the corporate limits of the City of Richmond, any extension thereof shall be constructed or acquired only when approved by the unanimous vote of all members of the board of directors or by a vote of three-fourths of the directors and approval by the City Council of the City of Richmond and the Boards of Supervisors of the Counties of Henrico and Chesterfield. If the Authority has issued bonds for the purpose of constructing such project or for the purpose of constructing or acquiring such extensions when all

such bonds, including any refunding bonds, and the interest thereon have been paid or a sufficient amount of cash or United States government securities have been deposited and dedicated to the payment thereof in trust for the benefit of holders of such bonds, all property, real and personal, acquired in connection with such project or extension thereof not required to be transferred to the City of Richmond pursuant to subsection A shall be transferred by the Authority to the political subdivisions in which such property is located at the time of such transfer at no cost to such political subdivisions in the event the subdivisions adopt a resolution accepting such property. If not accepted by such subdivisions within 30 days from the offer of the property by the Authority, then the Authority shall transfer such property to the Commonwealth Transportation Board. If such property is accepted by the political subdivision where the property is located, the governing body of such subdivision shall have the power to fix, revise, charge, and collect tolls for transit over such limited access highway project or extension and as compensation for other uses that may be made thereof. The proceeds from such tolls and compensation shall be used first to reimburse the City of Richmond and the Counties of Henrico and Chesterfield for any funds or expenditures made by each of them pursuant to contracts or agreements authorized by § 33.2-2913 for which reimbursement has not been made and then for the operation, maintenance, improvement, expansion, or extension of such limited access highway project and to increase its utility and benefits and for the construction, reconstruction, maintenance, and operation of other projects or highways connected with such limited access highway or with the state or federal highway systems and for such purpose such political subdivisions shall succeed to all the functions and shall have all the powers conferred on the Authority by this chapter with respect to such property.

§ 33.2-2917. Miscellaneous.

A. Any money set aside for the payment of the principal of or interest on any bonds issued by the Authority not claimed within two years from the day the principal of such bonds is due by maturity or by call for redemption shall be paid into the state treasury. No interest shall accrue on such principal or interest from the day the same is due. The Comptroller shall keep an account of all money thus paid into the state treasury, and it shall be paid to the individual partnership, association, or corporation entitled thereto upon satisfactory proof that such individual, partnership, association, or corporation is so entitled to such money. If the claim so presented is rejected by the Comptroller, the claimant may proceed against the Comptroller for recovery in the Circuit Court of the City of Richmond. An appeal from the judgment of the circuit court shall lie to the Supreme Court of Virginia as in actions at law, and all laws and rules relating to practice and procedure in actions at law shall apply to such authorized proceedings. No such proceedings shall be filed after 10 years from the day the principal of or interest on such bonds is due; however, if the individual having such claim is an infant or insane person or is imprisoned at such due date, such proceedings may be filed within five years after the removal of such disability, notwithstanding the fact that such 10-year period has expired.

B. The Authority may contract with the City of Richmond, the Counties of Henrico and Chesterfield, and the Department of State Police for the policing of any Authority facilities, and the City of Richmond, the Counties of Henrico and Chesterfield, and the Department of State Police are hereby authorized to enter into contracts with the Authority for such purpose. Police officers providing police services pursuant to such contracts shall be under the exclusive control and direction of the authority providing such officers and shall be responsible to that authority exclusively for the performance of their duties and the exercise of their powers. The Authority shall reimburse the City of Richmond, the County of Henrico or Chesterfield, or the Commonwealth in such amounts and at such time as shall be mutually agreed upon for providing police service. Such officers shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, and enforcement of the laws of the Commonwealth and all regulations of the Authority made in accordance, and such officers shall have all the rights and duties of police officers as provided by the general laws of the Commonwealth. The violation of any such regulation shall be punishable as follows: if such a violation would have been a violation of law if committed on any public highway in the City of Richmond or the County of Henrico or Chesterfield, it shall be punishable in the same manner as if it had been committed on such public highway; otherwise it shall be punishable as a Class 1 misdemeanor. All other police officers of the Commonwealth, the City of Richmond, and the Counties of Henrico and Chesterfield shall have the same powers and jurisdiction within the areas of operations agreed upon by the parties that they have beyond such limits and shall have access to all such areas at any time without interference for the purpose of exercising such powers and jurisdiction. For the purpose of enforcing such laws and regulations, the court having jurisdiction for the trial of criminal offenses committed in the City of Richmond or in the Counties of Henrico and Chesterfield within whose boundaries any crime is committed shall have jurisdiction to try any person charged with the violation of any such laws and regulations within such boundaries. A copy of the regulations of the Authority, attested by the secretary or secretary-treasurer of the Authority, may be admitted as evidence in lieu of the original. Any such copy purporting to be sealed and signed by such secretary or secretary-treasurer may be admitted as evidence without any proof of the seal or signature or of the official character of the person whose name is signed to it.

C. All actions at law and suits in equity and other proceedings, actions, and suits against the Authority, or any other person, firm, or corporation, growing out of the construction, maintenance, repair, operation, and use of any Authority facility, or growing out of any other circumstances, events, or causes in connection therewith, unless otherwise provided in this section, shall be brought and conducted in the court having jurisdiction of such actions, suits, and proceedings in the City of Richmond or the County of Henrico or Chesterfield within whose boundaries the causes of such actions, suits, and proceedings arise, and jurisdiction is hereby conferred on such court for that purpose. All such actions, suits, and proceedings on behalf of the Authority shall be brought and conducted in the Circuit Court of the City of Richmond, except as otherwise provided in this section, and exclusive jurisdiction is hereby conferred on such court for the purpose. Eminent

domain proceedings instituted and conducted by the Authority shall be brought and conducted in the court having jurisdiction of such proceedings in the City of Richmond or the County of Henrico or Chesterfield within whose boundaries the land or other property to be so acquired or the major portion thereof is situated, and jurisdiction is hereby conferred on such court for such purpose.

D. On or before September 30 of each year, the Authority shall prepare a report of its activities for the 12-month period ending the preceding July 1 of such year and shall file a copy thereof with the Commonwealth Transportation Board, the City of Richmond, and the Counties of Henrico and Chesterfield. Each such report shall set forth an operating and financial statement covering the Authority's operations during the 12-month period covered by the report. The Authority shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants to be selected by the Authority, and the cost of such audit shall be treated as a part of the cost of construction and operation of a project.

E. The records, books, and accounts of the Authority shall be subject to examination and inspection by duly authorized representatives of the Commonwealth Transportation Board, the governing bodies of the City of Richmond and the Counties of Henrico and Chesterfield, and any bondholder at any reasonable time, provided the business of the Authority is not unduly interrupted or interfered with thereby.

F. Any member, agent, or employee of the Authority who contracts with the Authority or is interested in contracting with the Authority or in the sale of any property, either real or personal, to the Authority shall be guilty of a misdemeanor and shall be subject to a fine of not more than \$1,000 or imprisonment in jail for not more than one year, either or both. Exclusive jurisdiction for the trial of such misdemeanors is hereby conferred upon the Circuit Court of the City of Richmond, provided that the term "contract," as used in this chapter, shall not be held to include the depositing of funds in, the borrowing of funds from, or the serving as agent or trustee by any bank in which any member, agent, or employee of the Authority may be a director, officer, or employee or have a security interest, nor shall such term include contracts or agreements with the Commonwealth Transportation Board or the purchase of services from, or other transactions in the ordinary course of business with, public service corporations.

§ 33.2-2918. Approval by Commonwealth Transportation Board.

The Authority shall not construct a limited access toll highway without the approval of the Commonwealth Transportation Board.

§ 33.2-2919. Liberal construction.

This chapter shall be liberally construed to effectuate the purposes hereof, and the foregoing sections of this chapter shall be deemed to provide an additional and alternative method of doing the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred upon the City of Richmond by its Charter and upon the City of Richmond and Counties of Henrico and Chesterfield by other provisions of law; however, the issuance of revenue bonds or revenue refunding bonds under the provisions of this chapter need not comply with the requirements of any other law applicable to the issuance of bonds, and except as provided in this chapter none of the powers granted to the Authority under the provisions of this chapter shall be subject to the supervision or regulation or require the approval or consent of the City of Richmond or the Counties of Henrico or Chesterfield or any commission, board, bureau, official, or agency thereof or of the Commonwealth, except as otherwise provided in this chapter.

§ 33.2-2920. Severability.

The provisions of this chapter are severable, and if any of its provisions is held unconstitutional by a court of competent jurisdiction, the decision of such court shall not affect or impair any of the other provisions of this chapter.

§ 33.2-2921. Inconsistent laws inapplicable.

All other laws, including the provisions of the Charter of the City of Richmond, inconsistent with any provision of this chapter are hereby declared to be inapplicable to the provisions of this chapter and to any project constructed by the Authority pursuant to this chapter.

CHAPTER 30.

WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT OF 1958.

§ 33.2-3000. Washington Metropolitan Area Transit Regulation Compact of 1958.

§ 1. The Governor is hereby authorized and directed to execute, on behalf of the Commonwealth of Virginia, a compact with the District of Columbia and the State of Maryland, which compact shall be in form substantially as follows:

§ 2. (1958, c. 627; repealed 1988, c. 890)

§ 2.1. Washington Metropolitan Area Transit Regulation Compact.--Whereas, the Commonwealth of Virginia (Chapter 627, 1958 Acts of Assembly), the State of Maryland (Chapter 613, Acts of General Assembly, 1959), and the Commissioners of the District of Columbia (resolution of the Board of Commissioners, December 22, 1960) entered into and executed the Washington Metropolitan Area Transit Regulation Compact on December 22, 1960; and

Whereas, the Congress of the United States has, by joint resolution approved October 9, 1962 (Public Law 87-767, 76 Stat. 764), given its consent to the State of Maryland, and the Commonwealth of Virginia to effectuate certain clarifying amendments to the Compact, and has authorized and directed the Commissioners of the District of Columbia to effectuate the amendments on behalf of the United States for the District of Columbia; and

Whereas, the Commonwealth of Virginia (Chapter 67, 1962 Acts of Assembly), the State of Maryland (Chapter 114, Acts of General Assembly, 1962), and the Commissioners of the District of Columbia (resolution of the Board of Commissioners adopted on March 19, 1963) have adopted those clarifying amendments to the Compact;

Now, therefore, the State of Maryland, the Commonwealth of Virginia and the District of Columbia, hereafter referred to as the signatories, covenant and agree as follows:

TITLE I.

GENERAL COMPACT PROVISIONS.

Article I.

There is created the Washington Metropolitan Area Transit District, referred to as the Metropolitan District, which shall include: the District of Columbia; the cities of Alexandria and Falls Church of the Commonwealth of Virginia; Arlington County and Fairfax County of the Commonwealth of Virginia, the political subdivisions located within those counties, and that portion of Loudoun County, Virginia, occupied by the Washington Dulles International Airport; Montgomery County and Prince George's County of the State of Maryland, and the political subdivisions located within those counties; and all other cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of those counties, cities, and airports.

Article II.

1. The signatories hereby create the "Washington Metropolitan Area Transit Commission," hereafter called the "Commission," which shall be an instrumentality of the District of Columbia, the Commonwealth of Virginia, and the State of Maryland, and shall have the powers and duties set forth in the Compact and those additional powers and additional powers and duties conferred upon it by subsequent action of the signatories.

2. The Commission shall have jurisdiction coextensive with the Metropolitan District for the regulation of passenger transportation within the Metropolitan District on a coordinated basis, without regard to political boundaries within the Metropolitan District, as set forth in this Compact.

Article III.

1. (A) The Commission shall be composed of three members, one member appointed by the Governor of Virginia from the Department of Motor Vehicles of the Commonwealth of Virginia, one member appointed by the Governor of Maryland from the Maryland Public Service Commission, and one member appointed by the Mayor of the District of Columbia from a District of Columbia agency with oversight of matters relating to the Commission.

(B) A member appointed shall serve for a term coincident with the term of that member on the agency of the signatory, and a member may be removed or suspended from office as the law of the appointing signatory provides.

(C) Vacancies shall be filled for an unexpired term in the same manner as an original appointment.

(D) An amendment to Section 1 (A) of this Article shall not affect any member in office on the amendment's effective date.

2. A person in the employment of or holding an official relation to a person or company subject to the jurisdiction of the Commission or having an interest of any nature in a person or company or affiliate or associate thereof, may not hold the office of commissioner or serve as an employee of the Commission or have any power or duty or receive any compensation in relation to the Commission.

3. (A) The Commission shall select a chairman from among its members.

(B) The chairman shall be responsible for the Commission's work and shall have all powers to discharge that duty.

4. A signatory may pay the Commissioner from its jurisdiction the salary or expenses, if any, that it considers appropriate.

5. (A) The Commission may employ engineering, technical, legal, clerical, and other personnel on a regular, part-time, or consulting basis to assist in the discharge of its functions.

(B) The Commission is not bound by any statute or regulation of a signatory in the employment or discharge of an officer or employee of the Commission, except that contained in this Compact.

6. The Commission shall establish its office at a location to be determined by the Commission within the Metropolitan District and shall publish rules and regulations governing the conduct of its operations.

Article IV.

1. (A) The signatories shall bear the expenses of the Commission in the manner set forth here.

(B) The Commission shall submit to the Governor of Virginia, the Governor of Maryland, and the Mayor of the District of Columbia, when requested, a budget of its requirements for the period required by the laws of the signatories for presentation to the legislature.

(C) The Commission shall allocate its expenses among the signatories in the proportion that the population of each signatory within the Metropolitan District bears to the total population of the Metropolitan District.

(D) (I) The Commission shall base its allocation on the latest available population statistics of the Bureau of the Census; or

(II) If current population data are not available, the Commission may, upon the request of a signatory, employ estimates of population prepared in a manner approved by the Commission and by the signatory making the request.

(E) The Governors of the two states and the Mayor of the District of Columbia shall approve the allocation made by the Commission.

2. (A) The signatories shall appropriate their proportion of the budget for the expenses of the Commission and shall pay that appropriation to the Commission.

(B) The budget of the Commission and the appropriations of the signatories may not include a sum for the payment of salaries or expenses of the Commissioners.

(C) The provisions of § 2.1-30 of the Code of Virginia do not apply to any official or employee of the Commonwealth of Virginia acting or performing services under this Act.

3. (A) If the Commission requests and a signatory makes available personnel, services, or material which the Commission would otherwise have to employ or purchase, the Commission shall:

(I) determine an amount; and

(II) reduce the expenses allocable to a signatory.

(B) If any services in kind are rendered, the Commission shall return to the signatory an amount equivalent to the savings to the Commission represented by the contribution in kind.

4. (A) The Commission shall have the power to establish fees under regulations, including but not limited to filing fees and annual fees.

(B) The Commission shall return to the signatories fees established by it in proportion to the share of the Commission's expenses borne by each signatory in the fiscal year during which the fees were collected.

5. (A) The Commission shall keep accurate books of account, showing in full its receipts and disbursements.

(B) The books of account shall be open for inspection by representatives of the respective signatories at any reasonable time.

Article V.

1. An action by the Commission may not be effective unless a majority of the members concur.

2. An order entered by the Commission under the provisions of Title II of this Act which affect operations or matters solely intrastate or solely within the District of Columbia may not be effective unless the Commissioner from the affected signatory concurs.

3. Two members of the Commission are a quorum.

4. The Commission may delegate by regulation the tasks that it considers appropriate.

Article VI.

This Compact does not amend, alter, or affect the power of the signatories and their political subdivisions to levy and collect taxes on the property or income of any person or company subject to this Act or upon any material, equipment, or supplies purchased by that person or company or to levy, assess, and collect franchise or other similar taxes, or fees for the licensing of vehicles and their operation.

Article VII.

This amended Compact shall become effective ninety days after the signatories adopt it.

Article VIII.

1. (A) This Compact may be amended from time to time without the prior consent or approval of the Congress of the United States and any amendment shall be effective unless, within one year, the Congress disapproves that amendment.

(B) An amendment may not be effective unless adopted by each of the signatories.

2. (A) A signatory may withdraw from the Compact upon written notice to the other signatories.

(B) In the event of a withdrawal, the Compact shall be terminated at the end of the Commission's next full fiscal year following the notice.

3. Upon the termination of this Compact, the jurisdiction over the matters and persons covered by this Act shall revert to the signatories and the federal government, as their interests may appear, and the applicable laws of the signatories and the federal government shall be reactivated without further legislation.

Article IX.

Each of the signatories pledges to each of the other signatories faithful cooperation in the regulation of passenger transportation within the Metropolitan District and agrees to enact any necessary legislation to achieve the objectives of the Compact for the mutual benefit of the citizens living in the Metropolitan District.

Article X.

1. If a provision of this Act or its application to any person or circumstance is held invalid in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

2. In accordance with the ordinary rules for construction of interstate compacts, this Act shall be liberally construed to effectuate its purposes.

TITLE II.

COMPACT REGULATORY PROVISIONS.

Article XI.

1. This Act shall apply to the transportation for hire by any carrier of persons between any points in the Metropolitan District, including but not limited to:

(A) As to interstate and foreign commerce, transportation performed over a regular route between a point in the Metropolitan District and a point outside the Metropolitan District if:

(I) The majority of passengers transported over that regular route are transported between points within the Metropolitan District; and

(II) That regular route is authorized by a certificate of public convenience and necessity issued by the Interstate Commerce Commission; and

(B) *The rates, charges, regulations, and minimum insurance requirements for taxicabs and other vehicles that perform a bona fide taxicab service, where the taxicab or other vehicle:*

(I) *has a seating capacity of nine persons or less, including the driver; and*

(II) *provides transportation from one signatory to another within the Metropolitan District.*

2. *Solely for the purposes of this section and Section 18 of this Article:*

(A) *The Metropolitan District shall include that portion of Anne Arundel County, Maryland, occupied by the Baltimore-Washington International Airport; and*

(B) *Jurisdiction of the Commission shall apply to taxicab rates, charges, regulations, and minimum insurance requirements for interstate transportation between the Baltimore-Washington International Airport and other points in the Metropolitan District, unless conducted by a taxicab licensed by the state of Maryland or a political subdivision of the state of Maryland, or operated under a contract with the state of Maryland.*

3. *Excluded from the application of this Act are:*

(A) *Transportation by water, air, or rail;*

(B) *Transportation performed by the federal government, the signatories to this Compact, or any political subdivision of the signatories;*

(C) *Transportation performed by the Washington Metropolitan Area Transit Authority;*

(D) *Transportation by a motor vehicle employed solely in transporting teachers and school children through grade 12 to or from public or private schools;*

(E) *Transportation performed over a regular route between a point in the Metropolitan District and a point outside the Metropolitan District, including transportation between those points on the regular route that are within the Metropolitan District, if:*

(I) *the majority of passengers transported over the regular route are not transported between points in the Metropolitan District; and*

(II) *the regular route is authorized by a certificate of public convenience and necessity issued by the Interstate Commerce Commission;*

(F) *Matters other than rates, charges, regulations, and minimum insurance requirements relating to vehicles and operations described in sections 1(B) and 2 of this article;*

(G) *Transportation solely within the Commonwealth of Virginia and the activities of persons performing that transportation; and*

(H) *The exercise of any power or the discharge of any duty conferred or imposed upon the State Corporation Commission of the Commonwealth of Virginia by the Virginia Constitution.*

Definitions.

4. *In this Act the following words have the meanings indicated.*

(A) *"Carrier" means a person who engages in the transportation of passengers by motor vehicle or other form or means of conveyance for hire.*

(B) *"Motor vehicle" means an automobile, bus, or other vehicle propelled or drawn by mechanical or electrical power on the public streets or highways of the Metropolitan District and used for the transportation of passengers.*

(C) *"Person" means an individual, firm, copartnership, corporation, company, association or joint stock association, and includes a trustee, receiver, assignee, or personal representative of them.*

(D) *"Taxicab" means a motor vehicle for hire (other than a vehicle operated under a certificate of Authority issued by the Commission) having a seating capacity of nine persons or less, including the driver, used to accept or solicit passengers along the public streets for transportation.*

General Duties of Carriers.

5. *Each authorized carrier shall:*

(A) *Provide safe and adequate transportation service, equipment, and facilities; and*

(B) *Observe and enforce Commission regulations established under this Act.*

Certificates of Authority.

6. (A) *A person may not engage in transportation subject to this Act unless there is in force a "certificate of Authority" issued by the Commission authorizing the person to engage in that transportation.*

(B) *On the effective date of this Act a person engaged in transportation subject to this Act under an existing "certificate of Public Convenience and Necessity" or order issued by the Commission shall be issued a new "certificate of Authority" within 120 days after the effective date of this amendment.*

(C) (I) *Pending issuance of the new certificate of Authority, the continuance of operations shall be permitted under an existing certificate or order issued by the Commission which will continue in effect on the effective date of this Act.*

(II) *The operations described in paragraph (I) of this subsection shall be performed according to the rates, regulations, and practices of the certificate holder on file with the Commission on the effective date of this Act.*

7. (A) *When an application is made under this section for a certificate of Authority, the Commission shall issue a certificate to any qualified applicant, authorizing all or any part of the transportation covered by the application, if it finds that:*

(I) *The applicant is fit, willing, and able to perform that transportation properly, conform to the provisions of this Act, and conform to the rules, regulations and requirements of the Commission; and*

(II) That the transportation is consistent with the public interest.

(B) If the Commission finds that the requirements of subsection (A) of this section have not been met, the application shall be denied by the Commission.

(C) The Commission shall act upon applications under this Act as soon as possible.

(D) The Commission may attach to the issuance of a certificate and to the exercise of the rights granted under it any term, condition, or limitation that is consistent with the public interest.

(E) A term, condition, or limitation imposed by the Commission may not restrict the right of a carrier to add to equipment and facilities over the routes or within the territory specified in the certificate, as business development and public demand may require.

(F) A person applying for or holding a certificate of Authority shall comply with Commission regulations regarding maintenance of a surety bond, insurance policy, self-insurance qualification, or other security or agreement in an amount that the Commission may require to pay any final judgment against a carrier for bodily injury or death of a person, or for loss or damage to property of another, resulting from the operation, maintenance, or use of a motor vehicle or other equipment in performing transportation subject to this Act.

(G) A certificate of Authority is not valid unless the holder is in compliance with the insurance requirements of the Commission.

8. Application to the Commission for a certificate under this Act shall be:

(A) Made in writing;

(B) Verified; and

(C) In the form and with the information that the Commission regulations require.

9. (A) A certificate of Authority issued by the Commission shall specify the route over which a regularly scheduled commuter service or other regular-route service will operate.

(B) A certificate issued by the Commission authorizing irregular-route service shall be coextensive with the Metropolitan District.

(C) A carrier subject to this Act may not provide any passenger transportation for hire on an individual fare paying basis in competition with an existing, scheduled, regular-route, passenger transportation service performed by, or under a contract with, the federal government, a signatory to the Compact, a political subdivision of a signatory, or the Washington Metropolitan Area Transit Authority, notwithstanding any "Certificate of Authority."

(D) A certificate for the transportation of passengers may include authority to transport newspapers, passenger baggage, express, or mail in the same vehicle, or to transport passenger baggage in a separate vehicle.

10. (A) Certificates shall be effective from the date specified on them and shall remain in effect until amended, suspended, or terminated.

(B) Upon application by the holder of a certificate, the Commission may suspend, amend, or terminate the Certificate of Authority.

(C) Upon complaint or the Commission's own initiative, the Commission, after notice and hearing, may suspend or revoke all or part of any Certificate of Authority for willful failure to comply with:

(I) A provision of this Act;

(II) An order, rule, or regulation of the Commission; or

(III) A term, condition, or limitation of the certificate.

(D) The Commission may direct that a carrier cease an operation conducted under a certificate if the Commission finds the operation, after notice and hearing, to be inconsistent with the public interest.

11. (A) A person may not transfer a Certificate of Authority unless the Commission approves the transfer as consistent with the public interest.

(B) A person other than the person to whom an operating authority is issued by the Commission may not lease, rent, or otherwise use that operating authority.

12. (A) A carrier may not abandon any scheduled commuter service operated under a Certificate of Authority issued to the carrier under this Act, unless the Commission authorizes the carrier to do so by a Commission order.

(B) Upon application by a carrier, the Commission shall issue an order, after notice and hearing, if it finds that abandonment of the route is consistent with the public interest.

(C) The Commission, by regulation or otherwise, may authorize the temporary suspension of a route if it is consistent with the public interest.

(D) As long as the carrier has an opportunity to earn a reasonable return in all its operations, the fact that a carrier is operating a service at a loss will not, of itself, determine the question of whether abandonment of service is consistent with the public interest.

13. (A) When the Commission finds that there is an immediate need for service that is not available, the Commission may grant temporary authority for that service without a hearing or other proceeding up to a maximum of 180 consecutive days, unless suspended or revoked for good cause.

(B) A grant of temporary authority does not create any presumption that permanent authority will be granted at a later date.

Rates and Tariffs.

14. (A) Each carrier shall file with the Commission, publish, and keep available for public inspection tariffs showing:

(I) Fixed-rates and fixed-fares for transportation subject to this Act; and
 (II) Practices and regulations, including those affecting rates and fares, required by the Commission.

(B) Each effective tariff shall:

(I) Remain in effect for at least 60 days from its effective date, unless the Commission orders otherwise; and
 (II) Be published and kept available for public inspection in the form and manner prescribed by the Commission.

(C) A carrier may not charge a rate or fare for transportation subject to this Act other than the applicable rate or fare specified in a tariff filed by the carrier under this Act and in effect at the time.

15. (A) A carrier proposing to change a rate, fare, regulation, or practice specified in an effective tariff shall file a tariff showing the change in the form and manner, and with the information, justification, notice, and supporting material prescribed by the Commission.

(B) Each tariff filed under subsection (A) of this section shall state a date on which the tariff shall take effect, which shall be at least seven calendar days after the date on which the tariff is filed, unless the Commission orders an earlier effective date or rejects the tariff.

(C) (I) A tariff filed for approval with the Commission may be refused acceptance for filing if it is not consistent with this Act and Commission regulations; and

(II) A tariff refused for filing shall be void.

16. (A) The Commission may hold a hearing upon complaint or upon the Commission's own initiative after reasonable notice to determine whether a rate, fare, regulation, or practice relating to a tariff is unjust, unreasonable, unduly discriminatory, or unduly preferential between classes of riders or between locations within the Metropolitan District.

(B) Within 120 days of the hearing, the Commission shall pass an order prescribing the lawful rate, fare, regulation, or practice, or affirming the tariff.

Through Routes, Joint Fares.

17. With the approval of the Commission, any carrier subject to this Act may establish through routes and joint fares with any other lawfully authorized carrier.

Taxicab Fares.

18. (A) the Commission shall prescribe reasonable rates for transportation by taxicab, only when:

(I) The trip is between a point in the jurisdiction of one signatory and a point in the jurisdiction of another signatory; and
 (II) Both points are within the Metropolitan District.

(B) The fare or charge for taxicab transportation may be calculated on a mileage basis, a zone basis, or on any other basis approved by the Commission.

(C) The Commission may not require the installation of a taximeter in any taxicab when a taximeter is not permitted or required by the jurisdiction licensing and otherwise regulating the operation and service of the taxicab.

(D) A person licensed by a signatory to own or operate a taxicab shall comply with Commission regulations regarding maintenance of a surety bond, insurance policy, self-insurance qualification, or other security or agreement in an amount that the Commission may require to pay a final judgment for bodily injury or death of a person, or for loss or damage to property of another, resulting from the operation, maintenance, or use of a taxicab in performing transportation subject to this Act.

Article XII.

Accounts, Records, and Reports.

1. (A) The Commission may prescribe that any carrier subject to this Act:

(I) Submit special reports and annual or other periodic reports;

(II) Make reports in a form and manner required by the Commission;

(III) Provide a detailed answer to any question about which the Commission requires information;

(IV) Submit reports and answers under oath; and

(V) Keep accounts, records, and memoranda of its activity, including movement of traffic and receipt and expenditure of money in a form and for a period required by the Commission.

(B) The Commission shall have access at all times to the accounts, records, memoranda, lands, buildings, and equipment of any carrier for inspection purposes.

(C) This section shall apply to any person controlling, controlled by, or under common control with a carrier subject to this Act, whether or not that person otherwise is subject to this Act.

(D) A carrier that has its principal office outside of the Metropolitan District J operates both inside and outside of the Metropolitan District may keep all accounts, records, and memoranda at its principal office, but the carrier shall produce those materials before the Commission when directed by the Commission.

(E) This section does not relieve a carrier from recordkeeping or reporting obligations imposed by a state or federal agency or regulatory commission for transportation service rendered outside the Metropolitan District.

Issuance of Securities.

2. This Act does not impair any authority of the federal government and the signatories to regulate the issuance of securities by a carrier.

Consolidations, Mergers, and Acquisition of Control.

3. (A) A carrier or any person controlling, controlled by, or under common control with a carrier shall obtain Commission approval to:

(I) Consolidate or merge any part of the ownership, management, or operation of its property or franchise with a carrier that operates in the Metropolitan District;

(II) Purchase, lease, or contract to operate a substantial part of the property or franchise of another carrier that operates in the Metropolitan District; or

(III) Acquire control of another carrier that operates in the Metropolitan District through ownership of its stock or other means.

(B) Application for Commission approval of a transaction under this section shall be made in the form and with the information that the regulations of the Commission require.

(C) If the Commission finds, after notice and hearing, that the proposed transaction is consistent with the public interest, the Commission shall pass an order authorizing the transaction.

(D) Pending determination of an application filed under this section, the Commission may grant "temporary approval" without a hearing or other proceeding up to a maximum of 180 consecutive days if the Commission determines that grant to be consistent with the public interest.

Article XIII.

Investigations by the Commission and Complaints.

1. (A) A person may file a written complaint with the Commission regarding anything done or omitted by a person in violation of a provision of this Act, or in violation of a requirement established under it.

(B) (I) If the respondent does not satisfy the complaint and the facts suggest that there are reasonable grounds for an investigation, the Commission shall investigate the matter.

(II) If the Commission determines that a complaint does not state facts which warrant action, the Commission may dismiss the complaint without hearing.

(III) The Commission shall notify a respondent that a complaint has been filed at least ten days before a hearing is set on the complaint.

(C) The Commission may investigate on its own motion a fact, condition, practice, or matter to:

(I) Determine whether a person has violated or will violate a provision of this Act or a rule, regulation, or order;

(II) Enforce the provisions of this Act or prescribe or enforce rules or regulations under it; or

(III) Obtain information to recommend further legislation.

(D) If, after hearing, the Commission finds that a respondent has violated a provision of this Act or any requirement established under it, the Commission shall:

(I) Issue an order to compel the respondent to comply with this Act; and

(II) Effect other just and reasonable relief.

(E) For the purpose of an investigation or other proceeding under this Act, the Commission may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of books, papers, correspondence, memoranda, contracts, agreements, or other records or evidence which the Commission considers relevant to the inquiry.

Hearings; Rules of Procedure.

2. (A) Hearings under this Act shall be held before the Commission, and records shall be kept.

(B) Rules of practice and procedure adopted by the Commission shall govern all hearings, investigations, and proceedings under this Act, but the Commission may apply the technical rules of evidence when appropriate.

Administrative powers of Commission; Rules, Regulations, and Orders.

3. (A) The Commission shall perform any act, and prescribe, issue, make, amend, or rescind any order, rule, or regulation that it finds necessary to carry out the provisions of this Act.

(B) The rules and regulations of the Commission shall prescribe the form of any statement, declaration, application, or report filed with the Commission, the information it shall contain, and the time of filing.

(C) The rules and regulations of the Commission shall be effective thirty days after publication in the manner which the Commission shall prescribe, unless a different date is specified.

(D) Orders of the Commission shall be effective on the date and in the manner which the Commission shall prescribe.

(E) For the purposes of its rules and regulations, the Commission may classify persons and matters within its jurisdiction and prescribe different requirements for them.

(F) Commission rules and regulations shall be available for public inspection during reasonable business hours.

Reconsideration of Orders.

4. (A) A party to a proceeding affected by a final order or decision of the Commission may file within thirty days of its publication a written application requesting Commission reconsideration of the matter involved, and stating specifically the errors claimed as grounds for the reconsideration.

(B) The Commission shall grant or deny the application within thirty days after it has been filed.

(C) If the Commission does not grant or deny the application by order within thirty days, the application shall be deemed denied.

(D) If the application is granted, the Commission shall rescind, modify, or affirm its order or decision with or without a hearing, after giving notice to all parties.

(E) Filing an application for reconsideration may not act as a stay upon the execution of a Commission order or decision, or any part of it unless the Commission orders otherwise.

(F) An appeal may not be taken from an order or decision of the Commission until an application for reconsideration has been filed and determined.

(G) Only an error specified as a ground for reconsideration may be used as a ground for judicial review.

Judicial Review.

5. (A) Any party to a proceeding under this Act may obtain a review of the Commission's order in the United States Court of Appeals for the Fourth Circuit, or in the United States Court of Appeals for the District of Columbia Circuit, by filing within sixty days after Commission determination of an application for reconsideration, a written petition praying that the order of the Commission be modified or set aside.

(B) A copy of the petition shall be delivered to the office of the Commission and the Commission shall certify and file with the court a transcript of the record upon which the Commission order was entered.

(C) The court shall have exclusive jurisdiction to affirm, modify, remand for reconsideration, or set aside the Commission's order.

(D) The court's judgment shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in Title 28 U.S.C. §§ 1254 and 2350.

(E) The commencement of proceedings under subsection (A) of this section may not operate as a stay of the Commission's order unless specifically ordered by the court.

(F) The Commission and its members, officers, agents, employees, or representatives are not liable to suit or action or for any judgment or decree for damages, loss, or injury resulting from action taken under the Act, nor required in any case arising or any appeal taken under this Act to make a deposit, pay costs, or pay for service to the clerks of a court or to the marshal of the United States or give a supersedeas bond or security for damages.

Enforcement of Act; Penalty for Violations.

6. (A) Whenever the Commission determines that a person is engaged or will engage in an act or practice which violates a provision of this Act or a rule, regulation, or order under it, the Commission may bring an action in the United States District Court in the district in which the person resides or conducts business or in which the violation occurred to enjoin the act or practice and to enforce compliance with this Act or a rule, regulation, or order under it.

(B) If the court makes a determination under subsection (A) of this section, that a person has violated or will violate this Act or a rule, regulation, or order under the Act, the court shall grant a permanent or temporary injunction or decree or restraining order without bond.

(C) Upon application of the Commission, the United States District Court for the district in which the person resides or conducts business, or in which the violation occurred, shall have jurisdiction to issue an order directing that person to comply with the provisions of this Act or a rule, regulation, or order of the Commission under it, and to effect other just and reasonable relief.

(D) The Commission may employ attorneys necessary for:

(I) The conduct of its work;

(II) Representation of the public interest in Commission investigations, cases or proceedings on the Commission's own initiative or upon complaint; or

(III) Representation of the Commission in any court case.

(E) The expenses of employing an attorney shall be paid out of the funds of the Commission, unless otherwise directed by the court.

(F) (I) A person who knowingly and willfully violates a provision of this Act, or a rule, regulation, requirement, or order issued under it, or a term or condition of a certificate shall be subject to a civil forfeiture of not more than \$1,000 for the first violation and not more than \$5,000 for any subsequent violation.

(II) Each day of the violation shall constitute a separate violation.

(III) Civil forfeitures shall be paid to the Commission with interest as assessed by the court.

(IV) The Commission shall pay to each signatory a share of the civil forfeitures and interest equal to the proportional share of the Commission's expenses borne by each signatory in the fiscal year during which the civil forfeiture is collected by the Commission.

Article XIV.

Expenses of Investigations and Other Proceedings.

1. (A) A carrier shall bear all expenses of an investigation or other proceeding conducted by the Commission concerning the carrier, and all litigation expenses, including appeals, arising from an investigation or other proceeding.

(B) When the Commission initiates an investigation or other proceeding, the Commission may require the carrier to pay to the Commission a sum estimated to cover the expenses that will be incurred under this section.

(C) Money paid by the carrier shall be deposited in the name and to the credit of the Commission, in any bank or other depository located in the Metropolitan District designated by the Commission, and the Commission may disburse that money to defray expenses of the investigation, proceeding, or litigation in question.

(D) The Commission shall return to the carrier any unexpended balance remaining after payment of expenses.

Applicability of Other Laws.

2. (A) The applicability of each law, rule, regulation, or order of a signatory relating to transportation subject to this Act shall be suspended on the effective date of this Act.

(B) The provisions of subsection (A) of this section do not apply to a law of a signatory relating to inspection of equipment and facilities.

(C) During the existence of the Compact, the jurisdiction of the Interstate Commerce Commission is suspended to the extent it is in conflict with the provisions of this Act.

Existing Rules, Regulations, Orders, and Decisions.

3. All Commission rules, regulations, orders, or decisions that are in force on the effective date of this Act shall remain in effect and be enforceable under this Act, unless otherwise provided by the Commission.

Pending Actions or Proceedings.

4. A suit, action, or other judicial proceeding commenced prior to the effective date of this Act by or against the Commission is not affected by the enactment of this Act and shall be prosecuted and determined under the law applicable at the time the proceeding was commenced.

Annual Report of the Commission.

5. The Commission shall make an annual report for each fiscal year ending June 30, to the Governor of Virginia and the Governor of Maryland, and to the Mayor of the District of Columbia as soon as practicable after June 30, but no later than the first day of January of each year, which may contain, in addition to a report of the work performed under this Act, other information and recommendations concerning passenger transportation within the Metropolitan District as the Commission considers advisable.

CHAPTER 31.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY COMPACT OF 1966.

§ 33.2-3100. Washington Metropolitan Area Transit Authority Compact of 1966.

§ 3. Whereas, Maryland, Virginia and the District of Columbia heretofore have entered into the Washington Metropolitan Area Transit Regulation Compact (Virginia--Ch. 627, 1958 Acts of Assembly; Maryland--Ch. 613, Acts of General Assembly 1959; District of Columbia--Resolution of the Board of Commissioners adopted December 22, 1960), with the consent of the Congress (J.R., September 15, 1960, P.L., 86-794, 74 Stat. 1031, as amended by 76 Stat. 764), as a first step toward the improvement of transit service in the metropolitan area of Washington, D.C.;

Whereas, in said Compact each of the Signatories pledged to each of the other signatory parties faithful cooperation in the solution and control of transit and traffic problems within said metropolitan area and, in order to effect such purposes, agreed to enact any necessary legislation to achieve the objectives of the Compact to the mutual benefit of the citizens living within said metropolitan area and for the advancement of the interests of the Signatories;

Whereas, it has been established by a decade of studies that a regional system of improved and expanded transit facilities, including grade-separated rail facilities in congested areas, is essential in said metropolitan area for the satisfactory movement of people and goods, the alleviation of present and future traffic congestion, the economic welfare and vitality of all parts of the area, the effectiveness of the departments and agencies of the federal government located within the area, the orderly growth and development of the District of Columbia and the Maryland and Virginia portions of the area, the comfort and convenience of the residents of and visitors to the area, and the preservation of the beauty and dignity of the Nation's Capital;

Whereas, the Congress has authorized Maryland, Virginia and the District of Columbia to negotiate a Compact for the establishment of an organization empowered to provide necessary transit facilities (P.L. 86-669, 74 Stat. 537) and in said legislation declared the policy, inter alia, that the development and administration of such transit facilities requires (1) cooperation among the federal, state and local government of the area, (2) financial participation by the federal government in the creation of major facilities that are beyond the financial capacity or borrowing powers of the private carriers, the District of Columbia and the local governments of the area, and (3) coordination of transit facilities with other public facilities and with the use of land, public and private;

Whereas, private transit companies should be utilized to the extent practicable in providing the regional transit facilities and services, consistent with the requirements of the public interest that the publicly and privately owned facilities be operated as a coordinated regional system without unnecessary duplicating services;

Whereas, adequate provision should be made for the protection of transit labor in the development and operation of the regional system;

Whereas, adequate provisions should be made to eliminate any requirement of additional authentication of manual signature of bonds guaranteed by the United States of America; and

Whereas, it is hereby determined that an Authority to be created by interstate compact between the District of Columbia, the State of Maryland and the Commonwealth of Virginia, is the most suitable form of organization to achieve the stated objectives;

Now, therefore, the District of Columbia, the State of Maryland and the Commonwealth of Virginia, hereinafter referred to as Signatories, do hereby amend the Washington Metropolitan Area Transit Regulation Compact by adding thereto Title III, as hereinafter set forth, and do hereby covenant and agree substantially, as follows:

Title III

Article I

Definitions

Definitions

1. As used in this Title, the following words and terms shall have the following meanings, unless the context clearly requires a different meaning:

- (a) "Board" means the Board of Directors of the Washington Metropolitan Area Transit Authority;
- (b) "Director" means a member of the Board of Directors of the Washington Metropolitan Area Transit Authority;
- (c) "Private transit companies" and "private carriers" means corporations, persons, firms or associations rendering transit service within the Zone pursuant to a certificate of public convenience and necessity issued by the Washington Metropolitan Area Transit Commission or by a franchise granted by the United States or any Signatory party to this Title;
- (d) "Signatory" means the State of Maryland, the Commonwealth of Virginia and the District of Columbia;
- (e) "State" includes District of Columbia;
- (f) "Transit facilities" means all real and personal property located in the Zone, necessary or useful in rendering transit service between points within the Zone, by means of rail, bus, water or air and any other mode of travel, including, without limitation, tracks, rights-of-way, bridges, tunnels, subways, rolling stock for rail, motor vehicle, marine and air transportation, stations, terminals and ports, areas for parking and all equipment, fixtures, buildings and structures and services incidental to or required in connection with the performance of transit service;
- (g) "Transit services" means the transportation of persons and their packages and baggage by means of transit facilities between points within the Zone including the transportation of newspapers, express and mail between such points, and charter service which originates within the Zone but does not include taxicab service or individual-ticket-sales sightseeing operations;
- (h) "Transit Zone" or "Zone" means the Washington Metropolitan Area Transit Zone created and described in Section 3 as well as any additional area that may be added pursuant to Section 83(a) of this Compact; and
- (i) "WMATC" means Washington Metropolitan Area Transit Commission.

Article II

Purpose and Functions

Purpose

2. The purpose of this Title is to create a regional instrumentality, as a common agency of each Signatory party, empowered, in the manner hereinafter set forth, (1) to plan, develop, finance and cause to be operated improved transit facilities, in coordination with transportation and general development planning for the Zone, as part of a balanced regional system of transportation, utilizing to their best advantage the various modes of transportation, (2) to coordinate the operation of the public and privately owned or controlled transit facilities, to the fullest extent practicable, into a unified regional transit system without unnecessary duplicating service, and (3) to serve such other regional purposes and to perform such other regional functions as the Signatories may authorize by appropriate legislation.

Article III

Organization and Area

Washington Metropolitan Area Transit Zone

3. There is hereby created the Washington Metropolitan Area Transit Zone which shall embrace the District of Columbia, the Cities of Alexandria, Falls Church and Fairfax and the Counties of Arlington, Fairfax and Loudoun and political subdivisions of the Commonwealth of Virginia located within those counties, and the counties of Montgomery and Prince George's in the State of Maryland and political subdivisions of the State of Maryland located in said counties.

Washington Metropolitan Area Transit Authority

4. There is hereby created, as an instrumentality and agency of each of the Signatory parties hereto, the Washington Metropolitan Area Transit Authority which shall be a body corporate and politic, and which shall have the powers and duties granted herein and such additional powers as may hereafter be conferred upon it pursuant to law.

Board Membership

5. (a) The Authority shall be governed by a Board of eight Directors consisting of two Directors for each Signatory and two for the federal government (one of whom shall be a regular passenger and customer of the bus or rail service of the Authority). For Virginia, the Directors shall be appointed by the Northern Virginia Transportation Commission; for the District of Columbia by the Council of the District of Columbia; for Maryland, by the Washington Suburban Transit Commission; and for the federal government, by the Administrator of General Services. For Virginia and Maryland, the Directors shall be appointed from among the members of the appointing body, except as otherwise provided herein, and shall serve for a term coincident with their term on the appointing body. A Director for a Signatory may be removed or suspended from office only as provided by the law of the Signatory from which he was appointed. The nonfederal appointing authorities shall also appoint an alternate for each Director. In addition, the Administrator of General Services shall also appoint two nonvoting members who shall serve as the alternates for the federal Directors. An alternate Director may act only in the absence of the Director for whom he has been appointed an alternate, except that, in the case of the District of Columbia where only one Director and his alternate are present, such alternate may act on behalf of the absent Director. Each alternate, including the federal nonvoting Directors, shall serve at the pleasure of the appointing authority. In the event of a vacancy in the office of Director or alternate, it shall be filled in the same manner as an original appointment.

(b) Before entering upon the duties of his office each Director and alternate director shall take and subscribe to the following oath (or affirmation) of office or any such other oath or affirmation, if any, as the Constitution or laws of the Government he represents shall provide:

"I,....., hereby solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and Laws of the state or political jurisdiction from which I was appointed as a Director (alternate director) of the Board of Washington Metropolitan Area Transit Authority and will faithfully discharge the duties of the office upon which I am about to enter."

Compensation of Directors and Alternates

6. *Members of the Board and alternates shall serve without compensation but may be reimbursed for necessary expenses incurred as an incident to the performance of their duties.*

Organization and Procedure

7. *The Board shall provide for its own organization and procedure. It shall organize annually by the election of a Chairman and Vice-Chairman from among its members. Meetings of the Board shall be held as frequently as the Board deems that the proper performance of its duties requires and the Board shall keep minutes of its meetings. The Board shall adopt rules and regulations governing its meeting, minutes and transactions.*

Quorum and Actions by the Board

8. (a) *Four Directors or alternates consisting of at least one Director or alternate appointed from each Signatory, shall constitute a quorum and no action by the Board shall be effective unless a majority of the Board present and voting, which majority shall include at least one Director or alternate from each Signatory, concur therein; provided, however, that a plan of financing may be adopted or a mass transit plan adopted, altered, revised or amended by the unanimous vote of the Directors representing any two Signatories.*

(b) *The actions of the Board shall be expressed by motion or resolution. Actions dealing solely with internal management of the Authority shall become effective when directed by the Board, but no other action shall become effective prior to the expiration of thirty days following its adoption; provided, however, that the Board may provide for the acceleration of any action upon a finding that such acceleration is required for the proper and timely performance of its functions.*

Officers

9. (a) *The officers of the Authority, none of whom shall be members of the Board, shall consist of a general manager, a secretary, a treasurer, a comptroller, an inspector general, and a general counsel and such other officers as the Board may provide. Except for the office of general manager, inspector general, and comptroller, the Board may consolidate any of such other offices in one person. All such officers shall be appointed and may be removed by the Board, shall serve at the pleasure of the Board and shall perform such duties and functions as the Board shall specify. The Board shall fix and determine the compensation to be paid to all officers and, except for the general manager who shall be a full-time employee, all other officers may be hired on a full-time or part-time basis and may be compensated on a salary or fee basis, as the Board may determine. All employees and such officers as the Board may designate shall be appointed and removed by the general manager under such rules of procedure and standards as the Board may determine.*

(b) *The general manager shall be the chief administrative officer of the Authority and, subject to policy direction by the Board, shall be responsible for all activities of the Authority.*

(c) *The treasurer shall be the custodian of the funds of the Authority, shall keep an account of all receipts and disbursements and shall make payments only upon warrants duly and regularly signed by the Chairman or Vice-Chairman of the Board, or other person authorized by the Board to do so, and by the secretary or general manager; provided, however, that the Board may provide that warrants not exceeding such amounts or for such purposes as may from time to time be specified by the Board may be signed by the general manager or by persons designated by him.*

(d) *The inspector general shall report to the Board and head the Office of the Inspector General, an independent and objective unit of the Authority that conducts and supervises audits, program evaluations, and investigations relating to Authority activities; promotes economy, efficiency, and effectiveness in Authority activities; detects and prevents fraud and abuse in Authority activities; and keeps the Board fully and currently informed about deficiencies in Authority activities as well as the necessity for and progress of corrective action.*

(e) *An oath of office in the form set out in § 5 (b) of this Article shall be taken, subscribed and filed with the Board by all appointed officers.*

(f) *Each Director, officer and employee specified by the Board shall give such bond in such form and amount as the Board may require, the premium for which shall be paid by the Authority.*

Conflict of Interest

10. (a) *No Director, officer or employee shall:*

(1) *be financially interested, either directly or indirectly, in any contract, sale, purchase, lease or transfer of real or personal property to which the Board or the Authority is a party;*

(2) *in connection with services performed within the scope of his official duties, solicit or accept money or any other thing of value in addition to the compensation or expenses paid to him by the Authority;*

(3a.) *offer money or any thing of value for or in consideration of obtaining an appointment, promotion or privilege in his employment with the Authority.*

(b) *Any Director, officer or employee who shall willfully violate any provision of this section shall, in the discretion of the Board, forfeit his office or employment.*

(c) *Any contract or agreement made in contravention of this section may be declared void by the Board.*

(d) Nothing in this section shall be construed to abrogate or limit the applicability of any federal or state law which may be violated by any action prescribed by this section.

Article IV

Pledge of Cooperation

11. Each Signatory pledges to each other faithful cooperation in the achievement of the purposes and objects of this Title.

Article V

General Powers

Enumeration

12. In addition to the powers and duties elsewhere described in this Title, and except as limited in this Title, the Authority may:

- (a) Sue and be sued;*
- (b) Adopt and use a corporate seal and alter the same at pleasure;*
- (c) Adopt, amend, and repeal rules and regulations respecting the exercise of the powers conferred by this Title;*
- (d) Construct, acquire, own, operate, maintain, control, sell and convey real and personal property and any interest therein by contract, purchase, condemnation, lease, license, mortgage or otherwise but all of said property shall be located in the Zone and shall be necessary or useful in rendering transit service or in activities incidental thereto;*
- (e) Receive and accept such payments, appropriations, grants, gifts, loans, advances and other funds, properties and services as may be transferred or made available to it by any Signatory party, any political subdivision or agency thereof, by the United States, or by any agency thereof, or by any other public or private corporation or individual, and enter into agreements to make reimbursement for all or any part thereof;*
- (f) Enter into and perform contracts, leases and agreements with any person, firm or corporation or with any political subdivision or agency of any Signatory party or with the federal government, or any agency thereof, including, but not limited to, contracts or agreements to furnish transit facilities and service;*
- (g) Create and abolish offices, employments and positions (other than those specifically provided for herein) as it deems necessary for the purposes of the Authority, and fix and provide for the qualification, appointment, removal, term, tenure, compensation, pension and retirement rights of its officers and employees without regard to the laws of any of the Signatories;*
- (h) Establish, in its discretion, a personnel system based on merit and fitness and, subject to eligibility, participate in the pension and retirement plans of any Signatory, or political subdivision or agency thereof, upon terms and conditions mutually acceptable;*
- (i) Contract for or employ any professional services;*
- (j) Control and regulate the use of facilities owned or controlled by the Authority, the service to be rendered and the fares and charges to be made therefor;*
- (k) Hold public hearings and conduct investigations relating to any matter affecting transportation in the Zone with which the Authority is concerned and, in connection therewith, subpoena witnesses, papers, records and documents; or delegate such authority to any officer. Each Director may administer oaths or affirmations in any proceeding or investigation;*
- (l) Make or participate in studies of all phases and forms of transportation, including transportation vehicle research and development techniques and methods for determining traffic projections, demand motivations, and fiscal research and publicize and make available the results of such studies and other information relating to transportation;*
- (m) Exercise, subject to the limitations and restrictions herein imposed, all powers reasonably necessary or essential to the declared objects and purposes of this Title; and*
- (n) Establish regulations providing for public access to Board records.*

Article VI

Planning

Mass Transit Plan

13. (a) The Board shall develop and adopt, and may from time to time review and revise, a mass transit plan for the immediate and long-range needs of the Zone. The mass transit plan shall include one or more plans designating (1) the transit facilities to be provided by the Authority, including the locations of terminals, stations, platforms, parking facilities and the character and nature thereof; (2) the design and location of such facilities; (3) whether such facilities are to be constructed or acquired by lease, purchase or condemnation; (4) a timetable for the provision of such facilities; (5) the anticipated capital cost; (6) estimated operating expenses and revenues relating thereto; and (7) the various other factors and considerations, which, in the opinion of the Board, justify and require the projects therein proposed. Such plan shall specify the type of equipment to be utilized, the areas to be served, the routes and schedules of service expected to be provided and probable fares and charges therefor.

(b) In preparing the mass transit plan, and in any review or revision thereof, the Board shall make full utilization of all data, studies, reports and information available from the National Capital Transportation Agency and from any other agencies of the federal government, and from Signatories and the political subdivisions thereof.

Planning Process

14. (a) The mass transit plan, and any revisions, alterations or amendments thereof, shall be coordinated, through the procedures hereinafter set forth, with

(1) other plans and programs affecting transportation in the Zone in order to achieve a balanced system of transportation, utilizing each mode to its best advantage;

(2) the general plan or plans for the development of the Zone; and

(3) the development plans of the various political subdivisions embraced within the Zone.

(b) It shall be the duty and responsibility of each member of the Board to serve as liaison between the Board and the body which appointed him to the Board. To provide a framework for regional participation in the planning process, the Board shall create technical committees concerned with planning and collection and analyses of data relative to decision-making in the transportation planning process and the Mayor and Council of the District of Columbia, the component governments of the Northern Virginia Transportation District and the Washington Suburban Transit District shall appoint representatives to such technical committees and otherwise cooperate with the Board in the formulation of a mass transit plan, or in revisions, alterations or amendments thereof.

(c) The Board, in the preparation, revision, alteration or amendment of a mass transit plan, shall

(1) consider data with respect to current and prospective conditions in the Zone, including, without limitation, land use, population, economic factors affecting development plans, goals or objectives for the development of the Zone and the separate political subdivisions, transit demands to be generated by such development, travel patterns, existing and proposed transportation and transit facilities, impact of transit plans on the dislocation of families and businesses, preservation of the beauty and dignity of the Nation's Capital, factors affecting environmental amenities and aesthetics and financial resources;

(2) cooperate with and participate in any continuous, comprehensive transportation planning process cooperatively established by the highway agencies of the Signatories and the local political subdivisions in the Zone to meet the planning standards now or hereafter prescribed by the Federal-Aid Highway Acts; and

(3) to the extent not inconsistent with or duplicative of the planning process specified in subdivision (2) of this subsection (c), cooperate with the National Capital Planning Commission, the National Capital Regional Planning Council, the Washington Metropolitan Council of Governments, the Washington Metropolitan Area Transit Commission, the highway agencies of the Signatories, the Maryland-National Capital Park and Planning Commission, the Northern Virginia Regional Planning and Economic Development Commission, the Maryland State Planning Department and the Commission of Fine Arts. Such cooperation shall include the creation, as necessary, of technical committees composed of personnel, appointed by such agencies, concerned with planning and collection and analysis of data relative to decision-making in the transportation planning process.

Adoption of Mass Transit Plan

15. (a) Before a mass transit plan is adopted, altered, revised or amended, the Board shall transmit such proposed plan, alteration, revision or amendment for comment to the following and to such other agencies as the Board shall determine:

(1) the Mayor and Council of the District of Columbia, the Northern Virginia Transportation Commission and the Washington Suburban Transit Commission;

(2) the governing bodies of the counties and cities embraced within the Zone;

(3) the transportation agencies of the Signatories;

(4) the Washington Metropolitan Area Transit Commission;

(5) the Washington Metropolitan Council of Governments;

(6) the National Capital Planning Commission;

(7) the National Capital Regional Planning Council;

(8) the Maryland-National Capital Park and Planning Commission;

(9) the Northern Virginia Regional Planning and Economic Development Commission;

(10) the Maryland State Planning Department; and

(11) the private transit companies operating in the Zone and the Labor Unions representing the employees of such companies and employees of contractors providing services under operating contracts.

(b) A copy of the proposed mass transit plan, amendment or revision, shall be kept at the office of the Board and shall be available for public inspection. Information with respect thereto shall be released to the public. After thirty days' notice published once a week for two successive weeks in one or more newspapers of general circulation within the Zone, a public hearing shall be held with respect to the proposed plan, alteration, revision or amendment. The thirty days' notice shall begin to run on the first day the notice appears in any such newspaper. The Board shall consider the evidence submitted and statements and comments made at such hearing and may make any changes in the proposed plan, amendment or revision which it deems appropriate and such changes may be made without further hearing.

Article VII

Financing

Policy

16. With due regard for the policy of Congress for financing a mass transit plan for the Zone set forth in Section 204 (g) of the National Capital Transportation Act of 1960 (74 Stat. 537), it is hereby declared to be the policy of this Title that, as far as possible, the payment of all costs shall be borne by the persons using or benefiting from the Authority's facilities and services and any remaining costs shall be equitably shared among the federal, District of Columbia and participating local

governments in the Zone. The allocation among such governments of such remaining cost shall be determined by agreement among them and shall be provided in the manner hereinafter specified.

Plan of Financing

17. (a) The Authority, in conformance with said policy, shall prepare and adopt a plan for financing the construction, acquisition and operation of facilities specified in a mass transit plan adopted pursuant to Article VI hereof, or in any alteration, revision or amendment thereof. Such plan of financing shall specify the facilities to be constructed or acquired, the cost thereof, the principal amount of revenue bonds, equipment trust certificates and other evidences of debt proposed to be issued, the principal terms and provisions of all loans and underlying agreements and indentures, estimated operating expenses and revenues and the proposed allocation among the federal, District of Columbia and participating local governments of the remaining costs and deficits, if any, and such other information as the Commission may consider appropriate.

(b) Such plan of financing shall constitute a proposal to the interested governments for financial participation and shall not impose any obligation on any government and such obligations shall be created only as provided in § 18 of this Article VII.

Commitments for Financial Participation

18. (a) Commitments on behalf of the portion of the Zone located in Virginia shall be by contract or agreement by the Authority with the Northern Virginia Transportation District, or its component governments, as authorized in the Transportation District Act of 1964 (Ch. 631, 1964 Virginia Acts of Assembly), to contribute to the capital required for the construction and/or acquisition of facilities specified in a mass transit plan adopted as provided in Article VI, or any alteration, revision or amendment thereof, and for meeting expenses and obligations in the operation of such facilities. No such contract or agreement, however, shall be entered into by the Authority with the Northern Virginia Transportation District unless said District has entered into the contracts or agreements with its member governments, as contemplated by § 1 (b) (4) of Article 4 of said Act, which contracts or agreements expressly provide that such contracts or agreements shall inure to the benefit of the Authority and shall be enforceable by the Authority in accordance with the provisions of § 2, Article 5 of said Act, and such contracts or agreements are acceptable to the Board. The General Assembly of Virginia hereby authorizes and designates the Authority as the agency to plan for and provide transit facilities and services for the area of Virginia encompassed within the Zone within the contemplation of Article 1, § 3 (c) of said Act.

(b) Commitments on behalf of the portion of the Zone located in Maryland shall be by contract or agreement by the Authority with the Washington Suburban Transit District, pursuant to which the Authority undertakes to provide transit facilities and service in consideration for the agreement by said District to contribute to the capital required for the construction and/or acquisition of facilities specified in a mass transit plan adopted as provided in Article VI, or in any alteration, revision or amendment thereof, and for meeting expenses and obligations incurred in the operation of such facilities.

(c) With respect to the federal government, the commitment or obligation to render financial assistance shall be created by appropriation or in such other manner, or by such other legislation, as the Congress shall determine. Commitments by the District of Columbia shall be by contract or agreement between the governing body of the District of Columbia and the Authority, pursuant to which the Authority undertakes, subject to the provisions of § 20 hereof, to provide transit facilities and service in consideration for the undertaking by the District of Columbia to contribute to the capital required for the construction and/or acquisition of facilities specified in a mass transit plan adopted as provided in Article VI, or in any alteration, revision or amendment thereof, and for meeting expenses and obligations incurred in the operation of such facilities.

(d) (1) All payments made by the local Signatory governments for the Authority for the purpose of matching federal funds appropriated in any given year as authorized under Title VI, § 601, P.L. 110-432 regarding funding of capital and preventive maintenance projects of the Authority shall be made from amounts derived from dedicated funding sources.

(2) For purposes of this paragraph (d), a "dedicated funding source" means any source of funding that is earmarked or required under state or local law to be used to match federal appropriations authorized under Title VI, § 601, P.L. 110-432 for payments to the Authority.

Administrative Expenses

19. Prior to the time the Authority has receipts from appropriations and contracts or agreements as provided in § 18 of this Article VII, the expenses of the Authority for administration and for preparation of a mass transit and financing plan, including all engineering, financial, legal and other services required in connection therewith, shall, to the extent funds for such expenses are not provided through grants by the federal government, be borne by the District of Columbia, by the Washington Suburban Transit District and the component governments of the Northern Virginia Transportation District. Such expenses shall be allocated among such governments on the basis of population as reflected by the latest available population statistics of the Bureau of the Census; provided, however, that upon the request of any director the Board shall make the allocation upon estimates of population acceptable to the Board. The allocations shall be made by the Board and shall be included in the annual current expense budget prepared by the Board.

Acquisition of Facilities from Federal or Other Agencies

20. (a) The Authority is authorized to acquire by purchase, lease or grant or in any manner other than condemnation, from the federal government or any agency thereof, from the District of Columbia, Maryland or Virginia, or any political subdivision or agency thereof, any transit and related facilities, including real and personal property and all other assets,

located within the Zone, whether in operation or under construction. Such acquisition shall be made upon such terms and conditions as may be agreed upon and subject to such authorization or approval by the Congress and the governing body of the District of Columbia, as may be required; provided, however, that if such acquisition imposes or may impose any further or additional obligation or liability upon the Washington Suburban Transit District, the Northern Virginia Transportation District, or any component government thereof, under any contract with the Authority, the Authority shall not make the acquisition until any such affected contract has been appropriately amended.

(b) For such purpose, the Authority is authorized to assume all liabilities and contracts relating thereto, to assume responsibility as primary obligor, endorser or guarantor on any outstanding revenue bonds, equipment trust certificates or other form of indebtedness authorized in this Act issued by such predecessor agency or agencies and, in connection therewith, to become a party to, and assume the obligations of, any indenture or loan agreement underlying or issued in connection with any outstanding securities or debts.

Temporary Borrowing

21. The Board may borrow, in anticipation of receipts, from any Signatory, the Washington Suburban Transit District, the Northern Virginia Transportation District, or any component government thereof, or from any lending institution for any purposes of this Title, including administrative expenses. Such loans shall be for a term not to exceed two years and at such rates on interest as shall be acceptable to the Board. The Signatories and any such political subdivision or agency may, in its discretion, make such loans from any available money.

Funding

22. The Board shall not construct or acquire any of the transit facilities specified in a mass transit plan adopted pursuant to the provisions of Article VI of this Title, or in any alteration, revision or amendment thereof, nor make any commitments or incur any obligations with respect thereto until funds are available therefor.

Article VIII

Budget

Capital Budget

23. The Board shall annually adopt a capital budget, including all capital projects it proposes to undertake or continue during the budget period, containing a statement of the estimated cost of each project and the method of financing thereof.

Current Expense Budget

24. The Board shall annually adopt a current expense budget for each fiscal year. Such budget shall include the Board's estimated expenditures for administration, operation, maintenance and repairs, debt service requirements and payments to be made into any funds required to be maintained. The total of such expenses shall be balanced by the Board's estimated revenues and receipts from all sources, excluding funds included in the capital budget or otherwise earmarked for other purposes.

Adoption and Distribution of Budgets

25. (a) Following the adoption by the Board of annual capital and current expense budgets, the general manager shall transmit certified copies of such budgets to the principal budget officer of the federal government, the District of Columbia, the Washington Suburban Transit District and of the component governments of the Northern Virginia Transportation Commission at such time and in such manner as may be required under their respective budgetary procedures.

(b) Each budget shall indicate the amounts, if any, required from the federal government, the government of the District of Columbia, the Washington Suburban Transit District and the component governments of the Northern Virginia Transportation District, determined in accordance with the commitments made pursuant to Article VII, § 18 of this Title, to balance each of said budgets.

Payment

26. Subject to such review and approval as may be required by their budgetary or other applicable processes, the federal government, the Government of the District of Columbia, the Washington Suburban Transit District and the component governments of the Northern Virginia Transportation District shall include in their respective budgets next to be adopted and appropriate or otherwise provide the amounts certified to each of them as set forth in the budgets.

Article IX

Revenue Bonds

Borrowing Power

27. The Authority may borrow money for any of the purposes of this Title, may issue its negotiable bonds and other evidences of indebtedness in respect thereto and may mortgage or pledge its properties, revenues and contracts as security therefor.

All such bonds and evidences of indebtedness shall be payable solely out of the properties and revenues of the Authority. The bonds and other obligations of the Authority, except as may be otherwise provided in the indenture under which they were issued, shall be direct and general obligations of the Authority and the full faith and credit of the Authority are hereby pledged for the prompt payment of the debt service thereon and for the fulfillment of all other undertakings of the Authority assumed by it to or for the benefit of the holders thereof.

Funds and Expenses

28. The purposes of this Title shall include, without limitation, all costs of any project or facility or any part thereof, including interest during a period of construction and for a period not to exceed two years thereafter and any incidental expenses (legal, engineering, fiscal, financial, consultant and other expenses) connected with issuing and disposing of the

bonds; all amounts required for the creation of an operating fund, construction fund, reserve fund, sinking fund, or other special fund; all other expenses connected with administration, the planning, design, acquisition, construction, completion, improvement or reconstruction of any facility or any part thereof; and reimbursement of advances by the Board or by others for such purposes and for working capital.

Credit Excluded; Officers, State, Political Subdivisions and Agencies

29. The Board shall have no power to pledge the credit of any Signatory party, political subdivision or agency thereof, or to impose any obligation for payment of the bonds upon any Signatory party, political subdivision or agency thereof, but may pledge the contracts of such governments and agencies; provided, however, that the bonds may be underwritten in whole or in part as to principal and interest by the United States, or by any political subdivision or agency of any Signatory; provided, further, that any bonds underwritten in whole or in part as to principal and interest by the United States shall not be issued without approval of the Secretary of the Treasury. Neither the Directors nor any person executing the bonds shall be liable personally on the bonds of the Authority or be subject to any personal liability or accountability by reason of the issuance thereof.

Funding and Refunding

30. Whenever the Board deems it expedient, it may fund and refund the bonds and other obligations of the Authority whether or not such bonds and obligations have matured. It may provide for the issuance, sale or exchange of refunding bonds for the purpose of redeeming or retiring any bonds (including the payment of any premium, duplicate interest or cash adjustment required in connection therewith) issued by the Authority or issued by any other issuing body, the proceeds of the sale of which have been applied to any facility acquired by the Authority or which are payable out of the revenues of any facility acquired by the Authority. Bonds may be issued partly to refund bonds and other obligations then outstanding, and partly for any other purpose of the Authority. All provisions of this Title applicable to the issuance of bonds are applicable to refunding bonds and to the issuance, sale or exchange thereof.

Bonds; Authorization Generally

31. Bonds and other indebtedness of the Authority shall be authorized by resolution of the Board. The validity of the authorization and issuance of any bonds by the Authority shall not be dependent upon nor affected in any way by: (i) the disposition of bond proceeds by the Board or by contract, commitment or action taken with respect to such proceeds; or (ii) the failure to complete any part of the project for which bonds are authorized to be issued. The Authority may issue bonds in one or more series and may provide for one or more consolidated bond issues, in such principal amounts and with such terms and provisions as the Board may deem necessary. The bonds may be secured by a pledge of all or any part of the property, revenues and franchises under its control. Bonds may be issued by the Authority in such amount, with such maturities and in such denominations and form or forms, whether coupon or registered, as to principal alone or as to both principal and interest, as may be determined by the Board. The Board may provide for redemption of bonds prior to maturity on such notice and at such time or times and with such redemption provisions, including premiums, as the Board may determine.

Bonds; Resolution and Indentures Generally

32. The Board may determine and enter into indentures or adopt resolutions providing for the principal amount, date or dates, maturities, interest rate, or rates, denominations, form, registration, transfer, interchange and other provisions of bonds and coupons and the terms and conditions upon which the same shall be executed, issued, secured, sold, paid, redeemed, funded and refunded. The resolution of the Board authorizing any bond or any indenture so authorized under which the bonds are issued may include all such covenants and other provisions not inconsistent with the provisions of this Title, other than any restriction on the regulatory powers vested in the Board by this Title, as the Board may deem necessary or desirable for the issue, payment, security, protection or marketing of the bonds, including without limitation covenants and other provisions as to the rates or amounts of fees, rents and other charges to be charged or made for use of the facilities; the use, pledge, custody, securing, application and disposition of such revenues, of the proceeds of the bonds, and of any other moneys or contracts of the Authority; the operation, maintenance, repair and reconstruction of the facilities and the amounts which may be expended therefor; the sale, lease or other disposition of the facilities; the insuring of the facilities and of the revenues derived therefrom; the construction or other acquisition of other facilities; the issuance of additional bonds or other indebtedness; the rights of the bondholders and of any trustee for the bondholders upon default by the Authority or otherwise; and the modification of the provisions of the indenture and of the bonds. Reference on the face of the bonds to such resolution or indenture by its date of adoption or the apparent date on the face thereof is sufficient to incorporate all of the provisions thereof and of this Title into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds, has recourse to all of the provisions of the indenture and of this Title and is bound thereby.

Maximum Maturity

33. No bond or its terms shall mature in more than fifty years from its own date and in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date herein authorized shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

Tax Exemption

34. All bonds and all other evidences of debt issued by the Authority under the provisions of this Title and the interest thereon shall at all times be free and exempt from all taxation by or under authority of any Signatory parties, except for transfer, inheritance and estate taxes.

Interest

35. Bonds shall bear interest at such rate or rates as may be determined by the Board, payable annually or semiannually.

Place of Payment

36. The Board may provide for the payment of the principal and interest of bonds at any place or places within or without the Signatory states, and in any specified lawful coin or currency of the United States of America.

Execution

37. The Board may provide for the execution and authentication of bonds by the manual, lithographed or printed facsimile signature of members of the Board, and by additional authentication by a trustee or fiscal agent appointed by the Board; provided, however, that one of such signatures shall be manual; and provided, further, that no such additional authentication or manual signatures need be required in the case of bonds guaranteed by the United States of America. If any of the members whose signatures or countersignatures appear upon the bonds or coupons cease to be members before the delivery of the bonds or coupons, their signatures or countersignatures are nevertheless valid and of the same force and effect as if the members had remained in office until the delivery of the bonds and coupons.

Holding Own Bonds

38. The Board shall have power out of any funds available therefor to purchase its bonds and may hold, cancel or resell such bonds.

Sale

39. The Board may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The Board may sell bonds at less than their par or face value but no issue of bonds may be sold at an aggregate price below the par or face value thereof if such sale would result in a net interest cost to the Authority calculated upon the entire issue so sold in excess of the applicable rate determined by the Board, payable semiannually, computed with relation to the absolute maturity of the bonds according to standard tables of bond values, deducting the amount of any premium to be paid on the redemption of any bonds prior to maturity. All bonds issued and sold pursuant to this Title may be sold in such manner, either at public or private sale, as the Board shall determine.

Negotiability

40. All bonds issued under the provisions of this Title are negotiable instruments.

Bonds Eligible for Investment and Deposit

41. Bonds issued under the provisions of this Title are hereby made securities in which all public officers and public agencies of the Signatories and their political subdivisions and all banks, trust companies, savings and loan associations, investment companies and others carrying on a banking business, all insurance companies and insurance associations and others carrying on an insurance business, all administrators, executors, guardians, trustees and other fiduciaries, and all other persons may legally and properly invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any officer of any Signatory, or of any agency or political subdivision of any Signatory, for any purpose for which the deposit of bonds or other obligations of such Signatory is now or may hereafter be authorized by law.

Validation Proceedings

42. Prior to the issuance of any bonds, the Board may institute a special proceeding to determine the legality of proceedings to issue the bonds and their validity under the laws of any of the Signatory parties. Such proceeding shall be instituted and prosecuted in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever and against each of the Signatory parties.

43. No indenture need be recorded or filed in any public office, other than the office of the Board. The pledge of revenues provided in any indenture shall take effect forthwith as provided therein and irrespective of the date of receipt of such revenues by the Board or the indenture trustee. Such pledge shall be effective as provided in the indenture without physical delivery of the revenues to the Board or to the indenture trustee.

Pledged Revenues

44. Bond redemption and interest payments shall, to the extent provided in the resolution or indenture, constitute a first, direct and exclusive charge and lien on all revenues received from the use and operation of the facility, and on any sinking or other funds created therefrom. All such revenues, together with interest thereon, shall constitute a trust fund for the security and payment of such bonds and except as and to the extent provided in the indenture with respect to the payment therefrom of expenses for other purposes including administration, operation, maintenance, improvements or extensions of the facilities or other purposes shall not be used or pledged for any other purpose so long as such bonds, or any of them, are outstanding and unpaid.

Remedies

45. The holder of any bond may for the equal benefit and protection of all holders of bonds similarly situated: (1) by mandamus or other appropriate proceedings require and compel the performance of any of the duties imposed upon the Board or assumed by it, its officers, agents or employees under the provisions of any indenture, in connection with the acquisition, construction, operation, maintenance, repair, reconstruction or insurance of the facilities, or in connection with

the collection, deposit, investment, application and disbursement of the revenues derived from the operation and use of the facilities, or in connection with the deposit, investment and disbursement of the proceeds received from the sale of bonds; or (2) by action or suit in a court of competent jurisdiction of any Signatory party require the Authority to account as if it were the trustee of an express trust, or enjoin any acts or things which may be unlawful or in violation of the rights of the holders of the bonds. The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds.

Article X

Equipment Trust Certificates

Power

46. The Board shall have power to execute agreements, leases and equipment trust certificates with respect to the purchase of facilities or equipment such as cars, trolley buses and motor buses, or other craft, in the form customarily used in such cases and appropriate to effect such purchase, and may dispose of such equipment trust certificates in such manner as it may determine to be for the best interests of the Authority. Each vehicle covered by an equipment trust certificate shall have the name of the owner and lessor plainly marked upon both sides thereof, followed by the words "Owner and Lessor".

Payments

47. All moneys required to be paid by the Authority under the provisions of such agreements, leases and equipment trust certificates shall be payable solely from the revenue to be derived from the operation of the transit system or from such grants, loans, appropriations or other revenues, as may be available to the Board under the provisions of this Title. Payment for such facilities or equipment, or rentals thereof, may be made in installments, and the deferred installments may be evidenced by equipment trust certificates as aforesaid, and title to such facilities or equipment may not vest in the Authority until the equipment trust certificates are paid.

Procedure

48. The agreement to purchase facilities or equipment by the Board may direct the vendor to sell and assign the equipment to a bank or trust company, duly authorized to transact business in any of the Signatory states, or to the Housing and Home Finance Administrator, as trustee, lessor or vendor, for the benefit and security of the equipment trust certificates and may direct the trustee to deliver the facilities and equipment to one or more designated officers of the Board and may authorize the trustee simultaneously therewith to execute and deliver a lease of the facilities or equipment to the Board.

Agreements and Leases

49. The agreements and leases shall be duly acknowledged before some person authorized by law to take acknowledgments of deeds and in the form required for acknowledgment of deeds and such agreements, leases, and equipment trust certificates shall be authorized by resolution of the Board and shall contain such covenants, conditions and provisions as may be deemed necessary or appropriate to insure the payment of the equipment trust certificates from the revenues to be derived from the operation of the transit system and other funds.

The covenants, conditions and provisions of the agreements, leases and equipment trust certificates shall not conflict with any of the provisions of any resolution or trust agreement securing the payment of bonds or other obligations of the Authority then outstanding or conflict with or be in derogation of the rights of the holders of any such bonds or other obligations.

Law Governing

50. The equipment trust certificates issued hereunder shall be governed by Laws of the District of Columbia and for this purpose the chief place of business of the Authority shall be considered to be the District of Columbia. The filing of any documents required or permitted to be filed shall be governed by the Laws of the District of Columbia.

Article XI

Operation of Facilities

Operation by Contract or Lease

51. Any facilities and properties owned or controlled by the Authority may be operated by the Authority directly or by others pursuant to contract or lease as the Board may determine.

The Operating Contract

52. Without limitation upon the right of the Board to prescribe such additional terms and provisions as it may deem necessary and appropriate, the operating contract shall:

- (a) specify the services and functions to be performed by the Contractor;
- (b) provide that the Contractor shall hire, supervise and control all personnel required to perform the services and functions assumed by it under the operating contract and that all such personnel shall be employees of the Contractor and not of the Authority;
- (c) require the Contractor to assume the obligations of the labor contract or contracts of any transit company which may be acquired by the Authority and assume the pension obligations of any such transit company;
- (d) require the Contractor to comply in all respects with the labor policy set forth in Article XIV of this Title;
- (e) provide that no transfer of ownership of the capital stock, securities or interests in any Contractor, whose principal business in the operating contract, shall be made without written approval of the Board and the certificates or other instruments representing such stock, securities or interests shall contain a statement of this restriction;
- (f) provide that the Board shall have the sole authority to determine the rates or fares to be charged, the routes to be operated and the service to be furnished;

(g) specify the obligations and liabilities which are to be assumed by the Contractor and those which are to be the responsibility of the Authority;

(h) provide for an annual audit of the books and accounts of the Contractor by an independent certified public accountant to be selected by the Board and for such other audits, examinations and investigations of the books and records, procedures and affairs of the Contractor at such times and in such manner as the Board shall require, the cost of such audits, examinations and investigations to be borne as agreed by the parties in the operating contracts; and

(i) provided that no operating contract shall be entered into for a term in excess of five years; provided, that any such contract may be renewed for successive terms, each of which shall not exceed five years. Any such operating contract shall be subject to termination by the Board for cause only.

Compensation for Contractor

53. Compensation to the Contractor under the operating contract may, in the discretion of the Board, be in the form of (1) a fee paid by the Board to the Contractor for services, (2) a payment by the Contractor to the Board for the right to operate the system, or (3) such other arrangement as the Board may prescribe; provided, however, that the compensation shall bear a reasonable relationship to the benefits to the Authority and to the estimated costs the Authority would incur in directly performing the functions and duties delegated under the operating contract; and provided, further that no such contract shall create any right in the Contractor (1) to make or change any rate or fare or alter or change the service specified in the contract to be provided or (2) to seek judicial relief by any form of original action, review or other proceeding from any rate or fare or service prescribed by the Board. Any assertion, or attempted assertion, by the Contractor of the right to make or change any rate or fare or service prescribed by the Board shall constitute cause for termination of the operating contract. The operating contract may provide incentives for efficient and economical management.

Selection of Contractor

54. The Board shall enter into an operating contract only after formal advertisement and negotiations with all interested and qualified parties, including private transit companies rendering transit service within the Zone; provided, however, that, if the Authority acquires transit facilities from any agency of the federal or District of Columbia governments, in accordance with the provisions of Article VII, § 20 of this Title, the Authority shall assume the obligations of any operating contract which the transferor agency may have entered into.

Article XII

Coordination of Private and Public Facilities

Declaration of Policy

55. It is hereby declared that the interest of the public in efficient and economical transit service and in the financial well-being of the Authority and of the private transit companies requires that the public and private segments of the regional transit system be operated, to the fullest extent possible, as a coordinated system without unnecessary duplicating service.

Implementation of Policy

56. In order to carry out the legislative policy set forth in § 55 of this Article XII

(a) The Authority--

(1) except as herein provided, shall not, directly or through a Contractor, perform transit service by bus or similar motor vehicles;

(2) shall, in cooperation with the private carriers and WMATC coordinate to the fullest extent practicable, the schedules for service performed by its facilities with the schedules for service performed by private carriers; and

(3) shall enter into agreements with the private carriers to establish and maintain, subject to approval by WMATC, through routes and joint fares and provide for the division thereof, or, in the absence of such agreements, establish and maintain through routes and joint fares in accordance with orders issued by WMATC directed to the private carriers when the terms and conditions for such through service and joint fares are acceptable to it.

(b) The WMATC, upon application, complaint, or upon its own motion, shall--

(1) direct private carriers to coordinate their schedules for service with the schedules for service performed by facilities owned or controlled by the Authority;

(2) direct private carriers to improve or extend any existing services or provide additional service over additional routes;

(3) authorize a private carrier, pursuant to agreement between said carrier and the Authority, to establish and maintain through routes and joint fares for transportation to be rendered with facilities owned or controlled by the Authority if, after hearing held upon reasonable notice, WMATC finds that such through routes and joint fares are required by the public interest; and

(4) in the absence of such an agreement with the Authority, direct a private carrier to establish and maintain through routes and joint fares with the Authority, if, after hearing held upon reasonable notice, WMATC finds that such through service and joint fares are required by the public interest; provided, however, that no such order, rule or regulation of WMATC shall be construed to require the Authority to establish and maintain any through route and joint fare.

(c) WMATC shall not authorize or require a private carrier to render any service, including the establishment or continuation of a joint fare for a through route service with the Authority which is based on a division thereof between the Authority and private carrier which does not provide a reasonable return to the private carrier, unless the carrier is currently earning a reasonable return on its operation as a whole in performing transportation subject to the jurisdiction of

WMATC. In determining the issue of reasonable return, WMATC shall take into account any income attributable to the carrier, or to any corporation, firm or association owned in whole or in part by the carrier, from the Authority whether by way of payment for services or otherwise.

(d) If the WMATC is unable, through the exercise of its regulatory powers over the private carriers granted in subsection (b) hereof or otherwise, to bring about the requisite coordination of operations and service between the private carriers and the Authority, the Authority may in the situations specified in subsection (b) hereof, cause such transit service to be rendered by its Contractor by bus or other motor vehicle, as it shall deem necessary to effectuate the policy set forth in § 55 hereof. In any such situation, the Authority, in order to encourage private carriers to render bus service to the fullest extent practicable, may, pursuant to agreement, make reasonable subsidy payments to any private carrier.

(e) The Authority may acquire the capital stock or the transit facilities of any private transit company and may perform transit service, including service by bus or similar motor vehicle, with transit facilities so acquired, or with transit facilities acquired pursuant to Article VII, § 20. Upon acquisition of the capital stock or the transit facilities of any private transit company, the Authority shall undertake the acquisition, as soon as possible, of the capital stock or the transit facilities of each of the other private transit companies within the Zone requesting such acquisition. Lack of such request, however, shall not be construed to preclude the Authority from acquiring the capital stock or the transit facilities of any such company pursuant to § 82 of Article XVI.

Rights of Private Carriers Unaffected

57. Nothing in this title shall restrict or limit such rights and remedies, if any, that any private carrier may have against the Authority arising out of acts done or actions taken by the Authority hereunder. In the event any court of competent jurisdiction shall determine that the Authority has unlawfully infringed any rights of any private carrier or otherwise caused or permitted any private carrier to suffer legally cognizable injury, damages or harm and shall award a judgment therefor, such judgment shall constitute a lien against any and all of the assets and properties of the Authority.

Financial Assistance to Private Carriers

58. (a) The Board may accept grants from and enter into loan agreements with the Housing and Home Finance Administrator, pursuant to the provisions of the Urban Mass Transportation Act of 1964 (78 Stat. 302), or with any successor agency or under any law of similar purport, for the purpose of rendering financial assistance to private carriers.

(b) An application by the Board for any such grant or loan shall be based on and supported by a report from WMATC setting forth for each private carrier to be assisted (1) the equipment and facilities to be acquired, constructed, reconstructed, or improved, (2) the service proposed to be rendered by such equipment and facilities, (3) the improvement in service expected from such facilities and equipment, (4) how the use of such facilities and equipment will be coordinated with the transit facilities owned by the Authority, (5) the ability of the affected private carrier to repay any such loans or grants and (6) recommended terms for any such loans or grants.

(c) Any equipment or facilities acquired, constructed, reconstructed or improved with the proceeds of such grants or loans shall be owned by the Authority and may be made available to private carriers only by lease or other agreement which contain provisions acceptable to the Housing and Home Finance Administrator assuring that the Authority will have satisfactory continuing control over the use of such facilities and equipment.

Article XIII

Jurisdiction; Rates and Service

Washington Metropolitan Area Transit Commission

59. Except as provided herein, this Title shall not affect the functions and jurisdiction of WMATC, as granted by Titles I and II of this Compact, over the transportation therein specified and the persons engaged therein and the Authority shall have no jurisdiction with respect thereto.

Public Facilities

60. Service performed by transit facilities owned or controlled by the Authority, and the rates and fares to be charged for such service, shall be subject to the sole and exclusive jurisdiction of the Board and, notwithstanding any other provision in this Compact contained, WMATC shall have no authority with respect thereto, or with respect to any contractor in connection with the operation by it of transit facilities owned or controlled by the Authority. The determinations of the Board with respect to such matters shall not be subject to judicial review nor to the processes to any court.

Standards

61. Insofar as practicable, and consistent with the provision of adequate service at reasonable fares, the rates and fares and service shall be fixed by the Board so as to result in revenues which will:

(a) pay the operating expenses and provide for repairs, maintenance and depreciation of the transit system owned or controlled by the Authority;

(b) provide for payment of all principal and interest on outstanding revenue bonds and other obligations and for payment of all amounts to sinking funds and other funds as may be required by the terms of any indenture of loan agreement;

(c) provide for the purchase, lease or acquisition of rolling stock, including provisions for interest, sinking funds, reserve funds, or other funds required for the payment of any obligations incurred by the Authority for the acquisition of rolling stock; and

(d) provide funds for any purpose the Board deems necessary and desirable to carry out the purposes of this title.

Hearings

62. (a) *The Board shall not raise any fare or rate, nor implement a major service reduction, except after holding a public hearing with respect thereto.*

(b) *Any Signatory, any political subdivision thereof, any agency of the federal government and any person, firm or association served by or using the transit facilities of the Authority and any private carrier may file a request with the Board for a hearing with respect to any rates or charges made by the Board or any service rendered with the facilities owned or controlled by the Authority. Such request shall be in writing, shall state the matter on which a hearing is requested and shall set forth clearly the matters and things on which the request relies. As promptly as possible after such a request is filed, the Board, or such officer or employee as it may designate, shall confer with the protestant with respect to the matters complained of. After such conference, the Board, if it deems the matter meritorious and of general significance, may call a hearing with respect to such request.*

(c) *The Board shall give at least fifteen days' notice for all public hearings. The notice shall be given by publication in a newspaper of daily circulation throughout the Transit Zone and such notice shall be published once a week for two successive weeks. The notice period shall start with the first day of publication. Notices of public hearings shall be posted in accordance with regulations promulgated by the Board.*

(d) *Prior to calling a hearing on any matter specified in this section, the Board shall prepare and file at its main office and keep open for public inspection its report relating to the proposed action to be considered at such hearing. Upon receipt by the Board of any report submitted by WMATC, in connection with a matter set for hearing, pursuant to the provisions of § 63 of this Article XIII, the Board shall file such report at its main office and make it available for public inspection. For hearings called by the Board pursuant to paragraph (b), above, the Board also shall cause to be lodged and kept open for public inspection the written request upon which the hearing is granted and all documents filed in support thereof.*

Reference of Matters to WMATC

63. *To facilitate the attainment of the public policy objectives for operation of the publicly and privately owned or controlled transit facilities as stated in Article XII, § 55, prior to the hearings provided for by § 62 hereof--*

(a) *The Board shall refer to WMATC for its consideration and recommendations, any matter which the Board considers may affect the operation of the publicly and privately owned or controlled transit facilities as a coordinated regional transit system and any matter for which the Board has called a hearing, pursuant to § 62 of this Article XIII, except that temporary or emergency changes in matters affecting service shall not be referred; and*

(b) *WMATC, upon such reference of any matter to it, shall give the referred matter preference over any other matters pending before it and shall, as expeditiously as practicable, prepare and transmit its report thereon to the Board. The Board may request WMATC to reconsider any part of its report or to make any supplemental reports it deems necessary. All of such reports shall be advisory only.*

(c) *Any report submitted by WMATC to the Board shall consider, without limitation, the probable effect of the matter or proposal upon the operation of the publicly and privately owned or controlled transit facilities as a coordinated regional system, passenger movements, fare structures, service and the impact on the revenues of both the public and private facilities.*

Article XIV

Labor Policy

Construction

64. *The Board shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting and decorating, of projects, buildings and works which are undertaken by the Authority or are financially assisted by it, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), and every such employee shall receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in any workweek, as the case may be. A provision stating the minimum wages thus determined and the requirement that overtime be paid as above provided shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project, which contract shall be deemed to be a contract of the character specified in § 103 of the Contract Work Hours Standards Act (76 Stat. 357), as now or as may hereafter be in effect. The Secretary of Labor shall have, with respect to the administration and enforcement of the labor standards specified in this provision, the supervisory, investigatory and other authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 64 Stat. 1267, 5 U.S.C. 133z-15), and § 2 of the Act of June thirteen, nineteen hundred thirty-four, as amended (48 Stat. 948, as amended; 40 U.S.C. 276 (c)). The requirements of this section shall also be applicable with respect to the employment of laborers and mechanics in the construction, alteration or repair, including painting and decorating, of the transit facilities owned or controlled by the Authority where such activities are performed by a contractor pursuant to agreement with the operator of such facilities.*

Equipment and Supplies

65. *Contracts for the manufacture or furnishing of materials, supplies, articles and equipment shall be subject to the provisions of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq.), as now or as may hereafter be in effect.*

Operations

66. (a) *The rights, benefits, and other employee protective conditions and remedies of § 13 (c) of the Federal Transit Act, as amended (49 U.S.C. Section 5333 (b)), as determined by the Secretary of Labor, shall apply to Washington*

Metropolitan Area Transit Authority employees otherwise covered by the Act. The Authority shall extend to employees whose positions are adversely affected by the expenditure of federal funds obtained by WMATA pursuant to congressional appropriations, the rights, benefits, and other employee protective conditions and remedies of section 13 (c) of the Federal Transit Act, as amended (49 U.S.C. § 5333(b)).

(b) The Authority shall deal with and enter into written contracts with employees as defined in § 152 of Title 29, United States Code, through accredited representatives of such employees or representatives of any labor organization authorized to act for such employees concerning wages, salaries, hours, working conditions, and pension or retirement provisions. Each such contract entered into after the effective date of this act shall prohibit the contracting employees from engaging in any strike or an employer from engaging in any lockout.

(c) In case of any labor dispute involving the Authority and such employees where collective bargaining does not result in agreement, either party may declare that an impasse has been reached between the parties and may, by written notification to the other party and to the Federal Mediation and Conciliation Service, request the Service to appoint a mediator for the purpose of assisting them in reconciling their differences and resolving the controversy on terms which are mutually acceptable. Within five days of the receipt of the request the Federal Mediation and Conciliation Service shall appoint a mediator in accordance with its rules and procedures for such appointment. The mediator shall meet with the parties forthwith, either jointly or separately, and shall take such steps as he or she deems appropriate to persuade the parties to resolve their differences and effect a mutually acceptable agreement. The mediator shall not, however, make findings of fact or recommend terms of settlement. Each party shall pay one-half of the expenses of such mediator. If the mediator is unable to effect settlement of the controversy within fifteen days after his or her appointment, the Authority shall submit such dispute to fact finding by a board composed of three persons, one appointed by the Authority, one appointed by the labor organization representing the employees, and a third member to be agreed upon by the labor organization and the Authority. The member agreed upon by the labor organization and the Authority shall act as chairman of the board. The determination of the majority of the fact finding board thus established shall be advisory as to all matters in dispute. If after a period of ten days from the date of the appointment of the two persons representing the Authority and the labor organization, the third person has not been selected, then either of the two persons may request the Federal Mediation and Conciliation Service to furnish a list of five persons from which the third person shall be selected; provided, however, that the list shall not include the name of the person who served as mediator unless inclusion of his or her name is mutually agreed to by both parties. The persons appointed by the Authority and the labor organization, promptly after the receipt of such list shall determine by lot the order of elimination, and thereafter each shall in that order alternately eliminate one name until only one name remains. The remaining person on the list shall be the third member of the fact finding board. The term "labor dispute" shall be broadly construed and shall include any controversy concerning wages, salaries, hours, working conditions, or benefits including health and welfare, sick leave, insurance or pension or retirement provisions but not limited thereto, and including any controversy concerning any differences or questions that may arise between the parties including but not limited to the making or maintaining of collective bargaining agreements, the terms to be included in such agreements, and the interpretation or application of such collective bargaining agreements. Each party shall pay one-half of the expenses of such fact finding. Under no circumstances may the parties resort to binding arbitration after the date of enactment of this act or the expiration date of any contract requiring binding arbitration, whichever is later. This prohibition against binding arbitration shall not be interpreted to preclude such arbitration of individual employee grievances.

(d) The Authority is hereby authorized and empowered to establish and maintain a system of pensions and retirement benefits for such officers and employees of the Authority as may be designated or described by resolution of the Authority; to fix the terms of and restrictions on admission to such system and the classifications therein; to provide that persons eligible for admission in such pension system shall not be eligible for admission to, or receive any benefits from, any other pension system (except Social Security benefits), which is financed or funded, in whole or in part, directly or indirectly by funds paid or appropriated by the Authority to such other pension system, and to provide in connection with such pension system, a system of benefits payable to the beneficiaries and dependents of any participant in such pension system after the death of such participant (whether accidental or otherwise, whether occurring in the actual performance of duty or otherwise, or both) subject to such exceptions, conditions, restrictions and classifications as may be provided by resolution of the Authority. Such pension system shall be financed or funded by such means and in such manner as may be determined by the Authority to be economically feasible. Unless the Authority shall otherwise determine, no officer or employee of the Authority and no beneficiary or dependent of any such officer or employee shall be eligible to receive any pension or retirement or other benefits both from or under any such pension system and from or under any pension or retirement system established by an acquired transportation system or established or provided for, by or under the provisions of any collective bargaining agreement between the Authority and the representatives of its employees.

(e) Whenever the Authority acquires existing transit facilities from a public or privately owned utility either in proceeding by eminent domain or otherwise, the Authority shall assume and observe all existing labor contracts and pension obligations. When the Authority acquires an existing transportation system, all employees who are necessary for the operation thereof by the Authority shall be transferred to and appointed as employees of the Authority, subject to all the rights and benefits of this Title. These employees shall be given seniority credit and sick leave, vacation, insurance and pension credits in accordance with the records or labor agreements from the acquired transportation system. Members and beneficiaries of any pension or retirement system or other benefits established by the acquired transportation system shall

continue to have rights, privileges, benefits, obligations and status with respect to such established system. The Authority shall assume the obligations of any transportation system acquired by it with regard to wages, salaries, hours, working conditions, sick leave, health and welfare and pension or retirement provisions for employees. It shall assume the provisions of any collective bargaining agreement between such acquired transportation system and the representatives of its employees. The Authority and the employees, through their representatives for collective bargaining purposes, shall take whatever action may be necessary to have pension trust funds presently under the joint control of the acquired transportation system and the participating employees through their representative transferred to the trust fund to be established, maintained and administered jointly by the Authority and the participating employees through their representatives. No employee of any acquired transportation system who is transferred to a position with the Authority shall by reason of such transfer be placed in any worse position with respect to workmen's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance or any other benefits, than he enjoyed as an employee of such acquired transportation system.

(f) The Authority shall not require any person, as a condition of employment or continuation of employment, to join any labor union or labor organization. The Authority shall not require any person, as a condition of employment or continuation of employment, to pay any dues, fees, or other charges of any kind to any labor union or labor organization.

Article XV

Relocation Assistance

Relocation Program and Payments

67. Section 7 of the Urban Mass Transportation Act of 1964, and as the same may from time to time be amended, and all regulations promulgated thereunder, are hereby made applicable to individuals, families, business concerns and nonprofit organizations displaced from real property by actions of the Authority without regard to whether financial assistance is sought by or extended to the Authority under any provision of that Act; provided, however, that in the event real property is acquired for the Authority by an agency of the federal government, or by a State or local agency or instrumentality, the Authority is authorized to reimburse the acquiring agency for relocation payments made by it.

Relocation of Public or Public Utility Facilities

68. Notwithstanding the provisions of § 67 of this Article XV, any highway or other public facility or any facilities of a public utility company which will be dislocated by reason of a project deemed necessary by the Board to effectuate the authorized purposes of this Title shall be relocated if such facilities are devoted to a public use, and the reasonable cost of relocation, if substitute facilities are necessary, shall be paid by the Board from any of its moneys.

Article XVI

General Provisions

Creation and Administration of Funds

69. (a) The Board may provide for the creation and administration of such funds as may be required. The funds shall be disbursed in accordance with rules established by the Board and all payments from any fund shall be reported to the Board. Moneys and such funds and other moneys of the Authority shall be deposited, as directed by the Board, in any branch or subsidiary of any state or national bank which has operations within the Zone, and having a total paid-in capital of at least one million dollars (\$1,000,000). The trust department of any such state or national bank may be designated as a depository to receive any securities acquired or owned by the Authority. The restriction with respect to paid-in capital may be waived for any such bank which agrees to pledge federal securities to protect the funds and securities of the Authority in such amounts and pursuant to such arrangements as may be acceptable to the Board.

(b) Any moneys of the Authority may, in the discretion of the Board and subject to any agreement or covenant between the Authority and the holders of any of its obligations limiting or restricting classes of investments, be invested in: (i) Direct obligations of or obligations guaranteed by the United States of America; (ii) Bonds, debentures, notes or other evidences of indebtedness issued by agencies of the United States of America, including but not limited to the following: Bank for Cooperatives; Federal Intermediate Credit Banks; Federal Home Loan Bank System; Export-Import Bank of the United States; Federal Land Banks, Federal National Mortgage Association; Student Loan Marketing Association; Government National Mortgage Association; Tennessee Valley Authority; or United States Postal Service; (iii) Securities that qualify as lawful investments and may be accepted as security for fiduciary, trust and public funds under the control of the United States or any officer or officers thereof, or securities eligible as collateral for deposits of moneys of the United States, including United States Treasury tax and loan accounts; (iv) Domestic and Eurodollar certificates of deposit; and (v) Bonds, debentures, notes or other evidences of indebtedness issued by a domestic corporation, such as a corporation organized under the laws of one of the states of the United States, provided that such obligations are nonconvertible and at the time of their purchase are rated in the highest rating categories by a nationally recognized bond rating agency.

Annual Independent Audit

70. (a) As soon as practical after the closing of the fiscal year, an audit shall be made of the financial accounts of the Authority. The audit shall be made by qualified certified public accountants selected by the Board, who shall have no personal interest direct or indirect in the financial affairs of the Authority or any of its officers or employees. The report of audit shall be prepared in accordance with generally accepted auditing principles and shall be filed with the Chairman and other officers as the Board shall direct. Copies of the report shall be distributed to each Director, to the Congress, to the Mayor and Council of the District of Columbia, to the Governors of Virginia and Maryland, to the Washington Suburban

Transit Commission, to the Northern Virginia Transportation Commission and to the governing bodies of the political subdivisions located within the Zone which are parties to commitments for participation in the financing of the Authority and shall be made available for public distribution.

(b) The financial transactions of the Board shall be subject to audit by the United States General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where the accounts of the Board are kept.

(c) Any Director, officer or employee who shall refuse to give all required assistance and information to the accountants selected by the Board or who shall refuse to submit to them for examination such books, documents, records, files, accounts, papers, things or property as may be requested shall, in the discretion of the Board, forfeit his office.

Reports

71. The Board shall make and publish an annual report on its programs, operations, and finances, which shall be distributed in the same manner provided by § 70 of this Article XVI for the report of annual audit. It may also prepare, publish and distribute such other public reports and informational materials as it may deem necessary or desirable.

Insurance

72. The Board may self-insure or purchase insurance and pay the premiums therefor against loss or damage to any of its properties; against liability for injury to persons or property; and against loss of revenue from any cause whatsoever. Such insurance coverage shall be in such form and amount as the Board may determine, subject to the requirements of any agreement arising out of insurance of bonds or other obligations by the Authority.

Contracting and Purchasing

73. (a) (1) Except as provided in subsections (b), (c), and (f) of this section, and except in the case of procurement procedures otherwise expressly authorized by statute, the Authority in conducting a procurement of property, services, or construction shall:

(A) obtain full and open competition through the use of competitive procedures in accordance with the requirements of this Section; and

(B) use the competitive procedure or combination of competitive procedures that is best suited under the circumstances of the procurement.

(2) In determining the competitive procedure appropriate under the circumstances, the Authority shall:

(A) solicit sealed bids if:

(i) time permits the solicitation, submission, and evaluation of sealed bids;

(ii) the award will be made on the basis of price and other price-related factors;

(iii) it is not necessary to conduct discussions with the responding sources about their bids; and

(iv) there is a reasonable expectation of receiving more than one sealed bid; or

(B) request competitive proposals if sealed bids are not appropriate under clause (A) of this paragraph.

(b) The Authority may provide for the procurement of property, services, or construction covered by this Section using competitive procedures but excluding a particular source in order to establish or maintain an alternative source or sources of supply for that property, service, or construction if the Authority determines that excluding the source would increase or maintain competition and would likely result in reduced overall costs for procurement of property, services, or construction.

(c) The Authority may use procedures other than competitive procedures if:

(1) the property, services, or construction needed by the Authority is available from only one responsible source and no other type of property, services, or construction will satisfy the needs of the Authority; or

(2) the Authority's need for the property, services, or construction is of such an unusual and compelling urgency that the Authority would be seriously injured unless the Authority limits the number of sources from which it solicits bids or proposals; or

(3) the Authority determines that it is necessary in the public interest to use procedures other than competitive procedures in the particular procurement; or

(4) the property or services needed can be obtained through federal or other governmental sources at reasonable prices.

(d) For the purpose of applying subsection (c) (1) of this Section:

(1) in the case of a contract for property, services, or construction to be awarded on the basis of acceptance of an unsolicited proposal, the property, services, or construction shall be deemed to be available from only one responsible source if the source has submitted an unsolicited proposal that demonstrates a concept:

(A) that is unique and innovative or, in the case of a service, for which the source demonstrates a unique capability to provide the service; and

(B) the substance of which is not otherwise available to the Authority and does not resemble the substance of a pending competitive procurement.

(2) in the case of a follow-on contract for the continued development or production of a major system or highly specialized equipment or the continued provision of highly specialized services, the property, services, or construction may be deemed to be available from only the original source and may be procured through procedures other than competitive procedures if it is likely that award to a source other than the original source would result in:

(A) substantial duplication of cost to the Authority that is not expected to be recovered through competition; or

(B) unacceptable delays in fulfilling the Authority's needs.

(e) If the Authority uses procedures other than competitive procedures to procure property, services, or construction under subsection (c) (2) of this Section, the Authority shall request offers from as many potential sources as is practicable under the circumstances.

(f) (1) To promote efficiency and economy in contracting, the Authority may use simplified acquisition procedures for purchases of property, services and construction.

(2) For the purposes of this subsection, simplified acquisition procedures may be used for purchases for an amount that does not exceed the simplified acquisition threshold adopted by the federal government.

(3) A proposed purchase or contract for an amount above the simplified acquisition threshold may not be divided into several purchases or contracts for lesser amounts in order to use the procedures under paragraph (1) of this subsection.

(4) In using simplified acquisition procedures, the Authority shall promote competition to the maximum extent practicable.

(g) The Board shall adopt policies and procedures to implement this Section. The policies and procedures shall provide for publication of notice of procurements and other actions designed to secure competition where competitive procedures are used.

(h) The Authority in its discretion may reject any and all bids or proposals received in response to a solicitation.

Rights-of-Way

74. The Board is authorized to locate, construct and maintain any of its transit and related facilities in, upon, over, under or across any streets, highways, freeways, bridges and any other vehicular facilities, subject to the applicable laws governing such use of such facilities by public agencies. In the absence of such laws, such use of such facilities by the Board shall be subject to such reasonable conditions as the highway department or other affected agency of a Signatory party may require; provided, however, that the Board shall not construct or operate transit or related facilities upon, over, or across any parkways or park lands without the consent of, and except upon the terms and conditions required by, the agency having jurisdiction with respect to such parkways and park lands, but may construct or operate such facilities in a subway under such parkways or park lands upon such reasonable terms and conditions as may be specified by the agency having jurisdiction with respect thereto.

Compliance with Laws, Regulations and Ordinances

75. The Board shall comply with all laws, ordinances and regulations of the Signatories and political subdivisions and agencies thereof with respect to use of streets, highways and all other vehicular facilities, traffic control and regulation, zoning, signs and buildings.

Police Security

76. (a) The Authority is authorized to establish and maintain a regular police force, to be known as the Metro Transit Police, to provide protection for its patrons, personnel, and Transit facilities. The Metro Transit Police shall have the powers and duties and shall be subject to the limitations set forth in this section. It shall be composed of both uniformed and plain clothes personnel and shall be charged with the duty of enforcing the laws of the Signatories, and the laws, ordinances, and regulations of the political subdivisions thereof in the Transit Zone, and the rules and regulations of the Authority. The jurisdiction of the Metro Transit Police shall include all the Transit facilities (including bus stops) owned, controlled, or operated by the Authority, but this restriction shall not limit the power of the Metro Transit Police to make arrests in the Transit Zone for violations committed upon, to, or against such Transit facilities committed from within or outside such Transit facilities while in hot or close pursuit, or to execute traffic citations and criminal process in accordance with subsection (c) below. The members of the Metro Transit Police shall have concurrent jurisdiction in the performance of their duties with the duly constituted law-enforcement agencies of the Signatories and of the political subdivisions thereof in which any Transit facility of the Authority is located or in which the Authority operates any Transit service. On-duty Metro Transit Police officers are authorized to make arrests off of Transit facilities within the Transit Zone when immediate action is necessary to protect the health, safety, welfare or property of an individual from actual or threatened harm or from an unlawful act. Nothing contained in this section shall either relieve any Signatory or political subdivision or agency thereof from its duty to provide police, fire, and other public safety service and protection, or limit, restrict, or interfere with the jurisdiction of or the performance of duties by the existing police, fire, and other public safety agencies. For purposes of this section, "bus stop" means that area within 150 feet of a MetroBus bus stop sign, excluding the interior of any building not owned, controlled or operated by the Washington Metropolitan Area Transit Authority.

(b) A member of the Metro Transit Police shall have same powers, including the power of arrest, and shall be subject to the same limitations, including regulatory limitations, in the performance of his duties as a member of the duly constituted police force of the political subdivision in which the Metro Transit Police member is engaged in the performance of his duties. A member of the Metro Transit Police is authorized to carry and use only such weapons, including handguns, as are issued by the Authority. A member of the Metro Transit Police is subject to such additional limitations in the use of weapons as are imposed on the duly constituted police force for the political subdivision in which he is engaged in the performance of his duties.

(c) Members of the Metro Transit Police shall have power to execute on the Transit facilities owned, controlled, or operated by the Authority any traffic citation or any criminal process issued by any court of any Signatory or of any political subdivision of a Signatory, for any felony, misdemeanor, or other offense against the laws, ordinances, rules, or regulations specified in subsection (a). With respect to offenses committed upon, to, or against the Transit facilities owned,

controlled, or operated by the Authority, the Metro Transit Police shall have power to execute criminal process within the Transit Zone.

(d) Upon the apprehension or arrest of any person by a member of the Metro Transit Police pursuant to the provisions of subsection (b), the officer, as required by the law of the place of apprehension or arrest, shall either issue a summons or a citation against the person, book the person, or deliver the person to the duly constituted police or judicial officer of the Signatory or political subdivision where the apprehension or arrest is made, for disposition as required by law.

(e) The Authority shall have the power to adopt rules and regulations for the safe, convenient, and orderly use of the Transit facilities owned, controlled, or operated by the Authority, including the payment and the manner of the payment of fares or charges therefor; the protection of the Transit facilities, the control of traffic and parking upon the Transit facilities, and the safety and protection of the riding public. In the event that any such rules and regulations contravene the laws, ordinances, rules, or regulations of a Signatory or any political subdivision thereof which are existing or subsequently enacted, these laws, ordinances, rules, or regulations of the Signatory or the political subdivision shall apply and the conflicting rule or regulation, or portion thereof, of the Authority shall be void within the jurisdiction of that Signatory or political subdivision. In all other respects the rules and regulations of the Authority shall be uniform throughout the Transit Zone. The rules and regulations established under this subsection shall be adopted by the Board following public hearings held in accordance with Section 62 (c) and (d) of this Compact. The final regulation shall be published in a newspaper of general circulation within the Zone at least 15 days before its effective date. Any person violating any rule or regulation of the Authority shall be subject to arrest and, upon conviction by a court of competent jurisdiction, shall pay a fine of not more than two hundred fifty dollars (\$250) and costs. Criminal violations of any rule or regulation of the Authority shall be prosecuted by the Signatory or political subdivision in which the violation occurred, in the same manner by which violations of law, ordinances, rules and regulations of the Signatory or political subdivisions are prosecuted.

(f) With respect to members of the Metro Transit Police, the Authority shall:

(1) Establish classifications based on the nature and scope of duties, and fix and provide for their qualification, appointment, removal, tenure, term, compensation, pension, and retirement benefits;

(2) Provide for their training and, for this purpose, the Authority may enter into contracts or agreements with any public or private organization engaged in police training, and this training and the qualifications of the uniformed and plain clothes personnel shall at least equal the requirements of each Signatory and of the political subdivisions therein in the Transit Zone for their personnel performing comparable duties; and

(3) Prescribe distinctive uniforms to be worn.

(g) The Authority shall have the power to enter into agreements with the Signatories, the political subdivisions thereof in the Transit Zone, and public safety agencies located therein, including those of the Federal Government, for the delineation of the functions and responsibilities of the Metro Transit Police and the duly constituted police, fire, and other public safety agencies, and for mutual assistance.

(h) Before entering upon the duties of office, each member of the Metro Transit Police shall take or subscribe to an oath or affirmation, before a person authorized to administer oaths, faithfully to perform the duties of that office.

Exemption from Regulation

77. Except as otherwise provided in this Title, any Transit service rendered by Transit facilities owned or controlled by the Authority and the Authority or any corporation, firm or association performing such transit service pursuant to an operating contract with the Authority, shall, in connection with the performance of such service, be exempt from all laws, rules, regulations and orders of the Signatories and of the United States otherwise applicable to such transit service and persons, except that laws, rules, regulations and orders relating to inspection of equipment and facilities, safety and testing shall remain in force and effect; provided, however, that the Board may promulgate regulations for the safety of the public and employees not inconsistent with the applicable laws, rules, regulations or orders of the Signatories and of the United States.

Tax Exemption

78. It is hereby declared that the creation of the Authority and the carrying out of the corporate purposes of the Authority is in all respects for the benefit of the people of the Signatory states and is for a public purpose and that the Authority and the Board will be performing an essential governmental function, including, without limitation, proprietary, governmental and other functions, in the exercise of the powers conferred by this Title. Accordingly, the Authority and the Board shall not be required to pay taxes or assessments upon any of the property acquired by it or under its jurisdiction, control, possession or supervision or upon its activities in the operation and maintenance of any Transit facilities or upon any revenues therefrom and the property and income derived therefrom shall be exempt from all federal, State, District of Columbia, municipal and local taxation. This exemption shall include, without limitation, all motor vehicle license fees, sales taxes and motor fuel taxes.

Reduced Fares

79. The District of Columbia, the Northern Virginia Transportation District, the Washington Suburban Transit District and the component governments thereof, may enter into contracts or agreements with the Authority to make equitable payments for fares lower than those established by the Authority pursuant to the provisions of Article XIII hereof for any specified class or category of riders.

Liability for Contracts and Torts

80. *The Authority shall be liable for its contracts and for its torts and those of its Directors, officers, employees and agents committed in the conduct of any proprietary function, in accordance with the law of the applicable Signatory (including rules on conflict of laws), but shall not be liable for any torts occurring in the performance of a governmental function. The exclusive remedy for such breach of contracts and torts for which the Authority shall be liable, as herein provided, shall be by suit against the Authority. Nothing contained in this Title shall be construed as a waiver by the District of Columbia, Maryland, Virginia and the counties and cities within the Zone of any immunity from suit.*

Jurisdiction of Courts

81. *The United States District Courts shall have original jurisdiction, concurrent with the courts of Maryland, Virginia and the District of Columbia, of all actions brought by or against the Authority and to enforce subpoenas issued under this Title. Any such action initiated in a State or District of Columbia Court shall be removable to the appropriate United States District Court in the manner provided by Act of June 25, 1948, as amended (28 U.S.C. 1446).*

Condemnation

82. (a) *The Authority shall have the power to acquire by condemnation, whenever in its opinion it is necessary or advantageous to the Authority to do so, any real or personal property, or any interest therein, necessary or useful for the transit system authorized herein, except property owned by the United States, by a Signatory, or any political subdivision thereof, whenever such property cannot be acquired by negotiated purchase at a price satisfactory to the Authority.*

(b) *Proceedings for the condemnation of property in the District of Columbia shall be instituted and maintained under the Act of December 23, 1963 (77 Stat. 577-581, D.C. Code 1961, Supp. IV, Sections 1351-1368). Proceedings for the condemnation of property located elsewhere within the Zone shall be instituted and maintained, if applicable, pursuant to the provisions of the Act of August 1, 1888, as amended (25 Stat. 357, 40 U.S.C. 257) and the Act of June 25, 1948 (62 Stat. 935 and 937, 28 U.S.C. 1358 and 1403) or any other applicable act; provided, however, that if there is no applicable federal law, condemnation proceedings shall be in accordance with the provisions of the state law of the Signatory in which the property is located governing condemnation by the highway agency of such state. Whenever the words "real property," "realty," "land," "easement," "right-of-way," or words of similar meaning are used in any applicable federal or state law relating to procedure, jurisdiction and venue, they shall be deemed, for the purposes of this Title, to include any personal property authorized to be acquired hereunder.*

(c) *Any award or compensation for the taking of property pursuant to this Title shall be paid by the Authority, and none of the Signatory parties nor any other agency, instrumentality or political subdivision thereof shall be liable for such award or compensation.*

Enlargement and Withdrawal; Duration

83. (a) *When advised in writing by the Northern Virginia Transportation Commission or the Washington Suburban Transit Commission that the geographical area embraced therein has been enlarged, the Board, upon such terms and conditions as it may deem appropriate, shall by resolution enlarge the Zone to embrace the additional area.*

(b) *The duration of this Title shall be perpetual but any Signatory thereto may withdraw therefrom upon two years' written notice to the Board.*

(c) *The withdrawal of any Signatory shall not relieve such Signatory, any transportation district, county or city or other political subdivision thereof from any obligation to the Authority, or inuring to the benefit of the Authority, created by contract or otherwise.*

Amendments and Supplements

84. *Amendments and supplements to this Title to implement the purposes thereof may be adopted by legislative action of any of the Signatory parties concurred in by all of the others. When one Signatory adopts an amendment or supplement to an existing Section of the Compact, that amendment or supplement shall not be immediately effective, and the previously enacted provision or provisions shall remain in effect in each jurisdiction until the amendment or supplement is approved by the other Signatories and is consented to by Congress.*

Construction and Severability

85. *The provisions of this Title and of the agreements thereunder shall be severable and if any phrase, clause, sentence or provision of this Title or any such agreement is declared to be unconstitutional or the applicability thereof to any Signatory party, political subdivision or agency thereof is held invalid, the constitutionality of the remainder of this Title or any such agreement and the applicability thereof to any other Signatory party, political subdivision or agency thereof or circumstance shall not be affected thereby. It is the legislative intent that the provisions of this Title be reasonably and liberally construed.*

Effective Date; Execution

86. *This Title shall be adopted by the Signatories in the manner provided by law therefor and shall be signed and sealed in four duplicate original copies. One such copy shall be filed with the Secretary of State of each of the Signatory parties or in accordance with laws of the State in which the filing is made, and one copy shall be filed and retained in the archives of the Authority upon its organization. This Title shall become effective ninety days after the enactment of concurring legislation by or on behalf of the District of Columbia, Maryland and Virginia and consent thereto by the Congress and all other acts or actions have been taken, including the signing and execution of the Title by the Governors of Maryland and Virginia and the Mayor and Council of the District of Columbia.*

CHAPTER 32.

METROPOLITAN PLANNING ORGANIZATIONS.

§ 33.2-3200. Metropolitan planning organizations; membership.

Any metropolitan planning organization may vote, upon the prior written authorization of the Governor, to have its membership expanded to include members of the House of Delegates as selected by the Speaker of the House of Delegates and members of the Senate as selected by the Senate Committee on Rules.

§ 33.2-3201. Transportation planning duties and responsibilities of Metropolitan planning organizations.

The metropolitan planning organizations (MPOs) of the Commonwealth shall be responsible for the development of regional long-range transportation plans for the regions they represent in accordance with federal regulation. Each such long-range plan shall include a fiscally constrained list of all multimodal transportation projects, including those managed at the statewide level either by the Department of Transportation or the Department of Rail and Public Transportation. The purpose of the regional long-range transportation plan is to comply with federal regulations and provide the MPOs and the region a source of candidate projects for use by the MPOs in developing regional Transportation Improvement Programs (TIPs) and serving as an input to assist the Commonwealth with the development of the Statewide Transportation Plan (VTrans).

The MPOs shall:

1. Develop amendments for their regional TIPs in accordance with federal regulations;
2. Coordinate planning and programming actions with those of the Commonwealth and duly established public transit agencies in accordance with federal regulations;
3. Examine the structure and cost of transit operations within the regions they represent and incorporate the results of these inquiries into their plans and endorse long-range plans for assuring maximum utilization and integration of mass transportation facilities throughout the Commonwealth; and
4. Conduct a public involvement process focused on projects and topics that will best enable them to develop and approve Long Range Transportation Plans (LRTPs) that shall be submitted for approval by their board and forwarded to the Commonwealth Transportation Board and updated as required by federal regulations.

§ 33.2-3202. Distribution of certain federal funds.

Metropolitan planning organizations (MPOs) as defined under 23 U.S.C. § 134 and § 8 of the Federal Transit Act shall be authorized to issue contracts for studies and to develop and approve transportation plans and improvement programs to the full extent permitted by federal law.

The Commonwealth Transportation Board, the Department of Transportation, and the Department of Rail and Public Transportation shall develop and implement a decision-making process that provides MPOs and regional transportation planning bodies a meaningful opportunity for input into transportation decisions that impact the transportation system within their boundaries. Such a process shall provide the MPOs and regional transportation planning bodies with the Commonwealth Transportation Board's priorities for development of the Six-Year Improvement Program developed pursuant to § 33.2-214 and an opportunity for them to identify their regional priorities for consideration.

2. That whenever any of the conditions, requirements, provisions, or contents of any section or chapter of Chapters 45 (§§ 15.2-4500 through 15.2-4534), 48.2 (§ 15.2-4829 et seq.), 70 (§ 15.2-7000 et seq.), and 71 (§ 15.2-7022 et seq.) of Title 15.2, Title 33.1 (§§ 33.1-1 through 33.1-465), Chapters 18 (§§ 56-529 and 56-530) and 22 (§ 56-556 et seq.) of Title 56, and §§ 58.1-815 and 58.1-815.1 of the Code of Virginia or any other title of the Code of Virginia as such titles existed prior to October 1, 2014, are transferred in the same or modified form to a new section or chapter of Title 33.2 or any other title of the Code of Virginia and whenever any such former section or chapter is given a new number in Title 33.2 or any other title of the Code of Virginia, all references to any such former section or chapter of Chapters 45 (§§ 15.2-4500 through 15.2-4534), 48.2 (§ 15.2-4829 et seq.), 70 (§ 15.2-7000 et seq.), and 71 (§ 15.2-7022 et seq.) of Title 15.2, Title 33.1 (§§ 33.1-1 through 33.1-465), Chapters 18 (§§ 56-529 and 56-530) and 22 (§ 56-556 et seq.) of Title 56, and §§ 58.1-815 and 58.1-815.1 of the Code of Virginia or any other title of the Code of Virginia shall be construed to apply to the new or renumbered section or chapter containing such conditions, requirements, provisions, contents, or portions thereof.

3. That the regulations of any department or agency affected by the revision of Chapters 45 (§§ 15.2-4500 through 15.2-4534), 48.2 (§§ 15.2-4829 through 15.2-4840), 70 (§§ 15.2-7000 through 15.2-7021), and 71 (§§ 15.2-7022 through 15.2-7035) of Title 15.2, Title 33.1 (§§ 33.1-1 through 33.1-465), Chapters 18 (§§ 56-529 and 56-530) and 22 (§§ 56-556 through 56-575) of Title 56, and §§ 58.1-815 and 58.1-815.1 of the Code of Virginia or such other titles in effect on the effective date of this act shall continue in effect to the extent that they are not in conflict with this act and shall be deemed to be regulations adopted under this act.

4. That the provisions of § 30-152 of the Code of Virginia shall apply to the revision of Title 33.1 of the Code of Virginia so as to give effect to other laws enacted by the 2014 Session of the General Assembly, notwithstanding the delay in the effective date of this act.

5. That the repeal of Chapters 45 (§§ 15.2-4500 through 15.2-4534), 48.2 (§§ 15.2-4829 through 15.2-4840), 70 (§§ 15.2-7000 through 15.2-7021), and 71 (§§ 15.2-7022 through 15.2-7035) of Title 15.2, Title 33.1 (§§ 33.1-1 through 33.1-465), Chapters 18 (§§ 56-529 and 56-530) and 22 (§§ 56-556 through 56-575) of Title 56, and §§ 58.1-815 and 58.1-815.1 of the Code of Virginia and Chapter 693 of the Acts of Assembly of 1954, Chapters 462

and 714 of the Acts of Assembly of 1956, Chapter 24 of the Acts of Assembly of 1959, Extra Session, Chapters 228 and 605 of the Acts of Assembly of 1962, Chapter 348 of the Acts of Assembly of 1964, Chapter 203 of the Acts of Assembly of 1990, Chapter 548 of the Acts of Assembly of 1998, Chapters 238 and 705 of the Acts of Assembly of 2000, and Chapters 270 and 297 of the Acts of Assembly of 2005 (expired January 1, 2006), effective as of October 1, 2014, shall not affect any act or offense done or committed, or any penalty incurred, or any right established, accrued, or accruing on or before such date, or any proceeding, prosecution, suit, or action pending on that date. Except as otherwise provided in this act, neither the repeal of Chapters 45 (§§ 15.2-4500 through 15.2-4534), 48.2 (§§ 15.2-4829 through 15.2-4840), 70 (§§ 15.2-7000 through 15.2-7021), and 71 (§§ 15.2-7022 through 15.2-7035) of Title 15.2, Title 33.1 (§§ 33.1-1 through 33.1-465), Chapters 18 (§§ 56-529 and 56-530) and 22 (§§ 56-556 through 56-575) of Title 56, and §§ 58.1-815 and 58.1-815.1 of the Code of Virginia and Chapter 693 of the Acts of Assembly of 1954, Chapters 462 and 714 of the Acts of Assembly of 1956, Chapter 24 of the Acts of Assembly of 1959, Extra Session, Chapters 228 and 605 of the Acts of Assembly of 1962, Chapter 348 of the Acts of Assembly of 1964, Chapter 203 of the Acts of Assembly of 1990, Chapter 548 of the Acts of Assembly of 1998, Chapters 238 and 705 of the Acts of Assembly of 2000, and Chapters 270 and 297 of the Acts of Assembly of 2005 (expired January 1, 2006) nor the enactment of Title 33.2 shall apply to offenses committed prior to October 1, 2014, and prosecution for such offenses shall be governed by the prior law, which is continued in effect for that purpose. For the purpose of this enactment, an offense was committed prior to October 1, 2014, if any of the essential elements of the offense occurred prior thereto.

6. That any notice given, recognizance taken, or process or writ issued before October 1, 2014, shall be valid although given, taken, or to be returned to a day after such date, in like manner as if Title 33.2 had been effective before the same was given, taken, or issued.

7. That if any clause, sentence, paragraph, subdivision, subsection, or section of Title 33.2 shall be adjudged in any court of competent jurisdiction to be invalid, the judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, subsection, or section thereof directly involved in the controversy in which the judgment shall have been rendered, and to this end the provisions of Title 33.2 are declared severable.

8. That references to the State Highway and Transportation Board, the State Highway Commission, or the State Highway and Transportation Commission shall be continued as references to the Commonwealth Transportation Board. Wherever either "Commission" or "Board" is used referring to the State Highway and Transportation Board, the State Highway Commission, or the State Highway and Transportation Commission, it shall mean the Commonwealth Transportation Board.

9. That the repeal of Chapters 45 (§§ 15.2-4500 through 15.2-4534), 48.2 (§§ 15.2-4829 through 15.2-4840), 70 (§§ 15.2-7000 through 15.2-7021), and 71 (§§ 15.2-7022 through 15.2-7035) of Title 15.2, Title 33.1 (§§ 33.1-1 through 33.1-465), Chapters 18 (§§ 56-529 and 56-530) and 22 (§§ 56-556 through 56-575) of Title 56, and §§ 58.1-815 and 58.1-815.1 of the Code of Virginia and Chapter 693 of the Acts of Assembly of 1954, Chapters 462 and 714 of the Acts of Assembly of 1956, Chapter 24 of the Acts of Assembly of 1959, Extra Session, Chapters 228 and 605 of the Acts of Assembly of 1962, Chapter 348 of the Acts of Assembly of 1964, Chapter 203 of the Acts of Assembly of 1990, Chapter 548 of the Acts of Assembly of 1998, Chapters 238 and 705 of the Acts of Assembly of 2000, and Chapters 270 and 297 of the Acts of Assembly of 2005 (expired January 1, 2006), effective as of October 1, 2014, shall not affect the validity, enforceability, or legality of any loan agreement or other contract, or any right established or accrued under such loan agreement or contract, that existed prior to such repeal.

10. That the repeal of Chapters 45 (§§ 15.2-4500 through 15.2-4534), 48.2 (§§ 15.2-4829 through 15.2-4840), 70 (§§ 15.2-7000 through 15.2-7021), and 71 (§§ 15.2-7022 through 15.2-7035) of Title 15.2, Title 33.1 (§§ 33.1-1 through 33.1-465), Chapters 18 (§§ 56-529 and 56-530) and 22 (§§ 56-556 through 56-575) of Title 56, and §§ 58.1-815 and 58.1-815.1 of the Code of Virginia and Chapter 693 of the Acts of Assembly of 1954, Chapters 462 and 714 of the Acts of Assembly of 1956, Chapter 24 of the Acts of Assembly of 1959, Extra Session, Chapters 228 and 605 of the Acts of Assembly of 1962, Chapter 348 of the Acts of Assembly of 1964, Chapter 203 of the Acts of Assembly of 1990, Chapter 548 of the Acts of Assembly of 1998, Chapters 238 and 705 of the Acts of Assembly of 2000, and Chapters 270 and 297 of the Acts of Assembly of 2005 (expired January 1, 2006), effective as of October 1, 2014, shall not affect the validity, enforceability, or legality of any bond or other debt obligation authorized, issued, or outstanding prior to such repeal.

11. That Chapters 45 (§§ 15.2-4500 through 15.2-4534), 48.2 (§§ 15.2-4829 through 15.2-4840), 70 (§§ 15.2-7000 through 15.2-7021), and 71 (§§ 15.2-7022 through 15.2-7035) of Title 15.2, Title 33.1 (§§ 33.1-1 through 33.1-465), Chapters 18 (§§ 56-529 and 56-530) and 22 (§§ 56-556 through 56-575) of Title 56, and §§ 58.1-815 and 58.1-815.1 of the Code of Virginia and Chapter 693 of the Acts of Assembly of 1954, Chapters 462 and 714 of the Acts of Assembly

of 1956, Chapter 24 of the Acts of Assembly of 1959, Extra Session, Chapters 228 and 605 of the Acts of Assembly of 1962, Chapter 348 of the Acts of Assembly of 1964, Chapter 203 of the Acts of Assembly of 1990, Chapter 548 of the Acts of Assembly of 1998, Chapters 238 and 705 of the Acts of Assembly of 2000, and Chapters 270 and 297 of the Acts of Assembly of 2005 (expired January 1, 2006) are repealed.

12. That the provisions of this act shall become effective on October 1, 2014.

13. That the provisions of this act shall not affect the existing terms of persons currently serving as members of any agency, board, authority, commission, or other entity and that appointees currently holding positions shall maintain their terms of appointment and continue to serve until such time as the existing terms might expire or become renewed. However, any new appointments made on or after October 1, 2014, shall be made in accordance with the provisions of this act.

CHAPTER 806

An Act to amend and reenact § 23-38.10:10 of the Code of Virginia, relating to the Two-Year College Transfer Grant Program; eligibility criteria.

[H 133]

Approved May 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 23-38.10:10 of the Code of Virginia is amended and reenacted as follows:

§ 23-38.10:10. Eligibility criteria.

A. Under this program, grants shall be made to or on behalf of eligible Virginia domiciles who (i) have received an associate degree at a Virginia two-year public institution of higher education, (ii) have enrolled in a Virginia four-year public or private institution of higher education by the fall *or spring* following the award of the associate degree, (iii) have applied for financial aid, and (iv) have financial need, defined by an Expected Family Contribution (EFC) of no more than \$8,000 as calculated by the federal government using the family's financial information reported on the Free Application for Federal Student Aid (FAFSA) form. Only students who maintained a cumulative grade point average of at least 3.0 on a scale of 4.0 or its equivalent while enrolled in an associate degree program at a Virginia two-year public institution of higher education shall be eligible to receive a grant under this chapter.

B. Eligibility for a higher education grant under this program shall be limited to three academic years or 70 credit hours and shall be used only for undergraduate collegiate work in educational programs other than those providing religious training or theological education. To remain eligible for a grant under this program, a student must continue to demonstrate financial need, as defined in this section, maintain a 3.0 on a scale of 4.0 or its equivalent, and make satisfactory academic progress towards a degree.

C. Individuals who have failed to meet the federal requirement to register for the Selective Service shall not be eligible to receive grants pursuant to this chapter. However, a person who has failed to register for the Selective Service shall not be denied a right, privilege, or benefit under this section if (i) the requirement to so register has terminated or become inapplicable to the person and (ii) the person shows by a preponderance of the evidence that the failure to register was not a knowing and willful failure to register.

CHAPTER 807

An Act to amend and reenact § 30-19.03 of the Code of Virginia, relating to legislation affecting local government expenditures or revenues.

[H 199]

Approved May 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 30-19.03 of the Code of Virginia is amended and reenacted as follows:

§ 30-19.03. Estimates to be prepared for legislation affecting local government expenditures and revenues.

Whenever any *legislative* bill requiring a net additional expenditure by any county, city, or town, or whenever any *legislative* bill requiring a net reduction of revenues by any county, city, or town, is filed during any session of the General Assembly, the Commission on Local Government shall investigate and prepare an estimate setting forth, to the extent practicable, the additional expenditures or reduction of revenues, if any, to be required of the affected localities in event of enactment of such legislation.

A bill shall be deemed to require an expenditure if it has the effect of requiring any county, city, or town to (i) perform or administer a new or expanded program or service, (ii) maintain an existing program or service at a specified level of spending or delivery, (iii) assume or incur administrative costs in support of a state or state-related program, or (iv) furnish capital facilities for state or state-related activities.

For purposes of this section, "net additional expenditure" means the cost anticipated to be incurred annually, less any revenues receivable on account of the program or service from fees charged recipients of the program or service, state or federal aid paid specifically and categorically in connection with the program or service, new or increased local sources of revenue authorized and designated specifically to offset the cost of the program or service, and any offsetting savings resulting from the reduction or elimination of any program or service directly attributable to the performance of the required program or service.

A bill shall be deemed to require a net reduction of revenues if it has the effect of requiring any county, city, or town to (i) relinquish an existing or potential source of local revenue by classification or exclusion or (ii) diminish an existing or potential source of revenue by classification or exclusion.

For the purposes of this section, "net reduction of revenues" means the reduction anticipated in local revenues, including, but not limited to, general levies, special levies, revenues received pursuant to §§ 58.1-605 and 58.1-606 and administrative and user fees, to be incurred annually, less any new local revenues receivable and any offsetting savings resulting from the reduction of local revenues, caused by the classification or exclusion being proposed.

The provisions of this section shall not apply to a reduction in local revenues that is required or arises from a court order or judgment, nor to a revenue reduction that is adopted at the option of any county, city, or town under a law that is permissive rather than mandatory, nor to a revenue reduction that is the result of a measure providing tax relief on a statewide basis.

The Division of Legislative Services shall examine all bills *and joint resolutions* filed during any legislative session for the purpose of identifying and forwarding to the Commission on Local Government those bills requiring the preparation of fiscal estimates pursuant to this section *and those joint resolutions calling for a study of local government revenues or expenditures*.

The Department of Planning and Budget and the Department of Taxation are authorized to submit legislative bills to the Commission on Local Government to prepare local fiscal estimates.

As soon thereafter as may be practicable, the Commission on Local Government shall forward copies of such estimates to the Clerk of the House of Delegates for transmittal to each patron of the legislation and to the chairman of each committee of the General Assembly to consider the same.

All departments, agencies of government, the Division of Legislative Services, and all local governmental units of the Commonwealth are directed to make available such information and assistance as the Commission on Local Government may request in preparing the estimates required by this section.

CHAPTER 808

An Act to amend and reenact §§ 2.2-3705.7 and 17.1-100 of the Code of Virginia, relating to the judicial performance evaluation program.

[H 272]

Approved May 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3705.7 and 17.1-100 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exemptions.

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. State income, business, and estate tax returns, personal property tax returns, scholastic and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor; Lieutenant Governor; the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates and the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in Virginia. However, no record, which is otherwise open to inspection under this chapter, shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; his chief of staff, counsel, director of policy, Cabinet Secretaries, and the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for an above-named public official for his personal or deliberative use.

3. Library records that can be used to identify both (i) any library patron who has borrowed material from a library and (ii) the material such patron borrowed.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. Records and writings furnished by a member of the General Assembly to a meeting of a standing committee, special committee or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. Records regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of them would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions and provisions of the siting agreement.

10. Records containing information on the site specific location of rare, threatened, endangered or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exemption shall not apply to requests from the owner of the land upon which the resource is located.

11. Records, memoranda, working papers, graphics, video or audio tapes, production models, data and information of a proprietary nature produced by or for or collected by or for the State Lottery Department relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such official records have not been publicly released, published, copyrighted or patented. Whether released, published or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. Records of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of a local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or of the Virginia College Savings Plan, acting pursuant to § 23-38.77, relating to the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that: (i) such records contain confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or the Virginia College Savings Plan, or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity; and (ii) disclosure of such confidential analyses would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of records relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Names and addresses of subscribers to Virginia Wildlife magazine, published by the Department of Game and Inland Fisheries, provided the individual subscriber has requested in writing that the Department not release such information.

14. Financial, medical, rehabilitative and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

15. Records of the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; data, records or information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist

the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and data, records or information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such data, records or information have not been publicly released, published, copyrighted or patented.

16. Records of the Department of Environmental Quality, the State Water Control Board, State Air Pollution Control Board or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such records shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to prohibit the disclosure of records related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

17. As it pertains to any person, records related to the operation of toll facilities that identify an individual, vehicle, or travel itinerary including, but not limited to, vehicle identification data, vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

18. Records of the State Lottery Department pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations; and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed.

19. Records of the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

20. Records, investigative notes, correspondence, and information pertaining to the planning, scheduling and performance of examinations of holder records pursuant to the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.) prepared by or for the State Treasurer, his agents, employees or persons employed to perform an audit or examination of holder records.

21. Records of the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body, to the extent that such records reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

22. Records of state or local park and recreation departments and local and regional park authorities to the extent such records contain information identifying a person under the age of 18 years. However, nothing in this subdivision shall operate to prohibit the disclosure of information defined as directory information under regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For records of such persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the record may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such records for inspection and copying.

23. Records submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management, to the extent that they reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

24. Records of the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

25. Records of the Virginia Retirement System acting pursuant to § 51.1-124.30, of a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or of the Virginia College Savings Plan, acting pursuant to § 23-38.77 relating to:

a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, to the extent that disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and

b. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a private entity to the retirement system or the Virginia College Savings Plan, to the extent disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

(1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to authorize the withholding of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

26. Records of the Department of Corrections made confidential by § 53.1-233.

27. Records maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.), to the extent such records relate to information required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

28. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the record.

29. Records maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 to the extent that such records reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the record. Nothing in this subdivision, however, shall be construed to authorize the withholding of records relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

30. Names, physical addresses, telephone numbers, and email addresses contained in correspondence between an individual and a member of the governing body, school board, or other public body of the locality in which the individual is a resident, unless the correspondence relates to the transaction of public business. However, no record that is otherwise open to inspection under this chapter shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any such correspondence.

31. Records of the Commonwealth's Attorneys' Services Council, to the extent such records are prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such records are not otherwise available to the public and the release of such records would reveal confidential strategies, methods or procedures to be employed in law-enforcement activities, or materials created for the investigation and prosecution of a criminal case.

32. Records provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft, where the records would not be subject to disclosure by the entity providing the records. The entity providing the records to the Department of Aviation shall identify the specific portion of the records to be protected and the applicable provision of this chapter that exempts the record or portions thereof from mandatory disclosure.

33. *Records created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.*

§ 17.1-100. Judicial performance evaluation program.

A. The Supreme Court, by rule, shall establish and maintain a judicial performance evaluation program that will provide a self-improvement mechanism for judges and a source of information for the reelection process. By ~~September~~ *December* 1 of each year, the Supreme Court, or its designee, shall transmit a report of the evaluation in the final year of the term of each justice and judge whose term expires during the next session of the General Assembly to the Chairmen of the House and Senate Committees for Courts of Justice.

B. The reporting requirement of this section shall become effective when funds are appropriated for this program and *shall apply to the first evaluation of any justice or judge is evaluated who has had at least one interim evaluation conducted during his term. For any judge or justice elected or reelected on or after January 1, 2014, an interim evaluation of each individual justice or judge shall be completed during his term. Such interim evaluation shall be commenced by the judicial performance evaluation program no later than the midpoint of his term.*

C. *All records created or maintained by or on behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge are confidential and shall not be disclosed, except that any report provided to the General Assembly pursuant to this section shall be a public record that is open to inspection.*

2. That any evaluation of a justice or judge previously conducted by the judicial performance evaluation program in the court to which the judge or justice is currently elected shall satisfy the requirements for an interim evaluation under subsection B of § 17.1-100 of the Code of Virginia as amended by this act.

3. That the first set of evaluation reports required by this act to be transmitted to the General Assembly shall be submitted to the Chairmen of the House and Senate Committees for Courts of Justice by December 1, 2014.

CHAPTER 809

An Act to amend and reenact § 2.2-2682 of the Code of Virginia, relating to the Joint Leadership Council of Veterans Service Organizations; powers and duties.

[H 354]

Approved May 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2682 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2682. Powers and duties.

A. The Council shall have the following powers and duties:

1. Advise the Department of Veterans Services *and the General Assembly* regarding (i) methods of providing support for ongoing veterans services and programs, and (ii) addressing veterans issues on an ongoing basis;

2. Recommend issues that may potentially impact veterans of the armed forces of the United States and their eligible spouses, orphans, and dependents;

3. Advise the Department of Veterans Services and the Board of Veterans Services on matters of concern to Virginia-domiciled veterans and their eligible spouses, orphans, and dependents;

4. Promote and support existing veterans services and programs;

5. Recommend and promote implementation of new efficient and effective administrative initiatives that enhance existing veterans services and programs or provide for necessary veterans services and programs not currently provided; and

6. Maintain a nonpartisan approach to maintaining and improving veterans services and programs in the Commonwealth.

B. The chairman shall report to the Commissioner and the Board of Veterans Services the results of its meetings and submit an annual report on or before November 30 of each year.

C. The Council may apply for funds from the Veterans Services Foundation to enable it to better carry out its objectives. The Council shall not impose unreasonable burdens or costs in connection with requests of agencies.

CHAPTER 810

An Act to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 18.1, consisting of sections numbered 59.1-215.1 through 59.1-215.4, relating to bad faith assertions of patent infringement; penalties.

[H 375]

Approved May 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 18.1, consisting of sections numbered 59.1-215.1 through 59.1-215.4, as follows:

CHAPTER 18.1.

BAD FAITH ASSERTIONS OF PATENT INFRINGEMENT.

§ 59.1-215.1. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Assertion of patent infringement" means (i) sending or delivering a demand letter to a target; (ii) threatening a target with litigation asserting, alleging, or claiming that the target has engaged in patent infringement; (iii) sending or delivering a demand letter to the customers of a target; or (iv) otherwise making claims or allegations, other than those made in litigation against a target, that a target has engaged in patent infringement or that a target should obtain a license to a patent in order to avoid litigation.

"Demand letter" means a letter, email, or other communication asserting, alleging, or claiming that the target has engaged in patent infringement, or that a target should obtain a license to a patent in order to avoid litigation, or any similar assertion.

"Patent infringement" means any conduct that constitutes infringement pursuant to applicable law, including 35 U.S.C. § 271, as amended.

"Target" means a person residing in, conducting substantial business in, or having its principal place of business in the Commonwealth and with respect to whom an assertion of patent infringement is made.

§ 59.1-215.2. Bad faith assertions of patent infringement.

A. A person shall not make, in bad faith, an assertion of patent infringement.

B. The following shall constitute indicia that a person's assertion of patent infringement was made in bad faith:

1. The demand letter does not contain:

a. The number of the patent that is asserted, alleged, or claimed to have been infringed; or

b. The name and address of the patent's owner or owners and assignee or assignees, if any.

2. The person sends a demand letter to a target without first making a reasonable effort under the circumstances to conduct an analysis comparing the claims in the patent to the target's products, services, and technology, or to identify specific areas in which the products, services, or technology are covered by the claims in the patent.

3. The demand letter does not identify specific areas in which the products, services, and technology are covered by the claims in the patent.

4. The person offers to license the patent for an amount that is not based on a reasonable estimation of the value of a license to the patent.

5. The person making an assertion of patent infringement acts in subjective bad faith, or a reasonable actor in the person's position would know or reasonably should know that such assertion is baseless.

6. The assertion of patent infringement is deceptive, or the person threatens legal action that cannot legally be taken or that is not intended to be taken.

7. The person or its subsidiaries or affiliates have previously filed or threatened to file one or more lawsuits based on the same or similar assertion of patent infringement, the person attempted to enforce the assertion of patent infringement in litigation, and a court found the assertion to be objectively baseless or imposed sanctions for the assertion.

8. The patent alleged to be infringed was not in force at the time the allegedly infringing conduct occurred, or the patent claims alleged to be infringed have previously been held to be invalid.

C. The following shall constitute indicia that a person's assertion of patent infringement was not made in bad faith, but the absence of such indicia shall not constitute evidence of bad faith:

1. The person engages in a reasonable effort under the circumstances to establish that the target has infringed the patent and to negotiate an appropriate remedy.

2. The person makes a substantial investment in the use of the patent or in the development, production, or sale of a product or item covered by the patent.

3. The person has:

a. Demonstrated good faith in previous efforts to enforce the patent or a substantially similar patent; or

b. Successfully enforced the patent, or a substantially similar patent, through litigation.

4. The person is an institution of higher education or a technology transfer office organization owned by or affiliated with an institution of higher education.

D. The lists of indicia in this section are non-exclusive, and all indicia need not be present for a finding of bad faith or good faith.

§ 59.1-215.3. Enforcement; remedies; civil investigative demands; assurances of voluntary compliance; restraining prohibited acts.

A. Whenever the Attorney General has reasonable cause to believe that any person has engaged in, or is engaging in, or is about to engage in, any violation of this chapter, the Attorney General is empowered to issue a civil investigative demand. The provisions of § 59.1-9.10 shall apply mutatis mutandis to civil investigative demands issued pursuant to this section.

B. The Attorney General or any attorney for the Commonwealth may accept an assurance of voluntary compliance with this chapter from any person subject to the provisions of this chapter. Any such assurance shall be in writing and be filed with and be subject on petition to the approval of the appropriate circuit court. Such assurance of voluntary compliance shall not be considered an admission of guilt or a violation for any purpose. Such assurance of voluntary compliance may at any time be reopened by the Attorney General or the attorney for the Commonwealth for additional orders or decrees to enforce the assurance of voluntary compliance. When an assurance is presented to the circuit court for approval, the Attorney General or the attorney for the Commonwealth shall file, in the form of a complaint, the allegations that form the basis for the entry of the assurance. The assurance may provide by its terms for any relief that an appropriate circuit court could grant, including but not limited to arbitration of disputes between a person subject to the provisions of this chapter and any targets, investigative expenses, civil penalties, and costs, provided, however, that nothing in this chapter shall be construed to authorize or require the Commonwealth, the Attorney General, or any attorney for the Commonwealth to participate in arbitration of violations under this section.

C. Notwithstanding any other provisions of law to the contrary, the Attorney General or any attorney for the Commonwealth may cause an action to be brought in the appropriate circuit court in the name of the Commonwealth to enjoin any violation of this chapter. The circuit court having jurisdiction may enjoin such violations notwithstanding the existence of an adequate remedy at law. In any action under this section, it shall not be necessary that damages be proved. Unless the Attorney General or the attorney for the Commonwealth determines that a person subject to the provisions of this chapter intends to depart from the Commonwealth or to remove his property from the Commonwealth, or to conceal himself or his property within the Commonwealth, or on a reasonable determination that irreparable harm may occur if immediate action is not taken, the Attorney General or the attorney for the Commonwealth shall, before initiating any legal proceedings as provided in this section, give notice in writing that such proceedings are contemplated and allow such person a reasonable opportunity to show that a violation did not occur or execute an assurance of voluntary compliance as provided in subsection B. The circuit courts are authorized to issue temporary or permanent injunctions to restrain and prevent violations of this chapter. The circuit court also may award to the Commonwealth a civil penalty of not more than \$2,500 for each violation, reasonable expenses incurred in investigating and preparing the case, and attorneys' fees.

D. Any person outside the Commonwealth asserting patent infringement to a target shall be deemed to be transacting business within the Commonwealth within the meaning of subdivision A 1 of § 8.01-328.1 and shall thereby be subject to the jurisdiction of the courts of the Commonwealth.

E. The enforcement provisions of this section shall be exercised solely by the Attorney General or an attorney for the Commonwealth. Nothing in this chapter shall create a private cause of action in favor of any person aggrieved by a violation of this chapter.

F. Nothing in this chapter authorizes the courts of the Commonwealth, the Attorney General, or any attorney for the Commonwealth to exercise jurisdiction over a claim for relief arising under an Act of Congress relating to patents.

§ 59.1-215.4. Exemptions.

A demand letter or assertion of patent infringement that includes a claim for relief arising under 35 U.S.C. § 271(e)(2) or 42 U.S.C. § 262 shall not be subject to the provisions of this chapter.

CHAPTER 811

An Act to amend and reenact § 33.1-95.2 of the Code of Virginia, relating to billboard signs.

[H 377]

Approved May 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 33.1-95.2 of the Code of Virginia is amended and reenacted as follows:

§ 33.1-95.2. Adjustment or relocation of certain billboard signs.

A. Notwithstanding any other provision of law, general or special, whenever land is acquired due to the widening, construction, or reconstruction of any highway as defined in § 33.1-351 by purchase or by use of the power of eminent domain by any condemnor and upon such land is situated a lawfully erected billboard sign as defined in § 33.1-351 or whenever a lawfully erected billboard sign as defined in § 33.1-351 is situated adjacent to such a highway and is affected by the construction of a sound wall, such billboard sign may be relocated as provided in this section.

B. If a billboard sign meets all requirements under the provision of this title, *the size, lighting, and spacing requirements of a locality that is certified in accordance with 23 C.F.R. § 750.706 and the federal-state agreement, if applicable,* and § 4.1-113.1 in the case of outdoor alcoholic beverage advertising, but is considered nonconforming solely due to a local ordinance, the owner of the billboard sign, at his sole cost and expense, shall have the option to relocate such billboard sign to another location as close as practicable on the same property, adjusting the height or angle of the billboard sign to a height or angle that restores the visibility of the billboard sign to the same or comparable visibility as before the taking or before construction of the sound wall, provided the new location also meets all the requirements of this title and regulations adopted pursuant thereto. *The billboard sign may remain in its original location, provided the owner of the billboard sign pays monthly rent to the Commissioner of Highways or other condemnor equivalent to the monthly rent received by the property owner for the billboard prior to acquisition, and until such time as the Commissioner or other condemnor gives notice to the owner of such billboard sign that the billboard sign must be removed. The notice of removal shall be provided at least 45 days prior to the required removal date, which shall be the earlier of the certification date for a highway project advertisement for construction bids or the date that utility relocations are scheduled to commence.*

C. Nothing in this section shall authorize the owner of such billboard sign to increase the size of the sign face, and a relocated billboard sign shall continue to be nonconforming in its new location unless the relocated billboard sign becomes conforming in its new location under the local ordinance. The provisions of § 33.1-370.2 shall apply to any relocation.

CHAPTER 812

An Act to amend and reenact §§ 16.1-69.6:1 and 17.1-507 of the Code of Virginia, relating to number of judges.

[H 606]

Approved May 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-69.6:1 and 17.1-507 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-69.6:1. Maximum number of judges.

For the several judicial districts there shall be full-time general district court judges and juvenile and domestic relations district court judges, the *maximum* number as hereinafter set forth, who shall during their service reside within their respective districts, except as provided in § 16.1-69.16, and whose compensation and powers shall be the same as now and hereafter prescribed for general district court judges and juvenile and domestic relations district court judges.

The *maximum* number of judges of the districts shall be as follows:

	General District Court	Juvenile and Domestic Relations District
	Judges	Court Judges
First	4	3 4

Second	7	7
Two-A	1	1
Third	3 2	3
Fourth	6	5
Fifth	3 2	2
Sixth	4	2
Seventh	4	4
Eighth	3	3
Ninth	3	3 4
Tenth	3	3 4
Eleventh	2 3	2 3
Twelfth	4 5	5 6
Thirteenth	8 6	5 4
Fourteenth	4 5	5
Fifteenth	6 8	7 10
Sixteenth	4	4 6
Seventeenth	4 3	2
Eighteenth	2	2
Nineteenth	11	8 7
Twentieth	4	3
Twenty-first	2 1	2
Twenty-second	2	3 4
Twenty-third	5 4	4 5
Twenty-fourth	4 3	5 6
Twenty-fifth	5 3	4 5

The general district court judges of the twenty-fifth district shall render assistance on a regular basis to the general district court judges of the twenty-sixth district by appropriate designation.

Twenty-sixth	4 5	5 7
Twenty-seventh	5	4 5
Twenty-eighth	2	2 3
Twenty-ninth	3 2	2 3
Thirtieth	2	2
Thirty-first	4 5	5

The election or appointment of any district judge shall be subject to the provisions of § 16.1-69.9:3.

§ 17.1-507. Maximum number of judges; residence requirement; compensation; powers; etc.

A. For the several judicial circuits there shall be judges, the *maximum* number as hereinafter set forth, who shall during their service reside within their respective circuits and whose compensation and powers shall be the same as now and hereafter prescribed for circuit judges.

The *maximum* number of judges of the circuits shall be as follows:

- First - 5
- Second - ~~4~~ 9
- Third - ~~5~~ 4
- Fourth - ~~9~~ 8
- Fifth - 3
- Sixth - ~~2~~ 3
- Seventh - ~~5~~ 6
- Eighth - ~~4~~ 3
- Ninth - 4
- Tenth - ~~3~~ 4
- Eleventh - 3
- Twelfth - ~~5~~ 6
- Thirteenth - 8
- Fourteenth - 5
- Fifteenth - ~~9~~ 11
- Sixteenth - ~~5~~ 6
- Seventeenth - ~~4~~ 3
- Eighteenth - ~~3~~ 4
- Nineteenth - 15
- Twentieth - 4 5
- Twenty-first - ~~3~~ 2

Twenty-second - 4 5

Twenty-third - 6 5

Twenty-fourth - 5

Twenty-fifth - 4 5

Twenty-sixth - 5 8

Twenty-seventh - 5 7

Twenty-eighth - 3 4

Twenty-ninth - 4 5

Thirtieth - 3 4

Thirty-first - 5 6

B. No additional circuit court judge shall be authorized or provided for any judicial circuit until the Judicial Council has made a study of the need for such additional circuit court judge and has reported its findings and recommendations to the Courts of Justice Committees of the House of Delegates and Senate. The boundary of any judicial circuit shall not be changed until a study has been made by the Judicial Council and a report of its findings and recommendations made to said Committees.

C. If the Judicial Council finds the need for an additional circuit court judge after a study is made pursuant to subsection B, the study shall be made available to the Compensation Board and the Courts of Justice Committees of the House of Delegates and Senate and Council shall publish notice of such finding in a publication of general circulation among attorneys licensed to practice in the Commonwealth. The Compensation Board shall make a study of the need to provide additional courtroom security and deputy court clerk staffing. This study shall be reported to the Courts of Justice Committees of the House of Delegates and the Senate, and to the Department of Planning and Budget.

2. That the provisions of this act reducing the number of authorized judgeships in the Twenty-first Judicial Circuit shall become effective upon the death, resignation, or retirement on or after January 1, 2014, of any judge of that court.

3. That the provisions of this act reducing the number of authorized judgeships in the General District Court of the Third Judicial District shall become effective upon the death, resignation, or retirement on or after January 1, 2014, of any judge of that court.

4. That the provisions of this act reducing the number of authorized judgeships in the General District Court of the Fifth Judicial District shall become effective upon the death, resignation, or retirement on or after January 1, 2014, of any judge of that court.

5. That the provisions of this act reducing the number of authorized judgeships in the General District Court of the Thirteenth Judicial District shall become effective upon the death, resignation, or retirement on or after January 1, 2014, of any judge of that court; except that the number of authorized judgeships in the General District Court of the Thirteenth Judicial District shall be reduced to seven on the effective date of this act.

6. That the provisions of this act reducing the number of authorized judgeships in the General District Court of the Twenty-fifth Judicial District shall become effective upon the death, resignation, or retirement on or after January 1, 2014, of any judge of that court; except that the number of authorized judgeships in the General District Court of the Twenty-fifth Judicial District shall be reduced to four on the effective date of this act.

7. That the provisions of this act reducing the number of authorized judgeships in the Juvenile and Domestic Relations District Court of the Thirteenth Judicial District shall become effective upon the death, resignation, or retirement on or after January 1, 2014, of any judge of that court.

8. That the provisions of this act reducing the number of authorized judgeships in the Juvenile and Domestic Relations District Court of the Nineteenth Judicial District shall become effective upon the death, resignation, or retirement on or after January 1, 2014, of any judge of that court.

9. That in order to follow up on the implementation of the Virginia Judicial Workload Assessment Report, dated November 15, 2013, by the National Center for State Courts and in order to assess more accurately the added weight to be given in cases requiring the use of interpreters in Circuit, General District and Juvenile and Domestic Relations Courts in the Commonwealth, the Virginia Supreme Court shall gather empirical data on the reliance of interpreters and make recommendations to the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2015.

10. That the Chief Justice shall utilize her authority to designate any judge serving in any circuit or district where the number of authorized judgeships is reduced under this act after July 1, 2014, to provide judicial assistance to any circuit or district court, as appropriate.

CHAPTER 813

An Act to amend and reenact §§ 55-248.2, 55-248.31, 55-248.34:1, and 55-248.38:3 of the Code of Virginia, relating to the Virginia Residential Landlord and Tenant Act; tenant's noncompliance; death of tenant.

[H 638]

Approved May 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 55-248.2, 55-248.31, 55-248.34:1, and 55-248.38:3 of the Code of Virginia are amended and reenacted as follows:

§ 55-248.2. Short title.

This chapter may be cited as the "Virginia Residential Landlord and Tenant Act" or the "Virginia Rental Housing Act."

§ 55-248.31. Noncompliance with rental agreement; monetary penalty.

A. Except as provided in this chapter, if there is a material noncompliance by the tenant with the rental agreement or a violation of § 55-248.16 materially affecting health and safety, the landlord may serve a written notice on the tenant specifying the acts and omissions constituting the breach and stating that the rental agreement will terminate upon a date not less than 30 days after receipt of the notice if the breach is not remedied in 21 days, and that the rental agreement shall terminate as provided in the notice.

B. If the breach is remediable by repairs or the payment of damages or otherwise and the tenant adequately remedies the breach prior to the date specified in the notice, the rental agreement shall not terminate.

C. If the tenant commits a breach which is not remediable, the landlord may serve a written notice on the tenant specifying the acts and omissions constituting the breach and stating that the rental agreement will terminate upon a date not less than 30 days after receipt of the notice. Notwithstanding anything to the contrary contained elsewhere in this chapter, when a breach of the tenant's obligations under this chapter or the rental agreement involves or constitutes a criminal or a willful act, which is not remediable and which poses a threat to health or safety, the landlord may terminate the rental agreement immediately and proceed to obtain possession of the premises. For purposes of this subsection, any illegal drug activity involving a controlled substance, as used or defined by the Drug Control Act (§ 54.1-3400 et seq.), by the tenant, the tenant's authorized occupants, or the tenant's guests or invitees, shall constitute an immediate nonremediable violation for which the landlord may proceed to terminate the tenancy without the necessity of waiting for a conviction of any criminal offense that may arise out of the same actions. In order to obtain an order of possession from a court of competent jurisdiction terminating the tenancy for illegal drug activity or for any other action that involves or constitutes a criminal or willful act, the landlord shall prove any such violations by a preponderance of the evidence. However, where the illegal drug activity is engaged in by a tenant's authorized occupants, or guests or invitees, the tenant shall be presumed to have knowledge of such illegal drug activity unless the presumption is rebutted by a preponderance of the evidence. The initial hearing on the landlord's action for immediate possession of the premises shall be held within 15 calendar days from the date of service on the tenant; however, the court shall order an earlier hearing when emergency conditions are alleged to exist upon the premises which constitute an immediate threat to the health or safety of the other tenants. After the initial hearing, if the matter is scheduled for a subsequent hearing or for a contested trial, the court, to the extent practicable, shall order that the matter be given priority on the court's docket. Such subsequent hearing or contested trial shall be heard no later than 30 days from the date of service on the tenant. During the interim period between the date of the initial hearing and the date of any subsequent hearing or contested trial, the court may afford any further remedy or relief as is necessary to protect the interests of parties to the proceeding or the interests of any other tenant residing on the premises. Failure by the court to hold either of the hearings within the time limits set out herein shall not be a basis for dismissal of the case.

D. If the tenant is a victim of family abuse as defined in § 16.1-228 that occurred in the dwelling unit or on the premises and the perpetrator is barred from the dwelling unit pursuant to § 55-248.31:01 based upon information provided by the tenant to the landlord, or by a protective order from a court of competent jurisdiction pursuant to § 16.1-253.1, 16.1-279.1, or subsection B of § 20-103, the lease shall not terminate due solely to an act of family abuse against the tenant. However, these provisions shall not be applicable if (i) the tenant fails to provide written documentation corroborating the tenant's status as a victim of family abuse and the exclusion from the dwelling unit of the perpetrator no later than 21 days from the alleged offense or (ii) the perpetrator returns to the dwelling unit or the premises, in violation of a bar notice, and the tenant fails promptly to notify the landlord within 24 hours thereafter that the perpetrator has returned to the dwelling unit or the premises, unless the tenant proves by a preponderance of the evidence that the tenant had no actual knowledge that the perpetrator violated the bar notice, or it was not possible for the tenant to notify the landlord within 24 hours, in which case the tenant shall promptly notify the landlord, but in no event more than 7 days thereafter. If the provisions of this subsection are not applicable, the tenant shall remain responsible for the acts of the other co-tenants, authorized occupants or guests or invitees pursuant to § 55-248.16, and is subject to termination of the tenancy pursuant to the lease and this chapter.

E. If the tenant has been served with a prior written notice which required the tenant to remedy a breach, and the tenant remedied such breach, where the tenant intentionally commits a subsequent breach of a like nature as the prior breach, the landlord may serve a written notice on the tenant specifying the acts and omissions constituting the subsequent breach,

make reference to the prior breach of a like nature, and state that the rental agreement will terminate upon a date not less than 30 days after receipt of the notice.

F. If rent is unpaid when due, and the tenant fails to pay rent within five days after written notice is served on him notifying the tenant of his nonpayment, and of the landlord's intention to terminate the rental agreement if the rent is not paid within the five-day period, the landlord may terminate the rental agreement and proceed to obtain possession of the premises as provided in § 55-248.35. If a check for rent is delivered to the landlord drawn on an account with insufficient funds, or if an electronic funds transfer has been rejected because of insufficient funds or a stop-payment order has been placed in bad faith by the authorizing party, and the tenant fails to pay rent within five days after written notice is served on him notifying the tenant of his nonpayment and of the landlord's intention to terminate the rental agreement if the rent is not paid by cash, cashier's check, certified check, or a completed electronic funds transfer within the five-day period, the landlord may terminate the rental agreement and proceed to obtain possession of the premises as provided in § 55-248.35. Nothing shall be construed to prevent a landlord from seeking an award of costs or attorney fees under § 8.01-27.1 or civil recovery under § 8.01-27.2, as a part of other damages requested on the unlawful detainer filed pursuant to § 8.01-126, provided the landlord has given notice in accordance with § 55-248.6, which notice may be included in the five-day termination notice provided in accordance with this section.

G. Except as provided in this chapter, the landlord may recover damages and obtain injunctive relief for any noncompliance by the tenant with the rental agreement or § 55-248.16. ~~The In the event of a breach of the rental agreement or noncompliance by the tenant, the landlord shall be entitled to recover reasonable attorney fees unless the tenant proves by a preponderance of the evidence that the failure of the tenant to pay rent or vacate the premises was reasonable. If the rental agreement provides for the payment of reasonable attorney fees in the event of a breach of the agreement or noncompliance by the tenant, the landlord shall be entitled to recover and the court shall award reasonable attorney fees in any action based upon the tenancy in which the landlord prevails, including but not limited to actions for damages to the dwelling unit or premises, or additional rent, regardless of any previous action to obtain possession or rent, unless in any such action, the tenant proves by a preponderance of the evidence that the tenant's failure to pay rent or vacate was reasonable from the tenant the following, regardless of whether or not a lawsuit is filed or an order obtained from a court: (i) rent due and owing as contracted for in the rental agreement, (ii) other charges and fees as contracted for in the rental agreement, (iii) late charges contracted for in the rental agreement, (iv) reasonable attorney fees as contracted for in the rental agreement or as provided by law, (v) costs of the proceeding as contracted for in the rental agreement or as provided by law only if court action has been filed, and (vi) damages to the dwelling unit or premises as contracted for in the rental agreement.~~

H. ~~In a case where a lawsuit is pending before the court upon a breach of the rental agreement or noncompliance by the tenant and the landlord prevails, the court shall award a money judgment to the landlord and against the tenant for the relief requested, which may include the following: (i) rent due and owing as of the court date as contracted for in the rental agreement, (ii) other charges and fees as contracted for in the rental agreement, (iii) late charges contracted for in the rental agreement, (iv) reasonable attorney fees as contracted for in the rental agreement or as provided by law, unless in any such action the tenant proves by a preponderance of the evidence that the tenant's failure to pay rent or vacate was reasonable, (v) costs of the proceeding as contracted for in the rental agreement or as provided by law, and (vi) damages to the dwelling unit or premises.~~

§ 55-248.34:1. Landlord's acceptance of rent with reservation.

A. Provided the landlord has given written notice to the tenant that the rent will be accepted with reservation, the landlord may accept full or partial payment of all rent and receive an order of possession from a court of competent jurisdiction pursuant to an unlawful detainer action filed under Chapter 13 (§ 8.01-374 et seq.) of Title 8.01 and proceed with eviction under § 55-248.38:2. Such notice shall be included in a written termination notice given by the landlord to the tenant in accordance with § 55-248.31 or in a separate written notice given by the landlord to the tenant within five business days of receipt of the rent. Unless the landlord has given such notice in a termination notice in accordance with § 55-248.31, the landlord shall continue to give a separate written notice to the tenant within five business days of receipt of the rent that the landlord continues to accept the rent with reservation in accordance with this section until such time as the violation alleged in the termination notice has been remedied or the matter has been adjudicated in a court of competent jurisdiction. If the dwelling unit is a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development, the landlord shall be deemed to have accepted rent with reservation pursuant to this subsection if the landlord gives the tenant the written notice required herein for the portion of the rent paid by the tenant.

B. Subsequent to the entry of an order of possession by a court of competent jurisdiction but prior to eviction pursuant to § 55-248.38:2, the landlord may accept all amounts owed to the landlord by the tenant, including full payment of any money judgment, award of attorney fees and court costs, and all subsequent rents that may be paid prior to eviction, and proceed with eviction provided that the landlord has given the tenant written notice that any such payment would be accepted with reservation and would not constitute a waiver of the landlord's right to evict the tenant from the dwelling unit. However, if a landlord enters into a new written rental agreement with the tenant prior to eviction, an order of possession obtained prior to the entry of such new rental agreement is not enforceable. Such notice shall be given in a separate written notice given by the landlord within five business days of receipt of payment of such money judgment, attorney fees and court costs, and all subsequent rents that may be paid prior to eviction. If the dwelling unit is a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development, the landlord shall be deemed to have accepted rent with reservation pursuant to this subsection if the landlord gives the tenant the written notice required

herein for the portion of the rent paid by the tenant. *Writs of possession in cases of unlawful entry and detainer are otherwise subject to § 8.01-471.*

C. However, the tenant may pay or present to the court a redemption tender for payment of all rent due and owing as of the return date, including late charges, attorney fees and court costs, at or before the first return date on an action for unlawful detainer. For purposes of this section, "redemption tender" means a written commitment to pay all rent due and owing as of the return date, including late charges, attorney fees, and court costs, by a local government or nonprofit entity within 10 days of said return date.

D. If the tenant presents a redemption tender to the court at the return date, the court shall continue the action for unlawful detainer for 10 days following the return date for payment to the landlord of all rent due and owing as of the return date, including late charges, attorney fees, and court costs and dismissal of the action upon such payment. Should the landlord not receive full payment of all rent due and owing as of the return date, including late charges, attorney fees, and court costs, within 10 days of the return date, the court shall, without further evidence, grant to the landlord judgment for all amounts due and immediate possession of the premises.

E. In cases of unlawful detainer, a tenant may pay the landlord or his attorney or pay into court all (i) rent due and owing as of the court date as contracted for in the rental agreement, (ii) other charges and fees as contracted for in the rental agreement, (iii) late charges contracted for in the rental agreement, (iv) reasonable attorney fees as contracted for in the rental agreement or as provided by law, and (v) costs of the proceeding as provided by law, at which time the unlawful detainer proceeding shall be dismissed. A tenant may invoke the rights granted in this section no more than one time during any 12-month period of continuous residency in the dwelling unit, regardless of the term of the rental agreement or any renewal term thereof.

§ 55-248.38:3. Disposal of property of deceased tenants.

A. If a tenant, who is the sole occupant of the dwelling unit, dies, and there is no person authorized by order of the circuit court to handle probate matters for the deceased tenant, the landlord may dispose of the personal property left in ~~the dwelling unit or upon the premises, or in a storage area provided by the landlord, provided.~~ *However, the landlord has given shall give* at least 10 days' written notice to (i) the person identified in the rental application, lease agreement, or other landlord document as the authorized person to contact in the event of the death or emergency of the tenant or (ii) the tenant in accordance with § 55-248.6 if no such person is identified in the rental application, lease agreement, or other landlord document as the authorized contact person. The notice given under clause (i) or (ii) shall include a statement that any items of personal property left in the premises would be treated as abandoned property and disposed of in accordance with the provisions of § 55-248.38:1, if not claimed within 10 days.

B. *The landlord may request that such authorized contact person provide reasonable proof of identification. Thereafter, the authorized contact person identified in the rental application, lease agreement, or other landlord document may (i) have access to the dwelling unit or the premises and to the tenant records maintained by the landlord and (ii) rightfully claim the personal property of the deceased tenant and otherwise handle the affairs of the deceased tenant with the landlord.*

C. *The rental agreement is deemed to be terminated by the landlord as of the date of death of the tenant, who is the sole occupant of the dwelling unit, and the landlord shall not be required to seek an order of possession from a court of competent jurisdiction. The estate of the tenant shall remain liable for actual damages under § 55-248.35, and the landlord shall mitigate damages as provided thereunder.*

CHAPTER 814

An Act to amend and reenact §§ 38.2-3407.12, 38.2-3407.16, 38.2-3407.18, 38.2-3414, 38.2-3414.1, 38.2-3417, 38.2-3418.9, 38.2-3418.10, 38.2-3418.13 through 38.2-3418.16, 38.2-3430.6, 38.2-3438, 38.2-3541, 38.2-4217, 38.2-4306, 38.2-4310, and 38.2-4319 of the Code of Virginia and to repeal §§ 38.2-3416 and 38.2-3541.1 of the Code of Virginia, relating to health benefit plans; individual and group coverage.

[H 1005]

Approved May 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-3407.12, 38.2-3407.16, 38.2-3407.18, 38.2-3414, 38.2-3414.1, 38.2-3417, 38.2-3418.9, 38.2-3418.10, 38.2-3418.13 through 38.2-3418.16, 38.2-3430.6, 38.2-3438, 38.2-3541, 38.2-4217, 38.2-4306, 38.2-4310, and 38.2-4319 of the Code of Virginia are amended and reenacted as follows:

§ 38.2-3407.12. Patient optional point-of-service benefit.

A. As used in this section:

"Affiliate" shall have the meaning set forth in § 38.2-1322.

"Allowable charge" means the amount from which the carrier's payment to a provider for any covered item or service is determined before taking into account any cost-sharing arrangement.

"Carrier" means:

1. Any insurer licensed under this title proposing to offer or issue accident and sickness insurance policies which are subject to Chapter 34 (§ 38.2-3400 et seq.) or 39 (§ 38.2-3900 et seq.) of this title;

2. Any nonstock corporation licensed under this title proposing to issue or deliver subscription contracts for one or more health services plans, medical or surgical services plans or hospital services plans which are subject to Chapter 42 (§ 38.2-4200 et seq.) of this title;

3. Any health maintenance organization licensed under this title which provides or arranges for the provision of one or more health care plans which are subject to Chapter 43 (§ 38.2-4300 et seq.) of this title;

4. Any nonstock corporation licensed under this title proposing to issue or deliver subscription contracts for one or more dental or optometric services plans which are subject to Chapter 45 (§ 38.2-4500 et seq.) of this title; and

5. Any other person licensed under this title which provides or arranges for the provision of health care coverage or benefits or health care plans or provider panels which are subject to regulation as the business of insurance under this title.

"Co-insurance" means the portion of the carrier's allowable charge for the covered item or service which is not paid by the carrier and for which the enrollee is responsible.

"Co-payment" means the out-of-pocket charge other than co-insurance or a deductible for an item or service to be paid by the enrollee to the provider towards the allowable charge as a condition of the receipt of specific health care items and services.

"Cost sharing arrangement" means any co-insurance, co-payment, deductible or similar arrangement imposed by the carrier on the enrollee as a condition to or consequence of the receipt of covered items or services.

"Deductible" means the dollar amount of a covered item or service which the enrollee is obligated to pay before benefits are payable under the carrier's policy or contract with the group contract holder.

"Enrollee" or "member" means any individual who is enrolled in a group health benefit plan provided or arranged by a health maintenance organization or other carrier. If a health maintenance organization arranges or contracts for the point-of-service benefit required under this section through another carrier, any enrollee selecting the point-of-service benefit shall be treated as an enrollee of that other carrier when receiving covered items or services under the point-of-service benefit.

"Group contract holder" means any contract holder of a group health benefit plan offered or arranged by a health maintenance organization or other carrier. For purposes of this section, the group contract holder shall be the person to which the group agreement or contract for the group health benefit plan is issued.

"Group health benefit plan" shall mean any health care plan, subscription contract, evidence of coverage, certificate, health services plan, medical or hospital services plan, accident and sickness insurance policy or certificate, or other similar certificate, policy, contract or arrangement, and any endorsement or rider thereto, offered, arranged or issued by a carrier to a group contract holder to cover all or a portion of the cost of enrollees (or their eligible dependents) receiving covered health care items or services. Group health benefit plan does not mean (i) health care plans, contracts or policies issued in the individual market; (ii) coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. or Title XX of the Social Security Act, 42 U.S.C. § 1397 et seq. (Medicaid), 5 U.S.C. § 8901 et seq. (federal employees), 10 U.S.C. § 1071 et seq. (CHAMPUS) or Chapter 28 (§ 2.2-2800 et seq.) of Title 2.2 (state employees); (iii) accident only, credit or disability insurance, or long-term care insurance, plans providing only limited health care services under § 38.2-4300 (unless offered by endorsement or rider to a group health benefit plan), CHAMPUS supplement, Medicare supplement, or workers' compensation coverages; or (iv) an employee welfare benefit plan (as defined in section 3 (1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002 (1)), which is self-insured or self-funded.

"Group specific administrative cost" means the direct administrative cost incurred by a carrier related to the offer of the point-of-service benefit to a particular group contract holder.

"Health care plan" shall have the meaning set forth in § 38.2-4300.

"Person" means any individual, corporation, trust, association, partnership, limited liability company, organization or other entity.

"Point-of-service benefit" means a health maintenance organization's delivery system or covered benefits, or the delivery system or covered benefits of another carrier under contract or arrangement with the health maintenance organization, which permit an enrollee (and eligible dependents) to receive covered items and services outside of the provider panel, including optometrists and clinical psychologists, of the health maintenance organization under the terms and conditions of the group contract holder's group health benefit plan with the health maintenance organization or with another carrier arranged by or under contract with the health maintenance organization and which otherwise complies with this section. Without limiting the foregoing, the benefits offered or arranged by a carrier's indemnity group accident and sickness policy under Chapter 34 (§ 38.2-3400 et seq.) of this title, health services plan under Chapter 42 (§ 38.2-4200 et seq.) of this title or preferred provider organization plan under Chapter 34 (§ 38.2-3400 et seq.) or 42 (§ 38.2-4200 et seq.) of this title which permit an enrollee (and eligible dependents) to receive the full range of covered items and services outside of a provider panel, including optometrists and clinical psychologists, and which are otherwise in compliance with applicable law and this section shall constitute a point-of-service benefit.

"Preferred provider organization plan" means a health benefit program offered pursuant to a preferred provider policy or contract under § 38.2-3407 or covered services offered under a preferred provider subscription contract under § 38.2-4209.

"Provider" means any physician, hospital or other person, including optometrists and clinical psychologists, that is licensed or otherwise authorized in the Commonwealth to deliver or furnish health care items or services.

"Provider panel" means the participating providers or referral providers who have a contract, agreement or arrangement with a health maintenance organization or other carrier, either directly or through an intermediary, and who have agreed to provide items or services to enrollees of the health maintenance organization or other carrier.

B. To the maximum extent permitted by applicable law, every health care plan offered or proposed to be offered in ~~this~~ *the large group market in the Commonwealth* by a health maintenance organization licensed under this title to a group contract holder shall provide or include, or the health maintenance organization shall arrange for or contract with another carrier to provide or include, a point-of-service benefit to be provided or offered in conjunction with the health maintenance organization's health care plan as an additional benefit for the enrollee, at the enrollee's option, individually to accept or reject. In connection with its group enrollment application, every health maintenance organization shall, at no additional cost to the group contract holder, make available or arrange with a carrier to make available to the prospective group contract holder and to all prospective enrollees, in advance of initial enrollment and in advance of each reenrollment, a notice in form and substance acceptable to the Commission which accurately and completely explains to the group contract holder and prospective enrollee the point-of-service benefit and permits each enrollee to make his or her election. The form of notice provided in connection with any reenrollment may be the same as the approved form of notice used in connection with initial enrollment and may be made available to the group contract holder and prospective enrollee by the carrier in any reasonable manner.

C. To the extent permitted under applicable law, a health maintenance organization providing or arranging, or contracting with another carrier to provide, the point-of-service benefit under this section and a carrier providing the point-of-service benefit required under this section under arrangement or contract with a health maintenance organization:

1. May not impose, or permit to be imposed, a minimum enrollee participation level on the point-of-service benefit alone;

2. May not refuse to reimburse a provider of the type listed or referred to in § 38.2-3408 or 38.2-4221 for items or services provided under the point-of-service benefit required under this section solely on the basis of the license or certification of the provider to provide such items or services if the carrier otherwise covers the items or services provided and the provision of the items or services is within the provider's lawful scope of practice or authority; and

3. Shall rate and underwrite all prospective enrollees of the group contract holder as a single group prior to any enrollee electing to accept or reject the point-of-service benefit.

D. The premium imposed by a carrier with respect to enrollees who select the point-of-service benefit may be different from that imposed by the health maintenance organization with respect to enrollees who do not select the point-of-service benefit. Unless a group contract holder determines otherwise, any enrollee who accepts the point-of-service benefit shall be responsible for the payment of any premium over the amount of the premium applicable to an enrollee who selects the coverage offered by the health maintenance organization without the point-of-service benefit and for any identifiable group specific administrative cost incurred directly by the carrier or any administrative cost incurred by the group contract holder in offering the point-of-service benefit to the enrollee. If a carrier offers the point-of-service benefit to a group contract holder where no enrollees of the group contract holder elect to accept the point-of-service benefit and incurs an identifiable group specific administrative cost directly as a consequence of the offering to that group contract holder, the carrier may reflect that group specific administrative cost in the premium charged to other enrollees selecting the point-of-service benefit under this section. Unless the group contract holder otherwise directs or authorizes the carrier in writing, the carrier shall make reasonable efforts to ensure that no portion of the cost of offering or arranging the point-of-service benefit shall be reflected in the premium charged by the carrier to the group contract holder for a group health benefit plan without the point-of-service benefit. Any premium differential and any group specific administrative cost imposed by a carrier relating to the cost of offering or arranging the point-of-service benefit must be actuarially sound and supported by a sworn certification of an officer of each carrier offering or arranging the point-of-service benefit filed with the Commission certifying that the premiums are based on sound actuarial principles and otherwise comply with this section. The certifications shall be in a form, and shall be accompanied by such supporting information in a form acceptable to the Commission.

E. Any carrier may impose different co-insurance, co-payments, deductibles and other cost-sharing arrangements for the point-of-service benefit required under this section based on whether or not the item or service is provided through the provider panel of the health maintenance organization; provided that, except to the extent otherwise prohibited by applicable law, any such cost-sharing arrangement:

1. Shall not impose on the enrollee (or his or her eligible dependents, as appropriate) any co-insurance percentage obligation which is payable by the enrollee which exceeds the greater of: (i) thirty percent of the carrier's allowable charge for the items or services provided by the provider under the point-of-service benefit or (ii) the co-insurance amount which would have been required had the covered items or services been received through the provider panel;

2. Shall not impose on an enrollee (or his or her eligible dependents, as appropriate) a co-payment or deductible which exceeds the greatest co-payment or deductible, respectively, imposed by the carrier or its affiliate under one or more other group health benefit plans providing a point-of-service benefit which are currently offered and actively marketed by the carrier or its affiliate in the Commonwealth and are subject to regulation under this title; and

3. Shall not result in annual aggregate cost-sharing payments to the enrollee (or his or her eligible dependents, as appropriate) which exceed the greatest annual aggregate cost-sharing payments which would apply had the covered items or services been received under another group health benefit plan providing a point-of-service benefit which is currently

offered and actively marketed by the carrier or its affiliate in the Commonwealth and which is subject to regulation under this title.

F. Except to the extent otherwise required under applicable law, any carrier providing the point-of-service benefit required under this section may not utilize an allowable charge or basis for determining the amount to be reimbursed or paid to any provider from which covered items or services are received under the point-of-service benefit which is not at least as favorable to the provider as that used:

1. By the carrier or its affiliate in calculating the reimbursement or payment to be made to similarly situated providers under another group health benefit plan providing a point-of-service benefit which is subject to regulation under this title and which is currently offered or arranged by the carrier or its affiliate and actively marketed in the Commonwealth, if the carrier or its affiliate offers or arranges another such group health benefit plan providing a point-of-service benefit in the Commonwealth; or

2. By the health maintenance organization in calculating the reimbursement or payment to be made to similarly situated providers on its provider panel.

G. Except as expressly permitted in this section or required under applicable law, no carrier shall impose on any person receiving or providing health care items or services under the point-of-service benefit any condition or penalty designed to discourage the enrollee's selection or use of the point-of-service benefit, which is not otherwise similarly imposed either: (i) on enrollees in another group health benefit plan, if any, currently offered or arranged and actively marketed by the carrier or its affiliate in the Commonwealth or (ii) on enrollees who receive the covered items or services from the health maintenance organization's provider panel. Nothing in this section shall preclude a carrier offering or arranging a point-of-service benefit from imposing on enrollees selecting the point-of-service benefit reasonable utilization review, preadmission certification or precertification requirements or other utilization or cost control measures which are similarly imposed on enrollees participating in one or more other group health benefit plans which are subject to regulation under this title and are currently offered and actively marketed by the carrier or its affiliates in the Commonwealth or which are otherwise required under applicable law.

H. Except as expressly otherwise permitted in this section or as otherwise required under applicable law, the scope of the health care items and services which are covered under the point-of-service benefit required under this section shall at least include the same health care items and services which would be covered if provided under the health maintenance organization's health care plan, including without limitation any items or services covered under a rider or endorsement to the applicable health care plan. Carriers shall be required to disclose prominently in all group health benefit plans and in all marketing materials utilized with respect to such group health benefit plans that the scope of the benefits provided under the point-of-service option are at least as great as those provided through the HMO's health care plan for that group. Filings of point-of-service benefits submitted to the Commission shall be accompanied by a certification signed by an officer of the filing carrier certifying that the scope of the point-of-service benefits includes at a minimum the same health care items and services as are provided under the HMO's group health care plan for that group.

I. Nothing in this section shall prohibit a health maintenance organization from offering or arranging the point-of-service benefit (i) as a separate group health benefit plan or under a different name than the health maintenance organization's group health benefit plan which does not contain the point-of-service benefit or (ii) from managing a group health benefit plan under which the point-of-service benefit is offered in a manner which separates or otherwise differentiates it from the group health benefit plan which does not contain the point-of-service benefit.

J. Notwithstanding anything in this section to the contrary, to the extent permitted under applicable law, no health maintenance organization shall be required to offer or arrange a point-of-service benefit under this section with respect to any group health benefit plan offered to a group contract holder if the health maintenance organization determines in good faith that the group contract holder will be concurrently offering another group health benefit plan or a self-insured or self-funded health benefit plan which allows the enrollees to access care from their provider of choice whether or not the provider is a member of the health maintenance organization's panel.

K. This section shall apply only to group health benefit plans issued in the Commonwealth in the commercial *large* group market by carriers regulated by this title and shall not apply to (i) health care plans, contracts or policies issued in the individual or *small* group market; (ii) coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. or Title XX of the Social Security Act, 42 U.S.C. § 1397 et seq. (Medicaid), 5 U.S.C. § 8901 et seq. (federal employees), 10 U.S.C. § 1071 et seq. (CHAMPUS) or Chapter 28 (§ 2.2-2800 et seq.) of Title 2.2 (state employees); (iii) accident only, credit or disability insurance, or long-term care insurance, plans providing only limited health care services under § 38.2-4300 (unless offered by endorsement or rider to a group health benefit plan), CHAMPUS supplement, Medicare supplement, or workers' compensation coverages; ~~or~~ (iv) an employee welfare benefit plan (as defined in section 3 (1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002 (1)), which is self-insured or self-funded; or (v) a *qualified health plan when the plan is offered in the Commonwealth by a health carrier through a health benefit exchange established under § 1311 of the federal Patient Protection and Affordable Care Act (P.L. 111-148).*

~~L. This section shall apply to group health benefit plans issued or renewed by carriers in this Commonwealth on or after July 1, 1998.~~

~~M. Nothing in this section shall operate to limit any rights or obligations arising under § 38.2-3407, 38.2-3407.7, 38.2-3407.10, 38.2-3407.11, 38.2-4209, 38.2-4209.1, 38.2-4312, or 38.2-4312.1.~~

~~N. M.~~ If any provision of this section or its application to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity shall not affect the other provisions or any other application of this section which shall be given effect without the invalid provision or application, and for this purpose the provisions of this section are declared severable.

§ 38.2-3407.16. Requirements for obstetrical care.

A. Each (i) insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical or major medical coverage on an expense-incurred basis, (ii) corporation providing individual or group accident and sickness subscription contracts, and (iii) health maintenance organization providing a health care plan for health care services, whose policies, contracts, or plans, including any certificate or evidence of coverage issued in connection with such policies, contracts or plans, include coverage for obstetrical services as an inpatient in a general hospital or obstetrical services by a physician shall provide such benefits with durational limits, deductibles, coinsurance factors, and copayments that are no less favorable than for physical illness generally.

B. The requirements of this section shall apply to all insurance policies, contracts, and plans delivered, issued for delivery, reissued, renewed, or extended or at any time when any term of any such policy, contract, or plan is changed or any premium adjustment is made, on and after the effective date of this section. The provisions of this section shall not apply to short-term travel, accident only, *or* limited or specified disease, ~~or individual conversion~~ policies or contracts, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

§ 38.2-3407.18. Requirements for orally administered cancer chemotherapy drugs.

A. Each (i) insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; (ii) corporation providing individual or group accident and sickness subscription contracts; and (iii) health maintenance organization providing a health care plan for health care services, whose policies, contracts, or plans, including any certificate or evidence of coverage issued in connection with such policies, contracts, or plans, include coverage for cancer chemotherapy drugs administered orally and intravenously or by injection shall provide that the criteria for establishing cost sharing applicable to orally administered cancer chemotherapy drugs and cancer chemotherapy drugs that are administered intravenously or by injection shall be consistently applied within the same plan.

B. The requirements of this section shall apply to all insurance policies, contracts, and plans delivered, issued for delivery, reissued, renewed, or extended or at any time when any term of any such policy, contract, or plan is changed or any premium adjustment is made, on and after the effective date of this section. The provisions of this section shall not apply to short-term travel, accident only, *or* limited or specified disease, ~~or individual conversion~~ policies or contracts, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

C. This section shall apply to health coverage offered to state employees pursuant to § 2.2-2818 and to health insurance coverage offered to employees of local governments, local officers, teachers, and retirees, and the dependents of such employees, local officers, teachers and retirees pursuant to § 2.2-1204. In administering such coverage, the criteria for establishing the level of copayments or coinsurance for orally administered cancer treatment drugs and cancer chemotherapy drugs that are administered intravenously or by injection shall be consistently applied within the same plan.

§ 38.2-3414. Optional coverage for obstetrical services.

A. Each insurer proposing to issue a group hospital policy or a group major medical policy in this Commonwealth and each corporation proposing to issue group hospital, group medical or group major medical subscription contracts shall provide coverage for obstetrical services as an option available to the group policyholder or the contract holder in the case of benefits based upon treatment as an inpatient in a general hospital. The reimbursement for obstetrical services by a physician shall be based on the charges for the services determined according to the same formula by which the charges are developed for other medical and surgical procedures. Such coverage shall have durational limits, dollar limits, deductibles and coinsurance factors that are no less favorable than for physical illness generally.

B. This section shall not apply to short-term travel, accident only, *or* limited or specified disease, ~~or individual conversion~~ policies or contracts, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

§ 38.2-3414.1. Obstetrical benefits; coverage for postpartum services.

A. Each insurer proposing to issue an individual or group hospital policy or major medical policy in this Commonwealth, each corporation proposing to issue an individual or group hospital, medical or major medical subscription contract, and each health maintenance organization providing a health care plan for health care services that provides benefits for obstetrical services shall provide coverage for postpartum services as provided in this section.

B. Such coverage shall include benefits for inpatient care and a home visit or visits which shall be in accordance with the medical criteria, outlined in the most current version of or an official update to the "Guidelines for Perinatal Care" prepared by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists or the "Standards for Obstetric-Gynecologic Services" prepared by the American College of Obstetricians and Gynecologists.

Such coverage shall be provided incorporating any changes in such Guidelines or Standards within six months of the publication of such Guidelines or Standards or any official amendment thereto.

C. The requirements of this section shall apply to all insurance policies, contracts and plans delivered, issued for delivery, reissued, or extended on and after July 1, 1996, or at any time thereafter when any term of the policy, contract or plan is changed or any premium adjustment is made.

D. This section shall not apply to short-term travel, accident only, *or* limited or specified disease; ~~or individual conversion~~ policies or contracts, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

§ 38.2-3417. Deductibles and coinsurance options required.

A. An insurer issuing accident and sickness insurance or a corporation issuing subscription contracts on an expense incurred basis shall make available in offering such coverage or contract to the potential insured or contract holder one or more of the following options under which the individual insured or group certificate holder pays for:

1. The first \$100 of the cost of the services covered or benefits payable by the policy or contract during a 12-month period;

2. Twenty percent of the first \$1,000 of the cost of the services covered or benefits payable by the policy or contract during a 12-month period;

3. The first \$100 and 20 percent of the next \$1,000 of the cost of the services covered or benefits payable by the policy or contract during a 12-month period; *or*

4. Any other option containing a greater deductible, coinsurance, or cost-sharing provision. However, the option shall not be inconsistent with standards established with respect to deductibles, coinsurance, or cost-sharing pursuant to § 38.2-3519.

B. As used in this section, "make available" means that the insurer or corporation shall disseminate information concerning the option or options and make a policy or contract containing the option or options available to potential insureds or contract holders at the same time and in the same manner as the insurer or corporation disseminates information concerning other policies or contracts and coverage options and makes other policies or contracts and coverage options available.

C. This section shall not apply to short-term travel, accident only, *or* limited or specified disease; ~~or individual conversion~~ policies or contracts, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

D. The provisions of this section shall not apply in any instance in which the provisions of this section are inconsistent or in conflict with a provision of Article 6 (§ 38.2-3438 et seq.) of Chapter 34.

§ 38.2-3418.9. Minimum hospital stay for hysterectomy.

A. Notwithstanding the provisions of § 38.2-3419, each insurer proposing to issue an individual or group hospital policy or major medical policy in this Commonwealth, each corporation proposing to issue an individual or group hospital, medical or major medical subscription contract, and each health maintenance organization providing a health care plan for health care shall provide coverage for laparoscopy-assisted vaginal hysterectomy and vaginal hysterectomy as provided in this section.

B. Such coverage shall include benefits for a minimum stay in the hospital of not less than ~~twenty-three~~ 23 hours for a laparoscopy-assisted vaginal hysterectomy and ~~forty-eight~~ 48 hours for a vaginal hysterectomy. Nothing in this subsection shall be construed as requiring the provision of the total hours referenced when the attending physician, in consultation with the patient, determines that a shorter period of hospital stay is appropriate.

C. The requirements of this section shall apply to all insurance policies, contracts and plans delivered, issued for delivery, reissued, or extended on and after July 1, 1999, or at any time thereafter when any term of the policy, contract or plan is changed or any premium adjustment is made.

D. This section shall not apply to short-term travel, accident-only, *or* limited or specified disease; ~~or individual conversion~~ policies or contracts, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

§ 38.2-3418.10. Coverage for diabetes.

A. Each insurer proposing to issue an individual or group hospital policy or major medical policy in this Commonwealth, each corporation proposing to issue an individual or group hospital, medical or major medical subscription contract, and each health maintenance organization providing a health care plan for health care services shall provide coverage for diabetes as provided in this section.

B. Such coverage shall include benefits for equipment, supplies and in-person outpatient self-management training and education, including medical nutrition therapy, for the treatment of insulin-dependent diabetes, insulin-using diabetes, gestational diabetes and noninsulin-using diabetes if prescribed by a health care professional legally authorized to prescribe such items under law. As used herein, the terms "equipment" and "supplies" shall not be considered durable medical equipment.

C. To qualify for coverage under this section, diabetes in-person outpatient self-management training and education shall be provided by a certified, registered or licensed health care professional. A managed care health insurance plan, as defined in Chapter 58 (§ 38.2-5800 et seq.) of this title, may require such health care professional to be a member of the plan's provider network; provided that such network includes sufficient health care professionals who are qualified by specific education, experience, and credentials to provide the covered benefits described in this section.

D. No insurer, corporation, or health maintenance organization shall impose upon any person receiving benefits pursuant to this section any copayment, fee or condition that is not equally imposed upon all individuals in the same benefit category, nor shall any insurer, corporation or health maintenance organization impose any policy-year or calendar-year dollar or durational benefit limitations or maximums for benefits or services provided under this section.

E. The requirements of this section shall apply to all insurance policies, contracts and plans delivered, issued for delivery, reissued, or extended on and after July 1, 2000, or at any time thereafter when any term of the policy, contract or plan is changed or any premium adjustment is made.

F. This section shall not apply to short-term travel, accident only, or limited or specified disease, or individual conversion policies or contracts, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

§ 38.2-3418.13. Coverage for the treatment of morbid obesity.

A. Notwithstanding the provisions of § 38.2-3419, *in the large group market*, each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing individual or group accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services shall offer and make available coverage under any such policy, contract or plan for the treatment of morbid obesity through gastric bypass surgery or such other methods as may be recognized by the National Institutes of Health as effective for the long-term reversal of morbid obesity. ~~The provisions of this section shall apply to any such policy, contract or plan delivered, issued for delivery, or renewed in this Commonwealth on and after July 1, 2000.~~

B. The reimbursement for the treatment of morbid obesity shall be determined according to the same formula by which charges are developed for other medical and surgical procedures. Such coverage shall have durational limits, dollar limits, deductibles, copayments and coinsurance factors that are no less favorable than for physical illness generally. Standards and criteria, including those related to diet, used by insurers to approve or restrict access to surgery for morbid obesity shall be based upon current clinical guidelines recognized by the National Institutes of Health.

C. For purposes of this section, "morbid obesity" means (i) a weight that is at least 100 pounds over or twice the ideal weight for frame, age, height, and gender as specified in the 1983 Metropolitan Life Insurance tables, (ii) a body mass index (BMI) equal to or greater than 35 kilograms per meter squared with comorbidity or coexisting medical conditions such as hypertension, cardiopulmonary conditions, sleep apnea, or diabetes, or (iii) a BMI of 40 kilograms per meter squared without such comorbidity. As used herein, BMI equals weight in kilograms divided by height in meters squared.

D. The provisions of this section shall not apply to short-term travel, accident-only, limited or specified disease policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or governmental plans or to short-term nonrenewable policies of not more than six months' duration; *health care plans, contracts, or policies issued in the individual or small group market; or a qualified health plan when the plan is offered in the Commonwealth by a health carrier through a health benefit exchange established under § 1311 of the federal Patient Protection and Affordable Care Act (P.L. 111-148).*

§ 38.2-3418.14. Coverage for lymphedema.

A. Notwithstanding the provisions of § 38.2-3419, each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical, coverage on an expense-incurred basis; each corporation providing individual or group accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services shall provide coverage for lymphedema as provided in this section.

B. Coverage under this section shall include benefits for equipment, supplies, complex decongestive therapy, and outpatient self-management training and education for the treatment of lymphedema, if prescribed by a health care professional legally authorized to prescribe or provide such items under law.

C. A managed care health insurance plan, as defined in Chapter 58 (§ 38.2-5800 et seq.) of this title, may require such health care professional to be a member of the plan's provider network, provided that such network includes sufficient health care professionals who are qualified by specific education, experience, and credentials to provide the covered benefits described in this section.

D. No insurer, corporation, or health maintenance organization shall impose upon any person receiving benefits pursuant to this section any copayment, fee, policy year or calendar year, or durational benefit limitation or maximum for benefits or services that is not equally imposed upon all individuals in the same benefit category.

E. The requirements of this section shall apply to all insurance policies, contracts and plans delivered, issued for delivery, reissued, or extended in this Commonwealth on and after January 1, 2004, or at any time thereafter when any term of the policy, contract or plan is changed or any premium adjustment is made.

F. This section shall not apply to short-term travel, accident only, *or* limited or specified disease, ~~or individual conversion~~ policies or contracts, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

§ 38.2-3418.15. Coverage for prosthetic devices and components.

A. Notwithstanding the provisions of § 38.2-3419, each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing individual or group accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services shall offer and make available coverage for medically necessary prosthetic devices, their repair, fitting, replacement, and components, as follows:

1. As used in this section:

"Component" means the materials and equipment needed to ensure the comfort and functioning of a prosthetic device.

"Limb" means an arm, a hand, a leg, a foot, or any portion of an arm, a hand, a leg, or a foot.

"Prosthetic device" means an artificial device to replace, in whole or in part, a limb.

2. Prosthetic device coverage does not include repair and replacement due to enrollee neglect, misuse, or abuse. Coverage also does not include prosthetic devices designed primarily for an athletic purpose.

3. An insurer shall not impose any annual or lifetime dollar maximum on coverage for prosthetic devices other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy. The coverage may be made subject to, and no more restrictive than, the provisions of a health insurance policy that apply to other benefits under the policy.

4. An insurer shall not apply amounts paid for prosthetic devices to any annual or lifetime dollar maximum applicable to other durable medical equipment covered under the policy other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy.

5. No insurer, corporation, or health maintenance organization shall impose upon any person receiving benefits pursuant to this section any coinsurance in excess of 30 percent of the carrier's allowable charge for such prosthetic device or services when such device or service is provided by an in-network provider.

6. An insurer, corporation, or health maintenance organization may require preauthorization to determine medical necessity and the eligibility of benefits for prosthetic devices and components, in the same manner that prior authorization is required for any other covered benefit.

B. The requirements of this section shall apply to all insurance policies, contracts, and plans delivered, issued for delivery, reissued, or extended in the Commonwealth on and after January 1, 2010, or at any time thereafter when any term of the policy, contract, or plan is changed or any premium adjustment is made.

C. This section shall not apply to short-term travel, accident-only, *or* limited or specified disease, ~~or individual conversion~~ policies or contracts, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

§ 38.2-3418.16. Coverage for telemedicine services.

A. Notwithstanding the provisions of § 38.2-3419, each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing individual or group accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services shall provide coverage for the cost of such health care services provided through telemedicine services, as provided in this section.

B. As used in this section, "telemedicine services," as it pertains to the delivery of health care services, means the use of interactive audio, video, or other electronic media used for the purpose of diagnosis, consultation, or treatment. "Telemedicine services" do not include an audio-only telephone, electronic mail message, or facsimile transmission.

C. An insurer, corporation, or health maintenance organization shall not exclude a service for coverage solely because the service is provided through telemedicine services and is not provided through face-to-face consultation or contact between a health care provider and a patient for services appropriately provided through telemedicine services.

D. An insurer, corporation, or health maintenance organization shall not be required to reimburse the treating provider or the consulting provider for technical fees or costs for the provision of telemedicine services; however, such insurer, corporation, or health maintenance organization shall reimburse the treating provider or the consulting provider for the diagnosis, consultation, or treatment of the insured delivered through telemedicine services on the same basis that the insurer, corporation, or health maintenance organization is responsible for coverage for the provision of the same service through face-to-face consultation or contact.

E. Nothing shall preclude the insurer, corporation, or health maintenance organization from undertaking utilization review to determine the appropriateness of telemedicine services, provided that such appropriateness is made in the same manner as those determinations are made for the treatment of any other illness, condition, or disorder covered by such policy, contract, or plan. Any such utilization review shall not require pre-authorization of emergent telemedicine services.

F. An insurer, corporation, or health maintenance organization may offer a health plan containing a deductible, copayment, or coinsurance requirement for a health care service provided through telemedicine services, provided that the

deductible, copayment, or coinsurance does not exceed the deductible, copayment, or coinsurance applicable if the same services were provided through face-to-face diagnosis, consultation, or treatment.

G. No insurer, corporation, or health maintenance organization shall impose any annual or lifetime dollar maximum on coverage for telemedicine services other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy, or impose upon any person receiving benefits pursuant to this section any copayment, coinsurance, or deductible amounts, or any policy year, calendar year, lifetime, or other durational benefit limitation or maximum for benefits or services, that is not equally imposed upon all terms and services covered under the policy, contract, or plan.

H. The requirements of this section shall apply to all insurance policies, contracts, and plans delivered, issued for delivery, reissued, or extended in the Commonwealth on and after January 1, 2011, or at any time thereafter when any term of the policy, contract, or plan is changed or any premium adjustment is made.

I. This section shall not apply to short-term travel, accident-only, or limited or specified disease, or individual conversion policies or contracts, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

§ 38.2-3430.6. Market requirements.

~~A.~~ The provisions of § 38.2-3430.3 shall not be construed to require that a health insurance issuer offering health insurance coverage only in connection with group health plans or through one or more bona fide associations, or both, offer such health insurance coverage in the individual market.

~~B. A health insurance issuer offering health insurance coverage in connection with group health plans under this title shall not be deemed to be a health insurance issuer offering individual health insurance coverage solely because such issuer offers a conversion policy.~~

§ 38.2-3438. Definitions.

As used this article, unless the context requires a different meaning:

"Child" means a son, daughter, stepchild, adopted child, including a child placed for adoption, foster child or any other child eligible for coverage under the health benefit plan.

"Covered benefits" or "benefits" means those health care services to which an individual is entitled under the terms of a health benefit plan.

"Covered person" means a policyholder, subscriber, enrollee, participant, or other individual covered by a health benefit plan.

"Dependent" means the spouse or child of an eligible employee, subject to the applicable terms of the policy, contract, or plan covering the eligible employee.

"Emergency medical condition" means a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, so that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in (i) serious jeopardy to the mental or physical health of the individual, (ii) danger of serious impairment to bodily functions, (iii) serious dysfunction of any bodily organ or part, or (iv) in the case of a pregnant woman, serious jeopardy to the health of the fetus.

"Emergency services" means with respect to an emergency medical condition: (i) a medical screening examination as required under § 1867 of the Social Security Act (42 U.S.C. § 1395dd) that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department to evaluate such emergency medical condition and (ii) such further medical examination and treatment, to the extent they are within the capabilities of the staff and facilities available at the hospital, as are required under § 1867 of the Social Security Act (42 U.S.C. § 1395dd(e)(3)) to stabilize the patient.

"ERISA" means the Employee Retirement Income Security Act of 1974.

"Essential health benefits" include the following general categories and the items and services covered within the categories in accordance with regulations issued pursuant to the PPACA: (i) ambulatory patient services; (ii) emergency services; (iii) hospitalization; (iv) laboratory services; (v) maternity and newborn care; (vi) mental health and substance abuse disorder services, including behavioral health treatment; (vii) pediatric services, including oral and vision care; (viii) prescription drugs; (ix) preventive and wellness services and chronic disease management; and (x) rehabilitative and habilitative services and devices.

"Facility" means an institution providing health care related services or a health care setting, including but not limited to hospitals and other licensed inpatient centers; ambulatory surgical or treatment centers; skilled nursing centers; residential treatment centers; diagnostic, laboratory, and imaging centers; and rehabilitation and other therapeutic health settings.

"Genetic information" means, with respect to an individual, information about: (i) the individual's genetic tests; (ii) the genetic tests of the individual's family members; (iii) the manifestation of a disease or disorder in family members of the individual; or (iv) any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services, by the individual or any family member of the individual. "Genetic information" does not include information about the sex or age of any individual. As used in this definition, "family member" includes a first-degree, second-degree, third-degree, or fourth-degree relative of a covered person.

"Genetic services" means (i) a genetic test; (ii) genetic counseling, including obtaining, interpreting, or assessing genetic information; or (iii) genetic education.

"Genetic test" means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, if the analysis detects genotypes, mutations, or chromosomal changes. "Genetic test" does not include an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition.

"Grandfathered plan" means coverage provided by a health carrier to (i) a small employer on March 23, 2010, or (ii) an individual that was enrolled on March 23, 2010, including any extension of coverage to an individual who becomes a dependent of a grandfathered enrollee after March 23, 2010, for as long as such plan maintains that status in accordance with federal law.

"Group health insurance coverage" means health insurance coverage offered in connection with a group health benefit plan.

"Group health plan" means an employee welfare benefit plan as defined in § 3(1) of ERISA to the extent that the plan provides medical care within the meaning of § 733(a) of ERISA to employees, including both current and former employees, or their dependents as defined under the terms of the plan directly or through insurance, reimbursement, or otherwise.

"Health benefit plan" means a policy, contract, certificate, or agreement offered by a health carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services. "Health benefit plan" includes short-term and catastrophic health insurance policies, and a policy that pays on a cost-incurred basis, except as otherwise specifically exempted in this definition. "Health benefit plan" does not include the "excepted benefits" as defined in § 38.2-3431.

"Health care professional" means a physician or other health care practitioner licensed, accredited, or certified to perform specified health care services consistent with state law.

"Health care provider" or "provider" means a health care professional or facility.

"Health care services" means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.

"Health carrier" means an entity subject to the insurance laws and regulations of the Commonwealth and subject to the jurisdiction of the Commission that contracts or offers to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including an insurer licensed to sell accident and sickness insurance, a health maintenance organization, a health services plan, or any other entity providing a plan of health insurance, health benefits, or health care services.

"Health maintenance organization" means a person licensed pursuant to Chapter 43 (§ 38.2-4300 et seq.).

"Health status-related factor" means any of the following factors: health status; medical condition, including physical and mental illnesses; claims experience; receipt of health care services; medical history; genetic information; evidence of insurability, including conditions arising out of acts of domestic violence; disability; or any other health status-related factor as determined by federal regulation.

"Individual health insurance coverage" means health insurance coverage offered to individuals in the individual market, which includes a health benefit plan provided to individuals through a trust arrangement, association, or other discretionary group that is not an employer plan, but does not include coverage defined as "excepted benefits" in § 38.2-3431 or short-term limited duration insurance. Student health insurance coverage shall be considered a type of individual health insurance coverage. ~~A health carrier offering health insurance coverage in connection with a group health plan shall not be deemed to be a health carrier offering individual health insurance coverage solely because the carrier offers a conversion policy.~~

"Individual market" means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

"Managed care plan" means a health benefit plan that either requires a covered person to use, or creates incentives, including financial incentives, for a covered person to use health care providers managed, owned, under contract with, or employed by the health carrier.

"Network" means the group of participating providers providing services to a managed care plan.

"Open enrollment" means, with respect to individual health insurance coverage, the period of time during which any individual has the opportunity to apply for coverage under a health benefit plan offered by a health carrier and must be accepted for coverage under the plan without regard to a preexisting condition exclusion.

"Participating health care professional" means a health care professional who, under contract with the health carrier or with its contractor or subcontractor, has agreed to provide health care services to covered persons with an expectation of receiving payments, other than coinsurance, copayments, or deductibles, directly or indirectly from the health carrier.

"PPACA" means the Patient Protection and Affordable Care Act (P.L. 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (P.L. 111-152), and as it may be further amended.

"Preexisting condition exclusion" means a limitation or exclusion of benefits, including a denial of coverage, based on the fact that the condition was present before the effective date of coverage, or if the coverage is denied, the date of denial, whether or not any medical advice, diagnosis, care, or treatment was recommended or received before the effective date of coverage. "Preexisting condition exclusion" also includes a condition identified as a result of a pre-enrollment questionnaire or physical examination given to an individual, or review of medical records relating to the pre-enrollment period.

"Premium" means all moneys paid by an employer, eligible employee, or covered person as a condition of coverage from a health carrier, including fees and other contributions associated with the health benefit plan.

"Primary care health care professional" means a health care professional designated by a covered person to supervise, coordinate, or provide initial care or continuing care to the covered person and who may be required by the health carrier to initiate a referral for specialty care and maintain supervision of health care services rendered to the covered person.

"Rescission" means a cancellation or discontinuance of coverage under a health benefit plan that has a retroactive effect. "Rescission" does not include:

1. A cancellation or discontinuance of coverage under a health benefit plan if the cancellation or discontinuance of coverage has only a prospective effect, or the cancellation or discontinuance of coverage is effective retroactively to the extent it is attributable to a failure to timely pay required premiums or contributions towards the cost of coverage; or

2. A cancellation or discontinuance of coverage when the health benefit plan covers active employees and, if applicable, dependents and those covered under continuation coverage provisions, if the employee pays no premiums for coverage after termination of employment and the cancellation or discontinuance of coverage is effective retroactively back to the date of termination of employment due to a delay in administrative recordkeeping.

"Stabilize" means with respect to an emergency medical condition, to provide such medical treatment as may be necessary to assure, within reasonable medical probability, that no material deterioration of the condition is likely to result from or occur during the transfer of the individual from a facility, or, with respect to a pregnant woman, that the woman has delivered, including the placenta.

"Student health insurance coverage" means a type of individual health insurance coverage that is provided pursuant to a written agreement between an institution of higher education, as defined by the Higher Education Act of 1965, and a health carrier and provided to students enrolled in that institution of higher education and their dependents, and that does not make health insurance coverage available other than in connection with enrollment as a student, or as a dependent of a student, in the institution of higher education, and does not condition eligibility for health insurance coverage on any health status-related factor related to a student or a dependent of the student.

"Wellness program" means a program offered by an employer that is designed to promote health or prevent disease.

§ 38.2-3541. Continuation on termination of eligibility.

A. Each group hospital policy, group medical and surgical policy, or group major medical policy delivered or issued for delivery in this the Commonwealth or renewed, reissued, or extended if already issued; shall contain; ~~subject to the policyholder's selection, one of the options set forth in this section. Option 1 shall apply a provision for continuation of coverage under the group policy~~ if the insurance on a person covered under such a policy ceases because of the termination of the person's eligibility for coverage, prior to that person becoming eligible for Medicare or Medicaid benefits ~~unless such termination is due to termination of the group policy under circumstances in which the insured person is insurable under other replacement group coverage or health care plan without waiting periods or preexisting conditions under the replacement coverage or plan. Option 2 shall apply if the insurance on a person covered under such a policy that remains in force ceases because of the termination of the person's eligibility for coverage prior to that person becoming eligible for Medicare or Medicaid benefits. Option 2. This provision shall not be applicable if the group policyholder is required by federal law to provide for continuation of coverage under its group health plan pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).~~

~~1. Option 1: To have the insurer issue him, without evidence of insurability, an individual accident and sickness insurance policy in the event that the insurer is not exempt under § 38.2-3416 and offers such policy; subject to the following requirements:~~

~~a. The application for the policy shall be made, and the first premium paid to the insurer within thirty-one days after issuance of the written notice required in subdivision 3, but in no event beyond the 60 day period following the date of the termination of the person's eligibility;~~

~~b. The premium on the policy shall be at the insurer's then customary rate applicable: (i) to such policies; (ii) to the class of risk to which the person then belongs; and (iii) to his or her age on the effective date of the policy;~~

~~e. The policy will not result in over-insurance on the basis of the insurer's underwriting standards at the time of issue;~~

~~d. The benefits under the policy shall not duplicate any benefits paid for the same injury or same sickness under the prior policy;~~

~~e. The policy shall extend coverage to the same family members that were insured under the group policy; and~~

~~f. Coverage under this option shall be effected in such a way as to result in continuous coverage from the date of the insured's termination of eligibility for such insured if requested and paid for by the insured.~~

~~2. Option 2: To have his B. The insured's present coverage shall continue under the policy continued for a period of 12 months immediately following the date of the termination of the person's eligibility, without evidence of insurability, subject to the following requirements:~~

~~a. 1. The application and payment for the extended coverage is made to the group policyholder within 31 days after issuance of the written notice required in subdivision 3 subsection C, but in no event beyond the 60 day 60-day period following the date of the termination of the person's eligibility;~~

~~b. 2. Each premium for such extended coverage is timely paid to the group policyholder on a monthly basis during the twelve-month 12-month period;~~

~~e.~~ 3. The premium for continuing the group coverage shall be at the insurer's current rate applicable to the group policy plus any applicable administrative fee not to exceed two percent of the current rate; and

~~d.~~ 4. Continuation shall only be available to an employee or member who has been continuously insured under the group policy during the entire ~~three months~~ *three-month* period immediately preceding termination of eligibility.

~~3.~~ C. The group policyholder shall provide each employee or other person covered under such a policy written notice of the availability of ~~the option chosen~~ *continuation of coverage* and the procedures and timeframes for obtaining continuation ~~or conversion~~ of the group policy. Such notice shall be provided within 14 days of the policyholder's knowledge of the employee's or other covered person's loss of eligibility under the policy.

§ 38.2-4217. Reports.

A. In addition to the annual statement required by § 38.2-1300, the Commission shall require each nonstock corporation to file on a quarterly basis any additional reports, exhibits or statements the Commission considers necessary to furnish full information concerning the condition, solvency, experience, transactions or affairs of the nonstock corporation. The Commission shall establish deadlines for submitting any additional reports, exhibits or statements. The Commission may require verification by any officers of the nonstock corporation the Commission designates.

B. In addition to the annual statement required by § 38.2-1300, the Commission shall require each nonstock corporation to file annually, on or before June 1, an annual statement, signed by two of its principal officers subject to § 38.2-1304, showing:

1. The number of Virginia subscribers by the following type of contract or its equivalent:

- a. Individual, open enrollment; *and*
- b. Medicare, extended, under 65 disabled; ~~and~~

~~e. Individual conversion subscribers.~~

2. The subscriber income and benefit payments in the aggregate for the types of contracts listed above subject to specific breakdown by type of contract as requested by the Commission; and

3. Expenditures for providing public services, in addition to open enrollment, to the community.

§ 38.2-4306. Evidence of coverage and charges for health care services.

A. 1. Each subscriber shall be entitled to evidence of coverage under a health care plan.

2. No evidence of coverage, or amendment to it, shall be delivered or issued for delivery in this Commonwealth until a copy of the form of the evidence of coverage, or amendment to it, has been filed with and approved by the Commission, subject to the provisions of subsection C of this section. Any evidence of coverage for enrollees in the plans administered by the Department of Medical Assistance Services that provide benefits pursuant to Title XIX or Title XXI of the Social Security Act, as amended, is excluded from the provisions of this section.

3. No evidence of coverage shall contain provisions or statements which are unjust, unfair, untrue, inequitable, misleading, deceptive or misrepresentative.

4. An evidence of coverage shall contain a clear and complete statement if a contract, or a reasonably complete summary if a certificate, of:

a. The health care services and any insurance or other benefits to which the enrollee is entitled under the health care plan;

b. Any limitations on the services, kind of services, benefits, or kind of benefits to be provided, including any deductible or copayment feature, or both;

c. Where and in what manner information is available as to how services may be obtained;

d. The total amount of payment for health care services and any indemnity or service benefits that the enrollee is obligated to pay with respect to individual contracts, or an indication whether the plan is contributory or noncontributory for group certificates;

e. A description of the health maintenance organization's method for resolving enrollee complaints. Any subsequent change may be evidenced in a separate document issued to the enrollee; *and*

f. A list of providers and a description of the service area which shall be provided with the evidence of coverage, if such information is not given to the subscriber at the time of enrollment; ~~and~~

~~g. Any right of subscribers covered under a group contract to convert their coverages to an individual contract issued by the health maintenance organization.~~

B. Pursuant to this subsection:

1. No schedule of charges or amendment to the schedule of charges for enrollee coverage for health care services may be used in conjunction with any health care plan until a copy of the schedule, or its amendment, has been filed with the Commission. Any schedule of charges or amendment to the schedule of charges for enrollees in the plans administered by the Department of Medical Assistance Services that provide benefits pursuant to Title XIX or Title XXI of the Social Security Act, as amended, is excluded from the provisions of this subsection.

2. The charges may be established for various categories of enrollees based upon sound actuarial principles, provided that charges applying to an enrollee in a group health plan shall not be individually determined based on the status of his health. A certification on the appropriateness of the charges, based upon reasonable assumptions, may be required by the Commission to be filed along with adequate supporting information. This certification shall be prepared by a qualified actuary or other qualified professional approved by the Commission.

C. The Commission shall, within a reasonable period, approve any form if the requirements of subsection A of this section are met. It shall be unlawful to issue a form until approved. If the Commission disapproves a filing, it shall notify the filer. The Commission shall specify the reasons for its disapproval in the notice. A written request for a hearing on the disapproval may be made to the Commission within 30 days after notice of the disapproval. If the Commission does not disapprove any form within 30 days of the filing of such form, it shall be deemed approved unless the filer is notified in writing that the waiting period is extended by the Commission for an additional 30 days. Filing of the form means actual receipt by the Commission.

D. The Commission may require the submission of any relevant information it considers necessary in determining whether to approve or disapprove a filing made under this section.

E. The provisions of this section shall not apply in any instance in which the provisions of this section are inconsistent or in conflict with a provision of Article 6 (§ 38.2-3438 et seq.) of Chapter 34.

§ 38.2-4310. Protection against insolvency.

A. Each health maintenance organization shall deposit and maintain acceptable securities with the State Treasurer in amounts prescribed by § 38.2-4310.1. The deposit shall be held as a special fund in trust, as a guarantee that the obligations to the enrollees who are residents of this Commonwealth will be performed. The securities shall be deposited pursuant to a system of book-entry evidencing ownership interests of the securities with transfers of ownership interests effected on the records of a depository and its participants pursuant to rules and procedures established by the depository. Upon a determination of insolvency or action by the Commission pursuant to § 38.2-4317, the deposit shall be used to protect the interests of the health maintenance organization's enrollees and to assure continuation of covered services to enrollees. If a health maintenance organization is placed in receivership, the deposit shall be an asset subject to the provisions of Chapter 15 (§ 38.2-1500 et seq.) of this title.

B. The Commission may require that each health maintenance organization have a plan for handling insolvency which allows for continuation of benefits for the duration of the contract period for which premiums have been paid and continuation of benefits to members who are confined on the date of insolvency in an inpatient facility until their discharge or expiration of benefits. In considering such a plan, the Commission may require:

1. Insurance satisfactory in form and content to the Commission to cover the expenses to be paid for continued benefits after an insolvency;

2. Provisions in provider contracts that obligate the provider to provide services for the duration of the period after the health maintenance organization's insolvency for which premium payment has been made and until the enrollees' discharge from inpatient facilities;

3. Acceptable letters of credit; or

4. Any other arrangements to assure that benefits are continued as specified above.

C. 1. In the event of an insolvency of a health maintenance organization, all other carriers that participated in the enrollment process with the insolvent health maintenance organization at a group's last regular enrollment period shall offer such group's enrollees of the insolvent health maintenance organization a ~~thirty-day~~ 30-day enrollment period commencing upon a date to be prescribed by the Commission. Each carrier shall offer such enrollees of the insolvent health maintenance organization the same coverages and rates then in effect for its enrollees in such group.

2. If no other carrier had been offered to some groups enrolled in the insolvent health maintenance organization, or if the Commission determines that the other health benefit plan lacks sufficient health care delivery resources to assure that health care services shall be available and accessible to all of the group enrollees of the insolvent health maintenance organization, then the Commission may allocate equitably the insolvent health maintenance organization's group contracts for such groups among all health maintenance organizations which operate within a portion of the insolvent health maintenance organization's service area, taking into consideration the health care delivery resources of each health maintenance organization. Each health maintenance organization to which a group or groups are so allocated shall offer such group or groups the health maintenance organization's existing coverage which is most similar to each group's coverage with the insolvent health maintenance organization at rates determined in accordance with the successor health maintenance organization's existing rating methodology.

3. The Commission may also allocate equitably the insolvent health maintenance organization's nongroup enrollees which are unable to obtain other coverage among all health maintenance organizations which operate within a portion of the insolvent health maintenance organization's service area, taking into consideration the health care delivery resources of each such health maintenance organization. Each health maintenance organization to which nongroup enrollees are allocated shall offer such nongroup enrollees the health maintenance organization's existing coverage for individual ~~or conversion~~ coverage as determined by his type of coverage in the insolvent health maintenance organization at rates determined in accordance with the successor health maintenance organization's existing rating methodology. Successor health maintenance organizations which do not offer direct nongroup enrollment may aggregate all of the allocated nongroup enrollees into one group for rating and coverage purposes.

D. 1. Any carrier providing replacement coverage with respect to group hospital, medical or surgical expense or service benefits within a period of ~~sixty~~ 60 days from the date of discontinuance of a prior health maintenance organization contract or policy providing such hospital, medical or surgical expense or service benefits shall immediately cover all employees and dependents who were validly covered under the previous health maintenance organization contract or policy

at the date of discontinuance and who would otherwise be eligible for coverage under the succeeding carrier's contract, regardless of any provisions of the contract relating to active employment or hospital confinement or pregnancy.

2. Except to the extent benefits for the condition would have been reduced or excluded under the prior carrier's contract or policy, no provision in a succeeding carrier's contract of replacement coverage which would operate to reduce or exclude benefits on the basis that the condition giving rise to benefits preexisted the effective date of the succeeding carrier's contract shall be applied with respect to those employees and dependents validly covered under the prior carrier's contract or policy on the date of discontinuance.

~~E. [Repealed.]~~

§ 38.2-4319. Statutory construction and relationship to other laws.

A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.) and 5 (§ 38.2-1322 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.) and 2 (§ 38.2-1412 et seq.) of Chapter 14, §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.18, 38.2-3411, 38.2-3411.2, 38.2-3411.3, 38.2-3411.4, 38.2-3412.1:01, 38.2-3414.1, 38.2-3418.1 through 38.2-3418.17, 38.2-3419.1, 38.2-3430.1 through 38.2-3454, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, ~~38.2-3541.1~~, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

B. For plans administered by the Department of Medical Assistance Services that provide benefits pursuant to Title XIX or Title XXI of the Social Security Act, as amended, no provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-322, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.) and 5 (§ 38.2-1322 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.) and 2 (§ 38.2-1412 et seq.) of Chapter 14, §§ 38.2-3401, 38.2-3405, 38.2-3407.2 through 38.2-3407.5, 38.2-3407.6, 38.2-3407.6:1, 38.2-3407.9, 38.2-3407.9:01, and 38.2-3407.9:02, subdivisions F 1, F 2, and F 3 of § 38.2-3407.10, §§ 38.2-3407.11, 38.2-3407.11:3, 38.2-3407.13, 38.2-3407.13:1, 38.2-3407.14, 38.2-3411.2, 38.2-3418.1, 38.2-3418.2, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

C. Solicitation of enrollees by a licensed health maintenance organization or by its representatives shall not be construed to violate any provisions of law relating to solicitation or advertising by health professionals.

D. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful practice of medicine. All health care providers associated with a health maintenance organization shall be subject to all provisions of law.

E. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to offer coverage to or accept applications from an employee who does not reside within the health maintenance organization's service area.

F. For purposes of applying this section, "insurer" when used in a section cited in subsections A and B shall be construed to mean and include "health maintenance organizations" unless the section cited clearly applies to health maintenance organizations without such construction.

2. That §§ 38.2-3416 and 38.2-3541.1 of the Code of Virginia are repealed.

CHAPTER 815

An Act to amend and reenact §§ 2.2-435.6, 2.2-435.7, 2.2-2101, as it is currently effective and as it shall become effective, 23-38.93, and 60.2-113 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 24 of Title 2.2 an article numbered 24, consisting of sections numbered 2.2-2470 through 2.2-2477; and to repeal Article 25 (§§ 2.2-2669 through 2.2-2674.1) of Chapter 26 of Title 2.2 and Chapter 4.4:4 (§§ 23-38.53:12 through 23-38.53:20) of Title 23 of the Code of Virginia, relating to workforce development.

[H 1009]

Approved May 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-435.6, 2.2-435.7, 2.2-2101, as it is currently effective and as it shall become effective, 23-38.93, and 60.2-113 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 24 of Title 2.2 an article numbered 24, consisting of sections numbered 2.2-2470 through 2.2-2477, as follows:

§ 2.2-435.6. Chief Workforce Development Officer.

A. The Governor shall serve as Chief Workforce Development Officer for the Commonwealth.

B. The Governor may ~~designate a senior staff member from the immediate staff of the Governor's Office to appoint a Chief Workforce Development Advisor who shall~~ be responsible for the ~~responsibilities~~ duties assigned to the Governor ~~him~~ pursuant to this chapter and Article 25 24 (§ ~~2.2-2669~~ 2.2-2470 et seq.) of Chapter 26 ~~of this title~~ 24 or other tasks as may be assigned to ~~such person~~ *him* by the Governor.

§ 2.2-435.7. Responsibilities of the Chief Workforce Development Advisor.

A. The Governor's responsibilities ~~as of the~~ Chief Workforce Development ~~Officer~~ *Advisor* shall include:

1. Developing a strategic plan for the statewide delivery of workforce development and training programs and activities. The strategic plan shall be developed in coordination with the development of the comprehensive economic development policy required by § 2.2-205. The strategic plan shall include performance measures that link the objectives of such programs and activities to the record of state agencies, local workforce investment boards, and other relevant entities in attaining such objectives;

2. To the extent permissible under applicable federal law, determining the appropriate allocation of funds and other resources that have been appropriated or are otherwise available for disbursement by the Commonwealth for workforce development programs and activities;

3. Ensuring that the Commonwealth's workforce development efforts are implemented in a coordinated and efficient manner by, among other activities, taking appropriate executive action to this end and recommending to the General Assembly necessary legislative actions to streamline and eliminate duplication in such efforts;

4. Facilitating efficient implementation of workforce development and training programs by cabinet secretaries and agencies responsible for such programs;

5. Developing, in coordination with the Virginia *Board of Workforce Council Development*, (i) certification standards for programs and providers and (ii) uniform policies and procedures, including standardized forms and applications, for one-stop centers;

6. Monitoring, in coordination with the Virginia *Board of Workforce Council Development*, the effectiveness of each one-stop center and recommending actions needed to improve their effectiveness;

7. Establishing measures to evaluate the effectiveness of the local workforce investment boards and conducting annual evaluations of the effectiveness of each local workforce investment board. As part of the evaluation process, the Governor shall recommend to such boards specific best management practices;

8. Conducting annual evaluations of the performance of workforce development and training programs and activities and their administrators and providers, using the performance measures developed through the strategic planning process described in subdivision 1. The evaluations shall include, to the extent feasible, (i) a comparison of the per-person costs for each program or activity, (ii) a comparative rating of each program or activity based on its success in meeting program objectives, and (iii) an explanation of the extent to which each agency's appropriation requests incorporate the data reflected in the cost comparison described in clause (i) and the comparative rating described in clause (ii). These evaluations, including the comparative rankings, shall be considered in allocating resources for workforce development and training programs. These evaluations shall be submitted to the chairs of the House and Senate Commerce and Labor Committees and included in the biennial reports pursuant to subdivision ~~A~~ 10;

9. Monitoring federal legislation and policy, in order to maximize the Commonwealth's effective use of and access to federal funding available for workforce development programs; and

10. Submitting biennial reports, which shall be included in the Governor's executive budget submissions to the General Assembly, on improvements in the coordination of workforce development efforts statewide. The reports shall identify (i) program success rates in relation to performance measures established by the Virginia *Board of Workforce Council Development*, (ii) obstacles to program and resource coordination, and (iii) strategies for facilitating statewide program and resource coordination.

B. The *Chief Workforce Development Advisor* shall report to the Governor ~~may delegate any of his responsibilities enumerated in subsection A to a senior staff member within his immediate office.~~

§ 2.2-2101. (Effective until July 1, 2017) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General

Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Opportunity Educational Institution Board, who shall be appointed as provided for in § 22.1-27.1; to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided for in § 9.1-108; to members of the Council on Virginia's Future, who shall be appointed as provided for in § 2.2-2685; to members of the State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be appointed as provided for in § 2.2-2648; to members of the Virginia *Board of Workforce Council Development*, who shall be appointed as provided for in § ~~2.2-2669~~ 2.2-2471; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-233; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; or to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735.

§ 2.2-2101. (Effective July 1, 2017) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Opportunity Educational Institution Board, who shall be appointed as provided for in § 22.1-27.1; to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided for in § 9.1-108; to members of the State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be appointed as provided in § 2.2-2648; to members of the Virginia *Board of Workforce Council Development*, who shall be appointed as provided for in § ~~2.2-2669~~ 2.2-2471; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-233; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; or to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735.

Article 24.

Virginia Board of Workforce Development.

§ 2.2-2470. Definitions.

As used in this article:

"Local workforce investment board" means a local workforce investment board established under § 117 of the WIA.

"One stop" means a conceptual approach to service delivery intended to provide a single point of access for receiving a wide range of workforce development and employment services, either on-site or electronically, through a single system.

"One-stop center" means a physical site where core services are provided, either on-site or electronically, and access to intensive services, training services, and other partner program services are available for employers, employees, and job seekers.

"One-stop operator" means a single entity or consortium of entities that operate a one-stop center or centers. Operators may be public or private entities competitively selected or designated through an agreement with a local workforce board.

"Virginia Workforce Network" includes the programs and activities enumerated in subsection G of § 2.2-2472.

"WIA" means the federal Workforce Investment Act of 1998 (P.L. 105-220), as amended.

§ 2.2-2471. Virginia Board of Workforce Development; purpose; membership; terms; compensation and expenses; staff.

A. The Virginia Board of Workforce Development (the Board) is established as a policy board, within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Board shall be to assist and advise the Governor, the General Assembly, and the Chief Workforce Development Advisor in meeting workforce training needs in the Commonwealth through recommendation of policies and strategies to increase coordination and thus efficiencies of operation between all education and workforce programs with responsibilities and resources for occupational training.

B. The Board shall consist of a maximum of 26 members as follows:

1. The Board shall include two members of the House of Delegates to be appointed by the Speaker of the House of Delegates and two members of the Senate to be appointed by the Senate Committee on Rules. Legislative members shall serve terms coincident with their terms of office and may be reappointed for successive terms.

2. The Governor or his designee who shall be selected from among the cabinet-level officials appointed to the Board; the Secretaries of Commerce and Trade, Education, Health and Human Resources, and Veterans Affairs and Homeland Security, or their designees; and the Chancellor of the Virginia Community College System or his designee shall serve as ex officio members.

3. The Governor shall appoint members as follows: one local elected official; two representatives nominated by state labor federations; and 14 nonlegislative citizen members representing the business community, to include the presidents of the Virginia Chamber of Commerce and the Virginia Manufacturers Association, one representative of proprietary employment training schools, one representative of health care employers, and the remaining members who are business owners, chief executive officers, chief operating officers, chief financial officers, senior managers, or other business executives or employers with optimum policy-making or hiring authority and who shall represent diverse regions of the state, to include urban, suburban, and rural areas, at least two of whom shall be members of local workforce investment boards. Nonlegislative citizen members may be nonresidents of the Commonwealth.

Members appointed in accordance with this subdivision shall serve four-year terms, subject to the pleasure of the Governor, and may be reappointed.

C. If one person appointed to fill one of the enumerated positions in subsection B also qualifies to fill any other of the enumerated positions, such person may, at the discretion of the Governor, be deemed to fill any or all of the enumerated positions for which such person qualifies.

D. The Governor shall select a chairman and vice-chairman, who shall serve two-year terms, from among the 14 nonlegislative citizen members representing the business community appointed in accordance with subdivision B 3. No member shall be eligible to serve more than one two-year term as chairman. The Board shall meet upon the call of the chair or the Governor. The chairman and the vice-chairman shall select at least five members of the Board to serve as an executive committee of the Board, which shall have the limited purpose of establishing meeting agendas, approving reports to the Governor, and responding to urgent federal, state, and local issues between scheduled Board meetings.

E. Compensation and reimbursement of expenses of the members shall be as follows:

1. Legislative members appointed in accordance with subdivision B 1 shall receive such compensation and reimbursement of expenses incurred in the performance of their duties as provided in §§ 2.2-2813, 2.2-2825, and 30-19.12.

2. Members of the Board appointed in accordance with subdivision B 2 shall not receive compensation but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

3. Members of the Board appointed in accordance with subdivision B 3 shall not receive compensation but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

Funding for the costs of compensation and expenses of the members shall be provided from federal funds received under the WIA.

F. The Chief Workforce Development Advisor shall serve as lead staff to the Board. The Office of the Chancellor of the Virginia Community College System (i) shall provide staff support to accomplish the federally mandated requirements of the WIA and (ii) shall enter into a memorandum of agreement with the Offices of the Secretaries of Commerce and Trade and Education for the purpose of having personnel from the Office provide staff support to accomplish the other duties and functions of the Board. The memorandum of agreement shall address the scope of duties of the Offices' personnel in providing such staff assistance to the Board. All other agencies in the executive branch of the Commonwealth shall provide assistance to the Board upon request.

§ 2.2-2472. Powers and duties of the Board; Virginia Workforce Network created.

A. The Board shall undertake the following actions to implement and foster workforce training and better align education and workforce programs to meet current and projected skills requirements of an increasingly technological, global workforce:

1. Provide policy advice to the Governor on workforce and workforce development issues;
 2. Provide policy direction to local workforce investment boards;
 3. Provide recommendations on the policy, plans, and procedures for secondary and postsecondary career and technical education activities authorized under the federal Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. § 2301 et seq.) to ensure alignment with the state's plan for coordinating programs authorized under Title I of the WIA and under the federal Wagner-Peyser Act (29 U.S.C. § 49 et seq.);
 4. Provide recommendations on the policy, plans, and procedures for other education and workforce development programs that provide resources and funding for training and employment services as identified by the Governor or Board;
 5. Identify current and emerging statewide workforce needs of the business community;
 6. Forecast and identify training requirements for the new workforce;
 7. Recommend strategies that will match trained workers with available jobs to include strategies for increasing business engagement in education and workforce development;
 8. Develop WIA incentive grant applications and approve criteria for awarding incentive grants;
 9. Develop and approve criteria for the reallocation of unexpended WIA funds from local workforce investment boards;
 10. Conduct a review of budgets, which shall be submitted annually to the Board by each agency conducting federal and state funded career and technical and adult education and workforce development programs, that identify the agency's sources and expenditures of administrative, workforce training, and leadership funds for workforce development programs;
 11. Administer the Virginia Career Readiness Certificate Program in accordance with § 2.2-2477 and review and recommend industry credentials that align with high demand occupations;
 12. Define the Board's role in certifying WIA training providers, including those not subject to the authority expressed in Chapter 21.1 (§ 23-276.1 et seq.) of Title 23;
 13. Provide an annual report to the Governor concerning its actions and determinations under subdivisions 1 through 13;
 14. Create procedures, guidelines, and directives applicable to local workforce investment boards and the operation of one-stops, as necessary and appropriate to carry out the purposes of this article; and
 15. Perform any act or function in accordance with the purposes of this article.
- B. The Board may establish such committees as it deems necessary including the following:
1. A committee to accomplish the federally mandated requirements of the WIA;
 2. An advanced technology committee to focus on high-technology workforce training needs and skills attainment solutions through sector strategies, career readiness, and career pathways;
 3. A performance and accountability committee to coordinate with the Virginia Employment Commission, State Council of Higher Education for Virginia, and the Council on Virginia's Future to develop the metrics and measurements for publishing comprehensive workforce score cards and other longitudinal data that will enable the Virginia Workforce Network to measure comprehensive accountability and performance; and
 4. A military transition assistance committee to focus on military transition assistance, including reforms to (i) improve the integration of the federal Local Veterans Employment Representative Program and the Disabled Veterans Outreach Program into all Virginia Workforce Centers and (ii) reduce process and qualification barriers to training and employment services.
- C. The Board and the Governor's cabinet secretaries shall assist the Governor in complying with the provisions of the WIA and ensuring the coordination and effectiveness of all federal and state funded career and technical and adult education and workforce development programs and providers comprising elements of Virginia's Career Pathways System and Workforce Network.
- D. The Board shall assist the Governor in the following areas with respect to workforce development: development of the WIA Wagner-Peyser State Plan; development and continuous improvement of a statewide workforce development and career pathways system that ensures career readiness and coordinates and aligns career and technical education, adult education, and federal and state workforce programs; development of linkages to ensure coordination and nonduplication among programs and activities; review of local plans; designation of local areas; development of local discretionary allocation formulas; development and continuous improvement of comprehensive state performance measures including, without limitation, performance measures reflecting the degree to which one-stop centers provide comprehensive services with all mandatory partners and the degree to which local workforce investment boards have obtained funding from sources other than the WIA; preparation of the annual report to the U.S. Secretary of Labor; development of a statewide employment statistics system; and development of a statewide system of one-stop centers that provide comprehensive workforce services to employers, employees, and job seekers.
- The Board shall share information regarding its meetings and activities with the public.
- E. Each local workforce investment board shall develop and submit to the Governor and the Virginia Board of Workforce Development an annual workforce demand plan for its workforce investment board area based on a survey of local and regional businesses that reflects the local employers' needs and requirements and the availability of trained workers to meet those needs and requirements; designate or certify one-stop operators; identify eligible providers of youth activities; identify eligible providers of intensive services if unavailable at one-stop; develop a budget; conduct local oversight of one-stop operators and training providers in partnership with its local chief elected official; negotiate local performance measures, including incentives for good performance and penalties for inadequate performance; assist in

developing statewide employment statistics; coordinate workforce investment activities with economic development strategies and the annual demand plan, and develop linkages among them; develop and enter into memoranda of understanding with one-stop partners and implement the terms of such memoranda; promote participation by the private sector; actively seek sources of financing in addition to WIA funds; report performance statistics to the Virginia Board of Workforce Development; and certify local training providers in accordance with criteria provided by the Virginia Board of Workforce Development. Further, a local training provider certified by any workforce investment board has reciprocal certification for all workforce investment boards.

Each local workforce investment board shall share information regarding its meetings and activities with the public.

F. Each chief local elected official shall consult with the Governor regarding designation of local workforce investment areas; appoint members to the local board in accordance with state criteria; serve as the local grant recipient unless another entity is designated in the local plan; negotiate local performance measures with the Governor; ensure that all mandated partners are active participants in the local workforce investment board and one-stop center; and collaborate with the local workforce investment board on local plans and program oversight.

G. Each local workforce investment board shall develop and enter into a memorandum of understanding concerning the operation of the one-stop delivery system in the local area with each entity that carries out any of the following programs or activities:

1. Programs authorized under Title I of the WIA;
2. Programs authorized under the Wagner-Peyser Act (29 U.S.C. § 49 et seq.);
3. Adult education and literacy activities authorized under Title II of the WIA;
4. Programs authorized under Title I of the Rehabilitation Act of 1973 (29 U.S.C. § 720 et seq.);
5. Postsecondary career and technical education activities authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. § 2301 et seq.);
6. Activities authorized under Chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. § 2271 et seq.);
7. Activities pertaining to employment and training programs for veterans authorized under 38 U.S.C. § 4100 et seq.;
8. Programs authorized under Title 60.2, in accordance with applicable federal law;
9. Workforce development activities or work requirements of the Temporary Assistance to Needy Families (TANF) program known in Virginia as the Virginia Initiative for Employment, Not Welfare (VIEW) program established pursuant to § 63.2-608;
10. Workforce development activities or work programs authorized under the Food Stamp Act of 1977 (7 U.S.C. § 2011 et seq.); and
11. Other programs or activities as required by the WIA.

H. The Chief Workforce Development Advisor shall be responsible for the coordination of the Virginia Workforce Network and the implementation of the WIA.

§ 2.2-2473. Regional workforce training centers.

A. Regional workforce training centers shall be established at institutions within the Virginia Community College System in the Peninsula, Southside, Central Virginia, and Western Tidewater regions to assist the Board in (i) coordinating specific high-skill training, (ii) developing industry standards and related curricula, and (iii) providing skills assessments.

B. The Virginia Community College System shall evaluate other regional workforce center locations and recommend to the Board their establishment as such needs are identified. The Virginia Community College System shall support regional workforce training centers created by the Regional Competitiveness Act (§ 15.2-1306 et seq.) in which community colleges participate.

C. Approved noncredit workforce training programs offered by community colleges may receive general fund support as provided in the appropriation act.

§ 2.2-2474. Authorization of facilities use and equipment rental; fees.

Workforce training students at local community college boards and public institutions of higher education may be required to pay facility use and equipment rental fees beyond regular tuition charges for workforce training programs requiring specialized facilities or equipment. Such fees shall either be paid by such students directly to the provider of the facility or equipment or to the college for reimbursement to such provider. The fees shall be no more than the normal fees charged to the general public for the same or similar facilities or equipment. The nature of each fee authorized by this section shall be described in course schedules. All fees authorized by this section shall be reported annually to the Virginia Community College System and public institutions' boards.

§ 2.2-2475. Trade secrets.

Trade secrets that a nonpublic body submits as an offeror in connection with a proposed workforce training program shall not be subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). However, such offeror shall (i) invoke the protections of this section prior to or upon submission of the data or other materials, (ii) identify the data or other materials to be protected, and (iii) state the reasons why protection is necessary.

§ 2.2-2476. Workforce Training Access Program and Fund.

A. To facilitate the employment of residents of the Commonwealth, to provide a qualified and competent workforce for Virginia's employers, and to promote the industrial and economic development of the Commonwealth, which purposes are

declared and determined to be public purposes, there is created the Workforce Training Access Program, to be administered by the Secretary of Finance as provided in this section.

B. From such funds as are appropriated for this purpose and from such gifts, donations, grants, bequests, and other funds as may be received on its behalf, there is created in the state treasury a special nonreverting fund to be known as the Workforce Training Access Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

The assets of the Fund shall be reserved, invested, and expended solely pursuant to and for the purposes of this section and shall not be expended or otherwise transferred or used by the Commonwealth for any other purpose. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Secretary of Finance only as a guaranty of payment of workforce training loans made by a national student loan marketing association pursuant to the provisions of this section.

C. The Secretary of Finance is authorized to enter into an agreement with a national student loan marketing association that shall originate, fund, and service workforce training loans in accordance with the provisions of this section to persons enrolled in workforce training courses and programs that the Virginia Board of Workforce Development has certified to be responding to the technology needs of business and industry in the Commonwealth pursuant to § 2.2-2472.

The terms and conditions of such workforce training loans shall be consistent with market conditions and shall provide a repayment sufficient to amortize the cost of the training over its expected useful life, not to exceed 60 months. No person may receive a workforce training loan or loans that would result in that person owing an outstanding amount in excess of the tuition and required fees for the certified workforce training course or program in which such person participates.

Only persons (i) who have established domicile in Virginia, as provided in § 23-7.4 or (ii) who are employed in Virginia and whose employers make loan repayments directly by payroll deduction or tuition assistance, before providing for the training needs of other students in such certified courses, shall be eligible to receive workforce training loans. Nothing herein shall be construed to impose an obligation upon an employer to make loan payments or to continue tuition assistance after termination of the student's employment.

Consistent with Article VIII, Sections 10 and 11 of the Constitution of Virginia, the assets of the Fund shall be pledged as a guaranty of payment of workforce training loans made by such national student loan marketing association and may be expended in satisfaction of the guaranty obligations incurred thereby. Neither the Commonwealth nor any of its agencies, political subdivisions, or employees shall have any other or further liability in connection with such workforce training loans.

The agreement shall provide for annual evaluation by such national student loan marketing association and the Secretary of Finance, or his designee, of the aggregate unpaid amount of workforce training loans that such national student loan marketing association shall make available hereunder. Such association shall agree to make available workforce training loans in an aggregate unpaid amount of not less than five times the amount of all cash, cash equivalents, investments, and other assets that would then be available in the Fund.

D. If such association ceases to make workforce training loans available as provided under the agreement, the Fund shall revert to the general fund of the Commonwealth, free of the restrictions imposed by this section, after payment of or provision for any outstanding obligations that the Fund guarantees.

§ 2.2-2477. Virginia Career Readiness Certificate Program.

A. There is created the Virginia Career Readiness Certificate Program (the Program) to certify the workplace and college readiness skills of Virginians, in order to better prepare them for continued education and workforce training, successful employment, and career advancement.

B. The Program may be offered through public high schools, community colleges, one-stop centers, technical centers, vocation rehabilitation centers, the Department of Corrections, the Department of Juvenile Justice, institutions of higher education, and any other appropriate institutions as determined by the Virginia Board of Workforce Development.

C. The Program shall include, but not be limited to, the following:

1. A multilevel Career Readiness Certificate and related pre-instructional assessment tool to quantify an individual's level of proficiency in the following measurable work-ready skills: (i) reading, (ii) applied math, (iii) locating information, and (iv) any additional skills necessary to meet business and industry skill demand;

2. Targeted instruction and remediation skills training to address those work-ready skills in which the individual is not proficient as measured by the pre-instructional assessment tool designed to meet identified specific skill needs of local employers;

3. A Career Readiness Certificate awarded to individuals upon successful attainment of work-ready skills as documented by the assessment tool; and

4. A statewide online data system to serve as the repository for Career Readiness Certificate attainment data. The system shall (i) serve as the administrative tool to administer and help promote the Program; (ii) incorporate online services that enable employers to search individual Career Readiness Certificate data to determine skill levels and locate certified individuals in the state or a region; and (iii) incorporate online services that offer individuals tools for career exploration, continued education opportunities, job-readiness practice, and job search capabilities. The Virginia Board of Workforce Development shall seek to ensure the confidentiality of individual Career Readiness Certificate recipients. This

shall include provisions for individuals, except for employer-sponsored individuals, to opt in and opt out of the statewide online data system at any test occurrence. Additionally, the provisions of §§ 2.2-3800 through 2.2-3803 shall be considered in individual confidentiality protections adopted by the Virginia Board of Workforce Development.

D. The Board, in consultation with the Secretary of Education, shall develop policies and guidelines necessary to implement and administer the Program.

E. The Board shall report Program outcomes to the Governor and the Senate Commerce and Labor Committee, Senate Education and Health Committee, House Commerce and Labor Committee, and House Education Committee of the General Assembly by December 1 of each year. The report shall make recommendations for improving the program, including funding recommendations.

§ 23-38.93. Educational policies of the Commonwealth; other requirements.

A. For purposes of §§ 2.2-5004, 23-1.01, 23-1.1, 23-2, 23-2.1, 23-2.1:1, 23-3, 23-4.2, 23-4.3, 23-4.4, 23-7.1:02, 23-7.4, 23-7.4:1, 23-7.4:2, 23-7.4:3, 23-7.5, 23-8.2:1, 23-9.1, 23-9.2, 23-9.2:3, 23-9.2:3.1 through 23-9.2:5, 23-9.6:1.01, Chapter 4.9 (§ 23-38.75 et seq.), and § 23-38.87:17, each covered institution shall remain a public institution of higher education of the Commonwealth following its conversion to a covered institution governed by this chapter, and shall retain the authority granted and any obligations required by such provisions. In addition, each covered institution shall retain the authority, and any obligations related to the exercise of such authority, that is granted to institutions of higher education pursuant to Chapter 1.1 (§ 23-9.3 et seq.); Chapter 3 (§ 23-14 et seq.); Chapter 3.2 (§ 23-30.23 et seq.); Chapter 3.3 (§ 23-30.39 et seq.); Chapter 4 (§ 23-31 et seq.); Chapter 4.01 (§ 23-38.10:2 et seq.); Chapter 4.1 (§ 23-38.11 et seq.); Chapter 4.4 (§ 23-38.45 et seq.); Chapter 4.4:1 (§ 23-38.53:1 et seq.); Chapter 4.4:2 (§ 23-38.53:4 et seq.); Chapter 4.4:3 (§ 23-38.53:11); ~~Chapter 4.4:4 (§ 23-38.53:12 et seq.);~~ Chapter 4.5 (§ 23-38.54 et seq.); Chapter 4.7 (§ 23-38.70 et seq.); Chapter 4.8 (§ 23-38.72 et seq.); and Chapter 4.9 (§ 23-38.75 et seq.).

B. State government-owned or operated and state-owned teaching hospitals that are a part of a covered institution as of the institution's effective date of the initial Management Agreement shall continue to be characterized as state government-owned or operated and state-owned teaching hospitals for purposes of payments under the State Plan for Medicaid Services adopted pursuant to § 32.1-325 et seq., provided that the covered institution commits to serve indigent and medically indigent patients, in which event the Commonwealth, through the Department of Medical Assistance Services, shall, subject to the appropriation in the appropriation act in effect, continue to reimburse the full cost of the provision of care, treatment, health-related and educational services to indigent and medically indigent patients and continue to treat hospitals that were part of a covered institution and that were Type One Hospitals prior to the institution's effective date of the initial Management Agreement as Type One Hospitals for purposes of such reimbursement.

§ 60.2-113. Employment stabilization.

The Commission shall take all necessary steps through its appropriate divisions and with the advice of such advisory boards and committees as it may have to:

1. Establish a viable labor exchange system to promote maximum employment for the Commonwealth of Virginia with priority given to those workers drawing unemployment benefits;
2. Provide Virginia State Job Service services, as described in this title, according to the provisions of the Wagner-Peyser Act (29 U.S.C. 49f), as amended by the Workforce Investment Act;
3. Maintain a solvent trust fund financed through equitable employer taxes that provide temporary partial income replacement to involuntarily unemployed covered workers;
4. Coordinate and conduct labor market information research studies, programs and operations, including the development, storage, retrieval and dissemination of information on the social and economic aspects of the Commonwealth and publish data needed by employers, economic development, education and training entities, government and other users in the public and private sectors;
5. Determine and publish a list of jobs, trades, and professions for which a high demand of qualified workers exists or is projected by the Commission. The Commission shall consult with the Virginia Board of Workforce ~~Council~~ *Development* in making such determination. Such information shall be published biennially and disseminated to employers; education and training entities, including public two-year and four-year institutions of higher education; government agencies, including the Department of Education and public libraries; and other users in the public and private sectors;
6. Prepare official short and long-range population projections for the Commonwealth for use by the General Assembly and state agencies with programs which involve or necessitate population projections;
7. Encourage and assist in the adoption of practical methods of vocational guidance, training and retraining; and
8. Establish the Interagency Migrant Worker Policy Committee, comprised of representatives from appropriate state agencies, including the Virginia Workers' Compensation Commission, whose services and jurisdictions involve migrant and seasonal farmworkers and their employees. All agencies of the Commonwealth shall be required to cooperate with the Committee upon request.

2. That Article 25 (§§ 2.2-2669 through 2.2-2674.1) of Chapter 26 of Title 2.2 and Chapter 4.4:4 (§§ 23-38.53:12 through 23-38.53:20) of Title 23 of the Code of Virginia are repealed.

CHAPTER 816

An Act to amend and reenact § 2.2-2519 of the Code of Virginia, relating to the Virginia Commission on Higher Education Board Appointments; membership.

[H 1109]

Approved May 23, 2014

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-2519 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-2519. Membership; quorum.**

The Commission shall have a total membership of ~~seven~~ *eight* members that shall consist of ~~five~~ *six* nonlegislative citizen members and two ex officio members. Nonlegislative citizen members shall be appointed *by the Governor* as follows: two ~~nonlegislative citizen members~~ who shall be former members of either the board of visitors of a public institution of higher education or the State Board for Community Colleges; one ~~nonlegislative citizen member~~ who shall be either a former president, provost, or executive vice-president of a public institution of higher education; *one who shall be a faculty member of a public institution of higher education*; and two ~~nonlegislative citizen members~~ who shall be ~~citizens at large to be appointed by the Governor~~ *citizens at large*. The Secretary of Education or his designee and the Secretary of the Commonwealth or his designee shall serve *as ex officio members of the Commission* with nonvoting privileges. *The nonlegislative citizen member appointed who is a faculty member of a public institution of higher education shall serve without voting privileges.* Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth. *Three voting members of the Commission shall constitute a quorum.*

Nonlegislative citizen members shall serve at the pleasure of the Governor, and ex officio members of the Commission shall serve terms coincident with their terms of office.

CHAPTER 817

An Act to amend the Code of Virginia by adding a section numbered 2.2-206.1, relating to annual report; evaluation of the effectiveness of economic development incentive grants.

[H 1191]

Approved May 23, 2014

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 2.2-206.1 as follows:****§ 2.2-206.1. Economic incentive grant programs; responsibilities of the Secretary.**

A. By July 15 of each year, the agencies listed in subdivisions B 1 through 7 shall report the information outlined in subsection C to the Secretary of Commerce and Trade for the three prior calendar or fiscal years, as applicable, so that the Secretary may develop and issue a report on the effectiveness of economic development incentive grant programs administered by the Commonwealth in meeting performance goals and stimulating economic activity.

By September 15 of each year, the Secretary shall submit the draft report to the Joint Legislative Audit and Review Commission for its review of the accuracy of the information contained in the report and the effectiveness of the evaluation methods.

The Joint Legislative Audit and Review Commission shall provide its comments on the content of the report and the Secretary's analysis to the Secretary, and such comments shall be included as an appendix to the final report, which shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees by November 15 of each year.

B. The report shall include a review of allocations from the following economic development incentive programs and funds for the previous three calendar or fiscal years, as applicable, as follows:

1. Virginia Economic Development Partnership: Advanced Shipbuilding Training Facility Grant Program, Aerospace Engine Manufacturing Performance Grant Program, Clean Energy Manufacturing Incentive Grant Program, Governor's Development Opportunity Fund, Investment Partnership Grant subfund, Major Eligible Employer Grant subfund, Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Program, Specialized Biotechnology Research Performance Grant Program, Economic Development Incentive Grant subfund, and any customized incentive grants;

2. Department of Small Business and Supplier Diversity: Virginia Jobs Investment Program;

3. Department of Housing and Community Development: Enterprise Zone Job Creation and Real Property Investment Grant Programs;

4. Tobacco Indemnification and Community Revitalization Commission: Tobacco Region Opportunity Fund;

5. Virginia Tourism Authority: Governor's Motion Picture Opportunity Fund;

6. Virginia Port Authority: Port of Virginia Economic and Infrastructure Development Zone Grant Program; and

7. Innovation and Entrepreneurship Investment Authority: Growth Acceleration Program.

C. The report shall assess the effectiveness of allocations made for each program listed in subsection B. Each agency administering programs outlined in subsection B shall submit the applicable data regarding jobs, wages, capital investment, and any other related information requested by the Secretary of Commerce and Trade for purposes of

evaluating economic development incentive programs in meeting their performance goals and stimulating economic activity.

For each program, the report shall include (i) an explanation of the overall goals of the program, describing whether the program is focused on job creation and capital investment or investments are governed by ancillary goals of community development and revitalization or the development of a particular industry sector in the Commonwealth; (ii) for each of the previous three calendar or fiscal years, as applicable, summary information, including the total amount of grant funding made available for the program, the total dollar amount of the grants awarded, the total number of grants awarded, the average dollar amount approved per job and average wage expected, where applicable, and any grant amounts repaid; (iii) for each of the three previous calendar or fiscal years, as applicable, for projects that have reached completion or a performance milestone, an aggregate comparison of the projects' performance measures, including the actual number of jobs created, the actual average wages paid, and the actual amount of capital investment, with the expected number of jobs, assumed average wage, and planned capital investment when the grant awards were made, and the proportion of projects that met or exceeded the project-specific goals relevant to the program; (iv) for each of the three previous calendar or fiscal years, as applicable, for all projects that have reached completion or a performance milestone, an aggregate assessment of the projects' actual rate of return on the Commonwealth's investment compared with the expected rate of return when the grant awards were made; (v) for each of the three previous calendar or fiscal years, as applicable, for all projects that have reached completion or a performance milestone, an aggregate estimate of the projects' total economic impact measured by the Virginia Economic Development Partnership Authority on the basis of estimated state tax revenues generated directly or indirectly by the projects, where applicable; and (vi) for all projects that reached completion five calendar or fiscal years, as applicable, prior to the year of the report, an aggregate final comparison of jobs reported by companies at the time of completion and jobs at the end of the most recent calendar year, and an aggregate final comparison of the projects' rate of return at the time of completion and a five-year rate of return based on the most recent job levels.

CHAPTER 818

An Act to amend the Code of Virginia by adding in Title 60.2 a chapter numbered 7, consisting of sections numbered 60.2-700 through 60.2-710, relating to unemployment compensation; short-time compensation program; reports.

[S 110]

Approved May 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 60.2 a chapter numbered 7, consisting of sections numbered 60.2-700 through 60.2-710, as follows:

CHAPTER 7.

SHORT-TIME COMPENSATION PROGRAM.

§ 60.2-700. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Affected unit" means a specific plant, department, shift, or other definable unit of an employing unit that has at least two employees to which an approved short-time compensation plan applies.

"Approved short-time compensation plan" means a plan that is approved by the Commission as provided by this chapter.

"Health and retirement benefits" means employer-provided health benefits, and retirement benefits under a defined benefit pension plan as defined in § 414(j) of the Internal Revenue Code or contributions under a defined contribution plan as defined in § 414(i) of the Internal Revenue Code, that are incidents of employment in addition to the cash remuneration earned.

"Program" means the short-time compensation program established pursuant to this chapter.

"Short-time compensation" means the unemployment benefits payable to employees in an affected unit under an approved short-time compensation plan, as distinguished from the unemployment benefits otherwise payable under the unemployment compensation provisions of a state law.

"Short-time compensation plan" or "plan" means a plan submitted by an employer for approval by the Commission, under which the employer requests the payment of short-time compensation to workers in an affected unit of the employer to avert layoffs.

"Unemployment compensation" means the unemployment benefits payable under this title other than short-time compensation and includes any amounts payable pursuant to an agreement under any federal law providing for compensation, assistance, or allowances with respect to unemployment.

"Usual weekly hours of work" means the usual hours of work for full-time or part-time employees in the affected unit when that unit is operating on its regular basis, not to exceed 40 hours and not including hours of overtime work.

§ 60.2-701. Ineligible employers; application to participate in short-time compensation program.

A. An employer shall be ineligible to participate in the Program if:

1. The employer has negative unemployment experience;

2. The employer is assigned, for the year in which the employer applies to participate in the Program or the preceding year, the maximum experience rating tax rate of 6.2 percent determined pursuant to § 60.2-531;

3. The employer is assigned the tax rate for an employer newly subject to this title as provided in subsection B of § 60.2-526; or

4. The employer reduced its workforce in the affected unit by not less than 20 percent during the six months preceding the date the employer applies to participate in the Program.

B. An employer that is not ineligible to participate in the Program and that wishes to participate in the Program shall submit to the Commission a signed, written short-time compensation plan for approval. The Commission shall develop an application form to request approval of a plan and an approval process. The application shall include:

1. The affected unit or units covered by the plan, including the number of full-time or part-time workers in such unit; the percentage of workers in the affected unit covered by the plan; identification of each individual employee in the affected unit by name, social security number, and the employer's unemployment tax account number and any other information required by the Commission to identify plan participants.

2. A description of how workers in the affected unit will be notified of the employer's participation in the plan if such application is approved, including how the employer will notify those workers in a collective bargaining unit as well as any workers in the affected unit who are not in a collective bargaining unit. If the employer will not provide advance notice to workers in the affected unit, the employer shall explain in a statement in the application why it is not feasible to provide such notice.

3. A requirement that the employer identify the usual weekly hours of work for employees in the affected unit and the specific percentage by which their hours will be reduced during all weeks covered by the plan. An application shall specify the percentage of reduction for which a short-time compensation application may be approved, which shall be not less than 10 percent and not more than 60 percent. If the plan includes any week for which the employer regularly provides no work due to a holiday or other plant closing, then such week shall be identified in the application.

4. Certification by the employer that, if the employer provides health benefits and retirement benefits to any employee whose usual weekly hours of work are reduced under the Program, such benefits will continue to be provided to employees participating in the Program under the same terms and conditions as though the usual weekly hours of work of such employee had not been reduced or to the same extent as other employees not participating in the Program. For defined benefit retirement plans, the hours that are reduced under the plan shall be credited for purposes of participation, vesting, and accrual of benefits as though the usual weekly hours of work had not been reduced. The dollar amount of employer contributions to a defined contribution plan that are based on a percentage of compensation may be less due to the reduction in the employee's compensation. However, an application may contain the required certification when a reduction in health and retirement benefits scheduled to occur during the duration of the plan will be applicable equally to employees who are not participating in the Program and to those employees who are participating.

5. Certification by the employer that the aggregate reduction in work hours is in lieu of layoffs, whether temporary or permanent layoffs or both. The application shall include an estimate of the number of workers who would have been laid off in the absence of the plan.

6. Agreement by the employer to (i) furnish reports to the Commission relating to the proper conduct of the plan; (ii) allow the Commission access to all records necessary to approve or disapprove the plan application and, after approval of a plan, monitor and evaluate the plan; and (iii) follow any other directives the Commission deems necessary for the agency to implement the plan and that are consistent with the requirements for plan applications.

7. Certification by the employer that participation in the plan and its implementation is consistent with the employer's obligations under applicable federal and state laws.

8. The effective date and duration of the plan, which shall expire not later than the end of the sixth full calendar month after the effective date.

9. Any other provision added to the application by the Commission that the U.S. Secretary of Labor determines to be appropriate for purposes of a Program.

10. Information requested by the Commission regarding whether the short-time compensation plan is intended to be a transition to permanent layoffs; however, such information shall be used by the Commission for informational purposes only and shall not serve as the basis for disapproving a short-time compensation plan.

§ 60.2-702. Approval and disapproval of plan.

The Commission shall approve or disapprove a short-time compensation plan in writing within 30 days of its receipt and promptly communicate the decision to the employer. A decision disapproving the plan shall clearly identify the reasons for the disapproval. The disapproval shall be final, but the employer shall be allowed to submit another plan for approval not earlier than 90 days from the date of the disapproval.

§ 60.2-703. Effective date and duration of plan.

A short-time compensation plan shall be effective on the date that is mutually agreed upon by the employer and the Commission, which shall be specified in the notice of approval to the employer. The plan shall expire on the date specified in the notice of approval, which shall be either the date at the end of the sixth full calendar month after its effective date or an earlier date mutually agreed upon by the employer and the Commission. However, if a short-time compensation plan is revoked by the Commission under § 60.2-704, the plan shall terminate on the date specified in the Commission's written order of revocation. An employer may terminate a plan at any time upon written notice to the Commission. Upon receipt of

such notice from the employer, the Commission shall promptly notify each member of the affected unit of the termination date. An employer may submit a new application to participate in another plan at any time after the expiration or termination date.

§ 60.2-704. Revocation of approval of plan.

A. The Commission may revoke approval of a short-time compensation plan for good cause at any time, including upon the request of any of the affected unit's employees. The revocation order shall be in writing and shall specify the reasons for the revocation and the date the revocation is effective.

B. The Commission may periodically review the operation of each employer's plan to assure that no good cause exists for revocation of the approval of the plan. Good cause shall include, but not be limited to, failure to comply with the assurances given in the plan, unreasonable revision of productivity standards for the affected unit, conduct or occurrences tending to defeat the intent and effective operation of the plan, and violation of any criteria on which approval of the plan was based.

§ 60.2-705. Modification of approved plan.

A. An employer may request a modification of an approved plan by filing a written request to the Commission. The request shall identify the specific provisions proposed to be modified and provide an explanation of why the proposed modification is appropriate for the plan. The Commission shall approve or disapprove the proposed modification in writing within 30 days of receipt and promptly communicate the decision to the employer.

B. The Commission, in its discretion, may approve a request for modification of the plan based on conditions that have changed since the plan was approved, provided that the modification is consistent with and supports the purposes for which the plan was initially approved. A modification shall not extend the expiration date of the original plan, and the Commission shall promptly notify the employer whether the plan modification has been approved and, if approved, the effective date of the modification.

C. An employer is not required to request approval of a plan modification from the Commission if the change is not substantial, but the employer shall report every change to the plan to the Commission promptly and in writing. The Commission may terminate an employer's plan if the employer fails to meet this reporting requirement. If the Commission determines that the reported change is substantial, the Commission shall require the employer to request a modification to the plan.

§ 60.2-706. Eligibility for short-time compensation.

An individual is eligible to receive short-time compensation with respect to any week only if the individual is monetarily eligible for unemployment compensation, not otherwise disqualified for unemployment compensation, not receiving supplemental unemployment benefits as defined in § 501(c)(17)(D) of the Internal Revenue Code, and:

1. During the week, the individual is employed as a member of an affected unit under an approved short-time compensation plan that was approved prior to that week, and the plan is in effect with respect to the week for which short-time compensation is claimed;

2. Notwithstanding any other provision of law, an individual covered by a plan is deemed unemployed in any week during the duration of such plan if the individual's remuneration as an employee in an affected unit is reduced based on a reduction of the individual's usual weekly hours of work under an approved short-time compensation plan; and

3. Notwithstanding any other provisions of this title relating to availability for work and actively seeking work, the individual is available for the individual's usual hours of work with the short-time compensation employer, which may include, for purposes of this section, participating in training, including employer-sponsored training or training funded under the Workforce Investment Act of 1998, to enhance job skills that is approved by the Commission.

§ 60.2-707. Benefits.

A. The short-time compensation weekly benefit amount shall be the product of the regular weekly unemployment compensation amount for a week of total unemployment multiplied by the percentage of reduction in the individual's usual weekly hours of work.

B. An individual may be eligible for short-time compensation or unemployment compensation, as appropriate, except that (i) no individual shall be eligible for combined benefits in any benefit year in an amount more than the maximum entitlement established for regular unemployment compensation and (ii) no individual shall be paid short-time compensation benefits for more than 26 weeks under a plan.

C. The short-time compensation paid to an individual shall be deducted from the maximum entitlement amount of regular unemployment compensation established for that individual's benefit year.

D. Provisions applicable to unemployment compensation claimants shall apply to short-time compensation claimants to the extent that they are not inconsistent with the Program's provisions. An individual who files an initial claim for short-time compensation benefits shall receive a monetary determination.

E. The following provisions apply to individuals who work for both a short-time compensation employer and another employer during weeks covered by the approved short-time compensation plan:

1. If combined hours of work in a week for both employers does not result in a reduction of at least 10 percent or, if higher, the minimum percentage of reduction required to be eligible for a short-time compensation benefit as provided in this chapter, of the usual weekly hours of work with the short-time employer, the individual shall not be entitled to benefits under these short-time compensation provisions.

2. If the combined hours of work for both employers results in a reduction equal to or greater than 10 percent or, if higher, the minimum percentage reduction required to be eligible for a short-time compensation benefit as provided in this chapter, of the usual weekly hours of work for the short-time compensation employer, the short-time compensation benefit amount payable to the individual is reduced for that week and is determined by multiplying the weekly unemployment benefit amount for a week of total unemployment by the percentage by which the combined hours of work have been reduced by 10 percent or, if higher, the minimum percentage reduction required to be eligible for a short-time compensation benefit as provided in this chapter, or more of the individual's usual weekly hours of work. A week for which benefits are paid under this subdivision shall be reported as a week of short-time compensation.

3. If an individual worked the reduced percentage of the usual weekly hours of work for the short-time compensation employer and is available for all his usual hours of work with the short-time compensation employer, and the individual did not work any hours for the other employer, either because of the lack of work with that employer or because the individual is excused from work with the other employer, the individual shall be eligible for short-time compensation for that week. The benefit amount for such week shall be calculated as provided in subsection A.

F. An individual who is not provided any work during a week by the short-time compensation employer, or any other employer, and who is otherwise eligible for unemployment compensation shall be eligible for the amount of regular unemployment compensation to which he would otherwise be eligible.

G. An individual who is not provided any work by the short-time compensation employer during a week, but who works for another employer and is otherwise eligible, may be paid unemployment compensation for that week subject to the disqualifying income and other provisions applicable to claims for regular compensation.

§ 60.2-708. Charging short-time compensation benefits.

Short-time compensation shall be charged to employers' experience rating accounts in the same manner as unemployment compensation is charged under this title. Employers liable for payments in lieu of contributions shall have short-time compensation attributed to service in their employ in the same manner as unemployment compensation is attributed.

§ 60.2-709. Extended benefits.

An individual who has received all of the short-time compensation or combined unemployment compensation and short-time compensation available in a benefit year shall be considered an exhaustee for purposes of extended benefits, as provided under the provisions of Article 3 (§ 60.2-610 et seq.) of Chapter 6, and, if otherwise eligible under those provisions, shall be eligible to receive extended benefits.

§ 60.2-710. Severability.

If any provision of this chapter is found by the U.S. Department of Labor to be in violation of federal law, such finding shall render such provision of this chapter inoperative, but such finding shall (i) not affect, impair, or invalidate the remaining provisions of this chapter and (ii) be confined in its operation to the specific provision found to be in violation of federal law.

2. That the Virginia Employment Commission shall submit to the Governor and the General Assembly (i) a report no later than July 1, 2015, on the status of the implementation of short-time compensation programs pursuant to Chapter 7 (§ 60.2-700 et seq.) of Title 60.2 of the Code of Virginia as created by this act; (ii) a report no later than July 1, 2016, on the status and accomplishments of such programs, which report shall include recommendations for alterations to the statutory authorization for such programs that may be appropriate to improve the effectiveness of such programs; and (iii) additional reports thereafter as the Virginia Employment Commission finds are appropriate.

3. That the provisions of this act enhance the benefits payable to an individual pursuant to Title 60.2 of the Code of Virginia. Pursuant to § 30-19.03:1.2 of the Code of Virginia, the Virginia Employment Commission, in consultation with the Department of Planning and Budget, estimates that over the ensuing eight years (i) the provisions of this act are projected to reduce the solvency level of the Unemployment Trust Fund by an average of 0 percent in each of the eight years and (ii) the projected average annual increase in state unemployment tax liability of employers on a per-employee basis that would result from the provisions of this act is \$0.19.

4. That the provisions of the first enactment of this act shall become effective on January 1, 2015.

5. That the provisions of this act shall expire on July 1, 2016, if the Virginia Employment Commission has not, on or before such date, received a grant or grants from the U.S. Department of Labor that cover the costs of information technology upgrades, training, publicity, and marketing that are incurred by the Virginia Employment Commission in connection with establishing the short-time compensation program pursuant to the first enactment of this act.

6. That, if not sooner expired pursuant to the provisions of the fifth enactment of this act, this act shall expire on January 1, 2020.

CHAPTER 819

An Act to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 18.1, consisting of sections numbered 59.1-215.1 through 59.1-215.4, relating to bad faith assertions of patent infringement; penalties.

[S 150]

Approved May 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 18.1, consisting of sections numbered 59.1-215.1 through 59.1-215.4, as follows:

CHAPTER 18.1.

BAD FAITH ASSERTIONS OF PATENT INFRINGEMENT.

§ 59.1-215.1. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Assertion of patent infringement" means (i) sending or delivering a demand letter to a target; (ii) threatening a target with litigation asserting, alleging, or claiming that the target has engaged in patent infringement; (iii) sending or delivering a demand letter to the customers of a target; or (iv) otherwise making claims or allegations, other than those made in litigation against a target, that a target has engaged in patent infringement or that a target should obtain a license to a patent in order to avoid litigation.

"Demand letter" means a letter, email, or other communication asserting, alleging, or claiming that the target has engaged in patent infringement, or that a target should obtain a license to a patent in order to avoid litigation, or any similar assertion.

"Patent infringement" means any conduct that constitutes infringement pursuant to applicable law, including 35 U.S.C. § 271, as amended.

"Target" means a person residing in, conducting substantial business in, or having its principal place of business in the Commonwealth and with respect to whom an assertion of patent infringement is made.

§ 59.1-215.2. Bad faith assertions of patent infringement.

A. A person shall not make, in bad faith, an assertion of patent infringement.

B. The following shall constitute indicia that a person's assertion of patent infringement was made in bad faith:

1. The demand letter does not contain:

a. The number of the patent that is asserted, alleged, or claimed to have been infringed; or

b. The name and address of the patent's owner or owners and assignee or assignees, if any.

2. The person sends a demand letter to a target without first making a reasonable effort under the circumstances to conduct an analysis comparing the claims in the patent to the target's products, services, and technology, or to identify specific areas in which the products, services, or technology are covered by the claims in the patent.

3. The demand letter does not identify specific areas in which the products, services, and technology are covered by the claims in the patent.

4. The person offers to license the patent for an amount that is not based on a reasonable estimation of the value of a license to the patent.

5. The person making an assertion of patent infringement acts in subjective bad faith, or a reasonable actor in the person's position would know or reasonably should know that such assertion is baseless.

6. The assertion of patent infringement is deceptive, or the person threatens legal action that cannot legally be taken or that is not intended to be taken.

7. The person or its subsidiaries or affiliates have previously filed or threatened to file one or more lawsuits based on the same or similar assertion of patent infringement, the person attempted to enforce the assertion of patent infringement in litigation, and a court found the assertion to be objectively baseless or imposed sanctions for the assertion.

8. The patent alleged to be infringed was not in force at the time the allegedly infringing conduct occurred, or the patent claims alleged to be infringed have previously been held to be invalid.

C. The following shall constitute indicia that a person's assertion of patent infringement was not made in bad faith, but the absence of such indicia shall not constitute evidence of bad faith:

1. The person engages in a reasonable effort under the circumstances to establish that the target has infringed the patent and to negotiate an appropriate remedy.

2. The person makes a substantial investment in the use of the patent or in the development, production, or sale of a product or item covered by the patent.

3. The person has:

a. Demonstrated good faith in previous efforts to enforce the patent or a substantially similar patent; or

b. Successfully enforced the patent, or a substantially similar patent, through litigation.

4. The person is an institution of higher education or a technology transfer office organization owned by or affiliated with an institution of higher education.

D. The lists of indicia in this section are non-exclusive, and all indicia need not be present for a finding of bad faith or good faith.

§ 59.1-215.3. Enforcement; remedies; civil investigative demands; assurances of voluntary compliance; restraining prohibited acts.

A. Whenever the Attorney General has reasonable cause to believe that any person has engaged in, or is engaging in, or is about to engage in, any violation of this chapter, the Attorney General is empowered to issue a civil investigative demand. The provisions of § 59.1-9.10 shall apply mutatis mutandis to civil investigative demands issued pursuant to this section.

B. The Attorney General or any attorney for the Commonwealth may accept an assurance of voluntary compliance with this chapter from any person subject to the provisions of this chapter. Any such assurance shall be in writing and be filed with and be subject on petition to the approval of the appropriate circuit court. Such assurance of voluntary compliance shall not be considered an admission of guilt or a violation for any purpose. Such assurance of voluntary compliance may at any time be reopened by the Attorney General or the attorney for the Commonwealth for additional orders or decrees to enforce the assurance of voluntary compliance. When an assurance is presented to the circuit court for approval, the Attorney General or the attorney for the Commonwealth shall file, in the form of a complaint, the allegations that form the basis for the entry of the assurance. The assurance may provide by its terms for any relief that an appropriate circuit court could grant, including but not limited to arbitration of disputes between a person subject to the provisions of this chapter and any targets, investigative expenses, civil penalties, and costs, provided, however, that nothing in this chapter shall be construed to authorize or require the Commonwealth, the Attorney General, or any attorney for the Commonwealth to participate in arbitration of violations under this section.

C. Notwithstanding any other provisions of law to the contrary, the Attorney General or any attorney for the Commonwealth may cause an action to be brought in the appropriate circuit court in the name of the Commonwealth to enjoin any violation of this chapter. The circuit court having jurisdiction may enjoin such violations notwithstanding the existence of an adequate remedy at law. In any action under this section, it shall not be necessary that damages be proved. Unless the Attorney General or the attorney for the Commonwealth determines that a person subject to the provisions of this chapter intends to depart from the Commonwealth or to remove his property from the Commonwealth, or to conceal himself or his property within the Commonwealth, or on a reasonable determination that irreparable harm may occur if immediate action is not taken, the Attorney General or the attorney for the Commonwealth shall, before initiating any legal proceedings as provided in this section, give notice in writing that such proceedings are contemplated and allow such person a reasonable opportunity to show that a violation did not occur or execute an assurance of voluntary compliance as provided in subsection B. The circuit courts are authorized to issue temporary or permanent injunctions to restrain and prevent violations of this chapter. The circuit court also may award to the Commonwealth a civil penalty of not more than \$2,500 for each violation, reasonable expenses incurred in investigating and preparing the case, and attorneys' fees.

D. Any person outside the Commonwealth asserting patent infringement to a target shall be deemed to be transacting business within the Commonwealth within the meaning of subdivision A 1 of § 8.01-328.1 and shall thereby be subject to the jurisdiction of the courts of the Commonwealth.

E. The enforcement provisions of this section shall be exercised solely by the Attorney General or an attorney for the Commonwealth. Nothing in this chapter shall create a private cause of action in favor of any person aggrieved by a violation of this chapter.

F. Nothing in this chapter authorizes the courts of the Commonwealth, the Attorney General, or any attorney for the Commonwealth to exercise jurisdiction over a claim for relief arising under an Act of Congress relating to patents.

§ 59.1-215.4. Exemptions.

A demand letter or assertion of patent infringement that includes a claim for relief arising under 35 U.S.C. § 271(e)(2) or 42 U.S.C. § 262 shall not be subject to the provisions of this chapter.

CHAPTER 820

An Act to amend and reenact § 9.1-202 of the Code of Virginia, relating to the Virginia Fire Services Board; meetings.

[S 282]

Approved May 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-202 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-202. Virginia Fire Services Board; membership; terms; compensation.

A. The Virginia Fire Services Board (the Board) is established as a policy board within the meaning of § 2.2-2100 in the executive branch of state government. The Board shall consist of 15 members to be appointed by the Governor as follows: a representative of the insurance industry; two members of the general public with no connection to the fire services, one of whom shall be a representative of those industries affected by SARA Title III and OSHA training requirements; and one member each from the Virginia Fire Chiefs Association, the Virginia State Firefighters Association, the Virginia Professional Fire Fighters, the Virginia Fire Service Council, the Virginia Fire Prevention Association, the Virginia Chapter of the International Association of Arson Investigators, the Virginia Municipal League, and the Virginia Association of Counties, and a member of the Virginia Society of Fire Service Instructors who is a faculty member who

teaches fire science at a public institution of higher education. Of these appointees, at least one shall be a volunteer firefighter. The State Fire Marshal, the State Forester, and a member of the Board of Housing and Community Development appointed by the chairman of that Board shall also serve as members of the Board.

Each of the organizations represented shall submit at least three names for each position for the Governor's consideration in making these appointments.

B. Members of the Board appointed by the Governor shall serve for terms of four years. An appointment to fill a vacancy shall be for the unexpired term. No appointee shall serve more than two successive four-year terms but neither shall any person serve beyond the time he holds the office or organizational membership by reason of which he was initially eligible for appointment.

C. The Board annually shall elect its chairman and vice-chairman from among its membership and shall adopt rules of procedure.

D. All members shall be reimbursed for expenses incurred in the performance of their duties as provided in § 2.2-2825. Funding for the expenses shall be provided from the Fire Programs Fund established pursuant to § 38.2-401.

E. The Board shall meet no more than ~~four~~ six times each calendar year. The Secretary of Public Safety may call a special meeting of the Board should circumstances dictate. A majority of the current membership of the Board shall constitute a quorum for all purposes.

CHAPTER 821

An Act to amend the Code of Virginia by adding a section numbered 18.2-308.2:4, relating to firearm transfers to dealers; penalty.

[S 377]

Approved May 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-308.2:4 as follows:

§ 18.2-308.2:4. Firearm verification check; penalty.

A. For the purposes of this section:

"Dealer" means any person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

"Department" means the Department of State Police.

"Firearm" means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.

B. A dealer who is receiving by sale, transfer, or trade a firearm from a person who is not a dealer may choose to obtain a verification check from the Department to determine if the firearm has been reported to a law-enforcement agency as lost or stolen. If a dealer chooses to obtain a verification check, the procedures in this section shall be followed.

C. The person selling, transferring, or trading the firearm to the dealer shall present a valid photo identification issued by a state or federal governmental agency and shall consent in writing, on a form to be provided by the Department, to have the dealer obtain a verification check to determine if the firearm has been reported to a law-enforcement agency as lost or stolen. Such form shall include only the written consent; the name, address, birth date, gender, race, and verifiable government identification number on the photo identification presented by the person selling, transferring, or trading the firearm; and the serial number, caliber, make, and, if available, model of the firearm.

D. A dealer shall (i) obtain written consent and identifying information on the consent form specified in subsection C; (ii) provide the Department with the serial number, caliber, make, and, if available, model of the firearm intended to be sold, traded, or transferred to the dealer; (iii) request a verification check by telephone or other manner authorized by the Department; and (iv) receive information from the Department as to whether the firearm has been reported to a law-enforcement agency as lost or stolen.

To establish personal identification and residence for purposes of this section, a dealer shall require a prospective transferee to present one photo-identification form containing a verifiable identification number issued by a governmental agency of the Commonwealth, a similar photo-identification form from another state government or by the U.S. Department of Defense, or other documentation of residence determined acceptable by the Department.

E. Upon receipt of the request for a verification check, the Department shall (i) query firearms databases to determine if the firearm has been reported to a law-enforcement agency as lost or stolen, (ii) inform the dealer if the firearm has been reported to a law-enforcement agency as lost or stolen, and (iii) provide the dealer with a unique response for that inquiry.

The Department shall provide its response to the requesting dealer electronically or by return call without delay. If the verification check discloses that the firearm cannot be lawfully sold, transferred, or traded, the Department shall have until the end of the dealer's next business day to advise the dealer that its records indicate the firearm cannot be lawfully sold, transferred, or traded pursuant to state or federal law.

In the case of electronic failure or other circumstances beyond the control of the Department, the dealer shall be advised immediately of the reason for such delay and be given an estimate of the length of such delay. After such notification, the Department shall, as soon as possible but in no event later than the end of the dealer's next business day, inform the requesting dealer if the firearm cannot be lawfully sold, transferred, or traded pursuant to state or federal law.

F. The Department shall maintain a log of requests made for a period of 12 months from the date the request was made, consisting of the serial number; caliber; make, and, if available, model of the firearm; the dealer identification number; and the transaction date.

G. The dealer shall maintain the consent form for a period of 12 months from the date of the transaction if the firearm is determined to be lost or stolen. If the firearm is determined not to be lost or stolen, the consent form shall be destroyed by the dealer within two weeks from the date of such determination.

H. The Superintendent of State Police shall promulgate regulations to ensure the identity, confidentiality, and security of all records and data provided pursuant to this section.

I. The provisions of this section shall not apply to transactions between persons who are licensed as firearms importers, manufacturers, or dealers pursuant to 18 U.S.C. § 921 et seq.

J. Any person who willfully and intentionally makes a material false statement on the consent form is guilty of a Class 1 misdemeanor.

2. That the provisions of this act shall be effective January 1, 2015.

3. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 822

An Act to amend and reenact §§ 16.1-69.6:1 and 17.1-507 of the Code of Virginia, relating to number of judges.

[S 443]

Approved May 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-69.6:1 and 17.1-507 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-69.6:1. Maximum number of judges.

For the several judicial districts there shall be full-time general district court judges and juvenile and domestic relations district court judges, the *maximum* number as hereinafter set forth, who shall during their service reside within their respective districts, except as provided in § 16.1-69.16, and whose compensation and powers shall be the same as now and hereafter prescribed for general district court judges and juvenile and domestic relations district court judges.

The *maximum* number of judges of the districts shall be as follows:

	General District Court Judges	Juvenile and Domestic Relations District Court Judges
First	4	3 4
Second	7	7
Two-A	1	1
Third	3 2	3
Fourth	6	5
Fifth	3 2	2
Sixth	4	2
Seventh	4	4
Eighth	3	3
Ninth	3	3 4
Tenth	3	3 4
Eleventh	2 3	2 3
Twelfth	4 5	5 6
Thirteenth	8 6	5 4
Fourteenth	4 5	5
Fifteenth	6 8	7 10
Sixteenth	4	4 6
Seventeenth	4 3	2
Eighteenth	2	2
Nineteenth	11	8 7
Twentieth	4	3
Twenty-first	2 1	2
Twenty-second	2	3 4
Twenty-third	5 4	4 5
Twenty-fourth	4 3	5 6
Twenty-fifth	5 3	4 5

The general district court judges of the twenty-fifth district shall render assistance on a regular basis to the general district court judges of the twenty-sixth district by appropriate designation.

Twenty-sixth	4 5	5 7
Twenty-seventh	5	4 5
Twenty-eighth	2	2 3
Twenty-ninth	3 2	2 3
Thirtieth	2	2
Thirty-first	4 5	5

The election or appointment of any district judge shall be subject to the provisions of § 16.1-69.9:3.

§ 17.1-507. Maximum number of judges; residence requirement; compensation; powers; etc.

A. For the several judicial circuits there shall be judges, the *maximum* number as hereinafter set forth, who shall during their service reside within their respective circuits and whose compensation and powers shall be the same as now and hereafter prescribed for circuit judges.

The *maximum* number of judges of the circuits shall be as follows:

First - 5
 Second - ~~4~~ 9
 Third - ~~5~~ 4
 Fourth - ~~9~~ 8
 Fifth - 3
 Sixth - ~~2~~ 3
 Seventh - ~~5~~ 6
 Eighth - 4 3
 Ninth - 4
 Tenth - ~~3~~ 4
 Eleventh - 3
 Twelfth - ~~5~~ 6
 Thirteenth - 8
 Fourteenth - 5
 Fifteenth - ~~9~~ 11
 Sixteenth - ~~5~~ 6
 Seventeenth - 4 3
 Eighteenth - ~~3~~ 4
 Nineteenth - 15
 Twentieth - 4 5
 Twenty-first - ~~3~~ 2
 Twenty-second - 4 5
 Twenty-third - ~~6~~ 5
 Twenty-fourth - 5
 Twenty-fifth - 4 5
 Twenty-sixth - ~~5~~ 8
 Twenty-seventh - ~~5~~ 7
 Twenty-eighth - ~~3~~ 4
 Twenty-ninth - 4 5
 Thirtieth - ~~3~~ 4
 Thirty-first - ~~5~~ 6

B. No additional circuit court judge shall be authorized or provided for any judicial circuit until the Judicial Council has made a study of the need for such additional circuit court judge and has reported its findings and recommendations to the Courts of Justice Committees of the House of Delegates and Senate. The boundary of any judicial circuit shall not be changed until a study has been made by the Judicial Council and a report of its findings and recommendations made to said Committees.

C. If the Judicial Council finds the need for an additional circuit court judge after a study is made pursuant to subsection B, the study shall be made available to the Compensation Board and the Courts of Justice Committees of the House of Delegates and Senate and Council shall publish notice of such finding in a publication of general circulation among attorneys licensed to practice in the Commonwealth. The Compensation Board shall make a study of the need to provide additional courtroom security and deputy court clerk staffing. This study shall be reported to the Courts of Justice Committees of the House of Delegates and the Senate, and to the Department of Planning and Budget.

2. That the provisions of this act reducing the number of authorized judgeships in the Twenty-first Judicial Circuit shall become effective upon the death, resignation, or retirement on or after January 1, 2014, of any judge of that court.

3. That the provisions of this act reducing the number of authorized judgeships in the General District Court of the Third Judicial District shall become effective upon the death, resignation, or retirement on or after January 1, 2014, of any judge of that court.
4. That the provisions of this act reducing the number of authorized judgeships in the General District Court of the Fifth Judicial District shall become effective upon the death, resignation, or retirement on or after January 1, 2014, of any judge of that court.
5. That the provisions of this act reducing the number of authorized judgeships in the General District Court of the Thirteenth Judicial District shall become effective upon the death, resignation, or retirement on or after January 1, 2014, of any judge of that court; except that the number of authorized judgeships in the General District Court of the Thirteenth Judicial District shall be reduced to seven on the effective date of this act.
6. That the provisions of this act reducing the number of authorized judgeships in the General District Court of the Twenty-fifth Judicial District shall become effective upon the death, resignation, or retirement on or after January 1, 2014, of any judge of that court; except that the number of authorized judgeships in the General District Court of the Twenty-fifth Judicial District shall be reduced to four on the effective date of this act.
7. That the provisions of this act reducing the number of authorized judgeships in the Juvenile and Domestic Relations District Court of the Thirteenth Judicial District shall become effective upon the death, resignation, or retirement on or after January 1, 2014, of any judge of that court.
8. That the provisions of this act reducing the number of authorized judgeships in the Juvenile and Domestic Relations District Court of the Nineteenth Judicial District shall become effective upon the death, resignation, or retirement on or after January 1, 2014, of any judge of that court.
9. That in order to follow up on the implementation of the Virginia Judicial Workload Assessment Report, dated November 15, 2013, by the National Center for State Courts and in order to assess more accurately the added weight to be given in cases requiring the use of interpreters in Circuit, General District and Juvenile and Domestic Relations Courts in the Commonwealth, the Virginia Supreme Court shall gather empirical data on the reliance of interpreters and make recommendations to the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2015.
10. That the Chief Justice shall utilize her authority to designate any judge serving in any circuit or district where the number of authorized judgeships is reduced under this act after July 1, 2014, to provide judicial assistance to any circuit or district court, as appropriate.

CHAPTER 823

An Act to amend and reenact §§ 10.1-408, 10.1-410.2, and 10.1-411.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 10.1-411.4, relating to designation of a segment of the Cranesnest River as State Scenic River.

[S 551]

Approved May 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-408, 10.1-410.2, and 10.1-411.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 10.1-411.4 as follows:

§ 10.1-408. Uses not affected by scenic river designation.

A. Except as provided in § 10.1-407, all riparian land and water uses along or in the designated section of a river which are permitted by law shall not be restricted by this chapter.

B. Designation as a scenic river shall not be used:

1. To designate the lands along the river and its tributaries as unsuitable for mining pursuant to § 45.1-252 or regulations promulgated with respect to such section, or as unsuitable for use as a location for a surface mineral mine as defined in § 45.1-161.292:2; however, the Department shall still be permitted to exercise the powers granted under § 10.1-402; or

2. To be a criterion for purposes of imposing water quality standards under the federal Clean Water Act.

§ 10.1-410.2. Clinch State Scenic River.

~~*A.*~~ The Clinch River in Russell County from its confluence with the Little River to the Nash Ford Bridge at mile 279.5, a distance of approximately 20 miles and including its tributary, Big Cedar Creek from the confluence to mile 5.8 near Lebanon, is hereby designated a component of the Virginia Scenic Rivers System.

~~*B. This designation shall not be used:*~~

~~*1. To designate the lands along the river and its tributaries as unsuitable for mining pursuant to § 45.1-252 or regulations promulgated with respect to such section; however, the Department shall still be permitted to exercise the powers granted under § 10.1-402; or*~~

~~2. To be a criterion for purposes of imposing water quality standards under the federal Clean Water Act.~~

§ 10.1-411.2. Russell Fork State Scenic River.

A. The Russell Fork River from the Splashdam railroad crossing to the Kentucky state line, a distance of nine miles in Dickenson County, is hereby designated a component of the Virginia Scenic Rivers System.

B. Nothing in this chapter shall preclude the construction or reconstruction of any road or bridge by the Commonwealth or by any county, city, or town.

~~C. This designation shall not be used:~~

~~1. To designate the lands along the river and its tributaries as unsuitable for mining pursuant to § 45.1-252 or regulations promulgated with respect to such section; however, the Department shall still be permitted to exercise the powers granted under § 10.1-402; or~~

~~2. To be a criterion for purposes of imposing water quality standards under the federal Clean Water Act.~~

§ 10.1-411.4. Cranesnest State Scenic River.

A. The Cranesnest River from Route 637 to the Flanagan Reservoir Cranesnest Launch Ramp in Dickenson County, a distance of approximately 10.7 miles, is hereby designated a component of the Virginia Scenic Rivers System.

B. Nothing in this section shall preclude the Commonwealth or a local governing body from constructing, reconstructing, or performing necessary maintenance on any road or bridge.

CHAPTER 824

An Act to amend and reenact § 2.2-510 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-510.2, relating to the Office of the Attorney General; employment of outside counsel where a conflict of interests exists.

[S 651]

Approved May 23, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-510 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-510.2 as follows:

§ 2.2-510. Employment of special counsel generally.

No special counsel shall be employed for or by the Governor or any state department, institution, division, commission, board, bureau, agency, entity, official, justice of the Supreme Court, or judge of any circuit court or district court except in the following cases:

1. When the Governor determines that, because of the nature of the legal service to be performed, the Attorney General's office is unable to render such service, then the Governor shall issue an exemption order stating with particularity the facts and reasons leading to the conclusion that the Attorney General's office is unable to render such service. The Governor may then employ special counsel to render such service as he may deem necessary and proper. The compensation for such special counsel shall be paid out of the funds appropriated for the administration of the board, commission, division, or department to be represented or whose members, officers, inspectors, investigators, or other employees are to be represented pursuant to this section.

2. In cases of legal services in civil matters to be performed for the Commonwealth, where it is impracticable or uneconomical for the Attorney General to render such service, he may employ special counsel whose compensation shall be paid out of the appropriation for the Attorney General's office.

3. In cases of legal services in civil matters to be performed for any state department, institution, division, commission, board, bureau, agency, entity, official, justice of the Supreme Court, or judge of any circuit court or district court where it is impracticable or uneconomical for the Attorney General's office to render such service, special counsel may be employed but only as set forth in subsection C of § 2.2-507, upon the written recommendation of the Attorney General, who shall approve all requisitions drawn upon the Comptroller for warrants as compensation for such special counsel before the Comptroller shall have authority to issue such warrants.

4. In cases where the Attorney General certifies to the Governor that ~~it would be improper for the Attorney General's office to render legal services due to a conflict of interests, or that~~ he is unable to render certain legal services, the Governor may employ special counsel or other assistance to render such services as may be necessary.

§ 2.2-510.2. Employment of outside counsel where a conflict of interests exists.

In cases where the Attorney General certifies to the Governor that it would be improper for the Attorney General's office to render legal services due to a conflict of interests, the Attorney General shall negotiate an agreement with outside counsel to render the necessary legal services for the matter. The agreement shall include a reasonable fee for the necessary legal services rendered. Compensation shall be expended from funds appropriated to the Attorney General's office.

CHAPTER 825

An Act to require the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals to extend certain interim licenses.

[S 657]

Approved May 23, 2014

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals shall extend one time and deem to be valid an interim license as an alternative onsite sewage system installer issued in accordance with regulations of the Board to any person who holds a valid interim license at such time as such person applies to take the examination required for issuance of an alternative onsite sewage system installer license in accordance with the requirements of § 54.1-2301, as it is currently effective and as it shall become effective, of the Code of Virginia and regulations of the Board. An interim license extended in accordance with the provisions of this act shall be valid until such time as the licensee receives a passing score on the examination required for issuance of a license or for a period of six months, whichever occurs sooner.*

2. That an emergency exists and this act is in force from its passage.

CERTIFICATION OF THE ACTS OF ASSEMBLY

2014 REGULAR SESSION

I, G. Paul Nardo, Clerk of the House of Delegates and Keeper of the Rolls of the Commonwealth, do hereby certify that the 2014 Regular Session of the General Assembly of the Commonwealth of Virginia, at which the Acts of Assembly herein printed were enacted, convened on January 8, 2014, and adjourned sine die on March 8, 2014, and the Reconvened Session, pursuant to Section 6 of Article IV of the Constitution of Virginia, convened on April 23, 2014, and adjourned sine die on April 23, 2014.

G. PAUL NARDO
Clerk of the House of Delegates
and
Keeper of the Rolls of the Commonwealth

Note: Except as otherwise provided therein, all Acts of the 2014 Regular Session of the General Assembly, including the Reconvened Session, became effective at the first moment of July 1, 2014.

The Act contained in Chapter 266 was signed by the Governor on March 20, 2014, all having been returned to the Governor by the Regular Session, pursuant to Section 6 (b) (iii) of Article V of the Constitution of Virginia.

The Act contained in Chapter 775 became a chapter of the Acts of Assembly on April 7, 2014, pursuant to Section 1 of Article XII of the Constitution of Virginia and §§ 30-13, 30-14, and 30-19 of the Code of Virginia. This chapter, agreed to by the General Assembly as House Joint Resolutions, is not subject to presentation, review, and action by the Governor pursuant to Section 6 of Article V of the Constitution of Virginia.

The Acts contained in Chapters 776-805 became law without the signature of the Governor on April 23, 2014, pursuant to Section 6 (c) (iii) of Article V of the Constitution of Virginia.

The Acts contained in Chapters 806-825 were signed by the Governor on May 23, 2014, all having been returned to the Governor by the Reconvened Session, pursuant to Section 6 (c) (iii) of Article V of the Constitution of Virginia.

**RESOLUTIONS OF THE GENERAL ASSEMBLY
2014 REGULAR SESSION**

HOUSE JOINT RESOLUTION NO. 1

Requesting the Department of Education to study the feasibility of implementing a Teacher Career Ladder program in the Commonwealth. Report.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, February 25, 2014

WHEREAS, 2013 was the "Year of the Teacher" and the 2013 Session of the General Assembly passed a historic strategic compensation package to reward the Commonwealth's best teachers; and

WHEREAS, the General Assembly remains committed to rewarding and creating growth opportunities for outstanding teachers; and

WHEREAS, several states have implemented Teacher Career Ladder programs that emphasize accountability and opportunity for teachers. Such programs recognize that no teachers are the same and categorize teachers based on experience, innovation, and results. As teachers reach achievement targets in such programs, they are availed of additional rewards that may include leadership opportunities and bonus pay. The goal of such programs is to keep the best teachers in the classroom by keeping them engaged and well compensated; and

WHEREAS, a Teacher Career Ladder program coupled with the historic compensation package passed during the "Year of the Teacher" will ensure that the Commonwealth's public schools continue to improve and provide one of the best public school experiences in the nation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Education be requested to study the feasibility of implementing a Teacher Career Ladder program in the Commonwealth. The Department shall consider the implementation of such programs in other states and make recommendations regarding the implementation of such a program in the Commonwealth.

In conducting its study, the Department of Education shall consider and make recommendations regarding (i) the number of levels, or "rungs," in the program; (ii) the various performance markers, including student growth indicators and teacher evaluations, that may be used to assess teacher performance; (iii) the bonus pay and other opportunities that teachers may earn; (iv) ways in which the Teacher Career Ladder program can reinforce individualized student growth through high-performing, individualized teaching; (v) the potential fiscal impact of such programs on the state and localities; (vi) the impact of such programs on the competitiveness of teacher pay in Virginia compared to other states; (vii) the impact of career ladders on the hiring and retention of teachers; and (viii) the teacher professional development that may or may not be needed to support a career ladder system.

All agencies of the Commonwealth shall provide assistance to the Department of Education for this study, upon request.

The Department of Education shall complete its meetings by November 30, 2014, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2015 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 7

Commending Kathy Crane.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, Kathy Crane, a reading specialist at W. G. Coleman Elementary School in Fauquier County, was honored for her teaching excellence with the 2013 *Washington Post* Agnes Meyer Outstanding Teacher Award for Fauquier County; and

WHEREAS, the *Washington Post* Agnes Meyer Outstanding Teacher Award recognizes exemplary teachers who make meaningful contributions in the classroom and to education in the Washington metropolitan area; and

WHEREAS, Kathy Crane was selected as the 2013 *Washington Post* Agnes Meyer Outstanding Teacher Award for Fauquier County recipient from among 14 school division nominees and was one of 20 regional honorees; and

WHEREAS, Kathy Crane attended elementary, middle, and high school in Fauquier County and decided to pursue a career in education with her own teachers as role models; and

WHEREAS, Kathy Crane earned an associate's degree from Southern Seminary and Junior College, a bachelor's degree from Radford University, and a master's degree from the University of Virginia; and

WHEREAS, an enthusiastic teacher, Kathy Crane has taught students in kindergarten through fifth grade, helping them hone their writing skills and develop their reading ability; and

WHEREAS, Kathy Crane teaches from the heart and creates a positive learning environment in which students can thrive as they gain self-confidence and enjoy learning; and

WHEREAS, an exemplary role model, Kathy Crane demonstrates the influence that caring teachers can play in a student's life; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Kathy Crane on her well-deserved selection as the 2013 *Washington Post* Agnes Meyer Outstanding Teacher Award for Fauquier County recipient; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kathy Crane as an expression of the General Assembly's congratulations and admiration for her commitment to her students.

HOUSE JOINT RESOLUTION NO. 13

Confirming the appointment of Hal E. Greer as Director of the Joint Legislative Audit and Review Commission.

Agreed to by the House of Delegates, January 22, 2014

Agreed to by the Senate, February 25, 2014

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly confirm the following appointment made by the Joint Legislative Audit and Review Commission pursuant to § 30-57 of the Code of Virginia:

Hal E. Greer, 2832 Skipton Road, **Richmond**, Virginia 23225, Director of the Joint Legislative Audit and Review Commission, effective September 1, 2013, to serve for a term of six years beginning September 1, 2013, and ending August 31, 2019.

HOUSE JOINT RESOLUTION NO. 14

Commending the Virginia Department of Forestry on 100 years of service to the Commonwealth.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, in 1914, the Virginia General Assembly created the Office of the State Forester, under the State Geological Commission; and

WHEREAS, the Office's original charge was to ". . . ascertain the best methods of reforestation cut-over and denuded lands, foresting waste land, preventing the destruction of forests by fire, the administering of forests on forestry principles, the instruction and encouragement of private owners in preserving and growing timber for commercial and manufacturing purposes, and the general conservation of forest tracts around the headwaters on the watersheds of all water courses of the state"; and

WHEREAS, on March 1, 1915, the Geological Commission officially appointed Chapin Jones as the first State Forester; and

WHEREAS, from March 1 through the fall, Chapin Jones was the one and only member of the Virginia Forest Service. Through a cooperative agreement with the U.S. Forest Service and two private companies, several "patrolmen and watchmen" were hired in the fall to warn residents of Smyth, Grayson, and Washington Counties of fire danger and to fight all fires they found; and

WHEREAS, the first tree nursery was established in December 1916, with the first seed sown in spring 1917. Loblolly pine, shortleaf pine, white pine, and Norway spruce were the first species grown, with an inventory of 20,000 one-year seedlings; and

WHEREAS, today, the two Department of Forestry (DOF) nurseries grow nearly 50 species of trees and sell 24 million seedlings annually; and

WHEREAS, in the last 10 years, Department of Forestry nurseries have produced approximately 293 million tree seedlings, providing enough trees to plant more than one-half million acres of forests for the future; and

WHEREAS, the first fire tower was constructed on Little Stone Mountain near Big Stone Gap in 1917; that year, 1,460 forest fires burned 305,000 acres in Virginia; and

WHEREAS, the number one cause of fire that year was the same as it is today—burning of brush; and

WHEREAS, from 1917 to the present, DOF has battled more than 140,000 wildfires that together have burned more than 3.4 million acres of land (13 percent of the state's land base); and

WHEREAS, in 1917, along with the tracking of fires, DOF began providing assistance to landowners; that year, 52 landowners with an average holding of 200 acres received assistance. Today, DOF provides assistance to over 5,000 landowners; and

WHEREAS, the first state forest, the Gallion State Forest (now Prince Edward/Gallion State Forest) was acquired under the will of the late Emmett D. Gallion in 1919. The current state forest system now numbers 23, totaling 67,920 acres across the Commonwealth; and

WHEREAS, in the 1960s, the forest industry and the Department of Forestry recognized that harvesting of forests was exceeding the rate of replenishment of the Commonwealth's new forests. As a result, the forest products industry agreed to a self-imposed tax and the legislature agreed to match every dollar of forest products tax collected with a 1:1 match from the Commonwealth's general fund; and

WHEREAS, the combination of industry tax and general funds would become the source for the Reforestation of Timberlands (RT) program; and

WHEREAS, the RT program became the earliest state-sponsored private landowner incentive program to encourage the reforestation of commercial forest seedlings. Since the first incentive payments to private landowners, the Department of Forestry has provided over \$45 million in incentives to landowners, covering more than 1.5 million acres of land; and

WHEREAS, the Department of Forestry developed its initial set of Best Management Practices for water quality in the 1970s and began its timber harvest inspection program in the mid-1980s. In FY13, Department of Forestry field personnel inspected 5,658 timber harvest sites on 233,714 acres; and

WHEREAS, in order to ensure there is a sufficient number of working forests to meet the needs of forest industry and the public, the Department of Forestry launched its Forestland Conservation Division in 2007. It now holds 90 conservation easements on 27,221 acres of forestland; and

WHEREAS, the Commonwealth's forest resources generate an economic impact of more than \$17 billion each year in Virginia, plus 103,800 jobs and \$8.8 billion in value-added products; and

WHEREAS, annually, the Department of Forestry fights an average of 1,100 fires on approximately 12,000 acres; the Department of Forestry's efforts protect more than 1,100 homes and structures worth a total of \$121 million; and

WHEREAS, Virginia has 15.9 million acres of forest land or 62 percent in forest cover, of which approximately 80 percent is owned and managed by private forest landowners; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Department of Forestry on 100 years of service to the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the State Forester as an expression of the General Assembly's appreciation for the Department of Forestry's effective stewardship of Virginia's forest resources by protecting and developing healthy, sustainable forest resources for Virginians.

HOUSE JOINT RESOLUTION NO. 16

Establishing a joint subcommittee to formulate recommendations for the development of a comprehensive and coordinated planning effort to address recurrent flooding. Report.

Agreed to by the House of Delegates, March 7, 2014

Agreed to by the Senate, March 8, 2014

WHEREAS, House Joint Resolution 50 and Senate Joint Resolution 76 (2012) directed the Virginia Institute of Marine Science (VIMS) to study strategies for adaptation to prevent recurrent flooding in Tidewater and Eastern Shore Virginia localities; and

WHEREAS, the resulting VIMS report, entitled "Recurrent Flooding Study for Tidewater Virginia," published as Senate Document 3 (2013), stated that recurrent flooding impacts all localities in Virginia's coastal zone and is predicted to become worse over reasonable planning horizons (20 to 50 years); and

WHEREAS, VIMS found that "recurrent flooding is flooding that occurs repeatedly in the same area over time due to precipitation events, high tides, or storm surge. In coastal Virginia, all three of these factors cause recurrent flooding, and all three weather events are predicted to get worse, resulting in more frequent or larger scale flood events"; and

WHEREAS, VIMS found that "[i]mpacts from flooding can range from temporary road closures to the loss of homes, loss of businesses, property and life. In coastal Virginia, the cost of large storm damage can range from millions to hundreds of millions of dollars per storm. With a long history of flooding from coastal storms (first reference to storm related flooding was in 1667), there is a keen interest in Virginia to identify areas of potential flooding and establish measures (adaptation strategies) to reduce the impact of future flood events"; and

WHEREAS, VIMS found that a review of global flood management strategies suggests that it is possible for Virginia to have an effective flood response, but such efforts may take 20 to 30 years to effectively plan and implement; and

WHEREAS, VIMS found that an optimal flood management strategy must be flexible and match adaptation options to the unique circumstances of each coastal locality and the associated evolving risks; and

WHEREAS, VIMS offered several recommendations, including that the Commonwealth, working with its coastal localities, (i) begin comprehensive and coordinated planning efforts; (ii) initiate identification, collection, and analysis of

data needed to support effective planning for response efforts; and (iii) take a lead role in addressing recurrent flooding in Virginia for the following reasons: (a) accessing relevant federal resources for planning and mitigation may be enhanced through state mediation, (b) flooding problems are linked to water bodies and therefore often transcend locality boundaries, and (c) prioritizing flood management actions must be based in part on risk; and therefore, the Commonwealth must oversee the necessary studies to determine adaptation strategies as well as implementation of the agreed-upon strategies; and

WHEREAS, the Joint Legislative Audit and Review Commission (JLARC) study mandated by General Assembly House Joint Resolution 132 (2012) and presented on October 15, 2013, entitled "Review of Disaster Preparedness Planning in Virginia," stated, "The state generally has strong disaster response plans, but deficiencies in evacuation and shelter plans may compromise the safety of the Hampton Roads population during a catastrophic disaster"; and

WHEREAS, the JLARC study further noted that if four key assumptions in the state's current evacuation plan do not hold, "timely hurricane evacuations could be compromised," placing citizens at risk after the storm; and

WHEREAS, the flooding affects areas outside of the ocean and Chesapeake Bay watersheds, as experienced in 1969, when Hurricane Camille spawned destruction and the loss of lives in Nelson County as well as severe flooding in the Valley, and in 1972, when Hurricane Agnes notably affected Central and Southwest Virginia; and

WHEREAS, many Virginia communities regularly battle recurrent flooding from nearby rivers and runoff as well as flooding associated with aging public and private dams; and

WHEREAS, a number of Virginia-based federal (including military), state, regional, and local agencies; private and not-for-profit groups; colleges and universities are actively examining issues resulting from recurrent flooding in Virginia's coastal communities and investing in specific flood mitigation strategies; and

WHEREAS, the Virginia Housing Commission studied this issue through its Housing and the Environment Work Group and found that zoning, building codes, and planning issues will all be affected by recurrent flooding; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to formulate recommendations for the development of a comprehensive and coordinated planning effort to address recurrent flooding. The joint subcommittee shall have a total membership of 11 members that shall consist of eight legislative members and three nonlegislative citizen members. Members shall be appointed as follows: five members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate to be appointed by the Senate Committee on Rules; three nonlegislative citizen members, one of whom shall be a business leader and one of whom shall be a representative of the environmental community, to be appointed by the Speaker of the House of Delegates, and one of whom shall be a local official representing Virginia's flood-prone communities, to be appointed by the Senate Committee on Rules. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other Chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice chairman from among its membership, who shall be members of the General Assembly.

In conducting its review, the joint subcommittee shall recommend short-term and long-term strategies for minimizing the impact of recurrent flooding.

Administrative staff support shall be provided by the Office of the Clerk of the Senate. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by Virginia college and university faculty with expertise in the subject matter. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this review, upon request.

The joint subcommittee shall be limited to four meetings for the 2014 interim and four meetings for the 2015 interim, and the direct costs of this study shall not exceed \$18,640 for each year without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other Chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the Senate members or a majority of the House members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings for the first year by November 30, 2014, and for the second year by November 30, 2015, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for the joint subcommittee's review, extend or delay the period for the conduct of the review, or authorize additional meetings during the 2014 and 2015 interims.

HOUSE JOINT RESOLUTION NO. 17

Providing for certain Joint Assemblies, establishing a schedule for the conduct of business coming before the 2014 Regular Session of the General Assembly of Virginia, and providing for legislative continuity between the 2014 and 2015 Regular Sessions of the General Assembly.

Agreed to by the House of Delegates, January 8, 2014

Agreed to by the Senate, January 8, 2014

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly shall meet in joint session in the Hall of the House of Delegates on Wednesday, January 8, 2014, at such time as specified by the Speaker of the House of Delegates, to receive the Governor of Virginia, and such address as he may desire to make, and that the rules for the government of the House of Delegates and the Senate, when convened in joint session for such purpose, shall be as follows:

Rule I. At the hour fixed for the meeting of the Joint Assembly, the Senators, accompanied by the President and the Clerk of the Senate, shall proceed to the Hall of the House of Delegates and shall be received by the Delegates standing. Appropriate seats shall be assigned to the Senators by the Sergeant at Arms of the House. The Speaker of the House of Delegates shall assign an appropriate seat for the President of the Senate.

Rule II. The Speaker of the House of Delegates shall be President of the Joint Assembly. In case it shall be necessary for the Speaker to vacate the Chair, the President of the Senate shall serve as the presiding officer.

Rule III. The Clerk of the House of Delegates shall be Clerk of the Joint Assembly and shall be assisted by the Clerk of the Senate. The Clerk of the Joint Assembly shall enter the proceedings of the Joint Assembly in the Journal of the House and shall certify a copy of the same to the Clerk of the Senate, who shall enter the same in the Journal of the Senate.

Rule IV. The Sergeant at Arms and Doorkeepers of the House shall act as such for the Joint Assembly.

Rule V. The Rules of the House of Delegates, as far as applicable, shall be the rules of the Joint Assembly.

Rule VI. In calling the roll of the Joint Assembly, the names of the Senators shall be called in alphabetical order, then the names of the Delegates in like order, except that the name of the Speaker of the House shall be called last.

Rule VII. If, when the Joint Assembly meets, it shall be ascertained that a majority of each house is not present, the Joint Assembly may take measures to secure the attendance of absentees, or adjourn to a succeeding day, as a majority of those present may determine.

Rule VIII. When the Joint Assembly adjourns, the Senators, accompanied by the President and the Clerk of the Senate, shall return to their chamber, and the business of the House shall be continued in the same order as at the time of the entrance of the Senators; and, be it

RESOLVED FURTHER, That the General Assembly shall meet in joint session in the Hall of the House of Delegates on Saturday, January 11, 2014, at such time as specified by the Speaker of the House of Delegates, to receive distinguished guests, and then proceed to the inaugural platform to witness the administration of the oath of office to the Attorney General-elect and the inauguration of the Lieutenant Governor-elect and the Governor-elect, and that the rules for the government of the House of Delegates and the Senate, when convened in joint session on that day, shall be the same as previously provided for the Joint Assembly; and, be it

RESOLVED FURTHER, That the General Assembly shall meet in joint session in the Hall of the House of Delegates on Monday, January 13, 2014, at such time as specified by the Speaker of the House of Delegates, to receive the Governor of Virginia, and such address as he may desire to make, and that the rules for the government of the House of Delegates and the Senate, when convened in joint session for such purposes, shall be the same as previously provided for the Joint Assembly; and, be it

RESOLVED FURTHER, That notwithstanding any other provision of this resolution and in accordance with the practices of each house, a request to be added as a co-patron shall be received prior to the first vote on the passage of a bill or agreement to a joint resolution or, if the bill or joint resolution is not reported from committee, then prior to the last action on such legislation. A request to be removed as a co-patron shall be received no later than 5:00 p.m., Friday, February 28, 2014; and, be it

RESOLVED FURTHER, That any joint resolution creating or continuing a study shall require a vote of two-thirds of the members voting in each house and any resolution creating or continuing a study shall require a vote of two-thirds of the members voting in the respective house; and, be it

RESOLVED FURTHER, That any member offering for introduction a bill or joint resolution not submitted to the Division of Legislative Services for drafting is encouraged to submit an electronic version no later than 5:00 p.m. on the day the legislation is introduced; and, be it

RESOLVED FURTHER, That for purposes of the procedural deadlines established herein for the 2014 Regular Session of the General Assembly:

"Budget Bill" means the general appropriation bill introduced in each house that authorizes the biennial expenditure of public revenues for the period from July 1, 2012, through June 30, 2014, or July 1, 2014, through June 30, 2016.

"Debt bill" means any bill that authorizes the issuance of debt.

"Legislative day" means the period of time that begins with the call to order by the presiding officer and ends when declared adjourned by the presiding officer. Unless another time is specified, any deadline established in this resolution shall expire at the end of the legislative day.

"Prefiled legislation" means any bill or joint resolution requested from the Division of Legislative Services no later than 5:00 p.m., Friday, December 6, 2013, and prefiled no later than 10:00 a.m., Wednesday, January 8, 2014, or any bill or joint resolution not requested from the Division of Legislative Services and prefiled no later than 10:00 a.m., Wednesday, January 8, 2014.

"Revenue bill" means any bill, except the Budget Bill(s) and debt bills, that increases or decreases the total revenues available for appropriation, including any sales tax exemption bill.

"Unanimous consent" means the affirmation of all the members present in the house of origin. Any legislation intended to be offered for introduction with unanimous consent or with the written request of the Governor shall not require the consent of the house in order for the member to request the Division of Legislative Services to draft such legislation. The Division of Legislative Services shall return such legislation after the original introduction deadline.

"Virginia Retirement System bill" means any bill that amends, adds, repeals, or modifies any provision of any retirement system established in Title 51.1 of the Code of Virginia; and, be it

RESOLVED FINALLY, That the 2014 Regular Session of the General Assembly shall be governed by the following procedural rules, which establish introduction limits and time limitations for elections and for all legislation prefiled and introduced for the 2014 Regular Session except:

House and Senate resolutions, except for the time limitations established in Rules 20 and 22;

Bills and joint resolutions affecting the rules of procedure or the schedule of business of the General Assembly, either of its houses, or any of its committees;

Bills and joint resolutions introduced with unanimous consent either to exceed the introduction limits established in Rule 1 or to exceed the time limitations established in Rules 2, 3, 5, 17, and 22;

Joint resolutions confirming appointments subject to the confirmation of the General Assembly;

Joint commending and memorial resolutions, except for the time limitations established in Rules 15 and 17;

Bills and joint resolutions regarding elections held by the General Assembly during the 2014 Regular Session; or

Bills and joint resolutions requested in writing by the Governor.

Rule 1. After the deadline for filing prefiled legislation established by House Joint Resolution No. 570 (2013), no member of the House of Delegates shall introduce more than a combined total of five bills and joint resolutions and no member of the Senate shall introduce more than a combined total of eight bills and joint resolutions.

Rule 2. No bill or joint resolution creating or continuing a study shall be offered in either house after adjournment of that house on Wednesday, January 8, 2014.

Rule 3. No Virginia Retirement System bill shall be offered in either house after adjournment of that house on Wednesday, January 8, 2014.

Rule 4. Except for bills and joint resolutions required to be requested earlier, requests for the drafting, redrafting, or correction of any bill or joint resolution shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Friday, January 10, 2014.

Rule 5. No later than Monday, January 13, 2014, each house shall begin its consideration of any election to fill a seat (i) due to the expiration of a term of a judge; (ii) currently held by a justice or judge serving under a pro tempore appointment of the Governor pursuant to Section 7 of Article VI of the Constitution of Virginia; (iii) currently held by a judge serving under a pro tempore appointment of a circuit court pursuant to § 16.1-69.9:2 of the Code of Virginia; (iv) currently held by a member of the Virginia Workers' Compensation Commission, State Corporation Commission, or Judicial Inquiry and Review Commission; and (v) currently held by the Auditor of Public Accounts. In the event that the houses cannot agree on any such election before Tuesday, January 14, 2014, such election shall become the subject of a special and continuing joint order in each house, and such special and continuing joint order shall have precedence over all other business of either house, until such time as both houses reach agreement on such election or agree to hold it at another specific time. The Rules of each house, as far as applicable, shall be the rules governing any such election.

Rule 6. Except for bills required to be filed earlier, no bill or joint resolution shall be offered in either house after 3:00 p.m., Friday, January 17, 2014.

Rule 7. No later than Thursday, January 23, 2014, the Board of Trustees of the Virginia Retirement System shall submit, in accordance with § 30-19.1:7, impact statements for all Virginia Retirement System bills filed by the first day of session. For any Virginia Retirement System bill filed later than the first day of session, the Board of Trustees shall use due diligence in preparing the impact statement in time for review by the standing committees.

Rule 8. The committees responsible for the consideration of revenue bills in the houses of introduction shall complete their work on such bills no later than midnight, Tuesday, February 11, 2014.

Rule 9. Except for the Budget Bill(s) and revenue bills, beginning Wednesday, February 12, 2014, the House of Delegates shall consider only Senate bills, Senate joint resolutions, House bills with Senate amendments, and House joint resolutions with Senate amendments; the Senate shall consider only House bills, House joint resolutions, Senate bills with House amendments, and Senate joint resolutions with House amendments; and each house may consider conference reports and other privileged matters relating thereto to the end that the work of each house may be disposed of by the other.

Rule 10. The houses of introduction shall complete their consideration of all revenue bills, except for conference reports and other privileged matters relating thereto, no later than Friday, February 14, 2014.

Rule 11. The committees responsible for the consideration of the Budget Bill(s) in the houses of introduction shall complete their work on such bill(s) no later than midnight, Sunday, February 16, 2014, and any amendments proposed by such committees shall be made available to their respective houses no later than noon, Tuesday, February 18, 2014.

Rule 12. The houses of introduction shall complete their consideration of the Budget Bill(s), except for conference reports and other privileged matters relating thereto, no later than Thursday, February 20, 2014.

Rule 13. The committees responsible for consideration of revenue bills of the other house shall complete their consideration of such bills no later than midnight, Tuesday, February 25, 2014.

Rule 14. No later than midnight, Wednesday, February 26, 2014, each house shall complete consideration of the Budget Bill(s) and all revenue bills of the other house, except for conference reports and other privileged matters relating thereto, and the appointing authority shall appoint the conferees to such bills.

Rule 15. Requests for the drafting, redrafting, or correction of any joint commending or memorial resolution shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Friday, February 28, 2014.

Rule 16. The first conference on any revenue bills shall complete its deliberations no later than midnight, Saturday, March 1, 2014, and the report of such conference shall be made available to all members of the General Assembly no later than noon, Monday, March 3, 2014.

Rule 17. No joint commending or memorial resolution shall be offered in either house after 5:00 p.m., Monday, March 3, 2014.

Rule 18. Beginning Tuesday, March 4, 2014, neither house shall receive from any committee any bill or joint resolution acted on by any committee later than midnight, Monday, March 3, 2014.

Rule 19. No later than Tuesday, March 4, 2014, each house shall begin consideration of joint resolutions to fill any existing or pending vacancy on (i) the Supreme Court of Virginia, (ii) the Court of Appeals of Virginia, (iii) any circuit or district court of the Commonwealth, (iv) the State Corporation Commission, (v) the Virginia Workers' Compensation Commission, (vi) the Judicial Inquiry and Review Commission, and (vii) the Auditor of Public Accounts. In the event that the houses cannot agree on the filling of any such vacancy before Wednesday, March 5, 2014, such vacancy shall become the subject of a special and continuing joint order in each house, and such special and continuing joint order shall have precedence over all other business of either house, until such time as both houses reach agreement or either house votes to suspend or discharge the order. The Rules of each house, as far as applicable, shall be the rules governing the filling of any such vacancy.

Rule 20. Requests for the drafting, redrafting, or correction of any single-house commending or memorial resolution shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Tuesday, March 4, 2014.

Rule 21. Any conference committee on the Budget Bill(s) shall complete its deliberations and make the report of such conference available to the General Assembly as soon as practicable. Neither house shall consider such conference report earlier than 36 hours after receipt, unless both houses respectively determine to proceed earlier by a vote of two-thirds of the members voting in each house. No engrossment of the Budget Bill(s) shall be required in either house, and any conference on the Budget Bill(s) shall consider, as the basis of its deliberations, the Budget Bill(s) as recommended by the Governor and introduced in the House and the amendments thereto proposed by each house.

Rule 22. No single-house commending or memorial resolution shall be offered in either house after 5:00 p.m., Thursday, March 6, 2014.

Rule 23. Except for joint resolutions affecting the rules of procedure or the schedule of business of the General Assembly, beginning Friday, March 7, 2014, the House shall consider only Senate joint resolutions and House joint resolutions with Senate amendments; the Senate shall consider only House joint resolutions and Senate joint resolutions with House amendments; and each house may consider conference reports or joint resolutions and other privileged matters relating thereto, to the end that the work of each house may be disposed of by the other.

Rule 24. This session of the General Assembly shall adjourn sine die no later than the legislative day of Saturday, March 8, 2014.

Rule 25. Pursuant to Section 6 of Article IV of the Constitution of Virginia, the General Assembly shall reconvene Wednesday, April 23, 2014, for the purpose of considering bills that may have been returned by the Governor with recommendations for their amendment and bills and items of appropriation bills, including the general appropriation act, that may have been returned by the Governor with his objections.

Rule 26. Pursuant to Section 7 of Article IV of the Constitution of Virginia, legislative continuity is hereby provided for between sessions occurring during the terms for which members of the House of Delegates are elected, in conformity with the Rules of the House of Delegates and the Rules of the Senate.

Rule 27. The conduct of the business of any subcommittee of any House committee, any joint subcommittee of House and Senate committees, and any interim study commission created pursuant to a House measure shall be governed by the Rules of the House of Delegates; the conduct of the business of any subcommittee of any Senate committee, any joint subcommittee of Senate and House committees, and any interim study commission created pursuant to a Senate measure shall be governed by the Rules of the Senate. If a House measure and a Senate measure create the same study, the conduct of business of the study shall be governed by the rules of the house of the chairman of the study, or in the case of co-chairmen, the rules of the house as agreed upon by the co-chairmen.

Rule 28. Interim meetings of any standing committee, joint committee, joint subcommittee, legislative commission, or any other interim study subcommittee or study commission shall be held on Monday, Tuesday, or Wednesday during the first and third full weeks of the month, unless otherwise authorized by the Speaker of the House of Delegates or the Chairman of the Senate Committee on Rules, as may be appropriate for the house in which the chairman serves.

Rule 29. Any staff member assigned to work for, and support the efforts of, any committee of the House or Senate, any subcommittee of any such committee, any joint subcommittee of House and Senate committees, or any interim study commission shall work under the direction of the chairman of such committee, subcommittee, joint subcommittee, or interim study commission.

Rule 30. The standing committees of the General Assembly shall complete their consideration of all legislation continued by them from the 2014 Regular Session no later than midnight, Wednesday, December 3, 2014.

HOUSE JOINT RESOLUTION NO. 18

Establishing a schedule for the conduct of business for the prefiling period of the 2015 Regular Session of the General Assembly of Virginia.

Agreed to by the House of Delegates, January 8, 2014

Agreed to by the Senate, January 8, 2014

RESOLVED by the House of Delegates, the Senate concurring, That the prefiling period of the 2015 Regular Session of the General Assembly shall be governed by the following rules:

Rule 1. Requests for drafts of any bill or joint resolution to be prefiled shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Monday, December 8, 2014. The Division shall make such drafts available for review no later than midnight, Friday, January 2, 2015.

Rule 2. Requests for the drafting, redrafting, or correction of any bill or joint resolution creating or continuing a study shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Friday, January 9, 2015.

Rule 3. Requests for redrafts and corrections of any draft prepared for prefiling shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Friday, January 9, 2015. The Division shall make the legislation available for prefiling no later than noon, Tuesday, January 13, 2015.

Rule 4. Bills and joint resolutions offered for prefiling shall be prefiled in either house no later than 10:00 a.m., Wednesday, January 14, 2015. Any member offering for prefiling a bill or joint resolution not submitted to the Division of Legislative Services for drafting is encouraged to submit an electronic version no later than 5:00 p.m. on the day the legislation is prefiled.

HOUSE JOINT RESOLUTION NO. 19

Commending the Nelson County High School Senior Future Farmers of America Chapter Meat Evaluation and Technology Team.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, the Nelson Senior Future Farmers of America Chapter Meat Evaluation and Technology Team of Nelson County High School in Lovingston placed third in the National Meat Evaluation and Technology Career Development Event in November 2013; and

WHEREAS, by demonstrating various industry competencies, the Nelson Senior Future Farmers of America (FFA) Meat Evaluation and Technology Team won competitions at the local and state levels; and

WHEREAS, after the state competition, the members of the Nelson Senior FFA Meat Evaluation and Technology Team enhanced their knowledge and abilities by working with faculty and staff in the Virginia Polytechnic Institute and State University Department of Animal and Poultry Sciences; and

WHEREAS, advancing to the National Meat Evaluation and Technology Career Development Event held in Kentucky at the 86th National FFA Convention and Expo, the Nelson Senior FFA Meat Evaluation and Technology Team competed against 159 individuals on 42 other teams; and

WHEREAS, the Nelson Senior FFA Meat Evaluation and Technology Team displayed exceptional skill throughout several activities in the national competition, including the evaluation of beef carcasses, identification of different cuts of meat, and several other events; and

WHEREAS, each member was instrumental in the team's success, with Ben Fitzgerald placing 14th in the individual standings and earning a gold medal, Zachariah Phillips placing 16th and earning a gold medal, Phillip Saunders placing 23rd and earning a gold medal, and Jennifer Elgin placing 63rd and earning a silver medal; and

WHEREAS, the members of the Nelson Senior FFA Meat Evaluation and Technology Team gained valuable experience and skills that will help them better serve the Commonwealth; and

WHEREAS, the Nelson Senior FFA Meat Evaluation and Technology Team has brought great honor to the Commonwealth on a national level and its success is a reflection of the members' dedication and hard work; now, therefore, be it RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Nelson Senior Future Farmers of America Chapter Meat Evaluation and Technology Team; and, be it RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Edward McCann, Sr., coach and advisor to the Nelson County High School Senior Future Farmers of America Chapter Meat Evaluation and Technology Team, as an expression of the General Assembly's admiration for the team's knowledge and skill and best wishes on future endeavors.

HOUSE JOINT RESOLUTION NO. 20

Commending the Nelson County High School Senior Future Farmers of America Chapter Forestry Judging Team.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, the Nelson Senior Future Farmers of America Chapter Forestry Judging Team of Nelson County High School in Lovingsston placed first in the National Forestry Judging Career Development Event in November 2013; and

WHEREAS, the Nelson Senior Future Farmers of America (FFA) Forestry Judging Team won regional and state competitions in 2012 and 2013, displaying exceptional knowledge of trees, tree diseases, forestry tools, wood products, and other subjects to qualify for the national event; and

WHEREAS, with the assistance of private and state experts, the Nelson Senior FFA Forestry Judging Team worked diligently to prepare for the National Forestry Judging Career Development Event (CDE); and

WHEREAS, the Nelson Senior FFA Forestry Judging Team faced 156 other competitors on 40 teams at the National Forestry Judging CDE, which was held in Kentucky at the 86th National FFA Convention and Expo; and

WHEREAS, displaying a keen understanding of all aspects of forest management at the national competition, the Nelson Senior FFA Forestry Judging Team participated in tree identification events, timber cruising, a chainsaw practicum, an interview on forestry issues, and other activities; and

WHEREAS, each member of the Nelson Senior FFA Forestry Judging Team contributed greatly to the win, with Jack Taggart placing first overall in the nation and earning a gold medal, Jamie Conner placing second and earning a gold medal, Zach Barnes placing 19th and earning a gold medal, and Jesse Carter placing 43rd and earning a gold medal; and

WHEREAS, the members of the Nelson Senior FFA Forestry Judging Team gained valuable experience that will help them protect the environment and better serve the Commonwealth; and

WHEREAS, the Nelson Senior FFA Forestry Judging Team has brought great honor to the Commonwealth on a national level and its victory is a reflection of the members' dedication and hard work; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Nelson Senior Future Farmers of America Chapter Forestry Judging Team on placing first in the National Forestry Judging Career Development Event; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Edward McCann, Sr., coach and advisor to the Nelson County High School Senior Future Farmers of America Chapter Forestry Judging Team, as an expression of the General Assembly's admiration for the team's knowledge and skill and best wishes on future endeavors.

HOUSE JOINT RESOLUTION NO. 28

Directing the Manufacturing Development Commission to examine the economic and environmental benefits of the use of recycled material in the manufacturing process in Virginia. Report.

Agreed to by the House of Delegates, February 6, 2014

Agreed to by the Senate, February 25, 2014

WHEREAS, Virginia's manufacturing sector is a key economic driver of the Virginia economy and is a significant user of raw materials and energy; and

WHEREAS, an increasing number of Virginia manufacturers are using recycled material in the manufacturing process as a way to reduce energy consumption, curtail adverse environmental effects, and become more competitive; and

WHEREAS, the use of recycled material in the manufacturing process presents an economic opportunity in the creation of new Virginia markets for recycled material; and

WHEREAS, it is in the Commonwealth's interest to foster the creation and expansion of new markets for recycled material in Virginia and to ensure that Virginia manufacturers are able to source recycled material within the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Manufacturing Development Commission be directed to study the economic and environmental benefits of the use of recycled material in the manufacturing process in

Virginia. In addition, the Manufacturing Development Commission (Commission) shall make recommendations on ways to enhance the market for recycled material to the benefit of Virginia manufacturers and suppliers, while not creating any adverse financial burdens for Virginia's retailers or consumers.

The Office of the Clerk of the Senate shall provide administrative staff support. The Division of Legislative Services shall provide legal, research, policy analysis, and other services as requested by the Commission. Technical assistance shall be provided to the Commission by the Department of Environmental Quality. All agencies of the Commonwealth shall provide assistance to the Commission for this study, upon request.

The Manufacturing Development Commission shall complete its meetings by November 30, 2014, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2015 Regular Session of the General Assembly. The executive summary shall state whether the Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 30

Celebrating the life of the Honorable James Peyton Farmer.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, the Honorable James Peyton Farmer, a retired judge of the Caroline General District Court, the Juvenile and Domestic Relations District Court, and the Circuit Court of the 15th Judicial Circuit of Virginia, died on November 13, 2013; and

WHEREAS, a native of Bowling Green, James Farmer graduated from Caroline High School and earned bachelor's and law degrees from the University of Richmond; and

WHEREAS, James Farmer returned to Bowling Green in 1959 to begin his legal practice and later became the Commonwealth's Attorney for Caroline County; and

WHEREAS, Judge Farmer served as a judge of the Juvenile and Domestic Relations District Court and the Caroline General District Court of the 15th Judicial District of Virginia; and

WHEREAS, in 1990, Judge Farmer was the first person from Caroline County to be elected by the Virginia General Assembly to serve as a 15th Judicial Circuit Court judge; he presided with great fairness and wisdom until his retirement in 1999; and

WHEREAS, after his retirement, Judge Farmer continued to ably serve the Commonwealth as a substitute judge until 2008; and

WHEREAS, Judge Farmer volunteered his time to help others as a past master of the Kilwinning Crosse Lodge No. 2-237 of the Ancient Free and Accepted Masons, a past deputy grand master of the Eighth Masonic District of Virginia, and a member of the Caroline County Ruritan Club; and

WHEREAS, Judge Farmer enjoyed fellowship and worship with the community at Bowling Green Baptist Church, where he served as a deacon and a men's Bible class teacher for many years; and

WHEREAS, a man of great integrity, Judge Farmer served the community and the Commonwealth with great distinction; and

WHEREAS, James Farmer will be fondly remembered and greatly missed by his devoted wife of 54 years, Jean; his children, Dresden, Anderson, Valerie, and Jacqueline, and their families; numerous other family members and friends; and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a respected and admired public servant, the Honorable James Peyton Farmer; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable James Peyton Farmer as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 32

Commending John T. Shotwell.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, John T. Shotwell, the beloved coach who spent a half century at James River High School-Buchanan, was honored for his outstanding career with induction, as part of the Class of 2012, into the Virginia High School Hall of Fame; and

WHEREAS, a native of North Carolina, John Shotwell received a full baseball scholarship to what was then Edwards Military Institute, where he was named most valuable player his sophomore year; he later transferred to what was then Atlantic Christian College and earned a bachelor's degree; and

WHEREAS, in 1961, John Shotwell joined James River High School-Buchanan, embarking on an illustrious career highlighted by 1,081 wins; he led his teams to 33 district titles, 11 regional titles, three state runner-up finishes, and four state championships; and

WHEREAS, John Shotwell served as head golf coach for 37 years, head boys' basketball coach for 31 years, head softball coach for 21 years, head baseball coach for three years, head girls' basketball coach for one year, assistant football coach for 25 years, assistant track coach for 15 years, and assistant cross country coach for four years; and

WHEREAS, John Shotwell led the Knights softball team to 79 consecutive Pioneer District wins in the mid-2000s and ended his coaching career by leading the softball team, which included his granddaughter, Haley, to the Group A, Division 2 state championship; and

WHEREAS, John Shotwell served several times as the head coach of the Virginia High School Coaches Association all-star softball game and was named state coach of the year three times—once in basketball and twice in softball; and

WHEREAS, John Shotwell was honored for his 50 years of service to James River High School-Buchanan on June 12, 2011, at a special reception at the school and was inducted into the Virginia High School Hall of Fame at a ceremony on October 15, 2012, in Charlottesville; and

WHEREAS, John Shotwell encouraged players to excel on the field, in school, and in life and worked alongside parents, teachers, community members, and fellow coaches throughout his career to create a positive environment for youth; and

WHEREAS, an exemplary role model, John Shotwell leaves behind an extraordinary coaching career and a sterling legacy of service to the youth of James River High School-Buchanan that others may strive to emulate; and

WHEREAS, in retirement, John Shotwell enjoys spending time with his children, Evie, Andrew, and Ryan, and grandchildren, Haley, Lindsay, Aiden, and Paige; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend John T. Shotwell on his distinguished high school coaching career and induction into the Virginia High School Hall of Fame; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John T. Shotwell as an expression of the General Assembly's congratulations, admiration, and respect for his commitment to the young people of James River High School-Buchanan.

HOUSE JOINT RESOLUTION NO. 33

Celebrating the life of Ida Belle Bluford Taylor.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, Ida Belle Bluford Taylor, the matriarch of her family, was born on July 4, 1914, in Richmond and departed this life at 99 years old on July 23, 2013; and

WHEREAS, Ida Belle Bluford Taylor attended George Mason Elementary and Armstrong High Schools in Richmond; and

WHEREAS, Ida Belle Bluford married James E. Taylor, Jr., at age 16 and together they reared seven children to whom she was a loving and doting mother; a devout Christian, she nurtured her children and grandchildren with Christian ideals of honor, love, compassion, faith, and reverence; and

WHEREAS, Ida Belle Bluford Taylor, affectionately known as "Ida B.," was a longtime member of Mt. Olivet Baptist Church. Although she was not a member of a ministry, she attended church regularly and was an avid tither; and

WHEREAS, Ida Belle Bluford Taylor loved singing her favorite hymns while she cooked meals and baked her famous triple-layer chocolate cake, which had just the right hint and balance of lemon flavor; and

WHEREAS, Ida Belle Bluford Taylor was a kind, sincere, and sensitive woman who cried whenever she received a card for any occasion, showered her family with affection and loving hugs, and possessed tremendous inner strength that sustained and buoyed her family and friends; and

WHEREAS, her love of sweets and heavy Ebonics are comforting memories to her 10 grandchildren, 35 great-grandchildren, 18 great-great-grandchildren, and five great-great-great-grandchildren and a host of relatives, friends, and neighbors of Ida Belle Bluford Taylor, whom she touched and with whom she shared her life for 99 years; and

WHEREAS, the memory of Ida Belle Bluford Taylor will occupy a very special place in the hearts of all who loved and knew her which will be cherished forever; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Ida Belle Bluford Taylor; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ida Belle Bluford Taylor as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 35

Commending Andrew E. Overbay.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, Andrew E. Overbay, a hard-working farmer and devoted educator, earned the Distinguished Service Award from the National Association of County Agricultural Agents; and

WHEREAS, the National Association of County Agricultural Agents' Distinguished Service Award recognizes excellence in the field and is awarded to members with over 10 years of experience; and

WHEREAS, Andrew "Andy" Overbay learned the value of hard work while growing up on his family's dairy farm in Smyth County; an active member of the 4-H Youth Development Organization, he graduated as the valedictorian of Chilhowie High School in 1981; and

WHEREAS, a diligent student, Andy Overbay spent a total of nearly 12 years at Virginia Polytechnic Institute and State University, earning bachelor's and master's degrees and a doctorate; and

WHEREAS, while working as a dairy farmer in 2000, Andy Overbay joined the Virginia Cooperative Extension service and served the farming community by using scientific research and a variety of teaching methods to build beneficial programs for farm operations; and

WHEREAS, Andy Overbay earned the respect and gratitude of many local farmers and fellow agents for his work on dairy nutrition, youth education, and agritourism in Smyth County and Southwest Virginia; and

WHEREAS, deeply dedicated to helping the people of Smyth County, Andy Overbay has earned many awards and accolades for his work; and

WHEREAS, in recognition of his depth of knowledge and invaluable contributions to the farming community in the region, Andy Overbay was promoted to the position of senior extension agent in 2013; and

WHEREAS, Andy Overbay currently serves on the Southeast United Dairy Industry Association Scientific Advisory Board and has served in nearly every office of the Virginia Association of Agricultural Extension Agents; and

WHEREAS, Andy Overbay plans to continue serving the farmers of Smyth County and the Commonwealth with the extension service and looks forward to one day earning the title of extension agent emeritus; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Andrew E. Overbay on receiving the Distinguished Service Award from the National Association of County Agricultural Agents; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Andrew E. Overbay as an expression of the General Assembly's admiration for his commitment to serving the farmers of Smyth County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 36

Celebrating the life of Kevin Perrigan.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, Kevin Perrigan, the beloved athletic director at John S. Battle High School in Bristol, died on April 7, 2013; and

WHEREAS, a graduate of John S. Battle High School, Kevin Perrigan graduated from King University and returned to his alma mater, where he taught math, coached the girls' basketball team, and served as the school's athletic director; and

WHEREAS, Kevin Perrigan, affectionately known as "Coach P.," was a passionate leader known for his positive attitude and commitment to his students and players; and

WHEREAS, known for his selfless manner, Kevin Perrigan devoted countless hours to his students and players, encouraging them to excel in all of their endeavors, and continued to attend games and support players, despite battling cancer; and

WHEREAS, an exemplary role model, Kevin Perrigan touched the lives of countless individuals who drew inspiration from his faith and support; and

WHEREAS, Kevin Perrigan will be fondly remembered and greatly missed by his loving family, many friends, and the John S. Battle High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a dedicated teacher, coach, and leader, Kevin Perrigan; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Kevin Perrigan as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 37

Commending the Holston High School golf team.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, the Holston High School golf team from Damascus triumphantly ended its season by winning the 2013 Virginia High School League Group 1A state championship; and

WHEREAS, after a heavy fog delayed the start of the final state championship round, the Holston High School golf team took to the greens at the Shenandoah Valley Golf Club; and

WHEREAS, the Holston High School golf team was led by Peyton Garrett, who placed third individually with a two-day total of 154, and Conrad Thacker, who placed fifth overall and finished with a 156; and

WHEREAS, Wes Roberts, Dalton Thomson, Josh Street, and Devin Keith also contributed to the Holston High School golf team victory—a two-day total of 658; and

WHEREAS, the Holston High School golf team championship win marked a first in school history—the first state team championship title in any sport since the school opened in 1964; and

WHEREAS, the success of the Holston High School golf team is a tribute to the talent and dedication of the players, the leadership of head coach John Thacker and his staff, and the support of the Holston High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Holston High School golf team on winning the 2013 Virginia High School League Group 1A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John Thacker, head coach of the Holston High School golf team, as an expression of the General Assembly's congratulations and admiration for the team's championship season.

HOUSE JOINT RESOLUTION NO. 43

Designating October 11, in 2014 and in each succeeding year, as Day of the Girl in Virginia.

Agreed to by the House of Delegates, February 10, 2014

Agreed to by the Senate, March 4, 2014

WHEREAS, the International Day of the Girl publicly recognizes the vulnerable positions of girls worldwide and endorses their protection and promotion as equal citizens in every country; and

WHEREAS, countless schools throughout the world are not safe places for girls or conducive to learning and in many countries girls even starve to death, have few options for a quality life, or sell themselves in order to survive; and

WHEREAS, in various countries, girls do not have the right of free speech or enjoy privileges afforded others in their respective societies, are exploited and attacked, and are subjected to media pressure concerning how they should look, act, and feel; and

WHEREAS, working and cooperating together, girls throughout the world can have a positive effect on each other and strengthen their bonds in the global community through monetary and legislative awareness and action; and

WHEREAS, girls in the United States are afforded rights and privileges denied to many females globally and, as a result, have a responsibility to advocate for girls and women without such advantages; and

WHEREAS, recognizing that the student body of St. Catherine's School has been afforded many benefits and advantages which it desires to share with the local and international community, the school's mission is to prepare girls of diverse backgrounds for leadership and service in a global community and to encourage and enable them to advocate boldly and assertively for the rights of girls throughout the world; and

WHEREAS, on December 19, 2011, "the United Nations General Assembly adopted Resolution 66/170 to declare October 11th each year as the International Day of the Girl Child, to recognize girls' rights and the unique challenges girls face around the world," and St. Catherine's School encourages the enactment of the United Nations resolution in tangible ways at the local level to serve as a catalyst for awareness that leads to change; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate October 11, in 2014 and in each succeeding year, as Day of the Girl in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to Dr. Terrie Hale Scheckelhoff, Head of St. Catherine's School, so that the Board of Governors, faculty and staff, and students may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 46

Celebrating the life of Marshall A. Ecker.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, Marshall A. Ecker, the chair of the Pittsylvania County Board of Supervisors and a dedicated member of the community, died on September 26, 2013; and

WHEREAS, a native of Maryland, Marshall Ecker moved to Gretna with his wife, Ann, in 2000, where he continued a life of service; and

WHEREAS, Marshall Ecker proudly served his country during the Vietnam War and was awarded the Armed Forces Expeditionary Medal, Good Conduct Medal, Expert Marksmanship Badge, Republic of Vietnam Service Medal, National Defense Service Medal, and Republic of Vietnam Campaign ribbon; and

WHEREAS, in 2007, Marshall Ecker was first elected to the board of supervisors to represent the Staunton River Magisterial District in northern Pittsylvania County, and was elected by the board to serve as its chair in 2013; and

WHEREAS, in addition to advocating on behalf of the citizens of Pittsylvania, Marshall Ecker was also a faithful member of Piney Grove Baptist Church, serving as a deacon, Sunday school teacher, and mentor; and

WHEREAS, also a talented craftsman, Marshall Ecker created beautiful pieces of artwork in several mediums, including woodworking and blacksmithing, that he proudly displayed in his home and on his property; and

WHEREAS, Marshall Ecker will be fondly remembered and greatly missed by his wife, Ann; son, Jason, and his family; and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a dedicated public servant and respected member of the Gretna community, Marshall A. Ecker; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Marshall A. Ecker as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 47

Commending Melanie Rhoades Gerheart.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, Melanie Rhoades Gerheart is a woman of the highest integrity and professionalism whose career for many years reminded legislators, fellow lobbyists, and her healthcare clients that wit and good humor really do have a place in the political process; and

WHEREAS, Melanie Gerheart was a successful lobbyist of the old school: honest to a fault, fair to the other side, and a keen observer of the occasional pomposity, whether offered by a legislator or colleague, friend or foe; and

WHEREAS, Melanie Gerheart's advocacy in public policy and politics long embraced the proposition that even the most disadvantaged among Virginia's citizenry deserve the best treatment the Commonwealth's healthcare professions can offer; and

WHEREAS, Melanie Gerheart served faithfully as lobbyist, consultant, and advisor to many healthcare organizations during her career, including CHIP of Virginia, Virginia Emergency Physicians, Virginia Society of Anesthesiologists, Virginia OB-GYN Society, and District IV of the American College of Obstetricians and Gynecologists; and

WHEREAS, during a long career in public policy and politics, Melanie Gerheart has earned the trust, confidence, and respect of members of the General Assembly while representing the interests of her healthcare clients; and

WHEREAS, during this same time, Melanie Gerheart also formed lasting friendships with and earned the respect of the many lobbyist colleagues, policymakers, and state employees with whom she worked; and

WHEREAS, not only her clients, but also legislators, healthcare professionals, and General Assembly staff have relied on Melanie Gerheart's robust intellect, loyalty, determination, that wonderful sense of humor, and her sustaining leadership in dealing with the many legislative and policy issues relating to healthcare in Virginia; and

WHEREAS, Melanie Gerheart has worked in conjunction with the Virginia Hospital & Healthcare Association, Virginia Association of Health Plans, and the Medical Society of Virginia, often bringing these groups and their occasionally fractious members together to solve difficult issues; and

WHEREAS, even in the face of overwhelming physical odds in the more recent legislative sessions, Melanie Gerheart continued to fight for the rights of physicians, their patients, and others to enhance the physician-patient relationship; and

WHEREAS, Melanie Gerheart's wise counsel, ability to negotiate effectively, and broad knowledge have been responsible for advancing the provision of healthcare to millions of Virginians; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Melanie Rhoades Gerheart for her exemplary service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Melanie Rhoades Gerheart as an expression of the General Assembly's deepest gratitude, thanks, and love.

HOUSE JOINT RESOLUTION NO. 49

Celebrating the life of Janet Nutt Lembke.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, Janet Nutt Lembke, a prolific author, dedicated gardener, and beloved longtime resident of the City of Staunton, died on September 3, 2013; and

WHEREAS, a native of Cleveland, Ohio, Janet Lembke moved to Staunton with her family during World War II; she graduated from Middlebury College, where she studied Latin and Greek; and

WHEREAS, an assiduous scholar, Janet Lembke wrote 20 books on various subjects and was in the process of writing another; she offered her talents to the community as a memoir and creative writing teacher; and

WHEREAS, in 1977, Janet Lembke returned to the City of Staunton and met her husband, Adrian, while moderating a creative writing workshop at Staunton Correctional Center; she went on to become an advocate for the restoration of voting rights to prisoners who had served out their sentences; and

WHEREAS, in her later life, Janet Lembke became an avid gardener; she studied organic gardening, raised hens, and was certified as a master gardener; she often shared her enthusiasm and knowledge with friends and neighbors; and

WHEREAS, combining the many passions of her life, Janet Lembke received a grant from the National Endowment for the Arts to translate Virgil's *Georgics*, an ancient poem on farming; and

WHEREAS, Janet Lembke displayed diligence and focus in her pursuits, always working to make a difference in the community; she was an inspiration to those around her; and

WHEREAS, predeceased by her husband, Adrian, and her daughter, Hannah, Janet Lembke will be greatly missed and fondly remembered by her children, Peter, Charley, and Lisa, and their families, and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Janet Nutt Lembke, a scholar, activist, and dear friend in the City of Staunton; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Janet Nutt Lembke as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 50

Celebrating the life of Dean Ernest Sutton, Sr.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, Dean Ernest Sutton, Sr., a longtime advocate for the Staunton-Augusta community, died on December 16, 2013; and

WHEREAS, Dean Sutton retired from the Augusta County Service Authority as deputy director in 2002; and

WHEREAS, Dean Sutton joined the Staunton-Augusta Volunteer Rescue Squad in 1975 and remained an active member for 38 years of service; and

WHEREAS, Dean Sutton served on the board of directors for the Central Shenandoah Emergency Medical Services Council and also on the board of the King's Daughters Community Health and Rehabilitation Center; and

WHEREAS, Dean Sutton was a longtime member of the Virginia Association of Volunteer Rescue Squads, serving as the District One vice president and deputy rescue officer; and

WHEREAS, Dean Sutton used his talents as a vehicle extrication instructor for 27 years and as an emergency medical technician course instructor for 20 years, providing those he taught with his knowledge and experience to ensure a quality education; and

WHEREAS, Dean Sutton was honored to be elected a life member of the Staunton-Augusta Volunteer Rescue Squad; and

WHEREAS, Dean Sutton will be forever remembered and greatly missed by his wife of 37 years, Cynthia; four children and seven grandchildren; numerous other family members and friends; and his Staunton-Augusta Volunteer Rescue Squad family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a distinguished member of the community, Dean Ernest Sutton, Sr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dean Ernest Sutton, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 52

Celebrating the life of Master Sergeant Roy E. Head.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, United States Army Master Sergeant Roy E. Head, who died in April 1951, while a prisoner of war in North Korea, was brought back to his family in Scott County and laid to rest with full military honors on June 5, 2010; and

WHEREAS, along with many other young men of his generation, Roy Head joined the United States Navy in December 1942; he bravely served aboard the USS *Pensacola* through several major battles in World War II, including the Battle for Leyte Gulf, the Battle of Iwo Jima, and the Battle of Okinawa; and

WHEREAS, Roy Head returned to the United States in 1945 and enrolled in the University of Tennessee, Knoxville; later, finding that he still held a strong desire to serve his country, he enlisted in the United States Army in 1947; and

WHEREAS, Master Sergeant Head was assigned to the Headquarters Company, 49th Field Artillery Battalion, 7th Infantry Division and served proudly alongside his fellow soldiers during the Korean War; and

WHEREAS, an extremely courageous soldier, Master Sergeant Head was captured by enemy forces on February 11, 1951, and taken to the Suan Bean prison camp, where he died two months later; and

WHEREAS, after the armistice in 1953, surviving POWs reported that Master Sergeant Head had died while in captivity; his wife, Ann, was notified of his death on August 15, 1954; and

WHEREAS, it took several decades of hard work and dedication by skilled diplomats, military personnel, and family members to identify and bring Master Sergeant Head's earthly remains home for burial; and

WHEREAS, on June 5, 2010, Master Sergeant Head's remains were finally laid to rest with full military honors at the family cemetery in Scott County; and

WHEREAS, Master Sergeant Head's family made tremendous sacrifices and endured great distress in the nearly 60 years they waited before he was brought home for burial; and

WHEREAS, Master Sergeant Head's sacrifice is a solemn reminder of the perils faced by the thousands of Americans who serve in our armed forces overseas and whose devotion to duty places them in harm's way; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Master Sergeant Roy E. Head; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Master Sergeant Roy E. Head as an expression of the General Assembly's profound respect for his memory and his and his family's sacrifices.

HOUSE JOINT RESOLUTION NO. 53

Celebrating the life of Corporal William Ray Sluss.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, United States Army Corporal William Ray Sluss, who died on April 30, 1951, while a prisoner of war in North Korea, was brought back to his family in Scott County and laid to rest with full military honors on February 18, 2012; and

WHEREAS, William Ray Sluss grew up on the family farm in rural Scott County, leaving to enlist in the United States Army when he was just 17 years of age; and

WHEREAS, assigned to the 38th Field Artillery Battalion, 2nd Infantry Division during the Korean War, Corporal Sluss proudly served his country alongside his fellow soldiers; and

WHEREAS, on November 30, 1950, Corporal Sluss was taken prisoner by North Korean forces near Kunu-ri, North Korea; and

WHEREAS, an extremely strong and courageous soldier, Corporal Sluss died at POW Camp 5 five months later; and

WHEREAS, initially listed as missing in action, the United States Army was able to confirm Corporal Sluss' death in 1954 and notified his family; he was posthumously awarded a Prisoner of War Medal; and

WHEREAS, it took several more decades of hard work and dedication by skilled diplomats, military personnel, and family members to identify and bring Corporal Sluss' earthly remains home for burial; and

WHEREAS, in 2007, the U.S. Joint POW/MIA Accounting Command in Hawaii recovered Corporal Sluss' remains from North Korea and he was officially accounted for on January 17, 2012; and

WHEREAS, on February 16, 2012, Corporal Sluss' remains arrived in Charlotte, North Carolina, after being flown from Hawaii; his casket was transferred by an honor guard to a hearse that was then escorted to Scott County; and

WHEREAS, Corporal Sluss' family made tremendous sacrifices and endured distress, with surviving family members waiting nearly 60 years after learning of his death to bring him home for burial; and

WHEREAS, Corporal Sluss' death is a solemn reminder of the perils faced daily by the thousands of Americans who serve in our armed forces overseas and whose devotion to duty places them in harm's way; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the death of a courageous and patriotic Virginian, Corporal William Ray Sluss; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Corporal William Ray Sluss as an expression of the General Assembly's profound respect for his memory and his and his family's sacrifices.

HOUSE JOINT RESOLUTION NO. 54

Celebrating the life of Charles Williams Finley.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, Charles Williams Finley, a passionate volunteer and tireless community leader in the City of Richmond, died on November 17, 2013; and

WHEREAS, born in Winchester on July 4, 1946, Charles Finley grew up in Winchester, where he graduated from Douglas High School at the age of 16; and

WHEREAS, Charles Finley attended Shenandoah Conservatory of Music from 1963 to 1964 as the first African American full-time student; and

WHEREAS, Charles Finley earned his bachelor's degree from Virginia State University in Public School Music Education and his master's degrees from Virginia State University and Virginia Commonwealth University; and

WHEREAS, Charles Finley helped develop the music program at Colonial Beach High School in 1969; and

WHEREAS, Charles Finley became an educator and taught music at Charles City County Public Schools from 1970 to 1974 and Elizabeth City State University, Elizabeth City, North Carolina, from 1974 to 1976; and

WHEREAS, Charles Finley dedicated his life to education, beginning in 1977 and retiring in 2004 from the Virginia Department of Education, where he had served as assistant superintendent of educational accountability and as associate director for proprietary schools, including home schooling and business, trade and technical schools; he served as president of the National Association of State Administrators and Supervisors of Private Schools (NASASPS); and

WHEREAS, Charles Finley was a dedicated lifetime member of Omega Psi Phi Fraternity with 40 years of devotion and service during which time he exemplified the four cardinal Principles—Manhood, Scholarship, Perseverance and Uplift; and

WHEREAS, Charles Finley moved to Richmond in 1970 and to Jackson Ward in 1984, the nation's largest National Historic Landmark District associated with black history; and

WHEREAS, deeply devoted to Jackson Ward and its residents, Charles Finley guided and advocated for the neighborhood's invigorated resurgence until his death in 2013; and

WHEREAS, an enthusiastic volunteer, Charles Finley worked to preserve Jackson Ward's history and culture, and to improve life for his neighbors; and

WHEREAS, Charles Finley was a valued leader in many civic activities in the City of Richmond's 2nd Council District, including MPACT and CAPS; and

WHEREAS, because of his dedication to his neighborhood, Charles Finley was considered "a bedrock, stabilizing force, and team leader in Historic Jackson Ward"; and

WHEREAS, Charles Finley acknowledged that he was happiest while spending time with his mother; watching his beloved Redskins with his daughter; advocating on behalf of Jackson Ward; volunteering with his fraternity; spending time with his family and friends; and watching parades; and

WHEREAS, Charles Finley was an exemplary role model to all who knew him, an ever quiet voice of reason and source of wisdom; and

WHEREAS, Charles Finley will be greatly missed and lovingly remembered by his daughter, Iantha Finley Malbon; sister, Sandra Finley; ex-wife, Faye Finley; beloved friend, Larry Forrest; nieces and nephews; son-in-law, Bil Malbon; three step-granddaughters; Omega Psi Phi fraternity brothers; Jackson Ward neighbors; members of the Douglas Alumni Association; and many other friends and family members; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Charles Williams Finley, a dedicated volunteer and a proud leader in the City of Richmond; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Charles Williams Finley, as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 55

Commending the Gate City High School volleyball team.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, the Gate City High School volleyball team showed strength and determination by winning the Virginia High School League Group 2A state volleyball championship in straight sets in November 2013; and

WHEREAS, the Gate City High School Lady Blue Devils won their fifth state championship since 2004; and

WHEREAS, the Lady Blue Devils took a commanding lead in the first set, winning 25-18 against the Luray Bulldogs, only to have to fight their way back in the second set to win by the same margin; and

WHEREAS, with a two-set lead but trailing in the third set 23-21, the Lady Blue Devils took advantage of a momentum shift after Luray served the ball into the net; and

WHEREAS, with service now on their side, the Lady Blue Devils went on a 4-0 run that ended with two power kills and resulted in the state championship title; and

WHEREAS, the five-time champion Lady Blue Devils were led by long-time head coach Amy Reed and assistant coach Delonda Spivey and managed by Abby Sallee and Hope Spivey; and

WHEREAS, each athlete—Cori Baker, Julie Dockery, Lindsey Harper, Kerri Hite, Kyra Jessee, Caitlin McConnell, Haley Reed, Rosa Smith, Hannah Spivey, and Hayley Wolfe—contributed immensely to the victory; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the 2013 Gate City High School volleyball team for winning the Virginia High School League Group 2A state volleyball championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Amy Reed, head coach of the Gate City High School volleyball team, as an expression of the General Assembly's admiration for the team's skill, determination, and strength.

HOUSE JOINT RESOLUTION NO. 56

Commending Jerry Hall.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, Jerry Hall, a native of Gate City in Scott County, broke the world record for the longest scuba dive in open fresh water by remaining underwater at South Holston Lake in Bristol, Tennessee, for 145 hours, 31 minutes, and 23 seconds; and

WHEREAS, Jerry Hall, a graduate of Gate City High School and a chemical operator for Eastman Chemical Company, had set two previous world records in the same category, once in 2002 and once in 2004; and

WHEREAS, for his 2013 attempt, Jerry Hall prepared physically and mentally for the challenging event that would also raise money for Speedway Children's Charities; and

WHEREAS, on July 27, 2013, Jerry Hall went into the water at the Laurel Marina and Yacht Club, where a 12 x 12 underwater platform at a depth of approximately 25 feet became his home for the next six days and a weighted vest helped keep him underwater; and

WHEREAS, Jerry Hall kept busy during his underwater time, riding an underwater bike for exercise, playing checkers, watching DVDs on an underwater television, listening to music via an underwater speaker, helping people earn their diving certificates, and even eating and sleeping; and

WHEREAS, Jerry Hall enjoyed the skilled assistance of a volunteer crew of divers and land-based support personnel who helped him prepare for and plan the dive and switched out oxygen tanks, brought him food, and watched him while he slept; and

WHEREAS, on August 2, 2013, Jerry Hall emerged at the Laurel Marina and Yacht Club—several pounds lighter and with shriveled skin—having smashed his previous record; and

WHEREAS, Jerry Hall demonstrated great mental focus and determination as well as physical stamina throughout his underwater experience; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jerry Hall on establishing a world record for the longest scuba dive in open fresh water; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jerry Hall as an expression of the General Assembly's congratulations and admiration for his remarkable achievement.

HOUSE JOINT RESOLUTION NO. 57

Requesting the Department of Environmental Quality to review the toxicity of selenium to aquatic life. Report.

Agreed to by the House of Delegates, February 5, 2014

Agreed to by the Senate, February 25, 2014

WHEREAS, selenium is an essential micronutrient; and

WHEREAS, selenium may become toxic to aquatic organisms at elevated concentrations; and

WHEREAS, the concentration at which selenium becomes toxic is highly variable between and within different aquatic species; and

WHEREAS, Virginia's selenium criteria for the protection of aquatic life are over 25 years old; do not reflect the latest scientific information, including chemical speciation of selenium, exposure, and uptake; and may be unnecessarily stringent to protect aquatic life; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Environmental Quality be requested to review the toxicity of selenium to aquatic life.

In conducting its review, the Department of Environmental Quality shall examine the most recent scientific information regarding the toxic effects of selenium on aquatic life and shall account for the chemical speciation of selenium, as well as actual exposure and uptake between and within different aquatic species. The analysis shall consider related studies and revisions in selenium criteria undertaken by other states, including Kentucky.

All agencies of the Commonwealth shall provide assistance to the Department of Environmental Quality for this study, upon request.

The Department of Environmental Quality shall complete its meetings by November 30, 2014, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2015 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 60

Commending Ty Cannaday.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, Ty Cannaday of Grayson County High School scored the 1,000th point of his high school basketball career on December 6, 2013; and

WHEREAS, the talented senior on the Blue Devils team achieved this lofty goal during the second game of the season, paving the way to accumulate an even higher point tally before the 2013-2014 basketball season comes to a close; and

WHEREAS, when the game against Carroll County High School started, Ty Cannaday was 28 points away from reaching the 1,000-point mark; throughout the highly charged game, he steadily accumulated points so that by the end of the third period, the focused athlete had garnered 22 points; and

WHEREAS, in the fourth quarter, Ty Cannaday made a foul shot and another basket on the same possession; the senior then shot a goal from mid-range with 5:14 remaining in the game, and with that basket he became a member of the 1,000-point club; and

WHEREAS, Ty Cannaday was the leading scorer of the game with 30 points, and at the end of the contest, he was awarded the game ball; and

WHEREAS, Ty Cannaday, who played on the Grayson County Blue Devils football team as a wide receiver and cornerback, and who wears #2 for both sports, also was crowned Homecoming King for 2013-2014; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Ty Cannaday, a senior at Grayson County High School, on his remarkable accomplishment and athletic talent; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ty Cannaday as an expression of the General Assembly's congratulations and admiration for his outstanding athletic achievement.

HOUSE JOINT RESOLUTION NO. 61

Commending the Galax High School boys' cross country team.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, the Galax High School boys' cross country team displayed heart and determination in their 2013 Virginia High School League Group 1A state cross country tournament victory; and

WHEREAS, in a race that was initially too close to call, the Galax High School Maroon Tide edged out the Radford Bobcats by two points with a score of 77-79; and

WHEREAS, Galax Maroon Tide junior Cliff Conley took home the individual title by finishing the race in 16:05, making the all-state team; and

WHEREAS, with senior Dustin Mathews winning 13th, Chandler Quesenberry winning 17th, Daniel Hix winning 22nd, and Dominic DiGiacomo winning 30th, the team earned two all-state honors and the school's first title in over 25 years; and

WHEREAS, the Galax Maroon Tide team was led by their coach of 25 years, Tony Quesenberry, and assistant coach Mary Jane Ballard; and

WHEREAS, each athlete—Cliff Conley, Dominic DiGiacomo, Edgar Guzman, Tate Haga, Daniel Hix, David Hix, Matthew Horton, Ethan Jones, Dustin Matthews, Andres Moreno, Chandler Quesenberry, Ken Patel, and Tony Rosales—contributed immensely to a successful season; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Galax High School boys' cross country team on winning the Virginia High School League Group 1A state cross country tournament; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tony Quesenberry, head coach of the Galax High School boys' cross country team, as an expression of the General Assembly's admiration for the team's determination and skill.

HOUSE JOINT RESOLUTION NO. 62

Directing the Virginia State Crime Commission to study the current state of readiness of Virginia's Law Enforcement and Search and Rescue efforts for rapid and well-coordinated deployment in all missing, endangered, and abducted person cases. Report.

Agreed to by the House of Delegates, February 5, 2014

Agreed to by the Senate, February 25, 2014

WHEREAS, according to an August 2013 report released by the Virginia State Police, Virginia currently has 342 missing children cases that are still open, some dating back a decade or more; and

WHEREAS, dozens of young women and men have been reported missing, endangered, or abducted in the past 20 years in Virginia with very few cases resolving in a rescue or recovery of the abducted person or arrest of a suspect; and

WHEREAS, when an abducted person remains missing, it leaves the families with no closure and they remain in agony, caught in a suspended state of fear, anticipation, longing, and despair; and

WHEREAS, law enforcement experience demonstrates that the longer a person or child remains missing, the less likely it is that the person or child will be returned safely; and

WHEREAS, with each passing day, potential evidence that could identify a suspect degrades, thus lessening the likelihood of apprehension and prosecution of the offender, leaving a dangerous offender at large to commit further crimes and harm additional victims; and

WHEREAS, current research on over 800 abducted child murder cases done by the Washington State Attorney General's office has established that there is a science behind search and rescue strategies in cases of abducted and endangered victims; and

WHEREAS, according to the Washington study, 46 percent of child abduction murderers have a history of crimes against children; 44 percent of killers were strangers and 42 percent were family friends or acquaintances; in 46 percent of cases, the victim was found within one-and-a-half miles of where the victim was last seen and within 12 miles in another 30 percent of cases; and in 36 percent of cases, the victim was last seen within one-fourth of a mile from the abductor/killer's home; and

WHEREAS, deployment of rapid search and rescue efforts and strategies have met with resistance in Virginia due to territorial, jurisdictional, and staffing issues across law-enforcement agencies and varying levels of knowledge concerning developments in the field of search and rescue; and

WHEREAS, despite massive resources that exist federally for abducted children from funding to the National Center for Missing and Exploited Children, missing children in Virginia still experience deadly delays and inconsistency in deployment of their published and disseminated missing information, national press engagement, family support services, and amber alerts; and

WHEREAS, no federal resources exist for missing adults, leaving families of abducted young persons with responsibility for coordinating search efforts; and

WHEREAS, Virginia has a Search and Rescue office and a Search and Rescue Council under the Virginia Department of Emergency Management (VDEM) with over 500 trained and certified search and rescue experts who deploy pro bono; and

WHEREAS, all Virginians will benefit if law enforcement and Virginia's search and rescue resources are better coordinated across all localities in order to facilitate the immediate search for any missing, endangered, or abducted person; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime Commission be directed to study the current state of readiness of Virginia's Law Enforcement and Search and Rescue efforts for rapid and well-coordinated deployment in all missing, endangered, and abducted person cases.

The study shall (i) examine cases where a well-coordinated, large-scale, rapid search and rescue effort was not deployed, including but not limited to the cases of Alicia Showalter Reynolds, Alexis Murphy, and Morgan Harrington and each endangered or abducted child/person case that did not result in the rescue or recovery of the missing person; (ii) examine cases in which an endangered or abducted person/child did result in the rescue or recovery of the missing person and how

the response of the law-enforcement agency with jurisdiction was different; (iii) determine how often the search strategies from the Washington Study have been immediately deployed (within hours of the report) in Virginia on endangered and abducted person cases and why those strategies were not deployed immediately in other cases; (iv) consider the time delays in Virginia for engaging the national media and reasons for those delays; and (v) consider reasons for lack of support from the National Center for Missing and Exploited Children, including situations in which there have been long delays in deployment of missing child information, activation of amber alerts, and provision of support services for families.

In conducting its study, the Virginia State Crime Commission shall examine what needs to be done in order to get increased, large-scale rapid search and rescue coordination efforts, immediate notification to VDEM when a person/child is determined to be endangered or abducted, additional resources and staffing needs for VDEM and law enforcement, cross-training between command staff and VDEM Search and Rescue, and family support services and to implement other recommendations the Crime Commission deems necessary.

Technical assistance shall be provided to the Virginia State Crime Commission by the Department of State Police and the Virginia Department of Emergency Management Search and Rescue office, and the Virginia Search and Rescue Council and the families of missing and abducted persons/children shall be consulted. All agencies of the Commonwealth shall provide assistance to the Virginia State Crime Commission for this study, upon request.

The Virginia State Crime Commission shall complete its meetings by November 30, 2014, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2015 Regular Session of the General Assembly. The executive summary shall state whether the Virginia State Crime Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 63

Celebrating the life of Harriett Pittard Beales.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, Harriett Pittard Beales, a lifelong resident of Mecklenburg County, who taught many county students over the years and was a leader in her church and community, died on August 28, 2013; and

WHEREAS, Harriett Beales was born in Clarksville, attended public schools there, and graduated from The College of William and Mary in 1934; upon graduation, Harriett Beales returned home and taught school, first in elementary grades, then became an English and home economics teacher at Clarksville High School and at Boydton High School; and

WHEREAS, Harriett Pittard married Walter R. Beales, Jr., in 1941, a union that lasted more than half a century until her husband died in 1992; they lived in Boydton and raised two sons, who also have dedicated their lives to the service of others; and

WHEREAS, a woman of strong faith and a talented musician, Harriett Beales was the organist at Boydton United Methodist Church and a Sunday school teacher, and served on the church's administrative board; and

WHEREAS, Harriett Beales was a mentor and surrogate mother for many promising or disadvantaged young people in her rural county; her sons endowed a scholarship in her honor at The College of William and Mary at her 50th reunion; it is awarded annually to an outstanding student from Southside Virginia; and

WHEREAS, Harriett Beales and other local preservationists helped to protect and maintain Prestwould Plantation, an outstanding example of Colonial architecture on the banks of the Roanoke River; and

WHEREAS, on June 1, 2013, Harriett Beales celebrated her 100th birthday with her children and grandchildren, her 97-year-old sister, and her sister's children; Governor Robert F. McDonnell wrote a letter of congratulations, as did the president of The College of William and Mary, and she also heard from many other people from around the country; and

WHEREAS, Harriett Beales, who was predeceased by her husband, Walter, will be fondly remembered and greatly missed by her sons, Walter III and Randolph, and their families, and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a beloved member of the community, Harriett Pittard Beales, whose work benefitted Mecklenburg County in countless ways; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Harriett Pittard Beales as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 64

Commending Anita H. French.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, Anita H. French, who admirably served the citizens of Cumberland County for more than 40 years, most recently as Commissioner of the Revenue, retired on September 30, 2013; and

WHEREAS, Anita French first began working for Cumberland County in the Department of Social Services, helping the county's less fortunate residents for 17 years; she transferred to the Commissioner of the Revenue's office in 1988 and became commissioner four years later; and

WHEREAS, one of Anita French's first tasks was to update office procedures to help make it easier for county residents when taxes were due; she also oversaw the office's move from recording transactions on paper to a computer-based system; and

WHEREAS, during her tenure, Anita French initiated an online tax payment system that allows taxpayers to receive refunds more quickly; she also opened a Department of Motor Vehicles Select location in the office, filling a vital need in the county; and

WHEREAS Anita French has always tried to serve Cumberland residents to the best of her ability, providing services that may not be available elsewhere, including offering a detailed record of all real estate transactions in the county; and

WHEREAS, Anita French's foremost goals in her role as commissioner of the revenue were to spend the funds allotted to her department in a fiscally sound manner and to provide courteous, efficient, and competent service; and

WHEREAS, recognizing that citizens often need help with local and state taxes and also may have questions about county and state laws, Anita French and her staff focused on providing helpful, timely, and accurate assistance; and

WHEREAS; Anita French possesses a deep knowledge of rural Cumberland County; that knowledge, coupled with a great amount of empathy and understanding, made her a friend to all; and

WHEREAS, Anita French focused on putting all people at ease; she cordially greeted first-time visitors to the county as if they were long-time friends, often helping them find their ancestral home sites and recounting stories about their relatives; and

WHEREAS, Anita French has responsibly and effectively served six different county administrators and 25 different members of the Cumberland County Board of Supervisors since she first started working in the Commissioner of the Revenue's office; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Anita H. French, a dedicated public servant, for her outstanding years of public service to the people of Cumberland County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Anita H. French as an expression of the General Assembly's respect and admiration for her work on behalf of the citizens of Cumberland County.

HOUSE JOINT RESOLUTION NO. 65

Commending Kempsville Baptist Church.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, Kempsville Baptist Church will proudly celebrate 200 years of worship and service in the Virginia Beach area in 2014; and

WHEREAS, on April 30, 1814, Kempsville Baptist Church began when 14 individuals from London Bridge Baptist Church met at Moseley's Meetinghouse to organize a new church; the church was later accepted into the Baptist Association; and

WHEREAS, in 1826, Kempsville Baptist Church, in the rapidly growing section of Princess Anne County known as Kempsville, purchased the abandoned courthouse building; the building would serve as a place of worship for the next 85 years; and

WHEREAS, in 1911, Kempsville Baptist Church members moved into a newly erected wood-framed church as the congregation continued to grow in faith and numbers; and

WHEREAS, in 1958, Kempsville Baptist Church dedicated a new building that marked the beginning of its ministry services and that continues to serve members today; and

WHEREAS, throughout its long history, Kempsville Baptist Church has been served by inspired leaders who have uplifted congregation members and encouraged outreach to the community; and

WHEREAS, today, Kempsville Baptist Church continues to serve the ever-changing community and looks forward to steadfastly fulfilling its mission; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Kempsville Baptist Church on the occasion of its 200th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Kelly Burris, senior pastor of Kempsville Baptist Church, as an expression of the General Assembly's congratulations and admiration for the church's dedication to serving its members and the community.

HOUSE JOINT RESOLUTION NO. 68

Directing the Joint Commission on Health Care to study viral hepatitis within the Commonwealth. Report.

Agreed to by the House of Delegates, February 5, 2014

Agreed to by the Senate, February 25, 2014

WHEREAS, over four million Americans are infected with viral hepatitis, which is a major public health problem that causes chronic liver diseases, such as cirrhosis, liver failure, and liver cancer; and

WHEREAS, populations at risk of viral hepatitis infection within the Commonwealth include recipients of blood transfusions prior to 1992, Vietnam veterans, HIV-positive individuals, children born to mothers infected with viral hepatitis, and health care providers exposed to communicable viral hepatitis; and

WHEREAS, significant pharmaceutical developments have created expanded treatment options for viral hepatitis; and

WHEREAS, the Centers for Disease Control and Prevention and the United States Preventive Services Task Force have recently issued new guidance for testing, treatment, and prevention of viral hepatitis; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Commission on Health Care be directed to study viral hepatitis within the Commonwealth.

In conducting its study, the Joint Commission on Health Care shall (i) identify resources available, and those needed, for testing, treatment, and prevention of viral hepatitis; (ii) ascertain any financial, workforce, legislative, or regulatory factors limiting testing, treatment, and prevention of viral hepatitis; (iii) identify opportunities for integration of viral hepatitis treatment within new or existing HIV-positive treatment programs; and (iv) consult with representatives of the Commonwealth's health care providers, pharmaceutical sector, military community, and other appropriate stakeholders.

Technical assistance shall be provided to the Joint Commission on Health Care by the Department of Health, the Department of Health Professions, the Department of Veterans Services, and the Department of Corrections. All agencies of the Commonwealth shall provide assistance to the Joint Commission on Health Care for this study, upon request.

The Joint Commission on Health Care shall complete its meetings for the first year by November 30, 2014, and for the second year by November 30, 2015, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the Joint Commission on Health Care intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 71

Designating the Carillon Advisory Committee, in 2014, as the World War I 100th Anniversary Committee in Virginia.

Agreed to by the House of Delegates, March 8, 2014

Agreed to by the Senate, March 8, 2014

WHEREAS, World War I, originally known as the Great War, wrought significant and lasting changes on the entire world between 1914 and 1918; with over 37 million casualties, it was one of the deadliest conflicts in human history; and

WHEREAS, in the 1920s, the General Assembly of Virginia formed a commission to determine how to best honor the men and women who served and sacrificed for their country during World War I; and

WHEREAS, the majestic Virginia War Memorial Carillon (the Carillon) was completed in 1932 and dedicated to the Commonwealth in remembrance of the "patriotism and valor of the soldiers, sailors, marines, and women from Virginia" who served in World War I; and

WHEREAS, the Carillon Advisory Committee was established by the City Council of Richmond to ensure the maintenance and continued operation of the Carillon; and

WHEREAS, over the years, the members of the Carillon Advisory Committee have generously donated their time and talents and succeeded in their mission to preserve the Carillon; and

WHEREAS, today, the Carillon remains one of the premiere historic landmarks in the City of Richmond; and

WHEREAS, the Carillon Advisory Committee continues to honor those who served in World War I by hosting Memorial Day and Veterans Day events at the Carillon; the nationally renowned Richmond Community Nativity Pageant is also held at the Carillon every December 23; and

WHEREAS, in 2014, many countries, states, and communities will hold memorial services and events to commemorate the 100th anniversary of the start of World War I; and

WHEREAS, having demonstrated a tireless dedication to honoring the veterans of World War I, the members of the Carillon Advisory Committee are the ideal choice to lead the Commonwealth's World War I 100th Anniversary memorial services in 2014; and

WHEREAS, the Carillon Advisory Committee take steps to ensure that any monuments, plaques, displays, events, or services related to the World War I anniversary memorial reflect the patriotism, honor, and valor, of all Virginians who served in World War I on an equal basis; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate the Carillon Advisory Committee, in 2014, as the World War I 100th Anniversary Committee in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Carillon Advisory Committee so that the members of the Committee may be apprised of the sense of the General Assembly of Virginia in this matter.

HOUSE JOINT RESOLUTION NO. 73

Commending Bayside High School.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, Bayside High School, an outstanding public educational institution in Virginia Beach, celebrates 50 years of educating and preparing students for bright futures during the 2014-2015 school year; and

WHEREAS, in 1964, Bayside High School opened its doors to over 2,200 students in grades eight through 12; currently, it serves more than 1,800 students in grades nine through 12; and

WHEREAS, since opening the Health Sciences Academy in 2002, Bayside High School also welcomes students from all areas of Virginia Beach who are considering a career in medicine; and

WHEREAS, Bayside High School has been led by outstanding educators committed to the school's mission statement: "empowering all students to become lifelong learners and responsible, productive citizens in a global society"; and

WHEREAS, Bayside High School became fully accredited by the Commonwealth in 1999 and maintains its accreditation by continuing to uphold the Virginia Department of Education's Standards of Learning; and

WHEREAS, students competing in sports and other extracurricular competitions for Bayside High School have achieved more than 61 district, 23 regional, and 16 state championship titles; athletes and other student competitors have advanced to compete nationally and internationally, both at collegiate and professional levels; and

WHEREAS, Bayside High School has received the Virginia High School League's Claudia Dodson Ethics and Integrity Sportsmanship Award five times; and

WHEREAS, Bayside High School graduates have used their education to make a difference in society through public service and careers in medicine, law, technology, space exploration, business, and the arts; and

WHEREAS, Bayside High School graduates are proud of their alma mater and take to heart the idea that "Once a Marlin, Always a Marlin"; the school maintains a 30-year tradition of playing the song "We Are Family" every Friday afternoon; and

WHEREAS, celebration activities for Bayside High School's 50th anniversary will be held throughout the 2014-2015 school year; anyone with a connection to the school will have opportunities to proudly wear the school's colors of scarlet and gold and gather with friends to reminisce, make new memories, and set future goals; and

WHEREAS, each member of the faculty, administration, and staff at Bayside High School contributes to motivating, inspiring, and educating the future leaders of Virginia Beach and the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bayside High School on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James D. Miller, the principal of Bayside High School, as an expression of the General Assembly's admiration for the school's long tradition of serving the youth of Virginia Beach.

HOUSE JOINT RESOLUTION NO. 74

Celebrating the life of Brendon Keith Mackey.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, Brendon Keith Mackey, the son of loving parents, was born on August 19, 2005, and passed away suddenly at the tender age of 7 on July 5, 2013, under tragic circumstances; and

WHEREAS, Brendon Keith Mackey, a jovial second-grade student at Hopkins Elementary School, loved school, his family, friends, and neighbors; and

WHEREAS, Brendon Keith Mackey loved wrestling, and blue and green were his favorite colors; and
 WHEREAS, students at Primrose School of Swift Creek released blue and green balloons in memory of Brendon Keith Mackey, one of many acts of love and kindness to help ease his family's unspeakable pain and grief; and
 WHEREAS, the life of Brendon Keith Mackey, an adorable and lovable child, touched his entire community, which responded to his untimely death with worship, faith, courage, unity, generosity, and support for his family; and

WHEREAS, the memory of Brendon Keith Mackey will always be treasured by his parents, extended family, teachers, friends, and community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Brendon Keith Mackey; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Brendon Keith Mackey as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 75

Celebrating the life of John G. Wolfe.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, John G. Wolfe of Glade Spring, a dedicated member of the Abingdon Police Department for 26 years, died on December 23, 2013; and

WHEREAS, John Wolfe was a native and lifelong resident of Washington County; he graduated from Abingdon High School in 1971 and received degrees from Virginia Highlands Community College in 1978 and Virginia Intermont College in 1981; and

WHEREAS, after joining the Abingdon Police Department in 1987, John Wolfe entered the Southwest Law Enforcement Training Academy and graduated in 1988; and

WHEREAS, John Wolfe had many responsibilities during his years as a patrol officer; he was a crime prevention officer and a neighborhood watch coordinator, and served as a community liaison officer; in 2002, he was promoted to patrol sergeant; and

WHEREAS, in addition to his work in law enforcement, John Wolfe was a talented artist; he liked painting, drawing, and wood-burning; and

WHEREAS, John Wolfe enjoyed spending time outdoors in one of the Commonwealth's most beautiful areas—the mountains of Southwest Virginia—riding bicycles, camping, and traveling the surrounding ridges and valleys on his motorcycle; and

WHEREAS, John Wolfe will be greatly missed and fondly remembered by his daughters, Jessica and Janelle, and their families; and many other family members, friends, and fellow law-enforcement officers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of John G. Wolfe, a law-enforcement officer who served the residents of Abingdon for more than a quarter century with diligence and responsibility; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John G. Wolfe as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 79

Commending Coast Guard Auxiliary Flotilla 63.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, Coast Guard Auxiliary Flotilla 63, based in Poquoson, celebrated its 50th anniversary in June 2013; and

WHEREAS, Flotilla 63 is comprised of 54 volunteer members who spend countless hours ensuring the safety of local boaters; and

WHEREAS, in addition to protecting locals, Flotilla 63 helps the Coast Guard with boater education, vessel safety inspections, and search-and-rescue missions, logging over 188,000 service hours since 2001; and

WHEREAS, committed to giving back to their country, many Flotilla 63 members have risen through the ranks of the Coast Guard auxiliary to serve at state and national levels; and

WHEREAS, a Flotilla 63 member for 34 years, Everette Tucker served as district commodore in 1986 and 1987, and as national commodore from 1997 to 1998 and again from 1999 to 2000; and

WHEREAS, Gary Derby, another Flotilla 63 member reaching state levels, served as district captain for Sector Hampton Roads, which encompasses the entire State of Virginia, from 2011 to 2012; and

WHEREAS, providing assistance for active duty Coast Guard members, Flotilla 63 has helped save lives and provided support during maritime emergencies; and

WHEREAS, crediting its longevity and success to the dedication of its members, Flotilla 63 has helped protect the waters surrounding Poquoson for 50 years; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Coast Guard Auxiliary Flotilla 63 on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Linda Jennings, commander of Coast Guard Auxiliary Flotilla 63, as an expression of the General Assembly's admiration and respect for its decades of service to the City of Poquoson and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 80

Commending Thomas O. Lewis, Jr.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, Thomas O. Lewis, Jr., a Kinsale resident who diligently protected the community as a firefighter for over 40 years, retired as the chief of the Cople District Volunteer Fire Department in 2013; and

WHEREAS, Thomas "Tommy" Lewis was first elected as the chief of the Cople District Volunteer Fire Department (Cople District VFD) in 1981 and has served in that position for the majority of the past 32 years; and

WHEREAS, while working a full-time job throughout his tenure as fire chief, Tommy Lewis has ably presided over the business and operational functions of the Cople District VFD, an all-volunteer department that has never had more than 24 active firefighters, yet responds to over 400 calls per year; and

WHEREAS, under Tommy Lewis's strong, competent, and highly professional leadership, the capabilities of the department have grown to include not just firefighting, but responses to vehicle accidents, hazardous materials spills, and natural disasters; the department also provides emergency medical aid and patient transportation and can carry out marine and cold-weather rescue operations; and

WHEREAS, through visionary planning, Tommy Lewis has expanded the department's facilities and acquired the proper equipment to turn the department into a modern, highly technical response organization with the same capabilities as many full-time fire departments; and

WHEREAS, Tommy Lewis's extraordinary sense of professionalism is reflected in the fact that nearly all of the department's active members have been trained to the Fire Officer levels I and II and maintained those levels for the past decade; and

WHEREAS, Tommy Lewis has been a strong advocate for community spirit, leading the department to sponsor or co-sponsor with the Kinsale Foundation, a series of annual events like the popular Independence Day celebration, Kinsale Day, Christmas in Kinsale, and Easter egg hunts; the proceeds from some of these events are donated toward social programs that benefit the less fortunate citizens of the community; and

WHEREAS, throughout his tenure, Tommy Lewis was known as a master of collaborative leadership, and he always helped the other members of the department arrive at the correct decision on their own; and

WHEREAS, Tommy Lewis leaves an enduring legacy of professionalism, dedication, preparedness, and concern for the community to the younger members of the Cople District VFD; he is a role model for the future chiefs of the department; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Thomas O. Lewis, Jr., on the occasion of his retirement as chief of the Cople District Volunteer Fire Department in 2013; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Thomas O. Lewis, Jr., as an expression of the General Assembly's admiration for his outstanding leadership, tireless dedication, and commitment to protecting the community.

HOUSE JOINT RESOLUTION NO. 81

Celebrating the life of the Honorable Walther Balderson Fidler.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, the Honorable Walther Balderson Fidler, a retired chief judge of the Juvenile and Domestic Relations District Court of the 15th Judicial District of Virginia who represented the residents of the Northern Neck in the Virginia House of Delegates for seven terms, died on November 28, 2013; and

WHEREAS, a native of Sharps, Walther Fidler served as a page in the Senate of Virginia during the 1938, 1940, and 1942 sessions, gaining a passion for law and government; and

WHEREAS, Walther Fidler earned a bachelor's degree from Randolph Macon College in 1944 and went on to bravely serve his country as a lieutenant junior grade in the United States Navy during World War II; and

WHEREAS, after his honorable discharge in 1946, Walther Fidler earned a law degree from the University of Richmond and began his legal practice in the Town of Warsaw; and

WHEREAS, desirous to be of further service to the Commonwealth, Walther Fidler ran for and was elected to the Virginia House of Delegates in 1960, where he ably represented the residents of the Northern Neck for 14 years; and

WHEREAS, Walther Fidler worked to enact important legislation, including the creation of a statewide system of community colleges, and served on several committees, including Game and Inland Fisheries, Chesapeake and Its Tributaries, and Privileges and Elections; and

WHEREAS, Walther Fidler was the director of public affairs for the Virginia Manufacturers Association for eight years and on the State Board of Corrections, where he served as chair for two years; and

WHEREAS, in 1982, Walther Fidler was elected as a judge of the Juvenile and Domestic Relations District Court of the 15th Judicial District of Virginia, where he served with great wisdom and fairness until his retirement as chief judge in 1995; and

WHEREAS, Judge Fidler worked to better the community as a charter member of Veterans of Foreign Wars Post 2937 in Warsaw and the Northern Neck of Virginia Historical Society, an organizing director of Richmond County Little League baseball, and a member of the Richmond County Ruritan Club; and

WHEREAS, Judge Fidler enjoyed fellowship and worship with the community as a lifelong member of Mildred Presbyterian Church in Sharps, where he served as an elder for more than 50 years and was an active member of the Presbytery of the James in Richmond; and

WHEREAS, a man of great character and vision, Judge Fidler served the community, the Commonwealth, and the nation with distinction; and

WHEREAS, Walther Fidler will be greatly missed and fondly remembered by his beloved wife of 63 years, Martha; his children, Kathleen, Frances, Jane, James, and Nancy, and their families; many other family members and friends; and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of an admired and highly regarded public servant, the Honorable Walther Balderson Fidler; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Walther Balderson Fidler as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 82

Celebrating the life of Ruth Jones Herrink.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, Ruth Jones Herrink of King George County, who became publisher of *The Journal* newspaper after a career in public service and worked ceaselessly for the betterment of the county, died on October 12, 2013; and

WHEREAS, Ruth Herrink was fully engaged in running the newspaper from 1984, when she purchased *The Journal* after seeing it advertised for sale, until she died; she always strove for *The Journal* to be a forum for the community; and

WHEREAS, Ruth Herrink had an inquiring mind and was constantly interested in new projects, always looking for ways to advance her community; she received telephone calls daily, and many visitors wanted to discuss ways to enrich King George County, its residents, and businesses; and

WHEREAS, she played a prominent role in the construction of a building that was used as an urgent care medical center; Ruth Herrink also was involved with Historyland Memorial Park, the Dahlgren Heritage Foundation and Museum, the Love Thy Neighbor Community Food Pantry and Soup Kitchen, and other organizations; and

WHEREAS, before embarking on a second career in journalism, Ruth Herrink was the director of the Virginia Department of Professional and Occupational Regulation, serving under three governors; she was also a member of the Richmond City Council in the 1960s; and

WHEREAS, Ruth Herrink will be fondly remembered and greatly missed by her daughters, Sarah, Beverly, and Jessica, and their families, and by her children's father, Louis; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Ruth Jones Herrink, a dedicated public servant, hard-working journalist, and force for good in King George County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ruth Jones Herrink as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 88

Celebrating the life of Colonel Frank Samuel Duling, Jr., former City of Richmond Chief of Police.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, Colonel Frank Samuel Duling, Jr., a native of Richmond and the City's 10th Chief of Police since the American Civil War, passed away peacefully on June 4, 2013; and

WHEREAS, Colonel Frank Samuel Duling, Jr., was born into a family of law-enforcement officers, and as a young boy he longed to become a police officer and pursued his lifelong dream by walking 22 blocks from his home to police headquarters each Sunday to fraternize with police officers; he collected police badges as a hobby and waited tables at a two-week police training session at the University of Richmond in order that he might sit in on classes after work; and

WHEREAS, Colonel Frank Samuel Duling, Jr., was educated in the Richmond Public Schools and graduated from Thomas Jefferson High School in 1941; after high school, he worked at the First & Merchants Bank during the day and served without compensation as a reserve policeman at night; and

WHEREAS, he was sworn in as a Richmond patrolman on December 24, 1944, 20 days after his 21st birthday; rising through the ranks, he worked in patrol, the juvenile division, at the Training Academy, in the Inspector's Office, and as Commander of Investigative Operations; he was promoted to sergeant in 1950, to lieutenant in 1953, to captain at age 33 in 1957, to major in 1960, and rose to chief of police on December 30, 1967, at age 44; and

WHEREAS, as Chief of Police, Colonel Frank Samuel Duling, Jr., established a Police Community Services Unit, a Community Radio Watch program, and the Internal Affairs Division, and under his leadership, the Richmond Police Department became one of the first in the state to place female officers on uniformed patrol; and

WHEREAS, he served as a member of the Richmond Police Department from 1944 until his retirement in 1989, nearly 45 years on the force, of which 22 years were as chief of police, the longest-serving chief of police in the history of the city; and

WHEREAS, during his illustrious career, Colonel Frank Samuel Duling, Jr., received 250 commendations and awards for his work in law enforcement, and recognition for his dedicated community service, which included serving as president of the Virginia Association of Chiefs of Police; a seven-year member of the Executive Committee of the International Association of Chiefs of Police; a charter member of the John Marshall Lodge 2 of the Fraternal Order of Police and the organization's Virginia State Lodge president for six years; vice president of the Richmond Area Mental Health Association, in which he was instrumental in providing training in handling people with behavioral problems; an American Red Cross volunteer for more than 25 years; a member of the Central Virginia Crime Clinic, and the Virginia State Crime Clinic; and

WHEREAS, Colonel Frank Samuel Duling, Jr., was an active member of Northminster Baptist Church, and a longtime Mason and Shriner, aiding children in need of specialized medical care; and

WHEREAS, Colonel Frank Samuel Duling, Jr., leaves a legacy of outstanding community service and leadership and will be remembered for his tenacity, fairness, and ability to hold officers to the highest professional standards; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Colonel Frank Samuel Duling, Jr., former City of Richmond Chief of Police; and, be it

RESOLVED FURTHER, That the Clerk of the House prepare a copy of this resolution for presentation to the family of Colonel Frank Samuel Duling, Jr., the longest serving Chief of Police in the history of the City of Richmond, as an expression of the General Assembly's respect for his memory and his dedicated service to the city and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 89

Commending the Reverend Dr. Earl Leslie Bledsoe.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, the Reverend Dr. Earl Leslie Bledsoe was born on April 29, 1942, in Washington, D.C., and at a very young age he moved to Fauquier County, where he was reared by Annie and Spurgeon Tyler in their loving Christian home; and

WHEREAS, after graduating from W. C. Taylor High School in Warrenton, the Reverend Dr. Earl Leslie Bledsoe enlisted in the United States Army, where he served his country with valor and was honorably discharged after three years of military service; and

WHEREAS, following his military service, the Reverend Dr. Earl Leslie Bledsoe returned to civilian life and was employed by Atlantic Research Corporation in Gainesville, Virginia, and in Washington, D. C., he worked for ARA Dining Services, the United States Postal Service, and the Department of Corrections; and

WHEREAS, the Reverend Dr. Earl Leslie Bledsoe relentlessly pursued higher education opportunities at Prince George Community College in Maryland, Northern Virginia Community College, Virginia Union University, and Howard University Without Walls, and earned a bachelor of arts degree in history and a master of arts degree in management from the Open University System; and

WHEREAS, in January 1971, the Reverend Dr. Earl Leslie Bledsoe responded to the call to the Gospel ministry and was licensed to preach by his home church, Cross Road Baptist Church, where he was ordained in June 1971; and

WHEREAS, to prepare himself for the ministry, the Reverend Dr. Earl Leslie Bledsoe studied at the Norfolk extension of Boston University and earned a Master of Divinity degree, cum laude, in 1979 and a Doctor of Ministry degree in 1997 from the Lancaster Theological Seminary in Pennsylvania, where his dissertation was entitled "Therapeutic Preaching from the Perspective of an African American Free Church Pastor"; and

WHEREAS, the Reverend Dr. Earl Leslie Bledsoe also studied clinical pastoral education from 1981 to 1983 at Saint Elizabeth Hospital in Washington, D.C., in order to minister to the criminally challenged and the mentally disabled; he enrolled in the certificate program in church management at Wake Forest University in 1987, the pastoral supervision program at Virginia Commonwealth University's Medical Center in 1994, the clinical pastoral education program at Hunter Holmes McGuire Veterans Hospital in 1996, and the certificate program at Harvard University's Leadership Institute in 2000; and

WHEREAS, the Reverend Dr. Earl Leslie Bledsoe is actively involved in many community and theological organizations; he has served as former director of the Doctor of Ministry Program at the Richmond Virginia Seminary, and as adjunct professor in the Doctor of Ministry Program at United Theological Seminary in Dayton, Ohio; currently, he is the director of Field Study at the Samuel Dewitt Proctor School of Theology at Virginia Union University, where he is influential in the molding of future pastors, teachers, evangelists, apologists, prophets, and others who have devoted their lives to the Christian ministry in order that the saints may be perfected and the church universal may be edified; and

WHEREAS, the Reverend Dr. Earl Leslie Bledsoe has served in the pastoral ministry at Silver Hill Baptist Church in Morrisville, Pilgrim Baptist Church in Wilderness, and Mount Calvary Baptist Church in Prince William, and is currently the beloved pastor of Great Hope Baptist Church in Richmond, from which he is retiring after 30 years of faithful and dedicated Christian service; and

WHEREAS, the Reverend Dr. Earl Leslie Bledsoe has remained a stalwart soldier on the battlefield for the Lord, proclaiming and teaching the uncompromised word of God, feeding the hungry, clothing the naked, sheltering the homeless, visiting the imprisoned, and ministering God's love to the least of these, and his works "do follow him"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Reverend Dr. Earl Leslie Bledsoe hereby be commended on the occasion of his retirement from the pastoral ministry; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dr. Earl Leslie Bledsoe as an expression of the General Assembly's respect and admiration for his care of his flock and contributions to the City of Richmond and best wishes for a serene and productive retirement.

HOUSE JOINT RESOLUTION NO. 93

Designating the first week in October, in 2014 and in each succeeding year, as Chiropractic Health Week in Virginia.

Agreed to by the House of Delegates, February 5, 2014

Agreed to by the Senate, March 4, 2014

WHEREAS, Doctors of Chiropractic are physician-level providers who focus on the whole person in their conservative approach to health care and public health and who have particular expertise in the prevention, care, and rehabilitation of neuromusculoskeletal injuries and conditions; and

WHEREAS, the chiropractic profession, since its founding more than 100 years ago, promotes neuromusculoskeletal health and overall wellness by encouraging patients and the public to maintain a healthy lifestyle through good nutrition, regular exercise, and restful sleep; and

WHEREAS, Doctors of Chiropractic recognize through clinical experience and research that a sedentary, overmedicated lifestyle is especially dangerous for joint health, wellness, and longevity; and

WHEREAS, Doctors of Chiropractic are recognized worldwide for their health-enhancing, wellness-enhancing, and injury-prevention services, which help people to heal naturally without unnecessary drugs and surgery and to resume their regular activities or achieve levels of optimal functionality; and

WHEREAS, Doctors of Chiropractic, through their regular interactions with patients and their communities, and in collaboration with other health care providers, have the opportunity to teach people about the importance of regular body movement and the relevance of neuromusculoskeletal health; and

WHEREAS, a week dedicated to chiropractic health serves as a reminder that individuals can overcome pain naturally, get healthier, "Discover Chiropractic: Get Vertical," and become active with the help of a Doctor of Chiropractic in their community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate the first week in October, in 2014 and in each succeeding year, as Chiropractic Health Week in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Unified Virginia Chiropractic Association so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this week on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 96

Directing the Virginia Freedom of Information Advisory Council to study all exemptions contained in the Virginia Freedom of Information Act to determine the continued applicability or appropriateness of such exemptions and whether the Virginia Freedom of Information Act should be amended to eliminate any exemption from the Virginia Freedom of Information Act that the Virginia Freedom of Information Advisory Council determines is no longer applicable or appropriate. Report.

Agreed to by the House of Delegates, February 5, 2014

Agreed to by the Senate, February 25, 2014

WHEREAS, in enacting the Virginia Freedom of Information Act (FOIA) (§ 2.2-3700 et seq. of the Code of Virginia), the Virginia General Assembly determined that "[t]he affairs of government are not intended to be conducted in an atmosphere of secrecy since at all times the public is to be the beneficiary of any action taken at any level of government"; and

WHEREAS, the General Assembly further determined in enacting FOIA that its provisions "shall be liberally construed to promote an increased awareness by all persons of governmental activities and afford every opportunity to citizens to witness the operations of government"; and

WHEREAS, the General Assembly conducts a routine study of FOIA through the creation of a joint subcommittee every 10 years to ensure that the nomenclature and substantive provisions of FOIA are up-to-date; and

WHEREAS, the last joint subcommittee study of FOIA was pursuant to HJR 187 in 1998, which study led to the creation of the Virginia Freedom of Information Advisory Council (FOIA Council) in 2000 as well as a substantive rewrite of FOIA; and

WHEREAS, the citizens of the Commonwealth have a substantial interest in continuing to secure access to the records and meetings of Virginia governmental entities at all levels; and

WHEREAS, the FOIA Council serves as the clearinghouse for public access issues to the General Assembly, by keeping abreast of trends, developments in judicial decisions, and emerging issues related to FOIA and access generally; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia Freedom of Information Advisory Council be directed to study all exemptions contained in FOIA to determine the continued applicability or appropriateness of such exemptions and whether the Virginia Freedom of Information Act should be amended to eliminate any exemption from FOIA that the FOIA Council determines is no longer applicable or appropriate. In conducting its study, the FOIA Council shall also examine the organizational structure of FOIA and make recommendations to improve the readability and clarity of FOIA. The FOIA Council shall consider comment from citizens of the Commonwealth; representatives of state and local governmental entities; broadcast, print, and electronic media sources; open government organizations; and other interested parties.

All agencies of the Commonwealth shall provide assistance to the FOIA Council for this study, upon request.

The FOIA Council shall complete its meetings by November 30, 2016, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document as provided in § 30-179 of the Code of Virginia. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2017 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 98

Designating July 12, in 2014 and in each succeeding year, as Sudden Unexpected Death in Epilepsy Awareness Day in Virginia.

Agreed to by the House of Delegates, February 5, 2014

Agreed to by the Senate, March 4, 2014

WHEREAS, Sudden Unexpected Death in Epilepsy is a rare condition that kills nearly one in every thousand individuals with epilepsy per year; individuals affected by this condition will die suddenly and without apparent cause; and

WHEREAS, instances of Sudden Unexpected Death in Epilepsy (SUDEP) were not widely known until 1992, when the first major news article on the condition was published; and

WHEREAS, the causes of SUDEP are still not fully understood; while data on SUDEP is available from a variety of sources, there have been no large-scale studies conducted in the United States on the condition; and

WHEREAS, only a limited number of organizations focus exclusively on the research and study of SUDEP; organizations such as Citizens United for Research in Epilepsy in Chicago raise funds for SUDEP, while the North American SUDEP Registry, the Stop SUDEP Program, and SUDEP Aware in Toronto, Canada, conduct research; and

WHEREAS, SUDEP can happen to anyone with epilepsy, but the individuals at the highest risk for SUDEP are those with frequent, generalized tonic-clonic (grand mal) seizures; while there are methods for reducing the risk of SUDEP, these are unique to the individual and must be discussed with a doctor; and

WHEREAS, a joint report from the American Epilepsy Society and the Epilepsy Foundation states that, among individuals with poorly controlled seizures, the risk increases to one death in every hundred people with epilepsy in a year; and

WHEREAS, while certain people are at higher risk for SUDEP than others, not all risk factors are conclusively known and agreed upon; and

WHEREAS, due to a lack of awareness, the diagnosis of SUDEP is low and often does not appear on a death certificate, leading to incomplete statistics on the condition; and

WHEREAS, Khristin Elizabeth Kylo, a Vienna native, died on January 13, 2011, at Princeton University from SUDEP; and

WHEREAS, it is important to understand the nature and causes of SUDEP, seek to mitigate risk factors and prevent SUDEP, and increase awareness of SUDEP in the Commonwealth and throughout the United States; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate July 12, in 2014 and in each succeeding year, as Sudden Unexpected Death in Epilepsy Awareness Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the family of Khristin Elizabeth Kylo so that they may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 100

Commending Mahri Aste.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, Mahri Aste, the principal of Mosby Woods Elementary School in Fairfax, was honored for her commitment to quality elementary school education by her selection for the 2013 Outstanding Principal Award; and

WHEREAS, after obtaining her bachelor's degree from the University of Richmond, Mahri Aste studied at the University of Virginia, receiving her master's in 1990 and doctorate in 2009; and

WHEREAS, the Outstanding Principal Award is given annually to a graduate of the University of Virginia's Curry School of Education with a record of excellence in administration, professional stature outside the school, and dedicated community service; and

WHEREAS, an educator in Fairfax County Public Schools since 1990, Mahri Aste began her teaching career at Mosby Woods Elementary School and served as the principal of Lynbrook Elementary School in Fairfax before returning to Mosby Woods Elementary School in 2004 as the principal; and

WHEREAS, under Mahri Aste's dedicated leadership, Mosby Woods Elementary School has met the yearly progress standards for the Virginia Standards of Learning in all student groups from 2005 to 2012, and was named a National Title I Distinguished School in 2006 and 2007; and

WHEREAS, a passionate advocate for childhood education, Mahri Aste has received the Virginia Board of Education Excellence Award and the Virginia Governor's Award for Education Excellence in 2010 and 2011; and

WHEREAS, an educator to people of all ages, Mahri Aste also worked with George Mason University to create a professional development program at Mosby Woods Elementary School where the university's students learn to be effective teachers and administrators; and

WHEREAS, Mahri Aste has dedicated her life to educating the children of Fairfax County and to serving its community; she maintains a food pantry in the elementary school and participates in the Shining Stars program, which provides clothing and gifts to families in need during the holidays; and

WHEREAS, a loyal and inspirational leader, Mahri Aste has made an impact on the lives of countless students and the community of Fairfax County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the principal of Mosby Woods Elementary School, Mahri Aste, on receiving the 2013 Outstanding Principal Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mahri Aste as an expression of the General Assembly's respect and admiration for her dedication to the children and community of Fairfax County.

HOUSE JOINT RESOLUTION NO. 103

Directing the Joint Legislative Audit and Review Commission to study Virginia's Line of Duty Act. Report.

Agreed to by the House of Delegates, March 7, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Virginia's Line of Duty Act, initially enacted to provide a one-time death benefit payment, has undergone significant expansion in the last 18 years, in terms of both the type and amount of benefits that are provided and the persons who are eligible to receive those benefits; and

WHEREAS, the total cost of fully funding these benefits has also escalated dramatically as a result of the expansion in the type of, amount of, and eligible recipients of these benefits; and

WHEREAS, the recipients of benefits under Virginia's Line of Duty Act may also receive benefits from other state and federal programs, including pension payments, disability payments under their pension plan, undergraduate tuition waiver benefits, workers' compensation wage replacement, medical, burial, death, disability, and educational benefits under the federal Public Safety Officers' Benefits Act, as well as additional assistance from numerous other public and private programs and foundations; and

WHEREAS, while some other states' benefit programs require the coordination of applicable federal and state benefits, Virginia's Line of Duty Act has no similar requirements; and

WHEREAS, after a year of study, the Line of Duty Act Working Group in December 2012 concluded that "very real financial constraints threaten the sustainability of Line of Duty Act benefits" but made no recommendations, noting that "further deliberation is needed prior to implementation of any reforms"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to study Virginia's Line of Duty Act. The Joint Legislative Audit and Review Commission shall study the following items, but not be limited to: the current implementation of the Act, the current and projected future costs of benefits awarded thereunder, and the advisability of coordinating those benefits with additional benefits paid under other state and federal programs.

In conducting its study, the Joint Legislative Audit and Review Commission shall (i) examine how claims for benefits under Virginia's Line of Duty Act are being administered and how eligibility is determined, and whether all provisions of the law are being enforced and complied with so that predictable results in accordance with the law are assured; (ii) determine whether the current appeal process provided under Virginia's Line of Duty Act protects the rights of applicants, beneficiaries, and employers; (iii) determine the current and projected costs of fully funding all benefits payable under Virginia's Line of Duty Act for the next 10 years and project the premiums that will need to be charged in each of the next 10 years to employers participating in the State Fund to ensure the full funding of benefits covered thereby; (iv) review other programs that provide benefits similar to those available under Virginia's Line of Duty Act, including other states' programs; compare how those programs are administered and funded and the amount, type, and cost of benefits provided thereunder; determine whether and how those programs provide for the coordination of benefits available; and assess the value and feasibility of adopting those program structures and practices in Virginia; (v) review other benefit programs within Virginia to determine if aspects of those could be implemented under Virginia's Line of Duty Act to make benefit administration under the Act more efficient; and (vi) make recommendations on these issues as appropriate.

Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by the Department of Accounts and State Comptroller. All agencies of the Commonwealth and local governments, including public safety stakeholder groups, shall provide assistance to the Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by November 30 2014, and for the second year by November 30, 2015, and the Chairman of the Joint Legislative Audit and Review Commission shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 105

Commending Gerald W. Duncan.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, Gerald W. Duncan, treasurer of the County of Giles, was honored as the Treasurer of the Year by the Treasurers' Association of Virginia on June 18, 2013; and

WHEREAS, the Treasurers' Association of Virginia furnishes individual treasurers across the Commonwealth the resources and training necessary to provide the very best service possible to the citizens of Virginia; and

WHEREAS, Gerald W. Duncan is a longtime member of the Treasurers' Association of Virginia and has generously given his time and immense talents as a member of the organization's executive board, education committee, and technology committee and as a past president of the association; and

WHEREAS, a dedicated and hard-working public servant, Gerald W. Duncan has been treasurer of the County of Giles since 2000; he was elected to a fourth term on November 8, 2011; and

WHEREAS, as county treasurer, Gerald W. Duncan manages all cash and investments for the County of Giles; he is the manager of a DMV Select program, handles billing and collection of revenue for the Public Service Authority, and collects all taxes for the county; and

WHEREAS, Gerald W. Duncan is well known and admired for his innovative policies to better serve area residents and his outstanding ability to effectively and efficiently manage the county's investments and numerous resources; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Gerald W. Duncan on the occasion of his well-deserved selection as Treasurer of the Year by the Treasurers' Association of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Gerald W. Duncan as an expression of the General Assembly's appreciation for his many outstanding achievements and gratitude for his commitment to the residents of the County of Giles.

HOUSE JOINT RESOLUTION NO. 106

Notifying the Governor of Organization.

Agreed to by the House of Delegates, January 8, 2014

Agreed to by the Senate, January 8, 2014

RESOLVED by the House of Delegates, the Senate concurring, That a committee be appointed, composed of six on the part of the House of Delegates and five on the part of the Senate, to notify the Governor that the General Assembly is duly organized and is ready to receive any communication he may desire to make.

HOUSE JOINT RESOLUTION NO. 108

Designating February 28, in 2014 and in each succeeding year, as Rare Disease Day in Virginia.

Agreed to by the House of Delegates, February 5, 2014

Agreed to by the Senate, March 4, 2014

WHEREAS, there are approximately 7,000 diseases and conditions considered rare, each affecting fewer than 200,000 Americans in the United States; and

WHEREAS, rare diseases affect an estimated total of 25 to 30 million Americans; 80 percent of rare diseases are genetic in origin, and it is estimated that about half of all rare diseases affect children; and

WHEREAS, rare diseases can become chronic, progressive, disabling, and life-threatening conditions, significantly impacting the lives of those affected; and

WHEREAS, relatively common symptoms can hide underlying rare diseases, leading to misdiagnosis and delayed treatment; individuals and families affected by rare diseases often face challenges, such as a sense of isolation and psychological burden, few treatment options, lack of support services, and problems related to accessing treatment; and

WHEREAS, while more than 300 orphan drugs and biologic medical products have been approved for the treatment of rare diseases by the Food and Drug Administration, millions of Americans with rare diseases still have no treatment specific to their disease; and

WHEREAS, some rare diseases, such as Lou Gehrig's disease and Huntington's disease, are relatively well known; however, many other rare diseases are not well known by the public, leaving patients and their families to bear a large share of the burden regarding critical issues, such as raising funds for research, education, and awareness outreach; and

WHEREAS, on the last day of the month of February, patients and their families, medical professionals, researchers, government officials, and companies developing treatments for rare diseases join together to focus attention on rare diseases as a public health issue; and

WHEREAS, it is important for Virginians and all Americans to support those affected by rare diseases and to promote annual health care visits to help ensure screening for rare diseases; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate February 28, in 2014 and in each succeeding year, as Rare Disease Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the National Organization for Rare Disorders, the sponsor for Rare Disease Day in the United States, so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 109

Commending Barter Theater.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, Barter Theater, the State Theatre of Virginia, proudly celebrated 80 years of entertaining audiences in 2013; and

WHEREAS, Barter Theater welcomed its first patrons in 1933 with the slogan "With vegetables you cannot sell, you can buy a good laugh"; and

WHEREAS, Barter Theater was the result of actor and Southwest Virginia native Robert Porterfield's innovative idea to open a theater during the Great Depression that invited patrons to barter for admission with fresh produce from their gardens and other farm foods; and

WHEREAS, Barter Theater produced plays by such notable playwrights as Noel Coward, Tennessee Williams, and Thornton Wilder, all of whom accepted Virginia hams as payment for royalties, and George Bernard Shaw, a vegetarian who received spinach as his royalty; and

WHEREAS, Barter Theater's great success led to its designation as the State Theatre of Virginia in 1946, a designation that was a first at the time; today it is the longest-running professional Equity theater in the nation; and

WHEREAS, Barter Theater now offers a wide range of educational opportunities for individuals of all ages and hosts the annual Appalachian Festival of Plays and Playwrights to share the area's rich cultural heritage; and

WHEREAS, Barter Theater celebrated its 80th anniversary with a free block party-style celebration on June 10, 2013, that featured backstage tours of the main stage, a grand prize giveaway, and an array of other family-friendly activities; and

WHEREAS, Barter Theater looks forward to continuing to provide theatergoers with lively and engaging performances in the future; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Barter Theater on the occasion of its 80th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jeremy Wright, managing director of Barter Theater, as an expression of the General Assembly's congratulations and appreciation of the theater's contributions to the cultural landscape of Southwest Virginia and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 110

Commending Altavista Combined School football team.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, the Altavista Combined School football team capped off a consistently strong and exciting season by winning the 2013 Virginia High School League Group 1A state championship; and

WHEREAS, the Altavista Colonels defeated a determined team from Essex High School 21-0 in the title matchup, which was held on December 14 at Salem Stadium; and

WHEREAS, despite the cold and rainy weather, the Colonels from Campbell County stayed focused; the team's intense concentration and desire to win showed in the first possession of the game, when Altavista intercepted a pass, taking control of the ball on the Essex nine-yard line; and

WHEREAS, the Altavista team's offense was strong, both in its passing game and its running game; the three touchdowns came on two scoring runs and a 19-yard touchdown pass; and

WHEREAS, the Colonels' tenacious and vigorous defense forced several interceptions, blocked a 28-yard field goal attempt, and stayed close to the Essex receivers throughout the contest; and

WHEREAS, the will to win that resulted in the state trophy is due to the discipline and talent shown by the entire Altavista team and coaching staff, which is ably led by head coach Mike Scharnus; another crucial component was the strong support of the students, staff, and the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Altavista Combined School football team for winning the 2013 Virginia High School League Group 1A football championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mike Scharnus, head coach of the Altavista Combined School football team, as an expression of the General Assembly's congratulations and admiration for the team's outstanding achievements.

HOUSE JOINT RESOLUTION NO. 112

Celebrating the life of the Honorable Franklin Marshall Slayton.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, the Honorable Franklin Marshall Slayton, a retired judge of the Juvenile and Domestic Relations District Court for the Tenth Judicial District of Virginia who represented the residents of Halifax and Charlotte Counties in the Virginia House of Delegates for eight terms, died on October 29, 2013; and

WHEREAS, a native of Richmond, Franklin Slayton earned bachelor's and law degrees from the University of Virginia before joining the United States Army; after his active duty service, Franklin Slayton entered the Judge Advocate General (JAG) Corps of the Virginia Army National Guard; and

WHEREAS, Franklin Slayton served for 20 years as a JAG attorney, rising to the rank of Lieutenant Colonel and the position of Judge Advocate General of the National Guard while also working in private practice in South Boston; and

WHEREAS, Franklin Slayton served as acting Commonwealth's Attorney for Halifax County and also served for eight years on the South Boston City School Board; and

WHEREAS, desirous to be of further service to the Commonwealth, Franklin Slayton ran for and was elected to the Virginia House of Delegates in 1972, where he ably represented the residents of the 60th District for eight terms; and

WHEREAS, Franklin Slayton worked to enact important legislation, led the effort to revise the juvenile justice code, championed equal representation for the citizens of the Commonwealth, and served on several committees, including House Appropriations and Courts of Justice; and

WHEREAS, Franklin Slayton also served the Commonwealth as chair of the board of Youth and Family Services; and

WHEREAS, Franklin Slayton was appointed a judge in the Juvenile and Domestic Relations District Court for the Tenth Judicial District in 1997 and presided with great fairness and wisdom until his retirement in 2003; and

WHEREAS, in 2011, Judge Franklin Slayton, who had offered his entire law library to the Charlotte County Court Clerk's Office, was honored when The Honorable Franklin M. Slayton Law Library was dedicated in his name; and

WHEREAS, Judge Slayton was a member and former deacon of First Presbyterian Church and served on the board of directors of the South Boston-Halifax County Museum of Fine Arts and History and on the board of directors of the Halifax Educational Foundation; and

WHEREAS, a man of great integrity, Judge Slayton served the community, the Commonwealth, and the nation with great distinction; and

WHEREAS, Franklin Slayton will be fondly remembered and greatly missed by his wife, Ruth Jean; children, Sarah, Marshall, and George, and their families; numerous other family members and friends; and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of an admired public servant, the Honorable Franklin Marshall Slayton; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Franklin Marshall Slayton as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 113

Celebrating the life of Colonel Maynard Brown, Jr., USA (Ret.).

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, a proud veteran of the United States Army, Colonel Maynard Brown, Jr., USA (Ret.) of Hampton, died on July 17, 2013; and

WHEREAS, a native of Gainesville, Georgia, Maynard Brown received his bachelor's degree from Tuskegee Institute, and his master's degree from Prairie View A&M; and

WHEREAS, as Gainesville's first African American officer commissioned by the United States Army, Colonel Brown served honorably from 1960 until his retirement at Fort Monroe in 1977; and

WHEREAS, after years of dedicated military service, Maynard Brown's civilian career included working as a general manager for SEEC and a human resources manager for Indian Creek Correctional Center; and

WHEREAS, Maynard Brown will be fondly remembered and greatly missed by his wife of 53 years, Mary; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a loyal veteran and a member of the Hampton community, Colonel Maynard Brown, Jr., USA (Ret.); and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Colonel Maynard Brown, Jr., USA (Ret.), as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 114

Celebrating the life of Charles W. Scott, Jr.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, Charles W. Scott, Jr., a respected member of the Newport News community who uplifted others with his friendly manner, passed away on August 18, 2013; and

WHEREAS, Charles Scott began his college education at Franklin & Marshall in Lancaster, Pennsylvania, before entering the United States Army for a tour in Vietnam; and

WHEREAS, upon his return, Charles Scott completed his bachelor's degree at Virginia State College (now University), before pursuing his master's degree from Hampton University; and

WHEREAS, Charles Scott worked as a banker, a real estate agent, and an accountant before serving as the treasurer during his brother's congressional campaign; and

WHEREAS, a true family man, Charles Scott spent his later years as the primary caregiver for his parents, Dr. C. Waldo Scott and Mae Hamlin Scott; and

WHEREAS, an active member of the Newport News community, Charles Scott was a member of St. Augustine's Episcopal Church and the National Association of Investment Clubs, and served on the board of the Newport News Neighborhood Federal Credit Union; and

WHEREAS, Charles Scott will be fondly remembered and greatly missed by his siblings, Valerie, Robert, and Jon, and their families; many other family members and friends; and the community of Newport News; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a respected member of the Newport News community, Charles W. Scott, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Charles W. Scott, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 115

Celebrating the life of Harriet Rebecca Reid Dismond.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, Harriet Rebecca Reid Dismond, a committed educator and member of the Hampton community, died on June 23, 2013; and

WHEREAS, a native of Camden, South Carolina, Harriet Dismond moved to Virginia to study at Hampton Institute, now known as Hampton University; and

WHEREAS, for 21 years, Harriet Dismond taught in the Hampton City school system, beginning at Y. H. Thomas Junior High School and finishing her career at Hampton High School; and

WHEREAS, showing her deep commitment to her students and public education, Harriet Dismond chartered the Hampton affiliate of the American Federation of Teachers, serving as its first president in 1982; and

WHEREAS, in her honor, the Hampton chapter of the American Federation of Teachers annually bestows the Harriet R. Dismond Leadership Award to a committed educator; and

WHEREAS, in addition to her accomplished educational career, Harriet Dismond was a member of St. James United Methodist Church and served for a term on the Hampton-Newport News Community Services Board; and

WHEREAS, art being her most enjoyed past-time, Harriet Dismond studied various mediums privately with local, professional artists, and became quite accomplished in calligraphy; and

WHEREAS, predeceased by her husband, Joseph, Harriet Dismond will be fondly remembered and greatly missed by her children, Norma, Joseph, Harriett, and Margaret, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a great educator and friend in the Hampton community, Harriet Rebecca Reid Dismond; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Harriet Rebecca Reid Dismond as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 116

Commending Wendell Flinchum.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, Wendell Flinchum, a dedicated and respected law-enforcement officer who worked to protect the Blacksburg community for almost 30 years, retires as the chief of police for Virginia Polytechnic Institute and State University in 2014; and

WHEREAS, Wendell Flinchum began his law-enforcement career as a student employee of Virginia Polytechnic Institute and State University (Virginia Tech) in 1983; he became a patrolman in 1985 and worked his way up through the ranks to become chief in 2006; and

WHEREAS, under Wendell Flinchum's tenure as chief, the Virginia Tech Police Department has remained a premier campus law-enforcement agency, earning accreditation through the International Association of Campus Law Enforcement Administrators and maintaining accreditation through the Commission on Accreditation for Law Enforcement Agencies; and

WHEREAS, to better serve the public, Wendell Flinchum has overseen the addition of new positions for sworn officers and staff and advocated for the creation of a Public Safety Building, which became a reality in 2013; and

WHEREAS, a visionary leader, Wendell Flinchum built valuable relationships with other law-enforcement agencies throughout the region and the Commonwealth, further strengthening his agency's capabilities and effectiveness; and

WHEREAS, a highly professional and reassuring leader, Wendell Flinchum guided the Virginia Tech community through tragic, high-profile events in 2007 and 2011; he has represented the Virginia Tech Police Department with dignity and honor; and

WHEREAS, over the course of his career, Wendell Flinchum has greatly improved the Virginia Tech Police Department and benefited the campus community; he leaves an enduring legacy of professionalism and leadership; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Wendell Flinchum on the occasion of his retirement as the chief of police for Virginia Polytechnic Institute and State University; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Wendell Flinchum as an expression of the General Assembly's admiration and respect for his deep commitment to serving and protecting the community.

HOUSE JOINT RESOLUTION NO. 117

Commending Benjamin Walls.

Agreed to by the House of Delegates, January 10, 2014

Agreed to by the Senate, January 16, 2014

WHEREAS, Benjamin Walls of Bristol is a professional photographer committed to showcasing the spectacular natural attractions found throughout the world, and who is equally supportive of the greater Bristol community; and

WHEREAS, as a conservationist, Benjamin Walls promotes and encourages awareness of the fragile and tenuous state of many of the planet's extraordinary sights and wildlife, ceaselessly working to encourage preservation and positive change; and

WHEREAS, Benjamin Walls received his first camera when he was seven and immediately climbed a tree to photograph a dove tending her nest; his explorations continued, and he made his first trip abroad when he was in college; and

WHEREAS, during that trip, Benjamin Walls traveled and photographed in the Australian outback, the tropics of Indonesia, and New Zealand; that journey was the beginning of a lifelong quest to provide inspiration through his art and to help others to understand their role in preserving the world around them; and

WHEREAS, Benjamin Walls has traveled more than one million miles in the last decade; one of his recent excursions was to photograph the Bengal tigers of India, whose existence is threatened due to loss of habitat, deforestation, and poaching; and

WHEREAS, Benjamin Walls has won four international awards, and his work has been exhibited at many museums, including the Smithsonian Institution's National Museum of Natural History and at the Natural History Museum in London; and

WHEREAS, Benjamin Walls is a strong supporter of Bristol; the restoration work he did on his photography gallery won a regional preservation award; he also helps with many charitable events, including Susan G. Komen for the Cure, Abuse Alternatives, Believe in Bristol, Crossroads Medical Mission, and Girls, Inc.; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Benjamin Walls for using his photographic talent and his business skills to promote conservation and charitable work at home and abroad; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Benjamin Walls as an expression of the General Assembly's respect and admiration for his endeavors to convey the earth's majesty and to encourage conservation, charity, and support of the local and global community.

HOUSE JOINT RESOLUTION NO. 119

Establishing an inaugural committee.

Agreed to by the House of Delegates, January 9, 2014

Agreed to by the Senate, January 9, 2014

RESOLVED by the House of Delegates, the Senate concurring, That an inaugural committee be established. The committee shall be composed of 16 members of the Senate, one of whom shall be the President pro tempore of the Senate, and the remainder of whom shall be appointed by the President pro tempore of the Senate, and 26 members of the House of Delegates, one of whom shall be the Speaker of the House of Delegates, and the remainder of whom shall be appointed by the Speaker of the House of Delegates. The committee shall make suitable plans and arrangements for the reception and induction into their respective offices of the Governor-elect, the Lieutenant Governor-elect, and the Attorney General-elect.

HOUSE JOINT RESOLUTION NO. 120

Celebrating the life of the Honorable Nelson Rolihlahla Mandela.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, the Honorable Nelson Rolihlahla Mandela, the first African and founding President of the democratic nation of South Africa, was born into a royal family of the Xhosa nation in the tiny village of Mvezo in the hills of the Eastern Cape of South Africa, on July 18, 1918, and was ushered into the realm of his forefathers on December 5, 2013; and

WHEREAS, born Rolihlahla Mandela under brutal apartheid rule, the Honorable Nelson Rolihlahla Mandela was named, "Nelson," by his teacher as a part of a custom to give African school children a Christian name; and

WHEREAS, the Honorable Nelson Rolihlahla Mandela, affectionately called "Madiba" or "Tata," terms of endearment, reverence, and respect among all South Africans, was a South African anti-apartheid revolutionary, politician, and philanthropist who served as President of South Africa from 1994 to 1999; and

WHEREAS, South African historians and experts, attempting to define for the world the terms of endearment by which the Honorable Nelson Rolihlahla Mandela was often referred, explained in South African culture, the terms were intimate expressions that simply reflected the personality of "a man who could break the bounds of formality by cracking a joke, stopping a news conference to greet a child, or strolling over to his neighbors for a pop-in visit"; and

WHEREAS, when he was an infant, his father was stripped of his chieftainship by a British magistrate for insubordination; after his father's death, the Honorable Nelson Rolihlahla Mandela willingly claimed his father's title as his inheritance and was reared in the home of the Thembu chief to study leadership and power; and

WHEREAS, he attended the Methodist missionary schools and the University College of Fort Hare, the only residential college for Blacks in South Africa, where he earned his law degree and became involved in the liberation movement; and

WHEREAS, the Honorable Nelson Rolihlahla Mandela was convinced that freedom and self-rule was the right of Black South Africans, and his militant and persistent fight against apartheid resulted in 27 years of imprisonment in the infamous Robben Island prison, where he was isolated in a tiny cell without essentials, forced to do hard labor, denied the right to visit with or write to family for months, and singled out for gratuitous cruelties by the prison authorities because he was so revered by other prisoners and Black South Africans; and

WHEREAS, throughout his imprisonment, the Honorable Nelson Rolihlahla Mandela honed his skills as a leader, negotiator, statesman, and proselytizer; he maintained his regal bearing, inner strength, and audacious self-confidence, which was attributed to his royal upbringing, and he never allowed the official South African doctrine and policies of white superiority to diminish his spirit or cause him to doubt his equality to any man; and

WHEREAS, in February 1990, the Honorable Nelson Rolihlahla Mandela was released from prison, and after four years of laborious negotiations with the ruling South African government for a peaceful transfer of power to majority rule, he was awarded the Nobel Peace Prize in 1993, together with President F. W. de Klerk, for his efforts; and

WHEREAS, after historic elections in April 1994, in which Black South Africans stood in line for miles, the Honorable Nelson Rolihlahla Mandela was elected President and inaugurated as the first African President of South Africa on May 10, 1994; and

WHEREAS, he exhibited a genius for reconciliation and established the nation's Truth and Reconciliation Commission to devise a plan to balance justice and forgiveness in a country whose history was bereft by racial animus and hatred; and

WHEREAS, as President, he encouraged investment by capitalists, businesses, and others to help build South Africa's education system, infrastructure, economy, and global standing; and

WHEREAS, the world mourns the Honorable Nelson Rolihlahla Mandela, a statesman who dedicated his life to the struggle of his people, and in breaking the bonds of apartheid, freed all South Africans and exhorted mankind by his example to forsake bitterness and embrace peace, freedom, equality, and justice; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Nelson Rolihlahla Mandela; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Nelson Rolihlahla Mandela, and to the Embassy of South Africa in the United States, as an expression of the General Assembly's respect for his memory, sacrifice, and contributions to the nation of South Africa and the world.

HOUSE JOINT RESOLUTION NO. 122

Requesting the Secretary of Transportation and the Department of Transportation to create and implement statewide transportation technology goals and a five-year plan of action. Report.

Agreed to by the House of Delegates, February 3, 2014

Agreed to by the Senate, February 25, 2014

WHEREAS, it is a goal of Virginia's transportation program to provide for the movement of people, goods, and services as efficiently, safely, and conveniently as possible; and

WHEREAS, transportation challenges can oftentimes be addressed and operations improved through the employment and adaptation of innovative technological solutions; and

WHEREAS, it is highly desirable that the Department of Transportation explore and evaluate the feasibility of bringing advanced and innovative technologies to bear in addressing the many challenges to all modes of transportation in the Commonwealth; and

WHEREAS, it is equally desirable that any such innovations be explored and employed on the basis of an achievable plan of action crafted to meet specific goals; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Secretary of Transportation and the Department of Transportation be requested to create and implement statewide transportation technology goals and a five-year plan of action. Such goals and plan shall be directed to the efficiency, safety, and convenience of all modes of transportation throughout the Commonwealth.

The Secretary of Transportation and the Department of Transportation shall submit to the Division of Legislative Automated Systems an executive summary and report of its progress in meeting the request of this resolution later than the first day of the 2015 Regular Session of the General Assembly. The executive summary and report shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 123

Celebrating the life of Joseph J. Carter, Jr.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, Joseph J. Carter, Jr., was born in Richmond's Jackson Ward in 1940, and passed away on December 3, 2013; and

WHEREAS, Joseph J. Carter, Jr., lived for a time in New York, where he attended high school, before returning to Richmond to enroll in Virginia Union University; and

WHEREAS, Joseph J. Carter, Jr., an entrepreneur, began his career in the music industry in 1965 and worked briefly as a postal clerk before becoming engaged in the Success Motivation Institute of Waco, Texas, to market the Institute's materials for several years; he developed 400 mini-biographies of African American success stories in government, science, business, sports, entertainment, and other disciplines that were popular in the Richmond area; and

WHEREAS, he promoted concerts, produced records, gave motivational speeches, managed the Waller Family, a nationally and internationally performing local group, and partnered with another businessman to operate a local entertainment enterprise; and

WHEREAS, Joseph J. Carter, Jr., was a past president of the Richmond Metropolitan Business League, and for many years, he was the co-host of "Tell It Like It Is," a cable talk show that aired on local Channel 38; and

WHEREAS, a skilled community activist, Joseph J. Carter, Jr., was honored on February 4, 2000, for his outstanding community service with the designation of "Joe Carter Day" in Richmond by then-Mayor Timothy Kaine; and

WHEREAS, Joseph J. Carter, Jr., will be missed by his family, colleagues, and friends in the Richmond community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Joseph J. Carter, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Joseph J. Carter, Jr., as an expression of the General Assembly's respect for his memory and contributions to the City of Richmond.

HOUSE JOINT RESOLUTION NO. 124

Celebrating the life of O. E. Greene.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, O. E. Greene, a longtime community servant in Chesterfield County, died on June 21, 2013, leaving a legacy of service for all to follow; and

WHEREAS, O. E. "Buster" Greene began his service to Chesterfield County in October 1956 as a Chesterfield County police officer, retiring in October 1992 as the lieutenant of forensics; he also served as a patrol officer and detective during his career; and

WHEREAS, Buster Greene also began his tenure with the Manchester Volunteer Rescue Squad and served in numerous offices, including as treasurer, where he provided stability for the squad's financial affairs, and also as president of the squad; he was elected as a Life Member and was active in the squad until his passing; and

WHEREAS, in 1970, Buster Greene brought forth the model of a Volunteer Rescue Squad Council, which is now the EMS Advisory Council and reports to the Chesterfield Board of Supervisors; and

WHEREAS, Buster Greene became active in the Virginia Association of Volunteer Rescue Squads (VAVRS) and served as committee chair, district vice president, VAVRS secretary, vice president, and president; he continued his service as a seminar chair and as the sergeant-at-arms at the Board of Governors meetings; and

WHEREAS, Buster Greene was appointed to the EMS Advisory Council and served as vice chair; and

WHEREAS, after attaining the status of life member of VAVRS in 2005 and also the Tennessee Volunteer Rescue Squad Association, Buster Greene was elected to the Life Saving and Rescue Hall of Fame, an honor held by a very limited number of individuals; and

WHEREAS, Buster Greene also served as the director of the Chesterfield Chapter of the Red Cross, as a First Aid merit badge counselor, a charter member of the Clover Hill Masonic Lodge, and as a deacon and finance chair of the Epiphany Baptist Church; and

WHEREAS, Buster Greene was elected to the Chesterfield County Senior Hall of Fame in 2002 for his volunteerism to the county rescue community; and

WHEREAS, Buster Greene was a mentor, guide, instructor in many ways, and confidant to new and old members of Manchester Volunteer Rescue Squad and VAVRS, especially to the up-and-coming officers; and

WHEREAS, predeceased by his wife, Mary Anna, Buster Greene will be fondly remembered and greatly missed by his children, Mildred (Beppie) and Reg, and their families, and numerous other family members, friends, admirers, coworkers, and those he touched in his years of community service; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a distinguished community servant and a true southern gentleman, O. E. Greene; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of O. E. Greene as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 125

Celebrating the life of Elvira Beville Shaw.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, Elvira Beville Shaw, a respected civic leader from Colonial Heights, died on October 3, 2013; and

WHEREAS, a native of Dinwiddie County, Elvira Shaw generously gave of her time and talents to serve in various capacities with a number of local and state organizations and entities; and

WHEREAS, Elvira Shaw served with such organizations as the Criminal Justice Board; the State Department of Volunteerism; Central Virginia Health Agency, Inc.; the social services board for Colonial Heights and Chesterfield; the District 19 Community Services Board; and as a board member of the Richard Bland College Foundation, the Department of Aging, and the Crater District Area Agency on Aging; and

WHEREAS, dedicated to fair and orderly elections, Elvira Shaw served as secretary of the Virginia Electoral Board for 25 years and on the Colonial Heights Electoral Board for more than half a century; and

WHEREAS, Elvira Shaw was a tireless advocate for the elderly, serving with several organizations dedicated to meeting the needs of the aging and as an active member of the AARP; and

WHEREAS, Elvira Shaw served on the legislative committee of AARP for several decades and received the organization's Andrus Award for her exemplary service and advocacy; and

WHEREAS, in recognition of her tireless service to the community, Elvira Shaw received the Judah P. Benjamin Award from the Virginia Division of the United Daughters of the Confederacy in 2010; and

WHEREAS, Elvira Shaw enjoyed fellowship and worship alongside other community members at Highland United Methodist Church and was a member of the Virginia United Methodist Conference; and

WHEREAS, possessed of a strong community spirit, Elvira Shaw inspired those around her with her dedicated and meaningful volunteerism and leaves behind a remarkable legacy of civic service; and

WHEREAS, predeceased by her husband, Lawrence, Elvira Shaw will be fondly remembered and greatly missed by her son, Ben, and his family, and numerous other family members, friends, and admirers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a dedicated community supporter, Elvira Beville Shaw; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Elvira Beville Shaw as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 126

Celebrating the life of Rear Admiral Raynor A. K. Taylor, USN (Ret.).

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 30, 2014

WHEREAS, Rear Admiral Raynor A. K. Taylor, USN (Ret.), a man who redefined community involvement in Hampton Roads, died on September 3, 2013; and

WHEREAS, born in New Bedford, Massachusetts, on December 22, 1935, Raynor "Ray" Taylor excelled in math, physics, and geography at New Bedford High School and later attended Rensselaer Polytechnic Institute (RPI) on an academic scholarship for two years; and

WHEREAS, after completing two years at RPI, Ray Taylor earned a competitive Congressional appointment to the United States Naval Academy, where he served as editor of the *Lucky Bag* yearbook and graduated as a member of the class of 1960; and

WHEREAS, together with his devoted wife, Mary Jane, Ray Taylor enjoyed a distinguished 33-year Navy career and achieved the rank of Rear Admiral; and

WHEREAS, Rear Admiral Taylor was a nuclear-trained surface warfare officer and served in the engineering departments of the USS *Abbot* (DD-629) and USS *Hoel* (DDG-13); he was the main propulsion assistant on the USS *Enterprise* (CVN-65) and the executive officer of the USS *Halsey* (CG-23); and

WHEREAS, Rear Admiral Taylor served as commanding officer of the USS *Semmes* (DDG-18), the USS *Mississippi* (CGN-40), and the Surface Warfare Officers School; as Commander, Cruiser Destroyer Group One, he commanded the *New Jersey* Battle Group, the Navy's first modern-era battleship battle group; and

WHEREAS, Rear Admiral Taylor believed that overseas tours provided opportunities for lasting memories and learning; he was an Olmsted Scholar at the University of Grenoble, France, from 1967 to 1969, earning a Diplome d'Etat in Political Science, and later earned a master's degree in area studies from American University in Washington, D.C.; from 1987 to 1989 he served as a J-3 (Operations) at Headquarters US European Command in Stuttgart, West Germany; and

WHEREAS, during Desert Storm, Rear Admiral Taylor served as Commander Middle East Force; in April 1991, he was assigned as Commander Naval Forces Central Command and led a successful multi-nation effort that cleared over 1,200 mines from the northern Persian Gulf; and

WHEREAS, upon Rear Admiral Taylor's retirement from the United States Navy, Mary Jane wrote his final set of orders after 25 Navy career moves, and the wonderful couple made Hampton Roads their home; he enjoyed a second career and retirement from the Innovation Center at Newport News Shipbuilding; and

WHEREAS, after a long career of serving his country, retirement for Ray Taylor was an opportunity to serve his community by immersing himself in bettering the region; as a brilliant man and a visionary, he led by example; and

WHEREAS, Ray Taylor became the President of the World Affairs Council of Greater Hampton Roads and then joined Future of Hampton Roads (FHR), a volunteer think tank organization that seeks solutions to future regional issues; at FHR, Ray Taylor volunteered to lead the study group tasked with analyzing the Metropolitan Planning Organization (MPO), the federally mandated transportation planning arm of the Hampton Roads Planning District Commission; and

WHEREAS, Ray Taylor worked on improving the MPO for over a decade and was instrumental in its transformation into the Hampton Roads Transportation Planning Organization (HRTPO); with Ray's input, the HRTPO operated with improved processes, enabling the organization to speak with a unified and prioritized message; and

WHEREAS, with the same level of commitment, Ray Taylor moved on to promote high-speed rail projects for Hampton Roads; and

WHEREAS, Ray Taylor was named Hampton Roads Regionalist of the Year in 2010 and the region's Military Visionary Leader in 2011; and

WHEREAS, Ray Taylor possessed an amazing attention to detail, focus, and depth of knowledge, especially in the area of transportation; he shared his expertise with many local and state elected officials, state agency directors, and community leaders along the way; and

WHEREAS, Ray Taylor spoke passionately and eloquently on many topics, but could detail his vision for transportation in the Hampton Roads Region for hours in that wonderful Bostonian accent that never left him; he would always bring along fliers, pictures, charts, graphs, and a full report; and

WHEREAS, Rear Admiral Taylor served and sacrificed for his country and the Hampton Roads Region, and his spirit and commitment live on through those who continue to serve; as David Bell, the president of Future of Hampton Roads, stated: "Ray's shoes will never be filled, but my hope is that many will follow in his footsteps"; and

WHEREAS, a devoted family man and a renaissance man, Ray Taylor will be fondly remembered and greatly missed by the love of his life, his wife of 53 years, Mary Jane; his two sons, Raynor and Andrew; Andrew's wife, Lili, and their children, Michael and Michelle; many other family members and friends; and fellow members of the United States Navy; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Rear Admiral Raynor A. K. Taylor, USN (Ret.); and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Rear Admiral Raynor A. K. Taylor, USN (Ret.), as an expression of the General Assembly's acknowledgement of his supreme sacrifice and their sincere gratitude for his noble service to the Commonwealth and our great nation.

HOUSE JOINT RESOLUTION NO. 127

Commending Hugh Bailyn Jones.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, Hugh Bailyn Jones, a Norfolk native, graduated from Huguenot High School in Richmond and attended Virginia Commonwealth University, where he majored in mass communications with a specialization in public relations; and

WHEREAS, in his senior year of high school, he began his seven-year employment with the United States Department of Agriculture, while working to become a photographer; and

WHEREAS, during his youth, at the Salvation Army Boys and Girls Club of Richmond, his home away from home, Hugh Bailyn Jones found enjoyment in the many activities, programs, and mentorship offered by the Club in his West End neighborhood, where he developed a love for photography; and

WHEREAS, he volunteered to teach a photography class at the Salvation Army Boys and Girls Club of Richmond and later was hired full-time by the Club; and

WHEREAS, after being employed with the Club for 17 years, Hugh Bailyn Jones was named "Employee of the Year" and currently serves as the executive director of the Salvation Army Boys and Girls Club of Richmond in Church Hill; and

WHEREAS, the Club's mission "to empower young people, especially those from disadvantaged circumstances to succeed in life," is based upon five core program areas: "character and leadership development; education and career development; health and life skills; the arts; and sports, fitness, and recreation"; and

WHEREAS, the Club's mission is consistent with the personal goals of Hugh Bailyn Jones, a caring and loving husband and father who has lavished kindness, care, compassion, and love upon many thousands of young people during his involvement with the Salvation Army Boys and Girls Club of Richmond; and

WHEREAS, Hugh Bailyn Jones' youthful years parallel in many ways the lives of the youth at the Salvation Army Boys and Girls Club of Richmond, prompting his compassion and investment in a positive outcome for their lives; and

WHEREAS, Hugh Bailyn Jones' faith is his ultimate source of strength in executing his many responsibilities and working with youth; he is an Elder at Mount Olivet Church and LIFE Church and has served with Manna Christian Fellowship and Hosanna Victory Church as the church's youth pastor; and

WHEREAS, Hugh Bailyn Jones views teaching young people photography and desktop publishing as a ministry, and he has also partnered with Richmond Hill to impact the Church Hill community with "Summer Camp on the Hill," in which Richmond's West End and East End churches collaborate to build relationships through missions outreach and provide several weeks of recreation and fun to inner-city children; and

WHEREAS, the creative programs for youth development, learning opportunities, mentorship, and community outreach supported by Hugh Bailyn Jones for the Salvation Army Boys and Girls Club of Richmond are commendable and noteworthy; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Hugh Bailyn Jones, executive director of the Salvation Army Boys and Girls Club of Richmond; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Hugh Bailyn Jones as an expression of the General Assembly's appreciation for his contributions to the Salvation Army Boys and Girls Club of Richmond and his devotion to the well-being of young people in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 128

Commending William C. Hall, Jr.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, William C. Hall, Jr., a loyal and respected member of the Richmond community, retired as the vice president of executive communications for Dominion Virginia Power in September 2013; and

WHEREAS, a native of Danville, William Hall received his bachelor's degree in business administration from the University of Richmond in 1975; and

WHEREAS, William Hall started his career as managing editor of *The Danville Register & Bee*, winning several awards from the Virginia Press Association; and

WHEREAS, William Hall joined Virginia Power, now known as Dominion Virginia Power, in 1983 as a senior media representative and held a multitude of positions ranging from director of banking and public relations to assistant treasurer before finding his calling in the area of communications in 1997; and

WHEREAS, a leader in all aspects of communication, William Hall has helped the company adapt to the ever-changing and expanding communications industry from the 1970s to the present, and due to his successful communications career and vast traditional and nontraditional experience, he was named the vice president of executive communications in 2006; and

WHEREAS, outside his work at Dominion Virginia Power, William Hall is an active member of the Richmond community, serving as a member of St. James Episcopal Church and on the boards of the American Heart Association, the Virginia Foundation for Community Colleges, the Richmond Society for the Prevention of Cruelty to Animals, and the Monument Avenue Preservation Society; and

WHEREAS, William Hall's philanthropic work also includes service as one of the founders of FETCH-A-Cure, a nonprofit organization dedicated to establishing a comprehensive canine cancer clinic, chair of the Richmond Public Library's Literacy Legacy campaign, corporate chair of the Virginia Leukemia and Lymphoma Society's "Light the Night" charity walk, and involvement in many other charitable organizations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend William C. Hall, Jr., a dedicated Dominion Virginia Power employee and valued member of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to William C. Hall, Jr., as an expression of the General Assembly's respect and admiration for all his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 129

Celebrating the life of the Reverend Dr. George Shedrick Taylor.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, the Reverend Dr. George Shedrick Taylor, an admired educator, administrator, and pastor who dedicated his life to helping those in need, died on September 30, 2013; and

WHEREAS, a native of South Carolina, George Taylor came to Norfolk as a teenager to work in the shipyards and earned a bachelor's degree from North Carolina A&T State College (now University) and a bachelor of divinity degree from Howard University; and

WHEREAS, George Taylor proudly served his country during World War II in the United States Army and continued his military service as a chaplain in South Korea, where he also oversaw operations for five war-theater orphanages; and

WHEREAS, George Taylor continued to serve his country as a member of the United States Army Reserve and earned a master's degree from the University of Oklahoma and a doctorate from Oklahoma State University; and

WHEREAS, in 1973, Dr. Taylor moved to Richmond and became director of the School of Arts and Sciences at Virginia Union University; he was also an associate professor at Virginia Commonwealth University, founding the university's juvenile delinquency program; and

WHEREAS, Dr. Taylor served as chair and professor in the Virginia State University Department of Sociology and Social Work and later founded and served as director of the administration of justice program until his retirement in 1998; and

WHEREAS, Dr. Taylor provided wise insight and inspired leadership to the congregations of Mount Olive Baptist Church, Good Hope Baptist Church, and Second Mount Olive Baptist Church, which he faithfully served; and

WHEREAS, a visionary leader, Dr. Taylor strove in all of his endeavors to provide meaningful service that would uplift those around him and enable them to achieve their potential; and

WHEREAS, a devoted husband and father, George Taylor will be fondly remembered and greatly missed by his wife, Rebecca; children, Jana and Lynne, and their families; and numerous other family members and friends; now, therefore, be it RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a respected educator and beloved pastor, the Reverend Dr. George Shedrick Taylor; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Dr. George Shedrick Taylor as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 130

Celebrating the life of Richard John Savage.

Agreed to by the House of Delegates, January 24, 2014

Agreed to by the Senate, January 30, 2014

WHEREAS, Richard John Savage, a vibrant man who took an active role in civic and community affairs in Richmond and across the Commonwealth, died on May 19, 2013; and

WHEREAS, Richard "Rich" Savage was the founder and president of Media Directions, Inc., a 25-year-old political consulting firm based in Richmond whose clients ranged from small-town office seekers across the South to key lawmakers in Virginia; and

WHEREAS, Rich Savage was a passionate and committed Democrat and willing to offer advice to any candidate, officeholder, or activist; and

WHEREAS, a mentor of young Democrats across Virginia, Rich Savage was a generous supporter of the Virginia Young Democrats and the Metro Richmond Area Young Democrats; and

WHEREAS, Rich Savage generously donated his time and money to worthy causes throughout the Richmond area, most notably the football program at Richmond's Randolph Community Center; and

WHEREAS, aware of the many academic, social, and financial hurdles young people face as they try to build a future for themselves, Rich Savage founded the Savage Foundation to provide exceptional middle and high school students the financial resources they need to achieve excellence in the arts, academics, and athletics; and

WHEREAS, a proud father, Rich Savage will be fondly remembered and greatly missed by his loving daughters, Katherine and Nicole; his parents; two younger brothers; and other family members, friends, and admirers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of an outstanding citizen, Richard John Savage; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Richard John Savage as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 131

Commending Alice Tousignant.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, Alice Tousignant served as the executive director of Virginia Supportive Housing for the past 16 years and retired from this position on December 31, 2013; and

WHEREAS, under Alice Tousignant's leadership, Virginia Supportive Housing (VSH) has become a national model for how to solve the challenge of chronic homelessness, developing a regional single room occupancy model in Hampton Roads that was the first of its kind; and

WHEREAS, Alice Tousignant and VSH have been instrumental in proving that the shift away from temporary shelter of homeless adults to providing permanent, supportive housing is a lasting solution for homelessness; 98 percent of the residents in VSH properties never return to the streets; and

WHEREAS, the evidence-based approach used by VSH includes the development of affordable housing, ongoing property management, and the provision of robust, onsite supportive services to help formerly homeless individuals achieve housing and economic stability; and

WHEREAS, Alice Tousignant has guided VSH through remarkable growth in the past decade; and

WHEREAS, when Alice Tousignant joined the organization in 1997, VSH owned two buildings in Richmond that housed 86 formerly homeless individuals; today, VSH is providing homes to more than 1,000 chronically homeless adults in Richmond, Hampton Roads, and Charlottesville, the majority of whom suffer from mental illness and physical disabilities; and

WHEREAS, to support this growth, Alice Tousignant has also helped the organization's annual budget grow from \$500,000 in 1997 to over \$7 million today; and

WHEREAS, the board of VSH has established the Alice Tousignant Endowment Fund in her honor to ensure that resources will continue to flow to meet the urgent housing needs of one of the Commonwealth's most vulnerable populations; and

WHEREAS, Alice Tousignant has brought many talents to her work at VSH, the most important of which has been her passion and dedication to the idea that all Virginians are entitled to a decent home and access to the services that will enable them to stay there; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Alice Tousignant on the occasion of her retirement as the executive director of Virginia Supportive Housing; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Alice Tousignant as an expression of the General Assembly's admiration for her contributions to the community and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 133

Commending Sacred Heart Academy.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, Sacred Heart Academy, a Winchester private school in the Diocese of Arlington founded in 1957, was recognized as a National Blue Ribbon School in 2013; and

WHEREAS, Sacred Heart Academy (the Academy) was nominated for this prestigious award by the Council for American Private Education; and

WHEREAS, the Academy had to go through an extensive application process to be considered for the award; and

WHEREAS, in its application package, the Academy had to supply evidence of a standardized testing program with scores dating back five years, a 10-student minimum in each grade level, and a foreign language offering that meets the U.S. Department of Education criteria; and

WHEREAS, in addition to meeting these educational standards, the Academy provided detailed information related to its mission, evidence of its supportive work with families and the community, its curriculum, and school leadership and professional development; and

WHEREAS, most importantly, the Academy students had to test in the top 15% in the country for consideration for the National Blue Ribbon School award; and

WHEREAS, the Academy was named in the Exemplary High Performing category, in which schools are recognized among their state's highest performing schools, as measured by state assessments and nationally normed tests; and

WHEREAS, becoming a National Blue Ribbon School shows tremendous hard work and a strong commitment to education on the part of the students, parents, faculty, and staff of the Academy; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Sacred Heart Academy on receiving the National Blue Ribbon School award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rebecca McTavish, the principal of Sacred Heart Academy, as an expression of the General Assembly's respect and admiration for the Academy's outstanding educational contribution to the children of Winchester.

HOUSE JOINT RESOLUTION NO. 134

Commending T. K. Somanath.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, T. K. Somanath, the long-time president and chief executive officer of the Better Housing Coalition, has worked to improve the lives of Richmond-area residents for more than 40 years; and

WHEREAS, T. K. Somanath was the Better Housing Coalition's first president and chief executive officer from 1989 until his retirement in 2013; and

WHEREAS, the mission of the Better Housing Coalition is to change lives and transform communities through high-quality affordable housing, which provides the foundation for the social and economic well-being of people and communities; and

WHEREAS, under T. K. Somanath's able leadership, the Better Housing Coalition developed 15 communities and nearly 1,500 apartments, composed of new construction and renovations of existing structures, working in tandem with residents to meet their needs with respect to preserving the history and character of neighborhoods; and

WHEREAS, T. K. Somanath, who is a civil engineer by training, is well regarded for his ability to assemble the disparate elements needed for housing developments to be built economically, such as securing government grants, tax credits, subsidies, and other forms of financing; and

WHEREAS, T. K. Somanath brought many skills to the Better Housing Coalition's work, including a deep compassion for the area's less fortunate citizens, an ability to manage large projects, and a results-oriented focus; and

WHEREAS, many neighborhoods in the Richmond area reflect the tireless efforts of T. K. Somanath and the Better Housing Coalition, including Winchester Greens in Chesterfield County, the Randolph neighborhood in Richmond, the Cary Street corridor, and the Fairmount area of Church Hill; and

WHEREAS, because of T. K. Somanath's commitment to helping others achieve the American Dream, nearly 200 families who never dreamed that home ownership was possible, now enjoy the quality of life and wealth-building that homeownership brings; and

WHEREAS, the Better Housing Coalition's eighth community for lower-income seniors developed under T. K. Somanath's leadership, which is a cornerstone of revitalization efforts in North Church Hill, will be dedicated as Somanath Senior Apartments at Beckstoffer's Mill on April 28, 2014; and

WHEREAS, after 40 years of working to improve lives by creating affordable, attractive, environmentally friendly homes, T. K. Somanath retired in June 2013, and many of the family-friendly and diverse neighborhoods that make Richmond a vibrant urban center owe their revitalization to T. K. Somanath and the Better Housing Coalition; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend T. K. Somanath for his leadership of the Better Housing Coalition and his work to improve the lives of Richmond-area residents; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to T. K. Somanath as an expression of the General Assembly's appreciation and great admiration for his leadership and accomplishments and best wishes for his retirement.

HOUSE JOINT RESOLUTION NO. 135

Commending the First Freedom Center.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, in 2014, the First Freedom Center in Richmond celebrates its 30th anniversary of promoting and advancing the fundamental rights of freedom of religion and freedom of conscience; and

WHEREAS, the history of Virginia is inextricably linked with the establishment of these basic human rights; the first document espousing these beliefs, the Virginia Statute for Religious Freedom, was written by Thomas Jefferson in 1786 and was the forerunner to the First Amendment of the United States Constitution that ensured freedom of religion for all Americans; and

WHEREAS, the First Freedom Center was established in 1984 to commemorate the bicentennial of the Virginia General Assembly's adoption of the statute in 1786; the landmark vote occurred in a building in Richmond where the legislature had temporary quarters; and

WHEREAS, today, one of the goals of the First Freedom Center is to educate people about the significance and meaning of the rights that allow nations and their citizens to enjoy freedom of conscience without interference; and

WHEREAS, in the early part of the 21st century, the trustees of the First Freedom Center purchased the site where the Virginia Statute for Religious Freedom was enacted two centuries ago; their goal is to establish an educational center to promote understanding and respect for these rights; and

WHEREAS, during the last decade, the center has been developed in phases; it opened in 2006 in renovated buildings with offices, exhibits, a classroom, and meeting space; and

WHEREAS, the final phase of the First Freedom Center is set for completion in 2014 and will feature enhanced exhibits and programs that study the progress made toward establishing freedom of religion and freedom of conscience around the world; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the First Freedom Center for three decades of promoting rights that Virginians have enjoyed for more than two centuries—freedom of religion and freedom of conscience; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the First Freedom Center as an expression of the General Assembly's admiration for promoting education about the establishment of freedom of religion and freedom of conscience for all people.

HOUSE JOINT RESOLUTION NO. 136

Commending the Southside Community Development & Housing Corporation.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, the Southside Community Development & Housing Corporation, a nonprofit community development organization in Richmond, celebrated its 25th anniversary on December 12, 2013; and

WHEREAS, the Southside Community Development & Housing Corporation was inspired by the Reverend Dr. Stephen Parson, Sr., the pastor of the Richmond Christian Center, who believed that homeownership would be essential to the revitalization of surrounding neighborhoods; and

WHEREAS, since 1988, the Southside Community Development & Housing Corporation has achieved great success in its mission to help new communities thrive by providing clean, safe, and affordable housing; and

WHEREAS, by developing over \$40 million in high-quality housing, the Southside Community Development & Housing Corporation has helped over 600 individuals and families become new homeowners in the Counties of Chesterfield and Henrico and the City of Richmond; and

WHEREAS, the Southside Community Development & Housing Corporation has also developed \$33 million worth of multi-family housing units in the City of Richmond and \$8.5 million in the County of Henrico; and

WHEREAS, the Southside Community Development & Housing Corporation has helped prepare over 6,500 individuals and families for the responsibilities of homeownership by providing counseling on purchasing a home, financial literacy, and foreclosure prevention; and

WHEREAS, the Southside Community Development & Housing Corporation plans to continue its beneficial work in 2014 by developing three new subdivisions, expanding counseling and training services, and creating business development and education tax credit programs; and

WHEREAS, on December 12, 2013, the Southside Community Development & Housing Corporation celebrated its 25th anniversary with the "Thank You and 21st Century Vision" reception at the Virginia War Memorial; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Southside Community Development & Housing Corporation on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dianna Bowser, president and chief executive officer of the Southside Community Development & Housing Corporation, as an expression of the General Assembly's respect for the organization's work to strengthen communities throughout the Counties of Henrico and Chesterfield and the City of Richmond.

HOUSE JOINT RESOLUTION NO. 137

Commending the Carillon Civic Association.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, the Carillon neighborhood, a vibrant, architecturally rich, and culturally diverse residential area nestled in an idyllic setting located on the west side of Byrd Park in the heart of Richmond is named for the historic bell tower, the centerpiece of the park, built to commemorate World War I; and

WHEREAS, the Carillon neighborhood is an established community in which multigenerational families take pride in up to four generations of homeownership, and residents "representing different races and ethnicities, ages, socioeconomic standing, sexual orientation, religions, and political beliefs" reside in harmony and enjoy the rich heritage and history of the area; and

WHEREAS, the Carillon neighborhood has a long tradition of civic engagement and philanthropy; in 1968, the Carillon Civic Association was founded to nurture integration, promote the unique and historical aspects of the neighborhood, support the energy and fellowship of the residents, and offer cultural benefits to the City of Richmond; and

WHEREAS, from the proceeds of the Carillon Civic Association's award-winning "Arts in the Park" event started in 1972, the volunteer organization has donated thousands of dollars in grants to area charities and service organizations and provides ongoing support of the neighborhood's many amenities for history buffs, outdoorsmen, and artists, including Maymont Park, Byrd Park, Dogwood Dell, and The Carillon Tower; and

WHEREAS, residents of the Carillon community worked together to support diversity and housing equality, prompting Governor Linwood Holton to commend the neighborhood as a model for successful integration during a turbulent era in the history of the Commonwealth; and in 2012, nearly 15,000 citizens assembled on grounds previously owned by two prominent slaveholders to welcome the nation's first African American President of the United States; and

WHEREAS, the Carillon Civic Association celebrated its 45th anniversary in 2013, and its many outstanding achievements during these years to enhance the quality of life for its residents and the City of Richmond are a model for other communities in the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Carillon Civic Association hereby be commended; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Carillon Civic Association as an expression of the General Assembly's congratulations on its 45th anniversary and best wishes for continued success.

HOUSE JOINT RESOLUTION NO. 138

Commending the Visual Arts Center of Richmond.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, the Visual Arts Center of Richmond proudly celebrated 50 years of service to the community in 2013; and WHEREAS, located in a historic Church Hill area house, the Visual Arts Center of Richmond (Visual Arts Center) was founded as the Hand Workshop by Elisabeth Scott Bocoock in 1963; and

WHEREAS, after programs and classes continued in several locations around the city, the Visual Arts Center finally settled in a former dairy building in 1985; and

WHEREAS, the Visual Arts Center completed renovations in 2007 that transformed the facility into an inviting and inspiring space with a state-of-the-art regional center where its students create and not just observe art; and

WHEREAS, over the course of its storied history, the Visual Arts Center has succeeded in its mission to engage the community in the creative process through the visual arts; and

WHEREAS, generations of Richmond residents have learned about stained glass, drawing, jewelry-making, fabric art, animation, oil painting, and many other forms of artistic expression in classes led by individuals with a love for the art they share; and

WHEREAS, during their 50th anniversary year, the Visual Arts Center showcased six art exhibits and had over 20,000 visitors; and

WHEREAS, over the past year, the Visual Arts Center offered over 400 adult classes to 2,500 participants, served 900 elementary and middle school children through their Art After School classes, had 225 Summer ArtVenture classes for over 1,400 campers, and had 143 Engage tours attended by 2,276 students; and

WHEREAS, the Visual Arts Center encourages people of all ages and skill levels to explore and participate in the visual arts, building a culture of creativity that has greatly benefited the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Visual Arts Center of Richmond, an outstanding cultural organization; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Visual Arts Center of Richmond as an expression of the General Assembly's gratitude to the center for enriching the artistic lives of the Richmond community for 50 years.

HOUSE JOINT RESOLUTION NO. 139

Commending the Richmond Adult Drug Treatment Court.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, in 2013, the Richmond Adult Drug Treatment Court celebrated 15 years of helping nonviolent felony offenders lead clean and sober lives; and

WHEREAS, founded in 1998, the goal of the Richmond Adult Drug Treatment Court is to reduce drug use and drug-related crimes by providing therapy and court supervision through innovative probation techniques and outpatient treatment services unique to the individual; and

WHEREAS, admission to the program is voluntary and many participants may not receive reduced sentences upon completion; their primary motivation for joining the program is often to lead a drug-free life; and

WHEREAS, the Richmond Adult Drug Treatment Court program includes daily drug testing, individual and group counseling, and membership in 12-step programs for a minimum of 18 months; and

WHEREAS, creating an environment of responsibility and accountability, participants in the Richmond Adult Drug Treatment Court program must also carry out community service, attend community recovery meetings, and appear before a circuit court judge to ensure program compliance; and

WHEREAS, the Richmond Adult Drug Treatment Court helps participants become productive members of society by providing vocational training and job placement services; during the program, participants must be employed or full-time students, and over 79 percent of program completers are still employed; and

WHEREAS, the Richmond Adult Drug Treatment Court has achieved many successes, graduating over 300 participants since its inception; the program has led to significantly lower recidivism rates and lower costs to taxpayers in the Richmond area; and

WHEREAS, individuals who complete the treatment are more likely to remain drug free, and the Richmond Adult Drug Treatment Court has inspired many individuals to believe that "Your past is not your potential"; and

WHEREAS, the Richmond Adult Drug Treatment Court celebrated its 15th anniversary on December 13, 2013, with a special commemorative program; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Richmond Adult Drug Treatment Court, a groundbreaking program that has helped hundreds of individuals in the Richmond area live drug-free and crime-free lives, on the occasion of its 15th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Richmond Adult Drug Treatment Court as an expression of the General Assembly's admiration for the court's dedication to bettering the community.

HOUSE JOINT RESOLUTION NO. 140

Commending the Greater Richmond Multiple Myeloma Support Group.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, for over three years, the Greater Richmond Multiple Myeloma Support Group has provided accurate information, advice, comfort, and hope to people with multiple myeloma and their families; and

WHEREAS, four Richmond-area residents founded the Greater Richmond Multiple Myeloma Support Group after identifying a need for increased support for multiple myeloma survivors and caregivers in the community; and

WHEREAS, with assistance from the International Myeloma Foundation, the Greater Richmond Multiple Myeloma Support Group held its first meeting in January 2010 with 12 members; the organization has experienced a great deal of success and now has close to 40 members attending monthly meetings; and

WHEREAS, the members of the Greater Richmond Multiple Myeloma Support Group often hear from expert speakers on relevant topics, such as clinical trials, new research and treatments, and caregiving; the group also offers mutual support and encouragement by sharing personal experiences; and

WHEREAS, the Greater Richmond Multiple Myeloma Support Group strives to reach anyone in need, distributing flyers to local oncologists, hematologists, and hospitals and placing announcements in local newspapers and magazines; and

WHEREAS, multiple myeloma is the second largest blood cancer, affecting approximately 750,000 people worldwide; while there is no known cure, multiple myeloma is treatable, and advances in treatment are frequently being made; and

WHEREAS, affirming the need for an ongoing discussion about the disease, the International Myeloma Foundation recognizes March as Myeloma Awareness Month; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Greater Richmond Multiple Myeloma Support Group for its work to better the lives of those coping with multiple myeloma; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Greater Richmond Multiple Myeloma Support Group as an expression of the General Assembly's admiration for the group's contributions to the Richmond community.

HOUSE JOINT RESOLUTION NO. 141

Commending the Boy Scouts of America Heart of Virginia Council.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, in 2013, the Boy Scouts of America Heart of Virginia Council celebrated its 100th anniversary of building the leaders of tomorrow by preparing young people to make ethical and moral choices throughout their lives; and

WHEREAS, the Boy Scouts of America has provided programs and outdoor adventures to thousands of young people; with the help of trained volunteer leadership and expert staff, Scouting inspires its members to pursue leadership, character, and service; and

WHEREAS, the Heart of Virginia Council was established in 1913 and was first known as the Richmond, Virginia Council, Inc.; its founding leaders were John Stewart Bryan and D. W. Durrett, along with 60 other community leaders; and

WHEREAS, as one of the 284 local councils that comprise the Boy Scouts of America, the Heart of Virginia Council focuses on providing positive influences for the young people who take part in the Scouting adventure; and

WHEREAS, the Council's mission is to prepare young people in central Virginia for a lifetime of good character, self-reliance, ethical decision-making, and leadership through the programs and outdoor adventures that are the hallmark of a Scout's experience; and

WHEREAS, in the past 100 years, Scouting has remained a vibrant and relevant force in central Virginia; thousands of young people have joined the Boy Scouts of America and have benefitted from the camaraderie, fellowship, and adventure that Scouting provides, and the organization's future looks bright; and

WHEREAS, as part of its mission, the Boy Scouts of America works to reflect the country's ethnic diversity and emphasizes development of responsible citizens; and

WHEREAS, among the many activities held to celebrate the Council's 100th anniversary were an early promotion for some 150 special supporters at a Governor's Mansion reception, a Friends of Scouting banquet with 800 financial supporters, and a 100th anniversary encampment attended by more than 5,000 Scouts, leaders, and parents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Boy Scouts of America Heart of Virginia Council on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Christopher J. Habenicht, president of the Heart of Virginia Council of the Boy Scouts of America, and Bradford M. Nesheim, scout executive of the Council, as an expression of the General Assembly's congratulations and admiration for its positive influence in the Commonwealth and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 142

Celebrating the life of Jacquelyn Marie Holmes Bolden.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, Jacquelyn Marie Holmes Bolden, a native daughter of Hanover, was born on July 8, 1948, and passed away on December 27, 2013; and

WHEREAS, Jacquelyn Marie Holmes Bolden was educated in the Hanover County Public Schools and graduated from Lee-Davis High School in 1967, where she was one of the first African Americans to desegregate the formerly all-white high school; and

WHEREAS, after graduation, Jacquelyn Marie Holmes Bolden continued her education at J. Sargeant Reynolds Community College and Virginia Commonwealth University; she began her career in retail and banking, working for International Business Machines for 14 years and for Capital Area Partnership Uplifting People, formerly Richmond Community Action Program, until her death; and

WHEREAS, Jacquelyn Marie Holmes Bolden, embracing the country's democratic principles, worked tirelessly as a community activist to uplift the downtrodden, advocate for the voiceless, and educate residents in the Richmond area concerning the right to vote and other constitutional rights and privileges; and

WHEREAS, Jacquelyn Marie Holmes Bolden served as a volunteer for the Crusade for Voters; National Association for the Advancement of Colored People, Virginia Chapter; the Richmond Democratic Committee; the 7th District Heritage Celebration steering committee; the Senior Citizens Retirement Community; The Giving Heart steering committee, which awarded her with the Community Leaders Award; and other civic and political endeavors; and

WHEREAS, her unequivocal dedication and devoted leadership to many civic activities reflect Jacquelyn Marie Holmes Bolden's commitment to enhancing the quality of life for residents in her community, and her many acts of kindness and generosity will forever be remembered by family and friends who will miss her presence dearly; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Jacquelyn Marie Holmes Bolden; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Jacquelyn Marie Holmes Bolden as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 143

Election of Court of Appeals of Virginia Judges, Circuit Court Judges, General District Court Judges, Juvenile and Domestic Relations District Court Judges, a member of the State Corporation Commission, and a member of the Virginia Workers' Compensation Commission.

Agreed to by the House of Delegates, January 14, 2014

Agreed to by the Senate, January 14, 2014

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly shall proceed this day To the election of Court of Appeals of Virginia judges for terms of eight years commencing as follows:

One judge, term commencing April 16, 2014.

One judge, term commencing February 1, 2014.

One judge, term commencing March 16, 2014.

To the election of Circuit Court judges for terms of eight years commencing as follows:

One judge for the Second Judicial Circuit, term commencing February 1, 2014.

One judge for the Third Judicial Circuit, term commencing July 1, 2014.

One judge for the Fifth Judicial Circuit, term commencing February 1, 2014.

One judge for the Seventh Judicial Circuit, term commencing February 1, 2014.

One judge for the Ninth Judicial Circuit, term commencing February 1, 2014.

One judge for the Thirteenth Judicial Circuit, term commencing October 1, 2014.

One judge for the Fourteenth Judicial Circuit, term commencing August 1, 2014.
 One judge for the Twentieth Judicial Circuit, term commencing February 1, 2014.
 One judge for the Twenty-first Judicial Circuit, term commencing March 1, 2014.
 One judge for the Twenty-fourth Judicial Circuit, term commencing April 1, 2014.
 One judge for the Twenty-fifth Judicial Circuit, term commencing February 1, 2014.
 One judge for the Twenty-seventh Judicial Circuit, term commencing April 1, 2014.
 To the election of General District Court judges for terms of six years commencing as follows:
 One judge for the Second Judicial District, term commencing February 1, 2014.
 One judge for the Second Judicial District, term commencing February 1, 2014.
 One judge for the Fourth Judicial District, term commencing February 1, 2014.
 One judge for the Fifth Judicial District, term commencing May 1, 2014.
 One judge for the Sixth Judicial District, term commencing February 1, 2014.
 One judge for the Eighth Judicial District, term commencing February 1, 2014.
 One judge for the Eleventh Judicial District, term commencing February 1, 2014.
 One judge for the Sixteenth Judicial District, term commencing May 1, 2014.
 One judge for the Eighteenth Judicial District, term commencing May 1, 2014.
 One judge for the Nineteenth Judicial District, term commencing May 1, 2014.
 One judge for the Nineteenth Judicial District, term commencing July 1, 2014.
 One judge for the Twentieth Judicial District, term commencing March 1, 2014.
 One judge for the Twenty-third Judicial District, term commencing November 1, 2014.
 To the election of Juvenile and Domestic Relations District Court judges for terms of six years commencing as follows:
 One judge for Judicial District 2-A, term commencing February 1, 2014.
 One judge for the Thirteenth Judicial District, term commencing May 1, 2014.
 One judge for the Thirteenth Judicial District, term commencing March 1, 2014.
 One judge for the Fifteenth Judicial District, term commencing February 1, 2014.
 One judge for the Nineteenth Judicial District, term commencing February 1, 2014.
 One judge for the Twenty-fifth Judicial District, term commencing May 1, 2014.
 One judge for the Twenty-eighth Judicial District, term commencing February 1, 2014.
 One judge for the Twenty-ninth Judicial District, term commencing February 1, 2014.
 One judge for the Thirtieth Judicial District, term commencing February 1, 2014.
 One judge for the Thirty-first Judicial District, term commencing May 1, 2014.
 One judge for the Thirty-first Judicial District, term commencing July 1, 2014.
 To the election of a member of the State Corporation Commission for a term of six years commencing February 1, 2014.
 To the election of a member of the Virginia Workers' Compensation Commission for a term of six years commencing May 1, 2014.

And that in the execution of the joint order nominations shall be made in the order herein named, and that each house shall be notified of said nominations, and when the rolls shall be called for the whole number, the presiding officers of each house shall appoint a committee of three, which together shall constitute the joint committee to count the vote of each house in each case and report the results to their respective houses. The joint order may be suspended by the presiding officer of either house at any time but for no longer than twenty-four hours to receive the report of the joint committee.

HOUSE JOINT RESOLUTION NO. 144

Commending First Baptist Church of Hampton on its sesquicentennial anniversary.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, birthed in the cradle of American civilization, the home of Native Americans, and the place of the arrival of the first Europeans and Africans, First Baptist Church of Hampton arose in 1863, from the white-controlled Hampton Baptist Church established in 1791; and

WHEREAS, congregants in the Hampton Baptist Church in March 1861, on the eve of the American Civil War, numbered 949 African American and 187 white members; and

WHEREAS, according to First Baptist Church of Hampton's church history, on May 23, 1861, Shepard Mallory, Frank Baker, and James Townsend escaped from slavery to Fort Monroe, where they were declared Contraband of War and were not returned to their former slave holders; and

WHEREAS, notwithstanding the weight of slavery and racial animus, the ancestors of First Baptist Church of Hampton members included regular field hands, craftsmen, property owners, literate persons, and the enslaved, who were closely aligned with free Blacks who resourcefully acquired real and personal property; and

WHEREAS, after the issuance of the Emancipation Proclamation on January 1, 1863, Reverend William B. Taylor, the church's first pastor, guided the creation of First Baptist Church of Hampton, the first independent African American church in Hampton; and

WHEREAS, Reverend William B. Taylor used the carpentry skills learned in his youth to help erect a frame house of worship on 55 acres of land owned by James Bailey, a freedman and African American veteran of the Revolutionary War, who received his freedom and a land grant from the Commonwealth in gratitude for his services during the Revolutionary War; and

WHEREAS, in 1866, the Committee on the Inquiry of Hampton Baptist Church recommended, "inasmuch as colored members have organized themselves into a distinct body, they be dismissed from said church, excepting such as may voluntarily declare preference for their former connection," severing the ties between Hampton Baptist Church and First Baptist Church of Hampton; and

WHEREAS, throughout its 150-year history, First Baptist Church of Hampton, led by God through able ministers of the Gospel and dedicated leadership, has persevered through triumphs and trials, held fervent worship services, inspired members with the teaching and study of the word of God, exhilarated worshippers with celestial music, baptized thousands of souls, added hundreds to the church rolls, established numerous intergenerational ministries to spiritually feed its members from the youngest to the oldest, served as a beacon light in and faithfully fulfilled its calling to serve the Hampton Roads community, and provided a refuge for the lost; and

WHEREAS, with God's grace and mercy and with the church's capable and visionary pastor, Reverend Dr. Richard W. Wills, Sr., said "eye has not seen, nor ear heard, nor have entered into the heart of man the things which God has prepared for those who love Him"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend First Baptist Church of Hampton on the occasion of its sesquicentennial anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dr. Richard W. Wills, Sr., pastor of First Baptist Church of Hampton, as an expression of the General Assembly's congratulations on the church's sesquicentennial anniversary, appreciation of its service to the Hampton Roads community, and best wishes for many years of future success.

HOUSE JOINT RESOLUTION NO. 145

Commending Bruce C. Frizzell.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, Bruce C. Frizzell, a respected forestry, environmental, and natural resources leader on the state and national level, retired after a distinguished career spanning four decades; and

WHEREAS, in 1971, Bruce Frizzell embarked on a career in forestry with the then Virginia Division of Forestry; he was later promoted to county forester for King and Queen County and also worked in Goochland County; and

WHEREAS, in 1978, Bruce Frizzell joined the U. S. Forest Service and began work in the Monongahela National Forest and the Shawnee National Forest, where his responsibilities ranged from oil and grazing permits to recreation, law enforcement, community relations, and timber management; and

WHEREAS, in 1987, Bruce Frizzell became head of the Forestry Department at Marine Corps Base Quantico; two years later, he was promoted to Section Head of Natural Resources and Environmental Affairs, a position he held until his retirement in 2011; and

WHEREAS, Bruce Frizzell oversaw a staff that grew from approximately eight people to 46, including military personnel and contractors, to meet new and shifting challenges, and an organization that added three new sections; and

WHEREAS, Bruce Frizzell forged strong and productive working relationships with state and federal agency and military personnel and worked to develop policies and plans that would allow the organization to function efficiently and effectively while also retaining the ability to evolve; and

WHEREAS, during Bruce Frizzell's tenure, Marine Corps Base Quantico was recognized by the Under Secretary of the Navy for superior achievement in environmental quality and outstanding natural resource conservation and received a Governor's Environmental Excellence Award; and

WHEREAS, Bruce Frizzell served as the 2006 United Way Combined Federal Campaign Chair and raised nearly \$500,000; and

WHEREAS, Bruce Frizzell received a Commendation for Meritorious Civilian Service Medal, Certificate of Appreciation from the Commander of Marine Corps Base Quantico, and a Letter of Appreciation from the General of Marine Corps Base Quantico; and

WHEREAS, on February 24, 2011, Bruce Frizzell was recognized when the nation's flag over Marine Corps Base Quantico was flown in his honor; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bruce C. Frizzell on his exemplary career in public service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bruce C. Frizzell as an expression of the General Assembly's respect and admiration for his outstanding service to the Commonwealth and nation and best wishes for a rewarding retirement.

HOUSE JOINT RESOLUTION NO. 146

Celebrating the life of Hugh T. Pendleton, Jr.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, Hugh T. Pendleton, Jr., a respected public servant and devoted educator in Rustburg, died on December 24, 2013; and

WHEREAS, born in Washington, D.C., Hugh Pendleton graduated from New London Academy in Bedford County; he earned a bachelor's degree from Lynchburg College in 1958 and a master's degree from the University of Virginia in 1967; and

WHEREAS, in 1958, Hugh Pendleton began his career as a teacher at Rustburg High School, where he went on to serve as the assistant principal, the athletic director, and a coach; he served as the principal of Leesville Road Elementary School for two years before returning to Rustburg High School as the principal; and

WHEREAS, dedicated to the students of Rustburg High School, Hugh Pendleton served as the principal for almost 30 years; in recognition of his exceptional leadership, the Hugh T. Pendleton Scholarship Award and the Hugh T. Pendleton Athletic Complex were named in his honor; and

WHEREAS, elected to the Campbell County Board of Supervisors in 1989, Hugh Pendleton worked diligently to better the community for six terms; he provided his wise leadership as the vice chair for three terms and the chair for three terms; and

WHEREAS, Hugh Pendleton also donated his time and talents as a past president of the Rustburg Ruritan Club, where he was named Ruritan of the Year; in 1989, he received the Rustburg Ruritan Citizen of the Year Award for his many contributions to the community; and

WHEREAS, Hugh Pendleton was passionate about athletics, always supporting his beloved Rustburg High School Red Devils; between 1972 and 1997, he held various positions in the Virginia High School League, receiving many awards and accolades for his service; and

WHEREAS, Hugh Pendleton enjoyed fellowship and worship with the community at Rustburg United Methodist Church, where he held several leadership positions; and

WHEREAS, Hugh Pendleton will be greatly missed and fondly remembered by his devoted wife of 52 years, Emily; children, Laura and John, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Hugh T. Pendleton, Jr., a public servant, an educator, and a pillar of the Rustburg community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Hugh T. Pendleton, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 148

Recognizing the importance of good oral health.

Agreed to by the House of Delegates, February 5, 2014

Agreed to by the Senate, March 4, 2014

WHEREAS, oral health is a critical component of overall health, with poor oral health associated with diabetes, low birth weight, and pre-term birth as well as affecting speech, nutrition, growth and function, social development, employability and productivity, and quality of life; and

WHEREAS, dental decay is the most common chronic disease among children in the Commonwealth; it is four times more common than asthma and four times more common than early childhood obesity, despite the fact that it is almost entirely preventable; and

WHEREAS, pregnant women with gum disease may be up to eight times more likely to deliver prematurely if gum disease is not managed; and

WHEREAS, preventable dental conditions are frequently cited as the number one reason uninsured adults visit the emergency department; and

WHEREAS, students miss more than 51 million hours of school and employed adults lose more than 164 million hours of work each year due to dental disease or dental visits; and

WHEREAS, dental decay is one of the most prevalent health problems in the Commonwealth, with almost half of all children having experienced dental decay by the third grade; and

WHEREAS, access to oral health services is associated with higher utilization of preventive and restorative dental services; and

WHEREAS, the Commonwealth has improved access to Smiles for Children, Virginia's dental program for children enrolled in Medicaid, from 24 percent of children in 2005 to 53 percent in 2013; all Virginians deserve access to high-quality oral health care, and more can be done for low-income children who suffer more tooth decay than their higher-income peers; and

WHEREAS, good oral health is critical to good overall health, and it is important to support health policies at state and local levels that consistently promote oral health as part of an individual's overall health; support access to oral health services in the development of state health policy; support the use of available local, state, and federal resources to monitor oral health status; and support community oral health initiatives aimed at improving oral health literacy and better health outcomes; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly recognize the importance of good oral health; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Virginia Oral Health Coalition in order that the members of the coalition may be apprised of the sense of the General Assembly of Virginia in this matter during their deliberations.

HOUSE JOINT RESOLUTION NO. 149

Commending the Cave Spring High School softball team.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, the Cave Spring High School softball team of Roanoke capped off an outstanding season by winning its first ever state championship in the Virginia High School League Group AA finals on June 9, 2013, in Radford; and

WHEREAS, it was the team's 18th straight victory during a season that saw the Knights finish with a record of 24-4, winning the River Ridge District regular-season title, the district championship, and the state Region IV tournament in spring playoff competition; and

WHEREAS, the entire team played exceptionally well in the title game against a talented squad from Woodgrove High School; the Knights led starting in the third inning and claimed the state trophy with a final score of 9-3; and

WHEREAS, the trophy is all the more valuable to the team and to coach Nick Sharp, as it was the Cave Spring softball team's first trip to a state final; their opponent, Woodgrove, was defending champion and trying to win for the third consecutive year; and

WHEREAS, the victory is a tribute to the hard work and dedication of the players, the motivation and determination of first-year head coach Nick Sharp, and the strong support of the students, staff, and supporters of Cave Spring High School; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the 2013 Cave Spring High School softball team on winning the 2013 Virginia High School League Group AA state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Nick Sharp, head coach of the Cave Spring High School softball team, as an expression of the General Assembly's congratulations and admiration for the team's superb performance and championship season.

HOUSE JOINT RESOLUTION NO. 150

Commending the Cave Spring High School debate team.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, the Cave Spring High School debate team from Roanoke competed in the school's first Virginia High School League Group AA state debate championship in June 2013; and

WHEREAS, completing one of the best seasons in school history, the Cave Spring High School (CSHS) team exhibited enthusiasm and intelligence as they competed in both Lincoln Douglas and Public Forum debates throughout the season; and WHEREAS, the Public Forum debate is a structured partner debate on a variety of relevant and real-world topics; and

WHEREAS, based on debates held between then presidential candidates Abraham Lincoln and Stephen Douglas in 1860, the Lincoln Douglas style is an individual debate focused on moral and philosophical matters; and

WHEREAS, in the Lincoln Douglas debate, CSHS senior and team captain Colleen Truskey advanced to the 100th Virginia High School League (VHSL) State Debate Competition, where she finished 3rd overall; and

WHEREAS, during an impressive four-year career at CSHS, Colleen Truskey achieved 71 wins and over 500 career points, earning her the "Degree of Special Distinction" from the National Forensics League; and

WHEREAS, in the Public Forum debate, the CSHS team of Lydia Hoepfner, awarded a "Degree of Distinction" with 252 career points, and Rebekah Wellons, awarded a "Degree of Excellence" with 201 career points, finished first in the VHSL State Debate Competition, earning CSHS its first state win in debate; and

WHEREAS, the other members of the CSHS debate team, Michael Murphy and Marvi Ali, contributed to a successful season, with Marvi Ali placing 5th at Regionals and serving as an alternate in the state championship; and

WHEREAS, coached by Robert Powers, the CSHS debate team finished 3rd in the overall debate championship; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Cave Spring High School debate team on its outstanding performance in the 2013 Virginia High School League Group AA state debate championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert Powers, coach of the Cave Spring High School debate team, as an expression of the General Assembly's admiration for the team's performance this season.

HOUSE JOINT RESOLUTION NO. 151

Commending the Salem Red Sox baseball team.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, the Salem Red Sox baseball team capped a winning season by clinching the coveted Mills Cup Championship in 2013; and

WHEREAS, finishing the regular season 76-64, the Salem Red Sox found themselves atop the division after winning 25 of their last 33 games; and

WHEREAS, with a team ERA of 1.34 in five postseason games, the Salem Red Sox swept the playoffs, becoming the first Carolina League team in seven years to do so; and

WHEREAS, in the final game against the Potomac Nationals, the Salem Red Sox jumped out to an early 6-1 lead after designated hitter Sean Coyle had a pair of two-run doubles; and

WHEREAS, pitcher William Cuevas threw for six innings, leaving the game with the Salem Red Sox ahead 6-3; and

WHEREAS, the Salem Red Sox defense held strong in the last three innings, allowing only one run in 13 at-bats; and

WHEREAS, in front of an excited crowd of 4,350, the Salem Red Sox held on to win the Mills Cup Championship in a 6-4 victory; and

WHEREAS, each of the players, coaches, and staff contributed to the win; it was the team's first Championship since 2001 and their fifth title overall; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Salem Red Sox baseball team on their 2013 Mills Cup Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Billy McMillion, general manager of the Salem Red Sox baseball team, as an expression of the General Assembly's congratulations on their successful season.

HOUSE JOINT RESOLUTION NO. 152

Commending the Roanoke Symphony Orchestra.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, the Roanoke Symphony Orchestra, a grassroots effort under the leadership of volunteer conductor Gibson Morrissey, held its first performance on March 31, 1953, in the Jefferson High School auditorium; the orchestra celebrated its 60th anniversary season with its opening concert on October 7, 2013; and

WHEREAS, the Roanoke Symphony Orchestra has grown from its early beginnings, when rehearsals were held in St. John's Episcopal Church, to 83 musicians and a \$1.7 million budget, and its masterworks series for the 60th anniversary season included three big concerts, the introduction of four Destination concerts, and outreach efforts to smaller corners of the Roanoke community; and

WHEREAS, for the 2013-2014 season, the Roanoke Symphony Orchestra, with grant assistance, created an exhibition displayed on opening night that detailed its 60-year history as recorded in the *Roanoke Times*; and

WHEREAS, although the first reviews of the Roanoke Symphony Orchestra 60 years ago were met with uncertainty, its performance was a complete musical triumph under the leadership of conductor Gibson Morrissey; and

WHEREAS, longtime musicians with the Roanoke Symphony Orchestra hailed its transformation from a community orchestra to a professional ensemble when an endowment in 1986 from a generous Roanoke philanthropist allowed the

orchestra to employ Victoria Bond, its first paid conductor and the first woman to receive a doctorate in conducting from The Julliard School in New York; and

WHEREAS, the Roanoke Symphony Orchestra has been an invaluable asset to the Roanoke region, and with the existence of the orchestra, residents do not have to travel to larger cities in and out of state to enjoy live orchestral music; and

WHEREAS, the Roanoke community has reaped enormous benefits due to the presence of the Roanoke Symphony Orchestra, including an awareness of the diversity of music and the orchestra's unique ability to stimulate positive creativity, behavior, emotions, education, and civic events; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Roanoke Symphony Orchestra on its diamond anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Music Director and Conductor David Stewart Wiley, and to Elizabeth Rae Pline, Executive Director, requesting that they further distribute copies of this resolution to the musicians of the Roanoke Symphony Orchestra in order that they may be apprised of the General Assembly's congratulations on its diamond anniversary and best wishes for continued success.

HOUSE JOINT RESOLUTION NO. 153

Commending the Hidden Valley High School volleyball team.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, the Hidden Valley High School volleyball team of Roanoke capped off a triumphant 2013 season by winning the Virginia High School League Group 3A state championship on November 23, 2013; and

WHEREAS, the tournament victory came after an exciting title match at the Siegel Center in Richmond; it took five games for the Titans to claim the state trophy over the Lady Lions of Warhill High School; and

WHEREAS, the tension-filled five game match demonstrated the Titans' determination and resolve as the team won its 15th straight match; the game scores were 25-18, 23-25, 31-29, 23-25, and 15-9; and

WHEREAS, the Titans' volleyball win gave Hidden Valley High School its 15th state sports title in the school's 12-year history; the players were motivated to emerge victorious in 2013 after a heart-breaking loss in the 2012 championship match; and

WHEREAS, the victory was due to the team's talent, discipline, and motivation; the dedication of head coach Carla Poff and her staff; and the enthusiasm and support of the entire Hidden Valley High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Hidden Valley High School volleyball team for winning the 2013 Virginia High School League Group 3A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Coach Carla Poff, head coach of the Hidden Valley High School volleyball team, as an expression of the General Assembly's congratulations and admiration for an outstanding season and championship performance.

HOUSE JOINT RESOLUTION NO. 154

Commending the Chesterfield County Health Department dental unit.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, the Chesterfield County Health Department dental unit helped strengthen the oral health and overall wellness of the community by performing oral cancer screenings at the Central Virginia Community Health Fair on October 26, 2013; and

WHEREAS, the Central Virginia Community Health Fair is one of many projects in the Commonwealth to raise awareness of health issues and provide outreach to members of the community; in 2013, over 600 people visited the fair and received a variety of services, including flu vaccinations, blood pressure checks, medical information, and oral health screenings; and

WHEREAS, Dr. Gordon Witcher organized the Chesterfield County Health Department dental unit's participation in the fair, arranging for a dental van from the Virginia Department of Health to be used for screenings; and

WHEREAS, with the assistance of Dr. Doug Walters, Dr. Sam Galstan, and three dental students from the Virginia Commonwealth University School of Dentistry, the dental unit performed 78 oral cancer screenings; and

WHEREAS, oral cancer is one of the top 10 most commonly diagnosed cancers among men in the United States and the Commonwealth; survival rates are highest when oral cancer is diagnosed early, but many people do not receive regular screenings; and

WHEREAS, the dental unit was just one of many local agencies from in and around Chesterfield County cooperating to make the Central Virginia Community Health Fair a success; the benefits of the fair have been far-reaching in the area; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Chesterfield County Health Department dental unit for serving the community by providing 78 oral cancer screenings at the Central Virginia Community Health Fair; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Chesterfield County Health Department dental unit as an expression of the General Assembly's admiration for the unit's commitment to decreasing barriers to oral health and ensuring good oral health among Virginians.

HOUSE JOINT RESOLUTION NO. 155

Commending the Richmond Ambulance Authority.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, the Richmond Ambulance Authority was created by the General Assembly of Virginia on March 20, 1991; and WHEREAS, on September 23, 1991, the City of Richmond granted the franchise to the Richmond Ambulance Authority to provide emergency medical services in the City of Richmond, finding "it to be in the best interests of the City to create and to regulate a unified emergency medical services system in order to preserve, protect and promote the public health, safety and welfare"; and

WHEREAS, the Richmond Ambulance Authority's goal since its inception has been to provide the City of Richmond with clinical excellence while ensuring response time reliability and fiscal responsibility; and

WHEREAS, the Richmond Ambulance Authority has one of the highest call volumes per capita in the United States, with over 50,000 calls annually, and nevertheless provides some of the fastest response times in the nation; and

WHEREAS, in 2012, the Richmond Ambulance Authority responded to over 56,000 calls for service, resulting in more than 42,000 transports, with an average response time of five minutes and 15 seconds; and

WHEREAS, the Richmond Ambulance Authority is one of 22 systems in North America that have received accreditation from both the Commission on Accreditation of Ambulance Services and the National Academies of Emergency Dispatch, which represent the gold standard for ambulance services, certifying distinction for quality patient care and ambulance operations; and

WHEREAS, the Richmond Ambulance Authority has helped improve emergency systems around the world by educating visitors from 32 states and from 33 foreign countries; and

WHEREAS, the Richmond Ambulance Authority has participated in clinical studies in the pre-hospital setting to improve patient outcomes, which include the Polyheme Trial, a study to determine if an oxygen-carrying substitute for human blood is feasible; the High-Dose Epinephrine versus Standard-Dose Epinephrine Trial, a study to determine if high-dose epinephrine contributes to a higher survival rate in cardiac arrests; the Rapid Anticonvulsant Medication Prior to Arrival Trial, a study to determine the efficacy of intramuscular Midazolam versus intravenous Lorazepam for patients experiencing seizures; and the Lactate Study, a study to determine if earlier detection of higher lactic acid values can predict the magnitude of illness; and

WHEREAS, the Richmond Ambulance Authority has published its findings from such studies to help educate other emergency systems, notably one in *Resuscitation*, the official journal of the European Resuscitation Council; the article detailed the results of a study done in conjunction with the University of Oslo, Norway, that improved the standard script read during emergency calls, thereby delivering bystander hands-only CPR quicker, contributing to survivability; and

WHEREAS, the Richmond Ambulance Authority and staff have received many awards and accolades, including the 2012 Patriot Award from the Employer Support of the Guard and Reserve, a Department of Defense organization; the Virginia Healthcare Innovators Award in the category Patient Care: 1-250 Employees; and the EMS10 Award, sponsored by the Journal of Emergency Medical Services, recognizing contributions to EMS in an exceptional and innovative way; and

WHEREAS, the Richmond Ambulance Authority has also won five Old Dominion EMS Alliance regional awards, including the Outstanding Contribution to EMS Health and Safety, the Award for Excellence in EMS, the Outstanding EMS Pre-Hospital Educator, the Nurse with Outstanding Contribution to EMS, and the Outstanding EMS Telecommunication Dispatcher; and

WHEREAS, the City of Richmond's auditor found in his January 2012 audit that the Richmond Ambulance Authority is "well organized and properly managed by staff"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Richmond Ambulance Authority for its service to the citizens of the City of Richmond and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Richmond Ambulance Authority as an expression of the General Assembly's congratulations and admiration for its years of service to the people of the City of Richmond and beyond.

HOUSE JOINT RESOLUTION NO. 156*Commending the 2nd Street Festival.*

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, in 2013, the 2nd Street Festival, one of Richmond's premier outdoor events, celebrated 25 years of enthusiastic support of the Jackson Ward community and the ongoing efforts to revitalize downtown Richmond; and

WHEREAS, the 2nd Street Festival began in 1989 as a gala to mark the release of a video called *2 Street*; it was one of the first organized neighborhood street parties, coinciding with the City of Richmond's goal to revitalize Second Street and the surrounding Jackson Ward area; and

WHEREAS, several local organizations were the prime movers in developing and promoting the 2nd Street Festival; Nina Abady, who was director of Downtown Presents in 1989, insisted that a free public event be included in the 1989 video-promotion festivities; and

WHEREAS, from its beginnings under one tent in front of the Hippodrome Theater, "2 Street" as it is fondly called, has grown into a four-city-block celebration, offering Richmonders and visitors alike the chance to reconnect with old friends and familiar places; and

WHEREAS, the 2nd Street Festival is a grand celebration of Richmond's vibrant African American community—its storied heritage, its dynamic present, and its promise of an extraordinary future; and

WHEREAS, more than 45,000 people have thronged the streets of Jackson Ward during the 2nd Street Festival, which in 2013 was held on October 5 and 6; there were concerts on four stages throughout the event; and

WHEREAS, the 2nd Street Festival, which is sponsored by Venture Richmond, promotes the continuing rebirth of Jackson Ward and encourages homeowners and businesses to invest in and be a part of a burgeoning neighborhood renaissance; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the 2nd Street Festival on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jacqueline McClenney-Wallace, chair and chief executive officer of Venture Richmond, as an expression of the General Assembly's congratulations and admiration for its work to promote one of the Commonwealth's most historic and vibrant African American communities.

HOUSE JOINT RESOLUTION NO. 157*Celebrating the life of William Bruce Overstreet, Jr.*

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, William Bruce Overstreet, Jr., a decorated war hero and an active member of the Roanoke community, died on December 29, 2013; and

WHEREAS, a native of Clifton Forge, William Overstreet joined many of the other young men of his generation in service to his country during World War II; and

WHEREAS, William Overstreet became a fighter pilot with the United States Army Air Force 357th Fighter Group; he earned hundreds of medals, flying countless heroic missions throughout the war; and

WHEREAS, William Overstreet's most famous flight led him beneath the arches of the Eiffel Tower in pursuit of an enemy fighter; his gallant aerial feat inspired and emboldened members of the French Resistance on the ground, many of whom would later recall Overstreet's years of bravery; and

WHEREAS, after the war, William Overstreet went on to teach at a gunnery school at Pinellas Army Airfield and worked at Charleston Aviation in West Virginia; he returned to the Commonwealth in 1950 and began a career as a certified public accountant in his own practice; and

WHEREAS, a humble and generous man, William Overstreet believed in the importance of helping others and worked to better the community through a variety of civic and service organizations, both locally and nationally; and

WHEREAS, in 2009, William Overstreet graciously accepted one of his greatest awards, the Legion of Honor from France, in recognition of his unique contributions to the liberation of France in World War II; and

WHEREAS, predeceased by his wife, Nita, William Overstreet is survived by numerous family members, friends, and fellow servicemen; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of William Bruce Overstreet, Jr., a courageous veteran and a respected member of the Roanoke community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William Bruce Overstreet, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 158

Commending William R. Bell.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, William R. Bell, a devoted and influential public servant, is retiring as the Department of General Services' director of the Division of Purchases and Supply; and

WHEREAS, William "Ron" Bell has served the Commonwealth in the director's position since April 1999, and previously served over 25 years as an officer in the United States Navy Supply Corps; and

WHEREAS, Ron Bell holds a bachelor's degree from the University of Richmond and a master's degree from the Naval Postgraduate School, is a graduate of the University of Virginia Darden Graduate School of Business Executive Program, and is a Certified Professional Contracts Manager; and

WHEREAS, Ron Bell has had responsibility for procurement policy and regulations implementing the Virginia Public Procurement Act, and oversight of integrity of the Commonwealth of Virginia's annual procurement of goods and services over \$5 billion; and

WHEREAS, Ron Bell has served as the president of the National Association of State Procurement Officials (NASPO), was on the Executive Advisory Board of the National Contract Management Association, and was a member of numerous purchasing organizations, including the Institute for Supply Management; and

WHEREAS, in 2013, NASPO awarded Ron Bell with the Guilio Mazzone Distinguished Service Award to recognize his service on a continuing exemplary basis to the public purchasing profession; and

WHEREAS, since 2005 and under Ron Bell's direction, the Division has won the Achievement of Excellence in Procurement Award seven times, twice while receiving the highest score of any state; and

WHEREAS, during Ron Bell's tenure, the Division implemented the eVA electronic procurement portal, which has won numerous awards, including the 2003 Cost Effectiveness Award from the National Electronic Commerce Coordinating Council and the 2002 "Best in Breed" Technology Award from the Center for Digital Government; and

WHEREAS, Ron Bell is widely known for his tenacity in ensuring the integrity of the procurement process, balancing the needs of the Commonwealth with the ability of procurement personnel to accomplish their agency's needs, and his forthrightness in dealing with any contract issue or concern; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend William R. Bell on the occasion of his retirement from the Department of General Services; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to William R. Bell as an expression of the General Assembly's admiration and gratitude for his loyal and committed service to the Commonwealth and best wishes for a happy retirement.

HOUSE JOINT RESOLUTION NO. 159

Commending John E. Forrest.

Agreed to by the House of Delegates, January 17, 2014

Agreed to by the Senate, January 23, 2014

WHEREAS, John E. Forrest, a devoted and influential public servant, is retiring from service to the Commonwealth from his most recent position as director of the Department of General Services' Division of Real Estate Services; and

WHEREAS, John "Ernie" Forrest's career with the Commonwealth spans over 43 years, including service to the Virginia Department of Highways (now the Virginia Department of Transportation) and the Department of General Services (DGS), interrupted only by a period when he was a small business owner; and

WHEREAS, as director of the DGS Division of Real Estate Services, Ernie Forrest has been responsible for overseeing management of the Commonwealth's diverse real estate portfolio, including transactional and strategic planning services that support the respective missions of all state agencies and make it easier for the private sector to conduct real estate-related business with the Commonwealth; and

WHEREAS, Ernie Forrest was instrumental in the planning and conversion of the Commonwealth's Real Property Management Program into today's independent Portfolio Management Program; and

WHEREAS, Ernie Forrest was named the first director of the Bureau of Real Property Management when it was formed under the DGS Division of Engineering and Buildings; and

WHEREAS, Ernie Forrest oversaw the writing and development of Directive One, the first Real Property Management Manual for the implementation of an organized method for the acquisition and disposition of the Commonwealth's real property, issued in 1984 and containing policies still largely followed today; and

WHEREAS, Ernie Forrest, during his multiple decades of service, has been instrumental in the planning, acquisition, or development of numerous real property projects throughout the Commonwealth, including resolving the Commonwealth's boundary between Loudoun County in Virginia and Jefferson County in West Virginia; and

WHEREAS, Ernie Forrest has also been a part of such projects as the assembling of properties along Broad Street near the seat of government for the new Library of Virginia; relocating the Commonwealth's Consolidated Laboratory at the Virginia Biotechnology Research Park and redeveloping the former site; handling historic properties such as Richmond's Main Street Station; acquiring privately owned rental space in order to relocate multiple state agencies at a substantial savings to the Commonwealth; and acquiring properties for higher education institutions; and

WHEREAS, Ernie Forrest has been a great steward of the Commonwealth's real estate assets; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend John E. Forrest on the occasion of his retirement from the Department of General Services; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John E. Forrest as an expression of the General Assembly's admiration for his loyal and lengthy service to the Commonwealth and best wishes for a happy retirement.

HOUSE JOINT RESOLUTION NO. 160

Commending Melissa A. Porfirio.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Melissa A. Porfirio, who teaches first grade at Crestwood Elementary School in Fairfax County, is the 2014 Virginia Teacher of the Year, which is a designation given annually by the Virginia Department of Education and was awarded in October 2013; and

WHEREAS, when Melissa A. Porfirio was named in January 2014 as one of four finalists for the 2014 National Teacher of the Year to be announced in April, Patricia I. Wright, Virginia Superintendent of Public Instruction, stated that "she epitomizes the qualities that make Virginia teachers among the nation's best" and "would be an outstanding representative for the nation's teachers"; and

WHEREAS, described as the heart of the Crestwood community by colleagues, Melissa Porfirio brought her experience as a social worker in North Carolina and Washington, D.C., and as an English teacher in South Korea to fully engage the strengths of a community where seventy-two percent of the students qualify for free and reduced lunch and sixty percent have limited English proficiency; and

WHEREAS, Melissa Porfirio believes "Students do not arrive in our classrooms as blank slates for us to just fill up with information. They come to us with hopes and dreams and an inherent excitement for what they want to learn about . . . Through community building and rules and procedures we design as a class, I create an environment that is welcoming and safe, builds confidence, enhances strengths, encourages students to take risks, and exposes them to all of the possibilities that come through learning"; and

WHEREAS, Melissa Porfirio is as passionate about elevating her profession through staff development training in her role as cohort facilitator and committee chair for Responsive Classroom training, helping new teachers achieve success in the classroom as a mentor, and as team leader being respectful of colleagues' differing viewpoints as she encourages everyone to go beyond their best to ensure each child's individual needs are met and they are prepared for second grade; and

WHEREAS, Melissa Porfirio uses her free time to build relationships with the families of her students, attends the pupils' after-school activities, and takes special satisfaction in staying in touch with former students through high school; and

WHEREAS, a graduate of Catholic University who received a master's degree from George Mason University, during her eight years at Crestwood Elementary School, Melissa Porfirio through her ability to build strong relationships with her students and her commitment to family outreach has been an inspiration to many as carrying out the highest ideals of being an educator; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Fairfax County teacher Melissa A. Porfirio for being named the 2014 Virginia Teacher of the Year and as a finalist for the 2014 National Teacher of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Melissa A. Porfirio as an expression of the General Assembly's congratulations and admiration for her commitment to her students and for being an outstanding role model for all people in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 161

Designating the third week in January, in 2015 and in each succeeding year, as Teen Cancer Awareness Week in Virginia.

Agreed to by the House of Delegates, February 5, 2014

Agreed to by the Senate, March 4, 2014

WHEREAS, cancer among adolescents is rare, but is still the leading cause of death from disease in teenagers between the ages of 15 and 19; and

WHEREAS, while adolescent cancer patients should be treated at pediatric hospitals, only one-third of them are treated at pediatric oncology centers; and

WHEREAS, adolescent cancer patients often feel out of place because most pediatric oncology programs focus on the needs of younger patients; similarly, adult cancer facilities are not suited to providing the unique care necessary for adolescent patients; and

WHEREAS, adolescent cancer patients are thus stranded between two medical systems, neither of which adequately addresses their clinical and psychosocial needs; and

WHEREAS, only an average of nine percent of cancer patients between the ages of 15 and 24 are enrolled in clinical trials, compared with 40 percent of cancer patients aged 14 and younger; and

WHEREAS, the five-year survival rate of adolescents with cancer is much lower than that of children with cancer; and

WHEREAS, adolescents with cancer have unique concerns about their education, their social lives, their body image, infertility, and other issues, and too often their needs are not understood or acknowledged; and

WHEREAS, many adolescent cancer survivors have difficulty readjusting to school and social settings, experience anxiety, and may face increased learning difficulties; and

WHEREAS, it is important to understand the clinical needs of adolescents with cancer, seek to prevent cancer in adolescents, and increase awareness in the Commonwealth about the unique challenges facing adolescents with cancer; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate the third week in January, in 2015 and in each succeeding year, as Teen Cancer Awareness Week in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the members of "Bite me Cancer®" so that they may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this week on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 162

Commending Sally Southard.

Agreed to by the House of Delegates, January 24, 2014

Agreed to by the Senate, January 30, 2014

WHEREAS, Sally Southard, a member of the Salem School Board, was honored in December 2013 for her nearly 20 years of dedicated service to the City of Salem; and

WHEREAS, during her tenure on the board, Sally Southard and the school system faced many challenges not encountered by her predecessors; and

WHEREAS, Sally Southard's many accomplishments during her time on the school board include overseeing increased graduation rates, full accreditation for numerous schools, multiple facility renovations, and full-time nurse staffing in each Salem school; and

WHEREAS, an outstanding role model to the students and leader for the schools, Sally Southard sought to help children reach their potential and become successful; and

WHEREAS, after 17 years of service on the Salem School Board, with 14 years as the chair, Sally Southard retired in December 2013; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Sally Southard, a committed public servant, on the occasion of her retirement from the school board of the City of Salem; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sally Southard as an expression of the General Assembly's respect and admiration for her work on behalf of the citizens of the City of Salem.

HOUSE JOINT RESOLUTION NO. 163

Commending Arielle Rosmarino.

Agreed to by the House of Delegates, January 24, 2014

Agreed to by the Senate, January 30, 2014

WHEREAS, Arielle Rosmarino, a Salem resident, was named the 2014 Miss Virginia USA at the Paramount Center for the Arts in Bristol on November 16, 2013; and

WHEREAS, the Miss Virginia USA pageant empowers young women in the Commonwealth and encourages them to reach their full potential; the organization provides opportunities to make a difference through charitable organizations and awards scholarships; and

WHEREAS, Arielle Rosmarino graduated from Glenvar High School and later earned a bachelor's degree from Radford University in 2013; and

WHEREAS, an astute business woman, Arielle Rosmarino became the marketing director for a women-owned small business in Roanoke focusing on prom, pageant, and bridal dresses; and

WHEREAS, a pageant contestant for 10 years, Arielle Rosmarino believes in setting and achieving goals, and she hopes to inspire others to do the same during her reign; her platform message of Leave No Doubt is meant to encourage personal and professional growth in the pursuit of one's dreams; and

WHEREAS, Arielle Rosmarino competed against 21 other contestants in the Miss Virginia USA pageant, advancing through an opening runway-style round, swimsuit and evening gown rounds, and onstage questions; and

WHEREAS, earning a place in the 2014 Miss USA pageant, Arielle Rosmarino will represent the Commonwealth in the nationally televised competition; and

WHEREAS, Arielle Rosmarino possesses a unique combination of talent, poise, intelligence, and determination, and she will be a fine ambassador to the Commonwealth during her reign as Miss Virginia USA; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Arielle Rosmarino on winning the 2014 Miss Virginia USA pageant; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Arielle Rosmarino as an expression of the General Assembly's admiration for her many achievements and best wishes in her future endeavors.

HOUSE JOINT RESOLUTION NO. 164

Celebrating the life of Dennis Edward Clemmer.

Agreed to by the House of Delegates, January 24, 2014

Agreed to by the Senate, January 30, 2014

WHEREAS, Dennis Edward Clemmer, the 2013 Ruritan National President from McKinley in Augusta County, died on September 29, 2013; and

WHEREAS, a native of Augusta County, Dennis Clemmer was a beef cattle producer known for his dedicated community service; and

WHEREAS, a longtime Ruritan, Dennis Clemmer served in various capacities on the local, district, and national level, providing strong leadership and faithful service to enable the organization to better serve local communities; and

WHEREAS, Dennis Clemmer was elected the 2013 Ruritan National President and inspired other national board leaders with his vision for the organization; and

WHEREAS, a man of great character, compassion, and good will, Dennis Clemmer made many significant and meaningful contributions through his involvement in community affairs; and

WHEREAS, Dennis Clemmer will be fondly remembered and greatly missed by his wife, Betty Jo; daughter, Joanna, and her family; and numerous other family members, friends, and fellow Ruritans; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the 2013 National Ruritan President, Dennis Edward Clemmer; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dennis Edward Clemmer as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 165

Commending Brian Walsh.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, Brian Walsh, a sophomore at Virginia Tech, was selected as the 2013-2014 National FFA Organization president on November 2, 2013, at the organization's national convention in Louisville, Kentucky; and

WHEREAS, a native of Woodstock, Brian Walsh has been raising and showing livestock since he was nine years old; he joined the FFA (Future Farmers of America) organization when he entered Central High School; and

WHEREAS, a hardworking and intelligent student, Brian Walsh honed his leadership skills as an FFA member at Central High School, serving as president, vice president, and secretary of the high school chapter; and

WHEREAS, Brian Walsh was a member of four state-winning FFA teams while in high school—Meats Evaluation, Agricultural Sales, Food Science, and Agricultural Issues Forum; and

WHEREAS, Brian Walsh served as the state FFA president of Virginia for the 2011-2012 term and also works at the Virginia FFA Association office; and

WHEREAS, Brian Walsh underwent a rigorous review process as one of 42 candidates for national office, undergoing several days and rounds of interviews in addition to extemporaneous speaking assignments; and

WHEREAS, Brian Walsh is one of only four national presidents of FFA to come from the Commonwealth since the organization was founded in 1928; and

WHEREAS, an exemplary representative of the Commonwealth and nation, Brian Walsh will travel around the United States and other parts of the world during his tenure to train other members, promote leadership, and serve as an ambassador for FFA and American agriculture; and

WHEREAS, Brian Walsh was recognized for this singular achievement at a special reception in his honor on November 23, 2013, at Central High School; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Brian Walsh on his selection as the 2013-2014 National FFA Organization president; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brian Walsh as an expression of the General Assembly's congratulations, admiration for his extraordinary accomplishments, and best wishes in his future endeavors.

HOUSE JOINT RESOLUTION NO. 166

Commending the Signal Knob Middle School Future Farmers of America Chapter:

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, the Signal Knob Middle School Future Farmers of America Chapter, located in Strasburg, is commended for its selection as the top Middle School FFA Chapter in the nation; and

WHEREAS, the FFA (Future Farmers of America) organization has more than 579,000 members nationwide, including Guam, Puerto Rico, and the Virgin Islands, in over 7,000 middle and high school chapters and works to make a positive difference in the lives of students through agricultural education; and

WHEREAS, the Signal Knob Middle School FFA Chapter underwent a rigorous review process for its selection that included an application detailing chapter activities in the areas of student development, chapter development, and community development and a presentation by two students before a panel of judges; and

WHEREAS, the Signal Knob Middle School FFA Chapter was selected as one of the top 18 chapters in the state; earned Northern Area Student, Chapter, and Community Development Awards and state Chapter and Community Development Star Awards; and was named the top middle school chapter in the Commonwealth, the top overall chapter in the Commonwealth out of all middle and high school chapters, and one of the top five middle school chapters in the nation before its selection as the top middle school chapter in the nation; and

WHEREAS, Signal Knob Middle School FFA Chapter members take part in a wide array of activities that provide meaningful service to others, help protect the environment, and cultivate important life skills; and

WHEREAS, Signal Knob Middle School FFA Chapter members traveled to the National Future Farmers of America Convention & Expo in Louisville, Kentucky, to accept the award before an audience that numbered in the tens of thousands; and

WHEREAS, the Signal Knob Middle School FFA Chapter has brought great honor and recognition to the Commonwealth and its selection as the top Middle School FFA Chapter in the nation is a reflection of its members' dedication and hard work; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Signal Knob Middle School Future Farmers of America Chapter on its selection as the top Middle School FFA Chapter in the nation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jaclyn Roller, advisor of the Signal Knob Middle School Future Farmers of America Chapter, as an expression of the General Assembly's congratulations and admiration for the chapter's outstanding accomplishment.

HOUSE JOINT RESOLUTION NO. 167

Designating Historic Smithfield Plantation in Blacksburg as "a Family Homestead of Virginia Governors."

Agreed to by the House of Delegates, March 6, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Historic Smithfield Plantation, built in 1774 in the scenic Blue Ridge Mountains of present-day Blacksburg, in Montgomery County, was the home of Revolutionary War patriot Colonel William Preston and his wife, Susanna Smith Preston, of Hanover County and the home of generations of Prestons; and

WHEREAS, Historic Smithfield Plantation, named for Susanna Smith Preston, was constructed in a land of log cabins and physical hardship that later provided a haven of aristocratic elegance and became the social and political center of Montgomery County; and

WHEREAS, according to Patricia Givens Johnson in *William Preston and the Allegheny Patriots*, Colonel William Preston served in the House of Burgesses in 1765 and represented Augusta County until the county was divided around 1770; and

WHEREAS, Colonel William Preston was instrumental in the westward expansion of Virginia and the nation as settlers moved from the Chesapeake Bay area to the Piedmont, across the Blue Ridge Mountains into the Shenandoah Valley; and

WHEREAS, hundreds of settlers moving across the Blue Ridge and Appalachian Mountains into Kentucky, West Virginia, and Tennessee found accommodations from Colonel William Preston, who maximized the strategic location of Historic Smithfield Plantation to build a prosperous real estate business and influential political dynasty that lasted for nearly 90 years; and

WHEREAS, Colonel William and Susanna Smith Preston left a fruitful and rich legacy of leadership, and their descendants have served as Governors of Virginia, members of the Virginia General Assembly and Congress, educators, military leaders, First Ladies of Virginia, presidential Cabinet members, and founders and presidents of educational institutions; and

WHEREAS, most notably, their son, James Patton Preston, served as a member of the Virginia House of Delegates, fought in the War of 1812, helped charter the University of Virginia, and was elected the twentieth Governor of Virginia, serving from 1816 to 1819; and

WHEREAS, other descendants of Colonel William and Susanna Smith Preston include a grandson, William Ballard Preston, who was a United States Congressman, Secretary of the Navy in the administration of President Zachary Taylor, the patron of the Virginia Ordinance of Secession, a senator from the Confederate States of America, and cofounder of Preston and Olin Institute, a small Methodist college, which evolved into Virginia Polytechnic Institute and State University; and

WHEREAS, in the *Historic Smithfield Quarterly Newsletter*, Winter 2012 issue, it is recorded that the tenth child of Colonel William and Susanna Smith Preston, "Letitia Preston, married John Floyd, who became Virginia's 25th Governor; granddaughter, Susanna Smith Preston, married James McDowell, who was the 29th Governor of Virginia; granddaughter, Sarah Buchanan Preston, married John Buchanan Floyd, who was born at Historic Smithfield Plantation and became the 31st Governor of Virginia; and that gubernatorial connections from the family extended beyond Virginia to the First Ladies of Maryland and South Carolina and to the Governor of Missouri"; and

WHEREAS, in 1959, Janie Preston Boulware Lamb, a fifth-generation descendant of Colonel William and Susanna Smith Preston, donated the Historic Smithfield Plantation to the Association for the Preservation of Virginia Antiquities, stipulating that the newly formed Montgomery Branch of Preservation Virginia restore, maintain, and open the house to the public, and Historic Smithfield Plantation was opened to the public in 1964; and

WHEREAS, in 2012, the Smithfield-Preston Foundation entered into an Operating Agreement with Preservation Virginia to ensure the long-term preservation goals of Historic Smithfield Plantation and expand the Foundation's mission of interpreting Virginia's frontier history during the late eighteenth century; and

WHEREAS, costumed interpreters describe the lives of three generations of Prestons and other families who have lived and worked at the Plantation and welcome and guide visitors through the Plantation's home, slave cabin, and eighteenth-century kitchen garden, and grounds; and

WHEREAS, Historic Smithfield Plantation, a place with a rich history of late-eighteenth-century heritage and a legacy of gubernatorial leadership in Virginia, increases public understanding and appreciation of the contributions of many Virginian families to the formation of the Commonwealth and the nation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate Historic Smithfield Plantation in Blacksburg as "a Family Homestead of Virginia Governors"; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to William G. Foster, Jr., Chairman of the Smithfield-Preston Foundation; Douglas W. Anderson, Museum Administrator of Historic Smithfield Plantation; and Elizabeth Kostelny, Executive Director of Preservation Virginia, so that members of the Smithfield-Preston Foundation Board, Preservation Virginia Board of Trustees, and staff of Historic Smithfield Plantation may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of the Historic Smithfield Plantation in Blacksburg as "a Family Homestead of Virginia Governors" on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 168

Commending the Blacksburg High School boys' soccer team.

Agreed to by the House of Delegates, January 24, 2014

Agreed to by the Senate, January 30, 2014

WHEREAS, the Blacksburg High School boys' soccer team demonstrated skill and dedication when they won the Virginia High School League Group AA soccer state championship in June 2013; and

WHEREAS, finishing the season with a record of 21-0-2, the Blacksburg High School Bruins won a record-setting 12th state championship during their 19th title game appearance in 25 years; and

WHEREAS, taking an early lead, the Blacksburg Bruins set the tone in the championship game; in the 71st minute, the Blacksburg Bruins connected off a cross to score the third and final goal of the game; and

WHEREAS, allowing only six goals all season, the Blacksburg Bruins made program history by posting their third shutout during 2013 championship play; and

WHEREAS, never allowing the excitement surrounding a championship to distract them, the Blacksburg Bruins played consistent and impressive soccer all season long; and

WHEREAS, the victory is due to the talent and dedication of the players, leadership of the head coach and staff, and support from the Blacksburg High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the 2013 Blacksburg High School boys' soccer team for winning the Virginia High School League Group AA state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Shelley Blumenthal, the head coach of the Blacksburg High School boys' soccer team, as an expression of the General Assembly's admiration for the team's prowess and dedication.

HOUSE JOINT RESOLUTION NO. 169

Commending Joseph Wynn.

Agreed to by the House of Delegates, January 24, 2014

Agreed to by the Senate, January 30, 2014

WHEREAS, Joseph Wynn, a native son of Southampton, graduated from Southampton County Training School and attended Norfolk Barbering College; he began his professional barbering career in 1956, at Dillard's Barber Shop in Emporia; and

WHEREAS, Joseph Wynn relocated to Petersburg, where he was given an opportunity to continue his barbering career at Boddie's Barber Shop, and through this well-known and respected establishment, men from all backgrounds in Petersburg and the tri-city area became loyal clients of the barbershop; and

WHEREAS, Joseph Wynn brought new and creative styles that helped to increase African American clientele, including the high English, round-up, Philly fade, Afro, blowout, bald, bald fade, flat top, crew cut, and Mohawk; his success eventually allowed him to become the proprietor of Boddie's Barber Shop; and

WHEREAS, throughout his adult life, Joseph Wynn has been faithful to his Christian beliefs and has used his barbering profession to witness God's love to many people and to aid the unfortunate, who often returned his generosity and compassion by protecting him when he worked alone late at night; and

WHEREAS, his faith is the bedrock of his life, and Joseph Wynn loves to exercise his spiritual gift of music by singing as a background singer or as a member of a quartet, his favorite style of praise music; he supports his wife in her roles as pastor of Bethany Missionary Baptist Church and as an instructor at the Evans-Smith Leadership Institute of the Samuel DeWitt Proctor School of Theology at Virginia Union University; and

WHEREAS, Joseph Wynn was honored on November 9, 2013, on the occasion of his retirement after more than 56 years as a professional barber and for his Christian leadership and community service, which has inspired and positively influenced the lives of many persons in the City of Petersburg and the tri-city area; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Joseph Wynn on the occasion of his retirement and for his community service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joseph Wynn as an expression of the General Assembly's regard for his service to the Petersburg community and best wishes for a restful retirement.

HOUSE JOINT RESOLUTION NO. 171

Commending Dr. Charles W. Steger.

Agreed to by the House of Delegates, January 24, 2014

Agreed to by the Senate, January 30, 2014

WHEREAS, Dr. Charles W. Steger, the president of Virginia Polytechnic Institute and State University for 14 years, has led the school to become one of the nation's premier research institutions and ensured that countless students have the tools to become responsible and productive citizens of the Commonwealth; and

WHEREAS, Charles Steger earned bachelor's, master's, and doctoral degrees from Virginia Polytechnic Institute and State University (Virginia Tech); he then pursued a career as a professional architect before returning to Virginia Tech to impart his knowledge and experience as a professor in the College of Architecture and Urban Studies (CAUS); and

WHEREAS, after Charles Steger became Dean of CAUS in 1981, the college's research program grew rapidly; he also established locations in Alexandria, Virginia, and Switzerland, giving Virginia Tech a presence nationally and internationally; and

WHEREAS, Charles Steger helped shape Virginia Tech's first core curriculum in 1981 and was later appointed to develop the university's statement of mission and purpose; he also chaired several highly regarded committees and contributed to the university's progress in many other ways; and

WHEREAS, as the Vice President for Development and University Relations from 1993 to 2000, Charles Steger led the largest fundraising campaign in the university's history; he was subsequently appointed President of the university in January 2000; and

WHEREAS, since becoming President, Charles Steger has designed and implemented several successive plans to guide Virginia Tech into the future, each demonstrating a deep commitment to the school's core mission of providing a high quality undergraduate education; and

WHEREAS, under Charles Steger's tenure, Virginia Tech has seen an unprecedented amount of growth, providing myriad new opportunities for students and enhancing the university's ability to compete for major research grants and projects; and

WHEREAS, Charles Steger greatly strengthened Virginia Tech's commitment to research that makes new discoveries to improve the lives and well-being of people everywhere; Virginia Tech is the only school in the Commonwealth ranked in the top 50 of the National Science Foundation's ranking of universities with the highest sponsored research expenditures; and

WHEREAS, with his calm and unifying leadership, Charles Steger guided the Virginia Tech community through the tragedy in 2007; his influence was essential in helping the community heal and recover after this event; and

WHEREAS, known as a leader and an expert outside of the Virginia Tech community, Charles Steger has served on many committees and commissions for the benefit of the Commonwealth, addressing issues such as homeland security, the environment, and others; and

WHEREAS, Charles Steger now sits on numerous boards and committees focusing on higher education, entrepreneurship, technology, and other global issues; he has been recognized and honored countless times for his leadership and dedication in all of his pursuits; and

WHEREAS, with his bold vision, wise leadership, and unyielding devotion to students, Charles Steger has built a tradition of excellence worthy of one of the Commonwealth's finest institutions of higher education; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dr. Charles W. Steger, a visionary leader in the field of higher education; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Charles W. Steger as an expression of the General Assembly's admiration and respect for his contributions to the future of the Commonwealth and unwavering commitment to the students of Virginia Polytechnic Institute and State University.

HOUSE JOINT RESOLUTION NO. 172

Commending Ashby Page Entsminger.

Agreed to by the House of Delegates, January 24, 2014

Agreed to by the Senate, January 30, 2014

WHEREAS, Ashby Page Entsminger has excelled in each of the endeavors that he has undertaken and is a model of community involvement to those in and around Lexington; and

WHEREAS, after his graduation from Effinger High School, Page Entsminger was employed by Lee's Carpets before joining the United States Army; he served as a military policeman in Albuquerque, New Mexico, for two years before returning to his employment with Lee's Carpets; and

WHEREAS, Page Entsminger was a member of Collierstown Baptist Church and Lexington Baptist Church, serving as an adult Sunday school teacher, Sunday school superintendent, and youth director; and

WHEREAS, Page Entsminger displayed his passion for community involvement to the Lexington Life Saving Crew and became an active member in September 1970; he served in numerous positions of leadership, including captain, training officer, 1st lieutenant training, 1st lieutenant executive, and president, and still maintains his membership; and

WHEREAS, Page Entsminger exhibited his leadership abilities at the Virginia Association of Volunteer Rescue Squads, Inc. (VAVRS), in 1974 when he was elected secretary; in 1977, he was elected president, and he continues to serve the organization in different capacities to this day; and

WHEREAS, Page Entsminger served a number of terms as chaplain of VAVRS, having enhanced the annual memorial service to its current status; and due to the importance of the office he held, was named chaplain emeritus in September 2013; and

WHEREAS, Page Entsminger has held numerous training certifications, including Emergency Medical Technician (EMT) lay instructor, CPR instructor, and as a shock trauma technician between 1982 and 1991; and

WHEREAS, in 1991, Page Entsminger received Virginia's Outstanding EMT Instructor of the Year award; he was certified as a basic and light duty rescue instructor trainer and received the status as one of the first rescue technicians; and

WHEREAS, Page Entsminger was also appointed to serve on the Governor's Committee on Emergency Medical Services; and

WHEREAS, Page Entsminger was awarded life membership in VAVRS in 1981, in the Lexington Life Saving Crew in 1991, and in VAVRS District 1 in 2009; and

WHEREAS, in 1993, Page Entsminger was selected to be a member of the Virginia Life Saving and Rescue Hall of Fame; and

WHEREAS, in addition to his many years as part of the lifesaving and emergency medical services community, Page Entsminger found time to serve his community on the board of directors of Carilion Stonewall Jackson Hospital and Rockbridge Summer Youth Programs; and

WHEREAS, Page Entsminger also coached little league baseball and was an instructor/trainer with the American Heart Association; and

WHEREAS, after a highly successful tenure of community involvement and sacrifice, Page Entsminger continues to be a teacher, mentor, and confidant to many in the Commonwealth; and

WHEREAS, Page Entsminger is the father of three children, a grandfather, and husband of 55 years to his wife, Edith; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Ashby Page Entsminger for his distinguished service with the Lexington Life Saving Crew and the Virginia Association of Volunteer Rescue Squads and to the community, which have all benefited citizens throughout the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ashby Page Entsminger as an expression of the General Assembly's gratitude for his many years of service and for his valuable contributions to improving the quality of emergency medical services in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 176

Celebrating the life of Stanley Eugene Brown.

Agreed to by the House of Delegates, January 24, 2014

Agreed to by the Senate, January 30, 2014

WHEREAS, Stanley Eugene Brown of Williamsburg, an experienced educator and an active supporter of his community, died on December 2, 2013; and

WHEREAS, Stanley "Stan" Brown, a native of Culpeper County, earned a bachelor's degree from Emory & Henry College and a master's degree from the University of Tennessee at Chattanooga; he also was a cryptographer in the United States Army; and

WHEREAS, Stan Brown's career in education began as a high school teacher and football coach in Tennessee and later in Petersburg and continued as an elementary school principal in Chesapeake; he then entered the business world as an insurance underwriter; and

WHEREAS, in 1969, Stan Brown embarked on a 25-year career at The College of William and Mary as an administrator in the Financial Aid office; he worked in the Corporate Relations and Development offices before starting the college's Department of Career Services in 1981; and

WHEREAS, Stan Brown served as director of the Department of Career Services until 1994, and in that role he worked closely with students; he was active in statewide and regional college placement associations, receiving distinguished service awards from organizations at both levels; and

WHEREAS, Stan Brown was named Honorary Marshal by the graduating classes of 1978 and 1994 at William and Mary, an honor of which he was quite proud; the Young Guard of the Society of the Alumni of The College of William and Mary recognized him as an honorary member; and

WHEREAS, after retiring in 1994, Stan Brown volunteered in the community; he was a member of the school board of the Williamsburg-James City County Public Schools and was chair of a successful bond referendum effort; he also lent leadership support to many other local organizations; and

WHEREAS, surrounded by Virginia's illustrious history, Stan Brown derived great satisfaction from his role as an onsite historical interpreter at Jamestown Rediscovery; he also was the director of the Colonial Capital Branch of the Association for the Preservation of Virginia Antiquities, now known as the Tidewater Virginia Historical Society; and

WHEREAS, a man of great faith, Stan Brown was a member of Williamsburg United Methodist Church, where he was a lay reader and served on the Building Committee; he also was involved with a cooperative ministries organization in Williamsburg; and

WHEREAS, predeceased by his daughter, Jan, Stan Brown will be greatly missed and fondly remembered by his wife, Judy; his children, Bly and Stanley, and their families; and many other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Stanley Eugene Brown, a proud Virginian who admirably served his community and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Stanley Eugene Brown as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 178

Celebrating the life of Lieutenant Colonel Gerald L. Read, USA (Ret.).

Agreed to by the House of Delegates, January 24, 2014

Agreed to by the Senate, January 30, 2014

WHEREAS, Lieutenant Colonel Gerald L. Read, USA (Ret.), an admired military veteran and respected information assurance specialist with the Naval Sea Systems Command, died on September 16, 2013, after heroically saving the life of a coworker during the Washington Navy Yard shooting; and

WHEREAS, an Eagle Scout, Gerald Read earned a bachelor's degree from the Indiana University of Pennsylvania, joined the United States Army upon graduation, and later earned two master's degrees; and

WHEREAS, a distinguished military officer, Gerald Read served in the Republic of Korea and spent most of his military career in law enforcement and information systems management, rising through the ranks to attain the rank of lieutenant colonel; and

WHEREAS, Gerald Read served at Fort Belvoir during the wars in Iraq and Afghanistan, working with the U.S. Army Materiel Command to supervise work to supply United States Armed Forces overseas; and

WHEREAS, after retiring from the military, Gerald Read continued to serve his country as a cybersystems expert with the Naval Sea Systems Command; and

WHEREAS, on September 16, 2013, Gerald Read acted heroically to save his coworker as the shooter approached them—pushing her under a desk, barricading her in, and pulling a cubicle partition into the path of the gunman; and

WHEREAS, a man of great honor and integrity, Gerald Read dedicated his life to the service of his family, community, and country—demonstrating in his final moments the strength of his character and depth of his compassion and concern for others; and

WHEREAS, Gerald Read loved Civil War history; rescued Labrador retrievers with his wife, Cathy; and enjoyed walking with his black Lab, Roderick; and

WHEREAS, a devoted family man, Gerald Read will be fondly remembered and greatly missed by his wife, Cathy; daughter, Jessica, and her family, including three grandchildren; numerous other family members and friends; and his coworkers at the Naval Sea Systems Command; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a heroic Virginian, Lieutenant Colonel Gerald L. Read, USA (Ret.); and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lieutenant Colonel Gerald L. Read, USA (Ret.), as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 179

Commending the Honorable Jonathan Cooper Thacher.

Agreed to by the House of Delegates, January 24, 2014

Agreed to by the Senate, January 30, 2014

WHEREAS, the Honorable Jonathan Cooper Thacher, a judge of the Fairfax Circuit Court of the 19th Judicial Circuit of Virginia, retired on December 1, 2013; and

WHEREAS, Jonathan Thacher graduated from the University of Miami in 1970 and was commissioned in the United States Army; and

WHEREAS, over the course of his decorated military career, Jonathan Thacher earned the Joint Service Commendation Medal, the National Defense Medal, the Vietnam Service Medal, and the Vietnam Campaign Ribbon; and

WHEREAS, following his honorable discharge, Jonathan Thacher continued to serve his country as a member of the Naval Investigative Service, now known as the Naval Criminal Investigative Service; and

WHEREAS, after earning a law degree from George Mason University, Jonathan Thacher practiced law in Fairfax for 14 years; and

WHEREAS, Jonathan Thacher served as a substitute judge in the Fairfax County General District and Juvenile and Domestic Relations District Courts of the 19th Judicial District of Virginia and several other courts in the area for eight years; and

WHEREAS, Judge Thacher was elected as a judge on the Fairfax County General District Court of the 19th Judicial District of Virginia, on which he served from 1994 to 1998; and

WHEREAS, in 1998, Judge Thacher was elected as a judge on the Fairfax County Circuit Court of the 19th Judicial Circuit of Virginia, where he presided with great fairness and wisdom until his retirement; and

WHEREAS, Judge Thacher is a distinguished adjunct professor of law at George Mason University and frequently gives lectures to law-enforcement agencies on ethics and other legal topics; and

WHEREAS, Judge Thacher remained an active alumnus of George Mason University, serving the university community as a president of the Alumni Associations for both the university and the law school; he was elected Alumni of the Year in 1999; and

WHEREAS, Judge Thacher worked to better the Fairfax community by volunteering his time as a member and leader of many civic and service organizations; and

WHEREAS, a man of great character, Judge Thacher has served the community, the Commonwealth, and the nation with great dedication and distinction; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Honorable Jonathan Cooper Thacher on the occasion of his retirement in 2013; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Jonathan Cooper Thacher as an expression of the General Assembly's admiration for his lifetime of service to the Commonwealth and the nation.

HOUSE JOINT RESOLUTION NO. 180

Celebrating the life of Dr. James Finnemore McClellan, Jr.

Agreed to by the House of Delegates, January 20, 2014

Agreed to by the Senate, January 20, 2014

WHEREAS, Dr. James Finnemore McClellan, Jr., of Chesterfield County, a loving family man, retired pastor and professor, and respected community leader departed this life on January 16, 2014; and

WHEREAS, Dr. McClellan was born on September 24, 1925; he was the oldest child of James F. McClellan, Sr., and Robbie Bell McClellan of Nashville, Tennessee; and

WHEREAS, Dr. McClellan earned a bachelor's degree in history and social studies from Tennessee State University in 1944, a bachelor's degree in divinity from Howard University in 1947, a master's degree in student personnel administration from Teachers College, Columbia University in 1949, and a doctorate in student personnel administration from Teachers College, Columbia University in 1956; and

WHEREAS, Dr. McClellan began his professional career by serving as a minister of Harlem Church of Christ and Washington Heights Church of Christ, both in New York City, and Faith Presbyterian Church in Pine Bluff, Arkansas; and

WHEREAS, Dr. McClellan later became a professional educator, serving as director of Cook Hall at Howard University, professor of education and director of student personnel services at Arkansas AM & N College (now University of Arkansas at Pine Bluff), and professor of education and dean of students at Kentucky State University in Frankfort, Kentucky; and

WHEREAS, Dr. McClellan moved to Chesterfield County in 1969 to become a professor of guidance and director of testing at Virginia State University, retiring as distinguished professor emeritus in 1997; and

WHEREAS, Dr. McClellan served the community for many years as a minister at Westminster Presbyterian Church in Petersburg; and

WHEREAS, Dr. McClellan held memberships in many professional organizations, including the National Association of Student Personnel Professionals, the American Personnel and Guidance Association, the Student Personnel Association for Teacher Education, the American Association for Higher Education, the Southern College Personnel Association, the American Association of University Professors, and the Virginia Guidance Association; and

WHEREAS, Dr. McClellan provided his leadership and experience to many civic organizations; he was a member of the Civic and Progressive Action Association of the Matoaca Magisterial District, a secretary and treasurer of the Petersburg Pilots Association, a life member of the NAACP and Alpha Phi Alpha Fraternity, Inc., and a member of Westminster Presbyterian Church, the Chesterfield Democratic Committee, and the Southside Area Democratic Women's and Associates' Club; and

WHEREAS, Dr. McClellan was presented the Chesterfield County Lifetime Achievement Award for his many years of service to the county as a member and chair of the Committee on the Future, the Airport Advisory Board, the Community Development Block Grant Citizen Committee, and the Electoral Board; and

WHEREAS, in his final years, Dr. McClellan donated his time as the volunteer office manager for the Downtown Churches United HOPE Center; and

WHEREAS, throughout his over 40 years as an educator, minister, and community leader, Dr. McClellan touched countless lives with his quiet wisdom, humor, and kindness; and

WHEREAS, a devoted family man, Dr. McClellan will be greatly missed by his wife of 54 years, Lois; their daughters, Jean, Julie, and Jennifer, and their families; and numerous other family members, friends, former students, parishioners, and admirers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a fine Virginia gentleman, Dr. James Finnemore McClellan, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dr. James Finnemore McClellan, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 181

Celebrating the life of Clifford Scott Hardison.

Agreed to by the House of Delegates, January 24, 2014

Agreed to by the Senate, January 30, 2014

WHEREAS, Clifford Scott Hardison, the beloved principal of West Potomac High School whose exemplary career in education spanned nearly 40 years, died on July 23, 2013; and

WHEREAS, a graduate of West Springfield High School, Clifford "Cliff" Hardison earned a bachelor's degree from George Mason University and a master's degree from Virginia Commonwealth University; he had completed all but his dissertation in his doctoral work at Virginia Tech; and

WHEREAS, Cliff Hardison began his distinguished career in education with Prince William County Public Schools as an English and social studies teacher on the middle and high school levels; he also coached cross country and track; and

WHEREAS, Cliff Hardison then served as the men's cross country and track coach at Virginia Commonwealth University before becoming a guidance counselor; and

WHEREAS, Cliff Hardison provided strong support to students at Chesterfield County Public Schools and Edison High School as a guidance counselor and continued his career in education by transitioning into administration; and

WHEREAS, Cliff Hardison served as director of student services at West Potomac High School; administrative principal and subschool principal at Hayfield Secondary School; summer school principal at South County Secondary School; and the assistant principal for the Science and Technology Division at Thomas Jefferson High School before rejoining West Potomac High School as principal in 2009; and

WHEREAS, Cliff Hardison served Fairfax County Public Schools on a division-wide basis as the high school principal representative to the Business Community Advisory Council, on the Advanced Academic Programs Advisory Council, and as the cochair of the High School Principals' Association Instruction Committee; and

WHEREAS, Cliff Hardison strove to foster a positive learning environment in which all students could excel and earned the respect of faculty, staff, and parents throughout his career for his dedication to the students and greater community; and

WHEREAS, Cliff Hardison will be fondly remembered and greatly missed by many loving family members and friends, the West Potomac High School community, and countless students whose lives he touched; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of an outstanding educational leader, Clifford Scott Hardison; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Clifford Scott Hardison as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 182

Celebrating the life of Alexander Albert Johnson, Sr.

Agreed to by the House of Delegates, January 24, 2014

Agreed to by the Senate, January 30, 2014

WHEREAS, Alexander Albert Johnson, Sr., of Disputanta, a farmer with a deep interest in the world around him and a civil rights pioneer in Prince George County, died on December 22, 2013; and

WHEREAS, Alexander Johnson assumed many responsibilities early in life, withdrawing from Union Branch School to support his family, cutting pulpwood, and working at other jobs; and

WHEREAS, Alexander Johnson married Ruth Bland in 1942 and was drafted the following year and assigned to a segregated Quartermaster unit in the United States Army; he saw combat action in the Pacific Theater during World War II, earning several decorations and citations; and

WHEREAS, after the war, Alexander Johnson returned home to Southside Virginia and rejoined Hercules, Inc., now known as Ashland, Inc.; he and his wife had started a family, which eventually grew to three daughters and two sons; and

WHEREAS, a few years later, Alexander Johnson decided to farm on land that was owned by the family; always an eager learner, Mr. Johnson enrolled in night school for three years to study agricultural practices through a program of the Prince George Cooperative Extension; and

WHEREAS, Alexander Johnson's hard work and determination to provide for his family resulted in a highly productive farming operation; during the winter months, he worked at Fort Lee and at local businesses to supplement the family income; and

WHEREAS, as president of the Prince George County branch of the NAACP, Alexander Johnson worked to integrate the public schools in the county and on voter registration drives; he often farmed all day and then spent the evening driving around the county to register new voters; and

WHEREAS, a largely self-taught man for most of his life, at age 60, Alexander Johnson completed a course in the principles and practice of real estate; he was known in the community as a "walking history book," reflecting his interest in people, politics, and history; and

WHEREAS, a man of deep faith, Alexander Johnson was a lifelong member of Union Branch Baptist Church, serving in many positions, including deacon, trustee, member of the Usher Board, Sunday school teacher, and treasurer for more than 20 years; and

WHEREAS, predeceased by his wife, Ruth, Alexander Johnson is survived by his children, Deloris, Constance, Novella, Alexander, Jr., and Conrad, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Alexander Albert Johnson, Sr., whose faith, love of family, interest in the world around him, and civil rights work greatly benefited Prince George County and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Alexander Albert Johnson, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 183

Commending Jane Harrel Garrant Roane.

Agreed to by the House of Delegates, January 24, 2014

Agreed to by the Senate, January 30, 2014

WHEREAS, born in Fluvanna County on February 12, 1908, Jane Harrel Garrant Roane will celebrate her 106th birthday in 2014; and

WHEREAS, the daughter of George Washington and Laura Adams Garrant, Jane Harrel Garrant Roane was one of 10 brothers and sisters; and

WHEREAS, Jane Harrel Garrant Roane was reared on the T. D. Stokes Farm (Elk Hill) in Goochland, where she worked every day at the house with one Sunday off per month; and

WHEREAS, a curious and hardworking child, Jane Harrel Garrant Roane attended Backbone School until the sixth grade; and

WHEREAS, at age 11, she was baptized in the James River; she and her family were longstanding members of Second Union Church; and

WHEREAS, Jane Harrel Garrant Roane was first employed at age 15 and worked for three years in the home of Louise Buhrman in Cartersville before deciding to accept employment in Bronxville, New York; she returned to Richmond after 18 months to work for the Buhrmans for two more years; and

WHEREAS, desiring to be in close proximity to her siblings, Jane Harrel Garrant Roane accepted a job with Mrs. John Hagan in Richmond, where she was employed for 30 years as a homemaker and confidante; and

WHEREAS, after many years in the employ of Mrs. John Hagan, Jane Harrel Garrant Roane went to work in the nurses' quarter at Virginia Commonwealth University Medical Center, formerly the Medical College of Virginia, from which she retired after 25 years of service; and

WHEREAS, Jane Harrel Garrant Roane is a kind and devoted grandmother, friend, neighbor, and aunt and an upstanding citizen and longtime resident of Richmond's Church Hill community; and

WHEREAS, Jane Harrel Garrant Roane loves to crochet and to recall the many things she has observed and experienced during her long and rich life; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jane Harrel Garrant Roane on the occasion of her 106th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jane Harrel Garrant Roane as an expression of the General Assembly's best wishes on the occasion of her 106th birthday.

HOUSE JOINT RESOLUTION NO. 184

Commending Terri Lynch.

Agreed to by the House of Delegates, January 24, 2014

Agreed to by the Senate, January 30, 2014

WHEREAS, Terri Lynch, an innovative public servant and dedicated member of the Arlington County community, retired as the director of the Arlington Area Agency on Aging on June 28, 2013; and

WHEREAS, in 1976, Terri Lynch began almost 40 years of outstanding service to Arlington County as an employment program manager in Arlington County Human Resources; and

WHEREAS, Terri Lynch earned a great deal of recognition and respect by helping members of the community find jobs through employment counseling and job development and placement services; and

WHEREAS, after becoming the director of the Arlington Area Agency on Aging in 1982, Terri Lynch shared her expertise and vision with the Arlington County Commission on Aging and the Arlington County Commission on Long-Term Care Residences; and

WHEREAS, caring deeply for her fellow members of the community, Terri Lynch used her knowledge and creativity to establish the many programs and networks designed to ensure a high quality of life for the older residents of Arlington County; and

WHEREAS, Terri Lynch has received more than 20 awards, accolades, and letters of appreciation for her work, including an Elder Service Award and the prestigious Winston Award; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Terri Lynch, a faithful and enthusiastic public servant in Arlington County, on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Terri Lynch as an expression of the General Assembly's respect for her many contributions to Arlington County.

HOUSE JOINT RESOLUTION NO. 185

Celebrating the life of Thomas J. Fannon.

Agreed to by the House of Delegates, January 24, 2014

Agreed to by the Senate, January 30, 2014

WHEREAS, Thomas J. Fannon, a respected businessman and active contributor to the Alexandria community, died on November 19, 2013; and

WHEREAS, a native of Alexandria, Thomas "T. J." Fannon attended St. John's High School in Washington, D.C., and went on to graduate from the University of Notre Dame in 1952; and

WHEREAS, after completing his education, T. J. Fannon honorably served his country as a member of the United States Air Force; and

WHEREAS, T. J. Fannon returned to Alexandria and became the president of T. J. Fannon and Sons, a highly regarded heating and air conditioning company founded by his grandfather in 1885 as a wood and coal business; and

WHEREAS, in addition to serving the community as an honest and fair businessman, T. J. Fannon generously supported local organizations, including the Alexandria Symphony Orchestra, the Boys and Girls Club, Senior Services of Alexandria, youth sports leagues, and The Fund for Alexandria's Child; and

WHEREAS, deeply dedicated to bettering the lives of his fellow Alexandria residents, T. J. Fannon served as a member of the board of the Inova Alexandria Hospital, a past president of the Rotary Club of Alexandria, and a member of the Kiwanis Club of Alexandria; and

WHEREAS, known for his selfless charitable work and support for community organizations, T. J. Fannon was named as one of the Living Legends of Alexandria in 2009; and

WHEREAS, T. J. Fannon also earned the At Home in Alexandria Community Spirit Award in October 2013 for his work with an organization that helps older Alexandria residents continue living in their own homes; and

WHEREAS, an avid outdoorsman, T. J. Fannon enjoyed skiing, sailing, bicycling, and hiking at different locales around the world; and

WHEREAS, predeceased by his wife, Susan, T. J. Fannon is fondly remembered and deeply missed by his children, Thomas, Susan, Jack, and Sarah, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Thomas J. Fannon, a pillar of the Alexandria community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Thomas J. Fannon as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 186

Celebrating the life of Lois L. Walker.

Agreed to by the House of Delegates, January 24, 2014

Agreed to by the Senate, January 30, 2014

WHEREAS, Lois L. Walker, a longtime resident of Alexandria who made many contributions to the city through her public and community service, died on October 13, 2013; and

WHEREAS, a native of Ogden, Utah, Lois Walker was raised in the Dominion Hills neighborhood of Arlington and graduated from Washington-Lee High School in 1957; and

WHEREAS, Lois Walker attended Valparaiso University and George Washington University before settling in Alexandria with her husband, John; and

WHEREAS, a local realtor and active member of the National Trust for Historic Preservation, Lois Walker became president of the family real estate business when her husband passed away in 2000; and

WHEREAS, Lois Walker took an active role in community affairs, serving as founding president of the Friends of the Torpedo Factory Art Center and as chair of the Alexandria United Way campaign; and

WHEREAS, Lois Walker also cofounded the Alexandria Commission on Information Technology and the Potomac West Business Alliance; and

WHEREAS, desirous to further serve her fellow residents, Lois Walker served two terms on the Alexandria City Council, where she tirelessly advocated for a multi-modal transportation system for the city; and

WHEREAS, Lois Walker ably represented Alexandria on such regional transportation bodies as the Washington Metropolitan Area Transit Authority Board of Directors and the Northern Virginia Transportation Commission; and

WHEREAS, Lois Walker also served on the Northern Virginia Transportation Coordinating Council and the Metropolitan Washington Council of Governments' Transportation Planning Board, as board president of Virginians for High Speed Rail, and on the board of directors for the Virginia Railway Express; and

WHEREAS, Lois Walker worked to better the lives of her fellow Alexandria residents on the Healthy Families Alexandria program; she also worked to pass a living wage bill; and

WHEREAS, Lois Walker was honored for her community work with the Marian Van Landingham Legislation and Public Policy Award from the Alexandria Commission on Women and when she was named a 2010 Living Legend of Alexandria; and

WHEREAS, possessed of a keen intelligence and gracious manner, Lois Walker worked to enhance the efficient and effective operation of local government for her fellow Alexandrians; and

WHEREAS, predeceased by her husband, John, Lois Walker will be fondly remembered and greatly missed by her children, Boyd and Donna, and their families, and numerous other family members, friends, and admirers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of an admired public servant and dedicated community leader, Lois L. Walker; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lois L. Walker as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 187

Celebrating the life of Vola Therrell Lawson.

Agreed to by the House of Delegates, January 24, 2014

Agreed to by the Senate, January 30, 2014

WHEREAS, Vola Therrell Lawson, who served as the first female city manager of Alexandria and was at the forefront of many critical issues the city faced, died on December 10, 2013; and

WHEREAS, community involvement was second nature to Vola Lawson; as a child in Atlanta, she observed her family's close work with the Reverend Martin Luther King, Sr., father of the noted civil rights leader; and

WHEREAS, Vola Lawson first came to the Washington, D.C., area to attend George Washington University; she became active in community affairs not long after moving to the Parkfairfax section of the city, helping to start her neighborhood's civic association; and

WHEREAS, before becoming a city employee in 1971, Vola Lawson joined the Urban League, which marked a lifelong effort to foster improved race relations in the city and eliminate discrimination; her first job was as assistant director for the Economic Opportunities Commission; and

WHEREAS, Vola Lawson was a passionate advocate for lower-income residents; she became Alexandria's assistant city manager for housing in 1981, responsible for millions of dollars' worth of redevelopment projects, including programs focusing on improved housing for the city's senior citizens and low-income families; and

WHEREAS, Vola Lawson was named acting city manager of Alexandria in 1985 and was appointed to the position eight months later after a nationwide search; she was the first woman to hold the top administrative job, and she admirably led the city until 2000; and

WHEREAS, other areas of civic life that benefitted from Vola Lawson's attention and interest include an emphasis on antipoverty programs and her dedication to animal rights; she worked closely with the Animal Welfare League of Alexandria, which named its animal shelter in her honor; and

WHEREAS, as a breast cancer survivor, Vola Lawson founded an annual walk to fight breast cancer, the proceeds from which help subsidize mammograms for Alexandria's low-income residents; and

WHEREAS, Vola Lawson, who was predeceased by her husband, David, will be fondly remembered and greatly missed by her sons, David, Peter, and MacArthur, and their families, and many other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Vola Therrell Lawson, a dedicated public servant who worked tirelessly on behalf of the citizens of Alexandria; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Vola Therrell Lawson as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 188

Commending Patty Heath.

Agreed to by the House of Delegates, January 24, 2014

Agreed to by the Senate, January 30, 2014

WHEREAS, Patty Heath has served her community and the Commonwealth for more than 25 years as a small business owner in Newport News and as an active participant in many local civic organizations; and

WHEREAS, Patty Heath was the first female State Farm insurance agent on the Virginia Peninsula; currently, she oversees a team of professionals who are dedicated to providing high-quality and courteous service to all clients; and

WHEREAS, a strong interest in her community and the example set by her parents were the catalysts for Patty Heath's involvement in organizations that focus on protecting children, improving the lives of the less fortunate, and promoting the Hampton Roads Region; and

WHEREAS, as the former president of Safehaven, a children's shelter, Patty Heath devoted her time and talents to ensure that some of the Commonwealth's most vulnerable citizens received help and assistance; and

WHEREAS, Patty Heath also is past president of the Newport News Rotary Club and is assistant governor of the regional group, Rotary Club District 7600; she is involved with the Peninsula Chapter of the Virginia Center for Inclusive Communities, the Virginia Peninsula Chamber of Commerce, and the Newport News Family YMCA; and

WHEREAS, a graduate of The College of William and Mary, Patty Heath is proud that her son, Jonathan, and daughter-in-law, Elizabeth, both are very involved with community organizations and share her passion for helping others; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Patty Heath for being a successful small business owner and on her many years of service to the people and organizations of the greater Newport News area; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Patty Heath as an expression of the General Assembly's respect and admiration for her many years of work to make the Commonwealth a better place.

HOUSE JOINT RESOLUTION NO. 189

Commending Good Shepherd Housing and Family Services, Inc.

Agreed to by the House of Delegates, January 24, 2014

Agreed to by the Senate, January 30, 2014

WHEREAS, Good Shepherd Housing and Family Services, Inc., marks 40 years of working to reduce homelessness, increase community support, and promote the potential for self-sufficiency among the working poor in Fairfax County; and

WHEREAS, in 1974, a group of volunteers from a local church helped a couple and their eight children locate safe and suitable housing, marking the beginning of Good Shepherd Housing, whose mission continues today; and

WHEREAS, the award-winning programs developed by Good Shepherd Housing serve Fairfax County residents who have been denied housing in their own names; the organization provides rental housing for its clients and teaches people the skills and discipline needed to improve their credit history and financial situation; and

WHEREAS, in the last four decades, Good Shepherd Housing has helped tens of thousands of people in southeastern Fairfax County; the organization received a *Washington Post* Award for Excellence in Nonprofit Management in 2013; and

WHEREAS, Good Shepherd Housing was presented the 2012 Board Leadership Award from the Center for Nonprofit Advancement; and

WHEREAS, the Fairfax County Chamber of Commerce named Good Shepherd Housing the 2012 Nonprofit of the Year; and

WHEREAS, Good Shepherd Housing for 40 years has continued to provide housing search assistance, financial counseling for low-income families and individuals, and a rich array of children's activities that serve young people's educational, recreational, and social needs; and

WHEREAS, the staff of Good Shepherd Housing works closely with other area agencies that serve Fairfax County's less fortunate citizens, including FACETS; Housing and Community Services of Northern Virginia, Inc.; New Hope Housing; Cornerstones, formerly known as Reston Interfaith; Shelter House, Inc.; and other organizations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Good Shepherd Housing and Family Services, Inc., on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Good Shepherd Housing and Family Services, Inc., as an expression of the General Assembly's admiration for its many years of work to provide housing for less fortunate citizens of the Commonwealth.

HOUSE JOINT RESOLUTION NO. 190

Requesting the Secretary of Health and Human Resources to study supported decision-making for individuals with intellectual and developmental disabilities. Report.

Agreed to by the House of Delegates, February 5, 2014

Agreed to by the Senate, March 4, 2014

WHEREAS, supported decision-making is a process through which individuals with intellectual and developmental disabilities receive assistance in making and communicating important life decisions; and

WHEREAS, many individuals with intellectual and developmental disabilities in the Commonwealth have not been provided opportunities for supported decision-making with regard to important life decisions, including employment and residential options, despite their ability to meaningfully participate in this process; and

WHEREAS, it is important that individuals with intellectual and developmental disabilities in the Commonwealth have the opportunity to make supported, informed choices about important life decisions; and

WHEREAS, a comprehensive study of supported decision-making in the Commonwealth may improve the personal autonomy and quality of life of individuals with intellectual and developmental disabilities and help ensure they receive assistance in making and communicating important life decisions; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Secretary of Health and Human Resources be requested to study supported decision-making for individuals with intellectual and developmental disabilities.

In conducting this study, the Secretary of Health and Human Resources shall (i) examine the use of supported decision-making for individuals with intellectual and developmental disabilities in the Commonwealth; (ii) compare the Commonwealth's policies and practices related to supported decision-making and informed choice to the policies and practices used in other jurisdictions; and (iii) after consultation with The Arc of Virginia, Voices of Virginia, the Autism Society, the Down Syndrome Association, the Jenny Hatch Justice Project, and other stakeholders, recommend strategies to improve the use of supported decision-making in the Commonwealth and ensure that individuals with intellectual and developmental disabilities are consistently informed about and receive the opportunity to participate in their important life decisions.

All agencies of the Commonwealth shall provide assistance to the Secretary of Health and Human Resources for this study, upon request.

The Secretary of Health and Human Resources shall complete this study by November 30, 2014, and shall submit to the Governor and the General Assembly an executive summary and a report of his findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2015 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 191

Commending Brian Will.

Agreed to by the House of Delegates, January 24, 2014

Agreed to by the Senate, January 30, 2014

WHEREAS, Brian Will, a senior at Deep Run High School in Glen Allen, was named the 2013-2014 national president of Family, Career and Community Leaders of America; and

WHEREAS, the Family, Career and Community Leaders of America (FCCLA) program is for young people studying family and consumer sciences; its mission is to promote personal growth and leadership development with the family as its central focus; and

WHEREAS, as the leader of an organization that has more than 200,000 members in 6,500 chapters across the United States, Brian Will oversees the work of local chapters; they focus on issues facing young people, such as parenting, family relationships, peer pressure, environmental stewardship, and many other concerns; and

WHEREAS, Brian Will, who is the first president from Virginia since 1994, has been involved with FCCLA since he was in the seventh grade; during his high school years, membership in the local chapter increased from 30 to more than 100 people; and

WHEREAS, Brian Will, as national president, will help set policies and decide on the future direction of the group; he also will travel around the country leading workshops and giving speeches; and

WHEREAS, the skills and talents that FCCLA promotes are applicable throughout a person's lifetime, and Brian Will's goals as president include encouraging members to develop good time management, budgeting, planning, and public speaking skills; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Brian Will of Deep Run High School, one of the Commonwealth's outstanding young leaders, for being named 2013-2014 president of Family, Career and Community Leaders of America; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brian Will as an expression of the General Assembly's congratulations and admiration for his outstanding achievement.

HOUSE JOINT RESOLUTION NO. 192

Celebrating the life of Susan Dewar Zajac.

Agreed to by the House of Delegates, January 24, 2014

Agreed to by the Senate, January 30, 2014

WHEREAS, Susan Dewar Zajac, a devoted educator and longtime Arlington County resident, died on June 7, 2013; and
WHEREAS, Susan Zajac earned a bachelor's degree from the University of Massachusetts, Amherst, and a master's degree from Virginia Polytechnic Institute and State University; and

WHEREAS, Susan Zajac had a passion for education and was a member of the Delta Kappa Gamma Society International, a professional honorary society for women educators; and

WHEREAS, diligently serving the community for over 30 years, Susan Zajac began her career in the Arlington County Public School System as a volunteer coordinator and retired as a teacher at Swanson Middle School; and

WHEREAS, Susan Zajac was an integral part of the Arlington community; she was an active member of the National Education Association, the Arlington Retired Teachers Association, the American Association of University Women, the Arlington Committee of 100, and the Creative Problem Solving Institute; and

WHEREAS, Susan Zajac enjoyed fellowship and worship with the community at Arlington Forest United Methodist Church; and

WHEREAS, predeceased by her loving husband, Leo, Susan Zajac will be fondly remembered and greatly missed by her children, Andrea and Kim, and their families, and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Susan Dewar Zajac, a beloved educator and active member of the Arlington County Community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Susan Dewar Zajac as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 193

Celebrating the life of David William Spanka.

Agreed to by the House of Delegates, January 24, 2014

Agreed to by the Senate, January 30, 2014

WHEREAS, David William Spanka of Suffolk, a proud military veteran and forceful advocate for disabled veterans who own small businesses, died on July 4, 2013; and

WHEREAS, David "Dave" Spanka was born in Honolulu and joined the United States Navy in 1980; he became a chief petty officer in 1989 and was commissioned as a nuclear power limited duty officer in 1991; and

WHEREAS, having more than two decades of active duty service to his country, Dave Spanka had many varied assignments; he was on submarine duty during the Cold War and also served in the Gulf War and Kosovo War campaigns, receiving many awards and medals, including the Navy Commendation Medal; and

WHEREAS, after Dave Spanka retired from active duty with the rank of lieutenant commander, he earned a bachelor of science degree from Norfolk State University and subsequently entered the business world; and

WHEREAS, Dave Spanka helped start the Phoenix Group of Virginia, a service-disabled veteran-owned small business that focuses on providing consulting services to government agencies; he was senior vice president and director of business development; and

WHEREAS, Dave Spanka was a founding member of the Service-Disabled Veteran-Owned Small Business (SDVOSB) Council, serving as president since its inception; the council offers support and advice on procuring government business contracts to small businesses owned by disabled veterans; and

WHEREAS, the SDVOSB Council has established the Dave Spanka Leadership Award in his memory; the award will be presented annually to a person who has made significant and lasting contributions to service-disabled and veteran-owned businesses; and

WHEREAS, Dave Spanka will be greatly missed and fondly remembered by his wife, Catherine; his children, Shannon, Caitlyn, and Allison, and their families; and many other family members, friends, fellow service members, and business associates; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of David William Spanka, who selflessly served his country, the Commonwealth, and his fellow veterans; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of David William Spanka as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 194

Commending the Honorable James C. Godwin.

Agreed to by the House of Delegates, January 24, 2014

Agreed to by the Senate, January 30, 2014

WHEREAS, the Honorable James C. Godwin, a retired judge of the 5th Judicial Circuit of Virginia, ably served the Commonwealth for almost 51 years; and

WHEREAS, James Godwin graduated from Suffolk High School in 1945 and joined many of the other young men of his generation by serving in the United States Navy during World War II; and

WHEREAS, James Godwin went on to earn a bachelor's degree from Randolph-Macon College and a law degree from Washington and Lee University; he then served the community through his successful private practice, Godwin, Godwin & Glasscock; and

WHEREAS, in 1962, James Godwin became one of the youngest judges in the Commonwealth after he was appointed to fill a vacancy in what is now the 5th Judicial Circuit Court; widely respected by his peers, the local bar association expressed unanimous support for James Godwin's appointment to the court; and

WHEREAS, as the only judge in the circuit for many years, Judge Godwin displayed exceptional dedication, often traveling hundreds of miles in a week to commute between courts in the Counties of Southampton and Isle of Wight and the Cities of Suffolk and Chesapeake; and

WHEREAS, Judge Godwin further served the community by helping to set up the Nansemond Police Commission and guiding the creation of the city's police department in the 1970s; and

WHEREAS, known for both patience and firmness, Judge Godwin presided with great fairness and wisdom until his retirement in 1992; and

WHEREAS, prior to his judgeship, James Godwin worked to better the area as a member of many civic and service organizations; and

WHEREAS, for over 30 years, James Godwin has played an integral role in supporting the restoration of St. Luke's Church in Smithfield; James Godwin served on the board of directors as president of Historic St. Luke's Restoration, Inc., from 1986 to 2002, and he continues to serve as a board member to this day; and

WHEREAS, a highly respected and admired public official, Judge Godwin served the community, the Commonwealth, and the nation with great distinction; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Honorable James C. Godwin for his decades of service to the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable James C. Godwin as an expression of the General Assembly's admiration for his dedication, wisdom, and integrity.

HOUSE JOINT RESOLUTION NO. 195

Celebrating the life of Virginia Tabb Joyner.

Agreed to by the House of Delegates, January 24, 2014

Agreed to by the Senate, January 30, 2014

WHEREAS, Virginia Tabb Joyner was born on January 21, 1922, in Richmond, and passed away on January 14, 2014; and

WHEREAS, educated in the Richmond Public Schools, Virginia Tabb Joyner lovingly served as a caregiver for her mother and other relatives before beginning her employment with a local tobacco company in Richmond; and

WHEREAS, in 1958, Virginia Tabb Joyner began her long career with the Miller & Rhoads department store in downtown Richmond, where she was employed as a maid; however, she worked her way up to become one of the store's first African American sales clerks; and

WHEREAS, although Virginia Tabb Joyner retired from Miller & Rhoads in the mid-1980s, she remained active in the store's retirees group for many years; and

WHEREAS, Virginia Tabb Joyner, together with her beloved husband, Carl H. Joyner, was a tireless community activist and a lifetime member of the Richmond Chapter of the National Association for the Advancement of Colored People; and

WHEREAS, Virginia Tabb Joyner was spiritually anchored at Thirty-first Street Baptist Church in Richmond, where she was immersed in many ministries, especially the Ladies Usher Board, which occupied a place of affection in her heart; she loved assuming her post on the doors of the church on Sundays and regularly volunteered to usher for funerals; and

WHEREAS, Virginia Tabb Joyner also served God and her church family through her gift of hospitality, frequently baking cakes for new and other church family members, and her work in the church's Nutrition Center; and

WHEREAS, Virginia Tabb Joyner was a kind and loving woman who will be sorely missed by her family, church family, friends, and neighbors, and her memory will always be treasured; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Virginia Tabb Joyner; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Virginia Tabb Joyner as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 196

Directing the Commission on Youth to study the use of federal, state, and local funds for the public and private educational placements of students with disabilities. Report.

Agreed to by the House of Delegates, February 5, 2014

Agreed to by the Senate, February 25, 2014

WHEREAS, the Individuals with Disabilities Education Act (IDEA) guarantees a free appropriate public education to all eligible children with disabilities, including identification and referral, evaluation, determination of eligibility, development of an individualized education program (IEP) and determination of services, and reevaluation; and

WHEREAS, "special education" means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including instruction conducted in a classroom, in the home, in hospitals, in institutions, and in other settings and instruction in physical education; and

WHEREAS, IDEA requires that students be provided special education services in the least restrictive environment; and

WHEREAS, the Comprehensive Services Act for At-Risk Youth and Families (CSA), enacted in 1993, establishes a single state pool of funds to purchase services for at-risk youth and their families; these state funds, combined with local community funds, are managed by local interagency teams who plan and oversee services to youth; and

WHEREAS, CSA-established funds may be used to provide services for at-risk youth and their families, including private day school and residential placements for the purposes of special education; and

WHEREAS, Medicaid funds may support private residential placements made for the purposes of special education; and

WHEREAS, state general funds support special education services in public school settings; and

WHEREAS, the mission of the office of CSA is to create a collaborative system of services and funding that is child-centered, family-focused, and community-based when addressing the strengths and needs of troubled and at-risk youth and their families in the Commonwealth; and

WHEREAS, the State Executive Council for CSA should maintain high standards for sound fiscal accountability and the responsible use of taxpayer funds; and

WHEREAS, the General Assembly seeks to ensure that students in the Commonwealth are not unnecessarily segregated from nondisabled students, including those receiving educational services in private day and private residential schools or facilities; and

WHEREAS, it is important that students in the Commonwealth be provided the opportunity to receive integrated, supported services that enable them to interact with nondisabled students to the fullest extent possible; and

WHEREAS, a comprehensive review of the use of state funds for the aforementioned purposes may help to ensure that the Commonwealth's funds are being used efficiently and ensure the provision of special education services to students in the most integrated settings possible; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Commission on Youth be directed to study the use of federal, state, and local funds for the public and private educational placements of students with disabilities.

In conducting its study, the Commission on Youth shall (i) examine the use of CSA and Medicaid funds for private day and private residential special education placements; (ii) gather local and statewide data on the extent to which youth are placed in settings that are segregated from nondisabled students; (iii) determine the feasibility and cost-effectiveness of more integrated alternatives to provide special education services to students including, but not limited to, those students with intellectual and developmental disabilities currently in segregated settings in the Commonwealth; and (iv) consider any other matters as it deems appropriate to meet the objectives of this study.

All agencies of the Commonwealth shall provide assistance to the Commission on Youth for this study, upon request.

The Commission on Youth shall complete its meetings for the first year by November 30, 2014, and for the second year by November 30, 2015, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the Commission on Youth intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 197

Recognizing the Honorable Lacey Edward Putney, longest-serving member of the Virginia General Assembly.

Agreed to by the House of Delegates, January 24, 2014

Agreed to by the Senate, February 11, 2014

WHEREAS, the Honorable Lacey Edward Putney was born on June 27, 1928, in Big Island in Bedford County, graduated from M.E. High School, and earned his undergraduate and law degrees from Washington and Lee University, where he was a baseball star and where his classmates included Senator John W. Warner, Roger Mudd, Marion Gordon "Pat" Robertson, and Thomas Wolfe; and

WHEREAS, the Honorable Lacey Edward Putney rendered honorable and valiant service to his country as a member of the United States Air Force from 1950 to 1954; he then started his own law practice in Bedford County, and for over 50 years he gave expert legal advice and service to his clients; and

WHEREAS, in 1961, he stood for elected office for the first time, running successfully for the Virginia House of Delegates; during that time, "the price of gas was 31 cents per gallon; first-class postage stamps sold for 4 cents; the Dow Jones hit a high of 734; and 183 million people made the United States home"; and

WHEREAS, after refusing to sign a loyalty oath to his party in good conscience, the Honorable Lacey Edward Putney ran for reelection in 1967 and won as an independent, and he remained an independent throughout the rest of his political career; and

WHEREAS, the Honorable Lacey Edward Putney has witnessed many changes in his more than 50-year career as a state legislator and has played a pivotal role in the passage of numerous important legislative initiatives to benefit the people of Virginia; he was instrumental in the creation of the Virginia Tuition Grant Program, encouraged the use of a six-year capital outlay planning process to help maintain the Commonwealth's coveted Triple A credit rating, and, as the guardian of the Virginia Retirement System, he championed pension reform in the 1990s; and

WHEREAS, he has served the General Assembly diligently and selflessly as a member of several committees, where he shared his vast knowledge of state government, efficient and effective state government, fiscal stewardship, and insight into the legislative process; he served as a member of the House Committees on Rules and on Privileges and Elections, as chairman of the powerful House Committee on Appropriations, and on the Joint Legislative Audit and Review Commission; the Honorable Lacey Edward Putney led the Virginia House of Delegates with vision and a calm steady hand as Acting Speaker from June 2002 to January 2003; and

WHEREAS, the Honorable Lacey Edward Putney has shared himself with the citizens of the 19th House District, serving them and the Commonwealth with distinction and unwavering commitment for more than 50 years; and

WHEREAS, on April 3, 2013, after serving 26 consecutive terms in the Virginia House of Delegates, a number currently unmatched by any of his legislative counterparts around the country, the Honorable Lacey Edward Putney announced his retirement in a stirring floor statement to his colleagues; and

WHEREAS, on August 20, 2013, at Richmond CenterStage, the Honorable Lacey Edward Putney was honored by nine Virginia Governors on the occasion of his retirement after 52 years of distinguished service to the Commonwealth as a member of the Virginia General Assembly, and he was characterized at the illustrious gathering as "a legislator from central casting, a melding of courtesy, judgment, and principle"; and

WHEREAS, a visionary leader and man without peer, the Honorable Lacey Edward Putney's name and deeds highlighting his distinguished service will be recorded in the annals of the Virginia General Assembly, and he will be forever remembered by his colleagues and constituents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Honorable Lacey Edward Putney, longest-serving member of the Virginia General Assembly, be recognized on his retirement after more than 50 years of faithful and illustrious service to the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Lacey Edward Putney as an expression of the General Assembly's adoration and profound appreciation for his extraordinary service and contributions to the people of the 19th House District and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 198

Celebrating the life of Johnny William Cain.

Agreed to by the House of Delegates, January 23, 2014

Agreed to by the Senate, January 24, 2014

WHEREAS, Johnny William Cain, a native son of Greensville County and the fifth of seven children, was born to Jonah Forrest and Alberta Adams Cain on July 9, 1929, and was called to eternal rest on January 17, 2014; and

WHEREAS, Johnny William Cain, a devoted husband and loving father to his six children, was a farmer, logger, and mechanic; he retired from Franklin Braid Manufacturing Company after 15 years of service; and

WHEREAS, Johnny William Cain was an exceptional man who was considered a skilled handyman and jack-of-all-trades; he was unrivaled in his dedication to his family, church, and friends; and

WHEREAS, Johnny William Cain nurtured, inspired, and encouraged his children to embrace his practical and enduring lessons of life, which would support and sustain them during their adult years; and

WHEREAS, Johnny William Cain was an active resident of his Independence Church Road community and an enthusiastic and committed congregant of the Rocky Mount Baptist Church, where he accepted Jesus Christ as his personal Savior and was baptized as a youth, and where he and his family were longtime members and attended regularly; and

WHEREAS, Johnny William Cain served as a member of the Rocky Mount Baptist Church Board of Trustees and as the church sexton and treasurer, and he was the first president of the church's senior choir; and

WHEREAS, Johnny William Cain, a kind, generous, and spiritual man, enjoyed helping others and caring for his church; he was gracious and hospitable to everyone who visited his home; and

WHEREAS, the memory of Johnny William Cain will be cherished by his loved ones, and he will be truly missed by all who knew him; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Johnny William Cain; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Johnny William Cain as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 199

Commending Longwood University.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, Longwood University in Farmville celebrates its 175th anniversary in 2014; the third-oldest public university in the Commonwealth was founded in 1839 and became a state institution in 1884; and

WHEREAS, Longwood University has served the Commonwealth as a private college, normal school, state teachers college, and college for women; it graduated its first fully enrolled male student in 1976 and became a full-fledged university in 2002; and

WHEREAS, a strong tradition of comprehensive education and professional preparation of "citizen leaders" has made Longwood University a vital force in the education of the citizens of the Commonwealth, where more than 78 percent of its graduates live, work, and volunteer; and

WHEREAS, Longwood University alumni from each of the institution's five colleges—Cook-Cole College of Arts and Sciences, College of Business and Economics, College of Education and Human Services, College of Graduate and Professional Services, and Cormier Honors College—have become respected leaders in the public and private sectors as professional educators, nurses, scientists, historians, doctors, lawyers, social workers, entrepreneurs, cyber security professionals, artists, physical therapists, computer scientists, sociologists, business leaders, speech language pathologists, and numerous other careers; and

WHEREAS, a firm commitment to student development has made Longwood University a nationally recognized innovator in the design and implementation of programs to promote student growth; and

WHEREAS, Longwood University has been a cultural beacon, enriching Southside Virginia with music and the arts not only from the Farmville campus but also from off-site locations in Emporia and Martinsville, as well as offering numerous online and blended-learning programs; and

WHEREAS, Longwood University teams compete successfully in NCAA Division I athletics, joining the Big South Conference in 2012 and winning a conference championship in the university's first year as a full member; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Longwood University on the occasion of its 175th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to W. Taylor Reveley IV, president of Longwood University, as an expression of the General Assembly's congratulations and admiration for 175 years of continuous service to the Commonwealth and its mission to develop citizen leaders who are prepared to make positive contributions to the common good of society.

HOUSE JOINT RESOLUTION NO. 200

Commending the Atlee High School girls' volleyball team.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, the Atlee High School girls' volleyball team exhibited strength and perseverance by winning the Virginia High School League Group 5A state volleyball championship in November 2013; and

WHEREAS, in a five-set thriller, the Atlee High School Lady Raiders captured their first ever state championship by defeating Stone Bridge High School; and

WHEREAS, trailing two sets to one, the Lady Raiders tied the game in the fourth set, winning by a score of 25-23 after a net strike by Stone Bridge; and

WHEREAS, after numerous lead changes in the fifth set, the Lady Raiders spiked the ball on the Bulldogs side of the court, winning the final set 15-13 to claim their first state championship; and

WHEREAS, the Lady Raiders were ably led by head coach Curtis Carpenter and athletic trainer Sally Marks; and

WHEREAS, each athlete—Kylah Blackmore, Zaliah Carey, Emily Colombo, Madeline French, Rileigh Glasgow, Molly Jarvis, Emalee Martin, Melanie Snyder, Lauren Stanford, Rachel Stanford, Erin Swierczewski, Clarke Tyler, Miranda Westbrook, and Madison Whitehurst—contributed immensely to the victory; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Atlee High School girls' volleyball team for winning the Virginia High School League Group 5A state volleyball championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Curtis Carpenter, head coach of the Atlee High School girls' volleyball team, as an expression of the General Assembly's admiration for the team's skill and determination.

HOUSE JOINT RESOLUTION NO. 201

Commending the Beaches to Bluegrass Trail initiative.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, the Beaches to Bluegrass Trail initiative, created by the Greenways and Trails Task Force, is one of five programs to establish new statewide trails for the enjoyment of the citizens of the Commonwealth; and

WHEREAS, the Beaches to Bluegrass Trail concept traverses southern Virginia from the Cumberland Gap to the Chesapeake Bay, bringing unique opportunities for economic development, tourism, and recreation to a significant portion of the Commonwealth; and

WHEREAS, linking existing and proposed trails and support resources, the Beaches to Bluegrass Trail will create a diversified trail system, attracting a significant variety and number of visitors from all over the East Coast to southern Virginia, while serving the daily recreational and alternative transportation needs of the communities from the mountains and the sea; and

WHEREAS, the Beaches to Bluegrass Trail will expose visitors to diverse, spectacular natural scenery, including mountain peaks, river views on both sides of the eastern continental divide, vistas of the Blue Ridge across the Piedmont, mountain meadows, old forests, small streams, black water swamps, tidal marshes, and sandy beaches; and

WHEREAS, the Beaches to Bluegrass Trail will traverse the historical agricultural and industrial regions that were the base of Virginia's formative economy, traveling along the river and rail corridors that supported that economy; and

WHEREAS, local communities will be able to determine how best to offer access to the Beaches to Bluegrass Trail throughout the five conceptual trail segments: the mountains, the western Piedmont, the Tobacco Heritage Trail crossing of the eastern Piedmont, the coastal plain, and the Tidewater; and

WHEREAS, local control of trail development will allow each trail section sponsor to tailor its section of the Beaches to Bluegrass Trail to its citizens' and visitors' needs by creating on-trail bicycling, equestrian, or pedestrian paths or using existing paved roads; and

WHEREAS, the Beaches to Bluegrass Trail will offer outdoor recreational opportunities, including walking paths on all trail sections, which the Virginia Department of Conservation and Recreation has determined to be of high public interest and which can improve the physical health of the citizens of southern Virginia; and

WHEREAS, the Virginia Department of Conservation and Recreation, in cooperation with the Virginia Tourism Corporation and the Virginia Department of Transportation, commissioned a corridor study in 2013 on the proposed Beaches to Bluegrass route through southern Virginia; and

WHEREAS, the Beaches to Bluegrass Trail concept utilizes former railroad corridors through southern Virginia because so many abandoned lines follow an east-west course, more of which pass through expanses of undeveloped, rural land than along any other potential statewide corridor; the corridors also provide an easy grade and substantial bed for trail development; and

WHEREAS, a majority of localities along the Beaches to Bluegrass Trail have identified practical routes of current, existing roads braided with current and potential trails; however, in a few rural locations, the combination of remote potential rights of way, concerns over trail user safety, possible conflict with adjacent land uses, and a lack of prospects for support facilities has limited local community support, making the need for regional input on alternate routing essential; and

WHEREAS, in a few urban locations, local officials have not yet confirmed support for the optimum routes for the Beaches to Bluegrass Trail, which would allow the best access to current or future intermodal transportation nodes and commercial support facilities; and

WHEREAS, cooperation among local governments, regional planning organizations, local and regional economic development organizations, the Virginia Department of Conservation and Recreation, and other agencies of the Commonwealth will ensure the best outcomes for route location and development that will enhance outdoor recreational opportunities, citizen health and wellness, transportation connectivity, and business development opportunities for trail user services, such as food, lodging, equestrian support, and equipment maintenance services; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Beaches to Bluegrass Trail initiative; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Greenways and Trails Task Force, as an expression of the General Assembly's admiration for the potential economic, recreational, and health benefits of the Beaches to Bluegrass Trail initiative.

HOUSE JOINT RESOLUTION NO. 202

Commending Lakeside Construction Corporation.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, Lakeside Construction Corporation, a land development and contracting company, celebrates 60 years of service to the Hampton Roads community in 2014; and

WHEREAS, upon his return from World War II, Woodrow W. Reasor envisioned developing homes on the land adjoining the lakes that were formed for the new interstate expressways; and

WHEREAS, in 1954, E. V. Williams, owner of a major road building company, and Woodrow Reasor co-founded Lakeside Construction Corporation; and

WHEREAS, after purchasing the controlling interest in the company stock in 1970, Woodrow Reasor served as president of Lakeside Construction Corporation for 15 years and the chief executive officer for 28 years; and

WHEREAS, in 1985, Eric C. Anderson was elected president of Lakeside, a capacity in which he still serves to this day; and

WHEREAS, Lucy Reasor succeeded her husband as CEO in 1998 and became the chair of the board; under her steady leadership, Lakeside Construction Corporation has flourished and continues to be a positive force in Hampton Roads; and

WHEREAS, responsible for numerous developments enjoyed by members of the community, including Diamond Lake Estates and Avalon Hills, Lakeside Construction Corporation's latest development, the Red Mill Commons and the Red Mill Walk shopping centers, are consistently voted "Best of the Best of the Beach" by the *Virginian Pilot*; and

WHEREAS, for over six decades, Lakeside Construction Corporation has played a pivotal role in the responsible development of Hampton Roads; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Lakeside Construction Corporation on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Eric C. Anderson, president of Lakeside Construction Corporation, as an expression of the General Assembly's respect and admiration for the company's years of dedicated service to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 203

Commending Deb Boykin.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, Deb Boykin, The College of William and Mary's associate vice president for student affairs and director of campus living, was honored for her years of dedicated service by the Virginia Association of College and University Housing Officers when the organization renamed their highest honor the Deb Boykin Outstanding Professional Award in 2013; and

WHEREAS, the Virginia Association of College and University Housing Officers (VACUHO) Outstanding Professional Award honors individuals who demonstrate exceptional leadership in the areas of implementation of creative programs; supervision and development of staff; teaching and research; mentoring of new professionals; and professional involvement in appropriate regional, state, and national organizations; and

WHEREAS, Deb Boykin has displayed exceptional leadership in all of these areas during her 34 years of service to William and Mary's residence life program, where she has served as the director since 1993; she has served as a mentor and role model to countless students; and

WHEREAS, by emphasizing the importance of living on campus, Deb Boykin has been able to give her students a more rounded college experience, in which students' grades and graduation rates are higher and they are more likely to be connected with resources and faculty members, which will help with career opportunities after graduation; and

WHEREAS, having held a multitude of positions within the college and university housing profession, Deb Boykin served as president of both VACUHO in 1994 and the Southeastern Association of Housing Officers from 2003 to 2004; and

WHEREAS, VACUHO honored Deb Boykin with the Outstanding Professional Award in 2004 before the award bore her name; and

WHEREAS, Deb Boykin has received the unique honor of being able to attend the conference where her namesake award will be given to a worthy college and university housing professional; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Deb Boykin, a dedicated college and university housing professional, for having the Outstanding Professional Award named in her honor; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Deb Boykin as an expression of the General Assembly's respect and admiration for her many years of service.

HOUSE JOINT RESOLUTION NO. 204

Commending the Augusta County Historical Society.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, on May 7, 1964, the Augusta County Historical Society was formally organized with a constitution, bylaws, and the election of officers and a board; and

WHEREAS, the Augusta County Historical Society (Society) was formed in order to recognize, celebrate, study, and preserve the unparalleled history and heritage of Augusta County, its county seat of Staunton, the City of Waynesboro, and all the other villages and communities within Augusta County; and

WHEREAS, Augusta County, named after the then Princess of Wales and created in 1738 out of Orange County, once stretched west to the Mississippi River and north to the Great Lakes, encompassed all or parts of eight states besides Virginia, and included the future city of Pittsburgh; and

WHEREAS, in 1745, the population of Augusta had increased enough to be able to elect a sheriff and form its own government; and

WHEREAS, henceforth, the region has had significant influence in every period of American history, from the settling of the frontier to the 21st century; and

WHEREAS, it was in recognition of these facts, and faced with the possibility that such an extraordinary history might be lost, that a group of civic leaders, local historians, genealogists, and preservationists started meeting in February of 1964 to organize the Society; and

WHEREAS, that group subsequently elected Dr. Richard P. Bell III to lead the Society as its first president, Harry L. Nash, Jr., as vice president, William Huffman as treasurer, Elizabeth H. Perry as recording secretary, Mary Armistead as corresponding secretary, Dr. Howard M. Wilson as archivist, and Dr. Patricia Menk as associate archivist; they also elected founding board members Fitzhugh Elder, Jr., Beirne J. Kerr, Dr. Herbert S. Turner, Ann Loth, Dr. Samuel R. Spencer, Jr., and Dr. Marshall Brice; and

WHEREAS, since 1965, the Society has published a scholarly journal, first semiannually and now annually, highlighting various topics of area history; published approximately a dozen books; and produced a quarterly newsletter since 1994; and

WHEREAS, the Society also hosts a spring and fall meeting, an annual banquet, and various other events promoting area history; and

WHEREAS, since its inception, the Society has collected and preserved in perpetuity archival materials, photographs, and artifacts relating to the area's heritage, including a 1797 Augusta County surveyor's compass appropriately symbolizing Augusta's role in opening the American frontier; and

WHEREAS, in 2007, the Society moved into the R. R. Smith Center for History and Art, a 19th century railroad hotel that they helped restore and co-own with the Historic Staunton Foundation and the Staunton-Augusta Art Center; and

WHEREAS, the Society space in the Smith Center includes a research library, climate-controlled archival rooms, offices, and an exhibit gallery where visitors from all over the country come to research history and genealogy; and

WHEREAS, during the last 50 years, the Society has promoted the expansion of historical knowledge with the erection of at least a half dozen historic highway markers and began custodial care of the historic Glebe Cemetery in 1971; and

WHEREAS, the Society looks forward to spending another 50 years continuing its work of "Preserving the Past for the Future"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Augusta County Historical Society on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Augusta County Historical Society Board of Directors as an expression of the General Assembly's respect and admiration for its years of dedicated service to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 206

Commending Thomas Oesterheld.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, Thomas Oesterheld, who has admirably served the citizens of Spotsylvania County as a member of the Spotsylvania Volunteer Fire Department, retired in 2013 after 57 years of service; and

WHEREAS, Thomas Oesterheld joined the Spotsylvania Volunteer Fire Department in 1956 when he turned 18 and became chief of the department in 1964; at that time, he was the youngest volunteer fire chief in the Commonwealth; and

WHEREAS, in Thomas Oesterheld's first years with the department—when Spotsylvania was a largely rural jurisdiction—firefighters might respond to a dozen or fewer calls a month; today, there are more than 15,000 calls per year for emergency assistance; and

WHEREAS, as fire chief, Thomas Oesterheld oversaw three volunteer fire stations which today have 135 active members; throughout his tenure, he strongly supported efforts to acquire and maintain the best equipment possible; and

WHEREAS, Thomas Oesterheld faced danger daily in his work to protect the lives and property of the residents of Spotsylvania County; as the county's population grew, he urged professional firefighters to join the fire department to work in tandem with the volunteers; and

WHEREAS, throughout his time with the Spotsylvania Volunteer Fire Department, Thomas Oesterheld promoted the use of state-of-the-art technology and communications to enable firefighters to make quicker and better responses to emergencies; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Thomas Oesterheld, an esteemed public servant, for his 57 years of service on the Spotsylvania Volunteer Fire Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Thomas Oesterheld as an expression of the General Assembly's respect and admiration for his tireless and diligent efforts to protect the citizens of Spotsylvania County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 207

Celebrating the life of Mary Belvin Turner.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, Mary Belvin Turner of Franklin, a devoted wife and mother, a dedicated employee, and a loyal friend, died on December 1, 2013; and

WHEREAS, Mary "Lucille" Turner, who was a native of Gloucester County, was an Avon representative for 50 years, and during that time she became a friend and confidante to many of her customers; they appreciated and benefited from her loyalty and compassion; and

WHEREAS, a strong desire to help others, especially those who were less fortunate, was evident in Lucille Turner's compassionate work as an advocate for people living with disabilities; and

WHEREAS, a longtime volunteer at the Endependence Center, Inc., in Norfolk, Lucille Turner spent many hours at the independent living center, providing assistance and care to its clients; she is best known for her tireless advocacy and service on behalf of her son, Edmond, who was a peer counselor at the Endependence Center; and

WHEREAS, a woman of great faith, Lucille Turner was a longtime member of Centenary United Methodist Church; when she moved to Franklin, she enjoyed fellowship and worship at High Street United Methodist Church; and

WHEREAS, predeceased by her husband, George, Lucille Turner will be greatly missed and fondly remembered by her sons, Edmond and Lynn, and their families, and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Mary Belvin Turner, a devoted mother and friend, dedicated public servant, and generous volunteer; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Mary Belvin Turner as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 208

Celebrating the life of the Honorable Eleanor Spence Dobson.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, the Honorable Eleanor Spence Dobson, a retired chief judge of the 17th Judicial District of Virginia, died on September 18, 2013; and

WHEREAS, a native of New York, Eleanor Dobson moved to Arlington County and graduated from Washington and Lee High School in 1944; and

WHEREAS, in 1948, Eleanor Dobson graduated from Mount Holyoke College in South Hadley, Massachusetts, with a bachelor's degree; and

WHEREAS, Eleanor Dobson earned a law degree from The College of William and Mary in 1974, then returned to Arlington County to begin practicing law; and

WHEREAS, in 1982, Eleanor Dobson made history by becoming the first female judge in Arlington County; and

WHEREAS, Judge Dobson was appointed to the Arlington General District Court of the 17th Judicial District of Virginia; and

WHEREAS, Judge Dobson presided with great fairness and wisdom, eventually becoming the chief judge; and

WHEREAS, Judge Dobson continued to diligently and faithfully serve the Commonwealth until her retirement in 1997; and

WHEREAS, a woman of great integrity, Judge Dobson served the Arlington County community and the Commonwealth with great distinction; and

WHEREAS, predeceased by her loving husband of 47 years, William, Eleanor Dobson will be fondly remembered and greatly missed by her children, David, Donald, Anne, and William, and their families, and many other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a respected and admired public servant, the Honorable Eleanor Spence Dobson; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Eleanor Spence Dobson as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 209

Commending Samuel H. Blackburn.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, Samuel H. Blackburn, an able and dedicated public servant who served the Town of Glasgow for nearly 50 years, retired as the mayor of Glasgow in December 2013; and

WHEREAS, dedicated to the well-being of his fellow Glasgow residents, Samuel Blackburn ran for and was first elected to the Glasgow Town Council in 1965, and he diligently served the community in this capacity for many years; and

WHEREAS, appointed mayor in 1981, Samuel Blackburn proved to be an outstanding leader; he guided the community through several flood disasters and wisely initiated a flood mitigation project to protect his fellow residents from future events; and

WHEREAS, Mayor Blackburn later joined the steering committee of Shenandoah Valley Project Impact, the region's disaster preparedness and education program, sharing his experience to ensure that other communities in the region are prepared and protected; and

WHEREAS, Mayor Blackburn also helped create the Central Shenandoah Valley Regional All Hazards Mitigation Plan and provided leadership and expertise to the Rockbridge County Industrial Development Authority, the Rockbridge County Building Code Board of Appeals, and the Rockbridge County Regional Jail Commission; and

WHEREAS, Mayor Blackburn further serves the community by donating his time and talents to the Glasgow Life Saving and First Aid Crew and the Glasgow Ruritan Club, and he is a trustee at Glasgow Baptist Church; and

WHEREAS, Samuel Blackburn will spend his well-earned retirement with his wife of 56 years, Helen, and his daughter, Sandra; and

WHEREAS, with a lifetime of service, Samuel Blackburn leaves a legacy of excellence to future leaders of the Town of Glasgow and the region; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Samuel H. Blackburn, a hardworking and respected public servant, on the occasion of his retirement as mayor of the Town of Glasgow; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Samuel H. Blackburn as an expression of the General Assembly's admiration for his exceptional dedication to the betterment of the Glasgow community and best wishes on a happy retirement.

HOUSE JOINT RESOLUTION NO. 210*Commending CodeVA.*

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, CodeVA, a nonprofit organization based in Richmond, has achieved great success in promoting access to computer science and computer programming education for students throughout the Commonwealth; and

WHEREAS, the Commonwealth stands among the world's leaders in high-tech industries such as aerospace development, computer and information technology, Internet support, software development, and banking; and

WHEREAS, the Commonwealth is equally committed to preparing a new generation of workers for these jobs by providing a high-quality public education and promoting the importance of science, technology, engineering, and mathematics (STEM) curriculums; and

WHEREAS, up to 70 percent of STEM-field jobs are, in fact, computer programming jobs, and the majority of the remaining 30 percent of STEM-field jobs require a robust understanding of computer programming concepts; and

WHEREAS, a strong foundation in computer science and computer programming concepts will be central to success in many jobs in the future, even those not necessarily considered STEM fields, such as communications or automobile maintenance; and

WHEREAS, only one in 10 of Virginia's public high schools currently offers classes in computer programming or computer science; in many cases, those classes remain available only to students who choose to take computer programming or computer science as electives; and

WHEREAS, by 2020, the United States Department of Labor and Statistics estimates there will be 1.4 million computer science jobs in the United States, but only about 400,000 trained and qualified workers available to fill those jobs; there are approximately 30,000 computer science jobs currently unfilled in the Commonwealth; and

WHEREAS, CodeVA is a leader in the computer science education field, promoting common-sense policies, training new computer programming teachers, and preparing parents and children for a future in which understanding computer programming and computer science concepts will lead to many prosperous opportunities; and

WHEREAS, among its many other accomplishments, CodeVA proudly helped launch the Hour of Code initiative in the Commonwealth in 2013; Hour of Code is a national program promoting the idea that students will benefit from the critical thinking skills developed by learning even the basics of computer programming; and

WHEREAS, CodeVA strives to ensure that every child in the Commonwealth has the opportunity to benefit from an education that includes computer programming and computer science; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend CodeVA, an outstanding nonprofit organization, for working to build a strong future for the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to CodeVA as an expression of the General Assembly's admiration for the organization's efforts to modernize public school offerings in computer science and computer programming.

HOUSE JOINT RESOLUTION NO. 211*Commending Robert F. Shuford, Sr.*

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, Robert F. Shuford, Sr., has been named by the Virginia Peninsula Chamber of Commerce as its 2013 Distinguished Citizen; and

WHEREAS, in 1965, Robert Shuford joined Old Point National Bank in Hampton as vice president; and

WHEREAS, as president, chief executive officer, and board chair, Robert Shuford grew the bank from only two locations in Hampton to 18 sites throughout Hampton Roads while increasing its assets from \$10 million to more than \$875 million; and

WHEREAS, Robert Shuford has made many contributions to the Hampton Roads area through his community service endeavors, generously giving of his time and talents to a number of organizations; and

WHEREAS, Robert Shuford served as the board president of the Peninsula Metropolitan YMCA from 1992 to 1994, and he helped the organization grow from two branches to 15; and

WHEREAS, Robert Shuford has led initiatives for the Hampton Roads Academy, Salvation Army, Hampton Police Memorial Project, Habitat for Humanity, and the Hampton History Museum, where he led the fundraising committee and raised \$5 million for the museum's opening in May 2003; and

WHEREAS, Robert Shuford has been a board member of Greater Peninsula NOW, Hampton Education Foundation, Hampton Roads Economic Development Alliance, and Hampton Roads Partnership; and

WHEREAS, Robert Shuford has provided strong leadership to a number of organizations, including St. John's Episcopal Church, Phoebus Civic Association, Peninsula Council for Workforce Development, Peninsula Salvation Army, Sentara Careplex Hospital, and the Thomas Nelson Community College Educational Foundation; and

WHEREAS, Robert Shuford has made many contributions to the well-being of the Hampton Roads area and its citizens through his dedicated community service; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Robert F. Shuford, Sr., on his selection as the 2013 Distinguished Citizen by the Virginia Peninsula Chamber of Commerce; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert F. Shuford, Sr., as an expression of the General Assembly's congratulations and admiration for his dedication to serving the community.

HOUSE JOINT RESOLUTION NO. 212

Commending Pete's Custom Auto Service.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, Pete's Custom Auto Service in Newport News will celebrate 50 years of outstanding service on February 8, 2014; and

WHEREAS, Pete's Custom Auto Service, one of the Commonwealth's successful small businesses, provides towing, automobile body work, and automobile parts; the company has a staff of 19 employees and 16 wrecker trucks; and

WHEREAS, five decades ago, Henry Medlin opened his automobile service company with just two employees and one tow truck; the business has grown and prospered in conjunction with Hampton Roads' burgeoning growth; and

WHEREAS, the red and yellow wrecker trucks of Pete's Custom Auto Service are a familiar sight throughout the region and are a welcome relief to motorists with disabled vehicles; Henry "Pete" Medlin and his sons have custom built all of the company's trucks; and

WHEREAS, Pete's Custom Auto Service is a family-run enterprise; Donnie and Gordon Medlin, sons of the owner, run the day-to-day operations, and Pete Medlin's wife, Joan, together with his daughters, Donna and Lorrie, are available to help when needed; and

WHEREAS, in 1986, Pete's Custom Auto Service expanded its business to include a separate entity, Pete's Used Auto Parts, and the firm prides itself on providing friendly and outstanding customer service; and

WHEREAS, Pete's Custom Auto Service is a strong supporter of community organizations, including the Boys & Girls Clubs of the Virginia Peninsula, the Virginia School for the Deaf and Blind, Habitat for Humanity Peninsula and Greater Williamsburg, the Jamestown-Yorktown Foundation, and many other nonprofit organizations; and

WHEREAS, in 2013, Pete Medlin of Pete's Custom Auto Service received the Order of Towman award for exemplary service, honoring tow truck drivers who risk their lives to save others; he is also a member of the International Towing & Recovery Hall of Fame; and

WHEREAS, Pete Medlin celebrates his 80th birthday in the company's 50th year of service; he continues to work at Pete's Custom Auto Service, helping in the shop and visiting with his many longtime friends and customers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Pete's Custom Auto Service for providing 50 years of outstanding assistance to the people of Newport News and Hampton Roads; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Pete's Custom Auto Service as an expression of the General Assembly's congratulations and admiration for its success and achievements.

HOUSE JOINT RESOLUTION NO. 213

Commending the Virginia Environmental Professionals' Organization.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, formed in 2013, the Virginia Environmental Professionals' Organization is devoted to providing the highest quality training and ensures communication of environmental information to environmental professionals throughout the Commonwealth; and

WHEREAS, the Virginia Environmental Professionals' Organization (VAEPO) has promoted the interest and welfare of local government environmental professional staff and promoted a closer, more informed relationship among those engaged in the daily delivery of environmental and conservation professional services to the public; and

WHEREAS, VAEPO has transmitted, in an organized and coordinated manner, to local and state government and other appropriate agencies the desires of VAEPO members on matters relating to codes and regulations governing the environment and conservation practices; and

WHEREAS, VAEPO strives to assist members in their training, technical work, and overall professional development; develops recommendations for code improvement; and communicates new laws, state codes, and interpretations pertaining to the administration of such codes and regulations to facilitate greater consistency among the various political jurisdictions represented by VAEPO members; and

WHEREAS, VAEPO cooperates with other professional groups and federal and state agencies by advancing training and professionalism in environmental law, administration, and enforcement practices; the organization also encourages and promotes improved communication among the public, governmental agencies, commercial and industrial contractors, and trade vendor businesses; and

WHEREAS, VAEPO encourages and promotes educated, consistent, and ethical administration and enforcement of all environmental laws for the benefit of public health, safety, and welfare for the people of Virginia; and

WHEREAS, state agencies are encouraged to fully cooperate with VAEPO as a critical partner in communicating rules, regulations, and changes of policy quickly and efficiently to VAEPO members; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Environmental Professionals' Organization; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Environmental Professionals' Organization as an expression of the General Assembly's admiration for the organization's dedication to providing the highest quality training and information for those engaged in the profession of environmental law administration and enforcement in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 214

Commending Garland W. Baird.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, Garland W. Baird, the president of Baird Pulpwood and Timber Sales, Inc., in Brodnax and a longtime member of the Brodnax Town Council, has dedicated his life to serving the citizens of Brunswick County; and

WHEREAS, upon his graduation from Fork Union Military Academy in 1954, Garland Baird and his father, George, opened a small retail store in Brodnax; and

WHEREAS, with 25 years of small business experience, Garland Baird started Baird Pulpwood and Timber Sales, Inc., serving the cattle, timber, and tree-farming sectors of the agricultural industry; and

WHEREAS, in 1986, Baird Pulpwood and Timber Sales, Inc., was presented the Virginia Department of Forestry's Outstanding Tree-Farming Award; and

WHEREAS, an active member in the community, Garland Baird served on the Brodnax Town Council for 28 years, as the director of First Virginia Banks-Colonial, Inc. (formerly Citizens Bank, Inc., and First Virginia Banks, Inc.), for 13 years until 1995, and as the mayor of Brodnax for 17 years until December 2013; and

WHEREAS, currently, Garland Baird is a representative on the board of directors for the Mecklenburg-Brunswick Regional Airport Commission, the Lake Country Area Agency on Aging Advisory Board, the Southside Planning District Commission Board, and the foundation board of Community Memorial Healthcenter; and

WHEREAS, a man of faith, Garland Baird is a member of the Brodnax United Methodist Church, where he is the chairman of both the administrative council and the finance committee, and is also a trustee; and

WHEREAS, reflected by his enduring commitment to the betterment of the community, Garland Baird takes pride in having the privilege to know and represent the people of Brunswick County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend a dedicated public servant and businessman, Garland W. Baird; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Garland W. Baird as an expression of the General Assembly's admiration and respect for his many years of service to Brunswick County.

HOUSE JOINT RESOLUTION NO. 215

Commending Charles Warren Falwell, Sr.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, Charles Warren Falwell, Sr., a dedicated civic leader, admirably served as a member of the Campbell County Board of Supervisors, representing the Timberlake District, from 2006 through 2013; and

WHEREAS, Charles Falwell, vice president and secretary of Falwell Corporation, a water supply and well-drilling company, brought a wealth of business knowledge and professional expertise in water and sewer issues to his work on the Board of Supervisors; and

WHEREAS, Charles Falwell focused on making sound decisions for Campbell County; he supported economic development efforts that provided much-needed capital investment and was involved in Campbell County's successful effort to join the Region 2000 Landfill Authority, which saved taxpayers millions of dollars; and

WHEREAS, recognizing that an increasing population requires adequate medical services, Charles Falwell helped establish Campbell County's first paid emergency medical staff, and he supported the purchase of county-owned ambulances; and

WHEREAS, Charles Falwell contributes his time and talents to many other organizations; he has been a member of the Virginia Board for Contractors, the Virginia Department of Health Advisory Committee for Private Well Regulation, the Virginia Water Well Association, and many other civic and business associations; and

WHEREAS, Charles Falwell contributed to positive change and growth in Campbell County during his eight years of service on the Board of Supervisors, working for the betterment of the county and its citizens; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Charles Warren Falwell, Sr., for his many years of service to the citizens of Campbell County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charles Warren Falwell, Sr., as an expression of the General Assembly's respect and admiration for his leadership and commitment to Campbell County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 216

Commending the Lloyd C. Bird High School football team.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, the Lloyd C. Bird High School football team claimed its second state title by defeating Briar Woods High School 35-28 to win the inaugural Virginia High School League Group 5A state football championship in 2013; and

WHEREAS, with this victory, the Lloyd C. Bird Skyhawks won consecutive football state championships, making them the first central Virginia high school to accomplish such a feat in 62 years; and

WHEREAS, the Lloyd C. Bird Skyhawks finished the season with a record of 15-0 to become the first team in school history to win 15 games in a single season; and

WHEREAS, the undefeated Lloyd C. Bird Skyhawks football team was extremely well balanced, led by quarterback Terrance Ervin, who passed for 2,065 yards and 27 touchdowns, and tailback Earl Hughes, who rushed for a school record 3,128 yards and 45 touchdowns; and

WHEREAS, Terrance Ervin became the first starting quarterback for Lloyd C. Bird High School to complete his career undefeated, with a perfect 29-0 record; and

WHEREAS, the Lloyd C. Bird Skyhawks defense was stronger than ever, allowing opponents an average of only 6.8 points per game; and

WHEREAS, a dedicated and caring coaching staff, led by head coach David Bedwell, and an extremely enthusiastic and supportive community contributed to the Lloyd C. Bird High School football team's success; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Lloyd C. Bird High School football team on winning the 2013 Virginia High School League Group 5A state football championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to David Bedwell, head coach of the Lloyd C. Bird High School football team, as an expression of the General Assembly's congratulations on an outstanding season.

HOUSE JOINT RESOLUTION NO. 217

Commending Vince Gilligan.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, Vince Gilligan, an acclaimed writer, director, and producer from the Richmond area, has left an indelible mark on the cultural landscape of the Commonwealth and the nation through his achievements in television and film; and

WHEREAS, raised in Farmville and Chesterfield County, Vince Gilligan showed a talent for filmmaking at an early age; using a set of borrowed Super 8 cameras, he and a friend filmed science-fiction movies, one of which earned him first place in a film competition at the University of Virginia; and

WHEREAS, already possessing a creative and vivid imagination, Vince Gilligan developed an appreciation for classic cinema and pursued a career in the arts, earning a scholarship to attend the renowned Interlochen Center for the Arts in Michigan; and

WHEREAS, after graduating from eighth grade at the center, Vince Gilligan returned to the Commonwealth and graduated from Lloyd C. Bird High School in 1985; he went on to earn a bachelor's degree from New York University; and

WHEREAS, while attending New York University, Vince Gilligan penned a screenplay for a film class, for which he won the Virginia Governor's Screenwriting Award in 1989; the screenplay was produced as the film *Home Fries* in 1998; and

WHEREAS, fulfilling one of his dreams, Vince Gilligan joined the Fox science-fiction drama series *The X-Files* as a writer in 1995; contributing to the show's considerable success, he wrote almost 30 episodes and served as a co-executive producer, executive producer, co-producer, or supervising producer on dozens of episodes; and

WHEREAS, Vince Gilligan was also a co-creator and producer of the well-reviewed spinoff series of *The X-Files*, *The Lone Gunmen*, which ran for one season in 2001; and

WHEREAS, Vince Gilligan is best known for creating, writing, and directing the AMC Network series *Breaking Bad*; becoming one of the most-watched and highest-rated shows in the country, *Breaking Bad* has been recognized as one of the best television series of all time; and

WHEREAS, the cast and crew of *Breaking Bad* have earned 10 Primetime Emmy Awards for their outstanding work; on September 22, 2013, one week before the show's thrilling series finale, Vince Gilligan accepted the Primetime Emmy Award for Outstanding Drama Series; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Vince Gilligan for his exceptional cultural contributions in the Commonwealth and the nation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Vince Gilligan as an expression of the General Assembly's admiration for his creativity, drive, and dedication to his art.

HOUSE JOINT RESOLUTION NO. 218

Commending Elizabeth Scott Elementary School.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, Elizabeth Scott Elementary School in Chester was named a National Title I Distinguished School for 2014 in recognition of its work with low-income students; and

WHEREAS, the National Title I Association annually recognizes two schools in each state for their work with underserved and low-income students; Elizabeth Scott Elementary School was honored for its success in closing achievement gaps among student groups; and

WHEREAS, almost 900 students attend Elizabeth Scott Elementary School and 45 percent of the student body qualifies for free or reduced-price lunches; nearly one-third of the students are from families where English is not the first language; and

WHEREAS, Joan Temple, principal of Elizabeth Scott Elementary School, attributed the school's success to the dedication and hard work of the students, faculty, and staff and to the assistance and support the school has received from families and the community; and

WHEREAS, organizations that have donated time and services to Elizabeth Scott Elementary School include the Chesterfield County fire, police, and social services departments; the Greenleigh mobile home community; the Chester Family YMCA; the Virginia Hispanic Chamber of Commerce; and many other groups; and

WHEREAS, this signature honor for the students and staff at Elizabeth Scott Elementary School marks the sixth time that a Chesterfield County Public School has received this national award; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Elizabeth Scott Elementary School for being honored as a National Title I Distinguished School; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joan Temple, principal of Elizabeth Scott Elementary School, as an expression of the General Assembly's congratulations and admiration for the dedication and hard work shown by the students, staff, and many supporters of the school.

HOUSE JOINT RESOLUTION NO. 219

Commending Ariel Stephenson.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, Ariel Stephenson, a star basketball player at Prince George High School, became the all-time leading scorer for the women's basketball program on January 4, 2014; and

WHEREAS, a junior at Prince George High School, Ariel Stephenson reached 1,307 points during the 2014 season in a game against Deep Run High School; she also was a 1,000-plus point scorer in her sophomore year; and

WHEREAS, ESPN Sports ranks Ariel Stephenson as the number one guard in the country among high school juniors—and 14th best overall—in the *2015 HoopGurlz Recruiting Rankings-Super 60*; she is the first student from Prince George High School to be nationally ranked by the cable sports network; and

WHEREAS, Ariel Stephenson's unselfish play on the court is illustrated by her trademark behind-the-back passes to teammates, which are designed to frustrate opposing players; during games, Royals fans are quick to rise in exuberant support of her moves; and

WHEREAS, Ariel Stephenson is a top scorer in the region for 2014, and she has been named to many regional and district all-star teams during high school; and

WHEREAS, Ariel Stephenson has another full season to play high school basketball, honing her talents and working hard to help make the Prince George Royals a top team in the Commonwealth; she has decided to attend Wake Forest University on a basketball scholarship; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Ariel Stephenson for becoming the top scorer in women's basketball at Prince George High School; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ariel Stephenson as an expression of the General Assembly's congratulations and admiration for her talent, determination, and remarkable achievements and best wishes in her future endeavors.

HOUSE JOINT RESOLUTION NO. 220

Celebrating the life of Sheronda Faye Woody.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, Sheronda Faye Woody of Ashland, a loving mother and daughter whose roots ran deep in Hanover County, died on September 29, 2013; and

WHEREAS, Sheronda Woody graduated from Patrick Henry High School and continued her education at George Mason University before returning to Hanover County; and

WHEREAS, her three daughters were the joy of Sheronda Woody's life; she encouraged them to pursue their dreams, and she made a point to attend their sporting events, always supporting and cheering them to victory; and

WHEREAS, Sheronda Woody understood that family bonds are priceless and enduring; she treasured the invaluable time she spent with her immediate family and an extended network of aunts, uncles, nieces, nephews, and cousins; and

WHEREAS, a woman of strong faith who worked hard in her church, Sheronda Woody enjoyed the fellowship and worship found there, and she encouraged the same for her daughters; and

WHEREAS, Sheronda Woody will be fondly remembered and greatly missed by her husband, Clarence III; her daughters, Balaija, Briana, and Taylor; her parents, Deacon George and Carolyn Winston; and many other family members and friends, all of whom considered it an honor and privilege to know her; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a true Virginian and a wonderful mother, Sheronda Faye Woody; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sheronda Faye Woody as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 221

Celebrating the life of Myrtle J. Spain Crawford.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, Myrtle J. Spain Crawford of Colonial Heights, a vibrant, kind woman who positively influenced those with whom she came in contact, died on September 13, 2013; and

WHEREAS, a loving wife and mother, Myrtle J. Spain Crawford married Edward M. Crawford, with whom she proudly raised three children; and

WHEREAS, Myrtle J. Spain Crawford, a beloved neighbor, built lasting friendships and deep connections in the Colonial Heights community; and

WHEREAS, predeceased by her husband, Edward, Myrtle J. Spain Crawford will be fondly remembered and greatly missed by her children, Donna, Frank, and Roy, and their families; her sisters, Sally and Thelma; her brother, Horace; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a respected citizen of the Commonwealth, Myrtle J. Spain Crawford; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Myrtle J. Spain Crawford as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 222*Celebrating the life of Michael Joseph Ripp.*

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, Michael Joseph Ripp of Richmond, a successful restaurateur whose optimism, generosity, and sunny personality made him a friend to many people, died on November 23, 2013; and

WHEREAS, Michael Ripp was involved with several notable Richmond-area restaurants throughout his culinary career; visitors and residents alike have enjoyed meals at his eateries, which include Havana '59, the City Bar & Rotisserie, and his most recent venture, New Zealand-themed Burger Bach; and

WHEREAS, Michael Ripp, a visionary thinker, often said that his goal was to improve the quality of Richmond-area restaurants, and over the years he established high culinary standards at the companies he owned and for the local restaurant industry in general; and

WHEREAS, Michael Ripp came from a family of restaurant owners; he began his life's work at age 12 when he started working at the Abbey restaurant where he assumed many responsibilities at the North Side restaurant—dishwasher, line cook, and chef; and

WHEREAS, Michael Ripp also was involved with the reincarnated O'Brienstein's Bar and Delicatessen in Shockoe Bottom, Chico's Mansion, and Wildcats, making a name for himself by presenting a variety of cuisines in diverse venues; and

WHEREAS, Michael Ripp watched the Richmond area grow and opportunities emerge for innovative chefs and business managers to establish leading-edge restaurants; he freely shared his experience and skill, expecting nothing in return; and

WHEREAS, in working to make Richmond a better place to live, work, and visit, Michael Ripp gladly shared his ideas, photographs, and architectural drawings with city officials and developers, offering suggestions gleaned from his travels to other cities and countries; and

WHEREAS, Michael Ripp had many ideas for enhancing the downtown area, Shockoe Bottom, the area along the James River, the 17th Street Farmers' Market, The Diamond, and the Greater Richmond Transit Company bus depot; and

WHEREAS, Michael Ripp gladly followed his passion to change the status quo, often going against conventional ways of thinking, all in the hopes of producing positive change; and

WHEREAS, it was Michael Ripp's interest in those with whom he came in contact that made him a special person; he offered advice and encouragement freely, coupled with compassion and empathy, all qualities that inspired his family, friends, and colleagues to strive to achieve their best; and

WHEREAS, Michael Ripp's zest for life extended beyond the confines of kitchens and dining rooms; he never met a stranger, and he enjoyed travel, a good book, the exchange of ideas, and stimulating discussions; and

WHEREAS, Michael Ripp will be fondly remembered and greatly missed by his wife, Angela; his son, Harrison; his parents, Richard and Nancy; and many other family members, friends, and connoisseurs of good food; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Michael Joseph Ripp, a pioneering restaurateur whose goal was to search out and encourage the best—in people and in business; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Michael Joseph Ripp as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 223*Celebrating the life of Walter S. Segaloff.*

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, Walter S. Segaloff, a respected businessman and visionary civic leader who left a living legacy to the residents of Newport News through his sterling example of service and the establishment of An Achievable Dream, died on August 18, 2013; and

WHEREAS, Walter Segaloff grew up in Newport News and returned there to join the family business after earning a bachelor's degree from the University of Michigan, eventually becoming president of Virginia Specialty Stores, Inc.; and

WHEREAS, Walter Segaloff's commitment to "doing the right thing for the right reason" could be seen in the depth and breadth of his involvement in local civic and community affairs; and

WHEREAS, Walter Segaloff served as the founder and director of the Virginia Peninsula Economic Development Council and on the Newport News Planning Commission and was actively involved with the Boys & Girls Clubs of the Virginia Peninsula; and

WHEREAS, a strong supporter of the local military and their families, Walter Segaloff took an active role in the 1988-1989 Celebration Committee that welcomed home the USS *Newport News* and served as cochair of the 1991 "Coming Home Proud" event; and

WHEREAS, Walter Segaloff provided wise insight and guidance to a number of projects and organizations on the Virginia Peninsula, including Christopher Newport University's Real Estate Foundation, and played a pivotal role in the founding of Harbor Bank (now TowneBank); and

WHEREAS, Walter Segaloff strongly believed in the dignity and worth of all individuals and fought to end segregation and religious and racial discrimination; and

WHEREAS, Walter Segaloff founded An Achievable Dream and brought together "Dreamers" in the community with the nonprofit organization to provide the youth of Newport News with enhanced learning opportunities; and

WHEREAS, from a young age, Walter Segaloff worked tirelessly to support the birth and growth of the State of Israel; and

WHEREAS, Walter Segaloff was honored for his tremendous service to the community with a host of awards over the years that culminated in his recognition by the Virginia Press Association as the 2013 Virginian of the Year; and

WHEREAS, a remarkable man, Walter Segaloff touched the lives of countless individuals over the course of his long and meaningful life and inspired others to take an active role in community affairs; and

WHEREAS, Walter Segaloff will be fondly remembered and greatly missed by his wife, Ann; children, David and Peter, and their families; stepchildren, Rick, Megan, and Chris, and their families; and numerous other family members, friends, and admirers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Walter S. Segaloff; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Walter S. Segaloff as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 224

Commending the Honorable Dwight Clinton Jones.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, the Honorable Dwight Clinton Jones, a native of Philadelphia, was born on February 3, 1948, and currently serves as the Mayor of the City of Richmond, and is also the Senior Pastor of First Baptist Church of South Richmond; and

WHEREAS, the Honorable Dwight Clinton Jones relocated to Richmond to attend the Samuel DeWitt Proctor School of Theology at Virginia Union University where he earned the Bachelor of Arts degree in Sociology in 1970 and the Master of Divinity degree in 1973; he earned the Doctorate of Divinity degree from the United Theological Seminary in Dayton, Ohio; and

WHEREAS, he has been an active public servant in the City of Richmond for more than 35 years; in 1979, he was appointed to the Richmond City School Board, where he served as chairman from 1982 to 1985; in 1993, the Honorable Dwight Clinton Jones was elected to the Virginia House of Delegates to represent the 70th House District where he served as a member on various House Committees, including the Committees on Transportation and Commerce and Labor; he worked collaboratively with members on both sides of the aisle to provide health services, ensure sound state finances, and protect Richmond's neighborhoods and most fragile citizens; during his legislative career, he also served as chairman of the Virginia Legislative Black Caucus; and

WHEREAS, a staunch believer that change and progress begin in your own neighborhood, he founded the South Richmond Senior Center, the Imani Intergenerational Community Development Corporation in 1975, and the Imani Mews Apartments and Retail Center to facilitate access to affordable housing, revitalization of distressed business areas, promotion of economic development and investment, creation of workforce initiatives, training and opportunities, and reduction of neighborhood crime; and

WHEREAS, under his leadership as Senior Pastor of First Baptist Church of South Richmond, the church has developed an extensive community outreach ministry and has purchased additional property in Chesterfield to accommodate the increase in worshippers and its ministries; and

WHEREAS, the Honorable Dwight Clinton Jones was named one of Richmond's 100 Most Outstanding Citizens in 1985, and *Style Weekly* magazine awarded him "2013 Richmonder of the Year"; he has been a member of several corporate and community boards and committees, including Richmond Renaissance, on which he served as chairman; the Virginia Commonwealth University's MCV Hospital Authority; Metro Richmond Convention and Visitors Bureau; Richmond Red Cross; YMCA Board of Directors; Richmond Commission on Human Relations; and the Virginia Commission on Immigration; and

WHEREAS, the Honorable Dwight Clinton Jones was sworn into office as the 79th Mayor of Richmond in 2009, and quickly gained the respect and support of the community as he worked diligently to empower and advocate for underprivileged citizens and led the city to embrace his vision for a productive and prosperous future; and

WHEREAS, in 2013, the Honorable Dwight Clinton Jones was recognized by his church and the city for 40 years of faithful pastoral service and more than 35 years of public service, and the congregants of First Baptist Church of South Richmond and the citizens of Richmond are indebted to him for his many years of committed leadership and compassionate service; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Honorable Dwight Clinton Jones hereby be commended; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Dwight Clinton Jones as an expression of the General Assembly's high regard for his exemplary service to his church, the Commonwealth, and the citizens of the City of Richmond.

HOUSE JOINT RESOLUTION NO. 225

Commending Equality Virginia.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, Equality Virginia, a statewide organization that advocates for equal treatment of gay, lesbian, bisexual, and transgender Virginians, celebrates its 25th anniversary in 2014; and

WHEREAS, originally known as Virginians for Justice, Equality Virginia (EV) was founded in 1989 as a nonpartisan advocacy group that provides outreach, education, and analysis on issues affecting the community; and

WHEREAS, EV is made up of three separate groups: Equality Virginia Political Action Committee, Equality Virginia Education Fund, and Equality Virginia; and

WHEREAS, among many other successes, EV supported efforts to allow individuals to decide who may visit them in the hospital, and it set up a statewide registry for hospitals, making it easier for doctors to know who may make medical decisions; and

WHEREAS, leading efforts to create safer environments in schools, EV has championed anti-bullying measures; and

WHEREAS, EV has also made great strides in securing adoption rights for gay, lesbian, bisexual, and transgender Virginians and supported non-discrimination efforts; and

WHEREAS, EV helps create a more civic-minded electorate by promoting citizen awareness and active involvement in the legislative process; and

WHEREAS, EV strives to be the foremost organization for gay, lesbian, bisexual, and transgender Virginians; it has achieved a great deal toward protecting families, building safer communities, and creating a truly inclusive Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Equality Virginia on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Equality Virginia as an expression of the General Assembly's admiration for the organization's dedication to equality for all Virginians and best wishes in the future.

HOUSE JOINT RESOLUTION NO. 226

Commending Senior Connections, The Capital Area Agency on Aging on its 40th anniversary.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, a demographic shift is being driven by America's aging baby boomers, and, according to the Bureau of the Census, over the next 15 years, more than 72 million Americans will be 65 years of age or older; and

WHEREAS, in an article by Tammie Smith entitled "Leading voice for Vintage Virginians," it was reported that "in Virginia in 2030, the population of seniors 65 and older is projected to be almost 1.8 million, and by 2038, the 65-and-older population is expected to outnumber the population of persons 18 and younger"; and

WHEREAS, by 2030, the population of older adults in Virginia Planning District 15 will double to almost 400,000; and

WHEREAS, the demographic shift to a population largely composed of working-age persons and racial and ethnic minorities is prompting reconsideration of priorities by many communities, such as senior services, additional preschool openings, replacement of public schools, and transportation services; and

WHEREAS, to ensure the well-being, health, and safety of Virginia's seniors, the Virginia Department for Aging and Rehabilitative Services provides a network of support services through 25 Area Agencies on Aging and a corps of volunteers; and

WHEREAS, one of the most effective leaders and dedicated advocates for senior citizens in the Commonwealth is Thelma Bland Watson, former commissioner of the then-Virginia Department for the Aging and current Executive Director of Senior Connections, The Capital Area Agency on Aging, which offers a comprehensive range of home and community-based services for seniors aged 55 and older, caregivers, and persons with disabilities in the City of Richmond and the Counties of Charles City, Chesterfield, Goochland, Hanover, Henrico, New Kent, and Powhatan; and

WHEREAS, under the leadership of Thelma Bland Watson, Senior Connections provides money management, caregiver support, and insurance counseling to help Medicare beneficiaries sort through complicated choices; and Senior Connections

also helps senior citizens maintain a quality of life and independence as they age by placing special emphasis on frail and disadvantaged elderly, who may be socially isolated and physically or economically at risk; and

WHEREAS, in addition, Senior Connections also advocates for and educates senior citizens and future retirees concerning issues that affect them through a coordinated Age Wave Coalition with local partners, such as the Department of Gerontology at Virginia Commonwealth University, the Richmond Regional Planning District Commission, and the United Way of Greater Richmond and Petersburg; and

WHEREAS, for 40 years, Senior Connections, The Capital Area Agency on Aging has rendered invaluable services to Virginia's senior citizens, caregivers, and future retirees, ensuring that they maintain quality of life and independence as they age; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Senior Connections, The Capital Area Agency on Aging on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Thelma Bland Watson, Executive Director of Senior Connections, The Capital Area Agency on Aging, as an expression of the General Assembly's appreciation for its service to senior citizens, caregivers, and future retirees in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 227

Celebrating the life of Clayton Campbell Bryant, Sr.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, Clayton Campbell Bryant, Sr., of Appomattox, a hardworking and successful land developer, died on October 2, 2013; and

WHEREAS, as a boy, Clayton Bryant worked with his father and his nine siblings, cutting down trees and hauling logs in the rugged countryside of Amherst, Nelson, and Buckingham Counties; and

WHEREAS, Clayton Bryant, a native of Wingina, joined the United States Armed Forces when he was 18 and was stationed in Okinawa, Japan; he proudly served as a military policeman during World War II; and

WHEREAS, after his honorable discharge in 1946, Clayton Bryant returned home, purchased a new logging truck with the money he had saved, and embarked on his own logging career; and

WHEREAS, not long after going into business for himself, Clayton Bryant decided to invest some of his earnings in real estate; he purchased a tract of land, divided it into two parcels, and sold them, which marked the beginning of a career in real estate investment and development; and

WHEREAS, the Clayton C. Bryant Land Company has been in existence for more than 50 years, selling houses, land, farms, and timber tracts; Clayton Bryant's children and grandchildren now are part of the family business; and

WHEREAS, Clayton Bryant was a longtime barrel racing enthusiast; he owned several prize-winning horses and built a barrel horse arena in Appomattox that features a monthly open arena night where riders can practice and train; and

WHEREAS, a respected and successful businessman and community leader, in his lifetime Clayton Bryant generated a great deal of employment opportunities and business development for the people of Central Virginia; and

WHEREAS, Clayton Bryant will be fondly remembered and greatly missed by many family members, including his wife, Virginia, and his children, Clayton, Jr., Ronnie, and Sharon, and their families, and numerous friends and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Clayton Campbell Bryant, Sr., a loving husband and father who founded a successful real estate investment and development company in Appomattox; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Clayton Campbell Bryant, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 228

Commending The Virginia Home.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, in 2014, The Virginia Home celebrates its 120th anniversary of providing compassionate and professional care to people with irreversible physical disabilities; and

WHEREAS, The Virginia Home serves 130 adults of all ages; many of the residents will call it home for a large part of their lives, and to that end, the staff is dedicated to meeting their physical, social, and emotional needs, both at The Virginia Home and in encouraging them to be a part of the greater Richmond community; and

WHEREAS, founded by Mary Tinsley Greenhow, who was seriously injured after falling from a horse when she was a teenager, The Virginia Home for Incurables opened in Richmond on March 1, 1894, with a maximum capacity of eight residents; and

WHEREAS, The Virginia Home is not a traditional nursing home; it has 245 staff members, including a 19-member rehabilitation team, four employees who provide residents with free transportation to work, family visits, shopping, and entertainment venues, and many other services; and

WHEREAS, the name was changed to The Virginia Home in 1962 and is now located on Hampton Street in central Richmond, bordering Byrd Park; the facility is modern and thriving, offering a therapeutic pool, a personal computer with Internet service for each resident, and an abundance of activities; and

WHEREAS, part of the mission of The Virginia Home is to ensure the lifelong comfort and security of its residents, regardless of ability to pay; the nonprofit organization is largely funded by Medicaid and relies heavily on charitable donations and investment income; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend The Virginia Home on the occasion of its 120th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to The Virginia Home as an expression of the General Assembly's congratulations and admiration for providing outstanding long-term care in a home-like setting to Virginians with physical disabilities.

HOUSE JOINT RESOLUTION NO. 229

Celebrating the life of Dr. Samuel E. Massenberg, Sr.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, Dr. Samuel E. Massenberg, Sr., a passionate educator, loyal veteran, and skilled aviator in Hampton, died on January 8, 2014; and

WHEREAS, a native of Detroit, Michigan, Samuel Massenberg pursued his love of flying from an early age, washing planes at a local airport as a teenager; when the airport went bankrupt, he continued washing planes in exchange for flying lessons; and

WHEREAS, showing uncanny ability as an aviator, Samuel Massenberg flew his first solo flight after only six hours of instruction; and

WHEREAS, in 1950, Samuel Massenberg joined the United States Air Force and attended flight school at Randolph Air Force Base in Texas, becoming one of the few African American pilots at the time; and

WHEREAS, Samuel Massenberg went on to train Boeing B-29 Superfortress crews and was transferred to the 307th Bomb Wing in Okinawa, Japan, in August 1952; and

WHEREAS, on January 10, 1953, Samuel Massenberg and his crew were shot down while flying their 13th mission over North Korea; after bravely attempting to elude enemy forces, he was captured and sent to a prisoner of war camp; and

WHEREAS, a strong and courageous soldier, Samuel Massenberg endured great hardship as a prisoner of war; released in 1953, he returned to his family and continued a distinguished military career, retiring as a lieutenant colonel in 1969; and

WHEREAS, a firm believer in the importance of education, Samuel Massenberg earned a bachelor's degree from Ohio State University in 1957 and served as a professor at North Carolina A&T State University; and

WHEREAS, hoping to impart his wisdom and experience, Samuel Massenberg earned a doctorate in education from Virginia Polytechnic Institute and State University; he served as the dean of men at Hampton University from 1969 to 1980; and

WHEREAS, hoping to further help young people in the Commonwealth achieve their dreams, Samuel Massenberg became the director of education for the National Aeronautics and Space Administration Langley Research Center; and

WHEREAS, among many other accomplishments in his 26-year career, Samuel Massenberg helped reach many new students by establishing the Langley Aerospace Research Student Scholar program, which fosters excellence among science, technology, engineering, and math students, and the renowned NASA CONNECT distance learning program; and

WHEREAS, Samuel Massenberg will be fondly remembered and greatly missed by his children, Samuel, Jr., and Mirian, and their families; numerous other family members and friends; and fellow service members; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Dr. Samuel E. Massenberg, Sr., a devoted educator, patriotic veteran, and skilled aviator; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dr. Samuel E. Massenberg, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 230

Commending Dr. Edgar B. Hatrick III.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, Dr. Edgar B. Hatrick III, the superintendent of Loudoun County Public Schools, announced his upcoming retirement upon the close of the 2013-2014 school year; and

WHEREAS, Edgar B. Hatrick III relocated with his family from Florida to Fairfax County when he was in middle school and moved to Loudoun County in 1958; and

WHEREAS, Dr. Edgar B. Hatrick III is a 1963 graduate of Loudoun County High School and the University of Richmond, where he earned his undergraduate degree and a master's degree in educational supervision; he is also an alumnus of Virginia Polytechnic Institute and State University, where he received his doctorate in educational administration; and

WHEREAS, during his 47-year career with Loudoun County Public Schools, Dr. Edgar B. Hatrick III served as an English teacher at Loudoun County High School from 1967 to 1969; chairman of the English Department at Broad Run High School from 1969 to 1970; assistant principal of Broad Run High School from 1970 to 1975; principal of Loudoun County High School from 1975 to 1978; Director of Special Education from 1978 to 1983; Director of Instruction from 1983 to 1987; and Assistant Superintendent for Planning and Pupil Services from 1987 to 1991; and

WHEREAS, Dr. Edgar B. Hatrick III was named division superintendent of Loudoun County Public Schools in 1991 and has presided over the school system of the fastest-growing county in the nation; during his tenure, student enrollment in Loudoun County Public Schools has grown by more than 55,740 students, 49 new schools have been built and opened in the school division, and the school division has grown to become the third largest in Virginia; and

WHEREAS, under the exceptional leadership of Dr. Edgar B. Hatrick III, students in Loudoun County Public Schools are privileged to attend some of the finest public schools in the Commonwealth and score well above state and national averages on the College Board's SAT and other academic achievement tests every year; and

WHEREAS, ninety percent of Loudoun County's high school graduates continue their formal education, and 87 percent are admitted to college; and

WHEREAS, Dr. Edgar B. Hatrick III, the longest-serving division superintendent in the Northern Virginia area, has served as division superintendent of Loudoun County Public Schools under five elected school boards and boards of supervisors; and

WHEREAS, an educational leader of national repute, Dr. Edgar B. Hatrick III has served as president of the Virginia Association of School Superintendents and of the Washington Area Superintendents' Study Council; he has been a guest lecturer at the University of Virginia, George Mason University, Shenandoah University, and Marymount University, and as a member of the American Association of School Administrators (AASA) for 23 years, he has served on the AASA Executive Committee and governing board, on which he served as president for the 2010-2011 school year; and

WHEREAS, Dr. Edgar B. Hatrick III leaves a legacy of 47 years of institutional memory and leadership; and

WHEREAS, after his well-deserved retirement, Dr. Edgar B. Hatrick III plans to spend time with family and, to demonstrate his continued commitment to the students of Loudoun County Public Schools, intends to be a full participant in community and educational activities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dr. Edgar B. Hatrick III on his long and exemplary educational career and public service to the citizens of Loudoun County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Edgar B. Hatrick III as an expression of the General Assembly's appreciation for his dedication to the education of the young people of Loudoun County and best wishes in his future endeavors.

HOUSE JOINT RESOLUTION NO. 231

Commending George J. McVey.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, George J. McVey, a committed educator from Richmond, has dedicated his entire career to the education of the Commonwealth's youth as a leader in the Virginia Council for Private Education; and

WHEREAS, George McVey graduated magna cum laude from Hampden-Sydney College and earned a master's degree from Virginia Commonwealth University; and

WHEREAS, a lifelong educator, George McVey returned to his alma mater, St. Christopher's School in Richmond, in 1961 to begin his teaching career; he was later appointed headmaster in 1973, a position he expertly filled for 25 years; and

WHEREAS, in 1974, George McVey played a critical role as part of the team that developed the Virginia Council for Private Education (VCPE) as a collaborative group representing the diverse voices of private schools in the Commonwealth; and

WHEREAS, George McVey also assisted in the transition of the VCPE into its uniquely codified role as overseer of accreditation for Virginia's private schools; and

WHEREAS, a dedicated volunteer, George McVey devotes his time to worthwhile organizations across the state, serving as a board member of the New Community School and as a member of the Gloucester County Educational Foundation, Retreat Hospital, Blue Shield of Virginia, Friends of the Richmond Public Library, the American Red Cross, and many other organizations; and

WHEREAS, as the president of VCPE, George McVey has elevated the private education system in the Commonwealth through his outstanding leadership and over five decades of educational experience; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend George J. McVey for his years of service to the Virginia Council for Private Education and the students who benefitted from the organization; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to George J. McVey as an expression of the General Assembly's respect and admiration for the role he has played in giving students the tools to become responsible, successful citizens of the Commonwealth.

HOUSE JOINT RESOLUTION NO. 232

Celebrating the life of James Gibbs Browder, Jr.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, James Gibbs Browder, Jr., a loyal veteran and a highly respected former employee of the Commonwealth, died on October 2, 2013; and

WHEREAS, raised on a tobacco farm in Brunswick County, James "Jamie" Browder learned the value of hard work at a young age; and

WHEREAS, Jamie Browder earned a bachelor's degree from Virginia Military Institute in 1966 and remained a proud and supportive alumnus of the college for the rest of his life; and

WHEREAS, after completing his education, Jamie Browder accepted a trainee position with the Virginia Department of Highways and Transportation at the height of the development of the Interstate Highway System; and

WHEREAS, in the late 1960s, Jamie Browder also served his country as a member of the United States Army Corps of Engineers; in 1969, he returned to the Commonwealth as a member of the United States Army Reserve; and

WHEREAS, rising to the rank of major general, Jamie Browder honorably served as the commander of the 80th Division of the United States Army Reserve from 1997 to 2001; and

WHEREAS, admired for his ability to balance his military service and his career with the Commonwealth, Jamie Browder worked at the Virginia Department of Transportation for 34 years; over the course of his distinguished career, he was known as an honest, trustworthy leader, coworker, and friend; and

WHEREAS, a consummate professional who took immense pride in his work, Jamie Browder was promoted from district administrator of Fredericksburg to chief engineer of the Department; he was admired for his initiative, enthusiasm, and commitment to always getting a job done right; and

WHEREAS, among his many accomplishments, Jamie Browder was involved in planning the replacement of the West Point bridges and served as the on-site project manager for the construction of the bridges, which were completed in 2006 and 2007; and

WHEREAS, Jamie Browder later offered his leadership, experience, and expertise as a member of the board of directors of an engineering firm in Fairfax; and

WHEREAS, Jamie Browder will be fondly remembered and deeply missed by his wife of 47 years, Doma; his children, Danielle, Anita, and James III, and their families; and many other family members, friends, and fellow service members; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of James Gibbs Browder, Jr., a respected veteran and a dedicated longtime employee of the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Gibbs Browder, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 233

Commending Preservation Virginia.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, Preservation Virginia, the successor to the Association for the Preservation of Virginia Antiquities, will celebrate its 125th anniversary on February 13, 2014; and

WHEREAS, organized and chartered in 1889, the Association for the Preservation of Virginia Antiquities (APVA) was the first statewide historic preservation organization in the United States; the organization has been responsible for saving and preserving hundreds of historic places; and

WHEREAS, APVA's early efforts include saving the Powder Magazine, Williamsburg's Colonial Capitol foundations, and other significant properties in Williamsburg, which were later transferred to Colonial Williamsburg upon its founding, as well as Powhatan's Chimney in Gloucester County and the Mary Washington House in the City of Fredericksburg; and

WHEREAS, APVA acquired 22.5 acres in 1893 at Jamestown, saving and protecting the ruins of the only aboveground 17th-century remains of the first permanent English settlement in North America; and

WHEREAS, for more than 100 years, APVA achieved its mission through a branch system that stretched from the Eastern Shore to the mountains of Virginia and through a statewide effort to grow the historic preservation movement; and

WHEREAS, in 1994, APVA launched the Jamestown Rediscovery Archaeological Project to find and interpret the archaeological remains of the 1607 James Fort; the project has successfully recovered evidence of the fort and more than 2 million artifacts that have revealed new information and enhanced understanding of the nation's beginnings; and

WHEREAS, in 1999, the Commonwealth's revolving fund of historic properties was transferred to APVA to save threatened properties, apply protective easements, and sell the properties to owners who would restore the properties and return them to productive use; and

WHEREAS, in 2003, the organization changed its name to APVA Preservation Virginia to better reflect a commitment to statewide preservation; the name was later shortened to Preservation Virginia; and

WHEREAS, in 2004, APVA Preservation Virginia combined with the Preservation Alliance of Virginia to unify nonprofit statewide efforts into one voice for preservation and to provide the Commonwealth with innovative programs such as an annual list of the Most Endangered Historic Sites, the annual Virginia Preservation Conference, and additional programs that raise awareness of the educational, economic, environmental, cultural, community, and other benefits of historic preservation; and

WHEREAS, in 2007, APVA Preservation Virginia joined with local, state, and federal partners to greet national and world leaders at the ceremonies commemorating the 400th anniversary of the 1607 founding of Jamestown and honoring the legacies of the people of three continents who shaped the early beginnings of the United States—the Virginia Indians, the English, and later the Africans, most of whom came unwillingly to these shores; and

WHEREAS, in 2012, Preservation Virginia restructured to more comprehensively meet the needs for preservation of the Commonwealth's historic neighborhoods, districts, archaeological sites, rural landscapes, and downtowns and to provide tools and promote policies that revitalize our communities, provide educational opportunities, and remind us that we are part of a larger continuum of history that makes the Commonwealth a leader in this nation; and

WHEREAS, Preservation Virginia continues to be the steward and interpreter of significant places, including Historic Jamestowne, the John Marshall House, the 1665 Bacon's Castle, Patrick Henry's Scotchtown, and Cape Henry Lighthouse; and

WHEREAS, Preservation Virginia looks forward to continuing to fulfill its mission to preserve, protect, and serve as an advocate for Virginia's cultural, architectural, and historic places in the future; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Preservation Virginia, which has benefited citizens throughout the Commonwealth and the United States, on the occasion of its 125th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Preservation Virginia as an expression of the General Assembly's gratitude for the organization's many valuable contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 234

Commending the Safe Surfin' Foundation.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, Operation Blue Ridge Thunder was organized in 1998 under the auspices of the Bedford County Sheriff's Office as an undercover cyberspace patrol to track and arrest perpetrators of computer-related crimes against children; and

WHEREAS, the Bedford County Sheriff's Office was one of only 10 law-enforcement agencies to receive federal funding in 1998 for its work in unearthing pedophiles and makers and distributors of child pornography and received national attention when Operation Blue Ridge Thunder was featured on the CBS News documentary series *48 Hours* in 2000; and

WHEREAS, under the command of Sheriff Michael J. Brown, Operation Blue Ridge Thunder became internationally known for cracking tough cases and finding pedophiles that prey upon innocent children; and

WHEREAS, in addition to his impressive record of investigating and arresting sexual predators, Sheriff Michael J. Brown has a 100 percent conviction rate in the cases built by Operation Blue Ridge Thunder; and

WHEREAS, while working to apprehend sexual predators, Sheriff Michael J. Brown realized that children need education about the tactics of and greater protection from pedophiles, especially while online; and

WHEREAS, in 2000, Operation Blue Ridge Thunder evolved into the nonprofit Safe Surfin' Foundation, today codirected by the Bedford County Sheriff's Office and the nationally recognized Internet Crimes Against Children Task Force, to educate children and their parents about the risks and safe practices of online activity; and

WHEREAS, the Safe Surfin' Foundation, with the help of volunteers and gifts from corporate and private donors, supplies Internet safety educational materials to schools, libraries, home schools, and other children's groups without charge; and

WHEREAS, the Safe Surfin' Foundation uses interactive websites, special events, printed materials, PSAs, and other educational opportunities to educate the public about Internet crimes involving children; the foundation works with the U.S. Department of Justice, school systems, public libraries that offer Internet access, law-enforcement agencies, and corporate sponsors to expand its educational outreach; and

WHEREAS, the Safe Surfin' Foundation has also supported the wounded warriors of H.E.R.O. (Human Exploitation Rescue Operatives) Child Rescue Corps, which fights child exploitation, child abuse, and human trafficking, and has worked with Moose International to supply computers and monitors for veterans engaged in specialized training at Oak Ridge National Laboratory in Tennessee to protect innocent children from online sexual predators; and

WHEREAS, the Safe Surfin' Foundation, Sheriff Michael J. Brown, and law-enforcement agencies continue to work tirelessly to capture and detain predators for eventual prosecution, making society safer for children; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Safe Surfin' Foundation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sheriff Michael J. Brown, chairman of the board and cofounder of the Safe Surfin' Foundation, as an expression of the General Assembly's appreciation for the foundation's work and service in protecting Virginia's children from sexual predators.

HOUSE JOINT RESOLUTION NO. 235

Commending Jack and Jill of America, Inc.

Agreed to by the House of Delegates, January 31, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, Jack and Jill of America, Inc., is a premier national family organization founded on January 24, 1938, the organization's Founder's Day, by Marion Stubbs Thomas and a group of mothers in Philadelphia, Pennsylvania, to provide educational, social, cultural, recreational, service, and leadership opportunities for African American youth between the ages of two and 19; and

WHEREAS, today, Jack and Jill of America, Inc., comprises 232 chapters nationwide, representing over 40,000 family members, and each chapter plans annual programming activities guided by the national theme: "Power and Potential: Parents Empowering Youth through Leadership Development, Cultural Heritage, and Community Service"; and

WHEREAS, the Alexandria-Mount Vernon, Burke-Fairfax, Manassas-Woodbridge, Northern Virginia, Loudoun County, Prince William County, and Reston Chapters of Jack and Jill of America, Inc., strive to educate, empower, and inspire young people and teenagers to participate in legislative advocacy and pursue public office; and

WHEREAS, from September 14 to 17, 2013, the Alexandria-Mount Vernon, Burke-Fairfax, Manassas-Woodbridge, Northern Virginia, Loudoun County, Prince William County, and Reston Chapters of Jack and Jill of America, Inc., participated in the "On the Hill Legislative Summit" in Washington, D.C., to raise awareness of and support for the national legislative priorities adopted by the organization, including legislation promoting high-quality early childhood education and child care for all children; and

WHEREAS, the Alexandria-Mount Vernon, Burke-Fairfax, Manassas-Woodbridge, Northern Virginia, Loudoun County, Prince William County, and Reston Chapters of Jack and Jill of America, Inc., supported legislation for high-quality universal preschool and full-day kindergarten at the organization's Joint Legislative Summit being held at the Virginia State Capitol on January 30, 2014; and

WHEREAS, the Alexandria-Mount Vernon, Burke-Fairfax, Manassas-Woodbridge, Northern Virginia, Loudoun County, Prince William County, and Reston Chapters of Jack and Jill of America, Inc., have hand delivered personal statements that

speak to the powerful benefits of high-quality early childhood education, including improvement in development and learning, better school performance, and better education and employment outcomes for all children well into adulthood; and

WHEREAS, the Alexandria-Mount Vernon, Burke-Fairfax, Manassas-Woodbridge, Northern Virginia, Loudoun County, Prince William County, and Reston Chapters' legislative and outreach activities have resulted in significant contributions to the lives of children and families throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jack and Jill of America, Inc., for decades of exceptional service on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the Alexandria-Mount Vernon, Burke-Fairfax, Manassas-Woodbridge, Northern Virginia, Loudoun County, Prince William County, and Reston Chapters of Jack and Jill of America, Inc., as an expression of the General Assembly's admiration for the organization's efforts to raise awareness of the importance and impact of high-quality childhood education and child care.

HOUSE JOINT RESOLUTION NO. 236

Commending Mary McCoy.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, Mary McCoy of Hampton has been an integral part of Phoebus Little League since her husband started coaching for the organization in the 1960s; and

WHEREAS, the strength of any community organization depends on the commitment and dedication of its volunteers; for Mary McCoy, who is affectionately known as Miss Mary, the Phoebus Little League was her second home; and

WHEREAS, Mary McCoy, who always looked for the best in each player, had high expectations for the Phoebus Little League teams; as adults, former players often visit Mary McCoy when they return to the Phoebus ball field; and

WHEREAS, involvement with the Phoebus Little League was a family affair for the McCoys; Mary's husband, Phil, was a coach for the league, which is in one of Hampton's historic neighborhoods, and the couple stayed active in the league even after they retired in the 1990s; and

WHEREAS, for nearly half a century, Mary McCoy devoted almost all of her free time to Phoebus Little League baseball, and over the years she served as president, scorekeeper, announcer, fundraiser, and cook; she remained with the league even after her husband's death in 2007; and

WHEREAS, after three decades as president, Mary McCoy stepped down from leading the Phoebus Little League in the summer of 2013; her commitment to the community she loved is unmatched; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mary McCoy for her many years of service to Phoebus Little League and its thousands of young baseball players; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mary McCoy as an expression of the General Assembly's respect and admiration for her commitment to youth baseball and the Phoebus community.

HOUSE JOINT RESOLUTION NO. 237

Celebrating the life of Melvin L. Bergheim.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, Melvin L. Bergheim, a deeply respected former vice mayor of the City of Alexandria, civil rights advocate, and a pillar of the community, died on October 20, 2013; and

WHEREAS, Melvin "Mel" Bergheim began his career as a journalist before becoming a project director for the Governmental Affairs Institute, a nonprofit organization; and

WHEREAS, Mel Bergheim met his wife, Donna, in 1957 and the couple married two years later in Mexico City; in 1960, they settled in Alexandria and began decades of service to the community; and

WHEREAS, in 1970, Mel Bergheim was elected to the Alexandria City Council, where he served for six years and was voted as vice mayor; and

WHEREAS, over the course of his distinguished career in public service, Mel Bergheim was a positive force for change; he worked to integrate city events, such as the annual George Washington birthday parade, championed health care for the poor, and established an adolescent health clinic that serves the area to this day; and

WHEREAS, Mel Bergheim understood the importance of preservation and worked to control air pollution, institute soil management controls, and help the city acquire the Dora Kelly Nature Park; and

WHEREAS, after serving as vice mayor, Mel Bergheim was still a voice for positive change in the community as a columnist for the *Alexandria Gazette Packet*, and he continued to offer his years of wisdom to a new generation of city leadership; and

WHEREAS, under United States President James Earl Carter, Jr., Mel Bergheim served as an undersecretary for the Department of Housing and Urban Development and the Department of Health and Human Services; and

WHEREAS, a dedicated member of many civic organizations, Mel Bergheim founded the Alexandria Federation of Civic Associations, an organization that fosters communication between city leaders and members of the community in different neighborhoods; and

WHEREAS, among many other awards and accolades throughout their lives, Mel and Donna Bergheim were honored as Living Legends of Alexandria in 2008 for their tireless work to better the community; and

WHEREAS, predeceased by his loving wife, Donna, Mel Bergheim will be greatly missed and fondly remembered by his children, Beth, Laura, David, and Maria, and their families, and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Melvin L. Bergheim, an indelible member of the Alexandria community and a true statesman; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Melvin L. Bergheim as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 238

Commending the Wilson Memorial High School baseball team.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, on June 9, 2013, at the Radford University Baseball Stadium, the Wilson Memorial High School Hornets baseball team defeated the Glenvar Highlanders to win the Virginia High School League Group A, Division II baseball championship title, the school's fourth state championship and its first since 1990; and

WHEREAS, the Wilson Memorial High School Hornets baseball team quickly assumed a 4-0 lead in the first three innings with senior Brandon Poole's remarkable pitching; sophomore Justin Leary took to the mound, pitched the remaining four innings, and allowed no earned runs as a couple of defensive lapses allowed the Glenvar Highlanders to score, keeping suspense in the game; and

WHEREAS, the 12-hit assault led by Hornet sophomore Daniel Poole, who scored three hits, and clutch run-producing hits contributed by Brandon Gochenour, Thomas Goins, and Brandon Poole ensured the Hornets' win over the Glenvar Highlanders 6-4 to cap a successful 19-5 season; and

WHEREAS, the Wilson Memorial High School Hornets baseball team persevered through several hardships and were missing key players on the diamond for the championship game; however, the team members battled adversity, played hard, and remained focused and resilient; and

WHEREAS, the Wilson Memorial High School Hornets baseball team prevailed over difficulties and won the state baseball championship title for the first time in 23 years, and for the students, school, and community, the sweet success of the team's accomplishment will be the memory of a lifetime; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Wilson Memorial High School Hornets baseball team on capturing the Virginia High School League Group A, Division II baseball championship title, the school's fourth state championship and its first since 1990; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rodney Cullen, head coach of the Wilson Memorial High School Hornets baseball team, as an expression of the General Assembly's congratulations on the team's outstanding achievement and best wishes for future success.

HOUSE JOINT RESOLUTION NO. 239

Celebrating the life of Roscoe Edward Burgess, Sr.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, Roscoe Edward Burgess, Sr., a respected public servant who was a member of the Bridgewater Town Council for 20 years, died on May 23, 2013; and

WHEREAS, a native of Bridgewater who made friends wherever he went, Roscoe Burgess was a flooring installer for 50 years; he also was a highly regarded baseball player and a man of faith; and

WHEREAS, Roscoe Burgess was the first African American to be elected to the Bridgewater Town Council; while serving on the council, he took a special interest in recreation and police activities, and in November 2012, he was reelected to his sixth consecutive term; and

WHEREAS, a talented baseball catcher, Roscoe Burgess was one of the first African Americans to play in the Rockingham County Baseball League (RCBL); he played for the Briery Branch and Harrisonburg teams and also was manager of the Harrisonburg team, the ACs; and

WHEREAS, Roscoe Burgess was instrumental in having the ACs, an all-black team, join the Rockingham County summer baseball league; shortly before he died, he was elected to the RCBL Hall of Fame; and

WHEREAS, faith and service to others were hallmarks of Roscoe Burgess' life; he was a deacon at North River Baptist Church and a chaplain at Sentara RMH Medical Center, volunteered at a Bridgewater area food pantry, was a member of the NAACP, and sang in numerous choirs; and

WHEREAS, predeceased by his wife, Josephine, Roscoe Burgess will be greatly missed and fondly remembered by his sons, Ronald and Roscoe, Jr., and their families, and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Roscoe Edward Burgess, Sr., a dedicated public servant and member of the Bridgewater Town Council, who contributed to the betterment of the town in many ways; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Roscoe Edward Burgess, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 240

Commending the Westfield High School field hockey team.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, the Westfield High School field hockey team showed skill and resolve by winning the Virginia High School League Group 6A state field hockey championship in November 2013; and

WHEREAS, competing against the two-time defending state champion First Colonial Patriots, the Westfield High School Bulldogs scored first when Emily McNamara, junior midfielder, pushed through the Patriots defense from 25 yards out before placing a shot on goal with 21 minutes to play in the first half; and

WHEREAS, defending against a high-speed, relentless offensive attack from the Patriots, the Westfield Bulldogs defense and sophomore goalie Callie Rennyson held their own, entering halftime tied 1-1; and

WHEREAS, putting away a decisive strike, senior forward Katie Winesett scored her 36th career goal off a penalty corner in the 8th minute of the second half, giving the Westfield Bulldogs the state championship title; and

WHEREAS, with 24 years of experience, veteran coach Starr Karl has more than 300 victories, but this win as head coach of the Westfield Bulldogs was her first state championship title; and

WHEREAS, the victory is due to the talent and dedication of the players, the leadership of head coach Starr Karl and her staff, and support from the Westfield High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the 2013 Westfield High School field hockey team for winning the Virginia High School League Group 6A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Starr Karl, head coach of the Westfield High School field hockey team, as an expression of the General Assembly's admiration for the team's talent and dedication.

HOUSE JOINT RESOLUTION NO. 241

Commending Novant Health.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Novant Health, a four-state integrated network of physician practices, outpatient centers, and hospitals that delivers seamless and convenient health services to its communities, strives to improve the overall health of its communities one person at a time; and

WHEREAS, in early 2014, Novant Health will open the Haymarket Medical Center, its second hospital in Northern Virginia and its 15th medical center; and

WHEREAS, the Haymarket Medical Center is the first of Novant Health's prototype hospital designs; driven by the patient and caregiver, it will use an innovative approach that returns the nurse to direct patient care and apply new methods to eliminate waste and improve efficiency; and

WHEREAS, with a 60-bed acute-care facility and approximately 300 staff members, including medical professionals, nurses, physicians, and support staff, the Haymarket Medical Center will offer a full array of services and amenities, including cardiac diagnostics, orthopedics, women's and children's services, surgery, imaging, vascular and emergency services, and an interfaith room of reflection to the growing communities of Prince William, Loudoun, Fauquier, and Fairfax; and

WHEREAS, Haymarket Medical Center will evolve to meet the needs of the growing and diverse community it will serve, along with Prince William Medical Center and other Novant Health care facilities located throughout Northern Virginia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Novant Health on the occasion of the opening of its newest hospital, Haymarket Medical Center; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Novant Health as an expression of the General Assembly's appreciation for its commitment to making the health care experience simpler, more convenient, and more affordable in Northern Virginia, so the members of the community can focus on getting better and staying healthy.

HOUSE JOINT RESOLUTION NO. 242

Commending Mill Swamp Baptist Church.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, Mill Swamp Baptist Church, a religious institution in Isle of Wight County that traces its roots to one of the oldest Baptist churches in Virginia, celebrates 240 years of serving and uplifting the members of the community in 2014; and

WHEREAS, Mill Swamp Baptist Church draws upon a long tradition of Baptist communities in Colonial America, dating back to the foundation of Burleigh Baptist Church, the first organized Baptist congregation in Virginia, in approximately 1714; and

WHEREAS, after the dissolution of Burleigh Baptist Church in the mid-1700s, members of the former congregation formed Mill Swamp Baptist Church on July 2, 1774; amid the upheaval of the Revolutionary War and the formation of this great nation, the church began to grow and thrive; and

WHEREAS, under the first and longest-serving pastor, David Barrow, Mill Swamp Baptist Church became a beacon for freedom, liberty, spiritual guidance, and fellowship; under David Barrow and his successors, the church added many new members and created branches throughout the area; and

WHEREAS, decades later, Mill Swamp Baptist Church again played an important role in history during the Civil War; the Reverend John W. Ward, who served as a part-time chaplain in the Confederate Army, courageously opened his home to refugees and Confederate sympathizers during the war; and

WHEREAS, over the next 100 years, Mill Swamp Baptist Church was ably led by numerous pastors, many of whom oversaw improvements to the church building, increases in membership, and the exercise of missionary spirit through the creation of new branches; and

WHEREAS, in 1928, Mill Swamp Baptist Church was tragically destroyed by fire; under the strong leadership of the Reverend J. W. Simmons, the church was rebuilt as the brick structure that stands to this day; and

WHEREAS, beginning in 1937, the Reverend L. E. Holzbach instituted a great era of Bible study for the Mill Swamp Baptist Church congregation; he also worked to successfully pay off the church's debts through gifts and donations and oversaw many improvements that helped the church enter modern times; and

WHEREAS, in 1974, Mill Swamp Baptist Church celebrated its 200th anniversary; as the oldest continuous Baptist church in the Commonwealth, it had established an incomparable record of service to God and the community; and

WHEREAS, Mill Swamp Baptist Church has continued to grow and improve to the present day, dedicating the Mill Swamp Baptist Memorial Steeple in 1980, expanding ministries, and adding a full-time youth pastor in 2003; and

WHEREAS, for nearly two and a half centuries, Mill Swamp Baptist Church has succeeded in its mission to teach the congregation how to enjoy a personal relationship with God and spread the good news of the Lord throughout the world; and

WHEREAS, the talented, dedicated, and inspiring leaders of Mill Swamp Baptist Church have built a legacy of outreach to the community and devotion to the spiritual needs of the congregation that few other churches can match; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mill Swamp Baptist Church on the occasion of its 240th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James Jones, pastor of Mill Swamp Baptist Church, as an expression of the General Assembly's admiration for the church's storied history and respect for its enduring tradition of service to the community.

HOUSE JOINT RESOLUTION NO. 243

Celebrating the life of Lawrence Hubbard Tate, Jr.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, Lawrence Hubbard Tate, Jr., a man of faith who committed his life to serving others, died on October 14, 2013; and

WHEREAS, a graduate of Old Dominion University and resident of Isle of Wight County, Lawrence "Larry" Hubbard Tate, Jr., was the president and owner of Shire Software Engineering; he worked on a multitude of projects, including seawolf-class submarines, the Gerald R. Ford-class aircraft carriers, and nuclear and coal power generation; and

WHEREAS, an Eagle Scout in his youth, Larry Tate dedicated his life to serving others; he volunteered to help the homeless, lead high school field trips to the State Capitol, and help pick up litter with the local 4-H club; and

WHEREAS, an active member of Suffolk Christian Fellowship, Larry Tate shared his deeply held values of faith, family, and service through his volunteer work in the community, touching the lives of countless individuals; and

WHEREAS, Larry Tate will be fondly remembered and greatly missed by his wife of 23 years, Gina; his seven children, Grace, Daniel, Stephen, Nigel, Hope, Adam, and Joel; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a devoted volunteer and respected member of the Isle of Wight community, Lawrence Hubbard Tate, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lawrence Hubbard Tate, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 244

Celebrating the life of Carroll Edward Keen, Sr.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, Carroll Edward Keen, Sr., a respected small business owner, decorated veteran of World War II, and supporter of the Smithfield community, died on September 18, 2013; and

WHEREAS, a native of Chatham, Carroll "Pete" Keen graduated from Pittsylvania High School in 1939 and worked in Newport News as a young man, first in the construction industry and then for the Newport News Shipbuilding and Dry Dock Company; and

WHEREAS, Pete Keen entered the United States Army in 1944 and fought in France and Germany with distinction as a member of the 398th Regiment, Company F, 100th Infantry Division; he was awarded the Bronze Star and the Combat Infantry Badge; and

WHEREAS, during World War II, Pete Keen was one of the "Sons of Bitche," soldiers who took part in the advance on Bitche, a heavily defended village in France; and

WHEREAS, after the war, Pete Keen returned to Newport News and attended apprentice school at the Newport News shipyard; he then worked for more than 28 years as a master machinist at Dunkum's Machine Shop, Inc.; and

WHEREAS, in the early 1970s, Pete Keen, together with his son and daughter-in-law, opened Keen's Automotive Center in Smithfield; during his years in Isle of Wight County, Pete Keen supported many county projects and was a respected member of the community; and

WHEREAS, a devoted husband and father, Pete Keen will be greatly missed and fondly remembered by Grace, his wife of 71 years; his children, Carroll, Jr., Brenda, Carolyn, and Ruth, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Carroll Edward Keen, Sr., a successful small business owner, World War II veteran, and supporter of the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Carroll Edward Keen, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 245

Commending George W. Austin, Jr.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, George W. Austin, Jr., a dedicated public servant who was a captain in the Bureau of Criminal Investigation of the Virginia State Police and division commander of the Salem Field Office, retired on November 1, 2013, after more than 37 years in law enforcement; and

WHEREAS, George "Stick" Austin joined the Virginia State Police on December 1, 1974; he served in a variety of departments and worked in Northern Virginia, Botetourt County, the Salem Field Office, and at State Police Headquarters in Richmond; and

WHEREAS, after serving as a trooper in both a heavily populated jurisdiction and a rural county, in 1984, Stick Austin was transferred to the Bureau of Criminal Investigation for four years, specializing in narcotics investigations; and

WHEREAS, Stick Austin later worked in the Planning and Research Unit at State Police Headquarters and served on a one-year assignment with the Virginia State Crime Commission; and

WHEREAS, in 1990, Stick Austin was promoted to assistant special agent in charge (first sergeant) and became one of two statewide coordinators for the Drug Abuse Resistance Education program; later he was transferred to the Bureau of Field Operations; and

WHEREAS, Stick Austin was promoted to lieutenant in the General Investigation Division in the Richmond Field Office of the Bureau of Criminal Investigation in 2001; the next year, he responded to two of the sniper shooting incidents around Washington, D.C., and was the on-scene commander for the shooting in Ashland that October; and

WHEREAS, becoming a captain in 2004, Stick Austin was assigned to the Salem Field Office, where he participated in several high-profile investigations, including as incident commander for the criminal investigations of the 2007 Virginia Tech shootings in Norris Hall; at the time of his retirement, he had risen to the rank of division commander; and

WHEREAS, Stick Austin is an exemplar of the bravery, dedication to duty, and sacrifice shown by law-enforcement officers and first responders throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend George W. Austin, Jr., on the occasion of his retirement from the Virginia State Police after 37 years of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to George W. Austin, Jr., as an expression of the General Assembly's respect and admiration for his many years of public service to protect the Commonwealth and its citizens.

HOUSE JOINT RESOLUTION NO. 246

Commending Brain Injury Services, Inc.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, in 2014, Brain Injury Services, Inc., celebrates 25 years of service to the Commonwealth on behalf of survivors of brain injuries and their families; and

WHEREAS, Brain Injury Services, Inc., formerly known as Head Injury Services Partnership, a nonprofit organization, was established in 1989 in response to recommendations made by a brain injury work-study group that was formed under the direction of the Fairfax County Board of Supervisors; and

WHEREAS, the study group identified traumatic brain injury as a major cause of disability in the Commonwealth, identified a need for coordinated community-based services for this disability group, and documented that brain injury is a unique problem that requires an array of specialized services to achieve successful rehabilitation; and

WHEREAS, the study group recommended a joint state and local effort to establish a unique nonprofit agency that specialized in the provision of services for persons with brain injury; and

WHEREAS, the study group recognized that specialized brain injury case management is the key to an effective and efficient community-based rehabilitation system; and

WHEREAS, Brain Injury Services, Inc., was the first agency in the Commonwealth to receive dedicated state funds to design and provide comprehensive community-based services to enable individuals to integrate successfully back into their communities after injury; and

WHEREAS, Brain Injury Services, Inc., through increased funding from the General Assembly, local government, and private partnerships, has been able to develop model programs and services for children and adults with brain injuries over the last 25 years; and

WHEREAS, Brain Injury Services, Inc., through the use of the Commonwealth Neurotrauma Initiative grant award in 2002, established the first community-based case management program dedicated to children with brain injuries and their families; and

WHEREAS, Brain Injury Services, Inc., developed unique models of support services, including programs to allow individuals with brain injuries to remain in their homes, maintain volunteer or paid employment, transition from a nursing home, and function in their home communities; and

WHEREAS, Brain Injury Services, Inc., in partnership with Virginia Commonwealth University's Traumatic Brain Injury Model Systems, sponsors an annual brain injury conference to increase the education of professionals in the provision of quality services to this population, and in 2009 sponsored the First Annual International Conference on Culture, Ethnicity & Brain Injury Rehabilitation; and

WHEREAS, Brain Injury Services, Inc., has provided community awareness annually through the Kit Callahan Miracle Mile 10K Race, Fun Run, Circle of Hope, and many local events to educate the public on prevention of brain injury; and

WHEREAS, Brain Injury Services, Inc., is a direct partner in the implementation of the Virginia Wounded Warrior Program-Northern Region; and

WHEREAS, Brain Injury Services, Inc., has recently developed the first community-based brain injury neurobehavioral program and a dedicated Assistive Technology Program for this population; and

WHEREAS, Brain Injury Services, Inc., provided access to its model programs around the Commonwealth and helped other communities develop services for individuals with brain injuries and their families; and

WHEREAS, Brain Injury Services, Inc., is able to fulfill its mission to help people with brain injuries because of the pivotal roles played by its board of directors, staff, volunteers, and all involved in helping to continue the services needed to help individuals with brain injuries meet their daily challenges and lead lives of their choice; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Brain Injury Services, Inc., on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Karen Brown, executive director of Brain Injury Services, Inc., as an expression of the General Assembly's respect and admiration for the organization's unswerving dedication and work on behalf of people with brain injuries.

HOUSE JOINT RESOLUTION NO. 247

Celebrating the life of Robert G. Atkins.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, Robert G. Atkins, a longtime civic activist for Arlington County, died on December 9, 2013; and

WHEREAS, a native of Auburn, New York, Robert "Bob" Atkins received his bachelor's degree from American University and his master's degree from the University of Kentucky; and

WHEREAS, working for the federal government, Bob Atkins relocated to Arlington in 1976 and remained there for the rest of his life; his love for Arlington was truly evident in the work he performed as a civic activist for the community; and

WHEREAS, upon his retirement, Bob Atkins became a founding member and later the president of the Stonewall Jackson Citizen's Association, now known as the Bluemont Civic Association, and served as their representative at the Arlington County Civic Federation; and

WHEREAS, Bob Atkins also served as a founding member of Virginia Organizations Responding to AIDS (VORA) and was listed as their first donor; and

WHEREAS, advocating on behalf of Virginians living with Human Immunodeficiency Virus (HIV), Bob Atkins attended AIDS Awareness Day at the General Assembly every year since the 1990s; and

WHEREAS, a fixture at the Arlington County Board, Bob Atkins attended almost every board meeting beginning in 1995, earning the respect of the members and the community for his tireless dedication to issues affecting the county and the Commonwealth; and

WHEREAS, predeceased by his father, Robert, and his brother, Ronald, Bob Atkins will be fondly remembered and greatly missed by his mother, Julia, and many other family members, friends, and the community of Arlington County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a longtime civic activist for Arlington County, Robert G. Atkins; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert G. Atkins as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 248

Commending the Northern Virginia Transportation Commission.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, the Northern Virginia Transportation Commission, created by the General Assembly of Virginia in 1964, will celebrate its 50th anniversary on September 1, 2014; and

WHEREAS, the Northern Virginia Transportation Commission (NVTC) began with an initial district of five jurisdictions, including the Counties of Arlington and Fairfax and the Cities of Alexandria, Fairfax, and Falls Church, with 11 elected officials from those jurisdictions and the chair of the State Highway Commission serving jointly as commissioners; and

WHEREAS, the NVTC has grown to include the County of Loudoun and now has 20 board members, including six members of the General Assembly of Virginia and a designee of the Virginia Secretary of Transportation; and

WHEREAS, the NVTC district has a current population of more than 1.7 million people in a territory covering 1,000 square miles; and

WHEREAS, the NVTC serves the citizens of the Commonwealth by promoting and funding an innovative network of public transit and ride sharing that provides 550,000 commuter trips each work day and 164 million passenger trips on bus and rail in NVTC's jurisdictions annually; and

WHEREAS, NVTC manages financial resources from federal, state, regional, and local partners exceeding \$200 million annually, while demonstrating sound fiscal management of public funds and establishing a set of stringent internal controls to manage NVTC's complex financial role in the region, resulting in unblemished independent audits; and

WHEREAS, the NVTC consistently promotes transit innovations leading to improved efficiency and customer service, including the highly successful Shirley Highway busway demonstration in the early 1970s, in which the NVTC purchased 90 new buses to double bus service in the corridor and generated more than 13,000 new daily transit trips; and

WHEREAS, expanded service and effectiveness have led to a 22 percent increase in ridership over the last decade; and

WHEREAS, the NVTC worked to create the Washington Metropolitan Area Transit Authority (WMATA), and the resulting interstate compact requires WMATA's Virginia board members to be appointed from among the NVTC's commissioners; and

WHEREAS, the NVTC began to plan for commuter rail service at its first business meeting in 1964 and persevered until the Virginia Railway Express (VRE) began operations in 1992; and

WHEREAS, the NVTC co-owns VRE, which is the tenth-largest commuter rail system in the United States, with annual ridership of over four million and assets of \$377 million; and

WHEREAS, the NVTC was selected in 1996 by the American Public Transportation Association as the outstanding government agency in North America; and

WHEREAS, today, five of the NVTC's six local jurisdictions operate successful local bus systems using SmarTrip fare collection systems coordinated by the NVTC, and in 2014, NVTC will manage a technical procurement that will join all NVTC jurisdictions and the Virginia Rail Express and Potomac and Rappahannock Transportation Commission services on a single electronic payment system with the rest of the metropolitan region; and

WHEREAS, the NVTC uses its legal, policy, and technical expertise to support sustainable transit funding and to maximize the use of existing infrastructure through bus on shoulder, bus service express lanes, and commuter bus storage solutions; and

WHEREAS, the NVTC has planned for coordinated emergency responses by Northern Virginia's transit systems to facilitate faster transit reactions and better communication with customers, police, fire departments, and other public safety personnel during emergencies; and

WHEREAS, the NVTC fosters innovation and adoption to increase effective and efficient transit in the Commonwealth through establishment of electronic schedules, real-time bus information technology, and telework; and

WHEREAS, the NVTC also compiles and reports detailed transit performance information that generates millions of dollars of federal financial assistance for the entire region each year; and

WHEREAS, several well-known officials have chaired the NVTC throughout the past 50 years, including members of the United States Congress such as Thomas M. Davis III, James P. Moran, and Gerald E. Connolly; a Virginia Secretary of Transportation, John G. Milliken; and many state senators and delegates who championed public transit causes together with local board and council members; and

WHEREAS, in 50 years of leadership in transit system development, expansion, funding, and research, each of the current and former board members and staff have played an integral role in securing the transit network required to build and sustain the regional economy; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Northern Virginia Transportation Commission on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Paul Smedberg, chairman, and Kelley Coyner, executive director, of the Northern Virginia Transportation Commission as an expression of the General Assembly's congratulations on reaching this landmark in the Commission's history and appreciation for the leadership of the Commission in promoting ridesharing in Northern Virginia to the benefit of the region and the entire Commonwealth of Virginia.

HOUSE JOINT RESOLUTION NO. 249

Celebrating the life of Cassell Davenport Basnight.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, Cassell Davenport Basnight, a kindhearted, compassionate, and generous gentleman and a native of Chesapeake, died on November 13, 2013; and

WHEREAS, upon receiving his bachelor's degree from Lynchburg College in 1960, Cassell Basnight pursued a law degree from the University of Richmond; and

WHEREAS, in 1962, Cassell Basnight started his law practice, later forming Basnight, Kinser, Telfeyan, Leftwich & Nucholls, P.C., where he served as named and senior partner for over 40 years until his retirement in 2010; and

WHEREAS, a staple of the community, Cassell Basnight guided many initiatives, including the Chesapeake Civilian Club and Chesapeake Bank and Trust, and served as founding chairman of the board of directors for Monarch Bank; and

WHEREAS, a mentor to countless individuals and local businesses, Cassell Basnight was known for giving his time, expertise, and resources to help others achieve success; and

WHEREAS, a kind and active spirit, Cassell Basnight influenced the lives of many by encouraging healthy lifestyle choices; many benefited from attending the exercise class he taught at the Greenbrier Country Club for 20 years; and

WHEREAS, Cassell Basnight will be fondly remembered and greatly missed by his children, Kord, Kirk, Kent, and Christian, and their families, and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a dedicated Chesapeake public servant, Cassell Davenport Basnight; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Cassell Davenport Basnight as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 250

Commending Andolyn Medina.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, Andolyn Medina, a freshman at Hollins University, was selected as Miss Virginia Collegiate America 2014; and

WHEREAS, the Miss Collegiate America Pageant competition provides personal and professional opportunities for collegiate women; and

WHEREAS, Andolyn Medina, who is currently majoring in biology and music on a full four-year tuition academic scholarship, plans to have a career in medicine and music therapy; and

WHEREAS, a talented vocalist and pianist, Andolyn Medina is the recipient of the McCullough Voice Scholarship and was selected for the Hollins University Concert Choir and Chamber Orchestra; and

WHEREAS, Andolyn Medina was also selected for the Caribbean internship program and the Jamaica Cultural Immersion Program; and

WHEREAS, during her reign as Miss Virginia Collegiate America 2014, Andolyn Medina will promote her personal platform of P. E. A. C. E. (Peer Empowerment and Community Engagement) and the national platform of Crown C. A. R. E. S. (Creating a Respectful Environment in School); and

WHEREAS, Andolyn Medina will encourage her peers to take part in community affairs and teach tolerance to youth of all ages in order to have a safe and bully-free environment; and

WHEREAS, Andolyn Medina will travel to Orlando, Florida, July 2 through 6, 2014, to represent the Commonwealth at the Miss Collegiate America 2014 Pageant; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Andolyn Medina on her selection as Miss Virginia Collegiate America 2014; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Andolyn Medina as an expression of the General Assembly's congratulations and admiration for her community service.

HOUSE JOINT RESOLUTION NO. 251

Celebrating the life of James Donald Wagner, Jr.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, James Donald Wagner, Jr., a well-thought-of member of the emergency medical services community in Woodstock, died on March 2, 2013; and

WHEREAS, James "Jim" Wagner served as a member of the Woodstock Volunteer Rescue Squad for over 40 years, having served in every office during his active service, including numerous times as captain; and

WHEREAS, Jim Wagner chaired the EMS Exchange Program for the Virginia Association of Volunteer Rescue Squads, Inc. (VAVRS), from 1999 to 2011, developing and coordinating the program that brought EMS providers to Virginia from countries such as Germany and in turn sent Virginia's providers to those countries; and

WHEREAS, Jim Wagner was also a participant in the exchange program, traveling to Kassel, Germany, representing VAVRS; and

WHEREAS, Jim Wagner dedicated himself for the past six years to operating the VAVRS booth at the annual conference, allowing committee members to attend meetings and classes; and

WHEREAS, in addition, Jim Wagner helped run contests at the annual conference and sell items to visitors and members; he was known for his salesmanship, especially when it came to selling "year-old" shirts and cookbooks; and

WHEREAS, Jim Wagner served VAVRS as an Emergency Vehicle Operator's Course Instructor for 15 years and also as a District Rescue Officer for 19 years; and

WHEREAS, Jim Wagner was a veteran of the United States Navy, having served in Vietnam, and continued his service to the United States by serving in the United States Navy Reserve for many years; and

WHEREAS, Jim Wagner had a musical talent, having played in numerous bands in and around Woodstock, playing and collecting guitars, and sharing his God-given talent with others; and

WHEREAS, a true Virginia gentleman who touched the lives of numerous individuals through his music, his volunteer rescue squad service, and his involvement in the Valley Health Heart Attack Risk Program, Jim Wagner will be greatly missed by his wife Karen, his children, and grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a distinguished member of the community, James Donald Wagner, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Donald Wagner, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 252

Commending The Links, Incorporated, chapters of the Commonwealth of Virginia.

Agreed to by the House of Delegates, February 3, 2014

Agreed to by the Senate, February 3, 2014

WHEREAS, The Links, Incorporated, an international, not-for-profit corporation established in 1946 in Philadelphia, Pennsylvania, by homemakers Sarah Strickland Scott and Margaret Roselle Hawkins, became a national organization in June 1949; and

WHEREAS, The Links, Incorporated, consists of 12,000 professional women in 274 chapters located in 42 states, the District of Columbia, and the Commonwealth of the Bahamas, and is one of the nation's oldest and largest volunteer service organizations of African American women, the members of which are influential decision makers and opinion leaders committed to enriching and sustaining the culture and ensuring the economic survival of African Americans and other persons of African ancestry; and

WHEREAS, with a focus on local communities, members of The Links, Incorporated, chapters work as business and civic leaders, mentors, role models, community activists, and volunteers who contribute more than 500,000 hours of community service each year; and

WHEREAS, The Links, Incorporated, consists of 17 chapters in the Commonwealth of Virginia—Charlottesville, Chesapeake/Virginia Beach, Commonwealth, Danville, Hampton, James River Valley, Lynchburg, Newport News, Norfolk, Old Dominion, Petersburg, Portsmouth, Reston, Richmond, Roanoke, Southside Virginia, and Suffolk—that focus on programs designed to address local, national, and international education, health care, and other human services issues; and

WHEREAS, The Links, Incorporated's, unique mission of combining friendship and purposeful service to make history, provide hope, and enrich the community through education and the arts has had positive results in the community, provided support and assistance to assuage educational disadvantage and cultural deprivation, and created opportunities that have allowed members of the organization to use their talents to help fulfill the hopes and dreams of others; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend The Links, Incorporated, chapters in the Commonwealth of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Margot James Copeland, national president; Dianne Hardison, area director of the Old Dominion (VA) chapter; and the presidents of the chapters of The Links, Incorporated, in the Commonwealth of Virginia, requesting that they each further disseminate copies of this resolution to their respective constituents in order that they may be apprised of the General Assembly's appreciation of the organization's service to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 253

Commending William Ray Teaford.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, William Ray Teaford of Fincastle, an employee of Roanoke Cement Company LLC, has been named Electrician of the Year by Klein Tools, Inc.; and

WHEREAS, this national recognition was awarded to William "Billy" Teaford because of his ability to motivate people, commitment to electrical safety, professionalism, pursuit of excellence, and charitable work; and

WHEREAS, Billy Teaford has worked for Roanoke Cement Company for 40 years; the sprawling factory, which operates 24 hours a day, 365 days a year, produces all the cement used in the Commonwealth and in North Carolina and West Virginia; and

WHEREAS, Billy Teaford is the plant electrician and is responsible for electrical repairs and troubleshooting, motor maintenance, high-voltage wiring, plant controls systems, installation and start-up procedures for machinery, coordination with plant personnel, and mentoring and training new employees; and

WHEREAS, employees at the factory, which is nestled in the mountains in Botetourt County, appreciate Billy Teaford's enthusiasm and his attention to detail and safety, his careful tutelage about equipment and procedures, and his willingness to help at any time of the day or night; and

WHEREAS, Billy Teaford has never had a lost-time accident at the factory, and he has used the same lock-out safety tag—a critical safety mechanism for disabling and shutting off dangerous equipment while it is undergoing maintenance or repair—for 40 years; and

WHEREAS, Billy Teaford has been involved with many charitable endeavors; he helped start a Relay for Life team at the factory that raises money for the American Cancer Society; he also organizes the Fincastle Baptist Church Car Show, which supports the church's youth group; and

WHEREAS, for the past 11 years, Billy Teaford has worked with companies and nonprofit organizations to help ensure that every child in the area who asks for a bicycle for Christmas receives one; each holiday, more than 500 bikes are delivered to the Salvation Army for distribution; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend William Ray Teaford, an electrician at Roanoke Cement Company LLC, for being named Electrician of the Year by Klein Tools, Inc.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to William Ray Teaford, as an expression of the General Assembly's congratulations and admiration for his commitment to safety, ability to motivate fellow employees, attention to detail, and charitable activities.

HOUSE JOINT RESOLUTION NO. 254

Commending the Franklin County Perinatal Education Center.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, the Franklin County Perinatal Education Center, a nonprofit organization providing childbirth and child health education to women and their families, has served the residents of the Counties of Franklin, Patrick, and Henry for 15 years; and

WHEREAS, the Franklin County Perinatal Education Center was established by Amy Pendleton, a former high school teacher who saw a growing need among young women, parents, and families in the community for guidance and counseling on issues related to childbirth; and

WHEREAS, founded in 1999, the Franklin County Perinatal Education Center offers classes on a variety of topics, such as childbirth preparation, infant CPR, and home safety; today, Amy Pendleton is a respected resource to the members of the community, known for sharing her knowledge and always working to help those in need; and

WHEREAS, the Franklin County Perinatal Education Center also works to support members of the community by providing free diapers, baby formula, baby clothes, and child safety equipment to low-income families; and

WHEREAS, the Franklin County Perinatal Education Center has received generous support from businesses, charitable organizations, and individuals in the area, many of whom offered time and materials to help the center renovate its current building in Rocky Mount; and

WHEREAS, succeeding in the mission to ensure that childbirth is a joyful event, Amy Pendleton and the Franklin County Perinatal Education Center have touched countless lives in the region; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Franklin County Perinatal Education Center on the occasion of its 15th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Amy Pendleton, executive director of the Franklin County Perinatal Education Center, as an expression of the General Assembly's admiration for the center's dedication to serving women, children, and families in the community.

HOUSE JOINT RESOLUTION NO. 255

Commending Bridgewater Marina.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, Bridgewater Marina, a boat rental company and boating supplies store in Moneta, celebrates 25 years of serving the Smith Mountain Lake community in 2014; and

WHEREAS, opened in 1989, Bridgewater Marina focuses on providing outstanding customer service from its dockside store and three convenient rental locations; and

WHEREAS, working to support the community, Bridgewater Marina is active in the Smith Mountain Lake Regional Chamber of Commerce, the Virginia Safe Boating Alliance, and the United Way of Franklin County; and

WHEREAS, Bridgewater Marina is committed to the safe enjoyment of water sports at Smith Mountain Lake, ensuring that all equipment is properly inspected and offering a free instructional orientation to all renters; and

WHEREAS, Bridgewater Marina is a crucial partner in promoting and strengthening tourism at Smith Mountain Lake; the marina's friendly staff members have helped generations of families learn about and enjoy boating and other water sports; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bridgewater Marina on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bridgewater Marina as an expression of the General Assembly's admiration for its long commitment to serving the residents and visitors of Smith Mountain Lake.

HOUSE JOINT RESOLUTION NO. 256

Commending the Rotary Club of Stuart.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, in December 2013, the Rotary Club of Stuart celebrated its 75th anniversary as a chartered Rotary Club within Rotary International; and

WHEREAS, Rotary International dedicates its efforts to service above self, a philosophy embraced by the Rotary Club of Stuart, as seen in its five avenues of service: club, vocational, community, international, and new generation; and

WHEREAS, chartered in 1938, the Rotary Club of Stuart was established under the Honorable John D. Hooker, the club's founding president; and

WHEREAS, since 1952, the Rotary Club of Stuart has organized and hosted the Patrick County Agricultural Fair, its biggest project to date; and

WHEREAS, contributing to the education and development of youths, the Rotary Club of Stuart has provided more than \$200,000 in scholarship and student loan programs, sponsored two high school juniors every year to attend the Rotary Youth Leadership Assembly, supported the General Educational Development program, and provided dictionaries and atlases to elementary-age students in Patrick County; and

WHEREAS, committed to improving its local community, the Rotary Club of Stuart has assisted in the construction of the local hospital, Rotary Field, in 1962, and the community library in 1991, and has donated to the Caring Hearts Free Clinic and the Patrick County Food Bank; and

WHEREAS, dedicated to helping international humanitarian efforts, the Rotary Club of Stuart assisted in packing over 26,000 meals to support Stop Hunger Now, contributed immensely to the Rotary Foundation in its effort to eliminate polio, and provided substantial support to Rotary's endeavor to eradicate the Guinea worm; and

WHEREAS, a vital part of the community, the Rotary Club of Stuart has provided unmatched community service and support of local and international philanthropic initiatives throughout its existence; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Rotary Club of Stuart on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tom Steele, president of the Rotary Club of Stuart, as an expression of the General Assembly's respect and admiration for its decades of service to both the Commonwealth and the international community.

HOUSE JOINT RESOLUTION NO. 258

Commending Jeffrey Clore Early.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, Jeffrey Clore Early served on the Madison County School Board from 1992 to 2013, providing distinguished and attentive service during his tenure; and

WHEREAS, Jeffrey "Jeff" Early attended public schools in Madison County; he earned degrees from Roanoke College and George Mason University and then returned to Madison County to practice law; and

WHEREAS, Jeff Early admirably represented students, their parents, and the citizens of Madison County as a member of the school board from 1992 to 2013; he also served as chairman of the school board from 2002 until he retired in 2013; and

WHEREAS, Jeff Early provided thoughtful leadership to the school division during his 21 years of public service; he held an abiding belief in the value and importance of public education, which was buttressed by his adherence to the philosophy that every person is worthy of respect and dignity; and

WHEREAS, as a key leader in the school division, Jeff Early was a strong supporter of those who back the mission of public education, and he was also known for his steadfast encouragement of academic excellence and the many benefits of student athletics in the public schools; and

WHEREAS, Jeff Early brought congeniality, wisdom, love of Madison County and Madison County Public Schools, great compassion, and a caring heart to his years as a member of the school board; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jeffrey Clore Early, on the occasion of his retirement, for his many years of outstanding service as a member of the Madison County School Board; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jeffrey Clore Early as an expression of the General Assembly's respect and admiration for his dedication to public education in Madison County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 259

Commending Emmitt B. Marshall.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, Emmitt B. Marshall, a dedicated public servant and a highly admired leader in the Spotsylvania community, retired from the Spotsylvania County Board of Supervisors in 2013; and

WHEREAS, a lifelong resident of Spotsylvania County, Emmitt Marshall was first elected to the Spotsylvania County Board of Supervisors in 1980; showing genuine care for his fellow members of the community, he was elected to eight more terms and served for 34 years; and

WHEREAS, the longest-serving member of the Board of Supervisors, Emmitt Marshall was also the only native of Spotsylvania County on the board at the time of his retirement; and

WHEREAS, known as a true gentleman, Emmitt Marshall ran respectful election campaigns, always emphasizing the strength of his own record; today, he counts many former opponents among his friends and supporters; and

WHEREAS, with his helpful demeanor, Emmitt Marshall valued the importance of compromise during his time on the Board of Supervisors; he often formed coalitions to work together for the betterment of the county; and

WHEREAS, Emmitt Marshall witnessed a great deal of change in his storied career; since 1980, the population of Spotsylvania County has more than tripled, and he has served with 32 different fellow supervisors; and

WHEREAS, among his many accomplishments, Emmitt Marshall proudly recalls his role in the acquisition of the plot of land that would become the Central Park shopping center; he also played a pivotal role in the acquisition of the Bowman Center and encouraged the successful auction of Rappahannock Regional Jail; and

WHEREAS, in retirement, Emmitt Marshall intends to spend more time with his supportive wife of 65 years, Viola, his two children, and two grandchildren; and

WHEREAS, Emmitt Marshall leaves an unmatched legacy of dedication to the community, cooperation with his fellow elected officials, and wise leadership to future members of the Board of Supervisors and the residents of Spotsylvania County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Emmitt B. Marshall, a respected public servant and a well-known member of the Spotsylvania community, on the occasion of his retirement from public office; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Emmitt B. Marshall as an expression of the General Assembly's admiration for his decades of service to Spotsylvania County and best wishes for a happy retirement.

HOUSE JOINT RESOLUTION NO. 260

Election of a Circuit Court Judge.

Agreed to by the House of Delegates, February 4, 2014

Agreed to by the Senate, February 4, 2014

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly shall proceed this day

To the election of a Circuit Court judge for the Second Judicial Circuit for a term of eight years commencing February 13, 2014.

And that in the execution of the joint order nominations shall be made in the order herein named, and that each house shall be notified of said nominations, and when the rolls shall be called for the whole number, the presiding officers of each house shall appoint a committee of three, which together shall constitute the joint committee to count the vote of each house in each case and report the results to their respective houses. The joint order may be suspended by the presiding officer of either house at any time but for no longer than twenty-four hours to receive the report of the joint committee.

HOUSE JOINT RESOLUTION NO. 261*Commending Rachel Granata.*

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, Rachel Granata, a teacher at J. Blaine Blayton Elementary School, has been named a 2013 Teacher of the Year for the Williamsburg-James City County Public Schools division; and

WHEREAS, Rachel Granata, who taught first grade at J. Blaine Blayton Elementary School for the first three years of her teaching career and now teaches second grade there, realized when she was a young girl that she wanted to teach; and

WHEREAS, Rachel Granata credits an outstanding teacher she had in the third grade for her decision to become a teacher, and she also said that her parents' habit of reading to her every day gave her a strong educational foundation; and

WHEREAS, Rachel Granata believes that reading is the most important skill for elementary schoolchildren to master; she reads to her pupils daily, and she also is energized when she sees children master a new concept or light up when they understand and explore a new topic; and

WHEREAS, a native of Chesapeake, Rachel Granata attributes the strong support she has received from the school division, the Williamsburg community, and The College of William and Mary for enabling her to be successful early in her teaching career; and

WHEREAS, Rachel Granata earned her bachelor's and master's degrees from The College of William and Mary; the college's relationship with the community and the support it offers to beginning teachers were major factors in her decision to teach in the Williamsburg-James City County Public Schools system; and

WHEREAS, recognizing that young students today have been raised using digital technology, Rachel Granata finds many ways for digital and online resources to enhance and improve ways that students learn and acquire information in the classroom; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Rachel Granata for being named a 2013 Teacher of the Year for the Williamsburg-James City County Public Schools division; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rachel Granata as an expression of the General Assembly's respect and admiration for her success and her commitment to educating young children in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 262*Commending Darlene Russell.*

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, Darlene Russell, a teacher at Toano Middle School, has been named a 2013 Teacher of the Year for the Williamsburg-James City County Public Schools division; and

WHEREAS, now in her 23rd year of teaching, Darlene Russell, whose husband is a member of the United States Armed Forces, has taught in Chesterfield County, Kentucky, Iowa, and Germany; she hopes to spend the remainder of her career at Toano Middle School; and

WHEREAS, Darlene Russell teaches sixth-grade English; she loves to teach and especially appreciates the challenges and rewards that come with teaching young people during their first year of middle school; she constantly focuses on making a difference in her students' lives; and

WHEREAS, Darlene Russell is passionate about her work, and she is flexible in her teaching methods, recognizing that students have different styles of learning and classes have different dynamics; in addition to literature, grammar, and writing, she also tries to teach the young people she works with something about life; and

WHEREAS, Darlene Russell is inspired all the more when she sees a student who has worked hard for many weeks finally pass a test or write a succinct and concise paper; a child's determination to succeed is one of her prime motivators as a teacher; and

WHEREAS, one of the incentives that Darlene Russell successfully uses to engage her students is holding a daily lunch bunch get-together in her classroom; there, students can receive extra help, talk things over, or do homework; and

WHEREAS, Darlene Russell encourages parents to be involved at school; she also urges her students to talk with their parents about their school work and activities, emphasizing that two-way communication between students and parents is vitally important; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Darlene Russell for being named a 2013 Teacher of the Year for the Williamsburg-James City County Public Schools division; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Darlene Russell as an expression of the General Assembly's respect and admiration for her success and her commitment to educating young people in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 263

Commending Christine Wilson.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, Christine Wilson, a teacher at Jamestown High School, has been named a 2013 Teacher of the Year for the Williamsburg-James City County Public Schools division; and

WHEREAS, Christine "Chrissie" Wilson became a teacher to honor her late mother and her own teachers; she is most grateful for those educators whose compassion and encouragement helped her cope and pointed her to a brighter future; and

WHEREAS, when she was young, her mother encouraged her dream of becoming a teacher, and Chrissie Wilson now is in her sixth year of teaching a variety of English classes at Jamestown High School, including honors courses and Advanced Placement classes; and

WHEREAS, despite busy and long workdays, Chrissie Wilson derives great satisfaction from observing her students engage in and react with passion to literature; she calls those times "I gotcha" moments, and they fuel her love of teaching; and

WHEREAS, Chrissie Wilson's father was a colonel in the United States Air Force; her family, which included two sisters, lived in Texas, Arizona, and California before settling in Virginia, where she attended the Williamsburg-James City County Public Schools and graduated from Jamestown High School; and

WHEREAS, Chrissie Wilson, who earned an undergraduate degree from Roanoke College, is the mother of a young daughter, and she understands the challenges of being a parent and teaching full time; when her daughter starts school, she hopes that she will have teachers who strive to instill a love of learning in their students; and

WHEREAS, for Chrissie Wilson, one of the main rewards of teaching high school is working with teenagers; in her view, they are challenging and awe-inspiring, believe that positive changes in society can and will occur, and are tenacious in creating such changes; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Christine Wilson for being named a 2013 Teacher of the Year for the Williamsburg-James City County Public Schools division; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Christine Wilson as an expression of the General Assembly's respect and admiration for her success and her commitment to educating young people in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 264

Commending Robin Bledsoe.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, Robin Bledsoe, an outstanding Virginian who honors the sacrifice of fallen soldiers from the Commonwealth with tribute hikes and videos, completed her 100th hike on January 26, 2014; and

WHEREAS, after discovering a website that lists information about each service member who has died in Operation Iraqi Freedom and Operation Enduring Freedom, Robin Bledsoe, herself a military spouse, learned that over 200 Virginians had made the ultimate sacrifice; and

WHEREAS, inspired by what she had discovered, Robin Bledsoe set out on a personal mission to honor and thank those who had fallen and recognize the courageous Americans still in harm's way around the world; and

WHEREAS, after starting a Facebook page, Hiking for Virginia Fallen Heroes, in August 2013, Robin Bledsoe began dedicating tribute hikes to individual fallen service members; she posts videos at the conclusion of each hike with information about the honoree's life and service; and

WHEREAS, Robin Bledsoe's noble efforts have earned recognition from military families and the James City County Board of Supervisors, from which she received the James City County Chairman's Award; and

WHEREAS, Robin Bledsoe has developed many strong relationships with hundreds of service members, veterans, and their families and friends, and her actions have encouraged others to similarly offer their support; and

WHEREAS, Robin Bledsoe completed her 100th hike at Scott's Run Nature Preserve near Washington, D.C., on January 26, 2014; she was joined by members of a nonprofit group that brings together veterans and members of the community for social and recreational activities; and

WHEREAS, already a leader in her community, Robin Bledsoe is a member of the James City County Planning Commission and the president of The Foundation at Williamsburg Place; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Robin Bledsoe on the occasion of her 100th tribute hike honoring fallen soldiers from the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robin Bledsoe as an expression of the General Assembly's admiration for her commitment to honoring individuals who have made the ultimate sacrifice for the Commonwealth and the nation.

HOUSE JOINT RESOLUTION NO. 265

Commending Larry Chambers.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, Larry Chambers, career journalist, editor, and publisher of newspapers in Galax and Independence, retired on December 31, 2013; and

WHEREAS, Larry Chambers' career began when he was a teenager and was hired by the *Gazette* in Galax to deliver newspapers; he became a reporter soon afterward, discovering a passion for sports reporting; and

WHEREAS, in his early days in journalism, Larry Chambers covered the Galax High School football games, often riding the team bus to away games; in 1966, he was hired to be a full-time news reporter; and

WHEREAS, employees at small-town newspapers must do many jobs to ensure that the paper is published on schedule; Larry Chambers soon discovered that he was a talented photographer, and over the years his photographs have won many recognitions and awards; and

WHEREAS, Larry Chambers assumed other responsibilities at the *Gazette* as his career progressed, eventually becoming editor-in-chief; later, he was director of specialty publications and web printing; and

WHEREAS, in 1999, Larry Chambers became general manager of *The Declaration* newspaper in neighboring Independence, yet he never lost his love for breaking news, and frequently was found at the scene of accidents, fires, natural disasters, and other newsworthy events; and

WHEREAS, at the time of his retirement, Larry Chambers was publisher of *The Declaration*, and, with 47 years of service, he was the most senior employee of Landmark Community Newspapers, LLC; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Larry Chambers for his many years of outstanding journalism and service to the citizens of Galax, Independence, and the surrounding counties; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Larry Chambers as an expression of the General Assembly's respect and admiration for his service to Southwest Virginia and to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 266

Commending William D. Henderson, Jr.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, William D. Henderson, Jr., has served as an emergency medical services volunteer in both the western and eastern parts of the Commonwealth of Virginia; and

WHEREAS, William Henderson has been a rescue squad volunteer for more than 50 years; in 1963, he began volunteering with the Charlottesville-Albemarle Rescue Squad; and

WHEREAS, William Henderson has responded to thousands of emergency calls to assist ill and injured people in his years as a rescue squad member; and

WHEREAS, in 1995, William Henderson joined the Northumberland County Rescue Squad, eventually responding to more than 50 percent of the squad's total call volume; he has generously devoted countless hours to providing pre-hospital care to many people; and

WHEREAS, William Henderson became a basic life support instructor in 1976; his classes are free of charge, which he has hoped will encourage people to become volunteer emergency medical technicians; and

WHEREAS, William Henderson has provided a valuable service to Northumberland County and to the Commonwealth as a first responder and as an instructor; he teaches life support classes and also offers continuing credit instruction to emergency personnel; and

WHEREAS, for five decades, William Henderson has helped his fellow Virginians with tireless dedication and commitment—often in their time of greatest need—and he has been honored for his service by the City of Charlottesville and the Northumberland County Board of Supervisors; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend William D. Henderson, Jr., an esteemed Virginian and dedicated rescue squad volunteer and life support instructor; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to William D. Henderson, Jr., as an expression of the General Assembly's great respect and admiration for his many years of providing volunteer emergency medical assistance and teaching first responders in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 267

Commending Mattie Sites.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, Mattie Sites, a generous Louisa County resident, has donated her time and talents to help raise money for people without access to clean water; and

WHEREAS, while attending a faith-based children's camp, Mattie Sites watched a video on water shortages in Africa and decided she could make a difference; and

WHEREAS, over 1.5 million people on earth have no access to clean, safe drinking water; approximately 4,000 children die daily from treatable diseases contracted from unsafe water supplies, with 98 percent of these deaths occurring in the developing world; and

WHEREAS, during a drought in the African nation of Malawi, women and children could spend up to eight hours a day traveling to distant wells to retrieve water that may not be potable; and

WHEREAS, along with two cousins, Mattie Sites organized a yard sale to raise funds to support the construction of a deep-bore well in Malawi; experiencing success, she worked with the members of her church to organize a larger yard sale; and

WHEREAS, exceeding her goal, Mattie Sites raised over \$1,600 at the church yard sale on September 14, 2013; to date, she has raised over \$2,900 for her cause; and

WHEREAS, through her passion to help others, Mattie Sites honorably represents the Louisa County community and the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mattie Sites for her work to help families with no access to clean water; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mattie Sites as an expression of the General Assembly's admiration for her determination, selflessness, and care for her fellow man.

HOUSE JOINT RESOLUTION NO. 268

Celebrating the life of Brian McClung Huffman.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, Brian McClung Huffman of Gordonsville, who represented the Green Springs District on and served as vice chair of the Louisa County School Board, died on December 31, 2013; and

WHEREAS, Brian Huffman was a driving force for the Louisa County Public School system; he was committed to public education and in November 2013 was elected to his fourth term on the school board; and

WHEREAS, Brian Huffman, who worked at Bio-Cat, was a dedicated public servant and community leader with a deep concern for the youth of Louisa County and was respected for his ability to unite people to achieve a common goal; and

WHEREAS, Brian Huffman made many contributions to the community; he was involved with the Louisa County Agricultural Fair, the Louisa 4-H program, the Santa Council of Louisa County, Backpack Blessings, the Gordonsville Volunteer Fire Company Auxiliary, and many other organizations; and

WHEREAS, Brian Huffman will be greatly missed and fondly remembered by his daughter, Amanda; her mother, Jolie Huffman; and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Brian McClung Huffman, a dedicated civic leader and longtime member of the Louisa County School Board; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Brian McClung Huffman as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 269

Celebrating the life of Dr. Michael G. Basham.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, Dr. Michael G. Basham of Wise, a former superintendent of schools in Scott and Wise Counties, died on January 11, 2014; and

WHEREAS, Michael Basham, a native of Shawsville, graduated from Christiansburg High School and earned degrees from Emory and Henry College and the University of Virginia; and

WHEREAS, during a long and productive career in education, Michael Basham always worked to put the needs of students, staff, and administration at the forefront; he was an effective leader who ably provided guidance and insight to students, school employees, and school board members; and

WHEREAS, Michael Basham had extensive experience in public school administration and was noted for his success in raising the academic achievement of students in the Wise County Public Schools; as a pioneer in education, he also was a strong advocate of empowerment through education; and

WHEREAS, in addition to leading school systems in two counties in Southwest Virginia, Michael Basham had been superintendent of schools in Lunenburg County; Clinton, North Carolina; and Hertford County, North Carolina, where he was called out of retirement to lead the school system; and

WHEREAS, Michael Basham enjoyed fellowship and worship at the Wise First Church of God; he was also an Eagle Scout, a Mason, and a member of the Wise Kiwanis Club, and had proudly served the nation as a soldier in the United States Army; and

WHEREAS, with a love of family, football, and friends, Michael Basham was known as a gentle giant and a friend to all he met; his accomplishments were many and he also generously supported and encouraged the best in others; and

WHEREAS, Michael Basham will be greatly missed and fondly remembered by his loving wife of 50 years, Betty Jo; his children, Chris and Michelle, and their families; and many other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Dr. Michael G. Basham, an outstanding educator and a dedicated public servant; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dr. Michael G. Basham as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 270

Commending People, Inc.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, in 2014, People, Inc., the first community action agency in the Commonwealth and the first rural community action agency in the United States, celebrates 50 years of helping underserved communities; and

WHEREAS, People, Inc., was founded in 1964 by Garland Thayer and Fount Henderson and his wife, Thelma Henderson, who, along with other residents of Hayters Gap in Washington County, wanted to help their neighbors and create a more vibrant and sustainable community; and

WHEREAS, the organization, which was first called the Hayters Gap Community Club, was incorporated on August 11, 1964, by Joseph P. Johnson, Jr., as the Progressive Community Club of Washington County; and

WHEREAS, the enactment of the federal Economic Opportunity Act, signed by President Lyndon B. Johnson on August 20, 1964, established community action agencies as catalysts for efforts to alleviate poverty throughout the United States; and

WHEREAS, due to the efforts of its founders, in December 1964 the Progressive Community Club received its first grant of \$55,000 from the federal Office of Economic Opportunity, becoming the first community action agency in the Commonwealth and the first rural community action agency in the nation; and

WHEREAS, in 1974, the Progressive Community Club became People Incorporated of Washington County and Bristol, Virginia, and in the last 40 years, the agency has steadily expanded its services into underserved areas throughout the Commonwealth; and

WHEREAS, today, residents of 27 counties and cities in Southwest Virginia, the northern Shenandoah Valley, and the northern Piedmont regions of the Commonwealth receive help and services from People, Inc.; the headquarters of the private nonprofit corporation is in Abingdon; and

WHEREAS, programs offered by People, Inc., include early childhood development, health care, affordable housing, education, job training and employment, consumer finance and small business development, and community economic development services; and

WHEREAS, in the last 50 years, People, Inc., has grown from a small community organization into a nationally recognized service agency and is regarded as one of the most innovative and successful community action agencies in the nation; and

WHEREAS, in 2013, People, Inc., offered a range of personal and community services to more than 6,000 individuals and families living in many different communities; the organization's work resulted in economic benefits worth \$88 million to jurisdictions throughout the Commonwealth; and

WHEREAS, the founders of People, Inc., firmly believed that people, no matter their circumstances, have hopes and dreams for themselves and their communities; the organization has stayed true to this core principle as it continues to demonstrate excellence in providing ways for people to realize those hopes and enhance their lives, their families, and their communities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend People, Inc., on its 50th anniversary of helping people and families in need throughout the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to People, Inc., as an expression of the General Assembly's respect and admiration for its steadfast commitment to helping Virginians and their families achieve their dreams.

HOUSE JOINT RESOLUTION NO. 271

Commending Mary Alice Bowman.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, Mary Alice Bowman, a piano teacher from Boones Mill, retired in June 2013 after over 60 years of teaching; and

WHEREAS, enrolled in professional piano lessons by the time she was in fourth grade, Mary Bowman began sharing her passion for music with others at the young age of 12, when she taught her neighbor to play piano; and

WHEREAS, after graduating from Bridgewater College and marrying her college sweetheart, Mary Bowman and her husband, Willard, moved to Boones Mill in 1955; she immediately began teaching music and band at Callaway Elementary School; and

WHEREAS, when Franklin County adopted a countywide music program, Mary Bowman was asked to expand her role and begin teaching at Ferrum and Boones Mill Elementary Schools in addition to her position at Callaway; she remained in the public school system until 1975; and

WHEREAS, after leaving Callaway Elementary, Mary Bowman opened her home to the children of Franklin County and began giving private piano lessons, with 30 to 40 students under her instruction at a time; and

WHEREAS, believing that her instruction could take aspiring musicians only so far, Mary Bowman instilled a sense of self-discipline and initiative in her students, inspiring them to practice and hone their skills; and

WHEREAS, a woman of faith, Mary Bowman is a member of the Bethlehem Church of the Brethren, where she plays the organ and is responsible for the children's and adult choirs; the church has also been the venue for her students' recitals over the years; and

WHEREAS, for over 60 years, Mary Bowman has shared her passion and talent for music, and she has acted as a positive force in the community by helping countless students discover the joy of music; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mary Alice Bowman on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mary Alice Bowman as an expression of the General Assembly's respect and admiration for her years of dedicated service to the children of Franklin County.

HOUSE JOINT RESOLUTION NO. 272

Commending the Virginia Credit Union League.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, the Virginia Credit Union League, the state trade association for Virginia-based credit unions, has worked for eight decades to promote and protect credit unions, provided leadership for the movement, and helped organize many of the state's current 169 credit unions; and

WHEREAS, Virginia's credit unions promote the financial well-being of members, including those of modest means, through a system that is cooperative, member-owned, volunteer-directed, and not-for-profit; and

WHEREAS, the mission of the Virginia Credit Union League (League) is to promote the ideals of the credit union movement, as embodied in credit unions' "People Helping People" philosophy; and

WHEREAS, the League is tasked with upholding the cooperative principles of voluntary membership without discrimination, democratic member control, economic participation of members, autonomy and independence of credit unions as self-help organizations controlled by members, education and training for members and communities, cooperation among cooperatives, and concern for communities; and

WHEREAS, the League provides education, products, and services that empower Virginia's credit unions to serve more than 8 million members worldwide; and

WHEREAS, through its charitable foundation, the Credit Unions Care Foundation of Virginia, the League provides leadership for the state's credit union movement in financial education, community service, and charitable giving; they have trained the Commonwealth's teachers in educating young people about basic personal finances and coordinated the efforts of Virginia-based credit unions, donating more than \$1.6 million since 2003 to the Children's Miracle Network Hospitals serving the Commonwealth; and

WHEREAS, the League, through the generous support of its credit unions, will establish the Credit Union House of Virginia in Richmond this year; it will serve as an advocacy and education center and will promote the regulatory and legislative well-being of the Commonwealth's credit union system; and

WHEREAS, Virginia credit unions, through the dedicated work and assistance of the League, have made significant contributions to the financial well-being of their member-owners and the betterment of their communities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Credit Union League on the occasion of its 80th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rick Pillow, president of the Virginia Credit Union League, as an expression of the General Assembly's respect and admiration for its years of committed service to Virginia's credit unions and the communities they serve.

HOUSE JOINT RESOLUTION NO. 273

Commending the Virginia Governor's School program.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, in 2013, the Virginia Governor's School program celebrated 40 years of providing students with the tools to become responsible, successful citizens of the Commonwealth; and

WHEREAS, the Virginia Governor's School program was founded by Governor A. Linwood Holton, Jr., in 1973; the original summer program was so popular that students requested a year-round experience; and

WHEREAS, today, Governor's Schools serve over 7,500 students from throughout the Commonwealth; three of the schools offer full-day programs, while the others offer part-day, online, or summer programs; and

WHEREAS, the Virginia Governor's School program allows localities to efficiently provide opportunities for gifted students; Governor's Schools offer advanced curricula allowing students to learn at their own pace, with additional programs for students who excel in specific disciplines; and

WHEREAS, the Virginia Governor's School program strengthens the future of the Commonwealth by helping to create a skilled, highly motivated workforce; many graduates of the program have gone on to become accomplished leaders in business, public service, and their communities in the Commonwealth, the nation, and the world; and

WHEREAS, the Virginia Governor's School program exemplifies the importance of public education and demonstrates the importance of collaboration between counties, cities, and towns in supporting education; and

WHEREAS, bringing recognition to the Commonwealth on a national stage each year, two Virginia Governor's Schools are consistently ranked highly by *Newsweek* and *U.S. News & World Report*; and

WHEREAS, the ongoing success of the Governor's School program would not be possible without the enthusiasm, dedication, and hard work of the students, faculty, and staff of each of the 19 academic-year schools; and

WHEREAS, in addition to providing a high-quality core curriculum, each of the 19 academic-year schools—A. Linwood Holton Governor's School, Appomattox Regional Governor's School for the Arts and Technology, Blue Ridge Virtual Governor's School, Central Virginia Governor's School, Chesapeake Bay Governor's School for Marine and Environmental Science, Commonwealth Governor's School, Governor's School for the Arts, Jackson River Governor's School, Maggie L. Walker Governor's School for Government and International Studies, Massanutten Governor's School for Integrated Science and Technology, Mountain Vista Governor's School for Science, Math, and Technology, New Horizons Governor's School for Science and Technology, Piedmont Governor's School for Mathematics, Science, and Technology, Roanoke Valley Governor's School for Science and Technology, Shenandoah Valley Governor's School, Southwest Virginia Governor's School for Science, Mathematics and Technology, Governor's School of Southside Virginia, Thomas Jefferson High School for Science and Technology, and Governor's School at Innovation Park—offers unique perspectives, specializations, and opportunities for students; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Governor's School program on the occasion of the 40th anniversary of the establishment of the first Governor's School in 2013; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Governor's School program as an expression of the General Assembly's admiration for the schools' commitment to preparing students in the Commonwealth for college, careers, and citizenship.

HOUSE JOINT RESOLUTION NO. 274

Commending Queen of Peace Arlington Federal Credit Union.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, Queen of Peace Arlington Federal Credit Union, a member-owned, not-for-profit financial services provider in Arlington, celebrates 50 years of serving the community in 2014; and

WHEREAS, Queen of Peace Arlington Federal Credit Union (FCU) received its charter in March of 1964; its original membership included the members and employees of Our Lady Queen of Peace Catholic Church in Arlington; and

WHEREAS, today, with the same field of membership, Queen of Peace Arlington FCU has grown to over 500 member-owners; and

WHEREAS, Queen of Peace Arlington FCU offers a variety of services, including savings accounts, consumer loans, and personal loans; as a member-owned, not-for-profit institution, it directly benefits members by its continued success; and

WHEREAS, joining the Virginia Credit Union League in 1964, Queen of Peace Arlington FCU has worked to promote how credit unions can help and enhance their communities; and

WHEREAS, as a credit union whose member accounts are insured by the National Credit Union Administration, a federal government agency, Queen of Peace Arlington FCU ensures that its members' savings are secure; and

WHEREAS, for five decades, Queen of Peace Arlington FCU has supported and served the members of the Arlington community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Queen of Peace Arlington Federal Credit Union on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Queen of Peace Arlington Federal Credit Union as an expression of the General Assembly's admiration for the organization's commitment to the well-being of its members and the success of the community.

HOUSE JOINT RESOLUTION NO. 275

Commending Dr. Reinhold Brand.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, Dr. Reinhold Brand, who is senior vice president and general manager of the consumer specialties North American business unit of Evonik Corporation in Hopewell, has provided economic and educational opportunities to the residents of Hopewell and the surrounding area; and

WHEREAS, as a top executive for the plant, which makes specialty ingredients for personal and home-care products, Reinhold Brand has been responsible for a large increase in the number of technical and production personnel at the plant, contributing to the overall economic health of Hopewell; and

WHEREAS, Evonik Corporation has been a steadfast leader in the community; the company has established mentorship programs and workforce readiness efforts for the Hopewell Public Schools system, and Reinhold Brand has served as vice president of the Hopewell Public School Foundation; and

WHEREAS, recognizing that an educated workforce is crucial to a corporation's success, in 2013, Reinhold Brand and Evonik donated \$10,000 for 30 students at Hopewell High School to learn hands-on technology and engineering skills using remote-controlled race cars as instruction tools; and

WHEREAS, Reinhold Brand, who has been a business leader in the region for 12 years, has overseen a corporate investment of more than \$90 million in facilities and equipment and also has increased the company's property holdings in the Commonwealth to support future production and laboratory facilities; and

WHEREAS, in 2006, under Reinhold Brand's leadership, the company, which was then known as the Goldschmidt Chemical Corporation, received the Governor's Environmental Excellence Award for a Large Manufacturer for its pollution prevention and conservation program at the Hopewell plant; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dr. Reinhold Brand, senior vice president and general manager of the consumer specialties North American business unit of Evonik Corporation, for his many contributions to the Hopewell community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Reinhold Brand as an expression of the General Assembly's respect and admiration for his leadership and for his commitment to business, education, and the environment in Hopewell and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 276

Commending the Virginia State University Gospel Chorale.

Agreed to by the House of Delegates, February 5, 2014

Agreed to by the Senate, February 6, 2014

WHEREAS, the Virginia State University Gospel Chorale was founded in 1971 by Ms. Jackie Ruffin, formerly of the Richard Smallwood Singers, and Mr. Larry Bland, as the Larry Bland Gospel Ensemble; the Ensemble's name was changed to the Virginia State College Gospel Choir and later to the Virginia State University Gospel Chorale; and

WHEREAS, the Virginia State University Gospel Chorale recorded its first album, *Everyday with Jesus*, in 1977 and its second album, *He's Able*, in 1978; the choir's third album, *Virginia State University Gospel Chorale: Live in Concert*, was recorded in 2003; and

WHEREAS, the Virginia State University Gospel Chorale first performed before a broader audience by competing in the National Black Music Caucus Gospel Competition, where the choir won first place in 1984, 1985, 1988, 1996, 2003, and 2006, and second place in 1987; and

WHEREAS, the Virginia State University Gospel Chorale has toured nationally and internationally, performing on each international tour at the Pope's Vatican Christmas Concert, most recently in 2013; and

WHEREAS, the Virginia State University Gospel Chorale has performed on the same stage with renowned gospel recording artists Cheryl "Coko" Clemons of R&B group SWV, Mary Mary, Tye Tribbett, Earnest Pugh, Hezekiah Walker, JJ Hairston and Youthful Praise, and with poet Nikki Giovanni; and

WHEREAS, in September 2012, the Virginia State University Gospel Chorale competed in "How Sweet the Sound," a choral competition sponsored by Verizon, and out of the thousands of video entries submitted, the Chorale was one of 42 choirs and only one of four college choirs to reach the regional competitions around the country; the Chorale won the 2012 District of Columbia Region's People's Choice Award and garnered local, regional, and national acclaim; and

WHEREAS, in January 2013, the Virginia State University Gospel Chorale was selected to perform at the Washington, D.C., Citywide Interfaith Food Drive, one of the events of President Barack Obama's National Day of Service and a part of the official Presidential Inauguration Activities; and

WHEREAS, the Virginia State University Gospel Chorale was an electrifying quarter-finalist in Season 8 (2013) of *America's Got Talent*, which provided national and international exposure for the Chorale and the university; and

WHEREAS, the Virginia State University Gospel Chorale is currently listed under the word "choir" in the Britannica Online Encyclopedia and is cited in the gospel music sections of two music appreciation textbooks; and

WHEREAS, the Virginia State University Gospel Chorale performed as part of the 2014 inaugural activities for Governor Terence R. McAuliffe; and

WHEREAS, the Virginia State University Gospel Chorale, under the dedicated leadership of Director Perry Evans II, faculty adviser James Holden, Jr., business manager Michael Rainey, and musical director Mark Johnson, currently comprises approximately 100 hardworking choir members and five musicians, with various racial, national, and geographical backgrounds; and

WHEREAS, this world-renowned musical group continues to bring joy and enrich the lives of Virginians and citizens around the world through the expression of its unique and indescribable musical gifts and talents; and

WHEREAS, Virginia takes pride in the accomplishments of the Virginia State University Gospel Chorale; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia State University Gospel Chorale; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Dr. Keith T. Miller, president of Virginia State University, and Perry Evans II, Virginia State University Gospel Chorale director, as an expression of the General Assembly's admiration and gratitude for the Chorale's commitment to inspire and enrich the quality of life of the people of the Commonwealth and the world.

HOUSE JOINT RESOLUTION NO. 277

Commending the Franklin County High School Air Force JROTC marksmanship team.

Agreed to by the House of Delegates, February 7, 2014

Agreed to by the Senate, February 13, 2014

WHEREAS, the Franklin County High School Air Force JROTC marksmanship team in Rocky Mount was named the 2013 Air Force National Champions in the United States Air Force National Marksmanship competition; and

WHEREAS, the Franklin County High School (FCHS) team also placed fourth nationally at the All-Service National competition in March 2013—the first time an Air Force team won national ranking; the marksmanship team competed against more than 2,800 other teams, who represented all branches of the military; and

WHEREAS, the members of the national championship team from FCHS are Mike Barton, Jonathan Gove, Cody Ashby, and Carter Santrock; the team is coached by Lt. Col. Tracey Carter (Ret.), who applauded the men's hard work, talent, and grace under pressure; and

WHEREAS, in April, the FCHS marksmen won the Civilian Marksmanship Program (CMP) Regional Club National Championships, competing against 19 other teams; two groups from FCHS competed, with Team 1 placing first, and Team 2 taking fifth place; and

WHEREAS, at the CMP National Championship in July, the "Eagle Eye" marksmen set a national JROTC Air Force record, scoring 2,203 points with 82 bull's eyes; throughout the year, each member of the team contributed to the group's remarkable success; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Franklin County High School Air Force JROTC marksmanship team for being the 2013 national champions in the United States Air Force National Marksmanship competition; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lt. Col. Tracey Carter (Ret.), coach of the Franklin County High School Air Force JROTC marksmanship team, as an expression of the General Assembly's congratulations and admiration for its many achievements in marksmanship competition.

HOUSE JOINT RESOLUTION NO. 278

Celebrating the life of Frank J. Ottofaro, Sr.

Agreed to by the House of Delegates, February 14, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, Frank J. Ottofaro, Sr., a respected businessman and a dedicated citizen of the City of Hampton who advocated for property rights, died on March 14, 2012; and

WHEREAS, a native of Newport News, Frank Ottofaro learned the value of hard work and dedication at a young age, working at various jobs to help support his family; he went on to serve his country in the United States Navy, receiving an honorable discharge after five years; and

WHEREAS, a driven entrepreneur who always worked hard to provide the best for his family, Frank Ottofaro opened Frankie's Drive-In in 1960 and Otto's Sunoco Service Center in 1968, while he was also working on tugboats on the Chesapeake and Ohio Canal; and

WHEREAS, Frank Ottofaro was known for his generosity, devoted friendship, and abiding desire to do the right thing and help others; he was an active member of the Boys and Girls Club of America, the Peninsula Sports Club, and the Hampton Moose Lodge; and

WHEREAS, a passionate advocate for property rights, Frank Ottofaro attended dozens of Hampton City Council meetings over more than a decade to stand up for his own rights and those of the members of the community; and

WHEREAS, Frank Ottofaro's courageous and determined advocacy led to statewide change in the protection of property rights, benefiting all citizens of the Commonwealth; and

WHEREAS, Frank Ottofaro leaves behind an enduring legacy of civic engagement and deep dedication to his fellow Hampton residents; and

WHEREAS, Frank Ottofaro will be fondly remembered and greatly missed by his wife of 51 years, Dora; children, Jean, Frank, Jr., Sara, and Teresa, and their families; and numerous other family members, friends, and fellow members of the Hampton community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Frank J. Ottofaro, Sr., a respected entrepreneur, a champion of property rights, and a great Virginian; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Frank J. Ottofaro, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 279

Celebrating the life of Samuel S. Burkett.

Agreed to by the House of Delegates, February 14, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, Samuel S. Burkett, who admirably served the residents of Marion for 32 years as a member of the Town Council and as a longtime community banker, died on January 28, 2014; and

WHEREAS, after serving in the United States Army from 1951 to 1953, Samuel Burkett devoted his career and much of his free time to assisting the people, businesses, and organizations of Marion and Smyth County as a banker and as an elected official; and

WHEREAS, during more than three decades on the Marion Town Council, Samuel Burkett admirably represented the residents of the small town, which is the Smyth County seat; he was vice mayor for 16 years and served on the Mount Rogers Planning District Commission for 16 years; and

WHEREAS, Samuel Burkett capped his 47-year career in banking as manager of the Marion branch of Wells Fargo & Company; as a community banker, he received valuable insight into the issues and concerns faced by the people of Marion and Smyth County; and

WHEREAS, Samuel Burkett volunteered with Project Crossroads and the Settlers Museum of Southwest Virginia; he also served on the board of the Smyth County Community Hospital Foundation, Inc., and was a Paul Harris Fellow in the Rotary Club of Marion; and

WHEREAS, Samuel Burkett worshipped at First United Methodist Church in Marion, where he assumed many leadership roles; he also derived much pleasure from time spent with his friends and from traveling and playing golf; and

WHEREAS, a devoted husband and father, Samuel Burkett will be greatly missed and fondly remembered by his wife of 63 years, Helen; his children, Wayne and Wesley, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Samuel S. Burkett, an esteemed Virginian, respected community banker, and dedicated public servant; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Samuel S. Burkett as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 280

Celebrating the life of Joseph Charles Palumbo.

Agreed to by the House of Delegates, February 14, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, Joseph Charles Palumbo of Charlottesville, an outstanding football player at the University of Virginia, whose talent on the field was matched by his success in business and generosity of spirit, died on December 5, 2013; and

WHEREAS, Joseph "Joe" Palumbo was one of the country's best defensive linemen; he played collegiate football from 1949 to 1951, and the Cavaliers' won-lost record in those years was 23-5; and

WHEREAS, while Joe Palumbo's fierce competitive spirit on the gridiron is well remembered by fellow team members and opponents, his drive to succeed in business and his unswerving commitment to the Charlottesville community made him a great and beloved leader; and

WHEREAS, as a businessman with a successful insurance agency, Joe Palumbo supported many worthwhile causes in the Charlottesville area; he also instilled his desire to help others in his family, his friends, and his business associates; and

WHEREAS, among the many honors Joe Palumbo received in his life were the Rotary Club of Charlottesville naming him a Paul Harris Fellow, and he also was honored by the National Multiple Sclerosis Society's Blue Ridge chapter with its Silver Hope Award; and

WHEREAS, Joe Palumbo was one of only six people to have his player number retired by the University of Virginia; he also was a member of the Virginia Sports Hall of Fame and the College Football Hall of Fame; and

WHEREAS, family came first in Joe Palumbo's life; he will be fondly remembered and greatly missed by his wife, Sandra; daughters, Page and Penny, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Joseph Charles Palumbo, a great athlete whose determination and perseverance in sports carried over into all areas of a full and fruitful life; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Joseph Charles Palumbo as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 281

Commending Virginia Episcopal School varsity football team.

Agreed to by the House of Delegates, February 14, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, on November 16, 2013, the Virginia Episcopal School Bishops and the North Cross Raiders clashed on Johnson Field at Pope Stadium in Lynchburg for the 2013 Virginia Independent Schools Athletic Association Division III State Championship title; and

WHEREAS, a crowd of supporters of the Virginia Episcopal School Bishops, including students, alumni, friends, and members of the community, attended the nearly two-and-a-half-hour football game; and

WHEREAS, striving for their second straight state championship, the Bishops showcased their size and athleticism during the electrifying game, with running back Ronnie Stringfield scoring three touchdowns to bring the score to 22-0 at halftime; and

WHEREAS, Virginia Episcopal School Bishops' quarterback Taylor McHugh threw for 169 yards, and the North Cross Raiders were held on the defensive front well below the team's average of 33.4 per game; and

WHEREAS, before the sound of the final whistle, Tre'vonn Fields, a senior and basketball standout as well, ran to the 50-yard line and sprawled out across the Virginia Episcopal School logo, basking in the realization that the Bishops had won their second straight state championship title; and

WHEREAS, a special chemistry among the Virginia Episcopal School Bishops varsity football team enabled the members to unite, work hard, and persevere to win the school's second straight state championship title; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Episcopal School varsity football team on winning the 2013 Virginia Independent Schools Athletic Association Division III State Championship, its second straight state championship title; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Albert Jennings, head coach of the Virginia Episcopal School varsity football team, as an expression of the General Assembly's congratulations on the team's noteworthy achievement.

HOUSE JOINT RESOLUTION NO. 282

Celebrating the life of Floyd Withers Merryman, Jr.

Agreed to by the House of Delegates, February 14, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, Floyd Withers Merryman, Jr., an admired local business owner and respected citizen of Rustburg, died on December 7, 2013; and

WHEREAS, a lifelong resident of Rustburg, Floyd Withers "Sonny" Merryman, Jr., dedicated himself to the betterment of the village he called home; and

WHEREAS, after graduating from Rustburg High School in 1942, Sonny Merryman enrolled at Virginia Polytechnic Institute and joined the Corps of Cadets; and

WHEREAS, Sonny Merryman began his entrepreneurial career at an early age and established numerous successful business ventures; he eventually earned a reputation as a skilled and determined sales professional and extraordinary deal maker; and

WHEREAS, in 1967, Sonny Merryman and his wife, Frances, founded Sonny Merryman, Inc., a small trailer equipment and bus dealership; after 47 years, the company is now regarded as one of the most prominent bus dealerships in the country; and

WHEREAS, in addition to being a successful businessman, Sonny Merryman was a passionate champion of public education and youth development programs; he spent much of his life and personal resources supporting many worthwhile causes and benevolent organizations, including local fire departments, emergency service providers, the Salvation Army, Boys & Girls Clubs, YMCAs, 4-H Clubs, Rustburg United Methodist Church, and scholarship awards for students from all across the Commonwealth; and

WHEREAS, Sonny Merryman became one of his beloved alma mater's most loyal supporters and generous benefactors by contributing to both academic and athletic programs, capital projects, and serving as a volunteer leader and enthusiastic fundraiser; and

WHEREAS, in 2006, Sonny Merryman was bestowed Virginia Tech's highest individual honor when he was presented with the William H. Ruffner Medal for his lifetime of service to the university; and

WHEREAS, Sonny Merryman will be fondly remembered and greatly missed by his devoted wife of 60 years, Frances; his children, Patricia and Floyd; grandson, Lee; and many other family members, friends, associates, and coworkers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a well-respected and infinitely generous member of the Rustburg community, Floyd Withers Merryman, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Floyd Withers Merryman, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 283

Commending Jim Crinkley.

Agreed to by the House of Delegates, February 14, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, Jim Crinkley, a renowned coach and educator in Colonial Heights, stepped down from coaching the Colonial Heights High School girls' basketball team in 2013 after 37 seasons of inspirational leadership; and

WHEREAS, Jim Crinkley first developed a love of sports as a student at Blackstone High School; he later earned a bachelor's degree from the University of Virginia, where he played basketball; and

WHEREAS, after graduation, Jim Crinkley began his career with Colonial Heights High School as an assistant junior boys' basketball coach and later became head coach; with no girls' team at the time, female students had to play on the boys' team; and

WHEREAS, in 1976, Jim Crinkley was chosen to lead the girls' varsity basketball team; as one of the first men in the region to coach a girls' basketball team, he was proud to share his confidence and enthusiasm for the game with his players; and

WHEREAS, Jim Crinkley was a detail-oriented strategist who adjusted his coaching methods to fit the individuals on each season's team, earning a reputation as a leader who could always inspire his players to give their best effort; and

WHEREAS, dedicated to the fundamentals of the game, Jim Crinkley focused on sound defense and accurate three-point shooting; he valued professionalism and sportsmanship above all else, and he was known for always wearing a coat and tie to games; and

WHEREAS, over the course of his exceptional tenure as head coach, Jim Crinkley led the girls' basketball team to 390 victories—more than any other basketball coach in the school's history—five district championships, three district tournament championships, and the program's only regional championship title in 1986; and

WHEREAS, Jim Crinkley also led the Colonial Heights High School golf team and boys' tennis team to several district and district tournament championships; and

WHEREAS, working to further inspire the leaders of tomorrow, Jim Crinkley served as the keynote speaker at the 2010 Colonial Heights High School Annual Youth Forum, where he encouraged students to be passionate about leadership and always strive for greatness; and

WHEREAS, Jim Crinkley leaves a legacy of excellence to future basketball coaches at Colonial Heights High School, and he will continue to impart his wisdom to students as a history teacher and the coach of the golf team; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jim Crinkley, an educator, coach, and true gentleman, on the occasion of his retirement as coach of the Colonial Heights High School girls' basketball team; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jim Crinkley as an expression of the General Assembly's admiration for his competitive spirit and enduring devotion to the students and athletes of Colonial Heights High School.

HOUSE JOINT RESOLUTION NO. 284

Commemorating the 50th anniversary of the United States Surgeon General's Smoking and Health report.

Agreed to by the House of Delegates, February 14, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, in 1964, the historic United States Surgeon General's *Smoking and Health* report marked the beginning of a national, and now global, effort to end the deadly scourge of tobacco use; and

WHEREAS, this report was based upon studies conducted in the 1950s that helped identify cigarette smoking as a cause of lung cancer and heart disease; and

WHEREAS, in the past 50 years, 31 Surgeon General's reports have been released that have increased our understanding of the devastating health and financial burdens caused by tobacco use; and

WHEREAS, in January 2014, the 32nd Surgeon General's report on smoking and health, *The Health Consequences of Smoking—50 Years of Progress*, was released; and

WHEREAS, the 2014 report adds liver cancer, colorectal cancer, Type 2 diabetes, rheumatoid arthritis, and age-related macular degeneration to the official list of diseases caused by smoking; and

WHEREAS, the 2014 report also links two birth defects—cleft palate and cleft lip—to smoking, and evidence now shows that secondhand smoke is known to increase the risk of stroke in non-smokers; and

WHEREAS, smoking rates among adults and teens are less than half of what they were in 1964; however, 42 million American adults and approximately three million middle and high school students continue to smoke; and

WHEREAS, more than 1.2 million adults in the Commonwealth continue to smoke; an estimated 9,200 Virginians die each year due to their own smoking; 6,000 children in the Commonwealth become new daily smokers each year; and \$2.08 billion in annual health care costs in the Commonwealth are directly related to smoking; and

WHEREAS, evidence-based tobacco control interventions that have been proven effective continue to be underused; and

WHEREAS, the 2014 report calls for providing cessation resources that are readily available and affordable to everyone who wants to quit smoking; and

WHEREAS, the Commonwealth has achieved success in helping smokers quit through the Virginia Department of Health's Quit Now Virginia service that provides free information and coaching by telephone or online to residents who want to quit smoking or using tobacco; and

WHEREAS, the recently released Surgeon General's report is a call to end smoking and tobacco use once and for all; and

WHEREAS, the Centers for Disease Control and Prevention's 2014 edition of *Best Practices for Comprehensive Tobacco Control Programs* recommends increased funding for tobacco control programs and that a portion of this money be used for cessation intervention and mass-reach health communication interventions; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commemorate the 50th anniversary of the United States Surgeon General's *Smoking and Health* report; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Department of Health as an expression of the General Assembly's respect for the importance of this report.

HOUSE JOINT RESOLUTION NO. 285

Commending the Honorable Frank R. Wolf.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, the Honorable Frank R. Wolf, known as the "Conscience of the Congress," will retire from public office in 2014; and

WHEREAS, Frank R. Wolf was first elected to the United States House of Representatives in 1980 and has represented the 10th Congressional District for 17 consecutive terms; and

WHEREAS, Congressman Wolf helped Northern Virginia grow into the economic engine of the Commonwealth and one of the premier technology corridors on the East Coast; and

WHEREAS, in an effort to build a strong future for the nation, Congressman Wolf championed job creation and growth in the United States and prioritized science, math, engineering, and language education programs, and helped create the Rising Above the Gathering Storm Commission, whose landmark 2007 report galvanized the nation's interest in American competitiveness; and

WHEREAS, serving as chairman of the House Appropriations Subcommittee that funds the Justice Department, Congressman Wolf worked to transform the FBI after 9/11 so it could address the threat from al Qaeda and domestic radicalization; and

WHEREAS, recognizing the growing cyber threat from both criminal and foreign state actors to United States government agencies and the private sector, Congressman Wolf used his chairmanship to increase resources and prioritize cybersecurity and prevent cyber espionage; and

WHEREAS, during the darkest days of the Iraq War, Congressman Wolf authored legislation creating the bipartisan Iraq Study Group, also known as the Baker-Hamilton Commission, which played a key role leading up to the "surge" to improve the situation on the ground; and

WHEREAS, Congressman Wolf led the effort to transfer control of Dulles and then National Airports from the federal government to a local authority, now called the Metropolitan Washington Airports Authority, which has led to Dulles International Airport becoming a gateway to the world and Reagan National Airport becoming one of the premier airports in the country; and

WHEREAS, Congressman Wolf helped address transportation improvements in the region, from congestion relief on Interstate 66, to extending Metrorail to Dulles International Airport and Loudoun County, to safety improvements on the George Washington Parkway; and

WHEREAS, Congressman Wolf has been a stalwart defender of the American family and has fought against the scourges of pornography and the dramatic growth of gambling in neighborhoods across the country, given the devastating links to societal and family breakdown; and

WHEREAS, Congressman Wolf has been a leader in fighting violent gangs that threatened the community and spoken out about the insidious criminal enterprise of trafficking women and children, a form of modern day slavery; and

WHEREAS, Congressman Wolf has raised awareness about the debilitating effects of Lyme Disease and has worked to help alleviate hunger in our communities, working with local food banks, businesses, and schools to feed the hungry; and

WHEREAS, Congressman Wolf worked to improve moral, productive, and family values by encouraging leave sharing, flexi-time, and flexi-place programs in the federal workforce, as well as pushing federal agencies to come into the

twenty-first century and adopt robust telework policies to reduce traffic congestion, save energy, improve air quality, and provide cost savings to taxpayers; and

WHEREAS, Congressman Wolf authored legislation to protect Manassas National Battlefield Park when it was threatened by development; and

WHEREAS, when Civil War and other historic sites in the Shenandoah Valley were threatened, Congressman Wolf worked with community leaders, historic preservationists, and others to protect and preserve these historically significant sites, creating what is now the Shenandoah Valley Battlefields National Historic District; and

WHEREAS, Congressman Wolf helped establish the innovative Cedar Creek and Belle Grove National Historical Park in 2002; as a model for how future parks can integrate with and benefit the existing community, the park allows private landowners and organizations to live, work, and operate inside its borders; and

WHEREAS, Congressman Wolf led efforts to create the Journey Through Hallowed Ground National Heritage Area; the area ties together the rich cultural and historical sites along U.S. Route 15, from Thomas Jefferson's Monticello in Charlottesville, north through the Counties of Fauquier, Prince William, and Loudoun, to Gettysburg National Military Park in Pennsylvania; and

WHEREAS, when cutbacks nearly forced the closure of Turkey Run Park in McLean, Congressman Wolf worked to establish the Claude Moore Colonial Farm at Turkey Run, the only privately run park in the National Park Service system; and

WHEREAS, Congressman Wolf has long supported Wolf Trap National Park for the Performing Arts, the only national park dedicated to the performing arts; and

WHEREAS, Congressman Wolf authored the landmark International Religious Freedom Act of 1998, which institutionalized the promotion of America's first freedom, religious freedom, as an American foreign policy priority and created the United States Commission on International Religious Freedom and the International Religious Freedom Office at the State Department headed by an ambassador-at-large; and

WHEREAS, under the auspices of the Tom Lantos Human Rights Commission, Congressman Wolf launched a bipartisan initiative aimed at encouraging members of Congress to adopt prisoners of conscience worldwide and commit to advocating on their behalf in hopes of ensuring better treatment in prison and ultimately securing their release from unjust detention and abuse by repressive regimes and governments; and

WHEREAS, Congressman Wolf provided a voice to those in need throughout the world; he led the first United States Congressional Delegation to Darfur in 2004 and visited many other hot spots, such as Iraq, Afghanistan, Chechnya, Romania, Sierra Leone, Egypt, Lebanon, Syria, Ethiopia, and Tibet; and

WHEREAS, Congressman Wolf worked with colleagues on both sides of the aisle to build consensus for the betterment of the nation; he respected and ably represented many diverse constituencies in his district and built strong partnerships with leaders throughout the 10th Congressional District; and

WHEREAS, after retirement from public office, Frank Wolf plans to fully devote himself to advocacy for human rights, offering his wise leadership to the noble cause of those seeking justice, equality, and religious tolerance; and

WHEREAS, a man of great character and integrity, Frank Wolf served Northern Virginia and the Northern Shenandoah Valley, the Commonwealth, and the nation with distinction; he leaves a legacy of excellence as an example for other public officials; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Honorable Frank R. Wolf, a true statesman, on the occasion of his retirement from public office; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Frank R. Wolf as an expression of the General Assembly's admiration for his leadership, wisdom, and dedicated service to the Commonwealth and the nation.

HOUSE JOINT RESOLUTION NO. 286

Commending Jane Cruz.

Agreed to by the House of Delegates, February 14, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, Jane Cruz, a loyal and passionate educator in Fairfax County, retires as the principal of Fairfax County Adult High School on February 28, 2014, after 47 years of service to the community; and

WHEREAS, Jane Cruz has selflessly dedicated her life to serving marginalized youths and adults seeking to change their lives through education; and

WHEREAS, with a passion for learning and a deep desire to help adult learners succeed, Jane Cruz has inspired many adult learners, teachers, and staff throughout her 29 years with the Fairfax County Adult and Community Education system; and

WHEREAS, for the past 19 years, Jane Cruz has offered her leadership and wisdom as the principal of Fairfax County Adult High School; and

WHEREAS, Jane Cruz strives to foster an open, positive atmosphere that gives learners, teachers, and staff a voice in the decision-making process; and

WHEREAS, known for her creativity and innovation in the classroom, Jane Cruz has developed forward-thinking programs that have motivated countless students; and

WHEREAS, Jane Cruz leaves a legacy of excellence to other educators and administrators in the region and the Commonwealth; she will continue to serve as a committed advocate for the importance of education; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jane Cruz, an outstanding educator, on the occasion of her retirement as principal of Fairfax County Adult High School in 2014; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jane Cruz as an expression of the General Assembly's admiration for her dedication to the students of Fairfax County and best wishes on her well-earned retirement.

HOUSE JOINT RESOLUTION NO. 287

Commending Niles Ribeiro.

Agreed to by the House of Delegates, February 14, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, Niles Ribeiro, a bright and dedicated sophomore from Fauquier High School in Warrenton, was selected to participate in the Virginia Space Coast Scholars program in 2014; and

WHEREAS, designed by the Virginia Space Grant Consortium, the Virginia Space Coast Scholars program is offered to high school sophomores and focuses on the science, engineering, and technology central to current missions at NASA Wallops Flight Facility; and

WHEREAS, although the material is challenging, Niles Ribeiro has prepared by participating in the Math Club, building and launching rockets, studying astronomy, and using the family's home laboratory to complete household engineering projects; and

WHEREAS, maintaining a busy schedule, Niles Ribeiro will balance schoolwork and the responsibilities of being sophomore class president with the online courses provided by the Space Coast Scholars program; and

WHEREAS, through online modules, Niles Ribeiro will complete research assignments, quizzes, engineering design challenges, simulations, case studies, discussion forums, and a final project to learn about NASA's airborne science missions conducted from the Wallops Flight Facility; and

WHEREAS, once the five-module program is successfully completed, Niles Ribeiro may have the opportunity to participate in a seven-day summer academy program at NASA Goddard Wallops Flight Facility, where scholars learn about the newest, most innovative technologies and missions from NASA and aerospace scientists and engineers; and

WHEREAS, with a theoretical and practical knowledge of science, Niles Ribeiro hopes to contribute to the program as much as he learns; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Niles Ribeiro on his selection to participate in the Virginia Space Coast Scholars program; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Niles Ribeiro as an expression of the General Assembly's respect and congratulations on this momentous achievement.

HOUSE JOINT RESOLUTION NO. 288

Commending the Arlington County Medical Society.

Agreed to by the House of Delegates, February 14, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, the Arlington County Medical Society, an esteemed organization that promotes the overall health of the Arlington community, celebrates its 100th anniversary in 2014; and

WHEREAS, originally known as the Alexandria County Medical Society, the Arlington County Medical Society was founded in 1914 by a group of six local doctors; and

WHEREAS, following a period of reorganization in 1920, the Alexandria County Medical Society received a new charter that changed the society's name to the one it bears today; and

WHEREAS, throughout its long history, the Arlington County Medical Society has consistently strived to foster good doctor-patient relationships, ensure quality patient care, and keep members informed of developments in the medical field; and

WHEREAS, the Arlington County Medical Society has formed several committees to carry out its mission, and many of these efforts have grown into larger entities or influenced the formation of other organizations; and

WHEREAS, the Arlington County Medical Society's health access committee eventually became the Arlington Free Clinic, which provides medical care to uninsured or underserved members of the community; many members of the society volunteer their time to treat patients in the clinic; and

WHEREAS, after the Arlington County Medical Society's cancer committee received a \$10,000 grant, the committee became the Sharon McGowan Breast Health Fund, an organization that helps provide cancer screenings and treatment to women in the community; and

WHEREAS, in 1964, the members of the Arlington County Medical Society assisted the community by organizing a campaign to distribute the polio vaccine; after receiving a great deal of support and many generous donations for this effort, the society formed the Arlington County Medical Society Foundation; and

WHEREAS, today, the Arlington County Medical Society Foundation still provides charitable, educational, and scientific disbursements to the community; and

WHEREAS, many achievements from the Arlington County Medical Society's storied history will be highlighted at society events throughout 2014; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Arlington County Medical Society on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Arlington County Medical Society as an expression of the General Assembly's respect for the organization's century of service to the Arlington community and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 289

Celebrating the life of Roland Irvin Tapscott.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, Roland Irvin Tapscott, a civil rights pioneer and a hardworking public servant in Warrenton, died on January 7, 2014; and

WHEREAS, along with many of the other young men of his generation, Roland Tapscott desired to serve his country during World War II; he became one of the first African Americans to join the United States Marine Corps; and

WHEREAS, after receiving basic training at the segregated Montford Point Camp in North Carolina, Roland Tapscott served in the Pacific Theater and rose to the rank of corporal; and

WHEREAS, returning to Warrenton after his honorable discharge in 1946, Roland Tapscott became a devoted public servant, working for 34 years as a supply officer for the Federal Housing Administration; and

WHEREAS, Roland Tapscott also went on to become a dedicated and admired community and civil rights leader; he served for eight years on the Fauquier County Planning Commission and spearheaded efforts to integrate county schools and restaurants; and

WHEREAS, cofounding the Fauquier Housing Corporation in 1970, Roland Tapscott helped low-income families find homes and supported numerous other civic causes; and

WHEREAS, also serving his fellow veterans, Roland Tapscott was a past commander of American Legion Post 72 in Warrenton; and

WHEREAS, along with other surviving members of the "Montford Marines," Roland Tapscott was honored with the Congressional Gold Medal, recognizing his perseverance and courage in the face of adversity and discrimination; and

WHEREAS, Roland Tapscott will be fondly remembered and greatly missed by his children, Adrian, Faye, James, Norman, and Geoffrey, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Roland Irvin Tapscott, a civil rights leader and a respected member of the Warrenton community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Roland Irvin Tapscott as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 290

Celebrating the life of George L. Ackerman.

Agreed to by the House of Delegates, February 14, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, George L. Ackerman, owner of the Warwick Cheese Shoppe in Newport News, who introduced residents of the Peninsula to the pleasures of fine wines, cheeses, and other fare, died on January 3, 2014; and

WHEREAS, George Ackerman was born in California, and as a boy lived in Wisconsin and Ontario, Canada, before moving to Newport News; he attended University School of Milwaukee, Hampton Roads Academy, and St. John's College; and

WHEREAS, George Ackerman purchased the Warwick Cheese Shoppe in 1978 and found his life's work; members of his family helped where needed, providing early financial backing, preparing food and gift baskets, making deliveries, keeping the books, and cleaning up; and

WHEREAS, the shop often was the first in the area to showcase new foods and wines, and George Ackerman delighted in offering his customers a savory sausage or another imported delicacy—perhaps with an extraordinary wine—as a way of sharing his love of good food and wine; and

WHEREAS, happy to have set down roots in Newport News, George Ackerman gave back to the community; he was a tutor at two public schools, helped the Warwick Rotary Club build the forerunner of the Virginia Living Museum, and contributed to Huntington Park's original Fort Fun playground; and

WHEREAS, George Ackerman and the Warwick Cheese Shoppe also helped young people and the less fortunate in the Newport News area by supporting Little League baseball, youth sailing, the backdoor ministry of St. Vincent de Paul Catholic Church, and the Poor Clare Sisters, a religious order; and

WHEREAS, an outdoors enthusiast and a music lover, George Ackerman was a competitive sailor and belonged to the Lafayette Gun Club; he happily shared his wide-ranging musical tastes—the Rolling Stones, Béla Fleck, Flaco Jiménez, opera, and classical symphonies—with his customers; and

WHEREAS, George Ackerman was a founding shareholder in Harbor Bank, a contributor to a new building for Our Lady of Mount Carmel Catholic Church, and a supporter of Peninsula Catholic High School; and

WHEREAS, a loving husband and father, George Ackerman will be greatly missed and fondly remembered by his wife, Marguerite; his children, Cecelia and Greg, and their families; and many other family members, friends, and customers of Warwick Cheese Shoppe; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of George L. Ackerman, owner of Warwick Cheese Shoppe, and active supporter of the Newport News community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of George L. Ackerman as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 291

Celebrating the life of Ellen G. Trammell.

Agreed to by the House of Delegates, February 14, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, Ellen G. Trammell, a dedicated small business owner and a beloved member of the Richmond community, passed away on September 28, 2013; and

WHEREAS, a devoted wife and mother, Ellen Trammell married Melvin Earl Trammell, and together they raised five wonderful children; and

WHEREAS, in 1969, Ellen Trammell and her husband started a small business, Broad Rock Towing, Inc., which, after 43 years, continues to faithfully serve the community; and

WHEREAS, ever the family woman, Ellen Trammell cared deeply for her 11 grandchildren and her 19 great-grandchildren; and

WHEREAS, predeceased by her husband, Melvin, Ellen Trammell will be fondly remembered and greatly missed by her children, Kimberly, Kelly, Richard, Larry, and Scott, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a respected business owner and beloved friend in the City of Richmond, Ellen G. Trammell; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ellen G. Trammell as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 292

Celebrating the life of Percy J. Minor, Sr.

Agreed to by the House of Delegates, February 14, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, Percy J. Minor, Sr., of Richmond, a man of deep faith and a tireless supporter of efforts to revitalize the Swansboro neighborhood, died on October 12, 2013; and

WHEREAS, Percy Minor served Swansboro, which boasts a proud history as one of the oldest residential neighborhoods in Richmond, as president of the neighborhood civic association; and

WHEREAS, as a longtime promoter of the area, Percy Minor played a key role in expanding senior housing in Swansboro and revitalizing the neighborhood; and

WHEREAS, Percy Minor's commitment to Swansboro also extended to the greater Richmond area; he regularly attended city council meetings and had close relationships with the elected officials who represented Swansboro; and

WHEREAS, a man of deep faith, Percy Minor enjoyed fellowship and worship at Second Baptist Church, where he regularly attended Sunday school; he and his wife also drove the bus that picked up children for Sunday school; and

WHEREAS, Percy Minor was also a member of the Southside Male Chorus of Second Baptist Church; additionally, he served as a trustee of Union Baptist Church in New Kent County for 25 years; and

WHEREAS, Percy Minor will be fondly remembered and greatly missed by his wife, Mozelle; his sons, Percy, Jr., and Cecil, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Percy J. Minor, Sr., a strong advocate for Richmond's Swansboro neighborhood and a man of abiding faith; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Percy J. Minor, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 293

Celebrating the life of Lacy Green Walker.

Agreed to by the House of Delegates, February 14, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, Lacy Green Walker of Richmond, who was known for his strong faith and who devoted his life to serving others, died on May 3, 2013; and

WHEREAS, a native of Brunswick County who attended public schools there, Lacy Walker was one of nine children; his early life was spent in rural Southern Virginia; and

WHEREAS, Lacy Walker was a proud veteran of the armed forces; he served in the United States Army during World War II as a truck driver, transporting supplies and materials to the Allied front lines in Germany; and

WHEREAS, after his honorable discharge, Lacy Walker returned to Virginia, first living in Petersburg and later moving to Richmond, where he worked at the McGuire Veterans Hospital, now known as the Hunter Holmes McGuire VA Medical Center; and

WHEREAS, deeply dedicated to serving others, Lacy Walker spent more than three decades at the VA Medical Center; he worked as a nursing assistant and later became a painter; and

WHEREAS, Lacy Walker's faith and reverence were apparent from an early age, first at Oak Grove Baptist Church in Brunswick, where as a teenager he was active in the church school and was a delegate to local church conferences; and

WHEREAS, Lacy Walker's faith was reflected in his lifelong work helping others; at Swansboro Baptist Church, he was a deacon, superintendent of the church school, a trustee, and Cub Scout master; he drove the church van, often transporting young people to church conferences; and

WHEREAS, Lacy Walker was a leader in Richmond's Baptist community; the many faith-related organizations he was involved in greatly benefitted from his guidance and expertise; and

WHEREAS, predeceased by his son, Lewis, Lacy Walker will be fondly remembered and greatly missed by his wife, Fannie; his children, Alonzo, Tyrone, Paula, and Alphonso Thomas, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a man of deep faith whose life reflected biblical teachings to help others, Lacy Green Walker; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lacy Green Walker as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 294

Commending the Virginia Production Alliance.

Agreed to by the House of Delegates, February 14, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, the Virginia Production Alliance, which was founded in 1988 to provide leadership and opportunity for Virginia's film and television industry, has celebrated its 25th anniversary; and

WHEREAS, the Virginia Production Alliance is the Commonwealth's only trade association representing Virginia's film production community; and

WHEREAS, the Virginia Production Alliance is a statewide association, with districts in Charlottesville, Hampton Roads, Northern Virginia, and the Shenandoah Valley; and

WHEREAS, the members of the Virginia Production Alliance are actors, directors, designers, crew members, film students, writers, editors, and others who believe in the value of film and television; and

WHEREAS, the Virginia Production Alliance is dedicated to providing job opportunities for Virginia workers in film and television production; and

WHEREAS, the Virginia Production Alliance provides professional development opportunities to enhance the skills of its members; and

WHEREAS, the Virginia Production Alliance is committed to workforce development for citizens of the Commonwealth; and

WHEREAS, the Virginia Production Alliance supports students and young filmmakers so that they can live and work in their home state; and

WHEREAS, the Virginia Production Alliance is the leading advocate for the Commonwealth's film and television production community; and

WHEREAS, the Virginia Production Alliance has worked with Virginia's lawmakers to establish legislation designed to strengthen the industry in the Commonwealth; and

WHEREAS, the Virginia Production Alliance serves as a communication network, providing valuable information and opportunities; and

WHEREAS, the Virginia Production Alliance believes in the value of providing jobs for Virginia citizens and revenue for the Commonwealth; and

WHEREAS, the Virginia Production Alliance members are all proud to be living and working in their chosen field of endeavor in the Commonwealth of Virginia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Production Alliance for its valuable service to the Commonwealth on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Terry Stroud, chair of the Board of the Virginia Production Alliance, and Anne Chapman, president of the Board of the Virginia Production Alliance, as an expression of the General Assembly's congratulations and admiration for providing leadership and opportunity in the Commonwealth for members of the film and television industry.

HOUSE JOINT RESOLUTION NO. 295

Commending Bethel Restoration Center.

Agreed to by the House of Delegates, February 14, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, Bethel Restoration Center, a church in Williamsburg that has passionately served the Lord and the community for over three decades, celebrates the 30th anniversary of the construction of its first sanctuary in 2014; and

WHEREAS, Bethel Restoration Center, originally known as Bethel Bible Way Church, was founded in 1981 when Bishop and First Lady Gray answered the call to better the community by spreading the news of the Lord; and

WHEREAS, the members of Bethel Bible Way Church enjoyed fellowship and worship in a variety of meeting places, including members' homes, funeral homes, shutdown nightclubs, and other local churches; and

WHEREAS, in 1984, Bethel Bible Way Church purchased land and built its first permanent sanctuary, allowing the congregation to increase by the hundreds; in 1999, the church was renamed Bethel Restoration Center to better reflect its mission and values; and

WHEREAS, the original church building ably served the ever-growing congregation until Bethel Restoration Center expanded to a new building with a seating capacity of over 850 and accommodations for various ministries; and

WHEREAS, Bethel Restoration Center maintains a strong outreach to the community through its ministries, including men's and women's ministries, a youth ministry, and a marriage ministry; and

WHEREAS, under the humble guidance of Bishop John N. Gray, Sr., the church has uplifted countless individuals in its history; known both locally and nationally for his dynamic leadership, Bishop Gray's vision and insight have inspired the members of the congregation to walk with God in all things; and

WHEREAS, for over 30 years, Bethel Restoration Center has succeeded in its mission to meet the needs of its congregation, offering acceptance, forgiveness, guidance, and love, while encouraging strong, personal relationships with the Lord Jesus Christ; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bethel Restoration Center for 30 years of service to the community on the occasion of the anniversary of the construction of the church's first sanctuary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bishop John N. Gray, Sr., pastor of Bethel Restoration Center, as an expression of the General Assembly's congratulations and admiration for the church's commitment to serving the needs of the community.

HOUSE JOINT RESOLUTION NO. 296

Commending the Nansemond River Power Squadron and the United States Power Squadrons.

Agreed to by the House of Delegates, February 14, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, on September 13, 1964, 23 men in the Suffolk community received a charter to establish the Nansemond River Power Squadron as a local division of the United States Power Squadrons, which is dedicated to promoting boating education and safety; and

WHEREAS, since 1964, the Nansemond River Power Squadron has provided boating education and safety classes as a civic service to the Suffolk community, and members of the public are taught how to handle a boat, seamanship, the type of equipment needed for safe boating, rules of the road, lines and knots, charts and navigation aids, engine troubleshooting, boat trailering, and other important aspects of safe boating and water safety; and

WHEREAS, these courses will become increasingly important to Virginia boaters over the next few years when all boaters will be required to pass a boating safety course in the Commonwealth; and

WHEREAS, piloting, electronic and celestial navigation, weather, sailing, cruise planning, engine maintenance, and marine electronics are among the advanced courses offered to squadron members by the Nansemond River Power Squadron; and

WHEREAS, the Nansemond River Power Squadron also provides free vessel safety checks to the public, supplies data on depth surveys, range status, geodetic marks, and aeronautical charts, and helps maintain the accuracy of nautical charts by supplying information to the Marine Chart Division of the National Ocean Service/National Oceanic and Atmospheric Administration, which corrects nautical and small craft charts and Coast Pilot publications; and

WHEREAS, members of the Nansemond River Power Squadron participate in sailing, cruises, annual fundraising, and social events; the Squadron is one of the few boating fraternities in the nation whose membership is continuing to increase; and

WHEREAS, the United States Power Squadrons was established in 1914, as a nonprofit educational organization to make boating safer and more enjoyable by teaching classes in seamanship, navigation, and related subjects; and

WHEREAS, the United States Power Squadrons, the nation's largest nonprofit boating organization, consists of families who contribute to their communities by promoting boating safety through education; each local squadron focuses on community service, continuing education, and enjoying the friendship and camaraderie of fellow members; and

WHEREAS, local squadrons of the United States Power Squadrons offer boating safety courses on a regular basis to boaters in their communities, which are open to the public without regard to the age of the participant; and

WHEREAS, the United States Power Squadrons has offered boating safety courses for more than 95 years, has educated more than 3 million boaters, and has provided boating safety courses that meet the educational requirements for boat operation in every state; and

WHEREAS, the Nansemond River Power Squadron has provided and promoted boating education and safety services to the citizens of Suffolk for 50 years as a member of the United States Power Squadrons, which will commemorate its 100th anniversary in 2014; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Nansemond River Power Squadron on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the General Assembly hereby commend the United States Power Squadrons on the occasion of its 100th anniversary; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Commander Rana Weaver of the Nansemond River Power Squadron, and Administrative Officer and Vice Chairman Gary P. Cheney of the United States Power Squadrons, as an expression of the General Assembly's appreciation for the Squadrons' dedicated service to the citizens of Suffolk and best wishes for many years of future success.

HOUSE JOINT RESOLUTION NO. 297

Commending Colonel Karl C. Rush, USA (Ret.).

Agreed to by the House of Delegates, February 14, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, Colonel Karl C. Rush, USA (Ret.), is a great Virginian who has dedicated a lifetime of service to his communities, the Commonwealth, and the nation; and

WHEREAS, Karl Rush attended Pennsylvania State University and received a commission in the United States Army in 1956; he served for two years as an officer in the 38th Infantry Regiment, then reported to Fort Lee in 1958 to join the Quartermaster Corps; and

WHEREAS, Karl Rush rose to the rank of colonel and held several leadership positions in the Quartermaster School; as the director of the Enlisted Supply Department, he instituted innovative training programs to increase efficiency; and

WHEREAS, as the director of training development, Colonel Rush continued to revolutionize training methods; in recognition of his outstanding service, he was selected as a Distinguished Member of the Regiment and inducted into the Quartermaster Hall of Fame; and

WHEREAS, after completing his honorable service to the United States Army in 1978, Karl Rush began a career with the Virginia Department of Social Services in the Division of Licensing Programs; and

WHEREAS, Karl Rush developed statewide licensing standards for adult and children's residential and day care programs and honed his leadership skills by serving as supervisor to 10 licensing units, which handled licensing for over 1,500 facilities throughout the Commonwealth; and

WHEREAS, later becoming the chief of support services, Karl Rush established the first management support office, assisted in the design and implementation of an automated licensing system, developed plans and budgets for the division, and ensured logistical support to the central and regional offices; and

WHEREAS, after his retirement, Karl Rush continued to serve his community, most notably as a volunteer election official in Colonial Heights for over 17 years and as a volunteer for the Army Quartermaster Foundation; and

WHEREAS, drawing on his experience as a part-time middle school teacher, Karl Rush helped establish a children's outreach program at the U.S. Army Quartermaster Museum; he ably addressed the unique challenges involved in obtaining support from a federal organization for local public schools, and the program has provided classes to over 50,000 students since its inception in 2007; and

WHEREAS, Karl Rush enjoys fellowship and worship with the community at Swift Creek Baptist Church, where he serves as a deacon and a member of the church finance committee; a proud family man, Karl Rush has been married to his wife, Polly, for 55 years and raised two sons, Scott and Thomas; and

WHEREAS, Karl Rush is an exemplar of the dedication to duty shown by service members, state employees, and community leaders throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Colonel Karl C. Rush, USA (Ret.), a fine Virginian and a true gentleman, for his many contributions to the community, the Commonwealth, and the nation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Colonel Karl C. Rush, USA (Ret.), as an expression of the General Assembly's admiration and respect for his service.

HOUSE JOINT RESOLUTION NO. 298

Commending the Bedford Area Chamber of Commerce.

Agreed to by the House of Delegates, February 14, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, in the late 1920s, business leaders in Bedford County began to work together as an advocacy group to promote business and industry in the county, and on May 8, 1925, the Bedford Board of Trade voted to change its name to Bedford Chamber of Commerce, which was incorporated in October 1939; and

WHEREAS, in 1939, according to the history of the Bedford Area Chamber of Commerce related by three of its surviving founders, "horse-drawn carriages had not entirely surrendered the streets to trucks and automobiles, but a more modern era was emerging as evidenced by television's debut at the 1939 World's Fair; it was also the year that *Gone With the Wind* debuted in movie theaters across the country, and with grocery, drug, variety, clothing, and furniture stores, a gas station, car dealerships, doctors, dentists, hotels, theaters, a bowling alley, and pool hall, Bedford was fairly self-sufficient"; and

WHEREAS, in September 1941, the Bedford Chamber of Commerce merged with the Commercial Association of Bedford County, and during the 1960s, the Bedford Chamber of Commerce was renamed Bedford County Chamber of Commerce and assisted in attracting a \$2.5 million oil distribution terminal to Montvale and developing the Peaks of Otter Lodge and Restaurant; and

WHEREAS, in January 1986, the Bedford County Chamber of Commerce was renamed Bedford Chamber of Commerce, and with the Chamber's growth to 388 members, the Bedford Chamber of Commerce changed its name again to the Bedford Area Chamber of Commerce in 1990; and

WHEREAS, the Bedford Area Chamber of Commerce has been a leading champion for business in the region and has focused on creating a climate of growth and success in the community; and

WHEREAS, the Bedford Area Chamber of Commerce provides leadership and volunteer programs, networking opportunities, and initiatives that facilitate the formation of business critical to the economic vitality, productivity, and quality of life of the community; and

WHEREAS, by leveraging the support, talent, resources, and commitment of the members of the Bedford Area Chamber of Commerce to develop new and more effective methods of networking among businesses beyond the city and county, numerous business endeavors have been created, including "Networking Before Nine" and "Business After Hours"; many committees and task forces related to government affairs, transportation, workforce development, and technology have been established; special events have taken place, such as "ChocolateFest," "Beach Bash," "Annual Dinner and Bedford Business

Expo," and the "Leadership Bedford" program; and lead groups have formed in the Bedford, Forest, and Smith Mountain Lake areas; and

WHEREAS, the Bedford Area Chamber of Commerce has provided remarkable leadership to foster business growth and economic development for more than 75 years in the Bedford County area, and it is appropriate and fitting to commend the Chamber's achievements; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Bedford Area Chamber of Commerce on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to President and Chief Executive Officer Susan Martin of the Bedford Area Chamber of Commerce, as an expression of the General Assembly's appreciation for its service to the citizens of Bedford County and best wishes for future success.

HOUSE JOINT RESOLUTION NO. 299

Commending the Micah Initiative.

Agreed to by the House of Delegates, February 14, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, the Micah Initiative, a partnership of volunteers from faith communities serving in Richmond Public Elementary Schools, celebrated 15 years of service to the community in 2013; and

WHEREAS, the Micah Initiative encourages mentoring, tutoring, and volunteering through its network of 1,500 volunteers from 130 faith groups in 23 local elementary schools; and

WHEREAS, the volunteers who participate in this program assist both the students and the teachers with everything from tutoring to reading to classroom support and one-time projects like Career Day; and

WHEREAS, the volunteers of the Micah Initiative share the common desire to serve the schools, teachers, and students of the Richmond Public Elementary School community; and

WHEREAS, many of the Richmond Public Elementary Schools served by the Micah Initiative would not be able to provide additional support and assistance to their students without this dedicated group of volunteers; and

WHEREAS, with the help of the Micah Initiative volunteers, thousands of young children and their families in the Richmond area have experienced greater opportunities and continued support from the community; and

WHEREAS, the Micah Initiative has supported the Richmond Public Elementary School community and provided it with enthusiastic and creative volunteers who enrich the lives of all the children they serve; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Micah Initiative on the occasion of its 15th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Micah Initiative as an expression of the General Assembly's respect and admiration for its 15 years of committed service to the Richmond Public Elementary School community.

HOUSE JOINT RESOLUTION NO. 300

Celebrating the life of Donna Michelle Gearey.

Agreed to by the House of Delegates, February 14, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, Donna Michelle Gearey, a devoted mother and a beloved member of the Virginia Beach community, died on November 11, 2013; and

WHEREAS, Donna Gearey was a dedicated volunteer for the Kempsville High School boys' baseball and girls' softball programs; she was often the first one to arrive and the last to leave after a game; and

WHEREAS, Donna Gearey went above and beyond to support her teams year-round; she cleaned, stocked, and worked in the concession stand and frequently drove students to and from games; and

WHEREAS, Donna Gearey was also a reliable and enthusiastic fundraiser for the school and the varsity baseball team's Homerun Club; and

WHEREAS, in the wider community, Donna Gearey offered her time and talents to the Kempsville Recreation Association and Kempsville Pony Baseball Leagues; she served as an assistant coach and scorekeeper for the recreational girls' softball team for many years; and

WHEREAS, Donna Gearey was an irreplaceable member of the Kempsville High School community; her loyalty to the students was matched only by her love for her own children; and

WHEREAS, Donna Gearey will be fondly remembered and greatly missed by her children, Katie and Jacob, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Donna Michelle Gearey, a beloved mother and an active member of the Virginia Beach community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Donna Michelle Gearey as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 301

Commending Howard Wallace.

Agreed to by the House of Delegates, February 14, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, Howard Wallace of James River Elementary School diligently serves the community as the only school crossing guard in the Williamsburg-James City County Public School system; and

WHEREAS, in addition to his responsibility to ensure that pupils arrive and leave the school safely, Howard Wallace also is the school's head custodian, work that starts as soon as the children are in their classrooms; and

WHEREAS, Howard Wallace, who has worked at James River Elementary School for 18 years, is known by the pupils as "Mr. Howard"; his friendly demeanor and kindness to everyone with whom he comes in contact make him a valued member of the school community; and

WHEREAS, James River Elementary School, which opened in 1993, is on busy Pocahontas Trail, also known as U.S. Route 60; Howard Wallace realizes that training, focus, and courage all are needed during his twice daily shifts as a crossing guard; and

WHEREAS, the intersection in front of the school consists of through roads, turning lanes, and merging lanes; when Howard Wallace steps out onto the busy thoroughfare twice a day, he must manage vehicles going in four directions, be aware of traffic signals, and control traffic in turning lanes; and

WHEREAS, Howard Wallace, a veteran of the United States Army, received training from the James City County Police Department to be a crossing guard; safety always is the top priority as children cross the highway, and when school buses depart, he brings all traffic to a complete stop; and

WHEREAS, as head custodian, Howard Wallace does more than clean, make repairs, and maintain the facility; each morning, he checks every door to make sure it is locked, he also watches for any strangers at the school, and checks with teachers and staff to see that all is running smoothly; and

WHEREAS, Howard Wallace's work ethic, discipline, and dedication help create a family atmosphere for the students and staff at James River Elementary School; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Howard Wallace for his work as a crossing guard and head custodian at James River Elementary School; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Howard Wallace as an expression of the General Assembly's respect and admiration for his tireless efforts to ensure the safety of children and staff at James River Elementary School.

HOUSE JOINT RESOLUTION NO. 302

Celebrating the life of Frederick A. Renninger, Jr.

Agreed to by the House of Delegates, February 14, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, Frederick A. Renninger, Jr., a longtime civic leader who was a former president of the Springfield Civic Association and was deeply committed to the betterment of the Springfield area, died on January 7, 2014; and

WHEREAS, Frederick "Rick" Renninger had lived in Springfield since 1961; soon after he moved to the Fairfax County community, he became involved with civic affairs and youth sports; he helped to incorporate the Yates Village/Lynbrook Civic Association and was the organization's second president; and

WHEREAS, Rick Renninger was a member of the founding board of the Central Springfield Little League and the Springfield Babe Ruth League, volunteering as a coach and manager for many years; and

WHEREAS, Rick Renninger later served as president of the Springfield Civic Association and remained active in the organization throughout his life; the group works to enhance the quality of life in the area and serves as an advocate for the people of Springfield; and

WHEREAS, Rick Renninger's advice and counsel often were sought by other concerned citizens; he had lived in the Lynbrook neighborhood for more than 50 years, and as a tireless advocate for Springfield, he graciously shared his perspective on local issues and politics; and

WHEREAS, Rick Renninger's influence was evident in many ways; he enjoyed talking about the community, liked keeping an eye on the neighborhood, and willingly shared his knowledge and the history of a rapidly growing and changing part of the Commonwealth; and

WHEREAS, other institutions that benefited from Rick Renninger's advice and counsel were the Transportation Association of Greater Springfield, where he served on the board of directors, and Grace Presbyterian Church, where he was an ordained elder; and

WHEREAS, the example set by Rick Renninger for his friends and neighbors demonstrates the value of becoming involved in local affairs and how individual efforts are crucial to establishing and promoting a sense of community, especially in a large and diverse area; and

WHEREAS, predeceased by his son, David, Rick Renninger will be greatly missed and fondly remembered by his wife, Anne; children Helen and Dan, and their families; and many other family members, friends, and neighbors; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Frederick A. Renninger, Jr., a dedicated civic leader and former president of the Springfield Civic Association; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Frederick A. Renninger, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 303

Commending Dee E. Floyd.

Agreed to by the House of Delegates, February 14, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, Dee E. Floyd, a dedicated public servant and respected citizen of Rockingham County, retired from its Board of Supervisors in December 2013; and

WHEREAS, beginning in November 2000, Dee Floyd joined the Rockingham County Board of Supervisors, completing an unexpired term, and has served three full terms since that time; and

WHEREAS, in addition to serving on the Board of Supervisors for 13 years, Dee Floyd was the chair of the Rockingham County Planning Commission and the Board of Zoning Appeals, a member of the Virginia Association of Counties, the Harrisonburg-Rockingham Metropolitan Planning Organization, the Rockingham/Augusta Liaison Committee, and the Rockingham County representative on the Central Shenandoah Planning District Commission; and

WHEREAS, Dee Floyd has also represented District 3, which includes the Town of Grottoes and communities of Melrose, Keezletown, Massanetta Springs, Cross Keys, Port Republic, and a portion of Penn Laird; and

WHEREAS, for the benefit of the community, Dee Floyd has taken on many progressive and innovative improvements, including establishing the South Fork, Mt. Crawford, Aviation, and Digital Print Technology Zones, authorizing the installation of a sewage collection system, initiating the construction of a new satellite refuse collection and recycling center, and establishing the county's Farm First Enterprise Program; and

WHEREAS, working with the Commonwealth Transportation Board, Dee Floyd assisted in upgrading Port Republic Road from secondary to primary road status and obtained funding for the first phase of improvements to Boyers Road; and

WHEREAS, giving generously of his time, energy, and talents, Dee Floyd has made Rockingham County a better place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dee E. Floyd, a respected citizen of Rockingham County, on the occasion of his retirement from the Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dee E. Floyd as an expression of the General Assembly's respect and admiration for his untiring and committed service to the citizens of Rockingham County.

HOUSE JOINT RESOLUTION NO. 304

Celebrating the life of Mary Frances DeLorenzo Knight.

Agreed to by the House of Delegates, February 14, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, Mary Frances DeLorenzo Knight, a hardworking government computer security specialist, beloved mother, and vibrant member of the Reston community, died tragically at the Washington Navy Yard on September 16, 2013; and

WHEREAS, a native of Fayetteville, North Carolina, Mary Knight graduated from what was then known as Fayetteville Technical Institute in 1983; and

WHEREAS, Mary Knight went on to earn a bachelor's degree from Campbell University in North Carolina and a master's degree from Webster University in Missouri; she also earned a degree from National Defense Institute in 2011; and

WHEREAS, a resident of Reston for the past five years, Mary Knight served her country as a civilian employee of Naval Sea Systems Command at the Washington Navy Yard, where she was respected for her professionalism and expertise; and

WHEREAS, Mary Knight worked to impart her knowledge and experience as an adjunct professor at Northern Virginia Community College, teaching spreadsheet software and software design classes at two campuses; and

WHEREAS, Mary Knight cared deeply for her family and made a point of speaking to at least one of her adult daughters or her sister every day; she also enjoyed working out and traveling throughout the United States and the world; and

WHEREAS, Mary Knight will be fondly remembered and deeply missed by her parents, Frank and Liliana; daughters, Nicole and Danielle, and their families; and many other family members, friends, and colleagues; and

WHEREAS, the citizens of the Commonwealth will forever honor and cherish the memory of Mary Knight and the 11 other victims who died at the Washington Navy Yard on September 16, 2013; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Mary Frances DeLorenzo Knight, a dedicated government employee, proud mother, and beloved member of the Reston community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Mary Frances DeLorenzo Knight as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 305

Commending the Virginia members of the National Football League's Super Bowl XLVIII.

Agreed to by the House of Delegates, February 14, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, on February 2, 2014, at MetLife Stadium at the Meadowlands Sports Complex in East Rutherford, New Jersey, the Seattle Seahawks and the Denver Broncos met on the gridiron for the National Football League's Super Bowl XLVIII; and

WHEREAS, according to Fox Sports, the first outdoor cold-weather Super Bowl was the most-watched television program in United States history, with a record 111.5 million viewers tuned in for the broadcast; and

WHEREAS, the Seattle Seahawks, whose offensive and defensive teams were believed to be outmatched by the Denver Broncos, quickly assumed control 12 seconds into the game when the first snap of the ball sailed over the head of Broncos quarterback Peyton Manning into the end zone, resulting in a safety for the Seattle Seahawks and setting an NFL record for the fastest score in Super Bowl history; and

WHEREAS, after the first quarter, the Seahawks led 8-0; at halftime the score was 22-0 in favor of Seattle; and by the third quarter of the game, the Seahawks led 29-0; and

WHEREAS, the Denver Broncos, the highest-scoring team in NFL history, finally scored its first points on the last play of the third quarter with Peyton Manning's 14-yard pass to receiver DeMaryius Thomas, who set a Super Bowl record with 13 receptions, and a two-point conversion pass to wide receiver Wesley Welker; and

WHEREAS, the Broncos were overwhelmed by multiple interceptions and forced turnovers, outperformed by a penetrating Seahawks offense, and crushed by Seattle's "Legion of Boom," the Seahawks hard-hitting defense; and

WHEREAS, two native sons of Virginia demonstrated exceptional prowess and vigor as members of the Denver Broncos during Super Bowl XLVIII:

Paris Michael Lenon -- was born on November 26, 1977, in Lynchburg, where he attended Heritage High School and won two varsity letters each in football and basketball, and one in baseball. He is a graduate of the University of Richmond, where he played football and was signed by the Carolina Panthers as an undrafted free agent in 2000. A fitness fanatic and the oldest defensive player in the NFL this season, Paris Lenon was the starting middle linebacker for the Denver Broncos in Super Bowl XLVIII. An outstanding football player with phenomenal speed, Paris Lenon really understands football.

Vinston Eric Painter -- was born on November 10, 1989, in Norfolk, where he attended Maury High School. He graduated from Virginia Tech and was drafted by the Denver Broncos, for which he is an offensive tackle. He was moved to the Broncos' active roster this year. Vinston Painter relishes remembering his experiences on the dusty, worn-out practice field of Maury High School and his days at Virginia Tech, where he honed his athletic skills. He savors being a part of a Super Bowl team and starting a promising professional football career with the Denver Broncos. Vinston Painter also dreams of helping his old Norfolk neighborhood when he becomes fully established; and

WHEREAS, propelling the Seahawks to its 43-8 Super Bowl victory, the first in franchise history for the team, were five native sons of Virginia who played with a "champion's heart and mind:"

Kameron Darnel Chancellor -- was born on April 3, 1988, in Norfolk, where he attended Maury High School. He was an outstanding football player for Virginia Tech, where he earned his undergraduate degree. Seattle Seahawks safety Kam Chancellor, the team's "enforcer," intercepted a pass by Denver Broncos quarterback Peyton Manning in the first quarter of Super Bowl XLVIII, setting the tone for the Seahawks' persistent domination of the game.

Chandler Fenner -- was born on July 6, 1990, in Virginia Beach, where he graduated from Frank W. Cox High School. As a high school student athlete during his senior year, he was named the school's "Most Valuable Player" in football and track, served as captain for the football and track teams, was selected as the high school's "Male Athlete of the Year," ran a leg on the school's record-setting medley relay team, and was a member of the National Society of High School Scholars. He continued his outstanding academic and athletic record at the College of the Holy Cross, where he excelled in football

and track and field. At the College of the Holy Cross, Chandler Fenner was named as a member of the first team All-Patriot League for two consecutive years, started in all 11 of the college's games as a cornerback, and signed as a free agent with the Kansas City Chiefs, for which he played cornerback for two years before leaving to play as a cornerback for the Seattle Seahawks.

William Percival Harvin, III -- was born on May 28, 1988, in Chesapeake. Percy Harvin graduated from Landstown High School in Virginia Beach and earned his undergraduate degree from the University of Florida. He was recognized by the Associated Press as its Offensive Rookie of the Year for the 2009 NFL season. He plays wide receiver for the Seattle Seahawks. During Super Bowl XLVIII, the versatile Percy Harvin, with just 12 seconds into the second half of the game, instantly found an opening to the end zone and thrilled fans by opening the third quarter with a sensational 87-yard kickoff return for a touchdown, giving the Seattle Seahawks a 28-0 lead over the Denver Broncos.

Burton Michael Robinson -- was born on February 6, 1983, in Richmond, where he was a four-year starting quarterback for Varina High School. He played quarterback and wide receiver for Pennsylvania State University, where he posted one of the greatest seasons as a Penn State quarterback, and earned his undergraduate degree in advertising and public relations in three years. He finished fifth in balloting for the 2005 Heisman Trophy. Michael Robinson was drafted in 2006 by the San Francisco 49ers. On September 6, 2010, he signed as a fullback with the Seattle Seahawks. Overcoming a debilitating illness in August 2013, he battled his way back to full health and resumed his position with the Seahawks. Michael Robinson caught one pass for seven yards and was the lead blocker on Marshawn Lynch's second-quarter touchdown run in Super Bowl XLVIII win over the Denver Broncos. He is in his fourth season with the Seattle Seahawks after four years with the San Francisco 49ers.

Russell Carrington Wilson -- was born on November 29, 1988, in Cincinnati, Ohio. He is a graduate of Collegiate High School in Richmond, where he was an all-star member of the school's football and baseball teams. He attended North Carolina State University, where he played football and baseball before transferring in January 2011 to the University of Wisconsin. Russell Wilson is a graduate of the University of Wisconsin, and while there, he set the single-season record for passing efficiency and led the team to a Big Ten title and the 2012 Rose Bowl. A baseball standout as well, he was drafted by the Baltimore Orioles after high school and by the Colorado Rockies while attending North Carolina State University. On April 27, 2012, he was drafted by the Seattle Seahawks. Driven by a strong and relentless work ethic, unparalleled confidence and poise, continuous encouragement by his parents, especially his father, Harrison Benjamin Wilson III, and his persistent faith in God, rookie Seahawks quarterback Russell Wilson navigated his way through the world of giants in the NFL to the Super Bowl, the pinnacle of his profession. With his keen intellect and decision-making skills, quick hands, strong passing arm, nimble feet, and sheer athleticism, he has perfected the play-action pass that makes it easier to see receivers downfield. With these remarkable skills and the mindset of a champion, Russell Wilson led his team to dominate and defeat the Denver Broncos in Super Bowl LXVIII; and

WHEREAS, before a record crowd of 82,529 persons and the Seahawks' loyal 12th man, the team's many fans, the Seattle Seahawks routed the Denver Broncos 43-8, by a margin of 35 points, the largest since Super Bowl XXVII in 1993; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia members of the National Football League's Super Bowl XLVIII; and, be it

RESOLVED FURTHER, That the General Assembly hereby commend the Seattle Seahawks on the occasion of winning Super Bowl XLVIII and the coveted Vince Lombardi Trophy; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to head coach Peter Clay Carroll, owner Paul Allen, and general manager John Schneider of the Seattle Seahawks as an expression of the General Assembly's congratulations and admiration for an exceptional season and championship performance.

HOUSE JOINT RESOLUTION NO. 306

Celebrating the life of Thomas H. Wilson.

Agreed to by the House of Delegates, February 14, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, Thomas H. Wilson, a respected businessman, beloved husband and father, and active leader in the Virginia Beach community, died on June 19, 2013; and

WHEREAS, a lifelong resident of Virginia Beach, Thomas "Tom" Wilson graduated with honors from the University of Virginia and was a proud alumnus of the school for the rest of his life; and

WHEREAS, Tom Wilson embarked upon a highly successful 40-year career with Dixon Hughes Goodman LLP, a certified public accounting (CPA) firm; as chief operating officer, he helped the company become the largest CPA firm in the southern United States; and

WHEREAS, a firm believer in the importance of education, Tom Wilson offered his leadership expertise as the chair of the Tidewater Community College Board, treasurer of the Virginia Beach Library Foundation, president of the Virginia Beach Education Foundation, and member of the Cosmopolitan Club of Norfolk; and

WHEREAS, Tom Wilson volunteered his time and talents to support the City of Virginia Beach as chair of the Virginia Beach-Hampton Roads Chamber of Commerce; he was also a crucial fundraiser for Virginia Beach Volunteer Rescue Squad 8 and the Eastern Virginia Medical School Foundation; and

WHEREAS, Tom Wilson enjoyed fellowship and worship with the community as a devoted member of Virginia Beach United Methodist Church; and

WHEREAS, Tom Wilson will be fondly remembered and greatly missed by his loving wife of 37 years, Rosemary; daughters, Kari and Sarah, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Thomas H. Wilson, a successful businessman, beloved husband and father, and pillar of the Virginia Beach community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Thomas H. Wilson as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 307

Commending Tuckahoe Volunteer Rescue Squad.

Agreed to by the House of Delegates, February 14, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, Tuckahoe Volunteer Rescue Squad proudly celebrated 60 years of service to the citizens of Henrico County in December 2013; and

WHEREAS, beginning operations from a church in 1953, Tuckahoe Volunteer Rescue Squad (TVRS) had one telephone, one unit, and 26 volunteers and responded to 335 calls for service in its first year; and

WHEREAS, over the last 60 years, TVRS has expanded to its current two locations at Horsepen Road and Pump Road, and has grown to a fleet of six ambulances, two Advanced Life Support first response units, a utility van, and a bariatric ambulance; and

WHEREAS, trained to respond in a multitude of circumstances, TVRS members have been a crucial part of the county's mass casualty team, vehicle extrication unit, critical stress management, and disaster management over the years; and

WHEREAS, with over 63,000 volunteer hours reported in 2013, TVRS is staffed by more than 120 professionally trained and certified volunteer emergency medical technicians, paramedics, and other support volunteers who expertly responded to 4,360 incidents last year alone; and

WHEREAS, TVRS has answered over 250,000 calls for service during its 60-year tenure at no cost to the patients, representing significant cost savings to the county and its citizens; and

WHEREAS, providing both basic and advanced life support coverage 24 hours a day, every day of the year, TVRS volunteers are pillars of the community and have provided an invaluable service to citizens of Henrico County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Tuckahoe Volunteer Rescue Squad on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tuckahoe Volunteer Rescue Squad as an expression of the General Assembly's respect and gratitude for its decades of exceptional and selfless service to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 308

Commending the Appomattox Angels All-Star softball team.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, the Appomattox Angels All-Star softball team won both the district and state championship titles for the 2013 season; and

WHEREAS, the state crown was won by the Appomattox team in a double elimination tournament in July; the team defeated a strong squad from Brookneal 2-0, the second time the two teams had met in the state tournament; and

WHEREAS, later in July, the Appomattox Angels All-Star softball team competed in the Dixie Softball, Inc., Youth Angels World Series in Petal, Mississippi, as Virginia All-Stars; and

WHEREAS, the Virginia All-Stars softball team members were Abby Wilkerson, Hannah Marcum, Emma Drinkard, Kelsey Hackett, Madison Shirey, Kaleigh Hackett, Skylar Sams, Abbey Mann, Lydia Swan, Julianna Southall, Jenna St. John, and Leah Caldwell; and

WHEREAS, the Virginia All-Stars softball team was ably led by head coach Jennifer Hackett and assistant coaches Ken Caldwell and Jeremy Marcum, with Susan Shirey serving as the team scorebook keeper; and

WHEREAS, after a long journey, the talented team of 9- and 10-year-olds came out strong in the opening game of the double-elimination World Series tournament by defeating Mississippi 8-6; and

WHEREAS, the Virginia All-Stars played their second game against Alabama and suffered a heart-breaking loss in extra innings 1-0; the Virginia All Stars' third game, an elimination contest, was against Arkansas, which the girls from Appomattox won resoundingly; the final score was 9-2; and

WHEREAS, in the next game, against Georgia, the Virginia All-Stars emerged with a 2-1 victory, which placed the young women in the semifinals; and

WHEREAS, the Virginia All-Stars ended the season as one of the top four teams in the nation; the squad also received the coveted Sportsmanship Trophy, a testimony to the positive attitude displayed by the 12 players and their coaches and the unwavering support of their fans; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Appomattox Angels All-Star softball team for winning the district and state championship titles for the 2013 season; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jennifer Hackett, head coach of the Appomattox Angels All-Star softball team, as an expression of the General Assembly's congratulations and admiration for the team's championship season and best wishes for future success.

HOUSE JOINT RESOLUTION NO. 309

Commending Davida Luehrs.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, Davida Luehrs was honored by the Greater Reston Chamber of Commerce and Cornerstones, Inc., with a prestigious 2014 Best of Reston Award in the Individual Community Leader category; and

WHEREAS, the Best of Reston awards honor individuals, organizations, and companies that have demonstrated an extraordinary commitment to helping others and improving the lives of people throughout the greater Reston area; and

WHEREAS, for more than 20 years, Davida Luehrs has worked to serve people who are blind or have low vision; she was diagnosed with a retinal disease 25 years ago, and that life-changing event inspired her life's work of helping others in similar situations; and

WHEREAS, one of Davida Luehrs' missions is to be a link between people who have vision loss and the community organizations that can assist them; she has been a leader in the Northern Virginia chapter of the Foundation Fighting Blindness, the Sterling Lions Club, and the American Council of the Blind; and

WHEREAS, Davida Luehrs helps to educate the medical community about the resources available for the visually impaired; she also shares information about scientific breakthroughs and works tirelessly to share the hope that scientific advances can give to people with low vision; and

WHEREAS, Davida Luehrs helped form the Northern Virginia chapter of the Foundation Fighting Blindness and played a key role in bringing VisionWalk, an annual fundraising event, to Northern Virginia; she also has been involved with other groups that raise awareness of low vision, including Visually Impaired People of Reston; and

WHEREAS, Davida Luehrs has helped to raise funds to fight and prevent vision loss through her work for a Dining in the Dark gala and oversees a free pediatric vision screening program in her role as district sight conservation chair for the Lions Clubs International in the area; and

WHEREAS, Davida Luehrs has been a member of the board of the Herndon High School band and the Herndon Middle School band; she also has volunteered with the Boy Scouts of America, the Girl Scouts of the United States of America, the Reston Swim Team Association, and other nonprofit organizations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Davida Luehrs for her tireless efforts on behalf of people who are blind or have low vision and on her well-deserved honor as a 2014 Best of Reston Award recipient in the Individual Community Leader category; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Davida Luehrs as an expression of the General Assembly's respect and admiration for her deep empathy and work with people in the Reston area who are blind or have low vision.

HOUSE JOINT RESOLUTION NO. 310

Commending Catherine Fulkerson.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, Catherine Fulkerson was honored by the Greater Reston Chamber of Commerce and Cornerstones, Inc., with a prestigious 2014 Best of Reston Award in the Individual Community Leader category; and

WHEREAS, the Best of Reston awards honor individuals, organizations, and companies that have demonstrated an extraordinary commitment to helping others and improving the lives of people throughout the greater Reston area; and

WHEREAS, as chief executive officer of Reston Association, the governing body of the Commonwealth's first planned residential community, Catherine "Cate" Fulkerson has carefully guided the organization with enthusiasm, intelligence, and commitment; and

WHEREAS, Cate Fulkerson was raised in Reston and has a deep knowledge and love of the attractive and vibrant community in Fairfax County she calls home; she has lived, worked, and played there her entire life; and

WHEREAS, Cate Fulkerson demonstrates consensus-building and problem-solving in her work with Reston Association; she is an experienced team leader who adheres to an ethical, strategic, and common-sense approach to her duties as the chief executive officer of the planned community; and

WHEREAS, Cate Fulkerson has worked for Reston Association since 1991, successfully melding her work, home, and volunteer life; she inspires those who work with her to put forth their best efforts, with her energy and close attention to detail; and

WHEREAS, Cate Fulkerson has been board chair of the Reston Character Counts! Coalition, chair of the annual Ethics Day event for South Lakes High School, which is sponsored by the Greater Reston Chamber of Commerce, and is a mentor for the Emerging Leaders Institute of Leadership Fairfax, Inc.; and

WHEREAS, recognizing that diverse urban communities need effective leadership to grow and thrive, Cate Fulkerson has assumed many leadership roles in Leadership Fairfax, Inc., and the national Community Associations Institute; she served on the board of Leadership Fairfax for 11 years, including one year as chair; and

WHEREAS, Cate Fulkerson has won many awards for her work to improve Reston and the surrounding area, including being named Citizen of the Year for 2012 by the Reston Citizens Association and receiving an Ace award from the Greater Reston Chamber of Commerce as the 2012 Volunteer of the Year; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Catherine Fulkerson for her many years of work on behalf of the people of Reston and on her well-deserved honor as a 2014 Best of Reston Award recipient in the Individual Community Leader category; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Catherine Fulkerson as an expression of the General Assembly's respect and admiration for her commitment to and leadership of Reston Association.

HOUSE JOINT RESOLUTION NO. 311

Commending Jerry Ferguson.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, Jerry Ferguson was honored by the Greater Reston Chamber of Commerce and Cornerstones, Inc., with a prestigious 2014 Best of Reston Award in the Individual Community Leader category; and

WHEREAS, the Best of Reston awards honor individuals, organizations, and companies that have demonstrated an extraordinary commitment to helping others and improving the lives of people throughout the greater Reston area; and

WHEREAS, Jerry Ferguson is a talented filmmaker who generously donates his time and resources to produce videos for nonprofit organizations in the community; his films are used by community groups in public relations and fundraising efforts; and

WHEREAS, Jerry Ferguson is director of development and outreach for Fairfax Public Access (FPA), a community television, radio, education, and cablecasting organization serving Fairfax County and the Washington, D.C., metropolitan area; his work with FPA complements his outreach efforts; and

WHEREAS, often when filming meetings and events of local nonprofit and charitable organizations for FPA, Jerry Ferguson uses his time there to record and explain an organization's purpose and promote its mission; the resulting videos, which are free of charge, can be used to distribute information and raise funds; and

WHEREAS, with his videos, Jerry Ferguson helps nonprofit groups spread their message to the largest possible audience; he has created and produced short films for Leadership Fairfax, Inc., FACETS, Cornerstones, Inc., and regional chambers of commerce; and

WHEREAS, in offering this service at no cost, Jerry Ferguson selflessly gives back to the community; he takes pride in his outreach efforts, and his generosity often brings out the best in those with whom he interacts; and

WHEREAS, by donating his time and talents to nonprofit organizations in the greater Reston area, Jerry Ferguson has enabled the groups to use their financial resources in other ways to help the people they serve—he frequently has donated in-kind services worth thousands of dollars; and

WHEREAS, Jerry Ferguson's videos capture in a personal and direct way the stories of the people and groups who have benefited from the many helping and charitable organizations in Reston and the surrounding area; his films have a positive impact and help in fundraising efforts; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jerry Ferguson for sharing his filmmaking skills with charities and nonprofit organizations in the Reston area and on his well-deserved selection as the recipient of a 2014 Best of Reston Award in the Individual Community Leader category; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jerry Ferguson as an expression of the General Assembly's respect and admiration for his volunteer work in producing videos for nonprofit organizations in the Reston area.

HOUSE JOINT RESOLUTION NO. 312

Commending HomeAid Northern Virginia.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, HomeAid Northern Virginia was honored by the Greater Reston Chamber of Commerce and Cornerstones, Inc., with a prestigious 2014 Best of Reston Award in the Civic/Community Organization category; and

WHEREAS, the Best of Reston awards honor individuals, organizations, and companies that have demonstrated an extraordinary commitment to helping others and improving the lives of people throughout the greater Reston area; and

WHEREAS, HomeAid Northern Virginia (HANV) is an organization that was started by members of the Northern Virginia Building Industry Association, Inc., to help homeless people gain stability in their lives by providing shelter and housing; and

WHEREAS, as construction industry professionals, the members of HANV build and renovate homeless shelters, transitional housing, counseling centers, and other facilities that help the homeless population and other people in need; and

WHEREAS, companies that belong to HANV donate money, time, and materials for the construction projects; the group has completed nine renovation projects in Reston—directly helping more than 300 people—at a cost of more than \$200,000 worth of materials and labor; approximately 82 percent of the materials and labor were donated; and

WHEREAS, projects built by HANV in the Reston area include temporary, transitional, and permanent housing for people fleeing domestic violence, the disabled, people with special needs, and the homeless; and

WHEREAS, HANV has provided construction services to Alternative House, Christian Relief Services, Cornerstones Housing Corporation, Gabriel Homes, Inc., Loudoun Abused Women's Shelter, Northern Virginia Family Service, and other organizations; and

WHEREAS, since its founding in 2001, HANV has completed more than 70 projects in the Commonwealth valued at more than \$10.5 million, serving more than 10,000 people; the group is led by a 30-member volunteer board and has two full-time employees; and

WHEREAS, HANV also started Women Giving Back, a program that provides clothing to women and children in homeless shelters; the group realized that many women who were in shelters needed clothes and accessories that were appropriate to wear to work and school; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend HomeAid Northern Virginia for its outstanding efforts to improve the lives of people in need in the Reston area and on its well-deserved honor of being named a recipient of a 2014 Best of Reston Award in the Civic/Community Organization category; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to HomeAid Northern Virginia as an expression of the General Assembly's respect and admiration for its work to provide safe shelter for homeless families and other people in need in the greater Reston area.

HOUSE JOINT RESOLUTION NO. 313

Celebrating the life of Joshua P. Darden, Jr.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, Joshua P. Darden, Jr., a respected businessman, generous philanthropist, and civic leader in Norfolk, died on January 22, 2014; and

WHEREAS, a native of Norfolk, Joshua "Josh" Darden graduated from Episcopal High School in Alexandria and later earned a bachelor's degree from the University of Virginia, where he played lacrosse and served as the president of the student council; and

WHEREAS, after serving his country as a paratrooper and an artillery officer in the United States Army, Josh Darden returned to Norfolk and joined his father's business, Colonial Chevrolet, in 1959; after becoming president of the company in 1968, he helped expand the business to include 10 dealerships as the Colonial Auto Group; and

WHEREAS, building a strong company culture that provided quality training and development opportunities and encouraged growth, Josh Darden earned an automobile dealer award from *Time* magazine in 1986; he graciously accepted the award on behalf of his employees, more than 20 of whom would go on to open or manage their own dealerships and carry on an enduring tradition of philanthropy; and

WHEREAS, in recognition of his legacy as a leader, mentor, and role model in the automotive industry, Josh Darden's name has been submitted as a candidate for induction into the Automotive Hall of Fame in Michigan; and

WHEREAS, a proud alumnus of the University of Virginia, Josh Darden served as the rector of the university's Board of Visitors in the late 1980s; he co-led a highly successful fundraising campaign that earned record contributions; and

WHEREAS, in 1988, Josh Darden co-founded the ACCESS College Foundation to help low-income students find and receive financial aid; the organization has helped over 40,000 students achieve their dreams and attend college; and

WHEREAS, believing that he could continue to make a difference in the community, Josh Darden sold his business in 1994 and fully dedicated himself to charitable activities and civic leadership; a humble man, Josh Darden preferred to avoid the spotlight, often mentoring or offering his wise counsel to other community leaders and public officials in the area; and

WHEREAS, in 1996, Josh Darden co-founded the CIVIC Leadership Institute to train future leaders of nonprofit organizations; the organization has encouraged countless individuals to engage in public service and enhance the community; and

WHEREAS, Josh Darden offered his wise leadership to several committees and commissions addressing transportation and education issues locally and throughout the Commonwealth; he earned many awards and accolades for his tireless service; and

WHEREAS, as the chair of the Norfolk Foundation, one of the area's largest charitable organizations, from 1999 to 2009, Josh Darden helped the organization grow further and touch countless lives in the region; his last major project was to lead successful fundraising efforts for the construction of the local Salvation Army's Ray and Joan Kroc Corps Community Center; and

WHEREAS, Josh Darden will be greatly missed and fondly remembered by his wife, Betty; daughters, Holley and Audrey, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Joshua P. Darden, Jr., a philanthropist, civic leader, and pillar of the Norfolk community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Joshua P. Darden, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 314

Commending Madena Jane Seeman.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, Madena Jane Seeman, an admired and deeply dedicated public servant who has ably served the Town of Vienna for over 17 years, retires as mayor in 2014; and

WHEREAS, a longtime resident of the Town of Vienna, Jane Seeman served as the director of the preschool program at the Vienna Community Center for 20 years; and

WHEREAS, desiring to be of further service to the community, Jane Seeman was first appointed to the Vienna Town Council in 1996 to fill her late husband's unexpired term and was subsequently elected to two additional terms; and

WHEREAS, Jane Seeman was elected mayor in 2000 and went on to win six more terms, most recently in 2012; a wise and active leader, she contributed to the continuing growth and success of the Town of Vienna; and

WHEREAS, Mayor Seeman represents the residents of the Town of Vienna on the Northern Virginia Regional Commission, the Town Association of Northern Virginia, the Environmental Policy Steering Committee, the Tysons Partnership, and the Greater Tysons Coordinating Committee; and

WHEREAS, dedicated to enhancing the infrastructure of Tysons Corner, Mayor Seeman supported improvements to walkways, bicycle facilities, trails, and intersections in and around the neighborhood to ensure that local residents have safe, convenient access to work, shopping, and recreation; and

WHEREAS, a member of numerous civic and service organizations, Jane Seeman has spent much of her life working to better the Vienna community; she currently volunteers her time with the Rotary Club of Vienna, Historic Vienna, Inc., and the Patrick Henry Library; and

WHEREAS, in honor of her exceptional service, Jane Seeman received the Vienna Toastmasters Communication and Leadership Award in 1997 and the *Vienna Times* and Vienna Chamber of Commerce Citizen of the Year award and Rotary Service Above Self award in 1999; and

WHEREAS, Jane Seeman is an exemplar of the professionalism and dedication shown by elected officials throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Madena Jane Seeman, an outstanding public servant and the respected, longtime mayor of the Town of Vienna on the occasion of her retirement from public office; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Madena Jane Seeman as an expression of the General Assembly's admiration for her enduring commitment to serving the members of the Vienna community.

HOUSE JOINT RESOLUTION NO. 315

Commending Laurie Genevro Cole.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, Laurie Genevro Cole, who has admirably served on the Vienna Town Council since 2002, providing sound advice and focusing on what was best for the people of Vienna, will retire on June 30, 2014; and

WHEREAS, Laurie Cole became involved with local government at the urging of her husband, Harry, and in 1994, she was appointed to the Vienna Beautification Commission, now known as the Community Enhancement Commission, and she later became chair of the commission; and

WHEREAS, Laurie Cole also served on the Vienna Planning Commission and was elected chair; later, she was appointed to the Board of Zoning Appeals before being elected to the Vienna Town Council; and

WHEREAS, in her tenure on the town council, Laurie Cole recognized that the town must assume an active role in Fairfax County issues that could affect the residents of Vienna; she stressed the importance of communicating and building strong relationships with neighboring localities; and

WHEREAS, Laurie Cole helped form the Greater Tysons Concerned Citizens coalition to address issues that arise with the continuing development of the neighboring Tysons Corner area; she also works to see that all affected localities share in the area's infrastructure and development costs; and

WHEREAS, Laurie Cole has stressed the importance of matters that mainly affect local residents, such as sidewalk projects, alternatives to cell phone antenna towers, and improved signage throughout Vienna; and

WHEREAS, Laurie Cole is a member of the Optimist Club of Greater Vienna and the Vienna branch of the American Association of University Women and was a member of the capital campaign steering committee for the Vienna Volunteer Fire Department; and

WHEREAS, before moving to Vienna in 1986, Laurie Cole received degrees from Pomona College and the University of California, Los Angeles; after moving to the Commonwealth, she practiced law and taught at Marymount University before becoming involved in local government; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Laurie Genevro Cole for her 20 years of service to the people of Vienna, including 12 years as a member of the Vienna Town Council; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Laurie Genevro Cole as an expression of the General Assembly's admiration for and appreciation of her work for the betterment of the Town of Vienna, Fairfax County, and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 316

Commending Claudette Keene Mullins.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 24, 2014

WHEREAS, Claudette Keene Mullins, a dedicated public servant from Richmond, will retire from the Virginia Department of Motor Vehicles in April 2014; and

WHEREAS, raised in Buchanan County, Claudette Mullins graduated from Grundy High School in 1957; shortly thereafter, she married her husband of 52 years, Jerry, and together they raised two children, Christopher and Suzanne; and

WHEREAS, beginning work with the Virginia Department of Motor Vehicles in 1993, Claudette Mullins specialized in customer service; she has been a valuable member of the department's staff due to her effortless interactions with the public and the members of the General Assembly; and

WHEREAS, proudly serving the Commonwealth, Claudette Mullins issued license plates for the members of the Virginia House of Delegates and Senate of Virginia and handled concerns expressed by their constituents; and

WHEREAS, a cherished and admired member of the Virginia Department of Motor Vehicles, Claudette Mullins has become well known and respected for her positive attitude, sense of humor, and exemplary work ethic; and

WHEREAS, for over 20 years, Claudette Mullins has contributed to the Commonwealth and the Virginia Department of Motor Vehicles through her distinguished and committed service; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Claudette Keene Mullins on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Claudette Keene Mullins as an expression of the General Assembly's respect and admiration for her years of dedicated service to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 317

Commending the Liberty Christian Academy football team.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, at Collegiate School in Richmond on Saturday, November 16, 2013, the Liberty Christian Academy Bulldogs trounced the Collegiate High School Cougars 31-19 to win the 2013 Virginia Independent Schools Athletic Association's Division I state championship title; and

WHEREAS, with the defeat of the Cougars, the Liberty Christian Academy Bulldogs made history for the school by winning the championship title for the third consecutive year, and quarterback Matt Lewis and wide receiver B. J. Farrow were named as two of the 10 finalists for the "Football Friday Player of the Year Award"; and

WHEREAS, at halftime, the Bulldogs trailed the Cougars 13-10; however, the Bulldogs rallied and the offense scored three touchdowns in the second half and the defense allowed only nine more points with three interceptions; and

WHEREAS, B. J. Farrow, a 6-foot-2-inch wide receiver, outran and outleaped defenders to catch seven passes for 179 yards and scored two touchdowns, helping teammate Matt Lewis to capture the victory for the Bulldogs; and

WHEREAS, aided by a lineup of power running formations in the second half of the game and more tight ends and fullbacks to clear the way, the Bulldogs' Matt Lewis threw for 327 yards and three touchdowns, and also ran for a score; and

WHEREAS, in the second half of the game, the Collegiate Cougars' offense found it difficult to get into a rhythm and the Bulldogs frequently blitzed quarterback Wilton Speight, who threw for only 152 yards and had four interceptions, making it almost impossible for him to find an open receiver; and

WHEREAS, the Liberty Christian Academy Bulldogs worked diligently and with fierce determination throughout the season to claim the 2013 season championship title; and

WHEREAS, parents, students, teachers, coaches, and the community are immensely honored by and proud of the unparalleled achievement by the Liberty Christian Academy Bulldogs; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Liberty Christian Academy Bulldogs on winning the Virginia Independent Schools Athletic Association's Division I state championship title for the third consecutive year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to head coach Frank Rocco of the Liberty Christian Academy Bulldogs as an expression of the General Assembly's congratulations on an outstanding football season.

HOUSE JOINT RESOLUTION NO. 318

Commending the Senior Center, Inc.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, the Senior Center, Inc., of Charlottesville, which celebrates its 54th anniversary in 2014, has received national accreditation for the third time, one of only seven senior centers in the nation to reach that milestone; and

WHEREAS, the mission of the Senior Center is to positively impact the community by creating opportunities for healthy aging through social engagement, physical well-being, civic involvement, creativity, and lifelong learning; and

WHEREAS, the Senior Center was accredited by the National Institute of Senior Centers and joins a select group of more than 120 senior centers that have met the accreditation standards; the center was cited for its outstanding leadership and commitment to quality programs and services; and

WHEREAS, by offering classes, volunteer opportunities, travel programs, support groups, exercise and recreation, and many other types of opportunities to stay engaged, the Senior Center encourages its members to maintain a healthy attitude toward aging and to stay active in their personal lives and in the community; and

WHEREAS, other recognitions that the Senior Center has garnered include, in 2002, being the first senior center in the Commonwealth to receive national accreditation; the organization also won the prestigious Best Practices Award in 2008 from the Commonwealth Council on Aging; and

WHEREAS, in 2009, the Senior Center was awarded the NuStep Pinnacle Award in the senior center division, achieving recognition as one of the nation's premier providers of whole-person wellness programs; and

WHEREAS, the Senior Center, which has served thousands of people in Charlottesville and the surrounding area since its founding in 1960, receives no government funding, relying on the generosity of individuals, businesses, and foundations to support its mission; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Senior Center, Inc., on its 54th anniversary and for being one of only seven senior centers in the nation to receive national accreditation for the third time; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bob Tucker, president of the board of directors of the Senior Center, Inc., as an expression of the General Assembly's respect and admiration for the vital service it performs to promote healthy aging for the people of Charlottesville and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 319

Commemorating the 100th anniversary of the passage of the Smith-Lever Act of 1914.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, on March 13, 1914, the Virginia General Assembly enacted laws providing for the establishment of Extension work in the Commonwealth in cooperation with the United States Department of Agriculture; and

WHEREAS, May 8, 2014, marks the 100th anniversary of the signing of the Smith-Lever Act of 1914, which established Cooperative Extension, the nationwide transformational education system operating through land-grant universities in partnership with federal, state, and local governments; and

WHEREAS, United States Senator Hoke Smith of Georgia and United States Representative A. F. Lever of South Carolina authored the Smith-Lever Act to expand the "vocational, agricultural, and home demonstration programs in rural America" by bringing the research-based knowledge of the land-grant universities to people where they live and work; and

WHEREAS, Cooperative Extension is a critical component of the three-part land-grant university mission at Virginia Tech and Virginia State University and works collaboratively with research, particularly the Agricultural Experiment Station System, and academic programs in 106 colleges and universities, including historically black-, Native American-, and Hispanic-serving institutions in all 50 states, the District of Columbia, and six United States territories, to reach traditional and underserved audiences in all communities; and

WHEREAS, the Cooperative Extension system continues to receive federal programmatic leadership and support enabled by the Smith-Lever Act and other legislation through the United States Department of Agriculture's (USDA) National Institute of Food and Agriculture; and

WHEREAS, Cooperative Extension's research-based education for farmers and ranchers helped establish the United States as a leading producer of agriculture in the world; and

WHEREAS, since 1924, when the USDA adopted the clover emblem to represent 4-H, Cooperative Extension's nationwide youth development program has reached millions of youth and helped prepare them for responsible adulthood; and

WHEREAS, Cooperative Extension prepares people for healthy, productive lives through sustained education, such as the Expanded Food and Nutrition Education Program, breaking the cycle of poverty and reducing expenditures for federal and state assistance programs; and

WHEREAS, Cooperative Extension provides rapid response to disasters and emergencies through the Extension Disaster Education Network and other similar efforts by providing real-time alerts and resources, allowing Extension educators to respond to urgent needs resulting from hurricanes, floods, oil spills, fires, droughts, pest outbreaks, and infectious diseases affecting humans, livestock, and crops; and

WHEREAS, Cooperative Extension translates science-based research for practical application through local and online learning networks, where educators are uniquely available to identify emerging research questions, connect with land-grant university faculty to find answers, and encourage application of findings to improve economic and social conditions; and

WHEREAS, Cooperative Extension engages with rural and urban learners through practical, community-based, and online approaches, resulting in the acquisition of knowledge, skills, and motivation to strengthen the profitability of animal and plant production systems, protect natural resources, help people make healthy lifestyle choices, ensure a safe and abundant food supply, encourage community vitality, and develop the next generation of leaders; and

WHEREAS, many states are celebrating the 100th anniversary of the signing of the Smith-Lever Act with resolutions and proclamations, and many land-grant institutions are also commemorating the signing of the historic legislation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commemorate the 100th anniversary of the passage of the Smith-Lever Act of 1914; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Edwin J. Jones, director of Virginia Cooperative Extension, as an expression of the General Assembly's appreciation for the importance of the Smith-Lever Act of 1914 and the establishment of the Cooperative Extension program.

HOUSE JOINT RESOLUTION NO. 320

Commending the Lynchburg-based 1st Battalion, 116th Infantry Brigade Combat Team.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, on October 21, 2013, the soldiers of the Lynchburg-based 1st Battalion, 116th Infantry Brigade Combat Team were presented the Walter T. Kerwin, Jr., Readiness Award and recognized as the most combat-ready Army National Guard battalion in the nation; and

WHEREAS, the award is presented annually by the Association of the United States Army, the National Guard Association of the United States, and the Reserve Officers Association to the most outstanding Army National Guard and Army Reserve units in the country; and

WHEREAS, the Lynchburg-based 1st Battalion, 116th Infantry Brigade Combat Team successfully completed the eligibility criteria for the Walter T. Kerwin, Jr., Readiness Award, which includes an evaluation of assigned personnel strength, the percentage of personnel qualified in their duty position, the number of personnel attending monthly drill weekends and annual training, individual weapons qualification and physical fitness test scores, the effectiveness of a maintenance program for all units, and achievement of the readiness objectives outlined by the United States Forces Command; and

WHEREAS, for the 2012 training year, the Lynchburg-based 1st Battalion, 116th Infantry Brigade Combat Team scored above 100 percent in personnel strength, 95 percent in military occupation specialty, 99 percent in individual weapons qualification, and 100 percent in assigned crew-served weapons qualification, and several of the battalion's companies were recognized for training excellence; and

WHEREAS, the exceptional achievements of the Lynchburg-based 1st Battalion, 116th Infantry Brigade Combat Team confirm that the battalion ranks among the best in the country and inspires confidence in the Virginia National Guard's well-earned reputation for rapid response in times of domestic emergencies, disasters, and federal military operations around the world; and

WHEREAS, the Lynchburg-based 1st Battalion, 116th Infantry Brigade Combat Team has worked diligently, has earned the distinction of receiving the Walter T. Kerwin, Jr., Readiness Award, and epitomizes the National Guard's motto, "Always Ready, Always There"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Lynchburg-based 1st Battalion, 116th Infantry Brigade Combat Team on the occasion of receiving the prestigious Walter T. Kerwin, Jr., Readiness Award as the most combat-ready Army National Guard battalion in the nation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lieutenant Colonel Allan Carter of the Lynchburg-based 1st Battalion, 116th Infantry Brigade Combat Team as an expression of the General Assembly's congratulations on being recognized as the most combat-ready Army National Guard battalion in the nation and appreciation for its outstanding service to the citizens of the Commonwealth.

HOUSE JOINT RESOLUTION NO. 321

Commending the James River High School girls' track and field team.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, the James River High School girls' track and field team of Buchanan displayed strength and determination by winning the Virginia High School League Group A state championship in June 2013; and

WHEREAS, defending the 2012 state championship title, the James River High School Knights beat Wilson Memorial High School, outscoring their opponent 62-59 in a meet that came down to the wire; and

WHEREAS, James River Knights senior Alexis Brown had an individual state win for her performance in the shot put, throwing an impressive 40 feet, 5.5 inches; and

WHEREAS, with the talent and speed of sophomore Alena Conrad, sophomore Anne Grumbine, senior Maggie Grumbine, and senior Reanna Hamm, the James River Knights 1600m relay team placed first with a time of 4:05.95, five seconds ahead of the remaining field of runners; and

WHEREAS, each athlete—Sahara Clark, Alena Conrad, Hannah Peery, Sidney Hays, Alyssa Ford, Anne Grumbine, Maggie Grumbine, Reanna Hamm, and Alexis Brown—contributed immensely to the James River Knights championship meet; and

WHEREAS, the victory is due to the talent and dedication of the players, the leadership of head coach Greg Dyer and assistant coaches Rick Hamm, Erin Barnett, and Bill Divers, and the support from the James River High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the James River High School girls' track and field team for winning the Virginia High School League Group A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Greg Dyer, head coach of the James River High School girls' track and field team, as an expression of the General Assembly's admiration for the team's athleticism and determination.

HOUSE JOINT RESOLUTION NO. 322

Commending Hubert F. Fitzgerald, Jr.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, Hubert F. Fitzgerald, Jr., an accomplished law-enforcement officer who worked in Virginia State Police Division 2 for almost 50 years, served the region and the Commonwealth with dedication and distinction; and

WHEREAS, Hubert Fitzgerald began preliminary training as a trooper in the Counties of Culpeper and Green in 1954; that same year, he graduated from the 26th State Police Training School and was assigned to the Counties of King George, Spotsylvania, and Stafford under Division 2-Culpeper; and

WHEREAS, following the creation of Virginia State Police Division 7, Hubert Fitzgerald remained in Division 2, but was reassigned to the Counties of Prince William and Stafford, and later to only Stafford County; and

WHEREAS, in 1974, Hubert Fitzgerald joined the Bureau of Criminal Investigation (BCI) as an investigator with the Salem office; and

WHEREAS, Hubert Fitzgerald furthered his education at Virginia Western Community College, which qualified him for promotion to special agent accountant (forensic) in the BCI; he ably served in this position until his retirement in 1993; and

WHEREAS, throughout his career, Hubert Fitzgerald was involved in many high-profile cases, including a case that was published in *True Detective Magazine*; affording each case the same level of importance, he consistently displayed a high degree of professionalism and an unerring dedication to protecting the members of the community; and

WHEREAS, after his retirement, Hubert Fitzgerald worked to support his fellow law-enforcement officers as a member of Virginia State Police Alumni, Inc.; he held several positions, including secretary in 2008, president in 2009, parliamentarian in 2010, and trustee in 2012; and

WHEREAS, an active contributor to his community, Hubert Fitzgerald served on the Stafford County Highway Safety Board and volunteered with Troop 171 of the Boys Scouts of America for 10 years, including five years as a Scoutmaster; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Hubert F. Fitzgerald, Jr., for his exceptional service to the Commonwealth over his decades-long career in law enforcement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Hubert F. Fitzgerald, Jr., as an expression of the General Assembly's admiration and respect for his commitment to serving and protecting the members of the community.

HOUSE JOINT RESOLUTION NO. 323

Commending John Appelman.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, John Appelman, a lifelong resident of Chesterfield County and a second-generation family farmer, will celebrate his 100th birthday on March 4, 2014; and

WHEREAS, John Appelman's parents immigrated to Chesterfield County from Germany two months before he was born; he was the family's sixth child; and

WHEREAS, the family, which eventually grew to seven children—four boys and three girls—settled on a farm in Chesterfield County that became their livelihood; they raised livestock, various grains, tobacco, and vegetables; and

WHEREAS, John Appelman attended Elkhardt School and graduated from Manchester High School; a proud American, he served in World War II as a soldier in the United States Army and was wounded; he returned to the battlefield after he recovered and was awarded a Purple Heart; and

WHEREAS, after the war, John Appelman worked on the family farm; his parents had taught their children the values of hard work, responsibility, and respect for others; when his brother died in 1952, he farmed the land on his own for many years; and

WHEREAS, John Appelman went about his work quietly and independently, putting forth great effort without complaint; he raised livestock and coaxed bountiful yields from the land year after year; and

WHEREAS, as he grew older, John Appelman reduced the amount of work he did on the family farm and concentrated on growing vegetables that he gladly shares; friends and family members remark that he raises some of the best vegetables in Chesterfield County; and

WHEREAS, a hallmark of John Appelman's life is his willingness to help others, never expecting any recognition in return; he is a man of faith and enjoys fellowship and worship at Belmont United Methodist Church; and

WHEREAS, John Appelman especially has enjoyed being a member of the Young At Heart seniors group of Belmont United Methodist Church; the group has been a great source of support and friendship over the years; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend John Appelman on the occasion of his 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John Appelman as an expression of the General Assembly's congratulations and admiration for his years as a farmer in Chesterfield County and for his service and friendship to others.

HOUSE JOINT RESOLUTION NO. 324

Celebrating the life of Lieutenant Sean Christopher Snyder.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, Lieutenant Sean Christopher Snyder of Virginia Beach, a man of true honor and a hero who considered it a distinct privilege to serve his country as an officer and as a helicopter pilot in the United States Navy, died on January 8, 2014, during a training mission off the coast of the Commonwealth of Virginia; and

WHEREAS, while serving with Helicopter Mine Countermeasures Squadron 15, Lieutenant Snyder served with unwavering dedication and courage, making multiple deployments to the island nation of Bahrain in the Arabian Gulf; and

WHEREAS, while providing support to United States Naval Forces Central Command Fifth Fleet operations during Operation Enduring Freedom, Lieutenant Snyder served as mission commander, leading a Sikorsky MH-53E Sea Dragon helicopter crew in the execution of airborne mine countermeasures operations to successfully deter seaborne mining efforts in the Arabian Gulf; and

WHEREAS, Lieutenant Snyder's actions directly supported the success of the United States and multinational forces in ensuring that sea lines of communication, which are vital for seaborne international trade, remained open; and

WHEREAS, as part of an elite cadre, Lieutenant Snyder flew the MH-53E from Bahrain to Ghazi Air Base, Pakistan, in support of humanitarian relief and lifesaving operations after the devastating floods in July and August of 2010, executing a tactically demanding flight through tenuous international airspace with stops in Oman and on the USS *PELELIU* in the Indian Ocean; and

WHEREAS, in continuous flight operations to and from the remote region of Colamb in the Swat Valley, Lieutenant Snyder demonstrated exceptional airmanship and dedication to mission, resulting in the rescue of over 2,500 Pakistani citizens and the movement of nearly one million pounds of relief supplies; and

WHEREAS, Lieutenant Snyder's professionalism and leadership merited numerous awards and commendations throughout his 21 years of honorable service in the United States Navy; rising from enlisted to officer ranks, amassing 1,576 total flight hours, and gaining widespread recognition within the naval aviator community as one of the most highly skilled and respected instructors, Lieutenant Snyder was a trusted mentor whose open-door style of leadership had a deep and lasting impact on all Sailors and Marines with whom he served; and

WHEREAS, in word and deed, Lieutenant Snyder was known and admired as a true servant of others who was motivated by his sincere and passionate faith in Jesus Christ, which he shared through countless hours of devoted service as an elder and a youth leader at Glad Tidings Church in Norfolk, where the impact of his life will continue in the lives of those he touched; and

WHEREAS, Lieutenant Snyder will be forever remembered and deeply missed by his beloved wife, Amy, with whom he shared great love and joy throughout their marriage; sons, Sean II, Brady, and Ethan; daughter, Makayla; and numerous other family members, friends, and fellow members of the United States Navy; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a devoted husband and father and an honorable servant in both his sacred faith and his esteemed service to the United States of America, Lieutenant Sean Christopher Snyder; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lieutenant Sean Christopher Snyder as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 325

Commending Hybla Valley Elementary School.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, Hybla Valley Elementary School, located in Fairfax County, proudly celebrates its 50th anniversary in 2014; and

WHEREAS, Hybla Valley Elementary School was constructed on land once owned by George Mason, the author of the Virginia Declaration of Rights, and was originally proposed to be part of the largest airport in the world, the George Washington Air Junction for the landing of Zeppelins in the 1920s, and ultimately became Hybla Valley Airport; and

WHEREAS, opening in 1964, Hybla Valley Elementary School supported 350 students in first through sixth grade; today, it has expanded to an enrollment of 935 students in pre-kindergarten through sixth grade and 141 staff; and

WHEREAS, Hybla Valley Elementary School currently sits adjacent to the largest park in Fairfax County, Huntley Meadows Park, which is an asset and resource to the teachers, students, and Mt. Vernon community; and

WHEREAS, as the implementation of full-day kindergarten spread across the country, Hybla Valley Elementary School made the transition during the 2003-2004 school year; and

WHEREAS, in 2010, Hybla Valley Elementary School underwent a significant renovation; the two-story addition added nine general education classrooms, one music classroom, one band/strings classroom, one art classroom, four English as a second language classrooms, four special education classrooms, and one speech classroom; and

WHEREAS, emphasizing literacy, hands-on experiences, character education, and collaborative and critical-thinking skills, Hybla Valley Elementary School works together with the students, parents, and community to create a positive learning environment in which all students can thrive; and

WHEREAS, utilizing the responsive classroom school model in which academic and social learning occur simultaneously, teachers at Hybla Valley Elementary School are trained to build strong classroom communities and teach communication and collaboration skills to their students; and

WHEREAS, over the years, technology has played a large part in the development of the curriculum at Hybla Valley Elementary School; the school promotes a computer-based language arts program in kindergarten through sixth grade and has SMART boards available in each classroom to provide technology-enhanced instruction; and

WHEREAS, participating in programs like family nights, girl power, literacy collaborative, and a multitude of after-school programs, Hybla Valley Elementary School has supported its students, parents, and staff for five decades, helping them achieve greatness both inside and out of the classroom; and

WHEREAS, for 50 years, Hybla Valley Elementary School has provided an outstanding educational experience for its students through the devoted leadership of the principals, the support staff, and the teachers; and

WHEREAS, Hybla Valley Elementary School is not only an asset to its students and their families, but a pillar and resource to the entire Hybla Valley Community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Hybla Valley Elementary School on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Lauren Sheehy, principal of Hybla Valley Elementary School, as an expression of the General Assembly's respect and admiration for its decades of service to the children of Fairfax County.

HOUSE JOINT RESOLUTION NO. 327

Celebrating the life of Ellen Virginia Pryor Harvey.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, Ellen Virginia Pryor Harvey, dedicated public servant and beloved member of the Norfolk community, died on August 29, 2013; and

WHEREAS, a lifelong resident of Lambert's Point, Ellen Harvey graduated from Booker T. Washington High School in 1942 before attending Virginia State College and Union College (now Norfolk State University); and

WHEREAS, opening her home to the children of young and working mothers in the community, Ellen Harvey started her first at-home day care center in 1962 through the Norfolk Social Services Department; and

WHEREAS, taking pride in her community, Ellen Harvey joined the Lambert's Point Civic League, serving as the secretary before becoming the president in 1982, a position she expertly filled until her death; and

WHEREAS, interested in continuing her work with youths, Ellen Harvey joined the Old Dominion University youth program, sparking an interest in recreation programs; and

WHEREAS, serving as a Model City commissioner, Ellen Harvey was able to secure funding through the Model Cities Program for a Park Place Multi-Service Center; she was later instrumental in the construction of the James Monroe Elementary facility adjacent to the multi-service center, which combined resources and reduced costs; and

WHEREAS, transferring to the Larchmont Center in 1983, Ellen Harvey advocated for a recreation center on behalf of Lambert's Point and in June 2010, her 40 years of dedicated service culminated in a new recreation center for her beloved hometown and the naming of the center's computer lab in her honor; and

WHEREAS, in addition to her years of commitment to recreation programs, Ellen Harvey was a member of the Youth Advisory Board of the City of Norfolk, the Clean Community Commission, the Police Assisted Community Enforcement, and the Neighborhood Concerned Citizens Group; a representative on the Old Dominion University Neighborhood Council; and the treasurer of the Park Place Multi-Service Center advisory board; and

WHEREAS, for her years of dedicated service to her community, Ellen Harvey received many acknowledgments and awards, including the distinction of being named "Mrs. Lambert's Point" in 2001, the Martin Luther King, Jr., Award from Old Dominion University in 1980, and the Outstanding Leadership Award from the ODU Lambert's Point Fantastic Summer Camp in 2009; and

WHEREAS, a woman of faith, Ellen Harvey was a lifetime member of First Baptist Church of Lambert's Point and served the church and congregation in numerous positions, including president of the senior choir, president of the food service department, and member of the Women's Missionary Union and the Women's Day committee, and was named "Woman of the Year"; and

WHEREAS, predeceased by her husband, Kenneth, Ellen Harvey will be fondly remembered and greatly missed by her children, Ellen, Barbara, Catherine, Patricia, Christine, Kenneth, and Kim, and their families, and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a beloved member of the Norfolk community, Ellen Virginia Pryor Harvey; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ellen Virginia Pryor Harvey as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 328

Celebrating the life of Letitia René Rose Batey.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, Letitia René Rose Batey, a dedicated volunteer and respected member of the Norfolk community, died on September 1, 2013; and

WHEREAS, a native of Roanoke, René Batey obtained her bachelor's degree and graduated magna cum laude from Morgan State College in 1976 before moving to Hampton Roads; and

WHEREAS, in 1978, René Batey began a 17-year career working for Virginia National Bank (now Bank of America), where she served as a branch manager, a member of the information and technology division, and the community investment coordinator for Hampton Roads; and

WHEREAS, pursuing her love of art and design, René Batey and her husband, Marion, started their own painting and interior decorating company, Batey Enterprises II, Inc., in 1995; and

WHEREAS, in 2005, René Batey returned to the financial industry at the encouragement of Ernie Wilson, friend and the president of the Norfolk Chesapeake Portsmouth Community Development Federal Credit Union; as the manager of operations, she helped run the successful community-based financial organization until 2012; and

WHEREAS, touching the lives of so many through her love of community service, René Batey served as board member of the Norfolk Arts Commission, the Crispus Attucks Cultural Center, and the Norfolk Economic Development Authority; treasurer of the Huntersville Recreation Center; and president of the Young Women's Christian Association of South Hampton Roads; and

WHEREAS, a woman whose strong faith guided her from a young age, René Batey was a member of St. Luke African Methodist Episcopal Church, where she was a steward, a church clerk, and a member of the finance and scholarship committees; and

WHEREAS, René Batey will be fondly remembered and greatly missed by her loving husband of 33 years, Marion, and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a dedicated volunteer and respected member of the Norfolk community, Letitia René Rose Batey; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Letitia René Rose Batey as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 329

Commending Arlington Free Clinic.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Arlington Free Clinic, a volunteer-run clinic that provides high-quality medical care to low-income and uninsured adults, celebrates its 20th anniversary in 2014; and

WHEREAS, founded by Dr. Joseph A. Backer and Dr. Stephen J. Sheehy, Arlington Free Clinic first provided medical services in space borrowed from an Arlington County Middle School in 1994; and

WHEREAS, over the past 20 years, Arlington Free Clinic has expanded into its own Leadership in Energy and Environmental Design Gold Certified facility, where a team of medical and nonmedical volunteers has provided over 245,000 hours of medical services to over 12,000 patients; and

WHEREAS, minimizing health care costs for their patients, Arlington Free Clinic provides free comprehensive medical care, including primary and specialty services, mental health services, physical therapy, women's health services, pharmacy services, patient education programs, and patient support groups; and

WHEREAS, Arlington Free Clinic also works with community medical partners to help patients access free laboratory and diagnostic services and treatment programs; and

WHEREAS, the ability of Arlington Free Clinic to faithfully serve the Arlington community over the last two decades would not be possible without the volunteers, donors, and community partners who dedicate their time, expertise, and funds to helping those in need; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Arlington Free Clinic on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Nancy Sanger Pallesen, executive director of Arlington Free Clinic, as an expression of the General Assembly's respect and admiration for its commitment to providing quality medical care to the Arlington community.

HOUSE JOINT RESOLUTION NO. 330

Commending Brittany Yates.

Agreed to by the House of Delegates, February 19, 2014

Agreed to by the Senate, February 20, 2014

WHEREAS, Brittany Yates, a vibrant member of the Bassett community, was named Ms. Wheelchair Virginia 2013 at Woodrow Wilson Rehabilitation Center in Fishersville on April 6, 2013; and

WHEREAS, Ms. Wheelchair Virginia celebrates the accomplishments of women who have overcome challenges and obstacles and inspires in others the courage and hope to achieve success in their communities; and

WHEREAS, as the winner of the Ms. Wheelchair Virginia Pageant, the largest Ms. Wheelchair program in the country, Brittany Yates works to further the organization's mission to educate, advocate, and raise awareness for the needs of people with disabilities; and

WHEREAS, during her reign as Ms. Wheelchair Virginia, Brittany Yates has presented her platform, "Taking the Dis out of Disability," at schools throughout the Commonwealth and in Houston, Texas, while representing Virginia at the Ms. Wheelchair America Pageant; and

WHEREAS, Brittany Yates also volunteered at hospitals, worked with local advocacy groups and community service organizations, spoke at churches and motivational seminars, appeared in statewide media, and participated in many events throughout the Commonwealth; and

WHEREAS, Brittany Yates served on the Ms. Wheelchair Virginia board of directors and assisted with the organization's program development by coordinating fundraisers and developing important partnerships; and

WHEREAS, working with the Martinsville Henry County Chamber of Commerce, Brittany Yates developed a program identifying businesses that work with and serve people with disabilities; she also helped develop the Disability Rights and Resources program with local Virginia Centers for Independent Living; and

WHEREAS, Brittany Yates will continue to uphold the proud legacy of previous Ms. Wheelchair Virginia titleholders; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Brittany Yates on being named Ms. Wheelchair Virginia 2013; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brittany Yates as an expression of the General Assembly's admiration for her many achievements and best wishes on future endeavors.

HOUSE JOINT RESOLUTION NO. 331

Commending Barry Nelson.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, Barry Nelson, a businessman in Henry County and a longtime community supporter, was named the winner of the Jack Dalton Community Service Award for 2013 by the Henry County Board of Supervisors; and

WHEREAS, Barry Nelson has been involved in many community, athletic, and educational programs in Henry County and the surrounding area, giving generously of his time and money to local charities, schools, and other nonprofit organizations; and

WHEREAS, the Jack Dalton Community Service Award is given annually to a resident of Henry County who best demonstrates the exemplary community service that was a hallmark of the late Jack Dalton, a member of the Henry County Board of Supervisors for 24 years who was board chairman when he died in 2000; and

WHEREAS, as vice president of the Nelson Automotive Family, Barry Nelson has assisted with a program at nearby Patrick Henry Community College; he donates refurbished cars to be used as transportation for foster children who now are GED students seeking college credentials; and

WHEREAS, Barry Nelson is a strong supporter of sports programs in the area, especially baseball; he has coached and donated time and resources to the American Legion baseball program, the Patrick Henry Community College baseball team, and many other youth baseball programs; and

WHEREAS, other charitable organizations that have benefited from Barry Nelson's philanthropy include the Fellowship of Christian Athletes, which he started at Patrick Henry Community College; he also is a supporter of the Grace Network of Martinsville and Henry County and the Salvation Army of Martinsville; and

WHEREAS, Barry Nelson also is an advocate for education in the area and has sponsored teacher of the year awards for the Henry County Public School division for several years; he also supports initiatives of the New College Institute in Martinsville; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Barry Nelson for being named the recipient of the Jack Dalton Community Service Award for 2013 by the Henry County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Barry Nelson as an expression of the General Assembly's respect and admiration for the outstanding support he gives to the people and organizations in Henry County, the surrounding communities, and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 332

Celebrating the lives of the United States Navy SEALs and Naval Special Warfare operators lost in the Global War on Terrorism.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, from October 7, 2001, to the present, 86 United States Navy SEALs and Naval Special Warfare operators have died as a result of the Global War on Terrorism; and

WHEREAS, with a proud legacy that can be traced back to World War II, United States Navy SEALs are named for their ability to deploy by sea, air, and land, and they serve throughout the globe, no matter the climate, conditions, or mission; and

WHEREAS, often facing extreme odds, United States Navy SEALs operate beyond the reach of support and reinforcements to carry out sensitive operations; adhering to a mentality to train as you fight, United States Navy SEALs participate in some of the most rigorous and demanding training exercises in the world; and

WHEREAS, every United States Navy SEAL and Naval Special Warfare operator voluntarily accepts the inherent hazards of his profession, with full knowledge of the demands of his chosen way of life; this community has lost many men during training and in combat, both at home and on foreign shores; and

WHEREAS, each of these 86 United States Navy SEALs and Naval Special Warfare operators were quiet professionals who sought no praise or fanfare for their tremendous sacrifices and gallant deeds, and whose dreams, hopes, aspirations, and full achievements may never be known to the public; and

WHEREAS, the ultimate sacrifice paid by these men is a stark reminder of the dangers faced by all members of the United States Armed Forces who step into harm's way each day in service to this great nation; and

WHEREAS, these 86 United States Navy SEALs and Naval Special Warfare operators will be fondly remembered and greatly missed by their wives, children, parents, family members, friends, and comrades, each of whom respects and honors their noble service; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the United States Navy SEALs and Naval Special Warfare operators lost in the Global War on Terrorism; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the families of Jonathan H. Kaloust, Brett Shadle, Christian Michael Pike, Matthew Leathers, Job Price, Nicolas D. Checque, Kevin R. Ebbert, Mathew G. Kantor, Dion R. Roberts, David J. Warsen, Patrick D. Feeks, Thomas C. Fouke, Caleb A. Nelson, Thomas Ratzlaff, Stephen Mills, Robert Reeves, Nicholas Spehar, Nicholas Null, Michael Strange, Matthew Mason, Louis Langlais, Kraig Vickers, Kevin Houston, Jonas Kelsall, Jon Tumilson, John Faas, John Douangdara, Jesse Pittman, Jason Workman, Jared Day, Heath Robinson, Darrik Benson, Christopher Campbell, Brian Bill, Aaron Vaughn, Tyler Stimson, Ronald Woodle, Denis Christopher Miranda, David Blake McLendon, Collin Thomas, Brendan John Looney, Adam Olin Smith, Adam Brown, Tyler J. Trahan, Ryan Job, Eric F. Shellenberger, Andrew J. Lightner, Thomas J. Valentine, Shapoor Ghane, Nathan Hardy, Michael Koch, Luis Souffront, Lance M. Vaccaro, Joshua Thomas Harris, John W. Marcum, Jason R. Freiwald, Steven P. Daugherty, Robert R. McRill, Mark T. Carter, Joseph Clark Schwedler, Jason D. Lewis, Freddie Porter, Michael A. Monsoor, Marc A. Lee, Luis Guitierrez, Shane E. Patton, Michael P. Murphy, Michael M. McGreevy, Jr., Matthew G. Axelson, Jeffrey S. Taylor, Jeffrey A. Lucas, James Suh, Jacques J. Fontan, Erik S. Kristensen, Danny P. Dietz, Daniel R. Healy, Theodore D. Fitzhenry, Robert P. Vetter, Brian J. Ouellette, Thomas E. Retzer, Mario Maestas, David M. Tapper, Peter G. Oswald, Neil C. Roberts, Matthew J. Bourgeois, and Jerry Pope as an expression of the General Assembly's respect for their memory.

HOUSE JOINT RESOLUTION NO. 333

Commending the Rotary Club of Hopewell.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, the Rotary Club of Hopewell, which was officially chartered on March 15, 1924, is celebrating its 90th anniversary of service to others; and

WHEREAS, throughout its history, the Rotary Club of Hopewell—the 1,628th club chartered by Rotary International—has engaged in benevolent and charitable activities to benefit and improve the lives of the citizens of Hopewell and the surrounding region; and

WHEREAS, during its early years, members of the Rotary Club of Hopewell created a monthly fund to provide free milk at lunch for all local underweight schoolchildren; also, the first Boy Scout Troop in Hopewell was sponsored by the Rotary Club; and

WHEREAS, more recently, the Rotary Club of Hopewell has worked with the public school system, arranging an annual distribution of dictionaries; at Hopewell High School, the group has sponsored the Interact Club, a young people's service club, Career Day, and leadership academies; and

WHEREAS, other community outreach efforts of the Rotary Club of Hopewell include constructing a playground for local children, repairing a fishing pier for community use, sponsoring a family each year at Christmas, and being involved in a yearly "Stop Hunger Now" project; and

WHEREAS, Rotary International has a longstanding goal of improving the lives of people around the world, especially encouraging global efforts to eradicate polio; the Rotary Club of Hopewell has continuously supported work to end this crippling disease; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Rotary Club of Hopewell on the occasion of its 90th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Rotary Club of Hopewell as an expression of the General Assembly's respect and admiration for its efforts to improve the lives of people in Hopewell, the Commonwealth, and around the world.

HOUSE JOINT RESOLUTION NO. 334

Commending Elias Spellos.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, Elias Spellos, owner of Squeeky Clean Mobile Car Wash and Detailing in Virginia Beach, was named the 2013 Most Valuable Carwasher by *Professional Carwashing & Detailing*; and

WHEREAS, for over 20 years, *Professional Carwashing & Detailing* has recognized an outstanding carwash professional who goes above and beyond the job, adding value to the business and enhancing the carwash experience; and

WHEREAS, since opening Squeeky Clean Mobile Car Wash and Detailing in 2005, Elias "Lou" Spellos has been one of the most enthusiastic operators and proponents of the carwashing industry; and

WHEREAS, an inspiration to working professionals, Lou Spellos truly loves his job and strives to share his passion through high-quality car washing services and exceptional customer care; and

WHEREAS, although a state-of-the-art, eye-catching van may be what attracts customers, it is Lou Spellos' dedication and zeal for his business that keeps them coming back; and

WHEREAS, Lou Spellos also believes in giving back to his community, providing free carwashes and waxes to Navy Seals and World War II veterans, participating in dozens of charity carwashes, and during the sweltering summers, carrying water balloons for his customers' children; and

WHEREAS, a staple in the Virginia Beach community for the last nine years, Lou Spellos takes great pride in the industry and is an inspiration to his fellow carwashers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Elias Spellos on winning the *Professional Carwashing & Detailing* 2013 Most Valuable Carwasher award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Elias Spellos as an expression of the General Assembly's respect and congratulations for his dedicated service to the community of Virginia Beach.

HOUSE JOINT RESOLUTION NO. 335

Celebrating the life of the Honorable William T. Parker.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, the Honorable William T. Parker, an accomplished community leader, businessman, and public servant who represented the residents of the City of Chesapeake in the Virginia House of Delegates and the Senate of Virginia, died on January 25, 2014; and

WHEREAS, born in Norfolk, William "Bill" Parker graduated from Great Bridge High School, attended the Norfolk Naval Shipyard Apprentice Program, and served his country as a member of the United States Air Force; and

WHEREAS, after completing his honorable military service, Bill Parker returned to the Commonwealth and earned a reputation for his strong work ethic; he worked in several jobs until 1965, when he joined the project to develop Chesapeake Memorial Gardens and began a long career in real estate and land development; and

WHEREAS, Bill Parker's outstanding contributions to the project earned him the respect and admiration of many local business and community leaders, leading to opportunities for other key development projects in the city; and

WHEREAS, today, many of the residential neighborhoods, shopping centers, and commercial developments enjoyed by members of the community bear the hallmarks of Bill Parker's foresight and dedication; and

WHEREAS, desiring to be of further service to the Commonwealth, Bill Parker ran for and was elected to the Virginia House of Delegates; taking office in 1976, he ably represented the residents of the 38th District for two terms; and

WHEREAS, as a delegate, Bill Parker worked to enact important legislation and offered his knowledge and experience to several House Committees, including Education, Militia and Police, Nominations and Confirmations, and Roads and Internal Navigation; and

WHEREAS, elected to the Senate of Virginia in 1980, Bill Parker represented the 14th District and continued to achieve many successes toward the betterment of both the City of Chesapeake and the Commonwealth until his retirement from public office in 1988; and

WHEREAS, among his many accomplishments, Bill Parker was instrumental in the creation of the Chesapeake Jubilee, the Chesapeake Expressway, and the maternity center of Chesapeake Regional Medical Center; he also lobbied in Washington, D.C., for the Bower's Hill-Belleville Connector, which today offers convenient access to the Monitor-Merrimac Memorial Bridge-Tunnel; and

WHEREAS, Bill Parker offered his wise leadership to the community as the chairman of the Hampton Roads Sanitation District Commission and the Chesapeake Board of Zoning Appeals, and in 1982, he was named First Citizen of Chesapeake for his tireless devotion to the city; and

WHEREAS, Bill Parker volunteered his time and talents to Great Bridge Masonic Lodge No. 257, Shriners International, Khedive Shriners, Chesapeake Shrine Club, and American Legion Post 280; he enjoyed fellowship and worship with the community at Great Bridge United Methodist Church; and

WHEREAS, a man of great integrity, Bill Parker served the Chesapeake community, the Commonwealth, and the nation with dedication and distinction; and

WHEREAS, Bill Parker will be fondly remembered and greatly missed by his devoted wife of 58 years, Vivian; daughter, Cheril, and her family; numerous other family members and friends; and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable William T. Parker, a successful businessman, skillful community leader, and loyal public servant; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable William T. Parker as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 336

Commending Leo Schefer.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, Leo Schefer, an air transportation expert who worked to ensure sustainable air service and continued economic growth in the Commonwealth, retires as the president of the Washington Airports Task Force in 2014 after more than 25 years of service; and

WHEREAS, a native of the United Kingdom, Leo Schefer trained as an aeronautical engineer with Vickers-Armstrongs, Ltd.; he moved to the United States in 1965 and offered his expertise to many air transportation projects, including programs related to the Concorde SST, the V/STOL Harrier, the Airbus, and the NASA Space Shuttle; and

WHEREAS, in the 1980s, Leo Schefer played a prominent role in the success of BAE Systems; he has been recognized for his outstanding contributions to the industry by the Top-Side Aviation Club, the Smithsonian Institution, *Aviation Week*, the National Aeronautic Association, and various local organizations; and

WHEREAS, beginning in 1988, Leo Schefer has served as the president of the Washington Airports Task Force (WATF), a nonprofit organization that promotes and fosters the role of air transportation in economic and cultural growth; the organization encourages collaboration and healthy competition between air services providers in the Commonwealth and National Capital Region; and

WHEREAS, for over 25 years, Leo Schefer has worked with public and private entities to achieve the organization's goals, resulting in considerable benefits to the people of the Commonwealth; and

WHEREAS, Leo Schefer oversaw significant improvements to Dulles International Airport, including the addition of the international gateway; air traffic control enhancements to increase safety, efficiency, and capacity; and projects to increase ground access to the airport; and

WHEREAS, WATF led the group that jumpstarted the Dulles Corridor Metrorail Project, and the organization has sustained balance of use between Dulles International Airport and Reagan National Airport; and

WHEREAS, Leo Schefer and WATF led efforts to build bilateral Open Skies agreements between the United States and Canada and the United States and the European Union; these agreements have facilitated a great deal of growth in international travel over the past 20 years; and

WHEREAS, WATF played a critical role in the creation of the National Air and Space Museum's Steven F. Udvar-Hazy Center at Washington Dulles International Airport, which opened in 2003, and encouraged airport-compatible land use policies in the Counties of Fairfax and Loudoun; and

WHEREAS, a decisive and energetic leader, Leo Schefer has left a legacy of excellence to other air transportation professionals in the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Leo Schefer on the occasion of his retirement as president of the Washington Airports Task Force in 2014; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Leo Schefer as an expression of the General Assembly's admiration for his leadership and dedication to enhancing the Commonwealth.

HOUSE JOINT RESOLUTION NO. 337

Commending the Associated General Contractors of Virginia, Inc.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, the Associated General Contractors of Virginia, Inc., was founded in 1924 to promote the highest levels of skill, integrity, and responsibility in the construction industry; and

WHEREAS, the Associated General Contractors of Virginia, Inc., has diligently and effectively served and promoted the interests of the Commonwealth's construction industry for 90 years; and

WHEREAS, billions of dollars' worth of new construction was undertaken in the Commonwealth in 2013; the construction industry provides employment for thousands of Virginians and plays a vital role in economic development initiatives in the Commonwealth; and

WHEREAS, the Associated General Contractors of Virginia, Inc., works to secure just and honorable dealings among its members and between its members and the public; and

WHEREAS, the Associated General Contractors of Virginia, Inc., provides numerous educational and safety training programs to assist its members and to ensure safe, productive work sites; and

WHEREAS, the Associated General Contractors of Virginia, Inc., continues to encourage young people to seek exciting and rewarding careers in the construction industry by supporting career and technical education and college-level construction education programs; and

WHEREAS, the Associated General Contractors of Virginia, Inc., is an articulate representative of the commercial construction industry and a source of accurate information about the industry for members of the General Assembly and the public; and

WHEREAS, the Associated General Contractors of Virginia, Inc., was selected by the Associated General Contractors of America, Inc., as Chapter of the Year in 2008—the top chapter in the nation among the association's 97 chapters; and

WHEREAS, members of the Associated General Contractors of Virginia, Inc., are good citizens in their communities, annually contributing thousands of dollars and participating in numerous construction or renovation projects to help those in need; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Associated General Contractors of Virginia, Inc., on the occasion of its 90th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Associated General Contractors of Virginia, Inc., as an expression of the General Assembly's admiration for the organization's success and appreciation for its professionalism in protecting and enhancing Virginia's construction industry.

HOUSE JOINT RESOLUTION NO. 338

Commending RockTenn West Point Mill.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, RockTenn West Point Mill, the West Point location of one of the country's largest producers of consumer packaging, celebrates a "Century of Success" in 2014; and

WHEREAS, the West Point Mill began operations on May 16, 1914, as part of what was then known as the Chesapeake Corporation; today, the mill produces white top linerboard and recycled medium to create corrugated containerboard, which is used for boxes and other types of packaging; and

WHEREAS, West Point Mill's Paper Machine 1 began operating on March 1, 1930; the machine originally produced kraft paper, the brown paper associated with shipping boxes, and has since been converted to a recycled fiber single-ply corrugating medium machine; and

WHEREAS, West Point Mill began operating Paper Machine 2 in 1964 and Paper Machine 3 in 1985; Paper Machine 3, a three-ply, four-wire configuration, was the first of its kind in the United States; and

WHEREAS, after being acquired by RockTenn in 2011, the West Point Mill underwent many improvements; in 2012, RockTenn completed a project to allow the West Point Mill to use natural gas to generate steam to power operations, which has saved the mill over \$18 million annually; and

WHEREAS, the 500 employees of West Point Mill are committed to safety, quality, timely delivery, environmental stewardship, reliability, and organizational effectiveness; fostering a culture of open communication, the general manager and the members of the steering team attend monthly meetings with employees; and

WHEREAS, the West Point Mill has been an integral part of the community over the past 100 years, employing generations of families throughout its existence; and

WHEREAS, West Point Mill employees work to better the community and help others, donating and volunteering at the local Veterans of Foreign Wars Post, food drives, children's clothing and toy drives, and a drive to support two local animal shelters; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend RockTenn West Point Mill on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to RockTenn West Point Mill as an expression of the General Assembly's admiration for the mill's storied history and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 339

Commending V. Frank Campbell, Jr.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, V. Frank Campbell, Jr., a dedicated public servant who worked tirelessly to better his community, retired as chairman of the Amherst County Board of Supervisors in 2013; and

WHEREAS, Frank Campbell was first elected to the Amherst County Board of Supervisors, representing the fifth electoral district, on November 3, 2009, and began his service on the board effective January 1, 2010; and

WHEREAS, after serving as vice chairman in 2011, Frank Campbell was elected chairman of the board on January 3, 2012; and

WHEREAS, Frank Campbell was instrumental in the county's acquisition of the land now known as Riveredge Park; he encouraged the development of the park, initiating installation of mountain bike trails; and

WHEREAS, Frank Campbell was a tireless advocate for Old Town Madison Heights and supported efforts to improve the neighborhood through water and sewer upgrades supported by Community Development Block Grant funds; and

WHEREAS, Frank Campbell supported the change in the composition of the Board of the Economic Development Authority from at-large to district-based, and he sponsored a resolution to assist in the transition process; and

WHEREAS, Frank Campbell always paid close attention to materials provided to the board, and he frequently offered suggestions or corrections to board minutes, appropriations, ordinances, and resolutions; and

WHEREAS, during his tenure on the board, Frank Campbell also served on the board of the Amherst County Department of Social Services, including a stint as chairman in 2012, and served as a member of the county's Business Task Force, participating in the preparation of significant revisions to County Code provisions governing signage and landscaping; and

WHEREAS, throughout his tenure, Frank Campbell sought to advance both the interests of his district and those of the county as a whole; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend V. Frank Campbell, Jr., on the occasion of his retirement as chairman of the Amherst County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to V. Frank Campbell, Jr., as an expression of the General Assembly's admiration for his dedicated service to the residents of Amherst County.

HOUSE JOINT RESOLUTION NO. 340

Commending the Floyd County High School softball team.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, the Floyd County High School softball team capped off a stellar season in 2013 by winning the Virginia High School League Group A, Division 2 state championship, the first state title in softball for the school; and

WHEREAS, the Floyd County women defeated a talented team from Goochland High School 4-1 to claim the state trophy; the Buffaloes never trailed during the entire game, scoring the first run in the second inning; and

WHEREAS, the championship game was played on June 9, 2013, at Radford University; the bottom of the final inning was especially tense as the opposing team scored its only run then and later loaded the bases; and

WHEREAS, during the seventh inning, the tenacious Floyd County team maintained its poise and focus in the outfield; after the second out, opposing players were on all three bases and the batter had a full pitching count—but the game ended with a groundout to second base; and

WHEREAS, the thrilling win was due to the hard work and dedication shown by the members of the Floyd County High School softball team and coaching staff; the support of the entire school community also buoyed the team; and

WHEREAS, Scott Thompson, head softball coach for Floyd County High School, also credited the group's skill and determination—and the encouragement the players gave to each other—as major factors in the victory; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Floyd County High School softball team for being the 2013 state champions in Virginia High School League Group A, Division 2 competition; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Scott Thompson, head coach of the Floyd County High School softball team, as an expression of the General Assembly's congratulations and admiration for the team's outstanding season and championship performance.

HOUSE JOINT RESOLUTION NO. 341

Commending the Auburn High School girls' volleyball team.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, the Auburn High School girls' volleyball team of Riner capped a successful season by winning the Virginia High School League Group 1A state championship in straight sets in November 2013; and

WHEREAS, the Auburn High School Eagles defeated Altavista Combined School in the final match, winning their second straight state championship; and

WHEREAS, trailing in the first set, the Auburn Eagles had some key early blocks from senior middle hitter Brooke Bostwick, allowing them to take the lead and the set 25-17; and

WHEREAS, after finding themselves behind early in the second set, the Auburn Eagles took control, started playing aggressively, and never looked back, finishing the remaining sets 25-18 and 25-15; and

WHEREAS, senior Brooke Bostwick, all-region player of the year and first-team all-state, led the Auburn Eagles in the championship match with 14 kills, 16 digs, five blocks, and two aces in the final match, and finished her impressive season with 374 kills, 358 digs, and 72 blocks, with a hitting percentage of .296; and

WHEREAS, also contributing to the Auburn Eagles win were Laura Vaughn with three kills and five blocks, Madison Shumaker and Keri Musick, both with seven kills and four blocks, and Corey Altizer with 32 assists; and

WHEREAS, the two-time champion Auburn Eagles were led in their remarkable 28-2 season by head coach Sherry Millirons, who was named all-region and all-state coach of the year; and

WHEREAS, the victory is due to the talent and dedication of the players, the leadership of the coaching staff, and the support from the Auburn High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Auburn High School girls' volleyball team for winning the Virginia High School League Group 1A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sherry Millirons, head coach of the Auburn High School girls' volleyball team, as an expression of the General Assembly's admiration for the team's commitment and skill.

HOUSE JOINT RESOLUTION NO. 342

Commending Larry Shelor.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, Larry Shelor, of Shelor Motor Mile in Christiansburg, is the 2014 *Time* magazine Quality Dealer of the Year nominee for Virginia; and

WHEREAS, Larry Shelor's career in the automotive industry has spanned 40 years at the dealership founded by him and his father; with his guidance, the business has grown from a small Chevrolet dealership to include 11 new car franchises, a used car superstore, and a vehicle financing center; and

WHEREAS, an active and dedicated member of his community, Larry Shelor has supported a wide array of industry and community causes for many years; and

WHEREAS, Larry Shelor has been a leader in his community, including through his longtime service to the Montgomery County Chamber of Commerce, where he served as a member of the board of directors, as well as his creation of the Growing the Future Community Partnership to support local school systems and the youths they educate; and

WHEREAS, Larry Shelor ably served the Commonwealth as a member of the Motor Vehicle Dealer Board; and

WHEREAS, an active and dedicated member of the automotive industry, Larry Shelor has served his customers and his community with his generous spirit, and he has been an example to other dealers locally and throughout the Commonwealth; and

WHEREAS, Larry Shelor has earned numerous awards, including the Toyota President's Award, the Toyota Service Excellence and Toyota Parts Excellence awards, the Chevrolet Mark of Excellence, and the Chevrolet Standard for Excellence; and

WHEREAS, Larry Shelor has served the automotive industry as an active member of the Virginia Automobile Dealers Association and offered his experience and leadership for many years as a member of the board of directors, including a term as chairman in 2005; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Larry Shelor on his selection as the 2014 *Time* magazine Quality Dealer of the Year nominee for Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Larry Shelor, as an expression of the General Assembly's admiration for his many achievements and best wishes.

HOUSE JOINT RESOLUTION NO. 343

Commending Richard Ballengee.

Agreed to by the House of Delegates, February 21, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, Richard Ballengee, a former teacher and principal and an esteemed longtime public servant in the Town of Christiansburg, completed his final term as the Mayor of Christiansburg in 2013 after years of service to the town; and

WHEREAS, moving to Christiansburg in 1963, Richard Ballengee helped local middle school and high school students prepare for college, careers, and citizenship as an educator and principal for 28 years; and

WHEREAS, desiring to be of further service to the community, Richard Ballengee ran for the Christiansburg Town Council, where he proudly served for 10 years; he was then elected mayor for two consecutive terms; and

WHEREAS, throughout his tenure as mayor, Richard Ballengee guided the town through many changes and implemented visionary programs that benefitted all members of the Christiansburg community; he also strengthened ties with the neighboring Town of Blacksburg; and

WHEREAS, of his many accomplishments, Richard Ballengee is most proud of his crucial role in expanding bus services in Christiansburg; the Go-Anywhere Bus and the Explorer Bus provide affordable public transit alternatives to thousands of residents and visitors annually; and

WHEREAS, Richard Ballengee plans to spend his well-earned retirement traveling with his wife of 58 years, Jo Anne, and visiting his family; and

WHEREAS, through his years of wise leadership, Richard Ballengee leaves a legacy of excellence to future public servants in the Town of Christiansburg; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Richard Ballengee, a dedicated educator, school administrator, and public servant, on the occasion of his retirement as the Mayor of the Town of Christiansburg; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Richard Ballengee as an expression of the General Assembly's admiration for his dedicated service to the Town of Christiansburg and the Commonwealth and best wishes on a happy retirement.

HOUSE JOINT RESOLUTION NO. 344

Celebrating the life of Paul C. Davis, M.D.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Paul C. Davis, M.D., of Virginia Beach, a renowned physician, business leader, community leader, husband, father, and grandfather, died on January 27, 2014; and

WHEREAS, Dr. Davis, known to most people as "Doc," was originally from India and came to America to continue his medical studies; he attended Eastern Virginia Medical School for his internship and residency; and

WHEREAS, during his studies, Dr. Davis married his beloved wife, Betsy; after completing his studies, he began working as a board-certified radiologist in the Hampton Roads area; his passion for his work was remarkable, and he was deeply admired for the personal attention he devoted to each patient; and

WHEREAS, Dr. Davis realized the value of providing life-saving mammography in a private, medical office setting, rather than a hospital, to ensure personal attention and individualized care of the highest quality, and he was asked to head the Women's Breast Care Center in Portsmouth; and

WHEREAS, Dr. Davis later joined the Mid-Atlantic Imaging Center, with offices throughout the Tidewater area; he attended to thousands of patients, each of whom he regarded as not just a patient, but also a friend; and

WHEREAS, Dr. Davis was an active member of Holy Spirit Catholic Church and the Knights of Columbus, and he touched many lives with his kindness, wisdom, generosity, and unending humor; and

WHEREAS, Dr. Davis will be greatly missed and fondly remembered by his wife, Betsy; son, Paul, Jr., his wife, Kate, and their children, Jake and Maya; and many other family members, friends, colleagues, and community leaders; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Paul C. Davis, M.D., a physician and leader who was loved by many and whose community support and devotion to his family will be missed but always remembered by thousands of people; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Paul C. Davis, M.D., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 345

Commending Fifth Baptist Church Veterans Ministry.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, in 2014, Fifth Baptist Church Veterans Ministry celebrates its fifth anniversary of providing assistance, support, advocacy, and pastoral services to the men and women who have bravely served in the United States Armed Forces; and

WHEREAS, the main goal of the Fifth Baptist Church Veterans Ministry (FBCVM) is to assist veterans in applying for government benefits; it can be a complex and confusing task for many people, and the members of the Veterans Ministry help in any way possible; and

WHEREAS, the FBCVM meets at the church, which is on West Cary Street in Richmond; the ministry serves veterans and their spouses in applying for disability and entitlement assistance; the group also provides free notary services; and

WHEREAS, the Veterans Ministry, which meets four times a year, has many programs to benefit those who have served our nation; the group hosts a yearly luncheon to honor military veterans, has held a veterans conference, and sponsors field trips to encourage a sense of camaraderie among its members; and

WHEREAS, the FBCVM also has an outreach effort for active duty military personnel; the group delivers snacks to members of the armed forces as they are arriving or leaving Richmond International Airport; and

WHEREAS, the FBCVM is an active participant in the fellowship and worship programs of Fifth Baptist Church; the group sponsors an annual drive to collect toiletries for men's emergency shelters in the area, supports the holiday Angel Tree project and a back-to-school supplies and shoe drive, and takes part in a food collection drive; and

WHEREAS, the Veterans Ministry is a vibrant part of the life of Fifth Baptist Church and is active in the community; it is proud of its successful efforts to help veterans and their spouses, especially in their efforts to apply for and receive veteran's benefits and other entitlements; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Fifth Baptist Church Veterans Ministry on the occasion of its fifth anniversary and for providing assistance, support, advocacy, and pastoral services to the men and women of the armed forces who have admirably served the Commonwealth and the country; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dr. Earl M. Brown and the Reverend Dr. Ricardo L. Brown, pastors of Fifth Baptist Church, as an expression of the General Assembly's respect and admiration for supporting and assisting veterans of the United States Armed Forces.

HOUSE JOINT RESOLUTION NO. 346

Commending United Network for Organ Sharing.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, United Network for Organ Sharing, a nonprofit organization in Richmond, proudly celebrates its 30th anniversary in March 2014; and

WHEREAS, one result of the numerous medical and scientific advances that have harnessed technology, created life-sustaining therapies, and transformed health care and many lives in the process is organ transplantation; and

WHEREAS, transplantation may be necessary when a person's organ has failed or has been damaged by disease or injury; however, unfortunately, the need for organ donors is much greater than the number of people who donate organs, and approximately 17 people die each day in America while awaiting an organ; and

WHEREAS, on March 21, 1984, the nonprofit organization United Network for Organ Sharing (UNOS) was founded in Richmond to meet the growing demand for organ transplants nationwide; today, UNOS maintains the nation's organ transplant waiting list, which currently has more than 120,000 men, women, and children awaiting a life-saving transplant; and

WHEREAS, UNOS administers the computerized national database that matches donated organs with transplant candidates, and collects data and shares the most comprehensive transplant database in the country used by researchers, medical facilities, transplant surgeons, donors, and recipients; and

WHEREAS, UNOS ensures that all organs are equitably distributed, develops and implements organ-sharing policies that maximize the use of donated organs, and educates the public about the need for organ donation; and

WHEREAS, the UNOS Organ Center operates nonstop 365 days a year, helping place an average of 33 organs per day; and

WHEREAS, UNOS' accomplishments are demonstrated by the following statistics: an average of 79 transplants occur each day with organs from both deceased and living donors; more than 28,000 people receive an organ transplant each year; more than 625,000 transplants have been performed nationwide since 1984; and more than 275,000 Americans are alive today with a functioning transplanted organ; and

WHEREAS, a model for transplant systems around the world, the UNOS mission is promoted by 320 dedicated employees who serve as researchers, data analysts, and information technology professionals, many of them Virginians who have graduated from Virginia colleges and universities; and

WHEREAS, headquartered in the Virginia Bio-Technology Research Park in Richmond, UNOS provides a valuable service by improving transplant technology, increasing the number of organ donors, saving lives through organ transplantation, and improving the quality of life for persons throughout the Commonwealth and the nation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the United Network for Organ Sharing on its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brian Shepard, chief executive officer of United Network for Organ Sharing, as an expression of the General Assembly's admiration and appreciation of the organization's exemplary work, commitment, and dedication to saving and improving the quality of life of thousands of citizens and its best wishes for many productive years of service to the Commonwealth and the nation in the future.

HOUSE JOINT RESOLUTION NO. 347

Commending ChildSavers-Memorial Child Guidance Clinic.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, ChildSavers-Memorial Child Guidance Clinic, a source of hope for children in the greater Richmond area, will proudly celebrate its 90th anniversary in August 2014; and

WHEREAS, ChildSavers, then known as the Children's Memorial Clinic, was established in memory of Dr. McGuire Newton, one of Richmond's first pediatricians, on August 7, 1924; and

WHEREAS, one of the first 10 child guidance clinics in the United States, ChildSavers was the first clinic of its kind in the South; and

WHEREAS, in the early 1980s, ChildSavers added a child development services department to train and equip child care providers, parents, and the community to better care for young children; and

WHEREAS, founded in 2004, ChildSavers has the only trauma response program in the Commonwealth devoted to immediate response and trauma counseling services for children exposed to trauma; and

WHEREAS, believing all children have the right to be safe, healthy, happy, and ready to learn, ChildSavers provides trauma response, mental health counseling, and early childhood development services so that children have a chance to thrive and reach their full potential; and

WHEREAS, through its philosophy of preventing developmental problems to the greatest extent possible and intervening to help reverse them when necessary, ChildSavers serves thousands of children and teens, their families, and caregivers each year, regardless of a family's ability to pay; and

WHEREAS, in program year 2013, ChildSavers provided mental health counseling to 408 children in its guidance clinic; served 424 children through its trauma response program; and mentored and trained child care professionals through its child development services program, improving the quality of care and learning in preschool for 1,658 children 0-5 years old; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend ChildSavers-Memorial Child Guidance Clinic on the occasion of its 90th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to L. Robert Bolling, chief executive officer of ChildSavers-Memorial Child Guidance Clinic, as an expression of the General Assembly's congratulations and admiration for its commitment to the greater Richmond Metropolitan Area.

HOUSE JOINT RESOLUTION NO. 348

Celebrating the life of Bassam Khalil Abdallah.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Bassam Khalil Abdallah of Centreville, a devoted husband and father who immigrated to the United States as a young man and became a citizen in 1982, and an entrepreneur who founded Almas Jewelers, died on August 10, 2013; and

WHEREAS, a native of Beirut, Lebanon, and one of seven children, Bassam Abdallah moved to the United States in 1974 and earned a bachelor's degree in 1976 from the University of Massachusetts at Amherst; and

WHEREAS, Bassam Abdallah traveled to Canada in the summer of 1976 to serve as a translator at the Summer Olympic Games in Montreal; and

WHEREAS, in 1977, Bassam Abdallah became a member of a Masonic Lodge in Pittsfield, Massachusetts, joining at the Sublime level; it was an organization to which he was strongly attached; he was recognized for his 35 years as a Master Mason in March 2013; and

WHEREAS, Bassam Abdallah had an entrepreneurial spirit, starting his own business in 1991 with the opening of Almas Jewelers in Centreville; the store has provided the members of the community with quality products and excellent customer service since its inception; and

WHEREAS, Bassam Abdallah will be greatly missed and fondly remembered by his wife, three daughters, and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Bassam Khalil Abdallah of Centreville, a devoted husband and father who immigrated to this country when he was a young man and became a proud citizen of the United States and an entrepreneur who started Almas Jewelers; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Bassam Khalil Abdallah as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 349

Commending Richard Macbeth.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Richard Macbeth, an active contributor to the Washington County community, retired from the United States Armed Forces on January 3, 2013, after 41 years of diligent service; and

WHEREAS, Richard Macbeth served in the United States Navy for seven years, followed by four years with the United States Air Force Reserves and nine years with the Air National Guard in the Civil Engineers; he completed his military career with the Air Force Retired Reserves; and

WHEREAS, though not a scout in his youth, Richard Macbeth has devoted 38 years of service to the Boy Scouts of America; he has served as a Scoutmaster and Cubmaster at unit, district, council, and area levels, and he is currently the assistant council commissioner for the Sequoyah Council in Tennessee; and

WHEREAS, Richard Macbeth also enjoyed a successful 29-year career with IBM, serving as a customer engineer, instructor and developer, network support architect, and directory architect; and

WHEREAS, a man of faith, Richard Macbeth has served on the Stake High Council of the Church of Jesus Christ of Latter-day Saints since 2011, and he is the first councilor for the Stake young men's program; he volunteers as a temple worker for a church in Columbia, South Carolina, making a 600-mile round trip three times a month; and

WHEREAS, believing firmly in the importance of exercising his civic duty, Richard Macbeth is an active participant in all town meetings for the Town of Abingdon; he served as the first vice chairman for the Washington County Republican Party and was named chairman in 2012; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Richard Macbeth, a pillar of the Washington County community, on the occasion of his retirement from the United States Armed Forces in 2013; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Richard Macbeth as an expression of the General Assembly's admiration for his service and sacrifices.

HOUSE JOINT RESOLUTION NO. 350

Commending Henderson House.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Henderson House, a historic site and the home of two civil rights pioneers in Falls Church, has been an essential part of the area's cultural heritage for over 100 years; and

WHEREAS, shortly after the end of the Civil War, Charles and Elizabeth Tinner purchased land that would become an important part of the local African American community; and

WHEREAS, members of the Henderson family have owned property in the area since 1864; Dr. Edwin Bancroft Henderson's aunt, Harriet Foote Turner, lived where the Falls Church tobacco barns once stood, on what is now South Maple Avenue; and

WHEREAS, in 1913, E. B. Henderson and his wife, Mary Ellen, built the Henderson House, a model number 225 Sears Kit Home from the 1911 Sears, Roebuck and Company catalog, on property near Tinner Hill; and

WHEREAS, in response to a proposed segregation ordinance, E. B. Henderson and Joseph Tinner founded the Colored Citizens Protective League (CCPL), which was authorized to act as a standing committee of the NAACP; though the ordinance passed, the CCPL saw that it was never fully enforced and was successful in having it nullified after a United States Supreme Court decision in 1917; and

WHEREAS, in 1915, the CCPL became a standing committee of the NAACP and, in 1918, became the first rural branch of the NAACP in the nation; and

WHEREAS, a staunch crusader for civil rights, E. B. Henderson began a 50-year letter-writing campaign that lasted from 1915 to 1965, authoring over 3,000 letters to the editor that were published in the *Washington Post* and other newspapers across the nation; he was also a correspondent for the National Negro Press Association and the author of *The Negro in Sports*, the first scholarly publication that chronicled the history of blacks in sports; and

WHEREAS, the construction of the Lee Highway in 1922 divided the Henderson family's property in half, resulting in the Henderson House being on one side of the highway and the barn on the opposite side; and

WHEREAS, in 1950, the Henderson House was relocated 50 feet north of Lee Highway, while remaining on the original Henderson property; the Henderson's took advantage of new commercial zoning along Lee Highway by building three stores that faced the highway; the stores were sold in the 1980s; and

WHEREAS, Mary Ellen Henderson taught at and was principal of the Falls Church Colored School from 1919 until 1950; in 1919, she began advocating for a new school to replace the overcrowded two-room schoolhouse with no indoor plumbing and only a pot-bellied stove for heat that served black kindergarten through seventh grade students in the area; and

WHEREAS, in 1938, using the Fairfax County Public Schools annual budget, Mary Ellen Henderson authored a disparity study highlighting that, out of each dollar spent on education, 97.4 cents were spent educating white children and 2.6 cents were spent on the education of black children; after the publication of the study, she was able to organize an interracial group of parents, teachers, and community members to join her in successfully advocating for the construction of the James Lee Elementary School, which was built in 1948; and

WHEREAS, Mary Ellen Henderson was the first African American to join the Falls Church League of Women Voters, a founding member of the Women's Democratic Club, and volunteered for 30 years with the Girl Scouts of America; and

WHEREAS, on September 18, 2005, in recognition of her lifelong devotion to gaining access to quality education and facilities for African American children and civil rights for all, a new middle school in Falls Church was named the Mary Ellen Henderson Middle School in her honor; and

WHEREAS, upon earning his physical education certification at Harvard University, E. B. Henderson returned to Washington, D.C., and became the athletic director of Washington, D.C., Public Schools; he was the first to introduce the fundamentals of basketball to African Americans on a wide scale; established the Interscholastic Athletic Association; established the YMCA 12th Streeters, 1910 winners of the Colored Basketball World Championship; formed Howard University's first varsity basketball team; organized competitions between teams along the Mid-Atlantic seaboard through a championship series; and organized the Eastern Board of Officials to train referees and officials, as well as advocate for interracial competitions; and

WHEREAS, on September 8, 2013, Dr. Edwin B. Henderson's pioneering contributions to the sport of basketball were recognized when he was inducted into the Naismith Memorial Basketball Hall of Fame; and

WHEREAS, today, Edwin B. Henderson II and his wife, Nikki, still live in Henderson House and remain active contributors to the community; in 1997, he founded the Tinner Hill Heritage Foundation (THHF) to preserve the area's cultural heritage; and

WHEREAS, in 1999, the City of Falls Church officially repealed the segregation ordinance that E. B. Henderson and many others had fought against; that same year, the THHF constructed the Tinner Hill Monument; and

WHEREAS, Henderson House was granted a historic designation by the City of Falls Church in 1993, Tinner Hill received a Virginia Historic Marker in 2005, and Henderson House was nominated for the National Register of Historic Places in 2013; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Henderson House, a beacon for the rich cultural heritage of Falls Church, on the occasion of the 100th anniversary of its construction in 2013; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Nikki Graves Henderson and Edwin B. Henderson II, the owners of Henderson House, as an expression of the General Assembly's admiration for the storied history the house represents.

HOUSE JOINT RESOLUTION NO. 351

Celebrating the life of the Honorable Frank J. Ceresi.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, the Honorable Frank J. Ceresi, a retired judge of the Juvenile and Domestic Relations District Court for the 17th Judicial District of Virginia and a respected expert in the field of sports memorabilia, died on January 14, 2014; and

WHEREAS, Frank Ceresi attended Fort Hunt High School in Alexandria and later earned a bachelor's degree from Virginia Polytechnic Institute and State University in 1971; and

WHEREAS, after earning a law degree from the University of Richmond, Frank Ceresi practiced law in Arlington until 1987, when he was appointed judge of the Juvenile and Domestic Relations District Court for the 17th Judicial District of Virginia; and

WHEREAS, with his patience, deep knowledge of the law, and devotion to helping others, Judge Ceresi presided with great fairness and wisdom until his retirement in 1997; a man of great integrity, he served the community and the Commonwealth with dedication and distinction; and

WHEREAS, after stepping down from the bench, Frank Ceresi pursued a passion for the collection and preservation of sports antiques and memorabilia; he accepted a position as the curator and executive director of collections at MCI National Sports Gallery, the country's first all-sports museum; and

WHEREAS, Frank Ceresi became a respected authority on the appraisal and acquisition of sports memorabilia, enthusiastically preserving and protecting for future generations the artifacts he often called national treasures; and

WHEREAS, in 2001, Frank Ceresi co-founded FC Associates, a company specializing in museum consulting, appraisals, and legal services; Frank Ceresi also co-authored or contributed to countless books and articles, further establishing himself as an expert in the field; and

WHEREAS, in 2013, Frank Ceresi became the curator for The National Pastime Museum, a nonprofit online museum showcasing a wide range of baseball artifacts, photographs, memorabilia, and articles; he was known as a mentor and friend to many fellow collectors and enthusiasts; and

WHEREAS, Frank Ceresi will be fondly remembered and greatly missed by his wife, Barbara; children, Dan, Nicole, Lane, and Austin, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Frank J. Ceresi, a public servant and well-known authority on sports memorabilia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Frank J. Ceresi as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 352

Celebrating the life of Bruce van Voorst.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Bruce van Voorst, an international correspondent during some of the most turbulent years of the late 20th century, died on December 9, 2013; and

WHEREAS, Bruce van Voorst, who resided in Arlington, worked for both *Time* and *Newsweek* magazines during his 35-year career in journalism; he was a native of Holland, Michigan, and received degrees from Hope College and the University of Michigan; and

WHEREAS, as an international correspondent, Bruce van Voorst spent 22 years on overseas assignments; he was Middle East bureau chief stationed in Beirut, Lebanon, and was Latin American bureau chief based in Buenos Aires, Argentina; he also covered the end of the Cold War and the first Persian Gulf War; and

WHEREAS, Bruce van Voorst, who worked for *Newsweek* from 1963 to 1975, was also bureau chief in Bonn, Germany; later, he became a diplomatic correspondent for the magazine and traveled for three years with Secretary of State Henry Kissinger; and

WHEREAS, in 1979, Bruce van Voorst joined *Time* magazine and witnessed many events of the Iranian Revolution as Middle East bureau chief; he was one of a group of reporters who flew with Ayatollah Ruhollah Khomeini when he returned from his exile in Paris to Iran, and he also covered the Iranian hostage crisis from 1979 to 1980; was Senior Correspondent for National Security Affairs covering the CIA and the Defense Department from 1983 to 1994; and German bureau chief based in Bonn, Germany, from 1994 to 1996; and

WHEREAS, Bruce van Voorst made frequent appearances as a contributor to the MacNeill-Lehrer News Hour on WETA during 1991 to 1992; and

WHEREAS, in the course of his work, Bruce van Voorst interviewed notable world leaders, including Willy Brandt, former Chancellor of West Germany and recipient of the Nobel Peace Prize in 1971, Salvador Allende of Chile, and Yitzhak Rabin of Israel; and

WHEREAS, Bruce van Voorst began his career as a reporter in Michigan; he also worked for the Central Intelligence Agency and was a foreign policy aide for United States Senator Richard L. "Dick" Clark of Iowa; and

WHEREAS, after retiring, Bruce van Voorst became a watercolorist, selling his paintings privately and through galleries; he enjoyed travel, was a freelance writer, and avidly pursued many intellectual and current events interests; and

WHEREAS, Bruce van Voorst will be greatly missed and fondly remembered by his wife, Barbara; his children, Mark, Carol, Kathryn, and Susan, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a respected citizen of the Commonwealth, Bruce van Voorst, who reported on many of the seminal events and people of the late 20th century; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Bruce van Voorst as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 353

Celebrating the life of Jean Marshall Crawford.

Agreed to by the House of Delegates, February 24, 2014

Agreed to by the Senate, February 27, 2014

WHEREAS, Jean Marshall Crawford of Arlington County, a dedicated volunteer and passionate advocate for women's rights, died on February 5, 2014; and

WHEREAS, Jean Crawford earned a bachelor's degree from Transylvania University in Kentucky, then moved to Virginia Beach; she lived in Barboursville and Reston before settling in Arlington County; and

WHEREAS, a prominent member of the National Organization for Women (NOW), Jean Crawford served as the organization's reproductive rights director and was an ardent and active supporter of women's rights; she sat on the NOW National Board from 1983 to 1986; and

WHEREAS, Jean Crawford led efforts to encourage the Virginia General Assembly to ratify the Equal Rights Amendment; she was deeply admired for her devotion to the movement and inspired others through her actions; and

WHEREAS, Jean Crawford enjoyed a successful career with an Alexandria law firm before becoming the Deputy Commissioner of Revenue for Arlington County; she served the community in this capacity for 20 years and subsequently became the legislative counsel for the county manager; and

WHEREAS, representing Ashlawn Precinct on the Arlington County Democratic Committee, Jean Crawford was a fixture at committee meetings, cheerfully greeting people at the check-in table for many years and becoming the face of the committee; and

WHEREAS, respected for her deep knowledge of local, state, and national politics, Jean Crawford inspired greatness in others and motivated them to support the causes about which they were passionate; and

WHEREAS, Jean Crawford cared deeply for animals and served as the president of the board of directors for the Animal Welfare League of Arlington, where she had worked diligently as a volunteer for many years; and

WHEREAS, Jean Crawford will be fondly remembered and greatly missed by many family members, friends, and people whose lives she touched; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Jean Marshall Crawford, a dedicated volunteer in the Arlington community and an admired advocate for women's rights; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Jean Marshall Crawford as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 354

Celebrating the life of Captain Lloyd Clermont Mostrom, USN (Ret.).

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Captain Lloyd Clermont Mostrom, USN (Ret.), an honorable World War II veteran and beloved family man, died on September 16, 2013; and

WHEREAS, born on July 12, 1909, in Hawley, Minnesota, Lloyd Mostrom was a farmhand for his father, as well as a dedicated student, graduating from Hawley High School as valedictorian before receiving a scholarship to Concordia College, where he earned a bachelor's degree in math and economics in 1933; and

WHEREAS, Lloyd Mostrom furthered his education at the University of Oklahoma, where he completed his master's degree in just one year; and

WHEREAS, in 1942, Lloyd Mostrom joined the United States Navy, where he was trained in undersea mine warfare countermeasures and served in the Pacific Arena and Brisbane, Australia; and

WHEREAS, Lloyd Mostrom moved to the Commonwealth in 1951 and was transferred to the Bureau of Ships (now Naval Sea Systems Command) in Washington, D.C., where he achieved the rank of captain; and

WHEREAS, after a successful military career and achieving the distinguished honor of serving as captain in the Naval Reserve, Captain Mostrom retired from military and civilian service in 1981 at the age of 72; and

WHEREAS, residing in Arlington with his family, Captain Mostrom was an active member of the community, serving in leadership positions within the Parent Teacher Associations at the local, state, and federal levels and as a member of the Dominion Hills Civic Association and the Arlington County Civic Federation; and

WHEREAS, Captain Mostrom met and married his beloved wife, Jean, an officer in the Women's Royal Australian Naval Service, during his time in Brisbane, Australia, and they raised six wonderful children during their 68 years of marriage; five short weeks after his death, Jean passed away; and

WHEREAS, Lloyd Mostrom will be fondly remembered and greatly missed by his loving children, Elizabeth, James, Anne, Susan, Alison, and Ingrid, and their families, and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of an honorable veteran and committed family man, Captain Lloyd Clermont Mostrom, USN (Ret.); and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Captain Lloyd Clermont Mostrom, USN (Ret.), as an expression of the General Assembly's admiration for his years of dedicated service to his country and respect for his memory.

HOUSE JOINT RESOLUTION NO. 355

Celebrating the life of Jean Sherman Mostrom.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Jean Sherman Mostrom, a beloved family woman and vibrant member of the Arlington community, died on October 19, 2013; and

WHEREAS, a native of Guildford, Western Australia, Jean Mostrom excelled in academia and athletics; she earned a bachelor's degree from the University of Western Australia and received the prestigious Commonwealth Lifesaving Awards; and

WHEREAS, by the age of 24, Jean Mostrom had earned a diploma in community-based fitness programs from the University of Sydney, and was serving as the Director of National Fitness for the Commonwealth of Australia; and

WHEREAS, when Australia was vulnerable to invasion during World War II, Jean Mostrom joined the Women's Royal Australian Naval Service in 1942; and

WHEREAS, during her years of service, Jean Mostrom worked as the Executive Officer for Sydney and New South Wales, on the British Admiral's staff, and as the confidential books officer, where she delivered critical cyphers and codes to battle-bound ships; and

WHEREAS, upon marrying United States Naval Officer Lloyd Mostrom in 1945, Jean Mostrom moved to Charleston, South Carolina, where she became the first female faculty member at the College of Charleston, teaching in the health and physical education department; and

WHEREAS, holding her education in the highest regard, Jean Mostrom returned to school, completing her master's degree at New York University and coursework toward her doctorate at the University of North Carolina in Chapel Hill; and

WHEREAS, relocating to Arlington in 1951, Jean Mostrom immersed herself in community service, becoming a member of the Parent Teacher Association, Dominion Hills Civic Association, Arlington County Civic Federation, Girl Scouts of America, American Red Cross, American Association of University Women, Master Gardeners of Northern Virginia, and Service League (now Junior League) of Northern Virginia; and

WHEREAS, a Professional Registered Parliamentarian and an active member of the National Association of Parliamentarians, Jean Mostrom proudly donated her time as the parliamentarian for the Arlington County Civic Federation; she also served as the president from 1992 to 1994, and received the organization's top two honors, the Journal Cup (now the Sun Gazette Cup) and the Order of Distinguished Meritorious Service; and

WHEREAS, predeceased by her loving husband of 68 years, Lloyd, Jean Mostrom will be fondly remembered and greatly missed by her children, Elizabeth, James, Anne, Susan, Alison, and Ingrid, and their families, and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a true civic activist and respected member of the Arlington community, Jean Sherman Mostrom; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Jean Sherman Mostrom as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 356

Commending the Rotary Club of Chatham.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, in 2014, the Rotary Club of Chatham celebrates its 75th anniversary of serving the community and helping to promote understanding, goodwill, and peace around the world; and

WHEREAS, the Rotary Club of Chatham was established on March 15, 1939; it became a member of Rotary International three months later on June 23, 1939, when it was presented with its charter; and

WHEREAS, one of the guiding principles of the organization is "to encourage and foster the ideal of service as a basis of worthy enterprise," and this emphasis on "service above self" has been the focus of local, national, and international efforts by the Rotary Club of Chatham; and

WHEREAS, in the last seven decades, the Rotary Club of Chatham has supported many projects and fundraising programs to benefit Chatham and the surrounding Pittsylvania County area; the group has held fundraising auctions, gala events, beauty contests, park festivals, stew sales, and silent auctions; and

WHEREAS, programs that have benefited from the efforts of the Rotary Club of Chatham include the Dictionaries for Third Graders project, scholarship awards, purchases of school equipment, and sponsorship of the Chatham High School robotics team and the Interact Club service organization; and

WHEREAS, the Rotary Club of Chatham has been a strong supporter of the Boy Scouts of America, God's Pit Crew disaster response team, the Boys & Girls Clubs of the Danville Area, the Pittsylvania County literacy project, and the Pittsylvania 4-H program; and

WHEREAS, other areas that have received support from the Rotary Club of Chatham are Big Brothers Big Sisters of Danville Area, Cross Roads Reconciliation Services, a street lighting project for the Town of Chatham, and local first-responder organizations; and

WHEREAS, the Rotary Club of Chatham's outreach efforts extend beyond southern Virginia and include support of the Rotary District 7570 Water Project, Youth Leadership Awards, and international efforts to eradicate polio and provide clean water wells; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Rotary Club of Chatham on its 75th anniversary of providing fellowship and "service above self"; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Nina Beth Thornton, president of the Rotary Club of Chatham, as an expression of the General Assembly's respect and admiration for its many years of service to the community, the Commonwealth, and the world.

HOUSE JOINT RESOLUTION NO. 357

Commending Kings Dominion.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Kings Dominion, an amusement park in Hanover County, has entertained generations of families from throughout the Commonwealth and the United States and spurred beneficial growth in Hanover County for 40 years; and

WHEREAS, Kings Dominion broke ground in 1973 with a mission to offer a new and exciting amusement park that was centrally located on the East Coast; the Lion Country Safari opened in 1974 and offered visitors the exciting opportunity to see over 100 types of exotic birds and animals; and

WHEREAS, on May 3, 1975, Kings Dominion officially opened, welcoming over 1.5 million guests in its first season to enjoy five uniquely themed areas—International Street, Old Virginia, Coney Island, The Happy Land of Hanna-Barbera, and Lion Country Safari; and

WHEREAS, the original guests to Kings Dominion enjoyed the thrilling Rebel Yell twin roller coaster, which still races to this day; musical reviews in the Mason-Dixon Music Hall; and breathtaking views from the park's 332-foot replica of the Eiffel Tower; and

WHEREAS, the park continued to grow through the 1970s, opening the Kings Dominion Campground, re-theming Coney Island as the Candy Apple Grove, and building the Lost World Mountain, which contained three rides and today houses the innovative Volcano roller coaster; and

WHEREAS, in the 1980s, Kings Dominion added what is now known as Kingswood Amphitheatre, a 7,500-seat outdoor venue that has hosted hundreds of concerts; during the 1986 season, the park passed the two million attendance mark for the first time, further cementing it as one of the premier amusement parks in the eastern United States; and

WHEREAS, Kings Dominion added several new attractions in the 1990s, including the Hurricane Reef Water Park (now WaterWorks); the world's first linear induction launch-style indoor coaster, The Outer Limits (now Flight of Fear); and the Anaconda, the first looping roller coaster to feature an underwater tunnel; and

WHEREAS, earning national recognition, Kings Dominion continued to expand its thrill rides in the new millennium; in 2008, the park added the Dominator, which was the longest floorless roller coaster in the world at the time and boasted one of the largest vertical loops; and

WHEREAS, to celebrate the park's 35th anniversary, Kings Dominion opened the Intimidator 305, named in honor of NASCAR legend Dale Earnhardt; as one of the tallest and fastest roller coasters in the eastern United States, it plunges thrill-seekers down a nearly vertical drop from a height of 305 feet; and

WHEREAS, Kings Dominion has grown to become an essential part of the Hanover County economy, providing thousands of jobs and opportunities over the years; the park accepted applications for over 13,000 positions; and

WHEREAS, Kings Dominion has proudly offered countless individuals in Hanover County and the surrounding region their first job; thanks in part to the values of professionalism, responsibility, and dedication learned while working at the park, many former employees have gone on to become successful leaders in their careers and communities; and

WHEREAS, for four decades, Kings Dominion has offered generations of visitors a safe, convenient place to enjoy vibrant and unique family fun; the park inspires fond memories for countless individuals and is a source of pride of the Hanover County community; and

WHEREAS, Kings Dominion has experienced much of its success due to the enduring, enthusiastic support of local residents and the dedication of its employees, each of whom has worked to the utmost to provide a world-class experience for visitors; and

WHEREAS, Kings Dominion begins its 40th anniversary celebration during the 2014 season, beginning on opening day on April 5; in honor of the celebration, the park will bring back an updated version of the iconic Singing Mushrooms to serenade guests and reopen the classic Candy Apple Grove; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Kings Dominion for its many contributions to the Hanover County community and Central Virginia on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Pat Jones, vice president and general manager of Kings Dominion, as an expression of the General Assembly's admiration for the park's storied history and best wishes on continued success.

HOUSE JOINT RESOLUTION NO. 358

Celebrating the life of Jack Leo Slagle.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Jack Leo Slagle, a respected businessman, dedicated firefighter, and lifelong resident of Virgilina, died on January 31, 2014; and

WHEREAS, Jack Slagle served the Virgilina community as the vice mayor and a member of the town council; he was the manager of Slagle's Store from the early 1950s to 1963; and

WHEREAS, in 1951, Jack Slagle was a founding member and the first fire chief of the Virgilina Volunteer Fire Department; a lifetime member, he led the department through the unique challenges of responding to fires in both Virginia and North Carolina; and

WHEREAS, Jack Slagle founded Slagle's Fire Equipment and Supply Company in 1962; with the help of his sons, the business has thrived for over 50 years and become one of the largest fire truck and equipment dealerships in the United States; and

WHEREAS, Jack Slagle donated his time and talents as a past president of the Virgilina Ruritan Club, and he was a member of many other civic and service organizations, including the South Boston Shrine Club, Richmond Shrine Club, Virginia Masonic Lodge No. 248, the Scottish Rite Temple of Danville, and the Industrial Development Authority in South Boston; and

WHEREAS, Jack Slagle was also an honorary member of the South Boston Volunteer Fire Company and enjoyed fellowship and worship with the community at True Light Baptist Church; and

WHEREAS, Jack Slagle will be fondly remembered and greatly missed by his wife, Hallie; sons, Virgil, John, Barry, Garry, and Scott, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Jack Leo Slagle, a businessman, firefighter, and pillar of the Virgilina community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Jack Leo Slagle as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 359

Commending Phyllis Krasnoff.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Phyllis Krasnoff, a dedicated public servant and respected member of the Chesapeake community, was named Woman of the Year by the Women's Division of the Hampton Roads Chamber of Commerce in 2013; and

WHEREAS, a native of Brooklyn, New York, Phyllis Krasnoff received her bachelor's and master's degrees from Brooklyn College; and

WHEREAS, while her husband, Alan, completed medical school, Phyllis Krasnoff worked various jobs, including one in property management, to help support her family; upon completion of school, the Krasnoffs moved to Chesapeake in 1981; and

WHEREAS, immediately delving into volunteer work, Phyllis Krasnoff donated her time to the Chesapeake school system as a room mother and teacher's assistant; and

WHEREAS, delighted by her experience, Phyllis Krasnoff became a passionate and loyal volunteer from that point forward; her service involvement includes the Great Bridge Women's Club, Hurrah Players, Greenbrier Circle of the Children's Hospital of the King's Daughters, South Norfolk Women's Club, Saint Mary's Home for Disabled Children, Christian Women's Club, and many other worthy organizations; and

WHEREAS, in addition to her extensive volunteer service, Phyllis Krasnoff also serves as a board member for Friends of the Chesapeake Library, Chesapeake Friends of the Arts, Women's Division of the Chamber of Commerce, Embassy Women, and the Chesapeake Care Free Clinic; and

WHEREAS, a member of the Christian Embassy International Church, Phyllis Krasnoff's faith has guided and sustained her through many of life's trials; and

WHEREAS, a community activist and extraordinary volunteer, Phyllis Krasnoff has made immeasurable contributions to the community of Chesapeake; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the 2013 recipient of the Women's Division of the Hampton Roads Chamber of Commerce's Woman of the Year award, Phyllis Krasnoff; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Phyllis Krasnoff as an expression of the General Assembly's respect and congratulations for her tireless and devoted work to make Chesapeake a better place.

HOUSE JOINT RESOLUTION NO. 361

Commending United Community Ministries.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, United Community Ministries celebrates 45 years of providing a full range of social services to low-income residents of Fairfax County in 2014; and

WHEREAS, United Community Ministries (UCM), which is a private, nonprofit social services agency, began in 1969 when religious and civic leaders joined forces to help struggling and low-income individuals and families; and

WHEREAS, in its more than four decades of existence as a community-based organization, UCM has grown tremendously as the growth in Fairfax County has increased and offers a wide array of services to people living in the densely populated southeast section of the county; and

WHEREAS, from the beginning, UCM has provided food and financial assistance; today it also works to meet many other essential needs, including providing emergency assistance, housing, employment counseling, computer literacy, and English as a second language classes; and

WHEREAS, thousands of families have benefitted from the caring work of UCM; people have turned to the group for help in keeping their homes, receiving an education, obtaining a job, and moving toward self-sufficiency and stable living situations; and

WHEREAS, other key components of UCM's work include a healthy families' initiative, an early learning center for preschoolers, youth services, an extensive network to help those who are fleeing domestic abuse situations, and neighborhood community-building efforts; and

WHEREAS, the many generous donors to UCM include individuals, businesses, faith communities, and governments; in 2013 alone, 600 volunteers worked together with professional staff to offer help and a hand up to people in need; and

WHEREAS, in partnership with other nonprofit organizations, businesses, and government bodies, UCM has played a central role in facilitating a full spectrum of services to low-income Virginians; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend United Community Ministries for its 45 years of serving the needs of low-income residents of Fairfax County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Board of Directors of United Community Ministries as an expression of the General Assembly's respect and admiration for the vital service that the organization performs for the Commonwealth.

HOUSE JOINT RESOLUTION NO. 362

Commending Duane E. Snow.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Duane E. Snow, a dedicated public servant, admirably served the citizens of Albemarle County as a member of the Board of Supervisors from 2010 to 2013, representing the Sam Miller District; and

WHEREAS, a native of Charlottesville and a small business owner, Duane Snow earned a degree from Brigham Young University and then returned home to work at the family business, Snow's Garden and Landscape Center; he was chief executive officer for 35 years; and

WHEREAS, during his tenure on the Albemarle County Board of Supervisors, Duane Snow served on the Property Committee, the Historic Preservation Committee, the High Growth Coalition, and the Charlottesville-Albemarle Metropolitan Planning Organization; and

WHEREAS, Duane Snow also was a member of the county's Capital Improvement Program Oversight Committee and the Rivanna River Basin Commission; on each committee, he brought careful attention to the tasks at hand, focusing on what was best for the residents of Albemarle County; and

WHEREAS, Duane Snow also was a member of the Albemarle County Architectural Review Board, a board member of the American Heart Association, and a Boy Scouts of America committee member, and served on the Virginia Agricultural Council; and

WHEREAS, Duane Snow is a familiar voice to area residents; he was the host of the nation's longest-running radio program about gardening, the *Snow Knows Gardening Show*, for 35 years; he also taught gardening and landscaping classes at Piedmont Virginia Community College; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Duane E. Snow, a dedicated public servant, for ably representing the citizens of Albemarle County as a member of the Board of Supervisors for the Sam Miller District; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Duane E. Snow as an expression of the General Assembly's appreciation and admiration for his work on behalf of the people of Albemarle County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 363

Commending Dennis S. Rooker.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Dennis S. Rooker admirably served the citizens of Albemarle County as a member of the Board of Supervisors from 2002 to 2013, representing the Jack Jouett District; and

WHEREAS, during his 12 years as a member of the Board of Supervisors, including two years as chairman, Dennis Rooker sought to protect the environment and the quality of life in Albemarle County, ensure a fiscally sound government, establish reasonable tax rates, and promote regional cooperation; and

WHEREAS, Dennis Rooker first arrived in Charlottesville to attend the University of Virginia, where he earned bachelor's and law degrees; he then settled in the area, established a law practice, and has owned several small businesses; and

WHEREAS, public service is a hallmark of Dennis Rooker's life; he was a member of the Albemarle County Planning Commission for four years and was the chairman for two years, and he also was a member of the Charlottesville-Albemarle Metropolitan Planning Organization for nine years, serving as chairman for two years; and

WHEREAS, Dennis Rooker was the county representative to the Planning and Coordination Council for Albemarle County, Charlottesville, and the University of Virginia for 12 years; he served on the South Fork Rivanna Reservoir Stewardship Task Force and the Meadowcreek Parkway Design Planning Advisory Committee; and

WHEREAS, some of the accomplishments that took place in Albemarle County while Dennis Rooker served on the Board of Supervisors include development of master plans for the growth areas of the county, passage of an ordinance regarding the aesthetics of cell phone towers, and construction of Meadow Creek Parkway; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dennis S. Rooker, a dedicated public servant, for his 12 years of service as a member of the Albemarle County Board of Supervisors, representing the Jack Jouett District; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dennis S. Rooker as an expression of the General Assembly's appreciation and admiration for his work on behalf of the people of Albemarle County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 364

Commending Clyde Roberts.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Clyde Roberts, an admired resident of Bedford County, was born on October 29, 1913; and

WHEREAS, upon his retirement 35 years ago, Clyde Roberts took up deer hunting and purchased a lifetime hunting license for the price of five dollars; and

WHEREAS, Clyde Roberts' favored method of deer hunting is from a tree stand approximately 20 feet off the ground, a height not ventured to by most hunters a fraction of his age; and

WHEREAS, in 2013, on his 100th birthday, Clyde Roberts was determined to celebrate by going on a deer hunt with his muzzle-loading rifle; he was successful in harvesting an eight-point buck of which any whitetail hunter would be proud; and

WHEREAS, this was only one of several deer harvested by Clyde Roberts in 2013, making an already special hunting season very successful; and

WHEREAS, Clyde Roberts has served as an inspiration to hunters across the Commonwealth, and demonstrated that the Commonwealth's time-honored tradition of hunting is suitable for individuals of any age; and

WHEREAS, he has passed his love for this time-honored tradition down to his children, grandchildren, and great-grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Clyde Roberts, an inspiration to sportsmen and sportswomen across the Commonwealth, on the occasion of his 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Clyde Roberts as an expression of the General Assembly's congratulations and admiration for his many achievements.

HOUSE JOINT RESOLUTION NO. 365

Commending Louise Archer Elementary School.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Louise Archer Elementary School in Vienna, which has a storied history, a vibrant present, and a promising future, celebrates its 75th anniversary in March 2014; and

WHEREAS, the Fairfax County school is named for Louise Reeves Archer, who was principal of an elementary school in Vienna from September 1922 until March 1948; it was a one-room segregated school and Louise Archer was both teacher and principal; and

WHEREAS, the original name was the Vienna Colored School and it brought the area's African American community together; Louise Archer established high expectations during her tenure; she taught fifth grade through seventh grade, which then was the highest level of education available to African American students in the county; and

WHEREAS, Louise Archer Elementary School was built on its present site in 1939; it has undergone many changes in the ensuing years, and today the school, which prides itself on its friendly and welcoming environment, is home to more than 800 students; and

WHEREAS, after Louise Archer's death in 1948, members of the community petitioned the Fairfax County School Board to change the name of the school as a memorial to its longtime teacher; the name was officially changed to Louise Archer Elementary School in 1950; and

WHEREAS, as part of the 75th anniversary events, Louise Archer Elementary School will become home to a temporary historical museum containing artifacts from the school's founding as well as contemporary displays made by current students; and

WHEREAS, the students and staff at Louise Archer Elementary School, led by principal Michelle Makrigiorgos, are celebrating the school's 75th anniversary with an Open House on March 7, 2014, which will showcase how the school has grown and prospered over the years; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Louise Archer Elementary School in Vienna on the occasion of its 75th anniversary and for its remarkable history, its vibrant present, and the promise of a bright future; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michelle Makrigiorgos, principal of Louise Archer Elementary School, as an expression of the General Assembly's congratulations and admiration for its work in educating the children of Vienna over the last 75 years and best wishes for continuing success.

HOUSE JOINT RESOLUTION NO. 366

Commending Charles H. Majors.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Charles H. Majors, an attorney and respected bank executive, who for many years has contributed greatly to the business, civic, and cultural institutions of Danville and Southside Virginia, was the recipient of the 81st Annual Citizenship Award of the Kiwanis Club of Danville; and

WHEREAS, the 2013 Citizenship Award was given to Charles "Charlie" Majors in recognition of his local and state leadership in business and in the community and for his public service efforts; and

WHEREAS, a native of Georgia, Charlie Majors received his undergraduate degree from Auburn University and earned a law degree from the University of Virginia; he then moved to Danville and practiced law at Clement Wheatley, before going to work for American National Bank; and

WHEREAS, Charlie Majors was chief executive officer of American National Bank of Danville for 20 years; he currently serves as chairman of the board of directors of the full-service community bank, which has branches in southern and central Virginia and northern and central North Carolina; and

WHEREAS, Charlie Majors' many contributions to Danville and Southside Virginia include leadership roles in public education; he served on the Danville School Board for 14 years and was chairman for five years; he was also a member and chairman of the board of trustees of Averett University; and

WHEREAS, recognizing that economic development is key to a region's future, Charlie Majors has served as the head of the boards of directors of the Danville Regional Foundation and the Virginia Economic Development Partnership and has been a member of many other boards and foundations; and

WHEREAS, in tirelessly working for the betterment of the Danville area, Charlie Majors has been president of the Wayles R. Harrison Memorial Fund, United Way of Danville-Pittsylvania County, and the Rotary Club of Danville; he was also chairman of the Womack Foundation; and

WHEREAS, a man of faith, Charlie Majors enjoys fellowship and worship at Mount Vernon United Methodist Church; he is a 40-year member of the choir, has taught Sunday school, was chairman of the congregation's Stewardship Campaign, and served on the Foundation Board; and

WHEREAS, Charlie Majors has also served financial institutions in the Commonwealth; he has been chairman of the Community Depository Institutions Advisory Council of the Federal Reserve Bank of Richmond and the Virginia Bankers Association; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Charles H. Majors of Danville, an attorney and respected bank executive, who was honored in 2013 by the Danville Kiwanis Club as the recipient of the club's 81st Annual Citizenship Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charles H. Majors as an expression of the General Assembly's congratulations and admiration for his many contributions to the people, businesses, educational institutions, and civic organizations of Danville and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 367

Commending Thomas B. Cannon.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Thomas B. Cannon, a respected and admired professor of information technology who taught at Danville Community College for 49 years, retired on December 20, 2013; and

WHEREAS, Thomas "Tommy" Cannon, who earned undergraduate and graduate degrees from Virginia Polytechnic Institute and State University (Virginia Tech), began teaching at Danville Community College (DCC) in 1964; he was the longest-serving faculty member when he retired; and

WHEREAS, Tommy Cannon's first teaching assignments at DCC in the mid-1960s were business math and typing, and most of his students hoped to become secretaries, but as technology made inroads into the field of business education, vastly changing it, the curriculum changed as well; and

WHEREAS, Tommy Cannon relished the changes and loved learning new teaching methods and new topics; at the time of his retirement, he taught classes in information technology, including spreadsheets, computer applications and integration, and computer programming; and

WHEREAS, in addition to his love of teaching, Tommy Cannon also is proud to have taught scores of business professionals in the area; over the years, he has taught almost every banker in Danville—and many of their employees; and

WHEREAS, every division secretary who was on the DCC staff at the time of Tommy Cannon's retirement in 2013 also had been a student of his at one time, and he is proud that he can remember the names of many of the thousands of students who studied under him; and

WHEREAS, Tommy Cannon, who also served as interim dean of the Division of Business and Engineering Technologies on four separate occasions, is pleased that the community college now offers workforce training, which helps to strengthen the economy in Danville and Southside Virginia; and

WHEREAS, widely admired by students and colleagues alike, Tommy Cannon is thankful to have spent his career doing what he loved—teaching—and guiding his students as they mastered new skills, matured, became productive members of society, and had the opportunity for a better future; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Thomas B. Cannon, a teacher at Danville Community College for 49 years and a widely respected and admired professor of information technology, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Thomas B. Cannon as an expression of the General Assembly's respect and admiration for his many years of dedicated public service to Danville Community College, the Danville area, and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 368

Commending Charles Sexton.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Charles Sexton of Danville, who is the orchestra director and founder of the George Washington High School Symphony Orchestra, will retire in 2014 after 33 years of dedicated service to young musicians; and

WHEREAS, after attending high school in Burlington, North Carolina, and earning a bachelor's degree from Appalachian State University, Charles "Chuck" Sexton became a teacher in the Danville public school system; and

WHEREAS, Chuck Sexton has spent his career working for Danville Public Schools; he was hired in 1981 as interim band director at Langston Junior High School, now known as Langston Focus School, and throughout his career, he has taught thousands of students at nine schools in Danville; and

WHEREAS, after his first year, Chuck Sexton was asked to develop an orchestra program for Danville Public Schools, and in 1982, he formed the George Washington High School Symphony Orchestra, bringing live classical music to students and the greater Danville community; and

WHEREAS, in the 33 years that Chuck Sexton has taught music, his student-musicians became part of a talented and multifaceted orchestra each year; the George Washington High School (GWHS) orchestra consistently has been a top-ranked performer in the Commonwealth; and

WHEREAS, Chuck Sexton has contributed to the betterment of the Danville Public Schools music program in many ways; his students have met with professional musicians, including cellist Yo-Yo Ma, conductors Robert Shaw and Zubin Mehta, and violinist Nadja Salerno-Sonnenberg; and

WHEREAS, Chuck Sexton created the Friends of the George Washington High School Orchestra in 1985, and he has arranged for members of the Richmond Symphony to teach master classes to his students; and

WHEREAS, recognizing that schools benefit from the extra efforts made by teachers and staff, Chuck Sexton also has been the supervisor for the GWHS auditorium for 15 years, in charge of lighting and sound for all events; he also was the photographer for the football team from 2005 to 2010; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Charles Sexton of Danville, orchestra director and founder of the George Washington High School Symphony Orchestra, on the occasion of his retirement after 33 years of dedicated service to young musicians; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charles Sexton as an expression of the General Assembly's respect and admiration for his many years of service to students in the Danville Public Schools, the community, and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 369

Celebrating the life of the Honorable William Elbert Anderson.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, William Elbert Anderson, a lifelong member of the Danville community and a judge of the United States Court of Appeals for the Fourth Circuit and chief judge for the United States Bankruptcy Court of the Western District of Virginia, died on June 20, 2013; and

WHEREAS, William "Bill" Anderson attended George Washington High School and later earned a bachelor's degree from Virginia Polytechnic Institute and State University; he received a law degree from the University of Richmond in 1959; and

WHEREAS, over the next 21 years, Bill Anderson practiced law in Danville, including as an assistant Commonwealth's attorney from 1960 to 1962 and as a name partner in a Danville firm from 1962 to 1980; and

WHEREAS, Bill Anderson was active in the legal community; he was a member of the Virginia Bar Association, Virginia Trial Lawyers Association, and American Bar Association; he also served as president of the Danville Bar Association and was the first chairman of the Bankruptcy Section for the Federal Bar Association; and

WHEREAS, respected for his sense of fairness and keen intellect, Bill Anderson was appointed as commissioner for the Department of Highways and Transportation in 1979, then appointed as a judge in the Western District of Virginia of the United States Bankruptcy Court in 1982; and

WHEREAS, Judge Anderson went on to become the chief bankruptcy judge of the district from 1991 to 1993 and served as a judge of the United States Court of Appeals for the Fourth Circuit from 1986 to 2004; and

WHEREAS, Judge Anderson was a recognized leader in bankruptcy law; he was elected as a fellow in the American College of Bankruptcy, served on the Board of Governors of the American Bankruptcy Institute, and was appointed by a Supreme Court justice to serve on several distinguished bankruptcy committees in the federal judiciary; and

WHEREAS, Judge Anderson served his fellow judges as the president of the National Conference on Bankruptcy Judges; the organization honored him with its prestigious Herbert M. Bierce Distinguished Judicial Service Award, which has only been presented five times since its creation in 1926; and

WHEREAS, Judge Anderson also worked tirelessly to better the local community, donating his time and talents to many civic and service organizations in Danville, including as the president of the Danville Area Chamber of Commerce and the Retail Merchants Association; and

WHEREAS, a man of great integrity, Judge Anderson served the community, the Commonwealth, and the nation with dedication and distinction; and

WHEREAS, Bill Anderson will be fondly remembered and greatly missed by his beloved wife of 28 years, Carolyn, and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of William Elbert Anderson, a respected federal judge and a true southern gentleman in Danville; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William Elbert Anderson as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 370

Commending Minister Earl Bynum and The Mount Unity Choir.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, on January 18, 2014, on the occasion of the 29th Annual Stellar Gospel Music Awards, at the Nashville Municipal Auditorium in Nashville, Tennessee, Minister Earl Bynum and The Mount Unity Choir from Chesapeake received the Contemporary Choir of the Year 2014 Stellar Award for their debut CD/DVD, *Bishop K.W. Brown Presents Earl Bynum and The Mount Unity Choir Live*; and

WHEREAS, the Stellar Gospel Music Awards, the Gospel music industry's celebration of its most accomplished vocalists and musicians and creative individuals and groups, is the only Gospel music television awards program syndicated in over 140 markets nationwide; and

WHEREAS, Minister Earl Bynum and The Mount Unity Choir, under the anointed leadership of Bishop Kim W. Brown, senior pastor of Mount Lebanon Missionary Baptist Church in Chesapeake, was also nominated in the Choir of the Year and Recorded Music Packaging of the Year categories; and

WHEREAS, under the pastoral leadership of Bishop Kim W. Brown and the musical direction of Minister Earl Bynum, The Mount Unity Choir released its debut CD/DVD in May 2013 on their own recording label, "K.W. Brown Ministries," which was an eight-year vision of Bishop Brown; and

WHEREAS, the inaugural CD/DVD was recorded live at Mount Lebanon Missionary Baptist Church, affectionately known as "The Mount," which has locations in Chesapeake, Newport News, and Elizabeth City, North Carolina, and a congregation that has grown from 75 to over 10,000 members during Bishop Brown's pastorate; and

WHEREAS, the more than 100-member dynamic choir's 13-track CD features the chart-topping song "Bless the Name of the Lord," which is being hailed as "The Worship Anthem of the Year"; the CD ranked eighth on *Billboard's* Top Gospel Sales Chart and is filled with other powerful and sweet worship ballads and passionate Gospel and contemporary worship songs, featuring Evangelist Lemmie Battle, Dr. Judith McAllister, Charmaine Swimpson, Cora Armstrong, Slater Johnson, and Lady Tibba Gamble; the DVD includes exclusive behind-the-scenes bonus material; and

WHEREAS, the multi-award-winning project includes sheet music, a youTube video, iTunes singles, and a performance track; Minister Earl Bynum and The Mount Unity Choir became the first choir in the Commonwealth to receive the prestigious Stellar Gospel Music Award; and

WHEREAS, Minister Earl Bynum and The Mount Unity Choir have honored God, the Mount Lebanon Missionary Baptist Church family, the community, and the Commonwealth by using their outstanding musical talents to sow the Word of God through the gift of music into the lives of others; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Minister Earl Bynum and The Mount Unity Choir on the occasion of receiving the Contemporary Choir of the Year 2014 Stellar Award at the 29th Annual Stellar Gospel Music Awards; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Bishop Kim W. Brown, senior pastor of Mount Lebanon Missionary Baptist Church, and Minister Earl Bynum, musical director of The Mount Unity Choir, as an expression of the General Assembly's congratulations and admiration on the choir's impressive accomplishment.

HOUSE JOINT RESOLUTION NO. 371

Commending the Loudoun County High School volleyball team.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, the Loudoun County High School volleyball team displayed exceptional skill, strength, and determination by winning the Virginia High School League Group 4A state championship on November 23, 2013; and

WHEREAS, the 2013 state championship for the team from Leesburg is the Loudoun County Raiders' sixth state title in the past seven years; and

WHEREAS, in winning the championship against a talented squad from Jamestown High School, the Loudoun County High School Raiders posted their 49th consecutive match victory and completed their second undefeated season; and

WHEREAS, after winning the first set of the championship match and losing the second set, the Loudoun County High School volleyball team rallied to win the third and fourth sets to clinch the championship; the match was held in Richmond at Virginia Commonwealth University's Siegel Center; and

WHEREAS, the six-time champion Loudoun County Raiders were led by head coach Jenica Brown and assistant coach Jarod Brown and managed by Katherine Knoblock, Megan Carran, and Carlos Tingle; and

WHEREAS, each athlete—seniors Kelsey Anderson, Jane Feddersen, Maggie Phillips, Mandy Powers, and Kelsey Slack; juniors Olivia Aycock, Madison Batts, Hannah Brenneman, Ciara Kain, Emily Solis, Hannah Vandegrift, and Addi Williams; sophomores Taylor Borup, Alyssa Paige, Lauren Topper, Rachel Voketaitis, and Abby Wright; and freshman Rachael Cullen—contributed immeasurably to the victory; and

WHEREAS, the victory was all the more appreciated because Jenica Brown announced her retirement as head coach in January 2014, less than two months after the team won the state title; she had ably led the Loudoun County High School volleyball team for 12 seasons; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the 2013 Loudoun County High School volleyball team for winning the Virginia High School League Group 4A state volleyball championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Jenica Brown, head coach of the Loudoun County High School volleyball team, and Jarod Brown, assistant coach of the Loudoun County High School volleyball team, as an expression of the General Assembly's admiration for the team's skill, determination, and strength.

HOUSE JOINT RESOLUTION NO. 372

Commending LINK, Inc.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, LINK, Inc., a nonprofit organization that serves the Ashburn, Herndon, and Sterling communities, has provided food and emergency assistance to those in need for many years; and

WHEREAS, the primary mission of LINK, Inc., is to deliver nonperishable food to members of the community; LINK, Inc., maintains no office and operates entirely through donations and volunteers at one of the 12 member churches or seven affiliated churches in the area; and

WHEREAS, in 2013, LINK, Inc., served over 4,500 families by distributing over 350,000 pounds of food and providing almost \$90,000 in financial assistance, which included grocery store gift cards; and

WHEREAS, LINK, Inc., delivers food to approximately 80 families per month in the Ashburn, Herndon, and Sterling communities, and the organization made almost 900 deliveries in 2013; the organization also provides thousands of pounds of food at distribution centers throughout the Counties of Loudoun and Fairfax; and

WHEREAS, operating successful holiday programs in November and December of 2013, LINK, Inc., provided three to five days' worth of groceries to more than 7,500 individuals, distributed thousands of winter coats, mittens, and other items to over 400 families, and provided toys to over 2,000 children; and

WHEREAS, in cooperation with the Capital Area Food Bank (CAFB), LINK, Inc., began the Mobile Food Pantry in 2012; as part of the program, the CAFB delivers surplus food to a LINK, Inc., member church and, in 2013, the program served over 2,000 families by distributing over 78,000 pounds of vegetables, fruits, and surplus food; and

WHEREAS, LINK, Inc., owes a great deal of its success to the many devoted volunteers who have selflessly given their time and talents to provide for the basic needs of their fellow community members and the generous support of local businesses, civic organizations, churches, and residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend LINK, Inc., for its outstanding service to the members of the Ashburn, Herndon, and Sterling communities; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to LINK, Inc., as an expression of the General Assembly's admiration for the organization's commitment to helping those in need.

HOUSE JOINT RESOLUTION NO. 373

Celebrating the life of the Honorable Harry F. Byrd, Jr.

Agreed to by the House of Delegates, February 27, 2014

Agreed to by the Senate, February 28, 2014

WHEREAS, the Honorable Harry F. Byrd, Jr., a respected statesman and great Virginian who dedicated the majority of his life to service to the Commonwealth and made history as an independent in the United States Senate, died on July 30, 2013; and

WHEREAS, a native of Winchester, Harry Byrd went on to attend Virginia Military Institute and the University of Virginia; and

WHEREAS, joining many of the other young men of his generation in service to his country, Harry Byrd was commissioned in the United States Navy Reserve on December 6, 1941, the day before the attack on Pearl Harbor; and

WHEREAS, during his honorable military service, Harry Byrd rose to the rank of lieutenant commander and served as the executive officer of a patrol bombing squadron in the Pacific Theater of the war; and

WHEREAS, Harry Byrd began working at the *Winchester Evening Star* in 1935, and the newspaper business would become one of the great passions of his life; he rose to the position of editor and remained involved in the paper for much of his life; and

WHEREAS, Harry Byrd also served as publisher of the Harrisonburg *Daily News-Record* from 1936 to 1941 and from 1946 to 1981; he also served on the newspaper's board of directors until his death; and

WHEREAS, Harry Byrd served as the vice president of the Associated Press, traveling around the world for high-profile interviews with British Prime Minister Winston Churchill and Spanish dictator Francisco Franco; and

WHEREAS, desiring to be of service to the Commonwealth, Harry Byrd was elected to the Senate of Virginia in 1947, where he served for the next 18 years; he worked to enact important legislation and dedicated himself to the creation of responsible state budgets; and

WHEREAS, in 1965, Harry Byrd was nominated for and won a special election to fill the vacancy in the United States Senate left by his father's retirement; and

WHEREAS, making history in 1970, Harry Byrd broke from his party and became the first United States Senator to win a majority vote as an independent while facing challenges from both major parties; he was also the Commonwealth's first independent statewide office holder; and

WHEREAS, after winning a third term in 1976, Harry Byrd became the first senator elected and reelected as an independent; his successes inspired many other officials to similarly hold to their ideals and run as independents; and

WHEREAS, a firm believer in smaller and more efficient government, Harry Byrd championed a balanced federal budget; he also returned thousands of dollars in expense money and declined several pay increases; and

WHEREAS, while only introducing a select number of bills over the course of his career, Harry Byrd was a diligent elected official, casting over 6,000 votes and answering 96 percent of Senate roll calls; and

WHEREAS, Harry Byrd offered his wise and deliberate counsel to several Senate committees, including Finance and Armed Services, until his retirement in 1983; after devoting nearly two-thirds of his life to public service, he left a legacy few could match; and

WHEREAS, widely hailed for his unswerving commitment to the Commonwealth's and the nation's fiscal and economic well-being, Senator Byrd is remembered for his integrity and gentlemanly demeanor; he served the Commonwealth and the nation with great dignity and distinction; and

WHEREAS, predeceased by his wife of 48 years, Gretchen, Harry Byrd will be greatly missed and fondly remembered by his children, Harry III, Thomas, and Beverley, and their families; numerous other family members and friends; and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of an iconic Virginia statesman and a true Southern gentleman, the Honorable Harry F. Byrd, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Harry F. Byrd, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 374

Commending John D. Miller:

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, John D. Miller, a native of Middlesex County who can trace his family lineage in the county back to 1680, was elected president of the Virginia Association of Counties at its 78th annual conference on November 13, 2012, in Bath County; and

WHEREAS, John D. Miller graduated from Middlesex High School in 1967 and is a retiree of the West Point pulp mill, where he was employed for much of his adult life; and

WHEREAS, John D. Miller, a member of the Middlesex County Board of Supervisors, became the second president of the association from Middlesex County and the first in nearly 60 years, when he was elected as the top executive of the Virginia Association of Counties; and

WHEREAS, John D. Miller has served as a Middlesex County board supervisor for 19 years and was selected to serve as chairman and vice chairman five times over the course of his tenure, during which he administered the planning and construction of Middlesex Elementary School, the extensive renovation of the Middlesex High School, the renovation of the Middlesex County Courthouse, and the establishment of enhanced 911 and radio systems for emergency workers; and

WHEREAS, valiantly and confidently confronting a critical illness, John D. Miller is the first politician in United States history to be elected to office with an artificial heart and to serve while waiting for a heart transplant; and

WHEREAS, a member of the Virginia Association of Counties board of directors since 2003, John D. Miller was instrumental in developing the association's strategic plan, enhancing its educational programs, and establishing the Virginia Investment Pool during his tenure as the association's president; and

WHEREAS, John D. Miller has demonstrated his commitment to civic participation and leadership as a member of numerous community boards and committees, including the Middle Peninsula Community Criminal Justice Board, Disability Services Board, Middle Peninsula-Northern Neck Community Services Board, Bay Consortium Workforce Investment Board, Middle Peninsula Planning District Commission, Middlesex Planning Commission, Middlesex Public Library Board, Airport Committee, and the Bicentennial Committee, which produced a book on the history of Middlesex County; and

WHEREAS, John D. Miller has shown that he is an experienced local leader who knows the issues that concern Virginia's counties, and he has revealed a unique ability to unify people of diverse backgrounds for the common good; and

WHEREAS, John D. Miller has led the Virginia Association of Counties with integrity, determination, and dedication; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend John D. Miller; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John D. Miller as an expression of the General Assembly's admiration for his commitment to serving the Virginia Association of Counties and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 375

Commending Devils Backbone Brewing Company.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Devils Backbone Brewing Company, a craft brewery established in Nelson County, has received over 40 medals and awards since it began producing quality products in 2008; and

WHEREAS, surpassing its 10-year projections in just two years, Devils Backbone built a second, full-scale production facility in 2010, named the Outpost and located in Lexington, in order to meet demand; by 2013, production estimates exceeded 40,000 barrels a year; and

WHEREAS, since 2009, Devils Backbone has competed in a multitude of competitions, including the Virginia Craft Brewers Fest; the Great American Beer Festival, the most well-respected beer competition in the country; and the World Beer Cup, the most prestigious beer competition in the world, taking home 41 medals and awards altogether; and

WHEREAS, at the 2012 and 2013 Virginia Craft Brewers Fest, hosted at its own Basecamp location, Devils Backbone won two Best of Show awards for its Schwartz Bier and Smokehaus Lager; four gold medals for its Schwartz Bier in 2012 and 2013, Ale of Fergus, and Smokehaus Lager; three silver medals for its Azrael Belgian, Berliner Metro Weiss, and Pear Lager; and one bronze medal for its Kilt Flasher Ale; and

WHEREAS, at the last five Great American Beer Festival competitions, Devils Backbone won seven gold medals for its Gold Leaf Lager in 2009 and 2010, Baltic Coffee, Vienna Lager, Berliner Metro Weiss, Azrael Belgian, and Old Virginia Dark Lager; eight silver medals for its Vienna Lager, Natural Born Keller, Danzig Porter in 2009 and 2012, Tommy Two Fist Oktoberfest, Old Virginia Dark Lager, Gold Leaf Lager, and Berliner Metro Weiss; and eight bronze medals for its Ale of Fergus in 2010 and 2013, Wintergreen Weiss, Gold Leaf Lager, Ramsey's Draft Stout, Ramsey's Export Stout, Turbo Cougar Bock, and Danzig Porter; and

WHEREAS, at the 2010 and 2012 World Beer Cup, Devils Backbone won two gold medals for its Danzig Porter and Vienna Lager and three bronze medals for its Kollaborator Bock, Morning Bear Coffee, and Schwartz Bier; and

WHEREAS, Devils Backbone has also received numerous awards and recognitions, including the Champion Brewery & Brewmaster Small Brewpub award in the 2010 World Beer Cup, Small Brewpub & Small Brewpub Brewer of the year at the 2012 Great American Beer Festival, and Small Brewing Company & Small Brewing Company Brewer of the year at the 2013 Great American Beer Festival, and has taken home the Virginia Brewers Cup in 2012 and 2013; and

WHEREAS, in addition to earning such prestigious accolades, Devils Backbone has collaborated with the Chesapeake Bay Foundation to produce its Striped Bass Pale Ale, raising \$50,000 for educational awareness programs for the foundation and committing itself to promoting clean water and healthy environmental initiatives in the Commonwealth; and

WHEREAS, known for consistent quality and award-winning products, Devils Backbone has been propelled into a leadership role within the craft brewer industry and helped put Commonwealth craft breweries on the map; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the award-winning Devils Backbone Brewing Company; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Steven Crandall, founder of Devils Backbone Brewing Company, as an expression of the General Assembly's respect and admiration for its commitment to the craft and for providing quality products to the people of the Commonwealth.

HOUSE JOINT RESOLUTION NO. 376

Commending Melinda Duncan.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Melinda Duncan has announced her retirement, after more than 23 years as executive director of the Northern Virginia Emergency Medical Services Council, and was also their administrative assistant/field coordinator prior to becoming the executive director; and

WHEREAS, Melinda Duncan was tasked with developing, implementing, and coordinating a model emergency medical services (EMS) system serving Northern Virginia; and

WHEREAS, Melinda Duncan, during her tenure, served as an effective liaison with federal, state, and regional governments and both private and public organizations and associations in EMS planning and operations; and

WHEREAS, Melinda Duncan maintained a professional and efficient office for those covered by the Northern Virginia EMS Council; and

WHEREAS, Melinda Duncan served in many capacities related to disaster management, including as a member of the NIMS National Emergency Responder Credentialing System workgroup, the National Capital Region Health and Medical working group, and the Governor's EMS Advisory Board's EMS Emergency Management Committee, and she served on numerous other committees relating to EMS and disaster preparedness; and

WHEREAS, Melinda Duncan held numerous certifications, including emergency medical technician instructor and basic trauma life support instructor, and she was also an adjunct instructor for the George Washington University EMS degree program; and

WHEREAS, Melinda Duncan served the Virginia EMS system as a member of the Governor's EMS Advisory Board's Human Resources and Training Committee, which included continuing education, practical development, and other subcommittees; and

WHEREAS, Melinda Duncan served as a volunteer member of the Evergreen Volunteer Fire and Rescue, having served as assistant chief-EMS, captain of EMS, and lieutenant of rescue; she received the Rookie of the Year and Rescue Person of the Year award and was also given the organization's Life Membership award; and

WHEREAS, Melinda Duncan also served as chairwoman of the Regional EMS Council's Directors Group from 1993 to 1997 and just recently passed the books to her replacement as their treasurer; and

WHEREAS, Melinda Duncan graduated summa cum laude from Strayer University in 2002 with a bachelor's degree in business administration; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Melinda Duncan for her distinguished service with the Northern Virginia EMS Council and all her other activities, which have benefited citizens throughout the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Melinda Duncan as an expression of the General Assembly's gratitude for her many years of service and for her valuable contributions to improving the quality of emergency medical services in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 377

Celebrating the life of Madena Jane Seeman.

Agreed to by the House of Delegates, February 27, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Madena Jane Seeman, a longtime resident and mayor of the Town of Vienna, was reared in Fort Hays, Kansas, and passed away on February 23, 2014; and

WHEREAS, Madena Jane Seeman, an admired and deeply dedicated public servant, ably served the Town of Vienna for over 17 years and was the director of the Vienna Community Center preschool program for 20 years; and

WHEREAS, Madena Jane Seeman was first appointed to the Vienna Town Council in 1996 to fill her late husband's unexpired term and was subsequently elected to two additional terms; and

WHEREAS, in 2000, Madena Jane Seeman was elected mayor of the Town of Vienna and won six successive full terms, most recently in 2012; a wise and active leader, she guided the government of the Town of Vienna for the past 14 years and contributed to the town's continuing growth and success; and

WHEREAS, as mayor, Madena Jane Seeman created events to foster more public participation, including a volunteer-recognition ceremony, a holiday reception, and the "Vienna at Your Service" speaker series, in which top town officials describe the activities of their departments; delighted in speaking to students at schools and always recognized Boy Scouts who were visiting the Town Council chambers to earn various merit badges; and was proudest of the Town Council's construction of the Vienna Town Green, a venue for live concerts, sports, and recreation; and

WHEREAS, prior to assuming elected office, Madena Jane Seeman served as the former chairwoman of the Community Enhancement Commission and represented the residents of the Town of Vienna on the Northern Virginia Regional Commission, the Town Association of Northern Virginia, the Environmental Policy Steering Committee, the Tysons Partnership, and the Greater Tysons Coordinating Committee; and

WHEREAS, dedicated to enhancing the infrastructure of Tysons Corner, Madena Jane Seeman supported improvements to walkways, bicycle facilities, trails, and intersections in and around the neighborhood to ensure that local residents have safe, convenient access to work, shopping, and recreation; and

WHEREAS, Madena Jane Seeman, an exemplar of the professionalism and dedication shown by elected officials throughout the Commonwealth, devoted much of her life working to better the Vienna community and was a member of numerous civic and service organizations, such as the Rotary Club of Vienna, Historic Vienna, Inc., and the Patrick Henry Library; and

WHEREAS, Madena Jane Seeman was honored as an exceptional public servant with many awards and accolades, including the Vienna Toastmasters Communication and Leadership Award in 1997 and the *Vienna Times* and Vienna Chamber of Commerce Citizen of the Year award and Rotary Service Above Self award in 1999; and

WHEREAS, Madena Jane Seeman leaves a legacy of noteworthy public service, and although her family, colleagues, and the people of the Town of Vienna mourn her loss, memories of her dedication, strength, and love will never be forgotten; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Madena Jane Seeman, former mayor of the Town of Vienna; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Madena Jane Seeman, former mayor of the Town of Vienna, as an expression of the General Assembly's respect for her memory and admiration for her service to the Town of Vienna and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 378

Commending Kenneth Hodges.

Agreed to by the House of Delegates, March 3, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Kenneth Hodges of South Boston has spent almost his entire life in the logging business; he is president of H & M Logging, Inc., a highly successful timber firm; and

WHEREAS, at age 10, Kenneth Hodges was earning money in his own right, mowing lawns and working in the tobacco fields of Southside Virginia; he soon had saved \$3,300, and when he was 12, he bought a new tractor for \$6,000; and

WHEREAS, as a young teenager, Kenneth Hodges could legally drive the tractor, but not a car; with his tractor, he was hired by farmers and loggers in the area and earned the money to repay the loan for the tractor; he proudly repaid the debt in four years; and

WHEREAS, by the time he was a young adult, Kenneth Hodges was part owner of the logging company that would eventually become H & M Logging, Inc.; the former sole proprietor of the firm formed a partnership with Kenneth Hodges, and the newly created company was named M & H Logging, Inc.; and

WHEREAS, with an abundant supply of timber in Halifax County and southern Virginia, the partners invested in new and upgraded equipment, resulting in a large increase in production; the company soon was hauling 40 truckloads of logs weekly, up from three or four weekly loads; and

WHEREAS, in 1986, Kenneth Hodges became the majority owner of the company, renaming it H & M Logging, Inc.; there was further investment and expansions of the business; in 1989, Kenneth Hodges became the sole owner of the firm; he also has branched out into related real estate investments; and

WHEREAS, H & M Logging, Inc. has grown steadily under Kenneth Hodges' leadership; it successfully weathered the economic downturn that began in 2008; today, the company has crews cutting timber six days a week and more than 20 drivers—the firm cuts as many as 350 loads of logs a week; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Kenneth Hodges, president of H & M Logging, Inc., for his service to the community as a small business owner in South Boston; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kenneth Hodges as an expression of the General Assembly's admiration and appreciation for his years of hard work as a successful business owner in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 379

Commending the Rotary Club of Roanoke.

Agreed to by the House of Delegates, March 3, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, the Rotary Club of Roanoke celebrates 100 years of placing "service above self" in the Roanoke community on April 25, 2014; and

WHEREAS, founded on April 14, 1914, the Rotary Club of Roanoke is one of the oldest Rotary clubs in the world; over the years, the members of the club have contributed to the health and well-being of communities around the world; and

WHEREAS, the Rotary Club of Roanoke has worked to spread its message throughout the Commonwealth, guiding the establishment of 11 other Rotary clubs; and

WHEREAS, the Rotary Club of Roanoke has bettered the local community in a variety of ways; the club supported students by establishing a student loan fund and contributing \$7,500 to the 4-H Camp at Smith Mountain Lake; and

WHEREAS, the Rotary Club of Roanoke played an active role in the Renew Roanoke project by donating \$27,000; members of the club have volunteered for the Salvation Army, the Bradley Free Clinic, and the Rescue Mission; and

WHEREAS, in cooperation with other Rotary clubs in the Roanoke Valley, the Rotary Club of Roanoke leads the Military Families Organization Project, which has raised over \$100,000; and

WHEREAS, over the years, the Rotary Club of Roanoke has contributed almost \$590,000 to the Rotary Foundation; \$62,000 of the club's contributions have gone to Polio Plus, a campaign working to eradicate polio and other diseases through immunizations; and

WHEREAS, at the international level, the Rotary Club of Roanoke has helped raise money to build a school and a clinic in Kenya and build wells in Haiti, India, and Ghana; the club also supports the Avoidable Blindness Project, which trains ophthalmologists in other countries; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Rotary Club of Roanoke on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Rotary Club of Roanoke as an expression of the General Assembly's admiration for the club's commitment to helping those in need in the community, the Commonwealth, and the world.

HOUSE JOINT RESOLUTION NO. 380

Commending Margaret Johnson.

Agreed to by the House of Delegates, March 3, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Margaret Johnson, a devoted educator and a vibrant and beloved member of the Newport News community celebrates her 100th birthday in 2014; and

WHEREAS, a native of Newport News, Margaret Johnson was born on March 21, 1914, to Katie Scott Fields and Dr. Sterling O. Fields; and

WHEREAS, Margaret Johnson attended public schools in Hampton and Norfolk; she later earned a bachelor's degree from Virginia State University, where she graduated first in her class, and a master's degree from Hampton Institute (now University); and

WHEREAS, Margaret Johnson helped prepare the youth of the community for higher education, careers, and citizenship as an educator in Mecklenburg County, earning many awards and accolades over the course of her career; and

WHEREAS, later joining the Virginia State School for the Deaf and Blind in Hampton, Margaret Johnson enjoyed 28 years with the school, becoming the acting director of education and a member of the board of visitors after her well-earned retirement; and

WHEREAS, Margaret Johnson shared her leadership and experience as a member of Alpha Kappa Alpha, Inc., for more than 80 years and as a longtime member of St. Augustine's Episcopal Church, where she held many positions; and

WHEREAS, the devoted matriarch of a large family, Margaret Johnson and her husband were married for 70 years, and she has four children, nine grandchildren, and six great-grandchildren; and

WHEREAS, Margaret Johnson is deeply respected in her community for her wisdom, honesty, and compassion; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Margaret Johnson, a dedicated educator and a dynamic member of the Newport News community, on the occasion of her 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Margaret Johnson as an expression of the General Assembly's congratulations and respect.

HOUSE JOINT RESOLUTION NO. 381

Celebrating the life of Betty Morgan Incorminias.

Agreed to by the House of Delegates, March 3, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Betty Morgan Incorminias, an admired educator and counselor and beloved member of the Newport News community, died on January 27, 2014; and

WHEREAS, a native of Newport News, Betty Incorminias graduated from George Washington Carver High School; she earned a bachelor's degree from what is now known as St. Augustine's University and a master's degree from The College of William and Mary; and

WHEREAS, Betty Incorminias began her career as an elementary school teacher, working to prepare the youth of Newport News for success in further education and responsible citizenship; and

WHEREAS, later serving as a school counselor, Betty Incorminias influenced and enriched the lives of countless students; a leader in the counseling field, she mentored many colleagues and served on the Peninsula Counselors Association; and

WHEREAS, a devout and caring woman, Betty Incorminias enjoyed fellowship and worship with the community as an active member of St. Augustine's Episcopal Church, where she offered her wisdom and leadership as the director of Christian education and Vacation Bible School and a Sunday school teacher; and

WHEREAS, Betty Incorminias was a proud member of the Lambda Omega chapter of Alpha Kappa Alpha, Inc., and a loyal friend and valued member of the Friendly Girls pinochle team; and

WHEREAS, predeceased by her husband, Creighton, Betty Incorminias will be fondly remembered and greatly missed by her children, Creighton III, Miguel, and Ana-Maria, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Betty Morgan Incorminias, a devoted educator and counselor and beloved member of the Newport News community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Betty Morgan Incorminias as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 382

Commending the Honorable S. Randolph Sengel.

Agreed to by the House of Delegates, March 3, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, the Honorable S. Randolph Sengel, a resident of Alexandria since 1960, graduated from T. C. Williams High School in 1967, and after graduating from Williams College, attended Yale University Divinity School for one year before leaving to study law receiving his Juris Doctor degree from the University of Virginia; and

WHEREAS, after law school, he established a private practice in which he specialized in criminal defense, domestic violence, and real estate law; in 1979, the Honorable S. Randolph Sengel joined the Alexandria Office of the Commonwealth's Attorney, where he handled legal matters before the Alexandria General District Court before becoming Deputy Commonwealth's Attorney for the City of Alexandria in 1985; and

WHEREAS, in 1997, the Honorable S. Randolph Sengel, a highly skilled and experienced prosecutor, was elected Alexandria's Commonwealth's Attorney and has served as prosecutor for more than three decades, leading an office of 14 attorneys and other personnel with professionalism, fairness, and distinction; and

WHEREAS, the Honorable S. Randolph Sengel was devoted to his job and focused on the cases before his office, warding off the influence of politics; and

WHEREAS, according to the city's description of the duties of the Alexandria Commonwealth Attorney's Office, under his leadership, "programs within the office include civic association liaisons, a multi-jurisdictional drug prosecution program, which assigns an experienced assistant to prosecute higher level drug cases in federal court, and the Victim-Witness Assistance Program, which provides information, referral, and support services to crime victims and witnesses throughout the criminal justice process"; furthermore, "attorneys in the office participate in the Youth Policy Commission, the Economic Opportunities Commission, the City Wide Code Compliance Task Force, and the Domestic Violence Intervention Project"; and

WHEREAS, the administration of the Honorable S. Randolph Sengel has been characterized as a collaborative effort between a dedicated and professional staff of assistant prosecutors and support personnel in order to provide the highest standards of efficiency, fairness, and accountability in the prosecution of criminal cases; and

WHEREAS, although his personal style has been described as "understated and quiet," the Honorable S. Randolph Sengel, a great student of the law, often showed up at crime scenes in his signature trench coat; he was singled out as the only prosecutor known to have copies of *Rolling Stone* magazine in the reception area of his office; he is a huge Bob Dylan fan and also kept a picture of John Lennon in his office to remind visitors that Lennon was a victim of homicide; and

WHEREAS, due to his legal acumen, the Honorable S. Randolph Sengel was appointed to the Virginia Criminal Sentencing Commission and the Virginia Forensic Science Board, where he served as chairman for two terms, and as a board member of the Commonwealth's Attorneys' Services Council, the Center for Alexandria's Children, and the Alexandria Community Criminal Justice Board; and

WHEREAS, in April 2013, the Honorable S. Randolph Sengel was awarded the George Washington Chapter of the Sons of the American Revolution Law Enforcement Commendation Medal for his distinguished legal career; and

WHEREAS, during his retirement, the Honorable S. Randolph Sengel plans to continue international travel and fish in remote parts of Alaska where there is no cellphone service; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Honorable S. Randolph Sengel hereby be commended; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable S. Randolph Sengel as an expression of the General Assembly's appreciation of his outstanding service to the Commonwealth and best wishes for a well-deserved retirement.

HOUSE JOINT RESOLUTION NO. 383

Commending Susan Oweis.

Agreed to by the House of Delegates, March 3, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Susan Oweis, the Head of School at Providence Classical School in Williamsburg, has dedicated her entire life to the education of the Commonwealth's youth; and

WHEREAS, after receiving her bachelor's degree from Christopher Newport University, Susan Oweis continued her education by earning a master's degree from Old Dominion University and an educational specialist degree from George Washington University; and

WHEREAS, a lifelong educator, Susan Oweis worked as a classroom teacher for York and James City Counties and as an assistant principal at Queen's Lake Middle School before becoming Head of School at Providence Classical School in 2007; and

WHEREAS, embracing the classical concepts of teaching students the value of critical thinking and how to be lifelong learners, Susan Oweis has created a rewarding educational environment by sharing her enthusiasm for learning with students and faculty members; and

WHEREAS, when asked to establish a rhetoric school (a classical high school), Susan Oweis helped create an academically challenging, college prep-level, Christ-centered upper school; she helped develop a rhetoric plan, oversaw the curriculum, and established new traditions like a House system and the Junior Ring Ceremony; and

WHEREAS, committed to her students, Susan Oweis greets each child every morning, takes an interest in their home lives, offers support and guidance to children in need, and invests in the lives of the faculty members and school parents; and

WHEREAS, a loyal and inspirational leader, Susan Oweis has made a positive impact on the lives of countless students and the community of Williamsburg; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Head of School at Providence Classical School, Susan Oweis, for her years of dedicated service to the children of the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Susan Oweis as an expression of the General Assembly's respect and admiration for the role she has played in giving students the tools to become successful, responsible citizens.

HOUSE JOINT RESOLUTION NO. 384

Commending Hampton Christian Academy.

Agreed to by the House of Delegates, March 3, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Hampton Christian Academy, which opened in Hampton in 1937, celebrates 77 years of providing quality educational services to Christian families; and

WHEREAS, Hampton Christian Academy, formerly known as Hampton Christian Schools, began when a group of concerned pastors and Christian educators met to discuss how best to help Christian students and their families facing challenging educational needs; and

WHEREAS, the group decided to form a Christian school, with the goal of providing to students a Christ-centered, quality academic education in a Biblically directed learning environment that prepares students for leadership and Christian service in the local community and in the world; and

WHEREAS, during the original phase of the school, located at Sinclair Circle in Hampton, the school, known then as Mary Atkins Christian Day School, served students from preschool through elementary grade levels; and

WHEREAS, in 1978, the school formally incorporated and changed its name to Hampton Christian Schools and began to serve middle school and high school students with a college preparatory curriculum; and

WHEREAS, in 1980, the first senior class completed all the school and state course requirements for graduation; in 1987, the school moved its offices and middle and high school students into its current location at 2419 North Armistead Avenue, and, in 2008, the school added a new building to its facilities; and

WHEREAS, in 1997, the school met all the requirements and conditions for formal accreditation as a private school in Virginia, and the Association of Christian Schools International issued a formal statement of accreditation; and

WHEREAS, on January 30, 2014, the Virginia State Corporation Commission recognized the school by its current name and it became known to all its constituents and the community as Hampton Christian Academy; and

WHEREAS, Hampton Christian Academy has been supported in all its endeavors by generous individuals and local churches, a volunteer board of directors, and certified teachers who provide quality instruction; and

WHEREAS, for the past 77 years, the staff and leaders of Hampton Christian Academy have offered love, compassion, and spiritual guidance to multiple generations of students, while reaching out to the local community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Hampton Christian Academy on the occasion of its 77th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Hampton Christian Academy as an expression of the General Assembly's congratulations on the school's anniversary.

HOUSE JOINT RESOLUTION NO. 385

Commending the Virginia National Guard.

Agreed to by the House of Delegates, February 28, 2014

Agreed to by the Senate, March 3, 2014

WHEREAS, the courageous soldiers and airmen of the Virginia National Guard have made outstanding and valuable contributions to the defense of the United States and the security of the Commonwealth and have advanced the cause of freedom around the world; and

WHEREAS, since the terrorist attacks of September 11, 2001, more than 15,000 Virginia soldiers and airmen have served on active duty in support of Operations Noble Eagle, Enduring Freedom, Iraqi Freedom, and New Dawn, helping to maintain security in the United States and further the cause of freedom around the world; and

WHEREAS, four soldiers from the Virginia Beach-based 1945th Contingency Contracting Team mobilized in February 2014 for federal active duty in Afghanistan, two soldiers from the Fort Pickett-based 134th Chaplain Support Team mobilized for federal active duty in January 2014, and 10 soldiers from the Sandston-based Detachment 26, Operational Support Airlift Command mobilized for federal active duty in Afghanistan in November 2013; and

WHEREAS, about 150 soldiers from the Emporia-based 1710th Transportation Company returned to the United States in February 2014 after serving on federal active duty since April 1, 2013, where they conducted transportation support operations at Kandahar Airfield in Afghanistan; the 192nd Fighter Wing supported two overseas F-22 Raptor fighter aircraft deployments providing critical air dominance capabilities to combatant commands in key areas of the world and mobilized 38 airmen in support of global intelligence, surveillance, and reconnaissance operations around the world; and additional soldiers and airmen conducted individual federal mobilizations supporting global operations; and

WHEREAS, since 2001, more than 7,300 Virginia National Guard personnel have responded to fires, floods, hurricanes, snowstorms, and other natural disasters, assisting citizens of the Commonwealth and other states in their time of need; and

WHEREAS, more than 600 Virginia National Guard soldiers and airmen and members of the Virginia Defense Force supported the 57th Presidential Inauguration on January 21, 2013, in Washington, D.C., and Northern Virginia, and more than 160 Virginia National Guard personnel mobilized for state active duty on March 6, 2013, in direct support to the Virginia State Police and other state and local emergency response agencies conducting operations after heavy snow blanketed the Commonwealth; and

WHEREAS, several Virginia National Guard units received national recognition in 2013: the Virginia Beach-based 229th Military Police Company received the Pershing Trophy from the National Guard Association of the United States as the National Guard unit with the top marksmanship skills in the country; the Gate City-based 1032nd Transportation Company won the Department of the Army Philip A. Connelly Award for Excellence in Army Food Service; the Virginia Beach-based 529th Combat Sustainment Support Battalion received the Reckord Trophy for the highest state of readiness in the country from the National Guard Association of the United States; and the Lynchburg-based 1st Battalion, 116th Infantry Regiment received the Kerwin Readiness Award as the most combat-ready Army National Guard battalion in the country from the Association of the United States Army; and

WHEREAS, the Petersburg-based Funeral Honors Program performed at its 10,000th military funeral on February 13, 2013, and has conducted more than 12,500 total; and

WHEREAS, the State Partnership Program celebrated 10 years of working with the armed forces of the Republic of Tajikistan to the benefit of both forces on July 31, 2013; and

WHEREAS, Virginia Army and Air Guard engineers from the 276th Engineer Battalion and 203rd RED HORSE Squadron supported the City of Petersburg by removing derelict structures associated with the drug trade; and

WHEREAS, the all-volunteer Virginia Defense Force continues to be integrated into every major operation conducted by the Virginia National Guard and embodies the spirit of selfless service; and

WHEREAS, the Virginia National Guard could not perform its mission without the support of the civilian workforce, families, employers, and community members; and

WHEREAS, the Virginia National Guard is recognized as one of the best in the nation in many critical areas and provides a ready, reliable, relevant, and rapidly responding force that deploys as directed by the Governor to assist state and local authorities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia National Guard and its dedicated soldiers, airmen, and civilian employees for their devotion to duty and their many outstanding and valuable contributions to the defense of the United States and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Major General Daniel E. Long, Jr., adjutant general of Virginia, on behalf of the patriotic soldiers, airmen, and civilian employees under his command as an expression of the General Assembly's gratitude for their dedication to the citizens of the Commonwealth, the nation, and the world.

HOUSE JOINT RESOLUTION NO. 386

Confirming various appointments by the Joint Rules Committee and the Speaker of the House of Delegates.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 8, 2014

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly confirm the following appointments made by the Joint Rules Committee:

1. An appointment to the Commonwealth Health Research Board pursuant to § 23-278 of the Code of Virginia:

Kenji M. Cunnion, M.D., 601 Children's Lane, **Norfolk**, Virginia 23507, Member, for a term of five years beginning April 1, 2013, and ending March 31, 2018, to succeed Karsten F. Konerding, M.D.;

2. An appointment to the Board of Trustees of the Virginia Retirement System pursuant to § 51.1-124.20 of the Code of Virginia:

Joseph W. Montgomery, 428 McLaws Circle, **Williamsburg**, Virginia 23185, Member, for a term of five years beginning March 1, 2014, and ending February 28, 2019, to succeed Edwin T. Burton; and be it

RESOLVED FURTHER, That the General Assembly confirm the following appointment made by the Speaker of the House of Delegates:

An appointment to the Board of Directors of the Virginia Commonwealth University Health System Authority pursuant to § 23-50.16:5 of the Code of Virginia:

Wilhelm A. Zuelzer, M.D., Post Office Box 980153, **Richmond**, Virginia 23298, Member, to serve an unexpired term beginning November 1, 2013, and ending June 30, 2015, to succeed Michael Gonzalez.

HOUSE JOINT RESOLUTION NO. 387

Commemorating the 50th anniversary of the Civil Rights Act of 1964.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, on July 2, 1964, President Lyndon Baines Johnson signed the Civil Rights Act of 1964 into law, legislation proposed by President John Fitzgerald Kennedy and the most sweeping civil rights legislation since Reconstruction; and

WHEREAS, after the abolishment of slavery, the Thirteenth, Fourteenth, and Fifteenth Amendments to the United States Constitution, commonly referred to as the Reconstruction Amendments, were adopted to end slavery, grant equal protection under the law, and extend the right to vote to all citizens without regard to race, color, or previous servitude; and

WHEREAS, the Civil Rights Act of 1964 was preceded by other legislative attempts, including the Civil Rights Acts of 1866, 1870, 1871, and 1875, which bestowed upon African Americans the right to sue and be sued, to give evidence, and to hold real property and personal property and other social rights; and

WHEREAS, after Reconstruction, the rights previously afforded African Americans were stripped away by state constitutions, "Black Codes," and "Jim Crow" laws designed to circumvent and thwart the newfound freedoms of former slaves and their descendants; and

WHEREAS, under the doctrine of "separate but equal," established in *Plessy v. Ferguson*, 163 U.S. 537 (1896), public schools, housing, drinking fountains, public services and accommodations, bus stops and transportation, courtrooms, restaurants, entertainment, the military, and other facilities were segregated; and

WHEREAS, in 1954, the historic United States Supreme Court decision in *Brown v. Board of Education*, 347 U.S. 483 (1954), in which the doctrine of "separate but equal" was ruled unconstitutional, acted as one of the catalysts for the Civil Rights Movement, and African Americans were joined by many civil rights supporters throughout the nation, who endured attacks by dogs and high-pressure water hoses; brutal beatings; tear gas; illegal searches and arrests; threats; lynchings; bombings; mysterious disappearances of relatives, friends, and allies; decades of literacy and voter qualification tests and other illegal barriers to the right to vote; and invidious racism and unspeakable indignities to secure their freedom and equality; and

WHEREAS, on August 28, 1963, more than 200,000 people participated in the March on Washington, D.C., to demonstrate their support of civil rights for African American citizens, and the mass demonstration, as well as the violent attacks on peaceful demonstrators in Birmingham, Alabama, in the spring of 1963, galvanized support for national legislation against segregation, causing a cataclysmic change in the political and social order in America; and

WHEREAS, in 2014, the nation will commemorate the 50th anniversary of the landmark Civil Rights Act of 1964, which bans segregation on the basis of race, color, religion, gender, or national origin at all places of public accommodation and prohibits discrimination by employers and labor unions and the use of federal funds for any discriminatory program; and

WHEREAS, the Act subsequently has been amended by Congress to extend the protections of the law to disabled Americans, the elderly, and women in collegiate athletics programs; and

WHEREAS, the Civil Rights Act of 1964 ended legal segregation, and it is fitting and appropriate that the enactment of this historic legislation be commemorated in the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the 50th anniversary of the Civil Rights Act of 1964 hereby be commemorated and the citizens of the Commonwealth be encouraged to observe this important occasion in the history of the nation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Secretary of Education, the Executive Director of the State Council of Higher Education for Virginia, the presidents of the Virginia Bar Association and the Old Dominion Bar Association, the Executive Director of the National Association for the Advancement of Colored People, Virginia State Chapter, and the chairman of the Virginia chapter of the Southern Christian Leadership Conference, requesting that they further disseminate copies of this resolution to their respective constituents so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

HOUSE JOINT RESOLUTION NO. 388

Commending Wilson Clatterbuck.

Agreed to by the House of Delegates, March 3, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Wilson Clatterbuck of the Lee District of Fauquier County was honored as a 2013 Citizen of the Year by the Fauquier County Board of Supervisors; and

WHEREAS, Wilson Clatterbuck has admirably served the Lee District and Fauquier County in both his professional and personal life; he worked at the Remington Post Office for 32 years and was postmaster for the final 12 years of his employment; and

WHEREAS, Wilson Clatterback is a dedicated public servant; he has been a member of the Remington Town Council for eight years, ably handling the affairs of the historic small town nestled in the rolling countryside; and

WHEREAS, community involvement comes naturally to Wilson Clatterback; he belongs to American Legion Post 242 and has been a member of the Sumerduck Ruritan Club for almost 50 years, serving as treasurer for 22 years; he is a regular volunteer at the group's fundraising events and is quick to help in other ways; and

WHEREAS, Wilson Clatterback enjoys fellowship and worship at Mount Holly Baptist Church; he is the church treasurer and has been a deacon since 1999; he also has taught Sunday School, worked at Vacation Bible School, helped build an addition to the church, and lent a hand in many other ways; and

WHEREAS, providing a quietly positive influence on the community, Wilson Clatterback has tirelessly worked for the betterment of Fauquier County, deriving great personal satisfaction from his efforts to help his neighbors; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Wilson Clatterback for being named the 2013 Citizen of the Year for the Lee District of Fauquier County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Wilson Clatterback as an expression of the General Assembly's respect and admiration for a life of public service to the people of Fauquier County.

HOUSE JOINT RESOLUTION NO. 389

Celebrating the life of Eldridge Bryan Smith.

Agreed to by the House of Delegates, March 3, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Eldridge Bryan Smith of Rectortown in Fauquier County, a loving husband and father, a man of faith, a Scoutmaster, and a community volunteer, died on September 4, 2013; and

WHEREAS, in recognition of his many valuable contributions to Fauquier County, Eldridge Smith was honored as the Scott District 2013 Citizen of the Year by the Fauquier County Board of Supervisors; and

WHEREAS, Eldridge Smith, who was a produce worker for many years, was always willing to help; he volunteered in many capacities throughout the community and was a true giver—wise and compassionate; and

WHEREAS, a humanitarian with a steady outlook on life, Eldridge Smith's example and actions were an inspiration to many people; he was a role model who quietly worked for the betterment of his fellow citizens and Fauquier County; and

WHEREAS, a man of faith, Eldridge Smith served graciously at Mount Olive Baptist Church in Rectortown, where he enjoyed fellowship and worship; and

WHEREAS, Eldridge Smith sought nothing in return for his service to others and the impact of his contributions to Fauquier County will be valued and appreciated; and

WHEREAS, Eldridge Smith will be greatly missed and fondly remembered by his wife, Juanita; daughter, Carolyn; and many other family members, friends, and neighbors; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Eldridge Bryan Smith, a loving husband and father, a man of faith, a Scoutmaster, and a community leader, who resided in Rectortown in the Scott District of Fauquier County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Eldridge Bryan Smith as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 390

Commending Bonnie L. Simmons.

Agreed to by the House of Delegates, March 3, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Bonnie L. Simmons, a faithful and dedicated public servant for the citizens of Rockingham County and the City of Harrisonburg, retired from the local court system in January 2014; and

WHEREAS, on June 25, 1984, Bonnie Simmons began working part-time as magistrate, and later, on October 1, 1989, was promoted to the position of full-time magistrate; and

WHEREAS, employed by the Virginia Supreme Court in November 1994, Bonnie Simmons served as clerk for the Harrisonburg-Rockingham General District Court of the 26th Judicial District; and

WHEREAS, during her tenure as clerk, Bonnie Simmons served under Judge John A. Paul, Judge William D. Heatwole, Judge Richard A. Claybrook, Jr., and for numerous substitute judges; she was responsible for facilitating the orderly conduct of the court's business and ensured that all who found themselves before the court were treated with courtesy and respect; and

WHEREAS, Bonnie Simmons was a source of guidance and wisdom as the court underwent many progressive and innovative improvements during her time with the District Court, including the computerization of records and online access to public records of the court; and

WHEREAS, possessing exceptional leadership skills, Bonnie Simmons has assisted in the training of new magistrates, deputy clerks, and substitute judges; she has also assisted the special selection committee that honors employees for their exemplary service within the Virginia court system; and

WHEREAS, after nearly 30 years of loyal service to the citizens of Rockingham County and the City of Harrisonburg, Bonnie Simmons retired on January 21, 2014; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bonnie L. Simmons on the occasion of her retirement from the Harrisonburg-Rockingham General District Court of the 26th Judicial District; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bonnie L. Simmons as an expression of the General Assembly's respect and admiration for her untiring and committed service to the citizens of Rockingham County and the City of Harrisonburg.

HOUSE JOINT RESOLUTION NO. 391

Commending Carl Bailey.

Agreed to by the House of Delegates, March 3, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Carl Bailey of the Cedar Run District of Fauquier County was honored as a 2013 Citizen of the Year by the Fauquier County Board of Supervisors; and

WHEREAS, Carl Bailey has made immeasurable contributions to Fauquier County, especially in the area of youth sports; in 1978, he began urging that county baseball leagues be established for the young people of Fauquier; and

WHEREAS, as a director of the Fauquier County youth baseball program from the mid-1970s through the late 1980s, Carl Bailey helped lay the foundation for today's extensive youth sports program; in the early years, baseball teams were formed in many areas of the county; and

WHEREAS, because the teams needed a place to play their games, Carl Bailey worked closely with the Fauquier County Department of Parks and Recreation to find baseball fields, and he also assisted with scheduling the games; and

WHEREAS, Carl Bailey also was a youth baseball coach who focused on sportsmanship and baseball fundamentals; he instructed his players on and off the field, including instilling the lesson that winning should not be the most important goal in life; and

WHEREAS, continuing to serve his county in many ways, Carl Bailey is a past president of the Catlett-Calverton-Casanova Ruritan Club and has served on the Fauquier County Disability Services Board; and

WHEREAS, Carl Bailey is currently chairman of the Fauquier County Department of Parks and Recreation Board, where he has been a member since 1990; he has accomplished a number of important community initiatives during his tenure; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Carl Bailey of the Cedar Run District of Fauquier County for being honored as a 2013 Fauquier County Citizen of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Carl Bailey as an expression of the General Assembly's respect and admiration for his dedication to youth sports in Fauquier County and for his many years of service.

HOUSE JOINT RESOLUTION NO. 392

Commending the Fauquier Heritage and Preservation Foundation, Inc.

Agreed to by the House of Delegates, March 3, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, the Fauquier Heritage and Preservation Foundation, Inc., located in the Marshall District of Fauquier County, was honored as a 2013 Fauquier County Citizen of the Year; and

WHEREAS, the Fauquier Heritage and Preservation Foundation, which is in the Town of Marshall, has done an exemplary job of keeping the history and heritage of Fauquier County alive for present and future generations; and

WHEREAS, the John Kenneth Gott Library of the Fauquier Heritage and Preservation Foundation contains an outstanding collection of primary source archival material related to the history of Fauquier County; and

WHEREAS, individual stories from Fauquier County's past can be found in the collections of the Fauquier Heritage and Preservation Foundation, and those histories have added a human element that appeals to many budding historians and students of Fauquier's earlier days; and

WHEREAS, dedicated volunteers as well as the members of the board of directors of the Fauquier Heritage and Preservation Foundation have worked tirelessly to encourage citizens to become more familiar with Fauquier County's rich heritage; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Fauquier Heritage and Preservation Foundation, Inc., for being honored as the 2013 Fauquier County Citizen of the Year from the Marshall District; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert L. Sinclair, president of the Fauquier Heritage and Preservation Foundation, Inc., as an expression of the General Assembly's respect and admiration for the organization's work to keep the history of Fauquier County alive for present and future generations.

HOUSE JOINT RESOLUTION NO. 393

Commending Taylor MacLeod.

Agreed to by the House of Delegates, March 3, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Taylor MacLeod, an aspiring and talented taekwondo athlete on Team Power Kix of North Stafford, has been named to the 2014 Junior National Team of USA Taekwondo; and

WHEREAS, Taylor MacLeod won the berth by finishing in first place during the 2014 USA Taekwondo National Team Trials, held in Colorado Springs in January; and

WHEREAS, as one of 13 members of the junior national team, Taylor MacLeod, who will compete in the women's light weight division, will represent the United States at the international competition, which will be held in March in Taipei City, Chinese Taipei; and

WHEREAS, focus and self-confidence held Taylor MacLeod in good stead during the national team trials competition in Colorado; she credited her training and her will to win with helping her to victory; and

WHEREAS, Taylor MacLeod competed in 21 two-minute rounds on her way to the first-place prize in the national taekwondo tournament; toward the end, adrenaline and resolve kept her going, and she received great support from the rest of the members of Team Power Kix; and

WHEREAS, Taylor MacLeod is coached by Arlene Limas, head coach of Team Power Kix, who is convinced that Taylor MacLeod—and her teammates—will experience great success in the future; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Taylor MacLeod for being named as a member of the 2014 Junior National Team of USA Taekwondo; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Taylor MacLeod as an expression of the General Assembly's congratulations and admiration for her talent, hard work, and dedication.

HOUSE JOINT RESOLUTION NO. 394

Commending Team Power Kix.

Agreed to by the House of Delegates, March 3, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Team Power Kix, an enthusiastic and disciplined team of taekwondo martial arts competitors from North Stafford, won several medals at the 2014 USA Taekwondo National Team Trials, held in January; and

WHEREAS, the talented members of Team Power Kix won a first-place, a second-place, and three fourth-place medals during the five-day competition in Colorado Springs; and

WHEREAS, the seven members of Team Power Kix who attended the event were Charlie Buset, Keegan Chaney, Brandon Curry, Matt Gallagher, Brayden Hanny, Taylor MacLeod, and Joey Rohal; the group competed against more than 500 athletes, including five Olympic medalists; and

WHEREAS, Team Power Kix member Taylor MacLeod, who was selected for the 2014 Junior National Team, will compete in the women's light weight division in the world championships to be held in Taipei City, Chinese Taipei, in March; and

WHEREAS, Team Power Kix member Charlie Buset was named to the 2014 Junior National B Team; the rest of the hardworking and dedicated squad from Power Kix Martial Arts studio also contributed to the group's success; and

WHEREAS, the coach of Team Power Kix, Arlene Limas, is convinced that many of the athletes who train at her studio in North Stafford are top-tier taekwondo athletes and will enjoy many successes in the future; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Team Power Kix for its hard work and success at the 2014 USA Taekwondo National Team Trials; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Arlene Limas, head coach of Team Power Kix, as an expression of the General Assembly's congratulations for its hard work, discipline, and success.

HOUSE JOINT RESOLUTION NO. 395

Commemorating the 100th anniversary of the birth of Harold Leslie Warner, Jr.

Agreed to by the House of Delegates, March 3, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Harold Leslie Warner, Jr., was born on April 9, 1914, in Texas, and moved to Richmond in 1921; he graduated from Thomas Jefferson High School and was the school's first drum major; and

WHEREAS, at the age of 11, Harold Warner suffered partial paralysis and began playing the organ as a means to help strengthen his left arm; he was a natural musician who played by ear with no technical training; and

WHEREAS, in 1932, at the age of 18, Harold Warner restored the historic Trinity Methodist Church organ, built in 1839 by Henry Erben, one of the most eminent American organ builders of the 19th century; at the time, the Trinity Methodist Church organ was the oldest in Richmond and one of the oldest organs in the country; and

WHEREAS, Trinity Methodist Church acquired the organ in 1861, shortly after the church was built in 1860 at 20th and Broad Streets, and Harold Warner was organist of Trinity Methodist Church from 1933 to 1935; Trinity Methodist Church relocated to Forest Avenue in Henrico County in 1945; and

WHEREAS, in 1950, the Wurlitzer pipe organ in the Landmark Theatre (formerly known as the Mosque and also the Richmond Civic Center) was to be junked when the City of Richmond was unable to fund the estimated \$30,000 needed to recondition the instrument after years of neglect; Harold Warner volunteered his services to save the organ; and

WHEREAS, Harold Warner and other volunteers, notably William Spencer Jones, spent nearly two years of their own time repairing and refurbishing the organ; the city was billed just \$32.50 for parts; and

WHEREAS, after Harold Warner completed repairs to the organ, the magnificent instrument was widely heard over nationally broadcast concerts and through recordings by international and local artists, including Reginald Foort of the British Broadcasting System and Richmond's own Eddie Weaver; these broadcasts and recordings brought fame to the City of Richmond and the Commonwealth; and

WHEREAS, Harold Warner was presented the Sertoma Club Award for Service to Mankind in April 1954 by the Mayor of Richmond, Dr. Edward E. Haddock, in recognition of his work to restore the organ; and

WHEREAS, Harold Warner was a valued Bell Telephone employee for over 26 years; in November 1953, Harold Warner played during the Bell Telephone Company presentation of the 50 millionth telephone to President Dwight D. Eisenhower; and

WHEREAS, on March 15, 1954, Harold Warner was featured performing on the mighty pipe organ during a live broadcast of the *Bell Telephone Hour* radio show, heard coast to coast in the United States; and

WHEREAS, the Bell Telephone Company featured Harold Warner in a full-page advertisement that was published in many national magazines during the 1950s, recognizing him as one of the company's outstanding employees who gave of his own time and talents to help his community; and

WHEREAS, Harold Warner entertained thousands of Virginians as the organist of the Byrd Theatre from 1958 to 1961; and

WHEREAS, Harold Warner was an active member of the Association of Theatre Organ Enthusiasts, now known as the American Theatre Organ Society; he worked tirelessly to arrange the June 1961 national meeting of the group in Richmond; this was the first national meeting of the organization to be held on the East Coast and attracted a record attendance of over 400 members from across the country; and

WHEREAS, Harold Warner passed away on February 14, 1961; he brought great honor to the Commonwealth through his craftsmanship, talent, dedication, and community service; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commemorate the 100th anniversary of the birth of Harold Leslie Warner, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the American Theatre Organ Society as an expression of the General Assembly's gratitude to the organization for its dedication to the preservation of historic theatre organs.

HOUSE JOINT RESOLUTION NO. 396

Celebrating the life of Bess K. Meersman.

Agreed to by the House of Delegates, March 6, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Bess K. Meersman, a successful businesswoman, passionate volunteer, and beloved member of the Alexandria community, died on December 26, 2013; and

WHEREAS, born in East Moline, Illinois, Bess Meersman attended United Township High School and lived most of her adult life in Moline, Illinois; and

WHEREAS, possessed of an entrepreneurial spirit, Bess Meersman was the owner and operator of the Bread Box Bakery and Strawberry Fields Catering in Moline; she later cofounded Campaign Management Services, a campaign consulting firm in the 1990s; and

WHEREAS, Bess Meersman served as the chairwoman of the Rock Island County Republican Party from 1992 to 2000 and as a member of the Illinois Republican State Central Committee; she proudly served as a delegate to the 1992 Republican National Convention; and

WHEREAS, in 2007, Bess Meersman moved to the Commonwealth and settled in Alexandria, where she continued to be a faithful volunteer for political campaigns in Fairfax County; she was also a member of the Monticello Council of Republican Women; and

WHEREAS, a woman of deep and abiding principles, Bess Meersman strived to support her beliefs, and she always exhibited care for and dedication to her family and friends; and

WHEREAS, Bess Meersman will be fondly remembered and greatly missed by her husband, Moss; daughter, Marti; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Bess K. Meersman, a businesswoman, volunteer, and beloved member of the Alexandria community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Bess K. Meersman as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 397

Commending the Honorable Charles E. Poston.

Agreed to by the House of Delegates, March 6, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, the Honorable Charles E. Poston of Norfolk, a former chief judge of the Juvenile and Domestic Relations District Court of the 4th Judicial District of Virginia, retires as a judge of the Circuit Court of the 4th Judicial Circuit of Virginia on March 1, 2014; and

WHEREAS, born in Greenville, South Carolina, Charles Poston attended public schools in Columbia, South Carolina; he earned a bachelor's degree from the University of Richmond, a master's degree from the University of Virginia, and a law degree from The College of William and Mary; and

WHEREAS, Charles Poston was a distinguished 1967 graduate of Indian Town Gap's ROTC summer camp, where he made many lifelong friends; and

WHEREAS, a heroic and decorated veteran, Charles Poston honorably served his country in the United States Army during the Vietnam War; he continued to serve in the United States Army Reserve, where he retired as a lieutenant colonel; and

WHEREAS, Charles Poston married Anita Owings and had three children, Charles Evans, Jr., John Wilson, and Margaret Elizabeth; he was a dedicated family man who successfully managed carpools during the years his children were in grade school; and

WHEREAS, Charles Poston practiced law in the Hampton Roads area from 1974 to 1988; he served as the chairman of the Citizens Advisory Council, the vice chairman of the Virginia Health Services Cost Review Council, and as an administrative hearing officer; and

WHEREAS, in 1988, Charles Poston was appointed as a judge of the Juvenile and Domestic Relations District Court of the 4th Judicial District of Virginia, and he became the chief judge of the court from 1990 to 1994; and

WHEREAS, from 1994 to the present, Judge Poston has presided with great fairness and wisdom over the Circuit Court of the 4th Judicial Circuit of Virginia; he served as chief judge from 1998 to 2001; and

WHEREAS, during his time with the Norfolk Circuit Court, Judge Poston served as a member and chairman of the Judicial Ethics Advisory Committee and as a member of Lawyers Helping Lawyers, the Judicial Council of Virginia, and the Virginia State Bar Professionalism Course faculty; he also served as the presiding judge of the first Mental Health Court in the Commonwealth; and

WHEREAS, Judge Poston works to impart his knowledge and experience as an adjunct professor of law at The College of William and Mary and an adjunct faculty member at Averett University; he previously served as an adjunct faculty member at St. Leo College (now University) and Tidewater Community College; and

WHEREAS, a man of great integrity, Judge Poston served the Norfolk community, the Commonwealth, and the nation with dedication and distinction; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Honorable Charles E. Poston on the occasion of his retirement as a judge of the Circuit Court of the 4th Judicial Circuit of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Charles E. Poston as an expression of the General Assembly's admiration for his service and best wishes on his well-earned retirement.

HOUSE JOINT RESOLUTION NO. 398

Commending the City of Staunton.

Agreed to by the House of Delegates, March 4, 2014

Agreed to by the Senate, March 6, 2014

WHEREAS, the City of Staunton is a dynamic city located in the heart of the Commonwealth's Shenandoah Valley; and WHEREAS, the City of Staunton is widely known as an exceptional community, rich in history and unique characteristics; and

WHEREAS, the City of Staunton values its downtown historic district and established guidelines to protect it in 1996; and WHEREAS, the City of Staunton has utilized comprehensive planning and ordinances, such as the Corridor Overlay Ordinance and Guidelines, to spur investment in its historic district and walkable downtown; and

WHEREAS, the City of Staunton has nurtured partnerships with community organizations, such as the Historic Staunton Foundation and the Staunton Downtown Development Association, to invest in and preserve its historic district; and

WHEREAS, Beverley Street, named after the City of Staunton's founder, William Beverley, runs through the Newtown, Beverley, and Gospel Hill Historic Districts; and

WHEREAS, the City of Staunton's architecture, museums, restaurants, shops, and theatres are essential to the ambience of Beverley Street; and

WHEREAS, the nine blocks of West Beverley Street between Coalter and Jefferson Streets showcase the elements of form, character, and environment required for designation as one of the American Planning Association's Great Streets in their annual competition for "Great Places in America"; and

WHEREAS, Staunton's West Beverley Street was recognized by the American Planning Association as a "2013 Great Street" in their annual designation of "Great Places in America"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the City of Staunton on the occasion of the award and designation by the American Planning Association as a "2013 Great Place in America: Great Street" for West Beverley Street; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the City of Staunton, as an expression of the General Assembly's congratulations and admiration for the city's contributions to the Commonwealth and the nation.

HOUSE JOINT RESOLUTION NO. 399

Commending the Virginia Department of Environmental Quality.

Agreed to by the House of Delegates, March 4, 2014

Agreed to by the Senate, March 6, 2014

WHEREAS, the Virginia Department of Environmental Quality was formed on April 1, 1993, to provide services to protect and enhance the Commonwealth's environment, and all Virginians have benefitted from the agency's significant environmental successes since its inception; and

WHEREAS, the consolidation of the Commonwealth's air, water, and land protection agencies into the Department of Environmental Quality (DEQ) has improved environmental protection efforts and resulted in cleaner air, water, and land; and

WHEREAS, the Commonwealth's air is cleaner—ozone levels have dropped significantly, the number of high-ozone days statewide has dropped 71 percent, and levels of major air pollutants have decreased 42 percent since 1980, despite more stringent national standards for air quality; and

WHEREAS, the amount of nitrogen entering the Chesapeake Bay and its tributaries from point sources has decreased below the Commonwealth's 2011 target of 21.4 million pounds, and the concentration of bacteria has declined significantly in the last 20 years at many stream locations; and

WHEREAS, significant improvements to water quality have been made through the Commonwealth's investments in municipal wastewater treatment plants, sanitary sewers, storm water sewers, septic systems, animal waste structures, and other aquatic and agricultural management systems; and

WHEREAS, the Commonwealth has been meeting the goal of "no net loss" of wetlands since 2002 with more than 3,500 acres being protected through conservation and other means required in permits; and

WHEREAS, since the drought of 2002, the Commonwealth has achieved 100 percent compliance with new regulatory submission deadlines for local and regional water supply plans and achieved successful regionalization of water supply planning, with 97 percent of all localities participating in a regional plan; and

WHEREAS, the Commonwealth's land is cleaner due to DEQ's judicious solid waste management, including recycling, reduction, storage, and treatment of waste; new landfill designs, standards, and monitoring practices reduce waste, better protect soil and groundwater, and allow for the conversion of waste to energy; and

WHEREAS, the statewide recycling rate has increased from 32.2 percent in 2005 to 41.5 percent in 2012; and

WHEREAS, DEQ has led efforts to reduce the number of leaking underground petroleum tanks and overseen the removal of more than 23 million abandoned tires, and the number of tire piles has dropped from more than 1,300 abandoned sites to fewer than 130 due to an aggressive cleanup effort; and

WHEREAS, since 1996, through DEQ's Voluntary Remediation Program, more than 3,400 acres at 275 contaminated sites have been cleaned up and converted from abandoned scrap yards and rail yards into office complexes, medical facilities, or other projects that enhance communities; and

WHEREAS, a great deal of pollution is being treated and prevented through DEQ's permitting, inspections, enforcement, resource management, and planning programs; and

WHEREAS, despite significant challenges, including a steady increase in population, increases in the number of federal rules and regulations, and decreases in financial resources, DEQ has made significant improvements to the Commonwealth's environment; and

WHEREAS, DEQ and its dedicated staff continue to work with all Virginians to meet these challenges, and they remain vigilant to ensure the environment is protected for generations to come; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Department of Environmental Quality on the occasion of its 20th anniversary in 2013; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Department of Environmental Quality as an expression of the General Assembly's admiration for the agency's commitment to protecting the environment and serving the people of the Commonwealth.

HOUSE JOINT RESOLUTION NO. 400

Commending the Honorable James P. Moran.

Agreed to by the House of Delegates, March 6, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, the Honorable James P. Moran, an accomplished public servant who ably represented the residents of Virginia's Eighth Congressional District in the United States House of Representatives for 24 years, retires from public office in 2014; and

WHEREAS, a native of Buffalo, New York, James "Jim" Moran was raised in Massachusetts; after moving to Northern Virginia, he immersed himself in civic life and local politics, joining the Alexandria City Council in 1979 and later serving as mayor of the city; and

WHEREAS, desiring to be of further service to the Commonwealth and the nation, Jim Moran ran for and was elected to the United States House of Representatives; he first took office in 1991 and currently represents the residents of the Cities of Alexandria and Falls Church, Arlington County, and portions of Fairfax County in Virginia's Eighth Congressional District; and

WHEREAS, proudly serving for 12 terms, Jim Moran rose to a leadership position, becoming a senior member on the Committee on Appropriations and the chairman and then ranking member on the Subcommittee on the Interior, Environment and Related Agencies; and

WHEREAS, Congressman Moran also serves as the cochairman of the Congressional Prevention Coalition and the Congressional Animal Protection Caucus and the head of the Task Force on Sovereign Wealth Funds; and

WHEREAS, Congressman Moran worked to enact important legislation on a wide range of issues, including regional transportation, the environment, women's rights, technology, and fair and open trade; and

WHEREAS, Congressman Moran has been a positive force in Northern Virginia, working to protect federal employees and military retirees, supporting investments in the region's defense and technology sectors, and funding the replacement of the Woodrow Wilson Memorial Bridge; and

WHEREAS, an admired leader in the House of Representatives, Congressman Moran formed the New Democratic Coalition in the 1990s; the group works to support fiscal responsibility, free and fair trade, technology and innovation, defense issues, and American economic competitiveness; and

WHEREAS, Congressman Moran is the proud father of four outstanding and accomplished children, Mary, Jimmy, Patrick, and Dorothy; and

WHEREAS, a man of integrity, Congressman Moran has served the Northern Virginia community, the Commonwealth, and the nation with great dedication and distinction; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Honorable James P. Moran, a respected public servant, on the occasion of his retirement as a member of the United States House of Representatives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable James P. Moran as an expression of the General Assembly's admiration for his decades of exceptional service.

HOUSE JOINT RESOLUTION NO. 401

Commending Geraldine Sword.

Agreed to by the House of Delegates, March 4, 2014

Agreed to by the Senate, March 6, 2014

WHEREAS, Geraldine Sword, a devoted volunteer and civil servant, has served the Bristol community in various capacities for many years; and

WHEREAS, raised in the Town of Lebanon, Geraldine Sword has lived most of her life in the City of Bristol; and

WHEREAS, Geraldine Sword enjoyed a career in the banking industry before serving her fellow Bristol residents as an assistant judge and a volunteer election official for over two decades; she was admired as a gracious and enthusiastic worker; and

WHEREAS, Geraldine Sword also served as the treasurer for the Bristol Virginia Republican Committee for eight years; and

WHEREAS, Geraldine Sword donated her time and talents as a volunteer for many other organizations, including the Belle Meadows Garden Club and the Girl Scouts of America, and she is a devout member of Fellowship Chapel Church; and

WHEREAS, playing an active role in helping the youths of Bristol become responsible, successful citizens, Geraldine Sword served on the Stonewall Jackson Elementary PTA and as a longtime member of the Virginia High School Band Boosters; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Geraldine Sword for her lifetime of outstanding service to the Bristol community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Geraldine Sword as an expression of the General Assembly's admiration for her enduring dedication to helping and serving others.

HOUSE JOINT RESOLUTION NO. 402

Commending the National Coalition of 100 Black Women Prince William County chapter.

Agreed to by the House of Delegates, March 4, 2014

Agreed to by the Senate, March 6, 2014

WHEREAS, the National Coalition of 100 Black Women Prince William County chapter works to enhance the community by promoting service, political awareness, and leadership development; and

WHEREAS, the National Coalition of 100 Black Women (NCBW) is a nonprofit volunteer organization for women; the group addresses common issues in local communities and families, advocates for gender and racial equality, and strives to enhance career opportunities through networking and educational programs; and

WHEREAS, the Prince William County chapter of the NCBW was founded on November 17, 2012, with a mission to better the lives of women and their families in the community; and

WHEREAS, playing an active role in the community, the NCBW Prince William County chapter has coordinated health fairs, conducted a political action symposium, and established mentoring programs and scholarships for students; and

WHEREAS, the NCBW Prince William County chapter also created an award honoring women and youths who have provided outstanding service in the health field; and

WHEREAS, in 2013, the NCBW Prince William County chapter received a grant to begin an educational awareness campaign on the increased risk of triple negative breast cancer among African American women; and

WHEREAS, as a result of the campaign, eight churches in the Counties of Prince William and Stafford formed a partnership to expand awareness about the disease; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the National Coalition of 100 Black Women Prince William County chapter for its exceptional contributions to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the National Coalition of 100 Black Women Prince William County chapter as an expression of the General Assembly's admiration for the group's dedication to serving women and families in Prince William County and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 403

Commending Earnie Porta.

Agreed to by the House of Delegates, March 4, 2014

Agreed to by the Senate, March 6, 2014

WHEREAS, Earnie Porta, an outstanding public servant in Prince William County, steps down as Mayor of the Town of Occoquan in 2014; and

WHEREAS, first elected mayor in 2006, Earnie Porta has worked diligently to promote and enhance the Town of Occoquan for four terms; and

WHEREAS, Earnie Porta also donates his time and talents to many civic and service organizations; he is a founding member of Occoquan River Communities, Inc., and sits on the board of Prince William Historic Preservation Foundation, Historic Prince William, and the Optimists International Club of Occoquan-Woodbridge-Neabsco; and

WHEREAS, Earnie Porta offers his leadership and experience to the Prince William Trails and Streams Coalition, the Occoquan Historical Society, the Prince William Public Library System Foundation, and the Turning Point Suffragist Memorial Association; and

WHEREAS, Earnie Porta is a member of the prestigious Prince William Committee of 100, and he authored a book on Occoquan in Arcadia Publishing's *Images of America* series; and

WHEREAS, Earnie Porta earned bachelor's and law degrees from Georgetown University and a master's degree from George Mason University, from which he received the 2006 Josephine Pacheco Award and the 2009 Roy Rosenzweig Alumnus of the Year Award; he is currently a doctoral candidate at Georgetown University; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Earnie Porta for his exceptional service on the occasion of his retirement as Mayor of the Town of Occoquan; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Earnie Porta as an expression of the General Assembly's admiration for his leadership and dedication to the Occoquan community and best wishes on future endeavors.

HOUSE JOINT RESOLUTION NO. 404

Commending Terry A. Pettit.

Agreed to by the House of Delegates, March 4, 2014

Agreed to by the Senate, March 6, 2014

WHEREAS, Terry A. Pettit, a dedicated public servant, has admirably served the people of the Town of Stanley in Page County for more than 40 years as a member of both the Stanley Volunteer Fire Department and the Stanley Volunteer Rescue Squad; and

WHEREAS, for the last 33 years, Terry Pettit has been chief of the Stanley Volunteer Fire Department; he also is the town manager for Stanley, serving his fellow citizens in many capacities; and

WHEREAS, Terry Pettit joined the two first-responder organizations in 1973; his father had become a member of the Stanley Volunteer Fire Department a year earlier, and his mother served on the rescue squad, and he has been an active member of both organizations since then; and

WHEREAS, Terry Pettit has responded to more than 15,000 calls since he became an emergency responder; the work can be exhausting, tragic, and exhilarating—he has helped deliver 11 babies, and has been on duty for 24 hours straight when fighting forest fires, only catching a quick nap in the cab of his pickup truck; and

WHEREAS, despite the emotional toll, Terry Pettit has never given up; he always is ready to respond to the next request for help, and for this extraordinary commitment, he received a 2013 Governor's Volunteerism Award for his 40 years of work with the rescue squad; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Terry A. Pettit, a dedicated public servant, who has admirably served the people of the Town of Stanley as a member of the Stanley Volunteer Fire Department and the Stanley Volunteer Rescue Squad for more than 40 years, and as Stanley town manager; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Terry A. Pettit as an expression of the General Assembly's great respect and admiration for his life of public service to the people of the Town of Stanley and to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 405

Commending Dr. Vinod Chachra.

Agreed to by the House of Delegates, March 4, 2014
Agreed to by the Senate, March 6, 2014

WHEREAS, Visionary Technology in Library Solutions, Inc., founded by Dr. Vinod Chachra as the first spinoff corporation from Virginia Tech, was the recipient of the first ever "Technology Hall of Fame" award in May 2013; and

WHEREAS, presented by the Roanoke-Blacksburg Technology Council, the "Technology Hall of Fame" award recognizes an entity that has made a lasting impact on the region and encompasses the spirit of integrity and innovation, serving as an inspiration to others; and

WHEREAS, in 1980, Dr. Vinod Chachra, a faculty member with Virginia Tech's College of Engineering, started working on an automated circulation and cataloguing system for the university's own Newman Library, known as the Virginia Tech Library System; and

WHEREAS, after spending five years producing software and creating a model, Dr. Chachra established Visionary Technology in Library Solutions, Inc., (VTLS) in 1985 in partnership with Virginia Tech Intellectual Properties and sought to provide state-of-the-art library automation systems to a global market; and

WHEREAS, with an international marketing strategy in mind, Dr. Chachra traveled the world promoting VTLS; he successfully made sales to an Australian university and to the Finnish National Library IT group, where the company was contracted to automate all of Finland's university libraries; and

WHEREAS, operating with integrity and providing quality services to customers, VTLS has become a company known for providing cutting-edge products for the future needs of libraries; and

WHEREAS, through the exceptional leadership of Dr. Chachra, VTLS is an international leader in integrated library automation, digital asset management, and radio frequency identification technology and has six offices around the globe, with a customer base covering more than 1,900 libraries in 44 countries; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dr. Vinod Chachra, founder of Visionary Technology in Library Solutions, Inc., which received the Roanoke-Blacksburg Technology Council "Technology Hall of Fame" award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Vinod Chachra as an expression of the General Assembly's respect and admiration for his commitment to the advancement and development of innovative technology in the Commonwealth and around the world.

HOUSE JOINT RESOLUTION NO. 406

Commending the American Foreign Service Association.

Agreed to by the House of Delegates, March 4, 2014
Agreed to by the Senate, March 6, 2014

WHEREAS, the American Foreign Service Association, the professional association and labor union of the United States Foreign Service, celebrates its 90th anniversary in 2014; and

WHEREAS, this year also commemorates the 90th anniversary of the establishment of the Foreign Service of the United States; and

WHEREAS, established in 1924, the American Foreign Service Association (AFSA) represents the 31,000 active and retired Foreign Service employees of the Department of State, Agency for International Development, Foreign Agricultural Service, Foreign Commercial Service, International Broadcasting Bureau, and the Animal and Plant Health Inspection Service; and

WHEREAS, founded to cultivate an esprit de corps, the AFSA ardently serves as a powerful voice and advocate for the Foreign Service to Congress and the American public; and

WHEREAS, with the support of the AFSA, professional Foreign Service members are given the opportunity to serve as the backbone of American diplomacy, protecting the personal freedoms and liberties the American people hold most dear; and

WHEREAS, in addition to faithfully protecting the men and women of the Foreign Service for nine decades, the AFSA publishes the monthly *Foreign Service Journal*, presents awards for intellectual courage and constructive dissent, strengthens professional training and education for American diplomats, and participates in college scholarship programs for children of Foreign Service members; and

WHEREAS, today, more than 2,600 Foreign Service employees and their families call the Commonwealth home; and

WHEREAS, a year-long commemoration of this historic accomplishment has been planned by the United States Department of State, the AFSA, and communities across the Commonwealth and the nation to recognize the many outstanding contributions of the American Foreign Service Association; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the American Foreign Service Association on the occasion of its 90th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert Silverman, president of the American Foreign Service Association, as an expression of the General Assembly's respect and admiration for the organization's commitment to the men and women of the United States Foreign Service.

HOUSE JOINT RESOLUTION NO. 407

Celebrating the life of Donald W. Parr, Sr.

Agreed to by the House of Delegates, March 4, 2014

Agreed to by the Senate, March 6, 2014

WHEREAS, Donald W. Parr, Sr., a respected businessman and devoted community leader in Hopewell, died on December 9, 2013; and

WHEREAS, as a co-owner of Parr & Abernathy Realty, Inc., since 1986, Donald Parr answered his calling and helped countless people in the area find the perfect home; and

WHEREAS, Donald Parr was an active member of the realty field; he served as a past president of the Southside Board of Realtors and earned many awards and accolades throughout his career; and

WHEREAS, Donald Parr further served the community as a member of the Hopewell-Prince George Chamber of Commerce, and he worked to safeguard the people of Hopewell as a member of the board of directors for the Hopewell Emergency Crew; and

WHEREAS, Donald Parr donated his time and talents to better the lives of his fellow community members as a past president of the Kiwanis Club of Hopewell, a member of Hopewell Downtown Partnership, and a volunteer with Meals on Wheels; and

WHEREAS, Donald Parr enjoyed fellowship and worship with the community as a longtime member of Woodlawn Presbyterian Church; and

WHEREAS, Donald Parr will be fondly remembered and greatly missed by his wife, Paige; sons, Donald, Jr., Michael, and Kevin, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Donald W. Parr, Sr., a respected business owner and a leader in the Hopewell community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Donald W. Parr, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 408

Commending Poplar Heights Recreation Association.

Agreed to by the House of Delegates, March 4, 2014

Agreed to by the Senate, March 6, 2014

WHEREAS, the Poplar Heights Recreation Association was incorporated on March 11, 1954, as a neighborhood swim and tennis club; and

WHEREAS, beginning on April 1, 1954, the Poplar Heights Recreation Association sold shares and currently has 335 shareholders and serves over 1,000 individuals in Fairfax County, Arlington County, the City of Falls Church, and elsewhere; and

WHEREAS, the Poplar Heights Recreation Association is governed by a board of volunteer directors elected by the shareholders and bylaws that prescribe various aspects of the management of the association, its assets, shareholders meetings, and election of the board; and

WHEREAS, the Poplar Heights Recreation Association provides a six-lane lap pool with adjacent diving well, springboard, and slide; a separate wading pool for smaller children; and picnic areas with gas grills for use by members; and

WHEREAS, the Poplar Heights Recreation Association offers programs and activities for persons of all ages and abilities, including individual and group swim and tennis lessons and the Poplar Heights Swim Team; and

WHEREAS, the Poplar Heights Recreation Association offers four lighted hard-surface tennis courts, a separate fenced backboard area, and a professional tennis staff who helps beginners and experienced players perfect their skills; in addition, the association participates in the Tysons Cup League, which organizes tennis competition for men's, women's, and youth singles and doubles and adult mixed doubles; and

WHEREAS, the Poplar Heights Swim Team, known as the "Crush," whose colors are orange and black, has over 125 swimmers age five to 18 from 80 families who belong to the Poplar Heights Recreation Association; and

WHEREAS, the Crush competes in a six-week swim season, from late June through the end of July, as part of the Northern Virginia Swim League, one of the largest youth swim programs in the country, which began in 1956 with eight pools; today, the League has more than 16,000 swimmers on 102 separate teams in 17 divisions, and although a majority of the team's members swim during the summer season only, some swimmers participate in winter swim leagues and swim competitively year-round; and

WHEREAS, the Poplar Heights Recreation Association provides amenities that have enriched the lives of its members and enhanced the quality of life of the community for 60 years; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Poplar Heights Recreation Association on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Hunt Shipman, president of the Poplar Heights Recreation Association board of directors, as an expression of the General Assembly's congratulations and appreciation of the association's service to the citizens of Northern Virginia.

HOUSE JOINT RESOLUTION NO. 409

Commending Woodley Recreation Association.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Woodley Recreation Association, a private, member-owned swim and dive club, was established in the early 1950s in Fairfax County, after the need was recognized for a recreational facility in the community; and

WHEREAS, on June 15, 1954, the organizational meeting was held at Westlawn School, where 250 families expressed an interest in membership and paid the prescribed joining fee, and a nonprofit corporation, Woodley Recreation Association, Inc., was formed; and

WHEREAS, the grand opening ceremonies were held on Saturday, May 28, 1955, and the pool was named "Woodley," to reflect that most of the charter families were residents of the South Woodley neighborhood; and

WHEREAS, in 1956, Woodley Recreation Association became one of the original charter members of the Northern Virginia Swimming League and continues to have active and growing swim and dive teams, winning many divisional team titles over the years; youths ages five to 18 learn and refine swim strokes and dives appropriate for their age levels; the teams compete with other teams in the Northern Virginia area during the months of June and July; and parents are allowed to participate as starters, timers, judges, referees, table workers, and other helpers necessary for a successful meet; and

WHEREAS, since the creation of the Woodley Recreation Association, many families have joined and membership is currently at its highest level in the past 20 years; and

WHEREAS, although the popularity of the Woodley Recreation Association remained high from the 1960s to the 1980s, demographic and other changes in the neighborhood led to a decline in membership in the 1990s; however, certain renovations, creative community outreach, and families with young children who moved into the area have caused a sharp increase in membership; currently, there are more than 300 families and over 1,300 individual members who now enjoy the upgraded facilities; and

WHEREAS, the Woodley Recreation Association's pool, surrounded by trees to provide a sense of seclusion and peace in a fast-paced world, features a 25-meter swimming pool, a 12-foot diving well with two diving boards, lap lanes, a shallow area for beginners, a separate fenced-in baby pool with a playground, a large grassy area with picnic and umbrella tables, lounge chairs, a basketball court, volleyball area, horseshoes, ping-pong tables, and a large pavilion that provides shade on hot days; Woodley Recreation Association members can host parties, receptions, and other social gatherings on the grounds or enjoy leisure time by the pool on a hot summer day; and

WHEREAS, the Woodley Recreation Association provides swim lessons and hosts swim and dive meets, family gatherings, birthday parties, ice cream socials, a raft night, nights for adults and teens, and the neighborhood National Night Out and Halloween Parade; and

WHEREAS, Woodley Recreation Association continues to serve the community's recreational needs and has remained a beautiful green oasis in the midst of a very busy metropolitan area for 60 years; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Woodley Recreation Association; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the president of the Woodley Recreation Association as an expression of the General Assembly's congratulations and best wishes for many years of successful service to the people of Falls Church.

HOUSE JOINT RESOLUTION NO. 410

Commending Myron Blosser.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Myron Blosser, a teacher at Eastern Mennonite School in Harrisonburg, has been named the 2013 Virginia Teacher of the Year by the National Association of Biology Teachers; and

WHEREAS, Myron Blosser's outstanding teaching abilities have long been recognized; he was also named Virginia Teacher of the Year in 1998 by the National Association of Biology Teachers; and

WHEREAS, enthusiasm, energy, and engagement are central features of Myron Blosser's high school science classes; students are drawn to his teaching style and his educational mission extends far beyond the school's campus; and

WHEREAS, Myron Blosser teaches at his alma mater; he is a 1983 graduate of Eastern Mennonite School and earned undergraduate and graduate degrees from Eastern Mennonite University; and

WHEREAS, Myron Blosser's instructional mission is "creating excitement in education by fusing collaboration, relevance, and dynamic participation"; students actively participate in all facets of classroom learning and research, and many of his science students have pursued careers in medicine and health care; and

WHEREAS, students are also engaged in science research outside the classroom; Myron Blosser spearheads an annual three-day trip to the Chesapeake Bay to study watershed issues; his students also help plan an annual Shenandoah Valley Biotechnology Symposium; and

WHEREAS, every summer, Myron Blosser leads a month-long journey across the United States; a travel coach becomes a wireless learning lab, and campsites become seminar rooms as students explore global issues and discuss scientific solutions during the trip; and

WHEREAS, in the classroom and beyond, Myron Blosser's dedication to keeping science on the "cutting edge" for his students over the years helps set him apart; and

WHEREAS, widely respected by his colleagues and a member of many science committees at nearby universities, Myron Blosser has won many other teaching awards during his career; he currently is writing a book about three of his earliest teaching mentors; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Myron Blosser of Eastern Mennonite School in Harrisonburg for being named the 2013 Virginia Teacher of the Year by the National Association of Biology Teachers; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Myron Blosser as an expression of the General Assembly's respect and admiration for his vital work of educating young people as a teacher of biology and for instilling in them a passion for learning and research.

HOUSE JOINT RESOLUTION NO. 411

Commending the Broadway High School one-act team.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, the Broadway High School one-act team won the Virginia High School League Group AAA one-act play competition at the State Theatre Festival on December 3, 2013; and

WHEREAS, admired for their lighthearted, comedic performances, the Broadway High School one-act team showed versatility and skill by choosing to perform a drama in the state competition; and

WHEREAS, the Broadway High School one-act team performed *Booby Trap*, an emotional piece focusing on a soldier trapped by a landmine, who experiences flashbacks of his past and visions of the future; and

WHEREAS, the Broadway High School one-act team put on a mature, authentic performance to win the championship; while the piece normally concludes with the sound of an explosion, the team creatively and hauntingly ended the play with cast members singing on a darkened stage; and

WHEREAS, the Broadway High School one-act team now proudly holds the honor of winning the school's first VHSL title for any academic competition or sporting event; and

WHEREAS, each member of the Broadway High School one-act team—Noah Miller, Emily Veramessa, Alec MacDonald, Anika Darcus, Blake Whetzel, Andrea Veramessa, Madeleine Witmer, Sarah Dean, Ashley McHenry, Megan Britsch, and Libby Diaz—contributed wholeheartedly to the victory; and

WHEREAS, the victory is a testament to the versatility and commitment of the actors and crew members, the visionary leadership of first-time director Amy Johnson, and the enthusiastic support of the entire Broadway High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Broadway High School one-act team on winning the 2013 Virginia High School League Group AAA one-act play competition at the State Theatre Festival; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Amy Johnson, director of the Broadway High School one-act team, as an expression of the General Assembly's admiration for the team's talent and hard work.

HOUSE JOINT RESOLUTION NO. 412

Commending John F. Long, Jr.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, John F. Long, Jr., a respected longtime public servant in the Town of Broadway and Rockingham County, retired as the Mayor of Broadway in 2014; and

WHEREAS, joining the Town Planning Commission at the age of 27, John Long has served the region in appointed or elected offices for three decades; beginning in September 1980, John Long was a member of the Broadway Town Council for 15 years and has served as mayor for the past 10 years; and

WHEREAS, admired for his poise and keen intellect, Mayor Long is known for carefully considering different viewpoints and building consensus for the betterment of the community; and

WHEREAS, Mayor Long has worked diligently to help the Broadway community grow, overseeing the construction of Heritage Park, renovations to the Community Park and pool, the acquisition of the regional wastewater facility, and the construction of the Veterans Wall and Farmers Market lot; and

WHEREAS, with Mayor Long's guidance and leadership, the Town of Broadway has thrived, earning recognition from the Virginia Municipal League, VML Insurance Programs, the Virginia Institute of Government, the Valley Conservation Council, and the Virginia Department of Health; and

WHEREAS, John Long has been a dedicated employee of Lantz Construction Company for more than 30 years, and he currently serves as the vice president of estimating; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend John F. Long, Jr., the highly admired longtime Mayor of the Town of Broadway, on the occasion of his retirement from public office in 2014; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John F. Long, Jr., as an expression of the General Assembly's admiration for his wise leadership and contributions to the Town of Broadway and Rockingham County.

HOUSE JOINT RESOLUTION NO. 413

Commending June W. Hosaflook.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, June W. Hosaflook, who admirably served the people of Harrisonburg as Commissioner of the Revenue for 16 years, retired on December 31, 2013; and

WHEREAS, June Hosaflook was a dedicated city employee for 28 years; before being elected Commissioner of the Revenue, she worked in the commissioner's office for more than 11 years, and she demonstrated professionalism, integrity, and effectiveness during her tenure; and

WHEREAS, June Hosaflook's responsibilities included supervision of a staff of 13 people who work with real estate and personal property assessments for Harrisonburg, issue business licenses, and help residents with state income tax preparation; and

WHEREAS, in 2003, June Hosaflook was designated a Master Commissioner of the Revenue; her extensive knowledge of Virginia tax law and her profession were invaluable in training, mentoring, and guiding those around her; and

WHEREAS, in addition to serving the people of her native Harrisonburg, June Hosaflook also was involved with the West Central District of the Commissioner of the Revenue Association in Virginia, in which she was an active participant, past president, and valued colleague; and

WHEREAS, June Hosaflook, who was unopposed each time she ran for reelection, has been a valued and respected colleague and friend to all who worked with her; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend June W. Hosaflook for her service to the people of Harrisonburg as Commissioner of the Revenue for 16 years; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to June W. Hosaflook as an expression of the General Assembly's appreciation and admiration for her many years of work on behalf of the people of Harrisonburg and best wishes in retirement.

HOUSE JOINT RESOLUTION NO. 414

Commending Ross Graham.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, on February 22, 2014, in Salem, Ross Graham, sophomore student athlete and varsity wrestler at Poquoson High School, competed in the Group 3A 182-pound final with an 8-4 decision over Staunton River High School's Elijah Seay to capture the 2013 state wrestling championship and the 79th individual state title win for Poquoson High School; and

WHEREAS, Ross Graham's win enables him to join his father, Casey Graham, a three-time state championship winner during his playing days with the Poquoson High School Islanders varsity wrestling team; and

WHEREAS, the Poquoson High School's Bulls wrestling team provides a safe, fun, and positive learning environment to give wrestlers as many opportunities as possible to further themselves in the sport and in life; team members learn integrity, discipline, competitiveness, fairness, cooperation, dedication, and responsibility; and

WHEREAS, although the Poquoson High School Bulls wrestling team fell short of its goal to win the 2013 state team championship, the team claimed the Colonial 25 East 3A Conference Title, prevailing over New Kent High School on February 8, 2014; and

WHEREAS, Ross Graham completed the 2013 wrestling season undefeated at 45-0; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Ross Graham; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ross Graham as an expression of the General Assembly's congratulations on his outstanding achievement.

HOUSE JOINT RESOLUTION NO. 415

Celebrating the life of David Richard Beyeler.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, David Richard Beyeler of Stuarts Draft, a loving husband and father, a beef and dairy farmer, a man of faith, and an esteemed longtime member of the Augusta County Board of Supervisors, died on February 12, 2014; and

WHEREAS, a native of Sterling, Ohio, David Beyeler graduated from Wilson Memorial High School in Fishersville; he farmed his entire life, and in 1976, he entered public service as a member of the Augusta County Board of Supervisors; and

WHEREAS, David Beyeler served the people of the South River District with diligence and care; he first served on the Augusta County Board of Supervisors for 16 years, and in 2004, he re-entered public service and was a member of the Board of Supervisors for 10 more years, until his death; and

WHEREAS, David Beyeler knew many of his constituents by name; he ably served the people of Augusta County, carefully listening to their cares and concerns, focusing on what was best for his district and for the county; and

WHEREAS, at the time of his death, David Beyeler was the longest-serving member of the Augusta County Board of Supervisors; in total, he provided guidance and leadership to Augusta County for 26 years, and during those years, he was elected chairman of the Board of Supervisors twice; and

WHEREAS, David Beyeler was a member of the board of directors of the Maryland & Virginia Milk Producers Cooperative Association; he also served on many committees for Augusta County government; and

WHEREAS, David Beyeler, who was a devoted husband and father, was a member of Tinkling Spring Presbyterian Church for more than 50 years; he was admired and esteemed for his leadership and tireless work in many areas; and

WHEREAS, David Beyeler will be greatly missed and fondly remembered by his wife, Elizabeth; children, Lisa and Matthew, and their families; and many other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of David Richard Beyeler of Stuarts Draft, a loving husband and father, a beef and dairy farmer, a man of faith, and an esteemed longtime member of the Augusta County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of David Richard Beyeler as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 416

Celebrating the life of Ruthanne Giammittorio Lodato.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Ruthanne Giammittorio Lodato, a devoted educator who shared the joy of music with hundreds of children and a beloved member of the Alexandria community, died on February 6, 2014; and

WHEREAS, a lifetime resident of Alexandria, Ruthanne Lodato graduated from St. Mary's Academy, where she was a member of the modern dance club and a cheerleader and participated in school musicals; and

WHEREAS, Ruthanne Lodato earned a bachelor's degree from the University of Richmond and a master's degree from The Catholic University of America; and

WHEREAS, beginning in 1976, Ruthanne Lodato shared her talents and love of music as a music teacher at schools throughout the Alexandria area; and

WHEREAS, as the director of Music Together Alexandria, an organization that offers basic musical instruction to children from infancy to five years old, Ruthanne Lodato helped the organization grow and mentored countless children for more than 20 years; and

WHEREAS, Ruthanne Lodato enjoyed fellowship and worship with the community at Blessed Sacrament Catholic Church and throughout the Catholic Diocese of Arlington, where she played the organ; and

WHEREAS, Ruthanne Lodato was deeply dedicated to her family, and she will be fondly remembered and greatly missed by her husband, Norman; daughters, Lucia, Gina, and Carmen, and their families; and numerous other family members, friends, and former students; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Ruthanne Giammittorio Lodato, a passionate music educator and beloved member of the Alexandria community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ruthanne Giammittorio Lodato as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 417

Celebrating the life of Kedron Simon.

Agreed to by the House of Delegates, March 7, 2014

Agreed to by the Senate, March 8, 2014

WHEREAS, Kedron Simon, a devoted veteran and beloved member of the Arlington community, died on December 30, 2013; and

WHEREAS, a native of Tucson, Arizona, Kedron Simon attended Don Antonio Lugo High School in Chino, California, and earned a ROTC scholarship to attend Harvard University; she graduated from Harvard with a bachelor's degree in 1993; and

WHEREAS, after graduation, Kedron Simon received a commission as a surface warfare officer in the United States Navy; she served aboard the USS *George Washington*, the USS *Mount Hood*, and the USS *Belleau Wood*; and

WHEREAS, completing her active duty service in 2000, Kedron Simon joined the Office of Legislative Affairs of the Department of the Navy and served as a reservist; following the September 11 attacks, she was recalled to assist with the cleanup effort at the Pentagon; and

WHEREAS, Kedron Simon was honorably discharged with the rank of lieutenant commander in 2003 and pursued a successful career in business; she offered her leadership and expertise to companies in the information technology and personal wealth management fields; and

WHEREAS, Kedron Simon will be fondly remembered and greatly missed by her loving husband, Noah; children, Jackson and Madison; parents, Nancy and Hollis; and numerous other family members, friends, and fellow Sailors; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Kedron Simon, a veteran and beloved member of the Arlington community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Kedron Simon as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 418

Commemorating the 75th anniversary of the sit-in at the Kate Waller Barrett branch of the Alexandria Library.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, the Thirteenth Amendment to the United States Constitution abolishing slavery was adopted in 1865 but was quickly contravened in the South by Jim Crow laws, which subjected people of color to discrimination and injustice; and

WHEREAS, the constitutionality of the doctrine of "separate but equal" was upheld by the courts and used as the mechanism for enforcing segregation of public facilities; and

WHEREAS, Alexandria established a public library in 1937, limiting membership to white citizens of Alexandria; and

WHEREAS, the African American citizens of Alexandria were not only denied membership in the library, but were also denied an equal facility dedicated to the African American community; and

WHEREAS, United States Army Sergeant George Wilson and attorney Samuel W. Tucker applied for and were refused library cards in 1937; and

WHEREAS, Samuel W. Tucker organized a peaceful protest at the library; and

WHEREAS, six courageous, young African American men—William Evans, Otto Tucker, Edward Gaddis, Morris Murray, Clarence Strange, and Robert Strange—put Samuel Tucker's plan into action; and

WHEREAS, on August 21, 1939, after the young men were denied library privileges at Alexandria's Kate Waller Barrett Library, they refused to comply with the orders to leave the building and were arrested while reading in silent protest in the library's public reading room; and

WHEREAS, after the young men were cleared of all charges of disturbing the peace, the City of Alexandria established the Robinson Library, which was the "separate but equal" facility that served the "colored community" of Alexandria for over 20 years after the 1939 sit-in; and

WHEREAS, the Alexandria Library is commemorating the 75th anniversary of the sit-in throughout 2014 through its programming, guest speakers, book displays, performances, and an honorary ceremony; and

WHEREAS, the Alexandria Library will honor the legacy of the peaceful protest, which was ahead of its time, by establishing the Samuel W. Tucker Fund, which will provide library programming and collections that will center on civil rights, human rights, the African American diaspora, social freedoms, and equality; and

WHEREAS, on August 21, 2014, the Alexandria Library will commemorate the 75th anniversary of the Alexandria Library sit-in for civil rights; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commemorate the 75th anniversary of the sit-in at the Kate Waller Barrett branch of the Alexandria Library; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Mayor of Alexandria as an expression of the General Assembly's respect for the historical significance of the sit-in and so that it may be read and distributed at the August 21, 2014, ceremony.

HOUSE JOINT RESOLUTION NO. 419

Commending Danville Regional Medical Center:

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Danville Regional Medical Center has served the Southside Virginia community with quality medical facilities and personal care for 130 years; and

WHEREAS, the Danville Regional Medical Center was founded in 1884 as the Danville Home for the Sick with the generous support of the Ladies' Benevolent Society; and

WHEREAS, with the advent of modern techniques such as anesthesia and aseptic surgery, the Danville Home for the Sick experienced a period of great development, and in 1904, it was renamed Danville General Hospital to better reflect changes in medical capabilities and patient care; and

WHEREAS, in 1922, with the help of philanthropist John E. Hughes, Danville General Hospital built a new 100-bed facility to better serve the community; in 1924, the hospital was reincorporated as the Memorial Hospital of Danville; and

WHEREAS, between 1940 and 1960, many local residents generously donated money to help support the growing hospital; in 1966, the Ladies' Benevolent Society was certified as the Memorial Hospital of Danville's official auxiliary group; and

WHEREAS, the Memorial Hospital of Danville proudly celebrated its 100th anniversary in 1984; with the service area of the hospital continuing to grow, it changed its name to Danville Regional Medical Center in 1994; and

WHEREAS, Danville Regional Medical Center greatly expanded its ability to care for the community in the 1990s, opening the Center for Radiation Oncology and state-of-the-art critical care, orthopedic, and neurological units; the hospital also introduced the Danville Regional Health System in 1997; and

WHEREAS, in 2002, Danville Regional Medical Center partnered with Duke University Health System to open the Danville Heart and Vascular Center, which performed the first open heart surgery in the Dan River region in 2003; and

WHEREAS, in 2004, Danville Regional Medical Center opened the Landon R. Wyatt, Jr., Tower to honor a board member who faithfully served the hospital and the Danville community for more than 30 years; and

WHEREAS, Danville Regional Medical Center was purchased by LifePoint Hospitals in 2005 and has since expanded partnerships with Duke University Health System and Edward Via Virginia College of Osteopathic Medicine, with which the hospital established a medical residency program; and

WHEREAS, over the past several years, Danville Regional Medical Center added more than 50 new physicians and specialists and added six new clinics throughout the area; the hospital announced plans in 2012 to build a new Family Healthcare Center in Gretna and renovate and expand facilities in Chatham; and

WHEREAS, with more than 1,300 employees, Danville Regional Medical Center is one of the largest employers in the region; the hospital owes much of its ongoing success to the loyalty and hard work of the physicians, staff, volunteers, and board members and the support and encouragement of the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Danville Regional Medical Center on the occasion of its 130th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Danville Regional Medical Center as an expression of the General Assembly's admiration for the hospital's storied history and commitment to the health and well-being of the residents of the Dan River region.

HOUSE JOINT RESOLUTION NO. 420

Celebrating the life of Ralph McCubbins, Jr.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Ralph McCubbins, Jr., of Danville, a former law-enforcement officer who served the community for over a decade and a security professional, died tragically on December 26, 2013; and

WHEREAS, a lifelong resident of Danville, Ralph "Lee" McCubbins graduated from Tunstall High School in 1988 and attended Virginia Polytechnic Institute and State University, where he studied animal science; and

WHEREAS, Lee McCubbins joined the Danville City Police Department in 1994; he earned a reputation as a highly skilled and deeply professional officer and a trustworthy friend; and

WHEREAS, bravely serving on the Danville City SWAT Team for 11 years, Lee McCubbins rose to become a corporal; he also served as a K-9 officer and raised horses for the department; and

WHEREAS, in 2009, Lee McCubbins accepted a position with a security contracting firm and served in Iraq; he safeguarded his fellow security professionals as a handler of bomb-sniffing dogs; and

WHEREAS, Lee McCubbins made the ultimate sacrifice while helping to provide security for the Kajaki Dam project in the Helmand Province of Afghanistan; and

WHEREAS, Lee McCubbins enjoyed fellowship and worship with the community at Swansonville United Methodist Church and later at The Tabernacle of Danville; and

WHEREAS, predeceased by his son, Justin, Lee McCubbins will be fondly remembered and greatly missed by his beloved daughter, Victoria, and numerous other family members, friends, fellow law-enforcement officers, and security professionals; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Ralph McCubbins, Jr., a devoted former law-enforcement officer and courageous security professional; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ralph McCubbins, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 421

Celebrating the life of Herbert Preston House, Jr.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Herbert Preston House, Jr., a longtime community servant and lifelong resident of Danville, passed away on December 11, 2013; and

WHEREAS, Herbert House was retired from Dan River, Inc.; even after retirement, he continued to serve as a part-time instructor in both the Commonwealth and New York; and

WHEREAS, Herbert House was an active member of Fairview United Methodist Church, serving as a member of the Sunday school class, a member of the Methodist Men, an usher, and a member of the administration board and the health and welfare committee; and

WHEREAS, Herbert House proudly served his country in the United States Navy for five years; and

WHEREAS, Herbert House began his emergency medical services career by teaching CPR at Dan River Mill, and he later joined the Westover Hills Volunteer Fire Department; and

WHEREAS, on September 22, 1980, Herbert House became a member of the Danville Life Saving Crew and served meritoriously for over 30 years; and

WHEREAS, while a member of the Life Saving Crew, Herbert House served in every capacity and was awarded life membership; he was also an emergency medical technician, a cardiac technician, an instructor in CPR, first aid, blood-borne pathogen protection, defibrillator use, basic trauma life support, and incident command, and he was certified in emergency vehicle operations and hazardous materials and rescue management; and

WHEREAS, Herbert House received the Raymond C. McNeely Lifetime Achievement Award for distinguished leadership; and

WHEREAS, in 1984, Herbert House served on the original task force to create a museum for emergency medical services; in 1990, he saw his work come to fruition with the grand opening of the To the Rescue Museum; and

WHEREAS, Herbert House served the Virginia Association of Volunteer Rescue Squads (VAVRS) in numerous positions, including state historian, chief rescue officer, and state training officer; he also served on the Rescue Squad Assistance Fund Review Committee, Rescue College Committee, Board of Directors for Western Virginia EMS Council, and many others; and

WHEREAS, Herbert House was elected to the Virginia Life Saving and Rescue Hall of Fame in 1992 and elected as a life member of VAVRS in 1996; and

WHEREAS, predeceased by his wife, Jo, Herbert House will be fondly remembered by his children, grandchildren, and great-grandchildren, and their families; he will also be remembered by his Danville Life Saving Crew family, friends, and those whose lives he touched in his years of community service; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a veteran and distinguished community servant of Danville and the surrounding region, Herbert Preston House, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Herbert Preston House, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 422

Commending Law Enforcement United.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Law Enforcement United, a nonprofit corporation honoring the sacrifice of and supporting the families of fallen law-enforcement officers, celebrates five years of service in 2014; and

WHEREAS, in 2013, 105 law-enforcement officers throughout the United States made the ultimate sacrifice while fulfilling their noble duties to protect and serve; and

WHEREAS, Law Enforcement United, which was founded in 2009, comprises more than 600 officers from federal, state, and local agencies in 26 states working together to honor their fallen comrades and support surviving family members; and

WHEREAS, Law Enforcement United supports the Concerns of Police Survivors (C.O.P.S.) program, which provides comfort and camaraderie to survivors of fallen law-enforcement officers and offers summer camps and scholarships for children; and

WHEREAS, Law Enforcement United also donates to the Officer Down Memorial Page (ODMP), which, along with C.O.P.S., helps provide protective equipment and training in an effort to prevent officer deaths and injuries; and

WHEREAS, each year, Law Enforcement United participates in the Road to Hope bicycle ride from Chesapeake to Washington, D.C., and at the conclusion of the ride, the organization presents donations to C.O.P.S. and ODMP; and

WHEREAS, in 2013, Law Enforcement United presented C.O.P.S. and ODMP with \$230,000, and the organization has raised over \$1,000,000 since its inception; and

WHEREAS, Law Enforcement United owes much of its success to the hard work of many devoted volunteers, generous donations from individuals, organizations, and businesses, and the enthusiastic support of communities throughout the country; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Law Enforcement United on the occasion of its fifth anniversary in 2014; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Law Enforcement United as an expression of the General Assembly's admiration for the organization's commitment to supporting those who serve and protect the citizens of the Commonwealth and the nation.

HOUSE JOINT RESOLUTION NO. 423

Commending Oakland Baptist Church.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Oakland Baptist Church celebrates 300 years of supporting and uplifting the members of the Prince George County community in 2014; and

WHEREAS, tracing its deepest roots to the first settlers in Virginia, Oakland Baptist Church was founded in approximately 1714, when a Baptist meeting house originally known as Davenports was built on land donated by Sallie Davenport; and

WHEREAS, in 1870, the church was reorganized and renamed Old Shop; during World War I, a group of Czech-Slovak Baptists settled in Prince George County; led by Andrew Sluka, the group began to worship together in the church and renamed it Czech-Slovak Oakland Baptist Church; and

WHEREAS, Czech-Slovak Oakland Baptist Church immediately began to conduct missionary work in the community, and was accepted in the Petersburg Baptist Association of the Southern Baptist Convention in 1929; and

WHEREAS, during the 1950s, the church began to conduct all services and most Sunday school classes in the English language, and the name was changed to Oakland Baptist Church; and

WHEREAS, to accommodate growing Sunday school classes, Oakland Baptist Church built an educational building in 1969; the building was expanded in 2004; and

WHEREAS, in recent years, Oakland Baptist Church has continued to grow; the church now offers two services from a new sanctuary that was dedicated on January 23, 2011; and

WHEREAS, for 300 years, Oakland Baptist Church has succeeded in its mission to provide community outreach and offer a joyful place for the residents of Prince George County to enjoy fellowship and worship; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Oakland Baptist Church on the occasion of its 300th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Oakland Baptist Church as an expression of the General Assembly's admiration for its storied history and contributions to the community.

HOUSE JOINT RESOLUTION NO. 424

Commending W. Curtis Outten, Jr.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, W. Curtis Outten, Jr., a native of Portsmouth, began his 50-year tenure as the attorney for the Town of Lawrenceville on January 1, 1964; and

WHEREAS, W. Curtis Outten, Jr., graduated from the University of Virginia and enlisted in the United States Navy; after his military service, he enrolled in the T.C. Williams Law School at the University of Richmond, where he earned his law degree and later accepted employment with a law firm in Lawrenceville; and

WHEREAS, as attorney for the Town of Lawrenceville, W. Curtis Outten, Jr., served with distinction under several mayors, including Robert Pecht, Norborne Doyle, David Blount, Russell Slayton, Keith Clarke, and current Mayor Douglas Pond; he also serves as a substitute judge in Virginia's 6th Judicial Circuit; and

WHEREAS, reflecting on the number of changes in Lawrenceville over the past 50 years, W. Curtis Outten, Jr., noted the creation of the Route 58 Bypass, development of the two-ward system which provided for one-man-one-vote, results of the Civil Rights Movement, and various technological innovations and changes; and

WHEREAS, W. Curtis Outten, Jr., has provided wise and deliberate guidance and counsel in moments of potential crisis and particularly for complex legal and governmental issues, and he has been a calming influence on the Town of Lawrenceville; and

WHEREAS, W. Curtis Outten, Jr., has been a trusted sage and confidant and a competent public servant as the attorney for the Town of Lawrenceville for 50 years; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend W. Curtis Outten, Jr., attorney for the Town of Lawrenceville for 50 years; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to W. Curtis Outten, Jr., attorney for the Town of Lawrenceville, as an expression of the General Assembly's gratitude and appreciation for his dedicated service to the Town of Lawrenceville and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 425

Commending the Robinson Secondary School wrestling team.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, the Robinson Secondary School wrestling team won the Group 6A Virginia High School League wrestling championship on February 22, 2014; it is the school's second consecutive state wrestling title and fourth state title overall; and

WHEREAS, the Robinson Rams competed before a home crowd at the meet, which was held in Fairfax; team members were gratified by the strong support from the audience and were determined not to let their fans down; and

WHEREAS, the Robinson Secondary School wrestlers, with a score of 152.5 points, defeated strong squads from Colonial Forge High School (132.5 points) and Lake Braddock High School (77 points); the 2014 win is the team's third state championship in four years; and

WHEREAS, four members of the Robinson wrestling team won individual titles at the state meet—Jack Bass, Zak Depasquale, Cole Depasquale, and Jake Pinkston—maintaining the school's continued strong showing on the mats; and

WHEREAS, the Robinson Rams are led by Bryan Hazard, head coach of the wrestling team; the team also draws great strength from the continuing support of the students, staff, and fans of the Robinson Secondary School; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Robinson Secondary School wrestling team for winning the 2014 Group 6A Virginia High School League wrestling championship, which is the school's second consecutive state wrestling title and fourth state title overall; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bryan Hazard, head coach of the Robinson Secondary School wrestling team, as an expression of the General Assembly's congratulations and admiration for its outstanding season.

HOUSE JOINT RESOLUTION NO. 426

Commending the Thoroughbred Retirement Foundation at James River.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, the Thoroughbred Retirement Foundation, a nonprofit charitable organization, is the largest equine sanctuary in the world devoted to the rescue, retirement, rehabilitation, and retraining of thoroughbred horses no longer able to compete on the racetrack; and

WHEREAS, the Thoroughbred Retirement Foundation operates the Second Chances Program at correctional facilities in 10 states, a program where inmates build life skills while participating in vocational training involving supervised care of ex-racehorses; and

WHEREAS, in 2007, the Virginia Department of Corrections (VADOC) entered into a public-private partnership with the Thoroughbred Retirement Foundation; and

WHEREAS, since 2007, the Thoroughbred Retirement Foundation at James River (TRF at James River) and VADOC have jointly operated the Second Chances Program at James River Work Center to rehabilitate nonviolent offenders by training them in equine management using ex-racehorses; and

WHEREAS, the TRF at James River is a volunteer organization that has raised and contributed more than \$500,000 in private funds to fully support this program as well as to help support the more than 950 thoroughbreds in the national herd; and

WHEREAS, one of the graduates of the program, Tamio Holmes, was recognized for his successful transition from prison to society by Governor Robert F. McDonnell in his State of the Commonwealth Address on January 8, 2014; and

WHEREAS, more than 60 men have graduated from the local Second Chances Program since 2008, many of whom have made a similarly successful transition to society, whether by working in the horse industry or pursuing a career in another field; and

WHEREAS, with the help of the program participants, more than 35 horses have been rehabilitated, retrained, and adopted for second careers as trail horses, companion animals, or blue-ribbon-winning performance horses; and

WHEREAS, TRF at James River has drawn media attention from the *Wall Street Journal Magazine*, *ABC News*, the *Washington Post*, the *Voice of America*, *Virginia Currents*, and many local and regional news outlets; and

WHEREAS, TRF at James River owes much of its ongoing success to the dedication of its volunteers and generous donations from local individuals, organizations, and businesses; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Thoroughbred Retirement Foundation at James River for helping nonviolent offenders gain valuable life skills and reenter society and providing a safe haven for thoroughbred horses that can no longer compete; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Thoroughbred Retirement Foundation at James River as an expression of the General Assembly's admiration for its outstanding service to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 427

Celebrating the life of Benjamin Adelbert Thorp IV.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Benjamin Adelbert Thorp IV of Henrico County, a respected attorney and a beloved husband, father, and son, died on January 14, 2014; and

WHEREAS, a native of Bethesda, Maryland, Benjamin "Ben" Thorp earned a bachelor's degree from Virginia Polytechnic Institute and State University in 1995 and a law degree from the University of Richmond in 2000; and

WHEREAS, Ben Thorp practiced law with the Henrico County Attorney's Office and proudly represented Henrico County in a case before the Supreme Court of the United States in 2013; and

WHEREAS, Ben Thorp was an active, respected member of the legal community; he was a member of Lawyers Helping Lawyers, Local Government Attorneys of Virginia, the Henrico County Bar Association, and the Environmental Law Section of the Virginia State Bar; and

WHEREAS, a beloved husband, father, and son, Ben Thorp enjoyed spending time with his family, reading, traveling, and the outdoors, and he was an avid Boston Red Sox fan; and

WHEREAS, Ben Thorp will be fondly remembered and greatly missed by his wife, Jayne; son, Beckett; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Benjamin Adelbert Thorp IV, a prominent attorney and an esteemed member of the Henrico community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Benjamin Adelbert Thorp IV as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 428

Commending the Virginia Society of the American Institute of Architects.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, the Virginia Society of the American Institute of Architects will celebrate its 100th anniversary in 2014; and
WHEREAS, governments, religions, industries, and families have used architecture throughout history to express their values, needs, capabilities, and aspirations; and

WHEREAS, Virginia's second governor, Thomas Jefferson, used architecture as his measure of a government's relative worth, asserting that we must "avail ourselves of every occasion when public buildings are to be erected, of presenting to [our countrymen] models for their study and imitation"; and

WHEREAS, the Virginia Society of the American Institute of Architects and the architecture profession, through its Society, have been vigilant in protecting the health, safety, and welfare of the citizens of the Commonwealth; and

WHEREAS, the Virginia Society of the American Institute of Architects has, for decades, provided counsel to the state; its representatives serve on the Art and Architectural Review Board, the Board of the Department of Historic Resources, and the State Building Code Technical Review Board; and

WHEREAS, the members of the Virginia Society of the American Institute of Architects created the Virginia Foundation for Architecture, and in doing so established a scholarship fund and a commitment to education through the Virginia Center for Architecture, as well as inspired the preservation of two Virginia landmarks: Richmond's 1844 William Barret House and the 1919 Branch House on Richmond's historic Monument Avenue; and

WHEREAS, members of the American Institute of Architects in Virginia will join their neighbors and the Virginia Center for Architecture in community exercises designed to instill a greater appreciation for proper stewardship of the Commonwealth's built and natural environment as part of a year-long observance called *Virginia Celebrates Architecture*; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Society of the American Institute of Architects on the occasion of its 100th anniversary and for its service to the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Society of the American Institute of Architects as an expression of the General Assembly's respect and admiration for its dedicated service to the citizens of the Commonwealth of Virginia.

HOUSE JOINT RESOLUTION NO. 429

Celebrating the life of Lieutenant Colonel Merritt P. Walls, USA (Ret.).

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Lieutenant Colonel Merritt P. Walls, USA (Ret.), of Mount Crawford, a decorated veteran, respected educator, and dedicated public servant, died on February 10, 2014; and

WHEREAS, a native of Huntsville, Alabama, Merritt "Bud" Walls graduated from Van Nuys High School in Van Nuys, California; desiring to be of service to his country, he enlisted in the United States Army at the age of 17; and

WHEREAS, throughout 24 years of active duty service with the Army and two years with the National Guard, Bud Walls rose through enlisted and officer ranks to become a lieutenant colonel; he served in Vietnam, where he commanded a howitzer battery; and

WHEREAS, in recognition of his valorous service, LTC Walls received many decorations and awards, including two Bronze Stars, the Legion of Merit, the Meritorious Service Medal, and three Army Commendation Medals; and

WHEREAS, during his military service, LTC Walls took opportunities to further his education, graduating from the University of Nebraska, the Naval War College, and numerous military courses; he later earned a master's degree from James Madison University; and

WHEREAS, after retiring from active duty service in 1979, LTC Walls became a senior military instructor at Augusta Military Academy; he then joined Rockingham County Public Schools (RCPS) as a training coordinator at Broadway High School; and

WHEREAS, LTC Walls guided the youth of the community as the career education, job placement, and dropout prevention coordinator for RCPS; throughout his 17-year career in education, he initiated innovative programs that offered new opportunities to local students; and

WHEREAS, LTC Walls ably served his community as a member of the Mount Crawford Town Council for 33 years and the vice mayor for several years; he also represented the town on the Harrisonburg-Rockingham Regional Sewer Authority for 14 years; and

WHEREAS, LTC Walls will be fondly remembered and greatly missed by his loving wife of 58 years, Susan; children, Merritt, Jr., Jeanna, John, Clayton, and Katherine, and their families; and numerous other family members, friends, and fellow service members; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Lieutenant Colonel Merritt P. Walls, USA (Ret.), a proud veteran, devoted educator, and longtime public servant in Rockingham County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lieutenant Colonel Merritt P. Walls, USA (Ret.), as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 430

Commending the Honorable Joseph Pickett Johnson, Jr.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, the Honorable Joseph Pickett Johnson, Jr., was born on December 12, 1931, in Washington County, where he graduated from Meadowview High School; he earned his undergraduate degree from Emory and Henry College and his law degree from T.C. Williams School of Law at the University of Richmond; and

WHEREAS, the Honorable Joseph Pickett Johnson, Jr., served his country valiantly as a member of the United States Air Force from 1951 to 1955; he is a veteran of the Korean War; and

WHEREAS, the Honorable Joseph Pickett Johnson, Jr., first ran successfully for elected office to represent Southwest Virginia from 1966 to 1969; however, the long drive from Abingdon to Richmond before the completion of Interstate 81 was difficult; therefore, he took a 20-year hiatus from life as a lawmaker to care for his young family; and

WHEREAS, from 1971 to 1989, the Honorable Joseph Pickett Johnson, Jr., served as a Substitute Judge for the Twenty-Eighth General District Court in Washington County; and

WHEREAS, in 1989, the Honorable Joseph Pickett Johnson, Jr., won the 6th District House of Delegates seat, which encompassed the City of Bristol and a portion of Washington County, and he was sworn in as a member of the Virginia House of Delegates in 1990; and

WHEREAS, the Honorable Joseph Pickett Johnson, Jr., was a dedicated friend to the people of Southwest Virginia and from 1990 until his retirement on December 31, 2013; he ably served as a member of the House of Delegates Committees on Finance, Commerce and Labor, Rules, and for Courts of Justice; his keen understanding of the role of government and politics gave him a savvy ability to work effectively with members across the aisle to garner support for his legislation to ensure the welfare of his constituents; and

WHEREAS, a true Virginia gentleman who positively affected the lives of countless individuals throughout his political career, the Honorable Joseph Pickett Johnson, Jr., has been consistently active in church, sporting and community events, and city council and board of supervisors meetings; he is well-known for his ready handshake and friendly nature; and

WHEREAS, the Honorable Joseph Pickett Johnson, Jr., is also an entrepreneur and businessman in Washington County with a successful law practice in Abingdon, and he has represented numerous clients and mentored many lawyers; and

WHEREAS, throughout his career, the Honorable Joseph Pickett Johnson, Jr., has been involved in issues related to education, playing a key role in establishing the Commonwealth's community college system and the Virginia Tobacco Indemnification and Community Revitalization Commission; and

WHEREAS, the Honorable Joseph Pickett Johnson, Jr., has been an active community leader in Southwest Virginia, as demonstrated by his participation and various memberships in civic organizations, including serving as a Sunday school

teacher and former chairman of the council of deacons of the Abingdon Baptist Church; former chairman of the Emory and Henry College board of trustees; former post commander of American Legion Post 12; former worthy patron of the Order of the Eastern Star; former master of the Abingdon Masonic Lodge 48; former president of the Washington County Bar Association; former chairman, vice chairman, and trustee of the Southwest Virginia Higher Education Center; a volunteer with the Abingdon Civitan Volunteer Service Club; a Kazim Shriner; a member of the Southwest Virginia Cultural Heritage Foundation, the Virginia Tobacco Indemnification and Community Revitalization Commission Center, the board of trustees of the Center for Rural Virginia, the Independent Order of Odd Fellows, McCabe Lodge, and the Virginia State Bar; in 1967, he received the Ernest S. Yeatts Service Award and the Abingdon Jaycees Distinguished Service Award Young Man of the Year (1966) for outstanding community service; and

WHEREAS, the Honorable Joseph Pickett Johnson, Jr., practiced an "open door" policy and always has a warm smile for everyone, and during times of stress or strife, the families of Southwest Virginia in his district could rely on him for comfort and solace; and

WHEREAS, at the end of the 2013 Session of the General Assembly and after 28 years of illustrious public service, the Honorable Joseph Pickett Johnson, Jr., announced his retirement from the state legislature, effective on December 31, 2013; and

WHEREAS, upon the announcement of his retirement after 28 years of distinguished service to the Commonwealth as a member of the Virginia General Assembly, the Honorable Joseph Pickett Johnson, Jr., was honored with accolades, tributes, and best wishes by his colleagues in the Virginia House of Delegates; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Honorable Joseph Pickett Johnson, Jr., the gentleman from Hayters Gap, on the occasion of his retirement from the Virginia General Assembly; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Joseph Pickett Johnson, Jr., the gentleman from Hayters Gap, as an expression of the General Assembly's deep gratitude and appreciation for his dedicated service to the citizens of Southwest Virginia and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 431

Commending West Potomac High School.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, in 2015, West Potomac High School in Fairfax County celebrates 30 years of providing a learning environment where "Excellence is a Tradition"; and

WHEREAS, West Potomac High School is the only three-building public school campus in Fairfax County; it sits on land and serves a community with rich historical and cultural significance to Virginia, such as Spring Bank Farm, which traces its roots to freed slaves from Mount Vernon plantation; and

WHEREAS, in 1985, after a lengthy community process, West Potomac High School was established with the merger of two proud schools and communities, Fort Hunt High School and Groveton High School; and

WHEREAS, the student body of the new West Potomac High School voted on the school's name, mascot, and school colors; the students thereupon established many new school traditions, such as the spirit rock, a student-led hype squad, and a new school fight song; and

WHEREAS, West Potomac High School serves one of the most widely diverse student bodies in the Commonwealth, with students who have come from more than 75 countries and speak more than 46 different languages in their homes; and

WHEREAS, West Potomac High School maintains a close relationship with the community, local businesses, and local middle and elementary schools while providing a challenging academic program that includes 26 advanced placement classes, four dual enrollment courses, and a rigorous array of career and technical education offerings through the West Potomac Academy and the Governor's Health Science Academy; and

WHEREAS, highly regarded for its academic excellence, West Potomac High School has produced 102 National Merit commended scholars and 23 National Merit semifinalists through the years; and

WHEREAS, since its inception, West Potomac High School has had numerous award-winning athletic teams that have served as a unifying force for the student body and broader community to rally around; and

WHEREAS, between 1985 and 2014, West Potomac High School won four state championships in football and girls' cross country, had a wrestler recently win at state competition, and had swimmers win state relays, in addition to numerous district and regional championships; and

WHEREAS, West Potomac High School has also produced outstanding achievements in debate, forensics, band, orchestra, chorus, guitar, theater arts, and career and technical education competitions, and in engineering, math, and science; and

WHEREAS, the mock trial team has won county and state competitions, the debate team has won three state championships, the chorus has performed for President William Jefferson Clinton and for United States Secretaries of State,

and the band has played for President Ronald Wilson Reagan and also has achieved state and national recognition, including in competition; and

WHEREAS, West Potomac High School alumni have gone on to play professional football, have professional music careers and professional acting careers, compete in the Olympics, create numerous successful small and medium-size businesses, and serve in the Virginia General Assembly and on the Alexandria City Council; and

WHEREAS, for 30 years, West Potomac High School has provided a secure and nurturing environment for its students to excel academically and personally and prepare for lifelong productive participation in a democratic society; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend West Potomac High School on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Alexander Case, principal of West Potomac High School, as an expression of the General Assembly's congratulations, admiration, and respect for the school's dedication to its students and community over the past 30 years.

HOUSE JOINT RESOLUTION NO. 432

Commending Tower of Deliverance Church.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, in 2013, Tower of Deliverance Church in Fredericksburg celebrated its 30th year of offering a ministry that empowers, develops, and inspires people to maximize their potential and demonstrate Christian values; and

WHEREAS, the pastors of Tower of Deliverance Church are Bishop Joseph Daniel Henderson and Dr. Doris Henderson; the couple have been active in church ministry for many years and Joseph Henderson has spent his entire life working with people from diverse backgrounds; and

WHEREAS, Joseph Henderson has focused on making Tower of Deliverance Church a holistic, multicultural ministry of excellence; the church is located in historic downtown Fredericksburg and offers a number of worship services and fellowship opportunities that are open to all people; and

WHEREAS, Doris Henderson established the Women of Distinction Ministry at Tower of Deliverance Church, whose goal is to instruct, inspire, and educate women; she also is active in summer programs for young people and is a mentor for young mothers; and

WHEREAS, a primary outreach effort of Tower of Deliverance Church was the creation of the Bragg Hill Family Life Center in 1997 to help low-income families; the goal of the center is to be a "Permanent Positive Presence" in the community; and

WHEREAS, under the stewardship of its two pastors, Tower of Deliverance Church has made a tremendous impact on the Fredericksburg area over the past 30 years; the house of worship continues to strive for excellence, diversity, integrity, and relevance; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Tower of Deliverance Church in Fredericksburg on the occasion of its 30th anniversary and for offering a ministry that empowers, develops, and inspires people to maximize their potential and demonstrate Christian values; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bishop Joseph Daniel Henderson and Dr. Doris Henderson, pastors of Tower of Deliverance Church, as an expression of the General Assembly's respect and admiration for its many years of faithful service to the people of Fredericksburg and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 433

Celebrating the life of Daisy Marie White Craddock.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Daisy Marie White Craddock of Martinsville, a loving mother and grandmother, a dedicated employee of Piedmont Community Services, and an active volunteer in the community, died on January 31, 2014; and

WHEREAS, Marie Craddock was a native of Henry County; she graduated from Martinsville High School and worked for Piedmont Community Services for 38 years; and

WHEREAS, active in her community in many ways, Marie Craddock was a longtime volunteer with the American Cancer Society; she was active in political campaigns, belonged to the PTA, and was a scorekeeper for her son's Dixie Youth baseball team; and

WHEREAS, helping people was an important part of Marie Craddock's life; she was a member of the Martinsville Human Relations Advisory Committee, served on the Ladies Auxiliary of the Ridgeway Volunteer Fire Department, and was also involved in other community organizations; and

WHEREAS, a woman of faith, Marie Craddock enjoyed fellowship and worship at First United Methodist Church of Martinsville, where she was a member of the Read-Robins Sunday school class; and

WHEREAS, Marie Craddock will be greatly missed and fondly remembered by her son, Tyler, and his family, and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Daisy Marie White Craddock of Martinsville, who was a loving mother and grandmother, a dedicated employee of Piedmont Community Services, and an active volunteer in the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Daisy Marie White Craddock as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 434

Commending the Reverend Dr. Chauncey Mann.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, the Reverend Dr. Chauncey Mann, pastor of Grafton Baptist Church in Hartfield, served his church and Middlesex County with great devotion and dedication for many years; and

WHEREAS, Chauncey Mann moved to Middlesex in 1975; he was a moving force in the life of the community and spent much time focusing on ways to improve Middlesex County for all of its residents; and

WHEREAS, recognizing that change often comes in small ways and happens in many places, Chauncey Mann was active in many areas of civic life, including serving as chairman of the Middlesex County Electoral Board; he served as a member of the board for 25 years; and

WHEREAS, Chauncey Mann was president and a longtime member of the Middlesex Ministerial Association; he was also a founding member and past president of the Rotary Club of Middlesex, and was a member and officer for many years of the local NAACP; and

WHEREAS, working to help young people and adults alike, Chauncey Mann helped form after-school programs for students; he was active in a Rappahannock area parent and child development center and a literacy organization; and

WHEREAS, Chauncey Mann worked for the betterment of his community through his involvement with regional organizations, including the Bay Consortium Private Industry Council and the Middlesex County Chamber of Commerce; and

WHEREAS, a proud veteran, Chauncey Mann served in the United States Coast Guard during the Korean War; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Reverend Dr. Chauncey Mann, pastor of Grafton Baptist Church in Hartfield, for serving his church and Middlesex County with great devotion and dedication for many years; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dr. Chauncey Mann as an expression of the General Assembly's respect and admiration for his many years of service to the people of Middlesex County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 435

Commending the Honorable R. Bruce Long.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, the Honorable R. Bruce Long, a diligent public servant in Gloucester County, retired on January 1, 2014, as a judge of the Gloucester Circuit Court of the 9th Judicial Circuit of Virginia; and

WHEREAS, a former member of the Gloucester County Board of Supervisors, Bruce Long and his wife, Joy, opened a private practice to serve the legal needs of the community; and

WHEREAS, in 1998, Bruce Long was appointed as a judge pro tempore of the Gloucester General District Court of the 9th Judicial District of Virginia, and he was appointed as a judge of the court in 1999; and

WHEREAS, in March 2009, Judge Long was appointed and proudly served as a judge of the Gloucester Circuit Court of the 9th Judicial Circuit of Virginia, where he presided with great fairness and wisdom until his retirement; and

WHEREAS, a man of great integrity, Judge Long served the Gloucester County community and the Commonwealth with dedication and distinction, and he will continue to serve as a substitute judge; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Honorable R. Bruce Long on the occasion of his retirement as a judge of the Gloucester Circuit Court of the 9th Judicial Circuit of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable R. Bruce Long as an expression of the General Assembly's respect and admiration for his service and best wishes on his well-earned retirement.

HOUSE JOINT RESOLUTION NO. 436

Celebrating the life of Paul Russell.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Paul Russell, a devoted and innovative educator who touched countless lives throughout his career, died on February 26, 2014; and

WHEREAS, serving as an English and creative writing teacher at Groveton High School and West Potomac High School, Paul Russell imparted his wisdom to thousands of students over a decades-long career; and

WHEREAS, remembered for his easygoing nature and creative teaching methods, Paul Russell inspired countless future writers and fostered creativity and encouraged intellectual freedom among all his students; and

WHEREAS, Paul Russell inspired his students to achieve excellence in all things, ensuring that they were prepared for the challenges of life, in addition to higher education and careers; and

WHEREAS, after a distinguished 44-year career in education, Paul Russell retired in 2013; many former students from decades ago still remember him as their favorite teacher; and

WHEREAS, Paul Russell was honored with West Potomac High School's Outstanding Faculty Award, which he graciously accepted on behalf of his fellow educators at the school; and

WHEREAS, Paul Russell will be fondly remembered and greatly missed by many family members, friends, and former students; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Paul Russell, an admired educator who served the community for more than four decades; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Paul Russell as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 437

Celebrating the life of Carrie Monroe Roarty.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Carrie Monroe Roarty, beloved Chesterfield County teacher, was born into eternal life on January 25, 2014; and

WHEREAS, Carrie Monroe Roarty earned her undergraduate degree in exercise science at Radford University and her teaching certificate at Virginia Commonwealth University; and

WHEREAS, Carrie Monroe Roarty was a member of the coaching staff of the 2002 field hockey state championship team and the beloved girls' junior varsity field hockey and softball coach at James River High School, where she taught health and physical education for 15 years; and

WHEREAS, affectionately called "Mama Roar" by her field hockey team, whom she referred to as her "chickadees," Carrie Monroe Roarty founded the James River High School chapter of the Susan G. Komen Race for the Cure; and

WHEREAS, Carrie Monroe Roarty lavished her students and teams with endearments such as "I love you," encouraged them to persevere through the vicissitudes of life, refused to complain about her troubles, and continued to flash her signature smile while facing her own serious health challenges; and

WHEREAS, students and colleagues, in an outpouring of love and support, staged a "Dancing with the Stars" pep rally and raised funds in her honor and donated leave-time in order that she might obtain medical treatment; and

WHEREAS, Carrie Monroe Roarty, facing illness directly, diligently, positively, courageously, and with a perpetual smile, set an example for her family, students, and others experiencing similar struggles; and

WHEREAS, in honor of Carrie Monroe Roarty, members of the James River High School girls' junior varsity field hockey team wore "Mama Roar's" signature blue Crocs to her wake and expressed their love and gratitude in memorial signs on the school's field hockey fence; and

WHEREAS, Carrie Monroe Roarty was remembered and honored at a homegoing service on January 29, 2014, at The Cathedral of The Sacred Heart, where she was a long-time and active member; and

WHEREAS, Carrie Monroe Roarty will be sorely missed and her memory will be cherished by her loving husband, children, relatives, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Carrie Monroe Roarty; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Carrie Monroe Roarty as an expression of the General Assembly's respect for her memory and appreciation for her dedication to the James River High School community.

HOUSE JOINT RESOLUTION NO. 438

Commending Nick Boothe.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Nick Boothe, head baseball coach at Virginia Wesleyan College in Norfolk, won his 600th game as a college baseball coach on February 23, 2014; and

WHEREAS, Nick Boothe is in his 28th season at Virginia Wesleyan College; at the beginning of the 2014 season, his overall won-loss record as a coach was 597-439-6; the Marlins' current season had just begun when Nick Boothe achieved his 600th coaching victory; and

WHEREAS, the talented coach has been named Old Dominion Athletic Conference Coach of the Year a record six times; Nick Boothe also has taken the Virginia Wesleyan Marlins to the Division III college baseball tournament six times; and

WHEREAS, fewer than 50 college baseball coaches have won 600 games, according to the records of the National Collegiate Athletic Association, which makes Nick Boothe's accomplishment all the more outstanding; however, the achievement is less important to him than his work to develop talented players and winning teams; and

WHEREAS, Nick Boothe possesses an outstanding ability to nurture and guide promising baseball players; over the years, 22 of Nick Boothe's players have advanced to play professional baseball; team members say that Nick Boothe's ability to be a mentor is a major factor in the team's success; and

WHEREAS, Nick Boothe leads by example; he is an active participant in team-building events; he also leads volunteer projects and helps players in many other ways; and

WHEREAS, Nick Boothe, who is a 1985 graduate of Old Dominion University, has received many honors, including the 1988 Louisville Slugger Award for Excellence in Coaching, and he twice was named the Virginia College Division Coach of the Year; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Nick Boothe, head baseball coach at Virginia Wesleyan College in Norfolk, for winning 600 games as a college baseball coach; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Nick Boothe as an expression of the General Assembly's congratulations and admiration for his outstanding achievement and for his dedication to his players and the Virginia Wesleyan College baseball team.

HOUSE JOINT RESOLUTION NO. 439

Commending Mount Vernon High School.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Mount Vernon High School, the third oldest and continuously operated high school in Fairfax County, proudly celebrates its 75th anniversary in 2014; and

WHEREAS, originally located on land once owned by George Washington, Mount Vernon High School opened its doors in 1939, welcoming 447 students and 15 teachers; and

WHEREAS, in 1973, Mount Vernon High School relocated to the former Walt Whitman Middle School building, approximately one mile from George Washington's home; and

WHEREAS, though Mount Vernon High School was segregated for its first two decades, today, the school proudly serves students from 50 different countries and many diverse backgrounds, ensuring a multicultural education for all students; and

WHEREAS, with the inclusion of the International Baccalaureate Program in 1994, Mount Vernon High School now has approximately 200 students taking over 400 advanced-level exams each year; and

WHEREAS, in 2001, Mount Vernon High School underwent a significant renovation that included new science classrooms, multiple computer labs, and a field house with seating for 3,400; with the additional space, enrollment today has expanded to 1,900 students and 167 teachers; and

WHEREAS, through a rigorous course of study in an encouraging and supportive learning environment, Mount Vernon High School students work to build positive relationships, demonstrate good character, and achieve academic excellence; they are lifelong learners and contributors to a global society who are prepared for the future; and

WHEREAS, utilizing the skills and knowledge gained from their experience at Mount Vernon High School, graduates have gone on to become television personalities, actresses, professional athletes and musicians, successful businessmen and women, a United States Senator and Governor of Virginia; and

WHEREAS, for 75 years, Mount Vernon High School has provided an outstanding educational experience for its students through the devoted leadership of the principals, the support staff, and the teachers; and

WHEREAS, an asset to its students and their families, Mount Vernon High School serves as a pillar and resource to the entire community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mount Vernon High School on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Nardos King, principal of Mount Vernon High School, as an expression of the General Assembly's respect and admiration for its decades of service to the children of Fairfax County.

HOUSE JOINT RESOLUTION NO. 440

Commending Bucknell Elementary School.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, in school year 2014-2015, Bucknell Elementary School in Fairfax County celebrates its 60th anniversary of providing a top-quality education to children from nearby neighborhoods, most of whom walk to school; and

WHEREAS, construction of Bucknell Elementary School began in 1954 and the building opened in 1955; today, the school has a diverse population of approximately 300 students in pre-kindergarten through sixth grade; and

WHEREAS, a dedicated group of teachers and staff at Bucknell Elementary School recognize the importance of developing the whole student; the group focuses on preparing students for the future and emphasizes the importance of lifelong reading, strong math skills, and effective problem solving; and

WHEREAS, students at Bucknell Elementary School benefit from the latest technological advances, using iPads and laptop computers and Smart Boards, which are in every classroom; also, mobile labs are available to all grades; and

WHEREAS, many extracurricular activities are available to pupils at Bucknell Elementary School, including a vibrant after-school program that provides athletics, art classes, and science instruction as well as crafts, chess, and cooking classes; and

WHEREAS, other opportunities for students at Bucknell Elementary School are partnerships with local organizations—demonstrating the importance of community involvement—and a mentoring effort that pairs West Potomac High School students with the elementary pupils; and

WHEREAS, because Bucknell Elementary School is on land that was once owned by Bucknell University, it was named for the university in Pennsylvania; today, the two schools have a video-conferencing program where college students discuss and promote college readiness skills with the elementary students; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bucknell Elementary School in Fairfax County on the occasion of its 60th anniversary of providing a top-quality education to children from nearby neighborhoods; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tim Slayter, principal of Bucknell Elementary School, as an expression of the General Assembly's congratulations and admiration for its many years of teaching the young people of Fairfax County and best wishes for continued success.

HOUSE JOINT RESOLUTION NO. 441

Commending Douglas R. Pond.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, on January 14, 2014, Douglas R. Pond announced his retirement as mayor to the Lawrenceville Town Council; and

WHEREAS, Douglas R. Pond began his 38-year public service career with the Town of Lawrenceville in August 1975 as a police officer; he graduated from Southside Virginia Community College in 1978, where he earned an associate degree in police science; and

WHEREAS, in 1984, Douglas R. Pond was appointed chief of police by the Lawrenceville Town Council and he served in this capacity for 24 years, until his retirement from the police force on November 14, 2008; and

WHEREAS, during his tenure as chief of police, the Town of Lawrenceville's police department received specialized assistance with crime scenes, critical incidents, and special events through agreements with the Brunswick County Sheriff's Department, the Department of State Police, Lawrenceville Volunteer Fire Department, Brunswick Rescue Squad, Saint Paul's College Security Force, and the Virginia Department of Transportation; and

WHEREAS, while serving as the Lawrenceville chief of police, Douglas R. Pond also served as town manager from 1993 to 2000; and

WHEREAS, in November 2008, he was appointed to fill the unexpired term of the mayor, and in May 2010, Douglas R. Pond won a full four-year term as mayor, serving from July 1, 2010, to June 30, 2014; and

WHEREAS, as mayor, Douglas R. Pond has served the people of the Town of Lawrenceville selflessly and with distinction; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Douglas R. Pond, mayor of the Town of Lawrenceville, on the occasion of his retirement after 38 years of public service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Douglas R. Pond, mayor of the Town of Lawrenceville, as an expression of the General Assembly's congratulations on a well-deserved retirement and appreciation for his dutiful service to the citizens of the Town of Lawrenceville.

HOUSE JOINT RESOLUTION NO. 442

Commending Roger Sites.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Roger Sites of the Center District of Fauquier County was honored as a 2013 Citizen of the Year by the Fauquier County Board of Supervisors; and

WHEREAS, Roger Sites honorably served the youths of the Center District of Fauquier County as an educator and school administrator for over 45 years; and

WHEREAS, Roger Sites began his career as a business and marketing teacher at Fauquier High School; a devoted and innovative educator, he helped prepare his students for higher education, careers, and responsible citizenship; and

WHEREAS, serving as the assistant principal of Fauquier High School for 10 years, Roger Sites became the principal in 1992; he was an able and active leader, often working long hours and donating his time at school events; and

WHEREAS, helping to enhance the school for future generations, Roger Sites oversaw renovations and the construction of a new four-story classroom; he graciously allowed his successor as principal to decide on the best use of the new building; and

WHEREAS, a West Virginia native, Roger Sites earned a bachelor's degree from Fairmont State University and a master's degree from Virginia Polytechnic Institute and State University before settling in Fauquier County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Roger Sites for being named the 2013 Citizen of the Year for the Center District of Fauquier County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Roger Sites as an expression of the General Assembly's respect and admiration for his service to the people of Fauquier County.

HOUSE JOINT RESOLUTION NO. 443

Commending the Honorable Joe T. May.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, the Honorable Joe T. May, an accomplished businessman and respected professional engineer, ably represented the residents of the 33rd District in the Virginia House of Delegates for 20 years; and

WHEREAS, a native of Broadway, Joe May served his country in the United States Army from 1955 to 1958, then earned a bachelor's degree from Virginia Polytechnic Institute and State University in 1962; and

WHEREAS, a successful and admired businessman, Joe May founded Electronic Instrumentation and Technology, LLC, with his wife, Bobby, in 1977; today, the company provides electronics manufacturing and engineering services for a variety of industries; and

WHEREAS, known for his drive and keen intellect, Joe May holds 22 patents, including for a signature reproduction machine, an instrument for measuring railroad tracks, and an instrument for measuring the octane rating of gasoline; and

WHEREAS, desiring to be of service to the Commonwealth, Joe May ran for and was elected to the Virginia House of Delegates; he took office in 1994 and represented the residents of the Counties of Clarke, Frederick, and Loudoun for 10 terms; and

WHEREAS, Delegate May worked to enact important legislation, and he offered his wisdom and experience to the Committee on Appropriations, where he served as the chairman of the Transportation Subcommittee, and the Committee on Transportation; he proudly helped establish and served as a member and the chairman of the Committee on Science and Technology; and

WHEREAS, Delegate May was the driving force behind many of the Commonwealth's technology laws, including the Uniform Electronic Transaction Act, the Uniform Computer Transaction Act, and electronic privacy and anti-identity theft bills; for 12 years, he chaired the Joint Commission on Technology and Science, which has earned admiration nationwide for its innovative policies and recommendations; and

WHEREAS, while on the Committee on Transportation, Delegate May authored or co-authored many well-known initiatives, including the 2013 transportation funding bill and legislation that put the Mid-Atlantic Regional Spaceport at Wallops Flight Facility at the forefront of the growing commercial space transportation industry; and

WHEREAS, among his many accomplishments, Delegate May helped pass the Rural Rustic Road Program, which has allowed the Department of Transportation to improve the surfaces of low-volume rural roads while maintaining the roads' traditional ambience; and

WHEREAS, Delegate May helped establish many of the Commonwealth's transportation technology laws, including laws related to texting and driving, cell phone use, electronic toll collection, and traffic radar; and

WHEREAS, working to strengthen the future of the Commonwealth, Delegate May supported science, technology, mathematics, and engineering education activities and initiatives, including the National Aeronautics and Space Administration's Virginia Aerospace Science and Technology Scholars program; and

WHEREAS, as one of only two registered professional engineers in the General Assembly, Delegate May brought innovative ways of thinking and an analytical approach to problem solving; and

WHEREAS, understanding and responding to many different constituencies in his district, Delegate May helped the business and technology industries in Loudoun County thrive, while maintaining the rural atmosphere of the western part of the county; and

WHEREAS, deeply involved in the community, Delegate May volunteers his time as a judge for local history and science fairs, and an umpire for Little League baseball games; and

WHEREAS, a devoted family man, Delegate May has been married to his wife, Bobby, for more than 50 years, and together they raised two daughters, Beth and Elaine; and

WHEREAS, a man of great integrity, Delegate May has served the community, the Commonwealth, and the nation with dedication and distinction; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Honorable Joe T. May, a highly respected businessman and professional engineer, for 20 years of service to the Commonwealth as a member of the Virginia House of Delegates; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Joe T. May as an expression of the General Assembly's admiration for his leadership and dedication.

HOUSE JOINT RESOLUTION NO. 444

Commending the Virginia Association of Commonwealth's Attorneys.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, the Virginia Association of Commonwealth's Attorneys celebrates 75 years of serving and supporting Virginia's prosecutors in 2014; and

WHEREAS, founded in 1939, the Virginia Association of Commonwealth's Attorneys is a voluntary organization, which today comprises over 750 elected Commonwealth's Attorneys and their deputies and assistants; and

WHEREAS, the Virginia Association of Commonwealth's Attorneys works to support the interests of Commonwealth's Attorneys and their staff members as they represent the Commonwealth and victims of crimes in the justice system; and

WHEREAS, the Virginia Association of Commonwealth's Attorneys addresses concerns and represents the interests of Commonwealth's Attorneys in matters relating to legislation, staffing, compensation, communication with other agencies, and other important issues; and

WHEREAS, recognizing the exceptional service to the legal community of assistant or deputy prosecutors beyond their own jurisdictions, the Virginia Association of Commonwealth's Attorneys annually confers the Warren Von Schuch Distinguished Assistant Award and the Virginia S. Duvall Distinguished Juvenile and Domestic Relations District Court Prosecutor Award; and

WHEREAS, the Virginia Association of Commonwealth's Attorneys works to safeguard the citizens of the Commonwealth by supporting law-enforcement efforts; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Association of Commonwealth's Attorneys on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Association of Commonwealth's Attorneys as an expression of the General Assembly's admiration for the organization's commitment to supporting those who serve the Commonwealth.

HOUSE JOINT RESOLUTION NO. 445

Commending the Honorable Thomas D. Horne.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, the Honorable Thomas D. Horne retired as a judge of the Loudoun Circuit Court of the 20th Judicial Circuit of Virginia on December 1, 2013; and

WHEREAS, a native of Baltimore, Maryland, Thomas Horne earned a bachelor's degree from Muhlenberg College in Allentown, Pennsylvania, and a law degree from The College of William and Mary; and

WHEREAS, Thomas Horne joined the United States Marine Corps and honorably served his country in Vietnam as an officer in the Judge Advocate Division; and

WHEREAS, in 1972, Thomas Horne moved to Leesburg and began a long career in the Loudoun County legal community; a skilled and hardworking trial attorney, he operated a private practice and served as an Assistant Commonwealth's Attorney; and

WHEREAS, desiring to be of further service to the Commonwealth, Thomas Horne became Loudoun County's first elected Commonwealth's Attorney in 1979; he faithfully served in that position until he was appointed as a judge of the Loudoun Circuit Court of the 20th Judicial Circuit of Virginia in 1982; and

WHEREAS, throughout his 30 years on the bench, Judge Horne heard many prominent cases and established a reputation for compassion, professionalism, and respect; and

WHEREAS, also serving on the Loudoun Drug Court until 2012, Judge Horne presided with great fairness and wisdom over the circuit court until his retirement in 2013; and

WHEREAS, a respected leader in the legal field, Judge Horne was instrumental in the creation of a reference book for judges and attorneys in the Commonwealth and offered his expertise to the judicial boundary realignment study; and

WHEREAS, Judge Horne strives to support the youth of the community; he started a law camp for local high school students and helped form youth soccer and lacrosse leagues in the county; and

WHEREAS, Judge Horne will continue to serve Loudoun County as a substitute judge and intends to work as a mediator; he currently sits on a special committee working to revise criminal discovery rules; and

WHEREAS, a man of great integrity, Judge Horne served the Loudoun County community, the Commonwealth, and the nation with dedication and distinction; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Honorable Thomas D. Horne on the occasion of his retirement as a judge of the Loudoun Circuit Court of the 20th Judicial Circuit of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Thomas D. Horne as an expression of the General Assembly's admiration for his service and best wishes on his well-earned retirement.

HOUSE JOINT RESOLUTION NO. 446

Commending John Wells.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, John Wells, a dedicated and effective public servant, who has admirably served as Leesburg Town Manager since 2004, will retire in October 2014; and

WHEREAS, John Wells has served the people of Leesburg and Loudoun County with diligence and responsibility; during his tenure as town manager, Leesburg grew to become the largest town in the Commonwealth; and

WHEREAS, as Leesburg Town Manager, John Wells is the town's chief executive officer; he supervises public works, public safety, utilities, planning and development, airport operations, parks and recreation, and all other town functions; and

WHEREAS, a native of Erie, Pennsylvania, John Wells earned degrees from Gannon University and the University of Pittsburgh; he worked in Pennsylvania and California before starting work for Loudoun County in 1982 as a budget analyst; and

WHEREAS, in 1988, John Wells was appointed budget director for Loudoun County, and in 1991, he became deputy county administrator; his experience in county government has stood him in good stead in his work as town manager for Leesburg, which is the county seat of Loudoun; and

WHEREAS, in 2010, Leesburg received the Strategic Leadership and Governance Award for Virginia's Land Development Process Improvement Program from the International City/County Management Association; John Wells had played a major role in revising Leesburg's land development process; and

WHEREAS, under the management of John Wells, the Town of Leesburg received the 2013 Virginia Municipal League Achievement Award that honored the Town's long-term financial sustainability plan, as well as the Government Finance Officers Association (GFOA)'s Distinguished Budget Presentation Award for its Fiscal Year 2014 budget; and

WHEREAS, John Wells also is a member of the Virginia Local Government Management Association; he is a graduate of LEAD Virginia and Leadership Loudoun and he also received an award for public service from Shenandoah University; and

WHEREAS, John Wells has been actively involved in church, youth, and civic organizations; in retirement, he and his wife, Debbie, plan to travel by recreational vehicle across the country visiting their three grown children; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend John Wells, a dedicated and effective public servant, who has admirably served as Leesburg Town Manager since 2004 and who will retire in October 2014; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John Wells as an expression of the General Assembly's appreciation and admiration for his many contributions and years of service to the people of Leesburg, Loudoun County, and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 447

Commending the Greater Loudoun Lions baseball team.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, the Greater Loudoun Lions baseball team resoundingly won the 2013 Babe Ruth World Series for 13- to 15-year-olds, becoming the first team from Loudoun County to win a Babe Ruth World Series title; and

WHEREAS, the Babe Ruth World Series was played August 17 to 24, 2013, at picturesque Fireman's Field in Purcellville; eight elite teams from across the country competed in the tournament; the Greater Loudoun Lions received an automatic bid as host team, and the top Virginia team was also entered; and

WHEREAS, the victory was made more special because the Greater Loudoun Lions are the first host team in the 13- to 15-year-old division ever to win the Babe Ruth World Series crown; they defeated a talented team from Westchester, California, 8-3, to claim the trophy; and

WHEREAS, Tim Owen, manager of the Greater Loudoun Lions, knew that his players were a force to be reckoned with; early on, the team set its sights on winning the World Series; in the final game, the championship was almost guaranteed after the Lions scored six runs in the fourth inning; and

WHEREAS, the members of the Babe Ruth World Series championship team are Kyle Bowles, Clayton Baine, Trey McDyre, Zachary Costello, Ryan Hanvey, Sam White, Griffin Buscavage, Adam Lockhart, Christian McDowell, Jack Howard, Kaleb Bowman, Hank Biggs, Nick Lemanski, Hunter Gore, and Austin Rader; Justin Lockhart served as bat boy, and Mike Lockhart and Glenn Graves were coaches; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Greater Loudoun Lions baseball team for winning the 2013 Babe Ruth World Series for 13- to 15-year-olds, becoming the first team from Loudoun County to win a Babe Ruth World Series title; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tim Owen, manager of the Greater Loudoun Lions baseball team, as an expression of the General Assembly's congratulations and admiration for its stellar performance and championship season.

HOUSE JOINT RESOLUTION NO. 448

Commending the Bodacious Bazaar & Art Festival.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Sandra Gardner owns the highly successful Bodacious Bazaar & Art Festival held in November at the Hampton Convention Center; in the last three years, she has donated more than \$20,000 in booths and funds to local charitable groups; and

WHEREAS, during the previous three Bodacious Bazaar & Art Festivals held in the autumn, patrons donated more than 300 pints of blood to the local blood bank; Tidewater-area residents have embraced the show, enthusiastically supporting local craftspeople and merchants; and

WHEREAS, the inaugural Bodacious Boardwalk Bazaar & Spring Festival will be held on the grounds of historic Fort Monroe on the Hampton waterfront on May 2, 3, and 4, 2014; it is an extension of the indoor event that has been held for the past several years; and

WHEREAS, the Bodacious Bazaar & Spring Festival in Hampton will bring together artists, crafters, and food vendors for a fun-filled, three-day event at Fort Monroe and will raise funds for several Hampton Roads nonprofit organizations; and

WHEREAS, some special attractions that will be featured at the Bodacious Boardwalk Bazaar & Spring Festival include horse-drawn carriage rides and Civil War reenactments; a portion of the festival's proceeds will be donated to associations supporting historic Fort Monroe; and

WHEREAS, Sandra Gardner's business enterprise, which is based in Poquoson, is family-owned and operated; her goal is to offer top-quality shopping festivals and to support nonprofit organizations in the Hampton Roads area; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Bodacious Bazaar & Art Festival for bringing together artists, crafters, and food vendors and for raising funds for several nonprofit organizations; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sandra Gardner, owner of the Bodacious Bazaar & Art Festival, as an expression of the General Assembly's respect and admiration for its support of local artisans and food vendors and its generous donations to nonprofit organizations in Hampton Roads.

HOUSE JOINT RESOLUTION NO. 449

Celebrating the life of Bobby Gene Tignor.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Bobby Gene Tignor of Poquoson, a devoted husband and father who possessed a deep generosity of spirit and was a beloved member of the Poquoson community, died on February 26, 2014; and

WHEREAS, a native of Caroline County, Bobby Tignor moved to Poquoson when he was 19; he worked for the shipyard in Newport News for 38 years, retiring in 1996 as general foreman; and

WHEREAS, Bobby Tignor was known for his strong work ethic, selfless acts of kindness, and devotion to the less fortunate; he helped start Poquoson Helping Hands, which repairs, renovates, and rebuilds homes for less fortunate families in the area; and

WHEREAS, throughout his life, Bobby Tignor touched many people with his generosity and selflessness; he brought good to many residents of Poquoson with his unflinching kindness, honesty, and compassion; and

WHEREAS, Bobby Tignor, who was a familiar sight on his tractor, was known for the bounty he grew in his garden; he loved working in the fields and tending his crops; and

WHEREAS, in his life and in his deeds, Bobby Tignor was a role model to all who knew him; he leaves a legacy of hard work, determination, integrity, and love for all people; and

WHEREAS, Bobby Tignor will be greatly missed and fondly remembered by his wife, Pearl; his sons, Mike and Barry, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Bobby Gene Tignor of Poquoson, a devoted husband and father who possessed a deep generosity of spirit and was a beloved member of the Poquoson community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Bobby Gene Tignor as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 450

Commending the Williamsburg Winery.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, the Williamsburg Winery, one of the Commonwealth's oldest and most prolific wineries, was awarded the Virginia Wineries Association's 2014 Governor's Cup for its 2010 Adagio, a blended red wine; and

WHEREAS, the Williamsburg Winery has won the honor once before; in 1989, it was named a Governor's Cup winner for its 1988 Chardonnay; and

WHEREAS, the vintners at the Williamsburg Winery are committed to producing the finest wines made solely from Virginia grapes; the winning Adagio wine is a careful blend of Cabernet Franc, Merlot, and Petit Verdot wines; and

WHEREAS, the prized Governor's Cup was presented to the Williamsburg Winery by Governor Terence R. McAuliffe on February 27, 2014; there were more than 410 wines entered into the 2014 competition, representing 96 wineries; and

WHEREAS, the Commonwealth's wine industry has grown tremendously in recent years, and the Williamsburg Winery, with its long history of creating successful wines, has played a vital role in the industry's contributions to economic development and job creation; and

WHEREAS, the Williamsburg Winery's 2010 Adagio is one of 12 Virginia wines that compose the 2014 Governor's Case; those 12 selections were the top scoring wines in the 2014 Governor's Cup competition; Governor's Case wines will be used to market Virginia wines and to educate consumers about the Commonwealth's burgeoning wine industry; and

WHEREAS, the goal of the Williamsburg Winery is to grow as a leader in the wine industry; the company plans to develop wines that reflect the character of the Commonwealth and display elegance and interesting flavors; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Williamsburg Winery for winning the 2014 Governor's Cup for its 2010 Adagio; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Patrick Duffeler, president and chief executive officer of the Williamsburg Winery, as an expression of the General Assembly's congratulations and admiration for its dedication and commitment to producing outstanding Virginia wines.

HOUSE JOINT RESOLUTION NO. 451

Commending Serve Our Willing Warriors.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Serve Our Willing Warriors, a nonprofit organization in Haymarket, has provided comfort and support to wounded and ill soldiers and veterans since 2006; and

WHEREAS, Serve Our Willing Warriors traces its roots to a Park Valley Church group in Haymarket that began visiting service members in Walter Reed Hospital and Fort Belvoir Hospital; the group offered gift bags during the holidays and cookouts in the summer as a means of showing friendship and appreciation; and

WHEREAS, realizing a need to expand beyond a hospital setting, Serve Our Willing Warriors became a nonprofit corporation and set out on a mission to establish the Bull Run Warrior Retreat; and

WHEREAS, the Bull Run Warrior Retreat, located at an 11,000-square-foot home on a picturesque 44-acre estate in Prince William County, will offer week-long retreats to recovering service members and their families; and

WHEREAS, designed to provide a respite from a hospital environment, the Bull Run Warrior Retreat will allow service members to heal, reconnect with their families, and find support from comrades and grateful citizens; and

WHEREAS, Serve Our Willing Warriors owes much of its success to a growing number of informed, engaged, and supportive individuals and businesses in the Haymarket and Prince William County communities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Serve Our Willing Warriors for its dedication to honoring and serving members of the United States Armed Forces; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Serve Our Willing Warriors as an expression of the General Assembly's admiration for the group's noble mission.

HOUSE JOINT RESOLUTION NO. 452

Commending Gum Spring Library.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Gum Spring Library, the eighth and newest library in the Loudoun public library system, has provided new and exciting opportunities to the Gum Spring community since its grand opening on February 23, 2013; and

WHEREAS, first envisioned in 2003 by the late Steve Snow, a former member of the Loudoun County Board of Supervisors, Gum Spring Library was developed through a public and private partnership between the county and a prominent local real estate developer and homebuilder; and

WHEREAS, in 2012, Supervisor Matt Letourneau of the Dulles District led efforts to fund the Gum Spring Library, ensuring that the library opened successfully; and

WHEREAS, the Gum Spring Library proudly offers more than 88,000 books and other materials in a beautiful, modern atmosphere; the library contains the county's largest children's section, a teen center, conference and meeting rooms, and cafe-type gathering places for adult readers; and

WHEREAS, on opening day, Gum Spring Library welcomed 6,500 visitors, issued 1,016 new library cards, and checked out 14,000 items; and

WHEREAS, Gum Spring Library owes much of its ongoing success to the enthusiastic support of and generous donations from individuals, organizations, and businesses in the community and the dedicated volunteers of the Friends of Gum Spring Library, tireless advocates for the library; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Gum Spring Library for providing new and continuing opportunities for education and enjoyment to the Gum Spring community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Gum Spring Library as an expression of the General Assembly's admiration for the library's service to the community and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 453

Commending the Greek Orthodox Parish of Loudoun County.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, the Greek Orthodox Parish of Loudoun County, a religious institution in Dulles with a rich spiritual heritage and a strong tradition of community involvement, has served residents of the Counties of Fairfax, Loudoun, and Prince William for many years; and

WHEREAS, the Greek Orthodox Parish of Loudoun County was first envisioned in 2004 when a Greek family relocated to Leesburg and found that Loudoun County had no Greek Orthodox Church; and

WHEREAS, the family used a phone book to contact families with Greek surnames in the area to determine local interest in the establishment of a Greek Orthodox Church; the first organizational meeting of the group was held on September 22, 2006, with 85 families and 225 individuals expressing their enthusiastic support; and

WHEREAS, at that meeting, Metropolitan Evangelos of the Greek Orthodox Metropolis of New Jersey officially established the Greek Orthodox Parish of Loudoun County as the 56th parish in the Metropolis of New Jersey; and

WHEREAS, on October 1, 2006, the Greek Orthodox Parish of Loudoun County celebrated its first Sunday service under Father Patrick Viscuso; in April 2007, the congregation moved to a new facility and celebrated Holy Pascha for the first time; and

WHEREAS, Father George Alexson became the full-time, presiding priest of the Greek Orthodox Parish of Loudoun County in 2011; and

WHEREAS, with the enthusiastic support of the community, the Greek Orthodox Parish of Loudoun County has succeeded in its benevolent mission to provide a house of worship and fellowship and to teach and live the Orthodox Christian faith; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Greek Orthodox Parish of Loudoun County for its tradition of serving and uplifting the Orthodox Christian community in the Counties of Fairfax, Loudoun, and Prince William; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Greek Orthodox Parish of Loudoun County as an expression of the General Assembly's admiration for its storied history and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 454

Commending Congregation Olam Tikvah.

Agreed to by the House of Delegates, March 4, 2014

Agreed to by the Senate, March 5, 2014

WHEREAS, Congregation Olam Tikvah was formed on May 24, 1964, by six families in Fairfax County who desired to create a Jewish worship environment for themselves and their young children in the growing community surrounding the Beltway; and

WHEREAS, in its infancy, Congregation Olam Tikvah held services in homes, public schools, and churches; its first religious services were held in the Friendship Room of the Annandale Baptist Church, and the first High Holy Day services in 1964 were held in the chapel at Fort Belvoir; and

WHEREAS, after the new Congregation consolidated Friday night services and Sunday religious school in the Annandale Elementary School, it was assisted in its organization by Rabbi Morris Gordon, whose avocation was helping newly established congregations in the Washington area; and

WHEREAS, with Rabbi Gordon's guidance a Men's Club and early morning breakfast meetings were established, and through paper drives and other activities to raise funds, the Men's Club bought the congregation's first Torah in 1965; in addition, a committee was formed to seek appropriate permanent facilities for the congregation; and

WHEREAS, Congregation Olam Tikvah, whose membership numbered nearly 100 families in 1966, purchased property for a permanent synagogue, and in 1967 the Congregation hired Rabbi Itzhaq M. Klirs, its first full-time rabbi; the Congregation continued to grow and soon required a larger facility to accommodate the increased membership; and

WHEREAS, Congregation Olam Tikvah welcomed Rabbi David Kalender in 1998; Rabbi Joshua Ben-Gideon, who served as assistant rabbi from 2003 to 2008; Assistant Rabbi Benjamin Shalva, who served from 2008 to 2010; and Assistant Rabbi Ita Paskind was hired in 2010 and continues to serve the congregation; and

WHEREAS, the growth of Congregation Olam Tikvah is reflected in the diversity of the interests of its members and the activities and organizations of the synagogue, which include various adult education programs: the Sisterhood Club; the Men's Club; a chorale; "ABBA," a group for fathers of young children; social action and community service activities; programs for young professionals and families and for members age 55 and over; and

WHEREAS, Jewish learning opportunities, such as Olam Tikvan Preschool School, Olam Tikvah Religious School, Shabbat services, Junior Congregation, and b'nai mitzvah preparation, are provided for children; trips to Israel led by Rabbi David Kalender are offered to the Congregation; and

WHEREAS, opportunities for Congregational fellowship are also provided, including Shabbat services and Shabbat dinners, Congregational and community events, and the celebration of holidays and community worship services on High Holy Days, in which congregants lead prayers and read the Torah; and

WHEREAS, in response to a growing membership and the needs of its congregants, Congregation Olam Tikvah dedicated a new social hall in May 2010, which included a new upper level entrance to the sanctuary, lobby space with an atrium-like appearance, a rabbinic suite and beit midrash, and a Judaica shop; in the fall of 2010, a new Youth Wing was dedicated to the delight of students, teens, and parents, which included new classrooms, office space for the religious school and youth activities staff, a youth lounge and resource room, and a bride's room; and

WHEREAS, after 50 years, Congregation Olam Tikvah has witnessed the fulfillment of its dreams of a warm and welcoming Jewish worship environment, and the Congregation continues to be an influential force in the community, serving the third generation of its original families; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Congregation Olam Tikvah on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Senior Rabbi David Kalender and Harold Belkowitz, president of Congregation Olam Tikvah, as an expression of the General Assembly's congratulations and best wishes for many years to come of faithful service to the congregants of Congregation Olam Tikvah and the Fairfax community.

HOUSE JOINT RESOLUTION NO. 455

Commending Raymond Lee Richards.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Raymond Lee Richards, a dedicated public servant and the longtime Commissioner of Revenue in the City of Charlottesville, retired from public office in 2013; and

WHEREAS, a native of Charlottesville, Lee Richards served his country in the United States Marine Corps; he began a long and successful career as a public servant with the Charlottesville Treasurer's Office in 1974 as an account clerk; and

WHEREAS, building a reputation as a helpful and well-rounded professional, Lee Richards was appointed in 1979 as city license inspector and auditor of business and professional licenses; and

WHEREAS, from 1979 to 1994, Lee Richards held a variety of positions within the office of the Commissioner of Revenue, including administrative specialist and inspector; and

WHEREAS, elected as the Commissioner of Revenue in 1994, Lee Richards ably served the people of Charlottesville and used innovative practices to increase efficiency; under his leadership, the office began helping citizens prepare and file state tax returns free of charge; and

WHEREAS, deeply committed to the well-being of his fellow Charlottesville residents, Lee Richards went above and beyond in service to the community; he visited senior citizens to help them fill out paperwork for the real estate tax relief program and worked with small businesses to help them succeed; and

WHEREAS, Lee Richards leaves a legacy of excellence to future commissioners of revenue and other public servants throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Raymond Lee Richards, a respected public servant and the former Commissioner of Revenue for the City of Charlottesville, on the occasion of his retirement from public office; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Raymond Lee Richards as an expression of the General Assembly's admiration for his outstanding service to the community and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 456

Commending Jennifer J. Brown.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Jennifer J. Brown, a dedicated public servant and the longtime Treasurer for the City of Charlottesville, retired from public office in 2013; and

WHEREAS, a graduate of Wingate University, Jennifer Brown is certified as a master governmental treasurer; she began a long and successful career in local government as an auditor for the Charlottesville Commissioner of Revenue in 1976, later becoming a buyer for the Charlottesville Purchasing Department; and

WHEREAS, elected Treasurer for the City of Charlottesville in 1993, Jennifer Brown was the first woman elected to the office in the city's history and ably served her fellow residents for five terms; and

WHEREAS, Jennifer Brown was admired for her outstanding leadership and devotion to fairness and efficiency; she implemented innovative customer service programs, guided technological improvements, and enhanced and safeguarded the city's financial resources; and

WHEREAS, in recognition of her many achievements, Jennifer Brown earned the 2006 Treasurer of the Year award from the Treasurer's Association of Virginia; and

WHEREAS, Jennifer Brown further served the community as a former chairwoman of the Charlottesville Democratic Party and a member of the board of Piedmont Virginia Community College, Focus Women's Resource Center, the American Red Cross, First Night Charlottesville, and the Independent Resource Center; and

WHEREAS, Jennifer Brown is an exemplar of the professionalism and dedication to the community displayed by public servants throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jennifer J. Brown, a respected public servant and the former Treasurer of the City of Charlottesville, on the occasion of her retirement from public office; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jennifer J. Brown as an expression of the General Assembly's admiration for her exceptional service to the community and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 457

Commending the Virginia High School League.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, the Virginia High School League has served the Commonwealth's public high schools and student athletes by facilitating athletic and educational programs and intrastate tournaments for 100 years; and

WHEREAS, the Virginia High School League (VHSL) traces its origin to ideas raised in the spring of 1912 at the University of Virginia, where then-President Dr. Edwin A. Alderman, together with Dr. Charles G. Maphis of the Department of Education, planted the seeds for a statewide high school organization to conduct education-based competitions; and

WHEREAS, the University of Virginia Washington and Jefferson Societies first sponsored a state debate contest beginning on April 30, 1914, involving 20 schools, followed soon thereafter by state athletic contests in the sports of baseball, basketball, and track; and

WHEREAS, from its humble beginning in 1913 and 1914, when 20 schools competed in state debate, the VHSL today serves 313 schools and nearly 200,000 students, participating in 27 sports and 11 academic/fine arts activities and offers more than 150 state competitions; and

WHEREAS, VHSL member schools join the nonprofit, voluntary organization each year with the expressed written consent of their school boards, thus affording local control and oversight of the league's operations; and

WHEREAS, the VHSL established and regularly reviews, modifies, and maintains rules and regulations to govern the various competitions and to ensure a level playing field for all competitors in the events; and

WHEREAS, participation in VHSL activities enriches each student's educational experience, promotes academic achievement, and serves as an ideal way for students to develop the skills needed to be well-rounded citizens; and

WHEREAS, VHSL programs foster involvement of a diverse population and promote positive school and community relations, reaching students in every corner of the Commonwealth; and

WHEREAS, studies indicate that students who participate in co-curricular activities have higher grade-point averages and attendance rates, fewer disciplinary problems, and lower dropout rates than nonparticipants; and

WHEREAS, VHSL activities help provide direction and motivation for student participants, teach life lessons outside the classroom, instill values of teamwork, goal setting, self-discipline, perseverance, and respect for self and others, and allow students to learn how to win with humility and lose with dignity; and

WHEREAS, league services now include a nationally recognized annual Student Leaders Conference, coaches education and professional development opportunities, protection for participants through strong sports medicine initiatives and catastrophic insurance for students, and training and assignment of more than 8,000 contest officials in 12 sports and four academic activities; and

WHEREAS, recognition of outstanding achievements is afforded through the Virginia High School Hall of Fame, 32 student scholarships, sportsmanship awards, and honors for individuals who contribute significantly at the local level; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia High School League on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ken Tilley, executive director of the Virginia High School League, as an expression of the General Assembly's admiration for the organization's many contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 458

Commending James H. Bash.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, James H. Bash, a devoted educator and passionate activist, served the Commonwealth as a supporter of civil rights and desegregation efforts in the 1950s and 1960s; and

WHEREAS, while serving as the principal of a high school in Farmville in 1955, James Bash courageously spoke out against plans to prevent desegregation of the school; and

WHEREAS, James Bash moved to Charlottesville and offered his wisdom and expertise to the Curry School of Education at the University of Virginia, where he founded the Consultative Resource Center for School Desegregation, after securing a federal grant to fund the center; and

WHEREAS, serving as the director of the center from 1967 to 1971, James Bash promoted cross-racial understanding as a national leader in equal education; he developed a nationally recognized teaching model and authored several publications on teaching and administration in desegregated schools; and

WHEREAS, under James Bash's leadership, the center provided training, curricula, and literature to educators in the Commonwealth and surrounding states; countless students continue to benefit from the training and resources provided by the center; and

WHEREAS, prior to his retirement in 1991, James Bash also taught several courses and served as the executive secretary of the Curry School of Education Foundation; and

WHEREAS, in recognition of his exceptional leadership of the Consultative Resource Center for School Desegregation and his many contributions to the Commonwealth, James Bash was named a professor emeritus of the Curry School of Education; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend James H. Bash for his service as an educator and an activist for civil rights and desegregation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James H. Bash as an expression of the General Assembly's admiration for his work to ensure equality for all citizens of the Commonwealth.

HOUSE JOINT RESOLUTION NO. 459

Commending James W. Carter.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, James W. Carter was first employed by the Virginia Beach Fire Department in December 1970; and

WHEREAS, James Carter was promoted to lieutenant, a position that was retitled to captain; and

WHEREAS, James Carter was promoted to captain (battalion chief), district chief, and deputy chief within a 10-year period, and beginning on August 1, 1998, he served a term as acting fire chief of the Virginia Beach Fire Department until October 31, 1999; and

WHEREAS, in 1989, James Carter led the Virginia Beach Fire Department Response Team to operate in Charleston, South Carolina, in the aftermath of Hurricane Hugo; and

WHEREAS, as the operations chief in 1992, James Carter supported Virginia Task Force 2, one of the original FEMA Urban Search and Rescue Task Forces that responded to the Oklahoma City bombing and responded to the September 11, 2001, attack on the Pentagon; and

WHEREAS, James Carter was present for and operated at many major fire incidents in the City of Virginia Beach, including the Cavalier Hotel fire, the Boatel Dry Storage Marina, and many others in the 1970s and 1980s; and

WHEREAS, James Carter was instrumental in mentoring the present fire chief in Virginia Beach, as well as several current fire chiefs throughout the country, including those in Newport News; Frisco, Texas; Wilmington, North Carolina; and Port Orange, Florida; and

WHEREAS, after serving for 32 years with the Virginia Beach Fire Department, James Carter retired from the fire service; and

WHEREAS, James Carter became active with the Virginia Fire Chiefs Association (VFCA) in 1992, after having been a member for 10 years; he started working with vendors at the VFCA mid-winter conference in Williamsburg, eventually becoming the chairman of the Vendor Committee, for which he was responsible for moving the conference and trucks from Williamsburg to Virginia Beach in 1997; and

WHEREAS, James Carter helped the conference grow from a tent in a parking lot at the George Washington Inn to an event filling two-thirds of the Virginia Beach Convention Center; in 1995, he became the chairman of the conference and held that position until 2013; and

WHEREAS, James Carter served as president of the VFCA from 2002 to 2004, bringing his ideas, salesmanship, bartering techniques, gift of gab, and budget-busting style to the leadership of the association; and

WHEREAS, in 2004, James Carter became the public relations and marketing director for the VFCA, and from 2008 to 2013, he became the executive director of the VFCA, a position he largely created the job description for; and

WHEREAS, citizens throughout the Commonwealth have benefited from James Carter's expertise in fire service, and he will be sorely missed by the members of the VFCA; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend James W. Carter for his distinguished service to the City of Virginia Beach Fire Department, the Virginia Fire Chiefs Association, and his community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James W. Carter as an expression of the General Assembly's gratitude for his many years of service and for his valuable contributions to improving the quality of fire protection in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 460

Celebrating the life of Mary Wilkinson Gaston.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Mary Wilkinson Gaston, a respected educator, passionate activist, and beloved member of the Charlottesville community, died on November 3, 2013; and

WHEREAS, a native of Savannah, Georgia, Mary Wilkinson inherited a love of helping others from her parents, who served as educators and missionaries in Nigeria; and

WHEREAS, Mary Wilkinson graduated with honors from Swarthmore College, where she met her husband, Paul Gaston; she later earned a master's degree from what was then known as Atlanta University; and

WHEREAS, throughout her career as a kindergarten teacher at Venable Elementary and Clark Elementary Schools, Mary Gaston guided and inspired countless young students; and

WHEREAS, Mary Gaston was a recognized leader in the community; serving on the Charlottesville Council on Human Rights, she advocated for desegregation and civil rights in the 1950s and 1960s; and

WHEREAS, a caring and gracious woman who worked to better the lives of her fellow Charlottesville residents, Mary Gaston donated her time and talents to many civic and service organizations, including the NAACP and Virginia Organizing; and

WHEREAS, Mary Gaston will be fondly remembered and greatly missed by her devoted husband of 61 years, Paul; children, Blaise, Chinta, and Gareth, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Mary Wilkinson Gaston, an educator, activist, and pillar of the Charlottesville community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Mary Wilkinson Gaston as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 461

Celebrating the life of Rodney Hubbard.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Rodney Hubbard of Natural Bridge, director of the District 23A Court Service Unit for the Virginia Department of Juvenile Justice for the City of Roanoke and former chairman of the Rockbridge County School Board, whose work and example encouraged and brought out the best in those around him, died on January 29, 2014; and

WHEREAS, a native of Natural Bridge, Rodney Hubbard graduated from Natural Bridge High School and earned a bachelor's degree from Washington and Lee University; and

WHEREAS, in 1974, Rodney Hubbard began his career with the Commonwealth as an institutional rehabilitation counselor in what is now called the Virginia Department of Juvenile Justice (DJJ); he remained a dedicated state employee his entire life; and

WHEREAS, for almost 40 years, Rodney Hubbard worked for the DJJ as intake officer/mediator, probation counselor, and probation supervisor for the Cities of Lexington and Covington and Botetourt County for the 25th District Court Service Unit; and

WHEREAS, for the last 15 years, Rodney Hubbard was director of the District 23A Court Service Unit of the DJJ in the City of Roanoke; he served the court and the people who came before it with diligence and responsibility; and

WHEREAS, Rodney Hubbard was an active member of the Virginia Juvenile Justice Association and served on its board of directors; he was honored with the group's Meritorious Award in the Area of Court Services in 1988; and

WHEREAS, Rodney Hubbard received an additional award from the Virginia Juvenile Justice Association in 2003, the Meritorious Award in the Area of Administration; and

WHEREAS, a tireless supporter of his community, Rodney Hubbard was a former member and chairman of the Rockbridge County School Board; he was also a member of the advisory board of BB&T Bank and served on the initial board of the Rockbridge Area Recreation Organization; and

WHEREAS, Rodney Hubbard was also a member of the board of Project Horizon and served on the board of the John Chavis House at Washington and Lee University; he worshipped at First Baptist Church of Natural Bridge and had participated in the church's music ministry for 50 years; and

WHEREAS, in his profession and in his community, Rodney Hubbard's talents were evident in his work with people; as a mentor, he inspired young employees and led by example; he believed that families and children deserved support and that positive change often could happen; he was soft-spoken and direct with a no-nonsense approach that was patient, supportive, and kind; and

WHEREAS, Rodney Hubbard was a special person and good friend to many people and also to his professional associates; he was an extraordinary colleague and mentor who touched many lives, providing support, good humor, and wise counsel at home and in the community; and

WHEREAS, Rodney Hubbard will be greatly missed and fondly remembered by his wife, Debbie; children, Scott, Korey, Rob, Aaron, and Ryan, and their families; and many other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Rodney Hubbard, director of the District 23A Court Service Unit for the Virginia Department of Juvenile Justice for the City of Roanoke and former chairman of the Rockbridge County School Board, who sought to bring out the best in those around him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Rodney Hubbard as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 462

Celebrating the life of T. David Grist.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, T. David Grist of Lexington, a devoted husband and father, a man of faith, and an esteemed bank president who was a respected and kind friend to many people and who gave generously of his time and talents to the community, died on February 23, 2014; and

WHEREAS, David Grist was a lifelong resident of Lexington; he graduated from Lexington High School and earned degrees from James Madison University and Louisiana State University; and

WHEREAS, banking was David Grist's career; he worked for many local banks throughout his life, starting at First National Exchange Bank; he is remembered for the personal interest he took in his customers—he telephoned many of them on their birthdays each year to offer best wishes; and

WHEREAS, in 2009, David Grist was named founding president and chief executive officer of CornerStone Bank; during his tenure, the bank's assets greatly increased and the number of full-time employees rose from eight to 27; and

WHEREAS, as a community banker, David Grist was a strong supporter of many area organizations; he was a member of the Chamber of Commerce, which in 2013 named him Business Individual of the Year; he also served on the board of the Rockbridge Area Habitat for Humanity and the Lexington Police Department Foundation and was active in other organizations; and

WHEREAS, a man of faith, David Grist worshipped at Manly Memorial Baptist Church, where he was a deacon and served on various church committees; he is remembered for his positive nature, concern for others, love of family, pursuit of excellence, and courageous spirit; and

WHEREAS, David Grist will be greatly missed and fondly remembered by his wife, Sharon; daughter, Hunter; parents, Joe and Roberta; and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of T. David Grist of Lexington, a devoted husband and father, a man of faith, and an esteemed bank president who was a respected and kind friend to many people and who gave generously of his time and talents to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of T. David Grist as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 463

Celebrating the life of R. K. Mast.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, R. K. Mast, a respected entrepreneur from Rockbridge Baths, died on October 16, 2013; and

WHEREAS, a native of Sugar Grove, North Carolina, R. K. Mast served his country in the United States Marine Corps and fought in the Battle of Okinawa, for which he was awarded a Purple Heart; and

WHEREAS, possessing a tireless work ethic, R. K. Mast spent many years as a cattle farmer, chartered the Rockbridge Baths Volunteer Fire Department, was the former owner and promoter of the Natural Bridge Speedway, and served as the owner and operator of Davis Motor Company; and

WHEREAS, R. K. Mast was also involved in numerous entrepreneurial endeavors, including multiple service stations, Mast Milling Company, and Mast Brothers Trucking; and

WHEREAS, a man of faith, R. K. Mast was a member of the Ebenezer United Methodist Church; and

WHEREAS, predeceased by his wife, Helen, R. K. Mast will be fondly remembered and greatly missed by his children, Richard and Helena, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a respected entrepreneur and member of the Rockbridge Baths community, R. K. Mast; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of R. K. Mast as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 464

Celebrating the life of Ella Gay McCurdy Potter.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Ella Gay McCurdy Potter, a spiritual woman cherished by the community of Collierstown, died on November 19, 2013; and

WHEREAS, former owner and operator of Fabric's Unlimited, Ella Potter transformed her love of making clothes and costumes for her grandchildren into a business she enjoyed; and

WHEREAS, working for the *News-Gazette* in Lexington for 18 years, Ella Potter helped keep the members of the community informed of current events; and

WHEREAS, making charitable work a high priority, Ella Potter volunteered with the American Red Cross for 11 years and was a founding member of the Buffalo Pioneer 4-H Club; and

WHEREAS, a member of Collierstown Presbyterian Church for 77 years, Ella Potter's faith made her a leader and mentor to others; she served on the Shenandoah Presbyterian Nominating Committee, the Manly Memorial Joy Group, the community Bible study, the Collierstown Lunch Bunch, and the Collierstown Presbyterian Choir; and

WHEREAS, always willing to help those in need, Ella Potter made baked goods for ill and homebound members of her community, as well as for her friends; and

WHEREAS, predeceased by her loving husband, Charles A. Potter, Sr., Ella Potter will be fondly remembered and greatly missed by her children, Charles, Steve, Gaylea, and Lisa, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a beloved member of the Collierstown community, Ella Gay McCurdy Potter; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ella Gay McCurdy Potter as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 465

Celebrating the life of Jackie Lee Setliff.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Jackie Lee Setliff, a respected public servant, veteran, and community leader in the City of Danville, died on January 18, 2014; and

WHEREAS, a lifelong resident of the City of Danville, Jackie "Jack" Setliff served his country in the United States Air Force for four years, then joined the Virginia State Police for two years; and

WHEREAS, Jack Setliff worked for 11 years as a deputy commissioner and license inspector in the Office of the Commissioner of Revenue before being appointed as the commissioner to fill an unexpired term in 1975; and

WHEREAS, Jack Setliff was elected Commissioner of Revenue in 1976 and ably served the City of Danville in that position until his retirement in 2003; bringing a high degree of professionalism to the office, he always treated members of the public with fairness and respect; and

WHEREAS, a respected leader in the field, Jack Setliff served as the president of the Commissioners of the Revenue Association of Virginia from 1987 to 1988; and

WHEREAS, Jack Setliff worked to better the community as a member of many civic and service organizations, and he enjoyed fellowship and worship as a member of the Schoolfield Baptist Church; and

WHEREAS, Jack Setliff will be fondly remembered and greatly missed by his loving wife, Jean; children, Beverly, Nesha, Barry, Steven, and Stuart, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Jackie Lee Setliff, a public servant, veteran, and active member of the Danville community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Jackie Lee Setliff as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 466

Commending Monelison Volunteer Rescue Squad.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Monelison Volunteer Rescue Squad proudly celebrates 50 years of service to the citizens of Amherst County in August 2014; and

WHEREAS, organized by 16 local citizens of Monroe, Elon, and Madison Heights in 1964, Monelison Volunteer Rescue Squad (MVRS) began operations with just one ambulance; and

WHEREAS, with a desire to support and make a difference in the community, charter members of MVRS leveraged personal finances and borrowed \$700 from the Monelison Fire Department in order to establish the squad; and

WHEREAS, with a first aid training foundation that began in 1966, MVRS sought to increase the level of support by joining emergency medical training classes in 1971; and

WHEREAS, by the early 1990s, MVRS added multiple vehicles to its fleet, established a more advanced communication system, and completed building renovations that accommodated the addition of two emergency response boats; and

WHEREAS, in 2003, Amherst County added full-time career personnel to MVRS, creating a combination system of working together to provide emergency medical services to the county; and

WHEREAS, today, MVRS operates under the supervision of Captain Vickie Padgett, with seventeen volunteers, three advance life support ambulances, and a first response vehicle; and

WHEREAS, providing life-saving coverage to its citizens, MVRS volunteers are pillars of the community and have provided an invaluable service to the community of Amherst County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Monelison Volunteer Rescue Squad on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Vickie Padgett, captain of Monelison Volunteer Rescue Squad, as an expression of the General Assembly's respect and gratitude for its decades of exceptional and selfless service to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 467

Commending Woodruff's Café and Pie Shop.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Woodruff's Café and Pie Shop, a family-owned and -operated business in Monroe, has provided hospitality to the community for over half a century; and

WHEREAS, originally built by James Woodruff as a shelter for local school children to escape the elements as they waited for bus transportation, the building transformed into Woodruff's General Store in 1952; and

WHEREAS, the Woodruff's General Store became synonymous with hospitality, as James and Mary Woodruff would provide food for families and individuals in need, regardless of their ability to pay; and

WHEREAS, in 1998, Angela Scott, daughter of James and Mary Woodruff, opened Woodruff's Café and Pie Shop where the General Store once stood; and

WHEREAS, as a small business, Woodruff's Café and Pie Shop supports the community by buying locally grown produce from Morris Orchard; and

WHEREAS, in September 2013, Woodruff's Café and Pie Shop's apple pie received the honor of being labeled the "best pie ever" by *Southern Living Magazine*; and

WHEREAS, with the help of Angela Scott's mother and sisters, Woodruff's Café and Pie Shop remains a family business; Darnelle Winston handles invoices and bookkeeping, Darnette Hill makes the shop's bestselling apple pie, Angela Scott is the head cook and proprietor, and Mary Woodruff continues to have a steady presence at the shop, sharing family stories and lively conversation with guests; and

WHEREAS, over the last 16 years, Woodruff's Café and Pie Shop has continued the family tradition of caring for one's neighbors by not only providing good food and great conversation, but also supporting local businesses and the citizens of Monroe; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Woodruff's Café and Pie Shop; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Angela Scott, proprietor of Woodruff's Café and Pie Shop, as an expression of the General Assembly's respect and admiration for the family's commitment to providing both quality products and hospitality to the members of the Monroe community.

HOUSE JOINT RESOLUTION NO. 468

Commending Master Trooper Gene E. Ayers.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Master Trooper Gene E. Ayers, a dedicated law-enforcement professional with the Virginia State Police, has made many outstanding contributions to Virginia's Drug Abuse Resistance Education program; and

WHEREAS, Gene Ayers, a native of Clifton Forge in Alleghany County, graduated from Alleghany County High School; and

WHEREAS, Gene Ayers began his distinguished career with the state police in 1982, and upon graduating from the Virginia State Police Academy, has proudly served the Commonwealth while assigned to the areas of Woodford, Ruther Glen, the Town of Bowling Green, and Botetourt County; and

WHEREAS, Master Trooper Ayers is respected for his superior commitment, integrity, and highly professional leadership of Virginia's Drug Abuse Resistance Education (D.A.R.E.) program, a comprehensive, statewide drug and violence prevention education initiative aimed at children in kindergarten through 12th grade; and

WHEREAS, in 1996, Master Trooper Ayers began his close association with the D.A.R.E. program as a regional coordinator; offering exceptional guidance and masterful planning, he rose to become the statewide coordinator; and

WHEREAS, during his impressive tenure and leadership of the D.A.R.E. program and through his training of more than 1,500 D.A.R.E. officers over the years, Master Trooper Ayers has been instrumental in the advancement and development of the program in countries worldwide; and

WHEREAS, Master Trooper Ayers is the only law-enforcement officer in the world to achieve all coveted state and national D.A.R.E. awards, including the 2003 Virginia State D.A.R.E. Officer of the Year, the 2008 National D.A.R.E. Officer of the Year, the 2009 Virginia Lifetime Achievement Award, and the 2013 National Lifetime Achievement Award, an honor no one else within the D.A.R.E. program has received; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Master Trooper Gene E. Ayers for his outstanding service as a Virginia State Trooper and for his unwavering, steadfast commitment to the children of the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Master Trooper Gene E. Ayers as an expression of the General Assembly's appreciation for his extraordinary achievements with the Virginia State Police.

HOUSE JOINT RESOLUTION NO. 469

Commending William Jeffrey Liverman.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, William Jeffrey Liverman, who has admirably served as executive director of the Danville Science Center for 10 years, leading the organization during a time of great growth and helping to make the Danville Science Center a hub of activity and learning, retired on January 30, 2014; and

WHEREAS, a passionate advocate for the joys and excitement that science can offer, William Jeffrey "Jeff" Liverman has worked for the Science Museum of Virginia since 1988; the Danville center is a division of the museum in Richmond; and

WHEREAS, during his tenure at the Danville Science Center, Jeff Liverman oversaw many changes: attendance doubled, the square footage of the center also doubled, and a digital dome theater opened in early 2014; and

WHEREAS, before becoming director of the Danville Science Center in 2003, Jeff Liverman worked at the Science Museum of Virginia for 15 years; he describes his career at the two institutions as full and robust; and

WHEREAS, annual attendance at the Danville Science Center increased during Jeff Liverman's leadership and averages more than 30,000 visitors; in 2013, more than 8,000 children participated in programs at the center, which showed them that science, technology, engineering, and math can be fun and rewarding; and

WHEREAS, in the last decade, Jeff Liverman has effectively represented the Danville Science Center in the community through his dedication and personal efforts; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend William Jeffrey Liverman, executive director of the Danville Science Center, on the occasion of his retirement and for his admirable service in leading the organization during a time of great growth, helping to make the Danville Science Center a hub of activity and learning; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to William Jeffrey Liverman as an expression of the General Assembly's appreciation and admiration for his leadership of the Danville Science Center and for his service to the Danville area and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 470

Commending Kate Waller Barrett Elementary School.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Kate Waller Barrett Elementary School in Arlington celebrates 75 years of providing a quality education in a caring and nurturing environment in 2014; and

WHEREAS, founded in 1939 and named for a prominent Virginian who was a nationally known social activist and strong supporter of women's right to vote, Barrett Elementary School today serves families in the Arlington Forest and Buckingham neighborhoods; and

WHEREAS, the public school on North Henderson Road in Arlington County opened in September 1939 with 97 students and four teachers; Hattie Hanks, the fifth and sixth grade teacher, also was the principal of Barrett Elementary School; and

WHEREAS, in 1946, just seven years after Barrett Elementary School opened, six more classrooms were built, and in 1950, the school was renovated to include a multipurpose room and a library—the first elementary school in Arlington County to have one; one year later, enrollment was 688 students; and

WHEREAS, Barrett Elementary School, which today offers prekindergarten through fifth grade, is proud of its diverse student body; there is a strong representation of Hispanic, Asian, and African American pupils, ensuring a multicultural education for all pupils; and

WHEREAS, Barrett Elementary School continues to grow and enjoy a strong enrollment; several additions have been built, and in 2001, a new wing was added; and

WHEREAS, in 2005, Barrett Elementary School was the first elementary school in the Commonwealth to be named a NASA Explorer School; NASA education specialists, mathematicians, engineers, and scientists are closely involved with the science and math curriculum; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Kate Waller Barrett Elementary School in Arlington on its 75th anniversary of providing a quality education in a caring and nurturing environment; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dan Redding, principal of Kate Waller Barrett Elementary School, as an expression of the General Assembly's respect and admiration for its many years of teaching the young people of Arlington County and best wishes for continued success.

HOUSE JOINT RESOLUTION NO. 471

Commending Friendship Industries Incorporated.

Agreed to by the House of Delegates, March 5, 2014
Agreed to by the Senate, March 7, 2014

WHEREAS, in 1964, a few special education instructors and citizens created the Linville-Edom Sheltered Workshop in an old chicken house of the Agricultural Building of the Linville-Edom School in Rockingham County, for male students who aged out of the high school system, to develop and maintain employment and training opportunities for persons with disabilities in integrated work environments; and

WHEREAS, in 1971, the Linville-Edom Sheltered Workshop evolved into and was incorporated as Friendship Industries Incorporated, the first agency in Harrisonburg and Rockingham Counties to provide employment services for persons with disabilities; and

WHEREAS, Friendship Industries Incorporated began with an operating budget of \$20,000 and employed eight young men with special needs; in 2013, the company's budget was over \$5 million, more than 170 persons with disabilities were served, and over \$3.6 million was contributed to the community in wages, taxes, contract services, job training, and employment services; and

WHEREAS, in 1974, Friendship Industries Incorporated moved to larger quarters in Harrisonburg and remained there for 26 years, where a transportation system was created for all clients, enabling the employment of more persons with disabilities; and

WHEREAS, in the 1980s, Friendship Industries Incorporated pioneered the Supported Competitive Employment Program model in the Harrisonburg and Rockingham area, and persons with disabilities were successfully mainstreamed into jobs in the community with the support of a Friendship Industries Incorporated job coach; and

WHEREAS, from the first enterprise in 1964 to repair wooden crates for the local Coca-Cola bottling plant, Friendship Industries Incorporated has expanded commercial enterprises to partnerships with local businesses and has developed a national customer base that includes a contract with the United States Department of Defense in April 2008, to assemble Escape and Evasion kits for the United States Air Force; a partnership in 2010 with InterChange Group to provide contract packaging services in a refrigerated environment; and, in 2011, the creation of Able Solutions Incorporated to provide employment options for persons with barriers to employment; and

WHEREAS, every year, the scope and variety of commercial work provided by Friendship Industries Incorporated increases, allowing employees to gain a wide variety of job skills, and the support of this employment endeavor by the citizens of Harrisonburg and Rockingham Counties has placed the company in the top 30 employers in the area; and

WHEREAS, Friendship Industries Incorporated's rehabilitation programs give persons with disabilities an opportunity to contribute to their community, obtain employment, and provide income for their families; and

WHEREAS, the effectiveness of Friendship Industries Incorporated's rehabilitation programs has been validated by the Commission for Accreditation of Rehabilitation Facilities (CARF), and the company has been awarded the highest possible CARF certification for five consecutive review periods, the most recent accreditation in June 2013; and

WHEREAS, for 50 years, Friendship Industries Incorporated has embraced personal choice in matching employees with the right job and its leaders have used a business model to sustain the company's mission of "excellence in nonprofit management, stewardship of community resources, implementation of social enterprise, and empowerment of persons with barriers to success"; and

WHEREAS, Friendship Industries Incorporated has been faithful to its mission to assist persons with disabilities in the Harrisonburg and Rockingham area for 50 years; through the initiation of entrepreneurial projects and commercial enterprise, persons with disabilities have obtained job skills training and employment that enable them to sustain themselves and their families; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Friendship Industries Incorporated; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to George W. Homan, II, president and chief executive officer of Friendship Industries Incorporated, as an expression of the General Assembly's congratulations and best wishes for continued success in serving the people of the City of Harrisonburg and Rockingham County.

HOUSE JOINT RESOLUTION NO. 472

Commending the Patrick Henry College moot court team.

Agreed to by the House of Delegates, March 5, 2014
Agreed to by the Senate, March 7, 2014

WHEREAS, the Patrick Henry College moot court team won its sixth consecutive American Collegiate Moot Court Association National Moot Court Championship in January 2014 at Arizona State University; and

WHEREAS, the American Collegiate Moot Court Association is the only national organization dedicated to intercollegiate moot court competition; over 300 teams competed in regional tournaments in the 2012-2013 season; and

WHEREAS, continuing a tradition of excellence, the Patrick Henry College moot court team's victory was the school's eighth moot court title in the past 10 years; and

WHEREAS, seven of the Patrick Henry moot court team's eight pairs of advocates advanced to the playoff round of the tournament, with two teams competing in the semi-final round; the winning advocates were seniors Blake Meadows and Kayla Griesemer; and

WHEREAS, the Patrick Henry moot court team, ably coached by Patrick Henry College Chancellor Dr. Michael Farris, faced strong competitors from around the country; and

WHEREAS, the Patrick Henry moot court team owes its ongoing success to the dedication and hard work of the students, the leadership of the coaches and faculty, and the enthusiastic support of the Patrick Henry College community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Patrick Henry College moot court team on winning the American Collegiate Moot Court Association National Moot Court Championship in January 2014; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Patrick Henry College as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 473

Celebrating the life of Mills Hubert Hobbs, Jr.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Mills Hubert Hobbs, Jr., a proud and loyal veteran of the United States Army and a community leader in Botetourt County, died on February 18, 2014; and

WHEREAS, Hubert Hobbs joined many of the other young men of his generation in service to his country during World War II; and

WHEREAS, serving with Company A, 115th Infantry Regiment, 29th Infantry Division, Hubert Hobbs took part in the invasion of Normandy on D-Day; in recognition of his valorous deeds, he was awarded three Bronze Stars, two Purple Hearts, and several other decorations, and he later received the French Legion of Honor, one of the French military's highest awards; and

WHEREAS, after the war, Hubert Hobbs returned to Roanoke and became a postal carrier with the United States Postal Service, where he served for more than 30 years; he later worked for Loomis Fargo & Company until the age of 86; and

WHEREAS, Hubert Hobbs was a devoted supporter of his fellow veterans; he donated his time to local high schools and historical seminars to remind the members of the community of the noble sacrifices made by the brave citizen-soldiers who fought in World War II; and

WHEREAS, Hubert Hobbs also safeguarded the community as a member of the Cave Spring Volunteer Fire Department, and he enjoyed supporting the youth of the community as an official for several different youth sports, particularly baseball; and

WHEREAS, Hubert Hobbs will be fondly remembered and greatly missed by his wife of 31 years, Mary; his two daughters and their families; and numerous other family members, friends, and fellow service members; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Mills Hubert Hobbs, Jr., a decorated veteran and a pillar of the Botetourt County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Mills Hubert Hobbs, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 474

Celebrating the life of the Honorable William Kent Bowers.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, the Honorable William Kent Bowers, a respected substitute judge of the Harrisonburg/Rockingham General District Court of the 26th Judicial District of Virginia and a friend to many in the community, died on October 5, 2013; and

WHEREAS, a lifelong resident of Harrisonburg, Kent Bowers graduated from Harrisonburg High School and the University of Virginia; he earned a law degree from Tulane University in New Orleans, Louisiana; and

WHEREAS, a highly professional and skilled attorney, Kent Bowers practiced law in Harrisonburg for many years; and

WHEREAS, Kent Bowers became a substitute judge of the Harrisonburg/Rockingham General District Court of the 26th Judicial District of Virginia, where he presided with great fairness and wisdom; and

WHEREAS, Kent Bowers enjoyed fellowship and worship with the community as a member of St. Stephen's United Church of Christ; and

WHEREAS, a man of great integrity, Kent Bowers served the community and the Commonwealth with dedication and distinction; and

WHEREAS, Kent Bowers will be fondly remembered and greatly missed by his mother, Elene; sisters, Beth and Julie; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable William Kent Bowers, a respected substitute judge of the Harrisonburg/Rockingham General District Court and an active member of the Harrisonburg community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable William Kent Bowers as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 475

Celebrating the life of the Honorable John L. Melnick.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 8, 2014

WHEREAS, the Honorable John L. Melnick, a community leader and former member of the Virginia House of Delegates who ably represented the residents of the County of Arlington, died on August 21, 2013; and

WHEREAS, a native of Arlington County, John "Jack" Melnick inherited a desire to serve the community from his parents, both of whom were active in civic and service organizations; and

WHEREAS, Jack Melnick graduated from Washington and Lee High School, attended Roanoke College, and earned bachelor's and law degrees from the University of Virginia; after graduation, he practiced law in Arlington, becoming an Assistant Commonwealth's Attorney and the president of the Arlington County Bar Association; and

WHEREAS, desiring to be of further service to the Commonwealth, Jack Melnick was elected to the Virginia House of Delegates in 1972, where he would represent the residents of the 22nd District for three terms; and

WHEREAS, Jack Melnick worked to enact important legislation and offered his knowledge and experience to several committees, including Courts of Justice, Militia and Police, and Privileges and Elections; he also served on the Virginia State Crime Commission; and

WHEREAS, Jack Melnick's proudest accomplishment was sponsoring what is now known as the Criminal Injuries Compensation Fund, which has helped thousands of Virginians and their families recover from the impact of a major crime; and

WHEREAS, after his retirement from public office in 1977, Jack Melnick continued to practice law with his son, Paul, at their firm, Melnick & Melnick, PLC, in Falls Church; and

WHEREAS, Jack Melnick served the community as a longtime member and past president of the Kiwanis Club of Arlington; and

WHEREAS, Jack Melnick cultivated his love of travel as the first president of the Arlington Sister City Association, building cultural partnerships with Reims, France, and Aachen, Germany; he also enjoyed traveling with his family throughout the United States and the world; and

WHEREAS, Jack Melnick enjoyed fellowship and worship with the community at Clarendon United Methodist Church, where he offered guidance and leadership as a trustee for many years; and

WHEREAS, a man of great integrity, Jack Melnick served the community and the Commonwealth with dedication and distinction; and

WHEREAS, a loving husband and father, Jack Melnick will be fondly remembered and deeply missed by his wife of more than 50 years, Marjorie; children, John II, Paul, Kathleen, and Laura, and their families; numerous other family members and friends; and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable John L. Melnick, former member of the Virginia House of Delegates and a deeply respected member of the Arlington community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable John L. Melnick as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 476

Celebrating the life of Hope Cosby Davies.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Hope Cosby Davies of Fairfax, a devoted mother and wife, who was born in Washington, D.C., and raised in Arlington, was an artist and was also active in many areas of the community, died on March 12, 2013; and

WHEREAS, Hope Cosby "Dixie" Davies lived her entire life in the greater Washington area, giving generously of her time and talents—even as a child; at age 4, she was one of several children who planted the "Mother's Tree" at the Arlington County Courthouse Plaza, which still stands today; and

WHEREAS, Dixie Davies graduated from Washington-Lee High School in Arlington and attended Mary Washington College, now known as the University of Mary Washington, where she studied art; and

WHEREAS, as a young adult, Dixie Davies worked for American Security Bank in Washington, D.C., and later at the National Gallery of Art; during World War II, she was a volunteer with the Washington USO Stage Door Canteen, dancing with servicemen; and

WHEREAS, in 1947, Dixie Cosby married J. Bankhead T. T. Davies, and the couple started a family; some years later, she returned to her love of art and began painting with a group of women known as the Artifacts; and

WHEREAS, Dixie Davies was a past president of the Arlington County Lawyers' Wives club and the Arlington Kiwanis KiWives organization; she was a woman of faith and worshipped at St. George's Episcopal Church in Arlington and at Cople Parish in Westmoreland County; and

WHEREAS, Dixie Davies had an office building built and named for her, the Dixie Building, which stood from 1960 to 1997 near the old Arlington County Courthouse; over the years it was the home of many Arlington attorneys' law offices; and

WHEREAS, Dixie Davies enjoyed traveling with her husband; on weekends, the couple also enjoyed the beauty of the Northern Neck at their cottage on the Potomac River; during the week, she helped at the law firm owned by her husband and son; and

WHEREAS, Dixie Davies will be greatly missed and fondly remembered by Bankhead, her husband of 65 years; her children, Hope, Vera, and Bankhead, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Hope Cosby Davies of Fairfax, a devoted mother and wife, a native of Washington, D.C., who was raised in Arlington, was an artist, and was also active in many areas of the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Hope Cosby Davies as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 477

Celebrating the life of James Bankhead Taylor Thornton Davies.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, James Bankhead Taylor Thornton Davies, a true Virginia gentleman, dedicated public servant, and Manassas native, died May 12, 2013; and

WHEREAS, in 1938, Bankhead T. Davies earned a bachelor's degree and went on to pursue a law degree from The College of William and Mary; and

WHEREAS, upon his graduation from law school in 1940, Bankhead T. Davies began his expansive law career as an assistant to Commonwealth's Attorney Lawrence Douglas; and

WHEREAS, fulfilling his civic duty, Bankhead T. Davies suspended his practice of law and enlisted in the United States Army, where he was deployed to the Pacific Theater during World War II; and

WHEREAS, after earning the rank of captain, Bankhead T. Davies was honorably discharged in 1946 and welcomed back to Arlington as an Assistant Commonwealth's Attorney; and

WHEREAS, upon his return from the war, Bankhead T. Davies met, fell in love with, and married Hope "Dixie" Cosby, and together raised three wonderful children; and

WHEREAS, in 1948, Lawrence Douglas and Bankhead T. Davies formed the firm of Douglas & Davies, where they both worked until Mr. Douglas' retirement in the mid-1950s; and

WHEREAS, Bankhead T. Davies continued as a solo practitioner of law until 1982, when his son, Bankhead Thornton Davies, joined the practice and worked side by side with his father for the next 25 years as named partners of Davies & Davies; and

WHEREAS, at the age of 90, Bankhead T. Davies retired from his practice after a successful career spanning 66 years; and

WHEREAS, a true Virginia gentleman, Bankhead T. Davies treated everyone he met with respect and maintained a truly positive outlook every day of his life; and

WHEREAS, service to others being an important component in his life, Bankhead T. Davies was honored by an appointment by Arlington Circuit Court Judge William L. Winston to serve as a Commissioner in Chancery, a title he retained for over 40 years before retiring in 2007; and

WHEREAS, Bankhead T. Davies took great pleasure in his 66 years of membership with the Kiwanis Club of Arlington, rarely missing a Wednesday meeting, and he was recognized for his long service in 2005 with the George F. Hixon Award; and

WHEREAS, Bankhead T. Davies took great pride in serving on the Arlington Salvation Army Advisory Board since its formation in 1951, and in 1988, he was awarded the Dynamic Force Award; and

WHEREAS, Bankhead T. Davies also had extensive involvement with the American Lung Association, with his dedicated service spanning over 80 years; he received many distinguished awards during this time, including the Douglas Southall Freeman award in 1987; and

WHEREAS, a lifelong member of St. George's Episcopal Church, Bankhead T. Davies enjoyed fellowship and worship with the community; and

WHEREAS, predeceased by his wife of 65 years, Dixie, Bankhead T. Davies will be fondly remembered and greatly missed by his three children, Hope, Vera, and Bankhead, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of James Bankhead Taylor Thornton Davies, a dedicated public servant and respected member of the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Bankhead Taylor Thornton Davies as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 478

Commending the Nansemond River Garden Club.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, the Nansemond River Garden Club of Suffolk, founded in 1928, has earned a sterling reputation for its beautiful floral designs and arrangements; and

WHEREAS, committed to environmental quality, protection, and beautification, the Nansemond River Garden Club has been instrumental in conservation and preservation projects in the City of Suffolk and the Commonwealth; and

WHEREAS, members of the Nansemond River Garden Club assisted in the decoration of the Virginia State Capitol for the 2007 Gala reception commemorating the reopening of the Capitol after its renovation and restoration; and

WHEREAS, the Nansemond River Garden Club was invited to participate in the 2014 Inaugural Ceremonies by decorating the Capitol for the inauguration of Governor Terence R. McAuliffe; and

WHEREAS, responding with enthusiasm and excitement, the gardeners from the Nansemond River Garden Club arrived in their cars loaded with supplies, greenery, and creative ideas for making the finest floral displays; and

WHEREAS, under the leadership of their president, Sandra Hart, the Nansemond River Garden Club volunteers transformed the Capitol into an elegant forum with spectacular floral arrangements that received rave reviews from the public and inaugural participants, including the Governor, Governor-elect, Lieutenant Governor-elect, Attorney General-elect, and members of the General Assembly; and

WHEREAS, the splendor of the Nansemond River Garden Club's creation continued to be enjoyed by all who visited the Capitol the following week; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Nansemond River Garden Club hereby be commended for its artistic work and volunteer efforts to create a beautiful and spectacular display for the Inaugural Ceremonies of the 72nd Governor of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sandra Hart, president of the Nansemond River Garden Club, and members Dana Adams, Pam Askew, Linda Consolvo, Linda Dickens, Sharyn Flintoff, Mary Lawrence Harrell, Pat House, Sara Ann Johnson, Nina McConnell, Mary Jane Naismith, Cleta Norcross, Pam Pruden, Susan Rawls, and Jane Schaubach as an expression of the General Assembly's appreciation for their time, artistry, and creativity during the 2014 Inaugural Ceremonies.

HOUSE JOINT RESOLUTION NO. 479

Commending Robert M. Brooks.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Robert M. Brooks, who admirably served the Commonwealth in many capacities, retired after 34 years of dedicated service with the Department of Alcoholic Beverage Control—most recently as special agent in charge of the Hampton regional office; and

WHEREAS, Robert "Bob" Brooks began his career in 1974 as a patrol officer with the Suffolk Police Department; he was a member of the Nansemond-Suffolk Volunteer Rescue Squad in 1976 and 1977 before returning to law enforcement as a patrol officer for the City of Franklin Police Department; and

WHEREAS, Bob Brooks first started working for the Department of Alcoholic Beverage Control (ABC) in 1977 as an inspector; he then returned to his work as a patrol officer with the Franklin Police Department from 1978 to 1980; and

WHEREAS, while he was working, Bob Brooks earned a bachelor's degree from Christopher Newport University in 1979; the following year, he resumed working for the ABC Department, beginning a 34-year tenure; and

WHEREAS, over the years, Bob Brooks was an inspector, special agent, and assistant special agent in charge at the ABC Department before becoming special agent in charge of the Hampton regional office; he provided excellent leadership and took pride in his work; and

WHEREAS, in his work, Bob Brooks' main goal was the safety of the citizens of the Commonwealth; he also strived to keep open lines of communication with all federal, state, and local agencies; and

WHEREAS, Bob Brooks represents the bravery, dedication to duty, and sacrifice shown by law-enforcement officers and first responders throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Robert M. Brooks, who served the Commonwealth in many capacities, on the occasion of his retirement from the Department of Alcoholic Beverage Control as special agent in charge of the Hampton regional office; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert M. Brooks as an expression of the General Assembly's appreciation and admiration for his tireless commitment to public safety and his many years of dedicated service to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 480

Commending the Jamestown High School girls' swim team.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, the Jamestown High School girls' swim team successfully completed its season by winning the Virginia High School League Group 4A swim and dive state championship in February 2014; and

WHEREAS, after finishing the regular season undefeated at 9-0, the Jamestown High School girls' swim team went on to win both the Inaugural Conference 19 title and the regional swim and dive meet before moving on to the state championship in Christiansburg; and

WHEREAS, scoring a total of 354 points, the Jamestown High School girls' swim team outscored the second-place team by 145 points to win its first state championship since moving into the 4A group; and

WHEREAS, the Jamestown High School girls' swim team excelled in the group races, finishing fourth in the 200-yard medley, first in the 200-yard free relay, and first in the 400-yard free relay; and

WHEREAS, the Jamestown High School girls' swim team also displayed skill in the individual races; Margaret Williams placed first in the 100- and 200-yard freestyle, Kylie Roehrle placed second in the 200-yard freestyle and fourth in the 100-yard breaststroke, Joelle Vereb placed first in the 50-yard freestyle and the 100-yard butterfly, Taylor Vitaletti placed third in the 50- and 100-yard freestyle, and Sarah Niewola placed fifth in the 100-yard freestyle; and

WHEREAS, also contributing points to the Jamestown High School girls' swim team state championship win were Devan Freeland, Hannah Clymer, Elizabeth Folsom, Avery Gillem, and Nikki Tyler; and

WHEREAS, the victory is due to the talent and dedication of the swimmers, the leadership of head coach Molly Sandling, and the support from the Jamestown High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Jamestown High School girls' swim team on winning the Virginia High School League Group 4A swim and dive state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Molly Sandling, head coach of the Jamestown High School girls' swim team, as an expression of the General Assembly's congratulations and admiration for the team's skill and determination.

HOUSE JOINT RESOLUTION NO. 481

Commending the Jamestown High School boys' swim team.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, the Jamestown High School boys' swim team displayed skill and determination by winning the Inaugural Conference 19 swim meet in February 2014; and

WHEREAS, after finishing the regular season at 7-2, the Jamestown High School boys' swim team won the Conference 19 title with 459 points, outscoring the second-place team by just five points; and

WHEREAS, finishing strong in the group races, the Jamestown High School boys' swim team placed second in both the 200- and 400-yard freestyle relays and third in the 200-yard medley relay; and

WHEREAS, the Jamestown High School boys' swim team placed one swimmer in nearly every event; Corey Shideler placed second in the 500-yard freestyle and third in the 200-yard freestyle, Colin Wright placed second in the 50-yard freestyle and third in the 100-yard freestyle, Johnny Shideler placed second in the 100-yard butterfly, and Austin Durham placed third in the 100-yard backstroke; and

WHEREAS, also contributing points to the Jamestown High School boys' swim team victory were Ryan Babcock, Matt Cudzik, Matt Cullom, David Dawnkaski, Jaq de Leon, Calvin Hart, Jared Heuser, Kevin Parker, Tyler Price, Ben Van Tassel, Caleb Visser, and Taylor Watson; and

WHEREAS, the Jamestown High School boys' swim team went on to place second in the regional meet and third in the Virginia High School League Group 4A swim and dive state championship; and

WHEREAS, the victory is due to the talent and dedication of the swimmers, the leadership of head coach Molly Sandling, and the support from the Jamestown High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Jamestown High School boys' swim team on winning the Conference 19 title and placing third in the Virginia High School League Group 4A swim and dive state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Molly Sandling, head coach of the Jamestown High School boys' swim team, as an expression of the General Assembly's congratulations and admiration for the team's talent and dedication.

HOUSE JOINT RESOLUTION NO. 482

Celebrating the life of Mildred Lonergan McAuliffe.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, Mildred Lonergan McAuliffe, a beloved wife, mother, and friend and a dynamic member of her community, died on February 13, 2014; and

WHEREAS, a nearly lifelong resident of Syracuse, New York, Mildred "Millie" Lonergan graduated from Central High School in 1939; she earned a bachelor's degree from Syracuse University, where she was a member of Theta Phi Alpha sorority and Eta Pi Upsilon honorary society; and

WHEREAS, after graduating in 1943, Millie Lonergan pursued a career with Liberty Mutual Insurance Company, working as a claims adjuster in the Boston and San Francisco offices; she served her country during World War II by enrolling in flight school to train as an auxiliary pilot; and

WHEREAS, in 1947, Millie Lonergan married the love of her life, Jack McAuliffe, with whom she raised a family; she was deeply dedicated to her children, grandchildren, and great-grandchildren throughout her life; and

WHEREAS, Millie McAuliffe was an active contributor to her community, caring for those in need as a patient service volunteer for Community General Hospital, several local golf associations, and the local Democratic Party; and

WHEREAS, known for her joyful spirit, Millie McAuliffe brightened community and social events with her wry sense of humor and for singing rousing renditions of "Hello Dolly"; and

WHEREAS, a proud and devout Catholic, Millie McAuliffe enjoyed fellowship and worship with the community as a founding member of St. Ann's Church; she also served as an early president of the Altar and Rosary Society; and

WHEREAS, Millie McAuliffe will be fondly remembered and greatly missed by her sons, John, Joseph, Thomas, and Terence, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Mildred Lonergan McAuliffe, a beloved wife, mother, and friend and an active member of her community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Mildred Lonergan McAuliffe as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 483

Commending the Thomas Jefferson Soil and Water Conservation District.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, in 2014, the Thomas Jefferson Soil and Water Conservation District celebrates 75 years of providing comprehensive and efficient natural resource assistance to Albemarle, Fluvanna, Louisa, and Nelson Counties and the City of Charlottesville; its mission is "to exercise leadership in promoting natural resource protection"; and

WHEREAS, soil and water conservation districts are self-governing divisions of state government; the groups develop programs and plans for conserving soil resources, controlling and preventing soil erosion, preventing floods, and determining how best to conserve, develop, utilize, and dispose of water; and

WHEREAS, the Thomas Jefferson Soil and Water Conservation District (TJSWCD) was created in April 1939; the members are elected, and the first election for the directors of the TJSWCD was held the following month; today, the four counties and one city that compose the TJSWCD encompass 1,984 square miles and have a population of 220,000; and

WHEREAS, in recent years, the TJSWCD—along with the Commonwealth's other soil and water conservation districts—has focused on the control and prevention of nonpoint source water pollution; and

WHEREAS, the TJSWCD has two major watersheds—the James River watershed, which includes the Rivanna, Hardware, Rockfish, and Tye Rivers, and the York River watershed, which includes the North Anna, South Anna, and Little Rivers—whose resources are used and enjoyed by millions of Virginians; and

WHEREAS, the TJSWCD has a 12-member board of directors; the district provides agricultural and built environment conservation assistance, makes educational information available to the public, supports an easement program, and offers technical support to local governments; and

WHEREAS, the TJSWCD owns Secluded Farm, a 150-acre property near Monticello; it was given to the organization to be preserved as an open space and wildlife refuge, and an unusual 33-foot-tall Blackhaw viburnum grows there; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Thomas Jefferson Soil and Water Conservation District on its 75th anniversary of providing comprehensive and efficient natural resource assistance to Albemarle, Fluvanna, Louisa, and Nelson Counties and the City of Charlottesville; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Thomas Jefferson Soil and Water Conservation District as an expression of the General Assembly's respect and admiration for its dedication and tireless work to maintain and preserve the Commonwealth's natural resources for the benefit of all its citizens.

HOUSE JOINT RESOLUTION NO. 484

Commending the Dar Al-Hijrah Islamic Center.

Agreed to by the House of Delegates, March 5, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, the Dar Al-Hijrah Islamic Center, a nonprofit organization in Falls Church, celebrated 30 years of serving and uplifting members of the Northern Virginia Muslim community and conducting outreach to the region in 2013; and

WHEREAS, founded in 1983, the Dar Al-Hijrah Islamic Center traces its roots to a house in Falls Church that was chosen for its proximity to the Washington, D.C., metro area and its thriving Muslim community; construction on the current facility began in 1986 and it opened in 1991; and

WHEREAS, the Dar Al-Hijrah Islamic Center works to strengthen the Muslim faith in the region through seminars, sermons, lectures, social activities, and clear operational hours for the observance of daily prayer; and

WHEREAS, encouraging the members of the Muslim community to become productive members of society, the Dar Al-Hijrah Islamic Center promotes cooperation, tolerance, and mutual understanding among different faiths; and

WHEREAS, the Dar Al-Hijrah Islamic Center conducts outreach in the community, offering educational classes and making charitable donations to those in need; and

WHEREAS, the Dar Al-Hijrah Islamic Center is affiliated with the Muslim American Society, a national religious, educational, cultural, and charitable organization; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Dar Al-Hijrah Islamic Center on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Dar Al-Hijrah Islamic Center as an expression of the General Assembly's admiration for the center's commitment to serving the Northern Virginia Muslim community and peoples of all faiths.

HOUSE JOINT RESOLUTION NO. 485

Commending The Noblemen.

Agreed to by the House of Delegates, March 6, 2014

Agreed to by the Senate, March 7, 2014

WHEREAS, The Noblemen, a 501(c) 3 nonprofit organization based in Virginia Beach, which includes members located throughout the Hampton Roads Region, was created by Al Midgett in 1955, who was inspired by the philanthropic response to the birth of his son born 17 weeks premature and given a two percent chance of survival, in 1993; the father was considered a "new hire" after the acquisition of his former company, leaving the family without health insurance benefits to cover the costs of the infant's medical care; and

WHEREAS, compassionate citizens and family and friends in the Hampton Roads community learned of the family's plight and began a fundraiser to aid them, which fueled their passion to help others; and

WHEREAS, these compassionate citizens, originally called "The Robin Hoods," and subsequently becoming known as "The Noblemen," continued their philanthropy and soon offered to show other people how to participate in philanthropic and charitable activities; and

WHEREAS, The Noblemen seeks to identify and perform noble deeds for children in the Hampton Roads area who need help; and

WHEREAS, The Noblemen has helped "Surfers Healing," a group of California surfers who sponsored a camp for autistic children in Virginia Beach; purchased strollers designed for disabled persons for "Team Hoyt," to permit disabled children to travel across country to participate in races for the disabled; established the "Beach Bag" program, which gives book bags filled with meals for the weekend to school children who qualify for free and reduced lunch; and started other programs such as "Kel's Kids," "Really Awesome People Swimming," "Noble teens," "Dictionary Program," in which thousands of dictionaries are given to every third grader in all Title I schools in Virginia Beach and Chesapeake, "Noble Pet of the Month," in which service pets are returned or purchased for persons who need them, and "The Noblemen Christmas Toy Drive"; and worked with the military to allow special needs children to attend the airshow; and

WHEREAS, The Noblemen's effort to support one family in need has spread across the Hampton Roads area and touched many lives in other communities; and

WHEREAS, The Noblemen has demonstrated the true meaning of the Good Samaritan, and the organization should be commended for its noteworthy mission and many extraordinary programs and activities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend The Noblemen for its outstanding work in the Hampton Roads community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Al Midgett, chief operating officer of The Noblemen, as an expression of the General Assembly's gratitude and appreciation for the organization's good works and service to the people of Hampton Roads.

HOUSE JOINT RESOLUTION NO. 486

Celebrating the life of the Honorable Benjamin Joseph Lambert, III.

Agreed to by the House of Delegates, March 6, 2014

Agreed to by the Senate, March 6, 2014

WHEREAS, the Honorable Benjamin Joseph Lambert, III, former State Senator of the 9th Senatorial District, comprising the City of Richmond and the Counties of Henrico and Charles City, was born on January 29, 1937, in Henrico County to prominent African American caterers, whose family lived in the Richmond area since the American Civil War; nurtured by loving parents, he was one of seven college-educated siblings whose success in their respective professions was recognized in Richmond and beyond; and

WHEREAS, the Honorable Benjamin Joseph Lambert, III, was a member of a family who taught three successive generations to value hard work and aspire to lofty goals, and whose trademark was tenacity, devotion to family, and graciousness; and

WHEREAS, the Honorable Benjamin Joseph Lambert, III, graduated from Virginia Randolph High School in 1955, earned his bachelor's degree in mathematics from Virginia Union University in 1959, where he was class president, a member of the yearbook staff, the Math Club, band, Who's Who Among Students in American Universities and Colleges, the Panhellenic Council, and Omega Psi Phi Fraternity, Incorporated; he was an optometrist by profession, having graduated from the Massachusetts College of Optometry, and he attended the Pennsylvania College of Optometry; and

WHEREAS, the Honorable Benjamin Joseph Lambert, III, always actively involved in the community, began his 30-year political career with election to the Virginia House of Delegates in 1977 to represent the 33rd House District, and in 1985, he was elected overwhelmingly to the Senate of Virginia to represent the 9th Senatorial District; and

WHEREAS, a true statesman and scholar, the Honorable Benjamin Joseph Lambert, III, was a kind and caring Virginia gentleman; he practiced optometry in the Jackson Ward area of Richmond and moved effortlessly among the politically powerful, corporate leaders, civil rights activists, the health care community, and everyday constituents; and

WHEREAS, the Honorable Benjamin Joseph Lambert, III, who was the first African American appointed to the powerful Senate Committee on Finance, served on a number of legislative and executive branch and civic committees, chaired several subcommittees, was the chief patron of legislation creating the Virginia Commonwealth University Health System Authority, was the Senate patron of legislation creating the *Brown v. Board of Education* Scholarship Committee,

which he chaired from its inception in 2004 until his retirement in 2007, and introduced measures designed to improve public and higher education, provide for lead abatement, and enhance the quality of life for underserved populations; and

WHEREAS, the Honorable Benjamin Joseph Lambert, III, was a dedicated public servant as demonstrated by his numerous affiliations, memberships, and awards; in 1972, he received the "Outstanding Young Man" award from the Richmond Jaycees, the first African American man to receive the honor, which the civic group had given since 1938; in 1980, he became the first African American to represent Virginia on the Democratic National Committee; in 1993, he received the Humanitarian Award from the National Conference of Christians and Jews, now the Virginia Center for Inclusive Communities; in 2008, he was honored for his contributions as a Virginia Commonwealth University Health System board member and for being a champion of health care for underserved persons; and

WHEREAS, among the several organizations to which the Honorable Benjamin Joseph Lambert, III, devoted his time, talent, and treasure are the NAACP, Richmond Crusade for Voters, Jackson Ward Civic Association, Richmond Jaycees, North Richmond YMCA, Consolidated Bank and Trust, Dominion Resources, Inc., board of directors from 1994 to 2010, Dominion Virginia Power board of directors from 1992 to 1999, USA Education, Inc., Virginia College Fund, Virginia Randolph Foundation, Black History Museum and Cultural Center of Virginia, Barksdale Theater, Virginia Optometric Association, American Optometric Association, National Optometric Association, and Richmond Medical Society; he served as secretary of the board of trustees of his alma mater, Virginia Union University, and was a longtime and devoted member of Westwood Baptist Church in Richmond; and

WHEREAS, the Honorable Benjamin Joseph Lambert, III, was a strong advocate for the City of Richmond and its surrounding communities; he was an influential and effective legislator who was trustworthy, dependable, and conscientious; his keen understanding of the role of government and politics gave him a savvy ability to work effectively with members across the aisle to garner support for his legislation to ensure the welfare of his constituents, regardless of the political consequences; and

WHEREAS, the Honorable Benjamin Joseph Lambert, III, leaves a legacy of public service characterized by honesty, loyalty, diligence, duty, dignity, and grace, and "his works do follow him"; and

WHEREAS, his warm, easy smile, jovial nature, generosity, kindness towards his patients and others, and hearty laugh will be sorely missed by his family, friends, colleagues, church family, and everyone whose life he touched, and loving memories of the Honorable Benjamin Joseph Lambert, III, will be cherished forever; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Benjamin Joseph Lambert, III, former State Senator of the 9th Senatorial District; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Benjamin Joseph Lambert, III, former State Senator of the 9th Senatorial District, as an expression of the General Assembly's respect for his memory and fond remembrance and admiration of his life of public service to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 487

Commending Ernest Merle Hancock.

Agreed to by the House of Delegates, March 7, 2014

Agreed to by the Senate, March 8, 2014

WHEREAS, Ernest Merle Hancock of Manassas, a proud, loyal, and courageous veteran, served the United States with distinction during World War II; and

WHEREAS, a native of St. Louis, Missouri, Ernest Hancock joined many of the other young men of his generation in service to his country during World War II; he was inducted into the United States Army Air Forces on February 6, 1943; and

WHEREAS, assigned to the 815th Bombardment Squadron, 483rd Bombardment Group, Ernest Hancock rose to the rank of technical sergeant and served as the turret gunner and flight engineer on a Boeing B-17G Flying Fortress; he participated in several dangerous missions over Occupied Europe; and

WHEREAS, on June 18, 1944, while flying on his 37th mission, Ernest Hancock's unit was attacked by a flight of 200 German fighter aircraft; he courageously manned the top turret during the engagement and shot down three enemy fighters; and

WHEREAS, Ernest Hancock's bomber sustained damage in the engagement, and he was forced to evacuate, parachuting from 23,000 feet over the vicinity of Ravensburg, Germany; and

WHEREAS, Ernest Hancock was captured and faced interrogation by the German Gestapo, before being transferred to the Stalag Luft IV Prisoner of War Camp; a strong and courageous soldier, he bravely faced harsh treatment and incredible hardships while being held at the camp; and

WHEREAS, with the Soviet army advancing on the camp in February 1945, Ernest Hancock and the other prisoners were forced to undertake a grueling foot march until they were liberated in April 1945; and

WHEREAS, Ernest Hancock was honorably discharged in October 1945, but returned to active duty service in 1952 as a member of the United States Air Force; and

WHEREAS, in recognition of his valorous service, Ernest Hancock received the Silver Star, the Purple Heart, the Air Medal with two Oak Leaf Clusters, and many other decorations and citations; and

WHEREAS, after his retirement from a successful career in the aerospace industry, Ernest Hancock moved to Manassas; a devoted family man, he has two daughters, Cindy and Debby, three grandchildren, and three great-grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Ernest Merle Hancock, a decorated war hero and a great American; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ernest Merle Hancock as an expression of the General Assembly's admiration for his sacrifices and respect for his honorable service.

HOUSE JOINT RESOLUTION NO. 489

Confirming various appointments by the Speaker of the House of Delegates.

Agreed to by the House of Delegates, March 6, 2014

Agreed to by the Senate, March 8, 2014

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly confirm the following appointments made by the Speaker of the House of Delegates:

Appointments to the Tobacco Indemnification and Community Revitalization Commission pursuant to § 3.2-3102 of the Code of Virginia:

The Honorable A. Benton Chafin, Jr., Post Office Box 1210, **Lebanon**, Virginia 24266, Member, for a term coincident with his term of office, to succeed the Honorable Joseph P. Johnson, Jr.

The Honorable James E. Edmunds II, Post Office Box 115, **Halifax**, Virginia 24558, Member, for a term coincident with his term of office, to succeed the Honorable Donald W. Merricks.

HOUSE RESOLUTION NO. 1

Memorializing 'The Doomed Youth' of 1914.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, a century ago the European peoples, their American kin included, basked in a newfound material and scientific prosperity that they believed to have both banished strife and opened upon a future of unlimited "Progress"; and

WHEREAS, the "Guns of August" that year portended the mobilization of whole continents into what would become the First World War; and

WHEREAS, the first flush of enthusiasm by which whole peoples flocked to take up arms against one another was soon submerged in the trenches and also the once unimaginable carnage of the Western Front; and

WHEREAS, the following four years of worldwide conflagration would result in 37 million casualties, including 10 million soldiers—the vast majority of them unsuspecting civilians thrust from home and hamlet into experiences once reserved for professional men-at-arms; and

WHEREAS, the casualties of the conflict would include seven million civilians and a further six million missing and presumed dead among both military and civilian populations; and

WHEREAS, both the several Christian monarchies of West and East, though bound by blood and faith, and also the vaunted secular democracies that subscribed to "the brotherhood of man," proved incapable of preventing the wholesale slaughter that ensued; and

WHEREAS, even the United States of America were at last unable to resist the temptation to submit to the sirens of War; and

WHEREAS, entire empires—including the Hapsburg, the German, the Russian, and the Ottoman—were swept away by the unforeseen breadth and vehemence of the conflict; and

WHEREAS, the eminent American man of letters Henry James was moved to observe that, "The plunge of civilization into this abyss of blood and darkness . . . is too tragic for any words"; and

WHEREAS, "Never [would there be]," in the words of poet Philip Larkin, "such innocence again"; and

WHEREAS, Wilfred Owen, one of the many poets who would be killed in combat, observed of the events of a century ago:

1914

**War broke: and now the Winter of the world
 With perishing great darkness closes in.
 The foul tornado . . .
 Is over all the width of Europe whirled,
 Rending the sails of progress. Rent or furled
 Are all Art's ensigns. Verse wails. Now begin
 Famines of thought and feeling. Love's wine's thin.
 The grain of human Autumn rots, down-hurled.
 For after Spring had bloomed in early Greece,
 And Summer blazed her glory out with Rome,
 An Autumn softly fell, a harvest home,
 A slow grand age, and rich with all increase.
 But now, for us, wild Winter, and the need
 Of sowings, for new Spring, and blood for seed; and**

WHEREAS, though the "The Great War" would end, it was to be followed by retributions and "a period of exhaustion that," Winston Churchill would aver, "we insisted on calling 'Peace'—leading inexorably to the sequel of 1939-1945 and to 'Cold War' and to the perils that haunt still the peace of peoples"; now, therefore, be it

RESOLVED by the House of Delegates, That the members of the body solemnly reflect on the meaning of a century of warfare on so colossal a scale that it came as a shock even to the architects of military might and maneuver; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the custodians of soldierly remembrance in the American Legion.

HOUSE RESOLUTION NO. 2

Celebrating the life of Nannie Vierenda Williams Dodson.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, Nannie Vierenda Williams Dodson, an admired resident of Middleburg whose abiding faith and devoted service to others inspired those around her, died on February 8, 2012; and

WHEREAS, a native of Delaplane, Nannie Dodson was born on November 15, 1914, to George and Nannie Williams and was one of six siblings; and

WHEREAS, Nannie Dodson attended a one-room schoolhouse, Fenny's Hill School, in Fauquier County and diligently studied alongside other students; and

WHEREAS, from a young age, Nannie Dodson possessed a deep faith that sustained her throughout her life as she strove to humbly serve her family, church, and employers; and

WHEREAS, a devoted wife and mother, Nannie Dodson married Roger Mason Dodson, and together they raised three wonderful children; her long life allowed her to also know her six grandchildren, six great-grandchildren, and a great-great grandchild; and

WHEREAS, Nannie Dodson, a longtime member of Beulah Baptist Church, served in various capacities over the years, including as chair of the decorating committee, usher, and member of the food committee and deaconess board; and

WHEREAS, known for her outstanding skill in the kitchen, Nannie Dodson served local families on Locust Hill Farm with great dedication and loyalty; and

WHEREAS, a gentle and loving woman, Nannie Dodson lived to see many changes in the world over the course of her long and well-lived life; and

WHEREAS, predeceased by her husband, Roger, Nannie Dodson will be fondly remembered and greatly missed by her children, Roger, Jr., Alvin, and Peggy, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of a respected resident of Middleburg, Nannie Vierenda Williams Dodson; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Nannie Vierenda Williams Dodson as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 4

Commending Sherry King.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, Sherry King, the principal of High Point Elementary School in Bristol, was honored for her commitment to quality elementary school education with selection as the 2013 Virginia National Distinguished Principal; and

WHEREAS, the National Distinguished Principal Program honors elementary and middle level school principals from across the nation who set "high standards . . . in their learning communities"; and

WHEREAS, Sherry King, the principal of High Point Elementary School since 2012, was nominated for the award based on her work as principal of Greendale Elementary School in Abingdon; and

WHEREAS, dedicated to excellence, Sherry King worked with teachers and staff to create an environment in which students could thrive; and

WHEREAS, a passionate advocate for children, Sherry King strove to ensure that 100 percent of students read at their grade level by third grade and lessened the academic gap; and

WHEREAS, Sherry King learned of her selection as the winner of the prestigious award at a special assembly at High Point Elementary School, where she was surprised with the news; and

WHEREAS, students, teachers, faculty, family members, school administration officials, and members of the Virginia Association of Elementary School Principals at the special assembly congratulated Sherry King on the honor and on her work with students; and

WHEREAS, Sherry King was also recognized at the National Association of Elementary School Principals conference for her contributions to student learning; and

WHEREAS, an exemplary role model and gifted leader, Sherry King has made a difference in the lives of countless students as she has encouraged them to reach their potential; now, therefore, be it

RESOLVED by the House of Delegates, That Sherry King hereby be commended on being selected as the 2013 Virginia National Distinguished Principal; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sherry King as an expression of the House of Delegates' congratulations and admiration for her dedication to the children of Washington County.

HOUSE RESOLUTION NO. 5

Celebrating the life of Egbert Fullen Stallard.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, Egbert Fullen Stallard, a beloved member of the Saltville community who uplifted others with his friendly manner and humble faith, died on June 10, 2013; and

WHEREAS, Egbert "Eckie" Stallard was born on December 31, 1949, to Egbert and Pearl Taylor Stallard and grew up as part of a large family that included six brothers and two sisters; and

WHEREAS, a familiar figure in the community, Eckie Stallard was known for his walks to town and church, walks that epitomized his walk of faith as he kept his eye on his ultimate destination and strove to lift up those with whom he came in contact along the way; and

WHEREAS, step by step, Eckie Stallard touched the lives of countless individuals in the Saltville community with his genuine love and strong testimony; and

WHEREAS, Eckie Stallard will be fondly remembered and greatly missed by his surviving siblings and their families, including his cherished nieces and nephews, and his many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of a great friend to the residents of Saltville, Egbert Fullen Stallard; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Egbert Fullen Stallard as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 6

Memorializing Simone Weil.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, the Nobel laureate in Literature Albert Camus described Simone Weil as "the only great spirit of our times"; and

WHEREAS, the Nobel laureate in Literature T. S. Eliot wrote of Simone Weil that, "We must simply expose ourselves to the personality of a woman of genius, of a kind of genius akin to that of the saints"; and

WHEREAS, scholars of every point on the political spectrum recognize Simone Weil as "perhaps the greatest intellectual and spiritual thinker of the twentieth century"; and

WHEREAS, Simone Weil, though French by birth, eschewed the nationalism that twice during her brief lifetime plunged the whole world into war; and

WHEREAS, Simone Weil, though an insightful critic of religion in general and of the Christian Church specifically, described herself as "possessed" by Christ and consented, on her deathbed, to baptism and hence to reception into the Church; and

WHEREAS, as author of one of the greatest critiques of both Marxism and capitalism, Simone Weil discerned that, with the advent of machines and the consequences of mass-production and mass-consumption alike, "The contemporary form of true greatness lies in a civilization [that would] be founded on the spirituality of work"; and

WHEREAS, Simone Weil, during the depths of the Second World War, declared that social and political renewal could be achieved only by governments that recognized—and served—"the needs of the soul"; and

WHEREAS, Simone Weil identified the *rootlessness* that characterizes our time as the greatest peril to the human soul; and

WHEREAS, Simone Weil recommended *rootedness* within enduring traditions of countryside, town, and nation as the sole guarantee of authentic life and livelihood; and

WHEREAS, Simone Weil identified a balance of principles as necessary to the political wellbeing of a people—such as order *and* liberty, obedience *and* responsibility, equality *and* hierarchism, honor *and* punishment, security *and* risk, private property *and* collective property, and *truth* above all; and

WHEREAS, Simone Weil—who died in 1943 at the age of only 34—crowned her political studies, engagement, and affliction by works that moved the Nobel laureate in Literature André Gide (her countryman) to declare her to be "the most truly spiritual writer of this century"; and

WHEREAS, in her writings and in her political engagements alike Simone Weil discerned "the love of God in affliction" to be among the most fundamental realities of the human pilgrimage; and

WHEREAS, Simone Weil identified a purity of *attention* to be the principal means by which human beings can enter into authentic communion with both God and neighbor; and

WHEREAS, in her *Last Notebooks* Simone Weil wrote of this conviction, "There is no entry into the transcendent until the human faculties—intelligence, will, human love—have come up against a limit, and the human being waits at this threshold, which he can make no move to cross, without turning away and without knowing what he wants, in fixed, unwavering attention"; and

WHEREAS, among the works of Simone Weil that will reward readers until the end of time are *Science, Necessity, and the Love of God; Oppression and Liberty; Waiting on God; and The Need for Roots*; and

WHEREAS, The American Weil Society facilitates meditation on the life, writings, and legacy of Simone Weil for readers throughout North America; and

WHEREAS, one of the leading students of Simone Weil in North America is Lawrence E. Schmidt, professor emeritus at the Center for the Study of Religion in the University of Toronto; now, therefore, be it

RESOLVED by the House of Delegates, That the members of the body commemorate the recent centennial of the birth of Simone Weil; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Professor Lawrence E. Schmidt upon the occasion of his visit to Richmond to offer his reflections for "An Evening of Simone Weil."

HOUSE RESOLUTION NO. 8

Commending the Staunton-Augusta County First Aid and Rescue Squad, Inc.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, the Staunton-Augusta County First Aid and Rescue Squad, Inc., proudly celebrated 75 years of serving the community in 2013; and

WHEREAS, the Staunton-Augusta County First Aid and Rescue Squad, Inc., began as the Staunton Rescue Squad when volunteers from the fire department organized to transport city employees and indigent patients to and from King's Daughters Hospital and help people involved in motor vehicle crashes; and

WHEREAS, the Staunton-Augusta County First Aid and Rescue Squad, Inc., initially used ambulances from local funeral homes, with volunteers receiving first aid instruction from local physicians; and

WHEREAS, over the years, the Staunton-Augusta County First Aid and Rescue Squad, Inc., answered more calls, joined the Virginia Association of Volunteer Rescue Squads, Inc., and purchased its first true ambulance in 1956, a used 1955 Cadillac; and

WHEREAS, in 1967, the Staunton Rescue Squad received permission from the Staunton City Council to operate on its own and filed its charter; it became officially known as the Staunton-Augusta County First Aid and Rescue Squad, Inc., and broke ground for its building on North Coalter Street; and

WHEREAS, in 1990, the Staunton-Augusta County First Aid and Rescue Squad, Inc., began to receive dispatched calls from the Augusta County Emergency Operations Center and the Staunton Police Department; and

WHEREAS, today, the Staunton-Augusta County First Aid and Rescue Squad, Inc., answers more than 6,500 calls a year and has 110 volunteers and career staff and six ambulances, one response vehicle, one utility vehicle, and a crash/rescue truck; and

WHEREAS, throughout its long history, the Staunton-Augusta County First Aid and Rescue Squad, Inc., has remained focused on its mission of providing "the best prehospital emergency care to the Citizens of Staunton and Augusta County"; now, therefore, be it

RESOLVED by the House of Delegates, That the Staunton-Augusta County First Aid and Rescue Squad, Inc., hereby be commended on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Staunton-Augusta County First Aid and Rescue Squad, Inc., as an expression of the House of Delegates' congratulations and admiration for its service to the community.

HOUSE RESOLUTION NO. 9

Commending the Reverend Temple D. Myers.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, the Reverend Temple D. Myers, pastor of Memorial Baptist Church in Staunton, retired on July 1, 2013, after 40 years of dedicated service; and

WHEREAS, a man of deep and abiding faith, Pastor Myers joined Memorial Baptist Church when its membership numbered 89 people and oversaw its growth over the next four decades to its present membership of more than 1,142 people; and

WHEREAS, Pastor Myers provided inspired leadership to Memorial Baptist Church as it expanded its ministries and community outreach; and

WHEREAS, Pastor Myers strove to create a supportive spiritual community at Memorial Baptist Church where members could grow in faith and visitors would be welcome; and

WHEREAS, Pastor Myers celebrated his 40th anniversary as pastor of Memorial Baptist Church as the church celebrated 50 years of service to its members and the community; and

WHEREAS, an admired spiritual leader, Pastor Myers has touched the lives of countless individuals during his faithful ministerial career; now, therefore, be it

RESOLVED by the House of Delegates, That the Reverend Temple D. Myers hereby be commended for his faithful service to Memorial Baptist Church in Staunton on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Temple D. Myers as an expression of the House of Delegates' admiration for his dedication to his congregation and best wishes for a fulfilling retirement.

HOUSE RESOLUTION NO. 10

Celebrating the life of Evarts Walton Opie, Jr.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, Evarts Walton Opie, Jr., retired publisher of *The News Leader* of Staunton and a civic leader whose roots ran deep in the community, died on September 30, 2011; and

WHEREAS, Evarts Opie attended public schools in the City of Staunton, Virginia Episcopal School, and the University of Virginia; he proudly served the Commonwealth and the nation, joining the Virginia National Guard in 1953 at age 17; he retired from the military after 27 years of service with the rank of lieutenant colonel; and

WHEREAS, Evarts Opie's career at his family's newspaper began at a young age; he was 12 when he became a newspaper carrier and his first full-time work at *The News Leader* was in the display advertising department; and

WHEREAS, Evarts Opie's career at *The News Leader* spanned almost four decades; he was advertising manager, business manager, general manager, and served as president and publisher from 1981 until he retired in 1994; and

WHEREAS, many local organizations benefitted from Evarts Opie's civic contributions, including the Woodrow Wilson Birthplace, now known as the Woodrow Wilson Presidential Library & Museum, where he served as president of the foundation, the Staunton Rotary Club, the local Salvation Army, and he was a charter member of the Frontier Culture Museum of Virginia; and

WHEREAS, Evarts Opie worked his entire life for the betterment of the City of Staunton and the surrounding community, both as a newspaper publisher and in his many charitable activities; and

WHEREAS, Evarts Opie will be greatly missed by his wife, Patricia; his sons, E. Walton III and David, and their families; and many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of a successful businessman and devoted father, Evarts Walton Opie, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Evarts Walton Opie, Jr., as an expression of the House of Delegates' respect for his memory and admiration for his work on behalf of Staunton and the surrounding community.

HOUSE RESOLUTION NO. 11

Commending Memorial Baptist Church.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, Memorial Baptist Church, located in Staunton, celebrated 50 years of service to its members and the community in 2013; and

WHEREAS, founded in 1963, Memorial Baptist Church held its first services at the W. J. Perry Building before moving to its current location on Taylor Street; and

WHEREAS, Memorial Baptist Church added new construction to the existing building in 1976, 1992, and 2006 to accommodate a growing congregation; and

WHEREAS, throughout its history, Memorial Baptist Church has had inspired leadership; the Reverend Temple D. Myers led the church for 40 years until his retirement in 2013; and

WHEREAS, Memorial Baptist Church members come together for worship in a welcoming family environment, with many individuals having been members for decades; and

WHEREAS, Memorial Baptist Church members gathered together to celebrate the church's 50th anniversary, singing a song from 50 years ago, hearing from their pastor, and enjoying fellowship with one another; and

WHEREAS, Memorial Baptist Church has grown from a membership of 89 individuals in 1963 to its current membership of more than 1,142 and looks forward to continuing to fulfill its mission in the future; now, therefore, be it

RESOLVED by the House of Delegates, That Memorial Baptist Church hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Memorial Baptist Church as an expression of the House of Delegates' congratulations and admiration for the church's dedication to serving its members and the community.

HOUSE RESOLUTION NO. 12

Commending the 2014 inductees into the Virginia Sports Hall of Fame.

Agreed to by the House of Delegates, January 14, 2014

WHEREAS, in 1996 the Virginia Sports Hall of Fame was designated the official Sports Hall of Fame of the Commonwealth of Virginia; and

WHEREAS, the Virginia Sports Hall of Fame and Museum, located in Portsmouth, has honored many of Virginia's exceptional athletes, coaches, and media since its inception; and

WHEREAS, dedicated to honoring, educating, and entertaining its visitors, the Virginia Sports Hall of Fame and Museum inducts individuals who achieve greatness in their field and serves as a nonprofit educational resource center for math, science, health, and character development; and

WHEREAS, the Virginia Sports Hall of Fame is honored to present the Class of 2014 inductees as follows:

The Class of 2014

Rondé Barber

A native of Roanoke, Rondé Barber was a three-time All-Atlantic Coast Conference (ACC) selection for the University of Virginia (UVA) Cavaliers. He was taken in the third round of the 1997 NFL Draft by the Tampa Bay Buccaneers. Over his 16-year career with the Buccaneers, he accumulated five Pro Bowl selections and three first-team All-Pro selections and helped capture the team's first Super Bowl win in franchise history in Super Bowl XXXVII against the Oakland Raiders. He is the Buccaneers' all-time interceptions leader and has recorded the most quarterback sacks by an NFL cornerback.

Sean Casey

Sean Casey is a graduate of the University of Richmond, where he was a three-time All-Colonial Athletic Association (CAA) selection and captured the National Collegiate Athletic Association (NCAA) batting title during the 1995 season with a .461 batting average. He was a second-round pick in the 1995 Major League Baseball (MLB) Draft by the Cleveland Indians. Over his 12-year MLB career, he was a three-time All-Star selection and posted a career batting average of .302, while hitting 130 home runs and driving in 735 runs. In 1999, he received MLB's Hutch Award, given to the player who "best exemplifies the fighting spirit and competitive desire" of the award's namesake. He was selected to the Cincinnati Reds Hall of Fame in 2012.

LaTasha Colander Clark

LaTasha Colander Clark, a native of Portsmouth, is a graduate of Woodrow Wilson High School and later went on to run track at the University of North Carolina (UNC) at Chapel Hill. At UNC, she won 14 ACC titles, was a 12-time All-American, and led the Tar Heels to eight ACC team championships. She was a member of both the 2000 and 2004 United States (U.S.) Olympic Teams and won a gold medal as part of the 4 x 400 meter relay team in the 2000 Olympics in Sydney, Australia. In 2000, she was the U.S. champion in the 400 meters and was part of the relay team that broke the world record in the 4 x 200 meters. She repeated as U.S. champion in 2001.

Marty Miller

Marty Miller, a native of Danville, is considered one of Norfolk State University's (NSU) greatest ambassadors. Starting at NSU in 1965 as a baseball player, he became the first Spartan to be named an NCAA College Division All-American and played until 1968 before joining the U.S. Army. In 1973, he became NSU's head coach, where he stayed until 2005 before being named NSU's Director of Athletics. In his 32 years as head baseball coach, he went 718-543-3, including 17 conference championships. He was named the Central Intercollegiate Athletic Association's (CIAA) Coach of the Year 15 times and is the winningest baseball coach in CIAA history. He is a member of the CIAA's John B. McLendon Hall of Fame and the Norfolk State University Sports Hall of Fame.

Ticha Penicheiro

Ticha Penicheiro was a standout women's basketball player at Old Dominion University (ODU) from 1994 to 1998 and led the Lady Monarchs to the NCAA championship game in 1997. At ODU, she was a two-time Kodak All-American, four-time All-CAA honoree, and was named the CAA's Player of the Year twice. In 1998, she was the Wade Trophy recipient, awarded annually to the best women's basketball player in NCAA Division I competition. After her prestigious college career, she was the number-two overall pick by the Sacramento Monarchs in the 1998 Women's National Basketball Association (WNBA) draft. In her 15-year career in the WNBA, she was a four-time WNBA All-Star, won a WNBA championship in 2005, and is the all-time record holder in assists. She was an honoree of the WNBA's All-Decade Team in 2006.

David Teel

David Teel graduated from James Madison University in 1981 with a degree in communications before becoming one of the most decorated sports writers in Virginia. He came to the *Daily Press* in 1984 and has covered numerous NCAA Final Fours; ACC championships; college bowl games; NFL playoff games, including the 2009 Super Bowl; two U.S. Opens; the 2002 Ryder Cup in England; and the 1996 Atlanta Olympic Games. He has been honored more than 50 times by the *Associated Press* Sports Editors, Football Writers Association of America, the U.S. Basketball Writers Association, and the National Sportscasters and Sportswriters Association.

Louis Wacker

Louis Wacker, an outstanding football player for the Richmond Spiders, began his football coaching career at Midlothian High School before joining the staff at Hampden-Sydney College (HSC), where he built a defensive powerhouse over the next two decades as a defensive coordinator. After his 24 years with HSC, he moved on to become the head football coach at Emory & Henry College (E & H) in 1982. He spent 23 seasons with the Wasps and won nearly 70 percent of his games with an overall record of 164-76. He was voted Old Dominion Athletic Conference (ODAC) Coach of the Year five times and recorded more football wins than any other conference coach on his way to a record of 11 conference championships. He is a member of the Highland Springs High School Hall of Fame, the University of Richmond Athletics Hall of Fame, the Hampden-Sydney College Athletic Hall of Fame, and the Emory & Henry College Sports Hall of Fame; now, therefore, be it

RESOLVED by the House of Delegates, That Rondé Barber, Sean Casey, LaTasha Colander Clark, Marty Miller, Ticha Penicheiro, David Teel, and Louis Wacker hereby be commended as the 2014 inductees into the Virginia Sports Hall of Fame; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the Virginia Sports Hall of Fame and Museum and its 2014 inductees as an expression of the House of Delegates' congratulations and admiration for their many contributions to the world of sports.

HOUSE RESOLUTION NO. 13

Celebrating the life of the Honorable William E. Maxey, Jr.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, election to public office by the members of one's own community is at once a sacred trust and an indication of the embodiment of the self-governing virtues that our Founding Fathers intended to be a principal characteristic of the Republic; and

WHEREAS, repeated reelection to public office by one's own community is as indicative of the practice of civic virtues as it is a rare accomplishment anywhere in the Commonwealth; and

WHEREAS, the Honorable William E. Maxey, Jr., who recently passed away at the age of 92, having resigned some weeks previously for reasons of declining health, served both honorably and well as the Clerk of the Circuit Court for Powhatan County for the remarkable period of 56 years, the longest span of similar service in the annals of the Commonwealth; and

WHEREAS, William Maxey assumed the duties of Clerk of the Circuit Court by appointment on July 1, 1957, and he was subsequently elected by his fellow citizens to the office on seven consecutive occasions, every eight years, in 1959, 1967, 1975, 1983, 1991, 1999, and 2007; and

WHEREAS, Mr. Maxey—as he was known with the deference of a still-traditional community—was born in the Village of Powhatan Court House, and he served his native community as Director of Civil Defense, chair of the Red Cross, commander of American Legion Post 201, Justice of the Peace, Secretary of the Electoral Board, chair of the Planning Commission, Commissioner of the Revenue, and, for 14 years, as Clerk to the Board of Supervisors; and

WHEREAS, William Maxey during World War II served in the Ordnance Department of the United States Army; he participated in the engagements of Normandy, Northern France, and the Ardennes and rose to the rank of technical sergeant; and

WHEREAS, William Maxey was a member of Veterans of Foreign Wars Post 10570, a Past Master of Powhatan Masonic Lodge 295 of the Ancient Free and Accepted Masons, a member of the Powhatan County Historical Society, a member of May Memorial Baptist Church, a former director and chairman of the board of the former Bank of Powhatan, a member of the Virginia Association of Local Executive Constitutional Officers, and a past president of the Virginia Court Clerks Association; and

WHEREAS, William Maxey's desire to serve the public arose from a profound devotion to his family, his faith, and his fellow Powhatanians; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the passing of a public servant who contributed much to Powhatan County and the great saga of self-government within the Commonwealth, the Honorable William E. Maxey, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Office of the Clerk of the Circuit Court of Powhatan County with the express request that the resolution be hung permanently in the office in which Mr. Maxey served so long and admirably, as a constant reminder of the exceptional example of the citizen as public official that he represents for all Virginians.

HOUSE RESOLUTION NO. 14

Commending Tina Bustos.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, cultivation of the private economy is at once the principal vocation of every citizen and the source of those revenues by which government undertakes to further the common good; and

WHEREAS, in many of the communities of the Commonwealth, it is the Chamber of Commerce that constitutes the most important fellowship of citizens engaged in business; and

WHEREAS, small businesses provide the vast majority of the jobs in which Virginians are gainfully employed; and

WHEREAS, the Powhatan Chamber of Commerce has flourished in recent years, increasing both in membership and in contributions to the well-being of the community; and

WHEREAS, Tina Bustos has admirably built upon the solid foundations laid by her predecessors as the executive director of the Powhatan Chamber of Commerce; and

WHEREAS, Tina Bustos and her husband, himself an outstanding citizen of Powhatan County, are the parents of two daughters who are pursuing higher education, as is Tina Bustos herself, for she will soon be awarded a master's degree in Business Administration from Averett University, and the time has come for her to enter upon a new chapter in life; now, therefore, be it

RESOLVED by the House of Delegates, That Tina Bustos hereby be commended for her exceptional service to the Powhatan Chamber of Commerce; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tina Bustos as an expression of the House of Delegates' admiration for her achievements and best wishes for her and her family in their future endeavors.

HOUSE RESOLUTION NO. 15

Commending the Northside High School football team.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, on December 14, 2013, the Northside High School football team of Roanoke County won the Virginia High School League Group 3A state championship; and

WHEREAS, the Northside High School Vikings capped off a nearly perfect 14-1 season with a convincing victory against an experienced opponent in the state championship game; the Northside Vikings defeated the four-time champion James Monroe High School Yellow Jackets 24-10; and

WHEREAS, taking an early lead, the Northside Vikings shut out the James Monroe Yellow Jackets until the second half and only allowed them to cross midfield two times in the first half; and

WHEREAS, playing on a cold, rainy afternoon, the Northside Vikings resorted to smash mouth football, scoring three rushing touchdowns and a field goal; and

WHEREAS, the Vikings' defense was relentless, sacking the Yellow Jackets' quarterback six times, intercepting three passes, and holding the Yellow Jackets to only three rushing yards; and

WHEREAS, despite sustaining injuries prior to the championship game, the Northside Vikings were undeterred, with backups stepping up and playing at a high level; and

WHEREAS, the state title was the Northside Vikings' second in recent memory; they won the Virginia High School League Group AA, Division 3 championship in 2009; and

WHEREAS, the Northside Vikings' victory is a tribute to the toughness and dedication of the players, hard work and leadership of the coaches and staff, and the enthusiastic support of the Northside High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the 2013 Northside High School football team hereby be commended on winning the Virginia High School League Group 3A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Burt Torrence, head coach of the Northside High School football team, as an expression of the House of Delegates' admiration for the team's talent, perseverance, and mettle.

HOUSE RESOLUTION NO. 16

Celebrating the life of Guy Raymond Friddell, Jr.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, Guy Raymond Friddell, Jr., a noted columnist whose career in the newspaper industry spanned 60 years, died on July 20, 2013; and

WHEREAS, a native of Atlanta, Guy Friddell entered the newspaper business at a young age, producing his own weekly paper for his neighbors when he was just 10 years of age; and

WHEREAS, Guy Friddell received formal newspaper training at the Henry W. Grady High School for Boys and Thomas Jefferson High School before enrolling in classes at the University of Richmond; and

WHEREAS, Guy Friddell joined the staff of *The Collegian* and worked as a reporter, managing editor, and the editor-in-chief for the school paper while also contributing to Richmond's daily newspapers; and

WHEREAS, Guy Friddell's studies were interrupted by the advent of World War II; he was drafted and became part of the 75th Station Hospital, serving in Texas, Hawaii, and Japan; and

WHEREAS, after his military service, Guy Friddell completed his degree and worked briefly for the *Lynchburg News* before earning a master's degree from Columbia University; he also worked for the *Journal News* in Nyack; and

WHEREAS, Guy Friddell returned to Virginia to serve as the publicity director for the Virginia Museum of Fine Arts and joined the *News Leader* in 1950, eventually becoming associate editor; and

WHEREAS, an insightful writer, Guy Friddell attended 23 national nominating conventions and wrote on a variety of topics related to Virginia and national politics; and

WHEREAS, Guy Friddell earned a National Headliner Award for his dispatches while attached to Soviet Premier Nikita Khrushchev during the premier's historic tour of the United States in 1959; and

WHEREAS, in 1963, Guy Friddell joined the *Virginian-Pilot* as editorial page editor; he became well-known for his brief columns related to politics and people, penning thousands of columns for the paper and its sister publication, the *Ledger-Star*; and

WHEREAS, throughout a distinguished career, Guy Friddell also taught literature at what is now Virginia Commonwealth University, entertained audiences at various venues, authored eight books, and served as a mentor to young journalists; and

WHEREAS, known for his generous spirit and quick wit, Guy Friddell lifted the hearts of countless readers over the years with his well-penned columns; and

WHEREAS, predeceased by his wife, Gin, Guy Friddell will be fondly remembered and greatly missed by his children, Guy III, Malcolm, and Winn, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of a respected journalist, Guy Raymond Friddell, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Guy Raymond Friddell, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 17

Commending the Tuckahoe Little League American All-Star team.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, the Tuckahoe Little League American All-Star team won the Virginia State Little League baseball tournament on July 24, 2013, in Lynchburg; and

WHEREAS, the Tuckahoe Little League All-Stars advanced to the Southeast Regional Little League baseball championship game and finished the season with a remarkable 15-1 record; and

WHEREAS, showing exceptional skill at bat throughout the district, state, and regional tournaments, the Tuckahoe Little League All-Stars scored 179 times, including 37 home runs; and

WHEREAS, the eight pitchers on the Tuckahoe Little League All-Star team stymied the opposition, striking out 125 batters and allowing only 30 runs; and

WHEREAS, during the state tournament, the Tuckahoe Little League All-Stars allowed only three runs in six games; and

WHEREAS, the Tuckahoe Little League All-Stars' fielders were nearly flawless, committing only 12 errors out of 341 chances for a .965 fielding percentage; and

WHEREAS, playing in two games that were televised on ESPN, the Tuckahoe Little League All-Stars proudly represented the County of Henrico and the Tuckahoe community on a national level; and

WHEREAS, founded in 1958, Tuckahoe Little League serves over 1,700 local boys and girls by providing exceptional baseball and softball programs; the Tuckahoe Little League All-Stars lived up to the organization's mission of promoting sportsmanship, teamwork, commitment, and courage; and

WHEREAS, the Tuckahoe Little League American All-Star team's success is a tribute to the talent and dedication of the players, the hard work of the coaches and staff, and the enthusiastic support of the fans; now, therefore, be it

RESOLVED by the House of Delegates, That the Tuckahoe Little League American All-Star team hereby be commended on winning the Virginia State Little League baseball tournament; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John Carpin, manager of the Tuckahoe Little League American All-Star team, as an expression of the House of Delegates' admiration for the team's determination, passion, and athleticism.

HOUSE RESOLUTION NO. 18

Commending Boy Scout Troop 17.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, Boy Scout Troop 17, located in the City of Franklin, proudly celebrated its 100th anniversary in 2013; and

WHEREAS, originally chartered in 1913 as Troop 1, Boy Scout Troop 17 has been sponsored by High Street United Methodist Church throughout the troop's entire existence; and

WHEREAS, Boy Scout Troop 17 has enjoyed strong support from the local community over the years and meets in a building that was specifically built for it in 1947 by a group of men known as the Franklin Friends of Scouting; and

WHEREAS, Boy Scout Troop 17 has had many outstanding leaders who have generously given of their time and talents and served as excellent role models to troop members; and

WHEREAS, Boy Scout Troop 17 members have benefited from the half-century of service of Tom Jones, a troop Eagle Scout who went on to serve as Scoutmaster from 1977 until 2011, received the Silver Beaver Award in 1995, and continues to serve as assistant Scoutmaster and an Eagle mentor; and

WHEREAS, Boy Scout Troop 17 has produced scores of Eagle Scouts, the highest attainable rank in the Scouting program, and served nearly a thousand Scouts during its century in existence; and

WHEREAS, members of Boy Scout Troop 17 have worked to develop strong character traits and good citizenship skills, become more physically fit, and help the Franklin community through service activities and projects; and

WHEREAS, today, Boy Scout Troop 17 continues to thrive with 72 registered Scouts and 32 registered adult leaders; and

WHEREAS, Boy Scout Troop 17 marked its 100th anniversary on June 8 and 9, 2013, with a dedication ceremony for its new Scout Shack, a Scout skills show and campout, and attendance at Sunday morning worship at High Street United Methodist Church; now, therefore, be it

RESOLVED by the House of Delegates, That Boy Scout Troop 17 hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bryan Fenters, Scoutmaster of Boy Scout Troop 17, as an expression of the House of Delegates' congratulations and admiration for the troop's long history and contributions to the community.

HOUSE RESOLUTION NO. 19

Commending Rhys Franklin.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, Rhys Franklin, a member of Boy Scout Troop 36 in Carrollton, is commended for becoming an Eagle Scout; and

WHEREAS, the Eagle Scout rank, the highest attainable rank in the Boy Scouts of America, requires scouts to earn at least 21 merit badges, display exceptional leadership, and perform extensive service to the community; and

WHEREAS, Rhys Franklin worked diligently under the guidance of Troop 36 Scoutmaster Walter Schmincke to earn his merit badges and serve in various leadership capacities; and

WHEREAS, for his Eagle Scout service project, Rhys Franklin decided to rebuild two of the dugouts at the Smithfield Recreation Association ball fields at Beale Park; and

WHEREAS, Rhys Franklin worked diligently to enhance the popular fields that bring together members of the community for fun and fellowship; and

WHEREAS, a hardworking young man, Rhys Franklin demonstrated great initiative, dedication, and responsibility in completing his Eagle Scout project; and

WHEREAS, Rhys Franklin, the son of Rhett and Bonnie Franklin, received the prestigious Eagle Scout Award at a special ceremony on May 10, 2013, at St. Andrew Presbyterian Church; now, therefore, be it

RESOLVED by the House of Delegates, That Rhys Franklin hereby be commended on attaining the rank of Eagle Scout; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rhys Franklin as an expression of the House of Delegates' congratulations and admiration for his service to the community.

HOUSE RESOLUTION NO. 20

Commending Randolph Barlow.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, Randolph Barlow, a respected business leader from Smithfield, was honored for his distinguished contributions to the community with the 2013 Grace Keen Distinguished Community Service Award from the Isle of Wight-Smithfield-Windsor Chamber of Commerce; and

WHEREAS, the Grace Keen Distinguished Community Service Award honors community servants who work quietly to better the community by demonstrating creativity, resourcefulness, unselfishness toward the economic betterment of the community, and community leadership; and

WHEREAS, Randolph Barlow, the president and chief executive officer of Farmers Service Co. Inc., in Smithfield, has worked diligently to enhance the well-being of his fellow residents through participation and leadership in various community organizations; and

WHEREAS, Randolph Barlow has generously given of his time and talents over the years to such organizations as the Smithfield Volunteer Fire Department, the American Heart Association, and Community Help in Progress; and

WHEREAS, through quiet, effective leadership, Randolph Barlow has played a pivotal role in making Smithfield a great place in which to live, work, and do business; and

WHEREAS, Randolph Barlow was honored with the Grace Keen Distinguished Community Service Award on June 5, 2013, at an Isle of Wight-Smithfield-Windsor Chamber of Commerce meeting; now, therefore, be it

RESOLVED by the House of Delegates, That Randolph Barlow hereby be commended on receiving the 2013 Grace Keen Distinguished Community Service Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Randolph Barlow as an expression of the House of Delegates' congratulations and admiration for his commitment to serving the community.

HOUSE RESOLUTION NO. 21

Commending Carrsville Elementary School.

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Carrsville Elementary School in Isle of Wight County was honored as a United States Department of Education No Child Left Behind Blue Ribbon School in 2013; and

WHEREAS, the Blue Ribbon Schools Program evaluates schools on various factors, including standardized test results, breadth and depth of curriculum, in-depth examination of the reading program, review of a selected additional curricular area, and instructional methods and school leadership; and

WHEREAS, one of only 286 schools nationwide and one of only seven public and three private schools in the Commonwealth to earn the coveted honor, Carrsville Elementary School received a plaque and flag to signify its Blue Ribbon status; and

WHEREAS, the United States Department of Education honored the 2013 No Child Left Behind Blue Ribbon Schools during a conference and awards ceremony in November in Washington, D.C.; and

WHEREAS, Carrsville Elementary School provides an outstanding learning environment for its students with excellent faculty, supportive staff, and dedicated school administrators; now, therefore, be it

RESOLVED by the House of Delegates, That Carrsville Elementary School hereby be commended on its selection as a United States Department of Education No Child Left Behind Blue Ribbon School award winner; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Laura Matthews, principal of Carrsville Elementary School, as an expression of the House of Delegates' congratulations and admiration for the school's commitment to the young people of Isle of Wight County.

HOUSE RESOLUTION NO. 22

Commending Bill Scarboro.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, Bill Scarboro, an admired Boy Scout leader in the City of Franklin, was honored with the Silver Beaver Award in recognition of his outstanding service to the Scouting program; and

WHEREAS, the Silver Beaver Award is the council-level distinguished service award of the Boy Scouts of America and is given to those longtime leaders who have positively influenced youth through service on the council level; and

WHEREAS, Bill Scarboro has devoted countless hours to Boy Scout Troop 17 over the years; he currently serves as the Siouan Rivers District Commissioner and the adult advisor to the Nottoway Chapter of the Boy Scouts of America Order of the Arrow; and

WHEREAS, Bill Scarboro exemplifies the Boy Scout values in his work with local youth and has been influential in the development and implementation of the Scouting program in the Franklin area; and

WHEREAS, a respected community leader, Bill Scarboro also served as a member of the Franklin City School Board and worked diligently alongside fellow school board members, educators, school leadership, and parents to provide the best possible educational opportunities to local youth; and

WHEREAS, Bill Scarboro received the prestigious Silver Beaver Award from the Colonial Virginia Council at a special ceremony at Benn's United Methodist Church on June 2, 2013; now, therefore, be it

RESOLVED by the House of Delegates, That Bill Scarboro hereby be commended on his selection as a recipient of the Silver Beaver Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bill Scarboro as an expression of the House of Delegates' congratulations and admiration for his commitment to the Boy Scouts of America and the young men of Franklin.

HOUSE RESOLUTION NO. 23

Commending the Tidewater Academy baseball team.

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, the Tidewater Academy baseball team ended a winning season by capturing the 2013 Virginia Independent Schools Athletic Association Division 3 state championship; and

WHEREAS, the Tidewater Academy baseball team finished the regular season ranked number four in the Division 3 poll and defeated Kenston Forest School and Isle of Wight Academy to advance to the state championship final; and

WHEREAS, the Tidewater Academy baseball team faced Fuqua School for the state title before an enthusiastic crowd at Shepherd Stadium in Colonial Heights; and

WHEREAS, the Tidewater Academy baseball team was led by pitcher Hunter Haywood, who kept Fuqua School scoreless over seven innings, striking out nine and allowing only two hits; and

WHEREAS, the Tidewater Academy baseball team scored three runs to take home the state championship title, the first for the team in the school's history; and

WHEREAS, the triumphant performance of the Tidewater Academy baseball team is a tribute to the talent and hard work of the players, the leadership of head coach Paul Rogers and his staff, and the support of the entire Tidewater Academy community; now, therefore, be it

RESOLVED by the House of Delegates, That the Tidewater Academy baseball team hereby be commended on winning the 2013 Virginia Independent Schools Athletic Association Division 3 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Paul Rogers, head coach of the Tidewater Academy baseball team, as an expression of the House of Delegates' congratulations and admiration for the team's winning season.

HOUSE RESOLUTION NO. 24

Commending Caleb Hamilton Johnson.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, Caleb Hamilton Johnson, a member of Troop 177 in Prince George, is commended for becoming an Eagle Scout; and

WHEREAS, the Eagle Scout rank, the highest attainable rank in the Boy Scouts of America, requires Scouts to earn at least 21 merit badges, display exceptional leadership, and perform extensive service to the community; and

WHEREAS, a hardworking young man, Caleb Johnson has demonstrated the Boy Scout values while earning his merit badges and exercising his leadership abilities; and

WHEREAS, for his Eagle Scout service project, Caleb Johnson decided to construct new picnic tables for the outdoor pavilion at his church; and

WHEREAS, Caleb Johnson received the prestigious Eagle Scout Award at a special ceremony at the pavilion at The Church of Jesus Christ of Latter-Day Saints in Prince George, where his newly constructed tables were on display; and

WHEREAS, Caleb Johnson, the son of Chris and Beth Johnson, thanked family members, friends, and church and Scout leaders for their support at the ceremony and dinner; now, therefore, be it

RESOLVED by the House of Delegates, That Caleb Hamilton Johnson hereby be commended on attaining the rank of Eagle Scout; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Caleb Hamilton Johnson as an expression of the House of Delegates' congratulations and admiration for his commitment to serving the community.

HOUSE RESOLUTION NO. 25

Commending the Peanut Patch.

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, the Peanut Patch, located in Courtland and known locally, nationally, and internationally for the distinctive flavor of its specially prepared peanuts, proudly celebrated its 40th anniversary in 2013; and

WHEREAS, founded in 1973 by twin brothers Bob (now deceased) and Bill Riddick and their wives, Judy and Gaynelle, the Peanut Patch began as a furniture business and the couples quickly added the sale of peanuts when they realized it was difficult to buy them locally at retail; and

WHEREAS, the Peanut Patch evolved over the years, transitioning away from furniture, relocating the business to Route 58, creating a new manufacturing facility, and welcoming other family members to the business; and

WHEREAS, the Peanut Patch developed the brand name FERIDIES based on parts of each family member's last names—Alice and Paul ShafFER, Judy and Bob RIDdick, Jane and Ted FrIES—for its products that now range from peanuts to nut-based snacks to gifts; and

WHEREAS, the Peanut Patch Gift Shop welcomes locals and visitors alike with a wide range of gifts for all occasions and gourmet food products; and

WHEREAS, a vital part of the local economy, the Peanut Patch, under its brand name FERIDIES, consistently ranks in the top 10 of non-governmental employers in Southampton County and also generously supports local charitable organizations; and

WHEREAS, the Peanut Patch marked the company's 40th anniversary at the Franklin-Southampton Area Chamber of Commerce's Business After Hours with its three founders, their families, coworkers, and visiting dignitaries; now, therefore, be it

RESOLVED by the House of Delegates, That the Peanut Patch hereby be commended on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Judy Riddick, Gaynelle Riddick, and Bill Riddick, surviving cofounders of the Peanut Patch, as an expression of the House of Delegates' congratulations and admiration for the company's contributions to the community.

HOUSE RESOLUTION NO. 26

Commending L. L. Beazley Elementary School.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, L. L. Beazley Elementary School in Prince George County was honored as a United States Department of Education No Child Left Behind Blue Ribbon School in 2013; and

WHEREAS, the Blue Ribbon Schools Program evaluates schools on various factors, including standardized test results, breadth and depth of curriculum, in-depth examination of the reading program, review of a selected additional curricular area, and instructional methods and school leadership; and

WHEREAS, one of only 286 schools nationwide and one of only seven public and three private schools in the Commonwealth to earn the coveted honor, L. L. Beazley Elementary School received a plaque and flag to signify its Blue Ribbon status; and

WHEREAS, the United States Department of Education honored the 2013 No Child Left Behind Blue Ribbon Schools during a conference and awards ceremony in November in Washington, D.C.; and

WHEREAS, L. L. Beazley Elementary School provides an outstanding learning environment for its students with excellent faculty, supportive staff, and dedicated school administrators; now, therefore, be it

RESOLVED by the House of Delegates, That L. L. Beazley Elementary School hereby be commended on its selection as a United States Department of Education No Child Left Behind Blue Ribbon School award winner; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James Scruggs, principal of L. L. Beazley Elementary School, as an expression of the House of Delegates' congratulations and admiration for the school's commitment to the young people of Prince George County.

HOUSE RESOLUTION NO. 27

Commending Parker's Grocery.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, Parker's Grocery, a full-service general store in Hopewell, proudly celebrated its 50th anniversary of serving the local community in 2013; and

WHEREAS, after returning from serving his country in the United States Army, Henry D. Parker, Jr., opened Parker's Grocery in 1963; and

WHEREAS, three years later, Parker's Grocery faced a devastating fire, but local community members came together and helped rebuild the store in just 14 days; and

WHEREAS, Parker's Grocery customers, most of whom are known by name, can find a wide array of goods on the shelves to meet their needs, ranging from milk to items such as welding caps; and

WHEREAS, Parker's Grocery customers who come to get gas receive full service, with their gas pumped and windshields washed by dedicated employees; and

WHEREAS, numerous young people in the community have had their first jobs at Parker's Grocery, gaining valuable experience and learning about the importance of treating others as they would like to be treated, customer service, and honesty; and

WHEREAS, known for its outstanding service, Parker's Grocery has been a vital part of the local community for the past half-century; now, therefore, be it

RESOLVED by the House of Delegates, That Parker's Grocery hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Henry D. Parker, Jr., owner of Parker's Grocery, as an expression of the House of Delegates' congratulations and admiration for its dedication to serving the community.

HOUSE RESOLUTION NO. 28

Commending the Church of the Infant Jesus of Prague.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, the Church of the Infant Jesus of Prague in Wakefield proudly celebrated 60 years of service to the community in 2013; and

WHEREAS, the Church of the Infant Jesus of Prague traces its beginnings to 1943, when Detroit resident Larry Monahan, Sr., traveled to Wakefield and bought the popular Virginia Diner; and

WHEREAS, in 1952, Larry Monahan, Sr., purchased the land across the street from the Virginia Diner to build the Church of the Infant Jesus of Prague; and

WHEREAS, the Church of the Infant Jesus of Prague received strong support from the local community; residents donated funds for bricks, diner patrons made contributions, local resident Peck Gray gave the rafters, and a total of \$30,000 was raised; and

WHEREAS, the Church of the Infant Jesus of Prague opens its doors seven days a week for local residents and visitors passing through the area; and

WHEREAS, the Church of the Infant Jesus of Prague celebrated its 60th anniversary on November 2, 2013, with a reception and special mass; and

WHEREAS, the Church of the Infant Jesus of Prague heard addresses from Monsignor Mark Richard Lane, Vicar General of the Diocese; Reverend Joseph Majeski and Reverend Carl De Souza, former pastors; and Father Charles Saglio, current pastor, at its anniversary celebration; and

WHEREAS, the Church of the Infant Jesus of Prague looks forward to continuing to welcome local community members and visitors from around the world; now, therefore, be it

RESOLVED by the House of Delegates, That the Church of the Infant Jesus of Prague hereby be commended on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Church of the Infant Jesus of Prague as an expression of the House of Delegates' congratulations and admiration for the church's commitment to serving its members and the community.

HOUSE RESOLUTION NO. 29

Commending J. T. Barham & Company.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, J. T. Barham & Company, a respected farm supply store located in Capron in Southampton County, proudly celebrated its 125th anniversary in 2013; and

WHEREAS, J. T. Barham & Company was established by J. T. Barham; his son, Dashland, succeeded him in the family business; and

WHEREAS, third-generation family member, Pete Barham, who also served as Capron's mayor for more than 40 years, ran J. T. Barham & Company for more than 65 years; his son, Tommy, and grandson, Chris, also joined the family business; and

WHEREAS, today, J. T. Barham & Company is owned and operated by fifth-generation family member Chris Barham, who continues to uphold his family's fine tradition of service to the community; and

WHEREAS, as J. T. Barham & Company looks back with pride at its many accomplishments, it looks forward to its future endeavors; now, therefore, be it

RESOLVED by the House of Delegates, That J. T. Barham & Company hereby be commended on the occasion of its 125th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to J. T. Barham & Company as an expression of the House of Delegates' congratulations and admiration for the company's many contributions to the community.

HOUSE RESOLUTION NO. 30

Commending Tidewater Academy.

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Tidewater Academy, located in Wakefield, proudly celebrated its 50th anniversary of providing a superior education to its students in 2013; and

WHEREAS, Tidewater Academy, which prepares students for a "lifetime of learning," offers a strong academic program with an emphasis on "effective leadership, good moral character, and an appreciation of spiritual values"; and

WHEREAS, Tidewater Academy celebrated its 50th anniversary at the 2013 homecoming with the theme "Half a century long, tradition strong"; and

WHEREAS, Tidewater Academy held a pee wee football game followed by an alumni football game with halftime festivities that included a parade of floats, a celebration of previous homecoming kings and queens, a homecoming court, and the Alumni of the Year Award presentation; and

WHEREAS, Tidewater Academy's celebration of its 50th anniversary at the 2013 homecoming brought together alumni from across the years in an evening of remembrance and celebration; and

WHEREAS, Tidewater Academy looks forward to continuing to prepare its students for success in school and life; now, therefore, be it

RESOLVED by the House of Delegates, That Tidewater Academy hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Frances Joyner, head of Tidewater Academy, as an expression of the House of Delegates' congratulations and admiration for the school's dedication to its students.

HOUSE RESOLUTION NO. 31

Commending Cheryl Nelson.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, Cheryl Nelson, an admired television personality, broadcast meteorologist, model, and television commercial actress, was crowned Mrs. Virginia International 2014; and

WHEREAS, Cheryl Nelson earned a bachelor's degree from Pennsylvania State University and received the designation of Certified Broadcast Meteorologist from the American Meteorological Society; and

WHEREAS, Cheryl Nelson has worked for various news organizations across New York state and at WAVY-TV in Norfolk, has been broadcast nationally on Fox News and CNBC, has appeared in a national television commercial, and emceed numerous events; and

WHEREAS, as Mrs. Virginia International, Cheryl Nelson will travel across the Commonwealth promoting her platform of Natural Disaster Preparedness; and

WHEREAS, as a meteorologist, Cheryl Nelson has witnessed firsthand the devastating impact of natural disasters; she will work with the American Red Cross and other organizations to promote and raise awareness of the importance of being prepared for natural disasters; and

WHEREAS, Cheryl Nelson will compete in the Mrs. International competition in Jacksonville, Florida, July 22 through 28, 2014; and

WHEREAS, an accomplished professional, Cheryl Nelson is an outstanding ambassador for the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That Cheryl Nelson hereby be commended on being crowned Mrs. Virginia International 2014; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Cheryl Nelson as an expression of the House of Delegates' congratulations and best wishes.

HOUSE RESOLUTION NO. 32

Celebrating the life of E. R. M. Coker.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, E. R. M. Coker, an admired citizen of Boykins who made many contributions to the community and his fellow residents, died on April 9, 2013; and

WHEREAS, E. R. M. "Mac" Coker received a bachelor's degree from the University of Virginia before proudly serving his country in the United States Navy from 1953 to 1956; and

WHEREAS, following his exemplary military service as a member of the Civil Engineer Corps, Mac Coker earned a master's degree from the Massachusetts Institute of Technology; and

WHEREAS, Mac Coker then went to work for the Fine Paper Division of Union Camp Corporation, where he made many valuable contributions during an exemplary career that spanned 35 years until his retirement as sales manager in 1993; and

WHEREAS, committed to the well-being and prosperity of the local community, Mac Coker took an active role in civic affairs and generously gave of his time and talents to many worthy organizations and endeavors; and

WHEREAS, a true friend, devoted family man, and dedicated community servant, Mac Coker will be fondly remembered and greatly missed by his wife, Louisa; sons, William, John, and James, and their families; and numerous other family members, friends, and admirers; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of a respected citizen of Boykins, E. R. M. Coker; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of E. R. M. Coker as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 33

Celebrating the life of Paul Douglas Camp Marks.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, Paul Douglas Camp Marks, a beloved resident of the City of Franklin known for his extensive and effective community service, died on April 10, 2013; and

WHEREAS, a native of Boykins, Paul Marks attended Virginia Military Institute, leaving during his Rat year and joining the other young men of his generation in the war effort as the nation became embroiled in World War II; and

WHEREAS, commissioned as a second lieutenant in the United States Army, Paul Marks proudly served in Europe as part of the 1st Infantry Division and became aide-de-camp for the division commander; and

WHEREAS, Paul Marks took part in military action at Remagen Bridge and the Battle of the Bulge and continued to serve after the war as a member of the security forces at the Nuremberg Trials; and

WHEREAS, following his exemplary service to his country, Paul Marks returned to the Tidewater area, where he became a farmer and dedicated leader in the community he loved; and

WHEREAS, Paul Marks provided wise guidance and insight during his service on all three boards of the Elms Foundation—the Ruth Camp Campbell Foundation, the Camp-Younts Foundation, and the Camp Foundation—and as a 50-year board member of the Windsor REA; and

WHEREAS, Paul Marks worked to ensure the best-quality education for the students of Southampton County through his service on the Southampton County School Board and reached out to his fellow residents as a member of the Capron Ruritan Club and Capron United Methodist Church; and

WHEREAS, in 1946, Paul Marks founded with several friends the Indiantown Hunt Club in Capron, of which he was the last living charter member; he greatly enjoyed the time he spent outdoors hunting and fishing; and

WHEREAS, in retirement, Paul Marks made new friends as he traveled the United States and Canada with his wife, Joan, in their travel trailer; and

WHEREAS, Paul Marks leaves behind to cherish his memory his wife, Joan; children, Doug, Linda, John, Nancy, Jo Ann, and Texie, and their families; stepchildren, Richard, John, and Charles, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of an esteemed citizen of the City of Franklin, Paul Douglas Camp Marks; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Paul Douglas Camp Marks as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 34

Commemorating the life and legacy of Elizabeth Bennett Young.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, Elizabeth Bennett Young was a Revolutionary War era resident of Smithfield and the wife of Deputy Clerk Lieutenant Francis Young of Smithfield; and

WHEREAS, upon hearing that British Lieutenant Colonel Banastre Tarleton was nearing Smithfield, Elizabeth Young hid the county's records in a trunk and buried them on a nearby farm until the end of the Revolutionary War; and

WHEREAS, Elizabeth Young's quick thinking and decisive action protected what are some of the oldest and most complete court records in the United States that today provide historians, genealogists, and the general public with valuable information; now, therefore, be it

RESOLVED by the House of Delegates, That the life and legacy of Revolutionary War heroine Elizabeth Bennett Young hereby be commemorated; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Colonel William Allen Chapter of the National Society Daughters of the American Revolution as an expression of the House of Delegates' admiration for Elizabeth Bennett Young's contributions to the Commonwealth and nation.

HOUSE RESOLUTION NO. 35

Commemorating the life and legacy of Randall Booth.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, Randall Booth was the slave of Nathaniel P. Young, Clerk of the Circuit Court of Isle of Wight County during the Civil War; and

WHEREAS, on May 5, 1862, Nathaniel Young received authorization to remove the county records from the courthouse to safeguard them and instructed Randall Booth to hide the county records; and

WHEREAS, Randall Booth hid the county records in a cart in Greensville and Brunswick Counties; after the Civil War, he returned the records to their rightful home; and

WHEREAS, Randall Booth was given his freedom and a position as caretaker of the courthouse; Nathaniel Young gave him a piece of land for a home and Randall Booth lived there until his death in 1904; and

WHEREAS, to honor his many contributions, the records room at the Isle of Wight County Clerk's Office is named after Randall Booth; and

WHEREAS, Randall Booth's actions preserved important county records for posterity that can now be used by historians, genealogists, and the general public; now, therefore, be it

RESOLVED by the House of Delegates, That the life and legacy of Randall Booth hereby be commemorated; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Isle of Wight Chapter of the National Association for the Advancement of Colored People as an expression of the House of Delegates' admiration for Randall Booth's contributions to the Commonwealth and nation.

HOUSE RESOLUTION NO. 37

Commending Sixth Baptist Church.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, Sixth Baptist Church of Richmond proudly celebrated 90 years of service to its members and the community in 2013; and

WHEREAS, Sixth Baptist Church began when 25 former members of Mount Carmel Baptist Church formed St. Luke's Mission under the leadership of the Reverend E. D. Caffee; the mission, located in St. Luke's Building, was later recognized as St. Luke's Baptist Church; and

WHEREAS, in 1924, St. Luke's Baptist Church bought a building on Sixth Street and held its first revival; its name was changed to Sixth Baptist Church in 1942 at the suggestion of the Reverend Joseph Arrington; and

WHEREAS, Sixth Baptist Church grew to more than 350 members under the inspired leadership of the Reverend Joseph Arrington and paid off its mortgage in 1944; and

WHEREAS, in 1953, Sixth Baptist Church relocated to Idlewood Avenue, and the Reverend Joseph Arrington continued to serve the congregation until his retirement in 1960; and

WHEREAS, Sixth Baptist Church was ably served by the Reverend H. G. Knight, and the Reverend E. L. Fleming became pastor in 1969; and

WHEREAS, for more than 30 years, the Reverend E. L. Fleming led Sixth Baptist Church through a period of growth, overseeing an expansion of ministries, a building fund effort, and the purchase of several properties; and

WHEREAS, in 2001, the Reverend Dr. Yvonne Jones Bibbs became the fifth pastor of Sixth Baptist Church; she has continued to lead efforts to expand and renovate the building while encouraging members to give of their Time, Talent, Treasure, and Temple; and

WHEREAS, Sixth Baptist Church has grown in faith and numbers over the last 90 years while reaching out to serve community members and looks forward to continuing to fulfill its mission; now, therefore, be it

RESOLVED by the House of Delegates, That Sixth Baptist Church hereby be commended on the occasion of its 90th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sixth Baptist Church as an expression of the House of Delegates' congratulations and admiration for the church's dedication to serving its members and the community.

HOUSE RESOLUTION NO. 38

Commending Legend Brewing Company.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, Legend Brewing Company, a craft brewery founded in the City of Richmond, has been committed to providing the Commonwealth with premium products for 20 years; and

WHEREAS, when Legend Brewing Company (Legend) was established in January of 1994, it was the first craft brewery of its kind in Richmond; and

WHEREAS, Legend's first batch of brown ale was tapped at the Commercial Taphouse in February of 1994, when fresh, hand-crafted beers were not readily available; it remains a local favorite to this day; and

WHEREAS, the staff at Legend exhibit great care and skill in crafting each of their products; Legend's products can take anywhere from three weeks to eight months to fully ferment, placing production at around 12,000 barrels annually; and

WHEREAS, offering seven staple crafts and multiple seasonal options, Legend's products have been recognized statewide as the best microbrew, best brew pub, and best quintessentially Richmond product or service; and

WHEREAS, a fine example of American entrepreneurial spirit, Legend is the longest operating craft brewery in the Commonwealth and has been able to stand out in an ever booming craft-beer market; and

WHEREAS, a testament to their storied success and positive impact on the craft brewery community, Legend will be expanding to North Carolina, Maryland, and Washington, D.C.; and

WHEREAS, to commemorate its 20th anniversary, Legend will be hosting a multitude of events, including a special guest cask on the 20th of each month, and releasing both a 20th anniversary imperial brown ale and special editions of their urban legend series in the upcoming year; and

WHEREAS, 20 years after Legend's initial tap, they are now a staple in Richmond's booming craft brewery scene; now, therefore, be it

RESOLVED by the House of Delegates, That Legend Brewing Company, a beloved local business, hereby be commended on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Legend Brewing Company as an expression of the House of Delegates' gratitude for its commitment to providing a quality product to the people of the Commonwealth.

HOUSE RESOLUTION NO. 42

Commending the Alexandria Redevelopment and Housing Authority.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, the Alexandria Redevelopment and Housing Authority was a recipient of the 2013 Virginia Housing Award for Best Mixed-Income Project for its James Bland/Old Town Commons project; and

WHEREAS, the Alexandria Redevelopment and Housing Authority (ARHA) collaborated with EYA, a local development and building company, on the Old Town Commons project; the two organizations jointly received the 2013 Virginia Housing Award; and

WHEREAS, Old Town Commons is the product of the redevelopment of existing public housing; the newly fashioned five-block neighborhood of townhomes and condominiums features a variety of options for renting or buying; and

WHEREAS, this innovative project captures the feel and charm of historic Alexandria, one of the Commonwealth's oldest and most storied cities; Old Town Commons is conveniently located near bustling Old Town Alexandria and is close to the Braddock Metro Station and the scenic Potomac River; and

WHEREAS, the Governor's Housing Conference annually presents the Virginia Housing Awards to recognize and celebrate outstanding and innovative housing efforts that successfully address the state's complex array of housing needs; and

WHEREAS, at Old Town Commons, the ARHA demonstrated its commitment to protect the environment; the housing meets the Leadership in Energy and Environmental Design for Homes standards and is the largest such project in Alexandria; LEED-certified homes are designed to maximize fresh air indoors and use less energy; and

WHEREAS, construction of the James Bland/Old Town Commons neighborhood will be complete by December 2014; it represents a successful collaboration among ARHA, EYA, and the City of Alexandria to provide affordable housing; now, therefore, be it

RESOLVED by the House of Delegates, That the Alexandria Redevelopment and Housing Authority hereby be commended for receiving the 2013 Virginia Housing Award for Best Mixed-Income Project for the James Bland/Old Town Commons housing endeavor; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Alexandria Redevelopment and Housing Authority as an expression of the House of Delegates' congratulations and admiration for the organization's work to provide attractive, well-built, and affordable housing.

HOUSE RESOLUTION NO. 45

Commending Third Baptist Church.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, Third Baptist Church, located in Alexandria, proudly celebrated its rich legacy of worship and service to the community on October 13, 2013; and

WHEREAS, Third Baptist Church began when a small group of faithful former slaves who had settled near the Potomac River waterfront gathered together for prayer in their newly built cabins; and

WHEREAS, as their numbers grew, the group realized that they needed a larger location and moved to Third Baptist Church's first site at Pitt and Oronoco Streets under the leadership of the Reverend George W. Parker; and

WHEREAS, Third Baptist Church then bought an old frame structure at the corner of Princess and North Patrick Streets for \$50; the existing structure was demolished and a brick structure erected by the congregation in 1865 that serves as the underpinning of the current building in use today; and

WHEREAS, in 1881, several members of Third Baptist Church began to meet at the Odd Fellows Hall, eventually forming "The Little Red Church," which today is known as Ebenezer Baptist Church; and

WHEREAS, Third Baptist Church received wise counsel under the leadership of the Reverends Fields Cook, R. H. Porter, Wesley F. Graham, D. H. Henderson, Samuel B. Ross, James D. Peters, Harold C. Hunter, Joseph E. Penn, Thomas F. Spears, Charles E. Gee, Dr. Daniel L. Brown, and James V. Jordan; and

WHEREAS, today, Third Baptist Church offers a variety of ministries, including a soup kitchen, Visitation Ministry, Jail Ministry, Senior Citizens Ministry at the Ladrey Senior High-Rise Building, Second Genesis Drug Rehabilitation Center Ministry, Singles Ministry, Men's Ministry, Together Ministry, Caregiver's Ministry, and Hospitality Ministry; and

WHEREAS, for the past 150 years, the congregation of Third Baptist Church has persevered and thrived, growing in faith and numbers while the church expanded its ministries and outreach activities to the community; now, therefore, be it

RESOLVED by the House of Delegates, That Third Baptist Church hereby be commended on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Third Baptist Church as an expression of the House of Delegates' congratulations and admiration for the church's long history and dedication to serving its members and the community.

HOUSE RESOLUTION NO. 46

Commending Bonnie Baxley.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, Bonnie Baxley, the executive director of Community Lodgings, was honored in November 2013 for her years of dedicated service to the City of Alexandria; and

WHEREAS, with years of experience as an educator and a business woman, Bonnie Baxley maintained wide community connections, both in outreach and in developing partnerships to provide more opportunities for the community; and

WHEREAS, an experienced educator and private tutor for 25 years, Bonnie Baxley helped prepare youths in Alexandria for higher education and careers; and

WHEREAS, in 1998, Bonnie Baxley brought 25 years of nonprofit experience to Community Lodgings, a nonprofit organization dedicated to helping families rise from homelessness to independence and self-sufficiency; and

WHEREAS, with a combination of talent, a network of connections, and years of experience, Bonnie Baxley's hands-on form of leadership helped her become the executive director of Community Lodgings in 2005; and

WHEREAS, under Bonnie Baxley's leadership, Community Lodgings grew from a three-person staff to an 18-person staff and saw an impressive increase in funding for programs like affordable housing and youth education activities; and

WHEREAS, respected for her advocacy and skillful direction, Bonnie Baxley is a kind-hearted person who has made it her life's work to stand up for members of the community in need; and

WHEREAS, after eight years as the director of Community Lodgings, Bonnie Baxley retired in November of 2013; now, therefore, be it

RESOLVED by the House of Delegates, That as a leader and an advocate for the Alexandria community, Bonnie Baxley hereby be commended; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bonnie Baxley as an expression of the House of Delegates' respect and admiration for her years of dedicated service to the City of Alexandria.

HOUSE RESOLUTION NO. 52

Commending Deb Boykin.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, Deb Boykin, The College of William and Mary's director of residence life, was honored for her years of dedicated service by the Virginia Association of College and University Housing Officers when the organization renamed their highest honor the Deb Boykin Outstanding Professional Award in 2013; and

WHEREAS, the Virginia Association of College and University Housing Officers (VACUHO) Outstanding Professional Award honors individuals who demonstrate exceptional leadership in the areas of implementation of creative programs; supervision and development of staff; teaching and research; mentoring of new professionals; and professional involvement in appropriate regional, state, and national organizations; and

WHEREAS, Deb Boykin has displayed exceptional leadership in all of these areas during her 34 years of service to William and Mary's residence life program, where she has served as the director since 1993; she has served as a mentor and role model to countless students; and

WHEREAS, by emphasizing the importance of living on campus, Deb Boykin has been able to give her students a more rounded college experience, in which students' grades and graduation rates are higher and they are more likely to be connected with resources and faculty members, which will help with career opportunities after graduation; and

WHEREAS, having held a multitude of positions within the college and university housing profession, Deb Boykin served as president of both VACUHO in 1994 and the Southeastern Association of Housing Officers from 2003 to 2004; and

WHEREAS, VACUHO honored Deb Boykin with the Outstanding Professional Award in 2004 before the award bore her name; and

WHEREAS, Deb Boykin has received the unique honor of being able to attend the conference where her namesake award will be given to a worthy college and university housing professional; now, therefore, be it

RESOLVED by the House of Delegates, That Deb Boykin, a dedicated college and university housing professional, hereby be commended for having the Outstanding Professional Award named in her honor; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Deb Boykin as an expression of the House of Delegates' respect and admiration for her many years of service.

HOUSE RESOLUTION NO. 53

Celebrating the life of Norvell G. Rice.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, Norvell G. Rice, a vibrant woman whose grace, wit, and common sense positively influenced those with whom she came in contact during a long career in public service, died on July 25, 2013; and

WHEREAS, Norvell "Polly" Rice began her career as the first staffer hired by the builders of the Richmond-Petersburg Turnpike, now known as I-95, and went on to work for the general manager after the road was completed; and

WHEREAS, known for her attention to detail and administrative skill, Polly Rice provided outstanding service as executive secretary to four directors of the State Council of Higher Education for Virginia; and

WHEREAS, Polly Rice brought years of experience in the educational arena to what is now known as the University of Mary Washington when she became secretary to the president of the institution; and

WHEREAS, an active member of the community, Polly Rice was a member of the Colonial Dames, the Rappahannock Valley Garden Club, St. George's Episcopal Church Altar Guild, the Woman's Club, and the St. Margaret's School alumnae association; and

WHEREAS, Polly Rice was also a member of what is now known as Preservation Virginia and several cultural and preservation organizations; and

WHEREAS, in all of her endeavors, Polly Rice demonstrated a deep sense of fairness, love, and good humor that lifted the spirits of those around her; and

WHEREAS, predeceased by her husband, Theron, Polly Rice will be fondly remembered and greatly missed by her daughter, Ann, and her family, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of a respected citizen of the Commonwealth, Norvell G. Rice; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Norvell G. Rice as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 56

Commending Planters.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, Planters, a company that has become a household name across the nation, proudly celebrated 100 years in Suffolk in 2013; and

WHEREAS, in 1913, Amedeo Obici, one of the cofounders of Planters Peanut Company, moved his small peanut-roasting business to Suffolk, beginning a successful relationship between the company and locality; and

WHEREAS, Planters and Suffolk partnered to develop a variety of family-friendly events and activities to celebrate the 100th anniversary with community members; and

WHEREAS, the Suffolk Center for Cultural Arts hosted a special exhibit entitled "100 Years of Planters" that featured Mr. Peanut memorabilia and collectibles; and

WHEREAS, residents and visitors to historic downtown and the villages saw the streets lined with new street banners depicting Mr. Peanut and the Planters era in Suffolk; and

WHEREAS, community members gathered at Tynes Street Park for a Planters community beautification project on September 30, 2013; and

WHEREAS, the Planters' Nutmobile visited Suffolk, along with Mr. Peanut, who posed for photos with guests; visitors sampled different peanut flavors while children also enjoyed interactive games; and

WHEREAS, on October 5, 2013, Planters' Mr. Peanut served as the Grand Marshal for the Peanut Fest Parade, which honors the area's best-known agricultural product; and

WHEREAS, as part of the 100th anniversary of Planters in Suffolk, the Peanut Pals Fall Conference and Swap Meet was held at the Suffolk Center for Cultural Arts, bringing together collectors of Mr. Peanut items; and

WHEREAS, Planters has been a vital part of the Suffolk community for the past century; now, therefore, be it

RESOLVED by the House of Delegates, That Planters hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Planters as an expression of the House of Delegates' congratulations and admiration for the company's many contributions to Suffolk.

HOUSE RESOLUTION NO. 57

Commending Robert Thad Mackie, D.D.S.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, Robert Thad Mackie, D.D.S., an admired and widely respected dentist in Newport News for more than 40 years, will retire on May 1, 2014; and

WHEREAS, after graduating from Warwick High School in 1962, Robert "Bob" Mackie received degrees from Guilford College and from the Medical College of Virginia School of Dentistry, now known as the Virginia Commonwealth University School of Dentistry; and

WHEREAS, Dr. Mackie proudly served in our nation's military; from 1970 to 1972, he was a captain in the United States Air Force, stationed at Nellis Air Force Base in Nevada; and

WHEREAS, Dr. Mackie returned home to Newport News and opened the dental office of Robert T. Mackie, D.D.S.; he has provided family dental services since 1972 and also is a member of the local, state, and national dental societies; and

WHEREAS, dedicated to serving others, Bob Mackie has volunteered his time in many ways, providing dental service to religious orders and at a retirement community; as a man of faith, Bob Mackie enjoys fellowship and worship at Our Lady of Mount Carmel Catholic Church and at St. Vincent DePaul Catholic Church, where he is a substitute usher; and

WHEREAS, Bob Mackie is involved with People Offering Resources Together, an outreach effort by local churches that provides emergency shelter and food; he has worked with the group's food drives and food pantries; and

WHEREAS, education and athletics are an integral part of Bob Mackie's volunteer work; he has supported development efforts at Our Lady of Mount Carmel School and Peninsula Catholic High School, and he also has coached basketball and soccer teams; and

WHEREAS, after more than four decades of providing diligent and careful dental service in Newport News and involvement in many volunteer and charitable activities in Hampton Roads, Dr. Mackie will retire on May 1, 2014; now, therefore, be it

RESOLVED by the House of Delegates, That Robert Thad Mackie, D.D.S., a dedicated medical professional who generously has given his time and talents to many organizations in Hampton Roads, hereby be commended on the occasion of his retirement in 2014; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert Thad Mackie, D.D.S., as an expression of the House of Delegates' admiration for a successful dental career and for his many years of charitable and volunteer work.

HOUSE RESOLUTION NO. 58

Commending Nelson Farley.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, for more than 40 years, Nelson Farley of Newport News has given a toy to every child who visits his house to trick-or-treat on Halloween; and

WHEREAS, the generous gesture began in 1970 when Nelson Farley decided that toys would be a healthier and safer alternative to candy; in that first year, 70 children were given coloring books or balsa wood gliders; and

WHEREAS, the gift-giving program has grown immensely, and in 2013 the resident of the picturesque Hilton Village neighborhood gave out more than 1,100 toys; and

WHEREAS, on October 31, 2013, groups of children were invited inside Nelson Farley's house to choose from an array of toys, including dolls, Frisbees, yo-yos, batons, recorders, jump ropes, and stuffed animals; and

WHEREAS, the Halloween gifts program has become an established neighborhood event; the parents of some of the children who chose toys this year were trick-or-treaters at Nelson Farley's house when they were young; and

WHEREAS, Nelson Farley has many talents; in addition to his initiative to make Halloween an annual rite of childhood an even more special event in Hilton Village, he also is a poet and each year writes a special Halloween poem that he shares with his neighbors; and

WHEREAS, the eagerly awaited Halloween tradition that Nelson Farley created four decades ago will become a project of Hilton Presbyterian Church starting in 2014; now, therefore, be it

RESOLVED by the House of Delegates, That Nelson Farley hereby be commended for his decades of work to make Halloween in Newport News' Hilton Village community happier, healthier, and safer; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Nelson Farley as an expression of the House of Delegates' admiration for his successful efforts to give joy to children.

HOUSE RESOLUTION NO. 59

Commending Bob Bowles.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, Bob Bowles has provided more than 20 years of distinguished service to the United States Senate Productivity and Quality Award Program for Virginia; and

WHEREAS, in 1982, United States Senate Resolution 502 was passed encouraging the creation of state-sponsored programs to promote quality in industry; the following year, the United States Senate Productivity and Quality Award (SPQA) Program, the oldest continuously operating productivity and quality awards program in the United States, was established in the Commonwealth; and

WHEREAS, as director and executive director in Virginia since 1994, Bob Bowles has provided invaluable leadership to the all-volunteer organization, which has recognized over 100 Virginia city and county organizations, businesses, and nonprofit organizations; and

WHEREAS, Bob Bowles has worked diligently to fulfill the SPQA's mission of promoting and recognizing high-performance organizations; and

WHEREAS, Bob Bowles has continued SPQA's proud heritage of providing training and award challenges to thousands of individuals and organizations in the Commonwealth; and

WHEREAS, throughout his tenure with the SPQA, Bob Bowles has provided thousands of volunteer hours and visionary leadership; now, therefore, be it

RESOLVED by the House of Delegates, That Bob Bowles hereby be commended for his distinguished service as director and executive director of the United States Senate Productivity and Quality Award Program for Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bob Bowles as an expression of the House of Delegates' admiration for his extensive contributions to the success of the United States Senate Productivity and Quality Award Program for Virginia and governmental, business, and nonprofit organizations in the Commonwealth.

HOUSE RESOLUTION NO. 60

Commending Sheltering Arms.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, Sheltering Arms proudly celebrates 125 years of caring for members of the community in 2014; and

WHEREAS, founded in 1889, Sheltering Arms began when Richmond resident Rebekah Peterkin brought together members of her sewing circle and a few friends to create a free acute hospital in order to help working families who lacked the funds to pay for healthcare; and

WHEREAS, Sheltering Arms enjoyed the support of local physicians and nurses who generously gave of their time and talents to treat patients and an executive board of ladies who raised funds and even sewed newspapers inside cotton covers to create blankets; and

WHEREAS, in 1894, Sheltering Arms moved to Clay Street in Richmond and continued in its mission to provide quality care to those in need for the next several decades; and

WHEREAS, in the 1970s, Sheltering Arms made the decision to transition to physical rehabilitation; in 1981 it became the first private freestanding physical rehabilitation hospital in the Commonwealth; and

WHEREAS, today, Sheltering Arms gives its patients the "Power to Overcome" and maintains its commitment to ensuring that patients receive the healthcare they require based on need and not ability to pay; and

WHEREAS, Sheltering Arms has earned certification in stroke rehabilitation, accreditation, and the Gold Seal of Approval™ from The Joint Commission and was invited to present at the International Brain Injury Association's 9th World Congress; its case managers earned a Case in Point Platinum Award; and

WHEREAS, Sheltering Arms was named by Modern Healthcare.com as one of the Best Places to Work in Healthcare and has earned numerous health care and marketing awards, including three Aster Awards; and

WHEREAS, Sheltering Arms professionals remain abreast of the latest training and technology in rehabilitation to provide the best possible care to patients; and

WHEREAS, throughout the past 125 years, Sheltering Arms has enjoyed the generous support of donors, board members, and volunteers who have selflessly given of themselves to help others; and

WHEREAS, as Sheltering Arms celebrates its 125th anniversary, it looks forward to continuing to serve community members; now, therefore, be it

RESOLVED by the House of Delegates, That Sheltering Arms hereby be commended for its commitment to quality healthcare on the occasion of its 125th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James E. Sok, president and chief executive officer of Sheltering Arms, as an expression of the House of Delegates' congratulations and admiration for the organization's dedication to serving the community.

HOUSE RESOLUTION NO. 61

Commending the Hanover High School baseball team.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, the Hanover High School baseball team capped an outstanding season by winning the 2013 Virginia High School Group AAA state baseball championship; and

WHEREAS, the Hanover High School baseball team defeated Floyd E. Kellam High School in the state quarterfinals (5-0) and Oakton High School in the state semifinals (9-8) to advance to the state finals; and

WHEREAS, the Hanover High School baseball team then faced Great Bridge High School before an enthusiastic crowd at the state championship game held in Chantilly; and

WHEREAS, the Hanover High School baseball team had strong pitching from senior Derek Casey, who showcased his 90-mph fastball and struck out 10 batters, and freshman Hayden Moore, who forced three flyouts; and

WHEREAS, the Hanover High School baseball team scored both runs in the sixth inning—Taylor McDougal advanced to first base after being walked and then made it around the bases as fellow Hawk Trevor Denton sent a curve to right field and Chris Gilliam hit a single; and

WHEREAS, the Hanover High School baseball team's Cayman Richardson then made a sacrifice bunt that allowed Trevor Denton to cross home plate; and

WHEREAS, the Hanover High School baseball team's triumphant win (2-1) over Great Bridge High School was the first state baseball championship title in school history; and

WHEREAS, the success of the Hanover High School baseball team is a tribute to the talent, dedication, and perseverance of all the players; the leadership of head coach Charlie Dragum and his staff; and the support of the Hanover High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Hanover High School baseball team hereby be commended on winning the 2013 Virginia High School League Group AAA state baseball championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charlie Dragum, head coach of the Hanover High School baseball team, as an expression of the House of Delegates' congratulations and admiration for the team's winning season.

HOUSE RESOLUTION NO. 62

Commending the St. Christopher's School baseball team.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, the St. Christopher's School baseball team triumphed at the 2013 Virginia Independent Schools Athletic Association Division I state final to bring home the school's first state title as a member of the association; and

WHEREAS, the St. Christopher's School baseball team faced rival Trinity Episcopal School before an enthusiastic crowd at Shepherd Stadium in Colonial Heights for the state championship game; and

WHEREAS, the St. Christopher's School baseball team came out strong in the second inning, scoring five runs, and continued to dominate offensively, with a Saint crossing home plate in the third and two making it home in the sixth; and

WHEREAS, the St. Christopher's School baseball team enjoyed strong pitching from Jack English, who did not allow a hit until the fifth inning and struck out seven, and Cody Valenzuela, who made the final two outs to clinch the title; and

WHEREAS, the entire St. Christopher's School baseball team worked hard throughout the season to advance the team to the state championship final; and

WHEREAS, the St. Christopher's School baseball team's championship season is a tribute to the talent and dedication of the players, the leadership of head coach Anthony Szymendera and his staff, and the support of the St. Christopher's School community; now, therefore, be it

RESOLVED by the House of Delegates, That the St. Christopher's School baseball team hereby be commended on winning the 2013 Virginia Independent Schools Athletic Association Division I state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Anthony Szymendera, head coach of the St. Christopher's School baseball team, as an expression of the House of Delegates' congratulations and admiration for the team's outstanding season.

HOUSE RESOLUTION NO. 63

Commending the Mechanicsville American Legion Post 175 baseball team.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, the Mechanicsville American Legion Post 175 baseball team had an outstanding 2013 season that culminated in a trip to the state championship; and

WHEREAS, the Mechanicsville American Legion Post 175 baseball team worked hard throughout the season and demonstrated great perseverance as it captured the District 11 championship; and

WHEREAS, the Mechanicsville American Legion Post 175 baseball team advanced to state tournament play at the Warhill Sports Complex in Williamsburg; and

WHEREAS, in a remarkable game that spanned 16 innings and four hours and 35 minutes, the Mechanicsville American Legion Post 175 defeated Williamsburg Post 39 to end the game with a 6-5 victory; and

WHEREAS, the Mechanicsville American Legion Post 175 baseball team showed amazing endurance throughout the season, having played a 12-inning game during the regular season and a 13-inning game in the District 11 tournament; and

WHEREAS, the success of the Mechanicsville American Legion Post 175 baseball team is a tribute to the talent and dedication of the players, the leadership of head coach Eddie Gates, and the support of the Mechanicsville American Legion Post 175 and the local community; now, therefore, be it

RESOLVED by the House of Delegates, That the Mechanicsville American Legion Post 175 baseball team hereby be commended on its championship season; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Eddie Gates, head coach of the Mechanicsville American Legion Post 175 baseball team, as an expression of the House of Delegates' congratulations and admiration for the team's hard work and winning season.

HOUSE RESOLUTION NO. 64

Commending Virginia A. Habansky.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, Virginia A. Habansky, the executive assistant to the Clerk of the Virginia House of Delegates, retired on June 1, 2013, after 29 years of distinguished service to the Virginia House of Delegates and the Commonwealth; and

WHEREAS, a graduate of Smithdeal-Massey Business College, Virginia Habansky began her career in state government with the Department of Medical Assistance Services; and

WHEREAS, Virginia Habansky ably served as secretary to former Delegate Ralph L. Axselle, Jr., for 10 years and as his legislative assistant during the 1983 through the 1989 Sessions of the General Assembly; and

WHEREAS, on June 16, 1989, Virginia Habansky joined the Clerk's office as executive secretary to then Clerk Joseph H. Holleman, Jr.; and

WHEREAS, possessed of a pleasant and gracious demeanor, Virginia Habansky served as the "face" of the House Clerk's Office on the third floor of the Capitol, helping members, staff, and the public in a professional and courteous manner; and

WHEREAS, Virginia Habansky warmly welcomed members' spouses and made them feel comfortable around the State Capitol and General Assembly Building; and

WHEREAS, an integral part of the Page Program, Virginia Habansky served as "Page Mother" to many young people over the years; she worked with page coordinators, pages, parents, and teachers to help the pages have a memorable and wonderful experience; and

WHEREAS, known for her keen eye for detail, Virginia Habansky was the "go to" person for business letters and worked closely with the Division of Legislative Services staff on judicial appointments to ensure accurate paperwork; and

WHEREAS, Virginia Habansky worked tirelessly and effectively with other legislative and executive staff for the inauguration of the governor, lieutenant governor, and attorney general every four years; and

WHEREAS, Virginia Habansky represented the Commonwealth with great distinction as an active member of the American Society of Legislative Clerks and Secretaries; her welcoming personality and radiant smile were bright spots for many new legislative staff to the organization; and

WHEREAS, Virginia Habansky served under Clerks Joseph H. Holleman, Jr., Bruce F. Jamerson, and G. Paul Nardo; and Speakers Albert L. Philpott, Thomas W. Moss, Jr., Lacey E. Putney, S. Vance Wilkins, Jr., and William J. Howell; and

WHEREAS, a dedicated public servant, Virginia Habansky faithfully and professionally served the members of the Virginia House of Delegates and the citizens of the Commonwealth throughout her career in state government; and

WHEREAS, in retirement, Virginia Habansky looks forward to gardening, traveling, and spending time with her family, husband, Bill; children, Teresa, Billy, and Tina; her five grandchildren; and one great-grandchild; now, therefore, be it

RESOLVED by the House of Delegates, That Virginia A. Habansky hereby be commended for her exemplary service to the Virginia House of Delegates and the Commonwealth on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Virginia A. Habansky as an expression of the House of Delegates' gratitude for her outstanding service and best wishes for a happy and fulfilling retirement.

HOUSE RESOLUTION NO. 65

Establishing the Rules of the House of Delegates for the 2014-2015 Sessions of the General Assembly of Virginia.

Agreed to by the House of Delegates, January 8, 2014

RESOLVED by the House of Delegates, That the House of Delegates shall be governed by the following Rules:

I. Organization.

Elections.

Rule 1. At the elections in the House, the voting shall be by use of the electronic voting system or, if it is inoperable, viva voce by response to the call of names, and the vote shall be recorded in the Journal. Except in the case of block voting, only one person shall be chosen at a time. If, on the first voting, no one receives a majority, the person having the smallest number of votes shall not be voted for on the next voting and so on until someone shall receive a majority of the whole vote. If the election is by joint vote of the two houses, messages shall be exchanged for each voting announcing the names of persons in nomination. A committee of three from each house shall compare the votes and ascertain and report the result.

At the election for any judgeship to the Supreme Court of Virginia, the Court of Appeals of Virginia, Circuit Courts, and Courts Not of Record, no nominee shall be offered to the House unless that nominee has been interviewed by the House Courts of Justice Committee and subsequently certified as qualified for election. If more than one nominee is offered for any judgeship, a member may cast a vote for only one nominee.

The Speaker.

Rule 2. The House of Delegates shall choose its own Speaker from among the members of the House. The Speaker shall be elected in even-numbered years for a term of two years. The nominations for Speaker shall be viva voce without debate and no second shall be required to place a name in nomination. Once nominations are closed, the election of the Speaker shall be a matter of privilege and shall be conducted immediately and shall not be debated. The voting for Speaker shall be by use of the electronic voting system or, if it is inoperable, viva voce by response to the call of names, and the vote shall be recorded in the Journal. Each member shall vote for only one nominee for Speaker in each round of voting. If, on the first voting, no one receives a majority, the person having the smallest number of votes shall not be voted for on the next voting and so on until someone shall receive a majority of the whole vote. Once elected, the Speaker shall not be removed from his office during his term except with the concurrence of two-thirds of the elected membership of the House.

The Speaker may appoint to the Chair any member who shall exercise its functions for the time. However, no member, by virtue of such appointment, shall preside for a longer time than three consecutive days. During such appointment the Speaker may participate in the debates.

If the Speaker be absent, and have named no one to act in his stead, the duties shall be performed by the chairman of one of the standing committees taking precedence in the order in which the committees are named in Rule 16.

Rule 3. The Speaker shall take the Chair every day precisely at the hour to which the House shall have adjourned on the preceding legislative day. He shall immediately call the House to order. After divine services are performed, he shall direct that the Pledge of Allegiance to the flag of the United States of America be recited, and he shall direct that the roll of members be taken, pursuant to Rule 32, and the names of those members present entered upon the Journal. A quorum being present, he shall proceed with the business of the day. The Speaker shall have the power to supervise and correct the Journal. The Speaker, having examined the Journal of the proceedings of the last day's sitting and approved the same, shall announce to the House his approval of the Journal. The Speaker's approval of the Journal shall be deemed to be agreed to subject to a vote on agreeing to the Speaker's approval on the demand of any member, which vote, if decided in the affirmative, shall not be subject to a motion to reconsider. It shall be in order to offer one motion that the Journal be read only if the Speaker's approval of the Journal is not agreed to, and such motion shall be determined without debate and shall not be subject to a motion to reconsider. Upon the last day of the session, the Journal for that day being examined and found correct shall be signed by the Speaker and the Clerk. The said Journals, when so signed, shall be the authentic record of the proceedings of the House.

Rule 4. The Speaker shall have a general direction of the House Chamber with power, in case of disturbance or disorderly conduct in such part thereof as may be appropriated to spectators, to have the same cleared. Representatives of news media, wishing to report the proceedings of the House, may be admitted by the Speaker, who shall assign them to such places in the House Chamber as shall not interfere with the convenience of the members.

Rule 5. All enrolled bills and joint resolutions proposing amendments to the Constitution shall be signed by the Speaker and all writs and warrants issued by order of the House shall be under his hand and seal, attested by the Clerk.

The Clerk.

Rule 6. A Clerk shall be elected by the House in even-numbered years and shall be deemed to continue in office until another is chosen. In the event of a vacancy, the Speaker may appoint an acting Clerk until a successor is elected by the House or, if the House is not in session, by the Committee on Rules at a meeting to be called by the chairman or, in his

absence, the vice chairman, or a majority of the membership of the committee. At least three working days notice of the time, place, and purpose of the meeting shall be given to all members of said committee, and the person receiving a majority of the votes of the members of said committee present and voting shall be deemed to be elected to fill said vacancy.

Rule 6(a). The Clerk shall have authority, with the approval of the Speaker, to employ personnel necessary to accomplish the work of the House subject to such terms and conditions as shall be deemed appropriate by the Speaker; such personnel may be removed by the Clerk with the approval of the Speaker. The Clerk shall be charged with the clerical business of the House and its committees.

Pages shall be appointed annually by the Speaker and shall be thirteen or fourteen years old at the time of their initial appointment. They shall be ineligible for reappointment after serving for two years. The Clerk shall be responsible for the administration of the Page program.

Rule 6(b). The Clerk shall be charged with the duty of assigning each member to a seat in the House Chamber and office space. No seat or office space assigned to and occupied by a member who is reelected shall be changed without such member's consent.

Rule 7. The Clerk shall perform all the duties of his office under the direction of the Speaker. He shall keep a journal of the proceedings of the House, have the same in proper form to be signed as provided by Rule 3, and submit it daily to the Speaker in time to be examined before the next assembling of the House. He shall keep at the Clerk's table, during the sittings of the House, a calendar or docket so arranged as to show the condition and progress of the business of the House. He shall provide to each member before the assembling of the House each day, a printed calendar of pending bills and a list of all bills offered on the preceding day, under Rule 37, with the names of the patrons, titles of the bills, and the committees to which the same have been referred. After amendments have been agreed to by the House, he shall see that they are handled only by the clerks of the standing committees, if referred or rereferred; clerks at the desk; or the clerks charged with the duty of engrossing bills until such amendments have been duly engrossed and verified.

Rule 8. The Clerk shall keep accounts of the compensation of the members, officials, and employees of the House, and shall from time to time certify the same to the Comptroller. He shall provide the stationery required for the business of the House and for the official use of the members. He also shall provide postage for the official use of the members within the limitations established by the Rules Committee.

Rule 9. The Clerk shall provide to the members, when required, vouchers for mileage and expenses; certify such for payment as provided by law; and pay over to those entitled the money due upon such vouchers.

He shall keep detailed accounts of all transactions pursuant to Rules 8 and 9, which shall be open to inspection at all times.

Sergeant at Arms.

Rule 10. A Sergeant at Arms shall be elected by the House and continue in office during its pleasure. He shall have as his assistants during sessions of the House doorkeepers who shall be appointed by the Speaker.

Rule 11. The Sergeant at Arms shall, with his assistants, attend upon the House during its sitting, and execute its commands, together with all such process, issued by its authority, as shall be directed to him by the Speaker.

Rule 12. The Sergeant at Arms shall, under the direction of the Speaker, have charge of the policing of the Hall and prevent any interruption of the business of the House by disorder within or without. He shall distribute among the members all papers printed for their use and give such attendance upon them during the sittings of the House as will promote their comfort and facilitate the business of the House.

Immediately prior to the convening of every session, he shall clear the floor of the House of all persons other than those specified under Rule 83 who are authorized to be there during each session.

Rule 13. The Sergeant at Arms shall attend to receiving and dispatching all messages in the House Chamber intended for or sent by members and make such arrangement as to promote the convenience of the members. He shall attend to the display of the Mace during sessions of the House and direct all persons not entitled to privileges on the floor of the House to the gallery.

Oaths of Office.

Rule 14. The oaths which the officers of the House are required by law to take shall be administered and certified by a person authorized to administer oaths and shall be filed with the Clerk of the House.

Committees.

Rule 15. All committee members shall be appointed by the Speaker. The Speaker shall designate the chairman and vice chairman of each committee provided that no member shall be chairman of more than one committee, unless a chairman of a standing committee is serving as Speaker pursuant to Rule 2, and no member shall be vice chairman of more than one committee, as designated in Rule 16. If the chairman and vice chairman are absent or excused by the House, one of the members shall act as the chairman, taking precedence in the order named by the Speaker. The Speaker shall serve as chairman of the Committee on Rules.

Rule 16. There shall be appointed standing committees, to be named and to consist of up to the number of members indicated below:

1. Privileges and Elections.....22 members
2. Courts of Justice.....22 members
3. Education.....22 members
4. General Laws.....22 members

5.	Transportation.....	22 members
6.	Finance.....	22 members
7.	Appropriations.....	24 members
8.	Counties, Cities and Towns.....	22 members
9.	Commerce and Labor.....	22 members
10.	Health, Welfare and Institutions.....	22 members
11.	Agriculture, Chesapeake and Natural Resources....	22 members
12.	Militia, Police and Public Safety.....	22 members
13.	Science and Technology.....	22 members
14.	Rules.....	14 members and the Speaker

The Speaker shall designate seven members of the House Rules Committee to meet with members of the Senate to constitute the Joint Rules Committee.

Rule 16(a). Membership on all standing committees shall be contingent upon membership or nonmembership in the majority party caucus. The apportionment of members on all standing committees shall be according to the same ratio of members in the House of Delegates who are members or nonmembers of the majority party caucus. If such ratio would represent a fractional number of the committee membership assigned to the majority party caucus, then the number of majority party caucus members on standing committees shall be the next highest whole number of committee members. For the purposes of this rule only, members who do not caucus with the majority party caucus or the largest minority party caucus shall be deemed part of the majority party caucus.

Notwithstanding any other provision of law, the Speaker of the House may appoint two more House members to any legislative commission, joint subcommittee of House and Senate committees, or any interim study committee than are appointed by the Senate.

Rule 16(b). The Speaker shall strive to appoint from each congressional district at least one member who represents that congressional district on all standing committees with the exception of Rules.

Rule 17. A majority shall constitute a quorum for committees. Each committee shall meet pursuant to a regular meeting schedule as approved by the Speaker. In addition to a committee's regular scheduled meeting(s), a committee chairman may call additional meetings. It shall be the duty of a committee to meet on call of a majority of the committee's members if the chairman is absent or declines to call a meeting. However, additional committee meetings may not be scheduled that are in conflict with another committee's regularly scheduled meeting time. No committee shall meet while the House is in session without special leave granted by the Speaker.

Rule 17(a). The chairman of any standing committee may appoint subcommittees provided any such subcommittee shall consist of no fewer than five members, a majority of whom shall constitute a quorum for the conduct of business.

Rule 17(b). The chairman of any standing committee may appoint ad hoc subcommittees of less than five members to consider no more than one bill or resolution, a majority of whom shall constitute a quorum to conduct business.

Rule 17(c). With the exception of Fridays, on days when the House is in session between the hours of 8:30 a.m. and 4:00 p.m., no subcommittee of a standing committee except for the Appropriations or Rules Committees shall meet opposite a standing committee unless the parent committee forgoes meeting at its designated time to allow its subcommittees to meet. Subcommittees of standing committees may meet after the House has adjourned for the day on Fridays and weekends upon call of the chairman to consider any such matter as may have been referred to them.

Rule 18. The several standing committees shall consider matters specially referred to them and, whenever practicable, suggest such legislation as may be germane to the duties of the committee. The chairman shall have discretion to determine when, and if, legislation shall be heard before the committee. The chairman, at his discretion, may refer legislation for consideration to a subcommittee. If referred to a subcommittee, the legislation shall be considered by the subcommittee. If the subcommittee does not recommend such legislation by a majority vote, the chairman need not consider the legislation in the full committee. It shall be the duty of each committee to inquire into the condition and administration of the laws relating to the subjects which it has in its charge; to investigate the conduct and look to the responsibility of all public officers and agents concerned; and to suggest such measures as will correct abuses, protect the public interests, and promote the public welfare.

Any committee of the House may, at its discretion, confer with a committee of the Senate having under consideration the same subject. No select committee shall be appointed to consider any subject falling properly within the province of a standing committee.

Rule 18(a). When a question is before the committee, no motion shall be received unless specially provided for, except to adjourn, pass by indefinitely, lay upon the table, postpone for a specified time or purpose, refer or rerefer, amend or incorporate, strike from the docket, or report; which several motions shall have precedence in the order in which they are arranged and each such motion shall be required to be seconded.

The Committee on Rules may, on a vote of a majority of the members appointed plus one, send a bill, joint resolution, or resolution to the floor on a motion that "the bill, joint resolution, or resolution be reported to the floor by the committee without specific recommendation." This motion is a special motion and can only be made in the Committee on Rules.

The vote of each member voting on any question shall be recorded upon the call of the chairman or the desire of one-fifth of the members present.

When a question has been decided, it may be reconsidered on the motion of any member who voted with the prevailing side provided it be made on the same day or if such motion has not been communicated to the House, such motion may be made no later than the adjournment of the next regularly scheduled meeting of the full committee, except for those measures continued pursuant to Rule 22.

Rule 18(b). Committees shall in all cases report by bill or resolution, with or without amendment or amendments, in such form that, if passed or agreed to, it will carry into effect their recommendations; but no papers returned therewith shall be printed unless the committee shall so recommend. Every bill shall be printed, as provided in Rule 37. Bills may be considered in executive session, but final vote thereon shall be in open session.

Rule 18(c). A recorded vote of members upon each measure sent to the floor, including those measures reported and referred by committee, shall be taken and the name and number of those voting for, against, or abstaining shall be reported with the bill or resolution and ordered printed on the Calendar.

Rule 18(d). Reports of the committees may be handed to the Clerk at any time and may be disposed of in the morning hour. If, in the judgment of the Speaker, any report of a committee requires immediate action he may bring it to the attention of the House at any time.

Rule 18(e). No member shall be excluded from any meeting of a committee, subcommittee, joint subcommittee, or interim study committee except as hereinafter provided for the maintenance of order. If an electronic meeting is authorized by the chairman, no member shall be excluded from participating by electronic communication means, and members participating by electronic communication means shall not be counted in attendance for purposes of a quorum. The chairman of the committee shall maintain order and decorum, and the business of the committee shall be conducted at all times in accordance with the Rules of the House.

Rule 19. The chairman or, in his absence, the vice chairman, or the majority of the membership of the committee, may call meetings of the committee to study, call hearings, and consider any bill or resolution, or to consider such other matters as may be germane to the duties of the committee.

Rule 20. The chairman of any standing committee is authorized to seek and obtain the services of citizens of the Commonwealth whose function will be to participate with such committees or subcommittees thereof in reviewing legislation or in performing any referred study or study initiated by the committee or its chairman.

Citizens so appointed to serve may receive a daily compensation as provided in the Appropriation Act and reimbursement for their actual expenses incurred in the performance of services for the committee. For this purpose and for such other expenses as may be occasioned by the conduct of any committee study, payments shall be made from the general appropriations to the House of Delegates.

Persons who are asked by a committee chairman to appear before a committee or subcommittee to offer expert testimony may receive reimbursement for their actual and reasonable expenses if approved by the chairman and the Speaker.

Rule 21. The conduct of the business of any subcommittee of any House committee, any joint subcommittee of House and Senate committees, and any interim study committee created by a House measure shall be governed in accordance with the Rules of the House. If a House measure and a Senate measure create the same study, the conduct of business of the study shall be governed by the rules of the house of the chairman of the study, or in the case of co-chairmen, the rules of the house as agreed upon by the co-chairmen.

Rule 22. Any bill or resolution introduced in an even-numbered year and not reported to the House of Delegates by the committee to which it has been referred, may be continued on the agenda of the committee for hearings and committee action during the interim between regular sessions and not otherwise. The committee shall report, prior to the adjournment sine die of the House of Delegates, such bills or resolutions as shall be continued and the Clerk of the House of Delegates shall enter upon the Journal the fact that such bill or resolution has been continued. Any bill or resolution that has been continued and subsequently reported from a committee shall be placed upon the Calendar of the House of Delegates.

The House of Delegates, upon consideration of any bill or resolution on the Calendar, may rerefer the bill to the committee reporting the same and direct the committee to continue the bill or resolution until the following odd-numbered year regular session and hold such hearings and render such further consideration of the bill or resolution as the committee may deem proper.

(The provisions of any rule relating to legislative continuity between sessions shall be subject to the provisions of Article IV, Section 7 of the Constitution of Virginia.)

Standards of Conduct.

Rule 23. There shall be a subcommittee on Standards of Conduct of the Rules Committee consisting of four members, two of whom shall be members of the majority caucus and two of whom shall be nonmembers of the majority caucus, appointed by the chairman, which shall review annually members' statements of economic interests and consider any request by a member for an advisory opinion with respect to the general propriety of any current or proposed conduct of such member.

Rule 24. The Privileges and Elections Committee shall receive and investigate any charges or complaints brought against any member of the House of Delegates in the performance of his duties or the discharge of his responsibilities and recommend to the House such action as it may deem appropriate to establish and enforce standards of conduct for members.

Committee of the Whole.

Rule 25. When the House shall go into the Committee of the Whole, the Speaker may vacate the Chair and appoint a member to preside in Committee; the other officers shall attend, and the Rules of the House shall be observed and enforced in Committee, as far as applicable, except that the previous question shall not be ordered.

Rule 26. If the Committee of the Whole arise before the consideration of the subject referred is concluded, the same shall be reported back and have its place in order as unfinished business of the House. When it shall be again reached in order, unless it be otherwise disposed of, the House, after making such orders as it may deem proper in relation to the business before the Committee, shall stand again resolved into the Committee of the Whole, and so on until the business therein be disposed of.

Rule 27. Nothing shall be in order in the Committee of the Whole except such matters as may be specially referred to it by the House.

Rule 28. Whenever the Committee of the Whole shall find itself without a quorum, the chairman shall cause the roll to be called and thereupon the Committee shall rise, and the chairman shall report the fact and the names of the absentees, which shall be entered upon the Journal of the House.

Rule 29. The motion to go into Committee of the Whole, and the motion to discharge the Committee, shall not be debated.

II. Attendance and Adjournment.

Attendance.

Rule 30. No member shall absent himself from the service of the House unless he has leave granted by the Speaker or is sick or otherwise unable to attend and such leave shall be entered upon the Journal.

Rule 31. Any ten members or more including the Speaker, if there is one, and he is present, shall be authorized to compel the attendance of absent members by a call of the House.

Rule 32. The roll of the House shall be taken by the use of the electronic voting system or, if it is inoperable, by viva voce by response to the call of names arranged and called in alphabetical order except that the Speaker shall be called last.

Rule 33. The electronic voting system may be used for a call of the House; however, if it is inoperable, the call of the House shall be by viva voce, the names of the members shall be first called over by the Clerk, and the absentees noted; after which the names of the absentees shall be again called over. The doors shall then be shut and those for whom no excuse or insufficient excuses are made may, by order of those present, if ten in number, be taken into custody as they appear or may be sent for and taken into custody, wherever to be found, by the Sergeant at Arms or his assistants, or by special messengers to be appointed for that purpose.

Rule 34. When a member shall be discharged from custody and admitted to his seat the House shall determine whether such discharge shall be with or without payment of fees and expenses.

Adjournment.

Rule 35. Any member or members may adjourn from day to day. A motion to adjourn and a motion to fix the time for which the House will adjourn shall always be in order and be decided without debate.

III. Introduction of Business.

Messages, Reports, and Communications.

Rule 36. Messages from the Governor and reports and communications from any other public officer or agent may be received at any time. If, in the judgment of the Speaker, they require immediate action they may be brought at once to the attention of the House. Otherwise, they shall lie upon the Speaker's table and be disposed of in the morning hour. The same rule shall be observed with regard to messages from the Senate.

Introducing Legislation.

Rule 37. Members having bills or resolutions to present may, at any time pursuant to agreed upon deadlines, electronically file (e-file) such legislation via the Bill Drafting System or manually file such legislation with the Clerk, endorsed by one or more members with their names. Any bill or joint resolution introduced in the House may show as "Senate Patrons" the signatures or electronic signatures of members of the Senate. Any bill, joint resolution, or resolution manually filed prior to the commencement of the session in which it is to be considered may have the names of co-patrons signed to the measure by the chief patron, provided that each such co-patron expressly authorized the chief patron to sign for such co-patron and the chief patron plainly marks such signatures on the original copy of the measure as being signed by the chief patron. Any bill, joint resolution, or resolution e-filed prior to the commencement of the session in which it is to be considered may have the names of co-patrons added electronically via the Bill Drafting System.

No member may introduce more than 15 bills during the Regular Session of an odd-numbered year.

No bill expressly amending an existing law shall be offered by any member unless or until the e-filed or manually filed copy has been prepared so as to indicate deletions and additions. The form for deletions and additions shall set forth the material deleted with lines through such material and by underscoring the words added, before they are received in the Senate or House of Delegates. The stricken material and underscorings or italics in the printed bills, enrolled bills, and printed Acts shall not be considered evidence of all amendments to any bill or existing statute but merely as an aid for quick reference to amended portions. Nothing herein contained shall be construed as requiring the use of stricken material or underscoring where new words are substituted for existing words and the new words or the omission of words do not change the sense or meaning of the act.

The Clerk shall, under the direction of the Speaker, refer all such legislation to the proper committee and enter the fact, with the names of the members presenting them, upon the Journal. Such bills shall be printed, unless otherwise ordered by the House, and numbered in the order in which they are filed with the Clerk.

The Speaker shall review all legislation introduced in the House or communicated to the House for its action to determine if such legislation is in conflict with Article IV, Section 12 of the Constitution of Virginia. If such legislation is determined to be in conflict, the Speaker may withhold committee referral of the legislation.

The designation of "House Bill," "House Joint Resolution," or "House Resolution" shall not be changed after a bill or resolution is introduced in the House. Nor shall the designation of "Senate Bill" or "Senate Joint Resolution" be changed or amended after the bill or resolution is received by the House. In addition, no bill or resolution introduced for a purpose other than to direct or request a study shall be amended for the purpose of directing or requesting a study unless authorized by unanimous consent of the members of the House.

Rule 38. No bill, joint resolution, or resolution calling for information from the Governor or other public officer or agent shall be introduced, considered, or acted upon otherwise than is provided by Rule 37 and shall not be acted upon until it shall have been examined and reported upon by a committee.

Rule 39. Any other resolution or motion upon which a member may desire the judgment of the House, or any action other than a reference to a standing committee, may be presented to the House in the morning hour after the business on the Speaker's table is disposed of. A recorded vote shall be required on a resolution authorizing a study or an expenditure of funds. To obtain immediate consideration of any resolution other than a procedural or a memorial or commending resolution, without reference to a standing committee, the vote of two-thirds of the members elected, as required by Rule 81, shall be a recorded vote.

Rule 39(a). All memorial or commending joint resolutions or resolutions shall conform to the procedure set forth by the Clerk of the House and shall not be referred under Rule 37, unless so ordered by the Speaker or by majority vote of the House on motion of a member, but shall be placed on the Calendar.

IV. Order of Business.

The Morning Hour.

Rule 40. After the approval and signing of the Journal, a time, to be called the morning hour, shall be devoted to the dispatch of business upon the Speaker's table and to resolutions presented under Rule 39. The business on the Speaker's table shall be disposed of in such order as the Speaker deems best, except as may be herein otherwise provided, or as the House may at any time order.

Rule 41. The annual message of the Governor shall be laid before the House as soon as it is received. It shall be printed for the use of the House and be considered by the several standing committees without any special order therefor.

Rule 42. All other messages from the Governor may be referred by the Speaker to the proper committees. The same rule shall be observed as to reports and communications from other public officers.

Rule 43. Bills and resolutions originating in the Senate and not requiring immediate action shall be read or printed on the Calendar by title the first time when received and referred to their appropriate committees, unless the House directs otherwise.

Rule 44. All bills reported from committee, pursuant to Rule 18(c), shall be transferred to the Calendar and the reading or printing on the Calendar of the titles as reported shall constitute the first reading or printing of the House bills and the second reading or printing of the Senate bills as required by the Constitution.

Rule 45. All other reports from committees shall be considered and disposed of in the order in which the Speaker presents them, unless the House directs otherwise.

Rule 46. A member presenting a resolution under Rule 39 shall be allowed five minutes in which to explain his wishes in relation to it, after which the question on referring to a standing committee shall be taken without debate.

Rule 47. Printing recommended by committees under Rule 18(b) shall be ordered by the Speaker, unless the House directs otherwise.

Rule 48. Once the morning hour expires, the House shall proceed to the business of the House as defined in Rule 49; however, the Speaker shall be permitted, without objection, to return to the morning hour for the purpose of recognizing any distinguished visitor or other individual defined in Rule 83 that may be present and seated on the floor or in the gallery.

The Calendar.

Rule 49. At the expiration of the morning hour, the House shall proceed to consider bills, joint resolutions, and resolutions on the Calendar or any Supplemental Calendar which shall be arranged in the following order:

1. Senate bills on third reading.
2. House bills on third reading.
3. House bills on second reading.
4. House bills and joint resolutions returned from Senate with amendments.
5. Resolutions.
6. Memorial and commending resolutions.
7. House bills returned by Governor without approval.
8. House bills returned by Governor with recommendations.
9. Senate bills returned by Governor without approval.
10. Senate bills returned by Governor with recommendations.

11. House bills and resolutions in conference.
12. Senate bills and resolutions in conference.
13. Unfinished business – House and Senate bills and joint resolutions.
14. Senate bills on second reading.
15. House bills on first reading.
16. Resolutions reported.
17. Senate bills and joint resolutions referred.
18. Bills referred.
19. Resolutions referred.
20. Resolutions presented.

The House may direct that bills and resolutions of either house be divided between the designations "Uncontested Calendar" and "Regular Calendar" and be considered in such order. When such a division is directed for bills and resolutions on the Calendar, the Uncontested Calendar shall not include any bill or resolution (i) which received a dissenting vote or an abstention in committee, (ii) to which objection is made by any member, or (iii) if any non-technical floor amendment or any floor amendment in the nature of a substitute is offered. Any bill or resolution shall be removed from the Uncontested Calendar and placed on the Regular Calendar at the request of any member rising from his seat for that purpose and stating the request for such legislation to be moved. Once legislation is moved to the Regular Calendar there it shall remain.

Supplemental Calendars may be prepared for consideration while the House remains in Session for the day and shall be considered when called by the Speaker. Any Supplemental Calendar and the measures contained therein shall be considered in the same manner as measures in the Calendar.

Rule 50. It shall be the duty of the Clerk to see that the printing and engrossing, when ordered, shall be done in such time that the bills and resolutions may be acted on according to their priorities on the Calendar.

Rule 51. If any bill or resolution shall not be ready for consideration when it is reached on the Calendar category, it shall be passed by temporarily and be allowed to retain its position on the Calendar. When the Calendar category has been called through, it may be called again in order to dispose of any business that may then be ready; otherwise it shall be passed by for the day. Upon completion of the business on the Calendar, the business of the morning hour shall be resumed.

Rule 52. The regular order of business herein established shall not be changed, nor shall any special order be made, except by vote of two-thirds of the members present. However, a majority may postpone the Calendar not exceeding one day at a time, or postpone for a specified time or purpose any subject coming up in order without changing its place, or agree to a joint order with the Senate, or postpone or discharge any special order.

V. Conduct of Business.

Order and Decorum.

Rule 53. The Speaker shall preserve order and decorum, may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order without debate, subject to an appeal to the House. If the decision relate to a question of decorum or propriety of conduct, it shall not be debatable; if it relate to the priority of business or the relevancy or applicability of propositions, the appeal may be debated, but no member shall speak on it more than once except by leave of the House.

Rule 54. When a member rises to speak he shall respectfully address, "Mr. Speaker," standing in his place; he shall confine himself strictly to the question before the House, and when he has finished he shall sit down.

Rule 55. When two or more members request to speak or rise at the same time the Speaker shall name the person to speak.

Rule 56. Every motion or proposition shall be reduced to writing, if desired by the Speaker or any member, and shall be delivered at the Clerk's table to be there read; and the question shall be stated by the Chair before the same shall be debated. When the reading of any paper in possession of the House, not being the precise matter upon which the House is acting, is called for, and objection is made by any member, the question shall be determined by a vote of the House without debate. Any motion or proposition may be withdrawn by the mover at any time before a decision, amendment, or other action of the body upon it, except a motion to reconsider which shall not be withdrawn without leave of the House.

Rule 57. No member shall in debate use any language or gesture calculated to wound, offend, or insult another member.

Rule 58. If any member, in speaking, transgress the Rules of the House, the Speaker shall, or any member may, call him to order; in which case the member called to order shall immediately take his seat unless permitted to explain. If there be no appeal, the decision of the Chair shall be final. If the decision be in favor of the member called to order, he shall be at liberty to proceed; otherwise, he shall not proceed, except by leave of the House. For frequent or repeated violations of order, especially if persisted in after the admonition of the Speaker, a member shall be liable to the censure of the House.

Rule 59. If any member be called to order by another member for words spoken, the words excepted to shall be immediately taken down in writing in order that the Speaker and House may be better able to judge the matter.

Rule 60. No member shall, while the House is sitting, interrupt or hinder its business by standing up, leaving his place, moving about the Hall, engaging in conversation, expressing approval or disapproval of any of the proceedings, or by any other conduct tending to disorder and confusion.

Rule 61. No member shall speak more than once on any question until all others have spoken who desire to do so, nor more than twice, without the consent of a majority of the members present.

Ascertaining the Question.

Rule 62. If the question for decision includes several distinct propositions any member may have the same divided, but a motion to strike out and insert shall not be so divided; nor shall a motion to strike out, being lost, preclude either amendment or a motion to strike out and insert. In filling blanks, the question shall be put first upon the largest sum and the longest time or the broadest question.

Rule 62(a). No motion or proposition, or subject different from that under consideration, shall be admitted under color of amendment.

Rule 62(b). The Speaker shall determine all questions of germaneness relevant to any legislation under consideration by the House including House legislation and any amendments thereto communicated by the Senate or the Governor to the House for its action.

Rule 63. When a question is before the House, no motion shall be received unless specially provided for, except to adjourn, pass by indefinitely, lay upon the table, postpone for a specified time or purpose, refer or rerefer, amend, or strike from the Calendar, which several motions shall have precedence in the order in which they are arranged.

Rule 64. Upon the motion to pass by indefinitely, the mover shall be allowed two minutes to state the reason for his motion, and one member opposed to the motion shall be allowed a like time to object. The motion to lay upon the table, for the previous question, and for the pending question shall not be debated; nor shall debate be allowed on a motion to take up a subject from the table or to reconsider any question which was not debated. When a question not debatable is before the House all incidental questions arising after it is stated to the House shall be decided and settled, whether on appeal or otherwise, without debate; and the same rule shall apply to incidental questions rising after any question is put to the House.

Pending and Previous Questions.

Rule 65. Pending a debate, any member who obtains the floor for the purpose only, and submits no other motion or remark, may move for the "previous question" or the "pending question," and in either case the motion shall be forthwith put to the House. Two-thirds of the members present shall be required to order the main question; however, a majority may require an immediate vote upon the pending question, whatever it may be.

Rule 66. The previous question shall be in this form: "Shall the main question now be put?" If carried, its effect shall be to put an end to all debate and bring the House to a direct vote upon a motion to refer or rerefer, if pending; then upon amendments reported by a committee, if any; then upon pending amendments; and then upon the main question. If upon the motion for the previous question, the main question be not ordered, debate may continue as if the motion had not been made.

Taking the Vote.

Rule 67. The Speaker shall rise to put a question, but may state it sitting. Questions shall be distinctly put in substantially the following forms, viz.: "As many as agree that, etc. (as the question may be), say 'Aye,' " and "Those opposed say 'No.' " If the Speaker doubts or a division is called for, the House shall divide with those in the affirmative of the question rising first from their seats and afterwards those in the negative, or by a show of hands in the affirmative and then in the negative. If required, the Speaker shall cause the result to be ascertained by a count.

Rule 68. The yeas and nays on any question may be called for at any time before proceeding to another question or proposition but, being refused, they shall not be again demanded on the same question. Any member shall have a right to vote at any time before the decision is announced by the Chair.

Rule 69. Upon a division of the House on any question, a member who is present and fails to vote shall on the demand of any member be counted on the negative of the question and when the yeas and nays are taken shall, in addition, be entered on the Journal as present and not voting. However, no member who has an immediate and personal interest in the result of the question shall either vote or be counted upon it.

Reconsideration.

Rule 70. When a question has been decided, it may be reconsidered on the motion of any member who voted with the prevailing side, provided it be made on the same day or within the next two days of actual session, as long as such action has not been communicated to the Senate or the Governor. The motion may be entered as a matter of privilege and shall take precedence of everything except special orders and other questions of privilege and be disposed of in the morning hour or with the Calendar, as the case may be. All motions to reconsider shall be decided by a majority of the votes of the members present.

Bills and Amendments.

Rule 71. Every bill shall be read or printed on the Calendar by title on three different calendar days in the House previous to its being passed, and it shall be distinctly announced or set out at each reading or printing on the Calendar, whether it is the first, second, or third time. A bill may be referred or rereferred at any time before its passage.

Rule 72. The first reading or printing on the Calendar of the House bill shall be for information merely and, notwithstanding a motion to refer or rerefer to a committee or a motion to strike, it shall go to second reading or printing on the Calendar without a question. The second reading or printing on the Calendar of a Senate bill shall be for information merely and, notwithstanding a motion to refer or rerefer to a committee or a motion to strike, it shall go to third reading or printing on the Calendar without a question.

Rule 73. Upon the second reading or printing on the Calendar of a House bill it shall be open to amendment or to referral or rereferral or to any of the motions provided for in Rule 63, and the final question shall be "Whether it shall be engrossed

and read or printed on the Calendar a third time?" Upon the third reading or printing on the Calendar of a Senate bill it shall be open to amendment or to referral or rereferral or to any of the motions provided in Rule 63.

The Speaker may direct by notice to the House, or the House may determine by a majority vote, that there shall be a deadline for the submission of any proposed floor amendment or floor amendment in the nature of a substitute (floor substitute) to the House version of the Budget Bill(s). The deadline for submission of any floor amendment or floor substitute shall be 24 hours prior to the commencement of the Special Order set for the consideration of the Budget Bill(s). Any floor amendment or floor substitute offered after the deadline for submission may be considered if (i) it is an amendment that has been approved by the Committee on Appropriations or (ii) it is offered as a technical amendment or clarifying amendment to a previously submitted floor amendment or floor substitute and is germane to the purpose of the original floor amendment or floor substitute.

Rule 74. A House bill ordered to be engrossed shall not have its third reading or printing on the Calendar until the engrossment is actually and properly done. However, in the case of a Senate bill, the engrossment shall only apply to such amendments as may have been made in the House.

Rule 75. A House bill on its third reading shall not be open for debate; however, any member may be recognized to speak to the legislation or offer motions. No amendment to a House bill shall be received upon its third reading or printing on the Calendar by way of rider or otherwise, and no amendment involving an additional appropriation shall be added to the general appropriation bill, and no amendment to increase any tax shall be added to any tax measure, unless either such amendment be to carry into effect an existing law or unless it received the vote required to pass the bill itself. A Senate amendment to a House bill to be concurred in, a Governor's recommendation to be agreed to, or a conference report to be adopted, must receive the same recorded vote as required to pass the bill itself.

Rule 75(a). If the Senate refuses to concur in the amendments of the House and so communicates such action to the House, the House may vote to recede from its amendments and subsequently pass the legislation in the form originally passed by the Senate or insist on its amendments and request a committee of conference with the Senate. Conversely, the House in considering Senate amendments to House legislation shall wait for communication by the Senate that they have voted to insist on their amendments and request a committee of conference whereby the House may agree to the request for a committee of conference.

Rule 75(b). Upon an affirmative vote to form a committee of conference, the Speaker shall appoint the House membership to the committee. A majority of the members of each house on the committee of conference shall agree to the committee of conference report prior to its submission and consideration by the House. If a committee of conference is unable to reach agreement and reports such action to the House, the Speaker may appoint new conferees or, upon the motion of a member and an affirmative vote of the House, a new set of conferees shall be appointed. In addition, if a committee of conference report is considered and rejected, the House may agree by a majority vote of the members present to request an additional committee of conference.

Rule 76. On the third reading or printing on the Calendar of a bill, the question shall be, "Shall the bill pass?"

Rule 77. The title of a bill and all amendments offered shall be entered upon the Journal, except that amendments in the nature of substitutes may be printed separately and only the titles thereof entered upon the Journal.

Withdrawals of Exhibits.

Rule 78. Original papers, filed as exhibits with any bill or resolution, may be withdrawn by the patron or he may leave attested copies, for which he shall pay the Clerk at the rate provided by law for other copies made by him.

Messages.

Rule 79. It shall be the duty of the Clerk, without any special order therefor, to communicate to the Senate any action of the House upon business coming from the Senate or upon matters requiring the concurrence of that body; however, no such communication shall be made in relation to any action of the House while it remains open for consideration.

Manual and Rules.

Rule 80. The rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable and in which they are not inconsistent with the Rules of the House and such joint rules as are or may from time to time be established by the two houses of the General Assembly.

Rule 81. The Rules of the House shall be adopted in even-numbered years by a majority vote of members elected and shall remain in effect for two years coinciding with the terms of members. The rules may be suspended by a vote of two-thirds of the members elected to be ascertained by an actual division of the House except as prohibited by the Constitution; provided that a motion to discharge a committee from the consideration of a bill shall require a majority of those voting, which shall include two-fifths of the members elected to the House, the vote thereon to be taken by yeas and nays and recorded in the Journal; and provided further, that a motion to dispense with the printing and reading of a bill, or its printing on the Calendar, or either, shall not be entertained, except as provided by the Constitution.

A proposition to change a rule of the House shall be submitted in writing and forthwith printed. In its printed form it shall lie upon the Speaker's table for five days and be read by the House during the morning hour of each day during that time. At the expiration of five days it shall be ready for consideration and may be adopted or rejected by a majority vote of the members present; provided that as to all resolutions or bills which involve an appropriation or expenditure of money by the Commonwealth, or which may create a charge upon the treasury, the rule of the House shall not be changed or suspended save by a vote of two-thirds of the members present to be ascertained by an actual division of the House.

Upon a motion to suspend a rule of the House the mover shall be allowed two minutes to state the reasons for his motion, and one member opposed to the motion shall be allowed a like time to object.

Hall of the House of Delegates.

Rule 82. The Hall of the House of Delegates shall be used for no other purpose than the sessions of the House and for meetings of the committees and members of the legislature on public affairs except by vote of the House or the Rules Committee or with the approval of the Speaker during the interim or when the House is not convened at any time during a session of the General Assembly.

Rule 83. Only members of the General Assembly, former members, members of the Congress of the United States, State officers, judges, officers and employees of the General Assembly, and such other persons as the Speaker may designate shall be permitted on the floor of the House during the session; however, the privileges granted hereunder shall not be exercised by any person having business for compensation before the House or any committee thereof and the officers of this body shall enforce this rule under the direction of the Speaker.

Capitol and General Assembly Building.

Rule 84. The areas of the Capitol and the General Assembly Building assigned to the House of Delegates, members of the House of Delegates and their legislative support staff, the clerical staff of the House of Delegates, and the Office of the Clerk of the House of Delegates; the facilities and space for those charged with the maintenance, repair, and security of such buildings; and such space designated for the news media shall not be utilized or occupied as office space by any other person or persons, except by vote of the House or the Rules Committee.

HOUSE RESOLUTION NO. 66

Salaries, contingent and incidental expenses.

Agreed to by the House of Delegates, January 8, 2014

RESOLVED by the House of Delegates, That the Comptroller is directed to issue his warrants on the Treasurer, payable from the contingent fund of the House to accomplish the work of the House of Delegates during the 2014 Regular Session of the General Assembly. Necessary payments to cover salaries of temporary employees, as well as contingent and incidental expenses, will be certified by the Clerk or his designee.

HOUSE RESOLUTION NO. 68

Commending Kim Crannis.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, Kim Crannis, a deeply respected leader and a pioneer in the field of law enforcement, who has worked to serve and protect the Blacksburg community for 30 years, retires as the chief of the Blacksburg Police Department in 2014; and

WHEREAS, since joining the Blacksburg Police Department in 1984, Kim Crannis has served the community in a variety of roles, including as a patrol officer, detective, crime-prevention officer, patrol lieutenant, professional standards lieutenant, and operations division commander; and

WHEREAS, while serving as a captain in 2006, Kim Crannis was named the interim chief when the previous chief retired; she was officially named chief later that year; and

WHEREAS, Kim Crannis is the first female police chief in the Town of Blacksburg and one of the first female chiefs in the Commonwealth; many women have followed her example and become municipal or campus police chiefs in the Commonwealth; and

WHEREAS, as chief, Kim Crannis has introduced many new protocols to ensure that the department always operates at a high level; under her leadership, the Blacksburg Police Department has grown into one of the best agencies in the Commonwealth and a deeply respected agency nationwide; and

WHEREAS, Kim Crannis built ties with other local agencies, especially the Virginia Polytechnic Institute and State University (Virginia Tech) Police Department; she has instilled in her department a philosophy of respect and compassion when interacting with the Blacksburg community; and

WHEREAS, guiding the community through several tragic, high-profile events throughout her tenure, Kim Crannis represented the Blacksburg Police Department with honor and dignity on state and national levels; she has given talks nationwide on the department's response to the 2007 shootings at Virginia Tech; and

WHEREAS, Kim Crannis leaves the Blacksburg Police Department a strong, highly professional agency that will continue to protect and serve the community; now, therefore, be it

RESOLVED by the House of Delegates, That Kim Crannis hereby be commended for her decades of service to the Town of Blacksburg and the Commonwealth on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kim Crannis as an expression of the House of Delegates' admiration for her professionalism, integrity, and dedication.

HOUSE RESOLUTION NO. 69

Celebrating the life of Donald David Snyder.

Agreed to by the House of Delegates, January 10, 2014

WHEREAS, Donald David Snyder, a dedicated public servant and respected member of the South Boston community, died on November 30, 2013; and

WHEREAS, a native of Kingwood, West Virginia, Donald Snyder earned his bachelor's degree from West Virginia University in 1978; and

WHEREAS, dedicated to the preservation of the Commonwealth's forests, Donald Snyder spent 30 years with the Virginia Department of Forestry, most recently attaining the senior area forester position for Halifax County; and

WHEREAS, a man of faith, Donald Snyder enjoyed fellowship and worship with the community at Beth Car Baptist Church, where he taught Sunday school and served as deacon; and

WHEREAS, living a life of service, Donald Snyder obtained the rank of Eagle Scout with the Boy Scouts of America, and, later in life, became the chairman of the Startup Team for Young Life; and

WHEREAS, Donald Snyder will be fondly remembered and greatly missed by his wife of 33 years, Joy; his children, Andrew, and Kelly; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of a dedicated public servant and respected member of the South Boston community, Donald David Snyder; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Donald David Snyder as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 70

Commending the Children's Science Center.

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, the Children's Science Center, a planned children's museum in Northern Virginia, has already inspired a love of learning by providing opportunities for children to explore, create, and be inspired through its Museum Without Walls program; and

WHEREAS, science, technology, engineering, and math (STEM) skills are critical to innovative new technologies and economic growth in the Commonwealth and the nation; and

WHEREAS, the Children's Science Center's vision is to create a world-class STEM-focused children's museum that inspires generations to propel the Commonwealth to be the leader in innovation, science, and technology; and

WHEREAS, Northern Virginia is consistently ranked as one of the top metro areas in the country for science and technology employment, and more than 50 percent of the new jobs in Northern Virginia created in the next decade will require science and math skills; and

WHEREAS, the Children's Science Center's programming supports local public school systems to ensure children are prepared to fill those jobs, with an emphasis on outreach to Title I schools to provide access for underserved and at-risk children; and

WHEREAS, the Children's Science Center will provide centralized resources to benefit students and teachers throughout the Commonwealth, enable STEM-related extracurricular activities, and provide exhibits and programs that support Virginia's Standards of Learning; and

WHEREAS, research has demonstrated that hands-on activities in informal learning settings increase understanding of and interest in STEM concepts, particularly for girls and under-represented groups; and

WHEREAS, the Children's Science Center is already having a positive impact on Northern Virginia's families, serving 14,400 visitors in 2013 through its Museum Without Walls program of interactive, fun, hands-on STEM activities; and

WHEREAS, the Children's Science Center provides an opportunity for parents and caregivers to be more involved and engaged in educating their children, providing a celebration of childhood and sense of community in the face of limited family time and scarce community resources; and

WHEREAS, Northern Virginia is the largest metropolitan area in the country without a children's museum or science center, a significant void that must be filled; and

WHEREAS, the Children's Science Center is prepared to fill that void, with plans to reach an estimated 300,000 visitors and provide a valuable community resource that will result in a wide range of tourism, economic, educational, and community benefits to the Commonwealth; and

WHEREAS, the time has come to establish a permanent home for the Children's Science Center in order to maintain and build upon all the momentum that has been created over the past several years and to achieve the many benefits described above; now, therefore, be it

RESOLVED by the House of Delegates, That the Children's Science Center hereby be commended for providing unique, hands-on STEM learning experiences to thousands of children throughout the region through its Museum Without Walls program, even before its doors open; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Children's Science Center as an expression of the House of Delegates' admiration for the center's dedication to the youth of Northern Virginia.

HOUSE RESOLUTION NO. 71

Celebrating the life of Ralph Edwin Shank.

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Ralph Edwin Shank of Martinsville, an influential musician and educator whose positive influence and guidance benefitted thousands of students, died on April 30, 2013; and

WHEREAS, Ralph Shank, a native of Buchanan, graduated from Buchanan High School in 1935 and received a bachelor's degree from the University of Illinois; he later received a master's degree from Columbia University; and

WHEREAS, after college, Ralph Shank became director of instrumental music at Jefferson High School in Roanoke before joining the United States Army in 1941; he spent five years as a bandsman for the 116th Infantry Brigade, 29th Division Army Band; and

WHEREAS, Ralph Shank participated in the D-Day invasion of Normandy during World War II; the army band he conducted was the first American band to play in Berlin, Germany, after it fell to Allied forces; and

WHEREAS, in 1947, Ralph Shank moved to Martinsville to establish an instrumental music program in the schools; the band began with about 30 students who played at the first high school football game that fall; and

WHEREAS, under Ralph Shank's guidance and encouragement, the Martinsville High School band aspired to excellence and soon began winning local and state competitions; in the process, Ralph Shank was a mentor to thousands of students, providing advice, guidance, and friendship; and

WHEREAS, after 21 years of teaching music, Ralph Shank became principal of Druid Hills Elementary School in Martinsville and later was principal of Martinsville High School; he eventually returned to the helm of Druid Hills Elementary School and retired in 1979; and

WHEREAS, Ralph Shank's influence was felt far and wide; one former band member acknowledged his former teacher's 90th birthday with a YouTube video of local bands on parade in Santiago, Panama; and

WHEREAS, Ralph Shank's kindness and inspiration will be remembered by the many people who counted themselves as his friend, and he was well loved by students who played in the Martinsville High School band; and

WHEREAS, during a long and productive career, Ralph Shank served as president of the Virginia Band Directors Association and for many years was choir director at First Presbyterian Church in Martinsville; and

WHEREAS, predeceased by his wife, Jean, Ralph Shank will be greatly missed and fondly remembered by his children, Ralph, Jr., Randall, Susan, and Ann, and their families; many other family members and friends; former band students; and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Ralph Edwin Shank, an esteemed band teacher and school administrator, who was a friend and mentor to many people; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ralph Edwin Shank as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 72

Commending Edward Wachtmeister.

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Edward Wachtmeister of Warrenton has been named by the Fauquier Hospital Auxiliary as a Top-of-the-Tree designee for 2013, in honor of his extraordinary support of the hospital over many years; and

WHEREAS, Edward "Ted" Wachtmeister received this recognition jointly with his wife, Karen; the couple have been longtime patrons of the Warrenton-area hospital, assuming numerous leadership roles; and

WHEREAS, in recent years, Ted and Karen Wachtmeister spearheaded a capital campaign drive for Fauquier Hospital, and in recognition of their leadership and generosity, the Wachtmeister Surgical/Pediatric Unit of the community hospital was named in their honor; and

WHEREAS, Ted Wachtmeister's Fauquier County roots run deep; after attending Virginia Military Institute (VMI) and serving in the United States Air Force, he returned to the area to oversee the family's Whitehall Farm, which he continues to do today; and

WHEREAS, giving back to the community and the Commonwealth is second nature to Ted Wachtmeister; he has been a bank director and has served on the board of trustees of Highland School; he is also active in the VMI Foundation and the VMI Keydet Club; and

WHEREAS, Ted and Karen Wachtmeister recognize that the vibrancy and strength of a community depend on the health of its residents and the resources allocated to community wellness; the couple also support the Warrenton Volunteer Rescue Squad, the Fauquier Free Clinic, and many other local organizations; now, therefore, be it

RESOLVED by the House of Delegates, That Edward Wachtmeister of Warrenton hereby be commended for being named a Top-of-the-Tree honoree by the Fauquier Hospital Auxiliary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Edward Wachtmeister as an expression of the House of Delegates' respect and admiration for his support of Fauquier Hospital and the community at large.

HOUSE RESOLUTION NO. 73

Commending Karen Wachtmeister.

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Karen Wachtmeister of Warrenton has been named by the Fauquier Hospital Auxiliary as a Top-of-the-Tree designee for 2013, in honor of her extraordinary support of the hospital over many years; and

WHEREAS, Karen Wachtmeister received this recognition jointly with her husband, Edward; the couple have been longtime patrons of the Warrenton-area hospital and have assumed numerous leadership roles; and

WHEREAS, in recent years, Karen and Ted Wachtmeister spearheaded a capital campaign drive for Fauquier Hospital, and in recognition of their leadership and generosity, the Wachtmeister Surgical/Pediatric Unit of the community hospital was named in their honor; and

WHEREAS, Karen Wachtmeister's involvement in the Fauquier County community is deep-seated; she has been a schoolteacher, has taught childbirth classes at the Family Birthing Center at Fauquier Hospital, and was cochair of the Campaign for the Fauquier Free Clinic; and

WHEREAS, giving back to the community is second nature to Karen Wachtmeister; she has chaired the Fauquier County Public Library, has been president of the Warrenton Garden Club, and with her husband is a supporter of the Boys and Girls Club of Fauquier, Inc., the Piedmont Environmental Council, and many other organizations; and

WHEREAS, Karen and Ted Wachtmeister recognize that the vibrancy and strength of a community depend on the health of its residents and the resources allocated to community wellness; the couple also support the Warrenton Volunteer Rescue Squad, the Fauquier Free Clinic, and many other local organizations; now, therefore, be it

RESOLVED by the House of Delegates, That Karen Wachtmeister of Warrenton hereby be commended for being named a Top-of-the-Tree honoree by the Fauquier Hospital Auxiliary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Karen Wachtmeister as an expression of the House of Delegates' respect and admiration for her support of Fauquier Hospital and the community at large.

HOUSE RESOLUTION NO. 74

Nominating persons to be elected to the Court of Appeals of Virginia.

Agreed to by the House of Delegates, January 14, 2014

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the Court of Appeals of Virginia as follows:

The Honorable Randolph A. Beales, of Henrico and Mecklenburg, as a judge of the Court of Appeals of Virginia for a term of eight years commencing April 16, 2014.

The Honorable Marla Graff Decker, of Henrico, as a judge of the Court of Appeals of Virginia for a term of eight years commencing February 1, 2014.

The Honorable William G. Petty, of Lynchburg, as a judge of the Court of Appeals of Virginia for a term of eight years commencing March 16, 2014.

HOUSE RESOLUTION NO. 75

Nominating persons to be elected to circuit court judgeships.

Agreed to by the House of Delegates, January 14, 2014

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective circuit court judgeships as follows:

The Honorable Steven C. Frucci, of Virginia Beach, as a judge of the Second Judicial Circuit for a term of eight years commencing February 1, 2014.

The Honorable James C. Hawks, of Portsmouth, as a judge of the Third Judicial Circuit for a term of eight years commencing July 1, 2014.

The Honorable Robert R. Sandwich, Jr., of Suffolk, as a judge of the Fifth Judicial Circuit for a term of eight years commencing February 1, 2014.

The Honorable Timothy S. Fisher, of Newport News, as a judge of the Seventh Judicial Circuit for a term of eight years commencing February 1, 2014.

The Honorable Thomas B. Hoover, of New Kent, as a judge of the Ninth Judicial Circuit for a term of eight years commencing February 1, 2014.

The Honorable C. N. Jenkins, Jr., of Richmond, as a judge of the Thirteenth Judicial Circuit for a term of eight years commencing October 1, 2014.

The Honorable Lee A. Harris, Jr., of Henrico, as a judge of the Fourteenth Judicial Circuit for a term of eight years commencing August 1, 2014.

The Honorable Stephen E. Sincavage, of Loudoun, as a judge of the Twentieth Judicial Circuit for a term of eight years commencing February 1, 2014.

The Honorable David V. Williams, of Henry, as a judge of the Twenty-first Judicial Circuit for a term of eight years commencing March 1, 2014.

The Honorable James W. Updike, Jr., of Bedford, as a judge of the Twenty-fourth Judicial Circuit for a term of eight years commencing April 1, 2014.

The Honorable Charles L. Ricketts, III, of Waynesboro, as a judge of the Twenty-fifth Judicial Circuit for a term of eight years commencing February 1, 2014.

The Honorable Josiah T. Showalter, Jr., of Montgomery, as a judge of the Twenty-seventh Judicial Circuit for a term of eight years commencing April 1, 2014.

HOUSE RESOLUTION NO. 76

Nominating persons to be elected to general district court judgeships.

Agreed to by the House of Delegates, January 14, 2014

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective general district court judgeships as follows:

The Honorable Salvatore R. Iaquinto, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing February 1, 2014.

The Honorable Elizabeth S. Hodges, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing February 1, 2014.

The Honorable Joan E. Mahoney, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing February 1, 2014.

The Honorable W. Parker Councill, of Isle of Wight, as a judge of the Fifth Judicial District for a term of six years commencing May 1, 2014.

The Honorable Stephen D. Bloom, of Emporia, as a judge of the Sixth Judicial District for a term of six years commencing February 1, 2014.

The Honorable Albert W. Patrick, III, of Hampton, as a judge of the Eighth Judicial District for a term of six years commencing February 1, 2014.

The Honorable Ray P. Lupold, III, of Petersburg, as a judge of the Eleventh Judicial District for a term of six years commencing February 1, 2014.

The Honorable William G. Barkley, of Charlottesville, as a judge of the Sixteenth Judicial District for a term of six years commencing May 1, 2014.

The Honorable Donald M. Haddock, Jr., of Alexandria, as a judge of the Eighteenth Judicial District for a term of six years commencing May 1, 2014.

The Honorable Penney S. Azcarate, of Fairfax, as a judge of the Nineteenth Judicial District for a term of six years commencing May 1, 2014.

The Honorable Ian M. O'Flaherty, of Fairfax, as a judge of the Nineteenth Judicial District for a term of six years commencing July 1, 2014.

The Honorable Dean S. Worcester, of Fauquier, as a judge of the Twentieth Judicial District for a term of six years commencing March 1, 2014.

The Honorable Francis W. Burkart, III, of Roanoke County, as a judge of the Twenty-third Judicial District for a term of six years commencing November 1, 2014.

HOUSE RESOLUTION NO. 77

Nominating persons to be elected to juvenile and domestic relations district court judgeships.

Agreed to by the House of Delegates, January 14, 2014

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective juvenile and domestic relations district court judgeships as follows:

The Honorable Croxton Gordon, of Northampton, as a judge of Judicial District 2-A for a term of six years commencing February 1, 2014.

The Honorable Marilyn C. Goss, of Richmond, as a judge of the Thirteenth Judicial District for a term of six years commencing May 1, 2014.

The Honorable Angela Edwards Roberts, of Richmond, as a judge of the Thirteenth Judicial District for a term of six years commencing March 1, 2014.

The Honorable Georgia Sutton, of Stafford, as a judge of the Fifteenth Judicial District for a term of six years commencing February 1, 2014.

The Honorable Janine M. Saxe, of Fairfax, as a judge of the Nineteenth Judicial District for a term of six years commencing February 1, 2014.

The Honorable Laura L. Dascher, of Bath, as a judge of the Twenty-fifth Judicial District for a term of six years commencing May 1, 2014.

The Honorable Florence A. Powell, of Washington, as a judge of the Twenty-eighth Judicial District for a term of six years commencing February 1, 2014.

The Honorable Martha P. Ketron, of Russell, as a judge of the Twenty-ninth Judicial District for a term of six years commencing February 1, 2014.

The Honorable Jeffrey Hamilton, of Scott, as a judge of the Thirtieth Judicial District for a term of six years commencing February 1, 2014.

The Honorable George M. DePolo, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing May 1, 2014.

The Honorable Janice Justina Wellington, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing July 1, 2014.

HOUSE RESOLUTION NO. 78

Nominating a person to be elected to the State Corporation Commission.

Agreed to by the House of Delegates, January 10, 2014

RESOLVED by the House of Delegates, That the following person is hereby nominated to be elected to the State Corporation Commission as follows:

The Honorable James C. Dimitri, of Richmond, as a member of the State Corporation Commission for a term of six years commencing February 1, 2014.

HOUSE RESOLUTION NO. 79

Nominating a person to be elected to the Virginia Workers' Compensation Commission.

Agreed to by the House of Delegates, January 14, 2014

RESOLVED by the House of Delegates, That the following person is hereby nominated to be elected to the Virginia Workers' Compensation Commission as follows:

The Honorable Roger L. Williams, of Henrico, as a member of the Virginia Workers' Compensation Commission for a term of six years commencing May 1, 2014.

HOUSE RESOLUTION NO. 80

Commending The Major Charles A. Ransom American Legion Post.

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Virginians have forever known that to honor valor is one of the heart's delights; and

WHEREAS, to honor the valor of a soldier who has yielded up his life in sacrificial service to the Commonwealth and the nation is a sacred trust that arises from the innermost recesses of the human heart; and

WHEREAS, the ultimate valor of the citizen-soldier demands a perpetual remembrance on the part of a grateful people; and

WHEREAS, United States Air Force Major Charles A. Ransom was graduated by Midlothian High School in 1997 and in 2001 was graduated—as president of the senior class of Cadets—by Virginia Military Institute; and

WHEREAS, Major Charles A. Ransom was assigned to the 83rd Network Operations Squadron of the United States Air Force at Joint Base Langley-Eustis; and

WHEREAS, Major Charles A. Ransom, whose father, Willie Ransom, had earlier served the nation in the Vietnam War as a soldier of the United States Army, embraced the hard duties of his vocation with assignment to the War Against Terror in Afghanistan; and

WHEREAS, Major Charles A. Ransom surrendered up his life in service to the country on April 27, 2011, when, together with eight fellow soldiers and a private military contractor, he was killed by a deranged member of the Afghanistan Air Force, an incident that all too tragically indicates the particular perils of the military campaigns of the North Atlantic Treaty Organization (NATO) in the remote and rugged Near East—and also the particular courage required of Major Ransom and his comrades engaged in the conflict; and

WHEREAS, American Legion Post 186 of Midlothian, chartered eight decades ago following the First World War, recently voted unanimously to rename the Post in honor of their fallen fellow soldier; and

WHEREAS, this action by the American Legion post of Midlothian manifests the depth of the unbreakable and unconquerable bond between the living and the dead that is an especial characteristic of men who have served in combat; and

WHEREAS, the members of the American Legion post of Midlothian have given to all Virginians an example of the debt we each of us owe to the soldiers whose sacrifices constitute the indispensable price of our liberties; now, therefore, be it

RESOLVED by the House of Delegates, That the members of the body recollect the accomplishments, the service, and the sacrifice of United States Air Force Major Charles A. Ransom; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the members of the justly and honorably named The Major Charles A. Ransom American Legion Post of Midlothian.

HOUSE RESOLUTION NO. 81

Commending Warren Aldrich.

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Warren Aldrich, a business owner in Prince William County, was honored for his service to the Boy Scouts of America and the community by being selected as the 2013 "Good Scout of the year"; and

WHEREAS, a native of Franconia, Warren Aldrich received his bachelor's degree from the University of Virginia and his law degree from The College of William and Mary; and

WHEREAS, in 1984, Warren Aldrich joined Professional Collision Centers, where he brought considerable financial knowledge and legal skill to the firm, which contributed to the business's expansion; and

WHEREAS, selected by the National Capital Area Council of the Boy Scouts of America, the recipients of the "Good Scout of the year" award are leaders involved in and supportive of their local communities; and

WHEREAS, an active member of the scouting community, Warren Aldrich was a Boy Scout in his youth and continued to impart the values of the organization as a leader, most recently serving as the chair of the Occoquan District, which nominated him; and

WHEREAS, Warren Aldrich's community involvement extends to organizations such as the Lake Ridge Rotary Club, Citizen's Highway Committee, and Feed Me Ministries, and in 2012 he became a graduate of Leadership Prince William; and

WHEREAS, an exemplary leader, Warren Aldrich has positively influenced the Boy Scouts and the community he serves; now, therefore, be it

RESOLVED by the House of Delegates, That Warren Aldrich hereby be commended on being honored with the "Good Scout of the year" award in December 2013; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Warren Aldrich as an expression of the House of Delegates' congratulations and admiration for his commitment to the Boy Scouts of America and the community of Prince William County.

HOUSE RESOLUTION NO. 83

Commending the Dinwiddie High School Generals football team.

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, on December 13, 2013, at Liberty University's Williams Stadium, after eight long years and two unsuccessful runs at the state championship crown, the Dinwiddie High School Generals football team trounced the Sherando High School Warriors football team, 56-14, to claim the Virginia High School League Group 4A championship; and

WHEREAS, the Sherando High School Warriors, in their fourth championship game appearance in school history, scored first in the game with a 35-yard touchdown pass from Reid Entsminger to Daniel Eppard with six minutes remaining in the first quarter; and

WHEREAS, using the "fake punt," a successful tactic of the Warriors, Dinwiddie Generals running back, Ja'Quan Poarch sprinted easily up the sideline without interference and was tackled at the Sherando 12-yard line, and three plays later, the Generals' spectacular running back Sadarius Williams scored the first of his two touchdowns from one yard out to tie the game 7-7; and

WHEREAS, the Generals rallied to force five Warriors turnovers and converted all of the fumbles and an interception into touchdowns, with the first three occurring in the first half of the game; with two minutes and 10 seconds left in the first half, the Dinwiddie Generals, never looking back, went on to win the game 56-14; and

WHEREAS, the Warriors entered the game averaging 372.9 yards of offense; however, the Generals held the team to 316 yards, with only 88 passing yards; and

WHEREAS, the Dinwiddie Generals team ran the ball with quickness, elusiveness, and sheer physicality, abilities the Sherando Warriors had trouble overcoming; and

WHEREAS, both teams played with impressive fortitude, passion, and sportsmanship, and the exciting game is a testament to the hard work, sacrifice, coaching, and unwavering determination of the Dinwiddie Generals to reach the team's long-sought goal; now, therefore, be it

RESOLVED by the House of Delegates, That the Dinwiddie High School Generals football team hereby be commended on winning the Virginia High School League Group 4A championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to William Mills, head coach of the Dinwiddie High School Generals football team, requesting that he further disseminate copies of this resolution to members of the football team that they may be apprised of the General Assembly's pride in the team's achievement.

HOUSE RESOLUTION NO. 84

Celebrating the life of Dr. Calvin Sampson Garrett, Sr.

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Dr. Calvin Sampson Garrett, Sr., a retired physician from Madison Heights known for his dedication to his patients, died on June 28, 2013; and

WHEREAS, a native of Amherst County, Calvin Garrett grew up on the family farm, where he learned the value of hard work; and

WHEREAS, a graduate of Madison Heights High School, Calvin Garrett earned a bachelor's degree from Lynchburg College and a medical degree from what was then known as the Medical College of Virginia; and

WHEREAS, Dr. Garrett proudly served his country in the United States Army as a surgeon, completed his residency at Norfolk General Hospital, and returned to Lynchburg, where he established his medical practice; and

WHEREAS, Dr. Garrett provided skilled and compassionate care to his patients throughout his distinguished medical career; and

WHEREAS, in retirement, Dr. Garrett published his memoirs, entitled *Goin' Home—Rags to Riches and Back*, and enjoyed hunting, fishing, gardening, and playing bridge and poker; and

WHEREAS, Dr. Garrett enjoyed fellowship and worship as a longtime member of Union Christian Church; and

WHEREAS, Calvin Garrett will be fondly remembered and greatly missed by his wife of 59 years, JoAnn; children, Calvin, Jr., Scott, Charles, and Richard, and their families; and numerous other family members, friends, and former patients; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of an admired physician and respected citizen of Madison Heights, Dr. Calvin Sampson Garrett, Sr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dr. Calvin Sampson Garrett, Sr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 85

Celebrating the life of the Honorable Joseph Earl Blackburn.

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, the Honorable Joseph Earl Blackburn, an admired attorney, the retired chief executive officer of Bell Atlantic in Virginia, and a former member of the Virginia House of Delegates, died on May 10, 2013; and

WHEREAS, a native of Lynchburg, Joseph Blackburn grew up at the Presbyterian Orphans Home in Lynchburg from age four until he graduated from high school at age 16; and

WHEREAS, Joseph Blackburn earned a bachelor's degree from Lynchburg College and proudly served his country in the United States Army Air Forces during World War II as a B-25 bomber pilot in the South Pacific; and

WHEREAS, after his exemplary military service, Joseph Blackburn earned a law degree from Washington and Lee University and entered private practice; and

WHEREAS, desirous to be of further service to the community, Joseph Blackburn ran for and was elected to the Virginia House of Delegates, representing the City of Lynchburg; and

WHEREAS, during Joseph Blackburn's two terms in office, he served on several committees and worked to enact important legislation to benefit all Virginians; and

WHEREAS, Joseph Blackburn also served the Commonwealth as a member of the State Council of Higher Education for Virginia and on the board of Mary Washington College (now University); and

WHEREAS, a respected business leader, Joseph Blackburn served as vice president of four C & P companies and as chief executive officer of Bell Atlantic in Virginia; he then reentered the private practice of law until his retirement in 2009; and

WHEREAS, a committed and effective public servant, Joseph Blackburn devoted countless hours to serving the City of Lynchburg, the Commonwealth, and the nation; and

WHEREAS, predeceased by his wife of 61 years, Anne, Joseph Blackburn will be fondly remembered and greatly missed by his children, Joseph, Jr., James, Martha, and Katherine, and their families; numerous other family members and friends; and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of an admired business leader and dedicated public servant, the Honorable Joseph Earl Blackburn; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Joseph Earl Blackburn as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 86

Commending Hillary Press.

Agreed to by the House of Delegates, January 24, 2014

WHEREAS, Hillary Press, a school counselor at Groveton Elementary School, has been named the 2013 Counselor of the Year by the Virginia Counselors Association and also was honored as the 2012-2013 Outstanding Elementary Counselor by Fairfax County Public Schools; and

WHEREAS, Hillary Press was honored because of her service, leadership, and dedication to students and fellow counselors, with special emphasis on her work with the schools whose students later attend Fairfax County's West Potomac High School; and

WHEREAS, Hillary Press also was recognized because of her work with Title 1 low-income families—and the professionals who assist them—helping to ensure that children from less fortunate situations are able to meet state academic standards; and

WHEREAS, Hillary Press implemented innovative programs to assist sixth grade students at Groveton Elementary School in making a successful transition to middle school; in that endeavor, she collaborated with staff and parents from Carl Sandburg Middle School and West Potomac High School; and

WHEREAS, Hillary Press also served as a team leader of an attendance effort made by the elementary and middle schools in Fairfax County that send their students to West Potomac High School—staff at those schools worked closely together and met stated attendance goals; and

WHEREAS, students at Groveton Elementary School in Alexandria also have benefitted from Hillary Press' dedication and hard work; she received a grant from the Virginia Counselors Association Foundation for students to attend a county peer mediation conference; and

WHEREAS, a leader and advocate for school counselors, Hillary Press is a mentor for new counselors, and she also supervises students who are training to be counselors; in addition, Hillary Press has held many leadership roles in professional counseling organizations; now, therefore, be it

RESOLVED by the House of Delegates, That Hillary Press, a school counselor at Groveton Elementary School in Fairfax County, hereby be commended for being named the 2013 Counselor of the Year by the Virginia Counselors Association and the 2012-2013 Outstanding Elementary Counselor by Fairfax County Public Schools; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Hillary Press as an expression of the House of Delegates' congratulations and admiration for her work on behalf of students and counselors in Fairfax County and the Commonwealth.

HOUSE RESOLUTION NO. 88

Commending the Westfield High School marching band.

Agreed to by the House of Delegates, January 24, 2014

WHEREAS, the Chantilly-based Westfield High School marching band received the honor of performing in the 125th Rose Bowl Parade in Pasadena, California, in January 2014; and

WHEREAS, 273 members strong, the Westfield High School marching band was the first Fairfax County school, and third Virginia public high school, to march in the prestigious parade; and

WHEREAS, as part of the application process, Westfield High School had to produce judges' notes and results from past competitions, essays on what made the band unique, national-level letters of recommendation, and videos of the band marching parade-style and in a marching field show; and

WHEREAS, the Westfield High School marching band was one of a dozen schools selected to perform from a pool of over 100 applicants, and it was one of two bands selected to perform a one-minute piece before national television cameras; and

WHEREAS, maintaining composure under high-pressure conditions, the members of the Westfield High School marching band executed an impressive performance in front of a live audience of about one million people, and they were seen by a television audience of about 50 million people in the United States and 100 million people worldwide; and

WHEREAS, this achievement was made possible by the dedication of the band members, the leadership of the band director and staff, and the support of the Westfield High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Westfield High School marching band hereby be commended for being selected to perform during the 125th Rose Bowl Parade in Pasadena, California; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Stephen Panoff, director of the Westfield High School marching band, as an expression of the General Assembly's respect and admiration for the dedication and hard work put forth by the Westfield High School marching band.

HOUSE RESOLUTION NO. 89

Commending the Centreville High School football team.

Agreed to by the House of Delegates, January 24, 2014

WHEREAS, the Centreville High School football team showed strength and determination by winning the Virginia High School League Group 6A state championship in December 2013; and

WHEREAS, the championship victory by the Centreville High School Wildcats capped a perfect 15-0 season; and WHEREAS, the 2013 championship game was a re-match between the Centreville Wildcats and Oscar Smith High School, who faced off in the 2011 state championship game; and

WHEREAS, taking an early lead, the Centreville Wildcats finished the first half with a three-touchdown lead; and

WHEREAS, with less than ideal weather conditions, the Centreville Wildcats' defense played smart, holding Oscar Smith to just one touchdown; and

WHEREAS, the Centreville Wildcats finished strong, with their veteran offense running the ball in for the final score of the game, winning the state championship by a score of 35-6; and

WHEREAS, their storied and undefeated season is a statement to the talent and dedication of the players, the leadership of the head coach and coaching staff, and the support of the Centreville High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Centreville High School football team hereby be commended for winning the 2013 Virginia High School League Group 6A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Chris Haddock, head coach of the Centreville High School football team, as an expression of the General Assembly's admiration for the team's skill and commitment.

HOUSE RESOLUTION NO. 90

Celebrating the life of Dr. Ronald Franklyn Kirby.

Agreed to by the House of Delegates, January 24, 2014

WHEREAS, Dr. Ronald Franklyn Kirby, a deeply respected transportation planning expert in the Washington, D.C., metro area, died on November 11, 2013; and

WHEREAS, a native of Adelaide, Australia, Ronald "Ron" Kirby earned a bachelor's degree and a doctorate degree from the University of Adelaide; and

WHEREAS, Ron Kirby moved to the United States and became the director of the transportation program for the Urban Institute, where he used his keen intellect to analyze federal highway and public transportation programs; and

WHEREAS, in 1987, he joined the Metropolitan Washington Council of Governments as the director of the department of transportation planning for the national capital region; over the course of his illustrious 26-year career, he became the region's foremost authority on the complexities of transportation planning; and

WHEREAS, Ron Kirby worked on several important projects throughout his career, including on the Wilson Bridge, the I-495 express lanes, the high occupancy vehicle lanes, the Intercounty Connector corridor, and studies on how telework impacts traffic patterns; and

WHEREAS, admired and trusted by his peers, Ron Kirby could remember the details of programs instantly and could explain complex problems with ease and enthusiasm; and

WHEREAS, known as "Dr. Gridlock," Ron Kirby loved helping the region, and he often remarked that he had never worked a day in his life; and

WHEREAS, with his collaborative style of leadership, Ron Kirby could process a variety of different viewpoints and offer wise counsel, uniting people under the common goal of maintaining mobility in the region; and

WHEREAS, through his dedication, passion, and professionalism, Ron Kirby leaves a legacy of leadership that will be felt in the Commonwealth for years to come; and

WHEREAS, Ron Kirby will be fondly remembered and deeply missed by his wife, Anne; children, Marilyn, Josef, and Jeremy, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Dr. Ronald Franklyn Kirby, a respected and admired public official who worked tirelessly to better the Commonwealth and the Washington, D.C., metro area; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dr. Ronald Franklyn Kirby as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 91

Commending Doug Downer.

Agreed to by the House of Delegates, January 24, 2014

WHEREAS, Doug Downer, owner and president of HRI Associates, was selected by the Herndon Rotary Club as the Herndon Citizen of the Year in December 2013; and

WHEREAS, since 1963, the Herndon Rotary Club annually selects as Citizen of the Year an individual who has contributed to improving the community; and

WHEREAS, an exceptional volunteer, Doug Downer has given his time to organizations such as Leadership Fairfax, Volunteer Fairfax, and the Herndon Chamber of Commerce, becoming that organization's youngest president; and

WHEREAS, in 2000, Doug Downer was named Herndon's distinguished volunteer of the year by the Town of Herndon for his dedicated service to the community; and

WHEREAS, in addition to his extensive volunteer experience, Doug Downer founded Friday Night Live!, an immensely popular outdoor concert series that has brought thousands to downtown Herndon since 1995; and

WHEREAS, under Doug Downer's energetic leadership, Friday Night Live! has blossomed into a wholesome gathering place for people of all ages that promotes the vibrant spirit of the Herndon community and provides a fundraising opportunity for local schools and organizations; and

WHEREAS, thanks to the dedication of founder Doug Downer, Friday Night Live! will celebrate its 20th season of entertaining and uniting the community in May 2014; now, therefore, be it

RESOLVED by the House of Delegates, That Doug Downer hereby be commended on being selected as the 2013 Herndon Citizen of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Doug Downer as an expression of the House of Delegates' respect and admiration for his devoted service to the Herndon community.

HOUSE RESOLUTION NO. 92

Commending Castlewood High School.

Agreed to by the House of Delegates, January 24, 2014

WHEREAS, Castlewood High School in Russell County was named a 2013 Celebrate My Drive grant winner; and

WHEREAS, the national driver safety program, which is sponsored by State Farm, encourages young people to make safe-driving decisions, especially as they celebrate receiving their driver's licenses and become more at ease behind the wheel; and

WHEREAS, as part of its winning entry, students at Castlewood High School sought safe-driving commitments from parents, faculty and staff members, fellow students, and community supporters, holding more than 30 events to promote safe driving; and

WHEREAS, by obtaining commitments from thousands of people to focus on being careful and safe drivers—one of the highest numbers in the country—the students at Castlewood High School received a \$25,000 grant from State Farm; it was one of 100 schools in North America to be honored; and

WHEREAS, with the funds, the students plan to purchase a multimedia center for the Castlewood High School cafeteria, obtain instructional materials, and help young people develop their interview skills; also, 10 percent of the grant will be used for ongoing driver support programs; and

WHEREAS, the award was presented to the students of Castlewood High School at a special ceremony on December 19, 2013; now, therefore, be it

RESOLVED by the House of Delegates, That Castlewood High School hereby be commended for being named a national Celebrate My Drive grant recipient; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Thomas Graves, principal of Castlewood High School, as an expression of the House of Delegates' congratulations and admiration for the school's work to encourage young people to be safe drivers in the Commonwealth.

HOUSE RESOLUTION NO. 93

Celebrating the life of Chris Yung.

Agreed to by the House of Delegates, January 31, 2014

WHEREAS, Chris Yung, a Prince William County Police Officer known for his professionalism and dedication to serving the community, died in the line of duty on December 31, 2012; and

WHEREAS, a veteran of the United States Marine Corps, Chris Yung was dedicated to protecting both the community and the nation; after his honorable military service, he returned to Warrenton and joined the Traffic Unit of the Prince William County Police Department; and

WHEREAS, working diligently for seven years, Officer Yung was known by the community and his fellow officers to be comforting, helpful, and highly professional; and

WHEREAS, with a personal mission to always do the right thing, Officer Yung often went out of his way to help others, even after his shift had ended; a true and honorable public servant, he always treated members of the community with care and respect; and

WHEREAS, a member of Law Enforcement United, an organization honoring the sacrifice of fallen law-enforcement personnel, Officer Yung served as a motor escort officer for the group's annual Road to Hope memorial bicycle ride; and

WHEREAS, Officer Yung's untimely death is a reminder of the daily dangers bravely faced by law-enforcement officers throughout the Commonwealth; and

WHEREAS, Officer Yung will be fondly remembered and greatly missed by his loving wife, Robin; three children, Christopher, Clayton, and Paige; many other family members and friends; fellow Prince William County police officers; and United States Marines; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of a respected protector and servant of the Prince William County community, Chris Yung; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Chris Yung as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 94

Celebrating the life of Francis Robert Ganey.

Agreed to by the House of Delegates, January 31, 2014

WHEREAS, Francis Robert Ganey, a beloved father, grandfather, and great-grandfather in Richmond, died on May 26, 2012; and

WHEREAS, a native of Washington, D.C., Francis "Buck" Ganey graduated from Gonzaga College High School, where he played in Junior Davis Cup tennis and boxed in the Golden Gloves program; and

WHEREAS, Buck Ganey began a career with Western Electric, but left to join many of the other young men of his generation in the Armed Forces of the United States during World War II; and

WHEREAS, a courageous soldier, Buck Ganey was wounded at the Battle of Anzio and received the Bronze Star and the Purple Heart; and

WHEREAS, after his honorable military service, Buck Ganey returned home, married his girlfriend, Frances, and returned to work at Western Electric, where he rose to become a regional supervisor; and

WHEREAS, retiring from Western Electric in 1975, Buck Ganey generously volunteered his time as a driver for The Hermitage, a retirement community in Richmond, where he spread joy to many of the residents; and

WHEREAS, a devoted father to his sons, Robert, Bruce, and Rodney, Buck Ganey loved attending their sporting events and served as president of the Mechanicsville Recreation Association and Mechanicsville Little League baseball; later in life, he enjoyed spending time with his grandchildren and great-grandchildren, often traveling to visit them; and

WHEREAS, predeceased by his wife, Frances, Buck Ganey will be greatly missed and fondly remembered by his surviving sons, Bruce and Rodney, and many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Francis Robert Ganey, an admired member of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Francis Robert Ganey as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 95

Celebrating the life of Robert Stephen Ganey.

Agreed to by the House of Delegates, January 31, 2014

WHEREAS, Robert Stephen Ganey, a respected veteran and member of the Mechanicsville community, died on May 28, 2013; and

WHEREAS, Robert "Bob" Ganey graduated from Benedictine High School in Richmond, where he played basketball and baseball; and

WHEREAS, in 1969, Bob Ganey earned a bachelor's degree from the University of Virginia, where he had served in the Reserve Officer Training Corps; he remained a proud alumnus and enthusiastic supporter of the University of Virginia Cavaliers throughout his life; and

WHEREAS, desirous to serve his country, Bob Ganey deferred admission to law school and accepted a commission in the United States Army as a second lieutenant; and

WHEREAS, a brave and honorable soldier, Bob Ganey earned the Bronze Star for his actions while serving in Vietnam from 1970 to 1971; and

WHEREAS, after returning home, Bob Ganey earned a law degree from the University of Richmond and practiced law in Hanover County; he was known to many in the community as a kind friend and neighbor; and

WHEREAS, Bob Ganey enjoyed fellowship and worship with the community at the Cathedral of the Sacred Heart Church in Richmond, where he had served as an usher for many years; and

WHEREAS, a loving family man, Bob Ganey will be fondly remembered and deeply missed by many family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Robert Stephen Ganey, a veteran and member of the Mechanicsville community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert Stephen Ganey as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 96

Celebrating the life of Dr. David H. Holt.

Agreed to by the House of Delegates, January 31, 2014

WHEREAS, Dr. David H. Holt, an esteemed member of the world community and proud chair of the Virginia Veterans Services Foundation, died on August 23, 2013; and

WHEREAS, as one of the nation's leading experts in the areas of new venture creation, entrepreneurship, and enterprise development, Dr. Holt authored five books and over 60 publications in the field; and

WHEREAS, Dr. Holt enjoyed an academic career as a faculty member at the University of Strathclyde, State University of New York, Lingnan College, and James Madison University, and as a distinguished visiting professor at the Chinese University of Hong Kong; and

WHEREAS, Dr. Holt worked as a special investigator, evaluator, and post-conflict development specialist with the U.S. Agency for International Development (USAID) and foreign national entities in 27 countries over 25 years as a CEO, president, and team leader in high-risk private sector development initiatives in Latvia, Poland, Bosnia and Herzegovina, Bulgaria, Azerbaijan, Jordan, Kazakhstan, Egypt, Kyrgyzstan, East Timor, the Philippines, Ukraine, Croatia, Russia, China, Indonesia, Sri Lanka, and Afghanistan; and

WHEREAS, heading a United Nations transition team, Dr. Holt helped establish East Timor's first government and its legislative and regulatory capabilities; later he served on the transition team in Bosnia and Herzegovina for post-conflict industrial development; and

WHEREAS, appointed CEO and president of the Jordan-United States Partnership, Dr. Holt headed a major business and economic development program that included operational mandates during the Iraq conflict involving evaluation controls and positioning of contractual redevelopment efforts in Baghdad; and

WHEREAS, Dr. Holt was selected to lead a difficult USAID business development program in Kazakhstan that included offices in Kyrgyzstan and Uzbekistan; in 2007, while on assignment in Afghanistan, he had to voluntarily retire due to medical issues that rendered him 100 percent disabled; and

WHEREAS, honored at Cambridge University with the Decade Award in 2007, Dr. Holt remains one of the 14 Fellows honored by the Eastern Academy of Management for his post-conflict development efforts in Bosnia and Herzegovina, Iraq, and Afghanistan; and

WHEREAS, Dr. Holt took an active role in community affairs, including creating the James Madison University Center for Entrepreneurship; serving on the founding boards of the Virginia Center for Innovative Technology and the Virginia Heritage Frontier Museum; cofounding the Hunter School for Specialized Children; serving as the president of the Lakeview Development Corporation, owner of the Lakeview Golf Club in Harrisonburg; and initiating the first Alzheimer's Benefit Golf Tournament in Harrisonburg; and

WHEREAS, Dr. Holt proudly served his country in the United States Navy for eight years and was honorably discharged with disabilities after Vietnam; and

WHEREAS, working tirelessly in support of veterans affairs, Dr. Holt established the inaugural "Victory for Vets" Golf Tournament to benefit the Virginia Wounded Warrior Program and raised over \$91,000 for the program during the succeeding six years; and

WHEREAS, Dr. Holt served the Virginia Veterans Services Foundation as a member of the Board of Trustees, as Development Committee Chairman, and for two years as Board Chairman, inspiring his fellow trustees with his in-depth knowledge and inspirational leadership; and

WHEREAS, Dr. Holt will be fondly remembered and greatly missed by his wife, Judith; his children, Kevin, Bryan, and Sean, and their families; and many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of a devoted public servant, Dr. David H. Holt; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dr. David H. Holt as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 97

Celebrating the life of Robert V. Hatcher, Jr.

Agreed to by the House of Delegates, January 31, 2014

WHEREAS, Robert V. Hatcher, Jr., a proud Virginian who rose to become the chair and chief executive officer of Johnson & Higgins, a highly venerated insurance company whose clients were some of the nation's largest corporations, died on November 22, 2013; and

WHEREAS, a native of Richmond, Robert Hatcher attended Thomas Jefferson High School and Hampden-Sydney College and received a bachelor's degree from the University of Virginia in 1953; he was stationed in South Korea for three years while serving in the United States Army Intelligence Corps; and

WHEREAS, upon returning to Richmond, Robert Hatcher began his professional career in the insurance field; he was a partner in the Baker-Cockrell Agency when it was bought by Johnson & Higgins in 1968, at which time he became president of Johnson & Higgins of Virginia, Inc.; and

WHEREAS, after being elected to the board of directors of the parent company, Johnson & Higgins, Robert Hatcher moved to New York in 1977 to assume responsibility as president of the large insurance firm; in 1981 he became the chair of the board and chief executive officer; and

WHEREAS, Robert Hatcher diligently served in that position until he retired in 1990; he then returned to Virginia and built a home in Goochland County; he stayed active in retirement, lending his time and talents to many organizations and institutions; and

WHEREAS, Robert Hatcher's philanthropic nature and love of history were evident in his work as a member of the board of the Thomas Jefferson Foundation, which owns Monticello; the Jamestown-Yorktown Foundation; the Virginia Museum of Fine Arts; Lewis Ginter Botanical Garden; Hampden-Sydney College; and the University of Virginia; and

WHEREAS, a focused man who was a gifted storyteller, Robert Hatcher liked hunting, boating, reading, and antique-hunting; his many friends enjoyed and appreciated his sense of humor, generosity to others, and his philanthropy; and

WHEREAS, predeceased by his first wife, Martha, Robert Hatcher will be greatly missed and fondly remembered by his wife, Jennifer; his children, Robert III, Lloyd, and Lee, and their families; and many other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of a true son of Virginia and successful leader of the insurance industry, Robert V. Hatcher, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert V. Hatcher, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 98

Commending Bettie Minette Cooper.

Agreed to by the House of Delegates, January 31, 2014

WHEREAS, Bettie Minette Cooper, a dedicated and respected member of the Norfolk community, was honored for her 50-year commitment to the arts with a benefit gala by the Virginia Symphony League and Young Audiences of Virginia in November 2013; and

WHEREAS, a native of Mississippi, Minette Cooper moved to Norfolk in 1958, where she quickly became involved with arts education; and

WHEREAS, a former director of the Young Women's Christian Association of South Hampton Roads, Minette Cooper currently serves on the boards of Virginia Wesleyan College and the Future of Hampton Roads, and is a member of the Virginia Symphony Chorus; and

WHEREAS, having devoted her time to some 25 arts and cultural organizations, Minette Cooper also had her own arts training, with five years of ballet, and 43 years of piano lessons; and

WHEREAS, with an expansive resume spanning 50 years of dedicated service, the Cultural Alliance of Hampton Roads named its annual art educator award after Minette Cooper; and

WHEREAS, the benefit gala celebrated Minette Cooper's five decades of advocacy and philanthropic support for music and arts education programs through the two organizations; now, therefore, be it

RESOLVED by the House of Delegates, That Bettie Minette Cooper hereby be commended on being honored for her commitment to the arts by the Virginia Symphony League and Young Audiences of Virginia in November 2013; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bettie Minette Cooper as an expression of the House of Delegates' respect and admiration for her 50 years of service to the members of the arts and Norfolk communities.

HOUSE RESOLUTION NO. 99

Commending Brandon D. West.

Agreed to by the House of Delegates, February 7, 2014

WHEREAS, Brandon D. West, a trooper in the Virginia State Police, exemplified the noble mission of all law-enforcement officers, to protect and serve, through his life-saving actions in the line of duty on June 9, 2013; and

WHEREAS, while monitoring the northbound side of Interstate 95 near Dumfries, Brandon West and fellow officer Charles Lanfranchi witnessed a pickup truck crash into a utility pole on the opposing side of the interstate; and

WHEREAS, when the vehicle immediately began to emit smoke, Brandon West responded without hesitation, running approximately 150 yards through the underground tunnel connecting the weigh station scale houses on either side of the interstate; and

WHEREAS, after reaching the disabled vehicle, Brandon West helped pull the driver to safety, then returned to help rescue the driver's dog; moments afterward, the vehicle became fully engulfed in flames; and

WHEREAS, thanks to Brandon West's bravery, selflessness, and quick thinking, the owner of the vehicle survived and has recovered from the incident; and

WHEREAS, in recognition of his actions, Brandon West received the 2013 International Association of Chiefs of Police and Motorola Trooper of the Year Award; and

WHEREAS, Brandon West's actions illustrate the integrity and devotion to duty displayed by all members of the Virginia State Police and law-enforcement professionals throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That Brandon D. West hereby be commended for his heroic actions in saving the life of a motorist on June 9, 2013; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brandon D. West as an expression of the House of Delegates' admiration for his decisive action in the line of duty and respect for his service.

HOUSE RESOLUTION NO. 100

Commending Charles A. Lanfranchi, Jr.

Agreed to by the House of Delegates, February 7, 2014

WHEREAS, Charles A. Lanfranchi, Jr., a trooper in the Virginia State Police, exemplified the noble mission of all law-enforcement officers, to protect and serve, through his life-saving actions in the line of duty on June 9, 2013; and

WHEREAS, while monitoring the northbound side of Interstate 95 near Dumfries, Charles Lanfranchi and fellow officer Brandon West witnessed a pickup truck crash into a utility pole on the opposing side of the interstate; and

WHEREAS, when the vehicle immediately began to emit smoke, Charles Lanfranchi responded without hesitation, running approximately 150 yards through the underground tunnel connecting the weigh station scale houses on either side of the interstate; and

WHEREAS, after reaching the disabled vehicle, Charles Lanfranchi helped pull the driver to safety, then returned to help rescue the driver's dog; moments afterward, the vehicle became fully engulfed in flames; and

WHEREAS, thanks to Charles Lanfranchi's bravery, selflessness, and quick thinking, the owner of the vehicle survived and has recovered from the incident; and

WHEREAS, in recognition of his actions, Charles Lanfranchi received the 2013 International Association of Chiefs of Police and Motorola Trooper of the Year Award; and

WHEREAS, Charles Lanfranchi's actions illustrate the integrity and devotion to duty displayed by all members of the Virginia State Police and law-enforcement professionals throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That Charles A. Lanfranchi, Jr., hereby be commended for his heroic actions in saving the life of a motorist on June 9, 2013; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charles A. Lanfranchi, Jr., as an expression of the House of Delegates' admiration for his decisive action in the line of duty and respect for his service.

HOUSE RESOLUTION NO. 101

Celebrating the life of the Honorable Elise B. Heinz.

Agreed to by the House of Delegates, February 3, 2014

WHEREAS, the Honorable Elise B. Heinz, a former member of the Virginia House of Delegates who ably represented the residents of Arlington and Alexandria and a longtime member of the Arlington community, died on January 19, 2014; and

WHEREAS, a native of Plainfield, New Jersey, Elise Heinz moved to Mason Neck in 1949; she graduated from George Washington High School in Alexandria and later earned a bachelor's degree from Wellesley College; and

WHEREAS, in 1961, Elise Heinz earned a law degree from Harvard University, where she was elected as an editor of the *Harvard Law Review* and graduated as one of only five women in a class of 460; after graduation, she moved to Arlington and would proudly call the area home for the rest of her life; and

WHEREAS, Elise Heinz practiced law with a firm in Washington, D.C., until 1964, then did legal work for the Peace Corps, the Lawyers' Committee for Civil Rights Under Law, and a federal appellate court judge; she subsequently opened her own firm, where she practiced law until 1990; and

WHEREAS, a passionate and devoted advocate for women's rights, Elise Heinz lead efforts to reform discriminatory laws and secure ratification of the Equal Rights Amendment to the United States Constitution; and

WHEREAS, desirous to be of further service to the Commonwealth, Elise Heinz ran for and was elected to the Virginia House of Delegates in 1977, where she represented the residents of the 23rd District for two terms; and

WHEREAS, Elise Heinz worked to enact important legislation and served on several committees, including Conservation and Natural Resources, General Laws, and Privileges and Elections; and

WHEREAS, after completing her service in the General Assembly, Elise Heinz remained a leader in the Arlington community; she was an outspoken champion of women's rights for much of her life and continued to serve the Commonwealth as a Virginia representative on the Chesapeake and Ohio Canal National Historical Park Advisory Commission; and

WHEREAS, throughout her life, Elise Heinz donated her time and talents as a volunteer with many civic and service organizations, including the American Civil Liberties Union, the Women's Legal Defense Fund, the Alexandria United Way, the Arlington County School Board, and the Virginia Advisory Committee of the United States Commission on Civil Rights; and

WHEREAS, a woman of great integrity, Elise Heinz served the community, the Commonwealth, and the nation with distinction; and

WHEREAS, Elise Heinz will be fondly remembered and greatly missed by her husband of 52 years, James E. Clayton; sons, Jonathan and David, and their families; numerous other family members and friends; and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Honorable Elise B. Heinz, a respected public servant and an admired member of the Arlington community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Elise B. Heinz as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 102

Nominating a person to be elected to circuit court judgeship.

Agreed to by the House of Delegates, February 4, 2014

RESOLVED by the House of Delegates, That the following person is hereby nominated to be elected to the respective circuit court judgeship as follows:

The Honorable H. Thomas Padrick, Jr., of Virginia Beach, as a judge of the Second Judicial Circuit for a term of eight years commencing February 13, 2014.

HOUSE RESOLUTION NO. 103

Celebrating the life of Percy Lee House, III.

Agreed to by the House of Delegates, February 4, 2014

WHEREAS, Percy Lee House, III, a native son of Greenville County, was born on January 5, 1962, and ended his watch on January 31, 2014; and

WHEREAS, Percy Lee House, III, graduated from the Crater Criminal Justice Training Academy in Disputanta and after graduation joined the Greenville County Sheriff's Office, where he was promoted to Deputy Sheriff; and

WHEREAS, Percy Lee House, III, was a loving son who doted on his parents; he was naturally dependable and a very private person, who was kind and generous to everyone; and

WHEREAS, standing above his fellow officers and a majority of other persons at an imposing 6 feet 8 inches, Percy Lee House, III, was affectionately called "the gentle giant" due to his quiet and reserved demeanor; and

WHEREAS, Percy Lee House, III, was an officer with the Meherrin Drug Task Force, for which he performed his duties with deliberation and thoroughness; and

WHEREAS, Percy Lee House, III, was an avid motorcyclist and a lover of music by American rock bands; and

WHEREAS, Percy Lee House, III, a faithful and dutiful public servant, has ended his watch and leaves to mourn and cherish his memory, his loving family, friends, fellow officers, and the community; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Percy Lee House, III, Greenville County Deputy Sheriff; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Percy Lee House, III, as an expression of the House of Delegates' respect for his memory and appreciation for his service to the people of the Commonwealth.

HOUSE RESOLUTION NO. 104

Commending SySTEMic Solutions.

Agreed to by the House of Delegates, February 7, 2014

WHEREAS, SySTEMic Solutions, a regional organization developed by Northern Virginia Community College to build a pipeline for students pursuing opportunities in science, technology, engineering, and mathematics, received a Governor's Award for science innovation in 2014; and

WHEREAS, founded in 2010, SySTEMic Solutions is a partnership between school divisions, businesses, universities, and community organizations in Northern Virginia; the organization encourages elementary and high school students to pursue higher education and careers in science, technology, engineering, and mathematics (STEM) fields; and

WHEREAS, organized by Northern Virginia Community College, the largest educational institution in the Commonwealth, SySTEMic Solutions achieved great success in Prince William County and is currently expanding to reach thousands of students throughout Northern Virginia; and

WHEREAS, using creative programs and innovative methods, SySTEMic Solutions has instilled a love for STEM in countless elementary and high school students; the organization offers robotics camps, science contests, and professional development for teachers; and

WHEREAS, in recognition of SySTEMic Solutions' many contributions to the Commonwealth, the organization received a Governor's Award for science innovation at a special ceremony at the Science Museum of Virginia on January 16, 2014; and

WHEREAS, SySTEMic Solutions has played an essential role in building a strong future for the Commonwealth by ensuring that students are prepared for the growing opportunities in STEM fields; now, therefore, be it

RESOLVED by the House of Delegates, That SySTEMic Solutions, an outstanding organization that encourages students pursuing science, technology, engineering, and mathematics education and careers, hereby be commended on receiving a Governor's Award for science innovation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Amy Harris, director of SySTEMic Solutions, as an expression of the House of Delegates' admiration for the organization's vision, hard work, and dedication to making the Commonwealth a leader in science, technology, engineering, and mathematics.

HOUSE RESOLUTION NO. 105

Commending Shawn LaRue.

Agreed to by the House of Delegates, February 7, 2014

WHEREAS, Shawn LaRue, a devoted social worker in Fauquier County, received a Governor's Award in 2013 for her efforts to support adoptive families and adopted children in the Commonwealth; and

WHEREAS, a native of Bath County, Shawn LaRue earned a bachelor's degree from The College of William and Mary in 1980 and began her career as a social worker with the Staunton-Augusta Department of Social Services; and

WHEREAS, Shawn LaRue moved to Fauquier County in 1982 and joined the Fauquier County Department of Social Services; she ably responded to the unique needs of the community, leading efforts to provide mediation and domestic violence services and skill development for teenagers; and

WHEREAS, later specializing in adoption and foster care, Shawn LaRue focused on building and completing families, encouraging adoptive and foster families, and providing guidance to birth parents; and

WHEREAS, for over 30 years, Shawn LaRue has worked to better the community by spreading the belief that every child matters and deserves a permanent home; she has matched countless families and children over the years, completing 10 agency adoptions in 2013; and

WHEREAS, helping to ensure the continued well-being and positive development of adopted and foster children, Shawn LaRue was the first employee in the department to recruit and train prospective foster and adoptive parents as resource parents; and

WHEREAS, Shawn LaRue developed a curriculum similar to the Parent Resources for Information, Development, and Education training now required for all resource parents; she conducts at least two training sessions annually to ensure an adequate pool of resource parents for the region; and

WHEREAS, deeply respected by her peers, Shawn LaRue was called upon to provide her leadership and experience to the Commonwealth as a member of a statewide panel to review and revise existing adoption subsidy policy; and

WHEREAS, in recognition of her ongoing work to create permanent, safe, and healthy homes for the children who need them, Shawn LaRue received a Governor's Award at a special ceremony on December 23, 2013; and

WHEREAS, through her innovative leadership and passionate advocacy, Shawn LaRue has built a legacy of excellence that will benefit Fauquier County and the Commonwealth for years to come; now, therefore, be it

RESOLVED by the House of Delegates, That Shawn LaRue hereby be commended on receiving a 2013 Governor's Award for her work to encourage and support adoption; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Shawn LaRue as an expression of the House of Delegates' admiration for her commitment to building bright futures for children in the Commonwealth.

HOUSE RESOLUTION NO. 106

Celebrating the life of James David Mitchell.

Agreed to by the House of Delegates, February 7, 2014

WHEREAS, James David Mitchell of Petersburg, a radio personality whose nightly show was one of the area's most-listened-to broadcasts, died on November 25, 2013; and

WHEREAS, James Mitchell, known to most people as "Mitch Malone," was a native of the area and first gained accolades when he was in college; he worked for WVST, the radio station of Virginia State University, and was named Sportscaster of the Year three times by the Central Intercollegiate Athletic Association; and

WHEREAS, after duties as music and sports director at WVST, Mitch Malone continued in radio, working at several other stations before becoming the longtime voice of the *Quiet Storm* evening broadcast on KISS FM 99.3 and 105.7; and

WHEREAS, rhythm and blues (R&B) was Mitch Malone's passion, and he was especially proud of the fact that he helped establish the Richmond-Petersburg area's first station solely devoted to R&B; and

WHEREAS, Mitch Malone's calm and silky voice soothed thousands of listeners during his five-hour nightly radio show; his comforting presence was even more appreciated during times of natural disasters, when radio often was the only source of news and information; and

WHEREAS, Mitch Malone said that he was one of the luckiest people he knew—living his dream of playing R&B on the air, especially for listeners in his hometown, and doing so in an industry that was rapidly changing; and

WHEREAS, Mitch Malone, who attended public school in Petersburg, was active in his church; he enjoyed fellowship and worship at Gillfield Baptist Church, where he was an usher and helped with the music and sound ministry; and

WHEREAS, Mitch Malone will be greatly missed and fondly remembered by his daughter, Bretne, and many other family members, friends, colleagues, and legions of *Quiet Storm* listeners; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of James David Mitchell, a broadcaster whose love of radio and music enchanted and soothed thousands of people; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James David Mitchell as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 107

Celebrating the life of James Edward Price.

Agreed to by the House of Delegates, February 7, 2014

WHEREAS, James Edward Price, a successful businessman, a loyal and courageous veteran, and a former resident of the Commonwealth, died on March 9, 2013; and

WHEREAS, a native of Atlantic City, New Jersey, James Price joined many of the other young men of his generation in service to his country during World War II; he served as a provost sergeant in Fukuoka, Japan, and later became a criminal investigator for the United States Army; and

WHEREAS, after the war, James Price graduated from Virginia Military Institute and later earned a professional engineer license; he continued to gallantly serve his country during the Korean Conflict as a combat engineer officer; and

WHEREAS, returning to civilian life, James Price pursued a successful career in the petroleum industry; he shared his knowledge and skill as a project engineer for Esso Standard Oil and a project manager for Commonwealth Oil Refinery in Puerto Rico; and

WHEREAS, James Price spent many years as a corporate executive for United States-based international engineering firms, marketing plans and services for oil refineries and petrochemical plants to governments in the Middle East and Africa, focusing on Turkey, Iran, Saudi Arabia, and the United Arab Emirates; and

WHEREAS, residing in London, England, for many years, James Price was a founding director of the London Petroleum Club; he then lived in Beirut, Lebanon, for 10 years, before returning to the United States; and

WHEREAS, after 20 years of traveling around the world, James Price settled in the Commonwealth, where he became the president of Fairfield Energy, Ltd.; upon his well-earned retirement, he moved to Greenville, Pennsylvania; and

WHEREAS, a man of great integrity, James Price was a devoted husband and father, who was proud to live by the motto: "Duty, Honor, Country"; and

WHEREAS, James Price will be fondly remembered and greatly missed by his wife, Joanne; daughters, Pamela and Lesley, and their families; and numerous other family members, friends, and fellow veterans; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of James Edward Price, a prominent businessman, distinguished veteran, and former resident of the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Edward Price as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 108

Commending the Honorable Harry Burns Blevins.

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, the Honorable Harry Burns Blevins was elected to the Virginia General Assembly in 1998 and has served continuously as a delegate and then senator, most recently representing the 14th Senate District, which encompasses all or parts of the Counties of Isle of Wight, Southampton, and Surry and the Cities of Chesapeake, Franklin, Portsmouth, Suffolk, and Virginia Beach; and

WHEREAS, a native of North Carolina, Harry Blevins graduated from Central High School in Pasquotank County, North Carolina, attended Lees-McRae College and East Carolina University, where he earned a bachelor's degree in industrial arts and drafting; he earned a master's degree in secondary administration from the University of Virginia; and

WHEREAS, Harry Blevins began teaching at Norfolk County Public Schools in 1957 and served as the principal of Great Bridge High School in Chesapeake for 23 years; he retired from teaching and school administration in 1991; and

WHEREAS, during his teaching career, Harry Blevins was an assistant football coach and head basketball coach at Great Bridge High School; he served in every leadership role in the Virginia High School League, including president, and organized and administered the Great Bridge Little League; and

WHEREAS, desirous to be of further service to the Commonwealth, Harry Blevins ran for and was elected to the Virginia House of Delegates in 1998 and the Senate of Virginia in 2001; and

WHEREAS, Senator Blevins worked to enact important legislation and rose to a leadership position in the Senate of Virginia, serving on several committees, including Agriculture, Conservation and Natural Resources, Education and Health, Local Government, and Transportation; and

WHEREAS, Senator Blevins is a member of the Commission on Youth, the Joint Commission on Health Care, the Virginia Schools for the Deaf and Blind Advisory Commission, and the Dr. Martin Luther King, Jr., Memorial Commission, and he represents Virginia on both the Southern Legislative Conference of the Council of State Governments and the National Council of State Courts Committees on Education and Health; and

WHEREAS, Senator Blevins was the president of the Chesapeake Civitan Club, chaired the fundraising committees for Chesapeake Public Schools and Chesapeake City Hospital, and served on the Board of Directors for the Chamber of Commerce; and

WHEREAS, in 1987, Senator Blevins was named Chesapeake's First Citizen by the Great Bridge Jaycees and was recognized as Virginia's Outstanding Secondary School Principal in 1984 by the Virginia Association of Secondary School Principals; and

WHEREAS, Senator Blevins has received many awards and accolades during his long and illustrious career in the Virginia General Assembly, including the Legislative Excellence award at the Governor's Conference on Education in July 2001 from the Virginia School Boards Association; more recently, he was honored by the Virginia Association of Secondary School Principals when he was recognized for his support of issues in public education and by the Virginia Chamber of Commerce for his pro-business voting record; and

WHEREAS, since first taking the oath of office in 1998, Senator Blevins has demonstrated that the full confidence of the electorate was well placed in him; he has proven time and again to be a capable, honest, energetic, courteous, and trustworthy official, devoting himself unselfishly to the duties of his office; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable Harry Burns Blevins hereby be commended on the occasion of his retirement from public office; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Harry Burns Blevins as an expression of the House of Delegates' admiration for the long and distinguished service he has provided to the City of Chesapeake, the Hampton Roads community, and the Commonwealth.

HOUSE RESOLUTION NO. 109

Celebrating the life of Marshall Eugene Guy.

Agreed to by the House of Delegates, February 14, 2014

WHEREAS, Marshall Eugene Guy, a proud veteran, active community leader, and the former mayor of the Town of Marion, died on October 19, 2013; and

WHEREAS, a lifelong Smyth County resident, Marshall Guy graduated from Marion High School in 1943 and joined many of the other young men of his generation in service to his country during World War II; during the war, he served as a United States Marine in the Pacific Theater; and

WHEREAS, after his honorable discharge, Marshall Guy returned home and worked as a printer for the *Smyth County News*; in 1966, he opened Guy Brothers Printing with his brother, Ivan, and provided quality services to the community for almost two decades; and

WHEREAS, desiring to further serve his fellow Smyth County residents, Marshall Guy ran for and was elected to two terms on the Smyth County Board of Supervisors from 1969 to 1977, and he served as chair in 1975; and

WHEREAS, Marshall Guy served on the Marion Town Council from 1980 to 1992 and was elected mayor in 1992; he ably led the town until his retirement in 2000, after more than 30 years of diligent service to the region; and

WHEREAS, proudly serving his fellow veterans, Marshall Guy held several posts in the Veterans of Foreign Wars, including at the state level as the Virginia State Commander in 1992; and

WHEREAS, Marshall Guy was a member of many civic and service organizations, including the local Kiwanis and Civitan Clubs, and he enjoyed fellowship and worship with the community as an active member of Marion First United Methodist Church for more than 80 years; and

WHEREAS, a devoted sports enthusiast, Marshall Guy encouraged and supported the youth of the community to take up athletics; he served as a Little League coach, the longtime announcer for Marion High School athletic events and the Marion Mets, and the fundraising chair for the Marion stadium lighting system; and

WHEREAS, predeceased by his wife of more than 60 years, Ruby, Marshall Guy will be fondly remembered and greatly missed by his children, Shirley and Mike, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Marshall Eugene Guy, a loyal veteran, dedicated public servant, and pillar of the Marion community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Marshall Eugene Guy as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 110

Commending Little Zion Baptist Church.

Agreed to by the House of Delegates, February 14, 2014

WHEREAS, there is, as the late Simone Weil affirmed, "a reality beyond this world" from which human beings, and human societies alike, must derive the principles of goodness, hence of justice; and

WHEREAS, in every tradition that manifests a revelation of the eternal, there is a summons to accord equal respect to all individuals within the hierarchical communion that is crowned by the Divine, and without regard to the ephemeral considerations that often enough prevail in social, political, or economic matters; and

WHEREAS, within the Graeco-Roman and Christian traditions from which the American order derives, the highest expression of the bond of fellowship finds expression in the declaration that, "There is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female: for ye are all one in Christ Jesus"; and

WHEREAS, this appeal was central to the summons proffered to the American people by Martin Luther King, Jr.; and

WHEREAS, the remembrance of things past is indispensable to the preparation of things to come; and

WHEREAS, to cultivate a fellowship based upon the highest tenets of religion, culture, and political order alike, Little Zion Baptist Church of Powhatan has undertaken each year to gather together the community of Powhatan for an annual Martin Luther King Youth Day Community Breakfast; and

WHEREAS, the endeavor of Little Zion Baptist Church has justly received broad support from the people of Powhatan, so that the highest aspects of the appeal of Martin Luther King, Jr., account for a cordial commonality of purpose and regard among all involved; and

WHEREAS, central to the Martin Luther King Youth Day Community Breakfast inaugurated by Little Zion Baptist Church is inculcation in the youth of Powhatan of the biblical summons to "Love one another"; and

WHEREAS, the Third Annual Martin Luther King Youth Day Community Breakfast exemplified the principle of mutual regard and affection by bringing together over 200 Powhatan citizens of every race and of sundry communions of faith at Powhatan United Methodist Church, with Dr. Gregory L. Beechaum, Sr., pastor of Little Zion Baptist Church, as master of ceremonies; now, therefore, be it

RESOLVED by the House of Delegates, That Little Zion Baptist Church of Powhatan hereby be commended for its initiative in arranging for an annual "Martin Luther King Youth Day Community Breakfast"; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Little Zion Baptist Church in the hope that the church's worthy endeavor may flourish for many more years to come.

HOUSE RESOLUTION NO. 111

Celebrating the life of Joseph Edward Coleman, Jr.

Agreed to by the House of Delegates, February 14, 2014

WHEREAS, Joseph Edward Coleman, Jr., of Catlett, a proud veteran of the United States Armed Forces and a respected community leader in Fauquier County, died on March 31, 2012; and

WHEREAS, a native of Hawkinsville, Georgia, Joseph Coleman enlisted in the United States Navy after graduating from high school; he served in the Pacific Theater during World War II and was honorably discharged in 1946; and

WHEREAS, after the war, Joseph Coleman enrolled in Anderson Junior College in South Carolina, now known as Anderson University, and joined the United States Marine Corps Reserve while he was a student; he later received a degree from the University of South Carolina; and

WHEREAS, in 1951, Joseph Coleman was called to active duty by the United States Marine Corps (USMC); during his military career, he attended Officer Candidates School; Amphibious Warfare School, now known as the Expeditionary Warfare School; a chemical, biological, and radiological school; the United States Army Ranger School; a USMC mountain leadership course; a USMC counter-guerrilla warfare school; and the Armed Forces Staff College, now known as the Joint Forces Staff College; and

WHEREAS, during his many years of active duty in the Marine Corps, Joseph Coleman was stationed in Korea and Vietnam, where he served three tours of active duty; before he retired, he had achieved the rank of lieutenant colonel; and

WHEREAS, Joseph Coleman enjoyed sharing stories of his military career and said that his most meaningful work was training second lieutenants—demonstrating realistic leadership skills and showing them how to lead soldiers into battle with a minimal loss of life; and

WHEREAS, community leadership was a hallmark of Joseph Coleman's life; he was chair of the Fauquier County Social Services Board, a fundraiser for local law-enforcement causes, and a member of the local Ruritan Club and American Legion post; and

WHEREAS, a man of faith, Joseph Coleman enjoyed worship and fellowship with the community at Zoar Baptist Church; he had served as a deacon in the church since 2006; and

WHEREAS, predeceased by Una, his wife of 63 years, and a son, Joel, Joseph Coleman will be greatly missed and fondly remembered by his children, Andrew, Cecily, Christian, and Susan, and their families; and many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Joseph Edward Coleman, Jr., of Catlett, a proud veteran of World War II, the Korean War, and the Vietnam War, and a dedicated community leader; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Joseph Edward Coleman, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 112

Celebrating the life of Frances Diane Phillips.

Agreed to by the House of Delegates, February 14, 2014

WHEREAS, Frances Diane Phillips, a vibrant, beloved resident of Richmond who served the community and the Commonwealth with distinction, died on January 17, 2014; and

WHEREAS, Frances Phillips grew up in Richmond and graduated from Highland Springs High School; she later earned a bachelor's degree from Virginia Commonwealth University; and

WHEREAS, over a 30-year career at Reynolds Metals Company, Frances Phillips successfully served general counsels and senior executives, building relationships and trust among all who knew her; and

WHEREAS, after her retirement from the company, Frances Phillips served diligently and with distinction as an administrative assistant to Delegate John M. O'Bannon, III, and other distinguished members of the Virginia House of Delegates for nine years; and

WHEREAS, Frances Phillips served faithfully as an active member of a Henrico County political committee for more than 25 years, generously volunteering her time and talents in precinct work and promoting those candidates she believed supported and worked for the social and fiscal principles she valued; and

WHEREAS, after battling cancer nine years ago, Frances Phillips worked tirelessly with support groups, doing volunteer work and participating in the annual Race for the Cure to benefit Komen for the Cure's cancer research and prevention programs, with the ultimate goal of finding the cure for the dreaded disease; and

WHEREAS, whether in work, politics, or friendship, Frances Phillips demonstrated high purpose, humble manner, honest communication, and tender compassion; and

WHEREAS, in living and dying, Frances Phillips exhibited "love, joy, peace, patience, kindness, generosity, faithfulness, gentleness, and self-control—the fruit of the Spirit"; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Frances Diane Phillips, a beloved resident of Richmond and a faithful servant of the community and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Frances Diane Phillips as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 113

Commending Wise County and Norton City Public Schools.

Agreed to by the House of Delegates, February 14, 2014

WHEREAS, Wise County and Norton City Public Schools cooperated on a program to successfully enable students to choose and plan a science experiment to be conducted aboard the International Space Station in 2014; and

WHEREAS, the National Center for Earth and Space Science Education, in strategic partnership with NanoRacks, LLC, launched the Student Spaceflight Experiments Program (SSEP) in June 2010, as a United States national science, technology, engineering, and mathematics (STEM) education program meant to inspire America's next generation of scientists and engineers; and

WHEREAS, Wise County and Norton City Public Schools engaged hundreds of students in grades three through 12 in a two-way communication with astronauts aboard the International Space Station, in lectures with civil and commercial astronauts, and in interaction with several NASA exhibits and the Apollo 14 moon rocks at the University of Virginia's College at Wise; and

WHEREAS, Wise County and Norton City Public Schools engaged hundreds of students in grades three through 12 in high-powered model rocket launches, in a zero-gravity parabolic flight experience by Powell Valley teacher David Stallard,

and in the use of digital cameras aboard NASA's GRAIL (Gravity Recovery and Interior Laboratory) for close observations of the moon by students; and

WHEREAS, Wise County and Norton City Public Schools engaged hundreds of students in grades three through 12 in numerous astronomy observations at the University of Virginia's College at Wise, in DEVELOP Earth Science satellite remote sensing projects, and in on-site observation of commercial space launches from the NASA Wallops Flight Facility; and

WHEREAS, Wise County Public Schools, through significant planning, applied for and was accepted in the SSEP Mission 3 to the International Space Station; Wise County was just one of the few communities across the United States with this distinct honor and only the second community in this great Commonwealth to participate in the program; and

WHEREAS, hundreds of Wise County students took part in a mission patch design competition that resulted in two patches being selected and flown to low Earth orbit; and

WHEREAS, the SSEP Review Board chose the Denaturation of the Protein Casein in Microgravity project as the Wise County flight experiment, which then underwent and passed formal flight safety review procedures at NASA Johnson Space Center's office of toxicology; and

WHEREAS, the Wise County students' flight experiment was placed aboard the Cygnus spacecraft and launched atop an Antares booster rocket to the International Space Station at 1:07 PM EDT on January 9, 2014, from the Mid-Atlantic Regional Spaceport located at the NASA Wallops Flight Facility in Accomack County; and

WHEREAS, the space microgravity researchers included Eastside High School scholars, Hunter Helbert, Aaron Sexton, Chance Jones, and Evan Swecker and John I. Burton scholars, J. W. Wharton and Kevin VanNess; and

WHEREAS, Wise County and Norton City Public Schools' involvement and success in the program resulted from the unwavering leadership of four public school teachers, Nellibrook Fultz, Ann Wade, Sherri Martin, and Jane Carter, and capable oversight by Virginia Commercial Space Flight Authority board of directors member Jack Kennedy, all of whom helped show Virginia's next generation of scientists and engineers a pathway to the stars; and

WHEREAS, the Wise County and Norton City greater community of businesses, organizations, and parents made this extraordinary, real-world adventure in STEM education possible; now, therefore, be it

RESOLVED by the House of Delegates, That Wise County and Norton City Public Schools hereby be commended on successfully placing a science experiment aboard the International Space Station; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Wise County Public Schools and Norton City Schools as an expression of the House of Delegates' immense pride in what the two jurisdictions have accomplished with their students in space science microgravity research.

HOUSE RESOLUTION NO. 114

Commending Heather Griles.

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, Heather Griles, a sophomore at Halifax County High School, served as head page of the 2013 Virginia House of Delegates Page Program; and

WHEREAS, each year, the House of Delegates selects a boy and a girl to act as head pages, mentoring other House pages as they deliver messages, run errands, and work in various capacities around the Capitol; and

WHEREAS, following in the footsteps of her older brother, a page in 2004, Heather Griles served her first term as a page during the 2012 Session; and

WHEREAS, Heather Griles so enjoyed working in Richmond and learning about the legislative process that she applied to be a page again in 2013; and

WHEREAS, after a rigorous interview and approval process, Heather Griles was honored to hear that she had earned the position of head page; and

WHEREAS, Heather Griles holds the honor of being the first head page from Halifax County; and

WHEREAS, as head page, Heather Griles worked on the floor of the House of Delegates and ensured that new pages understood and adjusted to their roles; and

WHEREAS, sharing responsibility for 40 pages on two teams, Heather Griles showed exceptional dedication to all the demands of her busy schedule; and

WHEREAS, all pages work throughout the week, returning home only on the weekends, and are responsible for coordinating with their teachers on the completion of missed schoolwork and tests; and

WHEREAS, an honors student, Heather Griles worked diligently to ensure that she kept her grades up during the session, attending evening study hall with her fellow pages every Monday through Thursday; and

WHEREAS, Heather Griles was proud to serve in the Virginia House of Delegates Page Program and appreciated the opportunities to gain valuable experience and knowledge and meet new people; now, therefore, be it

RESOLVED by the House of Delegates, That Heather Griles hereby be commended for her service as head page of the 2013 Virginia House of Delegates Page Program; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Heather Griles as an expression of the House of Delegates' admiration for her hard work, responsibility, and dedication.

HOUSE RESOLUTION NO. 115

Commending the James Madison High School junior varsity wrestling team.

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, the James Madison High School junior varsity wrestling team in Vienna won the 2014 Northern Virginia Conference 6 Wrestling Championship on January 30; and

WHEREAS, the James Madison High School team produced four individual champions during the championship competition—Alex Loar, Luke Kustra, Ryan Partridge, and Kameron Koptka; and

WHEREAS, the junior varsity team from James Madison High School is ably coached by Foster Caffi; John H. Partridge is assistant wrestling coach; and

WHEREAS, the Warhawks wrestlers received great support from the coaches and the James Madison High School community throughout the 2013-2014 season; the encouragement helped propel them to victory; and

WHEREAS, the entire James Madison High School junior varsity wrestling team worked hard throughout the season, demonstrating commitment and determination; the championship win is a tribute to the hard work and talent of the young wrestlers; now, therefore, be it

RESOLVED by the House of Delegates, That the James Madison High School junior varsity wrestling team hereby be commended for being named the winner of the 2014 Northern Virginia Conference 6 Wrestling Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Foster Caffi, head coach of the James Madison High School junior varsity wrestling team, as an expression of the House of Delegates' congratulations for achieving a winning season and best wishes in the future.

HOUSE RESOLUTION NO. 116

Commending Dr. Amy Johnson.

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, Dr. Amy Johnson of Bedford County won the Virginia Farm Bureau Federation Young Farmers Excellence in Agriculture Award in 2013; and

WHEREAS, the Young Farmers Excellence in Agriculture Award recognizes individuals for their involvement in agriculture, leadership skills, and contributions to the Virginia Farm Bureau Federation (VFBF) and other causes; and

WHEREAS, Dr. Johnson learned the value of hard work at a young age; she grew up on her family's farm in Highland County, where she raised beef cattle and sheep; and

WHEREAS, Dr. Johnson serves and cares for the members of the community as a nurse at East Lake Medical Center in Huddleston; and

WHEREAS, working to provide leadership and guidance to youth involved in agriculture, Dr. Johnson provides her expertise to the Bedford Farm Bureau Young Farmers Committee; and

WHEREAS, Dr. Johnson traveled to the 2014 American Farm Bureau Federation (AFBF) Annual Conference in San Antonio, Texas, to compete for the AFBF Excellence in Agriculture Award; now, therefore, be it

RESOLVED by the House of Delegates, That Dr. Amy Johnson hereby be commended on receiving the Virginia Farm Bureau Federation Young Farmers Excellence in Agriculture Award in 2013; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Amy Johnson as an expression of the House of Delegates' admiration for her achievements and best wishes for her future endeavors.

HOUSE RESOLUTION NO. 117

Commending W. P. Johnson.

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, W. P. Johnson of Bedford County won the Virginia Farm Bureau Federation Young Farmers Excellence in Agriculture Award in 2013; and

WHEREAS, the Young Farmers Excellence in Agriculture Award recognizes individuals for their involvement in agriculture, leadership skills, and contributions to the Virginia Farm Bureau Federation (VFBF) and other causes; and

WHEREAS, an industrious worker, W. P. Johnson and his father manage a 600-acre farm, which produces soybeans, wheat, and hay; and

WHEREAS, as the county executive director for the U.S. Department of Agriculture's Farm Service Agency in Pittsylvania County, W. P. Johnson helps support local farmers; and

WHEREAS, W. P. Johnson promotes the importance of agriculture in the region as the vice president of the Bedford County Farm Bureau, and he serves as the chair of the organization's Young Farmers Committee; and

WHEREAS, W. P. Johnson traveled to the 2014 American Farm Bureau Federation (AFBF) Annual Conference in San Antonio, Texas, to compete for the AFBF Excellence in Agriculture Award; now, therefore, be it

RESOLVED by the House of Delegates, That W. P. Johnson hereby be commended on receiving the Virginia Farm Bureau Federation Young Farmers Excellence in Agriculture Award in 2013; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to W. P. Johnson as an expression of the House of Delegates' admiration for his achievements and best wishes on future endeavors.

HOUSE RESOLUTION NO. 118

Commending the Honorable Robert Tata.

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, the Honorable Robert Tata, a loyal public servant who ably represented the residents of Kempsville and surrounding areas of Virginia Beach in the Virginia House of Delegates for almost 30 years, retired from public office in 2013; and

WHEREAS, a native of Detroit, Michigan, Robert "Bob" Tata earned bachelor's and master's degrees from the University of Virginia, where he played football and baseball; he honorably served his country in the United States Army from 1954 to 1956; and

WHEREAS, for many years, Bob Tata served the Norfolk community as an educator, counselor, and athletics coach at several high schools in the area; he was an assistant coach at the University of Virginia before becoming the head coach of the Norview High School football team, which achieved more than 100 wins and several district championship titles; and

WHEREAS, desiring to be of further service to the Commonwealth, Bob Tata ran for and was elected to the Virginia House of Delegates in 1984, where he represented the residents of the 85th District for 14 terms; he attained a leadership position, becoming the Chamber's senior ranking Republican member; and

WHEREAS, throughout his time in office, Delegate Tata worked to enact important legislation; he played a prominent role in efforts to repeal Virginia's estate tax in 2007; and

WHEREAS, Delegate Tata rose to become Chairman of the Committee on Education; he also offered his wisdom and experience to the Committee on Transportation and the Committee on Appropriations, where he chaired the Elementary and Secondary Education Subcommittee; and

WHEREAS, Delegate Tata served on the P-16 Education Council and the Civics Education Committee; he also served as the Virginia House of Delegates' representative to the Virginia High School League; and

WHEREAS, a man of great integrity, Bob Tata served the Kempsville community, the Commonwealth, and the nation with dedication and distinction; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable Robert Tata, a deeply admired public servant, hereby be commended on the occasion of his retirement from public office; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Robert Tata as an expression of the House of Delegates' admiration for his many years of dedicated service.

HOUSE RESOLUTION NO. 119

Commemorating the life and legacy of Jacques de Molay.

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, the ill fate associated with "Friday the 13th" derives most probably from the arrest on that date, in October 1307, of large numbers of the Knights Templar by troops of Philip IV, king of France; and

WHEREAS, the imprisonment of the Knights Templar was precipitated by the desire of the king of France to take possession for himself of the lands and financial resources entrusted to the Knights by several of the royal realms of Christendom; and

WHEREAS, in pursuit of his purposes, the king of France subjected the Knights Templar to torture and also to defamation through the dissemination of rumors of foul behavior; and

WHEREAS, even a weakened Church, distracted from its spiritual obligations and hapless before the increasing cunning of the temporal powers, initially complied with the king's designs and, in 1310, abolished the centuries-old Order of the Knights Templar; and

WHEREAS, after seven years of imprisonment, and following confessions of wrongdoing extracted from him through continuous maltreatment, Jacques de Molay, the 23rd and last grand master of the Knights Templar, together with his predecessor Geoffroi de Charney, was—despite exoneration by the papacy—burned alive, upon order of the king, at a hastily erected pyre on an island in the River Seine at Paris; and

WHEREAS, this confrontation between the temporal and spiritual powers within the France of the 14th century, and the final effectiveness of the crown's designs, altered forever the equilibrium of State and Church in the Western world, with ramifications that have rippled down the centuries—and ripple still—into our own time; and

WHEREAS, the execution of Jacques de Molay occurred on March 18, 1314—exactly 700 years ago; now, therefore, be it

RESOLVED by the House of Delegates, That the members of the body ponder the oft-forgotten connections that bind present and past, determining, for both good and ill, the context of our lives and actions—and therefore indicating, too, that our own lives and decisions may shape, for either good or ill, generations to arise in the far future—as illustrated by the life and death of Jacques de Molay seven centuries ago; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Southside Chapter of the Society for the Remembrance of Ancient Ways, which on March 18, 2014, will recollect the execution, and the permanent effects of the execution, on that date in 1314, of Jacques de Molay.

HOUSE RESOLUTION NO. 120

Commemorating the 75th anniversary of the death of William Butler Yeats.

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, William Butler Yeats achieved in his person the combined vocations of patriot, philosopher, poet, and politician; and

WHEREAS, generations of readers have meditated on his verse, not least lines composed after the catastrophe of The Great War:

*Turning and turning in the widening gyre
The falcon cannot hear the falconer;
Things fall apart; the centre cannot hold;
Mere anarchy is loosed upon the world,
The blood-dimmed tide is loosed, and everywhere
The ceremony of innocence is drowned;
The best lack all conviction, while the worst
Are full of passionate intensity; and*

WHEREAS, William Butler Yeats was the first Irish writer to be awarded the Nobel Prize in Literature; and

WHEREAS, as another poet (W.H. Auden) well observed, *The day of his death was a dark cold day*; and

WHEREAS, though "poetry makes nothing happen," as Auden also wrote of Yeats' vocation, still, *poetry survives / In the valley of its making where executives / Would never want to tamper as A way of happening, a mouth*; and

WHEREAS, amidst the obligations of business, even of politics, and also of the rigors of life, the poet may *Still persuade us to rejoice*; and

WHEREAS, the poetry of William Butler Yeats will be read as long as there are readers, until the end of time; and

WHEREAS, *A few thousand will think of this day*, as Auden wrote of the day of Yeats' death on January 28, 1939; now, therefore, be it

RESOLVED by the House of Delegates, That the members of the body hereby commemorate the 75th anniversary of the death of William Butler Yeats; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginian Society for the Recitation of the Poetry of the Ages in appreciation of the society's remembrance of the life and death, and the rereading of the literary creations, of the poet William Butler Yeats.

HOUSE RESOLUTION NO. 121

Memorializing Jack Schaefer.

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, the Western is a form of the novel unique to the literature of the United States; and

WHEREAS, the figure of the armed frontiersman on horseback, fleeing the civilization of the East to engage nature—his own, his adversaries', his beasts', and, not least, in desert, mountain, or open range, nature herself, in the raw—is foundational to the character of the American people; and

WHEREAS, if all unawares, the men and women of the American West, in conveying "the American Dream" to the farthest reaches of the continent, established a culture of independence and adventure whose vestiges remain manifest despite all of the transformations of the modern era; and

WHEREAS, the Western Writers of America identified *Shane* by Jack Schaefer to be the finest Western novel ever written; and

WHEREAS, though a native of Ohio, Jack Schaefer "started writing fiction to calm down in the evenings" during his years as associate editor of the *Virginian-Pilot* of Norfolk, thus bequeathing to Virginians a particular claim upon the first expressions of his literary consciousness; and

WHEREAS, Jack Schaefer's first work of fiction, "The Rider from Nowhere," was published in 1945 in the adventure magazine *Argosy*; and

WHEREAS, in 1949 appeared the full development of that first story, in the novel *Shane*, held now by many literary critics to be not only the finest novel of the American character in its encounter with the West, but also one of the greatest of all stories of heroic manhood in its every relationship—with self, with other men—be they devoted friend or deadly foe—with woman, and with youth; and

WHEREAS, in his delineation of the imagination of a boy in his experience of the sterling qualities of manhood embodied by Shane, Jack Schaefer has written, too, one of the greatest of all stories of the passage-of-age from the innocence of childhood into the fullness of adulthood—and that in the highest of all the qualities of adult life, redemption; and

WHEREAS, Shane represented "the full sum of the integrate force" of manhood—of the individual "forging his lone way out of an unknown past in the utter loneliness of his own immovable and instinctive defiance [who was] the symbol of all the dim, formless imaginings of danger and terror in the untested realm of human potentialities beyond [the] understanding" of a youth; and

WHEREAS, in straining to comprehend the man before him, the boy of Jack Schaefer's novel comes at last to be able to recognize before him "the Shane of the adventures I had dreamed for him, cool and competent...in the simple solitude of his own invincible completeness"; and

WHEREAS, a full half-century now has passed since the publication of *Shane*, and something more than a century since the birth of its author, Jack Schaefer; now, therefore, be it

RESOLVED by the House of Delegates, That the members of the body affirm that the experiences of his years resident in Virginia as a reporter contributed to the exemplary literary achievements of Jack Schaefer; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Carl Schaefer, of whom Jack Schaefer, in the dedication of *Shane*, wrote, "To Carl, for my first son, my first book," as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 122

Commending Shidogakuin Kendo Dojo.

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, Kendo, meaning "Way of the sword," is a Japanese martial art derived from 16th century traditional swordsmanship using bamboo swords and protective armor for training; it is widely practiced throughout Japan, the United States, and many other nations around the world; and

WHEREAS, Kendo is a physically and mentally challenging activity that combines martial arts practices and values with strenuous physical activity; and

WHEREAS, the purpose of practicing Kendo is to mold the mind and body, to cultivate a vigorous spirit, and through correct and rigid training, to strive for improvement in the sword martial arts and to forever pursue the cultivation of oneself; and

WHEREAS, in 1982, Shozo Kato moved to the United States to study photography at the Pratt Institute of Art in New York City and continued to practice Kendo as a pastime; and

WHEREAS, in 1984, Shozo Kato with the encouragement of Dr. Tsuyoshi Inoshita established a training school where both students and teachers were taught to learn and grow; and

WHEREAS, Shidogakuin Kendo Dojo instructors have excelled at the international level, most notably senior instructor Shozo Kato, who has achieved the rank of Kendo 8th dan (black belt) and laido 7th dan; and

WHEREAS, Shidogakuin Kendo Dojo has experienced great success and expanded from a single dojo in Manhattan to an organization that includes dojos along the East Coast, including a location in the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That the Shidogakuin Kendo Dojo hereby be commended on its 30 year anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Shidogakuin Kendo Dojo as an expression of the House of Delegates' gratitude for its service to youth and adult martial arts students in the Commonwealth.

HOUSE RESOLUTION NO. 123

Commending Shidogakuin Washinkan Kendo Dojo.

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, Kendo, meaning "way of the sword," is a Japanese martial art derived from 16th century traditional swordsmanship using bamboo swords and protective armor for training; it is widely practiced throughout Japan, the United States, and many other nations around the world; and

WHEREAS, Kendo is a physically and mentally challenging activity that combines martial arts practices and values with strenuous physical activity; and

WHEREAS, the purpose of practicing Kendo is to mold the mind and body, to cultivate a vigorous spirit, and through correct and rigid training, to strive for improvement in the sword martial arts and to forever pursue the cultivation of oneself; and

WHEREAS, founded in 1984 by Shozo Kato and Dr. Tsuyoshi Inoshita, Shidogakuin Kendo Dojo has experienced great success and expanded from a single dojo in Manhattan to an organization that includes dojos along the East Coast, including a location in Herndon; and

WHEREAS, in 1993, James Yan and Hiroaki Suzuki, with guidance from Shozo Kato, established a Kendo dojo at the National Institutes of Health to teach the martial arts of Kendo; and

WHEREAS, the goal of the Shidogakuin Washinkan Kendo Dojo is to provide teachers with technical skills and teaching strategies; to implement the protocols to create an environment of professional courtesy, honor, and mutual respect; and to provide the facilities necessary to learn and practice the art; and

WHEREAS, the Shidogakuin Washinkan Kendo Dojo also works to create a safe, friendly, and family-oriented atmosphere; to inform the community that there is an opportunity to learn and practice the sword martial arts; to prepare students for practice, competition, and advancement testing; and to prepare students for leadership in the dojo and the larger community; and

WHEREAS, Shidogakuin Washinkan Kendo Dojo instructors have excelled at the international level; senior instructor Shozo Kato has achieved the rank of Kendo 8th dan (black belt) and Iaido 7th dan, James Yan has achieved Kendo 5th dan, Rod Faghani has achieved Kendo 5th dan and Iaido 4th dan, and Hiroaki Suzuki has achieved Kendo 4th dan; and

WHEREAS, the Shidogakuin Washinkan Kendo Dojo practiced at facilities in Oakton and Spring Hill and the Herndon Classical Ballet Studio before relocating to the Herndon Community Center to accommodate its expanding membership in 2006; the dojo has enjoyed a very positive ongoing relationship with the center; now, therefore, be it

RESOLVED by the House of Delegates, That the Shidogakuin Washinkan Kendo Dojo hereby be commended on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Shidogakuin Washinkan Kendo Dojo as an expression of the House of Delegates' gratitude for its service to youth and adult martial arts students in the Commonwealth.

HOUSE RESOLUTION NO. 124

Commending Michael J. Polychrones.

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, Michael J. Polychrones, a dedicated public servant, who has admirably served the citizens of Vienna as a member of the town council for 17 years, will step down from elected office in June 2014; and

WHEREAS, Michael Polychrones, a lifelong resident of Vienna, was appointed to the town council in 1996; he was then elected to a two-year term in 1997 and served until 2003, when he did not seek re-election; and

WHEREAS, in 2004, Michael Polychrones was elected again to the Vienna Town Council and has faithfully and responsibly served the people and businesses of Vienna since then; he diligently works with his neighbors and other residents of Vienna to help make the town a better place; and

WHEREAS, dedicated to improving the Northern Virginia area, Michael Polychrones is a former member of the Vienna Transportation Safety Commission and the Planning Commission; he also served on a Capital Beltway Improvement Task Force for Fairfax County and the county's Industrial Development Authority; and

WHEREAS, public service is a hallmark of Michael Polychrones' life; he was an aide for a member of the Virginia House of Delegates and was a member of the Executive Committee of the Virginia Municipal League for seven years; he was president of the Virginia Municipal League from 2008 to 2009; and

WHEREAS, Michael Polychrones provided insight and guidance as a member and president of the board of the George Mason University Alumni Association and has been involved with a Tysons Corner community outreach program; he also is a past president and life member of the Vienna Jaycees; now, therefore, be it

RESOLVED by the House of Delegates, That Michael J. Polychrones hereby be commended for his many years of effective and dedicated public service as a member of the Vienna Town Council; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael J. Polychrones as an expression of the House of Delegates' respect and admiration for his tireless work on behalf of the citizens of Vienna, Northern Virginia, and the Commonwealth.

HOUSE RESOLUTION NO. 125

Celebrating the life of Henderson Patton Graham.

Agreed to by the House of Delegates, February 28, 2014

WHEREAS, Henderson Patton Graham, a strong supporter of the Town of Marion and Smyth County, a dentist, a devoted husband and father, and a man of vision and faith, died on September 19, 2013; and

WHEREAS, Henderson Graham lived in Marion for almost six decades; he began practicing dentistry in 1954, and in that capacity he was acutely aware of the medical needs of the residents of the rural county in Southwest Virginia; and

WHEREAS, Henderson Graham was known for his persistence and his ability to get things done; in 1967, he helped found the Smyth County Community Hospital and was chairman of its governing body for 29 years, providing thoughtful and caring leadership; and

WHEREAS, Henderson Graham worked for years to promote a strong economy and bright future for Marion; he was president of the Marion Jaycees in 1954, and his civic service continued well into the 21st century, as he was president of the Chamber of Commerce of Smyth County in 2010; and

WHEREAS, Henderson Graham was appointed to the board of the Virginia Board of Dental Examiners and also served as its president; additionally, he was president of the American Association of Dental Examiners; and

WHEREAS, always interested in ways to serve and improve the Marion and Smyth County areas, Henderson Graham was a member and past president of the Rotary Club of Marion; he became a district governor for Rotary and was named a Paul Harris Fellow for his many years of "service above self"; and

WHEREAS, Henderson Graham was a patriot and proud leader of the Employer Support of the Guard and Reserve organization, which is a liaison between the members of the military's Reserve forces and civilian employers; and

WHEREAS, in retirement, Henderson Graham continued to advocate for quality health care; he was chairman of a committee that studied the best way to reuse the Smyth County Hospital facility after a new one had been built; the site will soon become the new School of Health Sciences for Emory and Henry College; and

WHEREAS, in his spare time, Henderson Graham liked to dance—especially the jitterbug—and he used his love of the intricate work that dentistry requires to carve dollhouse replicas of family furniture using his dental instruments; and

WHEREAS, a man of faith, Henderson Graham enjoyed fellowship and worship at Marion First United Methodist Church; he also regularly attended Mountain View Methodist Church, where his son John is pastor; and

WHEREAS, Henderson Graham will be greatly missed and fondly remembered by his wife of 59 years, Jouette; children, Mimi, Patton, Tom, John, and their families; and many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of an esteemed Virginian, Henderson Patton Graham, a steadfast supporter of the Town of Marion and Smyth County, a dentist, devoted husband and father, and a man of vision and faith; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Henderson Patton Graham as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 126

Celebrating the life of Samuel Creed Wagner.

Agreed to by the House of Delegates, February 28, 2014

WHEREAS, Samuel Creed Wagner, who influenced and guided countless children and young people as Director of the Recreation Department for the Town of Marion, died on February 9, 2014; and

WHEREAS, Samuel "Kokie" Wagner, who grew up in Marion, had been employed by the recreation department for more than 20 years; he began work as a pool manager and became director of the department in 2000; and

WHEREAS, Kokie Wagner loved sports and the outdoors; he played football at Marion Senior High School, setting a single-season rushing record that stood for 30 years; he was also a football player at Bluefield State College and was inducted into the Smyth County Sports Hall of Fame in 2011; and

WHEREAS, the young people of Marion and Smyth County benefited from Kokie Wagner's dedication to and enthusiasm for the many programs offered by the recreation department, including youth basketball, soccer, and swimming; and

WHEREAS, Kokie Wagner's leadership abilities were evident in his duties with the Marion Recreation Department, especially in his work with volunteers; he was regarded by many as a teacher and a mentor, helping young people turn their lives around; and

WHEREAS, under Kokie Wagner's guidance, the efficient and well-run Marion Recreation Department expanded the number and variety of programs and activities offered to the citizens of the town and surrounding Smyth County; and

WHEREAS, Kokie Wagner, who liked to hunt and fish, took great pleasure in watching his children and their friends play sports; a man of faith, he enjoyed fellowship and worship at Royal Oak Presbyterian Church and Highlands Fellowship; and

WHEREAS, loved and respected by all whose lives he enriched, Kokie Wagner will be greatly missed and fondly remembered by his wife, Ellen; children, Margaret, Marshall, and Samuel; and many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Samuel Creed Wagner, Director of the Recreation Department for the Town of Marion and an influential mentor and role model; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Samuel Creed Wagner as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 127

Commending Boy Scout Troop 128.

Agreed to by the House of Delegates, February 28, 2014

WHEREAS, in 2014, Boy Scout Troop 128 in McLean celebrates its 90th year of working with young people and helping them to make ethical and moral choices over their lifetimes; and

WHEREAS, when Boy Scout Troop 128 was founded on March 1, 1924, with John M. Hart as Scoutmaster, it was the first Scout troop in McLean, which then was a rural area with large dairy farms; the population was so small that only about 10 to 12 boys were of Scouting age; and

WHEREAS, Troop 128 was first sponsored by a school and civic league in McLean; in later years, a local Lion's Club sponsored the troop; today, St. John's Episcopal Church on Georgetown Pike is the troop's sponsor; the group meets there on Monday evenings; and

WHEREAS, from its beginnings, the leaders and Scout members of Troop 128 have enjoyed a challenge; in the troop's first year, the group made a camping trip to Annapolis and back; the Scouts hiked the entire distance; and

WHEREAS, except for a two-year pause in troop activities during World War II, Troop 128 has remained steady in its mission to help young people; the troop has also adapted as the McLean area has changed dramatically and the population has grown; and

WHEREAS, the Scouts in Troop 128 continue to meet formidable outdoor adventure challenges; in the 1930s when the McLean population was still quite low, the hardy band of Scouts made overnight hikes to Great Falls in the winter to ice skate—a round trip of about 15 miles; and

WHEREAS, currently Troop 128 has about 50 members, with more than 125 Eagle Scouts since it was founded; one recent Eagle Scout project by a troop member provided GPS mapping for more than seven miles of trails in Seneca Tract, a plot of land over which the Potomac Heritage Trail crosses; and

WHEREAS, the members of Troop 128 continue to carry out a full outdoor activities schedule, including winter camping trips in Garrett County, Maryland, cross country and downhill ski trips, and more than two decades of participation in summer camps; and

WHEREAS, Troop 128, a member of the National Capital Area Council, participates in the council's High Adventure outdoor programs; members attend backpacking camps at Goshen Scout Reservation, camp at Philmont Scout Ranch in New Mexico, and travel to Florida Sea Base on Summerland Key; now, therefore, be it

RESOLVED by the House of Delegates, That Boy Scout Troop 128 in McLean hereby be commended on its 90th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Boy Scout Troop 128 as an expression of the House of Delegates' congratulations and admiration for its 90 years of working to help young people make ethical and moral choices over their lifetimes and best wishes for the future.

HOUSE RESOLUTION NO. 128

Commending Gordon L. Gentry, Jr.

Agreed to by the House of Delegates, February 28, 2014

WHEREAS, Gordon L. Gentry, Jr., of Newport News, whose community involvement and passion for helping others began more than 50 years ago and continues unabated today, was honored as the 2013 *Daily Press* Citizen of the Year; and

WHEREAS, Gordon Gentry, who is chairman of TowneBank of the Peninsula, has been a banker for his entire career; after graduating from Warwick High School, he earned an undergraduate degree from the University of Virginia and a graduate degree from The College of William and Mary; and

WHEREAS, as a banker, Gordon Gentry understands the essential connection between a top-quality education—for preschool pupils, school-age children, trade school apprentices, and college and university students—and a growing community with a vibrant economy; and

WHEREAS, Gordon Gentry's vision of the best possible education for all people has been realized in part with the establishment of An Achievable Dream, a public/private partnership that provides at-risk students with life skills, role models, and opportunities to succeed; he is chairman of the board; and

WHEREAS, Gordon Gentry also serves on the boards of Hampton University and the Christopher Newport University Luter School of Business; he is convinced that strong educational institutions such as those help foster communities where people want to live, work, and raise families; and

WHEREAS, Gordon Gentry helped establish People to People, which focuses on race relations, diversity, and quality of life for all people in Newport News; he recognized that by creating a common ground for communication and fellowship that citizens could work together to achieve common goals; and

WHEREAS, additionally, Gordon Gentry has been a member of the Start Strong Council, and he also is a member of the board of Riverside Health System and serves on many other civic boards; now, therefore, be it

RESOLVED by the House of Delegates, That Gordon L. Gentry, Jr., of Newport News, hereby be commended for being named the 2013 *Daily Press* Citizen of the Year for his more than 50 years of community involvement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Gordon L. Gentry, Jr., as an expression of the House of Delegates' respect and admiration for his dedicated public service and tireless work on behalf of the people and organizations of the Virginia Peninsula.

HOUSE RESOLUTION NO. 129

Commending the Virginia Commercial Space Flight Authority.

Agreed to by the House of Delegates, February 28, 2014

WHEREAS, the Virginia Commercial Space Flight Authority has played a crucial role in promoting the importance of manned space flight missions and making the Commonwealth a leader in the growing commercial space flight industry; and

WHEREAS, created in 1995, the Virginia Commercial Space Flight Authority's mission was to promote and facilitate commercial space activity; since 1997, the organization has continually operated and expanded the Mid-Atlantic Regional Spaceport (MARS) at the National Aeronautics and Space Administration's Wallops Flight Facility on Wallops Island; and

WHEREAS, the Virginia Commercial Space Flight Authority has been a positive force on the Eastern Shore, spurring job growth and technological and scientific innovation; the organization also works to prepare the youth of the Commonwealth for the future by promoting science, technology, engineering, and mathematics education; and

WHEREAS, fully licensed by the Federal Aviation Administration and backed by a legacy of over 16,000 rocket launches from NASA's Wallops Flight Facility, the Virginia Commercial Space Flight Authority offers cost-effective, reliable launch services, making MARS the premier launch facility on the East Coast; and

WHEREAS, today, the Virginia Commercial Space Flight Authority is charged with the governance of launchpad facilities at the MARS facility, from which a variety of payloads can be placed into orbit, including human crews; and

WHEREAS, a prominent aerospace company that has already launched two prototype expandable habitats into orbit, with a third module in development, has publicly expressed a desire to conduct manned missions from the MARS facility and is working with the Virginia Commercial Space Flight Authority to make this a reality; and

WHEREAS, as demand continues to grow for launch missions to reach the commercial opportunities in low earth orbit and on the lunar surface, the Virginia Commercial Space Flight Authority is uniquely poised to facilitate these missions for years to come; now, therefore, be it

RESOLVED by the House of Delegates, That the Virginia Commercial Space Flight Authority hereby be commended for its role in making the Commonwealth a leader in the growing commercial space flight industry; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Commercial Space Flight Authority as an expression of the House of Delegates' admiration for the organization's contributions to the Eastern Shore and the Commonwealth.

HOUSE RESOLUTION NO. 130

Celebrating the life of First Lieutenant Robert Joseph Hess.

Agreed to by the House of Delegates, February 25, 2014

WHEREAS, First Lieutenant Robert Joseph Hess was killed in action on April 23, 2013, in Pul-E-Alam, Afghanistan; he was assigned to the 2nd Aviation Battalion, Task Force Knighthawk and was serving at Forward Operating Base Shank when he was killed; and

WHEREAS, 1st Lt. Robert "RJ" Hess was born on March 25, 1987, at Lyster Army Hospital in Fort Rucker, Alabama; he was the oldest son of Colonel Robert T. Hess (Ret.) and Laura M. Hess of Fairfax and the brother of J. Patrick Hess of Spotsylvania; and

WHEREAS, throughout his 26 years of life, 1st Lt. RJ Hess touched countless lives with his wisdom, witty personality, infectious smile, kindness, and courage; he was an amazing person and a wonderful, loving man, and he had a fantastic sense of humor that could make anyone laugh and brought a smile to everyone he met; and

WHEREAS, 1st Lt. RJ Hess put his heart and soul into everything he did; he was a kind, genuine, and compassionate human being and a natural leader; he loved the United States Army, and he worked hard to achieve his dream of becoming an army aviator; and

WHEREAS, 1st Lt. RJ Hess attended Robinson High School, where he played football and lacrosse and was the captain of the swim team, and he earned four Virginia state championship rings: one for football and three for swimming; he graduated from Robinson High School in 2005; and

WHEREAS, 1st Lt. RJ Hess attended Old Dominion University, where he was a member of the university's swim team; he joined the United States Army and enrolled in the Army ROTC program at the University of Virginia (UVA); and

WHEREAS, 1st Lt. RJ Hess was selected by the UVA ROTC program faculty and fellow cadets to be awarded the 1st Lt. Norman Flecker Award during his senior year for "providing leadership and inspiration to others through his unmatched selflessness, work ethic, and integrity"; and

WHEREAS, as a cadet, 1st Lt. RJ Hess attended the Leadership Development Assessment Course and, due to his superior performance, was named the regimental commander for the course graduation ceremony; his score at the Leadership Development Assessment Course remains the highest ever achieved by a cadet from the UVA ROTC program; and

WHEREAS, 1st Lt. RJ Hess graduated from Old Dominion University with a degree in criminal justice and was commissioned as a second lieutenant in the United States Army in 2010; after receiving his commission, 1st Lt. RJ Hess was selected to stay at UVA to become a Gold Bar Recruiter for the ROTC program while waiting to attend flight school; and

WHEREAS, 1st Lt. RJ Hess attended and was the class leader for his Basic Officer Leaders Course and completed flight school in 2011; after completing pilot training at Fort Rucker, Alabama, he was assigned to the 10th Mountain Division at Fort Drum in November 2012, where he served as a UH-60M Blackhawk pilot and mission planner; and

WHEREAS, 1st Lt. RJ Hess was selected to be part of the Task Force Knighthawk advanced party and deployed to Afghanistan on April 11, 2013, to support special operations forces' missions in the vicinity of Forward Operating Base Shank; and

WHEREAS, following 1st Lt. RJ Hess' death, the commanders of Regional Command East, 10th Aviation Brigade and Task Force Knighthawk conducted a ceremony to rename the airfield at Forward Operating Base Shank to "Hess Airfield" in his honor; and

WHEREAS, the UVA ROTC program has established the 1st Lt. RJ Hess Leadership Award in honor of his memory, accomplishments, and ultimate sacrifice while serving his country; and

WHEREAS, 1st Lt. RJ Hess truly lived his life to the fullest for 26 years; he was one of a kind and will be missed by his family, friends, and comrades with whom he had served; this country has lost an outstanding leader, warrior, and humanitarian; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of an American hero and leader, First Lieutenant Robert Joseph Hess; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of First Lieutenant Robert Joseph Hess as an expression of the House of Delegates' respect for his and his family's sacrifices in the defense and protection of this great nation.

HOUSE RESOLUTION NO. 131

Commending the Law Office of Marie Washington.

Agreed to by the House of Delegates, February 28, 2014

WHEREAS, the Law Office of Marie Washington, a respected law office located in Warrenton, won the Fauquier County Chamber of Commerce Small Business of the Year award in November 2013; and

WHEREAS, during its annual meeting and awards gala, the Fauquier County Chamber of Commerce recognized businesses and individuals who excel in their professions and surpass expectations within both the Chamber and the business community; and

WHEREAS, opening in 2011, the Law Office of Marie Washington provides high-quality legal counsel in the areas of family law, estate planning, civil litigation, criminal law, traffic violations, business law, and landlord-tenant issues; and

WHEREAS, a native of Fauquier County, Marie Washington has always believed in giving back to her community, volunteering with the Salvation Army, Warrenton United Methodist Church, and Boys and Girls Club; serving on the board of Fauquier Faith Partners, Inc.; and donating her time and expertise to Rappahannock Legal Services; and

WHEREAS, Marie Washington is also a member of the Virginia State Bar, the Virginia Women Attorneys Association, the Virginia Association of Criminal Defense Lawyers, the Northern Virginia Black Attorneys Association, and the Fauquier & Prince William Bar Associations; and

WHEREAS, a trusted and well-respected legal practice, the Law Office of Marie Washington has faithfully served and represented the Fauquier community for three years; now, therefore, be it

RESOLVED by the House of Delegates, That the Law Office of Marie Washington hereby be commended on receiving the Fauquier County Chamber of Commerce Small Business of the Year award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Law Office of Marie Washington as an expression of the House of Delegates' respect and admiration for its dedicated service to the citizens of Fauquier County.

HOUSE RESOLUTION NO. 132

Commending Fauquier Habitat for Humanity.

Agreed to by the House of Delegates, February 28, 2014

WHEREAS, Fauquier Habitat for Humanity, a charitable organization that builds and repairs homes for members of the community, won the Fauquier County Chamber of Commerce Not-for-Profit Business of the Year award in November 2013; and

WHEREAS, during its annual meeting and awards gala, the Fauquier Chamber of Commerce recognized businesses and individuals who excel in their professions and surpass expectations within both the Chamber and the business community; and

WHEREAS, working together with community churches, businesses, volunteers, and families, Fauquier Habitat for Humanity seeks to eliminate the affliction of substandard poverty housing; and

WHEREAS, since its opening in 1991, Fauquier Habitat for Humanity has built 44 homes, has rehabilitated several others, and is currently working on the construction of a seven-duplex subdivision in Warrenton; and

WHEREAS, with more than 1,500 families living at or below the poverty line in the county, Fauquier Habitat for Humanity focuses on developing affordable housing opportunities and providing a more stable environment in which families can thrive; now, therefore, be it

RESOLVED by the House of Delegates, That Fauquier Habitat for Humanity hereby be commended on receiving the Fauquier County Chamber of Commerce Not-for-Profit Business of the Year award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brenda Drerenberger, executive director of Fauquier Habitat for Humanity, as an expression of the House of Delegates' respect and admiration for over 20 years of dedicated service to the citizens of Fauquier County.

HOUSE RESOLUTION NO. 133

Commending Fauquier Times.

Agreed to by the House of Delegates, February 28, 2014

WHEREAS, *Fauquier Times*, an established and well-respected news publication, won the Fauquier County Chamber of Commerce Large Business of the Year award in November 2013; and

WHEREAS, during its annual meeting and awards gala, the Fauquier County Chamber of Commerce recognized businesses and individuals who excel in their professions and surpass expectations within both the Chamber and the business community; and

WHEREAS, founded in 1817, *Fauquier Times* was developed in support of, and as an advocate for, small businesses and entrepreneurs in Fauquier, Culpeper, and Prince William Counties; and

WHEREAS, under the guidance of former owner Arthur Arundel and current owner Peter Arundel, *Fauquier Times* has earned state and national recognition for its commitment to journalistic excellence; and

WHEREAS, a supporter of many local charities, *Fauquier Times* has encouraged its employees to donate their time to organizations such as the Fauquier Community Theatre, the Hospice of the Rapidan, the Fauquier Fair, the Partnership for Warrenton, and the Fauquier Area Food Bank; and

WHEREAS, for almost two centuries, *Fauquier Times* has dedicated itself to providing accurate and trustworthy news to the community; now, therefore, be it

RESOLVED by the House of Delegates, That *Fauquier Times* hereby be commended on receiving the Fauquier County Chamber of Commerce Large Business of the Year award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Peter Arundel, owner of *Fauquier Times*, as an expression of the House of Delegates' respect and admiration for the nearly two centuries of committed service to the citizens of Fauquier County.

HOUSE RESOLUTION NO. 134

Commending Brenda Rich.

Agreed to by the House of Delegates, February 28, 2014

WHEREAS, Brenda Rich, a real estate agent and respected member of the community, won the Fauquier County Chamber of Commerce Business Person of the Year award in November 2013; and

WHEREAS, during its annual meeting and awards gala, the Fauquier County Chamber of Commerce recognized businesses and individuals who excel in their professions and surpass expectations within both the Chamber and the business community; and

WHEREAS, a real estate agent for over 30 years, Brenda Rich has won many awards for her outstanding work on behalf of the community and served on the Board of Directors for the Greater Piedmont Area Association of Realtors; and

WHEREAS, a lifelong resident of Fauquier, Brenda Rich has dedicated her life to helping her community, serving as the president of both the Fauquier County Fair, Inc., and the Virginia Association of Fairs; and

WHEREAS, for many years, Brenda Rich has also been integral to the success of the local 4-H Show and Sale; and

WHEREAS, through a tireless work ethic and commitment to her community, Brenda Rich has become a dynamic businesswoman with exceptional leadership abilities; now, therefore, be it

RESOLVED by the House of Delegates, That Brenda Rich hereby be commended on receiving the Fauquier County Chamber of Commerce Business Person of the Year award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brenda Rich as an expression of the House of Delegates' respect and admiration for her years of dedicated service to the citizens of Fauquier County.

HOUSE RESOLUTION NO. 135

Celebrating the life of Benjamin George Belrose.

Agreed to by the House of Delegates, February 28, 2014

WHEREAS, Benjamin George Belrose of Purcellville, a veteran of the United States Navy and a community leader, died on October 30, 2013; and

WHEREAS, after graduating from high school in Michigan, Benjamin "Ben" Belrose enlisted in the United States Navy; he was an electrician's mate aboard the USS *Chopper* and later earned degrees from Purdue University and the Naval Postgraduate School; and

WHEREAS, after attending Officer Candidate School, Ben Belrose served at sea and at the Naval Electronics System Security Engineering Command and the Defense Communications Agency; he entered the private sector in 1984 and moved to Purcellville in 2003; and

WHEREAS, a man of principle, Ben Belrose was dedicated to his beliefs in open government, responsible use of taxpayer money, individual rights, a strong military, and American exceptionalism; and

WHEREAS, Ben Belrose encouraged local governments to be fiscally responsible and carefully studied proposed budgets and spending plans; at public meetings, he often urged elected officials to be judicious when spending tax dollars and considering major public works projects; and

WHEREAS, to support a healthy political process, Ben Belrose helped where needed; he was responsible for placing many large campaign signs around Loudoun County during election season, and he regularly attended political meetings and fundraising events; and

WHEREAS, as a volunteer for the Republican Party of Loudoun County and Republican office-seekers throughout the 10th Congressional District of Virginia, Ben Belrose was unmatched in his determination to help candidates and party officials win and keep seats in government; and

WHEREAS, Ben Belrose was also a man of faith, regularly attending church and taking part in a weekly Bible study class; and

WHEREAS, Ben Belrose will be greatly missed and fondly remembered by his wife, Dale; his children, Kathie, Jackie, Amy, and Melissa, and their families; and many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Benjamin George Belrose, a United States Navy veteran and a dedicated community leader; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Benjamin George Belrose as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 136

Commending the Honorable Joe T. May.

Agreed to by the House of Delegates, February 28, 2014

WHEREAS, the Honorable Joe T. May, an accomplished businessman and respected professional engineer, ably represented the residents of the 33rd District in the Virginia House of Delegates for 20 years; and

WHEREAS, a native of Broadway, Joe May served his country in the United States Army from 1955 to 1958, then earned a bachelor's degree from Virginia Polytechnic Institute and State University in 1962; and

WHEREAS, a successful and admired businessman, Joe May founded Electronic Instrumentation and Technology, LLC, with his wife, Bobby, in 1977; today, the company provides electronics manufacturing and engineering services for a variety of industries; and

WHEREAS, known for his drive and keen intellect, Joe May holds 22 patents, including for a signature reproduction machine, an instrument for measuring railroad tracks, and an instrument for measuring the octane rating of gasoline; and

WHEREAS, desiring to be of service to the Commonwealth, Joe May ran for and was elected to the Virginia House of Delegates; he took office in 1994 and represented the residents of the Counties of Clarke, Frederick, and Loudoun for 10 terms; and

WHEREAS, Delegate May worked to enact important legislation, and he offered his wisdom and experience to the Committee on Appropriations, where he served as the chairman of the Transportation Subcommittee; he proudly helped establish and served as chairman of the Committee on Science and Technology and then as chairman of the Committee on Transportation; and

WHEREAS, among his many accomplishments, Delegate May helped pass the Rural Rustic Road Program, which has allowed the Department of Transportation to improve the surfaces of low-volume rural roads while maintaining the roads' traditional ambience; and

WHEREAS, as one of only two professional engineers in the General Assembly, Delegate May brought innovative ways of thinking and an analytical approach to problem solving; and

WHEREAS, understanding and responding to many different constituencies in his district, Delegate May helped the business and technology industries in Loudoun County thrive, while maintaining the rural atmosphere of the western part of the county; and

WHEREAS, deeply involved in the community, Delegate May volunteers his time as a judge for local history and science fairs, and an umpire for Little League baseball games; and

WHEREAS, a devoted family man, Delegate May has been married to his wife, Bobby, for more than 50 years, and together they raised two daughters, Susan and Elaine; and

WHEREAS, a man of great integrity, Delegate May has served the community, the Commonwealth, and the nation with dedication and distinction; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable Joe T. May, a highly respected businessman and professional engineer, hereby be commended for 20 years of service to the Commonwealth as a member of the Virginia House of Delegates; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Joe T. May as an expression of the House of Delegates' admiration for his leadership and dedication.

HOUSE RESOLUTION NO. 137

Commending Rodney S. Thomas.

Agreed to by the House of Delegates, February 28, 2014

WHEREAS, Rodney S. Thomas, a dedicated public servant, admirably served the residents of the Rio District of Albemarle County as a member of the board of supervisors from 2010 to 2013; and

WHEREAS, a lifelong resident of Charlottesville and Albemarle County and a successful small business owner, Rodney Thomas recognized that the beauty and vitality of Albemarle County is a valuable asset that should be protected for future generations; and

WHEREAS, Rodney Thomas is a graduate of Lane High School, the Certified Planning Commissioner's Program at Virginia Polytechnic Institute and State University, and the University of Virginia's Thomas C. Sorensen Institute for Political Leadership; and

WHEREAS, Rodney Thomas, president and owner of Charlottesville Press, Inc., worked to make the county a place where small businesses can grow and thrive; he also focused on establishing sound budgeting practices for Albemarle County and the adoption of a zero-based budget; and

WHEREAS, Rodney Thomas served as the representative to the Albemarle County Planning Commission from the Rio District; and

WHEREAS, during his tenure as a member of the Albemarle County Board of Supervisors, Rodney Thomas was a member of the Charlottesville-Albemarle Metropolitan Planning Organization, the Agricultural and Forestal Advisory Committee, the Darden Towe Memorial Park Committee, the Albemarle County Fire Rescue Advisory Board, and many other governmental bodies; and

WHEREAS, civic involvement is vitally important to Rodney Thomas; he was chairman of the Albemarle County Planning Commission, served on the Piedmont Family YMCA Board of Directors, was president of the Charlottesville Host Lions Club, and was one of the founders of the Boys & Girls Clubs of Central Virginia; and

WHEREAS, a devoted family man, Rodney Thomas and his wife, Nancy, have two children, Rod and Ashley, and eight grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, That Rodney S. Thomas hereby be commended for admirably serving the residents of the Rio District of Albemarle County as a member of the board of supervisors from 2010 to 2013; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rodney S. Thomas as an expression of the House of Delegates' respect and admiration for his dedicated work on behalf of the citizens and businesses of Albemarle County and the Commonwealth.

HOUSE RESOLUTION NO. 138

Commending Friday Night Live!

Agreed to by the House of Delegates, February 28, 2014

WHEREAS, Friday Night Live!, an immensely popular outdoor concert series in Herndon, celebrates its 20th season in May 2014; and

WHEREAS, founded by Doug Downer in 1995, Friday Night Live! offers a place for people of all ages to enjoy a wide variety of great food and the most popular local and regional musical acts from all over the East Coast; and

WHEREAS, a charitable organization, Friday Night Live! has donated to many local groups, including Herndon High School's after-prom and all-night graduation parties, area elementary schools' parent-teacher associations and organizations, the Holiday Lights Project, and the Veterans Memorial Fund, raising over \$200,000 in contributions to date; and

WHEREAS, entertaining over 230,000 fans since 1995, Friday Night Live! was named "Best Free Outdoor Concert in the Washington Metropolitan Area" in 2009 by the *Washington Post*, "BEST of NoVA" in 2012 by *Northern Virginia Magazine*, as well as a "Must See" event while in Fairfax County; and

WHEREAS, promoting a positive and memorable volunteer experience for the members of the Herndon community, Friday Night Live! has recorded over 20,000 service hours since its inception; and

WHEREAS, the success of Friday Night Live! is due to the dedicated event organizers, the loyal volunteers, and the enthusiastic support from the community of Herndon; now, therefore, be it

RESOLVED by the House of Delegates, That Friday Night Live! hereby be commended on the occasion of its 20th concert season; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Doug Downer, founder of Friday Night Live!, as an expression of the House of Delegates' respect and admiration for bringing together the community of Herndon over the last 20 years.

HOUSE RESOLUTION NO. 139

Commending Jose A. Rodriguez, Jr.

Agreed to by the House of Delegates, February 28, 2014

WHEREAS, Jose A. Rodriguez, Jr., a longtime official of the Central Intelligence Agency (CIA) who led the agency's operational component through a period of great tension in the years following the September 11, 2001, attacks, has served the Commonwealth and the nation with honor, distinction, and courage; and

WHEREAS, a native of Puerto Rico, Jose Rodriguez earned a bachelor's degree and a law degree from the University of Florida before beginning a 31-year career with the CIA in 1976; and

WHEREAS, Jose Rodriguez was a key leader in the Latin American Division of the Directorate of Operations during the Cold War, where he facilitated the gathering and dissemination of critical intelligence related to counter-narcotics operations, communist insurgencies, and Operation Just Cause, often in conditions of personal danger; and

WHEREAS, assigned to postings in Latin America, Jose Rodriguez served in El Salvador, Panama, and as a Chief of Station in Mexico and was later promoted to Chief of the Latin American Division; and

WHEREAS, immediately following the September 11 attacks, Jose Rodriguez was appointed Chief Operating Officer of the CIA's Counterterrorism Center and became Director of the Center in 2002, using his knowledge and expertise to guide operations and targeting analyses in the hunt for Al-Qaeda operatives; and

WHEREAS, from 2004 to 2007, Jose Rodriguez led the agency's operational component, serving as the Deputy Director for Operations, which became the Director of the National Clandestine Service during his tenure, requiring operational judgment, courage, and devotion to duty of the highest order; and

WHEREAS, after his retirement from the CIA, Jose Rodriguez remained active in national security matters, joining a security consulting firm in Fairfax and publishing a book on the Agency's efforts to identify, capture, and acquire intelligence from key Al-Qaeda leaders; now, therefore, be it

RESOLVED by the House of Delegates, That Jose A. Rodriguez, Jr., hereby be commended for his decades of devoted service to the Commonwealth and the nation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jose A. Rodriguez, Jr., as an expression of the House of Delegates' admiration for his visionary leadership and respect for his achievements, service, and sacrifices.

HOUSE RESOLUTION NO. 140

Commending the Rural Retreat High School wrestling team.

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, the Rural Retreat High School wrestling team capped a stellar 2013-2014 season by winning the Virginia High School League Group 1A state championship on February 22, 2014, the first state title in school history; and

WHEREAS, the final score for the Rural Retreat team was 162.5 points; the Indians grappled with talented wrestlers, representing several other high schools, in the final round of the two-day tournament, which was held at the Salem Civic Center; and

WHEREAS, four wrestlers from Rural Retreat High School—Trey Boyd, Ty Boyd, Jacob Wynn, and Dakota Snider—won individual state titles; Indians' wrestling squad members Caleb Snider, Trent O'Neil, Hunter Ward, Leighton Powell, Channing Miller, Harley Mitchell, Jackson Sowers, Cade Rouse, Robert Jones, Dusty Buck, Tyler Foster, Tray Winbourne, Marshall Taylor, Josh Penuel, Gregory Story, Alex Silva, and Will Montgomery also contributed to the team's championship season; and

WHEREAS, the Rural Retreat High School team is ably coached by Rick Boyd, who complimented the wrestlers on their hard work and determination; the young men also drew strength from the strong support of the students, staff, and the community; now, therefore, be it

RESOLVED by the House of Delegates, That the Rural Retreat High School wrestling team hereby be commended for winning the 2014 Virginia High School League Group 1A state championship, the first state title in school history; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rick Boyd, head coach of the Rural Retreat High School wrestling team, as an expression of the House of Delegates' congratulations and admiration for the team's talent, focus, hard work, and determination.

HOUSE RESOLUTION NO. 141

Commending Arthur Franklin Drewery, Sr.

Agreed to by the House of Delegates, March 4, 2014

WHEREAS, Arthur Franklin Drewery, Sr., a native of Isle of Wight County, has diligently served the community as a member of the Isle of Wight Ruritan Club since its inception; and

WHEREAS, upon his return from serving in the Pacific Theater during World War II, Arthur Franklin "Frank" Drewery, Sr., married his high school sweetheart, Eula Belle, and began raising a family in Isle of Wight County; and

WHEREAS, seeking active involvement in his community, Frank Drewery helped charter the Isle of Wight Ruritan Club in October 1948, and the club proudly celebrated its 65th anniversary in 2013; he is the only charter member to serve continuously throughout the club's history; and

WHEREAS, over the last 65 years, the members of the Isle of Wight Ruritan Club have sought to enrich the lives of those in the local community through fellowship, goodwill, and community service; and

WHEREAS, tirelessly serving the Isle of Wight Ruritan Club, Frank Drewery has held all possible offices several times over, has been awarded "Ruritan Forever" status, is a Tom Downing Fellow, and has always provided an eager helping hand whenever the club is in need; and

WHEREAS, during the last six decades, Frank Drewery has enthusiastically served the Isle of Wight Ruritan Club and the members of the community it proudly represents in hopes of making the county a better place for all; now, therefore, be it

RESOLVED by the House of Delegates, That Arthur Franklin Drewery, Sr., hereby be commended for his 65 years of continuous service to the Isle of Wight Ruritan Club; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Arthur Franklin Drewery, Sr., charter member of the Isle of Wight Ruritan Club, as an expression of the House of Delegates' respect and admiration for his many years of dedicated service to the community.

HOUSE RESOLUTION NO. 142

Commending the Hampton Roads Republican Women's Club.

Agreed to by the House of Delegates, March 4, 2014

WHEREAS, the Hampton Roads Republican Women's Club has served the community and promoted an interest in education and civics among area women for 57 years; and

WHEREAS, founded in March of 1957, the Hampton Roads Republican Women's Club was one of the first such organizations chartered by the Virginia Federation of Republican Women; and

WHEREAS, the Hampton Roads Republican Women's Club serves the Republican Party in the Commonwealth by supporting candidates and encouraging women to run for public office; and

WHEREAS, under the leadership of Lou Call, the club's current president, the Hampton Roads Republican Women's Club meets monthly to keep members informed of relevant issues; the group focuses its activities on education, communication, fundraising, and training; and

WHEREAS, the Hampton Roads Republican Women's Club works diligently to better the community, participating in many local activities and service projects; and

WHEREAS, in honor of the organization's active involvement and exceptional service, the Hampton Roads Republican Women's Club has received the Diamond Award, the highest club achievement award given by the National Federation of Republican Women, almost 50 times; now, therefore, be it

RESOLVED by the House of Delegates, That the Hampton Roads Republican Women's Club hereby be commended on the occasion of the organization's 57th anniversary in 2014 for promoting an interest in civic involvement among women in Hampton Roads; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lou Call, president of the Hampton Roads Republican Women's Club, as an expression of the House of Delegates' admiration for the organization's service to the community throughout its long history.

HOUSE RESOLUTION NO. 143

Commending Virginia craft beer breweries.

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, craft beer breweries from the Commonwealth of Virginia displayed their prowess at the Great American Beer Festival in October 2013, in Denver, Colorado, finishing 4th at the prestigious festival; and

WHEREAS, the Great American Beer Festival, the country's most well-respected beer competition, brought together over 50,000 craft brewers and enthusiasts; and

WHEREAS, the festival's beer competition consists of professional judges identifying the three beers that best represent each style category; and

WHEREAS, the Commonwealth's craft brewers took home four gold, four silver, and six bronze medals in the competition, with Port City Brewing Company of Alexandria taking the gold for its Optimal Wit in the Belgian Witbier category; and

WHEREAS, in addition to the gold medal, Port City won a silver for its Oktoberfest Vienna lager, and two bronze for Colossal One and Colossal Two, the brewing company's small-batch beers; and

WHEREAS, Nelson County's Devils Backbone Brewery also contributed to the medal count with the Small Brewery of the Year award and two gold, two silver, and two bronze medals; and

WHEREAS, rounding out the Commonwealth's medals were a gold for Ashburn's Lost Rhino Brewing Company, a silver for Great American Restaurants, a bronze for Three Brothers Brewing, and a bronze for Smartmouth Brewing Co.; and

WHEREAS, demonstrating a commitment to high standards and quality products, Virginia craft beer breweries won a total of 14 medals to achieve the 4th place finish; now, therefore, be it

RESOLVED by the House of Delegates, That Virginia craft beer breweries hereby be commended on their 4th place finish at the 2013 Great American Beer Festival; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the founders of the award-winning breweries, Port City Brewing Company, Devils Backbone Brewery, Lost Rhino Brewing Company, Three Brothers Brewing, and Smartmouth Brewing Co. as an expression of the House of Delegates' admiration for the Commonwealth's performance at the Great American Beer Festival.

HOUSE RESOLUTION NO. 144

Commending the Tunstall High School golf team.

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, the Tunstall High School golf team finished a stellar season by winning the Virginia High School League Group 3A state championship on October 15, 2013, the first state golf title in school history; and

WHEREAS, the team from Dry Fork in Pittsylvania County, which was competing in its second consecutive state championship, won the 2013 state crown by two strokes over a talented squad from William Monroe High School, 601-603; and

WHEREAS, the Tunstall golfers benefited from what they learned at the 2012 competition; that experience helped the men stay calm, focused, and determined during the two-day tournament, which was held in Harrisonburg; and

WHEREAS, at the end of the first day of play, the Tunstall team was tied with William Monroe at 306; during the second round, the Tunstall golfers scored 295, defeating William Monroe by just two strokes; and

WHEREAS, the Tunstall Trojans were ably coached by David Myers, who attributed much of the team's success to the leadership of the squad's four seniors, Bryant Cook, Casey Dillion, Eric Squier, and Rand Gibson; the support of fellow team members and the Tunstall school community also contributed to the victory; and

WHEREAS, Coach David Myers also said that the players' experience made a positive difference and he was convinced that the group, many of whom have played together for years, could win the title for Tunstall High School; now, therefore, be it

RESOLVED by the House of Delegates, That the Tunstall High School golf team hereby be commended for winning the 2013 Virginia High School League Group 3A state championship, the first state golf title in school history; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to David Myers, coach of the Tunstall High School golf team, as an expression of the House of Delegates' congratulations and admiration for the team's talent, hard work, and dedication.

HOUSE RESOLUTION NO. 145

Celebrating the life of William T. Patrick, Jr.

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, William T. Patrick, Jr., the well-known founder of the Patrick Auto Group and an admired leader in both the automotive industry and the Richmond community, died on February 20, 2014; and

WHEREAS, a native of Richmond, William T. "Pat" Patrick, Jr., attended Highland Springs High School and graduated from the Medical College of Virginia School of Pharmacy in 1961; working as a pharmacist for many years, he enjoyed caring for and building personal relationships with the members of the community; and

WHEREAS, Pat Patrick answered his true calling when he joined Hechler Chevrolet, where his father had worked for more than 40 years; after working his way through the ranks from salesman to manager, he purchased the dealership in 1985; and

WHEREAS, in 1992, Pat Patrick purchased Zuccker Pontiac Buick GMC in Ashland, which is now run by his son, Michael, and formed Patrick Auto Group in 1993; he later added a Kia franchise, which is run by his son, Trey; and

WHEREAS, for more than 40 years, Pat Patrick served his customers and the community with a generous spirit, and he left a legacy of excellence to automotive dealers in Richmond and throughout the Commonwealth; and

WHEREAS, a leader in the dealer community, Pat Patrick served nine years as a member of the board of directors of the Virginia Automobile Dealers Association and as a member of the board of directors of the Richmond Automobile Dealers Association, including a term as president; and

WHEREAS, Pat Patrick received many awards and accolades throughout his career, including the 2004 *Time* magazine Quality Dealer of the Year for Virginia; and

WHEREAS, Pat Patrick was appointed to the Virginia Motor Vehicle Dealer Board in 2003 by Governor Mark R. Warner; and

WHEREAS, an active and dedicated member of his community, Pat Patrick served on a wide array of local boards, commissions, and committees for many years; and

WHEREAS, Pat Patrick was a leader in many fields, including as president of Bon Secours Medical Community Board, chairman of the Better Business Bureau of Central Virginia, president of the Virginia Jaycees, president of the Henrico East Business Council, and president of the Richmond Memorial Foundation; and

WHEREAS, Pat Patrick will be fondly remembered and greatly missed by his wife of 48 years, Phyllis; children, Stacey, Trey, and Michael, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of William T. Patrick, Jr., a respected leader in the automotive industry and the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William T. Patrick, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 146

Commending the League of Women Voters of the Williamsburg Area.

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, in 2013 and 2014, the League of Women Voters of the Williamsburg Area celebrates its 50th year of encouraging informed and active participation in government at all levels; and

WHEREAS, the League of Women Voters of the Williamsburg Area is a nonprofit and nonpartisan political organization; it offers voter information and programs to the public and has a strong advocacy effort; and

WHEREAS, the national League of Women Voters was founded in 1920, shortly before women were granted the right to vote; from the beginning, the group has been an activist, grassroots organization, believing that it is a fundamental right of all citizens to be informed about and active in the political process; and

WHEREAS, the League of Women Voters is one of the most effective grassroots organizations in the country, steadfast in its belief that the strength of the nation's political system depends on a well-informed citizenry; and

WHEREAS, one of the goals of the League of Women Voters is to mobilize female voters—as a way of honoring the struggle, sacrifice, and ultimate success of earlier generations of activists for women's rights and to ensure that their efforts are not forgotten in the present; and

WHEREAS, for many years, the League of Women Voters has provided vital services to voters about the electoral process, including facilitating voter registration, sponsoring candidate forums, publicizing elections, and answering questions from the public about voting and elections; and

WHEREAS, the League of Women Voters is also active in two other areas of civic life; the group works with non-violent felons to restore their voting rights, and the group's Education Committee studies and lobbies educators to help strengthen the kindergarten through 12th grade programs in the Williamsburg-James City County Public Schools; and

WHEREAS, recognizing that an informed electorate is a vital part of the democratic process, the Williamsburg League of Women Voters sponsors the Great Decisions series, an annual lecture program held in late winter; experts in a particular field are invited to speak and the programs are open to the public; and

WHEREAS, in its 50th anniversary year, the League of Women Voters is ably led by Meda Humphreys, president; Nancy Hummel, membership chair; and Priscilla Peterson, voter service chair; now, therefore, be it

RESOLVED by the House of Delegates, That the League of Women Voters of the Williamsburg Area hereby be commended on the occasion of its 50th anniversary and for its tireless work to promote informed and active participation in government at all levels; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Meda Humphreys, president of the League of Women Voters of the Williamsburg Area, as an expression of the House of Delegates' respect and admiration for its vital service to the citizens of Williamsburg and James City County and to the Commonwealth.

HOUSE RESOLUTION NO. 147

Commending Williamsburg United Methodist Church.

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, in 2014, the congregation of Williamsburg United Methodist Church celebrates its 50th year of fellowship and worship at its current location on Jamestown Road; and

WHEREAS, the founding of what is now called Williamsburg United Methodist Church dates to 1771; and

WHEREAS, in 1807, a group called the Williamsburg Methodists began using a barn on Francis Street for a meeting house, and over the years, the congregation grew and the work of the church expanded; the members of Williamsburg United Methodist Church moved into a building on Duke of Gloucester Street in 1842 and moved again, in 1926, to a site on College Corner; and

WHEREAS, by the middle of the 20th century, the church's membership had increased significantly; Williamsburg United Methodist Church had 327 members in 1926 and more than 1,000 members by the early 1960s; and

WHEREAS, in 1963, ground was broken for a much larger church at a site on Jamestown Road; construction was completed the following year and the congregation of Williamsburg United Methodist Church moved into the space in 1964, continuing a long tradition of fellowship and worship; and

WHEREAS, service and mission are two of the hallmarks of the ministry of Williamsburg United Methodist Church; church members take part in the Ministry of the Good Shepherd, visiting the sick and shut-in, and the Stephen Ministry provides aid and compassionate support to people in times of difficulty; and

WHEREAS, the Respite Care program of Williamsburg United Methodist Church is a social program for senior adults with special needs; it offers a caring environment and assistance to older adults while providing a respite to those who care for their elderly loved ones; and

WHEREAS, members of Williamsburg United Methodist Church assist the homeless community in the Williamsburg area through the Emergency Winter Shelter program, the Homeless Friend Restoration Process, and Habitat for Humanity Peninsula and Greater Williamsburg; and

WHEREAS, in the Historic Triangle area, the mission work of Williamsburg United Methodist Church includes support of the Avalon Center for Women and Children, FISH, Inc., the Williamsburg-James City County Head Start program, Big Brothers Big Sisters of the Greater Virginia Peninsula, Angels of Mercy Medical Clinic, Lackey Free Clinic, and many other organizations; and

WHEREAS, the global mission work of Williamsburg United Methodist Church takes place in Brazil, the Kingdom of Tonga, Cambodia, the Philippines, Haiti, and many other countries; the church's goal is for all members of the church to take part in mission work and to share their experiences when they return; now, therefore, be it

RESOLVED by the House of Delegates, That Williamsburg United Methodist Church hereby be commended for providing 50 years of fellowship and worship at its current location on Jamestown Road; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Bill Jones, senior pastor of Williamsburg United Methodist Church, as an expression of the House of Delegates' respect and admiration for the church's many years of service to the people of Williamsburg, the Commonwealth, and the world.

HOUSE RESOLUTION NO. 148

Commending the Williamsburg Unitarian Universalists.

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, in February 2014, the Williamsburg Unitarian Universalists celebrated their 25th year of fellowship and worship; and

WHEREAS, the Williamsburg Unitarian Universalists were founded in 1989 and are ably led by the Reverend Jennifer Ryu; the congregation, whose worship is rooted in the Judeo-Christian tradition, focuses on social justice ministries; and

WHEREAS, the origins of the national Unitarian Universalist Association date back to the country's early settlers; the current organization was formed in 1961, and today there are more than 1,000 self-governing congregations around the world; and

WHEREAS, the Williamsburg Unitarian Universalists make a strong outreach effort to lesbian, gay, bisexual, and transgendered individuals; as a Welcoming Congregation, the Unitarian Universalists gladly open their church home to anyone wishing to share in fellowship and worship; and

WHEREAS, another social justice ministry that the Williamsburg Unitarian Universalists engage in is the Green Sanctuary program, in which congregations and congregants work together to restore the Earth and embrace spiritual renewal; and

WHEREAS, the Williamsburg Unitarian Universalists congregation was certified a Green Sanctuary in 2012; church members receive advice about sustainable practices, including recycling, buying locally grown and produced food, and other areas of environmentally responsible living; and

WHEREAS, the Williamsburg Unitarian Universalists have created a Multicultural Action Process program to promote racial justice and healing; also, the group's Share the Plate initiative provides financial support to local organizations each month; now, therefore, be it

RESOLVED by the House of Delegates, That the Williamsburg Unitarian Universalists hereby be commended on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Jennifer Ryu, minister of the Williamsburg Unitarian Universalists, as an expression of the House of Delegates' respect and admiration for offering fellowship and worship to the people of Williamsburg and for its social justice ministries.

HOUSE RESOLUTION NO. 149

Commending the Spirit of Freedom marching band.

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, the Spirit of Freedom marching band of Freedom High School in Loudoun County was named the Virginia Class 5A state champion at the USBands State Championships in November 2013; and

WHEREAS, USBands, formerly known as the United States Scholastic Band Association, was formed in 1988 to provide a first-rate competitive circuit for high school bands around the country; over 250 schools took part in the 2013 USBands State Championships, held at nine locations in six states; and

WHEREAS, the Spirit of Freedom marching band competed in an all-day event on November 5, 2013, which was judged by a panel of experts from around the country, who evaluated each band's musical and visual performances; and

WHEREAS, in addition to being named state champion, the Spirit of Freedom marching band won awards for best music, best visual performance, best overall effect, best color guard, and best percussion; and

WHEREAS, the Spirit of Freedom marching band was also one of two schools from the Commonwealth to receive the Cadets Award of Excellence from the Cadets Drum and Bugle Corps; the award recognizes bands with high achievements in the areas of creativity and overall effect; and

WHEREAS, with these prestigious accomplishments, the Spirit of Freedom marching band has brought honor to the Spirit of Freedom High School and Loudoun County communities; now, therefore, be it

RESOLVED by the House of Delegates, That the Spirit of Freedom marching band of Freedom High School hereby be commended for being named the Virginia Class 5A state champion at the 2013 USBands State Championships; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Spirit of Freedom marching band as an expression of the House of Delegates' admiration for the band's success and best wishes for the future.

HOUSE RESOLUTION NO. 150

Commending Brent Miller.

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, Brent Miller, a generous Loudoun County resident and an educator who promotes the importance of healthy lifestyles, completed the 2013 New York City Marathon only months after donating one of his kidneys to a fellow community member; and

WHEREAS, currently serving as the assistant athletic director at Freedom High School, Brent Miller has promoted the importance of exercise and healthy life decisions as a physical education teacher; he has also ably led several sports programs at the school; and

WHEREAS, in January 2013, Brent Miller selflessly offered to donate one of his kidneys to a community member in need; thanks to his generosity, the recipient, a teacher and mother of four grown children, is enjoying improved health; and

WHEREAS, showing exceptional determination, Brent Miller continued to train for the New York City Marathon—his 11th marathon—after the procedure, and he successfully completed the race on November 3, 2013; and

WHEREAS, a devoted family man, Brent Miller and his wife, Jessica, have two daughters, Addison and Makenna; now, therefore, be it

RESOLVED by the House of Delegates, That Brent Miller hereby be commended on completing the 2013 New York City Marathon after donating a kidney to a fellow Loudoun County resident; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brent Miller as an expression of the House of Delegates' admiration for his generous spirit and service to the community.

HOUSE RESOLUTION NO. 151

Commending Thomas A. Moorehead.

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, Thomas A. Moorehead has become the first African American to own a Rolls-Royce automobile dealership; in 2013, he took the helm of Rolls-Royce Motor Cars Sterling in Loudoun County, becoming one of only 35 Rolls-Royce dealers in the nation; and

WHEREAS, Thomas Moorehead is an American success story epitomizing hard work, forward thinking, and an entrepreneurial spirit; born in Monroe, Louisiana, he earned an undergraduate degree from Grambling State University and a master's degree from the University of Michigan and currently is pursuing a doctoral degree; and

WHEREAS, after university, Thomas Moorehead entered the corporate world and later worked for the University of Michigan; in 1988, he went into business for himself, purchasing a Buick and Isuzu dealership in Omaha, Nebraska; and

WHEREAS, in 1995, Thomas Moorehead opened a Buick and GMC dealership in Decatur, Illinois; four years later, he sold that business and came to the Commonwealth to become owner/operator of BMW of Sterling and MINI of Sterling; and

WHEREAS, Thomas Moorehead's BMW dealership is one of the top franchises in the United States in unit sales and customer satisfaction; his company's repair bays have stayed open 22 hours a day to satisfy service requests, and technicians routinely deliver parts to customers' homes; and

WHEREAS, with a strong focus on customer service, Thomas Moorehead's employees also will pick up, service, and return automobiles that have been parked at nearby Dulles International Airport while the vehicles' owners are away; and

WHEREAS, Thomas Moorehead served two terms on the Virginia Motor Vehicle Dealer Board, to which he was first appointed in 2005 by Governor Mark R. Warner; his business ventures include ownership of other automobile dealerships and nine hotels; and

WHEREAS, in 2012, Thomas Moorehead was named the African-American Dealer of the Year, an award that recognizes and honors diversity in the automobile industry, and he currently chairs the National Association of Minority Automobile Dealers; and

WHEREAS, Thomas Moorehead belongs to the Baltimore chapter of the National Association of Guardsmen, Inc., and the Northern Virginia chapters of Sigma Pi Phi and Kappa Alpha Psi fraternities, and he is a 33rd degree Mason; now, therefore, be it

RESOLVED by the House of Delegates, That Thomas A. Moorehead hereby be commended for being the first African American to own a Rolls-Royce automobile dealership, Rolls-Royce Motor Cars Sterling in Loudoun County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Thomas A. Moorehead as an expression of the House of Delegates' respect and admiration for his hard work and success and for the good example he sets in the Commonwealth.

HOUSE RESOLUTION NO. 152

Commending Ric Martin.

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, Ric Martin, a selfless and caring member of the Loudoun County community, completed his 500th blood platelet and plasma donation at Inova Blood Donor Services on December 14, 2013; and

WHEREAS, a generous and dedicated servant to the community, Ric Martin has been donating blood for more than 30 years, and he has spent at least 46 days' worth of time donating blood; and

WHEREAS, according to U.S. Food and Drug Administration regulations, an individual may only donate whole blood every eight weeks, plasma and platelets every four weeks, and platelets every two weeks; if a person were to begin donating every two weeks, it would take 21 years to accomplish what Ric Martin has achieved; and

WHEREAS, Ric Martin served as a volunteer at Inova Blood Donor Services for two years, before becoming the donor recruiter; as blood platelets are often in short supply, Ric Martin encourages other members of the community to be proactive in donating blood platelets, in addition to whole blood and plasma; and

WHEREAS, through his benevolent acts, Ric Martin has been a positive force in the community, bettering countless patients' lives on a daily basis and helping improve their overall health; now, therefore, be it

RESOLVED by the House of Delegates, That Ric Martin hereby be commended on the occasion of his 500th blood platelet and plasma donation in December 2013; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ric Martin as an expression of the House of Delegates' admiration for his devoted service to the members of the Loudoun County community.

HOUSE RESOLUTION NO. 153

Commending Will Sonak, DC.

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, Will Sonak, DC, a chiropractor and community leader in Sterling, has worked to serve and better the lives of his fellow Loudoun County residents for more than a decade; and

WHEREAS, a native of Front Royal, Will Sonak earned a bachelor's degree from The College of William and Mary in 1992 and graduated with honors from Life University in Marietta, Georgia, in 1999; and

WHEREAS, an experienced care provider, Dr. Sonak worked in two chiropractic offices before opening Sonak Family Chiropractic & Life Wellness in April 2002; and

WHEREAS, Dr. Sonak serves the chiropractic needs of the Ashburn, Herndon, Leesburg, Reston, and Sterling communities; his wife, Alison, is a registered dietitian who provides nutritional counseling and health consultations; and

WHEREAS, also specializing in pregnancy and pediatric care, Dr. Sonak offers free chiropractic care for children at two monthly clinics; and

WHEREAS, a leader in the chiropractic field, Dr. Sonak is a member of state, national, and international professional organizations and donates his time and talents to many civic and service organizations; and

WHEREAS, Dr. Sonak cares deeply for the Loudoun County community and has supported his fellow residents by hosting fundraisers for the Loudoun Free Clinic and Loudoun Interfaith Relief, and he is a strong supporter of the Loudoun Hounds baseball team; now, therefore, be it

RESOLVED by the House of Delegates, That Will Sonak, DC, hereby be commended for his outstanding service to the community as a chiropractor and philanthropist; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Will Sonak, DC, as an expression of the House of Delegates' admiration for his commitment to increasing the health and well-being of his fellow Loudoun County residents.

HOUSE RESOLUTION NO. 154

Celebrating the life of the Reverend Hubert T. Alexander, Sr.

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, the Reverend Hubert T. Alexander, Sr., an accomplished educator and a leader in the Williamsburg community, died on December 7, 2013; and

WHEREAS, a native of Eatonville, Florida, Hubert Alexander graduated from Robert Hungerford High School and continued his education at Tuskegee University; and

WHEREAS, as a loyal member and leader of First Baptist Church in Williamsburg for 56 years, Hubert Alexander served the community as a deacon, an adult Sunday school teacher, and a Bible study teacher; he also served as a former chair of the Diaconate and authored the book *God's Awesome Handiwork*; and

WHEREAS, Hubert Alexander was a devoted and enthusiastic educator; he operated a cooking and baking class at Tuskegee Institute and served on advisory boards at Tuskegee Institute, Bethune-Cookman University, the University of Maryland Eastern Shore, and Virginia State University; and

WHEREAS, Hubert Alexander later founded the Hospitality Management Program at Norfolk State University, where he was honored for his outstanding contributions to the industry, and he served as an adjunct instructor and interim program director at Virginia State University; and

WHEREAS, Hubert Alexander was the first African American to hold a management position in the hospitality industry in Colonial Williamsburg; over his 31-year career, he held many positions in the area's hospitality and food service industries; and

WHEREAS, Hubert Alexander was an active and responsible citizen of the City of Williamsburg; he offered his wisdom and experience to many organizations, including the Redevelopment and Housing Authority, Williamsburg Community Hospital, and Williamsburg Regional Library; and

WHEREAS, predeceased by his son, Hubie, Hubert Alexander will be fondly remembered and greatly missed by his wife of 60 years, Bobbye; daughters, Catherine and Pearl, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Hubert T. Alexander, Sr., a devoted educator and a pillar of the Williamsburg community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Hubert T. Alexander, Sr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 155

Celebrating the life of Robert Daniel Morgan.

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, Robert Daniel Morgan of Chantilly, a devoted husband and father, a political consultant, and a valued member of the community, died on August 28, 2013; and

WHEREAS, a native of Sacramento, California, Robert Daniel "Dan" Morgan graduated from Brigham Young University; before moving to the Commonwealth to work for the National Republican Congressional Committee, he was a producer, manager, and promoter in the music industry; and

WHEREAS, Dan Morgan, who was considered a mentor by many people, became the owner of a successful consulting business, Morgan, Meredith & Associates, a full-service political fundraising firm, whose clients included many members of Congress; and

WHEREAS, Dan Morgan loved time spent with his grandchildren, gardening, and working on his yard; Christmas was a favorite time of year—his house and yard in South Riding were decorated with more than 10,000 lights—and he dressed up as Santa Claus to hand out candy canes; and

WHEREAS, Dan Morgan will be greatly missed and fondly remembered by his wife, Shelly; children Makensie, Cassidy, Jake, and Colby, and their families; and many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Robert Daniel Morgan, a devoted husband and father, political consultant, and a valued member of the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert Daniel Morgan as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 156

Commending Dr. James R. Prince.

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, Dr. James R. Prince, a devoted optometrist who cared for thousands of patients in the Northern Neck, retired after almost six decades of service to the community; and

WHEREAS, a native of Canton, Ohio, James Prince served his country in the United States Navy; he graduated from Tufts University and what is now known as the New England College of Optometry; and

WHEREAS, Dr. Prince moved to the Commonwealth in the 1950s; in 1960, he purchased a practice in the Northern Neck, where he would spend the majority of his career, often as the region's only optometrist; and

WHEREAS, Dr. Prince's practice was a valued institution in the community for 57 years; admired for his deep dedication to his patients, he was known to meet patients in need of emergency treatment, no matter the time or place; and

WHEREAS, a respected leader in the field of optometry, Dr. Prince offered his wisdom and expertise to several boards and professional organizations; he was named the Virginia Optometric Association's Optometrist of the Year in 1976 and earned the group's Distinguished Achievement Award in 1994; and

WHEREAS, Dr. Prince plans to spend his well-earned retirement in Kilmarnock with his wife, Sylvia, and enjoy time with his five children and nine grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, That Dr. James R. Prince hereby be commended on the occasion of his retirement after almost six decades of service to the community as an optometrist; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. James R. Prince as an expression of the House of Delegates' admiration for his commitment to caring for the members of the Northern Neck community and best wishes on his retirement.

HOUSE RESOLUTION NO. 157

Commending Christina Dempsey.

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, Christina Dempsey of Fredericksburg is working to raise awareness for the victims of automobile accidents and promote driver safety through her "Losing Loved Ones in a Tragic Automobile Accident" ribbons; and

WHEREAS, in August 2013, Christina Dempsey lost her sister, Bethany; niece, Lauren; and soon-to-be niece, Abigail, in a tragic multiple-vehicle crash; since then, she has begun an awareness campaign to provide comfort and support to the families of automobile accident victims; and

WHEREAS, Christina Dempsey developed the "Losing Loved Ones in a Tragic Automobile Accident" commemorative ribbon for her campaign; the three-striped ribbon is black, like many other ribbons representing tragic events, with purple, her sister's favorite color, and green, her niece's favorite color; and

WHEREAS, the black stripe on Christina Dempsey's ribbon represents loss, the purple stripe represents purpose, and the green stripe represents life; and

WHEREAS, through her admirable efforts to help and serve others, Christina Dempsey brings honor to her family, the community, and the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That Christina Dempsey hereby be commended for her efforts to raise awareness for the victims of automobile accidents and promote driver safety; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Christina Dempsey as an expression of the House of Delegates' admiration for her noble mission.

HOUSE RESOLUTION NO. 158

Commending Union Tae Kwon Do Center.

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, Union Tae Kwon Do Center has helped students in the South Riding community achieve self-discipline and lead healthy lifestyles for 15 years; and

WHEREAS, founded by longtime martial artists Randy and Lucia Faleski, Union Tae Kwon Do Center has imparted the values of the school's motto, "Hard Work Equals High Achievement," to thousands of students since 1999; and

WHEREAS, Taekwondo, a modern Korean martial art, combines self-defense techniques with sport, exercise, and physical and mental discipline; and

WHEREAS, today, the dedicated employees of Union Tae Kwon Do Center, including the Faleskis' daughter, Cecilia, teach students between the ages of five and 60 at two locations in the area; and

WHEREAS, students at Union Tae Kwon Do Center may earn up to 10 different belts as they advance through the ranks; the center's students have shown exceptional commitment to the art, staying with the program for an average of five years; and

WHEREAS, Union Tae Kwon Do Center strives to support and encourage the youth of the community, offering extensive after-school programs and placing a high emphasis on academic achievement; the center led martial arts and fitness activities at four different science, technology, engineering, and mathematics camps in 2013; now, therefore, be it

RESOLVED by the House of Delegates, That Union Tae Kwon Do Center hereby be commended on the occasion of its 15th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Union Tae Kwon Do Center as an expression of the House of Delegates' admiration for the center's outstanding service to the South Riding community.

HOUSE RESOLUTION NO. 159

Celebrating the life of Abigail Randi-Mae Cullen.

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, Abigail Randi-Mae Cullen, a beloved daughter, granddaughter, and sister in Warsaw, died tragically on August 27, 2013; and

WHEREAS, Abigail "Abby" Cullen was an active, beautiful, and loving child who spread joy to everyone she met; and

WHEREAS, a member of a Richmond County Little League softball team, Abby Cullen was known as a wonderful friend and teammate; and

WHEREAS, Abby Cullen and her family enjoyed fellowship and worship with the community at Rappahannock Church of Christ in Warsaw; and

WHEREAS, Abby Cullen will be fondly remembered and deeply missed by her parents, Michael II and Shannon; brother, Michael III; grandparents, Doug, Debbie, Mike, and Faye; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the tragic loss of Abigail Randi-Mae Cullen, a vibrant and talented member of the Warsaw community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Abigail Randi-Mae Cullen as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 160

Commending Aaron S. Huff.

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Aaron S. Huff, a sophomore at Greensville County High School and member of Boy Scout Troop 209, has completed the requirements to attain the rank of Eagle Scout; and

WHEREAS, Aaron S. Huff has been an active member of the Scouting program for many years, works part-time at the CVS Pharmacy in Emporia, helps fellow Scouts with their Eagle projects, participates in fundraising campaigns for his troop, and is a dedicated volunteer with Vacation Bible School at Faith Baptist Church in Emporia, where he is a faithful member; and

WHEREAS, Aaron S. Huff has held several Scouting positions, including assistant patrol leader, patrol leader, webmaster, scribe, and chaplain's aide; and

WHEREAS, for his Eagle Scout project, Aaron S. Huff decided to beautify and landscape the grounds of his church from March 16, 2013, to March 30, 2013; he delivered soil, mulch, and cement to the church grounds and molded the materials into the shape of a cross, planted flowers, and installed a flagpole on which the Christian Flag was raised and a plaque in memory of his maternal and paternal grandfathers, the Reverend Melvin Prince, Sr., and Norris D. Huff, and Nancy Hebron, with whom he had a special relationship; and

WHEREAS, an Eagle Scout ceremony was held for Aaron S. Huff, a well-rounded and talented young man, on January 25, 2014, at Faith Baptist Church in Emporia; and

WHEREAS, Aaron S. Huff exemplifies the ideals of the Boy Scouts and provided a valuable service to his church and the community through his Eagle Scout project; now, therefore, be it

RESOLVED by the House of Delegates, That Aaron S. Huff, hereby be commended on earning the rank of Eagle Scout; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Aaron S. Huff, Eagle Scout, as an expression of the General Assembly's congratulations and admiration for his achievements and service to the community.

HOUSE RESOLUTION NO. 161

Commending Virginia-1 Disaster Medical Assistance Team.

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, in the fall of 2003, the United States Public Health Service officially recognized the Virginia planning effort and established Virginia-1 Disaster Medical Assistance Team as a developmental team within the National Disaster Medical System; recruitment began in December of 2003, and the first team meeting was held in February of 2004; and

WHEREAS, during its first year of existence, Virginia-1 Disaster Medical Assistance Team (VA-1 DMAT) and the National Disaster Medical System (NDMS) moved from the United States Department of Health and Human Services into the Federal Emergency Management Agency within the new Department of Homeland Security; and

WHEREAS, in the spring of 2005, VA-1 DMAT provided medical support for the Air Power Over Hampton Roads Air Show, held over three days at the Langley Air Force Base in Hampton; and

WHEREAS, VA-1 DMAT members quickly demonstrated that they were worthy of their new designation; VA-1 DMAT members deployed individually, as strike teams, and as full DMAT teams to Hurricanes Dennis, Emily, Katrina, Ophelia, Rita, and Wilma between July and November 2005; and

WHEREAS, in 2007, NDMS and VA-1 DMAT moved back to the Department of Health and Human Services under a new Assistant Secretary for Preparedness and Response, created by the Pandemic and All-Hazards Preparedness Act; in 2010, VA-1 DMAT responded to its first international deployment in response to the earthquake in Haiti; and

WHEREAS, in 2012, VA-1 DMAT deployed to New Orleans, Louisiana, for Hurricane Isaac and New Lisbon, New Jersey, and New York City, New York, for Hurricane Sandy; and

WHEREAS, DMATs are designed to be a rapid-response element to supplement local medical care until other federal or contract resources can be mobilized or the situation is resolved; and

WHEREAS, DMAT personnel are required to maintain appropriate certifications and licensure within their discipline; now, therefore, be it

RESOLVED by the House of Delegates, That Virginia-1 Disaster Medical Assistance Team hereby be commended on the occasion of its 10th anniversary for their distinguished service and for all of their activities throughout the Commonwealth and the United States; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Virginia-1 Disaster Medical Assistance Team as an expression of the House of Delegates' gratitude for its valuable contributions and many years of service to the Commonwealth.

HOUSE RESOLUTION NO. 162

Commending Mike O'Neil.

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Mike O'Neil, a community icon in Newport News, retired as the owner of Mike's Place Irish Restaurant on December 31, 2013; and

WHEREAS, Mike O'Neil founded Mike's Place as a sports bar in 1981; Mike's Place later expanded to a full, sit-down restaurant and adopted an Irish pub theme, with Mike O'Neil's wife, Kippe, preparing desserts; and

WHEREAS, new to the restaurant business, Mike O'Neil surrounded himself with an outstanding staff and built a family-like culture that helped the restaurant succeed and continued to serve the community for more than three decades; and

WHEREAS, a renowned storyteller, Mike O'Neil has entertained generations of customers with jokes and sports banter as they await delicious fare, such as the restaurant's signature Big O Burger; and

WHEREAS, Mike's Place earned many loyal, regular customers, including prominent members of the community and even a former Virginia Governor, and the restaurant has hosted many celebrations, memorial services, and Irish wakes over the years; and

WHEREAS, Mike O'Neil officially sold his restaurant to new owners in 2014, but he still greets customers and friends at his customary table; now, therefore, be it

RESOLVED by the House of Delegates, That Mike O'Neil hereby be commended on the occasion of his retirement as owner of Mike's Place Irish Restaurant; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mike O'Neil as an expression of the House of Delegates' admiration for his contributions to the Newport News community.

HOUSE RESOLUTION NO. 163

Commending Robin Bonnett McArthur:

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Robin Bonnett McArthur, a small business owner and active participant in civic organizations from Newport News, has proudly served her community and the Commonwealth for the past 40 years; and

WHEREAS, as a vocational office training student at Warwick High School, Robin Bonnett McArthur acquired the specific skill set and knowledge necessary to follow her chosen career path; upon graduation in 1972, she became a legal secretary for a local attorney; and

WHEREAS, Robin Bonnett McArthur continued to work as a legal secretary for numerous attorneys on the Virginia Peninsula until she began raising her three children in the late 1970s; and

WHEREAS, in 1988, Robin Bonnett McArthur founded Peninsula Title Company, Inc., a small, women-owned business that has assisted in the purchase-and-sale of over 40,000 real estate transactions in the Newport News community; and

WHEREAS, a true representative of the entrepreneurial spirit, Robin Bonnett McArthur has created over 50 jobs for women and minorities during the last 26 years and has offered unique employment opportunities through her small business; and

WHEREAS, an active member of the community, Robin Bonnett McArthur was a director of the Peninsula SPCA, was awarded Affiliate of the Year in the 1990s for her work with the Virginia Peninsula Association of Realtors, and currently serves on the board of directors for the Newport News Rotary Club; and

WHEREAS, the success of Peninsula Title Company, Inc., is attributed to the dedication of Robin Bonnett McArthur and the support of her three children, Shea, Brienne, and Tripp, and their families; now, therefore, be it

RESOLVED by the House of Delegates, That dedicated public servant and small business owner Robin Bonnett McArthur hereby be commended; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robin Bonnett McArthur as an expression of the House of Delegates' respect and admiration for her years of service to the Newport News community.

HOUSE RESOLUTION NO. 164

Celebrating the life of Lloyd U. Noland, Jr.

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Lloyd U. Noland, Jr., a respected businessman and a devoted community leader in Newport News, died on February 7, 2014; and

WHEREAS, a lifelong resident of the Virginia Peninsula, Lloyd Noland had deep roots in the area; and

WHEREAS, Lloyd Noland graduated from Newport News High School in 1935 and earned a bachelor's degree from Dartmouth College in 1939; he later received honorary doctorates from The College of William and Mary and Christopher Newport University; and

WHEREAS, a well-known and successful business owner, Lloyd Noland was the former president and CEO of Noland Co., a family-owned plumbing, heating, air-conditioning, and industrial supply company that has faithfully served the Newport News community for many years; and

WHEREAS, throughout his career, Lloyd Noland also offered his leadership and wisdom to many other companies in the Commonwealth; and

WHEREAS, a kind and generous man, Lloyd Noland worked to enhance the community by donating his time and talents to many civic and service organizations; he was an avid outdoorsman who worked to preserve and improve access to the Peninsula's beautiful, natural spaces; and

WHEREAS, in honor of Lloyd Noland's outstanding contributions to the community, the Noland Trail at the Mariners' Museum, the surgical center at Children's Hospital of the King's Daughters, and the Chesapeake Bay deep water aquarium at the Virginia Living Museum all bear his name; and

WHEREAS, predeceased by his wife of 71 years, Jane, and daughters, Martha and Susan, Lloyd Noland will be fondly remembered and greatly missed by his children, Lloyd III and Anne, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Lloyd U. Noland, Jr., an admired businessman and a pillar of the Newport News community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lloyd U. Noland, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 165

Celebrating the life of Joseph Albert Day.

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Joseph Albert Day of Burkeville, a man of faith who loved people and had many friends, died on January 28, 2014; and

WHEREAS, Joseph Albert "Bert" Day graduated from Nottoway High School and attended Saint Paul's College in Lawrenceville; and

WHEREAS, Bert Day was a cheerful presence among his family, friends, and neighbors; he possessed a generosity of spirit and was fun-loving; fishing was one of his favorite hobbies; and

WHEREAS, faith was a vital part of Bert Day's life; he enjoyed fellowship and worship at Mt. Gilead Full Gospel Church in Richmond; he was baptized at Gravel Hill Baptist Church in Jetersville when he was young and previously had worshipped at the Jesus Center in Appomattox; and

WHEREAS, Bert Day was a friend to many people around his central Virginia home, all of whom will miss him dearly; and

WHEREAS, predeceased by a sister, Sandra, Bert Day will be greatly missed and fondly remembered by his mother, Mattie; sisters, Jeanette, Mattie, Mabel, Daisy, Judith, and Joyce; brother William; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Joseph Albert Day of Burkeville, a man of faith who loved people and had many friends; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Joseph Albert Day as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 166

Commending Caleb Shane Tanner.

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Caleb Shane Tanner, a varsity basketball player for Floyd County High School, became the leading scorer in Virginia High School League history, with 2,713 points, achieved on February 20, 2014; and

WHEREAS, the senior broke the previous record of 2,687 points during the first quarter of a game against Giles High School when he scored after a steal; by game's end, Caleb Tanner had amassed 36 points, handily surpassing the previous record, which was set in 1997; and

WHEREAS, the River Run Conference game—a Virginia High School League Group 2A semifinal, which Floyd County won 81-62—was halted after Caleb Tanner's history-making basket, in order to present him with the game ball; the record was set before Floyd County competed in the conference championship the next day; and

WHEREAS, Floyd County High School head coach Brian Harman credited Caleb Tanner's hard work, focus, and talent as major factors in his player's outstanding accomplishment; the achievement was a huge one and well-deserved; and

WHEREAS, Caleb Tanner is a highly ranked basketball player in other areas; he is a top three-point scorer both in a single game and in a season; he has had four 50-point games in a season, and has an impressive free-throw percentage of 90.8; now, therefore, be it

RESOLVED by the House of Delegates, That Caleb Shane Tanner, a varsity basketball player for Floyd County High School, hereby be commended for being the leading scorer in Virginia High School League history, with 2,770 points; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Caleb Shane Tanner as an expression of the House of Delegates' congratulations and admiration for his outstanding achievement.

HOUSE RESOLUTION NO. 167

Commending the Christiansburg High School wrestling team.

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, the Christiansburg High School wrestling team won its 13th team title in the Virginia High School League Group 3A state championship in February 2014; and

WHEREAS, senior Coy Ozias earned a 23-8 tech fall victory to capture his fourth individual state championship, and he finished his Virginia career with an astounding 181-7 record, including a 49-1 record this season; teammate David Giantonio also widened the team's margin with an 8-0 victory; and

WHEREAS, winning by an 18.5-point margin, the combined efforts of the wrestlers earned the Christiansburg High School wrestling team a total score of 101.5 points; and

WHEREAS, ably led by head coach Daryl Weber, each member of the Christiansburg High School wrestling team contributed to the victorious season with hard work, passion, and determination; and

WHEREAS, the team's success is also due to the dedication of the coaching staff and the enthusiastic support of the entire Christiansburg High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Christiansburg High School wrestling team hereby be commended on winning its 13th team title in the Virginia High School League Group 3A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Daryl Weber, head coach of the Christiansburg High School wrestling team, as an expression of the House of Delegates' admiration for the team's skill and dedication and best wishes for the future.

HOUSE RESOLUTION NO. 168

Commending the Hidden Valley High School boys' swim team.

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, the 2013-2014 Hidden Valley High School boys' swim team won the Virginia High School League Group 3A swim and dive state championship on February 21, 2014; and

WHEREAS, topping the second-place team by 11 points, the Hidden Valley High School boys' swim team scored a cumulative 233 points to win their second consecutive state championship; and

WHEREAS, Hidden Valley High School placed second in the 200-yard medley relay, fourth in the 200-yard freestyle, and sixth in the 400-yard freestyle; Jacob Gibbs placed fourth in the 50-yard freestyle and second in the 100-yard freestyle; Will Moles placed sixth in the 100-yard butterfly; and Benjamin Schmidt placed fourth in the 100-yard breaststroke; and

WHEREAS, each member of the Hidden Valley High School boys' swim team posted consistently fast times throughout the tournament to achieve victory; and

WHEREAS, the Hidden Valley High School boys' swim team was ably coached by Danielle Dillon, a Hidden Valley High School alumna; and

WHEREAS, the victory is a testament to the hard work and perseverance of each of the athletes; the leadership of the coaches and staff; and the support of the entire Hidden Valley High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the 2013-2014 Hidden Valley High School boys' swim team hereby be commended on winning the Virginia High School League Group 3A swim and dive state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Danielle Dillon, head coach of the Hidden Valley High School boys' swim team, as an expression of the House of Delegates' admiration for the team's determination and skill.

HOUSE RESOLUTION NO. 169

Commending the W. T. Woodson High School boys' basketball team.

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, the W. T. Woodson High School boys' basketball team won the Virginia High School League Group 6A North Regional championship on March 1, 2014; and

WHEREAS, the W. T. Woodson Cavaliers defeated conference rival Lake Braddock Secondary School 66-56 to claim their second consecutive regional trophy; and

WHEREAS, in a tense game, the W. T. Woodson Cavaliers built up a 40-31 lead at the half; despite a comeback by the Lake Braddock Bruins, timely and accurate shooting from several of the Cavaliers helped the team pull away with the victory; and

WHEREAS, junior Eric Bowles scored 17 points and was named the most valuable player of the regional tournament; and

WHEREAS, with the regional victory, the W. T. Woodson Cavaliers improved their record to 21-8 overall and advanced to the Virginia High School League state semifinal on March 8, 2014; and

WHEREAS, the victory is due to the hard work of each of the players, the able leadership of the coaches and staff, and the enthusiastic support of the entire W. T. Woodson High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the W. T. Woodson High School boys' basketball team hereby be commended on winning the Virginia High School League Group 6A North Regional championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Doug Craig, head coach of the W. T. Woodson High School boys' basketball team, as an expression of the House of Delegates' admiration for the team's tenacity and skill and best wishes for the future.

HOUSE RESOLUTION NO. 170

Commending the West Springfield High School drama team.

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, the West Springfield High School drama team won the Virginia High School League Group 6A North Regional one-act play championship in February 2014; and

WHEREAS, in 2013, the West Springfield drama team won district, regional, and state competitions with a compelling, emotional piece about a teenager living with autism; and

WHEREAS, for the 2013-2014 season, the West Springfield drama team performed *Nerdicus (My Brother with Autism)*, a semi-biographical play that follows Eddie, a student with autism, his sister, Rachel, and their parents, all of whom are based on drama director Bernie DeLeo's own family; and

WHEREAS, senior Austin Morrison was honored as the Outstanding Male Actor in the region for his portrayal of Eddie; and

WHEREAS, with the regional victory, the West Springfield drama team earned a place in the Virginia High School League Group 6A state championship at Piedmont Virginia Community College in Charlottesville in March 2014; it is the team's second consecutive appearance in the state finals; and

WHEREAS, the team's victory is a testament to the hard work and talents of each member of the cast and crew, the leadership of Bernie DeLeo, and the enthusiastic support of the entire West Springfield High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the West Springfield High School drama team hereby be commended on winning the Virginia High School League Group 6A North Regional one-act play championship in February 2014; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bernie DeLeo, drama director of West Springfield High School, as an expression of the House of Delegates' admiration for the drama team's achievements and best wishes for the future.

HOUSE RESOLUTION NO. 171

Commending the Newport News and Suffolk Fire Departments.

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, on April 8, 2013, the Newport News and Suffolk Fire Departments responded to the scene of an accident where a tractor-trailer had nearly fallen over the side of the Monitor-Merrimac Memorial Bridge-Tunnel; and

WHEREAS, members of the Newport News Fire Department's Technical Rescue Team—an elite unit specializing in complex and dangerous rescue missions—devised a plan to rescue the driver, who was trapped in the truck's cab, which was hanging precariously over the side of the bridge; and

WHEREAS, Scott Dye was strapped into a special harness and lowered from the rescue bucket of a Suffolk Fire Department fire truck; he provided the trapped driver with an additional harness and a life preserver; and

WHEREAS, with rescue boats standing by, firefighters from Newport News pulled the driver from the cab, and they hoisted her to safety on the bridge; and

WHEREAS, the Newport News and Suffolk Fire Departments showed a high degree of professionalism in coordinating the rescue effort under unexpected and extreme conditions; and

WHEREAS, the incident is a reminder of the daily dangers bravely faced by first responders in their mission to safeguard the citizens of the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That the Newport News and Suffolk Fire Departments hereby be commended for their life-saving efforts in rescuing a truck driver on April 8, 2013; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Newport News and Suffolk Fire Departments as an expression of the House of Delegates' admiration and respect.

HOUSE RESOLUTION NO. 172

Commending the Philippine Cultural Center of Virginia.

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, the Philippine Cultural Center of Virginia in Virginia Beach, the only cultural center of its kind in the Commonwealth, unites the region's large and diverse Filipino community; and

WHEREAS, in 1976, the presidents of several Filipino groups in Hampton Roads came together to form the Council of United Filipino Organizations of Tidewater; the organization's primary mission was to build a place to preserve and showcase the unique heritage and traditions of the Filipino culture; and

WHEREAS, the Council of United Filipino Organizations of Tidewater was officially incorporated in 1979; volunteers from the organization upgraded a small, brick ranch house as a meeting place for activities and private parties called the Philippine Cultural Center; and

WHEREAS, construction of the current Philippine Cultural Center began in 1999 and was completed in 2000; the center was recognized as a historical building in the Commonwealth and has been praised as one of the largest and most beautiful Filipino cultural centers in the United States; and

WHEREAS, today, the Philippine Cultural Center is the Filipino community's premier meeting place for social celebrations, civic and religious functions, cultural and arts events, health and senior citizen programs, and historical presentations; and

WHEREAS, the Philippine Cultural Center is an active contributor to the region, raising money for various charitable causes and supporting youth activities; now, therefore, be it

RESOLVED by the House of Delegates, That the Philippine Cultural Center of Virginia hereby be commended for its outreach and service to the Filipino community in Virginia Beach and throughout the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Manuel Hipol, chairman of the Council of United Filipino Organizations of Tidewater, as an expression of the House of Delegates' admiration for the Philippine Cultural Center of Virginia's success and best wishes for the future.

HOUSE RESOLUTION NO. 173

Commending Montessori School of Herndon.

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, in 2014, Montessori School of Herndon celebrates its 30th anniversary of providing a nonsectarian, nontraditional, and comprehensive approach to education; and

WHEREAS, the goal of Montessori School of Herndon is to help all students acquire strong academic skills and become motivated, confident, and contributing members of society; the school in Fairfax County serves children ages two to 12; and

WHEREAS, the experienced teachers at Montessori School of Herndon challenge pupils to develop their minds and exchange ideas, and they also encourage ethical and logical thinking; many of the teaching staff have worked at the school for more than 20 years; and

WHEREAS, in the first three decades of its existence, the teachers and staff at Montessori School of Herndon have taught thousands of students, and many of their pupils have become leaders in their communities; and

WHEREAS, at Montessori School of Herndon, technology has been part of the early childhood program for many years; additionally, the school was the first of its kind in the area and also was the first local Montessori School to offer full-day and extended-day programs to help working families; and

WHEREAS, the program at Montessori School of Herndon is based on the abilities, needs, and interests of each child; a Montessori education provides a strong foundation, helping its students to remain inquiring learners throughout their lives and seek success; now, therefore, be it

RESOLVED by the House of Delegates, That Montessori School of Herndon hereby be commended on the occasion of its 30th anniversary and for its success in providing a nonsectarian, nontraditional, and comprehensive approach to education; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Montessori School of Herndon as an expression of the House of Delegates' congratulations and admiration for its vital work to educate the young people of the Commonwealth.

HOUSE RESOLUTION NO. 174

Celebrating the life of Dana Jay Gant.

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Dana Jay Gant, a loving husband and father, a man of faith, a retired officer in the United States Navy, an emergency management officer at Naval Medical Center Portsmouth, and a member of the Hampton Roads community, died on November 15, 2013; and

WHEREAS, Dana Gant was a native of Indianapolis, Indiana, and a graduate of Thomas Carr Howe High School; he earned an undergraduate degree from Central State University in Wilberforce, Ohio, and a master's degree from Eastern Virginia Medical School; and

WHEREAS, in 1982, Dana Gant enlisted in the United States Navy and became a hospital corpsman; two years later, he was commissioned as an officer in the Navy Medical Service Corps; he proudly served in the nation's military until 1996, when he retired with the rank of lieutenant; and

WHEREAS, after his military service, Dana Gant became a civil service employee; one of his many achievements was being named Civilian of the Year in 2006 while employed by the Joint Task Force-Civil Support of the United States Northern Command; and

WHEREAS, most recently, Dana Gant was serving as an emergency management officer at Naval Medical Center Portsmouth; and

WHEREAS, a man of faith, Dana Gant enjoyed fellowship and worship at Calvary Revival Church in Norfolk; he volunteered in many ways and was involved with the parking lot ministry and Christian education, and was a care group leader; and

WHEREAS, a man of many abilities, Dana Gant taught chemistry and biology at Calvary Christian Academy, and over the years he tutored and was a mentor to many young people; and

WHEREAS, Dana Gant will be greatly missed and fondly remembered by his wife, Rhonda; daughter, Tamika, and her family; and many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Dana Jay Gant of the Hampton Roads area, a loving husband and father, a man of faith, a retired officer in the United States Navy, and an emergency management officer at Naval Medical Center Portsmouth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dana Jay Gant as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 175

Commending the Rotary Club of Norfolk.

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, the Rotary Club of Norfolk, which has an esteemed history of service to Norfolk and the surrounding area, celebrates its 100th anniversary in 2014; and

WHEREAS, the Rotary Club of Norfolk was the third Rotary Club in the Commonwealth and was founded in 1914; through the years, it has sponsored other Rotary clubs in southeastern Virginia and northeastern North Carolina, and today, 40 area Rotary organizations trace their origins to the Norfolk club; and

WHEREAS, the nearly 150 members of the Rotary Club of Norfolk represent a broad range of business, nonprofit, education, government, and military professions; the group is proud of its strong support of civic and charitable projects; and

WHEREAS, members of the Rotary Club of Norfolk volunteer at the Foodbank of Southeastern Virginia and the Eastern Shore and help during Clean the Bay Day; the annual Norfolk Antique and Flea Market, which the Rotary Club sponsors, raises funds for many area charities; and

WHEREAS, the Rotary Club of Norfolk has created a charitable endowment fund, enabling the group to support many needs in southeastern Virginia; in 2013, more than \$20,000 was raised through the club's endeavors, and the grants went to environmental and human service organizations; and

WHEREAS, as a part of Rotary International, the Rotary Club of Norfolk supports the organization's goal of improving lives of people around the world, especially encouraging global efforts to eradicate polio, and bringing clean water to places in the world where it is scarce; now, therefore, be it

RESOLVED by the House of Delegates, That the Rotary Club of Norfolk, which has an esteemed history of service to Norfolk and the surrounding area, hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Susan Donn, president of the Rotary Club of Norfolk, as an expression of the House of Delegates' respect and admiration for its many years of commitment and service to the people of Norfolk and the surrounding area, the Commonwealth, and the global community.

HOUSE RESOLUTION NO. 176

Commending Zion Hill Baptist Church.

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Zion Hill Baptist Church in Victoria will dedicate and consecrate its newly reopened worship space on April 20, 2014, as its members celebrate 76 years of serving and uplifting the community; and

WHEREAS, the founders of Zion Hill Baptist Church first met at the home of Ellen Chappell; in 1938, the small group, which was most eager to establish a house of worship, received the deed to a plot of land in Lunenburg County, upon which the church now stands; and

WHEREAS, the first pastor of Zion Hill Baptist Church was the Reverend William A. Campbell; his successors through the years were the Reverend John Wood, the Reverend S. A. Fierce, the Reverend Clarence Seay, the Reverend Joseph Day, the Reverend James Hawthorne, the Reverend Archie Wilkins, and the Reverend John Ragsdale; the current pastor is the Reverend Trava Hawkins, and all of them have served the church with effectiveness, wisdom, and compassion; and

WHEREAS, the congregation of Zion Hill Baptist Church has been blessed with many long-serving trustees, deacons, and officers; church members also have volunteered to be members of the usher board, sing in the choir, work with young people, teach Sunday school, serve as Sunday school superintendent, and fill many other vital positions; and

WHEREAS, in its nearly eight decades of existence, the members of Zion Hill Baptist Church have strived to make it a place of faith and a beam of light to all who worship there, and to serve the community with diligence, devotion, and compassion; and

WHEREAS, in August 2013, the church members found it necessary to start construction of a new worship space; the new building will officially be dedicated at a special service on April 20, 2014, and the new facility will help church members fulfill their ministry and mission to serve the community; now, therefore, be it

RESOLVED by the House of Delegates, That Zion Hill Baptist Church in Victoria hereby be commended on the occasion of the dedication and consecration of its newly reopened worship space, which will take place on April 20, 2014, and for celebrating 76 years of serving and uplifting the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Trava Hawkins, pastor of Zion Hill Baptist Church, as an expression of the House of Delegates' respect and admiration for its many years of being a place of worship and ministering to the community and the Commonwealth.

HOUSE RESOLUTION NO. 177

Commending Elma Mankin.

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Elma Mankin, a lifelong resident of Herndon who is an active philanthropist and has contributed immensely to the community, will celebrate her 90th birthday on August 26, 2014; and

WHEREAS, beginning her career as the first secretary at her alma mater, Herndon High School, where she served for five years before beginning a family, she then became the first secretary at Herndon Elementary School where she remained for 25 years; and

WHEREAS, after her daughters were grown, Elma Mankin returned to school and received her associate's degree from Northern Virginia Community College graduating in 1989, summa cum laude, where she discovered a passion for art; and

WHEREAS, although art remains a hobby of hers, Elma Mankin's true calling has always been volunteering, an area in which she has helped make a difference in other's lives for numerous decades; and

WHEREAS, sharing her time and talents with many in the community, Elma Mankin has spent countless hours volunteering at many Herndon historical sites and has given over 4,500 hours of her time to Reston Hospital, assisting in the rehabilitation center since 1990; and

WHEREAS, Elma Mankin is also a member of the "Lunch and Fun Bunch," the Herndon Council for the Arts, and the Herndon United Methodist Church, where she has served as greeter and usher, as well as member of the Endowment Committee and History Committee, as well as a lifetime member of the Herndon Historical Society and a member since 1949 of the Herndon Women's Club, where she has served as the club historian and president, and served as Vice President of the Fairfax Federation of Woman's Clubs and treasurer of the Northern District Woman's Club; and

WHEREAS, earning numerous awards and accolades throughout her life, Elma Mankin received the Dr. Frist Humanitarian Award in 1996 and the Herndon Mayor's Distinguished Service Award in 1997, was the Herndon Rotary Club "Citizen of the Year" in 2001 where she was crowned Queen of Herndon, and was recognized at the Mayor's Volunteer Appreciation Night for her countless years of service to the community; and

WHEREAS, a proud and devoted family woman, Elma Mankin has lived a long and meaningful life marked by service to others; now, therefore, be it

RESOLVED by the House of Delegates, That Elma Mankin hereby be commended on the occasion of her 90th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Elma Mankin as an expression of the House of Delegates' congratulations and admiration for her decades of civic involvement and contributions to the Herndon community.

HOUSE RESOLUTION NO. 178

Celebrating the life of Yohance Nebuwa McClain.

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Yohance Nebuwa McClain, born on September 18, 1973, in Florence, South Carolina, transitioned to eternal life while singing praises to God in the choir of First Baptist Church of South Richmond, his church home, on Sunday, February 2, 2014; and

WHEREAS, Yohance Nebuwa McClain, known affectionately as "Hance," was reared in a loving and extended family, who believed and applied the Scripture "bring up a child in the way he should go and he will not depart from it," and instilled in him the value of education; and

WHEREAS, Yohance Nebuwa McClain attended the Florence School District One Public Schools, graduated from Wilson High School in 1992, where he was an active and dedicated drummer for the Marching Tiger Pride, and earned the bachelor of science degree in English from Claflin University, where he was a member of Kappa Alpha Psi Fraternity, Inc.; and

WHEREAS, after moving to Richmond, Yohance Nebuwa McClain began his employment with the Richmond City Public Schools and quickly found a church home at First Baptist Church of South Richmond, where he could continue to practice his faith and exercise his spiritual gifts as he did when a member of Salem United Methodist Church in Florence, South Carolina; and

WHEREAS, Yohance Nebuwa McClain's faith was his strength and he believed that God always was the answer to life's problems; he lived his brief life with joy in his heart and a song on his lips every day; as a member of the church choir and often a featured soloist, he sang from the very depths of his soul; and

WHEREAS, Yohance Nebuwa McClain, whose middle name means "warrior," was a "prayer warrior," who frequently was asked to pray at family occasions because he prayed fervently and powerfully to share God's love, grace, and mercy; and

WHEREAS, although he expressed strong opinions and was passionate about the things he loved, Yohance Nebuwa McClain was affectionate and kind, had a servant's heart and the ability to unify people, adored children and spent time with them, valued hosting and extending the hospitality of his home to family and friends while he grilled for them, was an avid Redskins fan, and loved to tell jokes that filled the room with his laughter, wit, and humor; and

WHEREAS, Yohance Nebuwa McClain will truly be missed by his family, friends, and church family, and everyone whose lives he touched will experience a great void in their hearts; however, they are encouraged to draw comfort and solace from precious memories of him and in knowing that he used his gifts to the glory of God; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Yohance Nebuwa McClain; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Yohance Nebuwa McClain as an expression of the General Assembly's respect for his memory.

HOUSE RESOLUTION NO. 179

Celebrating the life of William E. Albers.

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, William E. Albers, a respected businessman and consultant who served on many legislative and election campaigns over a distinguished 28-year career, died on February 28, 2014; and

WHEREAS, in the 1970s, William "Bill" Albers began a long career in government service with the Federal Bureau of Prisons, where he rose to a management position; he later joined the Department of Justice, where he served as a staff advisor to the attorney general and the deputy attorney general; and

WHEREAS, Bill Albers became the national fundraising director for the presidential campaign of James Earl Carter, Jr., in 1975; he later served as a member of the Carter Transition Team and helped create a volunteer citizens' criminal justice program; and

WHEREAS, Bill Albers was appointed by President Carter to serve on the Appalachian Regional Commission, where he led economic development efforts in 13 states; in 1979, he became the deputy assistant to the president for political affairs; and

WHEREAS, in 1982, Bill Albers founded Albers & Company, an Arlington-based state government relations and consulting firm, which has grown to become one of the premier consulting firms in the country of its type, serving state and local governments and businesses and organizations throughout the country; and

WHEREAS, over the course of his career, Bill Albers was a key resource and a recognizable fundraiser for government officials and candidates on both sides of the aisle; and

WHEREAS, Bill Albers was a proponent and early supporter of the Democratic Leadership Council, a nonprofit organization which helped launch the first presidential campaign of William Jefferson Clinton in 1992; and

WHEREAS, during the 1992 campaign, Bill Albers served as a member of the finance steering committee; in 1996, he served as the cochairman of the Democratic Leadership Council's Talent Inventory Project; and

WHEREAS, a devoted family man, Bill Albers will be fondly remembered and greatly missed by his wife, Pamela; son, Carter; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of an admired businessman with 28 years of experience in government service, William E. Albers; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William E. Albers as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 180

Commending the Robinson Secondary School boys' swim and dive team.

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, the Robinson Secondary School boys' swim and dive team kept the school's powerhouse reputation alive by winning the 2014 Virginia High School League Group 6A state championship on February 22, 2014, completing a perfect season; and

WHEREAS, it was a repeat performance for the Rams of Robinson Secondary School in Fairfax County; the team won the state title in 2013, and the school also won the state swim and dive championship seven consecutive times between 2003 and 2009; in total, the team has won nine of the past 12 state championships; and

WHEREAS, at the state meet, which was held in Richmond, the final score for Robinson Secondary School was 264 points; they defeated talented teams from Oakton High School and Frank W. Cox High School, who placed second and third respectively; and

WHEREAS, standout swimmers for the Robinson Rams include sophomores James Jones and James Murphy; James Jones became the state record holder of the 50-yard freestyle race, winning with a time of 20.75, and he also took first place in the 100-yard freestyle event, with a time of 46.13; both swimmers also qualified as All Americans; and

WHEREAS, James Murphy also displayed his talent and hard work by winning the 200-yard freestyle competition with a time of 1:39.21, and he also won the 500-yard freestyle race, with a time of 4:31.09; and

WHEREAS, the boys' team won two of the three relay events at the state championship meet; the 200-yard freestyle relay team and the 400-yard freestyle relay team from Robinson Secondary School took first place; Matt Jones, Matthew Honnold, Luke Jones, and James Murphy swam to a winning time of 1:26.45 in the 200-yard relay; and

WHEREAS, the Robinson Secondary School 400-yard relay team, consisting of James Murphy, Matt Jones, Luke Jones, and James Jones, won with a time of 3:06.48 to become the state record holders for the 400-yard freestyle relay; and

WHEREAS, the Robinson Rams finished the 2014 season with a 7-0 record in dual meets and won the conference, regional, and state titles; also, 10 members of the team individually qualified to compete in both the regional and state championship meets; and

WHEREAS, the Robinson Secondary School 2014 championship team had swimmers finish in the top four places in six out of eight individual events; all of the seniors on the team are headed to college and two of the seven members of the Class of 2014 plan to swim at the college level; and

WHEREAS, the champion swimmers, who are led by head coach Philip Caslavka, received strong support throughout the season from the students, staff, and fans of Robinson Secondary School; now, therefore, be it

RESOLVED by the House of Delegates, That the Robinson Secondary School boys' swim and dive team hereby be commended for winning the 2014 Virginia High School League Group 6A state championship and for having a perfect season; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Philip Caslavka, head coach of the Robinson Secondary School boys' swim and dive team, as an expression of the House of Delegates' congratulations and admiration for its championship season.

HOUSE RESOLUTION NO. 181

Commending Antioch Baptist Church.

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, in 2014, Antioch Baptist Church in Fairfax Station celebrates its 25th anniversary of providing worship, service, ministry, and outreach; and

WHEREAS, the founding pastor of Antioch Baptist Church was John Q. Gibbs; he led a group of four people in prayerful reflection for one year before establishing the church; the first service was held on January 8, 1989, in a Salvation Army chapel in Fairfax; and

WHEREAS, in addition to John Gibbs, the other founding members of Antioch Baptist Church were his wife, Deborah, his sister, Virginia Carter, and Bill and Kim Ryals, close friends of the Gibbses; and

WHEREAS, the purpose of Antioch Baptist Church is to love God and love others through worship, studying the word of God, volunteering to work in ministry, and reaching out to the world; and

WHEREAS, in the early years, the members of Antioch Baptist Church purchased land on Little Ox Road and built the church under the leadership of John Gibbs, who died in 1995; he left a rich legacy for the congregation to follow; and

WHEREAS, the current pastor of Antioch Baptist Church is Marshal L. Ausberry; he and his family joined the church in its first year, and during his tenure, the church has continued to thrive and offers many ministries and outreach efforts; and

WHEREAS, Antioch Baptist Church, which is known for its warmth and welcoming atmosphere, has a strong domestic and overseas missions program; church members also work with the homeless, the sick, the elderly, and people who are in jail; and

WHEREAS, other active ministries include a program for newcomers as well as people who have lived in the area for many years; Antioch Baptist Church continues to work with children, youth, single adults, and families; now, therefore, be it RESOLVED by the House of Delegates, That Antioch Baptist Church in Fairfax Station hereby be commended on the occasion of its 25th anniversary of providing worship, service, ministry, and outreach; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Marshal L. Ausberry, pastor of Antioch Baptist Church, as an expression of the House of Delegates' respect and admiration for its service and ministries that help people in Fairfax County, the Commonwealth, and the world.

HOUSE RESOLUTION NO. 182

Celebrating the life of Louis Mikkelsen Petersen.

Agreed to by the House of Delegates, March 7, 2014

WHEREAS, Louis Mikkelsen Petersen, a respected member of the Herndon community who uplifted others with his friendly manner and humble faith, died on August 24, 2013; and

WHEREAS, Louis "Lou" Mikkelsen Petersen was born on Whibdey Island in Washington state and spent his youth traveling around the country as part of his father's military service; and

WHEREAS, Lou Petersen attended Old Dominion University in Norfolk where he participated in his fraternity Tau Kappa Epsilon and spent his time during and after college serving in the Virginia National Guard; and

WHEREAS, after entering the life insurance industry, Lou Petersen thrived professionally, holding the Life Underwriter Training Council Fellow designation and winning the prestigious Robert S. Hap Day President's Cup given by the National Association of Insurance Financial Advisors; and

WHEREAS, serving as a member of the Independent Insurance Agents of Virginia's Legislative Committee, Lou Petersen attended the yearly "Day on the Hill" where he would brief representatives on important insurance issues; and

WHEREAS, Lou Petersen donated his time to his church, Holy Cross Lutheran Church, as a Sunday school teacher and youth leader organizer for rafting trips; he served on the Vestry and sang in the choir while he was a parishioner at Christ the King Lutheran Church; and

WHEREAS, in addition to being a dedicated follower of his faith, Lou Petersen was also a great community member and friend, who was instrumental in starting the Herndon Optimist Youth Lacrosse League, where he acted as the program's Boys and Girls commissioner and coached every year since the program began in 1995; and

WHEREAS, ever the family man, Lou Petersen, affectionately referred to by his children as their best friend, supported all three of his children in every aspect of their lives; and

WHEREAS, Lou Petersen will be fondly remembered and greatly missed by his wife, three children, and many other family members, friends, and the community of Herndon; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of a respected member of the Herndon community, Louis Mikkelsen Petersen; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Louis Mikkelsen Petersen as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 183

Commending the Isle of Wight Ruritan Club.

Agreed to by the House of Delegates, March 7, 2014

WHEREAS, in 2013, the Isle of Wight Ruritan Club proudly celebrated 65 years of service to the Isle of Wight County community; and

WHEREAS, since 1928, Ruritan Clubs throughout the Commonwealth and the country have dedicated themselves to improving communities and building a better America through fellowship, goodwill, and community service; and

WHEREAS, founded in October 1948, the Isle of Wight Ruritan Club has made many valuable contributions to the local community by providing needed funds to area organizations, promoting community fellowship, and assisting in service efforts; and

WHEREAS, the Isle of Wight Ruritan Club donates food and toys to families in need, assists military families, raises money to help community members pay for medical expenses, and runs an American Red Cross blood drive; and

WHEREAS, supporting the youth of the community, the Isle of Wight Ruritan Club donates to scholarships at Smithfield High School, Windsor High School, and Isle of Wight Academy; the club also participates in the Adopt-a-Highway program and conservation efforts; and

WHEREAS, Arthur Franklin Drewery, Sr., a charter member of the Isle of Wight Ruritan Club, is the only member to have continuously served in the club throughout its entire 65-year history; and

WHEREAS, all of the members of the Isle of Wight Ruritan Club have generously given of their time and talents over the years to make their community a better place to live and work and look forward to continuing to serve local residents in the future; now, therefore, be it

RESOLVED by the House of Delegates, That the Isle of Wight Ruritan Club hereby be commended on the occasion of its 65th anniversary in 2013; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Isle of Wight Ruritan Club as an expression of the House of Delegates' admiration for the club's commitment to serving the community.

HOUSE RESOLUTION NO. 184

Commending the Penderbrook Community Association.

Agreed to by the House of Delegates, March 7, 2014

WHEREAS, the Penderbrook Community Association, a neighborhood of 1,776 residences in Fairfax County, was named the 2013 Community Association of the Year by the Washington Metropolitan Chapter Community Associations Institute; and

WHEREAS, the Penderbrook Community Association is a master association for the entire Penderbrook neighborhood; the community features seven separate land bays built around a par 71 golf course and its lake; and

WHEREAS, Penderbrook, which is in the Fair Oaks section of Fairfax County, consists of executive style single-family homes, townhomes, and garden style condominiums; the attractive planned community's 18-hole championship golf course is popular with residents and area golfers alike; and

WHEREAS, the Penderbrook community, which is close to the intersection of U.S. Route 50 and Interstate 66, has attractive landscaping and housing designed for discerning homebuyers; the centrally located neighborhood is home to more than 4,000 people and is convenient to many businesses; and

WHEREAS, the exceptional amenities at Penderbrook include a fitness center, swimming pool complex, tennis courts, basketball courts, clubhouse, tot lot, and boardroom facility; the many and varied events held at the facilities bring the residents closer together; and

WHEREAS, the Washington chapter of the Community Associations Institute honored the Penderbrook Community Association for its governance, board procedures, financial management, committee structure, crime prevention efforts, communications, and insurance preparedness; and

WHEREAS, the residents of Penderbrook make many valuable contributions to local businesses, organizations, and the surrounding communities; now, therefore, be it

RESOLVED by the House of Delegates, That the Penderbrook Community Association hereby be commended for being named the 2013 Community Association of the Year by the Washington Metropolitan Chapter Community Associations Institute; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to David Braun, president of the Penderbrook Community Association, as an expression of the House of Delegates' congratulations and admiration for its success in making the Penderbrook community in Fairfax County an attractive place to live and raise a family.

HOUSE RESOLUTION NO. 185

Celebrating the life of George Gordon Dwyer.

Agreed to by the House of Delegates, March 7, 2014

WHEREAS, George Gordon Dwyer of Fredericksburg, a proud and loyal veteran and a dedicated civil servant, died on March 4, 2014; and

WHEREAS, a native of Taunton, Massachusetts, Gordon Dwyer joined many of the other young men of his generation in service to his country during World War II; he served as the senior gunner's mate on the USS *Prestige*; and

WHEREAS, Gordon Dwyer graduated from Tufts University and pursued careers in social work and criminal justice; he served communities in Massachusetts and the Commonwealth as a corrections officer, social worker, marriage counselor, probation officer, and sheriff's deputy; and

WHEREAS, as a member of the Fredericksburg Area Veterans' Council, Gordon Dwyer was instrumental in establishing the Fredericksburg Area War Memorial; and

WHEREAS, Gordon Dwyer helped preserve the nation's history by participating in Revolutionary War reenactments, and he offered his time and leadership to the Forty and Eight veterans organization, Spotsylvania American Legion Post 320, the Veterans of Foreign Wars, and the Virginia Defense Force; and

WHEREAS, Gordon Dwyer enjoyed fellowship and worship as a member of Lake of the Woods Church in Locust Grove, and he was a lifelong member of the Congregational Church of Westborough, Massachusetts; and

WHEREAS, Gordon Dwyer will be fondly remembered and greatly missed by his wife of 64 years, Verna; children, Bruce, Robert, Janice, Jeffrey, Thomas, and Laurie, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of George Gordon Dwyer, a veteran, civil servant, and active member of the Fredericksburg community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of George Gordon Dwyer as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 186

Commending Lawrence Distributing Company, Inc.

Agreed to by the House of Delegates, March 7, 2014

WHEREAS, Lawrence Distributing Company, Inc., a family owned and operated business that provides quality service and practices effective corporate citizenship, celebrated its 60th anniversary of serving Southside Virginia in February 2014; and

WHEREAS, Lawrence Distributing Company started in February 1954 when Billy B. Lawrence purchased Green Distributing Company and changed its name; and

WHEREAS, as a beer wholesaler, Lawrence Distributing Company began as a one-man company that delivered products to local restaurants, convenience stores, and supermarkets; and

WHEREAS, as Lawrence Distributing Company grew over the years, Billy Lawrence opened a larger facility in Danville, added wine sales in 1962, built a new office and warehouse in 1972, added soft drinks, water, and additional beer and wine lines in the 1980s and 1990s; and

WHEREAS, today, Lawrence Distributing Company has its main office in Danville and a satellite office in South Hill, employs 66 people, and covers Pittsylvania, Henry, Halifax, Patrick, Franklin, Mecklenburg, Charlotte, Brunswick, Lunenburg, and Greensville Counties; and

WHEREAS, Lawrence Distributing Company remains a family affair with Billy Lawrence continuing to be involved with the company in an advisory role while his daughter, Linda Lawrence Dalton, and her husband, Barry Dalton, now run the business; and

WHEREAS, Billy Lawrence's wife, Dovie H. Lawrence, is a member of the board of directors while grandson Will now works full time for Lawrence Distributing Company; and

WHEREAS, an admired business and civic leader, Billy Lawrence was honored in 2003 with a National Beer Wholesalers Association Life Service Award and an Enduring Enterprise Award from the Danville Pittsylvania County Chamber of Commerce; and

WHEREAS, Lawrence Distributing Company of Danville was one of 35 MillerCoors distributorships selected from 827 distributors nationwide to receive the prestigious MillerCoors President's Award in 2010; and

WHEREAS, Lawrence Distributing Company prides itself on hiring quality people, using quality products, and delivering quality service, a winning formula that has earned the company numerous quality assurance awards from MillerCoors over the years; and

WHEREAS, in February 2014, Lawrence Distributing Company celebrated its 60th anniversary in business in Southside Virginia; now, therefore, be it

RESOLVED by the House of Delegates, That Lawrence Distributing Company, Inc., hereby be commended on its completion of six decades of quality service and corporate citizenship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Billy B. Lawrence, president of Lawrence Distributing Company, Inc., as an expression of the House of Delegates' congratulations and admiration for his successful business practices.

HOUSE RESOLUTION NO. 187

Commending Lewis Ginter Botanical Garden.

Agreed to by the House of Delegates, March 7, 2014

WHEREAS, Lewis Ginter Botanical Garden, a year-round public garden in Richmond, has worked to promote excellence in horticulture and landscape design, educate members of the public, and share the beauty of the natural world for 30 years; and

WHEREAS, Lewis Ginter Botanical Garden was founded in 1984, after Grace Arents, a niece of Lewis Ginter—a prominent Richmond businessman and philanthropist—willed that her property be used to build a botanical garden in his honor; and

WHEREAS, today, Lewis Ginter Botanical Garden is one of the top gardens in the nation, renowned for the quality of its displays, facilities, and programs; the 50-acre garden features more than a dozen uniquely themed areas and a conservatory that houses exotic and unusual plants from around the world; and

WHEREAS, Lewis Ginter Botanical Garden offers adult and children's educational programs and maintains a full botanical library and herbarium; the garden also hosts special events, such as plant sales in the spring and fall, concerts, and the GardenFest of Lights; and

WHEREAS, in 2014, Lewis Ginter Botanical Garden was named as one of 20 finalists for the best public garden in the *USA Today* and 10 Best Reader's Choice Awards; the garden will be up against worthy competitors from around the nation; and

WHEREAS, Lewis Ginter Botanical Garden owes much of its success to the tireless efforts of countless volunteers and many generous donations from individuals, organizations, and businesses in the community; and

WHEREAS, Lewis Ginter Botanical Garden will celebrate its 30th anniversary with events throughout the year and new attractions, including a cherry tree walk; now, therefore, be it

RESOLVED by the House of Delegates, That Lewis Ginter Botanical Garden hereby be commended on the occasion of its 30th anniversary in 2014; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lewis Ginter Botanical Garden as an expression of the House of Delegates' admiration for its many contributions to the Richmond community and the Commonwealth.

HOUSE RESOLUTION NO. 188

Commending Dr. Virginia Minshew.

Agreed to by the House of Delegates, March 7, 2014

WHEREAS, Dr. Virginia Minshew has been the principal at Park View High School in Loudoun County for nine years; and
WHEREAS, Dr. Virginia Minshew is an outstanding and dedicated educator, having worked in education for 33 years, 26 of which have been spent in Loudoun County Public Schools; and

WHEREAS, after moving to Northern Virginia as a young girl, she graduated from Robinson High School in Fairfax; and
WHEREAS, Dr. Minshew received her Bachelor of Sociology and Social Studies from Lenoir-Rhyne College, her Master of Special Education from George Mason University, and a Doctorate in Administration and Supervision from the University of Virginia; and

WHEREAS, Dr. Minshew started her education career in Fairfax County Public Schools; and

WHEREAS, Dr. Minshew has served as assistant principal at Broad Run High School and at Potomac Falls High School, and then as principal at Farmwell Station Middle School prior to moving to Park View High School; and

WHEREAS, Dr. Minshew has also served as an adjunct professor at George Mason University, Shenandoah University, and the University of Virginia; and

WHEREAS, Dr. Minshew received the *Washington Post's* Distinguished Educational Leadership Award for Loudoun County in 2002 while serving at Farmwell Station Middle School; and

WHEREAS, Dr. Minshew led Park View High School to be recognized in 2010 by the National Association of Secondary School Principals as one of five high schools nationwide to be a "Breakthrough School"; and

WHEREAS, Dr. Minshew was named the Virginia Association of Secondary School Principals 2011 Outstanding High School Principal of Virginia; and

WHEREAS, in 2012, under Dr. Minshew's leadership, Park View High School was awarded the National Medal for Museum and Library Service, the only high school in the United States to ever receive this award; and

WHEREAS, eighty-four percent of students graduating from Park View High School under Dr. Minshew's leadership go on to post-secondary education; and

WHEREAS, Dr. Minshew is retiring on June 30, 2014; now, therefore, be it

RESOLVED by the House of Delegates, That Dr. Virginia Minshew hereby be commended for being an outstanding educator; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Virginia Minshew as an expression of the House of Delegates' respect and admiration for her hard work and success and for the good example she sets in the Commonwealth.

SENATE JOINT RESOLUTION NO. 2

Commending the Honaker High School softball team.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, the Honaker High School softball team capped an outstanding season by winning the 2013 Virginia High School League Group A Division 1 state championship title; and

WHEREAS, the Honaker High School softball team members worked hard throughout the regular season and demonstrated their tenacity and ability to perform under pressure during postseason play; and

WHEREAS, the Honaker High School softball team defeated Holston High School 3–2 in the state quarterfinals after scoring two runs in the top of the seventh; in the state semifinals, the Tigers forged ahead in the top of the seventh to break the tie and defeat East Rockingham High School 2–1; and

WHEREAS, the Honaker High School softball team then faced Madison County High School in the state championship game before an enthusiastic crowd at the James I. Moyer Sports Complex in Salem; and

WHEREAS, the Honaker High School softball team was led by pitcher Emily Kendrick, one of seven seniors on the team; she struck out seven Madison County players, but the Mountaineers managed to cross home plate once to take a 1–0 lead over the Tigers; and

WHEREAS, the Honaker High School softball team, trailing the Mountaineers 1–0 in the bottom of the sixth with two outs, battled back with senior Allie Baker and junior Leah Elswick getting on base with singles; and

WHEREAS, senior Emily Kendrick then hit a home run to left field that brought her teammates home and the entire Honaker High School softball team onto the field to celebrate the team's winning hit and first state championship win since 1988; and

WHEREAS, the remarkable performance of the Honaker High School softball team is a tribute to the hard work and talent of the players, the leadership of Head Coach Amy Davidson and her staff, and the support of the entire Honaker High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Honaker High School softball team on winning the 2013 Virginia High School League Group A Division 1 state title; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Amy Davidson, head coach of the Honaker High School softball team, as an expression of the General Assembly's congratulations and admiration for the team's winning season.

SENATE JOINT RESOLUTION NO. 3

Establishing a joint subcommittee to formulate recommendations for the development of a comprehensive and coordinated planning effort to address recurrent flooding. Report.

Agreed to by the Senate, March 8, 2014

Agreed to by the House of Delegates, March 7, 2014

WHEREAS, House Joint Resolution 50 and Senate Joint Resolution 76 (2012) directed the Virginia Institute of Marine Science (VIMS) to study strategies for adaptation to prevent recurrent flooding in Tidewater and Eastern Shore Virginia localities; and

WHEREAS, the resulting VIMS report, entitled "Recurrent Flooding Study for Tidewater Virginia," published as Senate Document 3 (2013), stated that recurrent flooding impacts all localities in Virginia's coastal zone and is predicted to become worse over reasonable planning horizons (20 to 50 years); and

WHEREAS, VIMS found that "[r]ecurrent flooding is flooding that occurs repeatedly in the same area over time due to precipitation events, high tides or storm surge. In coastal Virginia, all three of these factors cause recurrent flooding, and all three weather events are predicted to get worse, resulting in more frequent or larger scale flood events"; and

WHEREAS, VIMS found that "[i]mpacts from flooding can range from temporary road closures to the loss of homes, loss of businesses, property and life. In coastal Virginia, the cost of large storm damage can range from millions to hundreds of millions of dollars per storm. With a long history of flooding from coastal storms (first reference to storm related flooding was in 1667), there is a keen interest in Virginia to identify areas of potential flooding and establish measures (adaptation strategies) to reduce the impact of future flood events"; and

WHEREAS, VIMS found that a review of global flood management strategies suggests that it is possible for Virginia to have an effective flood response, but such efforts may take 20 to 30 years to effectively plan and implement; and

WHEREAS, VIMS found that an optimal flood management strategy must be flexible and match adaptation options to the unique circumstances of each coastal locality and the associated evolving risks; and

WHEREAS, VIMS offered several recommendations, including that the Commonwealth, working with its coastal localities, (i) begin comprehensive and coordinated planning efforts; (ii) initiate identification, collection, and analysis of data needed to support effective planning for response efforts; and (iii) take a lead role in addressing recurrent flooding in Virginia for the following reasons: (a) accessing relevant federal resources for planning and mitigation may be enhanced through state mediation, (b) flooding problems are linked to water bodies and therefore often transcend locality boundaries, and (c) prioritizing flood management actions must be based in part on risk; and therefore, the Commonwealth must oversee the necessary studies to determine adaptation strategies as well as implementation of the agreed-upon strategies; and

WHEREAS, the Joint Legislative Audit and Review Commission (JLARC) study mandated by General Assembly House Joint Resolution 132 and presented on October 15, 2013, entitled "Review of Disaster Preparedness Planning in Virginia," stated, "The state generally has strong disaster response plans, but deficiencies in evacuation and shelter plans may compromise the safety of the Hampton Roads population during a catastrophic disaster"; and

WHEREAS, the JLARC study further noted that if four key assumptions in the state's current evacuation plan do not hold, "timely hurricane evacuations could be compromised," placing citizens at risk after the storm; and

WHEREAS, the flooding affects areas outside of the ocean and Chesapeake Bay watersheds, as experienced in 1969, when Hurricane Camille spawned destruction and the loss of lives in Nelson County as well as severe flooding in the Valley, and in 1972, when Hurricane Agnes notably affected Central and Southwest Virginia; and

WHEREAS, many Virginia communities regularly battle recurrent flooding from nearby rivers and runoff as well as flooding associated with aging public and private dams; and

WHEREAS, a number of Virginia-based federal (including military), state, regional, and local agencies; private and not-for-profit groups; and colleges and universities are actively examining issues resulting from recurrent flooding in Virginia's coastal communities and investing in specific flood mitigation strategies; and

WHEREAS, the Virginia Housing Commission studied this issue through its Housing and the Environment Work Group and found that zoning, building codes, and planning issues will all be affected by recurrent flooding; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to formulate recommendations for the development of a comprehensive and coordinated planning effort to address recurrent flooding. The joint subcommittee shall have a total membership of 11 members that shall consist of eight legislative members and three nonlegislative citizen members. Members shall be appointed as follows: three members of the Senate to be appointed by the Senate Committee on Rules; five members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one nonlegislative citizen member, who shall be a local official representing Virginia's flood-prone communities, to be appointed by the Senate Committee on Rules, and two nonlegislative citizen members, one of whom shall be a business leader and one of whom shall be a representative of the environmental community, to be appointed by the Speaker of the House of Delegates. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its review, the joint subcommittee shall recommend short-term and long-term strategies for minimizing the impact of recurrent flooding.

Administrative staff support shall be provided by the Office of the Clerk of the Senate. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by Virginia college and university faculty with expertise in the subject matter. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this review, upon request.

The joint subcommittee shall be limited to four meetings for the 2014 interim and four meetings for the 2015 interim, and the direct costs of this study shall not exceed \$18,640 for each year without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the Senate members or a majority of the House members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings for the first year by November 30, 2014, and for the second year by November 30, 2015, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for the joint subcommittee's review, extend or delay the period for the conduct of the review, or authorize additional meetings during the 2014 and 2015 interims.

SENATE JOINT RESOLUTION NO. 6

Commending Andolyn Medina.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Andolyn Medina, a freshman at Hollins University, was selected as Miss Virginia Collegiate America 2014; and

WHEREAS, the Miss Collegiate America Pageant competition provides personal and professional opportunities for collegiate women; and

WHEREAS, Andolyn Medina, who is currently majoring in biology and music on a full four-year tuition academic scholarship, plans to have a career in medicine and music therapy; and

WHEREAS, a talented vocalist and pianist, Andolyn Medina is the recipient of the McCullough Voice Scholarship and was selected for the Hollins University Concert Choir and Chamber Orchestra; and

WHEREAS, Andolyn Medina was selected for the Caribbean internship program and the Jamaica Cultural Immersion Program; and

WHEREAS, during her reign as Miss Virginia Collegiate America 2014, Andolyn Medina will promote her personal platform of P. E. A. C. E. (Peer Empowerment and Community Engagement) and the national platform of Crown C. A. R. E. S. (Creating a Respectful Environment in School); and

WHEREAS, Andolyn Medina will encourage her peers to take part in community affairs and teach tolerance to youth of all ages in order to have a safe and bully-free environment; and

WHEREAS, Andolyn Medina will travel to Orlando, Florida, to represent the Commonwealth at the Miss Collegiate America 2014 pageant held July 2 through July 6; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Andolyn Medina on her selection as Miss Virginia Collegiate America 2014; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Andolyn Medina as an expression of the General Assembly's congratulations and admiration for her community service.

SENATE JOINT RESOLUTION NO. 8

Celebrating the life of William Jarvie Nicoson.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, William Jarvie Nicoson, a respected attorney who served as the first director of the New Communities Program with the United States Department of Housing and Urban Development and made many contributions to life in Reston, died on July 7, 2013; and

WHEREAS, a graduate of Phillips Exeter Academy, William "Bill" Nicoson earned a bachelor's degree from Princeton University, where he was a member of the United States Army ROTC and spent his junior year at the Sorbonne in Paris; and

WHEREAS, Bill Nicoson proudly served his country in the United States Army and received a law degree from Harvard Law School before embarking on a distinguished legal career with Sullivan & Cromwell in New York; and

WHEREAS, Bill Nicoson helped open the firm's Paris office before returning to the United States and working on Nelson Rockefeller's presidential campaign; and

WHEREAS, Bill Nicoson settled in Reston when he became the first director of the New Communities Program with the United States Department of Housing and Urban Development; and

WHEREAS, in 1972, Bill Nicoson opened his own legal practice, becoming a respected consultant in international finance, community development, and urban governance who shared his expertise at professional conferences, in written articles, and in the classroom; and

WHEREAS, one of the founders of the *Connection* newspapers in Northern Virginia, Bill Nicoson served as publisher for many years and penned numerous columns; and

WHEREAS, Bill Nicoson took an active role in community affairs, generously giving of his time and talents to help organize and serve on the boards and committees of numerous organizations that enhance the well-being of Reston's citizens; and

WHEREAS, Bill Nicoson served on the board of the Reston Association; the Greater Reston Arts Center; Celebrating Special Children; the Reston Historic Trust, of which he served as president for 10 years; and Planned Community Archives, housed at George Mason University; and

WHEREAS, a vital part of the development of the Reston community, Bill Nicoson was honored for his many contributions with a 2002 Best of Reston Award; and

WHEREAS, a man of many interests, Bill Nicoson loved to read, cook, play chess, and entertain friends and family with his piano playing; he was a member of the Cosmos Club and St. Anne's Episcopal Church; and

WHEREAS, Bill Nicoson will be fondly remembered and greatly missed by his wife, Patricia; stepchildren, William and Mary, and their families; numerous other family members and friends; and Reston residents who continue to reap the benefits of his years of service to their community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of an admired citizen of Reston, William Jarvie Nicoson; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of William Jarvie Nicoson as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 9

Celebrating the life of Dr. Thomas Anderson Wilkins.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Dr. Thomas Anderson Wilkins, a longtime resident of Reston who served the community, Fairfax County, the Commonwealth, and the nation with great distinction, died on July 20, 2013; and

WHEREAS, a native of Lawrenceville, Thomas "Tom" Wilkins earned a bachelor's degree from St. Paul's College and proudly served his country in the United States Army during the Korean War; he sustained an injury that, though serious and whose effects were lifelong, did not deter him from continuing his education and living a life of service; and

WHEREAS, Tom Wilkins went on to earn a graduate degree from Nova Southeastern University in Florida and a doctorate from New York University before settling in Reston and spending his professional career in local, state, and federal governments; and

WHEREAS, Dr. Wilkins became the first African American in the United States Department of Labor to attend the Federal Executive Institute and later was nominated to attend the IBM Executive Management Program for public executives; and

WHEREAS, Dr. Wilkins made numerous contributions to the efficient and effective operation of government throughout his career, including working on the establishment of the federal regional structure of the United States Department of Labor; and

WHEREAS, in retirement, Dr. Wilkins shared his experience and expertise with small and emerging companies as a consultant and owner of his own small business; and

WHEREAS, a respected leader, Dr. Wilkins provided strong leadership and thoughtful insight as a member and chair of numerous local and state boards; and

WHEREAS, Dr. Wilkins cofounded the Dr. Martin Luther King, Jr., Cultural Foundation and Reston's observance of the Dr. Martin Luther King, Jr., birthday celebration, as well as founded a local church; and

WHEREAS, Dr. Wilkins served as president of the local Optimist International Club and the Fairfax County branch of the NAACP and as a board member of Kidsave; and

WHEREAS, Dr. Wilkins served as the first African American president of the Reston Association Board and worked diligently to enhance the quality of life for all residents and better the community he called home; and

WHEREAS, Dr. Wilkins was the recipient of numerous awards and accolades from organizations and governmental entities, had days designated in his honor, and was selected as "Lord Fairfax" in Fairfax County and as a Best of Reston Award winner; and

WHEREAS, a dedicated public servant, Dr. Wilkins leaves behind a sterling legacy of service that others may strive to emulate; and

WHEREAS, predeceased by his beloved wife, Delores, Tom Wilkins will be fondly remembered and greatly missed by his children, Lisa, Thomas, and Mark, and their families; numerous other family members and friends; and those whose lives he touched through his devoted community service; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of an admired citizen of Reston and the Commonwealth, Dr. Thomas Anderson Wilkins; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Dr. Thomas Anderson Wilkins as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 11

Celebrating the life of O. E. Greene.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, O. E. Greene, a longtime community servant in Chesterfield County, died on June 21, 2013, leaving a legacy of service for all to follow; and

WHEREAS, O. E. "Buster" Greene began his service to Chesterfield County in October 1956 as a Chesterfield County police officer, retiring in October 1992 as the lieutenant of forensics; he served as a patrol officer and detective during his career; and

WHEREAS, Buster Greene began his tenure with the Manchester Volunteer Rescue Squad and served in numerous offices, including as treasurer, where he provided stability with the squad's financial affairs, and as president of the squad; he was elected as a life member and was active in the squad until his passing; and

WHEREAS, in 1970, Buster Greene brought forth the model of a Volunteer Rescue Squad Council, which is now the EMS Advisory Council and reports to the Chesterfield Board of Supervisors; and

WHEREAS, Buster Greene became active in the Virginia Association of Volunteer Rescue Squads (VAVRS) and served as committee chair, district vice president, VAVRS secretary, vice president, and president; he continued his service as a seminar chair and as the sergeant-at-arms at the Board of Governors meetings; and

WHEREAS, Buster Greene was appointed to the EMS Advisory Council and served as vice chair; and

WHEREAS, after attaining the status of life member of VAVRS in 2005 and the Tennessee Volunteer Rescue Squad Association, Buster Greene was elected to the Life Saving and Rescue Hall of Fame, an honor held by a very limited number of individuals; and

WHEREAS, Buster Greene served as the director of the Chesterfield Chapter of the Red Cross, as a First Aid merit badge counselor, as a charter member of the Clover Hill Masonic Lodge, and as a deacon and finance chair of the Epiphany Baptist Church; and

WHEREAS, Buster Greene was elected to the Chesterfield County Senior Hall of Fame in 2002 for his volunteerism in the county rescue community; and

WHEREAS, Buster Greene was a mentor, guide, instructor in many ways, and confidant to new and old members of Manchester Volunteer Rescue Squad and VAVRS, especially to the up-and-coming officers; and

WHEREAS, predeceased by his wife, Mary Anna, Buster Greene will be fondly remembered and greatly missed by his children, Mildred (Beppie) and Reg, and their families, and numerous other family members, friends, admirers, coworkers, and those he touched in his years of community service; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of a distinguished community servant and a true southern gentleman, O. E. Greene; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of O. E. Greene as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 12

Celebrating the life of the Reverend Dr. Gilbert Godfrey Campbell, Sr.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Reverend Dr. Gilbert Godfrey Campbell, Sr., born on January 16, 1920, in Plainfield, New Jersey, and the esteemed and beloved pastor emeritus of the Moore Street Baptist Church in Richmond, entered into eternal rest on April 7, 2013; and

WHEREAS, Reverend Dr. Gilbert Godfrey Campbell, Sr., was educated in the Plainfield, New Jersey, and Norfolk Public Schools, and graduated from Booker T. Washington High School in Norfolk in 1937; and

WHEREAS, he earned his undergraduate degree from Virginia Union University in 1941 and the Master of Divinity degree from the Samuel D. Proctor School of Theology at Virginia Union University in 1944; he completed additional graduate work at Drew University, The College of William and Mary, the University of Virginia, and Boston University School of Religion; and in 1967, the honorary Doctor of Divinity degree was conferred upon him by Virginia Union University; and

WHEREAS, in the beginning of his long and illustrious career, Reverend Dr. Gilbert Godfrey Campbell, Sr., was a bi-vocational minister, working as dean of the Virginia Theological Seminary in Lynchburg from 1945 to 1949 and as a teacher and principal from 1950 to 1964, while serving in the pastoral ministry; and

WHEREAS, his extensive pastoral experience included serving as pastor of First Baptist Church in Cape Charles from 1946 to 1949, Grove Baptist Church in Portsmouth from 1949 to 1964, Gethsemane Baptist Church in Suffolk from 1959 to 1964, First Gravel Hill Baptist Church in Rushmere from 1953 to 1964, and Moore Street Baptist Church in Richmond from 1953 until his retirement in 1994; and

WHEREAS, Reverend Dr. Gilbert Godfrey Campbell, Sr., lived the Gospel that he believed, taught, and preached and sacrificed his time and gifts to many social and theological causes and community organizations; and

WHEREAS, he was a cofounder and board member of Richmond Opportunities Industrialization Organization to help educate and train the underprivileged for better jobs, and his board and organizational memberships and positions included board member of the Lott Carey Baptist Foreign Mission Convention; past president of the Baptist General Convention of Virginia; local convener within Virginia for the Progressive National Baptist Convention; pioneering pastor in organizing the American Baptist Churches of the South and the Association's Area II; board member of the Capital Area Agency on Aging; and member of various boards for Virginia Union University; and

WHEREAS, after his retirement in 1994, Reverend Dr. Gilbert Godfrey Campbell, Sr., affectionately known in the faith community as the "dean of preachers," continued his 60-year service in the Gospel ministry as interim pastor at First Baptist Church in Petersburg; Shady Grove Baptist Church in Goochland; and Gillfield Baptist Church and Cedar Grove Baptist Church in Charles City; and

WHEREAS, during his retirement, he devoted considerable time to his grandchildren, traveling, and playing golf, and as an avid fan and supporter of the athletic teams of Virginia Union University; Reverend Dr. Gilbert Godfrey Campbell, Sr., continued to attend the Central Intercollegiate Athletic Association Tournament every year until his health failed; and

WHEREAS, humility, integrity, a loving spirit, nobility, a caring attitude, faithfulness, scholarliness, and a divine messenger are but a few of the qualities attributed to Reverend Dr. Gilbert Godfrey Campbell, Sr., and those who loved and knew him are encouraged to cherish his memory, legacy, and wonderful gift for storytelling and preaching; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Dr. Gilbert Godfrey Campbell, Sr., pastor emeritus of Moore Street Baptist Church; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Reverend Dr. Gilbert Godfrey Campbell, Sr., as an expression of the General Assembly's respect for his memory and faithfulness to his calling.

SENATE JOINT RESOLUTION NO. 13

Celebrating the life of Walter Gaines, Jr.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Walter Gaines, Jr., was born on September 10, 1935, and peacefully entered into eternal rest on June 5, 2013, surrounded by loved ones; and

WHEREAS, Walter Gaines, Jr., was reared in a loving Christian home and nurtured by an extended family in Woodville, a small, close-knit community in Richmond where family and neighbors, who instilled in him the values of education, respect, faith, civic and personal responsibility, and morality, were paramount; and

WHEREAS, Walter Gaines, Jr., was educated in the Richmond City Public Schools and graduated from Armstrong High School in 1953; and

WHEREAS, after graduation, he was employed for three years at Owens and Minor, Inc., before enlisting in the United States Air Force and serving his country valiantly and honorably in Germany and the Philippines; during and after his military service, he told stories of his service with the then-unknown singer Johnny Cash, a fact of which he was very proud; and

WHEREAS, after his honorable discharge from the United States Air Force, Walter Gaines, Jr., accepted employment with the United States Postal Service in Richmond, where he worked as a letter carrier for 35 years until his retirement; and

WHEREAS, remembering the lessons of his youth concerning family, neighbors, and civic and personal responsibility, Walter Gaines, Jr., was actively engaged in the lives of his three daughters, attending parent-teacher meetings, becoming an active member of the Parent-Teacher Association of the schools that they attended, and assuming leadership roles in community organizations, such as the Ginter Park Residents Association and the Bellevue Civic Association, which honored him in 1988 for thwarting a robbery in the neighborhood while on his delivery route; and

WHEREAS, Walter Gaines, Jr., represented letter carriers as a shop steward at the Bellevue Post Office and as the Richmond area representative at the National Association of Letter Carriers Convention for many years and received the convention's membership Gold Card for his dedication and diligence in representing his fellow carriers; and

WHEREAS, Walter Gaines, Jr., gave of his time, resources, and talents to many organizations, and his memberships included the Providence Park Civic Association, of which he was a founding member and of which he served as president for more than 30 years; Habitat for Humanity, which he served as a board member and in which he was instrumental in building homes for the needy and homeless in his neighborhood; the Crusade for Voters; the City of Richmond Personnel Committee, for which he was recognized by the City of Richmond with the Lifetime Achievement Award; the Astoria Beneficial Club, which he served as president from 1999 to 2000 and as a member of the Club's Awards and Anniversary Committees and Board of Governors; he received the Astoria Citizenship Award in 1988 and 2012 and was named Astorian of the Year in 2002; and

WHEREAS, his faith was very important to him and Walter Gaines, Jr., devoted considerable time to caring for the affairs of his beloved Mount Tabor Baptist Church, where he was an active and regular congregant as well as chairman of the Board of Trustees for many years; he was named "Father of the Year" in 1995, honored as "A Distinguished Black Hero" in 1998, and recognized as Trustee-Emeritus by the church for more than 40 years of faithful service on June 2, 2013; and

WHEREAS, Walter Gaines, Jr., was always impeccably groomed and dressed, his distinctive beard and mustache neat and trimmed, and he was forever positive and full of joy and love for others; he illuminated any place he entered and his presence and roaring laughter will be remembered but sorely missed by his family, relatives, friends, and neighbors; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Walter Gaines, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Walter Gaines, Jr., as an expression of the General Assembly's respect for his memory and his dedicated service to his family, church, and community.

SENATE JOINT RESOLUTION NO. 14

Celebrating the life of Margaret Sue Hopkins Cosby.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Margaret Sue Hopkins Cosby, the third of five children, was born on January 22, 1940, in Tarboro, North Carolina, and entered into eternal peace on July 4, 2013; and

WHEREAS, Margaret Sue Hopkins Cosby, affectionately known as "Sue," was educated in the Tarboro, North Carolina, public schools and graduated from W. A. Patillo High School in 1959, where she was a member of the school's Glee Club; and

WHEREAS, in the early 1960s, Margaret Sue Hopkins Cosby relocated to Richmond and began her working career with the Hill, Tucker and Marsh law firm, where she was employed for more than 30 years and rendered faithful and dedicated service until her retirement in 2002; and

WHEREAS, Margaret Sue Hopkins Cosby was dearly beloved and held in high esteem, not only by the late Oliver W. Hill, Sr., Esq., who hired her, but also by the entire staff of the law firm; her calm demeanor, perseverance, and enduring optimism brightened the spirits of everyone around her; and

WHEREAS, Margaret Sue Hopkins Cosby was active in the community and was a member of the local Richmond branch of the National Association for the Advancement of Colored People, where she served as secretary; and

WHEREAS, a dedicated, loyal, and faithful member of the Bible Way Church of Richmond, Margaret Sue Hopkins Cosby was an invaluable asset to the church for over 50 years, serving as a member of several ministries: the Missionary Board, Senior Choir, and the Kitchen Staff, and serving as a church school teacher and the church secretary for many years; and

WHEREAS, Margaret Sue Hopkins Cosby's life touched and changed so many people and her memory will never be forgotten; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Margaret Sue Hopkins Cosby; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Margaret Sue Hopkins Cosby as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 15

Celebrating the life of Alphanse A. Tucker, Sr.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Alphanse A. Tucker, Sr., one of six children, was born on February 2, 1943, in Disputanta and departed this life on October 21, 2013, surrounded by his loving family; and

WHEREAS, Alphanse A. Tucker, Sr., graduated from J.E.J. Moore High School in Disputanta in 1961 and from the American Academy of Embalming and Funeral Service in New York in 1962; and

WHEREAS, after enjoying employment as a school bus driver, milk deliveryman, and an ambulatory service owner, Alphanse A. Tucker, Sr., found the passion of his life in funeral service and began his career in the funeral industry as an embalmer with Bland Funeral Home in Petersburg; he worked as an embalmer with Charity Funeral Home in Charles City and the former Turner Funeral Home in Hopewell, now the Turner-Bland Funeral Home, before founding Tucker's Funeral Home in Petersburg; and

WHEREAS, Alphanse A. Tucker, Sr., was viewed by many as a blessing to and true pillar in the community as he gave tirelessly to others and went above the call of duty to ensure that each family was served with dignity and shown professional care and compassion during their bereavement; and

WHEREAS, a man of strong faith, he assisted several area churches, participating in worship services and giving freely of his talent and treasure to the body of Christ; he was a member of the Good Shepherd Baptist Church in Petersburg and held previous memberships at Loving Union Baptist Church in Disputanta and Harvest International Full Gospel Baptist Church in Petersburg, where he served as a trustee in both churches; he was a faithful member of Kingdom Family Ministry in Petersburg; and

WHEREAS, Alphanse A. Tucker, Sr., was a member of the National Funeral Directors and Morticians Association, in which he served as district governor of District II; the Virginia Mortician Association; and the Southside Funeral Directors Association, in which he served as treasurer for many years; and

WHEREAS, Alphanse A. Tucker, Sr., held lifetime memberships in the National Association for the Advancement of Colored People and the Southern Christian Leadership Conference, from which he received awards for his achievements and service to these organizations; and

WHEREAS, affectionately called "A.A.," Alphanse A. Tucker, Sr., was reverent, noble, generous, and selfless; he was an unyielding supporter of the community and provided strength, encouragement, and hope for grieving families; and

WHEREAS, Alphanse A. Tucker, Sr., will be remembered for his strong faith, professionalism, kindness, and generosity by his loving family and many colleagues and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Alphanse A. Tucker, Sr.; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Alphanse A. Tucker, Sr., as an expression of the General Assembly's respect for his memory and selfless contributions to his community.

SENATE JOINT RESOLUTION NO. 17

Commending M. Coleman Walsh, Jr.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, M. Coleman Walsh, Jr., the Chief Administrative Law Judge for the Virginia Employment Commission, will retire on March 1, 2014, after a distinguished career with the agency spanning more than 25 years; and

WHEREAS, Coleman Walsh earned bachelor's and law degrees from the University of Richmond and worked briefly for the Virginia Employment Commission as an appeals examiner before entering private practice; and

WHEREAS, in 1988, Coleman Walsh returned to the Virginia Employment Commission as a full-time special examiner in the Office of Commission Appeals; and

WHEREAS, in 1995, Coleman Walsh was named the Chief Administrative Law Judge for the Virginia Employment Commission; and

WHEREAS, Coleman Walsh served a 15-month tenure as the Acting Assistant Commissioner for Field Operations and on an interim basis as the Acting Commissioner of the Virginia Employment Commission; and

WHEREAS, Coleman Walsh served as the legislative liaison for the Virginia Employment Commission and provided invaluable insight to the Commission on Unemployment Compensation; and

WHEREAS, throughout his exemplary career, Coleman Walsh served the Virginia Employment Commission and the citizens of the Commonwealth with great distinction; and

WHEREAS, in his well-deserved retirement, Coleman Walsh looks forward to spending time with his family and volunteering with his church; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend M. Coleman Walsh, Jr., for his distinguished service with the Virginia Employment Commission on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to M. Coleman Walsh, Jr., as an expression of the General Assembly's admiration and gratitude for his outstanding career in public service and best wishes for a rewarding retirement.

SENATE JOINT RESOLUTION NO. 18

Celebrating the life of James Barksdale Timberlake.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, James Barksdale Timberlake, a longtime resident of Powhatan County known and admired for his extensive community service, died on September 30, 2013; and

WHEREAS, James "Jimmy" Timberlake graduated from Powhatan High School, where he served as a leader in the Future Farmers of America and as co-captain of the football team; and

WHEREAS, Jimmy Timberlake proudly served his country in the United States Marine Corps for 26 years, earning the Marine of the Year Award early in his career; and

WHEREAS, Jimmy Timberlake served the Commonwealth for 26 years as an employee of the Department of Forestry; as Smokey the Bear, he taught countless youths about how to prevent forest fires; and

WHEREAS, Jimmy Timberlake spent 33 years with the Powhatan Volunteer Fire Department, serving in a variety of capacities over the years and earning life membership with Company 1; and

WHEREAS, Jimmy Timberlake generously gave of his time and talents to the Boy Scouts, James River Batteau Festival, Relay for Life, Coalition of Powhatan Churches, Fighting Creek Park, and numerous other organizations; and

WHEREAS, Jimmy Timberlake took part in fellowship and worship as a member of Powhatan United Methodist Church, volunteering with the church's ministry at Beaumont Learning Center for more than 19 years; and

WHEREAS, in his free time, Jimmy Timberlake enjoyed gardening and freely gave away the fruits of his labor; and

WHEREAS, Jimmy Timberlake served the community, Commonwealth, and country with great dedication and leaves behind a legacy of service that others may strive to emulate; and

WHEREAS, Jimmy Timberlake will be fondly remembered and greatly missed by his wife of 43 years, Gail; children, Jamie and Joy, and their families; and numerous other family members, friends, and admirers; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of a respected citizen of Powhatan County, James Barksdale Timberlake; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of James Barksdale Timberlake as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 19

Celebrating the life of Nicholas Martin Bliley.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Nicholas Martin Bliley, the chief executive officer of Bliley Funeral Homes in Richmond, died on September 29, 2013; and

WHEREAS, a graduate of Benedictine High School, Nicholas "Nick" Bliley attended St. Bernard College and graduated from the Cincinnati College of Mortuary Science; he also served a year in the United States Army Reserve; and

WHEREAS, in 1962, Nick Bliley began his funeral service apprenticeship with Bliley's Funeral Homes, becoming the third generation to take part in his family's business; and

WHEREAS, in 1997, Nick Bliley became president of the company, a position he held until he was named chief executive officer in 2006; and

WHEREAS, for 48 years, Nick Bliley continued his family's proud tradition of service to the community, professionally and compassionately helping families in their hour of need; and

WHEREAS, Nick Bliley took an active role in community affairs as a member of the Bon Air Rotary Club, the Troop Committee of Troop 400 of the Boy Scouts of America, and the Knights of Columbus, and as vice president of Holy Cross Cemetery; and

WHEREAS, Nick Bliley served as a member of St. Mary's Social and Beneficial Union and the Midlothian Jaycees; and

WHEREAS, a vital part of the community, Nick Bliley touched the lives of countless individuals throughout his exemplary career dedicated to serving others; and

WHEREAS, Nick Bliley will be fondly remembered and greatly missed by his wife, Patricia; son, Christopher, and his family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of a respected community servant, Nicholas Martin Bliley; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Nicholas Martin Bliley as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 20

Celebrating the life of Vernon M. Poe.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Vernon M. Poe, a veteran law-enforcement officer and respected member of the Powhatan County School Board, died on September 29, 2013; and

WHEREAS, a longtime member of the law-enforcement community, Vernon Poe served with various agencies across the Commonwealth; and

WHEREAS, known for his calm demeanor and sense of humor, Vernon Poe spent 23 years with the Powhatan County Sheriff's Office, where he worked as an administrator and an investigator; and

WHEREAS, a dedicated law-enforcement officer, Vernon Poe worked diligently alongside his colleagues to protect and serve the residents of Powhatan County; and

WHEREAS, desirous to be of further service to his fellow residents, Vernon Poe ran for and was elected to the Powhatan County School Board in 2011, representing District 5; and

WHEREAS, Vernon Poe served alongside other school board members, parents, educators, citizens, and school administrators to foster the best possible learning environment that would prepare Powhatan County students for success in further studies and life; and

WHEREAS, Vernon Poe served the residents of Powhatan County throughout his career in law enforcement and as a member of the school board with great integrity and dedication; and

WHEREAS, Vernon Poe will be fondly remembered and greatly missed by his wife, Inez; son, Glenn; stepchildren, David and Darryl; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of a dedicated public servant, Vernon M. Poe; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Vernon M. Poe as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 21

Celebrating the life of United States Army Specialist Kyle Pascal Stoeckli.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, United States Army Specialist Kyle Pascal Stoeckli of Chesterfield died in the line of duty on June 1, 2013, while valiantly serving his country in Maiwand, Afghanistan; and

WHEREAS, an athletic and outgoing young man known for his smile and laugh, Kyle Stoeckli graduated from Cosby High School, where he played football and lacrosse; and

WHEREAS, Kyle Stoeckli loved snowboarding, great food, and going to the river; he also played the guitar and drums; and

WHEREAS, Kyle Stoeckli had a strong work ethic, working a full-time job during high school to pay for his motorcycle and taking online classes to graduate early while spending memorable times with his friends and family members; and

WHEREAS, Kyle Stoeckli fulfilled his dream of joining the United States Army when he enlisted shortly after graduating from high school; and

WHEREAS, Kyle Stoeckli was assigned to the 1st Battalion, 36th Infantry Regiment, 1st Stryker Brigade Combat Team, 1st Armored Division at Fort Bliss, Texas; and

WHEREAS, a respected and decorated soldier, Kyle Stoeckli was stationed in Maiwand, Afghanistan, when an improvised explosive device detonated near his unit; and

WHEREAS, Specialist Stoeckli's death is a reminder of the perils faced daily by the thousands of Americans who serve in the United States Armed Forces at home and abroad and whose devotion to duty places them in harm's way; and

WHEREAS, Kyle Stoeckli will be fondly remembered and greatly missed by his parents, Bruno and Sonja; sister, Stephanie; numerous other family members and friends; and fellow soldiers; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of a courageous and patriotic Virginian, United States Army Specialist Kyle Pascal Stoeckli; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of United States Army Specialist Kyle Pascal Stoeckli as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 24

Directing the Virginia State Crime Commission to study expungement of juvenile records. Report.

Agreed to by the Senate, January 22, 2014

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, court records of juveniles found guilty of a delinquent act that would be a felony if committed by an adult are indefinitely retained; and

WHEREAS, court records of juveniles adjudicated delinquent of all other offenses are retained until the juvenile has reached the age of 19 years and five years have elapsed since the date of the last hearing in the case or until the juvenile has reached the age of 29 for certain motor vehicle offenses; and

WHEREAS, having a juvenile record can have a profound effect on a juvenile throughout his life, sometimes making it difficult to obtain employment, gain admission to an institution of higher education, and find housing; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Virginia State Crime Commission be directed to study expungement of juvenile records.

In conducting its study, the Virginia State Crime Commission shall (i) review all laws related to confidentiality and retention of juvenile court records, (ii) report on at what time and by whom juvenile record information can be accessed, (iii) determine whether existing confidentiality and destruction of records laws are being complied with, (iv) examine the impact on youthful offenders of having a juvenile record, and (v) make recommendations regarding improvements in the laws that would assist juvenile offenders while allowing law enforcement to maintain the safety of the citizens of the Commonwealth.

All agencies of the Commonwealth shall provide assistance to the Virginia State Crime Commission for this study, upon request.

The Virginia State Crime Commission shall complete its meetings by November 30, 2014, and the Chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2015 Regular Session of the General Assembly. The executive summary shall state whether the Virginia State Crime Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 26

Commending Julian C. Metts, Jr., D.D.S.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Julian C. Metts, Jr., D.D.S., the founder of World Pediatric Project, is commended for his work to help critically ill children in developing countries; and

WHEREAS, a graduate of Midlothian High School, Julian Metts proudly served his country during the Korean War in the United States Army; and

WHEREAS, after his military service, Julian Metts earned a bachelor's degree from the University of Richmond and completed studies at the Medical College of Virginia (now Virginia Commonwealth University Medical Center); and

WHEREAS, Dr. Metts built a successful dentistry practice based on skillful and compassionate care while serving the community; and

WHEREAS, as a member of the South Richmond Rotary Club, Dr. Metts traveled to Guyana as part of a five-member fact-finding mission to research a location to establish a Rotarian clinic; he later returned to set up clinics there to provide medical services to local children; and

WHEREAS, Dr. Metts worked alongside others to bring children back to Richmond for more advanced medical care and helped create a traveling dental practice from a passenger bus that was shipped to Guyana; and

WHEREAS, in 1999, Dr. Metts felt inspired to open a local hospital for the children in need in Guyana and began to work with local community leaders to raise funds; and

WHEREAS, in 2001, Dr. Metts' work resulted in the opening of the International Hospital for Children, a virtual hospital that contracted with local hospitals in Richmond to use empty hospital beds; in 2011, the International Hospital for Children merged with a St. Louis nonprofit and became known as World Pediatric Project; and

WHEREAS, Dr. Metts' vision of helping children in need has resulted in life-saving surgeries for more than 5,000 children from Guyana, Belize, St. Vincent and the Grenadines, the Dominican Republic, Guatemala, and Honduras and more than 50,000 children receiving much-needed medical attention; and

WHEREAS, Dr. Metts has been the recipient of numerous awards and accolades for his exemplary work; and

WHEREAS, a humble man, Dr. Metts has generously and thoughtfully given of his time and talents to change the lives of thousands of children and their families through access to appropriate medical care; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Julian C. Metts, Jr., D.D.S., for his work with World Pediatric Project; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Julian C. Metts, Jr., D.D.S., as an expression of the General Assembly's admiration and respect for his dedication to helping children in need.

SENATE JOINT RESOLUTION NO. 27

Commending Zoe Romano.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Zoe Romano, a Richmond resident passionate about running, became the first person to run the Tour de France, raising more than \$167,000 for World Pediatric Project; and

WHEREAS, Zoe Romano developed a love of running while an undergraduate student at the University of Richmond; she now tutors Spanish in the Richmond area and works as a freelance writer; and

WHEREAS, in 2011, Zoe Romano ran 2,800 miles across the United States, becoming the first woman to complete such a run without a support vehicle; she raised more than \$15,000 for the Boys & Girls Clubs of America in the process; and

WHEREAS, in 2013, Zoe Romano decided on a new challenge—running the 2,000-mile Tour de France—while raising money for World Pediatric Project, which provides medical care to children in Central America and the Caribbean; and

WHEREAS, a daunting endeavor, Zoe Romano averaged 30 miles a day for an astonishing 10 and one-half weeks over a variety of terrains—completing the final 90-mile stretch in 24 hours; and

WHEREAS, Zoe Romano faced numerous challenges along the way, including injury, heat, steep mountains, and a wild boar, but persevered with amazing athletic ability and an indomitable spirit; and

WHEREAS, Zoe Romano surpassed her fundraising goal of \$150,000, raising more than \$167,000 for World Pediatric Project while raising awareness of the nonprofit organization and its mission; and

WHEREAS, a remarkable woman, Zoe Romano demonstrated great fortitude and resilience throughout her Tour de France run; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Zoe Romano on successfully running the Tour de France and raising more than \$167,000 for World Pediatric Project; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Zoe Romano as an expression of the General Assembly's congratulations and admiration for her tenacity, endurance, and commitment to helping others.

SENATE JOINT RESOLUTION NO. 28

Commending World Pediatric Project.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, World Pediatric Project is commended for its work to provide healthcare to children in need; and

WHEREAS, World Pediatric Project began as the inspiration of Dr. Julian Metts, who traveled to Guyana with the South Richmond Rotary Club to find a location for a Rotarian clinic; and

WHEREAS, Dr. Metts realized that many children needed access to more advanced healthcare that is readily available in the United States and worked to establish World Pediatric Project; and

WHEREAS, founded in 2001 as the International Hospital for Children, the organization merged with a St. Louis nonprofit in 2011 to become World Pediatric Project; and

WHEREAS, World Pediatric Project partners with local Richmond hospitals and medical professionals to provide much-needed healthcare services to children brought to the United States and builds indigenous healthcare capacity in developing nations; and

WHEREAS, World Pediatric Project sends surgical and diagnostic teams to the Caribbean and Central America and develops programs aimed at reducing birth defects and preventable disease; and

WHEREAS, in its first year of inception, World Pediatric Project treated 138 children; today, more than 50,000 children from Guyana, Belize, St. Vincent and the Grenadines, the Dominican Republic, Guatemala, and Honduras have been treated, with 5,000 receiving surgery; and

WHEREAS, in 2011, World Pediatric Project arranged for conjoined twins Maria and Teresa Tapia of the Dominican Republic to travel to Richmond for surgery at its partner hospital, Children's Hospital of Richmond at Virginia Commonwealth University; and

WHEREAS, World Pediatric Project worked with the Hospital Hospitality House at Virginia Commonwealth University, which provided support and free lodging for the Tapia family, while David A. Lanning, M.D., Ph.D., surgeon-in-chief of the Children's Hospital of Richmond at Virginia Commonwealth University, led a team of more than 30 specialists to research the case and develop a surgical plan that resulted in the twins being successfully separated; and

WHEREAS, World Pediatric Project has received the generous support of medical volunteers, hospital partners, supply donors, and contributors, all of whom have helped the organization change the lives of children through access to healthcare; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend World Pediatric Project for its work to help children in need; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Susan Rickman, president and chief executive officer of World Pediatric Project, as an expression of the General Assembly's admiration and respect for the organization's commitment to providing access to healthcare to children.

SENATE JOINT RESOLUTION NO. 29

Commending the Rotary Club of South Richmond.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, the Rotary Club of South Richmond celebrated 60 years of "Service Above Self" in 2013; and

WHEREAS, organized and chartered in 1953, the Rotary Club of South Richmond, part of Rotary International District 7600, has generously supported local, district, and worldwide charities and programs; and

WHEREAS, the Rotary Club of South Richmond annually raises at least \$130,000 for local charities as well as \$15,000 to \$17,000 for the Annual Giving campaign for the Rotary Foundation; and

WHEREAS, the Rotary Club of South Richmond, with a generous \$50,000 initial donation from member Mel Burnett, established an endowment from which the income is used by the club for unique educational purposes; and

WHEREAS, the Rotary Club of South Richmond took part in Rotary International's partnership with the World Health Organization to eradicate polio by raising more than \$200,000 to support the effort; and

WHEREAS, the Rotary Club of South Richmond sent members to Guyana to meet with a local Rotary club there to research the area's dental hygiene needs, which led to sending dentists and doctors to the area in what became known as the Guyana Initiative; and

WHEREAS, the Rotary Club of South Richmond purchased a used tour bus and reconfigured it into a mobile dental office that travels to schools across eastern Guyana; and

WHEREAS, the Rotary Club of South Richmond's Guyana Initiative led to the formation of the International Hospital for Children; the club raised the initial funds for the hospital, now known as the World Pediatric Project, which has served more than 50,000 children; and

WHEREAS, the Rotary Club of South Richmond undertook fundraising to provide housing for children brought to Richmond through the World Pediatric Project and their families at the Virginia Commonwealth University Medical Center Hospitality House; and

WHEREAS, the Rotary Club of South Richmond has a long tradition of providing a welcoming atmosphere for members with numerous social events and good fellowship; and

WHEREAS, the Rotary Club of South Richmond looks forward to continuing to fulfill Rotary's mission of "Service Above Self" in the future; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Rotary Club of South Richmond on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Rotary Club of South Richmond as an expression of the General Assembly's congratulations and admiration for the club's dedication to serving others.

SENATE JOINT RESOLUTION NO. 31

Celebrating the life of the Honorable James Peyton Farmer.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, the Honorable James Peyton Farmer, a retired judge of the Caroline General District and Juvenile and Domestic Relations Courts and the Circuit Court of the 15th Judicial Circuit of Virginia, died on November 13, 2013; and

WHEREAS, a native of Bowling Green, James Farmer graduated from Caroline High School and earned bachelor's and law degrees from the University of Richmond; and

WHEREAS, James Farmer returned to Bowling Green in 1959 to begin his legal practice, and he later became the Commonwealth's Attorney for Caroline County; and

WHEREAS, Judge Farmer was appointed as a judge of the Juvenile and Domestic Relations Court and the Caroline General District Court of the 15th Judicial District of Virginia; and

WHEREAS, in 1990, Judge Farmer was the first person from Caroline County to be elected to serve as a 15th Judicial Circuit Court judge; he presided with great fairness and wisdom until his retirement in 1999; and

WHEREAS, after his retirement, Judge Farmer continued to serve ably the Commonwealth as a substitute judge until 2008; and

WHEREAS, Judge Farmer volunteered his time to help others as a past master of the Kilwinning Crosse Lodge No. 2-237 of the Ancient Free and Accepted Masons, a past deputy grand master of the Eighth Masonic District of Virginia, and a member of the Caroline County Ruritan Club; and

WHEREAS, Judge Farmer enjoyed fellowship and worship with the community at Bowling Green Baptist Church, where he served as a deacon and a men's Bible class teacher for many years; and

WHEREAS, a man of great integrity, Judge Farmer served the community and the Commonwealth with great distinction; and

WHEREAS, James Farmer will be fondly remembered and greatly missed by his devoted wife of 54 years, Jean; his children, Dresden, Anderson, Valerie, and Jacqueline, and their families; numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of a respected and admired public servant, the Honorable James Peyton Farmer; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable James Peyton Farmer as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 32

Commending Stafford County.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Stafford County, an integral part of the Commonwealth's and nation's history, will proudly celebrate its 350th anniversary in 2014; and

WHEREAS, Stafford County's rich history reaches back in time to before its official establishment in 1664; and

WHEREAS, Stafford County was the site of such prehistoric animals as the longest dinosaur in Virginia, the Sauroposeidon, and the home of large numbers of the Patowomeck and Manahoac tribes; and

WHEREAS, Captain John Smith sailed up the Potomac to Stafford County, while Pocahontas was kidnapped from Stafford's Indian Point; and

WHEREAS, during the colonial period, Stafford County provided such supplies as fish, tobacco, iron, and flour to Great Britain through its port town of Falmouth on the Rappahannock River; and

WHEREAS, the nation's first president, George Washington, lived in what is now Stafford County from the age of six to 19, and stone from Government Island was quarried to build the White House and the United States Capitol; and

WHEREAS, Stafford County is the site of the historic Aquia Episcopal Church, one of the oldest active colonial churches still in operation today; and

WHEREAS, Stafford County served as a logistical and transportation center during the Civil War with more than 200,000 Union soldiers camping, eating, and living off the land; Chatham, a Georgian mansion, was used as a Union headquarters and hospital; and

WHEREAS, Chatham, located in Stafford County, was the site of visits from important historical figures; Walt Whitman and Clara Barton served as nurses there, and President Abraham Lincoln was a guest, making Chatham the only private home known where both George Washington and Abraham Lincoln crossed the threshold; and

WHEREAS, Stafford County was the location from which Southern abolitionist Moncure Conway led his family's slaves to freedom in 1862; and

WHEREAS, Stafford County residents witnessed firsthand the effects of war as Union and Confederate forces clashed at the bloody Battle of Fredericksburg; and

WHEREAS, in 1916, American impressionist artist Gari Melchers moved to Belmont, a Georgian-style frame house in Stafford County; today, the house and a nearby studio serve as a tourist destination for local residents and visitors; and

WHEREAS, Stafford County serves as an important crossroads as the location of Marine Corps Base Quantico, Virginia Railway Express, the FBI Academy, Interstate 95, and Stafford Regional Airport; and

WHEREAS, today, residents and visitors to Stafford County enjoy a wide array of historical, cultural, and recreational activities; and

WHEREAS, Stafford County's 350th Blue Ribbon Planning Committee, appointed by the board of supervisors, has planned an array of celebratory events in 2014 to salute the county's past, present, and future; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Stafford County on the occasion of its 350th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Anthony Romanello, the Stafford County administrator, as an expression of the General Assembly's congratulations and admiration for the county's contributions to the Commonwealth and nation.

SENATE JOINT RESOLUTION NO. 35

Requesting the Department of Environmental Quality to review the toxicity of selenium to aquatic life. Report.

Agreed to by the Senate, February 11, 2014

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, selenium is an essential micronutrient; and

WHEREAS, selenium may become toxic to aquatic organisms at elevated concentrations; and

WHEREAS, the concentration at which selenium becomes toxic is highly variable between and within different aquatic species; and

WHEREAS, Virginia's selenium criteria for the protection of aquatic life are over 25 years old; do not reflect the latest scientific information, including chemical speciation of selenium, exposure, and uptake; and may be unnecessarily stringent to protect aquatic life; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Department of Environmental Quality be requested to review the toxicity of selenium to aquatic life.

In conducting its review, the Department of Environmental Quality shall examine the most recent scientific information regarding the toxic effects of selenium on aquatic life and shall account for the chemical speciation of selenium, as well as

actual exposure and uptake between and within different aquatic species. The analysis shall consider related studies and revisions in selenium criteria undertaken by other states, including Kentucky.

All agencies of the Commonwealth shall provide assistance to the Department of Environmental Quality for this study, upon request.

The Department of Environmental Quality shall complete its meetings by November 30, 2014, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2015 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 38

Celebrating the life of Joseph Fuller Motley.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Joseph Fuller Motley, a retired educator and businessman from Chatham who touched the lives of countless students and fellow residents with his meaningful service, died on March 17, 2013; and

WHEREAS, when he was 16 years old, Joseph Motley started his own company, Motley Dairy, by selling his cows' milk and butter on the school bus route; the dairy continues to be owned and operated by his family today; and

WHEREAS, a graduate of Chatham High School, Joseph Motley proudly served his country during World War II as a member of the United States Merchant Marine; and

WHEREAS, Joseph Motley continued his schooling at Milligan College and earned a bachelor's degree from Lynchburg College; and

WHEREAS, after graduation, Joseph Motley embarked on a distinguished career in education as a history teacher with Pittsylvania County Schools that would span 30 years; and

WHEREAS, a respected leader, Joseph Motley provided keen insight and wise guidance on agricultural matters through his service on several boards; and

WHEREAS, Joseph Motley's love of history and genealogy led him to serve as president of the Pittsylvania Historical Society and to work on the renovation of old buildings, including converting an old church building into a home for him and his wife; and

WHEREAS, Joseph Motley enjoyed fellowship and worship at Sheva Church of Christ, where he served as an elder and Sunday School teacher; and

WHEREAS, a devoted husband and father, Joseph Motley will be fondly remembered and greatly missed by his wife of 64 years, Judith; children, Sarah, Susan, James, Joseph, and Timothy, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of a respected citizen of Chatham, Joseph Fuller Motley; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Joseph Fuller Motley as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 39

Celebrating the life of Paul Edward Akers.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Paul Edward Akers, the highly respected editorial page editor of Fredericksburg's *Free Lance-Star*, died on September 20, 2013; and

WHEREAS, a native of West Virginia, Paul Akers attended Marshall University and proudly served his country in the United States Marine Corps during the Vietnam War and continued his military service as a member of the United States Army Reserve from 1975 until 1997; and

WHEREAS, a gifted writer, Paul Akers worked as a reporter and editor for several papers, including the 80th Infantry Division newspaper, and served as a senior writer for The Heritage Foundation before joining Fredericksburg's *Free Lance-Star* in 1998; and

WHEREAS, as the editorial page editor, Paul Akers offered readers insightful commentary about the leading issues of the day while ensuring that other viewpoints were well represented; and

WHEREAS, a true gentleman, Paul Akers was known for his respect toward those with whom he disagreed, his sense of humor, and his common sense approach; and

WHEREAS, Paul Akers was a member of St. Luke's Anglican Church in Fredericksburg and was a strong supporter of the YMCA Indian Princesses program; and

WHEREAS, dedicated to journalistic excellence and the well-being of his fellow residents, Paul Akers made many contributions to his profession and the Fredericksburg community; and

WHEREAS, Paul Akers will be fondly remembered and greatly missed by his wife, Karen; children, Emily and Katherine, and their families; stepchildren, Jenni and Joshua, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of a dedicated journalist and admired member of the Fredericksburg community, Paul Edward Akers; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Paul Edward Akers as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 40

Commending Captain Jason A. Haag, USMC (Ret.).

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Captain Jason A. Haag, USMC (Ret.), is commended for his devoted service to the nation and for courageously sharing his struggles with post-traumatic stress disorder and traumatic brain injury to help other veterans and their families; and

WHEREAS, a four-sport athlete in high school, Jason Haag was offered scholarships to play football in college and had a contract offer to play minor league baseball, but chose instead to serve his country by joining the United States Marine Corps; and

WHEREAS, Jason Haag was assigned to the 2nd Battalion, Fifth Marines, Echo Company, Regimental Combat Team 5, which was charged with securing Iraqi oil fields before moving on to Baghdad; he would receive the Purple Heart for injuries received while stationed in Iraq; and

WHEREAS, Jason Haag later returned to the United States to receive officer training, earning a promotion to lieutenant before returning to Iraq, where he would lead more than 100 supply convoys; he completed his third tour in Afghanistan assigned to a Command Control Center; and

WHEREAS, between deployments, Jason Haag would return home to his wife and three children, who noticed behavioral changes that were initially thought to be part of "periods of adjustment"; and

WHEREAS, after Jason Haag returned from his final deployment, his wife, Elizabeth, realized that he needed more extensive help, and he began treatment for post-traumatic stress disorder and traumatic brain injury; and

WHEREAS, both Jason Haag and his wife, Elizabeth, began to blog about their experiences; they have provided honest insight into living with post-traumatic stress disorder and traumatic brain injury; and

WHEREAS, Jason Haag has provided exemplary service to the nation and, through the courageous telling of his battle with post-traumatic stress disorder and traumatic brain injury, invaluable service to his fellow veterans, their families, and the public; and

WHEREAS, Jason Haag's wife, Elizabeth, and their family have exemplified the determination, resilience, and compassion of families of United States Armed Forces members throughout the nation and around the world; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Captain Jason A. Haag, USMC (Ret.), for his exemplary military service and dedication to helping his fellow veterans; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Captain Jason A. Haag, USMC (Ret.), as an expression of the General Assembly's abiding respect for his sacrifices for and service to his country.

SENATE JOINT RESOLUTION NO. 41

Celebrating the life of Special Agent Christopher W. Lorek.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Special Agent Christopher W. Lorek, a member of the Federal Bureau of Investigation's ultra-elite Hostage Rescue Team, died on May 17, 2013, during a training exercise accident; and

WHEREAS, a graduate of Texas A & M University, Christopher Lorek embarked on an exemplary career with the Federal Bureau of Investigation in 1996; and

WHEREAS, a dedicated agent, Christopher Lorek served as a special operator on the Hostage Rescue Team, which rapidly deploys to critical terrorist, hostage, and criminal situations; and

WHEREAS, Christopher Lorek exemplified the highest ideals of the Federal Bureau of Investigation as he served the nation daily with great courage; and

WHEREAS, Christopher Lorek was a member of the Church of Christ at Three Chopt Road in Richmond; and

WHEREAS, Christopher Lorek will be fondly remembered and greatly missed by many loving family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Special Agent Christopher W. Lorek; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Special Agent Christopher W. Lorek as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 42

Celebrating the life of Special Agent Stephen Palmer Shaw.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Special Agent Stephen Palmer Shaw, a member of the Federal Bureau of Investigation's ultra-elite Hostage Rescue Team, died on May 17, 2013, during a training exercise accident; and

WHEREAS, Stephen Shaw enjoyed an exemplary career in law enforcement with various government agencies and joined the Federal Bureau of Investigation in 2005; and

WHEREAS, a dedicated agent, Stephen Shaw served on the Hostage Rescue Team, which rapidly deploys to critical terrorist, hostage, and criminal situations; and

WHEREAS, Stephen Shaw exemplified the highest ideals of the Federal Bureau of Investigation as he served the nation daily with great courage; and

WHEREAS, Stephen Shaw will be fondly remembered and greatly missed by many loving family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Special Agent Stephen Palmer Shaw; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Special Agent Stephen Palmer Shaw as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 43

Celebrating the life of Bethany Dawn Dempsey.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Bethany Dawn Dempsey, a beloved member of the King George County community, died on August 27, 2013; and

WHEREAS, a 1993 graduate of King George High School, Bethany Dempsey is remembered by many former classmates and friends for her contagious smile and cheerful spirit; and

WHEREAS, a frequent supporter of King George High School sporting events, Bethany Dempsey was a dynamic contributor to the community; and

WHEREAS, a kind and considerate person, Bethany Dempsey was always there for a friend in need, and her loss will be felt by many; and

WHEREAS, Bethany Dempsey and her family were active in their church community and enjoyed fellowship and worship at Rappahannock Church of Christ; and

WHEREAS, having passed away on the same day as her daughter, Lauren, Bethany Dempsey is fondly remembered and deeply missed by her son, Logan; parents, Steve and Charlene; and many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of a beloved mother, daughter, and friend, Bethany Dawn Dempsey; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Bethany Dawn Dempsey as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 44

Celebrating the life of Lauren Allie White.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Lauren Allie White, a beloved member of the King George County community, died on August 27, 2013; and WHEREAS, a rising sophomore at King George High School, Lauren White was a member of the Lady Foxes softball team, and her presence on the field will be missed by her teammates; and

WHEREAS, Lauren White was known among her classmates, friends, and family for her energetic spirit and bright smile; and

WHEREAS, gifted with a witty sense of humor, Lauren White spread joy to those she met through laughter and friendship; and

WHEREAS, Lauren White had a passion for life and enjoyed art, shopping, and spending time with friends and family; and

WHEREAS, having passed away on the same day as her mother, Bethany, Lauren White is fondly remembered and deeply missed by her father James, her brother Logan, and their family; grandparents, Steve, Charlene, and Cindy; and many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of a joyful young woman, Lauren Allie White; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Lauren Allie White as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 45

Commending the staff of Rocky Run Elementary School.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, on October 2, 2013, the staff of Rocky Run Elementary School in Fredericksburg demonstrated exceptional professionalism and commitment to the well-being of their students when one young student collapsed unexpectedly on the school's playground; and

WHEREAS, Ashley Kaley, the school nurse at Rocky Run Elementary School, acted decisively by administering cardio pulmonary resuscitation (CPR) and using an automated external defibrillator device; thanks to her heroic efforts, the student was responsive by the time emergency services personnel arrived; and

WHEREAS, the staff of all Stafford County Public Schools recently received additional training in the proper administration of CPR, contributing greatly to the aversion of a potential tragedy; and

WHEREAS, other members of the Rocky Run Elementary School staff—Nick Roman, Jenn Jones, Cindy Gutshall, Karina Rothenberger, and Kathy Kiel—went above and beyond to assist the student and his family; staff members picked up the student's parents and explained the situation while other staff members accompanied the student to the hospital; and

WHEREAS, when the student was transferred to Virginia Commonwealth University Medical Center, staff members went out of their way to help the student's mother travel to Richmond and made sure both parents had the means to return home; and

WHEREAS, thanks to the exceptional efforts of the Rocky Run Elementary School staff, the student is alive and back at school; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the staff of Rocky Run Elementary School for their quick thinking and decisive actions in saving the life of a student; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Nick Roman, the principal of Rocky Run Elementary School, as an expression of the General Assembly's admiration for the staff members' care for students and their families.

SENATE JOINT RESOLUTION NO. 46

Requesting the Department of Transportation to study the location of its regional Hampton Roads office. Report.

Agreed to by the Senate, January 22, 2014

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, the current location of the regional Hampton Roads office is on North Main Street, Route 460, in Suffolk; and

WHEREAS, the Hampton Roads highway construction district has more than 730 miles of primary highway, almost 4,000 miles of secondary highway, more than 4,700 miles of urban roads, and more than 160 miles of interstate highway; and

WHEREAS, the regional office for the Hampton Roads highway construction district serves the Counties of Accomack, Greensville, Isle of Wight, James City, Northampton, Southampton, Surry, Sussex, and York and the Cities of Chesapeake, Emporia, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, and Virginia Beach; and

WHEREAS, the Department of Transportation maintains eight major bridges and tunnels in Hampton Roads; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Department of Transportation be requested to study the location of its regional Hampton Roads office. The Department shall consider real estate, financial, and environmental factors to determine if a new location of the Hampton Roads office could better serve the Hampton Roads highway construction district.

In conducting its study, the Department of Transportation shall consult with each of the counties and cities within the Hampton Roads highway construction district to determine the optimal location for a regional office.

Technical assistance shall be provided to the Department of Transportation by the City of Suffolk. All agencies of the Commonwealth shall provide assistance to the Department of Transportation for this study, upon request.

The Department of Transportation shall complete its meetings by November 30, 2014, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2015 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 47

Establishing a joint subcommittee to study mental health services in the Commonwealth in the twenty-first century. Report.

Agreed to by the Senate, March 8, 2014

Agreed to by the House of Delegates, March 8, 2014

WHEREAS, the provision of mental health services has been a core responsibility of the Commonwealth of Virginia since 1776, with the establishment of the nation's first publicly supported state mental institution in Williamsburg; and

WHEREAS, the Commonwealth appropriated \$585 million for behavioral health services provided through the Department of Behavioral Health and Developmental Services (the Department) in fiscal year 2013, and of this total amount, 52 percent was provided to serve 1,203 individuals treated in state mental health facilities and the remaining 48 percent provided services for 146,503 individuals living in the community; and

WHEREAS, the current system of care should be reexamined to ensure that resources are aligned to serve the most individuals with behavioral health issues in the most appropriate settings along the continuum of care funded by the Department; and

WHEREAS, in the twenty-first century, the Commonwealth is challenged to provide mental health care through a complex and often confusing array of facilities, programs, and services for individuals with a broad range of mental health needs, including persons requiring voluntary and involuntary, emergency, short-term, forensic, and long-term mental health care in both inpatient and outpatient settings in the public and private sectors; and

WHEREAS, the Commonwealth, since the report of the Hirst Commission over 40 years ago, has made a commitment to provide a system of community-based care for the mentally ill; and

WHEREAS, the fulfillment of that commitment requires that every individual and family experiencing a mental health crisis has access to emergency mental health services without delay; and

WHEREAS, the resources available to local and regional community services boards and behavioral health authorities have not kept pace with the increasing number of persons in need of services as, despite those increasing needs, the Department has reduced the number of beds in state facilities, and private hospitals have often lacked the resources and reimbursement mechanisms needed to fill the gaps when called upon; and

WHEREAS, many persons in need of crisis intervention and emergency mental health treatment have been unable to access treatment and support services on a timely basis, and at the same time a significant number of persons with mental illness commit various offenses, in many cases minor, nonviolent offenses, and are arrested by law-enforcement officers, brought before the courts, and held in jails or juvenile detention facilities rather than being provided with the necessary treatment in the most appropriate setting in order to prevent their entry into the criminal justice system; and

WHEREAS, in July 2013, an estimated 23.5 percent of Virginia's local and regional jail population, or 6,346 offenders, were estimated to be mentally ill, and of these offenders, 56 percent, or 3,555 offenders, were estimated to be seriously mentally ill, according to the annual jail mental health survey conducted by the State Compensation Board in cooperation with the Department; and

WHEREAS, the Commonwealth has provided significant resources to both local and regional community services boards and behavioral health authorities and to local and regional jails and juvenile detention centers, including a significant fiscal incentive through the reimbursement of up to one-half of the capital cost of construction or enlargement of regional jails, but no comparable incentive for the development of mental health facilities at the community level that may be needed to serve persons with serious mental illness has been provided; and

WHEREAS, significant changes have occurred in recent years in the legal and regulatory framework, federal and state reimbursement structures, and service delivery systems, both public and private, for mental health care, including the largely unintended consequences of the increasing involvement of persons with mental illness in the criminal justice system; and

WHEREAS, there is a need for the General Assembly to consider the types of facilities, programs, and services and appropriate financing mechanisms that will be needed in the twenty-first century to provide mental health care, both in traditional mental health delivery systems and in the criminal justice system; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to study mental health services in the Commonwealth in the twenty-first century. The joint subcommittee shall consist of 12 legislative members. Members shall be appointed as follows: five members of the Senate, of whom two shall be members of the Senate Committee on Education and Health, two shall be members of the Senate Committee on Finance, and one shall be a member at-large, to be appointed by the Senate Committee on Rules; and seven members of the House of Delegates, of whom two shall be members of the House Committee on Health, Welfare and Institutions, two shall be members of the House Committee on Appropriations, and three shall be members at-large, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

The joint subcommittee may appoint work groups to assist it with its work. In conducting its study, the joint subcommittee shall (i) review and coordinate with the work of the Governor's Task Force on Improving Mental Health Services and Crisis Response; (ii) review the laws of the Commonwealth governing the provision of mental health services, including involuntary commitment of persons in need of mental health care; (iii) assess the systems of publicly funded mental health services, including emergency, forensic, and long-term mental health care and the services provided by local and regional jails and juvenile detention facilities; (iv) identify gaps in services and the types of facilities and services that will be needed to serve the needs of the Commonwealth in the twenty-first century; (v) examine and incorporate the objectives of House Joint Resolution 240 (1996) and House Joint Resolution 225 (1998) into its study; (vi) review and consider the report *The Behavioral Health Services Study Commission: A Study of Virginia's Publicly Funded Behavioral Health Services in the 21st Century*; and (vii) recommend statutory or regulatory changes needed to improve access to services, the quality of services, and outcomes for individuals in need of services.

In reviewing the need for facility beds at the community level, the joint subcommittee shall give consideration to whether the current fiscal incentives for expanding regional jail capacity should be eliminated and replaced with a new incentive for construction, renovation, or enlargement of community mental health facilities or programs, which may or may not be co-located with selected jails on a regional basis. The joint subcommittee shall consider the appropriate location of such facilities; cooperative arrangements with community services boards, behavioral health authorities, and public and private hospitals; licensing, staffing, and funding requirements; and the statutory and administrative arrangements for the governance of such facilities. The joint subcommittee shall give consideration to the development of such facilities or programs on a pilot basis.

Administrative staff support shall be provided by the Office of the Clerk of the Senate. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by the Office of the Executive Secretary of the Supreme Court of Virginia, the Office of the Attorney General, the Offices of the Secretaries of Health and Human Resources and Public Safety, and the staffs of the Senate Finance and House Appropriations Committees, upon request. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The direct costs of this study shall not exceed \$72,560 for each year without approval as set out in this resolution. Of this amount an estimated \$50,000 is allocated for speakers, materials, and other resources. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the Senate members or a majority of the House members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall submit its interim report by December 1, 2015, to the Governor and the General Assembly and its final report by December 1, 2017, to the Governor and 2018 Regular Session of the General Assembly. The interim and final reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2014 and 2017 interims.

SENATE JOINT RESOLUTION NO. 48

Celebrating the life of James Carlton Tennant.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, James Carlton Tennant, an admired community leader from Millboro in Bath County who made many contributions to the well-being of his fellow residents, died on April 21, 2013; and

WHEREAS, a native of Bath County, James "Jim" Tennant proudly served his country during World War II as a radio operator on board bombers in the United States Army Air Corps; and

WHEREAS, Jim Tennant was rescued from the cold waters of the English Channel after parachuting out of his plane when it was shot down and survived two later crash landings to return to his native Bath County and become a vital member of the community; and

WHEREAS, for 39 years, Jim Tennant owned and managed the Mountain View Service Station at the foot of Warm Springs Mountain, providing outstanding customer service to local residents and visitors; and

WHEREAS, Jim Tennant worked alongside other community members to bring telephone service to the area, helped in the creation of two industrial parks in Bath County during his service on the Industrial Development Authority, served more than 30 years on the Bath County Electoral Board and provided strong leadership as chair, and provided wise insight for 50 years on the BARC Electric Cooperative Board; and

WHEREAS, dedicated to his fellow veterans, Jim Tennant was a member of Coleman-Brinkley VFW Post 4204 and a respected community speaker who, as the last survivor of his original World War II flying crew, kept the memory of his fellow airmen alive through the sharing of the stories of his military service; and

WHEREAS, Jim Tennant took an active role at Windy Cove Presbyterian Church, serving as treasurer and as an elder, singing in the choir, and teaching Sunday School; he took an active leadership role at Fairview Community Center; and

WHEREAS, Jim Tennant was a 63-year member of the Millboro Masonic Lodge No. 28 A.F. & A.M., the Alleghany Royal Arch Chapter No. 24 of the Royal Arch Masons, and the Alleghany Commandery No. 23; and

WHEREAS, Jim Tennant was a member of the Kazim Shriners A.A.O.N.M.S. of Roanoke, the Hot Springs Shrine Club, and the Clifton Forge Shrine Club; and

WHEREAS, a man of deep faith, Jim Tennant worked diligently to enhance the quality of life of his fellow residents and leaves behind a legacy of service to his community and country; and

WHEREAS, predeceased by his wife, Gloria, Jim Tennant will be fondly remembered and greatly missed by his children, Linda, Jimbo, and Michael, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of a respected citizen of Millboro, James Carlton Tennant; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of James Carlton Tennant as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 49

Celebrating the life of Susan Carter Parker Potter.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Susan Carter Parker Potter, a respected member of the Alleghany County community who represented the Commonwealth with great distinction as Miss Virginia in 1984, died on May 31, 2013; and

WHEREAS, a graduate of Alleghany High School, Susan Potter earned an associate degree from Dabney S. Lancaster Community College and studied further at what was then known as Westminster Choir College and the North Carolina School of the Arts as well as Virginia Tech; and

WHEREAS, a woman of great vocal talent and beauty, Susan Potter traveled across the Commonwealth after her selection as Miss Virginia in 1984; she went on to earn a talent award at the Miss America pageant in Atlantic City, New Jersey; and

WHEREAS, a lifelong member of McAllister Memorial Presbyterian Church in Covington, Susan Potter served as director of the choir, sharing her beautiful voice with the congregation and guiding others in the development of their talents; she was an honorary life member of the Presbyterian Women of America; and

WHEREAS, Susan Potter took an active role in community affairs as a member of the board of directors of the Alleghany Arts Council and the Margaret R. Baker Charitable Foundation, Inc., and of the advisory committee of the Frances P. Rupert Memorial Scholarship Foundation; and

WHEREAS, for a decade, Susan Potter battled breast cancer with great dignity and grace, volunteering with Relay for Life, playing golf at fundraisers for breast cancer charities, and educating women about the disease; and

WHEREAS, a vibrant and active woman, Susan Potter brought great joy into the lives of those around her with her caring spirit, love of life, and positive outlook; and

WHEREAS, Susan Potter loved riding roller coasters, golfing, and boating; she was a gourmet cook and loyal Hokie fan; and

WHEREAS, a devoted wife and mother, Susan Potter will be fondly remembered and greatly missed by her husband, William; daughter, Kaitlyn; parents, Orion and Patsy; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of former Miss Virginia, Susan Carter Parker Potter; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Susan Carter Parker Potter as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 50

Celebrating the life of Jacqueline Corbin Pleasants.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Jacqueline Corbin Pleasants, a beloved resident of Lexington known for her love of family, her faith, and her community involvement, died on October 14, 2013; and

WHEREAS, a native of Pulaski, Jacqueline "Jackie" Pleasants graduated from Virginia State College (now University), where she met her husband, Dr. Alfred W. Pleasants, Jr., who was visiting his alma mater from Lexington; and

WHEREAS, Jackie Pleasants settled in Lexington with her husband and together they raised three children; she frequently joined her husband at medical conferences and took part in the Old Dominion Medical Society and National Medical Association Women's Auxiliaries; and

WHEREAS, Jackie Pleasants was an active community member, volunteering with the local Girl Scouts, the League of Women Voters, the local mental health association, and what is now known as Carilion Stonewall Jackson Hospital Women's Auxiliary; and

WHEREAS, Jackie Pleasants supported the Lylburn Downing School band boosters and was also a Theater at Lime Kiln volunteer, original member of the Six O'Clock Club, life member of Alpha Kappa Alpha Sorority, Inc., and member of the Roanoke Chapter of The Links, Incorporated; and

WHEREAS, Jackie Pleasants enjoyed fellowship and worship alongside other members of First Baptist Church of Lexington; and

WHEREAS, Jackie Pleasants was a staunch supporter of the local Democratic party, serving as treasurer of the local committee and supporting local and statewide candidates; and

WHEREAS, the Lexington and Rockbridge County Democratic Committees honored Jackie Pleasants for her support at a special banquet in 2008 with the establishment of the Jacqueline Corbin Pleasants Scholarship Fund; and

WHEREAS, Jackie Pleasants brought to all of her endeavors a loving spirit, bright smile, and sense of purpose; and

WHEREAS, predeceased by her husband of 50 years, Alfred, Jackie Pleasants will be fondly remembered and greatly missed by her children, Kitola, A.W. III, and Carmen, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of a respected citizen of Lexington, Jacqueline Corbin Pleasants; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Jacqueline Corbin Pleasants as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 51

Commending the Garth Newel Music Center.

Agreed to by the Senate, January 9, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, the Garth Newel Music Center, a Virginia home for the study and performance of classical chamber music, proudly celebrated its 40th anniversary in 2013; and

WHEREAS, the Garth Newel Music Center received its rich cultural heritage from Christine and Sergeant Kendall, both celebrated artists and accomplished musicians, whose Bath County estate, Garth Newel, Welsh for "new hearth," has been a home to the fine and performing arts since 1924; and

WHEREAS, Christine Kendall developed a close friendship with Luca and Arlene Di Cecco, founding members of the Rowe String Quartet, with whom she established the Garth Newel Music Center in 1973; and

WHEREAS, Christine Kendall, upon her death in 1981 at the age of 91, bequeathed the estate and an endowment to the Garth Newel Music Center Foundation to support an expanded concert season; and

WHEREAS, Luca and Arlene Di Cecco, after 25 years of dedicated leadership and uncompromising artistry, retired; vibrant programming and performances by the Garth Newel Music Center's next generation of resident artists further extend its reputation for musical excellence; and

WHEREAS, Garth Newel Music Center is the proud recipient of a 2012 Chamber Music America's Acclaim Award, given in recognition of its contributions to the cultural life of the Allegheny Highlands and its outreach to music students of all ages through the Allegheny Mountain String Project, the Adult Amateur Chamber Music Retreat, and the Young Artists Fellowship Study Program; and

WHEREAS, the Garth Newel Piano Quartet performs more than 60 concerts annually in Herter Hall at the Garth Newel Music Center and is heard in concert across the Commonwealth, throughout the United States, and around the world; and

WHEREAS, Christine Kendall's vision, the leadership provided by Luca and Arlene Di Cecco, and the virtuosity of the Garth Newel Piano Quartet have established Garth Newel Music Center as a home for the performing arts in a setting of natural beauty; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Garth Newel Music Center on the occasion of its 40th anniversary as it carries the Garth Newel story into the Music Center's fifth decade and beyond; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Garth Newel Music Center as an expression of the General Assembly's congratulations and admiration for the Music Center's contributions to the cultural landscape of the Commonwealth.

SENATE JOINT RESOLUTION NO. 54

Requesting the Department of Social Services to study a tiered-reimbursement subsidy program for child-care providers. Report.

Agreed to by the Senate, March 6, 2014

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, the Commonwealth began piloting in 2007 a quality-rating-improvement system for child-care providers; and

WHEREAS, other states have improved the quality of their child-care services through implementation of a tiered-reimbursement subsidy program based on a quality-rating-improvement system, which offers higher subsidy payments to child-care providers that meet higher standards of care; and

WHEREAS, utilization of a tiered-reimbursement subsidy program based on a quality-rating-improvement system in the Commonwealth may improve the quality of its child-care services; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Department of Social Services be requested to study a tiered-reimbursement subsidy program for child-care providers.

In conducting its study, the Department of Social Services shall (i) identify and compare strategies for implementation of a tiered-reimbursement subsidy program based on a quality-rating-improvement system for child-care providers in the Commonwealth; (ii) determine the resources required to implement and sustain such strategies; (iii) explore the potential effects of implementing a tiered-reimbursement subsidy program in the Commonwealth, including any impact on the supply of quality child-care services, potential financial implications for child-care services on families, and providers, effects on existing programs, such as the Child Care Subsidy Program, effects on the licensure of child-care providers, and the implications of applicable federal and state laws and regulations; and (iv) examine other states that utilize a tiered-reimbursement subsidy program, including implementation strategies and results.

Technical assistance shall be provided to the Department of Social Services by the Virginia Early Childhood Foundation. All agencies of the Commonwealth shall provide assistance to the Department of Social Services for this study, upon request.

The Department of Social Services shall complete its meetings by November 30, 2014, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2015 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 57

Celebrating the life of the Honorable James Edward Sheffield.

Agreed to by the Senate, January 16, 2014

Agreed to by the House of Delegates, January 24, 2014

WHEREAS, the Honorable James Edward Sheffield, one of nine children of a railroad Pullman porter's family, was born during the Great Depression in Hot Springs, Arkansas, on October 25, 1932, and died in Richmond on March 28, 2013; and

WHEREAS, the Honorable James Edward Sheffield attended Wilson Junior College and Roosevelt College in Chicago, Illinois, and studied at Texas College, in Tyler, Texas, before attending the University of Illinois in Champaign-Urbana, where he received a bachelor of arts degree in political science in 1955; and

WHEREAS, the Honorable James Edward Sheffield served his country honorably and with valor in the United States Air Force at Byrd Field from 1955 to 1959 as a personnel specialist for Air Force Reserve training and was promoted to the rank of staff sergeant; and

WHEREAS, after his military service, he was employed as District Scout Executive for the Frederick Douglass District of the Boy Scouts of America in Richmond from January 1959 to September 1960, before departing to study law at Howard University, and while a law student at Howard University, the Honorable James Edward Sheffield served as a law clerk for the Legal Counsel for the U.S. Commission on Civil Rights and for the Honorable Spottswood Robinson, then dean of the Howard University School of Law; he graduated cum laude from the Howard University School of Law in June 1963; and

WHEREAS, the Honorable James Edward Sheffield began his distinguished legal career as a trial attorney in the Civil Division of the United States Department of Justice under the Attorney General's Honor Program in the Civil Division, Court of Claims Section, in Washington, D.C., as a litigator for the federal government from September 1963 to September 1964; in March 1964, he returned to Richmond and became engaged in the general practice of law as a sole practitioner; and

WHEREAS, the Honorable James Edward Sheffield served as a full-time assistant professor of law at the Howard University School of Law from September 1964 to September 1966, and thereafter worked as assistant professor of law at Howard University on a part-time basis until February 1968; he faithfully supported his alma mater throughout his professional career, commuting daily to teach law classes at Howard University; and

WHEREAS, on November 1, 1974, Governor Mills E. Godwin appointed the Honorable James Edward Sheffield as the first African American to the Circuit Court of the City of Richmond, where he also served as chief judge of the Circuit Court from November 1, 1982, to August 1, 1984, until his retirement from the bench; and

WHEREAS, in 1980, the Honorable James Edward Sheffield was nominated for a federal judgeship for the U.S. District Court for the Eastern District of Virginia by President James Earl Carter; and

WHEREAS, after his retirement from the judiciary, the Honorable James Edward Sheffield returned to the practice of general law, becoming a partner in the law firm of Little, Parsley & Cluverius, P.C., in the historic Jackson Ward area of the city, and in March 1986, he became the managing partner of the law firm of James Edward Sheffield, P.C.; and

WHEREAS, the Honorable James Edward Sheffield was a lecturer of law at the University of Virginia from 1975 and an adjunct professor of law at the University of Richmond School of Law from 1976 until his death; and

WHEREAS, the Honorable James Edward Sheffield was active in various professional legal organizations and was involved in leadership positions in community endeavors; he was instrumental in the formation of the Old Dominion Bar Association; he was the recipient of numerous honors and awards, which included the Astoria Beneficial Club's Citizenship Award in 1974; the King Solomon Lodge No. 27, Free and Accepted Masons Citizenship and Service Award in 1974; Phi Phi Chapter, Omega Psi Phi Fraternity Citizen of the Year Award in 1975; the YMCA's Model Judiciary Program Participation Award in 1977; the NAACP's Lynchburg Chapter Citizenship Award in 1979; Howard University School of Law Student Bar Association's John Mercer Langston Outstanding Alumnus Award for 1980; the United Nations' Kenneth David Kaunda Award for Humanism in 1981; and the 1982–1983 Regional Sire Archon of the Southeast Region of Sigma Pi Phi Fraternity; also he was honored by the Nigerian government with an invitation to address Nigerian judges to compare the constitutions of Nigeria and the United States; and

WHEREAS, the Honorable James Edward Sheffield was a former member of the Virginia Commonwealth University and St. Paul's College boards of trustees; a member of the board of directors of Chippenham Hospital, Children's Hospital, and Richmond Community Hospital; a member of the Downtown Club of Richmond, Focus Club, Guardsmen, Kappa Alpha Psi Fraternity, National Association for the Advancement of Colored People, Richmond First Club, Richmond Urban League, Richmond Forum, the National Bar Association, American Bar Association, and Old Dominion Bar Association; and a 32nd degree Mason; and

WHEREAS, a longtime and devoted member of Ebenezer Baptist Church, the Honorable James Edward Sheffield chaired the church's board of trustees and building council; and

WHEREAS, the Honorable James Edward Sheffield's legacy as an eminent legal scholar and his groundbreaking and distinguished judicial career is worthy of emulation, and his presence in the community as a faithful churchman and dedication as a husband and father will be sorely missed by all who loved and knew him; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable James Edward Sheffield; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable James Edward Sheffield, the first African American appointed to the Circuit Court of the City of Richmond, as an expression of the General Assembly's respect for his memory and dedicated service to the Commonwealth.

SENATE JOINT RESOLUTION NO. 58

Celebrating the life of Dr. Albert Will Thweatt.

Agreed to by the Senate, January 16, 2014

Agreed to by the House of Delegates, January 24, 2014

WHEREAS, Dr. Albert Will Thweatt was born on April 25, 1943, in Prince George, and entered into eternal rest on October 24, 2013, in Richmond; and

WHEREAS, Dr. Albert Will Thweatt was educated in the Prince George County Public Schools and, after graduation from high school, attended Elizabeth City State University, where he earned a bachelor of science degree in 1965; he earned a master of arts degree from Virginia State University in 1971 and a doctor of education degree from the University of Virginia in 1980; and

WHEREAS, Dr. Albert Will Thweatt, a gifted scholar, was inducted into the Guardsmen, Sigma Pi Phi Boulé, and Phi Delta Kappa fraternities; and

WHEREAS, Dr. Albert Will Thweatt was an outstanding educator who served as band director and assistant principal in the Hopewell Public Schools; as assistant superintendent of Gainesville City Schools in Gainesville, Georgia; as director of the evening and weekend college at Virginia State University; and as director of continuing education at the University of Virginia; and

WHEREAS, a successful entrepreneur, Dr. Albert Will Thweatt was the founder and chief operating officer of Alrod Enterprises, Inc., a service establishment equipment and supplies company, in Petersburg, from 1978 to 2013; and

WHEREAS, Dr. Albert Will Thweatt was a proud and committed member of several civic and professional organizations, including the board of directors of the Prince George Electric Co-Op, the Bank of Southside Virginia, Venture Richmond, the Virginia State Chamber of Commerce, International Management Council, Petersburg Economic Action Corporation, Petersburg Public Education Foundation, and the Richmond Economic Development Corporation; he served as a member of the board of trustees for the University of Florida, Virginia State University, and Edward Waters College; and

WHEREAS, a faithful and longtime member of Union Branch Baptist Church in Prince George, Dr. Albert Will Thweatt used his God-given gifts and talents to serve his beloved church as pianist, director of the men's choir, and a member of the church's board of trustees; and

WHEREAS, in addition to his numerous community and civic duties, Dr. Albert Will Thweatt was a caring philanthropist, an orator and advocate of education, and a man who inspired everyone with hope, love, and honesty; and

WHEREAS, Dr. Albert Will Thweatt leaves a legacy worthy of emulation and his memory will be cherished by his family, relatives, colleagues, friends, and many others who were touched by his life; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Dr. Albert Will Thweatt; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Dr. Albert Will Thweatt as an expression of the General Assembly's respect for his memory and contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 59

Commending Earl MacArthur Jackson.

Agreed to by the Senate, January 16, 2014

Agreed to by the House of Delegates, January 24, 2014

WHEREAS, Earl MacArthur Jackson, a native son of Disputanta, was educated in the Prince George County Public Schools and after graduating from J.E.J. Moore High School, he attended Turpins Barbering School in Richmond, where he earned his barber's license; he later enrolled in Virginia State University, where he earned the bachelor of science degree in agriculture; and

WHEREAS, Earl MacArthur Jackson was ambitious and hardworking and often worked several jobs simultaneously; and

WHEREAS, in 1966, Earl MacArthur Jackson began his career as a professional barber at Boddie's Barbershop, the oldest African American barbershop in Petersburg, where he perfected his skills as a master barber, and his clientele multiplied substantially; and

WHEREAS, while maintaining a career as a barber, Earl MacArthur Jackson sought employment with the United States Department of Defense at Bellwood in Richmond, and today, he is retired from both careers; and

WHEREAS, Earl MacArthur Jackson is highly respected in the Petersburg community; he is a faithful and devoted member of the Male Chorus and Gospel Choir of First Baptist Church of Petersburg, and he has used his ministry as a deacon and trustee of his church as a platform to serve others, demonstrate kindness, and show compassion in order that his beloved city of Petersburg and its citizens may flourish; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Earl MacArthur Jackson; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Earl MacArthur Jackson as an expression of the General Assembly's appreciation of his service to the Petersburg community.

SENATE JOINT RESOLUTION NO. 60

Commending Carolyn S. Rauschberg.

Agreed to by the Senate, January 16, 2014

Agreed to by the House of Delegates, January 24, 2014

WHEREAS, Carolyn S. Rauschberg has represented the interests of the Virginia Department of Human Resource Management for 40 years; and

WHEREAS, Carolyn Rauschberg has steadfastly served 11 Governors of Virginia and contributed to the accomplishment of their goals for the state workforce and citizens of the Commonwealth; and

WHEREAS, with integrity and great distinction, Carolyn Rauschberg faithfully upheld the principles of the Virginia Personnel Act and Standards of Professional Practice in carrying out her duties as human resource consultant for the Department of Human Resource Management; and

WHEREAS, Carolyn Rauschberg fervently represented the interests of public safety agencies for over 30 years and has been recognized as a vital partner in the achievement of their missions; and

WHEREAS, an exemplary legislative liaison for 15 years, Carolyn Rauschberg worked tirelessly to provide critical guidance and support to state agencies and the legislature; and

WHEREAS, while serving as the Department of Human Resource Management's point of contact for the human resources implementation of Governor McDonnell's reorganization of state government, Carolyn Rauschberg demonstrated extraordinary professionalism, knowledge, and skill in the administration of complex operational logistics critical to the transfer of programs and merger of agencies; and

WHEREAS, Carolyn Rauschberg ably represented the best interests of the Commonwealth and its employees; and

WHEREAS, Carolyn Rauschberg's extraordinary leadership, guidance, insight, and mentoring have been gratefully recognized by colleagues across the Commonwealth's human resources community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Carolyn S. Rauschberg on the occasion of her retirement from the Virginia Department of Human Resource Management; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Carolyn S. Rauschberg as an expression of the General Assembly's respect and gratitude for her dedicated service to the Commonwealth and its citizens.

SENATE JOINT RESOLUTION NO. 61

Directing the Joint Commission on Technology and Science to study strategies for preventing and mitigating potential damages caused by geomagnetic disturbances and electromagnetic pulses. Report.

Agreed to by the Senate, February 11, 2014

Agreed to by the House of Delegates, February 19, 2014

WHEREAS, geomagnetic disturbances and electromagnetic pulses have the capability of producing significant damage to the Commonwealth's infrastructure and electronic equipment; and

WHEREAS, the Commonwealth's vulnerability to such threats is increasing daily through heightened use of and dependence on electronic equipment; and

WHEREAS, the Joint Commission on Technology and Science may be able to identify measures to protect the Commonwealth's infrastructure through focused examination; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Commission on Technology and Science be directed to study strategies for preventing and mitigating potential damages caused by geomagnetic disturbances and electromagnetic pulses.

In conducting its study, the Joint Commission on Technology and Science shall (i) study the nature and magnitude of potential threats to the Commonwealth caused by geomagnetic disturbances and electromagnetic pulses; (ii) examine the Commonwealth's vulnerabilities to the potential negative impacts of geomagnetic disturbances and electromagnetic pulses; (iii) identify strategies to prevent and mitigate the effects of geomagnetic disturbances and electromagnetic pulses on the Commonwealth's infrastructure; (iv) estimate the feasibility and costs of such preventative and mitigation measures; and (v) make recommendations regarding strategies the Commonwealth should employ to better protect itself from and mitigate damages caused by geomagnetic disturbances and electromagnetic pulses.

All agencies of the Commonwealth shall provide assistance to the Joint Commission on Technology and Science for this study, upon request.

The Joint Commission on Technology and Science shall complete its meetings by November 30, 2014, and the Chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations

no later than the first day of the 2015 Regular Session of the General Assembly. The executive summary shall state whether the Joint Commission on Technology and Science intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 62

Commending the Staunton-Augusta County First Aid and Rescue Squad, Inc.

Agreed to by the Senate, January 16, 2014

Agreed to by the House of Delegates, January 24, 2014

WHEREAS, the Staunton-Augusta County First Aid and Rescue Squad, Inc., proudly celebrated 75 years of serving the community in 2013; and

WHEREAS, the Staunton-Augusta County First Aid and Rescue Squad, Inc., began as the Staunton Rescue Squad when volunteers from the fire department organized to transport city employees and indigent patients to and from King's Daughters Hospital and to help people involved in motor vehicle crashes; and

WHEREAS, the Staunton-Augusta County First Aid and Rescue Squad, Inc., initially used ambulances from local funeral homes, with volunteers receiving first aid instruction from local physicians; and

WHEREAS, over the years, the Staunton-Augusta County First Aid and Rescue Squad, Inc., answered more calls, joined the Virginia Association of Volunteer Rescue Squads, Inc., and purchased its first true ambulance in 1956, a used 1955 Cadillac; and

WHEREAS, in 1967, the Staunton Rescue Squad received permission from the Staunton City Council to operate on its own and filed its charter; it became officially known as the Staunton-Augusta County First Aid and Rescue Squad, Inc., and broke ground for its building on North Coalter Street; and

WHEREAS, in 1990, the Staunton-Augusta County First Aid and Rescue Squad, Inc., began to receive dispatched calls from the Augusta County Emergency Operations Center and the Staunton Police Department; and

WHEREAS, today, the Staunton-Augusta County First Aid and Rescue Squad, Inc., answers more than 6,500 calls a year and has 110 volunteers and career staff and six ambulances, one response vehicle, one utility vehicle, and a crash/rescue truck; and

WHEREAS, throughout its long history, the Staunton-Augusta County First Aid and Rescue Squad, Inc., has remained focused on its mission of providing "the best prehospital emergency care to the Citizens of Staunton and Augusta County"; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Staunton-Augusta County First Aid and Rescue Squad, Inc., on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Staunton-Augusta County First Aid and Rescue Squad, Inc., as an expression of the General Assembly's congratulations and admiration for its service to the community.

SENATE JOINT RESOLUTION NO. 63

Requesting the Department of Game and Inland Fisheries to review ways to preserve the Virginia Bobwhite quail population. Report.

Agreed to by the Senate, February 11, 2014

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, in 1988, the General Assembly recognized that the Bobwhite quail was in drastic decline and created a joint subcommittee pursuant to House Joint Resolution 114 to study the problem and recommend ways to preserve the quail population; and

WHEREAS, in 1989, the joint subcommittee reported its findings (House Document 44), including recommendations that:

1. The Department of Game and Inland Fisheries, in cooperation with all interested parties, increase its efforts to protect, preserve, and create Bobwhite quail habitat;

2. The Department of Game and Inland Fisheries increase its education and technical efforts to better inform the public regarding the history, habitat requirements, and management of the Bobwhite quail;

3. The Department of Game and Inland Fisheries be encouraged to develop close working relationships with those state and federal agencies that administer agricultural and conservation programs so as to ensure the coordination of habitat management with other conservation and economic objectives;

4. Landowner liability statutes be modified to give landowners more of an incentive to allow the public to hunt on their lands; and

5. The Department of Game and Inland Fisheries conduct a comprehensive study to assess the diverse factors affecting quail population dynamics, including the effects of chemicals and agricultural land on the Bobwhite quail; and

WHEREAS, the report warned that to achieve a significant increase in the Bobwhite quail population over time, quail hunting had to be managed as intelligently as habitat; and

WHEREAS, the joint subcommittee recognized that it was recommending an "ambitious program" to preserve the Bobwhite quail and that, in doing so, personnel and funds would be needed in addition to the two small-game biologists approved by the 1988 General Assembly Session; and

WHEREAS, since the 1989 report, much has been done by the Department of Game and Inland Fisheries to preserve and protect Bobwhite quail, but unfortunately the population continues to decline in spite of a few success stories in various areas of the Commonwealth; and

WHEREAS, a number of states currently participate in a joint effort to save the quail known as the National Bobwhite Conservation Initiative; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Department of Game and Inland Fisheries be requested to review ways to preserve the Virginia Bobwhite quail population. The Department of Game and Inland Fisheries shall review existing efforts to restore habitat and to preserve, protect, and reintroduce Bobwhite quail. Further, the review shall include recommendations on strategies to achieve the goal of preserving the Virginia Bobwhite quail population and identify the resources and policies needed to implement those strategies. Technical assistance shall be provided by the Department of Conservation and Recreation.

The Department of Game and Inland Fisheries shall submit to the Division of Legislative Automated Systems an executive summary and report of its progress in meeting the requests of this resolution no later than the first day of the 2015 Regular Session of the General Assembly. The executive summary and report shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 64

Directing the Virginia State Crime Commission to study the current state of readiness of Virginia's Law Enforcement and Search and Rescue efforts for rapid and well-coordinated deployment in all missing, endangered, and abducted person cases. Report.

Agreed to by the Senate, February 11, 2014

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, according to an August 2013 report released by the Virginia State Police, Virginia currently has 342 missing children cases that are still open, some dating back a decade or more; and

WHEREAS, dozens of young women and men have been reported missing, endangered, or abducted in the past 20 years in Virginia with very few cases resolving in a rescue or recovery of the abducted person or arrest of a suspect; and

WHEREAS, when an abducted person remains missing, it leaves the families with no closure and they remain in agony, caught in a suspended state of fear, anticipation, longing, and despair; and

WHEREAS, law enforcement experience demonstrates that the longer a person or child remains missing, the less likely it is that the person or child will be returned safely; and

WHEREAS, with each passing day, potential evidence that could identify a suspect degrades, thus lessening the likelihood of apprehension and prosecution of the offender, leaving a dangerous offender at large to commit further crimes and harm additional victims; and

WHEREAS, current research on over 800 abducted child murder cases done by the Washington State Attorney General's office has established that there is a science behind search and rescue strategies in cases of abducted and endangered victims; and

WHEREAS, according to the Washington study, 46 percent of child abduction murderers have a history of crimes against children; 44 percent of killers were strangers and 42 percent were family friends or acquaintances; in 46 percent of cases, the victim was found within one-and-a-half miles of where the victim was last seen and within 12 miles in another 30 percent of cases; and in 36 percent of cases, the victim was last seen within one-fourth of a mile from the abductor/killer's home; and

WHEREAS, deployment of rapid search and rescue efforts and strategies have met with resistance in Virginia due to territorial, jurisdictional, and staffing issues across law-enforcement agencies and varying levels of knowledge concerning developments in the field of search and rescue; and

WHEREAS, despite massive resources that exist federally for abducted children from funding to the National Center for Missing and Exploited Children, missing children in Virginia still experience deadly delays and inconsistency in deployment of their published and disseminated missing information, national press engagement, family support services, and amber alerts; and

WHEREAS, no federal resources exist for missing adults, leaving families of abducted young persons with responsibility for coordinating search efforts; and

WHEREAS, Virginia has a Search and Rescue office and a Search and Rescue Council under the Virginia Department of Emergency Management (VDEM) with over 500 trained and certified search and rescue experts who deploy pro bono; and

WHEREAS, all Virginians will benefit if law enforcement and Virginia's search and rescue resources are better coordinated across all localities in order to facilitate the immediate search for any missing, endangered, or abducted person; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Virginia State Crime Commission be directed to study the current state of readiness of Virginia's Law Enforcement and Search and Rescue efforts for rapid and well-coordinated deployment in all missing, endangered, and abducted person cases.

The study shall (i) examine cases where a well-coordinated, large-scale, rapid search and rescue effort was not deployed, including but not limited to the cases of Alicia Showalter Reynolds, Alexis Murphy, and Morgan Harrington and each endangered or abducted child/person case that did not result in the rescue or recovery of the missing person; (ii) examine cases in which an endangered or abducted person/child did result in the rescue or recovery of the missing person and how the response of the law-enforcement agency with jurisdiction was different; (iii) determine how often the search strategies from the Washington Study have been immediately deployed (within hours of the report) in Virginia on endangered and abducted person cases and why those strategies were not deployed immediately in other cases; (iv) consider the time delays in Virginia for engaging the national media and reasons for those delays; and (v) consider reasons for lack of support from the National Center for Missing and Exploited Children, including situations in which there have been long delays in deployment of missing child information, activation of amber alerts, and provision of support services for families.

In conducting its study, the Virginia State Crime Commission shall examine what needs to be done in order to get increased, large-scale rapid search and rescue coordination efforts, immediate notification to VDEM when a person/child is determined to be endangered or abducted, additional resources and staffing needs for VDEM and law enforcement, cross-training between command staff and VDEM Search and Rescue, and family support services and to implement other recommendations the Crime Commission deems necessary.

Technical assistance shall be provided to the Virginia State Crime Commission by the Department of State Police and the Virginia Department of Emergency Management Search and Rescue office, and the Virginia Search and Rescue Council, and the families of missing and abducted persons/children shall be consulted. All agencies of the Commonwealth shall provide assistance to the Virginia State Crime Commission for this study, upon request.

The Virginia State Crime Commission shall complete its meetings by November 30, 2014, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2015 Regular Session of the General Assembly. The executive summary shall state whether the Virginia State Crime Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 67

Confirming appointments by the Governor of certain persons communicated June 1, 2013.

Agreed to by the Senate, January 20, 2014

Agreed to by the House of Delegates, February 4, 2014

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Robert F. McDonnell and communicated to the General Assembly June 1, 2013.

AUTHORITIES

Richmond Eye and Ear Hospital Authority

Sally Bagley, 3908 Exeter Road, **Richmond**, Virginia 23221, Member, appointed March 29, 2013, for a term of six years beginning January 1, 2012, and ending December 31, 2017, to succeed Felix Garcia.

Stephen M. Busch, 5707 Rockport Landing Place, **Midlothian**, Virginia 23112, Member, appointed March 26, 2013, for a term of six years beginning January 1, 2012, and ending December 31, 2017, to succeed himself.

Cheryl R. Jarvis, 109 Maple Avenue, **Richmond**, Virginia 23226, Member, appointed March 26, 2013, for a term of six years beginning January 1, 2012, and ending December 31, 2017, to succeed herself.

Anne Howell McElroy, 6007 Three Chopt Road, **Richmond**, Virginia 23226, Member, appointed March 26, 2013, for a term of six years beginning January 1, 2012, and ending December 31, 2017, to succeed Ronald Wesley.

COMMERCE AND TRADE

Commission on Local Government

Bruce C. Goodson, 313 Littletown Quarter, **Williamsburg**, Virginia 23185, Member, appointed April 1, 2013, for a term of five years beginning January 1, 2013, and ending December 31, 2017, to succeed Wanda Wingo.

Southwest Virginia Cultural Heritage Foundation

Lucius F. Ellsworth, 113 Ridgefield Road, **Wise**, Virginia 24293, Member, appointed April 26, 2013, for a term of four years beginning July 1, 2011, and ending June 30, 2015, to succeed Lee Chichester.

Virginia Manufactured Housing Board

Carey A. Brace, 4037 Hilltop Field Drive, **Chester**, Virginia 23831, Member, appointed April 15, 2013, to serve an unexpired term beginning September 26, 2012, and ending March 31, 2014, to succeed Michael Nickell.

Walter S. Cleaton, 7924 Goodes Ferry Road, **South Hill**, Virginia 23970, Member, appointed April 16, 2013, to serve an unexpired term beginning September 26, 2012, and ending March 31, 2014, to succeed William Moody.

EDUCATION**A. L. Philpott Manufacturing Extension Partnership**

Kevin D. Creehan, 3201 Ogden Road, **Roanoke**, Virginia 24018, Member, appointed April 4, 2013, to serve an unexpired term beginning May 22, 2012, and ending June 30, 2015, to succeed Bonnie Harmon.

Keith Miller, 11930 Middlecoff Drive, **Chester**, Virginia 23836, Member, appointed October 16, 2012, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Linwood Rose.

HEALTH AND HUMAN RESOURCES**Advisory Board for the Virginia Department for the Deaf and Hard-of-Hearing**

Ann Latham-Anderson, 1280 Amber Ridge Road, **Charlottesville**, Virginia 22901, Member, appointed May 7, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Jill McMillin.

Shantell D. Lewis, 1104 Northbury Avenue, **Richmond**, Virginia 23231, Member, appointed April 26, 2013, for a term of four years beginning July 1, 2010, and ending June 30, 2014, to succeed Roberta Dietz.

Kathi Mestayer, 105 Gilley Drive, **Williamsburg**, Virginia 23188, Member, appointed April 26, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Deborah Titus.

Patricia Fahed Trice, 3105 Aqua Court, **Richmond**, Virginia 23230, Member, appointed April 26, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed herself.

Virginia Board for People with Disabilities

Kimberly Vanderland, 8201 Shannon Hill Road, **Henrico**, Virginia 23229, Member, appointed April 25, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Joseph Bass.

NATURAL RESOURCES**State Air Pollution Control Board**

Manning Gasch, Jr., 33536 Discovery Lane, **Hanover**, Virginia 23069, Member, appointed April 25, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed himself.

Richard D. Langford, 1106 Horse Shoe Lane, **Blacksburg**, Virginia 24060, Member, appointed April 25, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

PUBLIC SAFETY**Virginia Fire Services Board**

Mark Osborn, 510 Plantation Drive, **Fredericksburg**, Virginia 22406, Member, appointed April 23, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Joseph Wilson.

TRANSPORTATION**Metropolitan Washington Airports Authority**

Bruce A. Gates, 4135 Seminary Road, **Alexandria**, Virginia 22304, Member, appointed May 16, 2013, to serve an unexpired term beginning May 18, 2013, and ending November 23, 2014, to succeed Todd Stottlemeyer.

Virginia Commercial Space Flight Authority

William F. Readdy, 1818 South Lynn Street, **Arlington**, Virginia 22202, Member, appointed March 1, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to fill a new seat.

Carol A. Staubach, 1868 West Mountain Mirage Place, **Oro Valley, Arizona** 85755, Member, appointed April 15, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to fill a new seat.

SENATE JOINT RESOLUTION NO. 68

Confirming appointments by the Governor of certain persons communicated August 1, 2013.

Agreed to by the Senate, January 20, 2014

Agreed to by the House of Delegates, February 4, 2014

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Robert F. McDonnell and communicated to the General Assembly August 1, 2013.

AGRICULTURE AND FORESTRY**Aquaculture Advisory Board**

Robert S. Bloxom, Jr., 29074 Bloxom Road, **Parksley**, Virginia 23421, Member, appointed June 25, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed himself.

A. J. Erskine, 417 Kinlock Avenue, **Kilmarnock**, Virginia 22482, Member, appointed July 2, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed himself.

Roger Mann, 312 Wading Creek Road, **Dutton**, Virginia 23050, Member, appointed July 2, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed himself.

Board of Agriculture and Consumer Services

Shelley S. Butler-Barlow, Post Office Box 2116, **Suffolk**, Virginia 23432, Member, appointed July 10, 2013, for a term of four years beginning March 1, 2013, and ending February 28, 2017, to succeed Paul Rogers.

L. Wayne Kirby, 10572 Summer Hill Road, **Mechanicsville**, Virginia 23116, Member, appointed July 1, 2013, for a term of four years beginning March 1, 2013, and ending February 28, 2017, to succeed Edward Fleming.

John R. Marker, 3035 Cedar Creek Grade, **Winchester**, Virginia 22602, Member, appointed June 18, 2013, for a term of four years beginning March 1, 2013, and ending February 28, 2017, to succeed John Hardesty.

Mark A. McCann, 302 Litton Reeves Hall, **Blacksburg**, Virginia 23061, Member, appointed July 19, 2013, for a term of four years beginning March 1, 2013, and ending February 28, 2017, to succeed Charles Clark.

Robert J. Mills, Jr., 1101 Wynell Drive, **Callands**, Virginia 24530, Member, appointed June 18, 2013, for a term of four years beginning March 1, 2013, and ending February 28, 2017, to succeed himself.

Steve W. Sturgis, Post Office Box 178, **Eastville**, Virginia 23347, Member, appointed June 18, 2013, for a term of four years beginning March 1, 2013, and ending February 28, 2017, to succeed himself.

Luther Kirk Wiles III, 7801 Kincheloe Road, **Clifton**, Virginia 20124, Member, appointed June 18, 2013, for a term of four years beginning March 1, 2013, and ending February 28, 2017, to succeed himself.

Board of Forestry

John W. Burke III, 12602 Woodford Road, **Woodford**, Virginia 22580, Member, appointed March 29, 2013, for a term of one year beginning July 1, 2012, and ending June 30, 2013, to fill a new seat.

Thomas W. Evelyn, 9800 Talleyville Road, **New Kent**, Virginia 23124, Member, appointed February 26, 2013, for a term of two years beginning July 1, 2012, and ending July 30, 2014, to fill a new seat.

Board of Forestry

John W. Burke III, 12602 Woodford Road, **Woodford**, Virginia 22580, Member, appointed July 1, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Franklin B. Myers, 5046 Christanna Highway, **Gasburg**, Virginia 23857, Member, appointed July 1, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

David William Smith, 625 Woodland Drive Northwest, **Blacksburg**, Virginia 24060, Member, appointed July 2, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

E. Glen Worrell, Jr., 1993 Springhill Road, **Staunton**, Virginia 24401, Member, appointed July 1, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Virginia Small Grains Board

Michael B. Mayes, 9192 Fort Dushane Road, **Petersburg**, Virginia 23805, Member, appointed June 24, 2013, for a term of three years beginning September 1, 2010, and ending August 31, 2013, to succeed William Easley.

AUTHORITIES

Fort Monroe Authority

G. Robert Aston, Jr., 4417 Glencove Drive, **Portsmouth**, Virginia 23703, Member, appointed July 2, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Kimberly Ann Maloney, 1009 Lightfoot Road, **Williamsburg**, Virginia 23188, Member, appointed July 2, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed herself.

Richmond Eye and Ear Hospital Authority

Greta B. Peters, 6107 Robin Road, **Richmond**, Virginia 23226, Member, appointed July 3, 2013, for a term of six years beginning January 1, 2012, and ending December 31, 2017, to succeed George Fitz-Hugh, Jr.

COMMERCE AND TRADE

Board of Accountancy

David A. Brat, 11601 Hickory Lake Terrace, **Glen Allen**, Virginia 23059, Member, appointed June 4, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Regina Brayboy.

Cemetery Board

Michael H. Doherty, 9803 Ceralene Drive, **Fairfax**, Virginia 22032, Member, appointed July 12, 2013, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2014, to succeed Katherine Bell.

Kyle McDaniel, 8122 Bellingham Court, **Fairfax Station**, Virginia 22039, Member, appointed July 11, 2013, for a term of four years beginning January 1, 2013, and ending June 30, 2017, to succeed Leonard Muse.

Real Estate Appraiser Board

Jean M. Gannon, 3939 Fighting Creek Drive, **Powhatan**, Virginia 23139, Member, appointed July 10, 2013, for a term of four years beginning April 3, 2013, and ending April 2, 2017, to succeed John Harry.

Robert O. Rochester, 2403 Grand Summit Circle, **Richmond**, Virginia 23235, Member, appointed July 10, 2013, for a term of four years beginning April 3, 2013, and ending April 2, 2017, to succeed Richard Pruitt.

Thomas M. Strickland, Jr., 12440 Percival Street, **Chester**, Virginia 23831, Member, appointed July 10, 2013, for a term of four years beginning April 3, 2013, and ending April 2, 2017, to succeed Diane Quigley.

State Building Code Technical Review Board

Vince Butler, 5750 White Flint Court, **Manassas**, Virginia 20112, Member, appointed June 13, 2013, to serve at the pleasure of the Governor beginning June 13, 2013, to succeed John Ainslie.

COMPACTS**Breaks Interstate Park Commission**

Terry Lee Hall, 2416 Pounding Mill, **Hurley**, Virginia 24620, Member, appointed May 30, 2013, for a term of four years beginning February 24, 2013, and ending February 23, 2017, to succeed Roger Powers.

Southern Regional Education Board

Glenda R. Scales, 2212 Birch Leaf Lane, **Blacksburg**, Virginia 24060, Member, appointed July 11, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Steven Kime.

Virginia Council on the Interstate Compact on Educational Opportunity for Military Children

Tammy Smith, 5405 Cedar Ridge Drive, **Fredericksburg**, Virginia 22407, Member, appointed July 10, 2013, to serve at the pleasure of the Governor beginning July 10, 2013, to succeed Susan McIntosh.

EDUCATION**Institute for Advanced Learning and Research Board of Trustees**

Leigh Cockram, 49 Homestead Trail, **Collinsville**, Virginia 24078, Member, appointed June 14, 2013, for a term of three years beginning July 1, 2012, and ending June 30, 2015, to succeed James Rountree.

Frank Grogan III, 142 Newbury Way, **Danville**, Virginia 24541, Member, appointed June 17, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed himself.

Christopher Newport University Board of Visitors

Andy Hughes, 503 South Gaskins Road, **Richmond**, Virginia 23238, Member, appointed July 3, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Carlos Brown.

W. Bruce Jennings, 11021 Merion Lane, **Fairfax**, Virginia 22030, Member, appointed July 5, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Michael Martin.

Preston White, 8404 Ocean Front Avenue, **Virginia Beach**, Virginia 23451, Member, appointed July 5, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

George Mason University Board of Visitors

Kelly McNamara Corley, 576 Arbor Vitae Road, **Winnetka**, Illinois 60093, Member, appointed July 3, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Kathleen deLaski.

Tom Davis, 2213 Arynness Drive, **Vienna**, Virginia 22181, Member, appointed July 2, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Edward Newberry.

Anne C. Gruner, 7604 Georgetown Pike, **McLean**, Virginia 22102, Member, appointed July 2, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Carol Kirby.

John M. Jacquemin, 7207 Farm Meadow Court, **McLean**, Virginia 22101, Member, appointed July 11, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Longwood University Board of Visitors

Eric Hansen, 71 Marvin Gardens Drive, **Moneta**, Virginia 24121, Member, appointed June 28, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Colleen McCrink Margiloff, 63 Island Drive, **Rye, New York** 10580, Member, appointed June 28, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Lorita Hughes.

Stephen L. Mobley, 1868 Massachusetts Avenue, **McLean**, Virginia 22101, Member, appointed June 28, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Robert S. Wertz, Jr., 1198 Hawling Place Southwest, **Leesburg**, Virginia 20178, Member, appointed June 28, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed John Daniel.

New College Institute Board of Directors

Janice A. Wilkins, 124 Massey Road, **Stuart**, Virginia 24171, Member, appointed July 2, 2013, to serve an unexpired term beginning July 1, 2012, and ending June 30, 2016, to succeed Amanda Redd.

Norfolk State University Board of Visitors

Byron L. Cherry, Sr., 5405 Bantry Court, **Woodbridge**, Virginia 22193, Member, appointed June 28, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Beth Murphy, 2301 Swanhurst Drive, **Midlothian**, Virginia 23113, Member, appointed June 28, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed herself.

Melvin T. Stith, 6217 Steinway Drive, **Jamesville, New York** 13078, Member, appointed June 28, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Stanley Green.

Old Dominion University Board of Visitors

Richard T. Cheng, 1536 Duke of Windsor Road, **Virginia Beach**, Virginia 23454, Member, appointed July 3, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Robert O'Neill.

Jodi S. Gidley, 889 South Spigel Drive, **Virginia Beach**, Virginia 23454, Member, appointed July 3, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Pamela Kirk.

Mary Maniscalco-Theberge, 11408 Towering Oak Way, **Reston**, Virginia 20194, Member, appointed July 10, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Frank Batten.

Robert M. Tata, 609 Cavalier Drive, **Virginia Beach**, Virginia 23451, Member, appointed July 2, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Kenneth Ampy.

Radford University Board of Visitors

Callie M. Dalton, 3042 Poplar Lane Southwest, **Roanoke**, Virginia 24014, Member, appointed July 18, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Brandon Bell.

Michael S. Hurt, 2001 Kings Lynn Road, **Midlothian**, Virginia 23113, Member, appointed July 16, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Nancy Artis.

A. J. Robinson, 125 Carriage Lane, **Bluefield**, Virginia 24605, Member, appointed July 16, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Darius Johnson.

The College of William and Mary Board of Visitors

Lynn R. Dillon, 914 Douglass Drive, **McLean**, Virginia 22101, Member, appointed July 9, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Jeffery Trammell.

DeRonda Miniard Short, 217 Frances Thacker, **Williamsburg**, Virginia 23185, Member, appointed July 9, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Michael Tang.

John Charles Thomas, 4612 Monument Avenue, **Richmond**, Virginia 23230, Member, appointed July 9, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

H. Thomas Watkins, 785 East Westminster, **Lake Forest, Illinois** 60045, Member, appointed July 8, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Dennis Liberson.

University of Virginia and Affiliated Schools Board of Visitors

Kevin J. Fay, 1101 Ingleside Avenue, **McLean**, Virginia 22101, Member, appointed July 12, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Vincent Mastracco.

Frank Genovese, 2706 Stonegate Court, **Midlothian**, Virginia 23113, Member, appointed July 10, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed A. Macdonald Caputo.

William H. Goodwin, Jr., 901 East Cary Street, Suite 1500, **Richmond**, Virginia 23219, Member, appointed July 1, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

John A. Griffin, 660 Madison Avenue, 20th Floor, **New York, New York** 10065, Member, appointed July 12, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Alan Diamonstein.

Virginia Commonwealth University Board of Visitors

Nancy C. Everette, 1812 Park Avenue, **Richmond**, Virginia 23220, Member, appointed July 3, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Lillian Lambert.

John W. Snow, 122 Tempsford Lane, **Richmond**, Virginia 23226, Member, appointed July 8, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed John Doswell.

G. Richard Wagoner, Jr., 1155 Quarton Road, **Birmingham, Michigan** 48009, Member, appointed July 8, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Stuart Siegel.

Steve Worley, 7209 Westminster Drive, **Harahan, Louisiana** 70123, Member, appointed July 2, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Baxter Perkinson.

Virginia Military Institute Board of Visitors

John William Boland, 818 Arlington Circle, **Richmond**, Virginia 23229, Member, appointed June 28, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed G. Marshall Mundy.

John P. Jumper, 10819 Pinnacle Drive, **Spotsylvania**, Virginia 22551, Member, appointed July 2, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Kimber Latscha, 1421 Heritage Square, **Middletown, Pennsylvania** 17057, Member, appointed July 2, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed herself.

Frances C. Wilson, 1777 Champion Circle, **Virginia Beach**, Virginia 23456, Member, appointed June 28, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Elizabeth Camp.

Virginia State University Board of Visitors

Frederick S. Humphries, Jr., 4510 Reservoir Road Northwest, **Washington, District of Columbia** 20007, Member, appointed July 3, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Katherine Busser.

Huton F. Winstead, 101 North 5th Street, Suite 1003, **Richmond**, Virginia 23219, Member, appointed July 3, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Barbara Steverson.

Virginia Workforce Council

Lolita B. Hall, 2102 Turtle Run Drive, Unit 3, **Richmond**, Virginia 23233, Member, appointed June 19, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to fill a new seat.

Mark A. Herzog, 737 North 5th Street, Suite 200, **Richmond**, Virginia 23219, Vice Chair, appointed June 20, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed Mark Dreyfus.

Danny Hunley, Post Office Box 694, **Mathews**, Virginia 23109, Member, appointed June 21, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Huey Battle.

Bruce Phipps, 5119 Carter Grove Circle, **Roanoke**, Virginia 24012, Member, appointed June 19, 2013, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2015, to succeed Sybil Wheatley.

Raul Danny Vargas, 12125 Windsor Hall Way, **Herndon**, Virginia 20170, Chair, appointed June 20, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed Huey Battle.

FINANCE

Board of the Virginia College Building Authority

Sylvia Le Torrente, 4395 Poplar Tree Court, **Chantilly**, Virginia 20151, Member, appointed June 13, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Vinod Agarwal.

HEALTH AND HUMAN RESOURCES

Advisory Board on Respiratory Care

James Wesley Mullins, Post Office Box 2776, **Wise**, Virginia 24293, Member, appointed July 3, 2013, to serve an unexpired term beginning August 18, 2012, and ending June 30, 2014, to succeed Natalie Napolitano.

Behavioral Health and Development Services Board

Gretta B. Doering, 343 Windsor Lane, **Winchester**, Virginia 22602, Member, appointed July 1, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed herself.

Amelia Ross-Hammond, 1008 Spindle Crossing, **Virginia Beach**, Virginia 23455, Member, appointed July 8, 2013, to serve an unexpired term beginning December 19, 2011, and ending June 30, 2014, to succeed Joseph Guzman.

Board for Protection and Advocacy

Linda L. VanAken, 14606 Talleywood Court, **Chester**, Virginia 23831, Member, appointed May 28, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed Maureen Hollowell.

Board of Dentistry

Adel Rizkalla, 7104 Penguin Place, **Falls Church**, Virginia 22043, Member, appointed June 27, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed H. Boyd.

Bruce S. Wyman, 2016 Spring Branch Drive, **Vienna**, Virginia 22181, Member, appointed July 8, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Martha Cutright.

Board of Nursing

Louise E. Hershkowitz, 2020 Turtle Pond Drive, **Reston**, Virginia 20191, Member, appointed July 2, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Patricia Selig.

Guia Layo-Caliwagan, 184 Upperville Road, **Virginia Beach**, Virginia 23462, Member, appointed July 3, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Florence Jones-Clarke.

Kelly S. McDonough, 6102 Sweetbriar Drive, **Fredericksburg**, Virginia 22407, Member, appointed July 2, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Patricia Lane.

William Traynham, 3005 Warren Terrace, **Glen Allen**, Virginia 23060, Member, appointed July 2, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Board of Physical Therapy

Dixie H. Bowman, 5306 Copperpenny Road, **Chesterfield**, Virginia 23832, Member, appointed July 9, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed George Maihafer.

Melissa Wolff Burke, 176 Saddleback Lane, **Winchester**, Virginia 22602, Member, appointed July 8, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed herself.

Commonwealth Council on Aging

Mitchell Patrick Davis, 808 West Carrollton Avenue, **Salem**, Virginia 24153, Member, appointed May 28, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Joan Short.

Joni C. Goldwasser, 5009 Britaney Road, **Roanoke**, Virginia 24012, Member, appointed May 28, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Donald Thorne.

Valerie Scott Price, 938 Shore Drive, **Newport News**, Virginia 23607, Member, appointed May 28, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed herself.

Kathryn B. Reid, 301 Parkwood Place, **Charlottesville**, Virginia 22901, Member, appointed May 28, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Gene Davis.

Virginia Board for People with Disabilities

George Randolph Burak, 4452 Mallard Drive, **Gloucester**, Virginia 23061, Member, appointed July 11, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Norma Draper.

Ethel Gainer, 2132 Elkridge Lane, **Richmond**, Virginia 23223, Member, appointed July 12, 2013, to serve an unexpired term beginning March 5, 2013, and ending June 30, 2016, to succeed Christian Schoenewald.

Marisa Laios, 4204 Newport Drive, **Chantilly**, Virginia 20151, Member, appointed July 12, 2013, for a term of four years beginning July 1, 2011, and ending June 30, 2015, to succeed Andrea Costanzo.

Charles D. Meacham, 4421 Killiam Court, **Glen Allen**, Virginia 23060, Member, appointed July 12, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Angela Young West, 1107 Libertyville Road, **Chesapeake**, Virginia 23320, Member, appointed July 11, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Thomas Leach.

Rose M. Williams, 305 Meade Avenue, **Charlottesville**, Virginia 22902, Member, appointed July 11, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed herself.

Virginia Foundation for Healthy Youth

Richard Baxter Gilliam, Jr., Post Office Box 820, **Keswick**, Virginia 22947, Member, appointed April 25, 2013, to serve an unexpired term beginning November 20, 2013, and ending June 30, 2014, to succeed John James.

India Sisler, 9419 Michelle Place, **Richmond**, Virginia 23229, Member, appointed April 26, 2013, to serve an unexpired term beginning April 25, 2013, and ending June 30, 2013, to succeed Sanjeev Aggarwal.

Virginia Foundation for Healthy Youth

India Sisler, 9419 Michelle Place, **Richmond**, Virginia 23229, Member, appointed July 20, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed herself.

INDEPENDENT**Board for the Virginia College Savings Plan**

William S. Jasien, 7421 Dunquin Court, **Clifton**, Virginia 20124, Member, appointed June 13, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Mark Steppel.

Board of Trustees of the Virginia Retirement System

Diana F. Cantor, 6004 Oxbury Court, **Glen Allen**, Virginia 23059, Chair, appointed June 14, 2013, for a term of two years beginning May 5, 2013, and ending May 4, 2015, to succeed herself.

Mitchell Nason, 17 Ryland Road, **Stafford**, Virginia 22556, Member, appointed March 12, 2013, for a term of five years beginning March 1, 2013, and ending February 28, 2018, to succeed himself.

State Lottery Board

Frederick P. Helm, 5310 New Kent Road, **Richmond**, Virginia 23225, Member, appointed June 27, 2013, for a term of five years beginning January 15, 2013, and ending January 14, 2018, to succeed David Hallock.

NATURAL RESOURCES**Board of Game and Inland Fisheries**

Charles H. Cunningham, 4864 Oakcrest Drive, **Fairfax**, Virginia 22030, Member, appointed June 24, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed James Clarke.

Leon Turner, 4427 Botetourt Road, **Fincastle**, Virginia 24090, Member, appointed July 29, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Mark A. Winkler, 8525 Oak Chase Circle, **Fairfax Station**, Virginia 22039, Member, appointed July 1, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed James Hazel.

Litter Control and Recycling Fund Advisory Board

Bo Wilson, 144 Bel Grene Drive, **Fishersville**, Virginia 22939, Member, appointed November 14, 2012, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed George Hunnicutt.

Virginia Marine Resources Commission

Alan J. Erskine, 417 Kinlock Avenue, **Kilmarnock**, Virginia 22482, Member, appointed July 18, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed J. Fox.

Ken Neill, 117 Kenneth Drive, **Seaford**, Virginia 23696, Member, appointed July 18, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Richard Robins.

Virginia Waste Management Board

Eric A. DeGross, 1412 Needham Court, **Virginia Beach**, Virginia 23456, Member, appointed January 11, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Eric Sildon.

Paul R. Schmidt, 4705 Columbus Street, **Virginia Beach**, Virginia 23462, Member, appointed December 21, 2012, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed N. Burns.

EJ Scott, 10127 South Grant Avenue, **Manassas**, Virginia 20110, Member, appointed December 20, 2012, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed herself.

PUBLIC SAFETY**Virginia Fire Services Board**

Dawn E. Brown, 1160 Fox Ridge Drive, **Earlsville**, Virginia 22936, Member, appointed June 24, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Robert Scott.

James R. Dawson, 111 Spinnaker Run Court, **Smithfield**, Virginia 23430, Member, appointed June 20, 2013, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Elaine Gall.

William B. Kyger, Jr., 6710 Vista Heights Road, **Bridgewater**, Virginia 22812, Member, appointed June 20, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Felix Sarfo-Kantanka, Jr., 1520 Heritage Hill Drive, **Richmond**, Virginia 23238, Member, appointed June 19, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

TECHNOLOGY**Innovation and Entrepreneurship Investment Authority**

Terry Hsiao, 1463 Mayhurst Boulevard, **McLean**, Virginia 22102, Member, appointed June 3, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed himself.

David C. Lucien, 18261 Mullfield Village Terrace, **Leesburg**, Virginia 20176, Member, appointed May 20, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed himself.

Michael Rao, Post Office Box 842512, **Richmond**, Virginia 23284, Member, appointed May 7, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed himself.

**TRANSPORTATION
Commonwealth Transportation Board**

Hollis D. Ellis, 917 Mains Creek Road, **Chesapeake**, Virginia 23320, Member, appointed June 20, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Aubrey L. Layne, Jr., 1464 Five Hill Trail, **Virginia Beach**, Virginia 23452, Member, appointed June 20, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

**VETERANS AFFAIRS AND HOMELAND SECURITY
Joint Leadership Council of Veterans Service Organizations**

William Barrett, Jr., 1201 Sycamore Square Drive, **Midlothian**, Virginia 23113, Member, appointed July 16, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to fill a new seat.

Harold H. Barton, Jr., 109 Sandalwood Lane, **Yorktown**, Virginia 23693, Member, appointed March 14, 2013, for a term of three years beginning July 1, 2012, and ending June 30, 2015, to succeed Jeffrey Platte.

James K. Clem, 1085 Caldwell Mountain Road, **New Castle**, Virginia 24127, Member, appointed March 26, 2013, for a term of three years beginning July 1, 2012, and ending June 30, 2015, to succeed Lloyd Jackson.

Robert Huffman, 103 Friar Lane, **Colonial Heights**, Virginia 23834, Member, appointed July 3, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to fill a new seat.

Marie G. Juliano, 15794 Widewater Drive, **Dumfries**, Virginia 22025, Member, appointed April 26, 2013, for a term of three years beginning July 1, 2012, and ending June 30, 2015, to succeed Jenny Holbert.

SENATE JOINT RESOLUTION NO. 69

Requesting the Office of Intermodal Planning and Investment to develop a Master Rail Plan for the principal facilities of the Port of Virginia. Report.

Agreed to by the Senate, February 11, 2014

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, the mission of the Office of Intermodal Planning and Investment is to provide long-term multimodal planning to guide investment options and solutions; and

WHEREAS, the Department of Rail and Public Transportation (DRPT) supports both passenger and freight rail in Virginia through planning, funding, and advocacy for rail improvements, industrial access, intercity passenger rail, and short line railway preservation and development projects; and

WHEREAS, the Department of Rail and Public Transportation's Operations Division involves coordinating with freight rail operators in Virginia on freight rail operations for public benefit, planning, and development and provides input on state and federal rail policy and regulations, track abandonment, freight and passenger rail feasibility analysis, identification of freight rail needs, and updates to state rail studies, maps, and plans; and

WHEREAS, the Department of Rail and Public Transportation has been instrumental in the development of rail landside service enhancements to the Port of Virginia through the development of the Heartland, National Gateway, and Crescent corridors and the development of dual rail access to APM Terminals and the proposed Fourth Marine Terminal; and

WHEREAS, the Port of Virginia is a cornerstone of the Virginia economy and one of the Commonwealth's most valuable and important state assets; and

WHEREAS, the Port of Virginia is responsible for 343,000 port and port-related jobs, \$41 billion in annual economic impact, \$13.5 billion in annual employee compensation, and \$1.2 billion in annual state and local taxes; and

WHEREAS, the principal facilities of the Port of Virginia are four marine terminals and one intermodal container transfer facility: Norfolk International Terminals, Portsmouth Marine Terminal, Newport News Marine Terminal, APM Terminals Virginia at Portsmouth, all on the harbor of Hampton Roads, and the Virginia Inland Port at Front Royal, Virginia, and including Richmond Deep Water Terminal on the James River, and other VPA port terminal interests existing or potential, including but not limited to the Fourth Marine Terminal and terminal operations outside of Virginia; and

WHEREAS, the Port of Virginia is governed by the Virginia Port Authority (VPA) and is operated by Virginia International Terminals, an operating company of the Virginia Port Authority; and

WHEREAS, the Port of Virginia is uniquely positioned to benefit from the anticipated shifts in global trade patterns and its 50-foot channels and unobstructed marine terminal access position it ahead of other East Coast ports to handle new Panamax vessels that will soon begin transiting the expanded Panama Canal to open in 2015; and

WHEREAS, the Commonwealth has a strong interest in road, rail, and marine highway systems that will provide multiple avenues to quickly and efficiently deliver cargo to its destination and to make the Port of Virginia the ideal location for first and last port-of-call; and

WHEREAS, the Commonwealth of Virginia has a substantial investment in the Port of Virginia and is dependent on its continued economic success; therefore, the development of a Master Rail Plan for the principal facilities of the Port of Virginia is in the best interests of the Commonwealth and the citizens of Virginia; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Office of Intermodal Planning and Investment, in consultation with the Department of Rail and Public Transportation and the Virginia Port Authority, be requested to

develop a Master Rail Plan for the principal facilities of the Port of Virginia in the interest of the development of landside rail access logistics to serve the principal facilities of the Port of Virginia.

In developing the Master Rail Plan for the principal facilities of the Port of Virginia, the Virginia Office of Intermodal Planning and Investment shall consider, but not be limited to, the following issues:

1. The status and characteristics of the current rail systems that support the port facilities.
2. The development of a rail master plan with the flexibility to support both near- and long-term business opportunities at the port facilities.
3. The identification of any operational and physical constraints or limitations on providing efficient and competitive dual rail access service to the port facilities and recommendations to mitigate them to the extent practicable.
4. The identification of any improvements to rail access to the port facilities and related intermodal facilities to support desired train volumes.
5. The identification of potential increases to the port facilities' intermodal rail throughput capacity as demand increases.
6. Strategic recommendations to guide future rail planning and funding decisions to support desired train volumes.

The Virginia Office of Intermodal Planning and Investment shall develop the Master Rail Plan in consultation with the Virginia Port Authority and the Department of Rail and Public Transportation and with input from Virginia freight rail operators, local governments, regional authorities, other affected entities, and interested parties.

All agencies of the Commonwealth shall provide assistance to the Virginia Office for Intermodal Planning and Investment for this study, upon request.

The Virginia Office of Intermodal Planning and Investment shall complete its development of the Master Rail Plan by November 30, 2014, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2015 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 70

Confirming appointments by the Governor of certain persons communicated December 1, 2013.

Agreed to by the Senate, January 27, 2014

Agreed to by the House of Delegates, February 7, 2014

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Robert F. McDonnell and communicated to the General Assembly December 1, 2013.

ADMINISTRATION

Council on Women

Mais Abbas Abousy, 2210 North Scott Street, **Arlington**, Virginia 22209, Member, appointed October 25, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed herself.

Jeff Caruso, 11107 Spring Meadow Boulevard, **Fredericksburg**, Virginia 22407, Member, appointed October 29, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed himself.

Julie E. Coggsdale, 3015 South Ridge Drive, **Midlothian**, Virginia 23112, Member, appointed September 23, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed Randy Davis.

Tracy Key, 12176 Chancery Station Circle, **Reston**, Virginia 20190, Member, appointed October 17, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed herself.

Tracy Key, 12176 Chancery Station Circle, **Reston**, Virginia 20190, Chair, appointed October 17, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed herself.

Olivia Gans Turner, 13144 Madonna Lane, **Fairfax**, Virginia 22033, Member, appointed September 23, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed Sandra Smith-Jones.

Ruth Zajur, 1702 Windingridge Drive, **Richmond**, Virginia 23238, Member, appointed September 28, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed herself.

AGRICULTURE AND FORESTRY

Charitable Gaming Board

James Corrigan, 1450 East Ocean View Avenue, **Norfolk**, Virginia 23503, Member, appointed November 8, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Ruth Ellett.

Robert B. Sussan, 105 Brass Kettle Court, **Winchester**, Virginia 22603, Member, appointed October 11, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed C. Crouch.

Milk Commission

Robb Watters, 627 Philip Digges Drive, **Great Falls**, Virginia 22066, Member, appointed October 11, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Laura Habr.

Virginia Beef Industry Board

Barry Price, 1243 Wilburn Valley Road, **Pearisburg**, Virginia 24134, Member, appointed July 1, 2013, for a term of four years beginning January 1, 2013, and ending December 31, 2016, to succeed himself.

Virginia Peanut Board

Robert O. Alphin, 26086 River Run Trail, **Zuni**, Virginia 23898, Member, appointed May 29, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed himself.

Stephanie Evans Pope, 13009 Cedar View Road, **Drewryville**, Virginia 23844, Member, appointed May 29, 2013, for a term of three years beginning July 1, 2012, and ending June 30, 2015, to succeed herself.

Robert C. Rogers, 20367 Courthouse Road, **Yale**, Virginia 23897, Member, appointed May 28, 2013, for a term of three years beginning July 1, 2012, and ending June 30, 2015, to succeed himself.

Thomas R. Rountree, 5469 Old Myrtle Road, **Suffolk**, Virginia 23434, Member, appointed July 1, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed Donald Padgett.

Virginia Pork Industry Board

Keith Allen, 516 Blands Landing, **Hopewell**, Virginia 23860, Member, appointed July 8, 2013, for a term of four years beginning May 16, 2013, and ending May 15, 2017, to succeed himself.

Ryan Horsley, 3169 Land of Promise Road, **Virginia Beach**, Virginia 23457, Member, appointed July 9, 2013, for a term of four years beginning May 16, 2013, and ending May 15, 2017, to succeed Edward Scharer.

Virginia Soybean Board

Craig H. Giese, 18 Holiday Drive, **Lancaster**, Virginia 22503, Member, appointed November 19, 2013, for a term of three years beginning October 1, 2012, and ending September 30, 2015, to succeed himself.

L. Bruce Holland, 28321 Holland Lane, **New Church**, Virginia 23415, Member, appointed November 19, 2013, for a term of three years beginning October 1, 2012, and ending September 30, 2015, to succeed himself.

Ronnie Russell, 2936 Corbin Hall Drive, **Water View**, Virginia 23180, Member, appointed November 19, 2013, for a term of three years beginning October 1, 2012, and ending September 30, 2015, to succeed himself.

Virginia Tobacco Board

Donnie L. Anderson, 1075 Newbill School Road, **Crystal Hill**, Virginia 24539, Member, appointed January 23, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to fill a new seat.

John Bledsoe, 440 Tweedside Lane, **Blackstone**, Virginia 23824, Member, appointed January 23, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to fill a new seat.

Richard T. Hite, Sr., 9331 South Hill Road, **Kenbridge**, Virginia 23944, Member, appointed January 22, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to fill a new seat.

Glenn Price Hudson, 338 Tobacco Lane, **South Hill**, Virginia 23970, Member, appointed January 23, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to fill a new seat.

C. David Mitchell, 545 Barn Road, **Penhook**, Virginia 24137, Member, appointed January 22, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to fill a new seat.

Donald L. Moore, 595 Strawberry Road, **Chatham**, Virginia 24531, Member, appointed January 23, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to fill a new seat.

Hugh T. Rogers, 5112 Lennie Road, **McKenney**, Virginia 23872, Member, appointed January 23, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to fill a new seat.

Cecil E. Shell, 8617 Longview Drive, **Kenbridge**, Virginia 23944, Member, appointed January 22, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to fill a new seat.

Robert H. Spiers, Jr., 21018 Double Branch Road, **Stony Creek**, Virginia 23882, Member, appointed January 23, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to fill a new seat.

AUTHORITY**Richmond Eye and Ear Hospital Authority**

Robert Crouse, 3631 Rivermist Terrace, **Midlothian**, Virginia 23113, Member, appointed April 8, 2013, for a term of six years beginning January 1, 2012, and ending December 31, 2017, to succeed James Love.

James G. Ferguson, 130 West Square Court, **Richmond**, Virginia 23238, Member, appointed March 28, 2013, for a term of six years beginning January 1, 2012, and ending December 31, 2017, to succeed Dennis Laing.

Jean Oakey, 5009 Grove Avenue, **Richmond**, Virginia 23226, Member, appointed March 26, 2013, for a term of six years beginning January 1, 2012, and ending December 31, 2017, to succeed herself.

Raymond L. Spence, Jr., 28 Lower Tuckahoe Road East, **Richmond**, Virginia 23238, Member, appointed March 26, 2013, for a term of six years beginning January 1, 2012, and ending December 31, 2017, to succeed himself.

COMMERCE AND TRADE**Auctioneers Board**

Travis B. Lee, 451 Greenbrier Drive, **Saltville**, Virginia 24370, Member, appointed October 16, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Erlita Wang.

Board for Asbestos, Lead and Home Inspectors

Rick Holtz, 9601 Lyndonway Drive, **Richmond**, Virginia 23229, Member, appointed October 28, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Reginald E. Marston III, 8519 Greeley Boulevard, **Springfield**, Virginia 22152, Member, appointed October 28, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Kenneth Nash, 9297 Neptune Drive, **Mechanicsville**, Virginia 23116, Member, appointed October 6, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Board for Barbers and Cosmetology

Margaret B. LaPierre, 4214 Fenwick Street, **Richmond**, Virginia 23222, Member, appointed July 11, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Stacy Crawford.

Board of Directors of the Virginia Nuclear Energy Consortium Authority

David A. Christian, 117 Lakeview Drive, **Toano**, Virginia 23168, Member, appointed July 22, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to fill a new seat.

Marshall Cohen, 11901 Parkside Drive, **Fairfax**, Virginia 22033, Member, appointed July 19, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to fill a new seat.

Colleen Deegan, 10913 Wickshire Way, **Rockville, Maryland** 20852, Member, appointed August 19, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to fill a new seat.

Donald R. Hoffman, 7013 Winterberry Lane, **Bethesda, Maryland** 20817, Member, appointed July 26, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to fill a new seat.

Maureen Matsen, 1309 Amherst Avenue, **Richmond**, Virginia 23227, Member, appointed August 2, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to fill a new seat.

Matthew J. Mulherin, 106 Potapasco Turn, **Yorktown**, Virginia 23693, Member, appointed July 23, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to fill a new seat.

Ganapati Myneni, 318 Quarter Track, **Yorktown**, Virginia 23693, Member, appointed July 23, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to fill a new seat.

Michael Rencheck, 5196 Sheffield Avenue, **Powell, Ohio** 43065, Member, appointed July 23, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to fill a new seat.

Ron Sones, 118 Rocky Creek Lane, **Gladstone**, Virginia 24553, Member, appointed July 23, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to fill a new seat.

Kiyoshi Yamauchi, 3131 Connecticut Avenue NW, Apartment 2163, **Washington, District of Columbia** 20008, Member, appointed August 12, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to fill a new seat.

Cemetery Board

Padraic Buckley, 7106 Tyndale Street, **McLean**, Virginia 22101, Member, appointed October 14, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Isabel Berney.

Virginia Latino Advisory Board

Theresa Alvillar-Speake, 4024 David Lane, **Alexandria**, Virginia 22311, Member, appointed July 11, 2013, for a term of four years beginning October 15, 2012, and ending October 14, 2016, to succeed Charlotte Fritts.

Joel Martinez, 5248 Scotsglen Drive, **Glen Allen**, Virginia 23059, Member, appointed July 11, 2013, for a term of four years beginning October 15, 2012, and ending October 14, 2016, to succeed Rosaura Aguerrebere.

Virginia Offshore Wind Development Authority

Ronald Rosenberg, 613 South Henry Street, **Williamsburg**, Virginia 23185, Member, appointed September 27, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to fill a new seat.

Virginia Tourism Authority

Jean Ann Bolling, 7995 Strawhorn Drive, **Mechanicsville**, Virginia 23116, Member, appointed September 23, 2013, for a term of six years beginning July 1, 2013, and ending June 30, 2019, to succeed Phyllis Terrell.

Susan K. Payne, 206 East Jefferson Street, **Charlottesville**, Virginia 22902, Member, appointed October 22, 2013, for a term of six years beginning July 1, 2013, and ending June 30, 2019, to succeed herself.

Susan K. Payne, 206 East Jefferson Street, **Charlottesville**, Virginia 22902, Chair, appointed October 22, 2013, for a term of six years beginning July 1, 2013, and ending June 30, 2019, to succeed herself.

James B. Ricketts, 1201 North Inlynnview Road, **Virginia Beach**, Virginia 23454, Member, appointed September 19, 2013, for a term of six years beginning July 1, 2013, and ending June 30, 2019, to succeed himself.

COMPACT

Virginia Council on the Interstate Compact on Educational Opportunity for Military Children

David O. Anderson, 1839 Duke of York Quay, **Virginia Beach**, Virginia 23454, Member, appointed September 30, 2013, to serve at the pleasure of the Governor beginning July 18, 2013, to succeed James Merrill.

EDUCATION

Board of Trustees of the Roanoke Higher Education Authority

Lorraine S. Lange, 1510 Longview Road SW, **Roanoke**, Virginia 24018, Member, appointed October 22, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Debra Meade.

Dane C. McBride, 3579 Larson Lane, **Roanoke**, Virginia 24018, Member, appointed October 23, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Victor Giovanetti.

Board of Trustees of the Southwest Virginia Higher Education Center

Saul Hernandez, 5411 Dishner Valley Road, **Bristol**, Virginia 24202, Member, appointed August 21, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Suzanne Ellis.

Lindy White, 644 Johnston Road, **Marion**, Virginia 24354, Member, appointed September 12, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Sean McMurray.

Board of Trustees of the Virginia Museum of Fine Arts

Thomas F. Farrell II, 9019 Norwick Road, **Richmond**, Virginia 23229, Member, appointed June 21, 2013, for a term of five years beginning July 1, 2013, and ending June 30, 2018, to succeed himself.

Cynthia Kerr Fralin, 2744 Jefferson Street SE, **Roanoke**, Virginia 24014, Member, appointed June 21, 2013, for a term of five years beginning July 1, 2013, and ending June 30, 2018, to succeed herself.

John A. Luke, Jr., 330 Flag Station Road, **Richmond**, Virginia 23238, Member, appointed July 10, 2013, for a term of five years beginning July 1, 2013, and ending June 30, 2018, to succeed himself.

James W. McGlothlin, 1000 Thistle Hill Drive, **Bristol**, Virginia 24202, Member, appointed November 12, 2013, for a term of five years beginning July 1, 2013, and ending June 30, 2018, to succeed himself.

Michael J. Schewel, 318 Greenway Lane, **Richmond**, Virginia 23226, Member, appointed July 11, 2013, for a term of five years beginning July 1, 2013, and ending June 30, 2018, to succeed himself.

Will Sessoms, 4817 Ocean Front Avenue, **Virginia Beach**, Virginia 23451, Member, appointed October 7, 2013, for term of five years beginning July 1, 2013, and ending June 30, 2018, to succeed John Staelin.

Board of Visitors of Radford University

Steve Robinson, 304 Westside Drive, **Chapel Hill, North Carolina** 27516, Member, appointed October 22, 2013, to serve an unexpired term beginning August 15, 2013, and ending June 30, 2014, to succeed Wendy Tepper.

Brown v. Board of Education Scholarship Awards Committee

Robert Hamlin, 324 High Rock Road, **Rice**, Virginia 23966, Member, appointed August 12, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed himself.

Irene F. Logan, Post Office Box 9018, **Petersburg**, Virginia 23806, Member, appointed September 26, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed herself.

Pamela M. McInnis, 12 Wakeland Court, **Front Royal**, Virginia 22630, Member, appointed November 5, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed Louis C. Justis.

Karen Eley Sanders, 1679 Saint Andrews Circle, **Blacksburg**, Virginia 24060, Member, appointed August 13, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed Patricia Brown.

Patricia Turner, 1210 Colonial Avenue, Apartment 508, **Norfolk**, Virginia 23517, Member, appointed August 12, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed herself.

Education Commission of the States

Artur Davis, 21177 Boston Terrace, Unit 301, **Sterling**, Virginia 20166, Member, appointed September 23, 2013, to serve at the pleasure of the Governor beginning September 23, 2013, to succeed Joseph Guzman.

James Monroe Law Office Museum and Memorial Library Board of Regents

Erma Baker, 1233 Brent Street, **Fredericksburg**, Virginia 22401, Member, appointed July 8, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed herself.

Porter R. Blakemore, 1317 Littlepage Street, **Fredericksburg**, Virginia 22401, Member, appointed July 11, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed himself.

Peter Broadbent, Jr., 4804 Cary Street Road, **Richmond**, Virginia 23226, Member, appointed May 28, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed himself.

Mary Randolph Corbin, Post Office Box 3, **Corbin**, Virginia 22446, Member, appointed June 11, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed herself.

Kerry Johnson, 7719 Gallant Fox Court, **Midlothian**, Virginia 23112, Member, appointed May 28, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed himself.

Justin Loren Logsdon, 506 Cameron Street, **Alexandria**, Virginia 22314, Member, appointed June 11, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed himself.

James Lucier, 15301 James Monroe Highway, **Leesburg**, Virginia 20176, Member, appointed June 20, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed himself.

Mary Grace Lucier, 15301 James Monroe Highway, **Leesburg**, Virginia 20176, Member, appointed June 4, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed herself.

Charles G. McDaniel, 133 Caroline Street, **Fredericksburg**, Virginia 22401, Member, appointed June 20, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed himself.

Patrick McSweeney, 3358 John Tree Hill Road, **Powhatan**, Virginia 23139, Member, appointed September 5, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed himself.

Barbara Burton Micou, 11611 Old Centralia Road, **Chester**, Virginia 23831, Member, appointed June 4, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed herself.

Helen Marie Taylor, Taylor Center, 109 Caroline Street, **Orange**, Virginia 22960, Member, appointed June 4, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed herself.

Rita Thompson, 7104 Freshaire Drive, **Springfield**, Virginia 22153, Member, appointed June 11, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed herself.

Southern Regional Education Board

Christopher Saxman, 13320 Hardings Trace Way, **Richmond**, Virginia 23233, Member, appointed August 6, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Mark Emblidge.

University of Mary Washington Board of Visitors

Tabitha Geary, 12802 Leffingwell Court, **Richmond**, Virginia 23233, Member, appointed August 9, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Daniel Steen.

Kenneth J. Lopez, 505 South Fairfax Street, **Alexandria**, Virginia 22314, Member, appointed June 28, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Pamela White.

Lisa D. Taylor, 24924 Castleton Drive, **Chantilly**, Virginia 20152, Member, appointed October 16, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Mary Berry.

Virginia Commission for the Arts

Faye Bailey, 350 Middle Street, **Portsmouth**, Virginia 23704, Member, appointed November 5, 2013, for a term of five years beginning July 1, 2013, and ending June 30, 2018, to succeed Evelia Porto.

Ronald Fabin, 201 South Church Street, **Berryville**, Virginia 22611, Member, appointed October 17, 2013, to serve an unexpired term beginning June 11, 2013, and ending June 30, 2016, to succeed Patricia Perry.

Wanda Judd, 12436 Trumpington Court, **Chesterfield**, Virginia 23838, Member, appointed October 21, 2013, for a term of five years beginning July 1, 2013, and ending June 30, 2018, to succeed Deborah Wyld.

Shelley Kruger Weisberg, 6 Captains Court, **Williamsburg**, Virginia 23185, Member, appointed October 17, 2013, for a term of five years beginning July 1, 2013, and ending June 30, 2018, to succeed Gwendolyn Everett.

HEALTH AND HUMAN RESOURCES

Advisory Board on Occupational Therapy

Eugenio Monasterio, 10930 Emerald Rock Lane, **Mechanicsville**, Virginia 23116, Member, appointed July 2, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Assistive Technology Loan Fund Authority

Sandra A. Cook, 1946 Walton Street, **Petersburg**, Virginia 23805, Member, appointed August 7, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Juan Martinez.

Joyce G. Viscomi, 1852 Park Road, **Harrisonburg**, Virginia 22802, Member, appointed September 5, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Linda Harris.

Board of Counseling

Kevin Doyle, 1216 Raintree Drive, **Charlottesville**, Virginia 22901, Member, appointed October 28, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed John Turner.

Benjamin B. Keyes, 619 London Street, **Portsmouth**, Virginia 23704, Member, appointed October 28, 2013, for a term of four years beginning July 1, 2011, and ending June 30, 2015, to succeed Eric McCollum.

Leah D. Mills, 11200 Regalia Drive, **Chesterfield**, Virginia 23838, Member, appointed October 1, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Catherine Shwaery.

Phyllis E. Pugh, 603 Burton Street, **Hampton**, Virginia 23666, Member, appointed October 25, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Charles Adams.

Board of Funeral Directors and Embalmers

Connie B. Steele, 126 Gilmer Avenue NW, **Roanoke**, Virginia 24016, Member, appointed September 24, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Randolph Minter.

Board of Medicine

Syed Salman Ali, 2766 Cody Road, **Vienna**, Virginia 22181, Member, appointed September 20, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Jane Piness.

Lori D. Conklin, 1120 Olympia Drive, **Charlottesville**, Virginia 22911, Member, appointed September 19, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Claudette Dalton.

Siobhan Dunnivant, 2104 Old Prescott Place, **Henrico**, Virginia 23238, Member, appointed January 4, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Gopinath Jadhav.

Deborah DeMoss Fonseca, 7002 Larrlyn Drive, **Springfield**, Virginia 22151, Member, appointed September 19, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Michael Signer.

David C. Giammittorio, 5805 River Drive, **Lorton**, Virginia 22079, Member, appointed September 19, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Jennifer Lee.

Stuart Mackler, 7336 Gull Point Road, **Franktown**, Virginia 23354, Member, appointed January 4, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed himself.

Jane Sheffield Maddux, 2605 Hunt Country Lane, **Charlottesville**, Virginia 22901, Member, appointed October 4, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed herself.

Board of Physical Therapy

Steve Lam, 9610 Chapel Hill Drive, **Burke**, Virginia 22015, Member, appointed October 19, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed J. Locke.

Board of Psychology

Barbara Lotspeich Peery, 208 North Vine Street, **Richmond**, Virginia 23220, Member, appointed October 10, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Krishna Leyva.

Board of Social Services

Darrell "DJ" Jordan, 14915 Fruit Tree Court, **Woodbridge**, Virginia 22193, Member, appointed October 15, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Trudy Brisendine.

Family and Children's Trust Fund

Robin C. Foreman, 6008 Capital Place, **Virginia Beach**, Virginia 23464, Member, appointed August 7, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed herself.

John E. Oliver, 9555 Twenty-ninth Bay Street, **Norfolk**, Virginia 23518, Member, appointed August 8, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Jeanine Harper.

Mary Russo Riley, 816 Dolph Circle, **Chesapeake**, Virginia 23322, Member, appointed September 19, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Ellen Burhans.

Governor's Substance Abuse Services Council

Patricia A. Shaw, 1610 Cranbury Drive, **Henrico**, Virginia 23238, Member, appointed July 9, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed Michelle White.

Nassima Ait-Daoud Tiouririne, 465 Foxdale Lane, **Charlottesville**, Virginia 22903, Member, appointed July 10, 2013, for a term of three years beginning July 1, 2011, and ending June 30, 2014, to succeed John Gibney.

Jim Tobin, 808 Jefferson Circle, **Martinsville**, Virginia 24112, Member, appointed July 9, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed Charles Walsh.

William H. Williams, Jr., 2821 Cornflower Lane, **Waldorf, Maryland** 20603, Chair, appointed July 10, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed himself.

Public Guardian and Conservator Advisory Board

Lisa C. Linthicum, 299 Acorn Drive, **Rustburg**, Virginia 24588, Member, appointed July 10, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed herself.

Alisa H. Moore, 2501 West Lee Highway, **Wytheville**, Virginia 24382, Member, appointed July 26, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed Deborah Burcham.

Kathryn L. Pryor, 1607 Claremont Avenue, **Richmond**, Virginia 23227, Member, appointed July 10, 2013, for a term of four years beginning July 1, 2010, and ending June 30, 2014, to succeed herself.

Mira Signer, 4203 Seminary Avenue, **Richmond**, Virginia 23227, Member, appointed July 10, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed Paul Aravich.

Radiation Advisory Board

Les P. Foldesi, 5704 Cutshaw Avenue, **Richmond**, Virginia 23226, Member, appointed July 8, 2013, to serve at the pleasure of the Governor beginning July 8, 2013, to succeed Andrew Boone.

Roy F. Heltzel, Jr., 1000 Marbank Court, **Chesapeake**, Virginia 23322, Member, appointed July 12, 2013, to serve at the pleasure of the Governor beginning July 12, 2013, to succeed Panos Fatouros.

James P. Nunn, 1710 Hollow Oak Court, **Blacksburg**, Virginia 24060, Member, appointed October 28, 2013, to serve at the pleasure of the Governor beginning October 28, 2013, to succeed Edway Johnson.

State Child Fatality Review Team

Michael Z. Blumberg, 149 West Square Court, **Richmond**, Virginia 23238, Member, appointed June 27, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed Jennifer Rhodes.

Humberto I. Cardounel, Jr., 5164 Hart Mill Drive, **Glen Allen**, Virginia 23060, Member, appointed June 26, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed himself.

Robin Foster, 308 Cheswick Lane, **Richmond**, Virginia 23229, Member, appointed July 8, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed herself.

Regina M. Milteer, 8602 Eagle Glen Terrace, **Fairfax Station**, Virginia 22039, Member, appointed June 27, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed herself.

Frank Romero, 5508 Holman Drive, **Glen Allen**, Virginia 23059, Member, appointed June 26, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed himself.

State Emergency Medical Services Advisory Board

Corina D. Nuckols, 14521 Verdon Road, **Beaverdam**, Virginia 23015, Member, appointed April 1, 2013, for a term of three years beginning July 1, 2012, and ending June 30, 2015, to succeed Michael Crockett.

Ron Passmore, 111 East Grayson Street, **Galax**, Virginia 24333, Member, appointed April 1, 2013, for a term of three years beginning July 1, 2012, and ending June 30, 2015, to succeed L.V. Harris.

Matthew Tatum, 7020 Oak Level Road, **Bassett**, Virginia 24055, Member, appointed April 1, 2013, for a term of three years beginning July 1, 2012, and ending June 30, 2015, to succeed himself.

Virginia Board for People with Disabilities

Matthew A. Shapiro, 10731 Brookley Road, **Glen Allen**, Virginia 23060, Member, appointed October 29, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Lauren Roche.

INDEPENDENT

Virginia Commonwealth University Health System Board of Directors

Eva Teig Hardy, 217 Gun Club Road, **Richmond**, Virginia 23221, Member, appointed October 28, 2013, to serve an unexpired term beginning September 18, 2013, and ending June 30, 2015, to succeed Thomas Chewning.

Virginia Foundation for the Humanities and Public Policy

Edward Augustus Mullen, 2011 Stuart Avenue, **Richmond**, Virginia 23220, Member, appointed September 23, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed Christopher Peace.

Michelle Olson, 1106 Langley Lane, **McLean**, Virginia 22101, Member, appointed October 1, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed herself.

Daphne Maxwell Reid, 226 High Street, **Petersburg**, Virginia 23803, Member, appointed October 1, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed Cynthia Fralin.

Lacy Ward, Jr., 1245 Pin Oak Road, **Pamplin**, Virginia 23958, Member, appointed October 6, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed himself.

NATURAL RESOURCES

Board of Conservation and Recreation

Michael P. Reynold, 7032 Dandy Court, **Mechanicsville**, Virginia 23111, Member, appointed September 19, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Alan Albert.

Board of Visitors to Mount Vernon

Glen Bolger, 1125 Arcturus Lane, **Alexandria**, Virginia 22308, Member, appointed September 24, 2013, for a term of four years beginning May 1, 2013, and ending April 30, 2017, to succeed Timothy Broas.

Julie Dime, 300 South Fairfax Street, **Alexandria**, Virginia 22314, Member, appointed September 24, 2013, for a term of four years beginning May 1, 2012, and ending April 30, 2016, to succeed Sheila Coates.

Paul Clinton Harris, Sr., 2717 Logan Estates Run, **Richmond**, Virginia 23233, Member, appointed September 24, 2013, for a term of four years beginning May 1, 2013, and ending April 30, 2017, to succeed Carlton Funn.

Mark A. Herzog, 737 North Fifth Street, Suite 200, **Richmond**, Virginia 23219, Member, appointed October 1, 2013, for a term of four years beginning May 1, 2013, and ending April 30, 2017, to succeed Emilie Miller.

Virginia Marine Resources Commission

James Dean Close, Post Office Box 65, **Moon**, Virginia 23119, Member, appointed September 12, 2013, to serve an unexpired term beginning July 11, 2013, and ending June 30, 2015, to succeed Joseph Palmer.

PUBLIC SAFETY

Board of Juvenile Justice

Heidi W. Abbott, 5114 Evelyn Byrd Road, **Richmond**, Virginia 23225, Member, appointed July 19, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed herself.

William Bosher, Jr., 4095 Rockhill Road, **Mechanicsville**, Virginia 23111, Member, appointed August 6, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to fill a new seat.

Karen Cooper-Collins, 461 Seahorse Run, **Chesapeake**, Virginia 23320, Member, appointed October 25, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Kecia Brothers.

David R. Hines, 10283 Pollard Creek Road, **Mechanicsville**, Virginia 23116, Member, appointed July 19, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Justin Wilson.

Helivi L. Holland, 309 Bridlewood Lane, **Suffolk**, Virginia 23434, Member, appointed August 6, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Barbara Myers.

Robyn Diehl McDougle, 7044 Tall Cedar Lane, **Mechanicsville**, Virginia 23111, Member, appointed July 25, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to fill a new seat.

Virginia Fire Services Board

Walter T. Bailey, 809 Tola Road, **Phenix**, Virginia 23959, Member, appointed October 7, 2013, to serve an unexpired term beginning September 26, 2013, and ending June 30, 2017, to succeed Steve DeLuca.

Forensic Science Board

A. "Tony" Lipa, Jr., 16015 Grant Court, **Bowling Green**, Virginia 22427, Member, appointed July 19, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

David A.C. Long, 202 Canterbury Road, **Richmond**, Virginia 23221, Member, appointed July 19, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Steven Benjamin.

Claiborne H. Stokes, Jr., 2408 Wheatlands Drive, **Manakin-Sabot**, Virginia 23103, Member, appointed July 19, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Raymond Morrogh.

TECHNOLOGY

Virginia Geographic Information Network Advisory Board

Charles W. Donato, 2906 Brixham Drive, **Richmond**, Virginia 23235, Member, appointed September 9, 2012, for a term of five years beginning July 1, 2011, and ending June 30, 2016, to succeed himself.

Christopher Knights, 264 Autumn Oaks Lane, **Barboursville**, Virginia 22923, Member, appointed August 22, 2012, for a term of five years beginning July 1, 2011, and ending June 30, 2016, to succeed himself.

TRANSPORTATION

Medical Advisory Board to the Department of Motor Vehicles

John D. Sheppard, 3274 Butlers Bluff Drive, **Cape Charles**, Virginia 23310, Member, appointed August 7, 2013, for a term of four years beginning October 1, 2012, and ending September 30, 2016, to succeed himself.

Saji V. Slavin, 4606 West Franklin Street, **Richmond**, Virginia 23226, Member, appointed August 7, 2013, for a term of four years beginning October 1, 2012, and ending September 30, 2016, to succeed Thomas Pellegrino.

John J. Wittman, Jr., 3313 Brewton Way, **Midlothian**, Virginia 23113, Member, appointed August 1, 2013, for a term of four years beginning October 1, 2012, and ending September 30, 2016, to succeed Anil Kumar.

Virginia Aviation Board

William E. Coburn, 208 Anna Drive, **Carrollton**, Virginia 23314, Member, appointed July 30, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Richard Franklin.

Charles M. Quillin, 19284 Trotters Lane, **Abingdon**, Virginia 24211, Member, appointed July 25, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Robert Dix.

Virginia Commercial Space Flight Authority

Jack Kennedy, 206 East Main Street, **Wise**, Virginia 24293, Member, appointed October 21, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

SENATE JOINT RESOLUTION NO. 73

Commending Bruce Thompson.

Agreed to by the Senate, January 16, 2014

Agreed to by the House of Delegates, January 24, 2014

WHEREAS, Bruce Thompson, the chief executive officer of Gold Key PHR Hotels and Resorts and a respected philanthropist in the Virginia Beach community, was chosen by the Virginia Beach Jaycees as the 2012 First Citizen of Virginia Beach; and

WHEREAS, the First Citizen of Virginia Beach award is presented to the individual who best embodies the Jaycee Creed and exemplifies the organization's spirit of citizenship and leadership by devoting time, talents, and efforts toward the betterment of Virginia Beach; and

WHEREAS, Bruce Thompson not only has been a force in the city's tourism industry but also has made significant contributions to amyotrophic lateral sclerosis (ALS) research; and

WHEREAS, the JT Walk and Beach Party, which was created by Bruce Thompson in 2007 to honor his son who has ALS, has made significant contributions to the ALS Association, awarding grants to individuals and organizations studying various treatments; and

WHEREAS, Bruce Thompson was instrumental in the creation of Grommet Island Beach Park and Playground, which is the first fully accessible facility of its kind for the disabled; and

WHEREAS, Bruce Thompson has given generously to a host of local organizations, including the Virginia Small Business Financial Authority, the Virginia Beach Neptune Festival, the Virginia Aquarium, and the Hampton Roads Chapter of the National Multiple Sclerosis Foundation; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend a dedicated and distinguished Virginian, Bruce Thompson, for being named the 2012 First Citizen of Virginia Beach; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Bruce Thompson as an expression of the General Assembly's respect and admiration for his tireless and devoted service to the Virginia Beach community.

SENATE JOINT RESOLUTION NO. 75

Directing the Manufacturing Development Commission to examine the economic and environmental benefits of the use of recycled material in the manufacturing process in Virginia. Report.

Agreed to by the Senate, February 11, 2014

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, Virginia's manufacturing sector is a key economic driver of the Virginia economy and is a significant user of raw materials and energy; and

WHEREAS, an increasing number of Virginia manufacturers are using recycled material in the manufacturing process as a way to reduce energy consumption, curtail adverse environmental effects, and become more competitive; and

WHEREAS, the use of recycled material in the manufacturing process presents an economic opportunity in the creation of new Virginia markets for recycled material; and

WHEREAS, it is in the Commonwealth's interest to foster the creation and expansion of new markets for recycled material in Virginia and to ensure that Virginia manufacturers are able to source recycled material within the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Manufacturing Development Commission be directed to study the economic and environmental benefits of the use of recycled material in the manufacturing process in Virginia. In addition, the Manufacturing Development Commission (Commission) shall make recommendations on ways to enhance the market for recycled material to the benefit of Virginia manufacturers and suppliers, while not creating any adverse financial burdens for Virginia's retailers or consumers.

The Office of the Clerk of the Senate shall provide administrative staff support. The Division of Legislative Services shall provide legal, research, policy analysis, and other services as requested by the Commission. Technical assistance shall be provided to the Commission by the Department of Environmental Quality. All agencies of the Commonwealth shall provide assistance to the Commission for this study, upon request.

The Manufacturing Development Commission shall complete its meetings by November 30, 2014, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2015 Regular Session of the General Assembly. The executive summary shall state whether the Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 76

Increasing the membership of the Virginia Women's Monument Commission.

Agreed to by the Senate, January 22, 2014

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, Senate Joint Resolution No. 11 (2010) established a commemorative commission to honor the contributions of the women of Virginia with a monument on the grounds of Capitol Square, now known as the Virginia Women's Monument Commission; and

WHEREAS, the current membership of the Virginia Women's Monument Commission consists of 19 members as follows: the Governor of Virginia, the Chair of the Senate Committee on Rules, one member of the Senate appointed by the Senate Committee on Rules, the Clerk of the Senate, the Speaker of the House of Delegates, one member of the House of Delegates at large appointed by the Speaker of the House of Delegates, the Clerk of the House of Delegates, eight nonlegislative citizen members of whom three members shall be appointed by the Governor, two shall be appointed by the Senate Committee on Rules, and three shall be appointed by the Speaker of the House of Delegates, and the Secretary of Administration or her designee, the Librarian of Virginia or her designee, the Executive Director of the Capitol Square Preservation Council, and the Executive Director of the Virginia Capitol Foundation who shall serve ex officio with nonvoting privileges; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the membership of the Virginia Women's Monument Commission be increased. The current membership shall be increased by adding one member who shall be the immediate past Secretary of Administration who shall serve with voting privileges; and, be it

RESOLVED FURTHER, That the Governor or his designee shall serve as Chair with voting privileges.

SENATE JOINT RESOLUTION NO. 77

Confirming appointments by the Governor of certain persons communicated October 1, 2013.

Agreed to by the Senate, January 20, 2014

Agreed to by the House of Delegates, February 4, 2014

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Robert F. McDonnell and communicated to the General Assembly October 1, 2013.

AGRICULTURE AND FORESTRY

Milk Commission

Kenneth Koerner Smith, 11241 Merry Run Lane, **Remington**, Virginia 22734, Member, appointed June 4, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Virginia Corn Board

Virginia Barnes, Post Office Box 538, **Wicomico Church**, Virginia 22579, Member, appointed July 11, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed herself.

David Coleman, 12580 West Creek Parkway, **Richmond**, Virginia 23238, Member, appointed July 8, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed himself.

L. Hayden Eicher, 7395 Opal Road, **Warrenton**, Virginia 20186, Member, appointed July 8, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed himself.

Wallick Harding, 20681 Jackson Lane, **Jetersville**, Virginia 23083, Member, appointed July 29, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed himself.

AUTHORITY

Virginia Biotechnology Research Park Authority

Douglas E. Harvey, 471 Comstock Drive, **Richmond**, Virginia 23236, Member, appointed July 22, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed Aiguo Wu.

Tonya Mallory, 737 North 5th Street, Suite 103, **Richmond**, Virginia 23219, Member, appointed July 22, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed Craig Smith.

COMMERCE AND TRADE

Board of Accountancy

James M. Holland, 4100 Boonesboro Drive, **North Chesterfield**, Virginia 23236, Member, appointed September 20, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Tyrone Dickerson.

Board of Coal Mining Examiners

Phillip W. Hale, 281 Clean Street, **North Tazewell**, Virginia 24630, Member, appointed July 8, 2013, to serve an unexpired term beginning January 2, 2013, and ending June 30, 2015, to succeed Joseph Buchanan.

Common Interest Community Board

Kristie Helmick, 8023 Lake Haven Drive, **Mechanicsville**, Virginia 23111, Member, appointed August 8, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Katherine Waddell.

Thomas A. Mazzei, 9001 Adams Chase Circle, **Lorton**, Virginia 22079, Member, appointed September 11, 2013, to serve an unexpired term beginning April 14, 2013, and ending June 30, 2016, to succeed Milton Matthews.

Small Business Commission

John E. Gordon, Jr., 14102 Mountain Road, **Glen Allen**, Virginia 23059, Member, appointed September 19, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed himself.

Robert G. Marcus, 520 Patrick Street, **Portsmouth**, Virginia 23707, Member, appointed September 17, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed himself.

Nicole Riley, 7906 Cottesmore Terrace, **Richmond**, Virginia 23228, Member, appointed September 23, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed herself.

Virginia Real Estate Board

Lee Odems, 4349 Windermere View Place, **Woodbridge**, Virginia 22192, Member, appointed September 10, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Clifford Wells.

COMPACTS

Citizens Advisory Committee to the Chesapeake Bay Executive Council

Gregory Evans, 8400 Oakford Drive, **Springfield**, Virginia 22152, Member, appointed July 3, 2013, for a term of four years beginning January 1, 2013, and ending December 31, 2016, to succeed Stella Koch.

Robert Wayland, 22 Shoreline Drive, **White Stone**, Virginia 22578, Member, appointed July 3, 2013, for a term of four years beginning January 1, 2013, and ending December 31, 2016, to succeed Rebecca Hanmer.

Potomac River Fisheries Commission

Sandra Lynn Haynie, Post Office Box 311, **Reedville**, Virginia 22539, Member, appointed July 3, 2013, to serve at the pleasure of the Governor beginning July 3, 2013, to succeed Kyle Schick.

State Council for Interstate Adult Offender Supervision

James E. Parks, 2616 Dolfield Drive, **Richmond**, Virginia 23235, Member, appointed June 27, 2013, to serve at the pleasure of the Governor beginning June 27, 2013, to succeed James Sisk.

Brian R. Swann, Sr., 855 Dogwood Dell Lane, **Midlothian**, Virginia 23113, Member, appointed June 28, 2013, to serve at the pleasure of the Governor beginning June 28, 2013, to succeed John Buckovich.

EDUCATION

Board of Trustees of the Frontier Culture Museum of Virginia

Pamela Fox, 240 Kable Street, **Staunton**, Virginia 24401, Member, appointed July 15, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed herself.

John K. Ijem, 723 Crooked Oak Drive, **Pawleys Island**, **South Carolina** 29585, Member, appointed July 17, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Ophie Kier.

William F. Sibert, 5 Trace Drive, **Staunton**, Virginia 24401, Member, appointed July 15, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Norman "Butch" C. Smiley III, 36 Fallon Street, **Staunton**, Virginia 24411, Member, appointed July 16, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Rhodes Ritenour.

Board of Trustees of the Jamestown-Yorktown Foundation

Stephen R. Adkins, 7240 Adkins Road, **Charles City**, Virginia 23030, Member, appointed July 30, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Shirley Custalow-McGowen.

J. Peter Clements, 20117 Halifax Road, **Carson**, Virginia 23830, Member, appointed July 19, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Stuart Connock.

John H. Hager, 4600 Sulgrave Road, **Richmond**, Virginia 23221, Member, appointed July 12, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Constance Kincheloe.

Board of Trustees of the Virginia Museum of Fine Arts

Monroe E. Harris, Jr., 4909 Lockgreen Circle, **Richmond**, Virginia 23226, Member, appointed July 10, 2013, for a term of five years beginning July 1, 2013, and ending June 30, 2018, to succeed Suzanne Mastracco.

Claude G. Perkins, 1200 West Graham Road, **Richmond**, Virginia 23220, Member, appointed July 10, 2013, to serve an unexpired term beginning September 6, 2012, and ending June 30, 2016, to succeed Ranjit Sen.

State Board of Community Colleges

Benita Thompson Byas, 1741 Business Center Drive, Suite 200, **Reston**, Virginia 20190, Member, appointed August 13, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Hank Chao.

Darren Conner, 365 Sailors Creek Road, **Callands**, Virginia 24530, Member, appointed July 9, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Jeffery Mitchell.

James Cuthbertson, 6208 Manaford Circle, **Glen Allen**, Virginia 23059, Member, appointed August 9, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed William Talley.

Idalia Fernandez, 14422 Coachway Drive, **Centreville**, Virginia 20120, Member, appointed July 10, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed herself.

State Council of Higher Education for Virginia

W. Heywood Fralin, 2744 Jefferson Street, **Roanoke**, Virginia 24014, Member, appointed June 28, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Whittington Clement.

G. Gilmer Minor III, 312 Oak Lane, **Richmond**, Virginia 23226, Member, appointed June 28, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Pamela R. Moran, 4900 Turkey Sag Road, **Keswick**, Virginia 22947, Member, appointed August 9, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to fill a new seat.

Carlyle Ramsey, Post Office Box 32, **Alton**, Virginia 24520, Member, appointed August 12, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Katie Webb.

Southern Virginia Higher Education Center

W. W. "Ted" Bennett, Jr., 5135 Halifax Road, **Halifax**, Virginia 24558, Member, appointed July 16, 2013, for a term of three years beginning July 1, 2012, and ending June 30, 2015, to succeed Thomas Raab.

Loretta B. Harris, 811 Market Street, **Clarksville**, Virginia 23927, Member, appointed July 14, 2013, to serve an unexpired term beginning September 17, 2011, and ending June 30, 2014, to succeed Wanda Jeffress.

David A. Willette, 2181 Dairy View Road, **Chatham**, Virginia 24531, Member, appointed July 15, 2013, to serve an unexpired term beginning September 6, 2012, and ending June 30, 2015, to succeed Paul Krysiak.

The Library Board

Christopher G. Oprison, 13302 Milltown Road, **Lovettsville**, Virginia 20180, Member, appointed September 17, 2013, for a term of five years beginning July 1, 2013, and ending June 30, 2018, to succeed John DiYorio.

Marcy Sims, 1160 Cedar Point Drive, **Virginia Beach**, Virginia 23451, Member, appointed September 18, 2013, for a term of five years beginning July 1, 2013, and ending June 30, 2018, to succeed Valerie Mayo.

M. David Skiles, 14155 Autumn Circle, **Centreville**, Virginia 20121, Member, appointed August 13, 2013, to serve an unexpired term beginning February 20, 2012, and ending June 30, 2014, to succeed Clifton Woodrum.

Virginia Polytechnic Institute and State University Board of Visitors

James L. Chapman IV, 4317 Delray Drive, **Virginia Beach**, Virginia 23455, Member, appointed July 24, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Suzanne Michele Duke.

J. Thomas Ryan, 7 Steeplechase Road, **Fredericksburg**, Virginia 22405, Member, appointed July 24, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed George Nolen.

Virginia Water Resources Research Center Statewide Advisory Board

Whitney Katchmark, 723 Woodlake Drive, **Chesapeake**, Virginia 23320, Member, appointed July 2, 2013, to serve at the pleasure of the Governor beginning July 2, 2012, to succeed John Carlock.

HEALTH AND HUMAN RESOURCES

Alzheimer's Disease and Related Disorders Commission

Laura Adkins, 530 Abbey Village Circle, **Midlothian**, Virginia 23114, Member, appointed July 10, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Maxcine Maxfield.

Janet Lynne Honeycutt, 4177 Drew Ridge Drive, **Louisa**, Virginia 23093, Member, appointed July 10, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Kae Chung.

Carol Manning, 1715 Mason Lane, **Charlottesville**, Virginia 22903, Member, appointed July 18, 2013, to serve an unexpired term beginning November 22, 2012, and ending June 30, 2015, to succeed Faith Shartzter.

Board of Health

Bradley S. Beall, 4607 Ordinary Court, **Annandale**, Virginia 22003, Member, appointed August 5, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed James Edmondson.

Bruce W. Edwards, 2441 Windward Shore Drive, **Virginia Beach**, Virginia 23451, Member, appointed September 4, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Board of Medical Assistance Services

Maria Jankowski, 4001 Hanover Avenue, **Richmond**, Virginia 23221, Member, appointed May 30, 2013, for a term of four years beginning March 8, 2013, and ending March 7, 2017, to succeed Barbara Klear.

Erica Wynn, 5822 Flat Rock Road, **Alberta**, Virginia 23821, Member, appointed May 30, 2013, for a term of four years beginning March 8, 2012, and ending March 7, 2016, to succeed William Murray.

Marcia Wright Yeskoo, 13504 West Poplar Grove Road, **Midlothian**, Virginia 23112, Member, appointed April 25, 2013, for a term of four years beginning March 8, 2013, and ending March 7, 2017, to succeed Monroe Harris.

Board of Social Work

John M. Salay, 13800 Sunrise Bluff Road, **Midlothian**, Virginia 23112, Member, appointed July 3, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Catherine Moore.

Board of Veterinary Medicine

Bayard A. Rucker, 309 Overlook Drive, **Lebanon**, Virginia 24266, Member, appointed July 2, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed James DeBell.

Commonwealth Neurotrauma Advisory Board

Laurie Lindblom, 1621 Dey Cove Drive, **Virginia Beach**, Virginia 23454, Member, appointed May 29, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Gregory Helm.

Rosemary Rawlins, 6204 Joseph Way, **Glen Allen**, Virginia 23060, Member, appointed July 2, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Page Melton.

State Rehabilitation Advisory Council

Audie Gaddis, 351 North Mason Street, Apartment 405, **Harrisonburg**, Virginia 22802, Member, appointed July 1, 2013, for a term of three years beginning October 1, 2012, and ending September 30, 2015, to succeed Sandra Cook.

Virginia Board of Psychology

Russell L. Leonard, 12801 Foxstone Road, **Midlothian**, Virginia 23113, Member, appointed July 25, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Jeffery Clark.

Herbert L. Stewart, 2958 Mechum Banks Drive, **Charlottesville**, Virginia 22901, Member, appointed July 29, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Michael Stutts.

Virginia Foundation for Healthy Youth

January M. Britt, 9602 January Court, **Henrico**, Virginia 23238, Member, appointed April 25, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Patti Kiger.

INDEPENDENT

Board of Directors of the Virginia Commonwealth University Health System

Mahalakshmi Challa, 5040 Sadler Place, Suite 200, **Glen Allen**, Virginia 23060, Member, appointed July 25, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed herself.

Anton J. Kuzel, 2825 Hardings Trace Lane, **Richmond**, Virginia 23233, Member, appointed June 19, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed himself.

JUDICIAL

Escheators Board

R. Lucas Hobbs, 15286 Monticello Drive, **Bristol**, Virginia 24202, Member, appointed July 22, 2013, to serve at the pleasure of the Governor beginning May 11, 2013, to succeed Eric Theissen.

Indigent Defense Commission

Thomas R. Chaffe, 2214 McRae Road, **Richmond**, Virginia 23235, Member, appointed July 30, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed Kent Smith.

Kristi A. Wooten, 301 Conservation Crossing, **Chesapeake**, Virginia 23320, Member, appointed June 27, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed herself.

NATURAL RESOURCES

Board of Trustees of the Virginia Outdoors Foundation

Elizabeth Obenshain, 2010 Prices Fork Road, **Blacksburg**, Virginia 24060, Member, appointed July 11, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Jeffrey Walker.

Brent Thompson, 49 Sampy Lane, **Huntly**, Virginia 22640, Member, appointed August 2, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Mark Allen.

State Water Control Board

Ben Grumbles, 1816 North Kenmore Street, **Arlington**, Virginia 22207, Member, appointed September 12, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Roberta Kellum.

Virginia Cave Board

Michele Baird, 5413 MacQueen Drive, **Virginia Beach**, Virginia 23464, Member, appointed July 2, 2013, for a term of four years beginning July 1, 2010, and ending June 30, 2014, to succeed Jesse Richardson.

John T. Haynes, 2005 Pine Top Road, **Charlottesville**, Virginia 22903, Member, appointed July 3, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Judy Molnar.

Marian McConnell, 46 Palmer Trail, **Troutville**, Virginia 24175, Member, appointed July 2, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Thomas Lera.

Virginia Waste Management Board

Amarjit Singh Riat, 5373 Walkerton Court, **Haymarket**, Virginia 20169, Member, appointed September 9, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Steven Yob.

PUBLIC SAFETY

Board of Corrections

Ann Gardner, 3711 Nace Road, **Fincastle**, Virginia 24090, Member, appointed August 20, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Cynthia Alksne.

Anthony Curtis Paige, 3320 Norway Place, **Norfolk**, Virginia 23509, Member, appointed July 7, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Cortland C. Putbreshe, 2 Albemarle Avenue, **Richmond**, Virginia 23226, Member, appointed July 16, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Jonathan Blank.

Criminal Justice Services Board

Peter Baruch, 705 Silverspring Drive, **Richmond**, Virginia 23229, Member, appointed September 11, 2013, to serve an unexpired term beginning January 29, 2012, and ending June 30, 2014, to succeed Matthew Geary.

Michael R. Doucette, 2140 Rivermont Avenue, **Lynchburg**, Virginia 24503, Member, appointed August 28, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Robert Bushnell.

Charles E. Jett, Post Office Box 189, **Stafford**, Virginia 22554, Member, appointed August 28, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Mary Bennett Malveaux, 2013 Old Prescott Court, **Richmond**, Virginia 23238, Member, appointed August 26, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Clarence Jenkins.

Dennis S. Proffitt, 5800 Kingsland Road, **North Chesterfield**, Virginia 23237, Member, appointed August 26, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Debbie Smith, 9900 Willow Bank Road, **Charles City**, Virginia 23030, Member, appointed September 11, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed herself.

Gilbert Smith, 4401 West Run Road, **Charles City**, Virginia 23030, Member, appointed August 28, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Sherman Vaughn.

James E. Williams, 205 Earl Street, **Staunton**, Virginia 24401, Member, appointed September 11, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed David Rohrer.

Scott Sheild Williams, 4249 Meadow Wood Drive, **Chesapeake**, Virginia 23321, Member, appointed September 16, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Charles Condon.

Scientific Advisory Committee

Robin W. Cotton, 4615 Chestnut Street, **Bethesda, Maryland** 20814, Member, appointed August 20, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed John Butler.

Leslie Edinboro, 10501 Delray Road, **Glen Allen**, Virginia 23060, Member, appointed August 6, 2013, to serve an unexpired term beginning December 14, 2012, and ending June 30, 2015, to succeed David Hassell.

Jo Ann Given, 1504 Lake Christopher Drive, **Virginia Beach**, Virginia 23464, Member, appointed August 6, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed herself.

Travis Spinder, 12670 Conestoga Way, **Lolo, Montana** 59847, Member, appointed August 14, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Thomas Price.

TECHNOLOGY

Broadband Advisory Council

R. Bryan David, 3035 Sedgewick Drive, **Lynchburg**, Virginia 24503, Member, appointed July 30, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed himself.

Tyrone W. Franklin, 424 Colonial Trail East, **Surry**, Virginia 23883, Member, appointed July 30, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed Sandie Terry.

Ray LaMura, 4601 Monument Avenue, **Richmond**, Virginia 23230, Member, appointed July 19, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed himself.

Gary P. Schwartz, 507 Monticello Circle, **Locust Grove**, Virginia 22508, Member, appointed July 30, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed himself.

Duront Walton, 1507 West Avenue, **Richmond**, Virginia 23220, Member, appointed July 25, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed himself.

Information Technology Advisory Council

Joy R. Hughes, 3332 Bitter Sweet Court, **Oak Hill**, Virginia 20171, Member, appointed June 5, 2013, to serve an unexpired term beginning August 3, 2012, and ending June 30, 2014, to succeed Richard Alvarez.

Sharon L. Kitchens, 4201 Peaceful Lane, **Lanexa**, Virginia 23089, Member, appointed June 3, 2013, to serve an unexpired term beginning February 8, 2013, and ending June 30, 2014, to succeed Linda Foster.

Valerie E. Thomson, 1502 Sauer Avenue, **Richmond**, Virginia 23230, Member, appointed June 6, 2013, to serve an unexpired term beginning January 24, 2013, and ending June 30, 2014, to succeed Jamie Lewis.

Wireless E-911 Services Board

Diane S. Harding, 3805 Voyager Drive, **Henrico**, Virginia 23294, Member, appointed July 8, 2013, to serve an unexpired term beginning May 22, 2013, and ending June 30, 2015, to succeed Mickey Sims.

L. V. Pokey Harris, 169 Dry Fork Road, **Chilhowie**, Virginia 24319, Member, appointed July 8, 2013, for a term of five years beginning July 1, 2013, and ending June 30, 2018, to succeed Linda Cage.

Jim Junkins, 256 West Springbrook Road, **Broadway**, Virginia 22815, Member, appointed July 8, 2013, for a term of five years beginning July 1, 2013, and ending June 30, 2018, to succeed Patrick Shumate.

Robert G. Kemmler, 9360 North Rinker Drive, **Mechanicsville**, Virginia 23116, Member, appointed July 12, 2013, for a term of five years beginning July 1, 2013, and ending June 30, 2018, to succeed himself.

Robert E. Layman III, 8213 Hampton Bluff Terrace, **Chesterfield**, Virginia 23832, Member, appointed July 11, 2013, for a term of five years beginning July 1, 2013, and ending June 30, 2018, to succeed himself.

Anthony E. McDowell, 12204 Bothwell Court, **Henrico**, Virginia 23233, Member, appointed July 12, 2013, for a term of five years beginning July 1, 2013, and ending June 30, 2018, to succeed Ron Mastin.

David W. Ogburn, Jr., 11508 Tottenham Place, **Richmond**, Virginia 23233, Member, appointed July 8, 2013, for a term of five years beginning July 1, 2013, and ending June 30, 2018, to succeed John Knapp.

Athena M. Plummer, 2960 Chilton Place, **Virginia Beach**, Virginia 23456, Member, appointed July 15, 2013, for a term of five years beginning July 1, 2013, and ending June 30, 2018, to succeed Linda Cage.

Kathleen T. Seay, Post Office Box 2337, **Mechanicsville**, Virginia 23116, Member, appointed July 19, 2013, for a term of five years beginning July 1, 2013, and ending June 30, 2018, to succeed Denise Smith.

TRANSPORTATION

Commonwealth Transportation Board

Alison DeTuncq, 1900 Franklin Drive, **Charlottesville**, Virginia 22911, Member, appointed August 6, 2013, to serve an unexpired term beginning December 14, 2012, and ending June 30, 2014, to succeed James Rich.

William H. Fralin, Jr., 2830 Wilton Road Southwest, **Roanoke**, Virginia 24018, Member, appointed August 13, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Dana Martin.

VETERANS AFFAIRS AND HOMELAND SECURITY

Board of Veterans Services

Lawrence M. Beyer, 2402 Coachman Drive, **Roanoke**, Virginia 24012, Member, appointed August 7, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Johnny G. Johnson, 981 Little Neck Road, **Virginia Beach**, Virginia 23452, Member, appointed August 13, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed John Anderson.

Thad A. Jones, 405 Bancroft Avenue, **Richmond**, Virginia 23222, Member, appointed August 6, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Sandra D. Love, 4008 Saw Mill Court, **Chesapeake**, Virginia 23321, Member, appointed August 7, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed herself.

Joint Leadership Council of Veterans Service Organizations

John T. Edwards, 14370 Mill Swamp Road, **Smithfield**, Virginia 23430, Member, appointed April 8, 2013, for a term of three years beginning July 1, 2012, and ending June 30, 2015, to succeed James Jones.

Thomas F. Gimble, 80 Winter Wheat Lane, **Fredericksburg**, Virginia 22406, Member, appointed March 26, 2013, for a term of three years beginning July 1, 2012, and ending June 30, 2015, to succeed Daniel Boyer.

Richard Mansfield, 427 Durham Street, **Hampton**, Virginia 23669, Member, appointed February 24, 2013, for a term of three years beginning July 1, 2012, and ending June 30, 2015, to succeed Bruce Brown.

Brett P. Reistad, 10404 Spraggins Court, **Manassas**, Virginia 20110, Member, appointed December 18, 2012, for a term of three years beginning July 1, 2012, and ending June 30, 2015, to succeed himself.

Stuart Williams, 9158 Rockefeller Lane, **Springfield**, Virginia 22153, Member, appointed December 27, 2012, for a term of three years beginning July 1, 2012, and ending June 30, 2015, to succeed Raymond Edwards.

Veterans Services Foundation

Tom Gordy, 9330 Falling Water Drive, **Bristow**, Virginia 20136, Member, appointed September 24, 2013, to serve an unexpired term beginning January 25, 2013, and ending June 30, 2015, to succeed James Cuthbertson.

SENATE JOINT RESOLUTION NO. 82

Celebrating the life of James David Mitchell.

Agreed to by the Senate, January 16, 2014

Agreed to by the House of Delegates, January 24, 2014

WHEREAS, James David Mitchell, was born on July 23, 1956, in Petersburg, and entered into eternal rest on November 25, 2013; and

WHEREAS, James David Mitchell, beloved veteran and icon in the radio industry, known as the voice of the "Quiet Storm" on WKJS KISS 99.3/105.7 FM Richmond radio, was educated in the Petersburg City Public Schools and graduated

from Petersburg High School in 1974; he attended Virginia State University, where he received a bachelor's degree in communications, and the Richmond Broadcasting School; and

WHEREAS, because music was always his first love and passion, James David Mitchell's early jobs included disc jockey at parties, weddings, anniversaries, and various other social events, and as the "Voice of Trojan Football and Basketball" at WVST, the radio station of Virginia State University; and

WHEREAS, he worked in several radio markets, including Greensboro, North Carolina, Baltimore, Maryland, Norfolk, and Raleigh-Durham, North Carolina, before finding his radio home with Radio-One as the voice of the "Quiet Storm" on WKJS KISS FM 99.3/105.7 FM Richmond, the region's number one radio show, where he galvanized listeners with his silky smooth baritone voice weeknights from 7:00 p.m. to midnight; and

WHEREAS, a man of great faith, James David Mitchell was a lifelong and active member of Gillfield Baptist Church in Petersburg, where he served as an usher and assisted with the lights and sound ministry; and

WHEREAS, James David Mitchell was a frequent speaker to youth and other community groups, encouraging people to work towards a better future; and

WHEREAS, a lover of football and music, he was an avid Dallas Cowboys fan and listened to all genres of music; and

WHEREAS, after attending Thanksgiving Day worship service at his church, James David Mitchell, "Mitch Malone," just prior to his death, posted a prayer of thanksgiving to God for his parents, family, church family, listeners, and colleagues for a long and illustrious radio career, quoted Dr. Martin Luther King, Jr.'s, speech that "longevity has its place," and stated that he was thankful to God to have accomplished his dream; and

WHEREAS, James David Mitchell, a flawless, prepared, and well-organized professional, meticulously honed his craft, and his baritone voice that commanded attention will be remembered but sorely missed by his family, friends, and listeners; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of James David Mitchell; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of James David Mitchell as an expression of the General Assembly's respect for his memory and contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 83

Commending Wylie Gibson Raab.

Agreed to by the Senate, January 16, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Wylie Gibson Raab has served the Commonwealth of Virginia with honor and distinction as First Regent of Gunston Hall; and

WHEREAS, a lifelong resident of the Commonwealth of Pennsylvania, Wylie Raab has spent many years working to preserve our nation's great heritage in her home state and in the Commonwealth of Virginia; both places played prominent roles in the Colonial and Revolutionary eras, and continue to do so today; and

WHEREAS, a careful stewardship and appreciation of the past helps develop civic responsibility and engagement; to that end, Wylie Raab has served as a member of the National Society of The Colonial Dames of America in the Commonwealth of Pennsylvania; and

WHEREAS, in that capacity, Wylie Raab was chosen in 2004 to be the Pennsylvania Regent of Gunston Hall and was confirmed in 2005 by Virginia Governor Mark Warner; and

WHEREAS, Gunston Hall, which is in Fairfax County, was the home of George Mason, an influential statesman during the Revolutionary era; the house, which is a stellar example of Georgian architecture, is owned by the Commonwealth of Virginia and administered by the National Society of The Colonial Dames of America; and

WHEREAS, Wylie Raab, who was reappointed to the Board of Regents in 2009, became First Regent of Gunston Hall that year; during her tenure as leader of the board, she has been admired for her positive attitude and her commitment to Gunston Hall; and

WHEREAS, Wylie Raab has chaired numerous committees, and in that capacity she is known for her ability to listen to and respect differing points of view, and her efforts to secure wise stewardship and guidance of Gunston Hall help to ensure a bright future for one of Virginia's historic treasures; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Wylie Gibson Raab for her leadership of Gunston Hall and her commitment to our great nation's storied history; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Wylie Gibson Raab as an expression of the General Assembly's respect and admiration for her many years of service to Gunston Hall.

SENATE JOINT RESOLUTION NO. 85

Commending Jack G. Travelstead.

Agreed to by the Senate, January 16, 2014
Agreed to by the House of Delegates, January 24, 2014

WHEREAS, Jack G. Travelstead retired from the Virginia Marine Resources Commission on January 10, 2014, after 33 years of exemplary service to the citizens of the Commonwealth; and

WHEREAS, Jack Travelstead served as the agency's first chief of fisheries management from 1984 to 2012; and

WHEREAS, in 2006, Jack Travelstead was appointed deputy commissioner of the Virginia Marine Resources Commission; and

WHEREAS, in 2012, Jack Travelstead was appointed commissioner of the Virginia Marine Resources Commission by Governor Robert F. McDonnell; and

WHEREAS, Jack Travelstead's unsurpassed commitment and devotion to public service won him the deepest respect and admiration from his colleagues and associates from all walks of life on many occasions; and

WHEREAS, Jack Travelstead's knowledge, vision, and stewardship resulted in sustainable fisheries and remarkable improvements to the Commonwealth's natural resources, particularly to finfish, blue crab, and oyster stocks; and

WHEREAS, Jack Travelstead's professionalism, giving spirit, and steady leadership will be sorely missed by the staff of the Virginia Marine Resources Commission and everyone who had the good fortune of knowing and working with him; and

WHEREAS, Jack Travelstead can now savor his well-deserved retirement, spending more time with his wife, Ellen; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Jack G. Travelstead on his devoted and time-honored service to the citizens of the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Jack G. Travelstead as an expression of the General Assembly's appreciation for his hard work and dedication and best wishes for success in the next chapter of his life.

SENATE JOINT RESOLUTION NO. 88

Celebrating the life of Dr. Jerome Karle.

Agreed to by the Senate, January 16, 2014
Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Dr. Jerome Karle, a brilliant chemist who won the 1985 Nobel Prize in Chemistry for his work in the development of a method to determine the structure of crystals, died on June 6, 2013; and

WHEREAS, a native of New York, Jerome Karle received a bachelor's degree from the City College of New York and a master's degree from Harvard University before working briefly for the New York State Department of Health in Albany; and

WHEREAS, while with the New York State Department of Health, Jerome Karle made his first contribution to science when he developed a procedure to determine the amount of fluorine in water supplies that continues to serve as the standard today; and

WHEREAS, Jerome Karle continued his studies at the University of Michigan, where he met his partner in life and work, Isabella Lugoski, at the adjoining laboratory desk in his first physical chemistry class; and

WHEREAS, Dr. Karle completed his doctoral studies and embarked on a distinguished career with the federal government as a member of the Manhattan Project at the University of Chicago, where he worked on extracting and purifying plutonium; and

WHEREAS, Dr. Karle then joined the United States Naval Research Laboratory, working first at the institution's facility at the University of Michigan before relocating to Washington, D.C., in 1946; he became chief scientist of the Laboratory for the Structure of Matter in 1968; and

WHEREAS, Dr. Karle focused his research on diffraction theory and its application to structure determination; his work led to the development of methods for crystal structure analysis that significantly condense the amount of time it takes to determine molecular structure—from years to days—resulting in far-reaching advances in science and medicine; and

WHEREAS, Dr. Karle's work on crystal structure has been used in the research on the structure of DNA; the development of painkillers, antibiotics, and drugs to treat cancer and heart disease; and the study of propellants and explosives; and

WHEREAS, throughout a long and remarkable career, Dr. Karle took part in the development of new methods and applications and created new areas of study known as quantum crystallography and kernel method; and

WHEREAS, an admired leader in his field, Dr. Karle served in various capacities with numerous professional associations, including as president of the International Union of Crystallography and chair of the chemistry section of the National Academy of Sciences; and

WHEREAS, the recipient of numerous prestigious awards and accolades, Dr. Karle, jointly with Dr. Herbert Hauptman, received the 1985 Nobel Prize in Chemistry for his "outstanding achievements in the development of direct methods for the determination of crystal structures"; and

WHEREAS, in 2009 at the age of 91, Dr. Karle retired from the United States Naval Research Laboratory along with his wife, Dr. Isabella Karle; together, the couple served the federal government an astonishing 127 years; and

WHEREAS, a man of extraordinary accomplishment and intellect, Dr. Karle profoundly shaped the advancement of science and medicine in the twenty-first century; and

WHEREAS, Jerome Karle leaves behind to cherish his memory his beloved wife, Isabella; children, Louise, Jean, and Madeleine, and their families; numerous other family members and friends; and colleagues from the scientific community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of admired Nobel laureate and esteemed scientist Dr. Jerome Karle; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Dr. Jerome Karle as an expression of the General Assembly's deep respect for his memory and his significant contributions to science.

SENATE JOINT RESOLUTION NO. 89

Commending Dr. Isabella Karle.

Agreed to by the Senate, January 16, 2014

Agreed to by the House of Delegates, January 17, 2014

WHEREAS, Dr. Isabella Karle, a renowned physical chemist, is commended for her groundbreaking contributions to science; and

WHEREAS, a native of Michigan, Isabella Karle earned a bachelor's, master's, and doctoral degree from the University of Michigan, where she met her future husband, Jerome Karle; the couple married in 1942 and had three children; and

WHEREAS, upon completing her doctoral studies, Dr. Karle joined the Manhattan Project at the University of Chicago, where she developed a procedure to produce pure plutonium chloride from a mixture; and

WHEREAS, Dr. Karle returned to the University of Michigan and became the first female member of the chemistry faculty before moving with her husband to Washington, D.C., and embarking on an illustrious career with the United States Naval Research Laboratory; and

WHEREAS, a pioneer in small molecule structural biology, Dr. Karle focused her early research on analyzing the structures of molecules in the vapor state by using electron diffraction; and

WHEREAS, Dr. Karle, whose husband developed theoretical work about the determination of crystal structure, created practical procedures to determine the three-dimensional structure of crystal structures using x-ray diffraction; and

WHEREAS, a few years later, Dr. Karle played a pivotal role in the development of the symbolic addition procedure, which broadened the type of crystals whose structure could be determined; and

WHEREAS, Dr. Karle's procedures led to the explosion of crystal structure determinations, which allowed breakthroughs and advances across multiple disciplines and formed the basis for computational chemistry, conformational analyses, and the prediction of folding for new substances; and

WHEREAS, Dr. Karle was the first person to publish the structure of such substances as toxins, steroids, and particularly peptides; she worked to develop inexpensive synthetic materials that served the same purpose as natural chemicals; and

WHEREAS, Dr. Karle served as head of the X-Ray Diffraction Section in the Structure of Matter Laboratory at the United States Naval Research Laboratory for several decades; and

WHEREAS, an admired leader in her field, Dr. Karle published more than 350 papers, served on the editorial boards of numerous journals, was a consultant to the Atomic Energy Commission, and worked with the Massachusetts Institute of Technology; and

WHEREAS, Dr. Karle was a member of the National Committee on Crystallography of the National Academy of Science and the National Research Council and served as president of the American Crystallographic Association; and

WHEREAS, the recipient of numerous awards and accolades, Dr. Karle was elected to the National Academy of Sciences, became the first woman awarded The Franklin Institute's Bower Award and Prize for Achievement in Science, and received the National Medal of Science, The Royal Swedish Academy of Sciences Gregori Aminoff Prize in Crystallography, and the R. Bruce Merrifield Award from the American Peptide Society; and

WHEREAS, in July 2009, Dr. Karle, along with her husband, Dr. Jerome Karle, retired from the United States Naval Research Laboratory; together, the couple served the federal government an astonishing 127 years; and

WHEREAS, a brilliant scientist, Dr. Karle's work has transformed science and medicine, allowing unprecedented advances in a wide variety of disciplines; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Dr. Isabella Karle on her extraordinary contributions to science and longtime service to the nation; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Dr. Isabella Karle as an expression of the General Assembly's deep admiration and respect for her keen intellect, significant achievement, and trailblazing career.

SENATE JOINT RESOLUTION NO. 90

Confirming appointments by the Governor of certain persons communicated January 8, 2014.

Agreed to by the Senate, January 20, 2014

Agreed to by the House of Delegates, February 4, 2014

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Robert F. McDonnell and communicated to the General Assembly January 8, 2014.

ADMINISTRATION

Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion

Clay D. Hamner, 1303 Brookland Parkway, **Richmond**, Virginia 23227, Member, appointed July 9, 2013, for a term of five years beginning April 1, 2013, and ending March 31, 2018, to succeed himself.

Mark W. Herndon, 208 South Erlwood Court, **Richmond**, Virginia 23229, Member, appointed August 7, 2013, for a term of five years beginning April 1, 2013, and ending March 31, 2018, to succeed Cessie Howell.

Ashley H. Peace, Post Office Box 819, **Mechanicsville**, Virginia 23111, Member, appointed July 10, 2013, for a term of five years beginning April 1, 2013, and ending March 31, 2018, to succeed herself.

Daphne Reid, 226 High Street, **Petersburg**, Virginia 23803, Member, appointed July 8, 2013, for a term of five years beginning April 1, 2013, and ending March 31, 2018, to succeed herself.

Steve Wood, 1581 Spring Gate Drive #5113, **McLean**, Virginia 22102, Member, appointed July 9, 2013, for a term of five years beginning April 1, 2013, and ending March 31, 2018, to succeed himself.

AUTHORITIES

Board of the Virginia College Building Authority

Anne C. H. Conner, 218 Landing Road, **Seaford**, Virginia 23696, Chair, appointed October 23, 2013, for a term of two years beginning July 1, 2012, and ending June 30, 2014, to succeed herself.

John G. Dane, 13651 Stonegate Road, **Midlothian**, Virginia 23113, Member, appointed January 4, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Jefferson Cooper.

Alicia Hughes, 5160 Brawner Place, **Alexandria**, Virginia 22304, Member, appointed October 7, 2013, to serve an unexpired term beginning November 24, 2011, and ending June 30, 2014, to succeed Bryce Reeves.

Charles Mann, 40741 Carry Back Lane, **Leesburg**, Virginia 20176, Member, appointed September 24, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Joseph Testa.

Virginia Biotechnology Research Park Authority

Gail L. Letts, 4400 Welby Drive, **Midlothian**, Virginia 23113, Member, appointed November 26, 2013, to serve an unexpired term beginning November 22, 2013, and ending June 30, 2015, to succeed Benjamin Lambert III.

Virginia Port Authority Board of Commissioners

Kim Scheeler, 3318 Handley Road, **Midlothian**, Virginia 23113, Member, appointed December 27, 2013, to serve an unexpired term beginning August 19, 2013, and ending June 30, 2016, to succeed William H. Fralin, Jr.

Virginia Public Building Authority

John Mahone, 9633 Heather Spring Drive, **Richmond**, Virginia 23238, Chair, appointed November 18, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed Sarah Williams.

Kevin O'Neill, 264 Sir Thomas Lunsford Drive, **Williamsburg**, Virginia 23185, Member, appointed November 18, 2013, for a term of five years beginning July 1, 2013, and ending June 30, 2018, to succeed James Flinchum.

Sarah B. Williams, 8904 Tolman Road, **Richmond**, Virginia 23229, Member, appointed December 30, 2013, for a term of five years beginning July 1, 2012, and ending June 30, 2017, to succeed herself.

Virginia Public School Authority

Douglas Combs, 9613 Springs Road, **Warrenton**, Virginia 20186, Member, appointed December 31, 2013, for a term of six years beginning July 1, 2012, and ending June 30, 2018, to succeed Woodrow Mullins.

COMPACT

Virginia Council for the Interstate Compact for Juveniles

Laurel S. Marks, 9212 Venetian Way, **Richmond**, Virginia 23229, Member, appointed November 4, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed herself.

Joyce Walsh, 218A 76th Street, **Virginia Beach**, Virginia 23451, Member, appointed November 13, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Dana Taylor.

EDUCATION

Board of Trustees of the Virginia Museum of Fine Arts

Jil Womack Harris, 6315 Three Chopt Road, **Richmond**, Virginia 23226, Member, appointed November 27, 2013, to serve an unexpired term beginning November 6, 2013, and ending June 30, 2016, to succeed Debbie Quillen.

Charles Levine, 106 Skimino Landing Drive, **Williamsburg**, Virginia 23188, Member, appointed November 26, 2013, to serve an unexpired term beginning September 6, 2013, and ending June 30, 2014, to succeed Moffett Cochran.

Norfolk State University Board of Visitors

Bryan Cuffee, 1405 Nutting Court, **Virginia Beach**, Virginia 23456, Member, appointed November 4, 2013, to serve an unexpired term beginning November 1, 2013, and ending June 30, 2014, to succeed Wayne Perry.

Deborah M. DiCroce, 216 White Dogwood Drive, **Chesapeake**, Virginia 23322, Member, appointed November 4, 2013, to serve an unexpired term beginning September 27, 2013, and ending June 30, 2015, to succeed Henry Light.

Michael D. Rochelle, 9104 Stonewall Road, **Manassas**, Virginia 20110, Member, appointed November 4, 2013, to serve an unexpired term beginning October 30, 2013, and ending June 30, 2016, to succeed Julien Patterson.

Opportunity Educational Institution

Lisa Goeas, 1409 Coventry Lane, **Alexandria**, Virginia 22304, Member, appointed October 1, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to fill a new seat.

Julia Ciarlo Hammond, 3901 Cheyenne Road, **Richmond**, Virginia 23235, Member, appointed September 30, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to fill a new seat.

Doug Mesecar, 24623 Lenah Road, **Aldie**, Virginia 20105, Member, appointed September 30, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to fill a new seat.

John Nunnery, 5907 Studeley Avenue, **Norfolk**, Virginia 23508, Member, appointed October 3, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to fill a new seat.

Anne S. O'Toole, 1411 Mellick Ridge Court, **Manakin-Sabot**, Virginia 23103, Member, appointed October 2, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to fill a new seat.

State Historical Records Advisory Board

Brooks Miles Barnes, 6 Lee Street, **Onancock**, Virginia 23417, Member, appointed November 20, 2013, for a term of three years beginning November 1, 2012, and ending October 31, 2015, to succeed himself.

Sara Baron, 320 South Curry Street, **Hampton**, Virginia 23663, Member, appointed December 2, 2013, for a term of three years beginning November 1, 2013, and ending October 31, 2016, to succeed herself.

Nashid Madyun, 26 Waters Edge Circle, **Hampton**, Virginia 23669, Member, appointed November 20, 2013, for a term of three years beginning November 1, 2012, and ending October 31, 2015, to succeed F. Wayne Dementi.

Aaron D. Purcell, 826 Toms Creek Road, **Blacksburg**, Virginia 24060, Member, appointed December 2, 2013, for a term of three years beginning November 1, 2012, and ending October 31, 2015, to succeed himself.

FINANCE

Advisory Council on Revenue Estimates

Jennifer Morgan, 20562 Noland Woods Court, **Potomac Falls**, Virginia 20165, Member, appointed November 18, 2013, to serve at the pleasure of the Governor, to succeed R. J. Kirk.

HEALTH AND HUMAN RESOURCES

Virginia Board for People with Disabilities

Stephen Joseph, 402 Legacy Oak Circle, **Lynchburg**, Virginia 24501, Member, appointed July 11, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Summer Sage, 1407 Chapman Road, **Stanardsville**, Virginia 22973, Member, appointed July 11, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed John Toscano.

PUBLIC SAFETY

Advisory Committee on Juvenile Justice

Craig Branch, 7112 West Road, **Chesterfield**, Virginia 23832, Member, appointed November 14, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Robert Bodenhamer.

Quwanisha Hines, 165 Alan Drive, Apartment 6, **Newport News**, Virginia 23602, Member, appointed December 11, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Sarah Haislip.

Steven S. Kast, 11825 Rock Landing Drive, Suite B, **Norfolk**, Virginia 23606, Member, appointed December 10, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Anne Tucker Obenshain, 819 Vine Street, **Harrisonburg**, Virginia 22801, Member, appointed November 22, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Shaunte Daniels.

Diana Harris Wheeler, Post Office Box 1266, **Orange**, Virginia 22960, Member, appointed November 14, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Warner Chapman.

VETERANS AFFAIRS AND HOMELAND SECURITY

Board of Veterans Services

J. Patrick Murray, 520 John Carlyle Street, **Alexandria**, Virginia 22314, Member, appointed November 25, 2013, to serve an unexpired term beginning November 13, 2012, and ending June 30, 2014, to succeed George Melnyk.

SENATE JOINT RESOLUTION NO. 91

Commending Little Keswick School.

Agreed to by the Senate, January 16, 2014

Agreed to by the House of Delegates, January 24, 2014

WHEREAS, Little Keswick School celebrated 50 years in 2013 of providing therapy and a quality education to young boys with special needs; and

WHEREAS, in 1963, Robert and Elizabeth Wilson founded Little Keswick School to enhance the quality of life for young boys with special needs; the school offers academic and social programs in a relaxed atmosphere, allowing students to learn and grow in a secure, structured environment; and

WHEREAS, Little Keswick School accepts boys between the ages of nine and 15 with a variety of learning, behavioral, and emotional challenges, such as attention deficit disorder, attention deficit hyperactivity disorder, Asperger's syndrome, Tourette syndrome, obsessive compulsive disorder, or depression; and

WHEREAS, located adjacent to the scenic Southwest Mountains, Little Keswick School can board up to 34 students on its pastoral 25-acre campus; students receive a full education while learning study habits and social skills in a nurturing, home-like setting; and

WHEREAS, Little Keswick School has worked with students from around the Commonwealth, the United States, and the world; on average, 30 percent of students each year successfully transfer to a traditional day or boarding school; and

WHEREAS, Little Keswick School is fully licensed by the Virginia Department of Education and the Department of Behavioral Health and Developmental Disabilities and accredited by the Virginia Association of Independent Specialized Education Facilities; and

WHEREAS, Little Keswick School is a member of the National Association of Private Schools for Exceptional Children and the National Association of Therapeutic Schools and Programs, and the school is enrolled in the Student Exchange and Visitor Information System; and

WHEREAS, as visionary leaders and devoted educators, Robert and Elizabeth Wilson have made a difference in the lives of thousands of young boys and their families; through the Little Keswick School, they have built a legacy of hope for special needs children in the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Little Keswick School, an outstanding special education boarding school, on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Elizabeth K. Wilson, the cofounder of the Little Keswick School, as an expression of the General Assembly's admiration for the school's commitment to helping young people from the Commonwealth and around the world achieve greatness.

SENATE JOINT RESOLUTION NO. 92

Commending Dr. John J. Cavan.

Agreed to by the Senate, January 14, 2014

Agreed to by the House of Delegates, January 14, 2014

WHEREAS, Dr. John J. Cavan, a devoted, forward-thinking leader in higher education, retires as the president of Southside Virginia Community College in 2014; and

WHEREAS, John Cavan graduated from Nicholls State University and earned master's degrees from Kean University and Yeshiva University; he also earned a doctorate from Yeshiva University and completed postdoctoral work at Harvard University; and

WHEREAS, an experienced and passionate educator, John Cavan held positions as a teacher at George Mason University, The George Washington University, and Yeshiva University; he held administrative positions at Atlantic Cape Community College and Mohawk Valley Community College; and

WHEREAS, John Cavan became the president of Southside Virginia Community College in 1983 and set out to guide the college into the twenty-first century; and

WHEREAS, under John Cavan's tenure, Southside Virginia Community College has experienced record enrollment, developed innovative new programs, and prepared thousands of students for success in further education, careers, and citizenship; and

WHEREAS, John Cavan emphasized the importance of the students and was committed to helping underserved communities; with his visionary leadership, the college has been able to provide many new opportunities, including a truck driving school, additional nursing programs, an honors program, athletics teams, and the largest dual enrollment program in the Commonwealth; and

WHEREAS, due in large part to John Cavan's dedicated leadership, Southside Virginia Community College has one of the best served and largest service areas in the Commonwealth; and

WHEREAS, receiving many awards and accolades for his work, John Cavan was honored by the Virginia Community Colleges Association Executive Committee and received the Southern Region Chief Executive Officer Award from the Association of Community College Trustees; former Virginia Governor George Allen proclaimed February 13 as John J. Cavan Day in his honor; and

WHEREAS, John Cavan has been inducted into the Nicholls State University Hall of Fame, the Mississippi Delta Community College Sports Hall of Fame, and the Newark Athletic Hall of Fame, and he has completed 120 marathons, including 18 Boston Marathons and 29 New York City Marathons; he brings an athlete's tenacity and enthusiasm to all of his pursuits; and

WHEREAS, with his vision, determination, and professionalism, John Cavan leaves a legacy of excellence to Southside Virginia Community College and community college presidents throughout the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Dr. John J. Cavan, an established leader in higher education, on the occasion of his retirement in 2014; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Dr. John J. Cavan as an expression of the General Assembly's admiration for his work to help the students of the Commonwealth build bright futures.

SENATE JOINT RESOLUTION NO. 93

Commending Wytheville Community College.

Agreed to by the Senate, January 16, 2014

Agreed to by the House of Delegates, January 24, 2014

WHEREAS, Wytheville Community College, which welcomed its first students in September 1963, celebrates its 50th anniversary during the 2013–2014 academic year; and

WHEREAS, in its first year, Wytheville Community College had 107 students and five full-time faculty members; it was a two-year branch of Virginia Polytechnic Institute and State University, commonly known as Virginia Tech; and

WHEREAS, after the Virginia Community College System was established in 1966, Wytheville Community College became a member on July 1, 1967; enrollment that fall was 837 students, and the college employed 21 full-time faculty members; and

WHEREAS, the mission of Wytheville Community College is to provide high-quality post-secondary educational opportunities and community services; the values shared by the students, staff, and administration help ensure the success of the college's mission; and

WHEREAS, Wytheville Community College's shared values are to provide a quality education and performance; build community; ensure open access to higher education; establish community partnerships; secure public trust; and recognize the worth, dignity, and respect inherent in all individuals; and

WHEREAS, in 1968, the first building opened on the permanent campus of Wytheville Community College; in its early years, classes met in a building owned by Wythe County; today the lovely campus in southwestern Virginia consists of six buildings on 148 acres; and

WHEREAS, with more than 4,000 students and a faculty of almost 200, Wytheville Community College in the twenty-first century continues to focus on its core mission to educate students and serve the needs of the greater community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Wytheville Community College on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Dr. Charlie White, president of Wytheville Community College, as an expression of the General Assembly's admiration and congratulations for 50 years of helping to equip the students of Southwest Virginia with the tools necessary for success and of being a valued resource for the community.

SENATE JOINT RESOLUTION NO. 94

Commending the Norfolk Chamber Consort on its 45th anniversary.

Agreed to by the Senate, January 16, 2014

Agreed to by the House of Delegates, January 24, 2014

WHEREAS, the Norfolk Chamber Consort was founded by Kay Gardner in 1969 and gave its first performance, exclusively twentieth-century music, in the old Norfolk Public Library, formerly known as the Norfolk Theater Center; and

WHEREAS, the Norfolk Chamber Consort was created to present public performances of chamber music from repertoires of the seventeenth through the twenty-first centuries, focusing on works with varied instrumentation and the use of voice as an integral part of the music texture; and

WHEREAS, the Norfolk Chamber Consort has performed at the Chrysler Museum, and although focusing on twentieth-century music, it expanded its repertoire to include standard literature and vocal music with chamber ensemble accompaniment and Baroque period music, which soon became regular features of the Consort's programming; and

WHEREAS, the Norfolk Chamber Consort performs the beloved and well-known masterpieces by Mozart, Beethoven, Mendelssohn, Schubert, Brahms, Dvorak, Weber, and others; and

WHEREAS, lesser-known musical works and neglected masterpieces infrequently performed in southeastern Virginia and guest composers and performers playing instruments unique to the Hampton Roads area are included in the Norfolk Chamber Consort's performances; and

WHEREAS, in 1992, the Norfolk Chamber Consort moved its home to Chandler Recital Hall at Old Dominion University, and it has been invited to present music programs in Mexico, Australia, Japan, and China; and

WHEREAS, frequently performing without a conductor, some Norfolk Chamber Consort concerts have been directed by notable area conductors, such as Russell Stanger, Richard Williams, Walter Noona, Peter Mark, Wes Kenney, and JoAnn Falletta, and have featured the work of prominent composers, including Adolphus Hailstork, F. Ludwig Diehn, and Thea Musgrave; and

WHEREAS, in 2008, Andrey Kasparov assumed the artistic leadership of the Norfolk Chamber Consort, collaborated with Oksana Lutsyshyn as artistic co-director in 2009 to present the F. Ludwig Diehn Concert Series at Old Dominion University, and led the Norfolk Chamber Consort in presenting concerts highlighting exotic and contemporary music not often heard in the Hampton Roads community; and

WHEREAS, the Norfolk Chamber Consort is a community treasure, enriches the lives of music lovers, and enhances the quality of life for all residents in the Hampton Roads area; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Norfolk Chamber Consort on the occasion of its 45th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Andrey Kasparov and Oksana Lutsyshyn, artistic co-directors of the Norfolk Chamber Consort, requesting that they further disseminate copies of this resolution to members of the Norfolk Chamber Consort so that they may be apprised of the General Assembly's appreciation of the organization's service to the Hampton Roads community and best wishes for future success.

SENATE JOINT RESOLUTION NO. 95

Commending the Giles High School football team.

Agreed to by the Senate, January 16, 2014

Agreed to by the House of Delegates, January 24, 2014

WHEREAS, the Giles High School football team of Pearisburg capped off a tremendous 2013 season by winning the Virginia High School League Group 2A state title on December 14; and

WHEREAS, the exciting overtime victory for the undefeated Giles Spartans came after quarterback Dakoda Shrader threw a touchdown pass in the final second of regular play to tie the game; and

WHEREAS, the Spartans faced a talented squad from Brunswick High School; each side displayed determination and grit throughout the game, which was held at Salem Stadium; and

WHEREAS, the 20–19 victory came during Giles coach Jeff Williams' first year as head coach; he is no stranger to hoisting a state trophy for the county, as he had been a player and an assistant coach during the school's previous championship seasons; and

WHEREAS, with this win, the Spartans now own four state championship trophies; the 2013 victory is due to the talent and discipline of the Giles football team, the dedication of Head Coach Jeff Williams and his staff, and the encouragement of the community; and

WHEREAS, the Pearisburg squad had a long road to victory in 2013; this was the first season to feature an expanded playoff schedule, which meant that the team had to win 15 games to claim the state title; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Giles High School football team for winning the 2013 Virginia High School League Group 2A championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Jeff Williams, head coach of the Giles High School football team, as an expression of the General Assembly's congratulations and admiration for the team's perseverance and skill.

SENATE JOINT RESOLUTION NO. 96

Commending the Northside High School football team.

Agreed to by the Senate, January 16, 2014

Agreed to by the House of Delegates, January 24, 2014

WHEREAS, on December 14, 2013, the Northside High School football team of Roanoke County won the Virginia High School League Group 3A state championship; and

WHEREAS, the Northside High School Vikings capped off a nearly perfect 14–1 season with a convincing victory against an experienced opponent in the state championship game; the Northside Vikings defeated the four-time champion James Monroe High School Yellow Jackets 24–10; and

WHEREAS, taking an early lead, the Northside Vikings shut out the James Monroe Yellow Jackets until the second half and only allowed them to cross midfield two times in the first half; and

WHEREAS, playing on a cold, rainy afternoon, the Northside Vikings resorted to smash mouth football, scoring three rushing touchdowns and a field goal; and

WHEREAS, the Vikings' defense was relentless, sacking the Yellow Jackets' quarterback six times, intercepting three passes, and holding the Yellow Jackets to only three rushing yards; and

WHEREAS, despite sustaining injuries prior to the championship game, the Northside Vikings were undeterred, with backups stepping up and playing at a high level; and

WHEREAS, the state title was the Northside Vikings' second in recent memory; they won the Virginia High School League Group AA, Division 3 championship in 2009; and

WHEREAS, the Northside Vikings' victory is a tribute to the toughness and dedication of the players, hard work and leadership of the coaches and staff, and the enthusiastic support of the Northside High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the 2013 Northside High School football team on winning the Virginia High School League Group 3A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Burt Torrence, the head coach of the Northside High School football team, as an expression of the General Assembly's admiration for the team's talent, perseverance, and mettle.

SENATE JOINT RESOLUTION NO. 97

Celebrating the life of Elizabeth Thomas Bowles.

Agreed to by the Senate, January 16, 2014

Agreed to by the House of Delegates, January 24, 2014

WHEREAS, Elizabeth Thomas Bowles, who spent much of her professional life working for the betterment of Roanoke as a locally elected official and in numerous civic activities, died on December 10, 2013; and

WHEREAS, the desire to make Roanoke a better place began when Elizabeth Bowles observed that a vital commercial section of the city, the Williamson Road corridor, was not prospering; she and her husband, Ralph, owned several bakeries, including two on Williamson Road; and

WHEREAS, in working with local government to revitalize the area around her family's businesses, Elizabeth Bowles decided to run for City Council to influence the many civic improvements she felt were needed; she served for 20 years, including time as vice mayor, and was the second woman to hold a council position; and

WHEREAS, as a business person, Elizabeth Bowles recognized that wise and carefully thought-out capital investments could reap large rewards for a municipality, but she realized that the results of some decisions made by local government may take years to achieve; the vibrancy apparent in downtown Roanoke today is due in large part to choices the City Council made during her tenure; and

WHEREAS, Elizabeth Bowles contributed her time and talents in many areas during a long and productive life; she was co-owner of Bowles Bake Shop, played a key role in bringing the Miss Virginia Pageant to Roanoke and was a member of the pageant board for 45 years, and she was on the board of Total Action Against Poverty for more than two decades; and

WHEREAS, Elizabeth Bowles was active in many areas of the community; she was a member of the Huntington Court United Methodist Church for 72 years and of the Williamson Road Woman's Club, and she was a charter member of the Crossroads Lions Club; and

WHEREAS, Elizabeth Bowles had a love of gardening; she was a member of the Oakland Garden Club, where she served as president for three years, and she encouraged the construction of landscaping and beautification projects throughout Roanoke as a member of City Council; and

WHEREAS, Elizabeth Bowles, who was preceded in death by her husband, Ralph, will be fondly remembered and greatly missed by her children, Patsy, Connie, Thomas, and David, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Elizabeth Thomas Bowles, a dedicated public servant and force for good for the City of Roanoke for many years; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Elizabeth Thomas Bowles as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 98

Celebrating the life of the Reverend Carl Terrie Tinsley, Sr.

Agreed to by the Senate, January 16, 2014

Agreed to by the House of Delegates, January 24, 2014

WHEREAS, the Reverend Carl Terrie Tinsley, Sr., a wise community leader who worked to better the Roanoke community for over 50 years, and a dear friend to many, died on August 17, 2013; and

WHEREAS, a native of Franklin County, Carl Tinsley attended schools in Franklin County and Winding Gulf, West Virginia, then went on to serve his country honorably in the United States Navy from 1950 to 1954; and

WHEREAS, already possessed of a keen mind, Carl Tinsley would further his education at Cornet Business School, Virginia Western Community College, and Shenandoah Bible College; and

WHEREAS, Carl Tinsley was a devoted employee of Norfolk and Western Railway, now known as Norfolk Southern Corporation, for almost 40 years; and

WHEREAS, answering the call to the ministry in 1971, Reverend Tinsley spread joy and fellowship as a pastor in Catawba, Indian Rock, Natural Bridge, Cloverdale, and Buena Vista until his retirement in 2013; and

WHEREAS, known for his calm and caring demeanor, Reverend Tinsley reached out to people in all walks of life; he was a strong advocate for civil rights, striving to achieve fairness and justice for all; and

WHEREAS, deeply involved in the community, Carl Tinsley was an active member of many civic and social organizations, such as the National Association for the Advancement of Colored People, and he served the public as a member of the Roanoke City Electoral Board; and

WHEREAS, Carl Tinsley received many awards and accolades for his work in the community and leadership on civil rights issues; in 2012, the Roanoke City Council honored him as the Citizen of the Year; and

WHEREAS, Carl Tinsley lived his faith through his actions, always working to support the community and do what was right; and

WHEREAS, predeceased by his son, Michael, Carl Tinsley will be fondly remembered and greatly missed by his wife, Yuvonne; son, Carl, Jr., and his family; and many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Carl Terrie Tinsley, Sr., a wise spiritual counselor, a dedicated community leader, and a true gentleman; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Reverend Carl Terrie Tinsley, Sr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 99

Celebrating the life of Robert Frederick Bondurant, M.D.

Agreed to by the Senate, January 16, 2014

Agreed to by the House of Delegates, January 24, 2014

WHEREAS, Robert Frederick Bondurant, M.D., a native son of Roanoke, passed away on August 4, 2013; and

WHEREAS, Robert Frederick Bondurant was educated in the Roanoke Public Schools system, graduated from Roanoke College, and earned his medical degree from the Medical College of Virginia, now known as the Virginia Commonwealth University Medical Center, on September 24, 1944; and

WHEREAS, Robert Frederick Bondurant married his beloved "Ginny" on September 25, 1944, and on September 28, 1944, he reported to Portsmouth for active duty with the United States Navy and was stationed at the naval base in Oahu, Hawaii, during World War II, where he served his country valiantly and honorably; later, he was recalled to active military service in the Korean War as a physician on the aircraft carrier USS *Oriskany*; and

WHEREAS, after both wars, Robert Frederick Bondurant served as a physician at the Lewis-Gale Clinic and was elected the clinic's president on numerous occasions; he sponsored the Lewis-Gale Hospital's School of Nursing, taking great pride in the school's achievements, and retired as medical director of the Lewis-Gale Clinic in 1988; and

WHEREAS, after his retirement from an illustrious career in medicine, he volunteered many hours to the Lewis-Gale Medical Foundation, which he served as president, and Robert Frederick Bondurant gave willingly of his time and talents to the Heart Association of Roanoke, of which he was a president, and to the Virginia Heart Association; and

WHEREAS, as a longtime and faithful member of St. John's Episcopal Church, Robert Frederick Bondurant served God with a committed heart and his gifts and treasure, serving as a member of the vestry for many years and twice serving as the church's senior warden; and

WHEREAS, throughout his life, he was dedicated to the Episcopal Diocese of Southwestern Virginia, and, in the late 1970s, the *Roanoke Times* named him "Father of the Year for Religious Activities"; Robert Frederick Bondurant was a chairman of the board of trustees of Virginia Episcopal School, the board of directors of Westminster-Canterbury of

Lynchburg, and the board of trustees of Virginia Theological Seminary in Alexandria, where he was awarded an honorary Doctor of Divinity degree in appreciation for his commitment to the Seminary; and

WHEREAS, Robert Frederick Bondurant enjoyed sailing and woodworking and was an avid tennis player until age 89; he was a founder of the Virginia Inland Sailing Association and served as the association's first commodore; and

WHEREAS, Robert Frederick Bondurant, a devoted family man, skilled physician, and committed churchman will be cherished by his beloved family, friends, colleagues, and everyone whose life he touched, and happy memories of him and his generosity, great sense of humor, and valued friendship will never be forgotten; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Robert Frederick Bondurant, M.D.; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Robert Frederick Bondurant, M.D., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 100

Commending the Dinwiddie High School Generals football team.

Agreed to by the Senate, January 16, 2014

Agreed to by the House of Delegates, January 24, 2014

WHEREAS, on December 13, 2013, at Liberty University's Williams Stadium, after eight long years and two unsuccessful runs at the state championship crown, the Dinwiddie High School Generals football team trounced the Sherando High School Warriors football team, 56–14, to claim the Virginia High School League Group 4A championship; and

WHEREAS, the Sherando High School Warriors, in their fourth championship game appearance in school history, scored first in the game with a 35-yard touchdown pass from Reid Entsminger to Daniel Eppard with six minutes remaining in the first quarter; and

WHEREAS, using the "fake punt," a successful tactic of the Warriors, Dinwiddie Generals running back, Ja'Quan Poarch sprinted easily up the sideline without interference and was tackled at the Sherando 12-yard line, and three plays later, the Generals' spectacular running back Sadarius Williams scored the first of his two touchdowns from one yard out to tie the game 7–7; and

WHEREAS, the Generals rallied to force five Warriors turnovers and converted all of the fumbles and an interception into touchdowns, with the first three occurring in the first half of the game, and with two minutes and 10 seconds left in the first half, the Dinwiddie Generals, never looking back, went on to win the game 56–14; and

WHEREAS, the Warriors entered the game averaging 372.9 yards of offense; however, the Generals held the team to 316 yards, with only 88 passing yards; and

WHEREAS, the Dinwiddie Generals team ran the ball with quickness, elusiveness, and sheer physicality, abilities which the Sherando Warriors had trouble overcoming; and

WHEREAS, both teams played with impressive fortitude, passion, and sportsmanship, and the exciting game is a testament to the hard work, sacrifice, coaching, and unwavering determination of the Dinwiddie Generals to reach the team's long-sought goal; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Dinwiddie High School Generals football team on winning the Virginia High School League Group 4A championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to William Mills, head coach of the Dinwiddie High School Generals football team, requesting that he further disseminate copies of this resolution to members of the football team in order that they may be apprised of the General Assembly's pride in the team's achievement.

SENATE JOINT RESOLUTION NO. 102

Designating June, in 2014 and in each succeeding year, as Move Over Awareness Month in Virginia.

Agreed to by the Senate, February 5, 2014

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, law-enforcement officers and first responders face many dangers in their honorable mission to protect and serve the citizens of and visitors to the Commonwealth; and

WHEREAS, since 2003, 138 on-duty law-enforcement officers nationwide have been struck and killed while working on highways; it is the fourth largest cause of death for law-enforcement officers in the country; and

WHEREAS, since 2007, the Virginia State Police and the Virginia Department of Transportation have been involved with the Move Over or Slow Down Campaign to educate members of the public on the Move Over law, which was enacted to protect law-enforcement officers and first responders stopped on the side of a highway; and

WHEREAS, despite the fact that Move Over laws have been enacted in all 50 states, statistics indicate that approximately 71 percent of Americans are not aware of these laws; the Move Over or Slow Down Campaign is dedicated to educating the public on how these laws can help save the lives of both first responders and motorists; and

WHEREAS, the Move Over or Slow Down Campaign has used a wide variety of methods to distribute its message to great effect, including highway signage, conferences and presentations, public safety announcements, media interviews, and printed materials; and

WHEREAS, the Move Over or Slow Down Campaign has also sought valuable partnerships with numerous organizations and companies to help ensure that motorists achieve the right mindset; and

WHEREAS, through awareness and proper education, members of the public can make significant strides toward accomplishing the campaign's motto to "Help Protect Those Who Protect You"; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate June, in 2014 and in each succeeding year, as Move Over Awareness Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to Captain Richard A. Denney of the Virginia State Police so that members of the Virginia State Police may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of this month on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 103

Celebrating the life of Dr. David H. Holt.

Agreed to by the Senate, January 23, 2014

Agreed to by the House of Delegates, January 31, 2014

WHEREAS, Dr. David H. Holt, an esteemed member of the world community and proud chair of the Virginia Veterans Services Foundation, died on August 23, 2013; and

WHEREAS, as one of the nation's leading experts in the areas of new venture creation, entrepreneurship, and enterprise development, Dr. Holt authored five books and over 60 publications in the field; and

WHEREAS, Dr. Holt enjoyed an academic career as a faculty member at the University of Strathclyde, State University of New York, Lingnan College, and James Madison University, and as a distinguished visiting professor at the Chinese University of Hong Kong; and

WHEREAS, Dr. Holt worked as a special investigator, evaluator, and post-conflict development specialist with the United States Agency for International Development (USAID) and foreign national entities in 27 countries over 25 years as a CEO, president, and team leader in high-risk private sector development initiatives in Latvia, Poland, Bosnia and Herzegovina, Bulgaria, Azerbaijan, Jordan, Kazakhstan, Egypt, Kyrgyzstan, East Timor, the Philippines, Ukraine, Croatia, Russia, China, Indonesia, Sri Lanka, and Afghanistan; and

WHEREAS, heading a United Nations transition team, Dr. Holt helped establish East Timor's first government and its legislative and regulatory capabilities; later he served on the transition team in Bosnia and Herzegovina for post-conflict industrial development; and

WHEREAS, appointed CEO and president of the Jordan-United States Partnership, Dr. Holt headed a major business and economic development program that included operational mandates during the Iraq conflict involving evaluation controls and positioning of contractual redevelopment efforts in Baghdad; and

WHEREAS, Dr. Holt was selected to lead a difficult USAID business development program in Kazakhstan that included offices in Kyrgyzstan and Uzbekistan; in 2007, while on assignment in Afghanistan, he retired voluntarily due to medical issues that rendered him 100 percent disabled; and

WHEREAS, honored at Cambridge University with the Decade Award in 2007, Dr. Holt remains one of the 14 Fellows honored by the Eastern Academy of Management for his post-conflict development efforts in Bosnia and Herzegovina, Iraq, and Afghanistan; and

WHEREAS, Dr. Holt took an active role in community affairs, including creating the James Madison University Center for Entrepreneurship; serving on the founding boards of the Virginia Center for Innovative Technology and the Virginia Heritage Frontier Museum; cofounding the Hunter School for Specialized Children; serving as the president of the Lakeview Development Corporation, owner of the Lakeview Golf Club in Harrisonburg; and initiating the first Alzheimer's Benefit Golf Tournament in Harrisonburg; and

WHEREAS, Dr. Holt proudly served his country in the United States Navy for eight years and was honorably discharged with disabilities after Vietnam; and

WHEREAS, working tirelessly in support of veterans affairs, Dr. Holt established the inaugural "Victory for Vets" Golf Tournament to benefit the Virginia Wounded Warrior Program and raised over \$91,000 for the program during the succeeding six years; and

WHEREAS, Dr. Holt served the Virginia Veterans Services Foundation as a member of the Board of Trustees, as Development Committee Chairman, and for two years as Board Chairman, inspiring his fellow trustees with his in-depth knowledge and inspirational leadership; and

WHEREAS, Dr. Holt will be fondly remembered and greatly missed by his wife, Judith; his children, Kevin, Bryan, and Sean, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of a devoted public servant, Dr. David H. Holt; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Dr. David H. Holt as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 104

Commemorating the sixtieth anniversary of Brown v. Board of Education.

Agreed to by the Senate, February 5, 2014

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, at one point in history, African Americans were denied their constitutional rights, including the right of life, liberty, and the pursuit of happiness, and the right to equal educational opportunities; and

WHEREAS, while lengthy legal battles for racial and educational equality across the South from the 1930s through the 1940s produced minimal progress, in 1950, the United States Supreme Court ruling in *Sweatt v. Painter*, 339 U.S. 629 (1950), successfully challenged the "separate but equal" doctrine of racial segregation established by the landmark decision in *Plessy v. Ferguson*, 163 U.S. 537 (1896), which required racial segregation in public facilities under the doctrine of "separate but equal"; and

WHEREAS, throughout the Commonwealth, school conditions, curricula, textbooks, school equipment, bus transportation, and school buildings for African American students were grossly inferior to the public education and school facilities afforded white students; and

WHEREAS, dissatisfaction with the abysmal educational conditions mounted in the African American community across the South and the Commonwealth, and in Farmville, a student-led protest against the inferior Robert Russa Moton High School resulted in the case known as *Davis v. County School Board of Prince Edward County*, 103 F. Supp. 337 (1952), one of five cases consolidated as *Brown v. Board of Education of Topeka, Kansas*, 347 U.S. 483 (1954), which challenged the doctrine of "separate but equal" as unconstitutional under the equal protection clause of the Fourteenth Amendment; and

WHEREAS, the consolidated cases were brought in Kansas (*Brown v. Board of Education of Topeka, Kansas*, 98 F. Supp. 797); South Carolina (*Briggs v. Elliot*, 98 F. Supp. 529 and 103 F. Supp. 920); Delaware (*Gebhart v. Belton*, 87 A.2d 862 and 91 A.2d 137); Virginia (*Davis v. County School Board of Prince Edward County (Virginia)*, 103 F. Supp. 337); and the District of Columbia (*Spottswood Thomas Bolling et al. v. C. Melvin Sharpe et al. (District of Columbia)*, 349 U.S. 294); however, it was the facts in the Virginia case upon which the historic decision in *Brown v. Board of Education* was based and argued before the United States Supreme Court; and

WHEREAS, sixty years ago, on May 17, 1954, the United States Supreme Court ruled unanimously in *Brown v. Board of Education of Topeka, Kansas*, that "State-sanctioned segregation of public schools was a violation of the 14th amendment and was therefore unconstitutional," overturning the "separate but equal" doctrine adopted in *Plessy v. Ferguson*; and

WHEREAS, *Brown v. Board of Education*, touted as a landmark education decision, struck the death blow that ended the era of Jim Crow and legally sanctioned segregation throughout American society and served as a catalyst for the Civil Rights Movement; and

WHEREAS, in an act of defiance to this historic ruling, Virginia embarked upon the public policy of "Massive Resistance," in which numerous legislative initiatives were enacted to nullify the decision, including the diversion of public education funds to support private segregated academies and foundations and the closing of public schools in several jurisdictions in the Commonwealth to avoid desegregation; and

WHEREAS, on May 31, 1955, the United States Supreme Court ruled that the implementation of desegregation must occur "with all deliberate speed"; however, during the two-year period from 1956 to 1958, Virginia implemented the strategy of "Massive Resistance" to oppose the desegregation of public schools in Virginia; and

WHEREAS, in 1956, the Constitution of Virginia was amended to authorize the General Assembly and local governing bodies to appropriate funds to assist students to go to public or to nonsectarian private schools, and the General Assembly empowered the Governor to close any schools in Virginia that were likely to be desegregated and "enacted legislation to close any public schools where white and colored children were enrolled together, to cut off state funds to such schools, to pay tuition grants to children in nonsectarian private schools, and to extend state retirement benefits to teachers in newly created private schools"; and

WHEREAS, during this same period, citizens in Arlington County opted to comply with the *Brown* decision; however, the Virginia General Assembly deprived the Arlington County School Board of its elective status when it announced a plan of phased desegregation; and

WHEREAS, on September 4, 1958, the Governor of Virginia divested the school superintendents of Virginia public schools of the authority to desegregate their schools and advised them that if they contravened his order they would be in violation of Virginia law; and

WHEREAS, during September 1958, public schools in Front Royal, Charlottesville, and Norfolk were closed to prevent desegregation, locking out nearly 13,000 students, and in Prince Edward County, 2,300 African American and nearly 350 white students were without public education for five years, from 1959 to 1964; and

WHEREAS, as a result of the school closings, many students were unable to begin or continue their education, and many others were unable to graduate from high school, attend college, or pursue other postsecondary education and training opportunities; and

WHEREAS, on January 19, 1959, both the Virginia Court of Appeals and the United States District Court for the Eastern District of Virginia overturned Virginia's "Massive Resistance" laws and permanently enjoined state officials from closing a school to avoid desegregation; and

WHEREAS, in 1959, Virginia instituted "Freedom of Choice" in lieu of "Massive Resistance," which the courts struck down, and Prince Edward County public schools were not reopened until 1964, when the United States Supreme Court opined in *Griffin v. School Board of Prince Edward County*, 377 U.S. 218 (1964), that "closing the Prince Edward County schools while public schools in all the other counties of Virginia were being maintained denied the petitioners and the class of Negro students they represent the equal protection of the laws guaranteed by the Fourteenth Amendment," and the Court called for "quick and effective relief to put an end to the racial discrimination practiced against these petitioners under authority of the Virginia laws"; and

WHEREAS, the plaintiffs in *Griffin* won for school children throughout the nation the right to an education as this right has been established in state constitutions; and

WHEREAS, notwithstanding the formal end of Virginia's "Massive Resistance" policy, desegregation cases continued to be heard in federal courts until 1984, and the last case was dismissed in 2001; and

WHEREAS, in 2003, the Virginia General Assembly passed House Joint Resolution 613, which expressed profound regret for the closing of Prince Edward County public schools, and in 2004, the county school board awarded more than 400 honorary diplomas to the survivors of "Massive Resistance"; and

WHEREAS, several results of Virginia's two-year statewide commemoration of the fiftieth anniversary of the *Brown* decision from 2004 to 2006 include the Civil Rights Memorial in Capitol Square, production of the film "Turning Point: *Brown v. Board of Education*," publication of the brochure *Brown v. Board of Education: Virginia's Role and Response*, and most notably, the *Brown v. Board of Education* Scholarship Program and Fund, which provides educational opportunities to eligible residents of Virginia who were denied a public education during "Massive Resistance"; and

WHEREAS, it is fitting, timely, and appropriate to commemorate *Brown v. Board of Education* on the occasion of the sixtieth anniversary of the landmark decision to acknowledge the tremendous progress that the people of the Commonwealth have accomplished together towards racial equality and equal educational opportunities for all Virginians; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the sixtieth anniversary of *Brown v. Board of Education* hereby be commemorated; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the Secretary of Education, the Superintendent of Public Instruction, the Chancellor of the Virginia Community College System, the Chairman and Executive Director of the State Council of Higher Education for Virginia, the Virginia School Boards Association, the Virginia Association of School Superintendents, and the presidents of the Virginia Education Association and the Virginia Parent Teacher Association, requesting that they disseminate copies of this resolution to their respective constituents so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

SENATE JOINT RESOLUTION NO. 105

Celebrating the life of Marshall A. Ecker.

Agreed to by the Senate, January 23, 2014

Agreed to by the House of Delegates, January 31, 2014

WHEREAS, Marshall A. Ecker, the chair of the Pittsylvania County Board of Supervisors and a dedicated member of the community, died on September 26, 2013; and

WHEREAS, a native of Maryland, Marshall Ecker moved to Gretna with his wife, Ann, in 2000, where he continued a life of service; and

WHEREAS, Marshall Ecker proudly served his country in the United States Army during the Vietnam War and was awarded the Armed Forces Expeditionary Medal, Good Conduct Medal, Expert Marksmanship Badge, Republic of Vietnam Service Medal, National Defense Service Medal, and Republic of Vietnam Campaign ribbon; and

WHEREAS, in 2007, Marshall Ecker was first elected to the board of supervisors to represent the Staunton River Magisterial District in northern Pittsylvania County, was reelected in 2011 to serve a second four-year term to represent the Staunton River District on the board of supervisors of Pittsylvania County, and was elected by the board to serve as its chair in 2013; and

WHEREAS, Marshall Ecker was appointed to serve on the Pittsylvania County Service Authority Board of Commissioners and the Metropolitan Planning Organization; and

WHEREAS, in addition to advocating on behalf of the citizens of Pittsylvania, Marshall Ecker was a faithful member of Piney Grove Baptist Church, serving as a deacon, Sunday School teacher, and mentor; and

WHEREAS, a talented craftsman, Marshall Ecker created beautiful pieces of artwork in several media, including woodworking and blacksmithing, that he proudly displayed in his home and on his property; and

WHEREAS, Marshall Ecker will be fondly remembered and greatly missed by his wife, Ann; son, Jason, and his family; and many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of a dedicated public servant and respected member of the Gretna community, Marshall A. Ecker; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Marshall A. Ecker as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 106

Celebrating the life of Dr. James Finnmore McClellan, Jr.

Agreed to by the Senate, January 20, 2014

Agreed to by the House of Delegates, January 20, 2014

WHEREAS, Dr. James Finnmore McClellan, Jr., of Chesterfield County, a loving family man, retired pastor and professor, and respected community leader departed this life on January 16, 2014; and

WHEREAS, Dr. McClellan was born on September 24, 1925; he was the oldest child of James F. McClellan, Sr., and Robbie Bell McClellan of Nashville, Tennessee; and

WHEREAS, Dr. McClellan earned a bachelor's degree in history and social studies from Tennessee State University in 1944, a bachelor's degree in divinity from Howard University in 1947, a master's degree in student personnel administration from Teachers College, Columbia University in 1949, and a doctorate in student personnel administration from Teachers College, Columbia University in 1956; and

WHEREAS, Dr. McClellan began his professional career by serving as a minister of Harlem Church of Christ and Washington Heights Church of Christ, both in New York City, and Faith Presbyterian Church in Pine Bluff, Arkansas; and

WHEREAS, Dr. McClellan later became a professional educator, serving as director of Cook Hall at Howard University, professor of education and director of student personnel services at Arkansas AM & N College (now University of Arkansas at Pine Bluff), and professor of education and dean of students at Kentucky State University in Frankfort, Kentucky; and

WHEREAS, Dr. McClellan moved to Chesterfield County in 1969 to become a professor of guidance and director of testing at Virginia State University, retiring as distinguished professor emeritus in 1997; and

WHEREAS, Dr. McClellan served the community for many years as a minister at Westminster Presbyterian Church in Petersburg; and

WHEREAS, Dr. McClellan held memberships in many professional organizations, including the National Association of Student Personnel Professionals, the American Personnel and Guidance Association, the Student Personnel Association for Teacher Education, the American Association for Higher Education, the Southern College Personnel Association, the American Association of University Professors, and the Virginia Guidance Association; and

WHEREAS, Dr. McClellan provided his leadership and experience to many civic organizations; he was a member of the Civic and Progressive Action Association of the Matoaca Magisterial District, a secretary and treasurer of the Petersburg Pilots Association, a life member of the NAACP and Alpha Phi Alpha Fraternity, Inc., and a member of Westminster Presbyterian Church, the Chesterfield Democratic Committee, and the Southside Area Democratic Women's and Associates' Club; and

WHEREAS, Dr. McClellan was presented the Chesterfield County Lifetime Achievement Award for his many years of service to the county as a member and chair of the Committee on the Future, the Airport Advisory Board, the Community Development Block Grant Citizen Committee, and the Electoral Board; and

WHEREAS, in his final years, Dr. McClellan donated his time as the volunteer office manager for the Downtown Churches United HOPE Center; and

WHEREAS, throughout his over 40 years as an educator, minister, and community leader, Dr. McClellan touched countless lives with his quiet wisdom, humor, and kindness; and

WHEREAS, a devoted family man, Dr. McClellan will be greatly missed by his wife of 54 years, Lois; their daughters, Jean, Julie, and Jennifer, and their families; and numerous other family members, friends, former students, parishioners, and admirers; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of a fine Virginia gentleman, Dr. James Finnmore McClellan, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Dr. James Finnmore McClellan, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 107

Confirming appointments by the Governor of certain persons communicated January 17, 2014.

Agreed to by the Senate, February 3, 2014

Agreed to by the House of Delegates, February 7, 2014

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Robert F. McDonnell and communicated to the General Assembly January 17, 2014.

ADMINISTRATION

Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion

Susan Brown Allen, 4296 Neitzey Place, **Alexandria**, Virginia 22309, Member, appointed September 19, 2013, for a term of five years beginning April 1, 2013, and ending March 31, 2018, to succeed Leslie Gilliam.

Thomas C. Camden, 920 Anderson Street, Post Office Box 402, **Glasgow**, Virginia 24555, Member, appointed September 17, 2013, for a term of five years beginning April 1, 2013, and ending March 31, 2018, to succeed Maurice Beane.

Harry Davis, 210 East Franklin Street, **Richmond**, Virginia 23219, Member, appointed July 9, 2013, for a term of five years beginning April 1, 2013, and ending March 31, 2018, to succeed himself.

Sarah Scarbrough, 7407 Mangrum Drive, **Moseley**, Virginia 23120, Member, appointed September 6, 2013, for a term of five years beginning April 1, 2013, and ending March 31, 2018, to succeed William Hall.

Rita Moyer Smith, 2530 Salisbury Road, **Midlothian**, Virginia 23113, Member, appointed September 17, 2013, for a term of five years beginning April 1, 2013, and ending March 31, 2018, to succeed Faithe Norrell-Mickens.

Mary Miley Theobald, 5 Countryside Court, **Richmond**, Virginia 23229, Member, appointed August 7, 2013, for a term of five years beginning April 1, 2013, and ending March 31, 2018, to succeed Florence Wellons.

AGRICULTURE AND FORESTRY

Virginia Beef Industry Council Board of Directors

Joseph W. Guthrie, 6626 Aaron Lane, **Dublin**, Virginia 24084, Member, appointed July 2, 2013, for a term of four years beginning January 1, 2013, and ending December 31, 2016, to succeed himself.

Pete Henderson, 400 Angus Lane, **Williamsburg**, Virginia 23188, Member, appointed July 2, 2013, for a term of four years beginning January 1, 2013, and ending December 31, 2016, to succeed himself.

Rick Mathews, 241 Smith Run Road, **Browntown**, Virginia 22610, Member, appointed July 1, 2013, for a term of four years beginning January 1, 2012, and ending December 31, 2015, to succeed himself.

Virginia Sheep Industry Board

Matthew I. Miller, 412 South Main Street, **Rural Retreat**, Virginia 24368, Member, appointed October 29, 2013, for a term of three years beginning March 9, 2013, and ending March 8, 2016, to succeed Eric Crowgey.

Sue Platts, 17552 Kibler Road, **Culpeper**, Virginia 22701, Member, appointed November 1, 2013, for a term of three years beginning March 9, 2013, and ending March 8, 2016, to succeed Henry Tinder.

Virginia Soybean Board

Linda V. Smith, 3750 Blue Heron Lane, **West Point**, Virginia 23181, Member, appointed September 11, 2013, for a term of three years beginning October 1, 2013, and ending September 30, 2016, to succeed herself.

Tom Taliaferro, 607 North Broad Street, **Suffolk**, Virginia 23434, Member, appointed January 10, 2014, for a term of three years beginning October 1, 2013, and ending September 30, 2016, to succeed William Taliaferro.

Gerald L. Underwood, 1045 Winchester Way, **Chesapeake**, Virginia 23320, Member, appointed September 10, 2013, for a term of three years beginning October 1, 2013, and ending September 30, 2016, to succeed himself.

Virginia Wine Board

Doug Fabboli, 15669 Limestone School Road, **Leesburg**, Virginia 20176, Member, appointed January 8, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Luca Paschina.

AUTHORITIES

Southeastern Public Service Authority

David L. Arnold, 9378 Dixon Road, **Suffolk**, Virginia 23433, Member, appointed November 20, 2013, for a term of four years beginning January 1, 2014, and ending December 31, 2017, to succeed James Adams.

Roy W. Chesson, 906 Smithfield Boulevard, **Smithfield**, Virginia 23430, Member, appointed January 6, 2014, for a term of four years beginning January 1, 2014, and ending December 31, 2017, to succeed Theodore Hardison.

Mark Hodges, 26290 Tyler Circle, **Courtland**, Virginia 23837, Member, appointed November 20, 2013, for a term of four years beginning January 1, 2014, and ending December 31, 2017, to succeed Roy Chesson.

William A. Sorrentino, Jr., 917 Marshall Circle, **Virginia Beach**, Virginia 23454, Member, appointed January 9, 2014, for a term of four years beginning January 1, 2014, and ending December 31, 2017, to succeed Page Johnson.

Donald Lee Williams, Sr., 809 West Ocean View Avenue, Suite 7, **Norfolk**, Virginia 23503, Member, appointed November 20, 2013, for a term of four years beginning January 1, 2014, and ending December 31, 2017, to succeed Joseph Leafé.

Everett C. Williams, Jr., 117 Kings Lane, **Franklin**, Virginia 23851, Member, appointed November 20, 2013, for a term of four years beginning January 1, 2014, and ending December 31, 2017, to succeed himself.

Virginia Public School Authority Board of Commissioners

Brenda L. Skidmore, 6405 Buckhill Road, **Richmond**, Virginia 23225, Chair, appointed October 21, 2013, for a term of two years beginning July 1, 2012, and ending June 30, 2014, to succeed herself.

Virginia Small Business Financing Authority

Neil Amin, 635 Walsing Drive, **Richmond**, Virginia 23229, Member, appointed December 10, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Michael Joyce.

COMMERCE AND TRADE

A.L. Philpott Manufacturing Extension Partnership

James E. Atkinson, 3546 Stony Point Road, **Charlottesville**, Virginia 22191, Member, appointed August 27, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Marc Foglia, 10289 Johns Hollow Road, **Vienna**, Virginia 22182, Member, appointed November 27, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Rodney Taylor.

Marilyn Hanover, 285 Silver Tee Drive, **Penhook**, Virginia 24137, Member, appointed August 26, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Mattie Cowan.

Bruce Scism, 505 Knottingham Way, **Danville**, Virginia 24540, Member, appointed October 21, 2013, to serve an unexpired term beginning August 10, 2013, and ending June 30, 2016, to succeed Carlyle Ramsey.

Tamea Franco Woodward, Post Office Box 12294, **Roanoke**, Virginia 24024, Member, appointed September 5, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Walter Mattox.

Apprenticeship Council

John F. Biagas, 1107 Moore House Road, **Yorktown**, Virginia 23690, Member, appointed December 30, 2013, for a term of three years beginning June 21, 2013, and ending June 20, 2016, to succeed himself.

Earl Dickerson, 298 Fairway Place, **Appomattox**, Virginia 24522, Member, appointed January 10, 2014, for a term of three years beginning June 21, 2011, and ending June 20, 2014, to succeed Everett Patterson.

Steven Foster, 10306 Warren Road, **Glen Allen**, Virginia 23060, Member, appointed December 31, 2013, for a term of three years beginning June 21, 2013, and ending June 20, 2016, to succeed Frank Goodwin.

Dudley Harris, 129 James River Drive, **Newport News**, Virginia 23601, Member, appointed December 30, 2014, for a term of three years beginning June 21, 2012, and ending June 20, 2015, to succeed himself.

Terry Richard Kelly, 1909 Marcia Court, **Virginia Beach**, Virginia 23464, Member, appointed January 7, 2014, for a term of three years beginning June 21, 2013, and ending June 20, 2016, to succeed Arnold Outlaw.

Darold S. Kemp, 29052 Walters Highway, **Carrsville**, Virginia 23315, Member, appointed December 31, 2013, for a term of three years beginning June 21, 2011, and ending June 20, 2014, to succeed himself.

Michael L. Mays, 1846 Lovers Lane, **Vinton**, Virginia 24179, Member, appointed January 2, 2014, for a term of three years beginning June 21, 2013, and ending June 20, 2016, to succeed himself.

Board for Asbestos, Lead, and Home Inspectors

Frederick Molter IV, 12301 Sloan Drive, **Chester**, Virginia 23836, Member, appointed November 20, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed David Hyatt.

Board for Contractors

H. Bailey Dowdy, 6660 Hines Road, **Henrico**, Virginia 23231, Member, appointed January 9, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Herbert Jackson Dyer, Jr., 12470 Newfound Falls Lane, **Doswell**, Virginia 23047, Member, appointed November 20, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Board for Hearing Aid Specialists and Opticians

Deborah Bauer-Robertson, 109 Brookwood Drive, **Williamsburg**, Virginia 23185, Member, appointed January 10, 2014, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Billie Taylor.

Jon Bright, 407 East Main Street, **Charlottesville**, Virginia 22902, Member, appointed January 10, 2014, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Renee Allgood.

Judith M. Canty, 1005 Little Lake Drive, **Virginia Beach**, Virginia 23454, Member, appointed January 10, 2014, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to fill a new seat.

Mark Grohler, 291 Independence Drive, **Virginia Beach**, Virginia 23462, Member, appointed January 10, 2014, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Theresa Irwin.

Arva Priola, 5031 Sewells Pointe Way, **Fredericksburg**, Virginia 22407, Member, appointed January 10, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed herself.

Bruce R. Wagner, 7071 Jarmans Gap Road, **Crozet**, Virginia 22932, Member, appointed January 10, 2014, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Henry Kessler.

Board for Professional and Occupational Regulation

Matthew D. Benka, 9113 Derbyshire Road, Suite E, **Richmond**, Virginia 23229, Member, appointed November 19, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed James Demmel.

Board of Directors of the Virginia Nuclear Energy Consortium Authority

Frank Gillespie, 12505 Lloydminter Drive, **North Potomac, Maryland** 20878, Member, appointed January 3, 2014, to serve an unexpired term beginning January 1, 2013, and ending June 30, 2015, to succeed Kiyoshi Yamauchi.

Board of Directors of the Virginia Resources Authority

Barbara M. Donnellan, 8251 Sylvan Way, **Clifton**, Virginia 20124, Member, appointed January 10, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed herself.

Board of Housing and Community Development

C. Roger McLellon, 538 Wythe Creek Road, Suite G, **Poquoson**, Virginia 23662, Member, appointed December 30, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Robert Brian Mullins, 4953 Exeter Drive, **Suffolk**, Virginia 23434, Member, appointed January 10, 2014, to serve an unexpired term beginning January 11, 2014, and ending June 30, 2016, to succeed William Darden.

Thomas I. Shields, Jr., 3184 Village Drive, **Waynesboro**, Virginia 22930, Member, appointed December 30, 2013, to serve an unexpired term beginning June 18, 2013, and ending June 30, 2014, to succeed Ronald Boothe.

Commission on Local Government

Victoria L. Hull, 5610 Pickwick Road, **Centreville**, Virginia 20120, Member, appointed January 10, 2014, for a term of five years beginning January 1, 2014, and ending December 31, 2018, to succeed Harold Bannister.

Fair Housing Board

Mark Kinser, 140 East Main Street, **Radford**, Virginia 24141, Member, appointed January 8, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Jeffrey Adkins.

Kevin M. Lewis, 4711 Pole Road, **Alexandria**, Virginia 22309, Member, appointed September 20, 2013, for a term of four years beginning July 1, 2011, and ending June 30, 2015, to succeed David Rubenstein.

Rosemary Wilson, 921 Atlantic Avenue, Unit 502, **Virginia Beach**, Virginia 23451, Member, appointed October 21, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed herself.

Erica Woods-Warrior, 118 Red Robin Turn, **Hampton**, Virginia 23669, Member, appointed December 10, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Phyllis Randall.

Safety and Health Codes Board

Anna E. Jolly, 1610 Confederate Avenue, **Richmond**, Virginia 23227, Member, appointed November 27, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed herself.

Courtney M. Malveaux, 2013 Old Prescott Court, **Richmond**, Virginia 23238, Member, appointed November 20, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Satish Korpe.

Kenneth W. Richardson II, 1188 Shadow Ridge Drive, **Forest**, Virginia 24551, Member, appointed December 16, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed James Mundy.

Tobacco Indemnification and Community Revitalization Commission

David Cundiff, 1712 Novelty Road, **Penhook**, Virginia 24137, Member, appointed November 20, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Donald Merricks, 1180 Astin Lane, **Danville**, Virginia 24540, Member, appointed January 9, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Linda DiYorio.

Virginia-Asian Advisory Board

Hudaidah Ahmed, 5657 Columbia Pike, Suite 101, **Falls Church**, Virginia 22041, Member, appointed August 6, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Shewling Wong.

Chandrashekar Challa, 5040 Sadler Place, Suite 200, **Glen Allen**, Virginia 23060, Member, appointed August 7, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Jason M. Chung, 2717 Valestra Circle, **Oakton**, Virginia 22124, Member, appointed August 8, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Margarita Mohta.

Salvinder Hundal, 9900 Rosewood Hill Circle, **Vienna**, Virginia 22182, Member, appointed August 8, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Barbara N. McLennan, 1620 Harbor Road, **Williamsburg**, Virginia 23185, Member, appointed August 6, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Angela Chiang.

Victoria Mirandah, 11600 Aprilbud Drive, **Henrico**, Virginia 23233, Member, appointed January 10, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed herself.

Tony H. Pham, 2816 Glen Gary Drive, **Henrico**, Virginia 23233, Member, appointed August 7, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

Virginia Economic Development Partnership Authority Board of Directors

C. Dan Clemente, 6908 Benjamin Street, **McLean**, Virginia 22101, Member, appointed January 7, 2014, for a term of six years beginning January 1, 2014, and ending December 31, 2019, to succeed Stuart Malawer.

Ned Massee, 11251 Buckhead Terrace, **Midlothian**, Virginia 23113, Member, appointed January 7, 2014, for a term of six years beginning January 1, 2014, and ending December 31, 2019, to succeed Hugh Keogh.

John G. Rocovich, Jr., 5264 Falcon Ridge Road SW, **Roanoke**, Virginia 24014, Member, appointed January 8, 2014, for a term of six years beginning January 1, 2014, and ending December 31, 2019, to succeed Neil Wilkin.

Virginia Oil and Gas Board

Donnie W. Rife, 113 Beulah Lane (East Main Street), **Clintwood**, Virginia 24228, Member, appointed January 10, 2013, to serve an unexpired term beginning December 6, 2012, and ending June 30, 2016, to succeed Keith Compton.

Virginia Racing Commission

Philip T. O'Hara, Jr., 2320 Sandpiper Road, **Virginia Beach**, Virginia 23456, Member, appointed January 10, 2014, for a term of five years beginning January 1, 2014, and ending December 31, 2018, to succeed Stuart Siegel.

COMPACTS**Legislative Advisory Council to the Southern Regional Education Board**

Thomas A. Garrett, Jr., Post Office Box 66, **Hadensville**, Virginia 23067, Member, appointed December 1, 2013, to serve at the pleasure of the Governor beginning December 1, 2013, to succeed Frederick Quayle.

Live Horseracing Compact

Stran L. Trout, 7200 Lakeshore Drive, **Quinton**, Virginia 23141, Member, appointed December 30, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Victor Harrison.

EDUCATION**Board of Trustees of the Frontier Culture Museum of Virginia**

James A. Morris, Post Office Box 69, **Earlysville**, Virginia 22936, Member, appointed December 3, 2013, to serve an unexpired term beginning August 12, 2013, and ending June 30, 2014, to succeed William Card.

Christopher Newport University Board of Visitors

Mark Rodgers, 6052 Ridge Ford Drive, **Burke**, Virginia 22015, Member, appointed December 11, 2013, to serve an unexpired term beginning November 16, 2013, and ending June 30, 2014, to succeed Deborah DiCroce.

Gunston Hall Board of Visitors

Kevin L. Gentry, 9704 Bronte Drive, **Fairfax**, Virginia 22032, Member, appointed December 30, 2013, for a term of one year beginning October 1, 2013, and ending September 30, 2014, to succeed himself.

Penelope Payne, 1742 Swann Street Northwest, **Washington, District of Columbia** 20009, Member, appointed December 27, 2013, for a term of one year beginning October 1, 2013, and ending September 30, 2014, to succeed herself.

Timothy J. Sargeant, 8803 Cross Chase Circle, **Fairfax Station**, Virginia 22039, Member, appointed December 30, 2013, for a term of one year beginning October 1, 2013, and ending September 30, 2014, to succeed himself.

Radford University Board of Visitors

Randy Marcus, 1207 Elmhurst Drive, **Richmond**, Virginia 23229, Member, appointed January 10, 2014, to serve an unexpired term beginning January 10, 2014, and ending June 30, 2015, to succeed Sandra Cupp.

Science Museum of Virginia Board of Trustees

Glenn K. Davidson, 1812 North Inglewood Street, **Arlington**, Virginia 22205, Member, appointed August 22, 2013, for a term of five years beginning July 1, 2013, and ending June 30, 2018, to succeed Roger Boeve.

Margaret G. Lewis, 1524 West Avenue #32, **Richmond**, Virginia 23220, Member, appointed August 13, 2013, for a term of five years beginning July 1, 2013, and ending June 30, 2018, to succeed herself.

L. Clifford Schroeder, Jr., 701 Old Locke Lane, **Richmond**, Virginia 23226, Member, appointed December 26, 2013, for a term of five years beginning July 1, 2013, and ending June 30, 2018, to succeed Beverly Davis.

John Whitlock, 8720 River Road, **Richmond**, Virginia 23229, Member, appointed December 27, 2013, to serve an unexpired term beginning October 16, 2013, and ending June 30, 2016, to succeed Robb Watters.

The Library Board

Carolyn S. Berkowitz, 6544 Raftelis Road, **Burke**, Virginia 22015, Member, appointed December 10, 2013, for a term of five years beginning July 1, 2013, and ending June 30, 2018, to succeed Mark Romer.

Virginia Workforce Council

David Garcia, 8681 North Wales Road, **Warrenton**, Virginia 20186, Member, appointed December 18, 2013, to serve an unexpired term beginning July 3, 2013, and ending June 30, 2015, to succeed Mark Frantz.

Nathaniel X. Marshall, 3611 Fort Avenue, **Lynchburg**, Virginia 24501, Member, appointed November 21, 2013, to serve an unexpired term beginning July 4, 2013, and ending June 30, 2015, to succeed Huey Battle.

Carrie Roth, 3906 Caddington Drive, **Midlothian**, Virginia 23113, Member, appointed January 8, 2014, to serve an unexpired term beginning January 7, 2014, and ending June 30, 2016, to succeed Tim Tobin.

FINANCE**Council on Virginia's Future**

Michael D. Little, 2208 Fentress Airfield Road, **Chesapeake**, Virginia 23322, Member, appointed December 31, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed William Euille.

HEALTH AND HUMAN RESOURCES**Alzheimer's Disease and Related Disorders Commission**

Lory L. Phillippo, 5100 Monument Avenue, Unit 1102, **Richmond**, Virginia 23230, Member, appointed December 16, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Charlotte Arbogast.

Board of Counseling

Joseph J. Scislowicz, 733 Canterbury Court, **Franklin**, Virginia 23851, Member, appointed November 6, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Donnie Conner.

Board of Funeral Directors and Embalmers

Louis R. Jones, 1008 Witch Point Trail, **Virginia Beach**, Virginia 23455, Member, appointed December 19, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Michael Leonard.

Board of Long-Term Care Administrators

Marjorie J. Pantone, 6906 Atlantic Avenue, **Virginia Beach**, Virginia 23451, Member, appointed November 6, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Martha Hunt.

Board of Medicine

Frazier W. Frantz, 1301 Hampton Boulevard, Unit 210, **Norfolk**, Virginia 23317, Member, appointed December 31, 2013, to serve an unexpired term beginning November 1, 2013, and ending June 30, 2015, to succeed William Hutchens.

Lorri J. Kleine, 1139 Crystal Drive, **Virginia Beach**, Virginia 23451, Member, appointed January 1, 2013, for a term of four years beginning July 1, 2011, and ending June 30, 2015, to succeed Stephen Heretick.

Nathaniel R. Tucker, Jr., 708 Draper Road, **Blacksburg**, Virginia 24060, Member, appointed January 3, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Valerie Hoffman.

Board of Optometry

Steven Alan Linas, 36 East Square Lane, **Richmond**, Virginia 23238, Member, appointed November 20, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Angela Tsai.

Board of Pharmacy

Ryan Keith Logan, 3424 Meyer Woods Lane, **Fairfax**, Virginia 22033, Member, appointed December 30, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed David Kozera.

Commonwealth Neurotrauma Initiative Advisory Board

David X. Cifu, 1223 East Marshall Street, Suite 677, **Richmond**, Virginia 23298, Member, appointed January 10, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed David Reid.

State Board of Health

Theresa Middleton Brosche, 11820 Duck Circle, **Spotsylvania**, Virginia 22553, Member, appointed November 20, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Bennie L. Marshall.

Megan Getter, 1611 Wood Grove Circle, **Richmond**, Virginia 23238, Member, appointed December 16, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Anna Jeng.

Henry Kuhlman, 10805 Millington Lane, **Henrico**, Virginia 23238, Member, appointed November 20, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Gail Hollyfield Taylor.

Paul M. Wilson, 1503 Michaels Road, **Henrico**, Virginia 23229, Member, appointed December 30, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Paul Clements.

State Child Fatality Review Team

Nancy G. Parr, 1812 Gwaltney Court, **Chesapeake**, Virginia 23321, Member, appointed November 19, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed Joan Ziglar.

Kimberly Fields Sobey, 55 Sedgewood Drive, **Bluefield**, Virginia 24605, Member, appointed November 4, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed Tommy Casteel.

State Rehabilitation Council

David Axelle, 2218 Nelson Street, **Henrico**, Virginia 23228, Member, appointed November 13, 2013, for a term of three years beginning October 1, 2012, and ending September 30, 2015, to succeed Karen Williams.

Suzanne Bowers, 4544 Hurst Drive, **Beaeton**, Virginia 22712, Member, appointed November 13, 2013, for a term of three years beginning October 1, 2013, and ending September 30, 2016, to succeed herself.

Kate Broderick, 5001 Woodbury Avenue, **Norfolk**, Virginia 23508, Member, appointed October 2, 2013, for a term of three years beginning October 1, 2013, and ending September 30, 2016, to succeed Charles Downs.

Richard A. Keene, 175 Westview Street, **Pounding Mill**, Virginia 24637, Member, appointed November 15, 2013, for a term of three years beginning October 1, 2013, and ending September 30, 2016, to succeed Matthew Deans.

Ellen A. McIlhenny, 14995 Lane Mill Road, **Montpelier**, Virginia 23192, Member, appointed October 29, 2013, for a term of three years beginning October 1, 2013, and ending September 30, 2016, to succeed herself.

Julie Triplett, 7511 Wentworth Avenue, **Henrico**, Virginia 23228, Member, appointed November 18, 2013, for a term of three years beginning October 1, 2013, and ending September 30, 2016, to succeed herself.

Statewide Independent Living Council

Lisbet R. Dula, 5722 Constance Court, **Virginia Beach**, Virginia 23462, Member, appointed November 15, 2012, for a term of three years beginning October 1, 2012, and ending September 30, 2015, to succeed Jack Brandt.

Keith Alan Enroughty, Sr., 1617 Foster Road, **Richmond**, Virginia 23226, Member, appointed July 7, 2013, for a term of three years beginning October 1, 2012, and ending September 30, 2015, to succeed Sarah Liddle.

Petrina Thomas, Post Office Box 691, **Culpeper**, Virginia 22701, Member, appointed February 11, 2013, for a term of three years beginning October 1, 2011, and ending September 30, 2014, to succeed David Barrett.

Virginia Foundation for Healthy Youth

Laura E. Beamer, 1805 Locust Hill Road, **Richmond**, Virginia 23238, Member, appointed January 9, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Jeffrey Holland.

Jimmy Jankowski, 4001 Hanover Avenue, **Richmond**, Virginia 23221, Member, appointed January 9, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Corey Howell.

INDEPENDENT

Board of Directors of the Virginia Birth-Related Neurological Injury Compensation Program

David R. Barrett, 3524 Salle's Ridge Court, **Midlothian**, Virginia 23113, Member, appointed December 20, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed himself.

John W. Seeds, 113 West Square Drive, **Henrico**, Virginia 23238, Member, appointed July 27, 2010, for a term of three years beginning July 1, 2010, and ending June 30, 2013, to succeed Robert Boyle.

Chesapeake Bay Bridge and Tunnel Commission

Deborah Christie, 13 Kerr Street, **Onancock**, Virginia 23417, Member, appointed April 25, 2013, for a term of four years beginning May 15, 2013, and ending May 14, 2017, to succeed Gregory Duncan.

JUDICIAL

Virginia Criminal Sentencing Commission

H. F. Haymore, Jr., 2361 Afton Road, **Danville**, Virginia 24540, Member, appointed November 22, 2013, for a term of four years beginning January 1, 2013, and ending December 31, 2016, to succeed Robert Hagan.

Rosemary Tribble, 1205 Riverside Drive, **Newport News**, Virginia 23606, Member, appointed January 9, 2014, for a term of four years beginning January 1, 2014, and ending December 31, 2017, to succeed Debbie Smith.

LEGISLATIVE

Capitol Square Preservation Council

Terry Clements, 807 Grove Avenue, **Blacksburg**, Virginia 24060, Member, appointed October 3, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed herself.

William M. S. Rasmussen, 5408 Bewdley Road, **Richmond**, Virginia 23226, Member, appointed October 7, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed himself.

Commissioners for the Promotion of Uniformity of Legislation

Mary P. Devine, 704 Big Woods Place, **Manakin-Sabot**, Virginia 23103, Member, appointed December 12, 2013, for a term of four years beginning October 1, 2012, and ending September 30, 2016, to succeed Ellen Dyke.

Thomas A. Edmonds, 9401 Michelle Place, **Richmond**, Virginia 23229, Member, appointed July 3, 2013, for a term of four years beginning October 1, 2012, and ending September 30, 2016, to succeed himself.

Christopher R. Nolen, 11213 Grey Oaks Park Terrace, **Glen Allen**, Virginia 23059, Member, appointed December 26, 2013, for a term of four years beginning October 1, 2012, and ending June 30, 2016, to succeed Lane Kneedler.

Manufacturing Development Commission

Dawit Haile, 13612 Hickory Glen Road, **Chester**, Virginia 23831, Member, appointed January 9, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Robert Williams.

State Water Commission

Lamont W. Curtis, 358 Wood Duck Lane, **Newport News**, Virginia 23602, Member, appointed January 8, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed James Icenhour.

Richard A. Street, 6416 Cranston Lane, **Fredericksburg**, Virginia 22407, Member, appointed January 8, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Michael McEvoy.

NATURAL RESOURCES

Board of Conservation and Recreation

Linwood M. Cobb III, 11216 Byfield Court, **Henrico**, Virginia 23233, Member, appointed January 10, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Robert Wilkerson.

Harvey B. Morgan, Post Office Box 88, **Saluda**, Virginia 23149, Member, appointed December 1, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Sheryl Swinson.

Board of Game and Inland Fisheries

Leon Boyd, 3574 Little Fox Drive, **Vansant**, Virginia 24656, Member, appointed January 10, 2014, to serve an unexpired term beginning November 1, 2013, and ending June 30, 2016, to succeed Vaughn Groves.

Board of Trustees of the Virginia Museum of Natural History

Brandon Blaine Level, 13922 South Springs Lane, **Clifton**, Virginia 20124, Member, appointed January 9, 2014, for a term of five years beginning July 1, 2010, and ending June 30, 2015, to succeed Carolyn Davis.

Charitable Gaming Board

Charles M. Kelley, 306 North 26th Street #119, **Richmond**, Virginia 23223, Member, appointed December 30, 2013, to serve an unexpired term beginning August 9, 2013, and ending June 30, 2015, to succeed Roxanne Christley.

Litter Control and Recycling Fund Advisory Board

Michelle Cowling, 206 Marina Court, **Chesapeake**, Virginia 23320, Member, appointed October 7, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Aimee Hart.

Soil and Water Conservation Board

Daphne W. Jamison, 290 River Creek Road, **Wirtz**, Virginia 24184, Member, appointed July 10, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed herself.

State Air Pollution Control Board

Ann Flandermeyer Kirwin, 3605 Brannon Drive, **Virginia Beach**, Virginia 23456, Member, appointed November 22, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Hullihen Moore.

State Water Control Board

Thomas M. Branin, 3902 Liesfeld Place, **Glen Allen**, Virginia 23060, Member, appointed December 19, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed William Bolt.

Virginia Cave Board

Janet Tinkham, 360 Kings Drive, **Fort Valley**, Virginia 22652, Member, appointed November 21, 2013, to serve an unexpired term beginning February 6, 2013, and ending June 30, 2014, to succeed Barbara Bodin.

Virginia Marine Resources Commission

James Dean Close, Post Office Box 65, **Moon**, Virginia 23119, Member, appointed September 12, 2013, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2015, to succeed Joseph Palmer.

Virginia Outdoors Foundation

Matthew Lohr, 181 McKinley Drive, **Broadway**, Virginia 22815, Member, appointed December 30, 2013, to serve an unexpired term beginning December 1, 2013, and ending June 30, 2014, to succeed A. Benton Chafin.

PUBLIC SAFETY**Advisory Committee on Juvenile Justice**

Keith Farmer, Post Office Box 11411, **Roanoke**, Virginia 24022, Member, appointed January 10, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Eileen Grey.

Michael Wade, 10400 Winding Ridge Circle, **Henrico**, Virginia 23238, Member, appointed January 8, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to fill a new seat.

State Emergency Medical Services Advisory Board

Richard H. Decker III, 10806 Weather Vane Road, **Henrico**, Virginia 23238, Member, appointed January 10, 2014, for a term of three years beginning July 1, 2012, and ending June 30, 2015, to succeed Richard McClure.

Genemarie W. McGee, 3728 Ballahack Road, **Chesapeake**, Virginia 23322, Member, appointed June 5, 2013, for a term of three years beginning July 1, 2012, and ending June 30, 2015, to succeed Bruce Edwards.

TECHNOLOGY**Aerospace Advisory Council**

H. Hollister Cantus, 1600 Tysons Boulevard, Eighth Floor, **McLean**, Virginia 22102, Member, appointed January 10, 2014, for a term of two years beginning July 1, 2012, and ending June 30, 2014, to succeed Thomas Loehr.

Modeling and Simulation Advisory Council

Paul Gustavson, 442 New Hope Church Road, **Fredericksburg**, Virginia 22405, Member, appointed November 8, 2013, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to fill a new seat.

John T. Kenney, 3836 Peakland Place, **Lynchburg**, Virginia 24503, Member, appointed July 10, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed himself.

James O. McArthur, Jr., 4012 River Park Drive, **Suffolk**, Virginia 23435, Member, appointed July 10, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed himself.

Jeanine McDonnell, 516 Marsh Duck Way, **Virginia Beach**, Virginia 23451, Member, appointed December 17, 2013, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed herself.

Rachel Moore, 1728 LeJack Circle, **Forest**, Virginia 24551, Member, appointed November 4, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Jack Dantone.

Beverly Seay, 709 Balmoral Drive, **Winter Park, Florida** 32789, Member, appointed July 17, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed herself.

Bill Thomas, 6400 Sentry Way North, **Suffolk**, Virginia 23435, Member, appointed July 10, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed himself.

Virginia Geographic Information Network Advisory Board

Hua Liu, 6237 Rolfe Avenue, **Norfolk**, Virginia 23508, Member, appointed October 4, 2013, for a term of five years beginning July 1, 2012, and ending June 30, 2017, to succeed James Wilson.

John M. Palatiello, 11623 Deer Forest Road, **Reston**, Virginia 20194, Member, appointed July 31, 2013, for a term of five years beginning July 1, 2012, and ending June 30, 2017, to succeed Stanford Hovey.

Douglas Richmond, 54 Legend Drive, **Fredericksburg**, Virginia 24406, Member, appointed August 1, 2013, for a term of five years beginning July 1, 2012, and ending June 30, 2017, to succeed W. Cockrell.

Elaine Roop, 3207 Collingwood Street Northeast, **Roanoke**, Virginia 24012, Member, appointed July 31, 2013, for a term of five years beginning July 1, 2011, and ending June 30, 2016, to succeed Richard Pevarski.

TRANSPORTATION**Medical Advisory Board for the Department of Motor Vehicles**

Juan A. Astruc, Jr., 5100 Harvest Glen Drive, **Glen Allen**, Virginia 23059, Member, appointed September 6, 2013, for a term of four years beginning October 1, 2012, and ending September 30, 2016, to succeed himself.

Motor Vehicle Dealer Board

Matthew McQueen, 3529 Goddard Way, **Alexandria**, Virginia 22304, Member, appointed January 10, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

VETERANS AFFAIRS AND HOMELAND SECURITY

Virginia War Memorial Board

Dale Chapman, 7660 Dowdy Drive, **Henrico**, Virginia 23231, Member, appointed November 4, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed himself.

Todd B. Hammond, 3901 Cheyenne Road, **Richmond**, Virginia 23235, Member, appointed November 18, 2013, for a term of three years beginning July 1, 2012, and ending June 30, 2015, to succeed John Harper.

Frances Caroline Lane, 6805 Melrose Drive, **McLean**, Virginia 22101, Member, appointed November 4, 2013, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed herself.

Kathleen Owens, 2567 Landview Circle, **Virginia Beach**, Virginia 23454, Member, appointed January 10, 2014, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed Scott Taylor.

Albert G. Pianalto, 4100 Rockridge Place, **Chester**, Virginia 23831, Member, appointed November 4, 2013, to serve an unexpired term beginning January 8, 2013, and ending June 30, 2014, to succeed Samuel Wilder, Jr.

SENATE JOINT RESOLUTION NO. 108

Commending Desiree Williams.

Agreed to by the Senate, January 21, 2014

Agreed to by the House of Delegates, January 22, 2014

WHEREAS, Desiree Williams, a graduate student representing Arlington, was crowned Miss Virginia 2013 on June 29 at the Roanoke Civic Center; and

WHEREAS, a native of Newport News, Desiree Williams earned a bachelor's degree from Hampton University in 2011 and is currently pursuing a doctorate degree in physical therapy; and

WHEREAS, deeply dedicated to her education, Desiree Williams has received numerous scholarships, including a \$17,500 scholarship for winning the Miss Virginia pageant; she is a member of the Hampton University Honors College, the William R. Harvey Leadership Institute, and the Golden Key International Honour Society; and

WHEREAS, Desiree Williams received the 2013 Bronze Duke of Edinburgh Award and has received the Mildred V. Brown Award for Excellence in Neurological Studies; and

WHEREAS, an experienced pageant contestant, Desiree Williams was named Miss Hampton University in 2010 and Miss National Sweetheart in 2012; she was the first runner up to Miss Virginia in 2012; and

WHEREAS, displaying her exceptional musical talent, Desiree Williams played "Cubana Cubana" on the piano during the Miss Virginia pageant; and

WHEREAS, during her reign, Desiree Williams will promote her platform of "Fit and Fun" at schools throughout the Commonwealth; she will educate students and parents on the importance of staying active, developing healthy eating habits, and making lifestyle choices that can improve overall well-being; and

WHEREAS, as Miss Virginia 2013, Desiree Williams earned the right to compete in the Miss America pageant on September 15, 2013; and

WHEREAS, possessing an extraordinary combination of beauty, talent, intelligence, and dedication, Desiree Williams will ably represent the Commonwealth during her reign as Miss Virginia; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Desiree Williams on her selection as Miss Virginia 2013; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Desiree Williams as an expression of the General Assembly's admiration for her achievements and best wishes in her future endeavors.

SENATE JOINT RESOLUTION NO. 109

Commending the Centreville High School football team.

Agreed to by the Senate, January 23, 2014

Agreed to by the House of Delegates, January 31, 2014

WHEREAS, the Centreville High School football team showed strength and determination by winning the Virginia High School League Group 6A state championship in December 2013; and

WHEREAS, the championship victory by the Centreville High School Wildcats capped a perfect 15–0 season; and

WHEREAS, the 2013 championship game was a rematch between the Centreville Wildcats and Oscar Smith High School, who faced off in the 2011 state championship game; and

WHEREAS, taking an early lead, the Centreville Wildcats finished the first half with a three-touchdown lead; and

WHEREAS, with less than ideal weather conditions, the Centreville Wildcats' defense played smart, holding Oscar Smith to just one touchdown; and

WHEREAS, the Centreville Wildcats finished strong, with their veteran offense running the ball in for the final score of the game, winning the state championship by a score of 35–6; and

WHEREAS, their storied and undefeated season is a statement to the talent and dedication of the players, the leadership of the head coach and coaching staff, and the support of the Centreville High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Centreville High School football team for winning the 2013 Virginia High School League Group 6A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Chris Haddock, the head coach of the Centreville High School football team, as an expression of the General Assembly's admiration for the team's skill and commitment.

SENATE JOINT RESOLUTION NO. 110

Celebrating the life of Kathryn Brown Bibbins.

Agreed to by the Senate, January 23, 2014

Agreed to by the House of Delegates, January 31, 2014

WHEREAS, Kathryn Brown Bibbins, a longtime educator and respected member of the Norfolk community, died on January 2, 2014; and

WHEREAS, born on August 3, 1907, Kathryn Bibbins was a native of Norfolk; she graduated from Booker T. Washington High School and received her bachelor's degree from Hampton Institute (now University) in 1928; and

WHEREAS, fulfilling a lifelong dream of becoming an educator, Kathryn Bibbins began her career as an English teacher at Booker T. Washington Junior High School; and

WHEREAS, Kathryn Brown wed C. Arnett Bibbins in 1936, during a time when married women could not teach in the Norfolk Public School System; she stepped away from her position until the law changed in 1946; and

WHEREAS, upon her return to educating the youth of Norfolk, Kathryn Bibbins joined J. C. Price Elementary School, where she taught fifth grade for five years before being promoted to principal; she then became a teaching principal at Robert E. Lee Elementary School; and

WHEREAS, in 1954, Kathryn Bibbins joined the newly constructed Lindenwood Elementary School as principal, a position she faithfully executed until her retirement in 1970; and

WHEREAS, a dedicated educator, Kathryn Bibbins helped countless students become responsible, informed citizens of the Commonwealth; and

WHEREAS, predeceased by her husband, Arnett, Kathryn Bibbins will be fondly remembered and greatly missed by her daughter, Kathryn, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of a dedicated educator and beloved friend in the Norfolk community, Kathryn Brown Bibbins; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Kathryn Brown Bibbins as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 111

Celebrating the life of the Honorable William E. Maxey, Jr.

Agreed to by the Senate, January 30, 2014

Agreed to by the House of Delegates, February 7, 2014

WHEREAS, the Honorable William E. Maxey, Jr., the longtime clerk of the Powhatan County Circuit Court and a deeply respected member of the community, died on December 22, 2013; and

WHEREAS, a lifelong resident of Powhatan County, William Maxey served his country during World War II in the Ordnance Corps of the United States Army; he participated in the invasion of Normandy and in engagements in northern France and the Ardennes Forest, rising to the rank of technical sergeant; and

WHEREAS, William Maxey returned to the Commonwealth and later assumed the duties of clerk of the Powhatan County Circuit Court by appointment on July 1, 1957, and he was subsequently elected by his fellow citizens to the office on seven consecutive occasions; and

WHEREAS, William Maxey served honorably and well as clerk of the circuit court for the remarkable period of 56 years; upon his retirement in 2013, he was the longest-serving clerk in the history of the Commonwealth; and

WHEREAS, William Maxey was admired by his coworkers for his dedication, humility, and integrity; he was always willing to provide the benefit of his wisdom and experience to a friend or coworker in need; and

WHEREAS, William Maxey served his native community as director of Civil Defense, chair of the Red Cross, commander of American Legion Post 201, justice of the peace, secretary of the Electoral Board, chair of the Planning Commission, commissioner of the revenue, and, for 14 years, clerk to the Board of Supervisors; and

WHEREAS, William Maxey was a member of Veterans of Foreign Wars Post 10570, a past master of Powhatan Masonic Lodge 295 of the Ancient Free and Accepted Masons, a member of the Powhatan County Historical Society, a member of

May Memorial Baptist Church, a director and chairman of the board of the former Bank of Powhatan, a member of the Virginia Association of Local Executive Constitutional Officers, and a president of the Virginia Court Clerks Association; and

WHEREAS, William Maxey's desire to serve the public arose from a profound devotion to his family, his faith, and his fellow Powhatanians; he leaves a legacy of excellence to other public servants throughout the Commonwealth; and

WHEREAS, William Maxey will be fondly remembered and deeply missed by his wife, Joyce; children, Betsy, Chess, Tricia, William III, and Brenda, and their families; and numerous family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable William E. Maxey, Jr., an incomparable public servant and a true gentleman; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable William E. Maxey, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 112

Celebrating the life of Johnny William Cain.

Agreed to by the Senate, January 24, 2014

Agreed to by the House of Delegates, January 24, 2014

WHEREAS, Johnny William Cain, a native son of Greensville County and the fifth of seven children, was born to Jonah Forrest and Alberta Adams Cain on July 9, 1929, and was called to eternal rest on January 16, 2014; and

WHEREAS, Johnny William Cain, a devoted husband and loving father to his six children, was a farmer, logger, and mechanic; he retired from Franklin Braid Manufacturing Company after 15 years of service; and

WHEREAS, Johnny William Cain was an exceptional man who was considered a skilled handyman and jack-of-all-trades; he was unrivaled in his dedication to his family, church, and friends; and

WHEREAS, Johnny William Cain nurtured, inspired, and encouraged his children to embrace his practical and enduring lessons of life, which would support and sustain them during their adult years; and

WHEREAS, Johnny William Cain was an active resident of his Independence Church Road community and an enthusiastic and committed congregant of the Rocky Mount Baptist Church, where he accepted Jesus Christ as his personal Savior and was baptized as a youth, and where he and his family were longtime members and attended regularly; and

WHEREAS, Johnny William Cain served as a member of the Rocky Mount Baptist Church Board of Trustees and as the church sexton and treasurer, and he was the first president of the church's senior choir; and

WHEREAS, Johnny William Cain, a kind, generous, and spiritual man, enjoyed helping others and caring for his church; he was gracious and hospitable to everyone who visited his home; and

WHEREAS, the memory of Johnny William Cain will be cherished by his loved ones, and he will be truly missed by all who knew him; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Johnny William Cain; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Johnny William Cain as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 113

Commending the Virginia Environmental Professionals' Organization.

Agreed to by the Senate, January 30, 2014

Agreed to by the House of Delegates, February 7, 2014

WHEREAS, formed in 2013, the Virginia Environmental Professionals' Organization is devoted to providing the highest quality training and ensures communication of environmental information to environmental professionals throughout the Commonwealth; and

WHEREAS, the Virginia Environmental Professionals' Organization (VAEPO) has promoted the interest and welfare of local government environmental professional staff and promoted a closer, more informed relationship among those engaged in the daily delivery of environmental and conservation professional services to the public; and

WHEREAS, VAEPO has transmitted, in an organized and coordinated manner, to local and state governments and other appropriate agencies the desires of VAEPO members on matters relating to codes and regulations governing the environment and conservation practices; and

WHEREAS, VAEPO strives to assist members in their training, technical work, and overall professional development; it develops recommendations for code improvement; and it communicates new laws, state codes, and interpretations pertaining to the administration of such codes and regulations to facilitate greater consistency among the various political jurisdictions represented by VAEPO members; and

WHEREAS, VAEPO cooperates with other professional groups and federal and state agencies by advancing training and professionalism in environmental law, administration, and enforcement practices; the organization also encourages and promotes improved communication among the public, governmental agencies, commercial and industrial contractors, and trade vendor businesses; and

WHEREAS, VAEPO encourages and promotes educated, consistent, and ethical administration and enforcement of all environmental laws for the benefit of public health, safety, and welfare for the people of Virginia; and

WHEREAS, state agencies are encouraged to fully cooperate with VAEPO as a critical partner in communicating rules, regulations, and changes of policy quickly and efficiently to VAEPO members; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia Environmental Professionals' Organization; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia Environmental Professionals' Organization as an expression of the General Assembly's admiration for the organization's dedication to providing the highest quality training and information for those engaged in the profession of environmental law administration and enforcement in the Commonwealth.

SENATE JOINT RESOLUTION NO. 114

Commending the Augusta County Historical Society.

Agreed to by the Senate, January 30, 2014

Agreed to by the House of Delegates, February 7, 2014

WHEREAS, on May 7, 1964, the Augusta County Historical Society was formally organized with a constitution, bylaws, and the election of officers and a board; and

WHEREAS, the Augusta County Historical Society (Society) was formed in order to recognize, celebrate, study, and preserve the unparalleled history and heritage of Augusta County, its county seat of Staunton, the City of Waynesboro, and all the other villages and communities within Augusta County; and

WHEREAS, Augusta County, named after the then Princess of Wales and created in 1738 out of Orange County, once stretched west to the Mississippi River and north to the Great Lakes, encompassed all or parts of eight states besides Virginia, and included the future city of Pittsburgh; and

WHEREAS, in 1745, the population of Augusta increased enough to be able to elect a sheriff and form its own government; and

WHEREAS, henceforth, the region has had significant influence in every period of American history, from the settling of the frontier to the twenty-first century; and

WHEREAS, in recognition of these facts and faced with the possibility that such an extraordinary history might be lost, a group of civic leaders, local historians, genealogists, and preservationists started meeting in February of 1964 to organize the Society; and

WHEREAS, that group subsequently elected Dr. Richard P. Bell III to lead the Society as its first president, Harry L. Nash, Jr., as vice president, William Huffman as treasurer, Elizabeth H. Perry as recording secretary, Mary Armistead as corresponding secretary, Dr. Howard M. Wilson as archivist, and Dr. Patricia Menk as associate archivist; they also elected founding board members Fitzhugh Elder, Jr., Beirne J. Kerr, Dr. Herbert S. Turner, Ann Loth, Dr. Samuel R. Spencer, Jr., and Dr. Marshall Brice; and

WHEREAS, since 1965, the Society has published a scholarly journal, first semiannually and now annually, highlighting various topics of area history; it has published approximately a dozen books and produced a quarterly newsletter since 1994; and

WHEREAS, the Society hosts a spring and fall meeting, an annual banquet, and various other events promoting area history; and

WHEREAS, since its inception, the Society has collected and preserved in perpetuity archival materials, photographs, and artifacts relating to the area's heritage, including a 1797 Augusta County surveyor's compass appropriately symbolizing Augusta's role in opening the American frontier; and

WHEREAS, in 2007, the Society moved into the R. R. Smith Center for History and Art, a nineteenth century railroad hotel that they helped restore and co-own with the Historic Staunton Foundation and the Staunton-Augusta Art Center; and

WHEREAS, the Society space in the Smith Center includes a research library, climate-controlled archival rooms, offices, and an exhibit gallery where visitors from all over the country come to research history and genealogy; and

WHEREAS, during the last 50 years, the Society has promoted the expansion of historical knowledge with the erection of at least a half dozen historic highway markers and began custodial care of the historic Glebe Cemetery in 1971; and

WHEREAS, the Society looks forward to spending another 50 years continuing its work of "Preserving the Past for the Future"; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Augusta County Historical Society on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Augusta County Historical Society Board of Directors as an expression of the General Assembly's respect and admiration for its years of dedicated service to the Commonwealth.

SENATE JOINT RESOLUTION NO. 115

Celebrating the life of Rear Admiral Norman Venzke, USCG (Ret.).

Agreed to by the Senate, February 6, 2014

Agreed to by the House of Delegates, February 14, 2014

WHEREAS, Rear Admiral Norman Venzke, USCG (Ret.), a decorated Coast Guard veteran residing in Virginia Beach, died on November 21, 2013; and

WHEREAS, a native of Baltimore, Maryland, Norman Venzke graduated from Baltimore Polytechnic Institute in 1946 and was appointed to the United States Coast Guard Academy; he graduated from the Academy in 1950 and commenced his career at sea in USCGC *Ingham* based in Norfolk; and

WHEREAS, Rear Admiral Venzke served in a wide variety of operational assignments including duty in seven cutters, four of which were polar ice breakers, two he commanded: USCGC *Northwind* and USCGC *Polar Star*; and

WHEREAS, during the Vietnam War, Rear Admiral Venzke served in three concurrent assignments as Commander, Gulf of Thailand Surveillance Group; Commander, Coast Guard Division Eleven; and Fourth Coastal Zone Adviser to the Republic of Vietnam Navy; and

WHEREAS, after his retirement in 1985, Rear Admiral Venzke assumed the duties of the president of the National Defense Transportation Association followed by that of the president of the United States Branch of the Western Front Association; he served as beach master during nine cruises to the Antarctic Peninsula on board a French cruise ship; and

WHEREAS, Rear Admiral Venzke's military decorations included a Legion of Merit with a combat "V" and two gold stars, a Meritorious Service Medal, a United States Navy Commendation Medal in addition to various campaign medals and Coast Guard and Navy unit commendations; and

WHEREAS, in recognition of his considerable duty in Antarctica, the Venzke Glacier was named in Rear Admiral Venzke's honor; and

WHEREAS, in addition to his distinguished military career, Rear Admiral Venzke was an active member of the Virginia Beach community, in St. Michael Lutheran Church, Rotary International, and the Rotary Foundation, a member of the Advisory Board of the Salvation Army, and a volunteer with the Food Bank of Southeastern Virginia; and

WHEREAS, Rear Admiral Norman Venzke will be fondly remembered and greatly missed by his wife, Barbara; daughter, Erica; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of a distinguished and decorated Coast Guard veteran, Rear Admiral Norman Venzke; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Rear Admiral Norman Venzke as an expression of the General Assembly's admiration for his many years of dedicated service to his country and respect for his memory.

SENATE JOINT RESOLUTION NO. 116

Confirming appointments by the Governor of certain persons communicated January 27, 2014.

Agreed to by the Senate, February 10, 2014

Agreed to by the House of Delegates, February 27, 2014

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of Secretaries and Chief of Staff made by Governor Terry McAuliffe and communicated to the General Assembly January 27, 2014.

Richard Daryl Brown, 1111 East Broad Street, **Richmond**, Virginia 23219, Secretary of Finance, to serve at the pleasure of the Governor beginning January 11, 2014, to succeed himself.

John C. Harvey, Jr., 1111 East Broad Street, **Richmond**, Virginia 23219, Secretary of Veterans Affairs and Homeland Security, to serve at the pleasure of the Governor beginning January 11, 2014, to succeed James Hopper.

Todd Patterson Haymore, 1111 East Broad Street, **Richmond**, Virginia 23219, Secretary of Agriculture and Forestry, to serve at the pleasure of the Governor beginning January 11, 2014, to succeed himself.

William A. Hazel, Jr., 1111 East Broad Street, **Richmond**, Virginia 23219, Secretary of Health and Human Resources, to serve at the pleasure of the Governor beginning January 11, 2014, to succeed himself.

Anne Holton, 1111 East Broad Street, **Richmond**, Virginia 23219, Secretary of Education, to serve at the pleasure of the Governor beginning January 11, 2014, to succeed Javid Siddiqi.

Karen R. Jackson, 1111 East Broad Street, **Richmond**, Virginia 23219, Secretary of Technology, to serve at the pleasure of the Governor beginning January 11, 2014, to succeed James D. Duffey, Jr.

Maurice A. Jones, 1111 East Broad Street, **Richmond**, Virginia 23219, Secretary of Commerce and Trade, to serve at the pleasure of the Governor beginning January 27, 2014, to succeed James S. Cheng.

Aubrey L. Layne, Jr., 1111 East Broad Street, **Richmond**, Virginia 23219, Secretary of Transportation, to serve at the pleasure of the Governor beginning January 11, 2014, to succeed Sean Thomas Connaughton.

Brian J. Moran, 1111 East Broad Street, **Richmond**, Virginia 23219, Secretary of Public Safety, to serve at the pleasure of the Governor beginning January 11, 2014, to succeed Bryan Rhode.

Paul J. Reagan, 1111 East Broad Street, **Richmond**, Virginia 23219, Chief of Staff to the Honorable Terence R. McAuliffe, to serve at the pleasure of the Governor beginning January 11, 2014, to succeed Martin L. Kent.

Nancy Rodrigues, 1111 East Broad Street, **Richmond**, Virginia 23219, Secretary of Administration, to serve at the pleasure of the Governor beginning January 11, 2014, to succeed Lisa M. Hicks-Thomas.

Levar M. Stoney, 1111 East Broad Street, **Richmond**, Virginia 23219, Secretary of the Commonwealth, for a term of four years beginning January 20, 2014, and ending January 21, 2018, to succeed Janet P. Kelly.

Molly Joseph Ward, 1111 East Broad Street, **Richmond**, Virginia 23219, Secretary of Natural Resources, to serve at the pleasure of the Governor beginning January 11, 2014, to succeed Douglas William Domenech.

SENATE JOINT RESOLUTION NO. 117

Commending Mary McCoy.

Agreed to by the Senate, February 6, 2014

Agreed to by the House of Delegates, February 14, 2014

WHEREAS, Mary McCoy of Hampton has been an integral part of Phoebus Little League since her husband started coaching for the organization in the 1960s; and

WHEREAS, the strength of any community organization depends on the commitment and dedication of its volunteers; for Mary McCoy, who is affectionately known as Miss Mary, the Phoebus Little League field was her second home; and

WHEREAS, Mary McCoy, who always looked for the best in each player, had high expectations for the Phoebus Little League teams; as adults, former players often visit Mary McCoy when they return to the Phoebus ball field; and

WHEREAS, involvement with the Phoebus Little League was a family affair for the McCoys; Mary's husband, Phil, was a coach for the league, which is in one of Hampton's historic neighborhoods, and the couple stayed active in the league even after they retired in the 1990s; and

WHEREAS, for nearly half a century, Mary McCoy devoted almost all of her free time to Phoebus Little League baseball, and over the years she served as president, scorekeeper, announcer, fundraiser, and cook; she remained with the league even after her husband's death in 2007; and

WHEREAS, after three decades as president, Mary McCoy stepped down from leading the Phoebus Little League in the summer of 2013; her commitment to the community she loved is unmatched; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Mary McCoy for her many years of service to Phoebus Little League and its thousands of young baseball players; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Mary McCoy as an expression of the General Assembly's respect and admiration for her commitment to youth baseball and the Phoebus community.

SENATE JOINT RESOLUTION NO. 118

Celebrating the life of Master Sergeant Lee James Scaife, USAF (Ret.).

Agreed to by the Senate, February 6, 2014

Agreed to by the House of Delegates, February 14, 2014

WHEREAS, Master Sergeant Lee James Scaife, USAF (Ret.), a dedicated veteran and an active member of the Hampton community, died on January 15, 2014; and

WHEREAS, a native of Turner, Arkansas, Lee Scaife honorably served his country in the United States Air Force for over 20 years, rising to the rank of master sergeant; and

WHEREAS, Lee Scaife went on to provide his knowledge and experience to a growing industry in the Commonwealth, pursuing a career at the National Aeronautics and Space Administration Langley Research Center as a technical engineer; and

WHEREAS, known for always having a smile on his face, Lee Scaife was a caring friend and a helpful coworker; he encouraged others with his positive outlook and can-do spirit; and

WHEREAS, a firm believer in the importance of exercising one's civic responsibility, Lee Scaife was a loyal member of the Hampton Democratic Committee; for many years, he distributed signs, canvassed neighborhoods, and worked the polls during election season; and

WHEREAS, Lee Scaife will be fondly remembered and greatly missed by his wife, Doris; children, Velma, Markis, Glennis, and James, and their families; and numerous other family members, friends, and fellow airmen; now, therefore, be it
RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Master Sergeant Lee James Scaife, USAF (Ret.), a proud veteran and a dynamic member of the Hampton community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Master Sergeant Lee James Scaife, USAF (Ret.), as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 119

Commending Luca Paschina.

Agreed to by the Senate, February 6, 2014

Agreed to by the House of Delegates, February 14, 2014

WHEREAS, Luca Paschina, the visionary general manager and winemaker of Barbourville Vineyards, was named one of the 20 Most Admired People in the North American Wine Industry by *Vineyard & Winery Management* magazine in 2013; and

WHEREAS, winners of the award were nominated and voted on by a panel of the nation's top winemakers, grape growers, wine writers, educators, buyers, sommeliers, and consultants; Luca Paschina was one of only two Virginians named in the top 20; and

WHEREAS, born to a family of vintners in Piedmont, Italy, Luca Paschina worked in the wine industry in Italy, Switzerland, and California and New York in the United States; and

WHEREAS, Luca Paschina came to the Commonwealth as a consultant for Barbourville Vineyards, using his expertise to enhance the vineyard's techniques and practices; he was officially hired in 1991 and went on to craft some of the Commonwealth's finest wines for over 22 years; and

WHEREAS, tackling the same special challenges faced by Virginia winemakers dating back to Thomas Jefferson, Luca Paschina set out to use his knowledge and intuition to determine which grape varieties and trellises would thrive in the region's climate and soil; and

WHEREAS, through his hard work and attention to detail, Luca Paschina set the standard for winemaking in the Commonwealth; Barbourville Vineyards has won countless gold medals, Governor's Cups, and Monticello Cups; and

WHEREAS, with the help of experts like Luca Paschina, the Virginia wine industry has risen to new heights; Virginia wineries employ almost 5,000 people annually and have drawn record numbers of tourists and visitors to the Commonwealth; and

WHEREAS, Luca Paschina has brought great honor to the Commonwealth both nationally and internationally; he is an exemplar of the dedication, creativity, skill, and enthusiasm shown by regional vintners throughout the Commonwealth and the United States; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Luca Paschina on being named one of the 20 Most Admired People in the North American Wine Industry by *Vineyard & Winery Management* magazine; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Luca Paschina as an expression of the General Assembly's admiration for his exceptional contributions to the Commonwealth's storied tradition of winemaking.

SENATE JOINT RESOLUTION NO. 120

Commending Major General Daniel E. Long, Jr.

Agreed to by the Senate, February 6, 2014

Agreed to by the House of Delegates, February 14, 2014

WHEREAS, Major General Daniel E. Long, Jr., adjutant general of Virginia, has proudly served the nation and the Commonwealth for 50 years as a member of the Virginia National Guard; and

WHEREAS, Major General Long enlisted in the Virginia National Guard in February 1964, advanced to the rank of sergeant, and then graduated from the United States Army Officer Candidate School at Fort Benning, Georgia, with a commission as a second lieutenant in September 1967; and

WHEREAS, Major General Long served as a platoon leader, company executive officer, staff officer, and company commander in the 276th Engineer Battalion from June 1967 to April 1983; commanded the 229th Engineer Battalion from August 1985 to April 1990; and commanded the 2nd Brigade, 29th Infantry Division from April 1995 to September 1996; and

WHEREAS, Major General Long completed United States Army Ranger School in December 1992, earning the Ranger Tab at the age of 46; and

WHEREAS, Major General Long commanded the 29th Infantry Division from August 2002 to September 2004, having previously served as the chief of staff and assistant division commander for maneuver for the 29th Infantry Division and as deputy commander of the Stabilization Force of the Multi-National Division North Bosnia, from September 2001 to April 2002; and

WHEREAS, Major General Long served as the deputy director of the Department of Defense Project and Contracting Office in Baghdad, Iraq, from September 2004 to March 2005; and

WHEREAS, Major General Long commanded Task Force Katrina from September 2005 to December 2005; and

WHEREAS, Major General Long served as the senior military officer and economic development and infrastructure lead for the Iraq and Afghanistan Working Group for the Department of Defense and the Department of State from December 2005 to August 2006; and

WHEREAS, Major General Long served as special assistant to the chief of the National Guard Bureau on Infrastructure Development/Southwest Border from August 2006 to July 2007; and

WHEREAS, Major General Long commanded the Northern Command's Joint Task Force Civil Support at Fort Monroe from July 2007 to July 2010; and

WHEREAS, Major General Long assumed the duties of adjutant general of Virginia on July 14, 2010, and as the adjutant general is responsible for the combat readiness, administration, and training of more than 8,600 Virginia Army and Air National Guard personnel, as well as the readiness of more than 1,000 members of the Virginia Defense Force; and

WHEREAS, Major General Long fostered a culture of excellence within the Virginia National Guard, making sure it anticipated the demands of both state and federal missions in order to be able to rapidly respond when needed to aid the citizens of the Commonwealth and defend the ideals of freedom anywhere in the world; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Major General Daniel E. Long, Jr., for 50 years of distinguished military service to Commonwealth and country; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Major General Daniel E. Long, Jr., as an expression of the General Assembly's respect and admiration for his tireless service to protect the citizens of the Commonwealth and the nation.

SENATE JOINT RESOLUTION NO. 121

Commending the Virginia State University Gospel Chorale.

Agreed to by the Senate, February 4, 2014

Agreed to by the House of Delegates, February 5, 2014

WHEREAS, the Virginia State University Gospel Chorale was founded in 1971 by Ms. Jackie Ruffin, formerly of the Richard Smallwood Singers, and Mr. Larry Bland, as the Larry Bland Gospel Ensemble; and later the Chorale's name was changed to the Virginia State College Gospel Choir; and

WHEREAS, the Virginia State University Gospel Chorale recorded its first album, *Everyday with Jesus*, in 1977 and its second album, *He's Able*, in 1978; the choir's third album, *Virginia State University Gospel Chorale: Live in Concert*, was recorded in 2003; and

WHEREAS, the Virginia State University Gospel Chorale first performed before a broader audience by competing in the National Black Music Caucus Gospel Competition, where the choir won first place in 1984, 1985, 1988, 1996, 2003, and 2006 and second place in 1987; and

WHEREAS, the Virginia State University Gospel Chorale has toured nationally and internationally, performing on each international tour at the Pope's Vatican Christmas Concert, most recently in 2013; and

WHEREAS, the Virginia State University Gospel Chorale has performed on the same stage with renowned gospel recording artists Cheryl "Coko" Clemons of R&B group SWV, Mary Mary, Tye Tribbett, Earnest Pugh, Hezekiah Walker, JJ Hairston and Youthful Praise, and with poet Nikki Giovanni; and

WHEREAS, in September 2012, the Virginia State University Gospel Chorale competed in "How Sweet the Sound," a choral competition sponsored by Verizon, and out of the thousands of video entries submitted, the Chorale was one of 42 choirs and only one of four college choirs to reach the regional competitions around the country; the chorale won the 2012 District of Columbia Region's People's Choice Award and garnered local, regional, and national acclaim; and

WHEREAS, in January 2013, the Virginia State University Gospel Chorale was selected to perform at the Washington, D.C., Citywide Interfaith Food Drive, one of the events of President Barack Obama's National Day of Service and a part of the official Presidential Inauguration Activities; and

WHEREAS, the Virginia State University Gospel Chorale was an electrifying quarter-finalist in Season 8 (2013) of *America's Got Talent*, which provided national and international exposure for the Chorale and the university; and

WHEREAS, the Virginia State University Gospel Chorale is currently listed under the word "choir" in the Britannica Online Encyclopedia and is cited in the gospel music sections of two music appreciation textbooks; and

WHEREAS, the Virginia State University Gospel Chorale performed as part of the 2014 inaugural activities for Governor Terry McAuliffe; and

WHEREAS, the Virginia State University Gospel Chorale, under the dedicated leadership of Director Perry Evans II, faculty adviser James Holden, Jr., business manager Michael Rainey, and musical director Mark Johnson, currently comprises approximately 100 hardworking choir members and five musicians, with various racial, national, and geographical backgrounds; and

WHEREAS, this world-renowned musical group continues to bring joy and enrich the lives of Virginians and citizens around the world through the expression of its unique and indescribable musical gifts and talents; and

WHEREAS, Virginia takes pride in the accomplishments of the Virginia State University Gospel Chorale; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia State University Gospel Chorale; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to Dr. Keith T. Miller, president of Virginia State University, and Perry Evans II, Virginia State University Gospel Chorale director, as an expression of the General Assembly's admiration and gratitude for the Chorale's commitment to inspire and enrich the quality of life of the people of the Commonwealth and the world.

SENATE JOINT RESOLUTION NO. 122

Celebrating the life of J. Michael Phillippi.

Agreed to by the Senate, February 6, 2014

Agreed to by the House of Delegates, February 14, 2014

WHEREAS, J. Michael Phillippi, a revered state police officer who served the Counties of Henry and Patrick for the majority of his career, died while in the line of duty on January 11, 2014; and

WHEREAS, a native of Gate City, J. Michael Phillippi joined the Virginia State Police in 1971 and rose through the ranks to become a sergeant in 1990; and

WHEREAS, for most of his 42-year career, Sergeant Phillippi was assigned to the Area 42 Office of Division Six–Salem, patrolling the Counties of Henry and Patrick; as a department supervisor, he strived to act as a role model and mentor for his fellow officers; and

WHEREAS, deeply dedicated to the department's mission to protect and serve the community, Sergeant Phillippi was a man of strong character and a highly professional officer; he treated members of the community with courtesy, dignity, and respect; and

WHEREAS, a supportive leader, Sergeant Phillippi always took the time to help a friend or fellow officer in need; he was well-known for exhibiting the ideal qualities of a law-enforcement officer, and he embodied the principles of the Virginia State Police: Valor, Service, and Pride; and

WHEREAS, Sergeant Phillippi's untimely death is a reminder of the daily dangers faced by law-enforcement officers and first responders throughout the Commonwealth; and

WHEREAS, Sergeant Phillippi will be fondly remembered and deeply missed by his wife, Peggy, and numerous other family members, friends, and fellow law-enforcement officers in the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of J. Michael Phillippi, an admired protector and servant of the Counties of Henry and Patrick; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of J. Michael Phillippi as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 123

Commending the 10 River Basin Grand Winners of the Clean Water Farm Award.

Agreed to by the Senate, February 6, 2014

Agreed to by the House of Delegates, February 14, 2014

WHEREAS, the Department of Conservation and Recreation and the Soil and Water Conservation Districts provide farmers throughout the Commonwealth with education, technical assistance, and incentive programs to encourage nutrient reduction and water quality improvement; and

WHEREAS, the General Assembly passed legislation in 1998 to establish the Clean Water Farm Award Program, which is administered by the Department of Conservation and Recreation; and

WHEREAS, the Clean Water Farm Award Program furthers the Commonwealth's water quality goals by recognizing farmers actively engaged in implementing important conservation practices that control nutrients, sediment, and other agricultural nonpoint source pollutants; and

WHEREAS, the Soil and Water Conservation Districts selected local farms across the Commonwealth for recognition in 2013 as winners of the Clean Water Farm Award; and

WHEREAS, ten of those farms were selected and announced at the December 2013 meeting of the Virginia Association of Soil and Water Conservation Districts by the Department of Conservation and Recreation to represent the Commonwealth's 10 major river basins and to recognize the exemplary efforts of such farms in implementing best management practices; and

WHEREAS, those 10 winners are:

J. Bill Montgomery, Lee County, for the Big Sandy/Tennessee River Basin;

Seven Springs Farm, Inc., M. J. Moore, Lunenburg County, for the Chowan River Basin;

Sanns Farm, Sue and John Sanns, Accomack County, for the Coastal Basin;

C-Stock Farm, Paul and Virginia Coleman and Paul Coleman, Jr., Albemarle County, for the James River Basin;

Little River Ranch, Earl and Jackie Frith, Floyd County, for the New River Basin;

Dutchland Farm, Inc., Prince William County, for the Potomac River Basin;

Chapman Farm, Claude Chapman, Jr., and Carla Jean Chapman, Fauquier County, for the Rappahannock River Basin;

Kunath Farms, Kerwin Kunath, Charlotte County, for the Roanoke River Basin;

Home Place Dairy, Inc., Rockingham County, for the Shenandoah River Basin; and

James and Kate Kean, Louisa County, for the York River Basin; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend and congratulate the 10 River Basin Grand Winners of the Clean Water Farm Award; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to the 10 River Basin Grand Winners of the Clean Water Farm Award as an expression of the General Assembly's admiration for their commitment to conserving the Commonwealth's natural resources and their outstanding conservation achievements.

SENATE JOINT RESOLUTION NO. 124

Commending Dr. Charles W. Steger.

Agreed to by the Senate, February 6, 2014

Agreed to by the House of Delegates, February 6, 2014

WHEREAS, Dr. Charles W. Steger, the president of Virginia Polytechnic Institute and State University for 14 years, has led the school to become one of the nation's premier research institutions and ensured that countless students have the tools to become responsible and productive citizens of the Commonwealth; and

WHEREAS, Charles Steger earned bachelor's, master's, and doctoral degrees from Virginia Polytechnic Institute and State University (Virginia Tech); he then pursued a career as a professional architect before returning to Virginia Tech to impart his knowledge and experience as a professor in the College of Architecture and Urban Studies (CAUS); and

WHEREAS, after Charles Steger became Dean of CAUS in 1981, the college's research program grew rapidly; he also established locations in Alexandria, Virginia, and Switzerland, giving Virginia Tech a presence nationally and internationally; and

WHEREAS, Charles Steger helped shape Virginia Tech's first core curriculum in 1981, and was later appointed to develop the university's statement of mission and purpose; he chaired several highly regarded committees and contributed to the university's progress in many other ways; and

WHEREAS, as the Vice President for Development and University Relations from 1993 to 2000, Charles Steger led the largest fundraising campaign in the university's history; he was subsequently appointed President of the university in January 2000; and

WHEREAS, since becoming President, Charles Steger has designed and implemented several successive plans to guide Virginia Tech into the future, each demonstrating a deep commitment to the school's core mission of providing a high quality undergraduate education; and

WHEREAS, under Charles Steger's tenure, Virginia Tech has seen an unprecedented amount of growth, providing myriad new opportunities for students and enhancing the university's ability to compete for major research grants and projects; and

WHEREAS, Charles Steger greatly strengthened Virginia Tech's commitment to research that makes new discoveries to improve the lives and well-being of people everywhere; Virginia Tech is the only school in the Commonwealth ranked in the top 50 of the National Science Foundation's ranking of universities with the highest sponsored research expenditures; and

WHEREAS, with his calm and unifying leadership, Charles Steger guided the Virginia Tech community through the tragedy in 2007; his influence was essential in helping the community heal and recover after this event; and

WHEREAS, known as a leader and an expert outside of the Virginia Tech community, Charles Steger has served on many committees and commissions for the benefit of the Commonwealth, addressing issues such as homeland security, the environment, and others; and

WHEREAS, Charles Steger now sits on numerous boards and committees focusing on higher education, entrepreneurship, technology, and other global issues; he has been recognized and honored countless times for his leadership and dedication in all of his pursuits; and

WHEREAS, with his bold vision, wise leadership, and unyielding devotion to students, Charles Steger has built a tradition of excellence worthy of one of the Commonwealth's finest institutions of higher education; now, therefore, be it RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Dr. Charles W. Steger, a visionary leader in the field of higher education; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Dr. Charles W. Steger as an expression of the General Assembly's admiration and respect for his contributions to the future of the Commonwealth and unwavering commitment to the students of Virginia Polytechnic Institute and State University.

SENATE JOINT RESOLUTION NO. 125

Commending Stephen Lynn Moloney.

Agreed to by the Senate, February 13, 2014

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, Stephen Lynn Moloney, the deeply respected treasurer of the City of Fairfax whose sound leadership benefited the city for over three decades, retired on December 31, 2013; and

WHEREAS, a native of Columbus, Ohio, Stephen "Steve" Moloney graduated from J.E.B. Stuart High School in Falls Church in 1967 and earned a bachelor's degree from Mount Saint Mary's University in 1971; and

WHEREAS, Steve Moloney moved to the City of Fairfax in 1979 while serving as an auditor with the Internal Revenue Service; working to enhance the community almost immediately, he helped set up a Neighborhood Watch program in Fairchester Woods; and

WHEREAS, Steve Moloney was elected treasurer of the City of Fairfax in 1982, assuming responsibility during a critical period for the city; he brought a wealth of financial and accounting experience, and he restored credibility and respectability to the office; and

WHEREAS, known as a kind and trustworthy official who was committed to the well-being of the community, Steve Moloney always took time to meet and hear the concerns of his fellow Fairfax residents; over the course of his 31-year tenure as treasurer, he often ran unopposed for the position; and

WHEREAS, among his many accomplishments as treasurer, Steve Moloney worked with the commissioner of the revenue to establish a Department of Motor Vehicles Select Agency in the City of Fairfax in 2003; and

WHEREAS, a recognized leader in the community, Steve Moloney has donated his time and talents as a president of the Fairchester Woods Civic Association, the Nooday Optimist Club, and the Treasurers' Association of Virginia; he has served as a treasurer for the Country Club Hills Recreation Corporation and the Fairfax High School Band Boosters; and

WHEREAS, Steve Moloney will continue to offer his wisdom and experience as the chief financial officer for an electronics industry trade association; and

WHEREAS, Steve Moloney leaves an unmatched legacy of professionalism, dedication, and integrity to future treasurers and elected officials in the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Stephen Lynn Moloney, the admired longtime treasurer of the City of Fairfax, on the occasion of his retirement from public office in 2013; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Stephen Lynn Moloney as an expression of the General Assembly's admiration for his wise leadership and dedication to the betterment of the Fairfax community.

SENATE JOINT RESOLUTION NO. 126

Commending N. Jerry Simonoff.

Agreed to by the Senate, February 13, 2014

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, N. Jerry Simonoff, director of enterprise solutions and governance at the Virginia Information Technologies Agency, has provided exemplary leadership in an ever-changing environment and has helped position the Commonwealth as a national leader in government technology; and

WHEREAS, Jerry Simonoff has served as a director of the Virginia Information Technologies Agency (VITA) since the agency's inception in July 2003, and currently he oversees statewide information technology (IT) strategic planning; promulgation of IT policies, standards, and guidelines; and exploration of new technologies and enterprise applications; and

WHEREAS, Jerry Simonoff's responsibilities include the state's E-911 program, statewide geographic information systems services, and the development and support of VITA's internal and business software applications services to VITA customer agencies; and

WHEREAS, Jerry Simonoff played a key role in the establishment of VITA's IT infrastructure public-private program—the most extensive and successful such arrangement to date in state government—by chairing the multi-agency

steering committee that oversaw the review of proposals and by serving on the negotiation team that developed the agreement with Northrop Grumman Corporation; and

WHEREAS, Jerry Simonoff directed the development and implementation of the Commonwealth's IT investment management program, including promoting project management best practices and approving and providing oversight of the Commonwealth's major IT projects and procurements; the success of the program has virtually eliminated IT project failures in state government and has won national acclaim; and

WHEREAS, prior to the formation of VITA, Jerry Simonoff served as director of the Department of Technology Planning (formerly the Council on Information Management), where he championed initiatives to improve the planning, budgeting, and management of technology projects to make more effective use of available funding sources; and

WHEREAS, coming to state government in 1992, Jerry Simonoff brought 15 years of experience in management and information systems consulting with several regional firms and seven years of experience in regional planning; and

WHEREAS, Jerry Simonoff has served on the Virginia Information Providers Network (VIPNet) Authority Board of Directors and has been chair of the State Wireless E-911 Services Board and a member of several state advisory boards; and

WHEREAS, Jerry Simonoff is a native of Norfolk, holds a bachelor's degree in economics from North Carolina State University and a master of regional planning degree from the University of North Carolina at Chapel Hill, and is a graduate of the Virginia Executive Institute; and

WHEREAS, Jerry Simonoff's extensive volunteer experience includes leadership positions on the boards of several religious, nonprofit, and community organizations in the Richmond area; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend N. Jerry Simonoff for his extensive, productive, and dedicated service to the Commonwealth and his well-deserved upcoming retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to N. Jerry Simonoff as an expression of the General Assembly's congratulations and admiration for his commitment and service to the Commonwealth.

SENATE JOINT RESOLUTION NO. 127

Celebrating the life of Joshua P. Darden, Jr.

Agreed to by the Senate, February 13, 2014

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, Joshua P. Darden, Jr., a respected businessman, generous philanthropist, and civic leader in Norfolk, died on January 22, 2014; and

WHEREAS, a native of Norfolk, Joshua "Josh" Darden graduated from Episcopal High School in Alexandria and later earned a bachelor's degree from the University of Virginia, where he played lacrosse and served as the president of the student council; and

WHEREAS, after serving his country as a paratrooper and an artillery officer in the United States Army, Josh Darden returned to Norfolk and joined his father's business, Colonial Chevrolet, in 1959; after becoming president of the company in 1968, he helped expand the business to include 10 dealerships as the Colonial Auto Group; and

WHEREAS, building a strong company culture that provided quality training and development opportunities and encouraged growth, Josh Darden earned an automobile dealer award from *Time* magazine in 1986; he graciously accepted the award on behalf of his employees, more than 20 of whom would go on to open or manage their own dealerships and carry on an enduring tradition of philanthropy; and

WHEREAS, in recognition of his legacy as a leader, mentor, and role model in the automotive industry, Josh Darden's name has been submitted as a candidate for induction into the Automotive Hall of Fame in Dearborn, Michigan; and

WHEREAS, a proud alumnus of the University of Virginia, Josh Darden served as the rector of the university's Board of Visitors in the late 1980s; he co-led a highly successful fundraising campaign that earned record contributions; and

WHEREAS, in 1988, Josh Darden cofounded the ACCESS College Foundation to help low-income students find and receive financial aid; the organization has helped over 40,000 students achieve their dreams and attend college; and

WHEREAS, believing that he could continue to make a difference in the community, Josh Darden sold his business in 1994 and fully dedicated himself to charitable activities and civic leadership; a humble man, Josh Darden preferred to avoid the spotlight, often mentoring or offering his wise counsel to other community leaders and public officials in the area; and

WHEREAS, in 1996, Josh Darden cofounded the CIVIC Leadership Institute to train future leaders of nonprofit organizations; the organization has encouraged countless individuals to engage in public service and enhance the community; and

WHEREAS, Josh Darden offered his wise leadership to several committees and commissions addressing transportation and education issues locally and throughout the Commonwealth; he earned many awards and accolades for his tireless service; and

WHEREAS, from 1999 to 2009 as the chair of the Norfolk Foundation, one of the area's largest charitable organizations, Josh Darden helped the organization grow further and touch countless lives in the region; his last major project was to lead

successful fundraising efforts for the construction of the local Salvation Army's Ray and Joan Kroc Corps Community Center; and

WHEREAS, Josh Darden will be greatly missed and fondly remembered by his wife, Betty; daughters, Holley and Audrey, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Joshua P. Darden, Jr., a philanthropist, civic leader, and pillar of the Norfolk community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Joshua P. Darden, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 128

Confirming appointments by the Governor of certain persons communicated January 27, 2014.

Agreed to by the Senate, February 14, 2014

Agreed to by the House of Delegates, February 25, 2014

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain agency heads and persons made by Governor Terry McAuliffe and communicated to the General Assembly January 27, 2014.

Randall P. Burdette, 5702 Gulfstream Road, **Richmond**, Virginia 23250, Director, Department of Aviation, to serve at the pleasure of the Governor beginning January 11, 2014, to succeed himself.

Craig M. Burns, 600 East Main Street, Suite 2300, **Richmond**, Virginia 23219, State Tax Commissioner, Department of Taxation, to serve at the pleasure of the Governor beginning January 11, 2014, to succeed himself.

Warren Steven Flaherty, 7700 Midlothian Turnpike, **North Chesterfield**, Virginia 23235, Superintendent, Department of State Police, to serve at the pleasure of the Governor beginning January 11, 2014, to succeed himself.

Manju S. Ganeriwala, 101 North 14th Street, **Richmond**, Virginia 23219, State Treasurer, Department of the Treasury, to serve at the pleasure of the Governor beginning January 11, 2014, to succeed herself.

Cynthia B. Jones, 600 East Broad Street, Suite 1300, **Richmond**, Virginia 23219, Director, Department of Medical Assistance Services, to serve at the pleasure of the Governor beginning January 11, 2014, to succeed herself.

David K. Paylor, 629 East Main Street, **Richmond**, Virginia 23219, Director, Department of Environmental Quality, to serve at the pleasure of the Governor beginning January 11, 2014, to succeed himself.

William C. Shelton, 600 East Main Street, Suite 300, **Richmond**, Virginia 23219, Director, Department of Housing and Community Development, to serve at the pleasure of the Governor beginning January 11, 2014, to succeed himself.

Daniel S. Timberlake, 1111 East Broad Street, **Richmond**, Virginia 23219, Director, Department of Planning and Budget, to serve at the pleasure of the Governor beginning January 11, 2014, to succeed himself.

David A. Von Moll, 101 North 14th Street, **Richmond**, Virginia 23219, State Comptroller, Department of Accounts, to serve at the pleasure of the Governor beginning January 11, 2014, to succeed himself.

Sara Redding Wilson, 101 North 14th Street, **Richmond**, Virginia 23219, Director, Department of Human Resource Management, to serve at the pleasure of the Governor beginning January 11, 2014, to succeed herself.

SENATE JOINT RESOLUTION NO. 129

Celebrating the life of Percy Lee House, III.

Agreed to by the Senate, February 13, 2014

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, Percy Lee House, III, a native son of Greensville County, was born on January 5, 1962, and ended his watch on January 31, 2014; and

WHEREAS, Percy Lee House, III, graduated from the Crater Criminal Justice Training Academy in Disputanta and after graduation joined the Greensville County Sheriff's Office, where he was promoted to Deputy Sheriff; and

WHEREAS, Percy Lee House, III, was a loving son who doted on his parents; he was naturally dependable and a very private person, who was kind and generous to everyone; and

WHEREAS, standing above his fellow officers and a majority of other persons at an imposing 6 feet 8 inches, Percy Lee House, III, was affectionately called "the gentle giant" due to his quiet and reserved demeanor; and

WHEREAS, Percy Lee House, III, was an officer with the Meherrin Drug Task Force, for which he performed his duties with deliberation and thoroughness; and

WHEREAS, Percy Lee House, III, was an avid motorcyclist and a lover of music by American rock bands; and

WHEREAS, Percy Lee House, III, a faithful and dutiful public servant, has ended his watch and leaves to mourn and cherish his memory, loving family, friends, fellow officers, and the community; and

WHEREAS, the House of Delegates and the Senate adjourned in memory of Percy Lee House, III, on February 3, and February 5, 2014, respectively; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Percy Lee House, III, Greenville County Deputy Sheriff; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Percy Lee House, III, as an expression of the General Assembly's respect for his memory and appreciation for his service to the people of the Commonwealth.

SENATE JOINT RESOLUTION NO. 130

Celebrating the life of James Calvin Ragsdale.

Agreed to by the Senate, February 13, 2014

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, James Calvin Ragsdale of Blackstone, the longest-serving active member of the Blackstone Volunteer Fire Department, died on January 3, 2014; and

WHEREAS, James "Jimmy" Ragsdale was a volunteer firefighter for 43 years; he was an inspiration to all who worked with him, never failing to offer encouragement, support, and praise to other first responders; and

WHEREAS, in addition to his dedication and commitment to the volunteer fire department, Jimmy Ragsdale was a strong supporter of the Nottoway High School football team both as a fan and as a volunteer; and

WHEREAS, family and community were very important to Jimmy Ragsdale; he is remembered for his kindness, for his involvement in the activities and events of Blackstone and the surrounding area, and for his love of hunting as a member of the Ivy Bluff Hunt Club; and

WHEREAS, Jimmy Ragsdale's life serves as a shining example of the bravery, dedication to duty, and sacrifice shown by firefighters and other first responders throughout the Commonwealth; and

WHEREAS, Jimmy Ragsdale will be greatly missed and fondly remembered by his wife, Debbie; his daughters, Rebecca, Monica, and Ashley, and their families; and many other family members, friends, and fellow firefighters; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of James Calvin Ragsdale, a dedicated firefighter who worked selflessly to protect the lives and property of his friends and neighbors; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of James Calvin Ragsdale as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 131

Commending the Virginia members of the National Football League's Super Bowl XLVIII.

Agreed to by the Senate, February 13, 2014

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, on February 2, 2014, at MetLife Stadium at the Meadowlands Sports Complex in East Rutherford, New Jersey, the Seattle Seahawks and the Denver Broncos met on the gridiron for the National Football League's Super Bowl XLVIII; and

WHEREAS, according to Fox Sports, the first outdoor cold-weather Super Bowl was the most-watched television program in United States history, with a record 111.5 million viewers tuned in for the broadcast; and

WHEREAS, the Seattle Seahawks, whose offensive and defensive teams were believed to be outmatched by the Denver Broncos, quickly assumed control 12 seconds into the game when the first snap of the ball sailed over the head of Broncos quarterback Peyton Manning into the end zone, resulting in a safety for the Seattle Seahawks and setting an NFL record for the fastest score in Super Bowl history; and

WHEREAS, after the first quarter, the Seahawks led 8-0; at halftime the score was 22-0 in favor of Seattle; and by the third quarter of the game, the Seahawks led 29-0; and

WHEREAS, the Denver Broncos, the highest-scoring team in NFL history, finally scored its first points on the last play of the third quarter with Peyton Manning's 14-yard pass to receiver DeMaryius Thomas, who set a Super Bowl record with 13 receptions, and with the two-point conversion pass to wide receiver Wesley Welker; and

WHEREAS, the Broncos were overwhelmed by multiple interceptions and forced turnovers, outperformed by a penetrating Seahawks offense, and crushed by Seattle's "Legion of Boom," the Seahawks hard-hitting defense; and

WHEREAS, two native sons of Virginia demonstrated exceptional prowess and vigor as members of the Denver Broncos during Super Bowl XLVIII:

Paris Michael Lenon – was born on November 26, 1977, in Lynchburg, where he attended Heritage High School and won two varsity letters each in football and basketball, and one in baseball. He is a graduate of the University of Richmond, where he played football and was signed by the Carolina Panthers as an undrafted free agent in 2000. A fitness fanatic and

the oldest defensive player in the NFL this season, Paris Lenon was the starting middle linebacker for the Denver Broncos in Super Bowl XLVIII. An outstanding football player with phenomenal speed, Paris Lenon really understands football.

Vinston Eric Painter – was born on November 10, 1989, in Norfolk, where he attended Maury High School. He graduated from Virginia Tech and was drafted by the Denver Broncos, for which he is an offensive tackle. He was moved to the Broncos' active roster this year. Vinston Painter relishes remembering his experiences on the dusty, worn-out practice field of Maury High School and his days at Virginia Tech, where he honed his athletic skills. He savors being a part of a Super Bowl team and starting a promising professional football career with the Denver Broncos. Vinston Painter also dreams of helping his old Norfolk neighborhood when he becomes fully established.

WHEREAS, propelling the Seahawks to its 43–8 Super Bowl victory, the first in franchise history for the team, were five native sons of Virginia who played with a "champion's heart and mind":

Kameron Darnel Chancellor – was born on April 3, 1988, in Norfolk, where he attended Maury High School. He was an outstanding football player for Virginia Tech, where he earned his undergraduate degree. Seattle Seahawks safety Kam Chancellor, the team's "enforcer," intercepted a pass by Denver Broncos quarterback Peyton Manning in the first quarter of Super Bowl XLVIII, setting the tone for the Seahawks' persistent domination of the game.

Chandler Fenner – was born on July 6, 1990, in Virginia Beach, where he graduated from Frank W. Cox High School. As a high school student athlete during his senior year, he was named the school's "Most Valuable Player" in football and track, served as captain for the football and track teams, was selected as the high school's "Male Athlete of the Year," ran a leg on the school's record-setting medley relay team, and was a member of the National Society of High School Scholars. He continued his outstanding academic and athletic record at the College of the Holy Cross, where he excelled in football and track and field. At the College of the Holy Cross, Chandler Fenner was named as a member of the first team All-Patriot League for two consecutive years, started in all 11 of the college's games as a cornerback, and signed as a free agent with the Kansas City Chiefs, for which he played cornerback for two years before leaving to play as a cornerback for the Seattle Seahawks.

William Percival Harvin, III – was born on May 28, 1988, in Chesapeake. Percy Harvin graduated from Landstown High School in Virginia Beach and earned his undergraduate degree from the University of Florida. He was recognized by the Associated Press as its Offensive Rookie of the Year for the 2009 NFL season. He plays wide receiver for the Seattle Seahawks. During Super Bowl XLVIII, the versatile Percy Harvin, with just 12 seconds into the second half of the game, found an opening to the end zone and thrilled fans by opening the third quarter with a sensational 87-yard kickoff return for a touchdown, giving the Seattle Seahawks a 28–0 lead over the Denver Broncos.

Burton Michael Robinson – was born on February 6, 1983, in Richmond, where he was a four-year starting quarterback for Varina High School. He played quarterback and wide receiver for Pennsylvania State University, where he posted one of the greatest seasons as a Penn State quarterback, and earned his undergraduate degree in advertising and public relations in three years. He finished fifth in balloting for the 2005 Heisman Trophy. Michael Robinson was drafted in 2006 by the San Francisco 49ers. On September 6, 2010, he signed as a fullback with the Seattle Seahawks. Overcoming a debilitating illness in August 2013, he battled his way back to full health and resumed his position with the Seahawks. Michael Robinson caught one pass for seven yards and was the lead blocker on Marshawn Lynch's second-quarter touchdown run in the Super Bowl XLVIII win over the Denver Broncos. He is in his fourth season with the Seattle Seahawks after four years with the San Francisco 49ers.

Russell Carrington Wilson – was born on November 29, 1988, in Cincinnati, Ohio. He is a graduate of Collegiate High School in Richmond, where he was an all-star member of the school's football and baseball teams. He attended North Carolina State University, where he played football and baseball before transferring in January 2011 to the University of Wisconsin. Russell Wilson is a graduate of the University of Wisconsin, and while there, he set the single-season record for passing efficiency and led the team to a Big Ten title and the 2012 Rose Bowl. A baseball standout as well, he was drafted by the Baltimore Orioles after high school and by the Colorado Rockies while attending North Carolina State University. On April 27, 2012, he was drafted by the Seattle Seahawks. Driven by a strong and relentless work ethic, unparalleled confidence and poise, continuous encouragement by his parents, especially his father, Harrison Benjamin Wilson III, and his persistent faith in God, rookie Seahawks quarterback Russell Wilson navigated his way through the world of giants in the NFL to the Super Bowl, the pinnacle of his profession. With his keen intellect and decision-making skills, quick hands, strong passing arm, nimble feet, and sheer athleticism, he has perfected the play-action pass that makes it easier to see receivers downfield. With these remarkable skills and the mindset of a champion, Russell Wilson led his team to dominate and defeat the Denver Broncos in Super Bowl XLVIII; and

WHEREAS, before a record crowd of 82,529 persons and the Seahawks' loyal 12th man, the team's many fans, the Seattle Seahawks routed the Denver Broncos 43–8, the largest margin since Super Bowl XXVII in 1993; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia members of the National Football League's Super Bowl XLVIII; and, be it

RESOLVED FURTHER, That the General Assembly hereby commend the Seattle Seahawks on the occasion of winning Super Bowl XLVIII and the coveted Vince Lombardi Trophy; and, be it

RESOLVED FINALLY, That the Clerk of the Senate prepare a copy of this resolution for presentation to Head Coach Peter Clay Carroll, Owner Paul Allen, and General Manager John Schneider of the Seattle Seahawks as an expression of the General Assembly's congratulations and admiration for an exceptional season and championship performance.

SENATE JOINT RESOLUTION NO. 132

Celebrating the life of Lieutenant Sean Christopher Snyder.

Agreed to by the Senate, February 13, 2014

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, Lieutenant Sean Christopher Snyder of Virginia Beach, a man of true honor and a hero who considered it a distinct privilege to serve his country as an officer and as a helicopter pilot in the United States Navy, died on January 8, 2014, during a training mission off the coast of the Commonwealth of Virginia; and

WHEREAS, while with the Helicopter Mine Countermeasures Squadron 15, Lieutenant Snyder served with unwavering dedication and courage, making multiple deployments to the island nation of Bahrain in the Arabian Gulf; and

WHEREAS, while providing support to United States Naval Forces Central Command Fifth Fleet operations during Operation Enduring Freedom, Lieutenant Snyder served as mission commander, leading a Sikorsky MH-53E Sea Dragon helicopter crew in the execution of airborne mine countermeasures operations to successfully deter seaborne mining efforts in the Arabian Gulf; and

WHEREAS, Lieutenant Snyder's actions directly supported the success of the United States and multinational forces in ensuring that sea lines of communication, which are vital for seaborne international trade, remained open; and

WHEREAS, as part of an elite cadre, Lieutenant Snyder flew the MH-53E from Bahrain to Ghazi Air Base, Pakistan, in support of humanitarian relief and lifesaving operations after the devastating floods in July and August of 2010, executing a tactically demanding flight through tenuous international airspace with stops in Oman and on the USS *Peleliu* in the Indian Ocean; and

WHEREAS, in continuous flight operations to and from the remote region of Colamb in the Swat Valley, Lieutenant Snyder demonstrated exceptional airmanship and dedication to mission, resulting in the rescue of over 2,500 Pakistani citizens and the movement of nearly one million pounds of relief supplies; and

WHEREAS, Lieutenant Snyder's professionalism and leadership merited numerous awards and commendations throughout his 21 years of honorable service in the United States Navy; rising from enlisted to officer ranks, amassing 1,576 total flight hours, and gaining widespread recognition within the naval aviator community as one of the most highly skilled and respected instructors, Lieutenant Snyder was a trusted mentor whose open-door style of leadership had a deep and lasting impact on all Sailors and Marines with whom he served; and

WHEREAS, in word and deed, Lieutenant Snyder was known and admired as a true servant of others who was motivated by his sincere and passionate faith in Jesus Christ, which he shared through countless hours of devoted service as an elder and a youth leader at Glad Tidings Church in Norfolk, where the impact of his life will continue in the lives of those he touched; and

WHEREAS, Lieutenant Snyder will be forever remembered and deeply missed by his beloved wife, Amy, with whom he shared great love and joy throughout their marriage; sons, Sean II, Brady, and Ethan; daughter, Makayla; and numerous other family members, friends, and fellow members of the United States Navy; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of a devoted husband and father and an honorable servant in both his sacred faith and his esteemed service to the United States of America, Lieutenant Sean Christopher Snyder; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Lieutenant Sean Christopher Snyder as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 133

Commending Raymon Grace.

Agreed to by the Senate, February 13, 2014

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, Raymon Grace, a native of Southwest Virginia, received the Most Outstanding Effort by a Citizen award on May 2, 2013, from the Upper Tennessee River Roundtable for his efforts to improve water quality in the region; and

WHEREAS, Raymon Grace has dedicated his life to the preservation and care of the environment; and

WHEREAS, for more than 35 years, Raymon Grace has been a passionate advocate for numerous health, agricultural, and safety issues affecting his community; and

WHEREAS, a frequent writer and lecturer on environmental and health subjects throughout North America, Raymon Grace created the Raymon Grace Foundation to further his good work; the foundation focuses on supporting projects related to clean water supplies; and

WHEREAS, the Raymon Grace Foundation strives to raise awareness of water pollution and ensure that future generations have access to potable water; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Raymon Grace for his conservation work and on receiving the Most Outstanding Effort by a Citizen award from the Upper Tennessee River Roundtable; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Raymon Grace as an expression of the General Assembly's admiration for his service to the community and the Commonwealth.

SENATE JOINT RESOLUTION NO. 134

Commending Brennan & Waite, P.L.C.

Agreed to by the Senate, February 13, 2014

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, Brennan & Waite, P.L.C., was honored by the Greater Reston Chamber of Commerce and Cornerstones, Inc., with a prestigious 2014 Best of Reston Award in the Small Business Leader category; and

WHEREAS, the Best of Reston Awards honor individuals, organizations, and companies that have demonstrated an extraordinary commitment to helping others and improving the lives of people throughout the greater Reston area; and

WHEREAS, in 1995, Matthew Brennan and his late wife, Carol Waite, founded Brennan & Waite as a community-focused legal firm; the couple both believed deeply in the importance of community service and involvement, principles that the members of the firm uphold to this day; and

WHEREAS, Brennan & Waite supports many organizations, including Habitat for Humanity and the Mosaic Harmony Choir; the firm has helped the Vienna Rotary Club raise over \$100,000 to support other charitable organizations and donated many hours of pro bono legal work to Let's Help Kids, a nonprofit organization that provides financial assistance to local families; and

WHEREAS, representing Brennan & Waite on the Greater Reston Chamber of Commerce since 1995, Matthew Brennan has helped the chamber grow into one of the largest and most successful in the region, with over 100 members; he is actively involved in every step of many local events, from planning and sponsoring to volunteer coordination and clean up; and

WHEREAS, as the chair of the board of directors for Leadership Fairfax since 2012, Matthew Brennan has educated members of the community on the importance of service and mentors community leaders on how to be proactive in finding ways to enhance the region; and

WHEREAS, Matthew Brennan has helped thousands of young people learn good decision making skills and prepare for real-world ethical dilemmas by developing and participating in the South Lakes High School Ethics Day; and

WHEREAS, countless individuals, organizations, and businesses in the Reston area have benefited from the outreach and leadership provided by Brennan & Waite and the tireless dedication to the community shown by Matthew Brennan and Carol Waite; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Brennan & Waite, P.L.C., for its efforts to support the community and on its well-deserved honor as a 2014 Best of Reston Award recipient in the Small Business Leader category; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Brennan & Waite, P.L.C., as an expression of the General Assembly's admiration for the firm's enduring commitment to charitable service and responsible community involvement.

SENATE JOINT RESOLUTION NO. 135

Commending Carol Ann Bradley.

Agreed to by the Senate, February 13, 2014

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, Carol Ann Bradley was honored by the Greater Reston Chamber of Commerce and Cornerstones, Inc., with a prestigious 2014 Best of Reston Award in the Individual Community Leader category; and

WHEREAS, the Best of Reston Awards honor individuals, organizations, and companies that have demonstrated an extraordinary commitment to helping others and improving the lives of people throughout the greater Reston area; and

WHEREAS, an accomplished educator and the longtime principal of Terraset Elementary School, Carol Bradley has worked to prepare countless students for further education, careers, and responsible citizenship; she is remembered by her students as a compassionate mentor who changed their lives for the better; and

WHEREAS, Carol Bradley's concern for all of her students led her to become involved with Educators Then, Now, and Forever and The Links, Inc., organizations that help ensure equal opportunities for all children; and

WHEREAS, though humble and soft-spoken, Carol Bradley has left her mark on many local organizations, including the Friends of Reston Regional Library, the American Association of University Women, the Greater Reston Arts Center, and the Southgate Community Center; and

WHEREAS, Carol Bradley has touched many lives internationally as a member of the board of directors for Global Camps Africa, an organization that encourages self-development and supports young people with AIDS in South Africa; and

WHEREAS, dedicated to supporting vulnerable members of the community, Carol Bradley is a longtime volunteer at Embry Rucker Homeless Shelter, where she served on the 2012 steering committee for the Walks to End Homelessness program and worked to ensure its success; she personally organized activities and participation by students from the Hutchison Elementary School summer program; and

WHEREAS, as a member of the Reston Community Center Board of Governors, Carol Bradley helped the center grow into an integral community asset; she encouraged new partnerships across a wide variety of community initiatives to help as many of her fellow Reston residents as possible, and her leadership was essential to helping many nonprofit organizations thrive; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Carol Ann Bradley for her inspirational work to better the Reston community and on her well-deserved honor as a 2014 Best of Reston Award recipient in the Individual Community Leader category; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Carol Ann Bradley as an expression of the General Assembly's admiration for her selfless efforts to uplift, motivate, guide, and help others.

SENATE JOINT RESOLUTION NO. 136

Commending Bonnie Haukness.

Agreed to by the Senate, February 13, 2014

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, Bonnie Haukness was honored by the Greater Reston Chamber of Commerce and Cornerstones, Inc., with a prestigious 2014 Best of Reston Award in the Individual Community Leader category; and

WHEREAS, the Best of Reston Awards honor individuals, organizations, and companies that have demonstrated an extraordinary commitment to helping others and improving the lives of people throughout the greater Reston area; and

WHEREAS, a native of North Dakota, Bonnie Haukness was raised to appreciate the importance of togetherness and community spirit; after studying about the community of Reston in college, she moved to the area in 1975 and has worked to preserve and promote the community's unique dynamic for nearly 40 years; and

WHEREAS, as a member of the board of the Reston Historic Trust, which operates the Reston Museum, Bonnie Haukness has chaired the Reston Home Tour fundraiser for the past seven years; the event highlights the diversity of the Reston community and showcases different homes and structures, including innovative designs meant to protect and preserve the environment; and

WHEREAS, under Bonnie Haukness' devoted leadership, the Reston Home Tour has been consistently a success; the tour sold out for the first time in 2010 and has earned over \$20,000 annually to support the Reston Museum, which further promotes the community's message and character; and

WHEREAS, as the chair of the Capitol Steps Gala, Bonnie Haukness, through her tireless dedication and boundless enthusiasm, helped the event raise over \$147,000 in 2013 for Cornerstones, Inc., a nonprofit organization that provides support and promotes self-sufficiency for those in need; and

WHEREAS, an integral member of the Greater Reston Arts Center, Bonnie Haukness helps ensure the success of the Northern Virginia Fine Arts Festival, which provides a high-quality venue for artists from around the country and draws over 50,000 people to Reston Town Center; and

WHEREAS, dedicated to building bright futures for the youth of the Reston community, Bonnie Haukness serves as the vice chair of the board of the Friends of Reston; she has led initiatives to raise money for students to further their educations by attending the Reston Association Day Camp; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Bonnie Haukness for her hundreds of hours of humble, heartfelt service to the community and on her well-deserved honor as a 2014 Best of Reston Award recipient in the Individual Community Leader category; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Bonnie Haukness as an expression of the General Assembly's admiration for her dedication to preserving and promoting the Reston ideals to the benefit of the entire community.

SENATE JOINT RESOLUTION NO. 137

Commending Cooley LLP.

Agreed to by the Senate, February 13, 2014

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, Cooley LLP was honored by the Greater Reston Chamber of Commerce and Cornerstones, Inc., with a prestigious 2014 Best of Reston Award in the Corporate Business Leader category; and

WHEREAS, the Best of Reston Awards honor individuals, organizations, and companies that have demonstrated an extraordinary commitment to helping others and improving the lives of people throughout the greater Reston area; and

WHEREAS, with offices throughout the United States and an international branch in Shanghai, Cooley opened its first East Coast office in Reston; the firm has become a valuable member of the Reston community, often recognized for its corporate culture and involvement in the region; and

WHEREAS, employees of Cooley LLP are encouraged to donate their time and talents in their communities, receiving paid leave time for volunteer activities; employees have supported the Loudoun County Day School, New Hope Housing, the George Mason University Foundation and the Northern Virginia Council on Economics, First Chesterfield Baptist Church, Five Talents International, the Initiative for Public Art, several local chambers of commerce, and the Reston Triathlon; and

WHEREAS, through the Cooley Cares program employees can contribute to local charitable organizations, with the firm matching employee donations; the firm raised over \$1 million for national nonprofit organizations and charitable causes in 2013; and

WHEREAS, sponsoring a wide variety of events, such as the Cooley Olympics and Beach Week, Cooley LLP raised tens of thousands of dollars for Cornerstones, Inc., formerly known as Reston Interfaith; and

WHEREAS, Cooley LLP offers pro bono legal work to charitable organizations and local businesses; each year, over 466 employees devote approximately 33,000 hours to an average of 680 matters; the firm assigns pro bono matters the same level of importance as paid cases; and

WHEREAS, Cooley LLP works to strengthen and support the region by offering guidance and mentorship to start-up companies and small businesses, often free of charge; businesses pass along that generosity and sense of responsibility to the betterment of the entire Reston community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Cooley LLP for developing a corporate culture that allows employees to share their time and talents in support of the community and on the firm's well-deserved honor as a 2014 Best of Reston Award recipient in the Corporate Business Leader category; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Cooley LLP as an expression of the General Assembly's admiration for the firm's commitment to giving back to and investing in the Reston community.

SENATE JOINT RESOLUTION NO. 138

Celebrating the life of Thomas Michael Maynard.

Agreed to by the Senate, February 13, 2014

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, Thomas Michael Maynard of Mouth of Wilson, a dedicated public servant and community leader, died on June 28, 2013; and

WHEREAS, Thomas Michael "Mike" Maynard, who was born in Georgia, graduated from Bainbridge High School in Bainbridge, Georgia, in 1966 and Presbyterian College in 1970; then he entered the United States Army and rose to the rank of captain in the Field Artillery; and

WHEREAS, after almost eight years of active duty service, Mike Maynard embarked on a successful civilian career in sales and marketing for Proctor & Gamble, Warner-Lambert Co., and Pfizer, Inc.; he retired from the corporate world in 2000; and

WHEREAS, Mike Maynard entered public service in retirement; he was elected to the Grayson County Board of Supervisors, representing the Wilson District; his seven and one-half years in public office included two terms as chair of the board; and

WHEREAS, the citizens of Grayson and surrounding counties benefited from Mike Maynard's talents and his emphasis on business development; he was a member of the Blue Ridge Crossroads Economic Development Authority, the Carroll-Grayson-Galax Solid Waste Authority, and the Chief Local Elected Officials Consortium, and he was actively involved with the Grayson County Office of Emergency Management; and

WHEREAS, Mike Maynard worked to encourage economic development for his rural southwestern Virginia community as a member of the Grayson County Planning Commission and the Wired Road Authority and as chair of the marketing committee for the Heartwood artisans center; and

WHEREAS, Mike Maynard will be greatly missed and fondly remembered by his wife, Linda; his children, Lee, Michaela, and Emily, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Thomas Michael Maynard, a devoted public servant who tirelessly worked for the betterment of Grayson County and the surrounding region; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Thomas Michael Maynard as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 139

Celebrating the life of Samuel S. Burkett.

Agreed to by the Senate, February 13, 2014

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, Samuel S. Burkett, who served admirably the residents of Marion for 32 years as a member of the Town Council and as a longtime community banker, died on January 28, 2014; and

WHEREAS, after serving in the United States Army from 1951 to 1953, Samuel Burkett devoted his career and much of his free time to assisting the people, businesses, and organizations of Marion and Smyth County as a banker and as an elected official; and

WHEREAS, during more than three decades on the Marion Town Council, Samuel Burkett represented ably the residents of the small town, which is the Smyth County seat; he was vice mayor for 16 years and served on the Mount Rogers Planning District Commission for 16 years; and

WHEREAS, Samuel Burkett capped his 47-year career in banking as manager of the Marion branch of Wells Fargo & Company; as a community banker, he received valuable insight into the issues and concerns faced by the people of Marion and Smyth County; and

WHEREAS, Samuel Burkett volunteered with Project Crossroads and the Settlers Museum of Southwest Virginia; he served on the board of the Smyth County Community Hospital Foundation, Inc., and was a Paul Harris Fellow in the Rotary Club of Marion; and

WHEREAS, Samuel Burkett worshipped at First United Methodist Church in Marion, where he assumed many leadership roles; he derived much pleasure from time spent with his friends and from traveling and playing golf; and

WHEREAS, a devoted husband and father, Samuel Burkett will be greatly missed and fondly remembered by his wife of 63 years, Helen; his children, Wayne and Wesley, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Samuel S. Burkett, an esteemed Virginian, respected community banker, and dedicated public servant; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Samuel S. Burkett as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 140

Celebrating the life of Marshall Eugene Guy.

Agreed to by the Senate, February 13, 2014

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, Marshall Eugene Guy, a proud veteran, active community leader, and the former mayor of the Town of Marion, died on October 19, 2013; and

WHEREAS, a lifelong Smyth County resident, Marshall Guy graduated from Marion High School in 1943 and joined many of the other young men of his generation in service to his country during World War II; he served as a United States Marine in the Pacific Theater of the war; and

WHEREAS, after his honorable discharge, Marshall Guy returned home and worked as a printer for the *Smyth County News*; in 1966, he opened Guy Brothers Printing with his brother, Ivan, and provided quality services to the community for almost two decades; and

WHEREAS, desiring to serve further his fellow Smyth County residents, Marshall Guy ran for and was elected to two terms on the Smyth County Board of Supervisors from 1969 to 1977, and he served as chair in 1975; and

WHEREAS, Marshall Guy served on the Marion Town Council from 1980 to 1992 and was elected mayor in 1992; he led ably the town until his retirement in 2000, after more than 30 years of diligent service to the region; and

WHEREAS, proudly serving his fellow veterans, Marshall Guy held several posts in the Veterans of Foreign Wars, including at the state level as the Virginia state commander in 1992; and

WHEREAS, Marshall Guy was a member of many civic and service organizations, including the local Kiwanis and Civitan Clubs, and he enjoyed fellowship and worship with the community as an active member of Marion First United Methodist Church for more than 80 years; and

WHEREAS, a devoted sports enthusiast, Marshall Guy encouraged and supported the youth of the community to take up athletics; he served as a Little League coach, as the longtime announcer for Marion High School athletic events and the Marion Mets, and as the fund-raising chair for the Marion stadium lighting system; and

WHEREAS, predeceased by his wife of more than 60 years, Ruby, Marshall Guy will be fondly remembered and greatly missed by his children, Shirley and Mike, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Marshall Eugene Guy, a loyal veteran, dedicated public servant, and pillar of the Marion community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Marshall Eugene Guy as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 141

Commending Wise County and Norton City Public Schools.

Agreed to by the Senate, February 13, 2014

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, Wise County and Norton City Public Schools cooperated on a program to successfully enable students to choose and plan a science experiment to be conducted aboard the International Space Station in 2014; and

WHEREAS, the National Center for Earth and Space Science Education, in strategic partnership with NanoRacks, LLC, launched the Student Spaceflight Experiments Program (SSEP) in June 2010 as a United States national science, technology, engineering, and mathematics (STEM) education program meant to inspire America's next generation of scientists and engineers; and

WHEREAS, Wise County and Norton City Public Schools engaged hundreds of students in grades three through 12 in a two-way communication with astronauts aboard the International Space Station, in lectures with civil and commercial astronauts, and in interaction with several NASA exhibits and the Apollo 14 moon rocks at the University of Virginia's College at Wise; and

WHEREAS, Wise County and Norton City Public Schools engaged hundreds of students in grades three through 12 in high-powered model rocket launches, in a zero-gravity parabolic flight experience by Powell Valley teacher, David Stallard, and in the use of digital cameras aboard NASA's GRAIL (Gravity Recovery and Interior Laboratory) for close observations of the moon by students; and

WHEREAS, Wise County and Norton City Public Schools engaged hundreds of students in grades three through 12 in numerous astronomy observations at the University of Virginia's College at Wise, in DEVELOP Earth Science satellite remote sensing projects, and in on-site observation of commercial space launches from the NASA's Wallops Flight Facility; and

WHEREAS, Wise County Public Schools, through significant planning, applied for and was accepted in the SSEP Mission 3 to the International Space Station; Wise County was one of the few communities across the United States with this distinct honor and only the second community in this great Commonwealth to participate in the program; and

WHEREAS, hundreds of Wise County students took part in a mission patch design competition that resulted in two patches being selected and flown to low Earth orbit; and

WHEREAS, the SSEP Review Board chose the Denaturation of the Protein Casein in Microgravity project as the Wise County flight experiment, which then underwent and passed formal flight safety review procedures at NASA's Johnson Space Center's office of toxicology; and

WHEREAS, the Wise County students' flight experiment was placed aboard the Cygnus spacecraft and launched atop an Antares booster rocket to the International Space Station at 1:07 PM EDT on January 9, 2014, from the Mid-Atlantic Regional Spaceport located at the NASA's Wallops Flight Facility in Accomack County; and

WHEREAS, the space microgravity researchers included Eastside High School scholars: Hunter Helbert, Aaron Sexton, Chance Jones, and Evan Swecker and John I. Burton scholars: J. W. Wharton and Kevin VanNess; and

WHEREAS, Wise County and Norton City Public Schools' involvement and success in the program resulted from the unwavering leadership of four public school teachers: Nellibrook Fultz, Ann Wade, Sherri Martin, and Jane Carter, and capable oversight by Virginia Commercial Space Flight Authority board of directors member Jack Kennedy, all of whom helped show Virginia's next generation of scientists and engineers a pathway to the stars; and

WHEREAS, the Wise County and Norton City greater community of businesses, organizations, and parents made this extraordinary, real-world adventure in STEM education possible; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Wise County and Norton City Public Schools on successfully placing a science experiment aboard the International Space Station; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to Wise County Public Schools and Norton City Schools as an expression of the General Assembly's immense pride in what the two jurisdictions have accomplished with their students in space science microgravity research.

SENATE JOINT RESOLUTION NO. 142

Commending the Virginia Commercial Space Flight Authority.

Agreed to by the Senate, February 13, 2014

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, the Virginia Commercial Space Flight Authority has played a crucial role in promoting the importance of manned space flight missions and making the Commonwealth a leader in the growing commercial space flight industry; and

WHEREAS, created in 1995, the Virginia Commercial Space Flight Authority's mission was to promote and facilitate commercial space activity; since 1997, the organization has continually operated and expanded the Mid-Atlantic Regional Spaceport (MARS) at the National Aeronautics and Space Administration's Wallops Flight Facility on Wallops Island; and

WHEREAS, the Virginia Commercial Space Flight Authority has been a positive force on the Eastern Shore, spurring job growth and technological and scientific innovation; the organization also works to prepare the youth of the Commonwealth for the future by promoting science, technology, engineering, and mathematics education; and

WHEREAS, fully licensed by the Federal Aviation Administration and backed by a legacy of over 16,000 rocket launches from NASA's Wallops Flight Facility, the Virginia Commercial Space Flight Authority offers cost-effective, reliable launch services, making MARS the premier launch facility on the East Coast; and

WHEREAS, today, the Virginia Commercial Space Flight Authority is charged with the governance of launchpad facilities at the MARS facility, from which a variety of payloads can be placed into orbit, including human crews; and

WHEREAS, a prominent aerospace company that has already launched two prototype expandable habitats into orbit, with a third module in development, has publicly expressed a desire to conduct manned missions from the MARS facility, and is working with the Virginia Commercial Space Flight Authority to make this a reality; and

WHEREAS, as demand continues to grow for launch missions to reach the commercial opportunities in low earth orbit and on the lunar surface, the Virginia Commercial Space Flight Authority is uniquely poised to facilitate these missions for years to come; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia Commercial Space Flight Authority for its role in making the Commonwealth a leader in the growing commercial space flight industry; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia Commercial Space Flight Authority as an expression of the General Assembly's admiration for the organization's contributions to the Eastern Shore and the Commonwealth.

SENATE JOINT RESOLUTION NO. 143

Commending Melissa A. Porfirio.

Agreed to by the Senate, February 14, 2014

Agreed to by the House of Delegates, February 21, 2014

WHEREAS, Melissa A. Porfirio, who teaches first grade at Crestwood Elementary School in Fairfax County, is the 2014 Virginia Teacher of the Year and one of four finalists for the 2014 National Teacher of the Year award; and

WHEREAS, the Teacher of the Year designation, which is given annually by the Virginia Department of Education, was awarded to Melissa Porfirio in October 2013 by Patricia I. Wright, superintendent of public instruction; the winner of the 2014 national award will be announced in April; and

WHEREAS, described by colleagues as the heart of the Crestwood community, Melissa Porfirio has taught at the Springfield school for eight years; she has been a social worker in North Carolina and Washington, D.C., and earlier taught English in South Korea; and

WHEREAS, Melissa Porfirio's commitment to education includes serving as a mentor for new teachers and appearing in training videos for the school system; she uses her free time to build relationships with the families of her students, and enjoys attending the pupils' after-school activities; and

WHEREAS, Melissa Porfirio is the team leader for the first grade teachers at Crestwood Elementary School; she works closely with her colleagues to ensure that each child's individual needs are met and that they are prepared for second grade; and

WHEREAS, in the classroom, Melissa Porfirio focuses on community building; together with her students, she sets rules and procedures, creating an environment that is safe and welcoming, builds confidence, enhances individual strengths, encourages risk-taking, and promotes the infinite possibilities that come through learning; and

WHEREAS, a graduate of Catholic University, Melissa Porfirio received a master's degree from George Mason University; during her years at Crestwood Elementary School, she has been an inspiration to her students and to many other people; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Fairfax County teacher Melissa A. Porfirio for being named the 2014 Virginia Teacher of the Year and one of four finalists for the 2014 National Teacher of the Year award; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Melissa A. Porfirio as an expression of the General Assembly's congratulations and admiration for her commitment to her students and for being an outstanding role model for all people in the Commonwealth.

SENATE JOINT RESOLUTION NO. 144

Celebrating the life of John Randall Cook.

Agreed to by the Senate, February 20, 2014

Agreed to by the House of Delegates, February 28, 2014

WHEREAS, John Randall Cook, a respected educator, counselor, and philanthropist who touched countless lives in the Commonwealth, died on December 24, 2013; and

WHEREAS, a native of Crewe, John Cook joined many of the other young men of his generation in service to his country during World War II; and

WHEREAS, as a member of the Army Medical Corps, John Cook served in Europe as part of the invasion of Normandy; in the landing on Omaha Beach, his gallant actions earned him the Croix de Guerre from the French government; and

WHEREAS, after the war, John Cook earned bachelor's and master's degrees and later received an honorary doctorate degree from Longwood University; he was one of the university's first male graduates; and

WHEREAS, in the 1950s, Dr. Cook was elected to the Crewe Town Council, where he worked to better the community for eight years; he was the youngest person ever to serve on the council; and

WHEREAS, in 1960, after a 20-year career with Norfolk and Western Railway, Dr. Cook became a senior counselor at John Marshall High School in Richmond; and

WHEREAS, joining the Virginia Department of Education in 1967, Dr. Cook served the Commonwealth ably as an assistant supervisor of guidance and later as supervisor of guidance until his retirement in 1982; and

WHEREAS, Dr. Cook coauthored and submitted the first elementary guidance legislation in the United States Congress; he was a recognized leader in the field at the state and national levels, contributing to the betterment of children and communities through his advocacy; and

WHEREAS, receiving many awards and accolades throughout his career, Dr. Cook was named Outstanding Counselor in Richmond, Outstanding Counselor in Virginia, and Outstanding Counselor in America, and he received the Wayne Medal from Virginia Commonwealth University; and

WHEREAS, Dr. Cook was the founding member of the Virginia Counselors Association Foundation, a nonprofit foundation dedicated to helping counselors and the youths they serve in the Commonwealth; and

WHEREAS, Dr. Cook and his partner, the late Dr. Waverly M. Cole, lived in Richmond for 50 years and devoted a lifetime of service to the community, which included the establishment of over 28 scholarships at three universities; the Cook-Cole College of Arts and Sciences at Longwood University is named in their honor; and

WHEREAS, Dr. Cook's and Dr. Cole's beneficence aided many human rights, arts, and cultural organizations, and they provided pivotal leadership and financial support to The Community Foundation for health initiatives; and

WHEREAS, a champion for lesbian, gay, bisexual, and transgender rights, Dr. Cook was a charter member of Equality Virginia, Lambda Legal, Human Rights Campaign, Servicemembers Legal Defense Network, and GLSEN, and he established the first fund to support young Virginians with AIDS; and

WHEREAS, Dr. Cook will be greatly missed and fondly remembered by his sister, Mae, and numerous other family members, friends, colleagues, and individuals whose lives he touched; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of an admired and highly regarded educator, counselor, and philanthropist, John Randall Cook; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of John Randall Cook as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 145

Commending the Deep Run High School golf team.

Agreed to by the Senate, February 20, 2014

Agreed to by the House of Delegates, February 28, 2014

WHEREAS, the Deep Run High School golf team of Richmond successfully finished its season by winning the Virginia High School League Group 5A state championship team title in October 2013; and

WHEREAS, overcoming a six-point deficit, the Deep Run High School golf team edged out Matoaca High School, earning the school its fourth state championship; and

WHEREAS, the Deep Run golf team was led by Adam Hade, with a two-day total of 147, and Joey Jordan, with a two-day total of 151; and

WHEREAS, improving his first-round score by nine strokes, Danny Pedrazzi, the sole Deep Run High School senior on the team, finished the final round with a score of 74; and

WHEREAS, Will Babcock, Jack D'Aiutolo, and Thomas Kowal contributed to the Deep Run High School golf team victory—a two-day total of 607; and

WHEREAS, the success of the Deep Run High School golf team is a testament to the talent and dedication of the players, the leadership of the head coach and coaching staff, and the support of the Deep Run High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Deep Run High School golf team for winning the 2013 Virginia High School League Group 5A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Josh Aldrich, the head coach of the Deep Run High School golf team, as an expression of the General Assembly's congratulations and admiration for the team's championship season.

SENATE JOINT RESOLUTION NO. 146

Commending the Deep Run High School boys' cross country team.

Agreed to by the Senate, February 20, 2014

Agreed to by the House of Delegates, February 28, 2014

WHEREAS, the Deep Run High School boys' cross country team successfully completed its season by winning the Virginia High School League Group 5A state cross country tournament in November 2013; and

WHEREAS, in an extremely close race, Deep Run High School edged out Stone Bridge High School by four points, with a score of 90–94; and

WHEREAS, Deep Run High School junior Matthew Novak placed fourth overall in an extremely competitive field of runners, finishing with a time of 15:49; and

WHEREAS, with seniors Alexander Varon and Grayson Reid placing 12th and 16th respectively, Deep Run High School won its first state championship title since the school opened in 2002; and

WHEREAS, each athlete—Matthew Novak, Alexander Varon, Grayson Reid, Tyler Krickovic, Tom Corbitt, Brandon von Kanneurff, and Calan Pillow—contributed immensely to the successful season; and

WHEREAS, the victory is due to the talent and dedication of the players, the leadership of head coach Drew Spicer, a Deep Run alumnus, and the support from the Deep Run High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Deep Run High School boys' cross country team for winning the Virginia High School League Group 5A state cross country tournament; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Drew Spicer, the head coach of the Deep Run High School boys' cross country team, as an expression of the General Assembly's admiration for the team's determination and skill.

SENATE JOINT RESOLUTION NO. 147

Commending George M. Hudgins.

Agreed to by the Senate, February 20, 2014

Agreed to by the House of Delegates, February 28, 2014

WHEREAS, George M. Hudgins has served the Commonwealth, especially the recreational saltwater angler community, as a member of the Recreational Fisheries Advisory Board since 1995; and

WHEREAS, George Hudgins stepped down from the Recreational Fisheries Advisory Board (RFAB) in November 2013 after having served as the chair of the board for the previous eight years; and

WHEREAS, during his tenure as a member and the chair of the board, George Hudgins advised the Virginia Marine Resources Commission on the expenditure of millions of dollars from the Virginia Saltwater Recreational Fishing Development Fund—RFAB, which included some of the largest and most challenging projects and recommendations since the inception of the RFAB; and

WHEREAS, George Hudgins retired from Dominion Virginia Power as a manager and currently serves as the president of Carter's Cove, Inc., and Hudgins Building and Development in Williamsburg; and

WHEREAS, while living in Richmond and working for Dominion Virginia Power, George Hudgins served the community as a member of the Tuckahoe Volunteer Rescue Squad for 15 years and received the life membership award from the squad; and

WHEREAS, George Hudgins is a member of the Williamsburg Chamber of Commerce, the Williamsburg Rotary Club, and the Sunset Yachting Club; and

WHEREAS, George Hudgins will spend his well-earned retirement enjoying the sport of fishing, which he has worked hard to promote and improve, aboard his boat, *SUBARB*; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend George M. Hudgins for his distinguished and dedicated service to the citizens of the Commonwealth, especially saltwater anglers, through his time on the Recreational Fisheries Advisory Board; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to George M. Hudgins as an expression of the General Assembly's gratitude for his many years of service and his valuable contributions to improving the quality of saltwater angling in the Commonwealth.

SENATE JOINT RESOLUTION NO. 148

Commemorating the 100th anniversary of President Thomas Woodrow Wilson's Mother's Day proclamation.

Agreed to by the Senate, February 20, 2014

Agreed to by the House of Delegates, February 28, 2014

WHEREAS, Thomas Woodrow Wilson was born in Staunton on December 28, 1856, and was elected the 28th President of the United States of America; he held the office from 1913 to 1921; and

WHEREAS, among his many accomplishments, President Wilson issued a proclamation recognizing the first national Mother's Day in 1914, as established by a joint resolution of the United States Congress; and

WHEREAS, President Wilson proclaimed: "I ... by virtue of the authority vested in me by the said Joint Resolution, do hereby direct the government officials to display the United States flag on all government buildings and do invite the people of the United States to display the flag at their homes or other suitable places on the second Sunday in May as a public expression of our love and reverence for the mothers of our country"; and

WHEREAS, May 11, 2014, will commemorate the 100th anniversary of the Mother's Day proclamation; and

WHEREAS, the Woodrow Wilson Presidential Library will mark the occasion by offering free admission and a special Mother's Day card featuring information about the holiday's origins and mission to celebrate the service and sacrifices of mothers throughout the world; and

WHEREAS, the Woodrow Wilson Presidential Library will donate a portion of proceeds on Mother's Day 2014 to Women for Women International, an organization that supports women survivors of war; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commemorate the 100th anniversary of President Thomas Woodrow Wilson's Mother's Day proclamation; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Woodrow Wilson Presidential Library as an expression of the General Assembly's admiration for President Wilson's work to honor mothers around the world.

SENATE JOINT RESOLUTION NO. 149

Celebrating the life of Patrick Charles Gantt.

Agreed to by the Senate, February 20, 2014

Agreed to by the House of Delegates, February 24, 2014

WHEREAS, Patrick Charles Gantt, a devoted College of William and Mary sports fan and an inspirational member of the Sandston community, died on November 12, 2013; and

WHEREAS, Patrick Gantt, affectionately known as "PG," joined the staff of The College of William and Mary football team as a volunteer in 1983; he diligently served the team for three years until he was hired as the full-time assistant equipment manager in 1986; and

WHEREAS, in 1986, following the Tribe's historic victory over the University of Virginia Cavaliers, Patrick Gantt was paralyzed from the chest down after falling in a tragic accident; and

WHEREAS, displaying indomitable spirit, Patrick Gantt completed three years of physical rehabilitation and returned to The College of William and Mary, still a proud and devoted fan; and

WHEREAS, Patrick Gantt remained a loyal supporter of the team for the rest of his life; he became a fixture on the sidelines and in the locker room, often sitting in on practices and coaches' meetings and always offering encouragement and motivation to the members of the team; and

WHEREAS, Patrick Gantt's sister, Vickie, always made time to drive her brother to games, allowing him to be a part of the team, and Head Coach Jimmie Laycock designated a prime spot on the sidelines for him; and

WHEREAS, Patrick Gantt proudly cheered on the Tribe when they again bested the Cavaliers in 2009, after which he received the game ball; today, the coaches' suite in The College of William and Mary football center bears his name; and

WHEREAS, Patrick Gantt is a fine example of the power of hope and courage in the face of adversity, and he remains a source of inspiration for people throughout the Commonwealth; and

WHEREAS, Patrick Gantt enjoyed being a lifelong member of St. Patrick's Catholic Church in Richmond; and

WHEREAS, Patrick Gantt will be fondly remembered and deeply missed by his sister, Vickie, and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Patrick Charles Gantt, a lifelong supporter of The College of William and Mary athletics and an admired member of the Sandston community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Patrick Charles Gantt as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 150

Commending United Network for Organ Sharing.

Agreed to by the Senate, February 20, 2014

Agreed to by the House of Delegates, February 28, 2014

WHEREAS, United Network for Organ Sharing, a nonprofit organization in Richmond, proudly celebrates its 30th anniversary in March 2014; and

WHEREAS, one result of the numerous medical and scientific advances that have harnessed technology, created life-sustaining therapies, and transformed health care and many lives in the process is organ transplantation; and

WHEREAS, transplantation may be necessary when a person's organ has failed or has been damaged by disease or injury; however, unfortunately, the need for organ donors is much greater than the number of people who donate organs, and approximately 17 people die each day in America while awaiting an organ; and

WHEREAS, on March 21, 1984, the nonprofit organization United Network for Organ Sharing (UNOS) was founded in Richmond to meet the growing demand for organ transplants nationwide; today, UNOS maintains the nation's organ transplant waiting list, which currently has more than 120,000 men, women, and children awaiting a life-saving transplant; and

WHEREAS, UNOS administers the computerized national database that matches donated organs with transplant candidates, and collects data and shares the most comprehensive transplant database in the country used by researchers, medical facilities, transplant surgeons, donors, and recipients; and

WHEREAS, UNOS ensures that all organs are equitably distributed, develops and implements organ-sharing policies that maximize the use of donated organs, and educates the public about the need for organ donation; and

WHEREAS, the UNOS Organ Center operates nonstop 365 days a year, helping place an average of 33 organs per day; and

WHEREAS, UNOS's accomplishments are demonstrated by the following statistics: an average of 79 transplants occur each day with organs from both deceased and living donors; more than 28,000 people receive an organ transplant each year; more than 625,000 transplants have been performed nationwide since 1984; and more than 275,000 Americans are alive today with a functioning transplanted organ; and

WHEREAS, a model for transplant systems around the world, the UNOS mission is promoted by 320 dedicated employees who serve as researchers, data analysts, and information technology professionals, including many Virginians who have graduated from Virginia colleges and universities; and

WHEREAS, headquartered in the Virginia Bio-Technology Research Park in Richmond, UNOS provides a valuable service by improving transplant technology, increasing the number of organ donors, saving lives through organ transplantation, and improving the quality of life for persons throughout the Commonwealth and the nation; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the United Network for Organ Sharing on its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Brian Shepard, chief executive officer of United Network for Organ Sharing, as an expression of the General Assembly's admiration and appreciation of the organization's exemplary work, commitment, and dedication to saving and improving the quality of life of thousands of citizens and its best wishes for many productive years of service to the Commonwealth and the nation in the future.

SENATE JOINT RESOLUTION NO. 151

Commending Steven C. Stombres.

Agreed to by the Senate, February 27, 2014

Agreed to by the House of Delegates, March 3, 2014

WHEREAS, Steven C. Stombres, an accomplished public servant and a lifelong resident of the Commonwealth, retires from the Fairfax City Council in 2014; and

WHEREAS, Steven Stombres earned a bachelor's degree from Virginia Polytechnic Institute and State University; he went on to serve his country honorably as a member of the United States Army Reserve for 20 years, attending Officer Candidate School and working as a military intelligence officer; and

WHEREAS, desirous to be of service to his community, Steven Stombres ran for and was elected to the Fairfax City Council, where he ably represented his fellow residents for three terms; known for his pragmatism, he worked with colleagues from both parties to support many initiatives that enhanced the city and resulted in more efficient government; and

WHEREAS, working in the United States House of Representatives as a staff member since 1993, Steven Stombres was respected for balancing his responsibilities to local and federal government; currently, he serves as the chief of staff to a prominent member of the Virginia Congressional Delegation; and

WHEREAS, Steven Stombres works to better the community as a member of numerous civic and service organizations, including Historic Fairfax City, Inc., American Legion Post 177, and the Daniels Run Elementary Parent-Teacher Association; and

WHEREAS, supporting local youth, Steven Stombres coaches soccer for the Fairfax Police Youth Club and baseball for the Fairfax Little League, and he volunteers for the Country Club Hills swim team—the Sharks; and

WHEREAS, Steven Stombres is a model for other public servants in the Commonwealth, exhibiting tenacity, dedication to principles, and genuine care for the members of the community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Steven C. Stombres for his outstanding service on the occasion of his retirement from the Fairfax City Council in 2014; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Steven C. Stombres as an expression of the General Assembly's admiration for his contributions to the Fairfax community, the Commonwealth, and the nation.

SENATE JOINT RESOLUTION NO. 152

Confirming appointments by Governors McDonnell and McAuliffe.

Agreed to by the Senate, March 8, 2014

Agreed to by the House of Delegates, March 7, 2014

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Terry McAuliffe and communicated to the General Assembly February 14, 2014.

EDUCATION

Virginia Board of Education

James H. Dillard, 4709 Briar Patch Lane, **Fairfax**, Virginia 22032, Member, appointed January 30, 2014, for a term of four years beginning January 30, 2014, and ending January 29, 2018, to succeed Betsy Beamer.

Andrew Ko, 20250 Kentucky Oaks Court, **Ashburn**, Virginia 20147, Member, appointed January 30, 2014, for a term of four years beginning January 30, 2014, and ending January 29, 2018, to succeed David Foster.

Virginia Commission on Higher Education Board Appointments

Eva Teig Hardy, 217 Gun Club Road, **Richmond**, Virginia 23221, Member, appointed February 7, 2014, to serve at the pleasure of the Governor beginning February 7, 2014, to succeed Ann Baise.

Joni L. Ivey, 918 Christopher Place, **Newport News**, Virginia 23607, Member, appointed February 7, 2014, to serve at the pleasure of the Governor beginning February 7, 2014, to succeed Wilbert Bryant.

Leonard W. Sandridge, Jr., 2158 Browns Gap Turnpike, **Charlottesville**, Virginia 22901, Member, appointed February 7, 2014, to serve at the pleasure of the Governor beginning February 7, 2014, to succeed Patricia Cormier.

Jeffrey B. Trammell, 1425 Rhode Island Avenue NW, **Washington, District of Columbia** 20005, Member, appointed February 7, 2014, to serve at the pleasure of the Governor beginning February 7, 2014, to succeed Jerry Kilgore.

PUBLIC SAFETY

Alcoholic Beverage Control Board

M. Boyd Marcus, Jr., 12724 Glenkirk Road, **Richmond**, Virginia 23233, Chair, appointed January 15, 2014, to serve at the pleasure of the Governor beginning January 15, 2014, to succeed Neal Insley. [Not Confirmed by the House of Delegates]

Judith G. Napier, 3300 Riverglade Road, **Powhatan**, Virginia 23139, Commissioner, appointed January 24, 2014, to serve at the pleasure of the Governor beginning January 27, 2014, to succeed Bryan M. Rhode.

Jeffrey L. Painter, 3110 Ferncliff Road, **Richmond**, Virginia 23225, Commissioner, appointed January 15, 2014, to serve at the pleasure of the Governor beginning January 15, 2014, to succeed Sandra Canada.

TRANSPORTATION

Chesapeake Bay Bridge and Tunnel Commission

John F. Malbon, 1401 Carolyn Drive, **Virginia Beach**, Virginia 23451, Member, appointed February 4, 2014, to serve an unexpired term beginning January 12, 2014, and ending June 30, 2014, to succeed Aubrey Layne.

Commonwealth Transportation Board

John F. Malbon, 1401 Carolyn Drive, **Virginia Beach**, Virginia 23451, Member, appointed January 15, 2014, to serve an unexpired term beginning January 12, 2014, and ending June 30, 2014, to succeed Aubrey Layne.

RESOLVED FURTHER, That the General Assembly confirm the following appointments to the Tobacco Indemnification and Community Revitalization Commission made by Governor Robert F. McDonnell.

John R. Cannon, 1133 Shady Lane, **South Boston**, Virginia 24592, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

H. Ronnie Montgomery, Post Office Box 366, **Jonesville**, Virginia 24263, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

A. Dale Moore, Post Office Box 119, **Altavista**, Virginia 24517, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Edward Owens.

Todd Pillion, 380 East Main Street, **Abingdon**, Virginia 24210, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Linda DiYorio.

SENATE JOINT RESOLUTION NO. 153

Commending Claudette Keene Mullins.

Agreed to by the Senate, February 21, 2014

Agreed to by the House of Delegates, February 24, 2014

WHEREAS, Claudette Keene Mullins, a dedicated public servant from Richmond, will retire from the Department of Motor Vehicles in April 2014; and

WHEREAS, raised in Buchanan County, Claudette Mullins graduated from Grundy High School in 1957; shortly thereafter, she married her husband of 52 years, Jerry, and together they raised two children, Christopher and Suzanne; and

WHEREAS, beginning work with the Department of Motor Vehicles in 1993, Claudette Mullins specialized in customer service; she has been a valuable member of the department's staff due to her effortless interactions with the public and the members of the General Assembly; and

WHEREAS, proudly serving the Commonwealth, Claudette Mullins issued license plates for the members of the House of Delegates and Senate and handled concerns expressed by their constituents; and

WHEREAS, a cherished and admired staff member of the Department of Motor Vehicles, Claudette Mullins has become well known and respected for her positive attitude, sense of humor, and exemplary work ethic; and

WHEREAS, for over 20 years, Claudette Mullins has contributed to the Commonwealth and the Virginia Department of Motor Vehicles through her distinguished and committed service; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Claudette Keene Mullins on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Claudette Keene Mullins as an expression of the General Assembly's respect and admiration for her years of dedicated service to the Commonwealth.

SENATE JOINT RESOLUTION NO. 154

Celebrating the life of Carrie Monroe Roarty.

Agreed to by the Senate, February 27, 2014

Agreed to by the House of Delegates, March 3, 2014

WHEREAS, Carrie Monroe Roarty, beloved Chesterfield County teacher, was born into eternal life on January 25, 2014; and

WHEREAS, Carrie Monroe Roarty earned her undergraduate degree in exercise science at Radford University and her teaching certificate at Virginia Commonwealth University; and

WHEREAS, Carrie Monroe Roarty was a member of the coaching staff of the 2002 field hockey state championship team and the beloved girls' junior varsity field hockey and softball coach at James River High School, where she taught health and physical education for 15 years; and

WHEREAS, affectionately called "Mama Roar" by her field hockey team, whom she referred to as her "chickadees," Carrie Monroe Roarty founded the James River High School chapter of the Susan G. Komen Race for the Cure; and

WHEREAS, Carrie Monroe Roarty lavished her students and teams with endearments such as "I love you," encouraged them to persevere through the vicissitudes of life, refused to complain about her troubles, and continued to flash her signature smile while facing her own serious health challenges; and

WHEREAS, students and colleagues, in an outpouring of love and support, staged a "Dancing with the Stars" pep rally and raised funds in her honor and donated leave-time in order that she might obtain medical treatment; and

WHEREAS, Carrie Monroe Roarty, facing illness directly, diligently, positively, courageously, and with a perpetual smile, set an example for her family, students, and others experiencing similar struggles; and

WHEREAS, in honor of Carrie Monroe Roarty, members of the James River High School girls' junior varsity field hockey team wore "Mama Roar's" signature blue Crocs to her wake and expressed their love and gratitude in memorial signs on the school's field hockey fence; and

WHEREAS, Carrie Monroe Roarty was remembered and honored at a homegoing service on January 29, 2014, at the Cathedral of the Sacred Heart, where she was a longtime and active member; and

WHEREAS, Carrie Monroe Roarty will be sorely missed and her memory will be cherished by her loving husband, children, relatives, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Carrie Monroe Roarty; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Carrie Monroe Roarty as an expression of the General Assembly's respect for her memory and appreciation for her dedication to the James River High School community.

SENATE JOINT RESOLUTION NO. 155

Commending Dulcie M. Mumpower.

Agreed to by the Senate, February 27, 2014

Agreed to by the House of Delegates, March 3, 2014

WHEREAS, Dulcie M. Mumpower of Abingdon, who represented the Wilson District on the Washington County Board of Supervisors for two decades, retired from public office in 2014; and

WHEREAS, Dulcie Mumpower began her first term on the Board of Supervisors on January 1, 1994, and was later elected to five more terms; she served as chair in 2010, 2011, and 2013, and she was often the only woman on the board; and

WHEREAS, a respected leader, Dulcie Mumpower emphasized collaboration and teamwork in supporting efforts to enhance Washington County; and

WHEREAS, Dulcie Mumpower was appointed to serve on the Washington County Board of Social Services, the Bristol Virginia Utilities Authority, and the aCorridor board of directors; she lent her knowledge and expertise to numerous county committees; and

WHEREAS, during Dulcie Mumpower's time with the Board of Supervisors, the county experienced a great deal of growth and success; the board supported programs to attract jobs and spur economic development in the region, such as The Highlands Shopping Center; and

WHEREAS, Dulcie Mumpower led efforts to relocate several local government offices and the Washington County Department of Social Services, Health Department, and Sheriff's Office to new buildings, ensuring that the public had modern facilities in which to conduct business; and

WHEREAS, Dulcie Mumpower oversaw the establishment of the Southwest Regional Jail Authority, which saved taxpayers a significant amount of money, and the construction of new libraries in the Towns of Damascus and Glade Spring; and

WHEREAS, for over 20 years, Dulcie Mumpower led the Washington County Board of Supervisors to be a force for positive change and responsible growth in the region; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Dulcie M. Mumpower on the occasion of her retirement from public office in 2014; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Dulcie M. Mumpower as an expression of the General Assembly's admiration for her dedication to the Washington County community and best wishes on a happy retirement.

SENATE JOINT RESOLUTION NO. 156

Commending Mac Wiseman.

Agreed to by the Senate, February 27, 2014

Agreed to by the House of Delegates, March 3, 2014

WHEREAS, Mac Wiseman, a native of Crimora in Augusta County and a legendary bluegrass artist whose work includes "The Ballad of Davy Crockett" and "Jimmy Brown The Newsboy," has made lasting contributions to the cultural landscape of the Commonwealth and the United States; and

WHEREAS, Mac Wiseman was 12 when he got his first guitar; after attending the Shenandoah Conservatory of Music, now known as Shenandoah University, he worked at WSVR radio in Harrisonburg and later worked at stations in Roanoke, Bristol, Richmond, Knoxville, and Atlanta; and

WHEREAS, Mac Wiseman's first recordings were made in Chicago in 1946 with Molly O'Day, where he sang backup and played bass; two years later, he joined the Foggy Mountain Boys band, and in 1949, he made his solo debut on the *Grand Ole Opry* radio show in Nashville; and

WHEREAS, with a recording career that spanned more than 50 years, Mac Wiseman's distinctive flat-top guitar picking style and rhythmic guitar sounds, along with his high-lonesome melodic tenor voice, have appealed to musicians and music lovers for many decades; and

WHEREAS, in addition to being a timeless country musician, Mac Wiseman possessed business skills; he was a producer for Dot Records, working with Reno & Smiley, Bonnie Guitar, Jimmy C. Newman, and other performers; he helped bring some well-known performing venues back into profitability; and

WHEREAS, Mac Wiseman has performed at folk festivals, clubs, and on college campuses, enabling younger generations of music lovers to appreciate his music; his Country Boys band has included artists such as Josh Graves, J. D. Crowe, and Eddie Adcock; and

WHEREAS, now approaching his seventh decade as a singer, guitarist, and band leader, Mac Wiseman has toured and recorded over the years with some of music's biggest stars, including Patsy Cline, Johnny Cash, Charlie Daniels, Leona Williams, April Verch, John Prine, and Merle Haggard; and

WHEREAS, keenly interested in preserving old-time American roots music, Mac Wiseman has recorded such almost-forgotten classics as "I Wonder How The Old Folks Are At Home" and "'Tis Sweet To Be Remembered"; and

WHEREAS, Mac Wiseman is a member of the Virginia Country Music Hall of Fame and has been honored with a National Heritage Fellowship by the National Endowment for the Arts; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Virginia native Mac Wiseman as one of the country's legendary musicians and for his many contributions to American music; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Mac Wiseman, an esteemed Virginian, as an expression of the General Assembly's respect and admiration for his talent, his work with fellow musicians, and his efforts to preserve old-time American music.

SENATE JOINT RESOLUTION NO. 157

Commending American Legion Post 290.

Agreed to by the Senate, February 27, 2014

Agreed to by the House of Delegates, March 3, 2014

WHEREAS, in 2014, American Legion Post 290 in Stafford celebrates 68 years of advocacy for and service to veterans and active duty members of the United States Armed Forces; and

WHEREAS, American Legion Post 290 was chartered on August 3, 1946, a year after the end of World War II; its first commander was James Ashby, Jr.; from its beginnings, the post has benefited from the strong support and backing of the Stafford County community; and

WHEREAS, also in 1946, the national American Legion enjoyed its single largest annual increase in membership nationally and in the Commonwealth; 2014 marks the 95th anniversary of the founding of the American Legion; and

WHEREAS, the goals of American Legion Post 290 are to instill a sense of individual responsibility to the community, the Commonwealth, and the nation; to safeguard the principles of justice, freedom, and democracy; and to provide mutual helpfulness; and

WHEREAS, as American Legion Post 290 grew, its civic involvement increased as it initiated many activities for the residents of Stafford County; members of the post assumed a leadership role in the Commonwealth, and today, the post has about 600 members; and

WHEREAS, in 1966, two decades after the post was chartered, Wilbur L. Gray of American Legion Post 290, was elected to the statewide position of department commander, assuming leadership of all American Legion posts in the Commonwealth; and

WHEREAS, advocacy and assistance are hallmarks of the American Legion's work with veterans and service members; the Legionnaires of Post 290 have ably assisted fellow veterans and their families in times of need; and

WHEREAS, members of American Legion Post 290 serve as liaisons between veterans and government agencies when a person applies for benefits or seeks medical or financial assistance; the post also offers financial support to veterans in times of hardship; and

WHEREAS, American Legion Post 290 sponsors the Venturing Program of the Boy Scouts of America, American Legion Baseball, the Legion Oratorical Contest, Boys State and Girls State leadership and citizenship programs, the Junior Shooting Sports Program, and the Junior Law Cadet program; and

WHEREAS, in Stafford County, the members of American Legion Post 290 sponsor a Christmas Basket program and plan several activities for children, including an annual Easter Egg hunt, a Halloween party, and a Christmas party; and

WHEREAS, today, American Legion Post 290 is one of the leading posts in the Commonwealth and takes pride in being one of the most nationally recognized posts in the nation; much of its success is due to the post's close ties to Unit 290 of the American Legion Auxiliary; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend American Legion Post 290 in Stafford for its many years of advocacy for and service to veterans and active duty members of the United States Armed Forces; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Mike Scullin, commander of American Legion Post 290, as an expression of the General Assembly's respect and admiration for its efforts to uphold American values and provide support to veterans and military service members.

SENATE JOINT RESOLUTION NO. 158

Commending Robert E. Simon, Jr.

Agreed to by the Senate, February 27, 2014

Agreed to by the House of Delegates, March 3, 2014

WHEREAS, Robert E. Simon, Jr., the founder of Reston, celebrates his 100th birthday and the 50th anniversary of his visionary community in 2014; and

WHEREAS, a native of New York City, Robert Simon was born on April 10, 1914; he was influenced by the beauty of the city's Central Park when he later began developing the concept of a mixed-use, planned town where people could live, work, and play without leaving the community; and

WHEREAS, Robert Simon earned a bachelor's degree from Harvard University and served his country in the United States Army during World War II; after his honorable military service, he returned home and managed his family's real estate company; and

WHEREAS, in 1961, Robert Simon sold one of his family's holdings, Carnegie Hall, to purchase 6,750 acres of land in Fairfax County, and in December 1964, his dream was realized when the first residents came to live in the new community of Reston; and

WHEREAS, Reston was the first modern planned community of its kind in the United States, offering residences, commercial areas, shopping, recreation, and natural spaces all conveniently located within walking distance of each other; and

WHEREAS, today, over 60,000 Reston residents enjoy Robert Simon's vision for a new type of town that offers a high quality of life in a thriving metropolitan center and incorporates beautiful, natural open spaces; and

WHEREAS, designed by world-renowned architects and planners, Reston became a model for similar communities around the world; Robert Simon's founding principles of "smart growth," "aging in place," "green cities," and "new urbanism" are widely admired and studied at universities throughout the nation; and

WHEREAS, Robert Simon has received many awards and accolades for his achievements in developing a revolutionary type of community, including the Planning Pioneer Award from the American Institute of Certified Planners (AICP); and

WHEREAS, in 2002, Reston earned the National Planning Landmark Award from the AICP, joining other iconic features of the American landscape, such as New York City's Central Park, Pierre Charles L'Enfant's plan of the District of Columbia, and the River Walk in San Antonio, Texas; and

WHEREAS, the community of Reston will celebrate Robert Simon's 100th birthday and the community's 50th anniversary on April 5, 2014, Founder's Day, with the premiere of *The Reston Story* and with other events throughout the year; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Robert E. Simon, Jr., on the occasion of his 100th birthday and Reston's 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Robert E. Simon, Jr., as an expression of the General Assembly's admiration for his visionary leadership and many contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 159

Commending Richard Schreiber.

Agreed to by the Senate, February 27, 2014

Agreed to by the House of Delegates, March 3, 2014

WHEREAS, in October 2005, the Greater Williamsburg Chamber & Tourism Alliance, which serves the City of Williamsburg and the Counties of James City and York, selected Richard Schreiber as Alliance president and chief executive officer; and

WHEREAS, Richard Schreiber earned his undergraduate and master's degrees from the University of Virginia and after graduation, began his marketing career at Lever Brothers in New York City, undertaking international assignments; and

WHEREAS, Richard Schreiber successfully consolidated the Greater Williamsburg Chamber and the Convention & Visitor Bureau into a single operating organization to advance business development, tourism, and non-tourism-related industries throughout the Williamsburg area; and

WHEREAS, Richard Schreiber initiated programs throughout the Historic Triangle to support the development and promotion of the arts as an industry, which enriches the quality of life of residents and serves as a major attraction for tourists and persons desiring to relocate to the Williamsburg area; and

WHEREAS, Richard Schreiber undertook organizational and marketing initiatives to establish the Historic Triangle as a vacation destination for families and a sports venue for thousands of sports enthusiasts; and

WHEREAS, Richard Schreiber worked diligently for the advancement of tourism in Williamsburg and across the Commonwealth, and prior to his position as Greater Williamsburg Chamber & Tourism Alliance president and chief executive officer, he served as Colonial Williamsburg's Products Division vice president and general manager from October 1980 to March 1982; vice president and general manager for marketing from March 1982 to August 1987; vice president and general manager for business operations from August 1987 to August 1988; and vice president and chief business officer and president from August 1988 to December 1993; and

WHEREAS, after eight years as Alliance president and chief executive officer, Richard Schreiber announced his retirement from the Greater Williamsburg Chamber & Tourism Alliance in June 2013, and his successor has been selected; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Richard Schreiber on the occasion of his well-deserved retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Richard Schreiber as an expression of the General Assembly's appreciation for his service to the citizens of greater Williamsburg and its sincere wishes for a restful and rewarding retirement.

SENATE JOINT RESOLUTION NO. 160

Commending the American Culinary Federation Virginia Chefs Association.

Agreed to by the Senate, February 27, 2014

Agreed to by the House of Delegates, March 4, 2014

WHEREAS, the American Culinary Federation Virginia Chefs Association, a Richmond-based organization promoting professional growth and education in the culinary arts, celebrates 40 years of service to the culinary community in 2014; and

WHEREAS, founded in 1974 by three visionary, highly respected Virginia chefs—Lloyd Garrad, Werner Muensch, and Hartmut Brown—the Virginia Chefs Association was the first chapter of the American Culinary Federation (ACF) in the Commonwealth; and

WHEREAS, the ACF Virginia Chefs Association grew rapidly, adding 12 additional charter members to what was then called a "Culinary League of Nations"; the organization was part of a fine-dining renaissance in the Commonwealth and expanded to include 15 more members in less than two years; and

WHEREAS, in 1975, the ACF Virginia Chefs Association founded an apprenticeship program that has graduated hundreds of apprentices and has become one of the most renowned programs in the nation; and

WHEREAS, the apprentice program has remained an essential aspect of the ACF Virginia Chefs Association; apprentices gain real-world experience by producing and selling baked goods at local farmer's markets and holding an annual dining event; and

WHEREAS, the ACF Virginia Chefs Association has added many new programs over the years, including more educational programs, fundraisers, social events, and public awareness campaigns; the chapter has also published several cookbooks; and

WHEREAS, today, the ACF Virginia Chefs Association continues to uphold the proud traditions of its founders; with more than 110 members, including chefs, apprentices, students, associates, caterers, food service directors, industry representatives, and enthusiasts, the chapter is committed to culinary professionalism, leadership, education, and community outreach; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the American Culinary Federation Virginia Chefs Association on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the American Culinary Federation Virginia Chefs Association as an expression of the General Assembly's admiration for the organization's storied history and commitment to making the Commonwealth a world-class destination for fine dining.

SENATE JOINT RESOLUTION NO. 161

Celebrating the life of the Honorable Harry F. Byrd, Jr.

Agreed to by the Senate, February 27, 2014

Agreed to by the House of Delegates, March 3, 2014

WHEREAS, the Honorable Harry F. Byrd, Jr., a respected statesman and great Virginian who dedicated the majority of his life to service to the Commonwealth and made history as an independent in the United States Senate, died on July 30, 2013; and

WHEREAS, a native of Winchester, Harry Byrd attended Virginia Military Institute and the University of Virginia; and

WHEREAS, joining many of the other young men of his generation in service to his country, Harry Byrd was commissioned in the United States Navy Reserve on December 6, 1941, the day before the attack on Pearl Harbor; and

WHEREAS, during his honorable military service, Harry Byrd rose to the rank of lieutenant commander and served as the executive officer of a patrol bombing squadron in the Pacific Theater of the war; and

WHEREAS, Harry Byrd began working at the *Winchester Evening Star* in 1935, and the newspaper business would become one of the great passions of his life; he rose to the position of editor and remained involved in the paper for much of his life; and

WHEREAS, Harry Byrd served as publisher of the Harrisonburg *Daily News-Record* from 1936 to 1941 and from 1946 to 1981; he also served on the newspaper's board of directors until his death; and

WHEREAS, Harry Byrd served as the vice president of the Associated Press, traveling around the world for high-profile interviews with British Prime Minister Winston Churchill and Spanish dictator Francisco Franco; and

WHEREAS, desirous to be of service to the Commonwealth, Harry Byrd was elected to the Senate of Virginia in 1947, where he served for the next 18 years; he worked to enact important legislation and dedicated himself to the creation of responsible state budgets; and

WHEREAS, in 1965, Harry Byrd was nominated for and won a special election to fill the vacancy in the United States Senate left by his father's retirement; and

WHEREAS, making history in 1970, Harry Byrd broke from his party and became the first United States Senator to win a majority vote as an independent while facing challenges from both major parties; he was the Commonwealth's first independent statewide office holder; and

WHEREAS, after winning a third term in 1976, Harry Byrd became the first senator elected and reelected as an independent; his successes inspired many other officials to similarly hold to their ideals and run as independents; and

WHEREAS, a firm believer in smaller and more efficient government, Harry Byrd championed a balanced federal budget; he returned thousands of dollars in expense money and declined several pay increases; and

WHEREAS, while introducing only a select number of bills over the course of his career, Harry Byrd was a diligent elected official, casting over 6,000 votes and answering 96 percent of Senate roll calls; and

WHEREAS, Harry Byrd offered his wise and deliberate counsel to several Senate committees, including Finance and Armed Services, until his retirement in 1983; after devoting nearly two-thirds of his life to public service, he left a legacy few could match; and

WHEREAS, widely hailed for his unswerving commitment to the Commonwealth's and the nation's fiscal and economic well-being, Senator Byrd is remembered for his integrity and gentlemanly demeanor; he served the Commonwealth and the nation with great dignity and distinction; and

WHEREAS, predeceased by his wife of 48 years, Gretchen, Harry Byrd will be greatly missed and fondly remembered by his children, Harry III, Thomas, and Beverley, and their families; numerous other family members and friends; and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of an iconic Virginia statesman and a true Southern gentleman, the Honorable Harry F. Byrd, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Harry F. Byrd, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 162

Celebrating the life of Virginia Sargeant Reynolds.

Agreed to by the Senate, February 27, 2014

Agreed to by the House of Delegates, March 3, 2014

WHEREAS, Virginia Sargeant Reynolds, a native of Louisa County, and widow of Richard Samuel Reynolds, Jr., the late chairman of Reynolds Metals Company, and mother of the late J. Sargeant Reynolds, former Lieutenant Governor of Virginia, passed away at age 99 on January 31, 2014; and

WHEREAS, Virginia Sargeant Reynolds, whose ancestral home in Louisa County is the site of the Louisa County Historical Society, devoted her life to supporting the aspirations of her family and enriching the lives of the citizens of the Commonwealth through her generosity and participation in many civic and cultural endeavors; and

WHEREAS, while residents of New York City during the 1930s, Virginia Sargeant Reynolds and her husband purchased Hawkwood, an antebellum Italianate house in historic Green Springs in Louisa County, and after returning to Richmond in 1938, the couple restored the property, which had been vacant for 40 years, to ensure its preservation for future generations of Virginians; and

WHEREAS, Virginia Sargeant Reynolds, a faithful and longtime member of Second Presbyterian Church, demonstrated her lifelong commitment to and interest in civic, educational, artistic, and cultural affairs by becoming a charter member of the Council of the Virginia Museum of Fine Arts and a founding member of Friends of the Kennedy Center for the Performing Arts; she was a member of the board of the Association for the Preservation of Virginia Antiquities, currently Preservation Virginia, presided as chairwoman of the women's division for War Bond sales for the City of Richmond from

1942 to 1945, and served as a member of the board of the Virginia Home, where she was instrumental in procuring the first bus for the residents' use as a gift from the Ford Motor Company in 1966; and

WHEREAS, Virginia Sargeant Reynolds gave generously of her time, talent, and resources as a devoted member of the Virginia Historical Society, the Richmond Committee of the Robert E. Lee Memorial Foundation, the Country Club of Virginia, the Woman's Club, the Colony Club of New York City, the Birnam Wood Country Club of Santa Barbara, California, the Farmington Country Club of Charlottesville, and as a former member of the Junior League of Richmond; and

WHEREAS, Virginia Sargeant Reynolds lived a rich, long, and productive life loving and caring for her family, friends, and colleagues, who will cherish her memory forever; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Virginia Sargeant Reynolds; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Virginia Sargeant Reynolds as an expression of the General Assembly's respect for her memory and contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 163

Commending Equality Virginia.

Agreed to by the Senate, February 27, 2014

Agreed to by the House of Delegates, March 4, 2014

WHEREAS, Equality Virginia, a statewide organization that advocates for equal treatment of gay, lesbian, bisexual, and transgender Virginians, celebrates its 25th anniversary in 2014; and

WHEREAS, originally known as Virginians for Justice, Equality Virginia (EV) was founded in 1989 as a nonpartisan advocacy group that provides outreach, education, and analysis on issues affecting the community; and

WHEREAS, EV is made up of three separate groups: Equality Virginia Political Action Committee, Equality Virginia Education Fund, and Equality Virginia; and

WHEREAS, among many other successes, EV supported efforts to allow individuals to decide who may visit them in the hospital, and it set up a statewide registry for hospitals, making it easier for doctors to know who may make medical decisions; and

WHEREAS, leading efforts to create safer environments in schools, EV has championed anti-bullying measures; and

WHEREAS, EV has made great strides in securing adoption rights for gay, lesbian, bisexual, and transgender Virginians and supported non-discrimination efforts; and

WHEREAS, EV helps create a more civic-minded electorate by promoting citizen awareness and active involvement in the legislative process; and

WHEREAS, EV strives to be the foremost organization for gay, lesbian, bisexual, and transgender Virginians; it has achieved a great deal toward protecting families, building safer communities, and creating a truly inclusive Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Equality Virginia on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Equality Virginia as an expression of the General Assembly's admiration for the organization's dedication to equality for all Virginians and best wishes in the future.

SENATE JOINT RESOLUTION NO. 164

Commending the Alexandria Redevelopment and Housing Authority.

Agreed to by the Senate, February 27, 2014

Agreed to by the House of Delegates, March 3, 2014

WHEREAS, the Alexandria Redevelopment and Housing Authority was a recipient of the 2013 Virginia Housing Award for Best Mixed-Income Project for its James Bland/Old Town Commons project; and

WHEREAS, the Alexandria Redevelopment and Housing Authority (ARHA) collaborated with EYA, a local development and building company, on the Old Town Commons project; the two organizations jointly received the 2013 Virginia Housing Award; and

WHEREAS, Old Town Commons is the product of the redevelopment of existing public housing; the newly fashioned five-block neighborhood of townhomes and condominiums features a variety of options for renting or buying; and

WHEREAS, this innovative project captures the feel and charm of historic Alexandria, one of the Commonwealth's oldest and most storied cities; Old Town Commons is conveniently located near bustling Old Town Alexandria and is close to the Braddock Metro Station and the scenic Potomac River; and

WHEREAS, the Governor's Housing Conference annually presents the Virginia Housing Awards to recognize and celebrate outstanding and innovative housing efforts that successfully address the state's complex array of housing needs; and

WHEREAS, at Old Town Commons, the ARHA demonstrated its commitment to protect the environment; the housing meets the Leadership in Energy and Environmental Design (LEED) for Homes standards and is the largest such project in Alexandria; LEED-certified homes are designed to maximize fresh air indoors and use less energy; and

WHEREAS, construction of the James Bland/Old Town Commons neighborhood will be complete by December 2014; it represents a successful collaboration among ARHA, EYA, and the City of Alexandria to provide affordable housing; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Alexandria Redevelopment and Housing Authority for receiving the 2013 Virginia Housing Award for Best Mixed-Income Project for the James Bland/Old Town Commons housing endeavor; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Alexandria Redevelopment and Housing Authority as an expression of the General Assembly's congratulations and admiration for the organization's work to provide attractive, well-built, and affordable housing.

SENATE JOINT RESOLUTION NO. 165

Commending Bonnie Baxley.

Agreed to by the Senate, February 27, 2014

Agreed to by the House of Delegates, March 3, 2014

WHEREAS, Bonnie Baxley, the executive director of Community Lodgings, was honored in November 2013 for her years of dedicated service to the City of Alexandria; and

WHEREAS, with years of experience as an educator and a business woman, Bonnie Baxley maintained wide community connections, both in outreach and in developing partnerships to provide more opportunities for the community; and

WHEREAS, an experienced educator and private tutor for 25 years, Bonnie Baxley helped prepare youths in Alexandria for higher education and careers; and

WHEREAS, in 1998, Bonnie Baxley brought 25 years of nonprofit experience to Community Lodgings, a nonprofit organization dedicated to helping families rise from homelessness to independence and self-sufficiency; and

WHEREAS, with a combination of talent, a network of connections, and years of experience, Bonnie Baxley's hands-on form of leadership helped her become the executive director of Community Lodgings in 2005; and

WHEREAS, under Bonnie Baxley's leadership, Community Lodgings grew from a three-person staff to an 18-person staff and saw an impressive increase in funding for programs like affordable housing and youth education activities; and

WHEREAS, respected for her advocacy and skillful direction, Bonnie Baxley is a kind-hearted person who has made it her life's work to stand up for members of the community in need; and

WHEREAS, after eight years as the director of Community Lodgings, Bonnie Baxley retired in November of 2013; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That Bonnie Baxley hereby be commended for her leadership and advocacy on the behalf of the Alexandria community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Bonnie Baxley as an expression of the General Assembly's respect and admiration for her years of dedicated service to the City of Alexandria.

SENATE JOINT RESOLUTION NO. 166

Commending Third Baptist Church.

Agreed to by the Senate, February 27, 2014

Agreed to by the House of Delegates, March 3, 2014

WHEREAS, Third Baptist Church, located in Alexandria, proudly celebrated its rich legacy of worship and service to the community on October 13, 2013; and

WHEREAS, Third Baptist Church began when a small group of former slaves who had settled near the Potomac River waterfront gathered together for prayer in their newly built cabins; and

WHEREAS, as their numbers grew, the group realized that they needed a larger location and moved to Third Baptist Church's first site at Pitt and Oronoco Streets while under the leadership of the Reverend George W. Parker; and

WHEREAS, Third Baptist Church then bought an old frame structure at the corner of Princess and North Patrick Streets for \$50; the existing structure was demolished and a brick structure erected by the congregation in 1865 that serves as the underpinning of the current building in use today; and

WHEREAS, in 1881, several members of Third Baptist Church began to meet at the Odd Fellows Hall, eventually forming "The Little Red Church," which today is known as Ebenezer Baptist Church; and

WHEREAS, Third Baptist Church received wise counsel under the leadership of the Reverends Fields Cook, R. H. Porter, Wesley F. Graham, D. H. Henderson, Samuel B. Ross, James D. Peters, Harold C. Hunter, Joseph E. Penn, Thomas F. Spears, Charles E. Gee, Dr. Daniel L. Brown, and James V. Jordan; and

WHEREAS, today, Third Baptist Church offers a variety of ministries, including a soup kitchen, Visitation Ministry, Jail Ministry, Senior Citizens Ministry at the Ladrey Senior High Rise Building, Second Genesis Drug Rehabilitation Center Ministry, Singles Ministry, Men's Ministry, Together Ministry, Caregiver's Ministry, and Hospitality Ministry; and

WHEREAS, for the past 150 years, the congregation of Third Baptist Church has persevered and thrived, growing in faith and numbers while the church expanded its ministries and outreach activities to the community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Third Baptist Church on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Third Baptist Church as an expression of the General Assembly's congratulations and admiration for the church's long history and dedication to serving its members and the community.

SENATE JOINT RESOLUTION NO. 167

Celebrating the life of The Right Honorable Margaret Hilda, Baroness Thatcher, L.G., O.M., P.C., F.R.S.

Agreed to by the Senate, February 27, 2014

Agreed to by the House of Delegates, March 3, 2014

WHEREAS, The Right Honorable Margaret Hilda, Baroness Thatcher, L.G., O.M., P.C., F.R.S., the Prime Minister of the United Kingdom from 1979 until 1990 and an honorary citizen of the Commonwealth who served as the 21st Chancellor of The College of William and Mary, died on April 8, 2013; and

WHEREAS, an influential world leader possessed of an indomitable spirit, The Lady Thatcher, known as the "Iron Lady," made history as the first female prime minister of the United Kingdom and provided unyielding support on the world stage in the victorious effort to end the Cold War; and

WHEREAS, The Lady Thatcher forged strong ties with the Commonwealth as she received honorary citizenship from the Virginia General Assembly in 1998 and served as The College of William and Mary's first female chancellor from 1993 until 2000; and

WHEREAS, at her investiture as Chancellor at The College of William and Mary's 1994 Charter Day ceremony, The Lady Thatcher remarked, "It would be hard to think of a place that better exemplifies the relationship between Britain and America, not only in name but in moral purpose"; and

WHEREAS, The Lady Thatcher spoke at The College of William and Mary's 1997 commencement and described her great joy on the occasion because of the bond between the school and the United Kingdom; and

WHEREAS, during her farewell remarks at The College of William and Mary's 2000 Charter Day ceremony, The Lady Thatcher stated, "My friends, the principles which this great college upholds, and which Jefferson articulated in his writings, are ones to be preserved and fought for—not only for our two countries, but for the wider world"; and

WHEREAS, The Lady Thatcher later noted about her service as chancellor that "Altogether it has been a momentous seven years and a privilege to be part of the history of the College of William & Mary"; and

WHEREAS, in 2001, The Lady Thatcher returned to The College of William and Mary for the dedication of her official portrait as chancellor, which has been exhibited around the world and features her wearing the academic regalia newly redesigned in honor of the school's tercentenary; the portrait now prominently hangs in the Sir Christopher Wren Building at the school; and

WHEREAS, during that same trip in 2001, The Lady Thatcher was named an honorary member of the Class of 2001; she led the class as its first member to ring the bell of the Sir Christopher Wren Building, a longstanding school tradition; and

WHEREAS, in 2003, The Lady Thatcher shared with then College of William and Mary President Tim Sullivan, "I have so many cherished memories of William and Mary over the years—of the faculty and especially the students—and will always look back on my time as Chancellor with great happiness"; and

WHEREAS, The Lady Thatcher made an indelible mark on the Commonwealth as Chancellor of The College of William and Mary and proclaimed her strong ties to the former British colony during a stirring address before the full Virginia General Assembly in 1995, when she declared, "in spirit I am a Virginian"; and

WHEREAS, a visionary stateswoman whose life and accomplishments will be long remembered, The Lady Thatcher championed liberty at home and abroad and enhanced the worldwide reputation of her beloved country during her service as Prime Minister; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of The Right Honorable Margaret Hilda, Baroness Thatcher, L.G., O.M., P.C., F.R.S.; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of The Right Honorable Margaret Hilda, Baroness Thatcher, L.G., O.M., P.C., F.R.S., as an expression of the General Assembly's profound respect for her memory, admiration for her many accomplishments, and gratitude for her service to The College of William and Mary.

SENATE JOINT RESOLUTION NO. 168

Commemorating the 45th anniversary of Virginia is for Lovers.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, 2014 marks the 45th anniversary of *Virginia is for Lovers*, the official tourism slogan of the Commonwealth of Virginia and the longest-running state tourism campaign in the United States; and

WHEREAS, *Virginia is for Lovers* was developed in 1969 by the Martin & Woltz advertising agency of Richmond for the Virginia State Travel Service, a division of the Virginia Department of Conservation and Development; and

WHEREAS, the firm of Martin & Woltz was headed by its founders, David N. Martin, president, and George R. Woltz, vice-president and creative director, whose vision and artistic collaboration in producing the *Virginia is for Lovers* campaign changed the face of destination branding and helped to project an image of Virginia as a bold, progressive, and modern state; and

WHEREAS, since its inception, the iconic *Virginia is for Lovers* slogan has been embraced by the state's tourism, travel, and hospitality industries to market the cultural, historic, natural, educational, and recreational assets of Virginia; and

WHEREAS, *Virginia is for Lovers* represents a love of life and a passion for travel and remains one of the most recognizable, enduring, and imitated tourism slogans in the nation; and

WHEREAS, in recognition of its superior brand equity, in 2009, *Virginia is for Lovers* was selected by Forbes.com as one of the top ten tourism marketing campaigns of all time and was inducted into the National Advertising Hall of Fame on Madison Avenue in New York; and

WHEREAS, tourism is a vital component of Virginia's diverse economy, a cornerstone of the Commonwealth's vibrant quality of life, and a catalyst for economic growth, opportunity, entrepreneurship, job creation, and community revitalization; and

WHEREAS, in 2012, the travel industry ranked as the fifth-largest private employer in the Commonwealth, generating \$21.2 billion in visitor spending, supporting 210,000 jobs, and contributing \$1.36 billion in state and local taxes; and

WHEREAS, the Virginia Tourism Authority, owner of the *Virginia is for Lovers* slogan, was established by the General Assembly on July 1, 1999, to stimulate the tourism industry in the Commonwealth, support the development of local tourism marketing programs, and increase the prosperity and welfare of the people of Virginia; and

WHEREAS, the Virginia Tourism Authority works tirelessly to extend the appeal, reach, and impact of the *Virginia is for Lovers* brand around the world to market the Commonwealth as a premier travel destination; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the 45th anniversary of *Virginia is for Lovers* hereby be commemorated and that all citizens be encouraged to observe this important occasion in the history of the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit copies of this resolution to Rita D. McClenny, president and chief executive officer of the Virginia Tourism Authority, the family of David N. Martin, and George R. Woltz as an expression of the General Assembly's appreciation for their exemplary work, requesting that they further disseminate copies of this resolution to their respective constituents so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

SENATE JOINT RESOLUTION NO. 169

Commending Eddie Sturgill.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Eddie Sturgill of Vansant, whose desire to help less fortunate families in his community resulted in the founding of the Coal Miners Christmas Fund Program in 2009, wants to ensure that every child in Buchanan County has a joyous Christmas; and

WHEREAS, a retired miner for CONSOL Energy, Inc., Eddie Sturgill became greatly concerned when friends and colleagues would talk of people they knew who were unable to provide toys and presents for their families for Christmas; he and his wife, Carol, decided to act; and

WHEREAS, Eddie Sturgill took on this charitable effort with great focus and determination; he contacted friends, neighbors, and former coworkers, and also approached the Buchanan County Department of Social Services, which was happy to be of assistance; and

WHEREAS, from its first year, the goal of the Coal Miners Christmas Fund Program was to give each child who was served by the Department of Social Services a toy and one other gift; for the 2013 holiday season, under Eddie Sturgill's guidance, the program received more than \$27,900 in donations; and

WHEREAS, in 2013, the Coal Miners Christmas Fund Program provided gifts to 597 Buchanan County residents, including 532 children; each child received a coat, a pair of pants, a shirt, and a special gift; donors included local residents and coal companies; and

WHEREAS, in the last five years, the Coal Miners Christmas Fund Program has provided coats to many county residents; Eddie Sturgill has organized the coat drives, and funds have been available to purchase new coats; and

WHEREAS, with assistance from other local organizations, the Coal Miners Christmas Fund Program has helped families who lost their homes due to fires and has provided fruit baskets to the elderly and shut-in in Buchanan County; Eddie Sturgill is proud that the program aids people in need in many ways; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Eddie Sturgill of Vansant in Buchanan County for founding the Coal Miners Christmas Fund Program, helping to ensure that every child in Buchanan County celebrates a joyous Christmas; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Eddie Sturgill as an expression of the General Assembly's respect and admiration for his tireless efforts to help less fortunate citizens of Buchanan County.

SENATE JOINT RESOLUTION NO. 170

Commending Carter Davis, Jr.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Carter Davis, Jr., the owner of Davis Auto Center, Inc., in New Church on the Eastern Shore of Virginia, was named the Virginia Independent Automobile Dealers Association Quality Dealer of the Year for 2012; and

WHEREAS, the Virginia Independent Automobile Dealers Association (VIADA) Quality Dealer of the Year award recognizes independent automobile dealers for their contributions to the industry and community, professional service, and adherence to a code of ethics; and

WHEREAS, Carter Davis, Jr., was introduced to the world of automobiles when his father, Carter Davis, Sr., started Davis Auto Center in 1949; Carter Davis, Jr., worked after school and on weekends on cars that his father purchased and learned skills that have stayed with him to this day; and

WHEREAS, Carter Davis, Jr., learned how to treat his customers with courtesy and fairness and always provided them with reliable and safe cars; and

WHEREAS, Davis Auto Center has been a member of VIADA for 33 years and is a well-known third-generation business that has served the local community for 63 years; and

WHEREAS, Davis Auto Center has an excellent standing relationship with the Department of Motor Vehicles, the Dealer Board, VIADA, its local bank, and its customers and received an A+ rating from the Better Business Bureau; and

WHEREAS, Carter Davis, Jr., supports his community by contributing to the local volunteer fire company; he provides land and vehicles to facilitate training on how to retrieve persons trapped as the result of an accident; and

WHEREAS, Carter Davis, Jr., contributes to his community by supporting the Drug Abuse Resistance Education program, sponsoring local high school sports teams, yearbooks, and other ad campaigns, and sponsoring local car shows and festivals; he also supports local Kiwanis and Ruritan Clubs; and

WHEREAS, the Davis family is close-knit, exemplifying the strength of a united and loving family; and

WHEREAS, Carter Davis, Jr., has always believed in the importance of education and stays abreast of the laws and regulations that govern the auto industry; and

WHEREAS, Carter Davis, Jr., has made many contributions to VIADA and the automobile industry throughout his career; and

WHEREAS, Carter Davis, Jr., is a hardworking businessman who represents the important role of small businesses in the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Carter Davis, Jr., on his selection as the Virginia Independent Automobile Dealers Association Quality Dealer of the Year for 2012; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Carter Davis, Jr., as an expression of the General Assembly's appreciation for his achievement and best wishes in his future endeavors.

SENATE JOINT RESOLUTION NO. 171

Celebrating the life of Thaine Edward Billingsley, M.D.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Thaine Edward Billingsley, M.D., a deeply admired physician who served the people of Highland County for decades, died on February 7, 2014; and

WHEREAS, a native of Marysville, Kansas, Thaine Billingsley joined the United States Army Medical Corps after high school; during and after World War II, he served as a lab technician in New Guinea, Japan, and the Philippines; and

WHEREAS, after his honorable military service, Thaine Billingsley returned home and earned a bachelor's degree from Baker University and a medical degree from the University of Kansas; and

WHEREAS, hoping to help a community in need of a physician, Dr. Billingsley consulted the Virginia Council on Health and Medical Care and moved to Highland County with the support of the Stonewall Ruritan Club in 1954; and

WHEREAS, Dr. Billingsley was the only physician in Highland County for much of his career and, as the quintessential country doctor, he traveled the county to help countless patients, delivering babies and treating a wide range of illnesses and injuries; remembered for his comforting bedside manner, he liked to whistle as he worked; and

WHEREAS, a humble and devoted servant to the community, Dr. Billingsley was a member of the Stonewall Ruritan Club, Monterey United Methodist Church, and the Highland County Chamber of Commerce; he played a pivotal role in helping the chamber develop the renowned Highland County Maple Festival; and

WHEREAS, predeceased by his daughter Carol, Dr. Billingsley will be fondly remembered and greatly missed by his wife of 65 years, Anita; children, Gary, Robert, Mary, Sarah, and Kirk, and their families; and numerous other family members, friends, and patients; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Thaine Edward Billingsley, M.D., a fine country doctor who touched countless lives throughout his career; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Thaine Edward Billingsley, M.D., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 172

Celebrating the life of Madena Jane Chittenden Seeman.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Madena Jane Chittenden Seeman, a longtime resident and mayor of the Town of Vienna, was reared in Fort Hays, Kansas, and passed away on February 23, 2014; and

WHEREAS, Madena Jane Chittenden Seeman, an admired and deeply dedicated public servant, ably served the Town of Vienna for over 17 years and was the director of the Vienna Community Center preschool program for 20 years; and

WHEREAS, Madena Jane Chittenden Seeman was first appointed to the Vienna Town Council in 1996 to fill her late husband's unexpired term and was subsequently elected to two additional terms; and

WHEREAS, in 2000, Madena Jane Chittenden Seeman was elected mayor of the Town of Vienna and won six successive full terms, most recently in 2012; a wise and active leader, she guided the government of the Town of Vienna for the past 14 years and contributed to the town's continuing growth and success; and

WHEREAS, as mayor, Madena Jane Chittenden Seeman created events to foster more public participation, including a volunteer-recognition ceremony, a holiday reception, and the "Vienna at Your Service" speaker series, in which top town officials describe the activities of their departments; she delighted in speaking to students at schools and always recognized Boy Scouts who were visiting the Town Council chambers to earn various merit badges; and she was proudest of the Town Council's construction of the Vienna Town Green, a venue for live concerts, sports, and recreation; and

WHEREAS, prior to assuming elected office, Madena Jane Chittenden Seeman served as the former chairwoman of the Community Enhancement Commission and represented the residents of the Town of Vienna on the Northern Virginia Regional Commission, the Town Association of Northern Virginia, the Environmental Policy Steering Committee, the Tysons Partnership, and the Greater Tysons Coordinating Committee; and

WHEREAS, dedicated to enhancing the infrastructure of Tysons Corner, Madena Jane Chittenden Seeman supported improvements to walkways, bicycle facilities, trails, and intersections in and around the neighborhood to ensure that local residents have safe, convenient access to work, shopping, and recreation; and

WHEREAS, Madena Jane Chittenden Seeman, an exemplar of the professionalism and dedication shown by elected officials throughout the Commonwealth, devoted much of her life working to better the Vienna community and was a member of numerous civic and service organizations, such as the Rotary Club of Vienna, Historic Vienna, Inc., and the Patrick Henry Library; and

WHEREAS, Madena Jane Chittenden Seeman was honored as an exceptional public servant with many awards and accolades, including the Vienna Toastmasters Communication and Leadership Award in 1997 and the *Vienna Times* and Vienna Chamber of Commerce Citizen of the Year award and Rotary Service Above Self award in 1999; and

WHEREAS, Madena Jane Chittenden Seeman leaves a legacy of noteworthy public service; although her family, colleagues, and the people of the Town of Vienna mourn her loss, memories of her dedication, strength, and love will never be forgotten; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Madena Jane Chittenden Seeman, mayor of the Town of Vienna; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Madena Jane Chittenden Seeman, mayor of the Town of Vienna, as an expression of the General Assembly's respect for her memory and admiration for her service to the Town of Vienna and the Commonwealth.

SENATE JOINT RESOLUTION NO. 173

Commending the Foundation of the State Arboretum of Virginia.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Graham F. Blandy, by 1926 bequest and endowment, left more than 700 acres of his Virginia estate in Clarke County, then known as the Tuleyries, to the University of Virginia for public education and natural and cultural heritage research purposes; and

WHEREAS, the University of Virginia's (UVA) Blandy Experimental Farm includes the Orland E. White Arboretum, which was designated by the Virginia General Assembly as the official state arboretum in 1986; and

WHEREAS, the Friends of the UVA Blandy Experimental Farm was chartered in 1984, was later known as the Friends of the State Arboretum, and was finally renamed the Foundation of the University of Virginia's Orland E. White Arboretum, the State Arboretum of Virginia, Incorporated at Blandy Experimental Farm, operating as the Foundation of the State Arboretum of Virginia (a nonprofit organization); and

WHEREAS, in consonance with the beneficence of Graham Blandy and the appropriate recognition by the Virginia General Assembly, the Blandy Experimental Farm and State Arboretum has been a source of heritage enrichment, education, and outdoor recreational enjoyment for countless Virginians and out-of-state visitors; and

WHEREAS, the exemplary partnership between the Foundation of the State Arboretum and the University of Virginia has assured the public that this irreplaceable asset and state treasure will be open from dawn to dusk 365 days each year; and

WHEREAS, calendar year 2014 represents the 30th anniversary of this synergistic conservation and joint stewardship relationship between the Foundation of the State Arboretum and the University of Virginia for the benefit of all citizens of the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Foundation of the State Arboretum of Virginia on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Foundation of the State Arboretum of Virginia as an expression of the General Assembly's admiration for the foundation's commitment to preserving and promoting the natural beauty of the Commonwealth.

SENATE JOINT RESOLUTION NO. 174

Commending Sacred Heart Academy.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Sacred Heart Academy, a Winchester private school in the Diocese of Arlington, founded in 1957, was recognized as a National Blue Ribbon School in 2013; and

WHEREAS, Sacred Heart Academy (the Academy) was nominated for this prestigious award by the Council for American Private Education; and

WHEREAS, the Academy had to go through an extensive application process to be considered for the award; and

WHEREAS, in its application package, the Academy had to supply evidence of a standardized testing program with scores dating back five years, a 10-student minimum in each grade level, and a foreign language offering that meets the United States Department of Education criteria; and

WHEREAS, in addition to meeting these educational standards, the Academy provided detailed information related to its mission, curriculum, school leadership and professional development, and supportive work with families and the community; and

WHEREAS, most importantly, the Academy students had to test in the top 15% in the country for consideration for the National Blue Ribbon School award; and

WHEREAS, the Academy was named in the Exemplary High Performing category, in which schools are recognized among their state's highest performing schools, as measured by state assessments and nationally normed tests; and

WHEREAS, becoming a National Blue Ribbon School shows tremendous hard work and a strong commitment to education on the part of the students, parents, faculty, and staff of the Academy; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Sacred Heart Academy on receiving the National Blue Ribbon School award; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Rebecca McTavish, the principal of Sacred Heart Academy, as an expression of the General Assembly's respect and admiration for the academy's outstanding educational contribution to the children of Winchester.

SENATE JOINT RESOLUTION NO. 175

Celebrating the life of Richard Mark Garber.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Richard Mark Garber, a deeply admired longtime public servant and active member of the Winchester community, died on May 28, 2013; and

WHEREAS, a native of Winchester, Mark Garber graduated from James Wood High School in 1971 and later earned bachelor's and master's degrees from Shenandoah College; he was certified as a master governmental treasurer by the University of Virginia; and

WHEREAS, Mark Garber began his professional career in banking with First Federal Savings and Loan and First National Bank in Strasburg; and

WHEREAS, desirous to be of service to the community, Mark Garber ran for and was elected treasurer of the City of Winchester; taking office in 1997, he ably served the people of Winchester for more than 15 years; and

WHEREAS, Mark Garber was respected for his open, collaborative leadership methods and admired for his joyful spirit and zest for life; he brought empathy, efficiency, and a high degree of professionalism to the office; and

WHEREAS, dedicated to bettering the lives of his fellow Winchester residents, Mark Garber donated his time and talents as an active member and leader of many local civic and service organizations; and

WHEREAS, Mark Garber enjoyed fellowship and worship with the community as a member of Opequon Presbyterian Church in Frederick County; and

WHEREAS, Mark Garber will be fondly remembered and greatly missed by his wife, Deborah; sons, Aaron, Justin, Brandon, and Tyler, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Richard Mark Garber, a longtime public servant and well-known community leader in the City of Winchester; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Richard Mark Garber as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 176

Commending Paul Domingoes.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Paul Domingoes, a law-enforcement officer with the Virginia State Police, displayed bravery, decisiveness, and sterling character when he saved the life of an injured motorist in September 2013; and

WHEREAS, on the evening of September 29, 2013, Paul Domingoes was patrolling Interstate 66 East when he arrived at the scene of a single vehicle crash; as the first responder to the incident, he took command of the scene, which was near the bottom of a steep incline; and

WHEREAS, at great risk to his personal safety, Paul Domingoes divided his attention between providing lifesaving medical care to a victim of the crash, directing onlookers, and communicating with members of local fire departments and emergency medical services units, who were en route; and

WHEREAS, wisely assessing the severity of the victim's injuries, Paul Domingoes made the critical decision to request helicopter MEDEVAC to Inova Fairfax Hospital; and

WHEREAS, Paul Domingoes is an exemplar of the courage, professionalism, and dedication to duty shown by law-enforcement officers and first responders throughout the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Paul Domingoes for his heroic, lifesaving actions on September 29, 2013; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Paul Domingoes as an expression of the General Assembly's respect for his service and admiration for his selfless bravery and quick thinking.

SENATE JOINT RESOLUTION NO. 177

Commending the Sherando High School baseball team.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, the Sherando High School baseball team capped an exciting season by winning the Virginia High School League Group AA state championship on June 9, 2013; and

WHEREAS, the Sherando High School Warriors finished the regular season with eight straight wins to enter the postseason as the Region II top seed; and

WHEREAS, with playoff victories punctuated by dominating leads, walk-off home runs, and thrilling late game comebacks, the Sherando Warriors advanced to the state final at Radford University against Tunstall High School; and

WHEREAS, the Sherando Warriors defeated the Tunstall Trojans 2-1 to claim the school's first baseball state title and finish the season with an unprecedented 26-1 record; and

WHEREAS, throughout the season, the Sherando Warriors showed exceptional skill, posting a .365 batting average, allowing only nine earned runs over 113 innings, striking out 126 batters, shutting out opponents eight times, and posting victories by 10 or more runs 13 times; and

WHEREAS, the state championship victory is a testament to the hard work of each of the players, the leadership of the coaches and staff, and the enthusiastic support of the entire Sherando High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Sherando High School baseball team on winning the 2013 Virginia High School League Group AA state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Pepper Martin, the head coach of the Sherando High School baseball team, as an expression of the General Assembly's admiration for the team's determination and skill.

SENATE JOINT RESOLUTION NO. 178

Commending the City of Staunton.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, the City of Staunton is a dynamic city located in the heart of the Commonwealth's Shenandoah Valley; and
WHEREAS, the City of Staunton is widely known as an exceptional community, rich in history and unique characteristics; and

WHEREAS, the City of Staunton values its downtown historic district and established guidelines to protect it in 1996; and

WHEREAS, the City of Staunton has utilized comprehensive planning and ordinances, such as the Corridor Overlay Ordinance and Guidelines, to spur investment in its historic district and walkable downtown; and

WHEREAS, the City of Staunton has nurtured partnerships with community organizations, such as the Historic Staunton Foundation and the Staunton Downtown Development Association, to invest in and preserve its historic district; and

WHEREAS, Beverley Street, named after the City of Staunton's founder, William Beverley, runs through the Newtown, Beverley, and Gospel Hill Historic Districts; and

WHEREAS, the City of Staunton's architecture, museums, restaurants, shops, and theatres are essential to the ambience of Beverley Street; and

WHEREAS, the nine blocks of West Beverley Street between Coalter and Jefferson Streets showcase the elements of form, character, and environment required for designation as one of the American Planning Association's Great Streets in their annual competition for "Great Places in America"; and

WHEREAS, Staunton's West Beverley Street was recognized by the American Planning Association as a "2013 Great Street" in their annual designation of "Great Places in America"; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the City of Staunton on the occasion of the award and designation by the American Planning Association as a "2013 Great Place in America: Great Street" for West Beverley Street; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the City of Staunton, as an expression of the General Assembly's congratulations and admiration for the city's contributions to the Commonwealth and nation.

SENATE JOINT RESOLUTION NO. 180

Designating Historic Smithfield Plantation in Blacksburg as "a Family Homestead of Virginia Governors."

Agreed to by the Senate, March 6, 2014

Agreed to by the House of Delegates, March 7, 2014

WHEREAS, Historic Smithfield Plantation, built in 1774 in the scenic Blue Ridge Mountains of present-day Blacksburg, in Montgomery County, was the home of Revolutionary War patriot Colonel William Preston and his wife, Susanna Smith Preston, of Hanover County, and generations of Prestons; and

WHEREAS, Historic Smithfield Plantation, named for Susanna Smith Preston, was constructed in a land of log cabins and physical hardship that later provided a haven of aristocratic elegance and became the social and political center of Montgomery County; and

WHEREAS, Colonel William Preston served in the House of Burgesses in 1765 and represented Augusta County until the county was divided around 1770, according to Patricia Givens Johnson in *William Preston and the Allegheny Patriots*; and

WHEREAS, Colonel William Preston was instrumental in the westward expansion of Virginia and the nation as settlers moved from the Chesapeake Bay area to the Piedmont, across the Blue Ridge Mountains into the Shenandoah Valley; and

WHEREAS, hundreds of settlers moving across the Blue Ridge and Appalachian Mountains into Kentucky, West Virginia, and Tennessee found accommodations from Colonel William Preston, who maximized the strategic location of Historic Smithfield Plantation to build a prosperous real estate business and influential political dynasty that lasted for nearly 90 years; and

WHEREAS, Colonel William and Susanna Smith Preston left a fruitful and rich legacy of leadership, and their descendants have served as Governors of Virginia, members of the Virginia General Assembly and Congress, educators, military leaders, First Ladies of Virginia, presidential Cabinet members, and founders and presidents of educational institutions; and

WHEREAS, most notably, their son, James Patton Preston, served as a member of the Virginia House of Delegates, fought in the War of 1812, helped charter the University of Virginia, and was elected the twentieth Governor of Virginia, serving from 1816 to 1819; and

WHEREAS, other descendants of Colonel William and Susanna Smith Preston include a grandson, William Ballard Preston, who was a United States Congressman, Secretary of the Navy in the administration of President Zachary Taylor, the patron of the Virginia Ordinance of Secession, a senator from the Confederate States of America, and cofounder of Preston and Olin Institute, a small Methodist college, which evolved into Virginia Polytechnic Institute and State University; and

WHEREAS, in the *Historic Smithfield Quarterly Newsletter, Winter 2012* issue, it is recorded that the tenth child of Colonel William and Susanna Smith Preston, "Letitia Preston, married John Floyd, who became Virginia's 25th Governor; granddaughter, Susanna Smith Preston, married James McDowell, who was the 29th Governor of Virginia; granddaughter, Sarah Buchannan Preston, married John Buchannan Floyd, who was born at Historic Smithfield Plantation and became the 31st Governor of Virginia; and that gubernatorial connections from the family extended beyond Virginia to the First Ladies of Maryland and South Carolina and to the Governor of Missouri"; and

WHEREAS, in 1959, Janie Preston Boulware Lamb, a fifth-generation descendant of Colonel William and Susanna Smith Preston, donated the Historic Smithfield Plantation to the Association for the Preservation of Virginia Antiquities, stipulating that the newly formed Montgomery Branch of Preservation Virginia restore, maintain, and open the house to the public, and Historic Smithfield Plantation was opened to the public in 1964; and

WHEREAS, in 2012, the Smithfield-Preston Foundation entered into an Operating Agreement with Preservation Virginia to ensure the long-term preservation goals of Historic Smithfield Plantation and expand the Foundation's mission of interpreting Virginia's frontier history during the late eighteenth century; and

WHEREAS, costumed interpreters describe the lives of three generations of Prestons and other families who have lived and worked at the Plantation and welcome and guide visitors through the Plantation's home, slave cabin, and eighteenth-century kitchen garden, and grounds; and

WHEREAS, Historic Smithfield Plantation, a place with a rich history of late-eighteenth-century heritage and a legacy of gubernatorial leadership in Virginia, increases public understanding and appreciation of the contributions of many Virginian families to the formation of the Commonwealth and the nation; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate Historic Smithfield Plantation in Blacksburg as "a Family Homestead of Virginia Governors"; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to William G. Foster, Jr., Chairman of the Smithfield-Preston Foundation; Douglas W. Anderson, Museum Administrator of Historic Smithfield Plantation; and Elizabeth Kostelny, Executive Director of Preservation Virginia, so that members of the Smithfield-Preston Foundation Board, Preservation Virginia Board of Trustees, and staff of Historic Smithfield Plantation may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of the Historic Smithfield Plantation in Blacksburg as "a Family Homestead of Virginia Governors" on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 181

Commending the James City Ruritan Club.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, the James City Ruritan Club, located in James City County, will celebrate its 75th anniversary in November 2014; and

WHEREAS, committed to improving their community through fellowship, goodwill, and community service, 41 citizens formed the James City Ruritan Club in November 1939; and

WHEREAS, truly representative of the community at that time, the founding members of the James City Ruritan Club were merchants, farmers, insurance agents, bankers, mechanics, postal carriers, educators, and government officials, all of whom helped make James City the community it is today; and

WHEREAS, putting James City County on a prosperous path, charter members of the club contributed to many of the housing developments in the community, and some even headed the 1969 economic development program that brought Anheuser-Busch Brewery and Busch Gardens to the area; and

WHEREAS, through generous donations of over 2,000 service hours and at least \$8,000 annually, the James City Ruritan Club supports many worthwhile local organizations, including Camp Easter Seals, the Hospice of Williamsburg, Meals on Wheels, James City-Bruton Volunteer Fire Department, Eastern State Hospital, the Williamsburg Chamber of Commerce, and many others; and

WHEREAS, over the last 75 years, the James City Ruritan Club has remained a diversified representation of the area's residents and has upheld the ideals of the charter members; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the James City Ruritan Club on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Ivan "Buster" Tabb, the president of the James City Ruritan Club, as an expression of the General Assembly's respect and admiration for its many decades of committed service to the residents of James City County.

SENATE JOINT RESOLUTION NO. 182

Celebrating the life of Joe S. Ritenour.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Joe S. Ritenour, a prominent businessman, respected attorney, and active community leader in Northern Virginia, died on June 7, 2013; and

WHEREAS, a lifelong resident of Loudoun County, Joe Ritenour was born in Leesburg and graduated from Loudoun County High School; he earned a bachelor's degree from Hampden-Sydney College in 1972 and a law degree from the University of Virginia in 1976; and

WHEREAS, Joe Ritenour opened a private practice in Leesburg and served the legal needs of the community; over the years, he honorably and faithfully represented members of the community in many high-profile cases; and

WHEREAS, Joe Ritenour served the public on the County Planning Commission and as a private realtor; he assisted in the purchase and settlement of over 5,000 real estate contracts and worked to preserve the history and heritage of Northern Virginia through renovation and restoration projects; and

WHEREAS, possessed of an entrepreneurial spirit, Joe Ritenour owned a record label and owned and operated two successful Leesburg restaurants for many years; he was instrumental in launching *Leesburg Today*, a popular local newspaper; and

WHEREAS, earning many awards and accolades for his work to support and enhance the community, Joe Ritenour was named one of the 50 most powerful people in Northern Virginia by *New Dominion Magazine* in 1990; and

WHEREAS, admired for his keen intellect, focus, and enthusiasm, Joe Ritenour touched countless lives and was a positive force in Northern Virginia throughout his life; and

WHEREAS, Joe Ritenour will be fondly remembered and greatly missed by his wife and two children and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Joe S. Ritenour, a successful businessman, respected attorney, and pillar of the Loudoun County community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Joe S. Ritenour as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 183

Commending Lieutenant Juan Torres.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Lieutenant Juan Torres began his law-enforcement career as a deputy with the Alexandria Sheriff's Office in 1989; and

WHEREAS, in 1991, Lieutenant Torres joined the Alexandria Police Department, where he successfully completed the Field Training Officer Program and patrolled a local beat; and

WHEREAS, Lieutenant Torres served as a patrol officer; he responded to crimes and disturbances, conducted outreach in the Hispanic community, and received multiple commendations for public service; and

WHEREAS, as handler of a K-9 dog, Lieutenant Torres engaged in patrols and anti-narcotics operations, during which he responded to felony crimes, investigated buildings, and tracked fleeing suspects; and

WHEREAS, Lieutenant Torres supervised school resource officers and was responsible for training, advising, and protecting staff and students; and

WHEREAS, Lieutenant Torres strengthened emergency preparedness in schools by assisting in the drafting and implementation of the Active Shooter Directive and Shelter in Place Policy, in addition to coordinating the law-enforcement response at schools during the 2002 sniper incidents and September 11, 2001, terrorist attacks; and

WHEREAS, Lieutenant Torres exhibited outstanding leadership as an assistant sector commander and patrol sergeant, directing his fellow officers, handling major incidents, and implementing crime reduction strategies; and

WHEREAS, in addition to supporting numerous public outreach and education initiatives, Lieutenant Torres implemented a detective mentoring program and served as a youth mediator, vice president of the Commanders' Association, member of the Alexandria City Public Safety Work Group, and member of the Chief's Issues and Communication Group; and

WHEREAS, in December 2012, Lieutenant Torres took command of the Property, Financial, and Computer Crimes Unit, where he now supervises sergeants and detectives within the Criminal Investigations Section; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Lieutenant Juan Torres for his 25 years of distinguished service as a law-enforcement officer; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Lieutenant Juan Torres as an expression of the General Assembly's admiration and gratitude for his exemplary leadership and selfless dedication to safeguarding the citizens of Alexandria.

SENATE JOINT RESOLUTION NO. 184

Commending the Virginia Department of Corrections.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, the Virginia Department of Corrections assessed that the growing number of administrative segregation assignments in the Commonwealth was leading to challenges in the corrections system, including a cycle of regression among offenders, low staff morale, and higher operating expenses; and

WHEREAS, the Department recognized that over 90 percent of incarcerated offenders complete their sentences and return to the community and that long-term public safety is not served when offenders discharge directly from administrative segregation to the community; and

WHEREAS, the Department developed an innovative and creative process based on research in the correctional field to reduce the prison system's reliance on long-term administrative segregation assignments, successfully changing the culture at the Commonwealth's highest security prisons; and

WHEREAS, the Step Down program implements evidence-based practices, extensive personnel training, and advanced security measures beyond required procedures to enhance staff and offender safety; and

WHEREAS, the program creates pathways for offenders to learn and practice law-abiding behavior through specially designed modules, with the opportunity to progress through a conservative step down process toward lower security classifications and to prepare gradually for community reentry; and

WHEREAS, the program has utilized a multidisciplinary team to determine underlying reasons for offender behaviors so they may be targeted with specially designed programs; and

WHEREAS, in July 2013, the Southern Legislative Conference recognized the Department's national leadership with the STAR (State Transformation in Action Recognition) award for its diligent work in reducing administrative segregation and for developing a program model replicable in other states; and

WHEREAS, Department leadership and an effective team effort involving all staff from Southwest Virginia's Red Onion and Wallens Ridge State Prisons have reduced administrative segregation and increased safety through cognitive programming and the building of pro-social behavior; and

WHEREAS, the program has involved 511 offenders, leading to a 64 percent reduction in administrative segregation assignments, and 337 offenders have successfully stepped down to general population assignments since 2011; and

WHEREAS, serious incidents with administrative segregation offenders have declined by 76 percent, offender grievances and complaints have declined by 79 percent, and 26 percent of the offenders working in the prisons' food services have successfully graduated from the Step Down program; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia Department of Corrections for its outstanding leadership and dedication to public safety in administering the Step Down program; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia Department of Corrections as an expression of the General Assembly's gratitude and admiration for the Department's efforts to develop a superior program to help guide offenders toward rehabilitation.

SENATE JOINT RESOLUTION NO. 185

Commending the Agudas Achim Congregation.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, the Agudas Achim Congregation was founded in Alexandria and has served as a pillar of Northern Virginia's Jewish community for the past century; and

WHEREAS, Alexandria's Jewish community was founded in the 1850s by German-Jewish merchants, who settled along King Street and the adjacent neighborhoods; and

WHEREAS, Jews fleeing Czarist Russia first arrived in the cities of Baltimore and Washington before finding a permanent home in Alexandria at the turn of the 20th century; and

WHEREAS, these early settlers sought to preserve their Orthodox traditions by establishing the Agudas Achim Congregation in 1914 at Sarepta Hall on King Street; and

WHEREAS, Agudas Achim congregants have played a vibrant role in the civic and political life of Northern Virginia while also leading numerous charitable and humanitarian initiatives over the years; and

WHEREAS, during World War I, Agudas Achim held fund drives to assist soldiers stationed at Camp Humphreys (now Fort Belvoir) and later loaned one of its Torah scrolls to Marine Corps Base Quantico during World War II; and

WHEREAS, Agudas Achim has welcomed and supported active duty service members as congregants while they were stationed in Northern Virginia; and

WHEREAS, the Congregation helped lay the foundation for Jewish education in Northern Virginia by establishing day camps for children in the 1960s and 1970s, cofounding the Keshet Preschool with the Beth El Congregation and initiating Geshet Jewish Day School; and

WHEREAS, congregants were instrumental in organizing and later leading the Jewish Community Center of Northern Virginia; and

WHEREAS, Agudas Achim took an active role in freeing Jews from the Soviet Union during the 1970s and 1980s by holding daily vigils at the Soviet embassy, providing funding, and sending letters of encouragement; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend and congratulate the Agudas Achim Congregation on the occasion of its 100th anniversary for its remarkable legacy within Northern Virginia's rich history and its ongoing contributions to the community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Agudas Achim Congregation as an expression of the General Assembly's appreciation and admiration for the Congregation's exemplary service to the City of Alexandria, the Commonwealth, and people of all faiths.

SENATE JOINT RESOLUTION NO. 186

Commending the Oakton High School girls' swim and dive team.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, the Oakton High School girls' swim and dive team capped an outstanding season by winning the Virginia High School League Group 6A state championship on February 22, 2014; and

WHEREAS, the 2014 victory is the third straight state championship for the talented swimmers from Fairfax County; the team has won three regional titles and four district titles in recent years; and

WHEREAS, at the state championship meet, held in Richmond, the Oakton Cougars achieved a final score of 263 points to defeat talented teams from Langley High School (185 points) and Chantilly High School (173 points); and

WHEREAS, Oakton High School senior Janet Hu won two individual events and provided key splits on two winning relays at the state championship meet, concluding her high school career with an undefeated record and eight individual state titles; and

WHEREAS, the Oakton High School team is ably managed by Parker Ramsdell, head swim coach for the girls' team, and the swimmers drew strength from the support of the Oakton High School students and staff and the Oakton community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Oakton High School girls' swim and dive team for winning the 2014 Virginia High School League Group 6A state championship, the swim team's third consecutive state title; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Parker Ramsdell, head swim coach of the Oakton High School girls' swim and dive team, as an expression of the General Assembly's congratulations and admiration for its talent, hard work, and dedication.

SENATE JOINT RESOLUTION NO. 187

Commending the City of Norfolk.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, the City of Norfolk is one of the Commonwealth's vibrant cities, comprising a network of unique neighborhoods; and

WHEREAS, the neighborhood of West Freemason in the City of Norfolk has a well-documented history dating back to the Revolutionary War; and

WHEREAS, West Freemason was the first neighborhood to be rebuilt after the city was nearly leveled during the Revolutionary War and still contains homes dating back to the 1790s, with many architectural styles; and

WHEREAS, West Freemason retains the City of Norfolk's oldest surviving cobblestone paving, granite curbs, cast iron fences, and brick sidewalks characteristic of early Norfolk; and

WHEREAS, in addition to the architecture and infrastructure, the citizens of West Freemason represent an integral part of the neighborhood's preservation and revitalization efforts; and

WHEREAS, by utilizing community planning and public/private partnerships between entities such as the Freemason Street Association and the Norfolk Redevelopment and Housing Authority, West Freemason balances historic preservation, public green spaces, and economic prosperity; and

WHEREAS, the neighborhood of West Freemason in the City of Norfolk showcases the elements of form, character, and environment required for designation as one of the American Planning Association's Great Neighborhoods in their annual designation of "Great Places in America"; and

WHEREAS, West Freemason in the City of Norfolk was recognized by the American Planning Association as a "2013 Great Neighborhood" in their annual designation of "Great Places in America"; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the City of Norfolk on the occasion of the award and designation by the American Planning Association as a "2013 Great Place in America: Great Neighborhood" for West Freemason; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the City of Norfolk, as an expression of the General Assembly's congratulations and admiration for the city's contributions to the Commonwealth and nation.

SENATE JOINT RESOLUTION NO. 188

Commending Volunteers of America Chesapeake, Inc.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, in 2014, Volunteers of America Chesapeake, Inc., celebrates 20 years of providing assistance to Northern Virginia residents in times of need at the Residential Program Center in Arlington and the Bailey's Crossroads Community Shelter; and

WHEREAS, Volunteers of America Chesapeake is a faith-based nonprofit organization; its mission is to inspire self-reliance, dignity, and hope through health and human services; the Chesapeake chapter is one of 33 affiliates of the national Volunteers of America organization; and

WHEREAS, the Residential Program Center in Arlington, which opened in 1994, works with nearly 400 adults a year who are in need of substance abuse treatment; it provides support services, residential treatment options, mental health counseling, and a homeless shelter; and

WHEREAS, the Bailey's Crossroads Community Shelter, which opened in 1994, provides a wealth of services to more than 1,500 people annually; it has an emergency shelter, a drop-in program, permanent housing for people with serious mental illness and chronic homelessness, a safe haven program, and a hypothermia shelter during the winter; and

WHEREAS, Volunteers of America Chesapeake was founded in 1896 and is one of the oldest branches of the national organization; moving testimonials from people who have benefited from the services offered at the two sites demonstrate the vital work performed by this comprehensive human services organization; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Volunteers of America Chesapeake, Inc., for 20 years of dedicated service to people in need in Northern Virginia at the Residential Program Center in Arlington and the Bailey's Crossroads Community Shelter; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Russell K. Snyder, president and chief executive officer of Volunteers of America Chesapeake, Inc., as an expression of the General Assembly's respect and admiration for its unwavering commitment to helping less fortunate residents of Northern Virginia aspire to a better life.

SENATE JOINT RESOLUTION NO. 189

Commending the Virginia Society of the American Institute of Architects.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, the Virginia Society of the American Institute of Architects will celebrate its 100th anniversary in 2014; and
WHEREAS, governments, religions, industries, and families have used architecture throughout history to express their values, needs, capabilities, and aspirations; and

WHEREAS, Virginia's second governor, Thomas Jefferson, used architecture as his measure of a government's relative worth, asserting that we must "avail ourselves of every occasion when public buildings are to be erected, of presenting to [our countrymen] models for their study and imitation"; and

WHEREAS, the Virginia Society of the American Institute of Architects and the architecture profession, through its Society, have been vigilant in protecting the health, safety, and welfare of the citizens of the Commonwealth; and

WHEREAS, the Virginia Society of the American Institute of Architects has, for decades, provided counsel to the state; its representatives serve on the Art and Architectural Review Board, the Board of the Department of Historic Resources, and the State Building Code Technical Review Board; and

WHEREAS, the members of the Virginia Society of the American Institute of Architects created the Virginia Foundation for Architecture, and in doing so established a scholarship fund and a commitment to education through the Virginia Center for Architecture, as well as inspired the preservation of two Virginia landmarks: Richmond's 1844 William Barret House and the 1919 Branch House on Richmond's historic Monument Avenue; and

WHEREAS, members of the American Institute of Architects in Virginia will join their neighbors and the Virginia Center for Architecture in community exercises designed to instill a greater appreciation for proper stewardship of the Commonwealth's built and natural environment as part of a year-long observance called *Virginia Celebrates Architecture*; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia Society of the American Institute of Architects on the occasion of its 100th anniversary and for its service to the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia Society of the American Institute of Architects as an expression of the General Assembly's respect and admiration for its dedicated service to the citizens of the Commonwealth of Virginia.

SENATE JOINT RESOLUTION NO. 190

Commending the Thoroughbred Retirement Foundation at James River.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, the Thoroughbred Retirement Foundation, a nonprofit charitable organization, is the largest equine sanctuary in the world devoted to the rescue, retirement, rehabilitation, and retraining of thoroughbred horses no longer able to compete on the racetrack; and

WHEREAS, the Thoroughbred Retirement Foundation operates the Second Chances Program at correctional facilities in 10 states, a program where inmates build life skills while participating in vocational training involving supervised care of ex-racehorses; and

WHEREAS, in 2007, the Virginia Department of Corrections (VADOC) entered into a public-private partnership with the Thoroughbred Retirement Foundation; and

WHEREAS, since 2007, the Thoroughbred Retirement Foundation at James River (TRF at James River) and VADOC have jointly operated the Second Chances Program at James River Work Center to rehabilitate nonviolent offenders by training them in equine management using ex-racehorses; and

WHEREAS, the TRF at James River is a volunteer organization that has raised and contributed more than \$500,000 in private funds to fully support this program as well as to help support the more than 950 thoroughbreds in the national herd; and

WHEREAS, one of the graduates of the program, Tamio Holmes, was recognized for his successful transition from prison to society by Governor Bob McDonnell in his State of the Commonwealth address on January 8, 2014; and

WHEREAS, more than 60 men have graduated from the local Second Chances Program since 2008, many of whom have made a similarly successful transition to society, whether by working in the horse industry or pursuing a career in another field; and

WHEREAS, with the help of the program participants, more than 35 horses have been rehabilitated, retrained, and adopted for second careers as trail horses, companion animals, or blue-ribbon-winning performance horses; and

WHEREAS, TRF at James River has drawn media attention from the *Wall Street Journal Magazine*, ABC News, the *Washington Post*, the Voice of America, Virginia Currents, and many local and regional news outlets; and

WHEREAS, TRF at James River owes much of its ongoing success to the dedication of its volunteers and generous donations from local individuals, organizations, and businesses; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Thoroughbred Retirement Foundation at James River for helping nonviolent offenders gain valuable life skills and reenter society and for providing a safe haven for thoroughbred horses that can no longer compete; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Thoroughbred Retirement Foundation at James River as an expression of the General Assembly's admiration for its outstanding service to the Commonwealth.

SENATE JOINT RESOLUTION NO. 191

Commending the Grundy High School Golden Wave wrestling team.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, on February 22, 2014, the Grundy High School Golden Wave wrestling team won a record 18th state wrestling title in Group 2A competition at Salem Civic Center; and

WHEREAS, the Grundy High School Golden Wave wrestling team, which began modestly with only a few students and adults who sought to coach them, had nine state place winners, including seven finalists and four champions; and

WHEREAS, success in wrestling requires sacrifice, sweat, blood, and tears, and members of the Golden Wave wrestling team demonstrated determination, stamina, dedication, and focus to defeat their opponents for the coveted state and individual championship titles; and

WHEREAS, the Golden Wave's 18th team win tied the longtime AAA power Great Bridge High School's record for the most state wrestling titles ever in any classification in Virginia; and

WHEREAS, the Golden Wave wrestling team has the most individual state champions for any program in the state; senior Trey Smith won at 145 pounds for his second state title in three years, the 98th individual title won by a Golden Wave wrestler; sophomore Elliott Pedigo won his first individual state title at 152 pounds after pinning Caleb Lankford of Richlands High School in the finals in 4:59, to win the 99th individual state title for Grundy High School; senior Dylan Raines, at 182 pounds, exploded off the mat in the second period, pushing from a 3–2 lead to pin Austin Smiley of Riverheads High School at the 3:32 mark; and senior Jordan McCowan, also at 182 pounds, defeated Wise County Central High School's Logan Adkins 3–1 in the finals of a rematch of the regionals; both Golden Wave senior wrestlers won their first individual state titles in Group 2A to become the 100th and 101st winners, respectively, for Grundy High School; and

WHEREAS, the Golden Wave wrestling team showed the passion and fire that has helped Grundy High School claim many championships over the years, and the 101 individual state titles establishes a record in Virginia; and

WHEREAS, the Grundy High School student body, parents, teachers and coaches, and the Grundy community are rightfully proud of the hard work, great success, and sportsmanship demonstrated by the Golden Wave to capture the 2013 state wrestling championship and individual state titles; and

WHEREAS, the Golden Wave wrestling team honors the Grundy High School and the community with its record 101 individual state wrestling titles in Virginia; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Grundy High School Golden Wave wrestling team; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Travis Fiser, coach of the Grundy High School Golden Wave wrestling team, as an expression of the General Assembly's congratulations on a successful year and the team's outstanding accomplishment.

SENATE JOINT RESOLUTION NO. 192

Commending the Town of Chilhowie.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, the Town of Chilhowie, a vibrant and historic town in Southwest Virginia, celebrated the 100th anniversary of its incorporation in 2013; and

WHEREAS, the Town of Chilhowie traces its roots to a stagecoach inn and the surrounding community known as Town House; the community was renamed Greever's Switch after a railroad was built in 1856; and

WHEREAS, on December 16, 1913, the Town of Chilhowie was officially incorporated; the town was named for a Cherokee word meaning "valley of many deer"; and

WHEREAS, a group of electors met at a local storehouse to elect town officers, and James D. Tate was sworn in as the Town of Chilhowie's first mayor on December 17; A. C. Beattie was elected president pro tempore of the council and G. C. Bundy was elected clerk of the council and treasurer; and

WHEREAS, the Town of Chilhowie has been home to many prominent historic figures, such as William Campbell, a commander at the Revolutionary War Battle of Kings Mountain, and Elizabeth Campbell, who played a large role in the area's early Methodist Church movement; and

WHEREAS, many manufacturing and agricultural enterprises have achieved success in the Town of Chilhowie over the years; from 1912 to 1989, Bonham Brothers led the town to become the region's premier apple grower; and

WHEREAS, today, Duncan Orchards carries on the Town of Chilhowie's proud agricultural traditions, distributing apples throughout the country; the town celebrates its heritage with an apple festival each September; and

WHEREAS, the Town of Chilhowie welcomes many visitors as a convenient gateway to Mount Rogers, the Commonwealth's highest mountain, and the Mount Rogers National Recreation Area; and

WHEREAS, the Town Council of Chilhowie and The Centennial Committee hosted an anniversary celebration on December 7, 2013; the committee plans to continue the year-long festivities in the summer and fall of 2014; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Town of Chilhowie on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Town of Chilhowie as an expression of the General Assembly's admiration and respect for the town's storied history and many contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 193

Commending Mill Mountain Theatre.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Mill Mountain Theatre, the Roanoke region's professional, year-round theatre, celebrates 50 years of providing education, entertainment, and enjoyment to the community in 2014; and

WHEREAS, founded in 1964, Mill Mountain Theatre was originally known as Roanoke Summer Theatre and was incorporated as Mill Mountain Playhouse Company in 1966; and

WHEREAS, after Mill Mountain Playhouse Company's building was destroyed by fire in 1976, the company first resided in the Grandin Theatre before settling at the current location at Roanoke's Center in the Square in 1986; the move began a highly successful revitalization of downtown Roanoke; and

WHEREAS, Mill Mountain Theatre developed a partnership with the Actors' Equity Association, drawing talent from around the country and opening new opportunities for local actors; and

WHEREAS, in the 1980s, Mill Mountain Theatre developed an education program, the Mill Mountain Theatre Conservatory, to offer classes for children and teenagers and pre-professional classes for adults; approximately 250 students annually have benefited from the program, which continues to this day; and

WHEREAS, Mill Mountain Theatre launched three acclaimed stage productions in 2013 and has announced a full schedule of shows for 2014 at its two performance venues; the theatre has renewed its commitment to fostering new works by contemporary playwrights through a collaboration with Hollins University; and

WHEREAS, throughout its history, Mill Mountain Theatre has enjoyed a regional and national reputation for its dedication to artistic quality and the excellence of its educational programs; and

WHEREAS, Mill Mountain Theatre owes much of its success to the dedication and hard work of many employees and volunteers, the professionalism of the actors, and the enthusiastic support of the community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Mill Mountain Theatre on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Mill Mountain Theatre as an expression of the General Assembly's congratulations and best wishes for the future.

SENATE JOINT RESOLUTION NO. 194

Celebrating the life of Harry Jackson Bennett.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Harry Jackson Bennett, a respected farmer and a lifelong member of the Rich Patch community, died on February 21, 2014; and

WHEREAS, the owner of Watahala Farms in Rich Patch, Harry Bennett was an industrious farmer and an active contributor to the agriculture industry; he had the top-producing dairy herd in the Commonwealth for 11 years and held a national record for production; and

WHEREAS, Harry Bennett received many awards and accolades throughout his career; he was named the 1992 Lancaster Sunbelt Expo Southeastern Farmer of the Year and the 1985 Virginia Distinguished Dairyman; and

WHEREAS, Harry Bennett offered his leadership and expertise to the Alleghany County Farm Bureau, the board of directors of Farm Credit, and the Dairy Science Department at Virginia Polytechnic Institute and State University; and

WHEREAS, Harry Bennett worked to protect the local environment as the Alleghany County representative on the board of directors of the Mountain Soil and Water Conservation District for many years; and

WHEREAS, Harry Bennett enjoyed fellowship and worship with the community as a member of Rich Patch Union Church, where he served as a trustee; and

WHEREAS, predeceased by his wife, Mary, Harry Bennett will be fondly remembered and greatly missed by his children, Stephen, Ronald, Deborah, and Kimberly, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Harry Jackson Bennett, a hardworking farmer and a lifelong resident of Rich Patch in Alleghany County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Harry Jackson Bennett as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 195

Celebrating the life of Winston Leigh Plymale, Sr.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Winston Leigh Plymale, Sr., a generous family man who uplifted others with his friendly manner and humble faith, died on January 24, 2014; and

WHEREAS, a lifelong resident of Roanoke, Winston "Bud" Plymale graduated from Andrew Lewis High School in 1958 before studying at Roanoke College; and

WHEREAS, Bud Plymale entered the United States Marine Corps, where he received awards for marksmanship and rose to the rank of staff sergeant; and

WHEREAS, after working for his father at the Virginia Brokerage Company, Bud Plymale opened his own small business, APEX Industrial Equipment, Inc., where he worked side-by-side with his family for 30 years; and

WHEREAS, a man of devout faith, Bud Plymale was a lifelong member of First United Methodist Church; he was an active teacher of the Disciple study group, participated in Emmaus walks, was a team leader with the Kairos Prison Ministries, and was the force that kept together his long-standing Bible Study group; and

WHEREAS, Bud Plymale will be fondly remembered and greatly missed by his beloved wife of 51 years, Gwen; his sons, W. Leigh and Dean, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of a cherished member of the Roanoke community, Winston Leigh Plymale, Sr.; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Winston Leigh Plymale, Sr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 196

Commending the Cave Spring High School softball team.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, the Cave Spring High School softball team of Roanoke capped off an outstanding season by winning its first ever state championship in the Virginia High School League Group AA finals on June 9, 2013, in Radford; and

WHEREAS, it was the team's 18th straight victory during a season that saw the Knights finish with a record of 24–4, winning the River Ridge District regular season title, the district championship, and the state Region IV tournament in spring playoff competition; and

WHEREAS, the entire team played exceptionally well in the title game against a talented squad from Woodgrove High School; the Knights led starting in the third inning and claimed the state trophy with a final score of 9–3; and

WHEREAS, the trophy is all the more valuable to the team and to Coach Nick Sharp, as it was the Cave Spring softball team's first trip to a state final; their opponent, Woodgrove, was defending champion and trying to win for the third consecutive year; and

WHEREAS, the victory is a tribute to the hard work and dedication of the players, the motivation and determination of first-year Head Coach Nick Sharp, and the strong support of the students, staff, and supporters of Cave Spring High School; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the 2013 Cave Spring High School softball team on winning the 2013 Virginia High School League Group AA state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Nick Sharp, head coach of the Cave Spring High School softball team, as an expression of the General Assembly's congratulations and admiration for the team's superb performance and championship season.

SENATE JOINT RESOLUTION NO. 197

Commending the Cave Spring High School debate team.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, the Cave Spring High School debate team from Roanoke competed in the school's first Virginia High School League Group AA state debate championship in June 2013; and

WHEREAS, completing one of the best seasons in school history, the Cave Spring High School (CSHS) team exhibited enthusiasm and intelligence as they competed in both Lincoln-Douglas and Public Forum debates throughout the season; and

WHEREAS, the Public Forum debate is a structured partner debate on a variety of relevant and real-world topics; and

WHEREAS, based on debates held between then senatorial candidates, Abraham Lincoln and Stephen Douglas in 1858, the Lincoln-Douglas style is an individual debate focused on moral and philosophical matters; and

WHEREAS, in the Lincoln-Douglas debate, CSHS senior and team captain Colleen Truskey advanced to the 100th Virginia High School League (VHSL) State Debate Competition, where she finished 3rd overall; and

WHEREAS, during an impressive four-year career at CSHS, Colleen Truskey achieved 71 wins and over 500 career points, earning her the "Degree of Special Distinction" from the National Forensics League; and

WHEREAS, in the Public Forum debate, the CSHS team of Lydia Hoepfner, awarded a "Degree of Distinction" with 252 career points, and Rebekah Wellons, awarded a "Degree of Excellence" with 201 career points, finished first in the VHSL State Debate Competition, earning CSHS its first state win in debate; and

WHEREAS, the other members of the CSHS debate team, Michael Murphy and Marvi Ali, contributed to a successful season, with Marvi Ali placing 5th at Regionals and serving as an alternate in the state championship; and

WHEREAS, coached by Robert Powers, the CSHS debate team finished 3rd in the overall debate championship; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Cave Spring High School debate team on its outstanding performance in the 2013 Virginia High School League Group AA state debate championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Robert Powers, the coach of the Cave Spring High School debate team, as an expression of the General Assembly's admiration for the team's performance this season.

SENATE JOINT RESOLUTION NO. 198

Commending the Hidden Valley High School volleyball team.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, the Hidden Valley High School volleyball team of Roanoke capped off a triumphant 2013 season by winning the Virginia High School League Group 3A state championship on November 23, 2013; and

WHEREAS, the tournament victory came after an exciting title match at the Siegel Center in Richmond; the Titans needed five games to claim the state trophy over the Lady Lions of Warhill High School; and

WHEREAS, the tension-filled five-game match demonstrated the Titans' determination and resolve as the team won its 15th straight match; the game scores were 25–18, 23–25, 31–29, 23–25, and 15–9; and

WHEREAS, the Titans' volleyball win gave Hidden Valley High School its 15th state sports title in the school's 12-year history; the players were motivated to emerge victorious in 2013 after a heart-breaking loss in the 2012 championship match; and

WHEREAS, the victory was due to the team's talent, discipline, and motivation; the dedication of Head Coach Carla Poff and her staff; and the enthusiasm and support of the entire Hidden Valley High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Hidden Valley High School volleyball team for winning the 2013 Virginia High School League Group 3A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Coach Carla Poff, head coach of the Hidden Valley High School volleyball team, as an expression of the General Assembly's congratulations and admiration for an outstanding season and championship performance.

SENATE JOINT RESOLUTION NO. 199

Commending Caleb Shane Tanner.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Caleb Shane Tanner, a varsity basketball player for Floyd County High School, became the leading scorer in Virginia High School League history on February 20, 2014; and

WHEREAS, the senior broke the previous record of 2,687 career points during the first quarter of a game against Giles High School when he scored after a steal; by game's end, Caleb Tanner had amassed 36 points, handily surpassing the record set in 1997; and

WHEREAS, the River Run Conference game—a VHSL Group 2A semifinal, which Floyd County won 81–62—was halted after Caleb Tanner's history-making basket in order to present him with the game ball; the record was set before Floyd County competed in the conference championship the next day; and

WHEREAS, Floyd County High School Head Coach Brian Harman credited Caleb Tanner's hard work, focus, and talent as major factors in his player's outstanding accomplishment; the achievement was a huge one and well-deserved; and

WHEREAS, Caleb Tanner is a highly-ranked basketball player in other areas; he is a top three-point scorer both in a single game and in a season; he has had four 50-point games in a season, and he has an impressive free-throw percentage of 90.8; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Caleb Shane Tanner, a varsity basketball player for Floyd County High School, for being the leading scorer in Virginia High School League history, with 2,770 points; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Caleb Shane Tanner as an expression of the General Assembly's congratulations and admiration for his outstanding achievement.

SENATE JOINT RESOLUTION NO. 200

Celebrating the life of Thomas Joseph Sullivan, MD, FAAP.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Thomas Joseph Sullivan, MD, FAAP, of Springfield, a noted pediatrician and child advocate, died on January 19, 2014; and

WHEREAS, Dr. Sullivan was a graduate of Seton Hall University, received his medical degree from the University of Medicine and Dentistry of New Jersey, and completed an internship at Walter Reed Army Hospital; and

WHEREAS, Dr. Sullivan served honorably as a medical officer in the United States Army from 1965 to 1968, including an assignment in Vietnam, and attained the rank of major; and

WHEREAS, Dr. Sullivan completed pediatric residency training at Babies Hospital, Columbia Presbyterian Medical Center in New York City; and

WHEREAS, Dr. Sullivan had practiced in Northern Virginia since 1972 and created ALL Pediatrics in partnership with Richard Ryan, MD; ALL Pediatrics now has three offices in Alexandria, Lorton, and Lake Ridge; and

WHEREAS, Dr. Sullivan was not only much beloved by three generations of pediatric patients and parents but also received repeated recognition as a Doctor of Excellence by the *Washington Family Magazine*; and

WHEREAS, Dr. Sullivan was an innovator and leader in primary care pediatrics for the care of children with attention deficit hyperactivity disorder (ADHD), established the Medical Home model at ALL Pediatrics to improve care for special needs children, and was an early user of electronic health records to ensure that records are available at all office sites; and

WHEREAS, Dr. Sullivan was a founding member in 1994 of the Virginia Child Fatality Review Committee in the Office of the Chief Medical Examiner of the Virginia Department of Health; the committee examined precise details of child deaths to determine how they could be prevented and to make recommendations for education, training, and interventions; and

WHEREAS, Dr. Sullivan was an active leader of the Virginia Chapter of the American Academy of Pediatrics (AAP) and the Virginia coordinator for Pediatric Research in the Office Setting (PROS), establishing one of the larger PROS state groups in the AAP; he created the Pediatric Education Foundation of Virginia to provide grant funds for pediatric practices to support quality care for children with ADHD and, after successful application of the Bright Futures model of preventive and anticipatory care in his own practice, assisted in the development of the Bright Futures model for the programs of the Virginia Department of Health; and

WHEREAS, Dr. Sullivan was president of the Virginia Chapter of the AAP from 2000 to 2002, during which time he directed changes in the administrative management of the chapter that greatly enhanced the ability of the chapter to become a forceful and effective advocate for children's health needs in the General Assembly, the various government agencies of the Commonwealth, and other advocacy organizations; and

WHEREAS, Dr. Sullivan contributed to healthcare governance in Northern Virginia as chief of pediatrics at INOVA Alexandria Hospital, staff pediatrician at INOVA Fairfax Hospital, board member of the Children's National Medical Center, and chair of the Children's Hospital Health Network; he was an associate clinical professor at George Washington Hospital; and

WHEREAS, Dr. Sullivan represented the Virginia Chapter in a Learning Collaborative of the National Initiative for Children's Healthcare Quality for both Management of ADHD and the Early Hearing Detection and Intervention program; and

WHEREAS, Dr. Sullivan was a man with limitless ideas on how to advance child health and was recognized throughout the Commonwealth and the nation for his commitment to the wellness and safety of children; and

WHEREAS, eulogies at his funeral mass provided a complimentary picture of Dr. Sullivan as a man with enthusiasm for his professional work, a commitment to innovation, a love of committees and advocacy, a sense of humor, and a strong religious faith; he was a loving husband to Jacqueline Sullivan and a proud Irish patriarch with five children and 17 grandchildren; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Thomas Joseph Sullivan, MD, FAAP, a dedicated physician, an effective child health advocate, and a child's best friend; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Thomas Joseph Sullivan, MD, FAAP, as an expression of the General Assembly's respect for his 41 years of far-reaching service to the children and families of the Commonwealth of Virginia.

SENATE JOINT RESOLUTION NO. 201

Celebrating the life of Jacob Aulman Vick.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Jacob Aulman Vick, a beloved son and brother and great friend to many in the New Kent community, died tragically on October 29, 2013; and

WHEREAS, a sophomore at New Kent High School, Jacob Vick was an outstanding student who achieved a 3.7 GPA in his freshman year; and

WHEREAS, Jacob Vick was a valued member of the New Kent High School football team, where he started at middle linebacker on the varsity team; he also offered his talents as a member of the junior varsity baseball team; and

WHEREAS, Jacob Vick had many hobbies, but always made time for his family, especially his younger sisters; and

WHEREAS, Jacob Vick enjoyed fellowship and worship with the community as a member of Corinth Baptist Church in New Kent; and

WHEREAS, Jacob Vick will be fondly remembered and greatly missed by his parents, Robert and Susan; sisters, Lucy and Lauren; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Jacob Aulman Vick, a dynamic member of the New Kent community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Jacob Aulman Vick as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 202

Celebrating the life of Blanche Marie Cook Frey.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Blanche Marie Cook Frey, a longtime public servant and resident of Newport News, died on June 24, 2013; and

WHEREAS, a native of Champaign, Illinois, Blanche Cook met and married Colonel (USAF) Ivan Rex Frey while he was studying at the University of Nebraska; and

WHEREAS, shortly after marrying, Blanche Frey's husband returned to active duty in the United States Air Force; they were stationed in London, England; Bitburg, Germany; Wiesbaden, Germany; and held several assignments in the United States; and

WHEREAS, after settling in Newport News, Blanche Frey became an active member of the community, serving as a member of the National Society Daughters of the American Revolutionary War and the Virginia Society Daughters of the Colonial Wars, and was a daughter of the War of 1812; and

WHEREAS, wanting to give back to her country, Blanche Frey volunteered as a social hostess for her United States Congressman, managing community gatherings and various fundraisers; and

WHEREAS, Blanche Frey also volunteered as a Red Cross Lady for 21 years, served on the board of the Peninsula SPCA for more than 30 years, and founded the Associate Officers Wives Club at Langley Air Force Base, where she served as the president for several years; and

WHEREAS, Blanche Frey will be fondly remembered and greatly missed by her beloved husband, Rex Frey; her son, Gerald, and his family; and many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of a dedicated public servant, Blanche Marie Cook Frey; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Blanche Marie Cook Frey as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 203

Commending the Nansemond River Garden Club.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, the Nansemond River Garden Club of Suffolk, founded in 1928, has earned a sterling reputation for its beautiful floral designs and arrangements; and

WHEREAS, committed to environmental quality, protection, and beautification, the Nansemond River Garden Club has been instrumental in conservation and preservation projects in the City of Suffolk and the Commonwealth; and

WHEREAS, members of the Nansemond River Garden Club assisted in the decoration of the Virginia State Capitol for the 2007 Gala reception commemorating the reopening of the Capitol after its renovation and restoration; and

WHEREAS, the Nansemond River Garden Club was invited to participate in the 2014 Inaugural Ceremonies by decorating the Capitol for the inauguration of Governor Terence McAuliffe; and

WHEREAS, responding with enthusiasm and excitement, the gardeners from the Nansemond River Garden Club arrived in their cars loaded with supplies, greenery, and creative ideas for making the finest floral displays; and

WHEREAS, under the leadership of their president, Sandra Hart, the Nansemond River Garden Club volunteers transformed the Capitol into an elegant forum with spectacular floral arrangements that received rave reviews from the public and inaugural participants, including the Governor, Governor-elect, Lieutenant Governor-elect, and Attorney General-elect and members of the General Assembly; and

WHEREAS, the splendor of the Nansemond River Garden Club's creation continued to be enjoyed by all who visited the Capitol the following week; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Nansemond River Garden Club for its artistic work and volunteer efforts to create a beautiful and spectacular display for the Inaugural Ceremonies of the 72nd Governor of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Sandra Hart, president of the Nansemond River Garden Club, and members Dana Adams, Pam Askew, Linda Consolvo, Linda Dickens, Sharyn Flintoff, Mary Lawrence Harrell, Pat House, Sara Ann Johnson, Nina McConnell, Mary Jane Naismith, Cleta Norcross, Pam Pruden, Susan Rawls, and Jane Schaubach as an expression of the General Assembly's appreciation for its time, artistry, and creativity during the 2014 Inaugural Ceremonies.

SENATE JOINT RESOLUTION NO. 204

Commending John A. Moorman.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, in 1959, at the age of 11, John A. Moorman began volunteering in a library, shelving books and moving a college library collection; and

WHEREAS, John Moorman used this experience to fuel a passion, which resulted in his obtaining a master's degree and a doctorate degree in library science; and

WHEREAS, John Moorman has worked in libraries since 1972, served as a library director since 1975, and has served as library director for Williamsburg Regional Library since 2000; and

WHEREAS, during John Moorman's tenure as library director, Williamsburg Regional Library has received many honors, including four-star and five-star ratings from *Library Journal* and becoming a finalist for the National Medal for Museum and Library Services; and

WHEREAS, John Moorman has worked with elected officials and staff to establish trust with local governments through fiscally responsible stewardship of public resources and excellent library collections, programs, and services; and

WHEREAS, John Moorman shepherded Williamsburg Regional Library through the great recession as a leader and role model, reducing the library's budget without layoffs or reducing levels of service; and

WHEREAS, John Moorman worked closely with the Williamsburg Regional Library Board of Trustees in helping it perform its functions effectively; and

WHEREAS, John Moorman partnered with the Friends of Williamsburg Regional Library to enrich the library's collections, programs, and services; and

WHEREAS, John Moorman worked collaboratively with the Williamsburg Regional Library Foundation to increase its endowment for the library's growth and expansion; and

WHEREAS, John Moorman has consistently encouraged and motivated people through his words, and by delegating tasks and projects, he has shown the value of Williamsburg Regional Library and its staff to the citizens of three jurisdictions; and

WHEREAS, John Moorman has served not only library users in the Williamsburg area but also libraries across the state as president of the Virginia Library Association and libraries across the country as a member of the American Library Association's executive board; and

WHEREAS, John Moorman retired on December 31, 2013; and

WHEREAS, John Moorman's leadership and collaboration with the library's boards and staff members have allowed Williamsburg Regional Library to advance and grow, leaving an organization with great potential and viability for the future; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend John A. Moorman for his outstanding contributions to the Williamsburg Regional Library and the library profession on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to John A. Moorman as an expression of the General Assembly's admiration for his legacy of leadership and service and best wishes on a happy retirement.

SENATE JOINT RESOLUTION NO. 205

Celebrating the life of Elizabeth Page Harper Wyatt.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Elizabeth Page Harper Wyatt of Williamsburg, a devoted wife and mother who was active in many civic organizations and who was instrumental in having historic Fort Monroe in Hampton become a national monument, died on July 2, 2013; and

WHEREAS, Elizabeth "Betty" Wyatt was a native and longtime resident of Hampton Roads; she was born in Newport News and lived in Hampton for many years; she graduated from Newport News High School and Longwood University; and

WHEREAS, before she was married, Betty Wyatt worked for Virginia Public Service Company, which is now known as Dominion; she later was secretary-treasurer of Wyatt Brothers, Inc., men's clothiers in Hampton, a family company; and

WHEREAS, Betty Wyatt was a strong supporter of many community and civic organizations and was a member of the board of trustees of the Charles H. Taylor Memorial Library, a board member of the Peninsula Girls Scout Council, and a founding member of the Pembroke Garden Club; and

WHEREAS, with an interest in genealogy and history, Betty Wyatt was motivated to work to preserve Fort Monroe; the historic Civil War site is now the Fort Monroe National Monument, due in part to the work of Citizens for Fort Monroe National Park, of which she was a founding member; and

WHEREAS, predeceased by her husband, William, Betty Wyatt will be greatly missed and fondly remembered by her children, Betty and Nancy, and their families, and many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Elizabeth Page Harper Wyatt of Williamsburg, a devoted wife and mother who was active in many civic organizations and who was instrumental in having historic Fort Monroe in Hampton become a national monument; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Elizabeth Page Harper Wyatt as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 206

Celebrating the life of Robert A. Sheeran, Jr.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Robert A. Sheeran, Jr., a beloved member of The College of William and Mary Tribe and Williamsburg community, died on February 23, 2013; and

WHEREAS, with a father who played on the football and baseball teams and a mother who played on the tennis team in the 1930s, Robert "Bob" Sheeran grew up around the athletic programs at The College of William and Mary; and

WHEREAS, as a third-generation legacy, Bob Sheeran attended The College of William and Mary and received his bachelor's degree in 1967; he went on to dedicate his entire adult life to the college's athletic department; and

WHEREAS, beginning in 1972, Bob Sheeran served as William & Mary's sports information director, a position he expertly performed until 1985; and

WHEREAS, in 1984, Bob Sheeran moved to the radio booth where he worked as William & Mary's football analyst for the next 29 years; and

WHEREAS, during his tenure as sports information director and football analyst, Bob Sheeran attended 464 consecutive Tribe football games over the course of 41 seasons; and

WHEREAS, with his irreplaceable encyclopedic knowledge of the football program and passion for the school and its student body, Bob Sheeran was a valued and respected member of the Tribe family for nearly 50 years; and

WHEREAS, in addition to his storied career with The College of William and Mary athletics, Bob Sheeran was a prominent member of the local realty community, and a longtime morning radio show host; and

WHEREAS, Bob Sheeran will be fondly remembered and greatly missed by his beloved wife, Anne; his sons, Rob and Billy, and their families; The College of William and Mary community; and many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of longtime football analyst for The College of William and Mary, Robert A. Sheeran, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Robert A. Sheeran, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 207

Commending Colin G. Campbell.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Colin G. Campbell retired as the president of the Colonial Williamsburg Foundation after more than 13 years of able and energetic leadership; and

WHEREAS, Colin Campbell attended Cornell University and earned a law degree from Columbia University; and

WHEREAS, prior to joining the Colonial Williamsburg Foundation, Colin Campbell worked at the American Stock Exchange, served as the 13th president of Wesleyan University, and offered his expertise to a nonprofit corporation; and

WHEREAS, Colin Campbell was selected to serve as the president of the Colonial Williamsburg Foundation in August 2000; despite substantial challenges, he successfully guided the foundation into the twenty-first century with innovative programs and strong leadership; and

WHEREAS, shortly after beginning his term as president, Colin Campbell launched a \$100 million, multi-year project to renovate and refurbish the Colonial Williamsburg Visitor Center, the Williamsburg Inn, and the Williamsburg Woodlands; and

WHEREAS, with creative practices, such as a Labor Day weekend promotion for military families in 2001, Colin Campbell spurred increases in annual pass sales and admissions; and

WHEREAS, Colin Campbell has been a focused and enthusiastic fund raiser for Colonial Williamsburg; in 2002, the foundation topped 100,000 individual donors for the first time, earning record donations, and donor support continues to grow steadily to this day; and

WHEREAS, Colin Campbell introduced revolutionary programs, such as electronic field trips, web-based educational curricula, and online games to reach students and history enthusiasts throughout the nation; in 2005, schools in California adopted Colonial Williamsburg's history and social studies program; and

WHEREAS, in 2006, Colin Campbell oversaw the opening of Revolutionary City, a depiction of life in 1774 Williamsburg that combines theatre and historical interpretation for the enjoyment of all visitors; and

WHEREAS, under Colin Campbell's leadership, Colonial Williamsburg hosted former Virginia Governor Tim Kaine's inauguration in 2006 and welcomed Her Majesty, Queen Elizabeth II of England, in 2007; and

WHEREAS, Colin Campbell has succeeded in helping twenty-first century Americans access and enjoy the history and heritage of eighteenth century Virginia; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Colin G. Campbell on the occasion of his retirement as president of the Colonial Williamsburg Foundation; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Colin G. Campbell as an expression of the General Assembly's admiration for his contributions to Colonial Williamsburg and the Commonwealth.

SENATE JOINT RESOLUTION NO. 208

Celebrating the life of Lloyd U. Noland, Jr.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Lloyd U. Noland, Jr., a native of Newport News, passed away at the age of 96 on February 7, 2014; and

WHEREAS, Lloyd U. Noland, Jr., graduated from Newport News High School in 1935 and earned his undergraduate degree from Dartmouth College in 1939; he received honorary doctorate degrees from The College of William and Mary and Christopher Newport University; and

WHEREAS, Lloyd U. Noland, Jr., a nationally known businessman and civic leader, and the son of former Virginia State Senator Lloyd U. "Casey" Noland, was the president and chief operating officer of the Newport News-based Noland Company, one of the nation's largest and best-known plumbing, heating, and electrical supply companies, and was the top executive of several other enterprises, including Biggs Furniture Company, Richmond Hotels, Inc., Tidewater Construction Company, Inc., Basic Construction, and Noland Properties; and

WHEREAS, driven by a sense of civic duty instilled by his father, Lloyd U. Noland, Jr., found civic involvement gratifying and was active in the civic affairs of Newport News and the Commonwealth; and

WHEREAS, Lloyd U. Noland, Jr., devoted his time, talents, and resources to many civic and cultural organizations and served as chairman of the annual United Fund campaign, as vice president of the Virginia Museum of Fine Arts, as a member of the executive committee and chairman of the Building Committee for the north wing of the Virginia Museum of Fine Arts, as chairman of the Governor's Advisory Board on the Industrial Development Commission from 1967 to 1970, and as a member of the James River Country Club, the Commonwealth Club of Richmond, and Deep Run Hunt Club of Goochland; and

WHEREAS, during his lifetime, Lloyd U. Noland, Jr., was recognized for his generosity to the people of the Peninsula and dedication to various civic endeavors, and named in his honor are: "The Noland Trail" at the Mariners' Museum, the Chesapeake Bay Deep Water Aquarium exhibit at the Virginia Living Museum, and the Children's Hospital of the Kings Daughters surgical center at the Peninsula location; and

WHEREAS, Lloyd U. Noland, Jr., a longtime civic activist and philanthropist, loved walking, exercising, and traveling; he was an avid fox hunter and trail rider and appreciated Virginia's natural environment; and

WHEREAS, the family, friends, and colleagues of Lloyd U. Noland, Jr., and the people of the Peninsula will sorely miss him and cherish his memory forever; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Lloyd U. Noland, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Lloyd U. Noland, Jr., as an expression of the General Assembly's respect for his memory and gratitude for his many contributions to the citizens of the Peninsula and the Commonwealth.

SENATE JOINT RESOLUTION NO. 209

Celebrating the life of the Honorable Benjamin Joseph Lambert, III.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, the Honorable Benjamin Joseph Lambert, III, former state Senator of the 9th Senatorial District, comprising the City of Richmond and the Counties of Henrico and Charles City, was born on January 29, 1937, in Henrico County to prominent African American caterers, whose family lived in the Richmond area since the American Civil War; nurtured by loving parents, he was one of seven college-educated siblings whose success in their respective professions was recognized in Richmond and beyond; and

WHEREAS, the Honorable Benjamin Joseph Lambert, III, was a member of a family who taught three successive generations to value hard work and to aspire to lofty goals, and whose trademark was tenacity, devotion to family, and graciousness; and

WHEREAS, the Honorable Benjamin Joseph Lambert, III, graduated from Virginia Randolph High School in 1955, earned his bachelor's degree in mathematics from Virginia Union University in 1959, where he was class president, a member of the yearbook staff, the Math Club, band, Who's Who Among Students in American Universities and Colleges, the Panhellenic Council, and Omega Psi Phi Fraternity, Incorporated; he was an optometrist by profession, having graduated from the Massachusetts College of Optometry, and he attended the Pennsylvania College of Optometry; and

WHEREAS, the Honorable Benjamin Joseph Lambert, III, always actively involved in the community, began his 30-year political career with election to the Virginia House of Delegates in 1977 to represent the 33rd House District, and in 1985, he was elected overwhelmingly to the Senate of Virginia to represent the 9th Senatorial District; and

WHEREAS, a true statesman and scholar, the Honorable Benjamin Joseph Lambert, III, was a kind and caring Virginia gentleman; he practiced optometry in the Jackson Ward area of Richmond and moved effortlessly among the politically powerful, corporate leaders, civil rights activists, the healthcare community, and everyday constituents; and

WHEREAS, the Honorable Benjamin Joseph Lambert, III, who was the first African American appointed to the powerful Senate Committee on Finance, served on a number of legislative and executive branch and civic committees, chaired several subcommittees, was the chief patron of legislation creating the Virginia Commonwealth University Health System Authority, was the Senate patron of legislation creating the *Brown v. Board of Education* Scholarship Committee, which he chaired from its inception in 2004 until his retirement in 2007, and introduced measures designed to improve public and higher education, provide for lead abatement, and enhance the quality of life for underserved populations; and

WHEREAS, the Honorable Benjamin Joseph Lambert, III, was a dedicated public servant as demonstrated by his numerous affiliations, memberships, and awards; in 1972, he received the "Outstanding Young Man" award from the Richmond Jaycees, the first African American man to receive the honor, which the civic group had given since 1938; in 1980, he became the first African American to represent Virginia on the Democratic National Committee; in 1993, he received the Humanitarian Award from the National Conference of Christians and Jews, now the Virginia Center for Inclusive Communities; in 2008, he was honored for his contributions as a Virginia Commonwealth University Health System board member and for being a champion of healthcare for underserved persons; and

WHEREAS, among the several organizations to which the Honorable Benjamin Joseph Lambert, III, devoted his time, talent, and treasure are the NAACP, Richmond Crusade for Voters, Jackson Ward Civic Association, Richmond Jaycees, North Richmond YMCA, Consolidated Bank and Trust, Dominion Resources, Inc. board of directors from 1994 to 2010, Dominion Virginia Power board of directors from 1992 to 1999, USA Education, Inc., Virginia College Fund, Virginia Randolph Foundation, Black History Museum and Cultural Center of Virginia, Barksdale Theater, Virginia Optometric Association, American Optometric Association, National Optometric Association, and Richmond Medical Society; he served as secretary of the board of trustees of his alma mater, Virginia Union University, and was a longtime and devoted member of Westwood Baptist Church in Richmond; and

WHEREAS, the Honorable Benjamin Joseph Lambert, III, was a strong advocate for the City of Richmond and its surrounding communities; he was an influential and effective legislator who was trustworthy, dependable, and conscientious; and his keen understanding of the role of government and politics gave him a savvy ability to work effectively with members across the aisle to garner support for his legislation to ensure the welfare of his constituents, regardless of the political consequences; and

WHEREAS, the Honorable Benjamin Joseph Lambert, III, leaves a legacy of public service characterized by honesty, loyalty, diligence, duty, dignity, and grace, and "his works do follow him"; and

WHEREAS, his warm, easy smile, jovial nature, generosity, kindness towards his patients and others, and hearty laugh will be sorely missed by his family, friends, colleagues, church family, and everyone whose life he touched, and loving memories of the Honorable Benjamin Joseph Lambert, III, will be cherished forever; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Benjamin Joseph Lambert, III, former state Senator of the 9th Senatorial District; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Benjamin Joseph Lambert, III, former state Senator of the 9th Senatorial District, as an expression of the

General Assembly's respect for his memory and fond remembrance and admiration of his life of public service to the Commonwealth.

SENATE JOINT RESOLUTION NO. 210

Celebrating the life of Lawrence Garnell Stamps, Sr.

Agreed to by the Senate, March 4, 2014

Agreed to by the House of Delegates, March 5, 2014

WHEREAS, Lawrence Garnell Stamps, Sr., a respected educator, devoted friend, and leader in Lynchburg's civil rights movement, died on February 28, 2014; and

WHEREAS, a native of Lynchburg, Garnell Stamps graduated from Dunbar High School and earned a bachelor's degree from the University of Maryland Eastern Shore in 1959; he conducted graduate studies at the University of Virginia and Lynchburg College; and

WHEREAS, Garnell Stamps prepared the youth of the community for higher education, careers, and responsible citizenship as an English teacher in Lynchburg City Schools; he guided and mentored countless children even after his retirement; and

WHEREAS, throughout his professional career, Garnell Stamps served as a television talk show host, a public relations consultant, and an educational consultant; and

WHEREAS, Garnell Stamps was a recognized advocate for social justice and a visible and active leader of the civil rights movement in Lynchburg; and

WHEREAS, Garnell Stamps forged deep friendships in the community and encouraged understanding and respect across ideological lines; he worked with a former mayor of Lynchburg to create the Community Dialogue on Race and Racism, which continues to this day; and

WHEREAS, Garnell Stamps proudly participated in the March on Washington in 1963 along with Dr. Martin Luther King, Jr.; he returned to the nation's capital in 2013 for the 50th anniversary of the march; and

WHEREAS, admired for his keen intellect and passionate oratory, Garnell Stamps conducted leadership workshops and presentations for the General Electric Company and at colleges and universities throughout the nation; and

WHEREAS, Garnell Stamps generously donated his time and wise leadership to many civic and service organizations; he received countless awards and accolades for his achievements in bettering the community and advancing the cause of civil rights and for his professional accomplishments; and

WHEREAS, predeceased by his wife, Dorothy, Garnell Stamps will be fondly remembered and greatly missed by his children, Robin, Lawrence, Jr., Gregory, and Antony, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Lawrence Garnell Stamps, Sr., an educator, civil rights activist, and pillar of the Lynchburg community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Lawrence Garnell Stamps, Sr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 211

Celebrating the life of Mildred Lonergan McAuliffe.

Agreed to by the Senate, March 5, 2014

Agreed to by the House of Delegates, March 6, 2014

WHEREAS, Mildred Lonergan McAuliffe, a beloved wife, mother, and friend and a dynamic member of her community, died on February 13, 2014; and

WHEREAS, a nearly lifelong resident of Syracuse, New York, Mildred "Millie" Lonergan graduated from Central High School in 1939; she earned a bachelor's degree from Syracuse University, where she was a member of Theta Phi Alpha sorority and Eta Pi Upsilon honorary society; and

WHEREAS, after graduating in 1943, Millie Lonergan pursued a career with Liberty Mutual Insurance Company, working as a claims adjuster in the Boston and San Francisco offices; she served her country during World War II by enrolling in flight school to train as an auxiliary pilot; and

WHEREAS, in 1947, Millie Lonergan married the love of her life, Jack McAuliffe, with whom she would raise a family; she was deeply dedicated to her children, grandchildren, and great-grandchildren throughout her life; and

WHEREAS, Millie McAuliffe was an active contributor to her community, caring for those in need as a patient service volunteer for Community General Hospital; she donated her time and talents as a volunteer for the Fairmount Fair, several local golf associations, and the local Democratic Party; and

WHEREAS, known for her joyful spirit, Millie McAuliffe brightened community and social events with her wry sense of humor and for singing rousing renditions of "Hello, Dolly!"; and

WHEREAS, a proud and devout Catholic, Millie McAuliffe enjoyed fellowship and worship with the community as a founding member of St. Ann's Church; she served as a president of the Altar and Rosary Society; and

WHEREAS, Millie McAuliffe will be fondly remembered and greatly missed by her sons, John, Joseph, Thomas, and Terence, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Mildred Lonergan McAuliffe, a beloved wife, mother, and friend and an active member of her community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Mildred Lonergan McAuliffe as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 212

Celebrating the life of George Walker Patteson.

Agreed to by the Senate, March 7, 2014

Agreed to by the House of Delegates, March 8, 2014

WHEREAS, George Walker Patteson, a veteran and devoted community leader in Richmond who had served the General Assembly as a doorkeeper, died on November 1, 2013; and

WHEREAS, George Patteson earned a bachelor's degree from Hampden-Sydney College and attended law school at the University of Virginia; and

WHEREAS, desirous to be of service to his country, George Patteson joined the United States Navy and served on the USS *Hemminger*; he was a member of the Navy League, an educational organization that promotes public interest in and understanding of the nation's maritime capabilities; and

WHEREAS, in his professional life, George Patteson enjoyed a distinguished career with Central Fidelity Bank, where he served as a vice president of trust; and

WHEREAS, later in life, George Patteson faithfully served the General Assembly of Virginia for many years, proudly helping to maintain decorum in the House of Delegates as a doorkeeper; and

WHEREAS, George Patteson served as a docent at the Virginia Aviation Museum and also donated his time and talents to the Sons of the Revolution, the Richmond Kiwanis Club, the Country Club of Virginia, the Fishing Bay Yacht Club, and the Virginia Motor Sports Club; and

WHEREAS, a loving husband, father, and grandfather, George Patteson will be fondly remembered and greatly missed by his wife, Shirley; daughters, Anne and Elizabeth, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of George Walker Patteson, a veteran and active member of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of George Walker Patteson as an expression of the General Assembly's respect for his memory.

SENATE RESOLUTION NO. 1

Commending the 2014 inductees into the Virginia Sports Hall of Fame.

Agreed to by the Senate, January 9, 2014

WHEREAS, in 1996 the Virginia Sports Hall of Fame was designated the official Sports Hall of Fame of the Commonwealth of Virginia; and

WHEREAS, the Virginia Sports Hall of Fame and Museum, located in Portsmouth, has honored many of Virginia's exceptional athletes, coaches, and media since its inception; and

WHEREAS, dedicated to honoring, educating, and entertaining its visitors, the Virginia Sports Hall of Fame and Museum inducts individuals who achieve greatness in their field and serves as a nonprofit educational resource center for math, science, health, and character development; and

WHEREAS, the Virginia Sports Hall of Fame is honored to present the Class of 2014 inductees as follows:

The Class of 2014

Rondé Barber

A native of Roanoke, Rondé Barber was a three-time All-Atlantic Coast Conference (ACC) selection for the University of Virginia (UVA) Cavaliers. He was taken in the third round of the 1997 NFL Draft by the Tampa Bay Buccaneers. Over his 16-year career with the Buccaneers, he accumulated five Pro Bowl selections and three first-team All-Pro selections and helped capture the team's first Super Bowl win in franchise history in Super Bowl XXXVII against the Oakland Raiders. He is the Buccaneers' all-time interceptions leader and has recorded the most quarterback sacks by an NFL cornerback.

Sean Casey

Sean Casey is a graduate of the University of Richmond, where he was a three-time All-Colonial Athletic Association (CAA) selection and captured the National Collegiate Athletic Association (NCAA) batting title during the 1995 season with a .461 batting average. He was a second-round pick in the 1995 Major League Baseball (MLB) Draft by the Cleveland Indians. Over his 12-year MLB career, he was a three-time All-Star selection and posted a career batting average of .302, while hitting 130 home runs and driving in 735 runs. In 1999, he received MLB's Hutch Award, given to the player who "best exemplifies the fighting spirit and competitive desire" of the award's namesake. He was selected to the Cincinnati Reds Hall of Fame in 2012.

LaTasha Colander Clark

LaTasha Colander Clark, a native of Portsmouth, is a graduate of Woodrow Wilson High School and later went on to run track at the University of North Carolina (UNC) at Chapel Hill. At UNC, she won 14 ACC titles, was a 12-time All-American, and led the Tar Heels to eight ACC team championships. She was a member of both the 2000 and 2004 United States (U.S.) Olympic Teams, and won a gold medal as part of the 4 x 400 meter relay team in the 2000 Olympics in Sydney, Australia. In 2000, she was the U.S. champion in the 400 meters and was part of the relay team that broke the world record in the 4 x 200 meters. She repeated as U.S. champion in 2001.

Marty Miller

Marty Miller, a native of Danville, is considered one of Norfolk State University (NSU)'s greatest ambassadors. Starting at NSU in 1965 as a baseball player, he became the first Spartan to be named an NCAA College Division All-American and played until 1968 before joining the U.S. Army. In 1973, he became NSU's head coach, where he stayed until 2005 before being named NSU's Director of Athletics. In his 32 years as head baseball coach, he went 718–543–3, including 17 conference championships. He was named the Central Intercollegiate Athletic Association's (CIAA) Coach of the Year 15 times and is the winningest baseball coach in CIAA history. He is a member of the CIAA's John B. McLendon Hall of Fame and the Norfolk State University Sports Hall of Fame.

Ticha Penicheiro

Ticha Penicheiro was a standout women's basketball player at Old Dominion University (ODU) from 1994–1998 and led the Lady Monarchs to the NCAA championship game in 1997. At ODU, she was a two-time Kodak All-American, four-time All-CAA honoree, and was named the CAA's Player of the Year twice. In 1998, she was the Wade Trophy recipient, awarded annually to the best women's basketball player in NCAA Division I competition. After her prestigious college career, she was the number-two overall pick by the Sacramento Monarchs in the 1998 Women's National Basketball Association (WNBA) draft. In her 15-year career in the WNBA, she was a four-time WNBA All-Star, won a WNBA championship in 2005, and is the all-time record holder in assists. She was an honoree of the WNBA's All-Decade Team in 2006.

David Teel

David Teel graduated from James Madison University in 1981 with a degree in communications before becoming one of the most decorated sports writers in Virginia. He came to the *Daily Press* in 1984 and has covered numerous NCAA Final Fours; ACC championships; college bowl games; NFL playoff games, including the 2009 Super Bowl; two U.S. Opens; the 2002 Ryder Cup in England; and the 1996 Atlanta Olympic Games. He has been honored more than 50 times by the *Associated Press* Sports Editors, Football Writers Association of America, the U.S. Basketball Writers Association, and the National Sportscasters and Sportswriters Association.

Louis Wacker

Louis Wacker, an outstanding football player for the Richmond Spiders, began his football coaching career at Midlothian High School before joining the staff at Hampden-Sydney College (HSC), where he built a defensive powerhouse over the next two decades as a defensive coordinator. After his 24 years with HSC, he moved on to become the head football coach at Emory & Henry College (E & H) in 1982. He spent 23 seasons with the Wasps and won nearly 70 percent of his games with an overall record of 164–76. He was voted Old Dominion Athletic Conference (ODAC) Coach of the Year five times and recorded more football wins than any other conference coach on his way to a record of 11 conference championships. He is a member of the Highland Springs High School Hall of Fame, the University of Richmond Athletics Hall of Fame, the Hampden-Sydney College Athletic Hall of Fame, and the Emory & Henry College Sports Hall of Fame; now, therefore, be it

RESOLVED by the Senate of Virginia, That Rondé Barber, Sean Casey, LaTasha Colander Clark, Marty Miller, Ticha Penicheiro, David Teel, and Louis Wacker hereby be commended as the 2014 inductees into the Virginia Sports Hall of Fame; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to the Virginia Sports Hall of Fame and Museum and its 2014 inductees as an expression of the Senate of Virginia's congratulations and admiration for the inductees' many contributions to the world of sports.

SENATE RESOLUTION NO. 2

Celebrating the life of Walter S. Segaloff.

Agreed to by the Senate, January 9, 2014

WHEREAS, Walter S. Segaloff, a respected businessman and visionary civic leader who left a living legacy to the residents of Newport News through his sterling example of service and the establishment of An Achievable Dream, died on August 18, 2013; and

WHEREAS, Walter Segaloff grew up in Newport News and returned there to join the family business after earning a bachelor's degree from the University of Michigan, eventually becoming president of Virginia Specialty Stores, Inc.; and

WHEREAS, Walter Segaloff's commitment to "doing the right thing for the right reason" could be seen in the depth and breadth of his involvement in local civic and community affairs; and

WHEREAS, Walter Segaloff served as the founder and director of the Virginia Peninsula Economic Development Council and on the Newport News Planning Commission and was actively involved with the Boys & Girls Clubs of the Virginia Peninsula; and

WHEREAS, a strong supporter of the local military and their families, Walter Segaloff took an active role in the 1988–1989 Celebration Committee that welcomed home the USS *Newport News* and served as cochair of the 1991 "Coming Home Proud" event; and

WHEREAS, Walter Segaloff provided wise insight and guidance to a number of projects and organizations on the Virginia Peninsula, including Christopher Newport University's Real Estate Foundation, and played a pivotal role in the founding of Harbor Bank (now TowneBank); and

WHEREAS, Walter Segaloff strongly believed in the dignity and worth of all individuals and fought to end segregation and religious and racial discrimination; and

WHEREAS, Walter Segaloff founded An Achievable Dream and brought together "Dreamers" in the community with the nonprofit organization to provide the youth of Newport News with enhanced learning opportunities; and

WHEREAS, from a young age, Walter Segaloff worked tirelessly to support the birth and growth of the State of Israel; and

WHEREAS, Walter Segaloff was honored for his tremendous service to the community with a host of awards over the years that culminated in his recognition by the Virginia Press Association as the 2013 Virginian of the Year; and

WHEREAS, a remarkable man, Walter Segaloff touched the lives of countless individuals over the course of his long and meaningful life and inspired others to take an active role in community affairs; and

WHEREAS, Walter Segaloff will be fondly remembered and greatly missed by his wife, Ann; children, David and Peter, and their families; stepchildren, Rick, Megan, and Chris, and their families; and numerous other family members, friends, and admirers; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of an outstanding Virginian, Walter S. Segaloff; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Walter S. Segaloff as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 3

Commending the Hanover High School baseball team.

Agreed to by the Senate, January 9, 2014

WHEREAS, the Hanover High School baseball team capped an outstanding season by winning the 2013 Virginia High School League Group 3A state baseball championship; and

WHEREAS, the Hanover High School baseball team defeated Floyd E. Kellam High School in the state quarterfinals (5–0) and Oakton High School in the state semifinals (9–8) to advance to the state finals; and

WHEREAS, the Hanover High School baseball team then faced Great Bridge High School before an enthusiastic crowd at the state championship game held in Chantilly; and

WHEREAS, the Hanover High School baseball team had strong pitching from senior Derek Casey, who showcased his 90-mph fastball and struck out 10 batters, and freshman Hayden Moore, who forced three flyouts; and

WHEREAS, the Hanover High School baseball team scored both runs in the sixth inning—Taylor McDougal advanced to first base after being walked and then made it around the bases as fellow Hawk Trevor Denton sent a curve to right field and Chris Gilliam hit a single; and

WHEREAS, the Hanover High School baseball team's Cayman Richardson then made a sacrifice bunt that allowed Trevor Denton to cross home plate; and

WHEREAS, the Hanover High School baseball team's triumphant win (2–1) over Great Bridge High School was the first state baseball championship title in school history; and

WHEREAS, the success of the Hanover High School baseball team is a tribute to the talent, dedication, and perseverance of all the players; the leadership of Head Coach Charlie Dragum and his staff; and the support of the Hanover High School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Hanover High School baseball team hereby be commended on winning the 2013 Virginia High School League Group AAA state baseball championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Charlie Dragum, head coach of the Hanover High School baseball team, as an expression of the Senate of Virginia's congratulations and admiration for the team's winning season.

SENATE RESOLUTION NO. 5

Celebrating the life of Antonia Lolos.

Agreed to by the Senate, January 9, 2014

WHEREAS, Antonia Lolos, a respected business owner from Newport News known for her compassionate heart, died on September 24, 2013; and

WHEREAS, a native of New York who was a lifelong fan of the Yankees, Antonia "Toni" Lolos met the love of her life, Artie, in New York City; the couple wed there and eventually moved to Newport News in 1991; and

WHEREAS, Toni Lolos and her husband became co-owners of Steve's Steak House (Artie and Toni's) and immersed themselves in running their restaurant and serving the local community; and

WHEREAS, Toni Lolos and her husband opened their hearts and the doors of their restaurant to community members on Thanksgiving Day, providing a hot meal and welcoming fellowship to those in need; and

WHEREAS, Toni Lolos loved animals and advocated for their good treatment and care through generous support of various animal rights groups; and

WHEREAS, in 2008, a scholarship was established in Toni and Artie Lolos' names at Christopher Newport University; and

WHEREAS, Toni Lolos grew in faith and further served fellow community members as a longtime member of Saints Constantine and Helen Greek Orthodox Church; and

WHEREAS, predeceased by her husband, Artie, Toni Lolos will be fondly remembered and greatly missed by her children, Constantinos and Marcella, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of a hardworking businesswoman, dedicated community servant, and admired resident of Newport News, Antonia Lolos; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Antonia Lolos as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 6

Commending Robert F. Shuford, Sr.

Agreed to by the Senate, January 9, 2014

WHEREAS, Robert F. Shuford, Sr., has been named by the Virginia Peninsula Chamber of Commerce as its 2013 Distinguished Citizen; and

WHEREAS, in 1965, Robert Shuford joined Old Point National Bank in Hampton as vice president; and

WHEREAS, as president, chief executive officer, and board chair, Robert Shuford grew the bank from only two locations in Hampton to 18 sites throughout Hampton Roads while increasing its assets from \$10 million to more than \$875 million; and

WHEREAS, Robert Shuford has made many contributions to the Hampton Roads area through his community service endeavors, generously giving of his time and talents to a number of organizations; and

WHEREAS, Robert Shuford served as the board president of the Peninsula Metropolitan YMCA from 1992 to 1994, and he helped the organization grow from two branches to 15; and

WHEREAS, Robert Shuford has led initiatives for the Hampton Roads Academy, Salvation Army, Hampton Police Memorial Project, Habitat for Humanity, and the Hampton History Museum, where he led the fundraising committee and raised \$5 million for the museum's opening in May 2003; and

WHEREAS, Robert Shuford has been a board member of Greater Peninsula NOW, Hampton Education Foundation, Hampton Roads Economic Development Alliance, and Hampton Roads Partnership; and

WHEREAS, Robert Shuford has provided strong leadership to a number of organizations, including St. John's Episcopal Church, Phoebus Civic Association, Peninsula Council for Workforce Development, Peninsula Salvation Army, Sentara Careplex Hospital, and the Thomas Nelson Community College Educational Foundation; and

WHEREAS, Robert Shuford has made many contributions to the well-being of the Hampton Roads area and its citizens through his dedicated community service; now, therefore, be it

RESOLVED by the Senate of Virginia, That Robert F. Shuford, Sr., hereby be commended on his selection as the 2013 Distinguished Citizen by the Virginia Peninsula Chamber of Commerce; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Robert F. Shuford, Sr., as an expression of the Senate of Virginia's congratulations and admiration for his dedication to serving the community.

SENATE RESOLUTION NO. 7

Commending the James Monroe High School football team.

Agreed to by the Senate, January 9, 2014

WHEREAS, the James Monroe High School football team showed heart and dedication in their Virginia High School League Group 3A state semifinal win in December 2013; and

WHEREAS, finishing the season with a record of 10–5, the James Monroe High School (JMHS) Yellow Jackets won the state semifinal against Heritage High School, advancing to the state championship game; and

WHEREAS, trailing by a touchdown at the end of the first quarter, sophomore defensive tackle Antonio Wynn-Coleman made an incredible interception, giving the JMHS Yellow Jackets the ball with a short field; and

WHEREAS, on the first play of the second quarter, quarterback Jay Scroggins completed a short touchdown pass to Kordell Boyd; and

WHEREAS, on their next series, Jay Scroggins completed a 34-yard catch-and-run to Jarmal Bevels and finished the drive with a seven-yard pitch to Kendrick Wilkins, giving the JMHS Yellow Jackets the lead; and

WHEREAS, for the remainder of the game, the JMHS defense shone; Heritage High School capped an eight-play drive with a three-yard scoring run, but Antonio Wynn-Coleman blocked the extra-point attempt, maintaining the JMHS lead, and the win, with a score of 14–13; and

WHEREAS, the state semifinal victory is a statement to the talent and dedication of the players, the leadership of the coaching staff, and the support of the James Monroe High School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the James Monroe High School football team hereby be commended on winning the 2013 Virginia High School League Group 3A state semifinal, and advancing to the state championship game; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Rich Serbay, coach of the James Monroe High School football team, as an expression of the Senate of Virginia's admiration for the team's skill and commitment.

SENATE RESOLUTION NO. 8

2014 Operating Resolution.

Agreed to by the Senate, January 8, 2014

RESOLVED by the Senate of Virginia, That the Comptroller is directed to issue his warrants on the Treasurer, payable from the contingent fund of the Senate to accomplish the work of the Senate of Virginia as reported by the Clerk of the Senate to the Senate Rules Committee during the 2014 Session. Necessary payments to cover salaries of temporary employees and the pages/messengers, per diem of legislative assistants who establish a temporary residence, per diem for pages/messengers and certain employees designated by the Clerk and reported to the Chair of the Senate Rules Committee, as well as other contingent and incidental expenses, will be certified by the Clerk of the Senate or her designee. Per diem for orientation will be paid as approved by the Clerk.

SENATE RESOLUTION NO. 12

Commending the continuing efforts to secure the release of Sergeant Bowe R. Bergdahl, U.S. Army, from the Haqqani network in Pakistan.

Agreed to by the Senate, March 5, 2014

WHEREAS, on June 30, 2009, now 27-year-old U.S. Army Sergeant Bowe R. Bergdahl of Hailey, Idaho, disappeared in Paktika Province in eastern Afghanistan while traveling alone; and

WHEREAS, it is believed that Sergeant Bergdahl has been held as a prisoner of war for four years by the Taliban-affiliated Haqqani network in Pakistan; and

WHEREAS, the Taliban demanded the release of five Guantanamo detainees in exchange for Sergeant Bergdahl, and an offer was made by the United States government to unilaterally release the five detainees in March 2012; however, negotiations ended after 16 Afghan civilians were killed by a United States serviceman in Kandahar; and

WHEREAS, although a moratorium was lifted by President Barack Obama on May 23, 2013, for the transfer of detainees at Guantanamo to Yemen, and 90 detainees had been cleared for release, none have been transferred due to failed talks and opposition to a prisoner exchange agreement in the United States Senate; and

WHEREAS, although POW/MIA Recognition Day was declared on September 20, 2013, by the Obama administration to honor service members held as prisoners of war or missing in action and to support their families, many supporters of prisoners of war and their families believe the declaration was insufficient and that stalled action on prisoner exchange in the United States Senate should be resumed; and

WHEREAS, many Americans are united in securing the immediate release of Sergeant Bergdahl and other United States service members held as prisoners of war and finding those who are missing in action; now, therefore, be it

RESOLVED by the Senate of Virginia, That the continuing efforts to secure the release of Sergeant Bowe R. Bergdahl, U.S. Army, from the Haqqani network in Pakistan hereby be commended; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Sergeant Bowe R. Bergdahl, U.S. Army; and, be it

RESOLVED FINALLY, That the Clerk of the Senate transmit copies of this resolution to the United States Secretary of Defense and the United States Secretary of State so that they may be apprised of the sense of the Senate of Virginia in this matter.

SENATE RESOLUTION NO. 13

Celebrating the life of Nathan Jacob Schnurman, Sr.

Agreed to by the Senate, January 16, 2014

WHEREAS, Nathan Jacob Schnurman, Sr., a patriotic and heroic veteran, who worked hard to support his family, his country, and his fellow veterans, died on October 7, 2013; and

WHEREAS, a native of Roanoke, Nathan J. Schnurman, Sr., was possessed of a desire to serve his country; he joined many of the other young men of his generation and enlisted in the United States Navy during World War II; and

WHEREAS, caring deeply for his family, Nathan J. Schnurman, Sr., generously sent the majority of his monthly earnings home to his mother and father; and

WHEREAS, Nathan J. Schnurman, Sr., proudly served as a ship's cook, preparing three meals daily for 6,000 sailors and diligently accounting for supplies ordered a full year in advance; and

WHEREAS, Nathan J. Schnurman, Sr., was placed in a United States Navy program to test the effectiveness of protective clothing and gas masks against chemical weapons; and

WHEREAS, injured as a result of his loyal service, Nathan J. Schnurman, Sr., obeyed orders to keep his involvement in the program a secret and continued to serve gallantly his country through several battles in the Pacific Theater of the war; and

WHEREAS, Nathan J. Schnurman, Sr., remained silent for 31 years until 1975 when a Navy doctor linked his declining health to the program; over the next 17 years, Nathan J. Schnurman, Sr., researched the program in an effort to receive appropriate medical care from the Veterans Health Administration; and

WHEREAS, Nathan J. Schnurman, Sr., dedicated himself to the service of other veterans suffering from similar ailments as a result of the program; he helped numerous other brave veterans obtain medical benefits, care, and compensation; and

WHEREAS, in May 1996, Nathan J. Schnurman, Sr., received a Certificate of Commendation from the Department of Defense, recognizing his special service and contributions to the nation; in 2010, he was a recipient of the Seventh Congressional District Veteran Commendation; and

WHEREAS, a fitting tribute to his courageous and selfless service, Nathan J. Schnurman, Sr., was laid to rest on November 11, 2013, Veteran's Day, the 70th anniversary of his enlistment in the United States Navy; and

WHEREAS, Nathan J. Schnurman, Sr., will be fondly remembered and greatly missed by his wife of almost 66 years, Joy; children, Nat, Jr., Michael, Thomas, Rose, and Annie, and their families; and numerous other family members, friends, and fellow servicemen; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Nathan Jacob Schnurman, Sr., a loyal, patriotic, and selfless American; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Nathan Jacob Schnurman, Sr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 14

Celebrating the life of Charles Waldo Scott, Jr.

Agreed to by the Senate, January 16, 2014

WHEREAS, Charles Waldo Scott, Jr., a respected member of the Newport News community who uplifted others with his friendly manner, passed away on August 18, 2013; and

WHEREAS, Charles Scott began his college education at Franklin & Marshall in Lancaster, Pennsylvania, before entering the United States Army for a tour in Vietnam; and

WHEREAS, upon his return, Charles Scott completed his bachelor's degree at Virginia State College (now University), before pursuing his master's degree from Hampton University; and

WHEREAS, Charles Scott worked as a banker, a real estate agent, and an accountant before serving as the treasurer during his brother's congressional campaign; and

WHEREAS, a true family man, Charles Scott spent his later years as the primary caregiver for his parents, Dr. C. Waldo Scott and Mae Hamlin Scott; and

WHEREAS, an active member of the Newport News community, Charles Scott was a member of St. Augustine's Episcopal Church and the National Association of Investment Clubs, and served on the board of the Newport News Neighborhood Federal Credit Union; and

WHEREAS, Charles Scott will be fondly remembered and greatly missed by his siblings, Valerie, Robert, and Jon, and their families; many other family members and friends; and the community of Newport News; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of a respected member of the Newport News community, Charles Waldo Scott, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Charles Waldo Scott, Jr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 16

Commending Melanie Rhoades Gerheart.

Agreed to by the Senate, January 16, 2014

WHEREAS, Melanie Rhoades Gerheart is a woman of the highest integrity and professionalism who reminded legislators, fellow lobbyists, and her healthcare clients that wit and good humor really do have a place in the political process; and

WHEREAS, Melanie Gerheart was a successful lobbyist of the old school: honest to a fault, fair to the other side, and a keen observer of the occasional pomposity, whether offered by legislator or colleague, friend, or foe; and

WHEREAS, Melanie Gerheart's advocacy in public policy and politics long embraced the proposition that even the most disadvantaged among Virginia's citizenry deserve the best treatment the Commonwealth's healthcare professions can offer; and

WHEREAS, Melanie Gerheart served faithfully as lobbyist, consultant, and advisor to many healthcare organizations during her career, including CHIP of Virginia, Virginia Emergency Physicians, Virginia Society of Anesthesiologists, Virginia OB-GYN Society, and District IV of the American College of Obstetricians and Gynecologists; and

WHEREAS, during a long career in public policy and politics, Melanie Gerheart earned the trust, confidence, and respect of members of the General Assembly while representing the interests of her healthcare clients; and

WHEREAS, during this time, Melanie Gerheart formed lasting friendships with and earned the respect of the many lobbyist colleagues, policymakers, and state employees with whom she worked; and

WHEREAS, not only her clients but also legislators, healthcare professionals, and General Assembly staff relied on Melanie Gerheart's robust intellect, loyalty, determination, that wonderful sense of humor, and her sustaining leadership in dealing with the many legislative and policy issues relating to healthcare in Virginia; and

WHEREAS, Melanie Gerheart worked in conjunction with the Virginia Hospital & Healthcare Association, Virginia Association of Health Plans, and the Medical Society of Virginia, often bringing these groups and their occasionally fractious members together to solve difficult issues; and

WHEREAS, even in the face of overwhelming physical odds during recent legislative sessions, Melanie Gerheart continued to fight for the rights of physicians, their patients, and others to enhance the physician-patient relationship; and

WHEREAS, Melanie Gerheart's wise counsel, ability to negotiate effectively, and broad knowledge have been responsible for advancing the provision of healthcare to millions of Virginians; now, therefore, be it

RESOLVED by the Senate of Virginia, That Melanie Rhoades Gerheart hereby be commended for her exemplary service; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Melanie Rhoades Gerheart as an expression of the Senate of Virginia's deepest gratitude, thanks, and love.

SENATE RESOLUTION NO. 17

Nominating persons to be elected to the Court of Appeals of Virginia.

Agreed to by the Senate, January 14, 2014

RESOLVED by the Senate, That the following persons are hereby nominated to be elected to the Court of Appeals of Virginia as follows:

The Honorable Randolph A. Beales, of Henrico and Mecklenburg, as a judge of the Court of Appeals of Virginia for a term of eight years commencing April 16, 2014.

The Honorable Marla Graff Decker, of Henrico, as a judge of the Court of Appeals of Virginia for a term of eight years commencing February 1, 2014.

The Honorable William G. Petty, of Lynchburg, as a judge of the Court of Appeals of Virginia for a term of eight years commencing March 16, 2014.

SENATE RESOLUTION NO. 18

Nominating persons to be elected to circuit court judgeships.

Agreed to by the Senate, January 14, 2014

RESOLVED by the Senate, That the following persons are hereby nominated to be elected to the respective circuit court judgeships as follows:

The Honorable Steven C. Frucci, of Virginia Beach, as a judge of the Second Judicial Circuit for a term of eight years commencing February 1, 2014.

The Honorable James C. Hawks, of Portsmouth, as a judge of the Third Judicial Circuit for a term of eight years commencing July 1, 2014.

The Honorable Robert R. Sandwich, Jr., of Suffolk, as a judge of the Fifth Judicial Circuit for a term of eight years commencing February 1, 2014.

The Honorable Timothy S. Fisher, of Newport News, as a judge of the Seventh Judicial Circuit for a term of eight years commencing February 1, 2014.

The Honorable Thomas B. Hoover, of New Kent, as a judge of the Ninth Judicial Circuit for a term of eight years commencing February 1, 2014.

The Honorable C. N. Jenkins, Jr., of Richmond, as a judge of the Thirteenth Judicial Circuit for a term of eight years commencing October 1, 2014.

The Honorable Lee A. Harris, Jr., of Henrico, as a judge of the Fourteenth Judicial Circuit for a term of eight years commencing August 1, 2014.

The Honorable Stephen E. Sincavage, of Loudoun, as a judge of the Twentieth Judicial Circuit for a term of eight years commencing February 1, 2014.

The Honorable David V. Williams, of Henry, as a judge of the Twenty-first Judicial Circuit for a term of eight years commencing March 1, 2014.

The Honorable James W. Updike, Jr., of Bedford, as a judge of the Twenty-fourth Judicial Circuit for a term of eight years commencing April 1, 2014.

The Honorable Charles L. Ricketts, III, of Waynesboro, as a judge of the Twenty-fifth Judicial Circuit for a term of eight years commencing February 1, 2014.

The Honorable Josiah T. Showalter, Jr., of Montgomery, as a judge of the Twenty-seventh Judicial Circuit for a term of eight years commencing April 1, 2014.

SENATE RESOLUTION NO. 19

Nominating persons to be elected to general district court judgeships.

Agreed to by the Senate, January 14, 2014

RESOLVED by the Senate, That the following persons are hereby nominated to be elected to the respective general district court judgeships as follows:

The Honorable Salvatore R. Iaquinto, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing February 1, 2014.

The Honorable Elizabeth S. Hodges, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing February 1, 2014.

The Honorable Joan E. Mahoney, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing February 1, 2014.

The Honorable W. Parker Council, of Isle of Wight, as a judge of the Fifth Judicial District for a term of six years commencing May 1, 2014.

The Honorable Stephen D. Bloom, of Emporia, as a judge of the Sixth Judicial District for a term of six years commencing February 1, 2014.

The Honorable Albert W. Patrick, III, of Hampton, as a judge of the Eighth Judicial District for a term of six years commencing February 1, 2014.

The Honorable Ray P. Lupold, III, of Petersburg, as a judge of the Eleventh Judicial District for a term of six years commencing February 1, 2014.

The Honorable William G. Barkley, of Charlottesville, as a judge of the Sixteenth Judicial District for a term of six years commencing May 1, 2014.

The Honorable Donald M. Haddock, Jr., of Alexandria, as a judge of the Eighteenth Judicial District for a term of six years commencing May 1, 2014.

The Honorable Penney S. Azcarate, of Fairfax, as a judge of the Nineteenth Judicial District for a term of six years commencing May 1, 2014.

The Honorable Ian M. O'Flaherty, of Fairfax, as a judge of the Nineteenth Judicial District for a term of six years commencing July 1, 2014.

The Honorable Dean S. Worcester, of Fauquier, as a judge of the Twentieth Judicial District for a term of six years commencing March 1, 2014.

The Honorable Francis W. Burkart, III, of Roanoke County, as a judge of the Twenty-third Judicial District for a term of six years commencing November 1, 2014.

SENATE RESOLUTION NO. 20

Nominating persons to be elected to juvenile and domestic relations district court judgeships.

Agreed to by the Senate, January 14, 2014

RESOLVED by the Senate, That the following persons are hereby nominated to be elected to the respective juvenile and domestic relations district court judgeships as follows:

The Honorable Croxton Gordon, of Northampton, as a judge of Judicial District 2-A for a term of six years commencing February 1, 2014.

The Honorable Marilynn C. Goss, of Richmond, as a judge of the Thirteenth Judicial District for a term of six years commencing May 1, 2014.

The Honorable Angela Edwards Roberts, of Richmond, as a judge of the Thirteenth Judicial District for a term of six years commencing March 1, 2014.

The Honorable Georgia Sutton, of Stafford, as a judge of the Fifteenth Judicial District for a term of six years commencing February 1, 2014.

The Honorable Janine M. Saxe, of Fairfax, as a judge of the Nineteenth Judicial District for a term of six years commencing February 1, 2014.

The Honorable Laura L. Dascher, of Bath, as a judge of the Twenty-fifth Judicial District for a term of six years commencing May 1, 2014.

The Honorable Florence A. Powell, of Washington, as a judge of the Twenty-eighth Judicial District for a term of six years commencing February 1, 2014.

The Honorable Jeffrey Hamilton, of Scott, as a judge of the Thirtieth Judicial District for a term of six years commencing February 1, 2014.

The Honorable George M. DePolo, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing May 1, 2014.

The Honorable Janice Justina Wellington, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing July 1, 2014.

SENATE RESOLUTION NO. 21

Nominating a person to be elected to the State Corporation Commission.

Agreed to by the Senate, January 14, 2014

RESOLVED by the Senate, That the following person is hereby nominated to be elected to the State Corporation Commission as follows:

The Honorable James C. Dimitri, of Richmond, as a member of the State Corporation Commission for a term of six years commencing February 1, 2014.

SENATE RESOLUTION NO. 22

Nominating a person to be elected to the Virginia Workers' Compensation Commission.

Agreed to by the Senate, January 14, 2014

RESOLVED by the Senate, That the following person is hereby nominated to be elected to the Virginia Workers' Compensation Commission as follows:

The Honorable Roger L. Williams, of Henrico, as a member of the Virginia Workers' Compensation Commission for a term of six years commencing May 1, 2014.

SENATE RESOLUTION NO. 23

Commending Zeiders Enterprises, Inc.

Agreed to by the Senate, January 30, 2014

WHEREAS, Zeiders Enterprises, Inc., a Woodbridge-based company that provides support services for millions of military members and their families, proudly celebrates its 30th anniversary in 2014; and

WHEREAS, established in 1984, Zeiders Enterprises, Inc., employs over 1,000 staff members, including more than 300 in the Commonwealth alone, who provide services to over 110 military installations worldwide; and

WHEREAS, Zeiders offers an array of services, including military family readiness and resilience services, behavioral health counseling, work-life education programs, employee learning programs, relocation services, and many more; and

WHEREAS, through Zeiders' spouse education and career opportunities program, military spouses receive expert advice and counseling at all stages of their educational and career paths, helping to improve the quality of life for military families; and

WHEREAS, dedicated to helping others, Zeiders employees have offered assistance in times of need to the Navy Yard in 2013, the Pentagon's Family Assistance Center in 2001, and the tsunami relief effort in Japan in 2011; and

WHEREAS, committed to giving back to communities, Zeiders employees have worked with the American Red Cross and Peace Corps, local schools, youth development and mentoring programs, victim advocate programs, and civic associations across the Commonwealth and the nation; and

WHEREAS, for 30 years, Zeiders Enterprises, Inc., has sought to improve the quality of life for military personnel and their families through numerous support services; now, therefore, be it

RESOLVED by the Senate of Virginia, That Zeiders Enterprises, Inc., hereby be commended on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Tamra Avrit, the president of Zeiders Enterprises, Inc., as an expression of the Senate of Virginia's respect and admiration for its years of dedicated service to military personnel.

SENATE RESOLUTION NO. 24

Celebrating the life of Joseph Lee Bane, Sr.

Agreed to by the Senate, January 30, 2014

WHEREAS, Joseph Lee Bane, Sr., a devoted spiritual leader and beloved husband, father, and grandfather in Leesburg, died on October 26, 2013; and

WHEREAS, a native of Culpeper, Joseph Bane was raised on a farm in Orange County; he later moved to Maryland, where he attended Brunswick High School and worked his way through Frederick Community College; and

WHEREAS, after earning an associate degree in 1962, Joseph Bane married Freida Benjamin and moved to College Park, Maryland, where he graduated from the University of Maryland in 1964; and

WHEREAS, Joseph Bane worked for several large corporations, beginning as a salesman for Procter & Gamble and eventually became a district sales manager for Standard Life Insurance Company; and

WHEREAS, in 1972, after his young son, James, miraculously recovered from leukemia, Joseph Bane dedicated his life to the service of the Lord; he worked construction jobs during the day to support his family and served as a witness for the Lord in the evening; and

WHEREAS, Joseph Bane founded the Francis Scott Key Bible Church in Frederick, Maryland, and spread the good news as a pastor for over 15 years; he uplifted thousands of people in the community and throughout the world; and

WHEREAS, later in life, Joseph Bane returned to the Commonwealth and worked as a stone mason, farmer, and custom home builder; he continued to live his faith through his actions, working hard so that he could care for others through charitable works and missions; and

WHEREAS, a proud, patriotic Virginian and American, Joseph Bane was passionate about his beliefs and always stood up for what was right; and

WHEREAS, Joseph Bane enjoyed fellowship and worship with the community at Loudoun Baptist Temple in Leesburg; and

WHEREAS, Joseph Bane is survived by his beloved wife of 51 years, Freida; children, Joseph, James, and Elizabeth, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Joseph Lee Bane, Sr., a passionate spiritual leader and dedicated family man; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Joseph Lee Bane, Sr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 25

Commending Stephen Christopher Suprun, Jr.

Agreed to by the Senate, January 30, 2014

WHEREAS, Stephen Christopher Suprun, Jr., a firefighter/paramedic trained in the Commonwealth of Virginia, was elected chair of the Emergency Medical Services for Children National Resource Center Advisory Council; and

WHEREAS, Christopher Suprun has served for more than 20 years in both volunteer and paid ranks as a firefighter/paramedic; and

WHEREAS, Christopher Suprun won Rookie of the Year honors as a new firefighter with the Annandale Volunteer Fire Department for his service in 1993; and

WHEREAS, Christopher Suprun was one of the first responders to the attack on the Pentagon on September 11, 2001; he also was a first responder during Hurricane Katrina in 2005; and

WHEREAS, Christopher Suprun has published nearly 50 articles on issues relating to emergency medical services and their delivery; and

WHEREAS, Christopher Suprun was an initial trustee of the Virginia Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board; and

WHEREAS, Christopher Suprun is a national spokesman for the Never Forget Foundation, a nonprofit organization that connects school-age students with public safety responders who, through coaching and mentorship, show students how to prepare for unexpected occurrences and disaster situations; and

WHEREAS, the hard work and dedication shown by Christopher Suprun will help to ensure a bright and healthy future for children in need of emergency medical attention, and his example will inspire those who work to prevent injury and illness in children and who respond to pediatric emergencies; now, therefore, be it

RESOLVED by the Senate of Virginia, That Stephen Christopher Suprun, Jr., hereby be commended for his election as chair of the Emergency Medical Services for Children National Resource Center Advisory Council and for his continued leadership in all areas of emergency medical services; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Stephen Christopher Suprun, Jr., as an expression of the Senate of Virginia's admiration for his leadership in the areas of emergency medical services and youth injury prevention.

SENATE RESOLUTION NO. 26

Establishing the Rules of the Senate.

Agreed to by the Senate, January 28, 2014

RESOLVED by the Senate of Virginia, That the following are adopted as the Rules of the Senate to supersede all previous Rules of the Senate:

RULES OF THE SENATE

I.

Presiding Officer.

1. The presiding officer of the Senate shall be the Lieutenant Governor of the Commonwealth as the President of the Senate in accordance with Article V, Section 14, of the Constitution.

2 (a). There shall be elected by the Senate, ~~on the first day of the session following the election of the Senate,~~ a President pro tempore who shall ~~serve for a term of four years thereafter continue in office until another is chosen~~ and be a senior member in the Senate.

2 (b). In the event of the absence, disability or vacancy in the office of the Lieutenant Governor, the President pro tempore shall carry out the duties of the Lieutenant Governor as presiding officer. Further, the President pro tempore shall be the Chair of the Commission on Interstate Cooperation of the Senate.

2 (c). The President pro tempore shall have the right to name in open session, or if he is absent, in writing, a Senator to perform the duties of the presiding officer, but such substitution shall not extend beyond an adjournment of a daily session, except by unanimous consent of those present.

2 (d). In the event of a vacancy in the office of the Lieutenant Governor, or whenever the powers and duties of the Governor shall devolve upon the Lieutenant Governor, the President pro tempore shall have the right to name, in writing, a Senator to perform the duties of the presiding officer during his absence; and the Senator so named shall have the right to name, in open session, or in writing, if he is absent, a Senator to perform the duties of the presiding officer, but such substitution shall not extend beyond adjournment of a daily session, except by unanimous consent of those present.

3. The presiding officer, after taking the Chair pursuant to these Rules, and a quorum being present, shall cause the Journal of the preceding day to be read. The reading of the Journal may be waived by a majority of those Senators present and voting. The reading of the Journal may be waived at a reconvened session of a special session by at least two members present and voting, only if there is no business to consider in accordance to Article IV, Section 6 of the Constitution of Virginia. Any errors in the entries shall be corrected, and the Journal being found correct, shall be signed by the presiding officer for that day and the Clerk of the Senate. The Journals, when so signed, shall be the official records of the proceedings of the Senate.

4. If any question is put upon a bill or resolution, the presiding officer shall state the same without argument.

II.

Membership, Attendance, and Adjournment.

5. A member of the Senate shall be a Senator elected to represent one of the 40 senatorial districts. A majority of Senators shall constitute a quorum to do business; two may adjourn, and nine may order a call of the Senate, send for absentees, and make any order for their censure or discharge. However, not less than 16 may meet by proclamation of the Governor under the provisions of Article IV, Section 8 of the Constitution. At a special session or a reconvened session of a special session when there is no business to consider in accordance with Article IV, Section 6 of the Constitution of Virginia, two members may convene the Senate, dispense with the reading of the Journal, recess or adjourn the Senate.

6. No Senator shall absent himself from the service of the Senate without leave.

III.

The Pages.

7. The Senate shall elect 11 Pages representing each of the Congressional districts and five Pages shall be appointed by the following: one by the Lieutenant Governor; one by the President pro tempore; one by the chair of the caucus of the majority party; one by the majority leader; and one by the minority leader. The Pages shall be no less than 13 and no more than 14 years of age at the time of election or appointment, shall be residents of the Commonwealth of Virginia, and shall be elected or appointed for a term of one year. No Page shall be eligible for reelection. Any such Page so elected or appointed may be suspended or dismissed for cause by the Clerk of the Senate.

IV.

The Clerk of the Senate.

8 (a). A Clerk of the Senate shall be elected by the Senate for a term of four years and shall thereafter continue in office until another is chosen. The oath of office shall be administered to the Clerk of the Senate by any person qualified by law to administer oaths. If a vacancy in the office of Clerk of the Senate occurs when the General Assembly is not in session, a successor shall be elected by the Committee on Rules to serve until the first day of the next session, at a meeting to be called by the Chair, or in his absence or inability to act, the next senior member of such Committee able and willing to do so. At least five days notice by certified mail of the time, place and purpose of the meeting shall be given all members of the Committee, and, at such meeting, the person receiving the votes of a majority of the members present and voting shall be elected to fill the vacancy.

8 (b). The Clerk of the Senate shall be the custodian of the public seal and design of armorial bearings of the Senate.

8 (c). The Clerk of the Senate shall be the custodian of all records and papers of the Senate and the Clerk shall not suffer any such records or papers to be taken from the Clerk's desk or out of the Clerk's custody by any person except the Chair or the clerk of a Committee, or any Senator on taking receipts for same. Amendments agreed to by the Senate shall be handled only by the Clerk of the Senate, or staff members designated by the Clerk.

8 (d). It shall be the duty of the Clerk of the Senate to refer all bills and resolutions to the appropriate standing Committee or the Committee on Rules as provided in these Rules. If there is any objection as to the referral by the Clerk of the Senate of any bill or resolution to any standing committee or the Committee on Rules, the Committee on Rules shall hear the same, resolve the issue and report to the Senate.

8 (e). The Clerk of the Senate shall prepare a list of the Senators in order of seniority. Seniority shall be based upon longest continuous service in the Senate. However, if a Senator has previous interrupted service in the Senate, then the beginning date of such previous Senate service shall qualify the Senator for seniority before those Senators elected at the same time not having previous service in the Senate, and if a Senator has previous service in the House of Delegates then seniority shall be based upon longest continuous service in the House of Delegates and shall qualify the Senator to seniority before those Senators elected to the Senate at the same time not having previous service in the House of Delegates. Senators elected at the same time without previous service in the Senate or House of Delegates shall have their seniority determined by a public drawing of lots, conducted by the Clerk of the Senate, to which all Senators involved shall be invited to attend. After the name of each Senator there shall be indicated the name of the political party under which the Senator was elected or abbreviation of the same; e.g., "Rep." or "Dem." If a Senator was not elected as a nominee of a political party, then such Senator shall be listed as an Independent, or "Ind."; however, if any Senator is elected at a special or general election and such Senator has, prior to such election, declared himself in writing a member of a political party during and prior to such election and the political party of his choice did not hold a convention or call a primary election for such election, such Senator shall be listed as a member of the party of which he declared himself a member.

8 (f). The Clerk of the Senate, after the election of Senators, shall assign chamber desks to the individual Senators with the Senators elected as members of the majority party in the Senate in the chamber area beginning at the ~~south~~ north side of the chamber until all such desks have been assigned, and then the Senators elected as members of the minority party in the

Senate, and then any Senator not elected as a member of the two major political parties. The Clerk of the Senate shall also assign office space in such buildings as may be made available for the use of the Senate. Whenever feasible, the Clerk of the Senate shall give due consideration in assigning chamber desks and office space to the seniority and request of a Senator. However, the chamber desk or office space of a Senator having immediate prior service in the Senate shall not be reassigned unless he shall so request the Clerk of the Senate.

Should any Senator, however, during his term of office, cease to be a member of the political party of which he was a member at the time of his election either by self-declaration or through other conduct as confirmed by a two-thirds majority of the members elected to the Senate, or if a special election results in a change of political party membership, the Clerk of the Senate, upon such change in political party membership, is authorized to reassign chamber desks and office space accordingly.

8 (g). The area of the General Assembly Building assigned to the members of the Senate, their legislative support staff, the staff of the Senate, the facilities and space for those charged with the maintenance, repair, and security of such building, and such space designated for the news media shall not be utilized or occupied as office space by any other person or persons, except by vote of the Committee on Rules.

8 (h). During the sessions, the Clerk shall provide office supplies for official use by the Senators.

9. The Journal of the Senate shall be daily drawn up by the Clerk of the Senate, and shall be read the succeeding day, unless the reading thereof is waived as provided in these Rules; it shall be printed under the supervision of the Clerk of the Senate and delivered to the Senators without delay.

10 (a). The Clerk of the Senate shall appoint a chief deputy clerk and such staff as necessary to perform the work of the Senate. The Clerk may also appoint such number of messengers as may be required. The Clerk of the Senate shall also appoint such committee clerks as may be necessary after consultation with, and the approval of, the Chair of the Committee on Rules and the Chairs of the several Committees. The Clerk of the Senate shall also appoint such additional committee staff as may be necessary after consultation with, and the approval of, the Chair of the Committee on Rules. All committee clerks so appointed shall remain in the Capitol or other legislative facilities during the daily sessions of the Senate, and committee clerks shall be assigned for duties with various standing Committees by the Clerk of the Senate, after consultation by the Clerk of the Senate and with the approval of the Chair of each such Committee. Additional committee staff shall be assigned for duties with various standing Committees by the Clerk of the Senate, after consultation with, and the approval of, the Chair on the Committee on Rules and the Chair of the respective Committee. Each clerk shall perform any other duties that the Clerk of the Senate shall require, when not employed by their respective standing Committees. Clerks may be removed by the Clerk of the Senate, after consultation with, and the approval of, the Chair of the Committee on Rules. Additional committee staff may be removed by the Clerk of the Senate, after consultation with, and the approval of, the Chair of the Committee on Rules. The Clerk of the Senate shall have supervision over all employees of the Senate. During sessions, the Clerk shall provide office supplies for official use by the Senators.

10 (b). The Clerk of the Senate shall be the clerk to the Committee on Rules.

11 (a). Before reading each bill or resolution by title, the Clerk of the Senate shall announce, either by individual bill or resolution or en bloc, whether it is the first, second, or third time of such reading.

11 (b). The Clerk of the Senate shall keep at the Clerk's desk, during the sittings of the Senate, a calendar which shows the business of the Senate. The Clerk shall have printed and placed on the desk of each member, before the assembling of the Senate each day, a calendar of pending bills and resolutions. The Clerk shall prepare a list of all bills and resolutions offered on the preceding day, with the names of the patrons, titles of the bills or resolutions, and the Committees to which the same have been referred under these Rules.

12. It shall be the duty of the Clerk of the Senate, without special order therefor, to communicate to the House of Delegates any action of the Senate upon business coming from the House of Delegates, or upon matters requiring the concurrence of that body, but no such communication shall be made in relation to any action of the Senate while it remains open for consideration.

13. The Clerk of the Senate shall, at the beginning of the term after the election of Senators, have printed and bound with the manual and rules, etc., the Constitution of Virginia and the Constitution of the United States for the use of the Senators. Supplements to said manual shall be issued as circumstances may require.

14 (a). Whenever the Clerk of the Senate is absent, the chief deputy clerk appointed pursuant to law and these Rules shall exercise the powers and perform the duties conferred and imposed upon the Clerk of the Senate by law and these Rules, by and with the consent of the Committee on Rules.

14 (b). In the discharge of all the duties assigned to the Clerk, and such other duties as the Clerk may from time to time undertake, the Clerk shall be subject to the direction of the Committee on Rules.

V.

Sergeant-at-Arms and Doorkeepers.

15. A Sergeant-at-Arms shall be elected by the Senate, and shall continue in office at the pleasure of the Committee on Rules for a term not exceeding four years. Except as otherwise provided by these Rules, his duties shall be prescribed by the Committee on Rules.

16. Except by order of the Senate, no Senator shall be taken into custody by the Sergeant-at-Arms on any grounds other than to quell a breach of the peace until the matter is examined by the Committee on Privileges and Elections and reported to the Senate.

17 (a). The Doorkeepers shall be constantly at their post during the daily sessions of the Senate and shall permit no one to enter freely or remain upon the floor of the Senate during the daily session, except the President of the Senate; members of the General Assembly; officers and employees of the Clerk of the Senate and the Clerk of the House of Delegates; and, representatives of the news media in such numbers as may be seated in accommodations provided for them at the press tables. The Committee on Rules shall consider and determine all matters concerning the news media in the Senate Chamber.

17 (b). Members of a Senator's family and such persons whom a Senator may invite shall be entitled to seats in a reserved section of the gallery. Representatives of the news media who cannot be accommodated with seats at press tables on the floor may also be entitled to seats in a reserved section of the gallery.

17 (c). Fifteen minutes prior to the convening of every daily session, the Sergeant-at-Arms shall clear the floor of the Senate of all persons other than those who are authorized to be there during each session and shall not permit unauthorized persons upon the floor of the Senate for five minutes following the conclusion of every daily session.

17 (d). Interviews are not allowed in the Senate Chamber during the daily session or during the recesses during the daily session. Interviews in the Senate Chamber shall end 15 minutes prior to the scheduled start of the daily session and shall not commence until five minutes after the adjournment of the daily session.

17 (e). Whenever any person requests an interview with a Senator or the Clerk of the Senate, a Doorkeeper shall send the request by a Page.

17 (f). A Doorkeeper shall direct all persons not entitled to entry on the floor of the Senate, as set out above, to the gallery of the Senate.

VI.

Standing Committees.

18. At the commencement of each session after the election of Senators, a nominations report shall be submitted by the majority caucus to elect members to the standing Committees and the Committee on Rules ~~for a term current coincident with their term of office~~ in such numbers as hereinafter set forth. Such members shall be elected by a majority vote of those present and voting. The President of the Senate shall be empowered to break a tie vote, where there is an equal division among the Senators, on matters pertaining to committee assignments and other matters relating to the organization of the Senate.

18 (a). A Committee on Agriculture, Conservation and Natural Resources, 15 Senators, to consider matters concerning agriculture; air and water pollution and solid waste disposal; conservation of land and water resources; crustaceans and bivalves; all matters of environment, forest, fresh and salt water fishing, game, mining, parks and recreation, and petroleum products.

18 (b). A Committee on Commerce and Labor, 16 Senators, to consider all matters concerning banking; commerce; commercial law; corporations; economic development; industry; insurance; labor; manufacturing; partnerships; public utilities, except matters relating to transportation; tourism; workmen's compensation and unemployment matters.

18 (c). A Committee for Courts of Justice, 15 Senators, to consider matters relating to the Courts of the Commonwealth and the Justices and Judges thereof, including the nominations of such Justices and Judges where provided by the Constitution and statutes of Virginia; and all matters concerning the criminal laws of the Commonwealth; together with all matters concerning contracts, domestic relations, eminent domain, fiduciaries, firearms, garnishments, homestead and all other exemptions, immigration (with the exception of matters relating to the powers of the Governor or education), magistrates, mechanics' and other liens, notaries public and out-of-state commissioners, property and conveyances (except landlord and tenant and condominium matters), wills and decedents' estates.

It shall report to the Senate the names of such persons as it shall find qualified for election as a Justice or Judge of the Commonwealth. Senators, all or part of whose Senate Districts are within the Circuit or District for which a Judge is to be elected, shall nominate a qualified person for such election by affirmation of a majority of such Senators on a form provided by the Clerk of the Senate. If such Senators are unable to agree on a nominee, a Senator shall only nominate a person deemed qualified by the Committee for Courts of Justice for any judicial position.

Whenever a vacancy in the office of a justice of the Supreme Court or judge of the Court of Appeals is announced, the Chair of the Committee for Courts of Justice shall establish a date certain by which any Senator may forward the name of any potential nominee for such office to the Chair.

18 (d). A Committee on Education and Health, 15 Senators, to consider matters concerning education; human reproduction; life support; persons under disability; public buildings; public health; mental health; mental retardation and health professions.

18 (e). A Committee on Finance, ~~17~~ 17 Senators, to consider matters concerning auditing; bills and resolutions for appropriations; the budget of the Commonwealth; claims; general and special revenues of the Commonwealth; all taxation and all matters concerning the expenditure of funds of the Commonwealth.

18 (f). A Committee on General Laws and Technology, 15 Senators, to consider matters concerning affirmation and bonds; the boundaries, jurisdiction and emblems of the Commonwealth; cemeteries; condominiums; consumer affairs; fire protection; gaming and wagering; housing; inter- or intra-government information technology applications and uses other than those proposed or used to support the operations of the General Assembly or the Senate; land offices; landlord and tenant; libraries; military and war emergency; nuisances; oaths; professions and occupations (except the health and legal professions); religious and charitable matters; state governmental reorganization; veterans' affairs; warehouses; and matters not specifically referable to other Committees, including, but not limited to, matters relating to technology, engineering, or

electronic research, development, policy, standards, measurements, or definitions, or the scientific, technical, or technological requirements thereof, except for those affecting the operations of the General Assembly or the Senate.

18 (g). A Committee on Local Government, 15 Senators, to consider matters of local government in the counties, cities, towns, regions or districts, planning boards and commissions and authorities, except matters relating to the compensation of elected officeholders, where funds of the Commonwealth are involved.

18 (h). A Committee on Privileges and Elections, 15 Senators, to consider matters concerning voting; apportionment; conflict of interests, except those concerning members of the judiciary or solely the legal profession, provided that any such matter, after being reported by the Committee, shall be rereferred by the Committee to the Committee for Courts of Justice for consideration of the matters relating only to members of the judiciary or solely to the legal profession; constitutional amendments; elections; elected officeholders; reprimand, censure, or expulsion of a Senator; and nominations and appointments to any office or position in the Commonwealth (except Justices and Judges of the Commonwealth). It shall consider all grievances and propositions, federal relations and interstate matters. It shall examine the oath taken by each Senator and the certificate of election furnished by the proper office and report thereon to the Senate. It shall review and report as may be required in cases involving financial disclosure statements and shall recommend disciplinary action by majority vote where appropriate. It shall report in all cases involving contested elections the principles and reasons upon which their resolves are founded. It shall determine and report on all matters referred to it by the Senate Ethics Advisory Panel as set forth in the statutes.

Whenever the Clerk receives a report of the Senate Ethics Advisory Panel or a resolution seeking the reprimand, censure, or expulsion of a Senator, the report shall be referred forthwith to the Committee on Privileges and Elections. The Committee shall consider the matter, conduct such hearings as it shall deem necessary, and, in all cases report its determination of the matter, together with its recommendations and reasons for its resolves, to the Senate. If the Committee deems disciplinary action warranted, it shall report a resolution offered by a member of the Committee to express such action. Any such resolution reported by the Committee shall be a privileged matter. The Senate as a whole shall then consider the resolution, and, by recorded vote, either defeat the resolution or take one or more of the following actions: (i) reprimand the Senator with a majority vote of the Senators present and voting; (ii) censure the Senator and place the Senator last in seniority with a majority vote of the elected membership of the Senate; (iii) expel the Senator with a two-thirds vote of the elected membership of the Senate; or (iv) refer the matter to the Attorney General for appropriate action with a majority vote of the Senators present and voting, in the event the Senate finds a knowing violation of § 30-108 or subsection C of § 30-110 of the Code of Virginia.

18 (i). A Committee on Rehabilitation and Social Services, 15 Senators, to consider matters concerning alcoholic beverages; correctional and penal institutions; morals; social services and welfare; and substance abuse.

18 (j). A Committee on Transportation, 15 Senators, to consider matters concerning airports; airspaces; airways; the laws concerning motor vehicles relating to rules of the road or traffic regulations; heliports; highways; port facilities; public roads and streets; transportation safety; public waterways; railways; seaports; transportation companies or corporations; and transportation public utilities. Any matter relating to rules of the road or traffic regulations which include a change in a penalty shall be rereferred by the Committee to the Committee for Courts of Justice.

VII.

Committee on Rules.

19 (a). A Committee on Rules, which shall be in addition to the foregoing standing Committees, consisting of the standing Committee Chairs; the President pro tempore, if the person is not a Chair; the Majority Leader, if the person is not a Chair; the Minority Leader; and other Senators to comprise not more than 17. The Chair of the Committee on Rules shall not be Chair of any standing Committee. The Committee shall consider all resolutions amending or altering the Rules of the Senate; all joint rules with the House of Delegates; all bills and resolutions creating study committees or commissions; and all other resolutions (except those of a purely procedural nature, those concerning nominations and appointments to any office or position in the Commonwealth including the nominations of Justices and Judges, and those concerning constitutional amendments). The Committee may report such bills or resolutions with the recommendation that they be passed, or that they be rereferred to another Committee. In considering a bill or resolution, the Committee is empowered to sit while the Senate is in session. There shall be a subcommittee of the Committee, consisting of the Chair and members appointed by the Chair to equal the number of House members appointed to the subcommittee, which shall exercise on behalf of the Committee such powers as are delegated to the Committee when acting jointly with the Committee on Rules of the House of Delegates or a subcommittee thereof.

19 (b). If there is any objection as to the referral by the Clerk of the Senate of any bill or resolution to any standing Committee or any matter relating to the Office of the Clerk, the Committee on Rules shall hear the same, resolve the issue and report to the Senate.

19 (c). The Chair of the Committee on Rules, in consultation with the Clerk, shall consider and determine all matters concerning the news media in the Senate Chamber; all policies concerning travel expenses and reimbursements; all matters concerning joint assemblies with the House of Delegates and such persons, not members of the Senate, who are to be permitted to address the Senate; and all matters concerning the utilization of the facilities available to the Senate and its membership. The Chair, in consultation with the Clerk, shall prescribe the duties not otherwise prescribed for the Clerk, Sergeant-at-Arms, and Doorkeepers. The Chair, in consultation with the Clerk, shall approve the appointment, removal, and assignment for duties of the additional committee staff authorized in Rule 10 (a).

19 (d). The Committee on Rules shall from time to time prescribe such requirements as will expedite the flow of the work of the Senate, all such requirements being subject to the approval of the Senate.

19 (e). The Chair of the Committee on Rules shall appoint a subcommittee to review the financial disclosure statements filed annually by members or candidates and shall determine whether each statement is correct and complete as filed or requires correction, augmentation, or revision by the member or candidate involved, who shall be directed in writing to make the changes required within such time as shall be set by the Committee.

Additional review shall be made of any financial disclosure statement by the Committee on Rules upon a request in writing by 20 percent of the membership of the Senate on the basis of newly discovered evidence. This review shall be made promptly, the adequacy of filing determined, and notice of the determination of the Committee sent in writing to the member involved. If a financial disclosure statement is found to need correction, augmentation, or revision, the member or candidate involved shall be directed in writing to make the changes required within such time as shall be set by the Committee. Failure to make the correction shall result in the matter being referred to the Committee on Privileges and Elections for disciplinary action pursuant to Rules 18 (h) and 53 (b).

19 (f). There shall be a Subcommittee on Standards of Conduct of the Committee on Rules, consisting of three members, one of whom shall be a member of the minority party, appointed by the Chair. The Subcommittee shall consider any request by a Senator for an advisory opinion as to whether the facts in a particular case would constitute a violation of the Rules of the Senate or any statute enacted relative to conflicts of interests, and may consider any other matters assigned to it by the Committee on Rules. Any Senator requesting such an advisory opinion shall submit the request in writing, addressed to the Chair of the Committee on Rules, and shall set forth specifically the facts relative to the opinion sought. The Subcommittee shall convene as soon as practicable, granting the Senator requesting the opinion the right to appear and, upon the conclusion of its deliberations, the Subcommittee shall submit its written opinion to the full Committee on Rules. The Committee on Rules shall consider the written opinion submitted by the Subcommittee and, if accepted, the same shall constitute an advisory opinion for the conduct of the members of the Senate on the issues set forth. The Clerk of the Senate shall maintain a record of such advisory opinions, which shall be available to any member of the Senate.

19 (g). Any Senator who wishes to present a person to the Senate shall first seek the approval of the Chair of the Committee on Rules. The Senator shall submit a written request to the Chair of the Committee and a copy of the request to the Clerk of the Senate, 48 hours prior to the time of the presentation. The Chair shall determine the merit of the presentation and notify the Senator of the decision. The submission of the written request and the approval of the Chair shall not be required to present members of the Virginia Congressional Delegation and former members of the Virginia Senate. The Chair, in consultation with the Clerk, shall approve the dates for the presentations. During the regular session, presentations shall not be made on Fridays, crossover, or any day involving action on the appropriation act.

19 (h). The Committee on Rules shall make all Senate appointments to study committees and commissions in the number authorized for the Senate, whether the authority is limited to Senate members or other persons. It shall appoint members of the Senate to such other committees as may be required to serve as joint committees with the House of Delegates under its Rules, and shall appoint members of the Senate to serve as Senate members on any Committee or Commission required by statute. Senate membership on all joint subcommittees and commissions with the House of Delegates shall be of equal membership. If no member of a standing Committee of the Senate specified in a study resolution is able to serve, the Committee on Rules may appoint a member of the Senate at large to the study notwithstanding the provisions of the enabling resolution.

19 (i). *The Chair of the Committee on Rules may direct the Clerk to refer to the Committee on Rules any Senate legislation, which in the opinion of the Chair of the Committee on Rules was substantially amended by the House of Delegates and is pending before the Senate as unfinished business. The Committee shall meet and after considering the legislation, the Committee shall take a vote either (i) to report to the Senate the legislation with the recommendation that the House amendment (s) be adopted or (ii) to pass the legislation by indefinitely. Provided however; that this Rule shall not apply to revenue and expenditure bills.*

VIII.

Composition and Procedures of Committees.

20 (a). The total membership of all Committees and the membership of each standing Committee shall be composed of members of the two major political parties in the Commonwealth and as nearly as practicable with equal membership of resident Senators from the several congressional districts of the Commonwealth as the same exist on the date of election of the Senate. ~~Senators shall serve terms on such Committees coincident with their current terms of office.~~ No member shall be removed from a Committee, except by a ~~two-thirds~~ majority vote of the members present and voting or by forfeiture under these rules or upon submission of the member's resignation from the Committee.

The standing Committees may also include any Senator not elected as a member of the two major political parties. All members of the Senate shall be elected to the standing Committees, where practicable. When the Committees are elected, the Senator first named shall be the Chair, *except that in the case of the Committee for Courts of Justice and the Committee on Finance, the first two Senators named to these Committees shall be Co-Chairs. All references in these Rules to the Chair of a standing Committee shall be interpreted to include and apply to the Co-Chairs. However, a* Senator shall not serve as Chair of ~~only one of the~~ more than two standing Committees. Next shall be listed the members, listed by seniority and by the date elected to the Committee. At the first meeting of the Committee, the Chair may appoint and announce a vice chair.

Should any Senator, during his term of office, cease to be a member of the political party of which he was a member at the time of his election either by self-declaration or through other conduct as confirmed by a two-thirds majority of the members elected to the Senate, he shall be deemed, thereby, to have forfeited all Committee memberships to which he may have been elected.

20 (b). Any vacancy in Committee membership during the four-year term of the Committee members shall be filled in the manner in which Committee members are elected in the first instance.

20 (c). The standing Committees shall meet at such time and place as shall be designated by the Committee on Rules, after consultation with the respective Committee Chair, and the fixed time and place of Committee meetings shall be published. All committees shall be governed by the Rules of the Senate.

20 (d). All Committee meetings shall be held in public. All votes on bills shall be recorded.

However, executive sessions may be held pursuant to applicable provisions of law upon a recorded vote. Except as provided herein, a recorded vote of members upon each measure shall be taken and the name and number of those voting for, against or abstaining reported with the bill or resolution and ordered printed on the Calendar. A recorded vote shall not be necessary to report a resolution, if that resolution does not have a specific vote requirement pursuant to these Rules. A Senator who has a personal interest in the transaction, as defined in § 30-101 of the Code of Virginia, shall neither vote nor be counted upon it, and he shall withdraw, or invoke this Rule not to be counted, prior to the taking of any vote upon it, by stating the same before the Committee, and the fact shall be recorded by the Committee Clerk and reported along with the votes of the Committee members on the bill or resolution. If a Senator invokes this rule, the Senator shall not participate, directly or indirectly, in the matter wherein the rule is invoked. Pairs may be taken in Committee voting as provided in Rule 36.

20 (e). The majority of any Committee shall constitute a quorum. Any Senator attending and recorded as present at a Committee meeting who must depart prior to the rising of the Committee, may designate, in writing on committee proxy forms, one member of the Committee to vote his proxy for the duration of his absence, but for no longer than the meeting of the Committee at which the proxy is given. Proxies are not transferable. The Chair shall be informed in open session of the proxy authority prior to the departure of the Senator so leaving.

20 (f). Any bill or resolution introduced in an even-numbered year, and not reported to the Senate by a Committee may, upon the majority vote of the elected membership of the Committee to which it has been referred, be continued on the agenda of the Committee for hearings and Committee action during the interim between sessions or for future action by the Committee during the following odd-numbered year regular sessions. A bill or resolution may be continued only one year from an even-numbered year session and not otherwise. The Committee shall report, prior to the adjournment sine die of the Senate, such bills or resolutions as shall be continued and the Clerk of the Senate shall enter upon the Journal the fact that such bill or resolution has been continued.

20 (g). The Senate, upon consideration of any bill or resolution on the Calendar, may recommit, in accordance with these Rules, the bill or resolution to the Committee reporting the same, and direct the Committee to continue the bill or resolution until the following odd-numbered year regular session, and hold such hearings or render such further consideration of the bill or resolution as the Committee may deem proper.

20 (h). The Chair of the Committee, or the majority of the elected membership of a Committee, may call meetings of the Committee during the interim between sessions to study, call hearings, and consider any bill or resolution continued for further action at the odd-numbered year session, or to consider such other matters as may be germane to the duties of the Committee.

20 (i). The provisions of this Rule relating to legislative continuity between sessions shall be subject to the provisions of Article IV, Section 7 of the Constitution of Virginia.

20 (j). Each Committee shall have a clerk appointed by the Clerk of the Senate, after consultation with the Chair of the Committee on Rules and the Chair of the respective Committee. The Clerk of the Senate shall be the clerk to the Committee on Rules.

20 (k). The Chair of any Committee may appoint subcommittees to consider a particular bill or resolution or to consider matters relative to a portion of the work of the Committee. Such subcommittees shall not take final votes and shall only make recommendations to the Committee. The Chair of the full Committee shall be an ex officio member of all subcommittees and entitled to vote, but shall not be counted as a member for purposes of a quorum. All subcommittees shall be governed by the Rules of the Senate.

20 (l). Any Committee of the Senate may, at its discretion, confer with any Committee of the House of Delegates having under consideration the same subject and arrange joint meetings, hearings or studies, as the Committees deem appropriate.

20 (m). A Committee, after considering a bill or resolution referred to it may:

A. Rerefer the same to another Committee, in the same form received, to consider applicable portions of such bill or resolution as are germane to another Committee under the Rules, or may

B. Report it to the Senate

(i) without amendment,

(ii) with recommendation that a Committee amendment(s) be adopted, or

(iii) with recommendation that it be rereferred to another Committee (either with or without amendment), in which latter event the Clerk of the Senate shall so rerefer unless the Senate shall otherwise direct.

A recorded vote of members shall be taken upon any motion listed in A and B above and the name and number of those voting for, against or abstaining reported with the bill or resolution and ordered printed on the Calendar. The report recorded

by the Committee Clerk shall be the recorded vote on the motion and cannot be changed unless the vote is reconsidered and voted upon again. A recorded vote shall not be necessary to report or rerefer a resolution, if that resolution does not have a specific vote requirement pursuant to these Rules.

20 (n). Any bill, except the budget bill sent down by the Governor, whose principal objective is taxation or which establishes a special fund or any type of nonreverting fund, whether or not such bill may also require an appropriation, tax, special or general revenue, shall first be referred to the Standing Committee which has jurisdiction of the subject matter of the bill as defined in rules 18 (a) through 18 (j) of the Rules of the Senate. If said bill is reported by the Committee of original jurisdiction then said bill shall be rereferred by the Committee to the Finance Committee.

20 (o). A Committee may refer the subject matter of a bill or resolution to any agency, board, commission, council, or other governmental or nongovernmental entity for comment, but the bill or resolution shall remain with the Committee. The Chair of the Committee shall direct the Clerk of the Senate to prepare the appropriate letter and the action of the Committee shall be made available to the public.

20 (p). Committees of the Senate are authorized to seek and obtain, in the period of time between sessions of the General Assembly, the services of citizens of the Commonwealth whose function will be to participate with such Committees or Subcommittees thereof in reviewing legislation or in performing any referred study or study initiated by the Committee or its Chair.

Persons appointed to serve shall receive reimbursement for their actual and reasonable expenses incurred in the performance of services for the Committees. For such other expenses as may be occasioned by the conduct of any Committee study, payments shall have approval in advance by the Chair of the Committee on Rules in consultation with the Clerk and shall be made from the general appropriation to the Senate.

20 (q). Persons who are asked by a Committee Chair to appear before a Committee or subcommittee or study to offer expert testimony may receive reimbursement for their actual and reasonable expenses if approved in advance by the Chair of the Committee on Rules, in consultation with the Clerk.

IX.

Order of Business.

21. At the appointed hour, the presiding officer of the Senate shall take the chair and call the Senate to order, and the order of business thereafter shall be as follows:

(a) A period of devotions.

(b) A roll call of members present.

(c) The reading of the Journal.

(d) A period to be called the "morning hour," for the following purposes:

i. to dispose of communications from the House of Delegates, the Executive, and the Judiciary.

ii. to recognize and welcome visitors to the Senate.

iii. to receive resolutions and bills, but such resolutions and bills may be received at the Clerk's desk at any time after the "morning hour," with leave of the Senate.

(e) Consideration of unfinished business. (Unfinished business is legislation before the Senate as a result of or pending action by the House of Delegates.)

(f) Consideration of the Calendar of the Senate for that day, for which purpose the Calendar shall be called by the Clerk of the Senate.

(g) Upon completion of the Calendar and then Senators expressing Point(s) of Personal Privilege and such other business as may come before the Senate, a recess or adjournment shall then be taken.

22. To expedite the business of the Senate, it may order the convening of a "special morning session," at which session no vote shall be taken or other business transacted except the introduction of bills and resolutions. Upon the completion thereof, such session shall recess to such time as the Senate may have theretofore ordered. Such "special morning session" shall be convened by the presiding officer or President pro tempore unless otherwise designated. The "special morning session" shall be considered adjourned upon the convening of the daily session.

23 (a). Notwithstanding Rule 21 and Rule 22, any subject may, by a recorded vote of a majority of the members present and voting, be made a special and continuing order, to commence at a time to be fixed by the Senate, and when the time so fixed for its consideration arises, the presiding officer shall lay it before the Senate.

23 (b). When two or more special and continuing orders have been made for the same time, they shall have precedence according to the order in which they were severally assigned, and that order shall only be changed by majority of those present and voting. All motions to change such order shall be decided without debate.

24. When a bill or resolution of the House of Delegates is passed or rejected by the Senate, the fact of the passage or rejection, with the bill or resolution, shall be communicated to the House of Delegates.

25 (a). All bills, resolutions or other business originating in the Senate and all bills, resolutions or other business sent from the House of Delegates shall be dispatched in the order in which they are introduced or received, unless the Senate shall otherwise direct.

25 (b). Bills or resolutions of either house shall be divided on the Calendar between the designation "Uncontested Calendar" and "Regular Calendar," and be considered in such order. When such a division is made for bills or resolutions, the Uncontested Calendar shall not include any bills or resolutions (i) which receive a dissenting vote or abstention in Committee, or (ii) to which objection is made by any Senator on first reading. Any bills or resolutions shall be removed

from the Uncontested Calendar at any time at the request of any Senator. Resolutions which do not have a specific vote requirement pursuant to these Rules shall not be placed on the Uncontested Calendar but may be divided separately.

25 (c). It shall be the duty of the Clerk to see that the printing and engrossing, when ordered, shall be done in such time that the bills and resolutions may be acted upon according to their priorities upon the Calendar. If, however, any bill or resolution is not ready when it is reached upon the Calendar, it shall be passed by, and be allowed to retain its place upon the Calendar.

25 (d). When the Calendar has been called through, it may be called again in order to dispose of any business that may be ready, and if there is none, the business of the "morning hour" shall be resumed and disposed of; but the business of the "morning hour" shall in no case be allowed to interfere with that of the Calendar without the unanimous consent of the members present.

26 (a). No law shall be enacted except by bill. Every bill, upon its introduction, shall be referred to the appropriate Committee. No bill shall become a law until the procedures required by Article IV, Section 11 of the Constitution of Virginia have been observed.

26 (b). No bill expressly amending any existing law shall be offered by any member unless or until the original and all copies thereof have been prepared so as to indicate deletions and additions. Each bill or resolution shall be signed by at least one Senator or by the Clerk of the Senate upon authorization of a member who has become incapacitated or who is unavailable to sign the legislation. Upon the approval of the Committee on Rules, electronic filing of bills and resolutions may be permitted. Any bill or resolution offered for introduction in the Senate may show two or more Senators as chief patrons and as "House Patrons" the signatures of members of the House of Delegates. The title of any bill having any provisions pertaining to taxation or revenues shall so indicate. The form for deletions and additions shall be to set forth the material deleted with lines through such material, e.g., ~~deleted material or words~~, and to underscore the words added, before they are received in the Senate. However, the stricken material and underscoring and italics in the printed bill, enrolled bills, and printed Acts shall not be considered evidence of all amendments to any bill or existing statute, but merely as an aid for quick reference to amended portions. Nothing herein contained shall be construed as requiring the use of stricken material or underscoring when new words are substituted for existing words where the new words or the omission of words does not change the sense or meaning of the act.

26 (c). The title of a bill or resolution and all amendments offered thereto shall be entered upon the Journal, except the amendments in the nature of a substitute shall be printed separately, and only the titles thereof entered upon the Journal.

26 (d). Any Senate bill or resolution which has been amended during the legislative process by the Senate shall be engrossed and reproduced by the Clerk of the Senate, as soon as practicable, in sufficient numbers for the members of the Senate and House of Delegates.

26 (e). The designation of "Senate Bill" or "Senate Resolution" or "Senate Joint Resolution" shall not be changed nor amended after a bill or resolution is introduced in the Senate. Nor shall the designation of "House Bill" or "House Joint Resolution" be changed or amended after the bill or resolution is received by the Senate.

26 (f). Any member of the Senate or House of Delegates who requests in writing to the Clerk that he be added as a co-patron of any bill or resolution, provided that the first vote on the passage of the bill or agreement to the resolution has not occurred, or, if the bill or resolution is not reported from Committee, then prior to the last action on such legislation, shall be listed in the Journal as a co-patron of such bill or resolution, and shall be so listed on such bill or resolution at its next printing, if any.

Any member of the Senate or House of Delegates may also request in writing to the Clerk that his name be removed as a co-patron of any bill or resolution provided that the first vote on the passage of the bill or agreement to the resolution has not occurred, or, if the bill or resolution is not reported from Committee, then prior to the last action on such legislation, and thereafter his name shall not be listed in the Journal as a co-patron of such bill or resolution, nor shall his name be listed on such bill or resolution at its next printing, if any.

26 (g). Any memorial or commending resolutions shall conform to the form and procedure set forth by the Clerk of the Senate and shall not be referred to the Committee on Rules, but shall be placed upon the Calendar on the next Thursday of the session and shall be considered for approval on said day; however, any one member may object to such consideration and the same shall be continued to the next Thursday session or any member may move that the same be referred to the Committee on Rules.

No Senator may introduce more than a combined total of ten commending and memorial resolutions each session, except for the Chair of the Committee on Rules when introducing such resolutions according to custom or protocol.

27. Bills or resolutions originating in the House of Delegates and communicated to the Senate shall be read by title the first time when received and referred to the appropriate Committee unless otherwise directed by the Senate.

28 (a). No bill or resolution reported from a Committee of the Senate shall be recommitted or amended until it has been twice read by title, nor shall any Senate bill or resolution be amended after its third reading, except by the unanimous consent of the Senate. House bills or resolutions may be recommitted or amended at any time before their final passage, but a bill or resolution which has been recommitted to a Committee, when reported by Committee, shall be restored on the Calendar to the status it had before it was recommitted.

28 (b). In the case of a House bill or resolution, engrossment shall only apply to such amendments as may have been made in the Senate.

29. Whenever a Senate bill or resolution is reported to the Senate with one or more House amendments, copies of all such amendments shall be furnished to each Senator. The same shall apply to amendments proposed by a Senate Committee or by a Senator, unless otherwise ordered by the Senate.

30. Every question shall be put in the affirmative and the presiding officer shall declare whether the yeas or the nays have it, which declaration shall stand as the judgment of the Senate. The yeas and nays on any question shall, at the desire of one-fifth of those present, be entered on the Journal. On the final vote of any bill, and on the vote in any election or impeachment conducted in the General Assembly or on the expulsion of a Senator, the name of each Senator voting, and how he voted shall be recorded in the Journal. After the roll has been taken, and before the vote is announced by the presiding officer, any Senator shall have the right to correct any mistake committed in enrolling his name and the presiding officer shall order the vote to be stricken.

31. Any Senator may call for a division of the question, which shall be divided if it comprehends propositions so distinct in substance that, one being taken away, a substantive proposition shall remain for the decision of the Senate.

32. Upon the determination of a question, any Senator may enter his protest upon the Journal, with the consent of one-third of the Senators present; and on the question "Shall the protest be entered on the Journal?", no privileged motion as set out in Rule 47 (a) or Rule 47 (b) shall be in order except to adjourn.

33. Whenever the Senate proceeds to consider any nominations or appointments after the same have been reported by the appropriate Committee, which are subject to the choice or ratification of the Senate, and when it is so ordered by the Senate pursuant to Chapter 37 of Title 2.2 of the Code of Virginia, the same shall be considered in executive session.

X.

The Pending and Previous Question.

34. Upon a motion for the pending question, agreed to by a majority of the Senators present, as indicated by a recorded vote, and there being no other motions afforded priority by these Rules, the presiding officer shall immediately put the pending question. All incidental questions of order arising after a motion for the pending question is made, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

35. Upon a motion for the previous question, agreed to by a majority of the Senators present, as indicated by a recorded vote, and there being no other motions afforded priority by these Rules, the presiding officer shall immediately put the question, first upon the amendments in the order prescribed in the Rules, and then upon the main question. If the previous question be not ordered, debate may continue as if the motion had not been made.

XI.

Taking the Vote.

36. Every Senator present in the Chamber, when any question is put or vote taken, shall vote or be counted as voting on one side or the other, except in the case of pairs, as hereinafter provided. A Senator who has a personal interest in the transaction, as defined in § 30-101 of the Code of Virginia, shall neither vote nor be counted upon it, and he shall withdraw, or invoke this rule not to be counted, prior to the division and the fact shall be recorded on the voting machine. If a Senator invokes this rule, the Senator shall not participate, directly or indirectly, in the matter wherein the rule is invoked. Pairs upon any question pending may be made and entered upon the Journal, and in such cases shall be announced immediately upon completion of the roll call, and before the announcement of its result. Pairs may be general or special. General pairs shall extend to and include all motions, amendments, or other proceedings in aid of or against the question pending, and which is the subject of the pairs. Special pairs shall depend in their scope upon the agreement between the Senators making the same, but in absence of a specific agreement, the presumption shall be conclusive that the pairs are general. The Senator announcing a pair shall be counted as present for the purposes of establishing a quorum. Pairs may be taken in Committee votes under this rule herein set forth.

37. The voting machine may be used for the call of the roll, for recording abstentions under Rule 36, or for the affirmative and the negative of the question.

38 (a). No Senator shall be allowed to vote or submit a vote statement unless he is in attendance at the daily session at the time the Senate is being divided, or before a determination of the question upon a call of the roll, and is physically present in the Chamber, or one of its anterooms. A Senator may submit a vote statement if he was not recorded as voting or if his recorded vote does not reflect his intention. The statement shall be limited to the fact that his vote was not recorded or that his vote did not reflect his intention and must be submitted to the Clerk of the Senate by the adjournment of the daily session.

38 (b). In cases where the presiding officer is also a member of the Senate at the time a recorded vote is being taken, the presiding officer shall request another Senator to cast his vote for him or shall cast his vote from the Chair.

XII.

Committees of Conference.

39 (a). The Senate members of any committee of conference with the House of Delegates shall be designated by the Chair of the Committee to which the bill or resolution in conference was first referred by the Clerk of the Senate. If a Senate bill or resolution is in conference, the chief patron(s) of the same shall be a conferee and, where feasible, members of a Committee to which the bill or resolution was referred or rereferred shall comprise the conferees.

Any conference report must be agreed to by the majority of the members of each house on the conference committee before it may be filed with the Senate. If the report of the first named conference is rejected by the Senate or the conferees cannot agree, the Chair shall designate the same or new conferees in the event a second conference is formed.

Conferees shall not insert in their report matters not committed to them by either house, nor shall they strike from the bill or resolution in conference matters agreed to by both houses.

39 (b). When a committee of conference is meeting it shall inform the Clerk of the place of meeting; and, when a vote be put, the presiding officer shall, before calling the vote, inform the Senate conferees of the pending vote and grant them a reasonable opportunity to return to the Chamber to vote.

XIII.

Debate.

40 (a). While the presiding officer is reporting or putting any question, or the Clerk of the Senate is reporting a bill or resolution or calling the roll, or a Senator is addressing the Chair, strict order shall be observed. No Senator or other person shall give audible expression to his or her approval or disapproval of any proceeding before the Senate. The use of props is prohibited on the floor of the Senate.

40 (b). The use of audible electronic devices used for transmitting and receiving communications is prohibited in Senate committee rooms and the Senate Chamber. The use of cellular telephones is prohibited in Senate committee rooms and the Senate Chamber. Violations of this rule shall be punishable as prescribed by the Committee on Rules.

41. If words are spoken in debate that give offense, exception thereto shall be taken the same day, and be stated in writing; and in such case, if the words are decided by the presiding officer, or by the Senate, upon an appeal, to be offensive, and they are not explained or retracted by the Senator who uttered them, he shall be subject to such action as the Senate may deem necessary.

42. When any member is about to speak in debate or deliver any matter to the Senate, he shall rise from his seat, and without advancing, with due respect, address "Mr. President," confining himself strictly to the point in debate, and avoiding all disrespectful language.

43. No member shall speak more than twice upon the same subject without leave of the Senate, nor more than once, until every member choosing to speak has spoken.

44. No question shall be debated until it has been stated by the presiding officer, and the mover shall have the right to explain his views in preference to any Senator.

45. During any debate any Senator, though he has spoken to the matter, may rise and speak to the orders of the Senate if they are transgressed, in case the presiding officer does not so rise and speak, but if the presiding officer stands up at any time, he is first to be heard, and while he is standing Senators shall keep their seats.

46. No Senator shall be allowed to be interrupted while speaking, except on points of order, to correct erroneous statements, or for a Senator to answer any questions that may be stated by the Senator speaking.

47 (a). The following motions shall not be debated or spoken to except as hereinafter provided:

(i) A motion to adjourn.

(ii) A motion calling for a vote on the pending question.

(iii) A motion calling for a vote on the previous question.

(iv) A motion to suspend the Rules.

(v) A motion to close debate.

(vi) A motion to limit debate.

(vii) A motion to extend the limit of debate.

(viii) A motion to reconsider matters not debatable.

(ix) A motion to change, in case of two or more special and continuing orders.

47 (b). Upon the following motions, the mover shall be allowed five minutes to speak to his motion, to state the reasons therefor, and one member opposed to the motion shall be allowed a like time to speak to the motion, to state his objections:

(i) A motion for a special and continuing order.

(ii) A motion to appeal a ruling of the Chair.

47 (c). When a question not debatable is before the Senate, all incidental questions arising after it is stated shall be decided and settled without debate, whether on appeal or otherwise. This same Rule shall apply to all incidental questions arising after the presiding officer has put any question to the Senate.

47 (d). A motion to strike out, being lost, shall preclude neither amendment nor a motion to insert, nor a motion to strike out and insert.

47 (e). When a question is pending, no motion shall be received but to adjourn, to pass by for the day, for the pending question, for the previous question, or to amend; which several motions shall have precedence in the order in which they are herein set out.

47 (f). Except as otherwise provided herein, the provisions of Rule 47 (e), a primary motion may be substituted once.

XIV.

Reconsideration.

48 (a). A question arising on a Senate Bill, Senate Resolution or Senate Joint Resolution being once determined must stand as the judgment of the Senate, and cannot during the course of that session of the General Assembly be drawn again into debate, unless a motion to reconsider a question which has been decided has been made by a Senator voting with the prevailing side on the same day on which the vote was taken.

However, if such action has not been communicated to the House, a motion to reconsider may be made within the next two days of actual session of the Senate thereafter.

Unless unanimous consent of the members of the Senate present and voting on a motion for a second or subsequent reconsideration be granted, no measure being once determined may be reconsidered more than once by the Senate during that session of the General Assembly.

When any question is decided in the negative simply for the want of a majority of the whole Senate, any Senator who was absent from the city of Richmond or detained from his seat by sickness at the time of the vote sought to be reconsidered may move its reconsideration.

A Senator desiring such reconsideration shall confer with the Chair of the Committee on Rules, or in his absence the next listed available member of the Committee on Rules, who shall consult with the chief spokesman for and against the measure, if there is any, and thereafter such Chair or next listed member may direct the Clerk to defer or expedite the transmittal of the action of the Senate on the measure to the House of Delegates to permit the making of such motion for reconsideration; however, in no event shall such deferral of transmittal hereunder be for more than one legislative day.

This rule shall not preclude consideration of any House Bill, House Joint Resolution, or House amendment to a Senate Bill or a Senate Joint Resolution, regardless of whether such House measure involves a question already determined.

48 (b). If the Committee has possession of a bill or resolution, a motion to reconsider in Committee may be made no later than the next Committee meeting.

However, a motion to reconsider at a second or subsequent meeting may be made with unanimous consent if the Committee has possession of the bill or resolution.

XV.

Suspension of Rules.

49. Any rule of the Senate may only, except where otherwise provided by the Constitution of Virginia, be amended by a vote of two-thirds of the Senators present and voting. These Rules may be suspended by a vote of two-thirds of the Senators present and voting. If the Senate is meeting due to a state emergency or enemy attack pursuant to Article IV, Section 8 of the Constitution, then the Rules of the Senate may be suspended by a vote of two-thirds of the quorum.

XVI.

Appeals.

50. If the presiding officer rules on any matter under these Rules by his own act, or upon request of any Senator, and if any Senator objects to the ruling of the presiding officer, then an appeal to the Senate shall lie. The appeal shall be stated as a motion to sustain the ruling of the Chair. To overrule the ruling of the Chair shall require a majority of those present and voting. A ruling of the Chair shall not be overruled on appeal by a tie vote.

XVII.

Committee of the Whole.

51. The Senate may go into the Committee of the Whole only upon the affirmative vote of a majority of the members present and voting. When the Senate shall resolve itself into the Committee of the Whole, the President shall leave the Chair and the President pro tempore shall preside in the Committee. If the President pro tempore is absent from the Senate, then the Senate shall elect a chair to preside therein.

The Committee of the Whole shall consider and report on such subjects as may be committed to it by the Senate. The Rules of the Senate shall be observed in the Committee of the Whole, so far as they are applicable. The proceedings in the Committee of the Whole shall not be recorded on the Journal of the Senate, except so far as reported to the Senate by the Chair of the Committee.

XVIII.

Campaign Advocacy Contribution Limitations.

52. During any regular, special, or reconvened session of the General Assembly, no member of the Senate shall use his name or title or authorize another person to use the Senator's name or title, orally or in writing, to solicit monetary contributions if any part of the contributions would be used to pay for an advocacy campaign conducted through mass mailings, e-mails, telephone calls or other communication media to influence the outcome of legislative action by the General Assembly. This rule shall not apply during any recess of a special session. Nothing in this rule shall prohibit a Senator from using his name or title or authorizing another person to use the Senator's name or title in the letterhead or roster listing the membership of an organization.

XIX.

Senate Ethics and Senate Ethics Advisory Panel.

53 (a). The Senate Ethics Advisory Panel shall be composed of five members: three of whom shall be former members of the Senate; and two of whom shall be citizens of the Commonwealth who have not previously held such office. No member shall engage in activities requiring him to register as a lobbyist under § 2.2-422 of the Code of Virginia during his tenure on the Panel. The members shall be nominated by the Committee on Privileges and Elections of the Senate and confirmed by the Senate. Nominations shall be made so as to assure bipartisan representation on the Panel.

53 (b). Whenever the Clerk receives a report of the Senate Ethics Advisory Panel or a resolution seeking the reprimand, censure, or expulsion of a Senator, the report shall be referred forthwith to the Committee on Privileges and Elections. The Committee shall consider the matter, conduct such hearings as it shall deem necessary, and, in all cases report its determination of the matter, together with its recommendations and reasons for its resolves, to the Senate. If the Committee deems disciplinary action warranted, it shall report a resolution offered by a member of the Committee to express such action. Any such resolution reported by the Committee shall be a privileged matter. The Senate as a whole shall then

consider the resolution, and, by recorded vote, either defeat the resolution or take one or more of the following actions: (i) reprimand the Senator with a majority vote of the Senators present and voting; (ii) censure the Senator and place the Senator last in seniority with a majority vote of the elected membership of the Senate; (iii) expel the Senator with a two-thirds vote of the elected membership of the Senate; or (iv) refer the matter to the Attorney General for appropriate action with a majority vote of the Senators present and voting, in the event the Senate finds a knowing violation of § 30-108 or subsection C of § 30-110 of the Code of Virginia.

XX.

Court of Impeachment.

54. When, pursuant to the Constitution, the Senate sits as a Court for the trial of impeachments, the Rules covering the same shall be as the Rules of Procedure and Practice in the United States Senate when sitting on Impeachment Trials.

XXI.

Votes Required.

55. The votes required shall be as set forth in the Appendix to these Rules.

XXII.

Construction of Rules.

56. The Rules of the Senate shall be adopted at the commencement of the first regular session of the General Assembly after the election of the Senate, and shall be in force for the succeeding four years unless amended or suspended as provided by these Rules or unless directed by the Senate whose membership has changed due to the election of a Senator or whose President of the Senate has changed due to the election of a new Lieutenant Governor. In the construction of the Rules, reference shall be had to the following sources in the following order:

- (a) Jefferson's Manual of Parliamentary Practice.
- (b) Mason's Manual of Legislative Procedure.
- (c) Standing Rules for Conducting Business in the Senate of the United States.

APPENDIX
 VOTES REQUIRED PURSUANT TO
 CONSTITUTION
 OR RULES OF THE SENATE

(1) Appeals from ruling of chair to overrule chair	-- a majority of the members present and voting, not less than.....11 (Rule 50)
(2) Bills:	
(a) Ordinary bills	-- a majority of the members voting, not less than.....16 (Const. Art. IV, Sec. 11) (Same for House amendment or Conference report)
(b) Appropriation, Claim or Demand of State, Debt or Charge, New Office, Tax	-- a majority of the members elected, not less than.....21 (Const. Art. IV, Sec. 11) (Same for House amendment or Conference report)
(c) (1) Bonds, general obligation	-- a majority of the members elected, not less than.....21 (Const. Art. X, Sec. 9(b))
(2) Bonds, revenue	-- 2/3 of the members elected, not less than.....27 (Const. Art. X, Sec. 9(c))
(d) Charter or "Special Act" for county, city, town or regional government	-- 2/3 of the members elected, not less than.....27 (Const. Art. VII, Sec. 1) (Same for House amendment or Conference report)
(e) Printing or Reading dispensed	-- 4/5 of the members voting, not less than.....17 (Const. Art. IV, Sec. 11)
(f) Creating new office	-- a majority of the members elected, not less than.....21 (Const. Art. IV, Sec. 11)

- (3) Censure of a Senator -- a majority of the members elected,
not less than.....21
(Rule 18(h) and Rule 53(b))
- (4) Committee of the Whole,
to go into -- a majority of the members present
and voting,
not less than.....11
(Rule 51)
- (5) Constitution, amending
- (a) Virginia Constitution -- a majority of the members elected,
Bills or Resolutions not less than.....21
proposing to amend (Const. Art. XII, Sec. 1)
- (b) Amendment to Bill or -- a majority of the members elected,
Resolution proposing to not less than.....21
amend Virginia Constitution (Const. Art. XII, Sec. 1)
- (c) Virginia Constitutional -- 2/3 of the members elected,
Convention, calling of not less than.....27
(Const. Art. XII, Sec. 2)
- (d) United States Constitution, -- a majority of the members present
Resolutions proposing to and voting,
ratify and amend not less than.....11
- (e) United States Constitution, -- a majority of the members present
Resolutions proposing and voting,
calling of a convention not less than.....11
to amend
- (6) Discharging Committee -- a majority of the members voting,
not less than 2/5 of the
members elected.....16
(Const. Art. IV, Sec. 11)
- (7) Division of question -- 1 Senator.....1
required (Rule 31)
- (8) Emergency Clause -- 4/5 of the members voting,
not less than.....17
(Const. Art. IV, Sec. 13)
- (9) Expulsion of a Senator -- 2/3 of the members elected,
not less than.....27
(Const. Art. IV, Sec. 7;
Sec. 10; Rule 18(h) and
Rule 53(b))
- (10) Extended Session 30 days -- 2/3 of the members elected,
not less than.....27
(Const. Art. IV, Sec. 6)
- (11) Governor, disability of -- 3/4 of the members elected,
not less than.....30
(Const. Art. V, Sec. 16)
- (12) Governor's recommendation -- a majority of the members present.
for amending bill In case of refusal, bill
again sent to Governor
(Const. Art. V, Sec. 6)
- (13) Impeachment -- 2/3 of the members present,
not less than.....14

(Const. Art. IV, Sec. 17;
Sec. 10)

- (14) Journal, reading waived
 (a) All sessions except convened special sessions with no business -- a majority of the members voting not less than.....11 (Rule 3)
 (b) Reconvened special sessions with no business -- 2 Senators.....2 (Rules 3 and 5)
- (15) Protest entered upon Journal -- 1/3 of the members present, not less than.....7 (Rule 32)
- (16) Reading or printing of a Bill dispensed -- 4/5 of the members voting, not less than.....17 (Const. Art. IV, Sec. 11)
- (17) Recorded vote, yeas and nays
 (a) Floor -- 1/5 of the members present (Const. Art. IV, Sec. 10 and Rule 30)
 (b) Committee -- 1/5 of the Committee members present
- (18) Referring certain violations of Conflict of Interest Act to Attorney General -- a majority of the members voting, not less than.....11 (Rule 18(h) and Rule 53(b))
- (19) Reprimand of a Senator -- a majority of the members present and voting, not less than.....11 (Rule 18(h) and Rule 53(b))
- (20) Resolutions other than those proposing a Constitutional amendment -- a majority of the members voting, not less than.....16
- (21) Suspending or amending Rules
 (a) Regular quorum -- 2/3 of the members present and voting, not less than.....14 (Rule 49)
 (b) Lesser quorum pursuant to Art. IV, Sec. 8 of the Constitution -- 2/3 of the quorum, not less than.....11 (Rule 49)
- (22) (a) Special and Continuing Order -- a majority of the members present and voting, not less than.....11 (Rule 23(a))
 (b) Changing Special and Continuing Order -- a majority of the members present and voting, not less than.....11 (Rule 23(b))
- (23) Supreme Court, Increase size of -- 3/5 of the members elected, voting at 2 consecutive

- regular sessions,
not less than.....24
(Const. Art. VI, Sec. 2)
- (24) Veto, to override -- 2/3 of the members present,
not less than a majority
of the members elected..21
(Const. Art. V, Sec. 6)
- (25) Votes on elections,
impeachments or expulsions
of a Senator -- names to be recorded in Journal
(Const. Art. IV, Sec. 10)
also see Secs. 7 & 17)
- (26) Vote to remove Senator
from a Committee -- ~~2/3~~ a majority of the members present
and voting,
not less than.....~~14~~ 11
(Rule 20(a))
- (27) Vote to elect Senator(s)
to Committee -- a majority of members present
and voting,
not less than.....11
(Rule 18)
- (28) Interruption of the
Calendar -- unanimous consent of
members present
(Rule 25(d))
- (29) Amend Senate bill or
resolution after
third reading -- unanimous consent
(Rule 28(a))
- (30) Reconsideration
(a) Floor (Second and
subsequent
Reconsideration) -- unanimous consent of
members present
(Rule 48(a))
(b) Committee -- unanimous consent of
the committee
if later than the
next meeting
(Rule 48(b))
- (31) President pro tempore's
substitute to continue
to preside over the Senate -- unanimous consent of members
present
(Rule 2(c))
- (32) Call of the Senate to
send for absentee(s) -- at least 9 Senators
(Rule 5)
- (33) Adjournment
(a) Daily Session -- at least 2 Senators (Rule 5)
(b) Certain Special Session -- at least 2 Senators (Rule 5)
(c) Certain Reconvened
Session of a
Special Session -- at least 2 Senators (Rule 5)
- (34) Quorum
(a) Emergency -- at least 16 Senators
Const. Art. IV, Sec. 8)
(b) Daily Session -- a majority of members elected,
not less than.....21
(Const. Art. IV, Sec. 8; Rule 5)

- | | | |
|------|---|---|
| (c) | Reconvened Session | -- a majority of members elected,
not less than.....21 |
| (d) | Certain Special Session | -- at least 2 Senators (Rule 5) |
| (e) | Certain Reconvened Session of a Special Session | -- at least 2 Senators (Rule 5) |
| (f) | Committee | -- at least 8 Senators
(Rule 20(e)) |
| (35) | Election of "Interim" Clerk | -- a majority of Committee members present and voting at least 5 Senators |

SENATE RESOLUTION NO. 27

Celebrating the life of the Honorable Elise B. Heinz.

Agreed to by the Senate, February 6, 2014

WHEREAS, the Honorable Elise B. Heinz, a former member of the Virginia House of Delegates who ably represented the residents of Arlington and Alexandria and a longtime member of the Arlington community, died on January 19, 2014; and

WHEREAS, a native of Plainfield, New Jersey, Elise Heinz moved to Mason Neck in 1949; she graduated from George Washington High School in Alexandria and later earned a bachelor's degree from Wellesley College; and

WHEREAS, in 1961, Elise Heinz earned a law degree from Harvard University, where she was elected as an editor of the *Harvard Law Review* and graduated as one of only five women in a class of 460; after graduation, she moved to Arlington and would proudly call the area home for the rest of her life; and

WHEREAS, Elise Heinz practiced law with a firm in Washington, D.C., until 1964, then did legal work for the Peace Corps, for the Lawyers' Committee for Civil Rights Under Law, and for a federal appellate court judge; she subsequently opened her own firm, where she practiced law until 1990; and

WHEREAS, a passionate and devoted advocate for women's rights, Elise Heinz led efforts to reform discriminatory laws and secure ratification of the Equal Rights Amendment to the United States Constitution; and

WHEREAS, desirous to be of further service to the Commonwealth, Elise Heinz ran for and was elected to the Virginia House of Delegates in 1977, where she represented the residents of the 23rd District for two terms; and

WHEREAS, Elise Heinz worked to enact important legislation and served on several committees, including Conservation and Natural Resources, General Laws, and Privileges and Elections; and

WHEREAS, after completing her service in the General Assembly, Elise Heinz remained a leader in the Arlington community; she was an outspoken champion of women's rights for much of her life and continued to serve the Commonwealth as a Virginia representative on the Chesapeake and Ohio Canal National Historical Park Advisory Commission; and

WHEREAS, throughout her life, Elise Heinz donated her time and talents as a volunteer with many civic and service organizations, including the American Civil Liberties Union, the Women's Legal Defense Fund, the Alexandria United Way, the Arlington County School Board, and the Virginia Advisory Committee of the United States Commission on Civil Rights; and

WHEREAS, a woman of great integrity, Elise Heinz served the community, the Commonwealth, and the nation with distinction; and

WHEREAS, Elise Heinz will be fondly remembered and greatly missed by her husband of 52 years, James E. Clayton; sons Jonathan and David, and their families; numerous other family members and friends; and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of the Honorable Elise B. Heinz, a respected public servant and an admired member of the Arlington community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Elise B. Heinz as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 28

Commending Debbi Miller.

Agreed to by the Senate, February 6, 2014

WHEREAS, Debbi Miller, a vibrant, active member of the Fairfax community, was named Ms. Virginia Senior America 2013/2014 on May 17, 2013, at the ShenanArts nTelos Theatre in Staunton; and

WHEREAS, the Ms. Virginia Senior America pageant was established in 1984 and honors the dignity, maturity, and elegance of women over the age of 60 in the Commonwealth; the pageant promotes how seniors' wisdom and experience provide the foundation for younger generations to achieve greatness; and

WHEREAS, contestants in the Ms. Virginia Senior America pageant competed in evening gown, philosophy of life, talent, and interview rounds; Debbi Miller scored high in each round, especially with her renowned abilities as a vocalist on display in the talent round; and

WHEREAS, Debbi Miller earned a bachelor's degree from Birmingham-Southern College and a master's degree from the University of Texas at Austin; she has honed her musical abilities with private trainers in New York, Milan, and the renowned Music Academy of the West in Santa Barbara; and

WHEREAS, an accomplished and diverse vocalist, Debbi Miller has sung professionally throughout the country; she has held 15 leading opera roles, including one in a world premiere, and conducted the pit bands for two musicals, and she is a member-at-large of Sweet Adelines International; and

WHEREAS, deeply dedicated to the betterment of the community, Debbi Miller has offered her time and talents as a volunteer with numerous civic and service organizations; most recently, she has focused her efforts on working with the Associates of the American Foreign Service Worldwide, where she serves as the membership chair and mentoring chair; and

WHEREAS, Debbi Miller possesses a unique combination of talent, intelligence, beauty, and dedication, and she will be a fine representative for senior women in the Commonwealth during her reign as Ms. Virginia Senior America; now, therefore, be it

RESOLVED by the Senate of Virginia, That Debbi Miller, a dynamic member of the Fairfax community, hereby be commended on the occasion of being crowned Ms. Virginia Senior America 2013/2014; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Debbi Miller as an expression of the Senate of Virginia's admiration for her accomplishments and best wishes on future endeavors.

SENATE RESOLUTION NO. 29

Commending Laurie Genevro Cole.

Agreed to by the Senate, February 6, 2014

WHEREAS, Laurie Genevro Cole, who has admirably served on the Vienna Town Council since 2002, providing sound advice and focusing on what was best for the people of Vienna, will retire on June 30, 2014; and

WHEREAS, Laurie Cole became involved with local government at the urging of her husband, Harry, and in 1994, she was appointed to the Vienna Beautification Commission, now known as the Community Enhancement Commission, and she later became chair of the commission; and

WHEREAS, Laurie Cole served on the Vienna Planning Commission and was elected chair; later, she was appointed to the Board of Zoning Appeals before being elected to the Vienna Town Council; and

WHEREAS, in her tenure on the Town Council, Laurie Cole recognized that the town must assume an active role in Fairfax County issues that could affect the residents of Vienna; she stressed the importance of communicating and building strong relationships with neighboring localities; and

WHEREAS, Laurie Cole helped form the Greater Tysons Concerned Citizens coalition to address issues that arise with the continuing development of the neighboring Tysons Corner area; she works to see that all affected localities share in the area's infrastructure and development costs; and

WHEREAS, Laurie Cole has stressed the importance of matters that mainly affect local residents, such as sidewalk projects, alternatives to cell phone antenna towers, and improved signage throughout Vienna; and

WHEREAS, Laurie Cole, a member of the Optimist Club of Greater Vienna and the Vienna branch of the American Association of University Women, was a member of the capital campaign steering committee for the Vienna Volunteer Fire Department; and

WHEREAS, before moving to Vienna in 1986, Laurie Cole received degrees from Pomona College and the University of California, Los Angeles; after moving to the Commonwealth, she practiced law and taught at Marymount University before becoming involved in local government; now, therefore, be it

RESOLVED by the Senate of Virginia, That Laurie Genevro Cole hereby be commended for her 20 years of service to the people of Vienna, including 12 years as a member of the Vienna Town Council; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Laurie Genevro Cole as an expression of the Senate of Virginia's admiration for and appreciation of her work for the betterment of the town of Vienna, Fairfax County, and the Commonwealth.

SENATE RESOLUTION NO. 30

Commending Madena Jane Seeman.

Agreed to by the Senate, February 6, 2014

WHEREAS, Madena Jane Seeman, an admired and deeply dedicated public servant who has ably served the Town of Vienna for over 17 years, retires as mayor in 2014; and

WHEREAS, a longtime resident of the Town of Vienna, Jane Seeman served as the director of the preschool program at the Vienna Community Center for 20 years; and

WHEREAS, desiring to be of further service to the community, Jane Seeman was first appointed to the Town Council in 1996 to fill her late husband's unexpired term and was subsequently elected to two additional terms; and

WHEREAS, Jane Seeman was elected mayor in 2000 and went on to win six more terms, most recently in 2012; a wise and active leader, she contributed to the continuing growth and success of the Town of Vienna; and

WHEREAS, Mayor Seeman represents the residents of the Town of Vienna on the Northern Virginia Regional Commission, the Town Association of Northern Virginia, the Environmental Policy Steering Committee, the Tysons Partnership, and the Greater Tysons Coordinating Committee; and

WHEREAS, dedicated to enhancing the infrastructure of Tysons Corner, Mayor Seeman supported improvements to walkways, bicycle facilities, trails, and intersections in and around the neighborhood to ensure that local residents have safe, convenient access to work, shopping, and recreation; and

WHEREAS, a member of numerous civic and service organizations, Jane Seeman has spent much of her life working to better the Vienna community; she currently volunteers her time with the Rotary Club of Vienna, Historic Vienna, Inc., and the Patrick Henry Library; and

WHEREAS, in honor of her exceptional service, Jane Seeman received the Vienna Toastmasters Communication and Leadership Award in 1997 and the *Vienna Times* and Vienna Chamber of Commerce Citizen of the Year award and Rotary Service Above Self award in 1999; and

WHEREAS, Jane Seeman is an exemplar of the professionalism and dedication shown by elected officials throughout the Commonwealth; now, therefore, be it

RESOLVED by the Senate of Virginia, That Madena Jane Seeman, an outstanding public servant and the respected, longtime mayor of the Town of Vienna, hereby be commended on the occasion of her retirement from public office; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Madena Jane Seeman as an expression of the Senate of Virginia's admiration for her enduring commitment to serving the members of the Vienna community.

SENATE RESOLUTION NO. 31

Nominating a person to be elected to circuit court judgeship.

Agreed to by the Senate, February 4, 2014

RESOLVED by the Senate, That the following person is hereby nominated to be elected to the respective circuit court judgeship as follows:

The Honorable H. Thomas Padrick, Jr., of Virginia Beach, as a judge of the Second Judicial Circuit for a term of eight years commencing February 13, 2014.

SENATE RESOLUTION NO. 32

Establishing a joint committee of the Senate Committee on Local Government and the Senate Committee on Transportation to study construction of proposed Interstate 73. Report.

Agreed to by the Senate, February 26, 2014

WHEREAS, there is a strong and direct connection between a vibrant economy and a sound transportation infrastructure; and

WHEREAS, for south-central Virginia, no element of the Commonwealth's transportation infrastructure is more important than roads; and

WHEREAS, construction of proposed Interstate 73 is among the most vital highway projects being planned for the region; and

WHEREAS, the citizens and businesses of south-central Virginia are eager to become involved with, support, and promote the expeditious construction of proposed Interstate 73; now, therefore, be it

RESOLVED by the Senate, That a joint committee of the Senate Committee on Local Government and the Senate Committee on Transportation be established to study construction of proposed Interstate 73. The joint committee shall have

a total membership of 11 members that shall consist of six legislative members and five nonlegislative citizen members. Members shall be appointed as follows: three members of the Senate Committee on Local Government to be appointed by the Senate Committee on Rules upon the recommendation of the Chair of the Senate Committee on Local Government; three members of the Senate Committee on Transportation to be appointed by the Senate Committee on Rules upon the recommendation of the Chair of the Senate Committee on Transportation; and five nonlegislative citizen members to be appointed by the Senate Committee on Rules, of whom two shall be business owners in the affected area, two shall be current or former officials of local governments in the affected area, and one shall be a citizen at large. The joint committee shall elect a chairman and vice-chairman from among its membership, who shall be members of the Senate of Virginia.

In conducting its study, the joint committee shall provide an institutional and organizational link between the citizens and businesses of south-central Virginia, their legislative representatives in the Senate, and the Virginia Department of Transportation. The joint committee shall receive and disseminate communication between the Department and those most directly and greatly concerned with the speedy completion and success of the interstate construction project.

Administrative staff support shall be provided by the Office of the Clerk of the Senate. Legal, research, policy analysis, and other services as requested by the joint committee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by the Department of Transportation. All agencies of the Commonwealth shall provide assistance to the joint committee for this study, upon request. In its deliberations, the joint committee may provide for the participation of citizens, businesses, and officials from local governments that would be affected by the proposed Interstate 73.

The joint committee shall be limited to four meetings for the 2014 interim and four meetings for the 2015 interim, and the direct costs of this study shall not exceed \$17,280 for each year without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint committee and the Clerk of the Senate.

The joint committee shall complete its meetings for the first year by November 30, 2014, and for the second year by November 30, 2015, and the chairman of the joint committee shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the joint committee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit copies of this resolution to the General Assembly of North Carolina and the General Assembly of South Carolina in order that they may be apprised of the action of the Senate of Virginia in this matter, with the recommendation to appoint similar entities in their states to work cooperatively with the joint committee in promoting the construction of proposed Interstate 73.

SENATE RESOLUTION NO. 34

Establishing a joint committee of the Senate Committee on Rehabilitation and Social Services and the Senate Committee on Rules to study staffing levels and employment conditions at the Department of Corrections. Report.

Agreed to by the Senate, February 26, 2014

WHEREAS, it is the mission of the Virginia Department of Corrections to enhance public safety by providing effective programs and reentry services for, and supervision of, sentenced offenders in a humane, cost-efficient manner, consistent with sound correctional principles and constitutional standards; and

WHEREAS, the Virginia Department of Corrections aspires to be recognized as a model correctional agency and a proven innovative leader in the field; and

WHEREAS, Virginia will be a safer place to live and work if the Department provides appropriate custody and supervision of, and promotes reentry practices for, offenders through its exemplary services; and

WHEREAS, the cornerstone of the Department is its employees, who embrace a common purpose and a commitment to the highest professional standards and excellence in public service; and

WHEREAS, the Department should maintain a responsible commitment to its employees and be a satisfying and rewarding place to work and grow professionally; and

WHEREAS, a critical aspect of fulfilling its mission is adequate staffing; and

WHEREAS, inadequate staffing levels can lead to lapses in safety as well as place employees under extreme stress and at risk of other negative effects on their health; and

WHEREAS, a lack of sufficient staff or adequate compensation for employees leads to rapid turnover, resulting in a lack of seasoned and experienced staff; now, therefore, be it

RESOLVED by the Senate of Virginia, That a joint committee of the Senate Committee on Rehabilitation and Social Services and Senate Committee on Rules be established to study staffing levels and employment conditions at the Department of Corrections. The joint committee shall have a total membership of nine members that shall consist of five legislative members and four nonlegislative citizen members. Members shall be appointed as follows: three members of the

Senate Committee on Rehabilitation and Social Services to be appointed by the Senate Committee on Rules upon the recommendation of the Chair of the Senate Committee on Rehabilitation and Social Services; two members of the Senate Committee on Rules to be appointed by the Senate Committee on Rules; and four nonlegislative citizen members to be appointed by the Senate Committee on Rules, of whom two shall be representatives of an association for correctional officers or employees and two shall be former correctional officers or employees. The joint committee shall elect a chairman and vice-chairman from among its membership, who shall be members of the Senate of Virginia.

In conducting its study, the joint committee shall study the adequacy of staffing levels, employee health and safety, and turnover rates at the correctional facilities of the Commonwealth.

Administrative staff support shall be provided by the Office of the Clerk of the Senate. Legal, research, policy analysis, and other services as requested by the joint committee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by the Department of Corrections. All agencies of the Commonwealth shall provide assistance to the joint committee for this study, upon request.

The joint committee shall be limited to four meetings for this study during the 2014 interim, and the direct costs of this study shall not exceed \$14,200 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the Chair of the Senate Committee on Rehabilitation and Social Services and the Clerk of the Senate.

The study committee shall complete its meetings by November 30, 2014, and the chairman of the joint committee shall submit to the Division of Legislative Automated Systems an executive summary of the findings and recommendations of the study committee no later than the first day of the 2015 Regular Session of the General Assembly. The executive summary shall state whether the joint committee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

SENATE RESOLUTION NO. 35

Establishing a joint committee of the Senate Committee on Education and Health and the Senate Committee on Finance to study the potential effects of the Commonwealth's mandating full-day kindergarten programs. Report.

Agreed to by the Senate, February 26, 2014

WHEREAS, a majority of children begin their formal education with the entrance into kindergarten, where they develop basic skills and knowledge through creative play, social interaction, and developmentally appropriate formal instruction; and

WHEREAS, kindergarten also provides opportunities for young children to learn how to share, follow instructions, wait, and work in a team and within boundaries, and it fosters the development of cognitive, social, and emotional skills; and

WHEREAS, kindergarten is the gateway to the elementary school grades and prepares children for more formalized and structured academic settings; and

WHEREAS, longitudinal data demonstrates that children in full-day kindergarten programs show greater academic progress, including greater reading and mathematics achievement gains, than those in half-day programs; and

WHEREAS, full-day kindergarten can produce long-term educational gains, including for at-risk students; and

WHEREAS, investment in early childhood education programs can generate long-term savings; now, therefore, be it

RESOLVED by the Senate of Virginia, That a joint committee of the Senate Committee on Education and Health and the Senate Committee on Finance be established to study the potential effects of the Commonwealth's mandating full-day kindergarten programs. The joint committee shall have a total membership of 12 members that shall consist of seven legislative members and five nonlegislative citizen members. Members shall be appointed as follows: four members of the Senate Committee on Education and Health, to be appointed by the Senate Committee on Rules upon the recommendation of the Chair of the Senate Committee on Education and Health; three members of the Senate Committee on Finance, to be appointed by the Senate Committee on Rules upon the recommendation of the Chair of the Senate Committee on Finance; and five nonlegislative citizen members to be appointed by the Senate Committee on Rules, one of whom shall be a parent of a child in elementary school or younger than elementary school age, two of whom shall be current or former elementary school teachers, one of whom shall be a superintendent of a school division in the Commonwealth, and one of whom shall be a local school board member from a school division in the Commonwealth. Nonlegislative citizen members shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the joint committee and the Clerk of the Senate, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. The joint committee shall elect a chairman and vice-chairman from among its membership, who shall be members of the Senate.

In conducting its study, the joint committee shall (i) examine current kindergarten programs in the Commonwealth and in other states; (ii) examine the intellectual, social, and emotional impacts of full-day kindergarten; (iii) assess the effect of requiring full-day kindergarten programs on staff, infrastructure, and scheduling requirements; (iv) consider the fiscal and policy implications of requiring full-day kindergarten programs in the Commonwealth; (v) consider any other matters the

joint committee deems relevant; and (vi) submit any findings and recommendations that the joint committee deems appropriate.

Administrative staff support shall be provided by the Office of the Clerk of the Senate. Legal, research, policy analysis, and other services as requested by the joint committee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by the Department of Education. All agencies of the Commonwealth shall provide assistance to the joint committee for this study, upon request.

The joint committee shall be limited to four meetings for the 2014 interim, and the direct costs of this study shall not exceed \$16,760 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the Chair of the Senate Committee on Rules and the Clerk of the Senate.

The joint committee shall complete its meetings by November 30, 2014, and the chairman of the joint committee shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2015 Regular Session of the General Assembly. The executive summary shall state whether the joint committee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

SENATE RESOLUTION NO. 36

Commending the Stuart Rotary Club.

Agreed to by the Senate, February 20, 2014

WHEREAS, the Stuart Rotary Club was created through sponsorships by existing Rotary Clubs in Chicago, New York, Washington, D.C., and Richmond, and presented its charter, Rotary International Charter Number 4885, on December 19, 1938, in Patrick County; and

WHEREAS, the Stuart Rotary Club remained active during the Great Depression of the 1930s and accelerated its formal activities in the late 1940s and early 1950s during the recovery following World War II; and

WHEREAS, charter members of the Stuart Rotary Club included prominent citizens, trailblazers, and community leaders of Patrick County, such as Robert L. Clark, who represented Patrick County in the Virginia House of Delegates; and

WHEREAS, today's Rotarians are a diverse group of business and professional leaders and active adults from Patrick County, who work together and are involved in the community to facilitate the well-being of county citizens; and

WHEREAS, after World War II, returning veterans were instrumental in renewing and establishing community events and activities in the county, such as the "Fast and Furious" softball games between the Stuart Rotary Club and the Stuart Volunteer Fire Department to support the polio drive; the Patrick County Fair, the club's most successful project; and Boy Scout Troop Number 65, which was initially sponsored by Stuart Methodist Church and Stuart Baptist Church until the Stuart Rotary Club assumed sponsorship in 1941 and is today the county's oldest troop continuously operating under the same sponsor; and

WHEREAS, members of the Stuart Rotary Club led in the development of other community projects, including the R. J. Reynolds Patrick County Memorial Hospital, Patrick County Library and Historical Museum, Blue Ridge Mountain Car Show, Patrick County Music Association, Patrick County Education Foundation, Dan River Canoe Races, Patrick County Antiques Festival, Connie Mack baseball, Christmas parades, horse shows, fiddler's conventions, travelogues, GED graduation ceremonies, and fundraising campaigns for other deserving projects; and

WHEREAS, despite economic downturns, the Stuart Rotary Club has continued to serve the citizens of Patrick County by providing medical care, food, and basic necessities through the Caring Hearts Free Clinic and Patrick County Food Bank, working with the Patrick County Ministerial Association to provide backpacks to needy students at Blue Ridge Elementary School, refurbishing a hospice room at the local hospital, and continuing to support the Boy Scout troop and the GED adult education graduation program; and

WHEREAS, in 2013, members of the Stuart Rotary Club partnered with teachers at Patrick County High School to prepare students for job interviews and established a Student Loan and Scholarship Foundation as a nonprofit organization to help Patrick County students pursue higher education; and

WHEREAS, the Stuart Rotary Club sponsored a chartered Rotary Club in Floyd County in June 2007 and has continued its dedicated work and noteworthy efforts to enhance the quality of life in the community and internationally through civic and global organizations to address hunger, women's rights, inadequate medical care and clean water, and disaster relief; and

WHEREAS, for 75 years, the Stuart Rotary Club has lived up to its motto, "Service above Self," through its dedication to community service, hard work, and generosity; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Stuart Rotary Club hereby be commended on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to James Allen, treasurer of the Stuart Rotary Club, as an expression of the Senate of Virginia's congratulations and appreciation for the club's service to the citizens of Patrick County and the Commonwealth.

SENATE RESOLUTION NO. 39

Celebrating the life of Scott Harper.

Agreed to by the Senate, February 20, 2014

WHEREAS, Scott Harper, a devoted husband and father, an award-winning journalist for *The Virginian-Pilot* newspaper in Norfolk, and to many people a dear friend whose enthusiasm and varied interests often captivated them, died on October 26, 2013; and

WHEREAS, a native of San Diego, Scott Harper had extensive journalism experience before starting work at *The Virginian-Pilot* as an environmental reporter; his writing was highly respected by conservationists and environmental organizations, and he received many awards and recognitions; and

WHEREAS, Scott Harper graduated from Southern Methodist University and did graduate work at American University and London School of Economics and Political Science; he was a reporter in Texas and Maryland before moving to Virginia; and

WHEREAS, after he began his work at the Norfolk newspaper in 1994, Scott Harper spent much time writing about issues affecting the Chesapeake Bay, one of the Commonwealth's greatest natural resources; he is remembered for his clear explanations of often complex matters; and

WHEREAS, in covering the fast-changing Hampton Roads region, Scott Harper wrote about the challenges faced by officials and citizens as they worked to address the needs of an urban populace and at the same time to stay aware of the surrounding fragile natural environment; and

WHEREAS, Scott Harper wrote on topics as varied as the state's ancient volcanoes and a wild-horse auction, and he had begun to investigate the use and potential of alternative energy sources, including wind energy and solar power; and

WHEREAS, Scott Harper's many interests included sports, especially coaching youth golf and basketball, film, time spent with friends, card games, music, and writing poetry; he was a member of the West Ghent Civic League; and

WHEREAS, a voracious reader, Scott Harper enjoyed the works of Somerset Maugham, Ernest Hemingway, and Virginia Woolf; he coordinated and taught a Junior Great Books course at W. H. Taylor Elementary School in Norfolk and was a member of the board of the school's PTA; and

WHEREAS, Scott Harper will be greatly missed and fondly remembered by his wife, Jane; children, Jackson, Natalie, and Wesley; and many other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Scott Harper, a devoted husband and father, an award-winning journalist, and a dear friend to many people; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Scott Harper as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 40

Celebrating the life of Orris James Rowley III.

Agreed to by the Senate, February 20, 2014

WHEREAS, Orris James Rowley III, a dedicated member of the Parksley Volunteer Fire Company for 44 years and an active first responder throughout the Eastern Shore, who served the Commonwealth as a magistrate for the Supreme Court of Virginia, died on December 4, 2013; and

WHEREAS, Orris "Jimmy" Rowley joined the volunteer fire company when he was a teenager; he was one of the first certified paramedics on the Eastern Shore and was an emergency medical services (EMS) instructor for many years; and

WHEREAS, Jimmy Rowley had served as president and chaplain of the Parksley Volunteer Fire Company; at the time of his death, he was secretary and rescue squad captain of the organization; and

WHEREAS, Jimmy Rowley had been president of the Delmarva Volunteer Firemen's Association and was serving as the group's chaplain and parliamentarian when he died; and

WHEREAS, as a magistrate for the Supreme Court of Virginia, Jimmy Rowley supervised the 7th Magisterial Region; he was a member of the Virginia Magistrates Association; he kept copies of the state legal code and procedures manuals at home in case he was called after-hours; and

WHEREAS, Jimmy Rowley was a 911 dispatcher from 1992 to 2008; to this day, people remember the calm demeanor he had in emergency situations; he was a supervisor at the center and trained other dispatchers; and

WHEREAS, Jimmy Rowley, who lived in Parksley, worked to develop and promote best practices among first-response organizations as a member of the Eastern Shore EMS Council; and

WHEREAS, because of his deep involvement in the first-responder community, Jimmy Rowley was considered to be the informal historian of the Accomack County fire and EMS services; he possessed a deep knowledge of local firefighting and rescue squad history; and

WHEREAS, Jimmy Rowley was a key supporter of the effort to create a memorial to honor first responders on the Eastern Shore who died in the line of duty; the memorial is expected to be built on the grounds of the Eastern Shore Regional Fire Training Center in Melfa; and

WHEREAS, Jimmy Rowley was very involved in the community; he was a Past Master of the former Parksley Lodge No. 325 Ancient Free and Accepted Masons (AF & AM) and was a member of the Central Lodge No. 300 AF & AM in Onley, where he was an instructor and lecturer; and

WHEREAS, Jimmy Rowley was a Past Exalted Ruler for the Benevolent and Protective Order of Elks No. 1766; he was secretary of St. Thomas United Methodist Church; and

WHEREAS, Jimmy Rowley will be greatly missed and fondly remembered by his uncle, Brice Walker, and his cousins; and by many friends, neighbors, and fellow first responders; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Orris James Rowley III, a member of the Parksley Volunteer Fire Company for 44 years, who worked selflessly to protect the lives and property of his friends and neighbors as a leader of the first-responder community on the Eastern Shore, and who served the Commonwealth as a magistrate for the Supreme Court of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Orris James Rowley III as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 41

Celebrating the life of Calvin Leavenworth Brickhouse.

Agreed to by the Senate, February 20, 2014

WHEREAS, Calvin Leavenworth Brickhouse, who was principal of Northampton High School and Northampton Middle School, and who in retirement served on the Northampton County School Board, died on September 13, 2013; and

WHEREAS, Calvin Brickhouse attended Hare Valley Elementary School and graduated from Northampton High School; he would later become principal of his alma mater, serving as the last head of the school when it was segregated; and

WHEREAS, Calvin Brickhouse earned an undergraduate degree from Virginia State College, now known as Virginia State University (VSU); he received a master's degree from VSU; and

WHEREAS, after working for only a short time as a teacher in Spotsylvania County, Calvin Brickhouse was called to active military duty; he proudly served in the United States Army for two years; and

WHEREAS, after being discharged, Calvin Brickhouse returned to the Eastern Shore and began his career in the county's public schools as a science teacher at Northampton High School; he worked for the school system until 1994; and

WHEREAS, Calvin Brickhouse was a longtime school principal who was respected throughout the community; he headed both Northampton High School and Northampton Middle School and was known for his patient demeanor and his ability to make decisions that brought people together; and

WHEREAS, Calvin Brickhouse was held in great esteem by the staff and students he guided; he set a good example for them and even as adults, when meeting or working with him, they still would address him as "Mr. Brickhouse"; and

WHEREAS, Calvin Brickhouse served his community in many ways; he was a member of the Northampton County School Board for two terms, served on the County Redistricting Committee, and was a member of the board of Eastern Shore Rural Health System, Inc.; and

WHEREAS, a man of faith, Calvin Brickhouse was a member and chair of the Trustee Board of Bethel Baptist Church in Franktown; he was initiated into the Alpha Phi Chapter of Kappa Alpha Psi Fraternity, Inc., and was recognized by the fraternity for 50 years of service; and

WHEREAS, Calvin Brickhouse will be greatly missed and fondly remembered by his wife, Audrey; children, Shelia and Michael, and their families; and many other family members, friends, and former students; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Calvin Leavenworth Brickhouse, who was principal of Northampton High School and Northampton Middle School, and who in retirement worked for the betterment of his community as a member of the Northampton County School Board; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Calvin Leavenworth Brickhouse as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 42

Celebrating the life of Benjamin George Belrose.

Agreed to by the Senate, February 27, 2014

WHEREAS, Benjamin George Belrose of Purcellville, a veteran of the United States Navy and a community leader, died on October 30, 2013; and

WHEREAS, after graduating from high school in Michigan, Benjamin "Ben" Belrose enlisted in the United States Navy; he was an electrician's mate aboard the USS *Chopper* and later earned degrees from Purdue University and the Naval Postgraduate School; and

WHEREAS, after attending Officer Candidate School, Ben Belrose served at sea and at the Naval Electronics System Security Engineering Command and the Defense Communications Agency; he entered the private sector in 1984 and moved to Purcellville in 2003; and

WHEREAS, a man of principle, Ben Belrose was dedicated to his beliefs in open government, responsible use of taxpayer money, individual rights, a strong military, and American exceptionalism; and

WHEREAS, Ben Belrose encouraged local governments to be fiscally responsible and carefully studied proposed budgets and spending plans; at public meetings, he often urged elected officials to be judicious when spending tax dollars and considering major public works projects; and

WHEREAS, to support a healthy political process, Ben Belrose helped where needed; he was responsible for placing many large campaign signs around Loudoun County during election season, and he regularly attended political meetings and fundraising events; and

WHEREAS, as a volunteer for the Republican Party of Loudoun County and Republican office-seekers throughout the 10th Congressional District of Virginia, Ben Belrose was unmatched in his determination to help candidates and party officials win and keep seats in government; and

WHEREAS, Ben Belrose was a man of faith, regularly attending church and taking part in a weekly Bible study class; and

WHEREAS, Ben Belrose will be greatly missed and fondly remembered by his wife, Dale; his children, Kathie, Jackie, Amy, and Melissa, and their families; and many other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Benjamin George Belrose, a United States Navy veteran and a dedicated community leader; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Benjamin George Belrose as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 43

Celebrating the life of John Bagby III.

Agreed to by the Senate, February 27, 2014

WHEREAS, John Bagby III, a respected realtor, dedicated volunteer, and a lifelong member of the Richmond community, died on January 24, 2014; and

WHEREAS, John Bagby graduated from Thomas Jefferson High School in 1957 and earned a bachelor's degree from Randolph-Macon College in 1961, where he was a member of Phi Kappa Sigma fraternity and played football; and

WHEREAS, John Bagby served his country honorably as a member of the Army National Guard in the 2nd Richmond Howitzer, 111th Field Artillery Regiment; and

WHEREAS, John Bagby spent his entire career as a real estate professional; he was a member of the Appraisal Institute and became the president of Pollard and Bagby, Inc., in 1977, serving in that position until his retirement in 2010; and

WHEREAS, a leader in the real estate field, John Bagby served as a president of the Virginia Association of Realtors and as a director of the National Association of Realtors; and

WHEREAS, earning many awards and accolades throughout his career, John Bagby was named Realtor of the Year by the Richmond Association of Realtors and the Virginia Association of Realtors in 1983; and

WHEREAS, volunteering his time and talents to better the Richmond community, John Bagby was an active member of the Kiwanis Club, the Jaycees, Ducks Unlimited, the Izaak Walton League of America, the Commonwealth Club, and the John T. Wightman Foundation at Randolph-Macon College; and

WHEREAS, John Bagby enjoyed fellowship and worship with the community as a devoted member of Westhampton Baptist Church, where he served as treasurer for over 25 years; he was also the treasurer of the Richmond Baptist Association; and

WHEREAS, John Bagby will be fondly remembered and greatly missed by his wife, Rita; daughters, Lee, Sarah, and Elizabeth, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of a respected realtor and an admired community leader in the City of Richmond, John Bagby III; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of John Bagby III as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 44

Commending Bladen Clarke Finch.

Agreed to by the Senate, February 27, 2014

WHEREAS, Bladen Clarke Finch, Director of the Senate Page Program and Civics Coordinator of the Senate of Virginia, completed his term as Chair of the Legislative Information and Communications Staff (LINCS) section of the National Conference of State Legislatures in 2013; and

WHEREAS, Bladen Clarke Finch joined the LINCS Executive Committee in 2009, serving as a Director from 2009 to 2011 and Vice Chair from 2011 to 2012 before rising to Chair in 2012; and

WHEREAS, during his tenure as Chair, Bladen Clarke Finch led and coordinated outreach initiatives to enhance the professional development of legislative staff involved in civics education, constituent services, media relations and the NCSL Legislators Back to School program; and

WHEREAS, LINCS, formed in 1998, is the newest of the NCSL staff sections, whose aim is to promote improved and effective communication between public information and communications staff and their legislatures, staff, and constituents; and

WHEREAS, Bladen Clarke Finch, who joined the Senate Clerk's Office staff in 2008, has spent countless hours working toward improving the forum of communication between LINCS staff section members through outreach, enhanced committee participation, and program coordination for the annual LINCS professional development seminar; and

WHEREAS, Bladen Clarke Finch was awarded the Legislative Staff Achievement Award for his professionalism and dedication to the legislative institution by the LINCS staff section at the NCSL Summit in 2013; and

WHEREAS, Bladen Clarke Finch continues the tradition of dedication and professionalism of the staff of the Senate Clerk's Office; now, therefore, be it

RESOLVED by the Senate of Virginia, That Bladen Clarke Finch hereby be commended and congratulated on his service as Chair of the NCSL Legislative Information and Communications Staff section and for his Legislative Staff Achievement Award; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Bladen Clarke Finch as an expression of the Senate of Virginia's appreciation for his exemplary service to the Senate, NCSL, and his commitment to his profession.

SENATE RESOLUTION NO. 45

Commending Elizabeth B. Daley.

Agreed to by the Senate, February 28, 2014

WHEREAS, Elizabeth "Betsey" B. Daley, director of the staff to the Virginia Senate Finance Committee served as Chair of the National Association of Legislative Fiscal Offices (NALFO) for 2012–2013; and

WHEREAS, founded in 1975, NALFO is one of ten legislative staff sections under the umbrella of the National Conference of State Legislatures (NCSL); the section represents and supports legislative staff involved in fiscal research and analysis; and

WHEREAS, Betsey Daley has an established record of public service; prior to coming to the Senate Finance Committee, she worked in the Governor's budget office and in the budget office of the University of Virginia, where her analytical skills and attention to detail were highly valued; and

WHEREAS, as a staff member of the Senate Finance Committee, Betsey Daley acquired extensive expertise in the areas of higher education and capital outlay while developing the 2002 "Building Virginia's Future" capital outlay program, and staffing the Joint Subcommittee on Higher Education Funding Policies, which established new funding guidelines for Virginia's public colleges and universities; and

WHEREAS, known for her calm, deliberative, and professional manner, Betsey Daley has served as director of staffing for the Senate Finance Committee for 12 years, coordinating the development of the Senate budget and initiatives related to tax reform, higher education restructuring, and transportation; and

WHEREAS, recognized for her commitment to professional growth and mentorship, Betsey Daley was awarded the Council of State Governments Henry Toll Fellowship and served on the Legislative Staff Coordinating Council of NCSL from 2011 to 2013, where she actively worked to strengthen professional development opportunities for legislative staff; and

WHEREAS, Betsey Daley brought her extensive knowledge of fiscal policies to her position as Chair of NALFO and provided a well-rounded perspective on the challenges faced by fiscal staff in working with state budgets and revenue streams; and

WHEREAS, as the first Chair of NALFO from Virginia, Betsey Daley worked diligently on initiatives and programs to improve the quality and effectiveness of legislative fiscal staff and the services they provide to state legislatures; she will continue to have an active role in her new capacity as the Past Chair for 2013–2014; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby commend and congratulate Elizabeth B. Daley on her exemplary service as Chair of the National Association of Legislative Fiscal Offices and her continued participation in NALFO as Past Chair; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Elizabeth B. Daley as an expression of the Senate of Virginia's appreciation for her public service to the Senate, the Commonwealth, and NCSL.

SENATE RESOLUTION NO. 46

Confirming a nomination to the Senate Ethics Advisory Panel.

Agreed to by the Senate, March 6, 2014

RESOLVED by the Senate of Virginia, That the Senate confirm the following nomination by the Senate Committee on Rules to the Senate Ethics Advisory Panel made in accordance with § 30-112 of the Code of Virginia:

The Honorable Jackson E. Reasor, Jr., 1516 Cedarbluff Drive, **Henrico**, Virginia 23238, to serve an unexpired term beginning March 1, 2014, and ending June 30, 2016, to succeed the Honorable Benjamin J. Lambert, III.

SENATE RESOLUTION NO. 48

Celebrating the life of William T. Patrick, Jr.

Agreed to by the Senate, March 5, 2014

WHEREAS, William T. Patrick, Jr., the well-known founder of the Patrick Auto Group and an admired leader in both the automotive industry and the Richmond community, died on February 20, 2014; and

WHEREAS, a native of Richmond, William "Pat" Patrick, attended Highland Springs High School and graduated from the Medical College of Virginia School of Pharmacy in 1961; working as a pharmacist for many years, he enjoyed caring for and building personal relationships with the members of the community; and

WHEREAS, Pat Patrick answered his true calling when he joined Hechler Chevrolet, where his father had worked for more than 40 years; after working his way through the ranks from salesman to manager, he purchased the dealership in 1985; and

WHEREAS, in 1992, Pat Patrick purchased Zuccker Pontiac Buick GMC in Ashland, which is now run by his son, Michael, and formed Patrick Auto Group in 1993; he later added a Kia franchise, which is run by his son, Trey; and

WHEREAS, for more than 40 years, Pat Patrick served his customers and the community with a generous spirit, and he left a legacy of excellence to automotive dealers in Richmond and throughout the Commonwealth; and

WHEREAS, a leader in the dealer community, Pat Patrick served nine years as a member of the board of directors of the Virginia Automobile Dealers Association and as a member of the board of directors of the Richmond Automobile Dealers Association, including a term as president; and

WHEREAS, Pat Patrick received many awards and accolades throughout his career, including the 2004 *Time* magazine Quality Dealer of the Year for Virginia; and

WHEREAS, Pat Patrick was appointed to the Virginia Motor Vehicle Dealer Board in 2003 by Governor Mark R. Warner; and

WHEREAS, an active and dedicated member of his community, Pat Patrick served on a wide array of local boards, commissions, and committees for many years; and

WHEREAS, Pat Patrick was a leader in many fields, including as president of Bon Secours Medical Community Board, chair of the Better Business Bureau of Central Virginia, president of the Virginia Jaycees, president of the Henrico East Business Council, and president of the Richmond Memorial Foundation; and

WHEREAS, Pat Patrick will be fondly remembered and greatly missed by his wife of 48 years, Phyllis; children, Stacey, Trey, and Michael, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of William T. Patrick, Jr., a respected leader in the automotive industry and the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of William T. Patrick, Jr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 49

Commending William Ray Teaford.

Agreed to by the Senate, March 5, 2014

WHEREAS, William Ray Teaford of Fincastle, an employee of Roanoke Cement Company LLC, has been named Electrician of the Year by Klein Tools, Inc.; and

WHEREAS, this national recognition was awarded to William "Billy" Teaford because of his ability to motivate people, commitment to electrical safety, professionalism and pursuit of excellence, and charitable work; and

WHEREAS, Billy Teaford has worked for Roanoke Cement Company for 40 years; the sprawling factory, which operates 24 hours a day, 365 days a year, produces all the cement used in the Commonwealth and in North Carolina and West Virginia; and

WHEREAS, Billy Teaford is the plant electrician and is responsible for electrical repairs and troubleshooting, motor maintenance, high-voltage wiring, plant controls systems, installation and start-up procedures for machinery, coordination with plant personnel, and mentoring and training new employees; and

WHEREAS, employees at the factory, which is nestled in the mountains in Botetourt County, appreciate Billy Teaford's enthusiasm and his attention to detail and safety, his careful tutelage about equipment and procedures, and his willingness to help at any time of the day or night; and

WHEREAS, Billy Teaford has never had a lost time accident during his 40 years at the factory, and he has used the same lock-out safety tag—a critical safety mechanism for disabling and shutting off dangerous equipment while it is undergoing maintenance or repair; and

WHEREAS, Billy Teaford has been involved with many charitable endeavors; he helped start a Relay for Life team at the factory that raises money for the American Cancer Society; he also organizes the Fincastle Baptist Church Car Show, which supports the church's youth group; and

WHEREAS, for the past 11 years, Billy Teaford has worked with companies and nonprofit organizations to help ensure that every child in the area who asks for a bicycle for Christmas receives one; each holiday, more than 500 bikes are delivered to the Salvation Army for distribution; now, therefore, be it

RESOLVED by the Senate of Virginia, That William Ray Teaford, an electrician at Roanoke Cement Company LLC, hereby be commended for being named Electrician of the Year by Klein Tools, Inc.; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to William Ray Teaford, as an expression of the Senate of Virginia's congratulations and admiration for his commitment to safety, ability to motivate fellow employees, attention to detail, and charitable activities.

SENATE RESOLUTION NO. 50

Commending the Dulles Corridor Metrorail Project partners.

Agreed to by the Senate, March 8, 2014

WHEREAS, the Dulles Corridor Metrorail Project, a 23.1-mile extension of the Washington Metropolitan Area Transit Authority's (WMATA) 106-mile Metrorail system continuing through Tyson's Corner to and beyond Washington Dulles International Airport into Loudoun County, is being constructed by the Metropolitan Washington Airports Authority, working in cooperation with the Virginia Department of Transportation, the Virginia Department of Rail and Public Transit, Fairfax County, Loudoun County, the United States Department of Transportation, and WMATA; and

WHEREAS, the Commonwealth strongly supports efforts to create jobs, enhance transportation capacity, and make positive long-term impacts on local communities; and

WHEREAS, completion of a rail line enhancing transportation access to Washington Dulles International Airport has been envisioned since the Eisenhower administration; and

WHEREAS, the Dulles Corridor Metrorail Project represents a broad-based investment by federal, state, and local partners, with strong, regional business partners contributing to the project through self-imposed taxing districts; and

WHEREAS, when completed, the Dulles Corridor Metrorail Project will provide significant economic and transportation assistance to the Commonwealth, including improved access to major job centers in Fairfax and Loudoun Counties that attract workers commuting from other local jurisdictions as well as to Washington Dulles International Airport; and

WHEREAS, the Dulles Corridor Metrorail Project is an approximately \$6 billion investment that is being funded by a United States Department of Transportation grant of \$900 million; grants and aid from the Commonwealth of Virginia totaling \$725 million, a portion of which includes \$75 million in federal Surface Transportation Program grants administered by the Virginia Department of Transportation; and contributions totaling 25 percent of the total project cost from Fairfax and Loudoun Counties and the Metropolitan Washington Airports Authority, with the remaining funds derived from Dulles Toll Road users; and

WHEREAS, the Commonwealth's commitment includes a grant of \$300 million passed during the 2013 Session of the Virginia General Assembly, which reduces the amount required for financing and assists to alleviate the burden for drivers using the Dulles Toll Road; and

WHEREAS, the project funding represents an extraordinary local commitment for a major project of state and national significance; and

WHEREAS, the project is one of the highest transportation priorities in the Commonwealth and has received expressions of support from the Virginia General Assembly and gubernatorial administrations since the early 1990s; and

WHEREAS, to expedite completion and enhance the economic impact of the project, the local funding partners of the Metropolitan Washington Airports Authority, Fairfax County, and Loudoun County have been invited by the United States Department of Transportation to apply for a combined \$1.9 billion in federal loans with favorable interest rates under the Transportation Infrastructure Finance and Innovation Act (TIFIA); and

WHEREAS, every dollar of TIFIA loan assistance will lessen the burden on taxpayers and on Dulles Toll Road users by reducing project finance costs and enabling the Metropolitan Washington Airports Authority to minimize required toll rate increases, including the potential to hold toll rates constant through 2018; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Dulles Corridor Metrorail Project partners hereby be commended on being invited to submit a TIFIA loan application to the United States Department of Transportation, ensuring significant positive impacts for taxpayers and users of the Dulles Toll Road; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Metropolitan Washington Airports Authority as an expression of the Senate of Virginia's admiration for the Dulles Corridor Metrorail Project partners' work to enhance the Dulles area and the Commonwealth.

SENATE RESOLUTION NO. 51

Commending Oakland Baptist Church.

Agreed to by the Senate, March 5, 2014

WHEREAS, in 2014, Oakland Baptist Church celebrates 300 years of supporting and uplifting the members of the Prince George County community; and

WHEREAS, tracing its deepest roots to the first settlers in Virginia, Oakland Baptist Church was founded in approximately 1714 by Robert Norden of England, who served as pastor until 1725; and

WHEREAS, a Baptist meeting house originally known as Davenports was built on land donated by Sallie Davenport, and by 1727, the congregation had about 40 members; Davenports was the only Baptist church in the area for many years; and

WHEREAS, in 1838, the church was reorganized by Lucy Tucker and renamed Old Shop, as services were held in a cooper's shop; during the Civil War, Old Shop was used by the Union Army as a hospital; and

WHEREAS, during World War I, a group of Czech-Slovak Baptists settled in Prince George County; led by Andrew Sluka, the group began to worship together in the Old Shop church and later renamed it Czech-Slovak Oakland Baptist Church after receiving the deed as a gift; and

WHEREAS, Czech-Slovak Oakland Baptist Church immediately began to conduct missionary work in the community and was accepted into the Petersburg Baptist Association of the Southern Baptist Convention in 1929; and

WHEREAS, originally, services at Czech-Slovak Oakland Baptist Church were conducted in both Czech and English; during the 1950s, the church began to conduct all services and most Sunday School classes in the English language, and the name was changed to Oakland Baptist Church; and

WHEREAS, to accommodate growing Sunday School classes, Oakland Baptist Church built an educational building in 1969; the building was expanded in 2004; and

WHEREAS, in recent years, Oakland Baptist Church has continued to grow; the church now offers two services from a new 350-seat sanctuary, which was dedicated on January 23, 2011; in 2014, the church welcomed an average of 200 parishioners and a large television audience at morning services; and

WHEREAS, Oakland Baptist Church has enjoyed a rich tradition of missionary work and continues to support missions locally and around the world; members of the church have served in North America, Central America, South America, Europe, Africa, and Asia; and

WHEREAS, Oakland Baptist Church consistently ranks among the top five Baptist churches in the Commonwealth for mission giving, and in 2013, the church was ranked by the Virginia Baptist Mission Board as number one in mission giving for the Petersburg Baptist Association; and

WHEREAS, for 300 years, Oakland Baptist Church has succeeded in its mission to provide community outreach and offer a joyful place for the residents of Prince George County to enjoy fellowship and worship; now, therefore, be it

RESOLVED by the Senate of Virginia, That Oakland Baptist Church, one of the oldest Baptist churches in the Commonwealth, hereby be commended on the occasion of its 300th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Oakland Baptist Church as an expression of the Senate of Virginia's admiration for the church's storied history and contributions to the community.

SENATE RESOLUTION NO. 52

Celebrating the life of Armand James DeBellis.

Agreed to by the Senate, March 7, 2014

WHEREAS, Armand James DeBellis, a decorated veteran and a city official who worked to enhance the City of Virginia Beach, died on February 26, 2014; and

WHEREAS, a native of Pittsburgh, Pennsylvania, Armand "Jim" DeBellis joined many of the other young men of his generation in service to his country during World War II; he served with the 135th Regiment of the 34th Infantry Division in Italy, earning a Bronze Star Medal, Purple Heart, and Combat Infantryman Badge for his valorous actions; and

WHEREAS, Jim DeBellis returned to the United States and finished his education, earning a bachelor's degree from Grove City College in 1949; he was a loyal employee of Allegheny Energy for 18 years and rose to a management position in one of its subsidiaries, the Potomac Edison Company; and

WHEREAS, in September 1970, Jim DeBellis was appointed as the first director of the Virginia Beach Department of Economic Development; under his leadership, the department successfully promoted and encouraged tourism and responsible development, creating jobs and new opportunities in the city; and

WHEREAS, establishing and directing a wide variety of projects throughout his career with the city, Jim DeBellis oversaw the development of the Lynnhaven Mall, the Pavilion Convention Center, and several industrial parks that attracted national and international companies to the area; and

WHEREAS, a leader in the economic development field, Jim DeBellis served with numerous peer organizations and was appointed by three Virginia governors to serve on the Virginia Tourism and Travel Commission; and

WHEREAS, after his retirement as director of the Department of Economic Development in 1989, Jim DeBellis continued to donate his time and wise leadership to service organizations, boards, and committees in the city, including as a president of the Virginia Beach Rotary Club; and

WHEREAS, Jim DeBellis cared deeply for the City of Virginia Beach and his fellow residents, and he leaves a legacy of excellence to future city officials; and

WHEREAS, predeceased by his wife of 62 years, Sally Jane, Jim DeBellis will be fondly remembered and greatly missed by his daughters, Margaret and Barbara, and their families and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Armand James DeBellis, a veteran, civil servant, and community leader in Virginia Beach; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Armand James DeBellis as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 53

Commending Lawrence Distributing Company, Inc.

Agreed to by the Senate, March 7, 2014

WHEREAS, Lawrence Distributing Company, Inc., a family owned and operated business, celebrates its 60th anniversary of serving Southside Virginia, providing quality service and practicing effective corporate citizenship; and

WHEREAS, Lawrence Distributing Company started in February 1954 when Billy B. Lawrence purchased Green Distributing Company and changed its name; and

WHEREAS, as a beer wholesaler, Lawrence Distributing Company began as a one-man company that delivered products to local restaurants, convenience stores, and supermarkets; and

WHEREAS, as Lawrence Distributing Company grew over the years, Billy Lawrence opened a larger facility in Danville, added wine sales in 1962, built a new office and warehouse in 1972, and added soft drinks, water, and additional beer and wine lines in the 1980s and 1990s; and

WHEREAS, today, Lawrence Distributing Company has its main office in Danville and a satellite office in South Hill, employs 66 people, and covers Pittsylvania, Henry, Halifax, Patrick, Franklin, Mecklenburg, Charlotte, Brunswick, Lunenburg, and Greensville Counties; and

WHEREAS, Lawrence Distributing Company remains a family affair with Billy Lawrence continuing to be involved with the company in an advisory role while his daughter, Linda Lawrence Dalton, and her husband, Barry Dalton, currently run the business; and

WHEREAS, Billy Lawrence's wife, Dovie H. Lawrence, is a member of the board of directors while grandson, Will, now works full time for Lawrence Distributing Company; and

WHEREAS, an admired business and civic leader, Billy Lawrence was honored in 2003 with a National Beer Wholesalers Association Life Service Award and an Enduring Enterprise Award from the Danville Pittsylvania County Chamber of Commerce, Inc.; and

WHEREAS, Lawrence Distributing Company of Danville was one of 35 MillerCoors distributorships selected from 827 distributors nationwide to receive the prestigious MillerCoors President's Award in 2010; and

WHEREAS, Lawrence Distributing Company prides itself on hiring quality people, using quality products, and delivering quality service, a winning formula that has earned the company numerous quality assurance awards from MillerCoors over the years; and

WHEREAS, in February 2014, Lawrence Distributing Company celebrated its 60th anniversary in business in Southside Virginia; now, therefore, be it

RESOLVED by the Senate of Virginia, That Lawrence Distributing Company, Inc., hereby be commended on its completion of six decades of quality service and corporate citizenship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Billy B. Lawrence, president of Lawrence Distributing Company, Inc., as an expression of the Senate of Virginia's congratulations and admiration for his successful business practices.

SUMMARY OF 2014 REGULAR SESSION LEGISLATION

TOTAL INTRODUCED LEGISLATION	2888
House Bills.....	1273
Senate Bills	673
House Joint Resolutions	489
Senate Joint Resolutions.....	212
House Resolutions	188
Senate Resolutions.....	53
TOTAL LEGISLATION PASSED AND/OR AGREED TO.....	1647
House Bills.....	514
Senate Bills	320
House Joint Resolutions	419
Senate Joint Resolutions.....	180
House Resolutions	170
Senate Resolutions.....	44
TOTAL BILLS ENACTED INTO LAW.....	824
House Bills.....	509
Senate Bills	315
House Joint Resolutions	1
Senate Joint Resolutions.....	0
TOTAL CHAPTERS	825
BILLS VETOED BY GOVERNOR.....	10
House Bills.....	5
Senate Bills	5

HOUSE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

HOUSE			HOUSE			HOUSE			HOUSE		
HB	Chapter	Page	HB	Chapter	Page	HB	Chapter	Page	HB	Chapter	Page
2	726	1289	177	385	640	301	398	653	413	402	657
9	49	75	180	759	1338	303	315	523	415	68	108
10	776 E	1365	183	20	32	305	316	523	416	276	466
17	388	641	184	21	35	307	560	944	420	321	534
22	191	296	186	99	162	308	272	463	436	6	5
24	267	460	187	60	105	310	561	944	439	403	658
25	192	297	189	556	943	311	805	1484	445	202	313
33	307	507	190	491	817	312	164	271	449	322	534
44	50	76	191	391	645	313	197	307	450	129	211
46	757	1332	192	22	36	321	63	106	451	566	949
54	116	197	193	492	820	322	273 E	464	452	165	271
56	389	643	197	647	1088	323	317	524	455	236	404
62	727	1290	198	312	520	326	399	654	456	203	314
64	51	79	199	807	1690	328	400	655	458	204	315
69	193	298	201	392	646	331	729	1292	459	205	315
80	52	79	202	118	198	334	780	1373	460	730	1299
86	390	645	203	23 E	37	335	318	525	465	567	950
97	552	940	205	557	943	336	198	308	466	206	316
99	194	299	206	558	943	340	199	309	467	323	534
100	16	25	208	648	1088	341	64	106	468	130	215
104	777	1370	209	393	646	354	809	1695	470	404	660
107	553	941	210	493	821	355	3	2	473	387	641
108	308	507	215	119	199	356	652	1097	476	324	535
109	309	508	217	231	397	357	401	656	477	325	535
118	728	1291	218	394	647	358	200	310	478	761	1339
120	229	393	219	313	521	359	653	1097	480	26	38
121	195	301	225	61	105	360	65	107	484	326	536
122	53	80	230	382	637	364	562	944	485	166	272
123	54	98	232	314	522	369	563	946	488	69	108
127	117	198	233	232	399	373	781	1374	492	783	1375
128	384	639	235	649	1090	374	654	1101	494	405	663
130	17	26	240	120	199	375	810	1695	497	27	39
131	18	27	251	24	37	376	126	209	499	28	44
132	778	1371	255	163	269	377	811	1697	500	327	537
133	806	1690	258	559	943	380	319	527	501	762	1347
134	554	941	259	650	1092	387	4	4	503	237	405
138	310	519	262	121	200	389	201	310	504	100	163
141	55	99	263	270	461	390	234	402	505	101	163
143	269	461	264	122	200	391	320	527	507	495	822
147	196	304	268	494	821	393	274	464	509	70	109
149	19	31	269	62	105	394	25	38	512	568	950
156	555	942	270	123	201	395	275	465	516	763	1348
157	645	1085	272	808	1691	396	66	107	517	102	164
159	56	100	273	651	1092	399	235	402	518	328	538
161	268	461	275	395	649	400	655	1106	520	406	663
164	57	100	278	271	462	401	5	4	522	407	666
165	646	1087	280	396	649	402	564	947	525	71	109
166	58	101	282	124	202	403	782	1375	527	238	412
167	758	1335	283	233	400	405	565	947	530	569	951
168	311	519	284	125	205	407	127	210	534	29 E	45
170	383	638	285	779	1371	410	760	1338	538	496	824
171	230	394	293	773	1360	411	67	107	539	72	110
176	59 E	104	296	397	652	412	128	211	540	497	824

Note: E signifies emergency status

HOUSE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

HOUSE			HOUSE			HOUSE			HOUSE		
HB	Chapter	Page	HB	Chapter	Page	HB	Chapter	Page	HB	Chapter	Page
541	73	110	669	574	973	810	579	994	954	343	568
542	167	272	670	575	974	822	420	690	956	473	785
543	570	952	672	470	773	829	785	1378	957	428	703
550	207	317	674	333	547	837	421	692	968	144	230
559	30	46	679	576 E	975	838	580	994	969	586	1011
560	277	466	680	280	468	840	662	1112	971	42	64
561	31	47	683	412	672	844	471	776	972	346	571
563	7	5	690	659	1110	845	138	222	975	43	64
566	239	412	700	764	1349	848	212	326	976	668	1137
567	656	1107	701	731	1300	851	663	1113	977	13	19
570	498	826	702	413	673	853	422	693	978	474	786
572	131	216	703	414	673	854	80	132	986	82	133
574	499	827	704	78	131	855	11	17	988	429	703
575	74	111	708	660	1112	856	139	223	990	218	348
576	657	1108	709	504	837	857	140	223	991	587	1012
579	240	413	710	135	219	858	141	224	996	286	479
580	8 E	10	712	35	50	861	342	567	997	588	1012
582	75	115	715	136	221	864	732	1301	1000	767	1354
584	329	539	720	380	635	866	786	1378	1002	83	133
585	408	667	722	415	675	869	213 E	336	1005	814	1702
586	9	12	725	334	548	872	581	995	1006	475 E	788
587	278	467	728	335	549	873	423	696	1007	84	134
588	500	834	730	115 E	182	874	664	1114	1008	734	1303
589	279	467	733	505	838	876	424	700	1009	815	1715
596	168	273	737	416	676	882	787	1382	1011	242	414
597	469	767	740	137	222	885	665	1115	1012	430	703
606	812	1697	743	336	549	886	472	782	1013	287	481
607	330	540	745	170	274	887	425	701	1014	145	230
608	331	545	749	36	51	888	284	475	1019	288	482
609	32	47	750	37	52	890	285 E	476	1024	476	789
611	76	118	751	577	992	891	426	701	1025	669	1137
612	10	14	752	765	1352	893	81	133	1026	768	1355
614	501	834	755	337	551	897	214	338	1028	44	65
616	208	318	757	578	992	898	38	53	1031	344	570
617	409	667	758	79	131	899	215	340	1032	345	571
628	502 E	836	759	506	839	900	216	341	1034	146	231
630	209	320	761	281	468	901	39	53	1035	147	231
631	571	957	762	210	324	903	582	995	1036	347	582
632	410	671	763	338	552	904	733	1302	1037	85	150
634	411	672	764	661	1112	907	40	56	1038	348	583
638	813	1700	765	417	677	909	142	224	1039	172	277
648	132	217	768	339	559	911	143	224	1041	86	151
652	503	837	771	282	468	923	12	18	1043	769	1356
654	332	545	774	340	561	924	583	995	1044	219	350
655	133	218	776	341	563	925	666	1117	1045	508	844
656	33	48	784	283	474	926	584	1006	1048	87	151
660	658	1109	785	418	686	929	171	275	1049	431	703
661	169	273	790	211	326	930	585	1007	1051	589	1013
662	77	119	791	784	1376	932	41	58	1053	788	1383
663	34	49	793	766	1353	933	667	1118	1054	590	1014
664	572	972	795	241	414	948	217	347	1057	220	350
666	573	973	796	419	690	949	507	841	1062	221	352
668	134	218	799	386	641	952	427	702	1065	222	352

Note: E signifies emergency status

HOUSE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

HOUSE			HOUSE				
HB	Chapter	Page	HB	Chapter	Page		
1067	148	235	1179	47 E	73		
1069	223	354	1180	676	1171		
1072	789	1386	1187	92	158		
1074	432	704	1191	817	1723		
1075	509	844	1193	150	246		
1076	289	483	1195	791	1388		
1078	224	354	1196	291	485		
1079	225	356	1197	600	1027		
1083	670	1138	1202	48	74		
1084	671	1140	1209	771	1358		
1085	1 E	1	1210	736	1307		
1086	433	704	1211	792	1389		
1087	434	705	1216	292	487		
1088	672	1140	1217	151	246		
1089	435	706	1220	227	389		
1090	477	789	1222	601	1027		
1092	591	1016	1229	480	790		
1093	735	1307	1232	774 E	1364		
1095	290	484	1233	439	710		
1096	349	583	1235	351	586		
1098	478	790	1237	152	247		
1099	673	1141	1239	737	1308		
1102	479	790	1241	352	587		
1106	770	1357	1242	772	1358		
1108	243	415	1247	602	1028		
1109	816	1723	1248	353	587		
1110	790	1387	1249	93	158		
1112	674	1143	1251	677	1176		
1115	436	706	1253	678	1178		
1116	149	246	1261	603	1028		
1121	592	1016	1267	738	1309		
1124	593	1017	1268	793	1425		
1129	88	152	HJR	Chapter	Page		
1134	89	155	8	775	1365		
1137	594	1017					
1140	226	387					
1141	510	845					
1144	90	157					
1146	244	417					
1149	245	417					
1150	437	707					
1157	595	1018					
1160	596	1019					
1161	597	1019					
1164	91	157					
1166	350	583					
1167	438	709					
1169	45	66					
1171	46	68					
1172	675	1169					
1173	598 E	1020					
1176	511	852					
1177	599	1026					

Note: E signifies emergency status

SENATE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

SENATE			SENATE			SENATE			SENATE		
SB	Chapter	Page	SB	Chapter	Page	SB	Chapter	Page	SB	Chapter	Page
2	440	712	114	446	718	261	364	617	365	458	738
5	246	420	116	523	860	264	447	718	366	534	874
7	512	853	117	173	277	266	449	720	367	702	1224
8	441 E	712	118	295	489	268	692	1215	371	255	431
10	514	857	119	174	278	269	176	280	376	800	1433
11	604	1030	120	296	492	270	620	1048	377	821	1730
14	794 E	1426	124	360	614	271	529	867	378	703	1227
18	442	713	127	14	19	276	693	1216	381	490 E	802
25	293	488	128	249	425	279	450	720	383	256	432
31	513	853	134	94	159	281	621	1049	390	158	262
34	515	857	135	483	793	282	820	1729	391	535	875
40	795	1429	138	250	428	284	530	868	392	180	283
42	605	1032	145	798	1432	285	177	281	393	181	284
43	103	164	150	819	1728	288	2 E	1	394	487 E	799
47	516	857	151	613	1039	290	694	1217	397	704	1227
49	104	165	154	482	792	294	178	281	398	625	1056
50	481	791	156	614	1041	295	298	494	399	302	497
51	153	248	161	524	863	296	695	1218	400	257	450
54	517	858	166	681	1181	298	451	722	402	258	450
58	443	715	172	746	1319	302	696	1220	404	459	739
59	354	587	175	615	1041	304	228 E	390	406	159	267
60	518	858	177	616	1042	306	622	1050	412	750	1321
64	606	1033	178	617	1045	311	381	635	413	626	1056
65	444	716	183	175	279	312	697	1221	414	182	284
66	607	1033	185	361	615	315	452	722	415	537	876
67	796	1430	186	251	429	316	95	159	416	183	289
68	519	858	188	747	1319	321	698	1221	417	536	876
69	294	489	194	618	1046	324	485	796	418	259	451
70	154	249	196	682	1186	328	531	868	421	801	1435
71	797	1430	198	683	1189	330	266	457	423	303 E	498
72	608	1034	201	297	493	331	299	494	430	365	617
74	247	421	202	684	1191	332	300	495	431	366	619
75	679 E	1180	203	252	430	333	453	724	432	160	268
77	355	595	205	685	1192	335	454	725	433	260	452
78	609	1035	209	106	166	337	455 E	734	434	108	166
79	745	1316	211	686	1195	338	179	282	435	460	745
80	680	1181	213	362	615	341	456	735	438	705	1228
82	520	859	215	687 E	1195	342	253	430	439	538	876
83	445	717	222	525	864	345	749	1320	440	539	884
85	610	1036	228	448	719	346	532	868	441	109	167
86	155	251	229	526	864	347	533	874	443	822	1731
87	356	596	230	688	1196	348	623	1054	444	461	748
88	248	421	237	619	1046	349	254	431	445	367	620
90	105	165	238	689	1196	352	301	497	448	627	1057
94	521	859	239	799	1433	356	624	1054	449	628	1057
95	611	1036	241	527	865	357	739	1311	454	706	1228
96	357	606	242	748	1320	358	699	1223	456	540 E	884
97	358	608	244	484	794	359	156	252	459	541	900
98	522	860	245	528	867	360	157	252	460	629	1064
100	359	608	253	363	616	361	486	797	461	630	1065
104	612	1037	257	107	166	362	700	1223	463	96	160
108	15	20	259	690	1201	363	701	1224	464	631	1066
110	818	1724	260	691 E	1202	364	457	737	466	304	504

Note: E signifies emergency status

SENATE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

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467	368	620	571	742	1313		
470	261	452	572	98	161		
473	462	749	573	188	294		
476	542	908	575	715	1252		
478	463	751	576	374	629		
480	802	1436	577	716	1252		
481	184	290	578	717	1255		
482	707	1230	579	718	1255		
484	369	621	581	113	181		
485	305	505	582	489 E	802		
486	708	1235	584	376	631		
488	709 E	1237	585	548	920		
489	751	1325	587	635	1076		
490	632	1072	591	189 E	295		
492	464	751	592	636	1077		
494	370	621	593	743	1314		
496	543	908	594	719	1257		
498	465	757	595	720 E	1283		
501	466	760	596	637	1077		
502	633	1074	597	375	630		
503	544	915	600	549	930		
504	371	625	601	721	1283		
508	185	292	602	377	633		
513	545	916	603	162	269		
514	161	269	605	638	1081		
515	186	292	609	722 E	1285		
516	740	1312	611	723	1286		
517	372	628	612	264	453		
518	741	1312	614	114	182		
519	467	761	615	756	1330		
526	97	160	620	724	1286		
532	488	801	623	306	505		
536	262	453	624	468	764		
537	546	919	626	190	296		
538	634	1076	627	639	1083		
540	110	168	631	640	1083		
541	373	629	634	378	633		
542	752	1325	639	379	635		
544	710	1238	640	744	1316		
545	263	453	641	641	1083		
546	547	920	643	550	931		
549	711	1245	649	804	1448		
551	823	1733	651	824	1734		
552	187	293	653	725	1287		
554	753	1327	654	265	453		
560	111	173	657	825 E	1735		
562	754	1327	658	642	1084		
563	712	1246	667	643	1084		
564	755	1328	669	644	1085		
565	803	1436	673	551	938		
567	713	1248					
569	112	176					
570	714	1251					

Note: E signifies emergency status

BILLS VETOED BY THE GOVERNOR

(Communications from the Governor, relating to the bills that were vetoed, may be found in the Journals of the House of Delegates and the Senate for the 2014 Regular Session.)

The following vetoed bills were returned unsigned by Governor Terence R. McAuliffe:

HOUSE BILLS

- HB 650 Boating safety course; exempts persons, who possess a valid Virginia seafood landing license, etc., are 45 years of age or older and have possessed a valid Virginia registration certificate for a motorboat for at least six continuous years from safety education course. Chief Patron: Ransone
- HB 868 Geriatric prisoners; conditional release, after offense but prior to being released from incarceration for offense person was subject to protective order. Chief Patron: Yost
- HB 962 Concealed handgun; carrying in a secured container or compartment in vehicle. Chief Patron: Cline
- HB 1040 Traffic light signal photo-monitoring; use of system, any finding in district court that an operator has violated an ordinance adopted shall be appealable to circuit court in a civil proceeding, reduces amount of matter in controversy necessary for an appeal in civil case. Chief Patron: Joannou
- HB 1212 Governor's Development Opportunity Fund; political contributions and gifts, prohibition in connection with Fund, loans or grants from Fund, penalty. Chief Patron: LeMunyon

SENATE BILLS

- SB 236 Students; codifies right to religious viewpoint expression. Chief Patron: Carrico
- SB 310 Senate districts; technical adjustments of certain boundaries. Chief Patron: Vogel
- SB 555 Chaplains of Virginia National Guard and Virginia Defense Force; prohibits censorship by state government officials or agencies of religious content of sermons. Chief Patron: Black
- SB 561 Geriatric prisoners; conditional release, prior to being released from incarceration for offense, person was subject to protective order. Chief Patron: Puckett
- SB 650 Governor's Development Opportunity Fund; political contributions and gifts, prohibition in connection with Fund, loans or grants from Fund, penalty. Chief Patron: Norment

**THE SENATE
2014 REGULAR SESSION**

District Number	Name	County and/or City Represented
5	Alexander, Kenneth C. (D)	Cities of Chesapeake (part) and Norfolk (part)
39	Barker, George L. (D)	Counties of Fairfax (part) and Prince William (part); City of Alexandria (part)
13	Black, Richard H. (R)	Counties of Loudoun (part) and Prince William (part)
40	Carrico, Charles W., Sr. (R)	Counties of Grayson, Lee, Scott, Smyth (part), Washington, Wise (part), and Wythe (part); City of Bristol
29	Colgan, Charles J. (D)	County of Prince William (part); Cities of Manassas and Manassas Park
14	Cosgrove, John A., Jr. (R)	Counties of Isle of Wight (part) and Southampton (part); Cities of Chesapeake (part), Franklin (part), Portsmouth (part), Suffolk (part), and Virginia Beach (part)
25	Deeds, R. Creigh (D)	Counties of Albemarle (part), Alleghany, Bath, Highland, Nelson, and Rockbridge; Cities of Buena Vista, Charlottesville, Covington, and Lexington
30	Ebbin, Adam P. (D)	Counties of Arlington (part) and Fairfax (part); City of Alexandria (part)
21	Edwards, John S. (D)	Counties of Giles, Montgomery (part), and Roanoke (part); City of Roanoke
31	Favola, Barbara A. (D)	Counties of Arlington (part), Fairfax (part), and Loudoun (part)
22	Garrett, Thomas A., Jr. (R)	Counties of Amherst, Appomattox, Buckingham, Cumberland, Fluvanna, Goochland, Louisa (part), and Prince Edward; City of Lynchburg (part)
24	Hanger, Emmett W., Jr. (R)	Counties of Augusta, Culpeper (part), Greene, Madison, and Rockingham (part); Cities of Staunton and Waynesboro
33	Herring, Mark R. (D)†	Counties of Fairfax (part) and Loudoun (part)
32	Howell, Janet D. (D)	Counties of Arlington (part) and Fairfax (part)
6	Lewis, Lynwood W., Jr. (D)‡	Counties of Accomack, Mathews, and Northampton; Cities of Norfolk (part) and Virginia Beach (part)
2	Locke, Mamie E. (D)	County of York (part); Cities of Hampton (part), Newport News (part), and Portsmouth (part)
18	Lucas, L. Louise (D)	Counties of Brunswick (part), Greensville, Isle of Wight (part), Southampton (part), Sussex, and Surry (part); Cities of Chesapeake (part), Emporia, Franklin (part), Portsmouth (part), and Suffolk (part)
37	Marsden, David W. (D)	County of Fairfax (part)

THE SENATE
2014 REGULAR SESSION

District Number	Name	County and/or City Represented
16	Marsh, Henry L., III (D)†††	Counties of Chesterfield (part), Dinwiddie (part), and Prince George (part); Cities of Hopewell, Petersburg, and Richmond (part)
11	Martin, Stephen H. (R)	Counties of Amelia and Chesterfield (part); City of Colonial Heights
4	McDougle, Ryan T. (R)	Counties of Caroline, Essex, Hanover (part), King George (part), Lancaster, Middlesex, Northumberland, Richmond, Spotsylvania (part), and Westmoreland (part)
9	McEachin, A. Donald (D)	Counties of Charles City, Hanover (part), and Henrico (part); City of Richmond (part)
8	McWaters, Jeffrey L. (R)	City of Virginia Beach (part)
1	Miller, John C. (D)	Counties of James City (part) and York (part); Cities of Hampton (part), Newport News (part), Suffolk (part), and Williamsburg
23	Newman, Stephen D. (R)	Counties of Bedford (part), Botetourt, Campbell (part), Craig, and Roanoke (part); City of Lynchburg (part)
3	Norment, Thomas K., Jr. (R)	Counties of Gloucester, Isle of Wight (part), James City (part), King and Queen, King William, New Kent, Surry (part), and York (part); Cities of Hampton (part), Poquoson, and Suffolk (part)
6	Northam, Ralph S. (D)†	Counties of Accomack, Mathews, and Northampton; Cities of Norfolk (part) and Virginia Beach (part)
26	Obenshain, Mark D. (R)	Counties of Page, Rappahannock, Rockingham (part), Shenandoah, and Warren; City of Harrisonburg
34	Petersen, J. Chapman (D)	County of Fairfax (part); City of Fairfax
38	Puckett, Phillip P. (D)††	Counties of Bland, Buchanan, Dickenson, Montgomery (part), Pulaski, Russell, Smyth (part), Tazewell, and Wise (part); Cities of Norton and Radford
36	Puller, Linda T. (D)	Counties of Fairfax (part), Prince William (part), and Stafford (part)
17	Reeves, Bryce E. (R)	Counties of Albemarle (part), Culpeper (part), Louisa (part), Orange, and Spotsylvania (part); City of Fredericksburg
15	Ruff, Frank M., Jr. (R)	Counties of Brunswick (part), Campbell (part), Charlotte, Dinwiddie (part), Halifax (part), Lunenburg, Mecklenburg, Nottoway, Pittsylvania (part), and Prince George (part); City of Danville (part)
35	Saslaw, Richard L. (D)	County of Fairfax (part); Cities of Alexandria (part) and Falls Church
19	Smith, Ralph K. (R)	Counties of Bedford (part), Carroll (part), Floyd, Franklin (part), Montgomery (part), Roanoke (part), and Wythe (part); City of Salem

**THE SENATE
2014 REGULAR SESSION**

District Number	Name	County and/or City Represented
20	Stanley, William M., Jr. (R)	Counties of Carroll (part), Franklin (part), Halifax (part), Henry, Patrick, and Pittsylvania (part); Cities of Danville (part), Galax, and Martinsville
12	Stosch, Walter A. (R)	Counties of Hanover (part) and Henrico (part)
28	Stuart, Richard H. (R)	Counties of King George (part), Prince William (part), Spotsylvania (part), Stafford (part), and Westmoreland (part)
27	Vogel, Jill Holtzman (R)	Counties of Clarke, Culpeper (part), Fauquier, Frederick, Loudoun (part), and Stafford (part); City of Winchester
7	Wagner, Frank W. (R)	Cities of Norfolk (part) and Virginia Beach (part)
10	Watkins, John C. (R)	Counties of Chesterfield (part) and Powhatan; City of Richmond (part)
33	Wexton, Jennifer T. (D)‡‡	Counties of Fairfax (part) and Loudoun (part)

†Resigned January 11, 2014

††Resigned June 9, 2014

†††Resigned July 3, 2014

‡Elected January 7, 2014 to fill vacancy of Ralph S. Northam. Sworn in January 28, 2014

‡‡Elected January 21, 2014 to fill vacancy of Mark R. Herring. Sworn in January 24, 2014

**THE HOUSE OF DELEGATES
2014 REGULAR SESSION**

District Number	Name	County and/or City Represented
16	Adams, Leslie R. (R)	Counties of Henry (part) and Pittsylvania (part); City of Martinsville
42	Albo, David B. (R)	County of Fairfax (part)
51	Anderson, Richard L. (R)	County of Prince William (part)
19	Austin, Terry L. (R)	Counties of Alleghany, Bedford (part), and Botetourt (part); City of Covington
95	BaCote, Mamye E. (D)	Cities of Hampton (part) and Newport News (part)
20	Bell, Richard P. (R)	Counties of Augusta (part), Highland, and Nelson (part); Cities of Staunton and Waynesboro
58	Bell, Robert B. (R)	Counties of Albemarle (part), Fluvanna (part), Greene, and Rockingham (part)
29	Berg, Mark J. (R)	Counties of Frederick (part) and Warren (part); City of Winchester
100	Bloxom, Robert S., Jr. (R)‡‡	Counties of Accomack and Northampton; Cities of Norfolk (part) and Virginia Beach (part)
48	Brink, Robert H. (D)††	Counties of Arlington (part) and Fairfax (part)
37	Bulova, David L. (D)	County of Fairfax (part); City of Fairfax
22	Byron, Kathy J. (R)	Counties of Bedford (part), Campbell (part), and Franklin (part); City of Lynchburg (part)
6	Campbell, Jeffrey L. (R)	Counties of Carroll, Smyth (part), and Wythe
69	Carr, Betsy B. (D)	County of Chesterfield (part); City of Richmond (part)
4	Chafin, A. Benton, Jr. (R)†††	Counties of Dickenson, Russell (part), Washington (part), and Wise (part)
24	Cline, Benjamin L. (R)	Counties of Amherst (part), Augusta (part), Bath, and Rockbridge; Cities of Buena Vista and Lexington
88	Cole, Mark L. (R)	Counties of Fauquier (part), Spotsylvania (part), and Stafford (part); City of Fredericksburg (part)
34	Comstock, Barbara J. (R)	Counties of Fairfax (part) and Loudoun (part)
66	Cox, M. Kirkland (R)	County of Chesterfield (part); City of Colonial Heights
63	Dance, Rosalyn R. (D)	Counties of Chesterfield (part), Dinwiddie (part), and Prince George (part); Cities of Hopewell (part) and Petersburg
84	Davis, Glenn R., Jr. (R)	City of Virginia Beach (part)
82	DeSteph, William R., Jr. (R)	City of Virginia Beach (part)
60	Edmunds, James E., II (R)	Counties of Campbell (part), Charlotte, Halifax, and Prince Edward

**THE HOUSE OF DELEGATES
2014 REGULAR SESSION**

District Number	Name	County and/or City Represented
59	Fariss, C. Matthew (R)	Counties of Albemarle (part), Appomattox, Buckingham, Campbell (part), and Nelson (part)
56	Farrell, Peter F. (R)	Counties of Goochland (part), Henrico (part), Louisa, and Spotsylvania (part)
41	Filler-Corn, Eileen (D)	County of Fairfax (part)
55	Fowler, Hyland F., Jr. (R)	Counties of Caroline (part), Hanover (part), and Spotsylvania (part)
2	Futrell, Michael T. (D)	Counties of Prince William (part) and Stafford (part)
23	Garrett, T. Scott (R)	Counties of Amherst (part) and Bedford (part); City of Lynchburg (part)
15	Gilbert, C. Todd (R)	Counties of Page, Rockingham (part), Shenandoah, and Warren (part)
32	Greason, Thomas A. (R)	County of Loudoun (part)
8	Habeeb, Gregory D. (R)	Counties of Craig, Montgomery (part), and Roanoke (part); City of Salem
17	Head, Christopher T. (R)	Counties of Botetourt (part) and Roanoke (part); City of Roanoke (part)
91	Helsel, Gordon C., Jr. (R)	County of York (part); Cities of Hampton (part) and Poquoson
46	Herring, Charniele L. (D)	City of Alexandria (part)
89	Hester, Daun Sessoms (D)	City of Norfolk (part)
98	Hodges, M. Keith (R)	Counties of Essex, Gloucester, King and Queen, King William (part), Mathews, and Middlesex
47	Hope, Patrick A. (D)	County of Arlington (part)
90	Howell, Algie T., Jr. (D)††	Cities of Norfolk (part) and Virginia Beach (part)
28	Howell, William J. (R)	County of Stafford (part); City of Fredericksburg (part)
40	Hugo, Timothy D. (R)	Counties of Fairfax (part) and Prince William (part)
62	Ingram, Riley E. (R)	Counties of Chesterfield (part), Henrico (part), and Prince George (part); City of Hopewell (part)
80	James, Matthew (D)	Cities of Chesapeake (part), Norfolk (part), Portsmouth (part), and Suffolk (part)
79	Joannou, Johnny S. (D)	Cities of Norfolk (part) and Portsmouth (part)
76	Jones, S. Chris (R)	Cities of Chesapeake (part) and Suffolk (part)
35	Keam, Mark L. (D)	County of Fairfax (part)
1	Kilgore, Terry G. (R)	Counties of Lee, Scott, and Wise (part); City of Norton

**THE HOUSE OF DELEGATES
2014 REGULAR SESSION**

District Number	Name	County and/or City Represented
81	Knight, Barry D. (R)	Cities of Chesapeake (part) and Virginia Beach (part)
38	Kory, Kaye (D)	County of Fairfax (part)
45	Krupicka, K. Robert, Jr. (D)	Counties of Arlington (part) and Fairfax (part); City of Alexandria (part)
25	Landes, R. Steven (R)	Counties of Albemarle (part), Augusta (part), and Rockingham (part)
33	LaRock, David A. (R)	Counties of Clarke (part), Frederick (part), and Loudoun (part)
78	Leftwich, James A., Jr. (R)	City of Chesapeake (part)
67	LeMunyon, James M. (R)	Counties of Fairfax (part) and Loudoun (part)
100	Lewis, Lynwood W., Jr. (D)†	Counties of Accomack and Northampton; Cities of Norfolk (part) and Virginia Beach (part)
31	Lingamfelter, L. Scott (R)	Counties of Fauquier (part) and Prince William (part)
49	Lopez, Alfonso H. (D)	Counties of Arlington (part) and Fairfax (part)
68	Loupassi, G. M. (R)	Counties of Chesterfield (part) and Henrico (part); City of Richmond (part)
14	Marshall, Daniel W., III (R)	Counties of Henry (part) and Pittsylvania (part); City of Danville
13	Marshall, Robert G. (R)	County of Prince William (part); City of Manassas Park
93	Mason, T. Montgomery (D)	Counties of James City (part) and York (part); Cities of Newport News (part) and Williamsburg
72	Massie, James P., III (R)	County of Henrico (part)
71	McClellan, Jennifer L. (D)	County of Henrico (part); City of Richmond (part)
70	McQuinn, Delores L. (D)	Counties of Chesterfield (part) and Henrico (part); City of Richmond (part)
50	Miller, Jackson H. (R)	County of Prince William (part); City of Manassas
10	Minchew, J. Randall (R)	Counties of Clarke (part), Frederick (part), and Loudoun (part)
3	Morefield, James W. (R)	Counties of Bland, Buchanan, Russell (part), and Tazewell
64	Morris, Richard L. (R)	Counties of Isle of Wight (part), Prince George (part), Southampton (part), Surry (part), and Sussex (part); Cities of Franklin (part) and Suffolk (part)
74	Morrisey, Joseph D. (D)	Counties of Charles City and Henrico (part); City of Richmond (part)
73	O'Bannon, John M., III (R)	County of Henrico (part)

**THE HOUSE OF DELEGATES
2014 REGULAR SESSION**

District Number	Name	County and/or City Represented
5	O'Quinn, Israel D. (R)	Counties of Grayson, Smyth (part), and Washington (part); Cities of Bristol and Galax
54	Orrock, Robert D., Sr. (R)	Counties of Caroline (part) and Spotsylvania (part)
97	Peace, Christopher K. (R)	Counties of Hanover (part), King William (part), and New Kent
36	Plum, Kenneth R. (D)	County of Fairfax (part)
96	Pogge, Brenda L. (R)	Counties of James City (part) and York (part)
9	Poindexter, Charles D. (R)	Counties of Franklin (part), Henry (part), and Patrick
87	Ramadan, David I. (R)	Counties of Loudoun (part) and Prince William (part)
99	Ransone, Margaret B. (R)	Counties of Caroline (part), King George, Lancaster, Northumberland, Richmond, and Westmoreland
11	Rasoul, Sam (D)‡	City of Roanoke (part)
27	Robinson, Roxann L. (R)	County of Chesterfield (part)
7	Rush, L. Nick (R)	Counties of Floyd, Montgomery (part), and Pulaski (part)
86	Rust, Thomas Davis (R)	Counties of Fairfax (part) and Loudoun (part)
30	Scott, Edward T. (R)	Counties of Culpeper (part), Madison, and Orange
43	Sickles, Mark D. (D)	County of Fairfax (part)
53	Simon, Marcus B. (D)	County of Fairfax (part); City of Falls Church
77	Spruill, Lionell, Sr. (D)	Cities of Chesapeake (part) and Suffolk (part)
83	Stolle, Christopher P. (R)	Cities of Norfolk (part) and Virginia Beach (part)
44	Surovell, Scott A. (D)	County of Fairfax (part)
85	Taylor, Scott W. (R)	City of Virginia Beach (part)
52	Torian, Luke E. (D)	County of Prince William (part)
57	Toscano, David J. (D)	County of Albemarle (part); City of Charlottesville
75	Tyler, Roslyn C. (D)	Counties of Brunswick, Dinwiddie (part), Greenville, Isle of Wight (part), Lunenburg (part), Southampton (part), Surry (part), and Sussex (part); Cities of Emporia and Franklin (part)
21	Villanueva, Ronald A. (R)	Cities of Chesapeake (part) and Virginia Beach (part)
92	Ward, Jeion A. (D)	City of Hampton (part)
65	Ware, R. Lee, Jr. (R)	Counties of Chesterfield (part), Fluvanna (part), Goochland (part), and Powhatan
39	Watts, Vivian E. (D)	County of Fairfax (part)

**THE HOUSE OF DELEGATES
2014 REGULAR SESSION**

District Number	Name	County and/or City Represented
18	Webert, Michael J. (R)	Counties of Culpeper (part), Fauquier (part), Rappahannock, and Warren (part)
26	Wilt, Tony O. (R)	County of Rockingham (part); City of Harrisonburg
61	Wright, Thomas C., Jr. (R)	Counties of Amelia, Cumberland, Lunenburg (part), Mecklenburg, and Nottoway
94	Yancey, David E. (R)	City of Newport News (part)
12	Yost, Joseph R. (R)	Counties of Giles, Montgomery (part), and Pulaski (part); City of Radford

†Resigned January 28, 2014

††Resigned June 30, 2014

†††Resigned September 17, 2014

‡Elected January 7, 2014 to fill vacancy of Onzlee Ware. Sworn in January 8, 2014

‡‡Elected February 25, 2014 to fill vacancy of Lynwood W. Lewis, Jr. Sworn in February 26, 2014

**SENATORS AND DELEGATES BY COUNTIES
2014 REGULAR SESSION**

COUNTIES	SENATORS	DELEGATES
Accomack	Lynwood W. Lewis, Jr. (D)‡ Ralph S. Northam (D)†	Robert S. Bloxom, Jr. (R)‡‡‡ Lynwood W. Lewis, Jr. (D)††
Albemarle.....	R. Creigh Deeds (D) Bryce E. Reeves (R)	Robert B. Bell (R) C. Matthew Fariss (R) R. Steven Landes (R) David J. Toscano (D)
Alleghany.....	R. Creigh Deeds (D)	Terry L. Austin (R)
Amelia.....	Stephen H. Martin (R)	Thomas C. Wright, Jr. (R)
Amherst.....	Thomas A. Garrett, Jr. (R)	Benjamin L. Cline (R) T. Scott Garrett (R)
Appomattox.....	Thomas A. Garrett, Jr. (R)	C. Matthew Fariss (R)
Arlington.....	Adam P. Ebbin (D) Barbara A. Favola (D) Janet D. Howell (D)	Robert H. Brink (D)†††† Patrick A. Hope (D) K. Robert Krupicka, Jr. (D) Alfonso H. Lopez (D)
Augusta	Emmett W. Hanger, Jr. (R)	Richard P. Bell (R) Benjamin L. Cline (R) R. Steven Landes (R)
Bath	R. Creigh Deeds (D)	Benjamin L. Cline (R)
Bedford	Stephen D. Newman (R) Ralph K. Smith (R)	Terry L. Austin (R) Kathy J. Byron (R) T. Scott Garrett (R)
Bland.....	Phillip P. Puckett (D)†††	James W. Morefield (R)
Botetourt	Stephen D. Newman (R)	Terry L. Austin (R) Christopher T. Head (R)
Brunswick.....	L. Louise Lucas (D) Frank M. Ruff, Jr. (R)	Roslyn C. Tyler (D)
Buchanan.....	Phillip P. Puckett (D)†††	James W. Morefield (R)
Buckingham.....	Thomas A. Garrett, Jr. (R)	C. Matthew Fariss (R)
Campbell.....	Stephen D. Newman (R) Frank M. Ruff, Jr. (R)	Kathy J. Byron (R) James E. Edmunds, II (R) C. Matthew Fariss (R)
Caroline.....	Ryan T. McDougale (R)	Hyland F. Fowler, Jr. (R) Robert D. Orrock, Sr. (R) Margaret B. Ransone (R)
Carroll.....	Ralph K. Smith (R) William M. Stanley, Jr. (R)	Jeffrey L. Campbell (R)
Charles City	A. Donald McEachin (D)	Joseph D. Morrissey (D)
Charlotte.....	Frank M. Ruff, Jr. (R)	James E. Edmunds, II (R)
Chesterfield.....	Henry L. Marsh, III (D)††††† Stephen H. Martin (R) John C. Watkins (R)	Betsy B. Carr (D) M. Kirkland Cox (R) Rosalyn R. Dance (D) Riley E. Ingram (R) G. M. Loupassi (R) Delores L. McQuinn (D) Roxann L. Robinson (R) R. Lee Ware, Jr. (R)
Clarke.....	Jill Holtzman Vogel (R)	David A. LaRock (R) J. Randall Minchew (R)
Craig.....	Stephen D. Newman (R)	Gregory D. Habeeb (R)
Culpeper.....	Emmett W. Hanger, Jr. (R) Bryce E. Reeves (R) Jill Holtzman Vogel (R)	Edward T. Scott (R) Michael J. Webert (R)
Cumberland.....	Thomas A. Garrett, Jr. (R)	Thomas C. Wright, Jr. (R)

**SENATORS AND DELEGATES BY COUNTIES
2014 REGULAR SESSION**

COUNTIES	SENATORS	DELEGATES
Dickenson.....	Phillip P. Puckett (D)†††	A. Benton Chafin, Jr. (R)†††††
Dinwiddie.....	Henry L. Marsh, III (D)††††† Frank M. Ruff, Jr. (R)	Rosalyn R. Dance (D) Roslyn C. Tyler (D)
Essex.....	Ryan T. McDougale (R)	M. Keith Hodges (R)
Fairfax.....	George L. Barker (D) Adam P. Ebbin (D) Barbara A. Favola (D) Mark R. Herring (D)† Janet D. Howell (D) David W. Marsden (D) J. Chapman Petersen (D) Linda T. Puller (D) Richard L. Saslaw (D) Jennifer T. Wexton (D)‡‡	David B. Albo (R) Robert H. Brink (D)†††† David L. Bulova (D) Barbara J. Comstock (R) Eileen Filler-Corn (D) Timothy D. Hugo (R) Mark L. Keam (D) Kaye Kory (D) K. Robert Krupicka, Jr. (D) James M. LeMunyon (R) Alfonso H. Lopez (D) Kenneth R. Plum (D) Thomas Davis Rust (R) Mark D. Sickles (D) Marcus B. Simon (D) Scott A. Surovell (D) Vivian E. Watts (D)
Fauquier.....	Jill Holtzman Vogel (R)	Mark L. Cole (R) L. Scott Lingamfelter (R) Michael J. Webert (R)
Floyd.....	Ralph K. Smith (R)	L. Nick Rush (R)
Fluvanna.....	Thomas A. Garrett, Jr. (R)	Robert B. Bell (R) R. Lee Ware, Jr. (R)
Franklin.....	Ralph K. Smith (R) William M. Stanley, Jr. (R)	Kathy J. Byron (R) Charles D. Poindexter (R)
Frederick.....	Jill Holtzman Vogel (R)	Mark J. Berg (R) David A. LaRock (R) J. Randall Minchew (R)
Giles.....	John S. Edwards (D)	Joseph R. Yost (R)
Gloucester.....	Thomas K. Norment, Jr. (R)	M. Keith Hodges (R)
Goochland.....	Thomas A. Garrett, Jr. (R)	Peter F. Farrell (R) R. Lee Ware, Jr. (R)
Grayson.....	Charles W. Carrico, Sr. (R)	Israel D. O'Quinn (R)
Greene.....	Emmett W. Hanger, Jr. (R)	Robert B. Bell (R)
Greensville.....	L. Louise Lucas (D)	Roslyn C. Tyler (D)
Halifax.....	Frank M. Ruff, Jr. (R) William M. Stanley, Jr. (R)	James E. Edmunds, II (R)
Hanover.....	Ryan T. McDougale (R) A. Donald McEachin (D) Walter A. Stosch (R)	Hyland F. Fowler, Jr. (R) Christopher K. Peace (R)
Henrico.....	A. Donald McEachin (D) Walter A. Stosch (R)	Peter F. Farrell (R) Riley E. Ingram (R) G. M. Loupassi (R) James P. Massie, III (R) Jennifer L. McClellan (D) Delores L. McQuinn (D) Joseph D. Morrissey (D) John M. O'Bannon, III (R)
Henry.....	William M. Stanley, Jr. (R)	Leslie R. Adams (R) Daniel W. Marshall, III (R) Charles D. Poindexter (R)

**SENATORS AND DELEGATES BY COUNTIES
2014 REGULAR SESSION**

COUNTIES	SENATORS	DELEGATES
Highland.....	R. Creigh Deeds (D).....	Richard P. Bell (R)
Isle of Wight.....	John A. Cosgrove, Jr. (R)..... L. Louise Lucas (D) Thomas K. Norment, Jr. (R)	Richard L. Morris (R) Roslyn C. Tyler (D)
James City.....	John C. Miller (D)..... Thomas K. Norment, Jr. (R)	T. Montgomery Mason (D) Brenda L. Pogge (R)
King and Queen.....	Thomas K. Norment, Jr. (R).....	M. Keith Hodges (R)
King George.....	Ryan T. McDougle (R)..... Richard H. Stuart (R)	Margaret B. Ransone (R)
King William.....	Thomas K. Norment, Jr. (R).....	M. Keith Hodges (R) Christopher K. Peace (R)
Lancaster.....	Ryan T. McDougle (R).....	Margaret B. Ransone (R)
Lee.....	Charles W. Carrico, Sr. (R).....	Terry G. Kilgore (R)
Loudoun.....	Richard H. Black (R)..... Barbara A. Favola (D) Mark R. Herring (D)† Jill Holtzman Vogel (R) Jennifer T. Wexton (D)‡‡	Barbara J. Comstock (R) Thomas A. Greason (R) David A. LaRock (R) James M. LeMunyon (R) J. Randall Minchew (R) David I. Ramadan (R) Thomas Davis Rust (R)
Louisa.....	Bryce E. Reeves (R)..... Thomas A. Garrett, Jr. (R)	Peter F. Farrell (R)
Lunenburg.....	Frank M. Ruff, Jr. (R).....	Roslyn C. Tyler (D) Thomas C. Wright, Jr. (R)
Madison.....	Emmett W. Hanger, Jr. (R).....	Edward T. Scott (R)
Mathews.....	Lynwood W. Lewis, Jr. (D)‡ Ralph S. Northam (D)†	M. Keith Hodges (R)
Mecklenburg.....	Frank M. Ruff, Jr. (R).....	Thomas C. Wright, Jr. (R)
Middlesex.....	Ryan T. McDougle (R).....	M. Keith Hodges (R)
Montgomery.....	John S. Edwards (D)..... Phillip P. Puckett (D)††† Ralph K. Smith (R)	Gregory D. Habeeb (R) L. Nick Rush (R) Joseph R. Yost (R)
Nelson.....	R. Creigh Deeds (D).....	Richard P. Bell (R) C. Matthew Fariss (R)
New Kent.....	Thomas K. Norment, Jr. (R).....	Christopher K. Peace (R)
Northampton.....	Lynwood W. Lewis, Jr. (D)‡ Ralph S. Northam (D)†	Robert S. Bloxom, Jr. (R)‡‡‡ Lynwood W. Lewis, Jr. (D)††
Northumberland.....	Ryan T. McDougle (R).....	Margaret B. Ransone (R)
Nottoway.....	Frank M. Ruff, Jr. (R).....	Thomas C. Wright, Jr. (R)
Orange.....	Bryce E. Reeves (R).....	Edward T. Scott (R)
Page.....	Mark D. Obenshain (R).....	C. Todd Gilbert (R)
Patrick.....	William M. Stanley, Jr. (R).....	Charles D. Poindexter (R)
Pittsylvania.....	Frank M. Ruff, Jr. (R)..... William M. Stanley, Jr. (R)	Leslie R. Adams (R) Daniel W. Marshall, III (R)
Powhatan.....	John C. Watkins (R).....	R. Lee Ware, Jr. (R)
Prince Edward.....	Thomas A. Garrett, Jr. (R).....	James E. Edmunds, II (R)
Prince George.....	Henry L. Marsh, III (D)††††† Frank M. Ruff, Jr. (R)	Rosalyn R. Dance (D) Riley E. Ingram (R) Richard L. Morris (R)
Prince William.....	George L. Barker (D)..... Richard H. Black (R) Charles J. Colgan (D) Linda T. Puller (D) Richard H. Stuart (R)	Richard L. Anderson (R) Michael T. Futrell (D) Timothy D. Hugo (R) L. Scott Lingamfelter (R) Robert G. Marshall (R)

**SENATORS AND DELEGATES BY COUNTIES
2014 REGULAR SESSION**

COUNTIES	SENATORS	DELEGATES
		Jackson H. Miller (R)
		David I. Ramadan (R)
		Luke E. Torian (D)
Pulaski.....	Phillip P. Puckett (D)†††.....	L. Nick Rush (R)
		Joseph R. Yost (R)
Rappahannock.....	Mark D. Obenshain (R).....	Michael J. Webert (R)
Richmond.....	Ryan T. McDougale (R).....	Margaret B. Ransone (R)
Roanoke.....	John S. Edwards (D).....	Gregory D. Habeeb (R)
	Stephen D. Newman (R)	Christopher T. Head (R)
	Ralph K. Smith (R)	
Rockbridge.....	R. Creigh Deeds (D).....	Benjamin L. Cline (R)
Rockingham.....	Emmett W. Hanger, Jr. (R).....	Robert B. Bell (R)
	Mark D. Obenshain (R)	C. Todd Gilbert (R)
		R. Steven Landes (R)
		Tony O. Wilt (R)
Russell.....	Phillip P. Puckett (D)†††.....	A. Benton Chafin, Jr. (R)†††††
		James W. Morefield (R)
Scott.....	Charles W. Carrico, Sr. (R).....	Terry G. Kilgore (R)
Shenandoah.....	Mark D. Obenshain (R).....	C. Todd Gilbert (R)
Smyth.....	Charles W. Carrico, Sr. (R).....	Jeffrey L. Campbell (R)
	Phillip P. Puckett (D)†††	Israel D. O'Quinn (R)
Southampton.....	John A. Cosgrove, Jr. (R).....	Richard L. Morris (R)
	L. Louise Lucas (D)	Roslyn C. Tyler (D)
Spotsylvania.....	Ryan T. McDougale (R).....	Mark L. Cole (R)
	Bryce E. Reeves (R)	Hyland F. Fowler, Jr. (R)
	Richard H. Stuart (R)	Peter F. Farrell (R)
		Robert D. Orrock, Sr. (R)
Stafford.....	Linda T. Puller (D).....	Mark L. Cole (R)
	Richard H. Stuart (R)	Michael T. Futrell (D)
	Jill Holtzman Vogel (R)	William J. Howell (R)
Surry.....	L. Louise Lucas (D).....	Richard L. Morris (R)
	Thomas K. Norment, Jr. (R)	Roslyn C. Tyler (D)
Sussex.....	L. Louise Lucas (D).....	Richard L. Morris (R)
		Roslyn C. Tyler (D)
Tazewell.....	Phillip P. Puckett (D)†††.....	James W. Morefield (R)
Warren.....	Mark D. Obenshain (R).....	Mark J. Berg (R)
		C. Todd Gilbert (R)
		Michael J. Webert (R)
Washington.....	Charles W. Carrico, Sr. (R).....	A. Benton Chafin, Jr. (R)†††††
		Israel D. O'Quinn (R)
Westmoreland.....	Ryan T. McDougale (R).....	Margaret B. Ransone (R)
	Richard H. Stuart (R)	
Wise.....	Charles W. Carrico, Sr. (R).....	A. Benton Chafin, Jr. (R)†††††
	Phillip P. Puckett (D)†††	Terry G. Kilgore (R)
Wythe.....	Charles W. Carrico, Sr. (R).....	Jeffrey L. Campbell (R)
	Ralph K. Smith (R)	
York.....	Mamie E. Locke (D).....	Gordon C. Helsel, Jr. (R)
	John C. Miller (D)	T. Montgomery Mason (D)
	Thomas K. Norment, Jr. (R)	Brenda L. Pogge (R)

†Resigned January 11, 2014
 ††Resigned January 28, 2014
 †††Resigned June 9, 2014
 ††††Resigned June 30, 2014
 †††††Resigned July 3, 2014

†††††Resigned September 17, 2014

‡Elected January 7, 2014 to fill vacancy of Ralph S. Northam. Sworn in January 28, 2014
 ‡‡Elected January 21, 2014 to fill vacancy of Mark R. Herring. Sworn in January 24, 2014
 ‡‡‡Elected February 25, 2014 to fill vacancy of Lynwood W. Lewis Jr. Sworn in February 26, 2014

**SENATORS AND DELEGATES BY CITIES
2014 REGULAR SESSION**

CITIES	SENATORS	DELEGATES
Alexandria	George L. Barker (D)	Charniele L. Herring (D)
	Adam P. Ebbin (D)	K. Robert Krupicka, Jr. (D)
	Richard L. Saslaw (D)	
Bristol	Charles W. Carrico, Sr. (R)	Israel D. O'Quinn (R)
Buena Vista	R. Creigh Deeds (D)	Benjamin L. Cline (R)
Charlottesville	R. Creigh Deeds (D)	David J. Toscano (D)
Chesapeake	Kenneth C. Alexander (D)	Matthew James (D)
	John A. Cosgrove, Jr. (R)	S. Chris Jones (R)
	L. Louise Lucas (D)	Barry D. Knight (R)
		James A. Leftwich, Jr. (R)
		Lionell Spruill, Sr. (D)
		Ronald A. Villanueva (R)
Colonial Heights	Stephen H. Martin (R)	M. Kirkland Cox (R)
Covington	R. Creigh Deeds (D)	Terry L. Austin (R)
Danville	Frank M. Ruff, Jr. (R)	Daniel W. Marshall, III (R)
	William M. Stanley, Jr. (R)	
Emporia	L. Louise Lucas (D)	Roslyn C. Tyler (D)
Fairfax	J. Chapman Petersen (D)	David L. Bulova (D)
Falls Church	Richard L. Saslaw (D)	Marcus D. Simon (D)
Franklin	John A. Cosgrove, Jr. (R)	Richard L. Morris (R)
	L. Louise Lucas (D)	Roslyn C. Tyler (D)
Fredericksburg	Bryce E. Reeves (R)	Mark L. Cole (R)
		William J. Howell (R)
Galax	William M. Stanley, Jr. (R)	Israel D. O'Quinn (R)
Hampton	Mamie E. Locke (D)	Mamye E. BaCote (D)
	John C. Miller (D)	Gordon C. Helsel, Jr. (R)
	Thomas K. Norment, Jr. (R)	Jeion A. Ward (D)
Harrisonburg	Mark D. Obenshain (R)	Tony O. Wilt (R)
Hopewell	Henry L. Marsh, III (D)††††	Rosalyn R. Dance (D)
		Riley E. Ingram (R)
Lexington	R. Creigh Deeds (D)	Benjamin L. Cline (R)
Lynchburg	Thomas A. Garrett, Jr. (R)	Kathy J. Byron (R)
	Stephen D. Newman (R)	T. Scott Garrett (R)
Manassas	Charles J. Colgan (D)	Jackson H. Miller (R)
Manassas Park	Charles J. Colgan (D)	Robert G. Marshall (R)
Martinsville	William M. Stanley, Jr. (R)	Leslie R. Adams (R)
Newport News	Mamie E. Locke (D)	Mamye E. BaCote (D)
	John C. Miller (D)	T. Montgomery Mason (D)
		David E. Yancey (R)
Norfolk	Kenneth C. Alexander (D)	Robert S. Bloxom, Jr. (R)‡‡‡
	Lynwood W. Lewis, Jr. (D)‡‡	Dawn Sessoms Hester (D)
	Ralph S. Northam (D)†	Algie T. Howell, Jr. (D)††††
	Frank W. Wagner (R)	Matthew James (D)
		Johnny S. Joannou (D)
		Lynwood W. Lewis, Jr. (D)††
		Christopher P. Stolle (R)
Norton	Phillip P. Puckett (D)†††	Terry G. Kilgore (R)
Petersburg	Henry L. Marsh, III (D)††††	Rosalyn R. Dance (D)
Poquoson	Thomas K. Norment, Jr. (R)	Gordon C. Helsel, Jr. (R)
Portsmouth	John A. Cosgrove, Jr. (R)	Matthew James (D)
	Mamie E. Locke (D)	Johnny S. Joannou (D)
	L. Louise Lucas (D)	
Radford	Phillip P. Puckett (D)†††	Joseph R. Yost (R)

**SENATORS AND DELEGATES BY CITIES
2014 REGULAR SESSION**

CITIES	SENATORS	DELEGATES
Richmond.....	Henry L. Marsh, III (D)††††† A. Donald McEachin (D) John C. Watkins (R)	Betsy B. Carr (D) G. M. Loupassi (R) Jennifer L. McClellan (D) Delores L. McQuinn (D) Joseph D. Morrissey (D)
Roanoke	John S. Edwards (D)	Christopher T. Head (R) Sam Rasoul (D)‡
Salem.....	Ralph K. Smith (R)	Gregory D. Habeeb (R)
Staunton.....	Emmett W. Hanger, Jr. (R)	Richard P. Bell (R)
Suffolk.....	John A. Cosgrove, Jr. (R)..... L. Louise Lucas (D) John C. Miller (D) Thomas K. Norment, Jr. (R)	Matthew James (D) S. Chris Jones (R) Richard L. Morris (R) Lionell Spruill, Sr. (D)
Virginia Beach.....	John A. Cosgrove, Jr. (R)..... Lynwood W. Lewis, Jr. (D)‡‡ Jeffrey L. McWaters (R) Ralph S. Northam (D)† Frank W. Wagner (R)	Robert S. Bloxom, Jr. (R)‡‡‡ Glenn R. Davis, Jr. (R) William R. DeSteph, Jr. (R) Algie T. Howell, Jr. (D)†††† Barry D. Knight (R) Lynwood W. Lewis, Jr. (D)†† Christopher P. Stolle (R) Scott W. Taylor (R) Ronald A. Villanueva (R)
Waynesboro.....	Emmett W. Hanger, Jr. (R)	Richard P. Bell (R)
Williamsburg.....	John C. Miller (D)	T. Montgomery Mason (D)
Winchester.....	Jill Holtzman Vogel (R).....	Mark J. Berg (R)

†Resigned January 11, 2014
 ††Resigned January 28, 2014
 †††Resigned June 9, 2014
 ††††Resigned June 30, 2014
 †††††Resigned July 3, 2014

‡Elected January 7, 2014 to fill vacancy of Onzlee Ware. Sworn in January 8, 2014
 ‡‡Elected January 7, 2014 to fill vacancy of Ralph S. Northam. Sworn in January 28, 2014
 ‡‡‡Elected February 25, 2014 to fill vacancy of Lynwood W. Lewis Jr. Sworn in February 26, 2014

COUNTIES AND CITIES--LAND AREA AND POPULATION

United States Census of 2010 (December 21, 2010)

COUNTIES	Land Area in Square Miles	Population	COUNTIES	Land Area in Square Miles	Population
Accomack	449	33,164	Pittsylvania	969	63,506
Albemarle	721	98,970	Powhatan	260	28,046
Alleghany	445	16,250	Prince Edward	350	23,368
Amelia	355	12,690	Prince George	265	35,725
Amherst	474	32,353	Prince William	336	402,002
Appomattox	334	14,973	Pulaski	320	34,872
Arlington	26	207,627	Rappahannock	266	7,371
Augusta	967	73,750	Richmond	191	9,254
Bath	529	4,731	Roanoke	251	92,376
Bedford	753	68,676	Rockbridge	598	22,307
Bland	358	6,824	Rockingham	849	76,314
Botetourt	541	33,148	Russell	474	28,897
Brunswick	566	17,434	Scott	536	23,177
Buchanan	503	24,098	Shenandoah	509	41,993
Buckingham	580	17,146	Smyth	451	32,208
Campbell	504	54,842	Southampton	599	18,570
Caroline	528	28,545	Spotsylvania	401	122,397
Carroll	475	30,042	Stafford	269	128,961
Charles City	183	7,256	Surry	279	7,058
Charlotte	475	12,586	Sussex	490	12,087
Chesterfield	423	316,236	Tazewell	519	45,078
Clarke	176	14,034	Warren	213	37,575
Craig	330	5,190	Washington	561	54,876
Culpeper	379	46,689	Westmoreland	229	17,454
Cumberland	297	10,052	Wise	403	41,452
Dickenson	331	15,903	Wythe	462	29,235
Dinwiddie	504	28,001	York	105	65,464
Essex	257	11,151			
Fairfax	391	1,081,726	CITIES		
Fauquier	647	65,203	Alexandria	15	139,966
Floyd	380	15,279	Bedford*	7	6,222
Fluvanna	286	25,691	Bristol	13	17,835
Franklin	690	56,159	Buena Vista	7	6,650
Frederick	414	78,305	Charlottesville	10	43,475
Giles	356	17,286	Chesapeake	341	222,209
Gloucester	218	36,858	Colonial Heights	8	17,411
Goochland	282	21,717	Covington	5	5,161
Grayson	442	15,533	Danville	43	43,055
Greene	156	18,403	Emporia	7	5,927
Greensville	295	12,243	Fairfax	6	22,565
Halifax	818	36,241	Falls Church	2	12,332
Hanover	469	99,863	Franklin	8	8,582
Henrico	234	306,935	Fredericksburg	10	24,281
Henry	382	54,151	Galax	8	7,042
Highland	415	2,321	Hampton	51	137,436
Isle of Wight	316	35,270	Harrisonburg	17	48,914
James City	142	67,009	Hopewell	10	22,591
King and Queen	315	6,945	Lexington	2	7,042
King George	180	23,584	Lynchburg	49	75,568
King William	274	15,935	Manassas	10	37,821
Lancaster	133	11,391	Manassas Park	3	14,273
Lee	436	25,587	Martinsville	11	13,821
Loudoun	516	312,311	Newport News	69	180,719
Louisa	496	33,153	Norfolk	54	242,803
Lunenburg	432	12,914	Norton	7	3,958
Madison	321	13,308	Petersburg	23	32,420
Mathews	86	8,978	Poquoson	15	12,150
Mecklenburg	625	32,727	Portsmouth	34	95,535
Middlesex	130	10,959	Radford	10	16,408
Montgomery	387	94,392	Richmond	60	204,214
Nelson	471	15,020	Roanoke	43	97,032
New Kent	210	18,429	Salem	14	24,802
Northampton	212	12,389	Staunton	20	23,746
Northumberland	191	12,330	Suffolk	400	84,585
Nottoway	314	15,853	Virginia Beach	249	437,994
Orange	341	33,481	Waynesboro	15	21,006
Page	311	24,042	Williamsburg	9	14,068
Patrick	483	18,490	Winchester	9	26,203

Population of Virginia, 2010 Census, 8,001,024.

*The City of Bedford became part of the Town of Bedford pursuant to Chapters 565 and 628 of the 2013 Acts of Assembly.

COUNTIES AND CITIES--RANKED BY POPULATION

United States Census of 2010 (December 21, 2010)

Population	County	Population	County	Population	County
2,321	Highland	17,286	Giles	36,241	Halifax
4,731	Bath	17,434	Brunswick	36,858	Gloucester
5,190	Craig	17,454	Westmoreland	37,575	Warren
6,824	Bland	18,403	Greene	41,452	Wise
6,945	King and Queen	18,429	New Kent	41,993	Shenandoah
7,058	Surry	18,490	Patrick	45,078	Tazewell
7,256	Charles City	18,570	Southampton	46,689	Culpeper
7,373	Rappahannock	21,717	Goochland	54,151	Henry
8,978	Mathews	22,307	Rockbridge	54,842	Campbell
9,254	Richmond	23,177	Scott	54,876	Washington
10,052	Cumberland	23,368	Prince Edward	56,159	Franklin
10,959	Middlesex	23,584	King George	63,506	Pittsylvania
11,151	Essex	24,042	Page	65,203	Fauquier
11,391	Lancaster	24,098	Buchanan	65,464	York
12,087	Sussex	25,587	Lee	67,009	James City
12,243	Greensville	25,691	Fluvanna	68,676	Bedford
12,330	Northumberland	28,001	Dinwiddie	73,750	Augusta
12,389	Northampton	28,046	Powhatan	76,314	Rockingham
12,586	Charlotte	28,545	Caroline	78,305	Frederick
12,690	Amelia	28,897	Russell	92,376	Roanoke
12,914	Lunenburg	29,235	Wythe	94,392	Montgomery
13,308	Madison	30,042	Carroll	98,970	Albemarle
14,034	Clarke	32,208	Smyth	99,863	Hanover
14,973	Appomattox	32,353	Amherst	122,397	Spotsylvania
15,020	Nelson	32,727	Mecklenburg	128,961	Stafford
15,279	Floyd	33,148	Botetourt	207,627	Arlington
15,533	Grayson	33,153	Louisa	306,935	Henrico
15,853	Nottoway	33,164	Accomack	312,311	Loudoun
15,903	Dickenson	33,481	Orange	316,236	Chesterfield
15,935	King William	34,872	Pulaski	402,002	Prince William
16,250	Alleghany	35,270	Isle of Wight	1,081,726	Fairfax
17,146	Buckingham	35,725	Prince George		

Population	Cities	Population	Cities	Population	Cities
3,958	Norton	16,408	Radford	43,475	Charlottesville
5,927	Emporia	17,411	Colonial Heights	48,914	Harrisonburg
5,961	Covington	17,835	Bristol	75,568	Lynchburg
6,222	Bedford*	21,006	Waynesboro	84,585	Suffolk
6,650	Buena Vista	22,565	Fairfax	95,535	Portsmouth
7,042	Galax	22,591	Hopewell	97,032	Roanoke
7,042	Lexington	23,746	Staunton	137,436	Hampton
8,582	Franklin	24,286	Fredericksburg	139,966	Alexandria
12,150	Poquoson	24,802	Salem	180,719	Newport News
12,332	Falls Church	26,203	Winchester	204,214	Richmond
13,821	Martinsville	32,420	Petersburg	222,209	Chesapeake
14,068	Williamsburg	37,821	Manassas	242,803	Norfolk
14,273	Manassas Park	43,055	Danville	437,994	Virginia Beach

*The City of Bedford became part of the Town of Bedford pursuant to Chapters 565 and 628 of the 2013 Acts of Assembly.

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- 14.1. COSTS, FEES, SALARIES AND ALLOWANCES [Repealed].
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- 15.1. COUNTIES, CITIES AND TOWNS [Repealed].
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- 42.1. LIBRARIES.
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- 54.1. PROFESSIONS AND OCCUPATIONS.
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- 61.1. WAREHOUSES, COLD STORAGE AND REFRIGERATED LOCKER PLANTS.
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- 62.1. WATERS OF THE STATE, PORTS AND HARBORS.
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- 64.1. WILLS AND DECEDENTS' ESTATES [Repealed].
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Administrative Process Act; standard procedures for adoption of waste load allocations by State Water Control Board, Board conducts at least one public meeting. (Patron—Bulova) HB 445 202 313

Alternative Fuel Vehicle Conversion Fund; moneys in Fund to be used to assist local government and agencies and local school divisions with incremental cost of such local government-owned alternative fuel vehicles. (Patron—Taylor) HB 340 199 309

Attorney General, Office of; employment of outside counsel where a conflict of interests exists, fees. (Patron—Norment) SB 651 824 1734

Charitable gaming; Department of Agriculture and Consumer Services may issue permit while permittee's tax-exempt status is pending approval by Internal Revenue Service. (Patron—Albo) HB 616 208 318

Chesapeake Bay; voluntary tax contributions for restoration, report posted on website maintained by Secretary of Natural Resources along with listing of awards granted on or after July 1, 2014.
 Patron—Lingamfelter HB 131 18 27
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Commonwealth, Secretary of the; liaison to Virginia Indian tribes. (Patron—Peace) HB 903 582 995

Comprehensive Services for At-Risk Youth and Families; community policy and management teams to establish policies and procedures for appeals by youth and their families of decisions made by local family assessment and planning teams regarding services to be provided, appeals made in accordance with Individuals With Disabilities Education Act or federal or state laws or regulations governing provision of medical assistance pursuant to Social Security Act. (Patron—Bell, Richard P.) HB 522 407 666

Comprehensive Services for At-Risk Youth and Families, State Executive Council for; membership, adds juvenile and domestic relations district court judge to be appointed by Governor. (Patron—Bell, Richard P.) HB 520 406 663

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Entrepreneur-in-Residence Program; created, Secretary of Commerce and Trade authorized to enter into certain agreement with Virginia Commonwealth University or other higher educational institutions. Patron—Landes	HB	321	63 106
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Fare enforcement inspectors; appointed to enforce payment of fares for use of mass transit facilities, eligible entity means any transit operation that is owned directly or indirectly by a political subdivision or any governmental entity established by an interstate compact, power to issue civil summons, penalty for failure to pay established fare on transit properties. Patron—Rust	HB	761	281 468
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First informer broadcaster; clarifying definition of first informer, state and local government agencies shall permit personnel with proper identification cards to access their broadcasting station within any area declared a state emergency area by the Governor for purpose of disseminating news, identification cards shall be issued by Virginia Association of Broadcasters. (Patron—Lingamfelter)	HB	310	561 944
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Fort Monroe Authority; powers and duties, membership, land and utility ownership. Patron—Helsel	HB	1180	676 1171
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Long-Term Care Ombudsman, Office of State; access to clients, patients, individuals, licensed adult day care centers and assisted living facilities, etc., and records. Patron—O'Bannon	HB	240	120 199
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Southern States Energy Board; change in membership, alternate legislative members shall be appointed by the Speaker of the House of Delegates and Senate Committee on Rules. (Patron—Watkins)	SB	47	516 857
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Virginia Freedom of Information Act; state agencies in executive branch to post notice on their respective public government websites allowable charges for producing records, public body may make reasonable charges not to exceed its actual cost incurred. (Patron—Keam)	HB	837	421 692
Virginia Geographic Information Network Advisory Board and Litter Control and Recycling Fund Advisory Board; membership and terms. (Patron—Cole) . . .	HB	784	283 474
Virginia Human Rights Act; causes of action for age discrimination. (Patron—Barker)	SB	587	635 1076
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Real estate licensees; an allegation made by plaintiff in civil proceeding that defendant licensee has engaged in untrue, deceptive, or misleading advertising, etc., shall be stated with particularity. Patron—Miller	HB 259	650	1092
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Fox hunting; establishes special license for hunting on horseback with hounds but without firearms, special license shall not be required of any person holding required hunting license. (Patron—Stuart)	SB 145	798	1432
Fox or coyote; Class 1 misdemeanor for any person to erect, maintain, or operate an enclosure for purpose of pursuing, hunting, etc., with dogs, regulations governing foxhound training preserves. (Patron—Marsden)	SB 42	605	1032
Game and Inland Fisheries, Board of; changes criteria for appointments, members shall be knowledgeable about wildlife conservation, hunting, agriculture, forestry, etc., each Department region shall be represented. (Patron—Scott)	HB 1121	592	1016

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Land use permits; permits issued by VDOT to person providing utility service solely for their own agricultural or residential use. (Patron—Fariss)	HB	560	277 466
Livestock or poultry; compensation owner is entitled to receive for those killed or injured by dogs and hybrid canines not to exceed \$750. Patron—Hodges	HB	54	116 197
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Pet dealers; pet shop operating in the Commonwealth shall post in a conspicuous place on or near cage of any dog or cat available for sale breeder's name, USDA license member, etc., reimbursement of certain veterinary fees when consumer returns or retains a diseased dog or cat, etc., animals infected with parvovirus. (Patron—Petersen)	SB	228	448 719
Protective orders; person or petitioner issued possession of companion animal, if they meet definition of owner. (Patron—Cline)	HB	972	346 571
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Service dog; expands definition to include dogs trained to assist persons suffering from physical, sensory, intellectual, developmental, or mental disability or mental illness. (Patron—Reeves)	SB	177	616 1042
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Alcoholic beverage control; allows contract winemaking facility to sell wine it produced if terms of payment have not been fulfilled. (Patron—Albo)	HB	282	124 202
Alcoholic beverage control; authorizes ABC Board to suspend or revoke license of a licensee who is delinquent in payment of any taxes. (Patron—Albo)	HB	283	233 400
Alcoholic beverage control; certain licensed distillers who are appointed agents of ABC Board may use copper or stainless steel pot stills to blend or produce spirits, traditional techniques used by licensee. (Patron—Bell, Richard P.)	HB	1150	437 707
Alcoholic beverage control; certain licensees to provide information to consumer while on premises of licensed retailers. (Patron—Bulova)	HB	270	123 201
Alcoholic beverage control; cider containing less than seven percent of alcohol by volume may be sold in any containers allowable for wine, etc. (Patron—Carr)	HB	882	787 1382
Alcoholic beverage control; creates annual arts venue event license. (Patron—Knight)	HB	1141	510 845
Alcoholic beverage control; expands privileges of gift shop licenses. (Patron—Ruff)	SB	104	612 1037
Alcoholic beverage control; handling of wine and beer tasting fees by sight-seeing carrier or contract passenger carrier. (Patron—McWaters)	SB	178	617 1045
Alcoholic beverage control; limited mixed-beverage restaurant licenses. (Patron—Favola)	SB	502	633 1074

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Alcoholic beverage control; mixed beverage licenses for certain establishments in Henry County. (Patron—Stanley)	SB	268	692	1215
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Monelison Volunteer Rescue Squad; commemorating its 50th anniversary. (Patron—Cline)	HJR	466		1967
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Absentee voting and procedures; State Board shall provide instructions, procedures, etc., for secure return of voted absentee military-overseas ballots by electronic means from uniformed-service voters outside of United States, report.			
Patron–Rust	HB	759	506 839
Patron–Puller	SB	11	604 1030
Active duty military health care providers; practice at public and private health care facilities. (Patron–Stolle)	HB	580	8 10
Carillon Advisory Committee; designating in 2014 as World War I 100th Anniversary Committee in Virginia. (Patron–Carr)	HJR	71	1759
Commissioned officers; tuition-free instruction at higher educational institutions, State Council of Higher Education for Virginia, in consultation with Department of Military Affairs, shall establish guidelines for implementation. (Patron–Lingamfelter)	HB	132	778 1371
Constitutional amendment; General Assembly by law may exempt from taxation real property of surviving spouses of soldiers killed in action (second reference). Amending Section 6-A of Article X. (Patron–Ramadan)	HJR	8	775 1365
Emergency vehicles; Virginia National Guard Civil Support Team vehicles exempt from regulations in certain situations.			
Patron–Greason	HB	929	171 275
Patron–Reeves	SB	376	800 1433
Hunting and fishing licenses; special licenses for certain nonresident disabled veterans, such veterans not entitled to fish in designated waters stocked with trout by Department or other public body. (Patron–Cline)	HB	991	587 1012
Jurors; persons liable to serve, military personnel of United States Marine Corps and Coast Guard are not considered residents of the Commonwealth. (Patron–Leftwich)	HB	1157	595 1018
License plates, special; disabled veterans who have been honorably discharged and applicants retired from United States Coast Guard shall be issued plates, issuance to applicants who can provide documentation from U.S. Department of Veterans Affairs designating disability is service-connected and has been honorably discharged from branch of armed forces of United States.			
Patron–Scott	HB	263	270 461
Patron–Newman	SB	135	483 793
Private employment; preference for veterans and spouses of disabled veterans. (Patron–Wagner)	SB	516	740 1312
Real property tax; exemption for surviving spouses of members of armed forces killed in action (submitting to qualified voters). (Patron–Ramadan)	HB	46	757 1332
Sergeant Bowe R. Bergdahl; commending continuing efforts to secure his release from Haqqani network in Pakistan. (Patron–Reeves)	SR	12	2210
Solid waste; Southampton County may by ordinance, and after public hearing, levy a fee for disposal of waste at county collection or disposal facility, contractual agreements with certain companies, exemption for certain disabled veterans. (Patron–Tyler)	HB	62	727 1290

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Spouses of military service members; reduces allowable application review period for issuance of temporary licenses. (Patron—Filler-Corn)	HB	1247	602 1028
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Unemployment compensation; voluntarily leaving employment to accompany military spouse, expiration of certain provisions, Virginia Employment Commission shall provide certain reports to Commission on Unemployment Compensation. (Patron—Locke)	SB	18	442 713
United States Navy SEALs and Naval Special Warfare operators lost in Global War on Terrorism; recording sorrow upon their deaths. (Patron—Taylor)	HJR	332	1891
Vehicle safety inspection approval; increases grace period for members of armed services on active duty.			
Patron—Anderson	HB	411	67 107
Patron—Barker	SB	138	250 428
Veterans Service Organizations, Joint Leadership Council of; powers and duties. (Patron—Cox)	HB	354	809 1695
Virginia Military Survivors and Dependents Education Program; residency requirements.			
Patron—Stolle	HB	576	657 1108
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Virginia National Guard; commending. (Patron—Anderson)	HJR	385	1922
Virginia National Guard; Department of Military Affairs shall provide certain information to Virginia Employment Commission upon request of a member.			
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Alcoholic beverage control; creates annual arts venue event license. (Patron—Knight)	HB	1141	510 845
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Motion picture production; changes income tax credit, taxable years beginning on and after January 1, 2011, but prior to January 1, 2019. (Patron—Kilgore)	HB	460	730 1299
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Attorney General, Office of; employment of outside counsel where a conflict of interests exists, fees. (Patron—Normnt)	SB	651	824 1734
Invention development services; required disclosure, Attorney General shall enforce certain provisions and have right to recover a civil penalty not to exceed \$10,000 for each and every violation. (Patron—Farrell)	HB	180	759 1338
Patent infringement; assertions made in bad faith, certain enforcement provisions shall be exercised solely by Attorney General or an attorney for the Commonwealth, exemptions, penalties.			
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Eastern Shore Water Access Authority; allows Counties of Accomack and Northampton by resolution to declare that there is a need for a public access authority. (Patron—Lewis)			
	HB 844	471	776
Economic development authorities; Frederick County board of supervisors may appoint one of its members to Economic Development Authority of County of Frederick, Virginia.			
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Patron—Locke	SB 166	681	1181
Metropolitan Washington Airports Authority; background checks of applicants, conditional offer of employment with Authority. (Patron—Albo)			
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Richmond Metropolitan Authority; changes name to Richmond Metropolitan Transportation Authority and equalizes Board representation among City of Richmond, Chesterfield County, and Henrico County. (Patron—Loupassi)			
	HB 597	469	767
Riverside Regional Jail Authority; sheriffs allowed to appoint their alternates to vote when they are not present at meetings. Amending Chapters 642 and 675, 1999 Acts. (Patron—Dance)			
	HB 120	229	393
Southwest Virginia Health Authority; expands Authority to include Counties of Smyth and Washington. (Patron—Kilgore)			
	HB 455	236	404
Tourist Train Development Authority; reinstates Authority and its board. (Patron—Puckett)			
	SB 72	608	1034
Virginia Coal and Energy Alliance; members named or appointed by Alliance for Virginia Coalfield Economic Development Authority and Virginia Coal Mine Safety Board. (Patron—Morefield)			
	HB 1167	438	709
Virginia Commonwealth University Health System Authority; President of VCU to serve as chairman of Board of Directors, appointment of Chief Executive Officer.			
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Virginia Health Workforce Development Authority; length of term of Board of Directors. (Patron—Barker)			
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Virginia Jobs Investment Program; changes administration of Program from Department of Small Business and Supplier Diversity to Virginia Economic Development Partnership Authority.			
Patron—Landes	HB 932	41	58
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Virginia Port Authority; changes composition of Board of Commissioners, member appointed by Governor from list provided by Virginia Maritime Association, shall not be paid member of Association or have any other conflict of interest with Authority. (Patron—Jones)			
	HB 876	424	700
Virginia Small Business Financing Authority; expands definition of eligible business and business enterprise. (Patron—Yancey)			
	HB 864	732	1301
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Alcoholic beverage control; air carrier licensees may appoint an authorized representative to load wine, beer, or distilled spirits on same airplane and to transport and store in close proximity to airport. (Patron—Albo)			
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Capital Region Airport Commission; updates police power provisions of Commission. (Patron—Ingram)			
	HB 1088	672	1140

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Metropolitan Washington Airports Authority ; background checks of applicants, conditional offer of employment with Authority. (Patron—Albo)	HB	164	57	100
Real and personal property tax ; exemption for aviation museum, demonstrate performance of Warbirds at airshows, and flight demonstrations of Warbirds.				
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Clients' Protection Fund ; extends sunset provision on Supreme Court's authority to adopt rules assessing members of Virginia State Bar an annual fee to be deposited in Fund. (Patron—Stuart)	SB	7	512	853
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Bedford Area Chamber of Commerce ; commemorating its 75th anniversary. (Patron—Garrett)	HJR	298		1871
Safe drinking water ; County of Bedford may by ordinance establish reasonable local private well testing requirements. (Patron—Austin)	HB	1177	599	1026
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BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES				
Acute psychiatric bed registry ; Department of Behavioral Health and Developmental Services shall develop and administer a web-based registry, registry shall provide real-time information about number of beds available at each facility or unit, employees and designees of community services boards, etc., allowed to perform searches of registry to identify available beds that are appropriate for detention and treatment of individuals. (Patron—Cline)	HB	1232	774	1364
Behavioral Health and Developmental Services, Department of ; Department shall review requirements related to qualifications, training, etc., of individuals to perform evaluations of individuals subject to emergency custody orders, report. (Patron—Deeds)	SB	261	364	617
Competency to stand trial ; recommended treatment by qualified mental health expert. Patron—O'Bannon	HB	584	329	539
Patron—Howell	SB	357	739	1311
Emergency custody and temporary detention ; Department shall develop and administer a web-based acute psychiatric bed registry, period of custody shall not exceed 8 hours from time law-enforcement officer takes minor into custody, report. (Patron—Deeds)	SB	260	691	1202

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Emergency custody orders; Department of Behavioral Health and Developmental Services to review qualifications of individuals designated to perform evaluations of individuals subject to orders, report. (Patron—Bell, Robert B.)	HB	1216	292	487
Emergency custody orders; representative of primary law-enforcement agency specified to execute orders shall notify community services board responsible for conducting evaluation as soon as practicable, person detained or in custody shall be given written summary of procedures, etc., report. (Patron—Villanueva)	HB	478	761	1339
First responders; Secretaries of Public Safety and Health and Human Resources shall encourage dissemination of information about specialized training in evidence-based strategies to prevent and minimize mental health crises in all jurisdictions. (Patron—Watts)	HB	1222	601	1027
Higher educational institutions, four-year; institution shall create and feature on its website a page with information dedicated solely to mental health resources available to students. (Patron—Hope)	HB	206	558	943
Inmates; criteria for inpatient psychiatric hospital admission from local correctional facility. (Patron—Stolle)	HB	86	390	645
Mandatory outpatient treatment; temporary detention, duration, community services board serving locality to which jurisdiction of case has been transferred shall acknowledge transfer and receipt of order within five business days. Patron—Yost	HB	574	499	827
Patron—Barker	SB	439	538	876
Mental health; joint subcommittee to study services in the Commonwealth in twenty-first century. (Patron—Deeds)	SJR	47		2092
Mental health; prohibition of firearms, judge or special justice shall file order from commitment hearing for involuntary admission or mandatory outpatient treatment and certification of any person who has been subject of temporary detention order with clerk of district court as soon as practicable but no later than close of business on next business day. Patron—McClellan	HB	743	336	549
Patron—McEachin	SB	576	374	629
Methadone clinics; location near schools and day care centers, exemptions for existing facilities and providers, facility that has been providing treatment in same city since 1984 and is operated by and located with a community services board. Patron—McClellan	HB	722	415	675
Patron—Watkins	SB	117	173	277
Offenses requiring registration; withdrawal of plea by certain defendants, indictment, warrant, or information that does not allege victim of offense was minor, physically helpless, or mentally incapacitated. (Patron—Norment)	SB	537	546	919
Private behavioral health services providers; licensure. (Patron—Hope)	HB	540	497	824
Service dog; expands definition to include dogs trained to assist persons suffering from physical, sensory, intellectual, developmental, or mental disability or mental illness. (Patron—Reeves)	SB	177	616	1042
Southwestern Virginia Mental Health Institute; Department of Behavioral Health and Developmental Services to convey certain real property located in Marion in Smyth County to Mount Rogers Community Services Board. Amending Chapter 265, 2013 Acts. (Patron—Carrico)	SB	667	643	1084
Student mental health policies and procedures; violence prevention committee of each higher educational institution shall establish policies and procedures that outline circumstances under which all faculty and staff are to report behavior that may represent a physical threat to community, consistent with state and federal law, notification of family members or guardians, etc. Patron—Hugo	HB	1268	793	1425
Patron—Petersen	SB	239	799	1433
Temporary detention; establishes procedure for transferring custody of a person from one facility to another facility, if an alternative facility is designated, employee or designee shall provide written notice forthwith to clerk of issuing court of name and address of facility. (Patron—Bell, Robert B.)	HB	1172	675	1169

BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES - Continued

Temporary detention ; if facility cannot be identified by time of expiration period of emergency custody, individual shall be detained in a state facility for treatment of individuals with mental illness, etc., report. (Patron—Bell, Robert B.)	HB	293	773	1360
Temporary detention order ; transportation of person by law-enforcement agency of jurisdiction in which person resides or any other willing law-enforcement agency that has agreed to provide. (Patron—O'Bannon)	HB	323	317	524
Training center residents ; Department of Behavioral Health and Developmental Services to ensure adequate resources are available and disclosed prior to their transfer to another center or community-based care, certification requirement may be waived by resident or representatives, Department shall convene work group of interested stakeholders, to consider options for expanding number of centers that remain open in the Commonwealth. (Patron—Newman)	SB	627	639	1083
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Historic Smithfield Plantation in Blacksburg ; General Assembly to designate as a Family Homestead of Virginia Governors.				
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Parking of certain vehicles ; adds Town of Blackstone to list of counties and towns that may regulate or prohibit.				
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Virginia Beach arena ; if City of Virginia Beach issues bonds for a facility or enters into contract for construction, development, etc., then it shall create an Arena Financing Fund, sales and use tax revenues shall be used only for payment of debt service or to meet contractual obligations for construction, etc., of facility, report.				
Patron—Knight	HB	1267	738	1309
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CHARITABLE, CIVIC AND VOLUNTEER INSTITUTIONS, AND ORGANIZATIONS

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Boy Scout Troop 128 ; commemorating its 90th anniversary. (Patron—Comstock)	HR	127		2043
Boy Scouts of America, Heart of Virginia Council ; commemorating its 100th anniversary. (Patron—Carr)	HJR	141		1785
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Local meals, and food and beverage taxes ; exempts nonprofit entities from collecting on fundraising sales, excludes certain gross receipts. (Patron—Farrell)	HB	1099	673	1141
Motor vehicle sales and use tax ; exempts motor vehicles sold to certain nonprofits that use vehicle primarily for transporting produce purchased from local farmers to markets for sale. (Patron—Hester)	HB	1108	243	415

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Covington, City of, charter ; amending. (Patron—Deeds)	SB	609	722	1285
Culpeper, Town of, charter ; amending. (Patron—Scott)	HB	165	646	1087
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Falls Church, City of, charter ; amending.				
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Patron—Ruff	SB	544	710	1238

CHATHAM, TOWN OF

Rotary Club of Chatham ; commemorating its 75th anniversary. (Patron—Adams)	HJR	356		1905
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CHESAPEAKE BAY

Chesapeake Bay ; voluntary tax contributions for restoration, report posted on website maintained by Secretary of Natural Resources along with listing of awards granted on or after July 1, 2014.				
Patron—Lingamfelter	HB	131	18	27
Patron—Hanger	SB	414	182	284
Chesapeake Bay Preservation Areas ; documentation in lieu of proof of septic tank pump-out, certification of documentation. (Patron—Morris)	HB	1217	151	246

CHESTERFIELD COUNTY

Chesterfield County Health Department dental unit ; commending. (Patron—Loupassi)	HJR	154		1792
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Confederate graves; disbursement of funds for care and maintenance of three additional graves at Skinquarter Baptist Church Cemetery in Chesterfield County. (Patron—Martin)	SB	540	110 168
Health center commissions; Chesterfield County members shall not be removable at any time by governing body except for malfeasance or at end of member's term. (Patron—Robinson)	HB	1093	735 1307
Richmond Metropolitan Authority; changes name to Richmond Metropolitan Transportation Authority and equalizes Board representation among City of Richmond, Chesterfield County, and Henrico County. (Patron—Loupassi)	HB	597	469 767
CHILD ABUSE OR NEGLECT			
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CIVIL REMEDIES AND PROCEDURE			
911 emergency service calls; recordings and records shall be deemed authentic transcriptions or recordings of original statements, if they are accompanied by a certificate containing certain information. (Patron—Surovell)	HB	1248	353 587
Accreditation of Healthcare Organizations, Joint Commission on; replaces outdated references to Commission with references to national accrediting organizations. (Patron—Stolle)	HB	391	320 527
Business records; admissibility as evidence in any civil proceeding. (Patron—Loupassi)	HB	301	398 653
Child care providers; Department of Social Services to convene work group to develop plan for implementation of national fingerprint-based background checks, report. Patron—Anderson	HB	412	128 211
Patron—Hanger	SB	639	379 635
Child sex-crime cases; admission of prior sexual offenses into evidence. (Patron—Bell, Robert B.)	HB	403	782 1375
Cigarettes; sealed labeled pack shall be prima facie evidence. (Patron—Reeves)	SB	352	301 497
Civil action; rescission of deed, contract, or other instrument, court may award to plaintiff reasonable attorney fees, etc. (Patron—Toscano)	HB	312	164 271
Court files; protection of confidential information, cause of action against party or lawyer. (Patron—Cline)	HB	952	427 702
Criminal background checks; employment prior to receipt of results. (Patron—Bell, Robert B.)	HB	450	129 211
District courts and circuit courts; no civil matter shall be dismissed with prejudice by any court for failure to comply with any rule. (Patron—Joannou)	HB	1038	348 583
Divorce; oral testimony and evidence by affidavit in suit, if either party is incarcerated, neither party shall submit evidence by affidavit, etc. (Patron—Kilgore)	HB	1019	288 482

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Divorce proceedings; evidence by affidavit, residency requirement. (Patron—Edwards)	SB	94	521	859
Electronic summons system; counties and cities may assess a fee as part of costs in each criminal or traffic case in district or circuit court to be used for implementation and maintenance of system. (Patron—Villanueva)	HB	477	325	535
Emergency care; school board or local health department employees that render certain care shall not be liable for civil damages for ordinary negligence in acts or omissions on part of such employee. (Patron—Newman)	SB	624	468	764
Evidence and incidents of trial; recording misdemeanor cases electronically in circuit court. (Patron—Gilbert)	HB	704	78	131
Fraud and Abuse Whistle Blower Protection Act; applicability to Virginia citizens, discrimination and retaliatory actions against whistle blowers prohibited, good faith required. (Patron—LeMunyon)	HB	439	403	658
Fraud and Abuse Whistle Blower Protection Act; discriminatory and retaliatory action against whistle blower, whistle blower may bring civil action in circuit court of jurisdiction where is employed, remedies. (Patron—Lingamfelter)	HB	728	335	549
General district court; medical reports as evidence in civil action for personal injuries, etc. (Patron—Joannou)	HB	1037	85	150
General receivers; reimbursement of expenses incurred for direct out-of-pocket expenses when carrying out order of court. (Patron—Chafin)	HB	360	65	107
Health care policy, group health benefit plan, and health plan; updates references to federal programs in definitions.				
Patron—Ware	HB	765	417	677
Patron—McWaters	SB	360	157	252
Health care providers; civil immunity for members of or consultants to certain boards or committees.				
Patron—Minchew	HB	130	17	26
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Injunctions; aggrieved party shall serve a copy of petition for review, response may be filed within seven days. (Patron—Petersen)	SB	229	526	864
Judgment; payment required to be noted by creditor, penalty. (Patron—Chafin)	HB	393	274	464
Judgment on affidavit in action upon contract or note; in event of defect in affidavit, plaintiff shall be entitled to continuance. (Patron—Petersen)	SB	230	688	1196
Jurors; persons liable to serve, military personnel of United States Marine Corps and Coast Guard are not considered residents of the Commonwealth. (Patron—Leftwich)	HB	1157	595	1018
Metropolitan Washington Airports Authority; background checks of applicants, conditional offer of employment with Authority. (Patron—Albo)	HB	164	57	100
Money order sellers and money transmitters; definitions, criminal background checks, regulations. (Patron—Puckett)	SB	335	454	725
Physical evidence recovery kits; all local and state law-enforcement agencies shall report an inventory of all kits in their custody that were collected but not submitted to Department of Forensic Science, provisions shall not become effective unless included in general appropriation act, report. (Patron—Black)	SB	658	642	1084
Physician assistant; may testify as an expert witness in a court of law within scope of their activities as authorized under Virginia law, but may not testify against a defendant doctor, etc.				
Patron—Minchew	HB	191	391	645
Patron—Stuart	SB	185	361	615
Physician assistants; updates terminology related to practice agreements and adds assistants to definition of health care provider for purposes of medical malpractice. (Patron—O'Bannon)	HB	1134	89	155
Recordation and marginal release; clerk of circuit court not required to make recordings in margins of pages in record books to accommodate use of electronic filing databases, entry of assignment of judgment on judgment lien docket. (Patron—Robinson)	HB	607	330	540
Sex Offender and Crimes Against Minors Registry; grants circuit courts discretion to accept name change applications from persons on Registry, if court finds that good cause exists for such application, order voiding application, if person files objection, court shall hold a hearing. (Patron—Bell, Robert B.)	HB	233	232	399

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Statute of limitations; action for injury to property brought by the Commonwealth against a tort-feasor for expenses arising out of negligent operation of motor vehicle shall be brought within five years after cause of action accrues. (Patron—Cline) HB 969 586 1011

Summons; summons served upon defendant requests judgment for all amounts due as of date of hearing, unlawful detainer issued by magistrate or clerk or judge of general district court, amendment of amount due. (Patron—Miller) HB 596 168 273

Trial by jury in a civil case; any demand made in compliance with the Rules of Supreme Court of Virginia shall be sufficient, etc. (Patron—Joannou) HB 1039 172 277

Uniform Foreign-Country Money Judgments Recognition Act; replaced with version approved by National Conference of Commissioners on Uniform State Laws, recognition of foreign-country judgment. (Patron—Obenshain) SB 473 462 749

Voluntary nonsuits; tolling. (Patron—Joannou) HB 1041 86 151

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State Arboretum of Virginia, Foundation of; commemorating its 30th anniversary. (Patron—Vogel) SJR 173 2185

CLATTERBUCK, WILSON—See: Commendations and Commemorations

CLEMMER, DENNIS EDWARD—See: Deaths

CLERK OF THE SENATE OF VIRGINIA—See: General Assembly

CLERKS OF COURTS

Certificate of analysis for drugs or alcohol use; director shall remove withdrawal certificate from vial and electronically scan it into Department's Laboratory Information Management System and place original certificate in its case-specific file, certificate shall be returned or electronically transmitted to clerk of court in which charge will be heard, electronic signature. (Patron—Morris) HB 518 328 538

Circuit court clerks; automated system in lieu of order books, etc. (Patron—McDougle) SB 435 460 745

Clerk of court; costs taxed. (Patron—Loupassi) HB 303 315 523

Concealed handgun permit; clerk of circuit court to disclose information contained in application to applicant. (Patron—Anderson) HB 357 401 656

Concealed handgun permits; references to issuance of handgun permit in any order book before July 1, 2008, are exempt from requirement that such orders be withheld from public disclosure, however, other handgun records maintained by clerk shall be withheld from public disclosure.

Patron—Lingamfelter HB 100 16 25

Patron—Cosgrove SB 600 549 930

District courts; permits chief judge of juvenile and domestic relations district court to direct clerk of that court to destroy documents related to certain civil and criminal cases. (Patron—Campbell) HB 1013 287 481

Executed administrative search warrants, investigation warrants, and inspection warrants; maintenance by clerks of circuit courts. (Patron—Stuart) SB 59 354 587

Mental health; prohibition of firearms, judge or special justice shall file order from commitment hearing for involuntary admission or mandatory outpatient treatment and certification of any person who has been subject of temporary detention order with clerk of district court as soon as practicable but no later than close of business on next business day.

Patron—McClellan HB 743 336 549

Patron—McEachin SB 576 374 629

Recordation and marginal release; clerk of circuit court not required to make recordings in margins of pages in record books to accommodate use of electronic filing databases, entry of assignment of judgment on judgment lien docket. (Patron—Robinson) HB 607 330 540

Temporary detention; establishes procedure for transferring custody of a person from one facility to another facility, if an alternative facility is designated, employee or designee shall provide written notice forthwith to clerk of issuing court of name and address of facility. (Patron—Bell, Robert B.) HB 1172 675 1169

CLIFTON, TOWN OF

Golf carts and utility vehicles; adds Town of Clifton to list of towns without their own police departments that may permit operation on their highways. (Patron—Hugo) HB 488 69 108

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§ 67-202, amending.	HB	1261	603	1028
§ 67-202, amending.	SB	514	161	269
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Charter; amending. (Patron—Cox)	HB	570	498	826
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COMMENDATIONS AND COMMEMORATIONS

Agudas Achim Congregation; commemorating its 100th anniversary. (Patron—Ebbin)	SJR	185		2191
Aldrich, Warren; commending. (Patron—Lingamfelter)	HR	81		2020
Alexandria Library, Kate Waller Barrett branch; commemorating 75th anniversary of sit-in. (Patron—Krupicka)	HJR	418		1940
Alexandria Redevelopment and Housing Authority; commending. Patron—Krupicka	HR	42		1998
Patron—Ebbin	SJR	164		2179
Altavista Combined School football team; commending. (Patron—Fariss)	HJR	110		1770
American Culinary Federation Virginia Chefs Association; commemorating its 40th anniversary. (Patron—Norment)	SJR	160		2177
American Foreign Service Association; commemorating its 90th anniversary. (Patron—Lopez)	HJR	406		1934
American Legion Post 290; commending. (Patron—Stuart)	SJR	157		2175
Antioch Baptist Church; commemorating its 25th anniversary. (Patron—Filler-Corn)	HR	181		2069
Appelman, John; commending. (Patron—Robinson)	HJR	323		1886
Appomattox Angels All-Star softball team; commending. (Patron—Fariss)	HJR	308		1877
Arlington County Medical Society; commemorating its 100th anniversary. (Patron—Hope)	HJR	288		1865
Arlington Free Clinic; commemorating its 20th anniversary. (Patron—Lopez)	HJR	329		1890
Associated General Contractors of Virginia, Inc.; commemorating its 90th anniversary. (Patron—Marshall, D.W.)	HJR	337		1894
Aste, Mahri; commending. (Patron—Keam)	HJR	100		1767
Atlee High School girls' volleyball team; commending. (Patron—Fowler)	HJR	200		1816
Auburn High School girls' volleyball team; commending. (Patron—Rush)	HJR	341		1896
Augusta County Historical Society; commemorating its 50th anniversary. Patron—Landes	HJR	204		1819
Patron—Hanger	SJR	114		2149

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Ayers, Gene E.; commending. (Patron—Austin)	HJR 468		1968
Bailey, Carl; commending. (Patron—Webert)	HJR 391		1926
Baird, Garland W.; commending. (Patron—Tyler)	HJR 214		1824
Ballengee, Richard; commending. (Patron—Rush)	HJR 343		1897
Barlow, Randolph; commending. (Patron—Morris)	HR 20		1990
Barter Theater; commemorating its 80th anniversary. (Patron—Kilgore)	HJR 109		1770
Bash, James H.; commending. (Patron—Toscano)	HJR 458		1963
Baxley, Bonnie; commending.			
Patron—Krupicka	HR 46		1999
Patron—Ebbin	SJR 165		2180
Bayside High School; commemorating its 50th anniversary. (Patron—Stolle)	HJR 73		1760
Beaches to Bluegrass Trail initiative; commending. (Patron—Edmunds)	HJR 201		1817
Bedford Area Chamber of Commerce; commemorating its 75th anniversary. (Patron—Garrett)	HJR 298		1871
Bell, William R.; commending. (Patron—Massie)	HJR 158		1795
Bethel Restoration Center; commemorating its 30th anniversary. (Patron—Pogge)	HJR 295		1869
Blackburn, Samuel H.; commending. (Patron—Cline)	HJR 209		1821
Blacksburg High School boys' soccer team; commending. (Patron—Yost)	HJR 168		1800
Bledsoe, Earl Leslie; commending. (Patron—McClellan)	HJR 89		1764
Bledsoe, Robin; commending. (Patron—Pogge)	HJR 264		1851
Blevins, Harry Burns; commending. (Patron—Leftwich)	HR 108		2032
Blosser, Myron; commending. (Patron—Wilt)	HJR 410		1936
Bodacious Bazaar & Art Festival; commending. (Patron—Helsel)	HJR 448		1957
Booth, Randall; commemorating life and legacy. (Patron—Morris)	HR 35		1996
Boothe, Nick; commending. (Patron—Knight)	HJR 438		1952
Bowles, Bob; commending. (Patron—Peace)	HR 59		2002
Bowman, Mary Alice; commending. (Patron—Poindexter)	HJR 271		1855
Boy Scout Troop 17; commemorating its 100th anniversary. (Patron—Morris)	HR 18		1989
Boy Scout Troop 128; commemorating its 90th anniversary. (Patron—Comstock)	HR 127		2043
Boy Scouts of America, Heart of Virginia Council; commemorating its 100th anniversary. (Patron—Carr)	HJR 141		1785
Boykin, Deb; commending.			
Patron—Hugo	HJR 203		1818
Patron—Hugo	HR 52		1999
Bradley, Carol Ann; commending. (Patron—Howell)	SJR 135		2162
Brain Injury Services, Inc.; commemorating its 25th anniversary. (Patron—Bulova)	HJR 246		1842
Brand, Reinhold; commending. (Patron—Dance)	HJR 275		1857
Brennan & Waite, P.L.C.; commending. (Patron—Howell)	SJR 134		2162
Bridgewater Marina; commemorating its 25th anniversary. (Patron—Poindexter)	HJR 255		1847
Broadway High School one-act team; commending. (Patron—Wilt)	HJR 411		1937
Brooks, Robert M.; commending. (Patron—Jones)	HJR 479		1974
Brown, Jennifer J.; commending. (Patron—Toscano)	HJR 456		1961
Brown v. Board of Education; commemorating its 60th anniversary. (Patron—Lucas)	SJR 104		2136
Bucknell Elementary School; commemorating its 60th anniversary. (Patron—Surovell)	HJR 440		1953
Bustos, Tina; commending. (Patron—Ware)	HR 14		1987
Bynum, Earl; commending. (Patron—Hester)	HJR 370		1913
Campbell, Colin G.; commending. (Patron—Norment)	SJR 207		2202
Campbell, V. Frank, Jr.; commending. (Patron—Cline)	HJR 339		1895
Cannaday, Ty; commending. (Patron—O'Quinn)	HJR 60		1755
Cannon, Thomas B.; commending. (Patron—Marshall, D.W.)	HJR 367		1911
Carillon Civic Association; commemorating its 45th anniversary. (Patron—Carr)	HJR 137		1783
Carrsville Elementary School; commending. (Patron—Morris)	HR 21		1990
Carter, James W.; commending. (Patron—Stolle)	HJR 459		1963
Castlewood High School; commending. (Patron—Chafin)	HR 92		2024

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Cave Spring High School debate team ; commending.			
Patron—Habeeb	HJR 150		1790
Patron—Smith	SJR 197		2197
Cave Spring High School softball team ; commending.			
Patron—Habeeb	HJR 149		1790
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Centreville High School football team ; commending.			
Patron—Hugo	HR 89		2023
Patron—Barker	SJR 109		2146
Chachra, Vinod ; commending. (Patron—Rush)	HJR 405		1934
Chambers, Larry ; commending. (Patron—O'Quinn)	HJR 265		1852
Chesterfield County Health Department dental unit ; commending. (Patron—Loupassi)	HJR 154		1792
Children's Science Center ; commending. (Patron—Greason)	HR 70		2015
ChildSavers-Memorial Child Guidance Clinic ; commemorating its 90th anniversary. (Patron—McClellan)	HJR 347		1900
Chilhowie, Town of ; commemorating its 100th anniversary. (Patron—Carrico)	SJR 192		2195
Christiansburg High School wrestling team ; commending. (Patron—Rush)	HR 167		2062
Church of the Infant Jesus of Prague ; commemorating its 60th anniversary. (Patron—Morris)	HR 28		1993
Civil Rights Act of 1964 ; commemorating its 50th anniversary. (Patron—McClellan)	HJR 387		1924
Clatterbuck, Wilson ; commending. (Patron—Webert)	HJR 388		1924
Coast Guard Auxiliary Flotilla 63 ; commemorating its 50th anniversary. (Patron—Helsel)	HJR 79		1761
CodeVA ; commending. (Patron—Loupassi)	HJR 210		1822
Cole, Laurie Genevro ; commending.			
Patron—Keam	HJR 315		1882
Patron—Petersen	SR 29		2233
Congregation Olam Tikvah ; commemorating its 50th anniversary. (Patron—Filler-Corn)	HJR 454		1960
Cooley LLP ; commending. (Patron—Howell)	SJR 137		2163
Cooper, Bettie Minette ; commending. (Patron—Yancey)	HR 98		2028
Crane, Kathy ; commending. (Patron—Webert)	HJR 7		1737
Crannis, Kim ; commending. (Patron—Yost)	HR 68		2014
Crinkley, Jim ; commending. (Patron—Cox)	HJR 283		1862
Cruz, Jane ; commending. (Patron—Plum)	HJR 286		1864
Daley, Elizabeth B. ; commending. (Patron—Colgan)	SR 45		2241
Danville Regional Medical Center ; commemorating its 130th anniversary. (Patron—Marshall, D.W.)	HJR 419		1941
Dar Al-Hijrah Islamic Center ; commemorating its 30th anniversary. (Patron—Lopez)	HJR 484		1977
Davis, Carter, Jr. ; commending. (Patron—Lewis)	SJR 170		2183
de Molay, Jacques ; commemorating his life and legacy. (Patron—Ware)	HR 119		2038
Deep Run High School boys' cross country team ; commending. (Patron—Stosch)	SJR 146		2169
Deep Run High School golf team ; commending. (Patron—Stosch)	SJR 145		2168
Dempsey, Christina ; commending. (Patron—Ransone)	HR 157		2058
Devils Backbone Brewing Company ; commending. (Patron—Bell, Richard P.)	HJR 375		1916
Dimwiddie High School Generals football team ; commending.			
Patron—Dance	HR 83		2021
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Domingoes, Paul ; commending. (Patron—Vogel)	SJR 176		2186
Downer, Doug ; commending. (Patron—Rust)	HR 91		2024
Drewery, Arthur Franklin, Sr. ; commending. (Patron—Morris)	HR 141		2050
Dulles Corridor Metrorail Project partners ; commending. (Patron—Howell)	SR 50		2243
Duncan, Gerald W. ; commending. (Patron—Yost)	HJR 105		1768
Duncan, Melinda ; commending. (Patron—Hugo)	HJR 376		1917
Early, Jeffrey Clore ; commending. (Patron—Scott)	HJR 258		1848

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Entsminger, Ashby Page ; commending. (Patron—Cline)	HJR 172		1802
Equality Virginia ; commemorating its 25th anniversary.			
Patron—Carr	HJR 225		1830
Patron—Ebbin	SJR 163		2179
Falwell, Charles Warren, Sr. ; commending. (Patron—Fariss)	HJR 215		1824
Farley, Nelson ; commending. (Patron—Yancey)	HR 58		2001
Fauquier Habitat for Humanity ; commending. (Patron—Lingamfelter)	HR 132		2046
Fauquier Heritage and Preservation Foundation, Inc. ; commending. (Patron—Webert)	HJR 392		1926
Fauquier Times ; commending. (Patron—Lingamfelter)	HR 133		2046
Ferguson, Jerry ; commending. (Patron—Plum)	HJR 311		1879
Fifth Baptist Church Veterans Ministry ; commemorating its 5th anniversary. (Patron—McClellan)	HJR 345		1898
Finch, Bladen Clarke ; commending. (Patron—Edwards)	SR 44		2241
First Baptist Church of Hampton ; commemorating its 150th anniversary. (Patron—Ward)	HJR 144		1787
First Freedom Center ; commemorating its 30th anniversary. (Patron—Carr)	HJR 135		1782
Fitzgerald, Hubert F., Jr. ; commending. (Patron—Austin)	HJR 322		1886
Flinchum, Wendell ; commending. (Patron—Yost)	HJR 116		1773
Floyd County High School softball team ; commending. (Patron—Rush)	HJR 340		1896
Floyd, Dee E. ; commending. (Patron—Landes)	HJR 303		1874
Forestry, Virginia Department of ; commemorating 100 years of service. (Patron—Edmunds)	HJR 14		1738
Forrest, John E. ; commending. (Patron—Massie)	HJR 159		1795
Franklin County High School Air Force JROTC marksmanship team ; commending. (Patron—Poindexter)	HJR 277		1858
Franklin County Perinatal Education Center ; commemorating its 15th anniversary. (Patron—Poindexter)	HJR 254		1847
Franklin, Rhys ; commending. (Patron—Morris)	HR 19		1989
French, Anita H. ; commending. (Patron—Wright)	HJR 64		1758
Friday Night Live ; commemorating its 20th concert season. (Patron—Rust)	HR 138		2049
Friendship Industries Incorporated ; commending. (Patron—Wilt)	HJR 471		1970
Frizzell, Bruce C. ; commending. (Patron—Howell, W.J.)	HJR 145		1788
Fulkerson, Catherine ; commending. (Patron—Plum)	HJR 310		1878
Galax High School boys' cross country team ; commending. (Patron—O'Quinn)	HJR 61		1755
Garth Newel Music Center ; commemorating its 40th anniversary. (Patron—Deeds)	SJR 51		2095
Gate City High School volleyball team ; commending. (Patron—Kilgore)	HJR 55		1753
Gentry, Gordon L., Jr. ; commending. (Patron—Yancey)	HR 128		2043
Gerheart, Melanie Rhoades ; commending.			
Patron—O'Bannon	HJR 47		1750
Patron—Lucas	SR 16		2212
Giles High School football team ; commending. (Patron—Edwards)	SJR 95		2131
Gilligan, Vince ; commending. (Patron—Ingram)	HJR 217		1825
Godwin, James C. ; commending. (Patron—Jones)	HJR 194		1813
Good Shepherd Housing and Family Services, Inc. ; commemorating its 40th anniversary. (Patron—Surovell)	HJR 189		1810
Grace, Raymond ; commending. (Patron—Vogel)	SJR 133		2161
Graham, Ross ; commending. (Patron—Helsel)	HJR 414		1939
Granata, Rachel ; commending. (Patron—Pogge)	HJR 261		1850
Greater Loudoun Lions baseball team ; commending. (Patron—Minchew)	HJR 447		1957
Greater Richmond Multiple Myeloma Support Group ; commending. (Patron—Carr)	HJR 140		1785
Greek Orthodox Parish of Loudoun County ; commending. (Patron—Ramadan)	HJR 453		1960
Griles, Heather ; commending. (Patron—Edmunds)	HR 114		2036
Grundy High School Golden Wave wrestling team ; commending. (Patron—Puckett)	SJR 191		2194
Gum Spring Library ; commending. (Patron—Ramadan)	HJR 452		1959

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Hall, Jerry; commending. (Patron—Kilgore)	HJR	56	1754
Hall, William C., Jr.; commending. (Patron—McClellan)	HJR	128	1779
Hampton Christian Academy; commemorating its 77th anniversary. (Patron—Pogge)	HJR	384	1922
Hampton Roads Republican Women's Club; commemorating its 57th anniversary. (Patron—Yancey)	HR	142	2051
Hancock, Ernest Merle; commending. (Patron—Miller)	HJR	487	1979
Hanover High School baseball team; commending. Patron—Peace	HR	61	2003
Patron—McDougle	SR	3	2208
Hatrick, Edgar B., III; commending. (Patron—Greason)	HJR	230	1833
Haukness, Bonnie; commending. (Patron—Howell)	SJR	136	2163
Heath, Patty; commending. (Patron—Yancey)	HJR	188	1810
Henderson House; commemorating its 100th anniversary. (Patron—Simon)	HJR	350	1901
Henderson, William D., Jr.; commending. (Patron—Ransone)	HJR	266	1852
Hidden Valley High School boys' swim team; commending. (Patron—Habeeb)	HR	168	2063
Hidden Valley High School volleyball team; commending. Patron—Habeeb	HJR	153	1792
Patron—Smith	SJR	198	2198
Hodges, Kenneth; commending. (Patron—Edmunds)	HJR	378	1918
Holston High School golf team; commending. (Patron—O'Quinn)	HJR	37	1749
HomeAid Northern Virginia; commending. (Patron—Plum)	HJR	312	1880
Honaker High School softball team; commending. (Patron—Puckett)	SJR	2	2073
Horne, Thomas D.; commending. (Patron—Minchew)	HJR	445	1956
Hosaflook, June W.; commending. (Patron—Wilt)	HJR	413	1938
Hudgins, George M.; commending. (Patron—Lewis)	SJR	147	2169
Huff, Aaron S.; commending. (Patron—Tyler)	HR	160	2059
Hybla Valley Elementary School; commemorating its 50th anniversary. (Patron—Surovell)	HJR	325	1888
Isle of Wight Ruritan Club; commemorating its 65th anniversary. (Patron—Morris) .	HR	183	2070
J. T. Barham & Company; commemorating its 125th anniversary. (Patron—Morris) .	HR	29	1994
Jack and Jill of America, Inc.; commemorating its 75th anniversary. (Patron—Herring)	HJR	235	1836
Jackson, Earl MacArthur; commending. (Patron—Marsh)	SJR	59	2098
James City Ruritan Club; commemorating its 75th anniversary. (Patron—Norment) .	SJR	181	2189
James Madison High School junior varsity wrestling team; commending. (Patron—Keam)	HR	115	2037
James Monroe High School football team; commending. (Patron—Reeves)	SR	7	2210
James River High School girls' track and field team; commending. (Patron—Austin)	HJR	321	1885
Jamestown High School boys' swim team; commending. (Patron—Pogge)	HJR	481	1975
Jamestown High School girls' swim team; commending. (Patron—Pogge)	HJR	480	1975
Johnson, Amy; commending. (Patron—Austin)	HR	116	2037
Johnson, Caleb Hamilton; commending. (Patron—Morris)	HR	24	1991
Johnson, Joseph Pickett, Jr.; commending. (Patron—Chafin)	HJR	430	1947
Johnson, Margaret; commending. (Patron—BaCote)	HJR	380	1919
Johnson, W. P.; commending. (Patron—Austin)	HR	117	2037
Jones, Dwight Clinton; commending. (Patron—Carr)	HJR	224	1829
Jones, Hugh Bailyn; commending. (Patron—McQuinn)	HJR	127	1778
Karle, Isabella; commending. (Patron—Saslaw)	SJR	89	2126
Kate Waller Barrett Elementary School; commemorating its 75th anniversary. (Patron—Hope)	HJR	470	1969
Kempsville Baptist Church; commemorating its 200th anniversary. (Patron—Knight)	HJR	65	1758
King, Sherry; commending. (Patron—O'Quinn)	HR	4	1981
Kings Dominion; commemorating its 40th anniversary. (Patron—Fowler)	HJR	357	1906
Krasnoff, Phyllis; commending. (Patron—Leftwich)	HJR	359	1907

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Lakeside Construction Corporation; commemorating its 60th anniversary. (Patron—Knight)	HJR	202	1818
Lanfranchi, Charles A., Jr.; commending. (Patron—Lingamfelter)	HR	100	2029
LaRue, Shawn; commending. (Patron—Lingamfelter)	HR	105	2031
Law Enforcement United; commemorating its 5th anniversary. (Patron—DeSteph) . .	HJR	422	1943
Lawrence Distributing Company, Inc.; commemorating its 60th anniversary. Patron—Marshall, D.W.	HR	186	2072
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League of Women Voters of Williamsburg Area; commemorating its 50th anniversary. (Patron—Mason)	HR	146	2053
Legend Brewing Company; commemorating its 20th anniversary. (Patron—Carr) . . .	HR	38	1997
Lewis Ginter Botanical Garden; commemorating its 30th anniversary. (Patron—Massie)	HR	187	2072
Lewis, Thomas O., Jr.; commending. (Patron—Ransone)	HJR	80	1762
Liberty Christian Academy football team; commending. (Patron—Garrett)	HJR	317	1883
LINK, Inc.; commending. (Patron—LaRock)	HJR	372	1914
Little Keswick School; commemorating its 50th anniversary. (Patron—Reeves)	SJR	91	2129
Little Zion Baptist Church; commending. (Patron—Ware)	HR	110	2034
Liverman, William Jeffrey; commending. (Patron—Marshall, D.W.)	HJR	469	1969
Lloyd C. Bird High School football team; commending. (Patron—Ingram)	HJR	216	1825
Long, Daniel E., Jr.; commending. (Patron—Reeves)	SJR	120	2152
Long, John F., Jr.; commending. (Patron—Wilt)	HJR	412	1938
Long, R. Bruce; commending. (Patron—Hodges)	HJR	435	1950
Longwood University; commemorating its 175th anniversary. (Patron—Edmunds) . . .	HJR	199	1816
Loudoun County High School volleyball team; commending. (Patron—Minchew) . .	HJR	371	1914
Louise Archer Elementary School; commemorating its 75th anniversary. (Patron—Keam)	HJR	365	1910
Luehrs, Davida; commending. (Patron—Plum)	HJR	309	1878
Lynch, Terri; commending. (Patron—Hope)	HJR	184	1807
Lynchburg-based 1st Battalion, 116th Infantry Brigade Combat Team; commending. (Patron—Garrett)	HJR	320	1885
Macbeth, Richard; commending. (Patron—O'Quinn)	HJR	349	1901
Mackie, Robert Thad; commending. (Patron—Yancey)	HR	57	2001
MacLeod, Taylor; commending. (Patron—Futrell)	HJR	393	1927
Majors, Charles H.; commending. (Patron—Marshall, D.W.)	HJR	366	1910
Mankin, Elma; commending. (Patron—Rust)	HR	177	2067
Mann, Chauncey; commending. (Patron—Hodges)	HJR	434	1950
Marie Washington, Law Office of; commending. (Patron—Lingamfelter)	HR	131	2045
Marshall, Emmitt B.; commending. (Patron—Fowler)	HJR	259	1849
Martin, Ric; commending. (Patron—Ramadan)	HR	152	2056
May, Joe T.; commending. Patron—Rust	HJR	443	1954
Patron—LaRock	HR	136	2048
McArthur, Robin Bonnett; commending. (Patron—Yancey)	HR	163	2061
McCoy, Mary; commending. Patron—Helsel	HJR	236	1837
Patron—Locke	SJR	117	2151
McVey, George J.; commending. (Patron—Loupassi)	HJR	231	1833
Mechanicsville American Legion Post 175 baseball team; commending. (Patron—Peace)	HR	63	2004
Medina, Andolyn; commending. Patron—Leftwich	HJR	250	1845
Patron—Alexander	SJR	6	2075
Memorial Baptist Church; commemorating its 50th anniversary. (Patron—Bell, Richard P.)	HR	11	1985
Metts, Julian C., Jr.; commending. (Patron—Martin)	SJR	26	2084

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COMMENDATIONS AND COMMEMORATIONS - Continued

Micah Initiative ; commemorating its 15th anniversary. (Patron—Carr)	HJR 299	1872
Mill Mountain Theatre ; commemorating its 50th anniversary. (Patron—Edwards) . . .	SJR 193	2195
Mill Swamp Baptist Church ; commemorating its 240th anniversary. (Patron—Morris)	HJR 242	1840
Miller, Brent ; commending. (Patron—Ramadan)	HR 150	2055
Miller, Debbi ; commending. (Patron—Petersen)	SR 28	2232
Miller, John D. ; commending. (Patron—Hodges)	HJR 374	1915
Minshew, Virginia ; commending. (Patron—Ramadan)	HR 188	2073
Moloney, Stephen Lynn ; commending. (Patron—Petersen)	SJR 125	2156
Monelison Volunteer Rescue Squad ; commemorating its 50th anniversary. (Patron—Cline)	HJR 466	1967
Montessori School of Herndon ; commemorating its 30th anniversary. (Patron—Rust)	HR 173	2065
Moorehead, Thomas A. ; commending. (Patron—Ramadan)	HR 151	2055
Moorman, John A. ; commending. (Patron—Norment)	SJR 204	2201
Moran, James P. ; commending. (Patron—Sickles)	HJR 400	1931
Mother's Day ; commemorating 100th anniversary of President Thomas Woodrow Wilson's proclamation. (Patron—Hanger)	SJR 148	2170
Mount Vernon High School ; commemorating its 75th anniversary. (Patron—Surovell)	HJR 439	1952
Mullins, Claudette Keene ; commending. Patron—Jones	HJR 316	1882
Patron—Puckett	SJR 153	2173
Mumpower, Dulcie M. ; commending. (Patron—Carrico)	SJR 155	2174
Myers, Temple D. ; commending. (Patron—Bell, Richard P.)	HR 9	1984
Nansemond River Garden Club ; commending. Patron—Jones	HJR 478	1974
Patron—Norment	SJR 203	2200
Nansemond River Power Squadron ; commemorating its 50th anniversary. (Patron—Jones)	HJR 296	1870
National Coalition of 100 Black Women Prince William County chapter ; commending. (Patron—Torian)	HJR 402	1932
National Football League's Super Bowl XLVIII ; commending Virginia members. Patron—Massie	HJR 305	1875
Patron—Marsh	SJR 131	2159
Nelson, Barry ; commending. (Patron—Poindexter)	HJR 331	1891
Nelson, Cheryl ; commending. (Patron—Morris)	HR 31	1994
Nelson County High School ; commending senior chapter of Future Farmers of America, Forestry Judging Team. (Patron—Bell, Richard P.)	HJR 20	1745
Nelson County High School ; commending senior chapter of Future Farmers of America, Meat Evaluation and Technology Team. (Patron—Bell, Richard P.)	HJR 19	1744
Newport News Fire Department ; commending. (Patron—Yancey)	HR 171	2064
Norfolk Chamber Consort ; commemorating its 45th anniversary. (Patron—Alexander)	SJR 94	2130
Norfolk, City of ; commending. (Patron—Lewis)	SJR 187	2192
Northern Virginia Transportation Commission ; commemorating its 50th anniversary. (Patron—Rust)	HJR 248	1843
Northside High School football team ; commending. Patron—Head	HR 15	1987
Patron—Edwards	SJR 96	2131
Norton City Public Schools ; commending. Patron—Kilgore	HR 113	2035
Patron—Carrico	SJR 141	2166
Novant Health ; commending. (Patron—Hugo)	HJR 241	1839
Oakland Baptist Church ; commemorating its 300th anniversary. Patron—Morris	HJR 423	1943
Patron—Ruff	SR 51	2244
Oakton High School girls' swim and dive team ; commending. (Patron—Petersen) . .	SJR 186	2191
Oesterheld, Thomas ; commending. (Patron—Orrock)	HJR 206	1820
O'Neil, Mike ; commending. (Patron—Yancey)	HR 162	2060
Outten, W. Curtis, Jr. ; commending. (Patron—Tyler)	HJR 424	1944

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COMMENDATIONS AND COMMEMORATIONS - Continued			
Overbay, Andrew E.; commending. (Patron—O'Quinn)	HJR	35	1748
Oweis, Susan; commending. (Patron—Pogge)	HJR	383	1921
Parker's Grocery; commemorating its 50th anniversary. (Patron—Morris)	HR	27	1993
Paschina, Luca; commending. (Patron—Reeves)	SJR	119	2152
Patrick Henry College moot court team; commending. (Patron—LaRock)	HJR	472	1970
Peanut Patch; commemorating its 40th anniversary. (Patron—Morris)	HR	25	1992
Penderbrook Community Association; commending. (Patron—Keam)	HR	184	2071
People, Inc.; commemorating its 50th anniversary. (Patron—Kilgore)	HJR	270	1854
Pete's Custom Auto Service; commemorating its 50th anniversary. (Patron—Yancey)	HJR	212	1823
Pettit, Terry A.; commending. (Patron—Gilbert)	HJR	404	1933
Philippine Cultural Center of Virginia; commending. (Patron—Taylor)	HR	172	2064
Planters; commemorating its 100th anniversary. (Patron—Jones)	HR	56	2000
Polychrones, Michael J.; commending. (Patron—Keam)	HR	124	2041
Pond, Douglas R.; commending. (Patron—Tyler)	HJR	441	1953
Poplar Heights Recreation Association; commemorating its 60th anniversary. (Patron—Simon)	HJR	408	1935
Porfirio, Melissa A.; commending. Patron—Watts	HJR	160	1796
Patron—Lucas	SJR	143	2167
Porta, Earnie; commending. (Patron—Torian)	HJR	403	1933
Poston, Charles E.; commending. (Patron—Hester)	HJR	397	1929
Preservation Virginia; commemorating its 125th anniversary. (Patron—Howell, W.J.)	HJR	233	1835
Press, Hillary; commending. (Patron—Watts)	HR	86	2022
Prince, James R.; commending. (Patron—Ransone)	HR	156	2058
Putney, Lacey Edward; recognizing as longest-serving member of Virginia General Assembly. (Patron—Byron)	HJR	197	1815
Queen of Peace Arlington Federal Credit Union; commemorating its 50th anniversary. (Patron—Lopez)	HJR	274	1857
Raab, Wylie Gibson; commending. (Patron—Puller)	SJR	83	2124
Rauschberg, Carolyn S.; commending. (Patron—Martin)	SJR	60	2099
Ribeiro, Niles; commending. (Patron—Webert)	HJR	287	1865
Rich, Brenda; commending. (Patron—Lingamfelter)	HR	134	2047
Richards, Lee; commending. (Patron—Toscano)	HJR	455	1961
Richmond Adult Drug Treatment Court; commemorating its 15th anniversary. (Patron—Carr)	HJR	139	1784
Richmond Ambulance Authority; commending. (Patron—Loupassi)	HJR	155	1793
Roane, Jane Harrel Garrant; commending. (Patron—McQuinn)	HJR	183	1807
Roanoke Symphony Orchestra; commemorating its 60th anniversary. (Patron—Habeeb)	HJR	152	1791
Roberts, Clyde; commending. (Patron—Austin)	HJR	364	1909
Robinson Secondary School boys' swim and dive team; commending. (Patron—Filler-Corn)	HR	180	2069
Robinson Secondary School wrestling team; commending. (Patron—Filler-Corn)	HJR	425	1944
RockTenn West Point Mill; commemorating its 100th anniversary. (Patron—Hodges)	HJR	338	1895
Rocky Run Elementary School; commending. (Patron—Stuart)	SJR	45	2091
Rodriguez, Jose A., Jr.; commending. (Patron—Rust)	HR	139	2049
Romano, Zoe; commending. (Patron—Martin)	SJR	27	2084
Rooker, Dennis S.; commending. (Patron—Landes)	HJR	363	1909
Rosmarino, Arielle; commending. (Patron—Habeeb)	HJR	163	1797
Rotary Club of Chatham; commemorating its 75th anniversary. (Patron—Adams)	HJR	356	1905
Rotary Club of Hopewell; commemorating its 90th anniversary. (Patron—Ingram)	HJR	333	1892
Rotary Club of Norfolk; commemorating its 100th anniversary. (Patron—Hester)	HR	175	2066
Rotary Club of Roanoke; commemorating its 100th anniversary. (Patron—Head)	HJR	379	1919
Rotary Club of South Richmond; commemorating its 60th anniversary. (Patron—Martin)	SJR	29	2085
Rotary Club of Stuart; commemorating its 75th anniversary. (Patron—Poindexter)	HJR	256	1848

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Rural Retreat High School wrestling team; commending. (Patron—Campbell)	HR 140	2050
Rush, Karl C.; commending. (Patron—Cox)	HJR 297	1870
Russell, Darlene; commending. (Patron—Pogge)	HJR 262	1850
Sacred Heart Academy; commending.		
Patron—Berg	HJR 133	1781
Patron—Vogel	SJR 174	2185
Safe Surfin' Foundation; commending. (Patron—Garrett)	HJR 234	1835
Salem Red Sox baseball team; commending. (Patron—Habeeb)	HJR 151	1791
Scarboro, Bill; commending. (Patron—Morris)	HR 22	1991
Schaefer, Jack; memorializing. (Patron—Ware)	HR 121	2039
Schefer, Leo; commending. (Patron—Rust)	HJR 336	1894
Schreiber, Richard; commending. (Patron—Norment)	SJR 159	2176
2nd Street Festival; commending. (Patron—McClellan)	HJR 156	1794
Seeman, Madena Jane; commending.		
Patron—Keam	HJR 314	1881
Patron—Petersen	SR 30	2234
Sengel, S. Randolph; commending. (Patron—Krupicka)	HJR 382	1920
Senior Center, Inc.; commemorating its 54th anniversary. (Patron—Toscano)	HJR 318	1883
Senior Connections, The Capital Area Agency on Aging; commemorating its 40th anniversary. (Patron—Carr)	HJR 226	1830
Serve Our Willing Warriors; commending. (Patron—Ramadan)	HJR 451	1959
Sexton, Charles; commending. (Patron—Marshall, D.W.)	HJR 368	1912
Shelor, Larry; commending. (Patron—Rush)	HJR 342	1897
Sheltering Arms; commemorating its 125th anniversary. (Patron—Peace)	HR 60	2002
Sherando High School baseball team; commending. (Patron—Vogel)	SJR 177	2187
Shidogakuin Kendo Dojo; commemorating its 30th anniversary. (Patron—Rust)	HR 122	2040
Shidogakuin Washinkan Kendo Dojo; commemorating its 20th anniversary.		
(Patron—Rust)	HR 123	2041
Shotwell, John T.; commending. (Patron—Austin)	HJR 32	1746
Shuford, Robert F., Sr.; commending.		
Patron—Yancey	HJR 211	1822
Patron—Miller	SR 6	2209
Signal Knob Middle School; commending Future Farmers of America Chapter.		
(Patron—Gilbert)	HJR 166	1799
Simmons, Bonnie L.; commending. (Patron—Landes)	HJR 390	1925
Simon, Robert E., Jr.; commending. (Patron—Howell)	SJR 158	2176
Simonoff, N. Jerry; commending. (Patron—Watkins)	SJR 126	2156
Sites, Mattie; commending. (Patron—Farrell)	HJR 267	1853
Sites, Roger; commending. (Patron—Webert)	HJR 442	1954
Sixth Baptist Church; commemorating its 90th anniversary. (Patron—Carr)	HR 37	1996
Smith-Lever Act of 1914; commemorating the 100th anniversary of its passage.		
(Patron—Yost)	HJR 319	1884
Snow, Duane E.; commending. (Patron—Landes)	HJR 362	1908
Somanath, T. K.; commending. (Patron—Carr)	HJR 134	1781
Sonak, Will; commending. (Patron—Ramadan)	HR 153	2056
Southard, Sally; commending. (Patron—Habeeb)	HJR 162	1797
Southside Community Development & Housing Corporation; commemorating its 25th anniversary. (Patron—Carr)	HJR 136	1782
Spellos, Elias; commending. (Patron—Joannou)	HJR 334	1892
Spirit of Freedom marching band; commending. (Patron—Ramadan)	HR 149	2054
St. Christopher's School baseball team; commending. (Patron—Peace)	HR 62	2003
Stafford County; commemorating its 350th anniversary. (Patron—Stuart)	SJR 32	2087
State Arboretum of Virginia, Foundation of; commemorating its 30th anniversary.		
(Patron—Vogel)	SJR 173	2185
Staunton, City of; commending.		
Patron—Bell, Richard P.	HJR 398	1930
Patron—Hanger	SJR 178	2187

COMMENDATIONS AND COMMEMORATIONS - Continued

Stanton-Augusta County First Aid and Rescue Squad, Inc.; commemorating its 75th anniversary.			
Patron—Bell, Richard P.	HR	8	1983
Patron—Hanger	SJR	62	2100
Steger, Charles W.; commending.			
Patron—Yost	HJR	171	1801
Patron—Edwards	SJR	124	2155
Stephenson, Ariel; commending. (Patron—Ingram)			
	HJR	219	1826
Stombres, Steven C.; commending. (Patron—Petersen)			
	SJR	151	2171
Stuart Rotary Club; commemorating its 75th anniversary. (Patron—Stanley)			
	SR	36	2237
Sturgill, Eddie; commending. (Patron—Puckett)			
	SJR	169	2182
Suffolk Fire Department; commending. (Patron—Yancey)			
	HR	171	2064
Suprun, Stephen Christopher, Jr.; commending. (Patron—Black)			
	SR	25	2216
Sword, Geraldine; commending. (Patron—O'Quinn)			
	HJR	401	1932
SySTEMic Solutions; commending. (Patron—Lingamfelter)			
	HR	104	2030
Tanner, Caleb Shane; commending.			
Patron—Rush	HR	166	2062
Patron—Smith	SJR	199	2198
Tata, Robert; commending. (Patron—Taylor)			
	HR	118	2038
Teaford, William Ray; commending.			
Patron—Austin	HJR	253	1846
Patron—Smith	SR	49	2243
Team Power Kix; commending. (Patron—Futrell)			
	HJR	394	1927
10 River Basin; commending grand winners of Clean Water Farm Award. (Patron—Hanger)			
	SJR	123	2154
Thacher, Jonathan Cooper; commending. (Patron—Surovell)			
	HJR	179	1804
The Doomed Youth of 1914; memorializing. (Patron—Ware)			
	HR	1	1980
The Links, Incorporated; commending chapters in the Commonwealth of Virginia. (Patron—Dance)			
	HJR	252	1846
The Major Charles A. Ransom American Legion Post of Midlothian; commending. (Patron—Ware)			
	HR	80	2020
The Mount Unity Choir; commending. (Patron—Hester)			
	HJR	370	1913
The Noblemen; commending. (Patron—DeSteph)			
	HJR	485	1977
The Virginia Home; commemorating its 120th anniversary. (Patron—Carr)			
	HJR	228	1831
Third Baptist Church; commemorating its 150th anniversary.			
Patron—Krupicka	HR	45	1998
Patron—Ebbin	SJR	166	2180
Thomas Jefferson Soil and Water Conservation District; commemorating its 75th anniversary. (Patron—Toscano)			
	HJR	483	1976
Thomas, Rodney S.; commending. (Patron—Bell, Robert B.)			
	HR	137	2048
Thompson, Bruce; commending. (Patron—Wagner)			
	SJR	73	2117
Thoroughbred Retirement Foundation at James River; commending.			
Patron—Farrell	HJR	426	1945
Patron—Garrett	SJR	190	2193
Tidewater Academy; commemorating its 50th anniversary. (Patron—Morris)			
	HR	30	1994
Tidewater Academy baseball team; commending. (Patron—Morris)			
	HR	23	1991
Torres, Juan; commending. (Patron—Ebbin)			
	SJR	183	2190
Tousignant, Alice; commending. (Patron—McClellan)			
	HJR	131	1780
Tower of Deliverance Church; commemorating its 30th anniversary. (Patron—Cole)			
	HJR	432	1949
Travelstead, Jack G.; commending. (Patron—Wagner)			
	SJR	85	2125
Tuckahoe Little League American All-Star team; commending. (Patron—Massie)			
	HR	17	1988
Tuckahoe Volunteer Rescue Squad; commemorating its 60th anniversary. (Patron—O'Bannon)			
	HJR	307	1877
Tunstall High School golf team; commending. (Patron—Adams)			
	HR	144	2052
Union Tae Kwon Do Center; commemorating its 15th anniversary. (Patron—Ramadan)			
	HR	158	2058
United Community Ministries; commending. (Patron—Sickles)			
	HJR	361	1908

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United Network for Organ Sharing; commemorating its 30th anniversary.			
Patron—McClellan	HJR	346	1899
Patron—McEachin	SJR	150	2171
United States Power Squadrons; commemorating its 100th anniversary. (Patron—Jones)	HJR	296	1870
United States Surgeon General's Smoking and Health report; commemorating 50th anniversary of report. (Patron—Hope)	HJR	284	1862
Virginia Association of Commonwealth's Attorneys; commemorating its 75th anniversary. (Patron—Bell, Robert B.)	HJR	444	1955
Virginia Commercial Space Flight Authority; commending.			
Patron—Kilgore	HR	129	2044
Patron—Carrico	SJR	142	2167
Virginia craft beer breweries; commending. (Patron—Krupicka)	HR	143	2051
Virginia Credit Union League; commemorating its 80th anniversary. (Patron—Byron)	HJR	272	1855
Virginia Department of Corrections; commending. (Patron—Ebbin)	SJR	184	2190
Virginia Department of Environmental Quality; commemorating its 20th anniversary. (Patron—Lopez)	HJR	399	1930
Virginia Environmental Professionals' Organization; commending.			
Patron—Wilt	HJR	213	1823
Patron—Hanger	SJR	113	2148
Virginia Episcopal School varsity football team; commending. (Patron—Garrett) ..	HJR	281	1860
Virginia Governor's School program; commemorating its 40th anniversary. (Patron—Farrell)	HJR	273	1856
Virginia High School League; commemorating its 100th anniversary. (Patron—Toscano)	HJR	457	1962
Virginia is for Lovers; commemorating its 45th anniversary. (Patron—Edwards)	SJR	168	2182
Virginia National Guard; commending. (Patron—Anderson)	HJR	385	1922
Virginia Production Alliance; commemorating its 25th anniversary. (Patron—Carr) .	HJR	294	1868
Virginia Society of American Institute of Architects; commemorating its 100th anniversary.			
Patron—Carr	HJR	428	1946
Patron—Watkins	SJR	189	2193
Virginia Sports Hall of Fame; commending 2014 inductees.			
Patron—James	HR	12	1985
Patron—Lucas	SR	1	2206
Virginia State University Gospel Chorale; commending.			
Patron—Dance	HJR	276	1858
Patron—Marsh	SJR	121	2153
Virginia-1 Disaster Medical Assistance Team; commemorating its 10th anniversary. (Patron—Stolle)	HR	161	2060
Visual Arts Center of Richmond; commemorating its 50th anniversary. (Patron—Carr)	HJR	138	1784
Volunteers of America Chesapeake, Inc.; commending. (Patron—Favola)	SJR	188	2192
W. T. Woodson High School boys' basketball team; commending. (Patron—Filler-Corn)	HR	169	2063
Wachtmeister, Edward; commending. (Patron—Lingamfelter)	HR	72	2016
Wachtmeister, Karen; commending. (Patron—Lingamfelter)	HR	73	2017
Wallace, Howard; commending. (Patron—Pogge)	HJR	301	1873
Walls, Benjamin; commending. (Patron—O'Quinn)	HJR	117	1773
Walsh, Brian; commending. (Patron—Gilbert)	HJR	165	1798
Walsh, M. Coleman, Jr.; commending. (Patron—Watkins)	SJR	17	2081
Warner, Harold Leslie, Jr.; commemorating 100th anniversary of his birth. (Patron—O'Bannon)	HJR	395	1928
Weil, Simone; commemorating recent centennial of birth. (Patron—Ware)	HR	6	1982
Wells, John; commending. (Patron—Minchew)	HJR	446	1956
West, Brandon D.; commending. (Patron—Lingamfelter)	HR	99	2028
West Potomac High School; commemorating its 30th anniversary. (Patron—Surovell)	HJR	431	1948
West Springfield High School drama team; commending. (Patron—Filler-Corn) ...	HR	170	2064

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Westfield High School field hockey team; commending. (Patron—Hugo)	HJR	240		1839
Westfield High School marching band; commending. (Patron—Hugo)	HR	88		2023
Will, Brian; commending. (Patron—Farrell)	HJR	191		1811
Williams, Desiree; commending. (Patron—Locke)	SJR	108		2146
Williamsburg Unitarian Universalists; commemorating its 25th anniversary. (Patron—Mason)	HR	148		2054
Williamsburg United Methodist Church; commending. (Patron—Mason)	HR	147		2053
Williamsburg Winery; commending. (Patron—Mason)	HJR	450		1958
Wilson, Christine; commending. (Patron—Pogge)	HJR	263		1851
Wilson Memorial High School baseball team; commending. (Patron—Landes)	HJR	238		1838
Wise County Public Schools; commending. Patron—Kilgore	HR	113		2035
Patron—Carrico	SJR	141		2166
Wiseman, Mac; commending. (Patron—Hanger)	SJR	156		2174
Wolf, Frank R.; commending. (Patron—Comstock)	HJR	285		1863
Woodley Recreation Association; commending. (Patron—Simon)	HJR	409		1936
Woodruff's Cafe and Pie Shop; commending. (Patron—Cline)	HJR	467		1967
World Pediatric Project; commending. (Patron—Martin)	SJR	28		2085
Wynn, Joseph; commending. (Patron—Tyler)	HJR	169		1801
Wytheville Community College; commemorating its 50th anniversary. (Patron—Carrico)	SJR	93		2130
Yates, Brittany; commending. (Patron—Poindexter)	HJR	330		1890
Yeats, William Butler; commemorating 75th anniversary of his death. (Patron—Ware)	HR	120		2039
Young, Elizabeth Bennett; commemorating life and legacy of Revolutionary War heroine. (Patron—Morris)	HR	34		1996
Zeiders Enterprises, Inc.; commemorating its 30th anniversary. (Patron—Puller)	SR	23		2215
Zion Hill Baptist Church; commending. (Patron—Wright)	HR	176		2066

COMMERCE AND TRADE, SECRETARY OF—See: Administration of Government
COMMISSIONS, BOARDS, AND INSTITUTIONS GENERALLY

A-to-F grading system; Board of Education, by October 1, 2016, shall report individual school performance using grading system based on an A-to-F scale, Board shall provide notice and solicit public comment on preliminary plan, report. Patron—Landes	HB	1229	480	790
Patron—Miller	SB	324	485	796
Absentee voting and procedures; State Board shall provide instructions, procedures, etc., for secure return of voted absentee military-overseas ballots by electronic means from uniformed-service voters outside of United States, report. Patron—Rust	HB	759	506	839
Patron—Puller	SB	11	604	1030
Accountancy, Board of; licensing requirements. Patron—Knight	HB	907	40	56
Patron—Stosch	SB	564	755	1328
Accreditation of Healthcare Organizations, Joint Commission on; replaces outdated references to Commission with references to national accrediting organizations. (Patron—Stolle)	HB	391	320	527
Administrative Process Act; standard procedures for adoption of waste load allocations by State Water Control Board, Board conducts at least one public meeting. (Patron—Bulova)	HB	445	202	313
Alcoholic beverage control; authorizes ABC Board to suspend or revoke license of a licensee who is delinquent in payment of any taxes. (Patron—Albo)	HB	283	233	400
Alcoholic beverage control; certain licensed distillers who are appointed agents of ABC Board may use copper or stainless steel pot stills to blend or produce spirits, traditional techniques used by licensee. (Patron—Bell, Richard P.)	HB	1150	437	707
Alternative onsite sewage system installers; Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals shall extend one time and deem to be valid an interim license, an extended interim license is valid until licensee passes examination for issuance of license or for period of six months. (Patron—Black)	SB	657	825	1735

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Alzheimer's Disease and Related Disorders Commission; extends sunset provision to July 1, 2017.				
Patron—Leftwich	HB	1087	434	705
Patron—Ruff	SB	82	520	859
Anatomic pathology services; practitioners licensed by Board of Medicine prohibited from charging a fee greater than amount billed, etc. (Patron—Stolle)	HB	893	81	133
Appraisal management companies; licensure from Real Estate Appraiser Board, regulation. (Patron—Minchew)	HB	762	210	324
Baylor Survey; Marine Resources Commission authorized to reestablish boundaries between holders of leases on private grounds and public grounds. (Patron—Lewis) .	HB	845	138	222
Behavior analyst; exceptions to licensure requirements, Advisory Board established. (Patron—Greason)	HB	926	584	1006
Capital Region Airport Commission; updates police power provisions of Commission. (Patron—Ingram)	HB	1088	672	1140
Cemetery Board; powers and duties, special interments of human remains and pets of such deceased humans. (Patron—O'Quinn)	HB	588	500	834
Child abuse and neglect; local school divisions shall report annually to Board of Education, etc., regarding status of interagency agreements for investigation of complaints against school personnel, reports of sexual abuse of children, local school division and local department of social services that are parties to interagency agreements shall only be required to report to Boards of Education and Social Services when agreements are substantially modified. (Patron—Herring)	HB	683	412	672
Civics Education, Commission on; established in legislative branch of state government, report, sunset provision. (Patron—Anderson)	HB	364	562	944
Commonwealth Transportation Board; statewide prioritization process for project selection, process for use of funds allocated, candidate projects and strategies shall be screened by Board to determine whether they are consistent with assessment of capacity needs for all. (Patron—Stolle)	HB	2	726	1289
Contractors, Board for; additional monetary penalty for certain violations. (Patron—Peace)	HB	1045	508	844
Controlled substance analogs; regulation by Board of Pharmacy, synthetic cannabinoids, any substance added to Schedule I or II shall remain for a period of 18 months, penalties.				
Patron—Garrett	HB	1112	674	1143
Patron—Obenshain	SB	594	719	1257
Controlled substances; eliminates requirement that law-enforcement reports on destruction of seized substances and other drugs and paraphernalia be submitted to Board of Pharmacy. (Patron—Carrico)	SB	211	686	1195
Correctional facilities, certain; in case of jail, sheriff or other officer in charge shall communicate results of immigration alien query that confirm that person is illegally present in United States to Local Inmate Data System of State Compensation Board. (Patron—McDougle)	SB	641	641	1083
Criminal Injuries Compensation Fund; filing of claims, awards, Virginia State Crime Commission shall convene stakeholder workgroup to support streamlining of current federal and state sexual and domestic violence victim service agency funding. (Patron—Peace)	HB	885	665	1115
Driver education; any community college within Virginia Community College System shall have authority to offer courses required by Virginia Board of Education to become a certified instructor, Virginia Department of Education shall provide curriculum, content, etc., regarding courses required to any community college.				
Patron—Greason	HB	925	666	1117
Patron—Marsden	SB	554	753	1327
Drugs; Board of Pharmacy to identify drugs of concern and require prescribers to report prescription drugs of concern to Prescription Monitoring Program, non-narcotic drugs that may be lawfully sold over counter or behind counter shall not be included as drugs of concern. (Patron—Yost)	HB	874	664	1114
Elections, State Board of; State Board shall report annually on each of its activities undertaken to maintain Virginia voter registration system and results of its activities. (Patron—Vogel)	SB	315	452	722

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COMMISSIONS, BOARDS, AND INSTITUTIONS GENERALLY - Continued

Family Access to Medical Insurance Security Plan; eligibility for assistance, Board of Medical Assistance Services shall promulgate regulations to implement provisions of this act to be effective within 280 days of its enactment.

Patron—O'Bannon HB 586 9 12
Patron—Hanger SB 416 183 289

Farm brewery licenses, limited; Board of Alcoholic Beverage Control may grant to breweries that manufacture no more than 15,000 barrels of beer per calendar year, provisions, locality may exempt any licensed brewery from certain local regulations. (Patron—Watkins)

SB 430 365 617

Forensic Science Board; membership of Scientific Advisory Committee.

Patron—Morris HB 517 102 164
Patron—McDougle SB 342 253 430

Game and Inland Fisheries, Board of; changes criteria for appointments, members shall be knowledgeable about wildlife conservation, hunting, agriculture, forestry, etc., each Department region shall be represented. (Patron—Scott)

HB 1121 592 1016

General Assembly; confirming appointment to Joint Legislative Audit and Review Commission. (Patron—O'Bannon)

HJR 13 1738

Geomagnetic disturbances and electromagnetic pulses; Joint Commission on Technology and Science to study strategies for preventing and mitigating potential damages. (Patron—Reeves)

SJR 61 2099

Governor's Career and Technical Education School; Board of Education shall develop model criteria and procedures for establishing a jointly operated high school. (Patron—Peace)

HB 887 425 701

Hampton Roads Transportation Accountability Commission; created.

Patron—Jones HB 1253 678 1178
Patron—Wagner SB 513 545 916

Hampton Roads, Transportation District Commission of; staggers terms of gubernatorial appointees.

Patron—Howell, A.T. HB 400 655 1106
Patron—Cosgrove SB 601 721 1283

Health Care, Joint Commission on; extends sunset provision to July 1, 2018.

Patron—Brink HB 680 280 468
Patron—Puller SB 60 518 858

High school diploma course and credit requirements; Board of Education to consider all computer science course credits to be science course credits, mathematics course credits, or career and technical education credits, Board shall develop guidelines addressing how computer science courses can satisfy graduation requirements. (Patron—Loupassi)

HB 1054 590 1014

Higher Education Board, Virginia Commission on; increases membership, appointments, three voting members of Commission shall constitute a quorum. (Patron—Bulova)

HB 1109 816 1723

Juvenile records; Virginia State Crime Commission to study expungement of records. (Patron—Favola)

SJR 24 2083

Kinship care; Department of Social Services shall review current policies governing facilitation of placement of children to avoid foster care, report. (Patron—Howell) . .

SB 284 530 868

Local Government, Commission on; extends from July 1, 2014, to July 1, 2018, task force appointed by Governor to review state mandates on localities. (Patron—Byron) .

HB 1011 242 414

Local government expenditures or reductions; Division of Legislative Services to identify and forward to Commission on Local Government joint resolutions introduced calling for a study, Department of Planning and Budget and Department of Taxation are authorized to submit legislative bills to Commission on Local Government to prepare local fiscal estimates. (Patron—Landes)

HB 199 807 1690

Methamphetamine cleanup; Board of Health, et al., to certify that methamphetamine level at property is at or below post cleanup target. (Patron—Stanley)

SB 31 513 853

Mortgage loan originators; State Corporation Commission authorized to issue transitional license.

Patron—Hugo HB 954 343 568
Patron—Watkins SB 118 295 489

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COMMISSIONS, BOARDS, AND INSTITUTIONS GENERALLY - Continued				
Motor Vehicle Dealer Board, motor vehicle dealers, and T&M vehicle dealers; efficiency of operations, determination of fees. (Patron–Puckett)	SB	296	695	1218
Newborns; critical congenital heart defect screening using pulse oximetry or other Board-approved screening test, duty of Board of Health. (Patron–McWaters)	SB	183	175	279
Pharmacy, Board of; automatic review of certain case decisions, pharmacies affiliated with free clinic that receives state or local funds. (Patron–Orrock)	HB	1032	345	571
Physical evidence recovery kits; all local and state law-enforcement agencies shall report an inventory of all kits in their custody that were collected but not submitted to Department of Forensic Science, provisions shall not become effective unless included in general appropriation act, report. (Patron–Black)	SB	658	642	1084
Public schools; all textbooks approved by Board of Education shall note that Sea of Japan is also referred to as East Sea, textbooks approved by Board of Education prior to July 1, 2014, not affected. (Patron–Marsden)	SB	2	440	712
Real Estate Board; death or disability of a broker. Patron–Surovell	HB	251	24	37
Patron–Barker	SB	438	705	1228
Recycled material; Manufacturing Development Commission to study economic and environmental benefits of use in manufacturing process in Virginia, Commission shall make recommendations on ways to enhance market while not creating any adverse financial burdens for Virginia's retailers or consumers. Patron–Marshall, D.W.	HJR	28		1745
Patron–Wagner	SJR	75		2117
Reduced Cigarette Ignition Propensity (RCIP) program; transfers administration from Commissioner of Agriculture and Consumer Services to Executive Director of Department of Fire Programs, sale of cigarettes with reduced ignition propensity, civil penalties. (Patron–Cole)	HB	785	418	686
School speech-language pathologists; removes Board of Education as licensing entity and leaves Board of Audiology and Speech-Language Pathology as only licensing entity. (Patron–Anderson)	HB	373	781	1374
Schools, public and private elementary and secondary; Virginia Commission on Youth, et al., shall review use of seclusion and restraint in schools, and methods used in other states, report. (Patron–Hope)	HB	1106	770	1357
Southern States Energy Board; change in membership, alternate legislative members shall be appointed by the Speaker of the House of Delegates and Senate Committee on Rules. (Patron–Watkins)	SB	47	516	857
Southwestern Virginia Mental Health Institute; Department of Behavioral Health and Developmental Services to convey certain real property located in Marion in Smyth County to Mount Rogers Community Services Board. Amending Chapter 265, 2013 Acts. (Patron–Carrico)	SB	667	643	1084
Speech-language pathologists, assistant; person who has met qualifications prescribed by Board may practice and perform duties under supervision of licensed speech-language pathologist. (Patron–Kory)	HB	764	661	1112
Standards of Learning; assessments shall meet requirement of federal Elementary and Secondary Education Act of 1965, Board shall include in student outcome measures required or assessments for various grade levels and classes, including completion of alternative assessments implemented by each local school board. Patron–Greason	HB	930	585	1007
Patron–Deeds	SB	306	622	1050
Standards of Learning; Board of Education to require only math and English reading assessments for third graders. (Patron–Miller)	SB	270	620	1048
State Corporation Commission; authorizes clerk to refuse to accept document for filing, if determines person who executed or delivered document lacked proper authority to act on behalf of business. (Patron–Marshall, D.W.)	HB	313	197	307
State Corporation Commission; eFile electronic registration system, limitation on submission of certain data and documents. (Patron–Ramadan)	HB	168	311	519
State Water Control Board; Governor in making appointments shall endeavor to ensure that membership is geographically balanced. (Patron–Webert)	HB	1193	150	246

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COMMISSIONS, BOARDS, AND INSTITUTIONS GENERALLY - Continued

Stormwater management programs; State Water Control Board to establish procedures and regulations, construction activity involving a single-family detached residential structure.

Patron—Hodges	HB	1173	598	1020
Patron—Hanger	SB	423	303	498

Student-athletes; Board of Education shall amend its guidelines for school division policies and procedures on concussions, licensed health care provider to recommend when student should return to classroom. (Patron—Filler-Corn)

HB	1096	349	583
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Student-athletes; effects of concussions on academic performance, non-interscholastic youth sports program utilizing public school property shall either establish policies and procedures based on local school division's policies and procedures or Board's Guidelines for Policies on Concussions in Student-Athletes, Board of Education shall review and revise guidelines as necessary.

Patron—Anderson	HB	410	760	1338
Patron—Stuart	SB	172	746	1319

Students with disabilities; Commission on Youth to study use of federal, state, and local funds for public and private educational placements. (Patron—Adams)

HJR	196		1814
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Teacher Education and Licensure, Advisory Board on; increases membership. (Patron—McClellan)

HB	725	334	548
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Tow truck drivers; registration after conviction of violent crimes, persons who held valid tow truck driver authorization document on January 1, 2013, issued by Board of Towing and Recovery Operators.

Patron—Farrell	HB	176	59	104
Patron—Garrett	SB	8	441	712

Transportation commission membership; extends effective date of provisions to July 1, 2015. (Patron—Filler-Corn)

HB	957	428	703
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Unemployment compensation; voluntarily leaving employment to accompany military spouse, expiration of certain provisions, Virginia Employment Commission shall provide certain reports to Commission on Unemployment Compensation. (Patron—Locke)

SB	18	442	713
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Uniform assessment instrument; transfers authority for promulgating regulations governing assessments for residents of assisted living facilities from Board of Social Services to Commissioner of Department of Aging and Rehabilitative Services. (Patron—Peace)

HB	888	284	475
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Utility crossings; localities and political subdivisions whose facilities are to be crossed or affected shall cooperate with the other in planning, etc., should private entity and any locality or political subdivision not be able to agree upon plan, then entity may request in writing to Commonwealth Transportation Board, that Board consider matter pursuant to its authority. (Patron—Rust)

HB	978	474	786
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Virginia Coal and Energy Alliance; members named or appointed by Alliance for Virginia Coalfield Economic Development Authority and Virginia Coal Mine Safety Board. (Patron—Morefield)

HB	1167	438	709
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Virginia Community College System; quorum and main office of State Board for Community Colleges. (Patron—Cox)

HB	356	652	1097
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Virginia Fire Services Board; Board shall meet no more than six times per year.

Patron—Bulova	HB	561	31	47
Patron—Cosgrove	SB	282	820	1729

Virginia Geographic Information Network Advisory Board and Litter Control and Recycling Fund Advisory Board; membership and terms. (Patron—Cole)

HB	784	283	474
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Virginia National Guard; Department of Military Affairs shall provide certain information to Virginia Employment Commission upon request of a member.

Patron—Anderson	HB	971	42	64
Patron—Reeves	SB	399	302	497

Virginia Port Authority; changes composition of Board of Commissioners, member appointed by Governor from list provided by Virginia Maritime Association, shall not be paid member of Association or have any other conflict of interest with Authority. (Patron—Jones)

HB	876	424	700
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COMMISSIONS, BOARDS, AND INSTITUTIONS GENERALLY - Continued

Virginia Racing Commission; authorized to grant license to owner or operator of steeplechase facility to conduct pari-mutuel wagering on simulcast horse racing that is limited to transmission from Churchill Downs of Kentucky Derby horse race, etc.				
Patron—Webert	HB	402	564	947
Patron—Vogel	SB	398	625	1056
Virginia Racing Commission; transfers responsibility for Commission to Secretary of Agriculture and Forestry. (Patron—Scott)	HB	1074	432	704
Virginia Real Estate Time-Share Act; registration with Common Interest Community Board of alternative purchases that are offered to potential purchasers during developer's sales presentation. (Patron—Cosgrove)	SB	348	623	1054
Virginia state lottery; changes name of Lottery Department, Lottery Board, and Lottery Fund. (Patron—Rush)	HB	1079	225	356
Virginia Women's Monument Commission; increases membership. (Patron—McDougle)	SJR	76		2118
Virginia Workers' Compensation Commission; chairman authorized to appoint retired members or deputy commissioners to participate in review of an award when vacancies exist, occupation of seat by member. (Patron—Kilgore)	HB	459	205	315
Virginia Workers' Compensation Commission; filing of documents or materials. (Patron—Kilgore)	HB	630	209	320
Virginia's Law Enforcement and Search and Rescue; Virginia State Crime Commission to study current state of readiness efforts for rapid and well-coordinated deployment in all missing, endangered, and abducted person cases.				
Patron—Albo	HJR	62		1756
Patron—McDougle	SJR	64		2101
Virginia's Line of Duty Act; Joint Legislative Audit and Review Commission to study. (Patron—Jones)	HJR	103		1768
Workers' compensation; cost and payment for medical services, claims filed with Commission, etc. (Patron—Ware)	HB	1083	670	1138
Workforce development; changes name of Virginia Workforce Council to Virginia Board of Workforce Development, responsibilities of Advisor, report. (Patron—Byron)	HB	1009	815	1715
York River; Marine Resources Commission, with approval of Governor, authorized to grant and convey, upon such terms and conditions as Commission shall deem proper, easements and rights-of-way across beds, including a portion of Baylor Survey Grounds. (Patron—Norment)	SB	467	368	620
COMMONWEALTH PUBLIC SAFETY				
Central station dispatchers, certain; exempt from training requirements if employed by central station that is certified by a Nationally Recognized Testing Laboratory (NRTL). (Patron—Watkins)	SB	85	610	1036
Court-Appointed Special Advocate (CASA) Program; eligibility for volunteer appointments. (Patron—Marsden)	SB	592	636	1077
Criminal Justice Services, Department of; human trafficking policy, Department shall publish and disseminate a model policy or guideline for law-enforcement personnel involved in criminal investigations or assigned to vehicle or street patrol duties. (Patron—Obenshain)	SB	654	265	453
Criminal Justice Services, Department of; included in definition of criminal justice agency. (Patron—Miller)	HB	861	342	567
False advertisement for regulated services; notice, penalty. (Patron—Albo)	HB	280	396	649
Forensic Science Board; membership of Scientific Advisory Committee.				
Patron—Morris	HB	517	102	164
Patron—McDougle	SB	342	253	430
High school equivalency examinations; replaces references throughout Code to General Education Development (GED) program or test with new terminology. (Patron—Byron)	HB	1007	84	134
Offenses requiring registration; withdrawal of plea by certain defendants, indictment, warrant, or information that does not allege victim of offense was minor, physically helpless, or mentally incapacitated. (Patron—Norment)	SB	537	546	919
Private security services businesses; exception for certified public accountants. (Patron—Peace)	HB	897	214	338

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COMMONWEALTH PUBLIC SAFETY - Continued

Private security services businesses; exempt from training requirements established by Department of Criminal Justice Services, exemption not granted to persons whose employment was terminated due to misconduct or incompetence. (Patron—Robinson)	HB	609	32	47
Public Safety and Homeland Security, and Veterans and Defense Affairs, Secretaries of; transfer of certain powers and duties, report. Patron—Lingamfelter	HB	730	115	182
Patron—Reeves	SB	381	490	802
Public safety employees; testing for blood-borne pathogens. (Patron—O'Bannon) . . .	HB	395	275	465
Reduced Cigarette Ignition Propensity (RCIP) program; transfers administration from Commissioner of Agriculture and Consumer Services to Executive Director of Department of Fire Programs, sale of cigarettes with reduced ignition propensity, civil penalties. (Patron—Marsh)	SB	494	370	621
Regional Criminal Justice Academy Training Fund; certain localities allowed to receive money from Fund for operating their criminal justice academies, fees charged by locality, operation of a certified independent criminal justice academy as of July 1, 2012. Patron—Helsel	HB	1049	431	703
Patron—Locke	SB	597	375	630
School Safety, Virginia Center for; Center required to use definition of bullying for purposes of training on evidence-based antibullying tactics. (Patron—McClellan) . .	HB	1187	92	158
School Safety, Virginia Center for; changes name to Virginia Center for School and Campus Safety. Patron—Hodges	HB	563	7	5
Patron—Howell	SB	390	158	262
Sex Offender and Crimes Against Minors Registry Act; amends Act, solicitation of prostitution from minors, pandering, Class 4 felony. Patron—Bell, Robert B.	HB	235	649	1090
Patron—Obenshain	SB	454	706	1228
Sex offenders; a person required to register with Sex Offender and Crimes Against Minors Registry who changed name prior to July 1, 2014, must reregister in person with local law-enforcement agency within three days of July 1, 2014, following a change of name. (Patron—Ramadan)	HB	1251	677	1176
Training, Committee on, within Department of Criminal Justice Services; increases membership. Patron—Head	HB	1002	83	133
Patron—Vogel	SB	391	535	875
Virginia Fire Services Board; Board shall meet no more than six times per year. Patron—Bulova	HB	561	31	47
Patron—Cosgrove	SB	282	820	1729

COMMONWEALTH, SECRETARY OF THE—See: Administration of Government

COMMONWEALTH'S ATTORNEYS—See: Counties, Cities, and Towns

COMMUNITY COLLEGES—See: Educational Institutions

COMPACTS—See: Administration of Government

COMPANION ANIMALS—See: Agriculture, Animal Care and Food

COMPENSATION BOARD, STATE—See: Costs, Fees, Salaries, and Allowances

COMPUTER SERVICES AND USES

Abduction and prostitution offenses; administrative subpoena for electronic communication service or remote computing service records. (Patron—Hugo)	HB	485	166	272
Absentee voting and procedures; State Board shall provide instructions, procedures, etc., for secure return of voted absentee military-overseas ballots by electronic means from uniformed-service voters outside of United States, report. Patron—Rust	HB	759	506	839
Patron—Puller	SB	11	604	1030
Abuse or neglect of a child, suspected; local department of social services shall notify local attorney for the Commonwealth and local law-enforcement agency of all complaints involving contributing to delinquency of a minor, immediately, but in no				

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COMPUTER SERVICES AND USES - Continued			
case more than two hours of receipt of complaint, local department may submit report either in writing or electronically.			
Patron—Bell, Robert B.	HB	405	565 947
Patron—Howell	SB	332	300 495
Automated sales suppression devices; any person who uses a device or software to falsify electronic records of cash registers or other point-of-sale systems or otherwise manipulates transaction records that affect any state tax liability shall be guilty of a Class 1 misdemeanor, civil penalty. (Patron—Keam)	HB	829	785 1378
Automated sales suppression devices; use of device or software to falsify electronic records of cash registers or other point-of-sale systems or otherwise manipulates transaction records that affect any state tax liability shall be guilty of a Class 1 misdemeanor, civil penalty. (Patron—Saslaw)	SB	611	723 1286
Certificate of analysis for drugs or alcohol use; director shall remove withdrawal certificate from vial and electronically scan it into Department's Laboratory Information Management System and place original certificate in its case-specific file, certificate shall be returned or electronically transmitted to clerk of court in which charge will be heard, electronic signature. (Patron—Morris)	HB	518	328 538
Chesapeake Bay; voluntary tax contributions for restoration, report posted on website maintained by Secretary of Natural Resources along with listing of awards granted on or after July 1, 2014.			
Patron—Lingamfelter	HB	131	18 27
Patron—Hanger	SB	414	182 284
Circuit court clerks; automated system in lieu of order books, etc. (Patron—McDougle)	SB	435	460 745
Condominium Act and Property Owners' Association Act; allowable fees, seller or authorized agent shall specify in writing whether disclosure packet shall be delivered electronically or in hard copy. (Patron—Peace)	HB	900	216 341
Courthouse; posting of notices on public government website of locality served by court or near principal public entrance or both. (Patron—Minchew)	HB	143	269 461
Electronic summons system; counties and cities may assess a fee as part of costs in each criminal or traffic case in district or circuit court to be used for implementation and maintenance of system. (Patron—Villanueva)	HB	477	325 535
Emergency custody and temporary detention; Department shall develop and administer a web-based acute psychiatric bed registry, period of custody shall not exceed 8 hours from time law-enforcement officer takes minor into custody, report. (Patron—Deeds)	SB	260	691 1202
Evidence and incidents of trial; recording misdemeanor cases electronically in circuit court. (Patron—Gilbert)	HB	704	78 131
General Services, Department of; inventory of all real property owned by the Commonwealth, listing of property on website, description of inventory. (Patron—LeMunyon)	HB	790	211 326
Higher Education for Virginia, State Council of; local school board shall implement that career and technical education programs include an annual notice on its website of availability of postsecondary education and employment data. (Patron—Peace)	HB	886	472 782
Higher educational institutions, four-year; institution shall create and feature on its website a page with information dedicated solely to mental health resources available to students. (Patron—Hope)	HB	206	558 943
Internet publication of personal information; adds attorneys for the Commonwealth to current provision prohibiting state or local agency from publicly posting or displaying home address or personal telephone numbers of a law-enforcement officer or state or federal judge or justice. (Patron—Bell, Robert B.)	HB	745	170 274
Personal property tax; exemption may include electronic communications and processing devices and equipment, including but not limited to cell phones and tablet and personal computers, including peripheral equipment such as printers. (Patron—Davis)	HB	589	279 467
Recordation and marginal release; clerk of circuit court not required to make recordings in margins of pages in record books to accommodate use of electronic filing databases, entry of assignment of judgment on judgment lien docket. (Patron—Robinson)	HB	607	330 540

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COMPUTER SERVICES AND USES - Continued

State Corporation Commission; eFile electronic registration system, limitation on submission of certain data and documents. (Patron—Ramadan) HB 168 311 519

Unlawful dissemination or sale of images of another; intent to coerce, harass, etc., depicted person, provisions shall not apply to videographic or still image created by law-enforcement officers pursuant to criminal investigations, Class 1 misdemeanor if person uses Internet service provider, etc., that provides or enables computer access by multiple users, such provider shall not be held responsible for violation of content provided by another person. (Patron—Bell, Robert B.) HB 326 399 654

Virginia Business One Stop electronic portal program; State Corporation Commission and Department of Small Business and Supplier Diversity shall implement a hyperlink from State Corporation Commission's eFile system to Business Permitting Center, report. (Patron—Ramadan) HB 167 758 1335

Virginia Freedom of Information Act; participation in meetings by electronic communication in event of emergency or personal matters, approval process, if public body does not approve member's participation from remote location, reasons shall be recorded in minutes.
 Patron—Minchew HB 193 492 820
 Patron—Favola SB 161 524 863

Virginia Freedom of Information Act; state agencies in executive branch to post notice on their respective public government websites allowable charges for producing records, public body may make reasonable charges not to exceed its actual cost incurred. (Patron—Keam) HB 837 421 692

Virtual Virginia; Department of Education may contract local school boards that have created online courses to make more courses available to other school divisions through Virtual Virginia Program, Virtual Learning Advisory Committee established. (Patron—Greason) HB 1115 436 706

CONCEALED WEAPONS—See: Weapons
CONDEMNATION—See: Eminent Domain
CONDOMINIUMS—See: Housing
CONFLICT OF INTERESTS—See: Administration of Government
CONGREGATION OLAM TIKVAH—See: Commendations and Commemorations

CONSERVATION

Banister River; designates Route 29 bridge in Pittsylvania County to confluence with Dan River in Halifax County as component of Virginia Scenic Rivers System. (Patron—Adams) HB 1116 149 246

Brownfield properties; changes definition of bona fide prospective purchaser. (Patron—James) HB 968 144 230

Cemeteries; procedure for removal and relocation of human remains in abandoned graveyards, localities shall notify Virginia Department of Historic Resources location of any abandoned cemetery or gravesite of Virginians held slave at time of their deaths. (Patron—Anderson) HB 997 588 1012

Confederate cemeteries and graves; changes entity responsible for care of graves in Pittsylvania County from Rawley Martin Chapter, U.D.C., to Pittsylvania County Historical Society.
 Patron—Marshall, D.W. HB 1171 46 68
 Patron—Stanley SB 108 15 20

Confederate graves; disbursement of funds for care and maintenance of three additional graves at Skinquarter Baptist Church Cemetery in Chesterfield County. (Patron—Martin) SB 540 110 168

Cranesnest River; designates certain 10.7 mile segment in Dickenson County as component of Virginia Scenic Rivers System, clarifies designation of a scenic river. (Patron—Puckett) SB 551 823 1733

Dams; liability of owners or operators of dams, requires owner, prior to conveying ownership to a third party, to notify Director of Department of Conservation and Recreation of transfer. (Patron—Orrock) HB 1124 593 1017

Dams, certain; liability of owners, damages to property of others when result of an act or an omission of landowner unrelated to ownership, etc.
 Patron—Orrock HB 1034 146 231
 Patron—Watkins SB 466 304 504

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CONSERVATION - Continued

Hazardous waste; removes requirement that permit is required from Department of Environmental Quality to transport. (Patron—Fariss)	HB	856	139	223
Historic Smithfield Plantation in Blacksburg; General Assembly to designate as a Family Homestead of Virginia Governors.				
Patron—Yost	HJR	167		1799
Patron—Edwards	SJR	180		2188
Offshore natural gas and oil resources; Virginia Offshore Energy Emergency Response Fund established, royalties. (Patron—Reeves)	SB	25	293	488
Probable Maximum Precipitation (PMP); Department of Conservation and Recreation to utilize storm-based approach in order to derive PMP for locations within or affecting the Commonwealth, Department is authorized to utilize up to \$500,000 in unobligated balances in Dam Safety, Flood Prevention and Protection Assistance Fund to contract out for analysis.				
Patron—Byron	HB	1006	475	788
Patron—Garrett	SB	582	489	802
Recycled material; Manufacturing Development Commission to study economic and environmental benefits of use in manufacturing process in Virginia, Commission shall make recommendations on ways to enhance market while not creating any adverse financial burdens for Virginia's retailers or consumers.				
Patron—Marshall, D.W.	HJR	28		1745
Patron—Wagner	SJR	75		2117
Reforestation Operations Fund; changes current Fund to nonreverting special fund. (Patron—Ruff)	SB	545	263	453
Selenium; Department of Environmental Quality to review toxicity to aquatic life.				
Patron—Kilgore	HJR	57		1754
Patron—Carrico	SJR	35		2087
Solar equipment; owned or operated by certain business, clarifies definition of certified pollution control equipment and facilities that are exempt from taxation, for solar photovoltaic (electric energy) systems, exemption only applies to projects equaling 20 megawatts or less.				
Patron—Hugo	HB	1239	737	1308
Patron—Hanger	SB	418	259	451
State forest activity fee; Department of Forestry to promulgate emergency regulations to establish. (Patron—Fariss)	HB	858	141	224
Stormwater management programs; State Water Control Board to establish procedures and regulations, construction activity involving a single-family detached residential structure.				
Patron—Hodges	HB	1173	598	1020
Patron—Hanger	SB	423	303	498
Tye River; designates from Route 738 in Nelson County to its confluence with James River as component of Virginia Scenic River System. (Patron—Deeds)	SB	257	107	166
Virginia Energy Plan; analysis of effects of carbon dioxide emission control requirements, periodic interim updates, energy policy positions relevant to any potential regulations.				
Patron—Chafin	HB	1261	603	1028
Patron—Carrico	SB	615	756	1330
Virginia Geographic Information Network Advisory Board and Litter Control and Recycling Fund Advisory Board; membership and terms. (Patron—Cole)	HB	784	283	474
Virginia Women's Monument Commission; increases membership. (Patron—McDougle)	SJR	76		2118
Voluntary remediation program; removes cap on registration fees. (Patron—Watkins)	SB	431	366	619
York River; Marine Resources Commission, with approval of Governor, authorized to grant and convey, upon such terms and conditions as Commission shall deem proper, easements and rights-of-way across beds, including a portion of Baylor Survey Grounds. (Patron—Norment)	SB	467	368	620

CONSERVATORS OF THE PEACE—See: Criminal Procedure

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CONSTITUTIONAL AMENDMENTS			
Constitutional amendment; General Assembly by law may exempt from taxation real property of surviving spouses of soldiers killed in action (second reference). Amending Section 6-A of Article X. (Patron—Ramadan)	HJR	8	775 1365
Real property tax; exemption for surviving spouses of members of armed forces killed in action (submitting to qualified voters). (Patron—Ramadan)	HB	46	757 1332
CONSTITUTIONAL OFFICERS—See: Counties, Cities, and Towns			
CONSUMER PROTECTION			
Freedom of Information Act; Virginia Freedom of Information Advisory Council to study exemptions contained in Act to determine continued applicability or appropriateness. (Patron—LeMunyon)	HJR	96	1766
State Inspector General, Office of; powers and duties, investigate management and operations of independent contractors of state agencies, records exempt under Virginia Freedom of Information Act, internal auditors. (Patron—Miller)	HB	1053	788 1383
Virginia Freedom of Information Act; disclosure pursuant to court order or subpoena. (Patron—Surovell)	HB	380	319 527
Virginia Freedom of Information Act; participation in meetings by electronic communication in event of emergency or personal matters, approval process, if public body does not approve member's participation from remote location, reasons shall be recorded in minutes. Patron—Minchew	HB	193	492 820
Patron—Favola	SB	161	524 863
Virginia Freedom of Information Act; record exemption for certain administrative investigations by higher educational institutions. Patron—Gilbert	HB	703	414 673
Patron—Ruff	SB	78	609 1035
Virginia Freedom of Information Act; record exemption for educational institutions for confidential letters of recommendation for promotion. (Patron—Albo)	HB	219	313 521
Virginia Freedom of Information Act; state agencies in executive branch to post notice on their respective public government websites allowable charges for producing records, public body may make reasonable charges not to exceed its actual cost incurred. (Patron—Keam)	HB	837	421 692
CONTRACTORS AND SUBCONTRACTORS—See: Professions and Occupations			
CONTRACTS			
Contracts; recording requirements. (Patron—Habeeb)	HB	24	267 460
Parking management companies; any city or county ordinance regulating parking shall require uncontested payment of parking citation penalties be collected and accounted for by local administrative officials who shall be compensated by locality or private management company under contract with locality. (Patron—Head)	HB	369	563 946
Service contracts; expands types of services that may be provided under extended contract to include certain types of damage to motor vehicle, etc., an agreement that provides for payment to or on behalf of purchaser of incidental costs in event protective chemical, device, or system fails. (Patron—Marshall, D.W.)	HB	69	193 298
Virginia Information Technologies Agency; certain higher educational institutions allowed to purchase directly from contracts established for state agencies and public bodies. Patron—Rust	HB	749	36 51
Patron—Vogel	SB	392	180 283
Virginia Public Procurement Act; competitive negotiation, limitation of certain term contracts, exception. Patron—Filler-Corn	HB	948	217 347
Patron—Vogel	SB	461	630 1065
CONTROLLED SUBSTANCES—See: Narcotics and Drugs			
COOK, JOHN RANDALL—See: Deaths			
COOLEY LLP—See: Commendations and Commemorations			
COOPER, BETTIE MINETTE—See: Commendations and Commemorations			

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CORPORATIONS

Domestic international sales corporations (DISC); exempt from income taxation beginning on or after January 1, 2014.

Patron—Villanueva	HB	480	26	38
Patron—Wagner	SB	515	186	292

Health insurance; prescription drug formularies, insurer, corporation, or health maintenance organization shall provide to each affected group or individual health benefit plan policyholder or contract holder, etc., not less than 30 days' prior written notice of modification.

Patron—Dance	HB	308	272	463
Patron—Puller	SB	201	297	493

CORRECTIONAL ENTERPRISES—See: Prisons and Other Methods of Correction

COSBY, MARGARET SUE HOPKINS—See: Deaths

COSTS, FEES, SALARIES, AND ALLOWANCES

Correctional facilities, certain; in case of jail, sheriff or other officer in charge shall communicate results of immigration alien query that confirm that person is illegally present in United States to Local Inmate Data System of State Compensation Board. (Patron—McDougle)

SB	641	641	1083
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House of Delegates; salaries, contingent and incidental expenses. (Patron—Jones)

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COUNTIES, CITIES, AND TOWNS

Abuse or neglect of a child, suspected; local department of social services shall notify local attorney for the Commonwealth and local law-enforcement agency of all complaints involving contributing to delinquency of a minor, immediately, but in no case more than two hours of receipt of complaint, local department may submit report either in writing or electronically.

Patron—Bell, Robert B.	HB	405	565	947
Patron—Howell	SB	332	300	495

Agricultural operations; local regulation of certain activities, provisions shall not affect certain licensed entities, etc., or alter certain provisions, On-Farm Activities Working Group continued.

Patron—Orrock	HB	268	494	821
Patron—Stuart	SB	51	153	248

Alcoholic beverage control; mixed beverage licenses for certain establishments in Henry County. (Patron—Stanley)

SB	268	692	1215
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Alternative Fuel Vehicle Conversion Fund; moneys in Fund to be used to assist local government and agencies and local school divisions with incremental cost of such local government-owned alternative fuel vehicles. (Patron—Taylor)

HB	340	199	309
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Annexation moratorium statute; continuation of moratorium on annexation by cities. (Patron—Vogel)

SB	312	697	1221
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Banister River; designates Route 29 bridge in Pittsylvania County to confluence with Dan River in Halifax County as component of Virginia Scenic Rivers System. (Patron—Adams)

HB	1116	149	246
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Boundary adjustments; notice of any agreement shall be served upon affected landowners. (Patron—LaRock)

HB	652	503	837
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Carillon Advisory Committee; designating in 2014 as World War I 100th Anniversary Committee in Virginia. (Patron—Carr)

HJR	71		1759
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Cemeteries; procedure for removal and relocation of human remains in abandoned graveyards, localities shall notify Virginia Department of Historic Resources location of any abandoned cemetery or gravesite of Virginians held slave at time of their deaths. (Patron—Anderson)

HB	997	588	1012
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Community improvement districts; any locality may by ordinance create. (Patron—Hester)

HB	1210	736	1307
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Comprehensive plans; locality shall take into consideration how to align transportation infrastructure and facilities with accessible housing and other community services.

Patron—Villanueva	HB	296	397	652
Patron—Marsden	SB	58	443	715

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COUNTIES, CITIES, AND TOWNS - Continued

Confederate cemeteries and graves; changes entity responsible for care of graves in Pittsylvania County from Rawley Martin Chapter, U.D.C., to Pittsylvania County Historical Society.				
Patron—Marshall, D.W.	HB	1171	46	68
Patron—Stanley	SB	108	15	20
Confederate graves; disbursement of funds for care and maintenance of three additional graves at Skinquarter Baptist Church Cemetery in Chesterfield County. (Patron—Martin)	SB	540	110	168
Conflict of Interests Act, State and Local Government, and General Assembly Conflicts of Interests Act; establishes Virginia Conflict of Interest and Ethics Advisory Council, report, filing period for a disclosure form.				
Patron—Gilbert	HB	1211	792	1389
Patron—Norment	SB	649	804	1448
Constitutional officers; if proposed budget reduces funding of such officer, locality shall give written notice to such officer at least 14 days prior to adoption of budget. (Patron—Knight)	HB	1051	589	1013
Constitutional officers; if proposed budget reduces funding of such officer, locality shall give written notice to such officer at least 14 days prior to adoption of budget, suits or writ taxes. (Patron—Lucas)	SB	124	360	614
County manager plan; alters time frame for special elections to fill board vacancies in counties that have adopted plan. (Patron—Brink)	HB	666	573	973
Courthouse; posting of notices on public government website of locality served by court or near principal public entrance or both. (Patron—Minchew)	HB	143	269	461
Cranesnest River; designates certain 10.7 mile segment in Dickenson County as component of Virginia Scenic Rivers System, clarifies designation of a scenic river. (Patron—Puckett)	SB	551	823	1733
Development of former federal areas; authorities that are created by proclamation of Governor prior to January 1, 1997, may be dissolved by affected locality or localities without a proclamation of Governor, expiration date. (Patron—Vogel)	SB	631	640	1083
Development rights; development required to comply with any locality-adopted neighborhood design standards identified in comprehensive plan for receiving area, etc. (Patron—Stuart)	SB	241	527	865
Discounted fees and charges; City of Richmond may by ordinance develop criteria for providing for low-income, elderly, or disabled customers, financial assistance for plumbing repairs, etc. (Patron—McQuinn)	HB	473	387	641
Discounted water and sewer fees and charges; City of Richmond may develop criteria for providing for low-income, elderly, or disabled customers. (Patron—Marsh)	SB	67	796	1430
Dogs; killing or injuring livestock or poultry, duty of animal control officer or other officer to seize or kill dog committing whether bears a tag or not. (Patron—McClellan)	HB	740	137	222
Driver's licenses; manner of issuance of original licenses to minors, attorney for the Commonwealth who serves jurisdiction in which ceremony is to be conducted may request in writing in advance an opportunity to participate, judge shall, upon request, afford attorney for the Commonwealth opportunity to participate and to address prospective licensees. (Patron—Webert)	HB	1241	352	587
Eastern Shore Water Access Authority; allows Counties of Accomack and Northampton by resolution to declare that there is a need for a public access authority. (Patron—Lewis)	HB	844	471	776
Economic development authorities; Frederick County board of supervisors may appoint one of its members to Economic Development Authority of County of Frederick, Virginia.				
Patron—Minchew	HB	230	382	637
Patron—Vogel	SB	311	381	635
Electoral boards, local; general registrar shall determine a reasonable charge, not to exceed fee authorized, for copies made from books, papers, and records of board. (Patron—Krupicka)	HB	275	395	649

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COUNTIES, CITIES, AND TOWNS - Continued

Electronic summons system; counties and cities may assess a fee as part of costs in each criminal or traffic case in district or circuit court to be used for implementation and maintenance of system. (Patron—Villanueva)	HB	477	325	535
Emergency relief; donations by localities to charitable institutions, providing relief to residents. (Patron—Puckett)	SB	549	711	1245
Executed administrative search warrants, investigation warrants, and inspection warrants; maintenance by clerks of circuit courts. (Patron—Stuart)	SB	59	354	587
Family day homes; local governing body may, after notice and a public hearing, in its discretion, approve permit, subject to such conditions as agreed upon by applicant and locality, or deny permit. (Patron—Torian)	HB	1209	771	1358
First informer broadcaster; clarifying definition of first informer, state and local government agencies shall permit personnel with proper identification cards to access their broadcasting station within any area declared a state emergency area by the Governor for purpose of disseminating news, identification cards shall be issued by Virginia Association of Broadcasters. (Patron—Lingamfelter)	HB	310	561	944
Golf carts and utility vehicles; adds Town of Clifton to list of towns without their own police departments that may permit operation on their highways. (Patron—Hugo) . .	HB	488	69	108
Grass and weeds; adds Goochland County to list of localities that have authority to require cutting under certain circumstances on occupied property. (Patron—Farrell) .	HB	170	383	638
Grass and weeds; adds Towns of Front Royal and Gordonsville to list of localities permitted to provide by ordinance for cutting on occupied property. (Patron—Scott)	HB	128	384	639
Grass cutting; makes current provisions applicable statewide for all localities, no such ordinance shall be applicable to land zoned for or in active farming operation. (Patron—Farrell)	HB	177	385	640
Group homes; certain facilities shall be considered residential occupancy by a single family. (Patron—Pogge)	HB	527	238	412
Hampton Roads, Transportation District Commission of; staggers terms of gubernatorial appointees. Patron—Howell, A.T.	HB	400	655	1106
Patron—Cosgrove	SB	601	721	1283
Health center commissions; Chesterfield County members shall not be removable at any time by governing body except for malfeasance or at end of member's term. (Patron—Robinson)	HB	1093	735	1307
Highways, bridges, ferries, rail transportation, etc.; recodifying and revising laws. (Patron—LeMunyon)	HB	311	805	1484
Historic Smithfield Plantation in Blacksburg; General Assembly to designate as a Family Homestead of Virginia Governors. Patron—Yost	HJR	167		1799
Patron—Edwards	SJR	180		2188
Hospital authorities; counties shall have same powers with regard to authority enabling statute as cities. (Patron—Kilgore)	HB	628	502	836
Hybrid canines; any locality, may by ordinance, prohibit keeping of such canines. (Patron—Norment)	SB	444	461	748
Inoperable motor vehicles; City of Hopewell and Prince George County added to list of localities that may by ordinance prohibit any person from keeping, exception. Patron—Ingram	HB	701	731	1300
Patron—Marsh	SB	64	606	1033
Interjurisdictional law-enforcement agreements; agreements may allow loan of unmarked police vehicles. (Patron—Rush)	HB	872	581	995
Internet publication of personal information; adds attorneys for the Commonwealth to current provision prohibiting state or local agency from publicly posting or displaying home address or personal telephone numbers of a law-enforcement officer or state or federal judge or justice. (Patron—Bell, Robert B.)	HB	745	170	274
King William County and Town of West Point; localities to govern allocation of revenues for schools, establishes special school tax district in County. Patron—Hodges	HB	534	29	45
Patron—Norment	SB	488	709	1237
Land use permits; permits issued by VDOT to person providing utility service solely for their own agricultural or residential use. (Patron—Fariss)	HB	560	277	466

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COUNTIES, CITIES, AND TOWNS - Continued			
Landlord and tenant law; energy submetering, local government fees, permitted allocation methods. (Patron—Miller)	HB	614	501 834
License plates, special; issuance for supporters of Surfrider Foundation, funds to be used by its Virginia Beach chapter. (Patron—Knight)	HB	189	556 943
Local boards; appointment of members of boards of supervisors.			
Patron—Scott	HB	262	121 200
Patron—Vogel	SB	316	95 159
Local Government, Commission on; extends from July 1, 2014, to July 1, 2018, task force appointed by Governor to review state mandates on localities. (Patron—Byron)	HB	1011	242 414
Local government expenditures or reductions; Division of Legislative Services to identify and forward to Commission on Local Government joint resolutions introduced calling for a study, Department of Planning and Budget and Department of Taxation are authorized to submit legislative bills to Commission on Local Government to prepare local fiscal estimates. (Patron—Landes)	HB	199	807 1690
Localities; personnel policies related to use of public property, exception for towns having population of less than 3,500 that do not have a personnel policy. (Patron—Lingamfelter)	HB	494	405 663
Loudoun County; VDOT's duties and responsibilities to properly maintain the rural gravel road network.			
Patron—Minchew	HB	416	276 466
Patron—Vogel	SB	397	704 1227
Mandatory outpatient treatment; temporary detention, duration, community services board serving locality to which jurisdiction of case has been transferred shall acknowledge transfer and receipt of order within five business days.			
Patron—Yost	HB	574	499 827
Patron—Barker	SB	439	538 876
Maple Festival of Virginia; designating Highland County as official festival of Virginia. (Patron—Bell, Richard P.)	HB	107	553 941
Martinsville, City of; any reversion initiated by City Council shall require that each elected member vote on motion to initiate reversion process. (Patron—Marshall, D.W.)	HB	210	493 821
Master Trooper Jerry L. Hines Memorial Bridge; designating as Interstate Route 81 bridges over Maury River in Rockbridge County.			
Patron—Cline	HB	986	82 133
Patron—Deeds	SB	612	264 453
Methadone clinics; location near schools and day care centers, exemptions for existing facilities and providers, facility that has been providing treatment in same city since 1984 and is operated by and located with a community services board.			
Patron—McClellan	HB	722	415 675
Patron—Watkins	SB	117	173 277
Mineral lands; local property and license taxes.			
Patron—O'Quinn	HB	1202	48 74
Patron—Puckett	SB	338	179 282
Multidisciplinary child sexual abuse response teams, local; attorney for the Commonwealth shall establish a team to conduct regular reviews of new and ongoing reports of felony sex offenses in the jurisdiction, Department of Criminal Justice Services shall disseminate sample guidelines for protocols, etc., that may be implemented by teams.			
Patron—Bell, Robert B.	HB	334	780 1373
Patron—McDougle	SB	421	801 1435
Norfolk, City of; changes length of term for school board members.			
Patron—Howell, A.T.	HB	401	5 4
Patron—Alexander	SB	90	105 165
Ordinances, local; vehicles blocking access to or preventing use of curb ramps, fire hydrants, and mailboxes on public or private property. (Patron—Lingamfelter)	HB	733	505 838

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Oyster planting grounds, privately leased; localities prohibited from exercising right of eminent domain to condemn, other than a water-dependent linear wastewater project.				
Patron—Ransone	HB	1092	591	1016
Patron—Stuart	SB	603	162	269
Parking management companies; any city or county ordinance regulating parking shall require uncontested payment of parking citation penalties be collected and accounted for by local administrative officials who shall be compensated by locality or private management company under contract with locality. (Patron—Head)	HB	369	563	946
Parking of certain vehicles; adds Town of Blackstone to list of counties and towns that may regulate or prohibit.				
Patron—Wright	HB	9	49	75
Patron—Ruff	SB	80	680	1181
Patent infringement; assertions made in bad faith, certain enforcement provisions shall be exercised solely by Attorney General or an attorney for the Commonwealth, exemptions, penalties.				
Patron—O'Quinn	HB	375	810	1695
Patron—Stuart	SB	150	819	1728
Permits and approvals, certain; damages for unconstitutional grant or denial by locality, any action shall be filed with circuit court having jurisdiction of land affected, etc., provisions shall apply only to those granted or denied on or after July 1, 2014.				
Patron—Morris	HB	1084	671	1140
Patron—Obenshain	SB	578	717	1255
Personal property tax; classification of property of business that qualifies under local ordinance for first two years in which subject to tax. (Patron—Davis)	HB	617	409	667
Photo-red traffic light enforcement systems; no traffic light signal monitoring system shall be utilized for having yellow signal phase length of less than three seconds. (Patron—Lingamfelter)	HB	255	163	269
Police officers, special; repeals provisions allowing a circuit court for any locality to appoint. (Patron—Norment)	SB	496	543	908
Political subdivisions, certain; no audit shall be required for any fiscal year during which such entity's financial transactions did not exceed sum of \$25,000. (Patron—Jones)	HB	1075	509	844
Port of Virginia Economic and Infrastructure Development Grant Fund and Program; expands Port of Virginia Economic and Infrastructure Development Zone into a statewide grant program. (Patron—Poindexter)	HB	672	470	773
Private roads; designation as highways for law-enforcement purposes in Greene County. (Patron—Bell, Robert B.)	HB	1144	90	157
Public assets; misuse, adoption of local ordinance by locality, penalty. (Patron—Minchew)	HB	420	321	534
Real and personal property tax; exemption for religious bodies, real property used primarily for outdoor worship activities and property used for ancillary and accessory purposes as allowed under local ordinance, dominant purpose of which is to support or augment worship.				
Patron—Minchew	HB	156	555	942
Patron—Black	SB	175	615	1041
Real estate; percentage of taxes and liens, together, including penalty and accumulated interest and percentage of certain taxes alone shall exceed 20 percent and 10 percent, respectively, of assessed value of parcel, and each parcel has an assessed value of \$100,000 or less, exception. (Patron—Marsh)	SB	68	519	858
Regional Criminal Justice Academy Training Fund; certain localities allowed to receive money from Fund for operating their criminal justice academies, fees charged by locality, operation of a certified independent criminal justice academy as of July 1, 2012.				
Patron—Helsel	HB	1049	431	703
Patron—Locke	SB	597	375	630
Retail Sales and Use Tax; revenues from certain baseball facilities, clarification of definition of public facility. (Patron—Stuart)	SB	579	718	1255

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Richmond, City of; reassessment of real estate and equalization, may by ordinance elect to provide for board of equalization instead of board of review.				
Patron—McQuinn	HB	225	61	105
Patron—Marsh	SB	66	607	1033
Richmond Metropolitan Authority; changes name to Richmond Metropolitan Transportation Authority and equalizes Board representation among City of Richmond, Chesterfield County, and Henrico County. (Patron—Loupassi)	HB	597	469	767
Safe drinking water; County of Bedford may by ordinance establish reasonable local private well testing requirements. (Patron—Austin)	HB	1177	599	1026
School boards; tie breaker of any elected board to be conducted in same manner as members of school board and shall be held by qualified voter who is a resident of county. (Patron—O'Quinn)	HB	1242	772	1358
Social services, district board of; process for withdrawal by local governing body of county or city. (Patron—Tyler)	HB	215	119	199
Social services, local boards of; authority to employ in-house counsel.				
Patron—Bell, Richard P.	HB	264	122	200
Patron—Hanger	SB	417	536	876
Solid waste; Southampton County may by ordinance, and after public hearing, levy a fee for disposal of waste at county collection or disposal facility, contractual agreements with certain companies, exemption for certain disabled veterans. (Patron—Tyler)	HB	62	727	1290
Southwest Virginia Health Authority; expands Authority to include Counties of Smyth and Washington. (Patron—Kilgore)	HB	455	236	404
Southwestern Virginia Mental Health Institute; Department of Behavioral Health and Developmental Services to convey certain real property located in Marion in Smyth County to Mount Rogers Community Services Board. Amending Chapter 265, 2013 Acts. (Patron—Carrico)	SB	667	643	1084
Speed limits; maximum limit on nonsurface-treated highways in certain counties.				
Patron—Garrett	HB	854	80	132
Patron—Smith	SB	470	261	452
State and local government employees; inclusion of Roth contribution program in deferred compensation retirement plans. (Patron—McDougle)	SB	188	747	1319
Stephen L. Thompson Memorial Highway; designating as a portion of Virginia Route 24 in Town of Rustburg. (Patron—Fariss)	HB	64	51	79
Subdivision ordinances; optional provisions allowing any town in Northern Virginia Transportation District to require dedication of land for sidewalk improvements. (Patron—Petersen)	SB	237	619	1046
Subdivision plats; localities may mandate submission of preliminary plats for tentative approval. (Patron—Marshall, D.W.)	HB	209	393	646
Tourist Train Development Authority; reinstates Authority and its board. (Patron—Puckett)	SB	72	608	1034
Transient occupancy tax; adds Highland County to list of counties authorized to levy. (Patron—Deeds)	SB	573	188	294
Transportation planning; VDOT shall include in its comments an assessment of measures and estimate costs necessary to mitigate or ameliorate congestion or reduction in mobility attributable to proposed plan or amendment. (Patron—LeMunyon)	HB	793	766	1353
Tye River; designates from Route 738 in Nelson County to its confluence with James River as component of Virginia Scenic River System. (Patron—Deeds)	SB	257	107	166
Urban county executive form of government; disclosure in land use proceedings. (Patron—Marsden)	SB	593	743	1314
Utility crossings; localities and political subdivisions whose facilities are to be crossed or affected shall cooperate with the other in planning, etc., should private entity and any locality or political subdivision not be able to agree upon plan, then entity may request in writing to Commonwealth Transportation Board, that Board consider matter pursuant to its authority. (Patron—Rust)	HB	978	474	786
Vested rights; amends existing statute by clarifying that structures that meet certain conditions shall be considered nonconforming. (Patron—Marshall, D.W.)	HB	208	648	1088

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COUNTIES, CITIES, AND TOWNS - Continued

Virginia Beach arena; if City of Virginia Beach issues bonds for a facility or enters into contract for construction, development, etc., then it shall create an Arena Financing Fund, sales and use tax revenues shall be used only for payment of debt service or to meet contractual obligations for construction, etc., of facility, report.				
Patron-Knight	HB	1267	738	1309
Patron-Wagner	SB	571	742	1313
Virginia Coal and Energy Alliance; members named or appointed by Alliance for Virginia Coalfield Economic Development Authority and Virginia Coal Mine Safety Board. (Patron-Morefield)	HB	1167	438	709
Virginia Defense Force; localities may appropriate money and real and personal property to various organizations of Force.				
Patron-Anderson	HB	559	30	46
Patron-Ruff	SB	546	547	920
Virginia Freedom of Information Act; state agencies in executive branch to post notice on their respective public government websites allowable charges for producing records, public body may make reasonable charges not to exceed its actual cost incurred. (Patron-Keam)	HB	837	421	692
Virginia Regional Industrial Facilities Act; any person who is a resident of the Commonwealth may be appointed to local board of directors. (Patron-Habeeb) ...	HB	118	728	1291
Virginia's Line of Duty Act; Joint Legislative Audit and Review Commission to study. (Patron-Jones)	HJR	103		1768
Water and sewer charges; adds City of Suffolk to list of localities permitted to provide by ordinance that charges shall be a lien on real estate. (Patron-Spruill)	HB	1012	430	703
Water and sewer charges; adds Prince George and Smyth Counties to those localities in which charges constitute a lien against real property. (Patron-Carrico)	SB	290	694	1217
Water and sewer system; any locality that is owner of system and has population density of 200 persons per square mile or less, and Town of Louisa by ordinance may develop criteria for providing discounted fees and charges for low-income and disabled customers. (Patron-Garrett)	SB	10	514	857
Water and sewer system; City of Richmond may by ordinance develop criteria for financial assistance to customers for plumbing repairs and replacement of water-inefficient appliances. (Patron-Marsh)	SB	98	522	860
Zoning; clarifies definition of agricultural products, provisions shall become effective on January 1, 2015. (Patron-Morris)	HB	1089	435	706
COURT-APPOINTED SPECIAL ADVOCATE (CASA) PROGRAMS— See: Courts Not of Record				
COURTHOUSES AND COURTROOMS— See: Counties, Cities, and Towns				
COURTLAND, TOWN OF				
Peanut Patch; commemorating its 40th anniversary. (Patron-Morris)	HR	25		1992
COURTS NOT OF RECORD				
Comprehensive Services for At-Risk Youth and Families, State Executive Council for; membership, adds juvenile and domestic relations district court judge to be appointed by Governor. (Patron-Bell, Richard P.)	HB	520	406	663
Condominium and Property Owners' Association Acts; adoption and rule enforcement, appeals from courts not of record in civil cases, unit owners' association or board of directors may file or defend legal action in general district or circuit court that seeks relief. (Patron-LeMunyon)	HB	791	784	1376
Court-Appointed Special Advocate (CASA) Program; eligibility for volunteer appointments. (Patron-Marsden)	SB	592	636	1077
Crime victim rights; offenses by juveniles. (Patron-Farrell)	HB	171	230	394
Custody and visitation arrangements for minor children; adds step-grandparents to list of persons and parties with a legitimate interest. (Patron-Chafin)	HB	359	653	1097
District courts; an audio recording of proceedings may be made by a party or his counsel. (Patron-Albo)	HB	161	268	461
District courts; permits chief judge of juvenile and domestic relations district court to direct clerk of that court to destroy documents related to certain civil and criminal cases. (Patron-Campbell)	HB	1013	287	481
District courts and circuit courts; no civil matter shall be dismissed with prejudice by any court for failure to comply with any rule. (Patron-Joannou)	HB	1038	348	583

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Electronic summons system; counties and cities may assess a fee as part of costs in each criminal or traffic case in district or circuit court to be used for implementation and maintenance of system. (Patron–Villanueva) HB 477 325 535

Emergency protective orders; arrests for domestic assault, definition of law-enforcement officer means any special conservator of the peace who meets certification requirements.
Patron–Bell, Robert B. HB 285 779 1371
Patron–Stuart SB 71 797 1430

General district court; medical reports as evidence in civil action for personal injuries, etc. (Patron–Joannou) HB 1037 85 150

Judges; election in Court of Appeals, circuit court, general district court, juvenile and domestic relations district court, member of State Corporation Commission, and member of Virginia Workers' Compensation Commission. (Patron–Loupassi) HJR 143 1786

Judges; maximum number in circuit, general district, and juvenile and domestic relations district courts, Chief Justice shall utilize authority to provide judicial assistance, as appropriate.
Patron–Miller HB 606 812 1697
Patron–Norment SB 443 822 1731

Judges; nominations for election to general district court.
Patron–Loupassi HR 76 2018
Patron–McDougle SR 19 2213

Judges; nominations for election to juvenile and domestic relations district court.
Patron–Loupassi HR 77 2019
Patron–McDougle SR 20 2214

Judges; retirement allowance and service after retirement. (Patron–Jones) HB 10 776 1365

Juvenile and domestic relations district court; clarifies law governing retention of records, records of any ancillary offense shall also be retained for time specified for felony or offense reported to Department of Motor Vehicles, availability for inspection. (Patron–Albo) HB 278 271 462

Juveniles; commitment to Department of Juvenile Justice, waiver of an investigation, waived by an agreement between the Commonwealth's attorney and juvenile and his attorney, consideration of social history, report.
Patron–Farrell HB 183 20 32
Patron–Favola SB 128 249 425

Magistrates; authorized to exercise powers regarding search warrants throughout the Commonwealth, district court judge may issue warrants, etc., within scope of his general jurisdiction.
Patron–Pogge HB 138 310 519
Patron–Norment SB 485 305 505

Mature driver motor vehicle crash prevention course; license renewal, reduction in rates for certain persons. (Patron–Hugo) HB 771 282 468

Mental health; prohibition of firearms, judge or special justice shall file order from commitment hearing for involuntary admission or mandatory outpatient treatment and certification of any person who has been subject of temporary detention order with clerk of district court as soon as practicable but no later than close of business on next business day.
Patron–McClellan HB 743 336 549
Patron–McEachin SB 576 374 629

Protective orders; modifies provision in cases of family abuse, motor vehicles, certain provisions may result in net increase in periods of imprisonment or commitment.
Patron–Bell, Robert B. HB 335 318 525
Patron–Stuart SB 151 613 1039

Protective orders; person or petitioner issued possession of companion animal, if they meet definition of owner. (Patron–Cline) HB 972 346 571

Suit for personal injury; report from health care provider licensed outside of the Commonwealth.
Patron–Chafin HB 394 25 38
Patron–Stanley SB 114 446 718

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Summons; summons served upon defendant requests judgment for all amounts due as of date of hearing, unlawful detainer issued by magistrate or clerk or judge of general district court, amendment of amount due. (Patron–Miller) HB 596 168 273

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Arraignment; defendant may enter conditional guilty plea in misdemeanor case or felony case in circuit court. (Patron–Hope) HB 80 52 79

Cases under advisement; circuit court judge in civil action who holds decision on any matter, etc., for unreasonable length of time. (Patron–Habeeb) HB 269 62 105

Circuit court clerks; automated system in lieu of order books, etc. (Patron–McDougle) SB 435 460 745

Clerk of court; costs taxed. (Patron–Loupassi) HB 303 315 523

Clerks offices; recordation, possession, etc., of child pornography, wills, when security is required. (Patron–Cline) HB 1196 291 485

Concealed handgun permit; clerk of circuit court to disclose information contained in application to applicant. (Patron–Anderson) HB 357 401 656

Condominium and Property Owners' Association Acts; adoption and rule enforcement, appeals from courts not of record in civil cases, unit owners' association or board of directors may file or defend legal action in general district or circuit court that seeks relief. (Patron–LeMunyon) HB 791 784 1376

District courts and circuit courts; no civil matter shall be dismissed with prejudice by any court for failure to comply with any rule. (Patron–Joannou) HB 1038 348 583

Electronic summons system; counties and cities may assess a fee as part of costs in each criminal or traffic case in district or circuit court to be used for implementation and maintenance of system. (Patron–Villanueva) HB 477 325 535

Evidence and incidents of trial; recording misdemeanor cases electronically in circuit court. (Patron–Gilbert) HB 704 78 131

Executed administrative search warrants, investigation warrants, and inspection warrants; maintenance by clerks of circuit courts. (Patron–Stuart) SB 59 354 587

Fraud and Abuse Whistle Blower Protection Act; discriminatory and retaliatory action against whistle blower, whistle blower may bring civil action in circuit court of jurisdiction where is employed, remedies. (Patron–Lingamfelter) HB 728 335 549

Judge; election in circuit court. (Patron–Loupassi) HJR 260 1849

Judge; nomination for election to circuit court.

Patron–Loupassi HR 102 2030

Patron–Marsh SR 31 2234

Judges; election in Court of Appeals, circuit court, general district court, juvenile and domestic relations district court, member of State Corporation Commission, and member of Virginia Workers' Compensation Commission. (Patron–Loupassi) HJR 143 1786

Judges; maximum number in circuit, general district, and juvenile and domestic relations district courts, Chief Justice shall utilize authority to provide judicial assistance, as appropriate.

Patron–Miller HB 606 812 1697

Patron–Norment SB 443 822 1731

Judges; nominations for election to circuit court.

Patron–Loupassi HR 75 2018

Patron–McDougle SR 18 2213

Judges; nominations for election to Court of Appeals of Virginia.

Patron–Loupassi HR 74 2017

Patron–McDougle SR 17 2212

Judges; retirement allowance and service after retirement. (Patron–Jones) HB 10 776 1365

Judicial performance evaluation program; required to submit evaluation reports on justices and judges whose terms expire during next session of General Assembly, report. (Patron–Loupassi) HB 272 808 1691

Mature driver motor vehicle crash prevention course; license renewal, reduction in rates for certain persons. (Patron–Hugo) HB 771 282 468

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Permits and approvals, certain; damages for unconstitutional grant or denial by locality, any action shall be filed with circuit court having jurisdiction of land affected, etc., provisions shall apply only to those granted or denied on or after July 1, 2014.			
Patron—Morris	HB 1084	671	1140
Patron—Obenshain	SB 578	717	1255
Police officers, special; repeals provisions allowing a circuit court for any locality to appoint. (Patron—Norment)	SB 496	543	908
Recordation and marginal release; clerk of circuit court not required to make recordings in margins of pages in record books to accommodate use of electronic filing databases, entry of assignment of judgment on judgment lien docket. (Patron—Robinson)	HB 607	330	540
Recordation of deeds and deeds of trust; use of cover sheets on deeds, clerk shall be immune from suits arising from recordation of any document, unless grossly negligent or engaged in willful misconduct. (Patron—Minchew)	HB 763	338	552
Sex Offender and Crimes Against Minors Registry; grants circuit courts discretion to accept name change applications from persons on Registry, if court finds that good cause exists for such application, order voiding application, if person files objection, court shall hold a hearing. (Patron—Bell, Robert B.)	HB 233	232	399
Sodomy; crimes against nature, clarifies provisions of clause, increase of fee for court costs, penalty. (Patron—Garrett)	SB 14	794	1426
COVINGTON, CITY OF			
Charter; amending. (Patron—Deeds)	SB 609	722	1285
CRADDOCK, DAISY MARIE WHITE—See: Deaths			
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CRAWFORD, MYRTLE J. SPAIN—See: Deaths			
CREMATION AND CREMATORIUMS—See: Professions and Occupations			
CRIME COMMISSION, STATE			
Criminal Injuries Compensation Fund; filing of claims, awards, Virginia State Crime Commission shall convene stakeholder workgroup to support streamlining of current federal and state sexual and domestic violence victim service agency funding. (Patron—Peace)	HB 885	665	1115
Juvenile records; Virginia State Crime Commission to study expungement of records. (Patron—Favola)	SJR 24		2083
Virginia's Law Enforcement and Search and Rescue; Virginia State Crime Commission to study current state of readiness efforts for rapid and well-coordinated deployment in all missing, endangered, and abducted person cases.			
Patron—Albo	HJR 62		1756
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CRIMES AND OFFENSES GENERALLY			
Abduction and prostitution offenses; administrative subpoena for electronic communication service or remote computing service records. (Patron—Hugo)	HB 485	166	272
Abuse or neglect of a child, suspected; local department of social services shall notify local attorney for the Commonwealth and local law-enforcement agency of all complaints involving contributing to delinquency of a minor, immediately, but in no case more than two hours of receipt of complaint, local department may submit report either in writing or electronically.			
Patron—Bell, Robert B.	HB 405	565	947
Patron—Howell	SB 332	300	495
Address Confidentiality Program; victims of stalking eligible for Program. (Patron—Toscano)	HB 1233	439	710
Animal shelters; definitions. (Patron—Orrock)	HB 1067	148	235
Arraignment; defendant may enter conditional guilty plea in misdemeanor case or felony case in circuit court. (Patron—Hope)	HB 80	52	79

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CRIMES AND OFFENSES GENERALLY - Continued

Assault and battery; adds unlawful wounding and strangulation to list of offenses against family or household member. (Patron—Gilbert)	HB	708	660	1112
Assault and battery; full-time or part-time employee of any public or private elementary or secondary school, penalty.				
Patron—LeMunyon	HB	851	663	1113
Patron—Stuart	SB	570	714	1251
Automated sales suppression devices; any person who uses a device or software to falsify electronic records of cash registers or other point-of-sale systems or otherwise manipulates transaction records that affect any state tax liability shall be guilty of a Class 1 misdemeanor, civil penalty. (Patron—Keam)	HB	829	785	1378
Automated sales suppression devices; use of device or software to falsify electronic records of cash registers or other point-of-sale systems or otherwise manipulates transaction records that affect any state tax liability shall be guilty of a Class 1 misdemeanor, civil penalty. (Patron—Saslaw)	SB	611	723	1286
Certificate of analysis for drugs or alcohol use; director shall remove withdrawal certificate from vial and electronically scan it into Department's Laboratory Information Management System and place original certificate in its case-specific file, certificate shall be returned or electronically transmitted to clerk of court in which charge will be heard, electronic signature. (Patron—Morris)	HB	518	328	538
Charitable gaming; Department of Agriculture and Consumer Services may issue permit while permittee's tax-exempt status is pending approval by Internal Revenue Service. (Patron—Albo)	HB	616	208	318
Child abuse and neglect; local school divisions shall report annually to Board of Education, etc., regarding status of interagency agreements for investigation of complaints against school personnel, reports of sexual abuse of children, local school division and local department of social services that are parties to interagency agreements shall only be required to report to Boards of Education and Social Services when agreements are substantially modified. (Patron—Herring)	HB	683	412	672
Child abuse and neglect investigations; time for determination. (Patron—Gilbert) . . .	HB	709	504	837
Child pornography; proposed modifications to discretionary sentencing guidelines for possession, effective date July 1, 2016, report.				
Patron—Bell, Robert B.	HB	504	100	163
Patron—McDougle	SB	433	260	452
Child sex-crime cases; admission of prior sexual offenses into evidence. (Patron—Bell, Robert B.)	HB	403	782	1375
Cigarettes, tax-paid contraband; penalty for possession with intent to distribute, exception for certain authorized holders. (Patron—Normont)	SB	489	751	1325
Clerks offices; recordation, possession, etc., of child pornography, wills, when security is required. (Patron—Cline)	HB	1196	291	485
Concealed handgun permit; clerk of circuit court to disclose information contained in application to applicant. (Patron—Anderson)	HB	357	401	656
Concealed handgun permit; exception for retired member of enforcement division of Department of Motor Vehicles.				
Patron—O'Bannon	HB	1169	45	66
Patron—Cosgrove	SB	279	450	720
Concealed handgun permits; references to issuance of handgun permit in any order book before July 1, 2008, are exempt from requirement that such orders be withheld from public disclosure, however, other handgun records maintained by clerk shall be withheld from public disclosure.				
Patron—Lingamfelter	HB	100	16	25
Patron—Cosgrove	SB	600	549	930
Controlled substance analogs; regulation by Board of Pharmacy, synthetic cannabinoids, any substance added to Schedule I or II shall remain for a period of 18 months, penalties.				
Patron—Garrett	HB	1112	674	1143
Patron—Obenshain	SB	594	719	1257
Crimes; seizure and forfeiture of property when used in connection with certain offenses. (Patron—Bell, Robert B.)	HB	660	658	1109

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Criminal Justice Services, Department of; human trafficking policy, Department shall publish and disseminate a model policy or guideline for law-enforcement personnel involved in criminal investigations or assigned to vehicle or street patrol duties. (Patron—Obenshain)	SB	654	265 453
Dextromethorphan Distribution Act; no pharmacy or retail distributor may knowingly or intentionally sell or distribute product containing dextromethorphan to a minor and no minor may knowingly and intentionally purchase such product, penalty, provisions of this Act shall become effective January 1, 2015. Patron—Hodges	HB	505	101 163
Patron—Carrico	SB	213	362 615
Driving under influence of alcohol; probation, license suspension, etc., administrative enforcement of ignition interlock, penalty. (Patron—Norment)	SB	482	707 1230
Electronic communication service or remote computing devices; warrant requirement for certain telecommunication records, search warrant or administrative subpoena for disclosure of real-time location data. (Patron—Marshall, R.G.)	HB	17	388 641
Evidence and incidents of trial; recording misdemeanor cases electronically in circuit court. (Patron—Gilbert)	HB	704	78 131
Falsifying patient records; statute of limitation on prosecutions increased to three years for misdemeanor. (Patron—Bell, Robert B.)	HB	661	169 273
Firearms; dealers to go through process administered by Department of State Police, dealer may choose to obtain verification check from Department to determine if firearm has been reported to law-enforcement agency as lost or stolen, if firearm is determined not to be lost or stolen, consent form shall be destroyed by dealer. (Patron—Reeves)	SB	377	821 1730
Firearms; person who recklessly handles any firearm with disregard for human life and causes serious bodily injury of another person resulting in permanent and significant physical impairment is guilty of Class 6 felony. Patron—Carr	HB	810	579 994
Patron—Marsh	SB	65	444 716
Fox or coyote; Class 1 misdemeanor for any person to erect, maintain, or operate an enclosure for purpose of pursuing, hunting, etc., with dogs, regulations governing foxhound training preserves. (Patron—Marsden)	SB	42	605 1032
Fraud and Abuse Whistle Blower Protection Act; applicability to Virginia citizens, discrimination and retaliatory actions against whistle blowers prohibited, good faith required. (Patron—LeMunyon)	HB	439	403 658
Fraud and Abuse Whistle Blower Protection Act; discriminatory and retaliatory action against whistle blower, whistle blower may bring civil action in circuit court of jurisdiction where is employed, remedies. (Patron—Lingamfelter)	HB	728	335 549
Hazing; any school, college, or university policies and procedures shall be consistent with model policies established by Department of Education or State Council of Higher Education for Virginia, model policies regarding prevention of and appropriate disciplinary actions for hazing shall be established along with Department of Criminal Justice Services. (Patron—Norment)	SB	448	627 1057
Homicides, certain; accessories after the fact. (Patron—Cline)	HB	976	668 1137
Incest; definition of parent includes step-parent, grandparent includes step-grandparent, child includes step-child, etc., penalty. (Patron—Norment)	SB	476	542 908
Internet publication of personal information; adds attorneys for the Commonwealth to current provision prohibiting state or local agency from publicly posting or displaying home address or personal telephone numbers of a law-enforcement officer or state or federal judge or justice. (Patron—Bell, Robert B.)	HB	745	170 274
Investigation of cases involving alleged sexual abuse of a child; qualifications of investigator. (Patron—Howell)	SB	331	299 494
Juvenile and domestic relations district court; clarifies law governing retention of records, records of any ancillary offense shall also be retained for time specified for felony or offense reported to Department of Motor Vehicles, availability for inspection. (Patron—Albo)	HB	278	271 462
Methamphetamine cleanup; Board of Health, et al., to certify that methamphetamine level at property is at or below post cleanup target. (Patron—Stanley)	SB	31	513 853

CRIMES AND OFFENSES GENERALLY - Continued

Multidisciplinary child sexual abuse response teams, local; attorney for the Commonwealth shall establish a team to conduct regular reviews of new and ongoing reports of felony sex offenses in the jurisdiction, Department of Criminal Justice Services shall disseminate sample guidelines for protocols, etc., that may be implemented by teams.				
Patron—Bell, Robert B.	HB	334	780	1373
Patron—McDougle	SB	421	801	1435
Multijurisdiction grand juries; cigarette trafficking offenses added to list of crimes that jury may investigate. (Patron—Reeves)	SB	366	534	874
Officers, elected and certain appointed; misdemeanor sexual offenses as a basis for removal, conviction has material adverse effect upon conduct of such office. (Patron—Bell, Robert B.)	HB	451	566	949
Personal property; fraudulent conversion or removal of leased property, restitution if property is not returned or cannot reasonably be repaired, actual value of such property, exception for property described in Virginia Lease-Purchase Agreement Act. (Patron—Albo)	HB	159	56	100
Public assets; misuse, adoption of local ordinance by locality, penalty. (Patron—Minchew)	HB	420	321	534
Real estate licensees; an allegation made by plaintiff in civil proceeding that defendant licensee has engaged in untrue, deceptive, or misleading advertising, etc., shall be stated with particularity.				
Patron—Miller	HB	259	650	1092
Patron—McDougle	SB	302	696	1220
Sex Offender and Crimes Against Minors Registry; grants circuit courts discretion to accept name change applications from persons on Registry, if court finds that good cause exists for such application, order voiding application, if person files objection, court shall hold a hearing. (Patron—Bell, Robert B.)	HB	233	232	399
Sex Offender and Crimes Against Minors Registry Act; amends Act, solicitation of prostitution from minors, pandering, Class 4 felony.				
Patron—Bell, Robert B.	HB	235	649	1090
Patron—Obenshain	SB	454	706	1228
Sex offenders; a person required to register with Sex Offender and Crimes Against Minors Registry who changed name prior to July 1, 2014, must reregister in person with local law-enforcement agency within three days of July 1, 2014, following a change of name. (Patron—Ramadan)	HB	1251	677	1176
Sexual battery; person guilty if within a two-year period, more than one complaining witness or one complaining witness on more than one occasion intentionally and without consent of complaining witness, penalty. (Patron—Watts)	HB	567	656	1107
Sodomy; crimes against nature, clarifies provisions of clause, increase of fee for court costs, penalty. (Patron—Garrett)	SB	14	794	1426
Tax information; changes unlawful dissemination or publication to Class 1 misdemeanor. (Patron—Lingamfelter)	HB	99	194	299
Tobacco products; purchase, etc., of nicotine vapor products and alternative nicotine products by minors, penalty.				
Patron—Albo	HB	218	394	647
Patron—Reeves	SB	96	357	606
Tow truck drivers; registration after conviction of violent crimes, persons who held valid tow truck driver authorization document on January 1, 2013, issued by Board of Towing and Recovery Operators.				
Patron—Farrell	HB	176	59	104
Patron—Garrett	SB	8	441	712
Unlawful dissemination or sale of images of another; intent to coerce, harass, etc., depicted person, provisions shall not apply to videographic or still image created by law-enforcement officers pursuant to criminal investigations, Class 1 misdemeanor if person uses Internet service provider, etc., that provides or enables computer access by multiple users, such provider shall not be held responsible for violation of content provided by another person. (Patron—Bell, Robert B.)	HB	326	399	654

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Virginia's Law Enforcement and Search and Rescue; Virginia State Crime Commission to study current state of readiness efforts for rapid and well-coordinated deployment in all missing, endangered, and abducted person cases.

Patron—Albo HJR 62 1756
Patron—McDougle SJR 64 2101

Wearing masks; unlawful for any person to wear with intent to conceal identity, penalty. (Patron—McQuinn) HB 542 167 272

CRIMINAL HISTORY INFORMATION—See: Civil Remedies and Procedure

CRIMINAL JUSTICE SERVICES—See: Criminal Procedure

CRIMINAL PROCEDURE

Abduction and prostitution offenses; administrative subpoena for electronic communication service or remote computing service records. (Patron—Hugo) HB 485 166 272

Address Confidentiality Program; victims of stalking eligible for Program. (Patron—Toscano) HB 1233 439 710

Arraignment; defendant may enter conditional guilty plea in misdemeanor case or felony case in circuit court. (Patron—Hope) HB 80 52 79

Bail hearings; motions relating to bail or conditions of release must be held as soon as practicable. (Patron—Stanley) SB 34 515 857

Certificate of analysis for drugs or alcohol use; director shall remove withdrawal certificate from vial and electronically scan it into Department's Laboratory Information Management System and place original certificate in its case-specific file, certificate shall be returned or electronically transmitted to clerk of court in which charge will be heard, electronic signature. (Patron—Morris) HB 518 328 538

Child care providers; Department of Social Services to convene work group to develop plan for implementation of national fingerprint-based background checks, report.
Patron—Anderson HB 412 128 211
Patron—Hanger SB 639 379 635

Cigarette laws; administration and enforcement, violation of tax, counterfeit cigarettes used in undercover operation to remain under control and command of law enforcement. (Patron—Gilbert) HB 853 422 693

Cigarettes, counterfeit and contraband; use by law enforcement, any undercover operation shall ensure cigarettes remain under their control and command. (Patron—Reeves) SB 365 458 738

College campus police and security departments; Department of Criminal Justice Services shall conduct a study to identify potential minimum core operational functions.
Patron—Yost HB 587 278 467
Patron—Barker SB 440 539 884

Competency to stand trial; recommended treatment by qualified mental health expert.
Patron—O'Bannon HB 584 329 539
Patron—Howell SB 357 739 1311

Controlled substances; eliminates requirement that law-enforcement reports on destruction of seized substances and other drugs and paraphernalia be submitted to Board of Pharmacy. (Patron—Carrico) SB 211 686 1195

Crime victim rights; offenses by juveniles. (Patron—Farrell) HB 171 230 394

Crimes; seizure and forfeiture of property when used in connection with certain offenses. (Patron—Bell, Robert B.) HB 660 658 1109

Criminal defendant; competency reports for restoration providers.
Patron—O'Bannon HB 585 408 667
Patron—Howell SB 541 373 629

Criminal Injuries Compensation Fund; filing of claims. (Patron—McDougle) SB 186 251 429

Criminal Injuries Compensation Fund; filing of claims, awards, Virginia State Crime Commission shall convene stakeholder workgroup to support streamlining of current federal and state sexual and domestic violence victim service agency funding. (Patron—Peace) HB 885 665 1115

Criminal Justice Services, Department of; human trafficking policy, Department shall publish and disseminate a model policy or guideline for law-enforcement

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personnel involved in criminal investigations or assigned to vehicle or street patrol duties. (Patron—Obenshain)	SB	654	265 453
Criminal Justice Services, Department of; included in definition of criminal justice agency. (Patron—Miller)	HB	861	342 567
Electronic communication service or remote computing devices; warrant requirement for certain telecommunication records, search warrant or administrative subpoena for disclosure of real-time location data. (Patron—Marshall, R.G.)	HB	17	388 641
Emergency protective orders; arrests for domestic assault, definition of law-enforcement officer means any special conservator of the peace who meets certification requirements.			
Patron—Bell, Robert B.	HB	285	779 1371
Patron—Stuart	SB	71	797 1430
Executed administrative search warrants, investigation warrants, and inspection warrants; maintenance by clerks of circuit courts. (Patron—Stuart)	SB	59	354 587
Falsifying patient records; statute of limitation on prosecutions increased to three years for misdemeanor. (Patron—Bell, Robert B.)	HB	661	169 273
Hazing; any school, college, or university policies and procedures shall be consistent with model policies established by Department of Education or State Council of Higher Education for Virginia, model policies regarding prevention of and appropriate disciplinary actions for hazing shall be established along with Department of Criminal Justice Services. (Patron—Norment)	SB	448	627 1057
Immediate sanction probation program; extends sunset provision on establishment of programs. (Patron—Bell, Robert B.)	HB	232	314 522
Magistrates; authorized to exercise powers regarding search warrants throughout the Commonwealth, district court judge may issue warrants, etc., within scope of his general jurisdiction.			
Patron—Pogge	HB	138	310 519
Patron—Norment	SB	485	305 505
Metropolitan Washington Airports Authority; background checks of applicants, conditional offer of employment with Authority. (Patron—Albo)	HB	164	57 100
Multi-jurisdiction grand juries; numerous changes to laws governing. (Patron—Loupassi)	HB	56	389 643
Multidisciplinary child sexual abuse response teams, local; attorney for the Commonwealth shall establish a team to conduct regular reviews of new and ongoing reports of felony sex offenses in the jurisdiction, Department of Criminal Justice Services shall disseminate sample guidelines for protocols, etc., that may be implemented by teams.			
Patron—Bell, Robert B.	HB	334	780 1373
Patron—McDougle	SB	421	801 1435
Multijurisdiction grand juries; cigarette trafficking offenses added to list of crimes that jury may investigate. (Patron—Reeves)	SB	366	534 874
Offenses requiring registration; withdrawal of plea by certain defendants, indictment, warrant, or information that does not allege victim of offense was minor, physically helpless, or mentally incapacitated. (Patron—Norment)	SB	537	546 919
Physician assistant; may testify as an expert witness in a court of law within scope of their activities as authorized under Virginia law, but may not testify against a defendant doctor, etc.			
Patron—Minchew	HB	191	391 645
Patron—Stuart	SB	185	361 615
Plea agreements; upon rejection of agreement in any delinquency or criminal matter, recusal of judge from any further proceedings. (Patron—Bell, Robert B.)	HB	452	165 271
Pretrial appeals; transcript or written statement of facts.			
Patron—Bell, Robert B.	HB	656	33 48
Patron—Stuart	SB	69	294 489
Private security services businesses; exempt from training requirements established by Department of Criminal Justice Services, exemption not granted to persons whose employment was terminated due to misconduct or incompetence. (Patron—Robinson)	HB	609	32 47

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CRIMINAL PROCEDURE - Continued

Protective orders; person or petitioner issued possession of companion animal, if they meet definition of owner. (Patron—Cline) HB 972 346 571

Real estate licensees; an allegation made by plaintiff in civil proceeding that defendant licensee has engaged in untrue, deceptive, or misleading advertising, etc., shall be stated with particularity.
Patron—Miller HB 259 650 1092
Patron—McDougle SB 302 696 1220

Release of accused on bond; conditions of release. (Patron—Obenshain) SB 501 466 760

Seized drugs and paraphernalia; court may order forfeiture to Department of Forensic Science, Department of State Police, or other law enforcement for research and training purposes and for destruction.
Patron—Knight HB 186 99 162
Patron—Cosgrove SB 349 254 431

Sexual battery; person guilty if within a two-year period, more than one complaining witness or one complaining witness on more than one occasion intentionally and without consent of complaining witness, penalty. (Patron—Watts) HB 567 656 1107

Summons; summons served upon defendant requests judgment for all amounts due as of date of hearing, unlawful detainer issued by magistrate or clerk or judge of general district court, amendment of amount due. (Patron—Miller) HB 596 168 273

Training, Committee on, within Department of Criminal Justice Services; increases membership.
Patron—Head HB 1002 83 133
Patron—Vogel SB 391 535 875

Virginia Freedom of Information Act; disclosure pursuant to court order or subpoena. (Patron—Surovell) HB 380 319 527

Witnesses; right to nondisclosure of certain information. (Patron—Howell) SB 640 744 1316

CRINKLEY, JIM—See: Commendations and Commemorations

CRUZ, JANE—See: Commendations and Commemorations

CULLEN, ABIGAIL RANDI-MAE—See: Deaths

CULPEPER, TOWN OF
Charter; amending. (Patron—Scott) HB 165 646 1087

DALEY, ELIZABETH B.—See: Commendations and Commemorations

DAMS—See: Waters of the State, Ports, and Harbors

DAN RIVER—See: Waters of the State, Ports, and Harbors

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DARDEN, JOSHUA P., JR.—See: Deaths

DATABASES—See: Computer Services and Uses

DAVIES, HOPE COSBY—See: Deaths

DAVIES, JAMES BANKHEAD TAYLOR THORNTON—See: Deaths

DAVIS, CARTER, JR.—See: Commendations and Commemorations

DAVIS, PAUL C.—See: Deaths

DAY, JOSEPH ALBERT—See: Deaths

DAY OF THE GIRL—See: Holidays, Special Days, Etc.

DAY-CARE CENTERS AND PROGRAMS
See: Education
Welfare (Social Services)

de MOLAY, JACQUES—See: Commendations and Commemorations

DEAD HUMAN BODIES—See: Health

DEATHS
Abdallah, Bassam Khalil; recording sorrow upon death. (Patron—LeMunyon) HJR 348 1900
Ackerman, George L.; recording sorrow upon death. (Patron—Yancey) HJR 290 1866
Akers, Paul Edward; recording sorrow upon death. (Patron—Reeves) SJR 39 2088
Albers, William E.; recording sorrow upon death. (Patron—Filler-Corn) HR 179 2068
Alexander, Hubert T., Sr.; recording sorrow upon death. (Patron—Mason) HR 154 2057
Anderson, William Elbert; recording sorrow upon death. (Patron—Marshall, D.W.) HJR 369 1912
Atkins, Robert G.; recording sorrow upon death. (Patron—Hope) HJR 247 1843
Bagby, John, III; recording sorrow upon death. (Patron—Garrett) SR 43 2240

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DEATHS - Continued

Bane, Joseph Lee, Sr.; recording sorrow upon death. (Patron—Black)	SR	24	2215
Basham, Michael G.; recording sorrow upon death. (Patron—Kilgore)	HJR	269	1854
Basnight, Cassell Davenport; recording sorrow upon death. (Patron—Leftwich)	HJR	249	1844
Batey, Letitia Renee Rose; recording sorrow upon death. (Patron—Hester)	HJR	328	1889
Beales, Harriett Pittard; recording sorrow upon death. (Patron—Wright)	HJR	63	1757
Belrose, Benjamin George; recording sorrow upon death.			
Patron—LaRock	HR	135	2047
Patron—Black	SR	42	2239
Bennett, Harry Jackson; recording sorrow upon death. (Patron—Deeds)	SJR	194	2196
Bergheim, Melvin L.; recording sorrow upon death. (Patron—Krupicka)	HJR	237	1837
Beyeler, David Richard; recording sorrow upon death. (Patron—Landes)	HJR	415	1939
Bibbins, Kathryn Brown; recording sorrow upon death. (Patron—Alexander)	SJR	110	2147
Billingsley, Thaine Edward; recording sorrow upon death. (Patron—Deeds)	SJR	171	2183
Blackburn, Joseph Earl; recording sorrow upon death. (Patron—Massie)	HR	85	2022
Bliley, Nicholas Martin; recording sorrow upon death. (Patron—Watkins)	SJR	19	2082
Bolden, Jacquelyn Marie Holmes; recording sorrow upon death. (Patron—McQuinn)	HJR	142	1786
Bondurant, Robert Frederick; recording sorrow upon death. (Patron—Edwards)	SJR	99	2133
Bowers, William Kent; recording sorrow upon death. (Patron—Cline)	HJR	474	1971
Bowles, Elizabeth Thomas; recording sorrow upon death. (Patron—Edwards)	SJR	97	2132
Brickhouse, Calvin Leavenworth; recording sorrow upon death. (Patron—Lewis)	SR	41	2239
Browder, James Gibbs, Jr.; recording sorrow upon death. (Patron—Howell, W.J.)	HJR	232	1834
Brown, Maynard, Jr.; recording sorrow upon death. (Patron—Ward)	HJR	113	1771
Brown, Stanley Eugene; recording sorrow upon death. (Patron—Mason)	HJR	176	1803
Bryant, Clayton Campbell, Sr.; recording sorrow upon death. (Patron—Fariss)	HJR	227	1831
Burgess, Roscoe Edward, Sr.; recording sorrow upon death. (Patron—Landes)	HJR	239	1838
Burkett, Samuel S.; recording sorrow upon death.			
Patron—Campbell	HJR	279	1859
Patron—Carrico	SJR	139	2165
Byrd, Harry F., Jr.; recording sorrow upon death.			
Patron—Berg	HJR	373	1915
Patron—Vogel	SJR	161	2177
Cain, Johnny William; recording sorrow upon death.			
Patron—McQuinn	HJR	198	1815
Patron—McEachin	SJR	112	2148
Campbell, Gilbert Godfrey, Sr.; recording sorrow upon death. (Patron—Marsh)	SJR	12	2078
Carter, Joseph J., Jr.; recording sorrow upon death. (Patron—McQuinn)	HJR	123	1775
Ceresi, Frank J.; recording sorrow upon death. (Patron—Brink)	HJR	351	1902
Clemmer, Dennis Edward; recording sorrow upon death. (Patron—Cline)	HJR	164	1798
Coker, E. R. M.; recording sorrow upon death. (Patron—Morris)	HR	32	1995
Coleman, Joseph Edward, Jr.; recording sorrow upon death. (Patron—Lingamfelter)	HR	111	2034
Cook, John Randall; recording sorrow upon death. (Patron—McEachin)	SJR	144	2168
Cosby, Margaret Sue Hopkins; recording sorrow upon death. (Patron—Marsh)	SJR	14	2080
Craddock, Daisy Marie White; recording sorrow upon death. (Patron—Ingram)	HJR	433	1949
Crawford, Jean Marshall; recording sorrow upon death. (Patron—Brink)	HJR	353	1903
Crawford, Myrtle J. Spain; recording sorrow upon death. (Patron—Carr)	HJR	221	1827
Cullen, Abigail Randi-Mae; recording sorrow upon death. (Patron—Ransone)	HR	159	2059
Darden, Joshua P., Jr.; recording sorrow upon death.			
Patron—Loupassi	HJR	313	1880
Patron—Alexander	SJR	127	2157
Davies, Hope Cosby; recording sorrow upon death. (Patron—Hope)	HJR	476	1973
Davies, James Bankhead Taylor Thornton; recording sorrow upon death.			
(Patron—Hope)	HJR	477	1973
Davis, Paul C.; recording sorrow upon death. (Patron—DeSteph)	HJR	344	1898
Day, Joseph Albert; recording sorrow upon death. (Patron—Spruill)	HR	165	2062
DeBellis, Armand James; recording sorrow upon death. (Patron—Wagner)	SR	52	2245
Dempsey, Bethany Dawn; recording sorrow upon death. (Patron—Stuart)	SJR	43	2090
Dismond, Harriet Rebecca Reid; recording sorrow upon death. (Patron—Ward)	HJR	115	1772

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DEATHS - Continued			
Dobson, Eleanor Spence; recording sorrow upon death. (Patron—Hope)	HJR	208	1820
Dodson, Nannie Vierenda Williams; recording sorrow upon death. (Patron—Webert)	HR	2	1981
Duling, Frank Samuel, Jr.; recording sorrow upon death. (Patron—McClellan)	HJR	88	1764
Dwyer, George Gordon; recording sorrow upon death. (Patron—Cole)	HR	185	2071
Ecker, Marshall A.; recording sorrow upon death.			
Patron—Adams	HJR	46	1750
Patron—Stanley	SJR	105	2137
Fannon, Thomas J.; recording sorrow upon death. (Patron—Krupicka)	HJR	185	1808
Farmer, James Peyton; recording sorrow upon death.			
Patron—Fowler	HJR	30	1746
Patron—McDougle	SJR	31	2086
Fidler, Walther Balderson; recording sorrow upon death. (Patron—Ransone)	HJR	81	1762
Finley, Charles Williams; recording sorrow upon death. (Patron—McQuinn)	HJR	54	1753
Frey, Blanche Marie Cook; recording sorrow upon death. (Patron—Norment)	SJR	202	2200
Fridell, Guy Raymond, Jr.; recording sorrow upon death. (Patron—Massie)	HR	16	1988
Gaines, Walter, Jr.; recording sorrow upon death. (Patron—Marsh)	SJR	13	2079
Ganey, Francis Robert; recording sorrow upon death. (Patron—Lingamfelter)	HR	94	2025
Ganey, Robert Stephen; recording sorrow upon death. (Patron—Lingamfelter)	HR	95	2026
Gant, Dana Jay; recording sorrow upon death. (Patron—Hester)	HR	174	2065
Gantt, Patrick Charles; recording sorrow upon death. (Patron—Stosch)	SJR	149	2170
Garber, Richard Mark; recording sorrow upon death. (Patron—Vogel)	SJR	175	2186
Garrett, Calvin Sampson, Sr.; recording sorrow upon death. (Patron—Massie)	HR	84	2021
Gaston, Mary Wilkinson; recording sorrow upon death. (Patron—Toscano)	HJR	460	1964
Gearey, Donna Michelle; recording sorrow upon death. (Patron—Taylor)	HJR	300	1872
Graham, Henderson Patton; recording sorrow upon death. (Patron—Campbell)	HR	125	2042
Greene, O. E.; recording sorrow upon death.			
Patron—Cox	HJR	124	1776
Patron—Martin	SJR	11	2077
Grist, T. David; recording sorrow upon death. (Patron—Cline)	HJR	462	1965
Guy, Marshall Eugene; recording sorrow upon death.			
Patron—Campbell	HR	109	2033
Patron—Carrico	SJR	140	2165
Hardison, Clifford Scott; recording sorrow upon death. (Patron—Surovell)	HJR	181	1806
Harper, Scott; recording sorrow upon death. (Patron—Lewis)	SR	39	2238
Harvey, Ellen Virginia Pryor; recording sorrow upon death. (Patron—Hester)	HJR	327	1888
Hatcher, Robert V., Jr.; recording sorrow upon death. (Patron—Loupassi)	HR	97	2027
Head, Roy E.; recording sorrow upon death. (Patron—Kilgore)	HJR	52	1752
Heinz, Elise B.; recording sorrow upon death.			
Patron—Brink	HR	101	2029
Patron—Favola	SR	27	2232
Herrink, Ruth Jones; recording sorrow upon death. (Patron—Ransone)	HJR	82	1763
Hess, Robert Joseph; recording sorrow upon death. (Patron—Filler-Corn)	HR	130	2044
Hobbs, Mills Hubert, Jr.; recording sorrow upon death. (Patron—Austin)	HJR	473	1971
Holt, David H.; recording sorrow upon death.			
Patron—Landes	HR	96	2026
Patron—Hanger	SJR	103	2135
House, Herbert Preston, Jr.; recording sorrow upon death. (Patron—Marshall, D.W.)	HJR	421	1942
House, Percy Lee, III; recording sorrow upon death.			
Patron—Tyler	HR	103	2030
Patron—Lucas	SJR	129	2158
Hubbard, Rodney; recording sorrow upon death. (Patron—Cline)	HJR	461	1964
Huffman, Brian McClung; recording sorrow upon death. (Patron—Farrell)	HJR	268	1853
Incorminias, Betty Morgan; recording sorrow upon death. (Patron—BaCote)	HJR	381	1920
Johnson, Alexander Albert, Sr.; recording sorrow upon death. (Patron—Dance)	HJR	182	1806
Joyner, Virginia Tabb; recording sorrow upon death. (Patron—McQuinn)	HJR	195	1813
Karle, Jerome; recording sorrow upon death. (Patron—Saslaw)	SJR	88	2125
Keen, Carroll Edward, Sr.; recording sorrow upon death. (Patron—Morris)	HJR	244	1841

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DEATHS - Continued

Kirby, Ronald Franklyn ; recording sorrow upon death. (Patron—Krupicka)	HR	90	2023
Knight, Mary Frances DeLorenzo ; recording sorrow upon death. (Patron—Plum) . . .	HJR	304	1874
Lambert, Benjamin Joseph, III ; recording sorrow upon death.			
Patron—McClellan	HJR	486	1978
Patron—McEachin	SJR	209	2204
Lawson, Vola Therrell ; recording sorrow upon death. (Patron—Krupicka)	HJR	187	1809
Lembke, Janet Nutt ; recording sorrow upon death. (Patron—Bell, Richard P.)	HJR	49	1751
Lodato, Ruthanne Giammittorio ; recording sorrow upon death. (Patron—Krupicka)	HJR	416	1939
Lolos, Antonia ; recording sorrow upon death. (Patron—Miller)	SR	5	2209
Lorek, Christopher W. ; recording sorrow upon death. (Patron—Reeves)	SJR	41	2089
Mackey, Brendon Keith ; recording sorrow upon death. (Patron—McQuinn)	HJR	74	1760
Mandela, Nelson Rolihlahla ; recording sorrow upon death. (Patron—Toscano)	HJR	120	1774
Marks, Paul Douglas Camp ; recording sorrow upon death. (Patron—Morris)	HR	33	1995
Massenberg, Samuel E., Sr. ; recording sorrow upon death. (Patron—Ward)	HJR	229	1832
Mast, R. K. ; recording sorrow upon death. (Patron—Cline)	HJR	463	1966
Maxey, William E., Jr. ; recording sorrow upon death.			
Patron—Ware	HR	13	1986
Patron—Watkins	SJR	111	2147
Maynard, Thomas Michael ; recording sorrow upon death. (Patron—Carrico)	SJR	138	2164
McAuliffe, Mildred Lonergan ; recording sorrow upon death.			
Patron—Comstock	HJR	482	1976
Patron—Favola	SJR	211	2205
McClain, Yohance Nebuwa ; recording sorrow upon death. (Patron—McQuinn)	HR	178	2067
McClellan, James Finnemore, Jr. ; recording sorrow upon death.			
Patron—McClellan	HJR	180	1805
Patron—Marsh	SJR	106	2138
McCubbins, Ralph, Jr. ; recording sorrow upon death. (Patron—Marshall, D.W.)	HJR	420	1942
Meersman, Bess K. ; recording sorrow upon death. (Patron—Sickles)	HJR	396	1928
Melnick, John L. ; recording sorrow upon death. (Patron—Hope)	HJR	475	1972
Merryman, Floyd Withers, Jr. ; recording sorrow upon death. (Patron—Fariss)	HJR	282	1861
Minor, Percy J., Sr. ; recording sorrow upon death. (Patron—Carr)	HJR	292	1867
Mitchell, James David ; recording sorrow upon death.			
Patron—Dance	HR	106	2031
Patron—Marsh	SJR	82	2123
Morgan, Robert Daniel ; recording sorrow upon death. (Patron—Ramadan)	HR	155	2057
Mostrom, Jean Sherman ; recording sorrow upon death. (Patron—Hope)	HJR	355	1905
Mostrom, Lloyd Clermont ; recording sorrow upon death. (Patron—Hope)	HJR	354	1904
Motley, Joseph Fuller ; recording sorrow upon death. (Patron—Stanley)	SJR	38	2088
Nicoson, William Jarvie ; recording sorrow upon death. (Patron—Howell)	SJR	8	2076
Noland, Lloyd U., Jr. ; recording sorrow upon death.			
Patron—Yancey	HR	164	2061
Patron—Miller	SJR	208	2203
Opie, Evarts Walton, Jr. ; recording sorrow upon death. (Patron—Bell, Richard P.) . .	HR	10	1984
Ottofaro, Frank J., Sr. ; recording sorrow upon death. (Patron—Helsel)	HJR	278	1859
Overstreet, William Bruce, Jr. ; recording sorrow upon death. (Patron—Head)	HJR	157	1794
Palumbo, Joseph Charles ; recording sorrow upon death. (Patron—Toscano)	HJR	280	1860
Parker, William T. ; recording sorrow upon death. (Patron—Joannou)	HJR	335	1893
Parr, Donald W., Sr. ; recording sorrow upon death. (Patron—Ingram)	HJR	407	1935
Patrick, William T., Jr. ; recording sorrow upon death.			
Patron—Peace	HR	145	2052
Patron—McDougle	SR	48	2242
Patteson, George Walker ; recording sorrow upon death. (Patron—Obenshain)	SJR	212	2206
Pendleton, Hugh T., Jr. ; recording sorrow upon death. (Patron—Fariss)	HJR	146	1789
Perrigan, Kevin ; recording sorrow upon death. (Patron—O'Quinn)	HJR	36	1748
Petersen, Louis Mikkelsen ; recording sorrow upon death. (Patron—Rust)	HR	182	2070
Phillippi, J. Michael ; recording sorrow upon death. (Patron—Stanley)	SJR	122	2154
Phillips, Frances Diane ; recording sorrow upon death. (Patron—Massie)	HR	112	2035

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Pleasants, Jacqueline Corbin ; recording sorrow upon death. (Patron—Deeds)	SJR	50	2095
Plymale, Winston Leigh, Sr. ; recording sorrow upon death. (Patron—Smith)	SJR	195	2196
Poe, Vernon M. ; recording sorrow upon death. (Patron—Watkins)	SJR	20	2082
Potter, Ella Gay McCurdy ; recording sorrow upon death. (Patron—Cline)	HJR	464	1966
Potter, Susan Carter Parker ; recording sorrow upon death. (Patron—Deeds)	SJR	49	2094
Price, James Edward ; recording sorrow upon death. (Patron—Lingamfelter)	HR	107	2032
Ragsdale, James Calvin ; recording sorrow upon death. (Patron—Ruff)	SJR	130	2159
Read, Gerald L. ; recording sorrow upon death. (Patron—Surovell)	HJR	178	1804
Renninger, Frederick A., Jr. ; recording sorrow upon death. (Patron—Watts)	HJR	302	1873
Reynolds, Virginia Sargeant ; recording sorrow upon death. (Patron—Marsh)	SJR	162	2178
Rice, Norvell G. ; recording sorrow upon death. (Patron—Carr)	HR	53	2000
Ripp, Michael Joseph ; recording sorrow upon death. (Patron—Carr)	HJR	222	1828
Ritenour, Joe S. ; recording sorrow upon death. (Patron—Wexton)	SJR	182	2189
Roarty, Carrie Monroe ; recording sorrow upon death. Patron—Robinson	HJR	437	1951
Patron—Watkins	SJR	154	2173
Rowley, Orris James, III ; recording sorrow upon death. (Patron—Lewis)	SR	40	2238
Russell, Paul ; recording sorrow upon death. (Patron—Surovell)	HJR	436	1951
Savage, Richard John ; recording sorrow upon death. (Patron—McClellan)	HJR	130	1780
Scaife, Lee James ; recording sorrow upon death. (Patron—Locke)	SJR	118	2151
Schnurman, Nathan Jacob, Sr. ; recording sorrow upon death. (Patron—McEachin)	SR	13	2211
Scott, Charles W., Jr. ; recording sorrow upon death. (Patron—Ward)	HJR	114	1772
Scott, Charles Waldo, Jr. ; recording sorrow upon death. (Patron—Locke)	SR	14	2211
Seeman, Madena Jane ; recording sorrow upon death. (Patron—Keam)	HJR	377	1918
Seeman, Madena Jane Chittenden ; recording sorrow upon death. (Patron—Petersen)	SJR	172	2184
Segaloff, Walter S. ; recording sorrow upon death. Patron—Yancey	HJR	223	1828
Patron—Miller	SR	2	2208
Setliff, Jackie Lee ; recording sorrow upon death. (Patron—Marshall, D.W.)	HJR	465	1967
Shank, Ralph Edwin ; recording sorrow upon death. (Patron—Adams)	HR	71	2016
Shaw, Elvira Beville ; recording sorrow upon death. (Patron—Cox)	HJR	125	1776
Shaw, Stephen Palmer ; recording sorrow upon death. (Patron—Reeves)	SJR	42	2090
Sheeran, Robert A., Jr. ; recording sorrow upon death. (Patron—Norment)	SJR	206	2202
Sheffield, James Edward ; recording sorrow upon death. (Patron—Marsh)	SJR	57	2096
Simon, Kedron ; recording sorrow upon death. (Patron—Krupicka)	HJR	417	1940
Slagle, Jack Leo ; recording sorrow upon death. (Patron—Edmunds)	HJR	358	1907
Slayton, Franklin Marshall ; recording sorrow upon death. (Patron—Edmunds)	HJR	112	1771
Sluss, William Ray ; recording sorrow upon death. (Patron—Kilgore)	HJR	53	1752
Smith, Eldridge Bryan ; recording sorrow upon death. (Patron—Webert)	HJR	389	1925
Snyder, Donald David ; recording sorrow upon death. (Patron—Edmunds)	HR	69	2015
Snyder, Sean Christopher ; recording sorrow upon death. Patron—Villanueva	HJR	324	1887
Patron—Cosgrove	SJR	132	2161
Spanka, David William ; recording sorrow upon death. (Patron—Jones)	HJR	193	1812
Stallard, Egbert Fullen ; recording sorrow upon death. (Patron—O'Quinn)	HR	5	1982
Stamps, Lawrence Garnell, Sr. ; recording sorrow upon death. (Patron—Newman)	SJR	210	2205
Stoeckli, Kyle Pascal ; recording sorrow upon death. (Patron—Watkins)	SJR	21	2083
Sullivan, Thomas Joseph ; recording sorrow upon death. (Patron—Barker)	SJR	200	2198
Sutton, Dean Ernest, Sr. ; recording sorrow upon death. (Patron—Bell, Richard P.)	HJR	50	1751
Tapscott, Roland Irvin ; recording sorrow upon death. (Patron—Webert)	HJR	289	1866
Tate, Lawrence Hubbard, Jr. ; recording sorrow upon death. (Patron—Morris)	HJR	243	1840
Taylor, George Shedrick ; recording sorrow upon death. (Patron—McClellan)	HJR	129	1779
Taylor, Ida Belle Blufford ; recording sorrow upon death. (Patron—McQuinn)	HJR	33	1747
Taylor, Raynor A. K. ; recording sorrow upon death. (Patron—Stolle)	HJR	126	1777
Tennant, James Carlton ; recording sorrow upon death. (Patron—Deeds)	SJR	48	2094
Thatcher, Margaret Hilda ; recording sorrow upon death. (Patron—Norment)	SJR	167	2181

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DEATHS - Continued

Thorp, Benjamin Adelbert, IV ; recording sorrow upon death. (Patron—Carr)	HJR	427		1945
Thweatt, Albert Will ; recording sorrow upon death. (Patron—Marsh)	SJR	58		2098
Tignor, Bobby Gene ; recording sorrow upon death. (Patron—Helsel)	HJR	449		1958
Timberlake, James Barksdale ; recording sorrow upon death. (Patron—Watkins)	SJR	18		2081
Tinsley, Carl Terrie, Sr. ; recording sorrow upon death. (Patron—Edwards)	SJR	98		2133
Trammell, Ellen G. ; recording sorrow upon death. (Patron—Carr)	HJR	291		1867
Tucker, Alphanse A., Sr. ; recording sorrow upon death. (Patron—Marsh)	SJR	15		2080
Turner, Mary Belvin ; recording sorrow upon death. (Patron—McClellan)	HJR	207		1820
United States Navy SEALs and Naval Special Warfare operators lost in Global War on Terrorism ; recording sorrow upon their deaths. (Patron—Taylor)	HJR	332		1891
van Voorst, Bruce ; recording sorrow upon death. (Patron—Brink)	HJR	352		1903
Venzke, Norman ; recording sorrow upon death. (Patron—McWaters)	SJR	115		2150
Vick, Jacob Aulman ; recording sorrow upon death. (Patron—Norment)	SJR	201		2199
Wagner, James Donald, Jr. ; recording sorrow upon death. (Patron—Gilbert)	HJR	251		1845
Wagner, Samuel Creed ; recording sorrow upon death. (Patron—Campbell)	HR	126		2042
Walker, Lacy Green ; recording sorrow upon death. (Patron—Carr)	HJR	293		1868
Walker, Lois L. ; recording sorrow upon death. (Patron—Krupicka)	HJR	186		1808
Walls, Merritt P. ; recording sorrow upon death. (Patron—Landes)	HJR	429		1946
White, Lauren Allie ; recording sorrow upon death. (Patron—Stuart)	SJR	44		2091
Wilkins, Thomas Anderson ; recording sorrow upon death. (Patron—Howell)	SJR	9		2077
Wilson, Thomas H. ; recording sorrow upon death. (Patron—Villanueva)	HJR	306		1876
Wolfe, John G. ; recording sorrow upon death. (Patron—O'Quinn)	HJR	75		1761
Woody, Sheronda Faye ; recording sorrow upon death. (Patron—Carr)	HJR	220		1827
Wyatt, Elizabeth Page Harper ; recording sorrow upon death. (Patron—Norment)	SJR	205		2201
Yung, Chris ; recording sorrow upon death. (Patron—Lingamfelter)	HR	93		2025
Zajac, Susan Dewar ; recording sorrow upon death. (Patron—Hope)	HJR	192		1812

DeBELLIS, ARMAND JAMES—See: Deaths

DEEDS AND DEEDS OF TRUST—See: Property and Conveyances

DEEP RUN HIGH SCHOOL—See: Commendations and Commemorations

DEER—See: Game, Inland Fisheries, and Boating

DEFENDANTS—See: Criminal Procedure

DEMPSEY, BETHANY DAWN—See: Deaths

DEMPSEY, CHRISTINA—See: Commendations and Commemorations

DEVILS BACKBONE BREWING COMPANY—See: Commendations and Commemorations

DIABETICS OR DIABETES—See: Health

DICKENSON COUNTY

Cranesnest River; designates certain 10.7 mile segment in Dickenson County as component of Virginia Scenic Rivers System, clarifies designation of a scenic river. (Patron—Puckett)

SB 551 823 1733

DINWIDDIE HIGH SCHOOL—See: Commendations and Commemorations

DISASTER—See: Military and Emergency Laws

DISCRIMINATION

Fraud and Abuse Whistle Blower Protection Act; applicability to Virginia citizens, discrimination and retaliatory actions against whistle blowers prohibited, good faith required. (Patron—LeMunyon)

HB 439 403 658

Fraud and Abuse Whistle Blower Protection Act; discriminatory and retaliatory action against whistle blower, whistle blower may bring civil action in circuit court of jurisdiction where is employed, remedies. (Patron—Lingamfelter)

HB 728 335 549

Virginia Human Rights Act; causes of action for age discrimination. (Patron—Barker)

SB 587 635 1076

DISMOND, HARRIET REBECCA REID—See: Deaths

DISTRICT COURTS—See: Courts Not of Record

DIVORCE—See: Domestic Relations

DOBSON, ELEANOR SPENCE—See: Deaths

DODSON, NANNIE VIERENDA WILLIAMS—See: Deaths

DOGS AND DOG LAWS—See: Agriculture, Animal Care and Food

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DOMESTIC RELATIONS

Assault and battery; adds unlawful wounding and strangulation to list of offenses against family or household member. (Patron—Gilbert) HB 708 660 1112

Child support; update to guidelines. (Patron—Watts) HB 933 667 1118

Custody and visitation arrangements for minor children; adds step-grandparents to list of persons and parties with a legitimate interest. (Patron—Chafin) HB 359 653 1097

Divorce; oral testimony and evidence by affidavit in suit, if either party is incarcerated, neither party shall submit evidence by affidavit, etc. (Patron—Kilgore) HB 1019 288 482

Divorce, custody, or visitation; court orders in pending suit, maintenance of life insurance policy. (Patron—Minchew) HB 141 55 99

Divorce proceedings; evidence by affidavit, residency requirement. (Patron—Edwards) SB 94 521 859

Incest; definition of parent includes step-parent, grandparent includes step-grandparent, child includes step-child, etc., penalty. (Patron—Norment) SB 476 542 908

Marriage celebrant; charges for additional services provided. (Patron—Miller) SB 271 529 867

Protective orders; modifies provision in cases of family abuse, motor vehicles, certain provisions may result in net increase in periods of imprisonment or commitment.
Patron—Bell, Robert B. HB 335 318 525
Patron—Stuart SB 151 613 1039

DOMINGOES, PAUL—See: Commendations and Commemorations

DOWNER, DOUG—See: Commendations and Commemorations

DREWERY, ARTHUR FRANKLIN, SR.—See: Commendations and Commemorations

DRIVERS' LICENSES—See: Motor Vehicles

DRUGS—See: Narcotics and Drugs

DRUNK DRIVING—See: Crimes and Offenses Generally

DULING, FRANK SAMUEL, JR.—See: Deaths

DULLES CORRIDOR METRORAIL PROJECT PARTNERS—See: Commendations and Commemorations

DUNCAN, GERALD W.—See: Commendations and Commemorations

DUNCAN, MELINDA—See: Commendations and Commemorations

DWYER, GEORGE GORDON—See: Deaths

EARLY, JEFFREY CLORE—See: Commendations and Commemorations

EASEMENTS—See: Conservation

EASTERN SHORE OF VIRGINIA

Eastern Shore Water Access Authority; allows Counties of Accomack and Northampton by resolution to declare that there is a need for a public access authority. (Patron—Lewis) HB 844 471 776

License plates, special; issuance to support Virginia's Eastern Shore business community. (Patron—Lewis) HB 840 662 1112

Recurrent flooding; joint subcommittee established to formulate recommendations for development of a comprehensive and coordinated planning effort to address.
Patron—Stolle HJR 16 1739
Patron—Locke SJR 3 2074

ECKER, MARSHALL A.—See: Deaths

ECONOMIC DEVELOPMENT—See: Administration of Government

EDUCATION

A-to-F grading system; Board of Education, by October 1, 2016, shall report individual school performance using grading system based on an A-to-F scale, Board shall provide notice and solicit public comment on preliminary plan, report.
Patron—Landes HB 1229 480 790
Patron—Miller SB 324 485 796

Alternative Fuel Vehicle Conversion Fund; moneys in Fund to be used to assist local government and agencies and local school divisions with incremental cost of such local government-owned alternative fuel vehicles. (Patron—Taylor) HB 340 199 309

Assault and battery; full-time or part-time employee of any public or private elementary or secondary school, penalty.
Patron—LeMunyon HB 851 663 1113
Patron—Stuart SB 570 714 1251

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EDUCATION - Continued

Charter schools; restrictions and pre-lottery enrollment for current students of conversion charter schools.				
Patron—Minchew	HB	157	645	1085
Patron—Favola	SB	276	693	1216
Child abuse and neglect; local school divisions shall report annually to Board of Education, etc., regarding status of interagency agreements for investigation of complaints against school personnel, reports of sexual abuse of children, local school division and local department of social services that are parties to interagency agreements shall only be required to report to Boards of Education and Social Services when agreements are substantially modified. (Patron—Herring)	HB	683	412	672
Children placed in child-caring institutions or group homes; reimbursement to school division of costs to educate, foster care or other custodial care within geographical boundaries of school division to be reimbursed. (Patron—Toscano) ...	HB	1110	790	1387
Civics Education, Commission on; established in legislative branch of state government, report, sunset provision. (Patron—Anderson)	HB	364	562	944
College partnership laboratory schools; tuition for students who do not reside within partnering school division. (Patron—Locke)	SB	562	754	1327
Diabetes; student, with parental consent and written approval from prescriber, permitted to self-check his own blood glucose levels on school property, carry certain supplies for immediate treatment, Department of Education shall review and update its Manual for Training Public School Employees in Administration of Insulin and Glucagon, Manual shall include certain training requirements.				
Patron—Cole	HB	134	554	941
Patron—Stuart	SB	532	488	801
Driver education; any community college within Virginia Community College System shall have authority to offer courses required by Virginia Board of Education to become a certified instructor, Virginia Department of Education shall provide curriculum, content, etc., regarding courses required to any community college.				
Patron—Greason	HB	925	666	1117
Patron—Marsden	SB	554	753	1327
Education Improvement Scholarships Tax Credits Program; tax credits issued for monetary or marketable securities donations made beginning in taxable year 2014 can be claimed for taxable year of donation. (Patron—Stanley)	SB	269	176	280
Electronic cigarettes; school board to develop and implement policy to prohibit use on school bus, school property, or at school-sponsored activity. (Patron—Kory)	HB	484	326	536
Emergency care; school board or local health department employees that render certain care shall not be liable for civil damages for ordinary negligence in acts or omissions on part of such employee. (Patron—Newman)	SB	624	468	764
Governor's Career and Technical Education School; Board of Education shall develop model criteria and procedures for establishing a jointly operated high school. (Patron—Peace)	HB	887	425	701
High school diploma course and credit requirements; Board of Education to consider all computer science course credits to be science course credits, mathematics course credits, or career and technical education credits, Board shall develop guidelines addressing how computer science courses can satisfy graduation requirements. (Patron—Loupassi)	HB	1054	590	1014
High school equivalency examinations; replaces references throughout Code to General Education Development (GED) program or test with new terminology. (Patron—Byron)	HB	1007	84	134
Higher Education for Virginia, State Council of; elimination of certain duties and programs. (Patron—Edwards)	SB	244	484	794
Higher Education for Virginia, State Council of; local school board shall implement that career and technical education programs include an annual notice on its website of availability of postsecondary education and employment data. (Patron—Peace) ..	HB	886	472	782
Higher educational institutions; prohibits institution from selling students' personal information, including names, addresses, phone numbers, and email addresses to any person. (Patron—McWaters)	SB	242	748	1320
Higher educational institutions; restrictions on student speech, limitations. (Patron—Lingamfelter)	HB	258	559	943

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EDUCATION - Continued			
Higher educational institutions, four-year; institution shall create and feature on its website a page with information dedicated solely to mental health resources available to students. (Patron–Hope)	HB	206	558 943
Hunter safety education; after-school programs for students in grades seven through 12. (Patron–Lingamfelter)	HB	307	560 944
Kindergarten; joint subcommittee of Senate Committee on Education and Health and Senate Committee on Finance to be established to study potential effects of the Commonwealth's mandating full-day programs. (Patron–Barker)	SR	35	2236
King William County and Town of West Point; localities to govern allocation of revenues for schools, establishes special school tax district in County. Patron–Hodges	HB	534	29 45
Patron–Norment	SB	488	709 1237
Methadone clinics; location near schools and day care centers, exemptions for existing facilities and providers, facility that has been providing treatment in same city since 1984 and is operated by and located with a community services board. Patron–McClellan	HB	722	415 675
Patron–Watkins	SB	117	173 277
Neighborhood Assistance Act; increases amount of tax credits that may be issued under program, requirements for proposals submitted to Superintendent of Public Instruction. (Patron–Stosch)	SB	563	712 1246
Norfolk, City of; changes length of term for school board members. Patron–Howell, A.T.	HB	401	5 4
Patron–Alexander	SB	90	105 165
Public schools; all textbooks approved by Board of Education shall note that Sea of Japan is also referred to as East Sea, textbooks approved by Board of Education prior to July 1, 2014, not affected. (Patron–Marsden)	SB	2	440 712
School board policy, local; employee lactation support, non-restroom location for any mother who is employed by school board or enrolled as a student. (Patron–McClellan)	HB	720	380 635
School boards; tie breaker of any elected board to be conducted in same manner as members of school board and shall be held by qualified voter who is a resident of county. (Patron–O'Quinn)	HB	1242	772 1358
School Safety, Virginia Center for; Center required to use definition of bullying for purposes of training on evidence-based antibullying tactics. (Patron–McClellan) . .	HB	1187	92 158
School Safety, Virginia Center for; changes name to Virginia Center for School and Campus Safety. Patron–Hodges	HB	563	7 5
Patron–Howell	SB	390	158 262
School speech-language pathologists; removes Board of Education as licensing entity and leaves Board of Audiology and Speech-Language Pathology as only licensing entity. (Patron–Anderson)	HB	373	781 1374
Schools, public and private elementary and secondary; Virginia Commission on Youth, et al., shall review use of seclusion and restraint in schools, and methods used in other states, report. (Patron–Hope)	HB	1106	770 1357
Special education; full-time virtual school programs, school division that is required to provide free and appropriate education for a nonresident student who is enrolled in full-time program shall be entitled to federal and state funds. (Patron–Bell, Richard P.)	HB	1086	433 704
Standards of Learning; assessments shall meet requirement of federal Elementary and Secondary Education Act of 1965, Board shall include in student outcome measures required or assessments for various grade levels and classes, including completion of alternative assessments implemented by each local school board. Patron–Greason	HB	930	585 1007
Patron–Deeds	SB	306	622 1050
Standards of Learning; Board of Education to require only math and English reading assessments for third graders. (Patron–Miller)	SB	270	620 1048

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Student discipline; expulsion due to firearm or drug offenses.			
Patron—Landes	HB	198	312 520
Patron—Rust	HB	752	765 1352
Patron—Garrett	SB	441	109 167
Student information; prohibits member or employee of a local school board or Department of Education to release to federal government agencies or an authorized representative of such agency. (Patron—Bell, Robert B.)	HB	449	322 534
Student mental health policies and procedures; violence prevention committee of each higher educational institution shall establish policies and procedures that outline circumstances under which all faculty and staff are to report behavior that may represent a physical threat to community, consistent with state and federal law, notification of family members or guardians, etc.			
Patron—Hugo	HB	1268	793 1425
Patron—Petersen	SB	239	799 1433
Student-athlete discipline policies; board of visitors of higher educational institutions shall establish for discipline of students who participate in varsity intercollegiate athletics (MFarrar1), policies shall include provision requiring annual report by administration. (Patron—Landes)	HB	205	557 943
Student-athletes; Board of Education shall amend its guidelines for school division policies and procedures on concussions, licensed health care provider to recommend when student should return to classroom. (Patron—Filler-Corn)	HB	1096	349 583
Student-athletes; effects of concussions on academic performance, non-interscholastic youth sports program utilizing public school property shall either establish policies and procedures based on local school division's policies and procedures or Board's Guidelines for Policies on Concussions in Student-Athletes, Board of Education shall review and revise guidelines as necessary.			
Patron—Anderson	HB	410	760 1338
Patron—Stuart	SB	172	746 1319
Students; expulsion for certain drug offenses, a school administrator may determine, based on facts of a particular situation, that special circumstances exist and no disciplinary action, etc., is appropriate. (Patron—Rust)	HB	751	577 992
Students with disabilities; Commission on Youth to study use of federal, state, and local funds for public and private educational placements. (Patron—Adams)	HJR	196	1814
Teacher Career Ladder program; Department of Education to study feasibility of implementing in the Commonwealth, potential fiscal impact on state and localities, etc. (Patron—Greason)	HJR	1	1737
Teacher Education and Licensure, Advisory Board on; increases membership. (Patron—McClellan)	HB	725	334 548
Teachers; extends deadline to request hearing after receiving written notice of recommendation of dismissal.			
Patron—Rust	HB	977	13 19
Patron—Favola	SB	43	103 164
Teachers; person seeking initial licensure with an endorsement in area of career and technical education shall have an industry certification credential in area. (Patron—Rust)	HB	758	79 131
Tuition, in-state; counting out-of-state students for certain purposes. (Patron—Lingamfelter)	HB	501	762 1347
Virginia history and United States Constitution; supplementary written materials on documents. (Patron—Landes)	HB	197	647 1088
Virtual Virginia; Department of Education may contract local school boards that have created online courses to make more courses available to other school divisions through Virtual Virginia Program, Virtual Learning Advisory Committee established. (Patron—Greason)	HB	1115	436 706
EDUCATIONAL INSTITUTIONS			
Benefits consortia; employees of sponsoring association, etc., and their dependents to participate in benefits plans. (Patron—Rust)	HB	757	578 992
Christopher Newport University; membership of Board of Visitors.			
Patron—Yancey	HB	1161	597 1019
Patron—Miller	SB	626	190 296

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EDUCATIONAL INSTITUTIONS - Continued

College campus police and security departments; Department of Criminal Justice Services shall conduct a study to identify potential minimum core operational functions.

Patron—Yost	HB	587	278	467
Patron—Barker	SB	440	539	884

College partnership laboratory schools; tuition for students who do not reside within partnering school division. (Patron—Locke)

SB	562	754	1327
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Commissioned officers; tuition-free instruction at higher educational institutions, State Council of Higher Education for Virginia, in consultation with Department of Military Affairs, shall establish guidelines for implementation. (Patron—Lingamfelter)

HB	132	778	1371
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Commonwealth of Virginia Higher Educational Institutions Bond Act of 2014; created.

Patron—Jones	HB	869	213	336
Patron—Stosch	SB	394	487	799

Driver education; any community college within Virginia Community College System shall have authority to offer courses required by Virginia Board of Education to become a certified instructor, Virginia Department of Education shall provide curriculum, content, etc., regarding courses required to any community college.

Patron—Greason	HB	925	666	1117
Patron—Marsden	SB	554	753	1327

Education Improvement Scholarships Tax Credits Program; tax credits issued for monetary or marketable securities donations made beginning in taxable year 2014 can be claimed for taxable year of donation. (Patron—Stanley)

SB	269	176	280
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Entrepreneur-in-Residence Program; created, Secretary of Commerce and Trade authorized to enter into certain agreement with Virginia Commonwealth University or other higher educational institutions.

Patron—Landes	HB	321	63	106
Patron—Saslaw	SB	362	700	1223

Hazing; any school, college, or university policies and procedures shall be consistent with model policies established by Department of Education or State Council of Higher Education for Virginia, model policies regarding prevention of and appropriate disciplinary actions for hazing shall be established along with Department of Criminal Justice Services. (Patron—Norment)

SB	448	627	1057
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Higher Education Board, Virginia Commission on; increases membership, appointments, three voting members of Commission shall constitute a quorum. (Patron—Bulova)

HB	1109	816	1723
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Higher Education for Virginia, State Council of; articulation, dual admissions, and guaranteed admissions agreements. (Patron—Norment)

SB	449	628	1057
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Higher Education for Virginia, State Council of; elimination of certain duties and programs. (Patron—Edwards)

SB	244	484	794
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Higher Education for Virginia, State Council of; interstate reciprocity agreements authorizing postsecondary distance education. (Patron—Massie)

HB	467	323	534
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Higher Education for Virginia, State Council of; local school board shall implement that career and technical education programs include an annual notice on its website of availability of postsecondary education and employment data. (Patron—Peace) ..

HB	886	472	782
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Higher educational institutions; educational programs for governing boards. (Patron—Martin)

SB	669	644	1085
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Higher educational institutions; graduate assistants added to number used to calculate total value of unfunded scholarships annually awarded to graduate students and clinical faculty. (Patron—Cox)

HB	1137	594	1017
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Higher educational institutions; maintenance of optional retirement plan, policy regarding employee's years of service to be entitled to receive all contributions.

Patron—Ingram	HB	700	764	1349
Patron—Ruff	SB	79	745	1316

Higher educational institutions; prohibits institution from selling students' personal information, including names, addresses, phone numbers, and email addresses to any person. (Patron—McWaters)

SB	242	748	1320
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Higher educational institutions; restrictions on student speech, limitations. (Patron—Lingamfelter)	HB	258	559 943
Higher educational institutions; year-round instruction. (Patron—LeMunyon)	HB	436	6 5
Higher educational institutions, four-year; institution shall create and feature on its website a page with information dedicated solely to mental health resources available to students. (Patron—Hope)	HB	206	558 943
Higher educational institutions, private; certification, institutions, prior to July 1, 2014, not required to obtain another certification. (Patron—Norment)	SB	460	629 1064
Longwood University; commemorating its 175th anniversary. (Patron—Edmunds) . . .	HJR	199	1816
Longwood University; removal of member of Board of Visitors.			
Patron—Edmunds	HB	1102	479 790
Patron—Garrett	SB	581	113 181
Patrick Henry College moot court team; commending. (Patron—LaRock)	HJR	472	1970
Smart transportation pilot zone; Secretary of Transportation and VDOT shall establish zone to test state-of-the-art road technology utilizing existing state highway network or Smart Road managed by Virginia Tech Transportation Institute. (Patron—Anderson)	HB	1098	478 790
Student mental health policies and procedures; violence prevention committee of each higher educational institution shall establish policies and procedures that outline circumstances under which all faculty and staff are to report behavior that may represent a physical threat to community, consistent with state and federal law, notification of family members or guardians, etc.			
Patron—Hugo	HB	1268	793 1425
Patron—Petersen	SB	239	799 1433
Student-athlete discipline policies; board of visitors of higher educational institutions shall establish for discipline of students who participate in varsity intercollegiate athletics (MFarrar1), policies shall include provision requiring annual report by administration. (Patron—Landes)	HB	205	557 943
Surviving spouses of military members; eligibility for in-state tuition charges. (Patron—Wilt)	HB	776	341 563
Teacher Education and Licensure, Advisory Board on; increases membership. (Patron—McClellan)	HB	725	334 548
Tuition, in-state; counting out-of-state students for certain purposes. (Patron—Lingamfelter)	HB	501	762 1347
Two-Year College Transfer Grant Program; eligibility criteria. (Patron—Cole)	HB	133	806 1690
University of Virginia Board of Visitors; increases number of members on executive committee. (Patron—Massie)	HB	465	567 950
Virginia College Savings Plan; Plan established as a body politic and corporate and an independent agency of the Commonwealth.			
Patron—O'Bannon	HB	203	23 37
Patron—Howell	SB	215	687 1195
Virginia Commonwealth University Health System Authority; President of VCU to serve as chairman of Board of Directors, appointment of Chief Executive Officer.			
Patron—Cox	HB	355	3 2
Patron—McEachin	SB	341	456 735
Virginia Community College System; quorum and main office of State Board for Community Colleges. (Patron—Cox)	HB	356	652 1097
Virginia Freedom of Information Act; record exemption for certain administrative investigations by higher educational institutions.			
Patron—Gilbert	HB	703	414 673
Patron—Ruff	SB	78	609 1035
Virginia Freedom of Information Act; record exemption for educational institutions for confidential letters of recommendation for promotion. (Patron—Albo)	HB	219	313 521
Virginia Information Technologies Agency; certain higher educational institutions allowed to purchase directly from contracts established for state agencies and public bodies.			
Patron—Rust	HB	749	36 51
Patron—Vogel	SB	392	180 283

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Virginia Military Institute board of visitors; appointment of executive committee and president. (Patron—Norment)	SB	445	367 620
Virginia Military Survivors and Dependents Education Program; residency requirements.			
Patron—Stolle	HB	576	657 1108
Patron—Puller	SB	481	184 290
Virginia State University Gospel Choral; commending.			
Patron—Dance	HJR	276	1858
Patron—Marsh	SJR	121	2153
Wytheville Community College; commemorating its 50th anniversary. (Patron—Carrico)	SJR	93	2130
ELECTIONS			
Absentee ballot; no returned ballot shall be deemed void because inner envelope containing voted ballot is imperfectly sealed, etc. (Patron—Keam)	HB	838	580 994
Absentee ballots; date requirement. (Patron—Herring)	HB	669	574 973
Absentee ballots; requirements of voter, failure to provide full first and last name on back of unopened envelope.			
Patron—Herring	HB	670	575 974
Patron—Ebbin	SB	333	453 724
Absentee voting; return of unused and defaced absentee ballots to electoral board, general registrar, etc. (Patron—Brink)	HB	1197	600 1027
Absentee voting and procedures; State Board shall provide instructions, procedures, etc., for secure return of voted absentee military-overseas ballots by electronic means from uniformed-service voters outside of United States, report.			
Patron—Rust	HB	759	506 839
Patron—Puller	SB	11	604 1030
Candidates and political parties; streamlines process for filing, efficiency reforms. (Patron—Chafin)	HB	956	473 785
Central absentee voter precincts; removes requirement that precinct that is allowed by general registrar to open after 6:00 a.m. on day of election must open before noon on day of election. (Patron—Head)	HB	97	552 940
Chief and assistant chief election officers; where representatives for one or both of two political parties, having largest number of votes for Governor in last preceding gubernatorial election are unavailable, electoral board may designate officers who do not represent any political party, notice to representatives of both parties. (Patron—Cole)	HB	104	777 1370
Constitutional and local offices; special election to fill vacancy, request for different date than general election. (Patron—Ingram)	HB	1024	476 789
County manager plan; alters time frame for special elections to fill board vacancies in counties that have adopted plan. (Patron—Brink)	HB	666	573 973
Elections; clarifies ballot language specifying how many candidates a voter may vote for in a given office. (Patron—Hodges)	HB	512	568 950
Elections; provisional ballots, meeting of electoral board following election, adjournment. (Patron—Saslaw)	SB	361	486 797
Elections, State Board of; State Board shall report annually on each of its activities undertaken to maintain Virginia voter registration system and results of its activities. (Patron—Vogel)	SB	315	452 722
Electoral boards, local; general registrar shall determine a reasonable charge, not to exceed fee authorized, for copies made from books, papers, and records of board. (Patron—Krupicka)	HB	275	395 649
Officers, elected and certain appointed; misdemeanor sexual offenses as a basis for removal, conviction has material adverse effect upon conduct of such office. (Patron—Bell, Robert B.)	HB	451	566 949
Officers of elections; a member of electoral board may request removal of an officer of election whom he knows to be spouse, parent, grandparent, sibling, child, or grandchild of candidate in election by request in writing, filed at least seven days before election with electoral board. (Patron—Kilgore)	HB	632	410 671

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ELECTIONS - Continued

School boards; tie breaker of any elected board to be conducted in same manner as members of school board and shall be held by qualified voter who is a resident of county. (Patron—O'Quinn) HB 1242 772 1358

Voting equipment; technical amendments to reflect updates in equipment technology.

Patron—Cole HB 679 576 975

Patron—Obenshain SB 456 540 884

ELECTRIC COMPANIES—See: Public Service Companies

ELECTRONIC PROCESSES—See: Computer Services and Uses

ELEMENTARY SCHOOLS—See: Education

ELIZABETH SCOTT ELEMENTARY SCHOOL—See: Commendations and Commemorations

EMERGENCY LEGISLATION

Active duty military health care providers; practice at public and private health care facilities. (Patron—Stolle) HB 580 8 10

Acute psychiatric bed registry; Department of Behavioral Health and Developmental Services shall develop and administer a web-based registry, registry shall provide real-time information about number of beds available at each facility or unit, employees and designees of community services boards, etc., allowed to perform searches of registry to identify available beds that are appropriate for detention and treatment of individuals. (Patron—Cline) HB 1232 774 1364

Alcoholic beverage control; winery, farm winery, wine importer, or wine wholesaler licensee to provide information to consumer while on premises of licensed retailers. (Patron—McWaters) SB 337 455 734

Alternative onsite sewage system installers; Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals shall extend one time and deem to be valid an interim license, an extended interim license is valid until licensee passes examination for issuance of license or for period of six months. (Patron—Black) SB 657 825 1735

Commonwealth of Virginia Higher Educational Institutions Bond Act of 2014; created.

Patron—Jones HB 869 213 336

Patron—Stosch SB 394 487 799

Commonwealth's taxation system; conformity with Internal Revenue Code, deconforms from federal tax laws beginning with taxable year 2018. (Patron—Stosch) SB 288 2 1

Covington, City of, charter; amending. (Patron—Deeds) SB 609 722 1285

Dead human bodies; establishes a process for disposition for unclaimed bodies, identification of decedent, next of kin, prerequisites for cremation. (Patron—Alexander) SB 304 228 390

Emergency custody and temporary detention; Department shall develop and administer a web-based acute psychiatric bed registry, period of custody shall not exceed 8 hours from time law-enforcement officer takes minor into custody, report. (Patron—Deeds) SB 260 691 1202

Honaker, Town of, charter; amending. (Patron—Puckett) SB 75 679 1180

Hospital authorities; counties shall have same powers with regard to authority enabling statute as cities. (Patron—Kilgore) HB 628 502 836

Income tax, state; extends period certain taxpayers may take earned income tax credit. (Patron—Ware) HB 1085 1 1

Judges; retirement allowance and service after retirement. (Patron—Jones) HB 10 776 1365

King William County and Town of West Point; localities to govern allocation of revenues for schools, establishes special school tax district in County.

Patron—Hodges HB 534 29 45

Patron—Norment SB 488 709 1237

Monterey, Town of, charter; amending. (Patron—Bell, Richard P.) HB 322 273 464

Neighborhood Assistance Act; submission of neighborhood organization proposals for tax credit.

Patron—Hugo HB 1179 47 73

Patron—Barker SB 591 189 295

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EMERGENCY LEGISLATION - Continued

Probable Maximum Precipitation (PMP); Department of Conservation and Recreation to utilize storm-based approach in order to derive PMP for locations within or affecting the Commonwealth, Department is authorized to utilize up to \$500,000 in unobligated balances in Dam Safety, Flood Prevention and Protection Assistance Fund to contract out for analysis.

Patron—Byron HB 1006 475 788
Patron—Garrett SB 582 489 802

Public Safety and Homeland Security, and Veterans and Defense Affairs, Secretaries of; transfer of certain powers and duties, report.

Patron—Lingamfelter HB 730 115 182
Patron—Reeves SB 381 490 802

Social worker; family-services specialists and qualified equivalent workers allowed to perform previously limited tasks. (Patron—Peace)

HB 890 285 476

Sodomy; crimes against nature, clarifies provisions of clause, increase of fee for court costs, penalty. (Patron—Garrett)

SB 14 794 1426

Stormwater management programs; State Water Control Board to establish procedures and regulations, construction activity involving a single-family detached residential structure.

Patron—Hodges HB 1173 598 1020
Patron—Hanger SB 423 303 498

Tow truck drivers; registration after conviction of violent crimes, persons who held valid tow truck driver authorization document on January 1, 2013, issued by Board of Towing and Recovery Operators.

Patron—Farrell HB 176 59 104
Patron—Garrett SB 8 441 712

Virginia College Savings Plan; Plan established as a body politic and corporate and an independent agency of the Commonwealth.

Patron—O'Bannon HB 203 23 37
Patron—Howell SB 215 687 1195

Virginia Health Workforce Development Authority; length of term of Board of Directors. (Patron—Barker)

SB 595 720 1283

Voting equipment; technical amendments to reflect updates in equipment technology.

Patron—Cole HB 679 576 975
Patron—Obenshain SB 456 540 884

EMERGENCY SERVICES AND VEHICLES

911 emergency service calls; recordings and records shall be deemed authentic transcriptions or recordings of original statements, if they are accompanied by a certificate containing certain information. (Patron—Surovell)

HB 1248 353 587

Emergency vehicles; Virginia National Guard Civil Support Team vehicles exempt from regulations in certain situations.

Patron—Greason HB 929 171 275
Patron—Reeves SB 376 800 1433

First responders; Secretaries of Public Safety and Health and Human Resources shall encourage dissemination of information about specialized training in evidence-based strategies to prevent and minimize mental health crises in all jurisdictions. (Patron—Watts)

HB 1222 601 1027

EMINENT DOMAIN

Eminent domain; date of valuation in actions shall be determined by court. (Patron—Black)

SB 194 618 1046

Oyster planting grounds, privately leased; localities prohibited from exercising right of eminent domain to condemn, other than a water-dependent linear wastewater project.

Patron—Ransone HB 1092 591 1016
Patron—Stuart SB 603 162 269

Relocation Assistance and Real Property Acquisition Policies; replacement housing for homeowners and tenants. (Patron—Fowler)

HB 990 218 348

EMISSIONS STANDARDS

See: Conservation
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EMPLOYEES AND EMPLOYMENT COMMISSION—See: Labor and Employment

ENERGY CONSERVATION AND RESOURCES

Biofuels Production Incentive Grant Program ; eligibility to receive grants. (Patron—Ingram)	HB	1025	669	1137
Electric utility regulation ; recovery of costs of offshore wind facilities, certain costs incurred may be deferred by utility. (Patron—McEachin)	SB	643	550	931
Offshore natural gas and oil resources ; Virginia Offshore Energy Emergency Response Fund established, royalties. (Patron—Reeves)	SB	25	293	488
Recycled material ; Manufacturing Development Commission to study economic and environmental benefits of use in manufacturing process in Virginia, Commission shall make recommendations on ways to enhance market while not creating any adverse financial burdens for Virginia's retailers or consumers. Patron—Marshall, D.W.	HJR	28		1745
Patron—Wagner	SJR	75		2117
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Endangered and threatened species; any person may, in accordance with all applicable federal and state laws, possess, breed, sell, and transport any non-native wildlife included on list published by United States Secretary of the Interior pursuant to provisions of federal Endangered Species Act. (Patron—Martin)	SB	50	481 791
Fox hunting; establishes special license for hunting on horseback with hounds but without firearms, special license shall not be required of any person holding required hunting license. (Patron—Stuart)	SB	145	798 1432
Fox or coyote; Class 1 misdemeanor for any person to erect, maintain, or operate an enclosure for purpose of pursuing, hunting, etc., with dogs, regulations governing foxhound training preserves. (Patron—Marsden)	SB	42	605 1032
Game and Inland Fisheries, Board of; changes criteria for appointments, members shall be knowledgeable about wildlife conservation, hunting, agriculture, forestry, etc., each Department region shall be represented. (Patron—Scott)	HB	1121	592 1016
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York River; Marine Resources Commission, with approval of Governor, authorized to grant and convey, upon such terms and conditions as Commission shall deem proper, easements and rights-of-way across beds, including a portion of Baylor Survey Grounds. (Patron—Norment)	SB 467	368	620
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First Baptist Church of Hampton ; commemorating its 150th anniversary. (Patron—Ward)	HJR	144		1787
Hampton Christian Academy ; commemorating its 77th anniversary. (Patron—Pogge)	HJR	384		1922
HAMPTON ROADS AREA				
Bodacious Bazaar & Art Festival ; commending. (Patron—Helsel)	HJR	448		1957
Hampton Roads office, regional ; Department of Transportation to study location. (Patron—Cosgrove)	SJR	46		2091
Hampton Roads Transportation Accountability Commission ; created.				
Patron—Jones	HB	1253	678	1178
Patron—Wagner	SB	513	545	916
Hampton Roads, Transportation District Commission of ; staggers terms of gubernatorial appointees.				
Patron—Howell, A.T.	HB	400	655	1106
Patron—Cosgrove	SB	601	721	1283
Lakeside Construction Corporation ; commemorating its 60th anniversary. (Patron—Knight)	HJR	202		1818
Norfolk Chamber Consort ; commemorating its 45th anniversary. (Patron—Alexander)	SJR	94		2130
The Noblemen ; commending. (Patron—DeSteph)	HJR	485		1977
HAMPTON ROADS REPUBLICAN WOMEN'S CLUB —See: Commendations and Commemorations				
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Kings Dominion ; commemorating its 40th anniversary. (Patron—Fowler)	HJR	357		1906
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Friendship Industries Incorporated ; commending. (Patron—Wilt)	HJR	471		1970
HARVEY, ELLEN VIRGINIA PRYOR —See: Deaths				
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Serve Our Willing Warriors ; commending. (Patron—Ramadan)	HJR	451		1959
HAZARDOUS SUBSTANCES OR CHEMICALS				
Hazardous waste ; removes requirement that permit is required from Department of Environmental Quality to transport. (Patron—Fariss)	HB	856	139	223
HAZING —See: Crimes and Offenses Generally				
HEAD, ROY E. —See: Deaths				
HEALTH				
Accreditation of Healthcare Organizations, Joint Commission on ; replaces outdated references to Commission with references to national accrediting organizations. (Patron—Stolle)	HB	391	320	527
Active duty military health care providers ; practice at public and private health care facilities. (Patron—Stolle)	HB	580	8	10
Advance Health Care Directive Registry ; submission of documents. (Patron—Barker)	SB	575	715	1252

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Alzheimer's Disease and Related Disorders Commission; extends sunset provision to July 1, 2017.

Patron—Leftwich	HB	1087	434	705
Patron—Ruff	SB	82	520	859

Anatomic pathology services; practitioners licensed by Board of Medicine prohibited from charging a fee greater than amount billed, etc. (Patron—Stolle)

HB	893	81	133
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Certificate of birth; any adopted person who has attained United States citizenship, State Registrar shall, upon request and receipt of evidence, establish and register new certificate. (Patron—Cosgrove)

SB	281	621	1049
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Chief Medical Examiner, Office of; powers and duties, medicolegal death examinations. (Patron—O'Bannon)

HB	924	583	995
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Criminal background checks; employment prior to receipt of results. (Patron—Bell, Robert B.)

HB	450	129	211
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Dead human bodies; establishes a process for disposition for unclaimed bodies, identification of decedent, next of kin, prerequisites for cremation. (Patron—Alexander)

SB	304	228	390
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Diabetes; student, with parental consent and written approval from prescriber, permitted to self-check his own blood glucose levels on school property, carry certain supplies for immediate treatment, Department of Education shall review and update its Manual for Training Public School Employees in Administration of Insulin and Glucagon, Manual shall include certain training requirements.

Patron—Cole	HB	134	554	941
Patron—Stuart	SB	532	488	801

Emergency care; school board or local health department employees that render certain care shall not be liable for civil damages for ordinary negligence in acts or omissions on part of such employee. (Patron—Newman)

SB	624	468	764
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Family Access to Medical Insurance Security Plan; eligibility for assistance, Board of Medical Assistance Services shall promulgate regulations to implement provisions of this act to be effective within 280 days of its enactment.

Patron—O'Bannon	HB	586	9	12
Patron—Hanger	SB	416	183	289

Health Care, Joint Commission on; extends sunset provision to July 1, 2018.

Patron—Brink	HB	680	280	468
Patron—Puller	SB	60	518	858

Health care policy, group health benefit plan, and health plan; updates references to federal programs in definitions.

Patron—Ware	HB	765	417	677
Patron—McWaters	SB	360	157	252

Health care providers; civil immunity for members of or consultants to certain boards or committees.

Patron—Minchew	HB	130	17	26
Patron—McDougle	SB	253	363	616

Health center commissions; Chesterfield County members shall not be removable at any time by governing body except for malfeasance or at end of member's term. (Patron—Robinson)

HB	1093	735	1307
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Health regulatory boards; denial or suspension of a license, certificate or registration, exception. (Patron—Robinson)

HB	611	76	118
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Home care organizations; state agencies that inspect organizations to coordinate inspections both among subdivisions of agency and with other agencies and to accept equivalent inspections. (Patron—Head)

HB	476	324	535
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Hospital authorities; counties shall have same powers with regard to authority enabling statute as cities. (Patron—Kilgore)

HB	628	502	836
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Immunizations; updates provisions for children. (Patron—Orrock)

HB	1031	344	570
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Immunizations; vaccine administered to child without charge to parent of or person standing in loco parentis, etc., reimbursement to Department for all allowable costs associated with vaccine. (Patron—O'Bannon)

HB	305	316	523
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Implantable medical devices; Department of Health Professions shall consider any issues related to use of those distributed by medical device distributors in which a physician has an ownership interest, report.				
Patron—Peace	HB	1235	351	586
Patron—Martin	SB	536	262	453
Medicaid program independent contractors; deferred compensation plan, provisions shall become effective on January 1, 2015, and shall expire on January 1, 2020.				
Patron—O'Bannon	HB	147	196	304
Patron—Hanger	SB	412	750	1321
Methamphetamine cleanup; Board of Health, et al., to certify that methamphetamine level at property is at or below post cleanup target. (Patron—Stanley)	SB	31	513	853
Newborns; critical congenital heart defect screening, surveillance and follow up procedures. (Patron—Comstock)	HB	387	4	4
Newborns; critical congenital heart defect screening using pulse oximetry or other Board-approved screening test, duty of Board of Health. (Patron—McWaters)	SB	183	175	279
Oral health; recognizing importance as part of overall health and supporting efforts to improve to all Virginians. (Patron—Peace)	HJR	148		1789
Pediatric oral health; essential health benefits.				
Patron—Habeeb	HB	33	307	507
Patron—Stuart	SB	484	369	621
Public safety employees; testing for blood-borne pathogens. (Patron—O'Bannon) ..	HB	395	275	465
Safe drinking water; County of Bedford may by ordinance establish reasonable local private well testing requirements. (Patron—Austin)	HB	1177	599	1026
Social worker; family-services specialists and qualified equivalent workers allowed to perform previously limited tasks. (Patron—Peace)	HB	890	285	476
Southwest Virginia Health Authority; expands Authority to include Counties of Smyth and Washington. (Patron—Kilgore)	HB	455	236	404
Student-athletes; Board of Education shall amend its guidelines for school division policies and procedures on concussions, licensed health care provider to recommend when student should return to classroom. (Patron—Filler-Corn)	HB	1096	349	583
Suit for personal injury; report from health care provider licensed outside of the Commonwealth.				
Patron—Chafin	HB	394	25	38
Patron—Stanley	SB	114	446	718
Uniform assessments; Department of Health shall contract with other public or private entities to conduct community-based and institutional screenings, enrollment in Program for All-Inclusive Care for the Elderly (PACE) plan. (Patron—Head)	HB	702	413	673
Viral hepatitis; Joint Commission on Health Care to study. (Patron—Hodges)	HJR	68		1759
Virginia Health Workforce Development Authority; length of term of Board of Directors. (Patron—Barker)	SB	595	720	1283
Water supplies and waterworks; defines human consumption. (Patron—Poindexter) ..	HB	674	333	547
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Richmond Metropolitan Authority; changes name to Richmond Metropolitan Transportation Authority and equalizes Board representation among City of Richmond, Chesterfield County, and Henrico County. (Patron—Loupassi)	HB	597	469	767
Tuckahoe Volunteer Rescue Squad; commemorating its 60th anniversary. (Patron—O'Bannon)	HJR	307		1877
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Alcoholic beverage control; mixed beverage licenses for certain establishments in Henry County. (Patron—Stanley)	SB	268	692	1215
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Friday Night Live; commemorating its 20th concert season. (Patron—Rust) HR 138 2049

HERRINK, RUTH JONES—See: Deaths

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HIGHLAND COUNTY

Maple Festival of Virginia; designating Highland County as official festival of Virginia. (Patron—Bell, Richard P.) HB 107 553 941

Transient occupancy tax; adds Highland County to list of counties authorized to levy. (Patron—Deeds) SB 573 188 294

HIGHWAYS, BRIDGES, AND FERRIES

Banister River; designates Route 29 bridge in Pittsylvania County to confluence with Dan River in Halifax County as component of Virginia Scenic Rivers System. (Patron—Adams) HB 1116 149 246

Billboard signs; includes erection of sound barrier in list of actions that allows adjustment or relocation of signs, notice of removal shall be provided at least 45 days prior to required removal date.
Patron—Anderson HB 377 811 1697
Patron—Puckett SB 295 298 494

Commonwealth Transportation Board; statewide prioritization process for project selection, process for use of funds allocated, candidate projects and strategies shall be screened by Board to determine whether they are consistent with assessment of capacity needs for all. (Patron—Stolle) HB 2 726 1289

Electronic toll collection transponders; Department of Transportation shall develop and implement plan to eliminate maintenance fees. (Patron—Miller) SB 156 614 1041

Fare enforcement inspectors; appointed to enforce payment of fares for use of mass transit facilities, eligible entity means any transit operation that is owned directly or indirectly by a political subdivision or any governmental entity established by an interstate compact, power to issue civil summons, penalty for failure to pay established fare on transit properties.
Patron—Rust HB 761 281 468
Patron—Ebbin SB 264 447 718

Golf carts and utility vehicles; adds Town of Clifton to list of towns without their own police departments that may permit operation on their highways. (Patron—Hugo) HB 488 69 108

Hampton Roads Transportation Accountability Commission; created.
Patron—Jones HB 1253 678 1178
Patron—Wagner SB 513 545 916

Highway systems; includes primary state highway system extensions to receive percentage of amount allocated for reconstruction of deteriorated highways, five percent to paving unpaved roads carrying more than 50 vehicles per day.
Patron—Rust HB 1048 87 151
Patron—Wagner SB 518 741 1312

Highways, bridges, ferries, rail transportation, etc.; recodifying and revising laws. (Patron—LeMunyon) HB 311 805 1484

Innovation and Technology Transportation Fund; created, report. (Patron—Peace) HB 1095 290 484

Interstate Route 73; joint subcommittee of Senate Committee on Local Government and Senate Committee on Transportation to be established to study proposed construction. (Patron—Stanley) SR 32 2234

Loudoun County; VDOT's duties and responsibilities to properly maintain the rural gravel road network.
Patron—Minchew HB 416 276 466
Patron—Vogel SB 397 704 1227

Master Trooper Jerry L. Hines Memorial Bridge; designating as Interstate Route 81 bridges over Maury River in Rockbridge County.
Patron—Cline HB 986 82 133
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Patron—Watkins	SB	298	451 722
Richmond Metropolitan Authority; changes name to Richmond Metropolitan Transportation Authority and equalizes Board representation among City of Richmond, Chesterfield County, and Henrico County. (Patron—Loupassi)	HB	597	469 767
Smart transportation pilot zone; Secretary of Transportation and VDOT shall establish zone to test state-of-the-art road technology utilizing existing state highway network or Smart Road managed by Virginia Tech Transportation Institute. (Patron—Anderson)	HB	1098	478 790
Specialized construction equipment; Commissioner of Highways may issue single trip or multi-trip permits for operation on and across structures maintained by VDOT. (Patron—Scott)	HB	509	70 109
Speed limits; maximum limit on nonsurface-treated highways in certain counties.			
Patron—Garrett	HB	854	80 132
Patron—Smith	SB	470	261 452
Speed limits; maximum speed limit on U. S. Route 23 and U. S. Alternate Route 58. (Patron—Chafin)	HB	1164	91 157
Statewide transportation technology programs; Secretary of Transportation and Department of Transportation shall revise and update programs by evaluating and incorporating new smart road technologies and other innovations. (Patron—Villanueva)	HB	1090	477 789
Stephen L. Thompson Memorial Highway; designating as a portion of Virginia Route 24 in Town of Rustburg. (Patron—Fariss)	HB	64	51 79
Transportation projects; at least 30 days prior to any public hearing, Department of Transportation shall send notification of date, time, and place by regular mail to all property owners within or adjacent to projects valued in excess of \$100 million. (Patron—Hugo)	HB	904	733 1302
Truck cranes; permits authorizing operation over highways for those that exceed maximum weight.			
Patron—Scott	HB	415	68 108
Patron—McDougle	SB	402	258 450
Tye River; designates from Route 738 in Nelson County to its confluence with James River as component of Virginia Scenic River System. (Patron—Deeds)	SB	257	107 166
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HOLIDAYS, SPECIAL DAYS, ETC.			
Chiropractic Health Week; designating as first week in October 2014, and each succeeding year thereafter. (Patron—Hugo)	HJR	93	1765
Day of the Girl; designating as October 11, 2014, and each succeeding year thereafter. (Patron—Loupassi)	HJR	43	1749
Move Over Awareness Month; designating as June 2014, and each succeeding year thereafter. (Patron—Carrico)	SJR	102	2134
Rare Disease Day; designating as February 28, 2014, and each succeeding year thereafter. (Patron—Anderson)	HJR	108	1769
Sudden Unexpected Death in Epilepsy Awareness Day; designating as July 12, 2014, and each succeeding year thereafter. (Patron—Keam)	HJR	98	1766
Teen Cancer Awareness Week; designating as third week in January 2015, and each succeeding year thereafter. (Patron—Rust)	HJR	161	1796
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Patron—Villanueva	HB	296	397	652
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Condominium and Property Owners' Association Acts ; assessment or installment of late fee not paid within 60 days. (Patron—Watts)	HB	566	239	412
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Condominium and Property Owners' Association Acts ; merger of developments, reformation of declaration, judicial procedure, court shall have jurisdiction over certain matters regarding ownership of legal title of common elements, common areas, or real property. (Patron—Massie)	HB	690	659	1110
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Patron—Peace	HB	901	39 53
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Hunting and fishing licenses; special licenses for certain nonresident disabled veterans, such veterans not entitled to fish in designated waters stocked with trout by Department or other public body. (Patron—Cline)	HB	991	587 1012
Hunting, trapping, and fishing licenses and permits; Department of Game and Inland Fisheries authorized to issue licenses valid for one year from their date of purchase or from future effective date. (Patron—McWaters)	SB	371	255 431
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Tax information; Department of Taxation to disclose total aggregate amount of an income tax deduction or credit taken by all taxpayers upon request by General Assembly, etc. (Patron—Toscano)	HB	121	195 301
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Divorce, custody, or visitation; court orders in pending suit, maintenance of life insurance policy. (Patron—Minchew) HB 141 55 99

Family Access to Medical Insurance Security Plan; eligibility for assistance, Board of Medical Assistance Services shall promulgate regulations to implement provisions of this act to be effective within 280 days of its enactment.
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Group accident and sickness insurance; blanket policies, any benefits payable under policy shall be paid directly to person covered. (Patron—Ingram) HB 1166 350 583

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Health care policy, group health benefit plan, and health plan; updates references to federal programs in definitions.
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Health insurance; carrier contracts with pharmacy providers, definition of overpayment. (Patron—Ware) HB 108 308 507

Health insurance; health carrier shall provide notice of increase in premium or deductible, time frames for provision of notices may be adjusted by Commission's Bureau of Insurance. (Patron—Ware) HB 1176 511 852

Health insurance; prescription drug formularies, insurer, corporation, or health maintenance organization shall provide to each affected group or individual health benefit plan policyholder or contract holder, etc., not less than 30 days' prior written notice of modification.
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Health insurance policies; individual and group coverage, conversion policies, plans offered in the Commonwealth by health carrier through health benefit exchange established under federal Patient Protection and Affordable Care Act. (Patron—Byron) HB 1005 814 1702

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Cases under advisement ; circuit court judge in civil action who holds decision on any matter, etc., for unreasonable length of time. (Patron—Habeeb)	HB	269	62	105
Comprehensive Services for At-Risk Youth and Families, State Executive Council for ; membership, adds juvenile and domestic relations district court judge to be appointed by Governor. (Patron—Bell, Richard P.)	HB	520	406	663
District courts ; permits chief judge of juvenile and domestic relations district court to direct clerk of that court to destroy documents related to certain civil and criminal cases. (Patron—Campbell)	HB	1013	287	481
Driver's licenses ; manner of issuance of original licenses to minors, attorney for the Commonwealth who serves jurisdiction in which ceremony is to be conducted may request in writing in advance an opportunity to participate, judge shall, upon request, afford attorney for the Commonwealth opportunity to participate and to address prospective licensees. (Patron—Webert)	HB	1241	352	587

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Internet publication of personal information; adds attorneys for the Commonwealth to current provision prohibiting state or local agency from publicly posting or displaying home address or personal telephone numbers of a law-enforcement officer or state or federal judge or justice. (Patron—Bell, Robert B.)	HB 745	170	274
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Patron—Loupassi	HR 102		2030
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Patron—Loupassi	HR 77		2019
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Judges; retirement allowance and service after retirement. (Patron—Jones)	HB 10	776	1365
Judicial performance evaluation program; required to submit evaluation reports on justices and judges whose terms expire during next session of General Assembly, report. (Patron—Loupassi)	HB 272	808	1691
Magistrates; authorized to exercise powers regarding search warrants throughout the Commonwealth, district court judge may issue warrants, etc., within scope of his general jurisdiction.			
Patron—Pogge	HB 138	310	519
Patron—Norment	SB 485	305	505
Mental health; prohibition of firearms, judge or special justice shall file order from commitment hearing for involuntary admission or mandatory outpatient treatment and certification of any person who has been subject of temporary detention order with clerk of district court as soon as practicable but no later than close of business on next business day.			
Patron—McClellan	HB 743	336	549
Patron—McEachin	SB 576	374	629
Plea agreements; upon rejection of agreement in any delinquency or criminal matter, recusal of judge from any further proceedings. (Patron—Bell, Robert B.)	HB 452	165	271
State Corporation Commission; nomination for election of member.			
Patron—Kilgore	HR 78		2019
Patron—Watkins	SR 21		2214
Summons; summons served upon defendant requests judgment for all amounts due as of date of hearing, unlawful detainer issued by magistrate or clerk or judge of general district court, amendment of amount due. (Patron—Miller)	HB 596	168	273
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JURY SERVICE AND JURORS			
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Multi-jurisdiction grand juries; numerous changes to laws governing. (Patron—Loupassi)	HB 56	389	643

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King William County and Town of West Point; localities to govern allocation of revenues for schools, establishes special school tax district in County.

Patron-Hodges	HB	534	29	45
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LABOR AND EMPLOYMENT

Corrections and Juvenile Justice, Departments of; grievance procedures for certain employees, employees may appeal their termination only through Department of Human Resource Management, applicable procedures. (Patron-Taylor)	HB	1069	223	354
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Greater Loudoun Lions baseball team; commending. (Patron—Minchew) HJR 447 1957

Greek Orthodox Parish of Loudoun County; commending. (Patron—Ramadan) . . . HJR 453 1960

Gum Spring Library; commending. (Patron—Ramadan) HJR 452 1959

Loudoun County; VDOT's duties and responsibilities to properly maintain the rural gravel road network.

Patron—Minchew HB 416 276 466

Patron—Vogel SB 397 704 1227

Loudoun County High School volleyball team; commending. (Patron—Minchew) . . HJR 371 1914

Spirit of Freedom marching band; commending. (Patron—Ramadan) HR 149 2054

LOUISA, TOWN OF

Water and sewer system; any locality that is owner of system and has population density of 200 persons per square mile or less, and Town of Louisa by ordinance may develop criteria for providing discounted fees and charges for low-income and disabled customers. (Patron—Garrett) SB 10 514 857

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Zion Hill Baptist Church; commending. (Patron—Wright) HR 176 2066

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Martinsville, City of; any reversion initiated by City Council shall require that each elected member vote on motion to initiate reversion process.

(Patron—Marshall, D.W.) HB 210 493 821

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MECHANICS' AND CERTAIN OTHER LIENS

Liens; increases maximum value of property that may be sold for cash at auction.

(Patron—Hugo) HB 768 339 559

MECHANICSVILLE AMERICAN LEGION POST 175 BASEBALL TEAM—See: Commendations and Commemorations

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MICAH INITIATIVE—See: Commendations and Commemorations

MILITARY AND EMERGENCY LAWS

First informer broadcaster; clarifying definition of first informer, state and local government agencies shall permit personnel with proper identification cards to access their broadcasting station within any area declared a state emergency area by the Governor for purpose of disseminating news, identification cards shall be issued by Virginia Association of Broadcasters. (Patron—Lingamfelter)

HB 310 561 944

Public Safety and Homeland Security, and Veterans and Defense Affairs, Secretaries of; transfer of certain powers and duties, report.

Patron—Lingamfelter HB 730 115 182

Patron—Reeves SB 381 490 802

Virginia Defense Force; creates separate personal property tax classification for motor vehicle owned or leased by uniformed member and used to respond to his official duties. (Patron—Cole)

HB 44 50 76

Virginia Defense Force; localities may appropriate money and real and personal property to various organizations of Force.

Patron—Anderson HB 559 30 46

Patron—Ruff SB 546 547 920

Virginia National Guard; Department of Military Affairs shall provide certain information to Virginia Employment Commission upon request of a member.

Patron—Anderson HB 971 42 64

Patron—Reeves SB 399 302 497

MILITARY PERSONNEL—See: Armed Forces

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MINES AND MINING

Biofuels Production Incentive Grant Program; eligibility to receive grants. (Patron—Ingram)

HB 1025 669 1137

Coal mine safety; reciprocal agreements with other states. (Patron—Chafin)

HB 1014 145 230

Coal-mined areas; amends Virginia Coal Surface Mining Control and Reclamation Act of 1979 by removing ability of certain applicants to provide a bond without separate surety, change of expiration date of certain provision.

Patron—O'Quinn HB 710 135 219

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MINES AND MINING - Continued**Gas severance tax;** extends sunset provision to December 31, 2015.

Patron—Morefield	HB 1028	44	65
Patron—Carrico	SB 552	187	293

Virginia Coal and Energy Alliance; members named or appointed by Alliance for Virginia Coalfield Economic Development Authority and Virginia Coal Mine Safety Board. (Patron—Morefield)

HB 1167	438	709
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MINOR, PERCY J., SR.—See: Deaths**MINORS****Abuse or neglect of a child, suspected;** local department of social services shall notify local attorney for the Commonwealth and local law-enforcement agency of all complaints involving contributing to delinquency of a minor, immediately, but in no case more than two hours of receipt of complaint, local department may submit report either in writing or electronically.

Patron—Bell, Robert B.	HB 405	565	947
Patron—Howell	SB 332	300	495

Adoption; disclosure of identifying information. (Patron—Toscano)

HB 407	127	210
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Child abuse and neglect; local school divisions shall report annually to Board of Education, etc., regarding status of interagency agreements for investigation of complaints against school personnel, reports of sexual abuse of children, local school division and local department of social services that are parties to interagency agreements shall only be required to report to Boards of Education and Social Services when agreements are substantially modified. (Patron—Herring)

HB 683	412	672
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Child care providers; Department of Social Services to convene work group to develop plan for implementation of national fingerprint-based background checks, report.

Patron—Anderson	HB 412	128	211
Patron—Hanger	SB 639	379	635

Child day programs; licensure exemptions. (Patron—Massie)

HB 468	130	215
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Child pornography; proposed modifications to discretionary sentencing guidelines for possession, effective date July 1, 2016, report.

Patron—Bell, Robert B.	HB 504	100	163
Patron—McDougle	SB 433	260	452

Child sex-crime cases; admission of prior sexual offenses into evidence. (Patron—Bell, Robert B.)

HB 403	782	1375
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Child-care providers; Department of Social Services to study a tiered-reimbursement subsidy program. (Patron—Miller)

SJR 54		2096
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Children placed in child-caring institutions or group homes; reimbursement to school division of costs to educate, foster care or other custodial care within geographical boundaries of school division to be reimbursed. (Patron—Toscano)

HB 1110	790	1387
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Clerks offices; recordation, possession, etc., of child pornography, wills, when security is required. (Patron—Cline)

HB 1196	291	485
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Credit information; security freezes for certain minors and incapacitated persons, effective date. (Patron—Filler-Corn)

HB 543	570	952
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Crime victim rights; offenses by juveniles. (Patron—Farrell)

HB 171	230	394
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Custody and visitation arrangements for minor children; adds step-grandparents to list of persons and parties with a legitimate interest. (Patron—Chafin)

HB 359	653	1097
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Dextromethorphan Distribution Act; no pharmacy or retail distributor may knowingly or intentionally sell or distribute product containing dextromethorphan to a minor and no minor may knowingly and intentionally purchase such product, penalty, provisions of this Act shall become effective January 1, 2015.

Patron—Hodges	HB 505	101	163
Patron—Carrico	SB 213	362	615

Driver's licenses; manner of issuance of original licenses to minors, attorney for the Commonwealth who serves jurisdiction in which ceremony is to be conducted may request in writing in advance an opportunity to participate, judge shall, upon request, afford attorney for the Commonwealth opportunity to participate and to address prospective licensees. (Patron—Webert)

HB 1241	352	587
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Emergency custody and temporary detention; Department shall develop and administer a web-based acute psychiatric bed registry, period of custody shall not exceed 8 hours from time law-enforcement officer takes minor into custody, report. (Patron—Deeds)	SB	260	691 1202
Immunizations; updates provisions for children. (Patron—Orrock)	HB	1031	344 570
Immunizations; vaccine administered to child without charge to parent of or person standing in loco parentis, etc., reimbursement to Department for all allowable costs associated with vaccine. (Patron—O'Bannon)	HB	305	316 523
Incest; definition of parent includes step-parent, grandparent includes step-grandparent, child includes step-child, etc., penalty. (Patron—Norment)	SB	476	542 908
Independent living services; local departments of social services and licensed child-placing agencies shall provide to any person between 18 and 21 years of age, who is transitioning from a commitment to Department of Juvenile Justice to self-sufficiency. Patron—Brink	HB	668	134 218
Patron—Favola	SB	134	94 159
Investigation of cases involving alleged sexual abuse of a child; qualifications of investigator. (Patron—Howell)	SB	331	299 494
Juvenile records; Virginia State Crime Commission to study expungement of records. (Patron—Favola)	SJR	24	2083
Juveniles; commitment to Department of Juvenile Justice, waiver of an investigation, waived by an agreement between the Commonwealth's attorney and juvenile and his attorney, consideration of social history, report. Patron—Farrell	HB	183	20 32
Patron—Favola	SB	128	249 425
Kinship care; Department of Social Services shall review current policies governing facilitation of placement of children to avoid foster care, report. (Patron—Howell) . .	SB	284	530 868
Kinship foster care; removal of child from physical custody of kinship foster parent. (Patron—Reeves)	SB	400	257 450
Newborns; critical congenital heart defect screening, surveillance and follow up procedures. (Patron—Comstock)	HB	387	4 4
Newborns; critical congenital heart defect screening using pulse oximetry or other Board-approved screening test, duty of Board of Health. (Patron—McWaters)	SB	183	175 279
Offenses requiring registration; withdrawal of plea by certain defendants, indictment, warrant, or information that does not allege victim of offense was minor, physically helpless, or mentally incapacitated. (Patron—Norment)	SB	537	546 919
Sex Offender and Crimes Against Minors Registry; grants circuit courts discretion to accept name change applications from persons on Registry, if court finds that good cause exists for such application, order voiding application, if person files objection, court shall hold a hearing. (Patron—Bell, Robert B.)	HB	233	232 399
Sex Offender and Crimes Against Minors Registry Act; amends Act, solicitation of prostitution from minors, pandering, Class 4 felony. Patron—Bell, Robert B.	HB	235	649 1090
Patron—Obenshain	SB	454	706 1228
Sex offenders; a person required to register with Sex Offender and Crimes Against Minors Registry who changed name prior to July 1, 2014, must reregister in person with local law-enforcement agency within three days of July 1, 2014, following a change of name. (Patron—Ramadan)	HB	1251	677 1176
Tobacco products; purchase, etc., of nicotine vapor products and alternative nicotine products by minors, penalty. Patron—Albo	HB	218	394 647
Patron—Reeves	SB	96	357 606

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Charter; amending. (Patron—Bell, Richard P.) HB 322 273 464

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MONTGOMERY COUNTY

Smart transportation pilot zone; Secretary of Transportation and VDOT shall establish zone to test state-of-the-art road technology utilizing existing state highway network or Smart Road managed by Virginia Tech Transportation Institute. (Patron—Anderson) HB 1098 478 790

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MOTLEY, JOSEPH FULLER—See: Deaths

MOTOR CARRIERS

Commercial driver's licenses, etc.; compliance with federal requirements.

Patron—Brink HB 662 77 119

Patron—Cosgrove SB 565 803 1436

MOTOR FUELS

Natural gas automobile mechanics and technicians; regulatory program for certification by Director of Department of Professional and Occupational Regulation. (Patron—Taylor) HB 516 763 1348

Natural gas utilities; upstream supply infrastructure projects.

Patron—Hugo HB 949 507 841

Patron—Wagner SB 519 467 761

Natural gas vehicles; weight limit exception, allowance for Interstate highways. (Patron—Taylor) HB 341 64 106

Offshore natural gas and oil resources; Virginia Offshore Energy Emergency Response Fund established, royalties. (Patron—Reeves) SB 25 293 488

MOTOR VEHICLES

Alternative Fuel Vehicle Conversion Fund; moneys in Fund to be used to assist local government and agencies and local school divisions with incremental cost of such local government-owned alternative fuel vehicles. (Patron—Taylor) HB 340 199 309

Autocycle; defines a new class of vehicle and provides for examination of drivers, registration fees, etc.

Patron—Scott HB 122 53 80

Patron—Reeves SB 383 256 432

Bicycles, etc.; minimum clearance for passing. (Patron—Reeves) SB 97 358 608

Commercial driver's licenses, etc.; compliance with federal requirements.

Patron—Brink HB 662 77 119

Patron—Cosgrove SB 565 803 1436

Concealed handgun permit; exception for retired member of enforcement division of Department of Motor Vehicles.

Patron—O'Bannon HB 1169 45 66

Patron—Cosgrove SB 279 450 720

Driver education; any community college within Virginia Community College System shall have authority to offer courses required by Virginia Board of Education to become a certified instructor, Virginia Department of Education shall provide curriculum, content, etc., regarding courses required to any community college.

Patron—Greason HB 925 666 1117

Patron—Marsden SB 554 753 1327

Driver training and road tests; behind-the-wheel examination for persons age 19 or older. (Patron—McWaters) SB 205 685 1192

Driver's licenses; changes conditions and requirements for applicants who are less than 19 years old but have been licensed in another U.S. state or any U.S. territory, etc. (Patron—Bulova) HB 996 286 479

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MOTOR VEHICLES - Continued

Driver's licenses; manner of issuance of original licenses to minors, attorney for the Commonwealth who serves jurisdiction in which ceremony is to be conducted may request in writing in advance an opportunity to participate, judge shall, upon request, afford attorney for the Commonwealth opportunity to participate and to address prospective licensees. (Patron—Webert)	HB	1241	352	587
Driver's licenses and special identification cards; designation of intellectual disability or autism spectrum disorder on licenses and cards. (Patron—McEachin) ..	SB	367	702	1224
Driving under influence of alcohol; probation, license suspension, etc., administrative enforcement of ignition interlock, penalty. (Patron—Normnt)	SB	482	707	1230
Emergency vehicles; Virginia National Guard Civil Support Team vehicles exempt from regulations in certain situations.				
Patron—Greason	HB	929	171	275
Patron—Reeves	SB	376	800	1433
Golf carts and utility vehicles; adds Town of Clifton to list of towns without their own police departments that may permit operation on their highways. (Patron—Hugo) ..	HB	488	69	108
Highway systems; includes primary state highway system extensions to receive percentage of amount allocated for reconstruction of deteriorated highways, five percent to paving unpaved roads carrying more than 50 vehicles per day.				
Patron—Rust	HB	1048	87	151
Patron—Wagner	SB	518	741	1312
Hybrid electric motor vehicles; repeals annual license tax, registration years beginning on or after July 1, 2014.				
Patron—Rust	HB	975	43	64
Patron—Newman	SB	127	14	19
Inoperable motor vehicles; City of Hopewell and Prince George County added to list of localities that may by ordinance prohibit any person from keeping, exception.				
Patron—Ingram	HB	701	731	1300
Patron—Marsh	SB	64	606	1033
Juvenile and domestic relations district court; clarifies law governing retention of records, records of any ancillary offense shall also be retained for time specified for felony or offense reported to Department of Motor Vehicles, availability for inspection. (Patron—Albo)	HB	278	271	462
License plates, special; disabled veterans who have been honorably discharged and applicants retired from United States Coast Guard shall be issued plates, issuance to applicants who can provide documentation from U.S. Department of Veterans Affairs designating disability is service-connected and has been honorably discharged from branch of armed forces of United States.				
Patron—Scott	HB	263	270	461
Patron—Newman	SB	135	483	793
License plates, special; eliminates requirement that vehicles must have radio transmitting and receiving equipment permanently installed in order to be eligible for plates for amateur radio operators. (Patron—Robinson)	HB	608	331	545
License plates, special; issuance for supporters of pollinator conservation bearing legend: PROTECT POLLINATORS. (Patron—Deeds)	SB	259	690	1201
License plates, special; issuance for supporters of Surfrider Foundation, funds to be used by its Virginia Beach chapter. (Patron—Knight)	HB	189	556	943
License plates, special; issuance to support Virginia's Eastern Shore business community. (Patron—Lewis)	HB	840	662	1112
Liens; increases maximum value of property that may be sold for cash at auction. (Patron—Hugo)	HB	768	339	559
Manufactured homes; revises requirements and procedures for titling homes, conversion to real property, security interest on manufactured homes. (Patron—Cosgrove)	SB	356	624	1054
Mature driver motor vehicle crash prevention course; license renewal, reduction in rates for certain persons. (Patron—Hugo)	HB	771	282	468
Motor Vehicle Dealer Board, motor vehicle dealers, and T&M vehicle dealers; efficiency of operations, determination of fees. (Patron—Puckett)	SB	296	695	1218
Motor vehicle dealers; amends definition of franchise. (Patron—Habeeb)	HB	582	75	115

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Motor vehicle sales and use tax; exempts motor vehicles sold to certain nonprofits that use vehicle primarily for transporting produce purchased from local farmers to markets for sale. (Patron—Hester)	HB	1108	243 415
Natural gas vehicles; weight limit exception, allowance for Interstate highways. (Patron—Taylor)	HB	341	64 106
Ordinances, local; vehicles blocking access to or preventing use of curb ramps, fire hydrants, and mailboxes on public or private property. (Patron—Lingamfelter)	HB	733	505 838
Parking management companies; any city or county ordinance regulating parking shall require uncontested payment of parking citation penalties be collected and accounted for by local administrative officials who shall be compensated by locality or private management company under contract with locality. (Patron—Head)	HB	369	563 946
Parking of certain vehicles; adds Town of Blackstone to list of counties and towns that may regulate or prohibit.			
Patron—Wright	HB	9	49 75
Patron—Ruff	SB	80	680 1181
Personal Information Privacy Act; use of Department of Motor Vehicles-issued driver's license or identification card information.			
Patron—Bulova	HB	1072	789 1386
Patron—Marsden	SB	40	795 1429
Petroleum or propane transport vehicles; allows amber warning lights on vehicles to be lit when parked or while delivering products. Amending § 46.2-1025. (Patron—Scott)	HB	123	54 98
Photo-red traffic light enforcement systems; no traffic light signal monitoring system shall be utilized for having yellow signal phase length of less than three seconds. (Patron—Lingamfelter)	HB	255	163 269
Private roads; designation as highways for law-enforcement purposes in Greene County. (Patron—Bell, Robert B.)	HB	1144	90 157
Protective orders; modifies provision in cases of family abuse, motor vehicles, certain provisions may result in net increase in periods of imprisonment or commitment.			
Patron—Bell, Robert B.	HB	335	318 525
Patron—Stuart	SB	151	613 1039
Salvage vehicles; enhances and clarifies certain requirements and practices relating to licensing and activities of vehicle demolishers, etc. (Patron—Scott)	HB	166	58 101
Service contracts; expands types of services that may be provided under extended contract to include certain types of damage to motor vehicle, etc., an agreement that provides for payment to or on behalf of purchaser of incidental costs in event protective chemical, device, or system fails. (Patron—Marshall, D.W.)	HB	69	193 298
Specialized construction equipment; Commissioner of Highways may issue single trip or multi-trip permits for operation on and across structures maintained by VDOT. (Patron—Scott)	HB	509	70 109
Speed limits; maximum limit on nonsurface-treated highways in certain counties.			
Patron—Garrett	HB	854	80 132
Patron—Smith	SB	470	261 452
Speed limits; maximum speed limit on U. S. Route 23 and U. S. Alternate Route 58. (Patron—Chafin)	HB	1164	91 157
Statute of limitations; action for injury to property brought by the Commonwealth against a tort-feasor for expenses arising out of negligent operation of motor vehicle shall be brought within five years after cause of action accrues. (Patron—Cline)	HB	969	586 1011
Tow truck drivers; registration after conviction of violent crimes, persons who held valid tow truck driver authorization document on January 1, 2013, issued by Board of Towing and Recovery Operators.			
Patron—Farrell	HB	176	59 104
Patron—Garrett	SB	8	441 712
Truck cranes; permits authorizing operation over highways for those that exceed maximum weight.			
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Virginia Defense Force; creates separate personal property tax classification for motor vehicle owned or leased by uniformed member and used to respond to his official duties. (Patron—Cole)	HB	44	50 76
Waste kitchen grease; persons transporting to conspicuously display decal issued by Commissioner on exterior of any vehicle used for such purpose.			
Patron—Wilt	HB	795	241 414
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MOUNT VERNON HIGH SCHOOL— See: Commendations and Commemorations			
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NARCOTICS AND DRUGS			
Certificate of analysis for drugs or alcohol use; director shall remove withdrawal certificate from vial and electronically scan it into Department's Laboratory Information Management System and place original certificate in its case-specific file, certificate shall be returned or electronically transmitted to clerk of court in which charge will be heard, electronic signature. (Patron—Morris)	HB	518	328 538
Controlled substance analogs; regulation by Board of Pharmacy, synthetic cannabinoids, any substance added to Schedule I or II shall remain for a period of 18 months, penalties.			
Patron—Garrett	HB	1112	674 1143
Patron—Obenshain	SB	594	719 1257
Controlled substances; eliminates requirement that law-enforcement reports on destruction of seized substances and other drugs and paraphernalia be submitted to Board of Pharmacy. (Patron—Carrico)	SB	211	686 1195
Dextromethorphan Distribution Act; no pharmacy or retail distributor may knowingly or intentionally sell or distribute product containing dextromethorphan to a minor and no minor may knowingly and intentionally purchase such product, penalty, provisions of this Act shall become effective January 1, 2015.			
Patron—Hodges	HB	505	101 163
Patron—Carrico	SB	213	362 615
Drugs; Board of Pharmacy to identify drugs of concern and require prescribers to report prescription drugs of concern to Prescription Monitoring Program, non-narcotic drugs that may be lawfully sold over counter or behind counter shall not be included as drugs of concern. (Patron—Yost)	HB	874	664 1114
Health insurance; carrier contracts with pharmacy providers, definition of overpayment. (Patron—Ware)	HB	108	308 507
Health insurance; prescription drug formularies, insurer, corporation, or health maintenance organization shall provide to each affected group or individual health benefit plan policyholder or contract holder, etc., not less than 30 days' prior written notice of modification.			
Patron—Dance	HB	308	272 463
Patron—Puller	SB	201	297 493
Methadone clinics; location near schools and day care centers, exemptions for existing facilities and providers, facility that has been providing treatment in same city since 1984 and is operated by and located with a community services board.			
Patron—McClellan	HB	722	415 675
Patron—Watkins	SB	117	173 277
Methamphetamine cleanup; Board of Health, et al., to certify that methamphetamine level at property is at or below post cleanup target. (Patron—Stanley)	SB	31	513 853
Perampanel and Lorcaserin; added to Schedules III and IV, respectively. (Patron—O'Bannon)	HB	575	74 111

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Pharmacy, Board of; automatic review of certain case decisions, pharmacies affiliated with free clinic that receives state or local funds. (Patron—Orrock)	HB	1032	345 571
Prescription Monitoring Program; delegation of authority. (Patron—Hodges)	HB	539	72 110
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Prescription Monitoring Program; prescriber licensed to treat human patients and authorized to issue prescription for covered substance shall be registered with Program, prescribing benzodiazepine or an opiate, effective date. (Patron—Hodges)	HB	1249	93 158
Prescription Monitoring Program; prescriber who is licensed in the Commonwealth and authorized to issue prescription for covered substance shall be registered with Program, prescribing benzodiazepine or an opiate, effective date. (Patron—Puckett)	SB	294	178 281
Seized drugs and paraphernalia; court may order forfeiture to Department of Forensic Science, Department of State Police, or other law enforcement for research and training purposes and for destruction.			
Patron—Knight	HB	186	99 162
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Patron—Garrett	SB	441	109 167
Students; expulsion for certain drug offenses, a school administrator may determine, based on facts of a particular situation, that special circumstances exist and no disciplinary action, etc., is appropriate. (Patron—Rust)	HB	751	577 992
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Nelson County High School; commending senior chapter of Future Farmers of America, Forestry Judging Team. (Patron—Bell, Richard P.)	HJR	20	1745
Nelson County High School; commending senior chapter of Future Farmers of America, Meat Evaluation and Technology Team. (Patron—Bell, Richard P.)	HJR	19	1744
Tye River; designates from Route 738 in Nelson County to its confluence with James River as component of Virginia Scenic River System. (Patron—Deeds)	SB	257	107 166
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Eastern Shore Water Access Authority ; allows Counties of Accomack and Northampton by resolution to declare that there is a need for a public access authority. (Patron—Lewis)	HB	844	471 776
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Deeds, deeds of trust, and mortgages ; attorney seeking to record affidavits shall deliver copy to all parties, clerk shall record corrective copy in deed book. (Patron—Watkins)	SB	116	523 860
Divorce ; oral testimony and evidence by affidavit in suit, if either party is incarcerated, neither party shall submit evidence by affidavit, etc. (Patron—Kilgore)	HB	1019	288 482
Divorce proceedings ; evidence by affidavit, residency requirement. (Patron—Edwards)	SB	94	521 859
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PATTESON, GEORGE WALKER—See: Deaths

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PEARISBURG, TOWN OF

Giles High School football team; commending. (Patron—Edwards) SJR 95 2131

PENDERBROOK COMMUNITY ASSOCIATION—See: Commendations and Commemorations

PENDLETON, HUGH T., JR.—See: Deaths

PENSIONS, BENEFITS, AND RETIREMENT

Alzheimer's Disease and Related Disorders Commission; extends sunset provision to July 1, 2017.

Patron—Leftwich HB 1087 434 705

Patron—Ruff SB 82 520 859

Blind persons; repeals requirement that Department for Blind and Vision Impaired maintain registry of persons in the Commonwealth. (Patron—Brink) HB 664 572 972

Higher educational institutions; maintenance of optional retirement plan, policy regarding employee's years of service to be entitled to receive all contributions.

Patron—Ingram HB 700 764 1349

Patron—Ruff SB 79 745 1316

Individuals with disabilities; replaces term functional and central nervous system disabilities with term physical and sensory disabilities, etc. (Patron—Wilt) HB 1076 289 483

Judges; retirement allowance and service after retirement. (Patron—Jones) HB 10 776 1365

Long-Term Care Ombudsman, Office of State; access to clients, patients, individuals, licensed adult day care centers and assisted living facilities, etc., and records.

Patron—O'Bannon HB 240 120 199

Patron—Barker SB 572 98 161

Medicaid program independent contractors; deferred compensation plan, provisions shall become effective on January 1, 2015, and shall expire on January 1, 2020.

Patron—O'Bannon HB 147 196 304

Patron—Hanger SB 412 750 1321

Service dog; expands definition to include dogs trained to assist persons suffering from physical, sensory, intellectual, developmental, or mental disability or mental illness. (Patron—Reeves) SB 177 616 1042

State and local government employees; inclusion of Roth contribution program in deferred compensation retirement plans. (Patron—McDougle) SB 188 747 1319

Virginia Retirement System; technical amendments to programs administered by System. (Patron—Watkins) SB 87 356 596

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PERSONAL PROPERTY AND PERSONAL PROPERTY TAX

Mineral lands; local property and license taxes.

Patron—O'Quinn HB 1202 48 74

Patron—Puckett SB 338 179 282

Personal property; fraudulent conversion or removal of leased property, restitution if property is not returned or cannot reasonably be repaired, actual value of such property, exception for property described in Virginia Lease-Purchase Agreement Act. (Patron—Albo) HB 159 56 100

Personal property tax; classification of property of business that qualifies under local ordinance for first two years in which subject to tax. (Patron—Davis) HB 617 409 667

Personal property tax; exemption may include electronic communications and processing devices and equipment, including but not limited to cell phones and tablet and personal computers, including peripheral equipment such as printers. (Patron—Davis) HB 589 279 467

Real and personal property tax; exemption for aviation museum, demonstrate performance of Warbirds at airshows, and flight demonstrations of Warbirds.

Patron—Knight HB 187 60 105

Patron—Wagner SB 508 185 292

PERSONAL PROPERTY AND PERSONAL PROPERTY TAX - Continued

Real and personal property tax; exemption for religious bodies, real property used primarily for outdoor worship activities and property used for ancillary and accessory purposes as allowed under local ordinance, dominant purpose of which is to support or augment worship.

Patron—Minchew	HB	156	555	942
Patron—Black	SB	175	615	1041

Virginia Defense Force; creates separate personal property tax classification for motor vehicle owned or leased by uniformed member and used to respond to his official duties. (Patron—Cole)

HB	44	50	76
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Virginia Defense Force; localities may appropriate money and real and personal property to various organizations of Force.

Patron—Anderson	HB	559	30	46
Patron—Ruff	SB	546	547	920

PERSONS WITH DISABILITIES

Blind persons; repeals requirement that Department for Blind and Vision Impaired maintain registry of persons in the Commonwealth. (Patron—Brink)

HB	664	572	972
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Credit information; security freezes for certain minors and incapacitated persons, effective date. (Patron—Filler-Corn)

HB	543	570	952
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Discounted fees and charges; City of Richmond may by ordinance develop criteria for providing for low-income, elderly, or disabled customers, financial assistance for plumbing repairs, etc. (Patron—McQuinn)

HB	473	387	641
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Discounted water and sewer fees and charges; City of Richmond may develop criteria for providing for low-income, elderly, or disabled customers. (Patron—Marsh)

SB	67	796	1430
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Incapacitated persons; filing of evaluation reports, requirement for filing under seal. (Patron—Hope)

HB	413	402	657
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Individuals with disabilities; replaces term functional and central nervous system disabilities with term physical and sensory disabilities, etc. (Patron—Wilt)

HB	1076	289	483
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Individuals with intellectual and developmental disabilities; Secretary of Health and Human Resources to study supported decision-making for individuals. (Patron—Landes)

HJR	190		1811
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Offenses requiring registration; withdrawal of plea by certain defendants, indictment, warrant, or information that does not allege victim of offense was minor, physically helpless, or mentally incapacitated. (Patron—Norment)

SB	537	546	919
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Real property tax; exemption for certain elderly and disabled persons. (Patron—Minchew)

HB	1000	767	1354
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Service dog; expands definition to include dogs trained to assist persons suffering from physical, sensory, intellectual, developmental, or mental disability or mental illness. (Patron—Reeves)

SB	177	616	1042
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Students with disabilities; Commission on Youth to study use of federal, state, and local funds for public and private educational placements. (Patron—Adams)

HJR	196		1814
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Water and sewer system; any locality that is owner of system and has population density of 200 persons per square mile or less, and Town of Louisa by ordinance may develop criteria for providing discounted fees and charges for low-income and disabled customers. (Patron—Garrett)

SB	10	514	857
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PETERSEN, LOUIS MIKKELSEN—See: Deaths

PETE'S CUSTOM AUTO SERVICE—See: Commendations and Commemorations

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PHILIPPINE CULTURAL CENTER OF VIRGINIA—See: Commendations and Commemorations

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Banister River ; designates Route 29 bridge in Pittsylvania County to confluence with Dan River in Halifax County as component of Virginia Scenic Rivers System. (Patron—Adams)	HB	1116	149	246
Confederate cemeteries and graves ; changes entity responsible for care of graves in Pittsylvania County from Rawley Martin Chapter, U.D.C., to Pittsylvania County Historical Society. Patron—Marshall, D.W.	HB	1171	46	68
Patron—Stanley	SB	108	15	20
Tunstall High School golf team ; commending. (Patron—Adams)	HR	144		2052
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PLEASANTS, JACQUELINE CORBIN —See: Deaths				
PLYMALE, WINSTON LEIGH, SR. —See: Deaths				
POE, VERNON M. —See: Deaths				
POLICE				
Abuse or neglect of a child, suspected ; local department of social services shall notify local attorney for the Commonwealth and local law-enforcement agency of all complaints involving contributing to delinquency of a minor, immediately, but in no case more than two hours of receipt of complaint, local department may submit report either in writing or electronically. Patron—Bell, Robert B.	HB	405	565	947
Patron—Howell	SB	332	300	495
Capital Region Airport Commission ; updates police power provisions of Commission. (Patron—Ingram)	HB	1088	672	1140
Cigarette laws ; administration and enforcement, violation of tax, counterfeit cigarettes used in undercover operation to remain under control and command of law enforcement. (Patron—Gilbert)	HB	853	422	693
Cigarettes, counterfeit and contraband ; use by law enforcement, any undercover operation shall ensure cigarettes remain under their control and command. (Patron—Reeves)	SB	365	458	738
College campus police and security departments ; Department of Criminal Justice Services shall conduct a study to identify potential minimum core operational functions. Patron—Yost	HB	587	278	467
Patron—Barker	SB	440	539	884
Controlled substances ; eliminates requirement that law-enforcement reports on destruction of seized substances and other drugs and paraphernalia be submitted to Board of Pharmacy. (Patron—Carrico)	SB	211	686	1195
Criminal Justice Services, Department of ; human trafficking policy, Department shall publish and disseminate a model policy or guideline for law-enforcement personnel involved in criminal investigations or assigned to vehicle or street patrol duties. (Patron—Obenshain)	SB	654	265	453
Emergency custody and temporary detention ; Department shall develop and administer a web-based acute psychiatric bed registry, period of custody shall not exceed 8 hours from time law-enforcement officer takes minor into custody, report. (Patron—Deeds)	SB	260	691	1202
Emergency custody orders ; representative of primary law-enforcement agency specified to execute orders shall notify community services board responsible for conducting evaluation as soon as practicable, person detained or in custody shall be given written summary of procedures, etc., report. (Patron—Villanueva)	HB	478	761	1339
Emergency protective orders ; arrests for domestic assault, definition of law-enforcement officer means any special conservator of the peace who meets certification requirements. Patron—Bell, Robert B.	HB	285	779	1371
Patron—Stuart	SB	71	797	1430
Firearms ; dealers to go through process administered by Department of State Police, dealer may choose to obtain verification check from Department to determine if				

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firearm has been reported to law-enforcement agency as lost or stolen, if firearm is determined not to be lost or stolen, consent form shall be destroyed by dealer. (Patron-Reeves)	SB	377	821	1730
Golf carts and utility vehicles; adds Town of Clifton to list of towns without their own police departments that may permit operation on their highways. (Patron-Hugo) ..	HB	488	69	108
Interjurisdictional law-enforcement agreements; agreements may allow loan of unmarked police vehicles. (Patron-Rush)	HB	872	581	995
Internet publication of personal information; adds attorneys for the Commonwealth to current provision prohibiting state or local agency from publicly posting or displaying home address or personal telephone numbers of a law-enforcement officer or state or federal judge or justice. (Patron-Bell, Robert B.)	HB	745	170	274
Physical evidence recovery kits; all local and state law-enforcement agencies shall report an inventory of all kits in their custody that were collected but not submitted to Department of Forensic Science, provisions shall not become effective unless included in general appropriation act, report. (Patron-Black)	SB	658	642	1084
Police officers, special; repeals provisions allowing a circuit court for any locality to appoint. (Patron-Norment)	SB	496	543	908
Precious metals dealers; chief law-enforcement officer may waive permit fee for certain retail merchants. Patron-Minchew	HB	192	22	36
Patron-Black	SB	95	611	1036
Private roads; designation as highways for law-enforcement purposes in Greene County. (Patron-Bell, Robert B.)	HB	1144	90	157
Seized drugs and paraphernalia; court may order forfeiture to Department of Forensic Science, Department of State Police, or other law enforcement for research and training purposes and for destruction. Patron-Knight	HB	186	99	162
Patron-Cosgrove	SB	349	254	431
Sex offenders; a person required to register with Sex Offender and Crimes Against Minors Registry who changed name prior to July 1, 2014, must reregister in person with local law-enforcement agency within three days of July 1, 2014, following a change of name. (Patron-Ramadan)	HB	1251	677	1176
Temporary detention order; transportation of person by law-enforcement agency of jurisdiction in which person resides or any other willing law-enforcement agency that has agreed to provide. (Patron-O'Bannon)	HB	323	317	524
Tobacco products, untaxed; civil penalty for import, transport, or possession for resale of products, delineates respective penalty for offenses, such products shall be subject to seizure, forfeiture, etc., by any law-enforcement officer. Patron-Peace	HB	898	38	53
Patron-Howell	SB	285	177	281
Unlawful dissemination or sale of images of another; intent to coerce, harass, etc., depicted person, provisions shall not apply to videographic or still image created by law-enforcement officers pursuant to criminal investigations, Class 1 misdemeanor if person uses Internet service provider, etc., that provides or enables computer access by multiple users, such provider shall not be held responsible for violation of content provided by another person. (Patron-Bell, Robert B.)	HB	326	399	654
Virginia's Law Enforcement and Search and Rescue; Virginia State Crime Commission to study current state of readiness efforts for rapid and well-coordinated deployment in all missing, endangered, and abducted person cases. Patron-Albo	HJR	62		1756
Patron-McDougle	SJR	64		2101

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Firearms; dealers to go through process administered by Department of State Police, dealer may choose to obtain verification check from Department to determine if firearm has been reported to law-enforcement agency as lost or stolen, if firearm is determined not to be lost or stolen, consent form shall be destroyed by dealer. (Patron-Reeves)	SB	377	821	1730
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Seized drugs and paraphernalia; court may order forfeiture to Department of Forensic Science, Department of State Police, or other law enforcement for research and training purposes and for destruction.

Patron—Knight HB 186 99 162
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POPLAR HEIGHTS RECREATION ASSOCIATION—See: Commendations and Commemorations

POQUOSON, CITY OF

Coast Guard Auxiliary Flotilla 63; commemorating its 50th anniversary.

(Patron—Helsel) HJR 79 1761

PORFIRIO, MELISSA A.—See: Commendations and Commemorations

PORNOGRAPHY—See: Crimes and Offenses Generally

PORTA, EARNIE—See: Commendations and Commemorations

POSTON, CHARLES E.—See: Commendations and Commemorations

POTTER, ELLA GAY McCURDY—See: Deaths

POTTER, SUSAN CARTER PARKER—See: Deaths

POULTRY—See: Agriculture, Animal Care and Food

POWHATAN COUNTY

Little Zion Baptist Church; commending. (Patron—Ware)

HR 110 2034

PRESCRIPTION MEDICINES—See: Narcotics and Drugs

PRESERVATION VIRGINIA—See: Commendations and Commemorations

PRESS, HILLARY—See: Commendations and Commemorations

PRICE, JAMES EDWARD—See: Deaths

PRINCE GEORGE COUNTY

Inoperable motor vehicles; City of Hopewell and Prince George County added to list of localities that may by ordinance prohibit any person from keeping, exception.

Patron—Ingram HB 701 731 1300
Patron—Marsh SB 64 606 1033

L. L. Beazley Elementary School; commending. (Patron—Morris)

HR 26 1992

Oakland Baptist Church; commemorating its 300th anniversary.

Patron—Morris HJR 423 1943
Patron—Ruff SR 51 2244

Water and sewer charges; adds Prince George and Smyth Counties to those localities in which charges constitute a lien against real property. (Patron—Carrico)

SB 290 694 1217

PRINCE, JAMES R.—See: Commendations and Commemorations

PRINCE WILLIAM COUNTY

National Coalition of 100 Black Women Prince William County chapter; commending. (Patron—Torian)

HJR 402 1932

PRISONERS—See: Prisons and Other Methods of Correction

PRISONS AND OTHER METHODS OF CORRECTION

Correctional facilities, certain; in case of jail, sheriff or other officer in charge shall communicate results of immigration alien query that confirm that person is illegally present in United States to Local Inmate Data System of State Compensation Board. (Patron—McDougle)

SB 641 641 1083

Corrections and Juvenile Justice, Departments of; grievance procedures for certain employees, employees may appeal their termination only through Department of Human Resource Management, applicable procedures. (Patron—Taylor)

HB 1069 223 354

Corrections, Department of; joint subcommittee of Senate Committee on Rehabilitation and Social Services and Senate Committee on Rules to be established to study staffing levels and employment conditions. (Patron—Puckett)

SR 34 2235

Inmates; criteria for inpatient psychiatric hospital admission from local correctional facility. (Patron—Stolle)

HB 86 390 645

Riverside Regional Jail Authority; sheriffs allowed to appoint their alternates to vote when they are not present at meetings. Amending Chapters 642 and 675, 1999 Acts. (Patron—Dance)

HB 120 229 393

PRIVATE DETECTIVES AND PRIVATE SECURITY—See: Professions and Occupations

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Accountancy, Board of; licensing requirements.

Patron—Knight	HB	907	40	56
Patron—Stosch	SB	564	755	1328

Active duty military health care providers; practice at public and private health care facilities. (Patron—Stolle)

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Advance Health Care Directive Registry; submission of documents. (Patron—Barker)

SB	575	715	1252
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Alternative onsite sewage system installers; Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals shall extend one time and deem to be valid an interim license, an extended interim license is valid until licensee passes examination for issuance of license or for period of six months. (Patron—Black)

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Anatomic pathology services; practitioners licensed by Board of Medicine prohibited from charging a fee greater than amount billed, etc. (Patron—Stolle)

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Animal shelters; definitions. (Patron—Orrock)

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Appraisal management companies; licensure from Real Estate Appraiser Board, regulation. (Patron—Minchew)

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Athletic trainers; possession and administration of oxygen. (Patron—Bell, Richard P.)

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Auctioneers; exemption from licensure.

Patron—Knight	HB	184	21	35
Patron—McWaters	SB	202	684	1191

Audiology; adds limited cerumen management to definition of practice. (Patron—Yost)

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Behavior analyst; exceptions to licensure requirements, Advisory Board established. (Patron—Greason)

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Cemetery Board; powers and duties, special interments of human remains and pets of such deceased humans. (Patron—O'Quinn)

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Chief Medical Examiner, Office of; powers and duties, medicolegal death examinations. (Patron—O'Bannon)

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Clients' Protection Fund; extends sunset provision on Supreme Court's authority to adopt rules assessing members of Virginia State Bar an annual fee to be deposited in Fund. (Patron—Stuart)

SB	7	512	853
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Contractors, Board for; additional monetary penalty for certain violations. (Patron—Peace)

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Controlled substance analogs; regulation by Board of Pharmacy, synthetic cannabinoids, any substance added to Schedule I or II shall remain for a period of 18 months, penalties.

Patron—Garrett	HB	1112	674	1143
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Court files; protection of confidential information, cause of action against party or lawyer. (Patron—Cline)

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Dead human bodies; absence of next of kin, disposition of remains, prerequisites for cremation. (Patron—Martin)

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Dead human bodies; establishes a process for disposition for unclaimed bodies, identification of decedent, next of kin, prerequisites for cremation. (Patron—Alexander)

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Death; determination by specialist in field of neurology, neurosurgery, etc. (Patron—O'Bannon)

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Drugs; Board of Pharmacy to identify drugs of concern and require prescribers to report prescription drugs of concern to Prescription Monitoring Program, non-narcotic drugs that may be lawfully sold over counter or behind counter shall not be included as drugs of concern. (Patron—Yost)

HB	874	664	1114
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Genetic counseling; regulation of practice, licensure, advisory board established. (Patron—Robinson)

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Patron—Howell	SB	330	266	457
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Health regulatory boards; denial or suspension of a license, certificate or registration, exception. (Patron—Robinson)

HB	611	76	118
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Health regulatory boards; reinstatement of licensure.			
Patron—Garrett	HB	855	11 17
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Implantable medical devices; Department of Health Professions shall consider any issues related to use of those distributed by medical device distributors in which a physician has an ownership interest, report.			
Patron—Peace	HB	1235	351 586
Patron—Martin	SB	536	262 453
Multidisciplinary child sexual abuse response teams, local; attorney for the Commonwealth shall establish a team to conduct regular reviews of new and ongoing reports of felony sex offenses in the jurisdiction, Department of Criminal Justice Services shall disseminate sample guidelines for protocols, etc., that may be implemented by teams.			
Patron—Bell, Robert B.	HB	334	780 1373
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Natural gas automobile mechanics and technicians; regulatory program for certification by Director of Department of Professional and Occupational Regulation. (Patron—Taylor)	HB	516	763 1348
Occupational therapy; practice as a therapist or therapist assistant applicant. (Patron—Carrico)	SB	203	252 430
Perampanel and Lorcaserin; added to Schedules III and IV, respectively. (Patron—O'Bannon)	HB	575	74 111
Pet dealers; pet shop operating in the Commonwealth shall post in a conspicuous place on or near cage of any dog or cat available for sale breeder's name, USDA license member, etc., reimbursement of certain veterinary fees when consumer returns or retains a diseased dog or cat, etc., animals infected with parvovirus. (Patron—Petersen)	SB	228	448 719
Physician assistant; may testify as an expert witness in a court of law within scope of their activities as authorized under Virginia law, but may not testify against a defendant doctor, etc.			
Patron—Minchew	HB	191	391 645
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Physician assistants; possession and administration of topical fluoride varnish. (Patron—Garrett)	HB	1129	88 152
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Precious metals dealers; chief law-enforcement officer may waive permit fee for certain retail merchants.			
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Prescription Monitoring Program; disclosure method of information to recipient.			
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Prescription Monitoring Program; prescriber licensed to treat human patients and authorized to issue prescription for covered substance shall be registered with Program, prescribing benzodiazepine or an opiate, effective date. (Patron—Hodges)	HB	1249	93 158
Prescription Monitoring Program; prescriber who is licensed in the Commonwealth and authorized to issue prescription for covered substance shall be registered with Program, prescribing benzodiazepine or an opiate, effective date. (Patron—Puckett)	SB	294	178 281
Private security services businesses; exception for certified public accountants. (Patron—Peace)	HB	897	214 338
Private security services businesses; exempt from training requirements established by Department of Criminal Justice Services, exemption not granted to persons whose employment was terminated due to misconduct or incompetence. (Patron—Robinson)	HB	609	32 47

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Real Estate Board; death or disability of a broker.

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School speech-language pathologists; removes Board of Education as licensing entity and leaves Board of Audiology and Speech-Language Pathology as only licensing entity. (Patron—Anderson)

HB	373	781	1374
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Speech-language pathologists, assistant; person who has met qualifications prescribed by Board may practice and perform duties under supervision of licensed speech-language pathologist. (Patron—Kory)

HB	764	661	1112
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Spouses of military service members; reduces allowable application review period for issuance of temporary licenses. (Patron—Filler-Corn)

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Surgical technologists and surgical assistants; use of title, registration. (Patron—Barker)

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Treasury, Department of, Risk Management Division; liability coverage for certain pro bono attorneys.

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Voluntary apprenticeships; conforms provisions of Virginia's program to federal law, programs approved by Commissioner of Labor and Industry. (Patron—Byron)

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Wildlife; persons permitted or authorized by Department of Game and Inland Fisheries may provide care. (Patron—Hanger)

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PROPERTY AND CONVEYANCES

Boundary adjustments; notice of any agreement shall be served upon affected landowners. (Patron—LaRock)

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Carbon monoxide alarms; required installation by landlord in rental dwelling units, cost to tenant. (Patron—Norment)

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Condominium Act; purchaser's right of cancellation. (Patron—Peace)

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Condominium Act and Property Owners' Association Act; allowable fees, seller or authorized agent shall specify in writing whether disclosure packet shall be delivered electronically or in hard copy. (Patron—Peace)

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Condominium and Property Owners' Association Acts; adoption and rule enforcement, appeals from courts not of record in civil cases, unit owners' association or board of directors may file or defend legal action in general district or circuit court that seeks relief. (Patron—LeMunyon)

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Condominium and Property Owners' Association Acts; assessment or installment of late fee not paid within 60 days. (Patron—Watts)

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Condominium and Property Owners' Association Acts; merger of developments, reformation of declaration, judicial procedure, court shall have jurisdiction over certain matters regarding ownership of legal title of common elements, common areas, or real property. (Patron—Massie)

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Condominium and Property Owners' Association Acts; notices for requests to examine an association managed by common interest community manager and self-managed association records. (Patron—Filler-Corn)

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Contracts; recording requirements. (Patron—Habeeb)

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Dams; liability of owners or operators of dams, requires owner, prior to conveying ownership to a third party, to notify Director of Department of Conservation and Recreation of transfer. (Patron—Orrock)

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Dams, certain; liability of owners, damages to property of others when result of an act or an omission of landowner unrelated to ownership, etc.

Patron—Orrock	HB	1034	146	231
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Deeds, deeds of trust, and mortgages; attorney seeking to record affidavits shall deliver copy to all parties, clerk shall record corrective copy in deed book. (Patron—Watkins)

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Recordation of deeds and deeds of trust; use of cover sheets on deeds, clerk shall be immune from suits arising from recordation of any document, unless grossly negligent or engaged in willful misconduct. (Patron—Minchew)	HB	763	338	552
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Virginia Real Estate Time-Share Act; contents of time-share owners' association annual report. (Patron—Cosgrove)	SB	347	533	874
Virginia Real Estate Time-Share Act; public offering statement, multisite registration. Patron—Peace	HB	901	39	53
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York River; Marine Resources Commission, with approval of Governor, authorized to grant and convey, upon such terms and conditions as Commission shall deem proper, easements and rights-of-way across beds, including a portion of Baylor Survey Grounds. (Patron—Norment)	SB	467	368	620

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PUBLIC BUILDINGS, FACILITIES, AND PROPERTY

Localities; personnel policies related to use of public property, exception for towns having population of less than 3,500 that do not have a personnel policy. (Patron—Lingamfelter)	HB	494	405	663
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Retail Sales and Use Tax; allows entitlement to sales tax revenue to begin quarterly with first quarter in which revenue is generated in a building or structure within public facility. (Patron—Puckett)	SB	673	551	938
Retail Sales and Use Tax; revenues from certain baseball facilities, clarification of definition of public facility. (Patron—Stuart)	SB	579	718	1255

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Electronic communication service or remote computing devices; warrant requirement for certain telecommunication records, search warrant or administrative subpoena for disclosure of real-time location data. (Patron—Marshall, R.G.)	HB	17	388 641
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Land use permits; permits issued by VDOT to person providing utility service solely for their own agricultural or residential use. (Patron—Fariss)	HB	560	277 466
Natural gas utilities; upstream supply infrastructure projects. Patron—Hugo	HB	949	507 841
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Public service companies; updates citation to federal Public Utility Holding Company Act and removes an obsolete reference to repealed sections of Code of Virginia. (Patron—Habeeb)	HB	25	192 297
Utility crossings; localities and political subdivisions whose facilities are to be crossed or affected shall cooperate with the other in planning, etc., should private entity and any locality or political subdivision not be able to agree upon plan, then entity may request in writing to Commonwealth Transportation Board, that Board consider matter pursuant to its authority. (Patron—Rust)	HB	978	474 786
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Real and personal property tax; exemption for religious bodies, real property used primarily for outdoor worship activities and property used for ancillary and accessory purposes as allowed under local ordinance, dominant purpose of which is to support or augment worship. Patron—Minchew	HB	156	555 942
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Real estate; percentage of taxes and liens, together, including penalty and accumulated interest and percentage of certain taxes alone shall exceed 20 percent and 10 percent, respectively, of assessed value of parcel, and each parcel has an assessed value of \$100,000 or less, exception. (Patron—Marsh)	SB	68	519 858
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Real estate licensees; an allegation made by plaintiff in civil proceeding that defendant licensee has engaged in untrue, deceptive, or misleading advertising, etc., shall be stated with particularity. Patron—Miller	HB	259	650 1092
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Real estate loans; prohibits lender from requiring borrower to provide flood insurance coverage against risks to improvements on real property. (Patron—Puckett)	SB	74	247 421
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Virginia Beach arena; if City of Virginia Beach issues bonds for a facility or enters into contract for construction, development, etc., then it shall create an Arena Financing Fund, sales and use tax revenues shall be used only for payment of debt service or to meet contractual obligations for construction, etc., of facility, report.

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Southern States Energy Board; change in membership, alternate legislative members shall be appointed by the Speaker of the House of Delegates and Senate Committee on Rules. (Patron—Watkins) SB 47 516 857

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Child care providers; Department of Social Services to convene work group to develop plan for implementation of national fingerprint-based background checks, report.				
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Emergency custody orders; Department of Behavioral Health and Developmental Services to review qualifications of individuals designated to perform evaluations of individuals subject to orders, report. (Patron—Bell, Robert B.)	HB	1216	292	487
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Geomagnetic disturbances and electromagnetic pulses; Joint Commission on Technology and Science to study strategies for preventing and mitigating potential damages. (Patron—Reeves)	SJR	61		2099
Hampton Roads office, regional; Department of Transportation to study location. (Patron—Cosgrove)	SJR	46		2091
Highways, bridges, ferries, rail transportation, etc.; recodifying and revising laws. (Patron—LeMunyon)	HB	311	805	1484
Implantable medical devices; Department of Health Professions shall consider any issues related to use of those distributed by medical device distributors in which a physician has an ownership interest, report.				
Patron—Peace	HB	1235	351	586
Patron—Martin	SB	536	262	453
Individuals with intellectual and developmental disabilities; Secretary of Health and Human Resources to study supported decision-making for individuals. (Patron—Landes)	HJR	190		1811
Innovation and Technology Transportation Fund; created, report. (Patron—Peace) .	HB	1095	290	484
Judges; maximum number in circuit, general district, and juvenile and domestic relations district courts, Chief Justice shall utilize authority to provide judicial assistance, as appropriate.				
Patron—Miller	HB	606	812	1697
Patron—Norment	SB	443	822	1731
Judicial performance evaluation program; required to submit evaluation reports on justices and judges whose terms expire during next session of General Assembly, report. (Patron—Loupassi)	HB	272	808	1691
Juvenile records; Virginia State Crime Commission to study expungement of records. (Patron—Favola)	SJR	24		2083
Juveniles; commitment to Department of Juvenile Justice, waiver of an investigation, waived by an agreement between the Commonwealth's attorney and juvenile and his attorney, consideration of social history, report.				
Patron—Farrell	HB	183	20	32
Patron—Favola	SB	128	249	425
Kindergarten; joint subcommittee of Senate Committee on Education and Health and Senate Committee on Finance to be established to study potential effects of the Commonwealth's mandating full-day programs. (Patron—Barker)	SR	35		2236
Kinship care; Department of Social Services shall review current policies governing facilitation of placement of children to avoid foster care, report. (Patron—Howell) . .	SB	284	530	868
Local government expenditures or reductions; Division of Legislative Services to identify and forward to Commission on Local Government joint resolutions introduced calling for a study, Department of Planning and Budget and Department of Taxation are authorized to submit legislative bills to Commission on Local Government to prepare local fiscal estimates. (Patron—Landes)	HB	199	807	1690
Master Rail Plan; Office of Intermodal Planning and Investment, in consultation with Department of Rail and Public Transportation and Virginia Port Authority, to develop for principal facilities of Port of Virginia in interest of development of landside rail access logistics to serve principal facilities of Port of Virginia. (Patron—Watkins) . .	SJR	69		2109
Mental health; joint subcommittee to study services in the Commonwealth in twenty-first century. (Patron—Deeds)	SJR	47		2092
Physical evidence recovery kits; all local and state law-enforcement agencies shall report an inventory of all kits in their custody that were collected but not submitted to Department of Forensic Science, provisions shall not become effective unless included in general appropriation act, report. (Patron—Black)	SB	658	642	1084
Public Safety and Homeland Security, and Veterans and Defense Affairs, Secretaries of; transfer of certain powers and duties, report.				
Patron—Lingamfelter	HB	730	115	182
Patron—Reeves	SB	381	490	802
Recurrent flooding; joint subcommittee established to formulate recommendations for development of a comprehensive and coordinated planning effort to address.				
Patron—Stolle	HJR	16		1739
Patron—Locke	SJR	3		2074

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STUDY COMMISSIONS, COMMITTEES, AND REPORTS - Continued

Recycled material; Manufacturing Development Commission to study economic and environmental benefits of use in manufacturing process in Virginia, Commission shall make recommendations on ways to enhance market while not creating any adverse financial burdens for Virginia's retailers or consumers.			
Patron—Marshall, D.W.	HJR	28	1745
Patron—Wagner	SJR	75	2117
Schools, public and private elementary and secondary; Virginia Commission on Youth, et al., shall review use of seclusion and restraint in schools, and methods used in other states, report. (Patron—Hope)			
	HB	1106	770 1357
Selenium; Department of Environmental Quality to review toxicity to aquatic life.			
Patron—Kilgore	HJR	57	1754
Patron—Carrico	SJR	35	2087
Speech-language pathologists, assistant; person who has met qualifications prescribed by Board may practice and perform duties under supervision of licensed speech-language pathologist. (Patron—Kory)			
	HB	764	661 1112
Standards of Learning; assessments shall meet requirement of federal Elementary and Secondary Education Act of 1965, Board shall include in student outcome measures required or assessments for various grade levels and classes, including completion of alternative assessments implemented by each local school board.			
Patron—Greason	HB	930	585 1007
Patron—Deeds	SB	306	622 1050
Students with disabilities; Commission on Youth to study use of federal, state, and local funds for public and private educational placements. (Patron—Adams)			
	HJR	196	1814
Teacher Career Ladder program; Department of Education to study feasibility of implementing in the Commonwealth, potential fiscal impact on state and localities, etc. (Patron—Greason)			
	HJR	1	1737
Temporary detention; if facility cannot be identified by time of expiration period of emergency custody, individual shall be detained in a state facility for treatment of individuals with mental illness, etc., report. (Patron—Bell, Robert B.)			
	HB	293	773 1360
Transportation technology; Secretary of Transportation and Department of Transportation to create and implement statewide goals and a five-year plan of action, report. (Patron—LeMunyon)			
	HJR	122	1775
Unemployment compensation; short-time compensation program, ineligible employers, duration and effective date of short-time compensation plan, report. (Patron—Stanley)			
	SB	110	818 1724
Unemployment compensation; voluntarily leaving employment to accompany military spouse, expiration of certain provisions, Virginia Employment Commission shall provide certain reports to Commission on Unemployment Compensation. (Patron—Locke)			
	SB	18	442 713
Veterinarians; dispensing compounded drug products, report. (Patron—Orrock)			
	HB	1035	147 231
Viral hepatitis; Joint Commission on Health Care to study. (Patron—Hodges)			
	HJR	68	1759
Virginia Beach arena; if City of Virginia Beach issues bonds for a facility or enters into contract for construction, development, etc., then it shall create an Arena Financing Fund, sales and use tax revenues shall be used only for payment of debt service or to meet contractual obligations for construction, etc., of facility, report.			
Patron—Knight	HB	1267	738 1309
Patron—Wagner	SB	571	742 1313
Virginia Bobwhite quail; Department of Game and Inland Fisheries to review ways to preserve population, report. (Patron—Hanger)			
	SJR	63	2100
Virginia Business One Stop electronic portal program; State Corporation Commission and Department of Small Business and Supplier Diversity shall implement a hyperlink from State Corporation Commission's eFile system to Business Permitting Center, report. (Patron—Ramadan)			
	HB	167	758 1335
Virginia's Law Enforcement and Search and Rescue; Virginia State Crime Commission to study current state of readiness efforts for rapid and well-coordinated deployment in all missing, endangered, and abducted person cases.			
Patron—Albo	HJR	62	1756
Patron—McDougle	SJR	64	2101

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STUDY COMMISSIONS, COMMITTEES, AND REPORTS - Continued			
Virginia's Line of Duty Act; Joint Legislative Audit and Review Commission to study. (Patron—Jones)	HJR	103	1768
Workforce development; changes name of Virginia Workforce Council to Virginia Board of Workforce Development, responsibilities of Advisor, report. (Patron—Byron)	HB	1009	815 1715
STURGILL, EDDIE —See: Commendations and Commemorations			
SUBDIVISIONS —See: Counties, Cities, and Towns			
SUBPOENAS —See: Criminal Procedure			
SUDDEN UNEXPECTED DEATH IN EPILEPSY AWARENESS DAY —See: Holidays, Special Days, Etc.			
SUFFOLK, CITY OF			
Nansemond River Garden Club; commending.			
Patron—Jones	HJR	478	1974
Patron—Norment	SJR	203	2200
Planters; commemorating its 100th anniversary. (Patron—Jones)	HR	56	2000
Water and sewer charges; adds City of Suffolk to list of localities permitted to provide by ordinance that charges shall be a lien on real estate. (Patron—Spruill)	HB	1012	430 703
SUFFOLK FIRE DEPARTMENT —See: Commendations and Commemorations			
SULLIVAN, THOMAS JOSEPH —See: Deaths			
SUMMONS AND PROCESS —See: Civil Remedies and Procedure			
SUPERVISORS, BOARD OF —See: Counties, Cities, and Towns			
SUPREME COURT OF VIRGINIA			
Clients' Protection Fund; extends sunset provision on Supreme Court's authority to adopt rules assessing members of Virginia State Bar an annual fee to be deposited in Fund. (Patron—Stuart)	SB	7	512 853
Trial by jury in a civil case; any demand made in compliance with the Rules of Supreme Court of Virginia shall be sufficient, etc. (Patron—Joannou)	HB	1039	172 277
SUPRUN, STEPHEN CHRISTOPHER, JR. —See: Commendations and Commemorations			
SUTTON, DEAN ERNEST, SR. —See: Deaths			
SWORD, GERALDINE —See: Commendations and Commemorations			
SYSTEMic SOLUTIONS —See: Commendations and Commemorations			
TANNER, CALEB SHANE —See: Commendations and Commemorations			
TAPSCOTT, ROLAND IRVIN —See: Deaths			
TATA, ROBERT —See: Commendations and Commemorations			
TATE, LAWRENCE HUBBARD, JR. —See: Deaths			
TAXATION			
Alcoholic beverage control; authorizes ABC Board to suspend or revoke license of a licensee who is delinquent in payment of any taxes. (Patron—Albo)	HB	283	233 400
Alcoholic beverage control; state and local license tax on certain brewery licensees. (Patron—Marsden)	SB	596	637 1077
Automated sales suppression devices; any person who uses a device or software to falsify electronic records of cash registers or other point-of-sale systems or otherwise manipulates transaction records that affect any state tax liability shall be guilty of a Class 1 misdemeanor, civil penalty. (Patron—Keam)	HB	829	785 1378
Automated sales suppression devices; use of device or software to falsify electronic records of cash registers or other point-of-sale systems or otherwise manipulates transaction records that affect any state tax liability shall be guilty of a Class 1 misdemeanor, civil penalty. (Patron—Saslaw)	SB	611	723 1286
Business, Professional, and Occupational License (BPOL) tax; appeal of business license tax classification or subclassification of a business, administrative appeals. (Patron—Head)	HB	497	27 39
Charitable gaming; Department of Agriculture and Consumer Services may issue permit while permittee's tax-exempt status is pending approval by Internal Revenue Service. (Patron—Albo)	HB	616	208 318
Chesapeake Bay; voluntary tax contributions for restoration, report posted on website maintained by Secretary of Natural Resources along with listing of awards granted on or after July 1, 2014.			
Patron—Lingamfelter	HB	131	18 27
Patron—Hanger	SB	414	182 284

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Cigarette laws; administration and enforcement, violation of tax, counterfeit cigarettes used in undercover operation to remain under control and command of law enforcement. (Patron—Gilbert)	HB	853	422 693
Cigarette taxes; ineligibility to be an authorized holder. (Patron—Reeves)	SB	364	457 737
Cigarettes; sealed labeled pack shall be prima facie evidence. (Patron—Reeves)	SB	352	301 497
Cigarettes, counterfeit and contraband; use by law enforcement, any undercover operation shall ensure cigarettes remain under their control and command. (Patron—Reeves)	SB	365	458 738
Cigarettes, tax-paid contraband; increases civil penalties for possession with intent to distribute by person other than an authorized holder. (Patron—Norment)	SB	478	463 751
Cigarettes, tax-paid contraband; penalty for possession with intent to distribute, exception for certain authorized holders. (Patron—Norment)	SB	489	751 1325
Commonwealth's taxation system; conformity with Internal Revenue Code, deconforms from federal tax laws beginning with taxable year 2018. (Patron—Stosch)	SB	288	2 1
Constitutional amendment; General Assembly by law may exempt from taxation real property of surviving spouses of soldiers killed in action (second reference). Amending Section 6-A of Article X. (Patron—Ramadan)	HJR	8	775 1365
Constitutional officers; if proposed budget reduces funding of such officer, locality shall give written notice to such officer at least 14 days prior to adoption of budget, suits or writ taxes. (Patron—Lucas)	SB	124	360 614
Domestic international sales corporations (DISC); exempt from income taxation beginning on or after January 1, 2014. Patron—Villanueva	HB	480	26 38
Patron—Wagner	SB	515	186 292
Education Improvement Scholarships Tax Credits Program; tax credits issued for monetary or marketable securities donations made beginning in taxable year 2014 can be claimed for taxable year of donation. (Patron—Stanley)	SB	269	176 280
First-time home buyer savings plans; establishment for purchase of single-family residences, exemption of earnings on such plans from taxation, penalty. (Patron—Greason)	HB	331	729 1292
Gas severance tax; extends sunset provision to December 31, 2015. Patron—Morefield	HB	1028	44 65
Patron—Carrico	SB	552	187 293
Highways, bridges, ferries, rail transportation, etc.; recodifying and revising laws. (Patron—LeMunyon)	HB	311	805 1484
Hybrid electric motor vehicles; repeals annual license tax, registration years beginning on or after July 1, 2014. Patron—Rust	HB	975	43 64
Patron—Newman	SB	127	14 19
Income tax, state; extends period certain taxpayers may take earned income tax credit. (Patron—Ware)	HB	1085	1 1
Insurer insolvencies; designates Department of Taxation as agency to handle refunds of surplus funds from members of Virginia Life, Accident and Sickness Insurance Guaranty Association with respect to an insurer's insolvency. (Patron—Alexander)	SB	70	154 249
King William County and Town of West Point; localities to govern allocation of revenues for schools, establishes special school tax district in County. Patron—Hodges	HB	534	29 45
Patron—Norment	SB	488	709 1237
Local government expenditures or reductions; Division of Legislative Services to identify and forward to Commission on Local Government joint resolutions introduced calling for a study, Department of Planning and Budget and Department of Taxation are authorized to submit legislative bills to Commission on Local Government to prepare local fiscal estimates. (Patron—Landes)	HB	199	807 1690
Local meals, and food and beverage taxes; exempts nonprofit entities from collecting on fundraising sales, excludes certain gross receipts. (Patron—Farrell)	HB	1099	673 1141
Mineral lands; local property and license taxes. Patron—O'Quinn	HB	1202	48 74
Patron—Puckett	SB	338	179 282

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Motion picture production; changes income tax credit, taxable years beginning on and after January 1, 2011, but prior to January 1, 2019. (Patron—Kilgore)	HB	460	730 1299
Motor vehicle sales and use tax; exempts motor vehicles sold to certain nonprofits that use vehicle primarily for transporting produce purchased from local farmers to markets for sale. (Patron—Hester)	HB	1108	243 415
Neighborhood Assistance Act; increases amount of tax credits that may be issued under program, requirements for proposals submitted to Superintendent of Public Instruction. (Patron—Stosch)	SB	563	712 1246
Neighborhood Assistance Act; submission of neighborhood organization proposals for tax credit.			
Patron—Hugo	HB	1179	47 73
Patron—Barker	SB	591	189 295
Neighborhood assistance tax credits; increases percentage of persons served by organization and who are low-income. (Patron—O'Bannon)	HB	737	416 676
Nonprofit benefits consortium; exemption from regulation as an insurance company and from license tax and exclusions, effective date for provisions.			
Patron—Kilgore	HB	1057	220 350
Patron—Watkins	SB	120	296 492
Personal property tax; classification of property of business that qualifies under local ordinance for first two years in which subject to tax. (Patron—Davis)	HB	617	409 667
Personal property tax; exemption may include electronic communications and processing devices and equipment, including but not limited to cell phones and tablet and personal computers, including peripheral equipment such as printers. (Patron—Davis)	HB	589	279 467
Real and personal property tax; exemption for aviation museum, demonstrate performance of Warbirds at airshows, and flight demonstrations of Warbirds.			
Patron—Knight	HB	187	60 105
Patron—Wagner	SB	508	185 292
Real and personal property tax; exemption for religious bodies, real property used primarily for outdoor worship activities and property used for ancillary and accessory purposes as allowed under local ordinance, dominant purpose of which is to support or augment worship.			
Patron—Minchew	HB	156	555 942
Patron—Black	SB	175	615 1041
Real estate; judicial sale of property for delinquent taxes. (Patron—Brink)	HB	663	34 49
Real estate; percentage of taxes and liens, together, including penalty and accumulated interest and percentage of certain taxes alone shall exceed 20 percent and 10 percent, respectively, of assessed value of parcel, and each parcel has an assessed value of \$100,000 or less, exception. (Patron—Marsh)	SB	68	519 858
Real property tax; an alternate member may be appointed to board of equalization if regular member applies to board for relief. (Patron—Minchew)	HB	149	19 31
Real property tax; exemption for certain elderly and disabled persons. (Patron—Minchew)	HB	1000	767 1354
Real property tax; exemption for surviving spouses of members of armed forces killed in action (submitting to qualified voters). (Patron—Ramadan)	HB	46	757 1332
Real property tax; nonjudicial sale of certain delinquent property. (Patron—Yost)	HB	499	28 44
Real property tax; notice shall inform property owners right to view and make copies of records, assessed values of land and improvements, whether or not tax rate applicable to new assessed value has been established, notice shall set out tax rates for immediately prior two tax years. (Patron—Norment)	SB	480	802 1436
Real property tax; notice shall inform property owners right to view and make copies of records, whether or not tax rate applicable to new assessed value has been established, notice shall set out rates for immediately prior two tax years. (Patron—Pogge)	HB	525	71 109
Reduced Cigarette Ignition Propensity (RCIP) program; transfers administration from Commissioner of Agriculture and Consumer Services to Executive Director of			

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Department of Fire Programs, sale of cigarettes with reduced ignition propensity, civil penalties.				
Patron—Cole	HB	785	418	686
Patron—Marsh	SB	494	370	621
Research and development, qualified; increases amount of tax credit for expenses, Department shall summarize information collected and make it available to Governor and any member of General Assembly, regardless of number of taxpayers applying for credit.				
Patron—Comstock	HB	1220	227	389
Patron—McDougle	SB	623	306	505
Retail Sales and Use Tax; allows entitlement to sales tax revenue to begin quarterly with first quarter in which revenue is generated in a building or structure within public facility. (Patron—Puckett)	SB	673	551	938
Retail Sales and Use Tax; revenues from certain baseball facilities, clarification of definition of public facility. (Patron—Stuart)	SB	579	718	1255
Retail Sales and Use Tax; satellite television programming equipment. (Patron—Ruff)	SB	100	359	608
Richmond, City of; reassessment of real estate and equalization, may by ordinance elect to provide for board of equalization instead of board of review.				
Patron—McQuinn	HB	225	61	105
Patron—Marsh	SB	66	607	1033
Solar equipment; owned or operated by certain business, clarifies definition of certified pollution control equipment and facilities that are exempt from taxation, for solar photovoltaic (electric energy) systems, exemption only applies to projects equaling 20 megawatts or less.				
Patron—Hugo	HB	1239	737	1308
Patron—Hanger	SB	418	259	451
Tax information; changes unlawful dissemination or publication to Class 1 misdemeanor. (Patron—Lingamfelter)	HB	99	194	299
Tax information; Department of Taxation to disclose total aggregate amount of an income tax deduction or credit taken by all taxpayers upon request by General Assembly, etc. (Patron—Toscano)	HB	121	195	301
Tobacco products, untaxed; civil penalty for import, transport, or possession for resale of products, delineates respective penalty for offenses, such products shall be subject to seizure, forfeiture, etc., by any law-enforcement officer.				
Patron—Peace	HB	898	38	53
Patron—Howell	SB	285	177	281
Transient occupancy tax; adds Highland County to list of counties authorized to levy. (Patron—Deeds)	SB	573	188	294
Virginia Defense Force; creates separate personal property tax classification for motor vehicle owned or leased by uniformed member and used to respond to his official duties. (Patron—Cole)	HB	44	50	76
Virginia state lottery; lottery sales agent license suspension, etc. (Patron—Rush) . . .	HB	1078	224	354
Virginia's ports-related tax credits; increases annual amount of international trade facility tax credits that may be issued, etc. (Patron—Jones)	HB	873	423	696
Voluntary apprenticeships; conforms provisions of Virginia's program to federal law, programs approved by Commissioner of Labor and Industry. (Patron—Byron)	HB	1008	734	1303
TAYLOR, GEORGE SHEDRICK— See: Deaths				
TAYLOR, IDA BELLE BLUFORD— See: Deaths				
TAYLOR, RAYNOR A. K.— See: Deaths				
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Charter; amending.				
Patron—Morefield	HB	1149	245	417
Patron—Puckett	SB	196	682	1186
TEACHERS— See: Education				
TEAFORD, WILLIAM RAY— See: Commendations and Commemorations				
TEAM POWER KIX— See: Commendations and Commemorations				
TEEN CANCER AWARENESS WEEK— See: Holidays, Special Days, Etc.				

TELECOMMUNICATIONS

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TELEPHONE AND TELEGRAPH COMPANIES—See: Public Service Companies

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10 RIVER BASIN—See: Commendations and Commemorations

TENNANT, JAMES CARLTON—See: Deaths

THACHER, JONATHAN COOPER—See: Commendations and Commemorations

THATCHER, MARGARET HILDA—See: Deaths

THE DOOMED YOUTH OF 1914—See: Commendations and Commemorations

THE LINKS, INCORPORATED—See: Commendations and Commemorations

THE MAJOR CHARLES A. RANSOM AMERICAN LEGION POST OF MIDLOTHIAN—
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THE MOUNT UNITY CHOIR—See: Commendations and Commemorations

THE NOBLEMEN—See: Commendations and Commemorations

THE VIRGINIA HOME—See: Commendations and Commemorations

THIRD BAPTIST CHURCH—See: Commendations and Commemorations

THOMAS JEFFERSON SOIL AND WATER CONSERVATION DISTRICT—See: Commendations and
Commemorations

THOMAS, RODNEY S.—See: Commendations and Commemorations

THOMPSON, BRUCE—See: Commendations and Commemorations

THOROUGHbred RETIREMENT FOUNDATION AT JAMES RIVER—See: Commendations and
Commemorations

THORP, BENJAMIN ADELBERT, IV—See: Deaths

THWEATT, ALBERT WILL—See: Deaths

TIDEWATER ACADEMY—See: Commendations and Commemorations

TIDEWATER VIRGINIA

Recurrent flooding; joint subcommittee established to formulate recommendations for
development of a comprehensive and coordinated planning effort to address.

Patron—Stolle	HJR	16	1739
Patron—Locke	SJR	3	2074

TIGNOR, BOBBY GENE—See: Deaths

TIMBERLAKE, JAMES BARKSDALE—See: Deaths

TIME-SHARE PROGRAMS—See: Housing

TINSLEY, CARL TERRIE, SR.—See: Deaths

TOBACCO AND TOBACCO PRODUCTS

Cigarette laws; administration and enforcement, violation of tax, counterfeit cigarettes
used in undercover operation to remain under control and command of law
enforcement. (Patron—Gilbert)

HB 853 422 693

Cigarette taxes; ineligibility to be an authorized holder. (Patron—Reeves)

SB 364 457 737

Cigarettes; sealed labeled pack shall be prima facie evidence. (Patron—Reeves)

SB 352 301 497

Cigarettes, counterfeit and contraband; use by law enforcement, any undercover
operation shall ensure cigarettes remain under their control and command.
(Patron—Reeves)

SB 365 458 738

Cigarettes, tax-paid contraband; increases civil penalties for possession with intent to
distribute by person other than an authorized holder. (Patron—Norment)

SB 478 463 751

Cigarettes, tax-paid contraband; penalty for possession with intent to distribute,
exception for certain authorized holders. (Patron—Norment)

SB 489 751 1325

Electronic cigarettes; school board to develop and implement policy to prohibit use on
school bus, school property, or at school-sponsored activity. (Patron—Kory)

HB 484 326 536

Multijurisdiction grand juries; cigarette trafficking offenses added to list of crimes
that jury may investigate. (Patron—Reeves)

SB 366 534 874

Reduced Cigarette Ignition Propensity (RCIP) program; transfers administration
from Commissioner of Agriculture and Consumer Services to Executive Director of
Department of Fire Programs, sale of cigarettes with reduced ignition propensity,
civil penalties.

Patron—Cole	HB	785	418	686
Patron—Marsh	SB	494	370	621

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Tobacco products ; purchase, etc., of nicotine vapor products and alternative nicotine products by minors, penalty.					
Patron—Albo	HB	218	394	647	
Patron—Reeves	SB	96	357	606	
Tobacco products, untaxed ; civil penalty for import, transport, or possession for resale of products, delineates respective penalty for offenses, such products shall be subject to seizure, forfeiture, etc., by any law-enforcement officer.					
Patron—Peace	HB	898	38	53	
Patron—Howell	SB	285	177	281	
TOLLS —See: Highways, Bridges, and Ferries					
TORRES, JUAN —See: Commendations and Commemorations					
TOURISTS AND TOURIST INDUSTRY —See: Trade and Commerce					
TOUSIGNANT, ALICE —See: Commendations and Commemorations					
TOWER OF DELIVERANCE CHURCH —See: Commendations and Commemorations					
TOWING SERVICES AND TOW TRUCKS —See: Motor Vehicles					
TRADE AND COMMERCE					
Business, Professional, and Occupational License (BPOL) tax ; appeal of business license tax classification or subclassification of a business, administrative appeals. (Patron—Head)			HB	497	27 39
Business records ; admissibility as evidence in any civil proceeding. (Patron—Loupassi)			HB	301	398 653
Credit information ; security freezes for certain minors and incapacitated persons, effective date. (Patron—Filler-Corn)			HB	543	570 952
False advertisement for regulated services ; notice, penalty. (Patron—Albo)			HB	280	396 649
Invention development services ; required disclosure, Attorney General shall enforce certain provisions and have right to recover a civil penalty not to exceed \$10,000 for each and every violation. (Patron—Farrell)			HB	180	759 1338
Patent infringement ; assertions made in bad faith, certain enforcement provisions shall be exercised solely by Attorney General or an attorney for the Commonwealth, exemptions, penalties.					
Patron—O'Quinn	HB	375	810	1695	
Patron—Stuart	SB	150	819	1728	
Personal Information Privacy Act ; use of Department of Motor Vehicles-issued driver's license or identification card information.					
Patron—Bulova	HB	1072	789	1386	
Patron—Marsden	SB	40	795	1429	
Personal property tax ; classification of property of business that qualifies under local ordinance for first two years in which subject to tax. (Patron—Davis)			HB	617	409 667
Petroleum or propane transport vehicles ; allows amber warning lights on vehicles to be lit when parked or while delivering products. Amending § 46.2-1025. (Patron—Scott)			HB	123	54 98
Precious metals dealers ; chief law-enforcement officer may waive permit fee for certain retail merchants.					
Patron—Minchew	HB	192	22	36	
Patron—Black	SB	95	611	1036	
Private security services businesses ; exception for certified public accountants. (Patron—Peace)			HB	897	214 338
Private security services businesses ; exempt from training requirements established by Department of Criminal Justice Services, exemption not granted to persons whose employment was terminated due to misconduct or incompetence. (Patron—Robinson)			HB	609	32 47
Recycled material ; Manufacturing Development Commission to study economic and environmental benefits of use in manufacturing process in Virginia, Commission shall make recommendations on ways to enhance market while not creating any adverse financial burdens for Virginia's retailers or consumers.					
Patron—Marshall, D.W.	HJR	28		1745	
Patron—Wagner	SJR	75		2117	
Service contracts ; expands types of services that may be provided under extended contract to include certain types of damage to motor vehicle, etc., an agreement that					

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TRADE AND COMMERCE - Continued

provides for payment to or on behalf of purchaser of incidental costs in event protective chemical, device, or system fails. (Patron—Marshall, D.W.) HB 69 193 298

State Corporation Commission; authorizes clerk to refuse to accept document for filing, if determines person who executed or delivered document lacked proper authority to act on behalf of business. (Patron—Marshall, D.W.) HB 313 197 307

Tourist Train Development Authority; reinstates Authority and its board. (Patron—Puckett) SB 72 608 1034

Virginia Business One Stop electronic portal program; State Corporation Commission and Department of Small Business and Supplier Diversity shall implement a hyperlink from State Corporation Commission's eFile system to Business Permitting Center, report. (Patron—Ramadan) HB 167 758 1335

Virginia Health Club Act; changes term health spa to health club throughout Act, technical and clarifying changes. (Patron—Alexander) SB 404 459 739

Virginia Jobs Investment Program; changes administration of Program from Department of Small Business and Supplier Diversity to Virginia Economic Development Partnership Authority.
Patron—Landes HB 932 41 58
Patron—McWaters SB 492 464 751

Virginia Petroleum Products Franchise Act; right of first refusal on leased marketing premises, provisions shall not apply to leased marketing premises owned or controlled by jobber/distributor. (Patron—Hugo) HB 1065 222 352

Virginia Racing Commission; authorized to grant license to owner or operator of steeplechase facility to conduct pari-mutuel wagering on simulcast horse racing that is limited to transmission from Churchill Downs of Kentucky Derby horse race, etc.
Patron—Webert HB 402 564 947
Patron—Vogel SB 398 625 1056

Virginia Small Business Financing Authority; expands definition of eligible business and business enterprise. (Patron—Yancey) HB 864 732 1301

TRAMMELL, ELLEN G.—See: Deaths

TRANSIENT TAX—See: Taxation

TRANSPORTATION

Commonwealth Transportation Board; statewide prioritization process for project selection, process for use of funds allocated, candidate projects and strategies shall be screened by Board to determine whether they are consistent with assessment of capacity needs for all. (Patron—Stolle) HB 2 726 1289

Comprehensive plans; locality shall take into consideration how to align transportation infrastructure and facilities with accessible housing and other community services.
Patron—Villanueva HB 296 397 652
Patron—Marsden SB 58 443 715

Electronic toll collection transponders; Department of Transportation shall develop and implement plan to eliminate maintenance fees. (Patron—Miller) SB 156 614 1041

Fare enforcement inspectors; appointed to enforce payment of fares for use of mass transit facilities, eligible entity means any transit operation that is owned directly or indirectly by a political subdivision or any governmental entity established by an interstate compact, power to issue civil summons, penalty for failure to pay established fare on transit properties.
Patron—Rust HB 761 281 468
Patron—Ebbin SB 264 447 718

Hampton Roads office, regional; Department of Transportation to study location. (Patron—Cosgrove) SJR 46 2091

Hampton Roads Transportation Accountability Commission; created.
Patron—Jones HB 1253 678 1178
Patron—Wagner SB 513 545 916

Hampton Roads, Transportation District Commission of; staggers terms of gubernatorial appointees.
Patron—Howell, A.T. HB 400 655 1106
Patron—Cosgrove SB 601 721 1283

Innovation and Technology Transportation Fund; created, report. (Patron—Peace) HB 1095 290 484

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TRANSPORTATION - Continued

Interstate Route 73; joint subcommittee of Senate Committee on Local Government and Senate Committee on Transportation to be established to study proposed construction. (Patron—Stanley) SR 32 2234

Land use permits; permits issued by VDOT to person providing utility service solely for their own agricultural or residential use. (Patron—Fariss) HB 560 277 466

Loudoun County; VDOT's duties and responsibilities to properly maintain the rural gravel road network.
Patron—Minchew HB 416 276 466
Patron—Vogel SB 397 704 1227

Master Rail Plan; Office of Intermodal Planning and Investment, in consultation with Department of Rail and Public Transportation and Virginia Port Authority, to develop for principal facilities of Port of Virginia in interest of development of landside rail access logistics to serve principal facilities of Port of Virginia. (Patron—Watkins) SJR 69 2109

Rail and Public Transportation, Department of; codifies appropriation act language dealing with funding.
Patron—O'Bannon HB 396 66 107
Patron—Watkins SB 298 451 722

Richmond Metropolitan Authority; changes name to Richmond Metropolitan Transportation Authority and equalizes Board representation among City of Richmond, Chesterfield County, and Henrico County. (Patron—Loupassi) HB 597 469 767

Smart transportation pilot zone; Secretary of Transportation and VDOT shall establish zone to test state-of-the-art road technology utilizing existing state highway network or Smart Road managed by Virginia Tech Transportation Institute. (Patron—Anderson) HB 1098 478 790

Specialized construction equipment; Commissioner of Highways may issue single trip or multi-trip permits for operation on and across structures maintained by VDOT. (Patron—Scott) HB 509 70 109

Statewide transportation technology programs; Secretary of Transportation and Department of Transportation shall revise and update programs by evaluating and incorporating new smart road technologies and other innovations. (Patron—Villanueva) HB 1090 477 789

Subdivision ordinances; optional provisions allowing any town in Northern Virginia Transportation District to require dedication of land for sidewalk improvements. (Patron—Petersen) SB 237 619 1046

Transportation commission membership; extends effective date of provisions to July 1, 2015. (Patron—Filler-Corn) HB 957 428 703

Transportation planning; VDOT shall include in its comments an assessment of measures and estimate costs necessary to mitigate or ameliorate congestion or reduction in mobility attributable to proposed plan or amendment. (Patron—LeMunyon) HB 793 766 1353

Transportation projects; at least 30 days prior to any public hearing, Department of Transportation shall send notification of date, time, and place by regular mail to all property owners within or adjacent to projects valued in excess of \$100 million. (Patron—Hugo) HB 904 733 1302

Transportation technology; Secretary of Transportation and Department of Transportation to create and implement statewide goals and a five-year plan of action, report. (Patron—LeMunyon) HJR 122 1775

Utility crossings; localities and political subdivisions whose facilities are to be crossed or affected shall cooperate with the other in planning, etc., should private entity and any locality or political subdivision not be able to agree upon plan, then entity may request in writing to Commonwealth Transportation Board, that Board consider matter pursuant to its authority. (Patron—Rust) HB 978 474 786

TRANSPORTATION, SECRETARY OF—See: Administration of Government

TRAVELSTEAD, JACK G.—See: Commendations and Commemorations

TREASURY, TREASURY BOARD, AND TREASURER, STATE—See: Administration of Government

TRUSTS

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TUCKAHOE LITTLE LEAGUE AMERICAN ALL-STAR TEAM—See: Commendations and Commemorations

TUCKAHOE VOLUNTEER RESCUE SQUAD—See: Commendations and Commemorations

TUCKER, ALPHANSE A., SR.—See: Deaths

TUITION

See: Education
Educational Institutions

TUNSTALL HIGH SCHOOL—See: Commendations and Commemorations

TURNER, MARY BELVIN—See: Deaths

TYE RIVER—See: Waters of the State, Ports, and Harbors

UNEMPLOYMENT COMPENSATION

Unemployment compensation; calculating an employer's benefit ratio.
(Patron—Kory) HB 22 191 296

Unemployment compensation; financial literacy courses shall be offered at no cost to claimants and job seekers and may be offered online. (Patron—Stanley) SB 266 449 720

Unemployment compensation; short-time compensation program, ineligible employers, duration and effective date of short-time compensation plan, report.
(Patron—Stanley) SB 110 818 1724

Unemployment compensation; voluntarily leaving employment to accompany military spouse, expiration of certain provisions, Virginia Employment Commission shall provide certain reports to Commission on Unemployment Compensation.
(Patron—Locke) SB 18 442 713

Unemployment compensation; voluntarily leaving work. (Patron—Minchew) HB 389 201 310

UNIFORM STATE LAWS, NATIONAL CONFERENCE OF COMMISSIONERS ON—See: Administration of Government

UNION TAE KWON DO CENTER—See: Commendations and Commemorations

UNITED COMMUNITY MINISTRIES—See: Commendations and Commemorations

UNITED NETWORK FOR ORGAN SHARING—See: Commendations and Commemorations

UNITED STATES GOVERNMENT

Charitable gaming; Department of Agriculture and Consumer Services may issue permit while permittee's tax-exempt status is pending approval by Internal Revenue Service. (Patron—Albo) HB 616 208 318

Check cashers; recordkeeping requirements, identification document includes a Non-U.S. government identification card, Mexican Matricula identification card, etc., certain provisions shall not apply to any registrant that is principally engaged in bona fide retail sale of goods or services, civil penalty. (Patron—Ingram) HB 1026 768 1355

Sergeant Bowe R. Bergdahl; commending continuing efforts to secure his release from Haqqani network in Pakistan. (Patron—Reeves) SR 12 2210

Student information; prohibits member or employee of a local school board or Department of Education to release to federal government agencies or an authorized representative of such agency. (Patron—Bell, Robert B.) HB 449 322 534

UNITED STATES POWER SQUADRONS—See: Commendations and Commemorations

UNITED STATES SURGEON GENERAL'S SMOKING AND HEALTH REPORT—See: Commendations and Commemorations

UNIVERSITIES—See: Educational Institutions

UNIVERSITY OF VIRGINIA—See: Educational Institutions

UTILITY SERVICES—See: Public Service Companies

van VOORST, BRUCE—See: Deaths

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VETERANS AND VETERANS ADMINISTRATION—See: Armed Forces

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VICK, JACOB AULMAN—See: Deaths

VICTIMS OF CRIME—See: Criminal Procedure

VICTORIA, TOWN OF

Charter; new (previous charter repealed).

Patron—Wright HB 503 237 405

Patron—Ruff SB 544 710 1238

VIDEO AND AUDIO COMMUNICATIONS

Retail Sales and Use Tax; satellite television programming equipment. (Patron—Ruff) SB 100 359 608

VIENNA, TOWN OF

James Madison High School junior varsity wrestling team; commending.
(Patron—Keam) HR 115 2037

VIRGINIA ASSOCIATION OF COMMONWEALTH'S ATTORNEYS—See: Commendations and Commemorations

VIRGINIA BEACH, CITY OF

License plates, special; issuance for supporters of Surfrider Foundation, funds to be used by its Virginia Beach chapter. (Patron—Knight) HB 189 556 943

Philippine Cultural Center of Virginia; commending. (Patron—Taylor) HR 172 2064

Virginia Beach arena; if City of Virginia Beach issues bonds for a facility or enters into contract for construction, development, etc., then it shall create an Arena Financing Fund, sales and use tax revenues shall be used only for payment of debt service or to meet contractual obligations for construction, etc., of facility, report.

Patron—Knight HB 1267 738 1309

Patron—Wagner SB 571 742 1313

VIRGINIA COMMERCIAL SPACE FLIGHT AUTHORITY—See: Commendations and Commemorations

VIRGINIA COMMONWEALTH UNIVERSITY—See: Educational Institutions

VIRGINIA CRAFT BEER BREWERIES—See: Commendations and Commemorations

VIRGINIA CREDIT UNION LEAGUE—See: Commendations and Commemorations

VIRGINIA DEFENSE FORCE—See: Military and Emergency Laws

VIRGINIA DEPARTMENT OF CORRECTIONS—See: Commendations and Commemorations

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY—See: Commendations and Commemorations

VIRGINIA ENVIRONMENTAL PROFESSIONALS' ORGANIZATION—See: Commendations and Commemorations

VIRGINIA EPISCOPAL SCHOOL—See: Commendations and Commemorations

VIRGINIA GOVERNOR'S SCHOOL PROGRAM—See: Commendations and Commemorations

VIRGINIA HIGH SCHOOL LEAGUE—See: Commendations and Commemorations

VIRGINIA HOUSE OF DELEGATES

House of Delegates; establishes Rules for 2014-2015 Sessions of General Assembly.
(Patron—Cox) HR 65 2005

House of Delegates; salaries, contingent and incidental expenses. (Patron—Jones) ... HR 66 2014

VIRGINIA IS FOR LOVERS—See: Commendations and Commemorations

VIRGINIA MILITARY INSTITUTE—See: Educational Institutions

VIRGINIA NATIONAL GUARD—See: Armed Forces

VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY—See: Educational Institutions

VIRGINIA PRODUCTION ALLIANCE—See: Commendations and Commemorations

VIRGINIA PUBLIC PROCUREMENT ACT—See: Contracts

VIRGINIA RESIDENTIAL LANDLORD AND TENANT ACT—See: Property and Conveyances

VIRGINIA RESIDENTIAL PROPERTY DISCLOSURE ACT—See: Property and Conveyances

VIRGINIA SOCIETY OF AMERICAN INSTITUTE OF ARCHITECTS—See: Commendations and Commemorations

VIRGINIA SPORTS HALL OF FAME—See: Commendations and Commemorations

VIRGINIA STATE UNIVERSITY—See: Educational Institutions

VIRGINIA-1 DISASTER MEDICAL ASSISTANCE TEAM—See: Commendations and Commemorations

VISUAL ARTS CENTER OF RICHMOND—See: Commendations and Commemorations

VITAL STATISTICS—See: Records Retention

VOLUNTEERS OF AMERICA CHESAPEAKE, INC.—See: Commendations and Commemorations

VOTER REGISTRATION—See: Elections

VOTERS AND VOTING—See: Elections

W. T. WOODSON HIGH SCHOOL—See: Commendations and Commemorations

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WACHTMEISTER, KAREN—See: Commendations and Commemorations

WAGNER, JAMES DONALD, JR.—See: Deaths

WAGNER, SAMUEL CREED—See: Deaths

WAKEFIELD, TOWN OF

Church of the Infant Jesus of Prague; commemorating its 60th anniversary.
(Patron—Morris) HR 28 1993

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Tidewater Academy ; commemorating its 50th anniversary. (Patron—Morris)	HR	30	1994
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Marie Washington, Law Office of ; commending. (Patron—Lingamfelter)	HR	131	2045
WASHINGTON COUNTY			
Southwest Virginia Health Authority ; expands Authority to include Counties of Smyth and Washington. (Patron—Kilgore)	HB	455	236 404
WASHINGTON, D.C. METROPOLITAN AREA			
Metropolitan Washington Airports Authority ; background checks of applicants, conditional offer of employment with Authority. (Patron—Albo)	HB	164	57 100
WASTE DISPOSAL			
Solid waste ; Southampton County may by ordinance, and after public hearing, levy a fee for disposal of waste at county collection or disposal facility, contractual agreements with certain companies, exemption for certain disabled veterans. (Patron—Tyler)	HB	62	727 1290
WATER AND SEWER SYSTEMS			
Alternative onsite sewage system installers ; Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals shall extend one time and deem to be valid an interim license, an extended interim license is valid until licensee passes examination for issuance of license or for period of six months. (Patron—Black)	SB	657	825 1735
Chesapeake Bay Preservation Areas ; documentation in lieu of proof of septic tank pump-out, certification of documentation. (Patron—Morris)	HB	1217	151 246
Discounted fees and charges ; City of Richmond may by ordinance develop criteria for providing for low-income, elderly, or disabled customers, financial assistance for plumbing repairs, etc. (Patron—McQuinn)	HB	473	387 641
Discounted water and sewer fees and charges ; City of Richmond may develop criteria for providing for low-income, elderly, or disabled customers. (Patron—Marsh)	SB	67	796 1430
Oyster planting grounds, privately leased ; localities prohibited from exercising right of eminent domain to condemn, other than a water-dependent linear wastewater project. Patron—Ransone	HB	1092	591 1016
Patron—Stuart	SB	603	162 269
Safe drinking water ; County of Bedford may by ordinance establish reasonable local private well testing requirements. (Patron—Austin)	HB	1177	599 1026
Water and sewer charges ; adds City of Suffolk to list of localities permitted to provide by ordinance that charges shall be a lien on real estate. (Patron—Spruill)	HB	1012	430 703
Water and sewer charges ; adds Prince George and Smyth Counties to those localities in which charges constitute a lien against real property. (Patron—Carrico)	SB	290	694 1217
Water and sewer system ; any locality that is owner of system and has population density of 200 persons per square mile or less, and Town of Louisa by ordinance may develop criteria for providing discounted fees and charges for low-income and disabled customers. (Patron—Garrett)	SB	10	514 857
Water and sewer system ; City of Richmond may by ordinance develop criteria for financial assistance to customers for plumbing repairs and replacement of water-inefficient appliances. (Patron—Marsh)	SB	98	522 860
WATER CONTROL —See: Waters of the State, Ports, and Harbors			
WATERCRAFT —See: Game, Inland Fisheries, and Boating			

WATERS OF THE STATE, PORTS, AND HARBORS

Administrative Process Act; standard procedures for adoption of waste load allocations by State Water Control Board, Board conducts at least one public meeting. (Patron—Bulova)	HB	445	202	313
Banister River; designates Route 29 bridge in Pittsylvania County to confluence with Dan River in Halifax County as component of Virginia Scenic Rivers System. (Patron—Adams)	HB	1116	149	246
Chesapeake Bay Preservation Areas; documentation in lieu of proof of septic tank pump-out, certification of documentation. (Patron—Morris)	HB	1217	151	246
Coast Guard Auxiliary Flotilla 63; commemorating its 50th anniversary. (Patron—Helsel)	HJR	79		1761
Cranesnest River; designates certain 10.7 mile segment in Dickenson County as component of Virginia Scenic Rivers System, clarifies designation of a scenic river. (Patron—Puckett)	SB	551	823	1733
Dams; liability of owners or operators of dams, requires owner, prior to conveying ownership to a third party, to notify Director of Department of Conservation and Recreation of transfer. (Patron—Orrock)	HB	1124	593	1017
Dams, certain; liability of owners, damages to property of others when result of an act or an omission of landowner unrelated to ownership, etc. Patron—Orrock	HB	1034	146	231
Patron—Watkins	SB	466	304	504
Jurors; persons liable to serve, military personnel of United States Marine Corps and Coast Guard are not considered residents of the Commonwealth. (Patron—Leftwich)	HB	1157	595	1018
License plates, special; disabled veterans who have been honorably discharged and applicants retired from United States Coast Guard shall be issued plates, issuance to applicants who can provide documentation from U.S. Department of Veterans Affairs designating disability is service-connected and has been honorably discharged from branch of armed forces of United States. Patron—Scott	HB	263	270	461
Patron—Newman	SB	135	483	793
Master Rail Plan; Office of Intermodal Planning and Investment, in consultation with Department of Rail and Public Transportation and Virginia Port Authority, to develop for principal facilities of Port of Virginia in interest of development of landside rail access logistics to serve principal facilities of Port of Virginia. (Patron—Watkins)	SJR	69		2109
Master Trooper Jerry L. Hines Memorial Bridge; designating as Interstate Route 81 bridges over Maury River in Rockbridge County. Patron—Cline	HB	986	82	133
Patron—Deeds	SB	612	264	453
Port of Virginia Economic and Infrastructure Development Grant Fund and Program; expands Port of Virginia Economic and Infrastructure Development Zone into a statewide grant program. (Patron—Poindexter)	HB	672	470	773
Probable Maximum Precipitation (PMP); Department of Conservation and Recreation to utilize storm-based approach in order to derive PMP for locations within or affecting the Commonwealth, Department is authorized to utilize up to \$500,000 in unobligated balances in Dam Safety, Flood Prevention and Protection Assistance Fund to contract out for analysis. Patron—Byron	HB	1006	475	788
Patron—Garrett	SB	582	489	802
Sand replenishment; sand or other material placed on state-owned bottomlands seaward of mean low-water mark in order to provide beach nourishment, etc., public access. Patron—Stolle	HB	390	234	402
Patron—McWaters	SB	209	106	166
State Water Control Board; Governor in making appointments shall endeavor to ensure that membership is geographically balanced. (Patron—Webert)	HB	1193	150	246

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WATERS OF THE STATE, PORTS, AND HARBORS - Continued

Stormwater management programs; State Water Control Board to establish procedures and regulations, construction activity involving a single-family detached residential structure.

Patron—Hodges	HB	1173	598	1020
Patron—Hanger	SB	423	303	498

Tye River; designates from Route 738 in Nelson County to its confluence with James River as component of Virginia Scenic River System. (Patron—Deeds)

SB	257	107	166
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Virginia Port Authority; changes composition of Board of Commissioners, member appointed by Governor from list provided by Virginia Maritime Association, shall not be paid member of Association or have any other conflict of interest with Authority. (Patron—Jones)

HB	876	424	700
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Virginia's ports-related tax credits; increases annual amount of international trade facility tax credits that may be issued, etc. (Patron—Jones)

HB	873	423	696
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Wetland and stream mitigation banks; standards for use and development of wetlands, hydrologic unit boundaries may be adjusted by Department of Environmental Quality. (Patron—Scott)

HB	654	332	545
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Wetlands; wetlands board shall credit applicant for in-lieu fee payments made to Virginia Aquatic Resources Trust Fund. (Patron—DeSteph)

HB	572	131	216
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York River; Marine Resources Commission, with approval of Governor, authorized to grant and convey, upon such terms and conditions as Commission shall deem proper, easements and rights-of-way across beds, including a portion of Baylor Survey Grounds. (Patron—Norment)

SB	467	368	620
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WEAPONS

Concealed handgun permit; clerk of circuit court to disclose information contained in application to applicant. (Patron—Anderson)

HB	357	401	656
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Concealed handgun permit; exception for retired member of enforcement division of Department of Motor Vehicles.

Patron—O'Bannon	HB	1169	45	66
Patron—Cosgrove	SB	279	450	720

Concealed handgun permits; references to issuance of handgun permit in any order book before July 1, 2008, are exempt from requirement that such orders be withheld from public disclosure, however, other handgun records maintained by clerk shall be withheld from public disclosure.

Patron—Lingamfelter	HB	100	16	25
Patron—Cosgrove	SB	600	549	930

Firearms; dealers to go through process administered by Department of State Police, dealer may choose to obtain verification check from Department to determine if firearm has been reported to law-enforcement agency as lost or stolen, if firearm is determined not to be lost or stolen, consent form shall be destroyed by dealer. (Patron—Reeves)

SB	377	821	1730
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Firearms; person who recklessly handles any firearm with disregard for human life and causes serious bodily injury of another person resulting in permanent and significant physical impairment is guilty of Class 6 felony.

Patron—Carr	HB	810	579	994
Patron—Marsh	SB	65	444	716

Fox hunting; establishes special license for hunting on horseback with hounds but without firearms, special license shall not be required of any person holding required hunting license. (Patron—Stuart)

SB	145	798	1432
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Mental health; prohibition of firearms, judge or special justice shall file order from commitment hearing for involuntary admission or mandatory outpatient treatment and certification of any person who has been subject of temporary detention order with clerk of district court as soon as practicable but no later than close of business on next business day.

Patron—McClellan	HB	743	336	549
Patron—McEachin	SB	576	374	629

Muzzleloading pistols; persons allowed to hunt big game with pistols of a certain caliber where and in those seasons when use of muzzleloading rifles is permitted. (Patron—Scott)

HB	127	117	198
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WEAPONS - Continued

Student discipline; expulsion due to firearm or drug offenses.

Patron—Landes	HB	198	312	520
Patron—Rust	HB	752	765	1352
Patron—Garrett	SB	441	109	167

Wild animals and wild birds; unlawful to hunt on private property and state waters on Sunday, exception, hunting or killing any deer or bear with gun, firearm, etc., with assistance of dogs unlawful on Sundays.

Patron—Gilbert	HB	1237	152	247
Patron—Puckett	SB	154	482	792

WEATHER

Probable Maximum Precipitation (PMP); Department of Conservation and Recreation to utilize storm-based approach in order to derive PMP for locations within or affecting the Commonwealth, Department is authorized to utilize up to \$500,000 in unobligated balances in Dam Safety, Flood Prevention and Protection Assistance Fund to contract out for analysis.

Patron—Byron	HB	1006	475	788
Patron—Garrett	SB	582	489	802

Real estate loans; prohibits lender from requiring borrower to provide flood insurance coverage against risks to improvements on real property. (Patron—Puckett)

SB	74	247	421
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Recurrent flooding; joint subcommittee established to formulate recommendations for development of a comprehensive and coordinated planning effort to address.

Patron—Stolle	HJR	16		1739
Patron—Locke	SJR	3		2074

WEIL, SIMONE—See: Commendations and Commemorations

WELFARE (SOCIAL SERVICES)

Abuse or neglect of a child, suspected; local department of social services shall notify local attorney for the Commonwealth and local law-enforcement agency of all complaints involving contributing to delinquency of a minor, immediately, but in no case more than two hours of receipt of complaint, local department may submit report either in writing or electronically.

Patron—Bell, Robert B.	HB	405	565	947
Patron—Howell	SB	332	300	495

Adoption; disclosure of identifying information. (Patron—Toscano)

HB	407	127	210
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Assisted living facilities; updates requirements relating to applications for licensure, requirement for at least one credit reference. (Patron—O'Bannon)

HB	202	118	198
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Child abuse and neglect; local school divisions shall report annually to Board of Education, etc., regarding status of interagency agreements for investigation of complaints against school personnel, reports of sexual abuse of children, local school division and local department of social services that are parties to interagency agreements shall only be required to report to Boards of Education and Social Services when agreements are substantially modified. (Patron—Herring)

HB	683	412	672
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Child abuse and neglect investigations; time for determination. (Patron—Gilbert)

HB	709	504	837
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Child care providers; Department of Social Services to convene work group to develop plan for implementation of national fingerprint-based background checks, report.

Patron—Anderson	HB	412	128	211
Patron—Hanger	SB	639	379	635

Child day programs; licensure exemptions. (Patron—Massie)

HB	468	130	215
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Child-care providers; Department of Social Services to study a tiered-reimbursement subsidy program. (Patron—Miller)

SJR	54		2096
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Children placed in child-caring institutions or group homes; reimbursement to school division of costs to educate, foster care or other custodial care within geographical boundaries of school division to be reimbursed. (Patron—Toscano)

HB	1110	790	1387
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Criminal background checks; employment prior to receipt of results. (Patron—Bell, Robert B.)

HB	450	129	211
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Discounted fees and charges; City of Richmond may by ordinance develop criteria for providing for low-income, elderly, or disabled customers, financial assistance for plumbing repairs, etc. (Patron—McQuinn)

HB	473	387	641
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WELFARE (SOCIAL SERVICES) - Continued

Discounted water and sewer fees and charges; City of Richmond may develop criteria for providing for low-income, elderly, or disabled customers. (Patron—Marsh)	SB	67	796	1430
Independent living services; local departments of social services and licensed child-placing agencies shall provide to any person between 18 and 21 years of age, who is transitioning from a commitment to Department of Juvenile Justice to self-sufficiency. Patron—Brink	HB	668	134	218
Patron—Favola	SB	134	94	159
Investigation of cases involving alleged sexual abuse of a child; qualifications of investigator. (Patron—Howell)	SB	331	299	494
Kinship care; Department of Social Services shall review current policies governing facilitation of placement of children to avoid foster care, report. (Patron—Howell) . .	SB	284	530	868
Kinship foster care; removal of child from physical custody of kinship foster parent. (Patron—Reeves)	SB	400	257	450
Local boards; appointment of members of boards of supervisors. Patron—Scott	HB	262	121	200
Patron—Vogel	SB	316	95	159
Long-Term Care Ombudsman, Office of State; access to clients, patients, individuals, licensed adult day care centers and assisted living facilities, etc., and records. Patron—O'Bannon	HB	240	120	199
Patron—Barker	SB	572	98	161
Neighborhood Assistance Act; increases amount of tax credits that may be issued under program, requirements for proposals submitted to Superintendent of Public Instruction. (Patron—Stosch)	SB	563	712	1246
Neighborhood Assistance Act; submission of neighborhood organization proposals for tax credit. Patron—Hugo	HB	1179	47	73
Patron—Barker	SB	591	189	295
Neighborhood assistance tax credits; increases percentage of persons served by organization and who are low-income. (Patron—O'Bannon)	HB	737	416	676
Social services, district board of; process for withdrawal by local governing body of county or city. (Patron—Tyler)	HB	215	119	199
Social services, local boards of; authority to employ in-house counsel. Patron—Bell, Richard P.	HB	264	122	200
Patron—Hanger	SB	417	536	876
Social worker; family-services specialists and qualified equivalent workers allowed to perform previously limited tasks. (Patron—Peace)	HB	890	285	476
Uniform assessment instrument; transfers authority for promulgating regulations governing assessments for residents of assisted living facilities from Board of Social Services to Commissioner of Department of Aging and Rehabilitative Services. (Patron—Peace)	HB	888	284	475
Uniform assessments; Department of Health shall contract with other public or private entities to conduct community-based and institutional screenings, enrollment in Program for All-Inclusive Care for the Elderly (PACE) plan. (Patron—Head)	HB	702	413	673
Water and sewer system; any locality that is owner of system and has population density of 200 persons per square mile or less, and Town of Louisa by ordinance may develop criteria for providing discounted fees and charges for low-income and disabled customers. (Patron—Garrett)	SB	10	514	857

WELLS—See: Water and Sewer Systems

WELLS, JOHN—See: Commendations and Commemorations

WEST, BRANDON D.—See: Commendations and Commemorations

WEST POINT, TOWN OF

King William County and Town of West Point; localities to govern allocation of revenues for schools, establishes special school tax district in County.

Patron—Hodges	HB	534	29	45
Patron—Norment	SB	488	709	1237

WEST POTOMAC HIGH SCHOOL—See: Commendations and Commemorations

WEST SPRINGFIELD HIGH SCHOOL—See: Commendations and Commemorations

WESTFIELD HIGH SCHOOL—See: Commendations and Commemorations

WETLANDS—See: Waters of the State, Ports, and Harbors

WHITE, LAUREN ALLIE—See: Deaths

WILDLIFE—See: Game, Inland Fisheries, and Boating

WILKINS, THOMAS ANDERSON—See: Deaths

WILL, BRIAN—See: Commendations and Commemorations

WILLIAMS, DESIREE—See: Commendations and Commemorations

WILLIAMSBURG, CITY OF

Bethel Restoration Center; commemorating its 30th anniversary. (Patron—Pogge) . . . HJR 295 1869

WILLIAMSBURG UNITARIAN UNIVERSALISTS—See: Commendations and Commemorations

WILLIAMSBURG UNITED METHODIST CHURCH—See: Commendations and Commemorations

WILLIAMSBURG WINERY—See: Commendations and Commemorations

WILLS, TRUSTS, AND FIDUCIARIES

Clerks offices; recordation, possession, etc., of child pornography, wills, when security is required. (Patron—Cline) HB 1196 291 485

Decanting statute; conditions for second trust. (Patron—Edwards) SB 634 378 633

Fiduciary; qualification of administrator in action for wrongful death or personal injury. (Patron—McEachin) SB 245 528 867

Incapacitated persons; filing of evaluation reports, requirement for filing under seal. (Patron—Hope) HB 413 402 657

Mental health; prohibition of firearms, judge or special justice shall file order from commitment hearing for involuntary admission or mandatory outpatient treatment and certification of any person who has been subject of temporary detention order with clerk of district court as soon as practicable but no later than close of business on next business day.

Patron—McClellan HB 743 336 549

Patron—McEachin SB 576 374 629

Trust directors; defenses to liability. (Patron—Edwards) SB 345 749 1320

Wills, trusts, and fiduciaries; increasing various allowances and other threshold amounts. (Patron—Edwards) SB 346 532 868

WILSON, CHRISTINE—See: Commendations and Commemorations

WILSON MEMORIAL HIGH SCHOOL—See: Commendations and Commemorations

WILSON, THOMAS H.—See: Deaths

WINCHESTER, CITY OF

Sacred Heart Academy; commending.

Patron—Berg HJR 133 1781

Patron—Vogel SJR 174 2185

WINE—See: Alcoholic Beverage Control Act

WISE COUNTY

Wise County Public Schools; commending.

Patron—Kilgore HR 113 2035

Patron—Carrico SJR 141 2166

WISEMAN, MAC—See: Commendations and Commemorations

WITNESSES—See: Criminal Procedure

WOLF, FRANK R.—See: Commendations and Commemorations

WOLFE, JOHN G.—See: Deaths

WOMEN

Virginia Women's Monument Commission; increases membership.

(Patron—McDougle) SJR 76 2118

WOODLEY RECREATION ASSOCIATION—See: Commendations and Commemorations

WOODRUFF'S CAFE AND PIE SHOP—See: Commendations and Commemorations

WOODY, SHERONDA FAYE—See: Deaths

WORKERS' COMPENSATION

Judges; election in Court of Appeals, circuit court, general district court, juvenile and domestic relations district court, member of State Corporation Commission, and member of Virginia Workers' Compensation Commission. (Patron—Loupassi) HJR 143 1786

WORKERS' COMPENSATION - Continued

Virginia Workers' Compensation Commission; chairman authorized to appoint retired members or deputy commissioners to participate in review of an award when vacancies exist, occupation of seat by member. (Patron—Kilgore)	HB	459	205	315
Virginia Workers' Compensation Commission; filing of documents or materials. (Patron—Kilgore)	HB	630	209	320
Virginia Workers' Compensation Commission; nomination for election of member. Patron—Kilgore	HR	79		2019
Patron—Watkins	SR	22		2214
Workers' compensation; civil penalty for failure to make required reports, collection costs. (Patron—Kilgore)	HB	456	203	314
Workers' compensation; cost and payment for medical services, claims filed with Commission, etc. (Patron—Ware)	HB	1083	670	1138
Workers' compensation; maximum civil penalty that may be assessed against an employer for failure to obtain workers' compensation insurance or provide evidence of compliance with Virginia Workers' Compensation Act. (Patron—Kilgore)	HB	458	204	315
WORKFORCE —See: Labor and Employment				
WORLD PEDIATRIC PROJECT —See: Commendations and Commemorations				
WYATT, ELIZABETH PAGE HARPER —See: Deaths				
WYNN, JOSEPH —See: Commendations and Commemorations				
WYTHEVILLE COMMUNITY COLLEGE —See: Commendations and Commemorations				
YATES, BRITTANY —See: Commendations and Commemorations				
YEATS, WILLIAM BUTLER —See: Commendations and Commemorations				
YORK RIVER —See: Waters of the State, Ports, and Harbors				
YOUNG, ELIZABETH BENNETT —See: Commendations and Commemorations				
YUNG, CHRIS —See: Deaths				
ZAJAC, SUSAN DEWAR —See: Deaths				
ZEIDERS ENTERPRISES, INC. —See: Commendations and Commemorations				
ZION HILL BAPTIST CHURCH —See: Commendations and Commemorations				
ZONING —See: Counties, Cities, and Towns				